



# FAIRFAX COUNTY

APPLICATION ACCEPTED: July 30, 2009  
AMENDMENT APPLICATION ACCEPTED: December 3, 2009  
BOARD OF ZONING APPEALS HEARING: November 3, 2009  
DEFERRED TO: December 15, 2009  
DEFERRED AT APPLICANT'S REQUEST  
TIME: 9:00 a.m.

## V I R G I N I A

December 8, 2009

**STAFF REPORT ADDENDUM  
SPECIAL PERMIT APPLICATION SP 2009-PR-070  
Nawal Todi**

**PROVIDENCE DISTRICT**

### BACKGROUND

On November 3, 2009 the Board of Zoning Appeals deferred the public hearing at the applicant's request. The applicant proposed to amend the application. Subsequent to the November 3<sup>rd</sup> meeting, the applicant submitted the amendment application for review. Upon review of the amendment application there were discussions with the Zoning Administrator to confirm the yards on the subject property and ensure that the applicant could file the requested amendment. The Zoning Administrator ultimately determined that the yard in which the reduction is requested, is in fact a front yard based on the approval of the building permit for the original home.

### DISCUSSION

The applicant has expanded the size of the proposed one story sunroom addition and is now seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of an addition 10.3 feet from the front lot line.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Sunroom Addition	Front	20 feet	10.3 feet	9.7 feet	48.5 %

### ZONING ORDINANCE REQUIREMENTS

The staff report dated October 30, 2009 indicates that the applicant met the Zoning Ordinance requirements listed below; however, staff has made minor changes to reflect the requested changes of the sunroom. The minor changes are in bold and staff believes

the proposed changes do not alter the existing rationale provided for the proposed sunroom.

### **Sect. 8-006 General Special Permit Standards**

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding standard 3.

General Standard 3 requires that the proposed uses 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 that the special permit application satisfies this condition based the fact that the proposed sunroom will not extend further into the yard than the existing deck. The referenced yard abuts a parking area on Tysons Executive Lane. Therefore, staff believes the proposed sunroom will not adversely affect the use or development of neighboring properties.*

### **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 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 existing structure is 2,883 square feet. Therefore 150% of the total gross floor area could result in an addition up to 4,324.5 square feet; which makes a combined total of 7,207.5 square feet permitted under this standard. The proposed addition will be **192 square feet** for a total of **3,075 square feet** for the existing house and addition. 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. The proposed sunroom addition will extend on a portion of the existing footprint of the deck and is proposed at a height of 15.4 feet and only **192 square feet** in size. The existing single family detached dwelling is two stories in height and 2,883 square feet. The proposed sunroom will be constructed with materials similar to the existing dwelling. Staff believes the proposed addition will not be out of character with existing on-site development.*

*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. *The proposed addition will not adversely affect the neighboring properties due to the small size and scope. Little land disturbance shall take place due to its small size and its proposed location on the existing deck. Existing vegetation shouldn't be affected by the proposal.*

*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. No downstream complaints have been indicated by DPWES and there is little increase of impervious area due to the proposed addition partially being constructed over an existing deck. The proposed addition is in proximity to a parking lot on Tysons Executive Lane and there is a dense buffer between the parking lot and the subject property. Therefore, staff believes that the proposed addition shall not have any adverse impact on neighboring properties.*

*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. Since the proposed addition is not extending any further into the minimum required side yard than what currently exists, staff believes this proposed sunroom is a minimal addition. There are no potential alternate locations for a sunroom on the subject property due to the dwelling being constructed in close proximity to the lot lines and property being a corner lot.*

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff conclusions**

Staff believes that the revised request shown on the plat title "House Location Survey, Lot 1, Tysons Executive Village" prepared by Larry N. Scartz, dated November 12, 2007 included as Attachment 2 to the Addendum, is in conformance with all applicable Zoning Ordinance provisions.

### **Staff recommendations**

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions and continues to recommend approval of SP 2009-PR-070.

