

Docket Item #12
Text Amendment #2007-0001
COVERED OPEN FRONT PORCHES
OPEN COVERED LANDINGS

Planning Commission Meeting
March 6, 2007

ISSUE: Consideration of a text amendment to Section 11-1300 of the zoning ordinance allowing ground level covered open porches in required front yards by special exception; amending the zoning regulations applicable to open covered landings in all yards (Section 7-200)

STAFF: Department of Planning and Zoning

STAFF RECOMMENDATION: Staff recommends that the Planning Commission recommends **approval** of the proposed text amendment.

DISCUSSION

The special exception process enables the Board of Zoning Appeals to provide a property owner relief from the requirements of the zoning ordinance without the necessity of meeting the rigorous hardship standards imposed by law on applicants for a variance. Instead, a special exception may be granted by the Board of Zoning Appeals if it finds that the proposal does not harm the adjacent neighbors, the neighborhood, or the public welfare; that the proposal will be compatible with and not alter the essential character of the area; and that the proposal is the only reasonable means and location for the proposed structure, given the constraints of the lot. The existing special exception rules in the zoning ordinance now apply to additions and fences on corner lots.

The current proposal is to expand the special exception rules to allow the Board of Zoning Appeals (BZA) to grant a special exception to a property owner who seeks to build an open, ground level, covered front porch beyond what is now allowed under the zoning ordinance. A property owner must now seek a variance and demonstrate hardship to build a front porch in a required front yard.

During the past few years, the BZA has been faced with the difficult task of ruling on variances filed by home owners desiring to build covered open porches built into the required front yards of their properties. The majority of the cases did not meet the criteria outlined for a variance. The BZA in many instances were able to craft reasonable recommendations in support of the variance. However, the BZA was increasingly uncomfortable approving porch requests by variance. The BZA requested staff to analyze prior porch approvals to determine what would be considered a reasonable front porch projection and if the current special exception rules could be expanded to include front porches.

In the spring of 2005, a subcommittee of the BZA met to review prior board decisions and the accompanying porch cases granted for residentially zoned single-family, two-family and townhouse homes.

Staff analyzed cases from 1992 to the present. Of the total number of variance cases heard (776 cases) since 1992, less than 7 percent (50 cases) of the total number of variance cases heard were for open covered porches (4 cases were denied). Nearly 75 percent of the variances approved were for noncomplying structures (where the existing house currently projects into the required front setback specified by the applicable zone). Of the total cases approved, 26 percent (13 cases) were for complying structures and 74 percent (37 cases) were for noncomplying structures. The porch projection granted based upon the applicable zoning category (limited to the R-20, R-8, R-5, R-2-5 and RB zones) ranged from 6 feet to 8 feet. The average front yard variance approved was approximately 12 feet from the required setback. Attached is a summary table of the porch cases approved, denied and withdrawn, the number of porch cases organized by specific zones, approved projection, and if the existing dwelling was either a complying or noncomplying structure. (Refer to Table 1).

The majority of the open porch cases heard occurred in the R-8, single family zone. Although the average porch projection approved was approximately 6.50 feet, there was found to be no consistent pattern of porch projection approved. In other words, porch projections varied by depth, by type of structure (noncomplying or complying) and by zone.

It should be noted that a special exception does not require the applicant to demonstrate a legal hardship. Although the special exception will allow the applicant and the Board more leeway to approve proposed projects, staff and the BZA also weighed the potential negative consequences of allowing front porches to project into required front yards. Several of the major impacts discussed included the following.

- (1) Open porches can significantly alter the existing front building line, particularly as it relates to existing noncomplying structures. New building mass and floor area, although open, will be brought closer to the front property line resulting in existing building line forever altered.
- (2) Open porches can result in the loss of open front lawn which in part acts as a transition area between the public and private space. Also, loss of existing trees and landscaping could occur.

Based upon the above findings, the BZA subcommittee and staff crafted new rules regarding covered open front porches in any residential zone. The proposed expanded special exception rules allow an 8 feet wide ground level covered open porch to be built on the front of a single-family, two-family or townhouse dwelling. The location of a ground level porch is limited to the front building wall that constitutes the main architectural entrance of a house. In no instance may a new covered open porch approved under the special exception reduce the front yard to less than 15 feet to the front property line. (See attached examples.) A front porch and its roof line shall be compatible and in scale with the existing building architecture, neighboring properties and neighborhood character. No second floor balcony, deck or building enclosure is permitted above a new ground level front porch. Finally, the new porch shall remain open except for the necessary porch railings required by the building code.

The current proposal makes the special exception procedure applicable only to ground level front covered porches proposed for residentially zoned single-family, two-family and townhouse homes. In addition, staff recommends that additional definitions be added to section 2 of the zoning ordinance to more properly define porches, porticos and canopies as well as define a primary front yard and secondary front yard. The new text language slightly modifies current rules regarding the amount of projection allowed for a front canopy or awning as well as adds new language to the permitted front yard projections to include front porticos.

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Covered Open Landings and
Covered Open Front Porch Regulations

Lastly, as a result of our discussions with the community, staff has included a new section 11-1309 of the zoning ordinance that permits an applicant or an opponent of the Board of Zoning Appeals decision to appeal the decision on covered open porches to City Council.

Staff has discussed the proposed text language with the Board of Zoning Appeals, who reviewed the proposed text favorably in December 2006 and voted unanimously to forward the new text language to the Planning Commission.

STAFF: Richard Josephson, Acting Director, Planning and Zoning; Stephen Milone, Division Chief; Peter Leiberg, Zoning Manager; Mary Christesen, Urban Planner.

