

Docket Item # 3
BZA CASE #2006-0005

Board of Zoning Appeals
May 11, 2006

ADDRESS: 704 BRAXTON PLACE
ZONE: R-5, RESIDENTIAL
APPLICANT: MIKE BLOXAM AND KIM STROSNIDER, OWNERS

ISSUE: Variance to allow new second floor shed dormer roof and portion of front porch to project into the required front yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard	25.00 ft	20.90 ft	4.10 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 at 704 Braxton Place propose to (1) remove two existing dormers and replace with a new shed dormer on the second floor on their house and (2) construct a new roof to carry the structural weight of the new shed dormer and a portion of a new front porch that project into the required front yard.

II. Background

The subject property is one lot of record with 50.00 feet of frontage facing Braxton Place, a depth of 100.00 feet and a lot area of 5,000 square feet. The property is not substandard and complies with the R-5 zone requirements for an interior lot. The property fronts on Crest Lane along the rear property line. The property is occupied by a one and one-half story brick and frame dwelling with an open covered front and rear entry located 27.90 feet from the front property line facing Braxton Place, 7.10 feet from the south side property line, 9.50 feet from the north side property line and 44.00 feet from the rear property. Real estate assessment records indicate the house was built in 1940.

III. Description

The applicants could not use the prevailing front setback of the majority of houses on the same side of the block as the subject property between West View Terrace and Highland Place to avoid a variance. Of the eight houses including the subject property only two houses (600 Braxton Place and 708 Braxton Place) have a porch and side addition that project into the required front yard equivalent to the 20.00 foot front setback requested by the applicants. Therefore, the applicants must seek a variance to undertake the proposed front improvements to their home.

The proposed improvements to the house that require and do not require a variance are as follows.

- (a) The new shed dormer is placed 25.00 from the front property line facing Braxton Place. No variance is required.
- (b) To carry the structural load of the new shed dormer a new roof will be constructed. that extends across the full length of the front facade and projects 4.10 feet into the required front yard and is located 20.90 feet from the front property line facing Braxton Place. A variance of 4.10 feet is being requested.
- (c) Below the new dormer roof a new front open porch will be constructed. The new front porch is 7.00 feet by 33.40 feet. The new porch will be located 20.90 feet from the front property line. Approximately 3.00 feet of the new porch complies with the required front setback. The remaining 4.10 feet of the new porch requires a variance.

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- (d) A new two-story rear addition 12.00 feet by 33.40 feet will be constructed in compliance with the R-5 side and rear yard setback requirements. No variance is required.

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

IV. Master Plan/Zoning

The subject property is zoned R-5, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Taylor Run Duke Street Small Area Plan for residential land use.

V. Requested variances

Section 3-306(A)(1), Front Yard:

The R-5 zone requires a front yard setback of 25.00 feet. The proposed dormer roof and portion of the new front porch are located 20.90 feet from the front property line facing Braxton Place. A variance of 4.10 feet is requested.

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 11-1103 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.

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- (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

Strict enforcement of the front setback requirement prevents reasonable use of the property. The house was built prior to the 1950 zoning rules. In the neighborhood 8 of the 15 homes have front porches as design features and covered entry. By complying with the front yard setback only a 2.90 feet wide open porch is possible which is neither functional nor appropriate. The applicants' design is to work around two large specimen trees and mitigate an existing water problem.

VIII. Staff Analysis

The portion of the proposed porch reflects the type of open porch projection in a front yard that the BZA is recommending under an amendment to the special exception rules. The proposed dormer roof and front porch is consistent with other open covered porches built in the neighborhood. The proposed shed dormer and front porch compliments the applicants' new building architecture, maintains a reasonable front setback of nearly 21.00 feet comparable to two other houses on the block. Based upon the above findings, 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 Leiberger, 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 are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 This project involves minimal ground disturbance. 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.