



APPLICATION ACCEPTED: June 4, 2009
BOARD OF ZONING APPEALS: September 15, 2009
MOVED DUE TO NOTICES
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 8, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-DR-043

DRANESVILLE DISTRICT

APPLICANT/OWNER: Raymond Karl Stride, Jr.

SUBDIVISION: Micklers Addition to Pimmit Hills

STREET ADDRESS: 2015 Maynard Drive

TAX MAP REFERENCE: 40-1 ((4)) 11

LOT SIZE: 10,500 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 8-914 and 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit an accessory storage structure to remain 0.1 feet from side lot line and to permit reduction of certain yard requirements to permit construction of a roofed deck 28.7 feet from the front lot line and addition 6.8 feet from side lot line.

STAFF RECOMMENDATION: Staff recommends approval for the roofed deck and addition (garage) subject to the proposed development conditions contained in Appendix 1.

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

Shelby Johnson

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



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

The approval of this 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.**

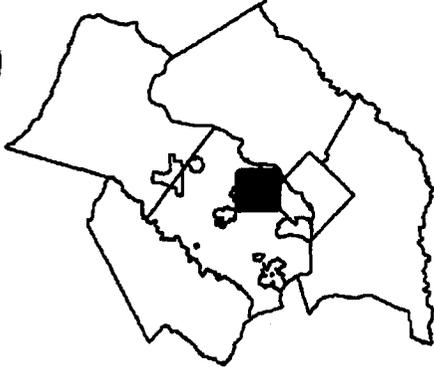
O:\SMCKNASP\STRIDE SP 2009-DR-043 (50 & Error)\Staff Report Stride.doc



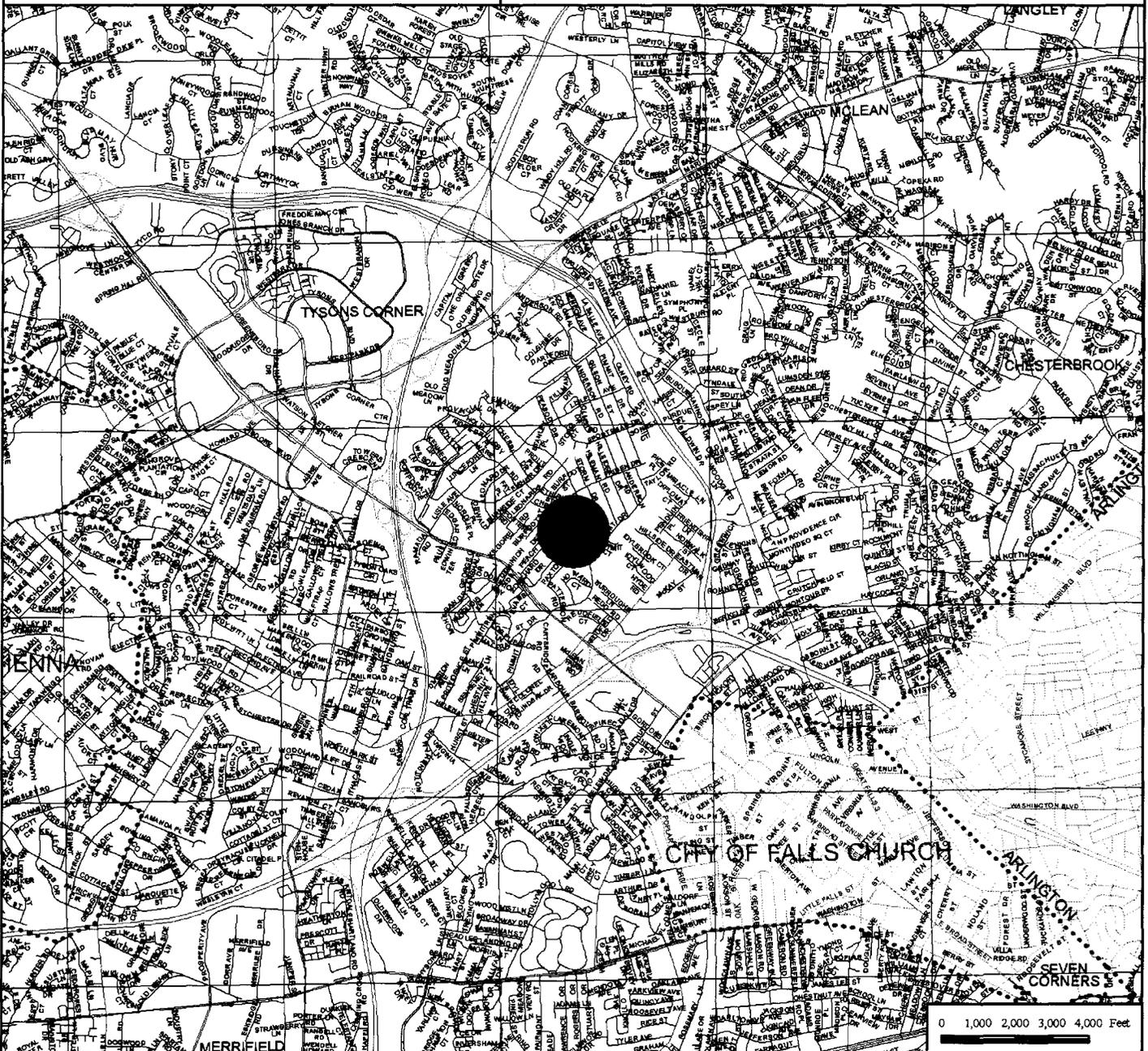
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2009-DR-043

