

Docket Item #4
BZA CASE #2010-0030

Board of Zoning Appeals
January 13, 2011

ADDRESS: 3002 BRYAN STREET
ZONE: R-8, RESIDENTIAL
APPLICANT: EMILY GRAVES, OWNER

ISSUE: Variance to construct a one-story addition in the required front yard Torrey Place.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
7-2503(A)	Front Yard (Torrey Pl.)	29.50 ft*	23.00 ft	6.50 ft

*Based on the average prevailing front setback along Torrey Place

BOARD OF ZONING APPEALS ACTION OF JANUARY 13, 2011: On a motion to approve by Mr. Keegan, seconded by Mr. Lantzy, the variance was approved by a vote of 4 to 1. Mr. Zander dissented.

Reason to approve: The applicant demonstrated a hardship due to the irregular shape and topography of the lot, the orientation of the existing house on the lot and the modest nature of the addition.

Dissenting Reason: The applicant did not demonstrate a hardship.

Speakers:

Emily Graves, owner, made the presentation.

Hans Scheifele, neighbor at 2940 Bryan 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

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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 #2010-0030 **CONTEXT MAP** 

I. Issue

The applicant proposes to construct a one-story addition on the south wall of the existing dwelling at 3002 Bryan Street in the required front yard on Torrey Place.

II. Background

The subject property, a corner lot, is one lot of record with 101.42 feet of frontage facing Bryan Street, 99.74 feet of frontage facing Torrey Place, and depths of 107.05 feet along the north side property line and 108.45 feet along the west side property line. The property contains 11,045 square feet of lot area.

The lot is currently developed with a one-story single family dwelling located 30.30 feet from the front property line facing Bryan Street, 28.50 feet from the front property line facing Torrey Place, 40.80 feet from the north side property line, and 11.8 feet from the west side property line. According to real estate assessment records the house was constructed in 1954.

III. Description

The applicant proposes to construct a one-story addition on the south front wall of the existing dwelling to be located 23.00 feet from the front property line along Torrey Place. The proposed addition will measure 8.00 feet by 13.00 feet, adding 104 square feet to the existing kitchen. Residential zones require a front yard setback based on the average prevailing setback of the established blockface. The required front yard setback for this property is 29.50 feet based on the average front setback of the five houses along Torrey Place (a cul-de-sac). The applicant requests a variance to construct an addition forward of the required front yard setback along Torrey Place. The existing dwelling is noncomplying with respect to this setback, as a portion of the south front building wall is located 28.50 feet from this front property line.

There have been no variances or special exceptions 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 Taylor Run/Duke Street Small Area Plan for residential low land use.

V. Requested variances

7-2503(A) Front Yard (Torrey Place):

The applicant requests a variance of 6.50 feet from the required 29.50 feet (based on the average prevailing front setback) to build 23.00 feet from the front property line along Torrey Place.

VI. Noncomplying structure

The existing building at 3002 Bryan Street is a noncomplying structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front Yard (Torrey Pl.)	29.50 ft.*	28.50 ft.	1.00 ft.

*Based on the average prevailing front setback along Torrey Place

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 states that the requirement to maintain two front yard setbacks, and an addition, which sits two feet below the main level of the home that was added by the previous owners creates a hardship. In addition, a large oak tree located behind the house and any addition to the rear could damage the tree roots, and a second floor addition would be prohibited by its overhang. The only location to build a modest addition is at the front of the house.

IX. Staff Analysis

The Infill Regulations require that any new construction must conform to the prevailing front yard setback that is established by the average of the front yard setbacks along the block face on Torrey Place. Approving this variance would not be in keeping with the intent of the prevailing front setback resulting in the subject building being closer to the property line than its neighbors.

While staff understands that the requirement to maintain two front yard does present difficulties for the applicant, all corner lots have this requirement and it does not prohibit construction on the property. The subject property is 2,045 square feet larger in lot area than the minimum required in the R-8 zone for a corner lot. There is a significant amount of buildable area that staff feels would allow for numerous options for enlargement that would neither require a variance, nor affect the large tree to the rear of the property.

