

Docket Item #7
BZA CASE #2005-0042

Board of Zoning Appeals
September 8, 2005

ADDRESS: 307 RAYMOND AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: ROBERT AND CALLIE MACKENZIE, OWNERS

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

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(1)	Front Yard	25.00 ft	10.80 ft	14.20 ft

Staff **recommends denial** of the request because the applicants have not demonstrated a hardship.

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 prior to the release of the building permit.

(insert sketch here)

I. Issue

The applicants request a variance to expand an existing front covered porch beyond the front building wall for the property at 307 Raymond Avenue. The expanded porch projects into the required front yard.

II. Background

The subject property is one lot of record with approximately 100.00 feet of frontage facing Raymond Avenue and a depth of 100.00 feet. The lot contains 10,000 square feet of property area. The property is twice the size of the minimum 5,000 square feet required for an R-2-5 zone lot.

The property is developed with a two-story frame dwelling located 14.90 feet from the front property line facing Raymond Avenue, 32.80 feet from the west side property line and 34.00 feet from the east 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 25.00 feet front setback. A detached garage is located 1.00 feet from the west side property line and 1.00 feet from the rear property. According to real estate assessment records, the house was built in 1925.

III. Discussion

The proposed expanded front covered porch extends 12.00 additional feet from the west plane of the existing front porch facing Raymond Avenue. The expanded porch section is circular in design compared to the lineal porch design now located across the front building facade. The current porch extends 18.00 feet across the front building face. Adding in the new front porch extension with the existing porch will total 30 feet in length. The new porch extension will also project closer to the front property line than the existing porch. The new porch section will be located 10.80 feet from the front property line facing Raymond Avenue compared to the current porch placement at 14.90 feet from the front property line. The new porch extension will not meet R-8 zone front yard setback regulations; therefore, the applicants are seeking a variance to build the new open porch section projecting into the required front yard.

The proposed porch measures 12.00 feet by 12.00 feet in diameter, approximately 13.50 feet high from grade to the top of the porch roof, and totals 144.00 square feet of new floor area. The proposed porch will take a noncomplying house now located at 14.90 feet to 10.80 feet of the front property line facing Raymond Avenue.

As indicated on the applicants' plan the new porch extension will connect to a new three season porch and two-story addition located along the east building wall in compliance with the R-2-5 zone side yard regulations. Finally, the existing garage will be demolished and a new two and one-half car garage will be built in compliance with the R-2-5 side and rear yard setbacks.

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

IV. Master Plan/Zoning

The subject property is zoned R-2-5, residential and has been so zoned since 1951, and is identified in the Potomac West Small Area Plan for residential low land use.

V. Requested Variance

Section 5-306(A)(2), Front Yard :

The R-2-5 zone requires each single-family dwelling to provide a front yard of 25.00 feet. The proposed expanded open porch will be located 10.80 feet from the front property line facing Raymond Avenue. The applicants request a variance of 14.20 feet from the front property line.

VI. Noncomplying structure

The existing building at 307 Raymond Avenue is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Existing</u>	<u>Required</u>	<u>Noncompliance</u>
Front	14.90 ft	25.00 ft	10.10 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 and entire front porch were built within the required front yard. The existing house and several other houses along the street are older than 1925 and probably predate the current zoning regulation.

IX. Staff Analysis

The applicant has not demonstrated a hardship. The subject property is not unique and is in fact double the size of an R-2-5 zone lot. There are no topographic or soil conditions nor other characteristics of the lot that place unreasonable restriction on the use of the lot. The property currently has an existing front porch that projects into the required front yard. The new porch section will bring the house 4.00 feet closer to the front property line. The size of the lot can accommodate the applicants' needs elsewhere on the lot without the need of a variance. The need for an expanded porch does not constitute a hardship.

The 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:

F-1 No comments.

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.
- C-7 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-8 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 that this project will 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.