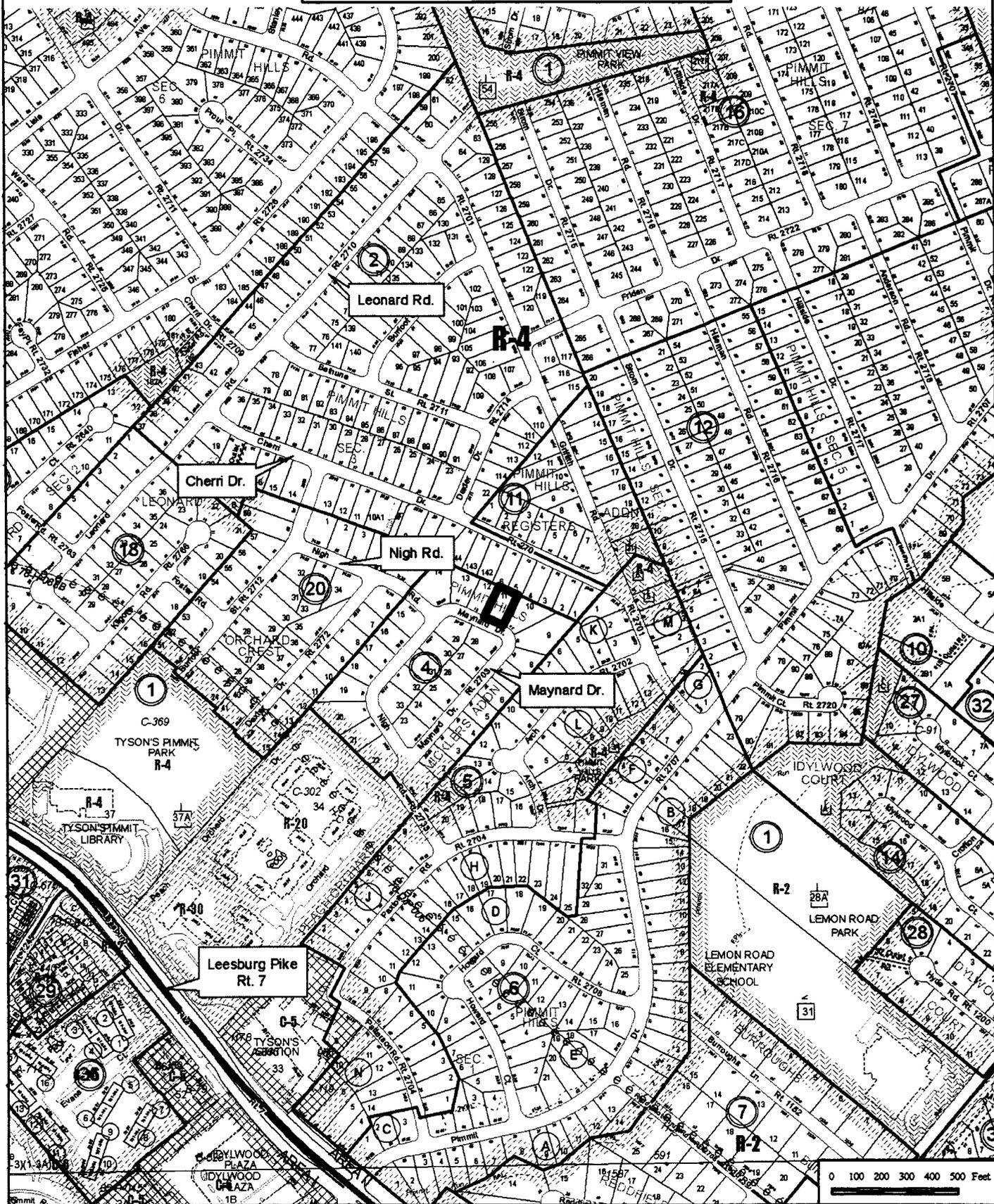
Applicant: RAYMOND KARL STRIDE JR
Accepted: 06/04/2009
Proposed: REDUCTION TO MINIMUM YARD REQUIREMENTS
BASED ON ERROR IN BUILDING LOCATION
TO PERMIT ACCESSORY STORAGE STRUCTURE
TO REMAIN 0.1 FEET FROM SIDE LOT LINE
AND REDUCTION OF CERTAIN YARD
REQUIREMENTS TO PERMIT ROOFED DECK
28.7 FEET FROM FRONT LOT LINE AND
ADDITION 6.8 FEET FROM SIDE LOT LINE



Area: 10,500 SF OF LAND; DISTRICT - DRANESVILLE
Zoning Dist Sect: 08-922 08-0914
Art 8 Group and Use: 9-21 9-13
Located: 2015 MAYNARD DRIVE
Zoning: R-4
Overlay Dist:
Map Ref Num: 040-1-/04/ /0011

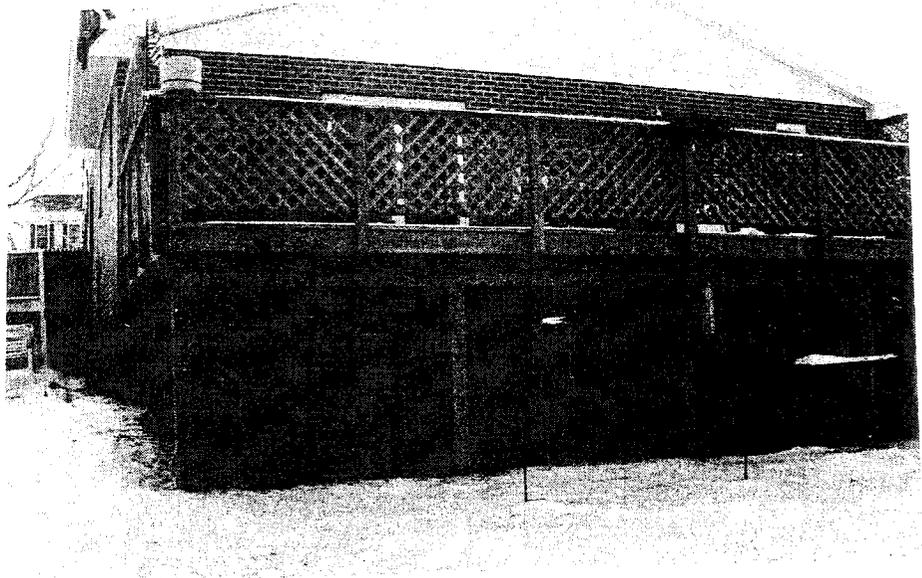


Special Permit SP 2009-DR-043



2015 MAYWARD DR.

1-30-09



1-30-09

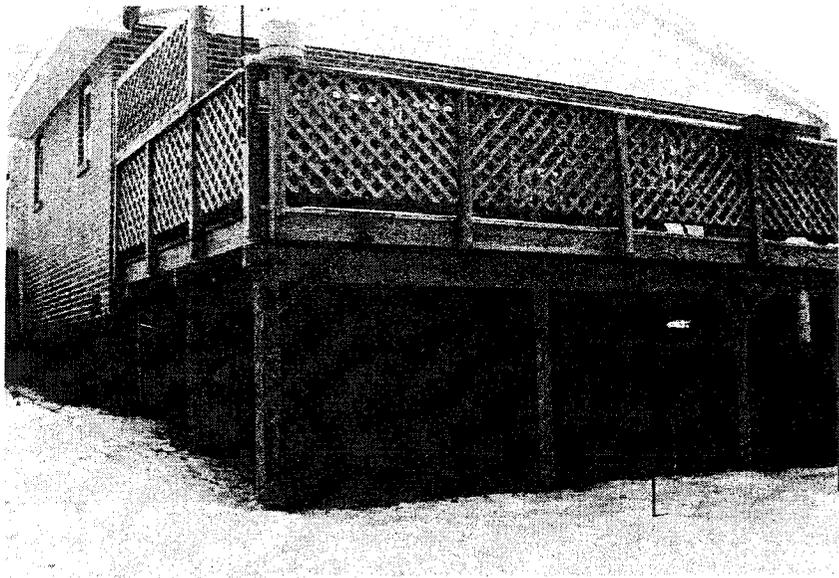
From rear yard of back yard.

