



APPLICATION ACCEPTED: November 20, 2008
BOARD OF ZONING APPEALS: January 27, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 20, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2008-PR-104

PROVIDENCE DISTRICT

APPLICANTS/OWNERS:

Josh T. Williams, III
Lynn S. Williams

SUBDIVISION:

Fairhill on the Boulevard

STREET ADDRESS:

2950 Fairhill Road

TAX MAP REFERENCE:

49-3 ((6)) 69

LOT SIZE:

12,000 square feet

ZONING DISTRICT:

R-1

ZONING ORDINANCE PROVISIONS:

8-914 and 8-922

SPECIAL PERMIT PROPOSAL:

To permit reduction to minimum yard requirements based on errors in building locations to permit dwelling to remain 15.6 feet and accessory storage structure to remain .5 feet from one side lot line and accessory storage structure to remain 2.7 feet from other side lot line, accessory structure to remain 16.8 feet from side lot line and deck to remain 9.9 feet from side lot line and to permit reduction of certain yard requirements to permit construction of a second story addition 15.4 feet from side lot line and 15.6 feet from other side lot line.



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).

O:\dhedri\Special Permits(1-27) SP 2008-PR-104 Williams\SP 2008-PR-104 Williams staff report.doc Deborah Hedrick

STAFF RECOMMENDATION: Staff recommends approval of SP 2008-PR-104 for the second story addition subject to the proposed development conditions contained in Appendix 1.

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

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

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

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

Special Permit

SP 2008-PR-104

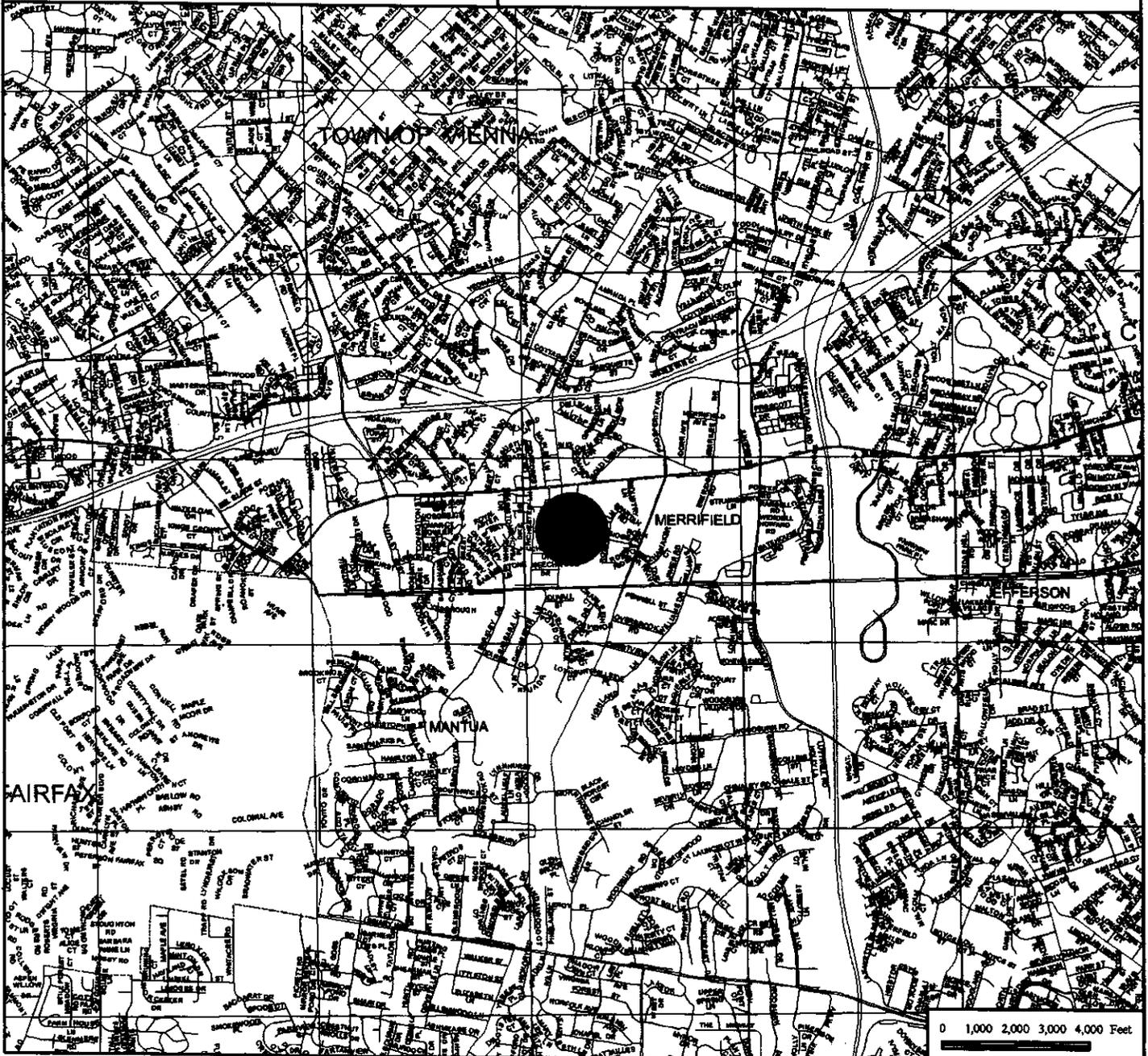


Applicant:
Accepted:
Proposed:

JOSH T WILLIAMS III AND LYNN S WILLIAMS
11/20/2008

TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERRORS IN BUILDING LOCATIONS TO PERMIT DWELLING TO REMAIN 15.6 FT., ACCESSORY STORAGE STRUCTURE TO REMAIN 0.5 FT., DECK TO REMAIN 9.9 FT. AND ACCESSORY STORAGE STRUCTURE TO REMAIN 16.8 FT. FROM ONE SIDE LOT LINE AND ACCESSORY STORAGE STRUCTURE TO REMAIN 2.7 FT. FROM OTHER SIDE LOT LINE AND TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF A SECOND STORY ADDITION 13.6 FT. FROM ONE SIDE LOT LINE AND 15.4 FT. FROM OTHER SIDE LOT LINE 7 FEET FROM OTHER SIDE LOT LINE AND ACCESSORY STRUCTURE TO REMAIN 16.8 FEET FROM SIDE LOT LINE

Area: 12,000 SF OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect: 08-0914 08-922
Art 8 Group and Use: 9-13 9-21
Located: 2950 FAIRHILL ROAD
Zoning: R-1
Overlay Dist:
Map Ref Num: 049-3- /06/ /0069



Special Permit

SP 2008-PR-104



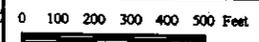
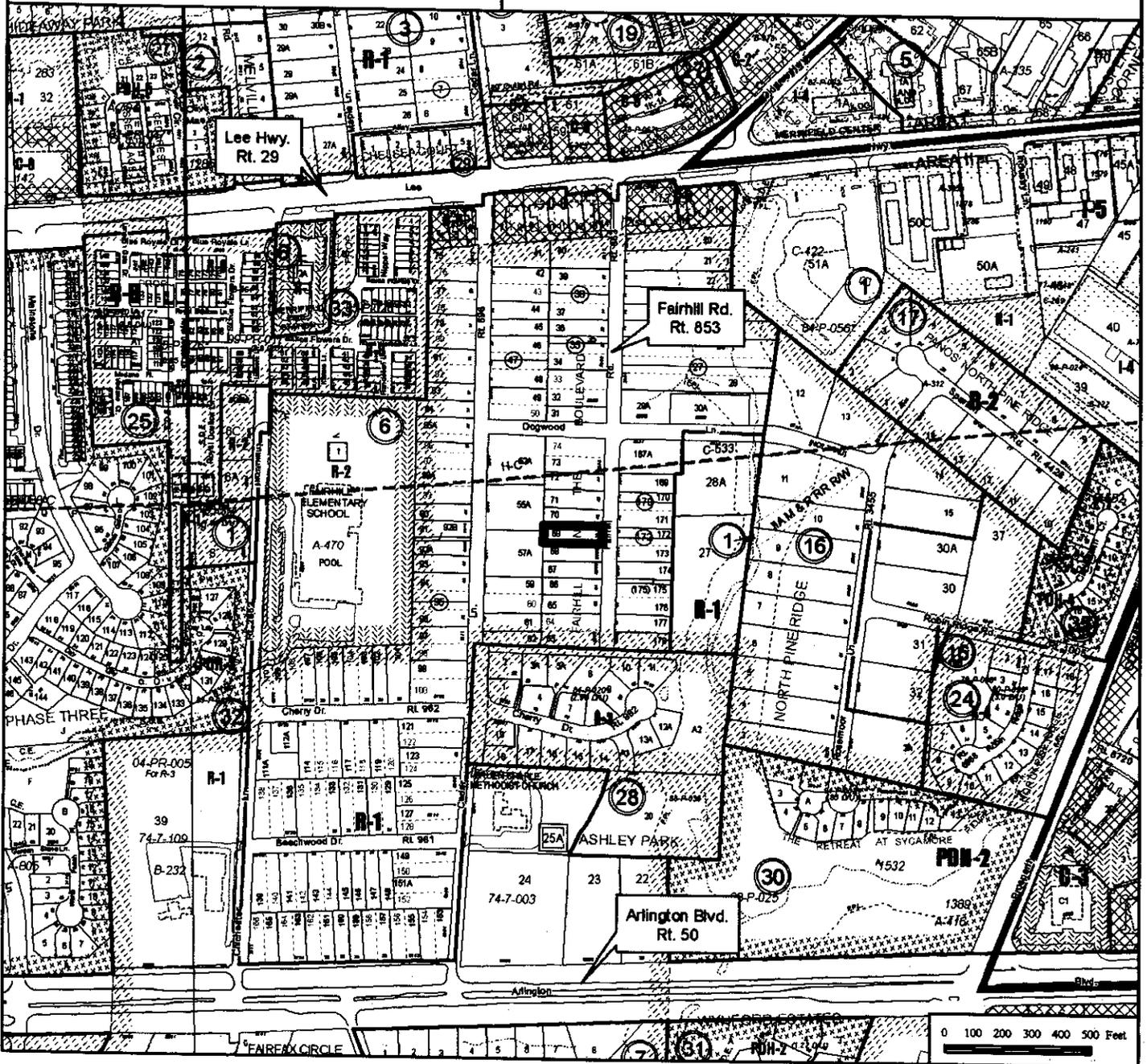
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Located: 2950 FAIRHILL ROAD
Zoning: R-1
Overlay Dist:
Map Ref Num: 049-3- /06/ /0069



