



APPLICATION ACCEPTED: November 20, 2008
DATE OF PUBLIC HEARING: February 10, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

February 3, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2008-MV-103

MOUNT VERNON DISTRICT

APPLICANTS & OWNERS: Peter A. Snyder and Burson T. Snyder

OWNER: Peter Allen Snyder

ZONING: R-4

LOCATION: 2105 Wakefield Court

SUBDIVISION: Belle Haven

ZONING ORDINANCE PROVISION: 8-914 & 8-922

TAX MAP: 83-3 ((14)) (15) 8

LOT SIZE: 8,054 Sq. Ft.

SP PROPOSAL: To permit reduction of certain yard requirements based on error in building location to permit uncovered stoop to remain 20.3 feet from the front lot line of a corner lot and for reduction of certain yard requirements to permit construction of roofed deck 23.6 feet from the front lot line of a corner lot.

STAFF RECOMMENDATION: Staff recommends approval of SP 2008-MV-103 for the addition subject to the proposed development conditions contained in Appendix 1.

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

O:\Scaff2\Case Files\Special Permits\SP 2008-MV-103 SNYDER\Snyder_Cover.doc

Shannon Caffee

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/



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 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.

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.**



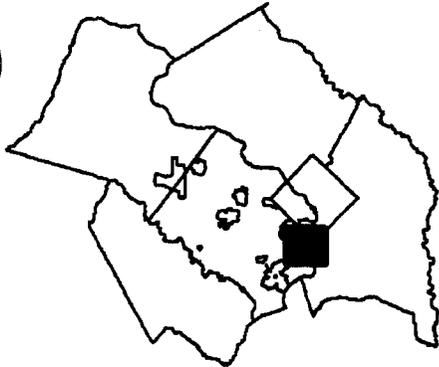
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2008-MV-103

Applicant: PETER A SNYDER AND BURSON T. SNYDER
Accepted: 11/20/2008
Proposed: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT STOOP TO REMAIN 20.3 FEET FROM FRONT LOT LINE AND REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ROOFED DECK 23.6 FEET FROM FRONT LOT LINE OF A CORNER LOT

Area: 8,054 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 08-914 & 08-922
Art 8 Group and Use: 9-21
Located: 2105 WAKEFIELD COURT
Zoning: R-4
Overlay Dist:
Map Ref Num: 083-3- /14/15/0008



CITY OF ALEXANDRIA



Special Permit

SP 2008-MV-103

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Zoning Dist Sect: 08-914 & 08-922

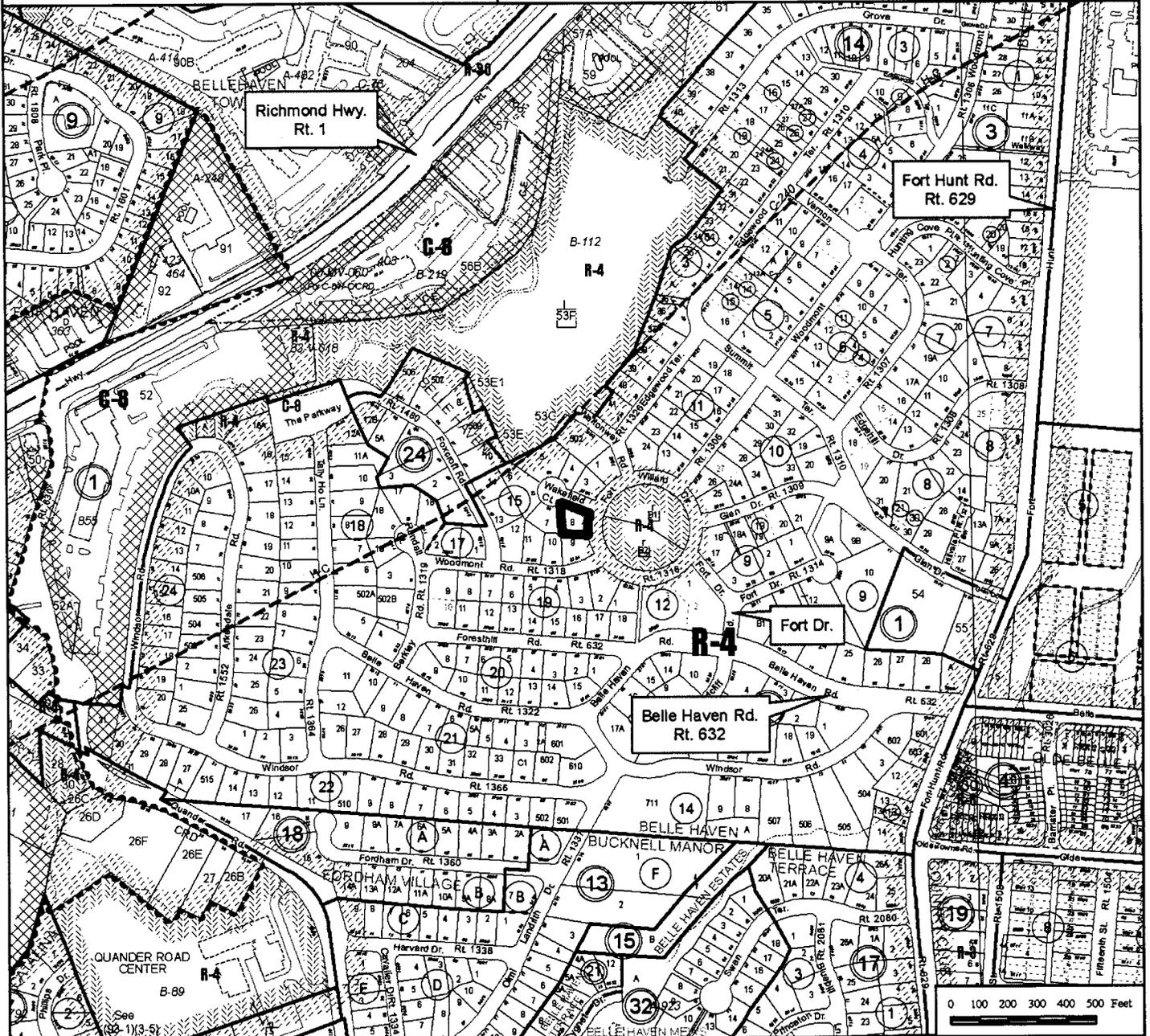
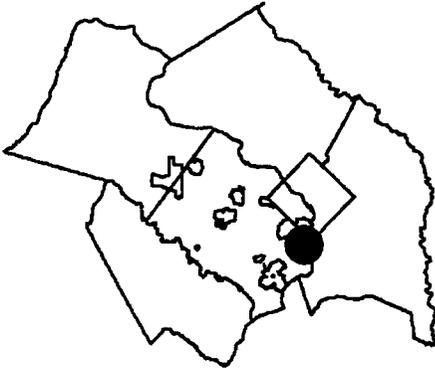
Art 8 Group and Use: 9-21

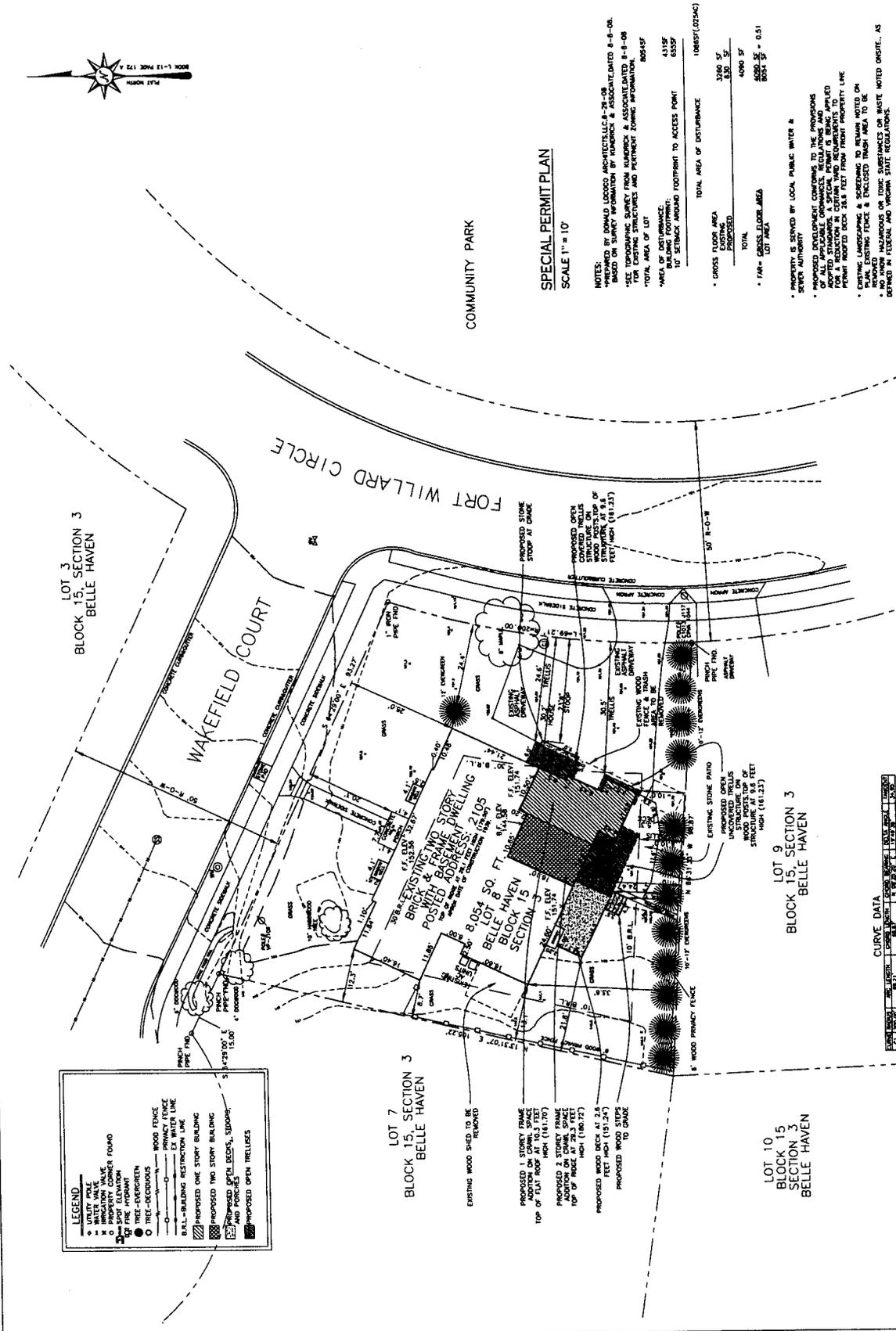
Located: 2105 WAKEFIELD COURT

Zoning: R-4

Overlay Dist:

Map Ref Num: 083-3- /14/15/0008





LEGEND

- WATER PAVEMENT
- WATER VALVE
- PROPERTY CORNER FOUND
- PROPERTY CORNER FOUND
- SPOT ELEVATION
- PROPOSED ONE STORY BUILDING
- PROPOSED TWO STORY BUILDING
- PROPOSED OPEN RELIEVES
- WOOD FENCE
- EX WATER LINE
- BALL-BUILDING RESTRICTION LINE
- PROPOSED ONE STORY BUILDING
- PROPOSED TWO STORY BUILDING
- PROPOSED OPEN RELIEVES
- PROPOSED OPEN RELIEVES

CURVE DATA

STATION	1+00.00	1+10.00	1+20.00	1+30.00	1+40.00	1+50.00	1+60.00	1+70.00	1+80.00	1+90.00	2+00.00
CHORD BEARING		89.11°	89.11°	89.11°	89.11°	89.11°	89.11°	89.11°	89.11°	89.11°	89.11°
CHORD DIST.		10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
CHORD AREA		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

SPECIAL PERMIT PLAN
 SCALE 1" = 10'

NOTES:
 *PREPARED BY DONALD LOCCO ARCHITECTS, LLC - 1411 G STREET, SUITE 100, WASHINGTON, DC 20007. ASSOCIATED R-8-R-0A. BASED ON SURVEY PROVIDED BY HARRIS & ASSOCIATED R-8-R-0A. TOTAL AREA OF LOT 2105 WAKEFIELD COURT.
 *TOTAL AREA OF LOT 2105 WAKEFIELD COURT: 8054 SF
 *AREA OF DISTURBANCE: 4114 SF
 *BUILDING FOOTPRINT: 1114 SF
 *10' SETBACK AROUND FOOTPRINT TO ACCESS POINT: 633 SF

TOTAL AREA OF DISTURBANCE: 10687 (0.25AC)

GROSS FLOOR AREA	1320 SF
EXISTING	4090 SF
PROPOSED	
TOTAL	5410 SF
FAR = GROSS FLOOR AREA	5410 SF / 8054 SF = 0.67
LOT AREA	8054 SF

PROPERTY IS SERVED BY LOCAL PUBLIC WATER & SEWER AUTHORITY. THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADAPTED STANDARDS, A SPECIAL PERMIT IS REQUIRED FOR THE PROPOSED CONSTRUCTION OF THE PROPOSED WOOD DECK, 20.8 FEET FROM FRONT PROPERTY LINE. CREATING LANDSCAPING & SCREENING TO REMAIN NOTED ON PLAN. EXISTING FENCE & ENCLOSED TUSH AREA TO BE DEMOLISHED AND RECONSTRUCTED TO MEET ALL APPLICABLE ORDINANCES, REGULATIONS AND ADAPTED STANDARDS.