Because reasonable alternatives exist and there is a lack of a unique hardship on the property, staff **recommends denial** of the requested 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:

- R-1 The building permit plans shall comply with requirements of City Code Section 5-6-224 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)
- R-7 The building permit must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- R-8 Construction of a new driveway entrance, or widening of an existing driveway entrance, requires separate application to; and approval from, the Department of Transportation and Environmental Services. (T&ES)
- F-1 Parcel is located within a Marine Clay Area. (T&ES)
- F-2 An approved grading plan may be required at the time of building permit application. City Code Section 5-6-224 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;

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- 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) 746-4064. 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>**

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)
- C-4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)
- C-5 Pay sanitary sewer tap fee prior to release of Grading Plan. (Sec. 5-6-25) (T&ES)
- C-6 Any work within the right-of-way, to include public alleys, requires a separate permit from T&ES. (Sec. 5-2) (T&ES)

Code Administration:

- F-1 No comments relative to variance request
- C-1 A building permit is required for the proposed work. Submit five sets of drawings with the permit application.
- C-3 Separate permits are required for plumbing, electric, and mechanical work
- C-4 The proposed construction shall conform to the requirements of the Virginia Uniform Statewide Building Code.

C-5 A Certificate of Occupancy is required to be obtained prior to occupancy of the addition

C-6 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.

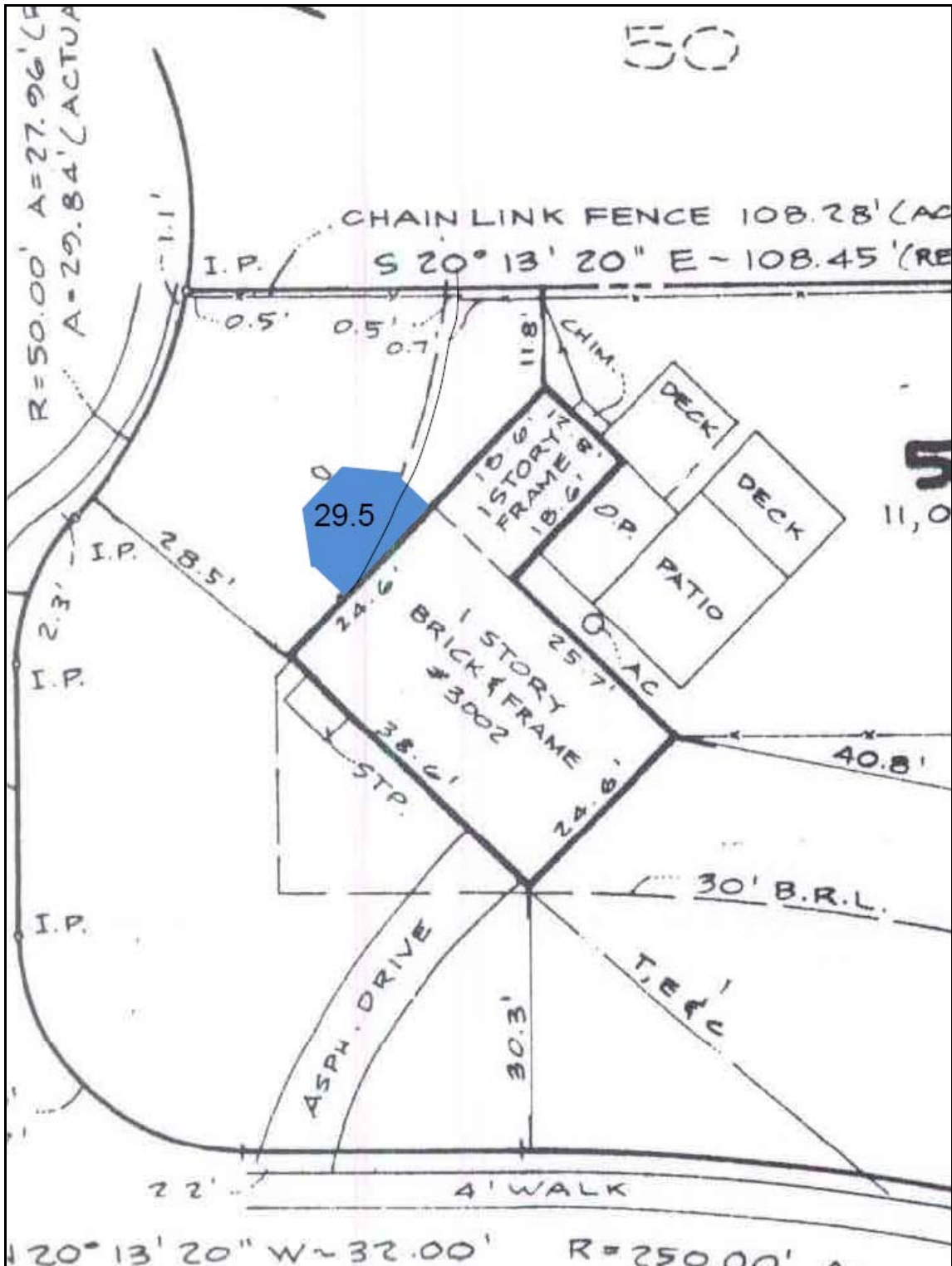
Historic Alexandria (Archaeology):

