APPLICATION ACCEPTED: May 15, 2009
DATE OF PUBLIC HEARING: July 28, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 21, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2009-LE-038

LEE DISTRICT

APPLICANT:	Israel Lopez
OWNERS:	Israel Lopez and Kenia Lopez
ZONING:	R-4
LOCATION:	6205 Doncaster Court
SUBDIVISION:	Monticello Forest
ZONING ORDINANCE PROVISION:	8-914
TAX MAP:	80-3 ((3)) (78) 10
LOT SIZE:	8,927 Sq. Ft.
SP PROPOSAL:	Reduction to minimum yard requirements based on error in building location to permit an addition to remain 5.5 feet from side lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/

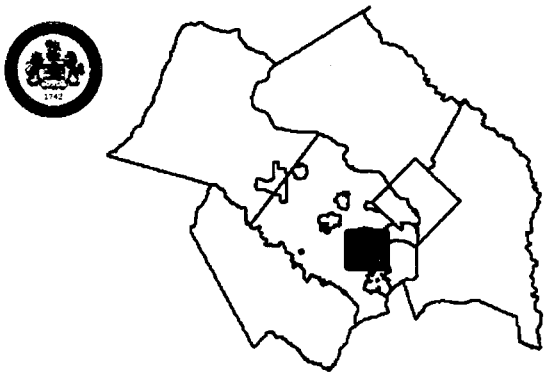
Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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

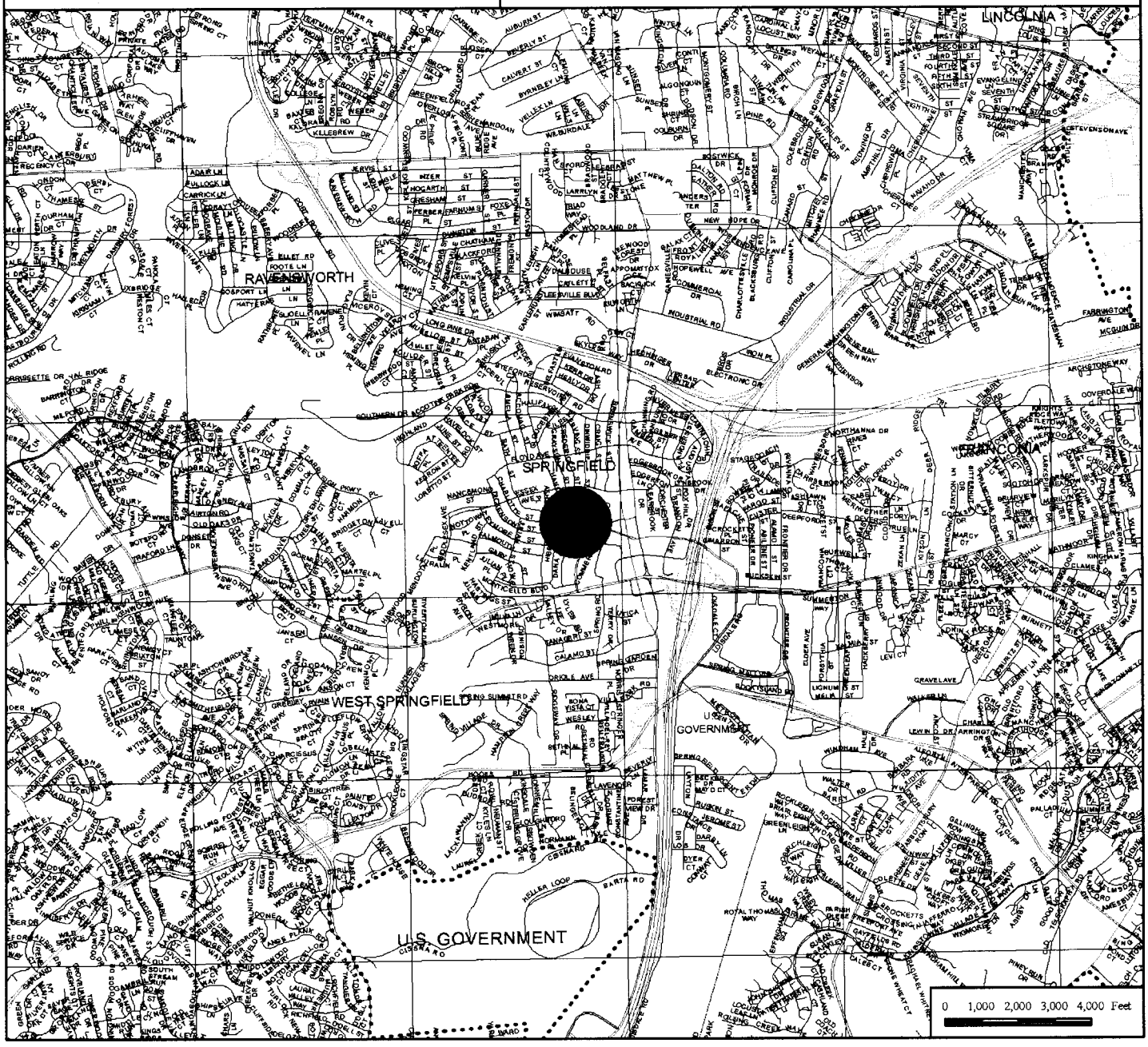
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2009-LE-038

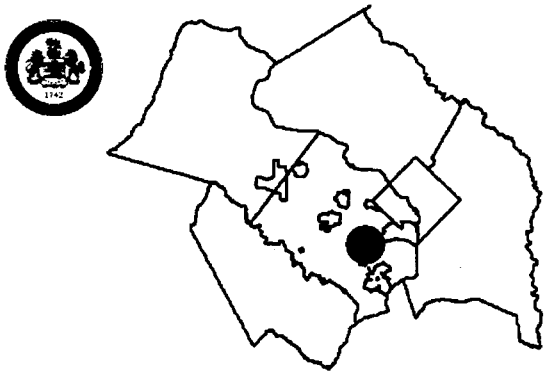


Applicant:	ISRAEL LOPEZ
Accepted:	05/15/2009
Proposed:	REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 5.5 FEET FROM SIDE LOT LINE
Area:	8,927 SF OF LAND; DISTRICT - LEE
Zoning Dist Sect:	08-0914
Art 8 Group and Use:	9-13
Located:	6205 DONCASTER COURT
Zoning:	R- 4
Overlay Dist:	
Map Ref Num:	080-3- /03/78/0010



