



County of Fairfax, Virginia

May 5, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-HM-014

HUNTER MILL DISTRICT

APPLICANTS/OWNERS: Courtney G. Filer
Brian C. Filer

STREET ADDRESS: 13469 Lake Shore Drive

SUBDIVISION: Spring Lake Estates West

TAX MAP REFERENCE: 25-1 ((9)) 46

LOT SIZE: 8,775 square feet

ZONING DISTRICT: R-3 (Cluster)

ZONING ORDINANCE PROVISION: 8-914 and 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit deck to remain 3.2 feet from a side lot line and to permit reduction of certain yard requirements to permit construction of an addition 22.1 feet from the rear lot line and 11.6 feet from a side lot line such that side yards total 19.3 feet.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-HM-014 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 the provisions of any applicable ordinances, regulations, or adopted standards.

O:\dhedr\Special Permits\5-12) SP 2009-HM-014 Filer\SP 2009-HM-014 Filer staff report.doc

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.

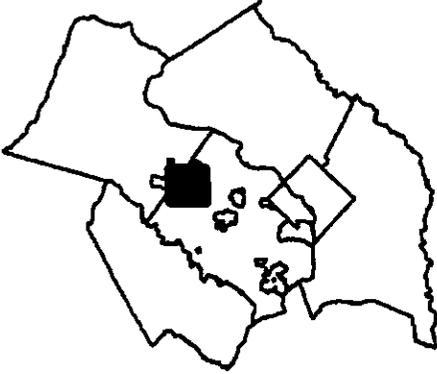
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**



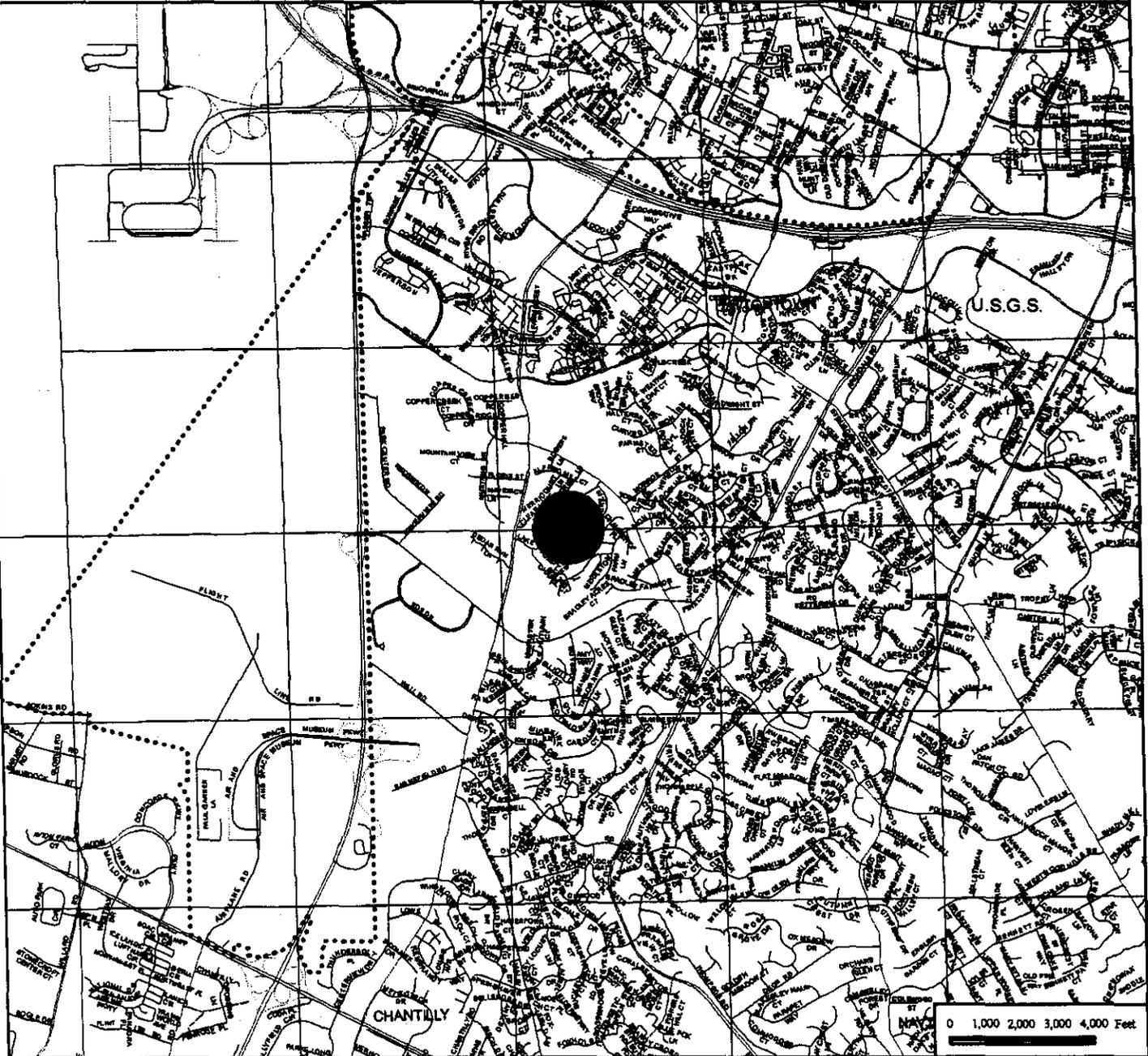
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2009-HM-014



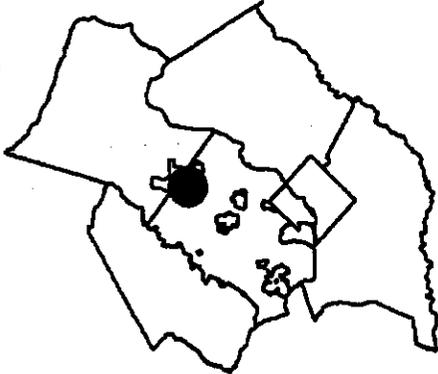
Applicant: COURTNEY G. FILER & BRIAN C. FILER
Accepted: 03/04/2009
Proposed: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DECK TO REMAIN 3.2 FT. FROM SIDE LOT LINE AND TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 22.1 FT. FROM REAR LOT LINE AND 11.6 FT. FROM SIDE LOT LINE SUCH THAT SIDE YARDS TOTAL 19.3 FT.

Area: 8,775 SF OF LAND; DISTRICT - HUNTER MILL
Zoning Dist Sect: 08-0914 08-922
Art 8 Group and Use: 9-13 9-21
Located: 13469 LAKE SHORE DRIVE
Zoning: R-3
Map Ref Num: 025-1- /09/ /0046



