



APPLICATION ACCEPTED: September 9, 2014
BOARD OF ZONING APPEALS: January 28, 2015
RECONSIDERATION: April 29, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

April 22, 2015

STAFF REPORT ADDENDUM

APPLICATION VC 2014-PR-012

PROVIDENCE DISTRICT

APPLICANT/OWNER: Deyi Awadallah

LOCATION: 115 Tinner Hill Road, Falls Church 22046

SUBDIVISION: Charles H. Tinner Estate

PARCEL: 50-2 ((7)) 8

LOT SIZE: 4,209 square feet

ZONING: R-4, HC

ZONING ORDINANCE PROVISION: 18-401

PROPOSAL: To permit construction of a dwelling located 3.53 ft. from the north side lot line and 3.50 ft. from the south side lot line, measured to the eaves (5 feet from both side lot lines, measured to the walls)

STAFF RECOMMENDATIONS:

Staff recommends approval of VC 2014-PR-012 for the construction of a single family dwelling located 3.53 ft. from the north side lot line and 3.50 ft. from the south side lot line, measured to the eaves (5 feet from both side lot lines, measured to the walls), subject to the proposed conditions set forth in Appendix 1.

It should be noted that it is not the intent of the 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.

Carmen Bishop, AICP

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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.

It should be noted that the content of this report reflects the analysis and recommendation 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 days after the decision becomes final.

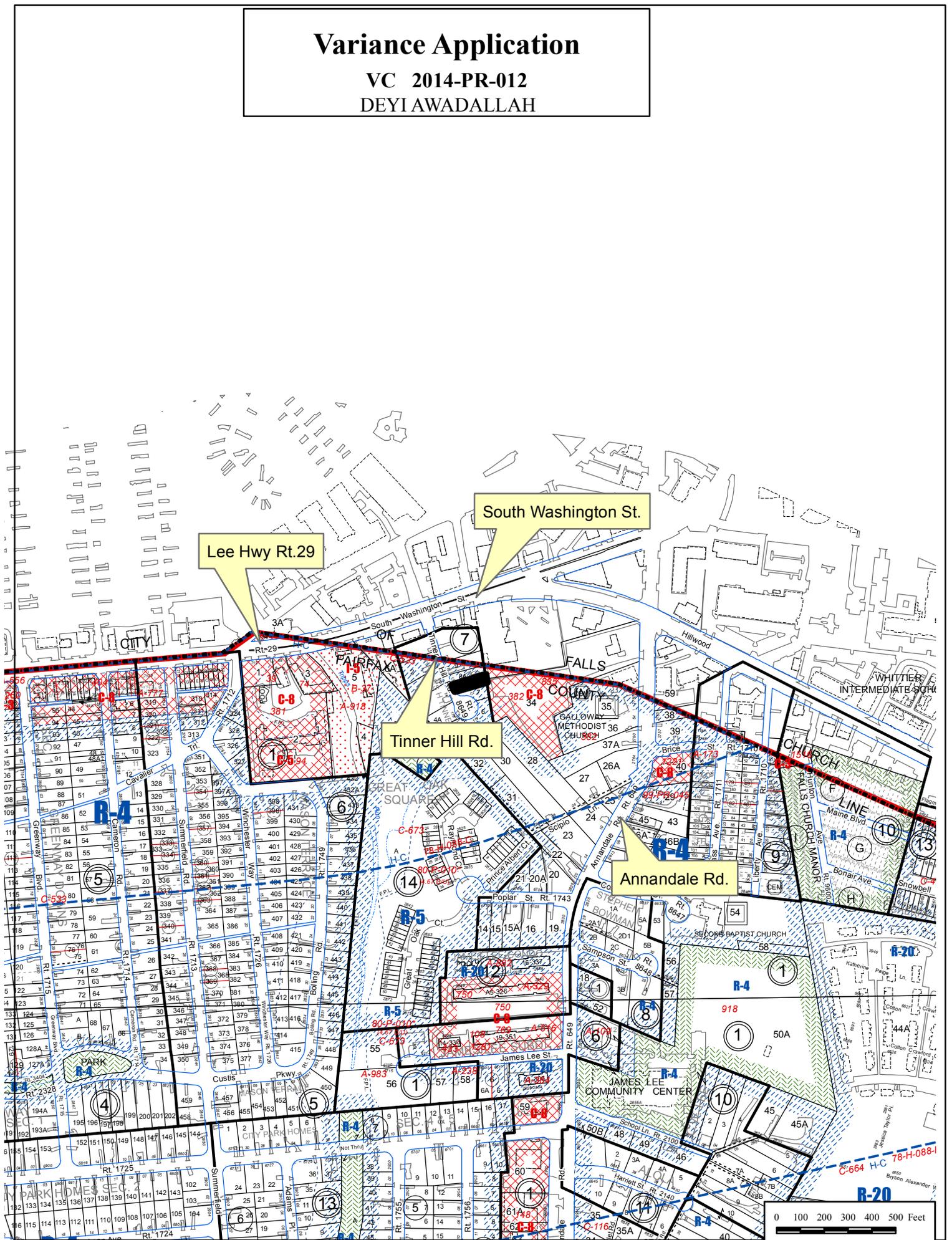
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.
Board of Zoning Appeals meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Variance Application

