

Docket Item # 4
BZA CASE #2009-0016
Board of Zoning Appeals
July 9, 2009

ADDRESS: 2617 N. STEVENS STREET
ZONE: R-20, RESIDENTIAL
APPLICANT: STACEY SAUNIER, OWNER

ISSUE: Variance to construct an attached garage in the required side yard setback.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-106(A)(2)	Side Yard	12.00 ft	4.00 ft	8.00 ft

BOARD OF ZONING APPEALS ACTION OF JULY 9, 2009: On a motion to approve with the condition that the current screening be maintained by Mr. Goodale, seconded by Mr. Allen, the variance was approved by a vote of 4 to 1. Mr. Zander, dissented.

Reason to approve: The applicant demonstrated a legal hardship due to the angle of the lot. Proposed location is the best option for the scale of the house and the floor plan. The proposed garage is consistent with other two car garages in the neighborhood.

Dissenting reason: Application did not rise to the level of a legal hardship.

Speakers:

Stacey Saunier, owner, made the presentation

Staff **recommends denial** of the request because the applicant has not demonstrated a hardship.

If the Board decides to grant the requested 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.



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07/09/09



I. Issue

The applicant proposes to replace an existing one-car carport with an open deck and open parking pad with an attached flat roof two-car garage with an open deck located in the required east side property line for the dwelling at 2617 North Stevens Street. The new garage will be built in the same location as the existing carport and existing parking pad.



II. Background

The subject property, a corner lot, is one lot of record with 128.08 feet of frontage facing North Stevens Street, 98.66 feet of frontage facing Fillmore Avenue feet and depths of 153.94 feet along the east side property line and 118.78 feet along the south side property line. The property contains 18,587 square feet of lot area. The subject property is substandard as to the minimum lot area, width and frontage for a corner lot in the R-20 zone.

The lot is currently developed with a two-story brick detached dwelling with an attached flat roof carport with an open deck. The dwelling is located 40.10 feet from the front property line facing Fillmore Avenue, 40.30 feet from the front property line facing North Stevens Street, 12.00 feet from the east side property line and 50.00 feet from the south side property line. The attached carport and open deck is located in the northeast corner of the property, 40.10 feet from the front property line facing Fillmore Avenue and 12.00 feet from the east side property line. The carport location complies with the R-20 side and front yard setback requirements. According to real estate assessment records the house was constructed in 1950.

III. Description

The applicant proposes to replace the existing carport with a two- car garage. As shown on the submitted floor plan, the new garage will be built on the existing parking surface. The new garage measures 21.50 feet in depth parallel to the east side property line and a width of 16.00 feet in width facing Fillmore Avenue. Two new set of stairs will be built at the rear of the new garage and on the west side of the garage door to provide access to the house and open deck. The new garage totals 344 square feet.

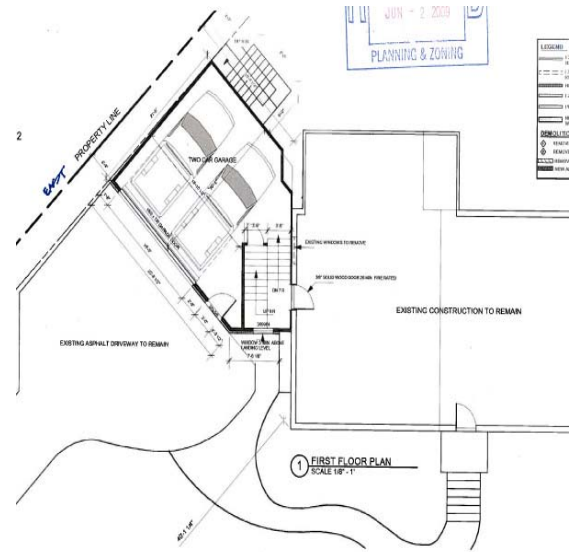
The new garage measures 9.66 feet in height measured from grade to the top of the flat roof facing the east side property line and Fillmore Avenue. The front building wall of the proposed garage will be located behind the front building wall of the existing house and 40.10 feet from the front property line facing Fillmore Avenue and 4.30 feet from the east side property line. The proposed east wall of the garage does not comply with the

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side yard setback. The R-20 zone requires a side yard setback of 12.00 feet or one half the building height whichever is greater. Therefore, the applicant must request a variance to place the new garage in the required east side yard.



