



APPLICATION ACCEPTED: February 12, 2008
BOARD OF ZONING APPEALS: April 29, 2008
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 22, 2008
STAFF REPORT
SPECIAL PERMIT APPLICATION NO. SP 2008-DR-014
DRANESVILLE DISTRICT

APPLICANT: Stephen C. Peterson

OWNERS: Stephen C. and Kristen A. Peterson

SUBDIVISION: Orchard Crest

STREET ADDRESS: 2019 Dexter Drive

TAX MAP REFERENCE: 40-1 ((20)) 10

LOT SIZE: 8,625 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 8-914 and 8-922

SPECIAL PERMIT PROPOSALS: To permit reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 4.3 ft. from side lot line and 3.3 ft. from rear lot line and to permit reduction of certain yard requirements to permit construction of addition 5.0 ft. from side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2008-DR-014 for the construction of the 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.

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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.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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 2008-DR-014

Applicant: STEPHEN C PETERSON
Accepted: 02/12/2008
Proposed: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 4.3 FT. FROM SIDE LOT LINE AND 3.3 FT. FROM REAR LOT LINE AND TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 5.0 FT. FROM SIDE LOT LINE

Area: 8,625 SF OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 8-914 and 8-922

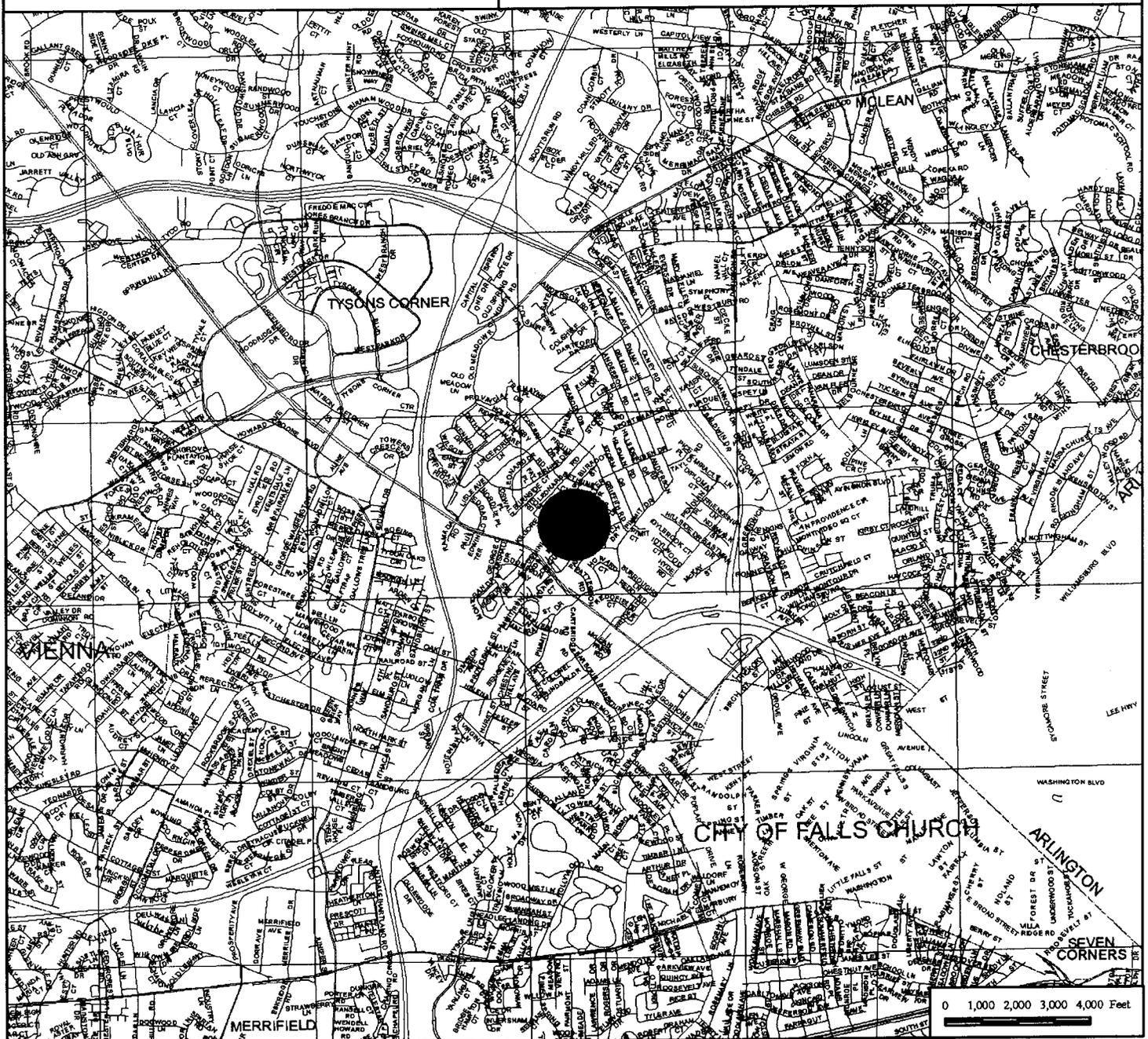
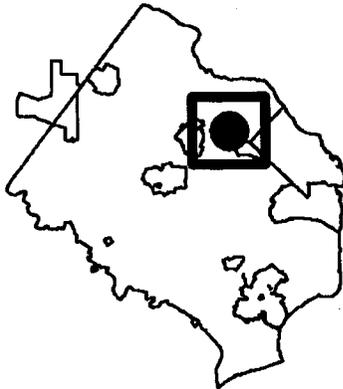
Art 8 Group and Use: 9-21

Located: 2019 DEXTER DRIVE

Zoning: R- 4

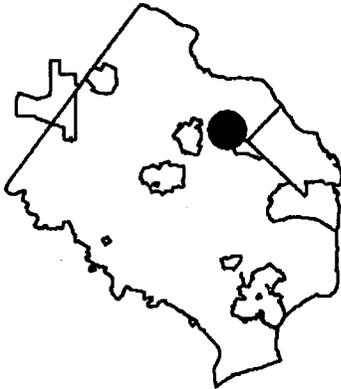
Overlay Dist:

Map Ref Num: 040-1- /20/ /0010



Special Permit

SP 2008-DR-014



Applicant: STEPHEN C PETERSON
Accepted: 02/12/2008
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Area: 8,625 SF OF LAND; DISTRICT - DRANESVILLE

