

Docket Item # 3
BZA Case # 2017-0023
Board of Zoning Appeals
July 13, 2017

ADDRESS: 210 S FAYETTE STREET
ZONE: RM/TOWNHOUSE ZONE
APPLICANT: SCOTT AND ANNETTE AVERY, OWNERS

ISSUE: Public hearing and consideration of a request for a variance to construct a detached one-car garage and workshop in the required rear yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-1106(A)(3)(a)	Rear Yard	16.00 feet	0.00 feet	16.00 feet

Staff **recommends approval** of the requested variance because the applicant has demonstrated a hardship due to narrowness and L-shape of the lot..

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 and setbacks and (2) certification of floor area and open space 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 #2017- 0023
210 S. Fayette Street



I. Issue

The applicants propose to construct a detached one-car garage and workshop in the required rear yard located at 210 South Fayette Street. The proposed project requires a variance to construct the structures in the required rear yard.

II. Background

The subject property is a lot of record that was initially created by a plat of resubdivision approved by the Planning Commission on September 7, 1976. The original plat of resubdivision created five lots, including the ones at 206, 208, 210 and 212 South Fayette Street and an additional outlot (Figure 1). The four lots with frontage on South Fayette Street were developed with townhouse dwellings. A variance for side yard setback relief was granted for 206 South Fayette Street at that time; 208, 210, and 212 South Fayette did not require variances. The fifth lot, an outlot, does not have street frontage and remained vacant and was partially used for off-street parking.

In 1986, a request of a special use permit and variance for setback relief to facilitate the construction of a single-family detached dwelling on the outlot was denied. In 1990, the Planning Commission approved a resubdivision involving the dividing and consolidating of the outlot for portions of it to be joined

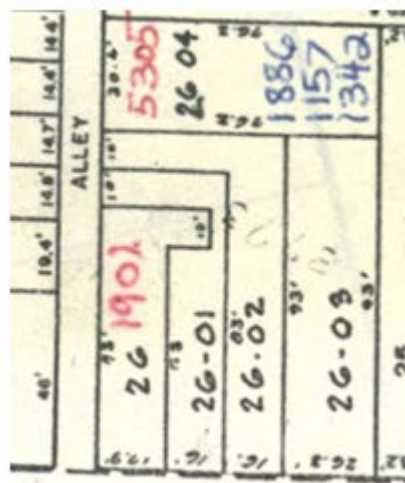


Figure 1: Plat showing the 1976 resubdivision

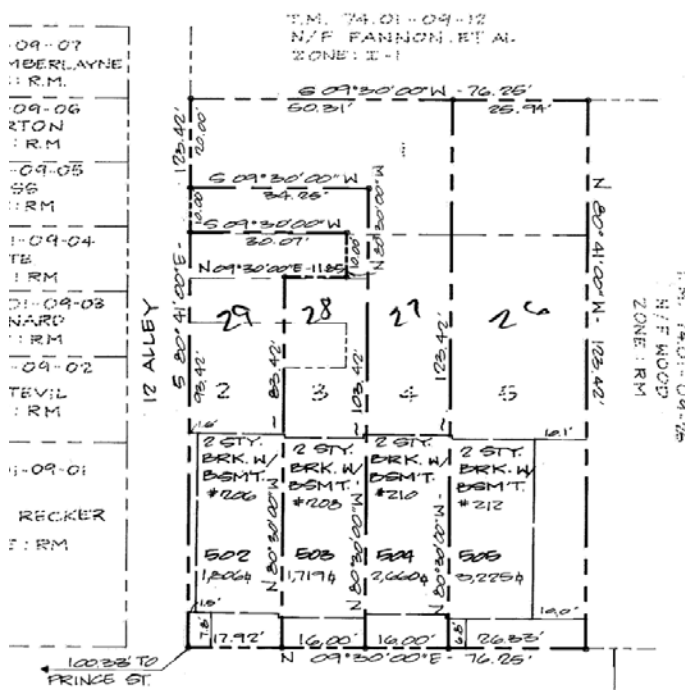


Figure 2: Plat showing the 1990 resubdivision

with the lots at 206, 208, 210 and 212 South Fayette Street. This action configured the lots as they are today and created off-street parking and added lot area to each existing lot (Figure 2).

The subject property is the result of the original 1976 resubdivision and the 1990 consolidation and resubdivision. It has an unusual L-shape with frontage on South Fayette Street. The lot has 16.00 feet of frontage on South Fayette Street and a depth of 123.42 feet from South Fayette Street. A rectangular extension of land protrudes northward from the rear of the lot to touch a 12.00 foot wide public alley. The size of this rectangular shape is 34.25 feet wide and 20.00 feet deep where it fronts the alley (Figure 3).

The property contains 2,660 square feet of lot area and is developed with an existing two-story townhouse dwelling in the RM, Townhouse Zone. The dwelling is an interior townhouse unit (Figure 3).

In addition, it is located in the Old and Historic Alexandria District and is under the jurisdiction of the Board of Architectural Review (BAR). According to real estate assessments, the dwelling was constructed in 1977. There have been no prior variances or special exceptions previously granted for the subject property.

