

Docket Item #1  
BZA CASE #2009-0017

Board of Zoning Appeals  
September 10, 2009

**ADDRESS:** 1113 QUEEN STREET  
**ZONE:** CL, COMMERCIAL  
**APPLICANT:** MONIQUE BROCKINGTON BANKS, OWNER

**ISSUE:** Reapproval of a variance to construct a two-story rear addition located in the required east and west side yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
4-106(A) (2) (a)	Side Yard (Two-Story Addition)			
	(East)	8.00 ft*	1.00 ft	7.00 ft
	(West)	8.00 ft*	1.00 ft	7.00 ft

\* Based on a building height of 20.00 feet to the highest point of the new flat roof.

**BOARD OF ZONING APPEALS ACTION OF SEPTEMBER 10, 2009:** On a motion to approve by Ms. Lewis, seconded by Mr. Lantzy, the variance was approved by a vote of 5 to 0.

Reason: The applicant demonstrated a hardship due to the narrowness of the lot as outlined in the staff report.

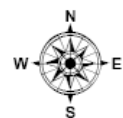
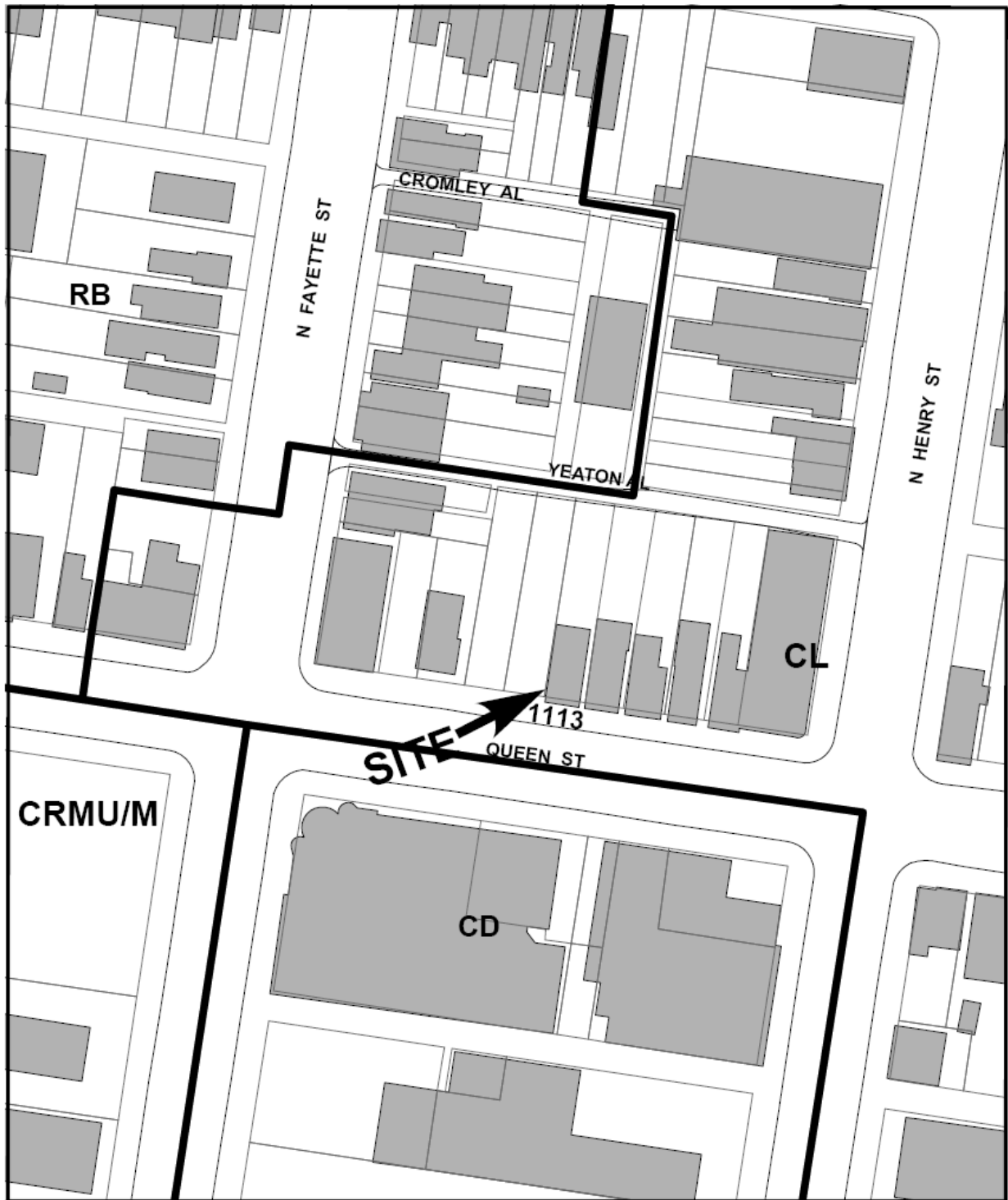
Speakers:

Monique Brockington Banks, owner, made the presentation.

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

The approval is conditional on the review and approval of the Parker-Gray Historic District.

