

Docket Item #1
BZA CASE #2010-0001

Board of Zoning Appeals
March 11, 2010

ADDRESS: 2909 RICHMOND LANE
ZONE: R-8, RESIDENTIAL
APPLICANT: PAUL BRINKMAN AND LISA JACOBS, TRUSTEES

ISSUE: Special exception to construct a covered open porch in the required front yard and a variance for a front vestibule in the required front yard facing Richmond Lane.

CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED EXCEPTION/VARIANCE
7-1002	Front Yard (Special Exception Front Porch)	30.81 feet*	20.40 feet	10.41 feet
7-1002	Front Yard (Variance Front Vestibule)	30.81 feet*	25.00 feet	5.81 feet

*Based on the average front yard setback along Richmond Lane

BOARD OF ZONING APPEALS ACTION OF MARCH 11, 2010: On a motion to approve by Mr. Goodale, seconded by Mr. Zander, the special exception and variance were approved by a vote of 6 to 0.

Reason: The application met the criteria for a special exception as outlined in the staff report and the variance request was modest in nature.

Speakers:

Kim Beasley, architect and Paul Brinkman, owner, made the presentation.

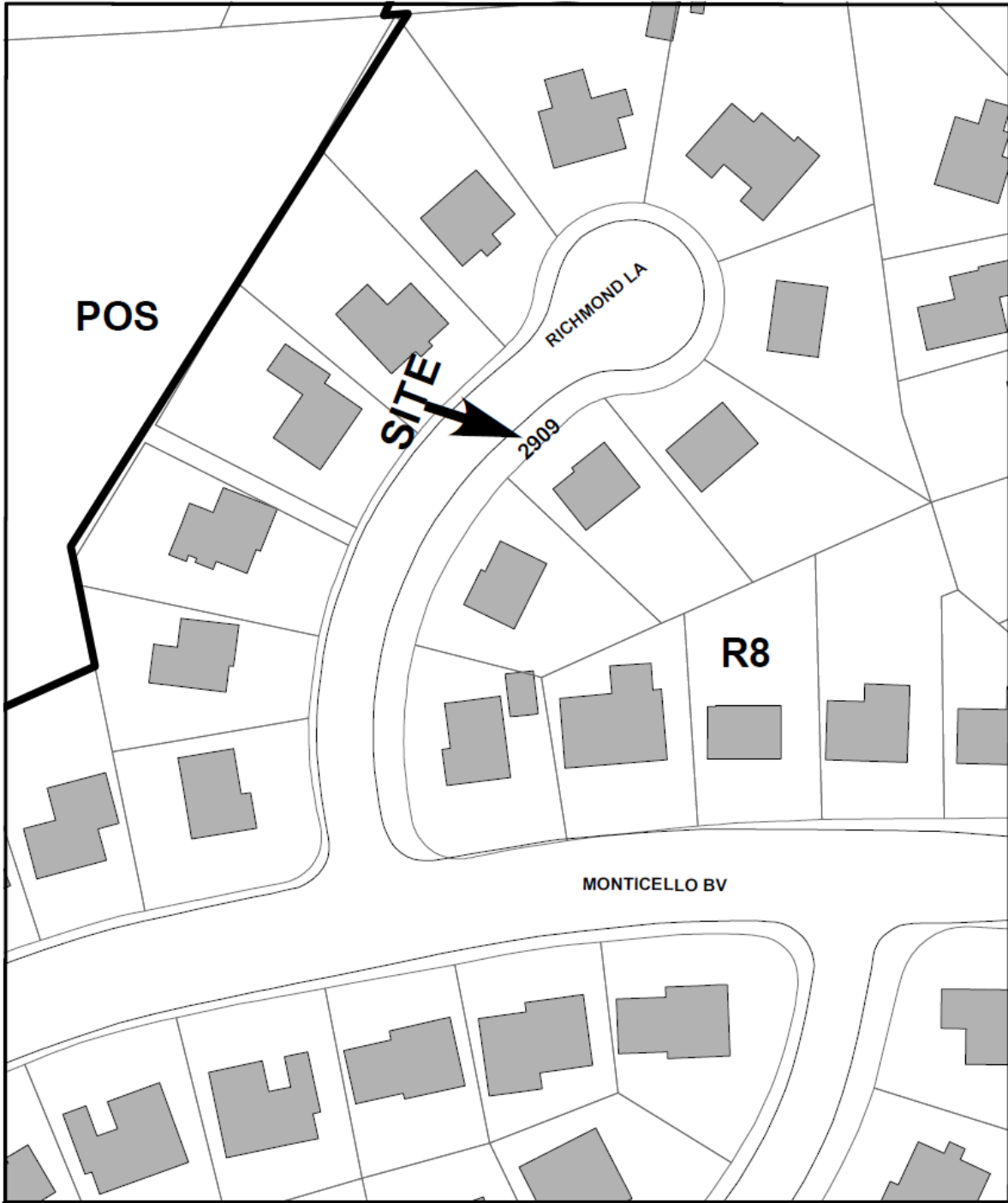
Stephen Dawson, neighbor at 2913 Richmond Lane, spoke in support.

