

Docket Item #7  
BZA CASE #2005-0058

Board of Zoning Appeals  
December 8, 2005

**ADDRESS:** 5300 SEMINARY ROAD  
**ZONE:** R-12, RESIDENTIAL  
**APPLICANT:** SHARIF M. SHAFIK AND WILBUR SALAS, OWNERS

**ISSUE:** Variance to construct a new single family dwelling in the required side yards and with a reduction of the required lot frontage and lot width.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-206(A)(2)	Side Yard (North)	13.00 ft*	10.00 ft	3.00 ft
	Side Yard (South)	16.00 ft**	10.00 ft	6.00 ft
3-205(B)	Lot Width	80.00 ft	50.00 ft	30.00 ft
3-205(C)	Lot Frontage	60.00 ft	50.00 ft	10.00 ft

\*\* Based on a building height of 32.00 feet less 3.00 feet from the front plane of the building applied to the side yard setback requirement.

\*\* Based on a building height of 32.00 feet to the midpoint of the gable roof.

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Staff **recommends denial** of the variance for side yard setback request because the applicant has not demonstrated a hardship. Staff **recommends approval** of variance to reduce lot frontage and lot width request because of the lot's existing characteristics.

If the Board decides to grant a variance, it should contain the condition that the house is designed with a side loaded garage and 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.

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**BOARD OF ZONING APPEALS ACTION OF NOVEMBER 10, 2005:** On a motion to defer by Mr. Curry, seconded by Mr. Allen the variances were deferred by a vote of 7 to 0.

Reasons: To allow the applicant time to explore alternative design options.

Speakers

Alan Calberry, representative for the applicant, made the presentation.

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**I. Issue**

The applicants propose to demolish an existing vacant single-family dwelling and construct a larger single-family dwelling at 5300 Seminary Road. The proposed new two-story frame house with a basement and attached garage will be located closer to the north and south side yards than the zoning allows.



*Existing vacant house at 5300 Seminary Road*

**II. Background**

The subject property is a lot of record with 50.00 feet of lot width and lot frontage facing Seminary Road, a depth of 208.93 feet and a lot area of 10,403 square feet. A one-story frame single-family dwelling occupies the site and is located 36.89 feet from the front property line facing Seminary Road, 10.60 feet from the north side property line and 15.00 feet from the south side property line. A gravel driveway is located along the north side of the building and wraps around the rear of the building.

**III. Description**

The proposed new single-family dwelling is located 67.75 feet from the front property line facing Seminary Road, 10.00 feet from the north and south side property lines and 57.00 feet from the rear property line. The entrance to the house is located on the north side of the building. An attached two-car garage faces Seminary Road. The proposed building is 38.50 feet tall from grade to the top of the roof; 32.00 feet in height from grade to the midpoint of the gable roof. Upon completion of the project the new house will total 3,013 square feet of floor area (the allowable floor area for the site is 3,121 square feet).

Based upon a building height of 32.00 feet, a side yard setback of 16.00 feet is required facing the north and south property line. The proposed house will be placed 10.00 feet from the north and south side property line; the applicant requests side yard variances of 3.00 feet and 6.00 feet respectively. Although existing lot width is narrower than required by the zoning regulations for an R-12 zone lot, the construction of a new single-family dwelling

triggers all of the R-12 bulk and area requirements. In this instance, the applicant must also seek a variance to reduce the lot width requirement of 80.00 feet to 50.00 feet and the lot frontage requirement from 60.00 feet to 50.00 feet based on existing lot conditions.

**IV. Master Plan/Zoning**

The subject property is zoned R-12 and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Alexandria West 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 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.