Special Permit

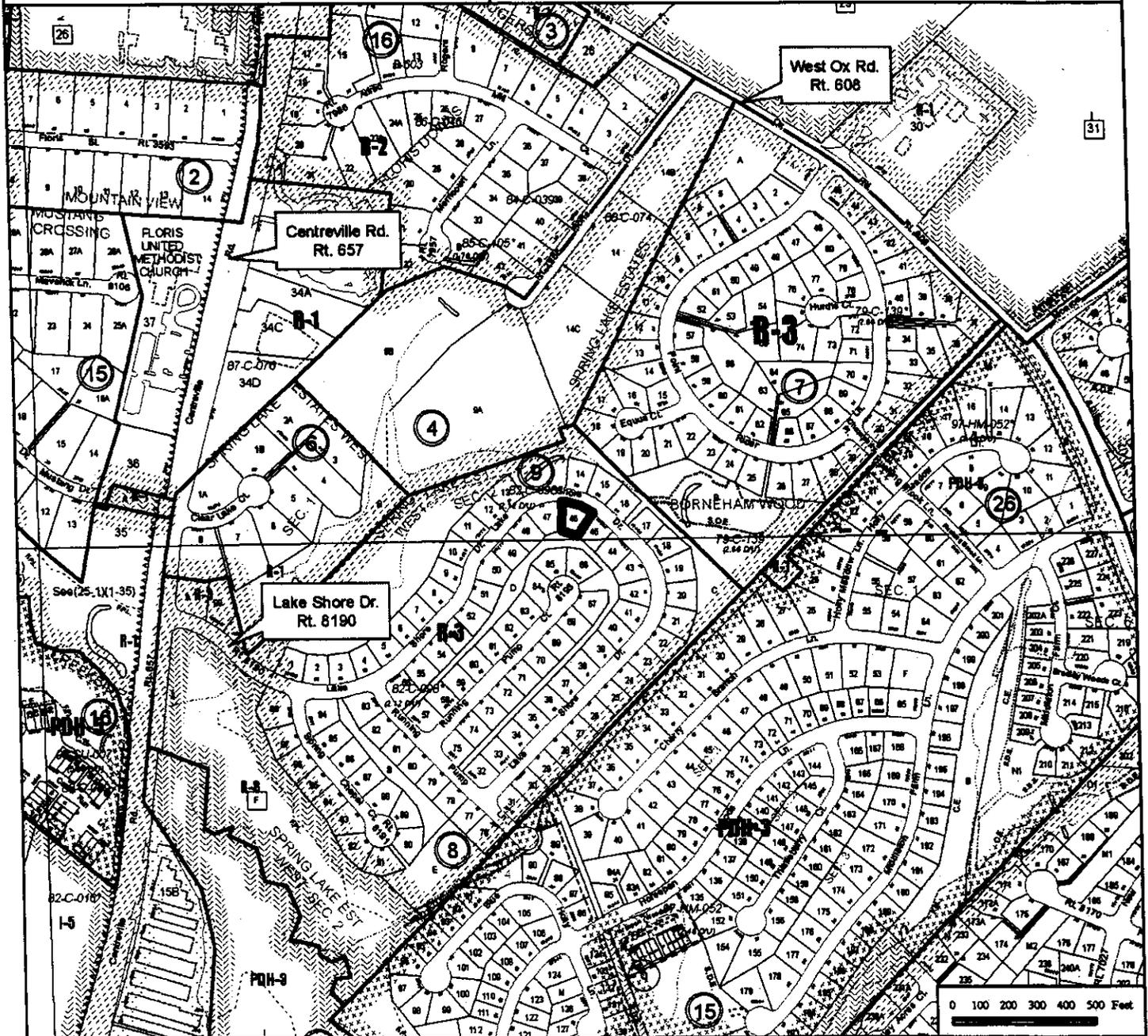
SP 2009-HM-014



Applicant:
Accepted:
Proposed:

COURTNEY G. FILER & BRIAN C. FILER
03/04/2009
TO PERMIT REDUCTION TO MINIMUM YARD
REQUIREMENTS BASED ON ERROR IN
BUILDING LOCATION TO PERMIT DECK TO
REMAIN 3.2 FT. FROM SIDE LOT LINE AND
TO PERMIT REDUCTION OF CERTAIN YARD
REQUIREMENTS TO PERMIT CONSTRUCTION
OF ADDITION 22.1 FT. FROM REAR LOT
LINE AND 11.6 FT. FROM SIDE LOT LINE
SUCH THAT SIDE YARDS TOTAL 19.3 FT.

Area: 8,775 SF OF LAND; DISTRICT - HUNTER MILL
Zoning Dist Sect: 08-0914 08-922
Art 8 Group and Use: 9-13 9-21
Located: 13469 LAKE SHORE DRIVE
Zoning: R- 3
Map Ref Num: 025-1- /09/ /0046



NOTES

1. TAX MAP: 025-1-05-0046
2. ZONE: R-3 CLUSTER PER RZ 82-C-098 (SEE CASE FILE)
3. LOT AREA: 6,773 SQUARE FEET
4. MINIMUM REQUIRED YARDS:

FRONT:	=	20 FEET
SIDE:	=	5 FEET, BUT A TOTAL MINIMUM OF 20 FEET
REAR:	=	25 FEET
5. HEIGHTS:

DWELLING:	=	23 FEET
FENCES:	=	3.7 FEET
PROPOSED ADDITION:	=	14 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS NOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY BASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAINS, FLOOD HAZARD AREAS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. FLOOR AREAS (BASED IN PART ON EXTERIOR WALL DIMENSIONS) EXISTING DWELLING: 2,364 SQUARE FEET
 PROPOSED ADDITION: 264 SQUARE FEET
 FLOOR AREA OF ADDITION EQUALS 11% OF THE EXISTING FLOOR AREA

PLAT

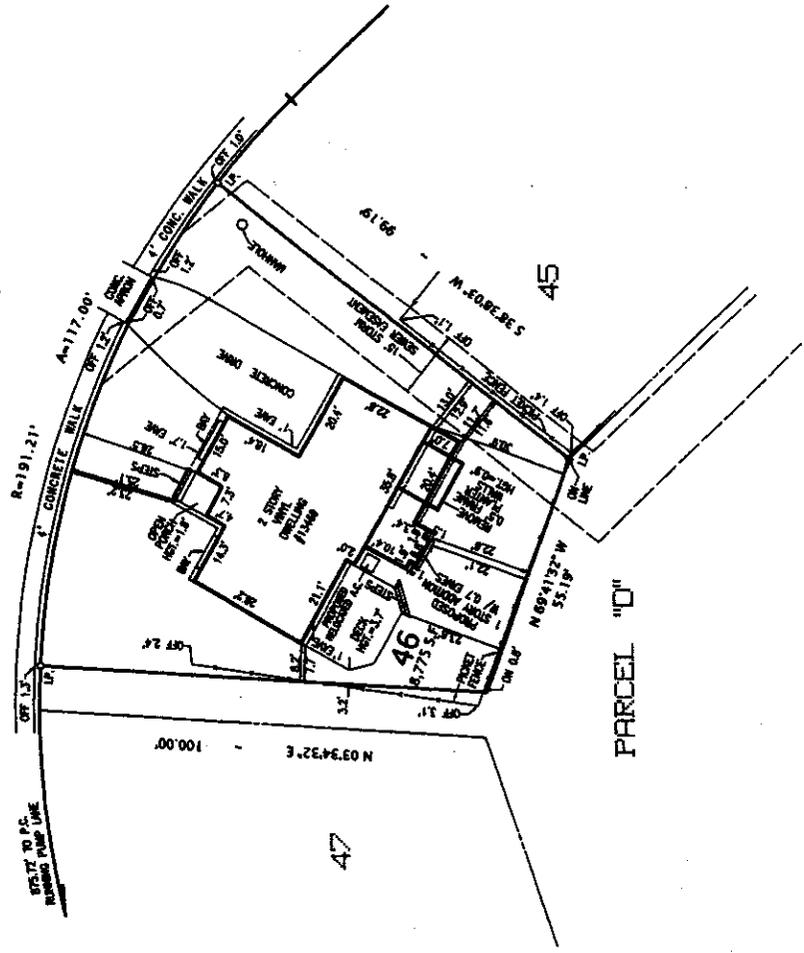
SHOWING HOUSE LOCATION ON
 LOT 46 SECTION TWO

SPRING LAKE ESTATES WEST

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 20'
 AUGUST 19, 2008
 SEPTEMBER 17, 2008 (REVISED NOTES)
 JANUARY 20, 2009 (ADDED NOTE 11)

LAKE SHORE DRIVE
 ROUTE 8180 50' R/W

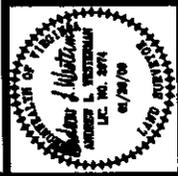


PARCEL "D"

CASE NAME:

