



APPLICATION ACCEPTED: February 25, 2008  
BOARD OF ZONING APPEALS: May 13, 2008  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

May 6, 2008

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2008-HM-015

### HUNTER MILL DISTRICT

**APPLICANT:** Sabri Eriksen

**OWNERS:** Sabri Eriksen  
Francoise Brottet

**SUBDIVISION:** Tysons Green

**STREET ADDRESS:** 8816 Skokie Lane

**TAX MAP REFERENCE:** 28-4 ((13)) 39

**LOT SIZE:** 10,859 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-914 and 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reductions to minimum yard requirements based on errors in building locations to permit roofed deck to remain 10.1 ft. from one side lot line and addition to remain 8.8 feet from other side lot line and to permit reduction of certain yard requirements to permit construction of addition 6.0 ft. from side lot line and 20.0 ft. from front lot line.

**STAFF RECOMMENDATION:** Staff recommends denial of SP 2008-HM-015.

*O:\dhedri\Special Permits\SP 2008-HM-015 Eriksen (5-13)\SP 2008-HM-015 Eriksen staff report.doc*

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. 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 2008-HM-015



**Applicant:** SABRI ERIKSEN  
**Accepted:** 02/25/2008  
**Proposed:** TO PERMIT REDUCTIONS TO MINIMUM YARD REQUIREMENTS BASED ON ERRORS IN BUILDING LOCATIONS TO PERMIT ROOFED DECK TO REMAIN 10.1 FT. FROM A SIDE LOT LINE AND ADDITION TO REMAIN 8.8 FEET FROM OTHER SIDE LOT LINE AND TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 6.0 FT. FROM SIDE LOT LINE AND 20.0 FT. FROM FRONT LOT LINE

**Area:** 10,859 SQ FT OF LAND; DISTRICT - HUNTER MILL

**Zoning Dist Sect:** 8-914 AND 8-922

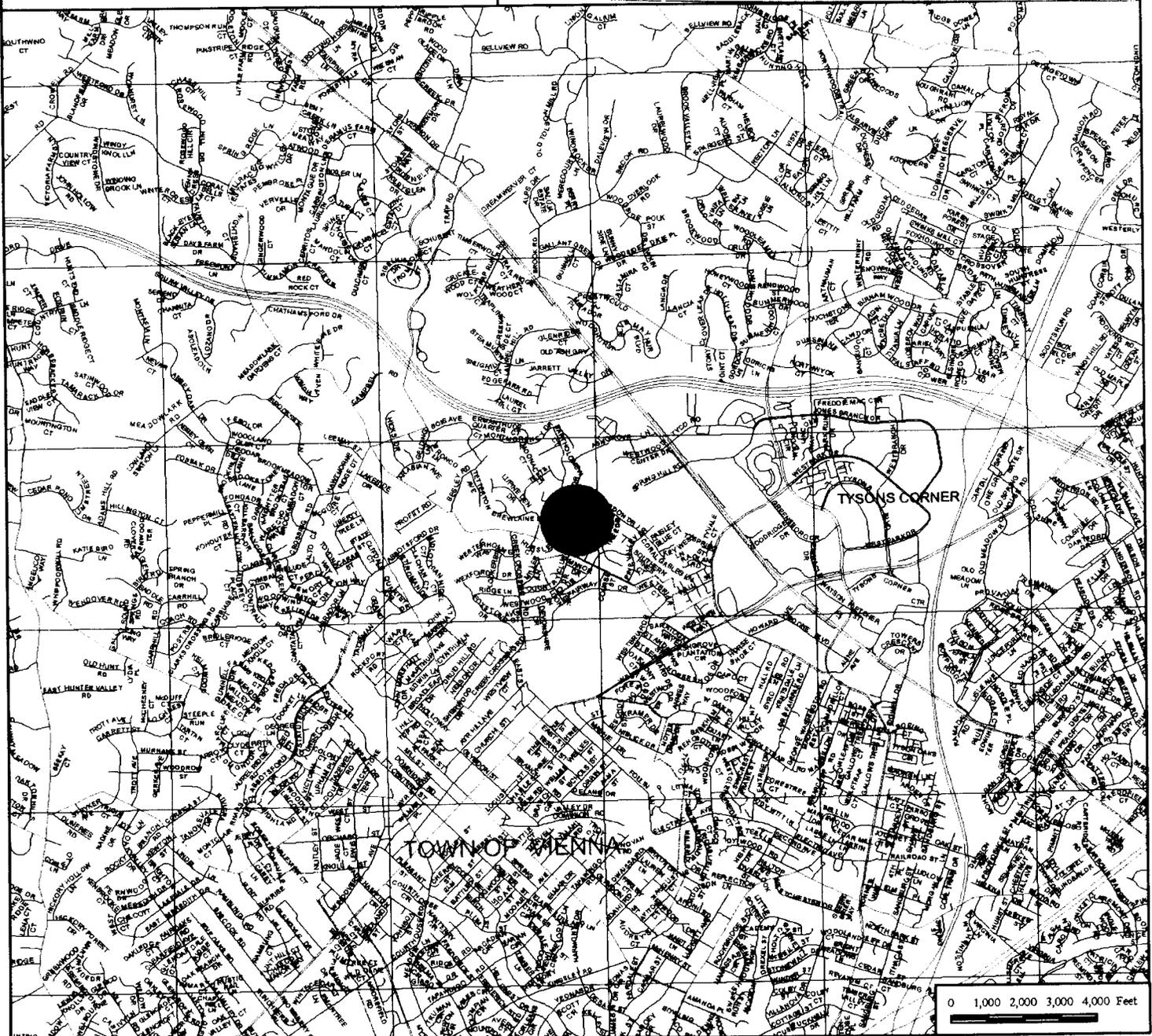
**Art 8 Group and Use:** 9-21

**Located:** 8816 SKOKIE LANE

**Zoning:** R-3

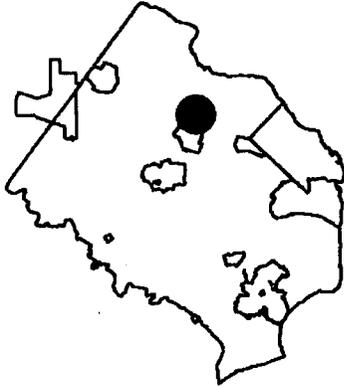
**Overlay Dist:**

**Map Ref Num:** 028-4 /13/ /0039



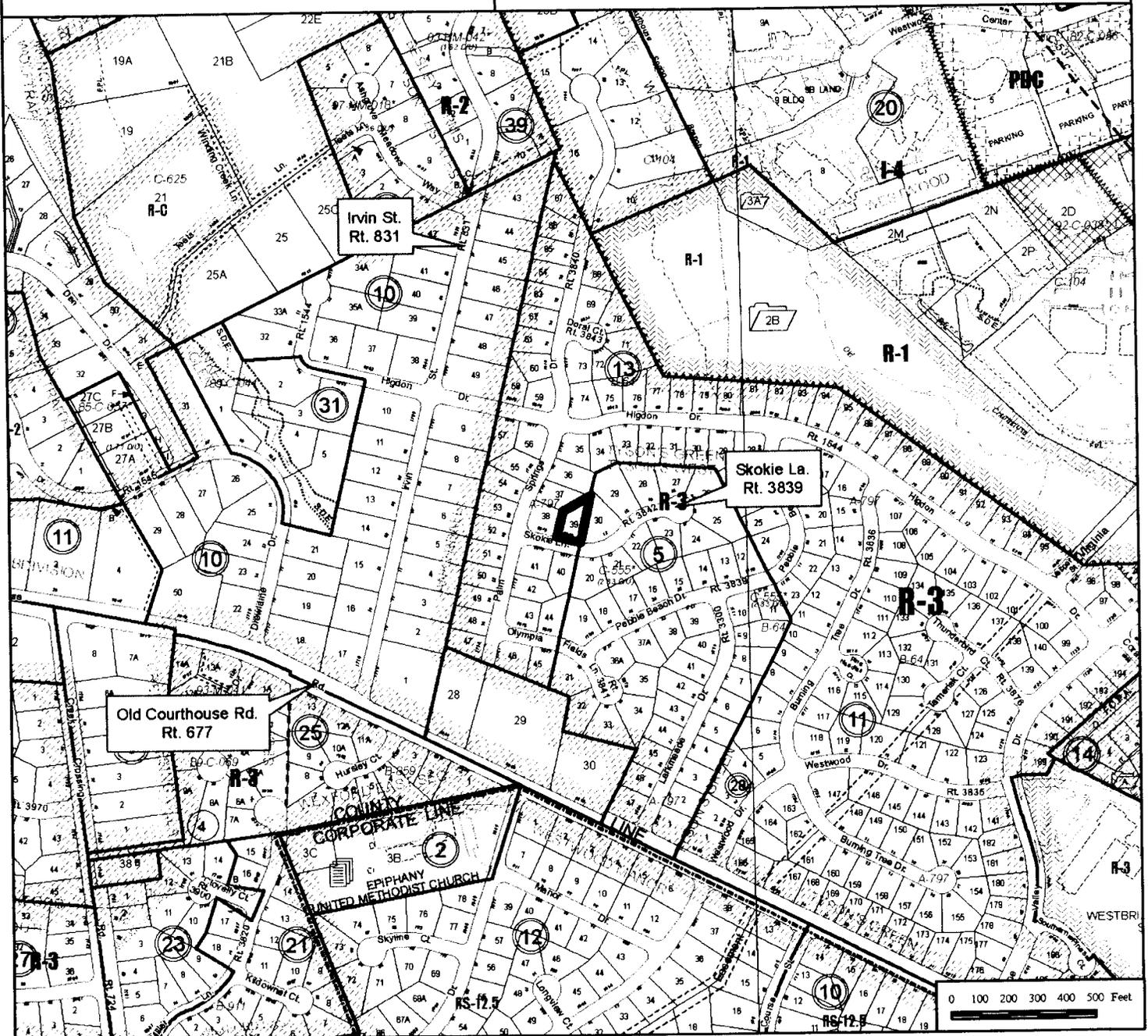
# Special Permit

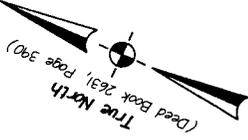
SP 2008-HM-015



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**Art 8 Group and Use:** 9-21  
**Located:** 8816 SKOKIE LANE  
**Zoning:** R- 3  
**Overlay Dist:**  
**Map Ref Num:** 028-4- /13/ /0039





Tyson's Green - Sec. 3 - Lot. 36  
 N/F Richard J. &  
 Barbara C. Thoms  
 T. M. #28-4-((13))-36  
 (DB 2826, PG 552)

Tyson's Green  
 Section 3 - Lot 37  
 N/F Warren J., Jr. & Susan P. Repole  
 T. M. #28-4-((13))-37  
 (DB 11972, PG 1354)

Tyson's Green  
 Section 3 - Lot 38  
 N/F Janet E. Gaedel  
 T. M. #28-4-((13))-38  
 (DB 981, PG 646)

**Lot 39**  
 10,859 s.f. or 0.24929 Ac.  
 Tax map #28-4-((13))-39  
 (Entire parcel zoned R-3)

Proposed Special Permit  
 Reduction in Minimum Side  
 Yard from 12' to 6'

Proposed 6' X 20'  
 and 17' X 19' addition  
 (Ht. = 13.5')

Proposed Special Permit  
 Reduction in Minimum Front  
 Yard from 30' to 20'

- NOTES:**
- 1) The property delineated hereon is located on Fairfax County Tax Assessment Map #28-4-((13)) parcel 39 and is zoned R-3.
  - 2) Current Owners: Françoise Brottel & Sabri Eriksen acquired in Deed Book 10506, Page 455.
  - 3) Property Address: #8816 Skokie Lane, Vienna, Virginia 22182.
  - 4) Current required minimum yards for the R-3 zone:  
 Front - 30', Side - 12', Rear - 25'.
  - 5) This parcel is served by public water and sewer.
  - 6) There are no Flood plains or RPA's located on this parcel.
  - 7) NO TITLE REPORT FURNISHED.
  - 8) A search of the land records by this firm failed to locate any major utility easements or any utility easements having a width of 25' or more.

