

Docket Item #3
BZA CASE #2005-0009

Board of Zoning Appeals
April 14, 2005

ADDRESS: 2810 CAMERON MILLS ROAD
ZONE: R-8, RESIDENTIAL
APPLICANT: THOMAS AND MARY PAT LALLY, OWNERS

ISSUE: Variance to construct a covered open porch in the required front yard facing Cameron Mills Road.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard	30.00 ft	19.75 ft	10.25 ft

(insert sketch here)

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 request a variance to build a covered open porch across the full length of the front building wall for the property at 2810 Cameron Mills Road. 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 Cameron Mills Road and a depth of 115.00 feet. The lot contains 5,570 square feet of property area.

The property is developed with a two-story brick and frame dwelling located 29.90 feet from the front property line facing Cameron Mills Road, 11.00 feet from the south side property line and 12.00 feet from the north side property line. The existing house nearly complies with the R-8 zone regulations with the exception of the front setback which is just short of the 30.00 feet front setback. A detached one car garage is located 1.00 feet from the north side property line and 15.00 feet from the rear property line along the rear building wall in compliance with the R-8 zone regulations. According to real estate assessment records, the house was built in 1940.



Other homes along this section of Cameron Mills Road were built around the same time as the subject house. The adjoining properties on both sides of the subject property between Crestwood Drive and Summit Avenue are similar in lot area (except for the two corner lots) and shape and placement of the houses to the front property lines. It appears that all of the neighboring lots are nearly or 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 proposed front covered porch extends across the entire length of the front building wall that is 27.60 feet long. The porch will not meet R-8 zone front yard setback regulations; therefore, the applicants are seeking a variance to build the open porch projecting into the required front yard.

The proposed porch measures 27.60 feet across the front building wall by 10.00 feet in depth, approximately 13.00 feet high from grade to the top of the front section of the porch roof, and totals 276.00 square feet of new floor area. The proposed porch will take a slightly noncomplying house now located at 29.90 feet to within 19.75 feet of the front property line facing Cameron Mills Road.

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.

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

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 19.75 feet from the front property line facing Cameron Mills Road. The applicants request a variance of 10.25 feet from the front property line.

VI. Noncomplying structure

The existing building is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Existing</u>	<u>Required</u>	<u>Noncompliance</u>
Front	29.90 ft	30.00 ft	.90 ft

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' justification for hardship is that the existing house was built prior to the enactment of the current zoning regulations. The existing house is currently slightly noncomplying as to the front yard setback 29.90 feet versus the zoning requirement of 30.00 feet and it is a substandard lot.

IX. Staff Analysis

The applicant has not demonstrated a hardship. The subject property is not unique; it is similar to the majority of lots along Cameron Mills Road in size, width and topographical conditions. The conditions of the property is shared by other properties within the immediate area. The homes along Cameron Mills Road were built without porches. All of the homes appear to comply with the 30.00 foot front setback from the street. The need for a porch does not constitute a hardship.

The staff recommends **denial** of the variance.

STAFF: Hal Phipps, Division Chief, Planning and Zoning
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:

F-1 TES has no comments on this case.

Code Enforcement:

- F-1 False windows located within 5 feet of interior lot lines shall conform to C-1 below.
- 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).

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- 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.
- C-8 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- C-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection.

Recreation (Arborist):

- F-1 No trees are affected by this plan.

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.

