

Docket Item # 4
BZA CASE #2008-0032

Board of Zoning Appeals
December 11, 2008

ADDRESS: 630 NORTH COLUMBUS STREET
ZONE: RB, RESIDENTIAL
APPLICANT: JAMES A. MERKLINGER, OWNER

ISSUE: Re-approval of a variance to construct a new single family dwelling, reducing the required open space to 404 square feet.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(B)	Open Space	800 sq ft	404 sq ft	396 sq ft

BOARD OF ZONING APPEALS ACTION OF DECEMBER 11, 2008: On a motion to approve by Mr. Allen, seconded by Mr. Goodale, the variance was approved by a vote of 5 to 0.

Reason: The applicant demonstrated a hardship due to the substandard lot size as outlined in the staff report

Speakers:

James Merklinger, owner, made the presentation.

This application was deferred prior to the November 13, 2008 hearing because of improper legal notice.

This application was deferred prior to the October 16, 2008 hearing because of improper legal notice.

Staff **recommends approval** of the request because the applicants have demonstrated a hardship.

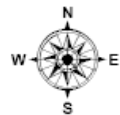
BZA CASE #2008-0032

If the Board decides to grant the requested special exception or 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.



BZA CASE #2008-0032

12/11/2008



Issue

The applicant is seeking re-approval for a variance where the applicant proposes to construct a single-family dwelling that will reduce required open space for the property at 630 North Columbus Street. The new dwelling will abut at the end of a row of three townhouses.



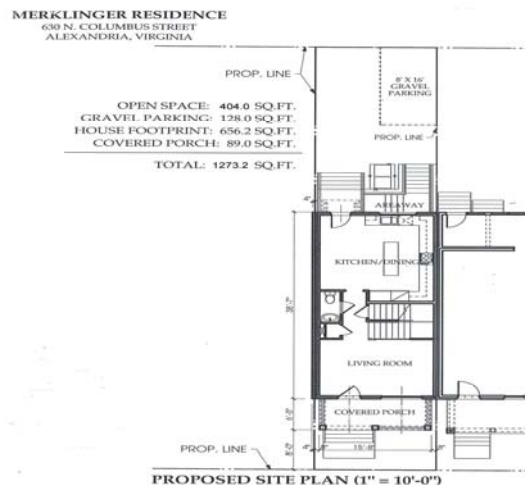
I. Background

The subject property, a vacant lot at the end of a row of townhouses, has 17.00 feet in width facing North Columbus Street, a depth of 87.00 feet and a lot area totaling 1,479 square feet. The subject lot of record is substandard for an RB, residential zoned lot. The minimum lot size for a townhouse dwelling is 1,980 square feet. The zoning ordinance states a lot of record as of December 28, 1951, may be developed with a single-family dwelling on the lot size shown on the recorded plat.

III. Description

On September 4, 2008, Planning Commission granted an extension for a Special Use Permit (SUP#2006-0063) that was granted in 2006 for a new house with reduced required off-street parking. The applicant will provide one off-street compact parking space instead of two standard parking spaces.

The applicant proposes a two-story brick townhouse style dwelling with a covered open front porch that will be located 8.00 feet from the front property line facing North Columbus Street. The new home will be located on the north property line (abutting the existing south wall of 632 North Columbus Street) and south property lines and will be approximately 34.00 feet from the west rear property line. A 16.00 feet wide public alley abuts the property along the rear property line. An open yard at the front and at the rear of the building totals 404 square feet of required open space. A compact parking space is proposed and will parallel the north side property line.



BZA CASE #2008-0032

As shown on the submitted building plans, the proposed two-story dwelling measures 17.00 feet by 38.58 feet by 25.00 feet in height from grade to the top of the flat roof.



The RB zone requires open space in the amount of 800 square feet or 40 percent of the lot. Based on the subject property’s lot area of 1,479 square feet, upon completion of the proposed house, a total of 404 square feet (27 percent) of open space will be provided on the property. Upon completion of the proposed dwelling, the property will comply with the allowable floor area, side and rear yard setbacks.

The subject property is located in the Parker-Gray Historic District and is under the jurisdiction of the Board of Architectural Review (BAR). The proposed new construction requires a Certificate of Appropriateness by the BAR.

The subject property is a vacant lot located in the Parker-Gray Historic District and is under the jurisdiction of the Parker-Gray Board of Architectural Review (BAR). The BAR approved a Certificate of Appropriateness for a new residence at the subject property on October 25, 2006 (BAR Case #2006-0209). The applicant is reminded that the 2006 BAR approval has lapsed and that the plans must be resubmitted for review and approval by the BAR Staff and the Board of Architectural Review.

There was one variance previously granted for the subject property on October 12, 2006 (BZA CASE #2006-0042).

IV. Master Plan/Zoning

The subject property is zoned RB and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Braddock Road Small Area Plan for residential land use.

**V. Requested variance
Section 3-706(B)**

The applicants request an open space variance from the required 800 square feet in the RB zone. The proposed open space will total 404 square feet or 27 percent of a lot totaling 1,479 square feet. The applicants request a variance of 396 square feet.

VI. Noncomplying structure

There is not an existing building at subject property; therefore, the issue of noncompliance of a structure is non applicable.

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 applicant indicates that the subject property platted prior to 1951 is substandard in lot area and the subsequent adoption of the RB zone regulations imposing a specific square footage requirement for open space place a disproportionate open space requirement on substandard size lot. Enforcement of the zoning ordinance will in the opinion of the

owner prevent reasonable use of the property. The applicant plans to have 404 square feet of open space for a lot size of 1,479 square feet.

IX. Staff Analysis

Staff finds that the strict application of the zoning ordinance does result in a legal hardship for the applicant. The minimum standard lot area for a RB zoned residential lot is 1,980 square feet. The lot area of the subject property totals 1,479 square feet. Open space required for a standard RB zoned lot is 800 square feet. On a standard lot the open space requirement would be 40 percent of the lot. The open space requirement applied to the subject lot is 27 percent of the lot. The subject property cannot reasonably meet the open space requirement of 800 square feet and allow for the construction of a comparable size dwelling as the abutting row houses. Upon completion of the proposed dwelling a total of 404 square feet (27 percent) of required open space will be provided.

Based upon the above findings, staff **recommends approval** of the variance.

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 must be attached to the building permit application. The Grading Plan is required because the submitted documentation indicates the construction of a new home.

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)

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 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-5 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 A soils report must be submitted with the building permit application.
- C-8 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-9 The height of the porch above grade is not shown. If > 30" above finished grade porches must have guardrails on open sides. Guardrails and intermediate rails must comply with USBC 1012.1.

C-10 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):

Comments not yet received.

Historic Alexandria (Archaeology):

F-1 Tax records indicate that a house may have been present in 1810 on the block bounded by Columbus, Pendleton, Alfred, and Wythe Streets, but the exact location is not known. However, the tax records from 1830 and 1850 do not show a structure on the square. During the Civil War, the property was the site of a large, two-story structure containing mess rooms, kitchens, and bunk rooms utilized by the Union Army as part of the Washington Street Corral. After the war, the block was sub-divided, and houses were constructed along Columbus Street during the late 19th and early 20th centuries, but it does not appear that a structure was built on this property. The lot therefore has the potential to yield archaeological resources that could provide insight into residential life in 19th-century Alexandria and into military activities during the Civil War.

R-1 The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Basement/Foundation Plans, Landscaping, Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements:

- a. The applicant/developer shall call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- b. The applicant/developer shall call Alexandria Archaeology (703/838-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
- c. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

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.