



County of Fairfax, Virginia

January 20, 2016

STAFF REPORT

SPECIAL PERMIT SP 2015-PR-136

PROVIDENCE DISTRICT

APPLICANT: Decisive Investment Group, LLC

OWNER: Decisive Investments, LLC

STREET ADDRESS: 2804 Liberty Avenue, Falls Church 22024

SUBDIVISION: Southgate, Lot 49 (pt.) & Lot 50

TAX MAP REFERENCE: 50-2 ((9)) 50

LOT SIZE: 3,144 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 8-924

SPECIAL PERMIT PROPOSAL: To permit certain additions to an existing single family detached dwelling to permit a roofed deck 11.2 feet from the front lot line, and a second story addition 17.6 feet from a front lot line, 2.7 feet from a side lot line, and 21.9 feet from a rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2015-PR-136, subject to 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 for certain additions to an existing single family detached dwelling to permit a roofed deck 11.2 feet from the front lot line, and a second story addition 17.6 feet from the front lot line, 2.7 feet from a side lot line, and 21.9 feet from the rear lot line.



Figure 1: Subject property, Source: Pictometry 2015.

A copy of the special permit plat, entitled “Special Permit Plat, Part of Lots 49 & 50, Southgate,” prepared by Patrick A. Eckert, L.S., of Alterra Surveys, Inc., dated August 17, 2015, last revised October 29, 2015, consisting of one sheet is provided at the front of this staff report. A copy of the applicant’s statement of justification and relevant photographs, architectural renderings and proposed floor plans, and the affidavit are provided in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 3,144-square foot subject property is located on Liberty Avenue. The lots on Liberty

Avenue lots are part of the Southgate subdivision that dates from 1910 and are immediately south of the City of Falls Church. Properties in this small neighborhood are primarily single family detached residential in character, though the subject property is on the northern end of the subdivision adjacent to more nonresidential uses in the City of Falls Church.

The site is developed with a 710 square foot, 1 and 1/2-story single family detached dwelling on parts of Lots 49 and 50 of the original Southgate subdivision. The existing dwelling is vacant and has been boarded up by the applicants due to vandalism. The property currently contains a small accessory shed along the rear lot line, which is fenced. The shed is to be removed. The property is further fenced with cyclone fencing, and the property slopes downward from the street back toward the southwest corner of the lot.



Figure 2: Street level view of the subject property. Source: Applicant.

Many of the lots surrounding the subject property are developed with 2-story dwellings, and almost all are substandard as to lot size, lot width, and minimum yards as provided in the R-4 District. There are 3 deeded lots north of the subject property before the Brice Street intersection, two of which are owned by the County Redevelopment Authority.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling on the subject property was constructed in 1925 as a 1-story residence with a dormered loft. According to the applicants, the Arts and Crafts style residence was constructed on a stacked stone foundation, which is currently leaning toward the back yard. The structure has 2 bedrooms, both of which are located in the loft, but the ceiling is 5'9" in height, too short for habitable use under current building codes. County street file records include just one

building permit application issued in 1997 for fire damage repairs. All existing County records indicate that there have been seven special permit/variance applications approved in the immediate area:

- VC 89-P-128, 2810 Liberty Avenue (Tax Map 50-2 ((9)) 48 and pt. 49) to allow construction of a dwelling 21 feet from rear lot line and a stoop 15 feet from rear lot line
- VC 91-P-033, 2800-2802 Liberty Avenue (Tax Map 50-2 ((9)) 52 & 53) to allow construction of a dwelling 17.5 feet from the front lot line. Note this variance was never acted upon and expired July 23, 1993.
- VC 94-P-012, 2840 Douglass Avenue (Tax Map 50-2 ((9)) 97 & 98) to allow construction of a dwelling 17 feet from the front lot line.
- VC 96-P-097, 2805 Liberty Avenue (Tax Map 50-2 ((9)) 15) to permit construction of an addition 11.1 feet from the rear lot line.
- VC 98-P-130, 2833 Douglass Avenue (Tax Map 50-2 ((9)) 89, 90 & 91) to permit construction of a dwelling 18 feet from the front lot line.
- SP 2004-PR-034, 2822 Douglass Avenue (Tax Map 50-2 ((9)) 106) to permit errors in building location for several structures, including the dwelling.