COMMUNITY PARK

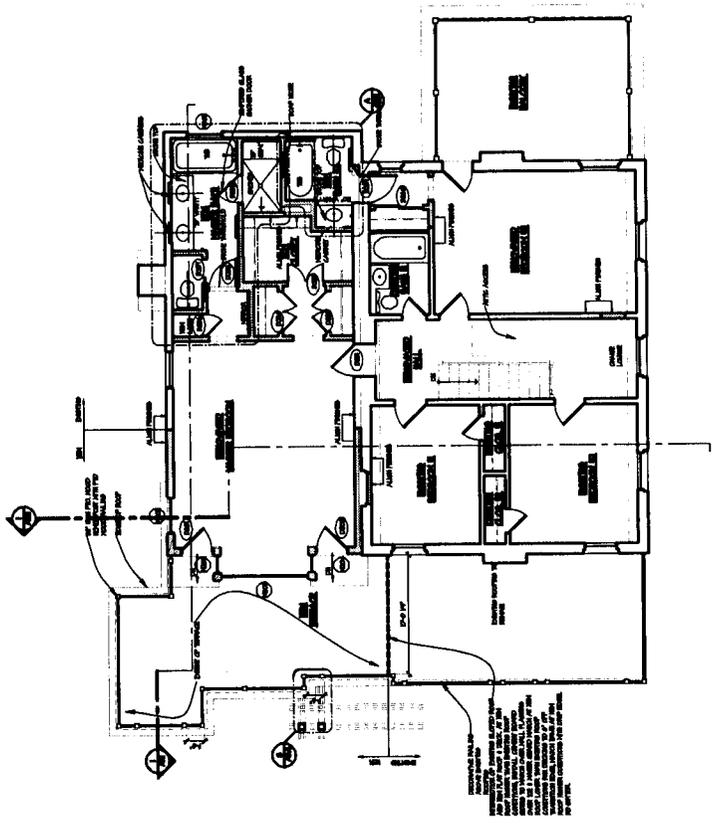
SNYDER RESIDENCE
2105 WARDFIELD COURT
ALEXANDRIA, VA 22307

FLOOR PLAN - SECOND FLOOR
1/4" = 1'-0"

PROJECT NO. 1000001
DATE: 01/10/01

1000001
1000001
1000001

DONALD
1000001
1000001



① SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

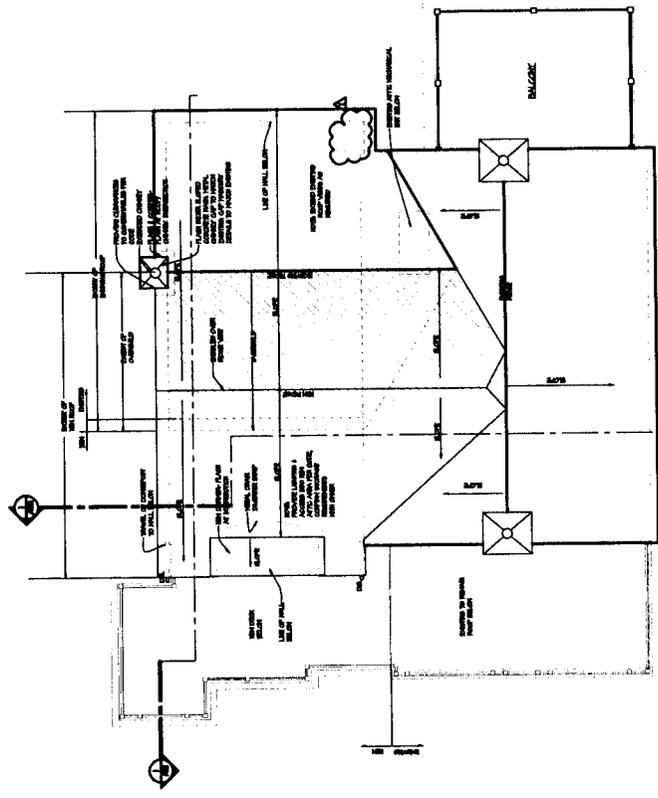
SNYDER RESIDENCE
2108 WASHINGTON COURT
ALEXANDRIA, VA 22307

FLOOR PLAN - ROOF PLAN
1/4" = 1'-0"

PRELIMINARY EXISTING

DATE: 11/15/00
PROJECT: SNYDER RESIDENCE
DRAWN BY: [Name]

DONALD
100000
ARCHITECTS



1" = 12'-0" ROOF PLAN

A4.1

SNYDER RESIDENCE
2108 WASHINGTON COURT
ALEXANDRIA, VA 22307

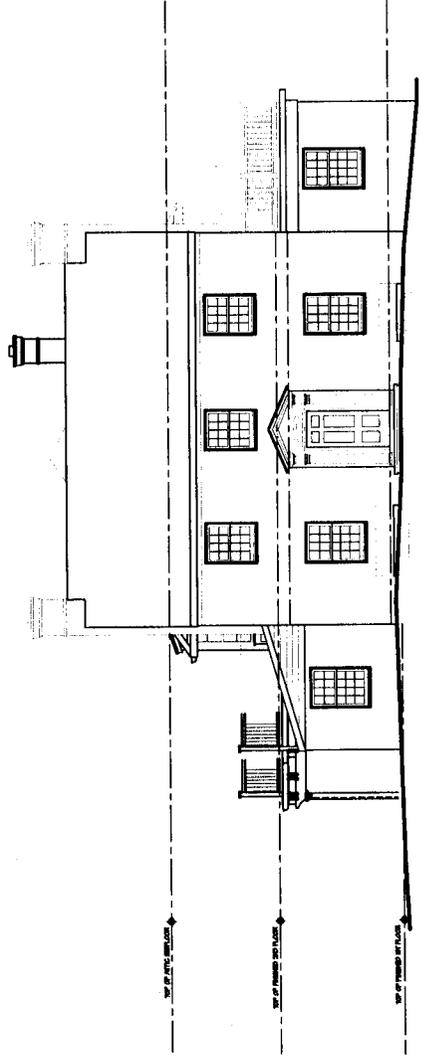
FRONT ELEVATION

1/4" = 1'-0"

PROJECT NO.
11 OCTOBER 2008

DATE: 10/10/08
DRAWN BY: JCH
CHECKED BY: JCH
SCALE: AS SHOWN

DONALD
100000
ARCHITECTS



① FRONT ELEVATION
SCALE 1/4" = 1'-0"

DONALD
100000

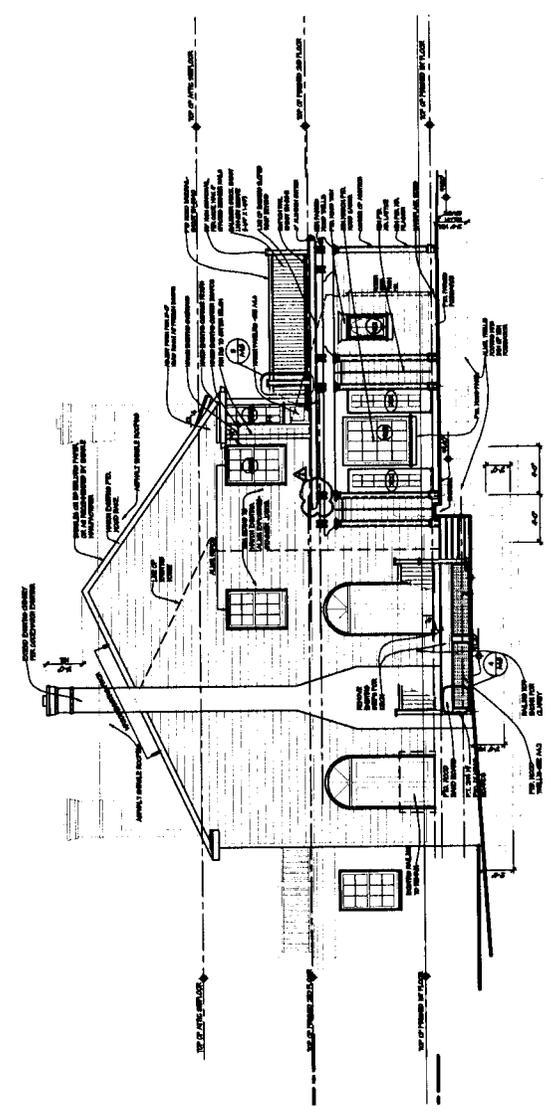
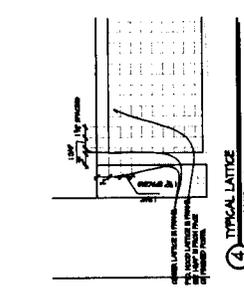
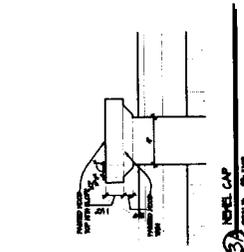
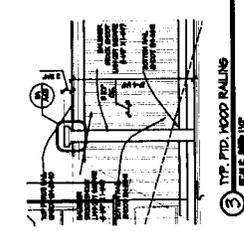
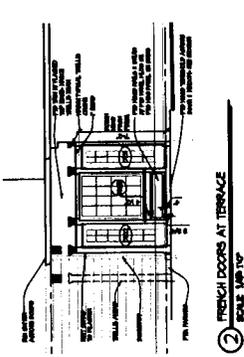
ARCHITECT
1000 W. BROADWAY
ANNAPOLIS, MD 21403
TEL: 410-291-1411
FAX: 410-291-1412

PERMIT SET
BY CONTRACTOR
DATE: 08/11/07

NEAR ELEVATION
1/8" = 1'-0"

SNYDER RESIDENCE
2108 WANDER COURT
ALEXANDRIA, VA 22307

A4.3

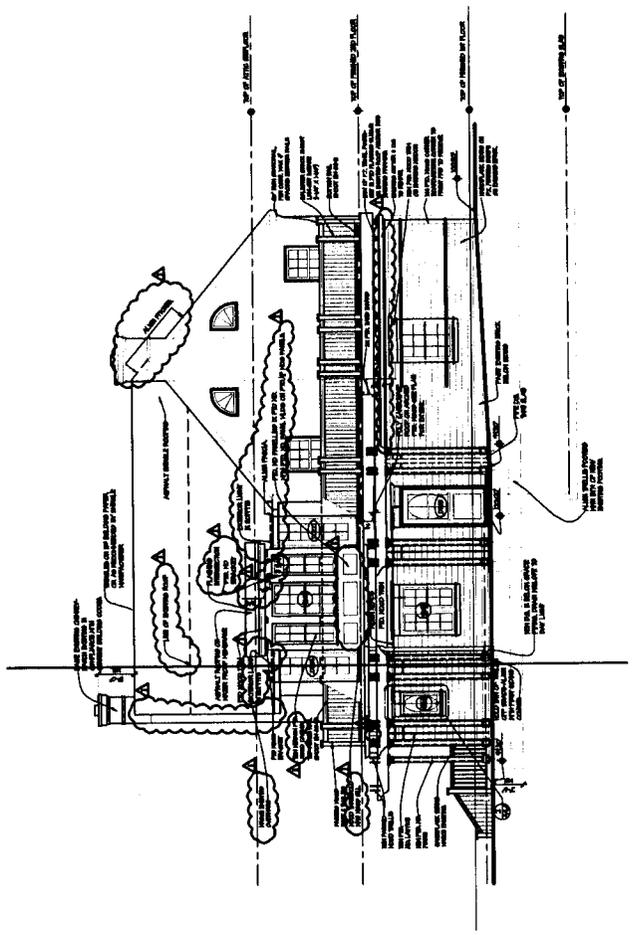


SNYDER RESIDENCE
2108 WARDLUND COURT
ALEXANDRIA, VA 22307

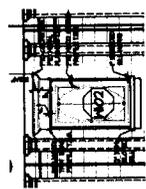
LEFT SIDE ELEVATION
1/8" = 1'-0"