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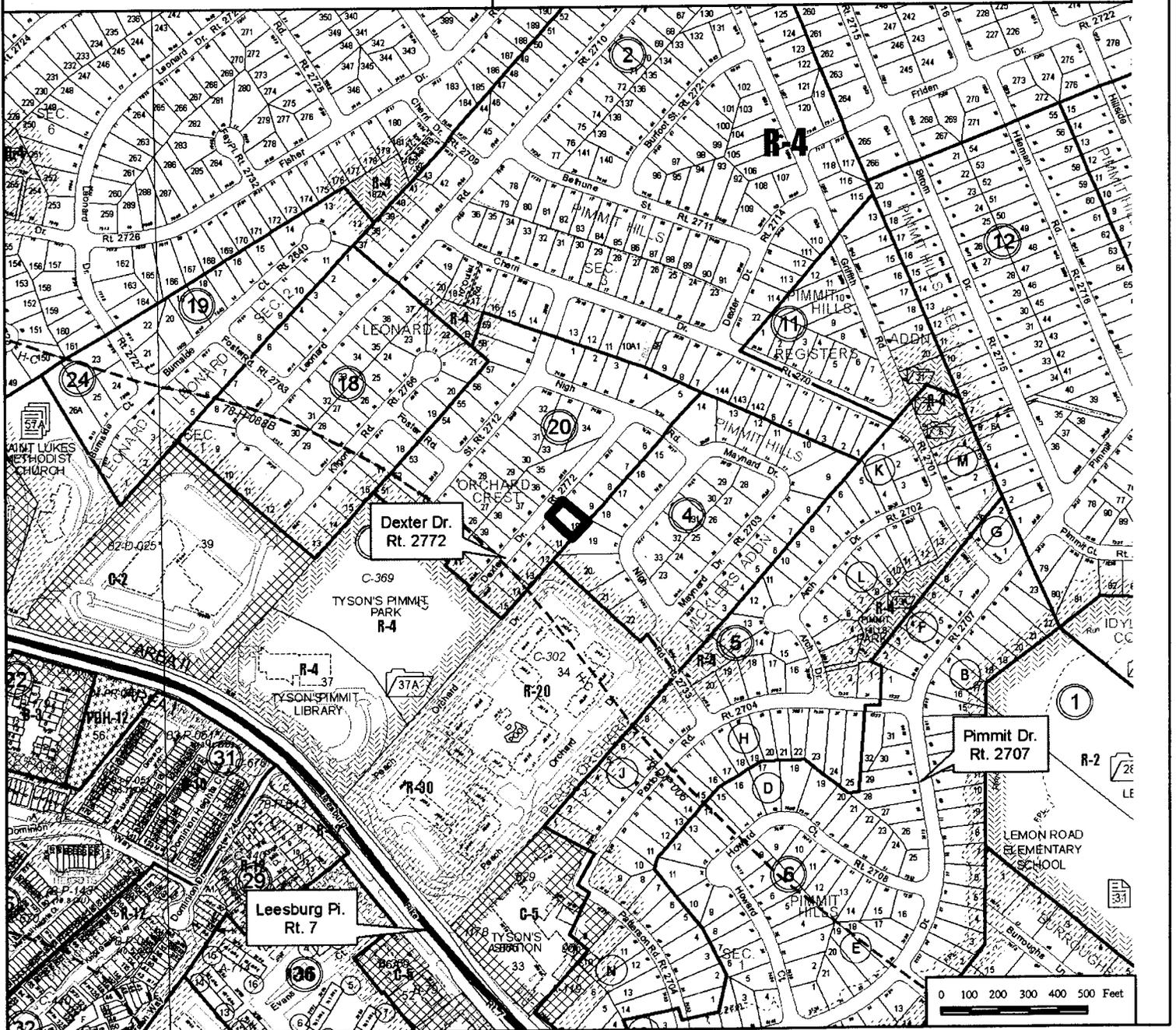
Art 8 Group and Use: 9-21

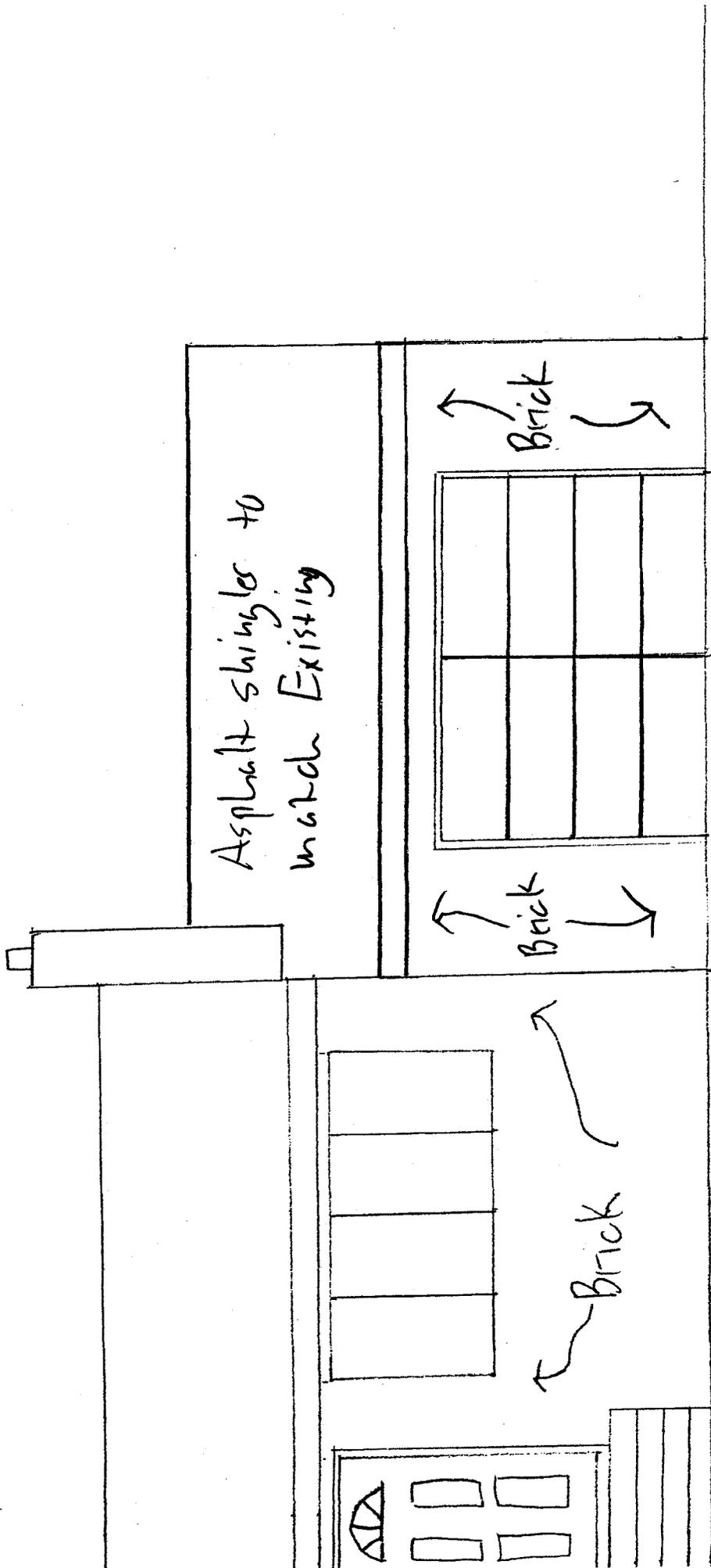
Located: 2019 DEXTER DRIVE

Zoning: R- 4

Overlay Dist:

Map Ref Num: 040-1- /20/ /0010



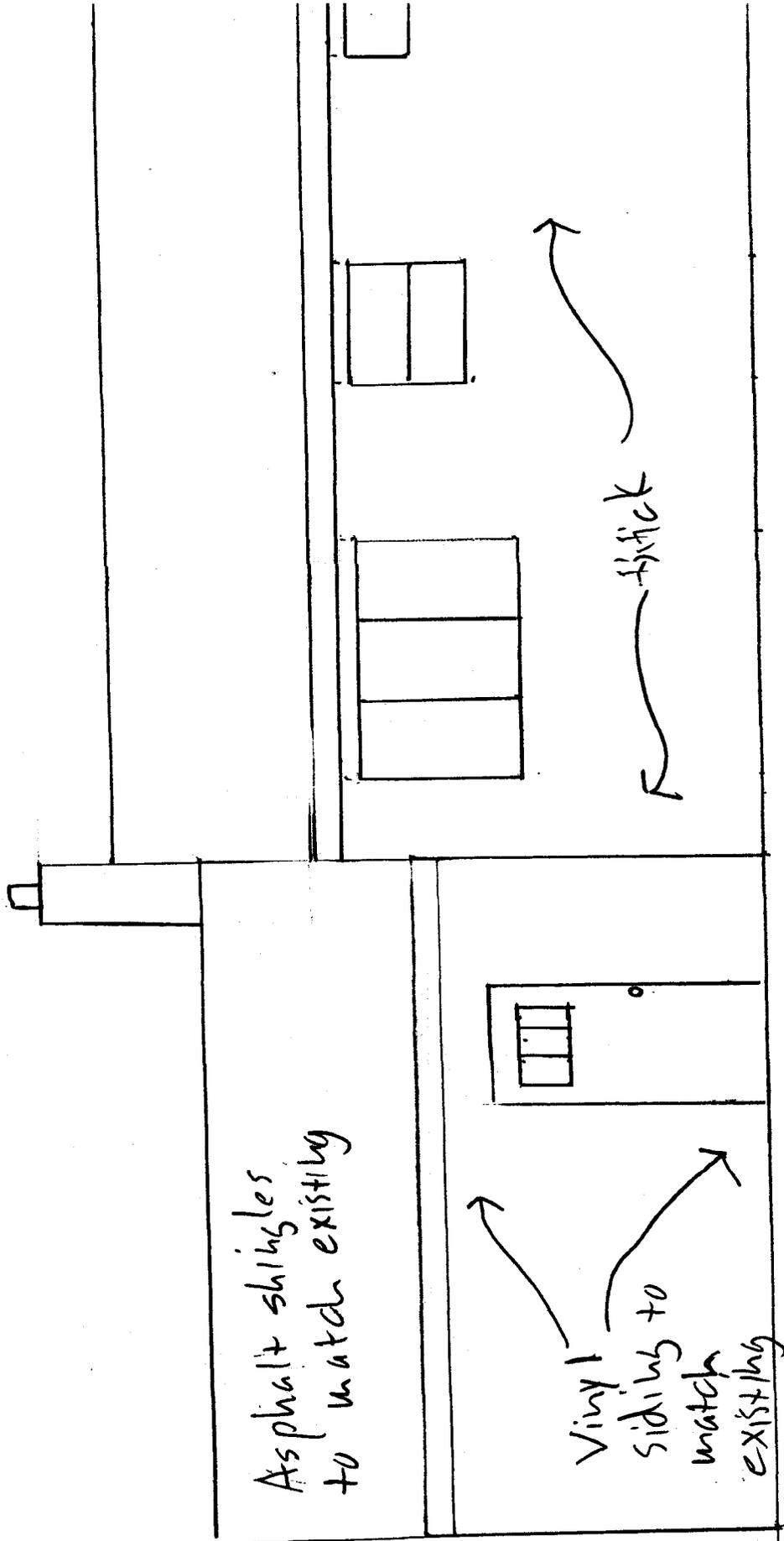


Asphalt shingles to
match Existing

Brick

Brick

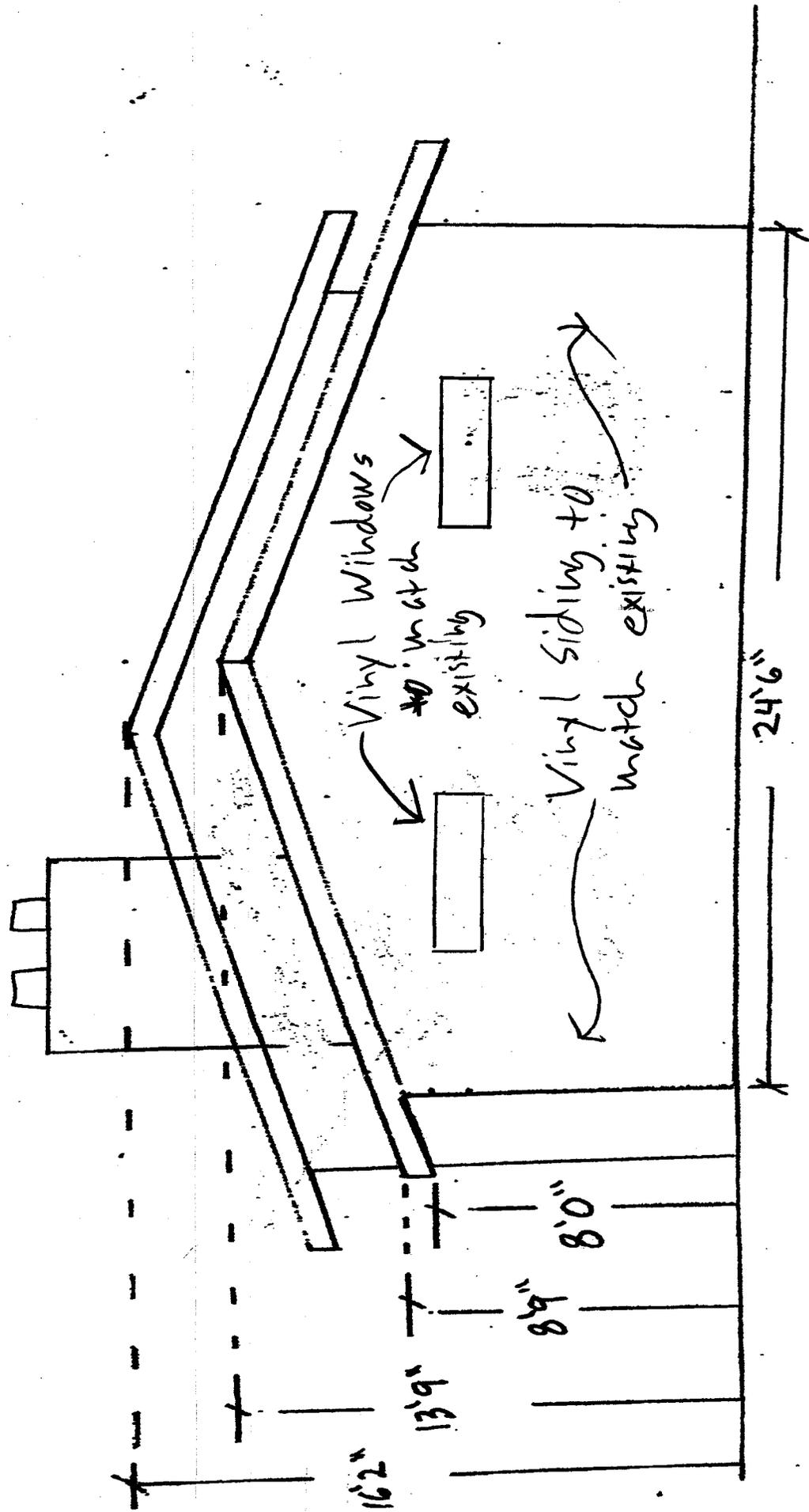
Brick



Asphalt shingles
to match existing

Vinyl
siding to
match
existing

1/2"
thick



Vinyl Windows

to match existing

Vinyl siding to match existing

16'2"

