



FAIRFAX COUNTY

APPLICATION FILED: May 27, 2005
PLANNING COMMISSION: October 6, 2005
BOARD OF SUPERVISORS: October 17, 2005

V I R G I N I A

September 21, 2005

STAFF REPORT
APPLICATION PCA 92-P-036
PROVIDENCE DISTRICT

APPLICANT: Jean M. McMahon, Tina Ejetemai and Vafa Mostaghim

ZONING: R-3

PARCEL: 39-3 ((10)) 19B and 20A

ACREAGE: 33,868 SF

DENSITY: 2.73 du/ac (*no change*)

PLAN MAP: Residential; 2-3 du/ac

PROPOSAL: The applicant seeks approval of a partial proffered condition amendment (PCA) to amend the proffers for RZ 92-P-036 in order to permit an existing single-family detached dwelling on Lot 19B to be replaced with a new single-family detached dwelling.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 92-P-036, subject to the execution of proffers consistent with those contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal

The subject property consists of two parcels located in the northwest quadrant of Cedar Lane and Hilltop Avenue at 8320 and 8324 Hilltop Avenue in Vienna. These parcels (former Lot 19 and Lot 20) were rezoned from R-1 to R-3 in 1993 to permit three (3) single-family detached lots. The approved GDP showed Parcel 19 to be split into two lots, one with an existing single-family detached dwelling (now known as Parcel 19B) and one with a new single-family detached dwelling (now known as Parcel 19A). Parcel 20 (now known as Parcel 20A) was to remain unchanged with an existing single-family detached dwelling.

The proffered GDP included a note that indicated that the existing house on Parcel 19B was to remain. On March 28, 2005, the Director of the Zoning Evaluation Division as the duly authorized agent of the Zoning Administrator determined that this existing house could be demolished but that the new house would have to meet the setbacks shown on the proffered plan. As a result, the applicant is now seeking approval of a partial proffered condition amendment (PCA) to amend the proffers for RZ 92-P-036 in order to replace the existing single-family detached dwelling with a new and larger single-family detached dwelling. The existing house on Parcel 19B has been demolished. Though Parcel 20A is included in the application, no changes are proposed to this lot. The existing structure is to remain as depicted on the proffered GDP.

No waivers or modifications are requested.

The applicant's draft proffers, affidavit, and Statement of Justification are contained in Appendices 1-3; respectively.

LOCATION AND CHARACTER

Site Description

The application property, 8320 and 8324 Hilltop Avenue, consists of two parcels (Parcel 19B and 20A), containing 33,868 SF. The subject property is located in the northwest quadrant of Cedar Lane and Hilltop Avenue. Parcel 20A is developed a single-family detached dwelling, which is oriented to and includes driveway access from Hilltop Avenue. Parcel 19B was previously developed with a single-family detached dwelling, which has since been demolished. Driveway access to the site is provided from Hilltop Avenue.

| SURROUNDING AREA DESCRIPTION | | | |
|-------------------------------------|---|---------------|------------------------|
| Direction | Use | Zoning | Plan |
| North | Single-family Detached Residential (Wedderburn Heights) | R-1 | Residential; 2-3 du/ac |
| South | Single-family Detached Residential (Hilltop) | R-1 | Residential; 2-3 du/ac |
| East | Single-family Detached Residential (Dunn Loring Gardens) | R-1 | Residential; 2-3 du/ac |
| West | Single-family Detached Residential (Hilltop) | R-3 | Residential; 2-3 du/ac |

BACKGROUND (Appendix 4 and 5)

On June 28, 1993, the Board of Supervisors approved RZ 92-P-036 to rezone the subject site from R-1 to R-3 for the development of three single-family detached dwellings at a density of 2.73 du/ac, subject to proffers dated April 16, 1993. Under the proffered plan, Lot 19 was split into two lots – Lot 19A and Lot 19B. No changes were proposed to Lot 20; Lot 20 was included in RZ 92-P-036 solely to meet density requirements. The proffered development plan showed that the existing houses on Lot 19 (now Lot 19B) and Lot 20 were to remain.

On November 30, 2004, Jean McMahon requested an interpretation of the proffers and GDP associated with RZ 92-P-036 to determine whether removal of the existing house on Lot 19B would be in substantial conformance with the GDP and proffers. Per a March 28, 2005, letter from Barbara A. Byron, the Director of the Zoning Evaluation Division, DPZ (acting as a duly authorized agent of the Zoning Administrator), it was determined that the existing house could be demolished but that the new house had to be constructed within the footprint of the previously existing structure (as depicted on the proffered plan) and that a contribution to the housing trust fund was required.

COMPREHENSIVE PLAN PROVISIONS

| | |
|---------------------------|--------------------------------------|
| Plan Area: | II |
| Planning District: | Vienna Planning District |
| Planning Sector: | Cedar Community Planning Sector (V2) |
| Plan Map: | Residential: 2-3 du/ac |

Plan Text:

There is no specific Plan text for this site.

ANALYSIS**Generalized Development Plan (GDP)**

The requirement for a Generalized Development Plan (GDP) was modified for this application. In lieu of a GDP, the applicant has submitted a copy of the House Grading Plan, as prepared by GLB Engineering, Inc. and dated August 2004, in order to depict the proposed footprint of the house proposed for Lot 19B, the lot size of Lot 19B, and the yard setbacks.

The proffered GDP for RZ 92-P-036 indicated that the existing house had a front yard setback of 65 feet, a side yard setback of 19.2 feet and a rear yard setback of 35 feet. According to the House Grading Plan, the proposed new house would have a front yard setback of 33 feet, a side yard setback of 15 feet and a rear yard setback of 26 feet.