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 applicant is seeking re-approval of variances granted in 2007 to build a two-story rear addition at 1113 Queen Street.

Due to financial constraints, the applicant was unable to commence construction of the project within the one year the variance was to expire. The variance expired on November 8, 2008.

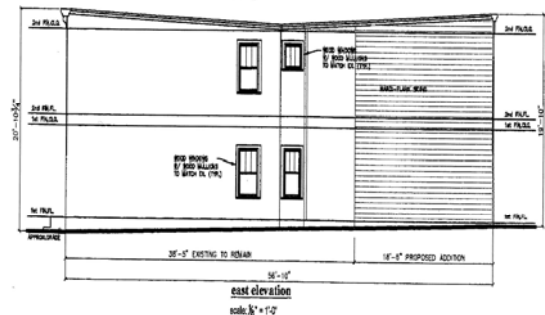
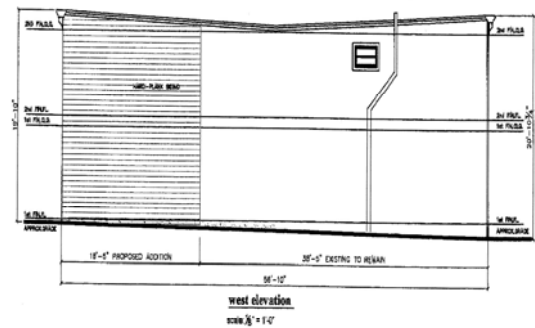
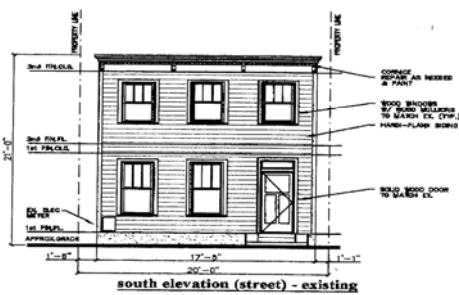
The subject property is one lot of record with 20.00 feet of lot width facing Queen Street and a depth of 100.00 feet and a lot area of 2,000 square feet.



**II. Background**

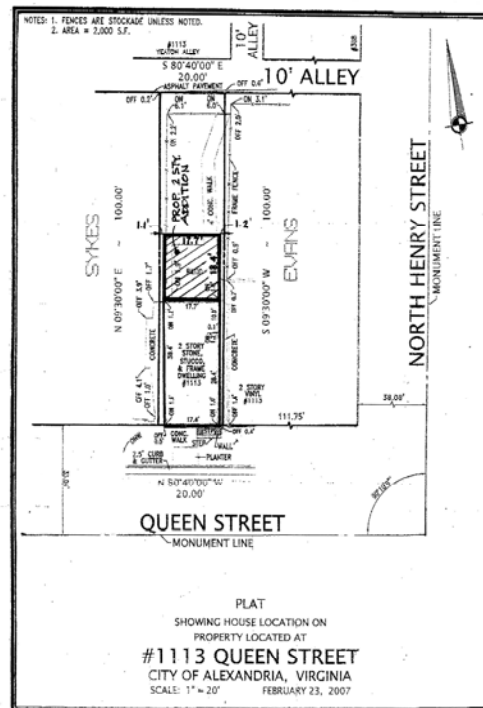
A two-story detached stone and stucco dwelling occupies the subject property and is located on the front property line facing Queen Street, less than 1.00 feet from the east side property line, 1.00 feet from the west side property line and 61.50 feet from the rear building wall to the north rear property line. A public alley 10.00 feet wide abuts the property along its north property line. Real Estate Assessment records indicate the house was built in 1920.

On November 8, 2007, the Board of Zoning Appeals approved variances to allow construction of a two-story rear addition in the required east and west side yards. The approval expired on November 8, 2008. This request is to reapprove the previously submitted variance.



**III. Description**

The applicant seeks a variance to construct a two story rear addition. The proposed two-story addition measures 17.70 feet by 18.40 feet and totals approximately 651 square feet. Upon completion of the addition the overall height from grade to the top of the highest point of the flat roof of the building will be 20.00 feet. The two-story addition will be located 1.00 feet from the east side property line and 1.00 feet from the west side property line.



The subject lot is located in the Parker-Gray Historic District and is under the jurisdiction of the Board of Architectural Review (BAR). The proposed new construction will require approval of a Permit to Demolish and a Certificate of Appropriateness by the BAR.

Upon completion of the proposed addition the property will continue to comply with required floor area and open space.

**IV. Master Plan/Zoning**

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

**V. Requested variances**

**Section 4-106(A) (2) (a) Side Yard (East and West)**

**BZA CASE #2009-0017**

CL zone requirements state that each single-family residential use must provide two side yards of a minimum 8.00 feet each or one-third the building height whichever is greater. The proposed addition is located 1.00 feet from the east side property line and 1.00 feet from the west side property line. The applicant requests a variance of 7.00 feet and 7.00 feet respectively from the east side property line and west property line.

