

Docket Item #8  
BZA CASE #2004-0072

Board of Zoning Appeals  
February 12, 2004

**ADDRESS:** 1405 SUMMIT AVENUE  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** MARK AND JODI HOFMAN, OWNERS

**ISSUE:** Variance to enclose an existing carport for a one car garage and laundry room in the required side yard and in the required front yard facing Summit Avenue.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard (Summit Avenue)	30.00 feet	22.30 feet	7.70 feet
3-306(A)(2)	Side Yard (Northeast Side)	8.00 feet	3.60 feet	4.40 feet

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(insert sketch here)

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**STAFF CONCLUSION:**

This property does not meet the criteria for a variance.

**DISCUSSION:**

1. The applicants propose to enclose an existing carport and add a laundry/mudroom addition at 1405 Summit Avenue.
2. The subject property, a corner parcel, comprised of three legal lots of record and consists of 50.00 feet of frontage on Dogwood Drive, 107.19 feet of frontage facing Summit Avenue and a depth of 75.00 feet. The lot totals 6,835 square feet. The property is substandard for a corner lot in the R-8 zone. A minimum of 9,000 square feet is required for a corner lot.
3. An existing one-story single family dwelling with an attached carport on the northeast building wall is located 22.30 feet from the southeast front property line adjacent to Summit Avenue, 4.40 feet from the northeast side property line, 21.00 feet from the northwest side property line, and 25.80 feet from the southwest front property line adjacent to Dogwood Drive. Real estate assessment records indicate the house was built in 1950.
4. The applicants wish to enclose the carport located on the northeast side wall of the house. The proposal is to convert the carport into a one-story one-car garage and extend the side wall to create a new mudroom addition. The existing carport is located in the required southeast front and required northeast side yard setbacks. The existing carport measures 14.10 feet wide by 25.50 feet long. The new one-story garage will be located 22.30 feet from the southeast front property line and 3.60 feet from the northeast side property line. The garage with the mudroom addition measures 14.10 feet wide by 36.92 feet long and totals approximately 521.00 square feet.
5. The existing carport is a noncomplying structure because it is located in both the required front yard and the required side yard.
6. Section 12-202(A) of the zoning ordinance states that no noncomplying structure may be physically enlarged or expanded unless such enlargement or expansion complies with the regulations of the zone in which it is located. The existing building does not meet the R-8 zone front and side yard regulations, and neither will the new enclosed carport with a mudroom. Therefore, the applicants must seek a variance from the front setback requirement on Summit Avenue and the side setback requirement on the northeast side property line.
7. There have been no prior variance requests before the Board of Zoning Appeals on the subject property.

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- 8. Since 1990, there have been no similar variance requests for renovated carports within the immediate area.
- 9. Master Plan/Zoning: The subject property is zoned R-8 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Northridge/Rosemont Small Area Plan for residential land use.

**REQUESTED VARIANCES:**

Section 3-306(A)(1) Front Yard (Summit Avenue):

R-8 zone regulations state that each use provide a front yard setback of a minimum of 30.00 feet. The proposed new garage structure is located 22.30 feet from the front property line facing Summit Avenue. A variance of 7.70 feet is required.

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

The R-8 zone requires a side yard setback of a minimum of 8.00 feet or one-half the building height whichever is greater. The proposed garage would be located 3.60 feet from the northeast side property line. A variance of 4.40 feet from the minimum 8.00 feet side yard setback requirement is required.

**NONCOMPLYING STRUCTURE:**

The existing building at 1405 Summit Avenue is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Existing</u>	<u>Required</u>	<u>Noncompliance</u>
Front (Dogwood Dr.)	25.80 feet	30.00 feet	4.20 feet
Front (Summit Ave.)	22.30 feet	30.00 feet	7.70 feet
Side Yard (Northeast)	4.40 feet	8.00 feet	3.60 feet

**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?

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Strict application of the zoning ordinance does not result in undue hardship to the property owner nor does it prevent reasonable use of the property. The lot is currently developed with a single family dwelling with an attached carport. Application of the ordinance will not prevent the reasonable use of the property as a residence.

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 demonstrated in this case. Several other corner lots in the vicinity are of similar size and lot configuration to the subject property.

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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The current lot size and building footprint location have existed since the dwelling was constructed in 1950.

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 one-story attached garage is similar in character to other garages in the immediate vicinity. However, the proposed garage could have an adverse impact on the adjacent neighbor given the proposed location of the garage in close proximity to the adjacent property at 1400 Oakcrest Drive. The neighbor now views a open structure that will be replaced with a solid wall of approximately 37.00 feet in length. Additionally, the proposed garage will be located forward of the front plane of the main dwelling and closer to the front property line than the existing front plane of the main dwelling placing greater mass within the required southeast front yard setback.

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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 except a variance.

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

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**DEPARTMENTAL COMMENTS**

Transportation and Environmental Services:

F-1 No objections or recommendations.

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.



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Recreation (Arborist):

- F-1 A 38" Willow Oak will be damaged and possibly destroyed by this plan. This tree has not been designated a specimen tree.

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.