



APPLICATION ACCEPTED: October 8, 2004
APPLICATION AMENDED: August 31, 2007
BOARD OF ZONING APPEALS: November 27, 2007
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 20, 2007

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2004-MV-056

MOUNT VERNON DISTRICT

APPLICANT AND OWNER: Barbara L. Batten

SUBDIVISION: Fair Haven

STREET ADDRESS: 2417 Fairhaven Avenue

TAX MAP REFERENCE: 83-3 ((9)) (4) 23

LOT SIZE: 7,769 square feet

ZONING DISTRICT: R-4 and HC

ZONING ORDINANCE PROVISION: 8-914 and 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on errors in building locations to permit one accessory storage structure 6.2 feet from a side lot line and another 4.1 feet from a side lot line and 2.8 feet from a rear lot line, deck 1.8 feet and roofed deck 5.1 feet from a side lot line and deck 4.0 feet from other side lot line to remain and reduction to certain yard requirements to permit construction of addition 16.2 feet from front lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2004-MV-056 for the one story addition subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\dhedr\Special Permits\SP 2004-MV-056 Batten (11-27)\SP 2004-MV-056 Batten staff report.doc

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

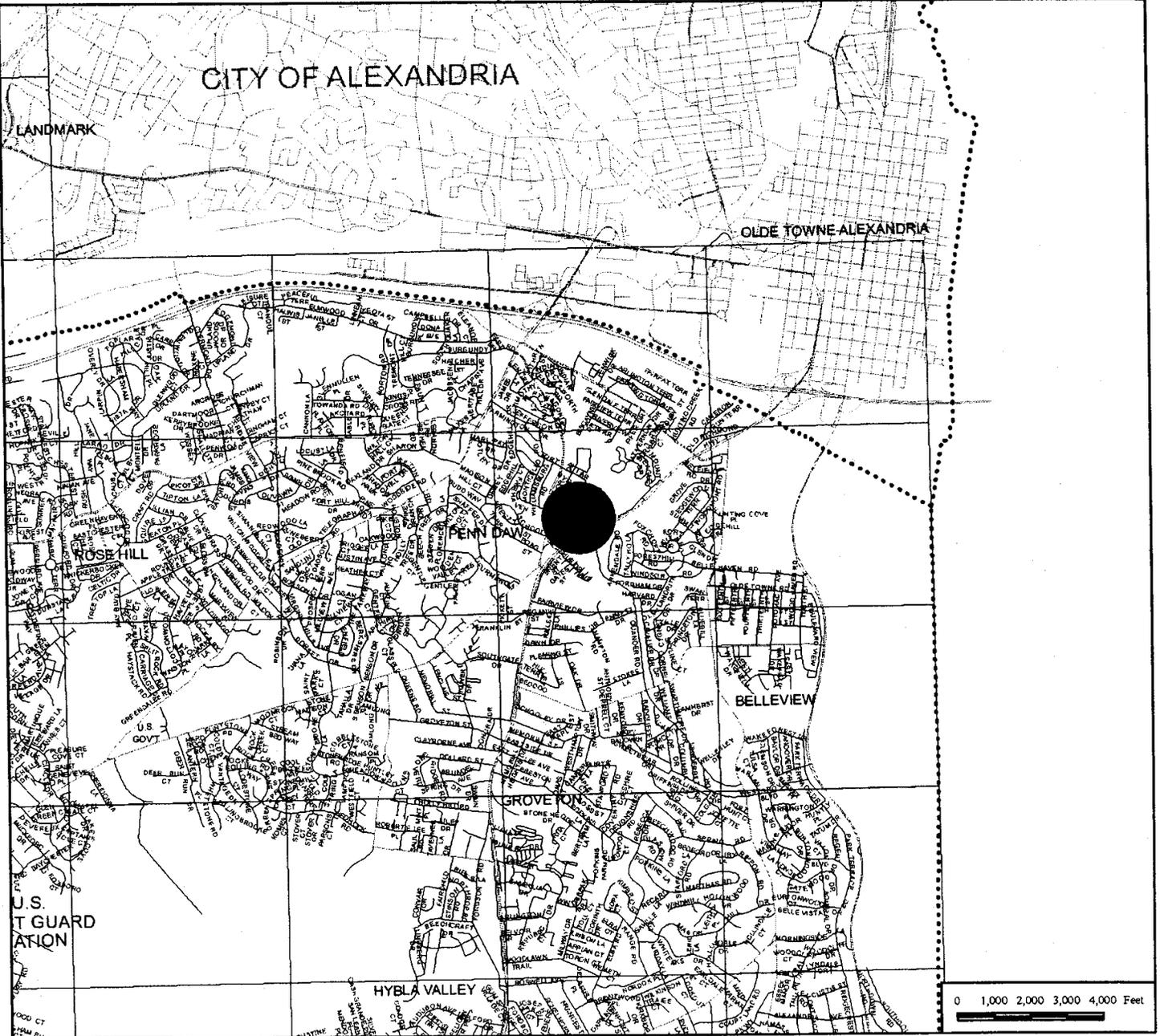
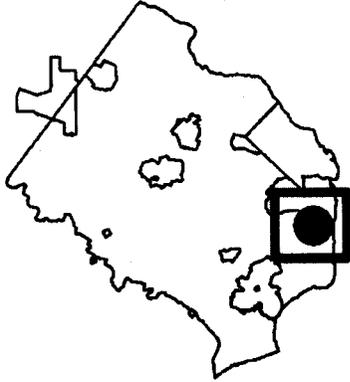
Special Permit

SP 2004-MV-056

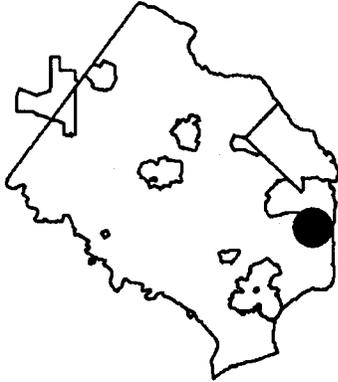
Applicant: BARBARA L. BATTEN
Accepted: 10/08/2004 - AMENDED 08/31/2007
Proposed: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERRORS IN BUILDING LOCATIONS TO PERMIT ONE ACCESSORY STORAGE STRUCTURE 6.2 FT. FROM A SIDE LOT LINE & ANOTHER 4.1 FT. FROM A SIDE LOT LINE & 2.8 FT. FROM A REAR LOT LINE, DECK 1.8 FT. & ROOFED DECK 5.1 FT. FROM A SIDE LOT LINE & DECK 4.0 FT. FROM OTHER SIDE LOT LINE TO REMAIN & REDUCTION TO CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 16.2 FT. FROM FRONT LOT LINE

Area: 7,769 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 03-40308-0914
Art 8 Group and Use: 9-21 9-13
Located: 2417 FAIRHAVEN AVENUE
Zoning: R-4
Overlay Dist: HC
Map Ref Num: 083-3-/09/04/0023



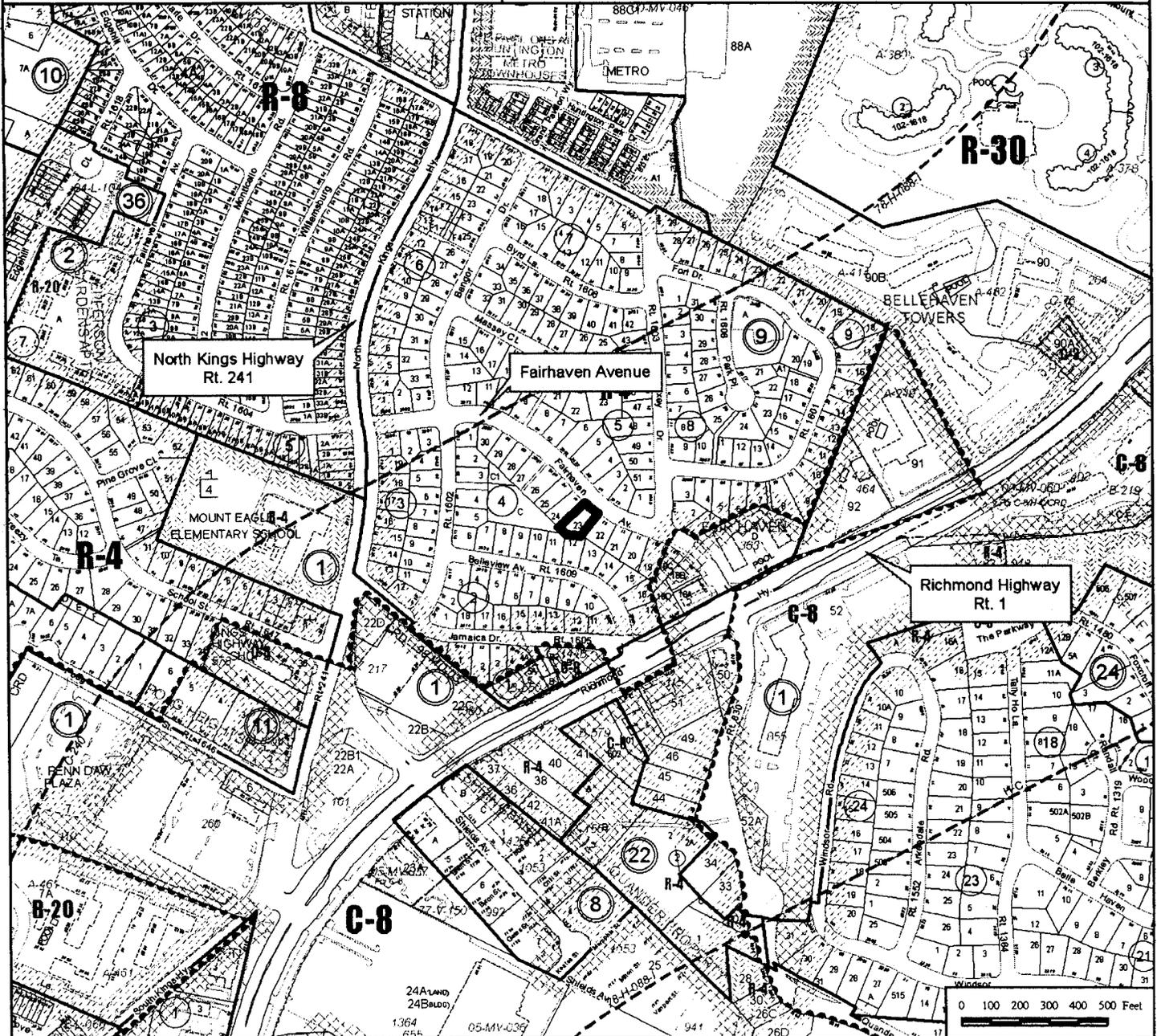
Special Permit
SP 2004-MV-056

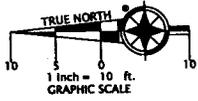


Applicant: BARBARA L. BATTEN
Accepted: 10/08/2004 - AMENDED 08/31/2007
Proposed: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERRORS IN BUILDING LOCATIONS TO PERMIT ONE ACCESSORY STORAGE STRUCTURE 6.2 FT. FROM A SIDE LOT LINE & ANOTHER 4.1 FT. FROM A SIDE LOT LINE & 2.8 FT. FROM A REAR LOT LINE, DECK 1.8 FT. & ROOFED DECK 5.1 FT. FROM A SIDE LOT LINE & DECK 4.0 FT. FROM OTHER SIDE LOT LINE TO REMAIN & REDUCTION TO CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 16.2 FT. FROM FRONT LOT LINE

Area: 7,769 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 03-40308-0914
Art 8 Group and Use: 9-21 9-13
Located: 2417 FAIRHAVEN AVENUE
Zoning: R-4
Overlay Dist: HC
Map Ref Num: 083-3-/09/04/0023





NOTES

1. TAX MAP: 83-3-09-04-0023
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 7,769 SQUARE FEET (COMPUTED)

REQUIRED YARDS:

- FRONT: 30.0 FEET
- SIDE: 10.0 FEET
- REAR: 25.0 FEET

HEIGHTS:

- EX. DWELLING: 15.1 FEET
- SHEDS: AS NOTED
- PROPOSED ADDITION: 13.0 FEET
- DECK: AS NOTED
- FENCES/WALLS: AS NOTED

6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.

