

Docket Item #4  
BZA CASE #2008-0029

Board of Zoning Appeals  
September 11, 2008

**ADDRESS:** 2309 N. EARLY STREET  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** JOSEPH SAPP, OWNER

**ISSUE:** Variance to construct a rear sunroom addition and open stairs in the required north side yard setback.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(2)	Side Yard	8.00 feet	6.00 feet	2.00 feet
7-202(A)(7)	Side Yard (stairs)	5.00 feet	3.00 feet	2.00 feet

**BOARD OF ZONING APPEALS ACTION OF SEPTEMBER 11, 2008:** On a motion to approve by Mr. Hubbard, seconded by Ms. Lewis, the variance was approved by a vote of 6 to 0.

Reason: A hardship was demonstrated due to location of the existing house on the lot and the topography of the lot. The proposed addition is modest and the requested variance is minimal.

Speakers:

Joseph Sapp, owner, made the presentation.

Bill O'Neil, neighbor at 2317 North Early Street, spoke in support.

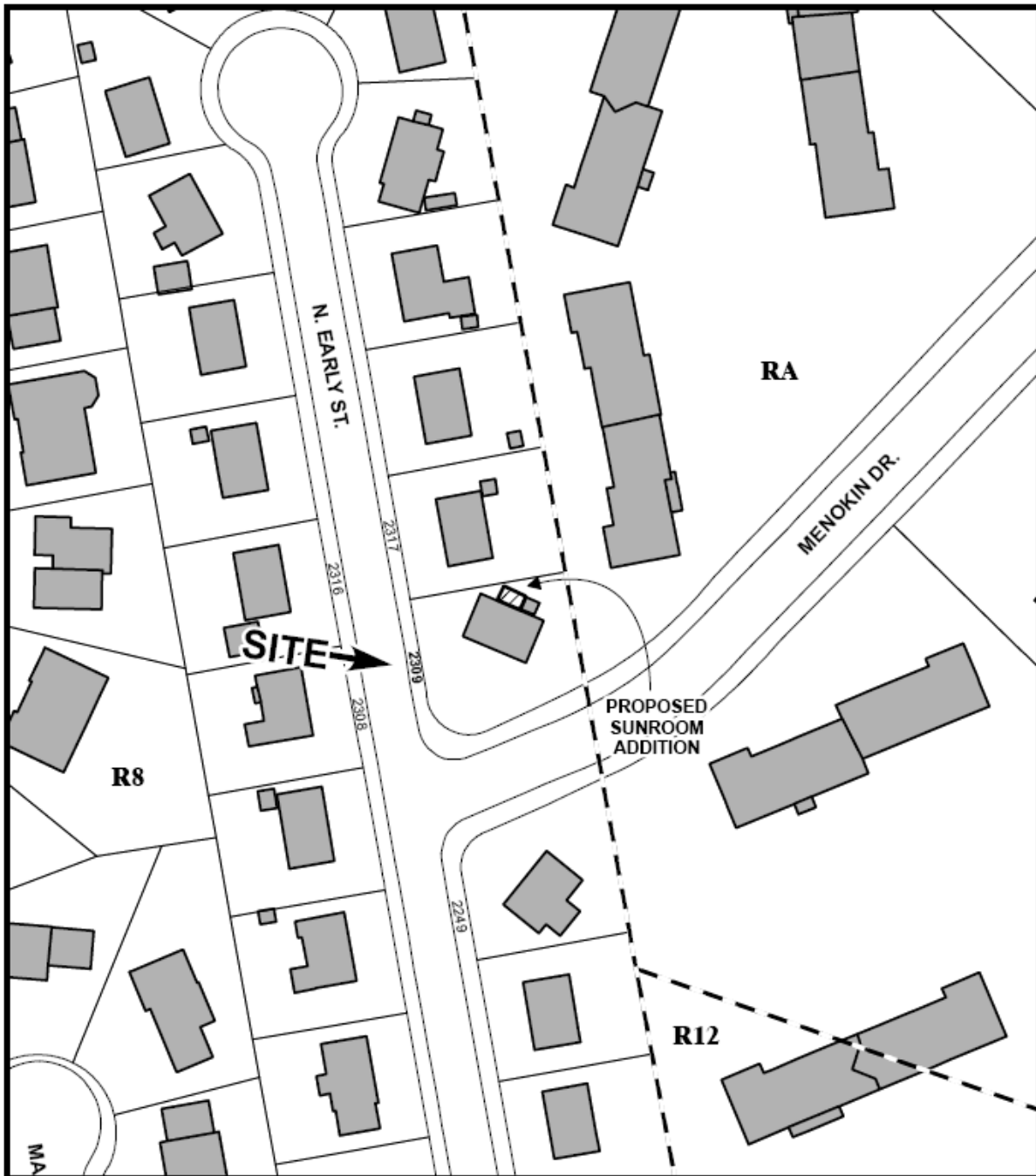
Staff **recommends denial** of the request because the applicant has not demonstrated a hardship.

