



APPLICATION ACCEPTED: April 22, 2005
APPLICATION AMENDED: January 3, 2007
PLANNING COMMISSION: June 28, 2007
BOARD OF ZONING APPEALS: July 10, 2007 at 9 AM
BOARD OF SUPERVISORS: July 23, 2007 at 3:30 PM

County of Fairfax, Virginia

June 7, 2007

STAFF REPORT

APPLICATIONS SE 2005-MV-017
(in association with VC 2007-MV-001)

MOUNT VERNON DISTRICT

APPLICANT: Kevin J. O'Neill

ZONING: R-20

PARCEL: 93-2 ((7)) (4) 3

ACREAGE: 9,900 square feet (SF)

DENSITY: 8.70 dwelling units per acre (du/ac)

OPEN SPACE: 37%

PLAN MAP: Residential, 16-20 du/ac

SE CATEGORY: Category 6; Use in the Floodplain

SE PROPOSAL: The applicant seeks approval of a Category 6 special exception for uses in the floodplain to permit the construction of two (2) single-family attached dwelling units (duplex) at a density of 8.70 du/ac with 37% open space.

O:\clewi4\special exceptions\SE 2005-MV-017, Kevin J O'Neill\cover.doc

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/

VARIANCE PROPOSAL: To permit construction of two single-family attached dwellings (a duplex) to permit the structure seven (7) feet, stoops three (3) feet and bay windows five (5) feet from a front lot line of a corner lot (I Street) and the structure to be five (5) feet from the side lot.

REQUESTED WAIVERS: Waiver of the transitional screening and barrier requirements along the northern property line where the site abuts single-family detached dwellings

STAFF RECOMMENDATIONS:

Staff recommends that SE 2005-MV-017 be approved subject to the development conditions in Appendix 1.

Staff recommends that the transitional screening and barrier requirements along the northern property line be waived.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).



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).



APPLICATION ACCEPTED: January 3, 2007
BOARD OF ZONING APPEALS: July 10, 2007 (moved at Applicant's request)
TIME: 9:00 AM

County of Fairfax, Virginia

June 7, 2007

STAFF REPORT

**APPLICATIONS VC 2007-MV-001
(in association with SE 2005-MV-017)**

MOUNT VERNON DISTRICT

APPLICANT: Kevin J. O'Neill

SUBDIVISION: New Alexandria, Block 4

STREET ADDRESS: 1111 I Street

PARCEL: 93-2 ((7)) (4) 3

ZONING: R-20

ACREAGE: 9,900 square feet (SF)

ZONING ORDINANCE PROVISION: 18-404

VARIANCE PROPOSAL: To permit construction of two single-family attached dwellings (a duplex) seven (7) feet, stoops three (3) feet and bay windows 5.5 feet from a front lot line of a corner lot (I Street) and the structure to be five (5) feet from the side lot.

O:\clewi4\special exceptions\SE 2005-MV-017, Kevin J O'Neill\VC cover.doc

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).



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).

A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF THE APPLICATION

The subject site, which is zoned R-20, is located in the southeast quadrant of the intersection of I Street and Potomac Avenue in the Mount Vernon District. The site is completely located within the floodplain. It is 9,900 square feet (SF) in size and 33 feet in width. The applicant is requesting a special exception for uses in the floodplain to permit the construction of two single-family attached dwelling units (a duplex) at a density of 8.70 dwelling units per acre (du/ac) with 37% open space. Because the lot is only 33 feet in width, the applicant is also seeking a variance of the minimum required front and side yards.

Special Exception Request

The subject site contains an existing single-family detached home, which was built in 1930. That single-family detached dwelling was damaged by flooding of the Potomac River during Hurricane Isabel in September 2003. Because single-family detached dwellings are not permitted uses in the R-20 District, the house is considered a non-conforming use. Par. 6(D) of Sect. 15-103 of the Zoning Ordinance permits single-family detached dwellings which are non-conforming uses to be reconstructed within two years after the damage or destruction occurred to the house. The applicant chose not to rebuild the existing single-family detached dwelling, but instead to construct two single-family attached dwellings (a duplex).

Because the subject site is completely located within the floodplain, the proposed new structure requires a special exception for use in the floodplain. The footprint of the proposed duplex is approximately 2,900 SF; approximately 193 cubic yards of fill are proposed in order to raise the proposed duplex 18 inches above the floodplain.

Use in a Floodplain is a Category 6 Special Exception Use, and is subject to the provisions of the Zoning Ordinance General Standards of Sect. 9-006 for Special Exception Uses (Appendix 7) and provisions for Uses in a Floodplain, Sect. 2-904, among others. The requirements of the Chesapeake Bay Preservation Ordinance are applicable due to the location of the proposed dwelling within a Resource Protection Area.

Waivers and Modifications

The applicant is seeking a waiver of the transitional screening and barrier requirements along the northern property lines, where the site abuts the single-family detached dwellings of New Alexandria. In addition, an administrative exception to the Chesapeake Bay Preservation Ordinance (CBPO) will be requested through the Department of Public Works and Environmental Services (DPWES) prior to site plan approval, for location of the proposed dwelling within a Resource Protection Area (RPA).

Copies of the most relevant Zoning Ordinance provisions are attached as Appendix 7. A reduction of the SE Plat depicting the proposed location of the residence is included in the front of this report.

Variance Request:

Because the lot is only 33 feet in width, the applicant is also requesting a variance of the minimum required front and side yards per Sect. 18-401 of the Zoning Ordinance. First, the applicant seeks a variance of the front lot line to permit the dwellings to be seven (7) feet from the front property line (I Street), where nine (9) feet is required, and to permit bay windows 5.5 feet and stoops 3 feet from the front lot line and to permit the dwelling to be five (5) feet from the side property line, where 10 feet is required.

