



County of Fairfax, Virginia

December 8, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-DR-098

DRANESVILLE DISTRICT

APPLICANT: Mary S. Stup, Trustee

OWNERS: Mary S. Stup and Steven T. Stup, Trustees

STREET ADDRESS: 10910 Shallow Creek Drive

SUBDIVISION: The Estates at Longwood

TAX MAP REFERENCE: 12-1 ((17)) 40

LOT SIZE: 37,587 square feet

ZONING DISTRICT: R-1

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 open deck to remain 6.25 feet from a side lot line and reduction of certain yard requirements to permit construction of an addition 12 ft. 9 in. from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of the application for a screened porch addition subject to the proposed development conditions contained in Appendix 1.

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

O:\dhedr\Special Permits\12-15) SP 2009-DR-098 Stup\

Deborah Hedrick/Susan Langdon

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.

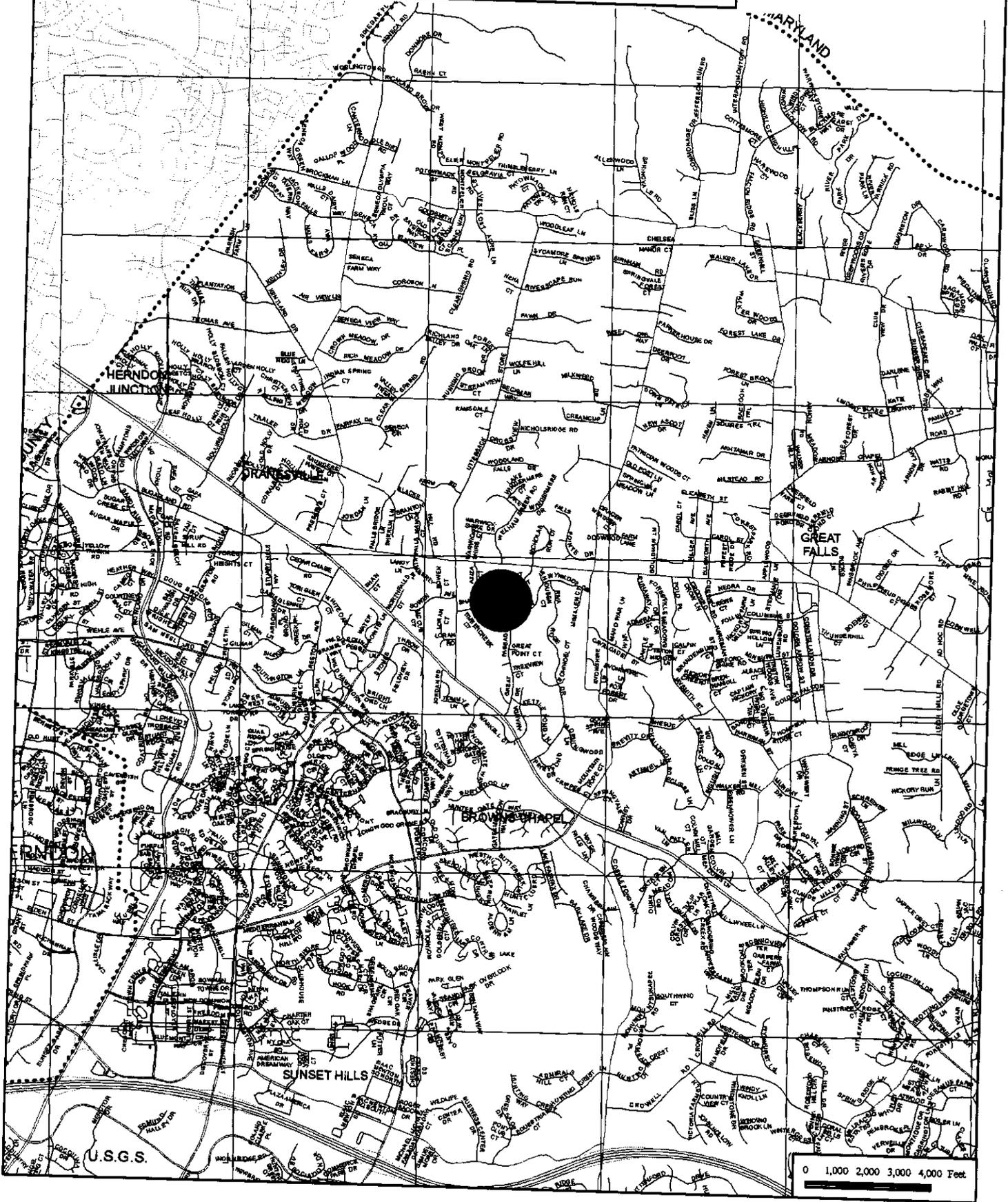
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

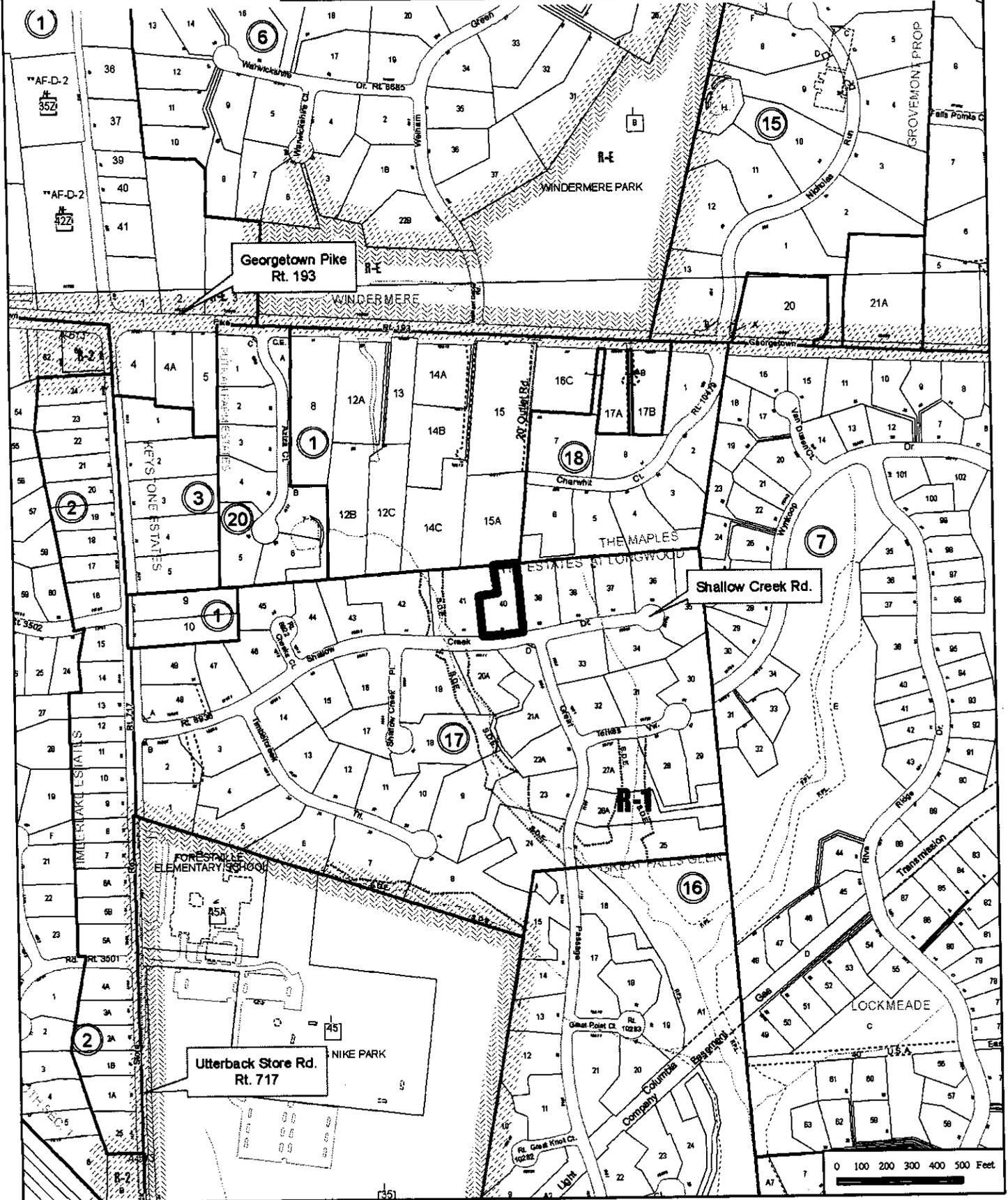


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2009-DR-098
MARY S. STUP / TRUSTEE



**Special Permit
SP 2009-DR-098
MARY S. STUP / TRUSTEE**

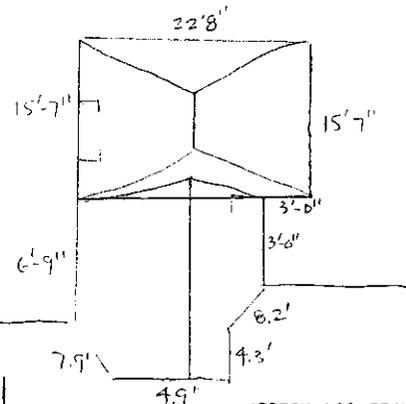


HOUSE LOCATION SURVEY
LOT 40
THE ESTATES AT
LONGWOOD
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

NOTE: DIMENSIONS SHOWN W/ EAVES

NOTES:

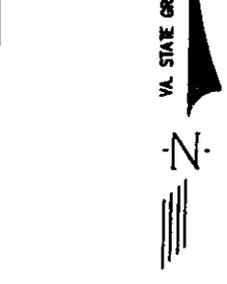
- NO EXISTING UTILITY EASEMENT HAVING A WIDTH OF 25 FEET OR MORE.
- NO DELINEATION OF FLOODPLAIN DESIGNATED BY THE FEDERAL INSURANCE ADMINISTRATION, U.S. GEOLOGICAL SURVEY, OR FAIRFAX COUNTY.



