APPLICATION FILED March 14, 2008
BOARD OF ZONING APPEALS: June 10, 2008
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 3, 2008

STAFF REPORT

VARIANCE APPLICATION NO. VC 2008-MV-001

MOUNT VERNON DISTRICT

APPLICANTS & OWNERS:	Richard C. and Julia S. Martin
SUBDIVISION:	New Alexandria
STREET ADDRESS:	6411 Eleventh St.
TAX MAP REFERENCE:	83-4 ((2)) (39) 3
LOT SIZE:	10,500 square feet
ZONING DISTRICT:	R-3
ZONING ORDINANCE PROVISION:	18-401
VARIANCE PROPOSAL:	To permit construction of an accessory structure in a front yard of a lot containing 36,000 sq. ft. or less

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505**.

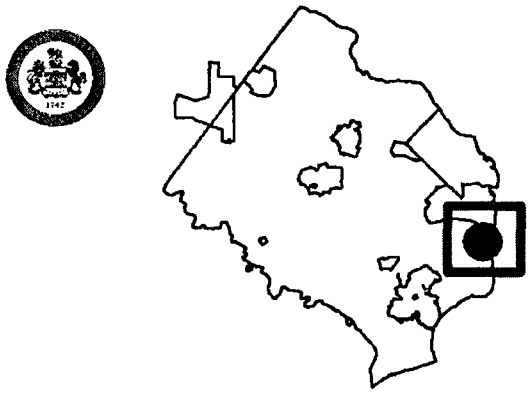
Report by Greg Chase

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

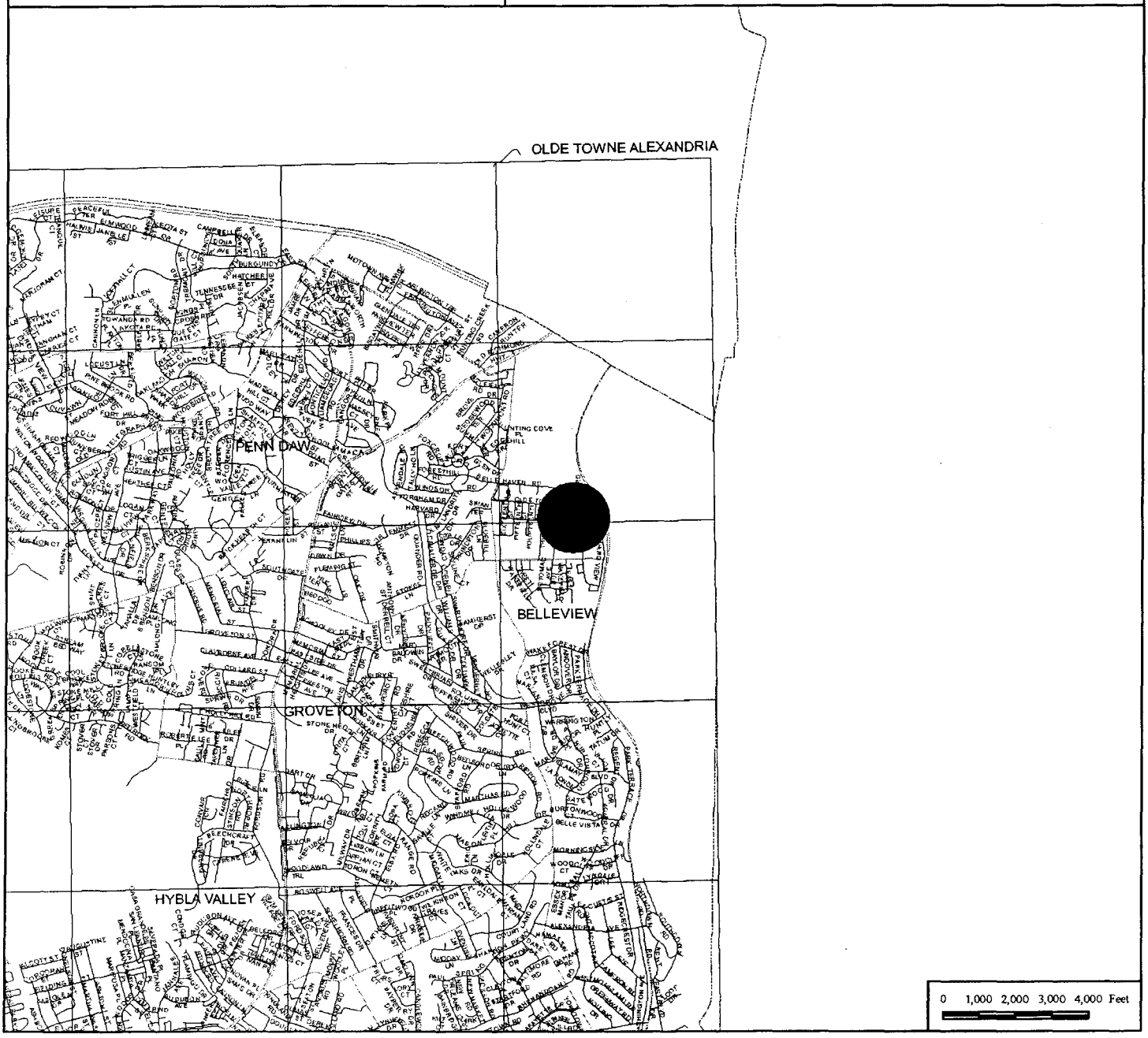
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

