

Docket Item #3  
BZA CASE #2008-0016  
Board of Zoning Appeals  
May 8, 2008

**ADDRESS:** 307 EAST GLEBE ROAD  
**ZONE:** R-2-5, RESIDENTIAL  
**APPLICANT:** PAULA WINCHESTER AND MICHAEL MALSZ, OWNERS

**ISSUE:** Variance to construct a two-story addition and a portico in the required front yard facing Laverne Avenue.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(1)	Front Yard (Laverne Avenue)	25.00 feet	18.00 feet*	7.00 feet
	Front Yard (Laverne Avenue)	25.00 feet	21.50 feet**	3.50 feet

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\* Two-story addition (facing Laverne Avenue)

\*\* Portico (facing Laverne Avenue)

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**BOARD OF ZONING APPEALS ACTION OF MAY 8, 2008:** On a motion to approve by Mr. Zander, seconded by Ms. Lewis, the variance was approved by a vote of 5 to 0.

Reason: A legal hardship was demonstrated due to the irregular triangular shape of the lot, the configuration of the existing house on the lot and the requirement to maintain two required front yards as outlined in the staff report.

Speakers:

Gaver Nichols, architect and Paula Winchester, owner, made the presentation.

Staff **recommends approval** of the request because the applicants have demonstrated a legal hardship with the condition that the lots be consolidated prior to the release of the building permit.

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

(insert sketch here)

**I. Issue**

The applicants propose to renovate the existing dwelling at 307 East Glebe Road by constructing the following additions: 1) a second story addition on the east end of the house, 2) an attached two car garage on the northwest end of the house, 3) a two-story addition above an existing basement foundation facing Laverne Avenue and 4) an open portico facing Laverne Avenue. Only the two-story addition and open rear portico facing Laverne Avenue require a variance.

**II. Background**

The subject property is best described as a triangular shaped lot and is comprised of five (5) lots of record with two street frontages, 217.86 feet facing East Glebe Road and 168.85 feet of frontage facing Laverne Avenue. The property contains 7,468 square feet of lot area and is complying as to the minimum lot area for an R-2-5 zoned single-family corner lot where the minimum corner lot size is 6,500 square feet. Several large trees are located on the property and frame the current placement of the house.

The lot is currently developed with a one and one-half story single family dwelling located 4.50 feet from the front property line facing East Glebe Road, 24.30 feet from the front property line facing Laverne Avenue and 47.00 feet from the west side property line. The house is currently situated on the narrow eastern portion of the lot.

**III. Description**

The applicants propose the following improvements to the house:

1) Raise the roof in line with the footprint of an existing one-story flat roofed portion of the home located 4.50 feet from the front property line facing East Glebe Road, and 24.30 feet from the front property line facing Laverne Avenue. The proposed second-story addition will measure 15.50 feet in height to the midpoint of the gable. The second-story addition complies with prevailing setback along both East Glebe Road. (See Figure 1)



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- 2) Expand the three existing dormers into one shed style dormer on the front façade facing East Glebe Road to create a more usable second floor. The new second story will continue to be located 4.50 feet from the front property line facing East Glebe Road, in compliance with the prevailing setback along East Glebe Road. The new second story will measure 21.00 feet in height to the roof eave facing East Glebe Road.
- 3) Replace an existing covered front entry located on the front property line, measuring 7.50 feet by 4.50 feet. Section 7-202(A)(9) permits this portico to be located in the required front yard without special approval.
- 4) Build an attached two car garage on the northwest end of the existing dwelling, located 13.50 feet from the front property line facing East Glebe, in compliance with the prevailing setback, 45.00 feet from the front property line facing Laverne Avenue and 21.50 feet from the west side property line. The garage measures 24.00 feet by 23.00 feet, totaling 552 square feet and measures 17.00 feet in height to the midpoint of the gable facing the west side property line.
- 5) Construct a two-story addition above an existing slate patio/basement and an open covered rear portico facing Laverne Avenue. The first floor will measure 28.50 feet by 15.00 feet, totaling 427.50 square feet and the second floor will measure 25.00 feet by 15.00 feet, totaling 375.00 square feet. The proposed addition will be located 18.00 feet from the front property line facing Laverne and will measure 17.50 feet in height to the roof eave facing Laverne Avenue. The proposed rear portico measures 5.00 feet by 12.00 feet and is located 21.50 feet from the front property line facing Laverne Avenue. The two-story addition and portico facing Laverne Avenue do not comply with the required front yard or the prevailing setback on Laverne Avenue, therefore the applicants must seek a variance.

