



APPLICATION ACCEPTED: July 21, 2008
DATE OF PUBLIC HEARING: September 23, 2008
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 16, 2008

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2008-MA-071

MASON DISTRICT

APPLICANT & OWNER: James H. Webb, Jr.
ZONING: R-2
LOCATION: 3502 Pinetree Terrace
SUBDIVISION: Lake Barcroft
ZONING ORDINANCE PROVISION: 8-914 & 8-923
TAX MAP: 61-2 ((16)) 792
LOT SIZE: 24,800 Sq. Ft.
SP PROPOSAL: Reduction to minimum yard requirements based on error in building location to permit additions to remain 10.7 feet from side lot line and permit fence greater than 4 feet in height to remain in front yard.

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 special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

O:\Scaff2\Case Files\9-23-08 BZA\SP 2008-MA-071 James H. Webb

Shannon Caffee

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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/

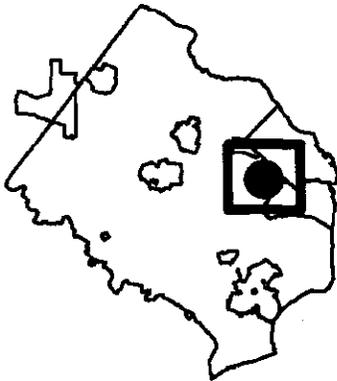


For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



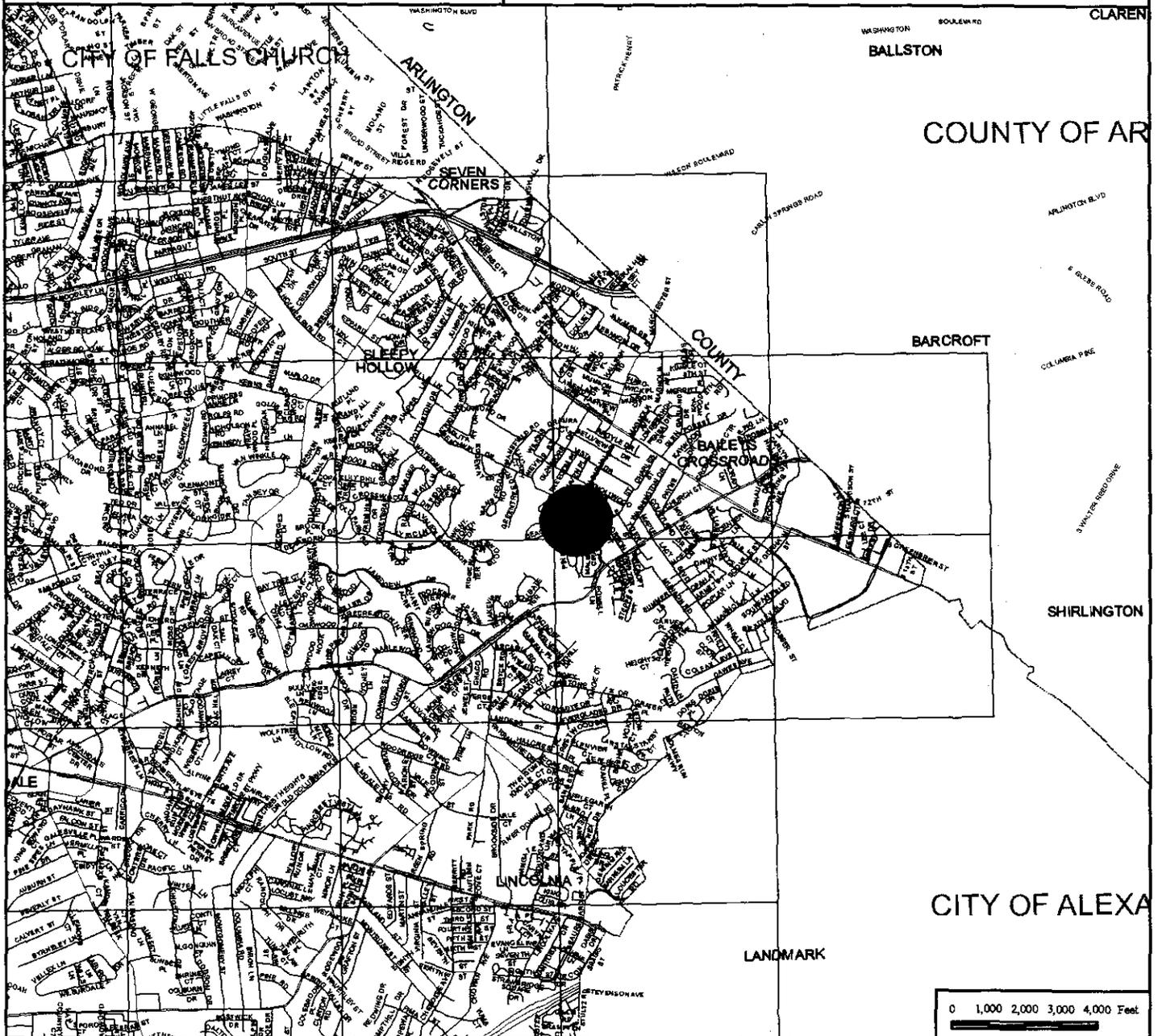
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2008-MA-071



