



APPLICATION ACCEPTED: October 8, 2009
DATE OF PUBLIC HEARING: January 6, 2010
ADMINISTRATIVELY MOVED AT APPLICANT'S REQUEST
TIME: 9:00 a.m.

County of Fairfax, Virginia

December 30, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2009-DR-099

DRAINESVILLE DISTRICT

APPLICANTS & OWNERS: Jonathan B & Elizabeth R Morse

ZONING: R-4

LOCATION: 2220 Casemont Drive

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 40-4 ((8)) 16

LOT SIZE: 12,147 Sq. Feet

SP PROPOSAL: Reduction of certain yard requirements to permit construction of addition 20.6 feet from the front lot line.

STAFF RECOMMENDATION: Staff recommends denial of SP 2009-DR-099 for the addition. Should the BZA take action to approve SP 2009-DR-099, staff recommends the board do so with adoption of 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 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. A copy of the BZA's Resolution setting forth this decision will be mailed within

O:\Scaff2\Case Files\Special Permits\SP 2009-DR-099 Jonathan and Elizabeth Morse (50)\Morse_Cover.doc

Shannon Caffee

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/



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Integrity * Teamwork * Public Service

five (5) days after the decision becomes final.

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

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

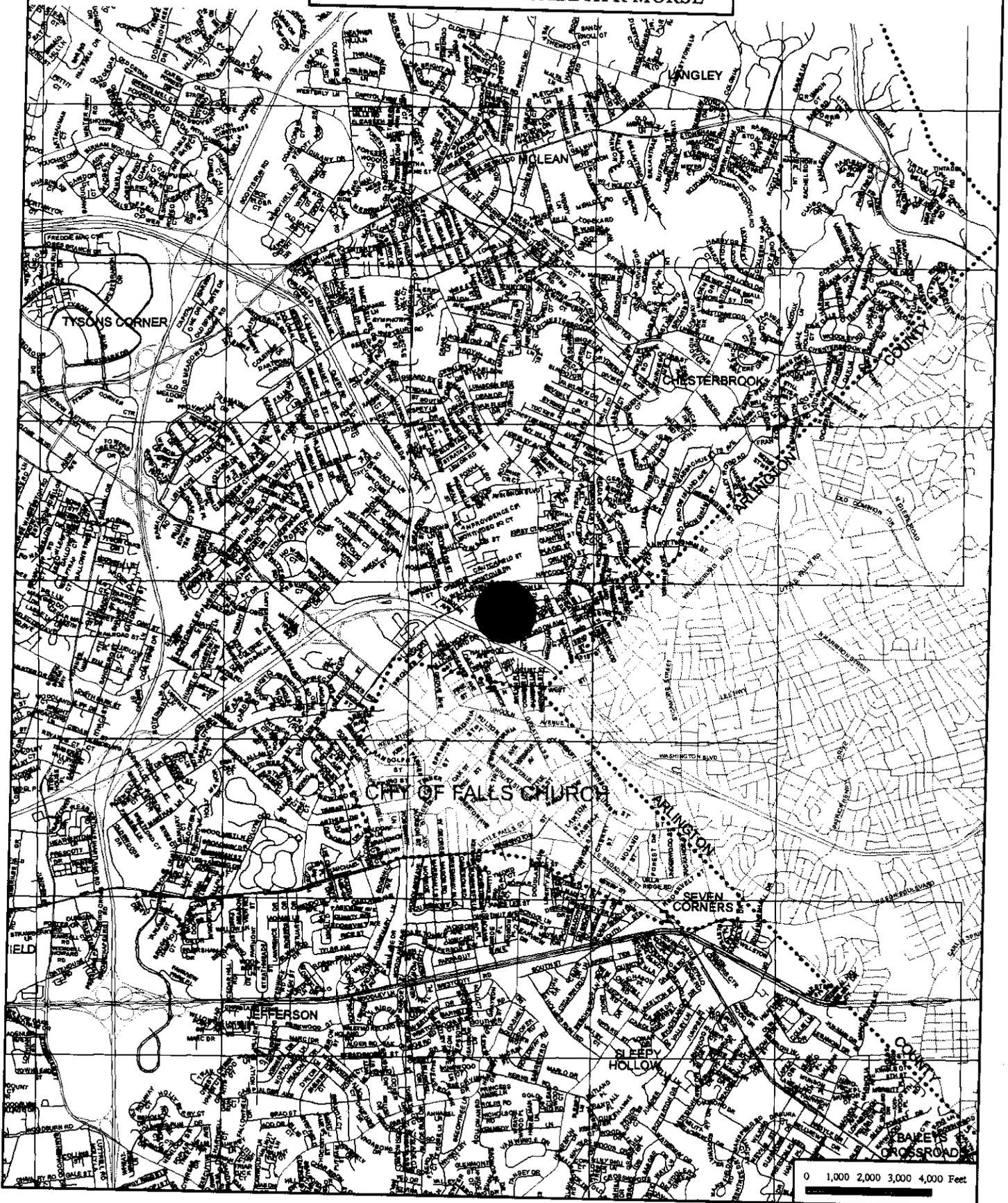


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

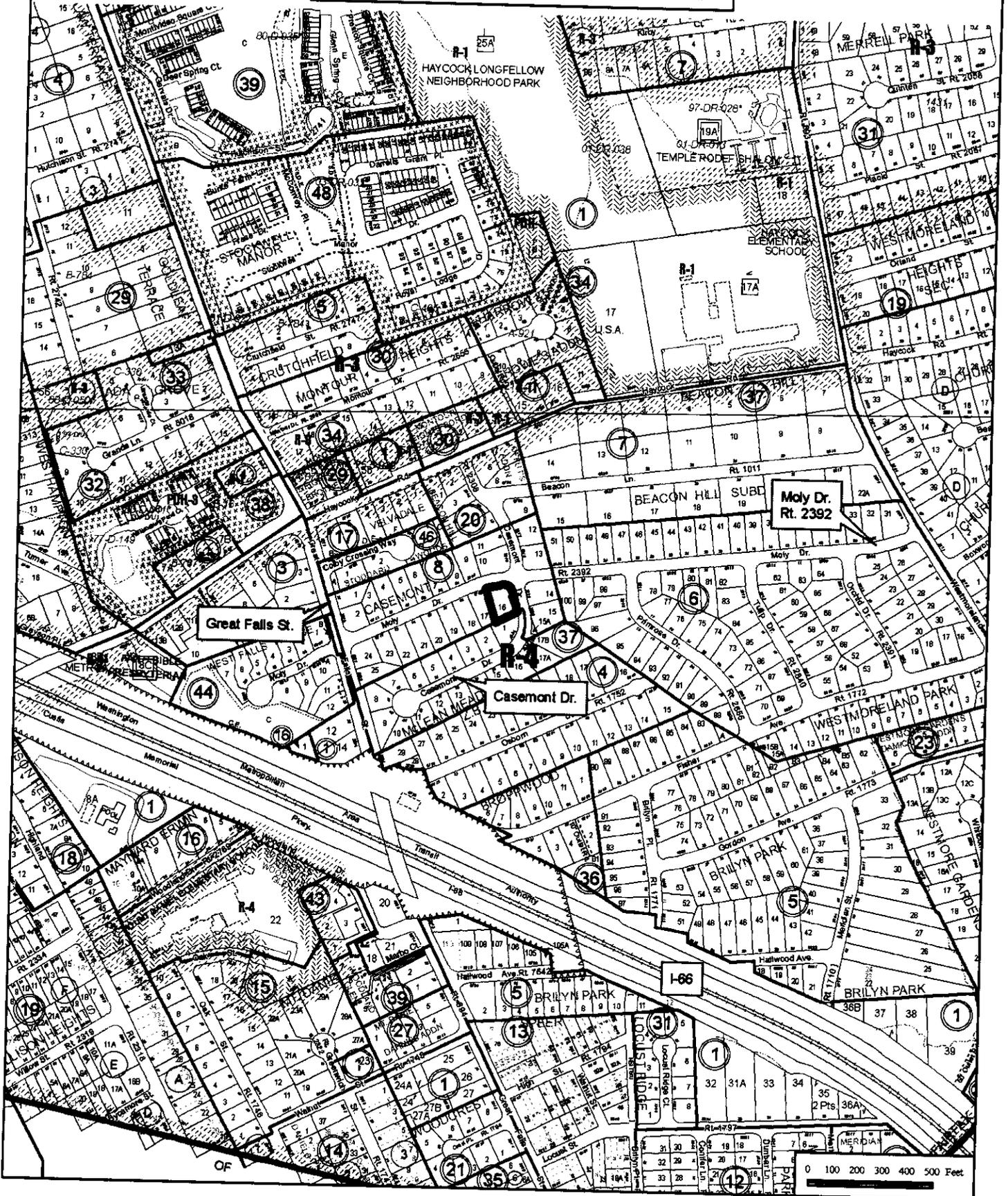
SP 2009-DR-099

JONATHAN B & ELISABETH R MORSE



Special Permit SP 2009-DR-099

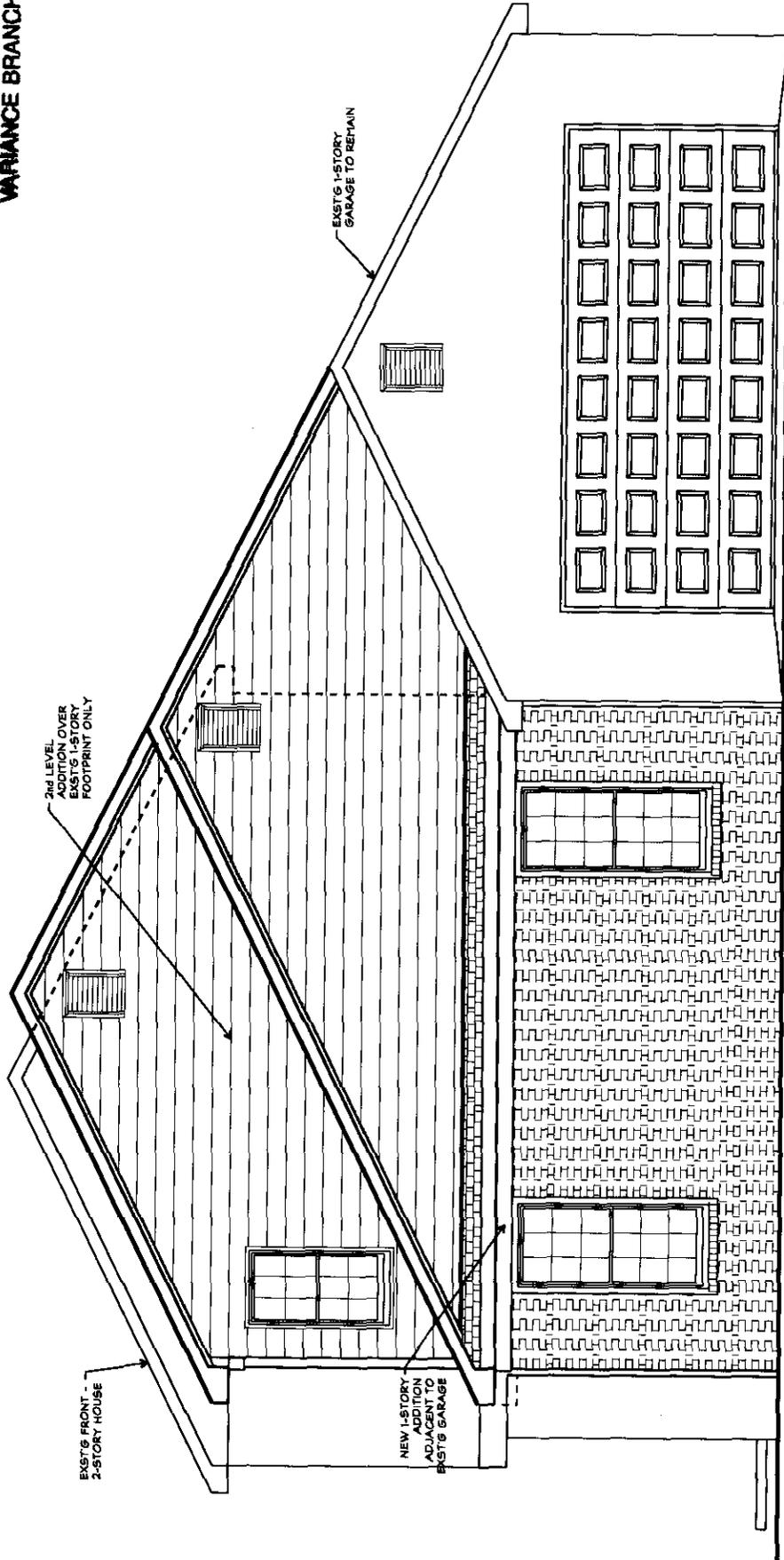
JONATHAN B & ELISABETH R MORSE



RECEIVED
