

Board Agenda Item
June 4, 2007

3:30 p.m.

Public Hearing on SEA 2002-MV-028 (Scott A. and Phyllis P. Crabtree) to Amend SE 2002-MV-028 Previously Approved for Residential Use in a Floodplain to Permit a Change in Development Conditions to Clarify Fill and Elevations and Associated Modifications to Site Design, Located on Approximately 1.34 Acres of Lane Zoned R-2, Mount Vernon District

The application property is located at 8019 East Boulevard Drive, Tax Map 102-2 ((1)) 35A.

Also under consideration will be the applicant's request for an exception # 15043-WRPA-002-1 under Section 118-6-7 of Chapter 118 (Chesapeake Bay Preservation Ordinance) of the Code of the County of Fairfax for construction within the Resource Protection Area.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 26, 2007, the Planning Commission voted unanimously to recommend the following actions to the Board of Supervisors:

- Approval of SEA 2002-MV-028, subject to the Development Conditions dated April 20, 2007, modified as follows:
 - Revise Condition #18 to read, "The existing carport shown to remain on the SEA Plat shall require a Special Exception Amendment to be enlarged or used for another purpose".
 - Revise Condition #23 to read, "When replaced, all of the driveway that is in the RPA shall be constructed of pervious material, such as pervious asphalt and brick pavers."
- Approval of Resource Protection Area Encroachment Request 15043-WRPA-002-1, subject to Board approval of SEA 2002-MV-028 and subject also to the proposed RPA Exception Conditions dated March 30, 2007, and included as Appendix 8 of the Staff Report Addendum II, with Condition #7 revised to agree with Condition #18 of SEA 2002-MV-028.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

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STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Gregory Chase, Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting
April 26, 2007
Verbatim Excerpt

SEA 2002-MV-028 - SCOTT A. AND PHYLLIS P. CRABTREE

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: Mr. Chairman, thank you. This is - - has been a little quicker than I thought it was going to be and I think the reason is because of - - we have - - the staff has done such a wonderful job of reanalyzing the existing conditions at the buildable site and found that they all do really comply with the requirements of the Chesapeake Bay Preservation Ordinance. And, I'd like to have as a part of the record the fact that the Mount Vernon Council after the last public hearing did pass another ordinance supporting once again the application. And also, we have a - - I have received a resolution from the Wellington Civic Association that Mr. Pagett used to be the Chairman of, and of which they too are recommending that the carport be preserved and the reason that they give for that is that they - - the carport really serves as a retaining wall. There's a steep slope right behind this. If you go out there as I have, you can walk right up from under the carport up to the back of the carport and step up onto the carport roof. That's how steep the incline is. Earlier, people were talking about, you know, the size of the carport. It's only 500 square feet, of which there's about 120 square feet in an enclosed shed that's used for yard tools and for carport, you know, oil and gasoline and things of that sort. So consequently, the Wellington Civic Association has - - is supporting retention of the - - of the carport. And, so I'd like to circulate those as - - to be officially entered into the record - - those resolutions of support. And, I turn to the recommendation from the staff about - - that would be Development Condition 23. Actually, you know, great minds seem to be working in the same direction here, that of Mr. - - Commissioner Lawrence. And so, the language that I had used in this regard was going to - - proposal was that, "When replaced, all of the driveway that is in the RPA shall be constructed of pervious materials, such as pervious asphalt or brick pavers." And if that, I think that says exactly the same thing that you said except you put the condition on the tail end of the sentence. So, I'm going to be proposing that in my motion. And also, with regard to - - and by the way, one of the reasons why I think it's important to keep that in here is because people, as you know, can't always replace their driveways in Fairfax County without a building permit and so I think it's a good thing for us to rather than delete this, to keep it in there as a reminder, you know, that we will - - someone's going to be watching, you know, when the gravel driveway is ever replaced. The second thing that I wanted to take up is the carport issue that which would be Development Condition 18. There, I'm going to be recommending that we strike everything - - I'm going to keep it, rather than doing away with the - - because I think the staff has done a good job in making the point that we want to be sure that nothing - - no improvements are made to the carport, you know, that it doesn't become a guest house or, you know, something other than a carport just because it's been grandfathered in. So, I have a motion that I passed out to everybody, so your third sheet that - - of the handout. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 2002-MV-028, SUBJECT TO THE REVISED PROPOSED DEVELOPMENT CONDITIONS DATED APRIL 20, 2007, WITH THE

FOLLOWING AMENDMENTS TO CONDITIONS 18 AND 23. And, those are as you have you read them in your handout. I don't need to read them into the record, do I?

Commissioner Harsel: No.

Chairman Murphy: We'd like to hear what 18 says.

Commissioner Flanagan: Okay. 18, WHEN REVISED ACCORDING TO THE WAY I AM RECOMMENDING, WILL SAY, "THE EXISTING CARPORT SHOWN TO REMAIN ON THE SEA PLAT SHALL REQUIRE A SPECIAL EXCEPTION AMENDMENT TO BE ALTERED. And, the reason for that is to make sure that this comes back via Board - - the public, for public comment in the event that there's any changes made to the carport.

