



APPLICATION ACCEPTED: December 4, 2006
BOARD OF ZONING APPEALS: February 27, 2007
TIME: 9:00 a.m.

County of Fairfax, Virginia

February 20, 2007

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2006-SP-072

SPRINGFIELD DISTRICT

APPLICANT/OWNERS: Morris E. Brown and Camille W. Brown

SUBDIVISION: Evangel Estates

STREET ADDRESS: 8715 Evangel Drive

TAX MAP REFERENCE: 89-3 ((22)) 4A

LOT SIZE: 17,083 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit a roofed deck 25.33 feet from front lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2006-SP-072 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
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

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 roofed deck (porch) addition 25.33 feet from the front lot line of the subject property.

Description of Special Permit

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Dwelling	Front	30.0 feet	25.33 feet	4.67 feet	15.9%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The site, which is situated at the rear of a cul de sac, is currently zoned R-3 and is developed with a single family detached dwelling constructed in 1984. The property has an existing concrete driveway that extends from Evangel Drive to an attached two car garage on the northern side of the dwelling. A six foot high chain linked fence runs along the perimeter of the rear yard. A 10 foot wide sanitary sewer easement runs east to west to the rear of the dwelling.

As depicted on the plat located at the front of the staff report, the existing yards are:

	Required	Existing
Front	30 ft.	29.9 ft.*
Rear	25 ft.	Approx. 79 ft.
Side (east)	12 ft.	12.2 ft.
Side (west)	12 ft.	12 ft.

* Pursuant to Section 2-419 of the Zoning Ordinance the applicant will need to apply for an administrative reduction to the minimum yard requirement to permit the existing dwelling to remain 29.9 feet from a front lot line. A development condition has been included to address this issue.

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

On October 20, 1980, the Board of Supervisors approved RZ 79-S-082, which proposed rezoning 2.15 acres from R-1 to R-3. Records indicate the dwelling was originally constructed in 1984. There are no proffers which impact the applicant's request.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Brown Residence

Prepared By: Nicholas Diffenbaugh

Dated: September 21, 2006, revised through December 4, 2006

Proposal:

The applicant requests approval to permit a reduction to certain yard requirements to permit the construction of a roofed deck (porch) addition 25.33 feet from the front lot line of the subject property to make a covered entryway into the house.

ZONING ORDINANCE REQUIREMENTS (Appendix 4)

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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 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 are similar in size and scale to dwellings on adjacent properties and will not adversely affect their use, as many neighboring dwellings have similar porches on the fronts of houses. Staff believes that 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 proposed roofed deck (porch) addition will encroach no closer to neighboring dwellings than the existing stoop currently does. Deciduous vegetation and evergreens are located along both neighboring lot lines; therefore, the addition will not be visible to neighbors. 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 4 relates to enclosed additions that contribute to square footage of the house. 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 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 roofed is depicted in the elevation drawings at the front of the staff report. The addition will feature construction materials typical to roofed decks in the neighborhood, such as columns, wood trim, and brick features, and which will match the existing structure. 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. Most of the houses in the neighborhood are two stories in height, comprised of brick construction, and have stoops and/or porches at their front entrances. The material proposed by the applicant is similar to that used on surrounding dwellings. 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 closest adjacent dwelling is located approximately 25 feet away from the proposed addition so there are no issues related to noise, light, and air. No additional impervious area will be added because the roof will be added over the existing stoop area. 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 applicants are proposing to construct a roofed deck (porch) to the front of their property. No existing vegetation or trees will be harmed or removed during the construction of the proposed roofed porch as proposed. 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.

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-072 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-072****February 20, 2007**

If it is the intent of the Board of Zoning Appeals to approve SP 2006-SP-072 located at Tax Map 89-3 ((22)) 4A, to permit reduction of certain yard requirements 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. This special permit is approved for the location and size (approximately 52 square feet) of the proposed roofed deck addition as shown on the plat prepared by Nicholas Diffenbaugh, dated September 21, 2006, as revised through December 4, 2006 as submitted with this application and is not transferable to other land.
2. Other by-right uses on site shall be permitted without an amendment to this special permit.
3. The roofed deck addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
4. Pursuant to Section 2-419 of the Zoning Ordinance, within sixty days of the approval of the special permit, the applicant shall apply for an administrative reduction to the minimum yard requirement from the Zoning Administrator to permit the existing dwelling to remain 29.9 feet from the front lot line.

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.8-015 of the Zoning Ordinance, this special permit 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 establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. 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.