



APPLICATION ACCEPTED: April 24, 2007
BOARD OF ZONING APPEALS: July 17, 2007
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 10, 2007

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-PR-040

PROVIDENCE DISTRICT

APPLICANT/OWNERS: Becky Martin

SUBDIVISION: Stonewall Manor

STREET ADDRESS: 2512 Swift Run Street

TAX MAP REFERENCE: 49-1 ((11)) 19

LOT SIZE: 10,684 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 6.0 feet from the side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2007-PR-040 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

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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

The applicant is seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of a garage with second story bedroom addition 6.0 feet from the side lot line. The proposed addition is approximately 1,400 square feet in size.

Description of Special Permit

	Structure	Yard in question	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Garage w/ 2 nd story addition	Side	12.0 feet	6.0 feet	6.0 feet	50.0%

EXISTING SITE DESCRIPTION

The site is currently zoned R-3 and is developed with an approximately 3,370 sq ft. single family detached dwelling with full basement. The existing front yard is 40.9 feet where 30 feet is required; the existing rear yard is approximately 30 feet where 25 feet is required; the existing side yard to the east is 14.8 feet where 12 feet is required; and, the existing side yard to the west is 28.0 feet where 12 feet is required in the R-3 District.

The dwelling is situated in the center of the lot, facing Swift Run Street. The property is generally flat and is well-landscaped with four foot to ten foot high hedges along the side yards and several mature deciduous trees lining the perimeter of the property. An approximately 40 foot long driveway extends into the site from Swift Run Street. No garage currently exists on the property.

CHARACTER OF THE AREA

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

BACKGROUND

County tax records indicate the dwelling was constructed in 1963.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Proposed Addition, House Location, Lot 19, Section 1

Prepared By: Peter R. Moran

Dated: June 30, 2003 as revised through May 3, 2004

Proposal:

The applicant is seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of a garage with second story bedroom addition 6.0 feet from the side lot line. The proposed addition is approximately 1,400 square feet in size and 18.0 feet in height.

Based on the architectural rendering, the height of the dwelling addition will be equal to the height of the existing dwelling, and will be located at the terminus of the existing driveway which is located along the western side of the property. The applicant has indicated that the dwelling is currently 3,370 square feet in size. Therefore, the resulting gross floor area after construction of the addition will be approximately 4,770 square feet.

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. 8-922 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 due to the architectural compatibility of the proposed addition to the existing and neighboring dwellings, and the extensive screening provided by landscaped vegetation along the perimeter of the property.

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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 applicant indicates that the existing structure is 3,370 square feet. Therefore 150% of the total gross floor area could result in an addition up to 5,055 square feet in size for a possible total square footage at build out of 8,425 square feet in size. The proposed addition comprises approximately 1,400 square feet. Upon completion, the dwelling will comprise a total square footage of 4,770 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. The applicant intends to construct a two car garage along the western side of their existing dwelling, with an 18.0 foot tall, bedroom addition on the second floor, as shown in the elevation drawings at the front of the staff report. The addition will total 1,400 square feet. The addition will be constructed of similar materials to that of the dwelling, such as matching vinyl siding. The garage will be located at the terminus of the existing driveway on site. The height of the addition at 18.0 feet will match the existing structure. The bulk and scale of the 1,400 square foot addition is compatible with the existing structure in that it will complement the appearance of the current dwelling. Staff believes that this proposal matches the character of the existing dwelling.

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. The resultant size and scale of the dwelling after construction of the proposed 1,400 square foot addition will be in keeping with the size and scale of surrounding residential uses. The location of the addition is logical in that it is located at the terminus of the existing driveway. The height of the addition will match the height of the existing dwelling. The topography on-site is generally flat.

Many neighboring dwellings in the Stonewall Manor subdivision are similarly sized to the applicant's dwelling, based on site visits by County staff. As represented in the applicant's statement of justification, no trees or shrubs will be removed or disturbed

during the construction of the addition. The applicant has indicated that others in the Stonewall Manor subdivision have added on garages, though this is the first reduction to certain yard requirements request in the area. Even with the additional square footage of the garage with second story addition, the dwelling is similar in size to surrounding dwellings and surrounding neighbors to the west will be unable to see the addition due to the heavily vegetated perimeter of the property.

Extensive vegetation exists on-site, particularly along the western property line, which will offer excellent screening to adjoining properties. A site visit by the Urban Forester resulted in the discovery of several mature deciduous trees along the northern and western property lines which should be preserved and protected during construction of the addition. A development condition has been included in Appendix 1 of the staff report to ensure consultation with Urban Forestry Management (UFM) regarding the preservation of these trees. A copy of the UFM memorandum is included in Appendix 4 of the staff report. With the adoption of the development condition, 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 closest adjacent dwelling to the proposed garage addition is located to the west, approximately 25-35 feet from the proposed addition. The 1,400 square foot addition will not negatively affect issues related to noise, light, and air in that the garage and second story addition uses are both self-contained. Staff believes that the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The applicant is proposing to construct a garage with second floor addition in the western section of the dwelling because this is the only logical location a garage could be constructed, given that the existing driveway terminates at this location. No issues regarding steep slopes prevent the construction of the addition, and no trees will be removed during the construction of the addition, as represented by the applicant. Issues of well and/or septic, easements, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. Staff believes that the application meets this provision.

CONCLUSION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2007-PR-040 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.

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.

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. Urban Forestry Memorandum
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2007-PR-040****July 10, 2007**

If it is the intent of the Board of Zoning Appeals to approve SP 2007-PR-040 located at Tax Map 49-1 ((11)) 19, 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 1,400 square foot garage with second story bedroom addition) as shown on the plat prepared by Peter R. Moran dated June 30, 2003, as revised through May 3, 2004, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of any addition(s) to the existing principal structure may be up to 150 percent of the total gross floor area of the dwelling (3,370 square feet) that existed at the time of the first expansion request 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 requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. The applicant shall preserve to the greatest extent possible all individual trees or tree stands that may be impacted by construction of the addition as determined in consultation with UFM.

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.