



FAIRFAX COUNTY

V I R G I N I A

APPLICATION ACCEPTED: October 20, 2008
BOARD OF ZONING APPEALS HEARING: Jan. 6, 2009
ADMINISTRATIVELY MOVED TO: April 14, 2009
ADMINISTRATIVELY MOVED AT APPLICANT'S REQUEST
TIME: 9:00 a.m.

April 7, 2009

STAFF REPORT ADDENDUM

SPECIAL PERMIT APPLICATION SP 2008-SP-088

WILLIAM C. AND DEBORAH VEALE

SPRINGFIELD DISTRICT

BACKGROUND

On January 6, 2009, the Board of Zoning Appeals (BZA) deferred for decision SP 2008-SP-088 to March 3, 2009 and due to the applicant redesigning the proposed additions, the hearing was administratively moved to April 14, 2009 at the applicant's request. The BZA deferred decision to allow the applicant time to develop an alternative design for a proposed addition to the dwelling and to coordinate with the homeowners Association; which the applicant has now done. The applicant originally requested approval of a special permit to construct two additions. The first was a two story addition with living space on the upper level and a gardening center on the lower level, 23 feet from the rear lot line. The second request was for a one story addition which is a deck with lattice below that was proposed to be 5 feet from the western side lot line such that side yards totaled 15.8 feet and 22.8 feet from the rear lot line. This proposal was depicted on a special permit plat dated April 1, 2008, revised through September 15, 2008, as shown in the original staff report. The land is developed with a single family detached dwelling and is zoned PDH-3 and is most similar to the R-3 Cluster District. In the staff report dated December 3, 2008, staff recommended that the application be approved in part. Staff recommended the one story addition be denied because staff did not believe the application was in conformance with all the Zoning Ordinance provisions as outlined in the staff report.

The applicant has submitted a revised special permit plat dated April 1, 2008, revised through March 18, 2009 included as Attachment 3. Outlined below is a discussion of the revised application and staff's recommendation.

DISCUSSION

The applicant has redesigned the proposed one story addition and is now seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of the two story addition still 23 feet from the rear lot line and construction

of the one story addition 18 feet from the rear lot line and side yards totaling 20.6 feet. This revised proposal differs from the previous request because the one story addition was modified to no longer encroach further into the western side yard than the existing dwelling per staff's recommendation. The previous request proposed the one story addition 5 feet from the western side lot line. The applicant shortened the encroachment of the addition into the side yard by 4.9 feet.

The resulting gross floor area for the dwelling will be 7,501.6 square feet under the revised proposal. The following is a discussion of issues raised in the staff report.

ZONING ORDINANCE REQUIREMENTS

The staff report dated December 30, 2008 indicates that the applicant failed to meet certain Zoning Ordinance requirements; therefore, the standards are reexamined below to reflect the changes. Specifically Sect. 8-006 Standard 3 and Sect. 8-922 Standards 7 and 9.

Sect. 8-006, 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. In the staff report dated December 30, 2008, staff concluded that the construction of an addition into the minimum required side yard would not be harmonious with structures in the neighborhood as there had been no other encroachment into the side yard as close via variances or special permits granted in the vicinity of the application property. The revised layout is more in keeping with the neighborhood and significantly reduces the intrusion into the western side yard. Therefore, staff believes that the revised special permit plat reflects improvements which are harmonious with the neighboring properties, and therefore this provision is now satisfied.

Sect. 8-922, 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. In the staff report dated December 30, 2008, staff concluded that the applicant failed to meet this provision in that there are no other additions which extend this much into the minimum required side yard. Staff also noted that given that the homes in the neighborhood were built in accordance with the Final Development Plan for RZ 79-S-106, an overwhelming majority of them have 10 foot side yards. Even with a 10 foot wide storm drain easement directly adjacent to the proposed addition, staff felt that the proposed encroachment would be too great and set precedence for the neighborhood. Staff suggested that the applicant revise the plans so that the proposed one story addition did not extend beyond the plane of the existing dwelling. The revised plat depicts the addition located 9.9 feet from the side lot line and 18 feet from the rear lot line, in accordance with staff's suggestions. Therefore, staff believes the revised proposal now meets this standard.

