



APPLICATION ACCEPTED July 31, 2007
BOARD OF ZONING APPEALS: October 16, 2007
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 9, 2007

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2007-DR-077

MOUNT VERNON DISTRICT

APPLICANT: Todd A. Glissman

OWNERS: Todd A. Glissman and Susan L. Glissman

SUBDIVISION: Merrell Park

STREET ADDRESS: 2051 Haycock Rd.

TAX MAP REFERENCE: 40-2 ((31)) 31

LOT SIZE: 15,191 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 6.0 feet from the side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2007-DR-071 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

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
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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 reduction of certain yard requirements to permit construction of an addition (garage) 6.0 feet from the side lot line.

Description of Special Permit

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition (Garage)	Side (north)	12.0 feet	6.0 feet	6.0 feet	50.0 %

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The site is currently zoned R-3, and is developed with a single family detached dwelling. Records indicate that the dwelling was constructed in 1959. The property slopes downward from front to back with a substantial slope in the rear/side of the dwelling. A covered porch is located in the front of the house. A screened porch is attached to rear (northeast) side of the house which is connected to an above grade open wooden deck located in the rear of the house. A covered portion of the deck with a hot tub is located at its southern end. A resource protection area extends across the property midway through the structure to the rear property line. Vegetation is present along the periphery of the property. A large mature tree is located in the front yard. An existing concrete driveway extends from Haycock Road on the northwestern portion of the property. The existing yards are as follows:

Yard	Required	Existing
Rear	25.0 feet	92.0 feet
Front (Haycock)	30.0 feet	33.8 feet
Side (North)	12.0 feet	18.4 feet
Side (South)	12.0 feet	21.4 feet

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 Dwelling and Vacant Parcel
West	R-3	Single Family Detached Dwellings

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

Title of SP Plat: Plat Showing the Improvements on
Lot 31, Section 1, Block 4, Merrell Park, Fairfax County, Virginia

Prepared By: Alexandria Surveyors

Dated: June 5, 2007

Proposal:

To permit reduction of certain yard requirements to permit construction of an addition, a garage, 6.0 feet from a side lot line. The garage will be attached to the house and an existing screen porch in the side yard by a breezeway. The plat indicates that the addition will not extend into the resource.

Stormwater Management Analysis (Appendix 4)

The Stormwater Management Analysis indicates that there is 2003 mapped Resource Protection Area (RPA) designated on this site. The proposed steps at the rear of the proposed garage, and the construction activity to build the steps and retaining wall, will encroach into the RPA. An exception for the minor addition per the Chesapeake Bay Preservation Ordinance (CBPO) Sect. 118-5-5(a) to encroach into the RPA is required. The exception is subject to administrative approval of the Director, Department of Public Works and Environmental Services (DPWES). A Water Quality Impact Assessment (WQIA) will also be required. Based on the submission from the applicant, it appears that the exception and WQIA will be favorably considered concurrently with the building permit application.

ZONING ORDINANCE REQUIREMENTS (Appendix 5)

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 garage addition are similar in size and scale to structures on adjacent properties, which are predominately one and two story dwellings sheathed in brick and vinyl siding as is the subject dwelling and proposed addition. Staff believes that the proposed garage addition which 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 proposed garage and breezeway will extend 12.4 feet closer to side property line than as is the porch. No existing vegetation will be affected and the adjacent house to the north is at a lower elevation. Staff believes that the planting of foundation plantings such as shrubs along the periphery of the garage will minimize the impact of the addition on the adjacent property to the south. This standard has been met with the imposition of a proposed development condition included in Appendix 1.*

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 1,614 square feet. Therefore 150% of the total gross floor area could result in an addition up to 2,421 square feet in size for a possible total square footage at build out of 4,035 square feet. The proposed net square footage of the one story addition is 326 square feet for a total square footage of the house with the addition of 1,940 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. An 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 and compliment the dwellings architecture. The garage will be constructed in part of the footprint of the existing driveway on the northern side of the house and adjacent to the front porch. 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 to two stories in height and are sheathed in brick and vinyl or wood siding as is the subject dwelling and proposed addition. Many of the other homes in the area have attached one-story garages. 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 proposed garage and breezeway will extend 12.4 feet closer to side property line than as is the porch. No existing vegetation will be affected and the adjacent house to the north is at a lower elevation. However the planting of shrubs and other foundation plantings will serve to provide a buffer to the adjacent property from the garage addition. With the construction of the addition adequate light and air between the house and adjacent structures will continue to provide. Additionally, the proposal will be review by DPWES in the context of the RPA exception process which will address erosion and water runoff. 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. *According to the applicant, in order to not have to have any additional curb cuts, and coordinate with the existing house's entryway, the ideal place to put the garage addition is in the same vicinity as the existing driveway. Locating the addition over the existing driveway minimizes disturbance to the property, minimizes fill and keeps the topography and existing site as natural as possible. The everyday entranceway for the house is through the screened porch to the side of the house. Adding the garage directly to the side of the house would block this existing entranceway. Additionally, it would make the transition from the existing house roof to the garage roof very awkward. The proposed placement has the garage, with the breezeway, the minimum distance from the house possible, to make the passage usable. There is also an existing masonry chimney on the side of the house, which would be difficult to navigate if the garage was built around it. The narrow passage, partially covered by breezeway, was also chosen to minimize the amount of encroachment into the side yard. A wider breezeway and passage to the existing house entry would be more desirable. The maximum encroachment, 7 feet, is at the rear of the garage, and then the encroachment reduces as it goes toward the front of the garage. As noted earlier, a portion of the land disturbance may be within the RPA, specifically in the rear area of the garage where a staircase is proposed and will be reviewed in context of the RPA exception. The applicant has indicated that the slope will be stabilized by a small retaining wall in this area as shown in an insert drawing on the SP Plat. Staff believes that this standard has been met.*

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-DR-077 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. Stormwater Management Analysis
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2007-DR-077****October 9, 2007**

If it is the intent of the Board of Zoning Appeals to approve SP 2007-DR-077 located at Tax Map 40-2 ((31)) 31 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 326 square feet) of the proposed garage addition as shown on the plat prepared by Alexandria Surveys, dated June 5, 2007, 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 (1,614 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. Prior to the issuance of a building permit for the addition, the applicant shall apply for and gain approval of an RPA Exception if determined necessary by DPWES.
5. Foundation plantings shall be provided adjacent to the northern side of the garage to visually soften the appearance of the structure from the adjacent property to the north.
6. The garage shall be consistent with the architectural renderings included in 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.