

Docket Item #3
BZA CASE #2008-0017

Board of Zoning Appeals
June 12, 2008

ADDRESS: 407 E. WINDSOR AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: PATRICK BRIGGS AND DORINDA SALCIDO, OWNERS

ISSUE: Variance to enlarge an existing detached garage in the required rear (south) and west side yard setbacks.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(3)	Rear Yard (South)	10.70 ft	0.0 ft	10.70 ft
3-506(A)(1)	Side Yard (West)	7.00 ft	0.0 ft	7.00 ft

BOARD OF ZONING APPEALS ACTION OF JUNE 12, 2008: On a motion to defer by Mr. Allen, seconded by Mr. Hubbard, the special exception was deferred by a vote of 6 to 0.

Reason: To allow the new regulations, to be heard by City Council, that would allow detached garages in the required rear yards without a variance and to allow the applicant time to explore lowering the roof height.

Speakers:

Patrick Brigs, owner, made the presentation.

Joanna Potter, resident at 405 East Windsor Avenue, spoke in support.

Staff **recommends denial** of the request because the applicants have not demonstrated a hardship.

If the Board decides to grant a variance, it should contain the conditions under the department comments. 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.



BZA #2008-0017

06/12/08



I. Issue

The applicants propose to enlarge an existing non-complying garage on the property at 407 East Windsor Avenue. The garage extension is proposed be placed on the required south rear and west side property lines. The new garage expansion is designed to match the existing garage and will add 2.00 feet of height and extend 12.70 feet to the east in the required rear yard.



II. Background

The subject property is three lots of record with 75.00 feet of frontage facing East Windsor Avenue and a depth of 115.00 feet. The property contains a total of 8,625 square feet of lot area. The minimum lot area required for an R-2-5 zoned lot is 5,000 square feet. Therefore, the subject property is not substandard in lot area. The property abuts other residential properties along the south rear and west and east side property lines. No additional accessory structures are located on the property other than the detached garage that the applicants requests to expand.

The submitted plat shows the detached garage is on the rear property line and west side property line.

III. Description

The existing one-car garage measures 12.30 feet by 18.30 feet and 12.00 feet tall to the roof ridge and totals approximately 225 square feet of floor area. The proposed garage enlargement totals 232.41 square feet and measures 12.70 feet by 18.30 feet resulting in a new garage footprint of 25.00 feet by 18.30 feet and total floor area of 475.5 square feet. The garage is proposed to be 10.70 feet in height when measured from grade to the midpoint of the new gable roof and 8.00 feet from grade to the roof eave facing the west side property line. The new garage roof is 14.00 feet to the top of the roof ridge. The larger garage will continue to be located on the rear and west side property line.



The proposed extension does not meet the R-2-5 zone regulations as to the required setback of 10.70 feet from the rear property line and 7.00 feet from the west side yard property line. The new garage height to the mid-point of the gable end of the roof is approximately 10.70 feet. The

BZA CASE #2008-0017

required east side yard setback will be met. The applicants are seeking a variance from the west side yard and rear yard setback requirements.

This project is located within the boundaries of the Town of Potomac National Register of Historic Places Historic District. This area is not under the purview of local Boards of Architectural Review. The applicants are requesting a variance to expand an existing non-complying garage on the rear and west side of the property lines. As proposed, the garage will be enlarged by 232 square feet and add 2 feet of height. Preservation staff did not locate any documentation that listed the existing garage as a contributing structure to the Town of Potomac National Register Historic District. Currently, the garage is a wood framed structure with wood siding, paired carriage house doors, and a side-gable roof, covered with asphalt shingles. It appears to be have been built in the mid-20th century. From the drawings submitted, the proposed expansion would replicate the current form of the garage and add an additional door bay, and repeat the appearance of the building materials.

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



Existing Garage (North Façade)



Existing Garage (East Façade)



IV. Master Plan/Zoning

The subject property is zoned R-2-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Potomac West Small Area Plan for residential land use.