VC 2014-PR-012
DEYI AWADALLAH

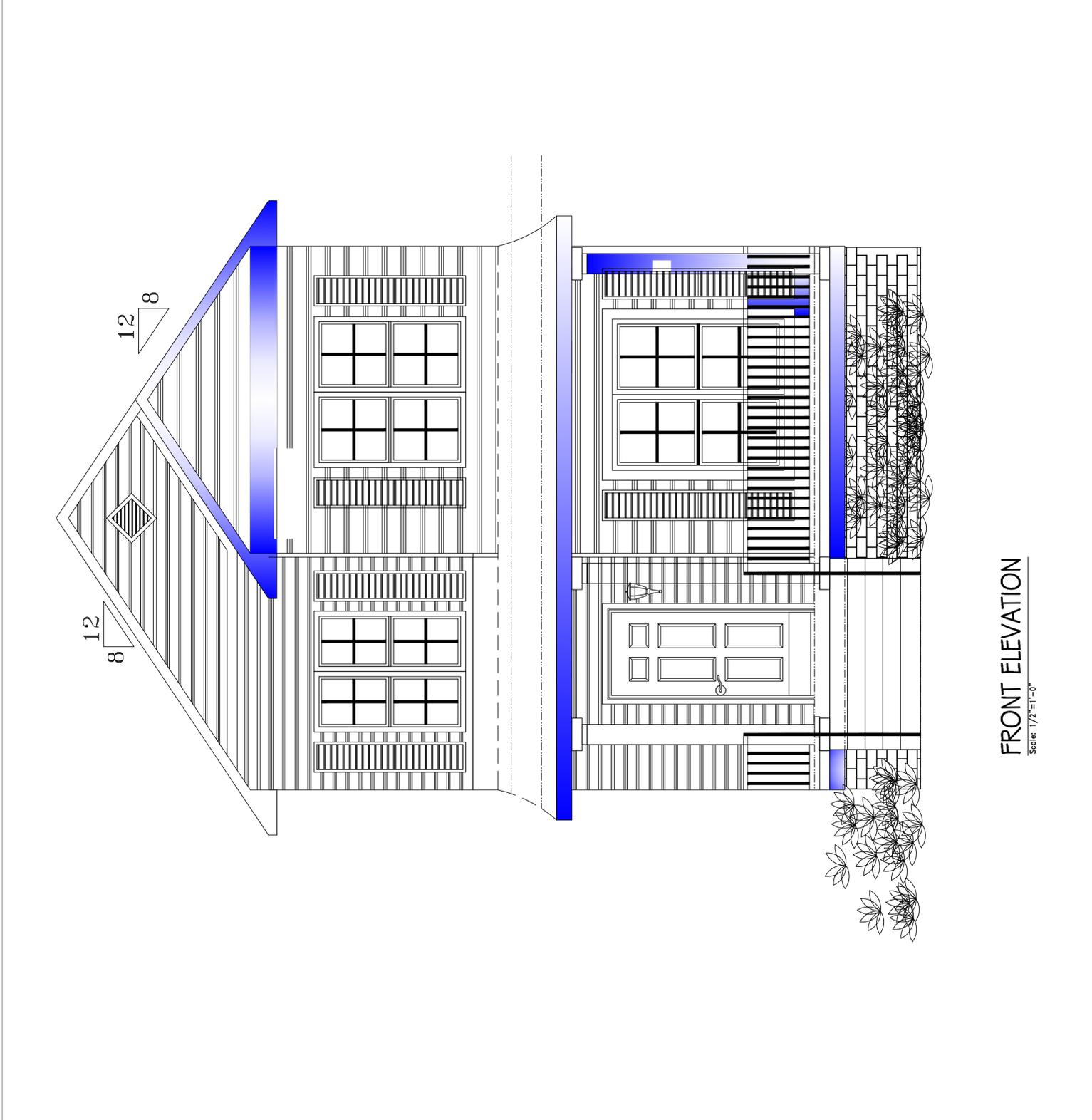




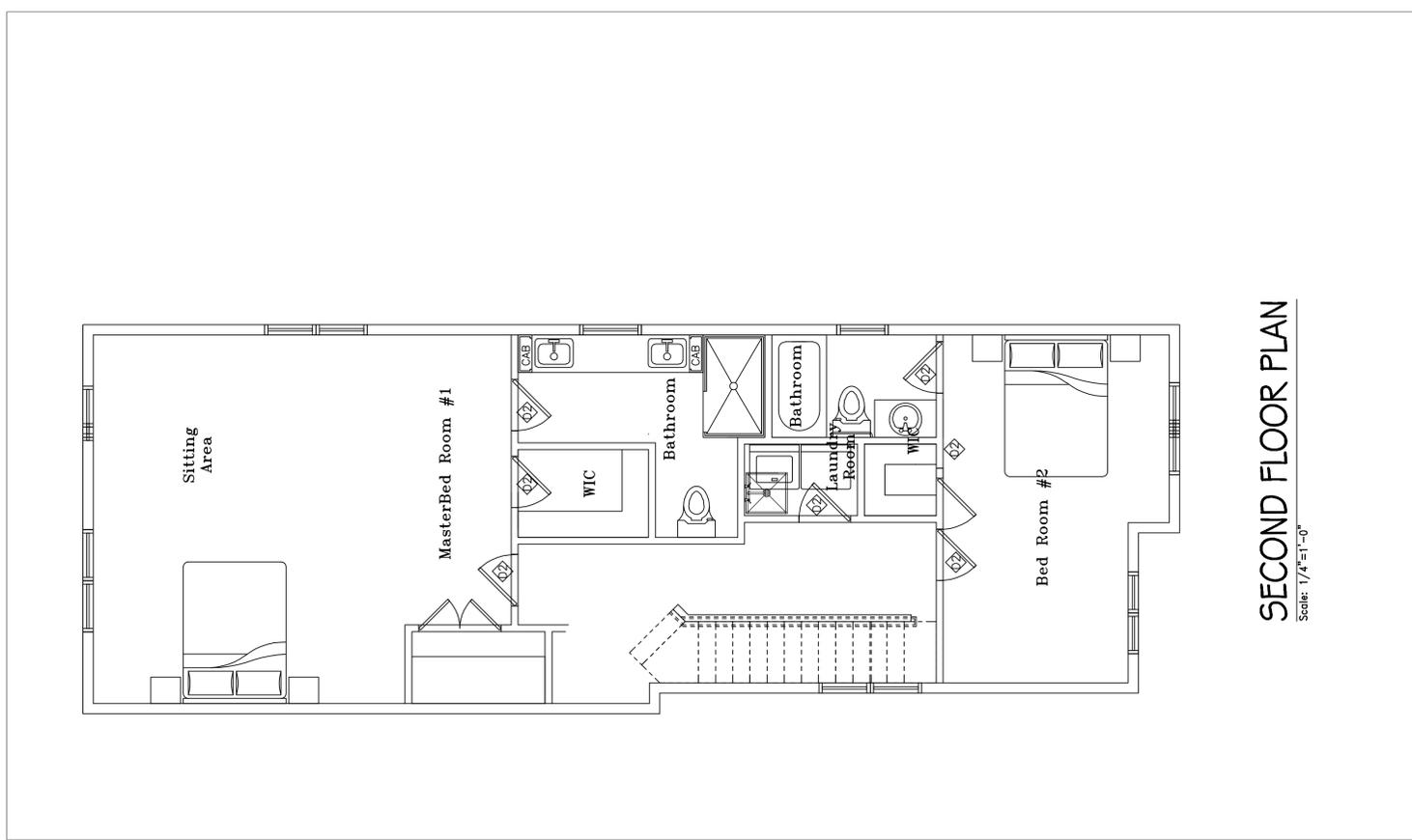
06/13/2014	First Draft
06/20/14	Owner Approval
06/01/14	For Permit

Custom Home
 Lot # , Section
 115 Timner Hill Road, Falls Church, VA
 Fairfax County, Virginia