Applicant: JAMES H. WEBB, JR.
Accepted: 07/21/2008
Proposed: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITIONS TO REMAIN 10.7 FT. FROM SIDE LOT LINE AND PERMIT FENCE GREATER THAN 4.0 FT. IN HEIGHT TO REMAIN IN FRONT YARD

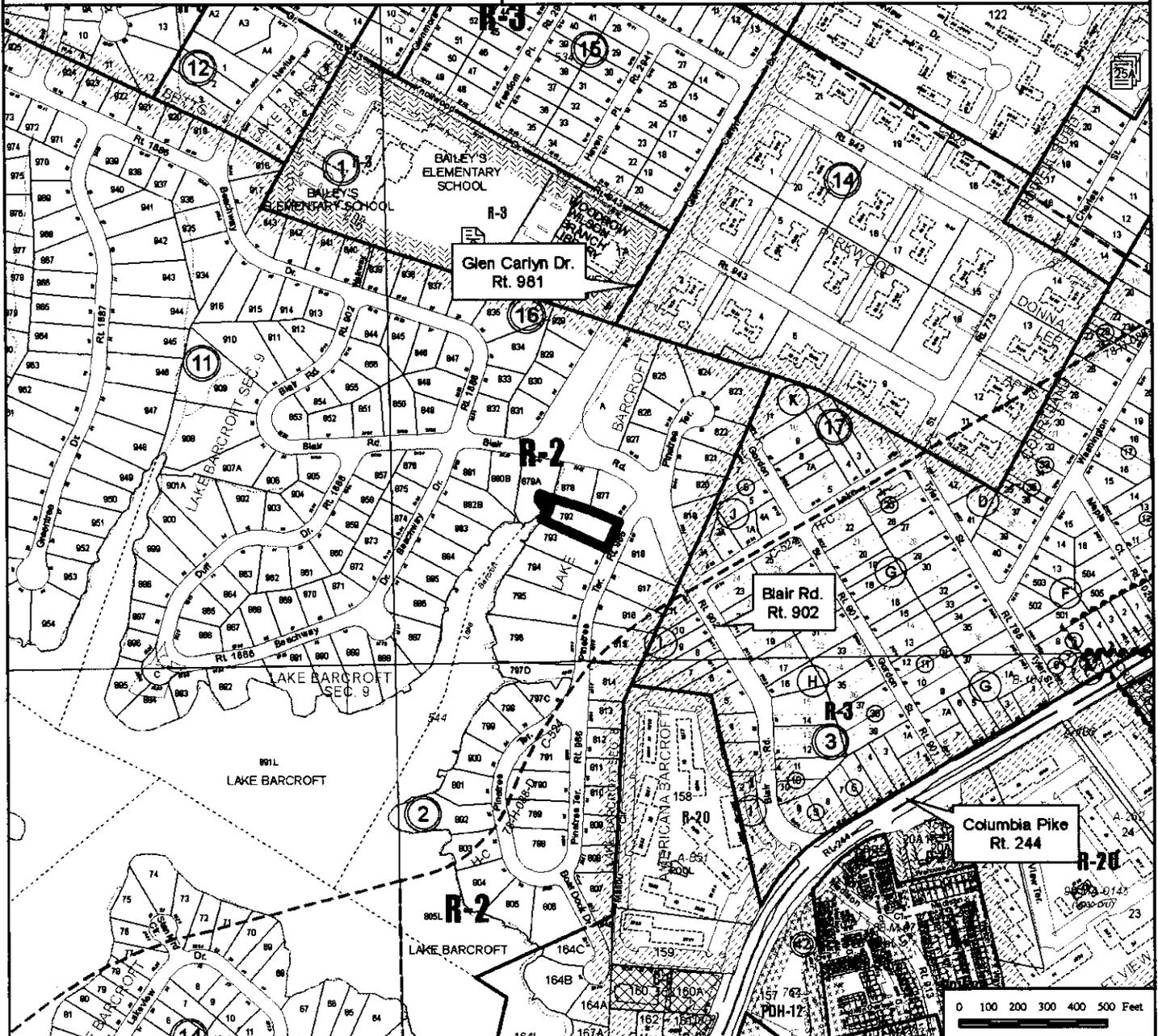
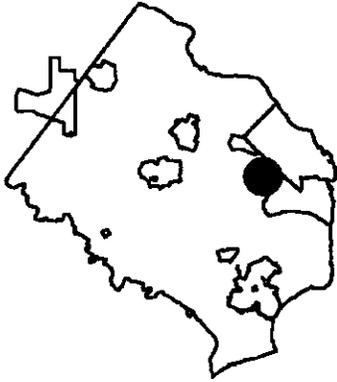
Area: 24,800 SF OF LAND; DISTRICT - MASON
Zoning Dist Sect: 08-0914 08-0923
Art 8 Group and Use: 9-13 9-22
Located: 3502 PINETREE TERRACE
Zoning: R-2
Overlay Dist:
Map Ref Num: 061-2- /16/ /0792

