



FAIRFAX COUNTY

APPLICATION FILED: September 26, 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

SPECIAL PERMIT APPLICATION NO. SP 2005-SP-036

SPRINGFIELD DISTRICT

APPLICANT: Kenneth R. Eiriksson, Jr.

ZONING: R-3

LOCATION: 8107 Ainsworth Ave.

ZONING ORDINANCE PROVISION: 8-907

TAX MAP: 79-4 ((3)) (4) 40A

LOT SIZE: 12,420 sq. ft.

PLAN MAP: Residential, 2-3 dwelling units
per acre (du/ac)

SP PROPOSAL: Group 9 - To permit a home professional office.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2005-SP-036 only with the adoption of the proposed development conditions 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, 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 Zoning Appeals. 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.**



Americans 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

Special Permit Request: To permit a home professional office for a homeowners' association management office.

Parking: Site can accommodate 3 spaces (1 in the garage, 2 in the driveway)

Building Size: Residential Use: 1,300 square feet
Proposed Office: 800 square feet

Hours: Monday through Thursday: 9:00 am – 5:00 pm
Friday: 9:00 a.m. – 12:00 p.m.

Administrative work will be completed on-site. Meetings with clients will primarily be conducted off-site. Two visitors are expected to visit the site per day.

Employees: Two full-time employees (applicant included); and up to 2 part-time support staff for a total of 4 workers.

Existing Site Description: The property is located on the south side of Ainsworth Avenue near Old Keene Mill Road, and abuts West Springfield Golf Course to the south. The subject property is developed with an existing one-story dwelling with full basement constructed in 1961. The dwelling has an attached one-car garage and driveway of approximately 41 feet in length leading to Ainsworth Avenue.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single family detached dwellings	R-3	Residential, 2 du/ac
South	West Springfield Golf Course	R-3	Private Recreation
East	Single family detached dwellings	R-3	Residential, 2 du/ac
West	Single family detached dwellings	R-3	Residential, 2 du/ac

BACKGROUND

Site History:

Kenneth R. Eiriksson, Jr., president of East Coast Management (a homeowners' association management company) has been in operation at his home at 8107 Ainsworth Avenue since 1999. East Coast Management was functioning under a home occupation permit (issued in March of 2003) until March of 2005, at which time Mr. Eiriksson was cited by Zoning Enforcement for having more than one person in attendance involved in the home occupation and allowing customers or clients to come to the residence. In September of 2005, Mr. Eiriksson applied for a Home Professional Office special permit, which would allow for the operation of a homeowners' association management company. A copy of the notice of violation is included as Appendix 4. A copy of the Home Occupation Permit is included as Appendix 5.

The 2,100 square-foot one-story home with full basement was constructed in 1961.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Springfield, Area IV
Planning Sector: Country Club (S3)
Plan Map: Residential use at 2-3 dwelling units per acre

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Plat, Lot 40-A, Block 4, Section Two, West Springfield, Springfield District, Fairfax County, VA
Prepared By: B.W. Smith and Associates, Inc.
Dated: August 4, 2005

Proposed Use

The applicant is requesting approval of a special permit for a Home Professional Office to provide homeowners' association support services including the processing of assessments and bill payments. The home is a one-story single family dwelling. The office is located on the first floor of the home, occupying 800 square feet of space. Access will be through the front door. The applicant's residential square footage totals 1300 square feet, comprising the full basement, and bedrooms. The applicant is proposing 3 total parking spaces: 1 for the owner within the garage, one for an employee in the driveway, and one for visitors. Two additional part-time employees and other visitors are proposed to park along Ainsworth Avenue.

The proposed hours of operation are Monday through Thursday, 9:00 a.m. to 5:00 p.m., and Friday 9:00 a.m. to 12:00 p.m.

Land Use Analysis

The site has been designated for residential uses at a density of 2-3 dwelling units per acre (du/ac) in the Comprehensive Plan. The proposed use and intensity are in keeping with the recommendations of the Comprehensive Plan.

Transportation Analysis (Appendix 6)

Issue: On-site parking

The applicant’s driveway and garage are unable to accommodate more than 3 vehicles at once, which would mean that visitors would have to park on the street. Staff requested that the applicant limit employees to a total of two, therefore providing one parking space on-site for visitors.

Resolution

The applicant did not respond to this request. A development condition has been included which addresses this concern. With the adoption of this condition, this issue is resolved.

Environmental Analysis (Appendix 7)

There is no construction proposed by the applicant; there are no environmental issues associated with this application.

ZONING ORDINANCE PROVISIONS

R-3 DISTRICT REGULATIONS	REQUIRED	PROVIDED
Bulk Regulations R-3		
Lot Size	10,500 sq feet	12,420 sq feet
Lot Width	80 feet	Approx. 83 feet
Building Height	35 feet	21 feet

R-3 DISTRICT REGULATIONS	REQUIRED	PROVIDED
Front Yard	30 feet	41 feet
Side Yard	12 feet	12 feet
Rear Yard	25 feet	56 feet
Parking		
Parking Spaces	1 space for single family dwelling. Office use parking to be determined by BZA.	3 spaces

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (Appendix 8)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Additional Standards for Home Professional Offices (Sect. 8-907)

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions only with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

RECOMMENDATIONS

Staff recommends approval only with the adoption of the Proposed Development Conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, 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 Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Copy of Notice of Violation – March 15, 2005
5. Copy of Home Occupation Permit
6. Transportation Analysis
7. Environmental Analysis
8. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS

December 13, 2005

If it is the intent of the Board of Zoning Appeals to approve SP 2005-SP-036 located at Tax Map 79-4 ((3)) (4) 40A to permit a home professional office pursuant to Sect. 8-907 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Kenneth R. Eiriksson, Jr. only and is not transferable without further action of this Board, and is for the location indicated on the application, 8107 Ainsworth Avenue, and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by B.W. Smith and Associates, Inc. dated August 4, 2005, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum hours of operation of the home professional office shall be limited to 9:00 a.m. to 5:00 p.m., Monday through Thursday, and 9:00 a.m. to 12:00 noon on Friday.
6. The maximum number of employees shall be limited to one (1) on-site at any one time, in addition to the applicant.
7. The area utilized for the home professional office shall not exceed 800 square feet.
8. The dwelling that contains the home professional office shall be the primary residence of the applicant.
9. Parking shall be limited to one (1) space in the garage for the dwelling, and two (2) spaces in the driveway for the Home Professional Office. All parking shall be on-site. The parking space in the garage shall be kept for the parking of family automobiles and not used for storage which precludes parking of a vehicle, or converted to living space.

10. There shall be a maximum of two (2) clients per day and no more than one (1) client on site at one time .
11. There shall be no signage associated with the home professional office.

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 establishing the use as outlined above, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. 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.