



APPLICATION ACCEPTED: June 3, 2008
BOARD OF ZONING APPEALS: August 5, 2008
TIME: 9:00 a.m

County of Fairfax, Virginia

July 29, 2008

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2008-LE-058

LEE DISTRICT

APPLICANTS/OWNERS: Charlotte and Harold Holzman

SUBDIVISION: Springfield Park

STREET ADDRESS: 7121 Highland Street

TAX MAP REFERENCE: 80-1((5)) (15) 513

LOT SIZE: 8,589 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 1.5 feet from side lot line and 2.2 feet from rear lot line and to permit reduction of certain yard requirements to permit construction of a roofed deck 28.9 feet and deck 23.3 feet from the front lot lines of a corner lot.

STAFF RECOMMENDATION: Staff recommends approval of SP 2008-LE-058 for the construction of the decks 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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Christopher M. DeManche

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

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service



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 220355505.**

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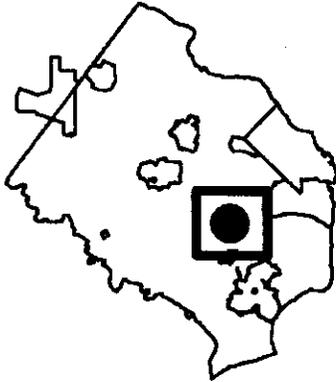


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

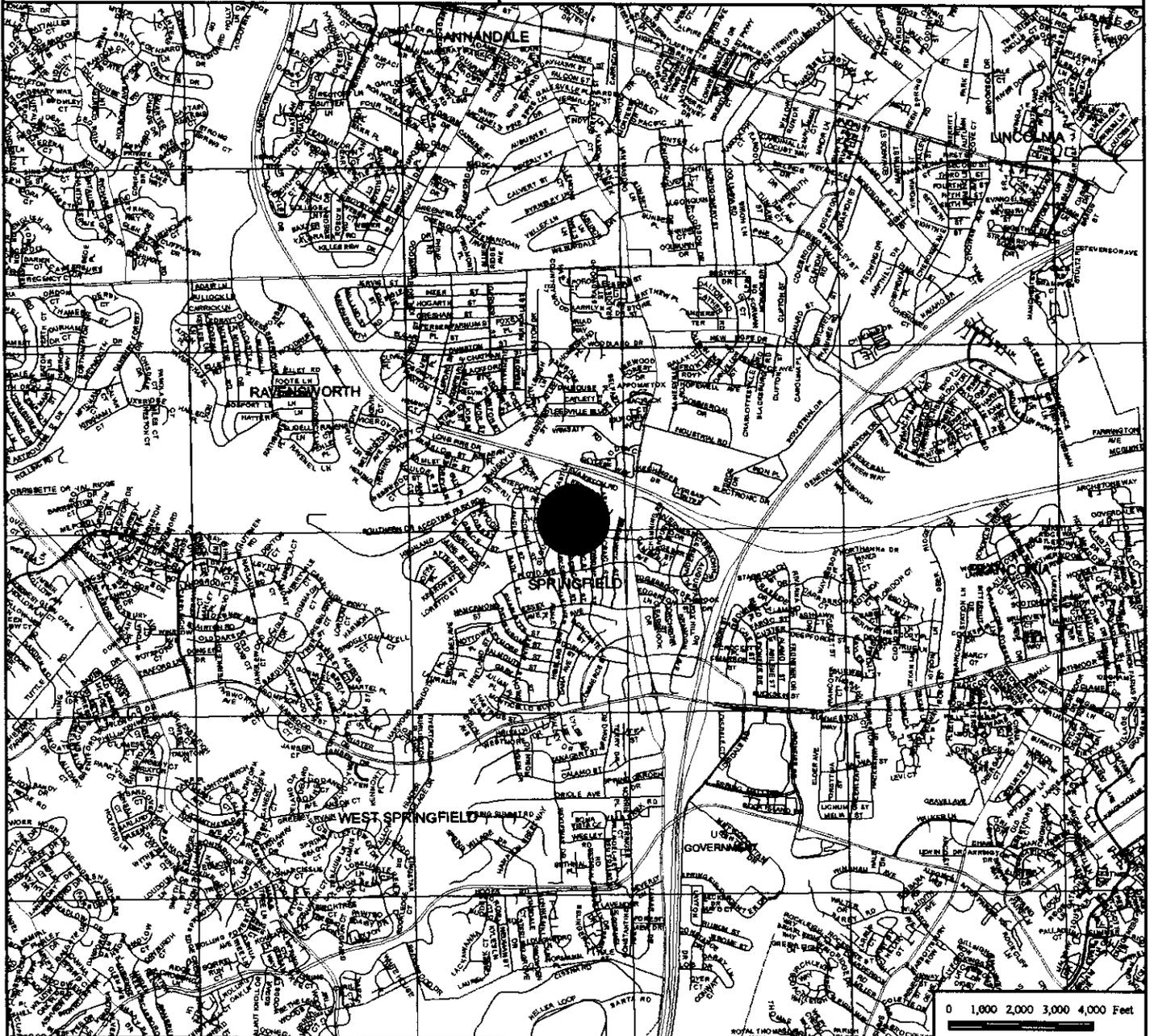
Special Permit
SP 2008-LE-058

Applicant:
Accepted:
Proposed:

CHARLOTTE HOLZMAN AND HAROLD HOLZMAN
06/03/2008
REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ROOF DECK 28.9 FEET AND DECK 23.3 FEET FROM FRONT LOT LINE OF A CORNER LOT AND REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 1.5 FEET FROM SIDE LOT LINE AND 2.2 FEET FROM REAR LOT LINE



Area: 8,589 SF OF LAND; DISTRICT - LEE
Zoning Dist Sect: 08-0914 08-922
Art 8 Group and Use: 9-13 9-21
Located: 7121 HIGHLAND STREET
Zoning: R-4
Overlay Dist:
Map Ref Num: 080-1- /05/15/0513