V. Requested variances

Section 3-506(A)(3), Rear Yard (South)

The R-2-5 zone requires a detached garage to provide a rear yard setback ratio of 1:1 and a minimum size of 7.00 feet. The proposed larger garage will continue to be located on the rear property line; a rear setback of 10.70 is required based on the measurement to the midpoint of the roof gable facing the rear property line. The applicants request a variance of 10.70 feet from the rear property line.

Section 3-506(A)(1), Side Yard (West)

The R-2-5 zone requires the new larger garage with expanded roof to provide a side yard setback ratio of 1:3 and a minimum size of 7.00 feet. The proposed garage will be located 0.0 feet from the east side yard property line; a side setback of 7.00 is required based on the minimum side yard setback of 7.00 feet. The applicant requests a variance of 7.00 feet from the west property line.

VI. Noncomplying structure

The existing garage at 407 East Windsor is a noncomplying structure with respect to the following:

<u>Yard Provision</u>	<u>Required</u>	<u>Provide</u>	<u>Noncompliance</u>
Rear Yard	10.70 ft	0.0 ft	10.70 ft
Side Yard (West)	7.00 ft	0.0 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 11-1103 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 applicants' justification for hardship is that the zoning rules create an unreasonable restriction on the use of the property in order to repair, reposition or expand the existing garage structure. To be in compliance with the zoning regulation would require the owner to remove a tall, mature tree.

The applicants state that the proposed garage expansion will provide sufficient storage facilities for the property owners. The property owner is a small-business owner and said that he requires additional space for storage of materials, thereby reducing any potential hazard from materials stored outside of the garage in the back yard.

IX. Staff Analysis

The reasons set forth by the applicants for hardship do not warrant granting a variance. The applicants can move the garage forward and to the east to comply with the required rear and side yard setback. Alternatively, the applicants can either (1) rebuild the existing one-car garage or (2) wait until the Infill Taskforce recommendations have been approved by City Council this year that will enable the owner to build a two car garage on the side and rear yard property lines without the need of a variance. However, the applicant has expressed a desire to use the expanded garage space for storage, which would not be permitted under the new text amendments allowing garages within the

BZA CASE #2008-0017

required side and rear yard setback with the requirement that the garage be used for the intended primary purpose of storing motor vehicles.

The subject property has no unusual lot characteristics (it is flat with no topographic condition that would prohibit the use of the lot). The lot is not substandard and is in fact much larger than the minimum lot size requirement of 5,000 square feet. In fact, the applicants can build the garage without affecting the large trees located in the backyard.

The applicants have not made a case for hardship, which is a prerequisite for granting a variance.

Staff recommends **denial** of the variance.

DEPARTMENTAL COMMENTS

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

* The applicants are 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. A Grading Plan will be required if construction of the proposed addition:
- Results in a new building footprint that exceeds the area of the existing building footprint by 100% or more.
 - Results in less than 50% of the existing first floor exterior walls, in their entirety, remaining. The walls must comprise the footprint of the existing building and shall be measured in linear feet. The remaining walls must remain as exterior walls. The definition of a first floor exterior wall is that it must have its finished floor surface entirely above grade.
 - Results in land disturbance associated with the project of 2,500 square feet or greater in area. The disturbed area will be determined by adding a minimum of 10' to the perimeter of the building (or addition) footprint and calculating the area within the increased perimeter. In addition, a 10 foot wide access path from the edge of the disturbed area to the street or paved driveway must be included in the disturbed area calculation. Provision must be made for stockpile, staging, dumpsters and material storage areas within the limits of disturbance.
 - Changes to existing grade elevation of 1-foot or greater.
 - Changes to existing drainage patterns.
- 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 Enforcement:

- C-1 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-2 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-3 Sheeting and shoring shall not extend beyond the property line; except when the developer has obtained a written release from adjacent property owners which has been recorded in the land records; or through an approved encroachment process.
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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 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-7 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.

BZA CASE #2008-0017

- C-8 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-9 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 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 Applicants' 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.