

Docket Item #7
BZA CASE #2004-00046

Board of Zoning Appeals
December 9, 2004

ADDRESS: 8 EAST CUSTIS AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: CHRISTOPHER BELLANCA, OWNER

ISSUE: Special exception to expand an existing front covered porch in the required front yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
3-506(A)(1)	Front Yard	25.00 ft	15.00 ft	10.00 ft

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

(insert sketch here)

STAFF CONCLUSION:

Staff recommends **approval** of the request because it meets the criteria for a special exception.

I. Issue

The applicant at 8 East Custis Avenue requests a special exception to enlarge an existing covered porch by increasing the porch length along the front of the house where a new addition is under construction. The expanded porch projects into the required front yard setback area facing East Custis Avenue. The established building line of the majority of the homes (6 of the 10 homes including the subject home) between Commonwealth Avenue and Clyde Avenue, are located between 20.00 feet and 25.00 feet from the front property facing East Custis Avenue. Therefore, the applicant must seek relief from the Board of Zoning Appeals to build in line with the existing front porch.

II. Background

The subject property is two lots of record with 50.00 feet of frontage on East Custis Avenue and a depth of 115.00 feet. The lot contains 5,570 square feet of lot area.

The existing two-story frame dwelling with an existing front covered open porch is located 15.00 feet from the front property line facing East Custis Avenue, 1.30 feet from the west side property line and 28.00 feet from the west side property line. A rear covered open porch is located along the entire rear building wall. According to real estate assessment records the house was built in 1925.

A review of Sanborn maps indicate that the applicant's property could not use the prevailing front setback based on the existing front setback pattern of the remaining nine homes on the north side of East Custis Avenue. Only four of the ten homes between Commonwealth Avenue and Clyde Avenue including the applicant's property had an equivalent front setback as the applicant's home. Therefore, the applicant must apply and seek the Board of Zoning Appeals approval to allow the expanded porch to be placed in line with the existing porch and to project into the required front yard setback facing East Custis Avenue.

III. Discussion

The applicant is currently building a two-story addition that does not align with the front building of the existing house but is recessed approximately 5.00 feet back from the front plane of the existing front building wall. As located the new addition complies with the required front setback of 25.00 feet facing East Custis Avenue. An expanded front covered porch similar in style to the existing front porch on the main house will be built across the front building wall of the new addition.

The expanded front covered porch is 19.00 feet across the new addition's front facade and projects approximately 10.00 feet from the new addition. The expanded front porch will be located 10.10 feet in compliance with the east side yard property line.

The existing house is a noncomplying structure because it projects to within 15.00 feet of the front property line facing East Custis Avenue instead of the 25.00 feet 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.

The expanded porch although enlarged slightly as to width will project into the required front yard cannot avail itself of the prevailing front setback based on existing homes on the north side of East Custis Avenue between Commonwealth Avenue and Clyde Avenue. Because the enlarged porch is expanding in only one noncomplying wall plan it therefore qualifies for a special exception.

The proposed open covered porch section will be integrated with the existing front porch and will continue to be located 15.00 feet from the front property line facing East Custis Avenue. The slightly longer porch is intended to compliment the existing roof line and match the existing front architecture.

Although the subject property is located within the Town of Potomac Historic District, it is not listed on the 100 year old buildings list.

There have been no variances previously granted for the subject property. 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.

V. Master Plan/Zoning

The subject property is zoned R-2-5, 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.

VI. Requested Special Exception:

Section 3-506(A)(1), Front Yard: The R-2-5 zone requires a front yard setback of 25.00 feet. The expanded front porch will be located 15.00 feet from the front property line as does the existing front porch is now located. The applicant requests a special exception of 15.00 feet.

