



County of Fairfax, Virginia

June 22, 2016

STAFF REPORT ADDENDUM

SPECIAL PERMIT SP 2016-MV-010

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS: Marc Lavery
Catherine Lavery

STREET ADDRESS: 5913 Hallowing Drive, Lorton 22079

SUBDIVISION: Hallowing Point River Estates

TAX MAP REFERENCE: 122-2 ((2)) 95

LOT SIZE: 29,376 square feet

ZONING DISTRICT: R-E

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of accessory structure (detached garage) 10 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2016-MV-010 for the addition with 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.

Erin M. Haley

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 (5) 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.**



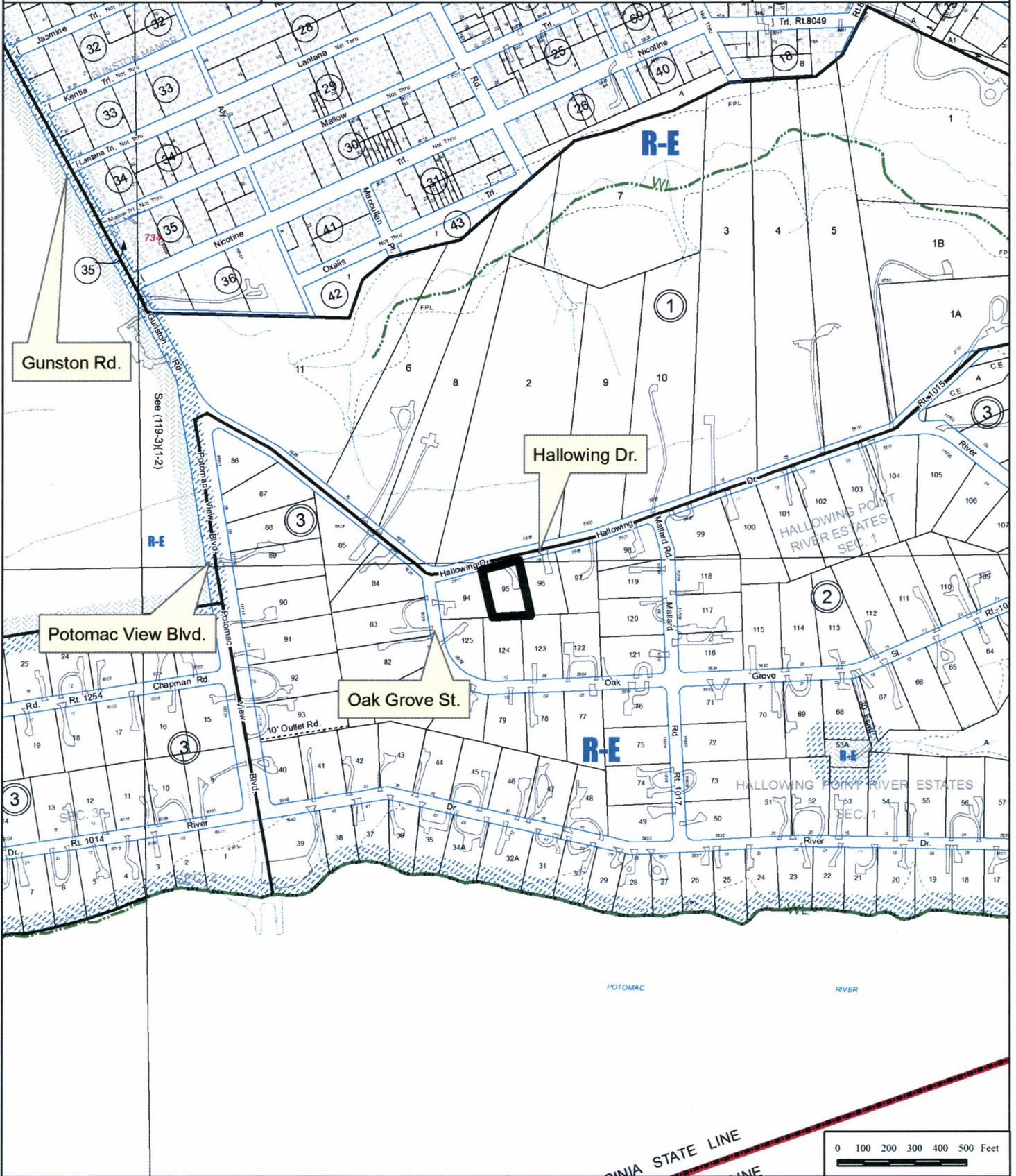
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

