



County of Fairfax, Virginia

April 28, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-DR-011

DRANESVILLE DISTRICT

APPLICANT: Monique Kramer

OWNERS: Monique L. Kramer
Robert O. Kramer

STREET ADDRESS: 8518 Old Dominion Drive

TAX MAP REFERENCE: 20-1 ((1)) 27A

LOT SIZE: 2.15 acres

ZONING DISTRICT: R-E

ZONING ORDINANCE PROVISION: 8-907 and 8-914

SPECIAL PERMIT PROPOSAL: To permit a home professional office and a reduction to minimum yard requirements based on error in building location to permit dwelling to remain 13.6 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-DR-011 for the home professional office subject to the proposed development conditions contained in Appendix 1.

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

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Deborah Hedrick

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

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

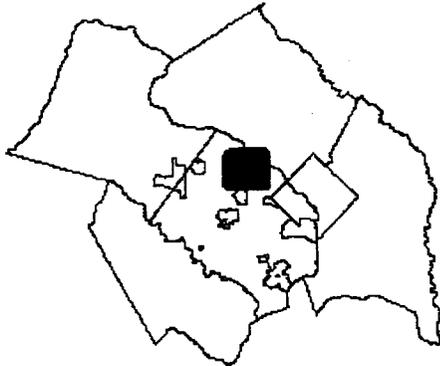
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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

Special Permit
SP 2009-DR-011

Applicant: MONIQUE KRAMER
Accepted: 02/05/2009
Proposed: HOME PROFESSIONAL OFFICE AND A
REDUCTION TO MINIMUM YARD
REQUIREMENTS BASED ON ERROR IN
BUILDING LOCATION TO PERMIT DWELLING
TO REMAIN 13.6 FEET FROM SIDE LOT LINE



Area: 2.15 AC OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 08-0914 08-0907

