



APPLICATION FILED: December 21, 2005
PLANNING COMMISSION: May 11, 2006
BOARD OF SUPERVISORS: Not Scheduled Yet

County of Fairfax, Virginia

March 30, 2006

STAFF REPORT

APPLICATION PCA C-403-02
(In association with SPA 81-L-082)

MOUNT VERNON DISTRICT

APPLICANT:	Washington Square Homes Association
PRESENT ZONING:	R-8
PARCEL:	108-1 ((08) A pt.
SITE AREA:	12,960 square feet
DU/AC:	2.1 du/acre
PLAN MAP:	Residential, 5-8 du/ac
PROPOSAL:	To amend RZ C-403 previously approved for a residential development to permit modification of the approved proffers, to allow an existing tennis court and multi-purpose sports court to remain.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 403-02, subject to the proffers consistent with those contained in Appendix 1.

It should be noted that it is not the intent of the staff to recommend that the Board, 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.

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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/

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It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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).



APPLICATION FILED: December 21, 2005
BOARD OF ZONING APPEALS: May 16, 2006
(MOVED WITH APPLICANT'S CONSENT)
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 30, 2006

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION SPA 81-L-082 (In association with PCA C-403-02)

MOUNT VERNON DISTRICT

APPLICANT: Washington Square Homes Association

ZONING: R-8

ZONING ORDINANCE PROVISION: 3-803

TAX MAP: 108-1 ((08)) A pt.

LOT SIZE: 12,960 square feet

PLAN MAP: Residential; 5-8 du/acre

SPA PROPOSAL: To amend S-81-L-082 previously approved for two community tennis courts to permit a tennis court and multi-purpose sports court to remain.

STAFF RECOMMENDATION:

Staff recommends approval of SPA 81-L-082, subject to the development conditions contained in Appendix 2.

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.

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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.**



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

DESCRIPTION OF THE APPLICATION

PCA C-403-02 Proposal:

The applicant, the Washington Square Homes Association seeks a proffered condition amendment, to amend the proffers previously approved with RZ C-403 for a residential development to permit an existing tennis court and multi-purpose sports court to remain.

SPA 81-L-082 Proposal:

The applicant also seeks a special permit amendment to amend S-81-L-082 previously approved for two community tennis courts to permit a tennis court and multi-purpose sports court to remain.

LOCATION AND CHARACTER

Site Description:

The subject site is part of Parcel A, Section 1, Common Area of the Washington Square subdivision. The site is 12,960 square feet, zoned R-8, and located approximately 350 west of the intersection of Pohick Road and Waldren Drive in the Mount Vernon District. The existing site contains community facilities which include 1 tennis court and multi-purpose sports court, consisting of a tennis/volleyball/basketball court combination located in the eastern portion of the Washington Square subdivision, and limited to the use of the WHSA (225 town homes) and their invited guests.

Surrounding Area Description:

	Zoning	Use
North	R-8	Single Family Attached Dwelling (Washington Square)
East	R-8	Single Family Attached Dwelling (Washington Square)
South	R-8	Single Family Attached Dwelling (Washington Square)
West	R-8	Single Family Attached Dwelling (Washington Square)

BACKGROUND

Site History:

On August 2, 1976, the Board of Supervisors approved RZ C-403 subject to proffers dated March 25, 1976, to rezone 34.5 acres from RE-1 to RTC-10 for construction of 225 townhouses at a maximum density of 6.5 du/ac. Bonus density was allowed by the applicant proffering to convey 10 units for moderate income housing. This increased the maximum density to 6.8 du/ac (235 units). Only 225 units were constructed, including 10 which were purchased by Fairfax County Redevelopment and Housing Authority. Proffer # 4 (*Appendix 6*) stated, "The general open space system shall be substantially as shown on the aforesaid development plan and at time of development the developer shall construct either two tennis courts or a swimming pool, as the developer may elect."

On January 12, 1982, the Board of Zoning Appeals approved S-81-L-082 to permit community tennis courts located at 7601 Pohick Road, Tax map 108-1((1)) 42 (*now Tax map 108-1 ((08) A pt.*). Condition #3 (*Appendix 6*) noted that the approval was granted for the buildings and uses indicated on the plans submitted with the application, and any additional structures of any kind, changes in use, additional uses, or changes in the plans approved by the Board whether or not the additional uses or changes required a Special Permit, required approval of the Board (BZA).

