



FAIRFAX COUNTY

APPLICATION FILED: October 26, 2005
BOARD OF ZONING APPEALS: January 24, 2006
TIME: 9:00 a.m.

V I R G I N I A

January 17, 2006

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2005-SU-043

SULLY DISTRICT

APPLICANT: Christopher L. Eisenbies

OWNERS: Christopher L. Eisenbies
Sandra E. Eisenbies

SUBDIVISION: Pleasant Valley

STREET ADDRESS: 15108 Elk Run Road

TAX MAP REFERENCE: 33-4 ((2)) 419

LOT SIZE: 13,766 square feet

ZONING DISTRICT: R-C, WS and AN

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit deck to remain 17.6 feet, dwelling 17.2 feet from side lot line and 19.8 feet from rear lot line

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



American with Disabilities Act (ADA): For special accommodations, call 703-324-1334 (TTY 711 Virginia Relay Center) seven days in advance of the meeting to make the necessary arrangements.

DESCRIPTION OF THE APPLICATION

To permit reduction to minimum yard requirements based on an error in building location to permit 1) a deck to remain 17.6 feet from a side lot line and 2) a dwelling to remain 17.2 feet from a side lot line and 19.8 feet from the rear lot line

Description of Special Permits

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Min. Allowed**	Structure Location	Amount of Error	Percent of Error
#1 Special Permit	Deck	Side	20.0 feet	N/A	20.0 feet	17.6 feet	2.4 feet	12%
#2 Special Permit	Dwelling	Side	20.0 feet	N/A	20.0 feet	17.2 feet	2.8 feet	14%
#2 Special Permit	Dwelling	Rear	25.0 feet	N/A	25.0 feet	19.8 feet	5.2 feet	21%

* Minimum yard requirement per Section 3-C07

** Minimum requirement per Section 10-104

ANALYSIS OF THE APPLICATIONS

- **Title of Plat:** Special Permit Plat, Lot 419, Section Five, Pleasant Valley, Sully District, Fairfax County, Virginia
- **Prepared by:** B.W. Smith and Associates, Inc., dated October 5, 2005
- **Building Permits required:** Yes. Permits were obtained; however structures were not built according to approved permits
- **Errors Made by:** In both instances, according to the applicants statement of justification, the errors were made by two previous homeowners

CHARACTER OF THE AREA

	Zoning	Use
North	R-C, AN, WS	Single Family Detached Dwellings
East	R-C, AN, WS	Single Family Detached Dwellings
South	R-C, AN, WS	Single Family Detached Dwellings
West	R-C, AN, WS	Single Family Detached Dwellings

BACKGROUND

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Records indicate the dwelling was originally constructed in 1986.

Following the adoption of the current Ordinance, the BZA has heard the following applications in the vicinity of the application parcel.

- Special Permit SP 2004-SU-007 was approved on April 6, 2004 for Tax Map 33-4 ((2)) 110, zoned R-C, 4300 General Kearny Court, to permit reduction to minimum yard requirements based on error in building location to permit deck to remain 5.6 feet from side lot line
- Special Permit SP 86-S-025 was approved on July 15, 1986 for Tax Map 33-4 ((2)) 378, zoned R-C, 4410 Carrier Court, to permit reduction to minimum yard requirements based on error in building location to allow dwelling to remain 21.6 feet from rear lot line

The dwelling on Lot 413 is located approximately 60 feet from the shared lot line and the dwelling on Lot 414 is located approximately 63 feet from the shared lot line.

ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provision for Approval of Reduction to Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

CONCLUSION

If it is the intent of the BZA to approve SP 2005-SU-043 the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification with Attachments
4. Applicable Special Permit Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2005-SU-043

January 17, 2006

1. This Special Permit is approved for the location of the dwelling and deck as shown on the plat prepared by B.W. Smith and Associates, Inc., dated October 5, 2005, submitted with this application and is not transferable to other land.

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