These cases demonstrate the need for zoning relief and that the predominant limitation for the current application is the lot itself.

DESCRIPTION OF THE APPLICATION

The applicants request special permit approval to do several things to the existing dwelling. They propose to raise the first floor by 12 inches in the back and raise the rear porch by 6 inches and refinish the top of the porch and stairs; replace the existing front porch and roof with a new porch including enhanced architecture; and remove the roof and replace the existing loft with a full second story addition with 3 bedrooms and 2 full baths. The applicants propose to provide a recreation room and half bath in the existing basement, which currently is a storage area. The proposal amounts to a rehabilitation of the existing dwelling and substantially replaces portions of the façade with new windows and siding.

The existing dwelling has a 710 square feet total footprint, with two loft bedrooms with low ceilings. The proposed second story addition adds a total of 726 square feet, though some portion of that would be replacing the loft. At most, the addition represents an increase of 102% of the existing residence.

Figures 3 through 6, below, consist of a side by side comparative set of renderings showing the existing profiles of the dwelling and the proposed designs following construction of the second story addition. Note that the proposed front porch replacement will be more enclosed than the existing, simpler design, and the access will be from the side rather than the front. The design indicates that the front yard will be graded to increase the clearance from the door. Further, the proposed changes will reduce the number of existing windows on the first floor on the north side and rear, but increase the number of windows on the front. The proposed changes amount to a significant

reorganization of the existing 90-year old structure.

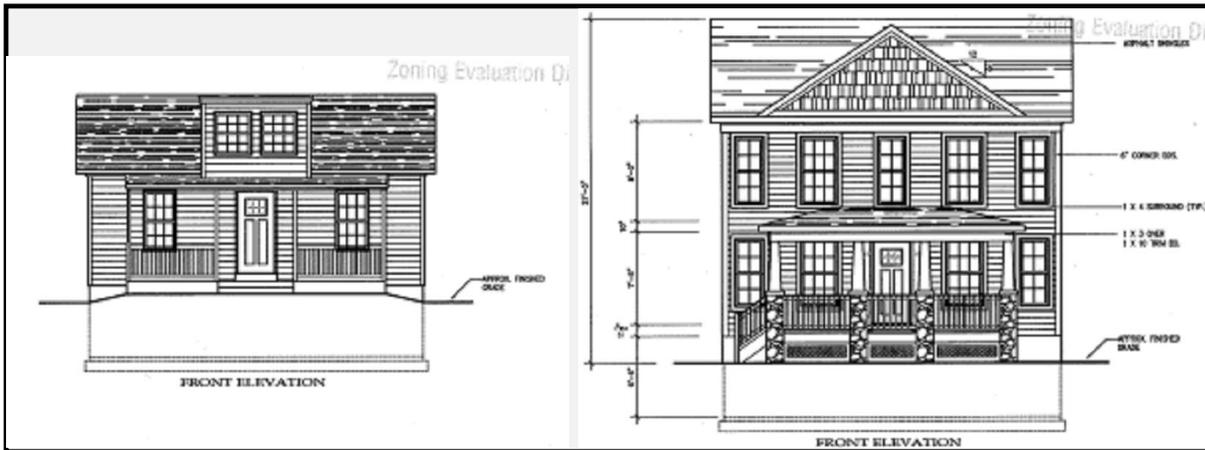


Figure 3: Side by side comparison, front elevation existing and proposed. Source: Applicant.