On February 27, 1989, the Board of Supervisors approved PCA C-403, subject to proffers dated December 12, 1988, to revise the previously approved proffers for Tax map 108-1((1)) 46 (1.79 acres) to allow construction of 9 townhouse units and allow one single family detached unit to remain, in lieu of 10 townhouses units proposed with RZ C-403. (*Appendix 6*)

In 2002 the asphalt surface was converted and resurfaced to become 1 tennis court and 1 tennis/volleyball/basketball court combination without obtaining approval of a PCA or SPA application.

In July 2005 the WSHA Board of Directors received a notice of violation (*Appendix 7*) of Par. 3 of Sect. 18-204 of the Zoning Ordinance for not being in substantial conformance with the approved proffers regulating the site. The notice also acknowledged that there was also a violation of Par. 2 Sect. 8-004 of the Zoning Ordinance for not being in substantial conformance with the development conditions previously approved with S-81-L-082.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Mount Vernon Planning District, Area IV
Planning Sector:	LP2-Lorton-South Route 1 Community Planning Sector, Sub-unit E-12
Plan Map:	Residential; 5-8 du/acre

The Comprehensive Plan, Area IV, Lower Potomac Planning District, as amended through June 20, 2005, LPS-Lorton-South Route 1 Community Planning Sector, pages 76 states:

Sub-unit E12 is generally located north and west of Route 1 and traversed by Pohick Road. This sub-unit contains stable residential uses which are planned for 2-3 dwelling units per acre, 5-8 dwelling units per acre, and 8-12 dwelling units per acre, as shown on the Plan map, and should be preserved and protected. Any new or infill development should conform with the planned residential density as shown on the Plan map and be of a compatible use, type and intensity to surrounding existing residential developments.

ANALYSIS

The subject application has been granted a waiver of the requirement for submission of a certified plat (Appendix 5) in association with the submitted proffered condition amendment, as the PCA & SPA have been filed to obtain approval to permit existing recreational facilities that have been constructed within the open space of the community to remain. No new construction or land disturbance is proposed with this application.

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 C-403. As this application is a request to allow community facilities which were converted and resurfaced to become 1 tennis court and 1 tennis/volleyball/basketball court combination to remain on the site, no additional issues have been raised.

ZONING ORDINANCE PROVISIONS

The proposed PCA has been filed to amend the previously approved proffer addressing the recreational facilities to serve the site. The amendment is required in order to permit existing recreational facilities that have been constructed within the open space of the community to remain, and does not impact the site's ability to meet the Zoning Ordinance provisions for the R-8 District; the site is still in conformance with the provisions of Section 800 of Articles 3 of the Zoning Ordinance.

OTHER ZONING ORDINANCE REQUIREMENTS:

Special Permit Requirements (See Appendix 8)

General Special Permit Standards (Sect. 8-006)
Standards for all Group 4 Uses (Sect. 8-403)

General Special Permit Standards (Sect 8-006)

The General Special Permit Standards require that the proposal be in harmony with the Comprehensive Plan, applicable Zoning District Regulations, that there be a finding of no significant negative impacts on surrounding properties, and that safe and adequate vehicular and pedestrian access be provided. *The existing tennis court and multi-purpose sports court is surrounded by a 10 foot high fence and pedestrian access to the site is provided via 4 foot wide concrete sidewalk on the eastern side of the facility. The subject application proposes no physical changes to the site. Staff believes that the use, as is exists, satisfies all of the General Special Permit Standards.*

Standards for all Group 4 Uses (Sect. 8-403)

