



APPLICATION ACCEPTED: June 2, 2015
BOARD OF ZONING APPEALS: October 7, 2015
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 22, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-DR-093

DRANESVILLE DISTRICT

APPLICANTS/OWNERS: Torok, Pamela M.
Smith III, William J.

STREET ADDRESS: 9116 Maria Avenue, Great Falls, 22066

SUBDIVISION: Maria Avenue

TAX MAP REFERENCE: 8-4 ((11)) 02

LOT SIZE: 1.72 acres

ZONING DISTRICT: R-E

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction in certain yard requirements to permit construction of an addition 10.1 feet from a side lot line and an open deck with steps 18.0 feet from a side lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-DR-093 for the addition with the adoption of 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.

Sharon E. Williams

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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 703-324-1280, 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 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

SPECIAL PERMIT REQUEST

The applicants request an approval to permit a reduction in certain yard requirements to permit construction of an addition 10.1 feet from a side lot line and an open deck with steps 18.0 feet from a side lot line. This screened porch and deck addition would be located on the left side of the house. The screened porch would measure 21 feet in height and the open deck would match the existing deck at a height of 9 feet. The total addition would add 340 square feet in gross floor area.

A copy of the special permit plat, titled "Plat showing The Improvements On Lot 2 and Lots 21 & 22, Block 2," prepared by George M. O'Quinn on February 25, 2015, as revised on April 28, 2015, is included in the front of the staff report.

Copies of the proposed development conditions, the statement of justification and select file photographs and the affidavit are contained in appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The application property consists of a one and a half story single-family detached dwelling. An asphalt driveway extends to Maria Avenue, and a front porch provides access to the main entrance of the dwelling. A 9 foot tall wooden deck, which is attached to the rear of the dwelling, is located in the rear yard and will remain and connect with the proposed open deck and screened porch addition. Existing mature vegetation surrounds the entire property, providing screening to the area.

The subject property and surrounding properties are zoned R-E and are developed with single-family detached dwellings.



Figure 1: Aerial View

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1984 and purchased by the applicant in 2002.

DESCRIPTION OF THE PROPOSED USE

The applicants are requesting approval of a special permit for a reduction of certain yard requirements to permit construction of an addition. The addition, located 10.1 feet from the side lot line and open deck with steps located 18.0 feet from the side lot line, would be used as a screened porch with an exterior open deck. In the R-E district the required side yard is 20 feet; therefore, the applicants are requesting reductions of 9.9 feet and 2 feet, or 49.5% and 10%, respectively.

Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Screened Porch	Side	20.0 feet	10.1 feet	9.9 feet	49.5%
Open Deck with Stairs	Side	No closer than 5 feet from a side	18.0 feet	2 feet	10%

The applicants propose to construct a screened porch and an open deck with stairs. The addition would be a maximum of 21 feet in height, and it would add an additional 340 square feet in gross floor area. The roofline of the proposed screened porch would be lower than the existing roofline of the house and well within the height requirement.



Figure 2: Proposed Elevation

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: Riverfront Community Planning Sector (UP1)
Plan Map: Residential, 1-2 dwelling units per acre

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	75,000 sf.	75,000 sf.
Lot Width	Interior: 200 feet	250 feet
Building Height	35 feet max.	31 feet
Front Yard	Min. 50 feet	165 feet
Side Yard	Min. 20 feet	10.1 feet* 18.0 feet*
Rear Yard	Min. 25 feet	95 feet

*As permitted through the approval of this application

Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Location
Deck	Rear	No closer than 5 feet to any lot line	95 feet

Zoning Ordinance Requirements (Appendix 4)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 All Group 9 Uses
- Sect. 8-922 Provisions for Reduction of Certain yard Requirements

General Standards for Special Permit Uses (Sect. 8-006)

