

Docket Item #4
BZA CASE #2005-0011

Board of Zoning Appeals
April 14, 2005

ADDRESS: 607 NORTH COLUMBUS STREET
ZONE: RB, RESIDENTIAL
APPLICANT: FRANK CONNER, OWNER

ISSUE: Variance to construct a one-car garage and workshop/shed on the north and south side property lines.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(3)(a)	Side Yard (North)	5.00 ft	0.00 ft	5.00 ft
	Side Yard (South)	5.00 ft	0.50 ft	4.50 ft

(insert sketch here)

STAFF CONCLUSION:

Staff recommends approval of the request because the applicant has demonstrated a hardship.

If the Board decides to grant a variance, it should contain the conditions under the department comments. The variance must also be recorded with the deed of the property in the City's Land Records Office.

I. Issue

The applicant proposes to build a detached one-car garage that includes a workshop for the property at 607 North Columbus Street. The proposed garage/shed will be placed on the north side property line, less than 1.00 foot from the south side property line and 6.00 feet from the rear property line and a ten foot wide public alley. The garage door facing the alley will be a carriage style design and windows of similar style as the main house will be installed on the west wall of the garage facing the property's garden and open yard.

The applicant indicates the placement of the new garage/shed is intended to (1) preserve and maintain the open yard on the subject lot, (2) secure the lot facing a public alley and commercial uses to the east of the property, (3) shield the property from the bright lights from the neighboring bank building parking lot and (4) provide a barrier to noise, vehicular and bus traffic and loitering that occurs along the public alley and bank parking lot that fronts on Pendleton Street and the rear wall of a one-story office building faces the subject lot along the south side property line. The commercial building along the south property line is currently used by Ace Temporaries (a day labor business).

Sanborn maps indicate other detached garages and accessory sheds face the rear public alley on the portion of Columbus Street on which the subject property is located. The applicant has been renovating the existing house and now wants to build the garage and shed building.

II. Background

The subject property is two lots of record with a combined 38.50 feet of frontage facing North Columbus Street and a depth of 93.42 feet. However, the subject property is two legal lots (know as 607 and 605 North Columbus Street). 607 North Columbus accommodates a single-family dwelling and 605 North Columbus is a vacant lot now used as open space and garden. The property abuts a public alley along the east rear property line. The property contains a total of 3,596.67 square feet. The subject property is not substandard in lot area. The minimum lot area required for an RB zoned lot is 1,980 square feet. The vacant garden lot is a legal lot of record as of December 28, 1951, and can be developed if the applicant receives Board of Architectural Approval to construct a single-family dwelling up to the north and south side property lines.

The property is developed with a recently renovated two-story brick and frame single family dwelling with a side and rear porch built over the front property line facing North Columbus Street, built slight over the north side property line and 18.00 feet from the south side property line. A detached storage building is now located along the north side property line and east rear property line facing the alley. Real Estate Assessment records indicate the house was built in 1930. Directly to the south of the house is a vacant lot now used as open space and garden.

III. Description

The proposed detached one-car garage and workshop/shed measures 22.00 feet at its widest point and narrows to 14.00 feet facing the north side property line. The new structure extends the full length of the two legal lots (38.00 feet) along the rear property line. The new garage is approximately 19.00 feet in overall height to the top of the roof ridge. The new garage and workshop/shed will be located on the north side property line and .50 feet from the south side property line (facing the rear wall of a commercial building) and 8.00 feet from the center line of the rear alley and in compliance with the RB zone requirement.

As indicated on the submitted floor plans, the section of the structure facing the south property line will be used to garage one vehicle. The portion of the structure facing the north property line will be used as workshop and covered open porch. Based upon the floor area computations submitted by the applicant, the new garage structure totals 769 square feet.

Because the subject property, consisting of two lots of record (lot 607 and lot 605 each less than 25 feet wide), side yard setbacks are calculated based on the two lots combined totaling 38 feet of width. The RB zone requires any lot located in the Old and Historic Alexandria District that is 35 feet wide or wider to provide two 5.00 feet side yards. The proposed garage structure does not meet the required setback of 5.00 feet from the north and south side property lines. The applicant, therefore, is seeking a variance from both side yard requirements.

There have been no variances previously granted for the subject property. Since 1993, there have been no similar variance requests for garages in the immediate area heard by the Board of Zoning Appeals.

IV. Master Plan/Zoning

The subject property is zoned RB, residential and has been so zoned since 1951, and is identified in the Adopted Old Town Small Area Plan for residential land use.

V. Requested variances

Section 3-706(A)(2), Side Yards:

The RB zone requires each single-family dwelling to provide two side yards of 5.00 feet on a lot that is at least 35 feet wide or wider. The proposed garage will be located on the north side property line and .50 feet from the south side property line. The applicant requests a side yard variance of 5.00 feet and 4.50 feet respectively.

VI. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a hardship exists because of the unique characteristics of the property. Section 11-103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

VII. Applicant's Justification for Hardship

The applicant's justification for hardship is that the property is situated abutting commercial zoned property. The RB zone should not require a residence to be setback from a commercial use. In addition, the applicant states that historically, outbuildings should be placed at the rear of the lot. Reasonable use of the existing open yard on the property is impacted by the noise from the commercial activity to the east across the public alley and the commercial office building abutting the property along the south property line. The zoning rules create an unreasonable restriction on the use of the property in order to build. Finally, the applicant states he did not explore alternative plans to reduce the size of the structure to comply with the two 5.00 foot side yard setbacks but felt those options would not address the issues associated with the neighboring commercial uses.

VIII. Staff Analysis

The subject property does have an unusual situation in that it consists of a developed lot built with a single-family dwelling and a vacant legal lot now used as open space and garden directly to the south of the house. Because the applicant is building across both lots, the zoning rules require two side yard setbacks. If the applicant were simply to build the garage on the vacant lot he could build on the north side yard property line and south side property line. Conversely, no side yards would be applicable if the workshop portion of the proposed structure were built and limited to the lot on which the existing house is located.

Thus, the requirement to impose two side yards on a wider lot is an unreasonable restriction when two complying lots less than 25.00 feet are not required to provide side yard setbacks. Staff finds that a legal hardship exists because the applicant is forced to provide side yards on a wider lot than if the two lots were developed separately. The property's condition is not applicable to other residential properties within the immediate neighborhood and within the 600 block of North Columbus Street. There is hardship to justify the placement of the garage structure on the north and south side property lines.

Staff therefore recommends **approval** of the variance request.

STAFF: Hal Phipps, Division Chief, Planning and Zoning
Peter Leiberg, Zoning Manager

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

- C-1 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)

Code Enforcement:

- C-1 All exterior walls within 5 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 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.

BZA Case #2005-00011

- 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 One large silver maple will be lost as a result of this plan. The tree does not qualify as a specimen tree.

Historic Alexandria (Archaeology):

- F-1 During the Civil War, this block was the location of the Washington Street Corral, a Union army facility. While there were no known structures on this lot, the property has the potential to yield archaeological resources that could provide insight into military activities in Alexandria during the war.
- R-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- R-2 The above statement must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement.

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.