Special Permit

SP 2009-LE-038



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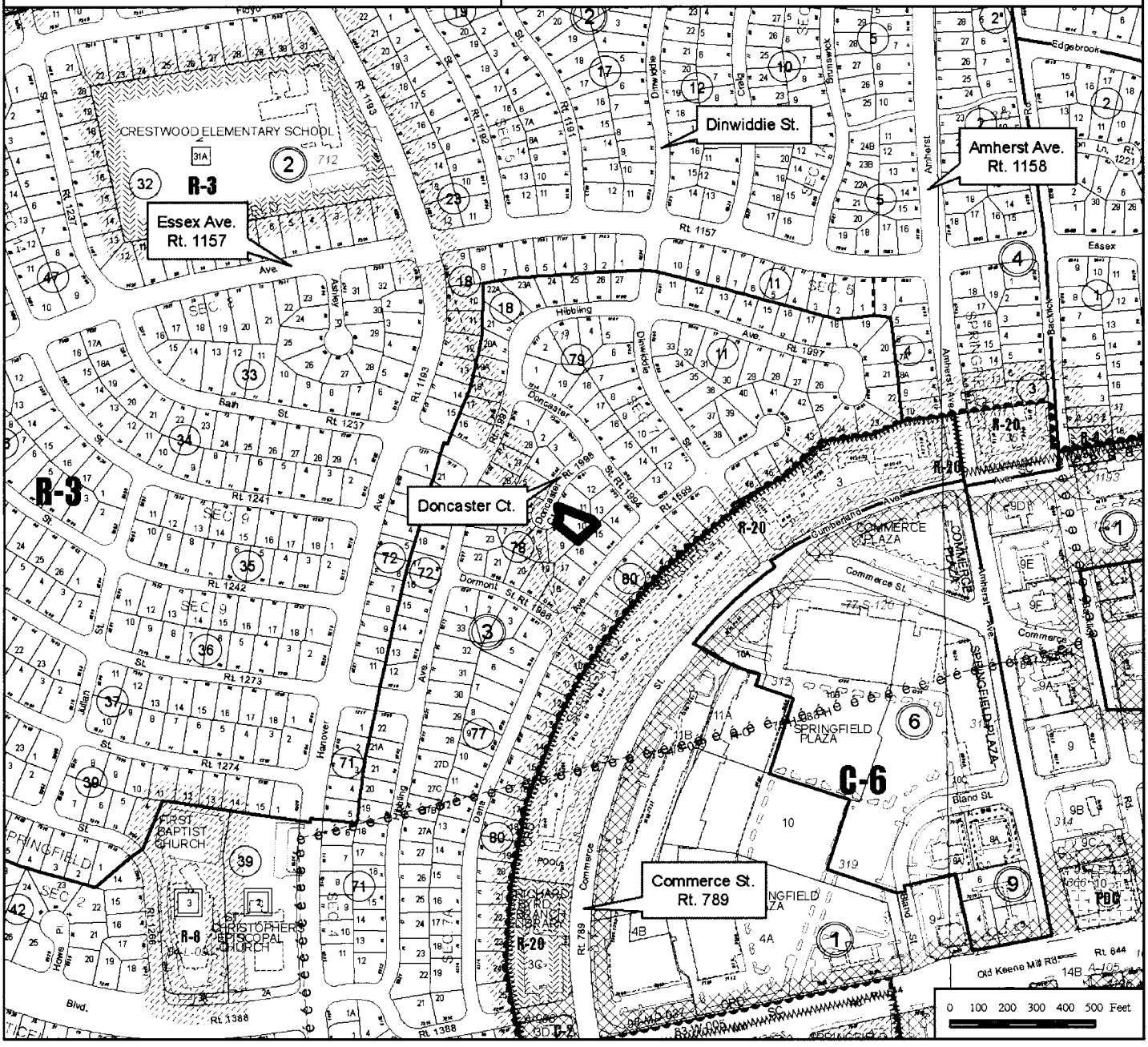
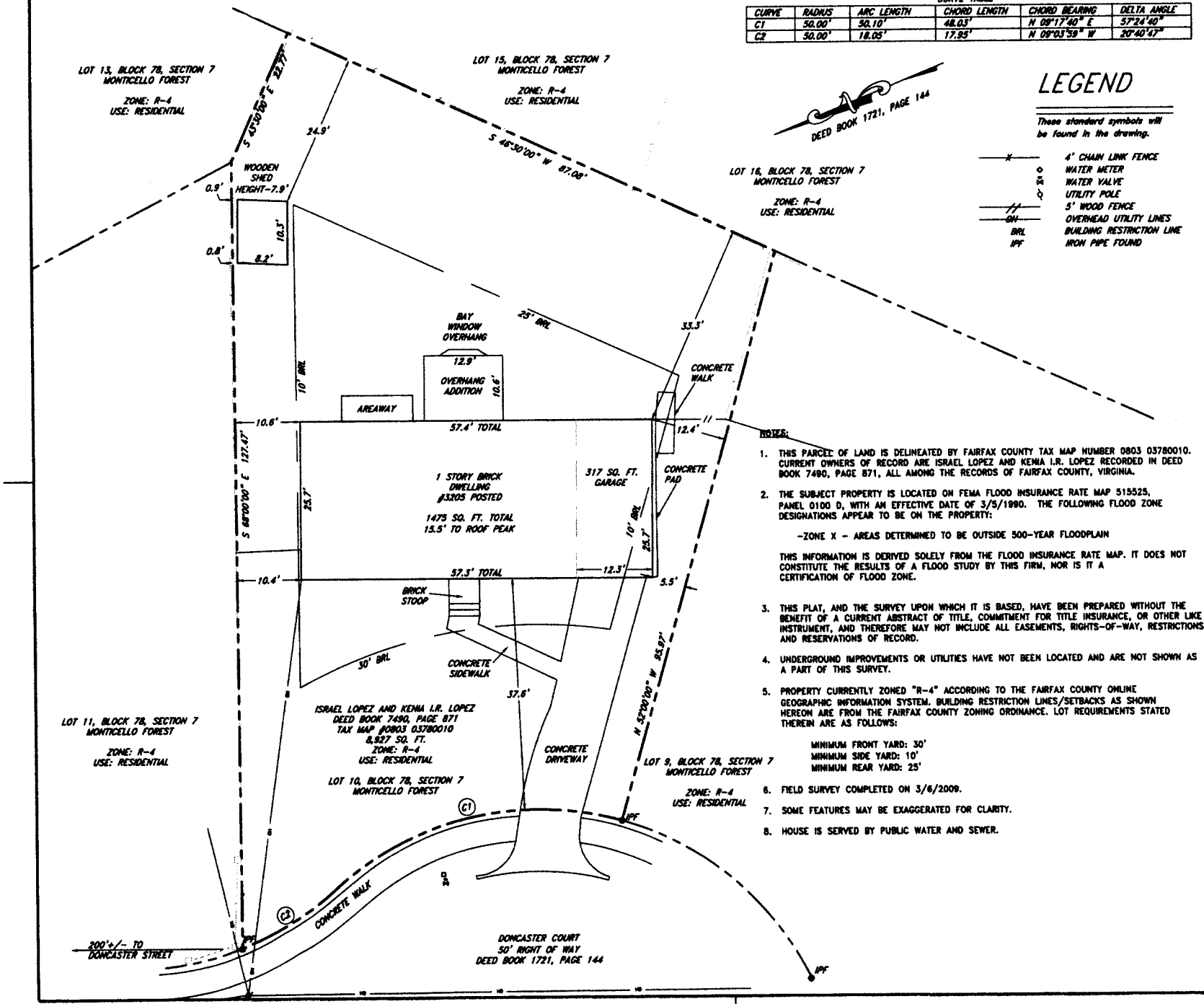




CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	50.10'	48.03'	N 09°17'40" E	57°24'40"
C2	50.00'	18.05'	17.95'	N 09°03'59" W	20°40'47"

DEED BOOK 1721, PAGE 144

LEGEND

These standard symbols will be found in the drawing.

- 4' CHAIN LINK FENCE
- WATER METER
- WATER VALVE
- UTILITY POLE
- 5' WOOD FENCE
- OVERHEAD UTILITY LINES
- BRL — BUILDING RESTRICTION LINE
- IPF — IRON PIPE FOUND

NOTES:

1. THIS PARCEL OF LAND IS DELINEATED BY FAIRFAX COUNTY TAX MAP NUMBER 0803 03780010. CURRENT OWNERS OF RECORD ARE ISRAEL LOPEZ AND KENIA I.R. LOPEZ RECORDED IN DEED BOOK 7490, PAGE 871, ALL AMONG THE RECORDS OF FAIRFAX COUNTY, VIRGINIA.
2. THE SUBJECT PROPERTY IS LOCATED ON FEMA FLOOD INSURANCE RATE MAP 515525, PANEL 0100 D, WITH AN EFFECTIVE DATE OF 3/5/1990. THE FOLLOWING FLOOD ZONE DESIGNATIONS APPEAR TO BE ON THE PROPERTY:

