



APPLICATION ACCEPTED: September 29, 2006  
BOARD OF ZONING APPEALS: December 19, 2006  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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December 12, 2006

## STAFF REPORT

VARIANCE APPLICATION NO. VCA 2003-DR-132

### DRANESVILLE DISTRICT

**APPLICANTS & PROPERTY OWNERS:** M & A, L.C. and Anna Gertrude Burgess, Trustee, and June B. Bacon, Trustee

**SUBDIVISION:** N/A

**STREET ADDRESS:** 10590 Beach Mill Road

**TAX MAP REFERENCE:** 3-4 ((01)) 26E

**LOT SIZE:** 2.05 ac

**ZONING DISTRICT:** R-E

**ZONING ORDINANCE PROVISION:** 18-401

**PLAN MAP:** Residential, .1-.2 du/ac

**VARIANCE PROPOSAL:** To amend VC 2003-DR-132 previously approved for a minimum lot width of 195.87 feet to permit a change in development conditions and site modifications.

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 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035.

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**Department of Planning and Zoning**

Zoning Evaluation Division  
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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 applicants request approval to amend VC 2003-DR-132 previously approved for a minimum lot width of 195.87 feet to permit a change to the development conditions and site modifications in order to relocate the driveway from the east side to the west side of the lot which causes the relocation of the proposed septic drainfield to the south. These changes coupled with a change in the design of the dwelling require additional clearing and grading over what was shown on the plat approved in conjunction with VC 2003-DR-132.

## LOCATION AND CHARACTER OF THE AREA

### Site Description

The site is developed with a barn. Access is provided from Beach Mill Road via a gravel driveway through adjacent lot 26A. The subject property is bounded by Beach Mill Road to the south and single family detached dwellings to the north, east, and west. The site is densely wooded with a mixed forest of deciduous and evergreen trees. An environmental quality corridor (EQC) and Resource Protection Area (RPA) is located in the northwest section of the property. A storm drainage easement that varies in width is located within the EQC/RPA.

### Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single Family Detached Dwellings	R-E	.1-.2 du/ac
South	Single Family Detached Dwellings	R-E	.1-.2 du/ac
East	Single Family Detached Dwellings	R-E	.1-.2 du/ac
West	Single Family Detached Dwellings	R-E	.1-.2 du/ac

## BACKGROUND

### Site History:

The subject property was created through a four lot subdivision of a 9.10 acre parcel in 1998 which created two buildable lots and two non-buildable lots. The subject property (at the time called Outlot A) did not meet the 200 foot lot width requirement of the R-E District, as it was only 195.87 feet wide and therefore was considered an outlot.

In 2003, the applicants applied for, and were granted approval of a variance (VC 2003-DR-132) by the BZA which permitted a minimum lot width of 195.87 feet so that a dwelling could be constructed on the subject property, now called Lot 26E. A copy of the approved resolution and plat is included in Appendix 4.

## COMPREHENSIVE PLAN PROVISIONS

**Plan Area:** Riverfront Community, Area III  
**Planning Sector:** Upper Potomac

**Plan Map:** Residential, .1-.2 du/ac

## ANALYSIS

**Variance Permit Plat** (Copy at front of staff report)

**Title of VC Plat:** Amendment to the Existing Plat - Anna Burgess Property  
**Prepared By:** Paul B. Johnson  
**Dated:** September 9, 2006

### Proposed Use:

The applicants request approval of an amendment to VC 2003-DR-132, previously approved for a minimum lot width of 195.87 feet to permit a change in development conditions and site modifications. Specifically, the applicants request that the current driveway be relocated from the east side of the property to the west side and that the the original septic drainfield be relocated because of the change in the driveway location and physical constraints of the lot, which include a rock outcropping near the corner of the septic field. The garage location on the dwelling is also proposed to be moved and this change coupled with the proposed changes to the driveway and septic field necessitate changes to the clearing and grading from that depicted on the approved variance plat.

