

Docket Item #6
BZA CASE #2009-0005

Board of Zoning Appeals
June 11, 2009

ADDRESS: 300 E. DELRAY AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: RODNEY AND ELIZABETH LOUISON, OWNERS

ISSUE: Variance to raise the roof to provide storage area in an existing detached garage located in the required east side yard

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A) (2)	Side Yard (East)	7.00 feet	1.50 feet	5.50 feet

BOARD OF ZONING APPEALS ACTION OF JUNE 11, 2009: On a motion to defer by Mr. Goodale, seconded by Mr. Hubbard, the variance was deferred by a vote of 5 to 1. Mr. Lantzy dissented.

Reason to defer: To allow time for a comparison of similar properties granted variances for detached garages and to allow the applicant time to consider alternative designs, including, but not limited to, reducing the size of the garage.

Dissenting reason: No justification for a variance regardless of redesign of the proposed garage.

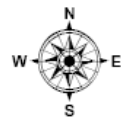
Speakers:

Rodney Louison, owner, made the presentation.

Staff **recommends denial** of the request because the applicants have not demonstrated a hardship.

BZA CASE #2009-0005

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.



I. Issue

The applicants propose to raise the roof to provide storage space in an existing detached one-story garage at 300 East Del Ray Avenue.



II. Background

The subject property is comprised of one lot of record with 50.00 feet of frontage facing East Del Ray Avenue, a depth of 115.00 feet along Dewitt Avenue and contains 5,750 square feet of lot area. The subject property is a substandard lot. The minimum lot area required for an R-2-5 zone corner lot is 6,500 square feet. Real Estate Assessment records indicate the home was built in 1930.

III. Description



The applicants propose to raise the roof on a detached one-story garage which currently measures 20.80 by 16.10 feet and totals 335 square feet. The height of the existing garage when measured from grade to the midpoint of the gable is approximately 9.50 feet. The garage is located 1.50 feet from east side property line and 9.50 feet from the north side property line.

The proposed construction to the existing garage is to raise the roof to accommodate a second floor storage area. New dormers are proposed on the west and east side of the roof. Upon completion of the work the new garage would increase in height from 9.50 feet to 18.16 feet from grade to the midpoint of the gable roof dormer and an increase in floor area by approximately 256 square feet (from existing 335 square feet to new total 591 square feet). The garage will continue to be located 1.50 feet from the east side property. Based on a building height of 18.16 feet, a side yard setback of 7.00 feet. The applicants request a 5.50 feet variance from the east side property line.

The 1-1/2 story, frame, front-gable dwelling at 300 East Del Ray Avenue is within the boundaries of the Town of Potomac National Register Historic District and is a contributing structure. The original massing was constructed in the 1940s, and a cross gable roof provides the connection to a contemporary, 1-1/2 story addition. The ridge height of the contemporary addition is greater than the ridge height of the historic massing. The subject proposal is requesting to increase the height of the building from the existing ridge height of 11 feet to the proposed ridge height of 22 feet 4 inches.

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

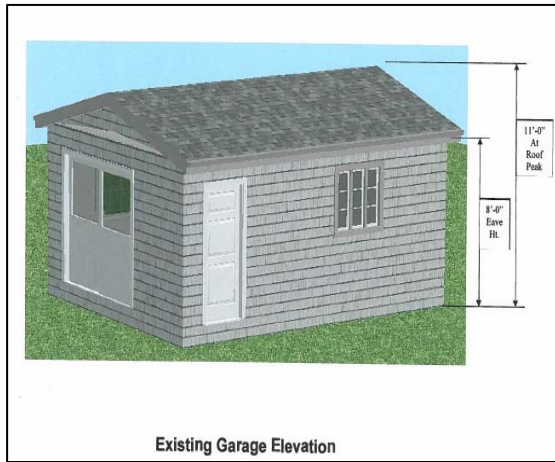


Figure 1: Existing

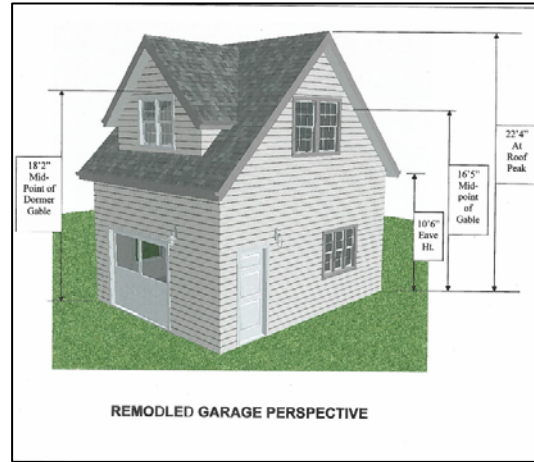


Figure 2: Proposed

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

Section 3-506(A) (2), Side Yard (East):

The R-2-5 zone requires a minimum 7.00 side yard setback or one-third the building height whichever is greater. Based on the building height of 18.17 feet to the midpoint of the gable roof dormer, a side yard setback of 7.00 feet is required facing the east side yard property line. The existing garage structure is now located 1.50 feet from the east side property line. The applicants request a variance of 5.50 feet from the east property line.

VI. Noncomplying structure

The existing garage at 300 East Del Ray Avenue is a noncomplying structure with respect to the following:

<u>Requirement</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Floor Area	250 sq ft	335 sq ft	85 sq ft
Side Yard (East)	7.00 feet	1.50 feet	5.50 feet

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 applicants' justification for hardship is the zoning ordinance prevents modest renovations to add storage to an existing noncomplying structure. The property is substandard as to lot area and lot frontage for a corner lot. The lot was created in 1930 prior to the current zoning regulations. The existing garage is placed 1.50 feet from the property line consistent with the new Infill regulations. The proposed roof design is intended to minimize the impact on the immediate neighbor.

IX. Staff Analysis

The applicants' justification for hardship does not rise to the level of confiscation nor prevent the reasonable use of the property.

The subject property has no unusual lot characteristics (it is flat with no topographic condition that will prohibit the use of the lot). Although the lot is substandard, there are no unusual or extraordinary conditions that restrict the use of the property. Other

BZA CASE #2009-0005

properties within the neighborhood are similar in size and lot configuration. The subject property has similar characteristics to other neighboring properties and those properties have accessory garages one story in height.

Although the applicants state the renovated garage structure will remain placed 1.50 feet from the east side property line consistent with the new Infill regulations that permit a detached garage to be placed up to the side and rear property lines, the applicants' new garage will be 88 square feet larger than what the Infill regulations permit. In addition, the Infill regulations limit the height of a new detached garage to 10 feet to the midpoint of the gable roof. The applicants' new garage will be 18.17 feet to the midpoint of the gable roof (nearly double the height allowed under the Infill regulations).

The proposed garage roof could be lowered and the dormers removed to be more in character for a subordinate residential structure. Alternatively, the applicants can replace the existing garage and build a new garage at the same height and dimensions as the existing noncomplying structure.