Proposed Garage



Floor Plan

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

There have been variances or special exceptions previously granted for the subject property.

IV. Master Plan/Zoning

The subject property is zoned R-20 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Seminary Hill Small Area Plan for residential low use.

V. Requested Variance:

3-106(A)(2), Side Yard:

The R-20 zone requires a minimum side yard setback of 12.00 feet. The proposed garage will be placed 4.00 feet from the east side property line. The applicant requests a variance of 8.00 feet.

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

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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 zoning ordinance places an unreasonable restriction to build an attached garage on the existing concrete pad, which is currently 4.00 feet from the east property line. The house was constructed in the 1950's prior to the current side yard setback requirements. The position of the house is at a severe angle to the cross streets (Fillmore/Stevens) to respect the 40 foot front setbacks resulting in the back of the house being very close to east property line to accommodate a garage.

VIII. Staff Analysis

An existing carport/open deck now complies with the R-20 zone side yard setback. Although there are other two-car garages in the neighborhood, they appear to comply with the side yard setback requirements. The proposed two-car garage will be built closer to the side property line than the current structure. A one-car garage with a roof deck can be built without the need of a variance; the existing parking pad now within 4.00 feet of the east side property line can continue to be used for a second vehicle.

Although the existing house is placed at an angle to the front property lines, there is no hardship nor particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property, particularly for the placement of an attached garage.

Staff agrees that the applicant's home is placed at an angle to the front property line that may make it difficult to place an attached two car garage. A one-car garage can be built instead without the need of a variance. The shape of the lot is similar to other corner lots in the immediate neighborhood. Staff believes there is no basis in which to support a variance.

Therefore, staff **recommends denial** of the proposed 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;

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- 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 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-2 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-3 A soils report must be submitted with the building permit application.
- C-4 Additions and Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- C-5 Additions and 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-6 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-7 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-8 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 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.

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**APPLICATION
BOARD OF ZONING APPEALS**

VARIANCE

BZA CASE # 2009-006

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

PART A

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

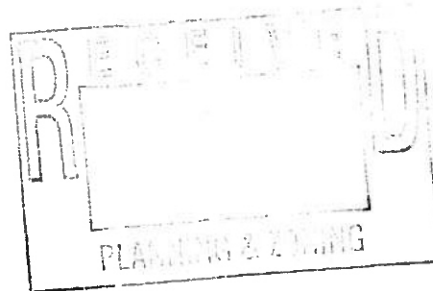
Name Stacey L. Saunier
Address 2617 N. Stevens Street, Alexandria, VA
22311 Daytime Phone 571-327-1727

2. **Property Location** 2617 N Stevens Street, Alexandria
22311

3. **Assessment Map** 10:01 Block 05 Lot 01 Zone R20

4. **Legal Property Owner:**

Name Stacey L. Saunier
Address 2617 N. Stevens Street
Alexandria, VA 22311



5. Describe request briefly:

Replace an existing carport with an attached garage within the same footprint of an existing concrete pad, which accommodates two vehicles. The existing concrete pad is located four feet from the East side yard property line.

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?

N/A

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:

Stacey L. Saurier
print name

Stacey Saurier
signature

571-227-1727
telephone

5/26/09
date

702 841 5068

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:

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

① The ordinance places an unreasonable restriction to build an attached garage on the existing concrete pad, which is currently 4 feet from the East property line. ② The house was constructed in the 1950s, prior to the current side yard requirements. ③ The position of the house is at a severe angle to the cross streets (Fillmore/N. Stevens) to respect the 40 foot front setbacks resulting in the back of the house being very close to the East property line.