Structure	Yard	Minimum Yard Required	Proposed Location	Variance Requested
Dwelling	Front (north/I Street)	9 feet*	7 feet	2 feet
Bay Window	Front (north/I Street)	6 feet**	5.5 feet	0.5 foot
Stoop	Front (north/I Street)	4 feet***	3 feet	1 foot
Dwelling	Side (south)	10 feet *	5 feet	5 feet

* Minimum yard requirement based on the bulk plane per Sect. 3-2007.

**Minimum yard requirement per Par. 1D of Sect. 2-412

***Minimum yard requirement per Par. 1C of Section 2-412

The variance application must satisfy all of the nine requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance which would afford relief as set forth in Sect. 18-405. These sections of the Zoning Ordinance are contained in Appendix 7. A reduction of the VC Plat depicting the proposed location of the residence is included in the front of this report.

LOCATION AND CHARACTER

Subject Property

The property is located at 1111 I Street, in the southeast quadrant of the intersection of Potomac Avenue and I Street. The subject property is located within the 100-year floodplain for the Potomac River. This area is also a Resource Protection Area (RPA), as defined by the Chesapeake Bay Preservation Ordinance (CBPO).

The subject site is zoned R-20 but contains an existing single-family detached home, which was built in 1930. This house predates a number of regulatory and policy standards including the Environmental Quality Corridor (EQC) policy contained in the Comprehensive Plan and the CBPO. The single-family detached dwelling was damaged by flooding of the Potomac River during Hurricane Isabel in September 2003. Since then, the house has been vacant. On March 7, 2007, the property was determined to be preliminarily blighted by the Neighborhood Enhancement Task Force. Currently, the structure is boarded up.

The R-20 Zoning District requires the following setbacks for single-family attached dwellings.

- Front - 15 degree angle of bulk plane but no less than 5 feet
- Side - 15 degree angle of bulk plane but no less than 10 feet
- Rear - 30 degree angle of bulk plane but no less than 20 feet

In addition, Par. 1C of Sect. 2-412 permits uncovered stairs and stoops less than 10 feet in width to extend five (5) feet into any minimum required yard, but not closer than five (5) feet to any lot line. Par 1E of Sect. 2-412 permits carports to extended five (5) feet into any minimum required side yard but not closer than five (5) feet to any side lot line.

Based on the existing height of the single-family detached dwelling (29.4 feet), the current setbacks for the existing structure are as follows:

SETBACKS FOR EXISTING SINGLE-FAMILY DETACHED DWELLING	
Yard	Provided
Front (north/I Street)	5.5 feet
Front (north/I Street)	0.8 feet
Front (west/Potomac Ave.)	143.9 feet
Front (west/Potomac Ave.)	140.2 feet
Side (south)	1.1 feet
Rear (east)	68.6 feet

**Minimum yard requirement per Sect. 3-2007.*

***Minimum yard requirement per Par. 1D of Sect. 2-412*

****Minimum yard requirement per Par. 1E of Section 2-412*

Surrounding Properties

Direction	Use	Zoning	Plan
North	Single-family detached dwellings (New Alexandria)	R-3	Residential; 2-3 du/ac
South	Multifamily dwellings (Belle View Apartments)	R-20	Residential; 16-20 du/ac
East	Multifamily dwellings (Belle View Apartments)	R-20	Residential; 16-20 du/ac
West	Multifamily dwellings (Belle View Apartments)	R-20	Residential; 16-20 du/ac

BACKGROUND

Records indicate that the dwelling was constructed in 1930. There have been no previous variance, special permit, special exception or rezoning requests on this property.

In September 2003, the existing single-family detached dwelling was damaged by Hurricane Isabelle. Because the current Zoning Ordinance does not permit single-family detached dwellings in the R-20 Zoning District, the existing house is considered a non-conforming use. Per Par. 6D of Sect. 15-103 of the Zoning Ordinance, the applicant had two years from the date of Hurricane Isabelle in which to reconstruct the house. However, because the applicant failed to reconstruct the house in this time period, the non-conforming status of the house expired.

On December 15, 2003, the Department of Public Works and Environmental Services (DPWES) determined that the subject lot is a valid lot under the Subdivision Ordinance as a deed for the lot was recorded to transfer the property from the Mount Vernon Boulevard Development Company to Dale Bullard on May 12, 1942 (Deed Book 384, Page 146). Furthermore, the Department of Planning and Zoning (DPZ) concluded that the existing single-family detached dwelling, which was constructed in 1930 (prior to the first Zoning Ordinance), was allowed previously as a non-conforming use.

Since Hurricane Isabelle damaged the house in September 2003, the house has been vacant. On March 7, 2007, the property was determined to be preliminarily blighted by the Neighborhood Enhancement Task Force. Currently, the structure is boarded up.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Mount Vernon Planning District; Area IV

Planning Sector: Wellington Community Planning Sector (MV-4)

Plan Map: Residential; 16-20 du/ac

There is no specific Plan text for this site.