7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.

8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.

9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.

10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.

11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.

12. AREAS:

- 1st FLOOR = 1294 FEET
- 2nd FLOOR = 647 FEET
- EX GROSS FLOOR AREA = 1941 FEET

EX FLOOR AREA RATIO = GFA (1941) / LOT AREA (7,769) = 25 %

PROP 1 STORY ADDN (8.0' X 15.0') = 120 SF

PROP ADDN 1st FLOOR = 1414 FEET

EXISTING 2nd FLOOR = 647 FEET

PROP GROSS FLOOR AREA = 2061 FEET

PROP FLOOR AREA RATIO = GFA (2061) / LOT AREA (7,769) = 27 %

PROP. ADDN (120) / EX. GFA (1941) = 6 %

PLAT

SHOWING THE IMPROVEMENTS ON LOT 23, BLOCK 4, SECTION ONE

FAIR HAVEN

(DEED BOOK 378, PAGE 179)

FAIRFAX COUNTY, VIRGINIA

MOUNT VERNON DISTRICT

AUGUST 27, 2007

OCTOBER 11, 2007 (REVISED)

SCALE: 1" = 10'

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY LOCATED AND SHOWN AS SHOWN ON THIS PLAT. NO VISIBLE ENCROACHMENTS AS OF THIS DATE.

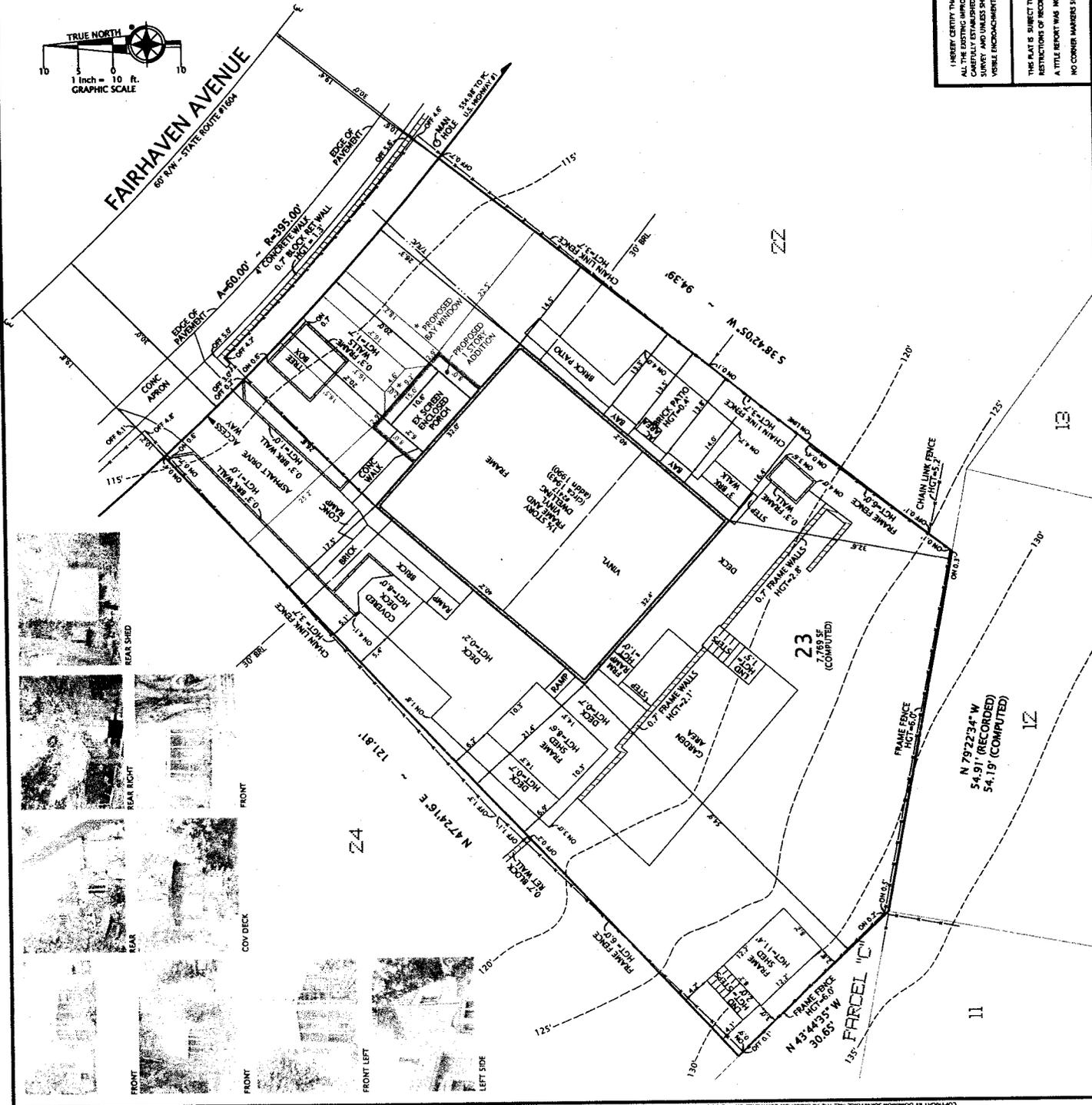
THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.



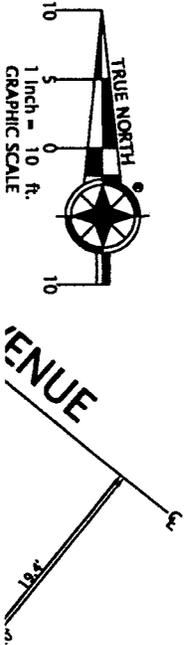
CASE NAME:

BARBARA BATTEN

DOMINION Surveys, Inc.
8808-H FAIRFAX PALMACE COURT
ALEXANDRIA, VA 22304
703-819-8555
FAX: 703-799-6412



Copyright © Dominion Surveys, Inc. The information contained on this document may not be copied, reproduced, or altered in any form without permission in writing from the copyright owner.



NOTES

1. TAX MAP: 83-3-09--04-0023
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 7,769 SQUARE FEET (COMPUTED)
4. REQUIRED YARDS:

FRONT:	=	30.0 FEET
SIDE:	=	10.0 FEET
REAR:	=	25.0 FEET
5. HEIGHTS:

EX. DWELLING	=	15.1 FEET
SHEDS	=	AS NOTED
PROPOSED ADDITION	=	13.0 FEET
DECK	=	AS NOTED
FENCES/WALLS	=	AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:

1st FLOOR	=	1294 FEET
2nd FLOOR	=	647 FEET
EX GROSS FLOOR AREA	=	1941 FEET

EX FLOOR AREA RATIO = GFA (1941) / LOT AREA (7,769) = 25 %.

PROP 1 STORY ADDN (8.0' X 15.0') = 120 SF

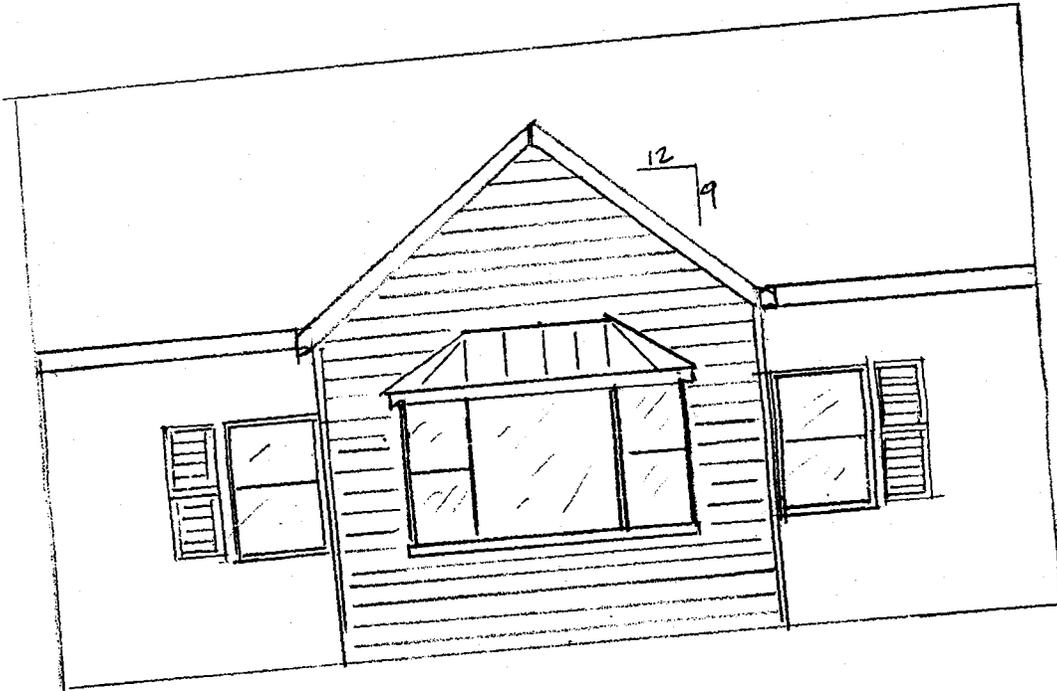
PROP ADDN 1st FLOOR	=	1414 FEET
EXISTING 2nd FLOOR	=	647 FEET
PROP GROSS FLOOR AREA	=	2061 FEET

PROP FLOOR AREA RATIO = GFA (2061) / LOT AREA (7,769) = 27 %.

PROP. ADDN (120) / EX. GFA (1941) = 6 %.

