

Docket Item #1
BZA CASE #2004-00032
(REVISED)

Board of Zoning Appeals
February 10, 2005

ADDRESS: 26 WEST CHAPMAN STREET
ZONE: RB, RESIDENTIAL
APPLICANT: CHARLIE HILL, OWNER

ISSUE: Variance to construct a screened porch in the required secondary front yard facing Russell Road.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-706(A)(1)	Front Yard	20.00 feet	14.00 feet	6.00 feet

This case was deferred by the applicant prior to the November 11, 2004, December 9, 2004 and January 13, 2005 hearings.

BOARD OF ZONING APPEALS ACTION OF OCTOBER 14, 2004: On a motion to defer by Mr. Curry seconded by Mr. Almquist, the variance was deferred by a vote of 6 to 0.

Reasons: To allow the applicant time to explore design alternatives.

Speakers:

Stuart Whitson, contractor, and Charlie Hill, owner, made the presentation.

BOARD OF ZONING APPEALS ACTION OF SEPTEMBER 22, 2004: On a motion to defer by Mr. Almquist seconded by Mr. Curry, the variance was deferred by a vote of 7 to 0.

Reason: To have the homeowner present.

Speakers:

Stuart Whitson, contractor, made the presentation.

(insert sketch here)

STAFF CONCLUSION:

Staff recommends **denial** of the request because it the applicant has not demonstrated a hardship. If the Board decides to grant a variance, it should contain the conditions under the department comments.

I. Issue

The applicant proposes to construct a one-story screened porch addition to the dwelling located at 26 West Chapman Street. The applicant seeks a variance to construct the proposed screen porch within the required 20.00 foot front yard adjacent to Russell Road.



*Proposed location of porch
(subject property on the left)*

On October 14, 2004, the Board of Zoning Appeals deferred the applicant's request to enable the applicant to explore alternative designs for a new one-story screen porch facing Russell Road. The majority of the members believed the proposed screen porch should appear more like a side addition with an entrance facing Russell Road rather than a small add on with limited relationship to the existing house and oriented more towards the south side property line rather than Russell Road. The applicant has revised his application to reflect the comments raised by the Board in the following ways.

- (1) reduced the length of the proposed screen porch across the existing building wall facing Russell Road from 12.00 feet to 10.00 feet. The height of the porch to the eave line of the roof increases slightly from 7.50 feet to 8.00 feet. Entry steps have been reoriented originally facing the south side property line to now face Russell Road as requested by some of the Board members.
- (2) increased slightly the width of the porch facing Russell Road from 9.50 feet to 10.00 feet.
- (3) dropped the request for side yard variance facing the south side property line. The revised porch now aligns with the south wall of the existing house. Originally the proposed porch projected towards the south side property line to within 5.50 feet. The new design has the porch located in compliance with the south side property line. The porch is now located 10.50 feet from the south side property line. An open landing with stairs oriented towards the driveway located on the opposite side of the house will be built to provide a second entrance to the porch. The open stairs are located 6.00 feet from the south side property line. The zoning ordinance allows without a variance open stairs as long as the stairs are not located closer than 5.00 feet from a side property line.

- (4) the revised porch design has reduced the front setback request from 7.00 feet to 6.00 feet. Approximately a half of the new porch is located within the required front setback facing Russell Road. (Refer to revised plat attached).

II. Background

On February 10, 1972, the Board of Zoning Appeals granted variances for floor area, front setback and open space to allow the construction of 42 townhouses on the North and South sides of West Chapman between Commonwealth Avenue and Russell Road.

The subject property is a corner lot with 68.62 feet of frontage on Russell Road and 96.18 feet of frontage on West Chapman Street. The lot area totals 5,921 square feet.

The existing one and one-half story single-family dwelling is located 20.00 feet from the West Chapman Street north property line, 25.00 feet from the Russell Road west property line, 10.50 feet from the south side property line, and 13.60 feet from the east side property line.

III. Discussion

The proposed screened porch addition measures 10.00 feet by 10.00 feet and will be located to align with the south east corner of the existing dwelling. The screened porch will measure a total of 11.50 feet from grade to the roof eave and approximately 14.50 feet from grade to the roof peak. If approved as submitted, the porch will be 10.00 feet from the south side property line and 14.00 feet from the west front property line adjacent to Russell Road.

IV. Master Plan/Zoning

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

V. Requested Variances

Section 3-706(A)(1), Front Yard

The zoning ordinance states that each use in the RB residential zone must provide a minimum front yard setback of 20.00 feet. The proposed screen porch addition is located 14.00 feet from the front property line adjacent to Russell Road. Therefore, the applicant must seek a variance of 6.00 feet from the front yard setback requirement.

VII. Staff analysis under criteria of section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-103 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.

VIII. Applicant's Justification for Hardship

The applicant has not presented a case for hardship. The applicant indicates the enforcement of the zoning regulations of two front setbacks are more restrictive on a corner lot and thus prohibits reasonable use of the property. Also, the applicant has not said why he needs a screen porch.

XI. Staff Analysis

The reason set forth by the applicant does not constitute a hardship nor granting of a variance. The existing house currently complies with the required front yard setback facing Russell Road. The applicant currently has a back door to the house from an existing side entrance and stairs. A small entry canopy can be constructed without the requirement of a variance. Strict application of the zoning ordinance does it prevent continued reasonable use of the property. The need for a screen porch does not constitute a hardship.

The subject property is not unique. The subject property is comparable in size and configuration to other corner lots in the immediate neighborhood along Russell Road. Staff does not find that the lot configuration or lot size are unique to the subject property. The lot configuration has existed since the dwelling was constructed in 1956.

Staff notes that the front property line along Russell Road is angled to the remaining property lines but parallel Russell Road. However, the property line configuration facing Russell Road does not create a condition that will effect the use of the property. In fact, the existing house has been located to comply with the front setback facing Russell Road. If built, the proposed screen porch will be the furthest projecting structure of the neighboring homes facing Russell Road. Up to five feet of new building will be brought closer to the Russell Road front property line. The variance if granted could be harmful to the adjacent property and change the Russell Road block face.

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 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction.
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.
- C-5 Stairs and handrails must comply with IRC sec. R314 and R315.

Recreation (Arborist):

F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

F-1 There is low potential that this project will 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.

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