Andrew Johnson, neighbor at 2928 Richmond Lane, spoke in support.

The staff **recommends approval** of the special exception because the case has met the criteria for a special exception.

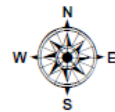
The staff **recommends denial** of the variance because the applicants have not demonstrated a hardship.

If the Board decides to grant the requested special exception and variance with the following condition it must comply with the code requirements under the department comments and the applicants 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 and 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.



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3/11/2010



I. Issue

The applicants propose to construct an open front porch, an enclosed vestibule, and a rear addition at the property located at 2909 Richmond Lane. The front porch requires a special exception and front vestibule requires a front yard variance.



II. Background

The subject property is one lot of record with 69.13 feet of frontage facing Richmond Lane, 127.49 feet of depth along the north side property line, 113.58 feet of depth along the south side property line and a total of 59.00 feet along the angled rear property line. The property contains 8,280 square feet of lot area. A one and one-half story single-family dwelling occupies the property and is located 27.90 feet from the front property line facing Richmond Lane 13.40 feet from the north side property line and 11.00 feet from the south side property line. According to real estate assessment records the house was constructed in 1949.

III. Description

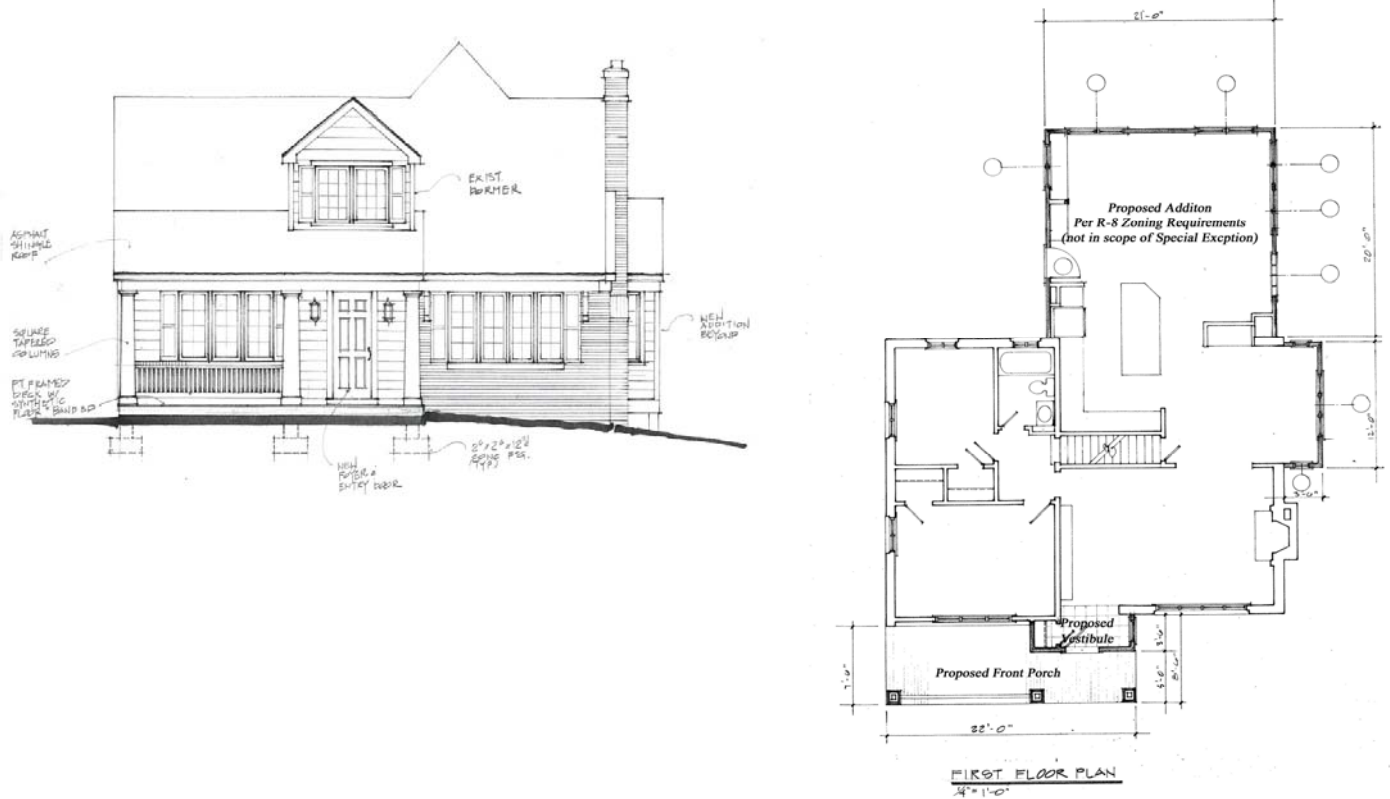
The applicants propose the following improvements to their home.

