



APPLICATION ACCEPTED: May 31, 2007  
BOARD OF ZONING APPEALS: August 7, 2007  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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July 31, 2007

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-LE-059

### LEE DISTRICT

**APPLICANT/OWNER:** Charlotte Marie Brown

**SUBDIVISION:** Valley View

**STREET ADDRESS:** 3401 and 3403 Collard Street

**TAX MAP REFERENCE:** 92-2 ((19)) 145, 146

**LOT SIZE:** 18,672 square feet

**ZONING DISTRICT:** R-2

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an addition 26.7 feet from the front lot line of a corner lot.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2007-LE-059 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.

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.

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.**

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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 requests approval to permit a reduction to certain yard requirements to permit removal of an existing addition and the construction of a one-story addition with basement 26.7 feet from a front lot line on the eastern side of the subject property.

**Description of Special Permit**

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required *</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	Addition	Front (eastern) (Ridge Road)	35.0 feet	26.7 feet	8.3 feet	24%

\*Minimum yard requirement per Section 3-207

The site is currently zoned R-2 and is developed with a single family detached dwelling on Lots 145 and 146. The property has frontage on Collard Street and Ridge Road. The property has an existing asphalt driveway that extends from Ridge Road in the southeastern portion of the property. The existing yards are as follows:

<b>Yard</b>	<b>Required</b>	<b>Existing</b>
<b>Front (North) Lot Line Collard Street</b>	35.0 feet	50.0 feet
<b>Front (East) Lot Line Ridge Road</b>	35.0 feet	26.7 feet*
<b>Rear (Southern) Lot Line</b>	25.0 feet	53.65 feet
<b>Rear (Western) Lot Line (Spring Valley Drive)</b>	35.0 feet	69.7 feet

\* Construction of the dwelling pre-dates the existing requirements in the Zoning Ordinance.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-2	Single Family Detached Dwellings
<b>East</b>	R-2	Single Family Detached Dwellings
<b>South</b>	R-2	Single Family Detached Dwellings
<b>West</b>	R-2	Single Family Detached Dwellings

**BACKGROUND**

Records indicate the dwelling was originally constructed in 1950 and with an addition constructed in 1984.

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

**Title of SP Plat:** Plat Showing House Location on Lots 145 & 146 Valley View  
**Prepared By:** Dominion Surveys, Inc.  
**Dated:** March 6, 2006, Signed by Rebecca L.G. Bostick, Architect  
 4/30/07 (for addition)

**Proposal:**

The applicant requests approval to permit a reduction to certain yard requirements to permit the construction of a 1,182 square foot, one-story addition with basement 26.7 feet from the eastern front lot line. A 357 square foot portion of the existing dwelling is being removed for a net increase of 825 square feet. The resulting gross floor area will be 2,982 square feet, including a 334 square foot, two-story by-right addition proposed on the western side of the dwelling.

The applicant states that the existing house is a two-story cape-cod style home with a brick veneer. The new addition in the rear will be a one-story addition faced with brick veneer. The side addition will be a two-story addition with roof planes matching the existing house and will be faced by brick veneer. The windows will be double hung windows to match the existing home. The deck and ramp will be pressure treated wood, to match the existing structure.

**ZONING ORDINANCE REQUIREMENTS** (Appendix 4)

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application meets all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

### **Sect. 8-006 General Special Permit Standards**

Staff believes that the application meets all of the 8 General Special Permit Standards. Of particular note regarding this application are General Standards 3 and 5.

*General Standard 3* requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood on a site visit and submitted photographs that the existing single family detached dwelling and proposed addition is similar in size and scale to adjacent properties as the surrounding properties are of a similar architectural style and size, one to two-story, and will not adversely affect their use. 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. *There is adequate vegetation between the subject dwelling and the properties to the south and west in addition to a chain link fence between the properties. The proposed addition will be approximately the same distance to the house on adjacent Lot 147. 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 total square footage of the existing structure and the proposed by-right addition is 2,490 square feet. Therefore 150% of the total gross floor area could result in an addition up to 3,735 square feet in size for a possible total square footage at build out of 6,225 square feet. The proposed net addition is 825 square feet for a total square footage of the house with the addition of 2,982 square feet. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. A site visit and evaluation of the photographs and elevation drawings submitted indicate that the materials, size and scale of the proposed addition will be compatible with the existing structure. The proposed addition will be one-story in height as is the rear portion of the existing dwelling. The elevation drawings indicate that new roof, windows and trim will match existing materials and colors. 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. Surrounding properties are of a similar architectural style and size. The dwellings are one to two stories in height and are sheathed in brick and/or vinyl or wood siding as is the subject dwelling and proposed addition. 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 structure will be approximately the same distance as the existing dwelling from the dwelling on the adjacent property to the rear on Lot 147. 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 location of the addition in the rear of the existing dwelling is the logical location for the addition and will not be greater than the distance from the existing front yard setback of the dwelling on the Ridge Road frontage of the property. There is vegetation between the two properties which will be retained and an existing six foot fence between the properties. There are no floodplains or Resource Protection Area located on the site. Other issues of well and/or septic, easements 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-LE-059 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. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2007-LE-059****July 31, 2007**

If it is the intent of the Board of Zoning Appeals to approve SP 2007-LE-059 located at Tax Map 92-2 ((19)) 145, 146 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 875 square feet) of the proposed addition as shown on the plat prepared by Dominion Surveyors, dated March 6, 2006, signed April 30, 2007, by Rebecca L.G. Bostick, for the proposed addition, as submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,490 square feet including the by-right addition) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition 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.

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.