Special Permit

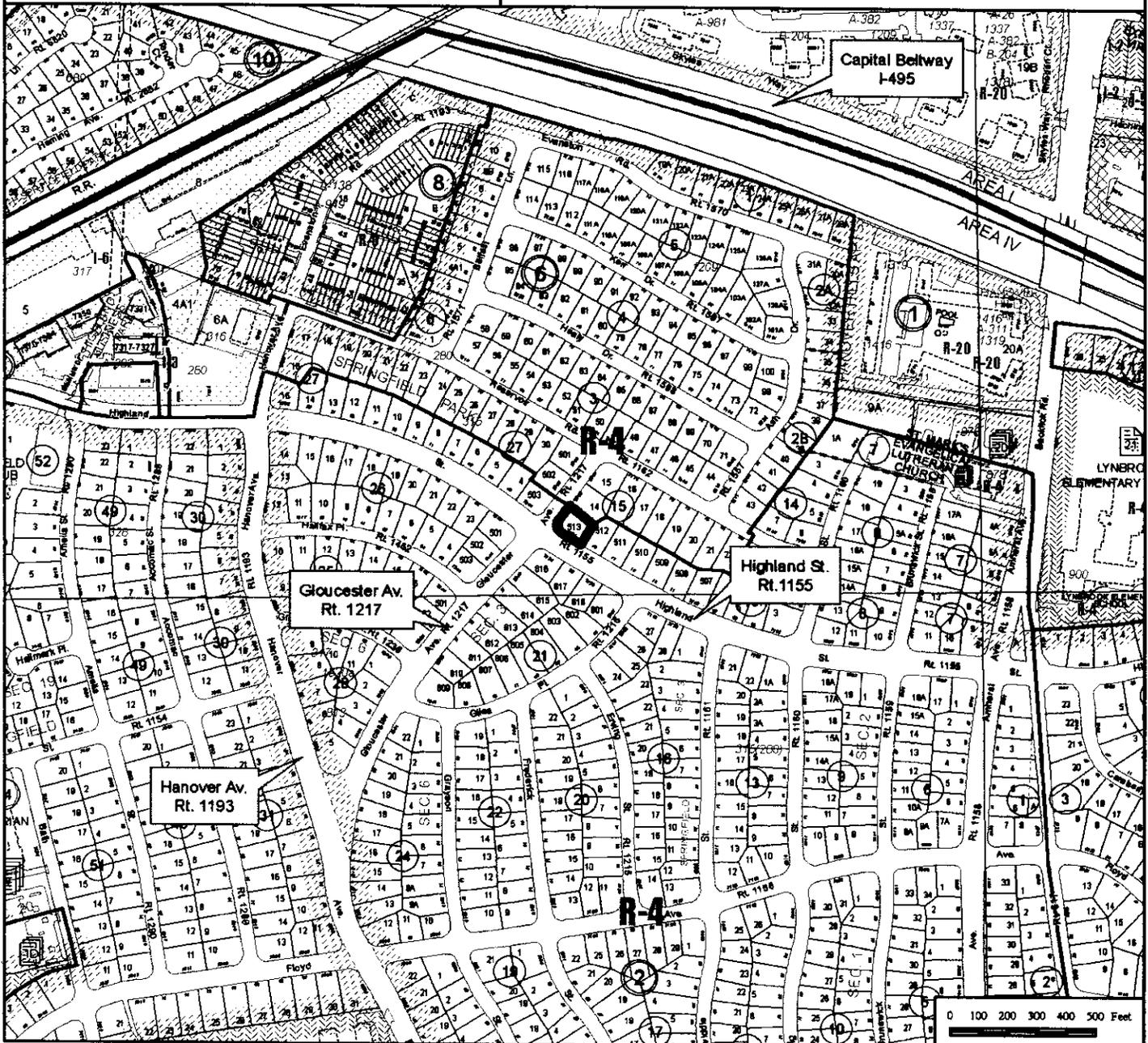
SP 2008-LE-058



Applicant:
Accepted:
Proposed:

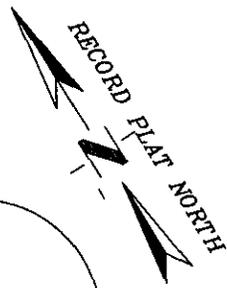
CHARLOTTE HOLZMAN AND HAROLD HOLZMAN
06/03/2008
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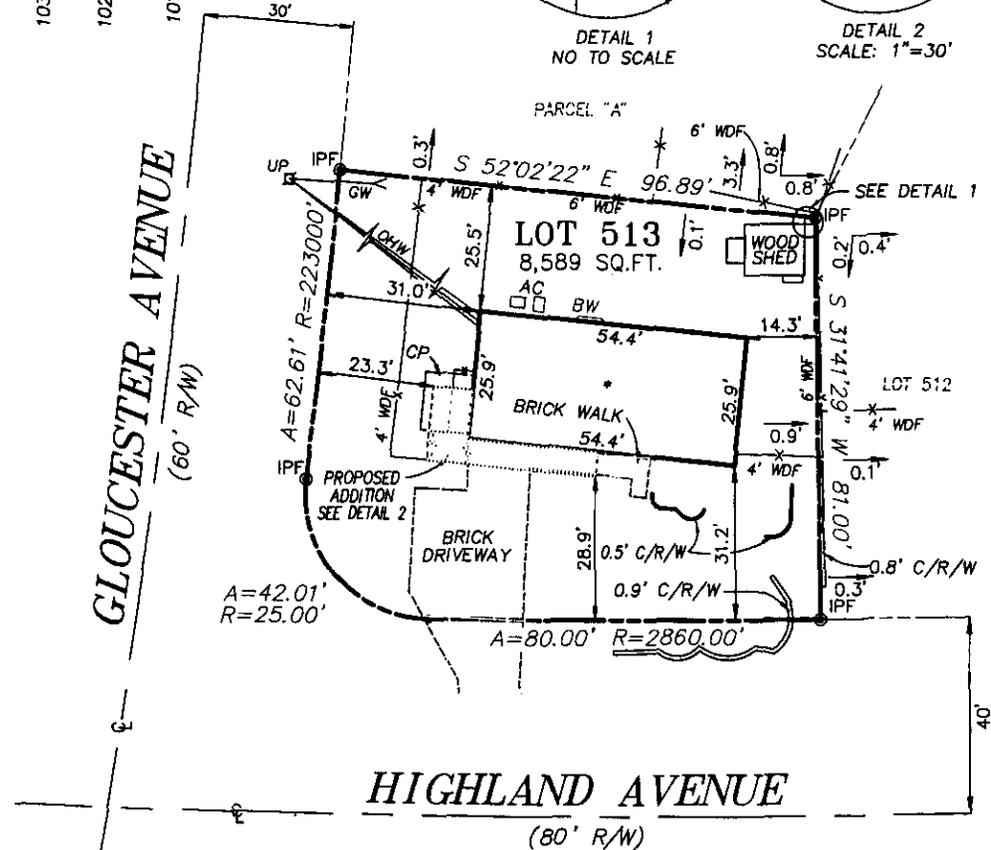
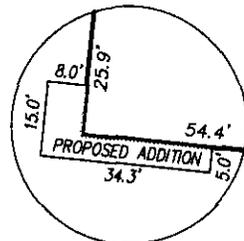
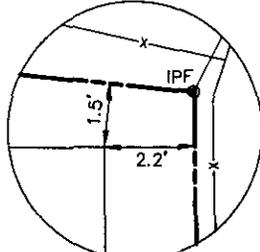
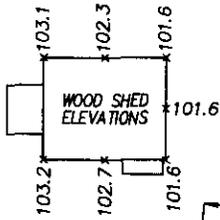


NOTE

WAIVER OF MONUMENTATION GRANTED, "NO CORNER MARKERS SET".
 THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND
 DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 THERE ARE NO UTILITY EASEMENTS PRESENT ON THIS PROPERTY HAVING A WIDTH
 OF TWENTY-FIVE (25) FEET OR MORE.
 THERE ARE NO MAJOR UNDERGROUND UTILITY EASEMENTS REGARDLESS OF WIDTH.