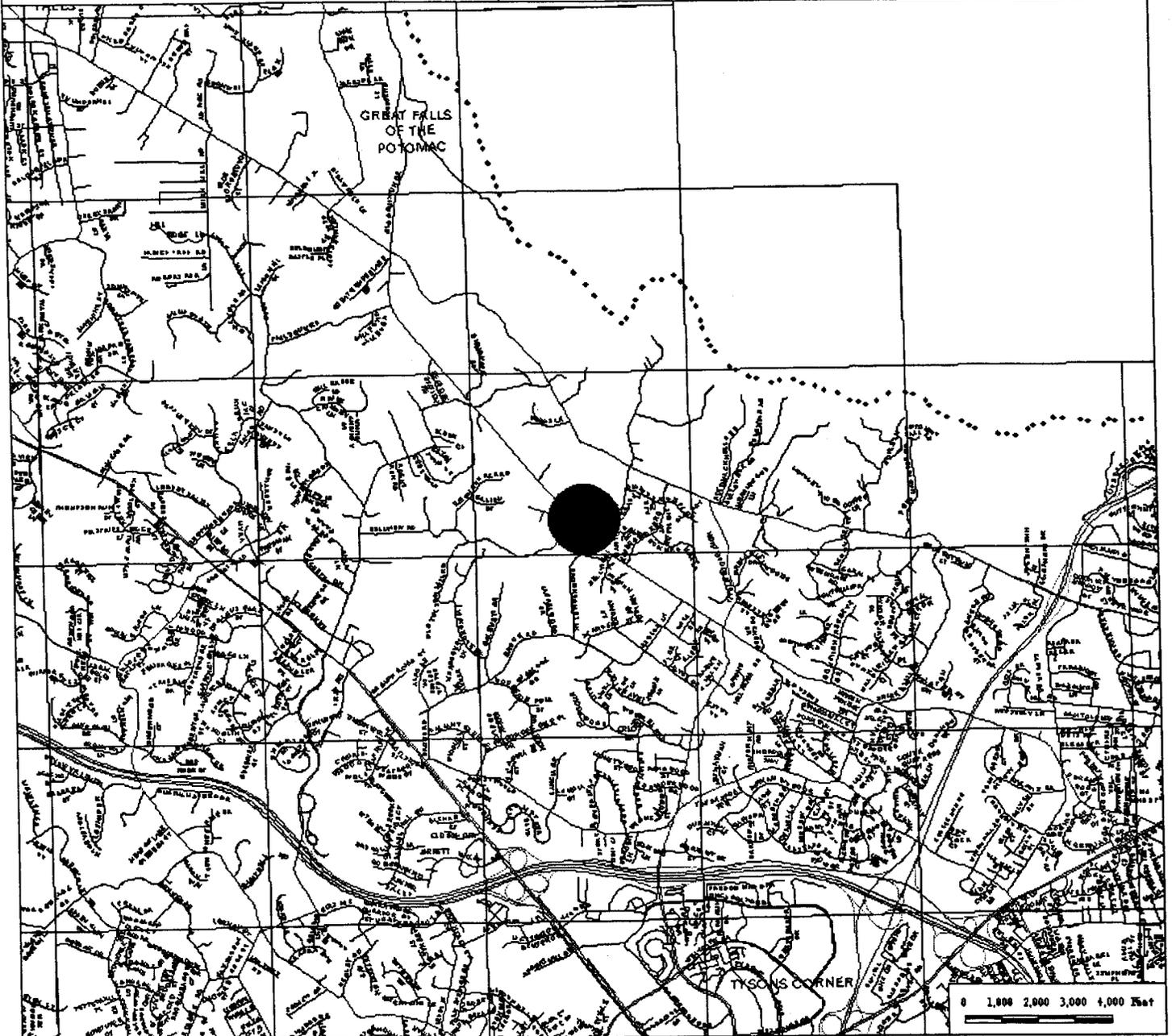
Art 8 Group and Use: 9-13 9-06

Located: 8518 OLD DOMINION DRIVE

Zoning: R- E

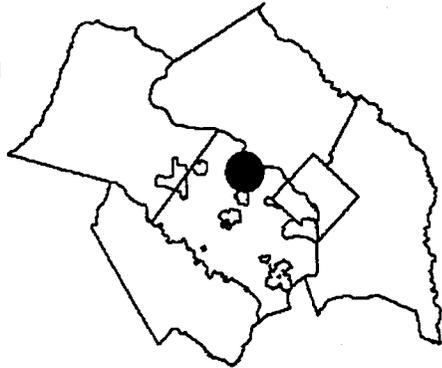
Overlay Dist:

Map Ref Num: 020-1- /01/ /0027A



Special Permit

SP 2009-DR-011



Applicant:
Accepted:
Proposed:

MONIQUE KRAMER
02/05/2009
HOME PROFESSIONAL OFFICE AND A
REDUCTION TO MINIMUM YARD
REQUIREMENTS BASED ON ERROR IN
BUILDING LOCATION TO PERMIT DWELLING
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2.15 AC OF LAND; DISTRICT - DRANESVILLE