PRELIMINARY SET
BY CONTRACTOR/OWNER
DATE: 08/11/2008

000001
DONALD



① LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



② TYPICAL WINDOW TRIM
SCALE: 1/8" = 1'-0"

SNYDER RESIDENCE
2108 WAINFIELD COURT
ALEXANDRIA, VA 22307

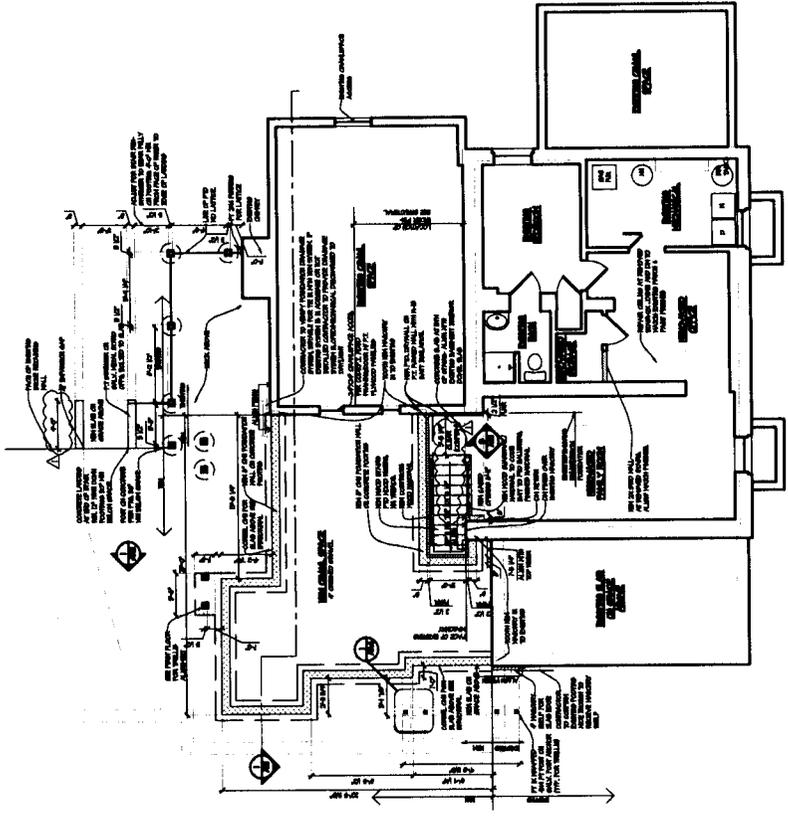
FLOOR PLAN - CELLAR / FOUNDATION
1/4" = 1'-0"

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION

DATE: 08/15/07
PROJECT: SNYDER RESIDENCE
DRAWN BY: [Name]

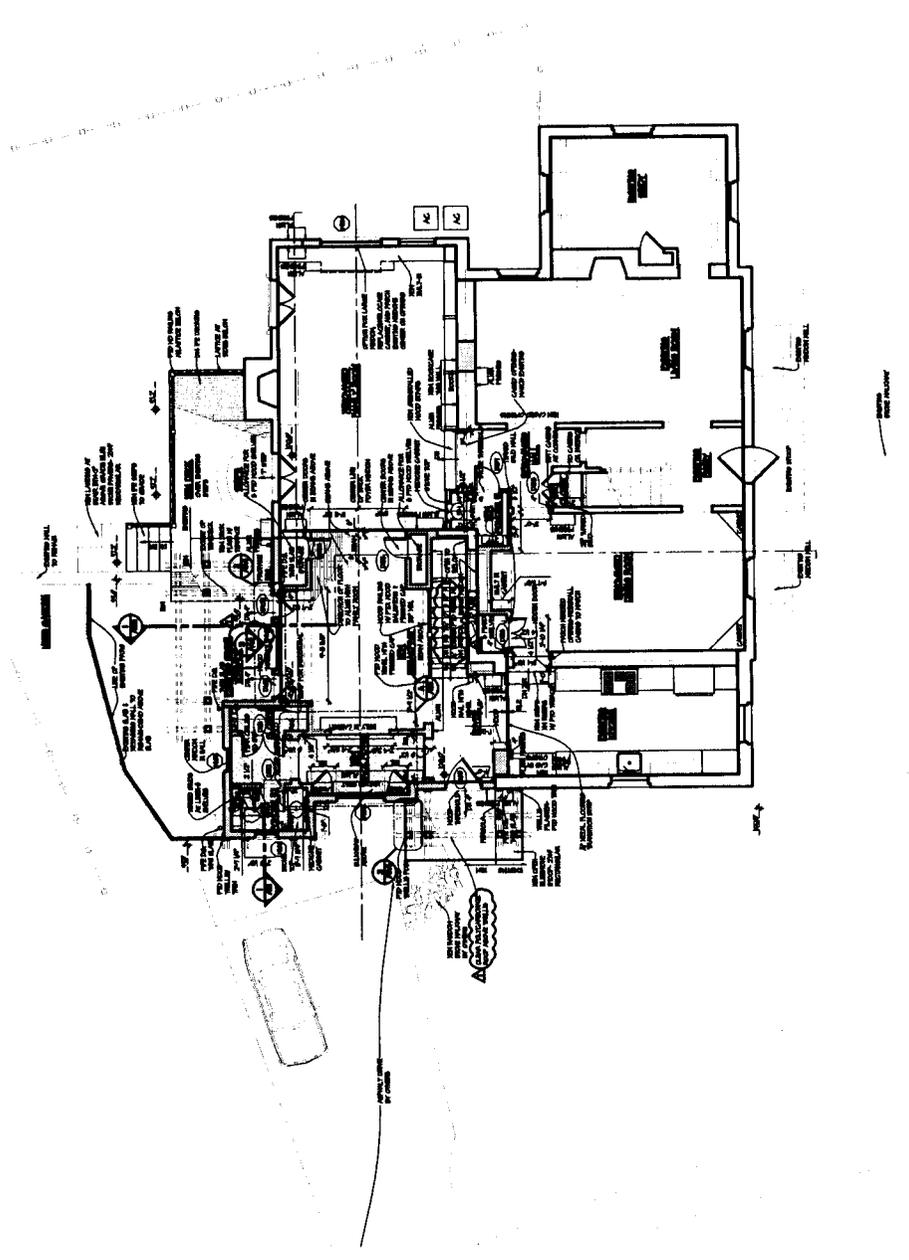
DONALD
100000
ARCHITECTS

1 CELLAR - FOUNDATION PLAN
SCALE: 1/4" = 1'-0"
DATE: 08/15/07



PRELIMINARY SHEET
NO. 1 OF 2
DATE: 10/20/00

1000
1000000
DONALD

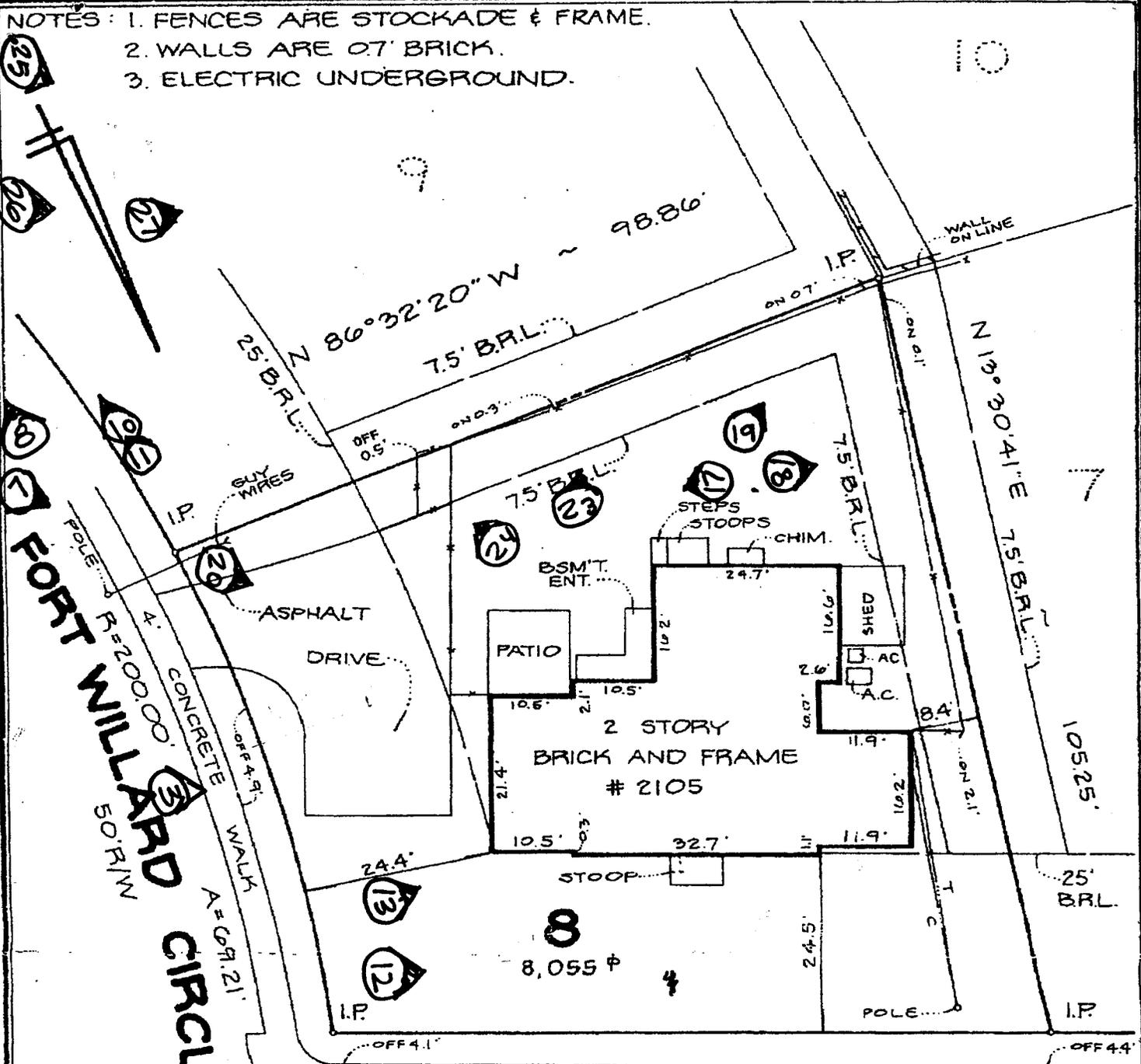


① FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

NOTES: 1. FENCES ARE STOCKADE & FRAME.

2. WALLS ARE 0.7' BRICK.

3. ELECTRIC UNDERGROUND.



FORT WILLARD CIRCLE
 3' R/W
 50' R/W
 CONCRETE WALK
 4' W
 ASPHALT DRIVE
 200.00' R/W
 50' R/W
 69.21' A

WAKEFIELD COURT

SHOWING HOUSE LOCATION ON LOT 8, BLOCK 15, SECTION 3.