2. Is this hardship unique to the property? Yes

A. No - Is the hardship shared by other properties in the neighborhood? Explain:

Horizontal lines for handwritten response to question 2A.

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:

Handwritten 'No' and horizontal lines for handwritten response to question 2B.

3. Was the hardship caused by the applicant? No

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

Horizontal lines for handwritten response to question 3A.

B. Did the applicant apply the property without knowing of the hardship? No

Horizontal lines for handwritten response to question 3B.

C. How was the condition which creates the hardship first created? The house was situated on the lot in the 1950s in accordance with the Dowden Terrace subdivision

Horizontal lines for handwritten response to question 3C.

D. Did the applicant create the hardship and, if so, how was it created? No

Horizontal lines for handwritten response to question 3D.

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 improvement will increase property values. There are other 2-car garages in the immediate neighborhood.

C. Has the applicant shown the proposed plans 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.

The most affected property owner has been advised of the proposed project and has provided favorable feedback! The plans will be shown to the most affected property owner (Lot 2) for further feedback and support.

D. Will it change the character of the neighborhood?

No. There are similar styled attached garages in the neighborhood

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.

Options for a 2-car garage (attached) with a covered entrance to the Kitchen have been discussed with various builders/contractors. The preferred option did not have an impact on the mature oak trees and accommodated the side Kitchen entrance.

- (A) 2 car attached garage parallel to Fillmore Avenue (preferred choice)
- Limits the number of steps/stairs to access main living space of the home (Kitchen)
 - Uses the footprint of the existing concrete vehicle pad.
 - Has the least impact on neighbor (Lot 2)
 - Owner proposes a flat roof to minimize the height and visual concerns of neighbor (Lot 2)
 - Existing tall and mature vegetation along the property line will screen the view of the proposed garage
 - Will require a side variance.
- (B) 2 car garage off on N. Stevens Street
Not preferred because:
- The garage entrance would not be practical to the existing interior floor plan.
 - The entrance from this location would require the owner to go down 6 stairs, (basement entrance) then up 13 stairs, to enter the living portion of the home (Kitchen).



BZA 2009-2016
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DEPARTMENT OF PLANNING AND ZONING FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS FOR SINGLE AND TWO-FAMILY RESIDENTIAL OUTSIDE HISTORIC DISTRICTS

A. Property Information

A1. Street Address 2617 N. Stevens Street Zone R20
A2. 18,587 x .25 = 4647
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area *		Allowable Exclusions	
Basement	1404	Basement**	1,404
First Floor	1584	Stairways**	
Second Floor	729	Mechanical**	
Third Floor		Porch/ Garage**	253
Porches/ Other <u>Carport</u>	253	Attic less than 5**	
Total Gross *	3,970	Total Exclusions	1,757

B1. Existing Gross Floor Area *
3,970 Sq. Ft.
B2. Allowable Floor Exclusions**
1,757 Sq. Ft.
B3. Existing Floor Area minus Exclusions 2,213 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**	42
Second Floor		Mechanical**	
Third Floor		Porch/ Garage**	
Porches/ Other <u>garage</u>	428	Attic less than 5**	
Total Gross *	428	Total Exclusions	42

C1. Proposed Gross Floor Area *
428 Sq. Ft.
C2. Allowable Floor Exclusions**
42 Sq. Ft.
C3. Proposed Floor Area minus Exclusions 42 Sq. Ft.
(subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 2,599 Sq. Ft.
D2. Total Floor Area Allowed by Zone (A2) 4,647 Sq. Ft.

*Gross floor area for residential single and two-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, RB and RA zones (not including properties located within a Historic District) is the sum of all areas under roof on a lot, measured from exterior walls.

