



Town of Vienna
Board of Zoning Appeals
Variance or Appeal Application

Application Number: 03-19 -BZA

(Office Use Only)

Address of Subject Property: 206 Scott Cir SW, Vienna, VA 22180

Legal Description: Single Family Home in Vienna Woods

Lot: 2112 Block: _____ Section: 12

Subdivision: _____

Square Footage: Land: 10,897

Present Use of Property: Single Family Home Zoning: RS-10

Reason for Requesting a Variance or Appeal (Provide additional pages as necessary):

Application for a variance to corner lot rear setback requirements under Section 18-33.E. of the Vienna Town Code. Applicant requests a variance to build a screened porch in the rear yard in place of a portion of an existing deck, which porch will be outside of the 35' rear yard setback requirement for RS-10. Applicant also requests approval to retain existing deck in current footprint after construction of screened porch, which current footprint is outside of the 25' rear deck setback requirement. The nonconforming deck would not be altered in the construction of the screened porch. The house (2,124 sq ft), the footprint of which was established when the house was first built in 1959, sits diagonally on a lot that is wider than it is deep. This unique configuration, together with the setbacks, creates a hardship with respect to adding any additional living space to the existing modest-size home. The corner of the house closest to the rear property line is 35.7' away from the property line, making it virtually impossible to add any living area to the rear of the house. Adding any usable living area to the other sides of the house would also either be prohibited by setback requirements, or would be extremely challenging due to existing gas, cable, power lines and various easements. Adjoining property owners have no objection to the porch construction and retention of the deck. Please see attached justification letter for further detailed information.

Signature (Owner or Agent): Julia Kreyskop Brian Buyniski

Name of Owner(s): Julia Kreyskop and Brian Buyniski

Address: 206 Scott Cir SW, Vienna, VA 22180 Phone: 571-643-3208

E-mail Address: juliakreyskop@gmail.com

Name of Agent(s): none

Address: _____ Phone: _____

E-mail Address (for "Contact Person"): juliakreyskop@gmail.com

The following is a list of information, or items, to be furnished along with the application for a variance or an appeal in conformance with Article 23 of Chapter 18 of the Code of the Town of Vienna, Virginia. Applications will not be considered complete and eligible for review, and placement upon an agenda, until the information listed below has been received at least twenty-one (21) days prior to the next available meeting of the Board of Zoning Appeals. All such requests shall be accompanied by the following information:

1. **Complete Application** with all requested information provided in this application.
2. **Nine (9) Copies** of a certificate of survey, or plat, showing the legal description, area, boundaries of the subject tract, abutting streets and alleys, **and the location of all proposed building and structures** for which the variance or appeal is requested (all materials larger than 8.5" x 11" must be folded).
3. **Nine (9) Copies** of any additional documentation, including the justification statement, prepared in support of the appeal or variance request.
4. **One (1) Copy** of a listing of the names and addresses of the owners of all properties adjoining and all lands lying on the opposite sides of all streets and alleys abutting the subject tract for which the variance or appeal is being requested. (This information may be easily obtained online at the following address: <http://icare.fairfaxcounty.gov/ffxcare/Main/Home.aspx>).
5. **Electronic Copy** of application and plans submitted via email or flash drive.

Note: Section 18-235 of the Town Code specifies that any variance authorized by the Board to permit the erection or alteration of a building or structure shall be valid only for six (6) months unless a building permit has been obtained.

THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6300 (Voice) OR TTY 711.

Owners and Applicants/Property Address:
Julia Kreyskop and Brian Buyniski
206 Scott Cir SW
Vienna, VA 22180
(571) 643-3208
juliakreyskop@gmail.com

Re: Statement of Justification

We would like to request a variance to the current setback requirements (1) in order to construct a screened porch at the rear of our house, and (2) to retain our existing deck (which would remain in place after construction of the screened porch) in its current footprint. Our house is located in the RS-10 zoning district. The property is a corner lot containing a total of 10,897 square feet of area, rectangular in shape (it is wider than it is deep), with a 2-story house set diagonally in the middle, originally built in 1959. We believe that the combination of these unique circumstances: a corner lot in the RS-10 zoning district, which is wider than it is deep, with a diagonally set house, is atypical and not of a recurring nature in the Town. The house complies with the setback requirements for this zoning district and was built before we acquired the property. Total lot coverage with a screened porch would be 17.6%, well below the 25% limit.