DEPARTMENT OF PLANNING
AND ZONING

NOV 19 2009

SPECIAL PERMIT &
VARIANCE BRANCH





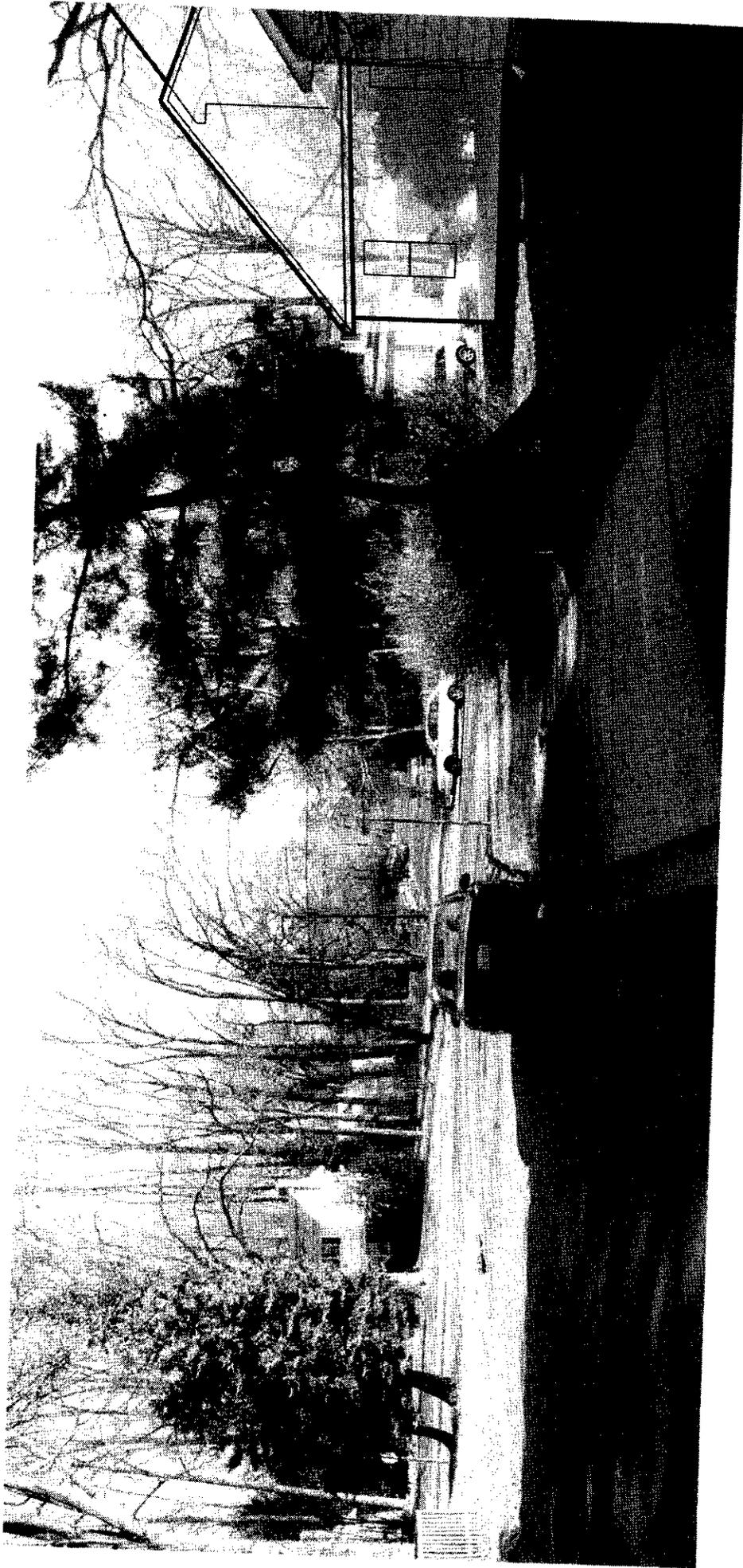
1/15/09 - From Casemont Street, looking northwest



1/15/09 - From Moly Street, looking east



1/15/09 - From Casemont Street, looking northwest



1/15/09 - From Moly Street, looking east



Photo #1 -- From the front of the property facing towards the house.



Photo #2 -- From the front of the property facing opposite across Casemont.



Photo #3 -- From the front corner of the property on the Casemont side facing towards the house.