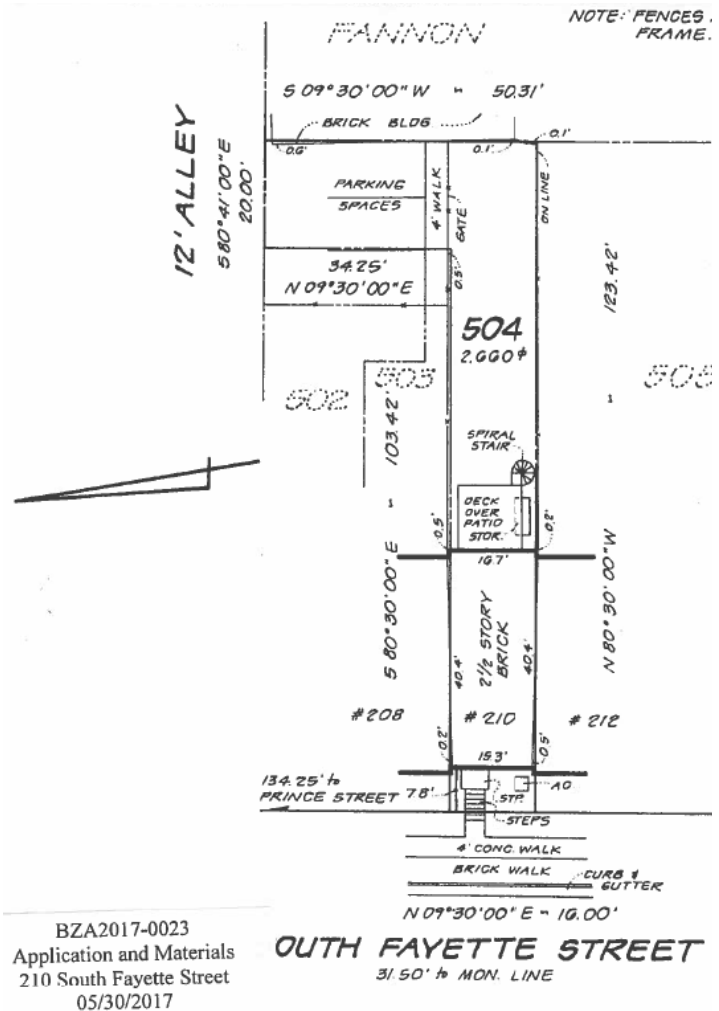


Figure 3: Plat showing existing conditions of 210 South Fayette Street

Table 1. Zoning Table

RM Zone	Requirement	Existing	Proposed
Lot Area	1,452 sq. ft.	2,660 sq. ft.	2,660 sq. ft.
Lot Width	15.00 ft. (Sec. 3-1105 (C)(2) for a development of three or more townhouses where the average width is 18 feet)	16.00 ft.	16.00 ft.
Lot Frontage	15.00 ft. (Sec. 3-1105 (C)(2) for a development of three or more townhouses where the average width is 18 feet)	16.00 ft.	16.00 ft.
Front Yard	0.00 ft.	0.00 ft.	0.00 ft.
Side Yard (north)	0.00 ft.	0.00 ft.	0.00 ft.
Side Yard (south)	0.00 ft.	0.00 ft.	0.00 ft.
Building Height	35.00 ft. max. or may be increased to 45.00 ft. max if the ridge line of the roof is parallel to the street and the slope of the roof is compatible with neighboring buildings	43.75 ft. (dwelling)	15.00 ft. (garage)
Open Space	931 sq. ft.	1,149 sq. ft.	944 sq. ft.
Net FAR	1.5 FAR (3,990 sq. ft.)	2,497 sq. ft.	2,990 sq. ft.

III. Project Description

The applicants are requesting a variance to construct a detached one-car garage and workshop in the required rear yard (Figure 4). The proposed garage measures approximately 11.00 feet wide (when viewed from the alley) and 22.00 feet deep. The proposed workshop measures approximately 16.00 feet wide (when viewed from S. Fayette Street) and 15.00 feet deep. The proposed building pair would be located along the rear property line and the south side property line. The applicant is proposing a zero foot rear yard setback from the property line, but this zone requires a rear yard setback of 16.00 feet. A variance of 16.00 feet from the rear property line is requested. There are no side yards setback requirement for interior townhouse units.

The proposed project would add approximately 482 square feet of floor area to the existing building (please refer to attached FAR calculations) and would reduce the existing open space amount by 460 square feet. The remaining open space would comply with zoning. Upon completion of the work, the applicants would be required to submit a certification of floor area and open space calculations to ensure compliance with the maximum allowable floor area and open space requirements.

IV. Master Plan/Zoning

The subject property is currently zoned RM, Townhouse, which allows for low to medium density residential use. This lot has been so zoned since 1992. It is identified in the adopted Old Town Small Area Plan for residential use.

V. Requested Variances:

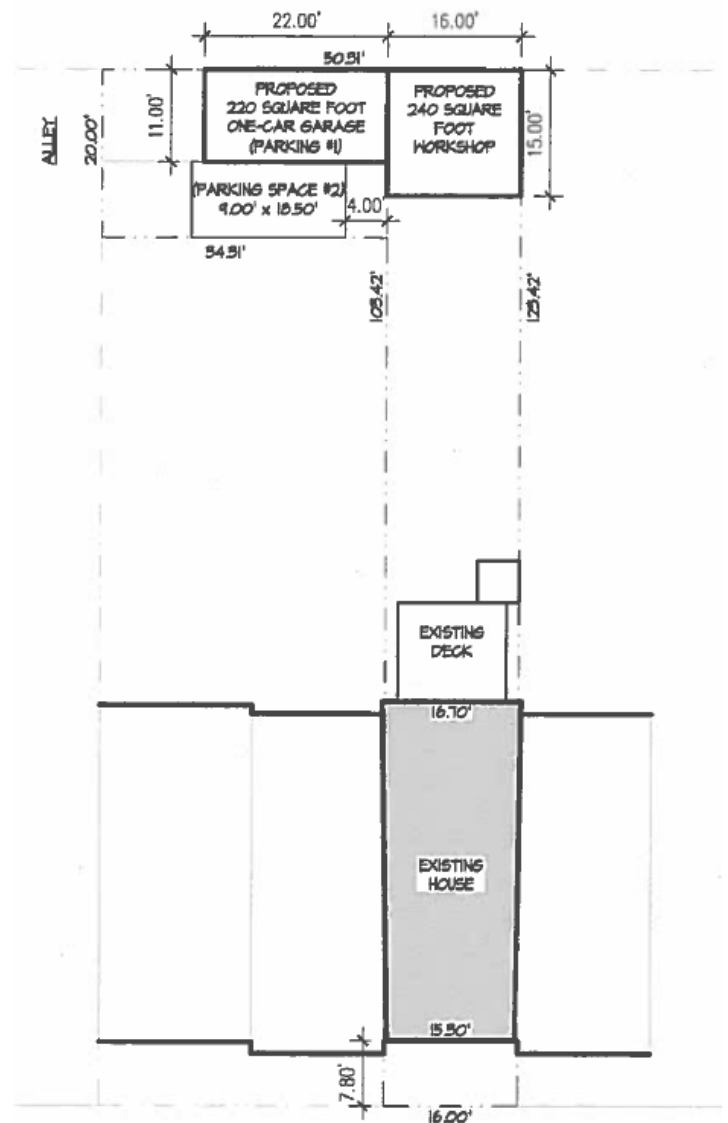


Figure 4: Site plan showing proposed structures of 210 South Fayette Street

Section 3-1106(A)(3)(a) Rear Yard: The applicants propose to construct a detached one-car garage and workshop on the rear property line. The RM zone requires a rear yard setback of 16.00 feet. A variance of 16.00 feet from the rear property line is requested.

VI. Applicant's Justification for the Variance

The dwelling was constructed in 1977 after the original resubdivision of lots in 1976. The lot configuration was changed in 1990 with a resubdivision and consolidation that created the existing subject lot and created off-street parking and added lot area to the land.

The subject lot is irregular with uncommon vehicular access from the alley along a side yard instead of a rear yard. These uncommon physical difficulties create practical difficulty of complying with the setback regulation. The applicant also states there would be aesthetic benefits from the granting of the variance.

VII. Analysis of the Variance Standards

For the Board of Zoning Appeals to grant a variance the following must be addressed: (1) the definition of a variance, set out in Code of Virginia § 15.2-2201 and (2) the criteria for a variance, set out in Code of Virginia § 15.2-2309(2). The applicant seeking the variance must prove by a preponderance of the evidence that his or her application meets these requirements.

The language below has staff's interpretation of the Code of Virginia requirements. Attachment 1 has the pertinent provisions of Sections 15.2-2201 and 15.2-2309(2).