**Gross Floor Area Calculations**

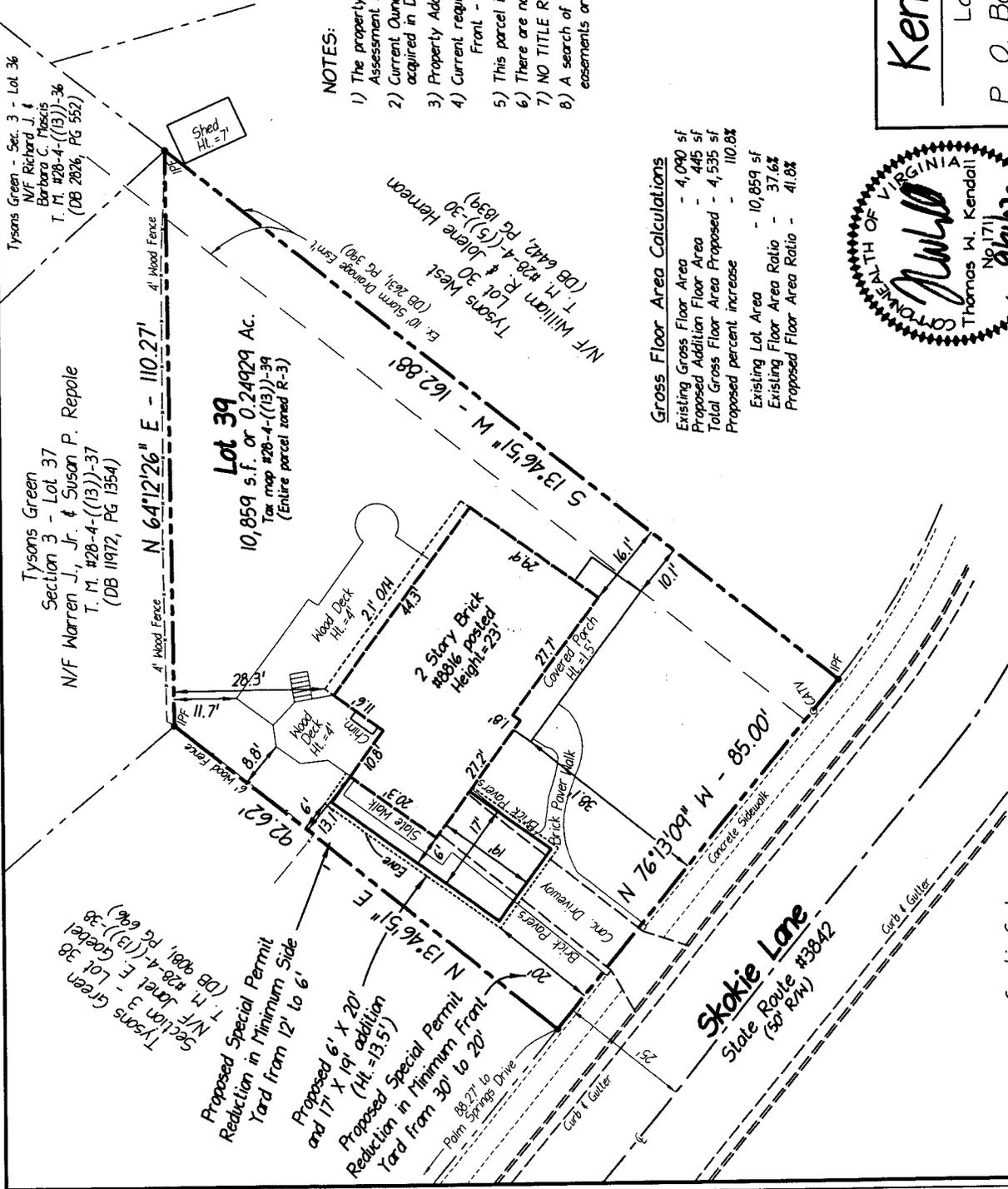
Existing Gross Floor Area	- 4,090 sf
Proposed Addition Floor Area	- 445 sf
Total Gross Floor Area Proposed	- 4,535 sf
Proposed percent increase	- 110.8%
Existing Lot Area	- 10,859 sf
Existing Floor Area Ratio	- 37.6%
Proposed Floor Area Ratio	- 41.8%

Special Permit Plat  
 Lot 39 - Section 3  
**Tyson's Green**  
 (Deed Book 2631, Page 390)

Hunter Mill District  
 Fairfax County, Virginia  
 June 12, 2007 - Scale: 1" = 20'  
 Revised September 20, 2007

**Kendall Consulting, Inc.**

Land Surveying & Land Planning  
 P. O. Box 1569 - Fairfax, Virginia 22038  
 Ph: (703) 591-1157 Fax: (703) 591-1518



Tyson's Green  
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 T. M. #28-4-((13))-37  
 (DB 11972, PG 1354)

Tyson's Green  
 Section 3 - Lot 38  
 N/F Janet E. Goebel  
 T. M. #28-4-((13))-38  
 (DB 9081, PG 696)

N 64°12'26" E - 1

**Lot 39**  
 10,859 s.f. or 0.246  
 Tax map #28-4-((13))-  
 (Entire parcel zoned R-

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 Reduction in Minimum Side  
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Proposed 6' X 20'  
 and 17' X 19' addition  
 (Ht. = 13.5')  
 Proposed Special Permit  
 Reduction in Minimum Front  
 Yard from 30' to 20'

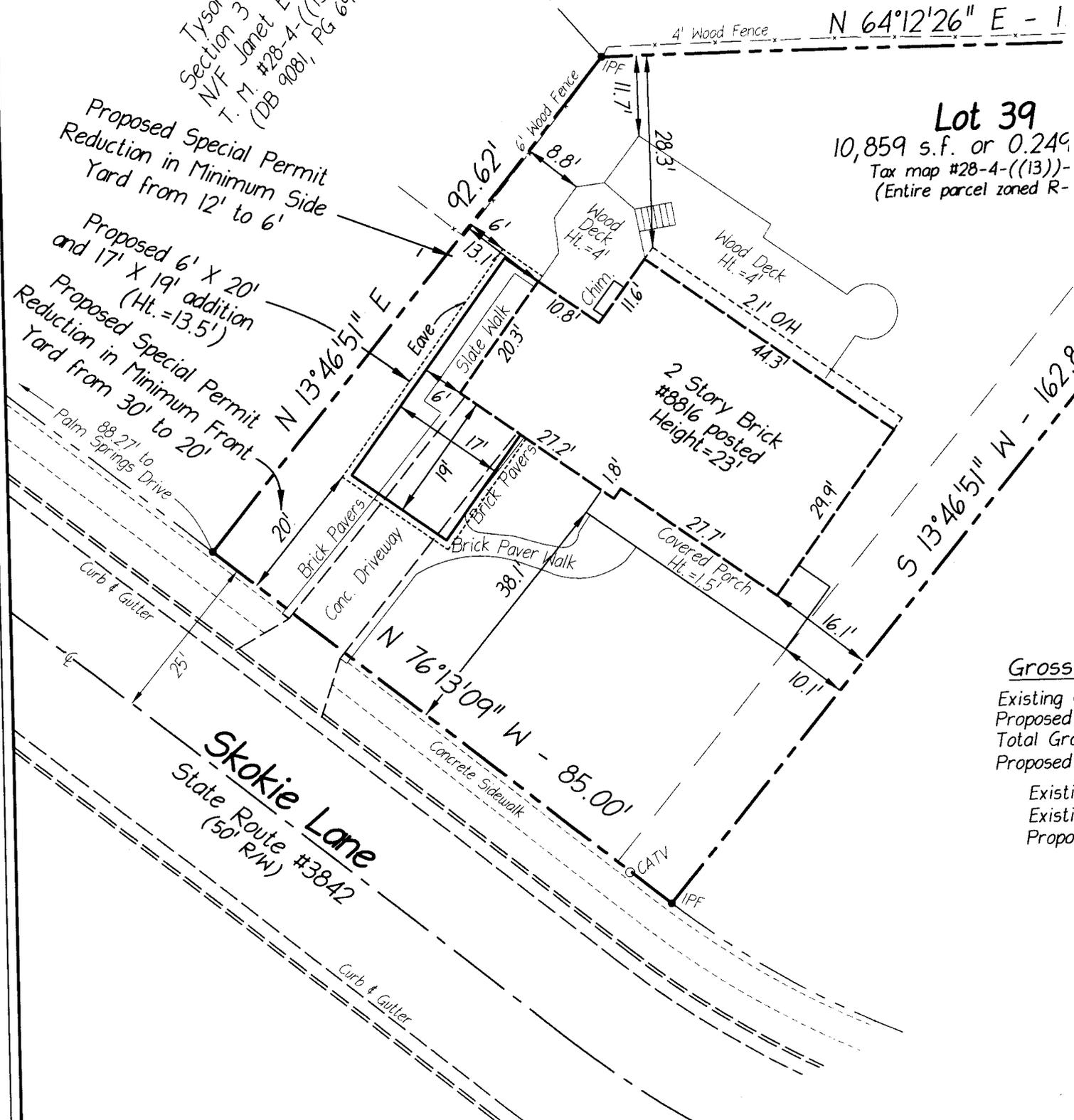
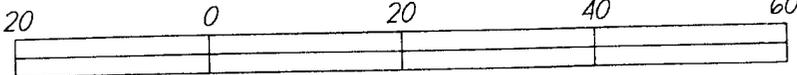
88.27' to  
 Palm Springs Drive