F-1 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.

X. Images



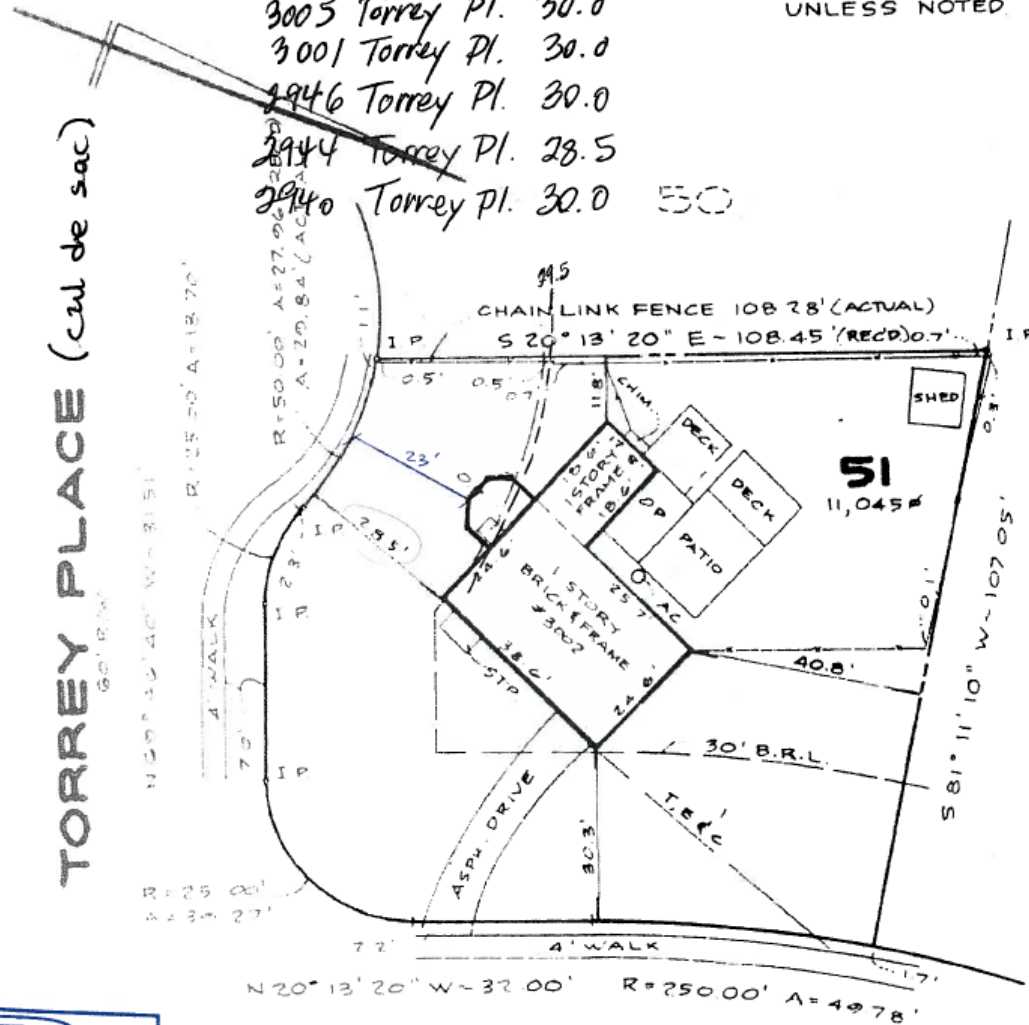
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File Copy

