

Docket Item # 2
BZA CASE #2006-0013

Board of Zoning Appeals
May 11, 2006

ADDRESS: 2810 CAMERON MILLS ROAD
ZONE: R-8, RESIDENTIAL
APPLICANT: THOMAS LALLY, OWNER

ISSUE: Request a variance to build an open front 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	21.90 ft	8.10 ft

Staff **recommends approval** of the request with the condition that the porch remain open. The applicants' proposal reflects the type of porch projection that would be considered pursuant to amended special exception rules proposed for adoption by the Board.

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 build a covered open porch across the first story of the front building wall for the property at 2810 Cameron Mills Road. The new porch projects into the required front yard.

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 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 8.00 feet in depth, approximately 11.50 feet high from grade to the top of the porch roof, and totals 220.00 square feet of new floor area. The proposed porch will be located 21.90 feet from the front property line facing Cameron Mills Road.

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 21.90 feet from the front property line facing Cameron Mills Road. The applicants request a variance of 8.10 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	.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 was built prior to the enactment of the current zoning regulations. The existing house is 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. The new porch reflects the amendments to the special exception rules being crafted by the BZA

IX. Staff Analysis

The proposed porch reflects the type of open porch projection in a front yard that the BZA is considering under an amendment to the special exception rules. Staff believes that a precedent will not be set by granting this porch proposal, because future porch requests will require a public hearing before the BZA as a special exception. The applicants have waited patiently for over a year with the anticipation that the new special exception rules would be in place in order to apply.

The proposed front porch is consistent with other open covered porches built in the neighborhood. The proposed porch compliments the applicants' building architecture, maintains a reasonable front setback of nearly 22.00 feet and the applicants have volunteered if the case is approved to not enclose the porch. Based upon the above, staff recommends approval of the variance with the condition that the porch will remain open.

The staff recommends **approval** 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 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.

Recreation (Arborist):

F-1 No trees 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.