Curb & Gutter

**Skokie Lane**  
 State Route #3842  
 (50' R/W)

Curb & Gutter

Graphic Scale



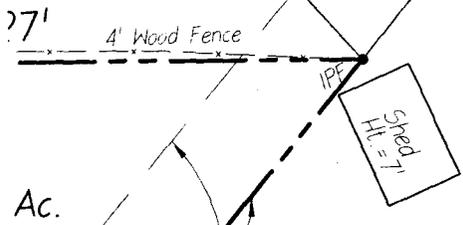
Gross  
 Existing  
 Proposed  
 Total Gross  
 Proposed  
 Existing  
 Existing  
 Proposed

Tysons Green - Sec. 3 - Lot 36  
 N/F Richard J. &  
 Barbara C. Mascis  
 T. M. #28-4-((13))-36  
 (DB 2826, PG 552)

RECEIVED  
 Department of Planning & Zoning

NOV 26 2007

Zoning Evaluation Division



10' Storm Drainage Esm't  
 (DB 2631, PG 390)  
 Tysons West  
 Lot 30  
 William R. & Jolene Hemeon  
 T. M. #28-4-((5))-30  
 (DB 6442, PG 1839)

NOTES:

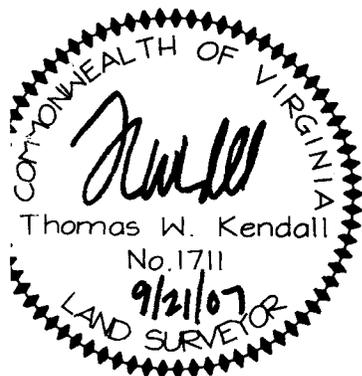
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Area Calculations

Floor Area - 4,090 sf  
 Existing Floor Area - 445 sf  
 Floor Area Proposed - 4,535 sf  
 Percent Increase - 110.8%  
 Total Area - 10,859 sf  
 Existing Floor Area Ratio - 37.6%  
 Proposed Floor Area Ratio - 41.8%

Special Permit Plat  
 Lot 39 - Section 3  
**Tysons Green**  
 (Deed Book 2631, Page 390)  
 Hunter Mill District  
 Fairfax County, Virginia

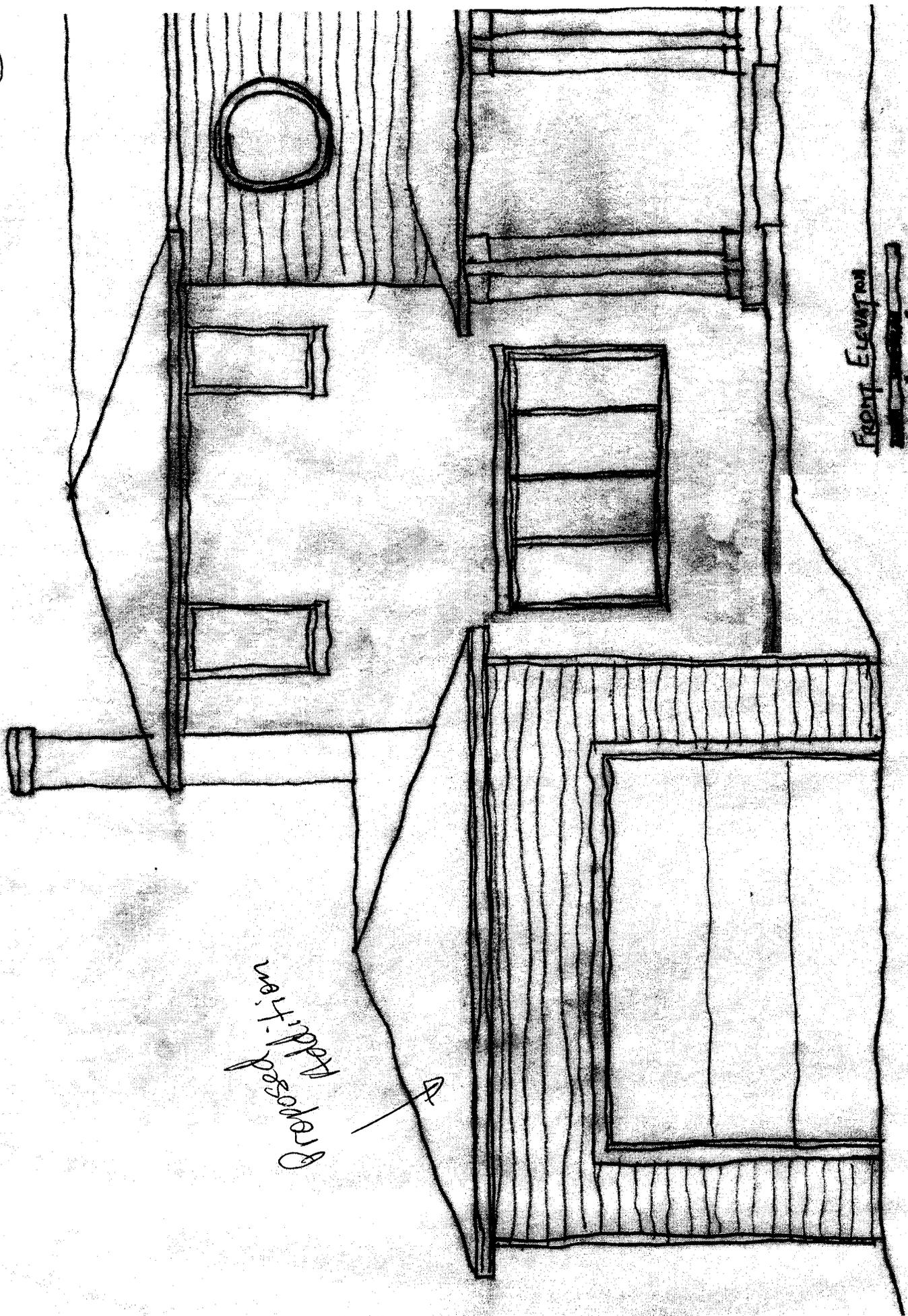
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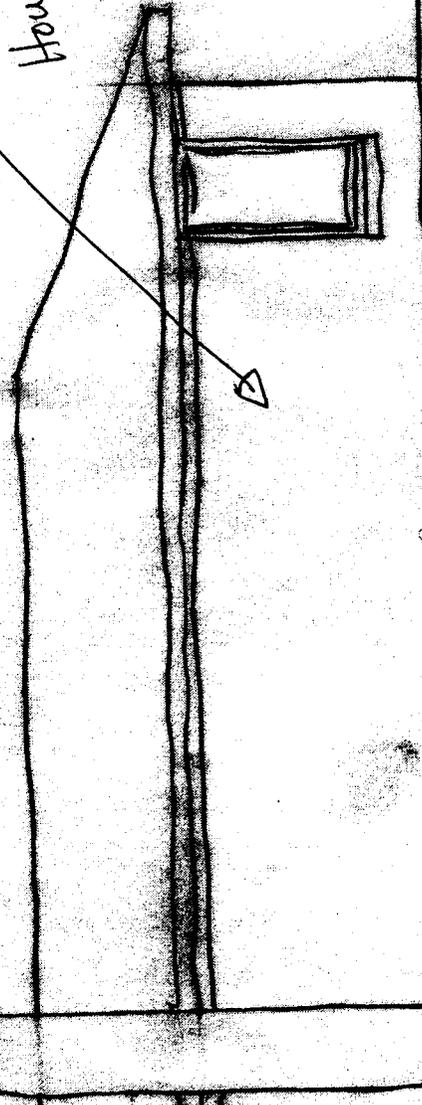


Front Elevation

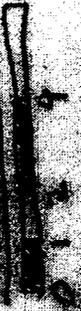
Proposed Addition

(B)

