



APPLICATION ACCEPTED: July 10, 2007
BOARD OF ZONING APPEALS: October 2, 2007
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 25, 2007

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-MA-073

MASON DISTRICT

APPLICANTS/OWNERS: Richard B. Rosse and Deborah H. Rosse

SUBDIVISION: Roundtree

STREET ADDRESS: 3402 Siesta Drive

TAX MAP REFERENCE: 60-1 ((26)) 28

LOT SIZE: 8,925 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of construction of an addition 18.2 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2007-MA-073 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.

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Department of Planning and Zoning

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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.**



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

To permit construction of construction of an addition 18.2 feet from the rear lot line.

Description of Special Permit

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Rear	25.0 feet	18.2 feet	6.8 feet	27.2%

*Minimum yard requirement per Section 3-407

EXISTING SITE DESCRIPTION

The site is currently zoned R-4 and is developed with a single family detached dwelling. Records indicate that the dwelling was constructed in 1961. The property is sloped upward from the street to the front of the house and downward from the house from southwest to the northeast in the rear of the property. An open deck is attached to the rear of the house. The property has substantial mature trees and vegetation along the periphery and central portions of the property. Foundation plantings are located along the front of the structure as well as several trees planted in the front yard. An existing concrete driveway extends from Siesta Drive in the southeastern portion of the property. The existing yards are as follows:

Yard	Required	Existing
Rear	25.0 feet	32.9 feet
Front (Siesta)	30.0 feet	36.0 feet
Side (North)	10.0 feet	13.8 feet
Side (South)	10.0 feet	14.8 feet

CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single Family Detached Dwellings
East	R-4	Single Family Detached Dwellings
South	R-4	Single Family Detached Dwellings
West	R-4	Single Family Detached Dwellings

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Proposed Addition
Lot 28, Section Three, Roundtree Subdivision, Mason District,
Fairfax County, Virginia

Prepared By: William E. Ramsey, Land Surveyor

Dated: October 25, 2006 and signed November 22, 2006

Proposal:

The applicant proposes to construct a one story addition to the rear of the house to accommodate an enlargement of the existing dining room, kitchen and other living areas including a screened porch/sunroom. The existing master bathroom will be enlarged into an area occupied by the existing kitchen. The existing carport will be enclosed into a garage. An existing garden next to the carport will be paved with concrete to accommodate an extension of the current driveway for the purpose of parking a third car. The elevation drawing submitted with the application indicates that a deck (approximately four feet wide according to the applicant), elevated one to two feet above grade with steps, will be located along the rear of the proposed addition. The existing deck will be removed.

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 use 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 are similar in size and scale to structures on adjacent properties, which are predominately one story and two dwellings sheathed in brick and vinyl siding as is the subject dwelling and*

proposed addition. Staff believes that the proposed addition will not affect the use or development of neighboring properties. 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. The rear of the proposed addition will be set back the same distance to the rear property line as is the existing deck but will extend the length of the rear of the house. The applicant indicates that no existing substantial vegetation will be affected. The pictures submitted and the architectural drawings indicate that the large trees present in the rear yard will remain. The rear yard, which is heavily treed, will continue to provide vegetative buffer to the adjacent property to the rear. Staff does not believe that any additional landscaping is needed.

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 is 2,713 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 6,448 square feet. The proposed net square footage of the one story addition is 871 square feet for a total square footage of the house with the addition of 3,584 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 addition will project from the rear of the main floor of the dwelling and will be constructed partially in a location of an existing deck. Siding will be installed with materials which match the existing sheathing on the house. In addition the roofing shingles will match the existing shingles. 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. *Evaluation of the photographs submitted and elevation drawings indicate that the proposed improvements are compatible with the surrounding houses in the neighborhood. Most of the houses in the neighborhood are one story to two stories in height and are sheathed in brick and vinyl or wood siding as is the subject dwelling and proposed additions. 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. A majority of the addition will occupy an area that is currently an existing deck which will have minimal increase in impervious surface as part of the structure will be above grade. It will continue to provide adequate light and air between the house and adjacent structures. Staff believes that this standard has been met.

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 construction of the addition expanding the house into the rear yard over a portion of the existing deck and the enclosure of the carport is the logical location for the addition. There is existing landscaping along the addition in the rear and side of the subject property which will remain and continue to provide a buffer in the rear of the house. No steep slopes, floodplains and/or Resource Protection Areas are present. Staff believes that this standard has been.

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-MA-073 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-MA-073****September 18, 2007**

If it is the intent of the Board of Zoning Appeals to approve SP 2007-MA-073 located at Tax Map 60-1 ((26)) 28 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 873 square feet) of the proposed additions as shown on the plat prepared by William E. Ramsey, Land Surveyor, dated October 25, 2006, and signed November 22, 2006 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 (2,713 square feet) that existed at the time of the first expansion 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 yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings included in Attachment 1 to these conditions.
5. Notwithstanding the addition as shown the special permit plat, a deck may be constructed as shown on the architectural renderings provided that the deck meets the provisions of Sections 2-412 and 10-103.3 of the Zoning Ordinance.

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.