



FAIRFAX COUNTY

APPLICATION FILED: October 4, 2005
BOARD OF ZONING APPEALS: December 20, 2005
TIME: 9:00 a.m.

V I R G I N I A

December 13, 2005

STAFF REPORT

VARIANCE APPLICATION NO. VC 2005-DR-011

DRANESVILLE DISTRICT

APPLICANT & OWNER: Mark Turner, III

SUBDIVISION: Fallscrest

STREET ADDRESS: 10607 Georgetown Pike

TAX MAP REFERENCE: 12-1 ((1)) 24A1 part
12-2 ((1)) 47 part

LOT SIZE: 1.28 acres

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISION: 18-401

VARIANCE PROPOSAL: To permit an accessory structure to remain 6.8 feet with eave 5.3 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); Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334.

DESCRIPTION OF THE APPLICATION

To permit an accessory structure to remain 6.8 feet with eave 5.3 feet from rear lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Minimum Allowed	Proposed Location	Variance Request
Variance	Accessory Structure	Rear	25.0 feet	N/A	25.0 feet	6.8 feet	18.2 feet
Variance	Eave	Rear	25.0 feet	3.0 feet	22.0 feet	5.3 feet	16.7 feet

*Minimum yard requirement per Section 3-107

**Permitted Extension per Section 2-412

CHARACTER OF THE AREA

	Zoning	Use
North	R-E	Single Family Detached Dwelling
East	R-1	Fairfax County Park Authority
South	R-1	Fairfax County Park Authority
West	R-1	Single Family Detached Dwelling

BACKGROUND

The applicant requests a variance to permit an accessory structure, specifically, a dairy shed, to remain 6.8 feet with eave 5.3 feet from their rear lot line. Upon the granting of this variance, the Fairfax County Park Authority will then meet the requirements to prepare a Minor Lot Line Adjustment to both the Turner property and the Park Authority property. Originally the Turner's owned 20.03 acres (what is now shown as four separate parcels) and sold 18.75 acres to the Park Authority in 1999. Currently, the existing lot line, which was recorded in 1999 on the Fairfax County Land Records, split the application property and the Park Authority property through the dairy shed, which is currently listed on the Fairfax County list of Historic Sites. A letter from the Fairfax County History Commission is attached as Appendix 4. The applicant wishes to maintain the historic character of both properties. With the approval of this variance and with the incorporation of the Minor Lot Line Adjustment, the dairy shed will then be solely on the Turner property.

When that sale was recorded in Land Records, no structures were shown on the plat of recordation; therefore, when the lot line was established, it was not known that it was through the dairy shed causing the need for the variance application.

Records indicate there were no other special permits for properties in the vicinity of the application site heard by the BZA.

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. Fairfax County History Commission Letter
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

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1. This Variance is approved for the location of the accessory structure as shown on the plat prepared by Land Design Consultants, signed August 31, 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.