


STAFF MEMORANDUM TO BOARD OF ZONING APPEALS

Address:	231 Talahi Road SE	Parcel No.:	0384 02 0239	
Public Meeting Date:	6/5/2024	Case Number:	PF-1301532-BZA	
Owner(s):	Brandon & Kimberly Bryant	Applicant:	John P Sorrell, Clear View Homes LLC	
Existing Zoning:	RS-10	Existing Land Use:	Low Density Residential	
Request:				
Request for approval of a variance from <i>Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10), Building Placement Standards, Rear Yard</i> , of the Town of Vienna Zoning Code, to construct a covered deck, attached to an existing single-unit dwelling located at 231 Talahi Road SE, in the RS-10, Single-Unit Detached Residential zone. The Zoning Code requires that all structures in the Single-Unit Residential zoning districts maintain a setback of 35' from the rear property line. The proposed porch encroaches 8.4' into the setback leaving a setback of 26.6' from the rear property line.				
Site Improvements:	The subject property consists of a single-unit home and concrete driveway.			
Size of Property:	9,520 sq ft (9,920 sq ft pre-dedication)			
Public Notice Requirements:	Code of Virginia Section 15.2-2204 <i>Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.</i> , has been followed: <ul style="list-style-type: none">• Posting advertisements in local newspaper for two successive weeks prior to Board of Zoning Appeals meeting. This advertisement was published in the Washington Times newspaper on May 23, 2024, and May 30, 2024.• Posting a placard on the subject property. The placard was posted on May 24, 2024.• Written notices of the meeting provided to adjoining property owners on May 24, 2024.• The Board Clerk filed an affidavit certifying that proper notification requirements were made as stated above.			
Staff:	Andrea West, Zoning Administrator			

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Variance - 231 Talahi Road SE

June 5, 2024

Request:

Request for approval of a variance from Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10), Building Placement Standards, Rear Yard, of the Town of Vienna Zoning Code, to construct a covered deck, attached to an existing single-unit dwelling located at 231 Talahi Road SE, in the RS-10, Single-Unit Detached Residential zone.

The proposed porch encroaches 8.4' into the setback leaving a setback of 26.6' from the rear property line. The Zoning Code requires that all structures in the Single-Unit Residential zoning districts maintain a setback of 35' from the rear property line.

Property Characteristics & History:

The subject property is 9,920 square feet in area, zoned RS-10 Single-Unit Detached Residential. The property has a frontage of 80 linear feet on Talahi Road SE. Talahi Road SE is accessible from Glyndon Street SE and Park Street SE. The block was created by the original Onondio Subdivision, deeded through Fairfax County and the Town of Vienna in May of 1937. The date of the division of the individual lot is unknown, a complete deed history was not pulled as part of this report. The existing 2-story home was constructed in 2017 by Clearview Homes, replacing another single-story dwelling.

