



County of Fairfax, Virginia

November 11, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-DR-119

DRANESVILLE DISTRICT

APPLICANT: Ramez Andrawis

OWNER: Ramez Andrawis

STREET ADDRESS: 1408 Pathfinder Lane, McLean 22101

SUBDIVISION: Broyhill's McLean Estates, Section 3

TAX MAP REFERENCE: 30-2 ((31)) 200

LOT SIZE: 10,833 square feet

ZONING DISTRICT: R-3, HC

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit a reduction in certain side yard requirements to permit construction of a garage addition 6.0 feet from a side lot line and construction of a second driveway.

STAFF RECOMMENDATION: Staff recommends denial of SP 2015-DR-119 for the addition. However, should the BZA choose to approve the request, staff recommends the BZA do so only with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

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.

Heath Eddy, AICP

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. 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 applicant requests special permit approval to permit a reduction in the side yard requirements to allow construction of an addition to the existing residence. This is a request to construct a 2-car garage located on the northern side of the residence, which would be constructed in a stacking or tandem fashion (one car behind the other, enclosed). The request is for a reduction to 6.0 feet from the side lot line, and includes the addition of 455 square feet of garage space.

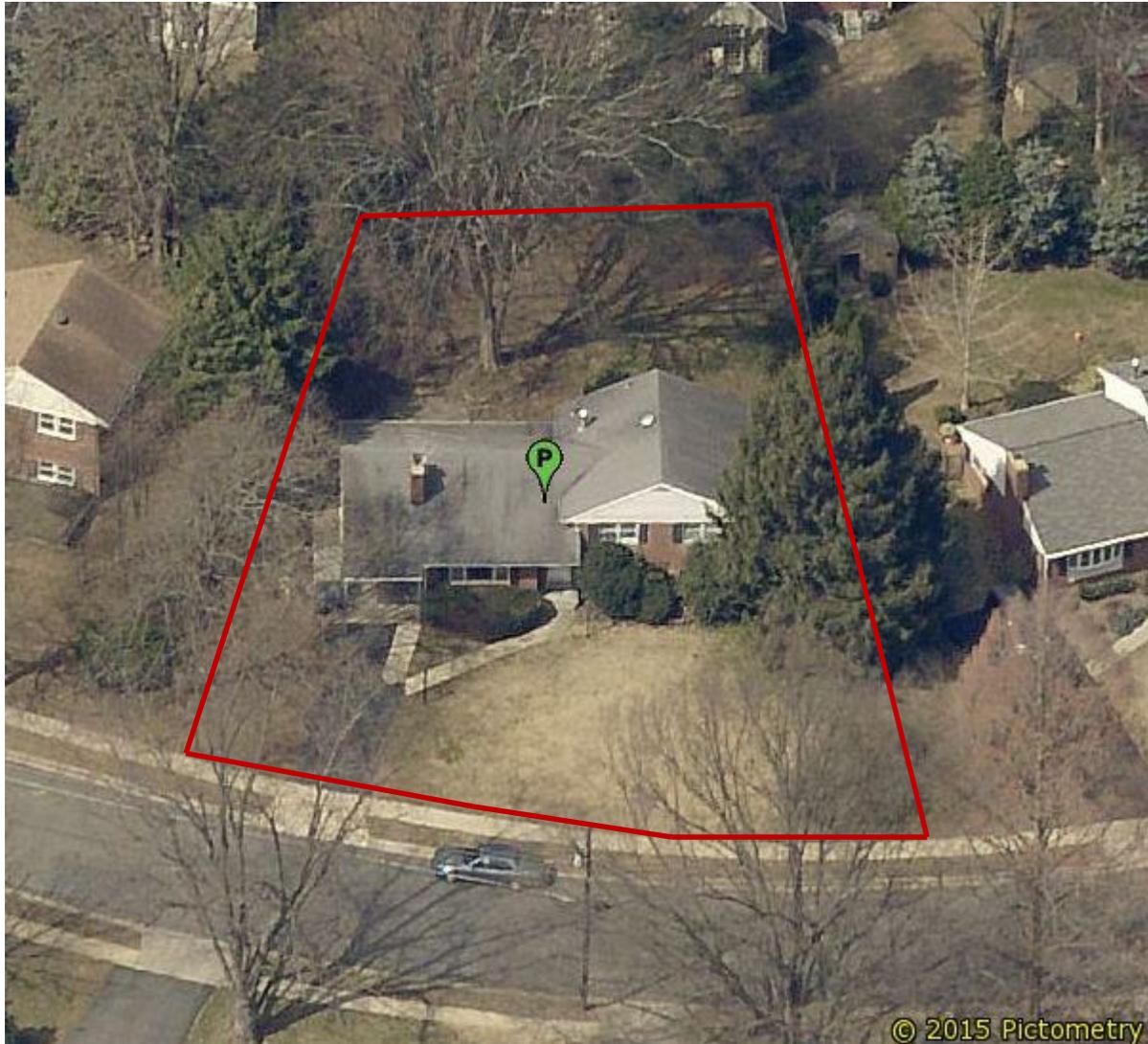


Figure 1: Subject property, Source: Pictometry 2015.

A copy of the special permit plat titled “Two Car Garage Addition” prepared by Amal K. Sedrak, P.E., of MGS Engineering, Inc., undated and received October 22, 2015, consisting of one sheet and is provided at the front of this staff report. A copy of the applicant’s statement of justification and relevant photographs, the existing and proposed elevations, and the affidavit are provided in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,833-square foot subject property is located on Pathfinder Lane in Broyhill's McLean Estates, Section 3, which was originally subdivided in the mid 1950s. This section is located south of Dolley Madison Boulevard. The site is developed with a 1,932-square foot split level single family detached dwelling with