



APPLICATION FILED: August 11, 2005
BOARD OF ZONING APPEALS: March 14, 2006
MOVED AT APPLICANT REQUEST
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 7, 2006

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2005-BR-031

BRADDOCK DISTRICT

APPLICANTS/OWNERS: Robin V. Marcoe
Eileen R. Marcoe

SUBDIVISION: Ravensworth

STREET ADDRESS: 5646 Inverchapel Road

TAX MAP REFERENCE: 79-2 ((3)) (3) 49

LOT SIZE: 13,337 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 4.1 feet with eave 3.4 feet from rear lot line and 3.2 feet with eave 2.4 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 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.**



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).

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Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

DESCRIPTION OF THE APPLICATION

To permit reduction to minimum yard requirements based on error in building location to permit accessory storage structure, which measures 12.6 feet in height, to remain 4.1 feet with eave 3.4 feet from rear lot line and 3.2 feet with eave 2.4 feet from side lot line

	Structure	Yard	Min. Yard Req.*	Permitted Extension***	Min. Allowed**	Structure Location	Amount of Error	Percent of Error
Special Permit	Shed	Rear	12.6 feet	N/A	12.6 feet	4.1 feet	8.5 feet	67%
Special Permit	Eave	Rear	12.6 feet	3.0 feet	9.6 feet	3.4 feet	6.2 feet	65%
Special Permit	Shed	Side	12.0 feet	N/A	12.0 feet	3.2 feet	8.8 feet	73%
Special Permit	Eave	Side	12.0 feet	3.0 feet	9.0 feet	2.4 feet	6.6 feet	73%

* Minimum yard requirement per Section 3-307

** Minimum requirement per Section 10-104

*** Permitted Extensions per Section 2-412

ANALYSIS OF THE APPLICATION

- **Title of Plat:** Plat Showing the Improvements on Lot 49, Block 3, Section 7, Ravensworth, Braddock District, Fairfax County, Virginia
- **Prepared by:** Alexandria Surveys International, LLC, dated March 21, 2005, as revised through September 14, 2005
- **Building Permits required:** The accessory storage structure measures 197.64 square feet (greater than 150 sq. ft.) and therefore requires a building permit.
- **Error Made by:** According to the applicants', they hired a contractor who did not obtain the necessary building permits

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single Family Detached Dwellings
East	R-3	Fairfax County Park Authority
South	R-3	Single Family Detached Dwellings
West	R-3	Single Family Detached Dwellings

BACKGROUND

Records indicate the dwelling was originally constructed in 1963.

The accessory storage structure is located in a Resource Protection Area (RPA). According to the applicant, the structure was constructed in 1996. The Department of Public Works and Environmental Services has determined that the structure is grandfathered in relation to current RPA requirements since it was built prior to the effective date of the Chesapeake Bay Ordinance, November 2003. Therefore, no RPA Exception is required.

In the original application request, the applicants were also requesting a special permit to permit an accessory dwelling unit; however, on January 18, 2006, that request was withdrawn.

Following the adoption of the current Ordinance, the BZA has heard the following similar special permits in the vicinity of the application parcel:

- Special Permit SP 96-B-044 was denied on January 15, 1997 for Tax Map 79-2 ((3)) (3) 1, zoned R-3, on Inverchapel Road, to permit reduction to minimum yard requirements based on error in building location to permit accessory structure to remain 4.4 feet from side lot line.
- Special Permit SP 92-B-007 was denied on May 13, 1992 for Tax Map 79-2 ((3)) (25) 18, zoned R-3, on Hatteras Lane, to permit reduction to minimum yard requirements based on error in building location to allow structures to remain 8.1 feet from side lot line.
- Special Permit SP 90-A-071 was denied on December 20, 1990 for Tax Map 79-2 ((3)) (25) 18, zoned R-3, on Hatteras Lane, to permit reduction to minimum yard requirements based on error in building location to allow structures to remain 8.1 feet from side lot line.

- Special Permit SP 87-A-092 was approved on March 16, 1988 for Tax Map 79-2 ((3)) (27) 18, zoned R-3, on Queensberry Avenue, to permit reduction to minimum yard requirements based on error in building location to allow 13 feet 5 inch high shed to remain 3 ½ inches from side lot line and 8 feet 6 inches from rear 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-BR-031 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 Special Permit Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2005-BR-031

March 7, 2006

1. This Special Permit is approved for the location of the accessory storage structure as shown on the plat prepared by Alexandria Surveys International LLC, dated March 21, 2005 as revised through September 14, 2005, submitted with this application and is not transferable to other land.
2. Building permits and final inspections shall be diligently pursued within 30 days and obtained within 90 days of final approval or this Special Permit shall be null & void.

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.