Dahai Consulting Engineers
 Consulting Structural Engineer
 12801 Avenue Court
 Herndon, VA 20171
 Tel. (703) 620-0971
 e-mail: shahid@dceng.com



FRONT ELEVATION
 Scale: 1/2"=1'-0"

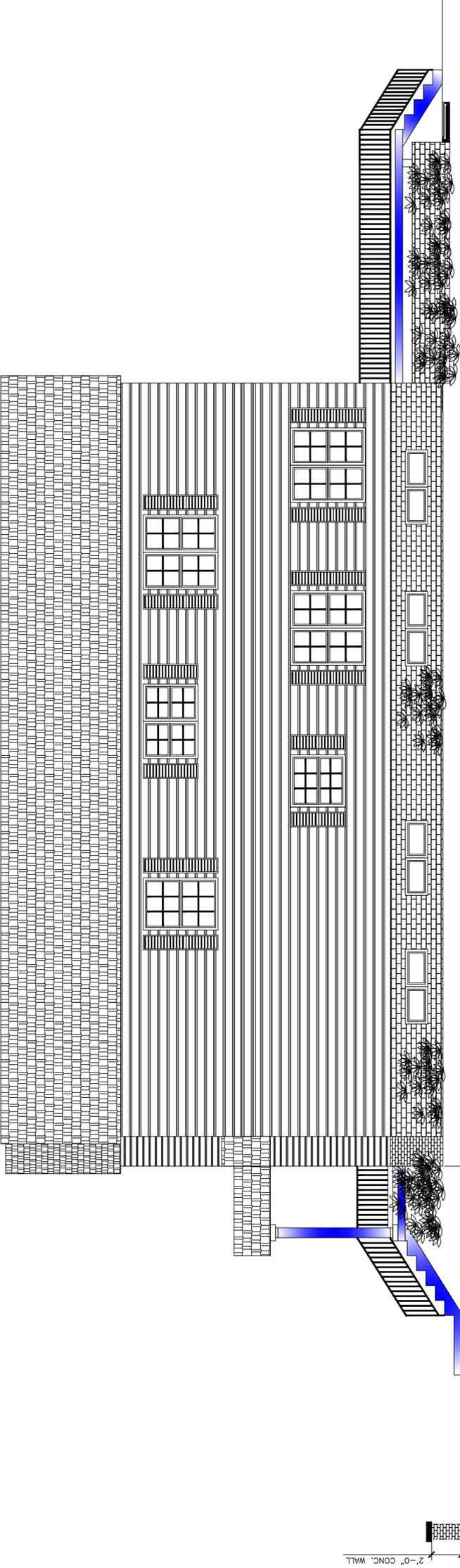


SECOND FLOOR PLAN
 Scale: 1/4"=1'-0"