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-E District allows a reduction in minimum required yards with special permit approval.
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<p>Standard 3 Adjacent Development</p>	<p>In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or negatively affect value. The proposed addition abuts an undeveloped wooded portion of the adjacent lot 16. The house on that lot is located far to the southwest of the proposed addition.</p>
<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>Mature vegetation provides screening of the entire application property.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement on individual lots in the R-E District.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities, drainage, parking or loading of the site.</p>
<p>Standard 8 Signs</p>	<p>No signage is proposed.</p>

Standards for all Group 9 Uses (Sect. 8-903)

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>The bulk regulations for minimum required yards are requested to be modified with the special permit application.</p>
<p>Standard 2 Performance Standards</p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p>
<p>Standard 3 Site Plan</p>	<p>The construction is not disturbing 2,500 square feet; therefore, the application is not subject to the provisions of Article 17, Site Plans.</p>

Standards for Reduction of Certain Yard Requirements (Sect. 8-922)

<p>Standard 1 Yard Requirements Subject to Special Permit</p>	<p><i>A. Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet:</i> The proposed addition and open deck with steps would be located 10.1 feet and 18 feet from the side lot line, respectively. The required side yard in an R-E District is 20 feet, resulting in reductions of 9.9 feet and 2 feet, or 49.5% and 10%, respectively.</p> <p><i>B. Pipestem lots – N/A</i></p> <p><i>C. Accessory structure locations – N/A</i></p> <p><i>D. Extensions into minimum required yards allowed by Sect. 2-412: N/A</i></p>
<p>Standard 2 Not a Detached Structure in a Front Yard</p>	<p>The application does not propose a detached accessory structure.</p>

<p>Standard 3 Principal Structure that Complied with yard Requirements When Established</p>	<p>When the existing structure was built in 1984, it conformed to all applicable requirements at that time.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The screened porch and open deck addition is 340 square feet. The existing GFA of the primary structure is 7,025 square feet; therefore, the proposed addition will be 4.8% of the GFA.</p>
<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use, and Intent</p>	<p>The proposed construction of the open deck addition is subordinate to the primary use. The height of the existing dwelling is 31 feet. The height of the open deck will match the existing deck at 9 feet. The screened porch will be included as a part of the principal structure, so this standard is not applicable for that portion of the addition.</p>
<p>Standard 6 Construction in Character with On-Site Development</p>	<p>The proposed addition will be constructed to the west of the existing dwelling. The statement of justification and elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling.</p>
<p>Standard 7 Construction Harmonious with Off-Site Development</p>	<p>Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the addition is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. As previously stated, the proposed addition abuts a wooded portion of the adjacent lot 16 and its proposed placement is located far from house on the adjacent lot. Staff believes this addition will be harmonious with surrounding uses and meets this provision.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed addition will not significantly affect the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, or safety since the house on the adjacent lot is located far to the southwest of the proposed addition. DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes the addition will not significantly increase runoff or erosion.</p>
<p>Standard 9 Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes the special permit application proposal is modest in nature and is the minimum amount of reduction necessary due to the shape of the lot. The lot has an angled side lot line and the dwelling is skewed at an angle, leaving little to no room for additions or expansion of the home to the west or north. The lot also has a floodplain and storm drainage easement as well as a sanitary sewer easement to the north. This limits the ability to build additions to the rear. Other issues of yard determination, environmental characteristics, slopes, wells, and/or Resource Protection Areas, and historic resources are not applicable to this site.</p>

Standard 10 BZA May Impose Conditions	Proposed development conditions are included in Appendix 1.
Standard 11 Submission Requirements	A copy of the plat is included in the beginning of this report.
Standard 12 Architectural Elevations	Proposed elevations are included as an attachment to the development conditions in Appendix 1.

CONCLUSION / RECOMMENDATION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions and is in harmony with the Comprehensive Plan. Staff recommends approval of SP 2015-DR-093 for the addition with the adoption of 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 applicants/owners 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 Statement of Justification
3. Applicant's Affidavit
4. Applicable Zoning Ordinance Provision