an asphalt driveway. The property currently includes a single car carport on the south side of the residence, which includes an enclosed porch on the back and a concrete open porch behind. A small 8.0 foot high shed is located next to the carport and is effectively connected to the base of the carport. A number of mature trees are located on the property and on the lot immediately south of the referenced property. The lot gently slopes from the front of the dwelling to the roadway.

The subject property and surrounding lots are zoned R-3 and developed with single family detached dwellings.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1958 and purchased by the applicant in 2000. As originally constructed, the split level residence complied with minimum yards of 40 feet front, 15 feet each side, and 25 feet rear. The last building permit issued for the property was in 1983 for the existing carport and enclosed porch, which was built in compliance with the permitted extensions authorized under Sect. 2-412 of the Zoning Ordinance. There are no current building permits or open complaints related to the property in Fairfax County files.

County records indicate that no special permits or variances related to a reduction in minimum required side or rear yards or the construction of an accessory structure are located on nearby properties. According to County records, only 2 variances for minimum yard reductions have been approved in Section 3 of Broyhill's McLean Estates.

DESCRIPTION OF THE APPLICATION

The applicants request special permit approval to permit a reduction in the minimum side yard to 6.0 feet to allow construction of a 2-car garage (1 car wide, in tandem) on the north side of the residence. The minimum side yard in the R-3 District is 12 feet, and the applicant is requesting a reduction of 6.0 feet. In addition, the applicant is requesting to access the garage from a new driveway entrance. The applicant states that the addition is necessary to provide additional storage for vehicles used by family members living on site.

The applicant's original request included the conversion of the existing carport and enclosed porch into a similar 2-car tandem garage, utilizing the existing driveway for access. However, staff believed this would give the residence the appearance of a duplex.