AVG. GROUND ELEV.=102.3
 BUILDING HEIGHT=9.5



2-STORY
 BRICK &
 FRAME
 #7121
 POSTED

R4 ZONING MINIMUM
 YARD REQUIREMENTS
 FRONT = 30'
 SIDE = 10'
 REAR = 25'



- LEGEND**
- IPF - IRON PIPE FOUND
 - AC - AIR CONDITIONER
 - CP - CONCRETE PATIO
 - BW - BAY WINDOW
 - C/R/W - CONCRETE BLOCK RETAINING WALL
 - OHW - OVERHEAD WIRES
 - UP - UTILITY POLE
 - GW - GUY WIRE
 - WDF - WOOD FENCE

SPECIAL PERMIT PLAT
LOT 513-BLOCK 15-SECTION 3
RESUBDIVISION OF LOTS 7-24
BLK 15 SEC 3 AND THE
RESUBDIVISION OF BLK 21 SEC 3
SPRINGFIELD
 (DEED BOOK 1114, PAGE 328)
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

OWNER: CHARLOTTE HOLZMAN

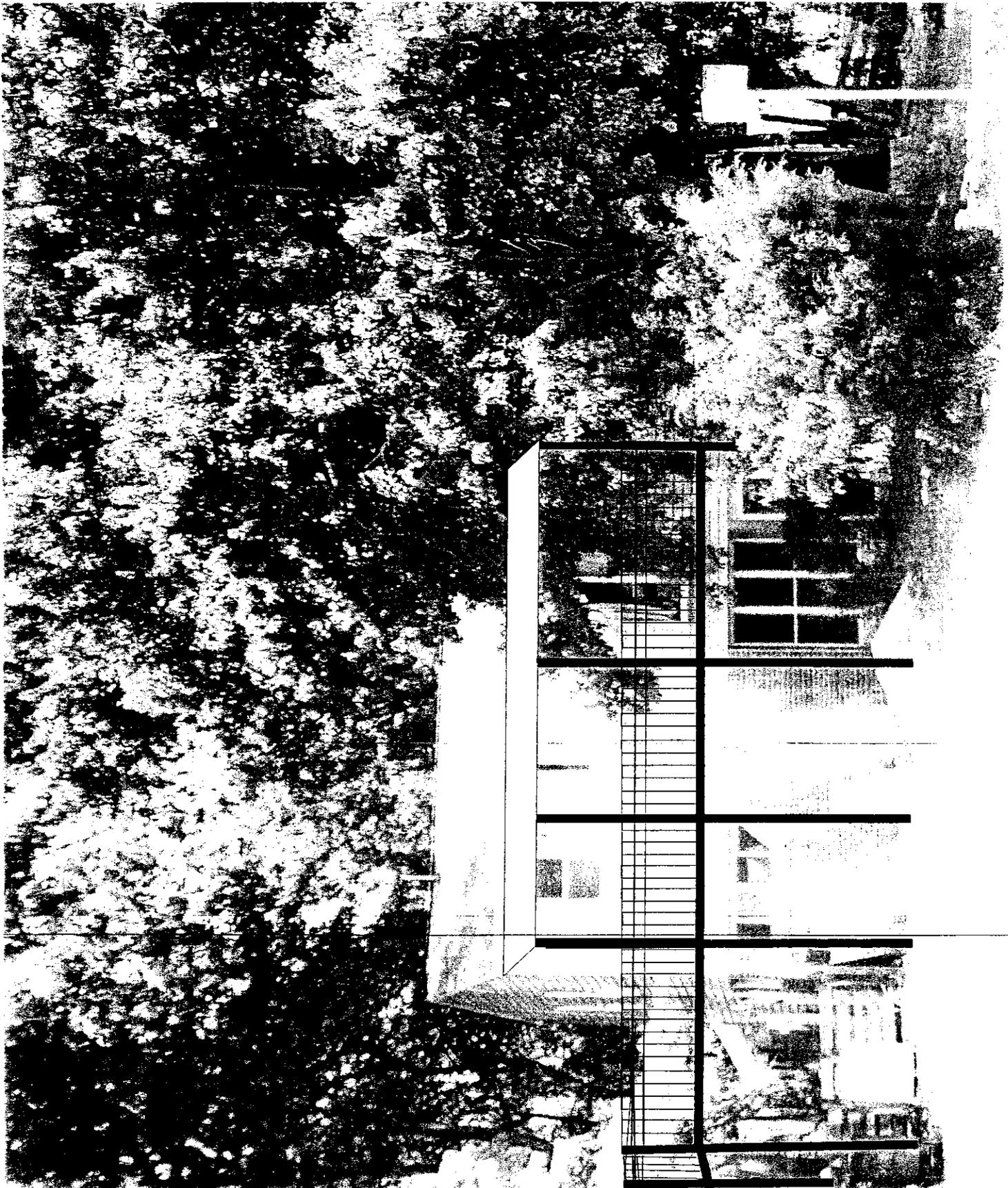
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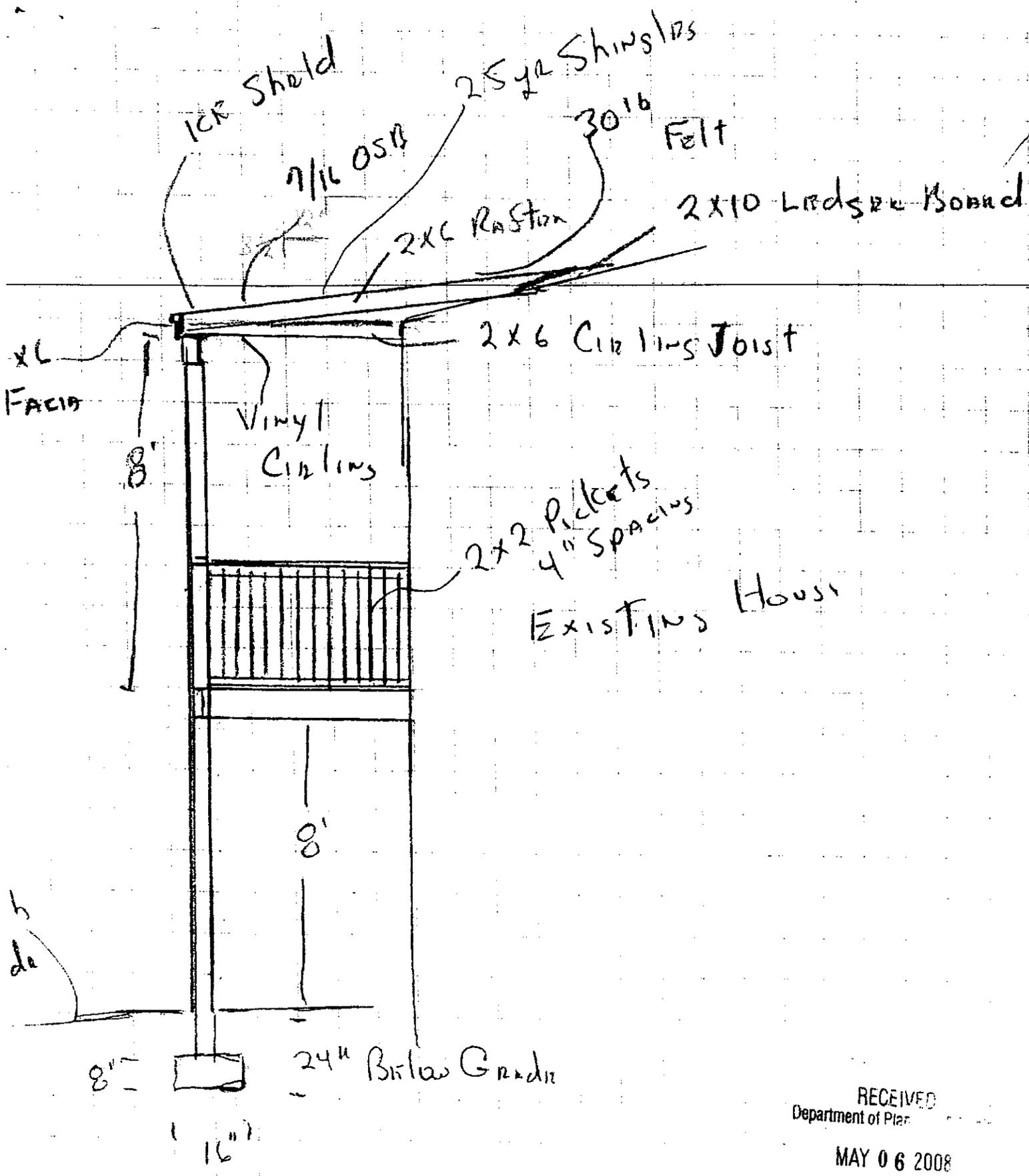
The Engineering Group
 13625 OFFICE PLACE
 WOODBRIDGE, VIRGINIA 22192
 PHONE: (703)-684-7003 FAX: 684-7013

