



APPLICATION FILED: February 14, 2006
BOARD OF ZONING APPEALS: April 25, 2006
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 18, 2006

STAFF REPORT

SPECIAL PERMIT APPLICATION SP 2006 BR-010

BRADDOCK DISTRICT

APPLICANT: Robert and Danielle Nicholson

ZONING: R-2 cluster

LOCATION: 5104 Coleridge Drive

ZONING ORDINANCE PROVISION: 8-914, 8-918

TAX MAP: 69-3 ((05)) 152

LOT SIZE: 10,554 sq ft.

PLAN MAP: Residential, 2-3 du/ac

SP PROPOSAL: To permit accessory dwelling unit and reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 1.4 feet with eaves 1.2 feet from rear lot line and 2.8 feet with eaves 2.6 feet from side lot line

STAFF RECOMMENDATION:

Staff recommends approval of the accessory dwelling unit in application SP 2006-BR-010, subject to the development conditions attached as 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 or TTY 711 (Virginia Relay Center).

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DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit an accessory dwelling unit and reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain.

Size of Principal Dwelling: 1,200 square feet

Size of Accessory Dwelling Unit: 400 square feet

Existing Site Description: The property is located on Coleridge Drive, south of Commonwealth Boulevard in the Braddock District. The subject property is developed with an existing single family split-level dwelling constructed in 1968. A driveway of approximately 20 feet in length runs from Coleridge Drive alongside the eastern part of the dwelling. A walkway leads to a door which provides direct access to the lower level. The subject property is landscaped and contains several mature trees to the rear of the lot.

Bld. In Error Request: The applicant requests approval of a reduction to minimum yard requirements based on error in building location to permit an accessory storage structure to remain 1.4 feet with eaves 1.2 feet from rear lot line and 2.8 feet with eaves 2.6 feet from the side lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Min. Allowed	Proposed Location	Mod. Req.	% error
Special Permit	Storage Structure	Rear	9.3 ft.	N/A	9.3 ft.	1.4 ft.	7.9 ft.	85 %
Special Permit	Eave	Rear	9.3 ft.	3 ft.	6.3 ft.	1.2 ft.	5.1 ft.	81 %
Special Permit	Storage Structure	Side	8 ft.	N/A	8 ft.	2.8 ft.	5.2 ft.	65 %
Special Permit	Eave	Side	8 ft.	3 ft.	5 ft.	2.6 ft.	2.4 ft.	48 %

*Minimum yard requirement per Section 10-104.10.

Surrounding Area Description:

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

BACKGROUND**Site History:**

The 1,200 square foot split-level home was constructed in 1968.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Pohick, Area III
Planning Sector: Main Branch (P2)
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: Plat of Lot 152, Section 3, Kings Park West
Prepared By: John B. Savage, Savage & Associates, P.C.
Dated: February 3, 2006 as revised through February 13, 2006

Proposed Use

The applicant is requesting approval of a special permit for an accessory dwelling unit. The 400 square foot accessory unit is proposed to be located in the bottom level of the split level dwelling which has been modified to contain

one bedroom, a kitchenette, living area, and a handicapped accessible bathroom, thus comprising approximately 33 percent of the total square feet in the dwelling. The applicant’s mother will live in this separate living space. She will have access to the lower level via a private entrance from the driveway. No additional structures are proposed with this application.

Land Use Analysis

The site has been designated for residential uses at a density of 1-2 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.

ZONING ORDINANCE PROVISIONS:

R-2 DISTRICT REGULATIONS	REQUIRED	PROVIDED
Bulk Regulations R-2 cluster		
Lot Size	13,000 sq ft.	10,554 sq feet*
Lot Width	N/A	80 feet
Building Height	35 feet	18 feet
Front Yard	25 feet	33 feet
Side Yard	8 feet	10 feet (dwelling)
Rear Yard	25 feet	55 feet (dwelling)

* = constructed under R-17 cluster

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (Appendix 5)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)

- Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location (Sect. 8-914)
- Additional Standards for Accessory Dwelling Units (Sect. 8-918)

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 with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

RECOMMENDATIONS

Staff recommends approval of SP 2006-BR-010, subject to 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 for Additional Dwelling Unit and Error in Building Location
2. Proposed Development Conditions for Error in Building Location only
3. Affidavit
4. Statement of Justification
5. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS**April 18, 2006**

If it is the intent of the Board of Zoning Appeals to approve SP 2006-BR-010 located at Tax Map 69-3 ((05)) 152 to permit an additional dwelling unit and reduction to minimum yard requirements based on error in building location to permit accessory structures to remain pursuant to Sect. 8-914 and 8-918 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 applicants, Robert and Danielle Nicholson only and is not transferable without further action of this Board, and is for the location indicated on the application, 5104 Coleridge 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 B. Savage (Savage & Associates, P.C.) dated February 3, 2006, revised through February 13, 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. The occupant(s) of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance.
5. The accessory dwelling unit shall contain a maximum of 400 square feet, including a maximum of one bedroom.
6. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
7. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
8. If the use of the accessory dwelling unit ceases and/or the property is sold, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.

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.