

Docket Item #4
BZA CASE #2006-0032

Board of Zoning Appeals
July 13, 2006

ADDRESS: 410 WEST MASONIC VIEW AV
ZONE: R-5, RESIDENTIAL
APPLICANT: PAUL A. and ELIZABETH P. FRANK

ISSUE: Variance to build a front entry portico located in the required front yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-406(A)(1)	Front Yard (Masonic View)	25.00 feet	15.50 feet	9.50 feet

BOARD OF ZONING APPEALS ACTION OF JULY 13, 2006: On a motion to approve by Mr. Allen, seconded by Mr. Koenig, the variance was approved by vote of 5 to 1. Mr. Lantzy dissented.

Reason: A hardship was demonstrated due to the irregular shape of the lot and the placement of the house on the lot.

Dissenting Reason: The desire for a front portico does not rise the level of a hardship.

Speakers:

Paul Frank, owner, made the presentation.

Staff **recommends approval** of the request because the applicants have 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 applicants propose to replace an open front stoop with an enclosed front entry portico at 410 West Masonic View Avenue.

II. Background

The subject property, a corner parcel, is one lot of record with 80.00 feet of frontage on West Masonic View Avenue, 57.65 feet of frontage facing Rucker Place and a depth of 60.00 feet. The lot totals 5,290 square feet. The property is substandard for a corner lot in the R-5 zone. A minimum of 6,500 square feet is required for a corner lot.



An existing one and one-half-story single family dwelling with an attached carport on the northwest building wall is located 18.10 feet from the front property line facing West Masonic View Avenue, 6.90 feet from the east side property line, 7.00 feet from south side property line, and 29.70 feet from the front property line facing Rucker Place. Real estate assessment records indicate the house was built in 1935.

On November 10, 2005, the Board of Zoning Appeals supported the staff's recommendation to approve a front yard variance of 17.00 feet to enclose and enlarge an existing carport in the required front yard facing West Masonic View Avenue and within the vision clearance triangle (95.00 feet) at the intersection of West Masonic View Avenue and Rucker Place. The BZA agreed that the applicants had demonstrated a hardship due to the irregular shape of the lot and the placement of the house on the lot. (Copy of BZA Case #2005-0063 attached).

III. Description

The applicants now propose to replace a front uncovered entry stoop with a modest enclosed front portico that will enable them to avoid entering directly into their living room and to provide closet space. The proposed front entry portico measures 7.50 feet (1.50 feet roof overhang) facing the front property line on West Masonic View Avenue by 10.50 feet by 10.75 feet in overall height from grade to the top of the roof. The new front portico will be located 15.50 feet from the front property line facing West Masonic View Avenue.

The proposed improvement cannot be built based upon the prevailing front setback of existing buildings located between Rucker Place and Junior Street on the same side of West Masonic View Avenue as the subject property.

The existing house is a noncomplying structure because it is located in both the required front yard facing West Masonic View Avenue and projects into the vision clearance triangle at the intersection of West Masonic View Avenue and Rucker Place.

Section 12-202(A) of the zoning ordinance states that no noncomplying structure may be physically enlarged or expanded unless such enlargement or expansion complies with the regulations of the zone in which it is located. The existing building does not meet the R-5 zone front and side yard regulations, and neither will the new front portico. Therefore, the applicants must seek a variance from the front setback requirement facing West Masonic View Avenue.

Upon completion of the new front entry portico the property will continue to comply with the allowable floor area.

IV. Noncomplying structure

The existing building at is a noncomplying structure with respect to the following:

<u>Yard</u>	<u>Existing</u>	<u>Required</u>	<u>Noncompliance</u>
Front (Masonic.)	18.10 feet	25.00 feet	6.90 feet
Side Yard (East)	6.90 feet	7.00 feet	.10 feet
Vison Clearance	100.00 feet	95.00 feet	5.00 feet

V. Master Plan/Zoning

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

VI. Staff analysis under criteria of section 11-1103

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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 hardship is due to three factors: (1) the placement of the main structure in close proximity to the front property line facing West Masonic View Avenue which preexists existing zoning; (2) the property is irregular in shape and a corner lot with a curving radius facing West Masonic View Avenue and Rucker Place, and; (3) the property is the only property with the above lot configuration and main structure angled. The three characteristics listed makes the subject property unique to other properties in the neighborhood.

VIII. Staff Analysis

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There is a hardship in order to expand this legal noncomplying structure placed at an angle facing West Masonic View Avenue. In this case the existing building which predates zoning is now located 19.30 feet to West Masonic View Avenue. The subject lot's irregular shape and the existing house angled to the front property line facing West Masonic View Avenue does create a hardship to make proposed modest improvement. The lot's particular shape and placement of the house do rise to the level of a hardship. The proposed improvement will not impair light and air to adjoining properties nor alter the character for corner lot properties within the neighborhood.

Staff **recommends approval** of the requested variances.

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 T&ES has no objections to the proposed variance to expand an existing front door stoop.

Code Enforcement:

- F-1 The proposed plan includes windows located within 5 feet of interior lot lines. Windows and openings shall comply with C-1 below:
- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.
- C-2 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-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide

Building Code (USBC).

- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 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-8 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.
- C-9 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 No specimen trees are affected by this application.

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.