**VI. Noncomplying structure**

The existing building at 1113 Queen Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (East)	8.00 ft	1.00 ft	7.00 ft
Side (West)	8.00 ft	1.00 ft	7.00 ft

**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 11-103 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 states that the ordinance creates an unreasonable hardship and prevents a reasonable use of the property. The subject property is 20.00 feet wide. The imposition of two 8.00 feet side yards on a narrow lot renders the lot unbuildable.

**IX. Staff Analysis**

This case clearly demonstrates a legal hardship. The narrowness of the lot completely precludes any functional or practical physical expansion. The zoning ordinance requirement of two side yards of 8.00 feet renders the lot unbuildable. The two side yards totaling 16.00 feet on a 20.00 feet wide lot results in only a 4.00 feet wide building area. Single-family dwellings in the CL zone are required to provide a minimum of 50.00 feet of frontage, thus the two eight foot side yard requirements are intended to maintain setbacks on much larger residential lots than the subject property. In this case the strict application of the zoning ordinance as applied to the subject property will create a hardship.

No alternatives exist, except rezoning of the property, which would allow physical expansion of this dwelling. The narrowness of the lot and the lack of adverse public impact sufficiently support hardship in this case.

Staff **recommends approval** of both variances.

**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 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)
- 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>

Code Enforcement:

- F-1 The drawings that have been provided indicate windows within 3 feet of an interior lot line. Windows within 3 feet of an interior lot line are prohibited.
- C-1 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-2 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 taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- C-7 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 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-9 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-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):

- F-1 No specimen trees will be affected by this plan.

Historic Alexandria (Archaeology):

- F-1 Historical maps indicate the presence of 19<sup>th</sup>-century houses in the vicinity of this property. There is the potential for archaeological resources to be present that could provide insight into residential life in early Alexandria.