Unreasonable Restriction on the Utilization of the Property/Hardship

We purchased our house in 2010 in its current condition. Our house is 2 stories, does not have a basement, and is 2,124 square feet in area. We love living in the Town of Vienna and would like to be able to create more livable area in our home, to be shared with family and friends, but are unreasonably restricted from being able to do so by the unique combination of the setback requirements, the specific characteristics of the property, and the footprint of the house. Due to the shape of the lot (it being wider than it is deep) and the diagonal footprint of the house (with the closest corner being 35.7' away from the rear property line), we are effectively barred from making any enclosed additions to the rear of the house. We also cannot make any additions to the house at the front due to its closest corner being 26' from the front property line. Since ours is a corner lot, the setback requirement for the right side of the house (towards Cottage Street) is 25' rather than the 12' typical of non-corner lots. As a result, the setback on that side of the house would allow for only an unusable 5' expansion. While expansion on the left side of the house would be permitted from the standpoint of setback requirements, it is impracticable due to the presence on that side of the house of an underground gas line, cable lines, electric lines, and various meters, all of which would have to be rerouted and relocated, as well as, the presence of the air conditioner, which would also have to be relocated (to the opposite side of the house towards Cottage St, even though in its current location it directly connects to the house's utility room, containing the interior HVAC system, hot water heater and laundry area). [*Please see Exhibit A for depiction of this area*]. Further, since that left side of the house contains the carport and the aforementioned utility room, access to any such addition from that side of the house would require completely rearranging the entirety of the gas lines, ducting and water lines serving the home from that existing utility room, resulting in having to make material interior modifications to our home. Building a screened porch in the rear is the most practical way to increase our living space while minimizing the impact on the surrounding community, existing utilities, easements and our existing house, but it requires a variance.

While we have a deck in the rear of our house (constructed in the 1980s), use of the deck is severely limited by the high mosquito presence. We love our backyard and invested heavily in landscaping it when we first moved in, but have discovered in our almost 9 years in Vienna that usage of our yard in

the summer is virtually impossible due to the enormous number of mosquitos, a situation likely exacerbated by the stream that lies about 250' behind our property, in a park area. The addition of a screened porch would provide us with more livable area and allow us to enjoy our yard in the summer months without worrying about mosquitos and the diseases they carry.

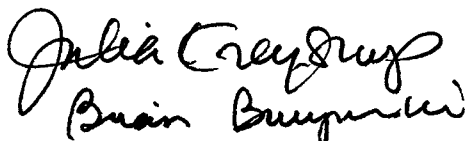
Location of Screened Porch and Nonconformity of Existing Deck

Our yard contains a 474 square foot deck, which was in place prior to our purchase of the house in 2010. The deck is effectively divided into two parts—a portion extending toward the rear from our patio door (“long deck”) and another portion extending to the right (“short deck”). We would like to place a screened porch in place of the short deck. [*Please see Exhibit B for a visual depiction of these two portions of the deck.*] Our neighbor at 200 Scott Cir SW recalls that the two portions of the deck were constructed independently, and indeed there are variations between the design and construction of these two portions of the deck. Although we cannot confirm the precise dates that these two portions were constructed, Fairfax County tax records indicate that all portions of the deck have been in place since at least the 1980s (the furthest back that the records go). The replacement of the short deck with a screened porch would not require any alterations to the long deck, as it is able to stay up independently of the short deck, and no portion of it is being converted to a screened porch. The long deck is surrounded by a decorative stone wall and various plantings, including trees [*please Exhibit B*]. As the survey shows, the long deck is 17.6' from our rear property line at its closest point, which does not conform to the 25' setback requirement for decks. When we purchased the house in 2010, we did not know that the deck was nonconforming. We understand that since the taxing authority in Fairfax has recognized the existence of the deck since at least the 1980's, it is nonconforming but not illegal pursuant to VA Code Sec. 15.2-2307D(ii) ("Notwithstanding any local ordinance to the contrary, if...(ii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period of more than the previous 15 years, a zoning ordinance shall not provide that such building or structure is illegal and subject to removal solely due to such nonconformity.") We also understand from Mr. Simeck, the Zoning Administrator, that altering the short deck (by way of demolition) requires us to seek the Board of Zoning Appeals' approval to leave the “long deck” in place as it is today. As mentioned, the construction of the screened porch in place of the short deck would not require any alteration to the long deck. If the long deck were to be reduced in size, this would also result in having to remove the decorative stone wall and the trees that surround it. Accordingly, if our request for a variance to build the screened porch is approved, we kindly request the BZA's approval to retain the “long deck” in its current footprint.

Neighbor Support

Our backyard is fenced in and due to the landscaping around the fence, views into the yard from both sides of the house are minimal. [*Please see Exhibit C.*] Neighbors to the rear of our property and to the left of our property -- the only two adjacent houses -- fully support the construction of the screened porch and their statements of support are included within this packet (as are statements of support from other property owners with lots on the other side of Cottage Street and Scott Cir). Our rear yard neighbors are also the only neighbors who have any views of the “long deck” and they are supportive of keeping it in place, as referenced in their statement of support.

Thank you for your consideration of our requests,


Julia Gray
Brian Burpinski