PLAT

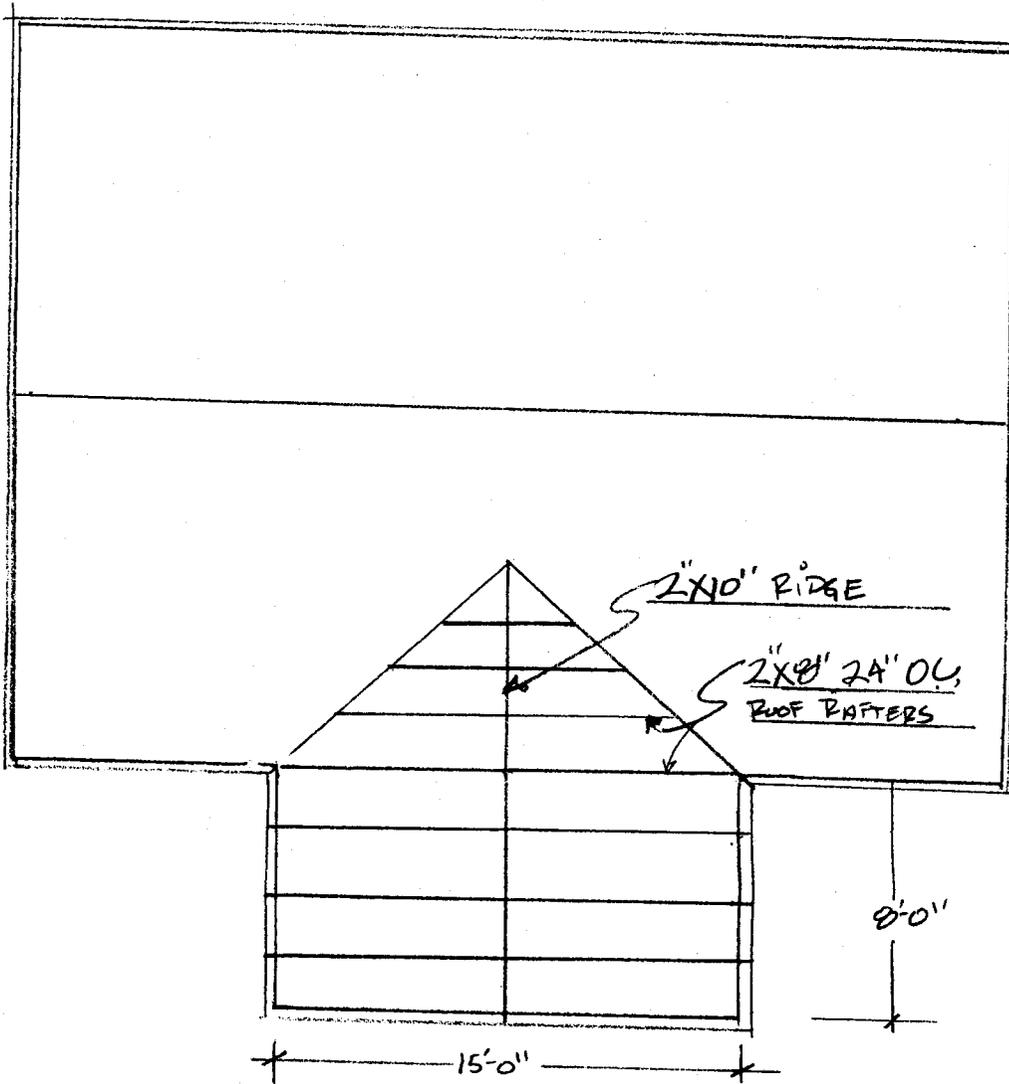
SHOWING THE IMPROVEMENTS ON
LOT 23, BLOCK 4, SECTION ONE



RECEIVED
Department of Planning & Zoning

JUL 26 2006

Zoning Evaluation Division



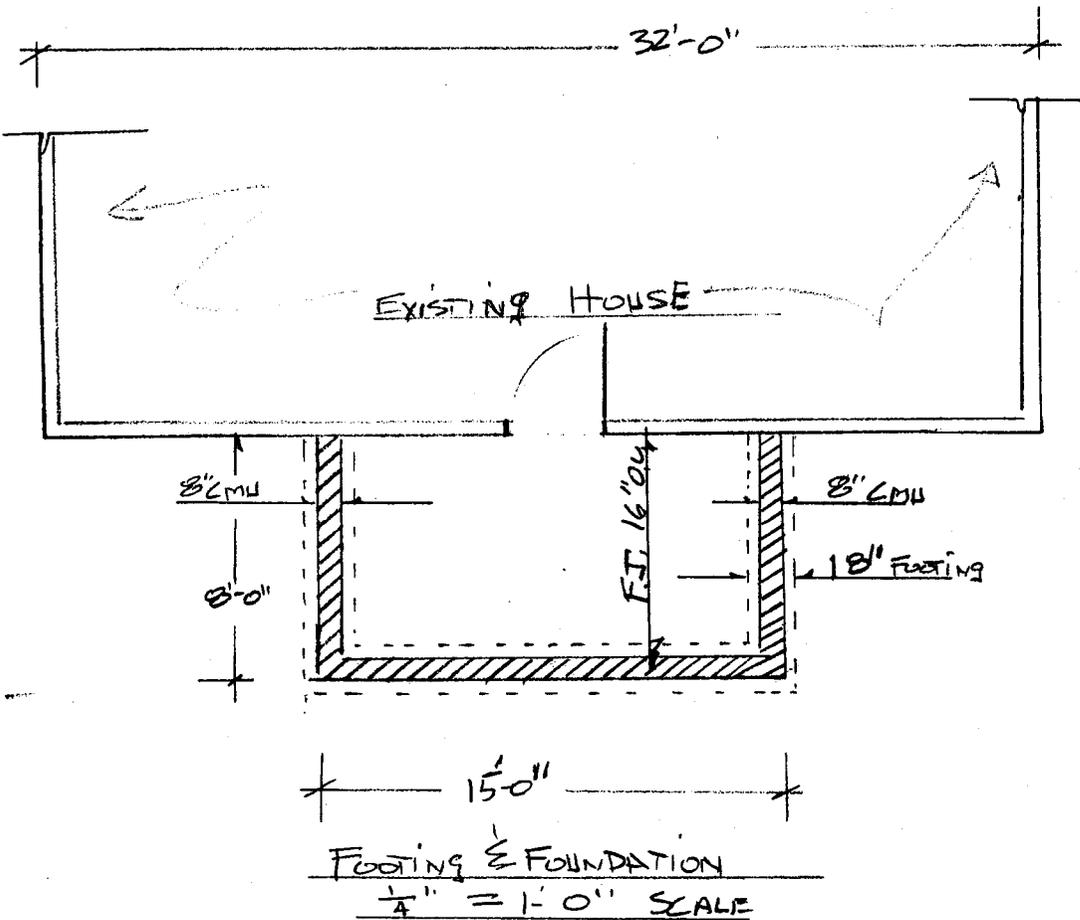
ROOF PLAN $\frac{1}{4}'' = 1'-0''$

RECEIVED
Department of Planning & Zoning

JUL 26 2006

Zoning Evaluation Division

FJ.
CT
RATE
WAL



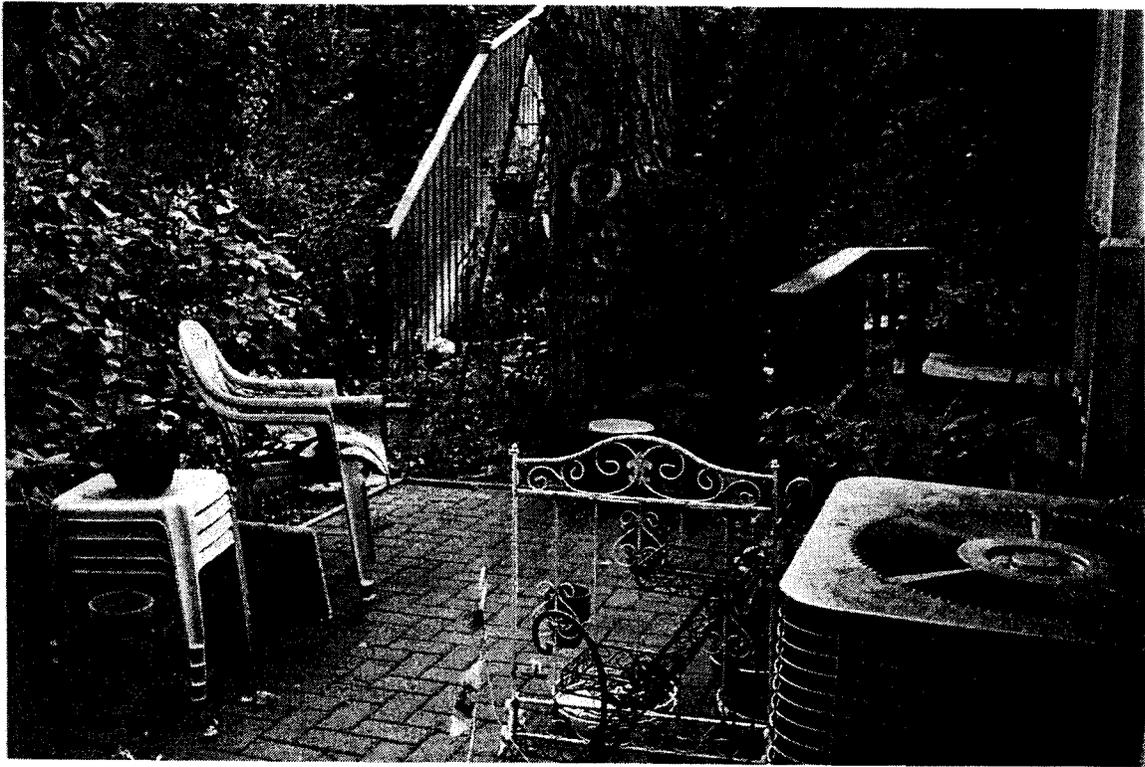
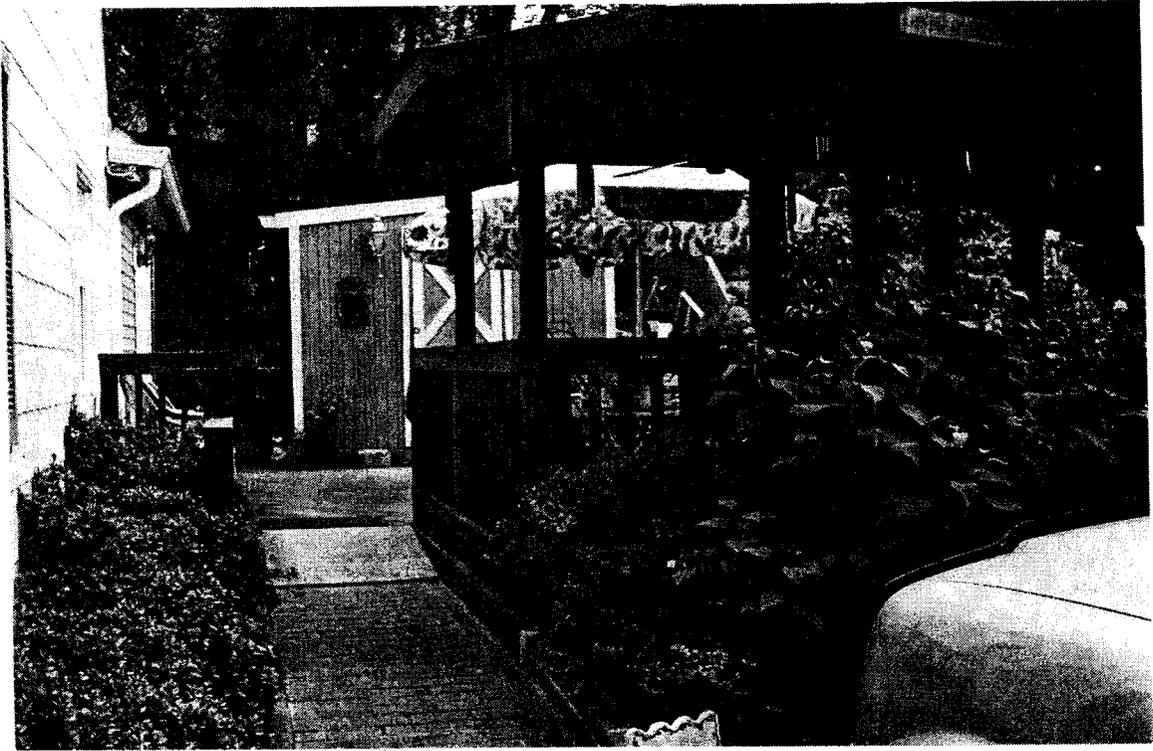
DESIGN LOAD