Sect. 8-922, 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; location of a well and/or septic field; location of easements; and/or preservation of historic resources. In the staff report dated December 30, 2008, staff indicated that the subject property was not an irregular shaped lot and there was no need for an intrusion into the side yard this great. Staff suggested that the structure be redesigned to protrude further into the minimum required rear yard given that the property backs up to Park Authority open space. Given that the applicants redesigned the structure as suggested, staff believes the revised proposal now meets this standard.

CONCLUSIONS AND RECOMMENDATIONS

Staff conclusions

Staff believes that the revised request shown on the plat included as Attachment 3 to the Addendum, dated and revised through March 18, 2009, is in conformance with all applicable Zoning Ordinance provisions as noted above in that the location on site of the one story addition no longer compromises the character of the surrounding neighborhood by reducing the intrusion into the side yard.

Staff recommendations

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions. For these reasons, staff now recommends approval of SP 2008-SP-088.

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.

ATTACHMENTS

1. Revised Proposed Development Conditions
2. Revised Architectural Plans
3. Revised Special Permit Plat
4. Homeowner's Association Letter of Approval

REVISED PROPOSED DEVELOPMENT CONDITIONS

SP 2008-SP-088

April 7, 2009

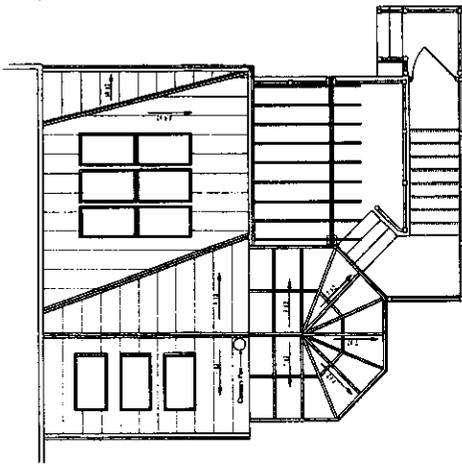
If it is the intent of the Board of Zoning Appeals to approve SP 2008-SP-088 located at Tax Map 97-2 ((8)) 246 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Revised conditions have been indicated by strikes and underlines.

1. These conditions shall be recorded by the applicant among the land record 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 of the proposed two story addition (conservancy with storage below) as shown on the plat prepared Timothy D. Farrell, B.W. Smith and Associates, inc., dated April 1, 2008, revised through ~~December 18, 2008~~ March 18, 2009 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 principle structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (6,187 square feet existing + 9,280.5(150%) = 15,467.5 permitted) 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 and materials included in Attachment 1 to these conditions.

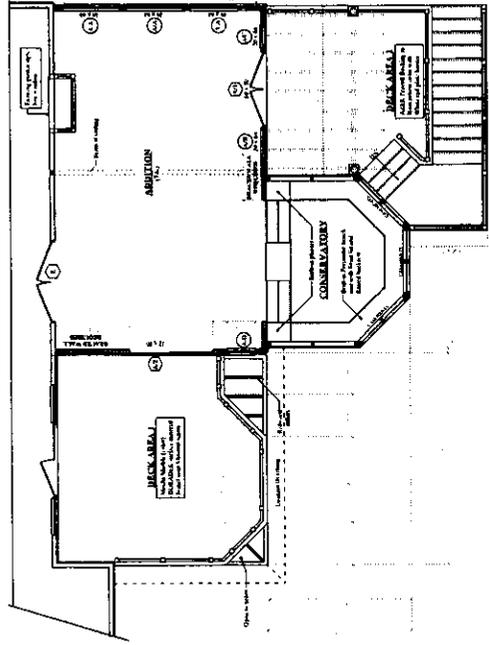
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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