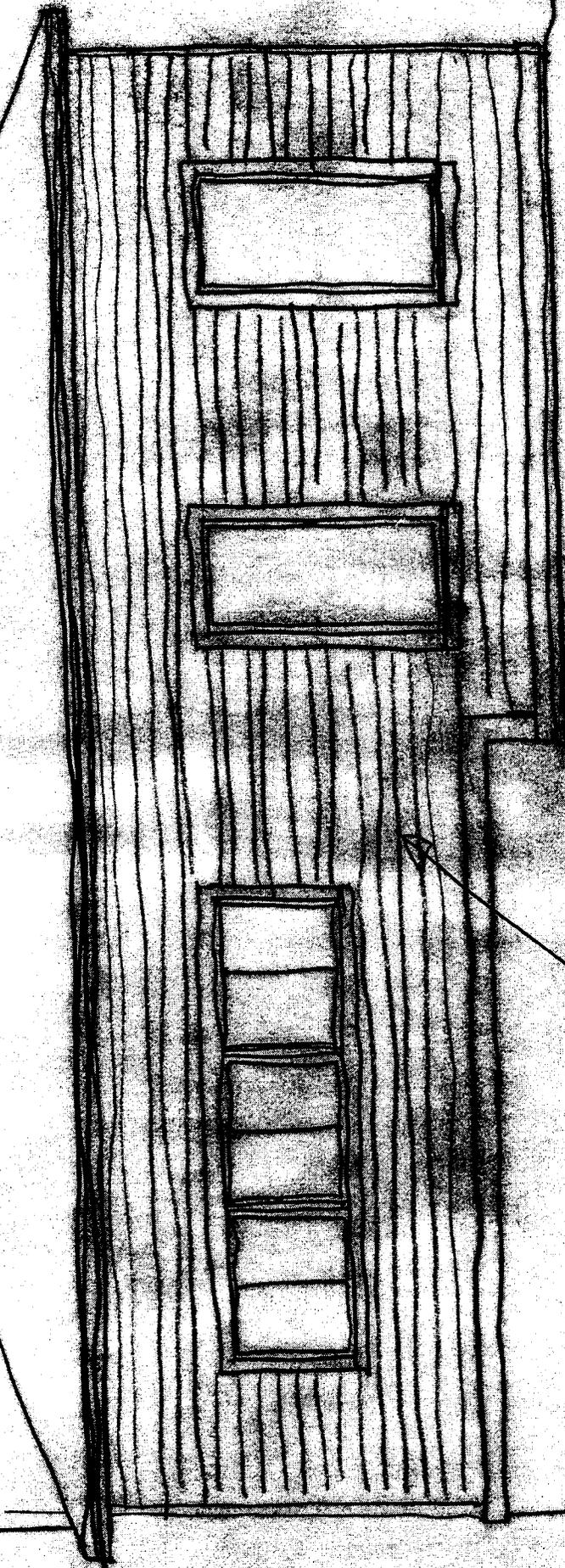
Existing House



Side Elevation

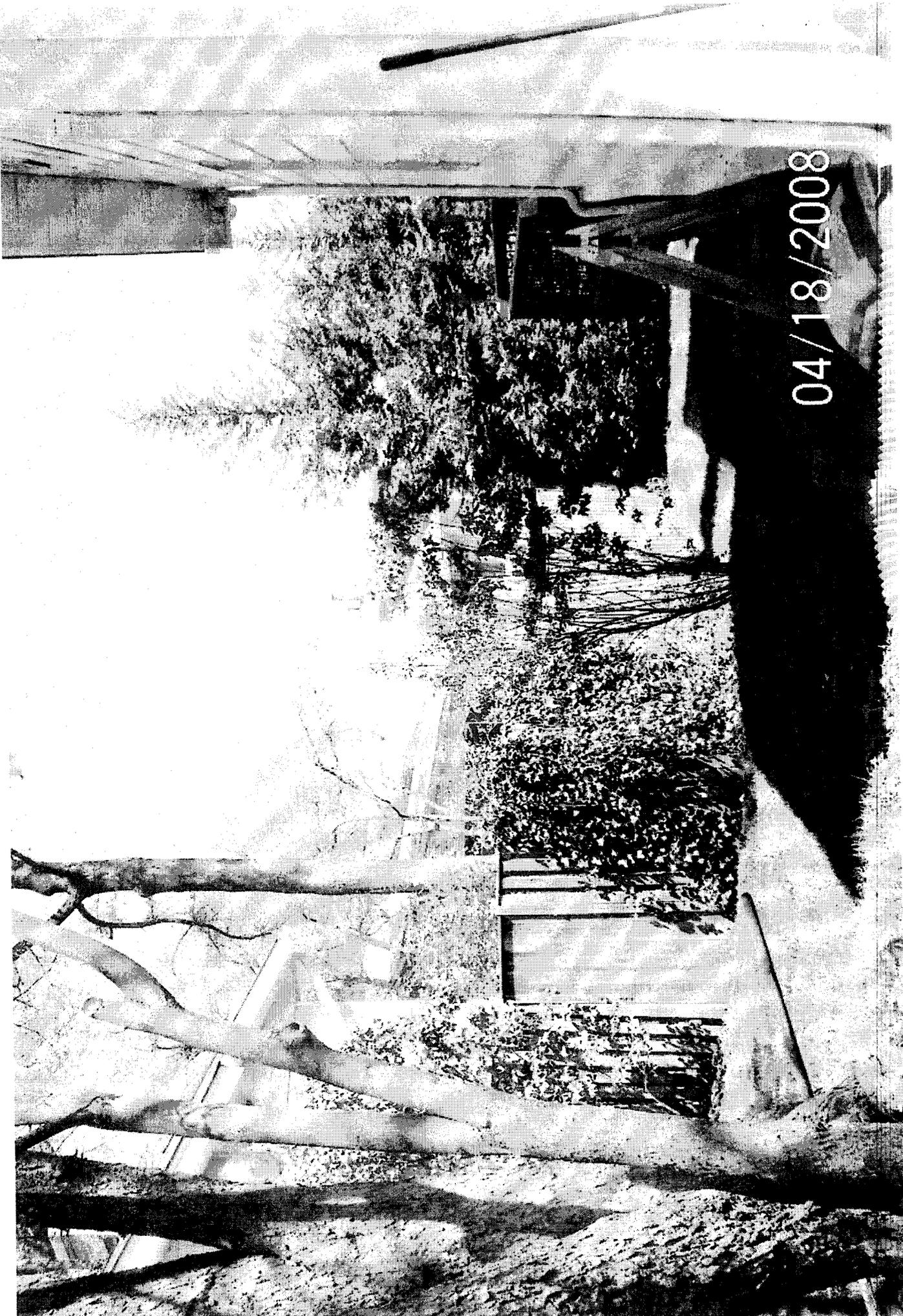


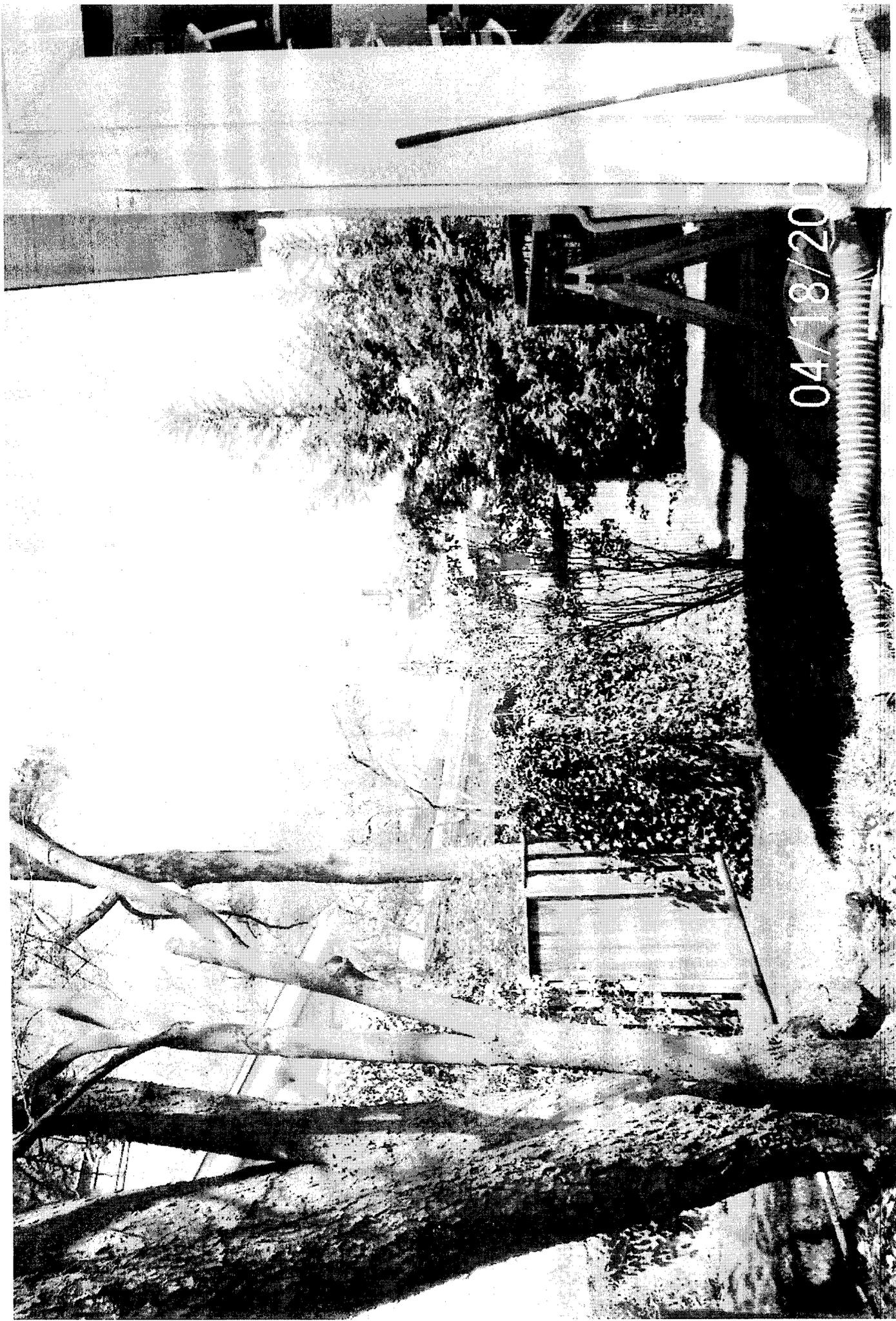
Proposed new Garage





04/18/2008





04/18/200



**DESCRIPTION OF THE APPLICATIONS**

This application includes three special permit requests. The first is to permit reductions to minimum yard requirements based on errors in building locations to permit 1) a roofed deck to remain 10.1 ft. from the eastern side lot line; and, 2) an addition, deck with lattice underneath, to remain 8.8 feet from the western side lot line.

**Description of Special Permits**

	Structure	Yard	Min. Yard Req.*	Permitted Extension**	Min. Allowed	Structure Location	Amount of Error	Percent of Error
<b>Special Permit #1</b>	<b>Roofed Deck</b>	Side	12.0 feet	N/A	12.0 feet	10.1 feet	1.9 feet	16%
<b>Special Permit #2</b>	<b>Addition (Deck with lattice)</b>	Side	12.0 feet	N/A	12.0 feet	8.8 feet	3.2 feet	27%

\*Minimum yard requirement per Section 3-307

The third request is to permit reduction to certain yard requirements to permit construction of an addition to be located 6.0 feet from the western side lot line and 20.0 feet from the front lot line.

**Description of Special Permit**

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
<b>Special Permit</b>	Addition	Side	12.0 feet	6.0 feet	6.0 feet	50%
<b>Special Permit</b>	Addition	Front	30.0 feet	20.0 feet	10.0 feet	33%

\*Minimum yard requirement per Section 3-307

## EXISTING SITE DESCRIPTION

The site is currently zoned R-3 and contains a two story single family detached dwelling. The original structure was built in 1966 and the second story addition was built in 2003. The property also has decking on the front and rear of the dwelling. The lot consists of 10,859 square feet and is surrounded by single family detached homes on all lot lines. The eastern side yard is 10.1 feet where 12 feet is required; the front yard is 38.1 feet where 30 feet is required and the rear yard is approximately 30 feet where 25 feet is required in the R-3 District.

## CHARACTER OF THE AREA

	Zoning	Use
<b>North</b>	R-3	Single Family Detached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings
<b>South</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single Family Detached Dwellings

## BACKGROUND

The applicant obtained building permit approval in 2001 to construct an open deck three (3) feet in height to be located 10.0 feet from the western side lot line. As depicted on the current plat, the deck is located 8.8 feet from the side lot line, and includes lattice underneath; therefore, the deck is considered an addition to the dwelling and is not permitted an extension into the side yard setback. The applicant also obtained a building permit in 2003 to construct a covered front porch to be located 14.0 feet from the eastern side lot line. Also as depicted on the plat, the covered front porch is located 10.1 feet from the side lot line. Building permit history is attached as Appendix 4.

Following the adoption of the current Ordinance, the BZA has heard the following similar special permits in the vicinity of the application parcel:

- Variance VC 98-H-117 was approved on January 6, 1999 for Tax Map 28-4 ((10)) 42, zoned R-1, at 1636 Irvin Street, to allow construction of addition 6.8 feet from side lot line and accessory structure to remain in front yard of a lot containing 36,000 square feet or less.
- Variance VC 86-C-123 was approved on March 11, 1987 for Tax Map 28-4 ((10)) 5, zoned R-1, at 1709 Irvin Street, to allow construction of garage addition to dwelling 11 feet from side lot line.

- Variance VC 86-C-046 was approved on July 29, 1986 for Tax Map 28-4 ((10)) 39, zoned R-1, at 1642 Irvin Street, to allow construction of garage addition to dwelling to 10.2 feet from side lot line.
- Variance VC 84-C-020 was approved on May 1, 1984 for Tax Map 28-4 ((5)) 48, zoned R-3, at 1716 Palm Springs Drive, to permit garage to dwelling 6 feet from side lot line.
- Variance VC 83-C-121 was approved on March 27, 1984 for Tax Map 28-4 ((10)) 38, zoned R-1, at 1644 Irvin Street, to allow construction of garage addition to dwelling to 8 feet from side lot line.
- Variance VC 83-C-110 was approved on September 27, 1983 for Tax Map 28-4 ((10)) 32, zoned R-1, at 8909 Higdon Drive, to allow construction of garage addition to dwelling to 8.7 feet from side lot line.

