


STAFF MEMORANDUM TO BOARD OF ZONING APPEALS

| | | | | | |
|---|---|---|-------------------------|--|--|
| Address: | 409 East Street NE | Parcel No.: | 0382 59 0016 | | |
| Public Meeting Date: | 11/20/2024 | Case Number: | PF-1335913-BZA | | |
| Owner(s): | Rich & Marcia Sedlak | Applicant: | Rich & Marcia Sedlak | | |
| Existing Zoning: | RS-10 | Existing Land Use: | Low Density Residential | | |
| Request: | |  | | | |
| Request for approval of variances from: 1) Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10), Building Placement Standards, Rear Yard, 2) Section 18-219, Residential Coverage, and, 3) Section 18-213 Lot Coverage, 2.A. Outdoor living coverage., of the Town of Vienna Zoning Code, To construct a covered deck, and an addition to the rear of an existing non-conforming single-unit dwelling. | | | | | |
| The proposed structures will encroach into the required rear yard setback of 35 feet, exceed the 25% lot coverage requirement, and deviate from the standards of Outdoor Living Coverage. | | | | | |
| Site Improvements: | The subject property consists of a single-unit home and asphalt driveway. | | | | |
| Size of Property: | 11,020 sq ft | | | | |
| 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 November 6, 2024, and November 13, 2024.• Posting a placard on the subject property. The placard was posted on November 8, 2024.• Written notices of the meeting provided to adjoining property owners on November 8, 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 - 409 East Street NE

November 20, 2024

Request:

Request for approval of variances from Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10), and Section 18-219, Residential Coverage, and Section 18-213 Lot Coverage to construct a covered deck and an addition to the rear of an existing non-conforming single-unit dwelling. The proposed structures would:

- 1) **Encroach into the required rear yard setback** of 35 feet,
 - a. Proposed Covered Deck: for a depth of 19.3 feet, and a width of 20 feet, leaving a setback of 15.7 feet from the rear property line,
 - b. Proposed Rear Entry: for a depth of 3.6 feet, and a width of 8 feet, leaving a setback of 31.5 feet from the rear property line,
- 2) **Exceed the 25% lot coverage requirement** by 1393.89 square feet, or 37.65%. This addition would add an additional 20 square feet over the existing non-conforming lot coverage of 4128.89 square feet, or 37.47% (see **Table 1**), and,
- 3) **Deviate from the standards of Outdoor Living Coverage** by constructing the covered deck over an existing ground level patio.

The application was filed by the homeowners, Rich & Marcia Sedlak.

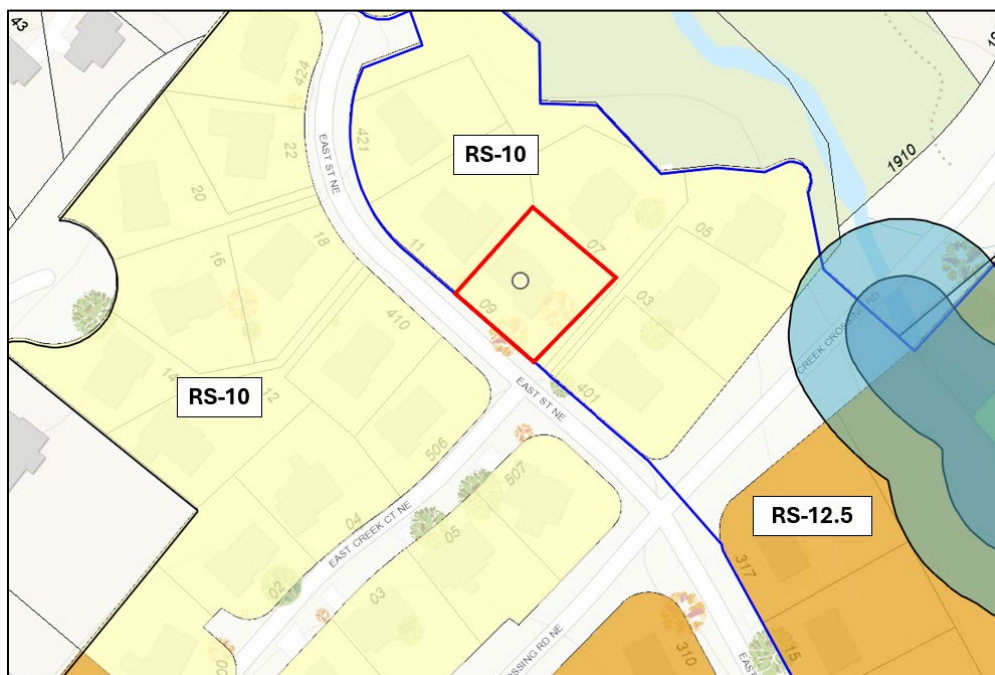


Figure 1 - Site and Zoning Map

Proposed Improvements:

The applicants are proposing two improvements that would require variances from the Board of Zoning Appeals:

- 1) A 267-square-foot covered deck, which is regulated under 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 two variances:

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Variance - 409 East Street NE

November 20, 2024

- a) The rear setback requirement of 35' within all residential zoning districts in the Town of Vienna, and,
 - b) The requirement that all Outdoor Living structures are “single-story” due to the patio below the existing deck.
- 2) A 2.5'-by-8' extension on the rear of the house to include a new door, extending the existing non-conforming rear building line, requiring two variances:
- a) The rear setback requirement of 35' within all residential zoning districts in the Town of Vienna, and,
 - b) The lot coverage requirement of 25%. **See Table 1.**

Property Characteristics & History:

The property was platted and developed under the applicable Fairfax County zoning code. In the 1990s, the street was annexed into the Town of Vienna. Per Fairfax County records, the existing 2-story brick structure was constructed in 1989.

The subject property is 11,020 sq ft square feet in area, zoned RS-10 Single-Unit Detached Residential, and is located on the northeast side of East Street NE. The property has a frontage of 95 linear feet within the pavement of East Street NE. East Street is accessible from Creek Crossing Road NE and terminates into Foxstone Park (Fairfax County Park Authority) north of the subject property.

Existing Non-Conformities:

The subject property already exceeds the Town of Vienna's lot coverage limit of 25% and does not meet the required rear yard setbacks for the residential structure and the existing deck.

- 1) Lot coverage – The property contains approximately 1520 square feet of the public right of way, East Street NE (as shown in **Table 1**). The Town's Zoning and Subdivision Ordinance does not provide any exemptions for shared driveways or streets within private property to be excluded from the calculation. Staff did complete an analysis of the lot coverage if the shared and public elements were removed, and the lot would be compliant at the same lot area. **See Table 2.**
- 2) Building setback – The existing rear wall of the residential building encroaches into the required rear yard setback of 35 feet. The maximum encroachment is approximately 5 feet into the 35-foot requirement.
- 3) Deck setback – The Town of Vienna zoning and Subdivision Ordinance allows uncovered decks to encroach 10 feet into the required rear yard setback of 35 feet, meaning, meaning that all decks should be a minimum of 25 feet from the rear property line. The existing open permitted decks encroach into the rear setback leaving 15.7 feet between the closest deck and the rear property line. This deck was permitted by Fairfax County under the applicable zoning at the time of construction, which was before the property was annexed into Vienna.

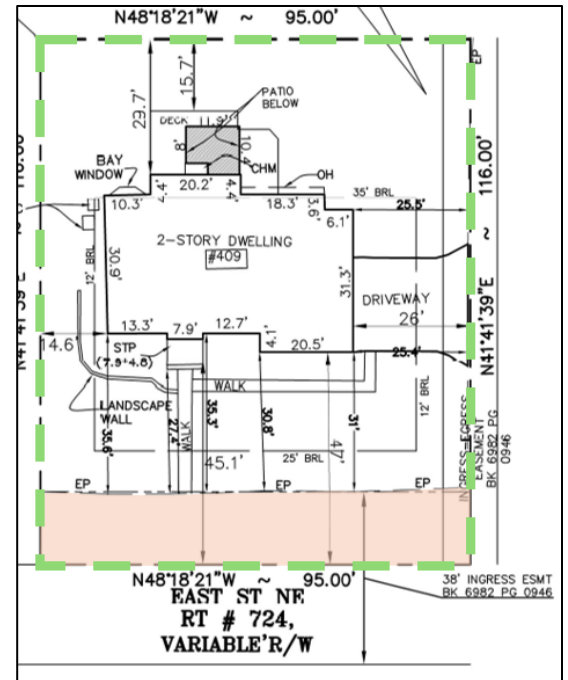


Figure 2 - Portion of Property overlapped by the Town street. The green line is the property line, and the orange area is the location of the pavement.

