

Docket Item #5  
BZA CASE #2009-0001

Board of Zoning Appeals  
February 12, 2009

**ADDRESS:** 321 EAST RAYMOND AVENUE  
**ZONE:** R-2-5, RESIDENTIAL  
**APPLICANT:** ALABAMA LLC BY STEVE KOLINSKI, ARCHITECT

**ISSUE:** Variances to construct a one car garage in the required side and rear yards.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(2)	Side Yard (East)	7.00 feet	3.00 feet	4.00 feet
3-506(A)(3)	Rear Yard	7.00 feet	3.00 feet	4.00 feet

**BOARD OF ZONING APPEALS ACTION OF FEBRUARY 12, 2009:** On a motion to approve by Mr. Goodale, seconded by Mr. Hubbard the variance was approved by a vote of 7 to 0.

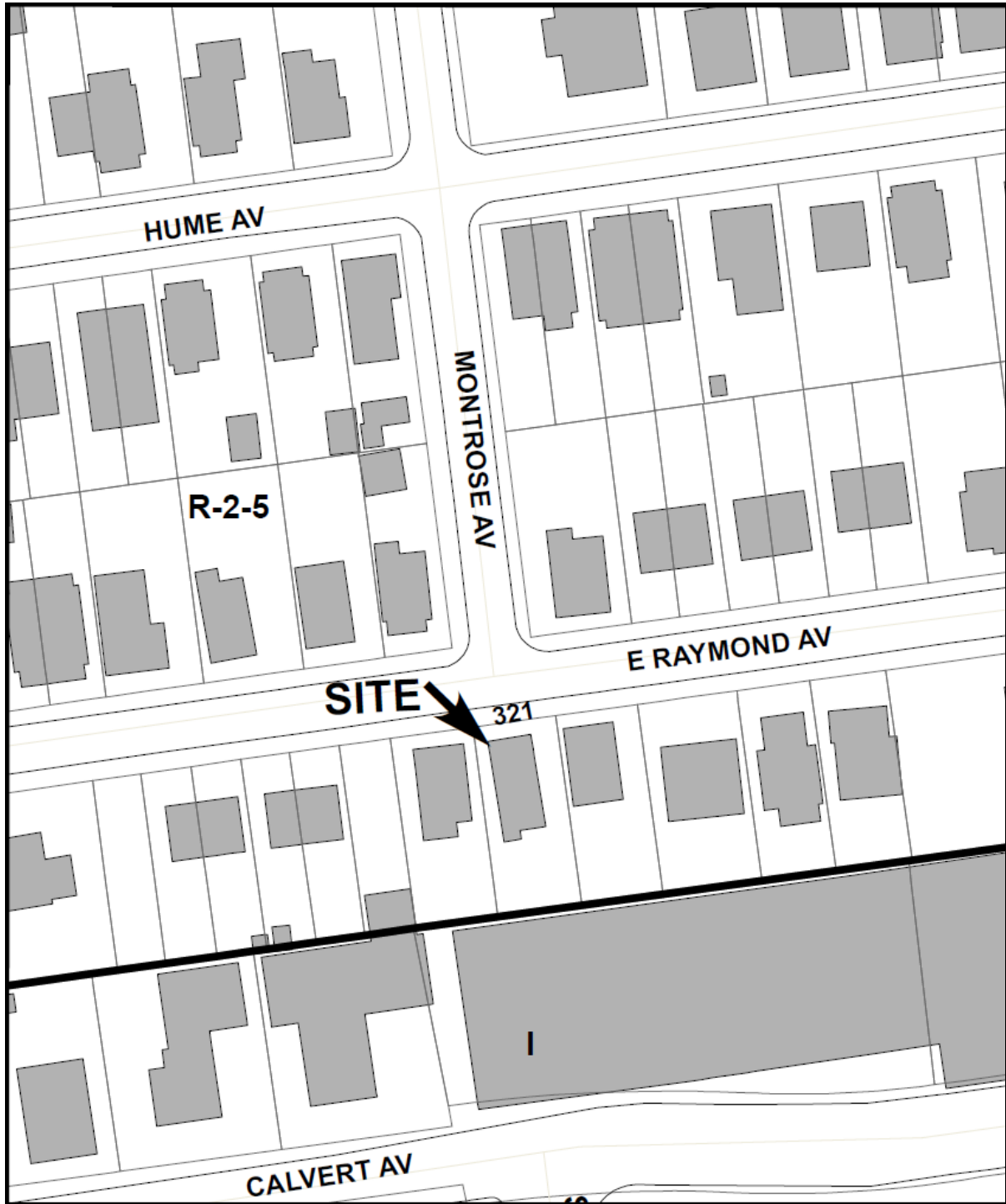
Reason: The applicant demonstrated at hardship due to the substandard nature of the lot as outlined in the staff report.