ANALYSIS

Special Exception (SE) Plat (Copy at front of staff report)

Title of SE Plat: Special Exception Plat, 1111 I Street

Prepared By: R.C. Fields, Jr. and Associates

Original and Revision Dates: February 18, 2005, as revised through May 22, 2007

Variance (VC) Plat (Copy at front of staff report)

Title of VC Plat: Variance Plat, 1111 I Street

Prepared By: R.C. Fields, Jr. and Associates

Original and Revision Dates: February 18, 2005, as revised through May 22, 2007

Description of the Plats

The SE Plat consists of two sheets. Sheet 1 of 2 includes an illustration of the layout plan for the property (with existing and proposed conditions), a vicinity map, notes, tabulations, details of the existing and proposed dwellings and a legend. Sheet 2 of 2 is the Existing Vegetation Map. The applicant's proposal for the replacement structure is illustrated on the first sheet.

The VC Plat consists of a single sheet, which includes an illustration of the layout plan for the property (with existing and proposed conditions), a vicinity and topographic map, a description of the existing vegetation, a soils map, notes, an angle of bulk plane detail (including architecture), notes, tabulations, details of the existing and proposed dwellings and a legend.

The proposed replacement dwelling is a duplex, containing two (2) units. Each unit would be provided with a surface parking pad, which would contain three parking spaces.

The proposed duplex is larger in size than the existing single-family detached dwelling. The duplex would match the existing single-family detached dwelling in

width (21 feet) but would be 25 feet longer than the existing house (116 feet versus 91 feet). Note 30 on the SE Plat indicates that the existing impervious area on the site is 2,270 SF, while the proposed impervious area is 2,900 SF (excluding driveways).

The front doors for the units would be oriented along I Street. The architecture included in the angle of bulk plane detail indicates that the duplex would be colonial in style, with dormers along the roof of the structure.

The proposed duplex would be located seven (7) feet from the front property line along I Street, with two bay windows 5.5 feet from this lot line and two uncovered stoops three (3) feet from this lot line. The existing single-family detached dwelling is setback 5.5 feet from I Street (with stairs leading up to an open porch being 0.8 feet from I Street). The proposed duplex would be located five feet from the side lot line (which abuts the Belle View Apartments). The second floor of the existing structure is as close as 1.1 feet from this side lot line. The proposed duplex will satisfy the front yard setback along Potomac Avenue, as well as the rear yard setback.

The finished floor of the duplex would be at 12.5 feet above sea level, which is 18 inches above the flood level as required by the Zoning Ordinance.

A minimum of three off-street parking spaces would be provided for each unit (for a total of six spaces). These spaces would be provided on a surface parking pad on either side of the dwelling. In those areas where the driveways are located within Virginia Department of Transportation (VDOT) right-of-way, no parking is permitted within the driveways.

The applicant has indicated that he intends to apply for a waiver of the standard County detention requirements. However, if this waiver is denied, the applicant proposes to construct a bio-retention filter (raingarden) in the western portion of the site for water quantity and quality control. This area would be 315 cubic feet in size.

Comprehensive Plan and Land Use Analysis

The Comprehensive Plan does not include any site-specific text for this property. The property is planned for residential uses at 16-20 du/ac, and as such, the request is in conformance with the Plan guidance. The proposed architecture for the duplex is colonial in style and staff believes that it will be compatible with the existing single-family detached dwellings to the north of the site (New Alexandria). Staff recommends a development condition which would require the proposed dwellings to be in substantial conformance with the architecture provided on the SE/VC Plat.

Transportation Analysis (See Appendix 5)

As stated earlier in this report, the proposed driveways are located within Virginia Department of Transportation (VDOT) right-of-way. As such, the applicant cannot count this driveway area toward its off-street parking requirement. Staff would recommend a development condition which would require the applicant to record a maintenance easement across any driveways within the right-of-way so that it is clear that VDOT is not responsible for the maintenance of these driveways. Staff also recommends a development condition which would require the applicant to extend the existing concrete sidewalk along the site's Potomac Avenue frontage along the site's I Street frontage. With the implementation of these two development conditions, these issues are resolved.

Environmental Analysis (See Appendix 5)

As noted earlier in this report, the subject property is located within the 100-year floodplain for the Potomac River, and is also located within the RPA. The property was developed with a single-family detached dwelling in 1930 and is in an area that has been developed for many years, predating a number of regulatory and policy standards including the EQC policy contained in the Comprehensive Plan. As defined in the Comprehensive Plan, floodplains are a feature of the EQC and ideally, for ecological reasons, EQCs should typically be preserved. However, the site's natural environment has largely been disturbed and the applicant proposes to rebuild the home that was damaged by the effects of Hurricane Isabel.

According to the existing vegetation map (EVM), the site contains four (4) locust trees and maintained grass. The proposed limits of clearing and grading will result in the loss of these locust trees (which are located in the center of the site) and could impact some off-site trees along the southern property line. In order to ensure that these off-site trees are not adversely impacted by the proposed construction, staff recommends a development condition which would require the applicant to submit a tree preservation plan outlining what steps would be taken in order to preserve the off-site trees. Staff also recommends a development condition which would require the applicant to provide additional landscaping within the VDOT right-of-way along I Street in order to soften the impact of the proposed new dwellings on the adjacent single-family detached dwellings to the north (New Alexandria). (It should be noted that planting within the right-of-way is subject to VDOT approval.)

While the footprint of the proposed duplex is going to be larger than that of a single-family detached dwelling, staff believed that the overall footprint of the structure could be reduced if the applicant eliminated the previously-proposed attached garages and provided surface parking spaces instead. Because attached garages are considered part of the structure per Par. 1 of Sect. 10-104

of the Zoning Ordinance, the applicant is required to raise the garages 18 inches above the floodplain elevation. Not only does this requirement add to the amount of fill which is needed on the site, it also impacts the layout of the driveway. Specifically, in order to provide a reasonable slope between the street and the garage, the applicant had proposed side-load garages to lengthen the garage and provide a longer driveway in order to reduce the slope. As a result, a large amount of the site was consumed by the garages and driveways.