A. Analysis of the Definition of a Variance (Code of Virginia § 15.2-2201)

The applicant must establish that the variance he or she is seeking:

1. Is a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure?

The applicants propose to construct a detached one-car garage and workshop in the required rear yard that would have a zero foot rear yard setback from the property line. This zone requires a rear yard setback of 16.00 feet. A variance of 16.00 feet from the rear property line is requested.

The subject lot is irregular and narrow having an unusual L-shape. The only vehicular alley access to the lot is from its side at the end of the "L extension" instead of being at the rear like typical lots. These uncommon physical difficulties create practical difficulty for complying with the setback regulation. With respect to the neighborhood, many accessory structures, including detached garages, are built abutting lot lines (Figure 5).

This is a reasonable request not only because it is necessitated by the lot's unusual configuration but also because it is for a modest addition to the

dwelling. The deviation of 16 feet is needed because of the limited lot depth at the area closest to the alley. The requested rear yard setback relief would not alter the essential character of the neighborhood and instead would support the building of relatively common out buildings. In addition, the proposed accessory structures are appropriate and consistent with existing use, which is residential use. The proposed location would maintain the existing parking configuration and provide adequate open space requirement.



Figure 5: Map of the neighborhood showing location of some accessory structures

2. The strict application of the zoning ordinance would unreasonably restrict the utilization of the property.

The applicants are requesting a variance from the required 16.00 foot rear yard setback to zero feet in order to construct a detached garage and workshop in the rectangular portion of land that protrudes from the rear of the lot to touch a 12.00 foot wide public alley. The proposed location in the rear of the lot measures 20.00 deep parallel to the alley and 50.31 feet wide perpendicular to the alley. If the rear yard setback requirement of 16.00 feet were applied, only a 4 feet wide strip of land would be available for construction.

Staff considered if the proposed structures were to be constructed closer to the house to comply with the rear yard setback, but discovered that this would reduce the existing open space substantially (with pavement to provide access to the garage) and trigger a different type of variance. Furthermore, it

would be nearly impossible for a motor vehicle to access a garage positioned in a compliant location because of the narrow bend in the lot's shape and the lack of maneuvering area possible. The proposed location for the garage would maintain the existing parking configuration and provide adequate and compliant open space.

3. The need for a variance is not shared generally by other properties.

The subject lot irregular shape is uncommon. In addition, the property line abutting the alley is a side yard, which is a challenge for locating a garage in the back of the property off of the alley and comply with the rear yard setback. Generally, on a regular lot, a rear yard would adjoin an alley and the garage would be located in the rear with the doors that face the alley (Figure 6), making vehicle maneuvering for access possible. The subject lot's uncommon physical configuration create practical difficulty for complying with the setback regulation.



Figure 6: Example of a lot a detached garage with a rear yard adjoining an alley at 1020 Prince Street.

As Figure 5, above, shows, this is the only lot in the general area with this shape and configuration. The adjacent lot to the north has a modified “L shape”, but all other lots in the area are generally rectangular in shape.

4. The variance is not contrary to the purpose of the ordinance.

The Zoning Ordinance permits construction of accessory structures including detached garages and workshops. The applicant has designed the detached one-car garage to replace one of the two existing surface parking spaces located in the side and rear portion of the lot. The existing parking configuration remains similar. The proposed structures would provide a secure parking option and workshop and, as argued by the applicant, improve aesthetics by screening the view of the Coal Yard parking lot from residences.

5. The variance does not include a change in use, which change shall be accomplished by a rezoning.

The variance request does not include a change in use. The proposed project is consistent with the existing use, which is residential use.

B. Analysis of the Criteria for a Variance (Code of Virginia § 15.2-2309)

1. The evidence must show that either the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or granting of the variance would alleviate a hardship due to the physical condition relating to the property improvements thereon at the time of the effective date of the ordinance.

The subject lot is irregular and narrow with an unusual L-shape. Its vehicular access is from the alley along a side yard and not a rear yard.

Generally, on a regular lot a rear yard would adjoin an alley, and the garage would be located in the rear with the doors that will face the alley allowing for reasonable vehicle maneuvering. The subject lot's uncommon physical layout make it impossible to construct the garage close to alley and comply with the rear yard setback regulation. Placing the garage further from the alley will cause nearly impossible vehicle maneuvers to access the garage. The variance would alleviate the site's hardship by having a parking area located near the alley. Additionally, the Zoning Ordinance requires all parking to be accessed either by an alley or an interior court.

2. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance.

This lot's hardship was not created by the applicant. The subject lot was created by a resubdivision in 1976 and further altered in 1990 with the resubdivision and consolidation that configured the subject lot and created off-street parking and added lot area to the land. The dwelling was constructed in 1977 and complied with the requirement in the RM Zone. The lots had been configured and the building constructed several years before the applicants bought the property.

3. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

The proposed detached one-car garage and workshop is modest in size and would provide a secure parking option and workshop space. The design of the proposed structures and location are consistent with the pattern of the neighborhood and would not counter any historic design guidelines. The structures would also provide screening for the Coal Yard parking lot, which

abuts this property and its neighbors to the rear.

4. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation that could be adopted as an amendment to the zoning ordinance.

The subject lot is irregular and narrow with an unusual L-shape with vehicular access to surface parking from the alley along a side yard and not a rear yard. These are uncommon physical configuration of the lot. In the general vicinity, this lot configuration is highly unusual.

5. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.

The variance request does not include a change in use. The property would continue to be used a single-family residential dwelling unit. The proposed project is consistent with residential use.

6. The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.

No other remedy is available except a variance.

VIII. Staff Conclusion

Staff **recommends approval** of the requested variance because the property meets the criteria for a variance. The subject lot is irregular, narrow and an unusual L-shape. In addition, vehicular access to the lot is uncommon because it is from the alley along a side yard and not a rear yard. This application proposes a modest detached one-car garage and workshop, located in the rear of the property consistent with Zoning Ordinance and residential use. Adequate open space and sensitivity to neighborhood character are maintained with this project.

Staff

Alex Dambach, Division Chief, alex.dambach@alexandriava.gov

Mary Christesen, Zoning Manager, mary.christesen@alexandriava.gov

Anh Vu, Urban Planner, anh.vu@alexandriava.gov

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:

- R1 The building permit must be approved and issued prior to the issuance of any permit for demolition. (T&ES)
- R2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R3 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)
- F1 After review of the information provided, an approved grading plan is not required at this time. Please note that if any changes are made to the plan it is suggested that T&ES be included in the review. (T&ES)
- F2 If the alley located at the rear of the parcel is to be used at any point of the construction process the following will be required:

For a Public Alley – The applicant shall contact T&ES, Construction Permitting & Inspections at (703) 746-4035 to discuss any permits and accommodation requirements that will be required.