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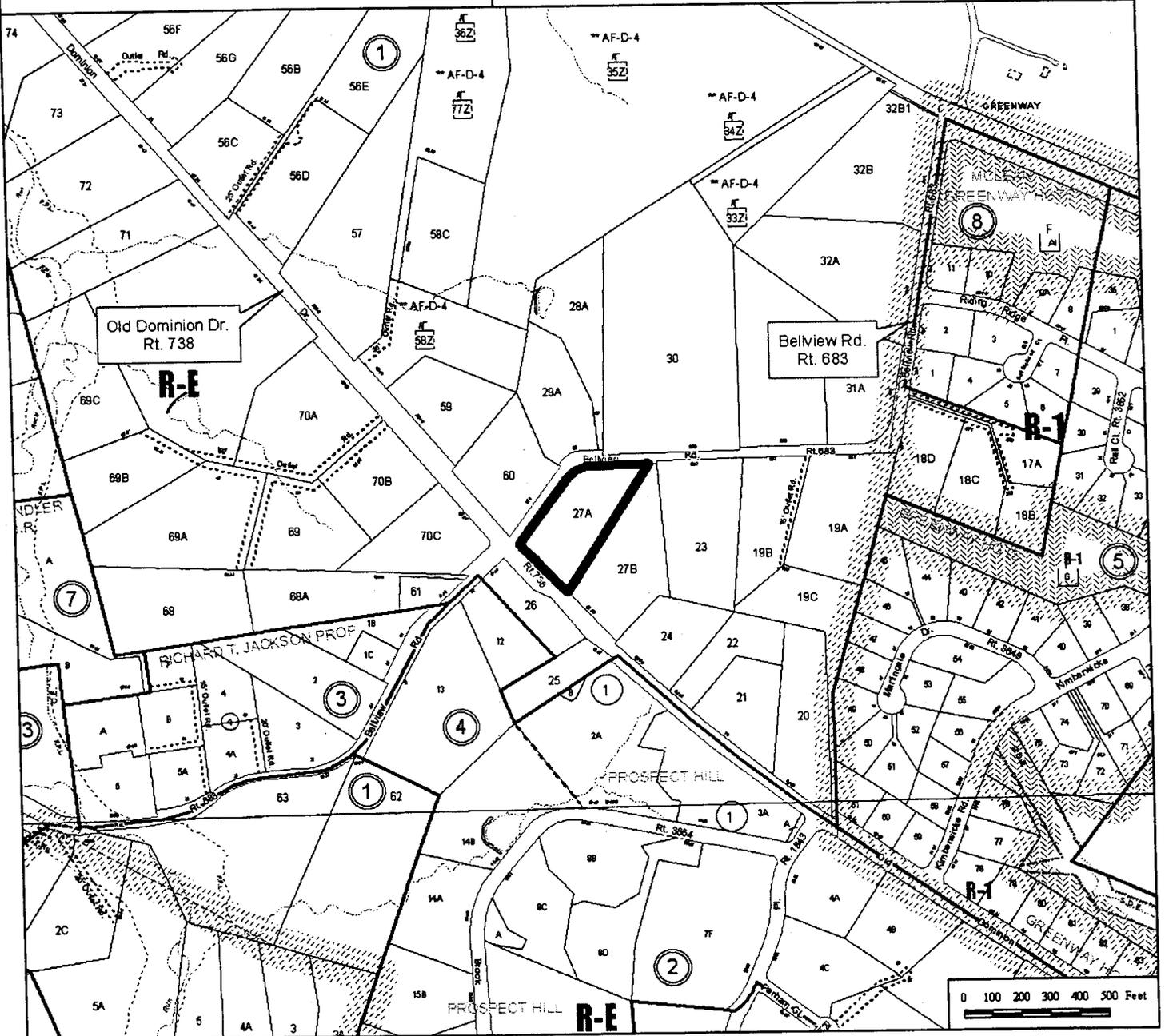
Art 8 Group and Use: 9-13 9-06

