

Docket Item #5
BZA CASE #2004-00050

Board of Zoning Appeals
January 13, 2005

ADDRESS: 1105 ROAN LANE
ZONE: R-20, RESIDENTIAL
APPLICANT: DAVID AND LISA TRACY, OWNERS

ISSUE: Variance to construct a one and one-half story garage in the required rear yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-106(A)(2)	Side Yard (West)	12.00 ft	3.00 ft	9.00 ft
3-106(A)(3)	Rear Yard (North)	17.50 ft*	0.00 ft	1.50 ft **

* Based upon a setback ratio one to one with the building height of 17.50 feet to the mid point of the gable roof facing the north rear property line.

** Half of the abutting alley width can be applied to the required rear yard setback. The existing alley is approximately 32.00 feet wide. Sixteen feet can be applied to the required rear yard setback.

Deferred by the applicant prior to the December 9, 2004 hearing.

(insert sketch here)

STAFF CONCLUSION:

Staff recommends **denial** of the request because it does not meet the criteria for a variance.

I. Issue

The applicants propose to build a two-story detached garage for the property at 1105 Roan Lane. The applicants state that the garage will be used for (1) vehicle storage on the first floor and (2) storage on the second floor. The proposed garage will replace an existing detached and unusable garage located on the west side of the house. The applicants indicate that the existing garage is unusable because of the potential of vehicle carbon monoxide entering the house through the air conditioning unit located in the garage. The floor in the house is lower than the floor in the existing garage which contributes to the problem of carbon monoxide entering the house.

II. Background

The subject property, an irregularly shaped lot, is one lot of record with 118.40 feet of frontage facing Roan Lane and a depth of 125.48 feet. The property contains a total of 18,416 square feet. The subject property is substandard in lot area. The minimum lot area required for an R-20 zoned lot is 20,000 square feet.

The property is developed with a split level single family dwelling with a open front porch and attached garage located 39.90 feet from the front property line facing Roan Lane, 37.80 feet from the west side property line and 26.30 feet from the east side property line.

III. Discussion

The proposed two-story detached garage faces an open rear yard and the City of Alexandria's Chinquapin Park along the rear north property line. A 32.00 feet wide public alley abuts the subject property's rear property line. The proposed garage measures 24.00 feet by 29.00 feet by 23.00 feet to the top of the roof. A portion of the new garage will accommodate an open covered porch facing the property's back yard. The garage is located 3.00 feet from the west side property line and on the north rear property line at the northwest corner of the new garage and 5.00 feet at the northeast corner of the new garage. Real estate assessment records indicate the house and garage were built in 1963. The applicants purchased the property in 1998.

The proposed garage does not meet the R-20 zone regulations as to the required setback from the west side property line and north rear property line. Therefore, the applicants must seek a variance from the side yard and rear yard setback requirements.

Section 7-1003 of the zoning ordinance permits one half of the width of a public or private alley to be applied to the applicable rear yard setback of any lot which abuts such alley. The abutting alley along the rear of the subject property is approximately 32.00 feet. Sixteen feet of the alley can be credited towards the required rear yard setback of the proposed garage.

There have been no variances previously granted for the subject property. Since 1993, there have been no similar variance requests for garages in the immediate area heard by the Board of Zoning Appeals

IV. Master Plan/Zoning

The subject property is zoned R-20, residential and has been so zoned since 1951, and is identified in the North Ridge Small Area Plan for residential land use.

V. Requested variances

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

The R-2-5 zone requires each single-family dwelling to provide two side yards of 12.00 feet. The proposed garage will be located 3.00 feet from the west side property line. Based on a building height of 13.00 feet to the eave line of the proposed garage roof facing the west side property line, a side yard setback of 12.00 setback is required. The applicants request a variance of 9.00 feet from the west side property line.

Section 4-106(A)(3), Rear Yard (North):

The R-20 zone requires a rear yard setback of 12.00 feet or the height of the structure whichever is greater. The proposed garage structure (less the roof overhang) requires a rear yard setback of 17.50 feet. Applying 16.00 feet of the 32.00 feet wide alley towards the required yard, the applicants request a variance of 1.50 feet.

VI. Staff analysis under criteria of section 11-1103

Analysis Summary

The staff believes there is no hardship in this case. The applicant could place the garage in the place the garage in the same corner of the yard (1.50 feet from the rear property line and 12.00 feet from the west side property line) without the need for a variance. In addition, the Department of recreation is recommending a minimum setback of 5.00 feet be maintained on the rear property line adjacent to Chinquapin Park.

1. Does strict application of the zoning ordinance result in undue hardship to the property owner amounting to a confiscation of the property, or prevent reasonable use of the property?

The property is an irregularly shaped property and is substandard in lot area for an R-20 single family residential lot. The property does not have difficult topography which would prohibit or unreasonably restrict its use. There are a few large trees on the property. There is one large oak tree at the northwest corner of the property that will be affected by the location of the proposed garage. However, no condition of the property creates a hardship or unreasonable condition to fully use the property. Staff finds no hardship in this case.

2. Is the hardship identified above unique to the subject property, or is it shared by other properties in the neighborhood or the same zone?
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There is no hardship in this case. The property is not unique. Other neighboring properties within the neighborhood and along Roan Lane are similar in size and lot configuration.

3. Was the hardship caused by the applicant and, if so, how was it created? Or did the condition exist when the property was purchased and, if so, did the applicant acquire the property without knowing of the hardship; how was the hardship first created?
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There is no hardship. The applicants were aware of the irregular shape of the lot, location of trees when they purchased the property. The proposed garage can be built without the need of a variance.

4. Will the variance, if granted, be harmful in any way to any adjacent property or harm the value of adjacent and nearby properties? Will it change the character of the neighborhood?
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The proposed large and tall garage building is so close to the property line it will have a visual impact on the adjoining properties. The placement of the new garage within 3.00 feet of the west side property line will harm the adjacent and nearby properties and change the character of the neighborhood if other similar size garages are allowed to be built to the side and rear property lines. An attached garage is more appropriate for the subject property. In fact the applicants currently have an attached garage that can be renovated to meet their needs.

5. Have alternate plans been considered so that a variance would not be needed?
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The applicants could locate the garage so that the structure meets setback requirements without the need of a variance. The applicants did not want to do this.

6. Is any other official remedy available to relieve the hardship?

None.

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance or special exception is approved the following additional comments apply.

Transportation and Environmental Services:

F-1 No comments.

Code Enforcement:

- F-1 The proposed design shows a second floor for the garage. The applicant shall identify the use of the second floor. The final design and approved use are subject to the requirements of the USBC.
- 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, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance.
- 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 current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

Recreation (Arborist):

- F-1 There is a large oak tree located along the northwest property line that will be affected by this plan.
- R-1 The Department of Recreation recommends that a minimum setback of 5.00 feet be maintained adjacent to the property adjacent to Chinquapin Park.

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.