For a Private Alley – The applicant must provide proof, in the form of an affidavit at a minimum, from owner of the alley granting permission of use. (T&ES)

- C1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)
- C2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C3 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.5-6-224) (T&ES)
- C4 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)

- C5 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-2) (T&ES)
- C6 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (Sec. 5-2-1) (T&ES)

Board of Architectural Review (BAR):

- F1 The subject property is located in the locally regulated Old and Historic Alexandria District (OHAD). The proposed project will require approval of a Certificate of Appropriateness from the OHAD Board of Architectural Review (BAR).
- F2 Property history:
210 South Fayette Street was constructed in 1977 according to City Real Estate tax records. It is one of a row of four brick townhouses constructed in a Colonial Revival style. BAR staff administratively approved the replacement of windows and French doors in 2016 (BAR Case #2016-0122). No other BAR approvals were located.
- C1 The L-shaped lot form is a relatively uncommon lot configuration in Old Town though there are some instances where these lots exist but they have evolved over time. In this case (without completing any deed research or site plan history), it appears that this lot was created as an L-shape in order to provide access to the alley and parking. City records depict this alley as public.
- C2 As the existing townhouse with which this garage will be associated is of later construction and not considered historic, BAR staff and the BAR will review the design for compatibility with the existing townhouse as well as the adjacent context. This particular site is somewhat unusual in that nearly half the block is a parking lot in an old coal yard. Generally, a one-story accessory structure with high-quality materials and an architectural style sympathetic to that of the main dwelling is considered an appropriate response consistent with the BAR's Design Guidelines.

Historic Alexandria (Archaeology):

- F1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

Code Administration:

No comments received.

Recreation (Arborist):

No comments received.

Attachments:

1. Section from the Code of Virginia

ATTACHMENT 1

Code of Virginia § 15.2-2201

...

“Variance” means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

...

Code of Virginia § 15.2-2309(2)

...

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.

...



**APPLICATION
BOARD OF ZONING APPEALS
VARIANCE**

BZA2017-0023

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

Section 3-1106-(A) (3)(a)

PART A

1. Applicant: ☒ Owner ☐ Contract Purchaser ☐ Agent

Name Scott and Annette Avery

Address 210 South Fayette Street

Alexandria, VA 22314

Daytime Phone (703) 683-1323

Email Address swavery19@yahoo.com

2. Property Location 210 South Fayette Street

3. Assessment Map # 074.01 Block 09 Lot 33 Zone RM

4. Legal Property Owner Name Scott W. or Annette C. Van De Kreeke Avery

Address 210 South Fayette Street

Alexandria, VA 22314

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OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

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1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.Scott & Annette Avery	210 S. Fayette Street Alexandria, VA 22314	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 210 S. Fayette Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.Scott & Annette Avery	210 S. Fayette Street Alexandria, VA 22314	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review (OHAD and Parker-Gray). **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity below and "NONE" in the corresponding fields.)**

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.Scott & Annette Avery	None	None
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

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5. Describe request briefly:

We request variance of section 3-1106-(A) (3) (a) that requires a rear yard based on a setback ratio of 1:2 and a minimum size of 16 feet so that we can demolish an existing shed structure and replace it with a new one-car garage and workshop.

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.

PART B

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please **attach** additional pages where necessary.)

1. Please answer A or B:

A. Explain how enforcement of the zoning ordinance would prevent reasonable use of the property.

Section 3-1106-(A) (3) (a) requires a 16 foot setback on a portion of the property that is only 20 feet wide. Because this lot has an unusual "L" configuration the setback is being imposed unreasonably on the only area of the lot that can physically accommodate a garage for the protection of an automobile. This location is adjacent to a commercial zone and property that is used for long term storage of buses, boats and trucks and short term parking for automobiles. Without construction of a structure along the zone transition then we would not be able to screen the nuisance view of the adjacent commercial property.

B. Explain how the variance, if granted, would alleviate a hardship, as defined above.

If granted, the variance will allow the construction of a single-story structure that can accommodate parking of an automobile as well as screen the nuisance view of the commercial lot (the old coal yard) behind the property.

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2. Is this unreasonable restriction or hardship unique to the property?

A. Explain if the restriction or hardship is shared by other properties in the neighborhood.

This restriction is not shared with other neighbors with the exception of the two lots to the north, both which were developed contemporaneously with the subject lot. Those lots would benefit from the screening of the commercial property.

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

No; the irregular shape of the lot is not typical for the great majority of properties in the RM zone. "L" shape lot configurations in the RM zone are rare.

3. Was the unreasonable restriction or hardship caused by the applicant?

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

Yes; the condition existed in 1996 when we purchased the property.

B. Did the applicant purchase the property without knowing of this restriction or hardship?

Yes; we were unaware that the L shaped lot was not typical regarding the application of the zoning regulations. We assumed the alley was considered the "rear" of the property.

C. How and when did the condition, which created the unreasonable restriction or hardship, first occur?

Our research indicates that the condition was created in 1977 with the original subdivision of the lots. The lot configuration was altered in 1990 with a consolidation and re-subdivision of the lots when the two existing structures were removed from the area at the rear of the lot.

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

No, we did not create the restriction. It existed when we bought the property.

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

- A. Explain if the proposed variance will be detrimental to the adjacent properties or the neighborhood in general.

No; the variance if granted will remediate the issue of unsightly commercial uses in the view shed of the neighboring townhouses. It will benefit the two adjoining townhouse owners by screening the Commercial parking lot.

- B. Has the applicant shown the proposed plans to the most affected property owners? Have these property owners written statements of support or opposition of the proposed variance? If so, please attach the statements or submit at the time of the hearing?

Both property owners that directly adjoin our property (212 S. Fayette Street and 208 S. Fayette Street) have given their support and will provide written statements at the time of the hearing. Remaining property owners that are adjacent to our property will be contacted by us prior to the hearing.

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

No; as written, Section 3-1106 does not allow for exceptions in cases of irregular shaped lots.

PART C

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

We worked with Kulinski Group Architects to explore various alternatives. Only one other option presented itself to construct a garage. To keep the garage structure out of the rear yard, the garage would be pushed into the proposed open space at the midpoint of the existing yard and would require a longer driveway with a tight turning radius. This location would also require an open space variance and would locate the structure in a location objectionable to neighbors. It would also create a small confined yard between the house and new structure, not in keeping with the spirit of the open space requirement.

2. Please provide any other information you believe demonstrates that the requested variance meets the required standards.

The existing parking configuration will not change, the addition of the garage will take place in the same area as the current parking space. This will avoid disruption to the neighbors' parking situation and use of the alley. We do not intend to separate our lot from the neighbors with a fence between parking spaces.

There is a brick wall between the commercial property and ours, the new garage moves the location of the brick wall one parking space over from where one currently exists. The new garage will be built up against the existing brick wall along the commercial lot.

The topography of the lot is a contributing factor, the commercial lot as well as our backyard is in a depression approximately 8 feet below street level. This allows for our house to have a walk-out basement, but at the same time raises our first floor and upper levels above the commercial lot, giving us a clear view of the cars, boats, buses and trucks stored there. The garage being located in the depression will not impede the view of the neighbors along Prince Street to the north but at the same time will offer us visual screening.

Prior to the site being developed as townhouses in 1977 there were 3 large shed structures that occupied the property. Two of those structures were located where we are looking to place our garage and workshop.