RECEIVED
Department of Planning & Zoning
MAR 16 2009
Zoning Evaluation Division

2015 MAYNARD DR

1-30-09

②



1-30-09

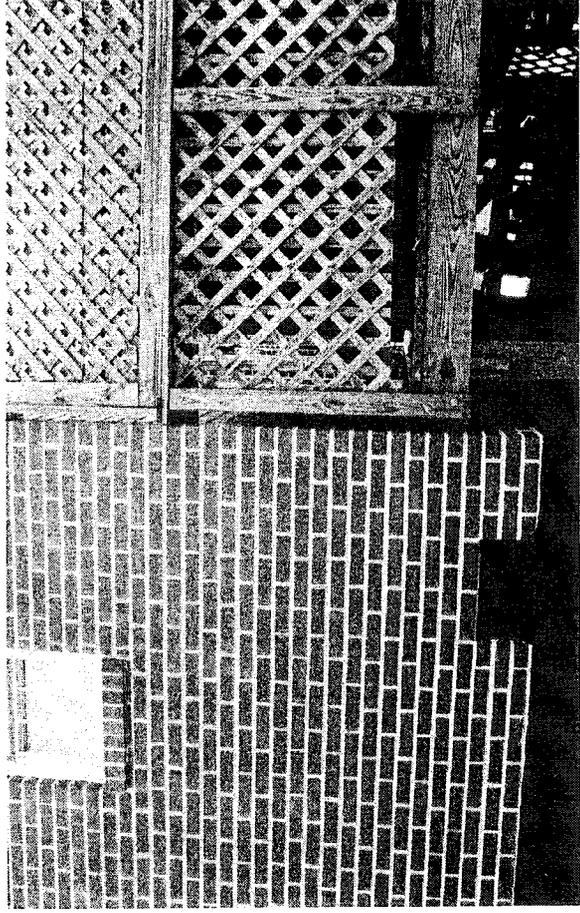
From side yard of back yard

RECEIVED
Department of Planning & Zoning

MAR 16 2009

Zoning Evaluation Division

2015 MAYNARD DR. 1-30-09



1-30-09

From side yard of rear yard

RECEIVED
Department of Planning & Zoning
MAR 16 2009
Zoning Evaluation Division

2015 MAYNARD DR.

1-30-09

(4)



1-30-09

From side yard of front yard

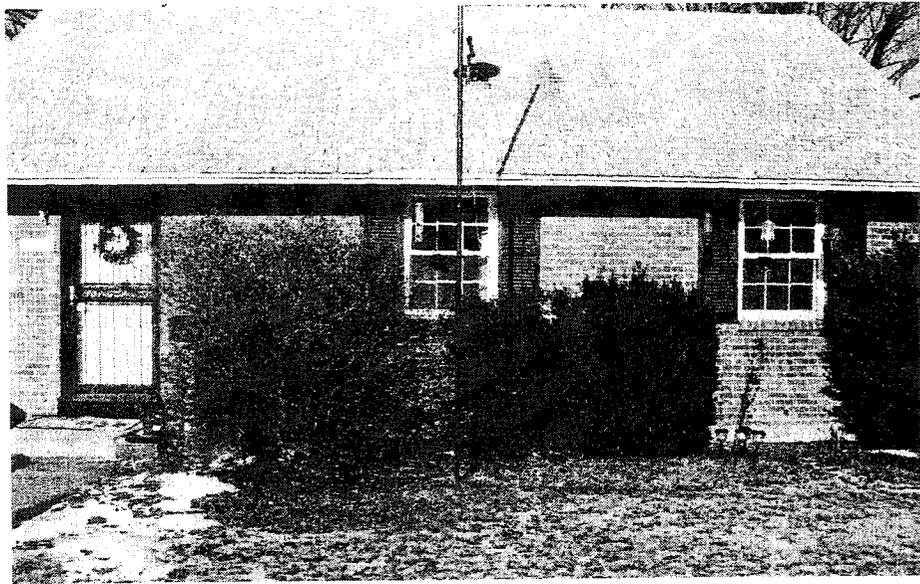
RECEIVED
Department of Planning & Zoning

