



APPLICATION FILED: August 22, 2006  
BOARD OF ZONING APPEALS: November 14, 2006  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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November 7, 2006

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2006-DR-046**

**DRANESVILLE DISTRICT**

**APPLICANT:** Thomas W. Spence

**OWNERS:** Thomas W. Spence  
Karen S. Spence

**SUBDIVISION:** Franklin Park

**STREET ADDRESS:** 6245 N. Kensington Street

**TAX MAP REFERENCE:** 41-1 ((13)) (9) C

**LOT SIZE:** 37,263 square feet

**ZONING DISTRICT:** R-2

**ZONING ORDINANCE PROVISION:** 8-914 and 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction to minimum yard requirements based on error in building location to permit addition to remain 12.1 feet with eave 10.5 feet from side lot line and 13.8 feet with eave 11.4 feet from rear lot line and to permit reduction to certain yard requirements to permit addition 22.5 feet from rear lot line

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2006-DR-046 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.

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**Department of Planning and Zoning**

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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 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.**



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 application includes two special permit requests. The first is to permit a reduction to minimum yard requirements based on an error in building location to permit an addition, specifically an existing partially enclosed carport, to remain 12.1 feet with eave 10.5 feet from the side lot line and 13.8 feet with eave 11.4 feet from the rear lot line.

**Description of Special Permit #1**

	Structure	Yard	Min. Yard Req.*	Permitted Extension**	Min. Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit	Addition	Side	15.0 feet	N/A	15.0 feet	12.1 feet	2.9 feet	19%
Special Permit	Eave	Side	15.0 feet	3.0 feet	12.0 feet	10.5 feet	1.5 feet	13%
Special Permit	Addition	Rear	25.0 feet	N/A	25.0 feet	13.8 feet	11.2 feet	45%
Special Permit	Eave	Rear	25.0 feet	3.0 feet	22.0 feet	11.4 feet	10.6 feet	48%

\* Minimum yard requirement per Section 3-207

\*\* Permitted Extensions per Section 2-412

The second request is to permit a reduction to certain yard requirements to permit an addition 22.5 feet from rear lot line. The applicant states that under the existing carport/addition roof he would like to enclose a portion, referred to as a “covered breezeway and concrete pad”, on the plat. This enclosure would consist of adding a back wall on the covered breezeway and enclosing it under the existing carport/addition roof. The applicant is requesting this addition to be located 24.5 feet from the rear lot line with a 2.0 foot eave, making the addition at its closest point 22.5 feet from the rear lot line.

**Description of Special Permit #2**

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Rear	25.0 feet	22.5 feet	2.5 feet	10%

\*Minimum yard requirement per Section 3-207

## EXISTING SITE DESCRIPTION

The site is currently zoned R-2 and is developed with a single family detached dwelling, built in 1965. The existing front yard is 53.9 feet where 35 feet is required in the R-2 District and the existing western side lot line is 121.9 feet where 15 feet is required in the R-2 District.

## CHARACTER OF THE AREA

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-2	Single Family Detached Dwellings
<b>East</b>	R-2	Single Family Detached Dwellings
<b>South</b>	R-2	Single Family Detached Dwellings
<b>West</b>	R-2	Single Family Detached Dwellings

## BACKGROUND

Records indicate the dwelling was originally constructed in 1965.

According to the applicant, the carport has existed with no changes since they purchased the property in 1983. During review of the special permit application, staff made the determination that the carport, as described by the applicant and referenced in photographs, did not meet the Zoning Ordinance definition of a carport because the rear wall of the carport is a solid wall and a carport by definition must have three open sides.

## ANALYSIS OF THE APPLICATIONS

- **Title of Plat:** Plat Showing the Improvements on Parcel A Block 9, Franklin Park, Dranesville District, Fairfax County, Virginia
- **Prepared by:** Alexandria Surveys International, LLC, dated July 19, 2006 as revised through October 19, 2006
- **Building Permits required:** Yes; however, none were obtained by the previous homeowners. Building permit history is attached as Appendix 4.
- **Errors Made by:** Previous homeowner

**Proposal:**

The applicant requests approval to permit a reduction to certain yard requirements to permit construction, which would consist of enclosing a covered breezeway under the existing carport roof to be located 22.5 feet from the rear lot line. This covered breezeway would be 160 square feet in size. The existing structure is 1,936 square feet. The resulting gross floor area will be 2,096 square feet. The applicant states that this request is needed to add a closet, work space and office space.

The applicant also requests a reduction to minimum yard requirements based on error in building location to permit an addition to remain 12.1 feet with eave 10.5 feet from side lot line and 13.8 feet with eave 11.4 feet from rear lot line. The applicant applied for building permit to construct the above enclosure; however, staff denied that permit based on the location of the carport/addition on the property. Upon approval of this special permit application, the applicant would be granted a building permit for the 160 square foot addition under the existing carport/addition roof.

**ZONING ORDINANCE REQUIREMENTS (Appendix 5)**

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 5:

- 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 use 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 or development. 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 22.5 feet from the rear lot line. However, it will not be any closer to the rear lot line than currently exists as the addition will be created under a roof line that has existed since at least 1983. The property has sufficient screening and nothing will be*

*removed from the property to accommodate the addition. Therefore, 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 1,936 square feet. Therefore 150% of the total gross floor area could result in an addition up to 2,904 square feet in size for a possible total square footage at build out of 4,840 square feet. The proposed addition is only 160 square feet for a total square footage of the house with the addition of 2,096 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 enclosure of the covered breezeway and concrete pad will not create any addition height or bulk on the property. 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. All are similar in size and have one story carports. The property is extremely vegetated and most properties are not seen from the applicants' property. 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. Staff believes that the enclosure of the 160 square feet area under the existing carport/addition roof will not impact stormwater runoff, noise, light, air, safety or erosion, as no further impervious surfaces will be created with the addition of the enclosure. The configuration of the structure has existed since 1983 and will come no closer to the side lot line than it is currently. The applicants have received a letter in support from the most affected property owner on Lot D. The site is heavily vegetated and adjacent lots are not visible from the structure. 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 addition within the existing carport/addition is the logical location for the addition. The structure will be no closer to the rear lot line than the existing structure. There is sufficient vegetation between the subject property and the property on the rear lot line to provide adequate screening of the structure. 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-DR-046 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 with Architectural Renderings
2. Applicant's Affidavit
3. Applicant's Statement of Justification and Attachments
4. Building Permit History
5. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2006-DR-046****November 7, 2006**

If it is the intent of the Board of Zoning Appeals to approve SP 2006-DR-046 located at Tax Map 41-1 ((13)) (9) C, to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 12.1 feet with eave 10.5 feet from side lot line and 13.8 feet with eave 11.4 feet from rear lot line and to permit reduction to certain yard requirements to permit addition 22.5 feet from rear 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 160 square feet) of the proposed covered breezeway and carport addition, as shown on the plat prepared by Alexandria Surveys International, LLC, dated, July 19, 2006, as revised through October 19, 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 (1,936 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. The addition shall be consistent with the architectural renderings and materials 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.