BELLE HAVEN

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 20'

JULY 23, 1999

PHOTO KEY

2105 WAKEFIELD CT.



① Subject Property from Wakefield Court. Looking SW

5-30-2008



② Corner of Wakefield and East Willard Looking West

5-30-2008

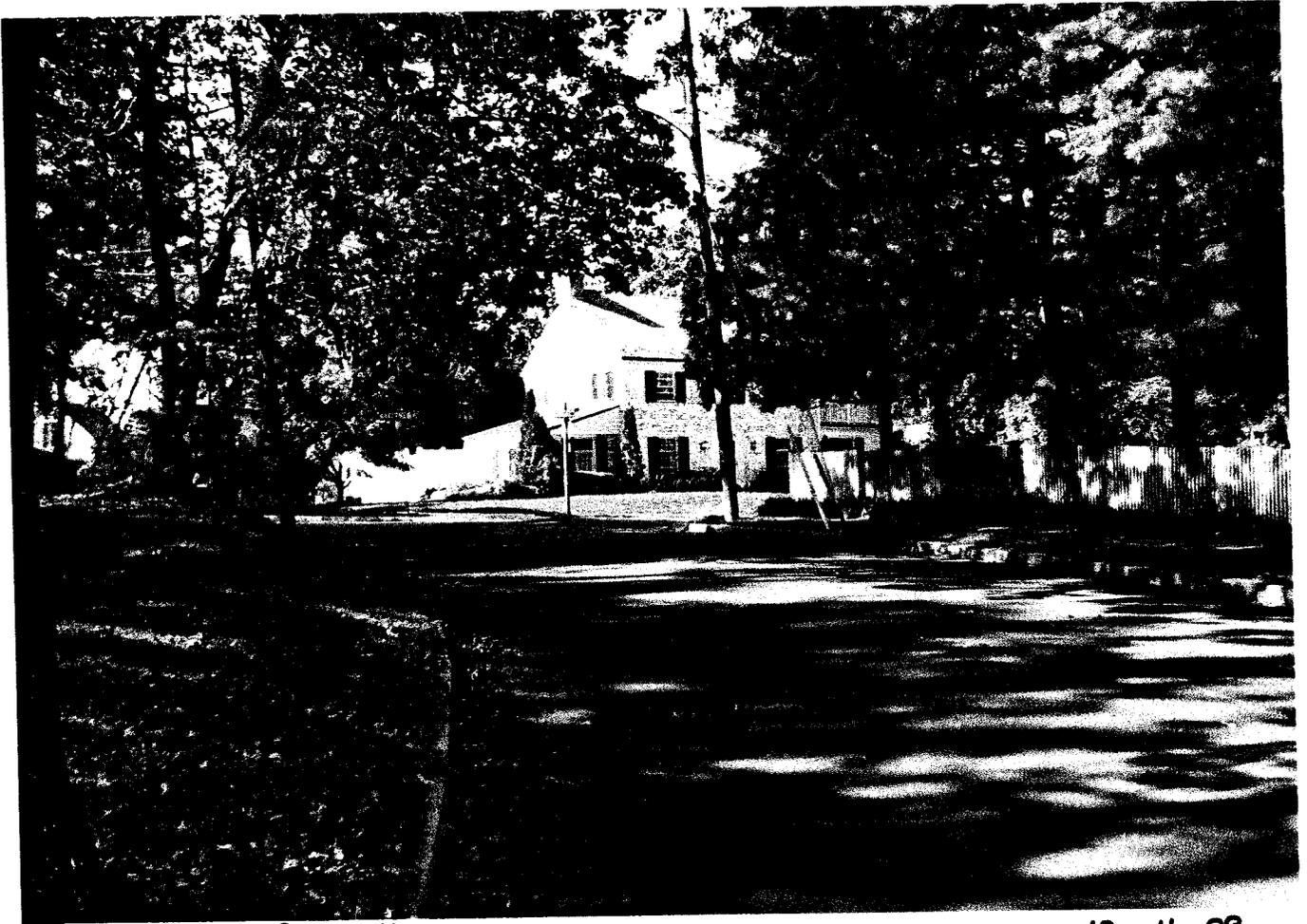


④ Subject property from corner of Wakefield and Fort Willard, looking West 10-11-08



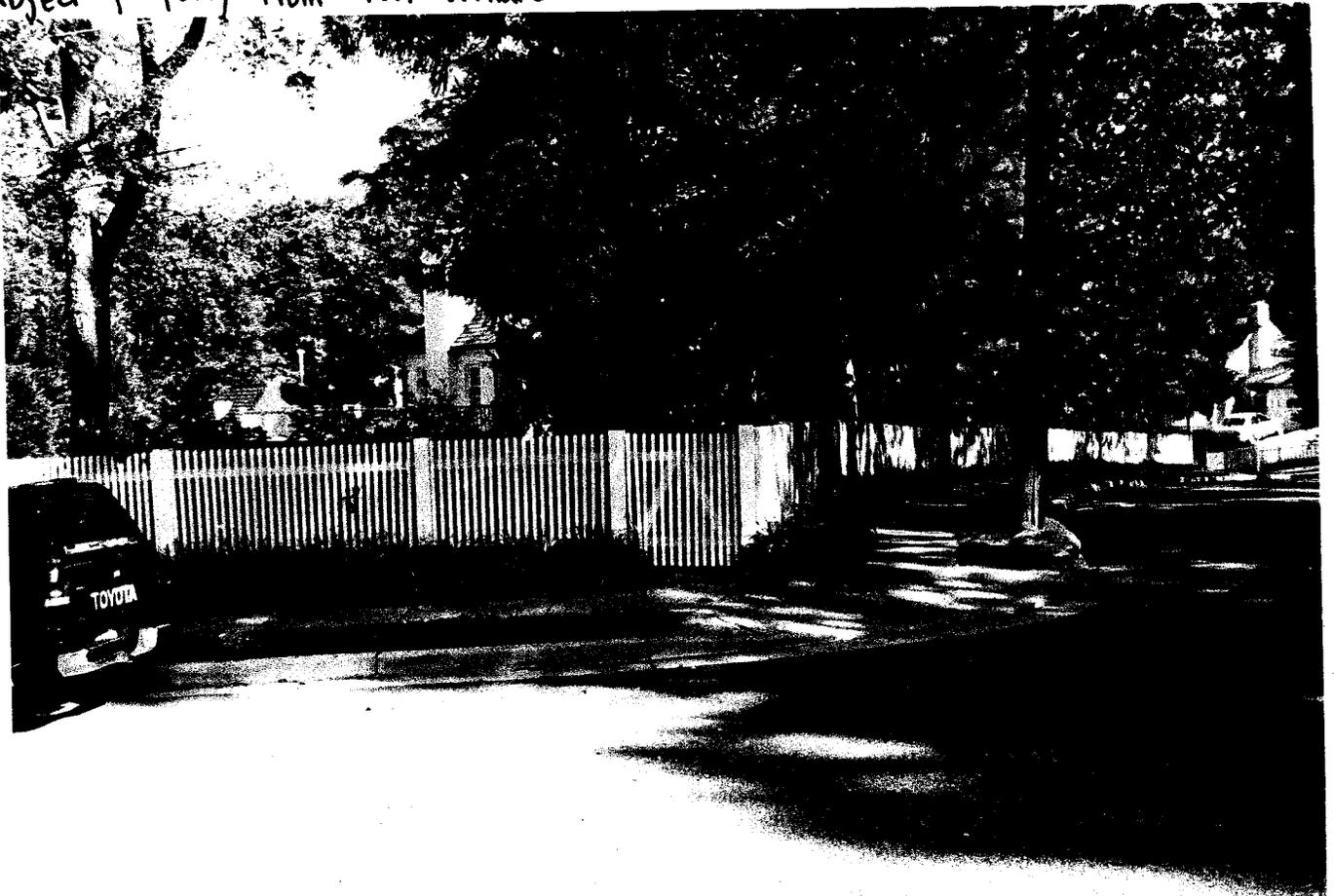
③ Subject property from Fort Willard Circle looking West

5-30-08



⑤ Subject property from Fort Willard

10-11-08



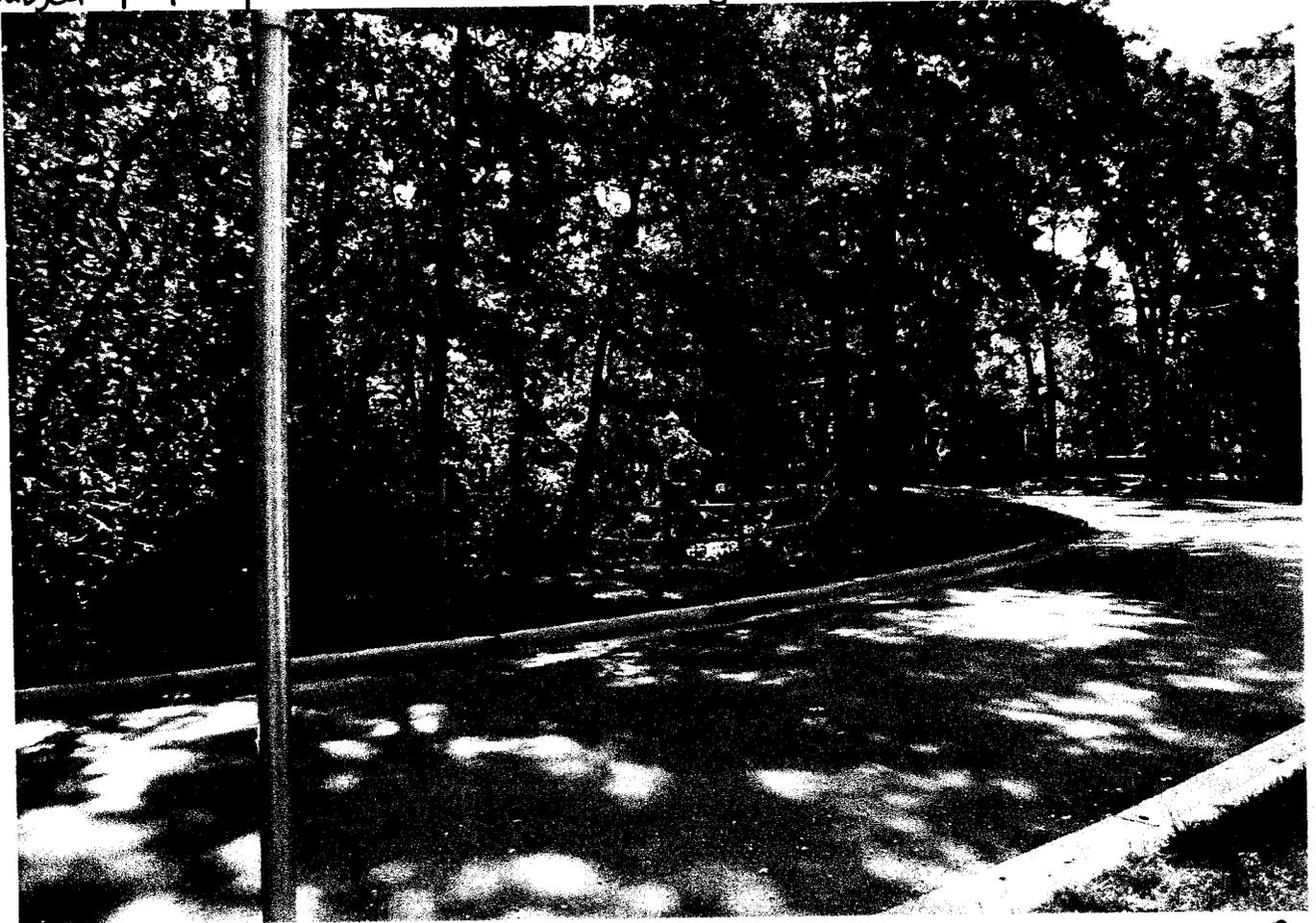
⑥ Corner of Fort Willard Circle and Wakefield Circle Looking North