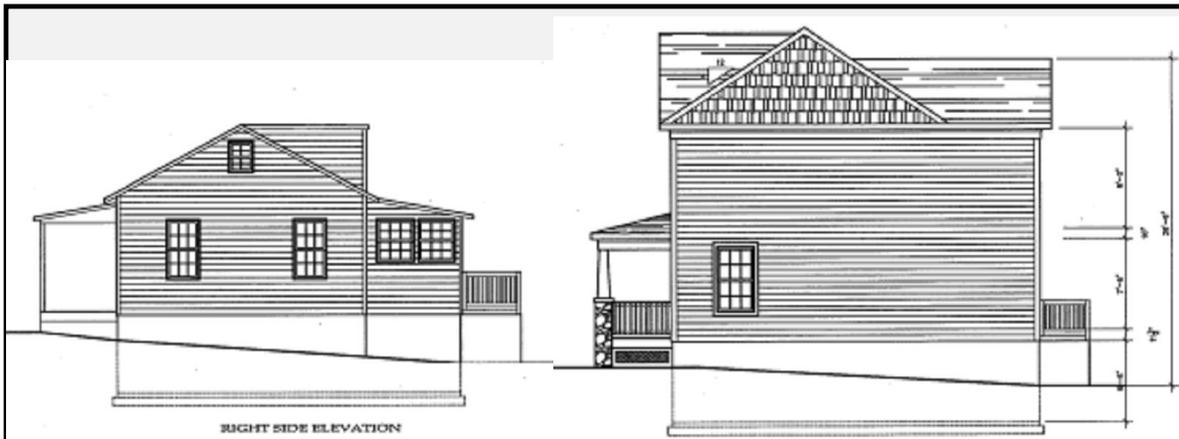


Figure 4: Side by side comparison, north side elevation existing and proposed. Source: Applicant.

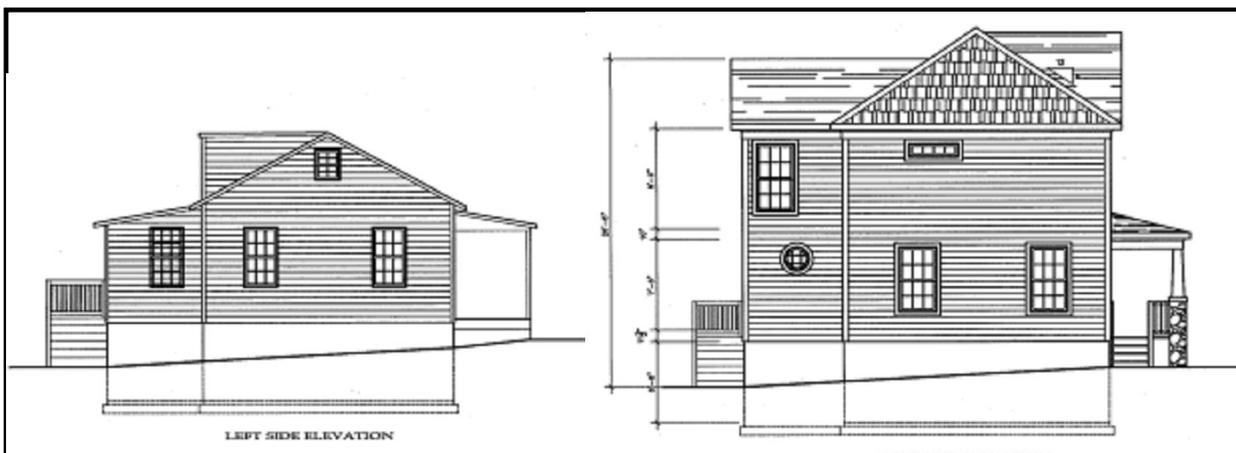


Figure 5: Side by side comparison, south side elevation existing and proposed. Source: Applicant.

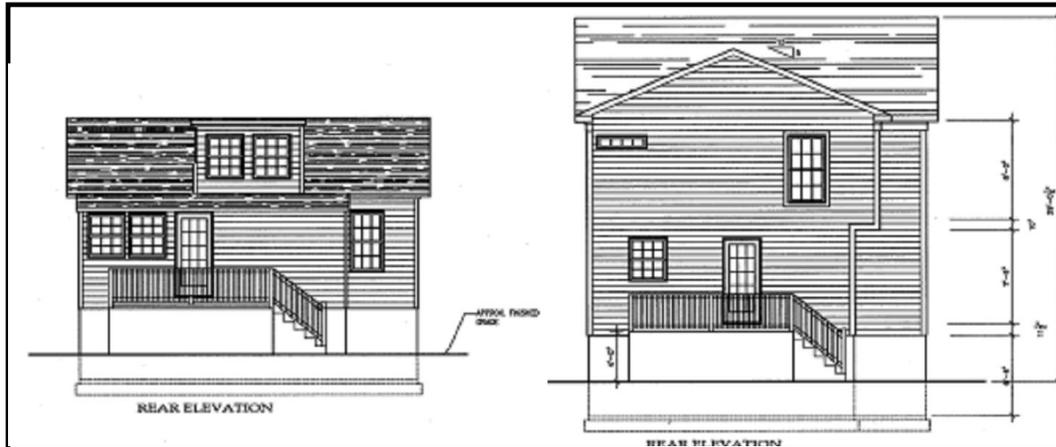


Figure 6: Side by side comparison, rear elevation existing and proposed. Source: Applicant.

