

Docket Item #11
BZA CASE #2005-0053

Board of Zoning Appeals
October 13, 2005

ADDRESS: 207 LLOYD'S LANE
ZONE: R-12, RESIDENTIAL
APPLICANT: ROBERT COOPER AND SANDRA ROSSO, OWNERS

ISSUE: Variance to construct a two car carport in the required side and rear yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-206(A)(2)	Side Yard (West)	10.00 ft*	6.50 ft	3.50 ft
3-206(A)(3)	Rear Yard	10.00 ft**	0.50 ft	9.50 ft

* Based on a building height of 11.00 feet to the midpoint of the gable roof.

** Based on a building height of 7.00 feet to the eave line of the 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 two vehicle carport in the required west side yard and north rear yard for the property at 207 Lloyd's Lane. The proposed carport will be located at the end of an existing driveway and placed adjacent to an existing frame shed located on the adjoining property. The applicants indicate the placement of the new carport at the rear of the lot is a result of the existing house location and topography of the property.

II. Background

The subject property is one lot of record with 120.00 feet of frontage facing Lloyd's Lane and a depth of 194.50 feet along the longest side property line. 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 17,979 square feet. The subject property is not substandard in lot area approximately 5,979 square feet larger than the minimum lot area required for an R-12 zoned lot (12,000 square feet). The property has hilly topography.



The property is developed with a detached split level frame single family dwelling with an open front porch and rear open deck located deep into the lot from the front property line facing Lloyd's Lane (70.30 feet), 18.70 feet facing the west side property line, 59.10 feet facing the east side property line and 23.10 feet from the rear property line. The home is oriented with its predominant building walls facing the side property lines and the topography.

Two additions have been added to the main house, one in 1987 and the other in 2002 under the current owners. An expansive front and side yard is interrupted by a winding asphalt driveway ending a large surface parking area at the rear of the house. Two curb cuts are provided on Lloyd's Lane. Real Estate Assessment records indicate the house was built in 1960.

III. Description

The proposed carport structure can be described as two single carports offset from one another tucked in the northwest corner of the property. The carport measures 20.00 feet by 13.00 feet in one section by 18.00 feet by 13.00 feet in the other section. The height of the carport is approximately 13.50 feet to the top of the roof. The brick carport is located 6.50 feet from the west side property line and less than a foot from the rear property line.



The proposed carport does not meet the R-12 zone regulations as to the required setback of 10.00 feet from the west side property line and north rear property line. Therefore, the applicants are seeking a variance from both yard requirements.

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

IV. Master Plan/Zoning

The subject property is zoned R-12, residential and has been so zoned since 1951, and is identified in the North Ridge Small Area Plan for residential land use.

V. 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.

VI. Applicants' Justification for Hardship

The applicants' justification for hardship is that reasonable use of an R-12 zone property would include covered parking. The applicants state further that although the property has ample space to build a carport in compliance with the zoning regulations, the topography and the location of the existing house and shed restrict the placement of the carport to the rear of the lot and the only realistic solution other than placement in the front yard. The zoning regulations would result in the carport being located in the middle of the backyard. The applicants did explore alternative plans to build in the front yard, but such plans would result in the structure almost two stories below the first floor of the house. Such a proposal would also result in considerable structural fill and retaining walls, change in grade and increase storm water run-off.

VII. Staff Analysis

The reasons set forth by the applicants for hardship do not warrant granting a variance. The applicants can build a carport for one vehicle rather than two in compliance with the side and rear yard setbacks of 10.00 feet. Additional rooming can be accommodate for a one vehicle carport if the existing shed is relocated and/or removed from its present location thereby improving maneuvering into the carport.

Although the subject property does have hilly topography, the combination of topography and continued building onto the main structure over time has resulted in the concentration of the main structure and accessory structures (eg. deck and shed) focused towards the northwest corner of the lot. The addition of a wide, staggered building will concentrate more structures in a limited area of the property that is a large lot (nearly 18,000 square feet). The lot is not substandard and therefore can avail itself of alternative locations to build without the need of a variance. In fact, the house was purposely placed deep in the lot to take advantage of the topography and owners were aware of its attractive characteristic when they purchased the lot. Now to argue that the main house is the impediment to placement of a two vehicle carport in compliance of the zoning regulations does not rise nor sufficient justification for hardship. The need for two-vehicle carport does not constitute a hardship. Alternatively placement of a carport in the front yard that may result costly extensive grading and fill also does not constitute a hardship. Staff believes the applicants can (1) build a smaller one vehicle carport at the rear of the property in compliance with the side and rear setbacks (additional remove can be provided if the existing shed is relocated or removed from its present location to improve maneuvering into the carport) or (2) design a carport in the front yard as more a landscape structure taking advantage of the topography while complimenting the lot's attractive and expansive front and side open yard.

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 Chief, Planning and Zoning
Peter Leiberg, Zoning Manager, Planning and Zoning

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:

- R-1 Due to steep topography and proximity to adjacent properties, the applicant shall at a minimum prepare a grading plan showing drainage divides and patterns for Staff evaluation and approval prior to release of a building permit. (T&ES)
- R-2 The proposed garage roof drains shall be connected to a storm sewer if located within 100 feet of the site or provide other approved means of detention such as a rain barrels or a dry well. (T&ES)
- F-1 Due to the steep topography of the site, the applicant will need to provide information on management of stormwater run-off so as not to impact adjacent properties.

Code Enforcement:

- F-1 Details of the proposed structure are not sufficient to determine applicability of interior lot line requirements. Compliance with C-1 below will be determined at time of building permit plan review.
- 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 of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.
- 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 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 No trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 Historical maps indicate that this property was in the vicinity of several 19th-century estates. The lot therefore has the potential to yield archaeological resources that could provide insight into life in 19th-century Alexandria on the outskirts of town.
- 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 all site plans and on all site plan sheets that involve demolition or ground disturbance (including sheeting and shoring and grading) 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.