NOTES

1. TAX MAP: 49-3-06-0069
2. ZONE: R-1 (RESIDENTIAL 1 DU/AC)
3. LOT AREA: 12,000 SF

4. REQUIRED YARDS:
- | | | |
|--------|---|-----------|
| FRONT: | = | 40.0 FEET |
| SIDE: | = | 20.0 FEET |
| REAR: | = | 25.0 FEET |

5. HEIGHTS:
- | | | |
|-------------------|---|-----------|
| DWELLING | = | 16.3 FEET |
| OP | = | 13.8 FEET |
| SHED 1 | = | 09.1 FEET |
| SHED 2 | = | 10.0 FEET |
| PROPOSED ADDITION | = | 18.3 FEET |
| FRAME PATIO | = | 00.6 FEET |
| PLAY GROUND | = | 11.1 FEET |
| FENCES | = | AS NOTED |

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

12. AREAS:
 BASED ON INTERIOR WALL MEASUREMENTS PROVIDED BY CLIENT
- | | |
|------------------------|-------------------------|
| EXISTING AREAS: | PROPOSED ADDITION AREA: |
| BASEMENT = 343 SF | |
| FIRST FLOOR = 1,290 SF | |
| SECOND FLOOR = 550 SF | |
| TOTAL AREA = 2,183 SF | |

13. FLOOR AREA RATIO:
 GROSS FLOOR AREA (2643 SF) / LOT SF (12000) = 24 %
 PROP SF (660 SF) / EX SF (2183) = 30 %

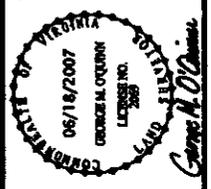
PLAT

SHOWING THE IMPROVEMENTS ON
 LOT 69, SECTIONS 1 AND 2

FAIRHILL ON THE BOULEVARD

FAIRFAX COUNTY, VIRGINIA

PROVIDENCE DISTRICT
 SCALE: 1" = 20'
 JUNE 18, 2007
 OCTOBER 14, 2008 (REVISED)
 DECEMBER 09, 2008 (REVISED)



I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN COMPLETELY ESTABLISHED BY A CURRENT FIELD SURVEY AND MEASUREMENTS AS OF THE DATE:

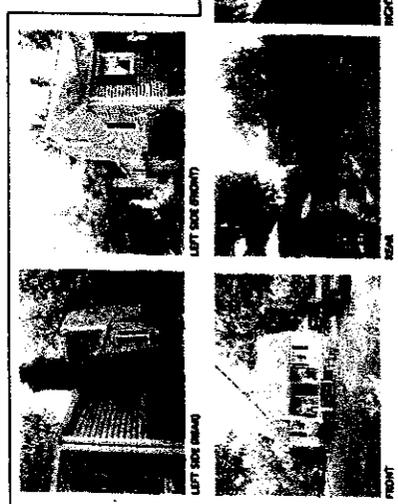
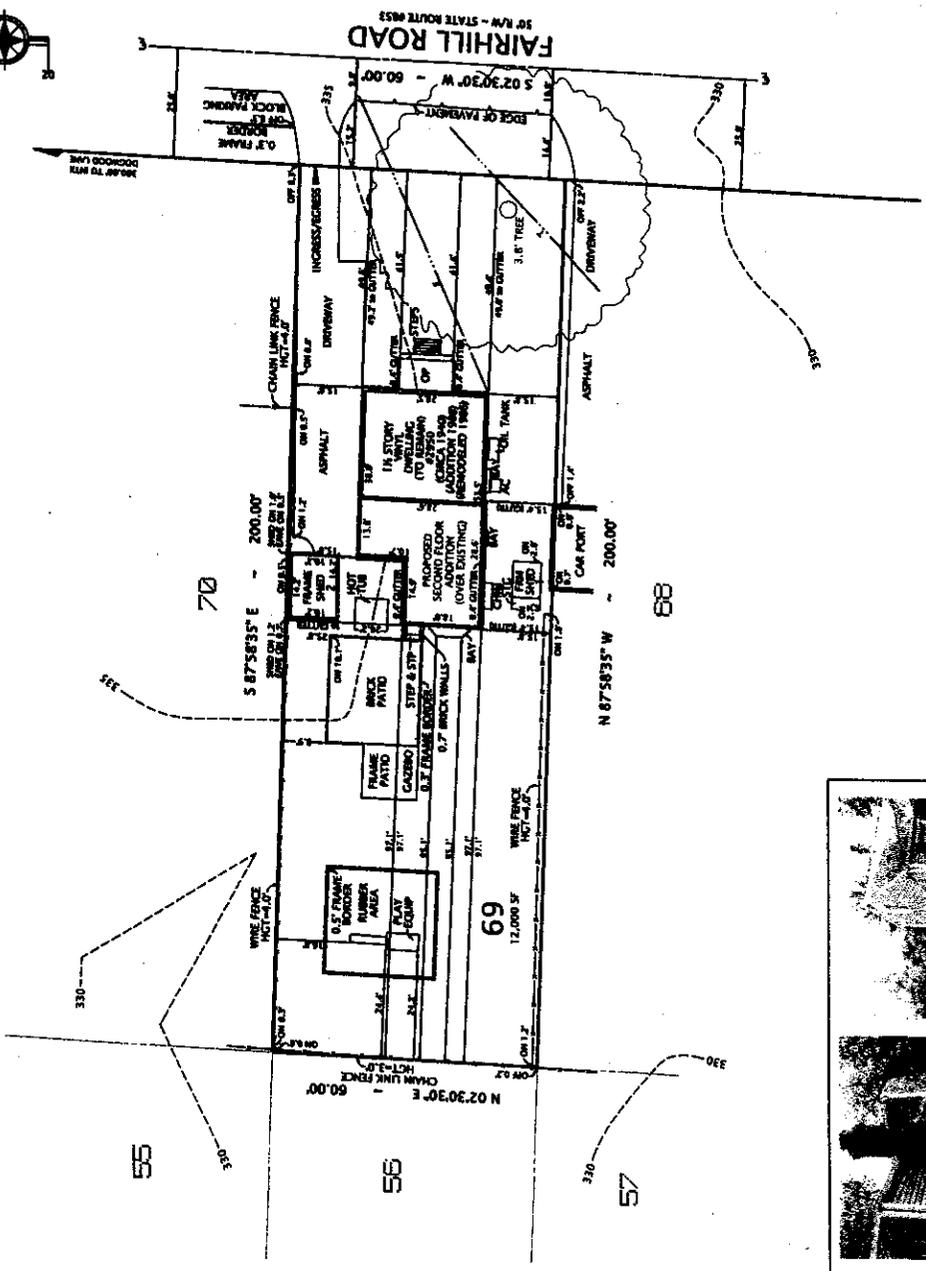
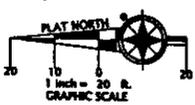
THE PLAT IS SUBJECT TO THE INSTRUCTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO OTHER IMPROVEMENTS SET.