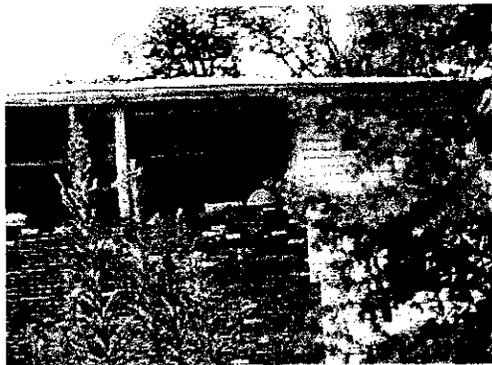


Special Permit
SP 2008-MA-071

Applicant: JAMES H. WEBB, JR.
Accepted: 07/21/2008
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Left - side of home

RECEIVED
Department of Planning & Zoning
JUL 21 2008
Zoning Evaluation Division

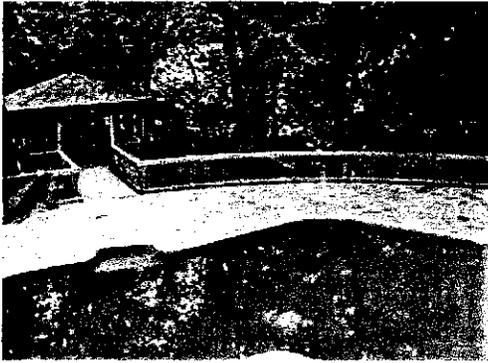


Left SIDE view of home

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Department of Planning & Zoning

JUL 21 2008

Zoning Evaluation Division



Back view of home

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Department of Planning & Zoning
JUL 21 2008
Zoning Evaluation Division



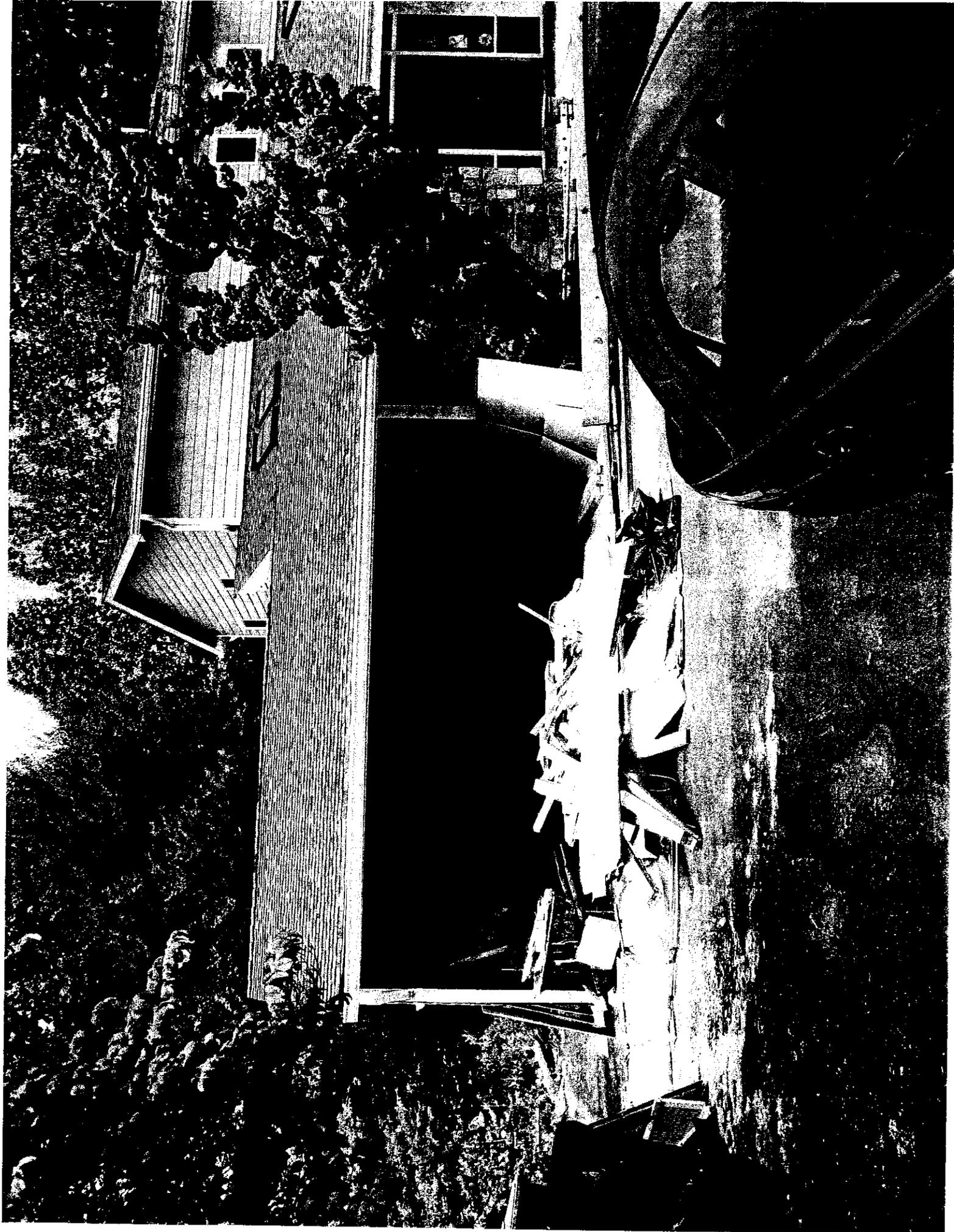
Right SIDE of home

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Department of Planning & Zoning
JUL 21 2008
Zoning Evaluation



ACROSS OF STREET

RECEIVED
Department of Planning & Zoning
JUL 21 2008
Zoning Evaluation Division





DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of three special permits for the subject property. The applicant seeks approvals of special permits for errors in building locations to permit 1) a garage addition (enclosed carport) and 2) an attached storage structure to remain 10.7 feet from the southern side lot line.