The subject proposal is requesting to more than double the height of the building from the existing ridge height of 11 feet to the proposed ridge height of 22 feet 4 inches and increase the square footage from existing 335 square feet to a new total 591 square feet while continuing to be located 1.50 feet from the side property line. This proposed ridge height is extremely tall for an ancillary structure, especially a structure which will be located in very close proximity to other buildings of modest size, including the main dwelling on the lot. Outbuildings such as the one proposed that are of disproportionate massing and scale negatively impact the residential neighborhood scale and development pattern. The structure will be more noticeable when viewed from the street, rather than blending with the established development pattern of scale and massing for subordinate structures.

Staff finds that there is no hardship or confiscation, which is a prerequisite for granting the variance.

Staff recommends **denial** of the variance.

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:

- 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 storm water quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)

- 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>

Code Administration:

- C-1 Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- C-2 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-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 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.

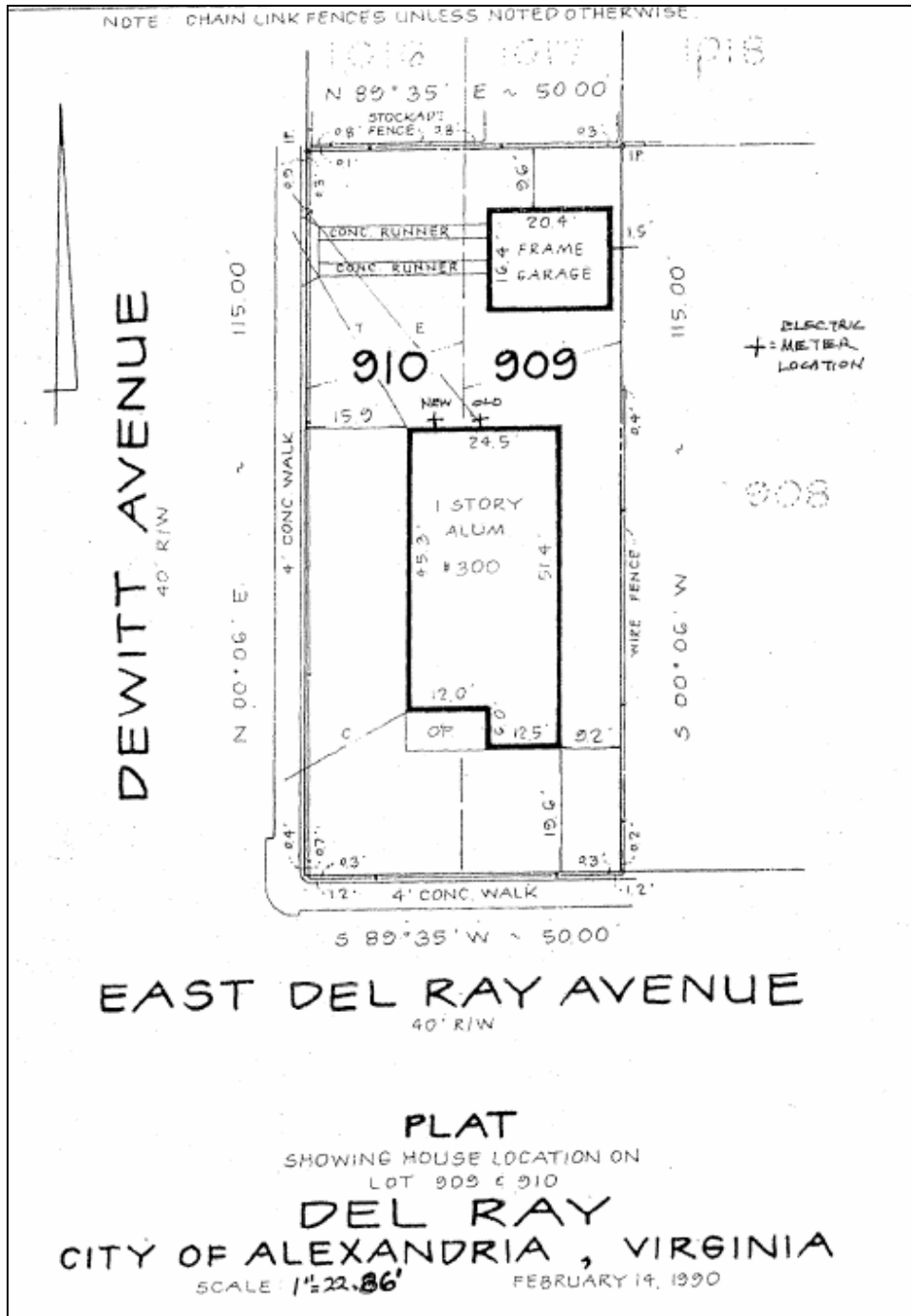
Recreation (Arborist):

- 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.

X. Images





**APPLICATION
BOARD OF ZONING APPEALS**

VARIANCE

BZA CASE # 2009-0005

Section of zoning ordinance from which request for variance is made:

SECTION 3-500 R-2-S, PARAGRAPH 3-506 YARD REQUIREMENTS

PART A

1. **Applicant:** **Owner** **Contract Purchaser**

Name RODNEY & ELIZABETH LOUISON

Address 300 E. DELRAY AVE., ALEXANDRIA, VA. 22301

Daytime Phone 703-317-3052

2. **Property Location** 300 E. DELRAY AVE., ALEX., VA. 22301

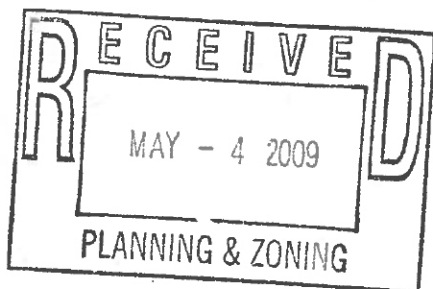
3. **Assessment Map** 034.02 Block 06 Lot 19 Zone R2-5

4. **Legal Property Owner:**

Name RODNEY & ELIZABETH LOUISON

Address 300 E. DELRAY AVE.

ALEXANDRIA, VA. 22301



REVISED

5. Describe request briefly :
THIS IS A REQUEST FOR A VARIANCE TO THE
SIDE YARD SETBACK OF THE GARAGE. THIS REQUEST
WOULD ALLOW FOR THE REPLACEMENT OF THE ROOF
STRUCTURE & PROVIDE NEEDED STORAGE. THIS REQUEST
WOULD NOT INCREASE THE FOOTPRINT OR SETBACKS

6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

- Yes — Provide proof of current City business license.
- No — Said agent shall be required to obtain a business prior to filing application.

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

RODNEY LOUISON
print name

Rodney Louison
signature

703-684-7664 (H)
telephone
703-317-3052 (O)

5/3/09
date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

PART B (SECTION 11-1102)

NOTE: The Board of Zoning Appeals may grant a variance only if the applicant can demonstrate a legal hardship. A legal hardship refers to the shape and topographical conditions, or to some other unique characteristic of the property; for example, if a rear yard has a sharp drop-off or hilly terrain where an addition could otherwise be located legally, or if the property has three front yards.

