

Docket Item #1  
BZA CASE #2007-0041

Board of Zoning Appeals  
January 10, 2008

**ADDRESS:** 4 WEST LURAY AVENUE  
**ZONE:** R-5, RESIDENTIAL  
**APPLICANT:** FRED AND ELAINE BROUSSARD

**ISSUE:** Special exception to construct a one-story addition 4.70 feet from the west side property line.

---

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-406(A)(2)	Side Yard (West)	7.00 feet	4.70 feet	2.30 feet

---

**BOARD OF ZONING APPEALS ACTION OF JANUARY 10, 2008:** On a motion to approve by Mr. Allen, seconded by Mr. Hubbard, the special exception was granted by a vote of 4 to 0. Mr. Goodale had not yet arrived.

Reason:

The application met the criteria for a special exception as outlined in the staff report.

Speakers:

Fred Broussard, owner, made the presentation.

The staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception.

If the Board decides to grant a special exception, it should contain the conditions under the department comments. Special exceptions must also be recorded with the deed of the property in the City's Land Records Office prior to the release of a building permit.

(insert sketch here)

**I. Issue**

The applicants propose to construct a one-story rear addition at 4 West Luray Avenue.

**II. Background**

The subject property is one lot of record with 50.00 feet of frontage facing West Luray Avenue and a depth of 130.00 feet. The property contains a total of 6,500 square feet of lot area. The property complies with the minimum lot width, frontage and area required in the R-5 zone.

The lot is developed with a one-story single family dwelling with covered front porch located 23.10 feet from the front property line facing West Luray Avenue, 21.00 feet from the east side property line, 4.70 feet from the west side property line and 67.70 feet from the rear property line. The property abuts a 10.00 feet wide alley to the south. As indicated on the submitted survey, the existing house is located within the required west side yard. Based on a building height of 12.50 feet to the eave, a setback of 7.00 feet is required from the west side property line. The covered front porch projects 1.90 feet into the required 25.00 foot front yard, however the front building wall of the dwelling is in compliance with the required front yard. A one-story garage is located near the rear and east side property lines. The existing dwelling complies with the required east side and rear yard setbacks. According to real estate assessments the house was constructed in 1926.

**III. Description**

The applicants propose to construct a one-story rear addition in line with the existing west side wall of the existing house, 4.70 feet from the west side property line, 12.00 feet from the east side yard and 43.40 feet from the rear property line. A side yard special exception of 2.30 feet is requested to construct the one-story addition in line with the existing west side wall. Because the applicants are altering one noncomplying wall located within the required west side yard, the project is eligible for a special exception.

The proposed addition measures 24.00 feet by 33.00 feet and totals 799 square feet. As shown on the submitted building plans, the addition is 12.50 feet in height from grade to the roof eave and 19.50 feet to the top of the roof ridge. The new addition will accommodate a family room, kitchen and an expanded master bedroom with walk-in closets and bathroom.

Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements. (Refer to floor area calculations.)

There have been no variances or special exceptions previously granted for the subject property.

**IV. Master Plan/Zoning: The subject property is zoned R-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in Potomac West Small Area Plan for residential use.**

**V. Requested Special Exception**

3-406(A)(2) Side Yard (West)

The applicants request a special exception of 2.30 feet from the required west side yard setback of 7.00 feet.

**VI. Noncomplying structure**

The existing building at 4 West Luray Avenue is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (West)	7.00 feet	4.70 feet	2.30 feet
Front (Porch)	25.00 feet	23.10 feet	1.90 feet

**VII. Special Exceptions Standards**

To grant a special exception, the Board of Zoning Appeals must find that the strict application of the zoning ordinance creates an unreasonable burden on the use and enjoyment of the property. Section 11-1304 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants granting a special exception of the zoning regulations.

- 1) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
- 2) Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.
- 3) Whether approval of the special exception will alter the essential character of the area or the zone.
- 4) Whether the proposal will be compatible with the development in the surrounding neighborhood.
- 5) Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

**VIII. Staff Conclusion**

An inspection of the immediate neighborhood revealed that several homes are built closer to the property lines than the current zoning allows. Many of these noncomplying homes appear to have constructed additions.

The existing house and proposed addition are both one-story and are in character and compatible with the neighborhood. The height of the one-story addition is consistent with the existing dwelling. It is not likely that the proposed one-story addition will negatively impact the light and air of the adjacent property to the west. The applicants have spoken to their neighbors and have stated that they do not object to the proposal.

Staff **recommends approval** of the requested special exception.

**DEPARTMENTAL COMMENTS**

Legend: C - code requirement R - recommendation S - suggestion F - finding

\* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

F-1 An approved Plot Plan may be required at the time of building permit application. Insufficient information has been provided to make that determination at this time. A Plot Plan will be required if construction of the proposed addition:

- Results in a new building footprint that exceeds the area of the existing building footprint by 100% or more.
- Results in less than 50% of the existing first floor exterior walls, in their entirety, remaining. The walls must comprise the footprint of the existing building and shall be measured in linear feet. The remaining walls must remain as exterior walls. The definition of a first floor exterior wall is that it must have its finished floor surface entirely above grade.
- Results in land disturbance associated with the project of 2,500 square feet or greater in area. The disturbed area will be determined by adding a minimum of 10' to the perimeter of the building (or addition) footprint and calculating the area within the increased perimeter. In addition, a 10 foot wide access path from the edge of the disturbed area to the street or paved driveway must be included in the disturbed area calculation. Provision must be made for stockpile, staging, dumpsters and material storage areas within the limits of disturbance.
- Changes to existing grade elevation of 1-foot or greater.
- Changes to existing drainage patterns.

R-1 The building permit plans shall comply with requirements of City Code Section 8-1-22 regarding the location of downspouts, foundation drains and sump pumps. Refer to Memorandum to Industry dated June 18, 2004. [Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (T&ES)

R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)

R-4 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)

- R-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (T&ES)
- R-6 Compliance with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)

Code Enforcement:

- F-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.
- C-1 Additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-7 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.

Recreation (Arborist):

- F-1 No specimen trees will be affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.