

Docket Item #1  
BZA CASE #2008-0039

Board of Zoning Appeals  
January 8, 2009

**ADDRESS:** 633 NORTH WEST STREET  
**ZONE:** RB, RESIDENTIAL  
**APPLICANT:** JON AND TUAUGRAT McMASTER

**ISSUE:** Variances to reconstruct a one-story rear addition in the required north and south side yards, construct a second story addition in the required north and south side yards and to construct a one-story addition in the required front yard and in the required north side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(A)(2)(a)	Side Yard (South) (one-story rear addition & second-story addition)	8.00 feet	4.90 feet	3.10 feet
3-706(A)(2)(a)	Side Yard (North) (one-story rear addition & second-story addition)	8.00 feet	5.80 feet	2.20 feet
3-706(A)(2)	Side Yard (North) (one-story front addition)	8.00 feet	6.80 feet	1.20 feet
3-706(A)(1)	Front Yard (One-story front addition)	9.67 feet*	6.00 feet	3.67 feet

\*Based on the average front setback of the east side of the 600 block of North West Street between Wythe Street and Pendleton Street.

**BOARD OF ZONING APPEALS ACTION OF JANUARY 8, 2009:** On a motion to approve by Mr. Allen, seconded by Mr. Hubbard, the variances were approved by a vote of 6 to 0.

Reason: The applicant demonstrated a legal hardship due to the narrowness of the lot, the placement of the existing house on the lot and the configuration of the intersection of East Braddock Road and North West Street adjacent to the subject property.

Speakers:

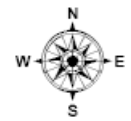
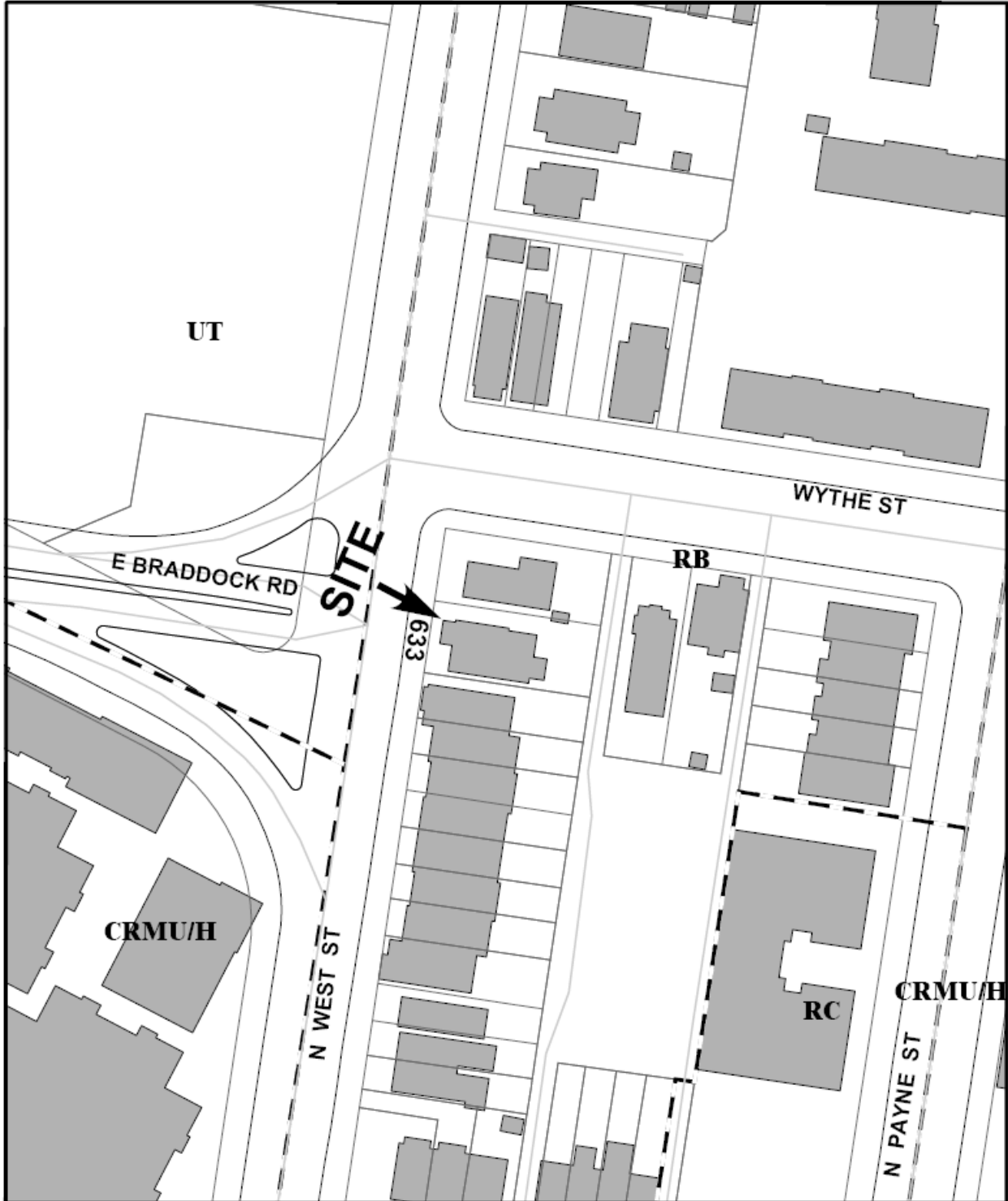
Jon McMaster, owner and John Savage, architect, made the presentation.