Therefore, staff strongly recommended that the applicant consider providing surface parking, rather than garages. Unlike the attached garages, no fill would be required to raise the surface parking spaces 18 inches above the floodplain elevation. Not only would the use of surface parking reduce the amount of fill needed on the site, but it would also mean that the driveway length could be reduced and more of the site would be available for landscaping. In staff's opinion, surface parking would better satisfy the environmental goals and objectives of the adopted comprehensive plan.

Resolution:

The applicant has amended the plan to provide surface parking, rather than attached garages. As a result of this change, the amount of proposed fill on the site has dropped from 555 cubic yards to 193 cubic yards. In addition, the proposed impervious area (which excludes driveway areas) has been reduced from 3,652 SF to 2,900 SF. Therefore, this issue is now resolved.

Department of Public Works and Environmental Services (DPWES) Analysis (see Appendix 6)

The proposed development lies within a Resource Protection Area (RPA) as defined by the Chesapeake Bay Preservation Ordinance (CBPO). Since the proposed dwelling will be limited to a disturbed area in the RPA of less than 10,000 SF, the total impervious area within the RPA is less than 5,000 SF and the proposed encroachment does not extend into the seaward 50 feet (excluding allowed uses), a waiver for loss of buildable area per CBPO Sect. 118-5-4(a) to encroach into the RPA is required. The waiver is subject to administrative approval of the Director, DPWES, once the BOS completes action on the subject SE application. A Water Quality Impact Assessment (WQIA) will also be required at that time. Based on the submission from the applicant, it appears that the waiver and WQIA may be favorably considered. A vegetated buffer as described in CBPO 118-5-4 (a)(2) and satisfaction of the criteria of CBPO Sect. 118-3-3(f) will be required as a condition of the administrative approvals.

There is a major floodplain associated with the Potomac River on the application property. As such, the elevation of the lowest part of the lowest floor (i.e. bottom of floor joists) of all proposed buildings must be at least eighteen (18) inches above the 100-year flood elevation of 10.0 feet, per Zoning Ordinance Section 2-905.2 (in this case, 11.5 feet). The SE Plat states the proposed first floor elevation of the duplex is 12 feet, which exceeds the minimum requirement.

It should be noted that the Federal Emergency Management Agency (FEMA) is currently in the process of revising the flood elevation for the Potomac River. An effective date for the revised elevation has not been established. If FEMA revised the elevation after the BOS approved the SE, the floor elevations as currently proposed would still exceed the anticipated higher flood elevation of 11 feet by 18 inches.

Staff proposes the following conditions:

- Prior to approval of the framing inspection, as-built floor elevations for the residence are required and shall be submitted on a FEMA Elevation Certificate in accordance with minimum federal requirements and the Virginia Uniform Statewide Building Code in effect at the time the building permit is issued.
- The grading plan must indicate that any new construction, substantial improvement, or other development, including fill, when combined with all other existing, anticipated and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, per Zoning Ordinance Section 2-905.1 and Public Facilities Manual (PFM) Section 6-0704.1. It should be noted, however, that since the proposed fill is within the Potomac River floodplain, staff does not believe that the additional 193 cubic yards of fill will have any affect on the floodplain level of adjacent properties.
- Prior to approval of the grading plan, the applicant must provide an executed copy of a Hold-Harmless Agreement per PFM Section 6-0705.4.
- All floodproofing proposed, including structural, electrical, mechanical, plumbing, water and sanitary facilities connected with the use, must be certified that it complies with all County, State and Federal requirements. This certification must be signed, sealed and indicate the address of the certifying professional per Par. 2C (2) of Sect. 2-904 of the Zoning Ordinance.

ZONING ORDINANCE PROVISIONS (Appendix 7)

The subject site is completely within the floodplain. As such, the maximum density that can be achieved on the site is impacted by Sect. 2-308 of the Zoning Ordinance, which states that:

Maximum density shall be calculated on the gross area of the lot, except when 30% or more of the total area of the lot is comprised of any or all of the following features:

- A. Floodplains and adjacent slopes in excess of 15% grade.*
- B. Quarries.*
- C. Marine clays.*
- D. Existing water bodies, unless a water body is a proposed integral design component of an open space system for a given development, in which case total density credit shall be calculated on such areas.*

When 30% or more of the total area of the lot is comprised of any or all of the above features, then 50% of the maximum permitted density shall be calculated for that area of the lot which 30% of the total area of the lot.

Because 100% of the site is floodplain, only 30% of the total area of the site can be calculated at a density of 20 du/ac. The remaining 70% of the site must be calculated at a density of 10 du/ac. Based upon those calculations, the maximum density that can be achieved on this site is two dwelling units. The applicant has only proposed two units on this site; therefore, this request meets the requirements of Sect. 2-308.

Standard	Required	Provided
Bulk Standards (R-20)		
Minimum Lot Area	No requirement	Not applicable
Minimum Lot Width	18 feet minimum for single family attached dwellings	33 feet
Building Height	35 feet maximum	35 feet
Front Yard	15 degree angle of bulk plane but no less than 5 feet (9 feet)	7 feet – I Street*; 40 feet – Potomac Ave.