   -ZONE X - AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN

   THIS INFORMATION IS DERIVED SOLELY FROM THE FLOOD INSURANCE RATE MAP. IT DOES NOT CONSTITUTE THE RESULTS OF A FLOOD STUDY BY THIS FIRM, NOR IS IT A CERTIFICATION OF FLOOD ZONE.
3. THIS PLAT, AND THE SURVEY UPON WHICH IT IS BASED, HAVE BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE, COMMITMENT FOR TITLE INSURANCE, OR OTHER LIKE INSTRUMENT, AND THEREFORE MAY NOT INCLUDE ALL EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS OF RECORD.
4. UNDERGROUND IMPROVEMENTS OR UTILITIES HAVE NOT BEEN LOCATED AND ARE NOT SHOWN AS A PART OF THIS SURVEY.
5. PROPERTY CURRENTLY ZONED "R-4" ACCORDING TO THE FAIRFAX COUNTY ONLINE GEOGRAPHIC INFORMATION SYSTEM. BUILDING RESTRICTION LINES/SETBACKS AS SHOWN HEREON ARE FROM THE FAIRFAX COUNTY ZONING ORDINANCE. LOT REQUIREMENTS STATED THEREIN ARE AS FOLLOWS:

   MINIMUM FRONT YARD: 30'
   MINIMUM SIDE YARD: 10'
   MINIMUM REAR YARD: 25'
6. FIELD SURVEY COMPLETED ON 3/6/2009.
7. SOME FEATURES MAY BE EXAGGERATED FOR CLARITY.
8. HOUSE IS SERVED BY PUBLIC WATER AND SEWER.

DRH Design Group, Inc.
ENGINEERS • PLANNERS • SURVEYORS
35 Rock Pointe Lane - Suite 200
Warrenton, Virginia 20186
540-349-8585
540-349-8588 fax
www.drhdesigngroup.com

THIS DRAWING IS A SERVICE DOCUMENT OF DRH DESIGN GROUP, INC. AND MAY NOT BE USED OR REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND/OR SURVEYOR.

EXISTING UTILITIES SHOWN ON THIS PLAN ARE TAKEN FROM AVAILABLE RECORDS AND/OR FIELD OBSERVATIONS. FOR EXACT LOCATIONS OF EXISTING UNDERGROUND UTILITIES, NOTIFY "MISS UTILITY" AT 1-800-552-7777, 72 HOURS BEFORE THE START OF EXCAVATION OR CONSTRUCTION.

LOCATION AND DEPTHS OF ALL EXISTING UNDERGROUND UTILITIES TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION. INTERFERENCE OR DISRUPTION OF SAME WILL NOT BE THE RESPONSIBILITY OF DRH DESIGN GROUP, INC.

SURVEYOR'S CERTIFICATE

I, DAVID R. HALL, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA (REGISTRATION NO.2246) DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SURVEY SHOWN HEREON IS BASED UPON AN ACTUAL SURVEY MADE ON THE GROUND AND MEETS ALL MINIMUM STANDARDS AND PROCEDURES FOR LAND BOUNDARY SURVEYING IN THE COMMONWEALTH OF VIRGINIA.

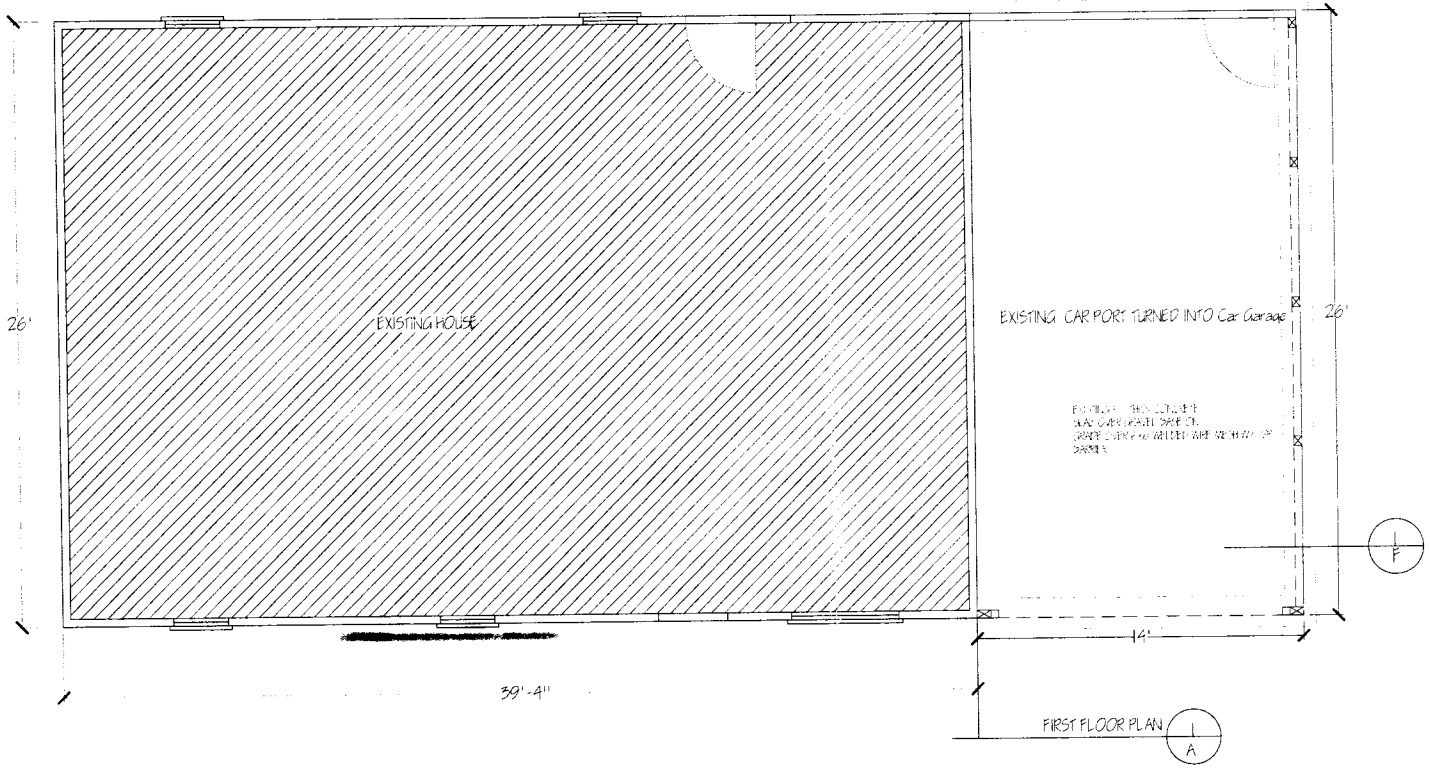
COMMONWEALTH OF VIRGINIA
DAVID R. HALL
Lic. No.2246
3/10/09
LAND SURVEYOR

SPECIAL PERMIT PLAT
FOR THE PROPERTY OF
ISRAEL LOPEZ AND KENIA I.R. LOPEZ
SITUATED IN LEE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

0' 10' 20' 30'
SCALE 1" = 10'