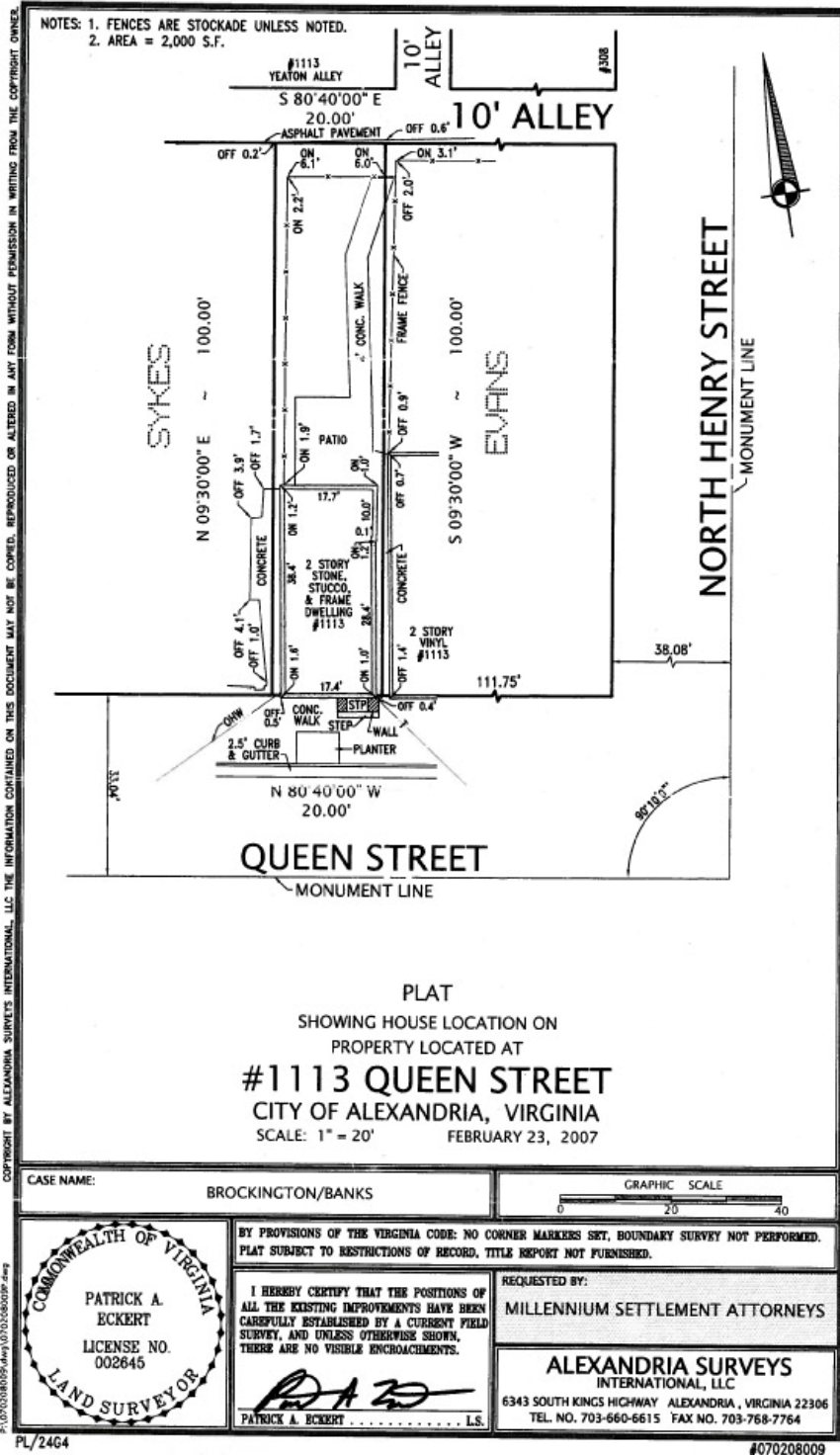
Conditions

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.
2. The applicant/developer shall not allow any metal detection or any collection of artifacts to be conducted on the property, unless authorized by Alexandria Archaeology.
3. The statements in Conditions 1 and 2 above shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Erosion and Sediment Control, Grading, and Sheeting and Shoring) so that on-site contractors are aware of the requirements. Additional statements to be included on the Final Site Plan will be determined in consultation with Alexandria Archaeology.
4. If this project is a federal undertaking or involves the use of any federal funding, the applicant shall comply with federal preservation laws, in particular Section 106 of the National Historic Preservation Act of 1966. The applicant will coordinate with the Virginia Department of Historic Resources and the federal agency involved in the project, as well as with 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.

X. Images





**APPLICATION  
BOARD OF ZONING APPEALS**

**VARIANCE**

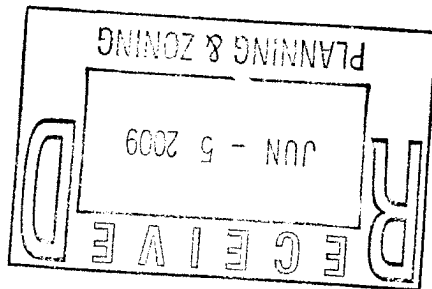
**BZA CASE #** 2009-0017

Section of zoning ordinance from which request for variance is made:

Section 4-106(A)(2)(a)

**PART A**

1. **Applicant:**  Owner  Contract Purchaser  
 Name Monique Brockington Barks  
 Address 1113 Queen Street  
Alexandria, VA 22314 Daytime Phone 703-989-4571  
301-248-6797
2. **Property Location:** 1113 Queen Street, Alexandria, VA 22314
3. **Assessment Map** 064 Block 03 Lot 04 Zone 08
4. **Legal Property Owner:**  
 Name Monique Brockington Barks and Deattha F. Brockington  
 Address 1113 Queen St  
Alexandria, VA 22314



5. Describe request briefly :

Variance for two side yard setbacks  
of 8.00 feet to allow construction  
of an addition

6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

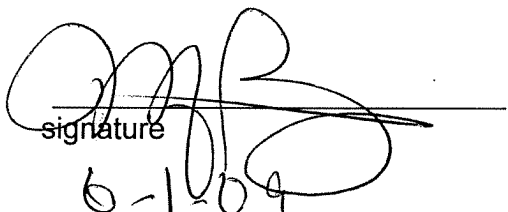
[ ] Yes — Provide proof of current City business license.

[ ] No — Said agent shall be required to obtain a business prior to filing application.

THE UNDERSIGNED HEREBY CERTIFIES that the information contained in the application, including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria, its officials, employees and representatives, Article XI, Division A, Section 11-301(D) of the 1992 Alexandria City Zoning Ordinance, or the party, any which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

Monique Beckingham Banks  
print name



signature

703-989-4571  
telephone

6-1-09  
date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

**PART B (SECTION 11-1102)**

**NOTE:** The Board of Zoning Appeals may grant a variance only if the applicant can demonstrate a legal hardship. A legal hardship refers to the shape and topographical conditions, or to some other unique characteristic of the property; for example, if a rear yard has a sharp drop-off or hilly terrain where an addition could otherwise be located legally, or if the property has three front yards.

A legal hardship is NOT, for example, having a large family in a two-bedroom house, or that you need a first-floor bedroom and bath. (These are good personal reasons for a variance, but do not constitute a legal hardship having to do with specific conditions of the land.)

**APPLICANT MUST EXPLAIN THE FOLLOWING:**

(please **print clearly** and use additional paper where necessary)

**1. Does strict application of the zoning ordinance to the subject property result in a hardship to the property owner? (Answer A or B)**

A. Will enforcement of the zoning ordinance amount to a confiscation of the property? Explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. Will enforcement of the zoning ordinance prevent reasonable use of the property? Explain:

The enforcement of the zoning ordinance would prevent reasonable use of the property. It would unreasonably restrict the use of the property. If required to have two eight foot side yards we would be unable to and have no room to build on our narrow lot. It would render the property virtually unusable for a family to live.

2. Is this hardship unique to the property?

A. Is the hardship shared by other properties in the neighborhood? Explain:

The hardship is not shared by other properties in the neighborhood

B. Does the situation or condition of the property (on which his application is based) apply generally to the other properties in the same zone? Explain:

No. This situation does not generally apply to other properties in the area. Most of the other properties in the area on the 1100 block of Queen Street are commercial properties

3. Was the hardship caused by the applicant?

A. Did the condition exist when the property was purchased?

The hardship was not caused by the applicant. The property has been in our family for many years and the condition has existed for quite some time.

