

Docket Item #3  
BZA CASE #2004-00042

Board of Zoning Appeals  
December 9, 2004

**ADDRESS:** 2224 NORTH EARLY STREET  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** WILLIAM AND PATRICIA McGINNIS

**ISSUE:** Variance to construct a covered porch in the required front yard facing North Early Street.

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

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Deferred at the November 11, 2004 hearing, due to lack of quorum.

(insert sketch here)

**STAFF CONCLUSION:**

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

**I. Issue**

The applicants request a variance to build a covered open porch across the full length of the front building wall for the property at 2224 North Early Street. The new porch projects into the required front yard setback area.

**II. Background**

The subject property is one lot of record with approximately 80.00 feet of frontage facing North Early Street and a depth of 100.00 feet. The lot contains 8,000 square feet of property area.

The property is developed with a one-story brick dwelling located 30.00 feet from the front property line facing North Early Street, 11.80 feet from the north side property line and 24.90 feet from the south side property line. An enclosed porch is attached along the rear building wall in compliance with the R-8 zone regulations. According to real estate assessment records, the house was built in 1950's and is in compliance with the R-8 zone front yard setback regulations.

The subject property is within the Brad Lee Homes subdivision part of the Bradlee Community Unit Plan Area. Other homes along this section of North Early Street were built around the same time as the subject house. . The adjoining properties on both sides of Early Street are similar in lot area and shape and placement of the houses to the front property lines. It appears that all of the neighboring lots are in conformance with the R-8 zone regulations. None of the other homes have built or had approved open covered front porches.



**III. Discussion**

The new front covered open porch extends across approximately the entire length of the front building wall that is 43.30 feet long. The new covered porch will not meet R-8 zone front yard setback regulations; therefore, the applicants must seek a variance to build the open porch projecting into the required front yard.

The new porch measures 41.58 feet across the front building wall by 6.00 feet in depth, approximately 15.16 feet high from grade to the top of the roof, and totals 249 square feet of new floor area. The new porch will take a complying house now located at 30.00 feet to within 24.00 feet of the front property line facing North Early Street.

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 an open covered entry stoop for protection during inclement weather. The applicants indicate that the new porch is supported by their neighbors and reflects a desire by others to build a similar style porch to their homes.

There have been no variances previously granted 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, residential and has been so zoned since 1951, and is identified in the Seminary/Strawberry Hill Small Area Plan for residential low land use.

**V. Requested Variance**

**Section 4-306(A)(2), Front Yard :**

The R-8 zone requires each single-family dwelling to provide a front yard of 30.00 feet. The proposed covered open porch will be located 24.00 feet from the front property line facing North Early Avenue. The applicants request a variance of 6.00 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?

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The property does not have any unusual conditions. The property was platted and developed in the 1950's in compliance with the R-8 zone regulations. The property is in predominantly flat. The property's condition does not restrict the use of the property if the zoning regulations are applied. The subject property is similar in lot area, dimension as nearby lots. All of the lots comply with the R-8 zone regulations. The new porch will take an existing complying structure and will bring new mass

closer to the street. Strict application of R-8 zone regulations will not deprive the applicants of full use of their property. The need for a porch does not constitute a hardship. In fact the new porch will change the character of the block.

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 the majority of lots along North Early Street in size, width and topographical conditions. The properties were platted and developed in compliance with the R-8 zone regulations. The conditions of the property is shared by other properties within the immediate area. The homes on North Early Street were built without porches. All of the homes appear to comply with the 30.00 foot front setback from the street. If a front porch is constructed more building mass will be brought closer to the front property line and the character of the block will radically change. Other requests for covered porches projecting into the required front yard may be requested. Strict application of R-8 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 desire 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 be brought closer to the front property line. Approval of the variance will alter the character of the R-8 zone as applied in this area; invite others to seek relief from the ordinance to build front porches, which will change the character of the architecture of buildings in this neighborhood; bring more building mass closer to the street, and change the front setback pattern in the neighborhood. The existing building pattern and lot characteristics will change if the proposed porch is built.

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

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None.

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

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There is no hardship.

**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.

Recreation (Arborist):

F-1 No trees are affected by the proposed variance.

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.