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

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

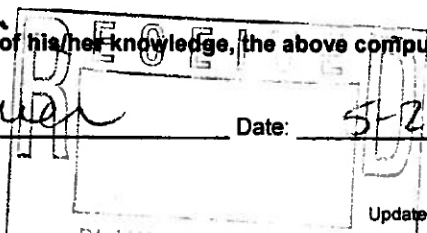
F. Open Space Calculations Required in RA & RB zones

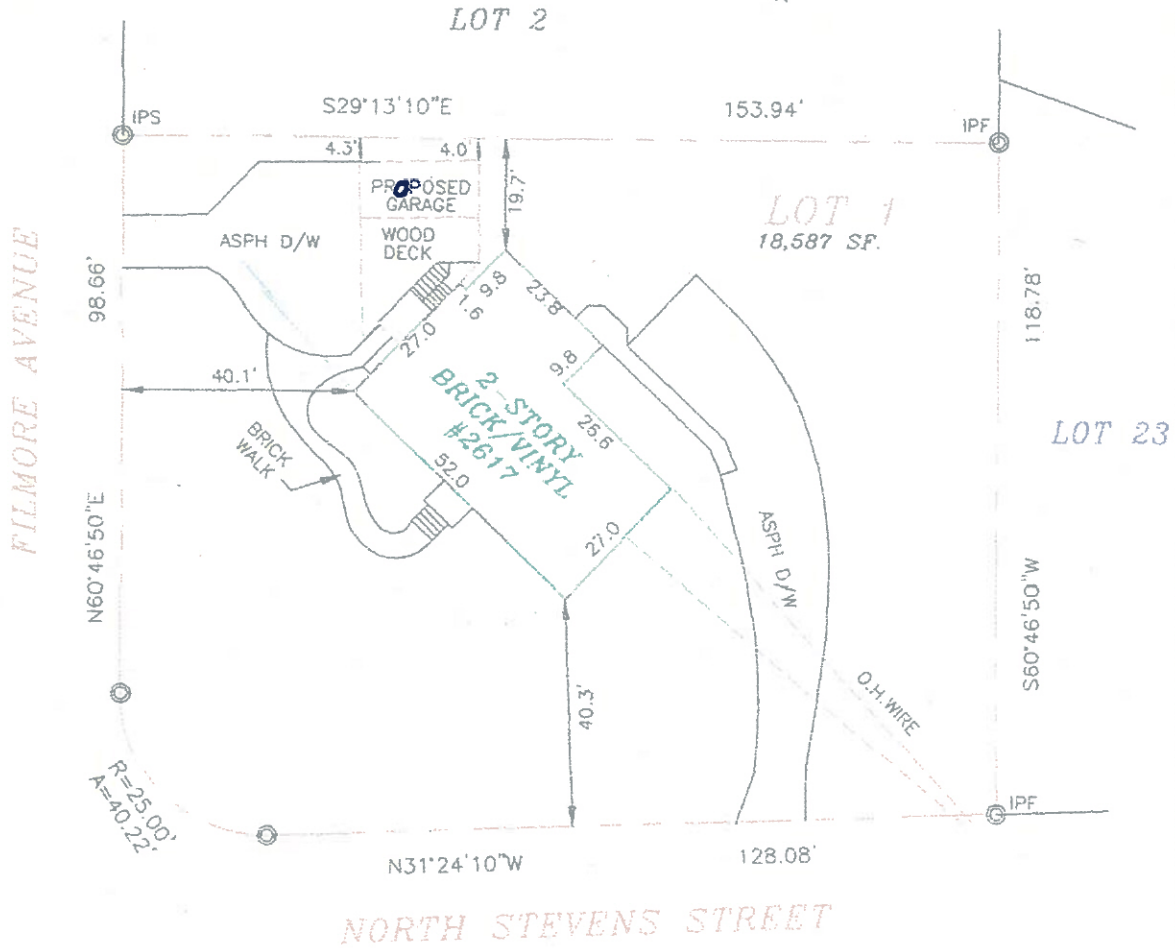
Existing Open Space	
Required Open Space	
Proposed Open Space	