COMPUTED BY	RJB
DRAWN BY	RJB
CHECKED BY	DRH
DATE	3/10/09
JOB NO.	209039
SHEET	1 OF 1
REVISED	

J:\209039\Survey\drh-Base.dwg, 3/11/2009 7:33:52 AM, 1:1



1st and Upper Residence

A3

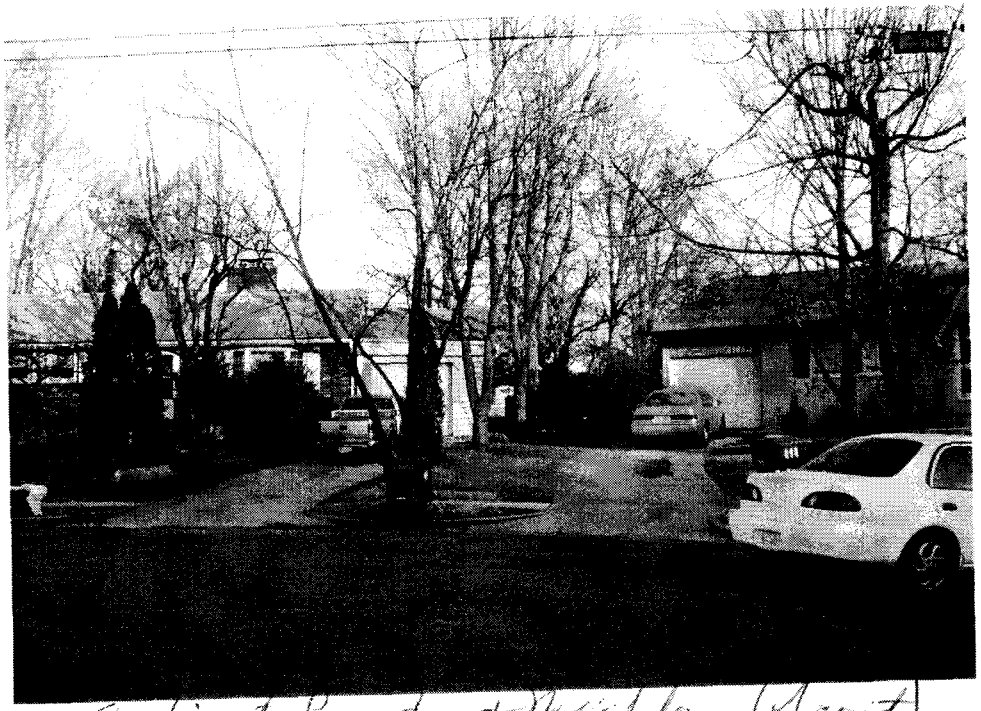
Front yard

Front right side

Front

Front, drive, sidewalk

① Neighbor at left ② Subject Property (front)



Subject Property + Neighbor (front)

① Subject Property ② Neighbor (front)
at right

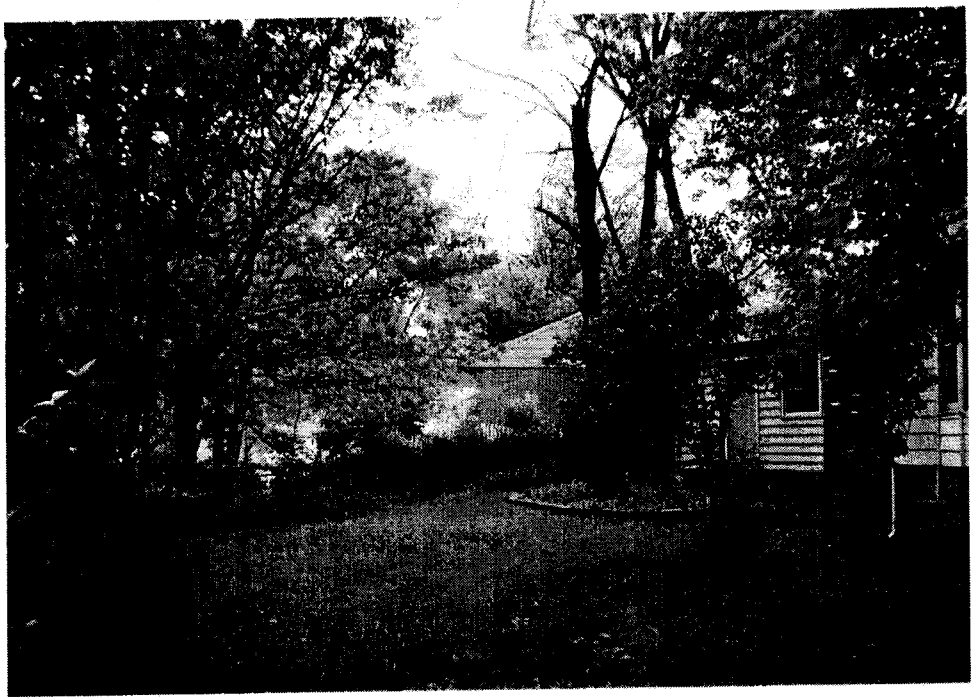
neighbor + subject property (front)