Variance Application

VC 2008-MV-001

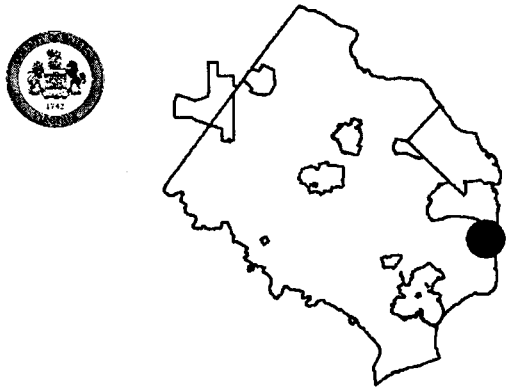


Applicant:	RICHARD C. MARTIN AND JULIA S. MARTIN
Accepted:	03/14/2008
Proposed:	TO PERMIT CONSTRUCTION OF AN ACCESSORY STRUCTURE IN A FRONT YARD OF A LOT CONTAINING 36,000 SQ. FT. OR LESS
Area:	10,500 SF OF LAND; DISTRICT - MOUNT VERNON
Zoning Dist Sect:	18-0401 10-0104
Paragraph:	1 2C
Located:	6411 ELEVENTH STREET
Zoning:	R- 3
Overlay Dist:	
Map Ref Num:	083-4- /02/39/0003



Variance Application

VC 2008-MV-001



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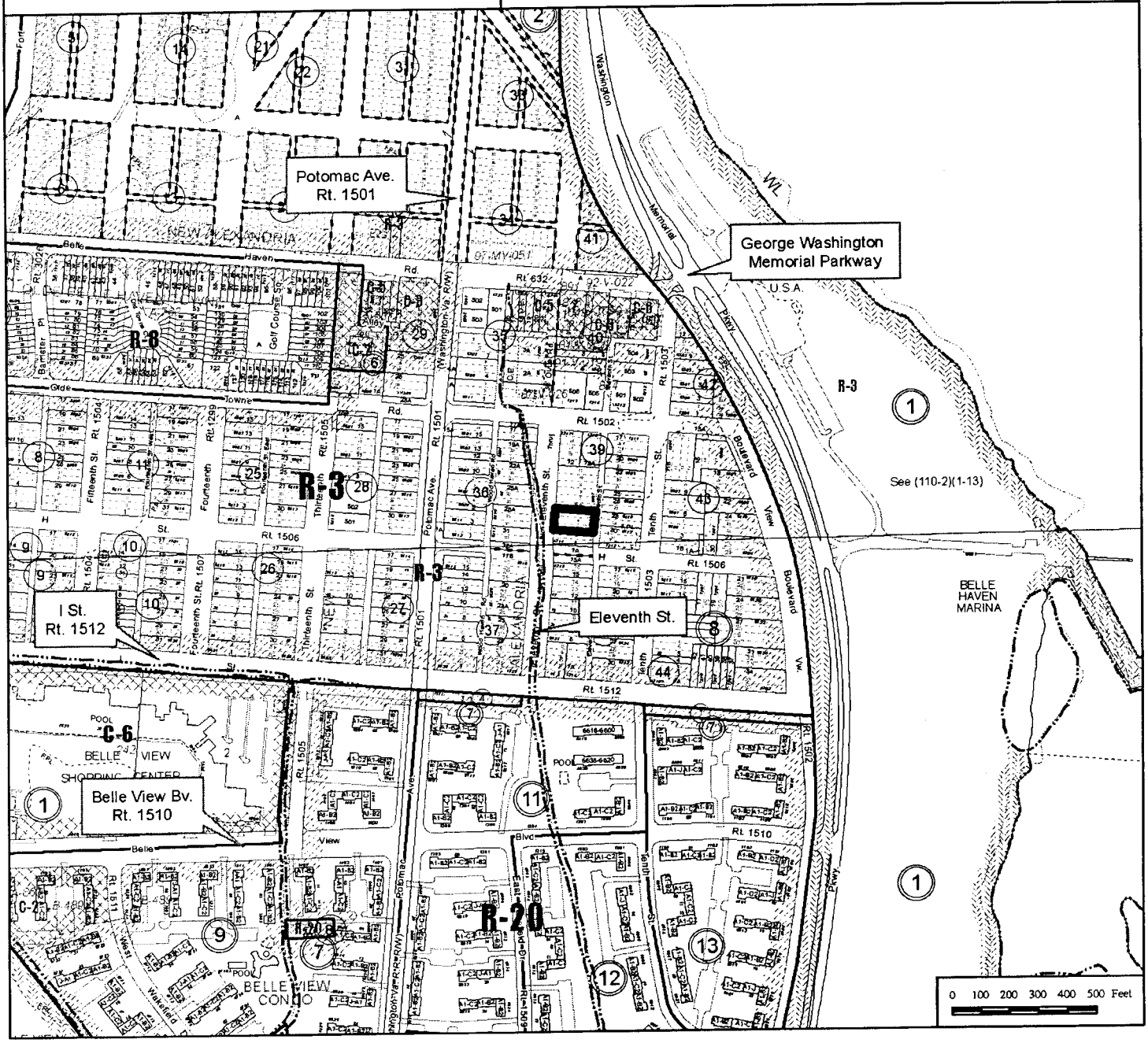