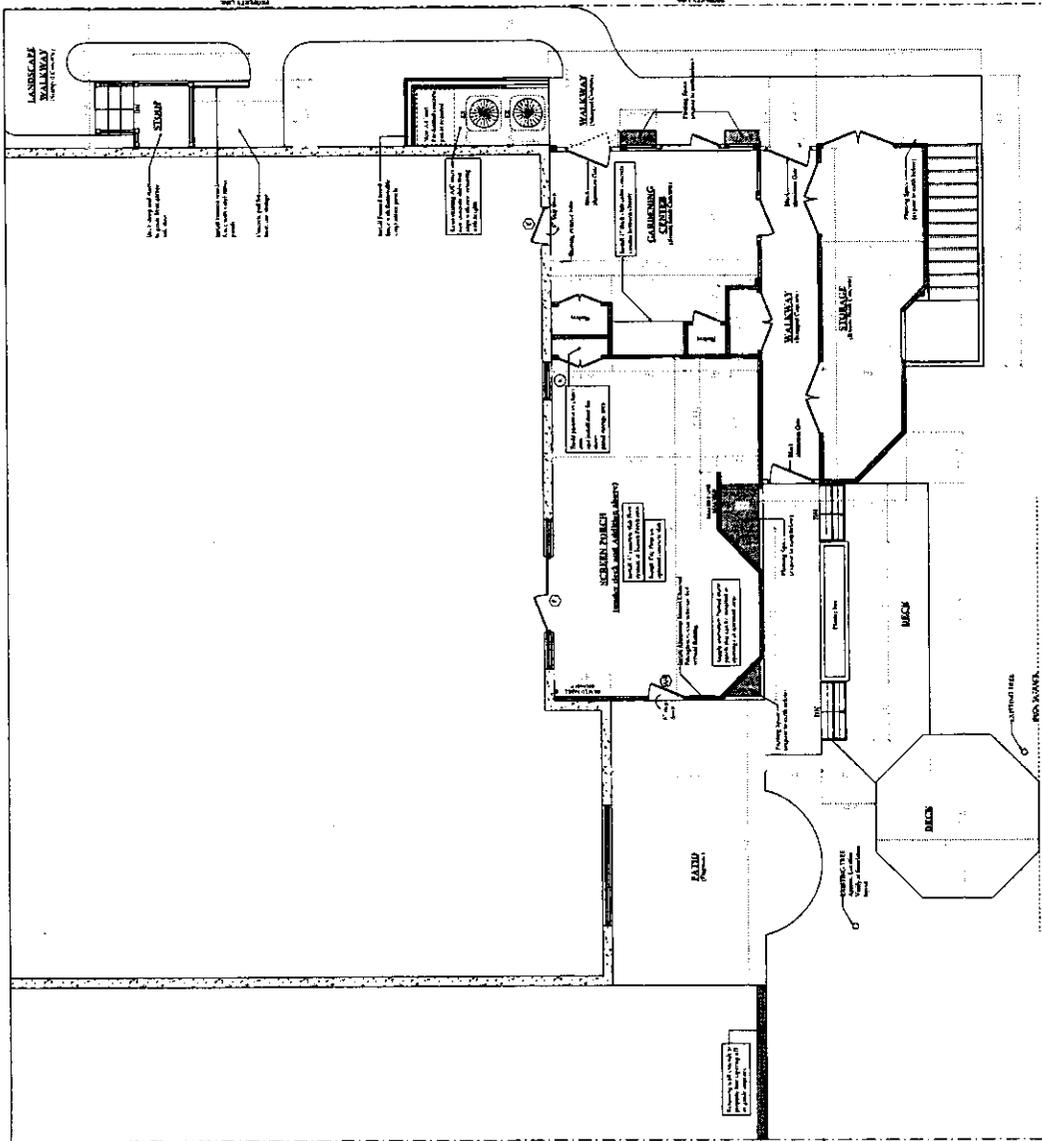
may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



BIRD'S EYE VIEW OF ADDITION
SCALE 1/4" = 1'-0"