Alley side yard

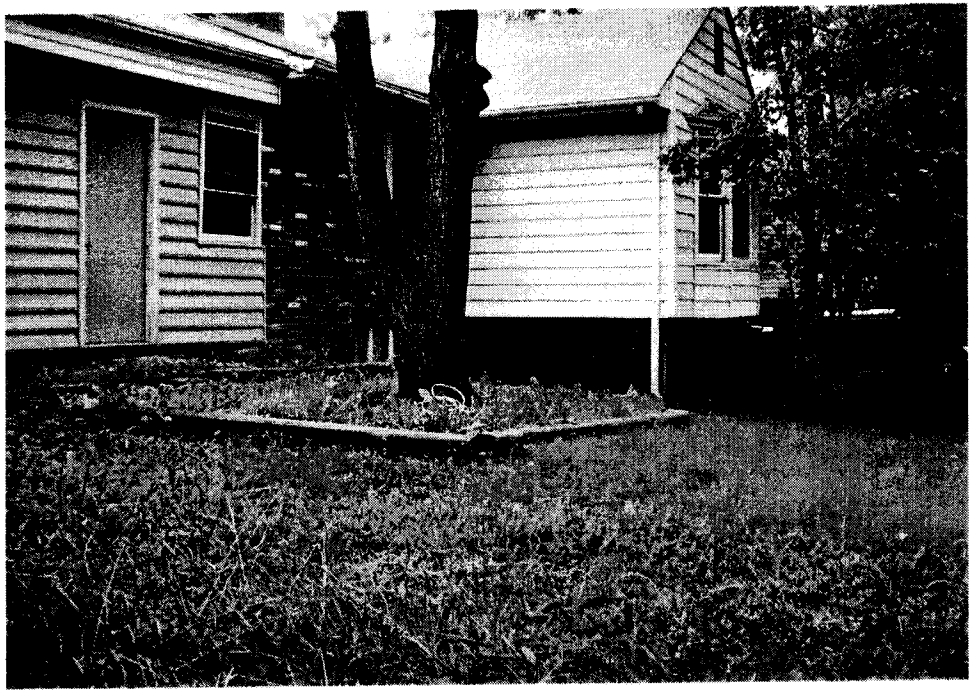
right side yard

Rear yard

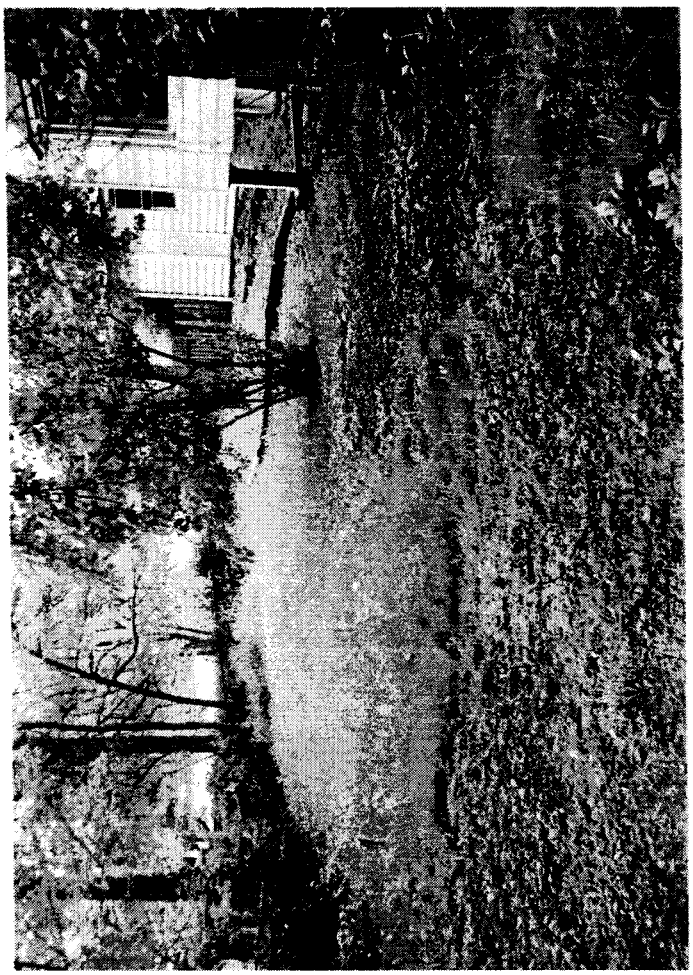
Duck 1991

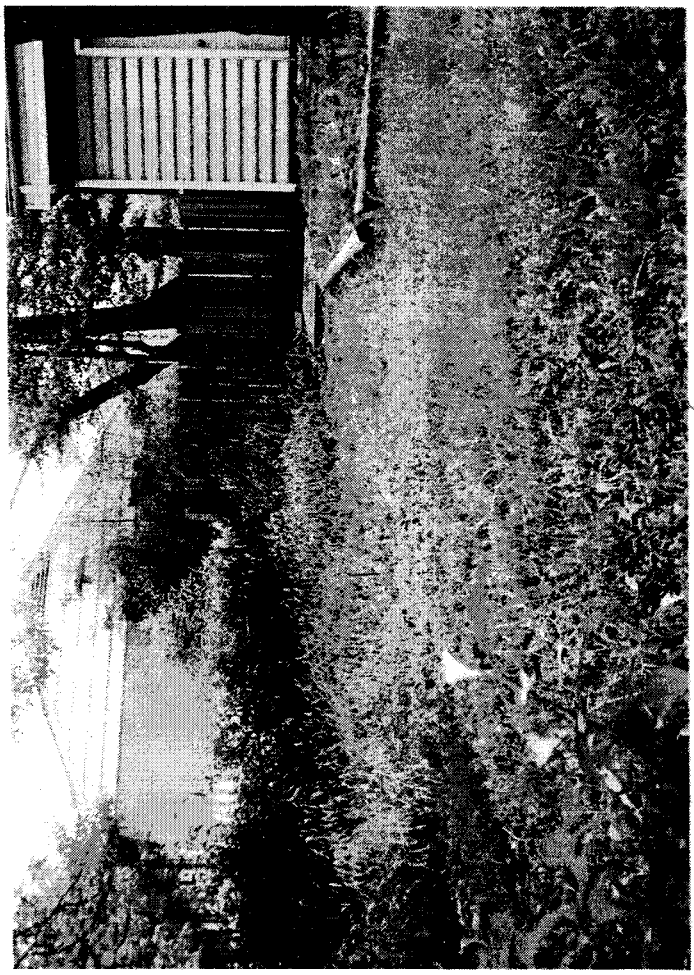


* Buck line

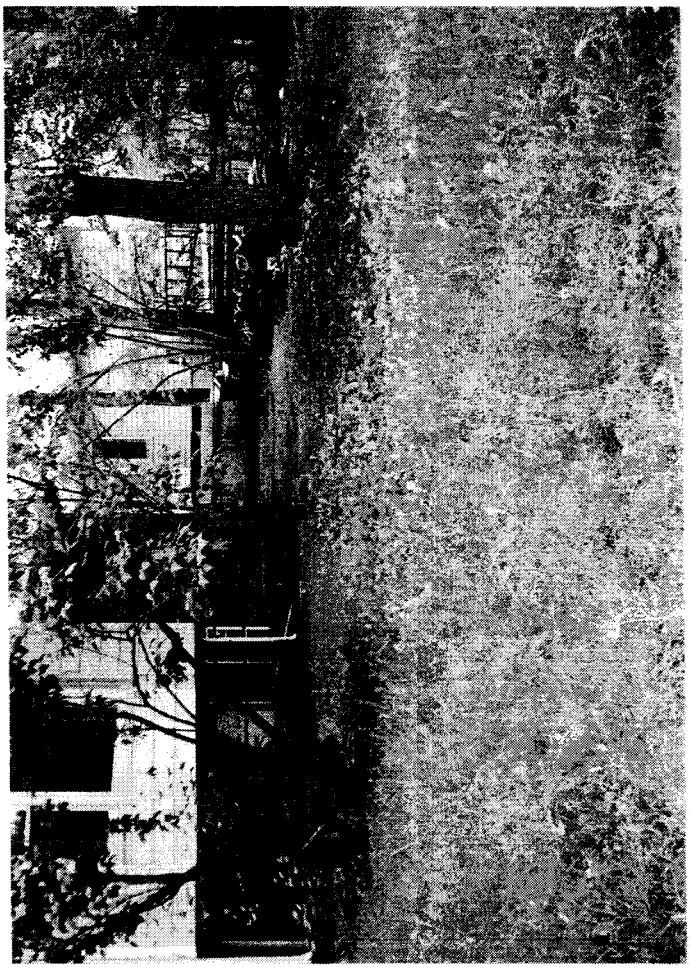


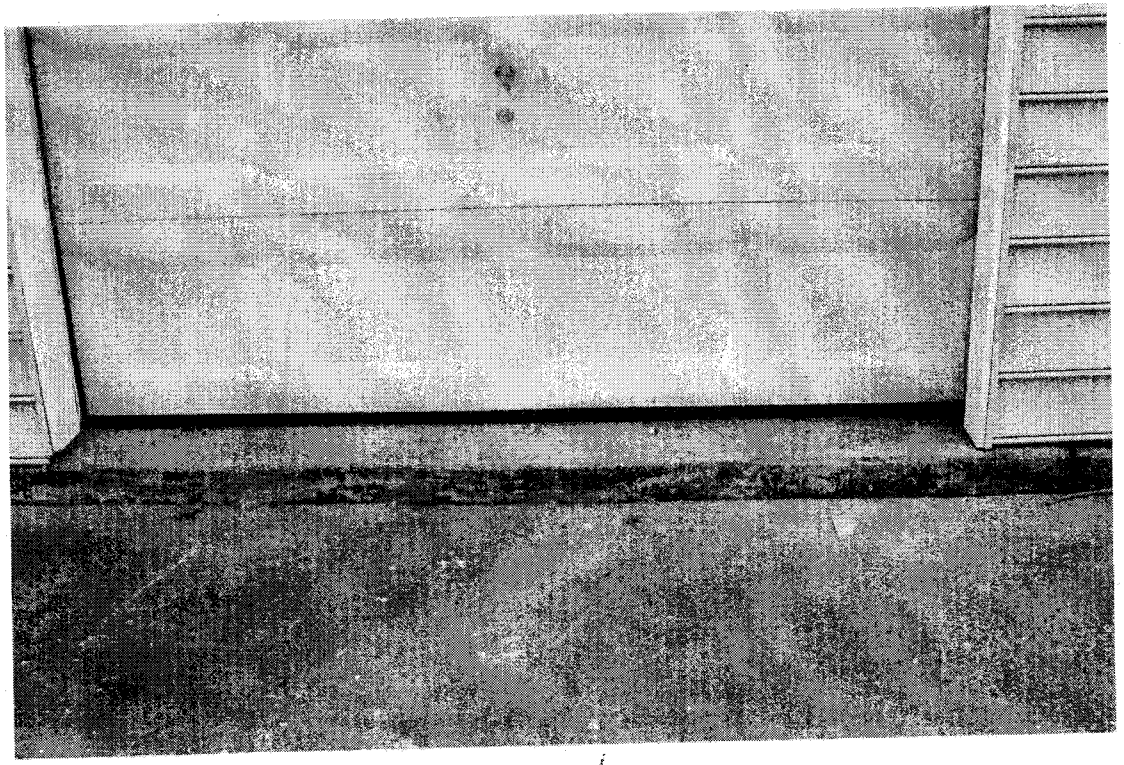
Back Right




Back left

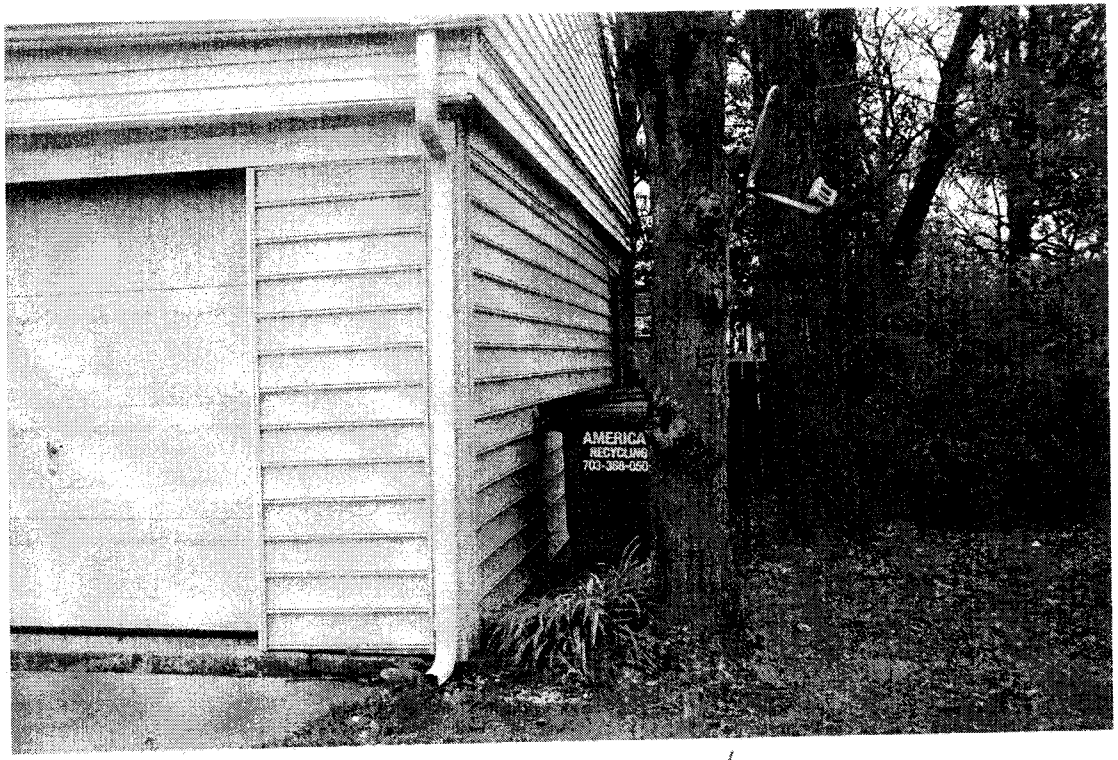
Back right





front/garage door

Side (open space)



side