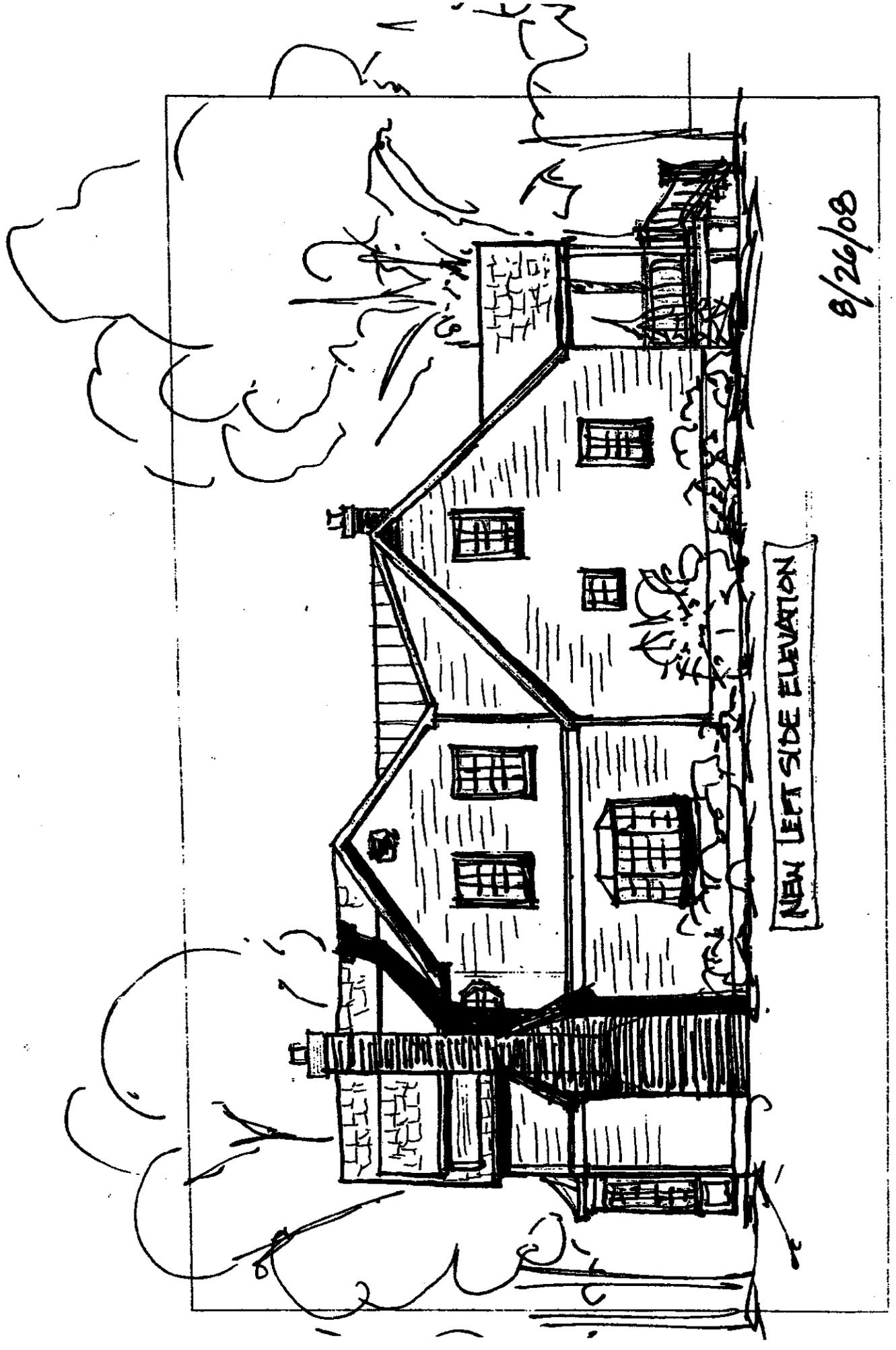
CASE NAME:
 JOSH WILLIAMS

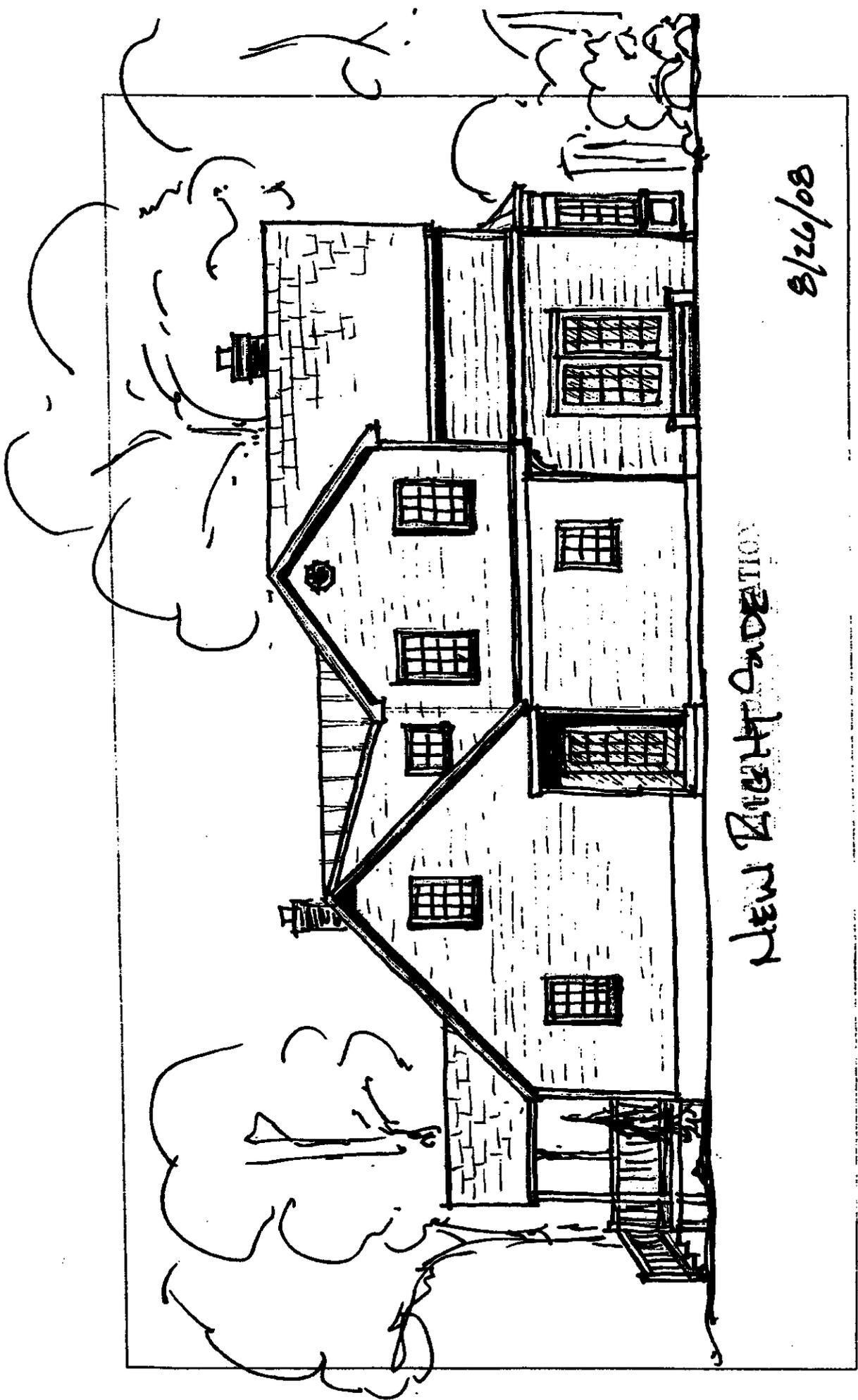
DOMINION Surveyors Inc.
 8804 H REAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 TEL: 703-919-9333
 FAX: 703-795-8412