Front Open Covered Porch: The new porch will extend 22.00 feet across a portion of the main front building wall and project 7.50 feet from the building face towards Richmond Lane. The new porch totals 145 square feet and is considered deductible floor area under the City's Infill regulations. The proposed porch will be located 20.40 feet at the closest point to the front property line facing Richmond Lane and approximately 13.00 feet from the north side property line. The average front yard setback along the Richmond Lane on the same side as the applicants' property is 30.81 feet. The applicants' home is located 27.90 feet from the front property line facing Richmond Lane (2.91 feet forward of the average front setback). The applicants request a special exception of 10.41 feet to construct the front porch forward of the average front setback. The proposed porch will not be closer than 15.00 feet to the front property line as specified under the special exception rules.

Front Vestibule: The applicants propose to remove a covered open front door entry and replace it with an enclosed vestibule. The new vestibule will be constructed within the footprint of the new front porch. The new vestibule measures 4.50 feet in length by 1.50 feet to 3.50 feet in depth totaling 12.75 square feet of floor area.

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The proposed vestibule will be located approximately 25.00 feet from the front property



line. Although the new vestibule is replacing an open covered front entry, the vestibule is forward of the front building wall. The zoning regulations allow certain building projects forward the front building wall and into the required front yard (such as a canopy, open portico, bay window, arbor and trellis, covered open porch by special exception). The new vestibule is not one of the allowed projections and therefore the applicants must seek a variance of 5.81 feet from the average front setback.

Rear and Side Additions: The additions comply with the R-8 zone regulations. The applicants are waiting building permits to construct the rear and side additions pending the outcome of their hearing for a special exception and variance

Upon completion of all 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-8 and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in North Ridge Small Area Plan for residential use.

V. Requested Special Exception:

7-1002 Residential Front Setback

The applicants request a special exception of 10.41 feet to build a new open front porch located forward of the required 30.81 feet average front yard setback.

VI. Requested Variance

7-1001 Residential Front Setback

The applicants request a variance to replace an existing covered stoop with a new vestibule built within the foot print of the new porch which projects into the average front yard setback. The applicants request a variance of 5.81 feet.

VII. Noncomplying Structure/ Substandard Lot

The existing dwelling at 2909 Richmond Lane is a noncomplying structure with respect to the following:

<u>Regulation</u>	<u>Required</u>	<u>Existing</u>	<u>Noncompliance</u>
Front Yard	30.81 feet*	27.90 feet	2.91 feet

*Based on the average front yard setback along Richmond Lane.

VIII. 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.

IX. 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.

X. **Applicants' Justification for Hardship**

The current house is now located forward of the average front setback. The house now has an existing covered stoop that is now counted as floor area ratio, but cannot be enclosed with walls without first obtaining a variance. Upon completion of the work, the new vestibule will be within the footprint of the new porch and limited to front entrance. The zoning regulations places an unreasonable hardship on the applicants to make a modest building enclosure given their home was built in the 1940's before the adoption of the current zoning regulations.

XI. **Staff Conclusion**

The one-story open porch is in keeping with the architecture and character of the existing dwelling and similar renovations within the neighborhood. While there are no other similar front porches in the immediate neighborhood, the modest design and size of the porch is compatible with character of the neighborhood block and complements the home's architecture. The proposed open porch does not appear to negatively impact the adjacent properties and in fact will enhance building design. Staff recommends approval of the special exception porch.

Staff cannot support the enclosed vestibule. The applicants currently have a covered front stoop. Upon completion of the new porch the front entrance will continue to be covered providing protection from the elements. The purpose of the residential infill regulations is to limit increase building wall projections forward of the average front setback thereby creating a new front building block face. New porches are not counted because they are required to remain open. The new covered vestibule wall will project forward of the existing front building wall. The existing house is now built 2.91 feet forward of the average front setback of the block. Staff believes literal enforcement of the zoning regulations will not prohibit nor unduly restrict the applicants' use of their property. There is no special or extraordinary condition of the property that warrants granting of a variance to build the enclosed vestibule.