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 Special Permit Plat
3. Revised Statement of Justification

**REVISED PROPOSED DEVELOPMENT CONDITIONS****SP 2009-PR-070****December 8, 2009**

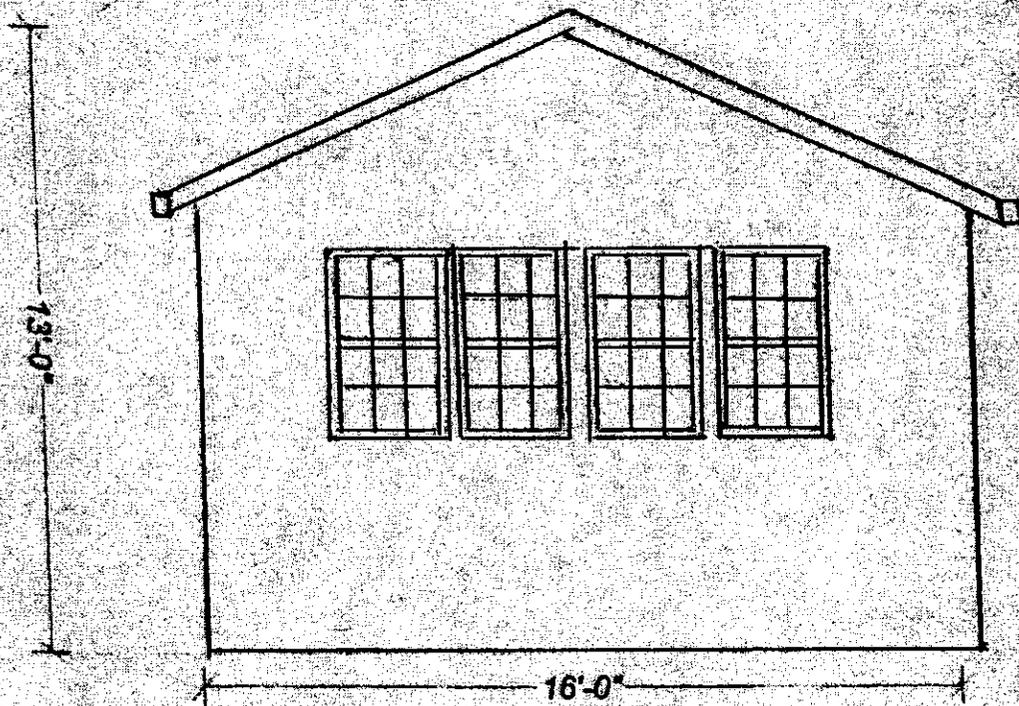
If it is the intent of the Board of Zoning Appeals to approve SP 2009-PR-070 located at Tax Map Number 39-2 ((48)) 1 (2121 Tysons Executive Court), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land 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 a proposed sunroom addition as shown on the plat prepared by Larry N. Scartz, Scartz Surveys dated ~~June 29, 2009~~ **November 12, 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 principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,883 square feet existing + 4,324.5 (150%) = 7,207.5 square feet 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 depicted on the plat and included in Attachment 1 to these conditions. ~~Notwithstanding what is depicted in the architectural renderings, the sunroom addition shall be no larger than 9.8 feet by 16 feet in size.~~
5. Prior to final inspection of the addition, the lattice screening above the deck railing shall be removed and the deck shall be brought into compliance with Zoning Ordinance requirements.

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 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.