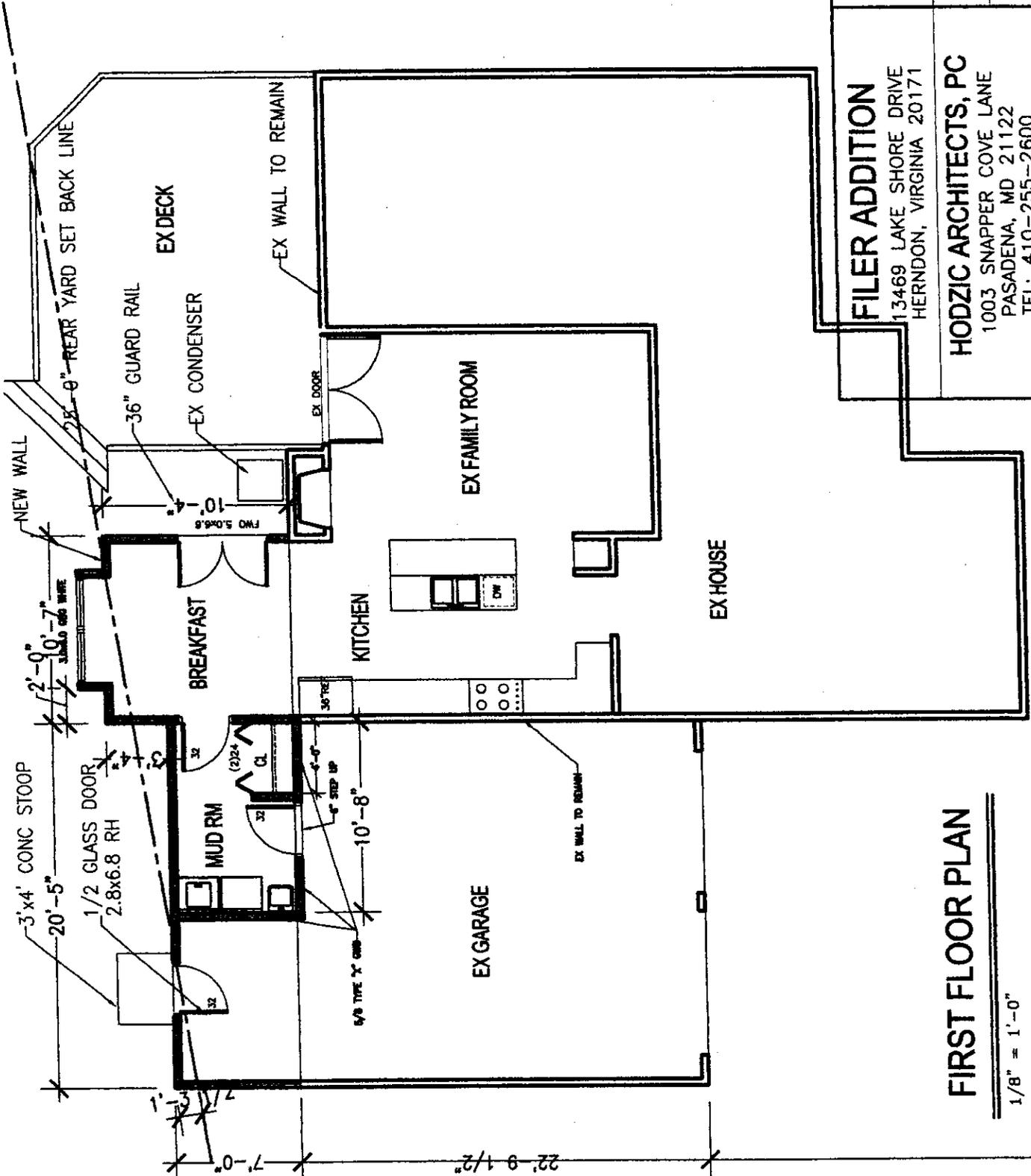
FILER:

GRAPHIC SCALE:



BY PERMISSION OF THE FEDERAL GOVERNMENT, THIS DOCUMENT IS IN THE PUBLIC DOMAIN AND IS FREELY AVAILABLE TO THE PUBLIC.
 I HEREBY CERTIFY THAT THE PRESENCE OF ALL THE ABOVE LISTED ITEMS AND THE CORRECT MEASUREMENTS OF THE SAME ARE THE BASIS OF THIS SURVEY AND ARE THE BASIS OF THE PUBLIC RECORD.

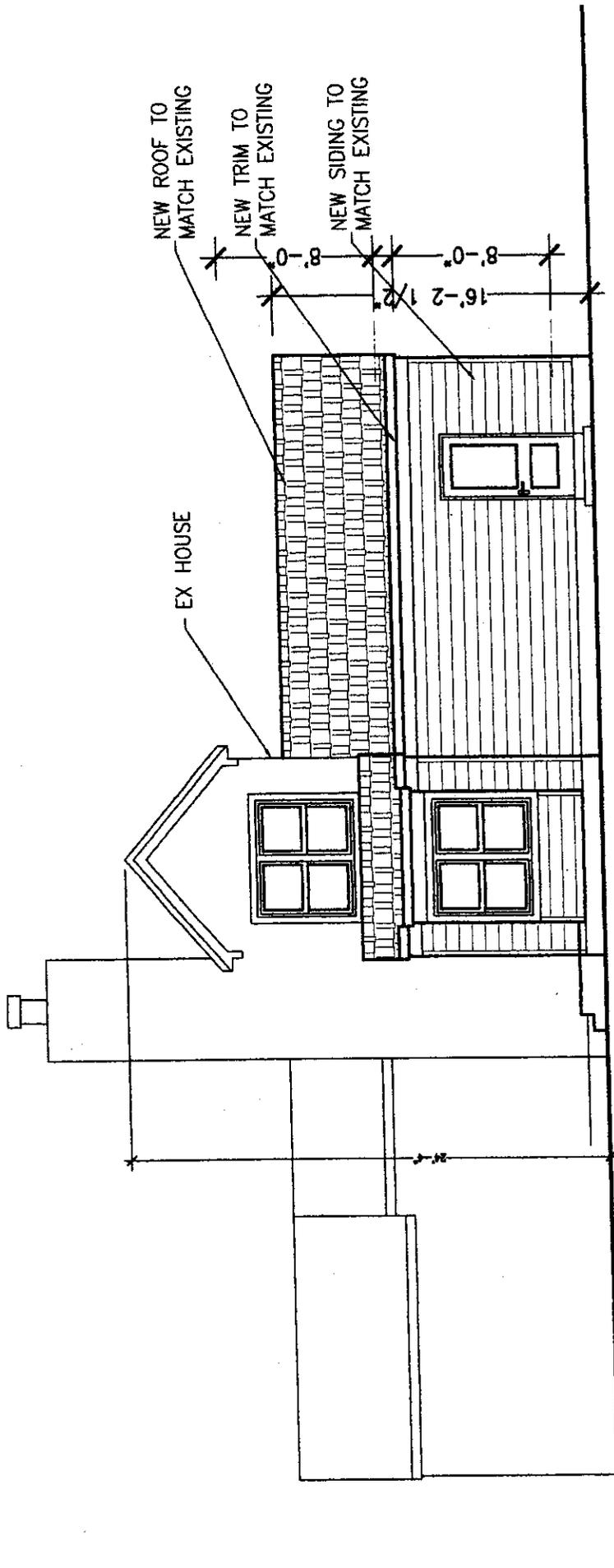
ALEXANDRIA SURVEYS INTERNATIONAL, LLC
 6210 NORTH BRIDGE HIGHWAY ALEXANDRIA, VIRGINIA 22304
 TEL. NO. 703-468-6815 FAX. NO. 703-468-7274



FIRST FLOOR PLAN

1/8" = 1'-0"

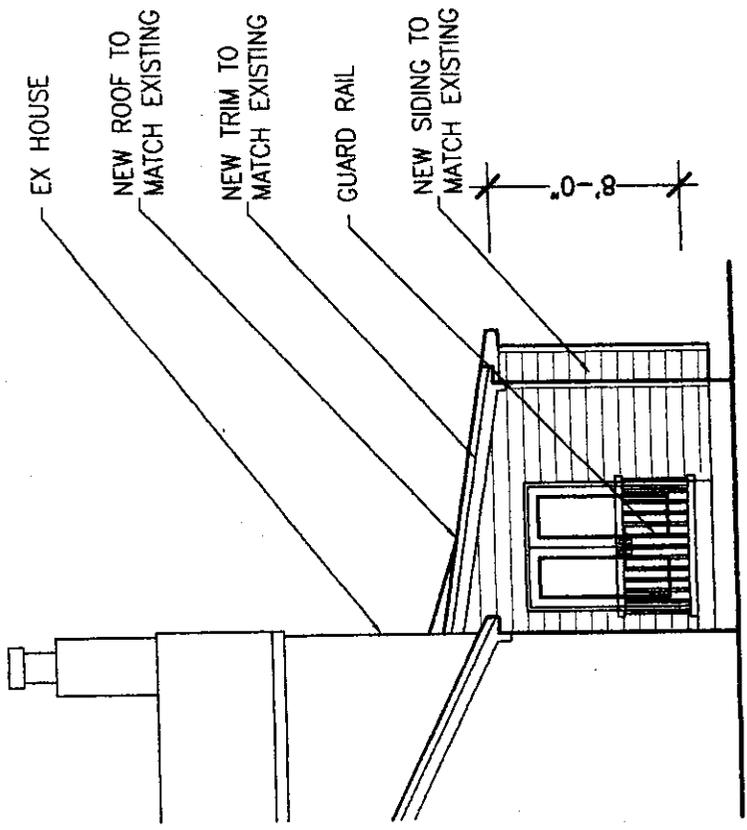
FILER ADDITION	0840
13469 LAKE SHORE DRIVE HERNDON, VIRGINIA 20171	PROJECT NO.
HODZIC ARCHITECTS, PC	SP-1
1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600	DATE: 11/20/08



REAR ELEVATION

1/8" = 1'-0"

