



APPLICATION ACCEPTED: June, 7, 2007
BOARD OF ZONING APPEALS: August 14, 2007
TIME: 9:00 a.m.

County of Fairfax, Virginia

August 7, 2007

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-SU-064

SULLY DISTRICT

APPLICANTS/OWNERS: Kimberly K. Richer

SUBDIVISION: Westport

STREET ADDRESS: 6453 Gristmill Square Lane

TAX MAP REFERENCE: 53-3 ((5)) 395

LOT SIZE: 13,847 square feet

ZONING DISTRICT: R-C, WS

ZONING ORDINANCE PROVISION: 8-913

SPECIAL PERMIT PROPOSAL: To permit modification to minimum yard requirements for certain R-C lots to permit construction of a roofed deck 31.0 from the front 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.**

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/



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).

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DESCRIPTION OF THE APPLICATION

Applicants request a special permit to permit modification to minimum yard requirements for certain R-C lots to permit construction of a roofed deck (porch) to be located 31.0 from the front lot line.

Description of Special Permits

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Min. Allowed	Proposed Location	Reduction Req.
Special Permit	Roofed Deck	Front	40.0 feet	N/A	40.0 feet	31.1 feet	8.9 feet

*Minimum yard requirement per Section 3-C07

**Permitted extensions per Section 2-412

CHARACTER OF THE AREA

	Zoning	Use
North	R-C, WS	Single Family Detached Dwellings
East	R-C, WS	Single Family Detached Dwellings
South	R-C, WS	Single Family Detached Dwellings
West	R-C, WS	Single Family Detached Dwellings

BACKGROUND

On July 26, 1982 the property was rezoned to the R-C District as part of rezoning RZ 82-W-054. The subject property was developed under the R-2 Cluster regulations. Records indicate a building permit was built in 1993. The R-2 Cluster regulations specified a minimum required front yard of twenty-five (25) feet. At the time the dwelling was constructed, it met the R-2 Cluster regulations.

Following the adoption of the current Ordinance, the BZA has heard no special permits in the vicinity of the application parcel.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on this page.

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

- Sect. 8-006, General Standards
- Sect. 8-903, Standards for all Group 9 Uses
- Sect. 8-913, Provisions for Approval of Modifications to the Minimum Yard Requirements for Certain R-C Lots

CONCLUSION

If it is the intent of the BZA to approve this application, 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 Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2007-SU-064****August 7, 2007**

1. This Special Permit is approved for the location of a roofed deck (porch) as shown on the plat prepared by B.W Smith and Associates, Inc., dated through April 20, 2007, as submitted with this application and is not transferable to other land.
2. All applicable permits shall be obtained prior to any construction and approval of final inspections shall be obtained.
3. The addition shall be architecturally compatible with the existing dwelling.

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.