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

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

#### **IV. Master Plan/Zoning**

The subject property is zoned R-2-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Potomac West Small Area Plan for residential land use.

V. **Requested variances**

**Section 3-506(A)(1) Front Yard (Laverne Avenue)**

The applicants request a variance from the 25.00 foot front yard setback requirement facing Laverne Avenue to construct a two-story addition 18.00 feet from the front property line facing Laverne Avenue and a covered open portico above an existing patio/basement 21.50 feet from the front property line facing Laverne Avenue. The applicants request a variance 7.00 feet to construct the two-story addition and 3.50 feet to construct the portico.

VI. **Noncomplying structure**

While the existing building at 307 East Glebe Road does not meet the 25.00 foot minimum front yard setback required by the R-2-5 zone along East Glebe Road or Laverne Avenue, it does comply with the prevailing front setbacks along both street frontages. Therefore, the current dwelling complies.

VII. **Staff analysis under criteria of section 11-1103**

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-1103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.

- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

**VIII. Applicant's Justification for Hardship**

The application states that the strict enforcement of the zoning ordinance would further complicate the design and prevent reasonable use of the property. The proposed two-story will be constructed above two noncomplying basements walls; because both walls are noncomplying the applicant is not eligible for a special exception and must seek a variance. According to the applicants, the proposed design will remedy a wet basement caused by the patio above.

The applicants' state in their application that the property is unique because of its triangular shape. The requirement to comply with two required front yards and the noncomplying location of the existing dwelling is problematic because it limits the options for expansion.

**IX. Staff Analysis**

Staff believes that the applicants have demonstrated a legal hardship due to the irregular triangular shape of the lot and the location of the existing house on the lot. If the original house had been sited more towards the northwest property line, the wider portion of the lot would be able to accommodate the proposed addition and portico without the need for a variance. Because of the narrowness of the lot where the current house is located, the actual buildable area around the house is limited by required front yards and the existing mature trees. The applicant is also proposing to construct the addition on top of an existing basement foundation. If only one wall were noncomplying than the applicant would be eligible for a special exception, but because both walls facing Laverne are located within the required front yard, the applicant must request a variance. The only alternative would be to build toward the northwest property line which would likely create design and construction difficulties and reduce the amount of open area on the lot.

Based upon the unique characteristics of the property, the staff **recommends approval** of the proposed variance with the condition that the lots be consolidated prior to the release of the building permit.

**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:

- R-1 An approved Grading Plan must be attached to the building permit application. The Grading Plan is required because the submitted documentation indicates that the area of the new building footprint exceeds the area of the existing building footprint by more than 100%.  
In general, a Grading Plan is required when construction of a 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. (TES)
- R-2 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.]. (TES)
- R-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (TES)
- R-4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (TES)

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- R-5 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. (TES)
- R-6 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (TES)
- R-7 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. (TES)

Code Enforcement:

- F-1 The plans show an incomplete Building Code Analysis. The applicant shall submit a completed Building Code Analysis prior to issuance of a building permit.
- 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 The existing fence along La Verne Avenue is currently located in the public right-of-way.
- R-1 No trees located within the public right-of-way may be removed without authorization of the City Arborist.
- F-2 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.