MAR 16 2009

Zoning Exemption Division

2015 MAYNARD DR.

1-30-09



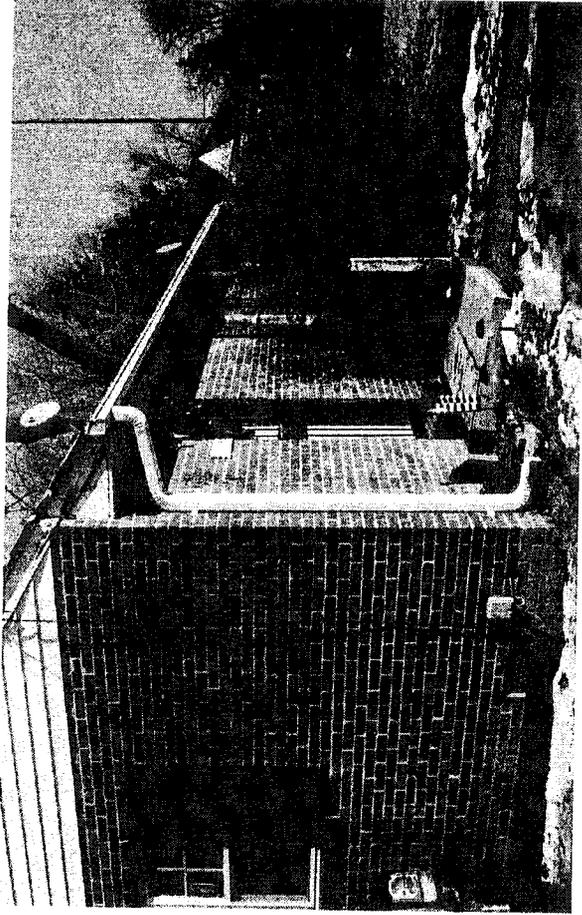
1-30-09

From front yard of front yard

RECEIVED
Department of Planning & Zoning
MAR 16 2009
Zoning Evaluation Division

⑥

2015 MAYNARD DR. 1-30-09



1-30-09

From side yard at front yard

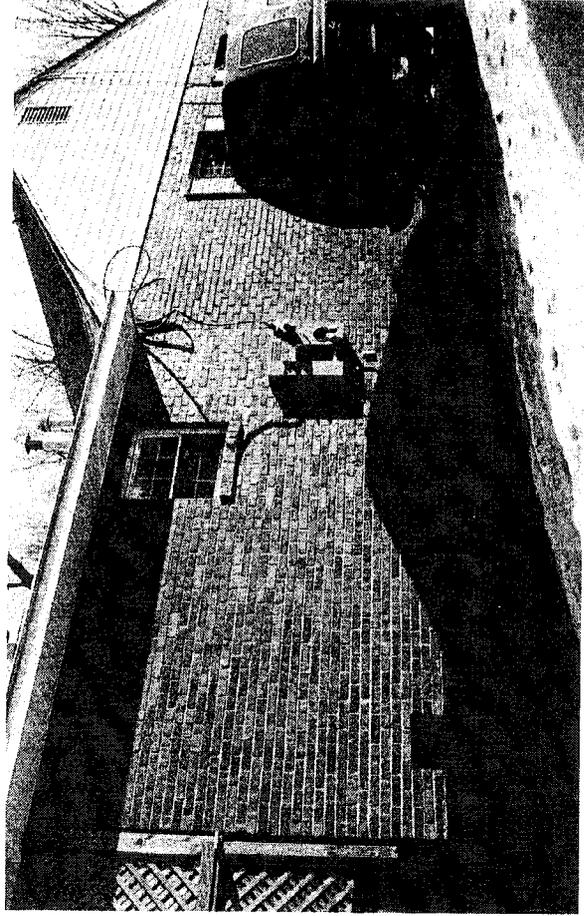
RECEIVED
Department of Planning & Zoning

MAR 16 2009

Zoning Evaluation Division

⑦

2015 MAYNARD DE. 1-30-09



1-30-09

From side yard of rear yard

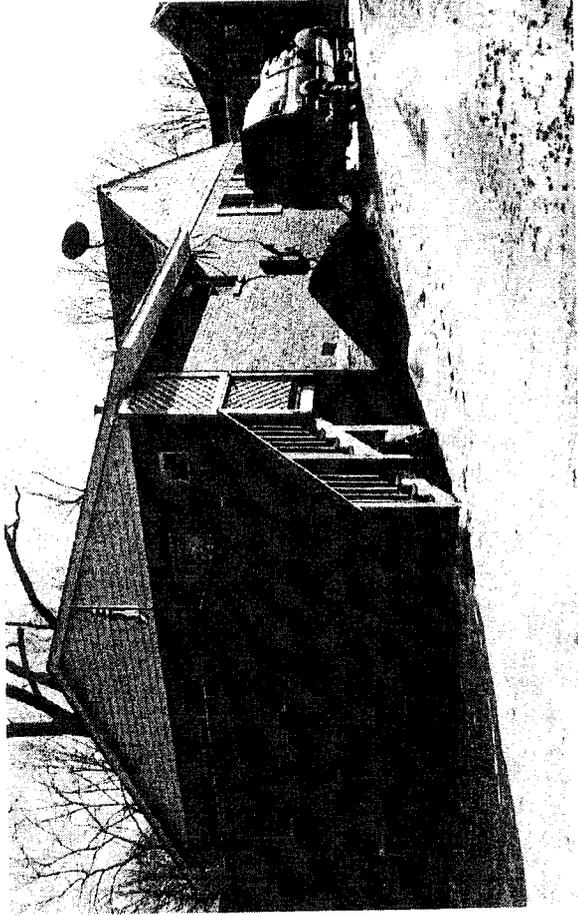
RECEIVED
Department of Planning & Zoning

MAR 16 2009

Planning Evaluation Division

⑧

2015 MAYNARD DR 1-30-09



1-30-09

From rear yard of back yard

RECEIVED
Department of Planning & Zoning

MAR 16 2009

PHOTOGRAPHER: [illegible]

2015 MAYNARD DR.

2-20-09

⑨



From North of back yard of 2042 Cherry Dr.

RECEIVED
Department of Planning & Zoning

MAR 16 2009

Zoning Evaluation Division

2015 MAYNARD DR.

2-20-09

10



RECEIVED
Department of Planning & Zoning

MAR 16 2009

Zoning Evaluation Division

From Northeastern corner of back yard of
2040 Cherry Dr.

2015 MAYNARD DR.

2-20-09

11



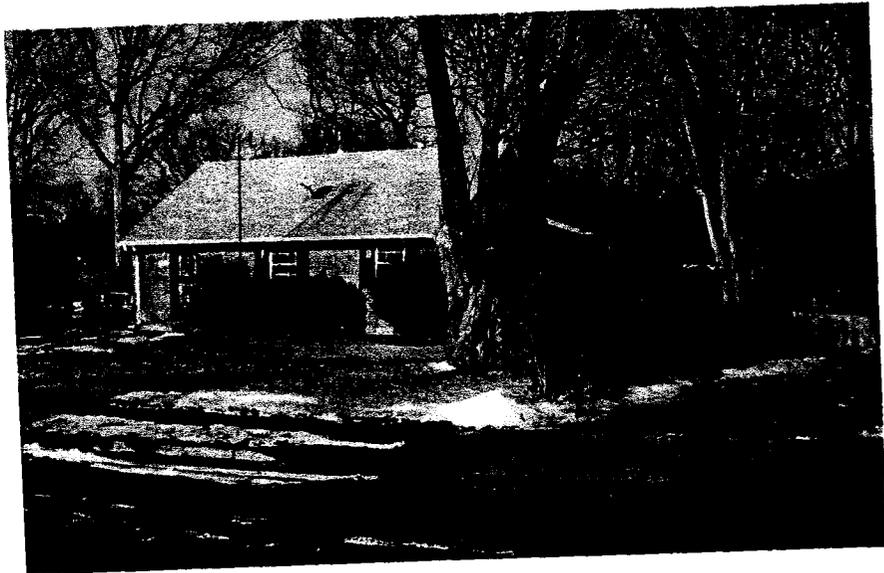
RECEIVED
Department of Planning & Zoning
MAR 16 2009
Zoning Evaluation Division

FROM EASTERN SIDE OF YARD AT
2017 MAYNARD DR.