RECEIVED
 Department of Planning & Zoning
 MAY 06 2008

Zoning Evaluation
 RECERT: MARCH 13, 2008
 DATE: MARCH 19, 2007

SCALE: 1"=30'





RECEIVED
 Department of Planning
 MAY 06 2008
 Zoning Evaluation Review

4x4 Post

2x8 Header

2x6 Rafters

1x6 Foin

4x4 Post

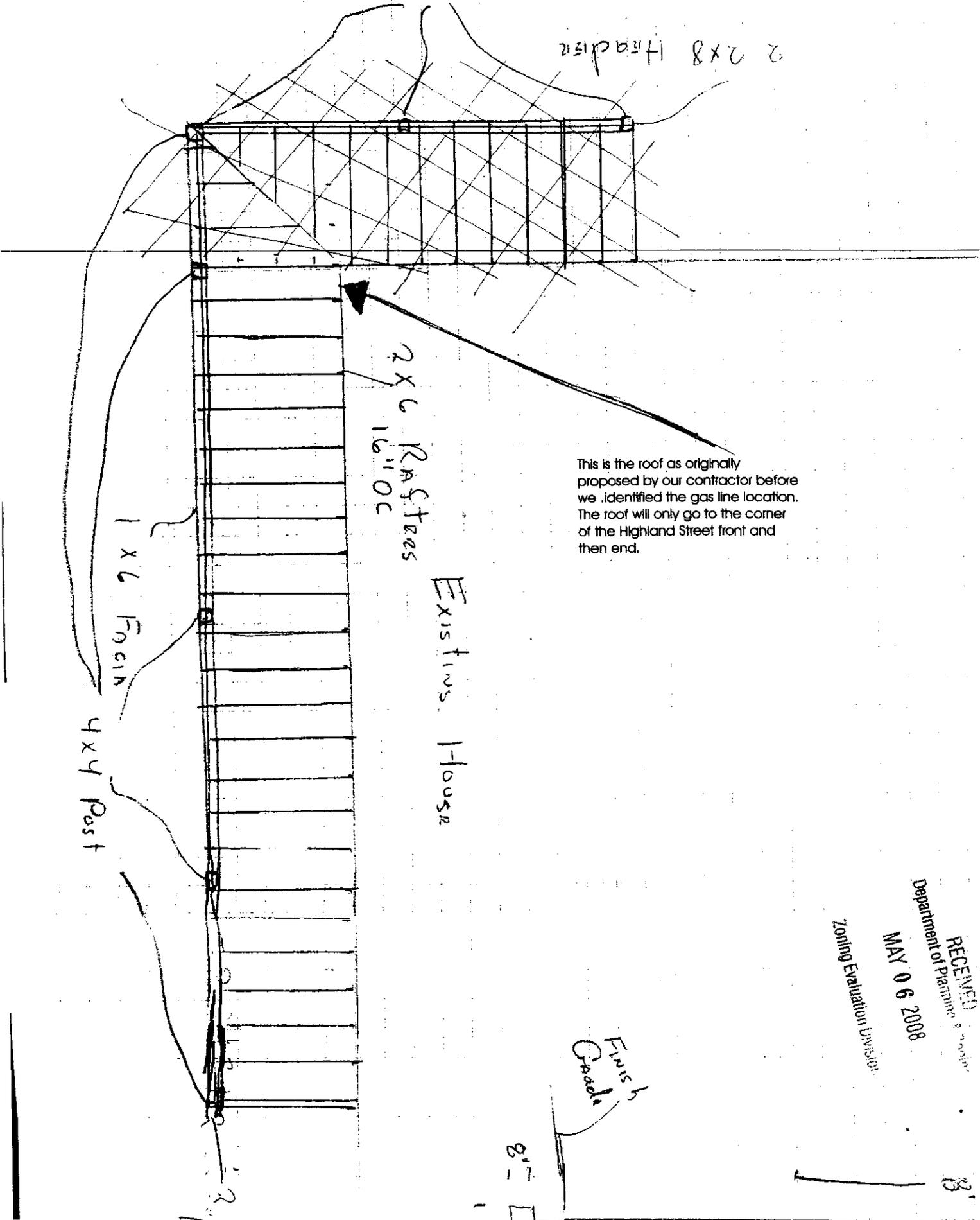
Existing House

This is the roof as originally proposed by our contractor before we identified the gas line location. The roof will only go to the corner of the Highland Street front and then end.

