



APPLICATION ACCEPTED: May 30, 2007
BOARD OF ZONING APPEALS: August 7, 2007
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 31, 2007

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-PR-058

PROVIDENCE DISTRICT

APPLICANTS/OWNERS: William J. Fennell
Katherine I. Fennell

SUBDIVISION: North Park

STREET ADDRESS: 2405 North Park Court

TAX MAP REFERENCE: 39-4 ((44)) 14

LOT SIZE: 12,503 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit addition to remain 22.8 feet from rear lot line and 8.0 feet from side lot line.

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 703-324-1280, 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.**

 American with Disabilities Act (ADA): For special accommodations, call 703-324-1334 (TTY 711 Virginia Relay Center) seven days in advance of the meeting to make the necessary arrangements.

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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/

DESCRIPTION OF THE APPLICATION

The applicants request approval of a special permit to permit reduction to minimum yard requirements based on error in building location to permit an addition, specifically, an existing deck with a lattice enclosure and plant hanger, to remain 22.8 feet from the rear lot line and 8.0 feet from the side lot line.

Subsequent to the advertising of this special permit application, it has been determined that the location of the deck to the rear lot line is a 9% error, therefore, a development condition has been included for the applicants to obtain an administrative approval from the Department of Planning and Zoning at the time they obtain building permit approval for the addition (deck with lattice enclosure and plant hanger).

Description of Special Permit

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Addition (deck with lattice enclosure and plant hanger)	Side	12.0 feet	8.0 feet	4.0 feet	33%

* Minimum yard requirement per Section 3-307

ANALYSIS OF THE APPLICATION

- **Title of Plat:** Special Permit Plat, 2405 North Park Court, (Lot 14, North Park) Providence District, Fairfax County, Virginia
- **Prepared by:** BC Consultants, dated May 29, 2007
- **Building Permits required:** Yes, however one was not obtained.
- **Errors Made by:** Previous homeowners.

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

Records indicate the dwelling was originally constructed in 1998. There are no building permits on file for the construction of the deck. As referenced in the applicant's statement of justification, the error was discovered while they were in the process of purchasing the subject property.

Records indicate there were no other special permits for properties in the vicinity of the application site heard by the BZA.

ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provision for Approval of Reduction to Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

CONCLUSION

If it is the intent of the BZA to approve SP 2007-PR-058 the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Special Permit Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2007-PR-058****July 31, 2007**

1. This special permit is approved for the location of the addition (deck with lattice enclosure and plant hanger), as shown on the plat prepared by BC Consultants dated May 29, 2007, as submitted with this application and is not transferable to other land.
2. Building permits and final inspections for the addition (deck with lattice enclosure and plant hanger), shall be diligently pursued and obtained within 90 days of final approval or this special permit shall be null & void.
3. Prior to approval of a building permit, an Administrative Reduction shall be obtained from the Department of Planning and Zoning for the addition (deck with lattice enclosure and plant hanger) to remain 22.8 feet from the rear lot line. If this approval as is not granted, the deck shall be reduced in size to meet Zoning Ordinance requirements.

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.