

Docket Item #3
BZA CASE #2008-0041

Board of Zoning Appeals
February 12, 2008

ADDRESS: 426 NORTH COLUMBUS STREET
ZONE: CL, COMMERCIAL LOW
APPLICANT: CROMLEY FAMILY LLC, OWNERS

ISSUE: Variance to modify the roof of an existing detached outbuilding in the required rear and north side yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
4-106(A)(2)(a)	Side Yard (North)	16.00 ft*	0.00 ft	16.00 ft
	Rear Yard	16.00 ft	0.00 ft	3.50 ft**

* Based on a building height of 16.00 ft to the mid point of the gable roof facing the north side property line.

** Based on a building height of 16.00 feet to the eave line of the dormer roof facing Butts Court. Half the width of a rear alley and a portion of the roof may be applied to the rear yard setback. Butts Court measures 20.00 feet wide; 10.00 feet of the width of Butts Court, plus 2.50 feet from the edge of the roof to the proposed dormers, totaling 12.50 feet can be applied to the rear yard setback.

BOARD OF ZONING APPEALS ACTION OF FEBRUARY 12, 2009: On a motion to approve by Mr. Allen, seconded by Mr. Zander, the variance was approved by a vote of 7 to 0.

Reason: The applicant demonstrated a legal hardship as stated in the staff report because the existing structure was built prior to the side and rear yard requirements and imposing the CL zone required side yards serves no useful or beneficial purpose.

Speakers:

Duncan Blair, attorney for applicant, made the presentation.

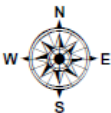
Staff **recommends approval** of the request because the applicant has demonstrated a hardship.

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.



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2/12/2009



I. Issue

The applicant proposes to remodel an historic detached outbuilding (used for storage) located along the side and rear property lines and behind a multifamily dwelling at 426 North Columbus Street. The existing outbuilding is located on the north property line and west rear property line that faces Butts Alley. The proposed renovation consists of removing the existing gable roof on the outbuilding that now faces Butts Alley to face north along the side property line consistent with the neighbors detached two car garage roof line. Other improvements include (1) construction of two dormers on the outbuilding that face Butts Alley and (2) construction of a one-story addition that will connect the main building with the remodeled outbuilding.

II. Background

The subject property consists of one lot of record with 61.37 feet of frontage facing North Columbus Street and a depth of 113.42 feet. The property abuts along the west rear property line Butts Alley a private alley. The property contains a total of approximately 7,232 square feet. The subject property is not substandard in lot area. The minimum lot area required for a CL zoned lot is 1,600 square feet for each dwelling unit.

The property is developed with a two-story multifamily building that consists of four units with a detached outbuilding structure used historically for storage. The main building is located 12.60 feet from the front property line facing North Columbus Street, 7.70 feet from the north side property line, 18.10 feet from the south side property line and approximately 33.00 feet from the west rear property line. The detached outbuilding is located on the north side and west rear property lines. Real Estate Assessment records indicate the house was built in 1830. The applicant purchased the property in 2008.

The applicant proposes to complete renovations to the existing outbuilding by building a new roof, construct two dormers facing Butts Alley and build an enclosed one-story addition to connect the outbuilding with the main structure. The proposed alternations will require Board of Architectural Review approval.

III. Description

The existing storage structure measures 30.30 feet by 24.30 feet by 19.00 feet in height to the top of the roof ridge. The structure is located on the north side property line and on the west rear property line. The applicant proposes the following renovations to the existing outbuilding to compliment the main building:

- (1) Remove the existing roof and locate the gable end of the existing roof now facing Butts Alley to face the north side property line. The footprint of the remodeled building will remain the same size 30.30 feet by 24.30 feet and will continue to be located on the north side property line and west rear property line. The building's exterior walls will be refaced. The new roof for the structure will be consistent with the neighbors' two-car garage roof. The storage structure is classified as a

noncomplying structure because it is located in the required north side yard and west rear yard.

- (2) Construct two dormers on the remodeled outbuilding facing Butts Alley.
- (3) Construct a one-story flat roof addition and trellis to connect the remodeled outbuilding with the main building. No variance is required for the addition.

Under the zoning regulations since the existing storage building is located within the north side and west rear yard property lines, it is classified as a noncomplying structure. A noncomplying structure may be altered as long as the alteration complies with the applicable zoning requirements. In this case, the new roof configuration and placement requires compliance with the CL zone side and rear yard setbacks. Since the outbuilding will be remodeled with a new roof and replaced with a gable end style roof facing the north side property line instead of Butts Alley, the new roof configuration requires a rear and side yard setbacks of at 16.00 feet respectively. The remodeled structure will continue to be located on the north side property line and on the west rear property line. The applicant requests a variance of 16.00 feet from the north side property line and 6.00 feet from the west rear property line.