Finish Gravel

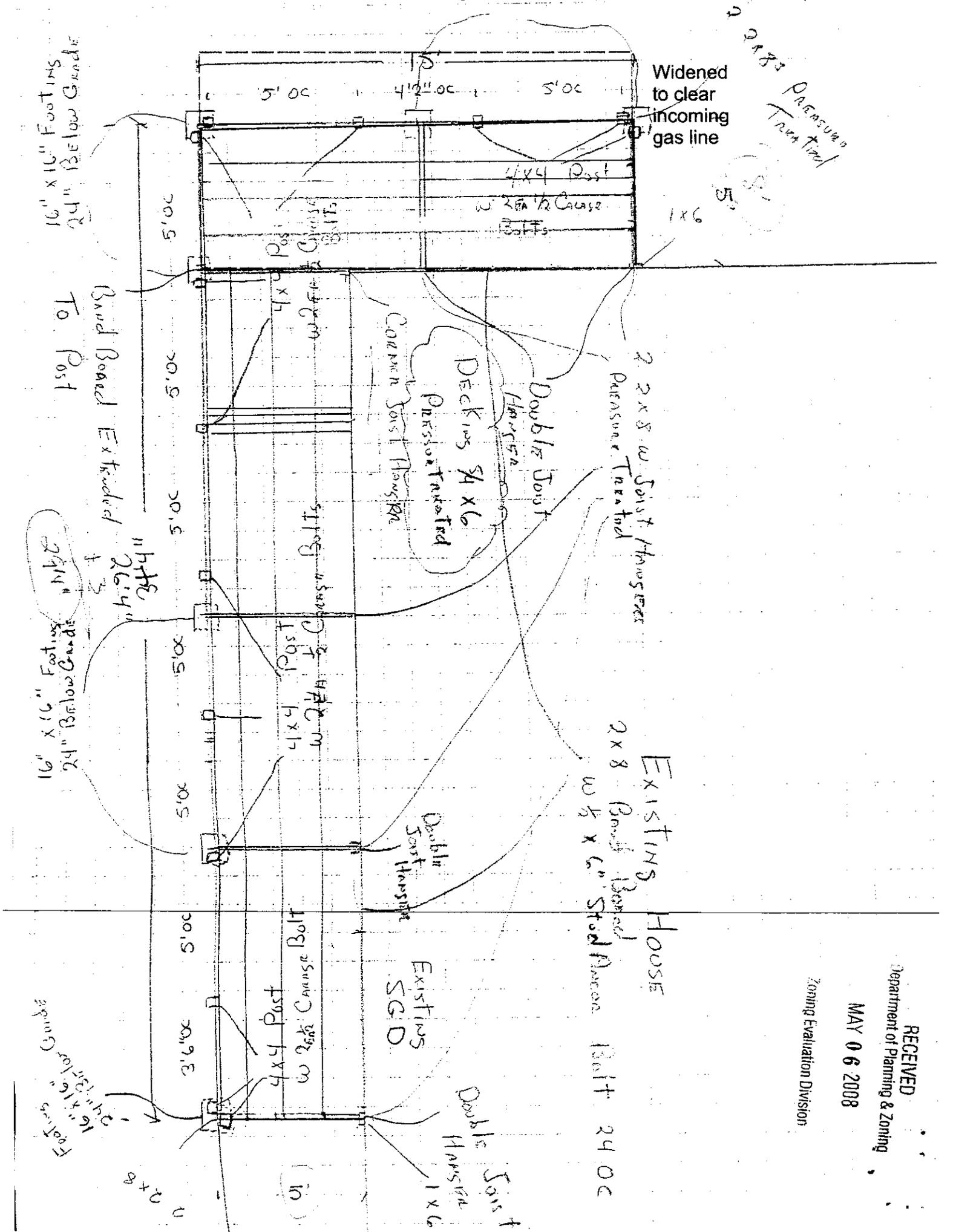
8' =

RECEIVED
Department of Planning & Zoning
MAY 06 2008
Zoning Evaluation Division



2x8x8 PRESSURE TREATED

Widened to clear incoming gas line



16" x 116" Footing Below Grade

Board Board Extended To Post

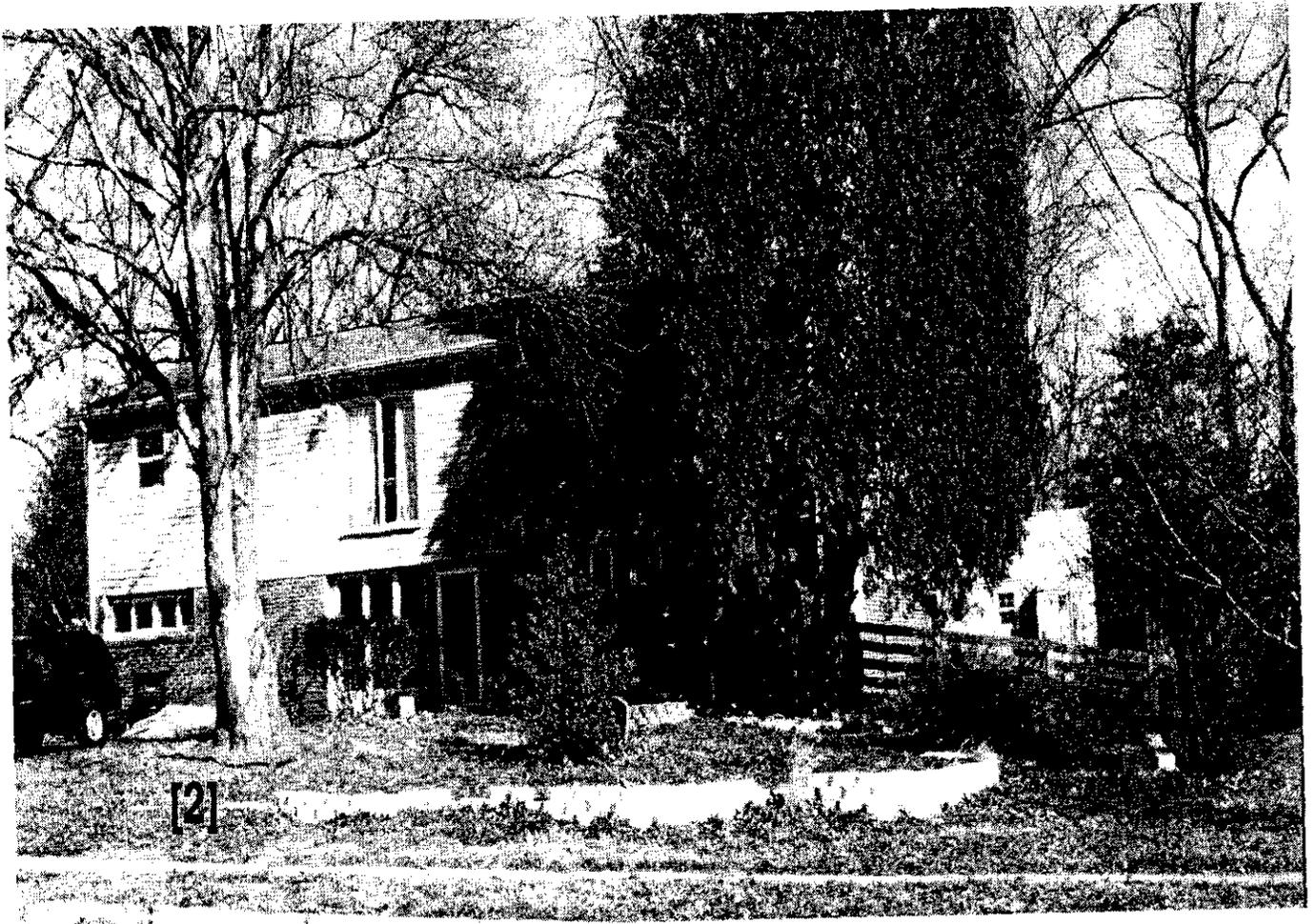
16" x 116" Footing Below Grade

RECEIVED
Department of Planning & Zoning
MAY 06 2008
Zoning Evaluation Division

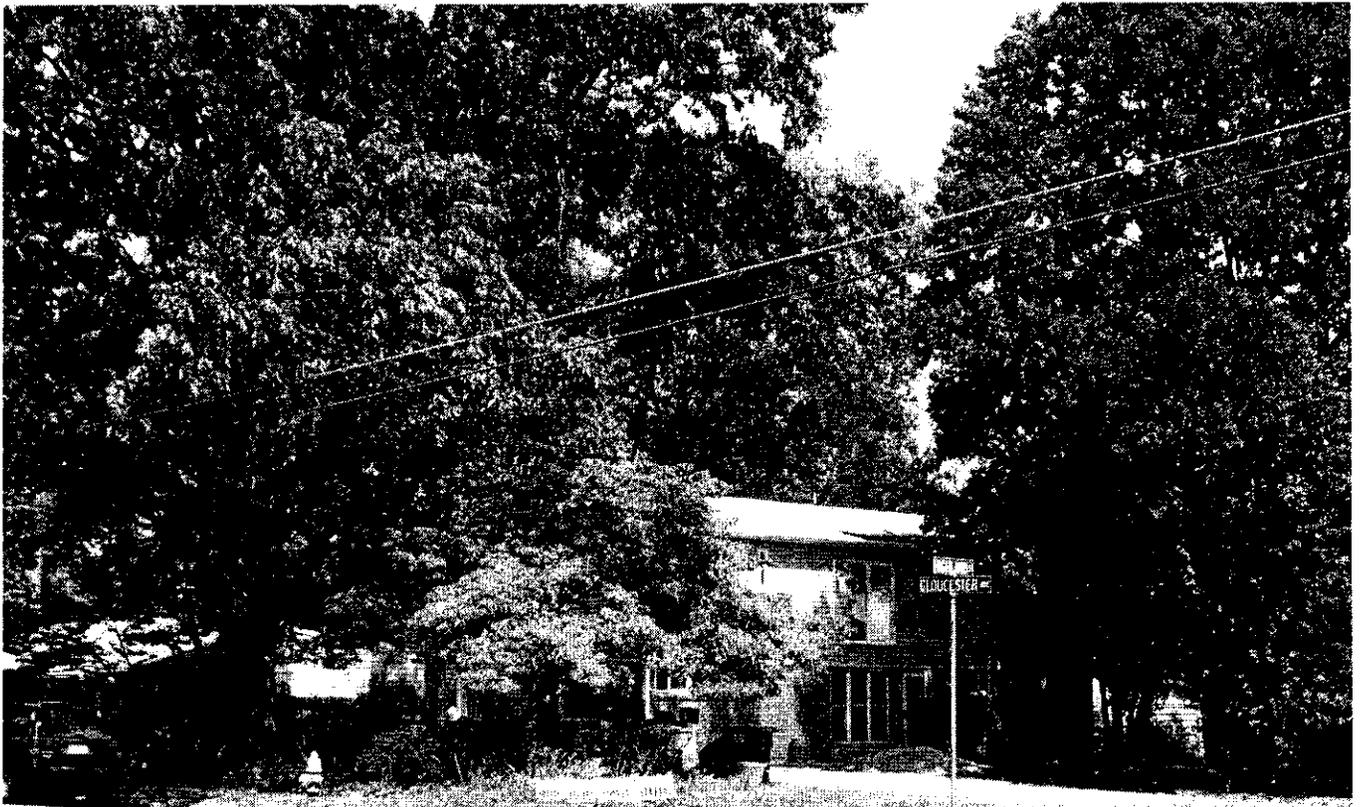
16" x 116" Footing Below Grade



[1]



[2]



[3]



DESCRIPTION OF THE APPLICATION

The application includes a total of two special permit requests. The first request is to permit a reduction to the minimum yard requirements based on error in building location to permit an accessory storage structure, a shed, to remain 1.5 feet from the side lot line and 2.2 ft. from the rear lot line.

The shed is greater than 8.5 in height feet in height and is required by the Zoning Ordinance not be located closer than a distance equal to its height 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	1.5 feet	8.5 feet	85%
Special Permit #1	Accessory Storage Structure	Rear	9.5 feet	2.2 feet	7.3 feet	76%

* Minimum yard requirement per Section 10-104

The second request is to permit reduction of certain yard requirements to permit the construction of a roofed deck 28.9 feet and an open deck 23.3 feet from the front lot lines on a corner lot.

Description of Special Permit #2

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #2	Roofed Deck	Front (South)	35.0 feet	28.9 feet	6.1 feet	17%
Special Permit #3	Open Deck	Front (West)	35.0 feet	23.3 feet	11.7 feet	33%

* Minimum yard requirement per Section 3-407

EXISTING SITE DESCRIPTION

The site is currently zoned R-4 and is developed with a two-story single family detached dwelling built in 1954, and located on a corner lot. The lot is located at the corner of Gloucester Avenue and Highland Street and is landscaped with mature trees and shrubbery along the periphery and interior portions of the lot. The property is accessed by a driveway located along Highland Street.