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| Table 1- LOT COVERAGE ANALYSIS | | | | | |
|---|---------------|-------|---------------------------|---------------|--------------|
| Existing Coverage | | | Proposed Coverage | | |
| House | 1858 | sq ft | House | 1858 | sq ft |
| Front Stoop | 38 | sq ft | Front Stoop | 38 | sq ft |
| Driveway | 551.89* | sq ft | Driveway | 551.89* | sq ft |
| Shared Drive | 50 | sq ft | Shared Drive | 50 | sq ft |
| TOV Street | 1520 | sq ft | TOV Street | 1520 | sq ft |
| Patio | 111 | sq ft | Patio | 111 | sq ft |
| | | | Prop Addition | 20 | sq ft |
| Total | 4128.89 | sq ft | Total | 4148.89 | sq ft |
| Lot Area | 11,020 | sq ft | Lot Area | 11,020 | sq ft |
| Coverage % | 37.47% | | Coverage % | 37.65% | |
| | | | | | |
| Exist Open Deck | 267 | sq ft | Prop. Covered Deck | 267 | sq ft |
| Exist Open Deck | 113 | sq ft | Prop. New Deck | 90 | sq ft |
| | | | Existing Open Deck | 95** | sq ft |
| Total | 380 | sq ft | Total | 452 | sq ft |
| Lot Area | 11,020 | sq ft | Lot Area | 11,020 | sq ft |
| Coverage % | 3.4% | | Coverage % | 4.1% | |
| <p>* Driveway area is per plat. This is different than the area included within the applications lot coverage table. ** A portion of this deck is now the Proposed Addition.</p> | | | | | |

| Table 2 - LOT COVERAGE ANALYSIS w/o SHARED DRIVE AND TOWN STREET | | | | | |
|---|---------------|-------|-----------------------|---------------|--------------|
| Existing Coverage | | | Proposed Coverage | | |
| House | 1858 | sq ft | House | 1858 | sq ft |
| Front Stoop | 38 | sq ft | Front Stoop | 38 | sq ft |
| Driveway | 551.89 | sq ft | Driveway | 551.89 | sq ft |
| Patio | 111 | sq ft | Patio | 111 | sq ft |
| | | | Prop Extension | 20 | sq ft |
| Total | 2558.89 | sq ft | Total | 2578.89 | sq ft |
| Lot Area | 11,020 | sq ft | Lot Area | 11,020 | sq ft |
| Coverage % | 23.22% | | Coverage % | 23.40% | |

Required Board Decision:

The Board shall consider the application for **variances** from the following Zoning and Subdivision Ordinance sections: 1) *Section 18-219 Residential - Single-Unit, 10,000 sq. ft. Zone (RS-10), Building Placement Standards, Rear Yard*; 2) *Section 18-219, Residential Coverage*; and 3) *Section 18-213 Lot Coverage, 2.A. Outdoor living coverage.*, of the Town of Vienna Zoning Code, to construct a covered deck, and an addition to the rear of the property, attached to an existing non-conforming single-family dwelling located at 409 East Street NE, in the RS-10, Single-Family Detached Residential zone.

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November 20, 2024

The requested variances are as follows:

- 1) *Section 18-219 - Building Placement Standards, Rear Yard* - Encroach into the required rear yard setback of 35 feet,
 - a. Proposed Covered Deck: for a depth of 19.3 feet, and a width of 20 feet, leaving a setback of 15.7 feet from the rear property line,
 - b. Proposed Rear Entry: for a depth of 3.6 feet, and a width of 8 feet, leaving a setback of 31.5 feet from the rear property line,
- 2) *Section 18-219, Residential Coverage* - Exceed the 25% lot coverage requirement, the construction of a rear entry, by 1393.89 square feet, or 37.65%, and,
- 3) *Section 18-213 Lot Coverage, 2.A. Outdoor living coverage* - Deviate from the standards of Outdoor Living Coverage by constructing the covered deck over an existing ground level patio.

Attachments:

| Staff Supporting Documents | Applicant Supporting Documents |
|---|--|
| 1. Section 18-213 - Lot Coverage & Outdoor Living | 7. Plan Review Application & Authorization |
| 2. Section 18-219 - Single-Unit RS-10 Zoning Requirements | 8. Statement of Justification |
| 3. Relevant Zoning Variance Code Sections | 9. Property Photos |
| 4. Plat, 1989 | 10. Plat, 8/12/2024 |
| 5. Fairfax County Permit History | 11. Proposed Changes on Plat, 8/12/2024 |
| 6. Public Notification Affidavit | 12. Applicant Lot Coverage Calculation |
| | 13. Existing Deck Drawing |
| | 14. Proposed Diagram of Deck with Amendments |
| | 15. Proposed Entrance to Deck |
| | 16. Proposed Screened Porch, Deck & Entrance |