13'9"

8'9"

8'0"

24'6"

15 Dec 07 - Front



2019 Dexter Drive

RECEIVED
Department of Planning & Zoning
JAN 03 1 11 PM
Zoning Evaluation Division

15 Dec 07 - From Rear Right Corner towards Front Right Corner



RECEIVED
Department of Planning & Zon.
JAN 08
Zoning Evaluation Division

2019 Dexter Drive

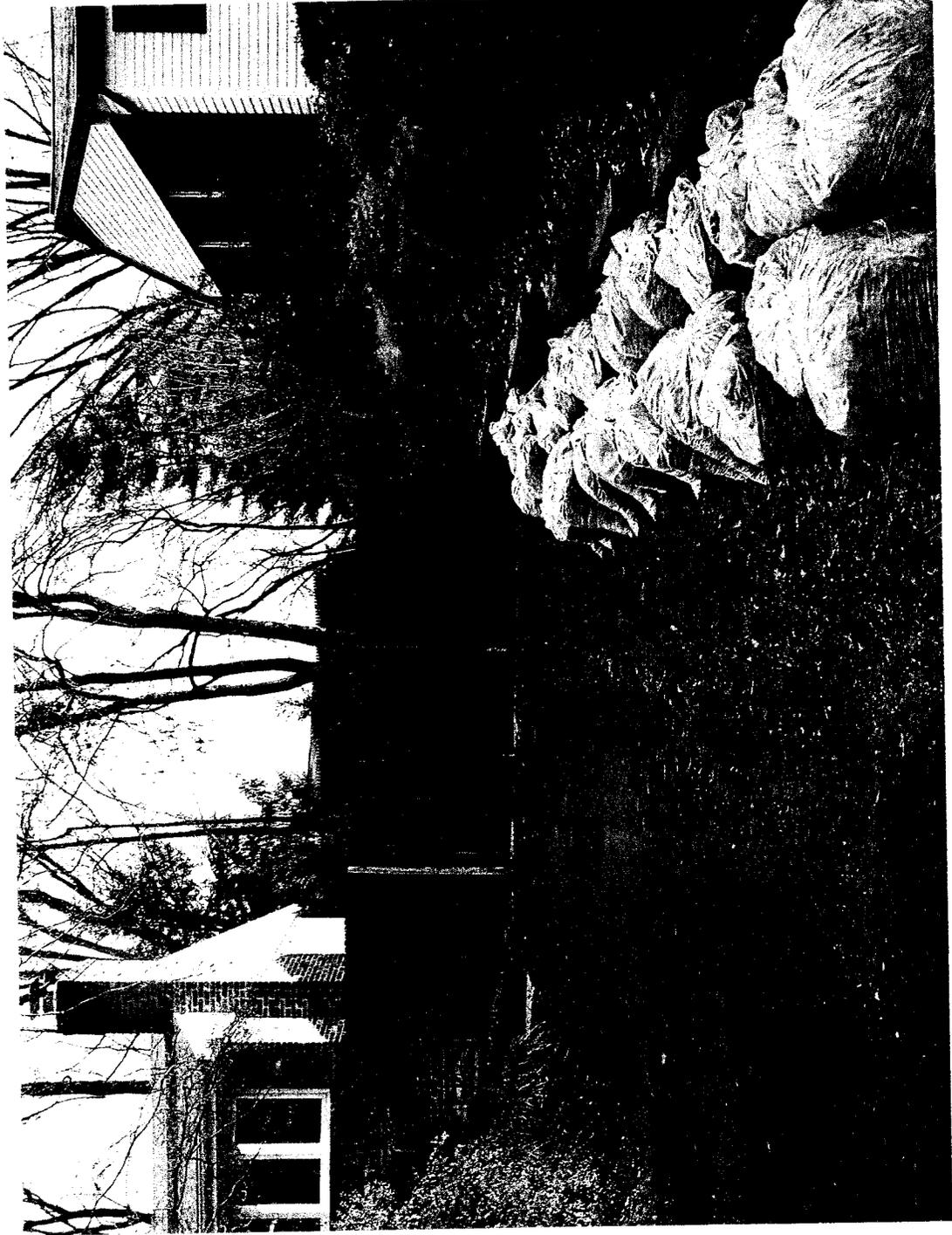
15 Dec 07 - From Rear Left Corner towards Front Right Corner



RECEIVED
Department of Planning & Zoning
JAN 03
Zoning Evaluation Division

2019 Dexter Drive

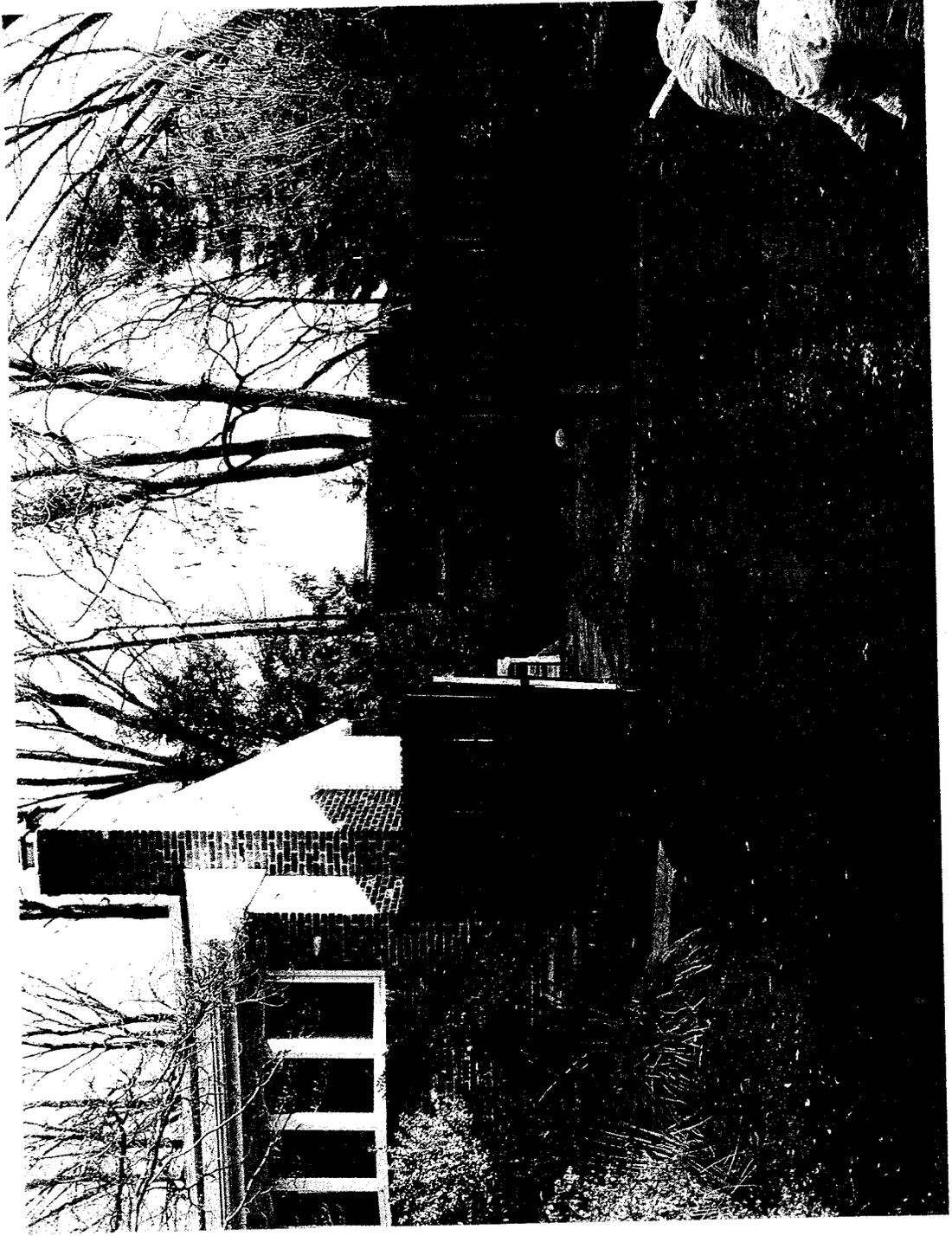
15 Dec 07 - Front Right Corner towards Right Rear Corner



