



APPLICATION ACCEPTED: March 13, 2007  
BOARD OF ZONING APPEALS: June 5, 2007  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

May 29, 2007

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-SP-026

### SPRINGFIELD DISTRICT

**APPLICANT/OWNER:** James William Brown

**SUBDIVISION:** Hampton Manor Estates

**STREET ADDRESS:** 10402 Hampton Road

**TAX MAP REFERENCE:** 105-2 ((05)) 1

**LOT SIZE:** 1 acre

**ZONING DISTRICT:** R-C, WS

**ZONING ORDINANCE PROVISION:** 8-923

**VARIANCE PROPOSAL:** To permit a fence greater than 4.0 feet in height in the front yard.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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.

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.**

*N:/varga/sp/j.w.brown/staffreport*



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).

#### 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/](http://www.fairfaxcounty.gov/dpz/)

## DESCRIPTION OF THE APPLICATION

To permit the increase in height of a fence from 4.0 feet to 6.0 feet in the front yard along Hampton Road.

### Description of Special Permit

	Structure	Yard	Height Permitted By right	Height Requested through Special Permit	Modification Requested
<b>Special Permit</b>	Fence	Front	4.0 feet	6.0 feet	2.0 feet

## ANALYSIS OF THE APPLICATION

- **Title of Plat:** Plat Showing Special Permit, Lot 1, Hampton Manor Estates, Springfield District
- **Prepared by:** Harold A. Logan, dated December 20, 2006, as revised through May 17, 2007

### Description of Special Permit

The applicant is requesting a special permit to allow a 6.0 wood fence in the front yard to remain. Currently, a 7.0 foot high wood fence exists along the entire western property line, of which 80.0 feet is in the front yard. Additionally, a 7.0 foot high, 127.5 foot long wood fence exists along the western property line, of which a 75.0 foot portion is in the front yard.

The Zoning Ordinance currently permits 4.0 feet by right; however, through special permit application the applicant is able to request a fence in the front yard up to 6.0 feet in height. The applicant has stated that he is aware that the granting of a special permit in this case would necessitate reducing the height of the existing fence in the front yard to no greater than 6.0 feet. A development condition has been included to specify this requirement.

## CHARACTER OF THE AREA

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-C, WS	Single family detached dwellings
<b>South</b>	R-C, WS	Regional Park Authority land
<b>East</b>	R-C, WS	Single family detached dwellings
<b>West</b>	R-C, WS	Single family detached dwellings

## BACKGROUND

On November 30, 2006, the Department of Planning and Zoning issued the applicant a Notice of Violation (NOV) for a 75.0 foot long, 7.0 foot high wood fence in his front yard along the western property line, and an 80.0 foot long, 7.0 foot high wood fence in his front yard along the eastern property line, which exceeds the 4.0 high maximum permitted. A copy of the NOV is included as Appendix 4.

The property located to the east of the applicant's property, depicted as "N/F Conner" contains a 6.0 high wood fence along the extent of the property line. The lot is greater than two acres in size and the Zoning Ordinance permits fences up to 7 feet in height in all yards on lots greater than two acres.

Records indicated the dwelling on the subject property was originally constructed in 1985.

## 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. 8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

## CONCLUSION

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.

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.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation
5. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2007-SP-026****May 29, 2007**

1. This special permit is approved for the location of the fence as shown on the plat prepared by Harold A. Logan, dated September 7, 2004, as revised through March 1, 2007, as submitted with this application and is not transferable to other land.
2. Notwithstanding that shown on the plat, within 90 days of approval, the portion of the fence in the front yard shall be reduced to no greater than 6.0 feet in height or this special permit shall be null and void.

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.