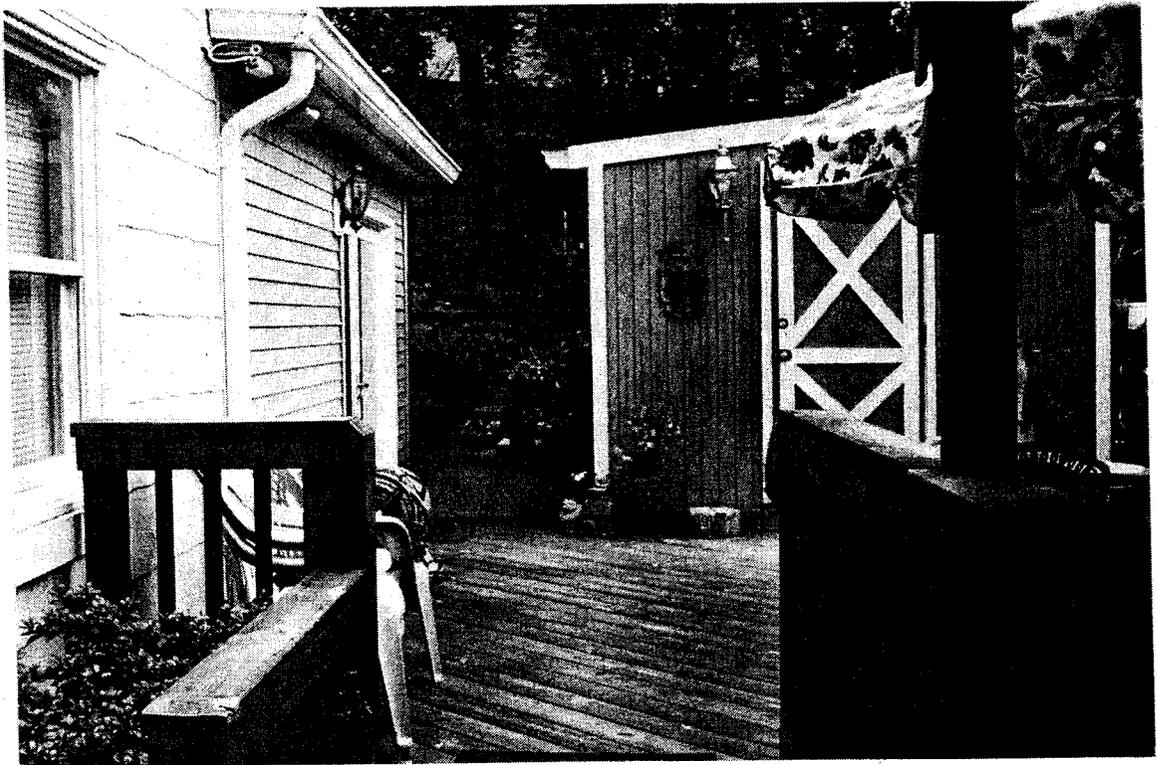
LL=40 PSF	L240
LL=10 PSF NO-STORAGE	L240
LL=30 PSF	L240
80 MA SIDE LOAD	L240

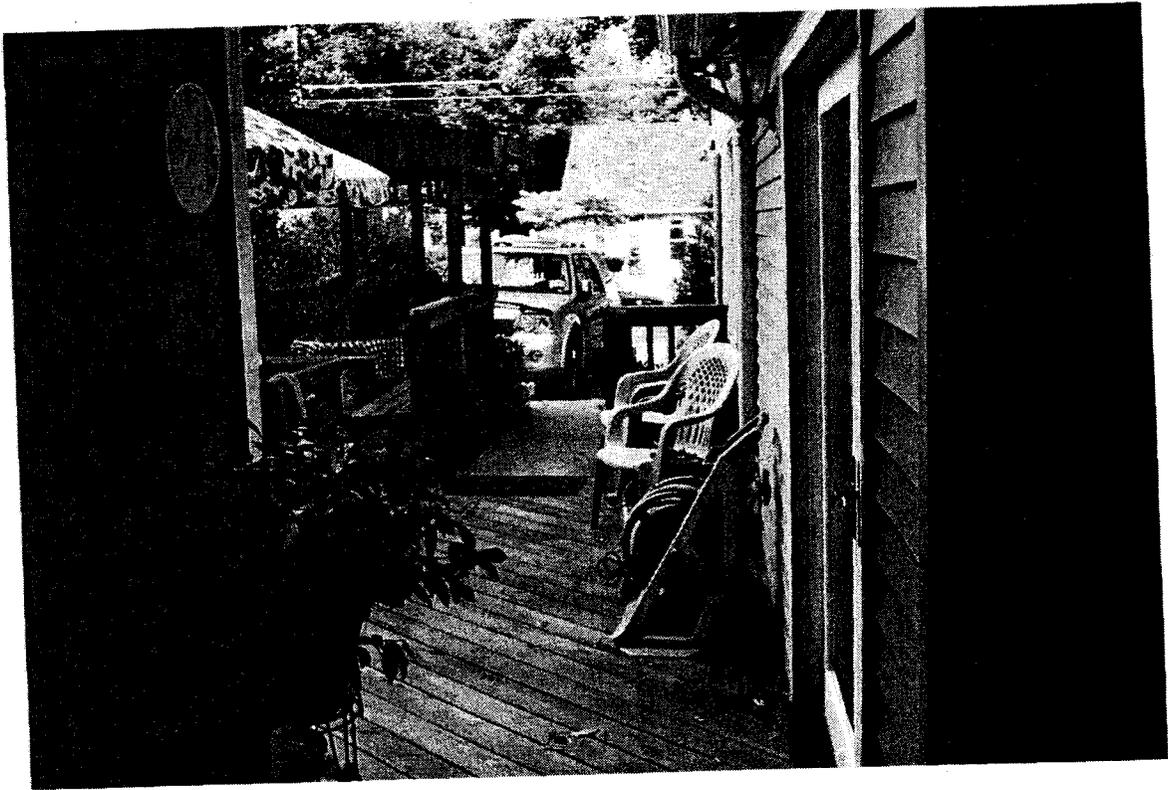
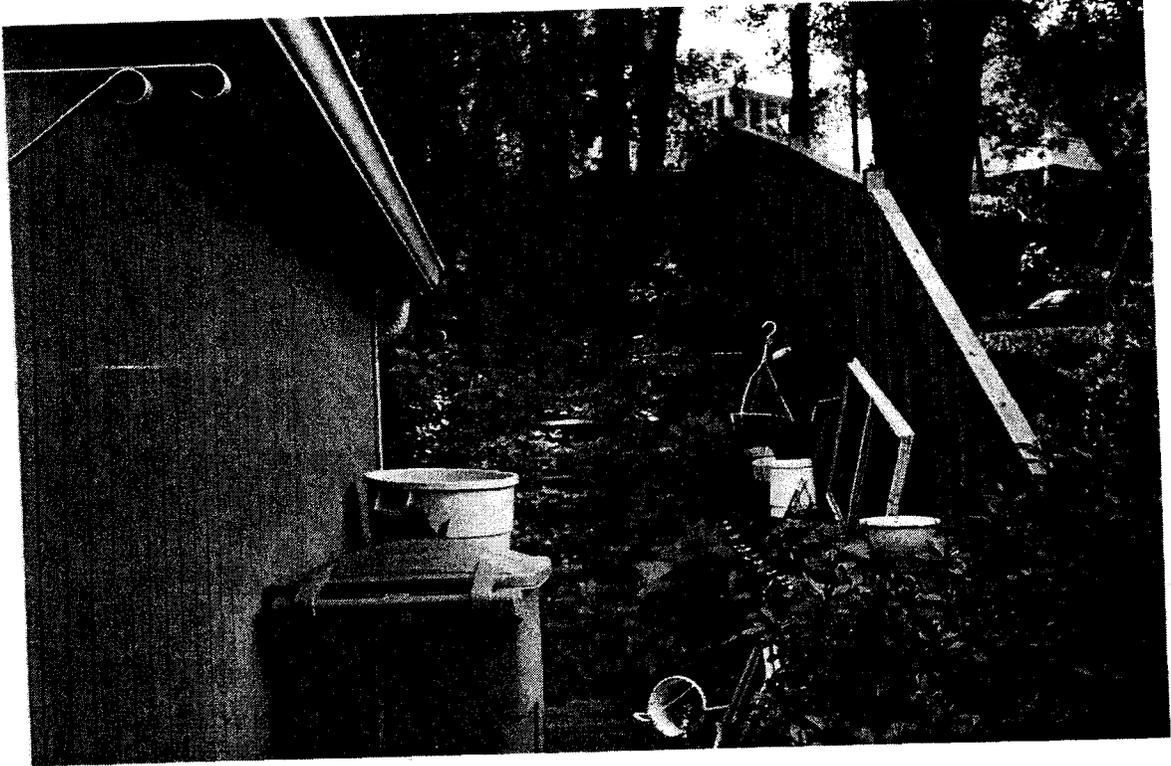
RECEIVED
 Department of Planning & Zoning
 JUL 26 2006
 Zoning Evaluation Division