2015 MAYNARD DR.

1-30-09

(12)



1-30-09

FROM EASTERN FRONT CORNER ACROSS ST.

OF 2022 MAYNARD DR.

RECEIVED
Department of Planning & Zoning

MAR 16 2009

Zoning Evaluation Section

2015 MAYNARD DR

1-30-09

13



1-30-09

From Front yard across ST. OF

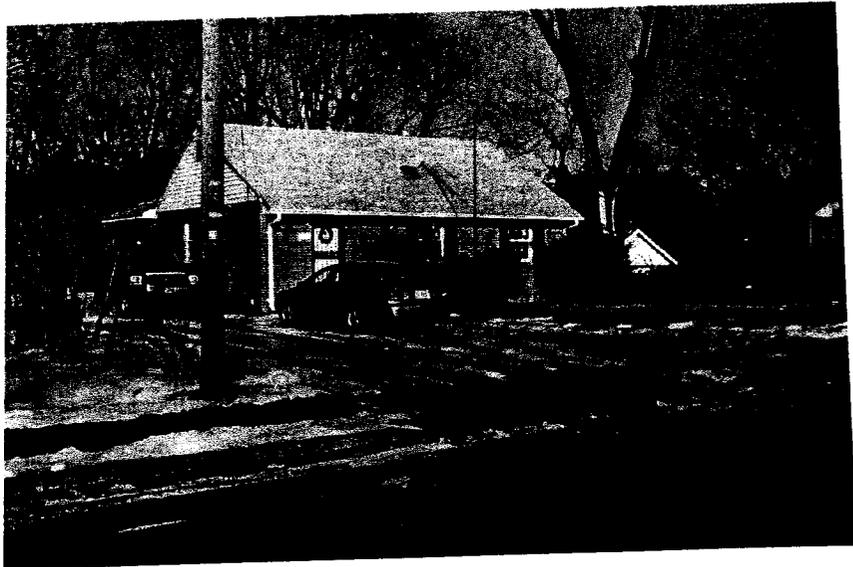
2022 MAYNARD DR.

RECEIVED
Department of Planning & Zoning
MAR 16 2009
Zoning Evaluation Division

2015 MAYNARD DR.

1-30-09

(14)



1-30-09

FROM WESTERN FRONT CORNER OF

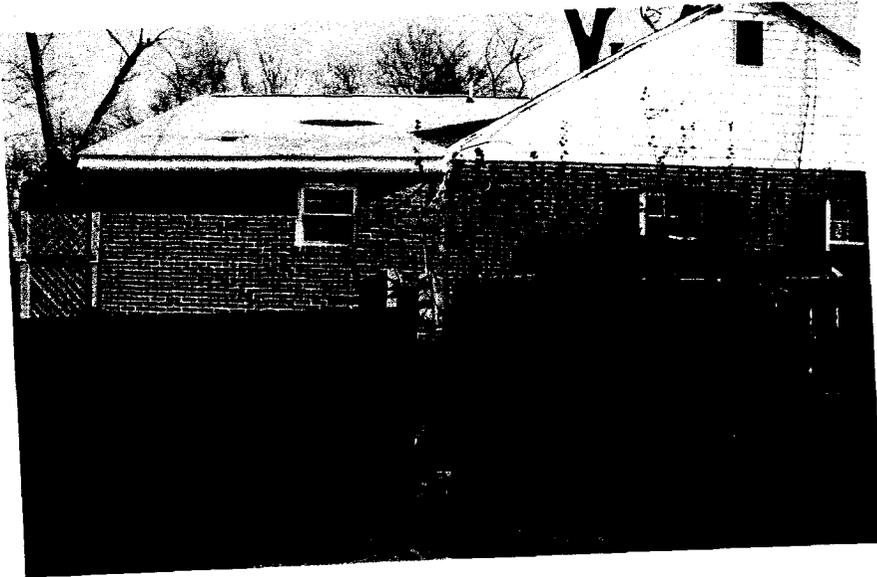
2012 MAYNARD DR.

RECEIVED
Department of Planning & Economic Development
MAR 16 2009
Zoning Evaluation Division

2015 MAYNARD DR.

1-30-09

(15)



1-30-09

FROM WESTERN SIDE OF YARD AT 2013

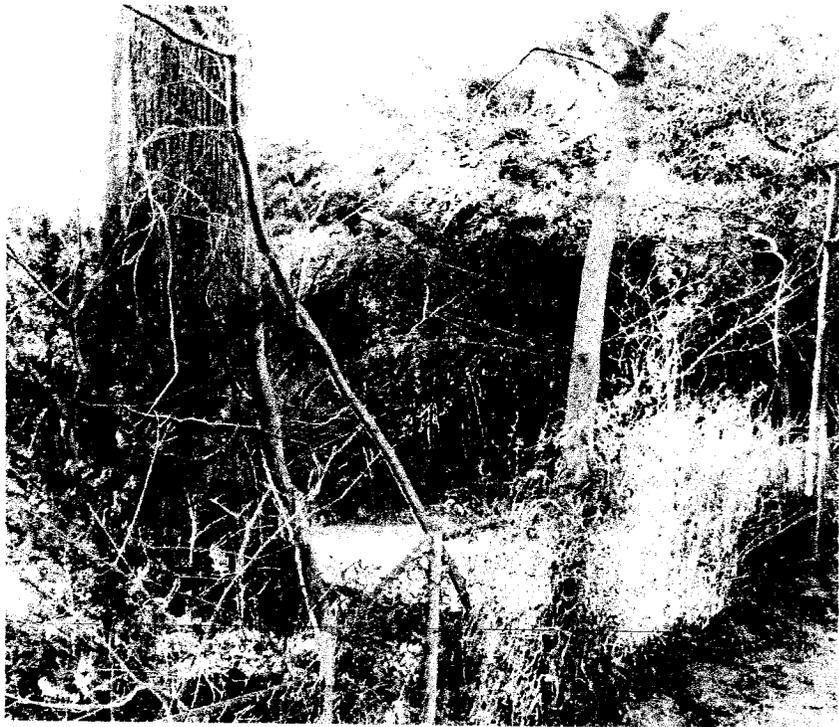
MAYNARD DR.

