

Docket Item #3
BZA CASE #2004-00046

Board of Zoning Appeals
January 13, 2005

ADDRESS: 8 EAST CUSTIS AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: CHRISTOPHER BELLANCA, OWNER

ISSUE: Variance to expand an existing front covered porch in the required front yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(1)	Front Yard	25.00 ft	15.00 ft	10.00 ft

Deferred by the staff at the December 9, 2004 hearing.

Deferred at the November 11, 2004 hearing, due to lack of quorum.

(insert sketch here)

STAFF CONCLUSION:

Staff recommends **denial** of the request because it meets the criteria for a variance. If the Board decides to grant a variance, it should contain the conditions under the department comments.

I. Issue

The applicant at 8 East Custis Avenue requests a variance to enlarge an existing covered porch by increasing the porch length along the front of the house where a new addition is under construction. The expanded porch projects into the required front yard setback area facing East Custis Avenue. The established building line of the majority of the homes (6 of the 10 homes including the subject home) between Commonwealth Avenue and Clyde Avenue, are located between 20.00 feet and 25.00 feet from the front property facing East Custis Avenue. Therefore, the applicant must seek relief from the Board of Zoning Appeals to build in line with the existing front porch.

II. Background

The subject property is two lots of record with 50.00 feet of frontage on East Custis Avenue and a depth of 115.00 feet. The lot contains 5,570 square feet of lot area.

The existing two-story frame dwelling with an existing front covered open porch is located 15.00 feet from the front property line facing East Custis Avenue, 1.30 feet from the west side property line and 28.00 feet from the west side property line. A rear covered open porch is located along the entire rear building wall. According to real estate assessment records the house was built in 1925.

A review of Sanborn maps indicate that the applicant's property could not use the prevailing front setback based on the existing front setback pattern of the remaining nine homes on the north side of East Custis Avenue. Only four of the ten homes between Commonwealth Avenue and Clyde Avenue including the applicant's property had an equivalent front setback as the applicant's home. Therefore, the applicant must apply and seek the Board of Zoning Appeals approval to allow the expanded porch to be placed in line with the existing porch and to project into the required front yard setback facing East Custis Avenue.

III. Discussion

The applicant is currently building a two-story addition that does not align with the front building of the existing house but is recessed approximately 5.00 feet back from the front plane of the existing front building wall. As located the new addition complies with the required front setback of 25.00 feet facing East Custis Avenue. An expanded front covered porch similar in style to the existing front porch on the main house will be built across the front building wall of the new addition.

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The expanded front covered porch is 19.00 feet across the new addition's front facade and projects approximately 10.00 feet from the new addition. The expanded front porch will be located 10.10 feet in compliance with the east side yard property line.

The existing house is a noncomplying structure because it projects to within 15.00 feet of the front property line facing East Custis Avenue instead of the 25.00 feet required by the zoning ordinance. Section 12-102(A) of the zoning ordinance states that no noncomplying structure may be physically enlarged or expanded unless such enlargement or expansion complies with the regulations for the zone in which it is located.

The expanded porch although enlarged slightly as to width will project into the required front yard cannot avail itself of the prevailing front setback based on existing homes on the north side of East Custis Avenue between Commonwealth Avenue and Clyde Avenue.

The proposed open covered porch section will be integrated with the existing front porch and will continue to be located 15.00 feet from the front property line facing East Custis Avenue. The slightly longer porch is intended to compliment the existing roof line and match the existing front architecture.

Although the subject property is located within the Town of Potomac Historic District, it is not listed on the 100 year old buildings list.

There have been no variances previously granted for the subject property. Since 1993, there have been no similar variance requests heard by the Board for a front porch or front yard addition in the immediate area of the subject property.

V. Master Plan/Zoning

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

VI. Requested Variance:

Section 3-506(A)(1), Front Yard: The R-2-5 zone requires a front yard setback of 25.00 feet. The expanded front porch will be located 15.00 feet from the front property line as does the existing front porch is now located. The applicant requests a variance of 15.00 feet.

VII. Noncomplying structure

The existing building at 8 East Custis Avenue is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Existing</u>	<u>Degree of Noncompliance</u>
Front Yard	25.00 ft	15.00 ft	10.00 ft
Side Yard (East)	10.00 ft	7.00 ft	1.30 ft

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 11-103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property’s condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.
- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

VII. Applicant's Justification for Hardship

The applicant's justification for hardship is that the zoning rules create an unreasonable condition to expand an existing open porch. The house built in 1926 predates current zoning rules. In addition, the applicant states the proposed porch addition is designed to blend with the a newly constructed side addition and maintain the historic architecture of the original building. The applicant states (1) that he did explore alternative plans to build a side addition with an expanded porch in compliance with the required front setback, but chose not to pursue that plan because the existing floor plan of the house dictated the location of the addition and porch expansion and (2) the proposed plan to build to the side of the house rather than to the rear of the house was to avoid a long and narrow addition towards the rear property line (a new rear addition would be located within 2.00 feet of the west side property line) and to maintain an open rear yard.

VIII. Staff Analysis

The reasons set forth by the applicant for hardship do not warrant granting a variance. A porch can be built on this property without a variance. In fact, the applicant has already taken steps to comply with the zoning rules by building a side addition that meets the front yard setback requirements. If the applicant desired a porch he could have reduced the width of the new side addition to build a side yard porch in compliance with the side and front yard setback requirements. Staff believes that one of the main principals for building onto older and historic structures is to distinguish the original architecture from the new. One means to accomplish that principal is by recessing the new building form so it will not dominate the existing structure. There are numerous examples throughout the City where new side additions have been built that compliment the existing building without compromising the circulation pattern within the original structure. In this case, the applicant has determined the existing floor plan should dictate design. The new building form cannot be distinguished from the original 1925 structure. To complicate the matter further, an expanded porch masks the new addition. The expanded porch does not constitute a hardship, but is more a desire than a need by the applicant.

The subject property has no unusual lot characteristics (it is flat with no topographic condition that will prohibit the use of the lot). The lot is not substandard and is in fact slightly larger than the minimum lot size requirement of 5,000 square feet. The subject property has similar characteristics to other neighboring properties. The applicant has not made a case for hardship, which is a prerequisite for granting a variance.

Staff recommends **denial** of the variance.

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance or special exception is approved the following additional comments apply.

Transportation and Environmental Services:

F-1 No objections or recommendations.

Code Enforcement:

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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-6 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

Recreation (Arborist):

F-1 No trees are affected by the proposed variance.

Historic Alexandria (Archaeology):

- F-1 There is low potential for this project to disturb significant archaeological resources. 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.