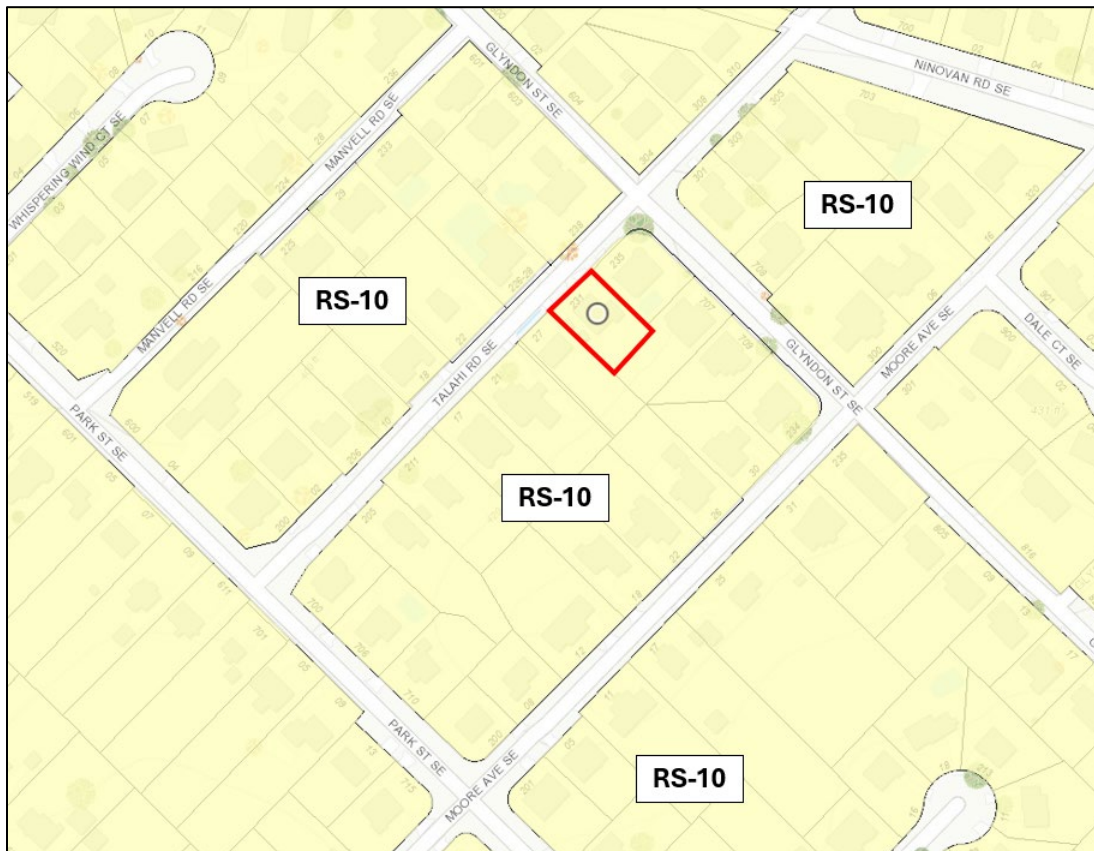


Figure 1 – Site Zoning and Location Map

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Proposed Improvements:

The applicants are proposing a single-story, 207 square foot, covered deck compliant with the Outdoor Living Coverage requirements within Section 18-213.2. *Outdoor living coverage*, of the Town of Vienna Zoning Code. The construction of this feature would require a variance of the rear setback requirement of 35' within all single-unit residential zoning districts in the Town of Vienna. The proposed covered deck would be in the same location as an existing conforming deck and pergola constructed in 2020. The existing deck conforms with the regulations for open decks, the addition of a roof to this deck is what requires a variance from the Board of Zoning Appeals.

