



# STAFF REPORT COVER SHEET

April 17, 2019

<b>Address:</b>	608 Kearney Court, SW	<b>Case Number:</b>	BZA-01-19
<b>Public Meeting Date:</b>	4/17/2019	<b>Applicant:</b>	Jill Christensen
<b>Board/Commission:</b>	Board of Zoning Appeals	<b>Owner:</b>	Peter & Jill Christensen
<b>Existing Zoning:</b>	RS-12.5	<b>Existing Land Use:</b>	Low Density Residential
<b>Brief Summary of Request:</b>	<p>Request for approval of a <b>variance</b> from Section 18-24.F of the Vienna Town Code in order to construct a new screened in porch, in excess of the maximum permitted lot coverage on the property located at 608 Kearney Ct, SW; in the RS-12.5, Single-Family Detached Residential zone. Application filed by Peter &amp; Jill Christensen, owners.</p>		
			
<b>Site Improvements:</b>	Homeowners wish to construct a rear screened in porch that exceeds the 25% maximum lot coverage, enclose an existing carport and build a new rear deck.		
<b>Size of Property:</b>	10,556 Square Feet		
<b>Public Notice Requirements:</b>	Code requires posting Ads in local newspaper for two successive weeks prior to Board of Zoning Appeals meeting; advertisement published in Washington Times newspaper on April 3, and April 10, 2019. Public notice placard on April 3, 2019.		
<b>Brief Analysis</b>			
<b>PROPERTY HISTORY</b>			
<p>Built in 1972, this single-family property includes a two-level split dwelling, attached carport with a concrete driveway, and an open rear deck. The updated house location survey revealed that the existing conditions without the proposed variance for the screened porch exceeds the allowable lot coverage by 93 square feet or 0.88% over the allowed 25%.</p>			
<b>COMPATIBILITY WITH THE ZONING ORDINANCE</b>			
<p>The proposed screened porch does not comply with lot area coverage requirements and exceeds the Town's 25% maximum lot coverage allowed by Town Code Section §18-24.F, which references section §18-15.F. The applicant is requesting a 192 square foot or 1.82% increase in lot coverage for a proposed screened porch, adding to the existing non-conforming excess lot coverage of 93 square feet or 0.88%; bringing the total lot coverage of the property to 27.73% or 2.73% over the 25% maximum lot coverage allowed by code.</p>			
<b>Attachments:</b>	BZA Application <input checked="" type="checkbox"/> Mr. & Mrs. Christensen Variance Package <input checked="" type="checkbox"/> Justification Statement <input checked="" type="checkbox"/> Submitted Plat <input checked="" type="checkbox"/>		

ITEM NO. 1:

Request for approval of a **variance** from Section 18-24.F which references section §18-15.F of the Vienna Town Code in order to construct a new screened porch in excess of the maximum permitted lot coverage on the property located at 608 Kearney Ct, SW; in the RS-12.5, Single-Family Detached Residential zone. Application filed by Peter & Jill Christensen, owners.

***Introductory Comments / Characteristics of the Existing Property:***

This property is located on a cul-de-sac on the southwesterly side of Kearney Court, SW; located between Yeonas Drive, SW and Pruitt Court, SW; in Section 4 of the Pickett Estates subdivision. The subject tract is a perfect rectangular lot measuring 91 feet in width and 116 feet in length, for a total of 10,556 square feet. The two-level split dwelling constructed in 1972 includes an existing one-story carport and proposed enclosed garage with an accessing concrete driveway.

The property's total lot coverage before the variance request exceeds the allowable Town Code limit of 25%, with an excess of 93 square feet or 0.88%. This additional square footage brings this properties total lot coverage to 25.88% before the variance request. A review of the Town's records did not reveal prior variances or approved permits that addresses this lot coverage overage.

***Proposed Improvements:***

The applicants wish to convert an existing wooden rear deck into a proposed screened porch and construct a new adjoining deck; as shown on the House Location Plat prepared Apex Surveyors, LLP., dated February 15, 2019, (see attached plat).

The proposed rear screened porch will replace an existing 12' x 16' open rear deck with an enclosed screened porch. According to the Plat Showing House Location, this proposed screened porch will add an additional 192 square feet. Adding to the original 93 square feet lot coverage overage, plus an additional 3 square feet for squaring the building lines for the proposed garage, the proposed porch brings this properties total lot coverage to 288 square feet or 2.73% over the allowable 25%. This additional square footage brings this properties total lot coverage to 27.73%

***Relevant Zoning Ordinance Sections:***

**Section 18-24. - Area requirements.**

The following area requirements shall apply in the RS-12.5 zone:

F. *Lot coverage.* Lot coverage shall be the same as specified for the RS-16 zone.

**Section 18-15. - Area requirements.**

The following area requirements shall apply in the RS-16 zone:

F. *Lot coverage.* Not more than 25 percent of a lot shall be covered by buildings, accessory buildings, automobile parking spaces and access, sport courts, tennis courts, patios and terraces. Decks, as regulated in section 18-169, may not cover more than five percent of the total area of a lot.

***Variance Criteria:***

**Code of Virginia Section 15.2-2201 & Town Code Section 18-4 Definitions:**

*Variance* means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

**Section 18-233. - Variances.**

The board of appeals shall have the power to grant, upon appeal or original application in specific cases, such variance from the terms of this chapter provided the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that the application meets the standard for a variance and the criteria set out in this section.

A. Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

- (1) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (2) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

- (3) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
- (4) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- (5) The relief or remedy sought by the variance application is not available through the conditional use permit process or, when permitted by this chapter, determination by the zoning administrator.

***Findings of Facts:***

1. A variance is a reasonable deviation from the provisions regulating the shape, size or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure when strict application of the ordinance would unreasonably restrict the utilization of the property. If there is an existing reasonable use of the property, neither an unreasonable restriction nor a hardship exists and a variance may not be lawfully granted.
2. The property is a perfect rectangle measuring 10,556 square feet and does not conform to the Town's minimum 12,500 square feet lot size requirement for the RS-12.5 single-family residential zoning district.
3. The existence of mosquitos and wasps is not unique to this property.
4. The applicant has proposed a new open deck as part of their improvements.

***Required Board Approval:***

A granting of the following variance will be necessary to permit the applicant to keep the existing lot coverage overage of 93 square feet and further expand the non-conforming lot coverage by adding an additional 192 square foot of lot coverage for a proposed 12' x 16' rear screened porch.

The Board shall consider allowing the applicant to keep the existing lot coverage overage and expand the proposed improvements listed in the "Proposed Lot Coverage Calculation" table referenced on the House Location Plat prepared by Apex Surveyors, LLP., dated February 15, 2019, (See attached Plat):

1. §18-24.F: Lot Coverage: According to the House Location Plat previously mention above, the existing dwelling, existing carport, concrete driveway and stoop yield a total existing conditions "improvement area" of 2,732 square feet or 25.88% percent lot coverage, which is 93 square feet above the maximum permitted lot coverage of 25 percent.
2. The above-mentioned existing property conditions, plus adding the additional proposed rear screened porch and enclosed garage will yield a total "improvement area" of 2,927 square feet or 27.73% percent lot coverage, which is 288 square feet above the maximum permitted lot coverage of 25 percent.