Therefore, staff **recommends approval** of the requested special exception and **recommends denial** 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 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)
- 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>

Code Administration:

- 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 Additions and Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- C-4 Additions and Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-5 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-6 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 will be affected by this plan

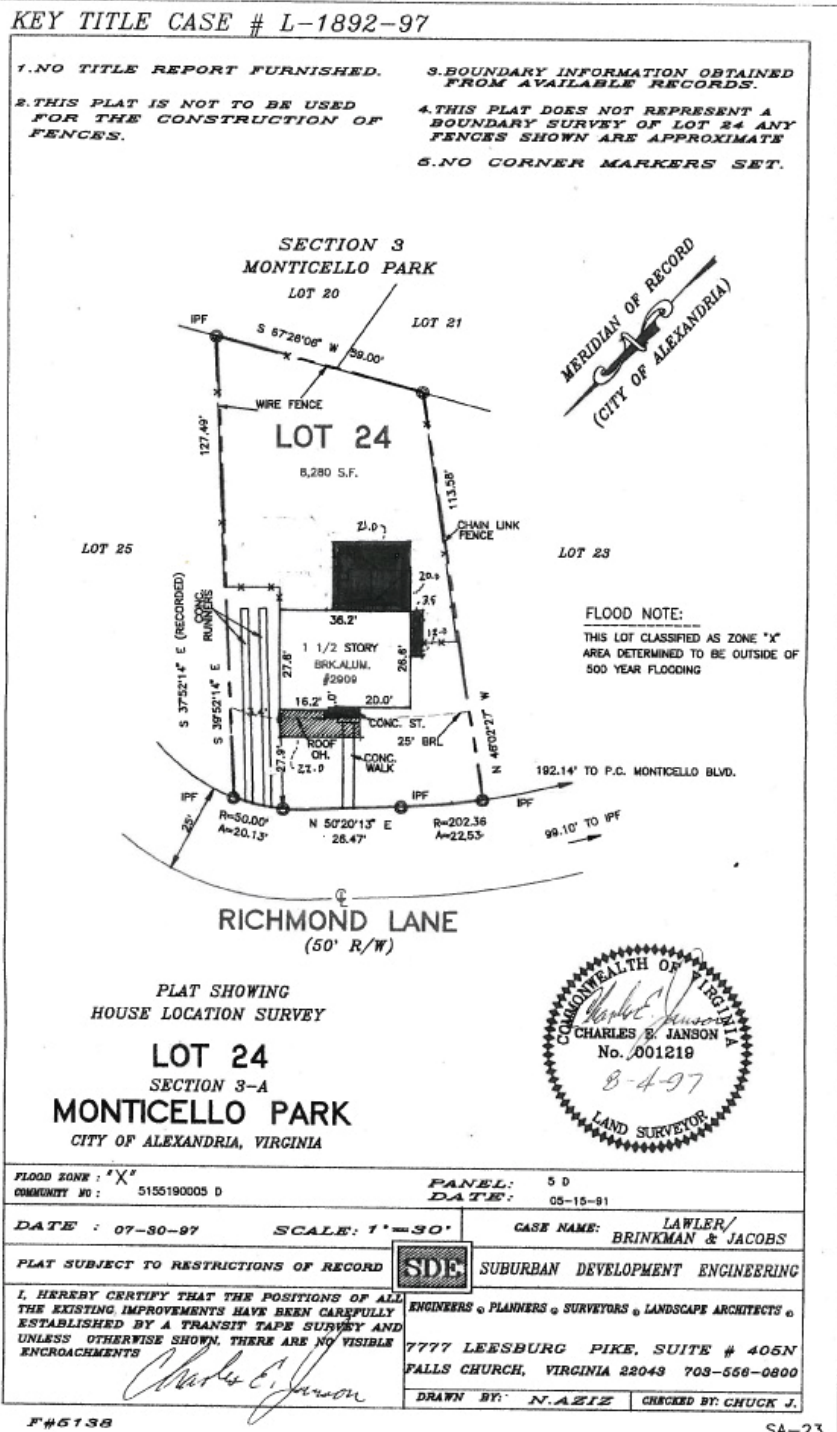
Historic Alexandria (Archaeology):

- F-1 There is low potential for the project to disturb significant cultural 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.