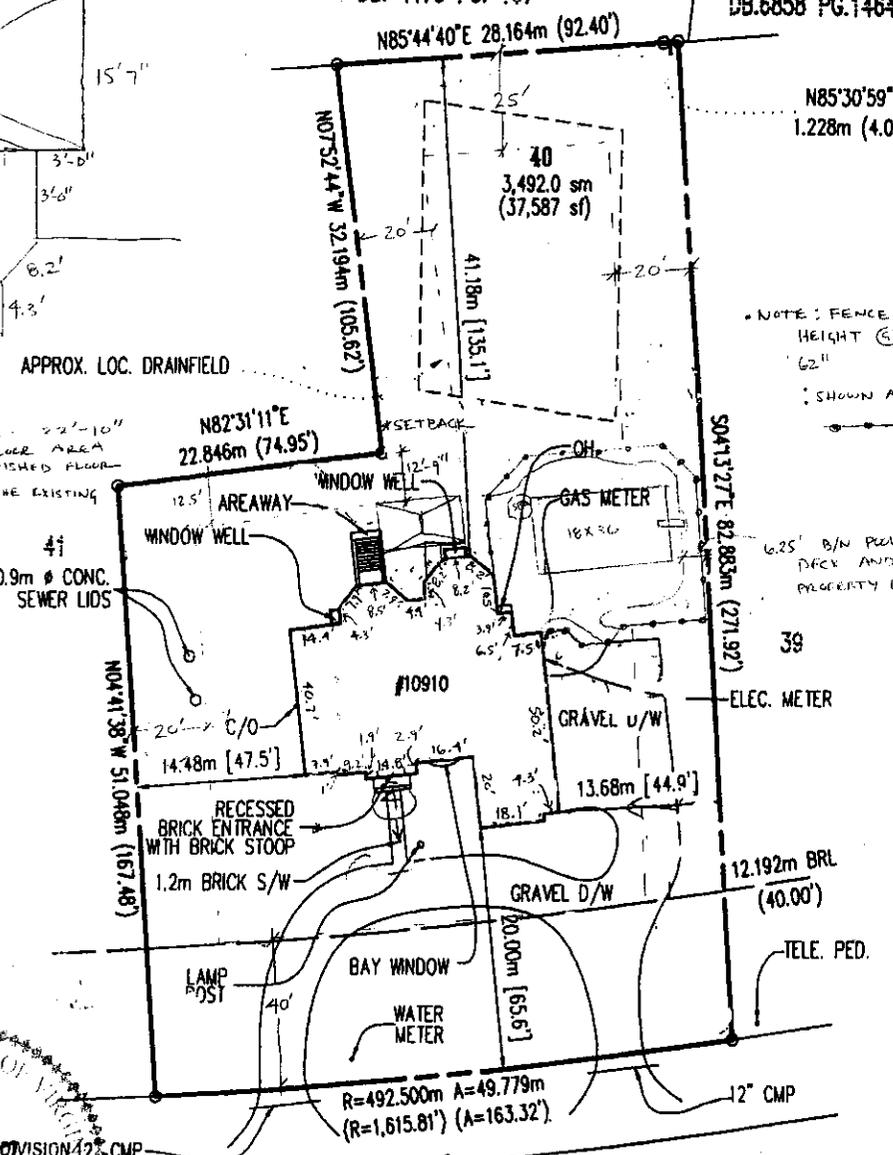
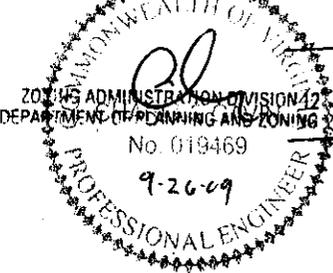
LOT 15-A
TURNER, PAUL E. & SANDRA V.
DB. 4175 PG. 107

LOT 16-B
COLE, HOLLAND G.
DB. 6858 PG. 1464

- PROPOSED STRUCTURE:**
- HEIGHT - 20'-10"
 - " W/ FIREPLACE - 22'-10"
 - NEW 525 sq ft GROSS FLOOR AREA
 - DECK IS 2'-8" TO FINISHED FLOOR
 - STRUCTURE IS 7% OF THE EXISTING GROSS FLOOR AREA
- EXISTING STRUCTURE:**
- 32' HEIGHT
 - 16" EAVES
 - 3723.37 sq ft



- SETBACKS ARE:**
- 40' - FRONT
 - 20' - SIDE
 - 25' - REAR



NOTE: FENCE HEIGHT 62" SHOWN AS

6.25' B/W PEEL DECK AND PROPERTY LINE

SHALLOW CREEK DRIVE
WIDTH VARIES
DB. 11183 PG. 823

RECEIVED
 Department of Planning
SEP 28 2009

THIS HOUSE LOCATION SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCE AFFECTING THE TITLE TO THIS PROPERTY. THIS SURVEY IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES OR OTHER IMPROVEMENTS.

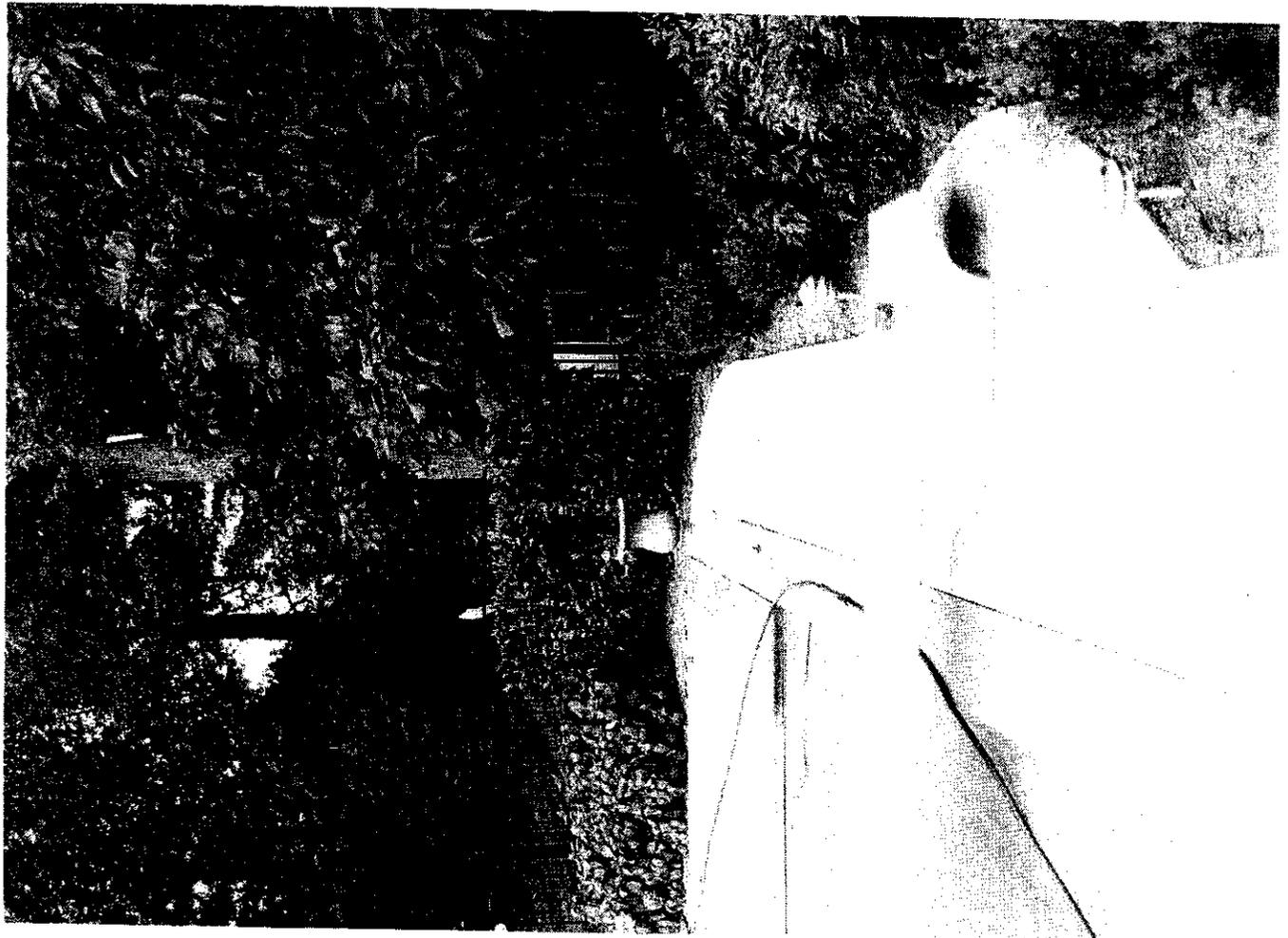
SCALE: 1" = 40'-0"
DATE: 11-13-00
DRAWN BY: E. MATTISON
WALL CHECK: 11-13-00 FINAL LOC.: 04-24-01
RECERTIFICATION:

URBAN ENGINEERING & ASSOC., INC.