	Yard	Min. Yard Req.*	Permitted Extension **	Min. Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit 1	Side	15	None	15	10.7	4.3	28.6 %
Special Permit 2	Side	15	None	15	10.7	4.3	28.6 %

* Minimum side yard requirement per Section 3-200

** Permitted Extensions per 2-412

The third special permit is to permit an existing 4.9 ft high fence to remain in a front yard of a corner lot.

	Yard	Max. Ht. Permitted*	Height	Modification Requested
Special Permit 3	Front	4 ft.	4.9 ft.	.9 ft.

* Maximum fence height per Section 10-104.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single Family Detached Dwellings
South	R-2	Single Family Detached Dwellings
East	R-2	Single Family Detached Dwellings
West	R-2	Single Family Detached Dwellings

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Plat Showing the Improvements on Lot 792, Section Eight, Lake Barcroft
- **Prepared By:** George M. O'Quinn, Dominion Surveyors, Inc., dated April 29, 2008, revised through July 3, 2008
- **Building Permit Required for Carport Enclosure:** Yes
- **Obtained:** No
- **Building Permit Required for Fence:** No
- **Building Permit Required for Attached Storage Structure:** No
- **Location Error Made By:** Applicants/Owners

BACKGROUND

Relevant Building Permits: (See Appendix 4)

- Building Permit #13973 was issued on January 30, 1956, for a carport shown attached to the principal structure with what appears to be a breezeway on the approved plat. The proposed carport on this permit is drawn to be 20 feet from the side lot line.
- Building Permit #P107139 was issued on February 6, 1974, for an addition and to "enclose carport" as stated on the permit. Though the minimum required side yard at the time was 15 feet, the enclosed carport is shown at 10.7 feet from the side lot line. It is unclear if the enclosure of the carport took place after this permit due to the fact that all plats drawn after this permit still depict a "carport". An open carport is permitted to extend 5 feet into a minimum yard, therefore in the R-2 District, a carport can be located minimum of 10 feet from a side lot line.

In summary, the original carport had the proper permits from the county; however, the current enclosure of the carport did not receive a building permit. The building permit which stated that it was to "enclose carport" was issued in 1974, and potentially in error since the location of any addition including an enclosed carport would always have been 15 feet from the side property line.

The storage structure which is also currently shown 10.7 feet from the side lot line would not have required a building permit since it is less than 150 square feet. Had the structure been built as a detached structure it would be in compliance with today's Zoning Ordinance Provisions of Sect. 10-100; however, since the structure was built

attached to the existing principal structure must be meet the minimum required side yard of 15 feet.

The structures located within the Resource Protection Area existed prior to the establishment of the RPA in 1993 and are therefore in compliance with today's ordinance and code provisions.

The Board of Zoning Appeals (BZA) heard the following applications in the neighborhood:

- Special Permit SP 2007-MA-123, granted on January 8, 2008, on Tax Map Number 61-1 ((11)) 919, on 6200 Beachway Drive, zoned R-2, northwest of the subject property to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 30.5 ft. with eave 30.1 ft. from front lot line and 12.3 ft. with eave 11.7 ft. from side lot line, carport 20.7 ft. from front lot line and accessory structure to remain 6.8 ft. from side lot line and to permit existing fence greater than 4.0 ft. in height to remain in front yard of a corner lot.
- Special Permit SP 99-M-045, granted on October 12, 1999, on Tax Map Number 61-1 ((11)) 918, on 6156 Beachway Drive, zoned R-2, northwest of the subject property for reduction to minimum yard requirements based on error in building location to permit addition to remain 12.0 ft. from side lot line.
- Variance VC 93-M-100, granted on November 9, 1993, on Tax Map Number 61-1 ((11)) 906, on 3426 Blair Road, zoned R-2, west of the subject property to permit construction of addition 12.2 ft. from side lot line and 6 foot high fence within the front yard.

ZONING ORDINANCE REQUIREMENTS (See Appendix 5)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)
- Provisions for Increase in Fence and/or Wall Height in Any Front Yard (Sect. 8-923)

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit History
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2008-MA-071****September 16, 2008**

1. This special permit is approved for the location of existing carport enclosure (garage), attached storage structure and fence height as shown on the plat prepared by George M. O'Quinn, Dominion Surveyors, Inc., dated April 29, 2008 revised through July 3, 2008, submitted with this application and is not transferable to other land.
2. Within 120 days of approval of this application, building permits for the enclosed carport shall be diligently pursued and obtained or the enclosed carport shall be removed or brought into compliance with Zoning Ordinance Requirements.

