

Docket Item # 6
BZA CASE #2006-0049

Board of Zoning Appeals
November 9, 2006

ADDRESS: 717 PUTNAM PLACE
ZONE: R-8, RESIDENTIAL
APPLICANT: DAVID AND KRISTINA HILL, OWNERS

ISSUE: Request a variance to build an open front porch in the required front yard facing Putnam Place

| CODE SECTION | SUBJECT | CODE REQMT | APPLICANT PROPOSES | REQUESTED VARIANCE |
|--------------|------------|------------|--------------------|--------------------|
| 3-306(A)(1) | Front Yard | 30.00 ft | 24.60 ft | 5.40 ft |

BOARD OF ZONING APPEALS ACTIONS OF NOVEMBER 9, 2006: On a motion to defer by Mr. Hubbard, seconded by Ms. Lewis, the variance was approved by a vote of 5 to 1. Mr. Lantzy dissented.

Reason to defer: To allow the application to be heard by a full Board.

Dissenting Reason: A hardship was not demonstrated.

Speakers:

Charles Moore, architect and David Hill, owner, made the presentation.

Staff **recommends approval** of the request with the condition that the porch remain open.

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 717 Putnam Place. The new porch projects into the required front yard.

II. Background

The subject property is one lot of record with approximately 65.00 feet of frontage facing Putnam Place and a depth of 173.95 feet. The lot contains 11,051 square feet of property area.

The property is developed with a one-story brick and frame dwelling located 32.30 feet from the front property line facing Putnam Place, 8.00 feet from the south side property line and 7.90 feet from the north side property line. The existing house nearly complies with the R-8 zone regulations with the exception of the north side yard setback which is just short of the 8.00 feet. An off-street parking area accessed from Long Lane is located at the rear of the property line. According to real estate assessment records, the house was built in 1953. The applicants have filed building plans to renovate the existing house by constructing an expanded second story above the existing building footprint, build a one-story side yard addition and build a rear two-story addition and screen porch. All of the new construction complies with the R-8 zone regulations except the front covered porch.

Other homes along this section of Putnam Place were built around the same time as the subject house. The adjoining properties on both sides of the subject property between Janneys Lane and West View Terrace are similar in lot area (except for the three 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 will extend across half of the length of the front building wall. The front building wall measures 41.00 feet and the proposed porch will cover approximately 21.00 feet of the front building wall. 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 will be 7.00 feet deep at the front entrance (slightly wider than the four feet projection allowed under the zoning ordinance for a front entry canopy) to the house and is 8.50 feet deep on the remainder of the porch. Although the portion of the proposed porch is wider at the front entrance and would comply with the zoning ordinance if reduced by 3.00 feet, it is the remaining 12.00 by 7.00 feet area of the structure that makes it a porch. The proposed covered open porch is 13.50 feet in height

from grade to the top of the porch roof, and totals 159.00 square feet of new floor area. The proposed porch will be located 24.60 feet facing the front property line on Putnam Place.

There have been no variances or special exceptions 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 24.60 feet from the front property line facing Putnam Place. The applicants request a variance of 5.40 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> |
|--------------|-----------------|-----------------|----------------------|
| Side (North) | 7.90 ft | 8.00 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.

VII. Applicant's Justification for Hardship

The applicants' justification for hardship is the zoning ordinance is unreasonable for this application. Open covered front porches are an architectural compliment and consistent with other front porches predating the current zoning ordinance. The new porch reflects the amendments to the special exception rules being crafted by the BZA. The request is also consistent with a previous board action for an open covered porch on Cameron Mills Road. The difference between the two porches is the subject porch does not extend across the full front wall of the building. The applicants proposed porch is functions more like a larger open covered entry portico.

VIII. Staff Analysis

The applicants' proposal meets five of the 10 criteria for a variance. One, 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. Two, nor will the granting of the variance diminish or impair the value of adjoining properties or the neighborhood. Three, if the variance is granted it will not impair light and air to the adjacent property. Four, the granting of the variance will not alter the character of the area nor be detrimental to the adjacent property. The adjoining neighbors are in support of the applicants' project. Five, there is no other remedy or relief to allow the porch to be built except with a variance.

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 24.60 feet and the applicants have

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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.

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:

- R-1 City Code Section 8-1-22 requires that roof, surface and sub-surface drains be connected to the public storm sewer system. The building permit plans shall include information on the location of down spouts and/or sump pump discharge along with connections to a public storm sewer if within 100 feet of the property. If a connection is not available, other approved methods to the satisfaction of the Director of Transportation and Environmental Services may be used. [Refer to Memorandum to Industry dated June 18, 2004. Memorandum is available online at the City web site under Transportation\Engineering and Design\Memos to Industry.]. (T&ES)
- R-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- F-1 In the construction of the building additions results in total land disturbing activities in excess of 2500 square feet, the applicant shall provide a PLOT PLAN showing all improvements and alterations to the site which must be approved by T&ES prior to issuance of any building permits. (T&ES)
- F-2 If the construction of the building additions results in total land disturbing activities in excess of 2500 square feet, the applicant is required to comply with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control. (T&ES)
- C-1 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)
- C-2 Roof drains and sub-surface drains shall be connected to the city storm sewer system, if available, by continuous underground pipe. (Sec. 8-1-22)
- C-3 Change in point of attachment or removal of existing overhead utility services will require undergrounding or a variance. (Sec. 5-3-3)

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.

