



**APPLICATION ACCEPTED:** July 2, 2007  
**BOARD OF ZONING APPEALS:** September 25, 2007  
**TIME:** 9:00 a.m.

# County of Fairfax, Virginia

September 18, 2007

## STAFF REPORT

**VARIANCE APPLICATION NO. VC 2007-PR-003**

### PROVIDENCE DISTRICT

**APPLICANT/OWNER:** Mary A. Salinas

**SUBDIVISION:** City Park Homes

**STREET ADDRESS:** 6706 Farragut Avenue

**TAX MAP REFERENCE:** 50-4 ((13)) (3) 35

**LOT SIZE:** 7,200 square feet

**ZONING DISTRICT:** R-4 and HC

**ZONING ORDINANCE PROVISION:** 18-401

**VARIANCE PROPOSAL:** To permit construction of an accessory structure 6.07 feet with eave 5.05 feet from the rear lot line and 3.34 feet with eave 2.14 feet from the 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 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).

### 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/](http://www.fairfaxcounty.gov/dpz/)

## DESCRIPTION OF THE APPLICATION

To permit construction of an accessory structure, specifically, a detached garage, to be located 6.07 feet with eave 5.05 feet from the rear lot line and 3.34 feet with eave 2.14 feet from the side lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Extension **	Minimum Allowed	Proposed Location	Variance Req.
<b>Variance</b>	Accessory Structure	Rear	16.0 feet	N/A	16.0 feet	6.07 feet	9.93 feet
<b>Variance</b>	Eave	Rear	16.0 feet	3.0 feet	13.0 feet	5.05 feet	7.95 feet
<b>Variance</b>	Accessory Structure	Side	10.0 feet	N/A	10.0 feet	3.34 feet	6.66 feet
<b>Variance</b>	Eave	Side	10.0 feet	3.0 feet	7.0 feet	2.14 feet	4.86 feet

\*Minimum yard requirements per Section 10-104

\*\*Permitted extensions per Section 2-412

## CHARACTER OF THE AREA

	Zoning	Use
<b>North</b>	R-4 and HC	Single family detached dwellings
<b>South</b>	R-4 and HC	Single family detached dwellings
<b>East</b>	R-4 and HC	Single family detached dwellings
<b>West</b>	R-4 and HC	Single family detached dwellings

## BACKGROUND

Records indicated the dwelling was originally constructed in 1945.

Following the adoption of the current Ordinance, the BZA has heard the following similar variances in the vicinity of the application parcel:

- Variance VC 2003-PR-167 was approved on February 11, 2004 for Tax Map 50-4 ((13)) (6) 22, zoned R-4, at 6727 Chestnut Avenue, to permit construction of covered deck 26.9 feet with eave 26.4 feet and steps 23.2 feet from front lot line of a corner lot.
- Variance VC 92-M-083 was approved on November 13, 1992 for Tax Map 50-4 ((13)) (7) 5, zoned R-4, at 6724 Chestnut Avenue, to permit construction of addition 20.1 feet from the front lot line.

## **ZONING ORDINANCE REQUIREMENTS**

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

This variance application must satisfy all of the nine (9) enumerated 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. A copy of these provisions is included as Appendix 8.

## **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**

### **VC 2007-PR-003**

**September 18, 2007**

1. This variance is approved for the location of a detached accessory structure (garage) as shown on the plat prepared by Advance Engineering Group, LLC, dated March 12, 2007 as certified June 27, 2007, as submitted with this application 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.

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. 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 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 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.