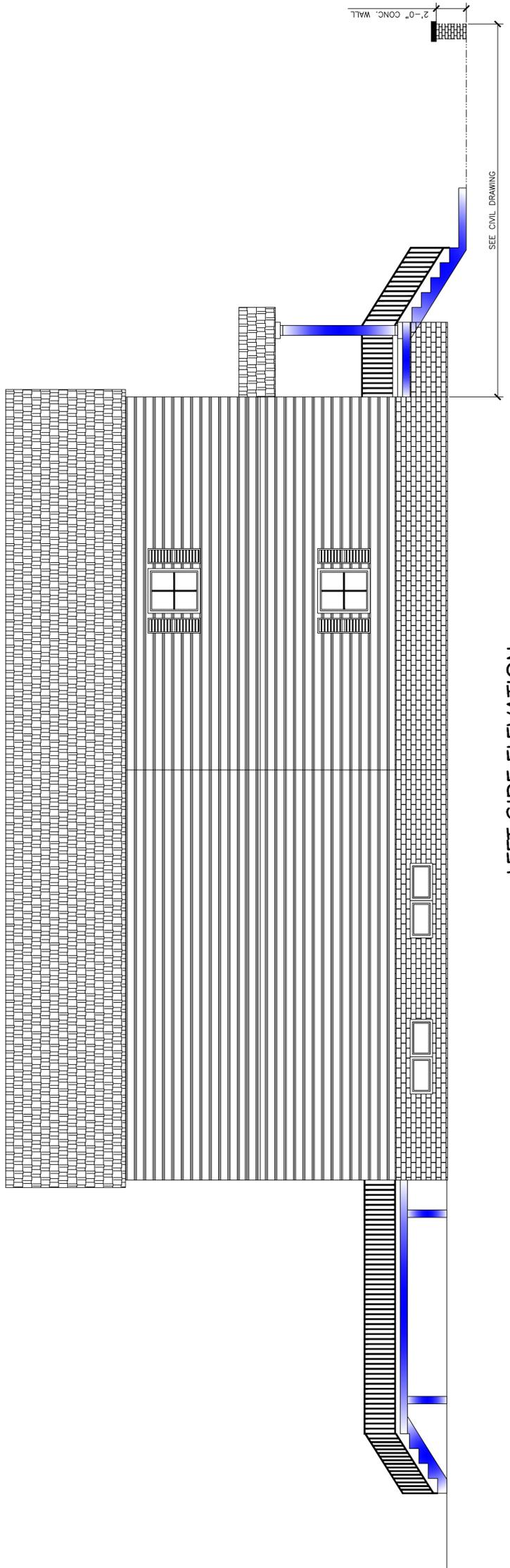
○ RELEASE DATE:

06/13/2014	First Draft
xx/xx/2014	Owner Approval
xx/xx/14	For Permit

Dahal Consulting Engineers
 Consulting Structural Engineer
 12801 Avenue Court
 Herndon, VA 20171
 Tel. (703) 620-0971
 e-mail: sdahal@yahoo.com



RIGHT SIDE ELEVATION
 Scale: 1/4"=1'-0"



LEFT SIDE ELEVATION
 Scale: 1/4"=1'-0"

BACKGROUND

A public hearing was held on January 28, 2015, to consider a request to permit construction of a dwelling to be located 1.53 feet from the north side lot line and 2.31 feet from the south side lot line, measured to the eaves, on a lot comprised of approximately 4,209 square feet and having a width of approximately 28 feet. The motion to approve the variance failed by a vote of 3-2; therefore, the application was denied. On February 4, 2015, the Board granted the applicant's request for a reconsideration.

The applicant has submitted a revised plat which increases the side yards to a minimum of 5.0 feet to the exterior walls. A reduced copy of the revised variance plat, titled "Variance Plat, Pt Lot 8, Charles H Tinner Estate, 115 Tinner Hill Road" prepared by Inova Engineering Consultants, Inc., dated March 16, 2015, and signed April 7, 2015, and architectural plans and elevations are included in the front of this addendum. Copies of the proposed development conditions and the applicant's revised statement of justification are included in Appendices 1 and 2, respectively.

