

Docket Item #2
BZA CASE #2004-00022

Board of Zoning Appeals
October 14, 2004

ADDRESS: 704 NORTH PEGRAM STREET
ZONE: R-20, RESIDENTIAL
APPLICANT: SUHITHI PEIRIS AND BRETT GOODMAN

ISSUE: Variance to construct a carport in the required south side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-106(A)(2)	Side Yard	12.00 ft	3.16 ft	8.84 ft

This application was deferred by the applicant prior to the September 22, 2004 hearing.

BOARD OF ZONING APPEALS ACTION OF JULY 8, 2004: On a motion to defer by Mr. Allen, seconded by Mr. Koenig the variance was deferred by a vote of 6 to 0.

Reason: To allow the applicant a full quorum.

Speakers:

Suithi Peiris, owner, made the presentation.

(insert sketch here)

STAFF CONCLUSION:

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

I. Issue

The applicants propose to construct an open attached carport for two vehicles and a storage shed along the south side of the existing building at 704 North Pegram Street.

II. Background

The subject property is one lot of record with 77.00 feet of frontage on North Pegram Street, a depth of 112.00 feet and a lot area of 8,624 square feet.

The existing building is a split-level style building with a rear addition located 34.30 feet from the front property line on North Pegram Street, 9.00 feet from the north side yard property line and 21.70 feet from the south side yard property line.

An existing driveway from North Pegram Street extends approximately 34.30 feet onto the property.

As indicated on the submitted plans, the proposed two-vehicle open carport measures 18.50 feet by 20.00 feet, totaling approximately 370 square feet. A small storage shed 6.00 feet by 8.50 feet, totaling 51.00 square feet will be attached at the rear of the carport with doors opening into the interior of the carport. The proposed carport will have a pitched roof facing the south side property line and will be 8.00 feet high measured to the roof eave. Three brick columns will support the carport port roof.

The proposed carport and attached storage shed will, if the requested variance is approved, be located 3.16 feet from the south side yard property line and 40.00 feet from the front property line facing South Pegram Street.

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A building permit is not required for a storage shed that is under 150 square feet and less than 8.50 feet in height. Section 7-202(B)(4)(5) of the zoning ordinance allows a small storage shed to be installed in a required side yard in the R-20 zone, as in this case, if it meets the following criteria:

- (a) It may not exceed 80.00 square feet of floor area in the aggregate.
- (b) It may not exceed 8.00 feet in overall height.

III. Discussion

The proposed shed will not meet the height restriction for a storage shed in a required side yard, but does meet the allowable square footage; therefore, the applicants must seek a variance to permit a taller shed to be placed in the required side yard.

The applicants indicate that they have explored alternative locations which are not satisfactory. Staff has indicated to the applicants that the new storage shed could be placed in compliance with the 12.00 foot side yard setback requirement from the south property line or reduce the height of the proposed shed to comply with an accessory storage shed to be placed in a required side yard.

The applicants indicate that the proposed car port will protect two vehicles and the storage shed will be used to store a variety of lawn products and garden equipment.

Since 1993, there have been no similar variances for carports and/or sheds in the immediate area.

IV. Master Plan/Zoning

The subject property is zoned R-20 and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Seminary Hill/Strawberry Hill Small Area Plan for residential land use.

V. Requested Variances

Section 3-106(A)(2), Side Yard

The R-20 zone requires a minimum side yard setback of 12.00 feet. The proposed open carport and attached storage shed is to be located 3.16 feet from the south side yard property line. The applicants are requesting a variance of 8.84 feet.

VI. 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?

The property is not irregular in shape and does not have difficult topography which would prohibit or unreasonably restrict the use of the property. The south side of the property is open and the existing house placed nearly 21.70 feet from the south side property line. No physical condition of the property creates a hardship approaching confiscation. The applicants can continue to use the driveway to park their vehicles and build a one car garage without using 12.00 feet of the area located in the required south side yard.

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. Staff notes that the applicants' lot shares the same physical conditions of many lots within the immediate area. A third of the homes in the immediate neighborhood were built with driveways. Some carports have been built and are located outside the required side property line; others employ driveways to park off-street. The property is not unique.

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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?
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There is no hardship in this case. The applicants acquired the subject property in 2001. The applicants are request the carport and storage shed addition. Any hardship produced by application of the zoning ordinance to the subject property is, therefore, self-created.

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 granting of the requested variance will be detrimental to the adjacent property. If the requested side yard is granted, the carport will extend nearly up to the side yard property line. The requested variance, if granted, will impair an adequate supply of light and air to adjacent property; the adjacent property owner will see a building mass much closer to their property. The current house is now located 21.70 feet from the south side property line. The requested variance, if granted, however, will alter essentially the character of the 700 block of North Pegram Street by allowing the carport and shed to come close to the south side yard property line. In addition, the applicants will build the storage shed close to the property line where it could be set back in compliance with the side yard requirement. Some of the homes in the 700 block of North Pegram Street have small sheds located where the rear and side yard property lines meet. None have sheds attached to a carport and placed on the side property line. There is not a showing of undue hardship.

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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 desires of the applicants. The lot characteristics and current placement of the existing house afford the applicants the opportunity to place a carport in compliance with the required side and front yard requirements although the carport might not accommodate two vehicles. A carport 11.00 feet wide could be built without the need of a side yard setback variance. The shed could be placed closer to the house.

6. Is any other official remedy available to relieve the hardship?
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No other remedy exists except the BZA, or relocate the proposed carport and storage shed in compliance with the side yard requirements in order to eliminate a structure being too close to the neighboring property.

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 Although the proposed plans do not include a wall along the property line, the applicant shall be aware of the following condition should a wall be considered for the carport in the future: 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).

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- 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 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 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.