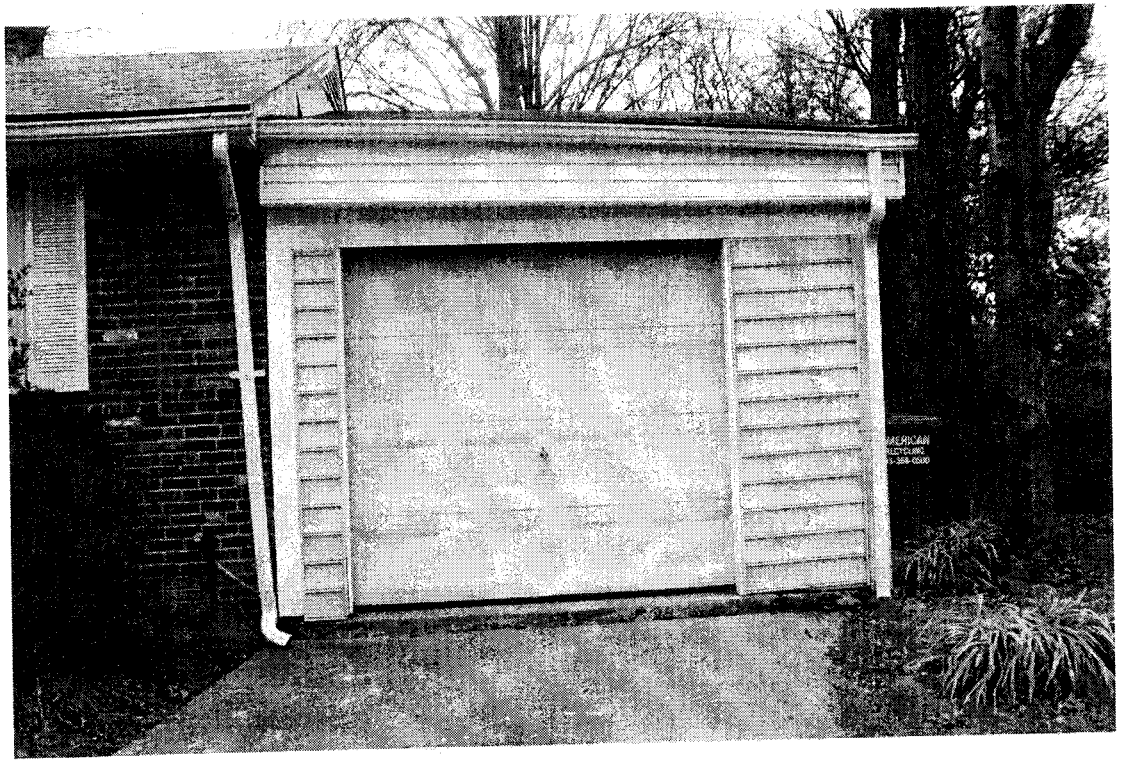
Back

inside

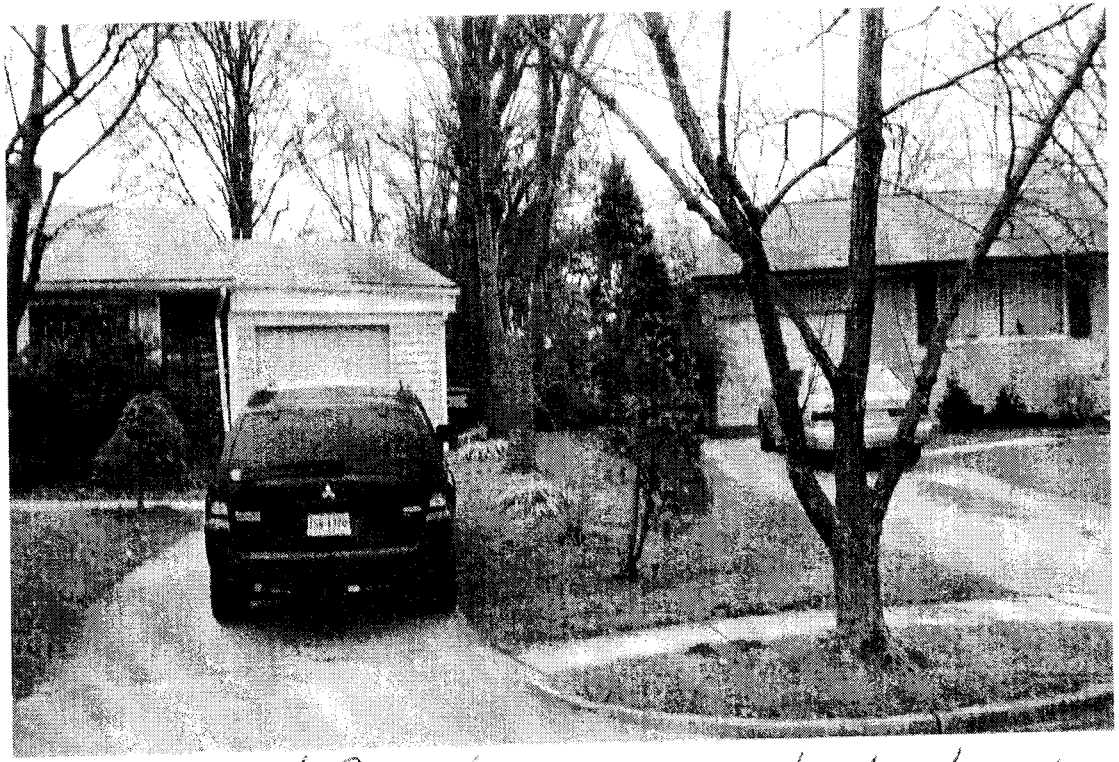
roof

inside

Front



6205 Doncaster Ct.
Springfield, VA 22150



Subject Property

Next Neighbor

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction of certain yard requirements based on error in building location to permit an enclosed carport addition (garage) to remain 5.5 feet from the western side lot line.