8/26/08

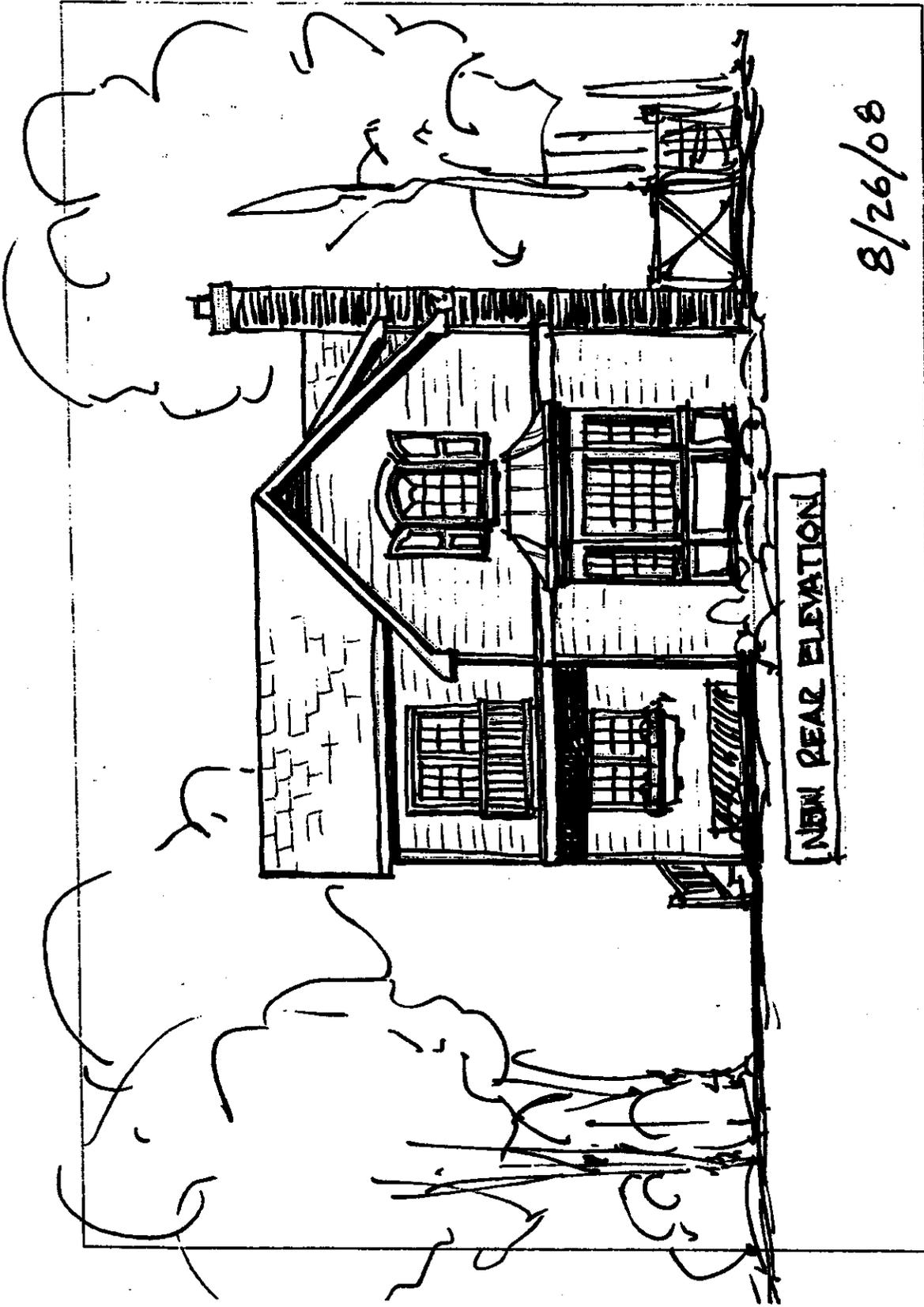
NEW LEFT SIDE ELEVATION





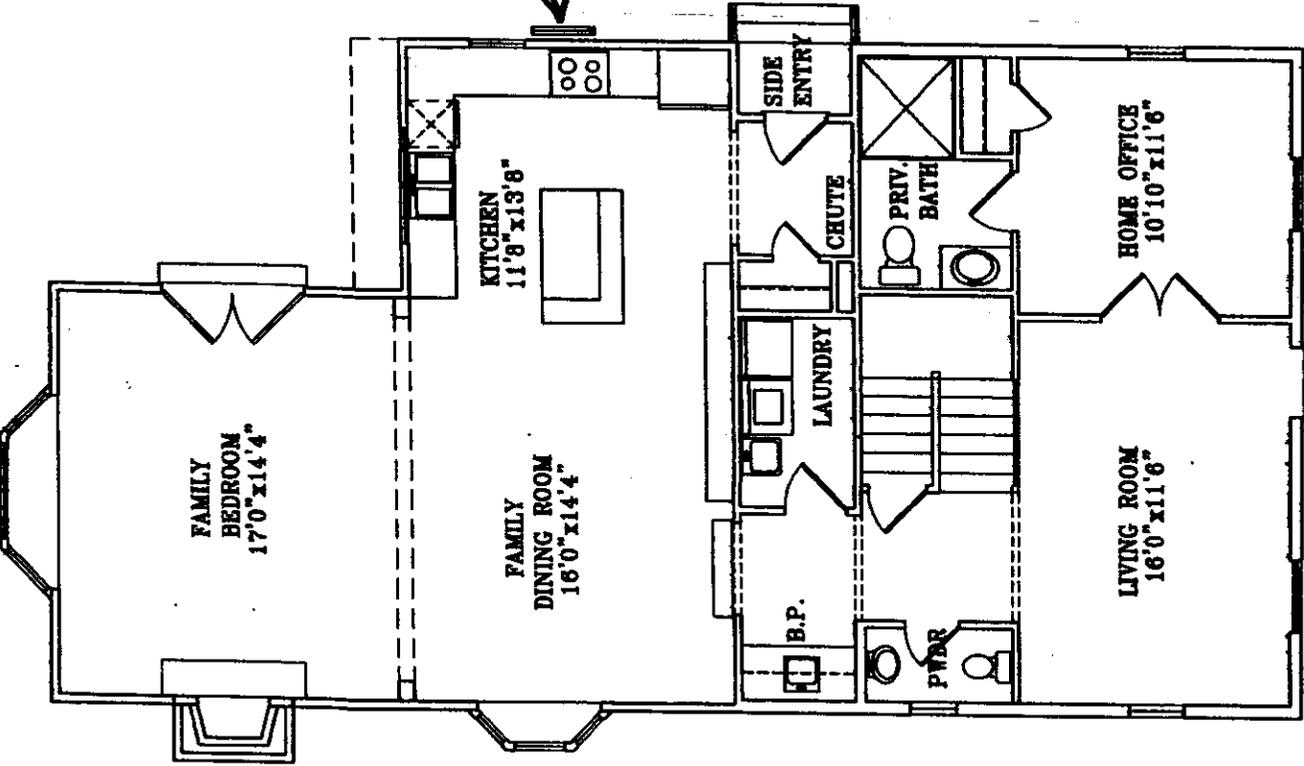
NEW ZEALAND ASSOCIATION

8/26/8

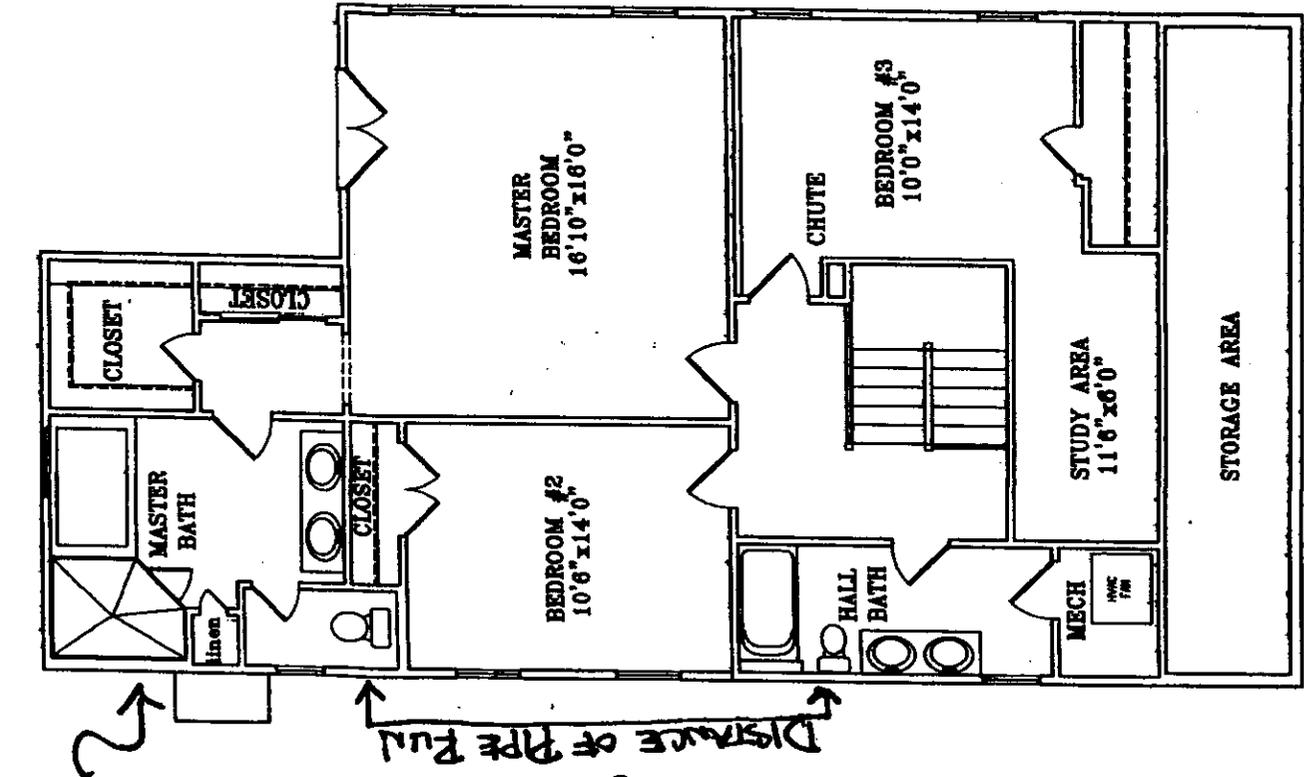


NEW BEAR ELEVATION

8/26/08



MAIN FLOOR PLAN



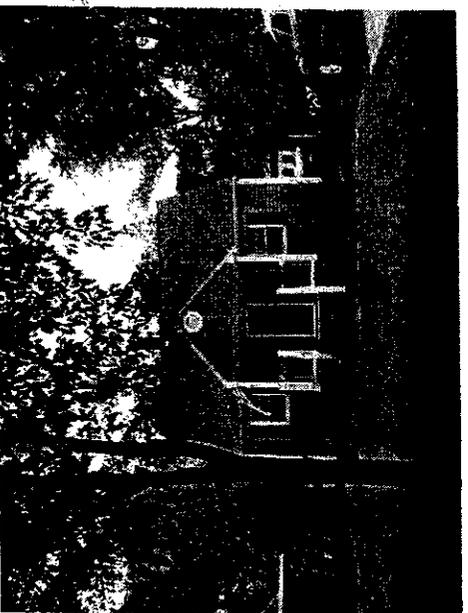
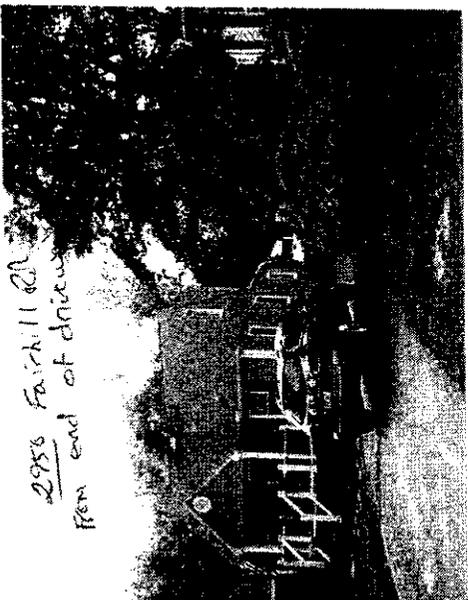
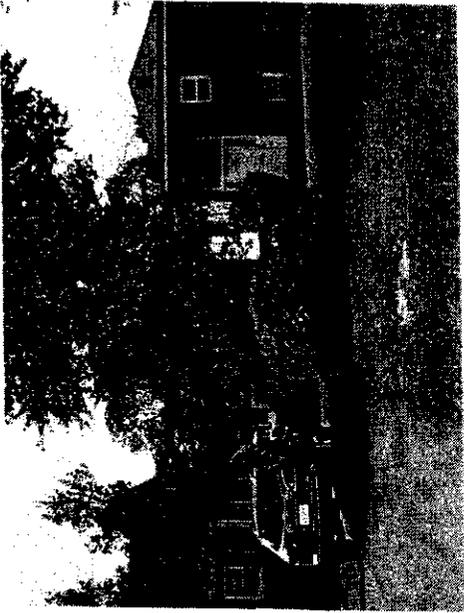
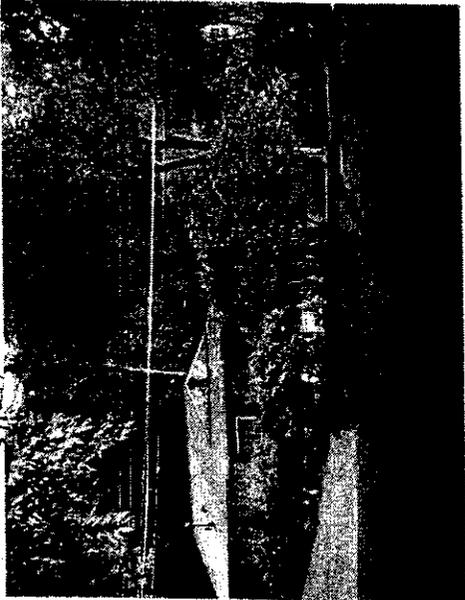
UPPER FLOOR PLAN

