

Docket Item #10  
BZA CASE 004-0013

Board of Zoning Appeals  
May 8, 2004

**ADDRESS:** 1505 OAKCREST DRIVE  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** JOCELYNE AND RAMON KAZANJIAN, OWNERS

**ISSUE:** Variance to construct a two story addition in the required west side yard.

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| CODE SECTION | SUBJECT          | CODE REQMT | APPLICANT PROPOSES | REQUESTED VARIANCE |
|--------------|------------------|------------|--------------------|--------------------|
| 3-306(A)(2)  | Side Yard (West) | 9.08 feet* | 6.50 feet          | 2.58 feet          |

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\* Based on a height of 18.16 feet from grade to the roof eave.

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(insert sketch here)

### **STAFF RECOMMENDATION:**

The staff **recommends denial** of the variance because the project does not meet the standards for a variance.

### **DISCUSSION:**

1. The applicant proposes to construct a two-story addition in the required west side yard for the dwelling located at 1505 Oakcrest Drive.
2. The subject property is comprised of three legal lots of record with a total lot area of 7,050 square feet. The lot contains 75.00 feet of frontage on Oakcrest Drive and a depth of 94.00 feet.
3. The two-story brick single-family dwelling is located 35.00 feet from the front property line facing Oakcrest Drive, 19.50 feet from the west side property line, 24.00 feet from the east side property line and 35.50 feet from the north rear property line.
4. The proposed two-story addition would be located on the west facade of the existing dwelling 33.00 feet from the front property line facing Oakcrest Drive, 6.50 feet from the west side property line, and 35.50 feet from the north rear property line. The addition measures 12.00 feet wide along the south front facade and 26.00 feet along the west side facade. The addition will add a total of 624.00 square feet of living area to the existing dwelling now totaling 2,826 square feet.
5. There have been no previous variances approved for this property.
6. Since 1993, there have been no similar variances for two story additions in the immediate neighborhood.
7. Master Plan/Zoning: The subject property is zoned R-8 residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951 and identified in the Northridge Small Area Plan for residential land use.

### **REQUESTED VARIANCES:**

#### Section 3-306(A)(2), Side Yard

The R-8 zone requires each residential building maintain a minimum side yard of 8.00 feet or at least one-half of the building height. The proposed two-story addition will be located 6.50 feet from the west side property line. The proposed addition is 18.16 feet from grade to the eave of roof facing the west side property line resulting in a setback requirement of 9.08 feet. The applicant requests a variance of 2.58 feet.

**STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1103:**

1. Does strict application of the zoning ordinance result in undue hardship to the property owner amounting to a confiscation of the property, or prevent reasonable use of the property?

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Strict application of the zoning ordinance does not result in hardship nor does it prevent reasonable use of the property. The subject property currently contains a three-story single family dwelling consisting of 2,826 gross square feet. The current use of the property is not unreasonably diminished by the strict application of the zoning ordinance.

2. Is the hardship identified above unique to the subject property, or is it shared by other properties in the neighborhood or the same zone?

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There is no hardship demonstrated in this case. There are several other properties within the neighborhood which have both a similar lot configuration and lot size as the subject property.

3. Was the hardship caused by the applicant and, if so, how was it created? Or did the condition exist when the property was purchased and, if so, did the applicant acquire the property without knowing of the hardship; how was the hardship first created?

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No hardship was created by the applicant. The lot conditions have existed since the dwelling was constructed in 1941 and predate existing zoning ordinance requirements.

4. Will the variance, if granted, be harmful in any way to any adjacent property or harm the value of adjacent and nearby properties? Will it change the character of the neighborhood?

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The variance if granted will impact the adjacent property at 1509 Oakcrest Drive by placing a significant amount of mass in proximity to the adjacent dwelling. Staff finds that the siting of the existing dwelling presents significant opportunity to construct additions to the dwelling in both the rear and east side yards. The addition will not, however, create significant impact to the existing building block face.

5. Have alternate plans been considered so that a variance would not be needed?

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Alternate plans considered did not meet the desires of the applicants.

6. Is any other official remedy available to relieve the hardship?

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None.

## DEPARTMENTAL COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

\* The applicant is advised that if the variance or special exception is approved the following additional comments are required.

### Transportation and Environmental Services:

- C-1 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 The proposed structure will impact a 20" white oak tree and a 10" black cherry tree. While neither tree will have to be removed in order to build the structure, root damages incurred will likely cause the trees to decline and die back. Neither tree would qualify as a specimen tree.

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.