## ANALYSIS

### Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** Special Permit Plat, Lot 39, Section 3, Tysons Green
- **Prepared by:** Kendall Consulting, Inc.
- **Dated:** June 12, 2007 as revised through September 20, 2007

### Proposal:

The applicant is requesting a special permit to permit the construction of a one story addition to be located 6.0 feet from the western side lot line and 20.0 feet from the front lot line. The 445 square foot addition is proposed to expand the existing kitchen and create a great room by utilizing the existing garage. A new garage is proposed extending toward the front lot line which, according to the applicant's statement of justification, would be large enough to park a single mini van size vehicle.

## 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 5:

- 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 does not meet 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 a site visit as well as through submitted photographs that the construction of an addition into the minimum required side yard could be harmonious with structures in the neighborhood as there have been numerous side yard variances granted in the vicinity of the application property, as stated under the background on pages 2 and 3. However, though many of the dwellings along Skokie Lane have garages, none infringe into the minimum front yard. Many of the homes in the area, including the applicants', have been enlarged and new homes have been built, however according to building permit records, all meet minimum front yard requirements. The proposed garage addition requires a 10 foot or 33% reduction in the front yard and is out of character with other surrounding homes. Therefore, staff does not believe 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 will consist of an expansion of an existing kitchen to create a great room and the addition of a garage at the front of the dwelling. The applicant proposes to remove an existing mature red bud tree with the proposed construction; therefore, staff believes that due to the close proximity to the adjacent neighbor, if the application is approved, additional screening is warranted. A condition for additional screening is included.*

### **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 does not meet all of the remaining standards, specifically Standards 7 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 4,090 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 6,135 square feet in size for a possible total square footage at build out of 10,225. The proposed addition is 445 square feet, for a total square footage of the house with the addition of 4,535 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 as it will be one story, as is the existing garage. Although the addition proposed is in close proximity to the adjacent neighbor, the location of the addition is the most logical location because it will expand an existing kitchen area by converting the existing garage and creating a great room affect as well as adding a new garage on the property. Most of the homes in the neighborhood have garages, and are larger in scale; therefore, the addition would be in keeping with most of the immediate surrounding homes. There is currently only one home that is of its original size and scale, which is the immediate neighbor who is in support of the application. 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 existing single family detached dwelling is two stories in height and features siding and brick construction, as do most of the homes in the neighborhood. The garage addition will be a one story addition and constructed of similar materials, so in that respect, the garage is similar in size and materials to dwellings on neighboring properties. However, based on review of County zoning files, there are no other garages which extend into the minimum required front yard. Most of the other homes in the neighborhood appear to have garages built at the time of construction within the footprint of the house, or garages or carports attached to the side of the dwelling. The proposed 445 square foot garage addition is not in keeping with that of other development in the neighborhood, given its proposed location in the front of the house, only 20 feet from the front lot line. Therefore, staff does not believe this standard has been met.*

*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 to the side and front of the existing dwelling would not increase run-off since the majority of the addition is proposed to be placed on existing impervious surface. 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 subject property is an irregular shaped lot and the rear yard slopes from front to back. There is existing decking and mature vegetation in the rear yard, therefore there is limited space for an addition. However, since there is an existing garage on the property, the applicant can explore the option of replacing/moving a portion of the rear deck and extending the kitchen/great room to the side and rear, rather than replacing the garage. Additionally the proposed garage portion of the addition is not large enough for a two car garage, yet is oversized for a one-car garage. The proposed may not be the minimum reduction necessary, and the garage could be reduced in size or reconfigured to minimize the intrusion into the front yard. Staff believes that the application does not meet this entire provision.*

## **CONCLUSION**

Staff believes that the request to add a one story addition is not in conformance with the applicable Zoning Ordinance provisions.

## **RECOMMENDATION**

Staff recommends denial of SP 2008-HM-015.

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. Building Permit History
5. Applicable Zoning Ordinance Provisions

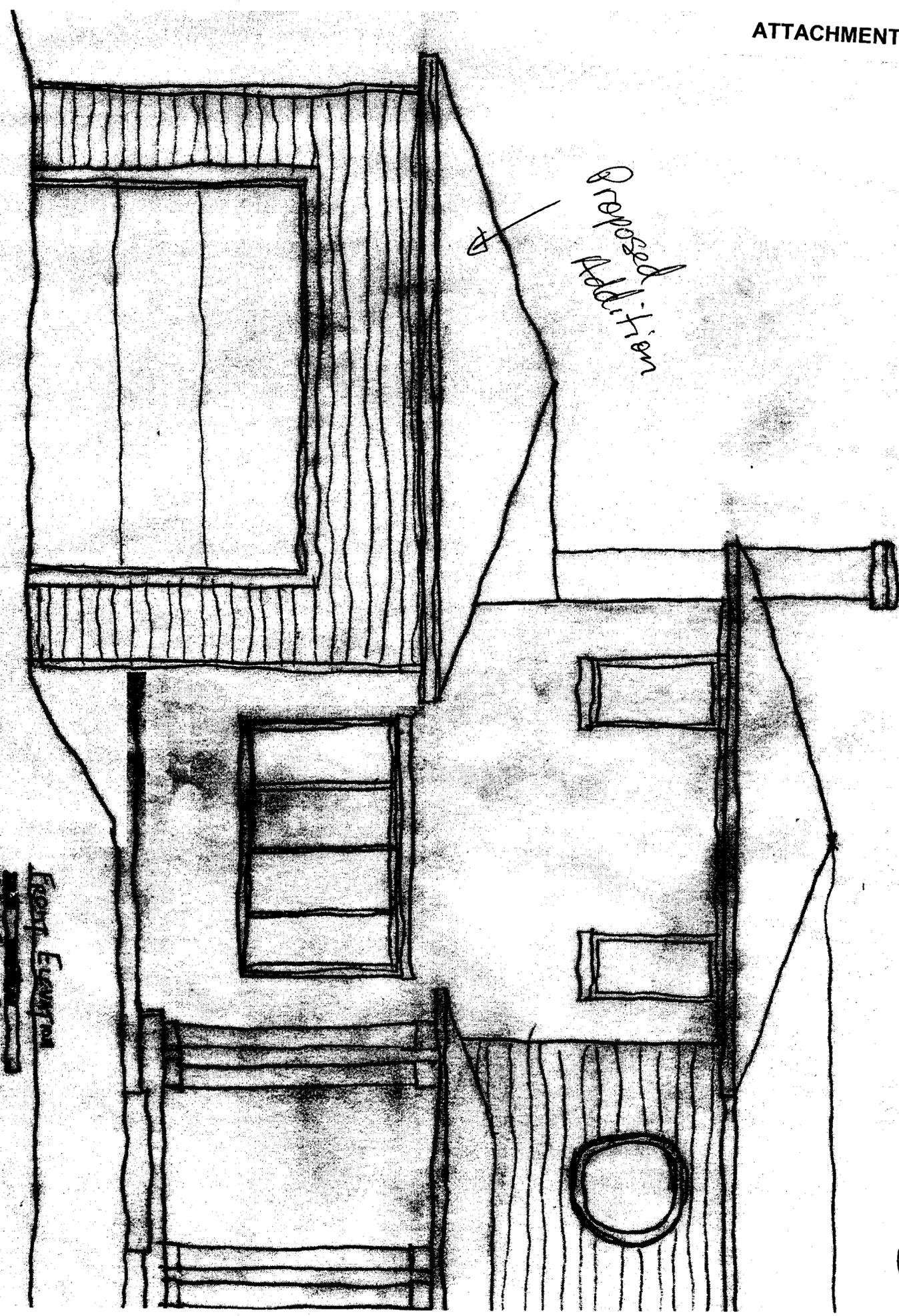
**PROPOSED DEVELOPMENT CONDITIONS****SP 2008-HM-015****May 6, 2008**

If it is the intent of the Board of Zoning Appeals to approve SP 2008-HM-015 located at Tax Map 28-4 ((13)) 39 to permit reduction of certain yard requirements pursuant to Sections 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 (445 square feet) of an addition, as shown on the plat prepared by Kendall Consulting, Inc., dated June 12, 2007 as revised through September 20, 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 (4,090 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. A row of evergreen trees, a minimum of six (6) to eight (8) feet in height at time of planting, spaced a maximum of twelve (12) feet apart, shall be planted along the length of the western property line adjacent to Lot 38.

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.

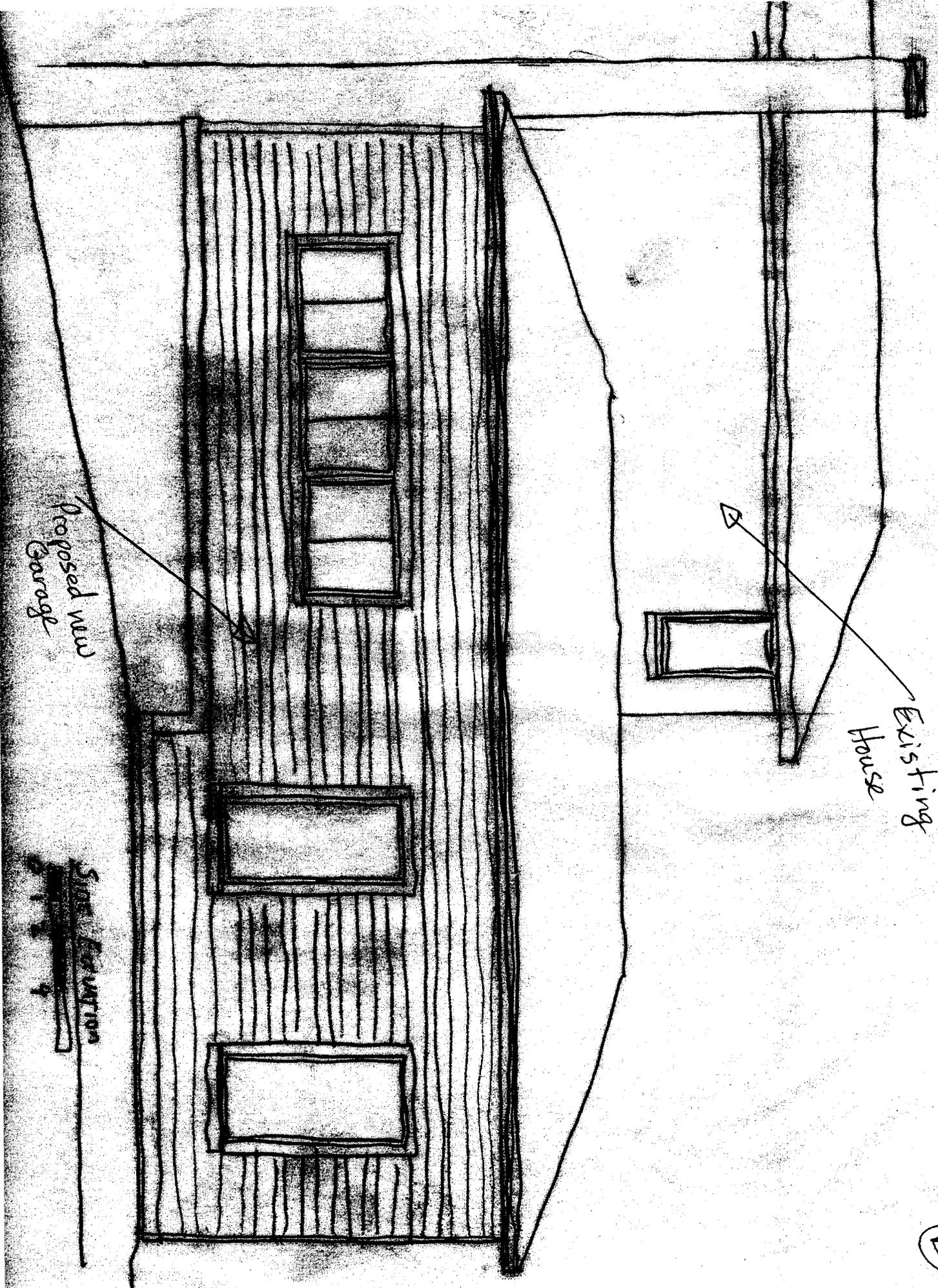
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction 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.