2019 Dexter Drive

RECEIVED
Department of Planning & Zoning
JAN 03
Zoning Evaluation Division

15 Dec 07 - Addl view of planned garage location



RECEIVED
Department of Planning & Zoning
JAN 03
Zoning Evaluation Division

2019 Dexter Drive

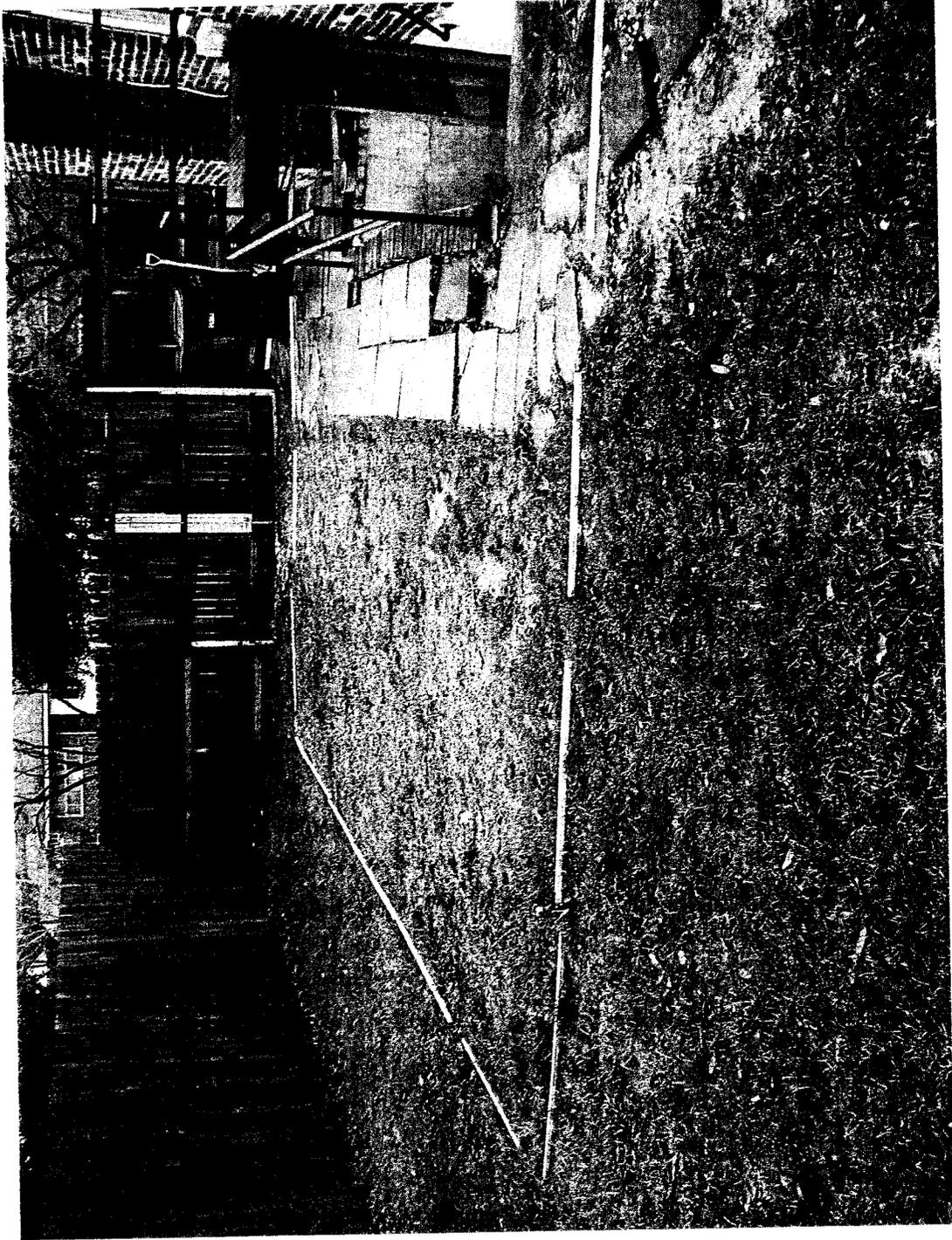
15 Dec 07 - Planned Garage Location



2019 Dexter Drive

RECEIVED
Department of Planning & Zon.
JAN 03
Zoning Evaluation Division

15 Dec 07 - Proposed Garage Dimension with Special Permit



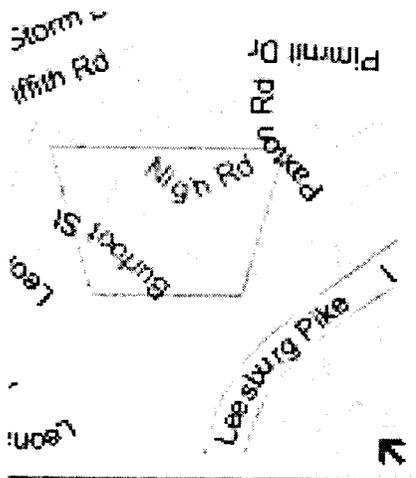
RECEIVED
Department of Planning & Zoning
JAN 03
Zoning Evaluation Division

2019 Dexter Drive

15 Dec 07 - Two abutting properties to right of house



2019 Dexter Drive



DESCRIPTION OF THE APPLICATION

This application includes two special permit requests. The first is to permit reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 4.3 ft. from a side lot line and 3.3 ft. from the rear lot line.

Description of Special Permit #1

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Accessory Storage Structure	Side	10.0 feet	4.3 feet	5.7 feet	57%
Special Permit #1	Accessory Storage Structure	Rear	9.1 feet (Height of Structure)	3.3 feet	5.8 feet	63.7 %

* Minimum yard requirement per Section 10-104

The second request is to permit reduction of certain yard requirements to permit reduction of certain yard requirements to permit construction of addition, a garage, 5.0 ft. from a side lot line.