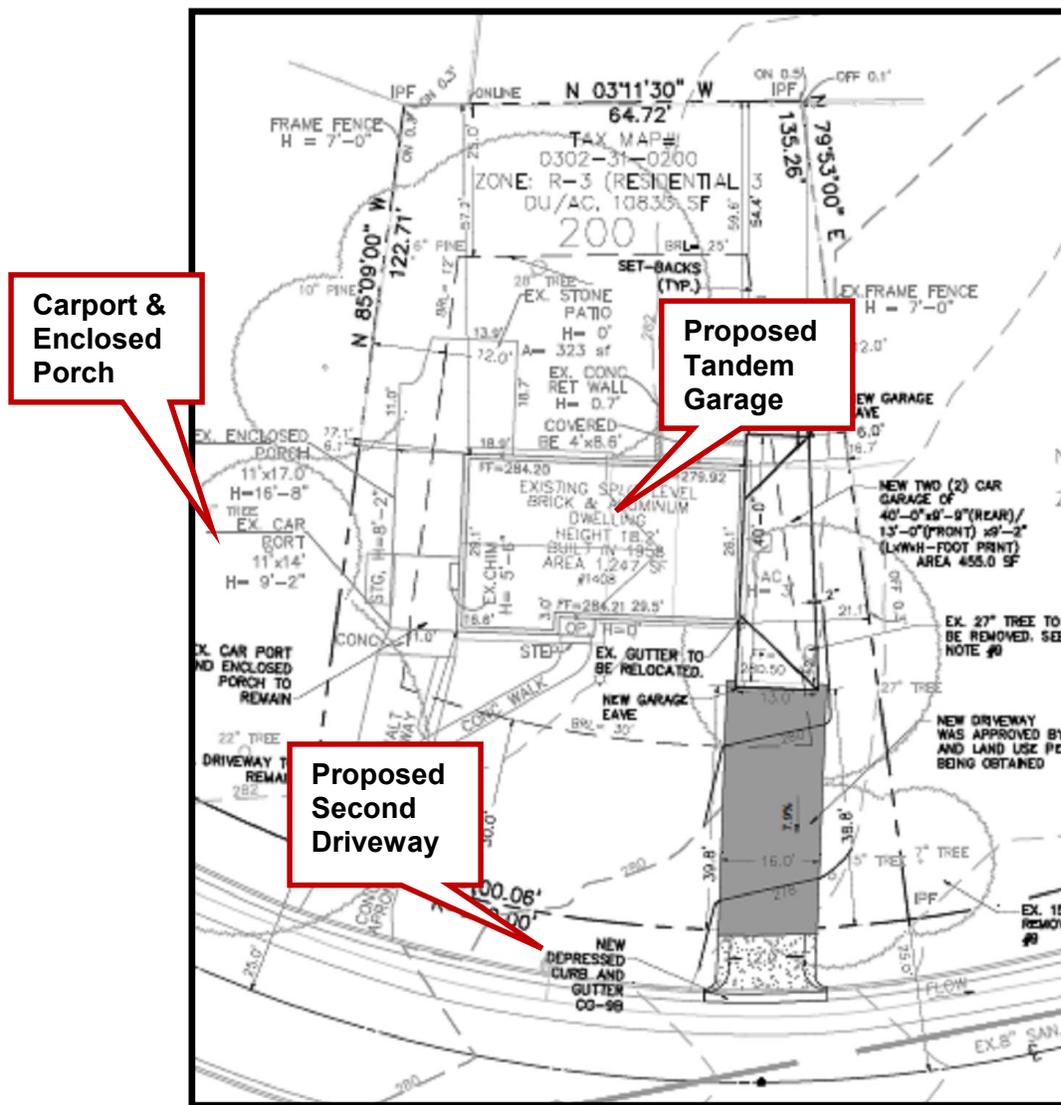


Figure 3: Special Permit Plat.

The current proposal was the applicant’s attempt to respond to this concern. The applicant also considered eliminating the second driveway entrance and extending the driveway to the second garage across the front yard. However, this would result in front yard coverage that exceeds the maximum 30% allowed under Par. 8 of Sect. 11-102 of the Zoning Ordinance, and therefore would have required a variance approval.

Staff’s recommended alternative is to convert the carport and enclosed porch to the garage and eliminate the proposal for a second garage and driveway.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: II
 Planning District: McLean
 Planning Sector: Kirby Community Planning Sector (M3)
 Plan Map: Residential

ZONING ORDINANCE REQUIREMENTS (Appendix 6)

The subject property is zoned R-3. The property was originally developed under the Suburban Residence district in the 1941 Zoning Ordinance, then converted to R-12.5 in the 1959 Zoning Ordinance. With the adoption of the 1978 Zoning Ordinance, the entire subdivision was converted to the R-3 District, which has the following lot size and bulk regulations.

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	Min. 10,500 sf.	10,833 sf.
Lot Width	80 feet	100.06 feet
Building Height	35 feet max.	18.2 feet
Front Yard	Min. 30 feet	38.4 feet
Side Yard	Min. 12 feet	6.0 feet ¹
Rear Yard	Min. 25 feet	54.4 feet

¹With approval of the proposed Special Permit.

This special permit application is subject to the following provisions of the Zoning Ordinance and is provided as Appendix 5. Subject to the development conditions, the special permit must meet these standards.

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

The following is staff’s analysis of the Zoning Ordinance provisions and the proposal to permit a reduction in the minimum side yard to 6.0 feet to allow construction of a 2-car garage on the north side of the residence.