	Yard	Min. Yard Req.*	Permitted Extension **	Structure Location	Amount of Error	Percent of Error
Special Permit	Side	10	None	5.5	4.5	45 %

* Minimum side yard requirement per Section 3-507
** Permitted Extensions per 2-412

CHARACTER OF THE AREA

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

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat For the Property of Israel Lopez and Kenia I.R. Lopez
- **Prepared By:** David R. Hall, DRH Design Group, Inc. dated March 10, 2009, signed through March 11, 2009
- **Building Permit Required to Enclose Carport:** Yes
- **Obtained:** No

BACKGROUND

The existing single family detached dwelling was constructed in 1959 and the carport was later constructed by building permit in 1961. However, the approved house location survey for the proposed carport depicts it being constructed 7.4 feet from the western side lot line. Copies of the approved building permit and the associated plat can be found in appendix 4.

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

- Special Permit SP 00-L-047, granted on October 17, 2000, on Tax Map Number 80-3 ((3)) (80) 17, on 6305 Dana Avenue, zoned R-3, south of the subject property to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 5.7 ft. from the side lot line.

ZONING ORDINANCE REQUIREMENTS (See Appendix 5)

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

CONCLUSION

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit and Approved Plat for Carport
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2009-LE-038

July 21, 2009

1. This special permit is approved for the location of the garage addition as shown on the plat prepared by David R. Hall, DRH Design Group, Inc. dated March 10, 2009, signed through March 11, 2009, submitted with this application and is not transferable to other land.

2. Within 6 months of approval of this application, building permits and final inspections for the garage addition shall be obtained or the garage shall be removed or brought into compliance with Zoning Ordinance Requirements.

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 16, 2009
(enter date affidavit is notarized)

I, ISRAEL LOPEZ, 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

103403

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)
ISRAEL LOPEZ	300 N. OLD DOMINION LN PURCELLVILLE, VA 20132	OWNER/APPLICANT
KENIA I R LOPEZ	SAME AS ABOVE	SPOUSE /co-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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 16, 2009
(enter date affidavit is notarized)

103403

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)

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 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: January 16, 2009 103403
(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 16, 2009
(enter date affidavit is notarized)

103403

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land:

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

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

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 16, 2009 (enter date affidavit is notarized)

103403

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

ISRAEL LOPEZ, APPLICANT/TITLE OWNER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 16 day of January 2009, in the State/Comm. of Herndon, County/City of Fairfax.

_____ Notary Public

My commission expires: _____

M. FERNANDA MARINKOVIC
NOTARY PUBLIC 265077
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES OCT. 31, 2011

STATEMENT OF JUSTIFICATION FOR THE SPECIAL PERMIT APPLICATION OF CARPORT CONVERTION INTO GARAGE AT 6205 DONCASTER CT. IN SPRINGFIELD, VA 22150

RECEIVED
Department of Planning & Zoning
MAY 12 2009
Zoning Evaluation Division

By this mean, I state that I am the owner of the subject property.

The subject property built in 1959 was acquired as our primary residence in 1989. We bought the house with a carport of screen walls. We have no clear evidence of when the carport was built, but we are sure it was built long time before we bought it in 1989. The situation arose when a family coming from Puerto Rico, a warm weather island, with 3 little kids, one of them being a deaf and disable girl of five years old, started going to school. The conversion of the carport into a garage was necessary to make minimum use of the property.

Due to the cold weather, we decided to change the screen walls for dry walls so our kids would feel more comfortable when coming in and out from the car, especially when raining and snowing. Our fault rested on the fact that we did not obtain the requisite permits to do the job. We didn't know that we were required to get a permit for that kind of work as we continue using it as a carport. No plumbing or electrical work was performed. The work consisted of replacing the screen walls with dry wall and adding a door to it.

It was not until an inspection performed on October 22, 2008 when we received a Notice of Violation requesting us to get a Permit for the carport to be converted into a garage that we realized we were in fault with Fairfax County. When we proceeded to request the Permit, we found that it was required a 10 feet from the side lot line in order to get a regular permit and there are only 5.5 in this case, which exceeds ten (10) percent of the measurement involved. The no compliance was done in good faith, or through no fault of the property owner.

There is an open space (no fence) between the subject property and the neighbor's property, which compensate the difference in the required distance from the side lot line. Such reduction will not impair the purpose and intent of this Ordinance, and it will not be detrimental to the use and enjoyment of other property and public streets, and to force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner. The former carport as well as the actual garage had not intruded visually on the closest neighbor.

The conversion of the carport into a garage would enhance the value of the neighborhood. There are no negative impacts. We are trying to comply with every request made by the staff of DPZ. The other option at this time might be to tear the garage down, but we can not afford to restart the project. That option will affect the value of our property as well as the value of the neighborhood. A garage is of common use in our neighborhood. A comparison of like properties demonstrates that a garage constitutes reasonable use. Our neighbors in 300-foot had no objection to the addition. Our closest neighbor has a similar garage that I helped him to construct, and the next one was the person who gave me the door for our garage. The addition doesn't affect the square footage of the applicant's house. It doesn't impair parking or vehicle movement.

Submitted by the applicant/owner, Israel Lopez

STATEMENT OF JUSTIFICATION FOR
THE SPECIAL PERMIT APPLICATION
OF CARPORT CONVERTION INTO GARAGE AT
6205 DONCASTER CT. IN SPRINGFIELD, VA 22150

By this mean, I state that I am the owner of the subject property.

The subject property was acquired as our primary residence in 1989 in good faith. It had a carport with screen walls. By that time, we came from Puerto Rico, a warm weather island, with 3 little kids, one of them being a deaf and special five years old girl.

Due to the cold weather, we decided to change the screen walls for dry walls so our kids would feel more comfortable when coming in and out from the car, especially when raining and snowing. We didn't know that we were required to request a permit for that kind of work as we continue using it as a carport. No plumbing or electrical work was performed.

After an inspection performed on October 22, 2008, we received a Notice of Violation requesting us to get a Permit for the carport to be converted into a garage. So we did, but we found that it was required a 10 feet from the side lot line in order to get a regular permit and there is only 5.5 in this case, which exceeds ten (10) percent of the measurement involved. The no compliance was done in good faith, or through no fault of the property owner.

There is an open space (no fence) between the subject property and the neighbor's property, which compensate the difference in the required distance from the side lot line. Such reduction will not impair the purpose and intent of this Ordinance, and it will not be detrimental to the use and enjoyment of other property and public streets, and 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 or floor area ratio from that permitted by the applicable zoning district regulations.

Submitted by the applicant/owner, Israel Lopez

RECEIVED
Department of Planning & Zoning
MAR 20 2009
Zoning Evaluation Division

STATEMENT OF JUSTIFICATION FOR
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After an inspection performed on October 22, 2008, we received a Notice of Violation requesting us to get a Permit for the carport to be converted into a garage. So we did, but we found that it was required a 10 feet from the border line of the subject property in order to get a regular permit and there is only 7'-3" in this case. There is an open space (no fence) between the subject property and the neighbor's property, which compensate the difference in the required distance from the border line of the subject property. There are 20 feet of separation from one garage to the other. This is the reason we are applying for a special permit.

