



APPLICATION FILED: January 13, 2006  
PLANNING COMMISSION: April 20, 2006

# County of Fairfax, Virginia

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April 6, 2006

## STAFF REPORT

### APPLICATION FDPA 79-C-148-02

#### PROVIDENCE DISTRICT

**APPLICANT:** Jay P. & Annette M. Sourmany

**PRESENT ZONING:** PDH-4

**PARCEL:** 47-2 ((28)) (1A) 4

**ACREAGE:** 36, 750 square feet

**PLAN MAP:** .2-.5 du/acre

**PROPOSAL:** Amend FDP 79-C-148 previously approved for residential development to permit a second story addition to an existing dwelling.

#### STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 79-C-148-02, subject to the Proposed Development Conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, in adopting any conditions proffered by the owner, 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 recommendation of staff; it does not reflect the position of the Planning Commission.

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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/](http://www.fairfaxcounty.gov/dpz/)

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



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).

**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS MAY BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

**Applicant:** Jay P. and Annette M. Sourmany

**Location:** 10507 Miller Road

**Request:**

To amend the Final Development Plan (FDP) on a portion of the property, parcel # 4 of the Oak Marr Courts Subdivision, rezoned pursuant to RZ 79-C-148. The applicant proposes to build a second story addition above an existing single story addition, previously approved with SP 90-P-049, for an error in building location. The new addition will not encroach any further into the rear (south) setback than the single story addition that was previously approved. Sect. 16-403 of the Zoning Ordinance requires that, unless shown on a Final Development Plan, building additions to dwellings developed in a PDH District must conform to that conventional zoning district which most closely characterizes the development under consideration. In this case, no yards were shown on the FDP and the R-4 District is the conventional district which most closely characterizes the PDH-4 District. The minimum rear yard for a single family detached house in the R-4 District is 25 feet; the minimum side yard is 10 feet. Based on an error in building location SP 90-P-049 was approved to allow a single story addition to remain 11.7 feet from the rear (south) lot line. The proposed second story addition would not further extend into the rear setback than permitted with the approval of SP 90-P-049. The second story addition is approximately 28 feet by 16 feet (448 sq. ft.) with an additional height of 11 feet, for a total of approximately 25 feet in height (including existing single story addition). The maximum height allowed for a dwelling in the R-4 District is 35 feet. The height of the existing structure is approximately 23 feet.

	<b>Existing Yards PDH-4</b>	<b>Required Yards R-4</b>	<b>Proposed Yards New Construction</b>
<b>Front Yard (north)</b>	179.7 ft.	20	<i>no alterations proposed</i>
<b>Side Yard (east)</b>	19.5 ft.	10	<i>no alterations proposed</i>
<b>Side Yard (west)</b>	60 ft.	10	<i>no alterations proposed</i>
<b>Rear Yard (south)</b>	11.8 ft. 11.2 ft. w/eave	11.7 ft*	<i>no alterations proposed</i>

\* Minimum rear yard approved with SP 90-P-049, based on an error in building location

A Final Development Plan Amendment (FDPA) is required because the building footprints were not shown on the CDP/FDP and the addition does not meet the R-4 District minimum yard requirements.

**Waivers and Modifications:** none requested

**LOCATION AND CHARACTER**

**Site Description:** The subject property is located within the Oak Marr Courts subdivision and was built with the development of the surrounding properties. This FDPA application applies only to Lot 4. The subject 36,750 square foot lot is developed with a two-story brick and frame single family dwelling constructed in 1986. The site is surrounded on the east, west, and south by other single family detached houses in the same subdivision. To the north, across Miller Road is a single-family detached dwelling zoned R-1.

**Surrounding Area Description:**

Direction	Use	Zoning	Plan
North	Residential – Single-family detached	R-1	Residential; .2-.5 du/ac
East & West	Residential – Single-family detached (Oak Marr Courts)	PDH-4	Residential; .5-1 du/ac Residential; 3-4 du/ac
South	Residential – Single-family detached (Oak Marr Courts)	PDH-4	Residential; 3-4 du/ac

**BACKGROUND**

**Site History:**

On December 15, 1980, the Board of Supervisors adopted as proffered, RZ 79-C-148 to rezone 32.28 acres in the Centreville District, from R-1 to PDH-4 to develop 124 single family residences at a density of 3.84 du/acre, and limited commercial use. In addition, the Board of Supervisors approved the CDP (Appendix 4). Building footprints were not shown on the CDP.