RECEIVED
Department of Planning & Zoning
MAR 16 2009
Zoning Evaluation Division

2015 MAYNARD DR .

2-20-09

16



From northwestern corner of back yard

at 2040 Cherry Dr.

RECEIVED
Department of Planning & Zoning
MAR 16 2009
Zoning Evaluation Division

DESCRIPTION OF THE APPLICATIONS

This application includes three special permit requests. The first request is to permit a reduction to minimum yard requirements based on error in building location to permit an existing accessory storage structure (shed) to remain 0.1 feet from the eastern side lot line. The shed measures approximately 8.8 feet in height and approximately 192.8 square feet (24.1 feet x 8 feet) in area.

Description of Special Permit Request #1

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Accessory Storage (Shed)	Side (East)	10.0 feet	0.1 feet	9.9 feet	99%

*Minimum yard requirement per Section 10-104

The second request is to permit a reduction of certain yard requirements to permit construction of a roofed deck (covered front porch) 28.7 feet from the front lot line.

Description of Special Permit Request #2

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #2	Roofed Deck (Covered Front Porch)	Front	30 feet	28.7 feet	1.3 feet	4.3%

*Minimum yard requirement per Section 3-407

The third request is to permit a reduction of certain yard requirements to permit construction of an addition (attached garage) 6.8 feet from the western side lot line.

Description of Special Permit Request #3

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #2	Addition (Attached Garage)	Side (West)	10 feet	6.8 feet	3.2 feet	32%

*Minimum yard requirement per Section 3-407

EXISTING SITE DESCRIPTION

Zoned to the R-4 Zoning District the application property is located in the Micklers Addition to Pimmit Hills Subdivision on the north side of Maynard Drive, northeast of Nigh Road. The 10,500 square-foot property is currently developed with a one-story, brick, single family detached dwelling. County records indicate the existing dwelling was constructed in 1954. A building permit was issued in 2006 to permit the construction of a 16 feet x 34 feet addition to the rear of the dwelling; a 12 feet x 30 feet open deck with steps at the rear of the dwelling; a 16 feet x 26 feet carport to be located 5.0 feet from the side lot line; and a 10 feet x 34 feet front porch to be located 32 feet from the front lot line. The Special Permit (SP) Plat indicates that neither the carport nor the front porch was ever built. Unlike the carport, the proposed attached garage is an addition and is not a permitted extension into the side yard without special permit approval. The front porch, as part of this application will be located closer to the front line (28.7 feet) than the porch approved under the building permit (32 feet) and is the basis for the second special permit request.

The existing dwelling measures 1,505 square feet in area and is 14.9 feet in height. Access to the site is provided from Maynard Drive via an existing gravel and grass driveway located along the western property line and terminates at the side of the dwelling. A concrete walkway extends from Maynard Drive to the dwelling's existing front entrance and will remain after the proposed covered deck (covered front porch) is constructed. A frame fence measuring 6.0 feet to 6.2 feet in height is located along the western property line, adjacent to the proposed garage addition, and extends north to the rear yard, then east to the eastern side yard. The frame fence connects to a 3.5 foot-high chain link fence that extends south along the eastern side lot line, adjacent to the shed, and is connected to a 6.0 foot-high stockade fence that extends from the dwelling to the eastern lot line. The topography of the site has a slight downward slope from the rear of the property to the street frontage. There are several mature trees and shrubs located along the periphery of the property and mature foundation planting and shrubs along the edges of the dwelling. The shrubs along the dwellings frontage will need to be relocated to accommodate the proposed front porch. The site is surrounded by single family detached homes on all lot lines.

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

BACKGROUND

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

- *Special Permit SP 94-D-015* was approved on August 2, 1994 for Tax Map 40-1 ((5)) (M) 2, zoned R-4, at 2025 Griffith Road, to permit a reduction to minimum yard requirements based on error in building location to allow shed to remain 4.0 feet from side lot line (10 feet minimum side yard required).
- *Special Permit SP 99-D-020* was approved on July 7, 1999 for Tax Map 40-1 ((5)) (H) 1, zoned R-4, at 7432 Patterson Road, to permit a reduction to minimum yard requirements based on error in building location to permit accessory structure to remain 5.0 feet and 4.7 feet from rear lot line and 6.2 feet from side lot line (10 feet minimum side yard required).
- *Special Permit SP 2008-DR-090* was approved on January 6, 2009 for Tax Map 40-1 ((5)) (H) 15, zoned R-4, at 7415 Paxton Road, to permit a reduction to minimum yard requirements based on error in building location to permit accessory structures to remain 0.5 and 3.1 feet from side lot line and accessory storage structure 5.9 feet from rear lot line.
- *Variance VC 85-D-086* was approved on December 3, 1985 for Tax Map 40-1 ((20)) 41, zoned R-4, at 2028 Dexter Drive, to permit the construction of a garage and unroofed deck addition to dwelling 5.83 feet from side lot line (10 feet minimum required).
- *Variance VC 94-D-040* was approved on July 6, 1994 for Tax Map 40-1 ((20)) 24, zoned R-4, at 2023 Burfoot Street, to permit the construction of addition (garage) 5.3 feet from side lot line (10 feet minimum required).
- *Special Permit SP 2008-DR-014* was approved on April 29, 2008 for Tax Map 40-1 ((20)) 10, zoned R-4, at 2019 Dexter Drive, to permit a reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 4.3 feet from side lot line and 3.3 feet from rear lot line and to permit reduction to certain yard requirements to permit construction of addition 5.0 feet from side lot line.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** Plat Showing The Improvements On Lot 11, Micklers Addition to Pimmit Hills
- **Prepared by:** George M. O'Quinn, Land Surveyor, Dominion Surveyors Inc.

- **Dated:** November 24, 2008, as revised through May 20, 2009
- **Building Permit required for Shed:** Yes
- **Error Made by:** Applicant

Proposal:

The applicant is requesting special permit approval for an error in building location to permit the 8.8-foot high, 192.8 square-foot accessory storage structure (shed) to remain 0.1 feet from the eastern side lot line. The Zoning Ordinance requires accessory storage structures that exceed 8 ½ feet in height to be setback a distance equal to its height (8.8 feet) from the rear lot line, which this shed meets, and 10 feet from a side lot line.

