

Docket Item #6
BZA CASE # 2003-0070

Board of Zoning Appeals
February 12, 2004

ADDRESS: 14 WEST LINDEN STREET
ZONE: R-5, RESIDENTIAL
APPLICANT: MICHAEL WILLIMANN, OWNER

ISSUE: Variance to expand an existing covered open porch to be located in the required east side yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-406(A)(2)	Side Yard	7.00 ft	5.20 ft	1.80 ft

(insert sketch here)

STAFF CONCLUSION:

This property does not meet the criteria for a variance.

DISCUSSION:

1. The applicant requests a variance to enlarge an existing covered open porch by increasing the porch length on the east side of porch that wraps around a portion of the building at 14 West Linden Street. The expanded porch projects into the required east side yard setback area.
2. The subject property is one lot of record with 50.00 feet of frontage on West Linden Street and a depth of 125.00 feet. The lot contains 6,250 square feet of property area.
3. The existing two-story dwelling is located 21.10 feet from the front property line of West Linden Street, 12.00 feet from the west side property line and 9.00 feet from the east side property line. A detached garage converted to a shed is located at the south east corner of the property. A driveway is located parallel to the west building wall. According to real estate assessment records, the house was built in 1930.
4. The applicant indicates that he plans to remove the existing front enclosed addition and restore an open covered porch within the same footprint as the addition. The existing front enclosed addition measures 25.00 feet across the front facade and projects approximately 8.00 feet from the building. While restoring the front porch the applicant proposes to expand the porch by 6.00 feet. In turn the front porch will wrap around the east side of the building and project into the required east side yard.
5. The existing house is noncomplying because it projects to within 21.10 feet from the front property line facing West Linden Street instead of the 25.00 foot setback 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.
6. The restored porch although enlarged slightly and which projects into the required front yard complies with the prevailing front setback based on existing homes on the south side of West Linden Street between Russell Road and Commonwealth Avenue. No variance is required to expand the porch facing West Linden Street. However, because the porch will wrap around a portion of the east building wall and projects into the required east side a variance is required.

7. The expanded porch proposed along the east building wall projects 4.50 feet from the building wall and extends 17.00 in length parallel to the east building wall and is 13.00 feet in overall height. The new covered porch section will not meet R-5 zone side yard setback requirement of 7.00 feet; therefore, the applicant must seek a variance to build the new porch section projecting into the required east side yard. The new porch section will be located 5.20 feet from the east side property line. A variance of 1.80 feet is required.
8. The proposed open covered porch section will integrate with the restored front porch and will continue to be located 21.10 feet from the front property line facing West Linden Street. The slightly longer porch is intended to compliment the existing roof line and improve the existing front architecture.
9. The two story brick Colonial Revival style house at 14 West Linden Street is a contributing resource in the National Register-listed Rosemont Historic District. The building was constructed in 1927-1928. The Rosemont Historic District is an intact, early-twentieth century, middle-class trolley suburb and “a veritable architectural style catalog of the era from 1908 until World War II.” (National Register nomination, p. 7-1)
10. Staff has no objection to the proposed variance and believes the project will enhance the historic appearance of the house and neighborhood. The house quite probably had a front porch when constructed. The historic character of the building was adversely affected by the removal of the porch and the construction of a one story addition at the front. The proposed porch is appropriate to the period of the house in terms of its materials, overall design and Colonial Revival detailing. However, while Staff does not object to the wrap around porch, it also believes a front porch which does not extend to the side would be just as appropriate.
11. There have been no variances heard by the Board of Zoning Appeals for the subject property.
12. 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.
13. 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 it is identified in the Potomac West Small Area Plan for residential land use.

REQUESTED VARIANCES:

Section 3-406(A)(2), Side Yard:

The R-5 zone requires a side yard setback of 7.00 feet. The expanded front porch will be located 5.20 feet from the east side yard property line. The applicant requests a variance of 1.80 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?
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The property's level topography, lot configuration or grade does not prohibit or unreasonably restrict the use of the property as it relates to the expanded side porch of the house. The slightly expanded porch (not forward of the existing porch plane, but wraps around the east building wall) will take a conforming property into noncompliance and will bring more mass towards the neighboring property. Strict application of R-5 zone regulations, however, will not deprive the applicant of full use of his property. Many homes in Del Ray and Rosemont were built with similar front porches, and the desire for a wrap around and larger porch does not constitute a hardship.

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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The subject property is not unique; it is similar to many lots on West Linden Avenue in size, width and topographical conditions. The conditions of the property are shared generally by other properties within the neighborhood. More building mass will not only be seen but brought closer to the east side property line which did not exist before. Strict application of R-5 zone regulations will not produce undue hardship.

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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The need for a expanded front porch is created by the applicant.

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 adjacent neighbors will view more building mass, which is open and the house will

appear to be closer to their property lines. The expanded porch area, however, will not change the character of the neighborhood.

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

None 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, Planning and Zoning; Peter Leiberg, Principal Planner

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)
- C-2 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 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.