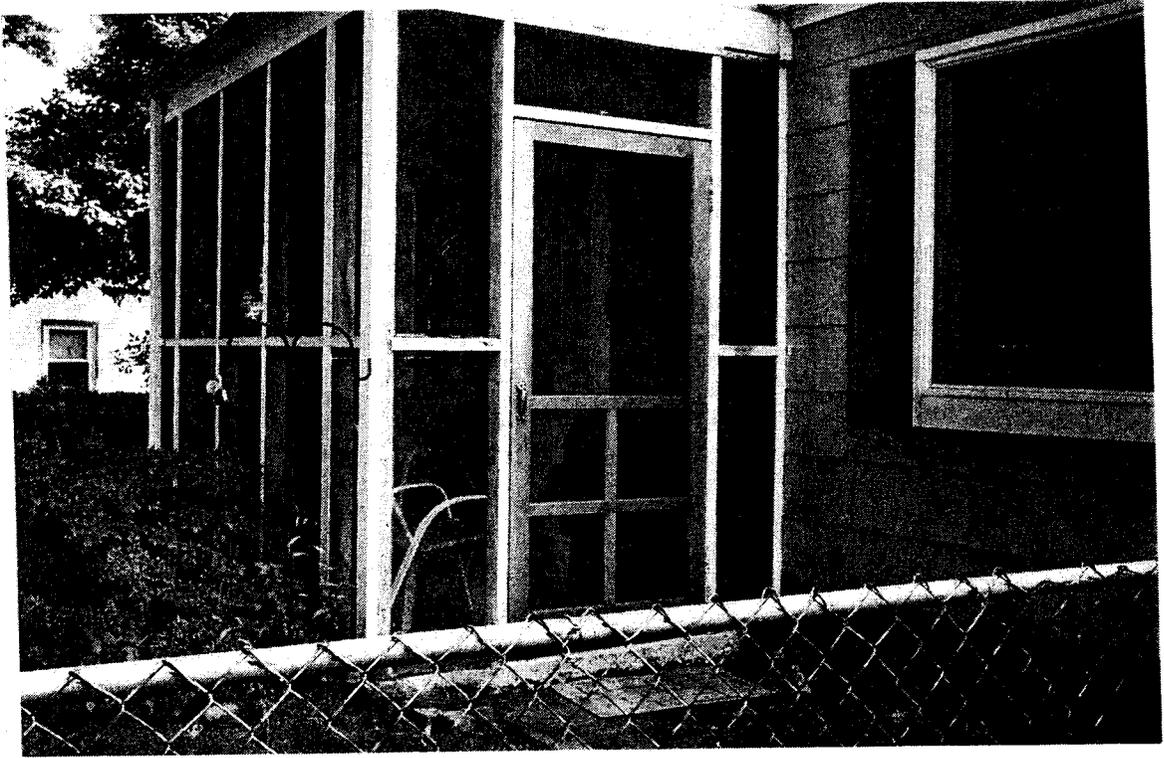
PAGE 2

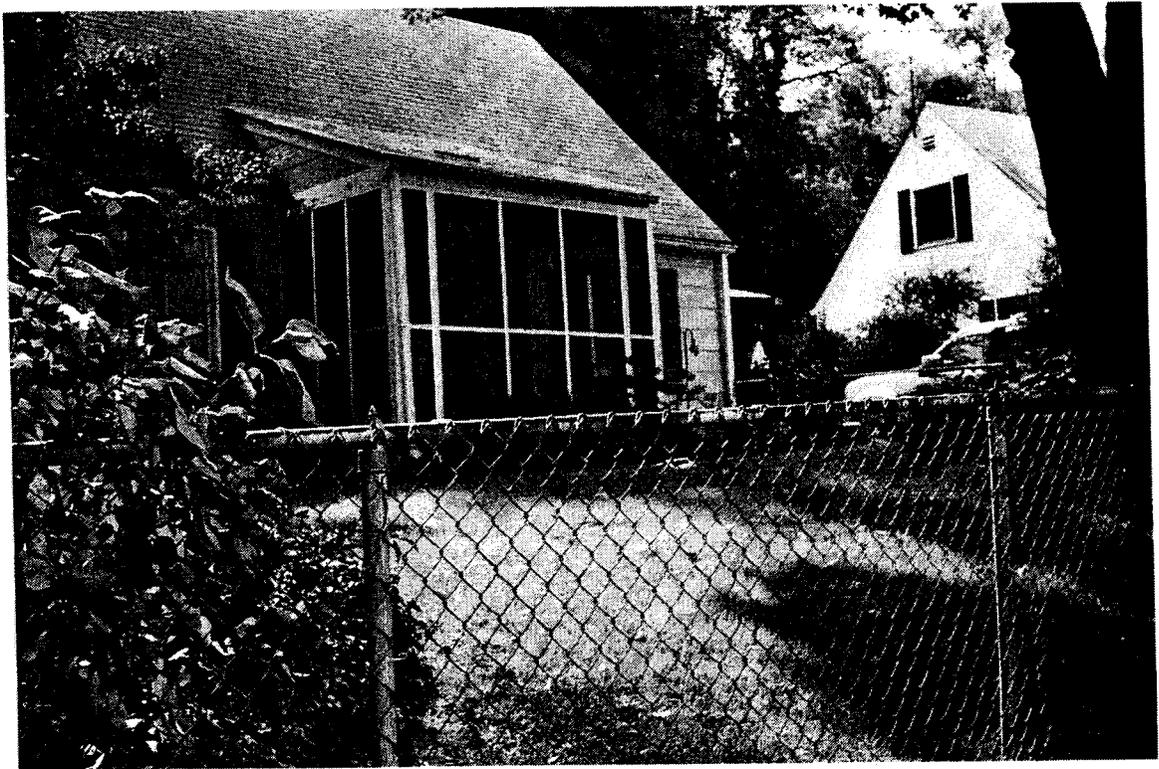
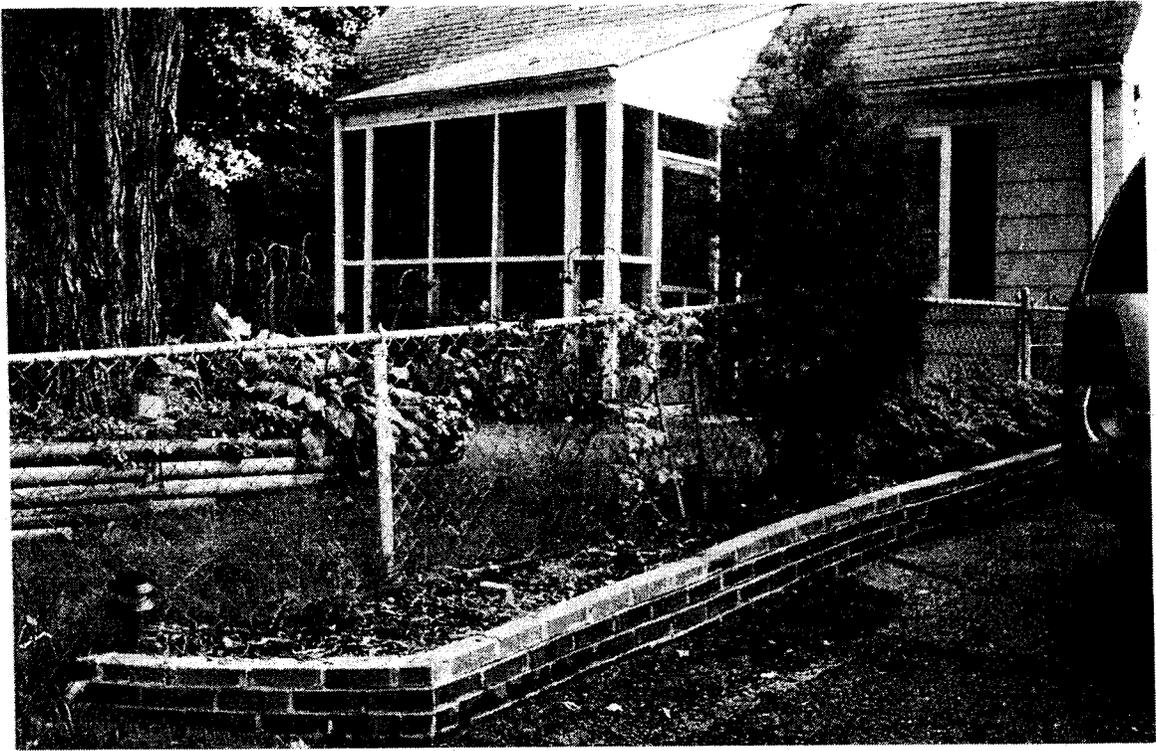
BARBARA BATTEN
PROPOSED ADDITION
2417 FRID HAVEN AVE

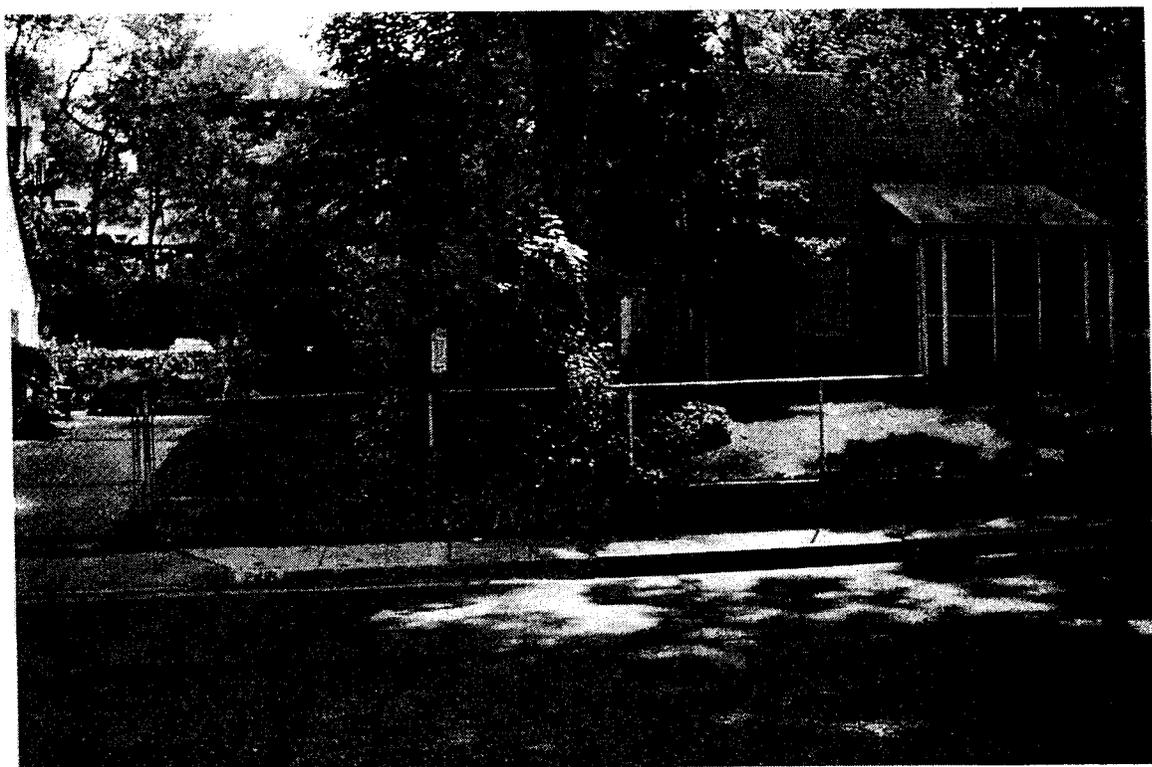


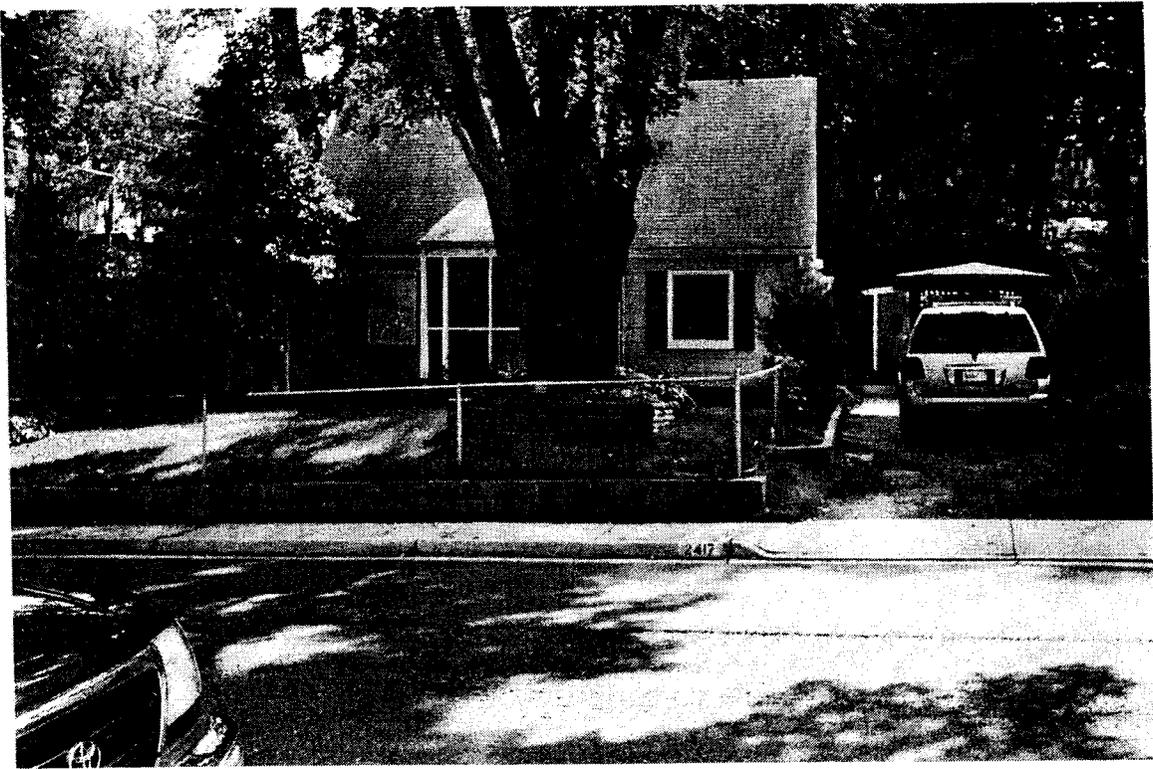
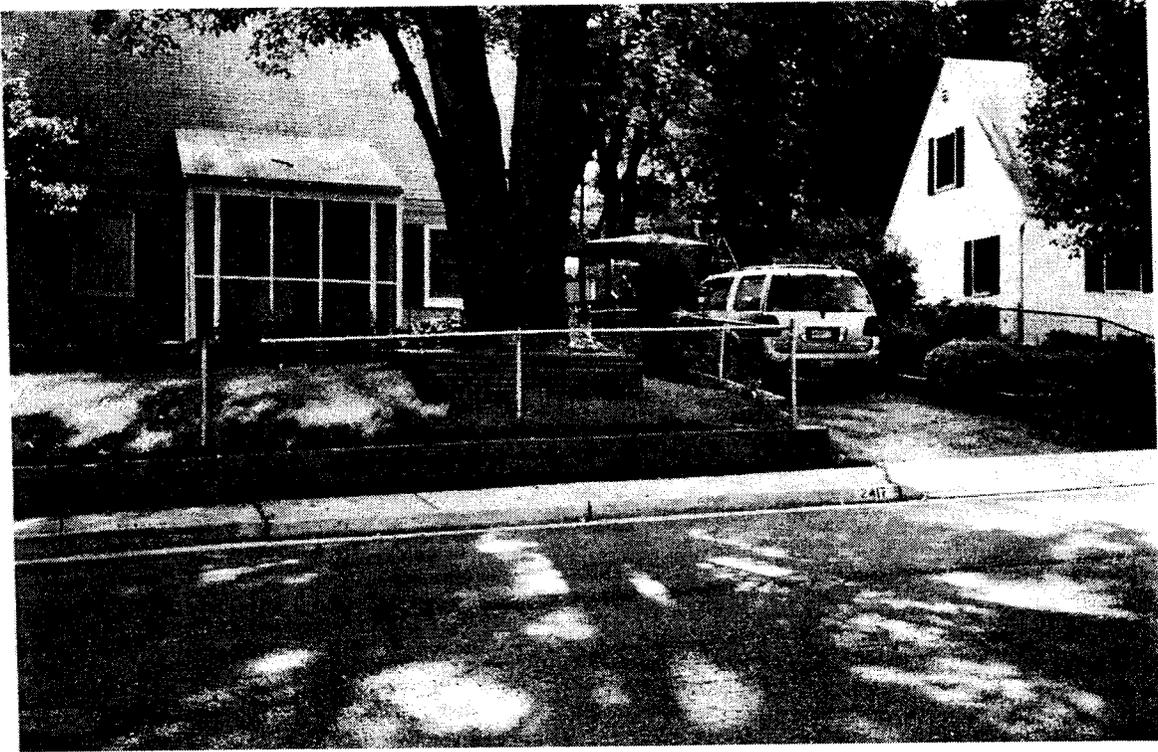