10-11-08



① Subject property from Fort Williard, Looking North West

10-11-08



② Client property looking at Park on Fort Williard from South East

10-11-08



② Subject property looking at Park on Fort Willard, Facing North East 10-11-08



⑩ Subject property looking South on Fort Willard

10-11-08



① Subject property looking South on Fort Willard

10-11-08



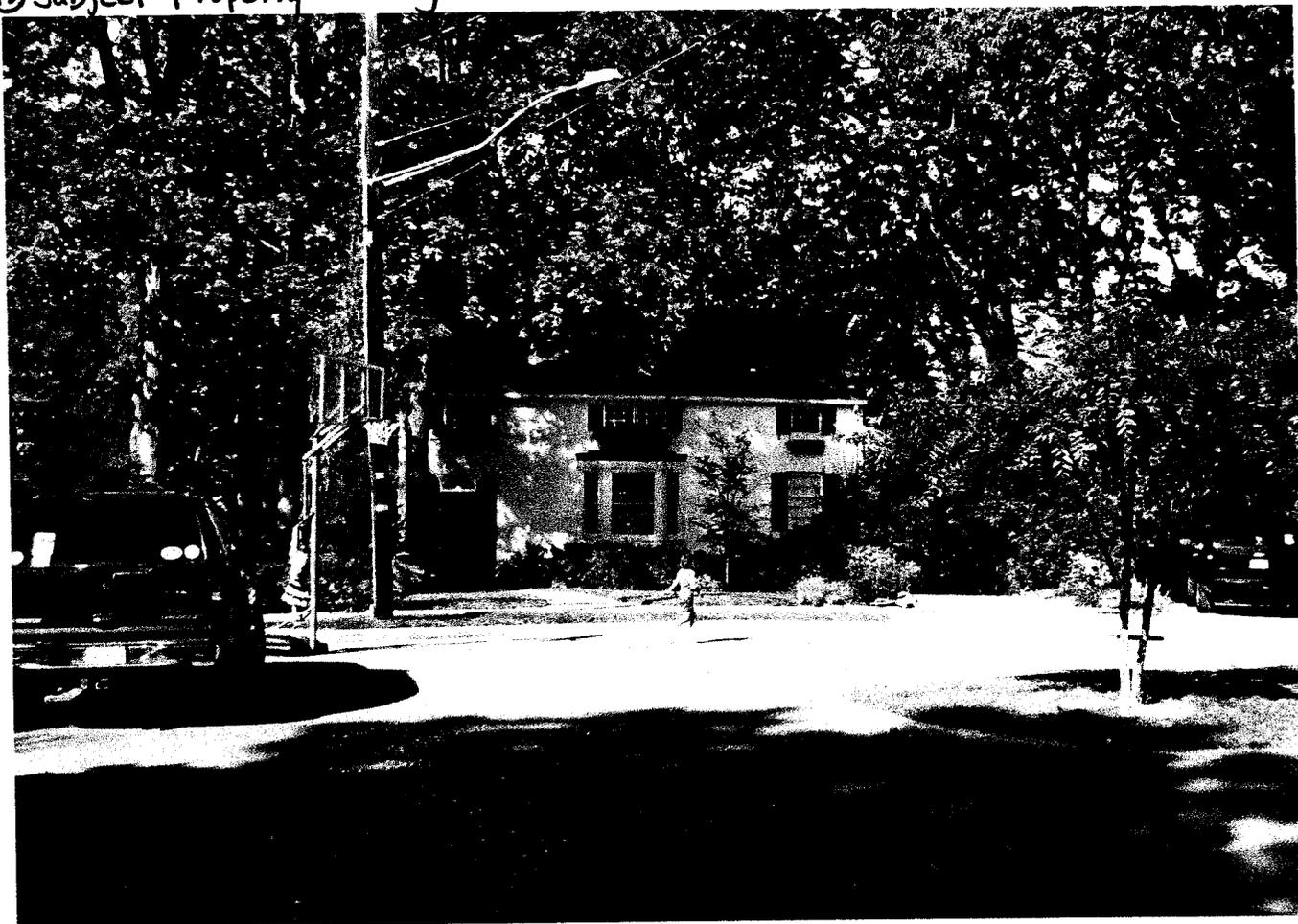
② Client's property looking West on Whitefield Court

10-11-08



⑬ Subject Property looking West on Wakefield Court

10-11-08



⑭ House on Wakefield Court

10-11-08



⑤ House on Wakefield Court

10-11-08



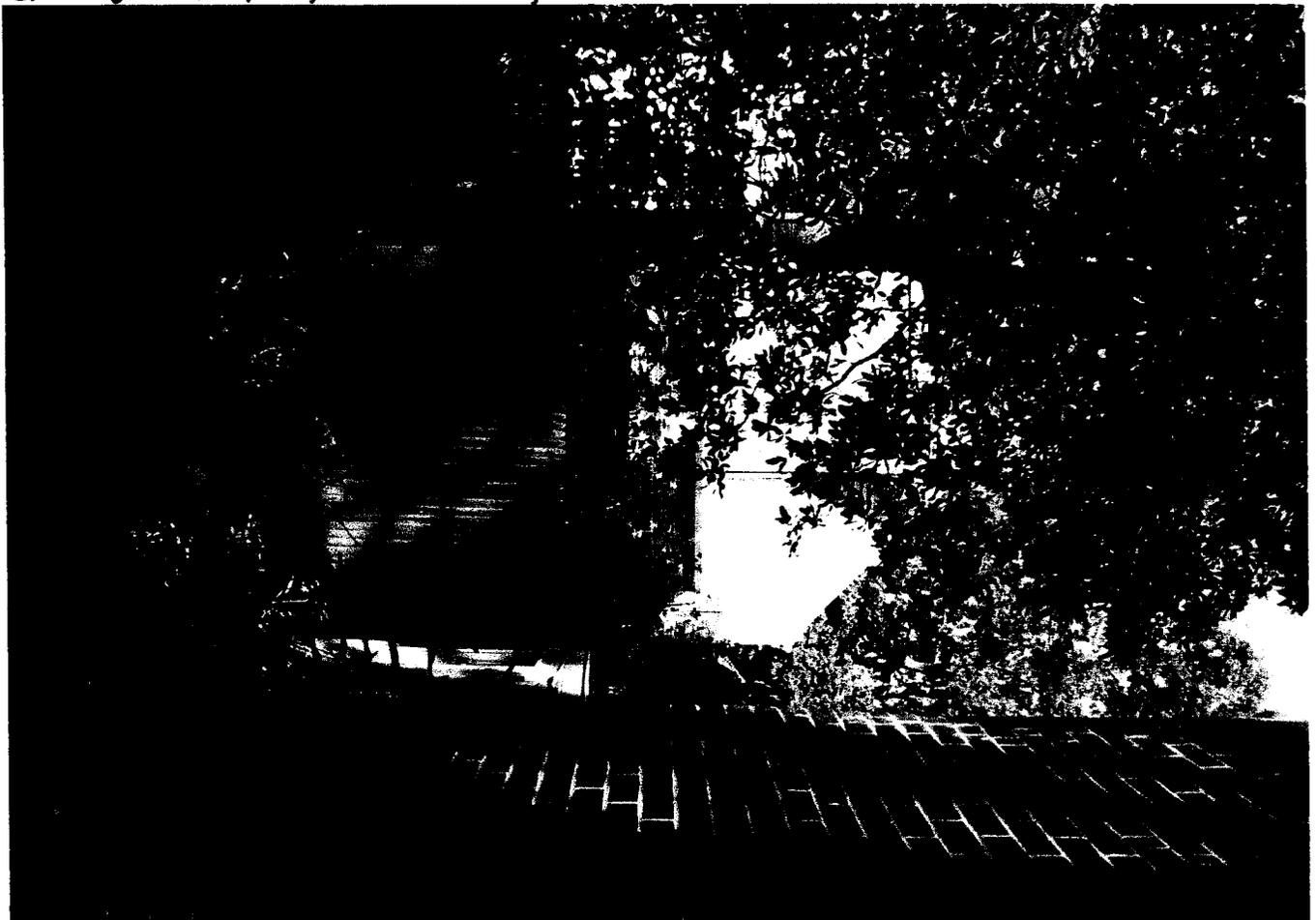
⑥ House on Wakefield Court

10-11-08



⑰ Subject property from rear yard

10-11-08



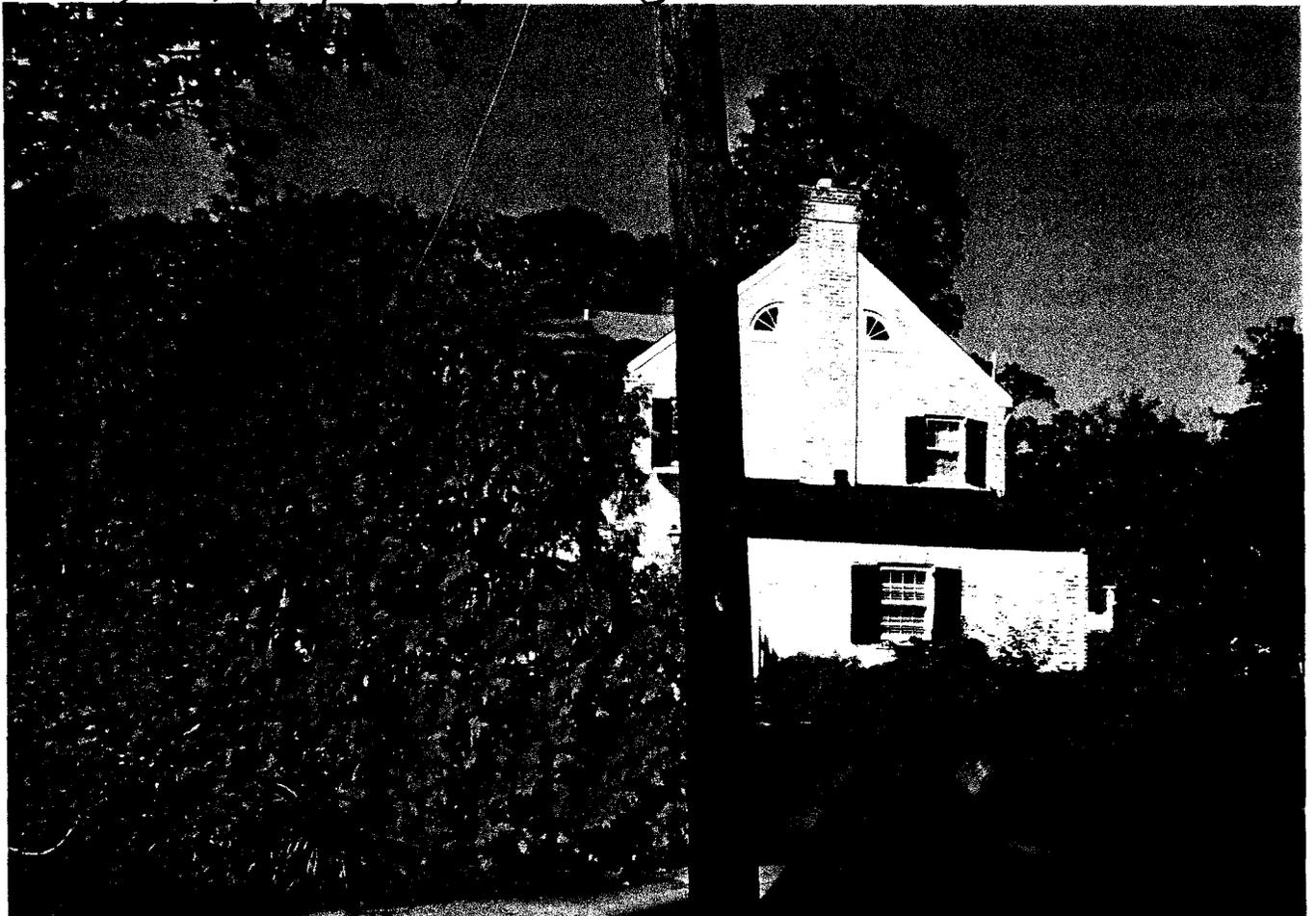
⑱ Subject property rear yard, looking West