Average Set Back for Torrey Place is 29.5 ft.

- 3002 Bryan St. 28.5
- 3005 Torrey Pl. 30.0
- 3001 Torrey Pl. 30.0
- 2946 Torrey Pl. 30.0
- 2944 Torrey Pl. 28.5
- 2940 Torrey Pl. 30.0

NOTE:
FENCES ARE STOK
UNLESS NOTED.

TORREY PLACE (cul de sac)



RECEIVED
 NOV 29 2010
 PLANNING & ZONING

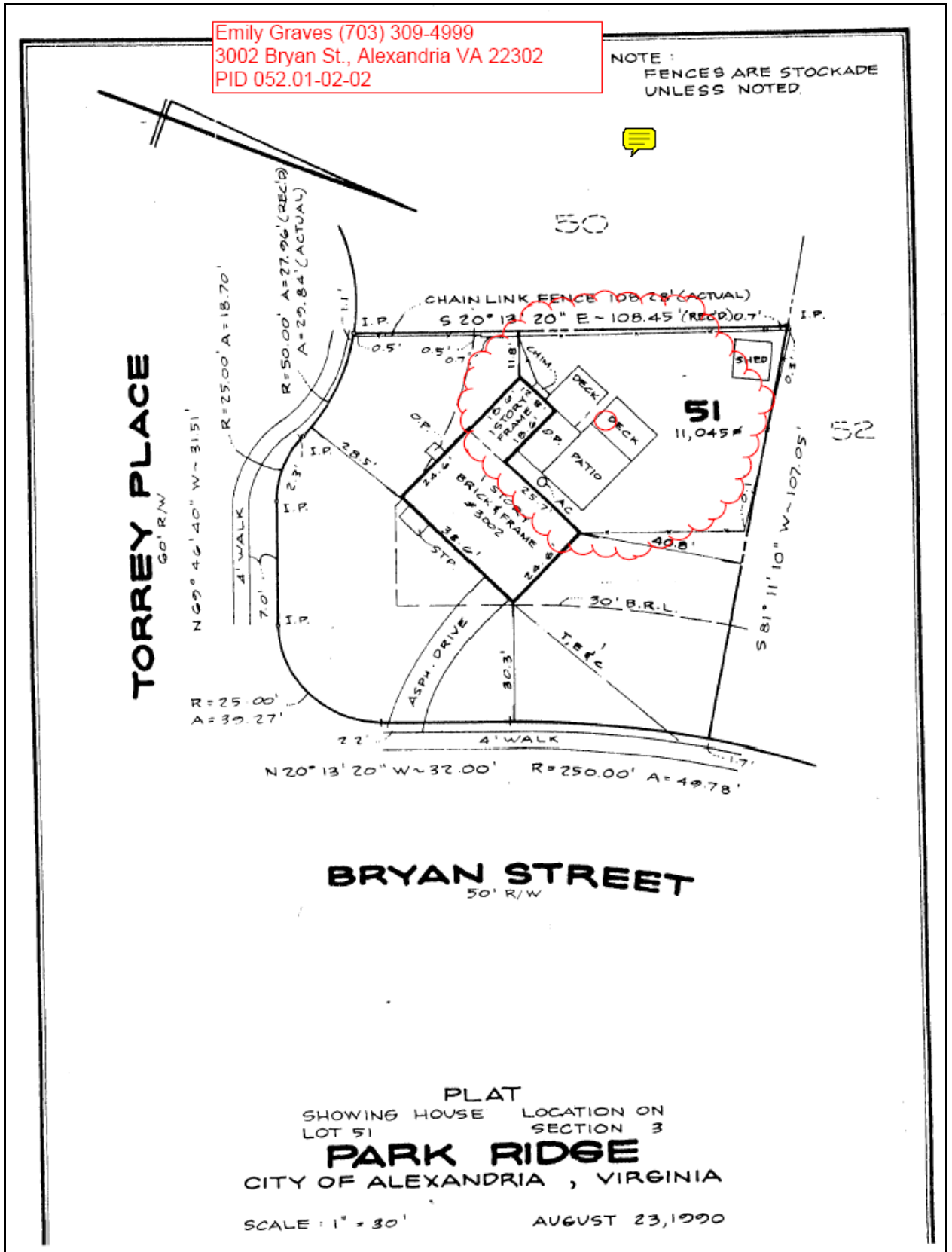
3002 BRYAN STREET
50' R/W

EMILY GRAVES, OWNER

Scale: 1" = 25'

Emily Graves (703) 309-4999
3002 Bryan St., Alexandria VA 22302
PID 052.01-02-02

NOTE :
FENCES ARE STOCKADE
UNLESS NOTED.