Located: 8518 OLD DOMINION DRIVE

Zoning: R- E

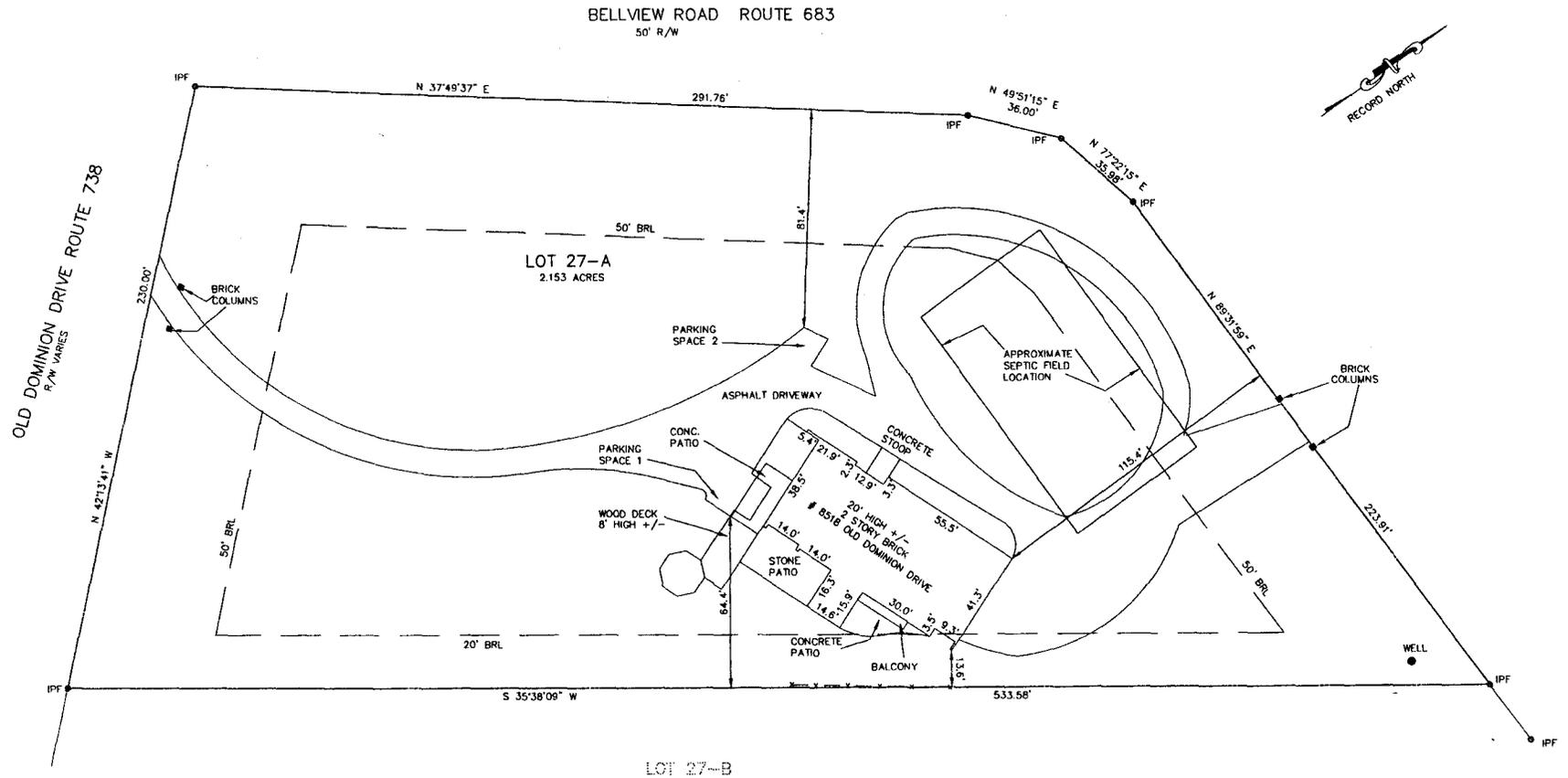
Overlay Dist:

Map Ref Num: 020-1- /01/ /0027A



NOTES:

- 1.) THIS PROPERTY IS ZONED RE
FRONT SETBACK IS 50 FEET
SIDE SETBACK IS 20 FEET
REAR SETBACK IS 25 FEET
- 2.) THIS PROPERTY IS LOCATED ON TAX MAP
20-1-1-27-A.
- 3.) NO TITLE REPORT FURNISHED, THEREFORE
ALL ENCUMBRANCES MAY NOT BE SHOWN.
- 4.) UNDERGROUND UTILITIES OR SUBSURFACE
FACILITIES THAT MAY BE ON THIS PROPERTY
ARE NOT SHOWN.



