

Docket Item #8
BZA CASE #2005-0059

Board of Zoning Appeals
November 10, 2005

ADDRESS: 1405 SUMMIT AVENUE
ZONE: R-8, RESIDENTIAL
APPLICANT: LIONEL AND EDNA RICHARDS, OWNERS

ISSUE: Variance to enclose an existing carport for a one car garage and laundry/ room in the required side yard and in the required front yard facing Summit Avenue.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard (Summit Avenue)	30.00 feet	22.30 feet	7.70 feet
3-306(A)(2)	Side Yard (Northeast Side)	8.00 feet	3.60 feet	4.40 feet

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.

BOARD OF ZONING APPEALS ACTION OF NOVEMBER 10, 2005: On a motion to approve by Mr. Curry, seconded by Mr. Allen, the variance was approved by a vote of 5 to 0. Mr. Hubbard and Ms. Lewis abstained.

Reason: Reapproval of previously granted variance.

Speakers:

Ross Richmond, representative for the applicant, made the presentation.

(insert sketch here)

I. Issue

On February 12, 2004, the Board of Zoning Appeals approved a variance to enclose an existing carport to a one car garage with a laundry/mud room located on the northeast side wall of the house at 1405 Summit Avenue.

II. Background

The subject property, a corner parcel, comprised of three legal lots of record and consists of 50.00 feet of frontage on Dogwood Drive, 107.19 feet of frontage facing Summit Avenue and a depth of 75.00 feet. The lot totals 6,835 square feet. The property is substandard for a corner lot in the R-8 zone. A minimum of 9,000 square feet is required for a corner lot.

An existing one-story single family dwelling with an attached carport on the northeast building wall is located 22.30 feet from the southeast front property line adjacent to Summit Avenue, 4.40 feet from the northeast side property line, 21.00 feet from the northwest side property line, and 25.80 feet from the southwest front property line adjacent to Dogwood Drive. Real estate assessment records indicate the house was built in 1950.

The Board unanimously granted the variance to enclose the existing carport because a hardship was demonstrated due to the substandard size of the lot.

The applicants of the original variance did not commence construction to enclose the carport within the one-year time limit for a variance. The variance expired on February 12, 2005. The current applicants purchased the subject property on August 31, 2005, and are resubmitting the exact plans that were filed before the Board of Zoning Appeals in 2004. There is no change to the footprint of the carport and the front and side yard setbacks are also the same so as to not affect the submitted variance.

III. Staff Conclusion

Staff has attached the report of the prior variance request (BZA Case#2003-00072). Staff confirms the same analysis and recommends denial.

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:

F-1 No comments.

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 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 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

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- 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):

- F-1 This proposal may have a negative impact on an existing willow oak tree located behind the carport. This tree would not qualify as a specimen tree.

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.