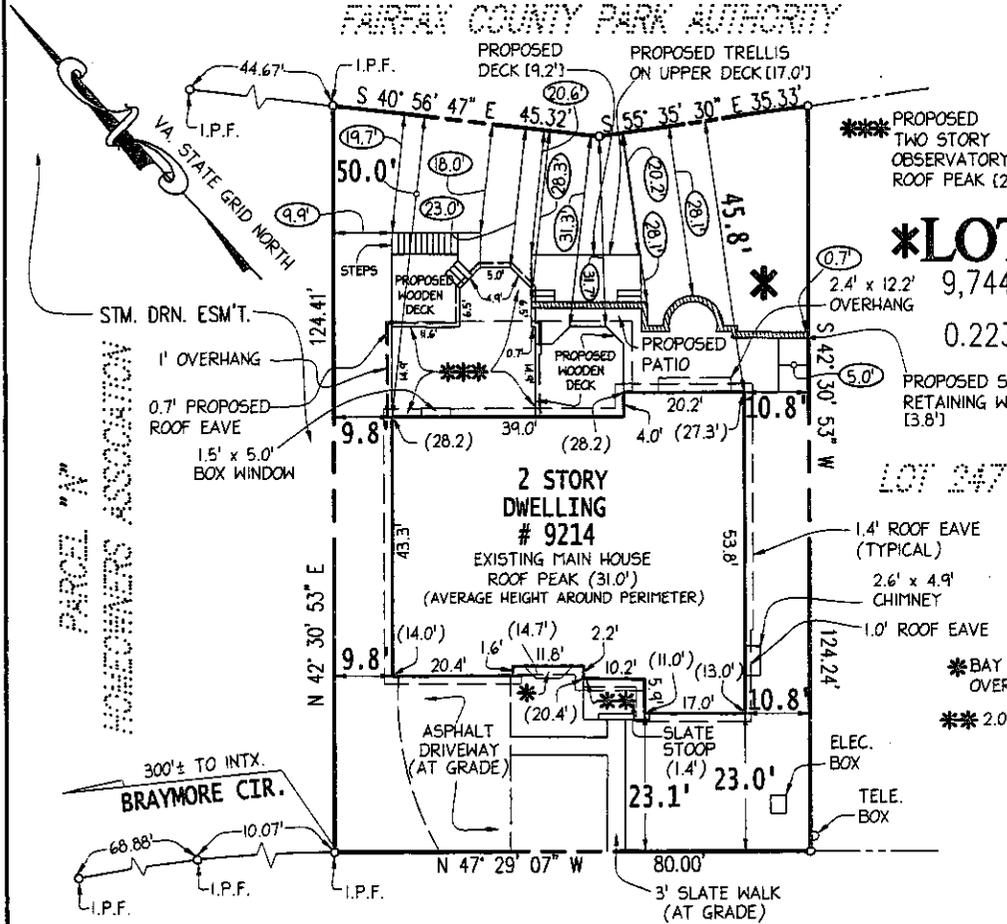


PROPOSED UPPER LEVEL PLAN
SCALE 1/4" = 1'-0"



PROPOSED LOWER LEVEL PLAN
SCALE 1/4" = 1'-0"

PAGE TITLE: FLOOR PLAN NUMBER: J589.01 DESIGNER: TEREEMY FLEMING		9214 BEXLEYWOOD COURT FAIRFAX, VA		PROJECT NO: 011889 DATE: 08/11/12 SCALE: 1 of 2	
WILLIAM AND DEBORAH VEALE		1972 B Bunker Center Parkway, Suite 112B15 (703) 255-5588 (F) 703-279-1108 info@landingsun.com		SUN DE	



***LOT 246**
9,744 SQ. FT.
OR
0.2236 ACRE

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AND ZONING

MAR 20 2009

SPECIAL PERMIT &
VARIANCE BRANCH

BEXLEYWOOD COURT

CENTERLINE (50' R/W)

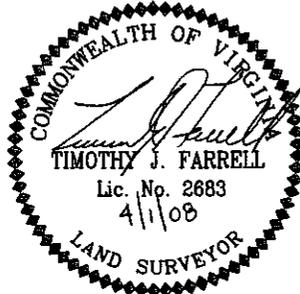
MINIMUM YARD TABLE
PDH-2 CONSERVATION
MINIMUM YARD REQUIREMENTS

YARD	REQUIRED SETBACK	PROPOSED SETBACK
FRONT	25'	N/A
SIDE	8' TO 24**	N/A
REAR	25'	12.5'

*MUST BE 8' ON BUILDING SIDE OR ADD UP TO 24' TOTAL

- LEGEND:
- I.P.F. DENOTES IRON PIPE FOUND
 - x- DENOTES FENCE LINE
 - (15.2') DENOTES HEIGHT FROM GRADE
 - (11.7) DENOTES PROPOSED SWING
 - (25.4') DENOTES PROPOSED HEIGHT FROM GRADE

