

Docket Item #7
BZA CASE #2004-00038

Board of Zoning Appeals
October 14, 2004

ADDRESS: 607 BRAXTON PLACE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: JAMES STEJSKAL AND WANDA NESBITT, OWNERS, BY GAVER NICHOLS, ARCHITECT

ISSUE: Variance to construct a covered porch in the required front yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard	25.00 ft	18.20 ft	16.80 ft

(insert sketch here)

STAFF CONCLUSION:

Staff recommends **denial** of the variance because the request does not meet the criteria for a variance.

I. Issue

The applicants request a variance to build a covered open porch across almost half of the front building wall for the property at 607 Braxton Place. The new porch projects into the required front yard setback area.

II. Background

The subject property is three lots of record with 79.00 feet of frontage on Braxton Place and Outlook Lane and a depth of 100.00 feet. The lot contains 7,500 square feet of property area.

The property is developed with a two-story brick dwelling located 25.20 feet from the front property line of Braxton Place, 11.80 feet from the west side property line and 24.20 feet from the east side property line. A side yard addition is attached along the west building wall; a new side yard addition is proposed along the east side building wall in compliance with the R-5 zone regulations. An existing open entrance stoop is located approximately 23.00 feet from the front property line facing Braxton Place. According to real estate assessment records, the house was built in 1951 and is built in compliance with the R-5 zone regulations.



An existing open entrance stoop, which provides access to the house, measures 6.00 feet in length with a depth of 4.00 feet.

III. Discussion

The new front covered open porch extends across approximately 12.00 feet of the 28.00 foot front building wall. The new covered porch will not meet R-5 zone front yard setback regulations nor the prevailing front setback of existing homes on the north side of Braxton Place, which is the same side as the subject property; therefore, the applicants must seek a variance to build the open porch projecting into the required front yard.

The new porch measures 12.00 feet across the front building wall by 7.00 feet in depth, approximately 14.00 feet high from grade to the top of the roof, and totals 84.00 square feet of new floor area. The proposed open covered porch will integrate the existing enclosed front stoop and will be located 18.20 feet from the front property line facing Braxton Place. The roof of the new porch is intended to compliment the existing roof line and improve the existing front architecture.

Section 7-202(A)(2) of the zoning ordinance allows a canopy to project into a required front yard without a variance, as long as the canopy does not project more than 4.00 feet from the building wall and as long as the canopy is limited to the area around the front door; however, the existing house must comply with the required front setback. The zoning ordinance does not include porches as permitted structures allowed to project into a required front yard. The applicants could build a covered entry stoop in compliance with the zoning regulations without the need of a variance. The applicants indicate in their application that the new porch is intended to enhance the front building facade.

There have been no variances previously granted for the subject property. Since 1993, there have been no similar variance requests for garages in the immediate area heard by the Board of Zoning Appeals.

IV. Master Plan/Zoning

The subject property is zoned R-5, residential and has been so zoned since 1951, and is identified in the North Ridge Small Area Plan for residential low land use.

V. Requested Variances

Section 4-406(A)(2), Front Yard :

The R-5 zone requires each single-family dwelling to provide a front yard of 25.00 feet. The proposed covered open porch will be located 18.20 feet from the front property line facing Braxton Place. The applicants request a variance of 16.80 feet from the front property line.

VI. 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 relatively flat from the street towards the front of the house, but drops slightly at the rear of the lot. The subject lot is larger than the minimum 5,000 square foot lot required for an R-5 zoned property. The nature of the topography, lot

configuration or grade does not prohibit or unreasonably restrict the use of the property as it relates to the front porch of the house. The new porch will take an existing complying structure out of compliance and will bring new mass closer to the street. Strict application of R-5 zone regulations will not deprive the applicants of full use of their property. Other homes built along Braxton Place and within the immediate neighborhood have built modest front covered stoops for protection during inclement weather. The need for a 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 along Braxton Place in size, width and topographical conditions. The conditions of the property are shared generally by other properties within the immediate area. Many of the lots along Braxton Place are similar in size, shape and placement as to topography. Many properties appear to be in compliance with the R-5 front setback; few project beyond the building restriction line. The homes on Braxton Place were originally built without porches. Many of the homes comply with the 25.00 foot front setback from the street and have modest front portico projections into the required front yard. More building mass will be brought closer to the front property line. 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 to have a front porch is created by 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?
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The requested variance, if granted, will impair an adequate supply of light and air to adjacent property. The adjacent neighbors will view more building mass, and the house will appear to be closer to the front property line. Approval of the variance will alter the character of the R-5 zone as applied in this area; invite others to seek

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relief from the ordinance to build front porches, which will change the character of the architecture of buildings in the neighborhood; bring more building mass closer to the street, and change the front setback pattern in the neighborhood.

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

None.

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

No other remedy exists except a variance.

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance or special exception is approved the following additional comments apply.

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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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.