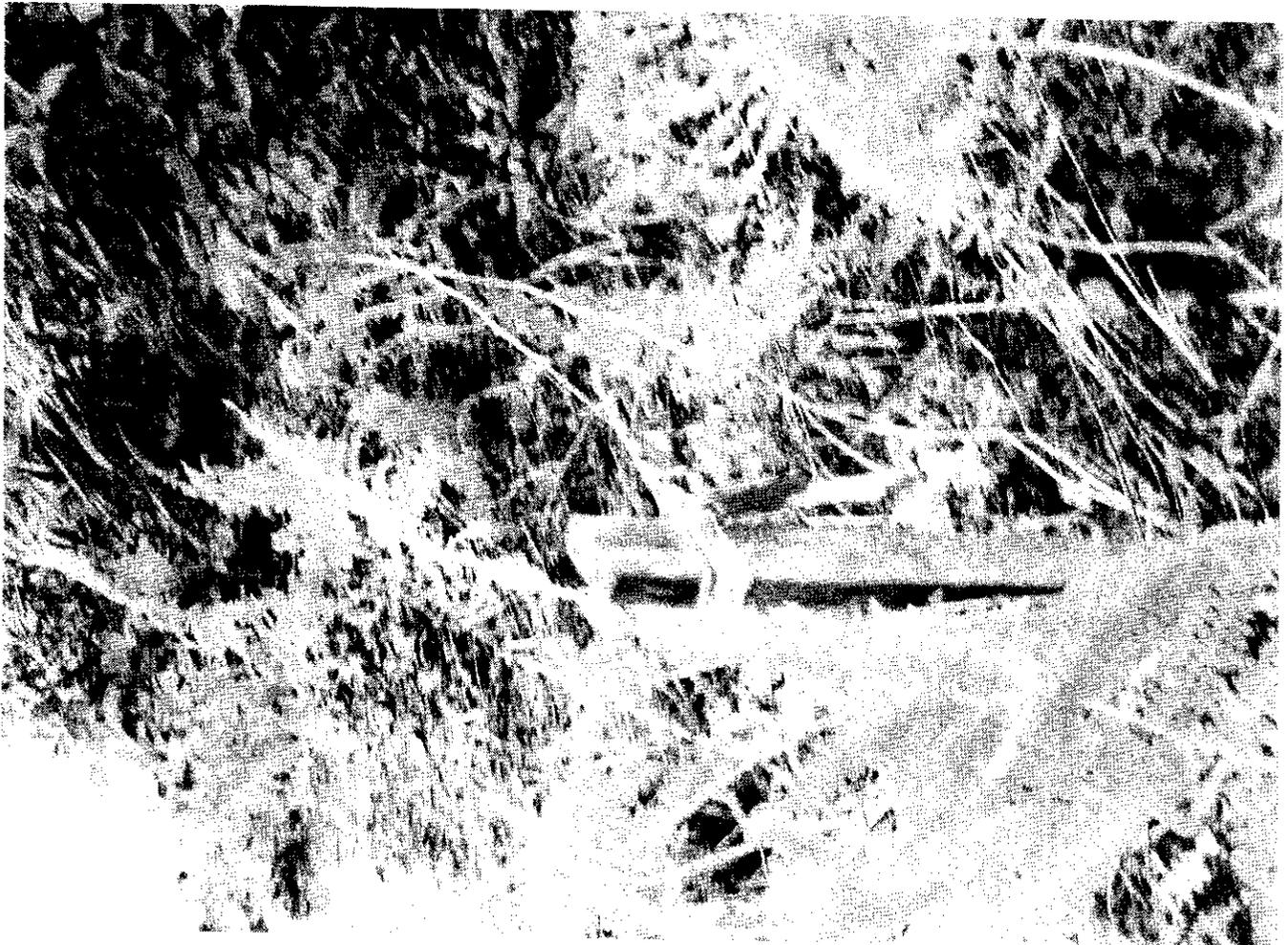
CIVIL ENGINEERS LANDSCAPE ARCHITECTS LAND SURVEYORS

7716 LITTLE RIVER TURNPIKE
 ANNANDALE, VIRGINIA 22003
 (703) 648-8080

POOL + BECKING PICS



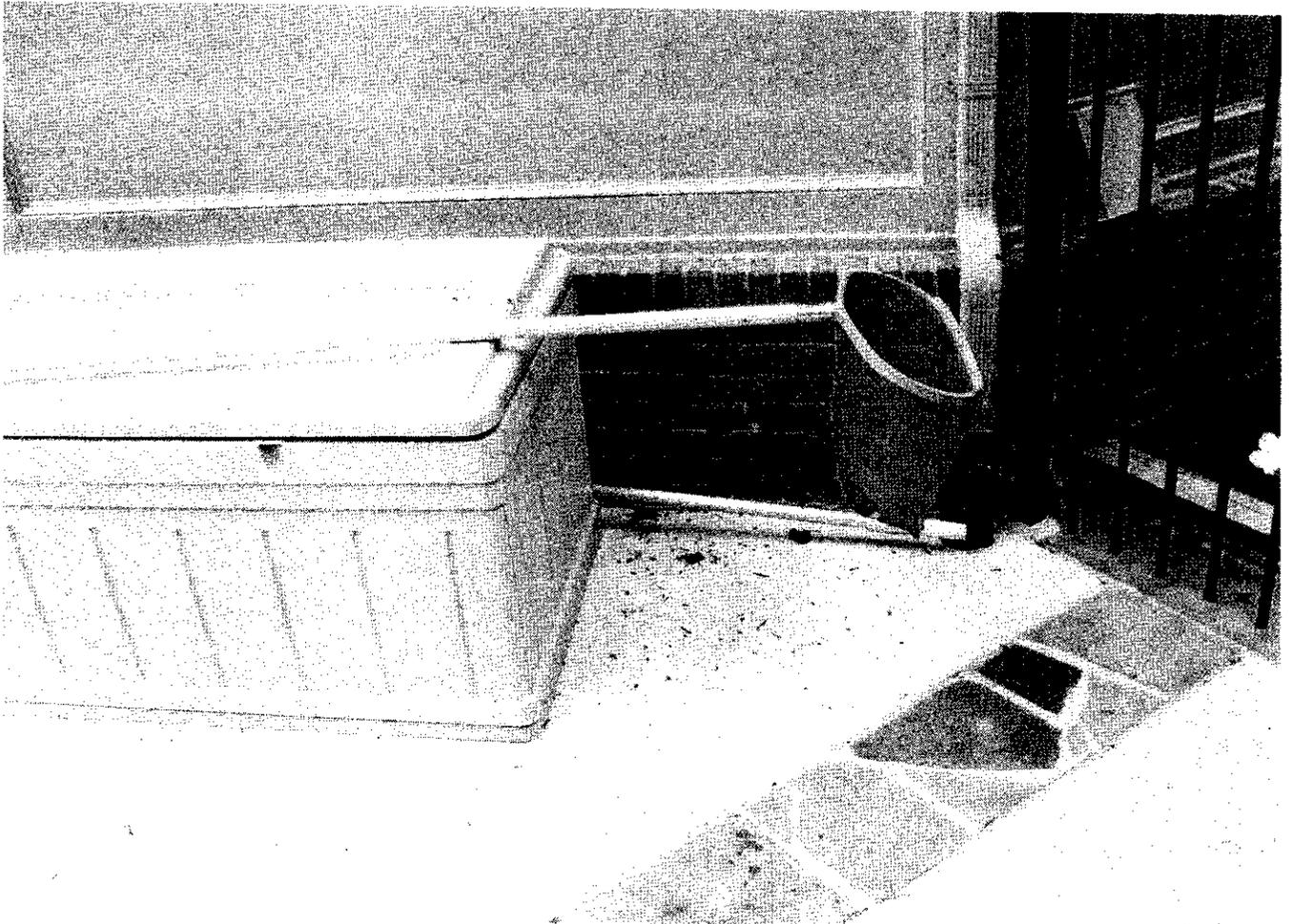


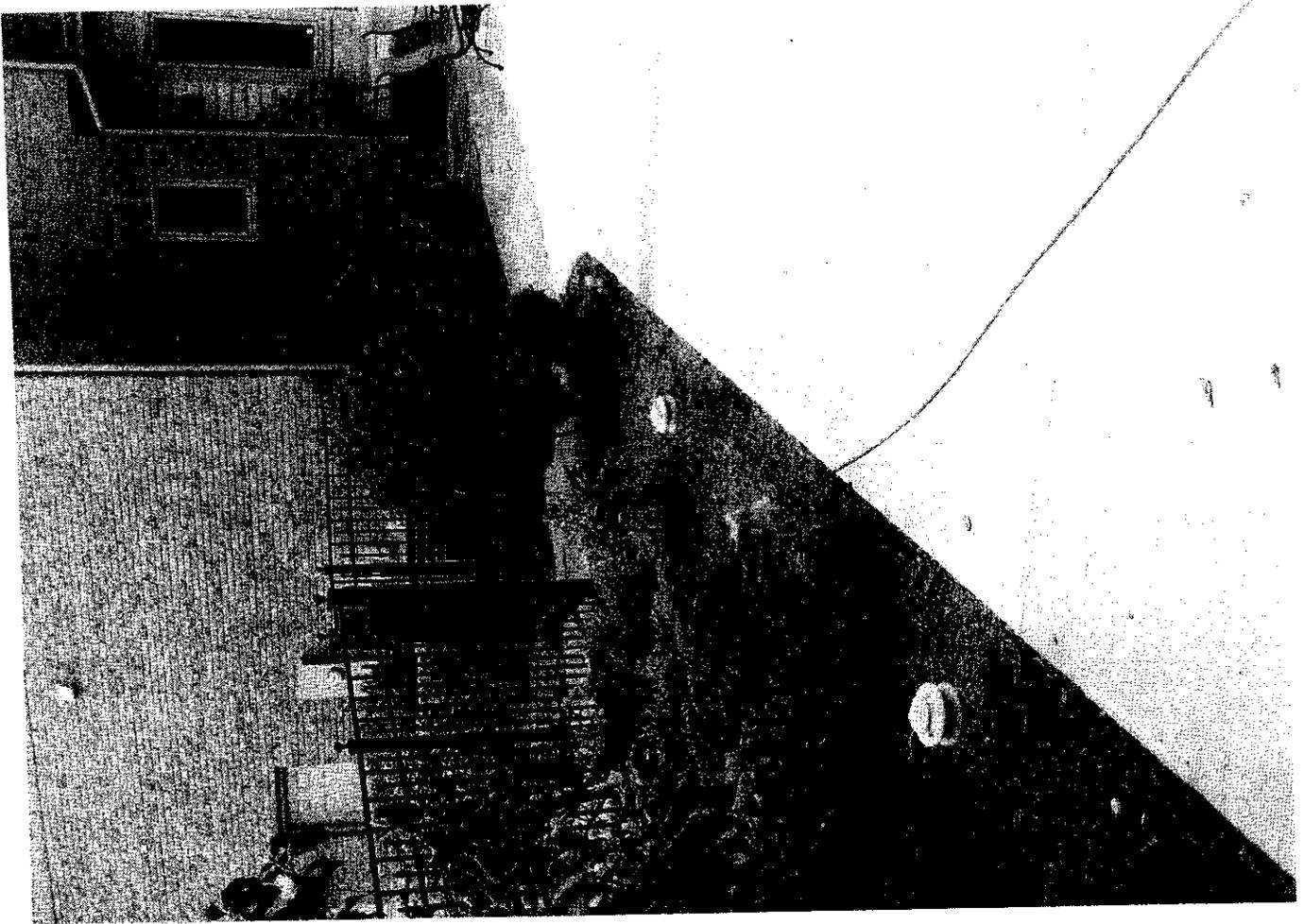




L
FACE



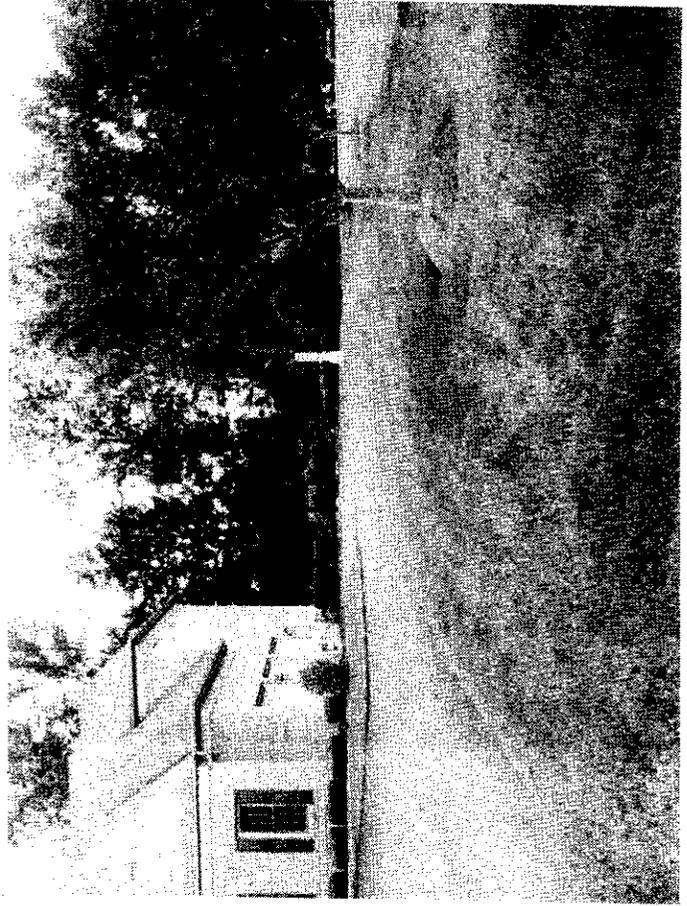




1.) RIGHT FRONT CORNER
10910 SHALLOW CREEK DRIVE