DESCRIPTION OF THE APPLICATION

The applicant requests a variance for a reduction of minimum side yards to permit construction of a new two-story single family detached dwelling with 2,054 square feet (3,001 square feet including the basement) on an existing vacant lot. The side yards have been increased to maintain a minimum distance of 5.0 feet to the exterior walls (3.5 feet to the eaves), which enables the installation of windows on the sides of the dwelling, as opposed to the faux windows previously proposed. The proposed dwelling has been reduced in width from 21 feet to 18.3 feet in the front. This increase in the side yards is intended to address the concern expressed at the public hearing that the requested variance did not represent the minimum necessary to afford relief in accordance with Sect. 18-405 of the Zoning Ordinance. The height of the proposed dwelling has been reduced by one foot to 28.5 feet. The dwelling also includes a front porch, a rear deck, and rear stairs to the basement. The applicant has provided floor plans to illustrate the proposed layout of the dwelling.

The previous dwelling on the property appeared to share the driveway located on Lot 8A to access parking in the rear. At the public hearing, questions were raised about whether such an arrangement could be secured so that the proposed dwelling could be shifted forward on the lot and still provide the required two off-street parking spaces. As a result, since the public hearing, the applicant has attempted to secure an access easement on the adjoining Lot 8A where the existing driveway is located; however, those efforts were unsuccessful, as described in Appendix 2. The proposed plan provides the required two spaces of off-street parking in a tandem arrangement on a driveway of two paved strips as recommended by the Heritage Resource staff. The proposed driveway has been shifted closer to the center of the lot.

Other dwellings on the street are located closer to the front lot line and provide parking to the side or rear. Without an access easement, the subject property does not have the necessary width for a similar arrangement. Additionally, the minimum required front yard is 30 feet. The front porch is now proposed to be located 39.33 feet from the front lot line, which is 2.49 feet further back than the previous plan. As indicated in the December 22, 2014 memorandum from the Historic Preservation Planner, a benefit of the front setback is that the dwelling is less visible when entering the neighborhood. To off-set the front setback, the applicant has agreed to provide a low masonry wall near the front lot line to create a street presence.

Since the public hearing, a community meeting has been held and the Heritage Resource staff has begun the research to nominate the Tinner Hill community for listing in the Fairfax County Inventory of Historic Sites (Appendix 3). As noted in the review by the Historic Preservation Planner, the proposed dwelling will not adversely affect the proposed district. In staff's opinion, the proposed architectural style of the dwelling is compatible with other dwellings on the street. The proposed dwelling, which includes a gabled roof with eaves, shutters, cementitious siding, a full front porch and no attached garage, is more compatible with the other dwellings on the street than the previous dwelling that was removed from the lot. These important architectural features are included in the proposed conditions and will help to maintain the character of the area.

CONCLUSION AND RECOMMENDATION

Staff believes that the proposed dwelling is compatible with the character of the area. In addition, staff believes that the strict application of the Zoning Ordinance would effectively prohibit use of the lot due to its exceptional narrowness, and approval of the requested variance would alleviate this hardship.

Staff recommends approval of VC 2014-PR-012 for the construction of a single family dwelling located 3.53 ft. from the north side lot line and 3.50 ft. from the south side lot line, measured to the eaves (5 feet from both side lot lines, measured to the walls), subject to the proposed conditions set forth in Appendix 1.

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. Revised Statement of Justification
3. Heritage Resource Review
4. Variance Resolution VC 2014-PR-012, January 28, 2015

PROPOSED DEVELOPMENT CONDITIONS**VC 2014-PR-012****April 22, 2015**

If it is the intent of the Board of Zoning Appeals to approve VC 2014-PR-012 located at 115 Tinner Hill Road, Tax Map 50-2 ((7)) 8, for the construction of a single family dwelling located 3.53 ft. from the north side lot line and 3.5 ft. from the south side lot line, measured to the eaves, pursuant to Section 18-401 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This variance is approved for the single family dwelling as shown on the variance plat, titled "Variance Plat, Pt Lot 8, Charles H Tinner Estate, 115 Tinner Hill Road" prepared by Inova Engineering Consultants, Inc., dated March 16, 2015 as submitted with this application and is not transferable to other land.
2. 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 recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
3. All applicable building permits and final inspections shall be obtained for the single-family detached dwelling.
4. The architectural style shall be compatible with the front elevation depicted on the variance plat identified in Condition 1, and shall include a full front porch, gabled roof with eaves and shutters. The dwelling shall not include a garage.
5. The architectural style of the side elevations shall be compatible with the illustrations in Attachment 1 to these conditions.
6. The exterior siding material shall be wood or cementitious siding.
7. The applicant shall demonstrate attainment of EarthCraft House or 2012 National Green Building Standard using the Energy Star Qualified Homes path for energy performance through documentation provided to the Environment and Development Review Branch of the Department of Planning and Zoning prior to issuance of a residential use permit.
8. A masonry wall, two to three feet in height, and consistent in style with that shown on Attachment 1 to these conditions, shall be constructed along or near the front property line.
9. Foundation plantings, similar to those shown on Attachment 1, shall be provided,

at a minimum, along the front and south side of the dwelling.

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 including requirements for building permits.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance 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 variance. 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.