STEPHEN L. MOORE LAND SURVEYING, INC.
13554 MINNIEVILLE ROAD WOODBRIDGE, VA 22192
(703) 878-6515 FAX: (703) 878-4594

WORK ORDER 2008-0997

Monique Kramer PT PLLC
8518 Old Dominion Dr
McLean VA 22102

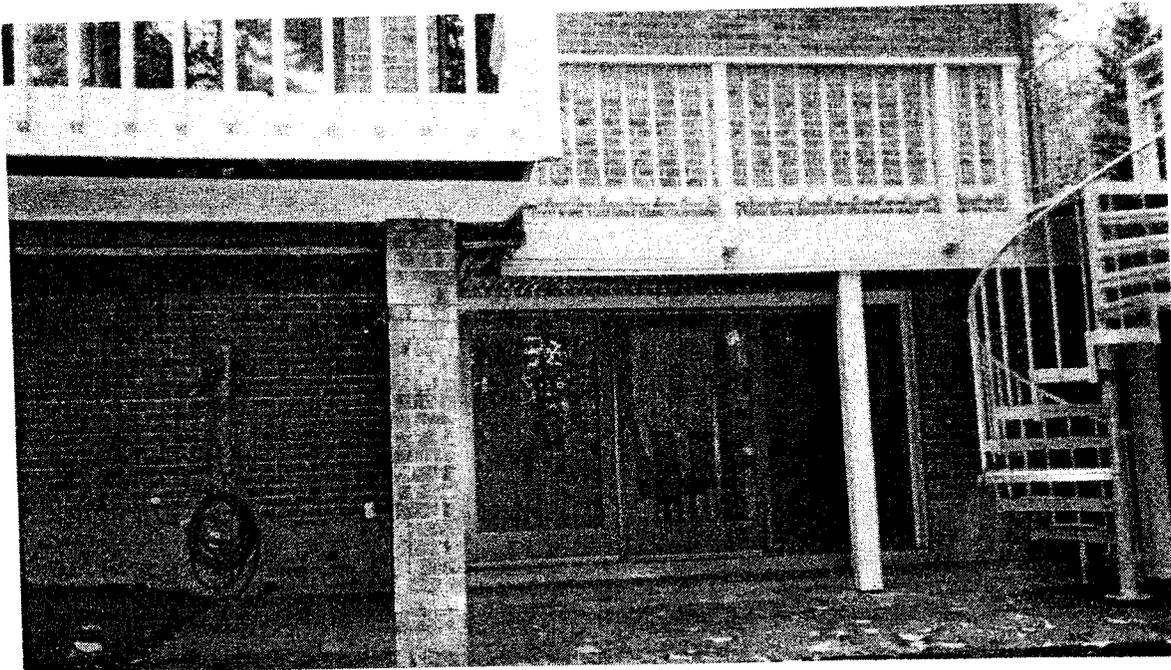
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Department of Planning & Zoning
NOV 24 2008
Zoning Evaluation Division

Photos A, B, C, D, and E are taken from approximately the same location on the property, but with views in various directions.

- A. View of entrance to proposed professional office
- B. View towards a parking space and the property of 8516 Old Dominion Dr. beyond.
- C. View towards other parking space and Bellview Road on Bellview Road properties beyond.
- D. View down driveway towards Old Dominion Dr.

- F. View from start of driveway towards proposed professional office entrance.
- G. View from across Old Dominion towards proposed professional office entrance.
- H. View from 978 Bellview Rd. towards proposed professional office entrance.
- I. View from in front of 978 Bellview Rd. towards proposed professional office entrance.
- J. View from in front of 966 Bellview Rd. towards proposed professional office entrance.
- K. View from property line with 8516 Old Dominion Dr towards proposed professional office entrance.

All photos were taken on 11/5/08.



11/5/08

A view of entrance to proposed office



11/5/08

B view towards parking space #1 and the property of 8516 Old Dominion Dr beyond.

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JAN 27 2009

Zoning Evaluation Division



11/5/08

C view towards parking space #2 ~~at~~ Bellview Rd, and Bellview Rd. properties beyond.



11/5/08

D View down driveway towards Old Dominion Dr.

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JAN 27 2009
Zoning Evaluation



11/5/08

E View of parking space #2



11/5/08

F View from start of driveway at old Dominion Dr. towards proposed professional office entrance

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Department of Planning & Zoning

JAN 27 2009

Zoning Evaluation

Kramer 8518 Old Dominion Dr P4-6



11/5/08

G view from across Old Dominion Dr towards the proposed professional office entrance



11/5/08

H view from across Bellview Rd at 978 Bellview Rd towards proposed professional office entrance

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Department of Planning & Zoning

JAN 27 2009

Zoning Evaluation Division

Kramer 8518 Old Dominion Dr

PS-6



11/5/08

View from in front of 978 Bellview Rd towards proposed professional office entrance



11/5/08

J View from in front of 966 Bellview Rd towards proposed professional office entrance

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Department of Planning
JAN 27 2009
Zoning Evaluation

Kramer 8516 Old Dominion Dr



11/5/08

K View from property line with 8516 Old Dominion Dr towards proposed professional office entrance

RECEIVED
 Department of Planning
 JAN 27 2009
 Zoning Evaluation

DESCRIPTION OF THE APPLICATION

Special Permit Request: To permit a home professional office for pediatric physical therapy.

Parking: 2 spaces provided for the requested use
3 car garage spaces provided for the dwelling

Building Size: Residential Use: 4,375 square feet
Proposed Office: approximately 508 square feet

Office Hours: Monday through Friday: 10:00 am – 5:00 pm

Employees: One: The applicant will be the only employee.