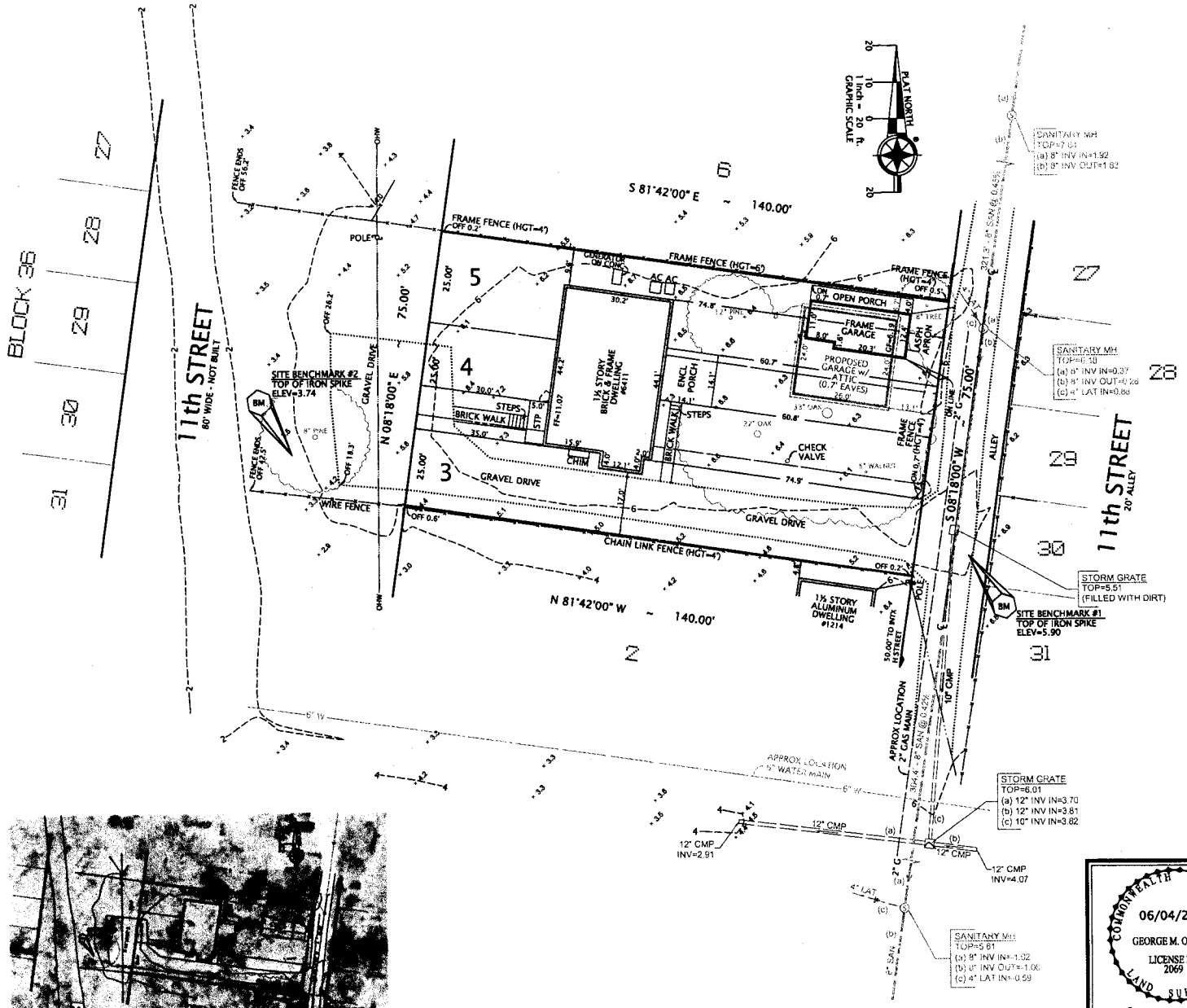

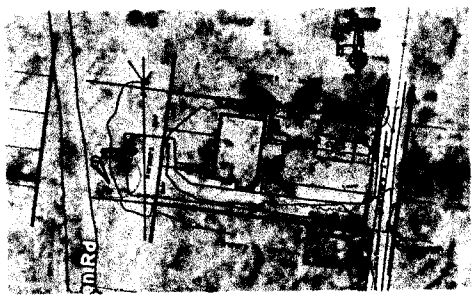

ORTHOGRAPHIC IMAGE
SCALE: 1"=60'

NOTES

1. TAX MAP: #83-4-02-39-0003,0004 & 0005
2. ZONE: R-3 (RESIDENTIAL 3 DU/ACRE).
3. LOT AREA: 10,500 SQUARE FEET (COMPUTED)
4. REQUIRED YARDS:

   FRONT: = 30 FEET
   SIDE: = 12 FEET
   REAR: = 25 FEET

5. HEIGHTS:

DWELLING	= 18.4 FEET
SHED	= 9.5 FEET
PROPOSED ADDITION	= 10.5 FEET
DECK	= AS SHOWN
FENCES	= AS SHOWN
ENCLOSED PORCH	= 10.3 FEET

6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM FIELD COLLECTED DATA. ELEVATIONS ARE BASED ON NGVD 88.
11. THIS PROPERTY LIES ENTIRELY WITHIN A RESOURCE PROTECTION AREA PER ADOPTED C.B.P.O. MAP.
12. EXISTING GARAGE AND ATTACHED OPEN PORCH ARE TO BE REMOVED AND REPLACED.
13. THIS PROPERTY IN IS ZONE "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 515525 137 D, EFFECTIVE DATE OF MARCH 5, 1990.
14. UTILITIES ARE UNDERGROUND.

VARIANCE PLAT
ON
LOTS 3, 4 AND 5
NEW ALEXANDRIA
(DEED BOOK N-5, PAGE 254)
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20' JUNE 4, 2007
DECEMBER 04, 2007 (REVISED)
FEBRUARY 25, 2008 (REVISED)

COMMONWEALTH OF VIRGINIA
06/04/2007
GEORGE M. O'QUINN
LICENSE NO. 2069
LAND SURVEYOR
George M. O'Quinn

DOMINION Surveyors Inc.®
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX 703-799-6412