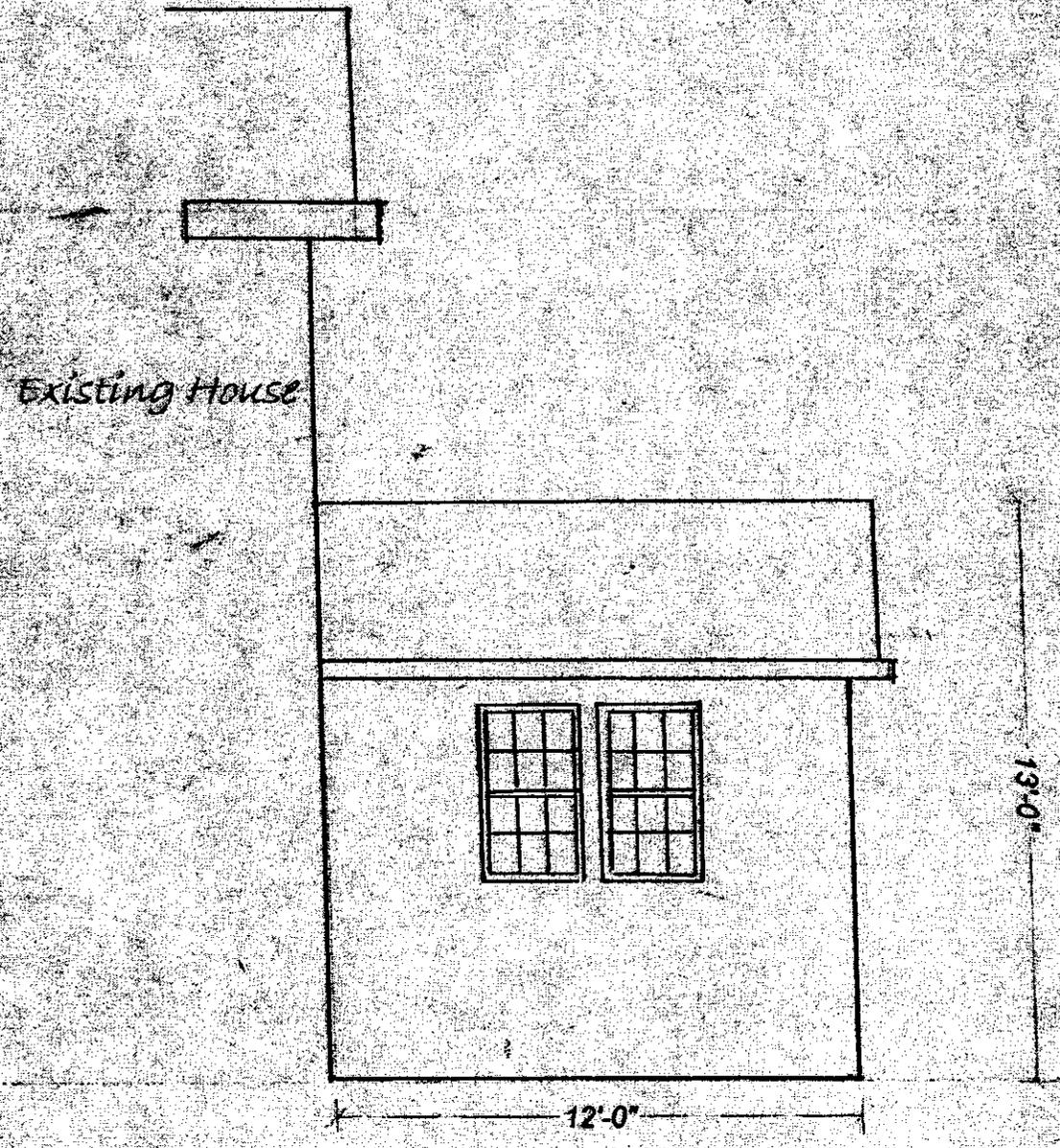


*Addition front Elevation*

*Scale: 1/4" = 1'-0"*

*2121 Tysons Executive court*

*Dunn Loring, VA 22027*

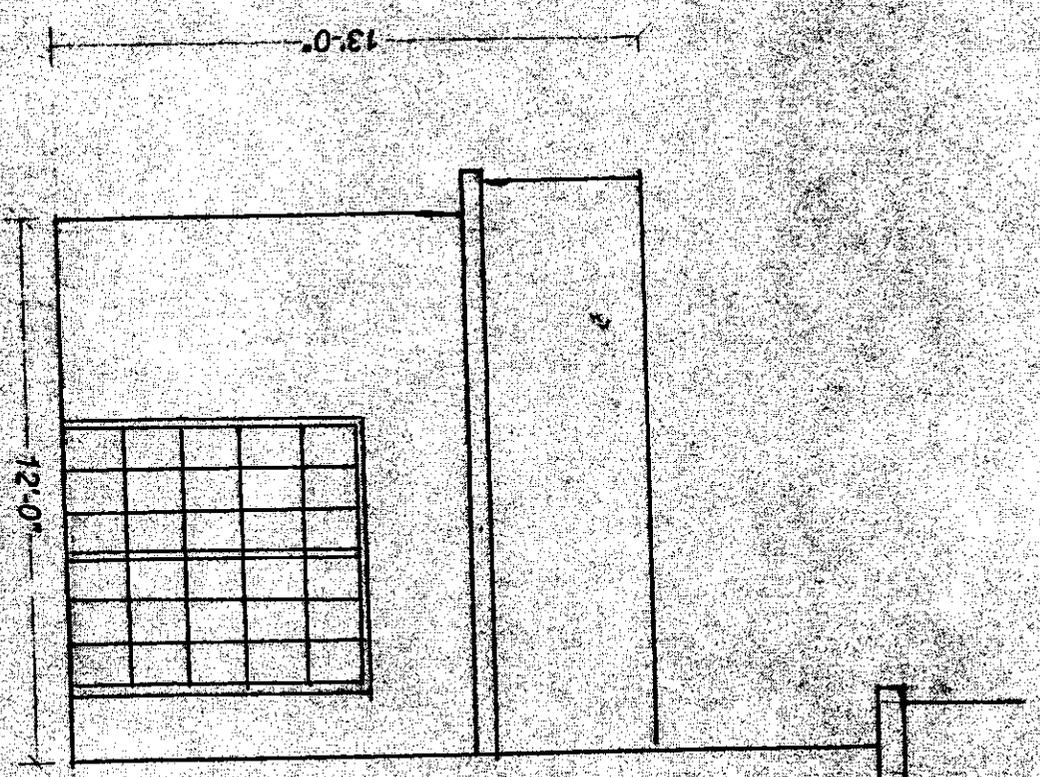


Existing House

Addition Left Side Elevation

Scale: 1/4" = 1'-0"

2128 TYPONS EXECUTIVE COURT  
DUMM LANDING, VA 22027



*Addition Right Side Elevation*

*SCALE 1/4" = 1'-0"*

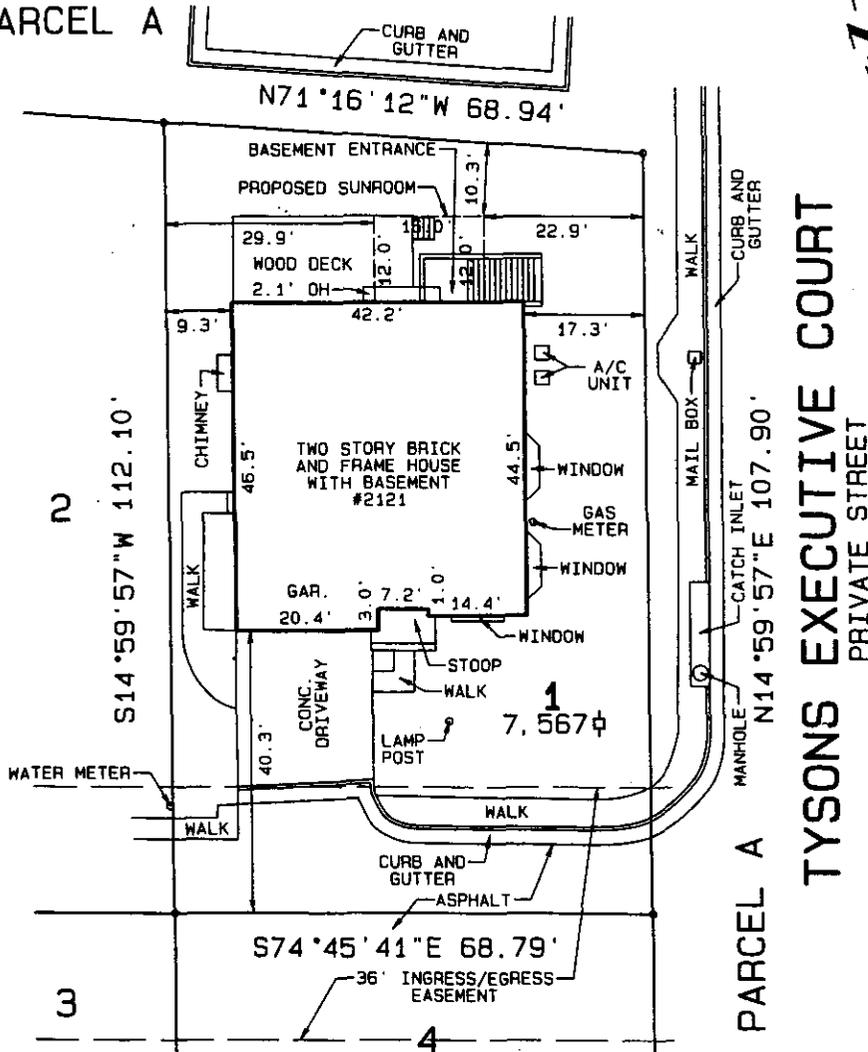
*2120 TYSONS EXECUTIVE COURT  
DUNN, VA 22027*

*EXISTING HOUSE*

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# TYSONS EXECUTIVE LANE PRIVATE STREET

PARCEL A



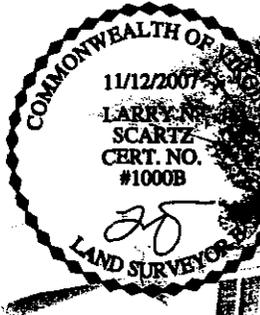
## HOUSE LOCATION SURVEY

LOT 1

# TYSONS EXECUTIVE VILLAGE

PLANNING AND ZONING MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

DATE: NOVEMBER 12, 2007



NO TITLE OR INTEREST IN THE PROPERTY IS CLAIMED BY ANY PERSON OR ENTITY OTHER THAN THE SURVEYOR OR HIS EMPLOYER. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCROACHMENTS OR VIOLATIONS OF THE PROPERTY LINES.