Standard	Required	Provided
Side Yard	15 degree angle of bulk plane but not less than 10 feet (10 feet)	5 feet*
Rear Yard	30 degree angle of bulk plane but not less than 20 feet (20 feet)	85 feet
Maximum Density	2 dwelling units per Sect. 2-308	2 dwelling units (8.70 du/ac)
Open Space	30%	37%
Parking	2.7 spaces per single-family attached dwelling = 6 spaces	6 spaces

*Variance sought for these yards.

Waivers

Transitional Screening 1 (a 25 foot wide landscaped open space strip) is required between along the property's northern property line, where the site abuts the single-family detached dwellings of New Alexandria. In addition, Barrier A or B (a 3.5- to 4-foot high barrier) is required along this property line. The applicant is seeking a waiver of the transitional screening and barrier requirements.

Par. 2 of Sect. 13-304 of the Zoning Ordinance states that *"where the strict provisions of this Part would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, transitional screening and/or barrier may be waived or modified by the Director where the side of a building and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques."*

The subject site is only 33 feet wide; therefore, the provision of 50 feet of transitional screening along the site's I Street frontage is impossible. The applicant proposes to construct a duplex which will be similar in appearance to the surrounding single-family detached dwellings of New Alexandria. In addition, the front yard along Potomac Avenue would be landscaped as shown on the SE Plat, which staff believes will soften the impact of the duplex upon the existing residences. Therefore, staff supports the requested waiver.

OTHER ZONING ORDINANCE REQUIREMENTS:**Special Exception Requirements (See Appendix 7)****General Special Exception Standards (Sect. 9-006)**

General Standard 1 states that the proposed use shall be in harmony with the adopted Comprehensive Plan. The Comprehensive Plan calls for residential development at 16-20 du/ac for this property. The site is currently developed with a single family detached dwelling, which the applicant proposes to demolish and replace with a duplex (two single-family attached dwellings). The proposed density of 8.70 du/ac is in harmony with the Comprehensive Plan, which recommends a density of 16 to 20 du/ac for this site.

General Standard 2 states that the proposed use shall be in harmony with the purpose and intent of the applicable Zoning District regulations. As noted earlier in this report, the existing use (single-family detached dwelling) is not permitted in the R-20 District. Because Sect. 2-308 of the Zoning Ordinance limits the subject 9,900 SF site to a maximum density of two (2) dwelling units, the only use of the property available to the applicant was a duplex. If the proposed variance is approved, staff finds that the proposed application is in conformance with the Zoning Ordinance.

General Standard 3 states that the proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties. The proposed duplex will require 193 cubic yards of fill in the floodplain. Staff does not believe that this fill will have any adverse affect on the floodplain level of adjacent properties. In addition, as noted earlier in this report, because the proposed architecture for the duplex has been designed to mimic the surrounding houses, staff does not believe that the waiver of the transitional screening and barrier requirements along the northern property line of the site will adversely affect the existing single-family detached dwellings of New Alexandria. Therefore, staff believes that this standard has been satisfied.

General Standard 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood. The existing single-family detached dwelling is being replaced with a duplex (2 single-family attached dwellings). Staff does not believe that the vehicular traffic associated with these two units will be hazardous or conflict with the existing and anticipated traffic in the neighborhood. In order to increase pedestrian mobility within the neighborhood, staff has proposed a development condition which would require the applicant to install a five (5) foot wide sidewalk across the I Street frontage. This sidewalk should connect with the existing sidewalk along the Potomac

Avenue frontage. With the implementation of this development condition, this standard has been satisfied.

General Standard 5 states that the Board shall require landscaping and screening in accordance with Article 13. The applicant is seeking a waiver of the transitional screening and barrier requirements along the northern property line (I Street), where the site abuts the single-family detached dwellings of New Alexandria. The proposed width of the lot makes the provision of the required transitional screening along I Street impossible. Staff believes that the proposed architecture of the duplex will ensure that this structure fits in with the New Alexandria neighborhood. Therefore, staff believes that this standard has been satisfied.

General Standard 6 states that open space shall be provided in accordance with that specified for the subject zoning district. In the R-20 District, there is an open space requirement of 30 percent. As noted previously in this report, the applicant is providing 37% open space, which satisfies the R-20 District open space requirement.

General Standard 7 stipulates that adequate drainage, utilities and parking and loading shall be provided to serve the site. Adequate utilities are currently available and in place. Adequate off-street parking will be provided in the attached garages and within the driveways. Drainage is being addressed on-site through the use of SWM/BMP area in the western portion of the site. Therefore, this standard has been satisfied.

General Standard 8 states that signs shall be governed by Article 12, but that the Board may impose stricter requirements than those provided in the Ordinance. This standard is not applicable.

Category 6 Standards, Uses in a Floodplain (Sect. 9-606)

This standard states that the Board may approve a special exception for the establishment of a use in a floodplain in accordance with the provisions of Part 9 of Article 2 (see Appendix 7 and below for these provisions). Staff has determined that the requested application meets the requirements of Part 9 of Article 2 as follows.

Floodplain Regulations- Use Limitations (Sect. 2-905)

Standard 1 states that, except as may be permitted by Par. 6 and 7 of Sect. 903, any new construction, substantial improvements, or other development, including fill, when combined with all other existing, anticipated and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, calculated in accordance with the provisions of the

Public Facilities Manual. Because the proposed fill is within the Potomac River floodplain, staff believes that the additional fill of 193 cubic yards will not affect on the floodplain level on adjacent properties. As such, this standard is satisfied.

Standard 2 states that, except as may be permitted by Par. 8 of Sect. 903, the lowest elevation of the lowest floor of any proposed dwelling shall be eighteen (18) inches or greater above the water-surface elevation of the 100-year flood level (which is 10 feet) calculated in accordance with the provisions of the Public Facilities Manual. The SE Plat illustrates that the finished floor elevation for the duplex structure will be at least 18 inches above the 100-year floodplain elevation. Therefore, this standard is satisfied.

