

Docket Item #7
BZA CASE # 2005-0015

Board of Zoning Appeals
April 14, 2005

ADDRESS: 4 EAST BELLEFONTE AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: JANIS DOTE AND MARK NAGUMO, OWNERS

ISSUE: Variance to demolish and replace existing noncomplying garage with a taller and wider garage with storage on the north side property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-406(A)(2)	Side Yard (North)	7.00 ft*	0.00 ft	7.00 ft

* Based upon a building height of 9.00 feet to the eave line of the roof facing the north side property line.

STAFF CONCLUSION:

Staff recommends **denial** of the variance because the applicant has not 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 applicants propose to demolish and replace an existing two-car detached garage for the property at 4 East Bellefonte Avenue. The applicants state that the existing 45 year old garage structure is in poor condition and needs replacement. The applicants propose to demolish the existing detached garage and construct a new garage to accommodate modern vehicles with storage for garden equipment in approximately the same location but slightly larger footprint than the existing garage.

The proposed garage with storage measures 19.75 feet by 22.00 feet and totals 435 square feet. The height of the new structure from grade to the top of the roof is 16.50 feet. The existing garage is currently located 1.50 feet from the north side property line and 10.00 feet from the east side property line which abuts a public alley. As shown on the submitted drawings the new structure will be placed on the north side property line and placed within 7.00 feet of the east side property line and public alley. The top level of the new garage accessed by a pull down stairs will be used as storage of garden equipment and supplies.

II. Background

The subject property, a corner lot, is three lots of record with 97.00 feet of frontage facing Commonwealth Avenue, 113.80 feet of frontage facing East Bellefonte Avenue and a depth of 65.00 feet along the east side property line facing a public alley. The property contains a total of 8,910 square feet. The minimum lot size for an R-2-5 zone corner lot property is 6,500 square feet.



The property is developed with a two-story frame single family dwelling with located 49.00 feet from the front property line facing Commonwealth Avenue, 17.50 feet from the front property line facing East Bellefonte Avenue, 2.00 feet from the east side property line and the public alley and west side property line and 25.00 feet from the north side property line. The detached one-story garage is located 1.50 feet from the north side property line and 10.00 feet from the east side property line and public alley. A driveway provides access from the public alley to the existing garage.

III. Description

The existing one-story detached garage faces a driveway and public alley along the east side property line. The existing garage measures 18.25 feet by 18.25 feet and totals 333 square feet. The existing garage is located 1.50 feet from the north side property line and 10.00 feet from the east side property line. The existing garage is 11.25 feet in overall height to the top of the roof. The real estate assessment records indicate the house and garage were built in 1920.

Section 12-102(C) of the zoning ordinance permits the applicants to repair, renovate or completely rebuild the existing 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 existing garage does not meet the R-2-5 zone regulations, and the proposed replacement structure, because it is taller and wider, also will not comply with R-2-5 zone regulations as to the required setback from the north side property line. The applicants, therefore, seek a variance from the north side yard setback requirement. The applicants desire to increase the roof height and dimensions of the existing garage footprint thus triggering the requirement of a variance.

A comparison of the existing garage and the newer larger garage with storage is as follows:

	<u>Existing Garage</u>	<u>Proposed Garage</u>	<u>Change</u>
Height	11.25 ft	16.50 ft	+5.25 ft
Width	18.25 ft	19.75 ft	+1.50 ft
Length	18.25 ft	22.00 ft	+3.75 ft
Floor Area	333 sq ft (one-story)	435 sq ft (one and one half-stories)	+102 sq ft

On April 12, 1990, the Board of Zoning Appeals granted variances to build a rear addition to the main building. (BZA Case#5963 attached)

IV. Master Plan/Zoning

The subject property is zoned R-2-5, residential and has been so zoned since 1951, and is identified in the Potomac West Small Area Plan for residential low land use.

V. Requested variances

Section 4-506(A)(2), Side Yard (East):

The R-2-5 zone requires each accessory structure to provide two side yards of a minimum of 7.00 feet or one-third the building height whichever is greater. The new larger garage will be located on the north side property line and 7.00 feet from the east side property line. Based on a building height of 9.00 feet to the eave line of the new garage roof, it will not comply with the 7.00 feet north side yard required setback.. The applicants request a variance of 7.00 feet from the north side property line.

VI. Noncomplying Structure

The existing garage at 4 East Bellefonte Avenue is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
North Side Property Line	7.00 ft	1.50 ft	5.50 ft

VII. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for 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.

VIII. Applicants' Justification for Hardship

The applicants state that when they purchased the property they realized that modern size vehicles would not fit in a 45 year old building substandard in size. The existing garage must be replaced because of its deteriorated state. The existing garage is smaller than the typical two car garage and will not accommodate modern vehicles. The applicants state the zoning ordinance will prevent a reasonable use of the property to build a modern garage size.

IX. Staff Analysis

The reasons cited by the applicants do not rise to the level nor constitute a legal hardship. The subject property is not substandard for an R-2-5 zone property. The lot is in character with other adjoining properties on the block both in lot area and lot width. The property does not have difficult topography which would prohibit or unreasonably restrict its use. The applicants could repair or rebuild the existing garage without the need of a variance. The existing garage is similar in size to other nearby garages. There is no hardship or justification for a taller garage.

Staff recommends **denial** of the variance.

STAFF: Hal Phipps, 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 service, will require undergrounding or variance.

Code Enforcement:

- F-1 The proposed dormers facing the interior lot line shall comply with C-1 below for set back distance.
- 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.

- 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):

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.