

Docket Item #9
BZA CASE #2004-00048

Board of Zoning Appeals
December 9, 2004

ADDRESS: 321 KENTUCKY AVENUE
ZONE: R-8, RESIDENTIAL
APPLICANT: PAUL AND SUNNY STEWART, OWNERS

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

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard	30.00 ft	17.00 ft	13.00 ft

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 propose to remove an existing covered front entry and request a variance to build a covered open porch across nearly the full length of the main front building wall for the property at 321 Kentucky Avenue. The new porch projects into the required front yard setback area.

II. Background

The subject property is one lot of record with approximately 50.00 feet of frontage facing Kentucky Avenue and a depth of 145.49 feet along its deepest side property line. The lot contains 8,623 square feet of property area.

The property is developed with a two-story brick dwelling with basement located 27.10 feet from the front property line facing Kentucky Avenue, 7.90 feet from the east side property line and 7.90 feet from the west side property line. An enclosed porch over a concrete patio is attached along the rear building wall in compliance with the R-8 zone regulations. An existing covered open entrance stoop is located approximately 19.00 feet from the front property line facing Kentucky Avenue. According to real estate assessment records, the house was built in 1940 and is not built in compliance with the R-8 zone front yard setback regulations.

An existing open covered entrance stoop, which provides access to the house, measures approximately 7.00 feet in length with a depth of 5.00 feet.

The existing house is classified as a legal noncomplying structure because it does not meet the 30.00 feet front yard setback facing Kentucky Avenue. Based upon Sanborn maps and field measurements completed by the applicant, the property does not meet the prevailing front setback. Of the twelve homes including the applicant's property, either the homes are located further back than the 30.00 feet required by the R-8 zone or are at least 30.00 feet back facing Kentucky Avenue.

III. Discussion

The new front covered open porch extends across approximately 22.00 feet of the 26.00 feet front main building wall. The new covered porch will not meet R-8 zone front yard setback regulations nor the prevailing front setback of existing homes on the north side of Kentucky Avenue, 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.

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The new porch measures 22.00 feet across the front building wall by 8.00 feet in depth, approximately 11.20 feet high from grade to the ridge line of the roof, and totals 178.00 square feet of new floor area. The proposed open covered porch will be integrated into the existing open front stoop and will be located 17.00 feet from the front property line facing Kentucky Avenue. The new porch will extend beyond the current covered open entry by 3.00 additional feet.

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 currently have an open covered entry stoop for protection during inclement weather. To build a covered open porch the applicants must comply with the zoning regulations as to the required front setback. The applicants indicate that the new porch is supported by their neighbors and reflect similar porches approved and built in the neighborhood.

On February 10, 1994, the Board of Zoning Appeals granted a variance for the subject property to construct a covered front portico 22.00 feet from the front property line.

Since 1993, there have been four similar variance requests in the immediate area heard by the Board of Zoning Appeals:

<u>Case #</u>	<u>Date</u>	<u>Address</u>	<u>Variance Requested</u>	<u>Action</u>
2002-0056	9/12/02	3405 Old Dominion Blvd.	Front Setback of 15.00 ft (Addition)	Granted
			Front Setback of 21.00 ft (Covered Entry)	Granted
2001-00045	10/11/01	502 Kentucky Ave.	Front Setback of 13.50 ft (Covered front porch)	Granted
2000-00030	9/14/00	3414 Old Dominion Blvd.	Front Setback of 4.00 ft (Front Portico)	Granted
			Front Setback of 3.00 ft (Roof Overhang)	Granted
96-00038	12/12/04	3412 Alabama Ave.	Front Setback of 8.16 ft (Front Portico)	Granted

IV. Master Plan/Zoning

The subject property is zoned R-8, 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 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 17.00 feet from the front property line facing Kentucky Avenue. The applicants request a variance of 13.00 feet from the front property line.

VI. Noncomplying Structure

The house at 321 Kentucky Avenue is a noncomplying structure with respect to the following:

	<u>Required</u>	<u>Provided</u>	<u>Noncompliance</u>
Front Yard	30.00 ft	27.10 ft	2.90 ft
East Side Property Line	8.00 ft	7.90 ft	0.10 ft
West Side Property Line	8.00 ft	7.90 ft	0.10 ft

VII. 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 does not have any unusual conditions, other than the side property lines are not perpendicular to the front property line. The property is predominantly flat but wooded. The house is currently is noncomplying as to the applicable front and side property lines. The subject lot is larger than the minimum 8,000 square foot lot required for an R-8 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 noncomplying 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 desire 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 Kentucky Avenue in size, width and topographical conditions. The conditions of the property are shared generally by other properties within the immediate area. The homes on Kentucky Avenue were originally built without porches. Many of the homes comply with the 30.00 foot front setback from the street and have modest front portico projections into the required front yard similar to the applicants current covered open entry. More building mass will be brought closer to the front property line. 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 appear to be 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 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?

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 this proposal.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be present on this property. 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.