John Craig, neighbor at 627 North West Street, requested the application be deferred to allow him more time to study the project.

Staff **recommends approval** of the requested side yard variances to construct the second-story addition and one-story rear addition because the applicants have demonstrated a hardship.

Staff **recommends denial** of the requested front yard and north side yard variances to construct the one-story front addition because the applicants have 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.



**I. Issue**

The applicants propose to reconstruct a one-story rear addition, construct a second story addition above the existing dwelling, and a one story front addition, for the property at 633 North West Street.

**II. Background**

The subject property is one lot of record with 35.00 feet of frontage facing North West Street and a depth of 83.42 feet. The property contains 2,920 square feet of lot area and complies with the minimum lot area required by the RB zone. The subject property is noncomplying as to the minimum lot frontage and width for an RB zoned property, where the minimum required frontage and width are 50.00 feet for a single family dwelling.

The lot is currently developed with a one-story single family dwelling located 11.80 feet from the front property line, 4.90 feet from the south side property line, 5.80 feet from the north side property line and 33.50 feet from the rear property line. The dwelling is a contributing resource within the proposed National Register District of Parker-Gray. According to City real estate records, this house was constructed circa 1939.

**III. Description**

The applicants propose to renovate their home in the following ways:

1) Reconstruct a rear one-story rear addition. The addition measures 12.00 feet by 24.00 feet, totaling 288 square feet. No expansion of the footprint is proposed, but applicants propose to raise the roof approximately 2.00 feet. The existing addition is located in the required side yards, 5.90 feet from the north side property line and 4.90 feet from the south side property line, therefore the reconstruction of the rear addition requires side yard variances.

2) Construct a second-story addition with dormers over the existing one-story dwelling located 5.80 feet from the north side property line, 4.90 feet from the south side property line and 11.80 feet from the front property line. Based on a building height of 19.50 feet to midpoint of the roof gable of the proposed second story addition facing the north and south side property lines, the addition requires two-side yard variances. The front dormer is line with the existing front building wall and both dormers are located 9.00 feet from the north side property line and 8.00 feet from the south side property line and do not require variances.

3) Construct a one-story front addition with a side entrance. The addition measures 22.00 feet by 5.00 feet and will be located 6.00 feet from the front property line, 5.80 feet from the north side property line and 8.00 feet from the south side property line. The front addition requires a north side yard and a front yard variance.

4) Construct a new uncovered side stairs facing the north side property line. Because the portion of the stair and landing which extend beyond the north side wall are less than 2.00 feet in height, the structure is permitted in the required side yard without a variance.

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

**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 Northeast Small Area Plan for residential land use.

**V. Requested variances**

3-706(A)(2)(a) Side Yard(North):

The applicants request a variance of 3.10 feet from the required 8.00 feet (based on a building height of 19.50 feet to midpoint of the roof gable of the proposed second story addition facing the north side property line) and a variance of 1.20 feet from the required 8.00 feet (based on a building height of 13.90 feet to the midpoint of the roof gable of the proposed one-story front addition facing the north side yard).

3-706(A)(2)(a) Side Yard(South):

The applicants request a variance of 2.20 feet from the required 8.00 feet (based on a building height of 19.50 feet to midpoint of the roof gable of the proposed second story addition facing the south side property line).

