

Docket Item #8
BZA CASE #2004-00039

Board of Zoning Appeals
October 14, 2004

ADDRESS: 2913 BRYAN STREET
ZONE: R-8, RESIDENTIAL
APPLICANT: HEATHER SIBBISON, OWNER, BY DAVID KERIVAN, ARCHITECT

ISSUE: Variance to construct a one-story addition and open covered front portico in the required front yard facing Bryan Street.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard (Addition)	30.00 ft	28.00 ft	2.00 ft
	Front Yard (Portico)	30.00 ft	24.00 ft	6.00 ft

(insert sketch here)

STAFF CONCLUSION:

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

I. Issue

The applicant proposes to (1) build a second story addition approximately in the center of the existing house, (2) build a rear one-story addition, (3) build a one-story front addition to enlarge an existing living room and (4) construct a front covered open entry portico forward of the new front addition facing 2913 Bryan Street. Two of the four proposed improvements will enlarge the existing house towards Bryan Street. The existing house is now located 30.50 feet from the front property line facing Bryan Street and in compliance with the R-8 zone front setback requirement of 30.00 feet. Upon completion of the front one-story addition and open covered front portico, the house will be located 24.00 feet from the front property line. Under the current zoning rules, the applicant could build the front covered open portico without the need of a variance. Because of the living room expansion the proposed open portico will require a variance. The proposed second-story addition does not require a variance.

II. Background

The subject property is one lot of record with 70.00 feet of frontage facing Bryan Street and 126.14 feet along north side property line. The property contains a total of 8,268 square feet.

The property is developed with a one-story single-family dwelling located 30.50 feet from the front property line facing Bryan Street, 9.30 feet from the north side property line, 10.10 feet from the south side property line and 64.40 feet from the rear property line. Real estate assessment records indicate the house was built in 1960.

III. Discussion

The proposed front one-story addition measures 3.33 feet in width by 24.00 feet in length across the south building wall of the existing house facing Bryan Street. The proposed addition is approximately 14.50 feet in height from grade to the ridge line of the new roof. The addition totals approximately 80 square feet of new floor area. The new addition will accommodate a larger living room. The proposed expanded addition will be located 28.00 feet from the front property line facing Bryan Street. The applicant requests a variance of 2.00 feet facing Bryan Street.

As part of the proposed living room expansion, a new front cover open portico will be built at the entrance of the new addition. The new entry portico measures 3.50 feet by 8.50 feet and is located 24.00 feet front property line facing Bryan Street. The applicant requests a variance of 6.00 feet. As indicated on the submitted building elevations, the proposed

second story addition, which is to be constructed approximately in the middle section of the existing house and rear one-story addition will both comply with the R-8 zone regulations. The applicant has indicated that she has not received any objections to her proposed improvements.

The existing house does comply with R-8 zone regulations as to the required front and side yard setback requirements. The proposed front living room addition and front entry portico will take a complying structure out of compliance with the R-8 zoning rules. The existing house is currently located approximately 30.50 feet from the front property line facing Bryan Street, and the applicant is seeking a variance from the front setback requirement facing Bryan Street.

No prior variances have been approved for the subject property. Since 1993, there have been no similar variance requests in the immediate area heard by the Board of Zoning Appeals.

IV. 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.

V. Requested Variance:

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

The R-8 zone requires a front yard setback ratio of 30.00 feet. The proposed expanded front addition facing Bryan Street is to be located 28.00 feet from the front property line facing West Braddock Road; the proposed front covered open portico is to be located 24.00 feet from the front property line facing Bryan Street. The applicant requests a variance of 2.00 feet and 6.00 feet respectively.

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 an irregularly shaped lot limited only along the rear property line; the lot does not have topographic constraints. In fact, this property is typical for platted lots along Bryan Street and parts of North Ridge. The property is not substandard in lot area for an R-8 zoned property and the existing building is currently located in compliance with the R-8 zone required yards. The zoning ordinance does not impose an undue hardship on the applicant for improvements to the lot. The applicant could build a front portico in compliance with the front yard requirement. The need for an expanded living room addition is unnecessary. In fact, the applicant proposes

substantial additions for the property without the need of a variance. The existing house is currently built in compliance with the R-8 zone regulations. 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?

Other properties share the same physical conditions as the subject property in that the existing building and appear to comply with the required front yard. Compared to other lots along Bryan Street, the property is larger than its counterparts and greater than the minimum R-8 zoned 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?

The applicant was aware of the proximity of the house to the front property line facing Bryan Street. The house was built in compliance with the R-8 front yard setback. If the proposed front addition is approved, more mass will be brought forward to the street, taking a complying structure out of compliance and altering the existing front building wall pattern as viewed from the street. 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?

The proposed addition will bring more building mass towards Bryan Street and alter the current front building wall pattern as viewed from the street, facing West Braddock Road. The expanded addition will harm the value of adjacent and nearby properties.

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

None that would meet the applicant's desires.

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

No other remedy 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 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 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

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.