B. Did the applicant apply the property without knowing of the hardship?

C. How was the condition which creates the hardship first created?

D. Did the applicant create the hardship and, if so, how was it created?

No. Applicant did not create the hardship.

4. Will the variance, if granted, be harmful to others?

A. Will the applicant's proposal be harmful in any way to any adjacent property?

The proposal will not be harmful in any way and will in fact add to the value of the neighborhood.

B. Will it harm the value of adjacent and nearby properties?

No. It will add value and character to the adjacent and nearby properties.

C. Has the applicant shown the proposed pains to the adjacent most affected property owner? Has that neighbor objected to the proposed variance, or has the neighbor written a letter in support of the proposed variance? If so, please attach the letter.

I have spoken to some of the affected property owners and they fully support the proposed work.

D. Will it change the character of the neighborhood?

No. It will positively impact the neighborhood.

5. Is there any other administrative or procedural remedy to relieve the hardship?

No.



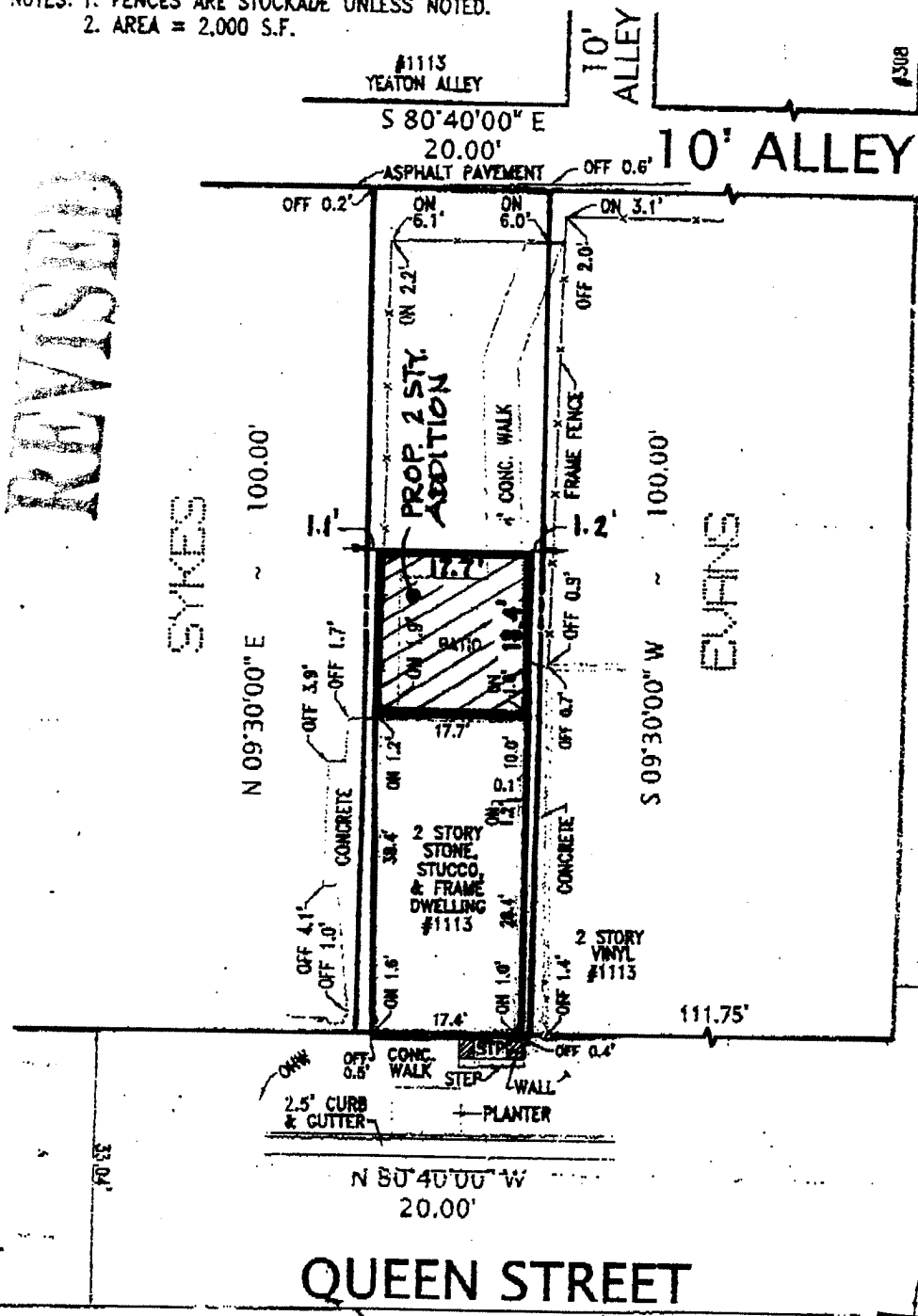


NOTES: 1. FENCES ARE STOCKADE UNLESS NOTED.  
2. AREA = 2,000 S.F.