A legal hardship is NOT, for example, having a large family in a two-bedroom house, or that you need a first-floor bedroom and bath. (These are good personal reasons for a variance, but do not constitute a legal hardship having to do with specific conditions of the land.)

APPLICANT MUST EXPLAIN THE FOLLOWING:

(please **print clearly** and use additional paper where necessary)

1. Does strict application of the zoning ordinance to the subject property result in a hardship to the property owner? (Answer A or B)

A. Will enforcement of the zoning ordinance amount to a confiscation of the property? Explain:

NO

B. Will enforcement of the zoning ordinance prevent reasonable use of the property? Explain:

YES - THE ORDINANCE PREVENTS MODEST RENOVATIONS TO ADD NEEDED STORAGE TO AN EXISTING NON-COMPLYING STRUCTURE. THE PROPERTY IS SUBSTANDARD AS TO LOT AREA & LOT FRONTAGE FOR CORNER LOTS. THE LOT WAS CREATED IN 1930 PRIOR TO CURRENT ZONING REGULATIONS. THE EXISTING GARAGE IS PLACED 1.5' FROM THE PROPERTY LINE, CONSISTANT WITH NEW INFILL REGULATIONS. THE PROPOSED ROOF DESIGN IS INTENDED TO MINIMIZE THE IMPACT TO THE IMMEDIATE NEIGHBOR.

2. Is this hardship unique to the property?

A. Is the hardship shared by other properties in the neighborhood? Explain:

YES - ESPECIALLY CORNER LOTS.

B. Does the situation or condition of the property (on which his application is based) apply generally to the other properties in the same zone? Explain:

NOT SURE OF ENTIRE CITY, VERY MUCH SO IN DELRAY, ESPECIALLY CORNER LOTS.

3. Was the hardship caused by the applicant?

A. Did the condition exist when the property was purchased?

YES - GARAGE IS 1.5' OFF THE EXISTING PROPERTY LINE, BUILT IN 1930.

B. Did the applicant apply the property without knowing of the hardship?

NO - I DIDN'T KNOW OF RESTRICTIVE ZONING RULES APPLICABLE TO DETACHED GARAGES.

C. How was the condition which creates the hardship first created?

THE GARAGE WAS BUILT IN 1930.

D. Did the applicant create the hardship and, if so, how was it created?

NO

4. Will the variance, if granted, be harmful to others?

A. Will the applicant's proposal be harmful in any way to any adjacent property?

NO

B. Will it harm the value of adjacent and nearby properties?

NO - THE GARAGE IMPROVEMENTS, IN MY ESTIMATION, WILL IMPROVE PROPERTY VALUES.

C. Has the applicant shown the proposed pains to the adjacent most affected property owner? Has that neighbor objected to the proposed variance, or has the neighbor written a letter in support of the proposed variance? If so, please attach the letter.

YES - THE MOST AFFECTED PROPERTY OWNER TO THE EAST IS IN SUPPORT OF THE GARAGE RENOVATION. IN ADDITION WE HAVE RECEIVED SUPPORT FROM OTHER NEIGHBORS.

D. Will it change the character of the neighborhood?

NO - THERE ARE MANY SIMILAR TWO-STORY GARAGES WITH STORAGE.

5. Is there any other administrative or procedural remedy to relieve the hardship?

NONE

PART C

- 1. Have alternate plans or solutions been considered so that a variance would not be needed? Please explain each alternative and why it is unsatisfactory.**

NONE



BZA 2009-0005
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DEPARTMENT OF PLANNING AND ZONING FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS

A. Property Information

A1. Street Address 300 E. DELRAY AVE. Zone R2-5
A2. 5750 SF x 0.45 = 2587 SF
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement		Basement**	
First Floor	1217	Stairways**	
Second Floor	400	Mechanical**	
Third Floor GAR.	335	Other**	
Porches/ Other	135	Total Exclusions	
Total Gross *	2087		

B1. Existing Gross Floor Area *
2087 Sq. Ft.
B2. Allowable Floor Exclusions**
0 Sq. Ft.
B3. Existing Floor Area minus Exclusions
2087 Sq. Ft.
(subtract B2 from B1)

C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement		Basement**	
First Floor		Stairways**	40
Second Floor		Mechanical**	
Third Floor GAR.	287	Other**	
Porches/ Other		Total Exclusions	
Total Gross *			

C1. Proposed Gross Floor Area *
287 Sq. Ft.
C2. Allowable Floor Exclusions**
40 Sq. Ft.
C3. Proposed Floor Area minus Exclusions
247 Sq. Ft.
(subtract C2 from C1)

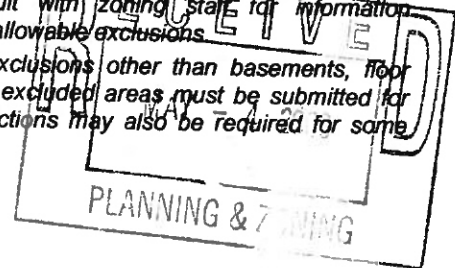
D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 2334 Sq. Ft.
D2. Total Floor Area Allowed by Zone (A2) 2587 Sq. Ft.

*Gross floor area is the sum of all gross horizontal areas under roof, measured from the face of exterior walls, including basements, garages, sheds, gazebos, guest buildings and other accessory buildings.

** Refer to the zoning ordinance (Section 2-145(B)) and consult with zoning staff for information regarding allowable exclusions.

If taking exclusions other than basements, floor plans with excluded areas must be submitted for review. Sections may also be required for some exclusions.



F. Open Space Calculations

Existing Open Space	
Required Open Space	
Proposed Open Space	

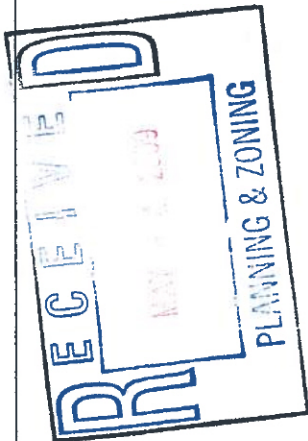
The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: Rodney Larrison Date: 5/13/09

