

Docket Item #3
BZA CASE #2005-0048

Board of Zoning Appeals
November 10, 2005

ADDRESS: 483 NORTH PICKETT STREET
ZONE: R-8, RESIDENTIAL
APPLICANT: DOUG AND HEATHER QUARTETTI, OWNERS, BY WARREN ALMQUIST, ARCHITECT

ISSUE: Variance to construct a covered front porch in the required front yard facing North Pickett Street.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard	30.00 ft	25.50 ft	4.50 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.

BOARD OF ZONING APPEALS ACTION OF NOVEMBER 10, 2005: On a motion to approve by Mr. Curry, seconded by Mr. Allen, the variance was approved by a vote of 7 to 0.

Reason: The applicant demonstrated a hardship due the placement of the house on the lot.

Speakers

Warren Almquist, architect, made the presentation.

(insert sketch here)

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 483 North Pickett Street. The new porch projects into the required front yard setback area.

II. Background

The subject property, a corner lot, is one lot of record with approximately 83.72 feet of frontage facing North Pickett Street, 76.36 feet of frontage facing Rutland Place and a depth of 109.73 feet on its longest axis. The lot contains 9,778 square feet of property area.



Existing house at 483 North Pickett Street

The property is developed with a one-story brick and frame dwelling located 33.31 feet from the front property line facing North Pickett Street, 40.10 feet facing Rutland Place, 22.90 feet from the east side property line and 11.70 feet from the north side property line.

The existing house complies with the front and side yard setbacks required in the R-8 zone. A parking pad is accessed by a curb cut facing North Pickett Street. According to real estate assessment records, the house was built in 1956.

Other homes along this section of North Pickett Street were built around the same time as the subject house. The adjoining properties on both sides of the subject property are similar in lot area (except for being a corner lot), 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 40.10 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 40.10 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 321 square feet of new floor area. The proposed porch will take a complying house now located at 33.31

feet to within 25.50 feet of the front property line facing North Pickett Street. As indicated on the submitted plat, the southwest corner of the proposed porch (4.00 feet by 10.00 feet) projects into the required front yard and is the reason for this variance request. The remainder of the new porch complies with the R-8 front yard setback. The applicants could design the proposed porch without the need of a variance. For example, a porch facing North Pickett Street could extend 31.00 feet instead of the full 40.10 feet of the front building wall without requiring a variance.

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.

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 Seminary Hill Small Area Plan for residential low land use.

V. 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.

VI. Applicant's Justification for Hardship

The applicants state that the lot configuration is not typical for a corner lot in the immediate neighborhood. The subject property is a corner lot with two front yards. Strict enforcement of the zoning ordinance will create an awkward solution and make the property appear out of character with respect to existing properties within the area.

VII. Staff Analysis

The applicants have not demonstrated a hardship. The subject property is a large corner lot. The existing house was built in 1956 in compliance with the R-8 zone regulations adopted in 1951. The property is similar to other lots within the neighborhood (including other corner lots). There are no characteristics of the lot (topography, soil, irregular lot lines) that create an unreasonable restriction to build a complying front porch. Nor does the lot shape create a hardship to build a porch. The proposed porch can be reduced in length to conform with the zoning ordinance requirements without the need of a variance. The proposed porch will take a complying structure out of compliance with the R-8 zone front setback requirements and set a precedent for other complying corner lots if the porch is approved. The desire for a larger 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 comments.

Code Enforcement:

C-1 A soils report must be submitted with the building permit application.

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 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.

