

Docket Item #3  
BZA CASE #2005-0027

Board of Zoning Appeals  
June 9, 2005

**ADDRESS:** 305 EAST TAYLOR RUN PARKWAY  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** EMILY AND BRYAN CAPELLI, OWNERS

**ISSUE:** Variance to construct a second story addition in the required side yard and in the required front yards facing East Taylor Run Parkway and Lamond Place and a wrap-around porch in the required front yard facing East Taylor Run Parkway.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard (Front Porch) (Lamond Place)	30.00 feet	18.00 feet	12.00 feet
3-306(A)(1)	Front Yard (2 <sup>nd</sup> fl.) (East Taylor Run)	30.00 feet	26.20 feet	3.80 feet
3-306(A)(1)	Front Yard (2 <sup>nd</sup> fl.) (Lamond Place)	30.00 feet	26.70 feet	3.30 feet
3-306(A)(2)	Side Yard (2 <sup>nd</sup> fl.) (East)	9.75 feet*	6.90 feet	2.85 feet

\* Based on a building height of 19.50 feet from grade to the roof eave adjacent to the east side property line.

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**STAFF RECOMMENDATION:**

The staff **recommends approval** of the requested variance for the second story addition because the applicants have demonstrated a hardship.

The staff **recommends denial** of the requested variance for the front porch because the applicants have not demonstrated a hardship.

If the Board decides to grant a special exception, it should contain the conditions under the department comments. Special exceptions must be recorded with the deed of the property in the City's Land Records Office.

(insert sketch here)

**I. Issue**

The applicants propose to construct a second story addition and front porch on the existing dwelling located at 305 East Taylor Run Parkway. The applicants' proposal also calls for a one-story, 15.00 foot by 14.00 screened side porch which will not require a variance because it will be constructed completely within non-required yards.

**II. Background**

The subject property is a corner lot comprised of two lots of record with a combined lot area of 8,881 square feet. The property is a triangular parcel with frontage on Lamond Place and East Taylor Run Parkway. The existing one story masonry dwelling is located 26.20 feet from the south front property line adjacent to East Taylor Run Parkway, 26.70 feet from the west property line adjacent to Lamond Place, and 6.90 feet from the east side property line. The existing dwelling measures approximately 17.00 feet from grade to the peak of the roof gable.



*View from East Taylor Run Parkway*

**III. Description**

The proposed development includes a second story addition on the existing footprint. The finished addition would measure 26.90 feet from grade to the peak of the gable roof on the west and east facades and the hip roof on the south facade. The second story addition would increase the existing floor area by 1,023 square feet. The proposed addition would measure 19.50 feet from grade to the roof eave adjacent to the east side property line.



*View from Lamond Place*

An open front porch is also proposed along the existing north facade of the dwelling. The front porch would extend 28.30 feet across the west front facade, wrap around a portion of the north facade, and connect to the proposed screened porch. The open porch would replace an existing covered front stoop.

There have been no variances previously granted for the subject property.

**IV. Master Plan/Zoning**

The subject property is zoned R-8, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Taylor Run/Duke Street Small Area Plan for residential land use.

**V. Requested variances**

Section 3-306(A)(1) Front Yard (Front Porch)

Zoning ordinance regulations for the R-8 zone state that each use shall provide a minimum 30.00 foot front yard setback. The proposed front porch would be located 18.00 feet from the west front property line adjacent to Lamond Place. Therefore, the applicant seeks a variance of 12.00 feet.

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Section 3-306(A)(1) Front Yard (2<sup>nd</sup> fl.)

Zoning ordinance regulations for the R-8 zone state that each use shall provide a minimum 30.00 foot front yard setback. The proposed second story addition would be located 26.20 feet from the south front property line adjacent to East Taylor Run Parkway. Therefore, the applicant seeks a variance of 3.80 feet.

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Section 3-306(A)(1) Front Yard (2<sup>nd</sup> fl.)

Zoning ordinance regulations for the R-8 zone state that each use shall provide a minimum 30.00 foot front yard setback. The proposed second story addition would be located 26.70 feet from the south front property line adjacent to Lamond Place. Therefore, the applicant seeks a variance of 3.30 feet.

Section 3-306(A)(2) Side Yard (2<sup>nd</sup> fl.)

Zoning ordinance regulations for the R-8 zone state that each use shall provide a minimum 8.00 foot side yard setback or a minimum of one-half the building height. The proposed second story would be located 6.90 feet from the east side property line at a building height of 19.50 feet at the roof eave. The required setback given the building height is a minimum of 9.75 feet. Therefore, the applicant seeks a variance of 2.85 feet.

**VI. Noncomplying structure**

The existing building at 305 East Taylor Run Parkway is a noncomplying structure with respect to the following:

	<u>Existing</u>	<u>Required</u>	<u>Noncompliance</u>
Front Yard (South)	26.20 feet	30.00 feet	3.80 feet___
Front Yard (West)	26.70 feet	30.00 feet	3.30 feet
Side Yard (East)	6.90 feet	8.00 feet	1.10 feet