The existing yards are as follows:

Yard	Required	Existing
Front Yard (Gloucester Ave)	30.0 feet	31.0 feet
Front Yard (Highland Ave)	30.0 feet	31.2 feet
Side Yard	10.0 feet	25.5 feet
Rear Yard	25.0 feet	*14.3 feet

*Constructed prior to current yard requirements.

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

BACKGROUND

Records indicate that the home was built in 1954 and underwent renovation in 2005-06 through the addition of a second story. An accessory storage structure was purchased by the applicants to replace a pre-existing storage structure along the rear and side lot lines. The new accessory storage structure has a gross floor area of 126.0 feet, and is used for storage and tools. The applicant's have stated in their letter of justification that the error was made in good faith and no specific yard information had been provided by the County Permit Application Center prior to purchasing the storage structure.

The proposed elevated deck has been considered by the applicants as a part of the overall renovation efforts for their home. The newly constructed second story includes a sliding glass door above the front door entrance of the home, and is intended as the sole access point for the elevated deck. The elevated deck would provide additional outdoor space for the upstairs portion of the house facing Highland Street and Gloucester Avenue.

ANALYSIS OF APPLICATIONS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat:	Special Permit Plat, Lot 513-Block 15 Section 3
Prepared By:	The Engineering Groupe
Dated:	March 19, 2007, signed April 22, 2008
Building Permit Required:	Yes, for the proposed roofed and open deck only.
Location Errors Made by:	Applicant

Proposal:

The application includes a total of two special permit requests. The first request is to permit a reduction to minimum yard requirements based on error in building location to allow an accessory storage structure, a shed, to remain 2.2 feet from the rear lot line and 1.5 feet from a side lot line.