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY AS SURVEYED AND THAT THERE ARE NO ENCROACHMENTS OR VIOLATIONS OF THE PROPERTY LINES.

**LARRY N. SCARTZ**  
CERTIFIED LAND SURVEYOR  
FAIRFAX COUNTY, VIRGINIA  
WOODBRIDGE (703) 494-4181  
METRO (703) 690-4955  
FAX (703) 690-3996

CERTIFIED LAND SURVEYOR

MN

5. **A written statement of justification:**

The proposed sunroom will be a one-story wood frame structure. The exterior style, material and color will be compatible to the existing home. The family members will use the sunroom mostly in the daytime to relax and to do household activities. Please see the attached drawings & material specification. The primary reason to build the sunroom is to extend the kitchen area so that the family members can get together and enjoy.

- A. **Type of operation:** Relaxation, Entertaining guests and kids playing.
- B. **Hours of operation:** Between sunrise and sunset.
- C. **Estimated number of patrons/clients/patients/pupils/etc.:** Between 4 to 5 people at a time
- D. **Proposed number of employees/attendants/teachers/etc.:** N/A
- E. **Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:** None
- F. **Vicinity or general area to be served by the use:** None
- G. **Description of building façade and architecture of proposed new building or additions:**
- The floor of the proposed addition is 192 feet, which is 6.66% of the existing living area of 2883 Sq. ft.
- H. **A listing, if known, all of the hazardous or toxic substance as set forth in Title 40, Code of Federal Regulations Part 116.4 and 335; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and size and contents of any existing or proposed storage tanks or containers:** None
- I. **A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, of any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.**

The addition's outside wall is 10.3 feet from the lot line, which is both over 50% of the required distance, and over 5 feet.

RECEIVED  
Department of Planning & Zoning  
OCT 27 2009  
Zoning Evaluation Division

5. **A written statement of justification:**

The proposed sunroom will be a one-story wood frame structure. The exterior style, material and color will be compatible to the existing home. The family members will use the sunroom mostly in the daytime to relax and to do household activities. Please see the attached drawings & material specification. The primary reason to build the sunroom is to extend the kitchen area so that the family members can get together and enjoy. The addition's outside wall is 10.3 feet from the lot line, which is both over 50% of the required distance, and over 5 feet. The floor area of the proposed addition is 192 sq ft. and the existing floor area is 2883 sq ft.

Please see below the explanation of all the deficiencies identified:

- 930.01** The floor area of the proposed addition is 192 feet, which is 6.66% of the existing living area of 2883 Sq. ft. resulting in 106.66% of the total gross floor area of the principal structure existed now. The proposed drawing is attached.
- 930.03** As the proposed development is very similar to existing home in terms of style, material and color and within the boundary of the principal home area, it is not harmonious with the surrounding off-site users.
- 930-04** The homeowner already has approval from the Home Owners Association and surrounding neighbors. Their approval is submitted with the application.
- 930-05** There is no place else.
- 930.06** 15 copies of plat were submitted before. The 24" x 36" and 8" x 11" plates are attached.
- 930.10** Location - Back of the principal home  
Dimension - 12' x 16'  
Height of existing home - 36'  
Height of proposed addition - 13'
- 930.11** The existing lattice shown on deck will be removed. The addition's outside wall is 10.3 feet from the lot line, which is both over 50% of the required distance, and over 5 feet.
- 930.15** Existing floor area - 2883 Sq ft.  
Proposed addition floor area - 192 Sq ft.  
Proposed Gross floor area - 3075 Sq ft.  
Floor area ratio - 106.70%  
Total land size - 7567 Sq ft.  
Total area to floor area ratio - 40.64%
- 930.17** Lattice at back deck is a 7' in height and this does not take any additional space. This is on the top of the existing deck. This will be only on the deck side, will be removed from the sunroom side.
- 930.19** Already provided on the plates
- 930.20** Please refer the submitted sunroom details:  
Front is connected to the existing house.  
Left wall with 2 windows.  
Right Side with a patio door connecting the existing deck.  
Rear wall with four windows.

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Department of Planning & Zoning  
OCT 27 2009  
Zoning Evaluation Division