The applicant also requests approval of a special permit to permit reduction to minimum yard requirements based on error in building location to permit the existing dwelling to remain 13.6 feet from the eastern side lot line.

	Yard	Min. Yard Req.*	Permitted Extension	Min. Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit	Side	20 feet	None	20.0 feet	13.6 feet	6.4 feet	32 %

* Minimum yard requirement per Section 3-107

EXISTING SITE DESCRIPTION

The 2.15 acre site is currently developed with a two story brick single family detached dwelling. The corner lot is heavily wooded and has two separate driveway entrances, one off Old Dominion Drive and the other off Bellview Road. The site is heavily wooded with ample existing mature vegetation. The lot is a flat lot with the dwelling situated toward the western side lot line.

CHARACTER OF SURROUNDING AREA

Direction	Use	Zoning	Plan
North	Single family detached dwellings	R-E	Residential, .2-.5 du/ac
South	Single family attached dwellings	R-E	Residential, .2-.5 du/ac
East	Single family detached dwellings	R-E	Residential, .2-.5 du/ac
West	Single family attached dwellings	R-E	Residential, .2-.5 du/ac

BACKGROUND

The two story dwelling was constructed in 1979 with an addition constructed in 1988. The applicant purchased the property in November 1999. County records indicate that a building permit was approved to permit construction of a two story addition with a right side yard of 20 feet; however, an approved plat associated to the building permit was not located within the records. The approved building permit is attached as Appendix 4.

Although it has been determined that the addition has been taxed for at least 15 years and is considered not illegal, it can not be expanded or replaced in the future. Therefore, the applicant wishes to proceed with the error in building location to permit the addition to remain 13.6 feet from the side lot line.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area II

Planning Sector: Mclean Planning District, M6 – Spring Hill

Plan Map: Residential use at .2 - .5 dwelling units per acre (.2-.5 du/ac)

ANALYSIS

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

Title of SP Plat: Lot 27-A, Lucius Kingman, Deed Book 4963, Page 23

Prepared By: Stephen L. Moore Land Surveying, Inc.

Dated: January 22, 2009

Proposed Use

The applicant is requesting approval of a special permit for a home professional office to offer pediatric physical therapy. The 2.15 acre site is developed with a two story brick, 4,375 square foot single family detached dwelling. The office will be located in the basement which has a separate ground floor entrance on the west side of the house, which faces Old Dominion Drive. The proposed office use will consist of approximately 508 square feet, or approximately 9 percent of the total square footage of the dwelling. The applicant is proposing two (2) parking spaces for her clients, which are located on the west side of the dwelling, shown on the plat as Parking Space 1 and Parking Space 2. The applicant is the only employee proposed and has parking available in the home's existing three (3) car garage. The applicant proposes approximately 20 clients per week, with no more than one patient on site at a time. The proposed hours of operation are from 10:00 a.m. to 5:00 p.m. Monday through Friday. Patients will enter from the existing walkout basement door. No changes are proposed to the exterior of the house.

The applicant also proposes a special permit to permit a reduction in minimum yard requirements based on an error in building location to permit the existing dwelling to remain 13.6 feet from the eastern side lot line.

Land Use Analysis

The site has been designated for residential uses at a density of .2 - .5 du/ac in the Comprehensive Plan. There are no land use issues with is application. Additionally, no environmental or transportation issues have been identified for the use.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (Appendix 5)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Additional Standards for Home Professional Offices (Sect. 8-907)
- Reduction to Minimum Yard Requirements Based on Error in Building Location (Sect. 8-914)

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with adoption of the proposed development conditions.

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix.

RECOMMENDATIONS

Staff recommends approval with the adoption of the Proposed Development Conditions in Appendix 1.