*Proposed Addition*

*Front Elevation*

(A)



Proposed new  
Garage

Existing  
House

Scale: 1/4" = 1'-0"

(B)

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 7-26-07  
(enter date affidavit is notarized)

Sabri Eriksen, 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

96856

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

(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 <b>BOLD</b> above)
Sabri Eriksen	8816 SKOKIE LANE Vienna, VA. 22182	OWNER / APPLICANT
FRANCOISE BROTTET		OWNER

(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: 7-26-07  
(enter date affidavit is notarized)

96856

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)

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: 7-26-07  
(enter date affidavit is notarized)

96856

(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)

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.

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 7/26/07  
(enter date affidavit is notarized)

96856

(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:

Francoise Brottet, <sup>JOINT</sup> Owner, of 8816 SKOKIE Lane  
(married to Applicant) Vienna, VA. 22182

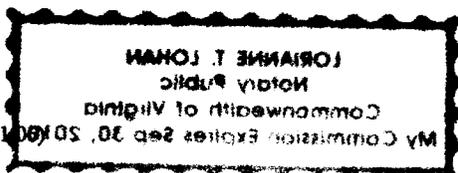
Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

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: 7-26-07  
(enter date affidavit is notarized)

96856

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)

Sabri Eriksen  
 Applicant [ ] Applicant's Authorized Agent

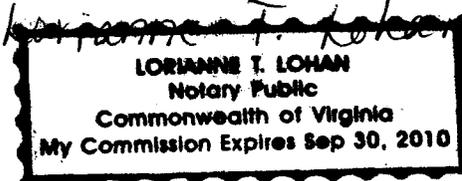
Sabri Eriksen  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 26<sup>th</sup> day of July 2007, in the State/Comm. of Virginia, County/City of Fairfax.

Lorianne T. Lohan  
Notary Public

My commission expires: Sept. 30<sup>th</sup> 2010  
ID # 7048831

Lorianne T. Lohan



Sabri Eriksen  
8816 Skokie Lane  
Vienna, Va. 22182  
(703) 319-7744 home  
(703) 597-6534 cell

April 17th, 2008

Debbie Hedrick  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

Ref: SP 2008-HM-015

Dear Ms. Hedrick,

I am writing this letter to address an issue which has arisen in the course of submitting my special permit application for work on the east side of our property (the garage side) at 8816 Skokie Lane, Vienna, Va. 22182. In 2000 or 2001 I applied for a permit to build a deck on the side and back of our property. We hired an architect to come up with a design as this was beyond my expertise. I received the permit and built the deck and had all applicable inspections completed and approved by Fairfax County.

In the course of reviewing my application for a special permit (SP 2008-HM-015), your office has informed me that there is a problem with the way the deck was constructed back in 2001 and that the deck does not conform to the current residential zoning rules. If I understand it correctly, a portion of my deck that cantilevers into the side yard is apparently four (4) feet above the ground instead of the three feet as it was designed on the approved plans. This requires that as part of my application for a special permit to reduce the side yard set back by 50 % I include a request to have the deck allowed to stand as it was originally built.

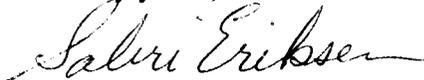
At the time of the construction of the deck, I was unaware of the rule that requires the deck to be only 36" off the ground if it is cantilevered into the set back. I built the deck to the exact dimensions as they were on the plan. The error in building the middle part of the deck four feet above grade and not 36" was made in good faith. I honestly did not know the issue with the height. The plans called for the cantilevered portion of the deck to extend 36" into the side yard, and that is how I built it. I didn't know about the height issue. I also did not know that you were not allowed to put lattice or cover the opened part (framing) of the deck with one-by material otherwise the deck would be considered an addition. I covered the sides specifically to make the deck more attractive and at additional cost in time and money. I have received numerous compliments on the appearance of the deck over the years from my immediate neighbor Jan Goebel who is the only person

who can see the deck from her side and back yard on the side which is under review.

The deck has now been in place for over seven years and has not been a detriment to the use and enjoyment of the other properties in the immediate vicinity (my neighbor to the east). Ms. Goebel has always said she liked the look of our deck. The reduction of the side set back to allow our deck to stand with the one-by boards on the sides will not impair the purpose and intent of the ordinance. Furthermore, it will not create an unsafe condition with respect to both my neighbors and the public. Forcing me to rebuild the deck one foot lower would be very costly and involve redoing the upper deck and two staircases along with all of the railing.

I hope that this information will be helpful in addressing any concerns that the Department of Planning and Zoning has regarding my special permit application. If you have any further questions or comments, please feel free to call me on my cell phone at (703) 597-6534 or you can email me at [sabri.eriksen@cox.net](mailto:sabri.eriksen@cox.net). You have been most helpful in your dealing with me and I appreciate your thoroughness in evaluating my application.

Sincerely yours,

A handwritten signature in cursive script that reads "Sabri Erikson". The signature is written in black ink and is positioned above the printed name.

Sabri Erikson

## Statement of Justification

Sabri Eriksen  
8816 Skokie Lane  
Vienna, Va. 22182  
(703) 319-7744 H  
(703) 597-6534 C

RECEIVED  
Department of  
FEB 11 2008  
Zoning Evaluation

Virginia H. Ruffner  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

Dear Mrs. Ruffner,

I am writing this letter to address an issue which has arisen in the course of submitting my special permit application for work on the east side of the my house (the garage side) at 8816 Skokie Lane, Vienna, Va. 22182. Four years ago, as part of an our second floor addition, a wrap around porch was built. I have been informed by your office that you have found that there was an error in the building location of the covered porch on the west side of the house (right side when facing the house) which was built four years ago, it is over the setback by approximately one (1) foot. This requires that I apply for a reduction of the side yard set back of one foot on that west side to permit the existing covered porch to remain. The side set back on the porch side of the house is 12 feet so the error is about eight percent (8%). The porch was part of an addition for which I submitted and received a permit from Fairfax County in the summer of 2003. All the work was done according to Fairfax County building code and has been inspected and approved.

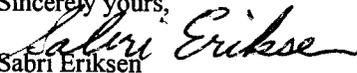
The error was made in good faith. I submitted the drawings of the wrap around porch at the time of the application and the plans were approved by Fairfax County. I built the covered porch according to the approved plans not knowing that I was building it one foot into the side yard set back. The porch has been in place for four years now and has not been a detriment to the use and enjoyment of the other property in the immediate vicinity (my neighbor to the west). In fact I have received very favorable comments from my neighbor, Mr. Hemeon, about the look of the porch since it was built.

The reduction of the side set back will not impair the purpose and intent of the Ordinance. Furthermore, it will not create an unsafe condition with respect to both my neighbor or the public. Forcing me to move the porch from its current location by one foot to come into compliance of the minimum yard requirements would be very expensive and involve quite a bit of work. I would have to reframe the porch roof, reframe the porch floor and pour two new footings for the porch posts on the west side. I honestly did not know that the new covered porch was intruding into the side yard set back.

The reduction in the side yard set back will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

I hope that you now have all of the information necessary to evaluate my special permit application. If you have any other questions or comments or need any other documents, pictures or other information, please feel free to call me on my cell at 703-597-6534, or you can email me at [sabri.eriksen@cox.net](mailto:sabri.eriksen@cox.net). I thank you for your help in completing my application.

Sincerely yours,

  
Sabri Eriksen

Sabri Eriksen (property owner)  
8816 Skokie Lane  
Vienna, Va. 22182  
703-319-7744 home  
703-597-6534 cell

RECEIVED  
Department of Planning & Zoning

JUL 26 2007

Zoning Evaluation Division

### Special Permit statement of Justification

I, Sabri Eriksen and my wife Francoise Brottet, owners of the residence at 8816 Skokie Lane, Vienna, Va. 22182 are requesting a special permit for the reduction of yard requirements to allow us to add to our current garage/carport. We have lived at 8816 Skokie Lane since August of 1998 with our three children ages 3, 10, and 11. We love the neighborhood and get along very well with all of our fellow residents on Skokie Lane, we have made many friends in our nearly nine years here. We have no plans of moving to find a larger home. Like many families today, our kitchen is the central room of activity in our home, and aside from our bedrooms we spend the most time in this room. The kitchen is fairly small as is our current garage/carport which measures only 10 feet wide, and cannot accommodate either one of our minivans. As a kitchen/bath remodeler, I also have many tools all of which need indoor storage. I currently use a majority of the garage to store my tools.

We are asking for a special permit to reduce our current yard set back requirements as we would like to extend our kitchen into the existing carport/garage to make a larger kitchen/family room ("great room"). Since we will be losing our small carport/garage to enlarge our kitchen, we would like to add a garage to the front of the existing carport/garage. This will allow us a larger garage that is more in proportion with the rest of the house. Currently, the small garage/carport looks unbalanced/tacked on with regards to the house itself

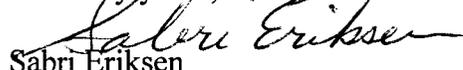
The current set backs allow us only to bump out 13 feet only, into the front yard and 0 feet into the side yard. We would like the permission to bump out into the side yard set back 6-7 feet (50%) to make the new garage wider and more usable than the existing one which is only 10 feet wide. Additionally, to get a new garage which can fit a standard car you need 18-20 of length. We are currently allowed just 13 feet in front of the existing garage/carport. Therefore, we are requesting permission to extend our new garage 9 feet (30%) into the front yard set back so that the new garage would be 19 feet long, enough to accommodate most cars.

