

BOARD OF ZONING APPEALS, TOWN OF VIENNA, VIRGINIA

Request for approval of a variance from Section 18-33.E of the Vienna Town Code in order to construct a new screened in porch in excess of the maximum permitted lot coverage on the property located at 206 Scott Circle, SW in the RS-10, Single-Family Detached Residential zone. Application filed by Brian Buyniski & Julia Kreyskop, owners.

ORDER

THIS MATTER was considered by the Board of Zoning Appeals during a public hearing held on July 17, 2019 for a variance from Section 18-33.E of the Vienna Town Code. Based upon testimony offered by the applicant, exhibits offered into evidence, comments offered by members of the public and other interested parties, the Board has determined the following findings of fact:

- A. This RS-10 zoned property is located on a cul-de-sac on the southwesterly side of Scott Circle, SW; located between Yeonas Drive, SW and Walker Street, SW; in Section 12 of the Vienna Woods subdivision. The subject tract is a nearly rectangular corner lot that ranges in width from 113.75 to 78.86 feet, from 96.01 to 72.00 feet in depth and encloses a total lot area of 10,897 square feet. Existing improvements include the two-story dwelling, attached carport, concrete driveway, wooden shed and an unpermitted wooden deck. The dwelling was constructed in 1959, which includes a second story addition built in 2010, attached car port with a concrete driveway, and an open rear deck and rear wooden shed; as shown on the House Location Plat prepared by B.W. Smith and Associates, Inc., dated April 30, 2019; revised May 8, 2019 (see attached plat).
- B. The proposed screened porch will replace a portion of an existing open rear wooden deck with an enclosed 12.3' X 14' screened porch. According to the House Location Plat prepared by B.W. Smith and Associates, Inc., dated April 30, 2019; revised May 8, 2019, (see attached plat), the proposed screened porch will increase the lot coverage by 172.2 square feet, bringing the total lot coverage of the property to 1,918 square feet or 17.6% of the allowable 25% maximum.
- C. The homeowner requests the variance based on claims that the existing house built in 1959 sits diagonally on a lot that is wider than it is deep. This configuration, according to the applicants, creates a hardship with respect to adding any living space to the rear of the house, and trying to add living space to either side would be extremely challenging due to existing utilities. In addition, the applicants claim that a high mosquito population also creates a hardship and that they are unable to use their back yard.

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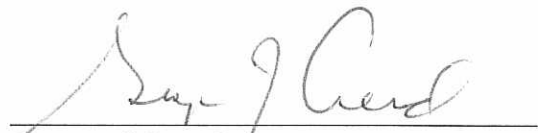
AND FROM THE FINDINGS OF FACT AS DETERMINED ABOVE, the Board of Zoning Appeals makes the following conclusions of law:

A motion was made to deny the request for a variance from § 18-33.E, of the Vienna Town Code, to construct a rear screened porch over a portion of an existing unpermitted deck that encroaches into the rear-yard setback on the property located at 206 Scott Circle, SW. The motion passed with a 5-1 vote.

Arguments in favor of the motion to deny the variance request included: the property owners can continue have reasonable and enjoyable use of the property without the screened in addition; approval of the variance and non-conforming deck would be a significant encroachment into the rear-yard setback; difficulty finding that there were two separate decks (per applicants argument of two separate decks).

Arguments against the motion included: it appeared there were two separate decks based on the decking floorboards running parallel and perpendicular to the house.

IT IS, THEREFORE, ORDERED, this 19th day of JULY, 2019 that the application requesting approval of variance from § 18-33.E of the Vienna Town Code in order to construct to construct a rear screened porch over apportion of an existing unpermitted deck that encroaches into the rear-yard setback on the property located at 206 Scott Circle, SW, be denied .


George J Creed
Board of Zoning Appeals, Vice-Chair
Town of Vienna