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

Application No.(s): SP 2008-MA-071
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/6/08
 (enter date affidavit is notarized)

I, Kamille Kuhn, 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 1003618

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)
James H. Webb Jr.	3502 Pinetree Terrace Falls Church, Va 22041	Applicant / Title Owner
Hong Lee Webb	3502 Pinetree Terrace Falls Church, Va 22041	Title Owner
Phoenix Systems, LLC	42931 Culps Hill Lane Leesburg, Va 20176	Agent
Glen C. Izett	9141 Schoolcraft Lane Burke, Va 22015	Agent

(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): SP 2008-MA-071
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

Special Permit/Variance Attachment to Par. 1(a)

DATE: 8/6/08
(enter date affidavit is notarized)

1003616

(NOTE: All relationships to the application are to 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)
Carmen Pretopapa	42931 Culps Hill Lane Leesburg, Va 20176	Agent
Ramilke Kuhn	42931 Culps Hill Lane Leesburg, Va 20176	Agent

(check if applicable)

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

Application No.(s): SP 2008-MA-071
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/16/08
(enter date affidavit is notarized)

1003616

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)

Phoenix Systems, LLC
42931 Culps Hill Lane
Leesburg, Va 20176

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)

Carmen Pretopapa
Kamille Kuhn

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

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

Application No.(s): SP 2008-MA-071
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/6/08
(enter date affidavit is notarized)

1003616

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): SP 2008-MA-071
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/16/08
(enter date affidavit is notarized)

1003616

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:

None

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

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

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

None

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

Application No.(s): SP 2008-MA-071
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8/6/08
(enter date affidavit is notarized)

1003616

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:

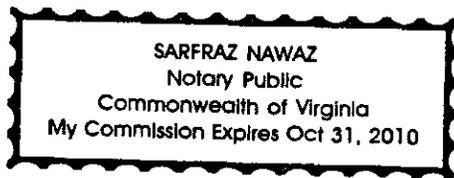
(check one) [] Applicant [X] Applicant's Authorized Agent

Kamille Kuhn
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 6th day of August, 2008, in the State/Comm. of VA, County/City of Loudoun.

[Signature]
Notary Public

My commission expires: 12-31-10



Phoenix Systems LLC
42931 Culp's Hill Lane
Leesburg, VA 20176

Office 703-443-2699
Fax 703-738-7424
carmenpret@yahoo.com
www.newphoenixsystems.com

May 21, 2008

To: Fairfax County

RE: Statement of Justification for 3502 Pinetree Terrace, Falls Church, Va 22041

To Whom It May Concern:

I am writing in regards to the above mentioned property. This is a home for a U.S. Senator in a transient neighborhood and having his carport enclosed will give him more sense of security.

If you have any questions, feel free to contact me.

Thank you,



Glen Izett
Phoenix Systems LLC

RECEIVED
Department of Planning & Zoning
MAY 30 2008
Zoning Evaluation Division

Phoenix Systems LLC
42931 Culps Hill Lane
Leesburg, VA 20176

RECEIVED
Department of Planning & Zoning

JUL 07 2008

Office 703-443-2699
Fax 703-738-7424
carmenpret@yahoo.com
www.newphoenixsystems.com

Zoning Evaluation Division

July 7, 2008

To: Fairfax County Zoning

RE: Senator James Webb residence

- A. The error exceeds 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 of 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.

The BZA shall determine that the proposed development will be in character with the existing onsite development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.

The BZA shall determine that the proposed development is harmonious with the surrounding offsite uses and structures in terms of location, height, bulk and surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director.

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, erosion and storm water runoff.

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.

We are proposing no additional landscaping.

We are proposing to install a garage door on the front elevation for privacy, security and safety.

Thank you,

Carmen Pretopapa
President,
Phoenix Systems LLC

RE: Senator James Webb residence

In reference to the July 8, 2008 deficiency letter we wish to request an additional proposed use to allow fence of 4.9 feet to remain in front yard. This will be in addition to the reduction to minimum yard requirements based on error in building location to permit addition to remain 10.7 feet from side lot line.

Phoenix Systems LLC
42931 Culps Hill Lane
Leesburg, VA 20176

Office 703-443-2699
Fax 703-738-7424
carmenpret@yahoo.com
www.newphoenixsystems.com

July 20, 2008

To: Fairfax County Zoning

RE: Senator James Webb residence

1. Revised application changing magisterial district to mason.
2. Please add 20 year old fence in side yard that has a height of 4'9" to this application. The use of this fence is for privacy.
3. Additional photos of abutting properties.

Thank you,



Carmen Pretopapa
President,
Phoenix Systems LLC

RECEIVED
Department of Planning & Zoning
JUL 21 2008
Zoning Evaluation

Caffee, Shannon M.

From: kamille kuhn [kamkuhn@yahoo.com]
Sent: Wednesday, August 27, 2008 9:34 AM
To: Caffee, Shannon M.
Subject: Re: SP 2008-MA-071 James H. Webb

Hi Shannon,

I am writing you in regards to the Webb special permit. I am authorizing you to add the attached storage on the south side of the lot to the application.

Also that 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.
- Let me know if you need anything else.