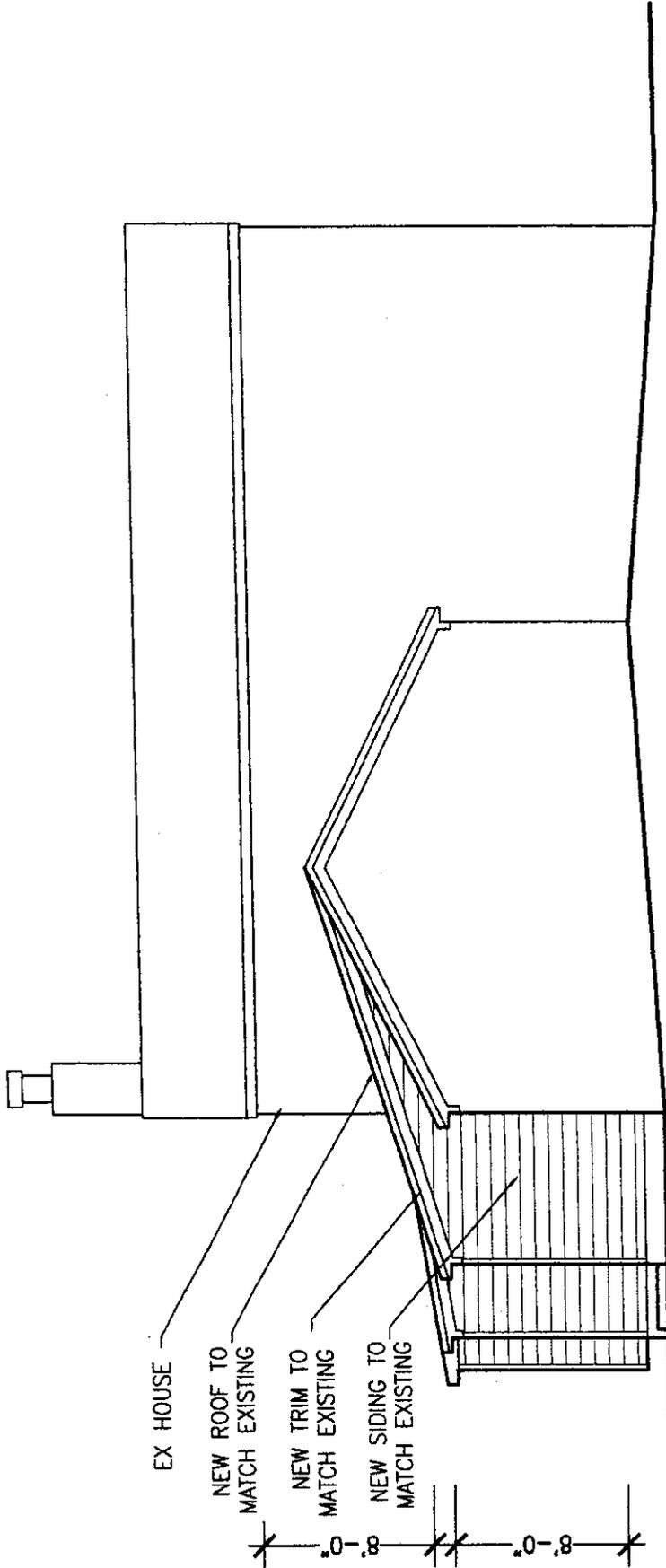
<p>0840 PROJECT NO.</p>	<p>FILER ADDITION 13469 LAKE SHORE DRIVE HERNDON, VIRGINIA 20171</p>
<p>SP-2</p>	<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>
<p>DATE: 11/20/08</p>	



LEFT SIDE ELEVATION

1/8" = 1'-0"

<p>FILER ADDITION 13469 LAKE SHORE DRIVE HERNDON, VIRGINIA 20171</p>	<p>0840 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	<p>SP-3 DATE: 11/20/08</p>



REAR ELEVATION

1/8" = 1'-0"

<p>0840 PROJECT NO.</p>	<p>FILER ADDITION 13469 LAKE SHORE DRIVE HERNDON, VIRGINIA 20171</p>
<p>SP-4</p>	<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>
<p>DATE: 11/20/08</p>	



