

Docket Item #4
BZA CASE # 2005-0004

Board of Zoning Appeals
March 10, 2005

ADDRESS: 719 NORTH OVERLOOK DRIVE
ZONE: R-8, RESIDENTIAL
APPLICANT: SARAH HANKS AND LONNIE HENLEY, OWNERS

ISSUE: Variance to construct a covered front portico in the required front yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard	30.00 feet	21.20 feet	8.80 feet

STAFF CONCLUSION:

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

If the Board decides to grant a variance, it should contain the conditions under the department comments. The variance must also be recorded with the deed of the property in the City's Land Records Office.

I. Issue

The applicants propose to construct covered open portico on an existing front stoop located in the required front yard at the dwelling located at 719 North Overlook Drive.

II. Background

The subject property is a rectangular lot with a total of 60.00 feet of frontage on North Overlook Drive. The lot extends 115.00 feet from the front property line to the rear of the lot. The existing structure is a two-story brick and frame dwelling with a rear one-story addition located 25.00 feet from the front property line facing North Overlook Drive, 7.60 feet from the west side property line, 49.00 feet from the rear property line and 9.70 feet from the east side property line.

II. Description

The applicants propose to construct a covered open front portico. The proposed portico will cover an existing brick landing located in the required front setback 19.00 feet from the front property line. The proposed front portico would measure 6.25 feet by 5.16 feet from the front facade of the existing dwelling.

Zoning regulations allow for canopy encroachments which project no further than 4.00 feet from the building wall and no greater than 4.00 feet into a required front yard. The existing front building wall is currently located in the required front yard. The applicants analyzed the prevailing front setback of existing buildings on the north side of North Overlook Drive between Halcyon Drive and Cameron Mills Road and determined that the prevailing front setback was not applicable to the subject property. Therefore, the applicants must seek relief by a variance.

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

III. Master Plan/Zoning

The subject property is zoned R-8 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Northridge/Rosemont Small Area Plan for residential land use.

V. Requested Variance

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

The zoning ordinance regulations for the R-8 zone state that each use must provide a minimum setback of 30.00 feet from the front property line. The proposed front portico will be located 19.00 feet from the front property line facing North Overlook Drive. Therefore, the requested variance is for a total of 11.00 feet.

VI. Noncomplying Structure

The existing building at 719 North Overlook Drive is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Existing</u>	<u>Required</u>	<u>Noncompliance</u>
Front	25.00 feet	30.00 feet	5.00 feet
Side (West)	7.60 feet	8.00 feet	.40 feet

VII. Staff Analysis Under Criteria of Section 11-1103

To grant a variance, the Board of Zoning Appeals must determine that a unique characteristic exists for the property. Section 11-103 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants varying the zoning regulations.

- (1) The particular physical surroundings, shape, topographical condition or extraordinary situation or condition of the property that prohibits or unreasonably restricts the use of the property.
- (2) The property's condition is not applicable to other property within the same zoning classification.
- (3) Hardship produced by the zoning ordinance was not created by the property owner.
- (4) The granting of a variance will not be detrimental to the public or other property or the neighborhood in which the subject property is located. Nor will the granting of a variance diminish or impair the value of adjoining properties or the neighborhood.
- (5) The granting of the variance will not impair light and air to the adjacent property.
- (6) The granting of a variance will not alter the character of the area nor be detrimental to the adjacent property.
- (7) Strict application of the zoning ordinance will produce a hardship.

- (8) Such hardship is generally not shared by other properties in the same zone and vicinity.
- (9) No other remedy or relief exists to allow for the proposed improvement.
- (10) The property owner has explored all options to build without the need of a variance.

VIII. Applicant's Justification for Hardship

The applicants state the zoning ordinance prevents a reasonable portico to be built. The house was built without a front door covering for protection from the weather. The applicants further state that the portico must be located within required setbacks due to the siting of the existing dwelling.

IX. Staff Analysis

Strict application of the zoning ordinance in this case does not result in a confiscation of the property, nor does it prevent reasonable use of the property. The property is zoned for single family residential use and the lot is currently developed with a two-story dwelling. Other homes on the block have no front covering as indicated by field inspection and by the applicants representation in their application. Further there are no topographic constraints which would limit improvement on this lot. Therefore, staff finds that reasonable use of the property will not be diminished given strict application of the zoning ordinance.

The subject property is not unique in character as every interior lot on the blockface has an identical lot size and similar lot configuration to that of the subject property and placement of the house to the front property line facing North Overlook Drive. The subject property is typical of the pattern of development along the blockface and in the neighborhood.

The proposed front portico could have an impact on the neighborhood. The proposed setback places additional mass in the required front yard of an currently noncomplying dwelling. Staff finds that placing additional mass in proximity to North Overlook Drive could have an adverse impact on the adjacent property. Given the lack of hardship, staff can not support the proposed improvement.

Staff recommends **denial** of the variance.

STAFF: Hal Phipps, Division Chief
Peter Leiberg, Zoning Manager

DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

* The applicant is advised that if the variance is approved the following additional comments apply.

Transportation and Environmental Services:

- C-1 Change in point of attachment or removal of existing overhead utility service, will require undergrounding or variance.

Code Enforcement:

- C-1 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 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.