REVISED

SYKES

EVANS

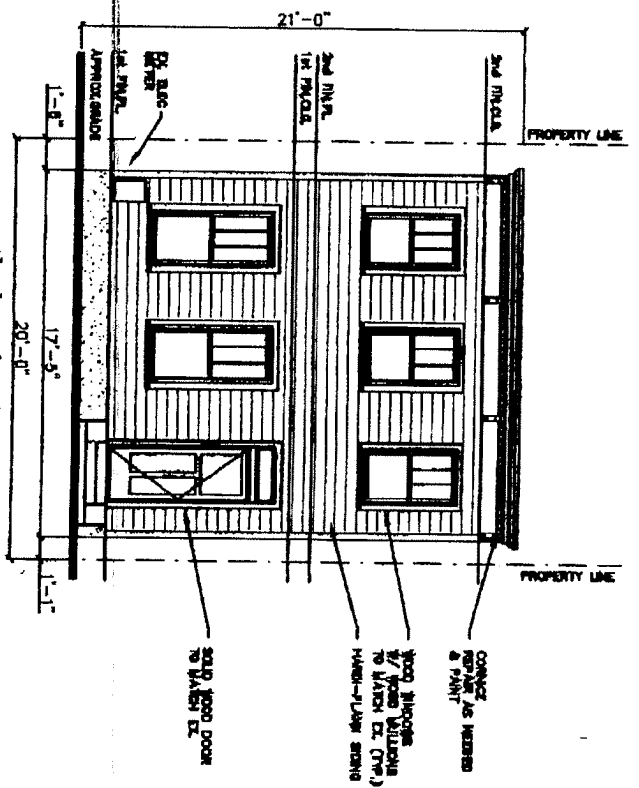


NORTH HENRY STREET

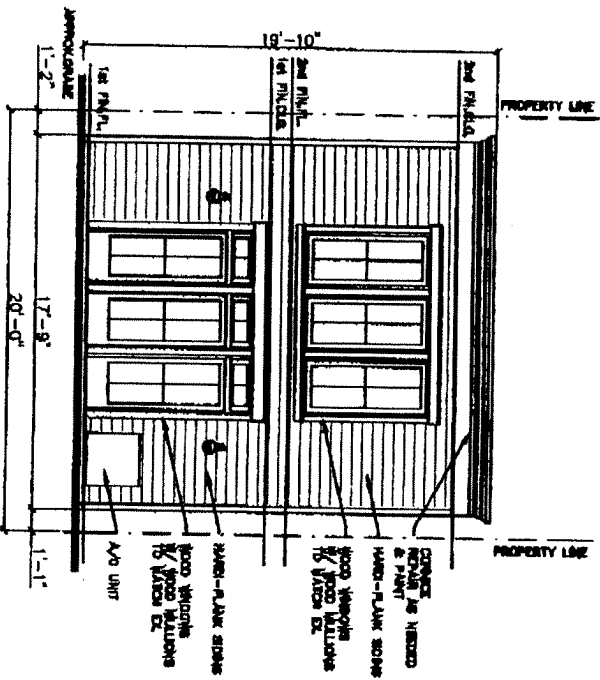
MONUMENT LINE

RECEIVED  
JUN - 5 2009  
PLANNING & ZONING

PLAT  
SHOWING HOUSE LOCATION ON  
PROPERTY LOCATED AT  
#1113 QUEEN STREET  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1" = 20' FEBRUARY 23, 2007



South elevation (street) - existing  
 scale: 1/8" = 1'-0"



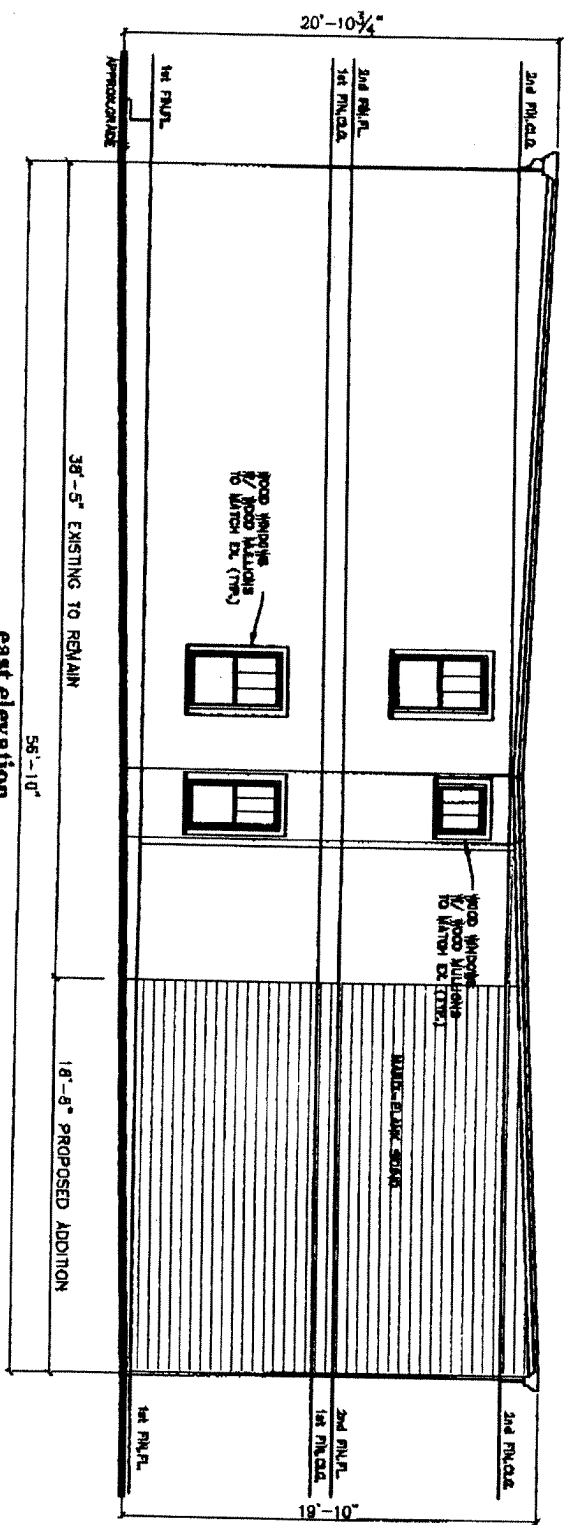
North elevation - new  
 scale: 1/8" = 1'-0"