XII. Images



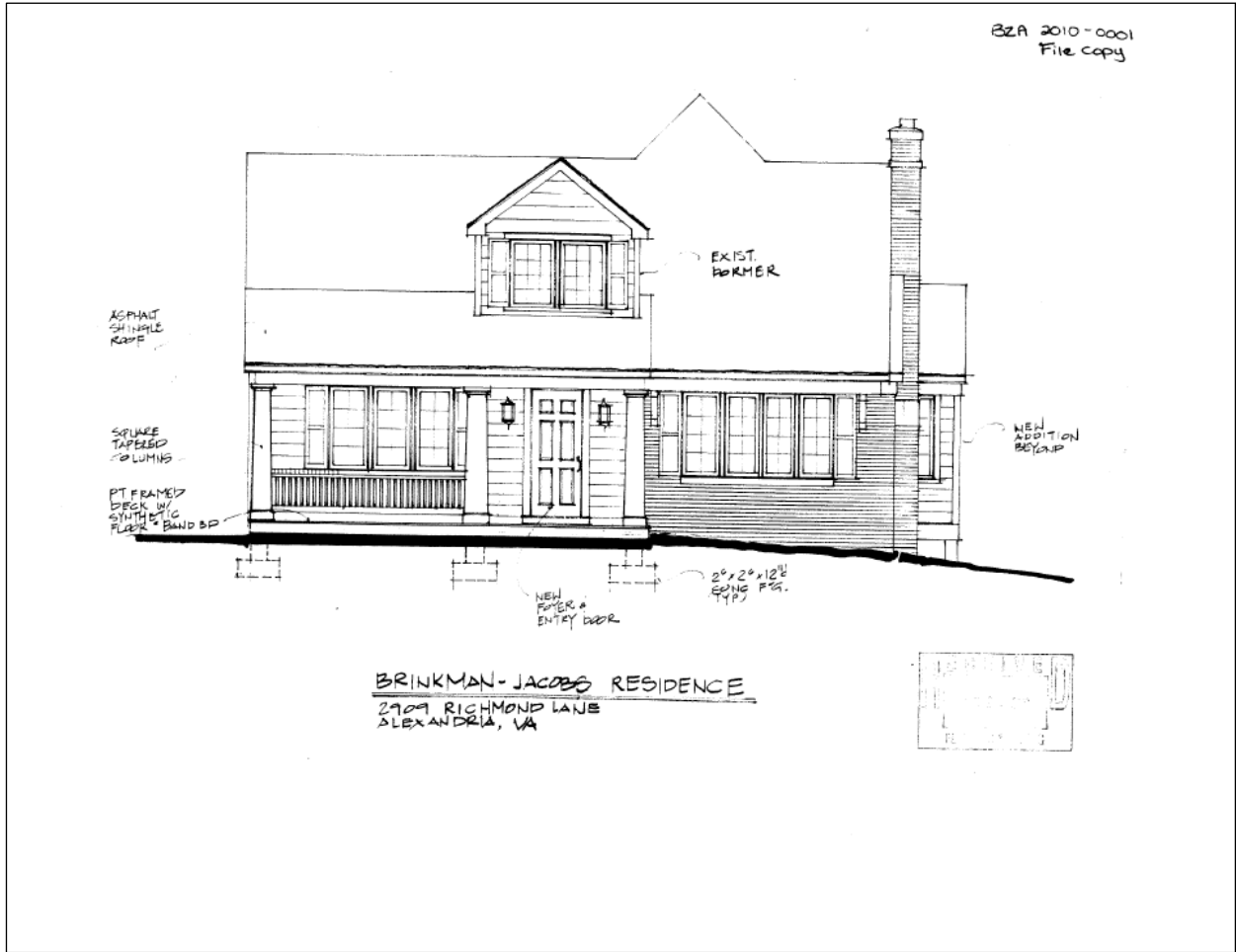


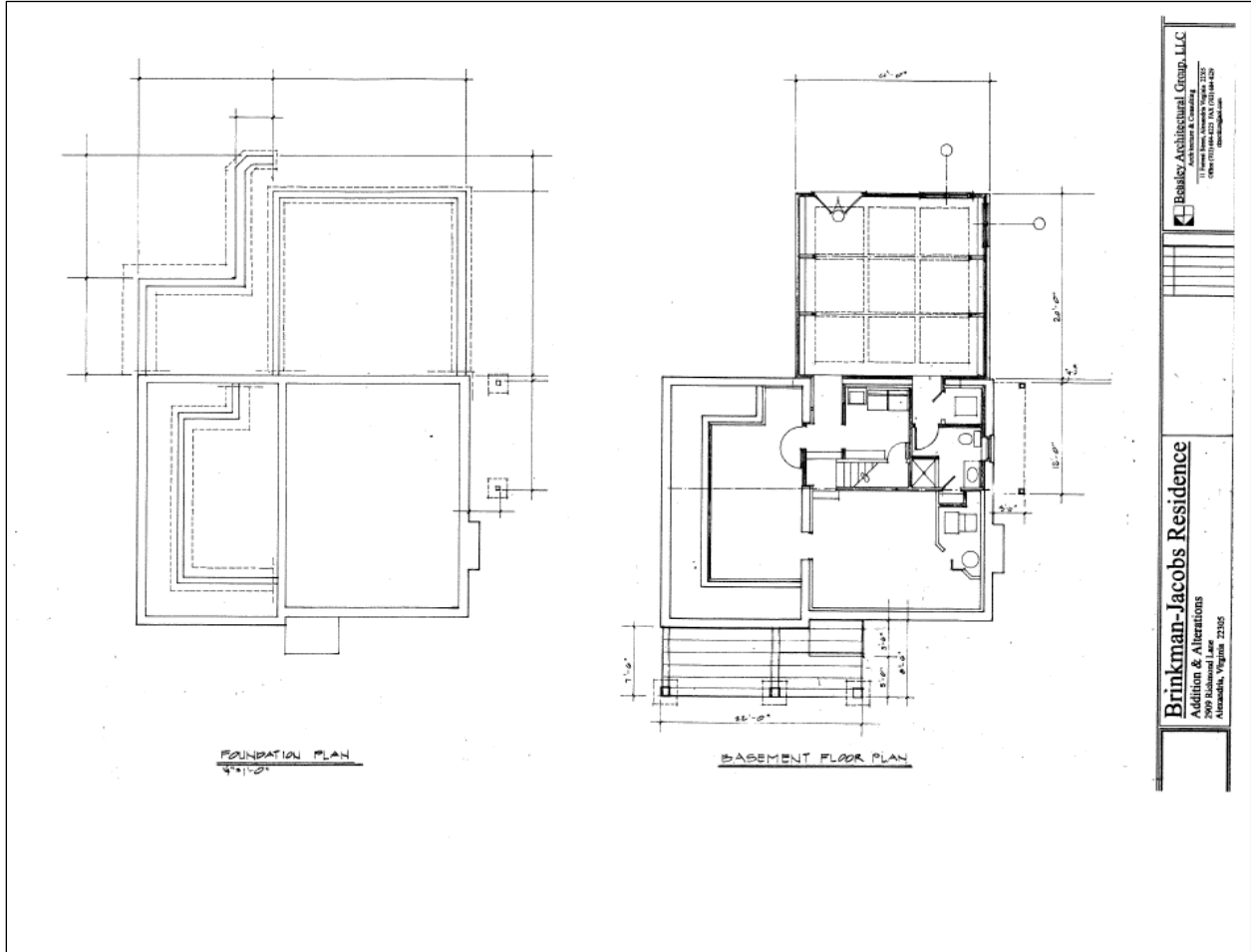












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**APPLICATION
BOARD OF ZONING APPEALS**

SPECIAL EXCEPTION FOR PORCHES

Section of zoning ordinance from which request for special exception is made:

SECTION 3-306 (A)(1) FRONT YARD

- 1. Applicant: Owner Contract Purchaser Agent
 Name PAUL BRINKMAN / LISA JACOBS
 Address 2909 RICHMOND LANE
ALEXANDRIA, VA 22305
 Daytime Phone 703-549-1504
 Email Address PAUL.BRINKMAN@ALSTON.COM
- 2. Property Location 2909 RICHMOND LANE
- 3. Assessment Map # _____ Block _____ Lot _____ Zone _____
- 4. Legal Property Owner Name PAUL BRINKMAN & LISA JACOBS
 Address 2909 RICHMOND LANE
ALEXANDRIA, VA 22305



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5. Describe request briefly :

SPECIAL EXCEPTION TO CONSTRUCT A COVERED
OPEN PORCH 7'-6" X 22'-0" AND A SMALL
ENCLOSED VESTIBULE.

6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

[] Yes — Provide proof of current City business license.


[] No — Said agent shall be required to obtain a business prior to filing application.

The undersigned hereby attests that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

Applicant or Authorized Agent:

PAUL BRINKMAN
Print Name

703-549-1504
Telephone


Signature

1.25.10
Date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

Note to Applicant: Only one special exception per dwelling shall be approved under the provisions of Section 11-1302(B)(4).

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PART B (SECTIONS 11-1302(C) and 11-1304)

APPLICANT MUST COMPLETE THE FOLLOWING:
(Please use additional sheets where necessary.)