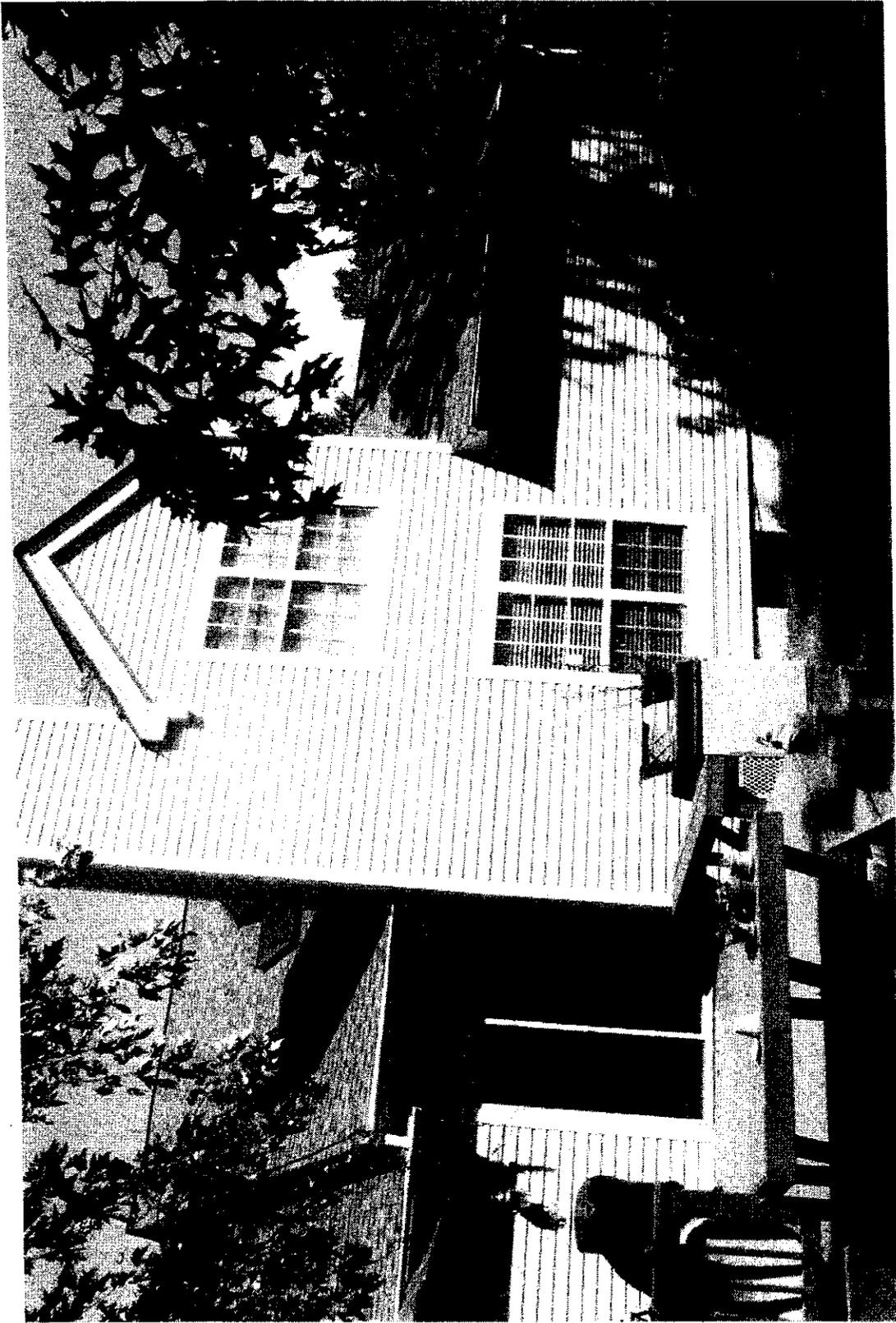
1. FRONT VIEW OF THE HOUSE



2. LEFT SIDE OF THE HOUSE



3. BACK YARD



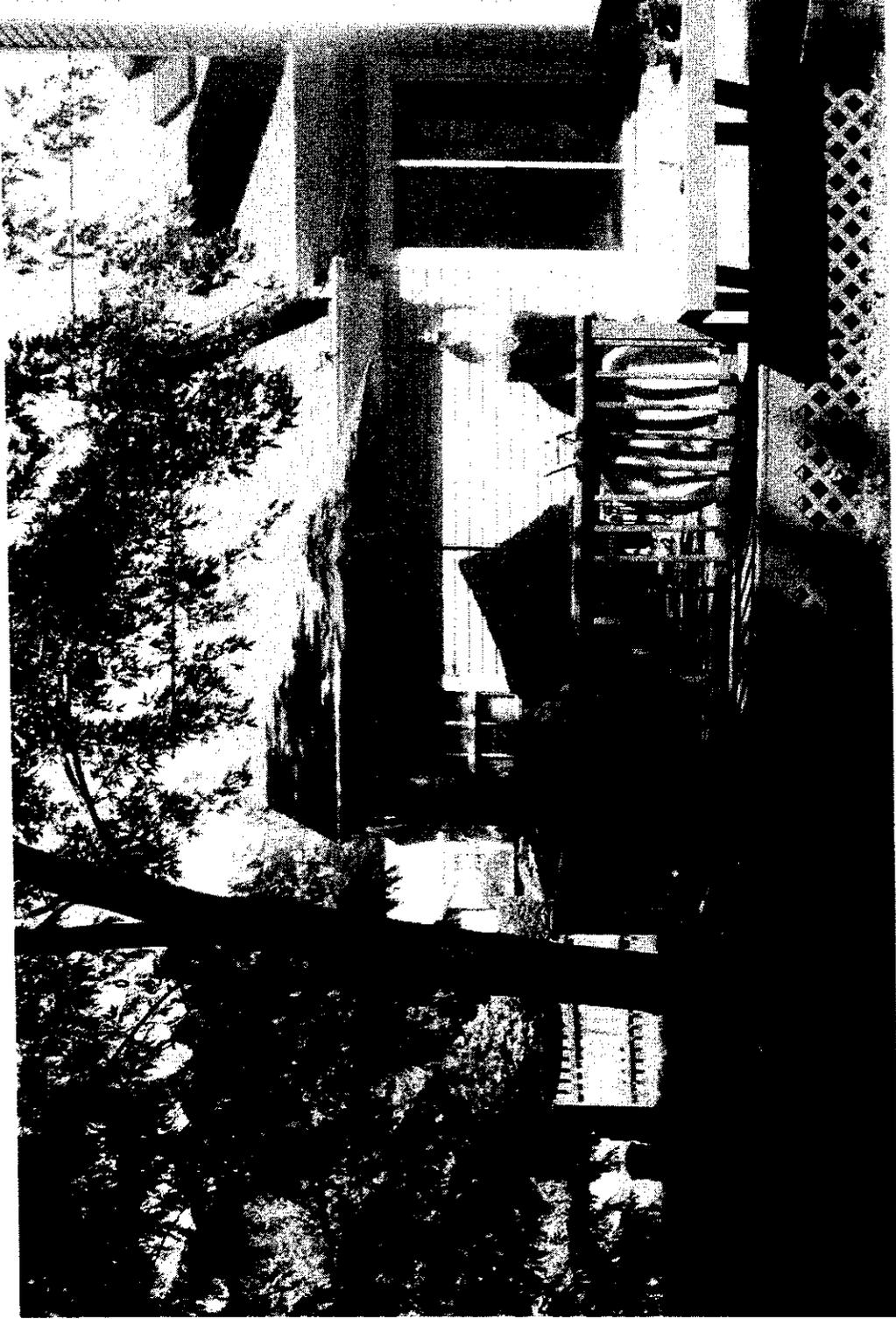
4. REAR VIEW OF THE HOUSE



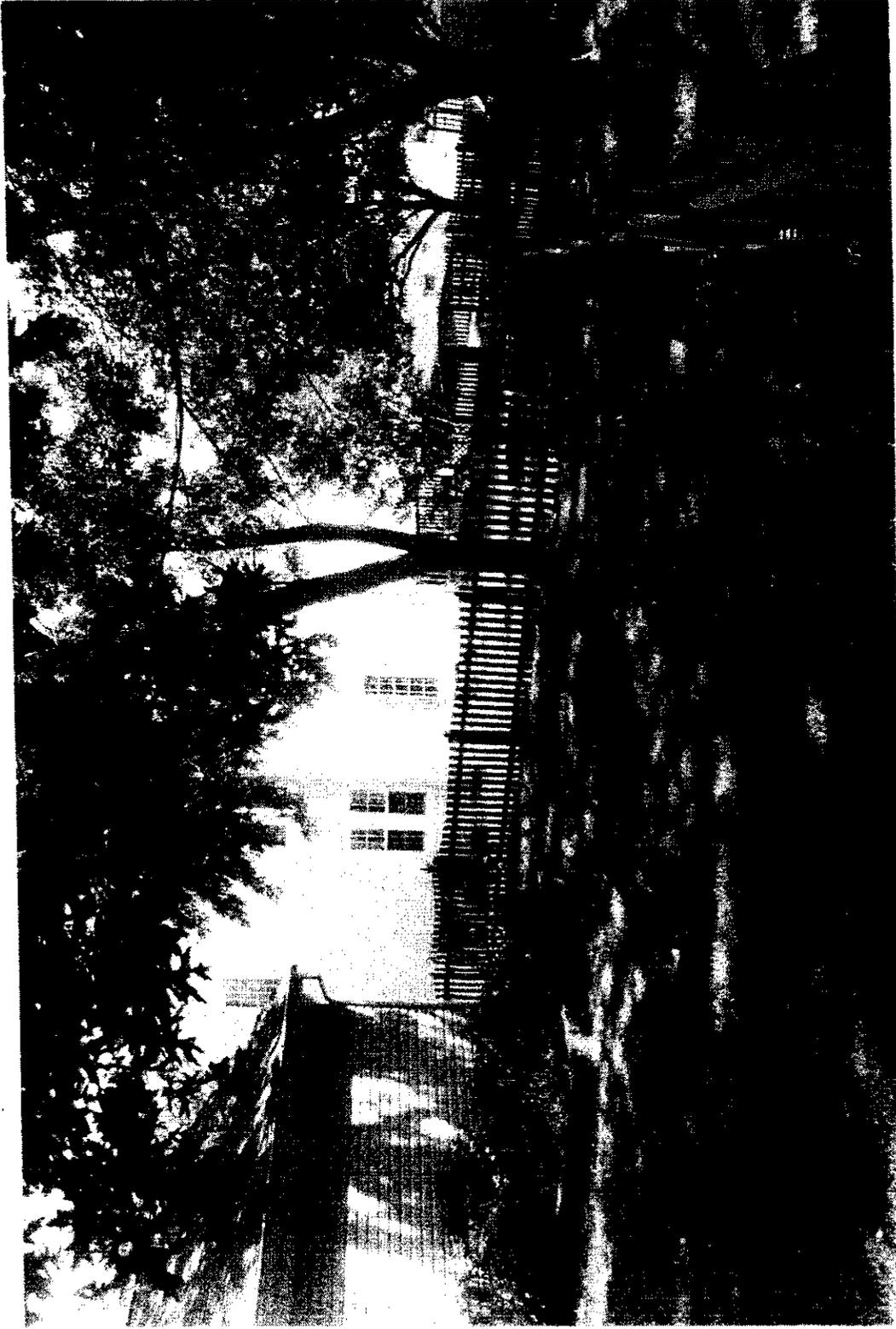
5. RIGHT SIDE OF THE HOUSE



6. BACK YARD LEFT SIDE



7. BACK YARD DECK



8. BACK YARD RIGHT SIDE

DESCRIPTION OF THE APPLICATIONS

The applicants request a special permit to permit reduction to minimum yard requirements based on error in building location to permit an existing deck to remain 3.2 feet from the western side lot line.

Description of Error

	Structure	Yard	Min. Yard Req.*	Permitted Extension	Min. Yard Permitted	Structure Location	Amount of Error	Percent of Error
Special Permit	Deck	Western Side	8.0 feet	3.0 feet	5.0 feet	3.2 feet	1.8 feet	36%

*Minimum yard requirement per Section 2-412

The applicants also request a special permit to permit reduction of certain yard requirements to permit construction of a one story addition 22.1 feet from the rear lot line and 11.6 feet from the eastern side lot line such that side yards total 19.3 feet. The addition meets the minimum side yard of 8.0 feet; however, does not meet the total side yards of 20.0 feet.

Description of Reduction

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Rear	25.0 feet	22.1 feet	2.9 feet	12%
Special Permit	Addition	Total Side Yards	20.0 feet	19.3 feet Total	0.7 feet	4%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The site is currently zoned R-3, is developed under the Cluster regulations, and contains a single family detached dwelling built in 1987. The lot consists of 8,775 square feet and is surrounded by single family detached dwellings on all lot lines. Spring Lake Estates West Homeowners open space is located to the south and a small portion of land also separates the subject property from Lot 47 to the west. The dwelling is situated in the center of the lot, which narrows toward the rear yard. The lot is a flat lot with existing mature vegetation around the rear property line, on the homeowners association property.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3 Cluster	Single Family Detached Dwellings
East	R-3 Cluster	Single Family Detached Dwellings
South	R-3 Cluster	Private Open Space – Spring Lake Estates West Homeowners Association
West	R-3 Cluster	Single Family Detached Dwellings

BACKGROUND

The property was subject to rezoning RZ 82-C-098, approved on July 11, 1983, to rezone from the R-1 to the R-3 District. A copy of the approved proffers are attached as Appendix 4. The single family detached dwelling was constructed in October 1986, under the Cluster regulations.