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

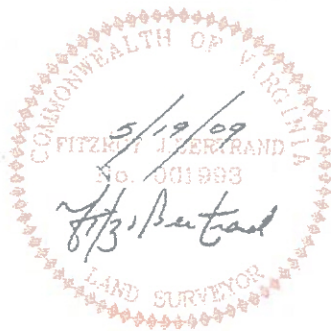
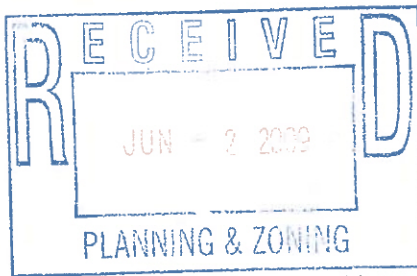
Signature: Stacey L. Bauman

Date: 5-26-2009





FLOOD NOTE:
THIS LOT CLASSIFIED AS ZONE "X"
AREA DETERMINED TO BE OUTSIDE
OF 500 YEAR FLOODING.



PLAT SHOWING
HOUSE LOCATION SURVEY
LOT 1
WELLS TERRACE
CITY OF ALEXANDRIA, VIRGINIA

FLOOD ZONE: "X" PANEL: 50
COMMUNITY NO: 5155190005D DATE: 5/15/91

DATE: 5/19/09 SCALE: 1"=30' CASE NAME: SAUNIER

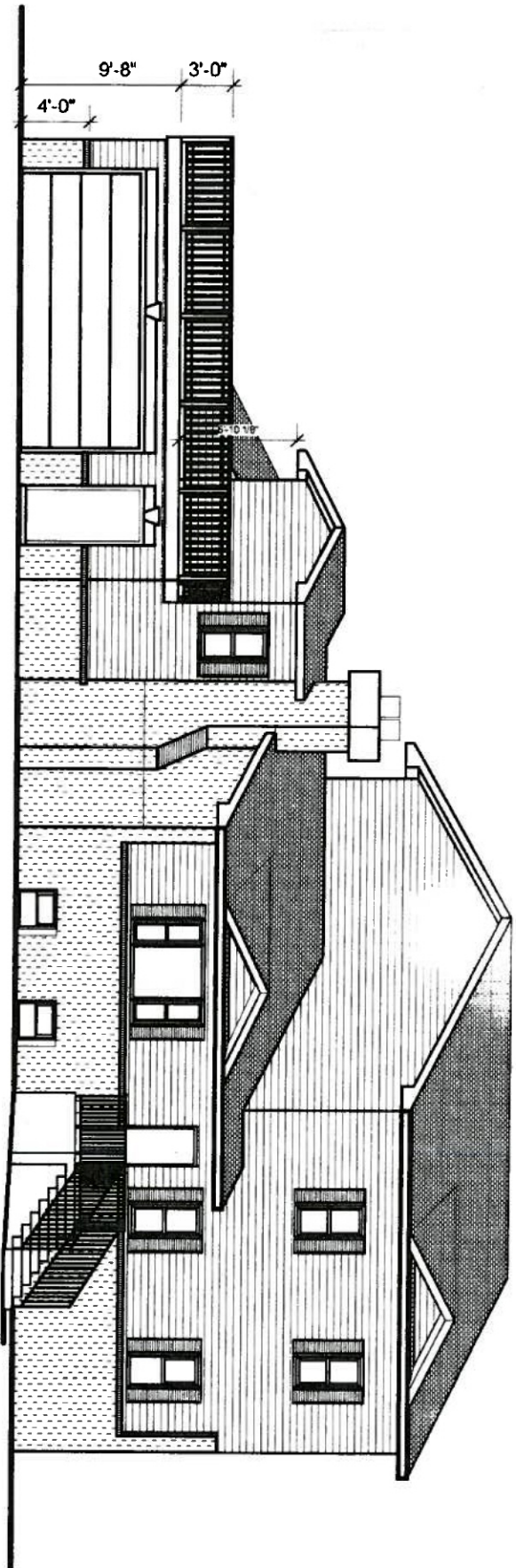