If the Board decides to grant the requested variance it must comply with the code requirements under the department comments and the applicant must submit the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming building footprint, setbacks, and building height compliance from average preconstruction grade and (2) certification of floor area from a licensed architect or engineer. 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.

An approved grading plan may be required at the time of building permit application. If this application is approved, the applicant must contact the Department of Transportation and

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Environmental Services prior to filing for a building permit. (Refer to Department comments at the end of this report for more detailed information.)



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**09/11/08**



**I. Issue**

The applicant proposes to construct a rear one-story sunroom addition in the required side yard at 2309 N. Early Street.

**II. Background**

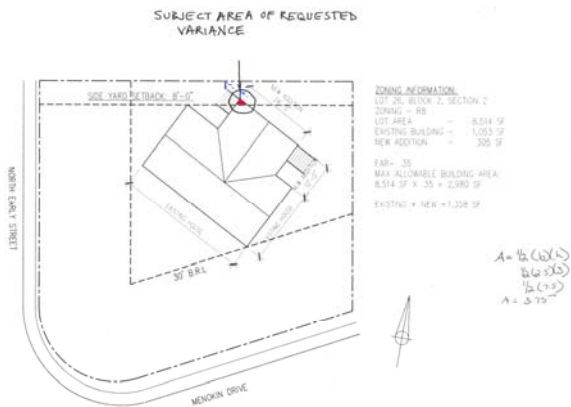
The subject property, a corner parcel, is one lot of record with 90.33 feet of frontage on North Early Street, 79.78 feet of frontage facing Menokin Drive and a lot area of 8,514 square feet.



An existing one story single-family dwelling with basement is located 30.40 feet from the front property line facing North Early Street, 8.00 feet from the north side yard property line, 21.00 feet from the east side yard property line and 30.60 feet from the front property line facing Menokin Drive. Real Estate records indicate that the house was built in 1954.

**III. Description**

The applicant wishes to build a one-story sunroom located in the required north side yard. The addition measures 25.42 feet by 12.00 feet for a combined total of 288.00 square feet. The height of the addition is approximately 14.00 feet when measured from the midpoint of the gable roof to grade.



The portion that is in the required side yard measures 3.00 feet by 2.5 feet totaling 3.75 square feet.

There are also two sets of open stairs to the east and west side of the proposed addition. The stairs on the west side of the addition reduces the required side yard to 3.00 feet which is less than the 5.00 feet allowed by the zoning regulations. Upon completion of the proposed work, the project will continue

to comply with floor area.

There have been no variances 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 identified in the Seminary Hills Small Area Plan for residential land use.

**V. Requested variances**

**Section 3-306(A)(2), Side Yard**

The applicant requests a variance from the required minimum of 8.00 feet. The proposed single-story sunroom will be located 6.00 feet from the north side yard property line. The applicant requests a side yard setback reduction of 2.00 feet.