We are asking for relief for the garage and also for the workshop, as we have tools and materials stored in the basement level of the house in a current bedroom. We would want the workshop for storage of woodworking and home repair tools, materials and garden equipment such as the electric lawnmower and trimmer.

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THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the project, and written descriptive information 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:

☒ I, as the applicant or authorized agent, note that there is a fee associated with the submittal of this application. Planning & Zoning Department staff will be in contact with the applicant regarding payment methods. Please recognize that applications will not be processed until all fees are paid.

☒ Yes ☐ No I affirm that I, the applicant or authorized agent, am responsible for the processing of this application and agree to adhere to all the requirements and information herein.

Printed Name: Scott and Annette Avery Date: May 29, 2017

Signature: Scott Avery / Annette Avery

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.

*****ATTENTION APPLICANTS*****

At the time of application for a Special Use Permit, Rezoning, Vacation, Encroachment, Variance, Special Exception or Subdivision, you must provide a draft of the description of your request you intend to use in the property owner's notice. You must be thorough in your description. Staff will review the draft wording to confirm its completeness.

The example illustrates a detailed description:

"Variance to construct a two-story addition in the required side yards on _____ Street"

If you fail to submit draft language at the time of the application filing deadline, the application will be determined to be incomplete and may be deferred by staff.

BZA2017-0023
Application and Materials
210 South Fayette Street
05/30/2017



FENCES ARE
FRAME.

22

PAVILION

NOTE: FENCES ARE
FRAME.

12' ALLEY

580°41'00"E
20.00'

509°30'00"W ~ 50.31'

BRICK BLDG.

ON LINE

34.25'
N09°30'00"E

4' WALK

123.42'

504
2,660#

502

103.42'

SPIRAL
STAIR

505

580°30'00"E

N80°30'00"W

#208

#210

#212

2 1/2 STORY
BRICK

134.25' to
PRINCE STREET 7.8'

STAIR

40'

4' CONC. WALK

BRICK WALK

CURB &
GUTTER

N09°30'00"E ~ 16.00'

OUTH FAYETTE STREET

31.50' to MON. LINE

BZA2017-0023

Application and Materials

210 South Fayette Street

05/30/2017

PLAT

SHOWING PHYSICAL IMPROVEMENT SURVEY

#210 SOUTH FAYETTE STREET

(LOT 504, CONSOLIDATION AND RESUBDIVISION OF LOTS 1 THROUGH 5
OF THE RESUBDIVISION OF LOT 23, BLOCK G)

CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20'

DATE: OCT. 21, 1996

THIS DWELLING IS NOT LOCATED
IN A F.E.M.A. SPECIAL FLOOD
HAZARD AREA.

PLAT SUBJECT TO
RESTRICTIONS OF RECORD.

TITLE REPORT NOT
FURNISHED.

CASE NAME: AVERY ~ Van De KREEKE

ELSBERG

RCFIELDS, JR. & ASSOCIATES
A PROFESSIONAL CORPORATION

LAND SURVEYING

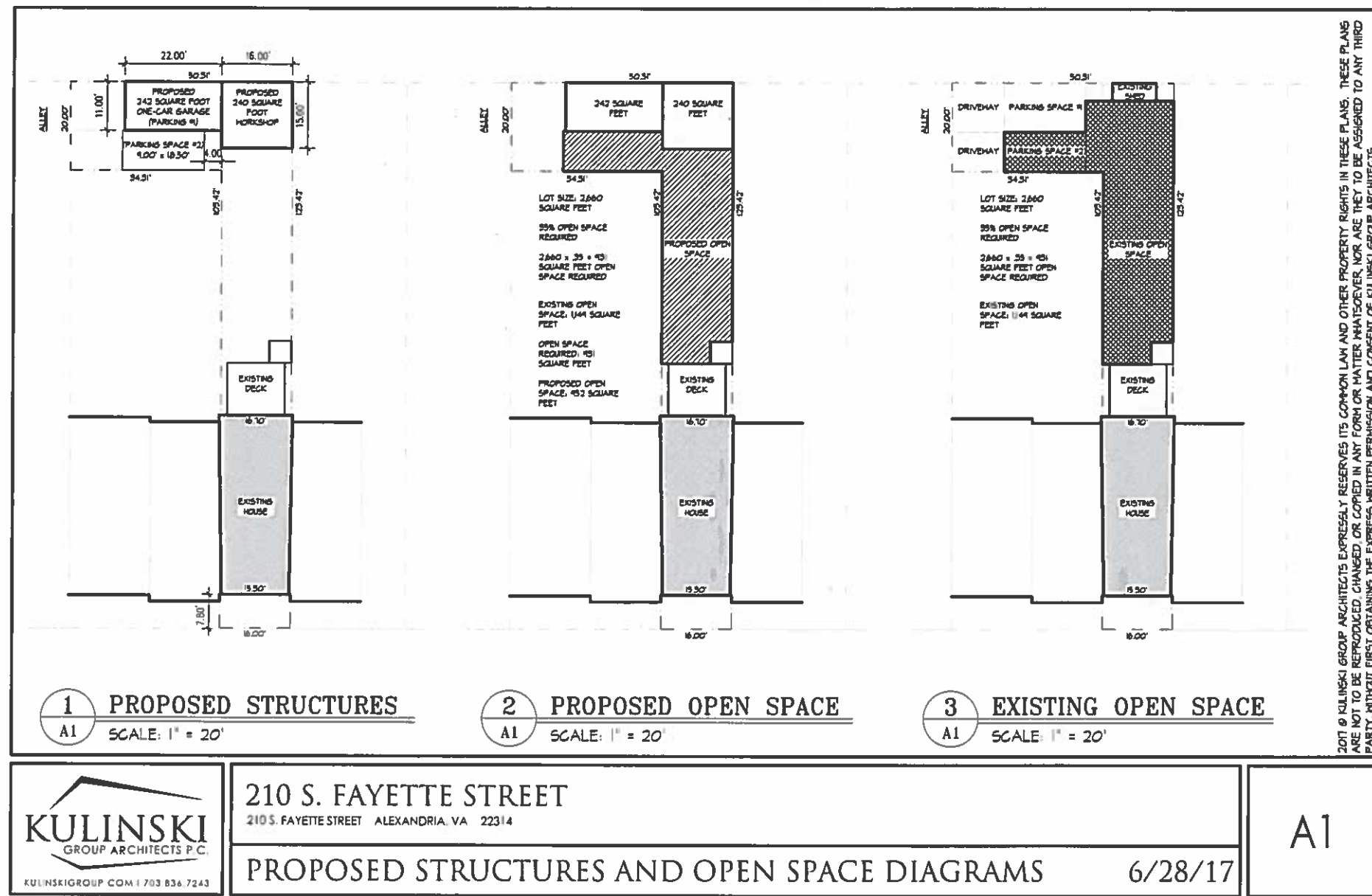
SITE PLANNING

SUBDIVISION DESIGN

718 JEFFERSON STREET ALEXANDRIA, VIRGINIA 22314
TEL. (703) 549-6422 FAX (703) 549-6452

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.