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

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. Affidavit
3. Statement of Justification
4. Approved Building Permit History
5. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-DR-011****April 28, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-DR-011 located at Tax Map 20-1 ((1)) 27A to permit a home professional office and building in error pursuant to Sects. 8-907 and 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Monique Kramer, and is not transferable without further action of this Board, and is for the location indicated on the application, 8518 Old Dominion Drive, and is not transferable to other land.
2. This special permit is granted only for the purposes, structures and/or uses, including the dwelling 13.6 feet from the eastern side lot line, as indicated on the special permit plat prepared by Stephen L. Moore Land Surveying, Inc., dated January 22, 2009, approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. Appointments shall be scheduled so that there is a maximum of one (1) patient on site at any one time, and there shall be a minimum of fifteen (15) minutes between the end of one appointment and the commencement of the next. The maximum number of patients shall be limited to four (4) daily.
6. The maximum hours of operation of the home professional office shall be limited to 10:00 a.m. to 5:00 p.m., Monday through Friday.
7. A sign shall be posted at the entrance to the home professional office to prevent solicitations. Notwithstanding what is shown on the plat, no other signs shall be permitted on site.

8. The dwelling that contains the home professional office shall be the primary residence of the applicant.
9. Two (2) parking spaces shall be provided in the asphalt driveway for patients, depicted on the plat as Parking Space 1 and Parking Space 2.
10. The area utilized for the home professional office shall not exceed 508 square feet.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for establishing the use as outlined above, and this special permit shall not be valid until this has been accomplished.

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 as outlined above. The Board of Zoning Appeals may grant additional time to establish the use 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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/18/08
(enter date affidavit is notarized)

Monique Kramer, 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

102858

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

(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Monique Kramer	8518 Old Dominion Dr McLean VA 22102	Applicant/Title owner
Robert O. Kramer	8518 Old Dominion Dr McLean VA 22102	title owner

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

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

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/18/08
(enter date affidavit is notarized)

102858

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)

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)

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 and 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: 11/18/08
(enter date affidavit is notarized)

102858

(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: 11/18/08
(enter date affidavit is notarized)

102858

(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: 11/18/08
(enter date affidavit is notarized)

102858

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

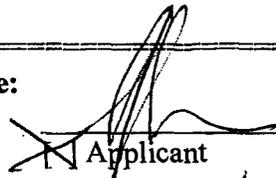
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(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:

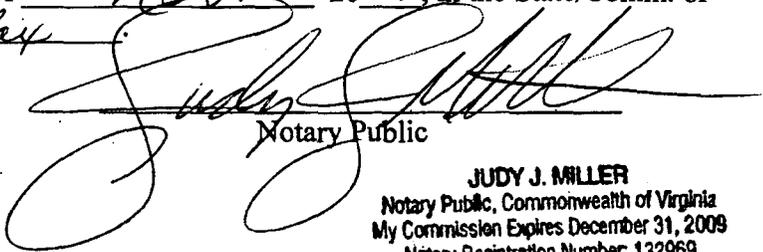
(check one)



Applicant [] Applicant's Authorized Agent

Monique L. Kramer applicant/titleowner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18th day of Nov. 2008, in the State/Comm. of Virginia (County) City of Fairfax.


Notary Public

My commission expires: _____

JUDY J. MILLER
Notary Public, Commonwealth of Virginia
My Commission Expires December 31, 2009
Notary Registration Number: 132969

Monique Kramer PT PLLC

8518 Old Dominion Dr

Mclean, VA 22102

- A. The proposed type of operation is a Pediatric Physical Therapy Office.
- B. The hours of operation will be 10 am to 5 pm Monday through Friday.
- C. The estimated number of clients will be no more than 4 per day with only one client on location at a time because 15 minutes time is needed between appointments to write notes, clean toys, and set up for the next client.
- D. No other employees are proposed.
- E. There will be negligible traffic impact since, at a maximum, 20 cars per week, Monday through Friday, will drive to the property on Old Dominion Dr. Since currently the clients are serviced in their homes, with me driving from the proposed property to the respective client, the number of trips made between my property and each client will not increase, therefore not adding any traffic on Old Dominion Dr. The property is directly on a main through road, thus not affecting quiet streets and neighborhood.
- F. This proposed office will allow the pediatric population in surrounding Fairfax County neighborhoods to receive physical therapy in an office setting, rather than their homes. The property is at an ideal location, within 5 minutes of major roadways such as the Dulles Access Rd, Route 7 and the Beltway, making the property accessible to nearby neighborhoods, but without impacting traffic on minor roadways.
- G. No new buildings or additions are proposed.
- H. No hazardous or toxic substances will be generated, utilized, stored, treated, and/or disposed of on the site.
- I. The proposed office conforms to the provisions of all applicable ordinances, regulations, adopted standards and applicable conditions, without need of any variances. The office has the exterior appearance of a single family detached dwelling. It is a contemporary wood and brick siding home set on a 2 acre wooded lot. The office entrance, driveway, and parking spaces are barely visible from all neighbor's homes, yards, and driveways. The structure is the domicile of the applicant and her family. Because of its isolated setting and the negligible impact on surrounding traffic, the proposed office will not disrupt the residential character of the area.