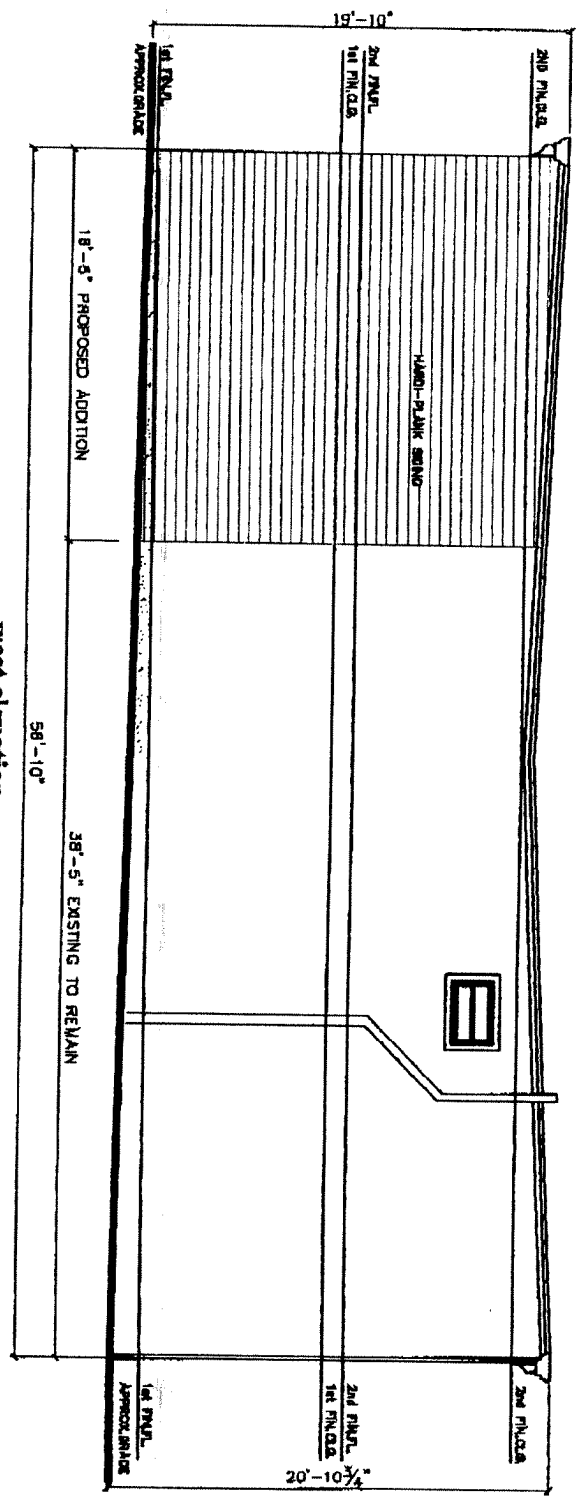
Visionary design, inc.  
 1113 Queen Street Alexandria, Virginia  
 703.426.1111  
 www.visionarydesign.com  
 Visionary Design, Inc. is an Equal Opportunity Employer  
 Date: September 24, 2007

**BANKS RESIDENCE**  
 1113 Queen Street Alexandria, Virginia  
 PROPOSED ELEVATIONS





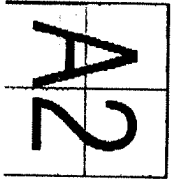
**east elevation**  
 scale:  $\frac{1}{8}'' = 1'-0''$



**west elevation**  
 scale:  $\frac{1}{8}'' = 1'-0''$

**BANKS RESIDENCE**  
 1113 Queen Street Alexandria, Virginia  
 PROPOSED ELEVATIONS

visionary design, inc.  
 residential, health, special education  
 1113 Queen Street, Alexandria, VA 22304  
 P: 703.501.1509 FAX: 571.503.1509  
 visionarydesign@comcast.net  
 scale:  $\frac{1}{8}'' = 1'-0''$   
 Date: September 24, 2007





