



FAIRFAX COUNTY

APPLICATION FILED: September 30, 2005
PLANNING COMMISSION: January 25, 2006

V I R G I N I A

January 11, 2006

STAFF REPORT

FDPA 81-M-092-02

MASON DISTRICT

APPLICANT: Donald A. Weiss and Judith A. Weiss

PRESENT ZONING: PDH-8

PARCEL: 72-1 ((26)) (2) 37

ACREAGE: 5,375 square feet

PLAN MAP: Residential, 5-8 Dwelling Units per Acre

PROPOSAL: Amend RZ 81-M-092 previously approved for residential development to permit a modification to the minimum required yard (Lot 37).

STAFF RECOMMENDATION:

Staff recommends approval of FDPA 81-M-092-02, subject to the development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, 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 Planning Commission.

For additional information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).



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 711 (Virginia Relay Center).

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

DESCRIPTION OF THE APPLICATION

Applicant: Donald A. Weiss and Judith A. Weiss

Location: 4501 Highland Green Court

Request:

To amend the Final Development Plan (FDP) on a portion of the property (one lot) rezoned pursuant to RZ 81-M-092. The applicant proposes to add a family room of approximately 315 square feet, extending from the north (rear) side of the existing single family detached house and to replace the existing deck, side rails and steps. Sect. 16-403 of the Zoning Ordinance requires that, unless shown on a Final Development Plan, building additions to dwellings developed in a PDH District must conform to that conventional zoning district which most closely characterizes the development under consideration. In this case, the R-8 District is the conventional district which most closely characterizes the PDH-8 District. The minimum rear yard for a single family detached house in the R-8 District is 25 feet; the minimum side yard is 8 feet. The proposed addition would extend into the required yards as follows:

	Existing Yards PDH-8	Required Yards R-8	Proposed Yards New Construction
Front Yard (south)	not shown	20	<i>no alterations proposed</i>
Side Yard (south)	4 ft. 4 in.	8	<i>no alterations proposed</i>
Side Yard (west)	9 ft. 7 in.	8	<i>no alterations proposed</i>
Side Yard (east)	30 ft.	8	14 ft. 5 in.
Rear Yard (north)	10 ft. 6 in.	25 ft.	10 ft. 6 in.

A Final Development Plan Amendment (FDPA) is required because the proposed reduced setback of 10 feet, 6 inches requested for the rear yard (north) does not meet the minimum rear yard requirement of 25 feet for the R-8 District, and was not shown on the original FDP.

Waivers and Modifications: none requested

LOCATION AND CHARACTER

Site Description: The subject property is located within the Pinecrest subdivision and was built with the development of the surrounding properties. This FDPA application applies only to Lot 37. The subject 5,375 square foot lot is developed with a two-story brick and frame single family dwelling constructed in 1986. The site is surrounded on the north, south and west by other single family detached houses in the same subdivision. To the east is public open space (Turkeycock Run Stream Valley Park), owned by the Fairfax County Park Authority and operated as a public golf course.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North, South & West	Residential—Single Family Detached (Pinecrest)	PDH-8	Residential 5-8 du/ac
East	Open Space (Golf Course)	R-2	Residential 1-2 du/ac

BACKGROUND

Site History:

The subject property was rezoned by the Board of Supervisors to the PDH-8 District on March 21, 1983, with the approval of RZ 81-M-092, subject to proffers. The final development plan was subsequently approved by the Planning Commission on November 3, 1983. Copies of the approved proffers, CDP and FDP are included as Appendix 4. The 109 acre tract comprising the rezoning, now known as Pinecrest, includes a total of 825 residential units, including single family detached units, single family attached units, and multi-family units.

The house located on the application property was constructed in 1986 and purchased by the applicant in 1994.

In June 2005, the adjacent residential lot to the south received Planning Commission approval (FDPA 81-M-092-01) for reduced setbacks for a building addition onto an existing single family detached house. The adjacent lot and dwelling are similar in size to this request.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area I

Planning Sector: L1, Pinecrest Community Planning Sector
Lincolnia Planning District

Plan Map: Residential, 5-8 du/ac

Plan Text: There is no specific Plan text for this location.

ANALYSIS

Final Development Plan (Copy at front of staff report)

Title of FDP: Conceptual Development Plan, Weiss Residence,
Lot 37, Sect. 11-2, The Pinecrest, Fairfax County,
Virginia

Prepared By: Richard W. Sewall, Architect

Original and Revision Dates: July 29, 2005

The FDP previously approved for this property depicted lots and illustrative building locations only, and did not specify minimum yards. Additionally, the approval did not depict a typical lot layout.

The proposed FDPA consists of one 8.5 inch x 11 inch sheet for one lot depicting the existing dwelling and the existing deck which are shown to be modified. It should be noted that due to the irregularly shaped lot and orientation of the structure, the side of the house is oriented to the north (rear) yard lot line and the rear of the house is oriented to the east (side) yard lot line adjacent to the open space. The FDPA shows the existing house currently located 10.5 feet from the north (rear) lot line and 30 feet from the east (side) lot line.