Thanks,

Kamille Kuhn
 42931 Culps Hill Lane
 Leesburg, VA 20176
 Office (703) 443-2699
 Fax (703) 738-7424
 kamkuhn@yahoo.com
 www.newphoenixsystems.com

--- On Fri, 8/22/08, Caffee, Shannon M. <Shannon.Caffee@fairfaxcounty.gov> wrote:

From: Caffee, Shannon M. <Shannon.Caffee@fairfaxcounty.gov>
 Subject: SP 2008-MA-071 James H. Webb
 To: kamkuhn@yahoo.com
 Date: Friday, August 22, 2008, 3:14 PM

To Whom it may Concern,

8/28/2008

Upon taking a closer look at special permit application SP 2008-MA-071 for the applicant James H. Webb, I noticed an N82E16819103637 structure which is also 10.7 feet from the south side lot line along with the enclosed carport. Normally a storage structure under 8.5 feet high would not conflict with specified side yard setbacks; but due to the fact that this structure is attached to the existing home, which pictures as well as the plat confirm, this structure will have to either abide by the 12 ft side yard setback or be added to this application for consideration of an error in building location as well. I apologize for this structure not being identified sooner to you during the process but hope to make the necessary changes now so as to avoid conflict when it comes time for the public hearing.

All that I would require from you is a statement granting me permission to amend this application so that no one has to go out of their way to come in to our offices; as well as an amended statement of justification stating that it complies with the following standards described below. Both of these requests could be done via a response email to me or a faxed letter if your would prefer. The structure is being considered under the same standards as the enclosed carport under sect 9-914 with focus on standard 2:

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.

Thank you so much for your cooperation in helping me resolve this matter and once again I apologize for us not identifying this sooner. If you require any assistance or have any questions please feel free to contact me directly at (703) 324-1212.

Thank you,

Shannon Caffee

Staff Coordinator
Zoning Evaluation Division
Phone: (703) 324-1212
Fax: (703) 324-3924

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF BUILDING INSPECTOR

Building Permit No. 13975

185

APPLICATION FOR PERMIT TO ALTER, REPAIR OR ADD TO EXISTING BUILDING

OK 3/5/56 GD

Fairfax, Va., Jan, 30, 1956

TO THE BUILDING INSPECTOR:

The undersigned applies for a permit to

- 1. Description of Building *Carport*
- 2. Location: Lot No. *792* Block *913* Subdivision *Sub B*
- 3. Name of Owner *J. R. Rand* Address *lot 792* Phone *see J. Hallsch*
- 4. Name of Designer *see J. Hallsch* Address *see J. Hallsch* Phone *see J. Hallsch*
- 5. Name of Contractor *John W. Ferguson* Address *2529 Wilson Blvd Arlington, Va.* Phone *Jan. 7, 1975*

I hereby certify that the property described above is listed in the name of: *Joseph Rand*

Mag. Dist. *Mason # 1* Deed Book Reference *1332-313*
John W. Ferguson

- 6. Zoning: Use of building *Carport* No. of families or housekeeping units *None*
- No. kitchens *1*; Size of lot: Width *8'-6"* ft., Depth *20'* ft., Area *172 sq. ft.*; Height of building (highest point of roof) *8'-6"* ft. Setback from property line: Front *4'-6"* ft., Rear *20'* ft., Side *20'* ft.
- 7. Check system to be used: (a) Sewage Disposal by: Public Sewer *None*, Community System *None*, Septic Tank *None*
Pit privy *None* (b) Water Supply: Public system *None*, Individual well *None*

8. Give Details:
Build 20' x 20'-6" car port addition on front above. Res. car port below.

- 9. Use of Building after Alterations: *See lot 5 / Family Room*
- 10. Estimated Cost of Improvement *\$950.00*

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restriction, if any, which are imposed on the property.