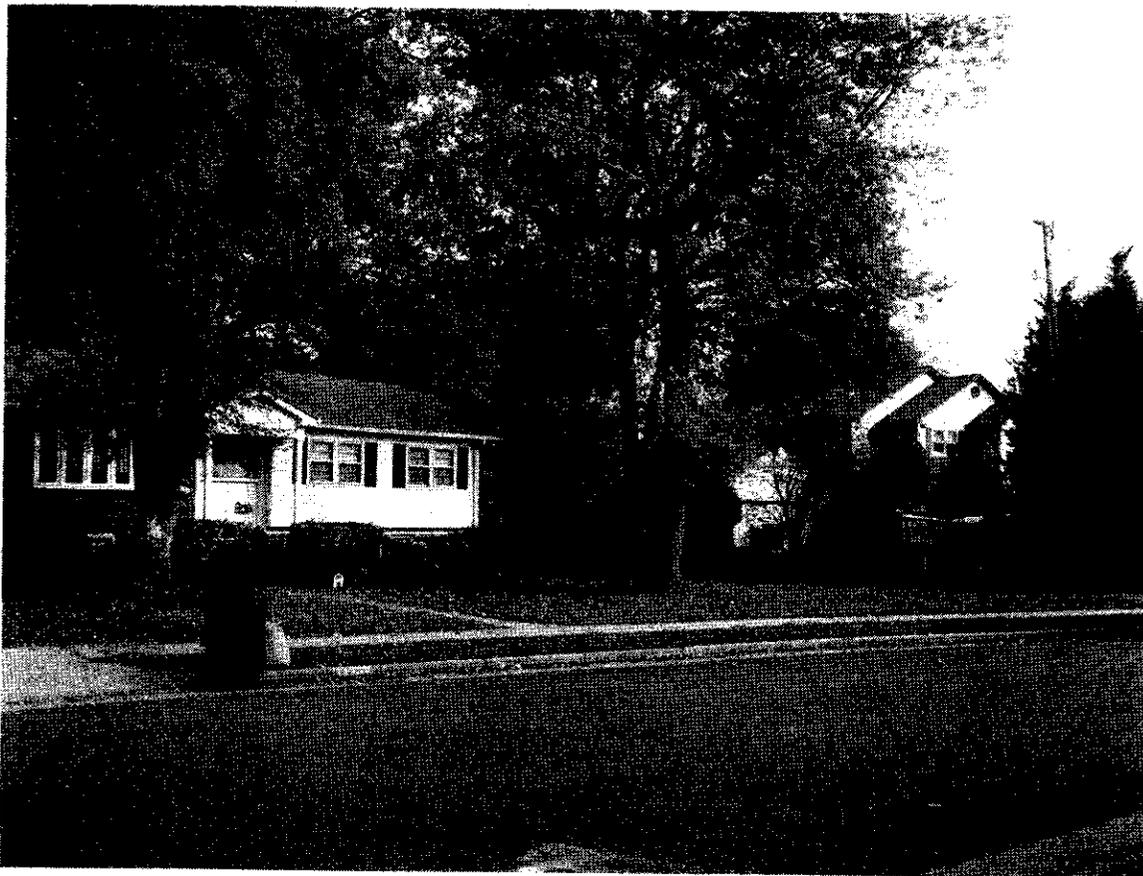


Photo #4 -- From the front corner of the property facing opposite across Casemont.



Photo #5 -- From the front corner of the property on the Moly side facing towards the house.



Photo #6 -- From the front corner of the property facing opposite across Moly and Casemont.

