

Docket Item #5  
BZA CASE #2007-0019

Board of Zoning Appeals  
July 12, 2007

**ADDRESS:** 630 S. FAIRFAX STREET  
**ZONE:** RM, RESIDENTIAL  
**APPLICANT:** PAUL SCHOTT STEVENS AND JOYCE STEVENS, OWNERS

**ISSUE:** Variance to replace a flat roof to a gable roof on an existing shed located in the required side yard and rear yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1108(C)(2)	Side Yard	5.00 ft	4.00 ft	1.00 ft
3-1106(A)(3)	Rear Yard	16.00 ft	12.00 ft	4.00 ft

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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 JULY 12, 2007:** On a motion to approve by Mr. Lantzy, seconded by Mr. Allen, the variance was approved by a vote of 6 to 0.

Reason: The application met the criteria for a variance as outlined in the staff report and would pose no detriment to the neighborhood.

Speakers:

Eleanor Krause, architect representing Paul Schott Stevens and Joyce Stevens, owners, made the presentation.

Thomas Jeffers, neighbor at 211 Franklin Street, spoke in support

(insert sketch here)

**I. Issue**

The applicants propose to renovate an existing shed at the rear of the property at 630 South Fairfax Street by replacing the shed's flat roof with a gable roof. The existing shed is located in the required side yard and rear yard setback.

**II. Background**

The subject property is one lot of record with 38.42 feet of frontage facing South Fairfax Street, a depth of 96.92 feet and a lot area totaling 3,723 square feet. The property is occupied by a two-story brick single-family dwelling built in 1830 with several detached sheds located in the south side yard and east rear yard of the property. The property is located in the Old and Historic Alexandria District.

**III. Description**

The existing flat roof shed attached to a larger shed located on the south side yard property line measures 7.00 feet by 6.00 feet totaling 42 square feet and is located approximately 4.00 feet from the south side property line and 12.00 feet from the rear east property line. The shed's overall height is now 7.08 feet. The proposed renovations include only replacing the existing flat roof with a gable roof. The overall height of the shed will increase slightly over 2.00 feet from 7.08 feet to 9.50 feet. The shed's overall dimensions will not change.

Section 7-202(B)(4) of the zoning ordinance permits on land zoned RM to place a small shed 50 square feet in area and 7.00 feet in overall height are permitted in any required yard except a front yard. Although the existing shed is less than 50 square feet in area it is slightly above the maximum building height permitted for such accessory structures. The zoning ordinance defines the existing shed as a noncomplying structure because it slightly exceeds the allowable height for an accessory shed placed in the required side and rear yards. Any alterations to an existing noncomplying structure must either comply with the regulations or seek relief by variance. In this instance, the roof alterations proposed that will increase the roof height of the shed triggers a side and rear yard setback variance. Alternatively, the applicants can always replace the existing flat roof without the need of a variance.

There have been no variances 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 identified in the Old Town Small Area Plan for residential land use.

**V. Requested variances**

Section 3-1108(C)(2), Side Yard: The RM zone requires any lot of record that is greater than 35 feet in width to provide two side yard setbacks of 5.00 feet and a rear yard

setback of 16.00 feet. The existing shed is now located 4.00 feet from the south side property line and 12.00 feet from the rear east side yard setback. The applicants request a 1.00 feet side yard and 4.00 feet rear yard variance respectively to replace the shed's roof.

**VI. Noncomplying Structure**

The existing shed at 630 South Fairfax Street is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side (South)	5.00 ft	4.00 ft	1.00 ft
Rear Yard	16.00 ft	12.00 ft	4.00 ft

**VII. 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 applicants state that the zoning ordinance does not result in confiscation or unreasonable use of the property. However, the hardship to replace the existing flat roof is not shared by other properties in the neighborhood. The proposed alterations will not harm the value of the adjacent properties nor change the character of the neighborhood. The applicants state that the alterations will improve the appearance of the shed by making it more compatible with the main house and the adjoining outbuilding.

**VIII. Staff Analysis**

Although the roof alteration is modest it does not rise to the level of a legal hardship. There are alternative remedies the applicants can avail themselves to meet their needs: (1) replace the existing flat roof, (2) relocate the existing shed with the new gable roof in compliance with the side and rear yard setback, and (3) replace the existing shed with a 50 square foot shed with a gable roof no taller than 7.00 feet in overall height with approval by the Board of Architectural Review.

Staff concurs that the proposed roof alteration will not be detrimental to the public or other property or the neighborhood. Nor will the granting of a variance diminish or impair the value of adjoining properties. However, given there are alternative options to meet the applicants' needs for an improved shed, staff finds no basis in which to support the request.

Staff recommends **denial** of the request for variances.

**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-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).

Recreation (Arborist):

F-1 No trees are affected by this variance.

Historic Alexandria (Archaeology):

F-1 There is no ground disturbance involved in this project. 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.