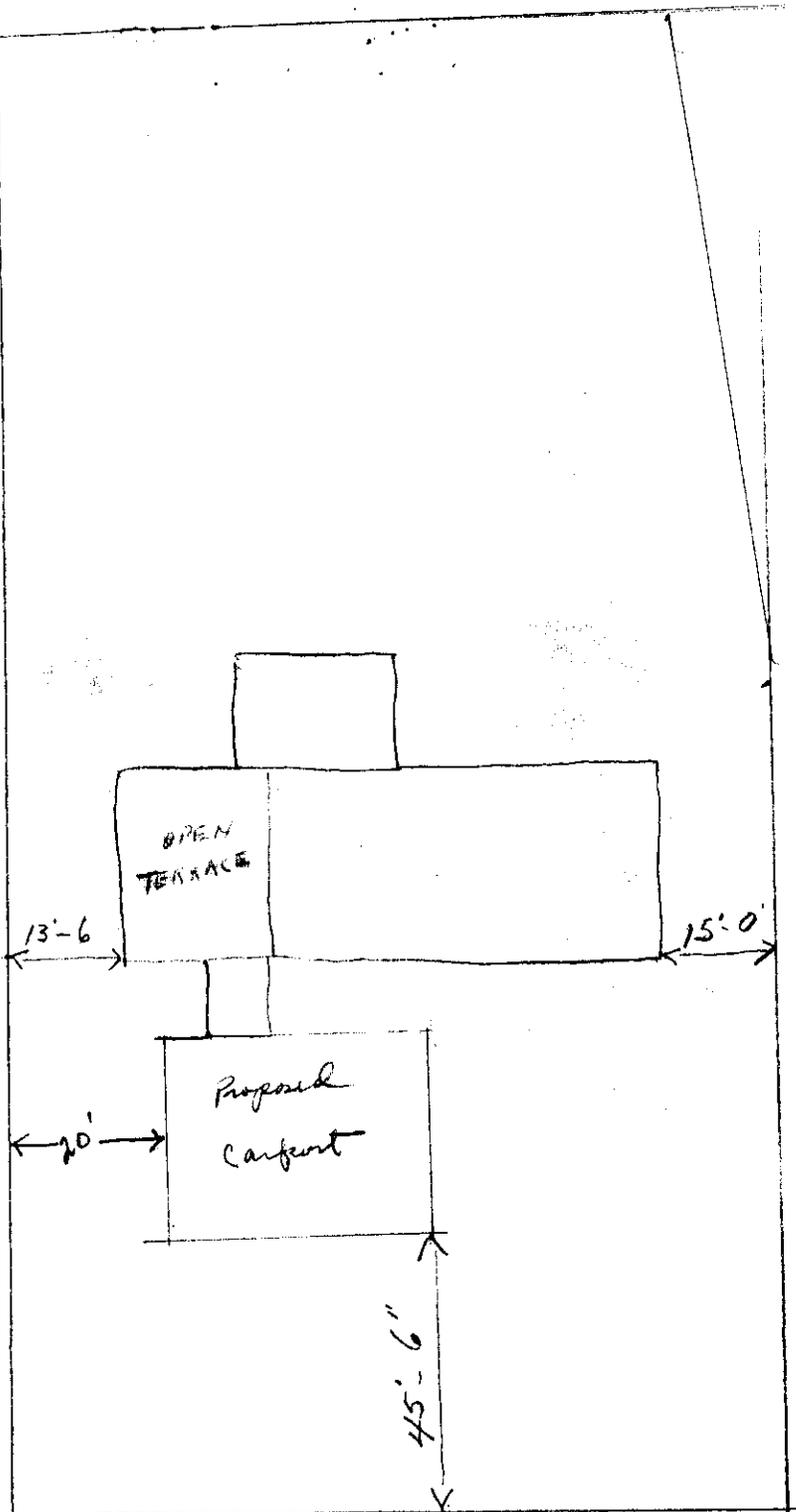
Ernest O. Lambert
Signature of owner or authorized agent
2529 Wilson Blvd.
Address

Fire-proof Non-fireproof

Total sq. ft. _____ Fee *6.00*

Approved by Building Inspector
1/30/56 [Signature]

Telephone No. _____ Date _____



Huddelston Terrace

MAP REFERENCE
 Plot Number Subd. Des. Blk. or Sec. Parcel or lot
 612 16 792

COUNTY OF FAIRFAX, VIRGINIA
 OFFICE OF THE BUILDING INSPECTOR

Application for Building Permit
 and Certificate of Occupancy

APPLICATION NO. 6-6360
 DATE 12 PERMIT NO. 7139

To: BUILD ALTER OR REPAIR ADD TO DEMOLISH MOVE

JOB LOCATION
 Street 3502 Pinetree Terrace
 Lot No. 792 Block 8 Section
 Subdivision Lake Burcroft

OWNER
 Corp. Name
 Name Mrs. E.S. Bradley
 (Rep. Agent)
 Address 3502 Pinetree Terrace
 City Telephone Number

ARCHITECT ENGINEER
 Name M. R. Petersen
 Address Annandale
 City Annandale State Reg. No. 935

CONTRACTOR
 Name F. H. Church
 Address 7177 Shaver Rd.
 City F. H. Church
 County Reg. # 77426432 State Reg. # 12265

DESCRIPTION
 For: Addition unenclosed carport
 (existing from driveway to garage)

No. of Bldgs. Est. Const. Cost \$ 21,700
 No. of Units No. of Stories
 No. of Kitchens Penthouse
 No. of Baths Ht. of Bldg. ft.
 No. of Rooms 3 Bldg. Area sq. ft.
 (Exclude Kit. & Bath)
 Basement Slab Crawl Soil: Solid Fill

Ftg: Concrete Pile Casion
 Ext. Walls: Wood Metal Brick
 Int. Walls: Plast Drywall Panel
 Roof: Flat Pitch Shed
 Roofing: Built-up Shingle Roll

Heat: Oil Gas Electric
 Equipment: Boiler Furnace Heat Pump Air Cond.

Sewage: Public Community Septic Tank None
 Water: Public Individual Well None

Remarks:

NO SEWER TAP INVOLVED

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

674 1030 Phone No. Date Signature of Owner or Auth. Agent

APPLICANT: DO NOT WRITE BELOW THIS LINE

PLAN APPROVAL
 Use Group of Building 4-4 Area of Bldg. @ per Sq. Ft. \$
 Type of Construction 4-8 @ \$
 Fire District @ \$
 Date Checked 2/6 19 79 Approved By Building Inspector TOTAL FEE \$ 2100

ROUTING	OFFICE	FLOOR	DATE	APPROVED BY	OFFICE	FLOOR	DATE	APPROVED BY
	Land Office	4th			Fire Marshall	8 Level		
	Zoning Administrator	8th	2-6-79	[Signature]	Design Review	7th	2-6-79	[Signature]
	Sanitation	8th	2-6-79	[Signature]	Housing & License	8th	2-6-79	[Signature]
	Health Dept.	Annex						

I hereby certify to the following statement:
 1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.
 2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.