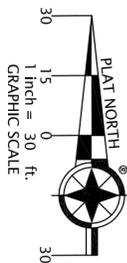
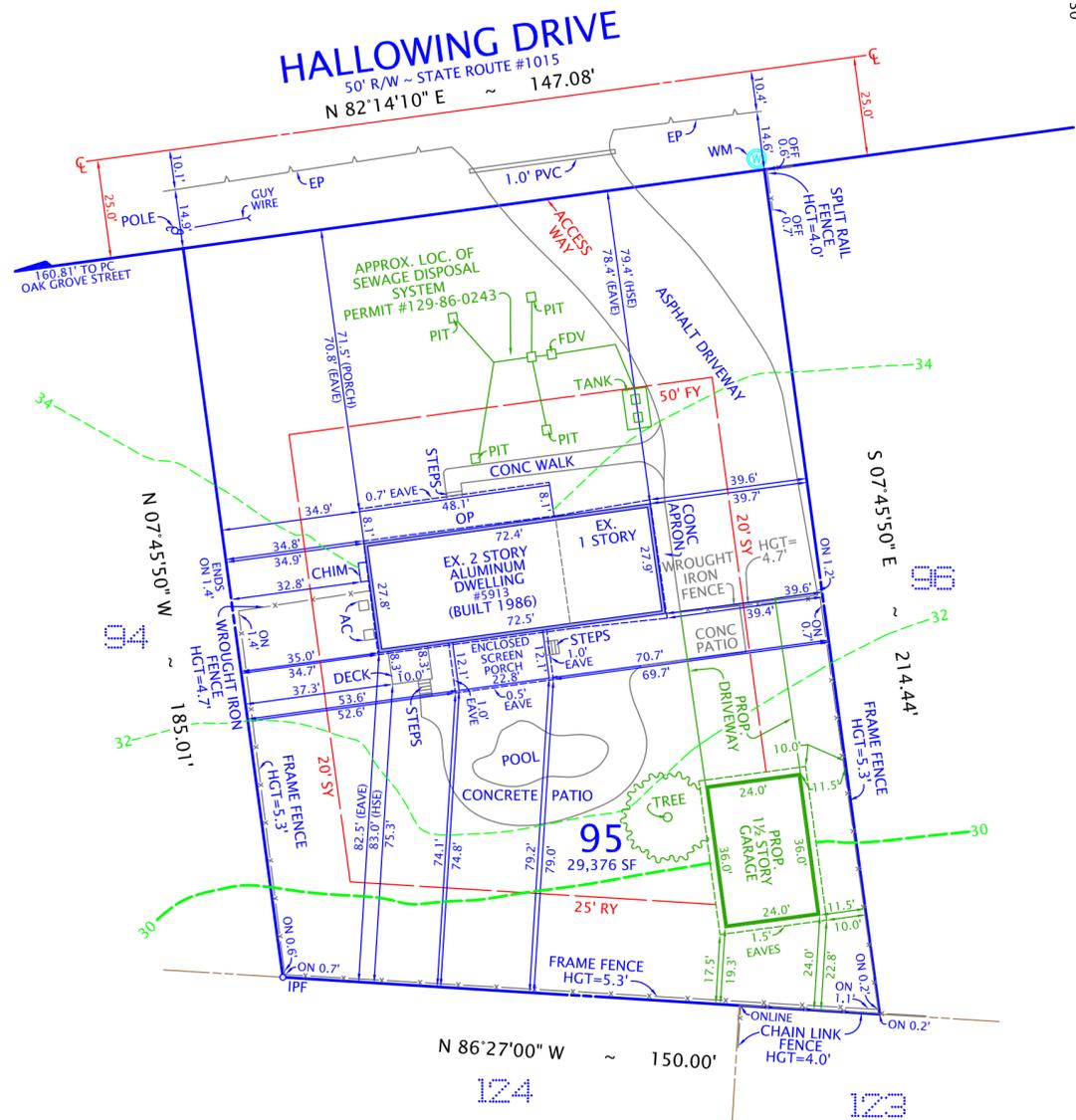


