

Docket Item #3  
BZA CASE #2006-0054

Board of Zoning Appeals  
January 11, 2007

**ADDRESS:** 214 A NORTH PITT STREET  
**ZONE:** RM, RESIDENTIAL  
**APPLICANT:** JAMES BOGNET AND CAROLE SOLOMAN, BY LINDA SERABIAN,  
ARCHITECT

**ISSUE:** Variance to extend non-compliant wall into rear yard setback.

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| CODE SECTION | SUBJECT   | CODE REQMT | APPLICANT PROPOSES | REQUESTED VARIANCE |
|--------------|-----------|------------|--------------------|--------------------|
| 3-1106(A)(3) | Rear Yard | 16.00 ft   | 0.00 ft            | 16.00 ft           |

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The staff **recommends approval** of the requested variance because the request meets the criteria for a variance and the following condition that the garage doors retract into the building to improve vehicular maneuvering.

If the Board decides to grant a variance, it should contain the conditions under the department comments. Variances must also be recorded with the deed of the property in the City's Land Records Office prior to the release of a building permit.

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(insert sketch here)

**I. Issue**

The applicants propose to renovate and expand an existing detached two-bay garage structure with second floor storage by and replacing an existing front wall with a new garage door and constructing two additional attached garage bays for a total of five bay garage at 214 A North Pitt Street. The new garage bays will be built where existing surface parking is now used.

**II. Background**

The subject property is an existing outlet bordered by gravel alleys with access from North Pitt Street measuring 66.00 feet wide by 30.00 feet in depth and totals 1,980 square feet. A two-story brick garage outbuilding occupies the property and is located 31.10 feet from the north side property line, on the south side property line, 3.60 feet from the east side property line and on the west side property line. The current building is now used for garage parking for two vehicles, storage and surface parking on the northern portion of the lot. The current building is 21.00 feet deep and will continue to be used for private parking and storage.

The one-and-one-half story shed-roofed brick outbuilding located in the alley between the 200 blocks of Pitt and St. Asaph Streets appears to have been constructed prior to 1877. A building with a similar footprint appears on the 1877 Hopkins Atlas. Historic mapping indicates that from 1877 onward, the brick building had frame appendages to the north. Historically, the building and lot were associated with 509 Cameron Street and probably served as a stable for that residence. According to Ethelyn Cox in Historic Alexandria Street by Street, the two story gable-roofed brick house at 509 Cameron Street was constructed by William Pomeroy circa 1803. By 1921, the Sanborn mapping shows the building used as an automobile garage. The frame appendages were removed sometime between 1921 and 1941. By 1941, the property is associated with the house at 206 North Pitt Street.

The building is located within the Old and Historic Alexandria District. The proposed project to add onto the historic brick outbuilding would require approval of a permit to demolish/capsulate and a certificate of appropriateness from the Board of Architectural Review.

**III. Description**

The proposed renovations and additions to the existing garage outbuilding include the following:

- (a) Construct where existing surface parking is located along the north side of the building two attached brick one-story garage bays along the north building wall of the existing structure which will align with the west rear property line.

The new garage bays measure 27.00 feet by 21.00 feet and total approximately 581 square feet. The overall height of the new garage bays to the top of the gable end roof is approximately 12.50 feet. The new garage bays will be located on the west rear property line and 5.00 feet from the north side property line. A rear yard setback of 16.00 feet is required facing the west property line. The new garage bays comply with the 5.00 feet side yard requirement facing the north property line. The applicants request a rear yard variance of 16.00 feet to allow the walls of the new garage bays to be placed on the west rear property line consistent with the existing structures west building wall.

- (b) Remove a portion of the existing front building wall of the existing structure and replace with a new garage door to accommodate a fifth enclosed garage space. No variance is required.
- (c) Replace existing garage doors with new garage doors and recess brick panels at existing masonry openings. No variance is required.

Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements. (Refer to floor area calculations.)

Design issues are not being addressed as part of this review, anticipating that those issues will be addressed as part of the required Board of Architectural Review applications.

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

**IV. Master Plan/Zoning** The subject property is zoned RM, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in adopted Old Town Small Area Plan.

**V. Requested Variance**  
Section 3-1106(A)(3), Rear Yard  
The applicants request a variance from the 16.00 feet required rear yard setback facing the west property line. The applicants propose to construct the new garage bay walls on the west property line consistent with the existing building west building wall. The applicants request a rear yard variance of 16.00 feet.

**VI. Noncomplying structure**  
The existing building at 214 A North Pitt Street is a noncomplying structure with respect to the following.

| <u>Yard</u>  | <u>Required</u> | <u>Existing</u> | <u>Noncomplying</u> |
|--------------|-----------------|-----------------|---------------------|
| Side (South) | 5.00 ft         | 0.00 ft         | 5.00 ft             |
| Rear (West)  | 16.00 ft        | 0.00 ft         | 16.00 ft            |

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

214A. North Pitt Street is an interior lot without street frontage. Compliance with the zoning regulations will leave only a small buildable area. By maintaining a rear yard setback facing a public parking lot does not serve a purpose.

**VIII. 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.

**IX. Staff Analysis**

The property's characteristics and building location are not applicable to other properties within the immediate neighborhood. There are no other similar lots in the immediate neighborhood. The property's location as an outlot bordered on three sides by alleys and a public parking on the west is unique and contributes to conditions that unreasonably restrict the enlargement of the existing building

To construct a building addition in line with the existing structure cannot be done without the approval of a variance. The depth of a new garage is approximately 20.00 feet to 22.00 feet. Adding on a required 16.00 rear yard setback to the new garage bays (shown as 21.00 feet), the subject lot would have to be approximately 38.00 feet wide. The subject lot is only 30.00 feet wide. Although the new garage bays could be built on the east property line only 9.00 feet of setback would be provided insufficient to comply with the rear yard setback requirement. Garage bays that are too shallow will likely not accommodate modern style vehicles. Inadequate maneuvering in and out of the new garage bays could also be a problem if the new garage bays were placed on the east property line.

There is no other remedy or relief that exists to allow for the proposed improvements. The zoning ordinance requirement of a rear yard setback of 16.00 feet does create a hardship on this property. The granting of the rear yard setback variance will not be detrimental to the adjacent properties or the neighborhood nor diminish or impair the value of adjoining properties. The building currently faces a public parking lot to the west. Some would agree, the restoration of the property can be perceived as a positive contribution to the neighborhood. The granting of the variance will not impair light and air to the adjacent property nor alter the character of the area. Given the following conditions, staff believes the property meets the criteria for a variance.

Staff therefore **recommends approval** of the variance with the following condition that the garage doors retract into the building to improve vehicular maneuvering.

**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:

Comments will be forwarded when received.

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 Additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 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-4 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-5 A soils report must be submitted with the building permit application.

- C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-8 Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-9 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-10 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 Tax records from 1810 indicate that a portion of this block may have been served as a garden plot for Marsteller, but the exact location is not known. By 1850, the documents denote that there were structures facing the alley adjacent to this property. Some of these were occupied by African Americans, but the exact locations of the free black households are similarly unknown. The property therefore has the potential to yield archaeological resources that could provide insight into residential life in 19<sup>th</sup>-century Alexandria, perhaps relating to free African Americans.
- 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.