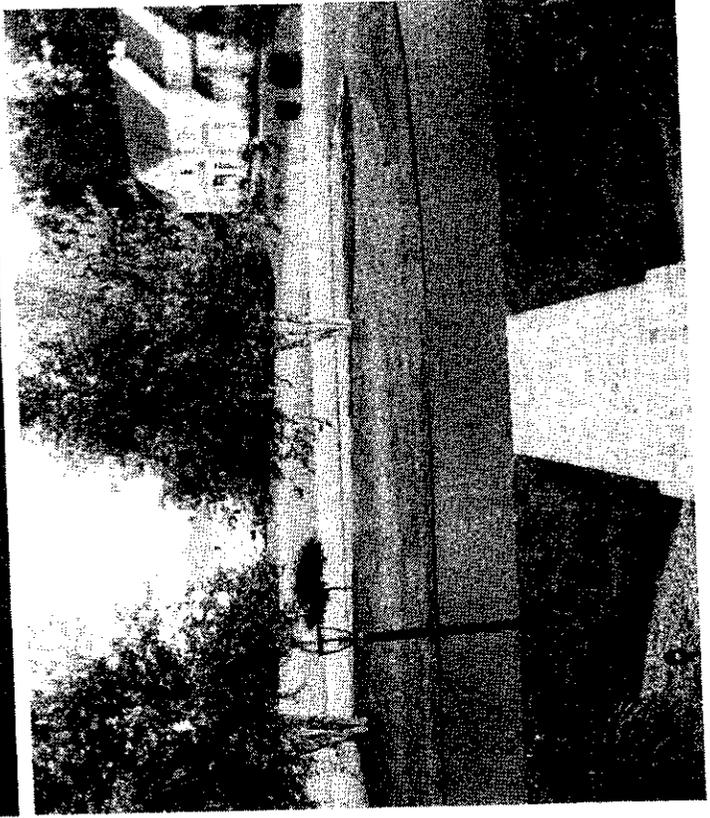
2.) RIGHT FRONT CORNER
10910 SHALLOW CREEK DRIVE



3.) RIGHT FRONT CORNER
10910 SHALLOW CREEK DRIVE



4.) EXIT FRONT
10910 SHALLOW CREEK DRIVE



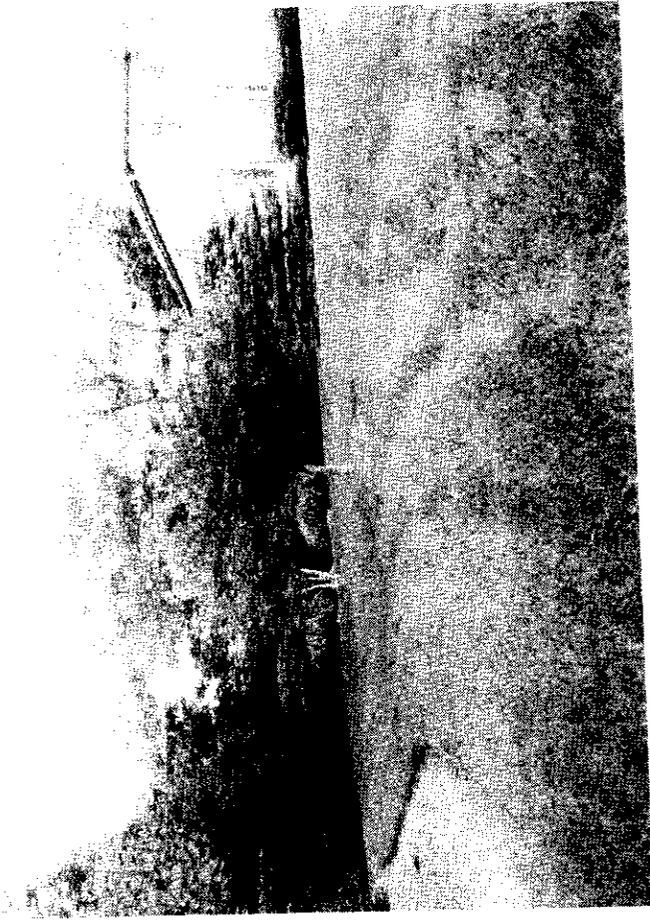
5.) EXIT LEFT
10910 SHALLOW CREEK DRIVE



6.) RIGHT DRIVE
10910 SHALLOW CREEK DRIVE



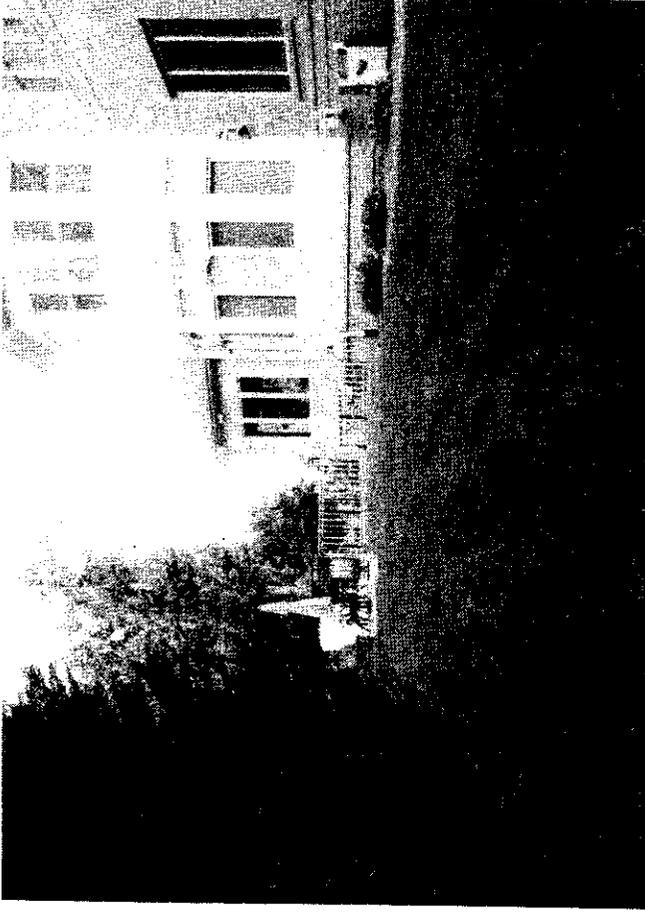
7.) LEFT FRONT CORNER
10910 SHALLOW CREEK DRIVE



