

Docket Item #5
BZA CASE#2005-00034

Board of Zoning Appeals
October 13, 2005

ADDRESS: 313 EAST WINDSOR AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: PAMELA SHIFFLEGER, OWNER

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

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(1)	Front Yard	25.00 ft	17.00 ft	8.00 ft

STAFF CONCLUSION: Staff **recommends denial** of the request because the applicant has 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 applicant in conjunction with her adjoining neighbor at 313-A East Windsor Avenue request a variance to build a covered open porch across the full length of their front building walls for the property at 313 East Windsor Avenue. The new porch projects into the required front yard setback area facing Windsor Avenue. The adjoining neighbor at 313-A East Windsor proposes an open porch similar in style, depth and height and seeks a front yard setback variance as well. (Refer to BZA Case#2004- 00035).

II. Background

The subject property, a semi-detached lot, is one lot of record with 25.00 feet of frontage facing East Windsor Avenue and a depth of 115.00 feet. The lot contains 2,875 square feet of property area.

The property is developed with a two-story brick semi-detached dwelling located 25.20 feet from the front property line facing East Windsor Avenue, 8.40 feet from the west side property line and shares a common party wall on the east side property line with the adjoining neighbor's dwelling. The existing semi-detached dwelling complies with the R-2-5 zone front yard setback, but is noncomplying as to the side yard setback requirement of a minimum of 10.00 feet from the east side property line. According to real estate assessment records, the house was built in 1969. In 1969, a semi-detached dwelling was only required to provide a 7.00 feet side yard setback. In 1992, the side yard setback was changed to require a semi-detached dwelling to provide a minimum side yard of 10.00 feet.

Other semi-detached dwellings along this section of East Windsor Avenue were built around the same time as the subject house. The nearby properties on both sides of the subject property are similar (except for the two corner lots) in lot area, shape and placement of the dwellings to the front property lines. It appears that all of the neighboring lots are nearly or are in conformance with the R-2-5 zone regulations. None of the other homes have built or had approved open covered front porches.

III. Discussion

The proposed front covered porch extends nearly the entire length of the front building wall. The porch will not meet R-2-5 zone front yard setback regulations; therefore, the applicant is seeking a variance to build the open porch projecting into the required front yard.

The proposed covered open porch measures approximately 16.00 feet across the front building wall by 8.00 feet in depth, approximately 13.00 feet high from grade to the top of the porch roof, and totals 128.00 square feet of new floor area. The proposed porch will take a complying semi-detached house now located at 25.40 feet to within 17.75 feet of the front property line facing East Windsor Avenue.

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-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. 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>
Side Yard	8.40 ft	10.00 ft	1.60 ft

VI. 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.

VII. Applicant's Justification for Hardship

The applicant's justification for hardship is that the existing front landing is deteriorating and separating from the foundation. The current open front landing is inadequate to provide protection from the elements and prevents adequate access to the her home. Visitors and the applicant are at risk of injury before they can gain entry to the house.

VIII. Staff Analysis

The applicant has not demonstrated a hardship. The subject property is not unique; it is similar to the majority of semi-detached lots along East Windsor Avenue in size, width and topographical conditions. The conditions of the property is shared by other properties within the immediate area. The applicant can build a 4.00 feet canopy over the front stoop to provide protection from the elements and without the need of a variance. The current proposal will take a complying home closer to the front property line. The need for a covered open 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, Planning and Zoning

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 comment.

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.

BZA CASE #2005-00034

- 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 There is low potential for this project to disturb significant archaeological resources. No archaeological action is required.

Historic Alexandria (Archaeology):

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

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.