



# County of Fairfax, Virginia

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October 31, 2006

## STAFF REPORT

### SPECIAL PERMIT APPLICATION NO. SP 2006-SP-049

#### SPRINGFIELD DISTRICT

**APPLICANT/OWNERS:** Elliot F. Mann

**SUBDIVISION:** Signal Hill

**STREET ADDRESS:** 8220 Smithfield Avenue

**TAX MAP REFERENCE:** 89-1 ((4)) 215

**LOT SIZE:** 11,050 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of addition 6.1 feet from the side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2006-SP-049 subject to the proposed development conditions contained 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. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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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  
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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).

## DESCRIPTION OF THE APPLICATION

The applicant requests approval to permit a reduction to certain yard requirements to permit the construction of a one story garage addition 6.1 feet from a side lot line on the western side of the subject property. The purpose of the addition is to expand the garage from a one car to a two car garage.

### Description of Special Permit

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
<b>Special Permit</b>	Dwelling	Side (west)	12.0 feet	6.1 feet	5.9 feet	49.1%

\*Minimum yard requirement per Section 3-307

## EXISTING SITE DESCRIPTION

The site is currently zoned R-3 and is developed with a single family detached dwelling, built in 1965. The property has an existing concrete driveway that extends from Smithfield Place and leads to an attached garage in the southwestern portion of the property. The existing front yard is 41.6 feet where 30 feet is required in the R-3 District. The existing rear yard is 34.1 feet where 25 feet is required in the R-3 District. The existing side yard on the western side of the dwelling is 15 feet where 12 feet is required in the R-3 District. The existing side yard on the eastern side of the dwelling is 17.1 feet where 12 feet is required in the R-3 District.

## CHARACTER OF THE AREA

	Zoning	Use
<b>North</b>	R-3	Single Family Detached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings
<b>South</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single Family Detached Dwellings

## BACKGROUND

Records indicate the dwelling was originally constructed in 1965.

## ANALYSIS

### Special Permit Plat (Copy at front of staff report)

**Title of SP Plat:** Special Permit Plat, Lot 15 Section 5, West Springfield  
Springfield District, Fairfax County, Virginia

**Prepared By:** DiGiulian Associates, P.C.

**Dated:** July 10, 2006

### Proposal:

The applicant requests approval to permit a reduction to certain yard requirements to permit the construction of a 230 square foot, one story garage addition 6.1 feet from the western side lot line. The existing structure is 5,044 square feet. The resulting gross floor area will be 5,274 square feet. The applicant states that this request is needed to add a second garage bay to accommodate current family lifestyles.

## ZONING ORDINANCE REQUIREMENTS (Appendix 4)

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

The application meets all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

### Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards. Of particular note regarding this application are General Standards 3 and 5.

*General Standard 3* requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood on a site visit and submitted photographs that the existing single family detached dwelling and proposed addition is similar in size and scale to adjacent properties and will not adversely affect their use. Therefore, this standard has been met.*

*General Standard 5* requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The structure will be approximately 11 feet closer to the adjacent property on Lot 216. There is little vegetation between the two properties, although there is a six foot wooden fence between the properties. Additional screening should be provided along this property line to provide a landscaped buffer from the addition. A proposed development condition which requires plantings along the length of the side of the addition adjacent to Lot 216 is included in Appendix 1. With the imposition of this proposed development condition staff believes that this standard has been met.*

### **Sect. 8-922 Provisions for Reduction of Certain Yard Requirements**

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application` and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

*Standard 4* states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing structure is 5,044 square feet. Therefore 150% of the total gross floor area could result in an addition up to 7,566 square feet in size for a possible total square footage at build out of 13,610 square feet. The proposed addition is only 230 square feet for a total square footage of the house with the addition of 5,274 square feet. Therefore the application meets this provision.*

*Standard 6* states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *A site visit and evaluation of the photographs and elevation drawings submitted indicate that the materials, size and scale of the proposed addition will be compatible with the existing structure. The proposed garage addition will be one story in height as is the existing garage. Vinyl siding will be installed which matches the existing siding. In addition the asphalt roofing shingles will match the existing shingles. A painted single car wide garage door will provide access to the new garage addition which matches the existing garage. Staff believes that the application meets this provision.*

*Standard 7* states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. *A site visit and evaluation of the photographs submitted and elevation drawings indicate that the*

*proposed improvements are compatible with the surrounding houses in the neighborhood. The houses in the neighborhood are compatible in size and style with subject dwelling. Most of the houses in the neighborhood are two stories in height and are sheathed in brick and vinyl siding as is the subject dwelling and proposed addition. Several houses in the neighborhood have double garages as proposed in this application. Staff believes that the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. The structure will be approximately 11 feet closer to the adjacent property on Lot 216. The adjacent property on lot 216 has a side yard facing the subject property of approximately 15 feet for an approximate 21 foot distance between the adjacent structure and the proposed garage addition providing light and air between the two structures. The parking of an additional car in the garage where one is currently parked on the driveway may also reduce noise. Staff believes that the application meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The location of the garage addition next to the existing garage is the logical location for the addition. The structure will be approximately 11 feet closer to the adjacent property on Lot 216. There is little vegetation between the two properties, and although there is an existing six foot fence between the properties, additional screening can be provided along this property line to provide a landscaped buffer between the addition and the adjacent property. A proposed development condition which requires plantings along the length of the side of the addition adjacent to Lot 216 is included in Appendix 1. Other issues of well and/or septic, easements, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. Staff believes that the application meets this provision with the imposition of the proposed development condition.*

## **CONCLUSION**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of SP 2006-SP-049 subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. 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
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2006-SP-049****October 24, 2006**

If it is the intent of the Board of Zoning Appeals to approve SP 2006-SP-049 located at Tax Map 89-1 ((4)) 215, to permit reduction of certain yard requirements to permit construction of addition 6.1 feet from the side lot line pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 230 feet) of the proposed garage addition as shown on the plat prepared by DiGiulian Associates, P.C., dated, July 10, 2006, as submitted with this application and is not transferable to other land.
3. Other by-right uses on site shall be permitted without an amendment to this special permit.
4. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of any addition(s) to the existing single family detached dwelling may be up to 150 percent of the total gross floor area of the dwelling (5,044 square feet) that existed at the time of the first expansion request. Any subsequent additions, regardless of whether such addition(s) complies with the minimum yard requirements or is the subject of a subsequent special permit or variance, shall be subject to the initial 150 percent limitation.
5. A row of evergreen trees, a minimum of seven (7) to eight (8) feet in height at time of planting, spaced a maximum of twelve (12) feet apart, shall be planted along the length of the addition adjacent to Lot 216.
6. The addition shall be consistent with the architectural renderings included Attachment 1 to these conditions.

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.

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.