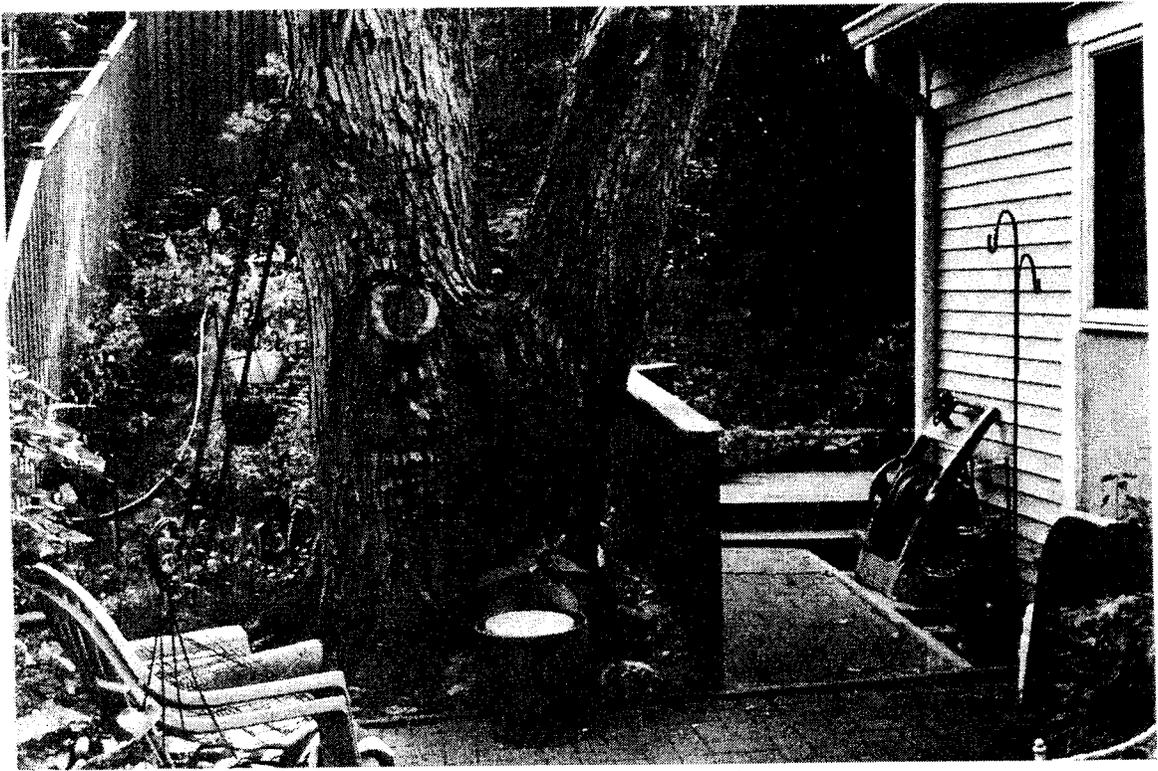












DESCRIPTION OF THE APPLICATIONS

Errors in Building Locations

To permit reduction to minimum yard requirements based on errors in building locations to permit 1) one accessory storage structure (frame shed) 6.2 feet from the western side lot line, and 2) another accessory storage structure (frame shed) 4.1 feet from the western side lot line and 2.8 feet from the rear lot line; 3) a deck 1.8 feet from the western side lot line; 4) a roofed deck 5.1 feet from the western side lot line; and, 5) a deck 4.0 feet from the eastern side lot line. All structures exist and are proposed to remain.

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Min. Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Frame Shed	Western Side	10.0 feet	N/A	10.0 feet	6.2 feet	3.8 feet	38%
Special Permit #2	Frame Shed	Western Side	10.0 feet	N/A	10.0 feet	4.1 feet	5.9 feet	59%
Special Permit #2	Frame Shed	Rear	11.4 feet	N/A	11.4 feet	2.8 feet	8.6 feet	75%
Special Permit #3	Deck	Western Side	10.0 feet	5.0 feet**	5.0 feet	1.8 feet	3.2 feet	64%
Special Permit #4	Roofed Deck	Western Side	10.0 feet	N/A	10.0 feet	5.1 feet	4.9 feet	49%
Special Permit #5	Deck	Eastern Side	10.0 feet	5.0 feet**	5.0 feet	4.0 feet	1.0 feet	20%

* Minimum yard requirement per Section 3-407 and 10-104

** Permitted extensions per Section 2-412

Reduction of Certain Yard Requirement

To permit reduction of certain yard requirements to permit construction of an addition 16.2 feet from the front lot line. The addition will enlarge and enclose an existing screen porch.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Front	30.0 feet	16.2 feet	13.8 feet	46%

*Minimum yard requirement per Section 3-407

EXISTING SITE DESCRIPTION

The site is currently zoned R-4 and is developed with a single family detached dwelling, built in 1943. The lot is 7,769 square feet in size and has a deck built to a frame shed as well as a covered deck on one side and a brick patio on the other side lot line with stairs leading to a deck on the rear of the dwelling as well as another frame shed at the western rear corner of the lot which is approximately 100 square feet in size and abuts vacant land, referenced as Parcel C. The existing lot lines to the dwelling, excluding all decks and accessory storage structures, are a front lot line of 26.3 feet where 30 feet is required in the R-4 District; a western side lot line of 21.4 feet where 10 feet is required in the R-4 District; a eastern side lot line of 16.4 feet where 10 feet is required in the R-4 District and a rear lot line of 32.6 feet where 25 feet is required. The existing yards to the dwelling were permitted at the time of construction of the dwelling.

CHARACTER OF THE AREA

	Zoning	Use
North	R-4 and HC	Single Family Detached Dwellings
East	R-4 and HC	Single Family Detached Dwellings
South	R-4 and HC	Single Family Detached Dwellings
West	R-4 and HC	Single Family Detached Dwellings

The adjacent dwelling to the west, on Lot 24 is located approximately 10 feet from the shared lot line. The adjacent dwelling to the east, on Lot 22 is also located approximately 10 feet from the shared lot line.

BACKGROUND

The applicant originally submitted VC 2004-MV-118 to permit construction of an addition 17.9 feet and bay window 16.4 feet from the front lot line and SP 2004-MV-056 for the buildings in error. On December 21, 2004, the applications were administratively moved to March 15, 2005, and both were then indefinitely deferred on April 26, 2005.

On July 10, 2006, the Fairfax County Board of Supervisors adopted a Zoning Ordinance Amendment to permit provisions for reduction of certain yard requirements by up to 50%. The applicant revised the special permit application under the new special permit provisions incorporating the reduction with the error in building location application and therefore subsequently withdrew the variance request.

Following the adoption of the current Ordinance, the BZA has heard the following variances and special permits in the vicinity of the application parcel.

- SP 2007-MV-070 was approved on September 25, 2007 for Tax Map 83-3 ((9)) (4) 29, zoned R-4, at 2503 Fairhaven Avenue, to permit reduction of certain yard requirements to permit construction of a roofed deck 16.1 feet from front lot line.
- SP 91-L-009 was approved on June 5, 1991 for Tax Map 83-3 ((9)) (5) 34, zoned R-4, on Bangor Drive, to permit modification to minimum yard requirements based on error in building location to permit deck to remain 0.1 feet from side lot line.
- VC 87-V-011 was approved on May 27, 1987 for Tax Map 83-3 ((9)) (4) 2, zoned R-4, on Bangor Drive, to permit construction of second story addition 25.1 feet from front lot line.
- SP 86-V-015 was approved on July 22, 1986 for Tax Map 83-3 ((9)) (4) 2, zoned R-4, on Bangor Drive, to permit modification to minimum yard requirements based on error in building location to permit dish antenna of 12 feet in height to remain on side lot line and accessory storage structure of 11 feet in height to remain 1.9 feet from side lot line and 2.0 feet from rear lot line.

ANALYSIS OF THE APPLICATIONS

- **Title of Plat:** Plat, Showing the Improvements on Lot 23, Block 4, Section One, Fair Haven, Deed Book 379, Page 179, Fairfax County, Virginia, Mount Vernon District
- **Prepared by:** Dominion Surveyors Inc., dated August 27, 2007 as revised through October 11, 2007

- **Building Permits required:** Yes, the decks require building permits; however, records indicate that no building permits were obtained. Neither of the accessory storage structures require building permits because they are both under 150 square feet in size.
- **Errors Made by:** Previous and current homeowners

Proposals:

The applicant requests approval to permit reduction of certain yard requirements to permit construction of a 120 square foot addition to be located 16.2 feet from the front lot line. The purpose of the addition is to enclose and slightly enlarge an existing screened porch to create an accessible entrance for a wheel chair as the applicants' mother is confined to such chair.

The applicant also requests a reduction to minimum yard requirements based on errors in building locations to permit a deck 1.8 feet and roofed deck 5.1 feet to remain from the northern side lot line, an accessory storage structure to remain 4.1 feet from the northern side lot line and 2.8 feet from the rear lot line, another deck to remain 4.0 feet from the southern side lot line and to permit an accessory storage structure which was constructed in 1985 to remain 6.2 feet from the northern side lot line. According to the applicant, the shed was built prior to the deck and the deck was built up to the existing shed; therefore, the shed is not on top of the deck.

