

Docket Item # 5
BZA CASE # 2003-00066

Board of Zoning Appeals
January 8, 2004

ADDRESS: 504 HIGH STREET
ZONE: R-8, RESIDENTIAL
APPLICANT: BILL AND CAROLE STAPLETON

ISSUE: Variance to construct a two story addition and covered porch in the required front yard facing West Braddock Road.

| CODE SECTION | SUBJECT | CODE REQMT | APPLICANT PROPOSES | REQUESTED VARIANCE |
|--------------|-----------------------------|------------|--------------------|--------------------|
| 3-306(A)(1) | Front Yard (Braddock Rd) | 30.00 ft | 13.00 ft | 17.00 ft |

(insert sketch here)

STAFF CONCLUSION:

This property does not meet the criteria for a variance.

DISCUSSION:

1. The applicants propose to expand an existing one-story addition with an open roof porch facing West Braddock Road by constructing a second story in the location of the existing open porch and enlarge the side addition with a new first floor and second floor covered open porch located within the required front yard facing West Braddock Road. The house is located at 504 High Street.
2. The subject property, a corner lot, comprised of three lots of record with 100.28 feet of frontage facing High Street and 138.80 feet of frontage facing West Braddock Road. The property contains a total of 8,882 square feet.
3. The property is developed with a two and one-half story single-family dwelling located 41.20 feet from High Street, 15.20 feet from West Braddock Road, 8.20 feet from the east side property line and 29.10 feet from the south side property line. A 15.00 feet wide alley borders the property along its south property line. Real estate assessment records indicate the house was built in 1940.
4. On June 14, 1979, the Board of Zoning Appeals granted a variance to build a one-story rear addition on the subject property to within 14.40 feet of the front property line facing West Braddock Road. (BZA Case#1813 attached)
4. 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.
5. The applicants wish to expand the one-story addition which now faces West Braddock Road. The new construction will include (1) building above the existing one-story addition where a open roof porch is located and replacing the porch with a second story and (2) expand the side addition southward along the west building wall of the main house by constructing a new first floor and a second floor covered open porch. The enlarged side addition will be placed within 13.00 feet of the front property line facing West Braddock Road.

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6. The existing house does not comply with R-8 zone regulations as to the required front setback from West Braddock Road, and the proposed expanded side addition facing West Braddock Road also will not meet R-8 zone regulations. The existing house is currently located approximately 15.20 feet from the front property line facing West Braddock Road, and the applicants are seeking a variance from the front setback requirement facing West Braddock Road.
7. The proposed enlarged side addition measures 10.00 feet in width by 27.30 feet by length parallel to the west building of the existing house facing West Braddock Road. The proposed expanded side addition is approximately 31.00 feet in height from grade to the ridge line of the new roof. The expanded addition porch totals approximately 546 gross square feet of new floor area. The new addition will accommodate a larger sunroom on the first floor and expanded master bedroom with access to a covered open porch. The proposed expanded addition will be located 13.00 feet from the front property line facing West Braddock Road. The applicants request a variance of 17.00 feet facing West Braddock Road.
8. As indicated on the submitted plat, the expanded side addition will align with the existing west wall of the existing house but will be longer in length and height facing West Braddock Road. The existing one-story addition is located 18.00 feet from the front property line facing West Braddock Road. The applicants state the immediate neighbors support the proposed project and that the addition is not close to any neighboring lot. The closest residential lot is across High Street.
9. Since 1993, there have been three similar variance requests in the immediate area heard by the Board of Zoning Appeals.
 - On December 9, 1999, a variance was granted to construct a two-story addition in the required front yard adjacent to Ruffner Road at 500 High Street (BZA# 99-0046).
 - On May 9, 1996, a variance was granted to construct a second story addition in the required front yard adjacent to Oakland Terrace at 512 West Braddock Road (BZA#96-0007).
 - On October 14, 1993, a variance was granted to construct a second story addition in the required front yard adjacent to West Braddock Road at 511 High Street (BZA#6358).
- Master Plan/Zoning: The subject property is zoned R-8 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the North Ridge Small Area Plan for residential land use.

REQUESTED VARIANCES:

Section 3-306(A)(1), Front Yard (West Braddock):

The R-8 zone requires a front yard setback ratio of 30.00 feet. The proposed expanded front addition facing Braddock Road is to be located 13.00 feet from the front property line facing West Braddock Road. The applicants are requesting a variance of 17.00 feet for the expanded addition.

NONCOMPLYING STRUCTURE:

The existing house at 504 High Street is a noncomplying structure with respect to the following:

| | <u>Required</u> | <u>Provided</u> | <u>Noncompliance</u> |
|--|-----------------|-----------------|----------------------|
| Front Property Line (West Braddock) | 30.00 ft | 18.00 ft | 12.00 ft |

STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1103:

1. Does strict application of the zoning ordinance result in undue hardship to the property owner amounting to a confiscation of the property, or prevent reasonable use of the property?

The property is an irregularly shaped corner lot; however, the lot does not have topographic constraints. In fact, this corner property is typical for platted corner lots along either West Braddock Road and parts of North Ridge. The property is substandard in lot area for a corner lot and the existing building is currently located in the required front yard facing West Braddock Road for a corner lot.. The zoning ordinance does not impose an undue hardship on the applicants for improvements to the lot. However, the front property line facing West Braddock Road placed at an angle to the house does create a hardship. The applicants cannot build a larger side addition without compromising the R-8 zone front setback regulations; a new addition could, however, be built at the rear of the house in compliance with the front setback requirements. Th existing house is currently built into the required front yard facing West Braddock Road. Strict application of the zoning ordinance does not prevent reasonable use of the property.

2. Is the hardship identified above unique to the subject property, or is it shared by other properties in the neighborhood or the same zone?
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Other corner lot properties share the same physical conditions as the subject property in that the existing buildings project into required front yard. Compared to other lots along West Braddock Road, the property is smaller than its counterparts and the minimum R-8 zoned corner lot area requirement.

3. Was the hardship caused by the applicant and, if so, how was it created? Or did the condition exist when the property was purchased and, if so, did the applicant acquire the property without knowing of the hardship; how was the hardship first created?
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There is no hardship in this case. The applicants were aware of the close proximity of the house to West Braddock Road.

4. Will the variance, if granted, be harmful in any way to any adjacent property or harm the value of adjacent and nearby properties? Will it change the character of the neighborhood?
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The proposed larger addition will create more building mass facing West Braddock Road. A portion of the new addition will be closer to the front property line than the existing addition now does. However, the expanded addition will not harm the value of adjacent and nearby properties.

5. Have alternate plans been considered so that a variance would not be needed?
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None that would meet the applicants' needs.

6. Is any other official remedy available to relieve the hardship?
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No other remedy except a variance.

STAFF: Barbara Ross, Deputy Director, and Peter Leiberg, Principal Planner, Department of Planning and Zoning

DEPARTMENTAL COMMENTS

Transportation and Environmental Services:

- C-1 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)
- R-1 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. 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.

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.

Recreation (Arborist):

F-1 No specimen trees are affected by this plan.

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.