



County of Fairfax, Virginia

May 15, 2007

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-LE-021

LEE DISTRICT

APPLICANT/OWNERS: John K. Phouminh
SUBDIVISION: Highgrove Estates
STREET ADDRESS: 6275 Wakefield Way
TAX MAP REFERENCE: 81-3 ((47)) 14
LOT SIZE: 8,507 square feet
ZONING DISTRICT: R-3 (Cluster)
ZONING ORDINANCE PROVISION: 8-922
SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of addition 15.7 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2007-LE-021 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 (sun room) approximately 228 square feet in size in the rear of the house 15.7 feet from the rear lot line.

Description of Special Permit

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Sun Room (rear)	rear (east)	25.0 feet	15.7 feet	9.3 feet	37.2%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The site is currently zoned R-3 Cluster and is developed with a single family detached dwelling. Records indicate that the dwelling was constructed in 2002. The property is level in elevation in the front and slopes downward in the rear of the house with a walkout basement. The property has minimal vegetation along the periphery and central portions of the property. Foundation plantings are located along the front of the structure as well as several trees planted in the front yard. An existing asphalt driveway extends from Willowfield Way on the southwest portion of the property and leads to an attached double garage. The existing yards are as follows:

Yard	Required	Existing
Rear Lot Line	25.0 feet 13.0 feet (deck)	25.8 feet 15.7 feet (deck)
Front Lot Line (Willowfield Way)	20.0 feet	48 feet
Side (North) Lot Line	8.0 feet	15.1 feet
Side (South) Lot Line	8.0 feet	8.8 feet
Total Side Lot Lines	20.0 feet	23.9 feet

CHARACTER OF THE AREA

	Zoning	Use
North	R-3 (Cluster)	Single Family Detached Dwellings
East	R-3 (Cluster)	Single Family Detached Dwellings
South	R-3 (Cluster)	Single Family Detached Dwellings
West	R-3 (Cluster)	Single Family Detached Dwellings

ANALYSIS**Special Permit Plat** (Copy at front of staff report)

Title of SP Plat: Plat Showing House Location Survey
Lot 14, Section 7, Highgrove Estates, Lee District

Prepared By: Suburban Development Engineering

Dated: January 29, 2007

Proposal:

To permit reduction of certain yard requirements to permit construction of an addition (sun room) approximately 228 square feet in size in the rear of the house 15.7 feet from the rear lot line. The sun room will be constructed adjacent to the existing deck. The purpose of the addition is to provide additional seasonal family living space.

ENVIRONMENTAL ANALYSIS (Appendix 4)

The environmental analysis indicates that the site is located in an area identified as having marine clay soils. Such soils are classified as Class 'A' problem soils which include problems such as unstable slopes and poor foundation support. The proposed addition may need to undergo a geotechnical engineering review by the Department of Public Works and Environmental Services during the site plan process. The applicant has been notified of this possible requirement.

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 addition 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 addition. Staff believes that the proposed sunroom addition 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 addition will be 15.7' closer (approximately 40 feet) to the adjacent dwelling to the rear on Lot 43. There is no vegetation along the rear of the subject property between the two properties. The occupants of the adjacent property will have a clear view of the sunroom with no existing vegetation on either lot or screening in the future and no variation in topography to mitigate impacts of the addition. Staff is proposing a development condition which requires the applicant to provide plantings along the rear property line to address this issue. Staff believes that this standard has been met with the imposition of this development condition.*

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 3,168 square feet. Therefore 150% of the total gross floor area could result in an addition up to 4,752 square feet in size for a possible total square footage at build out of 7,920 square feet. The proposed addition is 228 square feet for a total square footage of 3,396 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 sun room addition will project from the family room on the main floor of the dwelling and will be constructed adjacent to the existing deck. It will be 8 to 9 feet above grade in the rear of the house and supported by piers. Vinyl siding will be installed which matches the existing sheathing on the house and windows on the side and rear walls will match existing windows in the house. 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 sunroom addition is similar to several others in the neighborhood. 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 addition will be 15.7 closer (approximately 40 feet) to the adjacent dwelling to the rear on Lot 43. There is no vegetation along the rear of the subject property between the two properties. The sun room addition will project out from the family room from the main floor of the dwelling and be 8 to 9 feet above grade in the rear of the house and supported by piers which will continue to provide adequate light and air between the two structures. Staff believes that this standard has been met.

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 sunroom in the rear of the property off of the family room is the logical location for the addition. The addition will be 15.7' closer (approximately 40 feet) to the adjacent dwelling to the rear on Lot 43. There is no vegetation along the rear of the subject property between the two properties. Staff is proposing a development condition which requires the applicant to provide plantings along the rear property line to address this issue. Staff believes that this standard has been met with the imposition of this 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 2007-LE-021 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. Environmental Analysis
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2007-LE-021****May 15, 2007**

If it is the intent of the Board of Zoning Appeals to approve SP 2007-LE-021 located at Tax Map 81-3 ((47)) 14 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. 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 228 square feet) of the proposed additions as shown on the plat prepared by Architectural Designs, dated January 29, 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 (3,168 square feet) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit or variance. 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.
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 rear fence adjacent to Lot 43.

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.