Section 8-924 of the Zoning Ordinance is not typically utilized for a whole house revitalization as is proposed here. However, it should be noted that, aside from the second story addition, all of the other elements involved would be permitted through a building permit process, including the front porch replacement (if done as a straight replacement rather than the proposed design upgrades). The applicant’s primary reason to seek a special permit approval (according to their Statement of Justification) is to provide a more usable residential design as compared to the existing structure.

The applicants submitted signed forms from some of their neighbors indicating that the proposal was satisfactory. These forms are contained in Appendix 4.

Below are photographs showing the existing property from the north, south, and rear views.





Figures 7, 8, and 9: Photos of the existing residence. Source: Applicant.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: I

Planning District: Jefferson

Planning Sector: Jefferson Community Planning Sector (J1)

Plan Map: Residential

The Comprehensive Plan does not provide a specific recommendation for this area, other than recommending that any infill development be of a compatible use, type and intensity in accordance with Land Use Objectives 8 and 14 of the Policy Plan.

ZONING ORDINANCE REQUIREMENTS (Appendix 6)

The subject property is zoned R-4. The property was originally subdivided in the 1910s prior to the Subdivision Ordinance. It was zoned Urban Residence under the 1941 Zoning Ordinance and converted to R-10 with the 1959 Zoning Ordinance. With the adoption of the 1978 Zoning Ordinance, the neighborhood was converted to the R-4 District, which has the following lot size and bulk regulations.

Bulk Standards (R-4)		
Standard	Required	Provided
Lot Size	Min. 8,400 sf.	3,144 sf.*
Lot Width	Min. 70 feet	45 feet**
Building Height	Max. 35 feet	25 feet proposed
Front Yard	Min. 30 feet	11.2 feet existing/proposed**
Side Yard	Min. 10 feet	14.2 feet existing (south side) 2.7 feet existing/proposed (north side)**
Rear Yard	Min. 25 feet	21.9 feet existing/proposed**

*The property is considered a buildable lot per Section 2-405.1 of the Zoning Ordinance

**As requested with this application.

This special permit application is subject to the following provisions of the Zoning Ordinance and are provided as Appendix 6. 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. 8-924 Certain Additions to Existing Single Family Detached Dwelling When Existing Dwelling Extends into Minimum Required Yard by More than 50% and/or Closer Than 5 Feet to a Lot Line*

The following is staff’s analysis of the Zoning Ordinance provisions and the proposal to permit certain additions to an existing single family detached dwelling to permit a roofed deck 11.2 feet from the front lot line, and a second story addition 17.6 feet from the front lot line, 2.7 feet from a side lot line, and 21.9 feet from the rear lot line.

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

Standards 1 & 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-4 District allows a reduction in minimum required yards with special permit approval.
--	--

Standard 3 Adjacent Development	The neighboring properties are all single family detached dwellings, on substandard lots relative to the R-4 District standards. All but one of the properties immediately adjacent to the subject property are 2-story dwellings, so the proposed second story addition is consistent with existing neighbors.
Standard 4 Pedestrian/ Vehicular Traffic	No increased vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/ Screening	The Urban Forester indicates that there are several tree species located along the rear lot line that should be protected from onsite construction work and disturbance. Otherwise the property has no preservable vegetation.
Standard 6 Open Space	There is no prescribed open space requirement on individual lots in the R-4 District.
Standard 7 Utilities, Drainage, Parking, and Loading	The proposed changes would not result in any impact on the public utilities, drainage patterns, or parking in the surrounding area. DPWES reports stormwater management review is not required for this proposal.
Standard 8 Signs	No signage is proposed.

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

Standard 1 Lot Size and Bulk Regulations	The bulk regulations for the minimum front, side, and rear yards are requested for reduction under this application. The property is substandard to most requirements in the R-4 District. However, the existing structure is also nonconforming and the application has been properly filed under the provisions of Section 8-924.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	The proposed construction will not disturb more than 2,500 square feet, therefore no additional site plan requirements are required.