VII. Noncomplying structure

The existing building at 8 East Custis Avenue is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Existing</u>	<u>Degree of Noncompliance</u>
Front Yard	25.00 ft	15.00 ft	10.00 ft
Side Yard (East)	10.00 ft	7.00 ft	1.30 ft

STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1302 FOR SPECIAL EXCEPTION:

This case asks the Board of Zoning Appeals to rule on whether a proposed front covered porch located within the required front yard facing East Custis Avenue meets the standards adopted for a special exception for porches.

Special Exception Standards

The rules for additions built on noncomplying structures reflect Council's decision that property owners should be able to seek relief for **modest improvements** to their existing homes when the proposal involves the expansion of only one noncomplying wall projecting into a required yard. In such cases, an applicant no longer needs to file a variance and argue a legal hardship. Under the recently adopted rules, the Board must determine whether the improvement affects neighboring homes, whether the improvement is similar in character to other buildings within the immediate neighborhood and, finally, whether it represents the only reasonable location on the lot to build the proposed addition. The specific standards are:

1. Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
2. Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.
3. Whether approval of the special exception will alter the essential character of the area or the zone.
4. Whether the proposal will be compatible with the development in the surrounding neighborhood.
5. Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

In this particular case a proposed open covered porch will be built in line with the existing porch footprint that is now located 15.00 feet from the front property line facing East Custis Avenue. No other relief is requested. This request to extend one noncomplying wall meets the standards for a special exception application.

Neighborhood Impact

Together the subject lots are slightly larger in area for a lot zoned R-2-5 residential. The subject property is one of ten homes between Commonwealth Avenue and Clyde Avenue some with open front porches. The property is similar in lot configuration and topography. An inspection of the immediate neighborhood revealed many of the homes are two stories on the same block as the subject property. The neighboring properties are platted slightly behind the subject house to the front property lines than the subject property. All lots adjoining the property provide a comparable lot area or larger lot area, topography, building height and front yard setback to their residential neighbors. The houses were built during the same time period as the applicant's home, and they were built closer to either front property line than zoning rules permit. In fact, the houses were built prior to enactment of the front yard regulations. The majority of the homes have a similar front setback which is less than the R-2-5 zone regulation of 25.00 feet.

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 porch of the house. Although the slightly expanded porch will enlarge a noncomplying property the new expanded porch will not be brought closer to the street; however, more mass will be built across the front of the house and in front of a new addition where none now exists. Many homes in Del Ray and Rosemont were built with similar front porches, and the desire for a larger porch is not inappropriate nor out of character with the neighborhood.

Although the adjacent neighbors will view more building mass, the porch will remain open (not screened or windows installed for year round use) and the house and the new addition and porch will not appear any closer to the front property line. The expanded porch area will not change the character of the neighborhood. The applicant's property is wide enough to accommodate the new construction without changing the character of the lot in relation to its neighboring properties.

Light and Air

Constructing a new expanded porch will not reduce light and air enjoyed by the neighboring property, nor does it appear will it cause any hardship to the neighboring houses along this stretch of East Custis Avenue where similar open covered porches have been erected and are as close to the front property line as the subject property. Staff believes, given the similar lot characteristics and current building location, the proposed expanded porch will not increase harm to neighboring homes nor bring more mass closer to the front property line facing East Custis Avenue as long as the covered porch remain open (no screens or permanent windows or doors installed to turn the porch into a year round front addition). The most affected property owners support the applicant's proposal.

Location of Improvements

The subject property meets the lot area requirement. The proposed covered porch is limited to the existing building footprint which currently projects into the required front yard facing East Custis Avenue. The proposed expanded porch will balance the appearance of a new side addition by reducing the appearance of the new two-story addition's mass facing the street.

Staff Conclusion

The proposed improvements will be in character with other covered porches in the neighborhood and on this stretch of Custis Avenue. Staff believes that the applicant's property meets the special exception standards, because the proposed design complements the existing house and adjacent residential homes, and the proximity of the building improvements will align with the existing house and not project any closer than it now does to the street. The proposed design does not unduly exacerbate existing conditions on the lot. Staff recommends approval of the request for special exception.

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.