

Docket Item #6  
BZA CASE #2004-00045

Board of Zoning Appeals  
December 9, 2004

**ADDRESS:** 1721 CRESTWOOD DRIVE  
**ZONE:** R-8, RESIDENTIAL  
**APPLICANT:** RANDY AND ARAXI JULIAN, OWNERS, BY GAVE R NICHOLS,  
ARCHITECT

**ISSUE:** Variance to construct a covered porch in the required front yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-306(A)(1)	Front Yard	30.00 ft	20.40 ft	9.60 ft

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Deferred at the November 11, 2004 hearing, due to lack of quorum.

(insert sketch here)

**STAFF CONCLUSION:**

Staff recommends **denial** of the request because it does not meet the criteria for a variance.

**I. Issue**

The applicants request a variance to build a covered open porch across almost half of the front building wall for the property at 1721 Crestwood Drive. The new porch projects into the required front yard setback area. The applicants also propose to build a rear one-story addition in compliance with the R-8 zone regulations.

**II. Background**

The subject property is one lot of record with 50.00 feet of frontage facing Crestwood Drive and a depth of 112.05 feet. The lot contains 5,625 square feet of property area.

The property is developed with a two-story brick dwelling located 25.00 feet from the front property line facing Crestwood Drive, 8.00 feet from the east side property line and 7.00 feet from the west side property line. An open deck is attached along a portion of the rear building wall in compliance with the R-8 zone regulations. An existing open entrance stoop is located approximately 23.00 feet from the front property line facing Crestwood Drive. The existing open entry stoop measures 6.00 feet in length with a depth of 4.00 feet. According to real estate assessment records, the house was built in 1950 but is not built in compliance with the R-8 zone front yard setback regulations.

**III. Discussion**

The new front covered open porch extends across approximately 18.00 feet of the 32.00 foot front building wall. The new covered porch will not meet R-8 zone front yard setback regulations nor the prevailing front setback of existing homes on the north side of Crestwood Drive, which is the same side as the subject property; therefore, the applicants must seek a variance to build the open porch projecting into the required front yard. There are 19 homes, including the applicant's property located between Kenwood Avenue and North Quaker Lane. A site inspection and review of the properties based on Sanborn Maps, 6 of the 19 homes (including the applicant's home) are located 25.00 feet from the front property line facing Crestwood Drive; the remaining 13.00 homes are located 30.00 feet from the front property line facing Crestwood Drive (in compliance with the R-8 zone front yard setback requirement of 30.00 feet). The applicant must apply for a variance to build the porch and cannot rely on the prevailing front setback.

The new porch measures 18.00 feet across the front building wall by 6.00 feet in depth, approximately 14.50 feet high from grade to the top of the roof, and totals 144.00 square feet of new floor area. The proposed open covered porch will integrate the existing open front stoop and will be located 20.40 feet from the front property line facing Crestwood Drive. The roof of the new porch is intended to compliment the existing roof line and improve the existing front architecture.

Section 7-202(A)(2) of the zoning ordinance allows a canopy to project into a required front yard without a variance, as long as the canopy does not project more than 4.00 feet from the building wall and as long as the canopy is limited to the area around the front door; however, the existing house must comply with the required front setback and this one does not. The zoning ordinance does not include porches as permitted structures allowed to project into a required front yard. In order to build a covered open entry stoop the applicants in compliance with the zoning regulations as to allowable area a variance would be required. The applicants indicate in their application that the new porch is intended to enhance the front building facade.

There have been no variances previously granted for the subject property. There has been one similar variance request for a covered front porch in the immediate area heard by the Board of Zoning Appeals:

<u>Case #</u>	<u>Date</u>	<u>Address</u>	<u>Variance Requested</u>	<u>A c t i o n</u>
5761	1/12/89	1722 Crestwood Dr.	3.00 ft	Granted

**IV. Master Plan/Zoning**

The subject property is zoned R-8, residential and has been so zoned since 1951, and is identified in the North Ridge Small Area Plan for residential low land use.

**V. Requested Variance**

Section 4-306(A)(2), Front Yard :

The R-8 zone requires each single-family dwelling to provide a front yard of 30.00 feet. The proposed covered open porch will be located 20.40 feet from the front property line facing Crestwood Drive. The applicants request a variance of 9.60 feet from the front property line.

**VI. 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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The property does not have any unusual conditions that would restrict the use of the property or if the zoning regulations are applied. The subject lot is substandard and does not meet the minimum 8,000 square foot lot required for an R-8 zoned property. The nature of the topography, lot configuration or grade does not prohibit or unreasonably restrict the use of the property as it relates to the front porch of the

house. The new porch will take an existing noncomplying structure and will bring new mass closer to the street. Strict application of R-8 zone regulations will not deprive the applicants of full use of their property. The need for a porch does not constitute a hardship.

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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The subject property is not unique; it is similar to many lots along Crestwood Drive in size, width and topographical conditions. The conditions of the property are shared generally by other properties within the immediate area. The homes on Crestwood Drive were originally built without porches. Many of the homes comply with the 30.00 foot front setback from the street and have modest front portico projections into the required front yard. More building mass will be brought closer to the front property line. Strict application of R-8 zone regulations will not produce undue hardship.

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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The desire to have a front porch is created by the applicants.

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 requested variance, if granted, will impair an adequate supply of light and air to adjacent property. The adjacent neighbors will view more building mass, and the house will appear to be closer to the front property line. Approval of the variance will alter the character of the R-8 zone as applied in this area; invite others to seek relief from the ordinance to build front porches, which will change the character of the architecture of buildings in the neighborhood; bring more building mass closer to the street, and change the front setback pattern in the neighborhood.

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

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None.

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

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There is no hardship. The rear addition can be built without the need of the addition of a covered front porch.

**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 apply.

Transportation and Environmental Services:

F-1 No objections or recommendations.

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.

Recreation (Arborist):

F-1 No trees are affected by the proposed variance.

Historic Alexandria (Archaeology):

- F-1 There is low potential for this project to disturb significant archaeological 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.