REVISED

BZA 2009-0005

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LOUISON RESIDENCE

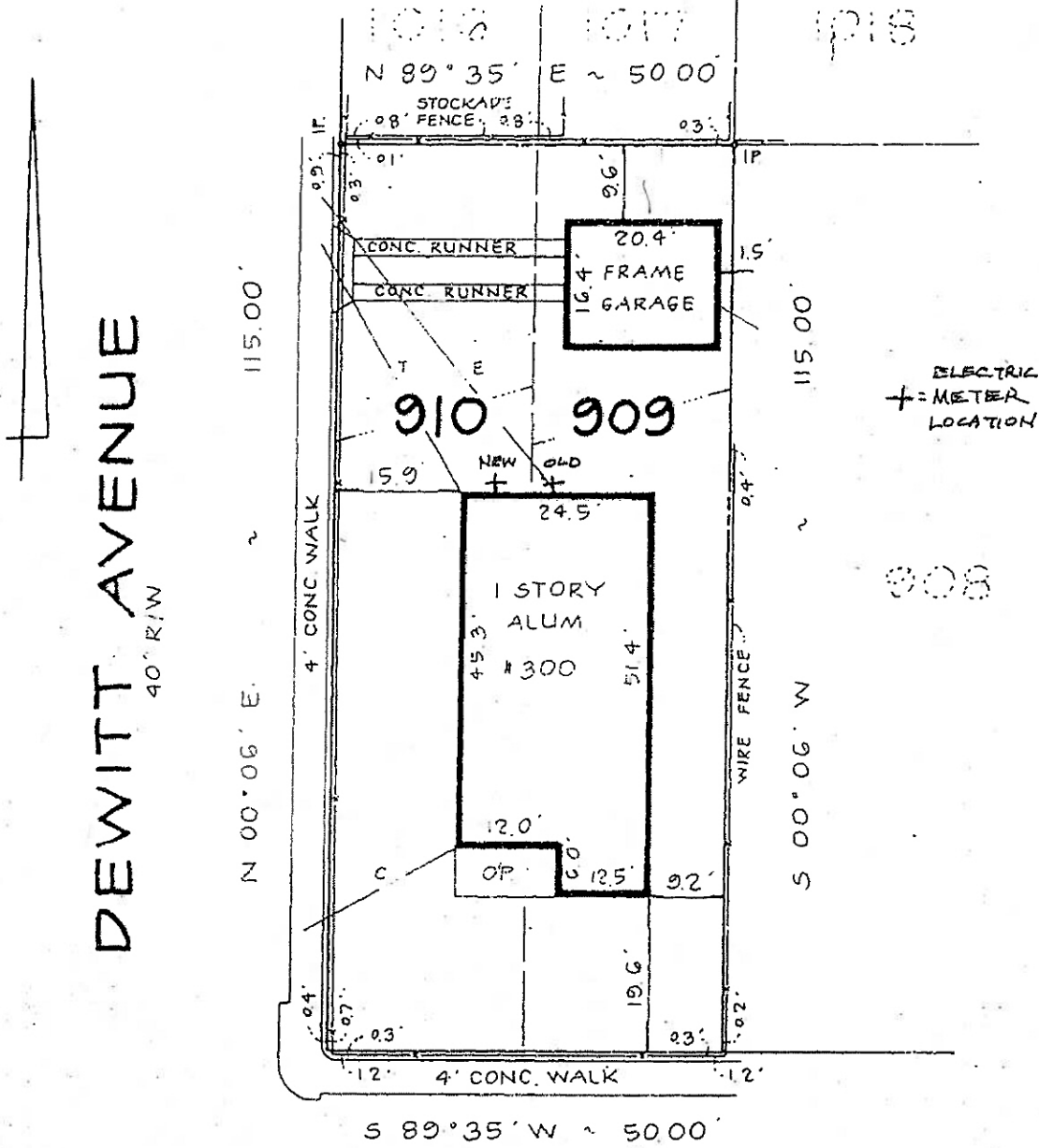
300 EAST DELRAY AVENUE
ALEXANDRIA, VA. 22301
703-684-7664

Proposed Garage Renovation Plan

REVISED



NOTE CHAIN LINK FENCES UNLESS NOTED OTHERWISE.



DEWITT AVENUE
40' R/W

N 00° 06' E. ~ 115.00'

115.00'
S 00° 06' W

EAST DEL RAY AVENUE
40' R/W

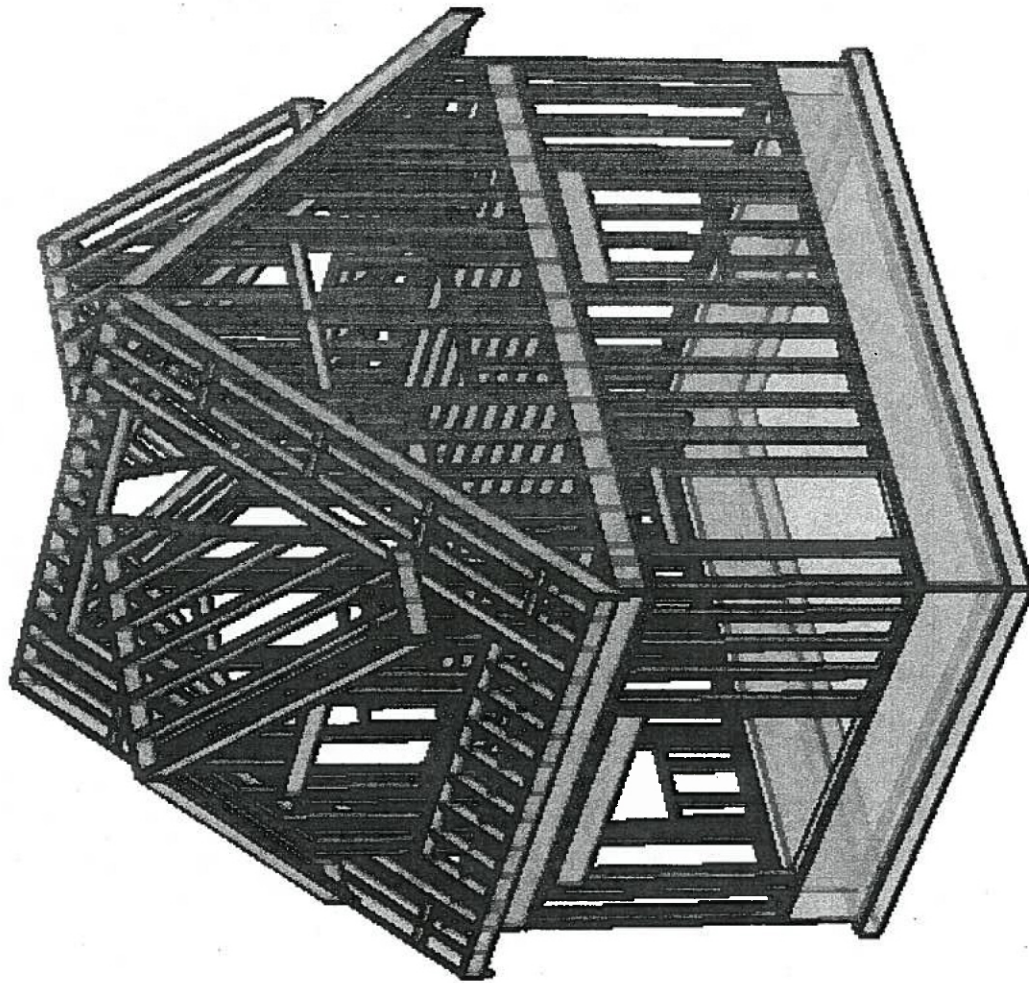
PLAT

SHOWING HOUSE LOCATION ON
LOT 909 & 910

DEL RAY
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 22.86'

FEBRUARY 14, 1990



NOTES:

Rafters - 2"x8", #2 & Btr, SPF

Ridge & Valley Rafters - 2"x10", #2 & Btr, SPF

Ceiling Joists - 2"x6" @ 16" OC, #2 & Btr, SPF

Headers - 2"x12", #2 & Btr, SPF

Cripples - (2) 2"x4", #2 & Btr, SPF, under all Headers

Floor Joists - 2"x12" @ 16" OC, #2 & Btr, SYP

Floor Joists are doubled at all Floor Openings

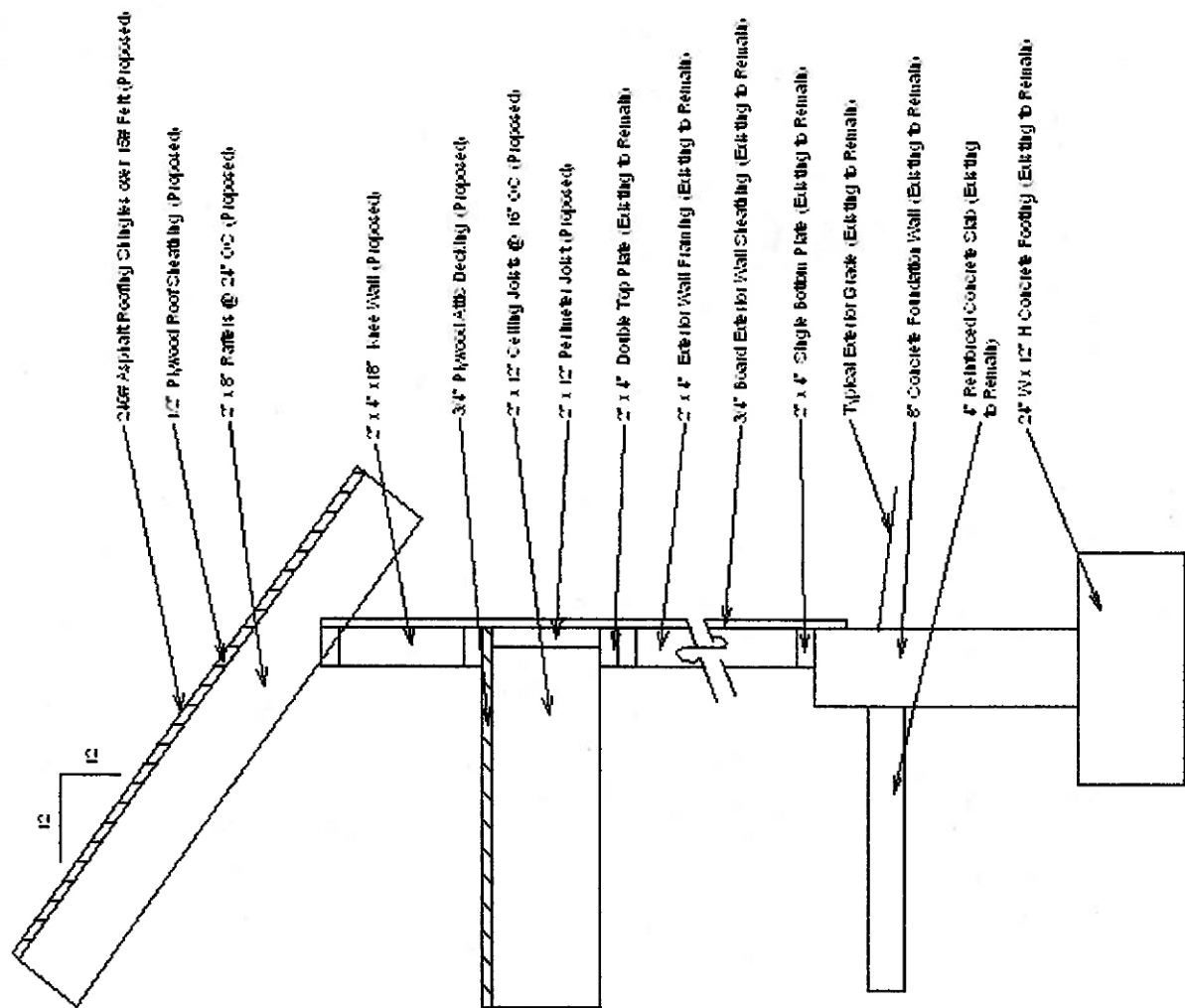
Stair Landing - 2"x8" @ 16" OC, #2 & Btr, SPF

Stair Stringers - (3) 2"x12" #2 & Btr, SYP Treated

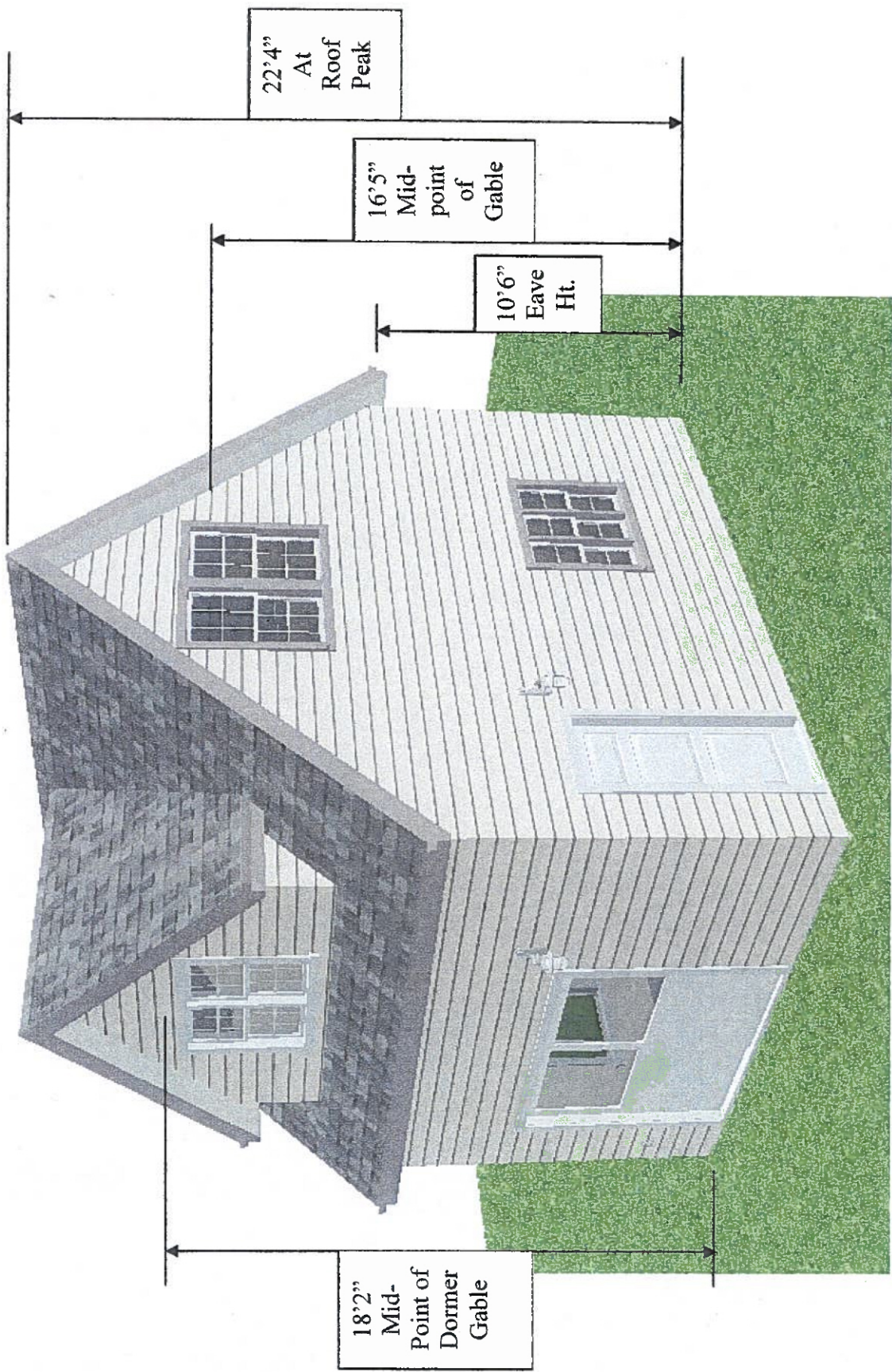
Existing Footings - 12"x24" x 30" Below Grade, 3000# Concrete