The two-story, frame dwelling at 426 North Columbus Street is within the boundaries of the locally designated Old and Historic District. The original massing (c1858) has a later addition believed to have been a separate outbuilding originally, and attached to the main structure to form an ell by 1875.

Exterior alterations and changes to buildings and landscape features visible from any public right-of-way are reviewed and approved by the Board of Architectural Review, prior to a project's inception. Proposed projects are evaluated based upon their compatibility with the existing historic structures on the subject property and their surrounding neighbors. The District was designated with a set of Design Guidelines to assist the BAR in making their decisions.

BAR and Zoning staff have been working jointly with the Applicant to refine the proposed design to ensure compliance with the Zoning Ordinance, achieve the goals outlined in the Historic District's Design Guidelines and still meet the Applicant's program goals. As such, BAR staff will be submitting a positive recommendation to the BAR for their consideration, during their review of the project's Certificate of Appropriateness. This project is an excellent example of the Applicant working with the Zoning and BAR staff early in the design process to diffuse future design problems.

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

IV. Master Plan/Zoning

The subject property is zoned CL, commercial low and has been so zoned since 1992, and is identified in the Old Town Small Area Plan for commercial low or residential land use.

V. Requested Variances

Section 4-106(A) (2)(a), Side Yard (North):

The CL zone requires a detached outbuilding structure to provide two side yards of a minimum of 16.00 feet. The existing storage building will continue to be located on the north side property line. Based on a building height of 14.90 ft to the mid point of the gable roof facing the north side property line a minimum side yard setback of 16.00 feet is required. The applicant requests a variance of 16.00 feet.

Section 4-106(A) (2)(a), Rear Yard (West):

The CL zone requires a rear yard setback of a minimum of 8.00 feet or the height of the building whichever is greater. Since the existing structure faces an alley, half of the alley's width can be applied to the required rear yard setback. Based on a building height of 16.00 feet to the eave line of the dormer roof facing Butts Court, a rear yard setback of 16.00 feet is required. The existing structure is located on the west rear property line. Butts Court measures 20.00 feet wide; 10.00 feet of the width of Butts Court, plus 2.50 feet from the edge of the roof to the dormer placement, can be applied to the applicable rear yard setback. A total of 12.50 feet of rear yard setback is credited towards the 16.00 feet rear yard setback. The applicant requests a variance of 3.50 feet.

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 structure was constructed prior to the adoption of the zoning ordinance with no rear or side yard setbacks were required. As such, the strict application of the CL side yard and rear yard setback requirements serves no useful or beneficial purpose, which imposes and unreasonable and unnecessary hardship on the applicant. The modifications (e.g. Side and rear yard setbacks) will reduce the degree of nonconformance under the CL zone regulations and creates a more historically appropriate design.

IX. Staff Analysis

The reasons set forth by the applicant for hardship is unique and does place an unreasonable restriction on the use of the property. Placing two side yards of 16.00 feet each when the property was grandfathered with no side yards and a structure 30.00 feet wide does not seem reasonable. Alternatively, the staff realizes the applicant could rebuild the existing roof and exterior wall treatments without the need of a variance. However, in this case, the applicant's proposal is to install a roof consistent with the neighboring and historic structures in the immediate area and facing Butts Alley. In fact a pitched roof rather than a gable roof facing across Butts Alley and nearby rear yards of other residential properties could be viewed as a lowering of the building's roof. A reduction in building height will be an improvement to the light and area to nearby neighbors. The applicant's grandfathering rights affords him certain privileges that are not always offered to other outbuildings located in the CL zone and in the Old and Historic District.

Although the subject property has no unusual lot characteristics (it is flat with no topographic condition that will prohibit the use of the lot), the lot is large for a multifamily lot in the historic district which affords it plenty of open space to mitigate the impact of an outbuilding on adjoining lots. There are no large trees that will be affected

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by this remodeling. The subject property has unique characteristics to other neighboring properties and those properties because of the lot size and the existing location of the outbuilding that occupies the lot.

The applicant has made a case for hardship, which is a prerequisite for granting a variance

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 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)

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- 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 Additions and Alterations to the existing structure must comply with the 2006 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 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-7 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-8 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. (USBC 704.5)

Recreation (Arborist):

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

Historic Alexandria (Archaeology):

- F-1 Tax records indicate that structures were present on this street face by 1850. The G.M. Hopkins insurance maps show a house on the lot by 1877. The property therefore has the potential to yield archaeological resources which could provide insight into domestic activities in 19th-century Alexandria.
- *R-1 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.
- *R-2 The applicant/developer shall not allow any metal detection or artifact collecting to be conducted on the property, unless authorized by Alexandria Archaeology.
- R-3 The statements in archaeology conditions above marked with an asterisk "*" shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Basement/Foundation Plans, Demolition, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements.

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.