Monique Kramer
8518 Old Dominion Dr
McLean VA 22102

PI of 2
RECEIVED
Department of Planning & Zoning
JAN 27 2009
Zoning Evaluation Division

Remedy of submission requirements deficiencies

Item 1.00

4 copies of revised application are enclosed.

Item 3.00

Printed and labeled photos are enclosed.

Item 5.00

The proposed office will be located in the basement of 8518 Old Dominion Dr. The basement has a separate ground floor entrance on the west side of the house which faces Old Dominion Dr. The prospective client will access the property via the driveway on Old Dominion, park in one of the 2 parking spaces on the west side of the house and enter the office through the ground floor door. The Old Dominion Dr. driveway, the two client parking spaces, and office entrance are barely visible from the neighboring properties. The total square footage of the office will be 508 square feet. (House is 4375 sq ft above grade)

Item 7.00

Enclosed is a 8 ½" x 11" reduction of the special permit plat.

Item 911.11

All plats are signed and sealed by the professional person certifying the plat.

Item 912.00

I was not aware of any error in building location when I purchased the property of 8518 Old Dominion Drive, in good faith in November 1999. I was only notified of this error by the Fairfax County Department of Planning and Zoning in December 2008, after applying for a special permit for a home professional office. The noncompliance was no fault of mine, as the error in building location occurred prior to my ownership of the property. I have no information on how to contact the former owner.

This error is not detrimental to the use and enjoyment of other property in the immediate vicinity since an eight foot fence and privacy trees run along this portion of the side lot line. This error of building location does not create an unsafe condition for others as it is not located near dwellings of other properties or public streets. My intended use of the property of a home professional office has no relationship to this error, since the office, parking spaces, and client access from Old Dominion Dr. are at opposite sides of the property. To force compliance would cause unreasonable hardship for the owner, for removing or moving the existing structure would be too costly. This error will not result in an increase in density of floor area ratio from that permitted by the applicable zoning district regulation.

Item 1.00

All plats are signed and sealed by the professional person certifying the plat.

1.07

No signs will be placed on the property or on the street near the driveway entrance.

1.13

Two parking spaces solely for clients exist directly on the property. They are located on the west side of the house near the entrance to the proposed home office as shown on the plat as Parking space 1 and Parking space 2. The spaces are barely visible from surrounding properties. Parking space 1 is 64.4 feet from the property line with 8516 Old Dominion Dr and parking space 2 is 81.4 feet from the property line on Bellview Rd .

1.14

Two parking spaces will be provided directly on the property. This is a sufficient number of parking spaces to accommodate the greatest number of clients/employees at one time since only one client will visit at a time and there are no employees other than the homeowner. The homeowner has ample parking in a 3 car garage and on the driveway on the east side of the house.

1.36

There are no trails located this property.

1.37

There is no grave, object or structure marking a place of burial on this property.

1.38

All revised plats are signed, sealed and dated by a land surveyor.

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.

8-907 Additional Standards for Home Professional Offices

1. The premises shall have the exterior appearance of a single family detached dwelling.
2. The structure shall be the domicile of the principal practitioner and his family.
3. Additional professionals and assistants may be involved in the operation, provided that the total number of persons, whether paid or voluntary, involved in the operation shall not exceed four (4); except that on a lot of two (2) or more acres, the total number of persons shall not exceed six (6).
4. In consideration of an application for a permit, the BZA shall review all non-residential uses within the area, and shall determine that such use, together with all other non-residential uses, does not constitute sufficient non-residential activity as might modify or disrupt the predominantly residential character of the area.
5. Notwithstanding the provisions of Sect. 014 above, home professional offices approved prior to January 24, 1977 may be renewed for one five (5) year period under the ordinances in effect at the time the permit was originally granted, provided that the principal user is the same as the one who originally received the special permit. Thereafter, any renewal shall be subject to the provisions of this Ordinance.

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.