Standards for Certain Additions to Existing Single Family Detached Dwelling When Existing Dwelling Extends into Minimum Required Yard by More than 50% and/or Closer Than 5 Feet to a Lot Line (8-924)

<p>Standard 1 Yard Requirements Subject to Special Permit</p>	<p><i>A. Minimum required yards except those subject to proffers or development conditions/yards depicted on proffered plans or special exception/special permit plats: All yard requirements are requested for reduction. None are restricted by proffers, development conditions, or previous plat or plan approvals.</i> <i>B. Pipestem lots- N/A</i> <i>C. Extensions into minimum required yards allowed by Sect. 2-412: N/A</i></p>
<p>Standard 2 Existing Yards Were Compliant at Construction and not Reduced Since Then</p>	<p>The existing structure was built in 1925, which pre-dated all zoning regulations in the County. Therefore, the structure was in compliance at the time of construction. County records indicate no other building permits were issued for construction on the property, so no other reductions are indicated.</p>
<p>Standard 3 Proposed Addition Does Not Extend Closer Than Existing Dwelling to Affected Lot Line</p>	<p>All proposed changes to the existing structure will occur within the existing footprint. The applicant is requesting changes that reflect extensive remodeling within the existing footprint only.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA) At Time of 1st Expansion</p>	<p>The proposed addition totals 726 square feet in area, representing a total of 102 percent of the existing square footage of GFA.</p>
<p>Standard 5 Construction in Character with On-Site Development</p>	<p>The existing dwelling is a 1.5 story Arts and Crafts-style dwelling. The proposal upgrades the property to a full 2-story dwelling that departs in some ways from the existing design but retains the original stacked stone foundation and several other features of the existing structure.</p>
<p>Standard 6 Construction Harmonious with Off-Site Development</p>	<p>All but one of the dwellings adjacent to the subject property are 2-story structures. Due to the substandard nature of the lots in this subdivision, all properties adjacent to the subject property are also nonconforming in some way. The proposed changes represent an upgrade of the existing property, and several of the neighbors support the proposal.</p>
<p>Standard 7 Violations of Zoning Ordinance including Number of Units or Occupancy</p>	<p>There are no existing violations on the property, including the number of units or unit occupancy.</p>

Standard 8 Construction Shall Not Adversely Impact Adjacent Properties	There are no reported issues or problems in the immediate area, and the property is not located in a floodplain or RPA. DPWES staff reports that no additional stormwater planning is required for this proposal.
Standard 9 BZA May Impose Conditions	Proposed development conditions are included in Appendix 1.
Standard 10 Submission Requirements	A copy of the plat is included in the beginning of this report.
Standard 11 Architectural Elevations	Proposed elevation drawings are included as an attachment to the proposed development conditions in Appendix 1.

CONCLUSION

Staff finds that the proposal to permit certain additions to an existing single family detached dwelling to permit a roofed deck 11.2 feet from the front lot line, and a second story addition 17.6 feet from the front lot line, 2.7 feet from a side lot line, and 21.9 feet from the rear lot line are in conformance with the applicable Zoning Ordinance provisions.

RECOMMENDATION

Staff recommends approval of SP 2015-PR-136 for construction of the additions, subject to 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, Photographs, and Architectural Renderings
3. Applicant's Affidavit
4. Neighborhood Consent Letters for Addition to Subject Property
5. Applicable Building Permit Information
6. Agency Review Comments
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-PR-136****January 20, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-PR-136 located at Tax Map 50-2 ((9)) 50 to permit reduction of certain yard requirements pursuant to Sect. 8-924 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 addition as shown on the special permit plat, entitled "Special Permit Plat, Part of Lots 49 & 50, Southgate," prepared by Patrick A. Eckert, L.S., of Alterra Surveys, Inc., dated August 17, 2015, last revised October 29, 2015, consisting of one sheet, as submitted with this application and is not transferable to other land.
3. Pursuant to Par. 4 of Sect. 8-924 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (710 square feet existing + 1,065 square feet (150%) = 1,775 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. 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 additional that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the design and materials of the existing house and the rendering as shown on Attachment 1 to these conditions.
5. The applicant shall install tree protection fencing adjacent to the rear lot line prior to commencing site work, and maintain tree protection fencing over the duration of construction.

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.

ATTACHMENT 1: Architectural Renderings for Proposed Second Story Addition and Other Changes