The FDPA also shows the proposed additional construction on the east side of the house extending 14.5 feet from the back of the existing dwelling, replacing a portion of the existing deck. The one-story addition is approximately 21 feet by 15.5 feet with a height of 11 feet. The addition will extend the building's north exterior wall, maintaining the same 10.5 foot distance from the north rear yard lot

line along the length of the addition, and will not encroach any further into the rear yard than the existing house. The addition extends into the east side yard approximately 15.5 feet, leaving a remainder of 14.5 feet in the east side yard, complying with the minimum 8 foot requirement.

The exterior of the addition will be constructed with the same architectural details as the surrounding neighborhood and will utilize compatible materials. The height and extension of the addition will be toward the rear of the structure only and will not visually protrude from the sides or from the top of the existing house.

Land Use Analysis

No land use issues have been identified in conjunction with this application. Issues related to the environment, transportation and public facilities were addressed at the time of the approval of FDP 81-M-092. As this application consists only of a building addition to an existing dwelling, no additional issues have been raised.

ZONING ORDINANCE PROVISIONS (Appendix 5)

The applicant must comply with the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations; Section 16-101, General Standards; and Section 16-102, Design Standards, among others.

The provisions of Article 6 govern the appropriateness of the "P" District designation for the application property. These provisions were deemed satisfied by the Board with the approval of the rezoning application (RZ 81-M-092) and are unaffected by the current application.

The proposed FDPA affects only the yard requirements for one existing lot; as such it does not affect the overall use or intensity approved with RZ 81-M-092. The proposed FDPA is not in conflict with the existing proffers or development conditions.

Conformance with Article 16 (Appendix 5)

The general standards for planned developments set forth in Sect. 16-101 were satisfied with the original rezoning of the site to the PDH District; approval of this FDPA request would not affect these standards.

The design standards for planned developments set forth in Sect. 16-102 were satisfied with the original rezoning of the site to the PDH District; approval of this FDPA request would not affect these standards.

The proposed design for the addition will be similar to the existing structure in style and materials. A development condition has been added to address this requirement. Access to the addition would be from within the house as well as from the porch.

No adjacent properties have rear yards facing the subject property, as the rear of the house is oriented east toward the golf course. Side yard setbacks on the application lot are similar to those on the adjacent lots. The proposed addition is not expected to adversely affect surrounding properties.

In a PDH District, minimum yards are established by the placement of a dwelling on a lot. Subsequent building additions, according to Sect. 16-403 as discussed above, must conform to the conventional zoning district which most closely characterizes the development under consideration provided, however, that the desired alteration is in substantial conformance with the approved final development plan. This subdivision is developed under the PDH-8 regulations but is most similar to the R-8 District, which requires a rear yard of 25 feet and a side yard of 8 feet. As the proposed addition would not meet these minimum yards, or the yards shown on the approved FDP, the requested Final Development Plan Amendment is required.

Issues and Concerns

The Parks Department staff memo (see Appendix 6) states a concern regarding the prevention of encroachment from private properties adjacent to public properties and recommends a fence to be placed inside the applicant's property line. As no fences have been required or have been built on adjacent properties, and as a 10 foot sanitary sewer easement exists within the property along the lot line adjacent to the golf course, a fence would be undesirable for this property. There is no history of encroachment on either this or any adjacent property; therefore, staff concurs that a fence is not appropriate for this location.

CONCLUSIONS AND RECOMMENDATIONS

The applicant is requesting approval of an application to modify the minimum yard requirements established by the FDP associated with RZ 81-M-092 to allow an addition to the existing single family dwelling 10.5 feet from the rear lot line. The addition would be consistent in size and compatible in architectural details with other dwellings in the vicinity and is an extension of the existing exterior wall toward the common open space. Therefore, staff feels that the reduction in setback would not adversely impact the surrounding residential area.

Recommendations

Staff recommends approval of FDPA 81-M-092-02, subject to the Proposed Development Conditions contained in Appendix 1 of this staff report.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, 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 Planning Commission.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Approved proffers dated March 17, 1983, Conceptual Development Plan, portion of Final Development Plan and FDP conditions dated November 3, 1983
5. Zoning Ordinance Provisions
6. Parks Analysis
7. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS**FDPA 81-M-092-02****January 11, 2006**

If it is the intent of the Planning Commission to approve FDPA 81-M-092-02, previously approved for PDH uses, consisting of single family attached, detached, and multi-family residential, to permit modification of certain minimum required yards on a single family detached lot, located at 4501 Highland Green Court, Tax Map 72-1 ((26)) (2) 37, the staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, in addition to those approved with FDP 81-M-092:

1. Any plan submitted shall be in substantial conformance with the approved FDPA Plat entitled "Conceptual Development Plan, Weiss Residence, Lot 37 Sect. 11-2, The Pinecrest, Fairfax County, Virginia" prepared by Richard W. Sewall, Architect, consisting of one sheet dated July 29, 2005, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
2. The proposed addition shall be constructed with architectural details, massing, and building colors and materials in substantial conformance with the existing building, as depicted on Exhibit 1.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.