



County of Fairfax, Virginia

April 24, 2007

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-SU-015

SULLY DISTRICT

APPLICANT/OWNERS: David M. Fenner

SUBDIVISION: Clarkes Landing

STREET ADDRESS: 2721 Clarkes Landing Drive

TAX MAP REFERENCE: 36-2 ((5)) 43

LOT SIZE: 20,182 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of additions 12.6 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2007-SU-015 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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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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/

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 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

To permit reduction of certain yard requirements to permit construction of an addition (enclosed porch) approximately 145 square feet in size in the front of the house 12.6 feet from a side lot line and the construction of a three story addition approximately 1064 square feet in size at the rear of the existing dwelling 12.6 feet from a side lot line. Both measurements include a 0.5 foot eave.

Description of Special Permit

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Porch enclosure (front)	Side (north)	20.0 feet	12.6 feet	7.4 feet	37%
	Dwelling addition (rear)	Side (north)	20.0 feet	12.6 feet	7.4 feet	37%

*Minimum yard requirement per Section 3-107

EXISTING SITE DESCRIPTION

The site is currently zoned R-1 Cluster and is developed with a single family detached dwelling. Records indicate that the dwelling was constructed in 1976. The property is level in elevation and has substantial deciduous and evergreen vegetation along the periphery and central portions of the property. An existing asphalt driveway extends from Clarks Landing Drive and leads to an attached garage. A pipestem driveway to the north of the subject property provides access to Lot 42 to the east.

The existing yards are as follows:

Yard	Required	Existing
Eastern Rear Lot Line	25.0 feet	123 feet
Western Front Lot Line (Arbor Lane)	40.0 feet	48 feet
Side (Eastern) Lot Line	20 feet	37.1 feet
Side (Western) Lot Line	20 feet	13.1 feet*

* The existing structure complied with minimum yard requirements in existence when it was constructed.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1	Single Family Detached Dwellings
East	R-1	Single Family Detached Dwellings
South	R-1	Single Family Detached Dwellings
West	R-1	Single Family Detached Dwellings

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Fenner/Kubzdela Residence

Prepared By: Architectural Designs

Dated: January 30, 2007

Proposal:

To permit reduction of certain yard requirements to permit construction of a one-story addition (enclosed porch), approximately 145 square feet in size in the front of the house, 12.6 feet from a side lot line and the construction of a three-story addition approximately 1064 square feet in size at the rear of the existing dwelling, 12.6 feet from a side lot line. The purpose of the additions is to provide additional family living space. The additions will total 1209 square feet of additional space.

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 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 additions are similar in size and scale to structures on adjacent properties, which are predominately two story dwellings sheathed in brick and vinyl siding as is the subject dwelling and proposed additions. Staff believes that the proposed additions which will not affect the use or development of neighboring properties. 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 additions will not be closer than the existing dwelling (approximately 50 feet) from the adjacent dwelling on Lot 41. There is substantial vegetation along the pipestem driveway between the two properties which will provide adequate buffering of the proposed addition. 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 4,393 square feet. Therefore 150% of the total gross floor area could result in an addition up to 6,589 square feet in size for a possible total square footage at build out of 10,982 square feet. The proposed additions total 1,209 square feet, including the enclosure of the existing porch in the front of the dwelling into living space totaling 145 square feet and the addition of approximately 1,064 square feet to the rear of the existing dwelling, for a total square footage of 5,602 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 additions will be compatible with the existing structure. The rear addition will be approximately 4 feet higher than the existing dwelling. The front addition will be one-story. Hardie Plank siding will be installed which matches the existing sheathing on the structure. In addition the composition roofing shingles will match the existing shingles. 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 and are sheathed in brick and vinyl or wood siding as is the subject dwelling and proposed additions. The rear addition is three levels exposed by virtue of a drop in topography. From the front of the house, the dwelling will still appear to be two levels. 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 subject property and proposed additions will remain the same distance, approximately 50 feet, from the dwelling on adjacent Lot 41. This will continue to provide adequate light and air between the two structures. 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 construction of the addition in the rear of the property and the enclosure of the porch in front of the dwelling are the logical locations for the additions. The additions will be the same distance from the adjacent dwelling on Lot 41 as is the existing dwelling. There is substantial vegetation between the two properties, which will provide adequate buffering. 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 2007-SU-015 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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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 2007-SU-015****April 24, 2007**

If it is the intent of the Board of Zoning Appeals to approve SP 2007-SU-015 located at Tax Map 36-2 ((5)) 43, 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. 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 145 and 1064 square feet) of the proposed additions as shown on the plat prepared by Architectural Designs, dated January 30, 2007 as submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (4,393 square feet) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The additions 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. 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 commence construction 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.