

Docket Item #7
BZA CASE # 2004-00019

Board of Zoning Appeals
June 24, 2004

ADDRESS: 311 EAST WINDSOR AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: DAVID L. MCCAFFREE, OWNER

ISSUE: Variance to construct a shed on the rear and west property lines.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(2)	Side Yard (West)	10.00 feet	0.00 feet	10.00 feet
3-506(A)(3)	Rear Yard	8.00 feet*	0.00 feet	8.00 feet

* Based on a building height of 8.00 feet measured from grade to the roof eave.

(insert sketch here)

STAFF CONCLUSION:

The staff **recommends denial** of the requested variance because the request does not meet the variance criteria.

DISCUSSION:

1. The applicants propose to construct a shed on the west side property line and on the rear property line of the dwelling at 311 East Windsor Avenue.
2. The subject property is an interior lot with 25.00 feet of frontage on East Windsor Avenue and a lot depth of 115.00 feet. The subject property is comprised of a total of 2,875 square feet.
3. The lot contains a semi-detached dwelling with a common party wall on the east property line adjacent to 311 A East Windsor Avenue. The dwelling at the subject property is a 3-story brick dwelling comprised of 1,287 square feet. The dwelling is located 25.70 feet from the front property line facing East Windsor Avenue, 8.60 feet from the west side property line, approximately 90.00 feet from the rear property line, and on the east side property line.
4. The applicants propose to construct a shed in the required rear and west side yards. The proposed shed measures 16.00 feet in length and 10.00 feet in depth and totals 160 square feet. The shed is 10.00 feet in height to the roof peak. The shed will be located on both the rear and west side property lines.
5. The zoning ordinance allows a storage shed totaling 50 square feet and a maximum height of 7.00 feet to the peak of the shed roof to be placed on a side and rear property line.
6. The two story brick duplex at 311 & 311-A Windsor Avenue was constructed circa 1940 and is a non-contributing resource in the National Register listed Town of Potomac Historic District. From a historic perspective, historic preservation staff has no objection to the proposed storage shed at the rear of the property.
7. Although the subject property is located within the Town of Potomac Historic District, it is not listed on the 100 year old buildings list.
8. Master Plan/Zoning: The subject property is zoned R-2-5, residential 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.

REQUESTED VARIANCES:

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

The R-2-5 zone requires each semi-detached dwelling to provide a minimum side yard of 10.00 feet. The applicant proposes to construct a shed on the west side property line. The applicant seeks a variance of 10.00 feet from the zoning ordinance requirements.

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

Additionally, the R-2-5 zone requires each residential lot to provide a minimum rear yard setback equal to the building height or 7.00 feet, whichever is greater. The applicant proposes to construct a shed on the rear property line. The shed measures 8.00 from grade to the roof eave adjacent to the rear property line. The applicant seeks a variance of 8.00 feet from the zoning ordinance requirements.

NONCOMPLYING STRUCTURE:

The existing building at 311 East Windsor Avenue is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side Yard (West)	10.00 feet	8.60 feet	1.40 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?

Strict application of the zoning ordinance does not result in hardship, confiscation of the property, nor does it prevent reasonable use of the property. The property is currently developed with a three-story dwelling and contains a shed which complies with current zoning ordinance setback requirements. Reasonable use of this property is not diminished by strict application of the zoning ordinance.

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?

No hardship has been demonstrated in this case. The subject property is not unique. There are several other lots within this blockface which have similar lot configurations and lot sizes to the subject property.

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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?

No hardship has been created by the applicant. The dwelling was constructed in 1936 prior to current zoning ordinance regulations.

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?

The proposed shed will have an adverse impact on adjacent properties given the distance between the proposed shed and adjacent dwellings. A smaller shed is appropriate for the size of the lot and dwelling.

5. Have alternate plans been considered so that a variance would not be needed?

The applicant indicates that alternate plans would not meet their needs.

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

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 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

Recreation (Arborist):

F-1 No specimen trees are affected by this plan. A large silver maple tree is located within a few feet of the proposed shed.

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.

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