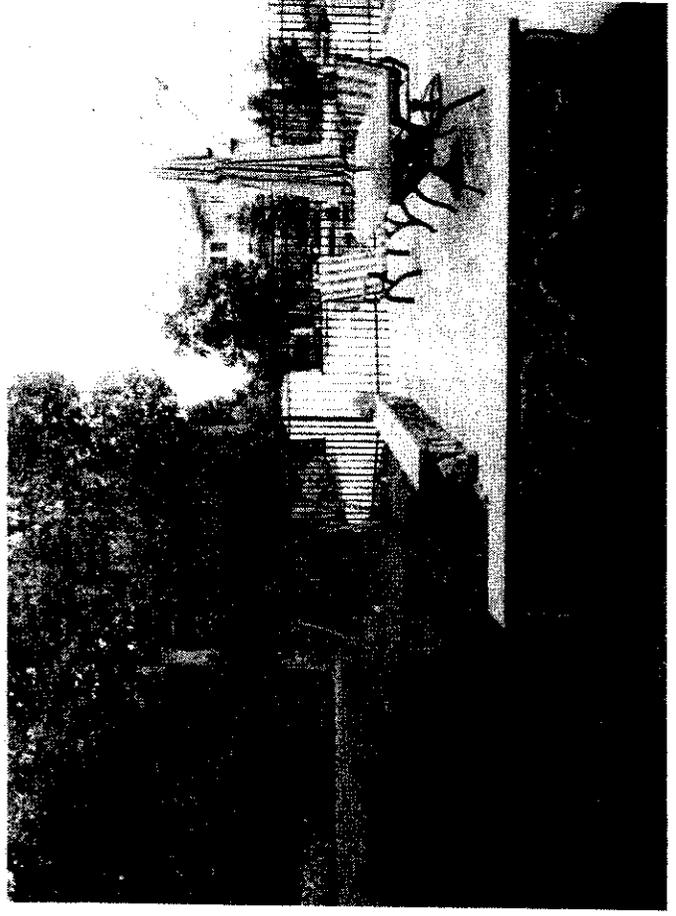
8.) LEFT SIDE
10910 SHALLOW CREEK DRIVE



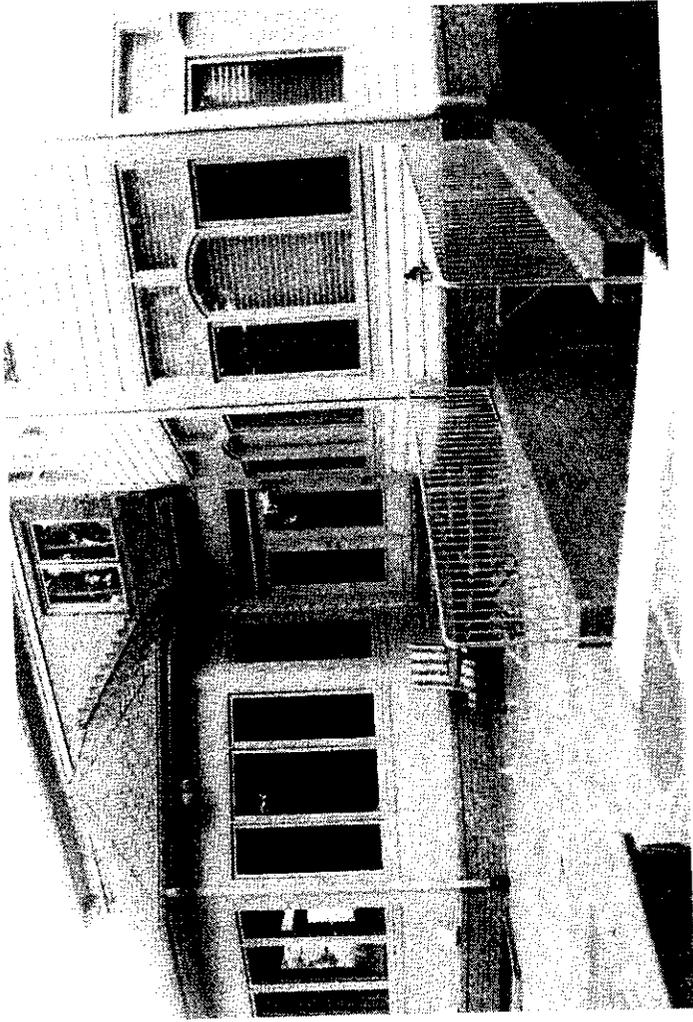
9.) LOWER RIGHT CORNER
10910 SHALLOW CREEK DRIVE



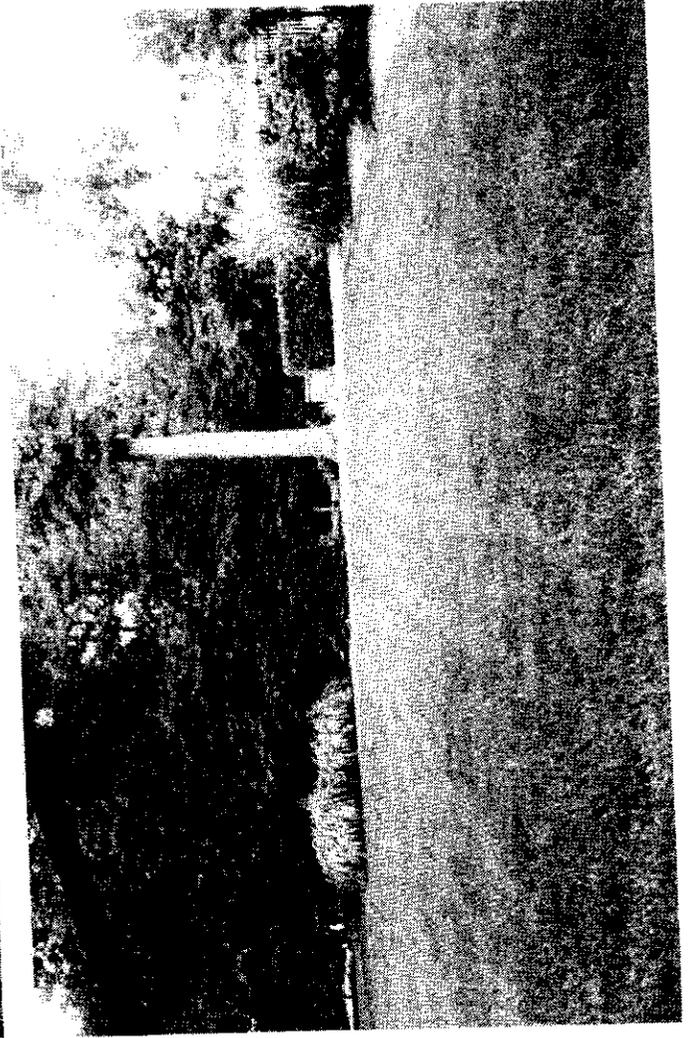
10.) PATIO RIGHT
10910 SHALLOW CREEK DRIVE



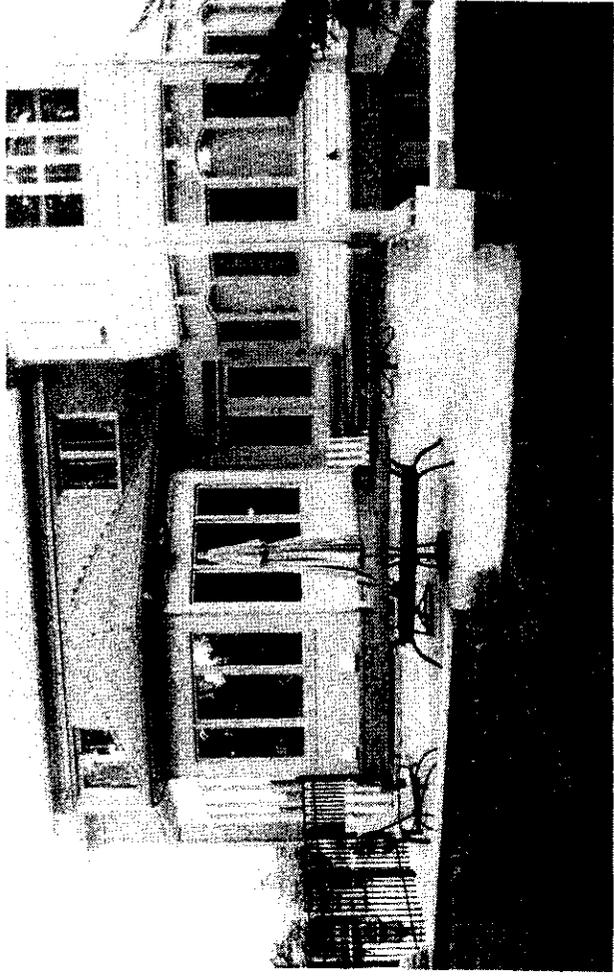
11.) REAR PATIO
10910 SHALLOW CREEK DRIVE