Joist and Rafter Hangers are used where required

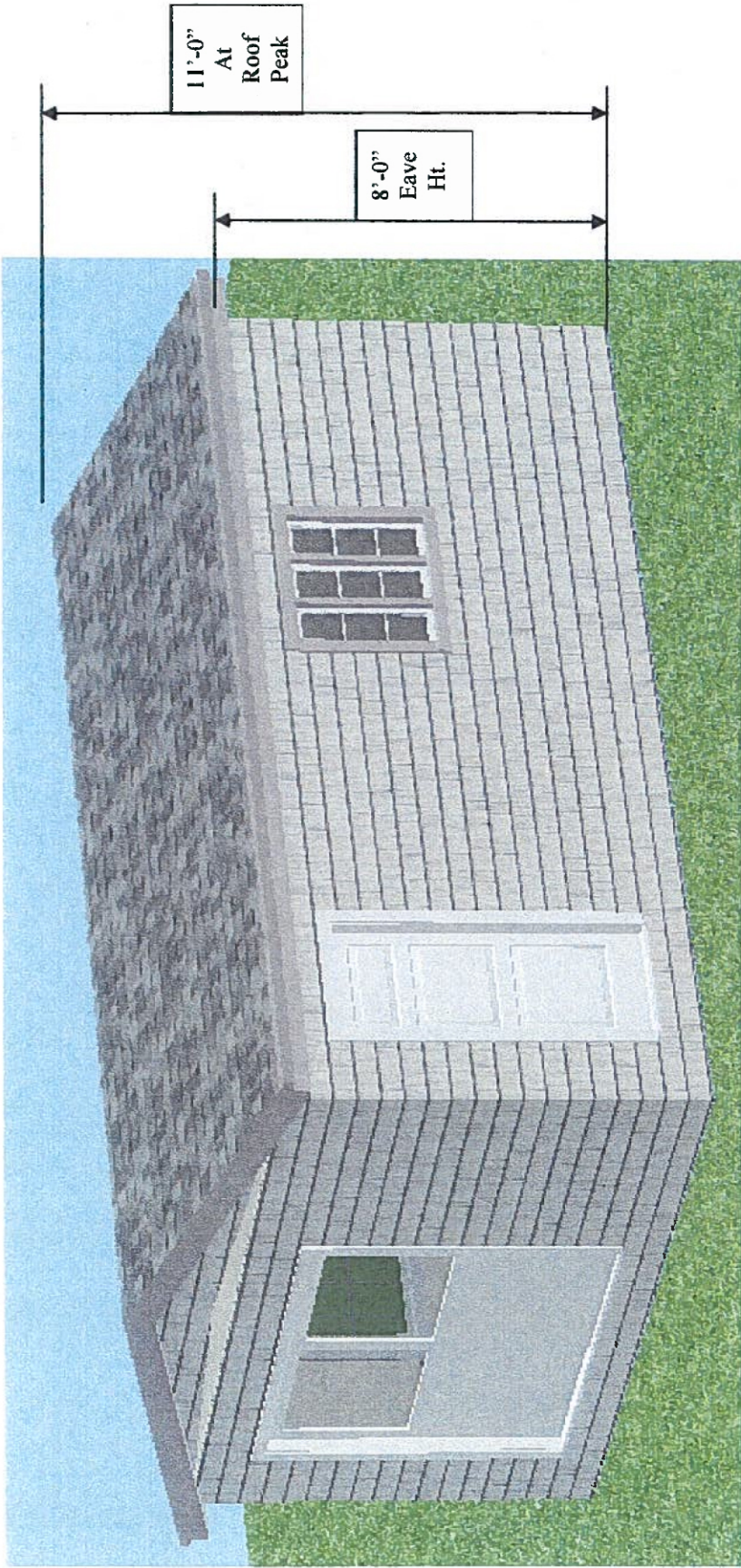
FRAMING



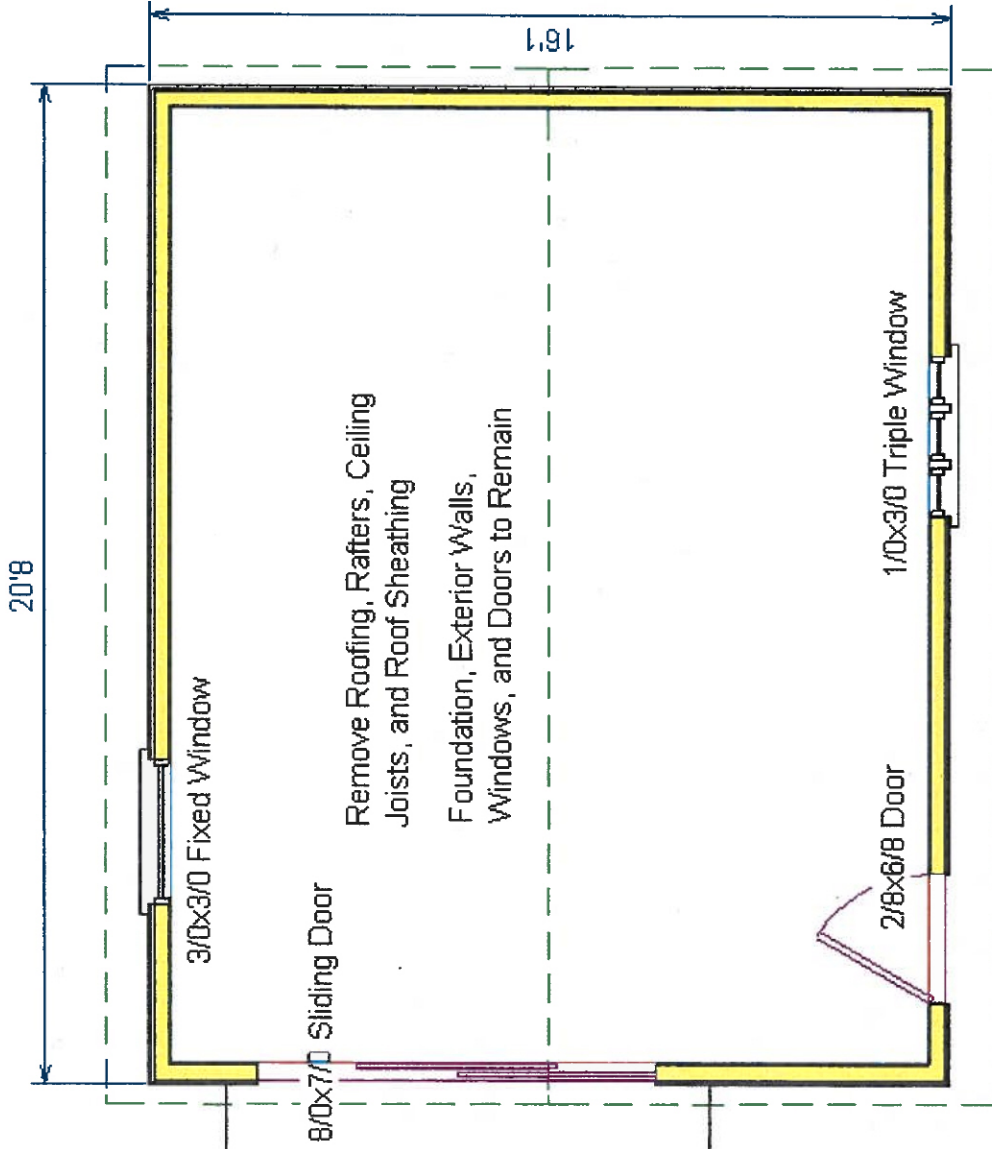
Typical Wall Section