ZONING ORDINANCE REQUIREMENTS (Appendix 4)

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application are General Standards 3 and 5.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of a 120 square foot enclosed addition to the front of the dwelling, which replaces an existing screened porch main entry, will not adversely affect the use or development of neighboring properties. Therefore, staff believes the request is minimal and therefore this standard has been met.*

General Standard 5 requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The proposed addition replaces an area where there is currently a screened porch entry into the dwelling. There is no significant vegetation in the immediate area of the proposed addition; therefore staff does not believe any additional vegetation is required.*

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing structure is 1,941 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 2,912 square feet in size for a possible total square footage at build out of 4,853. The proposed addition is only 120 square feet, for a total square footage of the house with the addition of 2,061 square feet. Therefore the application meets this provision.*

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the existing structure. The roofline will not increase with the proposed addition. The location of the proposed addition on the front of the home will replace an existing screened porch entry and is the logical location for this type of request since it will enlarge the entryway enabling the applicant enough room for her handicapped mother's wheel chair access. Therefore, staff believes that the application meets this provision.*

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The photographs submitted and elevation drawings indicate that the proposed improvements are compatible with the surrounding houses in the neighborhood. The proposed addition replaces an area where there is currently a screened porch entry into the dwelling. There is no significant vegetation in the immediate area of the proposed addition. Therefore, staff believes that the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the creation of the addition by slightly enlarging an existing screened porch which currently exists on the front of the dwelling would have very little impact on stormwater runoff, noise, light, air, safety or erosion. Staff believes that the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The location of the addition to the front of the existing dwelling by enclosing an existing screened porch addition is to provide the applicant with a larger front entrance to accommodate her ailing mother's wheelchair and is the most logical place for the expansion affecting only the front yard of the property. Other issues of well and/or septic, easements, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. Staff believes that the application meets this provision.

CONCLUSION

Staff believes that the request to add a one story addition is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2004-MV-056 for the addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

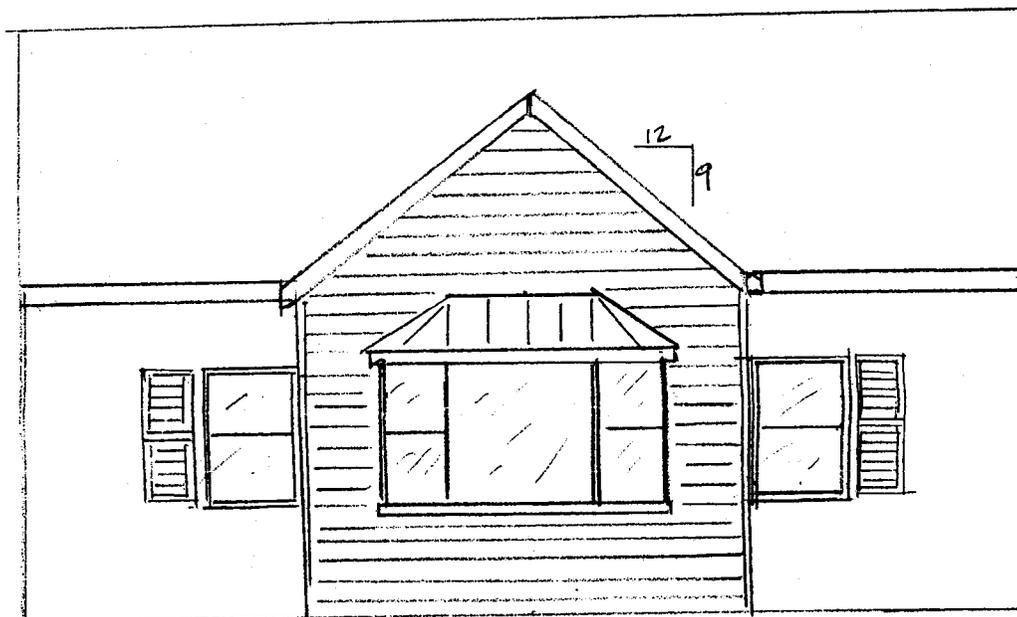
PROPOSED DEVELOPMENT CONDITIONS**SP 2004-MV-056****November 20, 2007**

If it is the intent of the Board of Zoning Appeals to approve SP 2004-MV-056 located at Tax Map 83-3 ((9)) (4) 23, to permit a building in error and to permit reduction of certain yard requirements pursuant to Sections 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

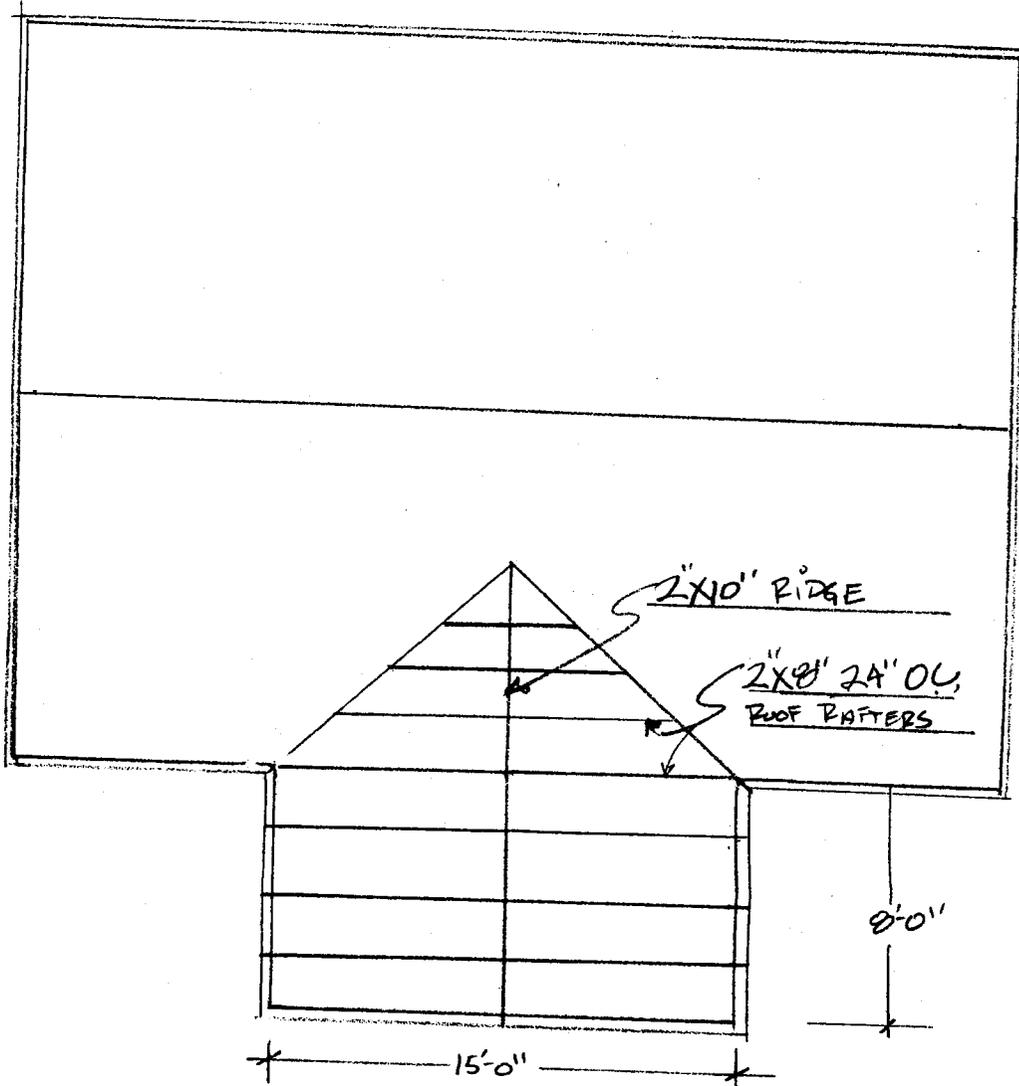
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (120 square feet) of an addition and accessory storage structures (sheds) and decks, as shown on the plat prepared by Dominion Surveyors, Inc., dated August 27, 2007 and as revised through October 11, 2007, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,941 square feet) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. Building permits and final inspections for the decks shall be diligently pursued and obtained within 120 days of final approval or the special permit for these additions shall be null & void.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



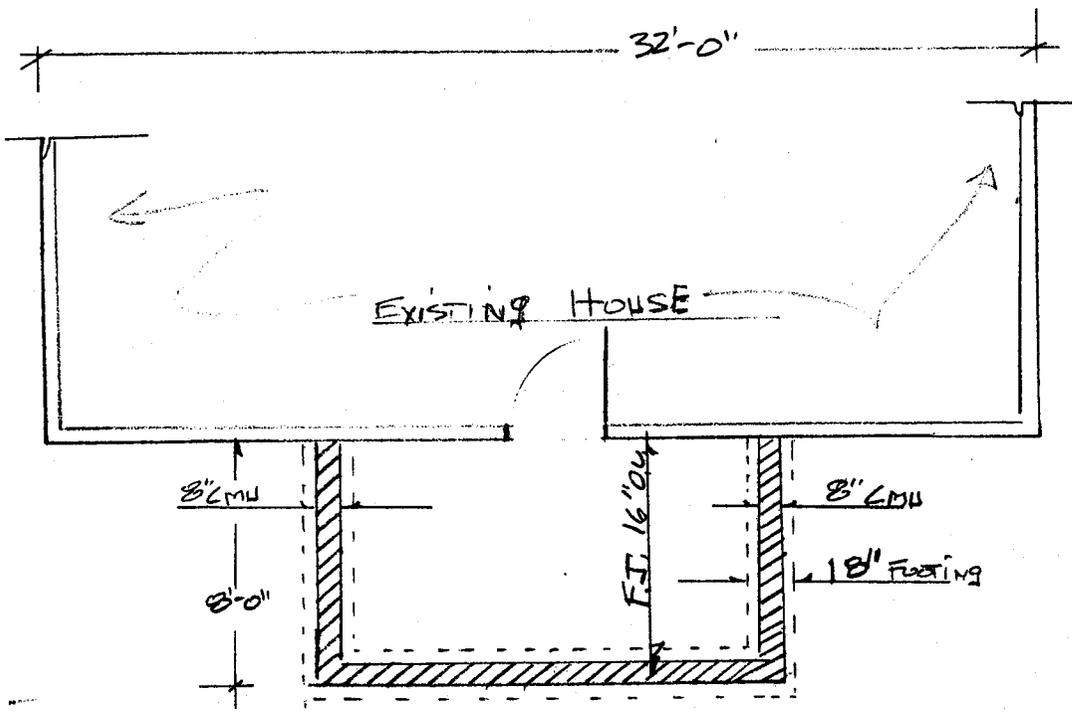
RECEIVED
Department of Planning & Zoning
JUL 26 2006
Zoning Evaluation Division



ROOF PLAN $\frac{1}{4}'' = 1'-0''$

FI.
LI
RAMP
WAL

RECEIVED
Department of Planning & Zoning
JUL 26 2006
Zoning Evaluation Division



15'-0"

FOOTING & FOUNDATION

1/4" = 1'-0" SCALE

DESIGN LOAD

LL = 40 PSF	L240
LL = 10 PSF NO-STORAGE	L240
LL = 30 PSF	L240
80 MA SIDE LOAD	L240

RECEIVED
 Department of Planning & Zoning
 JUL 26 2006
 Zoning Evaluation Division

PAGE 2

BARBARA BATTEN
PROPOSED ADDITION
2417 FRID HAVEN AVE

Application No(s): SP-2004-mv-056
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7-24-06
(enter date affidavit is notarized)

I, BARBARA L. BATTEN, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

84704

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE***, each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
BARBARA L. BATTEN	2417 FAIRHAVEN AVENUE ALEXANDRIA, VA 22303	APPLICANT/TITLE owner
THOMAS N. THOMPSON	8120 BARD STREET MASON NECK, VA 22079	AGENT/CONTRACTOR

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

SP-2004-mv-056

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7-24-06
(enter date affidavit is notarized)

84704

1(b). The following constitutes a listing** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

THOMPSON CONSTRUCTION CORP 8120 BARD STREET, MASON NECK, VA 22079

DESCRIPTION OF CORPORATION: (check one statement)

- [X] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

THOMAS N. THOMPSON

(check if applicable) [] There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP-2004-mv-056
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7-24-06
(enter date affidavit is notarized)

84704

1(c). The following constitutes a listing** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP-2004-MV-056
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7-24-06
(enter date affidavit is notarized)

84704

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP-2004-mv-056

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

7-24-06

(enter date affidavit is notarized)

84704

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

Barbara L. Batten

(check one)

[X] Applicant

[] Applicant's Authorized Agent

BARBARA L. BATTEN, APPLICANT/OWNER

(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 24th day of JULY 20 06, in the State/Comm. of VIRGINIA, (County) City of FAIRFAX.