12.) RIGHT FROM CORNER
10910 SHALLOW CREEK DRIVE



13.) REAR PATIO
10910 SHALLOW CREEK DRIVE



14.) REAR PATIO/POOL
10910 SHALLOW CREEK DRIVE



15.) BACK LEFT- FACING TO HOUSE
10910 SHALLOW CREEK DRIVE



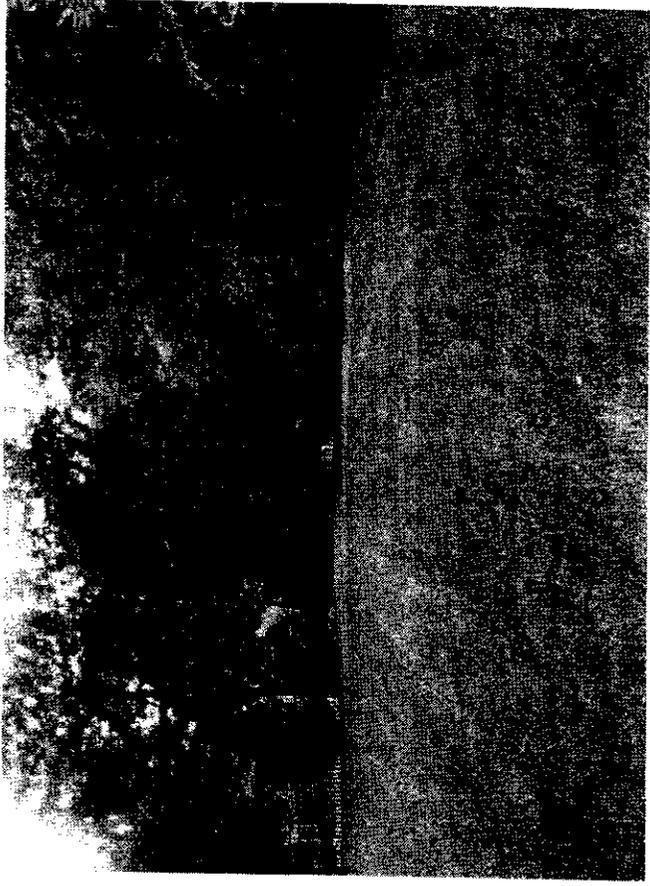
16.) BACK LEFT-FACING RIGHT
10910 SHALLOW CREEK DRIVE



17.) BACK RIGHT
10910 SHALLOW CREEK DRIVE



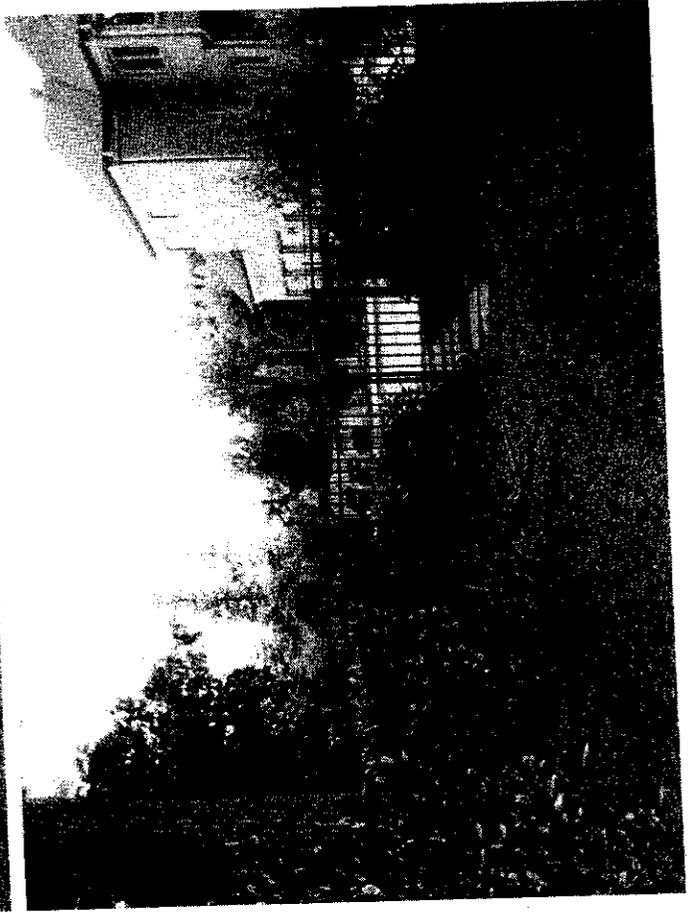
18.) MID RIGHT- TO LEFT
10910 SHALLOW CREEK DRIVE



19.) MID
10910 SHALLOW CREEK DRIVE



20.) MID- TO HOUSE
10910 SHALLOW CREEK DRIVE



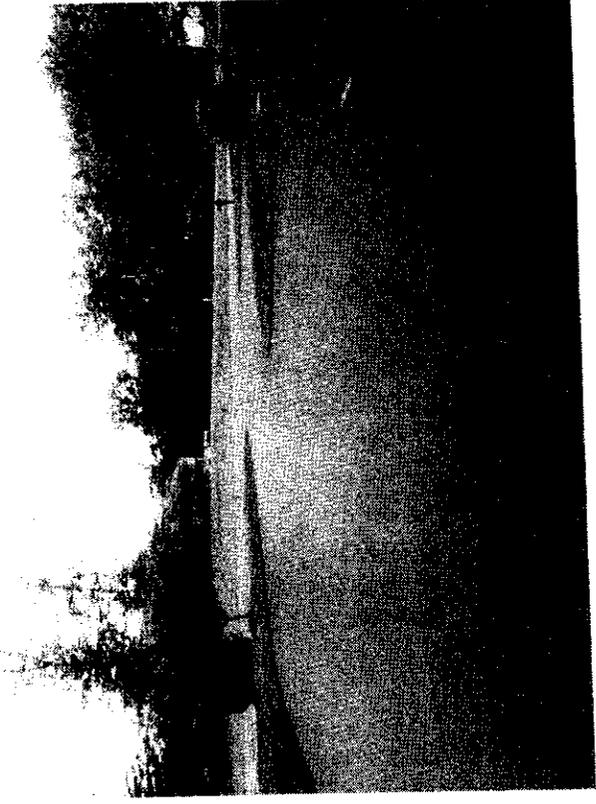
21.) MID- TO RIGHT SIDE
10910 SHALLOW CREEK DRIVE



22.) DRIVE- TO RIGHT CORNER
10910 SHALLOW CREEK DRIVE



23.) DRIVE- TO STREET
10910 SHALLOW CREEK DRIVE



DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of two special permit applications. The first request is to permit a reduction to minimum yard requirements based on an error in building location to permit a deck (at-grade patio) to remain 6.25 feet from the eastern side lot line.

	Yard	Min. Yard Req.*	Permitted Extension**	Permitted Yard	Patio Location	Amount Of Error	Percent of Error
Special Permit	Side	20 feet	5.0 feet	15 feet	6.25 feet	8.75 feet	59%

* Minimum yard requirement per Section 3-107

** Permitted Extension per Section 2-412

The second request is to permit a reduction of certain yard requirements to permit construction of a screened porch addition to be located 12 feet 9 inches from the rear lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Rear	25.0 feet	12 feet 9 inches	12 feet 3 inches	49%

*Minimum yard requirement per Section 3-107

EXISTING SITE DESCRIPTION

The site is currently zoned R-1 and contains a two-level with basement single family detached dwelling, built in 2001. The lot consists of 37,587 square feet and is surrounded by single-family detached homes on all lot lines. The lot is irregularly shaped and contains a swimming pool with surrounding decking (the subject of the building in error) and fence, septic field and circular driveway. The site is accessed from Shallow Creek Drive. The site contains extensive landscaping and mature vegetation.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1	Single Family Detached Dwellings
East	R-1	Single Family Detached Dwellings
South	R-1	Single Family Detached Dwellings
West	R-1	Single Family Detached Dwellings

BACKGROUND

Building permit # 00125B0520 for the construction of the dwelling was approved on May 23, 2000, with final building inspections approved on April 4, 2001. The building permit depicted the house in its current configuration with the septic field and circular driveway. Building permit #14292B0660 to permit a swimming pool was approved February 22, 2005. The plat approved with the building permit depicts an 18 by 36 foot pool with a note that states, "pool detached by grass". A copy of the permit is included as Appendix 4.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** House Location Survey, Lot 40, The Estates at Longwood
- **Prepared by:** Urban Engineering & Assoc., Inc., dated November 13, 2000, Revised September 26, 2009, by (name illegible)

Proposal:

The applicant proposes to construct a screened porch addition, approximately 525 square feet in size, to be located 12 feet 9 inches from the rear lot line. The addition is proposed to be attached to the rear of the house between an existing sunroom and the areaway to the basement. Part of the area contains an existing patio. The applicant also requests approval of an at-grade patio that exists around a swimming pool. The patio is located 6.25 feet from the eastern side lot line. Since the patio is attached to the house, a minimum side yard of 15 feet is required.

