



APPLICATION ACCEPTED: April 23, 2007
BOARD OF ZONING APPEALS: July 10, 2007
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 3, 2007

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-PR-039

PROVIDENCE DISTRICT

APPLICANT/OWNERS: Linda Cook

SUBDIVISION: Oakton Grays

STREET ADDRESS: 2960 Gray Street

TAX MAP REFERENCE: 47-2 ((7)) 16B

LOT SIZE: 18,068 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction to certain yard requirements to permit an existing addition 15.2 feet from the rear lot line.

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. 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

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Fairfax, Virginia 22035-5509
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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 to certain yard requirements to permit an existing addition 15.2 feet from the rear lot line. The addition is a deck with plant hangers and proposed lattice below the decking

Description of Special Permit

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Rear (west)	25.0 feet	15.2 feet	9.8 feet	40%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The site is currently zoned R-2 and is developed with a single family detached dwelling. Records indicate that the dwelling was constructed in 2004. 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 vegetation along the periphery and central portions. Foundation plantings are located along the front of the structure as well as several trees are planted in the front yard. An existing asphalt driveway extends from Gray Street on the southeast portion of the property. The existing yards are as follows:

Yard	Required	Existing
Real (West) Lot Line	25.0 feet	15.2 feet *
Front (East) Lot Line (Gray St.)	35.0 feet	64.6 feet
Side (North) Lot Line	15.0 feet	36.8 feet
Side (South) Lot Line	15.0 feet	27.2 feet

* Subject of the Special Permit

BACKGROUND

The applicant states that she contracted to have a deck constructed and that the contractor applied for and received the necessary permits. After construction was completed it was discovered that part of the deck was not approved in the building permit. An oversight on the part of the contractor resulted in him not seeing that the plant hangers and lattice work included on the deck plan were not approved on the building permit. On December 12, 2007, the BZA denied application SP 2006-PR-061, a request by the applicant for a special permit to permit reduction to minimum yard requirements based on an error in building location to permit a roofed deck to remain 15.2 feet from the rear lot line. The BZA passed a motion to waive the 12-month waiting period for refileing an application and suggested that the applicant could better meet the Standards under Sect. 8-922, Reduction of Certain Yard Requirements rather than the Standards under Sect. 8-014, Building in Error. A copy of the Board Resolution and plat for SP 2006-PR-061 is attached as Appendix 4.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single Family Detached Dwellings
East	R-2	Single Family Detached Dwellings
South	R-2	Single Family Detached Dwellings
West	R-2	Single Family Detached Dwellings

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** House Location Plat, Tax Map 0742 07 0016B LT 16B
- **Prepared by:** Advance Engineering Group, dated 4/11/07

Proposal:

The applicant requests approval to permit reduction to certain yard requirements to permit an existing addition, a roofed deck with plant hangers and the area under deck enclosed with lattice, approximately 285 square feet in size located 15.2 feet from the

rear lot. The purpose of the addition is to provide additional seasonal family living space. The “deck” is considered an addition because the floor height is greater than four feet and the area under the deck is proposed to be enclosed with the lattice. This area is therefore considered usable 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 existing addition are similar in size and scale to structures on adjacent properties, which are predominately two story dwellings sheathed in brick and vinyl siding, some with wooden decks, as is the subject dwelling and proposed addition. Staff believes that the existing roof deck addition 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 is approximately 60 feet from the adjacent dwelling to the rear on Lot 17. There is evergreen vegetation along the rear of the subject property and the adjacent property to the rear as well as a grass buffer area between the two properties. 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 2,817 square feet. Therefore 150% of the total gross floor area could result in an addition up to 4,225 square feet in size for a possible total square footage at build out of 7,032 square feet. The proposed addition is 285 square feet in size for a total square footage of 3,067 square feet on site. 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 addition projects from the family room on the main floor of the dwelling and is constructed adjacent to the existing patio. It is approximately 6 feet above grade in the rear of the house and supported by piers proposed to be sheathed in lattice creating an enclosure below the deck. 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 and some have decks as does the subject dwelling. The deck 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 is 60 feet from the adjacent dwelling to the rear on Lot 17. There is vegetation along the rear of the subject property between the two properties and to the rear of the adjacent property. The addition projects from the family room on the main floor of the dwelling and is 6 feet above grade in the rear of the house and supported by piers sheathed in lattice 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 addition in the rear of the property off the family room is the logical location for the addition. A door exists to provide access to the addition. The addition is 60 feet from the adjacent dwelling to the rear on Lot 17 with vegetation between the two properties. No vegetation will be removed to finish construction, i.e. adding the lattice. Staff believes that this standard has been met.

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-PR-039 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. BZA resolution and Special Permit Plat for SP 2006-PR-061
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2007-PR-039****July 3, 2007**

1. This special permit is approved for the location of the addition, as shown on the plat prepared by Advance Engineering Group, dated Advance Engineering Group, dated 4/11/07, submitted with this application and is not transferable to other land.
2. 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 (2,817 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.
3. 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.