The second request is to permit a reduction of certain yard requirements to permit construction of a roofed deck 28.9 ft and deck 23.3 feet from a front lot line on a corner lot. The proposed elevated deck totals 17.0 feet in height, with the deck flooring proposed at 9.0 feet in height above grade. The elevated deck has two sections which include a roofed portion totaling approximately 26.0 feet in length along a portion of the facade frontage on Highland Street, extending approximately 5.0 feet from the single-family dwelling. The second section includes an open deck totaling approximately fifteen 15.0 feet in length along a portion of the facade frontage on Gloucester Avenue, extending approximately 8.0 feet from the single-family dwelling. The proposed elevated deck totals 276.0 square feet in area, and would be accessed by an existing sliding glass door located on the second story above the front door of the home.

ZONING ORDINANCE REQUIREMENTS (Appendix 4)

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 Standards for All Group 9 Uses
- Sect. 8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
- 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 elevated deck along both front yards of the corner lot will not adversely affect the use or development of neighboring properties since the height is compatible with the size and height of other dwellings in the neighborhood. Staff believes that the request is minimal and is the most logical location for the addition of the elevated deck due to the existing sliding glass door located on the second floor of the home facing Highland Street.*

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 be attached to the single-family dwelling and run along portions of the front façades of the corner lot facing Gloucester Avenue and Highland Street. The R-4 Zoning District requires a 30 foot front yard setback. Specifically, the proposed elevated deck would be setback approximately 28.9 feet along Highland Avenue and 23.3 feet along Gloucester Avenue. Existing trees and shrubs within the front yards of the corner lot will remain intact and serve as buffers from adjoining properties and rights-of-way. 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 4 relates to square footage of additions, which does not apply to this application. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 6, 7, 8, and 9.

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 elevated deck will be compatible with the existing structure. The proposed elevated deck will 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 elevated deck would be compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains established and newly constructed one and two story homes of varying heights and styles. The applicants renovated their home in 2005-06 by adding a second story for additional living area. The proposed addition would not result in the removal of any significant trees on site and would be buffered by existing vegetation. 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 addition will have very little impact on stormwater runoff, noise, light, air, safety or erosion since the overall footprint of the addition will minimally exceed the footprint of the existing single-family dwelling and therefore very little additional impervious area will be added. 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 elevated deck on the front of the existing dwelling will provide the applicants with additional outdoor space. The proposed scale of the addition matches that of the existing house and is located in a logical location due to the existing sliding glass door on the second story of the home. The addition would maintain the architectural style of the existing dwelling, maintaining it's compatibility with the lot and surrounding dwellings and properties. As shown in the photographs presented at the front of the staff report, the project site has ample vegetation to buffer the proposed elevated deck from adjacent properties and rights-of-way. 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 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-LE-058 for the construction of the deck, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

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

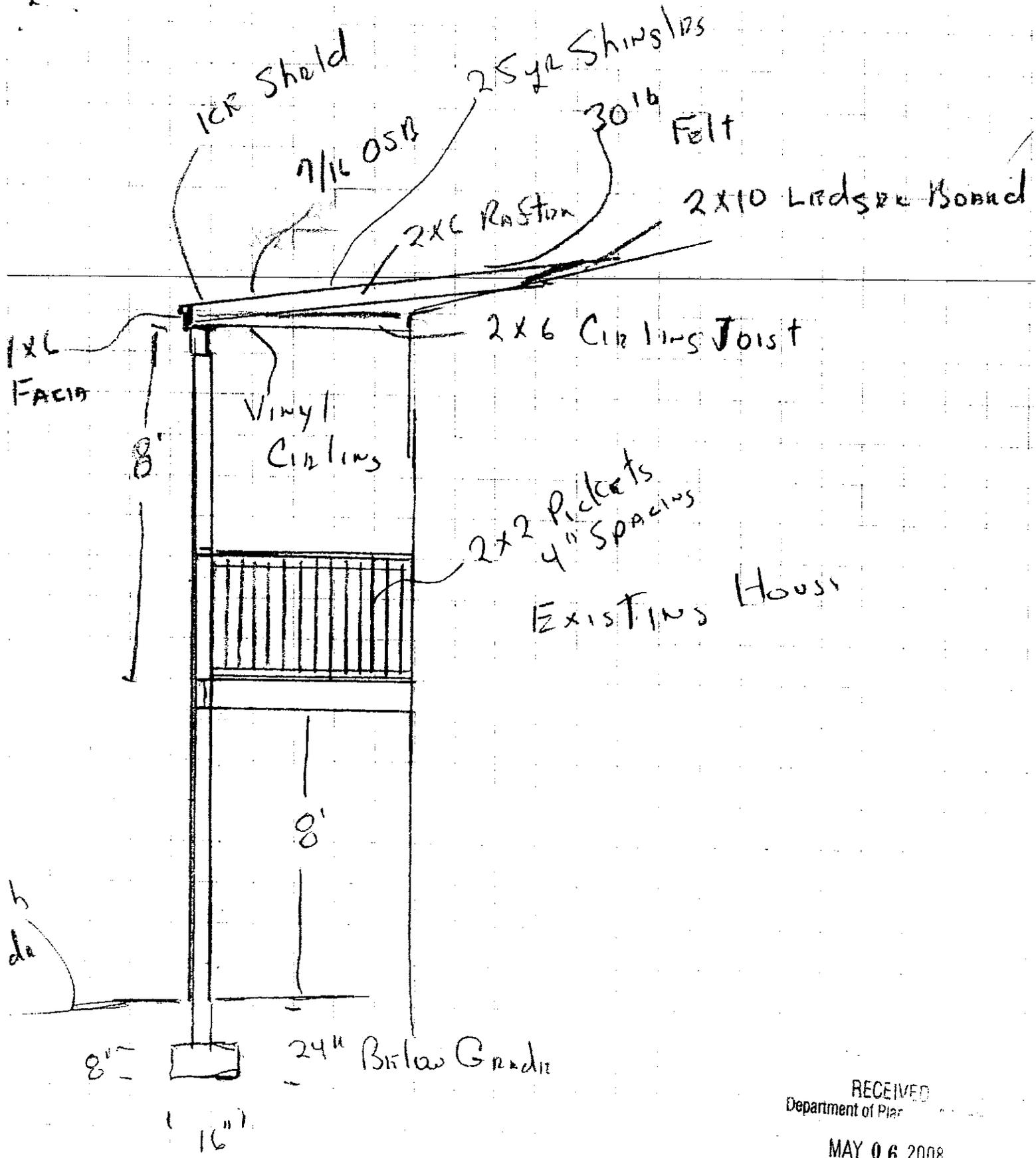
PROPOSED DEVELOPMENT CONDITIONS**SP 2008-LE-058****July 29, 2008**

If it is the intent of the Board of Zoning Appeals to approve SP 2008-LE-058 located at Tax Map 80-1 ((5)) (15) 513, to permit reduction to minimum yard requirements based on 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. This special permit is approved for the location and size of the decks (a total of 276 square feet), and shed (a total of 126 square feet) as shown on the plat prepared by The Engineering Groupe dated March 19, 2007, signed April 22, 2008 as submitted with this application and is not transferable to other land.
2. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
3. A building permit shall be obtained prior to construction and approval of final inspections shall be obtained.

