

Docket Item #4
BZA CASE #2007-0032

Board of Zoning Appeals
November 8, 2007

ADDRESS: 1322 PRINCESS STREET
ZONE: RB, RESIDENTIAL
APPLICANT: MARC PILCHER AND WINDY VENABLE, OWNERS

ISSUE: Variance to construct an accessory structure (shed) in the rear yard reducing the already deficient open space as well as exceeding the allowable height of a shed in the RB zone.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(B)	Open Space	411 sq ft*	363 sq ft	48 sq ft
7-202(B)(4)(b)	Shed Height	7.00 ft	8.00 ft	1.00 ft

*Based on an open space variance granted in 1989.

BOARD OF ZONING APPEALS ACTION OF NOVEMBER 8, 2007: On a motion to approve with the conditions that the shed shall be no larger 36.00 square feet in area and no taller than 7.00 feet from grade by Mr. Hubbard, seconded by Ms. Lewis, the variance was approved by a vote of 4 to 2. Messrs. Allen and Zander dissented.

Reason to approve: The applicants demonstrated a hardship due to the substandard size of the property.

Dissenting reason: The application did not rise to the level of a hardship and all alternatives had not been explored by the applicants.

Speakers:

Marc Pilcher and Windy Venable, owners, made the presentation.

Murney Keleher, Historic Alexandria Foundation, spoke in opposition.

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 and obtain BAR approval for the proposed shed that is visible from the public right of way. 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.

(insert sketch here)

I. Issue

The applicants propose to install a shed along the rear property line at 1322 Princess Street, reducing the properties already deficient open space.

II. Background

The subject property is one lot of record with 15.0 feet of frontage facing Princess Street, a depth of 73.17 feet and a lot area totaling 1,057 square feet. The property is occupied by a two-story single-family dwelling built in 1990. The property is located in the Parker-Gray Historic District.

On December 14, 1989, BZA case #5929 was approved and granted the subject property a variance for open space, floor area, the front yard and parking (please see attached staff report). The property was given a variance for 389 square feet of open space leaving the property with 411 square feet of open space. Additionally, the building was given a variance of 77 square feet, allowing the building to have 870 square feet of floor area instead of the 793 square feet permitted by an FAR of .75. Following the building's construction, a 25 square foot shed was installed at the rear property line of the subject property, without approval from the Board of Architectural Review. Shortly after the current owners purchased the property they demolished the shed with the intention of installing a replacement.

III. Description

The proposed shed measures 6.00 feet by 8.00 feet (48.00 square feet) and 8.00 feet in height. The shed would be placed along the rear property line of the subject property.

Section 7-202(B)(4)(b) of the Zoning Ordinance permits a small shed in the RB zone in any yard except a front yard with dimensions not exceeding 50.00 square feet in floor area and not taller than 7.00 feet. The proposed shed measures 6.00 feet by 8.00 feet (48.00 square feet) and 8.00 ft at the highest point.

Section 3-706(B) of the Zoning Ordinance states that properties in the RB zone must maintain 800.00 square feet of open space. The construction of the original house was approved with 411.00 square feet of open space pursuant to approved BZA case #5929. The proposed shed will further reduce the already deficient open space to 363.00 square feet, 48.00 feet less than the open space granted to the subject property by BZA variance #5929. Additionally the 8.00 foot tall shed is 1.00 foot taller than the 7.00 feet height that is permitted for a shed that does not meet required setbacks.

The installation of the proposed shed triggers an open space variance as well as a variance for height. The applicant has the option of reducing the height of the shed to bypass a variance for height.

This project is located within the boundaries of the Parker-Gray Historic District and under the purview of the Parker-Gray Board of Architectural Review.

Staff and the Board of Architectural Review are concerned when there is any loss of open space in the historic district. A primary characteristic of Parker-Gray neighborhood is the relationship between the setting of the historic buildings, usually located fronting the streets, at the public-right-of-way, with defined rear yards, stretching to either shared alley ways or to other adjacent rear yards. Any reduction to the amount of open space contained in a rear yard is of concern. According to the Zoning Ordinance, Section 10-201, the Board does consider how a proposal impacts the setting and environs of the district: “To assure that new structures, additions, landscaping and related elements be in harmony with their historical and architectural setting and environs...”

IV. Master Plan/Zoning

The subject property is zoned RB and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Braddock Road Metro Small Area Plan for residential land use.

V. Requested variances

Section 3-706(B), Open Space: While the RB zone requires any lot of record to provide 800 square feet of open space, the subject property was granted a variance for open space (BZA#5929) allowing the property to provide only 411 square feet of open space. The applicants currently request a variance to reduce existing open space to 363 square feet to accommodate the proposed shed structure.

7-202(B)(4)(b), Shed Height: The RB zone allows a by right shed of up to 7.00 ft in height within the require setback areas. The applicants request a variance of 1.00 ft to accommodate an 8.00 ft tall shed along the rear and side property lines.

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 applicants state that the strict enforcement of the zoning ordinance will prevent reasonable use of the property if the exterior storage shed cannot be constructed. The applicants point out that the existing building was constructed without a basement or an attic, which limits the storage space available on the property. Additionally, when the applicants purchased the property there was an existing shed which offered more storage space and alleviated the otherwise limited storage space on the property. Because of the dilapidated condition of the shed, which they considered to be dangerous, they demolished the shed with the intention of replacing it.

The applicants state the following reasons as justification for the variance in question:

- 1) The subject lot is unusually small which creates a hardship not shared by surrounding neighbors.
- 2) There is no space on the property to properly store potentially dangerous equipment associated with yard maintenance.
- 3) The proposed shed would not harm the adjacent properties.
- 4) The proposed shed would not detract from adjoining lot values.

VIII. Staff Analysis

Although the shed installation is modest, it does not rise to the level of a legal hardship. The property was originally developed with a variance for open space and floor area, allowing the property to have more floor area and less open space than would be allowed under present building standards. Currently the property has 411 square feet of open

BZA CASE #2007-0032

space, 389 square feet less than the 800 square feet required in the RB zone. Additionally, the building contains 77 square feet more than what would be permitted given the lot size and the .75 FAR for the RB zone.

Given that this property has already been granted a variance for open space, staff cannot support a variance for the further reduction of open space by placement of an accessory shed structure.

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, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided.
- C-2 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 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-5 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-6 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-7 A soils report must be submitted with the building permit application.

Recreation (Arborist):

F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be disturbed by 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.