



APPLICATION FILED: July 20, 2006
BOARD OF ZONING APPEALS: October 3, 2006
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 26, 2006

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2006-PR-036

PROVIDENCE DISTRICT

APPLICANT/OWNERS: Douglas and Rachel Kelly

SUBDIVISION: Walnut Hill

STREET ADDRESS: 2635 Woodley Place

TAX MAP REFERENCE: 50-1 ((7)) 032

LOT SIZE: 10,011 square feet

ZONING DISTRICT: R-4

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 5.8 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

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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 porch, to remain 5.8 feet from side lot line

Description of Special Permits

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Structure Location	Amount of Error	Percent of Error
Special Permit	Addition	Side	10.0 feet	N/A	5.8 feet	4.2 feet	42 %

*Minimum yard requirement per Section 3-407

ANALYSIS OF THE APPLICATIONS

- **Title of Plat:** Special Permit, Lot 32 Walnut Hill, DB. 546 PG. 502, Providence District, Fairfax County, Virginia
- **Prepared by:** Rice Associates, dated October 25, 2005, signed November 11, 2005
- **Building Permits required:** Yes; however, not obtained.
- **Errors Made by:** Applicant

CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single Family Detached Dwellings
East	R-4	Single Family Detached Dwellings
South	R-4	Single Family Detached Dwellings
West	R-4	Single Family Detached Dwellings

BACKGROUND

Records indicate the dwelling was originally constructed in 1949.

The applicants state that they purchased the property in September 2005 and contracted to have the existing open porch enclosed as additional living space. They state that the contractor verbally agreed to handle the acquisition of necessary permits.

The contractor began construction and concurrently applied for a building permit. After the contractor had difficulty in acquiring the building permit the applicants state that they inquired with County staff about the status of the permit application and was informed that enclosing the porch changed the nature of the structure and that it no longer met the side yard requirement. The applicants state that they then suspended construction, however with the onset of winter the construction was continued to a point which sealed the enclosure and part of the existing house from the outside elements. No further work was performed on the property.

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

- Variance VC 85-P-090 was approved on January 14, 1986 for Tax Map 50-1 ((7)) 34, zoned R-4, at 2631 Woodley Place, to permit enclosure of an existing porch 5.5 feet from side lot line.
- Variance VC 92-P-136 was approved on March 31, 1993 for Tax Map 50-1 ((7)) 67, zoned R-4, at 7221 Pinewood Street, to permit construction of addition 5.5 feet from side lot line.
- Variance VC 98-P-070 was approved on March 31, 1993 for Tax Map 50-1 ((7)) 67, zoned R-4, at 7223 Timber Street, 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-PR-036 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

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1. This special permit is approved for the location of the screened porch addition, as shown on the plat prepared by Rice Associates, Ltd., dated October 25, 2005, 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.