BZA: Mary Lyman, Stephen Koenig, Michael Curry, Mark Allen, David Lantzy, Jennifer Lewis and Stephen Hubbard

PROPOSED TEXT CHANGES:

The following changes are proposed to permit ground level covered open front porches to be built by special exception approval into required front yards for residentially zoned single-family, two-family and townhouse homes provided that the porch proposed is architecturally compatible and in scale with the existing building.

Sec. 7-202(A) (2)(a) Awnings and canopies provided they do not project more than ~~four~~ five feet in depth from the existing building facade.

Sec.7-202(A)(2)(b) Portico is permitted to project not more than 6.00 feet from the main building wall by 9.00 feet in length which includes the roof overhang and must remain open.

Sec.7-202(D) In any residential zone a ground level covered open front porch is permitted on a single-family, semi-detached, duplex and townhouse dwelling and may project a maximum of eight feet from the front building wall into the required primary front yard with the approval of a special exception as outlined under section 11-1302 of the zoning regulations.

Sec. 11-1302 Covered Front Porch

(C) A ground level covered front porch is limited to the main architectural entrance of a dwelling facing a primary front yard with the following requirements:

(1) Yard and setback requirements applicable:

(a) A maximum projection of eight feet for the porch deck is permitted from the front building wall.

(b) The front building wall is the main building wall which extends for more than 50 percent of the length of the building containing such wall.

(c) The primary front yard shall not be reduced to less than fifteen feet from the front property line.

Covered Open Landings and
Covered Open Front Porch Regulations

- (2) A ground level covered front porch shall be compatible with the existing building architecture, neighboring properties and neighborhood character and comply with the following requirements:
- (a) No portion of the porch shall extend beyond the side walls of the front building facade except where the lot has a complying side or front yard.
 - (b) A porch roof line shall be in scale with the existing building architecture.
 - (c) No second floor balcony, deck or enclosed construction is permitted above the front porch.
 - (d) A ground level covered front porch shall remain open and cannot be enclosed with building walls, glass or screens except with railings which are a minimum of 50 percent open.

Sec. 11-1309

Appeal to City Council

Whenever the Board of Zoning Appeals shall deny a special exception for a open covered porch, the applicant shall have the right to appeal to and be heard before the City Council; provided, that the appeal is filed with the Clerk of the City Council within a period of 30 days of the decision of the Board of Zoning Appeals. The City Council may approve, deny, or approve the special exception with conditions.

Whenever the Board of Zoning Appeals shall approve a special exception for a open covered porch, an opponent shall have the right to appeal and be heard before the City Council; provided, that the appeal is filed with the Clerk of the City Council within a period of 30 days of the decision of the Board of Zoning Appeals. The City Council may approve, deny, or approve the special exception with conditions.

Definitions

- Sec.2-119(a) **Awning and Canopy.** A small roof projection without columns made of fabric or solid material usually suspended or cantilevered from the building wall entrance(s) and/or windows.
- Sec. 2-148.1 **Front Porch.** A covered landing attached to the exterior of a residential building and generally extends along a portion of or the entire length of the front building wall.
- Sec.2-183.2 **Portico.** A small roof projection with or without columns or brackets above an open landing attached to the exterior of the primary front entrance of a residential building.
- Sec. 2-205.1 **Yard, front primary.** The front yard of a corner lot which contains a building's main architectural entrance and identified by its address number.
- Yard, front secondary.** The other front yard of a corner lot facing a street shall be considered the secondary front yard and may include an entrance but not a building's main architectural entrance.

Note: New text is underlined; deleted text is shown with a ~~strikethrough~~.

TABLE 1
BOARD OF ZONING APPEALS WORKSHOP FEBRUARY 10, 2005
SUMMARY OF FRONT YARD VARIANCES APPROVED TO ALLOW OPEN
COVERED PORCHES *
1992 TO THE PRESENT

<u>Zone</u>	<u># of Cases</u>	<u>Houses</u>		<u>Avg</u>	<u>Avg</u>	<u>Req</u>	<u>Avg</u>
		<u>#Comply</u>	<u># Noncom</u>	<u>Porch Proj</u>	<u>Var. App</u>	<u>Setbk</u>	<u>Front Setback</u>
R-2-5	9	1	8	6.59 ft	15.10 ft	25 ft	19.31 ft
R-5	11	7	4	6.10 ft	7.80 ft	25 ft	17.47 ft
R-8	26	3	23	6.69 ft	9.60 ft	30 ft	20.69 ft
R-20	2	2	0	7.75 ft	11.00 ft	40 ft	29.00 ft
RB	<u>2</u>	<u>0</u>	<u>2</u>	<u>5.75 ft</u>	<u>16.45 ft</u>	<u>20 ft *</u>	<u>3.55 ft</u>
Total	50	13	37	6.50 ft	12.22 ft		

*outside the historic districts

ZONING ANALYSIS OF APPROVED OPEN COVERED PORCHES

- (1) There were 776 variance cases heard by the BZA from 1992 to the present. Porch variances constituted 6.4 % of the total number of cases heard.
- (2) A total of 50 porch cases were approved by the BZA from 1992 to the present.
- (3) A total of 4 cases were denied by the BZA.
- (4) Of the total cases approved 26 percent (13 cases) were for complying structures.
- (5) Of the total cases approved 74 percent (37 cases) were for noncomplying structures where the houses currently project into the required front yard.
- (6) The average porch projection is 6.50 feet. Porch projection based upon the applicable zoning category ranged from 6 feet to 8 feet.

The average front yard variance approved was approximately 12 feet. The variance approved based upon the applicable zoning category ranged from 8 feet to 17 feet.