

Docket Item # 8  
BZA CASE #2004-0003

Board of Zoning Appeals  
March 11, 2004

**ADDRESS:** 5309 TANEY AVENUE  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** BRADLEY AND THUY LINDSEY

**ISSUE:** Variance to construct a one story addition in the required front yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-3-6(A)(1)	Front Yard (Taney Ave)	30.00 ft (Addition)	23.00 +/- ft	7.00 ft
		30.00 ft (Front Entry)	28.75 ft	1.25 ft

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**STAFF CONCLUSION:**

This property does not meet the criteria for a variance.

**DISCUSSION:**

1. The applicants propose to the following improvements to their home at 5309 Taney Avenue: (1) build a one-story front addition along a portion of the front wall of the existing house facing Taney Avenue, and (2) build a new enclosed front entry also across a portion of the front wall of the existing house facing Taney Avenue.
2. The subject property, a corner lot, is one lot of record with approximately 105.90 feet of frontage facing Paxton Street, 278 feet of frontage facing Taney Avenue, a depth along its longest side property line of 121.00 feet and a lot area totaling 11,322 square feet. The property is larger than the minimum 9,000 square feet required for an R-8 zone corner lot. The property's existing topography is flat to the street and towards the rear property line.
3. The existing two-story brick dwelling with an attached garage was built in 1958 after the adoption of the R-8 zone regulations; it complies with current R-8 zone requirements. The existing house is located 40.00 feet from the front property line facing Paxton Street, 34.00 feet from the front property line facing Taney Avenue, 24.00 feet from the west side property line and 15.00 feet from the north side property line. An open deck is located along the north building wall. An existing driveway leads to an existing garage located 38.00 feet from Taney Avenue.
4. The subject building meets the R-8 zone front yard setback regulations; however, the proposed one-story addition and enclosed front entrance facing the front property on Taney Avenue will not meet the front setback requirements. The applicants, therefore, must seek a variance from the front setback requirement.
5. The proposed major improvements to the main building include the following:
  - (a) Build a one-story front addition measuring 19.00 feet by 14.50 feet and containing approximately 276 square feet in area. Only 7.00 feet of the new front addition projects into the required front yard facing Taney Avenue. The remainder of the addition complies with the 30.00 feet front yard requirement. The overall height of the addition to the top of the gable roof is approximately 19.50 feet. The addition will be attached across half of the front south wall of the house and is located approximately 23.00 feet at its closest point to the front property line facing Taney Avenue. The new addition will accommodate a bedroom and closet on the first floor

and bathroom, closet and semi-finished basement. A variance of 7.00 feet is requested.

- (b) Build a new front enclosed entry measuring 6.00 feet by 6.00 feet totaling 36.00 square feet. Slightly less than 1.75 feet of the new enclosed front entry projects into the required front yard facing Taney Avenue. The new entry is located 28.25 feet from the front property line facing Taney Avenue, and a variance of 1.75 feet is required..
7. The proposed additions will be located closer to the front property line facing Taney Avenue than the existing house now does.
  8. The applicants indicate the zoning ordinance prevents reasonable use of the property because of the following:
    - (a) Taney Avenue is unique in that it is wider than most residential streets in the area (44.00 feet from curb to curb verse around 30 feet wide for adjoining residential streets).
    - (b) Prior construction has severely limited expansion opportunities for the house without seeking a variance.
    - (c) The improvements are intended to compliment existing architecture and avoid impact on adjoining properties
  9. There have been no previous variances considered by the Board of Zoning Appeals for this property.
  10. Since 1990, there have been no front yard variances in the immediate area considered by the Board.
  11. Master Plan/Zoning: The subject property is zoned R-8 and has been so zoned since adoption of the Third Zoning Map in 1951, and is identified in the Seminary/Seminary Ridge Small Area Plan for residential land.

**REQUESTED VARIANCES:**

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

The R-8 zone requires a minimum front yard setback of 30.00 feet. The proposed one-story addition and new front entry will be located 23.00 feet and 28.75 feet from the front property line facing Taney Avenue. The applicants request a variance of 7.00 feet and 1.25 feet respectively.

**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 subject property's topography is flat and does not effect the use of the property. A portion of the front property line facing Taney Avenue tapers gradually along Taney Avenue and abruptly angles towards Paxton Street. However, these characteristics do not prohibit or unreasonably restrict the use of the property as it pertains to the proposed improvements. The lot's characteristics actually result in the applicants being able to build an addition above the garage and to recess the new front entry by less than 2.00 feet to comply with the front yard requirements. There is no hardship in this case.

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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There is no hardship in this case. The zoning classification of the subject property is R-8. The zoning classification of the other properties in the general area is R-8. The applicants' property is similar to other lots along the Taney Avenue. It is staff's opinion that the properties in the area share the same physical conditions as the applicants' property. Staff finds no hardship in this case.

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.

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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Granting the requested variance will be detrimental to adjacent properties and the neighborhood. The new addition will bring the existing house closer to the street than it is now, effectively altering the existing front setback pattern along Taney Avenue. The

proposed addition will introduce a new building mass when viewed from the street, thus essentially changing the overall appearance of the applicants' building. The existing house is now in compliance with R-8 zone regulations as to the front setback facing Taney Avenue, and the new front addition will be closer to the street than the existing house now is, and the new one-story addition will create more horizontal mass facing this street. Staff believes that, if the applicants desire to build an addition, there is sufficient area at the rear of the house to comply with the R-8 side setback requirements, above the garage and still afford a reasonable distance to the street.

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

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None that would meet the needs of the applicants.

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

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No other remedy is available except to obtain a variance.

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

**DEPARTMENTAL COMMENTS**

Transportation and Environmental Services:

- F-1 No objections or recommendations.

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 The proposed basement bedroom shall comply with emergency escape provisions of the USBC.

Recreation (Arborist):

- F-1 No specimen trees will be affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be disturbed by this project.

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.