TORREY PLACE
60' R/W

BRYAN STREET
50' R/W

PLAT
SHOWING HOUSE LOCATION ON
LOT 51 SECTION 3
PARK RIDGE
CITY OF ALEXANDRIA , VIRGINIA

SCALE : 1" = 30' AUGUST 23, 1990



3002 Bryan Street, Alexandria VA 22302, owner Emily Graves

FRONT
facing Bryan
Street



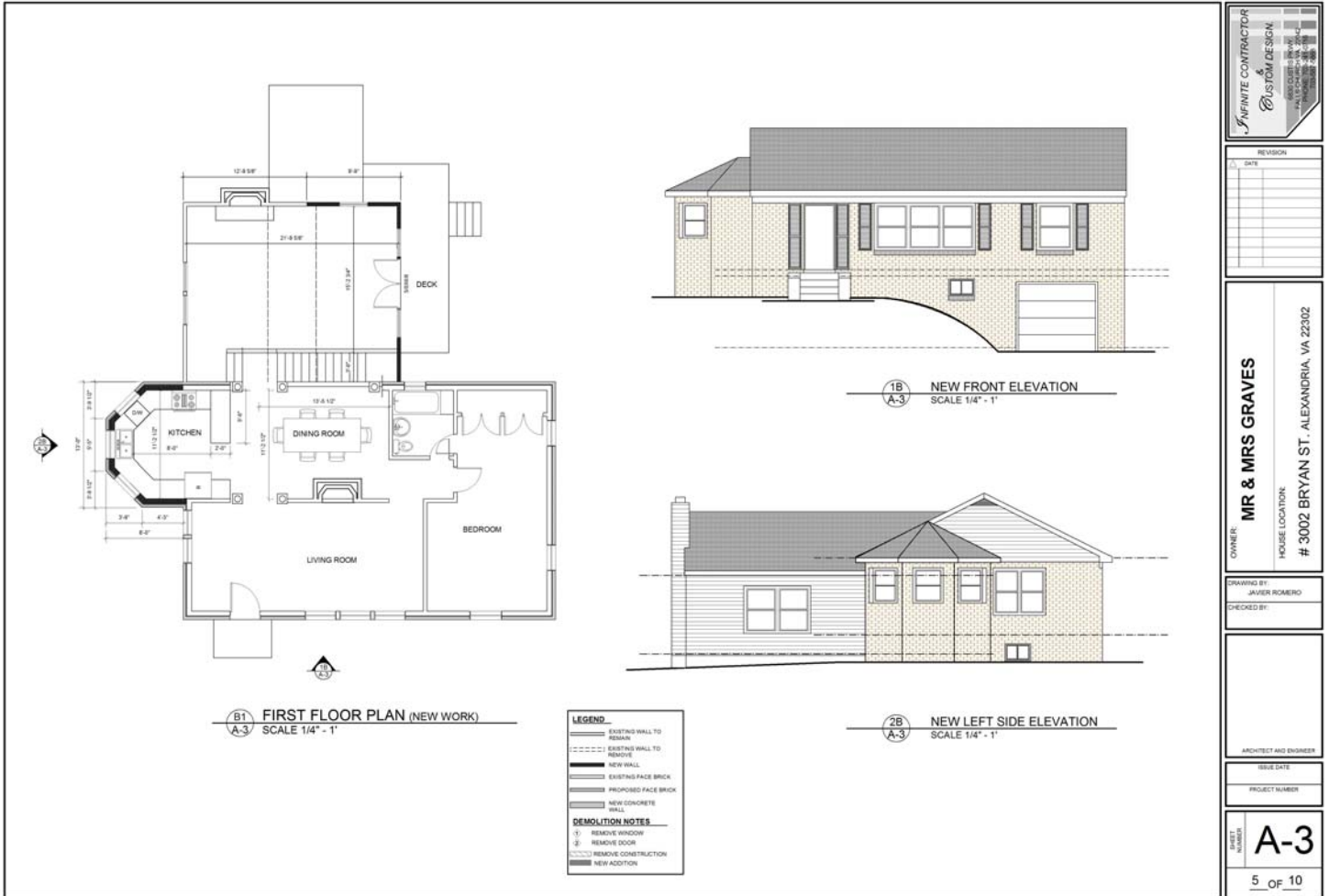
CORNER



SIDE facing
Torrey Place



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INFINITE CONTRACTOR & CUSTOM DESIGN
 1000 CLAYTON BLVD. #100
 ALEXANDRIA, VA 22302
 TEL: 703.701.1111
 FAX: 703.701.1112

NO.	DATE	REVISION

OWNER: **MR & MRS GRAVES**
 HOUSE LOCATION: **# 3002 BRYAN ST. ALEXANDRIA, VA 22302**

DRAWING BY: **JAVIER ROMERO**
 CHECKED BY:

ARCHITECT AND ENGINEER

ISSUE DATE

PROJECT NUMBER

SHEET NUMBER **A-3**
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**APPLICATION
BOARD OF ZONING APPEALS**

VARIANCE

Section of zoning ordinance from which request for variance is made:
Section 7-2503 A

PART A

- 1. Applicant: Owner Contract Purchaser Agent
 Name Emily B. Graves
 Address 3002 Bryan St.
Alexandria, VA 22302.3904
 Daytime Phone 703.309.4999
 Email Address emily.graves@gmail.com
- 2. Property Location 3002 Bryan St, Alexandria
- 3. Assessment Map # 52-01 Block 02 Lot 02 Zone R-8
- 4. Legal Property Owner Name Emily B. Graves
 Address 3002 Bryan St.
Alexandria VA 22302-3904



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5. Describe request briefly:
Request variance to average set back (29.5 ft)
of Torrey Place culdesac in order to
build a extension of home kitchen.

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 ATTESTS that all of the information herein provided 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 permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property 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:

Emily B. Graves
Print Name

Emily B. Graves
Signature

703.309.4999
Telephone

29 Nov 2010
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.

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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 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 pages where necessary.)

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

A. Explain how enforcement of the zoning ordinance will amount to confiscation of the property.

~~Because this house~~

B. Explain how enforcement of the zoning ordinance will prevent reasonable use of the property.

Because this house is on a corner lot, it is subject to setback limitations on 3 sides that preclude any reasonable expansion of the basic floor plan. Previous owners added a room off the back 2 steps below the main level due to topography, and unless this variance is granted any reasonable space modification will require considerable demolition, reconstruction and expense.