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** Plat, Showing House Location on Lot 46, Section Two, Spring Lake Estates West
- **Prepared by:** Alexandria Surveys International, LLC
- **Dated:** August 19, 2008 as revised through January 20, 2009

- **Building Permit required for deck:** Yes; however, not obtained.
- **Error Made by:** Previous homeowner

Proposal:

The applicant proposes to construct a one story addition, 264 square feet in size, to be located 22.1 feet from the rear lot line and 11.6 feet from the side lot line such that side yards total 19.3 feet. The addition proposed will provide additional living space to the existing dwelling including a mudroom and breakfast nook. The applicant also proposes to permit an existing deck to remain 3.2 feet from the western side lot line.

ZONING ORDINANCE REQUIREMENTS

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

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

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Reduction to Minimum Yard Requirements
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of the one story addition will be in keeping with the surrounding properties and will not adversely affect the use or development of neighboring properties. Staff believes that the encroachment into the rear yard is minimal and the most affected property is homeowners open space. Staff does not believe the addition would adversely affect the use or development of neighboring properties and this standard has been met.*

General Standard 5 requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The proposed addition will consist of a one story addition 38 feet in length along the rear of the dwelling. Although there is no significant vegetation in the rear yard, the structure will abut homeowners open space to the rear which has ample mature vegetation and no vegetation is proposed to be removed to accommodate the new structure. The proposed structure will meet the minimum side yard of 8.0 feet, as it is proposed to be located 11.6 feet from the side lot line; however, does not meet the total side yard requirement of 20 feet. Since the addition will meet the minimum side yard setback, staff does not believe additional vegetation would be required to screen the addition from the side lot line. Therefore staff does not believe any additional vegetation is required and this standard has been met.*

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing structure is 2,364 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,546 square feet in size for a possible total square footage at build out of 5,910. The proposed addition is 264 square feet, for a total square footage of the house with the addition of 2,628 square feet. Therefore the application meets this provision.*

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed one story addition will be compatible with the architecture of the existing house on the lot. Since the new structure is proposed to be one story, 14 feet in height, it will not exceed the height of the existing house, which is 23 feet high. The proposed structure ranges from 7 to 10 feet in width and 35 feet in length. With 264 square feet in total area, staff does not believe it will create the appearance of additional bulk to the property. Therefore, staff believes that the application meets this provision.*

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The photographs submitted and elevation drawings indicate that the proposed one story addition will be compatible with the surrounding houses in the neighborhood. The addition to the rear of the dwelling will have no significant negative impact to the property immediately to the rear since there is ample vegetation on the homeowners association open space property, and no vegetation is proposed to be removed to accommodate the new structure. The dwelling is situated toward the middle of the lot, however, narrows toward the rear, leaving no other location for placing the structure. Therefore, staff believes that the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the one story addition to the rear of the existing dwelling will have very little impact on stormwater runoff, noise, light, air, safety or erosion, since it is a minimal request by adding a mere 264 square feet to the lot, which abuts homeowners open space. The location of the addition to the side lot line is only 1.3 feet closer than the original dwelling, and meets the minimum side yard for the district, and should not adversely impact the use or enjoyment of the adjacent property. Staff believes that the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The request to construct a 264 square foot one story addition along the rear of the dwelling appears to be the most logical location for such an addition. The dwelling is situated at an angle toward the rear of the small lot. The lot narrows toward the rear, and the existence of a 15 foot storm sewer easement along the entire eastern side lot line leaves no other reasonable location to accommodate the request on the lot. The entire rear lot line of the property, owned by homeowners open space, has ample vegetation and no vegetation is proposed to be removed to accommodate the structure. Other issues of well, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. Staff believes that the application meets this provision.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of SP 2009-HM-014 for a one story addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. RZ 82-C-098 Approved Proffers
5. Applicable Zoning Ordinance Provisions

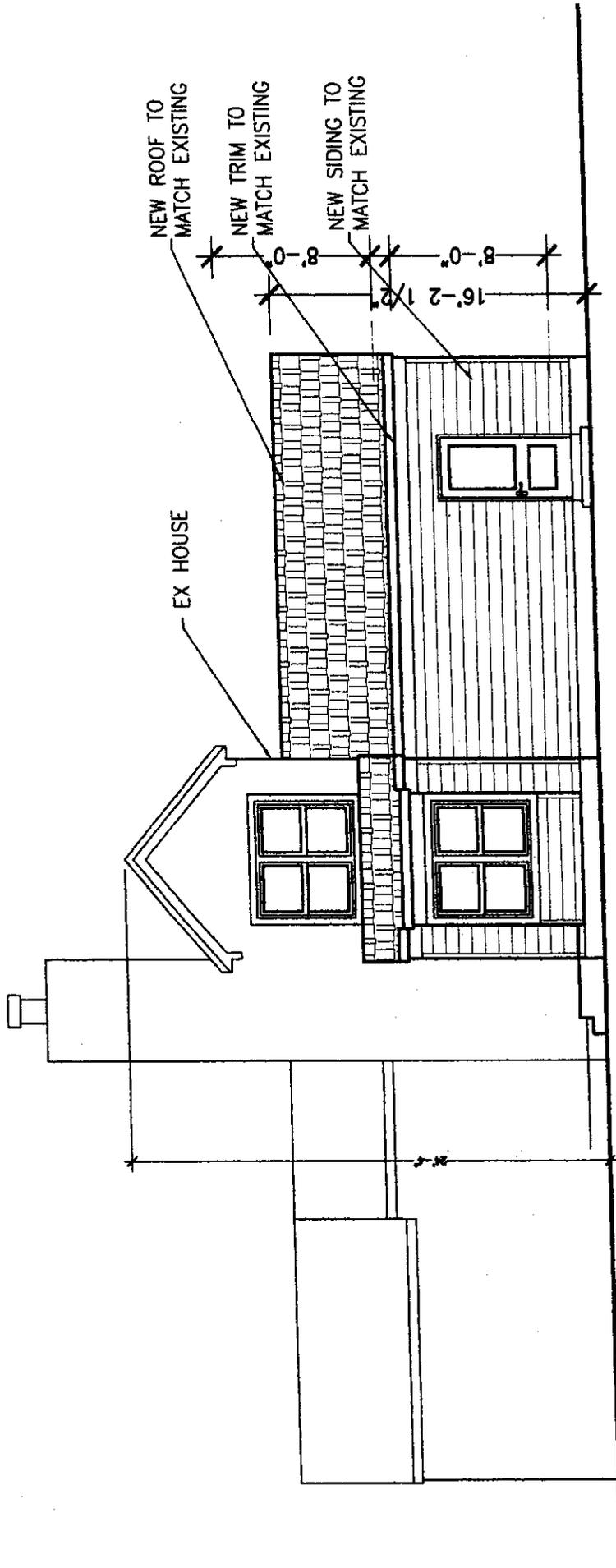
PROPOSED DEVELOPMENT CONDITIONS**SP 2009-HM-014****May 5, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-HM-014 located at Tax Map 25-1 ((9)) 46 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a one story addition (264 square feet), and deck, as shown on the plat prepared by Alexandria Surveys International, LLC, dated August 19, 2008 as revised through January 20, 2009, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,364 square feet existing + 3,546 square feet (150%) = 5,910 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The one story addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. A building permit and final inspections for the deck shall be obtained within 120 days of final approval of this application or the deck shall be removed.

