

## SUMMARY TABLE OF ISSUES BEING CONSIDERED FOR MODIFICATION

*This summary table identifies those issues being considered for modification by the Board of Supervisors and will be used as a guideline for the Public Information Work Sessions.*

ISSUE	REASON FOR CHANGE	ZONING ORDINANCE PROVISIONS	CATEGORY
<p><b>1. Permit a reduction in the minimum required yards with special permit approval.</b></p>	<p><i><b>In previously authorized amendment</b></i> – Establish a special permit to allow modifications of certain yard requirements for principal and accessory uses by up to 50%, or some less percentage adopted by the Board, subject to certain criteria. In the past, when a property owner desired modification to yard requirements, a variance application was submitted for review and approval by the BZA. However, the Supreme Court of Virginia recently reaffirmed that current law permits a variance to be issued only in the event that strict adherence to the Zoning Ordinance regulations would otherwise restrict all reasonable use of the property. As such, the granting of a variance absent such hardship is precluded. In light of this fact, the Board determined that it was in the County’s best interest to allow some limited flexibility with regard to certain Zoning Ordinance provisions through the special permit process.</p>	<p>New sections to Part 9 of Article 8</p>	<p>YARDS/ SETBACKS</p>
<p><b>2. Permit certain existing structures or off-street parking spaces that do not meet the current minimum setback requirements to remain when requesting a special exception or special permit for</b></p>	<p><i><b>This issue was included in the previously authorized amendment</b></i> – Allow the Board of Zoning Appeals (BZA) to approve a modification of any yard requirement for certain existing structures and uses when requested in conjunction with a special permit for another use. It must be demonstrated that the structures or uses met the minimum yard requirements in effect when the use was established. This change would also allow the Board of Supervisors (Board) to approve a similar modification when requested in</p>	<p>New sections in Part 9 of Article. 8 and Part 6 of Article 9</p>	<p>YARDS/ SETBACKS</p>

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<p><b>another use or structure on a lot.</b></p>	<p>conjunction with rezoning or special exception approval for another use. This proposal streamlines and simplifies the approval process.</p>		
<p><b>3. Permit the BZA to reduce the 10 foot setback requirement between off-street parking spaces and the front lot line and the 10 foot wide peripheral parking lot landscaping requirement in conjunction with special permit approval for another use.</b></p>	<p><i><b>This issue was included in the previously authorized amendment</b></i> - Allow the BZA to modify the 10 foot minimum setback requirement between off-street parking spaces and the front lot line and the 10 foot wide peripheral parking lot landscaping requirement in conjunction with their approval of a special permit for another use. Similar authority was given to the Board in 2004 for such requests filed in conjunction with rezoning and special exception approvals. At the time of adoption of the 2004 amendment, the Board requested that a similar amendment be pursued that would allow the BZA to modify these requirements in conjunction with special permit approval.</p>	<p>Sections 11-102 and 13-302</p>	<p>YARDS/ SETBACKS</p>
<p><b>4. Permit egress/ingress to a basement to encroach into minimum required yards.</b></p>	<p>Amendments to the Virginia Uniform Statewide Building Code adopted in 2005 require all finished basements and all bedrooms located in a basement to have an exterior emergency access. Under the current permitted extensions into minimum required yard provisions contained in Sect. 2-412 of the Zoning Ordinance, fire balconies and fire escapes which are up to 10 feet in width can extend into minimum required yard, but not closer than 5 feet to any lot line. However, there is currently no provision that allows emergency access to basements to extend into any minimum required yard.</p>	<p>Sect. 2-412</p>	<p>YARDS/ SETBACKS</p>

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<p><b>5. Permit carport enclosures when such carport met the provisions in effect at the time of its construction.</b></p>	<p>Under Sect. 2-412, carports are allowed to encroach 5 feet into any minimum required side yard but no closer than 5 feet to any side lot line. In the past, there have been requests to allow the enclosure of a carport as either an attached garage or additional living space for a dwelling unit. Since many items are frequently stored under carports, carport enclosures may be deemed desirable to block the view of these items from adjacent properties. Conversely, a carport enclosure could also be deemed as adding visual bulk to a structure. Currently carport enclosures require variance approval because an enclosed carport is deemed part of the principal structure which is not allowed to encroach into any minimum required yard.</p>	<p>Sect. 2-412</p>	<p>YARDS/ SETBACKS</p>
<p><b>6. Permit a reduction in the minimum required yards for additions to existing structures when such structures do not meet the current minimum yard requirements but met the minimum yard requirements in effect when the structure was constructed.</b></p>	<p>There have been instances when someone wished to add a full second story onto an existing structure or to build an addition that extends an existing structure along a lot line while maintaining the same setback from the lot line as the existing structure. If such additions meet the current minimum yard requirements, they could be built by right. However, if the existing structure met the setbacks requirements in effect when constructed but does not meet the current setback requirements, such addition could not currently be constructed absent the approval of a variance by the BZA. In order to encourage the upkeep and redevelopment of existing structures, it is believed that such additions should be allowed with limitations and not be subject to the strict variance standards.</p>	<p>New sections in Part 9 of Article 8.</p>	<p>YARDS/ SETBACKS</p>
<p><b>7. Permit an increase in</b></p>	<p><i><b>This issue was included in the previously authorized</b></i></p>	<p>New section in</p>	<p>FENCES</p>