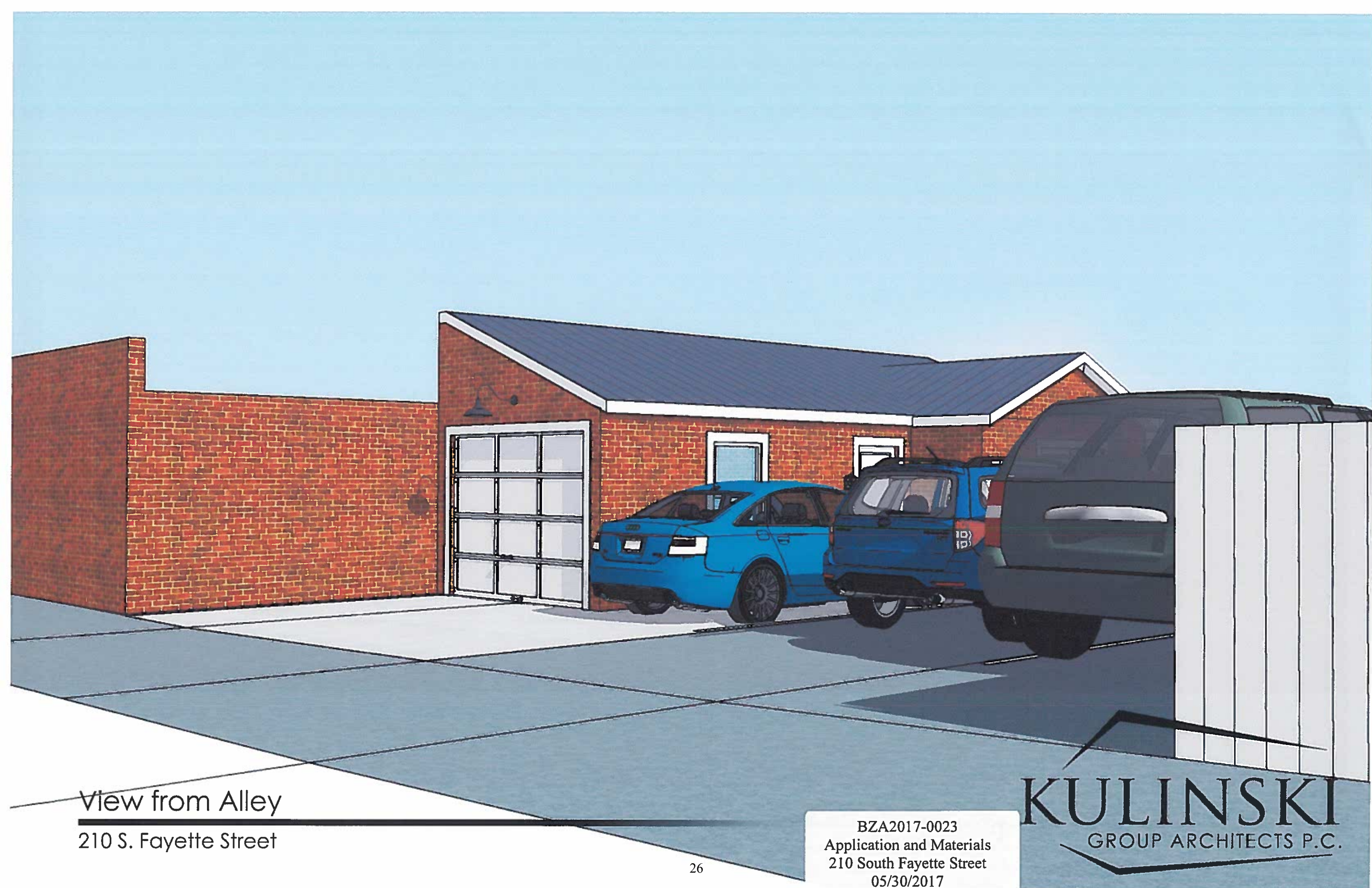




REVISED



Bird's Eye View
210 S. Fayette Street



View from Alley
210 S. Fayette Street

BZA2017-0023
Application and Materials
210 South Fayette Street
05/30/2017

KULINSKI
GROUP ARCHITECTS P.C.

Backyard view from second floor



Application and Materials
210 South Fayette Street
05/30/2017

Backyard view from first floor



Backyard view from lower level



BZA2017-0023
Application and Materials
210 South Fayette Street
05/30/2017

Current parking area showing existing brick wall on property line (at left)



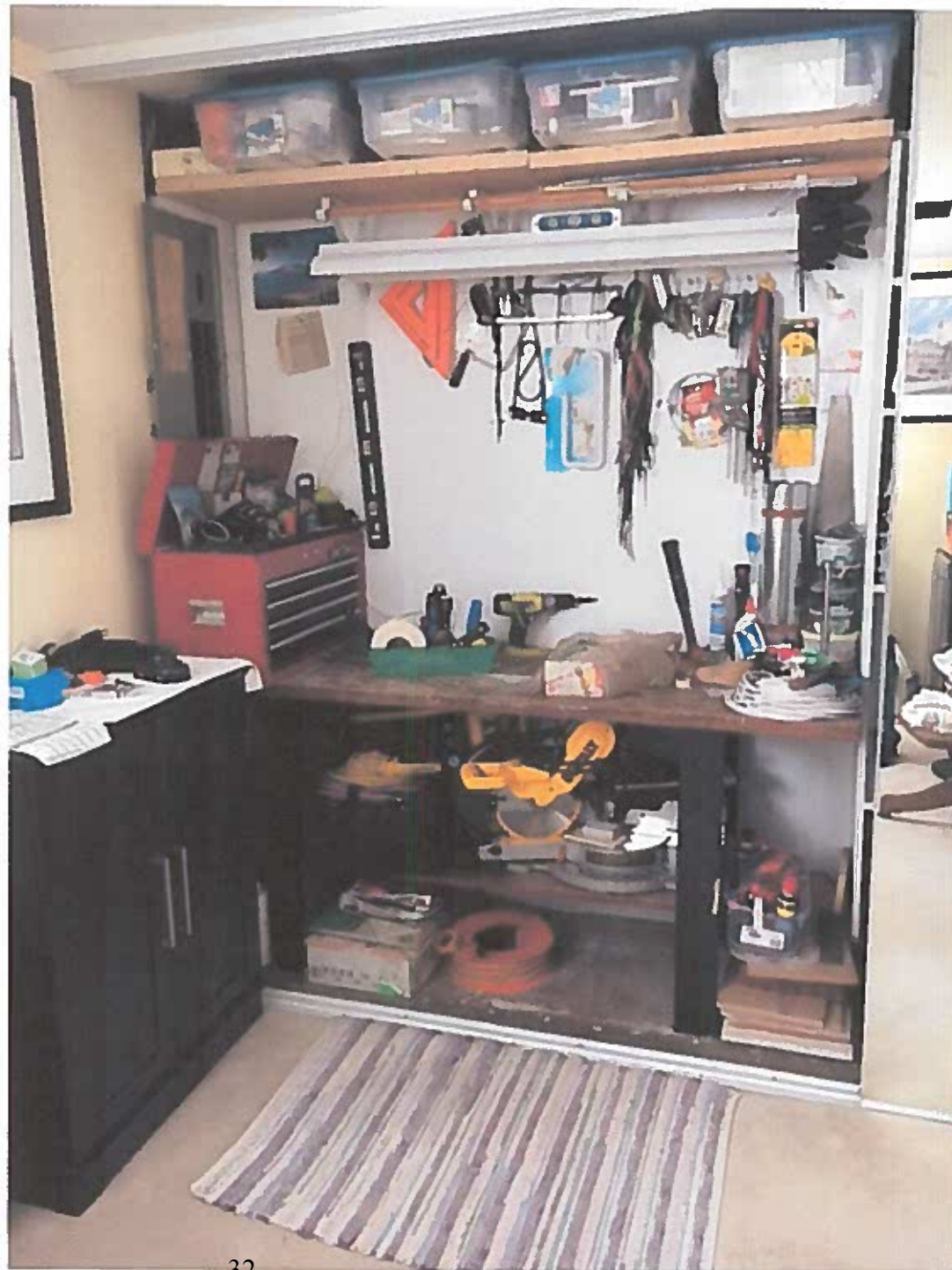
BZA2017-0023
Application and Materials
210 South Fayette Street
05/30/2017