Mary Jane T. McQuade Notary Public

My commission expires: 01/31/2007

STATEMENT OF JUSTIFICATION and
WRITTEN STATEMENT addressing
Fairfax County Zoning Ordinances 5-9
2417 Fairhaven Avenue, Alexandria, VA 22303
Applicant/Owner: BARBARA L. BATTEN
(SP-2004-MV-056)

1. The Applicant/Owner's parents originally purchased the residence in 1955 and then by the Applicant/Owner on September 12, 1997 as her principal residence. **The existing front porch was attached to the main home when the Applicant/Owner's parents originally purchased the residence. Furthermore, the existing covered deck and shed were in place when the Applicant/Owner purchased the residence in 1997.**
2. The subject property is approximately ¼ acre and is located in an R-4 zone. The existing screened front porch/entrance foyer was part of the original construction in 1943 and is in a deteriorated condition. The deteriorated condition of the structure makes it unsafe for use. The Applicant/Owner has an 86 year old mother who resides with her. She is in poor health and the proposed construction of the new enclosure would allow her safe access to the front of the house. The requested enclosed front entrance foyer would be approximately 240 square feet as opposed to the existing structure, which is approximately 120 square feet. **The resulting gross floor area will allow safe mobility for the Applicant/Owner's mothers' wheelchair and will be in scale with the existing structure. (5)**
3. The subject property is located in a neighborhood of like properties, but the situation is not of so general a nature, as to warrant formulation of a general regulation. **The proposed addition will be in a like character with the existing structure as to height and location. (6)**
4. The strict application of this Ordinance would prevent the owner from constructing a structure, which would protect her and her mother from the elements and would result in undue hardships especially since she suffered a stroke in September 2002, a heart attack in October 2003 and since, is wheel chair restricted.
5. This hardship is not shared generally by other properties in the same zoning district and vicinity, as many homes in the same sub-division have already enclosed their porches/front entrances and have obviously received approval from Fairfax County Zoning.
6. The strict application of the Ordinance would unreasonably restrict use of the subject property, however, granting will not provide a special privilege to the applicant. **No existing trees will be disturbed with the granting of this proposed structure. With the exception of relocating a few small bushes, all vegetation shall remain in tact. (7)**

7. The proposed authorization will not be of substantial detriment to adjacent properties, but, will enhance the subject property as well as, adjacent ones. **In no means will the proposed structure impact the enjoyment of adjacent properties with regards to light, noise and safety factors. (8)**
8. The proposed enclosed front entrance foyer will be both in character and scale with the existing residence and zoning district.
9. The proposed authorization will be in harmony with the intended spirit and purposes of the Zoning Ordinance and will not be contrary to public interest. **The proposed layout of the attached structure cannot be accomplished at any other location on the proposed site. The existing porch, in poor condition, will be removed completely and the proposed enclosure will be erected in its stead. The proposed addition will be larger in nature to allow safe wheelchair access as well as compliment the existing structure and surrounding properties. (9)**
10. To the best of my knowledge there is or never has been any hazardous or toxic substances utilized, stored, treated, and/or disposed of on the subject property. (10)

Post-It™ Fax Note 7671		Date 10-7-04	# of Pages ▶ 10
To <i>Debra Dada</i>	From <i>D. Butler</i>		
Co./Dept. <i>Applications</i>	Co. <i>2417 Fairhaven</i>		
Phone # <i>703-324-1290</i>	Phone # <i>703-360-0666</i>		
Fax # <i>803-8219</i>	Fax # <i>360-6113</i>		

October 7, 2004

FILE: SP-2004-0417

FAIRFAX COUNTY ZONING ORDINANCE
Applications Acceptance
Attention: Ms. Debra Dada

Dear Ms. Dada:

This is in response to your fax dated September 30, 2004, received October 5, 2004, concerning the deficiencies in compliance for my special use permit for the property listed:

2417 Fairhaven Avenue
Alexandria, VA 22303

All items relating to boundaries, setbacks, lot lines, minimum yard requirements, revisions, etc., have been addressed by Alexandria Surveys, Inc., the revised plats are currently on their way to your offices this date, by a member of their staff.

The following is a statement, regarding item #5, as my personal letter of justification:

As previously stated in my letter of September 17, 2004, the wood framed shed that is located on my property was in existence at the time I purchased the residence from my mother. Additionally, both the open and covered decks, (gazebo) were gifts to my parents from my brother, in 1990, prior to my purchasing. As for the brick patio, I had that constructed in 2001 on our side yard, due to the inability to grow grass in that area. After extended spells of rainfall caused a muddy, impassable yard, the patio seemed to be our best solution. We primarily use this space for dining outdoors during the spring and summer months. I was not aware of the minimum side yard requirements from the County, due to the fact, the patios construction was at ground level.

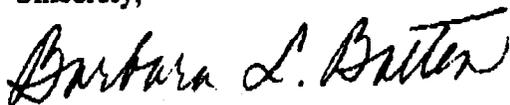
Item #2C: the reduction does not alter any zoning ordinances according to my surveyors and
Item #2G: this reduction does not increase any FAR of the allowable ratios permitted by the zoning regulations, in the R-4 district the FAR is .3, I am currently only using .18.

Once again, the main purpose of enclosing my existing screened front porch is to allow my 84-year-old mother safe access to the front of our home. Additionally, the proposed enclosure will be a cosmetic improvement to the attractiveness of the neighborhood verses the run down condition, my porch currently is in. Many of my fellow neighbors on Fairhaven Avenue and other streets within the community, have done this same type of enclosure and to the best of my knowledge, have not received any resistance or complaints from their neighbors or from the county of Fairfax.

Once again, I respectfully request, that you approve my application for a "special use" permit, allowing me to continue with this project.

Please contact me if you require any further justification or have additional questions or concerns. I hope the above addresses all issues stated in your fax.

Sincerely,



Barbara L. Batten, Property Owner
2417 Fairhaven Avenue
Alexandria, VA 22303
(703 765-5605)

Cc: Mr. Thomas N. Thompson, Contractor
Thompson Construction Company

Ray Arzadon, Senior Surveying Technician
Alexandria Surveys, Inc.

September 17, 2004

FAIRFAX COUNTY ZONING ORDINANCE
Applications Acceptance
Attention: Ms. Debra Dada

RECEIVED
Department of Planning & Zoning

SEP 20 2004

Zoning Evaluation Division

Dear Ms. Dada:

Please accept this as my formal justification letter concerning my property located:

2417 Fairhaven Avenue
Alexandria, VA 22303

After a recent survey was completed, being a required key element for a "variance" permit that I have applied for, (dealing with the front porch of the house), it was discovered that an existing shed located in my back yard is in violation of certain zoning ordinances with the county. When I purchased this home from my Mother in 1997, the shed was an existing structure on the property, I had no idea it was any type of violation. According to the ordinance, the shed should not exceed 8.5 feet, while my existing shed measures 8.6 feet in height.

My father had the shed built prior to his death in 1991, long before I became the owner of the property. The neighbor next door that the shed is closest too, namely: 2419 Fairhaven Avenue, was the neighbor who my father contracted with to originally build the shed. That neighbor nor any others, have ever complained or said that the structure was detrimental to the use or enjoyment of their respective properties. This shed is of wood frame construction, standard shingle-roof to include gutters and downspouts; to ensure that the drip line does not fall on the next door owner's property in any manner.

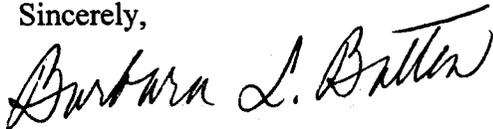
Since the shed was built using top grade materials as well as, heavy duty construction, it is not, nor does it create any unsafe conditions for the surrounding properties or their owners. Being forced to remove or relocate the shed would cause an unreasonable hardship on me to say nothing of the cost that would be involved for such an undertaking.

All of this was brought to my attention as I have been attempting to enlarge my existing front screened porch, (variance application submitted in July), to allow my Mother, who is 84, confined to a wheelchair and lives with me, access to the front of our home where she has resided for nearly 50 years.

As it currently stands, our existing front door is too small for her to gain access through, the reason why we want to enlarge and enclose the existing porch, as well as, widen the area to allow her a safe access to enjoy our front yard view, not only one from the back yard.

I respectfully request, that you approve my application for a "special use" permit, allowing me to continue with this project.

Sincerely,

A handwritten signature in cursive script that reads "Barbara L. Batten". The signature is written in black ink and is positioned below the word "Sincerely,".

Barbara L. Batten
2417 Fairhaven Avenue
Alexandria, VA 22303
(703 765-5605)

Cc: Mr. Thomas N. Thompson, Contractor
Thompson Construction Company

Variance for 2417 Fairhaven Avenue, Alexandria, VA 22303
Applicant/Owner: Barbara L. Batten

Statement of Justification

1. The Applicant/Owner's parents originally purchased the residence in 1955 and then by the Applicant/Owner on September 12, 1997 as her principal residence
2. The subject property is approximately ¼ acre and is located in an R-4 zone. The existing screened front porch/entrance foyer was part of the original construction in 1943 and is in a deteriorated condition. The deteriorated condition of the existing screen porch/entrance foyer makes it unsafe for use. The Applicant/Owner has an 83, soon to be 84 year old mother who resides with her. She is in poor health and the proposed construction of the new enclosed front entrance foyer would allow her safe access to the front of the house. The requested enclosed front entrance foyer would be approximately 240 square feet as opposed to the current existing structure, which is approximately 120 square feet.
3. The subject property is in a neighborhood of like properties, but the situation is not of so general a nature to warrant formulation of a general regulation.
4. The strict application of this Ordinance would prevent the owner from constructing a structure, which would protect her and her mother from the elements and would result in undue hardships especially since she suffered a severe stroke in September 2002, a heart attack in October 2003 and is wheel chair bound.
5. The hardship is not shared generally by other properties in the same zoning district and vicinity, as many homes in the same sub-division have already enclosed their porches/front entrances and have obviously received approval from Fairfax County Zoning
6. The strict application of the Ordinance would unreasonably restrict use of the subject property and granting of the variance will not provide a special privilege to the applicants.
7. The authorization of the variance will not be of substantial detriment to adjacent property but will enhance the subject property and adjacent properties.
8. The proposed enclosed front entrance foyer will be both in character and scale with the existing residence and zoning district
9. The variance will be in harmony with the intended spirit and purposes of the Zoning Ordinance and will not be in contrary to the public interest.

RECEIVED
Department of Planning & Zoning
MAY 25 2004
Zoning Evaluation Division

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

- 1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
- 2. All uses shall comply with the performance standards specified for the zoning district in which located.
- 3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

- 1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

- 2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

- 3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
- 4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
- 5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
- 6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
- 7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
- 8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
- 9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

- ☑ 10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

- ☑ 11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
- L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
- M. Seal and signature of professional person certifying the plat.

- 12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.