2. Is this hardship unique to the property?

A. Explain if the hardship shared by other properties in the neighborhood.

The house directly across the cul de sac from me, 2940 Bryan St., is also on a corner lot with essentially 3 front yards like me. All other houses in the neighborhood have 1 front, 2 side and a back yard.

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B. Explain how this situation or condition of the property (on which this application is based) applies generally to other properties in the same zone.

There are 4 homes on the cul de sac Torrey Place, and their front yards face the street that the side of my house faces. The house across from mine on the other corner lot is the mirror image of mine; one of its sides also faces Torrey Pl.

3. Was the hardship caused by the applicant?

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

yes

B. Did the applicant purchase the property without knowing of this hardship?

yes

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

when the house was built in 1954

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

no

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

A. Explain if the proposed variance will be detrimental to the adjacent properties or the neighborhood in general.

I believe the variance will enable me to improve the value of my property and thereby improve the values of my neighbors' properties. My design will be pleasing to look at and improve the view of my home seen from Torrey Place.

B. Explain how the proposed variance will affect the value of the adjacent and nearby properties.

Enable me to improve my home with a kitchen and a dining room instead of a Pullman style small kitchen will raise the value of my and other properties in the neighborhood nearby.

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

I discussed my plans with neighbors, but I didn't have enough time this past weekend to gather supporting letters.

D. Explain how the proposed variance will change the character of the neighborhood.

The proposed variance will not change the character of the neighborhood. My home will remain moderately sized. Every home on Bryan St & Torrey Place has been improved with at least 1 extension since it was built in the 1950s. This proposed kitchen extension is on the same scale as those my neighbors have undertaken.

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

PART C

- 1. Have alternative plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.

What kind of extension to put on my house has been an ongoing topic of discussion for several years. I did not realize when I bought the property in 2004 that I would not be able to add to any side of the house but yet rear without a variance. The previous owners added onto the back at a level 2 steps down from the main level, which complicates any extension plan. We looked at adding more out the back but that would've blocked the bathroom window and complicated construction due to the different levels. We looked at repurposing all the rooms and using the bedroom as the dining room but that would've required a variance at the other side of the house and a whole lot more construction. Two other major challenges I face are the central basement staircase and the beautiful big oak tree in the back yard (largest in neighborhood) we wish to preserve. We need to move the basement stairs to create a better kitchen-dining arrangement but we can't have the steps protrude too far from the house in order not to damage the roots much. Adding a second story to the house was out of the question because of how the tree overhangs the home. This proposal, which is dependent on the variance, is the best and least intrusive to neighbors, to the tree and to the zoning ordinance while opening up the interior layout.

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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 3002 Bryan St. Alexandria VA 22302 Zone R-8
 A2. 11,045 x .35 = 3,865.75
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement	930	Basement**	930
First Floor	1188	Stairways**	36
Second Floor <i>Attic</i>	950	Mechanical**	
Third Floor		Porch/Garage**	<i>in basement</i>
Porches/Other	55	Attic less than 5***	699
Total Gross*	3143	Total Exclusions	1685

B1. Existing Gross Floor Area *
3143 Sq. Ft.
 B2. Allowable Floor Exclusions**
1685 Sq. Ft.
 B3. Existing Floor Area minus Exclusions
1458 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	904	Stairways**	
Second Floor		Mechanical**	
Third Floor		Porch/Garage**	
Porches/Other		Attic less than 5***	
Total Gross*	104	Total Exclusions	

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

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 1562 Sq. Ft.
 D2. Total Floor Area Allowed by Zone (A2) 3865 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 of 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.

E. Open Space Calculations Required in RA & RB zones

Existing Open Space	
Required Open Space	
Proposed Open Space	

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

Signature: Quincy B. Graves Date: 11/29/2010 13