Commissioner Hart: Second.

Commissioner Flanagan: And, the second - -

Chairman Murphy: Well, we're not seconding that, that's just a proposed amendment.

Commissioner Flanagan: That's just a proposed one. THE SECOND WAS as I'd just read it now to the staff, "WHEN REPLACED, ALL OF THE DRIVEWAY THAT IS IN THE RPA SHALL BE CONSTRUCTED OF PERVIOUS MATERIALS SUCH AS PERVIOUS ASPHALT AND BRICK PAVERS." Before I get to leave this motion, I want to also comment that the - -

Chairman Murphy: Well, can we just do the motion? Let's not.

Commissioner Flanagan: That's the end of the motion.

Chairman Murphy: All right, Mr. Hart.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion?

Commissioner Lawrence: Now's your time.

Chairman Murphy: All those - -

Commissioner Harsel: No, there was second. Any discussion?

Chairman Murphy: That's what I said - - discussion.

Commissioner Flanagan: I do have one comment and that is that the reason for leaving in the carport is because there was a statement in the staff report that said that the staff was requesting that the carport be deleted because the concrete slab, the new concrete slab would serve the same purpose. In other words, because they are creating a new parking area on the slab underneath the house in the floodplain, they didn't think that the carport would be needed anymore, but I was going to - - the engineer had gotten up to speak - - let the Commission know that there will be as much as 30 inches of water on the parking deck if there is a 100-year flood, there could be 30 inches of water down there, and the Crabtrees will need a refuge someplace when there is flooding, in which to park their vehicles. And the architect for this building has been very clever and there is an elevator shaft that has a door to grade above the 100-year flood level.

Chairman Murphy: Mr. - - we're on verbatim right now, so.

Commissioner Flanagan: Okay, that will go directly to the carport so that the carport will be useful, you know, in the even that there is flooding and that's the reason for - -

Chairman Murphy: Further discussion of the motion?

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: Just a clarification on the Condition Number 18. The way I read it and please clarify for me is that if the property owners were to decide at some point that it was appropriate to get rid of the carport, they would need a special exception?

Commissioner Flanagan: Right.

Commissioner Harsel: Amendment.

Commissioner Flanagan: If it's altered in any way.

Commissioner Sargeant: So, even if they want to get rid of it, they'd have to get a special exception?

Commissioner Flanagan: Right.

Commissioner Hart: Special exception amendment.

Commissioner Harsel: Amendment.

Commissioner Sargeant: Amendment, is that - - is that what the property owners want? I mean, I think what we're saying is we want to keep the carport for now, but if you should so choose at a

future date to say you want to remove it, you need a special exception amendment, is that acceptable?

Chairman Murphy: Only, we can't do that way. We're on verbatim.

Commissioner Sargeant: Okay. Let me ask Ms. Strobel.

Chairman Murphy: I'm going to ask Ms. Strobel to come up to the podium and identify herself.

Lynne Strobel, Esquire: Thank you. Lynne Strobel. I represent the applicant. I guess I'm trying to understand the concern. If the concern is that the carport would be enlarged or used for a different purpose, it would require a SEA and maybe I WOULD SUGGEST THAT THE CONDITION REFLECT THAT THAT IF THE INTENT IS THAT IS TO BE ENLARGED OR USED FOR ANOTHER PURPOSE, THEN IT WOULD REQUIRE A SEA.

Commissioner Sargeant: That's acceptable.

Commissioner Flanagan: That's an acceptable change.

Chairman Murphy: All right, without objection. Secunder?

Commissioner Hart: Yes, without objection.

Chairman Murphy: All right, thank you very much. Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 2002-MV-028, with the revised development conditions accepted by the Planning Commission this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Flanagan: I have a follow-on motion. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RESOURCE PROTECTION AREA ENCROACHMENT REQUEST NUMBER 15043-WRPA-002-1, SUBJECT TO THE IMPOSITION OF THE PROPOSED RPA PROPOSED EXCEPTION CONDITIONS DATED MARCH 30, 2007, CONTAINED IN THE RESOURCE PROTECTION ENCROACHMENT STAFF REPORT INCLUDED AS APPENDIX 8 OF THE STAFF REPORT ADDENDUM II, EXCEPT FOR CONDITION 7, WHICH IS AMENDED TO AGREE WITH CONDITION 18 IN THE SPECIAL EXCEPTION AMENDMENT, AND

SUBJECT TO THE APPROVAL OF THE SEA 2002-MV-028 BY THE BOARD OF SUPERVISORS.

Commissioners Hart and Alcorn: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Alcorn. Is there a discussion of the motion? We okay on that? All those in favor of the motion, as articulated by Mr. Flanagan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

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(The motions carried unanimously.)

KAD