

Docket Item # 4
BZA CASE #2003-00065

Board of Zoning Appeals
January 8, 2004

ADDRESS: 2417 DAVIS AVENUE
ZONE: R-8, RESIDENTIAL
APPLICANT: JOHN AND NINA GULKA

ISSUE: Variance to enlarge an existing noncomplying garage in the required side and rear yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(2)	Side Yard (North)	8.00 ft*	2.14 ft	5.86 ft
3-306(A)(3)	Rear Yard	8.00 ft**	1.07 ft	6.93 ft

* Based on a building height of 8.00 feet from grade to the eave line of the roof facing the north side property line

** Based on a building height of 8.00 feet from grade to eave line of the roof facing the rear property line.

(insert sketch here)

STAFF CONCLUSION:

This property does not meet the criteria for a variance.

DISCUSSION:

1. The applicants propose to enlarge an existing detached one car garage to a two-car garage for the property at 2417 Davis Avenue.
2. The subject property is one lot of record with 50.00 feet of frontage facing Davis Avenue and a depth of 115.00 feet. The property contains a total of 5,750 square feet.
3. The property is developed with a one and one-half story single family dwelling located 24.00 feet from Davis Avenue, 6.70 feet from the south side property line and 11.18 feet from the north side property line. An existing detached frame garage is located 2.14 feet from the north side property line and 1.37 feet from the rear property line. A driveway provides access along the north side of the property to the garage. Real estate assessment records indicate the house was built in 1940.
4. The existing frame garage measures 10.00 feet by 18.00 feet by 12.00 feet in height to the top of the gable style roof. According to the applicants, the garage has existed at its present location since 1940.
5. The applicants state the existing garage will remain, but will be enlarged and will have a shed style roof with a gable end facing the interior of the subject property. The expanded garage will accommodate two vehicles with limited storage. The applicants indicate access in and out of the garage will continue from the existing driveway with the pavement at the entrance to the garage widened.
6. The proposed replacement garage measures overall 25.00 feet by 22.00 feet by 14.00 feet in height. The proposed garage totals 370 square feet. The new garage will continue to be located 2.14 feet from the north side property line and 1.37 feet from the rear property line. (Refer to attached elevations.)
7. The existing detached garage is currently a noncomplying structure in that it does not comply with R-8 zone west side and rear yard setback requirements. The structure is located 2.14 feet from the west side property line and 1.37 feet from the rear property line. Based upon real estate assessment records, the house and garage were constructed around the same time.

8. Under zoning ordinance section 12-102(C) the applicants could repair, renovate or completely rebuild the existing garage at its present size, height and location. However, section 12-102(A) of the zoning ordinance prohibits the expansion of a noncomplying structure unless it complies with zoning. The existing garage does not meet R-8 zone regulations, and the proposed longer structure will not comply with R-8 zone regulations as to the required setbacks from the west side and rear property lines. Therefore, the applicants must seek a variance from the side yard and rear yard setback requirements.
9. A comparison of the existing garage with the new garage is as follows:

	<u>Existing</u>	<u>Proposed</u>	<u>Change</u>
Height	14.00 ft	14.00 ft	same
Length	18.00 ft	22.00 ft	+ 4.00 ft
Width	10.00 ft	25.00 ft	+ 15.00 ft
Floor Area	180 sq ft	370 sq ft	+ 190 sq ft

10. There have been no variances previously granted for the subject property.
11. Since 1993, there have been no similar variance requests for garages in the immediate area heard by the Board of Zoning Appeals.
12. 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 is identified in the North Ridge Small Area Plan for residential land use.

REQUESTED VARIANCES:

Section 3-306(A)(2), Side Yard (North):

The R-8 zone requires a side yard setback ratio of 1:2 with a minimum distance of 8.00 feet. Based on a building height of 10.00 feet to the mid-point of the new gable roof, a side yard setback distance of 8.00 feet is required. The detached garage will be located 2.14 feet from the north side property line, and the applicants request a variance of 5.86 feet.

Section 3-306(A)(3), Rear Yard:

The R-8 zone requires a rear yard setback ratio of 1:1 with a minimum distance of 8.00 feet. Based on a building height of 8.00 feet to the eave line of the new roof, a side yard setback distance of 8.00 feet is required. The new garage will be located 1.07 feet from the rear property line, and the applicants request a variance of 6.93 feet.

NON COMPLYING STRUCTURE:

The existing garage at 2417 Davis Avenue is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
North Side Property Line	8.00 ft	2.14 ft	5.86 ft
Rear Property Line	8.00 ft	1.07 ft	6.93 ft

STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1103:

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?

Although the subject property is substandard as to lot area it does not have difficult topography which would prohibit or unreasonably restrict its use. No condition of the property creates a hardship that would permit a larger garage than now exists. 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?

There is no hardship in this case. The condition upon which the petition for a variance is based, as stated by the applicants, is the need for a slightly longer garage building to accommodate two vehicles and more storage. The proposed replacement garage will be larger than many existing accessory structures in the neighborhood. A second vehicle can be accommodated on the driveway.

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?

There is no hardship. The applicants were aware of the garage and its proximity to the side and rear property lines. The existing garage is in character as to size and location compared to other noncomplying garages within the neighborhood.

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 height and increase in length of the proposed garage will have both a visual as well as a building mass impact on immediately adjoining properties. Based upon Sanborn maps, most of the garages appear to have been built during the same era and also appear in relatively the same locations as the applicants' existing garage. None of the garages have been replaced with larger or wider structures. The introduction of a wider detached accessory structure on a substandard lot will be out of character for such a small lot where the minimum lot size is 8,000 square feet.

5. Have alternate plans been considered so that a variance would not be needed?
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None that would meet the needs of the applicants.

6. Is any other official remedy available to relieve the hardship?
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No other remedy exists except a variance.

STAFF: Barbara Ross, Deputy Director, and Peter Leiberg, Principal Planner, Department of Planning and Zoning.

DEPARTMENTAL COMMENTS

Transportation and Environmental Services:

- F-1 T&ES has no objections or recommendations on this item.

Code Enforcement:

- C-1 All exterior walls within 3 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 porches with roofs and 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.
- C-8 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-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 specimen trees are affected by this plan.

Historic Alexandria (Archaeology):

F-1 There is low potential for this project to disturb significant archaeological resources. 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.