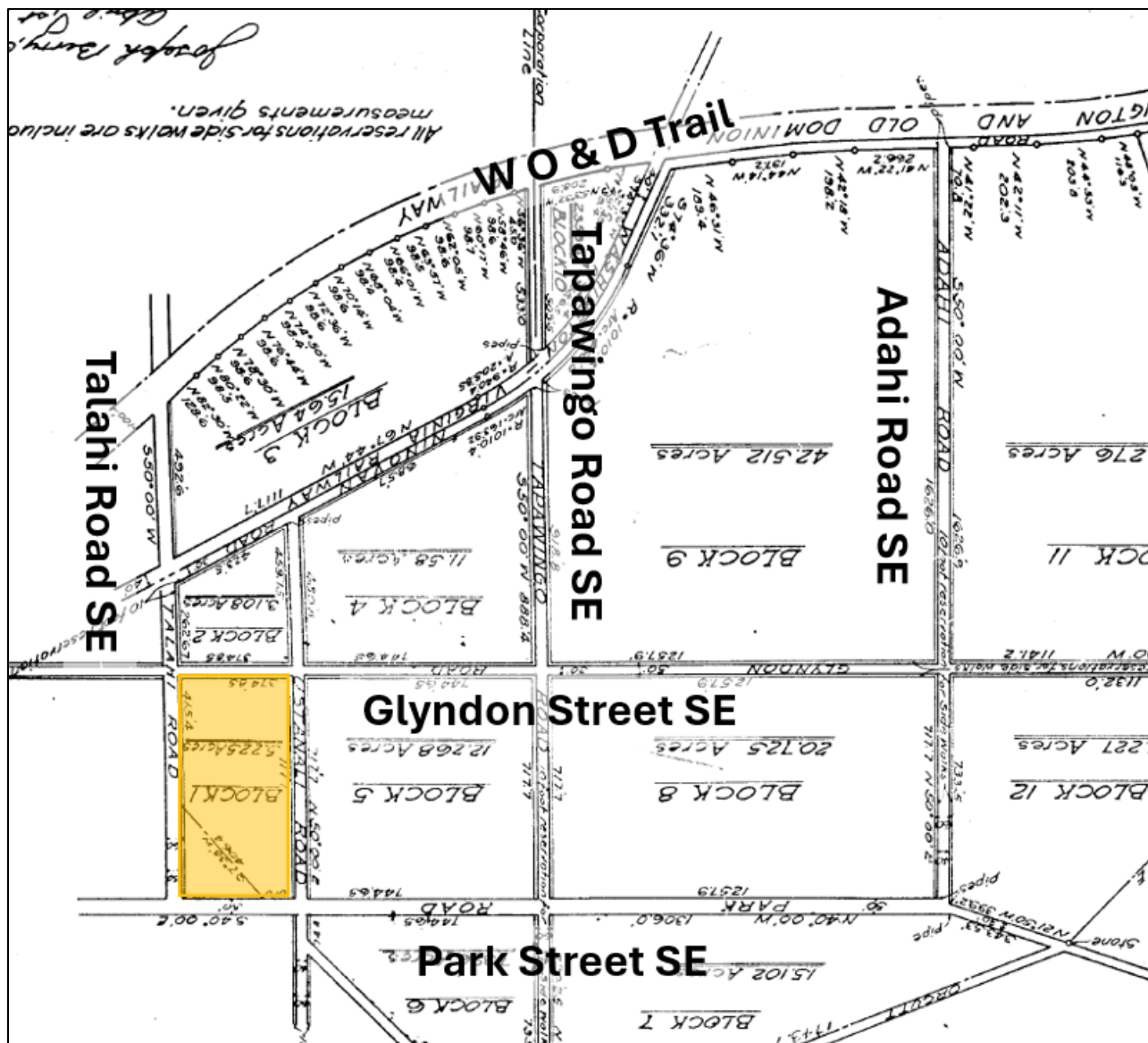


Figure 2 - Excerpt from Attachment 5, showing the block created within the Onondio subdivision, the streets, and the location of the WO & D Trail.

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Zoning Requirements:

The following is a summary of the zoning requirements relevant to this project. Complete code sections are within Attachments 1 and 2, "Relevant Zoning Code Sections" and the RS-10 zoning regulations:

- **Rear Yard Setback:** The variance required is for the rear yard setback encroachment of the proposed covered deck, or screened porch as noted on the applicant's plans. The Town of Vienna code requires all structures attached to the principal structure maintain a setback of 35' from the rear property line. The principal structure is 40.6' from the rear property line. An open deck may encroach 10' into the rear yard for a setback of 25' from the rear property line. In 2020, the deck was installed per plans approved by the Town of Vienna.
- **Lot Area & Dimensions in the RS-10 Zoning District:** The minimum lot area within the RS-10 zoning district is 10,000 square feet. The pre-development lot area, 9,920 square feet, was below the required minimum, meaning the lot was legally non-conforming with the code prior to the dedication of land for the Town sidewalk (see *Land Dedication & Zoning Requirements* below). The minimum lot width is 45' at the front property line, 60' feet at the front building line, and 75' at the midline. This lot meets the lot width requirements. There is no required lot depth in the Town of Vienna.
- **Lot & Outdoor Living Coverage:** The property was constructed in 2017 with a final lot coverage of 24.34%. At the time of the construction of the deck in 2020, any structure with a roof was required to be considered lot coverage. In 2021, the zoning code was changed to allow up to 400 square feet of a deck to be covered if the proposed feature meets the requirements within *Section 18-213.2. Outdoor living coverage*. The 2021 code amendment did not provide allowances for encroachment of a roof structure in the required yards.
- **Land Dedication & Zoning Requirements:** When the home was constructed, dedication of land adjacent to the Town's right-of-way and sidewalk construction was required. The pre-dedication lot area was 9,920 square feet, and the dedication required

Lot Coverage & Outdoor Living Analysis:

House	1672	sq ft
Driveway	633	sq ft
Porch	110	sq ft
Total	2415	sq ft
Lot Area	9,920	sq ft
Coverage %	24.34%	
Open Deck	291	sq ft
Covered Deck	207	sq ft
Total	498	sq ft
Lot Area	9,920	sq ft
Coverage %	5.0%	

1 – The pre-dedication lot area is used to calculate zoning compliance per *Sec. 18-705 Nonconformance Caused by Government Action or Dedication*.

2 – The 2017 plat includes stairs in the lot coverage calculation. This is not included in lot coverage per the previous version of the zoning code, or the 2024 adopted code.

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was 400 square feet. The post-dedication lot area is 9,520 square feet. Per *Section. 18-705 Nonconformance Caused by Government Action or Dedication*, the zoning analysis is based on the lot conditions prior to the dedication of land, including the building setbacks and lot area.

Required Board Decision:

The Board shall consider the approval of a variance from *Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10), Building Placement Standards, Rear Yard*, of the *Town of Vienna Zoning Code*, to construct a covered deck, attached to an existing single-unit dwelling located at 231 Talahi Road SE, allowing an encroachment of 8.4' into the setback, leaving a setback of 26.6' from the rear property line where a 35' setback is required.

Attachments:

Staff Supporting Documents	Applicant Supporting Documents
1. Relevant Zoning Code Sections	8. Plan Review Application & Authorization
2. Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10) Requirements	9. Statement of Justification (Request for Variance)
3. Final House Location Survey, 2017	10. Site Photos
4. Approved Civil Redevelopment Plan, July 2016	11. Plat w/ Deck (existing conditions)
5. Onondio Subdivision, 1937	12. Plat w/Proposed Roof
6. Sidewalk Dedication, 2017	13. A101_Plans
7. Public Notification Affidavit	14. A201_Elevations