

Docket Item #1
BZA CASE #2008-0031

Board of Zoning Appeals
October 16, 2008

ADDRESS: 315 LA VERNE AVENUE
ZONE: R-2-5, RESIDENTIAL
APPLICANT: KARL AND LISA ECKHART, OWNERS

ISSUE: Special exception to construct a covered open front porch in the required front yard.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION
7-1002(A)	Front Setback	23.71 feet*	18.80 feet	4.91 feet

* Based on the average setback of the blockface on the south side of La Verne Avenue between Turner Road and Montrose Avenue.

BOARD OF ZONING APPEALS ACTION OF OCTOBER 16, 2008: On a motion to approve by Mr. Allen, seconded by Mr. Zander, the special exception was approved by a vote of 5 to 0.

Reason: The application met the criteria for a special exception as outlined in the staff report.

Speakers:

Karl Eckhart, owner, made the presentation.

The staff **recommends approval** of the requested special exception because the request meets the criteria for a special exception.

If the Board decides to grant the requested special exception it must comply with the code requirements under the department comments and the applicant must submit the following prior to the release of a Certificate of Occupancy: (1) a survey plat prepared by a licensed surveyor confirming building footprint, setbacks, and building height compliance from average preconstruction grade and (2) certification of floor area from a licensed architect or engineer. The special exception 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.



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10/16/2008



I. Issue

The applicants propose to construct a one-story open front porch in the required front yard at 315 La Verne Avenue.

II. Background

The subject property is one lot of record with 25.00 feet of frontage facing La Verne Avenue and a depth of 120.00 feet totaling 3,000 square feet of lot area. The subject property is complying as to the minimum lot area, width and frontage for a semi-detached lot in the R-2-5 zone.

The lot is developed with one-half of a two-story, brick semi-detached dwelling located 25.80 feet from the front property line, sharing a party wall along the east side property line, 8.40 feet from the west side property line and 59.10 feet from the rear property line.

The stripped-down, semi-detached, two-story brick dwelling located at 315 La Verne Avenue is listed on the National Register as a non-contributing resource to the Town of Potomac Historic District. The National Register nomination does not identify a year of construction for this duplex, but the City of Alexandria’s real estate records indicate it was constructed in 1947. A visual inspection by BAR Staff confirms this as an approximate date. Staff has observed the presence of front porches on other townhouses throughout the Town of Potomac Historic District. Staff finds that the proposed front porch, while altering the symmetry of the duplex, will not negatively impact the historic integrity of this building. BAR Staff has no objection to the proposed front porch and advises that the applicant use historically compatible materials.

III. Description

The applicants propose to construct a one-story open front porch facing La Verne Avenue across 14.00 feet of the front building wall that will project 7.00 feet from the front building wall. The proposed front porch will total 98.00 square feet and will be the same designs as a nearby front porch on Ashby Street (see Figure 1). As proposed the proposed porch meets the standards to be excluded from the floor area ratio calculations. The required setback from the front property line is determined by taking an average of the setbacks along the south side of La Verne Avenue between Turner Road and Montrose Avenue. In this case, the average front setback of the determined block face is 23.71 feet from the front property line therefore the applicants request a special exception to construct a covered open front porch 18.80 feet from the front property line, an exception of 4.91 feet.



Figure 1- Similar porch on Ashby Street

Upon completion of the work, the proposed renovations will continue to comply with the floor area requirements. (Refer to floor area calculations.)

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

IV. Master Plan/Zoning

The subject property is zoned R-2-5 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 Special Exception

7-1002(A) Front Setback

This section of the zoning ordinance requires the applicant to build to 23.71 feet from the front property line (the average setback on La Verne Avenue between Turner Road and Montrose Avenue). The applicant requests a special exception to construct the front porch 18.80 feet from the front property line facing Leslie Avenue, an exception of 4.91 feet.

VI. Noncomplying structure

<u>Yard</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Side Yard (West)	10.00 feet	8.00 feet	2.00 feet
Front Yard	23.71 feet*	25.80 feet	2.09 feet

*Required build to line per the average front setback on La Verne Avenue between Turner Road and Montrose Avenue.

VII. Special Exceptions Standards

To grant a special exception, the Board of Zoning Appeals must find that the strict application of the zoning ordinance creates an unreasonable burden on the use and enjoyment of the property. Section 11-1304 of the zoning ordinance lists standards that an applicant must address and that the Board believes exists and thus warrants granting a special exception of the zoning regulations.

- 1) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to the adjacent properties.
- 2) Whether approval of the special exception will impair an adequate supply of light and air to the adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.

- 3) Whether approval of the special exception will alter the essential character of the area or zone.
- 4) Whether the proposal will be compatible with the development in the surrounding neighborhood.
- 5) Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

VIII. Staff Conclusion

Upon inspection of the immediate neighborhood staff found examples of semi-detached dwellings with open porches along the entire front building wall or front porticos. The size and the design of the proposed porch are modest, and it is unlikely that the construction of the porch will negatively impact the light or air to adjoining semi-detached dwelling.

Staff finds that the proposed front porch, while altering the symmetry of the semi-detached dwelling, will not negatively impact the architecture of the building and is in keeping with the character of the neighborhood. The proposed porch meets the criteria for a special exception.

Staff **recommends approval** of the special exception.

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 An approved grading plan may be required at the time of building permit application. Insufficient information has been provided to make that determination at this time.

In summary, City Code Section 8-1-22(d) requires that a grading plan be submitted to and approved by T&ES prior to the issuance of building permits for improvements involving:

- the construction of a new home;
- construction of an addition to an existing home where either
 - the addition exceeds the area of the existing building footprint by 100% or more; or
 - the construction of the addition results in less than 50% of the existing first floor exterior walls, in their entirety, remaining;
- changes to existing grade elevation of 1-foot or greater;
- changes to existing drainage patterns;
- land disturbance of 2,500 square feet or greater.

Questions regarding the processing of grading plans should be directed to the T&ES Site Plan Coordinator at (703) 838-4318. Memorandum to Industry No. 02-08 was issued on April 28, 2008 and can be viewed online via the following link.

<http://alexandriava.gov/uploadedFiles/tes/info/gradingPlanRequirements.pdf>

R-1 The building permit plans shall comply with requirements of City Code Section 8-1-22 regarding the location of downspouts, foundation drains and sump pumps. 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-2 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)

R-3 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)

R-4 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)

- R-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2,500 square feet. (T&ES)
- R-6 Compliance with the provisions of Article XIII of the City's zoning ordinance for stormwater quality control is required for any land disturbing activity greater than 2,500 square feet. (T&ES)

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 be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-2 Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-3 Sheeting and shoring shall not extend beyond the property line; except when the developer has obtained a written release from adjacent property owners which has been recorded in the land records; or through an approved encroachment process.
- C-4 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-5 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 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-8 The height of the porch above grade is not shown. If > 30" above finished grade porches must have guardrails on open sides. Guardrails and intermediate rails must comply with USBC 1012.1.

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):

Comments not yet received.

Historic Alexandria (Archaeology):

F-1 There is low potential for significant archaeological resources to be disturbed by this project. 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.