REMODLED GARAGE PERSPECTIVE

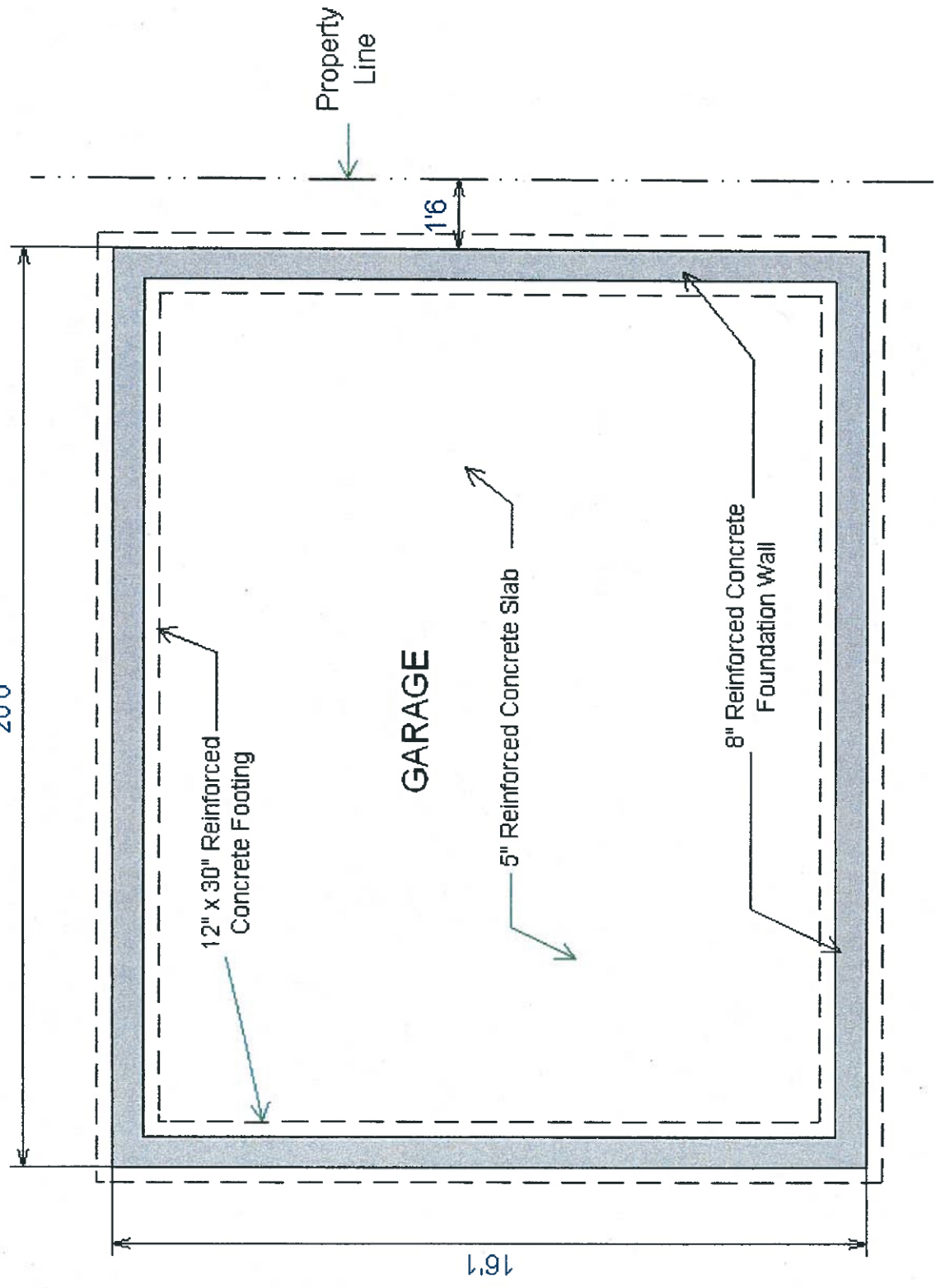


Existing Garage Elevation



EXISTING GARAGE
324 sq ft

20'6"



Property Line

1'6"