Standard 3 states that all uses shall be subject to the provisions of Par. 1 of Sect. 602, which states that, notwithstanding the provisions of Sect. 601, no building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or change the drainage of such land, taking into account land development that may take place in the vicinity under the provisions of this Ordinance, without providing adequate drainage in connection therewith as determined by the Director in accordance with the provisions of the Public Facilities Manual. Staff has proposed a development condition which states that stormwater drainage shall be directed to ditches through the use of pipes, swales, or other devices, as determined by DPWES, and all fill areas shall be stabilized, graded, or have drains installed such that normal rainfall will not flow over the filled area onto adjacent properties, as determined by DPWES. Therefore, this standard has been satisfied.

Standard 4 states that no structure or substantial improvement to any existing structure shall be allowed unless adequate floodproofing as defined in the Public Facilities Manual is provided. No basements are proposed. Staff has proposed a development condition which states that all construction shall be in conformance with Section 3107.0 Flood-Resistant Construction of the Virginia Uniform Statewide Building Code (VUSBC 1977), and that a statement certifying all floodproofing proposed shall be provided with the Building Permit application. Therefore, this standard has been satisfied.

Standard 5 states that to the extent possible, stable vegetation shall be protected and maintained in the floodplain. According to the existing vegetation map, the site contains four (4) locust trees and maintained grass. The proposed limits of clearing and grading will result in the loss of four existing locust trees and could impact some off-site trees along the southern property line. In order to ensure that these off-site trees are not adversely impacted by the proposed construction, staff recommends a development condition which would require the applicant to submit a tree preservation plan outlining what steps would be taken in order to

preserve the off-site trees. With the implementation of this condition, staff believes that this standard has been satisfied.

Standard 6 states that there shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., in a floodplain. A development condition to this effect has been proposed; therefore, this standard has been satisfied.

Standard 7 states that, for uses other than those enumerated in Par. 2 and 3 of Sect. 903, the applicant shall demonstrate to the satisfaction of the approving authority the extent to which: there are no other feasible options available to achieve the proposed use; the proposal is the least disruptive option to the floodplain; and the proposal meets the environmental goals and objectives of the adopted comprehensive plan for the subject property. The existing single-family detached dwelling was constructed in 1930 and as such, is considered a non-conforming use (single-family detached dwellings are not a permitted use in the R-20 District). The need to replace the dwelling is a direct result of flood damage caused by Hurricane Isabel. Per Par. 6D of Sect. 15-103 of the Zoning Ordinance, the applicant had two years from the date of Hurricane Isabelle in which to reconstruct the house. However, because the applicant failed to reconstruct the house in this time period, the non-conforming status of the house expired. Therefore, the only way for the applicant to use the property is to replace the existing house with another use.

The subject site is zoned R-20 and is completely located within the floodplain. The subject site is planned for residential use at 16 to 20 dwelling units per acre. In order to conform with the Plan, the applicant has proposed to rebuild on the site with a residential structure. However, due to Sect. 2-308 of the Zoning Ordinance, the maximum density that the applicant can achieve on the site is two dwelling units. Single-family attached dwellings are permitted in the R-20 District, single-family detached dwellings are not. Therefore, the only option available to the applicant is a residential duplex (which is considered a single-family attached dwelling). In addition, the applicant is seeking approval of a variance in order to construct the proposed duplex structure. The proposed structure would not exacerbate any of the current encroachments into the required setbacks. Therefore, staff believes that this standard has been satisfied.

Standard 8 states that nothing herein shall be deemed to prohibit the refurbishing, refinishing, repair, reconstruction or other such improvements of the structure for an existing use provided such improvements are done in conformance with the Virginia Uniform Statewide Building Code and Article 15 of this Ordinance. Because the existing single-family detached dwelling was a non-conforming use, per Par. 6D of Sect. 15-103 of the Zoning Ordinance, the applicant was limited to two years after the destruction of the house to

reconstruct the single-family detached dwelling. Because the applicant failed to reconstruct in this period, the house has lost its non-conforming status and cannot be reconstructed.

Standard 9 states that nothing herein shall be deemed to preclude public uses and public improvements performed by or at the direction of the County. This standard is not applicable.

Standard 10 states that notwithstanding the minimum yard requirements specified by Sect. 415 above, dwellings and additions thereto proposed for location in a floodplain may be permitted subject to the provisions of this Part and Chapter 118 of The Code. A request for an administrative exception to permit the location of the dwelling within the RPA has been requested and, as indicated in the DPWES Analysis, it is likely that DPWES will support this request. Therefore, this standard has been satisfied.

Standard 11 states that all uses and activities shall be subject to the provisions of Chapter 118 of The Code. As stated in the DPWES Analysis, the proposed duplex qualifies as an allowed use in the RPA, subject to the administrative approvals of a WQIA and a waiver of the water quality control requirements. With the implementation of the staff-proposed development condition, this standard has been satisfied.

Standard 12 states that when as-built floor elevations are required by federal regulations or the Virginia Uniform Statewide Building Code for any structure, such elevations shall be submitted to the County on a standard Federal Emergency Management Agency (FEMA) Elevation Certificate prior to approval of the final inspection. If a non-residential building is being floodproofed, then a FEMA Floodproofing Certificate shall be completed in addition to the Elevation Certificate. In the case of special exception uses, the Elevation Certificate shall show compliance with the approved special exception elevations. Staff has proposed a development condition which states that as-built floor elevations for the residence shall be submitted in accordance with the Virginia Uniform Statewide Building Code (VUSBC 2000) on a standard FEMA Elevation Certificate prior to approval of the framing inspection, therefore this standard has been satisfied.