Special Permit

SP 2016-MV-010

MARC AND CATHERINE LAVERY





NOTES

1. TAX MAP: 122-2-02-0095
2. ZONE: RE (RESIDENTIAL 1DU/2AC)
3. LOT AREA: 29,376 SQUARE FEET
4. REQUIRED YARDS:

FRONT:	=	50 FEET
SIDE:	=	20 FEET
REAR:	=	25 FEET
5. HEIGHTS:

EX. DWELLING	=	22.2 FEET (MIDLINE OF ROOF)
EX. DECK	=	3.4 FEET
EX. FENCES	=	AS NOTED
PROP. GARAGE	=	17.2 FEET (RIDGELINE OF ROOF) 12.6 FEET (MIDLINE OF ROOF)
6. THIS PROPERTY IS SERVED BY PUBLIC WATER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. AREAS:

EX. FIRST FLOOR	=	2,020 SF
EX. SECOND FLOOR	=	1,350 SF
EX. GROSS FLOOR AREA	=	3,370 SF

EX. FLOOR AREA RATIO: EX. GFA (3,370) / LOT AREA (29,376) = 0.115

PROP. DETACHED GARAGE:	=	
PROP. FIRST FLOOR	=	864 SF
PROP. SECOND FLOOR	=	432 SF
PROP. GROSS FLOOR AREA	=	1,296 SF

PROP. GARAGE (1,296) / EX. GFA (3,370) = 0.385

PROP. GROSS FLOOR AREA: EX. GFA (3,370) + PROP. GFA (1,296) = 4,666 SF

PROP. FLOOR AREA RATIO: PROP. GFA (4,666) / LOT AREA (29,376) = 0.159
12. OWNER: MARC P. & CATHERINE LAVERY
5913 HALLOSING DRIVE
LORTON, VA 22079
(DB. 23608, PG. 693)
13. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.

PLAT
SHOWING THE IMPROVEMENTS ON
LOT 95, SECTION ONE
HALLOSING POINT RIVER ESTATES

(DEED BOOK 646, PAGE 224)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 30' JANUARY 21, 2016
MAY 09, 2016 (REV)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:		CASE NAME: MARC P. LAVERY CATHERINE LAVERY
THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.		 8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 703-619-6555 FAX: 703-799-6412

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SP 2016-MV-010 ADDENDUM

After the publication of the staff report, the applicants requested to defer their public hearing so the proposed location of the detached garage could be revised. The applicants state that they always intended the garage to be in the revised location, but an apparent miscommunication with the surveyor resulted in the submission of the original plat with the garage located much closer to the house. The applicants subsequently submitted a revised special permit plat (included at the front of this addendum) and revised the proposed garage materials from cedar to white hardiplank.

The proposed garage would be located approximately 43 feet further back into the rear yard at the end of an extended driveway, 17.5 feet from the rear lot line and 10 feet from the eastern side lot line, which is the same distance from the side lot line as previously proposed. Detached accessory structures are permitted to be located a distance equal to their height from the rear lot line. The garage is proposed to be 17.2 feet in height and therefore meets the location requirements of the Zoning Ordinance for minimum rear yards for detached accessory structures. The applicants state that this location is preferred to allow continued access to the rear yard and to avoid other existing accessory structures such as patios and the pool.