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

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



RECEIVED
Department of Planning
MAY 06 2008
Zoning Evaluation Division

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 31, 2007
 (enter date affidavit is notarized)

I, Charlotte M Holzman & Harold M Holzman, 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 98909

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)
Charlotte M Holzman	7121 Highland Street, Springfield, VA 22150	self Applicant / Title Owner <i>cont</i>
Harold M Holzman	7121 Highland Street, Springfield, VA 22150	son Applicant / Title Owner <i>cont</i>

(check if applicable) *cont* 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: August 31, 2007
(enter date affidavit is notarized)

98909

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

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

CORPORATION INFORMATION

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 31, 2007
(enter date affidavit is notarized)

98909

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)
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: August 31, 2007
(enter date affidavit is notarized)

98909

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

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

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

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

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

None

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 31, 2007
(enter date affidavit is notarized)

98909

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)

Charlotte Holzman and Harold M. Holzman
 Applicant Applicant's Authorized Agent

Charlotte M Holzman and Harold M Holzman, owners
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 31st day of AUGUST, 2007, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Archie (KAMAL MEHTA)
Notary Public

My commission expires: OCT 31, 2008

Reg # 354133



JAN 31 2008

Zoning Evaluation Division

Request for Special Permit for Covered Deck

A. Type of Operation(s).

The deck will provide an outdoor area on the second floor where my son and his friends can relax. It will also provide a spot for smoking friends to go if they must smoke.

B. Hours of Operation.

N/A

C. Estimated Number of Patrons/Clients/Attendants/teachers/etc.

N/A

D. Proposed Number of Employees/attendants/teachers/etc.

N/A

E. Estimate of Traffic impact of the proposed use.

N/A

F. Vicinity or general area to be served by the use.

N/A

G. Description of building facade and architecture of proposed new building or additions.

When we renovated the house in 2005-06, we did not want the mini-mansion look that is becoming prevalent but preferred something that fit in with the style of surrounding colonial and ranch houses. Our plan was to maintain the box style of the house and add the front deck as a practical architectural element that also provided a private outside space for my son (upstairs). Since our house is smoke free, it also will be an area where his smoking friends can indulge their need.

The deck/porch will run from the front door of the house and wrap around the left side and cover the side entrance to the upstairs. The front portion will be covered; the side will be open deck.

Initially, we had intended to make the entire deck five feet wide (on both

Highland and Gloucester Streets). Gas pipes are embedded at 64" from the house on the Gloucester side, so the deck will need to be 8 feet wide.

H. A listing, if known, of all hazardous or toxic substances.

N/A

I. Statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards, and any applicable conditions.

As shown on the plat, property lines on the Highland Street side are 10 feet in from the sidewalk. The proposed area will come 26.7 feet from the property line, rather than the required 30 feet. On the Gloucester side, the deck will come 23.7 feet from the property line.

Regulation 8-922, Provisions for Reduction of Certain Yard Requirements, allows a reduction of certain yard requirements based on regulations on permitted extensions into a minimum required yard (sect. 2-412) of less than 150% of the original size. The planned attachment will be 276 sq ft, attached to a structure of 2,799 sq ft., adding less than 10 percent to the gross floor area.

Utility Easements:

Electric, Phone and Cable lines are run on poles above ground throughout our neighborhood.

Gas and Water lines are run under the street and then over to the house.

Charlotte Holzman
7121 Highland St, Spfd, VA
File SP 2008-0029

**Addendum to Request for Special Permit
Based on Error in Building Location**
(8-914)

RECEIVED
Department of Planning & Zoning
MAY 16 2008
Zoning Evaluation Division

When working with Loews Hardware to determine which shed to use in replacing our existing small one, they provided general requirements but recommended checking with Fairfax County to confirm size requirements before making our purchase.

We went down to the county center with the final modifications to our home renovation permits (as requested by the inspector). When that was completed, I asked the person we were working with in the Permit Application Center about our planned replacement of the shed. He told us that as long as our total footprint size was under 150 square feet no permit would be required. No mention was made of any height or location restrictions.

The purchased shed was 10' x 12' with a barn-style roof and a side tool attachment. The shed was placed in the same location as the shed it was replacing, approximately three feet from the side and back fence.

- A. The shed is located 1 ½ feet from the back property line (and 3' from the fence) and 2.2 feet from the side property line (and approximately 3' from the fence). Fence sections were put in by the adjoining property owners in the past few years and we believed them to be on the property lines as in the past.
- B. The location error of placing the shed close to the property line was made in good faith since additional restriction(s) were not brought up by the staff at the Permit Application Center when we asked about requirements for placing the shed.
- C. Reduction of the distance from the property lines from 10' to the smaller footage will not impair the purpose or intent of this Ordinance.
- D. The shed is located at the back corner of the property and does not affect the use of property of neighbors and their backyards. Neighbors have trees or garden by the fence, partially blocking their view of the grey shed. Other sheds in the neighborhood are located in similar sites.
- E. Since the shed is located at the back of our property, it does not create an unsafe condition and is not near public streets.
- F. The shed cannot easily be moved. The company that built it indicated that it would not be cost-effective to try to dismantle and rebuild it; a new shed could be purchased for a similar cost – a financial hardship. To meet the ordinance, the shed would have to be moved into the middle of the backyard and would limit our ability to use the backyard since there would be not an open area where people could congregate.
- G. The shed is used only for storage and tools, such as the lawn mower, The total square footage is 126 sq ft.

Charlotte Holzman
7121 Highland St
Springfield, VA
RE: SP 2008-0029

Additional information:

1. When the house was renovated several years ago, the upper front level was designed with the intent of adding a deck. The proposed deck will complete the intended look and was designed in scale to the existing house. The open look of the structure will not add bulk to the house or give the appearance of overpowering the surrounding landscaping.
2. The proposed deck is harmonious with the surrounding off-site uses and structures, adding to the character of the house without adding height or bulk. Although a few flowers may need to be removed, the trees will not be affected in any way and there is no intent to remove any of them.
3. The proposed deck will not adversely impact the use and/or enjoyment of any adjacent property; it will not increase noise in the community or affect light or air movement. Landscaping was improved after the renovation to avoid erosion and direct stormwater runoff from the hill away from the neighbor's home; no additional changes are needed.
4. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. As a corner lot, the space available for the deck is greatest in the area selected and does not adversely affect other recreational uses of the property. There are large trees on both sides that will partially conceal the structure; no additional landscaping is planned.

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Department of Planning & Zoning
MAY 22 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.
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.