



FAIRFAX COUNTY

APPLICATION FILED: October 4, 2005
BOARD OF ZONING APPEALS: December 13, 2005
TIME: 9:00 a.m.

V I R G I N I A

December 6, 2005

STAFF REPORT

VARIANCE APPLICATION NO. VC 2005-SU-012

SULLY DISTRICT

APPLICANT & OWNER: Simin Hayati-Fallah

SUBDIVISION: Pleasant Hill

STREET ADDRESS: 6220 Hidden Canyon Road

TAX MAP REFERENCE: 53-3 ((3)) 49

LOT SIZE: 10,688 square feet

ZONING DISTRICT: R-C and WS

ZONING ORDINANCE PROVISION: 18-401

VARIANCE PROPOSAL: To permit construction of addition 10.4 feet from side 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 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); Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334.

DESCRIPTION OF THE APPLICATION

Applicant requests a variance to permit construction of an addition, specifically, the enclosure of an existing carport into a garage, to be located 10.4 feet from side lot line

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Minimum Allowed	Proposed Location	Variance Request
Variance	Addition	Side	20.0 feet	N/A	20.0 feet	10.4 feet	9.6 feet

*Minimum yard requirement per Section 3-C07

CHARACTER OF THE AREA

	Zoning	Use
North	R-C	Single Family Detached Dwelling
East	R-C	Single Family Detached Dwelling
South	R-C	Single Family Detached Dwelling
West	R-C	Single Family Detached Dwelling

BACKGROUND

The subject property was developed under the R-2 Cluster regulations in 1982. On July 26, 1982 the property was rezoned to the R-C District as part of rezoning RZ 82-W-054. The R-2 Cluster regulations specified a minimum required side yard of 8 feet with a total required side yard of 24.0 feet. At the time the dwelling was constructed, it met the R-2 Cluster regulations because a carport can extend 5.0 feet into the minimum required yard and therefore total yards permitted for a carport would be 19.0 feet. With enclosure of the carport, the 5.0 foot extension does not apply, and the R-2 Cluster yards would not be met. Therefore, this application must be for a variance, not a special permit for an R-C lot. With the adoption of RZ 82-W-054, the property was subject to the R-C Zoning District regulations, which specify a minimum side yard of 20 feet.

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

- Variance VC 91-S-058 was approved on July 31, 1991 for Tax Map 53-3 ((3)) 8, zoned R-C, 15319 Blueridge View Drive, to allow construction of addition (garage) 7.0 feet from side lot line. (The BZA granted a 12.0 foot wide garage to be located no closer than 13.0 feet)

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

This variance application must satisfy all of the nine (9) enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance, which would afford relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 4.

CONCLUSION

If it is the intent of the BZA to approve this application, 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
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**VC 2005-SU-012****December 6, 2005**

1. This Variance is approved for the location of a garage addition, as shown on the plat prepared by B.W. Smith and Associates, Inc., dated September 2, 2005 as revised through September 21, 2005, submitted with this application and is not transferable to other land.
2. A Building Permit shall be obtained prior to any construction and approval of final inspections shall be obtained.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.