8/26/08

NEIGHBORS ON LEFT SIDE

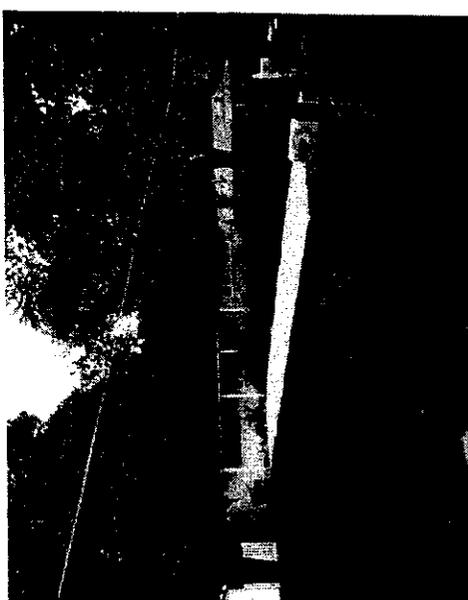


Street



2950 Fairhill Rd
from end of driveway

2950
Fairhill
Rd
view
from
street



7010 GAITHER RD from

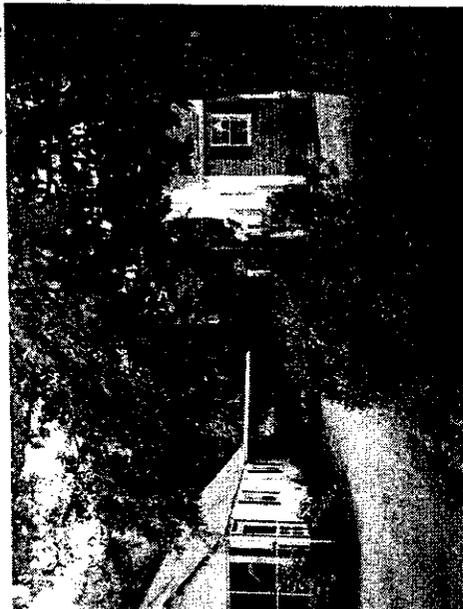
N. 1 mile to right across

2950 Fairhill Rd

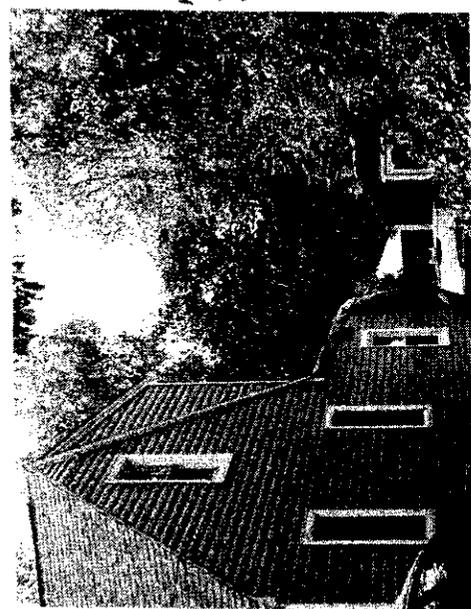
South side of house



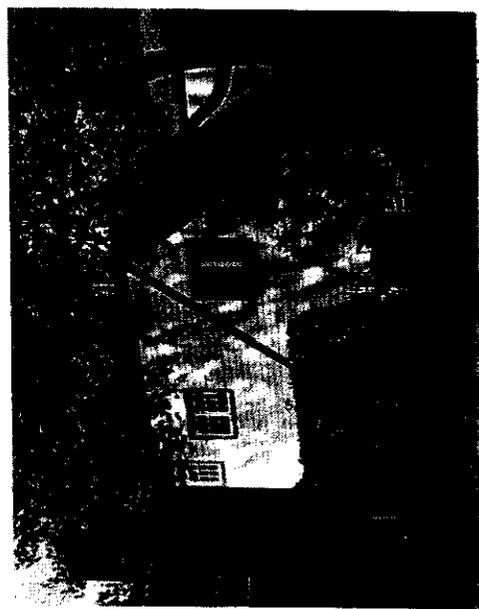
View from property line of 2752 2750



North side view



East base of 2946



West base of 2946



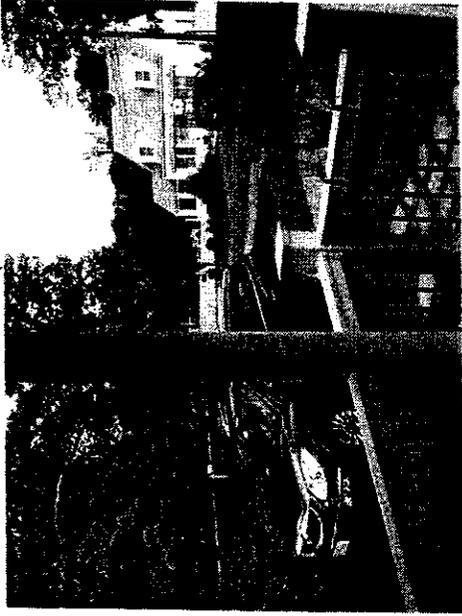
North side



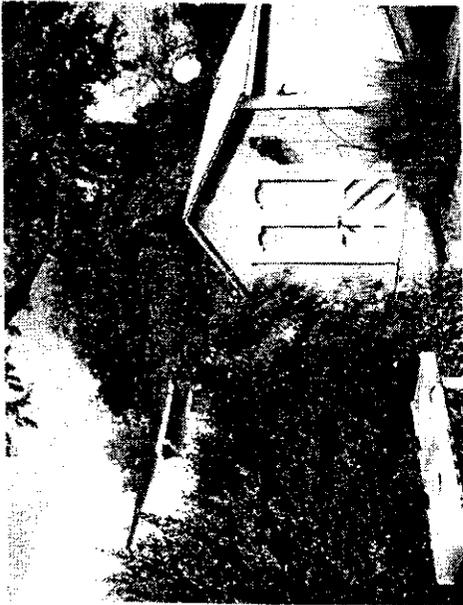
NE



from
back
yard

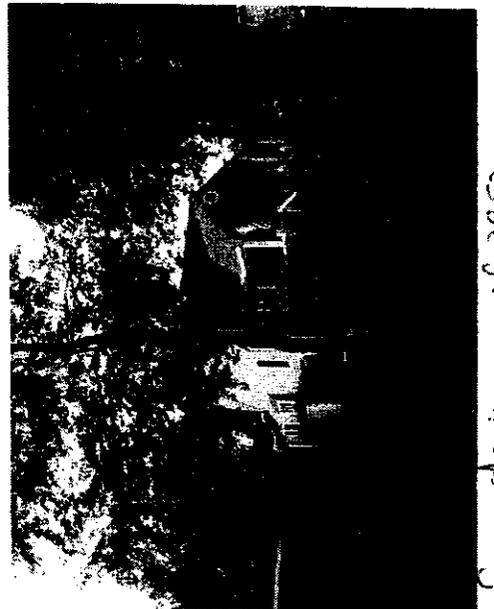


damaged section of house



path view from back

view from back yard



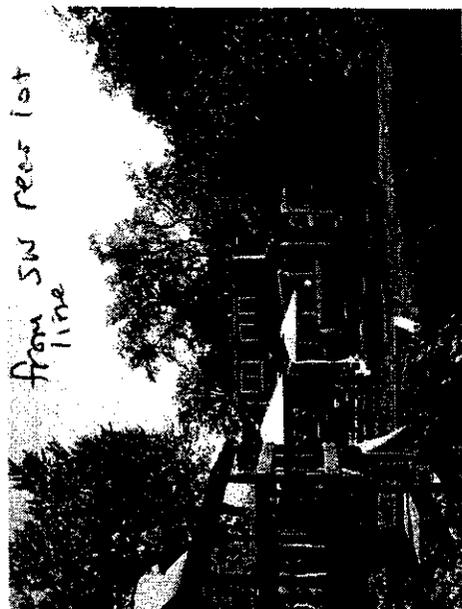
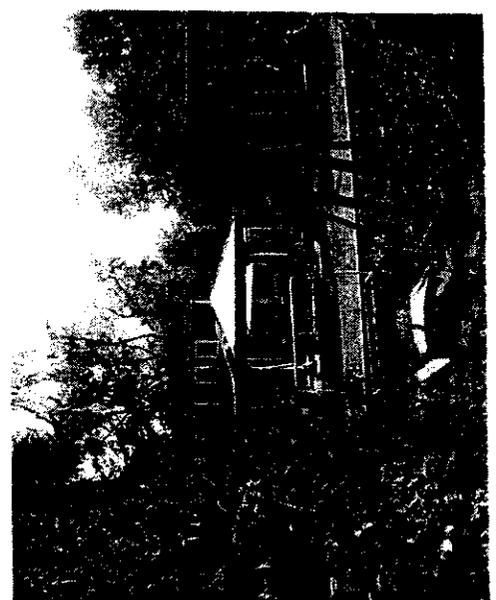
view from back

house

Middle
rear
lot
line
to
Cedar
Lane
Neighbor



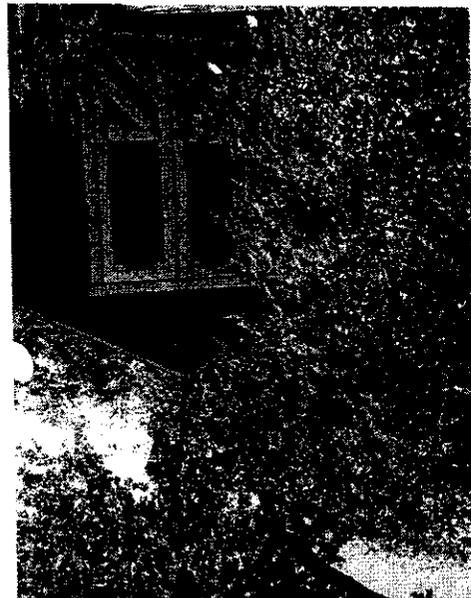
from NW rear lot line



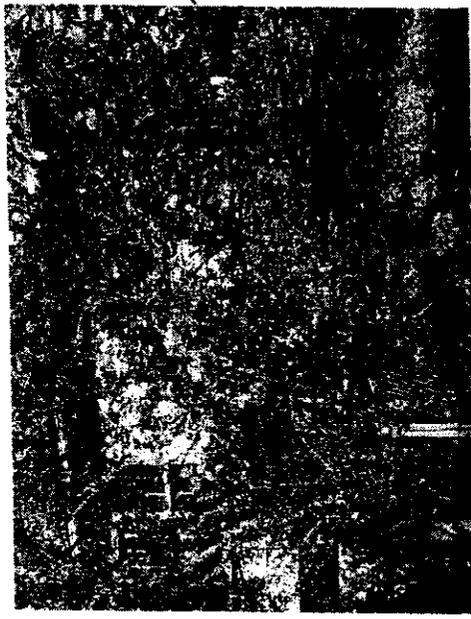
from SW rear lot line



View from middle of oak yard in NW



1948 seen back patio



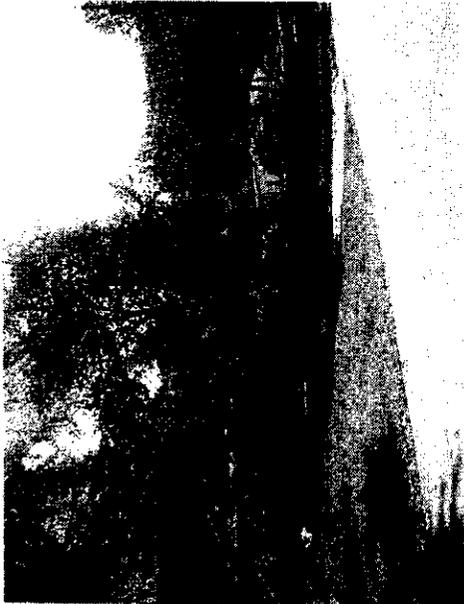
2948

from
back of
house
northward
2952

from front
SE lot line



□ 2950



from front
SE to 2952
+ 2954



From front
SE lot line
access street



□ 2950



DESCRIPTION OF THE APPLICATION

The applicants request six separate special permits with this application. The first five are to permit reduction to minimum yard requirements based on errors in building locations to permit **1)** the dwelling to remain 15.6 feet from the northern side lot line; **2)** an accessory storage structure (frame shed 2) to remain .5 feet from the northern side lot line; **3)** another accessory storage structure (frame shed 1) to remain 2.7 feet from the southern side lot line; **4)** an accessory structure (play equipment) to remain 16.8 feet from the northern side lot line; and, **5)** a deck (brick patio) to remain 9.9 feet from the northern side lot line.

Description of Special Permits

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Min. Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Dwelling	Side (northern)	20.0 feet	N/A	20.0 feet	15.6 feet	4.4 feet	22%
Special Permit #2	Frame Shed #2	Side (northern)	20.0 feet	N/A	20.0 feet	0.5 feet	19.5 feet	98%
Special Permit #3	Frame Shed #1	Side (southern)	20.0 feet	N/A	20.0 feet	2.7 feet	17.3 feet	87%
Special Permit #4	Play Equip	Side (northern)	20.0 feet	N/A	20.0 feet	16.8 feet	3.2 feet	16%
Special Permit #5	Brick Patio	Side (northern)	20.0 feet	5.0 feet	15.0 feet	9.9 feet	5.1 feet	34%

*Minimum yard requirement per Section 3-107

**Permitted Extensions per Section 2-412

The sixth request is to permit reduction of certain yard requirements to permit 6) construction of a second story addition 15.4 feet from the southern side lot line and 15.6 feet from the northern side lot line.

