



APPLICATION FILED: February 2, 2006
BOARD OF ZONING APPEALS: April 4, 2006
TIME: 9:00 a.m

County of Fairfax, Virginia

March 28, 2006

STAFF REPORT

SPECIAL PERMIT APPLICATION SP 2006-DR-008

DRANESVILLE DISTRICT

APPLICANT: Dorothy A. Wine

ZONING: R-4

LOCATION: 1834 Cherri Drive

ZONING ORDINANCE PROVISION: 8-907, 8-914

TAX MAP: 40-1 ((03)) 310

LOT SIZE: 10,075 sq ft.

PLAN MAP: Residential

SP PROPOSAL: To permit home professional office and reduction to minimum yard requirements based on error in building location to permit accessory storage structures to remain 3.8 feet with eave 3.1 feet from rear lot line and 4.1 feet from side lot line and 6.0 feet from rear lot line and 6.0 feet with eave 5.3 feet from side lot line

STAFF RECOMMENDATION:

Staff recommends denial of SP 2006-DR-008 for the home professional office.

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 or TTY 711 (Virginia Relay Center).

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DESCRIPTION OF THE APPLICATION

- Special Permit Request:** To permit a home professional office for a therapist and reduction to minimum yard requirements based on errors in building locations to permit accessory storage structures to remain.
- Parking:** Site can accommodate 2 spaces in the driveway (no garage)
- Building Size:** Residential Use: 2,000 square feet
Proposed Office: 400 square feet
- Hours:** Monday through Friday: 8:30 am – 7:45 pm
- The applicant is proposing a maximum of six appointments per day; each appointment will be one hour long with a minimum of 15 minutes between appointments.
- Employees:** No employees are being requested.
- Existing Site Description:** The property is located on the west side of Cherri Drive, south of Magarity Road, and north of Leesburg Pike. The subject property is developed with an existing one-story dwelling with basement constructed in 1953. The dwelling has a driveway of approximately 38 feet in length leading to Cherri Drive.
- Bld. In Error Request:** The applicant requests approval of a reduction to minimum yard requirements based on an error in building location to permit 1) a 9.5 foot tall accessory storage structure to remain 3.8 feet with eave 3.1 feet from the rear lot line and 4.1 feet from a side lot line, and 2) an 11.5 foot tall accessory storage structure to remain 6.0 feet from the rear lot line and 6.0 feet with an eave 5.3 feet from the side lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Min. Allowed	Proposed Location	Modification Req.
Special Permit #1	Storage Structure	Rear	9.5 ft.	N/A	9.5 ft.	3.8 ft.	5.7 ft.
Special Permit #1	Eave	Rear	9.5 ft.	3.0 ft.	6.5 ft.	3.1 ft.	3.4 ft.
Special Permit #1	Storage Structure	Side	10.0 ft.	N/A	10.0 ft.	4.1 ft.	5.9 ft.
Special Permit #2	Storage Structure	Rear	11.5 ft.	N/A	11.5 ft.	6.0 ft.	5.5 ft.
Special Permit #2	Storage Structure	Side	10.0 ft.	N/A	10.0 ft.	6.0 ft.	4.0 ft.
Special Permit #2	Eave	Side	10.0 ft.	3.0 ft.	7.0 ft.	5.3 ft.	1.7 ft.

* Minimum yard requirement per Section 3-407.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single family detached dwellings	R-4	Residential, 3-4 du/ac
South	Single family detached dwellings	R-4	Residential, 3-4 du/ac
East	Single family detached dwellings	R-4	Residential, 3-4 du/ac
West	Single family detached dwellings	R-4	Residential, 3-4 du/ac

BACKGROUND

Site History:

The 2,400 square foot one-story home with basement was constructed in 1953.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: McLean, Area II
Planning Sector: Pimmit Community (M2)
Plan Map: Residential use at 3-4 dwelling units per acre

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Lot 310, Section 6, Pimmit Hills
Prepared By: John E. Kroboth, Rice Associates
Dated: September 16, 2005 as revised through January 25, 2006

Proposed Use

Dorothy A. Wine, a licensed clinical social worker (LCSW), is requesting permission to establish a home professional office in which she would be conducting hour-long therapy sessions with patrons at her home located at 1834 Cherri Drive for various phobia and anxiety conditions.

