

Docket Item # 2
BZA CASE #2006-0021

Board of Zoning Appeals
September 14, 2006

ADDRESS: 460 ARGYLE DRIVE
ZONE: R-8, RESIDENTIAL
APPLICANT: MARY CLAIRE DIXON

ISSUE: Request a variance to build a one-story attached garage 3.00 feet from the east side property line.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(2)	Side Yard	8.00 feet	3.00 feet	5.00 feet

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

BOARD OF ZONING APPEALS ACTION OF JULY 13, 2006: On a motion to defer by Mr. Allen, seconded by Ms. Lewis, the variance was deferred by a vote of 5 to 1. Mr. Lantzy dissented.

Reason: To allow the applicant time to explore design alternatives.

Dissenting Reason: The desire for a garage does not rise to the level of a hardship.

Speakers:

Mary Claire Dixon, owner, made the presentation.

Albert Karasz, neighbor at 456 Argle Drive, spoke in opposition.

BOARD OF ZONING APPEALS ACTION OF MAY 11, 2006: On a motion to defer by Mr. Curry, seconded by Mr. Koenig, the variance was deferred by a vote of 4 to 1.

Reason: To allow the applicant time to explore design alternatives.

Speakers:

Mary Claire Dixon, owner, made the presentation.

Albert Cares, neighbor, spoke in opposition.

Brian Michell, neighbor at 448 Arglye Drive, spoke in opposition.

(insert sketch here)

I. Issue

The applicant proposes to build a one-story attached garage on the east side of the existing house at 460 Argyle Drive. The proposed garage will be located in the required east side yard.

II. Background

The subject property, an irregular shaped lot, is one lot of record with 100 feet of frontage facing Argyle Drive, a depth of 105.46 feet and totals 10,516 square feet. The topography of the property rises gradually from the street and levels off at the rear of the property. A split level detached house with a side screen porch and carport is located 25.20 feet from the front property line facing Argyle Drive, 8.40 feet from the east side property line, 10.00 feet from the south rear property line and 50.00 feet from the west side property line. The property is located on a cul-de-sac which has created the irregular property configuration. A concrete driveway on the west side of the house leads to an existing carport.



III. Description

The proposed one-story attached garage measures 14.00 feet by 22.00 feet and totals 308 square feet. As shown on the submitted elevations, half of the garage will be built below grade and the remainder of the building elevation and roof will not exceed the height of the main second floor windows facing the east side property line. The garage will be located 3.00 feet from the east side property line and align with the prevailing building front setback of 24.20 feet from the front property line facing Argyle Drive. The garage height from grade to the top of gable roof facing the east side property line is 12.00 feet.

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 adoption of the Third Revised Zoning Map in 1951 and identified in the North Ridge Small Area Plan for residential land use.

V. Requested variance

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

The R-8 zone requires a side yard setback of 8.00 feet or one-half the building height whichever is greater. The proposed garage will be located 3.00 feet from the east side property line. The applicant requests a variance of 5.00 feet.

VI. 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 11-1103 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 property is an irregularly shaped lot on a cul-de-sac and is oddly sloped as well. The shape of the lot and steep slope and water run-off patterns affects the placement of the structure. The removal of mature trees will negatively impact property values and quality of life for the neighborhood. The subject property is the most irregularly shaped lot on the cul-de-sac.

VIII. Staff Analysis

There is no hardship. Staff agrees that the applicant does have an irregular shaped lot. However, the subject property is similar to other irregular shaped lots fronting on Argyle Drive. The property is not unique nor is the existing topography a condition unique only to the applicant. Other homeowners have similar conditions as the applicant. Staff concurs that the loss of the large mature trees should be avoided since trees provide neighborhood character, value to the neighborhood and improve the environment. There are construction techniques that could enable the applicant to build a garage without the need of a variance. It is possible that the applicant may not need any variance to enclose the carport. Staff believes there is no basis in which to support a variance.

Staff **recommends denial** of the request.

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).
- 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.

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- 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 No specimen trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for this addition construction 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.