On March 7 1983, the Board of Supervisors denied DPA 79-C-148, a request to permit relocation of the previously approved commercial area. However, the Board approved FDP 79-C-148, limiting the uses located within the commercial/retail area to the following: Financial Institutions, Offices, Personal service establishments, Repair service establishments, and Retail sales establishments.

On November 25, 1987, a Building Permit was approved for the subject site to allow a room addition measuring twenty-seven (27) feet by seventeen (17) feet, to be constructed in the rear of the existing dwelling. Following a zoning inspection conducted on March 19, 1990, it was determined that the addition had been constructed approximately nineteen (19) feet from the rear lot line, which was not in conformance with the twenty-five (25) foot minimum required rear yard. The addition was deemed to be in violation of Par. 1 of Sect. 20307 of the Zoning Ordinance (Violation notice included in Appendix 5).

On October 9, 1990, the Board of Zoning Appeals approved SP 90-P-049 to allow reduction of minimum yard requirements based on error in building location to allow a single story addition to remain 11.7 feet from the rear lot line, on the property located at 10507 Miller Road (Appendix 6).

On September 11, 2003, The Planning Commission approved FDPA 79-C-148, to amend FDP 79-C-148 previously approved for the commercial portion of RZ 79-C-148 to permit four single-family dwellings, subject to development conditions dated August 28, 2003 and approval of PCA 79-C-148 by the Board of Supervisors (Appendix 4).

On September 29, 2003, the Board of Supervisors adopted PCA 79-C-148, subject to proffers dated September 18, 2003, to revise the previously approved proffers for Tax map 47-2((28)) M1 (1.75 acres) to allow permit 4 single family dwellings at a density of 2.28 u/acre in a project with an overall density of 3.97 du/acre, on a portion of RZ 79-C-148 previously approved for commercial development (Appendix 4).

## **COMPREHENSIVE PLAN PROVISIONS**

<b>Plan Area:</b>	Area II
<b>Planning Sector:</b>	F4, Fox Lake Community Planning Sector Fairfax Planning District
<b>Plan Map:</b>	Residential, .2-.5 du/ac
<b>Plan Text:</b>	

The area north of Jermantown Road between Oakton Elementary School on the east and Oak Marr Park on the west is planned for residential development at

3-4 dwelling units per acre except for the northern portion of the tract with frontage along the south side of Miller Road which is planned for residential development at .5-1 dwelling unit per acre to be compatible with the existing large-lot, single-family houses along Miller Road. The area planned for residential development at .5-1 dwelling unit per acre should extend to a minimum depth of 300 feet south of Miller Road. Lots should, at a minimum, be one acre in size, with no provision for clustering in view of the existing pattern of residential development along Miller Road. In addition, these lots should not be served by public sewer. To achieve the upper end of the .5-1 dwelling unit per acre density range, maximum advantage should be taken of the existing vegetation and topography and the development should result in minimal disruption to environmental features. If the area should develop as a part of a planned unit development, the density restrictions for this northern part, as described above, should still be maintained.

## ANALYSIS

### Final Development Plan (Copy at front of staff report)

**Title of FDP:** Final Development Plan Amendment Plat,  
Showing Lot 4, Section 1-A, Oak Marr Courts

**Prepared By:** Dominion Surveyors, Inc.

**Original and Revision Dates:** October 3, 2005 as revised through  
March 6, 2006

The FDPA consists of one (1) sheet, and shows the existing house currently located 11.8 feet, with eave 11.2 feet from the south (rear) lot line and 19.5 feet, with eave 17.1 feet from the east (side) lot line. The FDPA also shows the proposed removal of portions of the existing deck located in the rear yard of the site, and relocation of an existing shed which encroaches into the minimum rear yard area, for compliance with the Zoning Ordinance.

The second story addition is approximately 28 feet by 16 feet (448 sq. ft.) with an approximate 25 feet in height (including the existing single story addition). The addition will not encroach any further into the rear yard or side yards than the existing house which measures approximately 23 feet in height.

### Land Use Analysis

No land use issues have been identified in conjunction with this application. Issues related to the environment, transportation and public facilities were addressed at the time of the approval of RZ 79-C-148. As this application consists only of a second story building addition to an existing dwelling, no additional issues have been raised.

**ZONING ORDINANCE PROVISIONS** (Appendix 5)

The applicant must comply with the Zoning Ordinance provisions found in Article 6, Planned Development District Regulations; Section 16-101, General Standards; and Section 16-102, Design Standards, among others.