Currently, our small carport/garage looks unbalanced with the rest of the house, it looks tacked on. Making the new garage longer and wider brings an added advantage for us of helping to even out the look of our home with regards porch and front yard. As can be seen from the proposed elevations, the new structure would be of a similar height as the existing carport/garage, and would only be a little bit wider and longer. The new structure would create a small courtyard feel in the front that would add some charm to our existing porch. Furthermore, the rest of the homes down Skokie lane to the right of our home date from 1977-78 (ours dates to 1967) and are larger colonial and split level in design with two car garages. Allowing us to have a larger one car garage would help us maintain the value of our property with respect to the other homes on Skokie Lane.

We have a great relationship with our immediate neighbors, and I have spoken to them about our plans to expand our existing carport/garage and ask for a special permit. They all seem receptive and even wished us good luck. Our immediate neighbor Jan Goebel (8814 Skokie Lane) who shares the side yard in question has given us her support of our potential project.

I trust that the zoning board will make a thorough and expeditious review of our application.

Sincerely yours,

 7/24/07  
Sabri Eriksen  
Signed by owner

7-24-

To Whom It May Concern -

Sabri Eriksen has discussed his planned remodeling, which will include extending his 1st floor about 6' closer to our common lot line, and I have no objection -

Jens P. Garbl  
8818 Skokie Lane

Manassas, VA 22182

If you need to discuss, my # is 703-938-1242

PERMIT # 03170 B0430

FOR INSPECTIONS CALL: (703) 222-0455

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # R-03-00(3)

TAX MAP # 028-4-113/70039

ROUTING	DATE	APPROVED BY:
ZONING	6-19-05	<i>Tom</i>
SITE PERMITS	March 14 05	<i>Lee</i>
SANITATION		
HEALTH DEPT.		
FIRE MARSHAL		
BUILDING REVIEW	7-24-03	ASV
LICENSING		
ASBESTOS		

FEE \$ \_\_\_\_\_

FILING FEE \$ \_\_\_\_\_

AMOUNT PAID BY APPLICANT \$ 105.30

BUILDING FLOOR AREA \_\_\_\_\_

REVIEWER \_\_\_\_\_ # OF HOURS \_\_\_\_\_

REVISION FEES \$ \_\_\_\_\_

FIRE MARSHAL PLACED ON COMPLETE PLAN LOC.  J  R

FIXTURES  PLAN LOC.  J  R

APPROVED FOR ISSUANCE OF BUILDING PERMIT

BY *Lee* DATE 7-24-03

**BUILDING PERMIT APPLICATION**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
 WIRENAX COUNTY, VIRGINIA  
 PERMIT APPLICATION CENTER  
 1055 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-5504  
 (703) 222-0801

PLEASE PRINT ALL APPROPRIATE INFORMATION IN THIS COLUMN  
 (SEE SEPARATE PAGE FOR TYPE)

JOB LOCATION  
 ADDRESS 8816 SKOKIE LANE  
 LOT # 31 BUILDING \_\_\_\_\_  
 FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
 SUBDIVISION TYSONS GREEN SEC 3  
 TENANT'S NAME \_\_\_\_\_

OWNER INFORMATION: OWNER  TENANT   
 NAME SABRI ERIKSE + FRANCOISE BROTTET  
 ADDRESS 8816 SKOKIE LANE  
 CITY VIENNA STATE VA ZIP 22182  
 TELEPHONE (703) 319-7744

CONTRACTOR INFORMATION:  
 CHECK IF SAME AS OWNER   
 COMPANY NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_

LOCAL CONTRACTOR LICENSE # \_\_\_\_\_  
 STATE CONTRACTORS LICENSE # \_\_\_\_\_  
 COUNTY BUSINESS ACCOUNT # \_\_\_\_\_  
 APPLICANT Owners & *Brotte*

DESCRIPTION OF WORK  
Addition on Second Floor to Existing Rambler, Single Family House

HOUSE TYPE Rambler, Single Family

ESTIMATED COST OF CONSTRUCTION 135,000

BUILDING AREA (SQ FT) OF FOOTPRINT 1,100

USE OF BUILDING Residential

TYPE OF CONSTRUCTION 5049

SEWER SERVICE: PUBLIC  SEPTIC  OTHER   
 WATER SERVICE: PUBLIC  WELL  OTHER

OTHER PLANS SPECIFY \_\_\_\_\_

DESIGNATED MECHANICS' LIEN AGENT:  
 NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 PHONE: \_\_\_\_\_

NUMBER OF STAIRS FOR NEW SFD, TILAP & CONDOS \_\_\_\_\_

# BATHS 2 EXTERIOR WALLS \_\_\_\_\_  
 # HALF BATHS \_\_\_\_\_ EXTERIOR WALLS \_\_\_\_\_

# BEDROOMS 4 ROOF MATERIAL \_\_\_\_\_  
 # BATHROOMS \_\_\_\_\_ FLOOR MATERIAL \_\_\_\_\_  
 # PORCHES \_\_\_\_\_ FINISH BASEMENT \_\_\_\_\_  
 # GARAGES \_\_\_\_\_ FINISH BUNKER \_\_\_\_\_  
 # STAIRS \_\_\_\_\_ FINISH MECHANICAL SYSTEMS \_\_\_\_\_  
 # DECKS \_\_\_\_\_ FINISH MECHANICAL \_\_\_\_\_

I hereby certify that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations.

*Brotte* Date \_\_\_\_\_

ZONING REVIEW: ZONING CLASS R-3  
 USE SFD  
 ZONING CASE # \_\_\_\_\_

GROSS FLOOR AREA OF TENANT SPACE \_\_\_\_\_

YARDS: FRONT 21 SIDE 16 REAR 16

GARAGE:  1  2  3

OPTIONS: YES  NO

REMARKS: Build 25m  
Addn & covered  
500sq ft porch per

GRADING AND DRAINAGE REVIEW  
 SOILS: 10 A  B  C

HISTORICAL DISTRICT \_\_\_\_\_

AREA TO BE DISTURBED (TOTAL SQ FT) 13500

ADDITIONAL IMPROVEMENT AREA (ADDED SQ FT) 4500

PROFFERS:

PLAN #	APPR. DATE
_____	_____

STAMPS: \_\_\_\_\_

*Lee*

(See reverse side of application)

REMARKS: Not attached

I hereby certify that I have authority of the owner to make the information complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations.

Notary Signature \_\_\_\_\_ Date \_\_\_\_\_

APPROVED BY: SABRI ERIKSE + FRANCOISE BROTTET

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NOTES

- 1 UTILITIES ARE UNDERGROUND
- 2 FENCES ARE PICKET UNLESS NOTED.

TOTAL EARTH DISTURBANCE ON THIS LOT SHALL NOT EXCEED 2500 S.F.

FOOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

EXCAVATED MATERIAL SHALL BE REMOVED FROM SITE

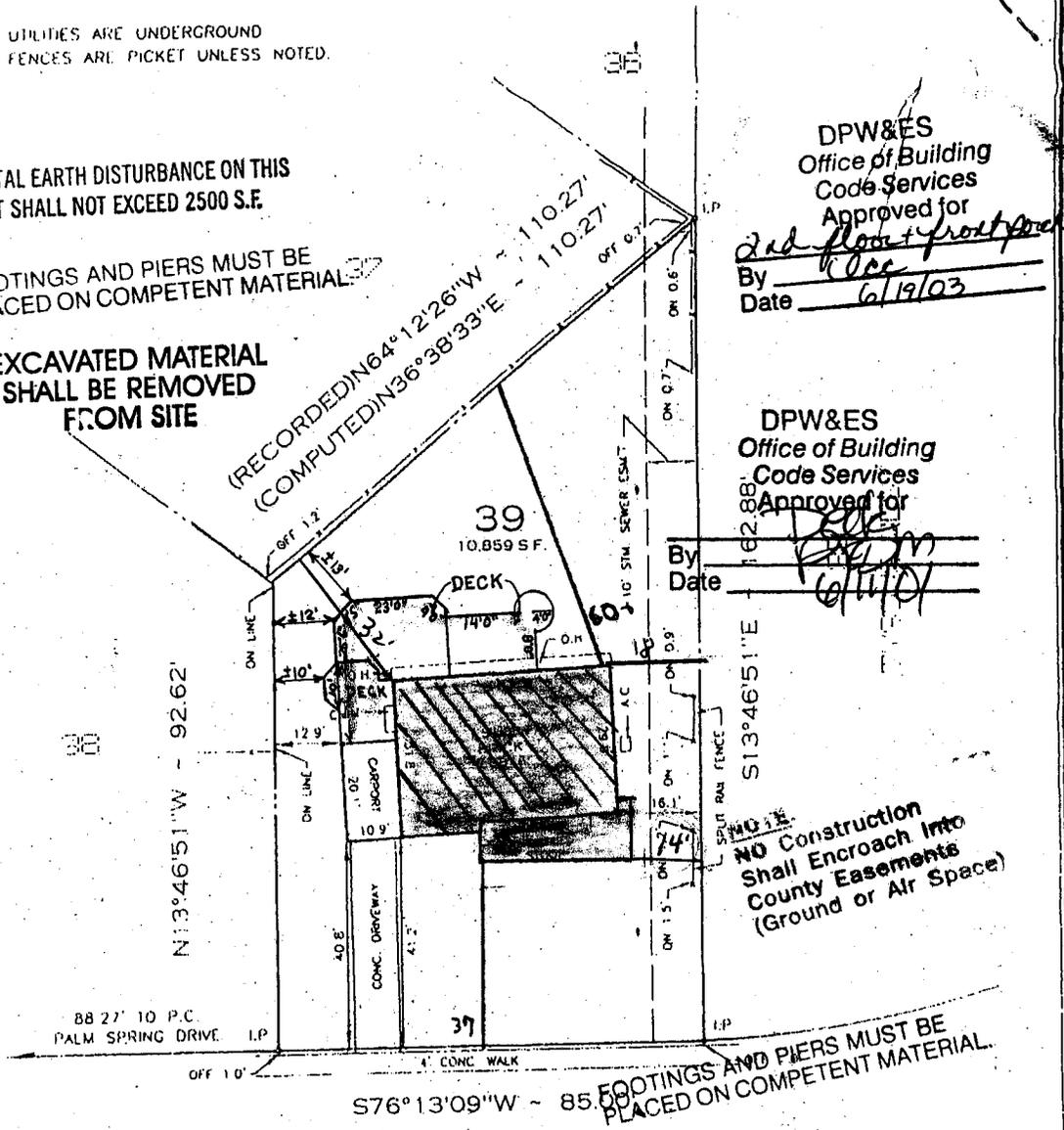
DPW&ES  
Office of Building  
Code Services  
Approved for

*Sub floor front porch*  
By W. E. Shoup  
Date 6/19/03

DPW&ES  
Office of Building  
Code Services  
Approved for

By W. E. Shoup  
Date 6/19/03

NOTE  
NO Construction  
Shall Encroach into  
County Easements  
(Ground or Air Space)



SKOKIE LANE  
50' R/W

APPROVED  
6-19-03  
WES

*William E. Shoup*  
Zoning Administrator

APPROVED

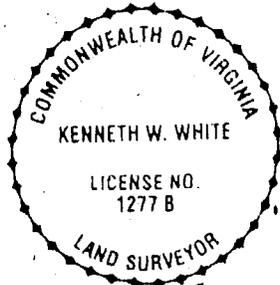
*James V. Jones*  
Zoning Administrator

PLAT  
SHOWING HOUSE LOCATION ON  
LOT 39, SECTION 3  
TYSONS GREEN  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 30' JULY 22, 1998

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.  
PLAT SUBJECT TO RESTRICTIONS OF RECORD.  
TITLE REPORT NOT FURNISHED

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS

*Kenneth W. White*  
L.S.