The applicants state that these proposed site modifications will address issues which have prevented the applicant from fulfilling Development Condition 2 in their approved VC application, and ultimately from securing a Building Permit.

On June 5, 2006, the applicants submitted a letter requesting a determination as to whether the proposed Lot Grading Plan (which included the proposed site modifications mentioned above) was in conformance with the conditions approved in conjunction with VC 2003-DR-132. On July 28, 2006, Barbara Byron, Director of Zoning Evaluation Division, responded by letter that the above-mentioned alterations to the proposal would not be in substantial conformance with the approved VC plat. A copy of both the interpretation request and determination letter is included in Appendix 5.

The revised VC plat indicates that the applicants will reforest various sections of the property, including the north-central area, and along the western lot line.

### **ZONING ORDINANCE REQUIREMENTS (Appendix 6)**

A variance application must satisfy the provisions of Sect. 18-404 (Required Standards for Variances). It is noted that these provisions require a finding that the application satisfies all nine (9) enumerated requirements. Staff believes that the application satisfies all the Variance Standards.

If the Board of Zoning Appeals determines that the variance amendment can be justified, it must then decide the minimum variance which would afford relief as set forth in Sect. 18-405. 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. Applicants' Affidavit
3. Applicants' Statement of Justification
4. Resolution and Approved Plat, VC 2003-DR-132
5. Interpretation Request and Interpretation Determination
6. Applicable Zoning Ordinance Provisions

## PROPOSED DEVELOPMENT CONDITIONS

December 12, 2006

If it is the intent of the Board of Zoning Appeals to approve VCA 2003-DR-132 located at Tax Map 3-4 ((01)) 26E to amend VC 2003-DR-132 previously approved for a minimum lot width reduction to permit changes to development conditions and site modifications pursuant to Sect. 18-401 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Conditions approved under VC 2003-DR-132 are marked with an asterisk (\*); updates are indicated as strikethroughs and bolded text.

1. This variance is approved for a lot width variance of Lot 26E (Outlot A1), as shown on the plat prepared by ~~Reid M. Dudley, dated July 8, 2003, revised through December 10, 2003,~~ **Paul B. Johnson, dated September 9, 2006**, submitted with this application and is not transferable to other land. All development shall be in conformance with this plat as qualified by these Development Conditions. These conditions shall be recorded among the land records of Fairfax County.\*
2. Prior to any land disturbing activity, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements and a tree preservation plan shall be submitted to the Department of Public Works and Environmental Services (DPWES), including the Urban Forestry Division, for review and approval. ~~Notwithstanding Note 19 on the plat the extent of clearing and grading line as shown on the variance plat shall be adhered to provided that there may be minor deviations in that line as determined by the Zoning Administrator for engineering reasons in order to allow for the construction of a dwelling and accessory structures on the lot.~~ The plan shall depict the location of the Environmental Quality Corridor (EQC) **and Resource Protection Area (RPA)** on site. The EQC/RPA and area outside of the limits of clearing and grading shall be preserved as undisturbed open space with no structures or fences within these limits. The tree preservation plan shall preserve as much of the existing tree canopy as possible as determined by DPWES and the Urban Forestry Division, and shall meet the tree cover requirements of the Zoning Ordinance. Prior to any land disturbing activity for construction, a pre-construction conference shall be held between DPWES and representatives of the applicant to include the construction site superintendent responsible for onsite construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, and the erosion and sedimentation control plan to be implemented during construction. In no event shall an area of the site be left denuded for a period longer than fourteen (14) days.\*
3. Stormwater management and Best Management Practices shall be provided in accordance with the requirements of the Public Facilities Manual as determined by DPWES. If not in substantial conformance with this Variance plat, the Variance shall become null and void.\*

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 the subdivision has been recorded among the land records of Fairfax County. The Board of Zoning Appeals may grant additional time to record the subdivision 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.