Description of Special Permit

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #6	Addition (second story)	Side (southern)	20.0 feet	15.4 feet	4.6 feet	23%
Special Permit #6	Addition (second story)	Side (northern)	20.0 feet	15.6 feet	4.4 feet	22%

*Minimum yard requirement per Section 3-107

EXISTING SITE DESCRIPTION

The site is currently zoned R-1 and contains a single family detached dwelling built in the 1940's. The original home consists of a one ½ story cape cod style home, with an addition built to the rear of the existing dwelling in 1986, which consists of only one story. The lot consists of 12,000 square feet and is surrounded by single family detached homes on all lot lines. The lot is a flat lot with several mature trees scattered throughout the yard. The rear yard is entirely fenced with a 4 foot high wire fence.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1	Single family detached dwellings
South	R-1	Single family detached dwellings
East	R-1	Single family detached dwellings
West	R-1	Single family detached dwellings

BACKGROUND

Records indicate the dwelling was originally constructed in the 1940's, located 15.8 feet from the northern side lot line and approximately 15 feet from the southern side lot line. On April 15, 1986, the Board of Zoning Appeals approved variance VC 86-P-009 to permit the construction of an addition 14.2 feet from the southern side lot line. The approved Resolution and Plat are attached as Appendix 4. There are no building permits located on record for the portion of the dwelling which is located 15.6 feet from the northern side lot line, which appears to be another addition to the property, too close to the lot line. At the time the house was constructed, its yards met Zoning Ordinance requirements. With the adoption of the current Zoning Ordinance in 1978 the property converted to R-1 zoning.

Following adoption of the current Ordinance, the BZA heard the following similar special permit and variance applications in the vicinity of the application parcel:

- *Variance VC 2002-PR-157* was approved on December 17, 2002 for Tax Map 49-3 ((6)) 66, zoned R-1, at 3004 Fairhill Road, to permit construction of addition 11.1 feet and 17.8 feet from side lot lines.
- *Variance VC 01-P-070* was approved on July 25, 2001 for Tax Map 49-3 ((6)) 71, zoned R-1, at 2946 Fairhill Road, to permit construction of addition 14.1 feet from side lot line, 12.6 feet from other side lot line, 8 foot high fence to remain in rear yard and waiver of the 30 percent minimum rear yard coverage.
- *Special Permit SP 01-P-027* was approved on July 25, 2001, for Tax Map 49-3 3 ((6)) 71, zoned R-1, at 2946 Fairhill Road, to permit reduction to minimum yard requirements based on error in building location to permit accessory structure to remain 1.2 feet from the rear lot line and 0.7 feet from the side lot line.
- *Variance VC 00-P-143* was approved on March 7, 2001 for Tax Map 49-3 ((6)) 23, zoned R-1, at 2921 Fairhill Road, to permit construction of dwelling 9.0 feet from both side lot lines.
- *Special Permit SP 00-P-049* was approved on November 29, 2000, for Tax Map 49-3 ((6)) 71, zoned R-1, at 2915 Fairhill Rod, to permit reduction to minimum yard requirements based on error in building location to permit deck to remain 11.8 feet from side lot line.
- *Variance VC 99-P-110* was denied on December 15, 1999 for Tax Map 49-3 ((6)) 151, zoned R-1, at 3046 Cedar Lane, to permit construction of dwelling 5.0 feet from one side lot line and 15.0 feet from other side lot line.
- *Variance VC 99-P-109* was denied on December 15, 1999 for Tax Map 49-3 ((6)) 152, zoned R-1, at 3048 Cedar Lane, to permit construction of dwelling 5.0 feet from one side lot line and 15.0 feet from other side lot line.

- *Variance VC 99-P-085* was approved on October 13, 1999 for Tax Map 49-3 ((6)) 169, zoned R-1, at 2945 Fairhill Road, to permit construction of dwelling 9.0 feet from both side lot lines.
- *Special Permit SP 93-P-066* was approved on March 23, 1994, for Tax Map 49-3 ((6)) 159, zoned R-1, at 8726 Arlington Boulevard, to permit reduction to minimum yard requirements based on error in building location to permit shed to remain 7.0 feet from rear lot line and 2.3 feet from side lot line.
- *Variance VC 92-P-050* was approved on August 4, 1992 for Tax Map 49-3 ((6)) 119 and 120, zoned R-1, at 8725 Cherry Drive, to allow construction of addition 18.25 feet from side lot line, chimney 16 feet from side lot line and detached structure 5 feet from side lot line.
- *Variance VC 86-P-009* was approved on April 15, 1986 for Tax Map 49-3 ((6)) 69, zoned R-1, at 2950 Fairhill Road, to permit construction of addition to dwelling 14.2 feet from side lot line.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** Plat, Showing the Improvements on Lot 69, Section 1 and 2, Fairhill on the Boulevard
- **Prepared by:** Dominion Surveyors Inc.
- **Dated:** June 18, 2007 as revised through December 9, 2008
- **Building Permits required:** Yes for the addition to the dwelling; however, none are available on record. No for all remaining errors.
- **Errors Made by:** The previous homeowner created the error with the location of the dwelling. The applicants created the errors of the accessory and accessory storage structures and deck.

Proposal:

The applicants are requesting a special permit to permit the construction of second story addition to be located above the existing one story dwelling, 15.4 feet from one side lot line and 15.6 feet from the other side lot line. The second story addition will not exceed the footprint of the existing dwelling on the lot, which does not meet current yard requirements under the R-1 Zoning District. The proposed addition will consist of 660 square feet of additional living space, and allow repair of extensive damage to the dwelling from a fallen tree.

The applicant also proposes to permit the existing dwelling, a frame shed, play equipment and a brick patio to remain in their current locations, as depicted on the plat.

ZONING ORDINANCE REQUIREMENTS

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

The application must meet all of the following standards, copies of which are attached as Appendix 5:

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

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of a second story addition will be in keeping with adjoining properties in the neighborhood and will not adversely affect the use or development of neighboring properties. Other homes in the immediate vicinity of the application property have been granted variances in the past for these types of additions, given that the homes were constructed in the 1940's and most do not meet the current R-1 Zoning District standards. Therefore, staff believes the request is minimal and this standard has been met.*

General Standard 5 requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The proposed addition of a second story will not exceed the footprint of the existing dwelling and will not require the removal of any existing vegetation. There is ample vegetation around the property; therefore staff does not believe any additional vegetation or screening is required and this standard has been met.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and

Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing structure is 2,183 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,274.5 square feet in size for a possible total square footage at build out of 5,457.5. The proposed second story addition is 660 square feet for a total square footage of the house with the addition of 2,843 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the existing structure and will not exceed the footprint of the existing dwelling. Therefore, staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The photographs submitted and elevation drawings indicate that the proposed second story addition will be compatible with the surrounding houses in the neighborhood. Many of the homes in the neighborhood currently have second story additions and therefore this request would be in character with off-site uses. The dwelling does not meet current Zoning Ordinance yard requirements for this district, nor do many of the homes in the immediate vicinity. As shown in the background information, many homes have received variances for the same construction requests. The addition above the existing one story portion of the dwelling would not require the removal of existing vegetation on the periphery of the lot. Therefore, staff believes that the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Since the proposal is to construct a second story on an existing dwelling, while not creating additional impervious surfaces, 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. Staff believes that the proposed second story addition represents the minimum amount of reduction necessary to accommodate the request of additional living space since it will not exceed the footprint of the existing one story portion of the dwelling while also enabling the applicant's to repair major damage to their home by a fallen tree. The construction of this addition will not create significant additional impervious surfaces and will not remove existing vegetation. Many other homes within the neighborhood also have a second level of living space, making this addition in keeping with surrounding properties. Other issues of well, easements, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. Staff believes that the application meets this provision.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of SP 2008-PR-104 for the second story addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners 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. Approved Resolution and Plat dated April 15, 1986
5. Applicable Zoning Ordinance Provisions

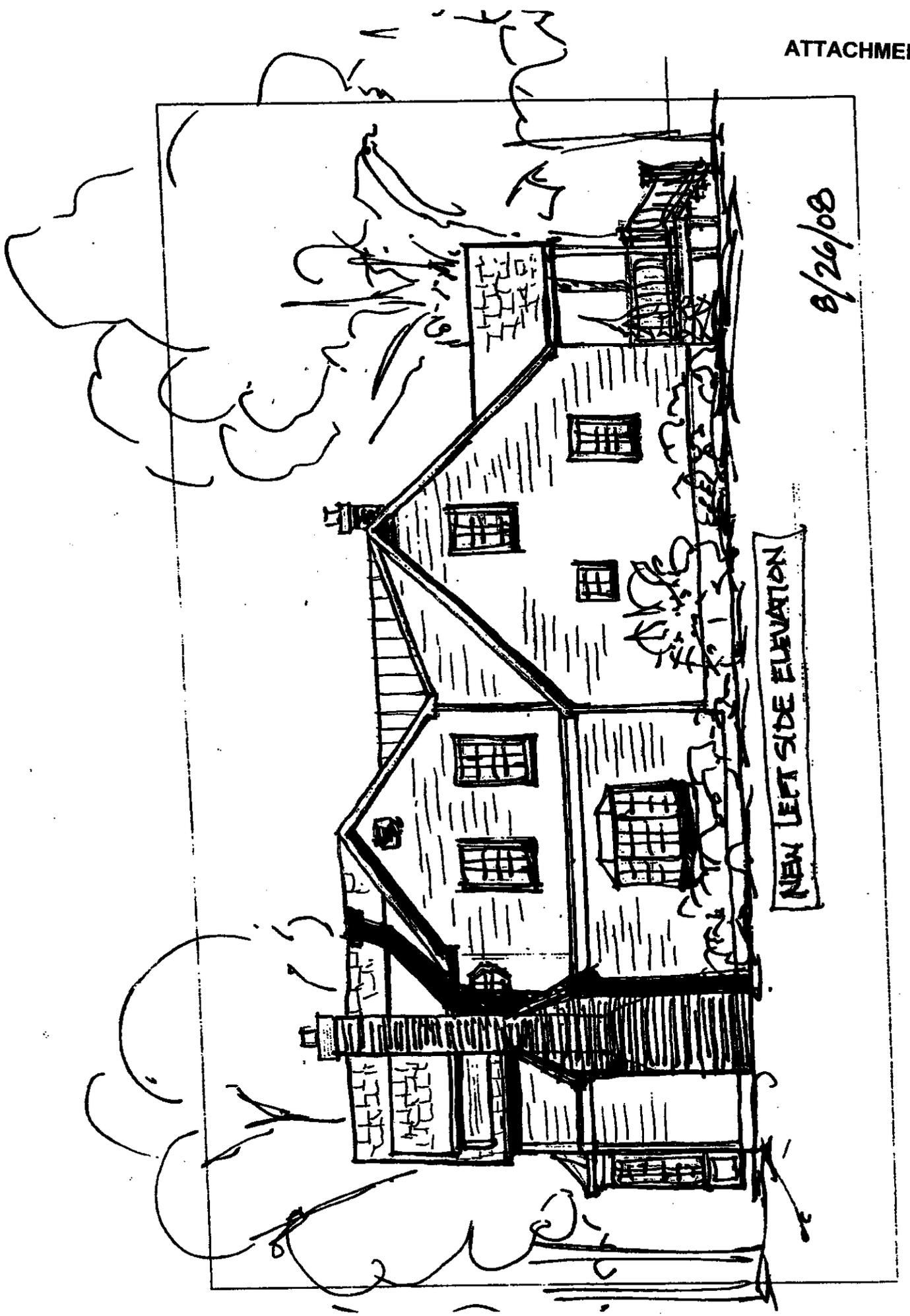
PROPOSED DEVELOPMENT CONDITIONS**SP 2008-PR-104****January 20, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2008-PR-104 located at Tax Map 49-3 ((6)) 69 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (660 square feet) of a second story addition, accessory storage structures (Sheds 1 and 2), an accessory structure (play equipment) and a deck (brick patio), as shown on the plat prepared by Dominion Surveyors, Inc., dated June 18, 2007 as revised through December 9, 2008, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,183 square feet existing + 3,274.5 square feet (150%) = 5,457.5 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

