

Docket Item #6  
BZA CASE # 2004-00018

Board of Zoning Appeals  
June 24, 2004

**ADDRESS:** 12 WEST BELLEFONTE AVENUE  
**ZONE:** R-2-5, RESIDENTIAL  
**APPLICANT:** FRANCES HIGGINS AND GREGORY BALESTRERO, OWNERS

**ISSUE:** Variance to rebuild and enlarge previously existing two car garage located within the required west side yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(2)	Side Yard (West)	7.00 ft*	2.00 ft	5.00 ft

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\* Based on a building height of 7.83 feet from grade to eave line of the new hip roof facing the west side property line

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(insert sketch here)

**STAFF RECOMMENDATION:**

Staff recommends denial of the variance because the proposed garage does not meet the criteria for a variance.

**DISCUSSION:**

1. The applicants propose to rebuild and enlarge a previously removed two-car garage for the property at 12 West Bellefonte Avenue.
2. The subject property is one lot of record with 79.57 feet of frontage facing West Bellefonte Avenue and a depth of 150.00 feet. The property contains a total of 11,936 square feet.
3. The property is developed with a two-story single family dwelling with an open front porch located 25.30 feet from West Bellefonte Avenue, 15.60 feet from the west side property line and 29.70 feet from the east side property line. A concrete pad is what remains of a detached two-car frame garage 5.40 feet from the west side property line and 33.00 feet from the rear property line. A driveway provides access along the west side of the property to the existing parking pad. Real estate assessment records indicate the house and garage were built in 1913.
4. The applicants state that the prior garage was removed because it was in an unsafe condition. The roof had a hole the result of a fallen tree and the garage doors were inoperable due to settling and rotten wood. The only remaining evidence of the prior garage is the concrete slab which is currently used for off-street parking for two cars. The prior garage was demolished shortly after the applicants purchased the property in 1998.
5. Based upon the applicants' submitted survey the footprint of the removed garage measured 17.90 feet by 19.80 feet by 10.42 feet in height. The applicants believe the height of the prior garage based on similar structures in the neighborhood was approximately 11.50 feet in height to the top of the roof.
6. The applicants state the replacement garage is intended to accommodate the size of modern vehicles which necessitates the slight expansion of the structure but still using the existing concrete slab. Also, the applicants indicate access in and out of the larger garage will not be compromised because of the slight increase in size.
7. The proposed garage measures overall 23.16 feet by 20.00 feet by 11.50 feet in overall height to the top of the proposed roof. The proposed garage totals 463 square feet. The new garage will be located 2.00 feet from the west side property line and 31.00 feet from the rear

property line. (Refer to attached survey plat and elevations.)

8. Under zoning ordinance section 12-102(C) the applicants could repair, renovate or completely rebuild the previously removed 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 previous garage did not meet the R-2-5 zone regulations, and the proposed larger garage structure also will not comply with R-2-5 zone regulations as to the required setbacks from the west side property line. Therefore, the applicants must seek a variance from the side yard setback requirement.
9. A comparison of the previously removed garage with the new garage is as follows:

	<u>Removed Garage</u>	<u>Proposed Garage</u>	<u>Change</u>
Height	11.50 ft	11.50 ft	same
Width	19.80 ft	23.16 ft	+ 3.36 ft
Length	17.90 ft	20.00 ft	+ 2.10 ft
Floor Area	354 sq ft	463 sq ft	+ 109 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-2-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Potomac West Small Area Plan for residential land use.

**REQUESTED VARIANCES:**

Section 3-506(A)(2), Side Yard (West):

The R-2-5 zone requires a side yard setback ratio of 1:3 with a minimum distance of 7.00 feet. Based on a building height of 7.83 feet to the eave line of the garage roof, a side yard setback distance of 7.00 feet is required. The new garage will be located 2.00 feet from the west side property line, and the applicants request a variance of 5.00 feet.

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**NON COMPLYING STRUCTURE:**

The previously removed garage at 12 West Bellefonte Avenue was a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
West Side Property Line	7.00 ft	5.40 ft	1.60 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?
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The property is a large property that 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?
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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 large garage building to accommodate a modern vehicle. The proposed garage could be located to comply with the side yard setback by moving it 5.00 feet and because the large lot area of the property provides the opportunity to place a larger accessory structure in compliance with the side yard requirements.

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 old garage and its proximity to the side property line. The previously removed garage can be rebuilt in its current size and height. A larger garage can be placed in compliance with the side yard setback requirement given the size of the lot.

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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 increase in length and depth 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 longer structures. The introduction of a longer and slightly near detached accessory structure on this property is unnecessary.

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

6. Is any other official remedy available to relieve the hardship?
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No.

**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 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 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-7 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 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.