10-11-08



19. Subject property rear yard, looking west

10-11-08



20. Subject property from East. Property Corner

10-11-08



② Subject property from park on Fort Willard, looking Southwest 10-11-08



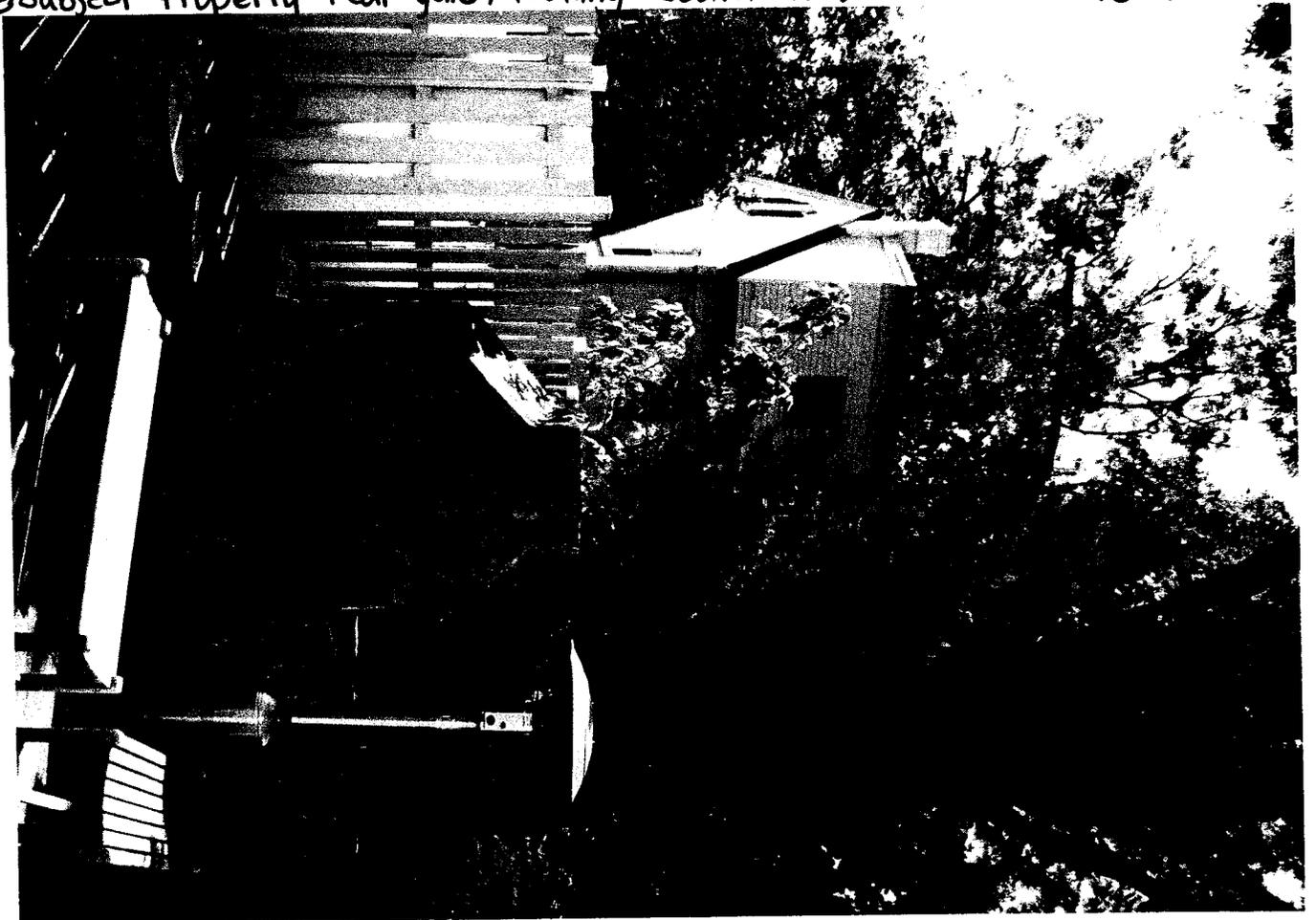
② Subject property looking East on Wakefield Court

10-11-08



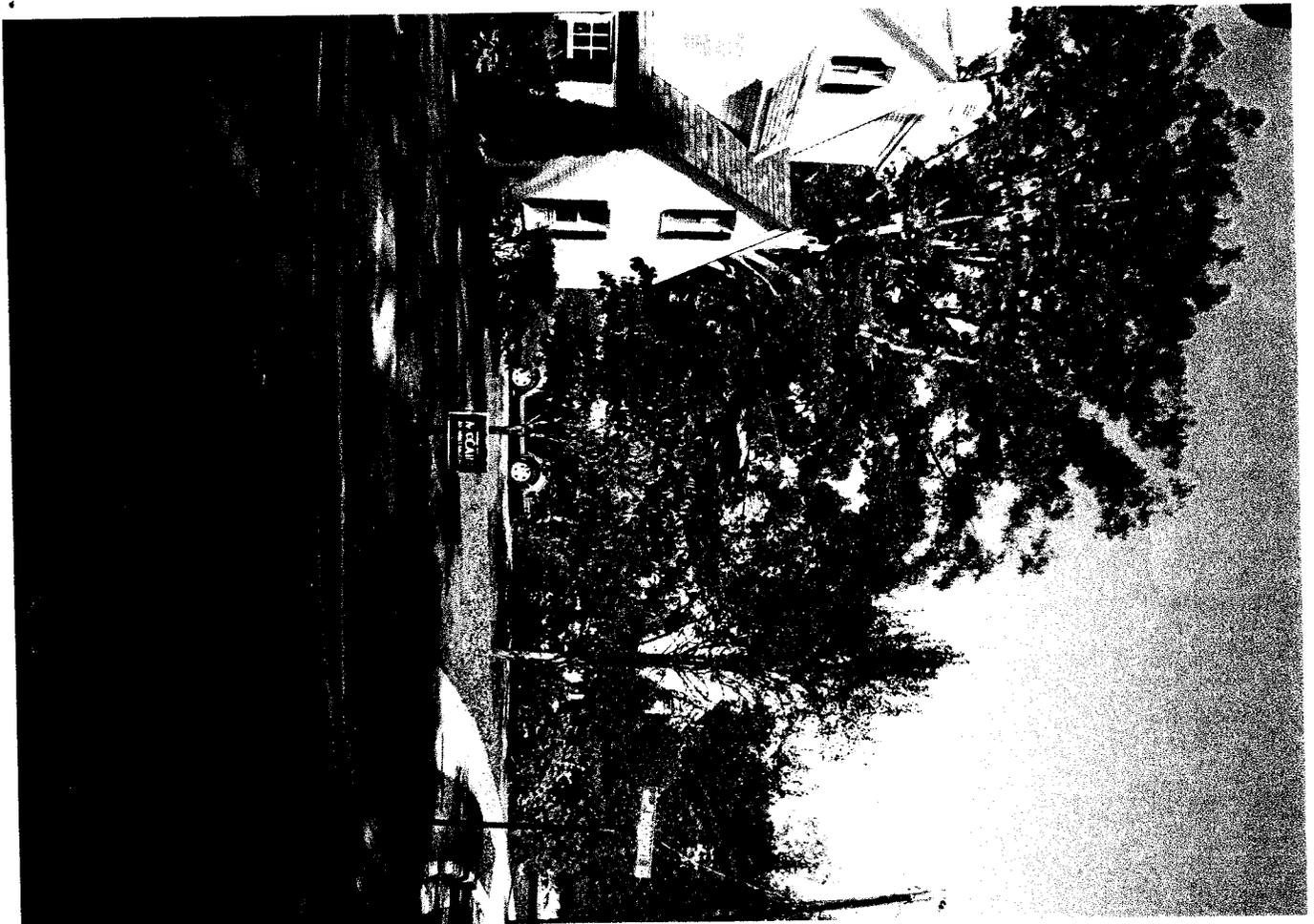
② Subject Property rear yard, looking South West

10-11-08



② Subject Property rear yard, looking South

10-11-08



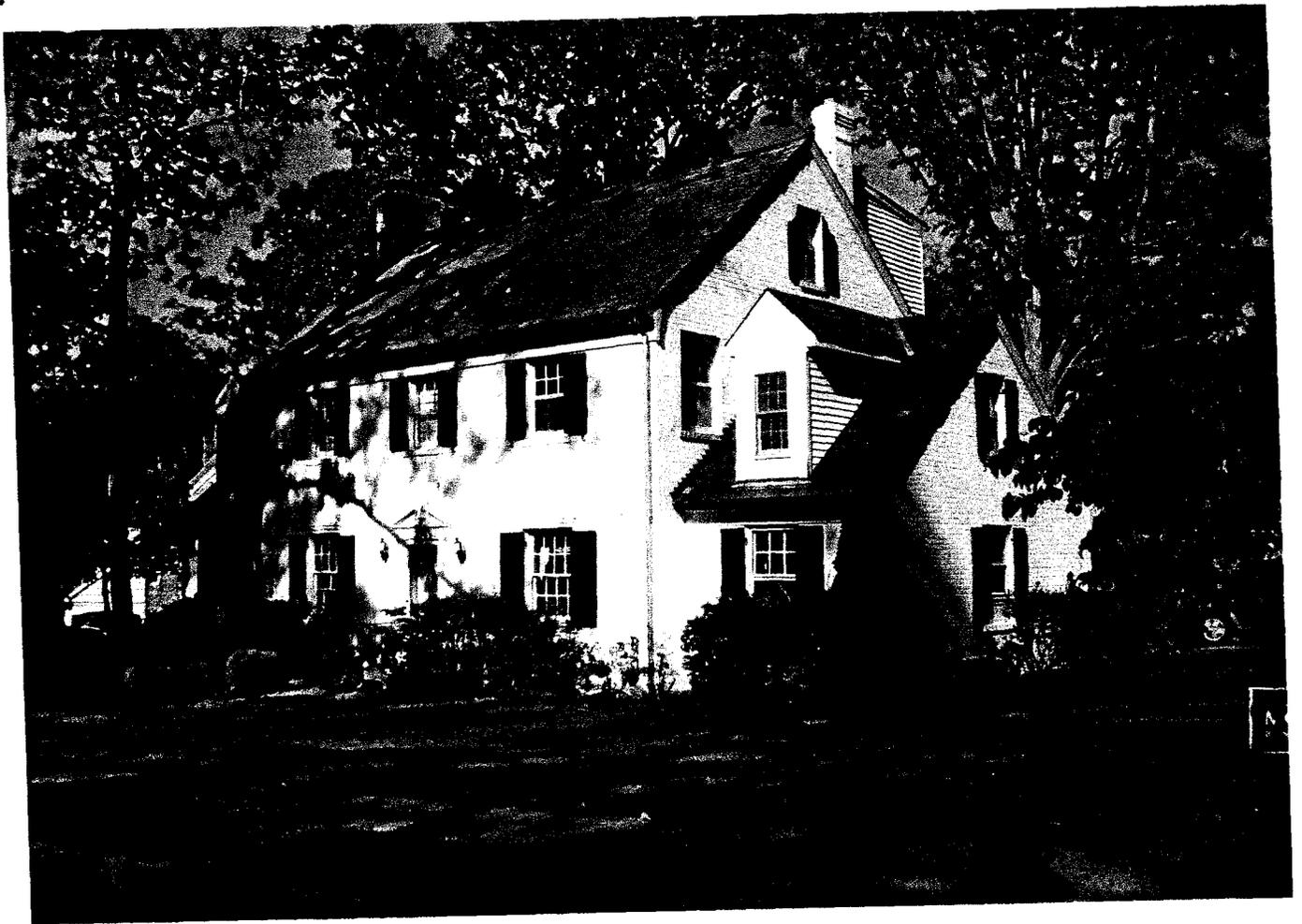
25) Corner of Woodmont Road and Fort Willard

10-11-08



26) Corner of Woodmont Road and Fort Willard

10-11-08



②7 Adjoining neighbor to subject property, on Woodmont Road. 10-11-08

DESCRIPTION OF THE APPLICATION

The applicant seeks approval for two special permits on the subject property. The first special permit request is for a reduction to the minimum yard requirements based on error in building location to allow an uncovered stoop to remain 20.3 feet from the north front lot line of a corner lot.

	Yard	Min. Yard Req.*	Permitted Extension **	Min. Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit 1	Front	30 ft	5 feet	25 feet	20.3 feet	4.7 feet	18 %

* Minimum yard requirement per Section 3-400

** Permitted extensions per Section 2-412

The second is to request a reduction in the minimum yard requirements to permit construction of a roofed deck 23.6 feet from the east front lot line of a corner lot.

	Structure	Yard	Min. Yard Required *	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit 2	Roofed Deck	Front	30 feet	23.6 feet	6.4 feet	21.3 %

* Minimum yard requirement per Section 3-400

CHARACTER OF THE AREA

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

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plan
- **Prepared By:** Donald Lococo, Donald Lococo Architects, LLC.
- **Building Permit Required for uncovered stoop:** Yes
- **Obtained:** No
- **Location Error Made By:** Previous Owner

BACKGROUND

The existing single family detached dwelling was constructed in 1939 and predates the first zoning ordinance. Therefore, some of the house is located within the minimum required front yard and is a non-conforming use. A two story addition was later added to the house in 1989.

There are no records indicating when the uncovered stoop subject to the error in building location request was built. No building permits are on file for the stoop and it was not part of the building permit for the original house, nor was it located on the house location survey for the addition that took place in 1989.

An existing attached shed encroaching into the minimum required rear will be removed based on the special permit plat submitted with this application.

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

- Variance VC 86-V-020, granted on June 10, 1986, on Tax Map Number 83-3 ((14)) (11) 16, on 6120 Woodmont Rd. , zoned R-4, northeast of the subject property to permit construction of porch addition 26.3 feet from the front lot line.
- Variance VC 88-V-069, granted on August 3, 1988, on Tax Map Number 83-3 ((14)) (13) 3, on 1911 Belle Haven Road, zoned R-4, northeast of the subject property to permit construction of covered porch 26.7 feet and uncovered stairs 17.3 feet from the front lot line.
- Variance VC 90-V-079, granted on September 6, 1990, on Tax Map Number 83-3 ((14)) (4) 15, on 6051 Edgewood Terrace, zoned R-4, northeast of the subject property to permit construction of screened porch addition 20.2 feet from the street line of a corner lot.