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<p><b>fence/wall height in front yards.</b></p>	<p><i>amendment</i> - Allow the maximum allowable fence height in a front yard to be increased from 4 feet up to 6 feet with special permit approval by the BZA. Except in limited situations, the maximum allowable fence height in a front yard is 4 feet. Given that corner and through lots by Zoning Ordinance definition have more than one front yard and homeowners frequently wish to construct a taller than 4 foot fence in a front yard that functions as a side or rear yard, it may be appropriate to allow a taller than 4 foot fence in such situations with special permit approval and subject to certain conditions.</p>	<p>Part 9 of Article 8</p>	
<p><b>8. Allow the Board to increase fence height in conjunction with rezoning or special exception approval for another use and allow the BZA to increase fence height in conjunction with special permit approval for another use.</b></p>	<p>This proposal would allow the Board or BZA to approve an increase in fence height when considered in conjunction with a special exception or special permit, respectively and would eliminate the need for a separate variance application. In the case of rezoning and special exception applications, it would eliminate the need for a separate public hearing before the BZA in addition to the public hearing before the Board. Under the current provisions, the Board can increase the maximum allowable fence height in conjunction with development plan approval in Planned Development Districts.</p>	<p>Article 10</p>	<p>FENCES</p>
<p><b>9. Allow the Zoning Administrator to administratively increase fence height by 10% due to</b></p>	<p>Fence height is measured from the lowest point of grade to the highest point of the fence. As such, changes in grade may impact fence height, particularly in instances where the height of the top of the fence is kept constant over the entire length of the fence. Therefore, it may be appropriate to</p>	<p>Article 10</p>	<p>FENCES</p>

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<p><b>changes in topography.</b></p>	<p>allow the Zoning Administrator to administratively approve an increase in fence height by up to 10% due to changes in topography.</p>		
<p><b>10. Permit an increase in fence/wall height for side or rear yards and/or reconsider the methodology used in determining fence height.</b></p>	<p>Under the current Zoning Ordinance, fence height is measured from the lowest point of grade to the highest point of the fence and, therefore, fence posts, finials, lamps and other decorative items are included in the fence height. However, fence contractors typically do not include such features in their measurement of fence height. As such, it may be appropriate to re-evaluate the current methodology used to measure fence height to be more consistent with the fence industry and to allow such features to be slightly taller than the remaining portions of the fence.</p>	<p>Article 10</p>	<p>FENCES</p>
<p><b>11. Allow for a reduction of the minimum lot width requirements in residential districts with special exception approval.</b></p>	<p><i>This issue was included in the previously authorized amendment</i> - Allow modification of the minimum lot width requirements in residential districts with special exception approval by the Board. The reduction of the minimum lot width requirements can impact the overall density of a development and is a land use decision that is most appropriately made by the Board.</p>	<p>New section in Part 6 of Article 9</p>	<p>LOT WIDTH</p>
<p><b>12. Allow increase in building height in residential districts with special exception approval.</b></p>	<p>Currently, increases in building height are permitted by special exception in the commercial and industrial districts, but building height increases in residential districts require variance approval by the BZA. It may be appropriate to consider height increases in residential districts in the same manner as height increases in the commercial and industrial</p>	<p>Sect. 9-607</p>	<p>HEIGHT</p>

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	districts.		
<p><b>13. Clarify methodology used for measuring height of accessory structures and increase height of accessory structure that can be located anywhere in the rear or side yards.</b></p>	<p>Under the current Zoning Ordinance, accessory structure height is measured as the vertical distance between the lowest point of grade and the highest point of the structure and the methodology used to measure accessory structure height is different than the methodology used to measure principal building height.</p> <p>Under the current provisions, sheds up to 8½ feet in height and all other accessory structures up to 7 feet in height may locate in any side or rear yard. Sheds greater than 8½ feet in height and other accessory structures that exceed 7 feet in height cannot be located in the minimum required side yard and must be setback a distance equal to their height from the rear lot line. The reason for the distinction between sheds and all other accessory structures may no longer be applicable. In addition, the 8½ foot height for sheds was based on a previous survey of sheds that were typically available from home improvement stores, and the height of sheds that are typically purchased from home improvement stores may currently be taller than 8½ feet.</p>	Article 10	HEIGHT
<p><b>14. Delete at-grade patios and terraces from the definition of deck and permit such structures in any side or rear yard.</b></p>	<p>Currently, an at-grade patio or terrace that projects from the outer wall of a building is considered by Zoning Ordinance definition to be a deck and, as such, is regulated in the same manner as other decks with no part of their floor higher than 3 feet above finished grade. Decks with no part of their floor higher than 3 feet above finished grade can encroach 5 feet into the minimum required side yard but no</p>	Article 20 – deck definition Sect. 2-412	PATIOS AND DECKS

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	<p>closer than 5 feet to any side lot line and may extend to the rear lot line, but no closer than 5 feet to the side lot line. However, similar structures to patios and terraces, such as walkways and driveways, are not considered decks and can locate anywhere on a lot.</p>		
<p><b>15. Permit lattice screening and/or trellis structures on an above grade deck.</b></p>	<p>Under the current provisions, a deck may have an open (50% of the area is open in an evenly distributed pattern) railing or wall not over 4 feet in height. Any railing or wall that exceeds 4 feet in height or is less than 50% open is considered part of the principal structure and is subject to the same minimum yard requirements as the principal structure. Decks can encroach into the minimum required yards subject to Sect. 2-412 of the Zoning Ordinance. Individuals often wish to install privacy lattice screens, plant hangers, corner trellises and screens around hot tubs on decks, particularly on townhouse units. Currently, such screening is considered part of the principal structure and must meet the same minimum yard requirements as the principal structure.</p>	<p>Section 2-412, definition of deck, possibly add new section</p>	<p>PATIOS AND DECKS</p>