**Section 7-202(A)(7), Addition Stairs**

The open stairs for the proposed addition is 3.00 feet from the north property line. The Zoning ordinance requires that open stairs cannot reduce any side yard to less than 5.00 feet. The applicant will need a variance of 2.00 feet.

**VI. 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.

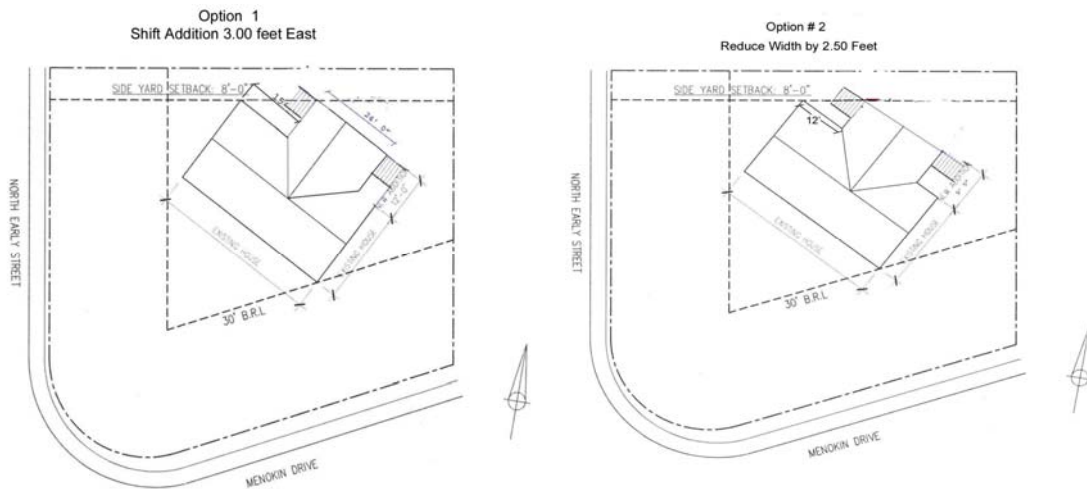
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

**VII. Applicant’s Justification for Hardship**

The applicant states that the justification for hardship exists in the placement of the structure of the house. In addition, the applicant has indicated that the back door from the kitchen has been moved and that the new position of the door along the rear wall requires that the addition be located as proposed. If the new addition were to be moved further to the east, the building wall would be at the bathroom. The owner has indicated that he cannot make the desired improvements based on the rules set forth in section 3-306(A)(2) of the zoning ordinance.

**VIII. Staff Analysis**

The applicant can build the one-story rear sunroom addition without the need of a variance. The proposed sunroom can be shifted 3.00 feet from the north side-yard property line. Alternatively, the applicant can reduce the width of the addition by approximately 2.50 feet so that the addition will be within the required side-yard.



If the applicant were to shift the addition by 3.00 feet or reduce the width by 2.50 feet as indicated in the two alternative options, the proposed stairs would also be in compliance with the requirements set forth for open stairs in required side yards.

There is no justification for hardship since the project can be built without the need of a variance.

Staff recommends denial.

**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.

In summary, City Code Section 8-1-22(d) requires that a grading plan be submitted to and approved by T&ES prior to the issuance of building permits for improvements involving:

- the construction of a new home;
- construction of an addition to an existing home where either
  - the addition exceeds the area of the existing building footprint by 100% or more; or
  - the construction of the addition results in less than 50% of the existing first floor exterior walls, in their entirety, remaining;
- changes to existing grade elevation of 1-foot or greater;
- changes to existing drainage patterns;
- land disturbance of 2,500 square feet or greater.

Questions regarding the processing of grading plans should be directed to the T&ES Site Plan Coordinator at (703) 838-4318. Memorandum to Industry No. 02-08 was issued on April 28, 2008 and can be viewed online via the following link.

**<http://alexandriava.gov/uploadedFiles/tes/info/gradingPlanRequirements.pdf>**

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)

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- 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 storm water 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 Additions and Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Additions and Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-6 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-7 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.



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- C-8 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-9 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 trees are 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.