1. Please provide the following details of the proposed porch:
 - a. Porch projection from front building wall to deck edge 7'-6"
 - b. Length of building wall where porch is to be built 36.2'
 - c. Length of porch deck 22'-0"
 - d. Depth of overhang 1'-0"
 - e. Distance of furthest projecting porch element from the front property line 20'-0"
 - f. Overall height of porch from finished or existing grade 9'-9" @ FRONT
 - g. Height of porch deck from finished or existing grade 8"

2. Explain the conditions of the subject property which prevent locating the proposed porch in compliance with the zoning ordinance.

THE EXISTING HOUSE IS LOCATED 27.9' FROM
THE FRONT PROPERTY LINE.

3. Explain if the proposed porch will be detrimental to the adjacent properties or the neighborhood in general.

THE PROPOSED PORCH WILL NOT BE DETRIMENTAL TO
ADJACENT PROPERTIES. OTHER HOMES ON RICHMOND
LANE HAVE FRONT PORCHES. THE SCALE AND
PROPORTIONS OF THE PROPOSED DECK ARE CONSISTENT
WITH SURROUNDING NEIGHBORHOOD PORCHES.

4. Explain how the proposed porch will affect the light and air to any adjacent property.

ADJACENT PROPERTIES ARE COMPLETELY
UNAFFECTED.

5. Has the applicant shown the plans to the most affected property owners? Have any neighbors objected to the proposed special exception, or have any neighbors written letters of support? If so, please attach the letter.

NO

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6. The applicant shall demonstrate by clear and convincing evidence that the proposed porch is compatible with the existing building architecture, neighboring properties and neighborhood character. Provide information such as style and number of similar porches in the immediate neighborhood (provide dimensions and roof height as well as distance from curbline). Photographs should be included as part of the evidence supporting this request.

PLEASE SEE ATTACHED PLANS, ELEVATIONS,
AND PHOTOGRAPHS.

OPEN FRONT PORCH ENCOMPASSING APPROX.
2/3 OF FRONT BUILDING WALL. A SMALL
3.5'x9.0' FOYER IS INCLUDED BUT DOES NOT
EXCEED THE OLD 25' BRL.

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DEPARTMENT OF PLANNING AND ZONING
FLOOR AREA RATIO AND OPEN SPACE CALCULATIONS FOR
SINGLE AND TWO-FAMILY RESIDENTIAL OUTSIDE HISTORIC DISTRICTS

A. Property Information

A1. Street Address 2909 RICHMOND LANE Zone R-8
 A2. 8,280 x .35 = 2898
Total Lot Area Floor Area Ratio Allowed by Zone Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area*		Allowable Exclusions	
Basement	961	Basement**	961
First Floor	475	Stairways**	5
Second Floor	579	Mechanical**	15
Third Floor	-	Porch/Garage**	-
Porches/Other		Attic less than 5**	
Total Gross*	2515	Total Exclusions	1071

B1. Existing Gross Floor Area *
2515 Sq. Ft.
 B2. Allowable Floor Exclusions**
1071 Sq. Ft.
 B3. Existing Floor Area minus Exclusions
1444 Sq. Ft.
 (subtract B2 from B1)

C. Proposed Gross Floor Area (does not include existing area)

Proposed Gross Area*		Allowable Exclusions	
Basement	420	Basement**	420
First Floor	495	Stairways**	-
Second Floor	441	Mechanical**	4
Third Floor	-	Porch/Garage**	145
Porches/Other	145	Attic less than 5**	
Total Gross*	1501	Total Exclusions	569

C1. Proposed Gross Floor Area *
1501 Sq. Ft.
 C2. Allowable Floor Exclusions**
569 Sq. Ft.
 C3. Proposed Floor Area minus Exclusions
932 Sq. Ft.
 (subtract C2 from C1)

D. Existing + Proposed Floor Area

D1. Total Floor Area (add B3 and C3) 2376 Sq. Ft.
 D2. Total Floor Area Allowed by Zone (A2) 2898 Sq. Ft.

*Gross floor area for residential single and two-family dwellings in the R-20, R-12, R-8, R-5, R-2-5, RB and RA zones (not including properties located within a Historic District) is the sum of all areas under roof of a lot, measured from exterior walls.

** Refer to the zoning ordinance (Section 2-145(A)) and consult with zoning staff for information regarding allowable exclusions. If taking exclusions other than basements, floor plans with excluded areas illustrated must be submitted for review. Sections may also be required for some exclusions.