The House Grading Plan includes a landscape plan. This plan indicates that existing trees will be saved at the front and rear of Lot 19B and that these areas will also be planted with overstory and understory trees and mixed shrubs and groundcovers. The landscaping plan also indicates that the applicant requested a waiver of water quality control for Lot 19B (Water Quality Control Waiver #026937). This waiver was approved by the Department of Public Works and Environmental Services (DPWES) subject to the preservation of the existing trees and vegetation on the site.

Land Use Analysis

The proposed application will not impact the size of the lot, which will continue to be of similar size as the properties to the west. In terms of character, staff finds that the proposed footprint and setbacks for the proposed new house are similar to the existing houses on either side. While architecture was not provided for the proposed new home, the House Grading Plan indicates that it will be two stories high (with a maximum height of 35 feet), which is in keeping with the surrounding homes. Therefore, staff believes that the proposed site layout will result in development which fits into the fabric of the surrounding neighborhood.

Environmental Analysis

The predominant natural feature on the site is trees. The landscape plan contained in the House Grading Plan indicates that trees in the front and the rear of the property will be preserved and planted with overstory and understory trees and mixed shrubs and groundcovers. The applicant requested and received a

waiver of water quality control for Lot 19B (Water Quality Control Waiver #026937). This waiver was approved subject to the preservation of the existing trees and vegetation on the site. In addition, the applicant has proffered to preserve these existing trees and vegetation as shown on the House Grading Plan.

Transportation Analysis (Appendix 6)

The applicant is proposing to retain Parcel 19B's driveway access to Hilltop Avenue; however, the driveway will be relocated from the eastern half of the property to the western half of the property. The Department of Transportation has determined that would not create any significant additional impacts on the surrounding public street system.

Public Facilities Analysis (Appendices 7 – 9)

The proposed PCA application raises no public facility issues.

Affordable Housing

The draft proffers carry forward a proffer commitment made under RZ 92-P-036 which states in part, that prior to obtaining a building permit, the applicant will make a cash contribution of 1% of the sales price of the new home to the Fairfax County Housing Trust Fund.

ZONING ORDINANCE PROVISIONS

| Bulk Standards (R-3) | | |
|-----------------------------|-------------------------------------|---|
| Standard | Required | Provided for Parcel 19B |
| Average Lot Area | 8,800 square feet (SF) | 13,133 SF <i>(no change)</i> |
| Minimum Lot Area | 8,400 SF | 13,133 SF <i>(no change)</i> |
| Lot Width | 70 feet minimum for an interior lot | 105 feet <i>(no change)</i> |
| Building Height | 35 feet maximum | 35 feet maximum |
| Front Yard | 30 feet minimum | 33 feet <i>(previously provided – 65 feet)</i> |
| Side Yard | 10 feet minimum | 15 feet <i>(previously provided – 19.2 feet)</i> |

| Bulk Standards (R-3) | | |
|--|-----------------|---|
| Standard | Required | Provided for Parcel 19B |
| Rear Yard | 25 feet minimum | 26 feet <i>(previously provided - 35 feet)</i> |
| Transitional Screening & Barrier: Since the site is surrounded by other single-family detached dwellings, there is no transitional screening or barrier requirements. | | |

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff believes that the proposal is in conformance with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Recommendation

Staff recommends approval of PCA 92-P-036, subject to the execution of proffers contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Approved Proffers and GDP for RZ 92-P-036
5. March 28, 2005, letter from the Director of the Zoning Evaluation Division, DPZ
6. Transportation Analysis
7. Fairfax County Park Authority Analysis
8. Fire and Rescue
9. Fairfax County Water Authority
10. Glossary

PROFFERS

JEAN M. MCMAHON
PCA 92-P-036

September 21, 2005

Pursuant to Section 15.1-2203 (A), Code of Virginia, 1950, as amended, the undersigned Applicant and property owner, for themselves and for their successors and assigns (hereinafter "Applicant"), filed for a Proffer Condition Amendment for property identified as Tax Map 39-3 ((10)) 19B, 20A (hereinafter referred to as "Application Property") hereby agree to the following proffers which are in addition to the previous proffers accepted for Lot 19B and 20A only, provided that the "Board of Supervisors" (hereinafter referred to as "Board") approves PCA 92-P-036.

1. a. Development of Lot 19B shall generally conform to the Hilltop, Lot 19B House Grading Plan, containing three (3) sheets, prepared by GJB Engineering, Inc., dated September, 2004 ("House Grading Plan"). Any new dwelling or addition shall be located no closer than 12 feet to the side lot lines, 25 feet to the rear lot line and 30 feet to the front lot line. In no case shall land disturbance activity on the site encroach into the tree preservation area shown on the House Grading Plan.

b. The Applicant reserves the right to construct accessory uses such as a deck or patio in conformance with the Zoning Ordinance without the need for a Proffer Condition Amendment.

2. At time of building permit approval, the Applicant will make a cash contribution to the Fairfax County Housing Trust Fund of 1% of the sales price of the new unit.

3. Landscaping and tree preservation that were shown and required as part of the SWM waiver and as shown on the House Grading Plan will be provided.

4. The existing single family detached dwelling on Lot 20A may be removed and replaced subject to the new single family dwelling meeting all of the R-3 District Zoning Ordinance requirements.

Jean M. McMahon

Tina Ejtemai

Vafa Mostaghim