ZONING ORDINANCE REQUIREMENTS

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

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

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914, Provisions for Reduction of Minimum Yard Requirements Based on an 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 addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application are General Standards 3 and 5.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of the screened porch addition will not adversely affect the use or development of neighboring properties. The subject property is an irregularly shaped lot with the house sited at the narrowest part of the lot and most of the remaining rear yard contains the septic field. Many of the lots in the subdivision are irregularly shaped with similar house locations and many contain extensions and accessory structures. The house and proposed addition will not be out of character with others in the neighborhood.*

General Standard 5 requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The proposed addition will consist of a screened porch located partially over existing pavement. The only vegetation affected will be existing landscaping installed since the house was built. There is a mixture of vegetation along the perimeter of the property, though much of it is deciduous material. Since the rear lot line jogs in, thus causing the need for the special permit request, staff does believe additional evergreen plant material should be planted around the porch to screen the addition from the closest neighbors rear yard. A development condition has been included requiring provision of this vegetation.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission.

Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 3,723 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 5,584.5 square feet in size for a possible total square footage at build out of 9,307.5. The proposed addition is 525 square feet, for a total square footage of the house with the addition of 4,248 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed screened porch addition will be compatible with the architecture of the existing dwelling on the lot. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The applicant proposes to construct the screened porch addition partially over an existing patio at the rear of the house. The application lot and many of the lots in the subdivision are irregularly shaped and contain numerous bump-outs on the houses and accessory structures. Like the subject property, many other neighboring lots are relatively flat and contain a mixture of mature native vegetation and planted landscape material. Staff believes the addition will be harmonious with surrounding off-site uses.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a screened porch will have very little impact on stormwater runoff, noise, light, air, safety or erosion as the addition will be partially located over an existing open patio and may even help to block some of the noise from the swimming pool to the house on the adjacent lot to the west. Staff believes that the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The request to construct a screened porch addition is proposed in an area where there is an existing patio. Given the irregular shape of the lot, the location of the house and the septic field, there is very little opportunity to add any structures except as proposed. No mature, native vegetation will be removed to construct the addition. Other issues of well, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. Staff believes that the application meets this provision.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of SP 2009-DR-098 for a screened porch addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Approved Swimming Pool Building Permit
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-DR-098****December 8, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-DR-098 located at Tax Map 12-1 ((17)) 40 to permit reduction to minimum yard requirements based on error in building location and 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 of a screened porch addition (525 square feet) and at-grade patio as shown on the plat prepared by Urban Engineering & Assoc. Inc., dated November 13, 2000 as revised through September 26, 2009, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,723 square feet existing + 5,584.5 square feet (150%) = 9,307.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. Prior to final building inspections, evergreen trees a minimum of 6.0 feet in height at time of planting, shall be planted between the screened porch

addition and the adjacent northern rear lot line. The trees shall be spaced no greater than 10 feet on center.

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: NOVEMBER 5, 2009
 (enter date affidavit is notarized)

I, Robert M. Anderson, 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 105641-5

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)
MARY S. STUP, TRUSTEE OF THE STUP LIVING TRUST, FOR THE BENEFIT OF STEVEN T. STUP	10910 SHALLOW CREEK DRIVE FALLS CHURCH, VA 22066	APPLICANT/TITLE OWNER/TRUSTEE/BENEFICIARY
STEVEN T. STUP, TRUSTEE OF THE STUP LIVING TRUST, FOR THE BENEFIT OF MARY S. STUP.	(SAME)	TITLE OWNER/TRUSTEE/BENEFICIARY
WAMAT, INC. d/b/a STATZ STONE AND STRUCTURE	1010 RURITAN CIRCLE STERLING, VA 20164	AGENT
ROBERT M. ANDERSON	(SAME)	AGENT

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: NOVEMBER 5, 2009
(enter date affidavit is notarized)

1056418

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)

WAMAT, INC. d/b/a Statz Stone and Structure
1010 Ruritan Circle
Sterling, VA 20164

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)

MATTHEW P. STATZ

(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: NOVEMBER 5, 2009
(enter date affidavit is notarized)

10564/6

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

PARTNERSHIP INFORMATION

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

N/A

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: NOVEMBER 5, 2009
(enter date affidavit is notarized)

105641 v

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: NOVEMBER 5, 2009
(enter date affidavit is notarized)

1056412

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.

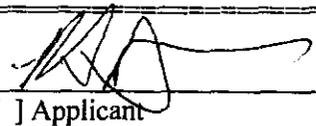
EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
NONE

(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.

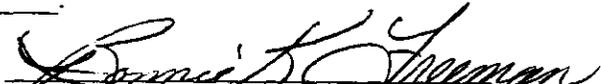
WITNESS the following signature:



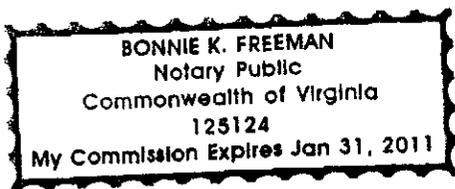
(check one) [] Applicant [x] Applicant's Authorized Agent

ROBERT M. ANDERSON
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5th day of NOVEMBER 2009, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.


Notary Public

My commission expires: Jan 31, 2011



SEP 11 2009

Zoning Evaluation Division

Statement of Justification**Description of Project****10910 Shallow Creek Dr.****Great Falls, VA 22066**

We are filling for this permit to expand our living space on to a covered screen deck off of the rear of our home. The immediate access into our back yard and pool area is not allowing for a smooth flow of traffic into and out of our home. With this added living area, we would be able to create a safer and more enabled environment. To implement the design described below, we are requesting a reduction of certain yard requirements to allow us to put the proposed covered, screened deck in the location of our existing patio.

Our property was built in 2001 and is approximately 37,587 sq. feet, located in Drainesville magisterial district.

Setbacks are:

Front yard- 40'

Side yard-20'

Rear yard-25'

We are requesting a reduction of the front rear yard setbacks. The included Special Permit PLAT describes the proposed covered deck and setback reductions.

The architectural diagrams and building facades of our proposed structure are included in the DESIGN section of this document.

No hazardous or toxic substances or storage tanks are in existence and are not proposed by this permit application.

The following special permit justification questions do not apply to this request since this is a single family home:

-types of operations

-hours of operation

-est. number of patrons

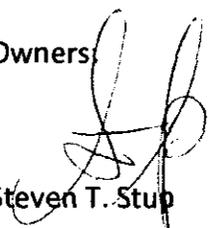
-proposed number of patrons

-est. traffic impact, vicinity of general area to be served by the use.

- The resulting gross floor area of the additional structure is 525 sq feet and the existing principal structure is 3723.37 sq feet. The resulting percentage of the new structure is 7% of the existing and is not over 150% of the total gross floor area of the principle structure that exists at the time of the yard reduction requirement.
- The resulting gross floor area of the existing accessory structure and any addition to it is clearly subordinate in purpose, scale, use, and intent to the principal structure on the site.
- 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 on the lot.
- The proposed development is harmonious with the surrounding off-site uses and structures in the terms of the location, height, bulk, and scale of surrounding structures, topography, existing vegetation, and the preservation of significant trees as determined by the director.
- 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, erosion, and storm water runoff.
- The proposed reduction of 12.5' 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 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.

Sincerely,

Owners:


Steven T. Stup


Mary S. Stup

DEC 7 2009

SPECIAL PERMIT &
VARIANCE BRANCH

Statement of Justification

Description of Project

10910 Shallow Creek Dr.

Great Falls, VA 22066

We are filling for this permit to expand our living space on to a covered screen deck off of the rear of our home. The immediate access into our back yard and pool area is not allowing for a smooth flow of traffic into and out of our home. With this added living area, we would be able to create a safer and more enabled environment. To implement the design described below, we are requesting a reduction of certain yard requirements to allow us to put the proposed covered, screened deck in the location of our existing patio.

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-types of operations

-hours of operation

-est. number of patrons

-proposed number of patrons

-est. traffic impact, vicinity of general area to be served by the use.

- The resulting gross floor area of the additional structure is 525 sq feet and the existing principal structure is 3723.37 sq feet. The resulting percentage of the new structure is 7% of the existing and is not over 150% of the total gross floor area of the principle structure that exists at the time of the yard reduction requirement.
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Sincerely,

Owners:

Steven T. Stup

Mary S. Stup

DEC 7 2009

In addition to the above:

SPECIAL PERMIT &
VARIANCE BRANCH

JUSTIFICATION

- The error in building regarding the pool decking- According to the pool contractor (Town and Country), all permits and inspections were approved by Fairfax County and record of this should be available at the county inspection office. The pool and pool decking were placed in the current location due to the drain field located in the rear of the property. In order to not encroach on this area, the pool had to be shortened by 4' and moved closer to the house.
- The reason for the structure to be built in its current location- With the odd configuration of the rear property lines (jagged and close rear lot), we are asking for a reduction of the rear setback to half of its current, to be 12'-6". The rear lot consists of a large drain field, pool, and pool decking. The home owner and contractor believe that the best possible position for the covered deck is off the rear French doors facing the back yard. With the configuration of the pool, its decking, and the spa, this location keeps the flow of traffic in sync with the shape of the house and its new covered deck. The spa is in a location that would not allow for any above grade structure to encroach further into the area. By leaving adequate room between the two allows for safer activities and room for the family to enjoy the open space. Further-more, the family room is located on the left of the current covered decks location. If the construction of the covered deck was to come any closer to the house, the light through the windows would be blocked and the window well to the basement (egress) would have to be moved and or covered.
- The reason for the shape and configuration of the new structure- At the rear of the house there are windows which interfere with the desired roof pitch. In order to alleviate this issue, we are creating a lower roof that starts at the house and dead ends to the higher roof section of the covered deck. By doing this, we are creating an open space that otherwise would not be allowed if we followed the house allowances. On the opposite side of the proposed new covered deck is a basement walkout with a small sitting wall. Due to these properties in the house design, we have come to the current design of this structure to be in the location provided with the need to expand into the setback.
- Creating a space that integrates the current style of the house- In order to create an additional structure off of the rear of the house, we will be using material that exists in the current residence. These materials consist of: **Brick- veneer on the base of the structure to be Isenhour 431w/ICC w/ grapevine mortar joints (to match house), Shingles- to be GAF Timberline Pewter Gray blend (to match house), Paint- to be Duron "Wild Cat" (to match trim color on house), and all trim to be PVC composite**

material (to be painted trim color). The other similarities between the house and the new structure are the soffit lines (to remain on the same plane) and the alternating roof pitches (as seen on the front of the residence). Since the residence doesn't consist of an actual deck, some new materials will be introduced. These to include: **Black Fortress Aluminum deck railing, Screen Tight screening to enclose the porch, and an additional gas fireplace feature which will be veneered with Maryland Blend stone (only material not found on the house- includes the same color feature found on the flagstone patio that currently exists) to break up the concurrent theme of brick.**

- Horticulture- The rear of the property is completely screened with large and well established Leyland Cyprus completing the entire rear and side fence lines on the property. Please refer to pictures of the property.