Speakers:

Steve Kolinski, architect, made the presentation.

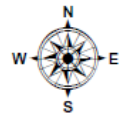
Staff **recommends approval** of the requested variance because the applicant has demonstrated a hardship with the condition that the materials used for the driveway leading to the detached rear garage must be permeable.

If the Board decides to grant the requested special exception or variance it must comply with the code requirements under the department comments and the applicant must submit the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming building footprint, setbacks, and building height compliance from average preconstruction grade and (2) certification of floor area from a licensed architect or engineer. 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.



**BZA CASE #2009-0001**

**2/12/2009**

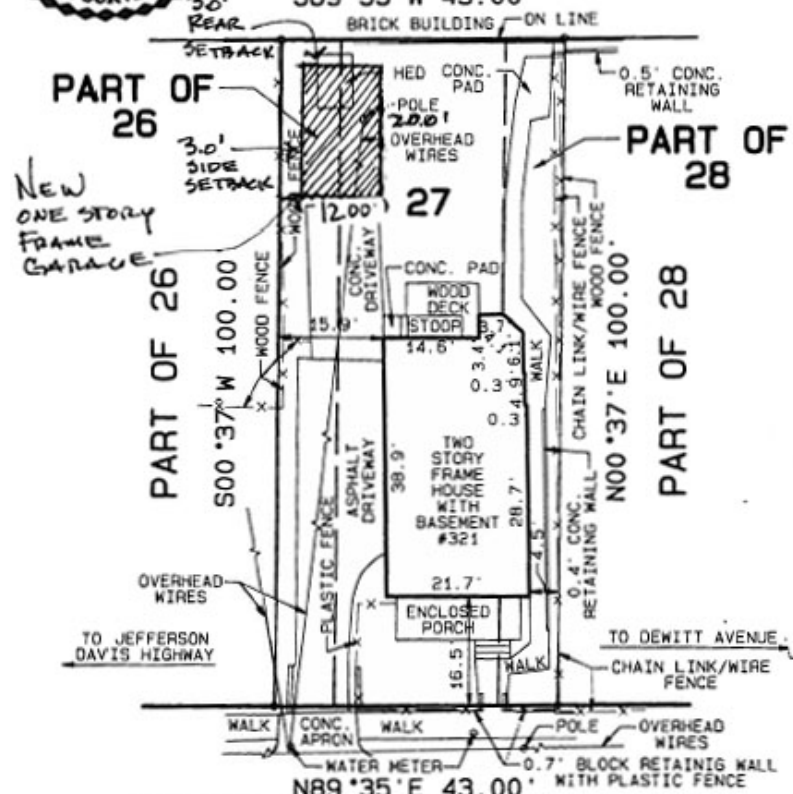


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#400 CALVERT AVENUE

S89°35'W 43.00'



EAST RAYMOND AVENUE  
VARIABLE R/W

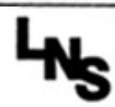
PHYSICAL IMPROVEMENTS SURVEY  
LOT 27, PART OF LOT 26, AND PART OF LOT 28

**ST. ELMO**

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1"=20' DATE: AUGUST 15, 2008

CASE NAME: MITCHELL LARRY HURSH	NO TITLE REPORT FURNISHED. PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE. FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
	<b>LARRY N. SCARTZ, LTD.</b>
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**I. Issue**

The applicant proposes to construct a one car garage in the required east side and rear yards at 321 East Raymond Avenue.

**II. Background**

The subject property is comprised of one lot of record and two portions of lots of record with 43.00 feet of frontage facing East Raymond Avenue and a depth of 100.00 feet. The property contains 4,300 square feet of lot area and is substandard as to lot area and noncomplying as to the lot width and frontage. The R-2-5 zone requires a minimum lot area of 5,000 square feet and a lot frontage and width of 50.00 feet for a single-family dwelling. The freestanding, two-story, front-gable vernacular house with an enclosed front porch is identified as a contributing resource within the National Register District of Town of Potomac. According to the National Register nomination, this house was constructed in 1910.

**III. Description**

The applicant proposes to construct a detached one-car garage 3.00 feet from the rear property line and 3.00 feet from the east side property line. The garage measures 12.00 feet by 20.00 feet, totaling 240.00 square feet. The proposed garage building height will measure 11.25 feet to the midpoint of the roof gable.

On June 25, 2008, the Residential Infill regulations approved by Council became effective. These regulations encourage the placement by allowing detached rear garages of a certain square footage and height (based on the size of the lot) to be placed within the required side and rear yards and to be excluded from the floor area calculations. In order to qualify for this incentive a single-family lot must be a minimum of 5,000 square feet. According to the infill regulations a 5,000 square foot lot is permitted to construct a 250 square foot one car garage that does not exceed 10.00 feet in height.