Description of Special Permit #2

	Structure	Yard	Minimum Yard Required *	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #2	1 story garage addition	Side	10.0 feet	5.0 feet	5.0 feet	50%

*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 1960. The lot's elevation rises from the street to the dwelling where it is flat until midway into the rear yard where it slopes upward and flattens to a plateau to the rear

property line. There is foundation vegetation along the periphery of the structure and vegetation along the periphery lot lines as well as several mature trees throughout the property. Access to the property is provided by a driveway which intersects Dexter Drive on the southwestern side of the property. The existing yards are as follows:

Yard	Required	Existing
Rear Yard	25.0 feet	46.0 feet
Front Yard (Dexter Drive)	30.0 feet	42.0 feet
Side Yard (North)	10.0 feet	12.0 feet
Side Yard (South)	10.0 feet	22.0 feet

CHARACTER OF THE AREA

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

ANALYSIS OF APPLICATIONS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Plat, Showing the Improvements and Proposed Addition on Lot 10, Section 2, Orchard Crest
Prepared By: Alexandria Surveys International, LLC
Dated: August 13, 2007 and signed August 31, 2007

Building Permit required for the shed: No

Errors Made by: Owner

Proposal:

The applicant proposes two special permit requests. The first is to permit a reduction to minimum yard requirements based on error in building location to permit an accessory

storage structure, a shed, to remain 4.3 feet from a side lot line and 3.3 feet from the rear lot line. The shed is greater than 8.5 in height feet in height and must meet minimum side yard requirements and be a distance equal to it's height from the rear yard line.

The second request is to permit a reduction of certain yard requirements to permit construction of a garage addition 5.0 feet from a side lot line. The garage will include parking for one car and additional storage capacity. The total square footage of the garage addition is 439 square feet.

The applicant also indicates that an existing stockade fence which runs between the subject dwelling and the property line shared with adjacent Lot 11 will be removed. The fence, which is 5.8 feet in height and exceeds the allowed fence height in a front yard, was in existence prior to the applicant's purchase of the home. The fence will be removed in conjunction with the construction of the proposed garage and replaced in part with a fence which will not exceed the 4.0 feet in height allowed.

ZONING ORDINANCE REQUIREMENTS

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 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 and by a site visit made to the property that the proposed 1 story attached garage addition will not adversely affect the use or development of neighboring properties since the height of the proposed garage is compatible in size and height with other dwellings and garages in the neighborhood. Staff believes that the request is minimal and is the most logical location for the addition on the property 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 would*

leave a 5.0 foot side yard. An existing six foot high stockade fence is located on the property line between the proposed garage addition and adjacent Lot 9 and the terrain slopes upward from the subject property to Lot 9. As such staff does not believe any additional vegetation is needed. Therefore this standard has been met.

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 under Sect. 8-922 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 1,977 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 2,965 square feet in size for a possible total square footage at build out of 4,942 square feet. The proposed garage addition totals 439 square feet, for a total square footage of the house with the addition of 2,416 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 submitted indicate that the materials, size and scale of the proposed addition will be compatible with the existing structure. The proposed garage would not create any additional height to the overall existing structure as the addition is proposed to be lower than the height of the existing house. 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. With review of the photographs submitted, staff believes that the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains homes with similar garage additions, both in size and height. 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 addition will have very little impact on stormwater runoff, noise, light, air, safety or erosion since the overall footprint of the addition will add only a moderate amount of additional impervious area. The dwelling on Lot 11 closest to the addition is higher in elevation so that no water will run off from the proposed addition to that lot. 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 garage addition on the southwest side of the existing dwelling will be to provide the applicants with inside parking of their vehicle and additional storage space. The proposed scale of the addition matches that of the existing house and is located in a logical location aligning with the existing driveway on the wider of the two side yards. The garage maintains the architectural style of the existing dwelling, and is compatible with the subject property and surrounding dwellings and properties. As shown in the photographs presented at the front of the staff report, the adjacent property has stockade wooden fence between the properties and is sloped upward from the addition; therefore, staff does not believe that additional vegetation is warranted. 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 subject application for the 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 2008-DR-014 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 and Architectural Rendering
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

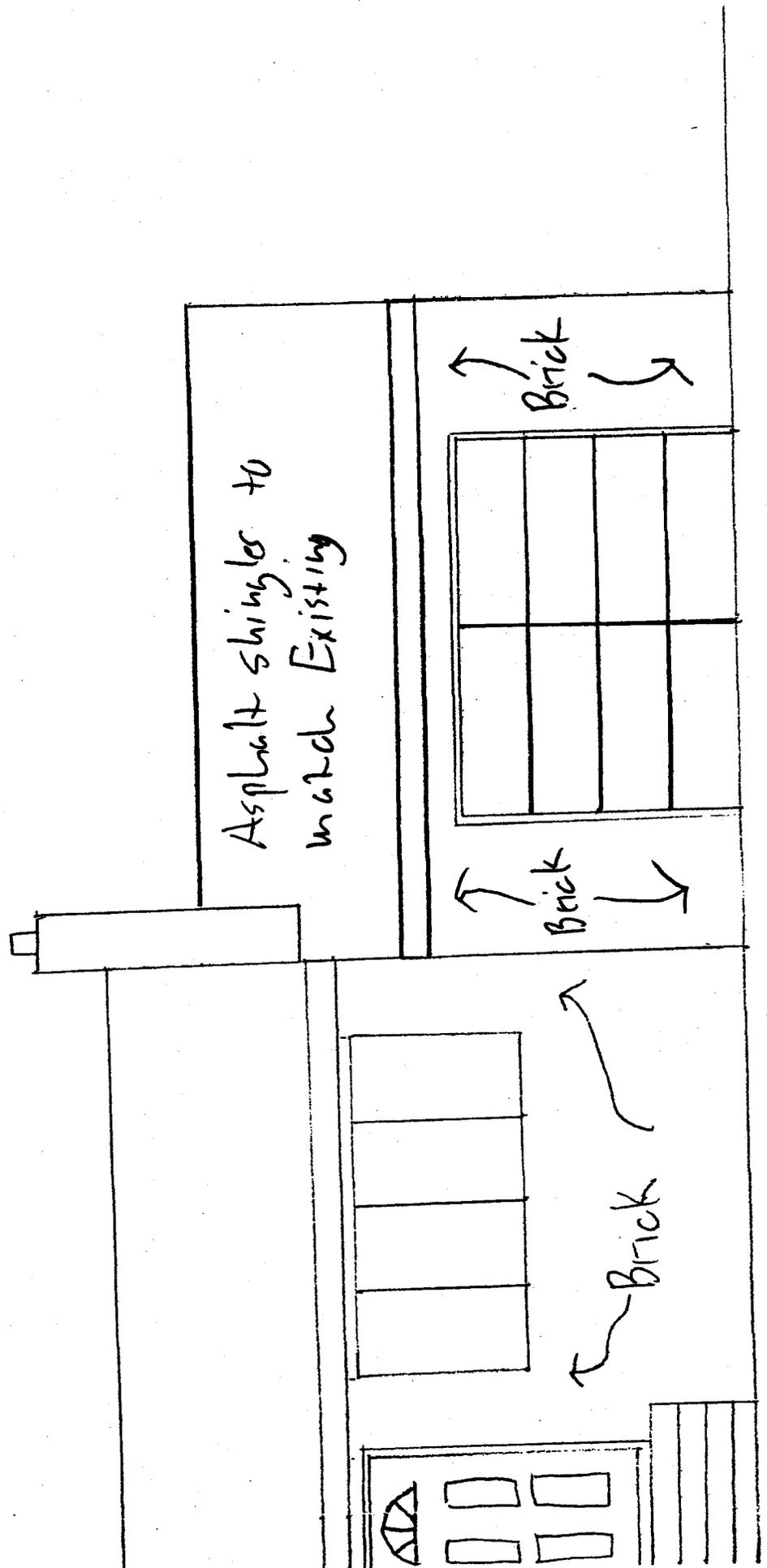
PROPOSED DEVELOPMENT CONDITIONS**SP 2008-DR-014****April 22, 2008**