Date 19 Property Owner By Authorized Agent

Supervisor of Assessments
 Property is listed in name of Eugene S. Bailey
 Magisterial District 14 Deed Book Reference 3953-713
 Supervisor: [Signature]

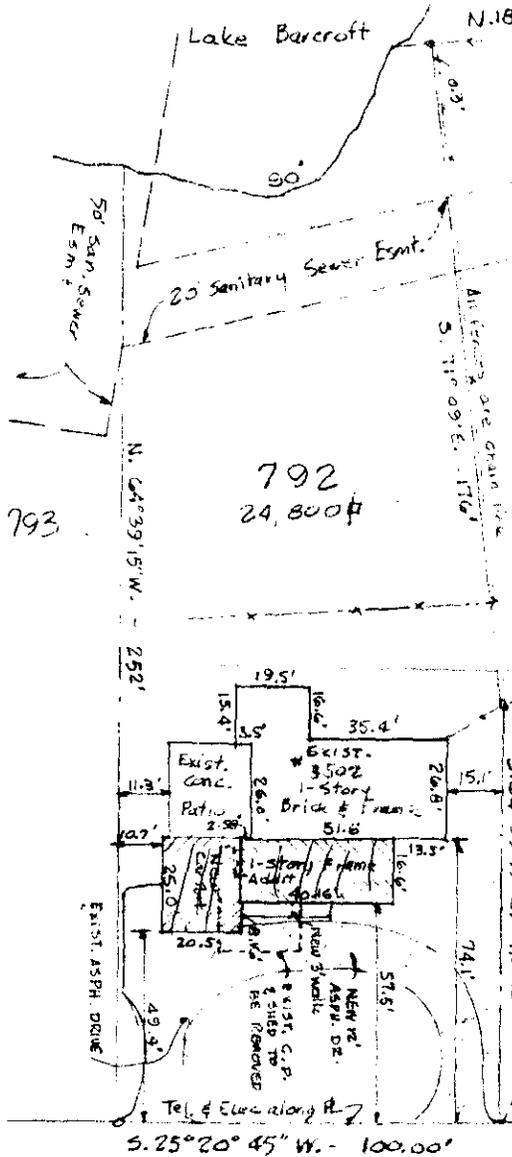
ZONING
 Subdivision Lake Burcroft No. 792 Block Section 8 Line R-17
 Street Address 3502 Pinetree Terrace
 Use of Bldg. Addition of unenclosed carport No. Families 1
 BZA Board of Zoning Appeals SITE PLAN
 Set Back: Front 14' 1/2' Side 10' 7" Rear 20' 7" Zoning Administrator

NOTICE REQUIRED

Contractors shall notify operators who maintain underground utility lines in the area of proposed excavation or blasting, at least two working days, but not more than ten working days prior to commencement of excavation or demolition in accordance with Section 10(a) of Chapter 68 of the Fairfax Code. Names and telephone numbers of the operators of underground utility lines in Fairfax County appear below. These numbers may also be used to serve emergency condition notice as required by Section 15(b) of Chapter 68 of the Code.

Columbia Gas Pipeline Co.	759-2115
Plumpton Pipeline Co.	760-5350
Columbian Pipeline Co.	273-5525
Commonwealth Tele. Co.	(703)670-3118
Tri-County Electric Co-op.	(703)777-2041
Falls Church Water Service	(703)532-0800
Fairfax City Water Service	273-7900
Town of Vienna Water Service	938-8007 ex 241
Town of Herndon DPW	437-1000
Washington Gas Light Co.	
Transco Gas Pipeline Co.	
Chesapeake & Pot. Tel. Co.	
Va. Elec. & Power Co.	
Fairfax Co. Water Authority	
Fairfax Co. San. Sewer Div.	
Prince William Elec. Co-op.	
Columbia Gas of Va.	
A.T.&T. Co.	

MISS UTILITY
(301)559-0100



Approved for proposed location of building as shown. Final approval subject to wall check.

FEB 6 - 1974

Date

[Signature]
Zoning Administrator

Jared
877 R-17

Lake Barcroft - OK For Location 2-12-74 (JC) Comd. 5-10-74 (JC)

92.01' to P.C.
Blair Road

PINETREE TERRACE

50' R/W

Department of County Development
Fairfax County, Virginia
Application Number **2-0360**

I hereby certify that this plot plan and structure shown hereon conform to the requirements of Section 113.10 of The Fairfax County, Virginia Building Code.

Director of County Development

By His Agent

Date

2-6-74

LOT 792 SECTION 8
LAKE BARCROFT
FAIRFAX CO., VIRGINIA
PLOT PLAN SCALE: 1"=40.0'

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.

8-914

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.

Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. 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 or structure, to include existing or proposed fences and/or walls.

- 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 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. If applicable, existing 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 Emergency Management Agency, 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.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.