The proposed one-story garage at the rear of the property will not adversely impact the dwelling's integrity. The proposed garage will not change the building's status as a contributing resource to the Town of Potomac Historic District listed on the National Register. Automobile garages first appeared in the 1930s to accommodate the growing use of the automobile. While the age of this house indicates that it would not have originally had a garage, it is possible that one was constructed for the property at a later date. In addition, accessory buildings are commonly found throughout the Town of Potomac. The vernacular architectural style and simple gable form are appropriate to the style and architecture of the house. The location of the garage at the rear of the property is consistent with the traditional development patterns of the Town of Potomac. The proposed materials—asphalt shingles and fiber cement siding—are considered appropriate for new construction in a historic district.

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

**IV. Master Plan/Zoning**

The subject property is zoned R-2-5 and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Potomac West Small Area Plan for residential land use.

**V. Requested variances**

3-506(A)(2) Side Yard (East)

The applicant requests a variance of 4.00 feet from the required 7.00 feet based on a building height of 9.58 feet measured to the eave of the roof of the proposed garage facing the east side property line. The proposed garage will be located 3.00 feet from the east side property line.

3-506(A)(2) Rear Yard

The applicant requests a variance of 4.00 feet from the required 7.00 feet based on a building height of 11.25 feet measured to the midpoint of the roof gable of the proposed garage facing the rear line. The proposed garage will be located 3.00 feet from the east side property line.

**VI. Noncomplying structure**

The existing building at 321 East Raymond Avenue is a noncomplying structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front Yard	17.01feet*	9.50 feet	7.51 feet
Side Yard (West)	7.00 feet	4.50 feet	2.50 feet
Lot Frontage	50.00 feet	43.00 feet	7.00 feet
Lot Width	50.00 feet	43.00 feet	7.00 feet

\*Based on the average front setback along the residentially zoned properties on the south side of East Raymond Avenue between Dewitt Avenue and Jefferson Davis Highway.

**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.

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

The applicant states that the substandard lot size creates a hardship by not allowing him to construct a one car garage in the required side and rear yards, which he would be allowed to construct by-right if his lot met the 5,000 square foot lot area minimum. He also believes the increased height is more in keeping with the design and character of other historic garages within the Town of Potomac.

**IX. Staff Analysis**

The substandard nature of this lot prohibits the applicant from constructing a modest one-story garage in the required side and rear yard. The applicant's request to construct increase the height from 10.00 feet to 11.25 feet is historically appropriate and is in keeping with other garages in the neighborhood. The applicant is not proposing to exclude the proposed garage from the floor area ratio calculations as he would be allowed to do if this were a complying lot and the height did not exceed 10.00 feet.

The infill regulations also require that if more than 50% of a required yard is paved in order to access a detached rear garage such as the one proposed, the materials used for the driveway must be permeable. Staff will work with the applicant to meet this requirement prior to the issuance of a building permit.

The substandard area of the lot creates a hardship for the applicant. Therefore, staff **recommends approval** of the requested side and rear yard 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 An approved grading plan may be required at the time of building permit application. Insufficient information has been provided to make that determination at this time.

In summary, City Code Section 8-1-22(d) requires that a grading plan be submitted to and approved by T&ES prior to the issuance of building permits for improvements involving:

- the construction of a new home;
- construction of an addition to an existing home where either
  - the addition exceeds the area of the existing building footprint by 100% or more; or
  - the construction of the addition results in less than 50% of the existing first floor exterior walls, in their entirety, remaining;
- changes to existing grade elevation of 1-foot or greater;
- changes to existing drainage patterns;
- land disturbance of 2,500 square feet or greater.

Questions regarding the processing of grading plans should be directed to the T&ES Site Plan Coordinator at (703) 838-4318. Memorandum to Industry No. 02-08 was issued on April 28, 2008 and can be viewed online via the following link.

**<http://alexandriava.gov/uploadedFiles/tes/info/gradingPlanRequirements.pdf>**

R-1 The building permit plans shall comply with requirements of City Code Section 8-1-22 regarding the location of downspouts, foundation drains and sump pumps. Refer to Memorandum to Industry dated June 18, 2004. [Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (T&ES)

R-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)

R-4 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)

- R-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (T&ES)
- R-6 Compliance with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)

Code Administration:

- C-1 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-2 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-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-6 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 be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-7 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.

Recreation (Arborist):

- F-1 No specimen trees are affected by this plan.

Historic Alexandria (Archaeology):

- C-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.