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

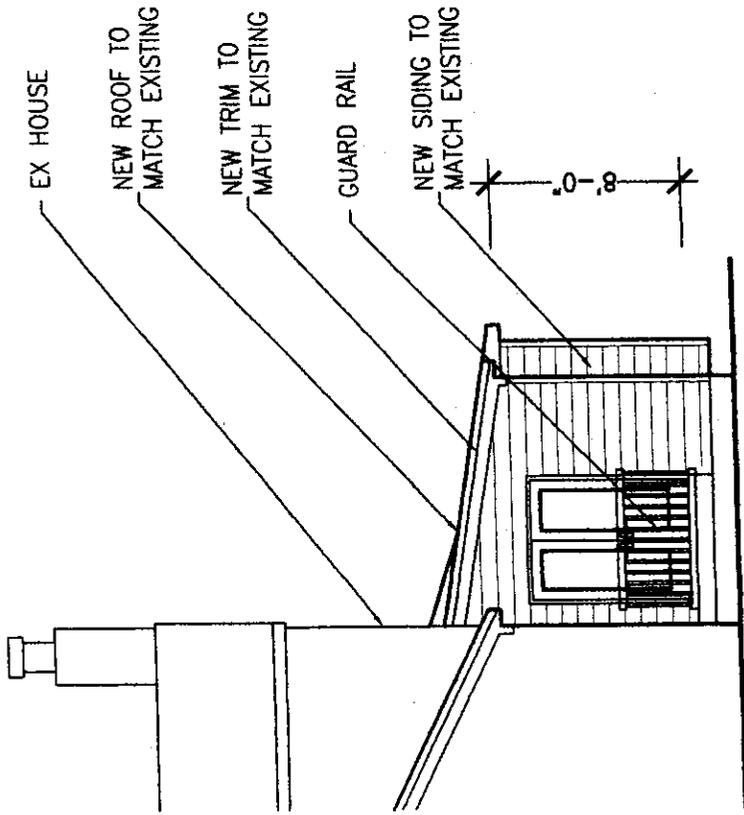
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



REAR ELEVATION

1/8" = 1'-0"

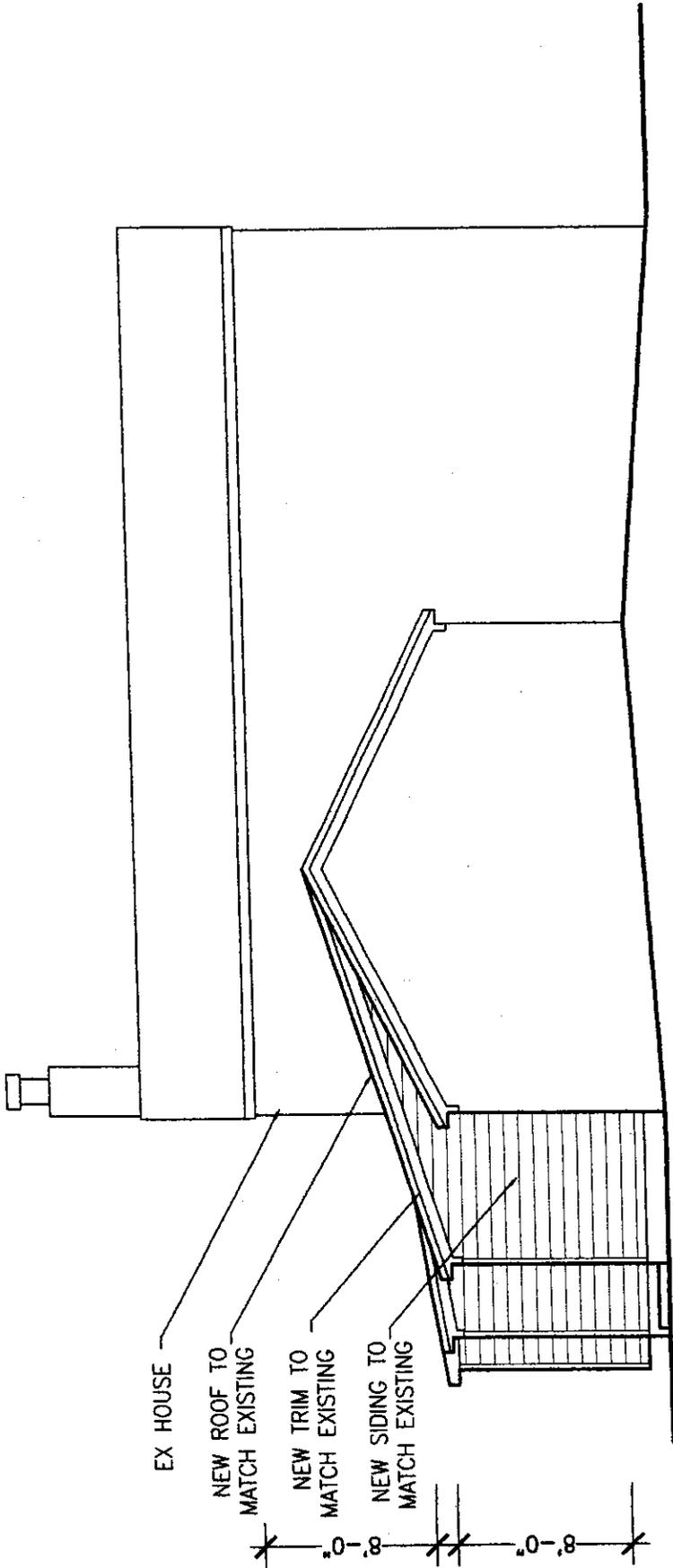
<p>0840 PROJECT NO.</p>	<p>FILER ADDITION 13469 LAKE SHORE DRIVE HERNDON, VIRGINIA 20171</p>
<p>SP-2</p>	<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>
<p>DATE: 11/20/08</p>	



LEFT SIDE ELEVATION

1/8" = 1'-0"

<p>FILER ADDITION 13469 LAKE SHORE DRIVE HERNDON, VIRGINIA 20171</p>	<p>0840 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	<p>SP-3</p>
<p>DATE: 11/20/08</p>	



REAR ELEVATION

1/8" = 1'-0"

<p>FILER ADDITION 13469 LAKE SHORE DRIVE HERNDON, VIRGINIA 20171</p>	<p>0840 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	<p>SP-4 DATE: 11/20/08</p>

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9-22-2008
(enter date affidavit is notarized)

I, ARIF H. HODZIC, 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

101816

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)
COURTNEY G. FILER BRIAN C. FILER	13469 LAKE SHORE DR HERNDON, VA. 20171	OWNER/ APPLICANT
ARIF H. HODZIC HODZIC ARCHITECTS, PC	1003 SNAPPER COVE LN PASADENA, MD. 21122	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: 9-22-2008
(enter date affidavit is notarized)

101816

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)

HODZIC ARCHITECTS, P C
1003 SNAPPER COVE LN
PASADENA, MD. 21122

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)

ARIF H. HODZIC

(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: 9-22-2008
(enter date affidavit is notarized)

101816

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

PARTNERSHIP INFORMATION

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

N/A

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

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

(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: 9-22-2008
(enter date affidavit is notarized)

101816

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9-22-2008 101816
(enter date affidavit is notarized)

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

ARIF H. HODZIC

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

Subscribed and sworn to before me this 22 day of September 2008, in the State/Comm. of Maryland, County/City of Anne Arundel

Frank Watts
Notary Public

My commission expires: 12-18-10

FEB 19 2009

Zoning Evaluation Division



Hodzic Architects, P.C.

1003 Snapper Cove Lane
Pasadena, MD 21122
Tel: (410) 255-2600
Fax: (410) 255-2680

arif@hodzicarchitects.com
www.hodzicarchitects.com

Tel: (703) 941-0666

Re: Special Permit Application
Filer House Addition
13469 Lake Shore Drive
Herndon, Virginia 20171

Revised February 5, 2009
Revised January 22, 2009
September 15, 2008

Statement of Justification

The purpose of this addition is to provide an additional space in Living Area in order to make house better utilized and more livable.

Addition will be encroaching 2.9 feet into the rear yard set back, and will be 22.1 feet from the rear property line. Addition will be located 11.6 feet from side lot line, such that side yard total is 19.8 feet. Also, we ask to allow reduction of minimum side yard requirements, based on error in building location, to permit open deck to remain 3.2 feet from side lot line.

The following are answers to the questions in paragraph 912.00:

- A. Wood deck is constructed in error 3.2 feet from side property line instead of 5.0 feet required.
- B. The non-compliance was done by previous owner of the house, through no fault of the present owners of the property. There is no record of Building Permit for the deck at this lot. Mr. And Mrs. Filer were not aware of this deficiency when they purchased the house.
- 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. The reduction will not result in an increase in density of floor area ratio from that permitted by the applicable zoning district regulations.

G. The reduction will not result in an increase in density of floor area ratio from that permitted by the applicable zoning district regulation.

Demolition of the deck would be cost hardship on the owner at this time.

Proposed addition will enlarge existing Kitchen and Family Room.

The house is used by the owners as a primary residence and will continue to be used as such.

There are no hazardous or toxic substances held on this site.

Proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards.

Proposed addition is in character of the houses and the structures in the neighborhood.

Proposed development will be in harmony the surrounding structures.

There are no hazardous or toxic materials on the site.

There are no additional accessory structures on the site.

Proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards.