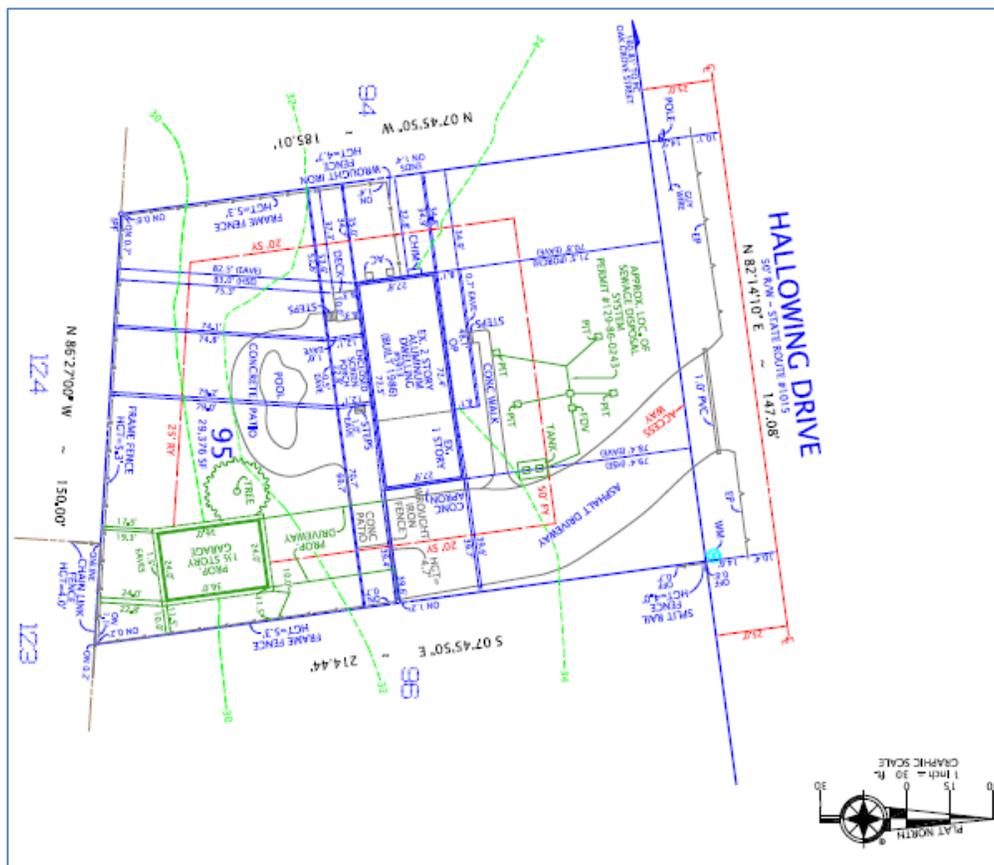


Figure 2- Applicant's revised proposed garage location

Urban Forestry Analysis (Attachment 2)

In analyzing disturbance related to construction of the proposed garage in its original location, the Urban Forester determined that it would likely extend into the critical root zone of an offsite pine tree located on the adjacent property to the east, as well as a mature oak tree in the rear yard of the subject property.

After reviewing the revised location of the garage, the Urban Forester determined that construction will directly impact the mature oak tree. The proposed disturbance to this tree's root zone could be severe, eventually causing a hazardous situation. Additionally, offsite trees on adjacent property "Lot 96" could be harmed by compaction resulting from construction activities. It is recommended that the applicant consult with a certified arborist or registered consulting arborist on whether to preserve or remove the tree. If the tree is to be preserved, tree protection measures should be employed. In order to protect the health of offsite trees, tree protection measures should be installed and maintained throughout the duration of construction. Such measures include placing a layer of wood chips 8 inches in depth covered by a continuous layer of plywood between the existing fence and the proposed garage.

CONCLUSIONS

The garage is to be located the same distance from the side lot line as before and meets the location requirements for accessory structures in the rear yard. The applicants state that this location is desirable to allow continued access and use of their rear yard. In staff's evaluation of the submitted revised plat, the staff continues to believe that the special permit application is in conformance with all applicable Zoning Ordinance provisions.