Variance Requirements (Appendix 7)

The applicant is requesting approval of a variance of the minimum front and side lot lines for the proposed duplex. The lot in question is 33 feet in width (as measured from Potomac Avenue) and 9,900 SF in size. As noted earlier in this report, the existing single-family detached dwelling was a non-conforming use. As such, when the house was destroyed by Hurricane Isabelle in September 2003, the applicant had two years in which to reconstruct the dwelling

per Par. 6(D) of Sect. 15-103 of the Zoning Ordinance. Because that time period has lapsed, the existing structure cannot be rebuilt.

The subject site is zoned R-20 and is completely located within the floodplain. The subject site is planned for residential use at 16 to 20 dwelling units per acre. In keeping with the Plan recommendation for the site, the applicant has proposed to rebuild on the site with a residential structure. However, due to Sect. 2-308 of the Zoning Ordinance, the maximum density that the applicant can achieve on the site is two dwelling units. Single-family attached dwellings are permitted in the R-20 District, single-family detached dwellings are not. Therefore, the only residential option available to the applicant is a duplex (which is considered a single-family attached dwelling).

The applicant is seeking to reduce the front yard setback along I Street from nine to seven feet and the side yard setback from 10 to five feet. The front yard requirement along Potomac Avenue and the rear yard requirement would be satisfied. A chart of the proposed setbacks for the duplex is provided below:

Structure	Yard	Minimum Yard Required	Proposed Location	Difference
Dwelling	Front (north/I Street)	9 feet*	7 feet	2 feet
Bay Window	Front (north/I Street)	6 feet**	5.5 feet	0.5 foot
Stoop	Front (north/I Street)	4 feet***	3 feet	1 foot
Dwelling	Side (south)	10 feet*	5 feet	5 feet

*Minimum yard requirement per Sect. 3-2007.

**Minimum yard requirement per Par. 1D of Sect. 2-412

***Minimum yard requirement per Par. 1C of Section 2-412

The variance application must satisfy all of the nine requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance which would afford relief as set forth in Sect. 18-405.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

With the implementation of the proposed development conditions contained in Appendix 1, staff finds that the subject special exception application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Staff Recommendations

Staff recommends approval of SE 2005-MV-017, subject to the development conditions in Appendix 1.

Staff also recommends that the transitional screening and barrier requirements along the northern property line be waived.

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 Supervisors or the Board of Zoning Appeals.

It should be noted that it is not the intent of staff to recommend that the Board of Supervisors or Board of Zoning Appeals, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

APPENDICES

1. Proposed Development Conditions (SE 2005-MV-017 and VC 2007-MV-001)
2. Affidavits (SE 2005-MV-017 and VC 2007-MV-001)
3. Statements of Justification (SE 2005-MV-017 and VC 2007-MV-001)
4. Transportation Analysis
5. Environmental Analysis
6. Department of Public Works and Environmental Services (DPWES) Analysis
7. Applicable Zoning Ordinance Provisions Checklist
8. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS

SE 2005-MV-017

June 7, 2007

If it is the intent of the Board of Supervisors to approve SE 2005-MV-017 located at 1111 I Street [Tax Map 93-2 ((7)) (4) 3] to allow uses in a floodplain pursuant to Sect. 2-904 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 Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat titled Special Exception Plat, 1111 I Street and prepared by RC Fields, Jr. and Associated, which is dated February 18, 2005 and revised to May 22, 2007, and these conditions.
4. A Hold Harmless agreement shall be executed with the County for all adverse effects which may arise as a result of the location of the house and appurtenant structures within a floodplain area.
5. The limits of clearing and grading, as shown on the SE Plat shall be strictly observed and enforced. No more land shall be disturbed than is necessary for the proposed construction within the RPA. Any encroachment into or disturbance of the RPA not shown on the Plat shall be considered a violation of the CBPO and is subject to penalties of Article 9 of the CBPO, as determined by DPWES.
6. The lowest part of the lowest floor (i.e. the bottom of the floor joists) of the proposed single-family attached dwellings (duplex) must be at least 18 inches above the flood elevation. In anticipation of the Federal Emergency Management Agency (FEMA) publishing revised flood elevations for this reach of the Potomac River, the bottom of the floor joists must be at an elevation of at least 12.5 feet (NGVD'29). No basements shall be permitted. The floor elevation of any crawl space must be no lower than the surrounding exterior grade.