Existing house area is 2,34 SF, Proposed Addition is 264 SF, and total increase will be 11%.

There will be no additional impact on the adjacent properties, such as noise, light, air, erosion and storm water runoff.

This is the small addition to expand the existing house. There is no other appropriate location for this expansion.

There will be no cutting of existing trees.

Roof eaves are not extending into side yard set back any more then the proposed Addition.

Existing and proposed floor areas and floor are ratios are shown on plot plan.

We would appreciate if you approve this Special Permit, because it would allow better living space in the house.

If you have any questions please give me a call.

Prepared by:

A handwritten signature in black ink, appearing to read 'Arif Hodzic', written in a cursive style.

Arif H. Hodzic, AIA
Agent for the Owner



Hodzic Architects, P.C.

1003 Snapper Cove Lane
Pasadena, MD 21122
Tel: (410) 255-2600
Fax: (410) 255-2680

arif@hodzicarchitects.com
www.hodzicarchitects.com

Tel: (703) 941-0666

Re: Special Permit Application
Filer House Addition
13469 Lake Shore Drive
Herndon, Virginia 20171

January 22, 2009

Transmittal Letter

To: Virginia H. Ruffner, Planer III
Application Acceptance Section, ZED, DPZ
Fairfax County, VA

Please find enclosed the revisions to our application SP 2008-0273:

1. Revised Application for Special Permit, 4 copies.
2. Revised Plot Plan, 15 copies and one copy 8.5"x11".
3. Additional photos and new disk with photos.
4. Revised Statement of Justification.
5. Revised drawing of Proposed Addition, which clearly identifies materials on the exterior of the house.

If you have any questions please give me a call.

Prepared by:

A handwritten signature in black ink, appearing to read 'Arif H. Hodzic', written over a white background.

Arif H. Hodzic, AIA
Agent for the Owner

RECEIVED
Department of Planning & Zoning
JAN 23 2009
Zoning Evaluation Division



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
 FAIRFAX, VIRGINIA 22030

July 20, 1983

Mr. Grayson P. Hanes
 Post Office Box 547
 Fairfax, Virginia 22030

Re: Rezoning Application
 RZ 82-C-098

Dear Mr. Hanes:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 11, 1983, granting, as proffered, Rezoning Application Number RZ 82-C-098 in the name of Capital City Federal Savings and Loan Association of Washington, D. C., to rezone certain land in Centreville District from the R-1 District to the R-3 District on subject parcels 25-3 ((2)) 1, 2, 3, 4, 5, 5A, 6, 11, 12; 25-1 ((4)) 8 and 10 consisting of approximately 46.62 acres.

Very truly yours,

Ethel Wilcox Register
 Clerk to the Board

EWR/mg

cc: Mr. Patteson
 Mr. Knowlton
 Mr. Steele
 Mr. Beales
 Mr. Ted Austell, III,
 Executive Assistant to the County Executive

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia on the 11th day of July, 1983, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
(PROPOSAL NO. RZ 82-C-098)

WHEREAS, Capital City Federal Savings & Loan Association of Washington, D.C. filed in proper form, an application requesting the zoning of a certain parcel of land hereinafter described, from R-1 District to R-3 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Centreville District, and more particularly described as follows: See attached legal description.

Be, and hereby is, zoned to the R-3 District, and said property is subject to the use regulations of said R-3 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., § 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 11th day of July 1983.


Ethel Wilcox Register
Clerk to the Board

BOARD OF SUPERVISORS ACTION

ON ZONING MAP AMENDMENT

APPLICATION NUMBER RZ-82-C-098

Applicant: Capital City Fed. S & L Assn of Wash, DC.

Present Zoning: R-1

Requested Zoning: R-3

Proposed Use: SF Detached

Subject Parcels: 25-3((2)) 1,2,3,4,5,5A, 4,11,12; 25-1((4)) 8 & 10 Acreage: 46.62 acres

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia on July 11/83, the following action was adopted on the subject application.

- Amended the zoning map as requested.
- Amended the zoning map as requested, and further restricted the use of the subject property by the conditions proffered and accepted pursuant to Virginia Code Ann.; Section 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel. (See Attachment 1)
- Denied the requested _____ District.
- Amended the zoning map for the subject property to the _____ District.
- Amended the zoning map for the subject property to the _____ District, and further restricted the use of the subject property by the conditions proffered and accepted pursuant to Virginia Code Ann., Section 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel. (See Attachment 1)
- In addition to the action taken above, the applicant presented certain restrictive covenants for recordation governing the subject property (a copy of which is attached).
- In addition to the action taken above, the Board of Supervisors instructed that the site plan/subdivision plat be forwarded to the Planning Commission/Board of Supervisors for its review before approval.

Distribution:

- District Supervisor
- Clerk to the Board
- Director, Office of Research and Statistics
- VDH&T
- Oscar Hendrickson, Chief, Site Review Branch

Coordinator CHM

Application Number RR 82-C-098

Approved to the R-3 District

Total Number of Dwelling Units 99 Density 2.12

Building Floor Area N/A Floor Area Ratio (FAR) N/A

The Generalized/~~Conceptual/Final~~ Development Plan was/~~was not~~ proffered.

The following conditions were proffered and accepted pursuant to Virginia Code, Ann., Section 15.1-491(a) and shall further restrict the use of the property subject to the above referenced application:

See Attached.

Re: Rezoning Application RZ-82-C-098
Capital City Federal Savings and
Loan Association of Washington,
D. C.

The undersigned hereby proffers that in the event the subject property is rezoned to the R-3 zoning category by the Fairfax County Board of Supervisors, development of the property shall be in accordance with the following conditions, pursuant to Virginia Code Section 15.1-491(a):

1. The density of the site shall not exceed 99 units.
2. The Development Plan entitled "Section Two, Generalized Development Plan, Spring Lake Estates West" dated June 1983, is proffered with the understanding that lot configuration may change as a result of the hydrology study of Horsepen Run and the limits of the 100 year flood plain may change.
3. The requirements of the Fairfax County Park Authority by Memo dated April 20, 1983, shall be met by the developer except that the Developer shall not be required to provide for a crossing of Horsepen Run. The property shown as open space to be conveyed to the Fairfax County Park Authority within the 100 flood plain study shall be conveyed to the Fairfax County Park Authority. This conveyance shall be subject to a temporary grading easement along Centreville Road to V.D.H.&T. for construction of the widening of Centreville Road. The applicant shall construct a tennis court as shown on the Generalized Development Plan and this shall be constructed and conveyed to the homeowners association prior to the issuance of the 46th residential use permit. Access to the tennis courts shall be by way of an easement from Running Pump Lane and another easement from Spring Chapel Court. The tennis court will not have lighting.
4. Dedication of right of way to provide 55 feet from the center line of Centreville Road shall be provided by the applicant. A right turn/deacceleration lane will be provided at the subdivision entrance on Centreville Road in conformance with V.D.H.&T. standards, a left turn deacceleration lane will be provided serving the subdivision entrance in compliance with V.D.H.&T. standards. The applicant shall widen Centreville Road to V.D.H.&T. standards along the property frontage. This shall include additional pavement width and shoulder construction to the north of the entrance on Centreville Road.
5. There shall be no pipe stem lots within the subdivision.
6. All open space and recreation areas not delineated to be conveyed to the Fairfax County Park Authority shall be conveyed to a homeowners association comprised of the residents of the project.

7. Special design consideration at the time of final road design, will be given to the culvert requirement on Lake Shore Drive adjacent to the lake discharge point. Construction will be based on the applicable requirements of V.D.H.&T.

8. The vegetation and trees on the first lot on the left entering the project from Centreville Road designated HOA on the Generalized Development Plan shall be left in its natural state except for the clearing of underbrush and utility easements and no dogwoods shall be cut of any size nor shall other trees be cut with diameters of 3 inches or more.

9. On the second lot on the left entering the project from Centreville Road there shall be a restriction on the rear 30 feet and 10 feet along the easterly side yard line from clearing any dogwoods of any size or other trees with diameters of 3 inches or more except for the clearing of underbrush and utility easements.

10. The applicant in its development shall take extreme care to maintain the present quality of the lake in the project to protect against erosion and storm water pollution, and shall comply with the Best Management Practices of the Public Facilities Manual of Fairfax County.

11. House sites will be located outside the impact area of a dam break as demonstrated to the satisfaction of the Director of Environmental Management in consultation with the Department of Public Works. This would include the performance of a dam failure analysis, both for overtopping and internal erosion.

CAPITAL CITY FEDERAL SAVINGS AND
LOAN ASSOCIATION OF WASHINGTON,
D. C.

7-8-83

Date

By: 

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.