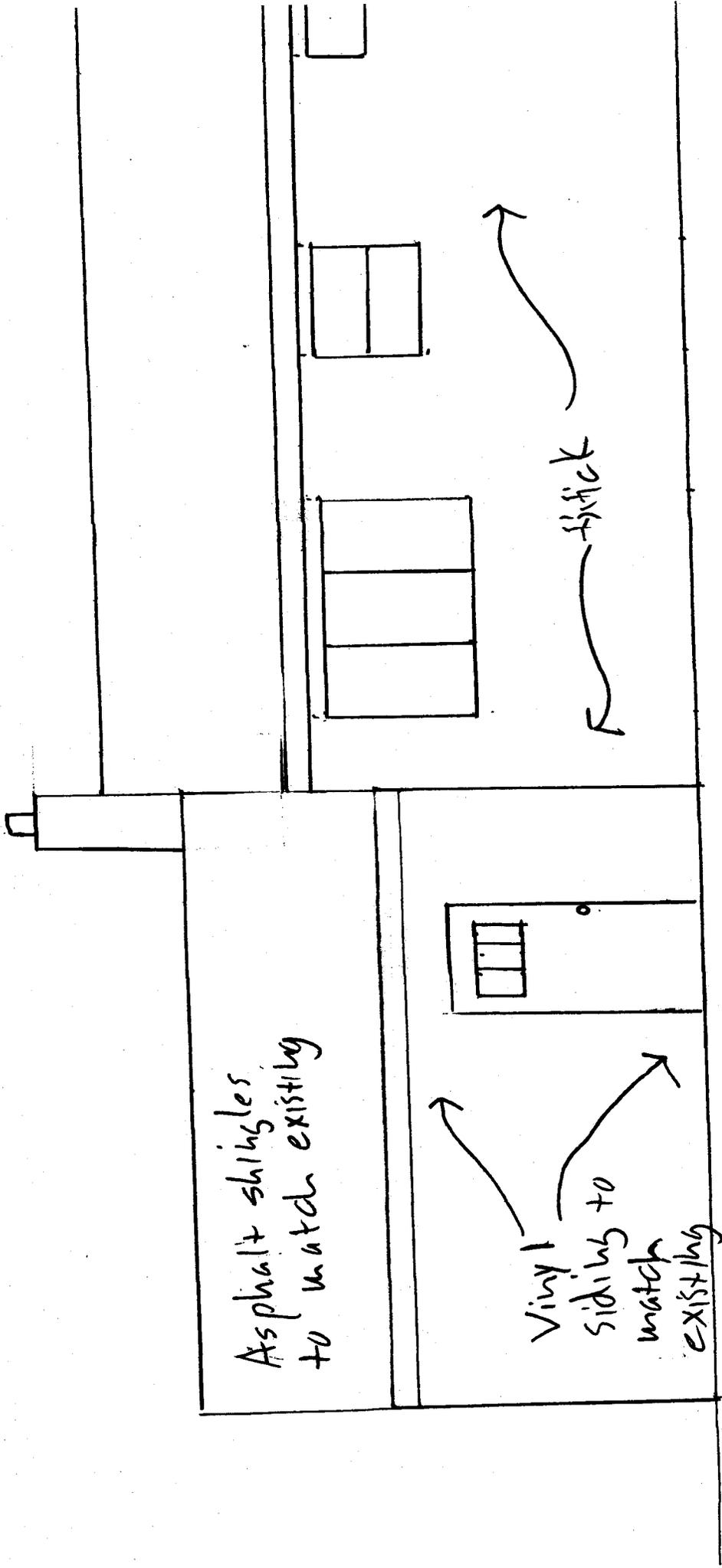
If it is the intent of the Board of Zoning Appeals to approve SP 2008-DR-014 located at Tax Map 40-1 ((20)) 10, to permit reduction to minimum yard requirements based on an error in building location and reduction to certain yard requirements pursuant to Sections 8-914 and 8-922 of the Fairfax County 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 of the garage addition (a total of 439 square feet), and shed as shown on the plat prepared by Alexandria Surveys International, LLC dated August 13, 2007 and signed August 31, 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 (1,977 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. The existing stockade fence located between the subject dwelling and the property line shared with Lot 11 shall be removed, relocated or reduced in height to meet Zoning Ordinance requirements.

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.