PLAT SUBJECT TO RESTRICTIONS OF RECORD **SDE** SUBURBAN DEVELOPMENT ENGINEERING

I, HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS. ENGINEERS, PLANNERS, SURVEYORS, LANDSCAPE ARCHITECTS

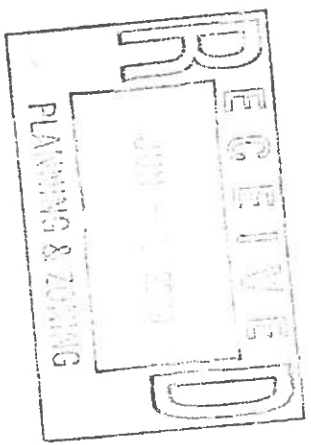
7777 LEESBURG PIKE, SUITE #305N
FALLS CHURCH, VIRGINIA 22048 703-556-0800

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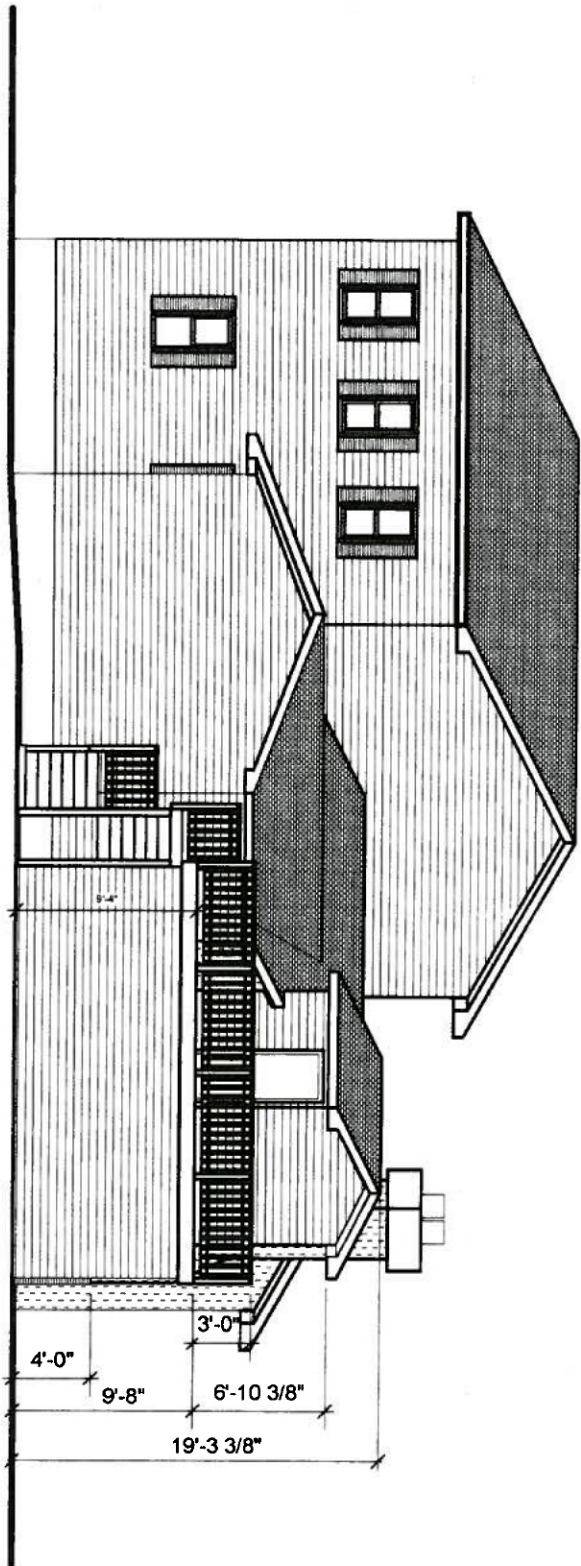
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1 FRONT ELEVATION
SCALE 1/4" = 1'



A-2



① LEFT SIDE ELEVATION
SCALE 1/8" = 1'



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