

Docket Item # 7
BZA CASE # 2003-00068

Board of Zoning Appeals
January 8, 2004

ADDRESS: 600 WEST VIEW TERRACE
ZONE: R-5, RESIDENTIAL
APPLICANT: SUSAN AND DAMON MIRANDA

ISSUE: Variance to construct a covered front porch in the required front yard facing West View Terrace and location in the required vision clearance at the intersection of South View Terrace and West View Terrace and build a one-story addition in the required front yard facing South View Terrace.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-406(A)(1)	Front Yard (West View Terrace)	25.00 feet	20.00 feet	5.00 feet
3-406(A)(1)	Front Yard (South View Terrace)	25.00 feet	11.00 feet	14.00 feet
7-801(A)	Vision Clearance	100.00 feet	90.00 feet	10.00 feet

(insert sketch here)

BZA CASE #2003-0068

STAFF CONCLUSION:

This property does not meet the criteria for a variance.

DISCUSSION:

1. The applicants request approval of a variance to (1) construct a covered front porch and (2) build a one-story rear addition to the single-family house located at 600 West View Terrace.
2. The subject property is a corner lot with 66.06 feet of frontage on West View Terrace, and 105.06 feet of frontage on South View Terrace. The north lot line measures 100.00 feet and the west lot line adjacent to an alley measures 33.84 feet. The lot totals 4,995 square feet.
3. The existing two-story dwelling is located 26.00 feet from the east front property line, 15.50 feet from the south front property line, 49.00 feet from the west side property line and 7.20 feet from the north side property line. Real estate assessment records indicate the house was built in 1940.
4. Section 12-102(A) of the zoning ordinance states 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 propose to (1) build a covered porch in the required front yard facing West View Terrace and (2) build a one-story addition in the required front yard facing South View Terrace. The proposed covered open porch measures 25.00 feet by 6.00 feet and projects 5.00 feet into the required east front yard. The proposed one-story addition measures 26.00 feet by 16.00 feet and projects 14.00 feet into the required south front yard. The one-story addition measures 11.50 feet from grade to the midpoint of the gable roof on the south facade and measures 14.00 high at the peak.
6. There have been no prior variances granted for the subject property.
7. Since 1993, there have been several variance requests in the immediate area heard by the Board of Zoning Appeals.
 - On April 11, 2002, a variance was granted to build a two-story addition in a required front yard adjacent to South View Terrace at 610 South View Terrace (BZA#2002-0021).

BZA CASE #2003-0068

- On November 8, 2001, a variance was granted to build a covered open porch in a required front yard adjacent to Hilltop Terrace; to build a covered open porch in a required front yard adjacent to South View Terrace, and to build a second story addition in a required front yard adjacent to Hilltop Terrace at 601 South View Terrace (BZA#2001-0062).
 - On November 9, 2000, a variance was granted to build a front porch in a required front yard adjacent to South View Terrace (BZA#2000-0036).
 - On May 5, 1994, a variance was granted to build a second story in a required side yard at 710 South View Terrace (BZA#6384).
8. Master Plan/Zoning: The subject property is zoned R-5 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.

REQUESTED VARIANCES:

Section 3-406(A)(1) Front Yard (West View Terrace):

Section 3-406(A)(1) Front Yard (South View Terrace):

The R-5 zoning regulations require a 25.00 foot front yard setback. The applicants propose to construct a covered porch 20.00 feet from the front property line facing West View Terrace and to build a one-story addition 11.00 feet from the front property line facing South View Terrace. The applicants must seek approval of a variance of 5.00 feet from the West View Terrace east front yard setback requirement and 14.00 feet from the South View Terrace south front yard setback requirement.

Section 7-801(A) Vision Clearance:

In all residential zones no structure may be taller than 3.50 feet within the vision clearance triangle. A 100.00 foot vision clearance area is required in all residential zones. The proposed covered open porch facing West View Terrace will reduce the vision clearance area to 90.00 feet. The applicants request a variance of 10.00 feet.

NONCOMPLYING STRUCTURE:

The existing building at 600 West View Terrace is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front (South View)	25.00 feet	15.50 feet	9.50 feet
Width @ Front Bld Line	65.00 feet	58.00 feet	7.00 feet
Lot Size	6,500 sq. ft.	4,995 sq. ft.	1,505 sq. ft.
Vision Clearance	100.00 feet	95.00 feet	5.00 feet

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?

Strict application of the zoning ordinance does not prevent improvements made to this property. The subject property is slightly substandard for a corner lot and it does have an angled front property facing South View Terrace. However, none of these conditions prevents reasonable use of the property. The R-5 zoning regulations does not limit the availability to construct a reasonable amount of improvements to the building. The configuration of this lot and its corner lot status does not create a situation that restricts the use of the property. In fact a small triangular shaped portion of the lot outside the required yards and at the rear of the building can be developed in compliance with the R-5 zone requirements. Alternatively a third story could be built however, such an improvement would not be in scale with other homes in the immediate neighborhood and would radically alter the existing building block face. Allowing a front porch in the required West View Terrace front setback would be in character and scale of most of the homes on the block face.

Staff does not support the proposed projection into the required front yard setback adjacent to South View Terrace. Given that all of the dwellings in that block face have much greater setbacks affording large open front yards, staff feels that the proposed 11.00 foot front yard setback would have an adverse impact on the block face.

BZA CASE #2003-0068

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?
-

The subject property is a slightly smaller R-5 zoned corner lot in lot area to other corner lots in the immediate neighborhood. The lot size is exacerbated by the triangular lot configuration. All other triangular corner lots in the area are significantly larger than the subject property.

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?
-

Although the existing house was built in 1940 and predate the R-5 zone requirements, the zoning nor the existing lot characteristics creates an unreasonable hardship nor restriction on the applicants.

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?
-

Staff feels that the proposed front yard porch in the required east yard adjacent to West View Terrace would not be harmful to adjacent properties. There are several front yard porches in this block face similar in scale to the applicant's proposal. Staff, however, feels that the rear addition as proposed would have a detrimental impact on the block face on South View Terrace and change the character of the neighborhood.

5. Have alternate plans been considered so that a variance would not be needed?
-

No alterative plans that would meet the needs of the applicants.

6. Is any other official remedy available to relieve the hardship?
-

No other remedy exists except a variance.

STAFF: Barbara Ross, Deputy Director, and Peter Leiberg, Principal Planner,
Rasheda DuPree, Urban 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.

BZA CASE #2003-0068

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.