Group 4 Special Permits are required for Community Uses, and are allowed in all R Districts, except the Rural Agricultural (R-A) District subject to the approval of the Board of Zoning Appeals. The Group 4 Standards require among other things, that all uses and their related facilities shall be under the control and direction of a board of managers composed, at least in part, of the residents of the area intended to be served by the facility, the proposed development meet lot size and bulk requirements for the Zoning District, comply with performance standards, and be subject to site plan review. *Washington Square Homes Association, as a nonprofit incorporated homeowners association duly chartered by the Commonwealth of Virginia, is managed by its Board of Directors, consisting of community members duly elected by the membership on an annual basis. Use of the subject facility is limited to the use of the WHSA and their invited guests. The subject application is a request to permit modification of previously approved development conditions to allow an existing Multi-Purpose sports court to remain on the subject site. A site plan is not required with this application, as no new construction or land disturbance is proposed with the application; therefore the proposed use meets these standards.*

Summary of Zoning Ordinance Provisions

Subject to the proposed development conditions, all applicable standards have been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds that the proposed applications are in harmony with the Comprehensive Plan, and in conformance with all applicable Zoning Ordinance standards.

Recommendation

Staff recommends approval of PCA C-403-02, subject to the proffers consistent with those contained in Appendix 1.

Staff recommends approval of SPA 81-L-082, subject to the development conditions consistent with those contained in Appendix 2.

It should be noted that it is not the intent of staff to recommend that the Board, 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 Board of Supervisors.

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APPENDICES

1. Proposed Proffers
2. Proposed Development Conditions
- 3A. PCA Affidavit
- 3B. SPA Affidavit
4. Statement of Justification
5. Plat Submission Waiver
6. RZ C-403 Approved Proffers & Development Plan
- 6A. Resolution & Plat approved in conjunction with S 81-L-082
- 6B. PCA C-403 Approved Proffers & Development Plan
7. Notice of Violation
8. Applicable Zoning Ordinance Provisions
9. Glossary of Terms

PCA C-403-02

WASHINGTON SQUARE HOMES ASSOC

PROFFERS

March 22, 2006

Pursuant to Section 15.2-2303 (A), Code of Virginia, 1950, as amended, Washington Square Homes Association (hereinafter referred to as the "Applicant"), for the owners, themselves, successors and assigns in Proffered Condition Amendment Application PCA C-403-02 (the "Application"), proffers, for the property identified as Tax Map Reference No. 108-1 ((8)) A pt. (hereinafter referred to as the "Property"), the following items, provided that the Fairfax County Board of Supervisors approves the Application. All proffers associated with RZ C-403 dated March 25, 1976, shall remain in full force and effect, except that upon the approval of PCA C-403-02, the following revised Proffer #4 shall replace the existing Proffer #4 associated with RZ C-403 dated March 25, 1976, the development of the subject property, Tax Map No. 108-1((8)) Parcel A, shall be subject to the following commitments:

4. The general open space system shall be developed with a Multi-Purpose Sports Court consisting of One (1) tennis court and One (1) Multi-Purpose Court containing Two (2) stationary basketball hoops, One (1) Combination Tennis court/Volleyball court. Maintenance of the Tennis Court/Multi-Purpose Sports Court shall be provided by the property owners association for the community.

Washington Square Homes Association

By: _____

Name: Leslie A. Darden

Title: President

PROPOSED DEVELOPMENT CONDITIONS

SPA 81-L-082

March 30, 2006

If it is the intent of the Board of Zoning Appeals to approve SPA 81-L-082 located at Tax Map 108-1 ((8)) A pt., to amend S 81-L-082 previously approved for two community tennis courts, to permit a change in development conditions to allow a Tennis Court and a Multi-Purpose Sports Court to remain pursuant to Sect. 3-803 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from previous special permits are marked with an asterisk. Minor edits have been made to these conditions to conform with current terminology. These edits have been underlined.

1. This approval is granted to the applicant, Washington Square Homes Association, only and is not transferable without further action of this Board, and is for the location indicated on the application, Tax Map 108-1 ((8)) A pt., and is not transferable to other land.*
2. This Special Permit Amendment is granted only for the purpose(s), structures and/or use(s) 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. Landscaping and screening may be required in accordance with Article 13 of the Zoning Ordinance at the discretion of the Director of Urban Forest Management, DPWES.*
5. The membership shall be restricted to the residents of the 225 dwellings.*
6. The hours of operation shall be daylight hours only.*
7. Adequate parking shall be provided.*

These conditions incorporate and supersede all previous conditions. 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 obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