Google Earth map showing L-shaped property (in red) abutting Coal Yard parking area and alley.



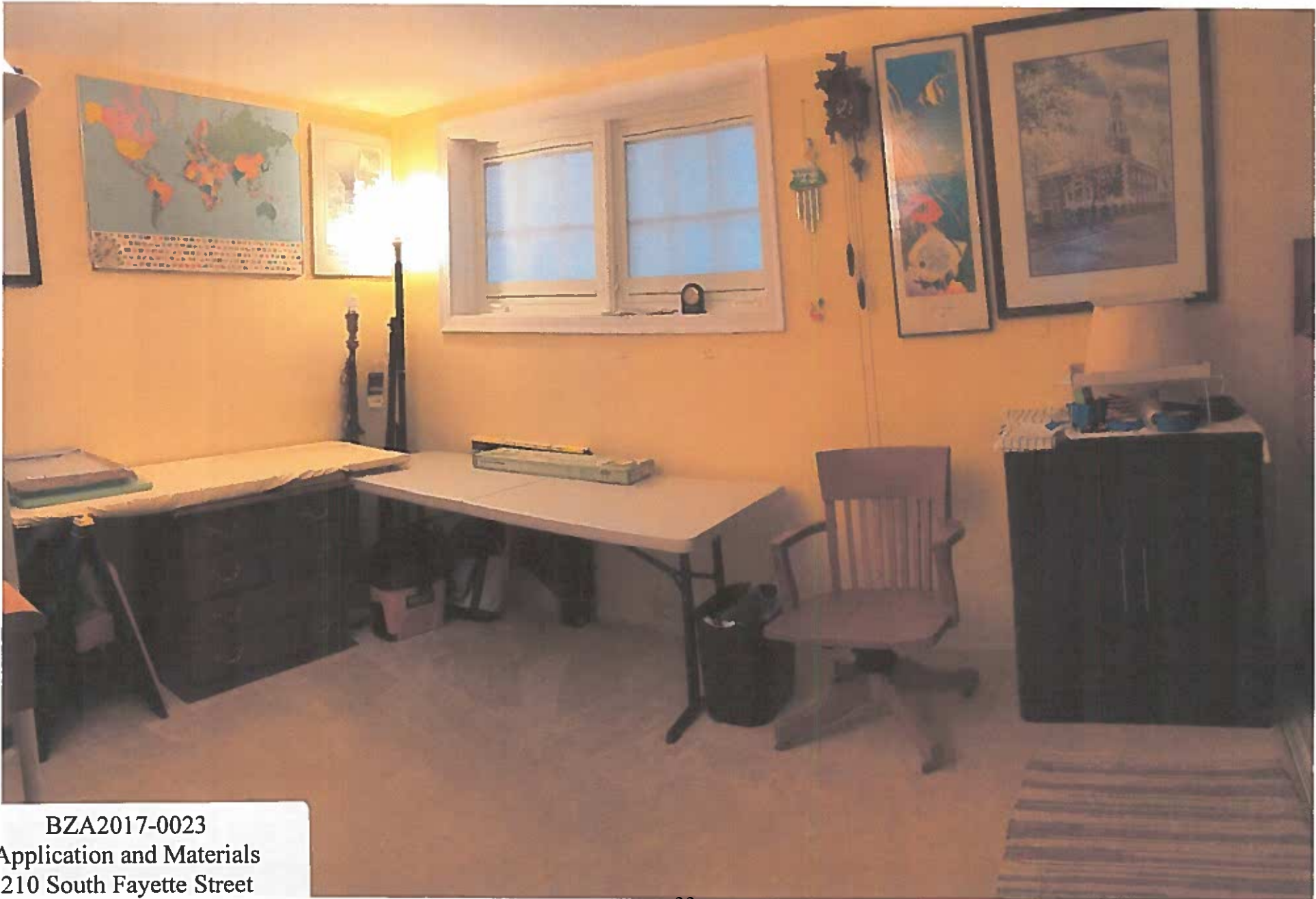
BZA2017-0023
Application and Materials
210 South Fayette Street
05/30/2017

Existing bedroom on lower level
being used as workshop



BZA2017-0023
Application and Materials
210 South Fayette Street
05/30/2017

Existing bedroom on lower level being used as workshop



BZA2017-0023
Application and Materials
210 South Fayette Street
05/30/2017

May 30, 2017

TO: Mr. Laurence Altenburg
Chair, Board of Zoning Appeals

RE: Variance of Rear Yard Setback at 210 S. Fayette Street
BZA Hearing – July 13, 2017

We are neighbors of Scott and Annette Avery and share the property line where their proposed single-story one-car garage and workshop would be located. We support their request for a zoning variance of the rear yard setback requirement.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gosling & Deborah Kops". The signature is stylized with large, flowing loops and a long horizontal stroke at the end.

John Gosling & Deborah Kops
208 S. Fayette Street
Alexandria, VA 22314

June 22, 2017

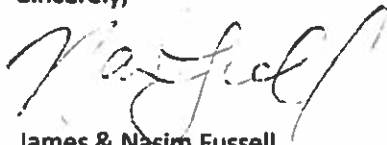
Mr. Laurence Altenburg
Chair, Board of Zoning Appeals

RE: Variance of Rear Yard Setback at 210 S. Fayette Street
BZA Hearing – July 13, 2017

Dear Mr. Altenburg,

We are neighbors of Scott and Annette Avery. We share the property line where their proposed single-story one-car garage and workshop would be located, and support their request for a zoning variance of the rear-yard setback requirement.