Submitted by the applicant/owner, Israel Lopez

APPENDIX 4

OK 9-25-61 WJB

COUNTY OF FAIRFAX, VIRGINIA

OFFICE OF THE BUILDING INSPECTOR

Application for Building Permit

PLAT NUMBER		Subdiv. Dist.	Blk. or Sec.	PARCEL OR LOT
80	3	3	78	10

CENSUS TRACT NO.	21-D
19 DATE	P-7435 PERMIT NO.

To: BUILD ☒ Alter or Repair ☐ Add to ☐ Demolish ☐ Move ☐ ☐

JOB LOCATION A8424

DIRECTIONS

Route
Street: DONCASTER CT.
Lot No. (10) 78 7 (Block, Section)
Subdivision: MONTICELLO FOREST

OWNER

Name: ERNEST M. DUCKWORTH
Address: 6205 DONCASTER CT.
City: SPRINGFIELD FL 4-7979 (Tel. No.)

ARCHITECT ENGINEER

Name
Address
City (State Reg. No.)

CONTRACTOR

Name: OWNER
Address
City (State Reg. No.)

DESCRIPTION

For: Residential ☒ Institutional ☐ Commercial ☐ Industrial ☐
No. of Bldgs. 1 Type CAR PORT
No. of Units Est. Const. Cost $ 185.00
No. of Kitchens No. of Stories 1
No. of Baths Ht. of Building 8½ Ft.
No. of Rooms (Exclude Kit. & Bath) Total Area 350 SQ FT.
Basement ☐ Slab ☐ Crawl ☐ FILL ☐ SOLID ☐ Soil
Footing Size Depth from Finish Grade Ft.
Material of Exterior Walls
Basement 1st Floor
2nd Floor Other
Material of Interior Walls
HEAT: Gas ☐ Oil ☐ Hot Air ☐ Hot Water ☐
Boiler ☐ Air Conditioner ☐ Sprinkler ☐
ROOF: Flat ☒ Pitch ☐ Shed ☐
SEWAGE: Public ☐ Community ☐ Septic Tank ☐ Pit Privy ☐ None ☐
WATER: Public ☐ Individual Well ☐ None ☐
Remarks:

A8424

A8424

AUTHORIZATION

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

FL 4-7979 (Phone No.) July 27, 1961 (Date) Ernest M. Duckworth (Signature of Owner or Auth. Agent)

PLAN APPROVAL

Use Group of Building L-3 Area of Bldg. @ per Sq. Ft. $3.00 min
Type of Construction 4-B Area of Bldg. @ per Sq. Ft. $
Fire District Total Each Bldg. $
Date Checked 7-27, 1961 By JTS TOTAL FEE $3.00
Approved by Building Inspector Dewey G. Gray

ROUTING

	OFFICE	Rm. No.	DATE	APPROVAL	REMARKS
✓	Land Office	112	7/27/61	E.M.H.	
✓	Zoning Administrator	210	7-27-61	[illegible]	
	Health Officer	Rt. 237			Health and Welfare Bldg. on Rt. 237
	Sanitary Engineer	Bsmt			
✓	Finance Office	120			
✓	Building Inspector	203			Return to secure Bldg. Permit

[illegible] Design 28 7/27/61 [illegible]
25% Except. OK for Sideline (OK Woodson)

CERTIFICATION

Supervisor of Assessments

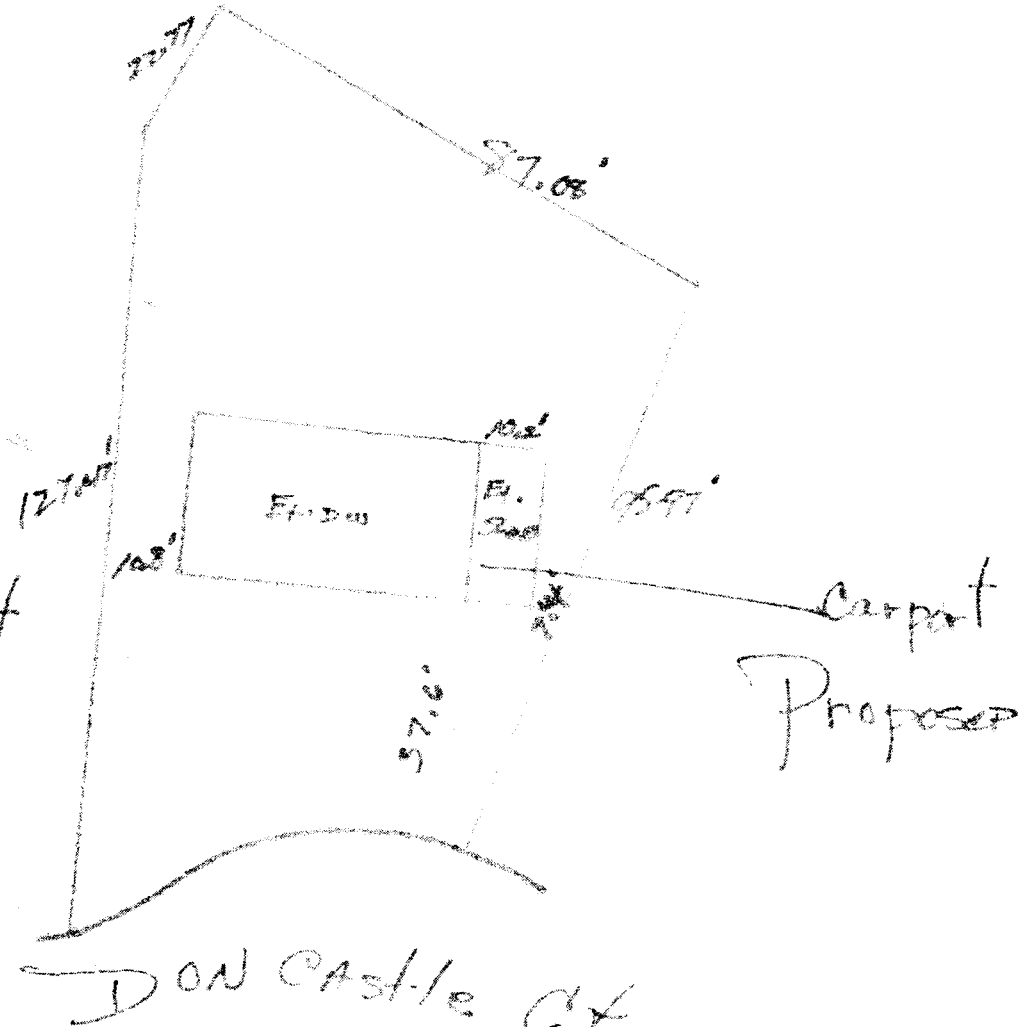
Property is listed in name of Ernest M. Duckworth
Magisterial District Mason. Deed Book Reference 1816-168
Authorization: John W. Ferguson Jr.

ZONING

Subdivision Monticello Forest Lot No. 10 Block 78 Section 7 Zone R-10
No. Acres or Sq. Ft.
Street Address Doncaster Ct.
LOT SIZE: Front Right Side Left Side Rear
Use of Bldg. Carport - Orig. Slab. Use after Alteration No. Families
Set Back: Front 37' Rt. Side 7.4' Left Side 10.8' Rear 25'+ [illegible] Authorization

RETURN THIS COMPLETED APPLICATION TO THE BUILDING INSPECTOR'S OFFICE FOR ISSUANCE OF BUILDING PERMIT.

Lot 10
Blk. 78
Sec. 7
Monticello Forest



A8424

James W. Wheat
7/27/91

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.