# REVISED

## DEPARTMENT OF PLANNING AND ZONING FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS

### A. Property Information

A1. Street Address 1113 Queen Street Alexandria, VA Zone CL  
 A2. 2000 x .75 = 1500  
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

### B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement	476	Basement**	476
First Floor	640	Stairways**	42
Second Floor	553	<del>Mechanical**</del> Bulkhead*	258
Third Floor		Other**	
Porches/ Other		Total Exclusions	776
<b>Total Gross *</b>	<b>1669</b>		

B1. Existing Gross Floor Area \*  
1669 Sq. Ft.  
 B2. Allowable Floor Exclusions\*\*  
776 Sq. Ft.  
 B3. Existing Floor Area minus Exclusions  
893 Sq. Ft.  
 (subtract B2 from B1)

### C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement		Basement**	—
First Floor	503	Stairways**	—
Second Floor	503	Mechanical**	
Third Floor		<del>Other**</del> Bulkhead	465
Porches/ Other		Total Exclusions	
<b>Total Gross *</b>	<b>1006</b>		

C1. Proposed Gross Floor Area \*  
1006 Sq. Ft.  
 C2. Allowable Floor Exclusions\*\*  
465 Sq. Ft.  
 C3. Proposed Floor Area minus Exclusions  
541 Sq. Ft.  
 (subtract C2 from C1)

### D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 1434 Sq. Ft.  
 D2. Total Floor Area Allowed by Zone (A2) 1500 Sq. Ft.

\*Gross floor area is the sum of all gross horizontal areas under roof, measured from the face of exterior walls, including basements, garages, sheds, gazebos, guest buildings and other accessory buildings.

\*\* Refer to the zoning ordinance (Section 2-145(B)) and consult with zoning staff for information regarding allowable exclusions.

If taking exclusions other than basements, floor plans with excluded areas must be submitted for review. Sections may also be required for some exclusions.

### F. Open Space Calculations

Existing Open Space	1339
Required Open Space	800
Proposed Open Space	836

The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

7/29/09

# REVISED

**X VOID**



BZA 2009-2017  
File copy

**A**

DEPARTMENT OF PLANNING AND ZONING  
FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS FOR  
SINGLE AND TWO-FAMILY RESIDENTIAL OUTSIDE HISTORIC DISTRICTS

**A. Property Information**

A1. Street Address 1113 Queen Street, Alexandria, VA Zone CL  
A2. 2000 x .75 = 1500  
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

**B. Existing Gross Floor Area**

Existing Gross Area *		Allowable Exclusions	
Basement	404	Basement**	404
First Floor	606	Stairways**	42
Second Floor	553	Mechanical**	
Third Floor		Porch/ Garage**	
Porches/ Other		Attic less than 5'**	
Total Gross *	1563	Total Exclusions	446

B1. Existing Gross Floor Area \*  
1563 Sq. Ft.  
B2. Allowable Floor Exclusions\*\*  
446 Sq. Ft.  
B3. Existing Floor Area minus Exclusions 1117 Sq. Ft.  
(subtract B2 from B1)

**C. Proposed Gross Floor Area (3.1.1.1)**

Proposed Gross Area*		Allowable Exclusions	
Basement		Basement**	
First Floor	394	Stairways**	
Second Floor	394	Mechanical**	
Third Floor		Porch/ Garage**	
Porches/ Other		Attic less than 5'**	
Total Gross *	788	Total Exclusions	

C1. Proposed Gross Floor Area \*  
788 Sq. Ft.  
C2. Allowable Floor Exclusions\*\*  
0 Sq. Ft.  
C3. Proposed Floor Area minus Exclusions 788 Sq. Ft.  
(subtract C2 from C1)

**D. Existing + Proposed Floor Area**

D1. Total Floor Area (add B3 and C3) 1905 Sq. Ft.  
D2. Total Floor Area Allowed by Zone (A2) 1500 Sq. Ft.

\*Gross floor area for residential single and two-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, RB and RA zones (not including properties located within a Historic District) is the sum of all areas under roof on a lot, measured from exterior walls.

\*\*Refer to the zoning ordinance (Section 2-145(A)) and consult with zoning staff for information regarding allowable exclusions.

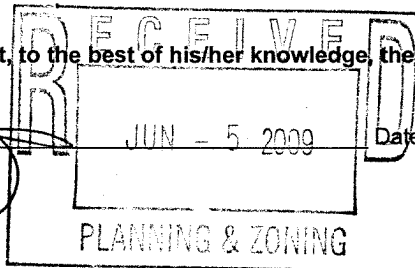
If taking exclusions other than basements, floor plans with excluded areas illustrated must be submitted for review. Sections may also be required for some exclusions.

**F. Open Space Calculations Required in RA & RB zones**

Existing Open Space	1339
Required Open Space	800
Proposed Open Space	840

The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

6-10-9

**X VOID**