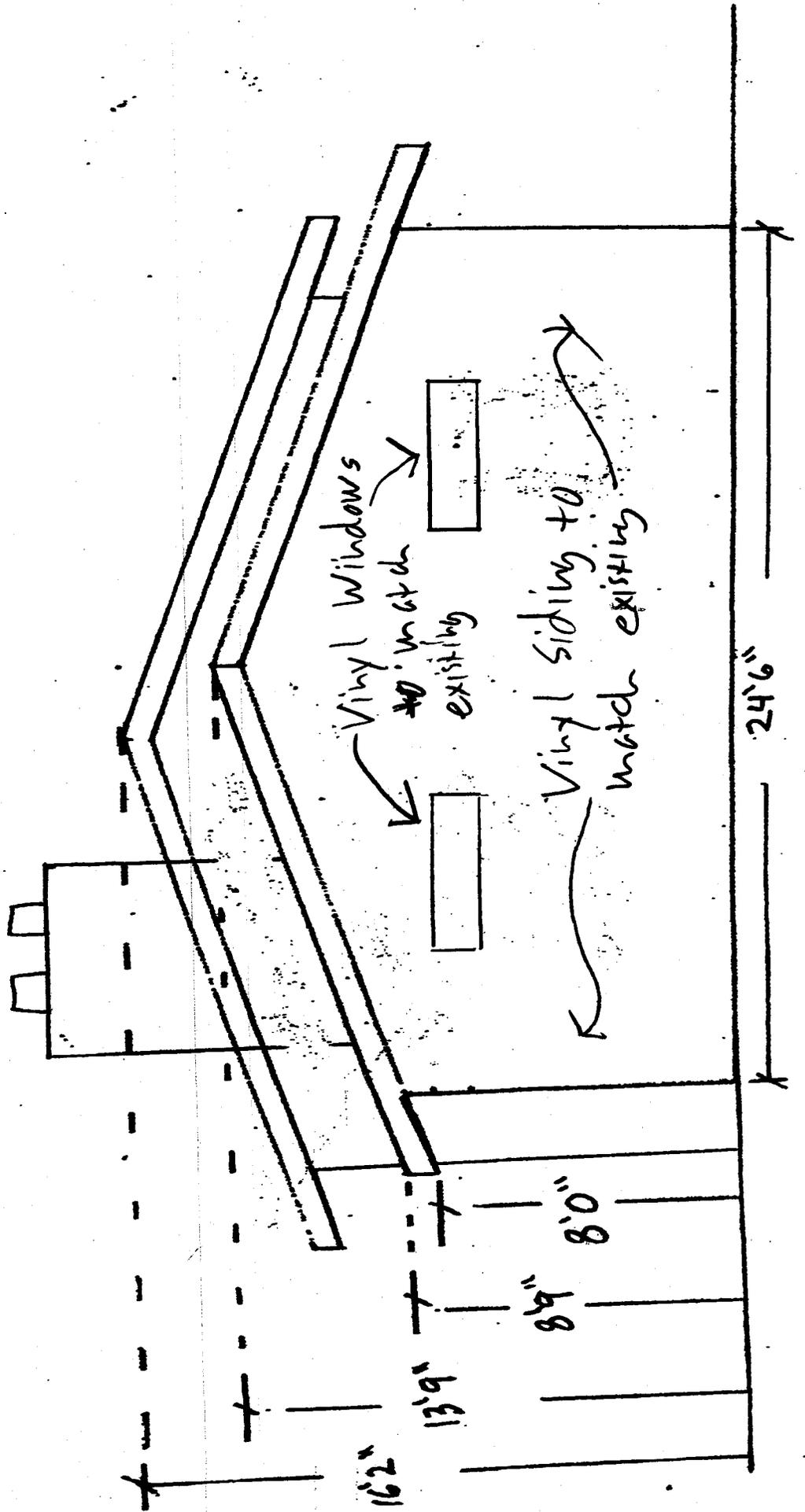




Asphalt shingles
to match existing

Vinyl
siding to
match
existing

stick



Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/31/08
 (enter date affidavit is notarized)

I, Stephen C Peterson, 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

98629

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)
Stephen C. Peterson	2019 Dextec Dr. Falls Church, VA 22043	Owner / Applicant
Kristen A. Peterson	2019 Dextec Dr. Falls Church, VA 22043	Owner / spouse

(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.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** 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): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/3/08
(enter date affidavit is notarized)

98629

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.)

N.A.

CORPORATION INFORMATION

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

N.A.

DESCRIPTION OF CORPORATION: (check one statement)

- 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)

N.A.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/3/08
(enter date affidavit is notarized)

98629

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

N.A.

PARTNERSHIP INFORMATION

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

N.A.

(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**)

N.A.

(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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/31/08
(enter date affidavit is notarized)

98679

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:

N.A.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/3/08
(enter date affidavit is notarized)

98629

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:

(check one)

[Signature]

Applicant

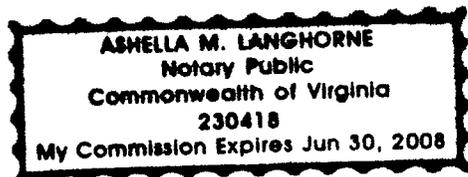
Applicant's Authorized Agent

Stephen C. Peterson
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3rd day of January, 2008, in the State/Comm. of Virginia, County/City of Fairfax.

Ashella M. Langhorne
Notary Public

My commission expires: June 30, 2008



JAN 03 2008

Special Permit Statement of Justification

We would like to build an attached single car garage to our home. We currently have a Zoning Evaluation Division. We have two small children and another expected in July. With a family of 5 our small house does not offer enough storage space. The garage will be used to park our van and store our bicycles(5), strollers(4), tools, etc. Currently we have no easily accessible storage options out of the weather. We are seeking a 50% reduction in the minimum side yard requirement of 10 feet. If the garage is built to current side yard requirements it would be approximately 12.5 feet wide. With the current 4 foot wide basement walkout stairwell, if the 8 foot wide garage door is centered on the 12.5 foot dimension there would only be 6 feet of clear opening width available to pull our van into the garage. Our van is 6 feet wide. We have included a photo of a house on our street at 2028 Dexter Dr that shows the type of garage, with almost the exact same dimensions, that we would like to build. This house is the same model/dimensions as ours so the end results would be almost identical.

A. – F. Not Applicable

G. Front elevation will be brick to match existing. Side and rear elevations will be vinyl siding to match existing.

H. Not Applicable

I. Please See Above Paragraph.

Additional Input

1. This garage addition will be located in the side yard. Nothing will be located in the in front yard.
2. This garage addition is an addition to our principal structure/house.
3. This garage addition will not result in more than a 150% increase in gross floor area. The net increase if gross floor area will be 22%
4. This garage addition will be in character with existing on site development in terms of the location, height, bulk and scale of the existing structure on the lot.
5. This garage addition will be harmonious with surrounding off site uses and structures in terms of locations, height, bulk plane and scale of surrounding structures topography, existing vegetation and the preservation of significant trees.

6. This garage addition will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion and storm water runoff.
7. This garage addition really cannot be placed anywhere else on our lot. The driveway and basement walkout stairs are on the right side of the existing house. The existing left side yard is only 12 feet wide. It cannot be located farther towards the rear lot line because then the first floor side door would be rendered useless as it would then fall right in line with the roof line.

I, Stephen C. Peterson, would like to amend my special permit application to include:

- (1). Error in building location for my accessory storage structure(shed) 8-914
- (2). Error in fence height. 8-923

1. The building in question is a 96 square foot shed. I did not get a permit as sheds under 150 square feet do not require a permit. When I planned out my shed I forgot to add the thickness of the framing for the floor to my total height. The shed is also built on a slightly sloping yard. As a result when I built the shed it ended up being 7 inches taller than the maximum height of 8.5 feet and thus too close to both the side and rear lot lines. Sheds that are 8.5 feet or less in height may be located anywhere on a side or rear yard. The shed height of 9.1 feet is less than 10% more than the maximum allowable height of 8.5 feet for a shed that can be located anywhere in a side or rear yard. This was an honest mistake made by me and due to my poor calculations. I never intended to ignore any county rules or regulations. The shed is located in the rear corner of my yard, right next to a 6 ft high stockade fence and behind a big tree. The location of the shed will not be detrimental to the use and enjoyment of other property in the immediate area. The shed backs up to a large tree on my property and to another shed on my other neighbors property. The shed will not create an unsafe condition with respect to both other property and public streets. If I was forced to relocate the shed I would probably have to tear it down and throw it away. It is located on the elevated rear section of the yard and there is really no other location for a shed in our small yard. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
2. The error in fence height refers to our front fence on the driveway side of the lot being 5.9 feet in height. The maximum allowable is 4.0 feet in height. We bought the house in May of 2004 and have not modified the fence in question. It was built by the previous owners. When we build our garage we are planning on removing the fence in question. In its place will be the front wall of the garage with a garage door. On the side of the garage, between the garage and the side lot line we will build a fence that adheres to the Fairfax County code.

RECEIVED
Department of Planning & Zoning
FEB 12 2008
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.
- ~~NA~~ 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.
- NA 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.