7. The amount of fill permitted shall not exceed a maximum of 193 cubic yards. Trees and indigenous vegetation within the limits of clearing and grading shall be preserved on the site during the construction process to the maximum extent feasible as determined by the UFM, DPWES.
8. If deemed necessary by DPWES, a geotechnical report shall be submitted to DPWES for foundation design and earthwork engineering and plans shall be implemented as required by DPWES.
9. The US Army Corps of Engineers shall be notified by the applicant prior to the approval of a grading plan to ensure compliance with § 404 of the Clean Water Act. Any required wetlands permit shall be obtained by the applicant prior to commencement of land disturbing activity.
10. As-built floor elevations for the residence shall be submitted in accordance with Section 3107.12.1 of the Virginia Uniform Statewide Building Code (VUSBC 2000) on a standard FEMA Elevation Certificate prior to approval of the framing inspection.
11. All construction shall be in conformance with the requirements for Flood-Resistant Construction of the most recent edition of the Virginia Uniform Statewide Building Code. A statement certifying all floodproofing proposed, and indicating its compliance with all County, State, and Federal requirements shall be provided with the Building Permit application. This certification shall be signed, sealed, and indicate the address of the certifying professional and it shall cover all structural, electrical, mechanical, plumbing, water and sanitary facilities connected with the use.
12. Erosion and sediment control measures shall be installed at all stages of construction. Super-silt fence shall be required along the limits of any clearing and/or grading within the RPA, and shall remain in place, and be properly maintained, for the duration of the land disturbing activity within the RPA until such time that the disturbed area is completely stabilized as determined by the Environmental and Facilities Inspection Division site inspector.
13. Stormwater drainage shall be directed to ditches through the use of pipes, swales, or other devices, as determined by DPWES. Any fill area shall be stabilized, graded, or have drains installed such that normal rainfall will not flow over unprotected fill area onto adjacent properties.
14. If a waiver of the stormwater detention requirements is not granted by DPWES, then the bio-retention filter (raingarden) in the western portion of the site (as shown on the SE Plat) shall be constructed to provide for water quantity and quality control.

15. Disclosure of potential flood hazards due to the location of the site within the 100-year floodplain shall be made in writing to any potential home buyers prior to entering into a contract of sale. This disclosure shall also be included in the land records.
16. All building supplies and construction equipment shall be located and stored only within the area designated as disturbed area on the SE Plat.
17. The dwelling shall be limited to a maximum height of 35 feet as defined by the Zoning Ordinance.
18. To the extent possible, stable vegetation outside of the limits of clearing and grading shall be protected and maintained as determined by DPWES.
19. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., within the floodplain.
20. All mechanical, electrical, and utility equipment shall be at or above the flood level.
21. No site plan or any other plans or permits shall be approved unless DPWES approves a waiver for loss of buildable area per CBPO Sect. 118-5-4(a) to encroach into the RPA and a Water Quality Impact Assessment (WQIA). If the administrative waiver and WQIA are not approved, then a Special Exception Amendment (SEA), and a waiver of the Resource Protection Area (WRPA) under CBPO 118-6-7, may be required.
22. There shall be no parking within those sections of the driveways, which are located within the Virginia Department of Transportation (VDOT) right-of-way. In addition, prior to issuance of any Residential Use Permit (RUP) for the proposed duplex structure, a maintenance easement shall be recorded across those portions of the driveways within the VDOT right-of-way so that it is clear that the property owners (and not VDOT) are responsible for the maintenance of the driveways.
23. Prior to issuance of any RUP for the proposed duplex structure, a five-foot wide concrete sidewalk shall be provided along the site's I Street frontage within the VDOT right-of-way. This sidewalk shall connect to the existing sidewalk along the site's Potomac Avenue frontage.
24. Architecture shall be in substantial conformance with that shown on the SE Plat.

25. In order to ensure that the abutting off-site trees are not adversely impacted by the proposed development, a tree preservation plan shall be submitted as part of first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forest Management (UFM), DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter or greater and located within 20 feet to either side of the limits of clearing and grading shown on the SE Plat for the entire site. The tree survey shall also include areas of clearing and grading not shown on the SE Plat resulting from engineering requirements, such as off-site clearing and grading for utilities and stormwater outfall. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved (as well as any off-site trees within 20 feet of the limits of clearing and grading), such as: crown pruning, root pruning, soil treatments, mulching, fertilization, and others as necessary, shall be included in the plan.
26. If any off-site trees are identified to be removed as a result of the proposed construction shall be the responsibility of the applicant.
27. In order to ensure that the abutting off-site trees are not adversely impacted by the proposed development, tree protection fencing (four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart) shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I and II erosion and sediment control sheets, as may be modified by Urban Forest Management. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, Urban Forest Management, DPWES and the District Supervisor shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by Urban Forest Management, DPWES.

28. In order to ensure that the abutting off-site trees are not adversely impacted by the proposed development, the demolition of existing features and structures shall be conducted in a manner that does not impact on individual trees and/or groups of trees outside of the limits of clearing and grading (particularly those located on abutting properties), as reviewed and approved by Urban Forest Management, DPWES. Methods to preserve these trees may include, but not be limited to the use of super silt fence, welded wire tree protection fence, root pruning, mulching, as approved by the Urban Forest Management.
29. Landscaping shall be provided in substantial conformance with that depicted on the SE Plat; however, wherever feasible, as determined by Urban Forest Management, DPWES, new plantings shall consist of native and other desirable species. Species and number of plantings shall be subject to the approval of the Urban Forester.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a residential use permit. The Board of Supervisors may grant additional time to establish the use or 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 exception. 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.

PROPOSED DEVELOPMENT CONDITIONS

VC 2007-MV-001

June 7, 2007

If it is the intent of the Board of Zoning Appeals to approve VC 2007-MV-001 located at 1111 I Street [Tax Map 93-2 ((7)) (4) 3] to two single-family attached dwellings and two attached garages pursuant to Sect. 18-401 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This variance is approved for the two single-family attached dwellings (duplex) shown on the plat entitled "Variance Plat, 1111 I Street," consisting of one sheet, prepared by RC Fields, Jr. and Associates and dated February 18, 2005, as revised through May 22, 2007, and is not transferable to other land.
2. A Building Permit shall be obtained prior to any construction and approval of final inspections shall be obtained.
3. The proposed structures shall be consistent with the architecture included on the VC Plat.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and 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 variance. 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.