SHEET 1 OF 1 #70426002 36-07

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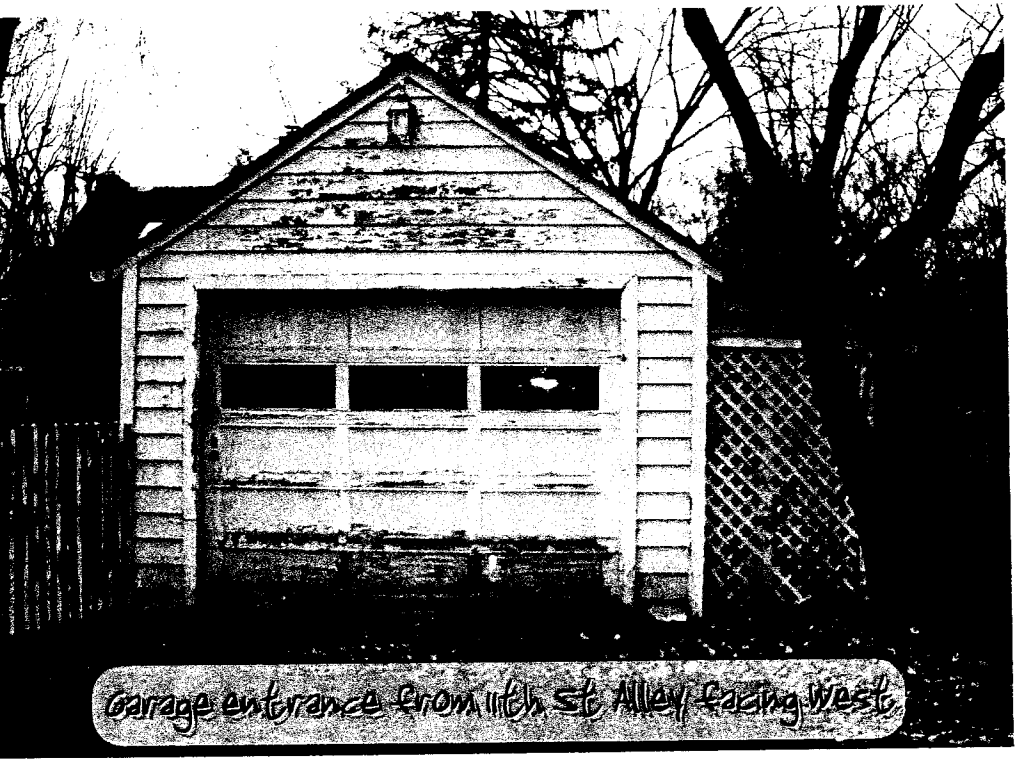