**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.

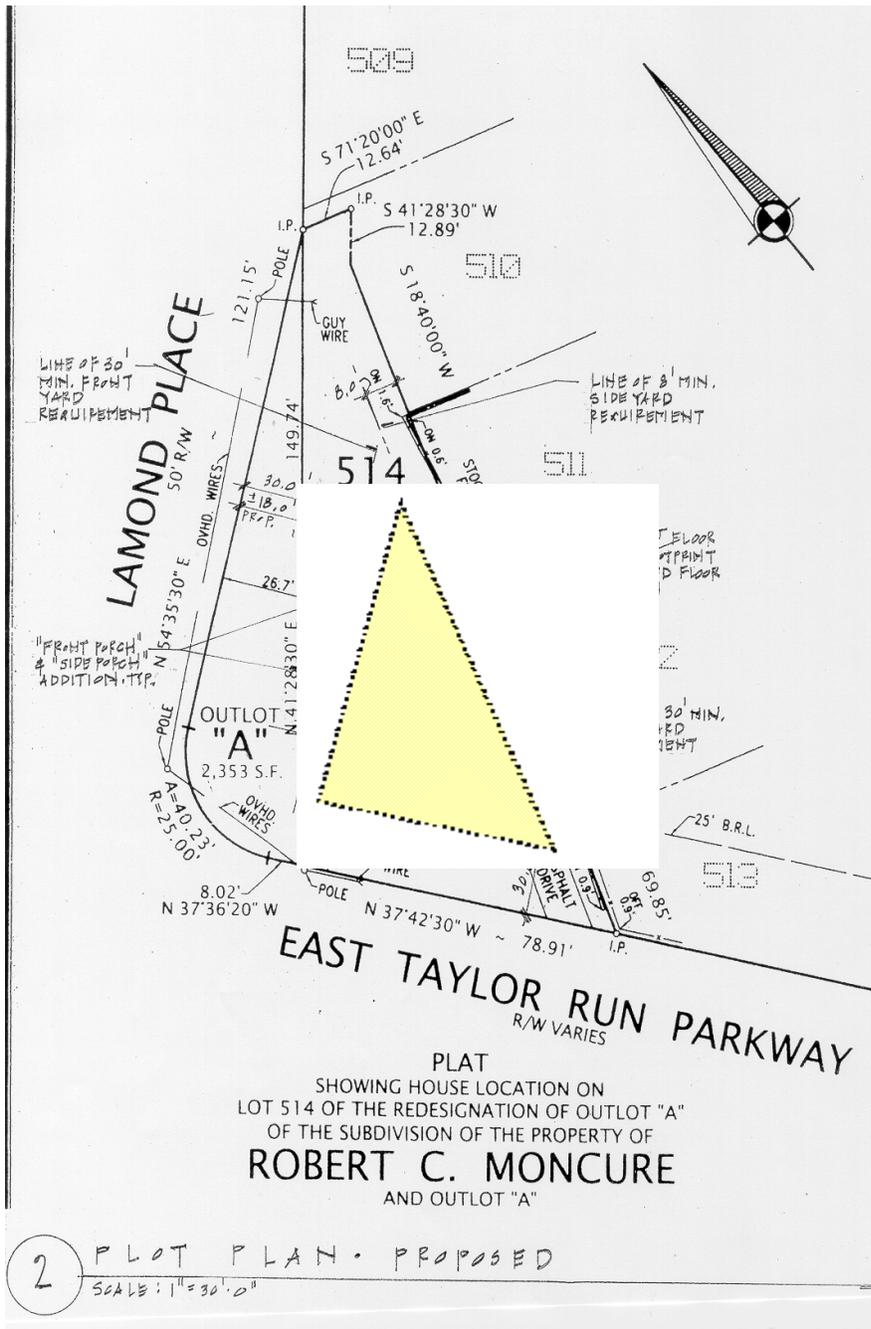
**VIII. Applicant's Justification for Hardship**

The applicant explains that the irregular lot shape, lot size, and siting of the existing dwelling are unique.

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**IX. Staff Analysis**

Staff finds that there is some justification for hardship inherent in this case. The lot area and triangular shape are unique to this corner lot property as it is the smallest corner lot property in the immediate neighborhood of R-8 zoned properties. The dwelling is currently sited



largely within non-required yards. However, the property does not meet the 9,000 square foot minimum required lot area for a corner lot for the R-8 zone. The modest lot area and triangular nature of the property result in an irregular buildable area within the site. Three corners of the existing dwelling encroach 3.80 feet or less into required yards. Staff finds the applicants' proposal to expand the building vertically does not create a greater encroachment into required yards and is more consistent with the mass and scale of other dwellings within the neighborhood. Given the constraints of the lot shape and size, Staff supports expanding

the dwelling vertically which creates the least impact to adjacent properties and does not place additional mass in a required yard in a neighborhood characterized by open front yards.

*Graphic of Non-required Buildable Area*

Staff recognizes that the location of required setbacks limits the ability to substantially expand the existing building footprint. Staff notes that the applicants have commendably demonstrated a design for the proposed screened side porch which would be constructed completely outside of required yard setbacks and does not require a variance. However, Staff cannot support the proposed front porch which comes before the Board for consideration

because it does not meet the hardship criteria. Additionally the proposed front porch would create additional mass closer to the front property line than almost any other structure on the blockface which could alter character of the blockface.

Therefore, Staff **recommends approval** of the proposed second story, however does not find sufficient hardship justification to support the proposed front porch. Staff **recommends denial** of the proposed front porch.

STAFF: Hal Phipps, Chief, Department of Planning and Zoning  
Rasheda DuPree, Urban Planner

## 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:

- F-1 A PLOT PLAN showing all improvements and alterations to the site may be required where construction of building additions and/or improvements results in land disturbing activity in excess of 2500 square feet. (T&ES)

### 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.
- C-7 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.

C-8 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

F-1 There is low potential for significant archaeological resources to be disturbed by this project. No archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.