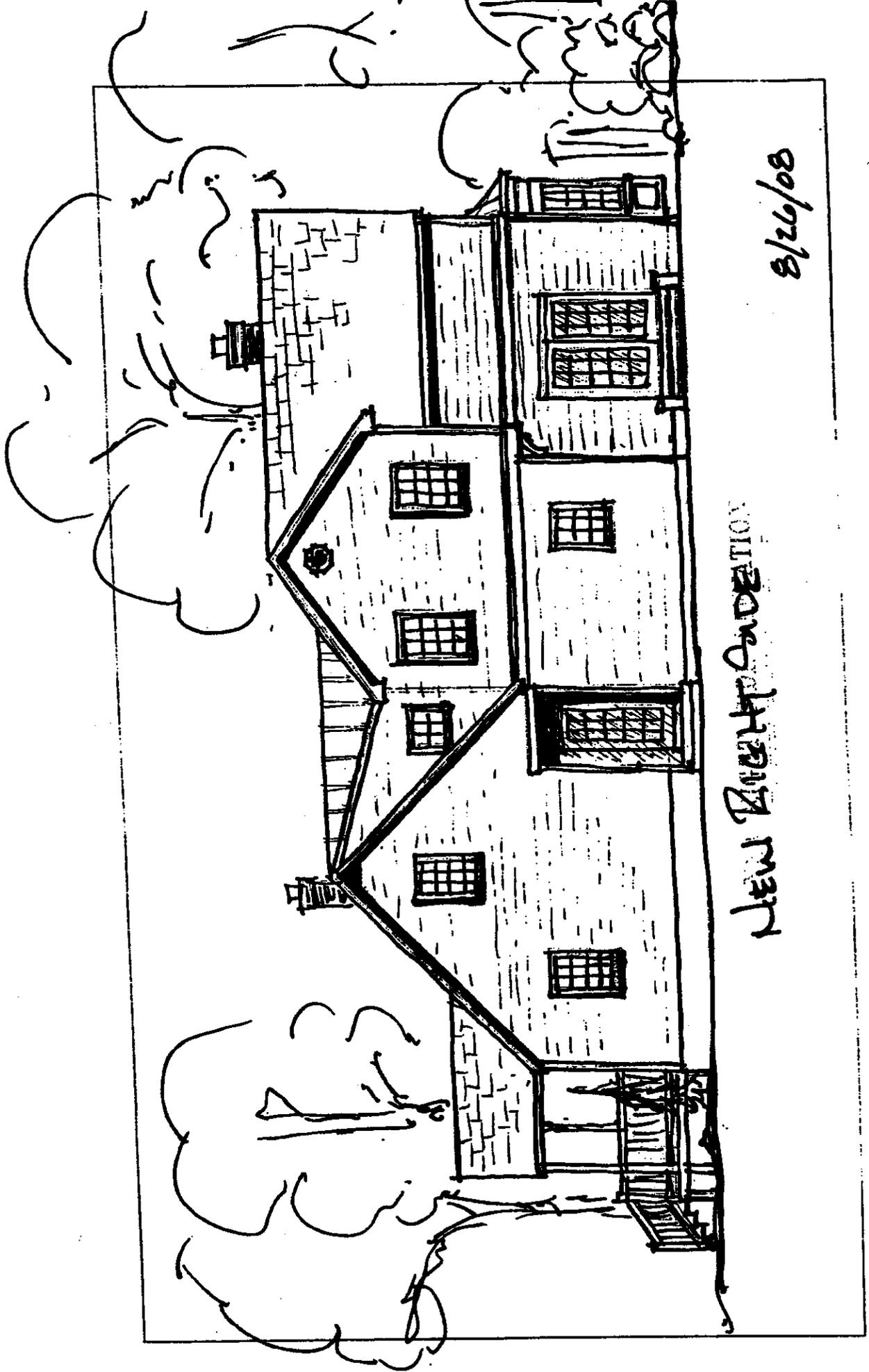
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.



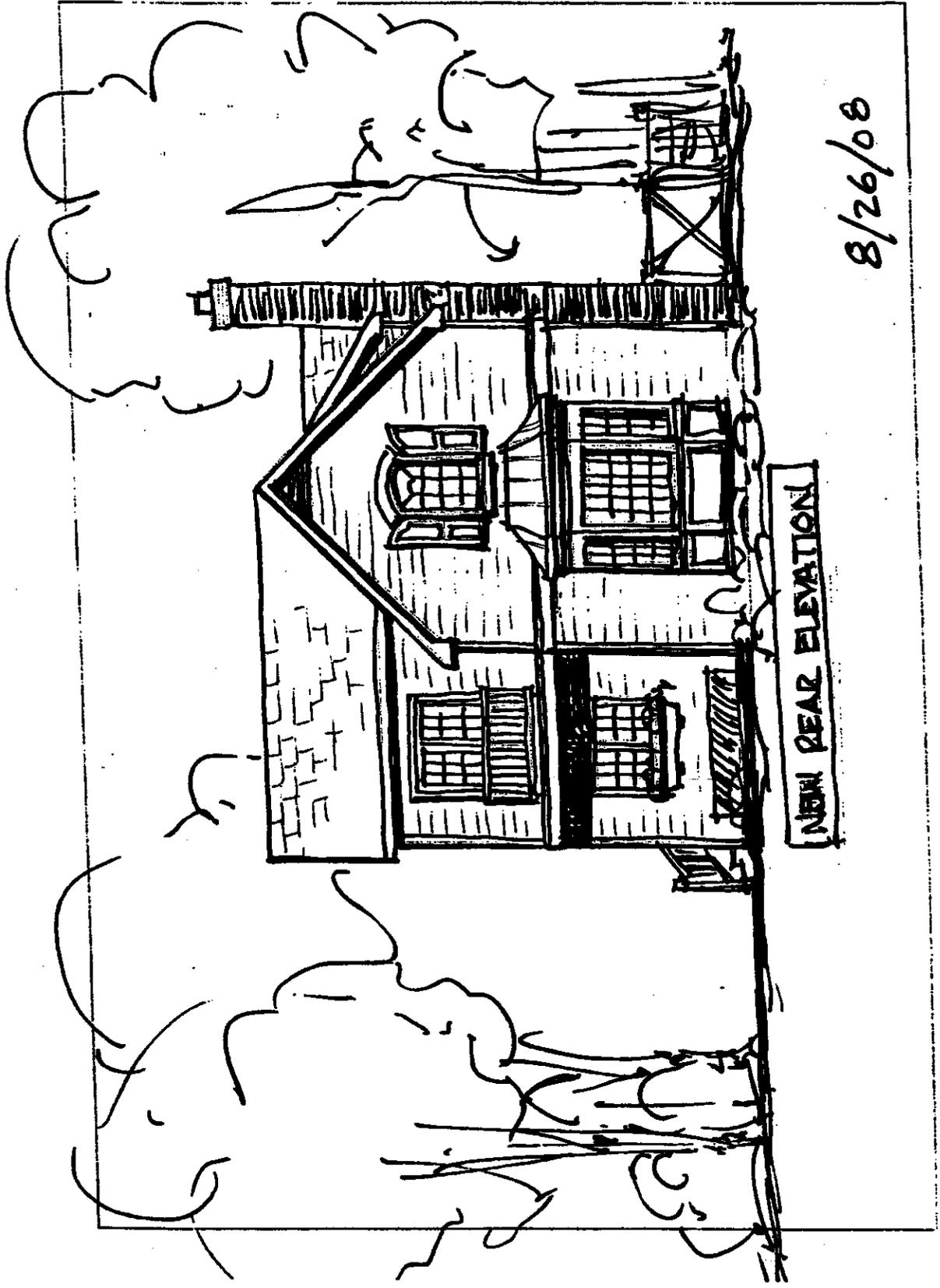
8/26/08

NEW LEFT SIDE ELEVATION



NEW BRIGHT ANDERSON

8/26/08



NEW REAR ELEVATION

8/26/08

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 17 October 2008
 (enter date affidavit is notarized)

I, Josh T Williams III, 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

102252

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)
Josh T Williams III	2950 Fairhill Rd Fairfax, VA 22031-2121	Applicant / Title Owner
Lynn S Williams	2950 Fairhill Rd Fairfax, VA 22031-2121	Applicant / Title Owner
Mark Rooney	Sage Construction, Inc. ✓ 2975 Prosperity Ave. Fairfax, VA 22031	Agent / Builder

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 17 OCTOBER 2008
(enter date affidavit is notarized)

102252

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)

Sage Construction, Inc
2975 Prosperity Ave.
Fairfax, VA 22031

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)

Mark	T.	Rooney	✓
Jeffrey	A.	Hoopingarner	✓

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 17 OCTOBER 2008
(enter date affidavit is notarized)

102252

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: 17 OCTOBER 2008
(enter date affidavit is notarized)

102252

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: 17 OCTOBER 2008
(enter date affidavit is notarized)

102252

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)

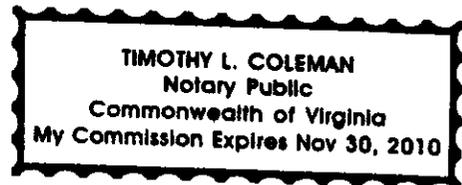
Josh T Williams III
 Applicant Applicant's Authorized Agent

Josh T Williams III title owner/Applicant
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17 day of October 2008, in the State/Comm. of Virginia, County/City of Fairfax

[Signature] Notary Public
RES # 704576

My commission expires: NOV 30, 2010



Statement of Justification

Re: 2950 Fairhill Rd. Fairfax, VA tax map reference 49-3-06-69 is zoned R-1 with side yard requirements of no less than 20 feet. Statement of justification for reduction in side yard requirements to 14.2 feet from side lot line (structure walls 15.4 ft and chimney extension 14.2 from lot line), and reduction to minimal yard requirements based on building location error made by previous owners to permit dwelling 15.6 feet from opposite (north) side lot line. Reduction in certain yard requirements due to error in building location for accessory storage structure (frame shed 2) to within .5 feet from side lot line, accessory storage structure (frame shed 1) to 2.7 feet from side lot line and accessory structure (playground equipment) to 16.8 feet from side lot line.