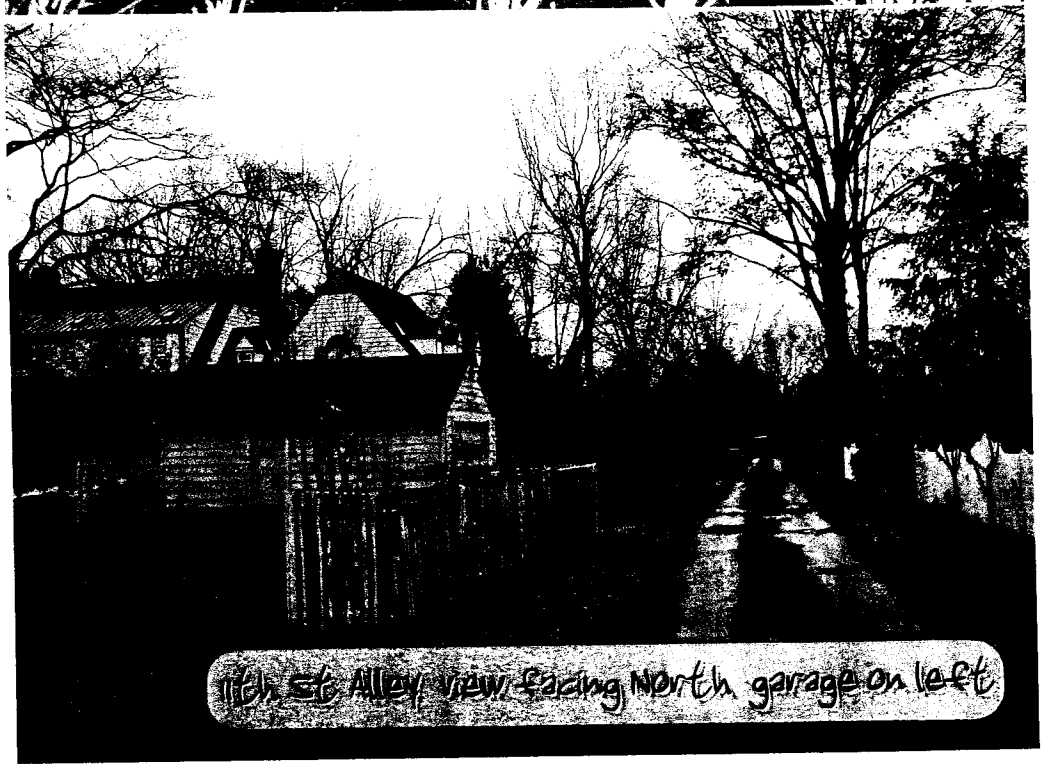
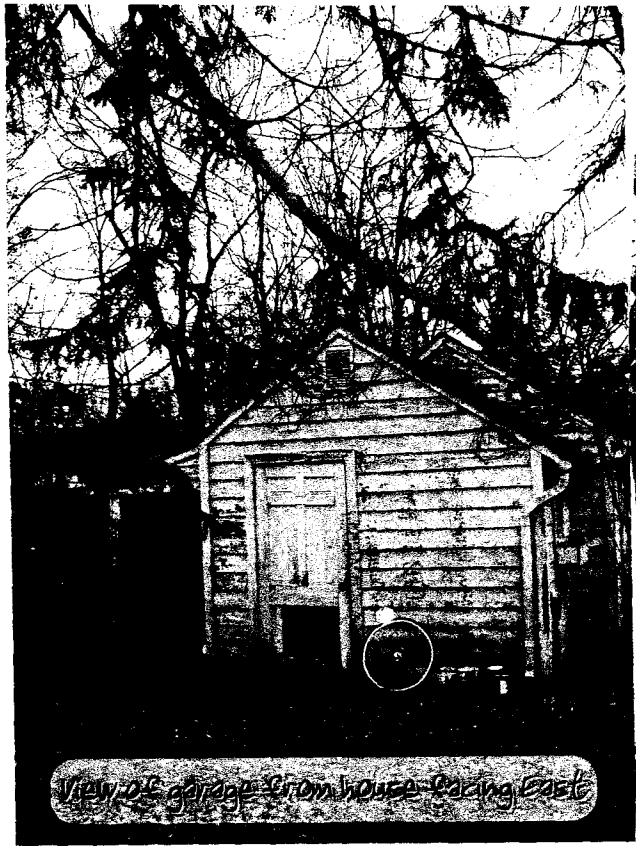