The provisions of Article 6 govern the appropriateness of the “P” District designation for the application property. These provisions were deemed satisfied by the Board with the approval of the rezoning application (RZ 79-C-148) and are unaffected by the current application.

The proposed FDPA affects only the yard requirements for one existing lot; as such it does not affect the overall use or intensity approved with RZ 79-C-148 and subsequently amended by PCA 79-C-148 concurrent with FDPA 79-C-148. The proposed FDPA is not in conflict with the existing proffers or development conditions.

**Conformance with Article 16** (Appendix 5)

The general standards for planned developments set forth in Sect. 16-101 were satisfied with the original rezoning of the site to the PDH District; approval of this FDPA request would not affect these standards.

The design standards for planned developments set forth in Sect. 16-102 were satisfied with the original rezoning of the site to the PDH District; approval of this FDPA request would not affect these standards.

The proposed design for the addition will be similar to the existing structure in style and materials. A development condition has been added to address this requirement. Access to the addition would be from within the house. The proposed addition is not expected to adversely affect surrounding properties.

In a PDH District, minimum yards are established by the placement of a dwelling on a lot. Subsequent building additions, according to Sect. 16-403, must conform to the conventional zoning district which most closely characterizes the development under consideration provided, however, that the desired alteration is in substantial conformance with the approved final development plan. This subdivision is developed under the PDH-4 regulations but is most similar to the R-4 District, which requires a rear yard of 25 feet and a side yard of 10 feet. As previously discussed in this report, based on error in building location SP 90-P-049 was approved to allow a single story addition to remain 11.7 feet from the rear (south) lot line. The proposed second story addition would not further extend into the rear setback than permitted with the approval of SP 90-P-049. As building footprints were not shown on the CDP/FDP and the addition does not meet the R-4 District minimum yard requirements, the

requested Final Development Plan Amendment is required. Additionally there is an existing deck attached to the single story addition to the dwelling which encroaches into the minimum rear setback area and extends 1.7 feet onto the adjacent parcel (M-1-A) and an existing shed (6.8 feet from the rear lot line) in the southwest portion of the property, which encroaches in to minimum rear setback requirement for the R-4 District. The applicant has proposed to reconstruct the existing deck and relocated the existing shed to be in conformance with the minimum setback requirements. Staff has proposed a development condition to address the reconstruction of the deck and relocation of the shed in accordance with the locational requirements of the Zoning Ordinance. With the approval of the development condition, this standard will be met.

## **CONCLUSIONS AND RECOMMENDATIONS**

The applicant is requesting approval of an application to build a second story addition above an existing single story addition previously approved with SP 90-P-049, for an error in building location. The new addition will not encroach any further into the minimum required yard areas than the addition that was previously approved. The addition would be consistent in size and compatible in architectural details with the existing dwelling, as well as other dwellings in the vicinity. Therefore, staff feels that the addition would not adversely impact the surrounding residential area.

### **Recommendations**

Staff recommends approval of FDPA 79-C-148-02, subject to the Proposed Development Conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Planning Commission, in adopting any conditions proffered by the owner, 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 Planning Commission.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Previously Approved Rezoning Applications Information
5. Zoning Violation Notice
6. Previously Approved Special Permit Application Information
7. Zoning Ordinance Provisions
8. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS**

**FDPA 79-C-148-02**

**April 6, 2006**

If it is the intent of the Planning Commission to approve FDPA 79-C-148-02, to permit a second story addition to the existing single family detached dwelling, located at 10507 Miller Road, Tax Map 47-2 ((28)) (1A) 4, the staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, in addition to those approved with FDP 79-C-148:

1. Any plan submitted shall be in substantial conformance with the approved FDPA Plat entitled "Final Development Plan Amendment Plat, Showing Lot 4, Section 1-A, Oak Marr Courts" prepared by Dominion Surveyors, Inc., consisting of one sheet dated October 3, 2005, as revised through March 6, 2006, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
2. The proposed addition shall be constructed with architectural details, massing, and building colors and materials in substantial conformance with the existing building.
3. Irrespective of that shown on the FDPA Plat, the existing deck shown south of the proposed addition shall be reconstructed to be no closer than five (5) feet to the rear lot line and the existing shed shall be relocated to be at least ten (10) feet from both the rear and side lot lines. These accessory structures shall comply with this condition prior to issuance of a building permit for the second story addition.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

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.