



FAIRFAX COUNTY

APPLICATION FILED: May 31, 2006
BOARD OF ZONING APPEALS: July 18, 2006
TIME: 9:00 a.m.

V I R G I N I A

July 11, 2006

STAFF REPORT

VARIANCE APPLICATION NO. VC 2006-DR-003

DRANESVILLE DISTRICT

APPLICANTS & OWNERS: George D' Angelo

SUBDIVISION: Pimmit Hills

STREET ADDRESS: 7800 Magarity Road

TAX MAP REFERENCE: 39-2 ((06)) 0002

LOT SIZE: 8,521 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 18-401, 10-0104, 03-0407

VARIANCE PROPOSAL: To permit construction of a fence greater than 4 feet in height in the front yard and construction of an addition 15 feet from the front lot line of a corner lot

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.**



American with Disabilities Act (ADA); Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334.

DESCRIPTION OF THE APPLICATION

To permit construction of a fence greater than 4 feet in height in the front yard and construction of an addition 15 feet from the front lot line of a corner lot.

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Minimum Allowed	Proposed Location	Variance Request
Variance	Addition	Front	30.0 feet	N/A	30.0 feet	15.0 feet	15.0 feet

*Minimum yard requirement per Section 3-107

	Structure	Yard	Max. Height*	Permitted Extension	Minimum Allowed	Proposed Height	Variance Request
Variance	Fence	Front	4.0 feet	N/A	4.0 feet	7.0 feet	3.0 feet

*Maximum height requirement per Section 10-104

CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single Family Detached Dwelling
East	R-4	Single Family Detached Dwelling
South	R-1 Cluster	Vacant Land
West	C-7	Magarity Road/Leesburg Pike/ Hotel

BACKGROUND

Records indicate that the lot is developed with a 332 square foot structure originally constructed in 1965.

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 2004-DR-044 approved on January 24, 2006 for Tax Map 39-2 ((6)) 99 zoned R-4, on 7738 Leesburg Pike, to permit a reduction to the minimum yard requirements based on error in building location to permit a dwelling to remain 8.3 feet with eaves 7.1 feet from a side lot line.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

This variance application must satisfy all of the nine (9) enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance, which would afford relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 4.

CONCLUSION

If it is the intent of the BZA to approve this application, 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 Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**2006-DR-003****July 11, 2006**

1. This Variance is approved for the location of the addition and deck, as shown on the plat prepared by Alexandria Surveys, dated May 5, 2006, as revised through May 31, 2006, submitted with this application and is not transferable to other land.
2. A Building Permit shall be obtained prior to any construction and approval of final inspections shall be obtained.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. 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.