3-706(A)(1) Front Yard:

The applicants request a variance of 3.67 feet from the required 9.67 feet (based on the average front setback of the east side of the 600 block of North West Street between Wythe Street and Pendleton Street) to build 6.00 feet from the front property line.

**VI. Noncomplying structure**

The existing building at 633 North West Street is a noncomplying structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front Yard	9.67 feet*	11.80 feet	2.13 feet
Side (North)	8.00 feet	5.80 feet	2.20 feet
Side (South)	8.00 feet	4.90 feet	3.10 feet
Lot Frontage	50.00 feet	35.00 feet	15.00 feet
Lot Width	50.00 feet	35.00 feet	15.00 feet

\* Based on the average front setback of the east side of the 600 block of North West Street between Wythe Street and Pendleton Street as defined by the Infill Regulations, section 7-1002.

**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**

As stated in the application, the lot is noncomplying as to the minimum lot width and frontage for an RB zoned property, where the minimum required lot width and frontage are 50.00 feet for a single family dwelling. The subject property is only 35.00 feet wide.

If the lot met the minimum lot width and frontage, the proposed construction would comply with the required side yard setbacks. The applicant's architect believes the proposed second story will be a good transition between the corner property to the north and the adjacent property to the south.

According to the applicant's architect, the hardship regarding the requested front yard variance lies within the original placement of the house close to the front property line and the location of the busy intersection of East Braddock Road and North West Street directly across from the subject property. The applicants desire to have an enclosed entrance to their home which will provide protection from traffic noise and weather. The applicant proposes to reconfigure the front entrance to the house to face the north side yard to provide additional protection from the street noise. The proposed front addition with a reconfigured side entry will accommodate the needs of the applicant.

**IX. Staff Analysis**

Staff agrees that the noncomplying nature of the lot's width and frontage do demonstrate a legal hardship on the lot. If the lot were complying, for a single family dwelling, as to lot width and frontage there would be no need for the applicants to seek side yard variances. If the applicant were to construct an addition in compliance with the applicable setbacks it would be very long and narrow. Staff has some concern regarding the height of the proposed second story addition and makes the following recommendation; the ridge height of new second-story addition should not exceed the ridge height of existing historic house at 635 North West Street. A cross-gable roof form could provide the needed head height in the second-story addition while achieving the goal of reducing the height of the addition by approximately 4.00 feet.

The 1945 Sanborn Map indicates a one-story covered front structure was present at this property with nearly the same projection as the proposed one-story front addition. An inspection of the subject property revealed that the existing front stoop is located on the same foundation as the previous structure, which based on its appearance was constructed with the main portion of the dwelling. The applicants are proposing to reconstruct, enclose and expand the previously existing one-story covered projection across the front of the dwelling. The proposed addition will not be located any closer than previous structure as shown on the Sanborn Map. While staff understands the difficulties of the property's location in relation to the intersection of North West Street and East Braddock Road, it does not rise to the level of a legal hardship. Staff suggests the proposed "front porch" should be an open porch and the front door should remain located on the front façade to maintain the house's relationship to its West Street frontage. Historic development patterns are character-defining features of a historic district. The orientation of buildings on the lot, the size and scale of the buildings, the building's relationship to a street, the patterns of setbacks, and the patterns of open-space and vegetation are all elements that define a development pattern. A disruption in the orientation of a home can have a negative impact to a neighborhood's streetscape, thus it is essential that even

buildings that are non-contributing resources and new construction maintain the integrity of their community's streetscapes.

Staff has met with the applicant's architect and discussed the above recommendations, however the architect stated because of space and floor plan constraints as well as the needs and desires of the applicants to have a buffer at the front of the dwelling to provide protection from the noise generated at the intersection of East Braddock Road and North West Street, recommendations of the staff do not meet his clients needs.

Staff **recommends approval** of the requested side yard variances to accommodate the proposed second-story and rear one-story addition because the applicant has demonstrated a hardship due to the noncomplying width of the lot and the setbacks required by the RB zone. However, staff recommends that the applicant consider reducing the overall height of the proposed second story addition.

Staff **recommends denial** of the requested front yard and north side yard variances to accommodate the proposed one-story front addition because the applicants have failed to demonstrate a hardship.



**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)

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 Administration:

- C-1 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-2 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-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 A soils report must be submitted with the building permit application.
- C-6 Additions and alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 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-8 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-9 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.

Recreation (Arborist):

No comments.

Historic Alexandria (Archaeology):

F-1 There is low potential that this project will 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.