The applicant also proposes to construct a 341 square-foot roofed deck (covered front porch) including steps, 28.7 feet from the front lot line. The Zoning Ordinance requires a minimum front yard of 30.0 feet; therefore a reduction of 1.3 feet (or 4.3%) of the minimum required yard is needed.

Lastly, the applicant proposes to construct a one-car garage addition measuring 553 square feet in area and 14.9 feet in height to align with the existing roof line of the dwelling. The roof shingles and brick face are proposed to match the existing materials on the dwelling.

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 Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the roofed deck (covered front porch) and garage addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3 and Standard 5.

General Standard 3 requires that the application 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. *By observation of the neighborhood through submitted photographs, staff believes that the proposed roofed deck (covered front porch) addition will not adversely affect the use or development of neighboring properties. The proposed front porch will be constructed of materials consistent with those of the existing dwelling and façade. Staff believes that the request is minimal and is the most logical location on the property as the front of the dwelling maintains its orientation towards its Maynard Drive frontage. The building height and materials for the proposed single car garage addition are consistent with those of the existing dwelling and the garage is proposed to be constructed along the western side of the dwelling where the existing driveway is located. Staff believes that this is the most logical location to construct the garage addition; therefore, 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 property has existing mature deciduous and evergreen vegetation along the periphery of the property and mature shrubs along the front edge of the dwelling. This area is sparsely vegetated; therefore there will be minimal impact to vegetation. The proposed front porch is to be located in the same general area of the existing front entrance. The existing shrubs may need to be replanted and staff has proposed a development condition to require the applicant to replant those affected shrubs. With the implementation of this development condition, staff believes that 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 4 pertains to building additions resulting in additional living space. There is no additional living space being added to the site that was not already included as part of the existing gross floor area; therefore, Standard 4 does not apply to this application. Standard 5 relates to accessory structures and does not apply to this application. Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 6, 7, 8, and 9.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings submitted indicate that the materials, size and scale of the proposed front porch and garage addition will be compatible with the existing structure. The proposed construction would not create any additional height to the overall existing structure as the height of the covered porch will tie into the existing roof line. The front of the dwelling is proposed to remain in the location as the previous entrance. The height of the proposed garage addition is 14.9 feet; the dwelling is also 14.9 feet in height. 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. *With review of the photographs submitted, staff believes that the proposed improvements are compatible with the surrounding houses in the neighborhood. The two-story dwelling across the Maynard Drive to the south (Lot 28) contains an attached garage and records indicate that the BZA has approved garage additions within the vicinity of the application property. The addition is consistent in size and height with surrounding properties. 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 storm water runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has not indicated that there are drainage complaints on file related to this property. Staff believes that the roofed porch and garage addition will have very little impact on stormwater runoff, noise, light, air, safety or erosion since the overall footprint of the roofed porch and garage addition will add minimal impervious area to the existing site. The garage will be located over the existing gravel and grass driveway. Although a building permit was previously approved to erect a carport in this location, only the gravel driveway is present today. 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 (RPA); 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. No RPA or floodplains have been identified on site. The existing dwelling is located in the center of the parcel where the side yards are nearly equidistant in width. However, the existing driveway is located along the western property line and the proposed garage is proposed to be constructed over an existing open-air driveway, thereby mitigating engine noise and light pollution. The garage construction will cause minimal impact to existing vegetation that will continue to provide adequate buffer for adjacent properties. Therefore, staff does not believe that additional vegetation is warranted. Other concerns regarding well and/or septic easements and preservation are not applicable to this site. The proposed front porch is to be located in the same general area of the existing front entrance. The existing shrubs along the perimeter of the dwelling should be replanted and staff has proposed a development condition to require the applicant to replant those affected shrubs. With the implementation of this development condition, staff believes that this standard has been met.

CONCLUSION

Staff believes that the subject application 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-DR-043 for the roofed deck (covered front porch) and garage addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit for rear addition, open deck, carport and open deck
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-DR-043****September 8, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-DR-043 located at Tax Map 40-1 ((4)) 11 to permit reduction of certain yard requirements pursuant to Sections 8-914 and 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, 341 square feet for the roofed deck (covered front porch) and 553 square feet for the garage addition, as shown on the plat prepared by George M. O'Quinn, Land Surveyor, Dominion Surveyors Inc., dated November 24, 2008, as revised through May 20, 2009, as submitted with this application and is not transferable to other land.
3. The applicant shall obtain building permits for the accessory storage structure (shed), the porch and garage additions prior to construction.
4. The additions shall be architecturally compatible with the existing dwelling on site, as depicted on Attachment 1.

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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April - 14 - 2009
(enter date affidavit is notarized)

I, Raymond Karl Stride Jr., 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 104022a

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

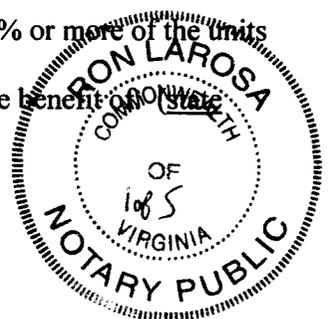
1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE 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)
D) Raymond Karl Stride Jr.	2015 Maynard Dr. Falls Church VA 22043	① Applicant / Title owner
B) James Wheeler DBA Jamie Wheeler Complete Home Solutions	1823 Pimmit Dr. Falls Church VA 22043	② 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 (name of each beneficiary).



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

104022a

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

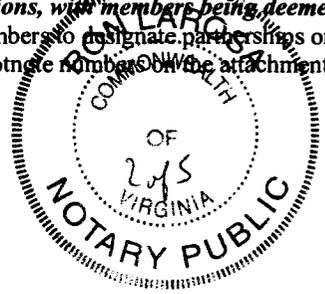
NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
James Wheeler DBA JAMIE Wheeler Complete Home
1823 Pimmit Drive Solutions Sole Proprietorships
Falls Church VA 22043

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)
James Wheeler, Sole proprietor

(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 number on the attachment page.



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 14, 2009
(enter date affidavit is notarized)

104022a

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

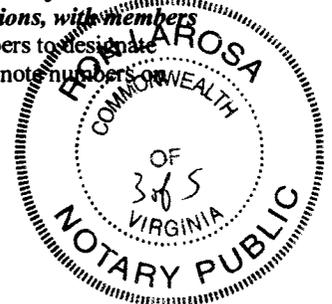
PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(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: April 14, 2009
(enter date affidavit is notarized)

104022a

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: April 14, 2008
(enter date affidavit is notarized)

104022a

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)

Raymond K. Stride, Jr.