- Variance VC 90-V-106, granted on December 20, 1990, on Tax Map Number 83-3 ((14)) (13) 14, on 2005 Belle Haven Rd., zoned R-4, northeast of the subject property to permit construction of addition 21.5 feet from the front lot line.
- Variance VC 91-V-037, granted on June 11, 1993, on Tax Map Number 83-3 ((14)) (21) 26, on 6225 Tally Ho Lane, zoned R-4, northeast of the subject property to permit construction of addition 24.2 feet from the front lot line.
- Variance VC 92-V-004, granted on April 2, 1992, on Tax Map Number 83-3 ((14)) (15) 9, on 2104 Woodmont Rd., zoned R-4, adjacent of the subject property to the south to permit construction of addition 26.6 feet from the street line of a corner lot and 24.7 feet from the other street line.
- Variance VC 93-V-069, granted on October 6, 1993, on Tax Map Number 83-3 ((14)) (10) 26, on 6125 Woodmont Rd., zoned R-4, east of the subject property to permit construction of addition 27.3 feet from the front lot line.
- Variance VC 95-V-113, granted on December 13, 1995, on Tax Map Number 83-3 ((14)) (4) 7, on 6027 Edgewood Terrace, zoned R-4, northeast of the subject property to permit construction of additions 7.7 feet from side lot line and 19.6 feet from front lot line and 8.7 feet from other side lot line.
- Variance VC 95-V-122, granted on January 24, 1996, on Tax Map Number 83-3 ((14)) (10) 25, on 2016 Glen Drive, zoned R-4, east of the subject property to permit construction of addition 26.9 feet from the street line of a corner lot and 25.5 feet from other street line.
- Variance VC 96-V-080, granted on August 13, 1996, on Tax Map Number 83-3 ((14)) (13) 14, on 2005 Belle Haven Rd., zoned R-4, southeast of the subject property to permit construction of addition 24.5 feet from the front lot line.
- Variance VC 96-V-106, granted on September 24, 1996, on Tax Map Number 83-3 ((14)) (7) 17, on 61254 Vernon Terrace, zoned R-4, east of the subject property to permit construction of addition 23.11 feet from the front lot line.
- Variance VC 97-V-119, granted on February 18, 1998, on Tax Map Number 83-3 ((14)) (6) 9, on 6108 Vernon Terrace, zoned R-4, northwest of the subject property to permit construction of addition 9.9 feet from the street line of a corner lot.
- Variance VC 99-V-099, granted on October 5, 1999, on Tax Map Number 83-3 ((14)) (22) 501, on 6310 Olmi Landrith Drive, zoned R-4, south of the subject property to permit construction of addition 26.1 feet from the front lot line.
- Variance VC 99-V-179, granted on February 23, 2000, on Tax Map Number 83-3 ((14)) (3) 2, on 6034 Woodmont Rd., zoned R-4, northeast of the subject property to permit construction of additions 4 feet from side lot line, 6.2 from other side lot line and 26.2 feet from the front lot line.

- Variance VC 2002-MV-091, granted on August 14, 2002, on Tax Map Number 83-3 ((14)) (21) 8, on 2209 Belle Haven Rd., zoned R-4, south of the subject property to permit construction of additions 21.5 feet from the front lot line and 7 feet from the side lot line.
- Variance VC 2003-MV-146, granted on December 10, 2003, on Tax Map Number 83-3 ((14)) (21) 5A, on 2205 Belle Haven Rd., zoned R-4, south of the subject property to permit construction of accessory structure 11.1 feet with eave 10.1 feet from rear lot line and eave 9 feet from side lot line and covered deck 19.4 feet from front lot line.
- Special Permit SP 2006-MV-040, granted on September 19, 2006, on Tax Map Number 83-3 ((14)) (4) 1, on 6060 Woodmont Rd., zoned R-4, northeast of the subject property to permit reduction of certain yard requirements to permit addition to remain 15 feet from the front lot line of a corner lot.
- Special Permit SP 2007-MV-047, granted on July 17, 2007, on Tax Map Number 83-3 ((14)) (20) 15, on 2106 Belle Haven Rd., zoned R-4, south of the subject property to permit reduction of certain yard requirements based on error in building location to permit roofed deck to remain 22.7 feet from front lot line, accessory structure to remain 1.8 feet from rear lot lone and 1.5 feet from side lot line, accessory structure to remain 3.4 feet from side lot line and to permit fence greater than 4 feet in height in front yard.

PROPOSAL

The applicant is proposing a number of structures which are permitted by-right on the subject property and add up to 776 square feet. The first by-right construction proposed is a 2 story addition with living space. The second structure is a one story addition which will serve as the entry point for the proposed roofed deck that is part of this special permit request. The third structure is another roofed deck which will be adjacent to the south side lot line.

The proposed special permit request is for a roofed deck which will consist of a patio with a trellis above. Due to the house being constructed in 1939, the house does not meet the current minimum yards for the R-4 zoning district. Therefore, on this portion of the house, there is no other alternative point at which a roofed deck could be constructed by right.

ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location (Sect. 8-914)
- Provisions for Reduction of Certain Yard Requirements (Sect. 8-922)

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding standard 3.

General Standard 3 requires that the proposed uses 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 that the special permit application satisfies this condition since this is a minor intrusion into one front yard, an area used as a side entrance to the house, and there is an existing driveway which the roofed deck will serve.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 4 relates to additional square footage, which does not apply to this application. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 6, 7, 8, and 9.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The house is currently a two-story dwelling and the proposed roofed deck will only be 9.6 feet high and only approximately 36 square feet. Therefore the proposed roofed deck will not be out of character with existing on-site development in terms of location, height, bulk and scale.

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 proposed addition will be harmonious with the surrounding neighborhood since many of the other homes within the neighborhood have many of the same issues in terms of the dwellings being located within the minimum required yards. There have been many similar variances and special permits granted within the neighborhood. In terms of impervious surfaces; there is an existing on grade patio currently located where the proposed by-right additions are shown on the special permit plat and will be removed in order to construct the proposed addition. There will be no harm to significant trees or vegetation for the by-right construction or the special permit construction due to the existing at grade patio and the driveway which currently comes up to where the proposed roof deck will be. Since this is a corner lot and the closest house affected is across the street, this roofed deck will not impose a significant impact within houses.

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. No downstream complaints have been indicated by DPWES and there is a minimal increase of impervious area due to the proposed addition being constructed over an existing brick patio. Staff believes that the proposed addition shall not have any adverse impact on neighboring properties.

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. Due to the proposed interior layout of the proposed addition there would be no alternate location for the roofed deck on this portion of the house. Since the proposed roofed deck will be serving connect the existing driveway and the house based on the lot size and current orientation of existing structures on the lot, there are no alternate locations for the proposed structure. There are no floodplains or Resource Protection Areas on the subject property

CONCLUSION

Staff believes that the subject application for the addition is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of special permit application SP 2008-MV-103 for the roofed deck subject to the proposed development conditions contained in Appendix 1 of the staff report.

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. Zoning Ordinance Provisions

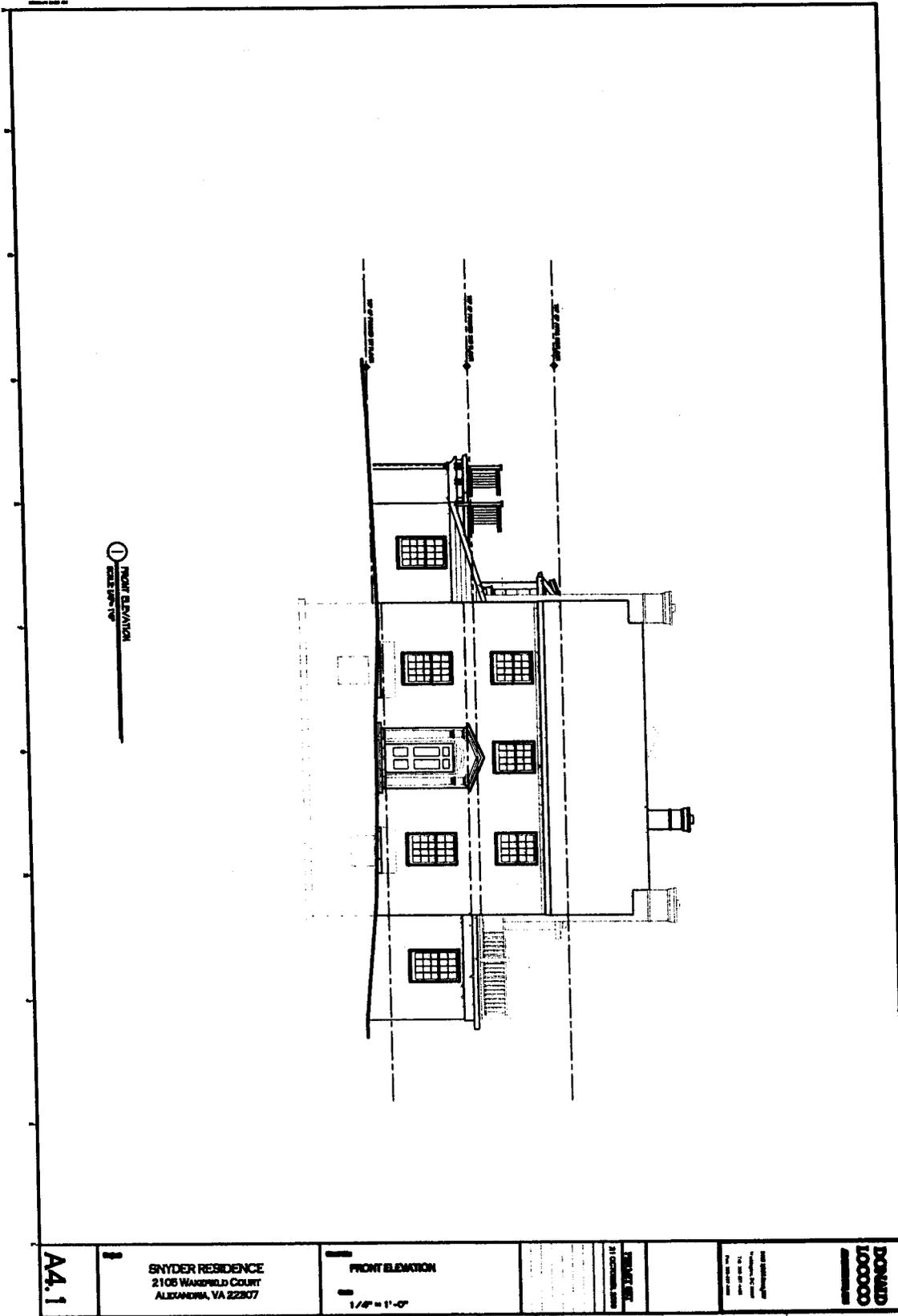
PROPOSED DEVELOPMENT CONDITIONS**SP 2008-MV-103****February 3, 2009**

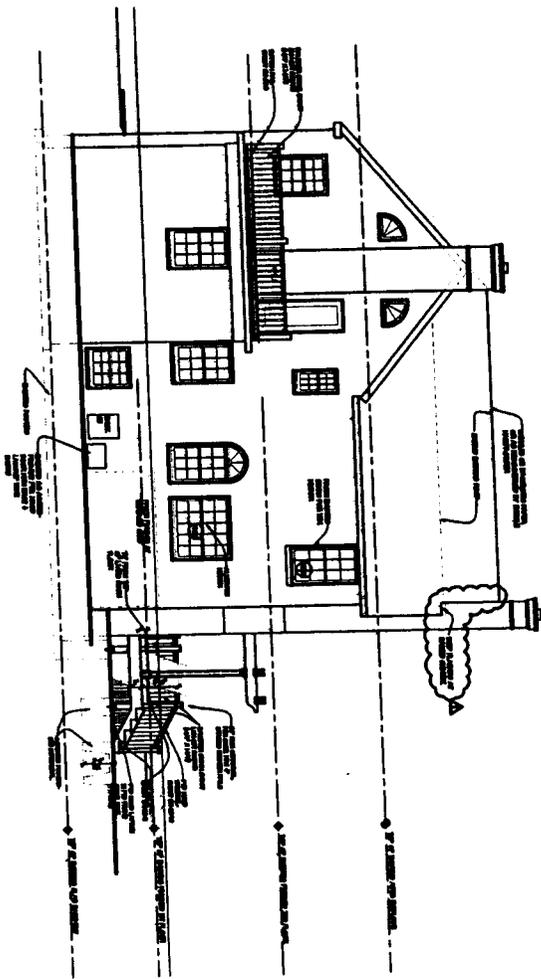
If it is the intent of the Board of Zoning Appeals to approve SP 2008-MV-103 located at Tax Map Number 83-3 ((14)) (15) 8 (2105 Wakefield Court), to permit reduction of certain yard requirements pursuant to 8-914 & 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location and size of the proposed addition (roofed deck) and stoop as shown on the plat prepared by Donald Lococo, Donald Lococo Architects, LLC, dated October 21, 2008, submitted with this application and is not transferable to other land.
2. The roofed deck shall be consistent with the architectural renderings and materials included in 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 the use has been established or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use or 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.