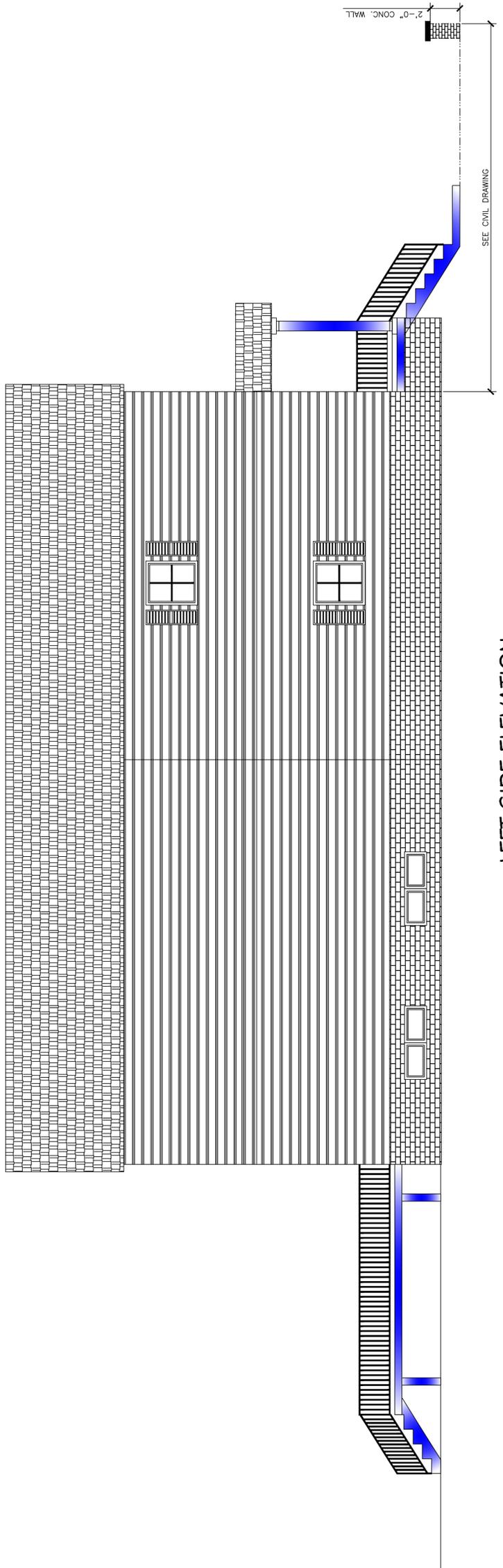
Dahal Consulting Engineers
 Consulting Structural Engineer
 12801 Avenue Court
 Herndon, VA 20171
 Tel: (703) 620-0971
 e-mail: sdahal@yahoo.com

Lot #, Section
Custom Home
 115 Timner Hill Road, Falls Church, VA
 Fairfax County, Virginia

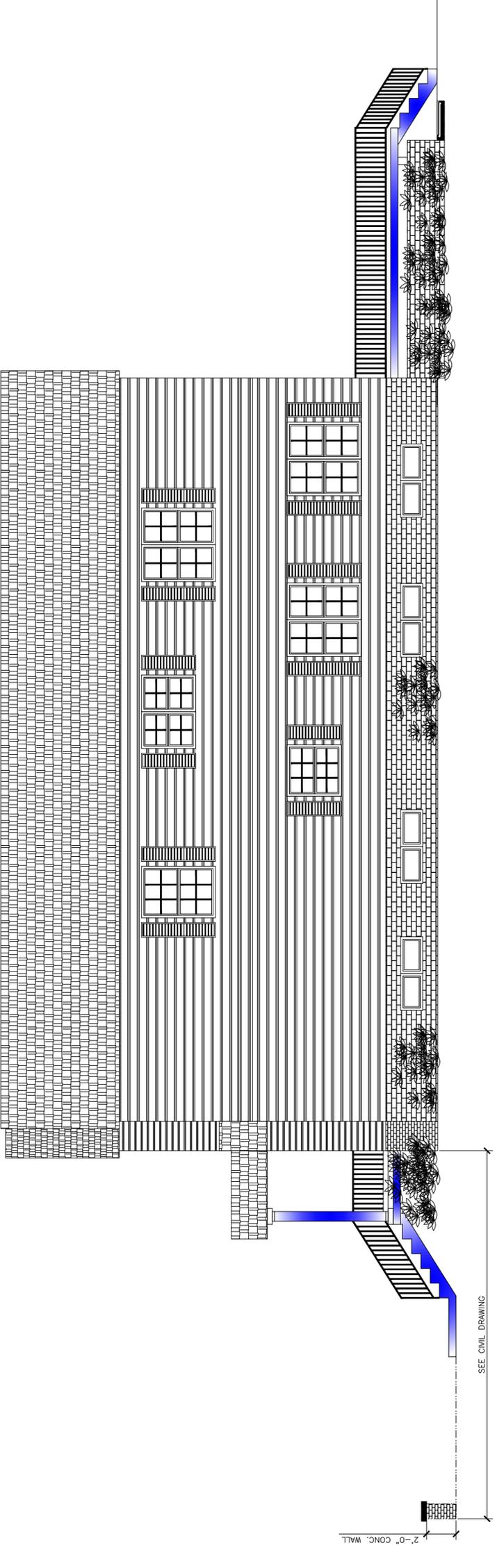
RELEASE DATE:

06/13/2014	First Draft
xx/xx/2014	Owner Approval
xx/xx/14	For Permit

R-J Design & Graphics
 42507 Lewiston Drive
 South Riding, VA 20152
 Tel: (703) 867-1053



LEFT SIDE ELEVATION
 Scale: 1/4"=1'-0"



RIGHT SIDE ELEVATION
 Scale: 1/4"=1'-0"

To Whom It May Concern,

I am writing to ask for help in approving my plans for building a home on 115 Tinner Hill Rd. Falls Church, VA 22046 and to recap my experiences. I have done all that has been asked of me within my control and have spent a considerable amount of time and energy, as has the county and board, to get to this point. I hope and believe I have accomplished what the board needs to feel comfortable with allowing the proposed home to be built on this lot.

I purchased 115 Tinner Hill Rd on May 28th, 2014. I immediately applied for a variance to build on the original foot print of the home that stood there prior to the county condemning it and taking it down. On September 9, 2014, I received my application acceptance letter to proceed with my architect to design a home.

I met with the county regarding the design of the home. The county advised me to stick to the footprint of the previous home, but that it was okay to make it longer. I then submit my initial home design. The feedback from the county and historic department was that the garage needed to be removed (I had hoped to keep a garage), reduce the height of the building which mandated an underground basement (adding significant cost) in order to keep the home at a desirable size. I was also told to move the house forward so it sits 36 feet away from the front and make the driveway just wide enough to cover the tire paths only (which meant I could no longer have a paver or concrete driveway). I added a masonry front facade at the request of the historic department (at a considerable cost) to keep the original spirit of the neighborhood. After I made all the requested changes and resubmitted, the county requested a lot verification just before Thanksgiving. This pushed my hearing back delaying my home build.

In January, I was able to have my first board hearing regarding the plans for the new home build. The board advised further changes. They wanted to make the home an additional 3 feet narrower in order to meet code for installing windows on the sides of a home with neighboring buildings. They felt the windows needed to be on all sides of the home in order to maintain the historic look and feel of the community. The board also advised to get an easement from the neighbor to allow parking in the back and move the house even further forward towards the street.

I immediately started to reach out that neighbor. I had 2 long phone discussions with both of the owners of the property that needed to grant the easement. The first discussion took place with the husband. At the end of the discussion, he basically said that he did not object to an easement; however he would leave the final say to his wife. I then proceeded to my second phone discussion to see about getting the wife's blessing of the easement. After speaking with her, I was able to meet with both of them at their place of business on 2 separate occasions. At our last meeting, she asked for a written proposal for the easement and stated that as long as there was no cost to them that she did not see an issue in granting the easement. I proceeded and hired an attorney to draft the easement agreement and hired the engineer to produce the required drawings. After these documents were drafted and completed, I hand delivered them to the wife. She explained

she would review them and have the neighbors review these documents at the March 11th neighborhood meeting. She further explained that if they had any objections that she would not allow the easement. This was, of course, new information and very much surprised me. I am not certain I would have incurred the expense of hiring the attorney and engineer to draft these documents. I already knew the neighborhood was against anything being built on this lot. I can only assume that other neighbors became aware of my intent to acquire the easement per the board's request and are doing anything they can to delay or completely prevent me from building this home. It is now March 30th, and despite my many attempts to contact them, I have yet to receive a return phone call or any other form of response from the neighbor controlling the allowance of the easement.

Please take into consideration all the time, energy, and expense we have all incurred in an effort to make all the changes requested by the county, the board, and the historic department. I have been very happy working with the county, the board, and historic department. The feedback has been clear about necessary changes and I have been able to accomplish all but one. Only the easement request has been an issue. I am at a standstill with this build and really need your help in overcoming the gridlock that the neighbors in this community have unjustly created for me. I have made ever change requested of me that is within my control.

Thank you for your time and consideration,

DocuSigned by:

Deyi Awadallah

54214DA9E40A4B0...

Deyi Awadallah

March 29, 2015

The Hon. John F. Ribble III
Chairman, Fairfax County Board of Zoning Appeals
The Herrity Building
12055 Government Center Parkway
Fairfax, VA 22035-5505

Re: Variance Application VC 2014-PR-012

Dear Chairman Ribble:

As the intended future homeowners, we are writing on behalf of the side yard variance application (Variance Application VC 2014-PR-012) to construct a single family residence at 115 Tinner Hill Road.

We currently live in Washington, D.C. but have been looking to buy a home in Falls Church, VA as we move onto the next chapter of our lives and start a family. We love the Falls Church neighborhood given its proximity to relatives & friends and work but had some initial difficulty finding the right home within our price range. Deyi Awadallah, a family friend, kindly stepped in and offered to help us build a more affordable home on the land he had purchased at 115 Tinner Hill Road.

We've been working with Deyi on the opportunity to build a home at Tinner Hill for nearly a year now. The process has been a bit longer than anticipated as we've worked with the County to iteratively modify the footprint & design. We've been flexible throughout the process - giving up fairly significant features such as a garage & paved driveway while also making concessions to add features such as window shutters and a masonry wall to meet the character of other houses on the street.