Development condition revisions include:

- New date of June 22, 2016
- Modification of development condition 2 to reflect the new date of the special permit plat
- Updated development conditions relating to tree protection and preservation

RECOMMENDATION

Staff continues to recommend approval of SP 2016-MV-010 with the adoption of the revised proposed development conditions in Attachment 1 of the staff report addendum.

SP 2016-MV-010 ADDENDUM

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.

The approval of a portion 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.

ATTACHMENTS

1. Revised Development Conditions dated June 22, 2016
2. Urban Forestry memo, dated May 31, 2016

REVISED PROPOSED DEVELOPMENT CONDITIONS**SP 2016-MV-010****June 22, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-MV-010 located at Tax Map 122-2 ((2)) 95 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance to permit a detached accessory structure (garage), 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 accessory structure (detached garage 1,296 square feet in size, 17.2 feet in height), as shown on the titled, "Plat, Showing the Improvements on, Lot 95, Section One, Hallowing Point River Estates," prepared by George M. O'Quinn, Land Surveyor, dated January 21, 2016, as revised through May 9, 2016, as submitted with this application and is not transferable to other land.
3. The detached garage shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions with the exception of using hardiplank siding instead of board-on-board.
4. The accessory structure, a detached garage, shall only be used for the storage of vehicles and other items or as workshop space. The structure shall not be used as a dwelling.
5. The applicants shall provide tree protection measures which shall consist of at least the following elements:
 - a. A layer of wood chips 8 inches in depth covered by a continuous layer of plywood shall be put down and maintained between the existing fence and the proposed garage along the eastern property boundary extending from 10 feet in front of the proposed garage and continuing around the back of the proposed garage for a distance of 10 feet.

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.



County of Fairfax, Virginia

MEMORANDUM

DATE: May 31, 2016

TO: Erin M. Haley, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Rachel Habig-Myers, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Hallowing Point River Estates Section 1, Lot 95.SP 2016-MV-010

This review is based upon the Special Permit Application, SP 2016-MV-010 stamped "Received, Department of Planning and Zoning, October 22, 2014" and the Special Permit Plat stamped "Received, Department of Planning and Zoning, February 9, 2016." A second plat was provided digitally on April 5, 2016. A third plat was provided digitally on May 10, 2016.

1. **Comment:** The Special Permit Plat dated May 10, 2016 shows that construction of the proposed garage will directly impact a mature oak tree located behind the house on the property in question. The provided plat does not appear to accurately represent the size of the tree's canopy, which is often used as a gauge of the extent of a tree's critical root zone in development situations. Measurements obtained from aerial imagery of the property indicate that the tree's canopy is approximately 20 feet larger in diameter than depicted on the plat provided. The proposed disturbance to this tree's root zone could be severe, eventually causing a hazardous situation. Additionally, offsite trees are planted close to the property line on neighboring property "Lot 96", and could be harmed by compaction resulting from construction activities occurring within their root zones that might extend onto the property in question.

Recommendation: The condition of the mature oak tree on site should be assessed by a certified arborist or registered consulting arborist in relation to the construction proposed. The arborist should counsel the property owners on preserving or removing this tree. If this tree is to be preserved, tree protection should include, at minimum, root pruning, tree protection fencing at the limits of clearing and grading, and mulching for 10 feet beyond the limits of clearing and grading. The limits of disturbance should be kept as far from the tree trunk as possible in order to avoid damage to the tree's root plate, and should be determined in consultation with the arborist hired to assess this tree. Damaging the root plate of a tree can lead to an unstable tree and a potentially hazardous situation. In order to protect the health of offsite trees mentioned here, tree protection measures should be installed and maintained throughout the duration of construction. In order to minimize soil compaction during construction and preserve the trees' root systems as much as possible,

Department of Public Works and Environmental Services
Urban Forest Management Division

12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550
www.fairfaxcounty.gov/dpwes



a layer of wood chips 8 inches in depth covered by a continuous layer of plywood should be put down and maintained between the existing fence and the proposed garage depicted on the Special Permit Plat along the eastern property.

rh/

UFMDID #: 211640

cc: DPZ File