CASE NAME

COHEN BROTHMAN PLEASANT  
DONL. KIRBY

ALEXANDRIA SURVEYS, INC.  
6340 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VIRGINIA 22305  
703-686-3515  
FAX 703-768-7611

**BUILDING PERMIT APPLICATION**

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
 PERMIT APPLICATION CENTER  
 22655 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-9994 Telephone: 703-222-0081  
 Web site: http://www.co.fairfax.va.us/perm

PERMIT # 0116230570

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
(PLEASE PRINT OR TYPE)

**JOB LOCATION:**  
 ADDRESS 8816 Rokio Lane Vienna VA  
 LOT # 39 BUILDING \_\_\_\_\_  
 FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
 SUBDIVISION Tysons Green Sec B  
 TENANT'S NAME Francoise Brotte

**OWNER INFORMATION** OWNER  TENANT   
 NAME Francoise Brotte-Erikson  
 ADDRESS 8816 Rokio Lane  
 CITY Vienna STATE VA ZIP 22182  
 TELEPHONE 703-222-7744

**CONTRACTOR INFORMATION** SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME FRANK AND PIERRE MULTIFAMILY HOLDINGS AND PIERRE MULTIFAMILY HOLDINGS  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
 TELEPHONE \_\_\_\_\_  
 STATE CONTRACTORS LICENSE # \_\_\_\_\_  
 COUNTY BPOL # \_\_\_\_\_

**APPLICANT** Brotte

**DESCRIPTION OF WORK**  
Deck w/ 5 stairs no hot tub per plans

**HOUSE TYPE** Single  
 ESTIMATED COST OF CONSTRUCTION 4,000  
 BLDG AREA (SQ FT OF FOOTPRINT) 1685  
 USE GROUP OF BUILDING R4  
 TYPE OF CONSTRUCTION SB  
 SEWER SERVICE PUBLIC  SEPTIC  OTHER   
 WATER SERVICE PUBLIC  WELL  OTHER   
 OTHER PLEASE SPECIFY \_\_\_\_\_

**DESIGNATED MECHANICS' LIEN AGENT**  
 (Residential Construction Only)  
 NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_

NONE DESIGNATED  PHONE \_\_\_\_\_

**CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS**

# KITCHENS	EXTER. WALLS	
# BATHS	INTER. WALLS	
# HALF BATHS	ROOF MATERIAL	
# BEDROOMS	FLOOR MATERIAL	
# OF ROOMS	FIN. BASEMENT	%
# STORIES	HEATING FUEL	
BUILDING HEIGHT	HEATING SYSTEM	
BUILDING AREA	# FIREPLACES	
BASEMENT		

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # W-01-04038/00/00  
 TAX MAP # 028-4-113/10039

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	<u>6/11/05</u>	
SITE PERMITS	<u>6/11/05</u>	
HEALTH DEPT.		
BUILDING REVIEW	<u>6-11-05</u>	<u>PTW</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ \_\_\_\_\_  
 FILING FEE - \$ \_\_\_\_\_  
 AMOUNT DUE = \$ 56

**BUILDING PLAN REVIEW**

REVIEWER \_\_\_\_\_ # OF HOURS \_\_\_\_\_  
 REVISION FEES \$ \_\_\_\_\_  
 FIRE MARSHAL FEES \$ \_\_\_\_\_  
 FIXTURE UNITS \_\_\_\_\_ PLAN LOC: J  R

**APPROVED FOR ISSUANCE OF BUILDING PERMIT (EOG-OUT)**  
 BY Sy DATE 6/11/05

ZONING REVIEW ZONING CLASS R3  
 USE SFD  
 ZONING CASE # \_\_\_\_\_

**GROSS FLOOR AREA OF TENANT SPACE**

YARDS: GARAGE 1  2  3   
 FRONT N/C OPTIONS YES  NO   
 FRONT REMARKS \_\_\_\_\_  
 L SIDE 10  
 R SIDE N/C  
 REAR 13

**GRADING AND DRAINAGE REVIEW**

SOILS # \_\_\_\_\_ A  B  C   
 HISTORICAL DISTRICT \_\_\_\_\_  
 AREA TO BE DISTURBED (TOTAL SQ FT) \_\_\_\_\_  
 ADD'L IMPERVIOUS AREA (ADDED SQ FT) \_\_\_\_\_  
 PLAN # \_\_\_\_\_ APPR. DATE \_\_\_\_\_

**STAMPS**

FF FSMT

(See reverse side of application)

**REMARKS**  
Open attached 36 inches high max w/ stairs inside outer

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be compiled with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent Brotte Date 6/11/05

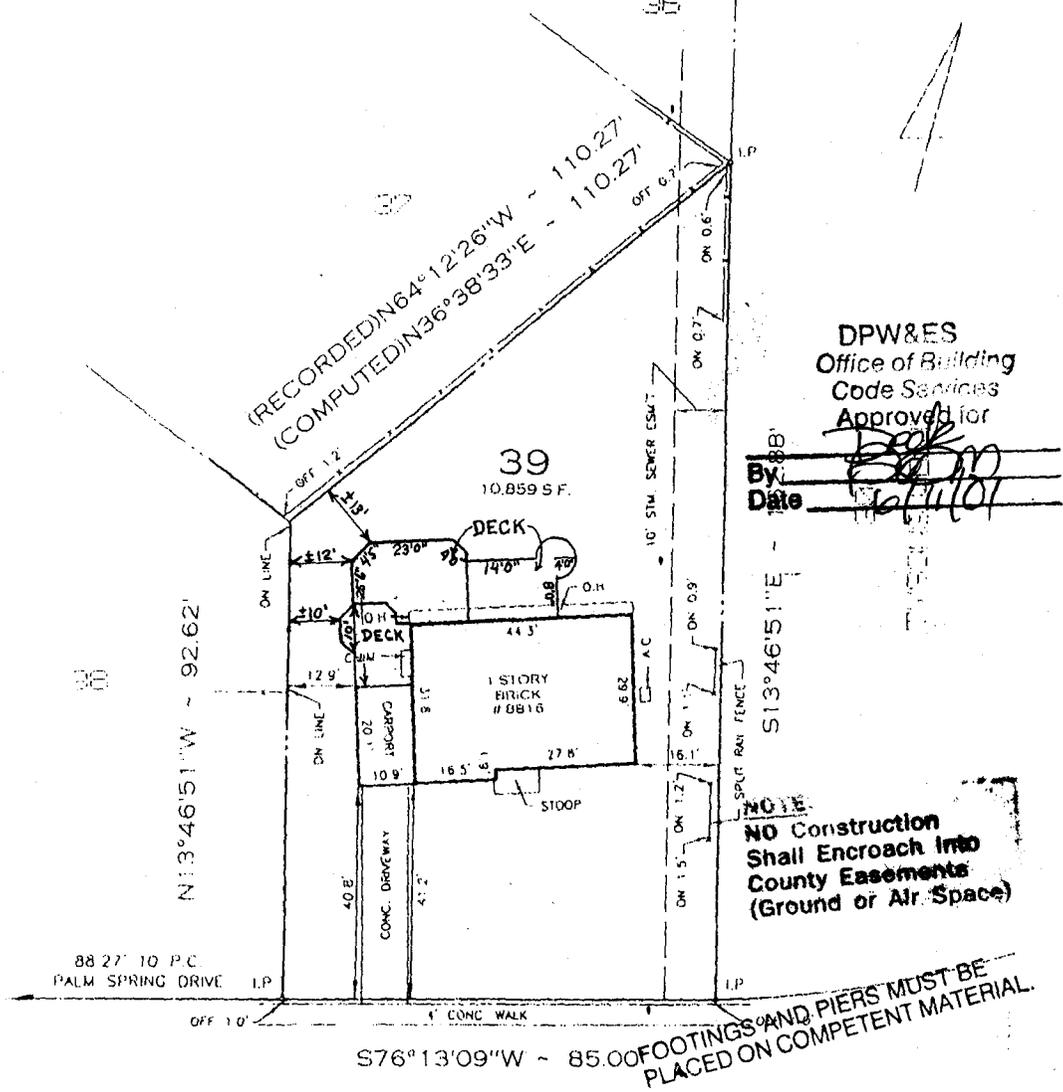
Printed Name and Title \_\_\_\_\_  
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

**NOTARIZATION (if required)**  
 State (or territory or district) of \_\_\_\_\_  
 County (or city) of \_\_\_\_\_, to-wit:  
 I, \_\_\_\_\_  
 a Notary Public in the State and County aforesaid, do certify that  
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.  
 Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 (Notary Signature)

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NOTES

- 1 UTILITIES ARE UNDERGROUND
- 2 FENCES ARE PICKET UNLESS NOTED



DPW&ES  
Office of Building  
Code Services  
Approved for

By: *[Signature]*  
Date: *6/11/08*

**NOTE**  
NO Construction  
Shall Encroach into  
County Easements  
(Ground or Air Space)

**FOOTINGS AND PIERS MUST BE  
PLACED ON COMPETENT MATERIAL.**

SKOKIE LANE  
50' R/W

PLAT  
SHOWING HOUSE LOCATION ON  
LOT 39, SECTION 3  
**TYSONS GREEN**  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 30' JULY 22, 1998

APPROVED  
*6/11/08*  
*[Signature]*  
Zoning Administrator

THIS PROPERTY IS NOT LOCATED IN A  
SPECIAL FLOOD HAZARD AREA.  
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RECORD.  
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CAREFULLY ESTABLISHED BY A TRANSIT TAPE  
SURVEY AND UNLESS OTHERWISE SHOWN,  
THERE ARE NO VISIBLE ENCROACHMENTS

*Kenneth W. White*  
L.S.



CASE NAME  
COHEN BROTHER PENSION  
DONL KIPPE

ALEXANDRIA SURVEYS, INC.  
8343 SOUTH KINGS HIGHWAY  
ALEXANDRIA, VIRGINIA 22304  
103-680-3815  
FAX 703-768-7777

### 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.