Garage entrance from 11th St Alley facing West

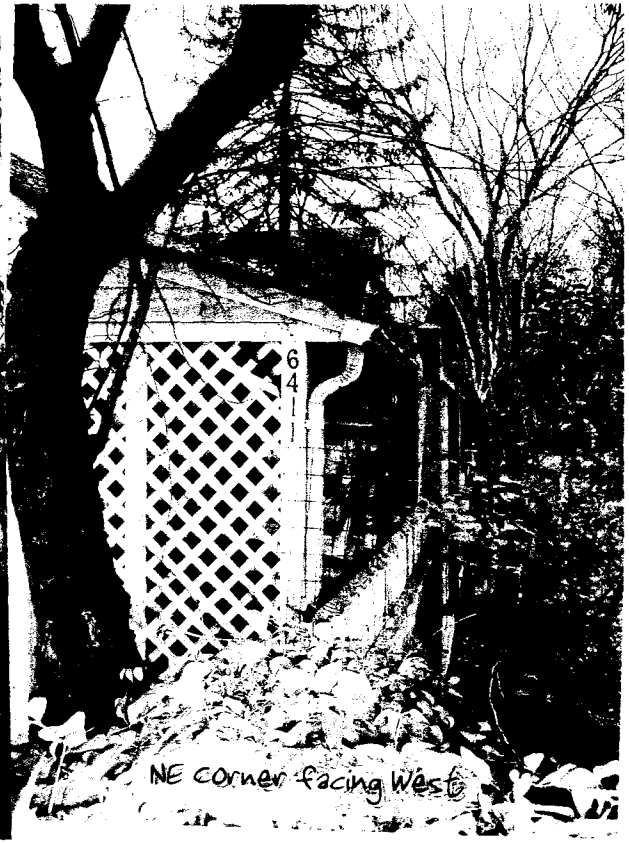
Garage and screen porch as viewed from 64 on 11th St facing South



