

Docket Item # 6  
BZA CASE #2006-0020

Board of Zoning Appeals  
May 11, 2006

**ADDRESS:** 1812 Commonwealth Avenue  
**ZONE:** R-5, Residential  
**APPLICANT:** Joseph P. and Elizabeth S. Savage

**ISSUE:** Variance to build a one story screen porch in the secondary front yard  
11.00 feet from the front property line facing Bellefonte Avenue.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-406(A)(1)	Front Yard	25.00 ft	11.00 ft	14.00 ft

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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**

On their house at 1812 Commonwealth Avenue, the applicants propose to (1) remove an existing open deck located on the north side of the existing house and (2) replace the open deck with a larger one-story screen porch located in the required front yard facing Bellefonte Avenue.

**II. Background**

The subject property, a corner lot, has 81.76 feet of frontage facing Commonwealth Avenue, 112.60 feet of frontage facing Bellefonte Avenue, a depth of 95.71 feet and totals 8,303 square feet.

The property is occupied by a one and one-half story dwelling with a front screen porch located 25.00 feet from the front property line facing Commonwealth Avenue, 24.40 feet from the front property line facing Bellefonte Avenue, 29.00 feet from the east side property line, and 14.80 feet from the south side property line. A driveway parallels the south property line with access from Commonwealth Avenue.

The existing dwelling is a complying structure as to the R-5 zone yard requirements and is a complying lot. The R-5 zone requires 6,500 square feet of lot area. The subject property is 8,303 square feet. Real Estate Assessment records indicate the house was constructed in 1951.

Although the subject property is located within the Town of Potomac Historic District, it is not listed on the 100 year old buildings list.

**III. Description**

The applicants propose to remove a side door open deck and replace it with a one-story screen porch facing Bellefonte Avenue. The proposed screened porch projects 15.00 feet from the north building wall by 15.00 feet and totals 225square feet. The proposed screen porch will be located 11.00 feet from the front property line facing Bellefonte Avenue. The height of the screen porch from grade to the eave line of the roof is approximately 11.80 feet. The proposed screen porch will not be constructed at grade but is elevated on 4.00 feet tall support posts. Because the proposed screen porch is located in the required front yard facing Bellefonte Avenue a front yard variance is required. If the proposed porch is built the property will continue to comply with allowable floor area and vision clearance setback at the intersection of Commonwealth Avenue and Bellefonte Avenue.

**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 is identified in the Potomac West Small Area Plan for residential land use.

**V. Requested variances**

Section 3-406(A)(1) Front Yard: The R-5 zone requires each property to maintain a front yard setback of 25.00 feet. The proposed screen porch will be located 11.00 feet from the front property line facing Bellefonte Avenue. The applicants request a variance of 14.00 feet.

**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 11-1103 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.
- (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 applicants state the unique shape of the lot and placement of the house makes its impossible to build the screen porch except at the proposed location. The existing driveway on the lot on the south and the shallow backyard along the east side of the house are not conducive to constructing the screen porch in these locations. Application of the zoning ordinance creates an unreasonable restriction on the property.

**VIII. Staff Analysis**

Strict application of the zoning ordinance will not create an undue hardship on the property owners. The applicants' house and lot are in compliance with the R-5 zone regulations. Construction of the proposed screen porch will bring a complying structure into noncompliance with the R-5 zone. The proposed screened porch, although hidden by a fence, trees and shrubs will be the furthest projection facing Bellefonte Avenue. Based on City Sanborn Maps, the majority of houses on the same side of the applicants' property between Commonwealth Avenue and Clyde Avenue project to within 20.00 feet of the front property line facing Bellefonte Avenue. The applicants' screen porch will be located 11.00 feet from the front property line facing Bellefonte Avenue.

There is no legal hardship nor is the property unique as to other corner lots in the immediate neighborhood. In fact, the applicants have a large lot that can accommodate additional square footage in compliance with the R-5 zone requirements. The subject property is complying with both the R-5 zone yard and lot area regulations. There are no topographic or soil conditions or mature trees that will be removed for the proposed improvement. The need for a screen porch does not constitute a hardship. Staff, therefore, concludes that a variance cannot be supported.

Staff **recommends denial** of the request for 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 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.