We love the location of Tinner Hill and appreciate the community that lives there. We've been courteous tenants of our DC apartment for over 3 years now and would be respectful neighbors here as well. As demonstrated through the changes to the original house plan, we are supportive of upholding the integrity of the Tinner Hill neighborhood. Neighborhoods across Falls Church consist of a mix of original homes and new construction – and our intent is to demonstrate how this can be executed well at Tinner Hill. We truly believe the design of the proposed dwelling is in line with the character of the existing homes and will not be harmful to Tinner Hill pursuing a historical status.

We're asking for you & the Committee to reconsider the variance application that was initially voted down in January. We're dedicated to this and have been working further with Deyi & the County to resolve and/or provide additional clarity around the questions and concerns raised at the initial variance request hearing. We'd love the opportunity to build a home at Tinner Hill. Thank you for your time.

Sincerely,

Brad & Theresa Johnson



County of Fairfax, Virginia

MEMORANDUM

DATE: 30 March 2015

TO: Carmen Bishop, Staff Coordinator, Zoning Evaluation Division

FROM: Linda Cornish Blank, Historic Preservation Planner *LCB*

SUBJECT: Tinner Hill community; Status of the Fairfax County Inventory of Historic Sites district nomination

On March 11, 2015, Department of Planning and Zoning (DPZ) staff held a community meeting with property owners and interested parties to receive community input as to whether documenting the Tinner Hill neighborhood for potential listing in the Fairfax County Inventory of Historic Sites was desired. Those persons present at the meeting supported documentation for potential listing and preparation of an inventory district nomination.

Since that time, DPZ heritage resource staff has begun research for the nomination. The preliminary schedule calls for the completed inventory district nomination to be submitted to the Fairfax County History Commission in fall 2015. The Commission would take action on the nomination before the end of calendar year 2015.

At this time there are twelve – fourteen parcels proposed for possible inclusion in the inventory district. This includes all of the parcels located in Fairfax County with frontage on Tinner Hill Road. Parcel # 50-2 ((7)) 8, 115 Tinner Hill Road, the subject of the variance request before the Board of Zoning Appeals on January 28, 2015 with reconsideration of the request scheduled for April 29, is proposed for inclusion within the district boundaries.

The construction of a new dwelling on the property will not adversely affect the proposed inventory district. It is anticipated that this property will be listed in the nomination as a non-contributing property to the district. Historic districts typically include non-contributing properties. This applies to national, state and locally designated historic districts.

Provided the History Commission votes to list the district in the Fairfax County Inventory of Historic Sites, the district will be included in a countywide heritage resource Comprehensive Plan Amendment in 2016. Once the Board of Supervisors adopts the amendment, the Tinner Hill neighborhood will be included in the inventory and shown on the Inventory of Historic Sites map for the Jefferson Planning District.

Department of Planning and Zoning
 Planning Division
 12055 Government Center Parkway, Suite 730
 Fairfax, Virginia 22035-5509
 Phone 703-324-1380
 Fax 703-324-3056
www.fairfaxcounty.gov/dpz/



COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

DEYI AWADALLAH, VC 2014-PR-012 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of a dwelling located 1.53 ft. from one side lot line, and 2.31 ft. from the other side lot line. Located at 115 Tinner Hill Rd., Falls Church, 22046, on approx. 4,209 sq. ft. of land zoned R-4 and HC. Providence District. Tax Map 50-2 ((7)) 8. (Admin. moved from 12/10/14.) Mr. Beard moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on January 28, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-4 and HC.
3. The area of the lot is 4,209 square feet.
4. Staff has recommended approval.
5. This is a unique piece of property and in a unique historic area.
6. There is going to be, at some point, a house on the property. Everyone who spoke at the hearing has acknowledged that.
7. The house has moved to be accommodating to those things that are within the proximity, notwithstanding, the significance of the years and so forth that these houses were built. Also, as this area moves towards more significant status, other houses that are there are going to have to go through things to perhaps do anything that they want to do. The Board does not see how this relates back, specifically at this point in time to this piece of property.
8. The Board thinks the following standards for a variance have been satisfied.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.

3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

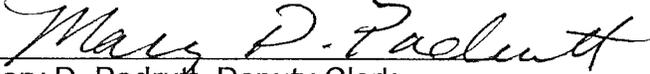
AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of reasonable use of the land and/or buildings involved.

Mr. Byers seconded the motion, which **FAILED*** by a vote of 3-2; **THEREFORE, THE APPLICATION WAS DENIED.** Mr. Hart and Mr. Hammack voted against the motion. Mr. Hart moved to waive the 12-month waiting period for refileing an application. Mr. Byers seconded the motion, which carried by a vote of 5-0. Ms. Theodore and Mr. Smith were absent from the meeting.

*Par. 3 of Sect. 18-402 of the Zoning Ordinance requires that a concurring vote of 4 members of the Board of Zoning Appeals is needed to grant a variance.

A Copy Teste:


Mary D. Padruft, Deputy Clerk
Board of Zoning Appeals