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

<p>Standards 1 & 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-3 District allows a reduction in minimum required yards with special permit approval.</p>
<p>Standard 3 Adjacent Development</p>	<p>In staff’s opinion, the proposed garage with a separate driveway is not typical of the neighborhood, would lead to a change in character, and would hinder or discourage the use or development of neighboring properties or negatively affect value.</p>
<p>Standard 4 Pedestrian/ Vehicular Traffic</p>	<p>No increase vehicular or pedestrian traffic is expected with this application. In staff’s opinion, the proposed use is not hazardous to vehicular traffic consistent with a single family neighborhood 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 proposed garage on the south side of the lot. The construction of the second driveway and garage on the north side will require the removal of a 15” tree and a 27” tree. The proposed tree removals would remove existing screening and allow for direct line of sight of the new garage and driveway by the next door neighbors. The Urban Forester states that tree protection measures should be installed along the property line prior to construction, should this special permit be approved.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement on individual lots in the R-3 District.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>Changes to the north side of the property will be evaluated as part of the VDOT land use permit requirement, and total land disturbance is 1,525 square feet, which is less than that required for a grading plan. No other changes are proposed.</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 the minimum required side yard is requested to be modified with the special permit application. The property conforms to all other lot size and bulk regulations in the R-3 District.</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 proposed construction will not disturb more than 2,500 square feet, therefore no additional site plan requirements are required.</p>

Standards for Reduction of Certain Yard Requirements (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 would be located 6.0 feet from the side lot line. The required side yard in an R-3 district is 12 feet, resulting in a reduction of 6.0 feet, or 50.0%.</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>At the time of its construction in 1958, the principle structure met all setback requirements. At the time of construction in 1983, the carport complied with the permitted extension standards for carports as given in Sect. 2-412.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The proposed garage addition totals 455 square feet in area. The net increase in GFA is about 23.6% of the existing GFA of 1,932 square feet.</p>
<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>N/A</p>
<p>Standard 6 Construction in Character with On-Site Development</p>	<p>The proposed new garage is located on the opposite side of the house from the existing carport, and will require a second driveway to be constructed. Staff's primary concern is that, despite the change from the original two garage proposal, the residence will look like a duplex dwelling rather than a single family dwelling, which is out of character with the surrounding homes in the neighborhood.</p>
<p>Standard 7 Construction Harmonious with Off-Site Development</p>	<p>Through aerial photography, submitted photographs, and background research staff has confirmed that what the applicant proposes is unique to the neighborhood. No other residence in this section of Broyhill's McLean Estates has two driveways.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>The proposed garage would be located approximately 20 feet from the neighbor's residence to the north, which is a reduction of 10 feet. The proposal further requires the removal of a 27" evergreen tree with a substantial canopy that screens the adjacent lot north. The proposed second driveway also</p>

	requires a 15” tree to be removed. Both trees provide significant screening today. The increased development will mean additional runoff, though there are no drainage complaints on file related to this property. Staff does not anticipate significant increases in runoff, though measures should be taken to reduce runoff through appropriate downspouting and diversion to existing stormwater facilities.
Standard 9 Represents the Minimum Amount of Reduction Necessary	Staff believes the special permit application proposal results in a structure that is out of character with the surrounding residences. Staff’s recommendation was to convert the carport and eliminate the second garage. The current proposal results in a significant increase in driveway space on both sides of the property. Staff does not believe the proposal represents the minimum amount of reduction necessary. Other issues of environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, easements and historic resources are not applicable to this site.
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 an attachment to the proposed development conditions in Appendix 1.

CONCLUSION

Staff finds that the proposal to permit a reduction of certain yard requirements to permit construction of an addition 6.0 feet from the side lot line is not in conformance with the applicable Zoning Ordinance provisions, specifically General Standard 3, and Additional Standard 6, Standard 7, and Standard 9 as noted above.

RECOMMENDATION

Staff recommends denial of SP 2015-DR-119 for the construction of the addition. However, should the BZA choose to approve the request, staff recommends the BZA do so only with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

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 and Photographs
3. Applicant's Affidavit
4. Applicable Building Permit Information
5. Agency Review Comments
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-DR-119****November 11, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-DR-119 located at Tax Map 30-2 ((31)) 200 to permit reduction of certain yard requirements pursuant to Sects. 8-922 of the Fairfax County Zoning Ordinance, staff recommends that 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 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.
2. This special permit is approved for the location and size of the additions as shown on the special permit plat titled, "Two Car Garage Addition," prepared by Amal K. Sedrak, P.E., of MGS Engineering, Inc., received on October 22, 2015, as submitted with this application and is not transferable to other land.
3. The addition shall be generally consistent with the materials of the existing house and the architectural renderings as shown on Attachment 1 to these conditions.
4. The applicant shall plant two new evergreen trees, minimum of 6 feet in height at planting, along the proposed second driveway to provide screening to the adjacent property to the north.

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, 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.