- NOTES:
- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 - 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP # 515525-0075-D EFFECTIVE DATE: MARCH 5, 1990
 - 3) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 097-2-08-0246 ZONED PDH-2
 - 4) PROPERTY SERVED BY PUBLIC WATER AND SEWER.
 - 5) NO BURIAL SITES ON LOT PER RECORD PLAT RECORDED IN DEED BOOK 7485, PAGE 830 AMONG THE RECORDS OF FAIRFAX COUNTY.
 - 6) NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE FEET OR MORE PER RECORDED PLAT, RECORDED IN DEED BOOK 7485, PAGE 830.
 - 7) TOTAL EXISTING LIVEABLE SPACE IS 6,187 SQ. FT., TOTAL IMPROVED LIVEABLE SPACE IS 1,314.6 SQ. FT. PER FAIRFAX COUNTY.
 - 8) PERCENTAGE OF REAR YARD COVERAGE FOR 25' SETBACK IS 10.2% AND DOES NOT EXCEED 30% REAR YARD COVERAGE.



SPECIAL PERMIT PLAT
LOT 246
SECTION 6
BARRINGTON
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

- REVISION: 3/18/09 (PROPOSED LANDING & DECK)
REVISION: 2/6/09 (PROPOSED PATIO & DECK)
REVISION: 11/20/08 (PROPOSED PATIO & DECK)
REVISION: 12/18/08 (NOTE #7)

B.W. SMITH AND ASSOCIATES, INC. PROFESSIONAL LAND SURVEYING MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996	FIELD CREW: D. ARMSTRONG
	REVISION: 7/23/08 (PROPOSED HEIGHTS)
	REVISION: 9/15/08 (PROPOSED HEIGHTS)
	JOB# 20080871
DFT: B.G.T. CHK: T.J.F. NO TITLE REPORT FURNISHED SCALE= 1" = 25'	DATE: 4/1/08

BARRINGTON HOMEOWNERS ASSOCIATION

c/o Armstrong Management Services, Inc.

3949 Pender Drive, Suite 205

Fairfax, Virginia 22030

TEL: 703-385-1133

FAX: 703-591-5785

William & Deborah Veale
9214 Bexleywood Court
Fairfax Station, VA 22039

Account: B5BEXC-9214-01

Wednesday, March 25, 2009

RE: Notice of Architectural Modification Request Approval / Denial

Dear Mr. & Mrs. Veale,

I am pleased to inform you that the Barrington HOA has approved your application for garage side door stoop and stairs, left side ground-level walkway, AC condenser area, garden center under sunroom and under deck area 2, open passageway under deck area 2 and under conservatory, integral storage area under deck area 2 and conservatory, deck area 2 with trellis and stairs to side walkway, sunroom/conservatory, deck area 1 off family room, screened porch (under family room deck area 1 and sunroom), study terrace, ground level deck areas, master bedroom box bay window, house rear/sides exterior with the following conditions.

1. The size and scope of the structure, though large, is approved in this case because it backs to Parkland. Approval is based on modifications made to original plan that include making patio smaller (removal of hexagonal patio) and making stairs/deck not protrude from the side of house.
2. The walkway on the side of house is approved if it comes in from the property line 1 foot. This deviation from the guidelines is approved in this case because there is 10 feet of drainage common area between that property line and the neighbor's property line.
3. The green patina roof is approved. The Board looked at alternatives and feels this roof is the best aesthetic choice and will coordinate with the existing roof's shingles and the existing copper on the house. Also noted in the approval is that roof is not visible from the street.

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MAR 30 2009

SPECIAL PERMIT &
VARIANCE BRANCH

4. The pickets in the railings must all be consistent (either white or black) for approval. The Board does not approve one deck with white pickets and one deck with black pickets. The Board approves the choice of either white or black for all pickets in this case because the house has white trim and black shutters, so both colors would coordinate with existing colors on the house.

5. The Board does not approve the trash can structure behind the stoop on the side of the house because this was not included in the application to the ARC. This is a new change not previously considered by the ARC. As noted, the screening of the air conditioning units and the stoop for the side door of the garage are approved. Please note that in general, others structures on the side of the house are not in keeping with Barrington HOA Architectural Guidelines.

The approval is contingent upon compliance with the specifications set forth in the approved application. Any changes or modifications to this approved request must be submitted in writing for the Association's review and consideration. If your change or addition requires a county permit, it must be obtained prior to construction.

Please provide the Board with a copy of the final drawings as approved by the HOA and the county for our records. Please retain this letter for your files. Should you have any questions regarding this letter, please contact Dan Busch.

Sincerely,

Board of Directors, Barrington HOA