Sincerely,

A handwritten signature in cursive script, appearing to read "James & Nasim Fussell".

James & Nasim Fussell
212 S. Fayette Street
Alexandria, VA 22314

Avery Annette

From: Fannon.Francis <Francis.Fannon@SunTrust.com>
Sent: Wednesday, June 28, 2017 12:22 PM
To: Scott Avery
Cc: Avery Annette
Subject: RE: Coal Yard Schematic

Scott- I told city hall I have no problem with Variance as long as it does not hurt my potential project.

I am working on getting a meeting at city hall soon with my draft for some initial feedback.

Thanks Frank

[Click here](#) to watch a quick video about our home mortgage process.

Frank Fannon, NMLSR#20403
Mortgage Loan Officer
THE PRIVATE CLIENT GROUP
SunTrust Mortgage, Inc.
Office: (703) 838-2519
Cell: (703) 861-1864
Fax: (703) 548-8182
515 King Street, 2nd Floor
Alexandria, VA 22314
www.suntrust.com/frank.fannon Apply on-line
Assistant: Francine Nelson | 703-838-2528 |
Francine.Nelson@suntrust.com

From: Scott Avery [mailto:swavery19@yahoo.com]
Sent: Wednesday, June 28, 2017 9:58 AM
To: Fannon.Francis
Cc: Avery Annette
Subject: Re: Coal Yard Schematic

Frank,

Were you able to make contact with Anh Vu and Mary Christesen? I'm interested in knowing how it went with them regarding your project, and anyway we would really appreciate your support on our project.

Thanks, Scott

From: Fannon. Francis <Francis.Fannon@SunTrust.com>
To: Scott Avery <swavery19@yahoo.com>
Cc: Avery Annette <annette.avery@kohler.com>
Sent: Thursday, June 22, 2017 5:16 PM
Subject: RE: Coal Yard Schematic

Scott- Good meeting with you last week. Do you have the emails for Ms. Vu and Christensen? I called city hall but did not connect.

Thanks Frank

[Click here](#) to watch a quick video about our home mortgage process.

Melissa Dunn

From: Jose Ruisanchez <jmruisanchez@yahoo.com>
Sent: Wednesday, June 28, 2017 1:26 PM
To: Mary Christesen; Melissa Dunn; ahn.vu@alexandriava.gov
Cc: Roy Shannon
Subject: Opposition Comment for BZA Case No. 2017-0023 – Variance
Attachments: todays parking spaces.pdf; todays view from living room.pdf; architects rendition of proposed garage.pdf

June 28, 2017

Via First Class Mail and Electronic

Mail: mary.christesen@alexandriava.gov
ssa.dunn@alexandriava.gov
va.gov

meli
ahn.vu@alexandria

Board of Zoning Appeals
c/o Mary Christesen, Melissa Dunn and Ahn Vu
301 King Street, Room 2100
Alexandria, VA 22314

Re: Opposition Comment for BZA Case No. 2017-0023 – Variance

Dear Honorable Members of the Board of Zoning Appeals,

Our home is located at 206 South Fayette Street ("206 S. Fayette") and we write to express our objections to BZA application #2017-0023 associated with 210 South Fayette Street ("210 S. Fayette"). Both of 206 and 210 S. Fayette are part of the same subdivision previously approved by the City.

The property owners of 210 S. Fayette (the "Applicants") are seeking a variance from the application of Section 3-1106(A)(3)(a) of the Zoning Ordinance (rear yard setback requirement) in order to construct a covered garage.

We object to the granting of the requested variance for the following reasons:

1. There is no demonstrable hardship that requires a variance of the zoning ordinance. 210 S. Fayette was part of a subdivision that included three other lots, including our property, 206 S. Fayette, and provided for the parking as it exists. There has been no unreasonable restriction of utilization of the lots, including the parking spaces. The four parking spaces in question were intended to be uncovered, open air spaces, and we understand that has always been the arrangement. Granting the variance would be counter to the subdivision as approved by the City. Section 11-1103(A), (B), (D)-(F) of the Zoning Ordinance.

2. Granting the variance would make it much more difficult to access the existing parking spaces (the attached photo shows the tightness). Any new structure would reduce the maneuverability in the

alley and existing parking area. Accessing the alley and parking spaces is already a challenge given the narrow alley and the way the spaces are configured. (see attached photo).

3. Granting the variance would adversely impact the aesthetics of our home, 206 S. Fayette. The property immediately to the east of 210 S. Fayette has been an open area (coal yard now parking lot) that is significantly lower in terms of topography. A large brick wall separates the property (parking lot) and 210 S. Fayette. The view the Applicants appear to be looking to screen with their garage would be the view from their second story window; however, the addition of the garage would significantly alter and create an unsightly view for others in the neighborhood including us. The current view from our home, 206 S. Fayette, is a beautiful, quaint brick wall covered with wisteria (photo attached). Were the variance granted and a new garage built, our view would disappear and in its place, would be a new garage (with a proposed height of 12 feet), which would clash with the historic character of the area and be visually disruptive (architect's depiction attached). Not to mention, the new garage wall would be closer to our property. *We object to the Applicant's position that we would benefit from the construction of this garage, because of the additional screening. We like the existing view and open space as it exists today.*

4. Both the Applicants and ourselves purchased our properties knowing the applicable rules (zoning ordinance). Most properties in Alexandria, especially in Old Town do not have the luxury of a garage. In fact, most properties in Old Town do not even have the extra benefit of off-street parking. It is hard to see how a lack of a garage in Old Town Alexandria is a hardship – it is common not to have a garage in Old Town. Moreover, "L" shape lots are not rare in the City or in the RM zone. There are three "L" shape lots on this block and at least three more "L" shaped lots on the two blocks to the west of our block. We are sure there are many more "L" shaped lots in the City, but have not taken the time to identify them, since they were so easily identifiable on just the two blocks to the west. Section 11-1103(A), (B), (D)-(H) of the Zoning Ordinance.

To be clear, we do not categorically object to the Applicant's building a garage within the backyard of 210 S. Fayette. Our objection is limited to building such structure in contradiction of the Zoning Ordinance, on top of the existing parking area, and impacting our view.

We respectfully request that the Board of Zoning Appeals deny this request for a variance for the reasons we have identified, as well as the failure to satisfy the requirements necessary for granting a variance. Section 11-1103(A)-(I) Zoning Ordinance. We apologize for our inability to appear at the public hearing on this application, but we had plans that could not be changed.

Please ensure this letter is part of the public record for this case. If you have any questions, please feel free to reach out to us or to our attorney Mr. Roy R. Shannon whose email address is rrshannon@rrbmdk.com and phone 703-328-8285

Sincerely,

Jose and Yolanda Ruisanchez
Owners of 206 S. Fayette Street
Email/Phone: ruisanchez@aol.com 540-771-0471

TODAY'S PARKING SPACES
(TRUCK DRIVING THROUGH
ALLEY)