11th St Alley view facing North garage on left



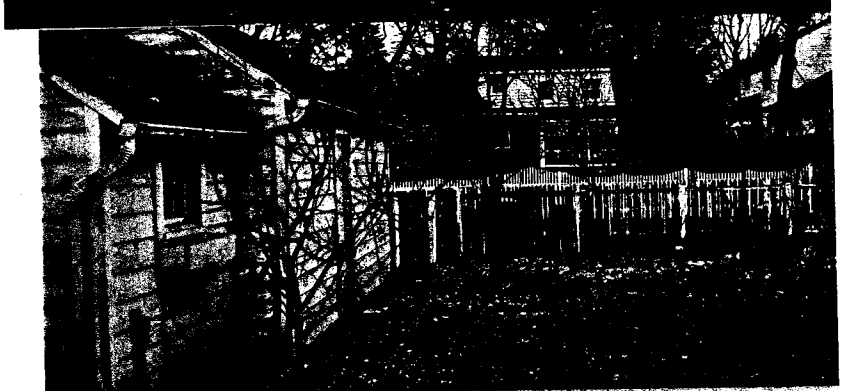
View of garage from house facing East



NE corner facing West

11th St Alley facing South garage on right

South lot line facing North showing what remains of garage



View from house facing East to backyard of 640 Tenth

DESCRIPTION OF THE APPLICATION

To permit construction accessory structure (detached garage) in a front yard of a lot containing 36,000 sq. ft. or less. A detached garage was built on the property prior to the construction of the existing house (approximately 1939) and was severely damaged by Hurricane Isabel and is no longer structurally sound. The applicant is seeking to replace the damaged garage with a smaller garage in the same location.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single Family Detached Dwelling
East	R-3	Single Family Detached Dwelling
South	R-3	Single Family Detached Dwelling
West	R-3	Single Family Detached Dwelling

BACKGROUND

Records indicate that the lot is developed with a single family detached dwelling constructed in 1958.

ZONING ORDINANCE REQUIREMENTS

This variance application must satisfy all of the nine (9) enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance, which would afford relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 4.

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

VC 2008-MV-001

June 3, 2008

1. This Variance is approved for the location of the detached garage, as shown on the plat prepared by Dominion Surveyors, Inc., dated June 4, 2007 and revised through February 25, 2008, submitted with this application and is not transferable to other land.

2. A Building Permit shall be obtained prior to any construction and approval of final inspections shall be obtained.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 2, 2008
(enter date affidavit is notarized)

I, Sara V. Mariska, attorney/agent, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [ ] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below 98704

and that, to the best of my knowledge and belief, the following is true:

==========

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS,** and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS,** and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE**: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
Richard C. and Julia S. Martin	6411 Eleventh Street Alexandria, VA 22307	Applicant/Title Owner of Tax Map 83-4 ((2)) (39) 3
Dominion Surveyors, Inc. Agent: George M. O'Quinn	8808-H Pear Tree Village Alexandria, Virginia 22309	Surveyor/Agent

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

Special Permit/Variance Attachment to Par. 1(a)

DATE: January 2, 2008

(enter date affidavit is notarized)

98704

(**NOTE**: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Abby C. Denham Tara E. Wiedeman Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent

(check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued further on a "Special Permit/Variance Attachment to Par. 1(a)" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 2, 2008 98764
(enter date affidavit is notarized)

==========

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(**NOTE**: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Dominion Surveyors, Inc.
8808-H Pear Tree Village
Alexandria, Virginia 22309

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
George M. O'Quinn
Michael A. Clark

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

Special Permit/Variance Attachment to Par. 1(b)

98-704

DATE: January 2, 2008

(enter date affidavit is notarized)

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.

[✓] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

==========

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 2, 2008
(enter date affidavit is notarized)

98-764

==========

1(c). The following constitutes a listing*** of all of the **PARTNERS,** both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)
N/A

(check if applicable) [ ] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 2, 2008
(enter date affidavit is notarized)

98704

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land:

[✓] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE**: If answer is none, enter "**NONE**" on the line below.)
None

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 2, 2008 98704
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than $100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. **That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.**

WITNESS the following signature: Sara V. Mariska

(check one) [ ] Applicant [✓] Applicant's Authorized Agent

Sara V. Mariska, attorney/agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 2 day of January 2008, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin
Notary Public

My commission expires: 11/30/2011

KIMBERLY K. FOLLIN
Registration # 283945
Notary Public
COMMONWEALTH OF VIRGINIA

Sara V. Mariska
(703) 528-4700 Ext. 5419
smariska@arl.thelandlawyers.com

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

RECEIVED
Department of Planning & Zoning
JAN 11 2008
Zoning Evaluation Division

January 11, 2008

Via Courier

Regina C. Coyle, Director
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Variance Application
Applicants: Richard C. and Julia S. Martin

Dear Ms. Coyle:

Please accept this letter as a statement of justification for a variance application submitted on property identified among the Fairfax County tax map records as 83-4 ((2)) (39) 3, located at 6411 Eleventh Street (the "Subject Property"). The Subject Property has been developed with a single-family detached dwelling since 1953. Though the exact date of construction is unknown, the garage has been on the Subject Property since approximately 1939. The Applicants are submitting this application to allow the reconstruction of an existing garage, which is defined by the Fairfax County Zoning Ordinance (the "Ordinance") as an accessory structure in a front yard.