**VI. Applicant's Justification for Hardship**

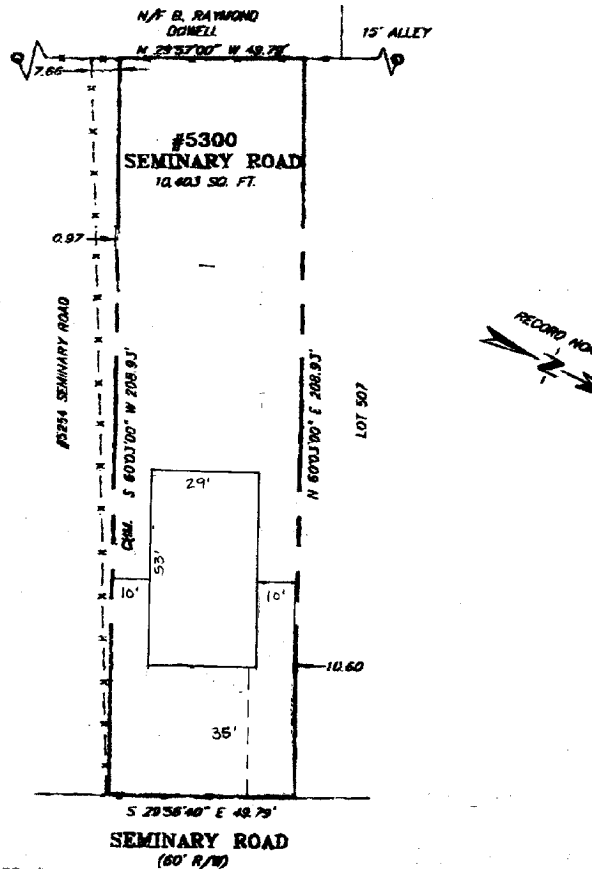
The applicant admits that the zoning ordinance does not create a confiscation on the use of the property. The applicant, however, states reasonable use of the property means the ability to construct a 30 feet wide building of the type depicted. The applicant says that the proposed house is appropriate for the lot and neighborhood, meets the floor area of the property and is consistent with residential consumer expectation.

**VII. Staff Analysis**

There is no legal hardship. As shown on the submitted plat and outlined, a reasonable size house can be built that complies with the applicable side yards. The applicant can reduce the width of the proposed home to comply with the applicable side yards without the need of a variance. (Refer to attached diagram).

Although the property is substandard in lot area, it does not have any unusual condition such as irregular shape, topographic or soil conditions or preponderance of large and mature trees that could be affected by new construction. The lot is deep evident by the applicant preferring to set the proposed building back into the lot in order to be removed from the traffic noise generated along Seminary Road. No conditions of the lot result in the applicant being unable to construct a reasonable size home in conformance with the R-12 zone regulations. Staff, therefore, **recommends denial** of the side yard variances. However, if the variance is granted, staff recommends that a condition be applied that requires the proposed house to be designed with a side loaded garage.

The only reason the variances are triggered to reduce the lot width and lot frontage of the existing property is the result of building a larger home on the property. Under the zoning



*By-right footprint for 2-story dwelling in compliance with R-12 zoning, side setbacks based on building height not exceed 20' from grade to eave line or midpoint of gable.*

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regulations if the applicant desired to rebuild the existing structure (similar dimensions, height, floor area and setbacks) he could do so without the need of a variances.

Staff **recommends approval of** the variance to for reduced lot width and lot frontage given the lot's existing characteristics and conditions.

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 A PLOT PLAN showing all improvements and alterations to the site must be approved by T&ES prior to issuance of a building permit. (T&ES)
- R-2 Section 8-1-17 of the City Code requires that curb, gutter and sidewalk be installed at the property owner's expense whenever construction or alteration of a building site will increase the fair market value of the property by more than 50 percent. However, the City Manager has the authority to waive this requirement upon finding that installation of the public improvements will not be compatible with the character of the neighborhood or serve a substantial useful purpose. Provide a design for the missing curb/gutter and sidewalk to be installed as part of this project or seek waiver for same. (T&ES)
- R-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. (T&ES)
- R-6 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- R-7 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (T&ES)
- C-1 All utilities serving this site shall be placed underground. (Sec. 5-3-3)

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- C-2 Pay sanitary sewer tap fee prior to issuance of a building permit. (Sec. 5-6-25.1)
- C-3 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-4 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous underground pipe. (Sec. 8-1-22)
- C-5 Per City Ordinance No. 3176, requests for new driveway aprons, unless approved at public hearing as part of a related item, must be accompanied by an adjacent **Property Owners Acknowledgment** form.
- C-6 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 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 There are several mature white oak trees that will be destroyed as part of this plan. These trees do not qualify as specimen trees.

Historic Alexandria (Archaeology):

- F-1 This property is situated along Seminary Road, a supply and transportation route for the Union Army during the Civil War. There were numerous encampments along the major roads throughout the City. Although there is no information about a camp location in the vicinity of this property, it is possible that the lot could yield archaeological resources that could provide insight into military activities.
- 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.