

Docket Item #12
BZA CASE #2004-00052

Board of Zoning Appeals
December 9, 2004

ADDRESS: 1306 ROOSEVELT STREET
ZONE: R-8, RESIDENTIAL
APPLICANT: MOHAMED ADEN AND ROBERT BYRNES, OWNERS

ISSUE: Variance to construct a carport in the required front and side yards and a covered front stoop in the required front yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard (Portico)	30.00 ft	17.50 ft	12.50 ft
	(Carport)	30.00 ft	28.83 ft	1.17 ft
3-306(A)(2)	Side Yard Carport	8.00 ft	5.00 ft	3.00 ft

STAFF CONCLUSION:

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

I. Issue

The applicants propose to construct (1) an open carport located in the required west side yard and required front yard and (2) a front entry portico located in the required front yard of the existing building at 1306 Roosevelt Street.

II. Background

The subject property is one lot of record with 50.00 feet of frontage on Roosevelt Street, a depth of 120.00 feet and a lot area of 7,200 square feet. The subject property is substandard in lot area for an R-8 zone interior lot. The minimum lot area required is 8,000 square feet.

The existing building is a two-story single-family building with a rear patio located 25.00 feet from the front property line on Roosevelt Street, 7.00 feet from the east side yard property line and 18.90 feet from the west side yard property line. An existing driveway is located 8.00 feet from the west side yard property line.

As indicated on the submitted plans, the proposed open carport measures 13.92 feet by 22.00 feet and totals 306 square feet. At the rear of the carport a small canopy will project over existing basement stairs. The canopy measures 5.00 feet by 6.66 feet. The proposed carport will have a gable roof facing the west side property line and will be 14.50 feet high measured from grade to the roof ridge. Wood columns will support the carport. The proposed carport will be located 5.00 feet from the west side yard property line and 28.83 feet from the front property line facing Roosevelt Street.

In addition, the applicants propose to build an enclosed front portico in place of open stairs. The front portico projects 7.50 feet from the front building wall and is 8.66 feet in width and totals 65 square feet. The proposed portico projects into the required front yard and is 17.50 feet from the front property line facing Roosevelt Street.

III. Discussion

The applicants indicate that the front entrance stairs are uncovered and dangerous for the aging property owners particularly during winter and rainy days. In addition, the proposed carport will also provide protection for the applicants. The applicants have owned the property since 1977.

Since 1993, there have been no similar variances for carports and/or porticos in the immediate area. There have been no previous variances granted for this property.

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 Variances

Section 3-406(A)(1), Front Yard

The R-8 zone requires a minimum front yard setback of 30.00 feet. The existing house is currently located 25.00 feet from the front property line. The proposed entry portico projects within 17.50 feet of the front property line facing Roosevelt Street. The applicants are requesting a variance of 12.50 feet. The proposed carport will be located 28.83 feet from the front property line facing Roosevelt Street. The applicants are requesting a variance of 1.17 feet.

Section 3-406(A)(2), Side Yard

The R-8 zone requires a minimum side yard setback of 8.00 feet or half the building height whichever is greater. The proposed open carport is to be located 5.00 feet from the west side yard property line. Based on a building height of 11.00 feet to the midpoint of the gable roof and 8.00 feet side yard is required. The applicants are requesting a variance of 3.00 feet.

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 not irregular in shape and does not have difficult topography which would prohibit or unreasonably restrict the use of the property. The property is, however, substandard as to lot area. The west side yard of the property is open and the existing house placed nearly 19.00 feet from the west side property line. No physical condition of the property creates a hardship approaching confiscation. The applicants can continue to use the driveway to park their vehicle without the need of variance. The existing house currently located in the required front yard facing Roosevelt Street. Although the zoning ordinance permits modest front canopies to project not more than 4.00 feet from the building wall over entry steps for protection from the weather, the applicants proposed portico is nearly double the projection allowed. If the portico is built the front building wall of the house will result in more mass brought closer to the street. The house is currently located 5.00 feet within the required front yard.

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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There is no hardship in this case. Staff notes that the applicants' lot shares the same physical conditions of neighboring lots on Roosevelt Street. Many of the homes in the immediate neighborhood were built with driveways, but some have garages. However, none of the lots have carports. The property is not unique.

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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There is no hardship in this case. The applicants acquired the subject property in 1977. The applicants are requesting the carport and front portico. Any hardship produced by application of the zoning ordinance to the subject property is, therefore, self-created.

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 granting of the requested variance will be detrimental to the adjacent property. If the requested side yard is granted, the carport will extend to within 5.00 feet of the side yard property line. The property requires an 8.00 feet side yard. If the variance is granted the new construction will impair an adequate supply of light and air to adjacent property; the adjacent property owner will see a building mass with a partial gable roof much closer to their property. The current house is now located 18.90 feet from the west side property line. In addition, if the front portico is approved, it will essentially alter the front building facade and building mass character of the 1300 block of Roosevelt Street by allowing the portico to come close to the front property line. There is not a showing of undue hardship.

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5. Have alternate plans been considered so that a variance would not be needed?
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None that would meet the desires of the applicants.

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

Code Enforcement:

- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance.
- C-2 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-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 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 plan.

Historic Alexandria (Archaeology):

- F-1 There is low potential for significant archaeological resources to be disturbed by this project. 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.