The Subject Property is located in the New Alexandria subdivision of Fairfax County and is zoned to the R-3 District. This subdivision suffered significant destruction as a result of Hurricane Isabel in 2003. The Subject Property is defined by the Ordinance as a through lot, meaning the Subject Property abuts two public streets - one is an unimproved right-of-way, Eleventh Street, and one is the Eleventh Street alley. The garage is adjacent to the Eleventh Street alley, in what is considered a front yard. The garage was severely damaged by the hurricane and is no longer structurally sound. The Applicants wish to rebuild the garage and are submitting this variance application to allow replacement and expansion of an accessory structure in the front yard.

In accordance with Section 18-404 of the Ordinance, please accept the following information with respect to the proposed use on the Subject Property:

- The Subject Property was acquired by the Applicants in good faith in 1981 after it had already been developed.

- The Subject Property has the following characteristics:

  - The Subject Property has been subject to an extraordinary situation as a result of Hurricane Isabel. The Subject Property suffered intense flooding,

devastating property destruction, and significant personal property loss. The water that flooded the Subject Property, as a result of the hurricane, has caused the complete destruction of the Applicants' garage. As a result of this destruction, the Applicants sustained additional personal property loss, including the loss of a car and a significant amount of additional personal property that was stored in the garage. Because the Subject Property has two front yards, no garage is currently permissible anywhere on the Subject Property.

- The condition of the Subject Property and the intended use of the front yard for an accessory non-dwelling structure have been caused by an extreme act of nature that was of a degree that is uncommon such that it is not reasonably practicable to formulate a general regulation addressing this specific situation.

- The strict application of this Ordinance would produce undue hardship for the Applicants. The Applicants endured significant property destruction and intend to rebuild a garage to prevent any future personal property loss. The Applicants propose an enlarged solid masonry garage. The brick and block garage will mimic the home's design and will include a storage area that is significantly above the water level. During the past several years, the Applicants' garage has been unusable and is on the verge of collapse. The inability to construct a garage would potentially lead the Applicants to future loss of personal property, which would be prevented with the granting of a variance.

- The undue hardship is not shared generally by other properties in the same zoning district in the same vicinity. The garage was completely destroyed by Hurricane Isabel. Because the Subject Property is a through lot with two front yards, no garage would be permitted on the Subject Property in spite of the fact that the Applicants purchased this house when it was already developed with a garage. Other properties in the immediate area, specifically on the Eleventh Street alley, are developed with garages.

- The strict application of the Ordinance would unreasonably restrict the reasonable use of the Subject Property. The Subject Property has had a garage since approximately 1939. The lack of a garage would likely cause the Applicants to incur future personal property loss as a result of any severe weather. It is not unreasonable to expect the construction of a garage on a single family lot of this size.

- The authorization of a variance will not be a substantial detriment to adjacent property. Because this garage has existed since approximately 1939, neighbors would suffer no hardship by the reconstruction of a garage on the Subject Property. The Applicants' neighbors support this application and they would not be negatively impacted by the granting of this variance.

- The character of the zoning district will not be changed by the granting of this variance. Other properties in the neighborhood have garages. More specifically, other properties on the Eleventh Street alley have garages meaning that a garage will be in keeping with the character of this zoning district. The granting of this variance would allow the continuation of a garage accessory structure at this location as has been present since approximately 1939. Due to the fact that the garage already existed and is already a feature in the community, the character of the zoning district will not be changed by the granting of this variance.

- The variance will be in harmony with the intended spirit and purposes of the Ordinance and will not be contrary to the public interest.

Should you have any questions regarding this application, or require additional information, please do not hesitate to contact me. I would appreciate the acceptance of this application and scheduling of a public hearing before the Board of Zoning Appeals at your earliest convenience. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

Sara V. Mariska

Sara V. Mariska

SVM/kae
cc: Julia Martin
Lynne J. Strobel
Martin D. Walsh

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18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
   - A. Exceptional narrowness at the time of the effective date of the Ordinance;
   - B. Exceptional shallowness at the time of the effective date of the Ordinance;
   - C. Exceptional size at the time of the effective date of the Ordinance;
   - D. Exceptional shape at the time of the effective date of the Ordinance;
   - E. Exceptional topographic conditions;
   - F. An extraordinary situation or condition of the subject property; or
   - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
   - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
   - B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.