E. Open Space Calculations Required in RA & RB zones

Existing Open Space	
Required Open Space	
Proposed Open Space	

The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: [Signature] Date: 1/27/09

Vestibule

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**APPLICATION
BOARD OF ZONING APPEALS**

SPECIAL EXCEPTION FOR ADDITIONS

Section of zoning ordinance from which request for special exception is made:

PART A

1. Applicant: Owner Contract Purchaser Agent

Name PAUL BRINKMAN / LISA JACOBS

Address 2909 RICHMOND LANE

ALEXANDRIA, VA 22305

Daytime Phone 703-549-1504

Email Address PAUL.BRINKMAN@ALSTON.COM

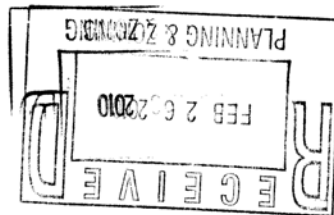
2. Property Location _____

3. Assessment Map # _____ Block _____ Lot _____ Zone _____

4. Legal Property Owner Name PAUL BRINKMAN / LISA JACOBS

Address 2909 RICHMOND LANE

ALEXANDRIA, VA 22305



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5. Describe request briefly:

SPECIAL EXCEPTION TO CONSTRUCT A COVERED OPEN PORCH 20.40 FT. FROM THE FRONT PROPERTY LINE FACING RICHMOND LANE AND TO CONSTRUCT A FRONT VESTIBULE 24.4 FT. FROM THE FRONT PROPERTY LINE FACING RICHMOND LANE .

6. If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor or other person for which there is a form of compensation, does this agent or the business in which they are employed have a business license to operate in the City of Alexandria, Virginia?

Yes — Provide proof of current City business license.

No — Said agent shall be required to obtain a business prior to filing application.

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, building elevations, prospective drawings of the projects, etc., are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The undersigned also hereby grants the City of Alexandria permission to post placard notice as required by Article XI, Division A, Section 11-301(B) of the 1992 Alexandria City Zoning Ordinance, on the property which is the subject of this application. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

APPLICANT OR AUTHORIZED AGENT:

LISA JAGBS
Print Name

Lisa Jagbs
Signature

703-549-1504
Telephone

2/25/10
Date

Pursuant to Section 13-3-2 of the City Code, the use of a document containing false information may constitute a Class 1 misdemeanor and may result in a punishment of a year in jail or \$2,500 or both. It may also constitute grounds to revoke the permit applied for with such information.

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NOTE TO APPLICANT: Only one special exception per dwelling shall be approved under the provisions of Section 11-1302(B)(4).

PART B (SECTION 11-1304)

APPLICANT MUST EXPLAIN THE FOLLOWING:

(Please use additional pages where necessary.)

- 1. Explain how the special exception for the proposed addition, if granted, meets the applicant's needs.

APPLICANT PROPOSES TO CONSTRUCT A SMALL ENTRY VESTIBULE (3'-0" x 9'-0"), SET BACK FROM THE OPEN PORCH A MINIMUM OF 5'-0". THE ENTRY VESTIBULE PROVIDES FOR A COAT CLOSET AND TILED FLOOR IMMEDIATELY UPON ENTRY.

- 2. Explain if the special exception, if granted, will harm adjoining properties or impact the neighborhood in any way.

IF GRANTED, THE SPECIAL EXCEPTION, WILL NOT HARM ADJOINING PROPERTIES OR IMPACT THE NEIGHBORHOOD IN ANYWAY.

- 3. Explain how the proposed addition will affect the light and air to any adjacent property.

THE PROPOSED VESTIBULE WILL NOT AFFECT LIGHT OR/AND AIR TO ANY ADJACENT PROPERTY

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- 4. Explain how the proposed addition is compatible with other properties in the neighborhood and the character of the neighborhood as a whole.

THE MODEST 3'-0" PROJECTION INTO THE PORCH RETAINS THE CHARACTER OF THE PORCH, AND PRESERVES AT LEAST 13' x 7.5' OF PORCH FOR SOCIAL GATHERING.

5. How is the proposed construction similar to other buildings in the immediate area?

THE PROPOSED VESTIBULE IS SIMILAR TO A NUMBER OF PROPERTIES ON RICHMOND LANE.

6. Explain how this plan represents the only reasonable location on the lot to build the proposed addition.

THE PROPOSED VESTIBULE IS LOCATED AT THE FRONT ENTRANCE AND IS MOST EFFECTIVE AT THIS ENTRY LOCATION.

7. Has the applicant shown the plans to the most affected property owners? Have any neighbors objected to the proposed special exception, or have any neighbors written letters of support? If so, please attach the letter.

YES.