12" x 30" Reinforced Concrete Footing

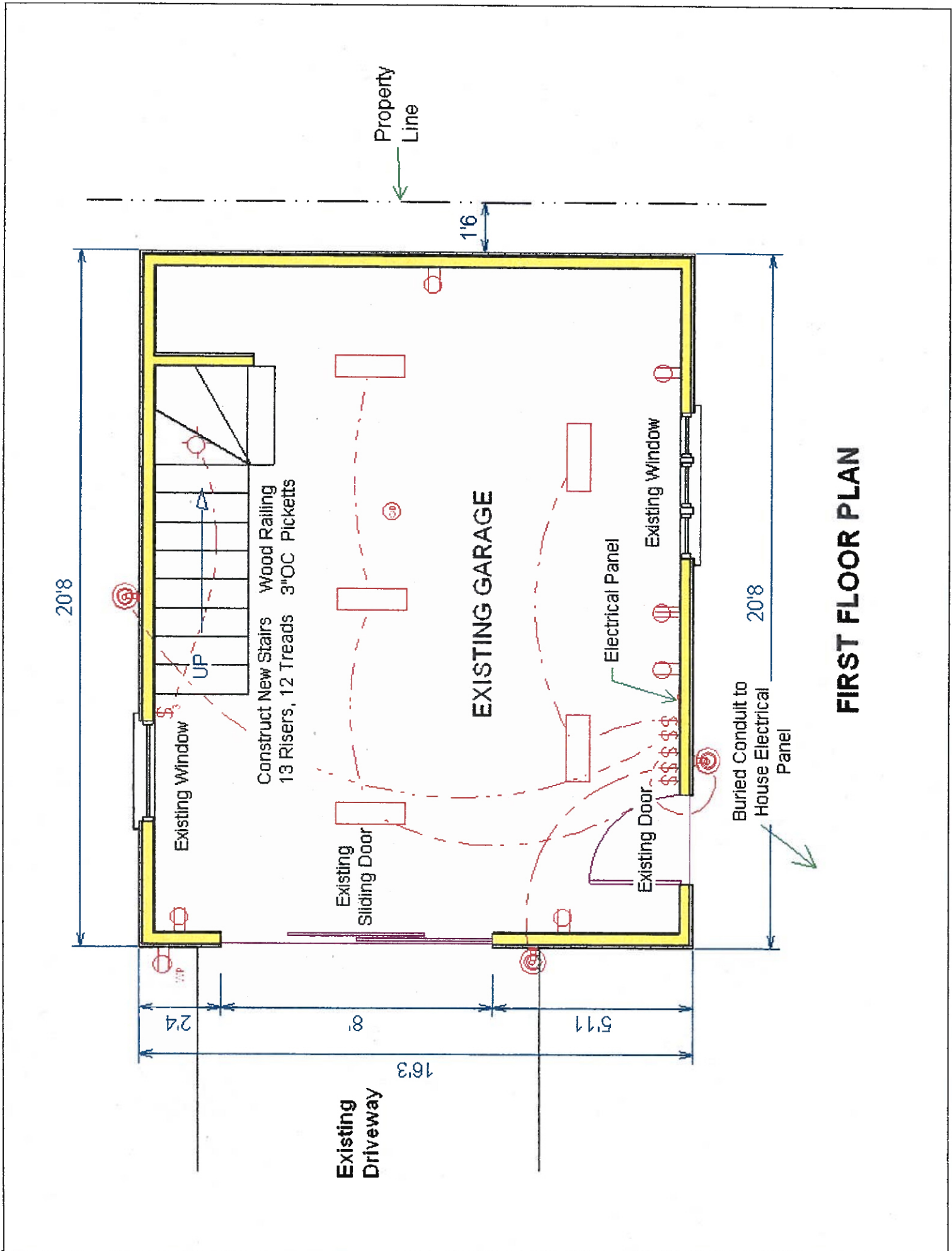
GARAGE

5" Reinforced Concrete Slab

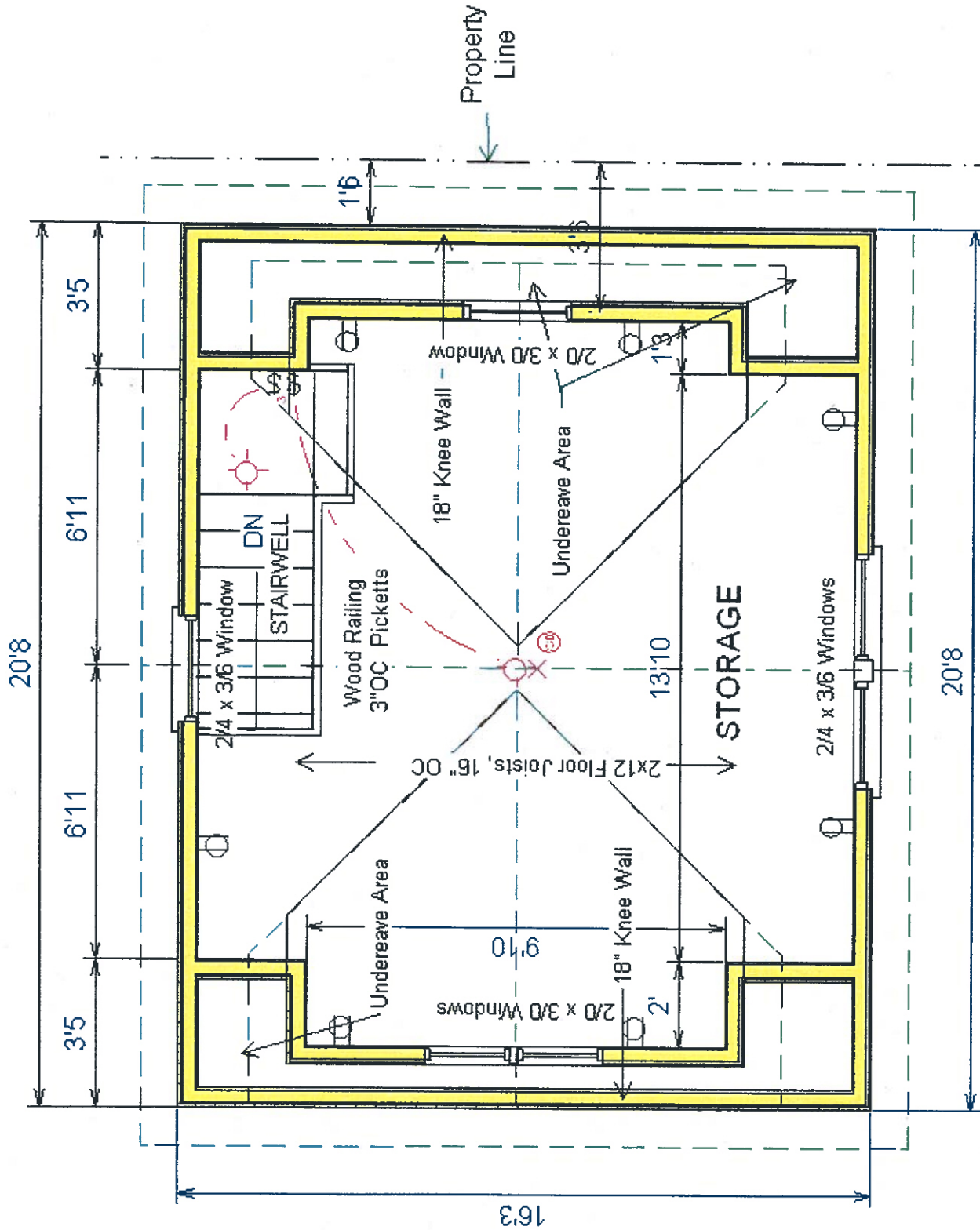
8" Reinforced Concrete Foundation Wall

16'1"

EXISTING FOUNDATION PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Existing Garage to be Remodeled



300 E. Delray Ave.

Two Story Garage Examples



215 E. Nelson

Two Story Garage Examples



2210 E. Nelson

Two Story Garage Examples



301 N. View Terrace

Two Story Garage Examples



205 Russell

Two Story Garage Examples



1609 Russell

Two Story Garage Examples



103 W. Mason

Two Story Garage Examples



7 W. Monroe

Two Story Garage Examples



Leslie & Stewart

Two Story Garage Examples



8 E. Howell

Two Story Garage Examples



12 E. Howell

Two Story Garage Examples



213 E. Oxford