Applicant

Applicant's Authorized Agent

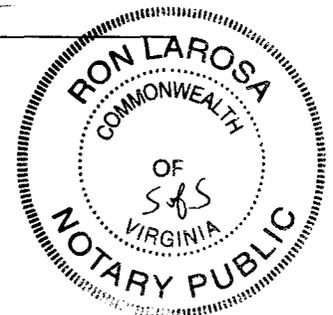
Raymond Karl Stride, Jr.

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

Subscribed and sworn to before me this 14 day of April 2009, in the State Comm. of Virginia, County/City of Falls Church

My commission expires: November 30, 2011
ID 708 3398

Ron Larosa
Notary Public



To Whom it may concern, 3-16-09
We would like add a garage 16'x34'
attached to the left side of the
existing house. Our lot is very narrow
and we need go into the setback
4 feet (3.4"). Because of the layout
of the existing structure it would
be difficult to place the garage anywhere
else on the property. My mother had
a stroke in the last 2 years and
we would really like the benefit
of an attached garage to help her
get in and out of the house during
bad weather.

Arnold K. Stoltz

2015 MAYNARD DR
Falls Church VA. 22045

RECEIVED
Department of Planning & Zoning

MAR 16 2009

Zoning Evaluation Division

1) A. Yes the area exceeds
10% of the measure-
ment involved.

2) B. We were not aware
of building a shed permit
to build the existing
shed 8x8 that's located
10 feet from property
line. (Explain) if we had
to move we will pay or
more to remove or replace
than the actual cost.

3) C. The ordinance will
no longer impair the purpose and
intent of this ordinance.

4) D. It has not created
any unsafe or detrimental

uses to any adjoining
properties.

E. It will not create any
unsafe conditions to
neighboring properties.
The 8x8 shed has not
increased in density of
the area. It is in a
zoning district that
allows for such structures.
The ordinance does not
create any unsafe or
detrimental

RECEIVED
Department of Planning & Zoning
MAY 18 2009
Joseph K. Stutz
5-18-09
It has not created
any unsafe or detrimental

6. The proposed development will be in character of the on sight development. The location is the side yard.

7. The proposed development will be in character of the on sight development.

7. The proposed development will be in harmony with the surrounding off site uses.

There were not large scrubs or tree removed to effect storm run off.

8. The proposed development shall not adversely impact the use and/or enjoyment of any

or enjoyment of any adjacent property with regard to noise, light, vibration, etc.

There will be no impact on adjacent property.

The proposed development will be in harmony with the surrounding off site uses.

8. The proposed development shall not adversely impact the use and/or enjoyment of any

BUILDING PERMIT APPLICATION
FAIRFAX COUNTY GOVERNMENT
PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 67140185
 FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/dpwes/inspection_sched.asp

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
(PLEASE PRINT OR TYPE)

JOB LOCATION
 ADDRESS 2015 Maynard Drive
 LOT # 11 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Pimmit Hills mckler 3
 TENANT'S NAME addition
 EMAIL _____
 CONTACT ID _____

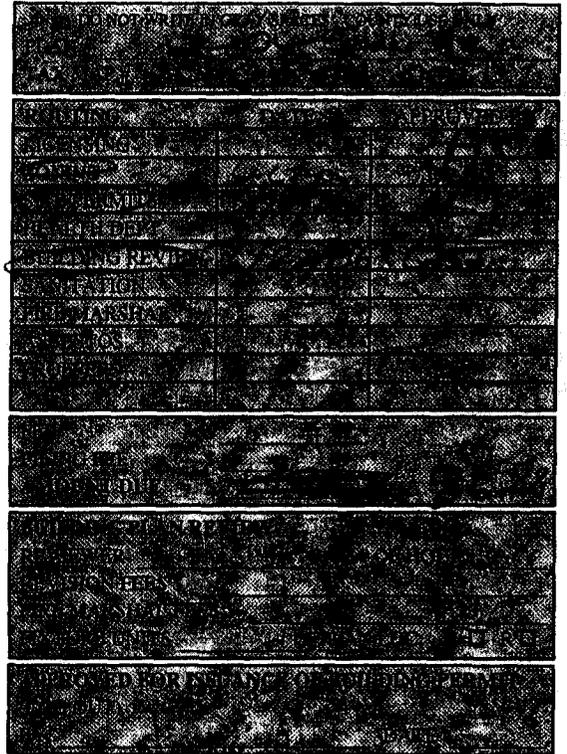
OWNER INFORMATION OWNER TENANT
 NAME Raymond K. Stride Jr
 ADDRESS 2015 Maynard Dr
 CITY Falls Church STATE Va ZIP 22043
 TELEPHONE 571-215-8893
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME Complete Home Solutions
 ADDRESS 1823 Pimmit Dr
 CITY Falls Church STATE Va ZIP 22043
 TELEPHONE 703-734-9650
 EMAIL _____
 STATE CONTRACTORS LICENSE # 2705 051802A
 COUNTY BPOL # 000-20-1990
 CONTACT ID _____

APPLICANT
 NAME Jamie Wheeler
 ADDRESS 1823 Pimmit Dr
 CITY F/C STATE VA ZIP 22043
 TELEPHONE 703-734-9650
 EMAIL _____
 CONTACT ID Contractor

DESCRIPTION OF WORK
Addition to rear of house 16x34'
Carport to side 16x26'
Deck on rear 12x30'
Rt Porch 10x34'
 } Phase 2

HOUSE TYPE SFD
 ESTIMATED COST OF CONSTRUCTION 80 K
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____
DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____



ZONING REVIEW
 USE SFD R-4
 ZONING DISTRICT _____ HISTORICAL DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT <u>nc 32</u>	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>nc / pc</u>	REMARKS	<u>Build 12x30</u>		
L SIDE <u>22/22</u>		<u>open e w/brnded deck</u>		
R SIDE <u>23/24</u>		<u>with stairs cur ramp</u>		
REAR <u>38/nc</u>		<u>16x26 5' from side</u>		

REMARKS 42 from front e
with MOW
PLANS - covered
covered front porch
10x34 per plans
photo attached

2016 113 904/2354 2100

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Jamie Wheeler 6-23-06
 Signature of Owner or Agent Date
Jamie Wheeler contractor
 Printed Name and Title
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit: I, _____
 Notary Public in the State and County aforesaid, do certify that _____
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____.
 My commission expires the _____ day of _____, 20____.

 (Notary Signature)

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.