On June 4th, 2008 the existing one story structure in the rear portion of the house was severely damaged by a tree falling across the roofline. The damage to the one story structure is so significant that it requires walls and roofing structure to be rebuilt. We would like to rebuild the damaged structure on the same footprint, as well as, propose adding a second story above this previously one story portion of the house.

The original one bedroom cape cod style dwelling built in 1942 was constructed 15.6 feet from both side property lines. A variance was issued to the home's previous owners on April 15, 1986 allowing reduction of the side yard requirement to 14.2 feet when a family room addition was added. The current owners purchased the home in 1990 after all existing changes to the circa 1942 structural dwelling were made.

The proposed modification to the dwelling will result in expansion of the second floor at the rear of the house over the one story footprint. The proposed height is 23 feet 4 inches grade to midpoint of gable roof. The proposed addition will result in an increase of 660 SF of living space, which is a 30% increase over the existing 2183 SF of gross floor area. (See Plat for details)

There will not be any new detached accessory structures built as part of this addition. As stated above, a reduction in minimal yard requirements due to building error location of 2 accessory storage structures and 1 piece of playground equipment is being requested as part of this special permit.

The side yard distance will remain the same as that which had previously been allowed by variance (VC 86-P-009) issued in 1986, 14.2 feet on the south side. Side yard reduction to 15.6 on the north side of said structure is requested.

The proposed development will maintain character of the existing structure. The proposed structure will simply expand the current second floor over the existing one story footprint. See architectural drawings for new side and rear views.

RECEIVED
Department of Planning & Zoning

NOV 14 2008

Zoning Evaluation Division

Statement of Justification

Re: Accessory storage structures (frame shed 1 and 2 and playground equipment noted on plat) currently built on property 2950 Fairhill Rd. Fairfax, VA tax map reference 49-3 (6) 69 – this lot is zoned R-1. Error in building location.

This request is to approve a reduction in requirements for 1) location of a frame shed 2 to 1.0 feet (eave .5 feet) from the side lot line. The existing frame shed 2 which is 10.2w x 14.2d and 10.0 feet in height was located improperly on said property when it was constructed more than ten years ago. 2) location of frame shed 1 to 2.7 feet from the side lot line. It is 9.1 feet in height from the base of the wood platform to the peak and 3) location of playground equipment to 16.8 feet from side lot and 24.2 feet from rear lot line.

The current homeowner improperly calculated square footage of the shed, not considering the height of the shed from the ground versus wood platform to the peak of the roof, in establishing side yard requirements for said structures. Instead, consideration was made of the height of the sidewalls from the platform.

This error exceeds 10 percent of the measurement involved.

This noncompliance was done in good faith and purely by an error or lack of knowledge.

Such reductions will not impair the purpose and intent of this ordinance.

It is not viewed to be detrimental in any way to the adjacent property, nor does it create an unsafe condition with respect to adjacent property or public streets.

The property, on which the sheds lie, as well as the adjacent property, is an extremely narrow lot 60' x 200'. Frame shed 2 is located at the end of the driveway on the right side of the house toward the rear. It is painted to match the exterior of the house. Frame shed 1 is located on the rear south side of the house and is also painted to match the dwelling.

The above structures do not interfere with the adjoining neighbor's property.

Frame shed 2 provides out of the way storage for yard equipment and recreational items such as bicycles. The property does not have any other garage structures so it is felt that strict compliance to the size restrictions would result in an unreasonable hardship to the owner. These sheds also allow for out of sight storage of items which otherwise might remain in view such as trash receptacles and recycle. Allowing this shed will not result in any increase in density from that permitted by current zoning regulations.

RECEIVED
Department of Planning & Zoning

NOV 14 2008

Zoning Evaluation Division

Lynn S. Williams
11-14-08

The proposed structure will be harmonious with existing development in the neighborhood, surrounding structures, topography and landscape, and will not adversely impact the public health, safety and welfare of the adjacent properties and/or neighbors. Pictures supporting this have been provided.

We will not be removing any shrubbery or existing landscaping which would negatively affect storm water management in order for this project to be completed.

Lynn A Williams
11-14-08

Lynn S. Williams
2950 Fairhill Rd
Fairfax, VA 22031-2121

Nov. 14, 2008

To The Board of Zoning Appeals:

I would like to request an expedited hearing for the purpose of acquiring a special permit.

On June 4, 2008, a very large tree destroyed close to 50% of our house. The house is currently under tarp with a temporary roof and plastic sheeting for walls. With the winter season quickly approaching, I would greatly appreciate any assistance from the Board in allowing me to present our case in an expedited manner. Thank you for your consideration.

Sincerely,
Lynn S. Williams

RECEIVED
Department of Planning & Zoning
NOV 14 2008
Zoning Evaluation Division

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

In Variance Application VC 86-P-009 by RICHARD H. RAYMOND, under Section 18-401 of the Zoning Ordinance to permit the construction of an addition to dwelling to 14.2 feet from the side lot line, on property located at 2950 Fairhill Road, Tax Map Reference 49-3((6))69. Mr. DiGiulian moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on April 15, 1986; and

WHEREAS, the Board has made the following findings of fact:

1. That the applicant is the owner of the land.
2. The present zoning is R-1.
3. The area of the lot is 12,000 square feet of land.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly

demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.

7. That authorization of the variance will not be of substantial detriment to adjacent property.

8. That the character of the zoning district will not be changed by the granting of the variance.

9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

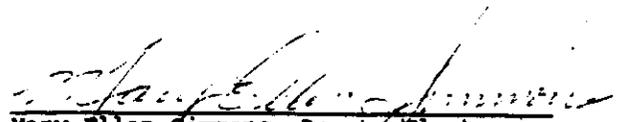
NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

1. This variance is approved for the location and the specific addition shown on the plat included with this application and is not transferable to other land.
2. Under Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, eighteen (18) months after the approval date of the variance unless construction has started and is diligently pursued, or unless a request for additional time is approved by the BZA because of the occurrence of conditions unforeseen at the time of approval. A request for additional time must be justified in writing and shall be filed with the Zoning Administrator prior to the expiration date.
3. A Building Permit shall be obtained prior to any construction.

Mr. Hammack seconded the motion.

The motion carried by a vote of 6-0; Mr. Ribble was absent from this hearing.

A Copy Teste:


Mary Ellen Simmons, Deputy Clerk
Board of Zoning Appeals

Page ____, April 15, 1986, (Tape 2), Scheduled case of:

9:55 A.M. RICHARD H. RAYMOND - VC 86-P-009, application under Section 18-401 of the Zoning Ordinance to permit the construction of an addition to dwelling to 14.2 feet from the side lot line (20 ft. minimum side yard req. by Sect. 3-107), located at 2950 Fairhill Road on approximately 12,000 square feet of land, zoned R-1, Providence District, Tax Map 49-3((6))69.

Kevin Guinaw, Staff Coordinator, presented the staff report. Mr. Raymond presented his justification for the variance. He noted that he and his wife desired to add a family room to the back of their house that will be 14.2 feet from the side lot line, and the minimum is 20 feet. Mr. Raymond showed a diagram which illustrated the proposed addition. He stated that if they were to try to build the addition without a variance, it would result in an awkward arrangement that would block views from rooms in both the upper and lower part of the house, and would also necessitate the removal of an old maple tree that they wanted to preserve. Mr. Raymond further stated that many houses in the neighborhood have 60 ft. wide lots and are closer than 20 ft. to side lot lines. He concluded by saying that improvements to the siding of the house and the roof are part of the overall plan, which will enhance the appearance of the house.

Mr. DiGiulian moved that the application be approved.

COUNTY OF FARIFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

In Variance Application VC 86-P-009 by RICHARD H. RAYMOND, under Section 18-401 of the Zoning Ordinance to permit the construction of an addition to dwelling to 14.2 feet from the side lot line, on property located at 2950 Fairhill Road, Tax Map Reference 49-3((6))69. Mr. DiGiulian moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on April 15, 1986; and

WHEREAS, the Board has made the following findings of fact:

1. That the applicant is the owner of the land.
2. The present zoning is R-E.
3. The area of the lot is 8.4966 acres of land.

This application meets all of the following Required Standards for Variances in Sect. 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;

- B. Exceptional shallowness at the time of the effective date of the Ordinance;
- C. Exceptional size at the time of the effective date of the Ordinance;
- D. Exceptional shape at the time of the effective date of the Ordinance;
- E. Exceptional topographic conditions;
- F. An extraordinary situation or condition of the subject property, or
- G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.

3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.

4. That the strict application of this Ordinance would produce undue hardship.

5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.

6. That:

A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or

B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.

7. That authorization of the variance will not be of substantial detriment to adjacent property.

8. That the character of the zoning district will not be changed by the granting of the variance.

9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED with the following limitations:

- 1. This variance is approved for both the location and the specific addition shown on the plat included with this application and is not transferable to other land.
- 2. Under Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, eighteen (18) months after the approval date of the variance unless this subdivision has been recorded among the land records of Fairfax County, or unless a request for additional time is approved by the BZA because of the occurrence of conditions unforeseen at the time of approval of this variance. A request for additional time must be justified in writing and shall be filed with the Zoning Administrator prior to the expiration date.

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3. A Building Permit shall be obtained prior to the any construction.

Mr. Hammack seconded the motion which carried by a vote of 6-0. Mr. Ribble was absent from the hearing.

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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 position 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.