

Docket Item #2  
BZA CASE #2008-0015

Board of Zoning Appeals  
May 8, 2008

**ADDRESS:** 3406 CAMERON MILLS ROAD  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** GEORGE THAYER AND WALTER LAVALLEY, OWNERS

**ISSUE:** Special exception to construct a second-story addition above an existing attached garage and storage room in the required side yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-306(A)(2)	Side Yard	10.75ft	7.00ft	3.75 feet

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**BOARD OF ZONING APPEALS ACTION OF MAY 8, 2008:** On a motion to approve by Mr. Goodale, seconded by Mr. Hubbard, the special exception was approved by a vote of 5 to 0.

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

Speakers:

George Thayer, 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 Map Here

**I. Issue**

The applicants propose to enlarge and construct a second story addition over an existing one car garage at 3406 Cameron Mills Road. The garage is now located within 7.00 feet from the north property line.



**II. Background**

The subject property is one lot of record with a lot frontage of 60.00 facing Cameron Mills Road and a lot area totaling 9,240 square feet. A two-story brick detached dwelling with basement is located 23.90 feet from the front property line facing Cameron Mills Road. From the south property line, the house sits 5.60 feet and 7.00 feet from the north property line. Real estate assessment records indicate the house was built in 1941.

**III. Description**

The applicants propose to build a two-story addition above and to the rear of an existing non-complying garage which is 7.00 feet from the north side property line. The extension at the rear of the garage will measure 8.60 feet by 12.00 feet for a total of 103.20 square feet and sit 8.00 feet from the north side property line. The second floor addition will measure approximately 26.62 feet by 9.5 feet for a total of 252.89 feet and is approximately 21.50 feet in height when measured from midpoint of the gable to grade. The proposed addition is eligible under the special exception due to the non-complying linear wall of an existing garage that sits 7.00 feet from the side property line. The applicants request a special exception to reduce the north side required side yard from 10.75 feet to 7.00 feet.





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-8 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the North Ridge Small Area Plan for residential use.

**V. Requested Special Exception:**

Section 3-306(A)(2)

The R-8 zone requires a minimum side yard setback of 8.00 feet. The proposed second story addition over the existing garage is located 7.00 feet from the property line. Based upon a building height of 21.50 feet to the midpoint of the gable roof, a side yard of 10.75 feet is required. The applicants request a side yard reduction of 3.75 feet from the north property line.

**VI. Noncomplying structure**

<u>Yard Provision</u>	<u>Required</u>	<u>Provide</u>	<u>Noncompliance</u>
<b>Front Yard</b>	30.00 ft	23.90 ft	6.10 ft
<b>Lot Width</b>	65.00 ft	57.84 ft	6.08 ft
<b>Side Yard</b>			
(North)	8.00 ft	7.00 ft	1.00 ft
(South)	8.00 ft	5.60 ft	2.40 ft

**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 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**

The subject lot is similar in lot size and width to other lots on the block and complies with the minimum lot size for an R-8 zone lot. An inspection of the immediate neighborhood revealed several homes with rear additions in line with the original building walls. Many of the homes appear to be built closer to the side property lines than the zoning rules currently permit. Staff believes that the design of the proposed addition will be modest and not alter the character of the neighborhood.

The addition is not likely to negatively impact the property to the north. The applicants indicate they have spoken with the most affected neighbors, the property owners to the north, and report that the neighbors have no objections to the proposed plans.

Staff believes that the applicants' property meets the standards for a special exception and therefore recommends approval of the request.

**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 Grading Plan may be required at the time of building permit application. Insufficient information has been provided to make that determination at this time. A Grading 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:

- C-1 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-2 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-3 Sheeting and shoring shall not extend beyond the property line; except when the developer has obtained a written release from adjacent property owners which has been recorded in the land records; or through an approved encroachment process.
- C-4 A soils report must be submitted with the building permit application.
- C-5 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.
- C-6 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-7 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-8 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

F-1 No specimen trees are affected by this plan.

Historic Alexandria (Archaeology):

F-1 There is low potential for this project to disturb significant archaeological resources. 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.