

Docket Item #6
BZA CASE# 2005-0041

Board of Zoning Appeals
September 8, 2005

ADDRESS: 810 CHALFONTE DRIVE
ZONE: R-8, RESIDENTIAL
APPLICANT: MELISSA AND MATTHEW MILLER, OWNERS

ISSUE: Variance to construct a one car carport on the east side property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(2)	Side Yard (East)	8.00 ft*	1.00 ft	7.00 ft

* Based on a building height of 11.50 feet to the midpoint of the gable roof.

Staff **recommends denial** of the request because the applicants have 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 prior to the release of the building permit.

(insert sketch here)

I. Issue

The applicants propose to build a detached one vehicle carport on the east side property line for the property at 810 Chalfonte Drive. The proposed carport will be located at the end of an existing driveway and be placed 1.00 foot from the east side yard property line. The placement of the new carport is intended to preserve open space and maintain an open back yard for the residence.

II. Background

The subject property is one lot of record with 60.00 feet of frontage facing Chalfonte Drive and a depth of 186.53 feet. The rear property line of the subject property is at angle to the remaining lot lines. However, the rear property line configuration does not affect the overall use of the property. The property contains a total of 10,166 square feet. The subject property is not substandard in lot area and approximately 2,166 square feet larger than the minimum lot area required for an R-8 zoned lot (8,000 square feet).

The property is developed with a one and one-half story single family dwelling with a two-story rear addition and ground level patio located 36.60 feet from the front property line facing Chalfonte Drive, 8.40 feet from the east side property line and 6.90 feet from the west side property line. Real Estate Assessment records indicate the house was built in 1939.

III. Description

The proposed carport measures 14.00 feet by 22.00 feet by 15.33 feet to the top of the roof. The brick carport is located 1.00 foot from the east side property line.

The proposed carport does not meet the R-2-5 zone regulations as to the required setback of 8.00 feet from the east side property line. Therefore, the applicants are seeking a variance from the side yard requirement.

There have been no variances previously granted for the subject property.

IV. Master Plan/Zoning

The subject property is zoned R-8, residential and has been so zoned since 1951, and is identified in the North Ridge Small Area Plan for residential land use.

V. Requested variance

Section 3-306(A)(2), Side Yard (East):

The R-8 zone requires each single-family dwelling to provide two side yards of 8.00 feet. The proposed carport will be located 1.00 feet from the east side property line. A side yard setback of 8.00 feet is required. The applicant requests a variance of 7.00 feet from the east side property line.

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 applicants' justification for hardship is that the zoning regulations would result in the carport being located in the middle of the backyard. The applicants did explore alternative plans, but such plans would result in removal of shrubs, landscaping and oak trees to accommodate the carport. The applicants, however, did not indicate which oak trees would need to be removed if the carport were placed in compliance with the side yard requirement.

VIII. Staff Analysis

The reasons set forth by the applicants for hardship do not warrant granting a variance. The applicants can build a carport in compliance with the side yard setback of 8.00 feet. The existing paved area could be enlarged slightly to accommodate maneuvering in out of the carport if it were located 8.00 feet from the east side property line. In fact, the applicants will still be able to park a second vehicle on the existing paved parking area facing the east side yard. (Refer to attached photo).

The subject property has no unusual lot characteristics (it is flat with no topographic condition that will prohibit the use of the lot). The lot is not substandard and is in fact larger than the minimum lot size requirement of 8,000 square feet to accommodate the carport in compliance with the setback requirement. In fact, the applicants should consider designing the carport as more a landscape structure to compliment their attractive rear yard. There are no large trees that would affect the placement of the carport. Other properties within the neighborhood have similar lot characteristics, none have carports placed close to the side property lines.

The applicants have not made a case for hardship, which is a prerequisite for granting a variance.

Staff recommends **denial** of the variance.

STAFF: Hal Phipps, Division Cheif
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:

F-1 No comments.

Code Enforcement:

- C-1 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-2 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 A soils report must be submitted with the building permit application.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure 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 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-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 The proposed carport will affect a large reoak tree located on the property line, within approximately 10 feet of the proposed construction.

F-2 The tree may be shared property.

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.