The home is a one-story single family dwelling. The office is located on the first floor of the home, occupying approximately 400 square feet of space, or 20 percent of the 2,000 square foot dwelling. Access will be through the front door. The applicant is proposing 2 total parking spaces, both in the driveway. No employees are proposed.

The hours of operation are Monday through Friday, 8:30 a.m. to 7:45 p.m. to accommodate a maximum of six appointments, with at least 15 minutes between appointments.

Land Use Analysis

The site has been designated for residential uses at a density of 3-4 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 5)

Issue: On-site parking

The Zoning Ordinance requires two parking spaces for a single family detached dwelling, plus at least one space should be provided for a patron to use during their appointment, for a total of three parking spaces. Based on the Public Facilities Manual

(PFM) requirement for size of parking spaces, there is only space for two 18 foot by 8.5 foot (18'x8.5') spaces on site.

Additionally, staff is concerned that more than one vehicle may arrive for a single appointment, as the applicant intends to conduct couples' sessions also. In reality, four parking spaces should be provided to meet the needs of the proposed office use.

Resolution

This issue has not been resolved.

ZONING ORDINANCE PROVISIONS:

R-4 DISTRICT REGULATIONS	REQUIRED	PROVIDED
Bulk Regulations R-4		
Lot Size	8,800 sq feet	10,075 sq feet
Lot Width	70 feet	65 feet*
Building Height	35 feet	21 feet
Front Yard	30 feet	41 feet
Side Yard	10 feet	15 feet
Rear Yard	25 feet	74 feet
Parking		
Parking Spaces	2 spaces for single family dwelling. Office use parking to be determined by BZA (minimum of one for patrons).	2 spaces

* = Meets minimum lot width requirement required in 1953, at the time of construction of the dwelling

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (Appendix 6)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Additional Standards for Home Professional Offices (Sect. 8-907)
- Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location (Sect. 8-914)

Summary of Zoning Ordinance Provisions

General standard number 7, requiring adequate parking associated with the use to be provided, has not been satisfied.

CONCLUSIONS

Staff concludes that the subject application for a home professional office is not in harmony with the Comprehensive Plan and is not in conformance with the applicable Zoning Ordinance provisions.

RECOMMENDATIONS

Staff recommends denial of SP 2006-DR-008 for the home professional office.

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 for Home Professional Office and Error in Building Locations
2. Proposed Development Conditions for Error in Building Locations only
3. Affidavit
4. Statement of Justification
5. Transportation Analysis
6. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS

March 28, 2006

If it is the intent of the Board of Zoning Appeals to approve SP 2006-DR-008 located at Tax Map 40-1 ((03)) 310 to permit a home professional office and reduction to minimum yard requirements based on error in building location to permit accessory structures to remain, pursuant to Sect. 8-907 and 8-914 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, Dorothy A. Wine only and is not transferable without further action of this Board, and is for the location indicated on the application, 1834 Cherri Drive, 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 John E. Krobath (Rice Associates) dated September 13, 2005, revised through January 25, 2006, 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 8:30 a.m. to 7:45 p.m., Monday through Friday.
7. The area utilized for the home professional office shall not exceed 400 square feet.
8. The dwelling that contains the home professional office shall be the primary residence of the applicant.
10. There shall be a maximum of six (6) appointments per day with no more than one (1) vehicle associated with an appointment and no more than two patients on site at one time.
11. There shall be a minimum of 15 minutes between appointments.
12. There shall be no signage associated with the home professional office.
13. The dwelling that contains the home professional office shall be the primary residence of the applicant.

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.

PROPOSED DEVELOPMENT CONDITIONS

March 28, 2006

1. This special permit is approved for the location of the accessory storage structures shown on the plat prepared John E. Krobath (Rice Associates) dated September 13, 2005, revised through January 25, 2006, 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.