BUILDING PERMIT API

APPENDIX 4

AIT # 04 29 2006

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
 PERMIT APPLICATION CENTER
 12855 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504 Telephone: 703-222-9893
 Web site: www.fairfaxcounty.gov/dpmc

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

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

JOB LOCATION
 ADDRESS 10910 Shallow Creek Drive
 LOT # 40 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Estates @ Longwood
 TENANT'S NAME Mr. & Mrs. Steven Stup

OWNER INFORMATION OWNER TENANT
 NAME Mr. & Mrs. Steven Stup
 ADDRESS 10910 Shallow Creek Drive
 CITY Great Falls STATE VA ZIP 22066
 TELEPHONE 703-444-4785

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME Town & Country Pools
 ADDRESS 7540 Fullerton Court
 CITY Springfield STATE VA ZIP 22153
 TELEPHONE 703-451-6660
 STATE CONTRACTORS LICENSE # 2701 018306A
 COUNTY BPOL # 04-9622

APPLICANT Jennifer Farmer
DESCRIPTION OF WORK
 Inground Swimming Pool

HOUSE TYPE _____
ESTIMATED COST OF CONSTRUCTION 40,000
BLDG AREA (SQ FT OF FOOTPRINT) _____
USE GROUP OF BUILDING _____
TYPE OF CONSTRUCTION _____
SEWER SERVICE PUBLIC SEPTIC OTHER
WATER SERVICE PUBLIC WELL OTHER
 OTHER PLEASE SPECIFY _____

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____

NONE DESIGNATED PHONE _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS	EXTER. WALLS	_____
# BATHS	INTER. WALLS	_____
# HALF BATHS	ROOF MATERIAL	_____
# BEDROOMS	FLOOR MATERIAL	_____
# OF ROOMS	FIN. BASEMENT	_____ %
# STORIES	HEATING FUEL	_____
BUILDING HEIGHT	HEATING SYSTEM	_____
BUILDING AREA	# FIREPLACES	_____
BASEMENT		_____

DO NOT WRITE IN GRAY SPACES. COUNTY USE ONLY

PLAN # _____
 TAX MAP # _____

ROUTING	DATE	APPROVED BY
LICENSING	10/18/06	AB
ZONING	2/22/05	JP
SITE PERMITS	1-12-06	MC SP
HEALTH DEPT.	3/11/05	JP
BUILDING REVIEW	7-27-05	ATC
SENTINATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ _____
FILING FEE \$ 500
AMOUNT DUE \$ 500

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
REVISION FEES \$ _____
FIRE MARSHAL FEES \$ _____
FIXTURE UNITS _____ PLAN LOC. J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT)
 BY _____ DATE 2/22/06

ZONING REVIEW
 USE SED
 ZONING DISTRICT B-1 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	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT	REMARKS	pool in yard		
L SIDE				
R SIDE				
REAR				

GRADING AND DRAINAGE REVIEW
 SOILS # 55/10 A B C
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) 2500
 IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) 6480
 PLAN # _____ APPR. DATE _____

STAMPS PRV, SPW 2500
 EXACT, UDOT
 (See reverse side of application)

REMARKS NOT APPROVED BY HEALTH DEPT.
 No feces / No toilet

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.

Signature of Owner or Agent: Jennifer Farmer, Agent
 Date: 10/18/06

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

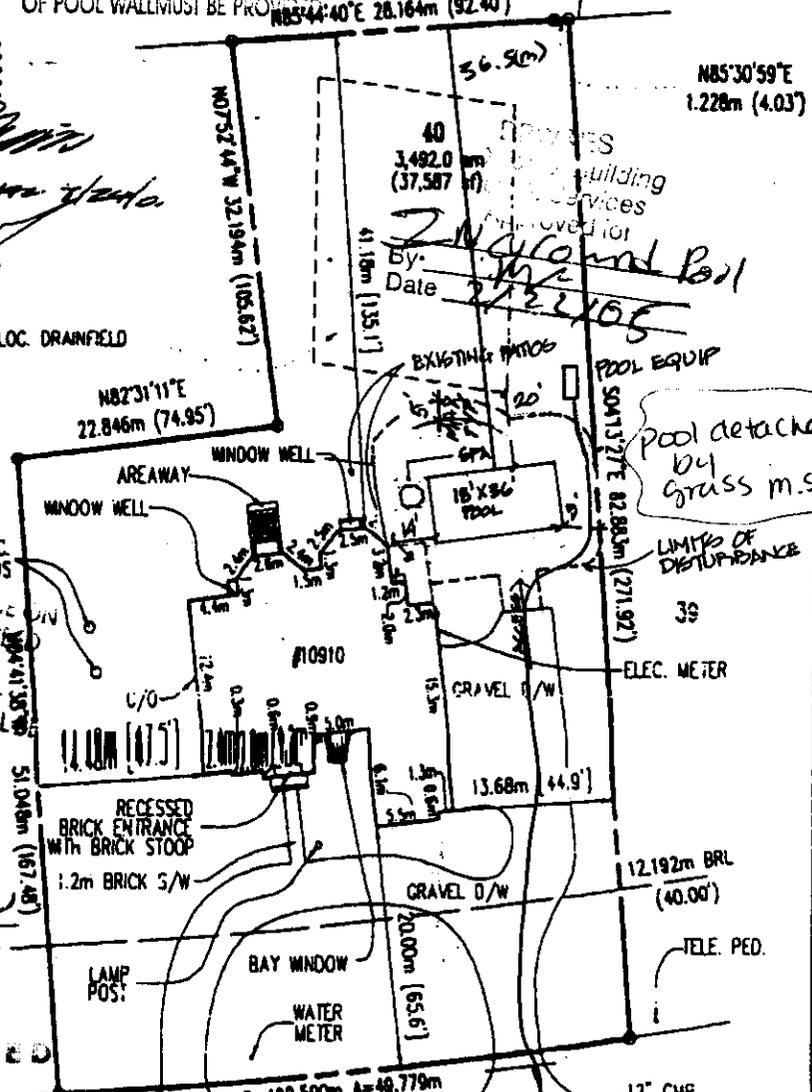
NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit: I, _____
 Notary Public in the State and County aforesaid, do certify that _____ whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.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

**HOUSE LOCATION SURVEY
LOT 40
THE ESTATES AT
LONGWOOD
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA**

I hereby certify that the limits of clearing and grading delineated on this HOUSE LOCATION SURVEY, prepared by PHILIP A. BLEVINS and dated 7/24/2000 for the property located at 10910 SHALLOW CREEK DR. accurately reflects the scope of this project and that the proposed work can be performed within the limits of clearing and grading as shown. I further certify that the total disturbed area that will be associated with the construction of the pool, POOL DECK, ACCESS and appurtenances will not exceed 2,500 SF.

SWIMMING POOL WALL MUST BE LOT 15-A
TURNER PAUL E. & SANDRA V.
NON-EXPANSIVE MATERIAL.
DB 4175 PG. 107
IN THE EVENT OF SUCH MATERIAL, AN ENGINEERED DESIGN OF POOL WALL MUST BE PROVIDED.
N83°44'40"E 28.164m (92.40')

LOT 16-B
COLE, HOLLAND G.
DB.6858 PG.1464



APPROVED
2/22/05
William E. Shoup
Zoning Administrator
644-0129 2-6066

FAIRFAX COUNTY HEALTH DEPARTMENT
Inground Pool/Spa 12" CMP
20' min to drainfield

SHALLOW CREEK DRIVE VIRGINIA DEPARTMENT OF TRANSPORTATION PERMIT REQUIRED
WIDTH VARIES
DB. 11183 PG. 823
HYDROSTATIC PRESSURE RELEASE VALVE REQUIRED

THIS HOUSE LOCATION SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCE AFFECTING THE TITLE TO THIS PROPERTY.
THIS SURVEY IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES OR OTHER IMPROVEMENTS.

SCALE:	1 : 500 METRIC
DATE:	11-13-00
DRAWN BY:	E. MATTISON
WALL CHECK:	11-13-00
FINAL LOC.:	04-24-01
RECERTIFICATION:	

URBAN ENGINEERING & ASSOC., INC.
CIVIL ENGINEER LANDSCAPE ARCHITECTS LAND SURVEYORS
7716 LITTLE RIVER TURNPIKE
ANNANDALE, VIRGINIA 22023
(703) 648-8888

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.