RIGHT SIDE ELEVATION
SCALE 3/8" = 1'-0"

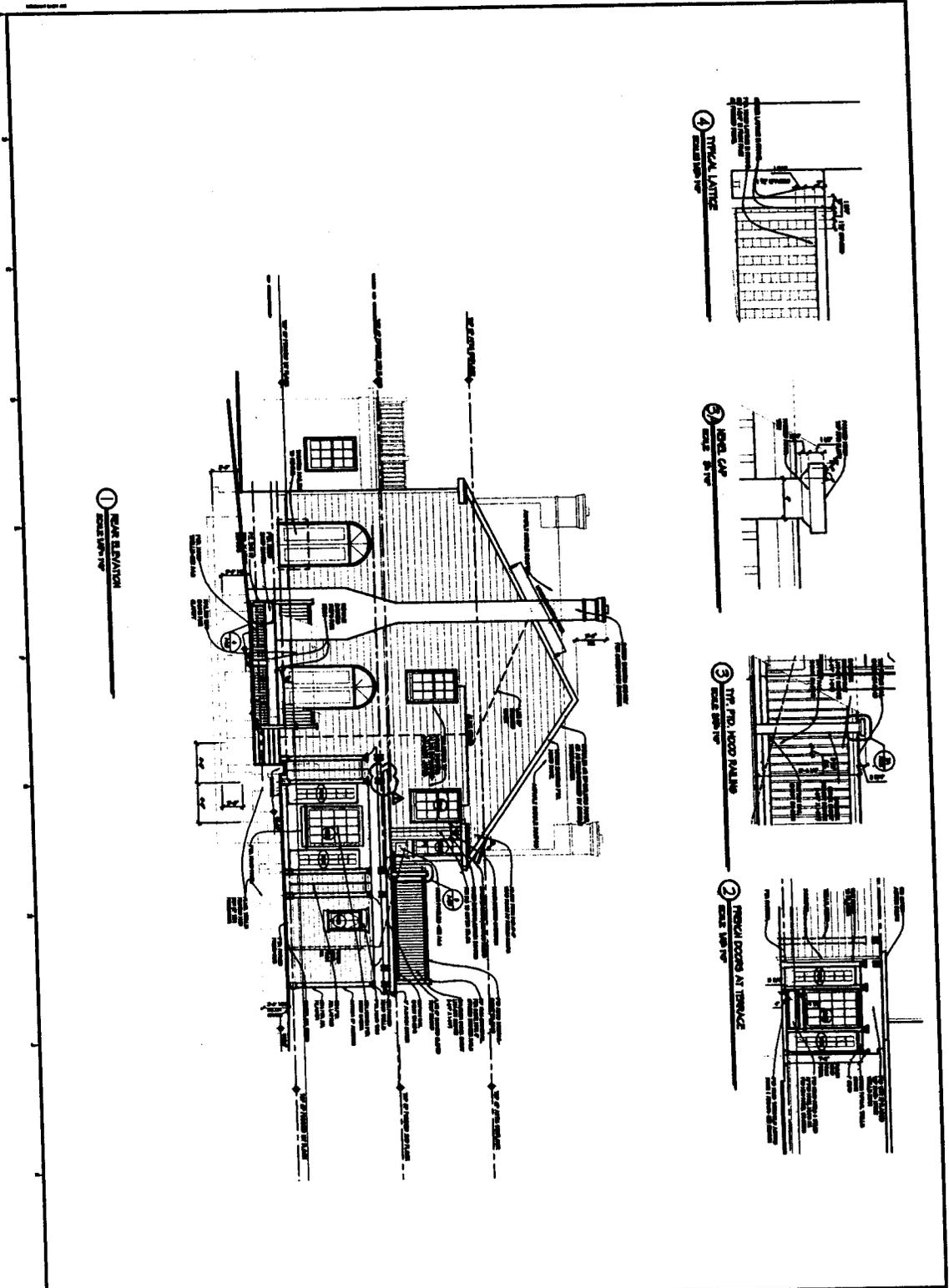
A4.2

SNYDER RESIDENCE
2108 WARFIELD COURT
ALEXANDRIA, VA 22307

RIGHT SIDE ELEVATION

1/4" = 1'-0"

DONALD
100000



A4.3

SNYDER RESIDENCE
 2106 WARFIELD COURT
 ALEXANDRIA, VA 22307

REAR ELEVATION
 1/4" = 1'-0"

DATE: 11/10/00
 DRAWN BY: [Name]
 CHECKED BY: [Name]

DONALD
 100000

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/2/2008
 (enter date affidavit is notarized)

I, DONALD P. LOLOCO, 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 101511

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)
PETER A. SNYDER	2105 WAKEFIELD COURT ALEXANDRIA, VA 22307	APPLICANT/TITLE OWNER
BURSON T SNYDER	2105 WAKEFIELD COURT ALEXANDRIA, VA 22307	APPLICANT/TITLE OWNER
DONALD LOLOCO ARCHITECTS, LLC	5109 WISSIOMING ROAD BETHESDA, MD 20816	AGENT
DONALD P LOLOCO, AIA	3413 1/2 M STREET NW SUITE A WASHINGTON, DC 20007	AGENT
WILLIAM H CAWDOO, AIA	3413 1/2 M STREET NW SUITE A WASHINGTON, DC 20007	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): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/2/2008
(enter date affidavit is notarized) 101511

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)

DONALD LOCOLO ARCHITECTS, LLC
5109 Wissoming Road
Bethesda, MD 20816

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)

DONALD P LOCOLO - MEMBER

(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: 9/2/2008
(enter date affidavit is notarized)

10/5/11

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9 | 2 | 2008
(enter date affidavit is notarized)

101511

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: 9/2/2008
(enter date affidavit is notarized)

101511

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.)

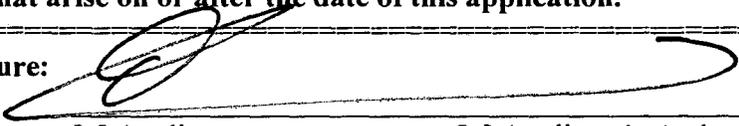
NONE

(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.

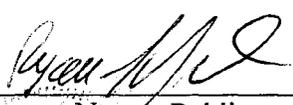
WITNESS the following signature:



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

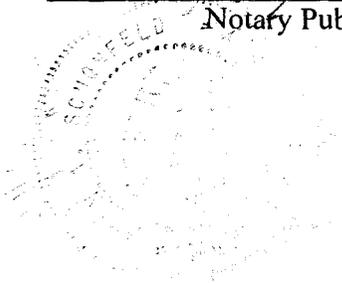
DONALD P. LOCOCO, AIA
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 2 day of September 2008, in the State/Comm. of Montgomery, County/City of Montgomery.



Notary Public

My commission expires: _____
RYAN A. SCHONFELD
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 14, 2012



DONALD LOCOCO ARCHITECTS, LLC

_____ Application Number

Address: 2105 Wakefield Court, Alexandria, VA 22307

RECEIVED
Department of Planning & Zoning

OCT 21 2008

Zoning Evaluation Division

Statement of Justification

- **Proposed yard reduction as it applies to criteria from section 8-922**

8-922 *Provisions for Reduction of Certain Yard Requirements*
(Applicant responses are in Bold Text)

1. *The following yard requirements are subject to special permit:*
 - A. *Minimum required yards. Request is for a reduction to **minimum yard in a residential zone, and is not subject to other requests for modifications.***
 - B. *Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416. **Not requested***
 - C. *Accessory structure location requirements set forth in Sect. 10-104. **Not requested***
 - D. *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. **The applicant is requesting a reduction of the 30' front yard on Fort Willard Circle by 5.2' for an open trellis attached to the house. The open trellis is approximately 11 ½' wide by 5' deep and is 10' tall. Extension is less than a 50% reduction of the yard, and will not result in a yard less than 5'.***
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. **Not requested.***
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. **Principal Structure and lot are residential; Principal structure and lot predate 1941 zoning ordinance, according to county tax records.***

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 expansion request. **This is the first expansion request. Existing gross floor area is 3260sf, and the proposed total gross floor area will be 4090 sf (830sf of addition). The total resulting gross floor area is 125% of total gross floor area of principal structure.***
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. **Not requested***
6. *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. **We feel that the proposed development is consistent with the residential nature of the existing on site residential development, and the existing structures on the lot.***
7. *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. **We feel that the proposed development is consistent with the current residential development of the surrounding area. We will not be impacting existing vegetation.***
8. *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. **We believe the proposed development will not have an adverse impact on any adjacent property. The addition will replace an existing fenced stone patio.***
9. *The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. **The proposed trellis is an open, garden like structure in order to be as minimally intrusive as possible. The covering of the structure will consist of wood beams with an infill of clear Plexiglas panels, to reduce the visual bulk of the structure. The trellis is located in the front yard adjacent to the existing driveway, and would be covering the primary access point into the house***

DONALD LOCOCO ARCHITECTS, LLC

from the driveway due to the shape of the lot; no other access point is possible on this side.

- **Additional Justifications**

- The original house was build to conform to the yard requirements of an earlier zoning ordinance, which was 5' less than currently allowed. Our trellis will come off the existing corner to the depth of the previous 25' setback.
 - The layout of the existing structure and its placement on the lot limit the available entry points from the existing driveway. The relocation of the entry to a point further in the rear yard would require more extensive hallways to connect to the main spaces and stairs, resulting in a bulkier building and financial burden on the client. Due to the required yards on the other sides of the building, a similarly sized addition cannot be moved back to accommodate a covered entry point, without extensive demolition of the existing building.
 - Due to being a corner lot with two front yards, the site is reduced in the amount of buildable area based on a normal size lot.
- **Error in building location per section 8.914**
 - The original house was constructed in 1939, as indicated in county tax records, and therefore predates the 1941 zoning ordinance.

DONALD LOCOCO ARCHITECTS, LLC

Application Number: _____
Address: 2105 Wakefield Court, Alexandria, VA 22307

RECEIVED
Department of Planning & Zoning
SEP 3 2008
Zoning Evaluation Division

Statement of Justification

- The applicant is requesting an open covered trellis structure over a stoop that would encroach 5.2 feet into the required front yard on Fort Willard Circle. The trellis structure will not extend beyond an existing encroachment. The trellis structure is approximately 11 ½' wide by 5' deep and is 10' tall.
- Our proposed trellis structure is an open, garden like structure in order to be as minimally intrusive as possible. The covering of the trellis structure will consist of wood beams with an infill of one clear Plexiglas roof panel, to reduce the visual bulk of the structure and grow vines to tie into the landscape.
- The original house was built to the front yard requirements of an earlier zoning ordinance, which was 5' less than currently allowed. Our trellis structure follows the line of this previous ordinance.
- The trellis structure is located in the front yard adjacent to the existing driveway, and would be covering the primary access point into the house from the driveway. Due to the unusual shape of the lot; no other access point is possible on this yard.
- The clients would like one point of access to their home where they and visitors can stand at the door with out the concern of rain in a downpour. Due to the layout of the existing structure and its placement on the lot, the new ordinances have made so much of the lot impossible for an addition, and any portion of the original house that faces the curb cannot have a portico attached to it under the current ordinances. We have located the addition on the only area accessible to the curb, and have kept the bulk of the addition behind the new front yard line.

DONALD LOCOCO ARCHITECTS, LLC

- The lot is a corner lot with two front yards, and site is reduced in the amount of buildable area as compared to a normal size lot.
- Because of such limited access from the exterior points to the home, and because of the location of the kitchen in an isolated lower level in the corner of the house near a basement stairway, a portico in this location allows for the owner to carry her small babies and groceries to the kitchen, and allows a mother to watch here children at the breakfast table from the kitchen and a small area out of the rain.
- The project does not change the existing residential use, and the principal structure and use complied with the minimum yard requirements when established.

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 expansion request. The resulting gross

floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this 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.

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.

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.