



APPLICATION FILED: June 27, 2006
BOARD OF ZONING APPEALS: September 12, 2006
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 5, 2006

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2006-MA-029

MASON DISTRICT

APPLICANT: Karen L. Robey

OWNERS: Karen L. Robey
Loretta P. Tumarkin

SUBDIVISION: Columbia Pines

STREET ADDRESS: 3708 Rose Lane

TAX MAP REFERENCE: 60-4 ((3)) 177

LOT SIZE: 12,891 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit addition to remain 8.8 feet with eave 7.7 feet from side lot line

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): For special accommodations, call 703-324-1334 (TTY 711 Virginia Relay Center) seven days in advance of the meeting to make the necessary arrangements.

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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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DESCRIPTION OF THE APPLICATION

To permit reduction to minimum yard requirements based on error in building location to permit addition, specifically, enclosure of an existing deck into a screened porch, to remain 8.8 feet with eave 7.7 feet from side lot line

Description of Special Permits

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Min. Allowed***	Structure Location	Amount of Error	Percent of Error
Special Permit	Addition	Side	12.0 feet	N/A	12.0 feet	8.8 feet	3.2 feet	27 %
Special Permit	Eave	Side	12.0 feet	3.0 feet**	9.0 feet	7.7 feet	1.3 feet	14 %

*Minimum yard requirement per Section 3-307

**Minimum extension per Section 2-412

***Minimum requirement per Section 10-104

ANALYSIS OF THE APPLICATIONS

- **Title of Plat:** Plat for Special Use Permit, Lot 177, Section 10-B, Columbia Pines, DB. 1173 PG. 337, Mason District, Fairfax County, Virginia
- **Prepared by:** Huntley, Nyce & Associates, Ltd., dated September 23, 2005, as revised through June 21, 2006
- **Building Permits required:** Yes; however, not obtained.
- **Errors Made by:** Applicant

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single Family Detached Dwellings
East	R-3	Single Family Detached Dwellings
South	R-3	Single Family Detached Dwellings
West	R-3	Single Family Detached Dwellings

BACKGROUND

Records indicate the dwelling was originally constructed in 1954.

The applicant constructed an open deck in 2000 and enclosed the existing deck into a screened porch in 2004. The Zoning Ordinance states that a deck with no part of its floor higher than 4.0 feet from the ground it is permitted to extend 5 feet but not be closer than 5 feet to any side lot line; therefore, the original deck location was permitted.

The applicant is currently under violation with Code Enforcement of the Department of Public Works and Environmental Services. When the applicant applied for a building permit in April 2005 to rectify the violation, the permit was denied because of the location of the screened porch to the side lot line.

Following the adoption of the current Ordinance, the BZA has heard the following similar variances in the vicinity of the application parcel:

- Variance VC 89-M-054 was approved on August 4, 1989 for Tax Map 60-4 ((3)) 174, zoned R-3, at 3707 Rose Lane, to permit construction of room addition to dwelling to 9.0 feet from side lot line
- Variance VC 2002-MA-167 was approved on January 22, 2003 for Tax Map 60-4 ((3)) 128, zoned R-3, at 3617 Terrace Drive, to permit construction of addition 7.0 feet from side lot line

The BZA has not heard any similar special permit applications for building in error in the vicinity of the application parcel.

ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provision for Approval of Reduction to Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

CONCLUSION

If it is the intent of the BZA to approve SP 2006-MA-029 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 and Attachments
4. Applicable Special Permit Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2006-MA-029

September 5, 2006

1. This special permit is approved for the location of the screened porch addition, as shown on the plat prepared by Huntley, Nyce & Associates, Ltd., dated September 23, 2005, as revised through June 21, 2006, submitted with this application and is not transferable to other land.
2. Building permits and final inspections for the screened porch addition shall be diligently pursued within 30 days and obtained within 90 days of final approval or this Special Permit shall be null & void.

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.