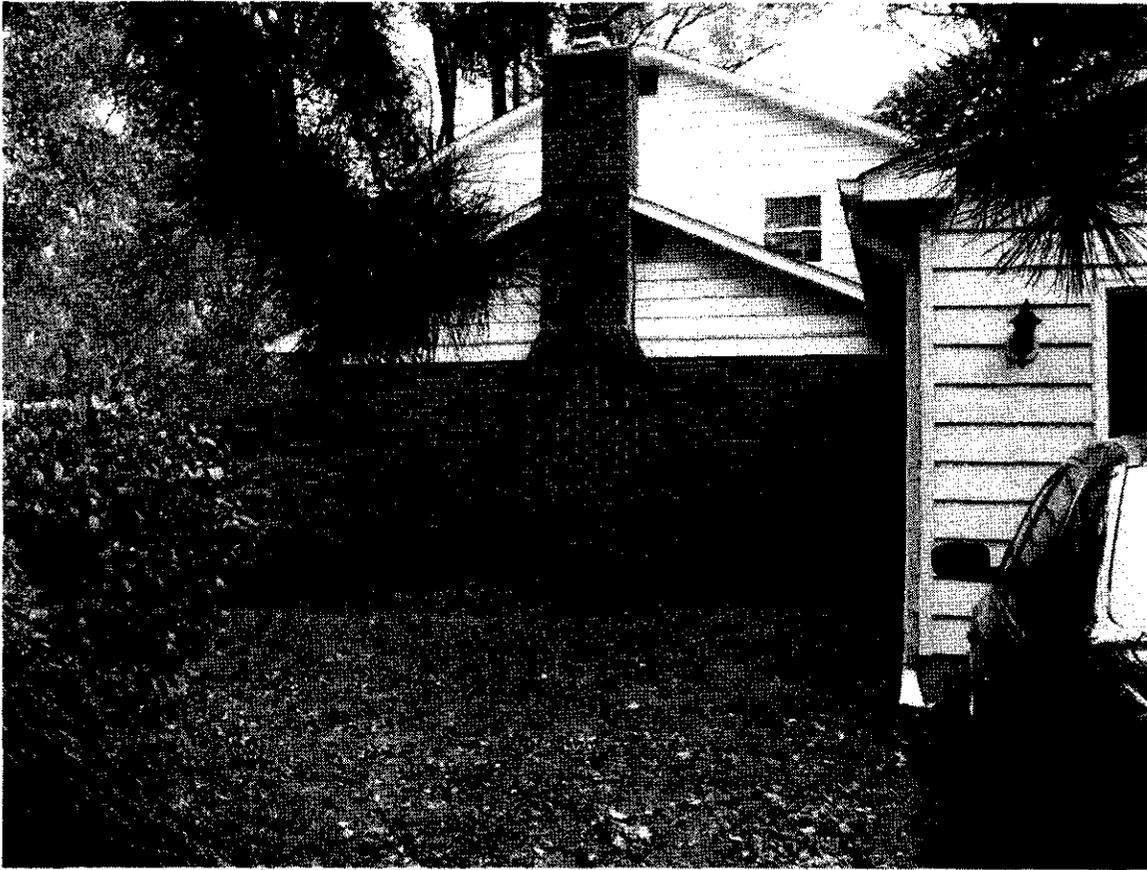


Photo #7 -- From the side of the property on the Moly side facing towards the house.



Photo #8 -- From the side of the property facing opposite across Moly.



Photo #9 -- From the rear corner of the property on Moly facing towards the house.



Photo #10 -- From the rear corner of the property facing opposite across Moly.



Photo #11 -- From the back yard facing towards the house.



Photo #12 -- From back yard facing to the next lot.



Photo #13 -- From the rear corner of the property in the back yard facing towards the house.



Photo #14 -- From the rear corner of the property facing to the next door lot.

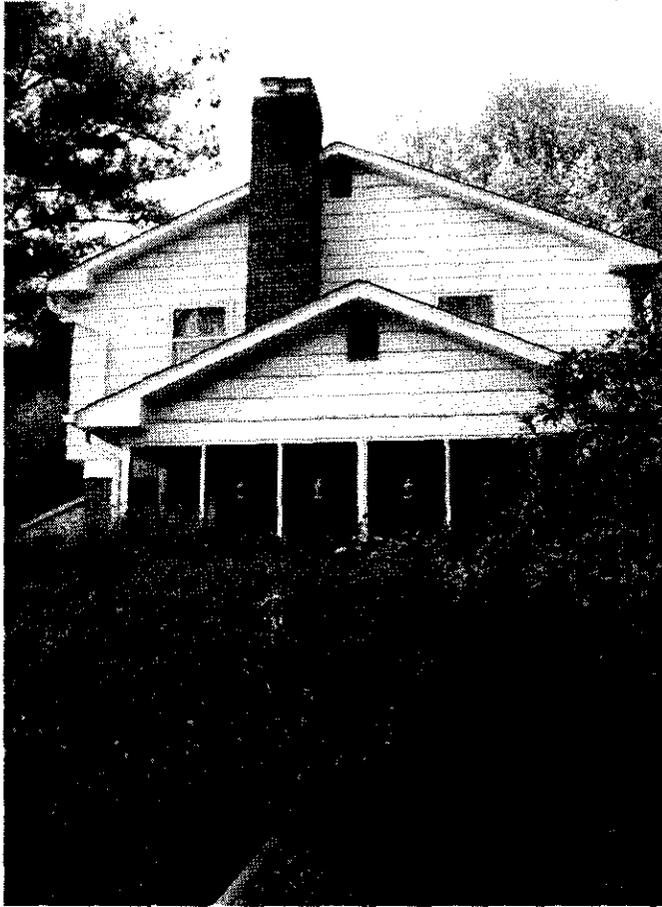
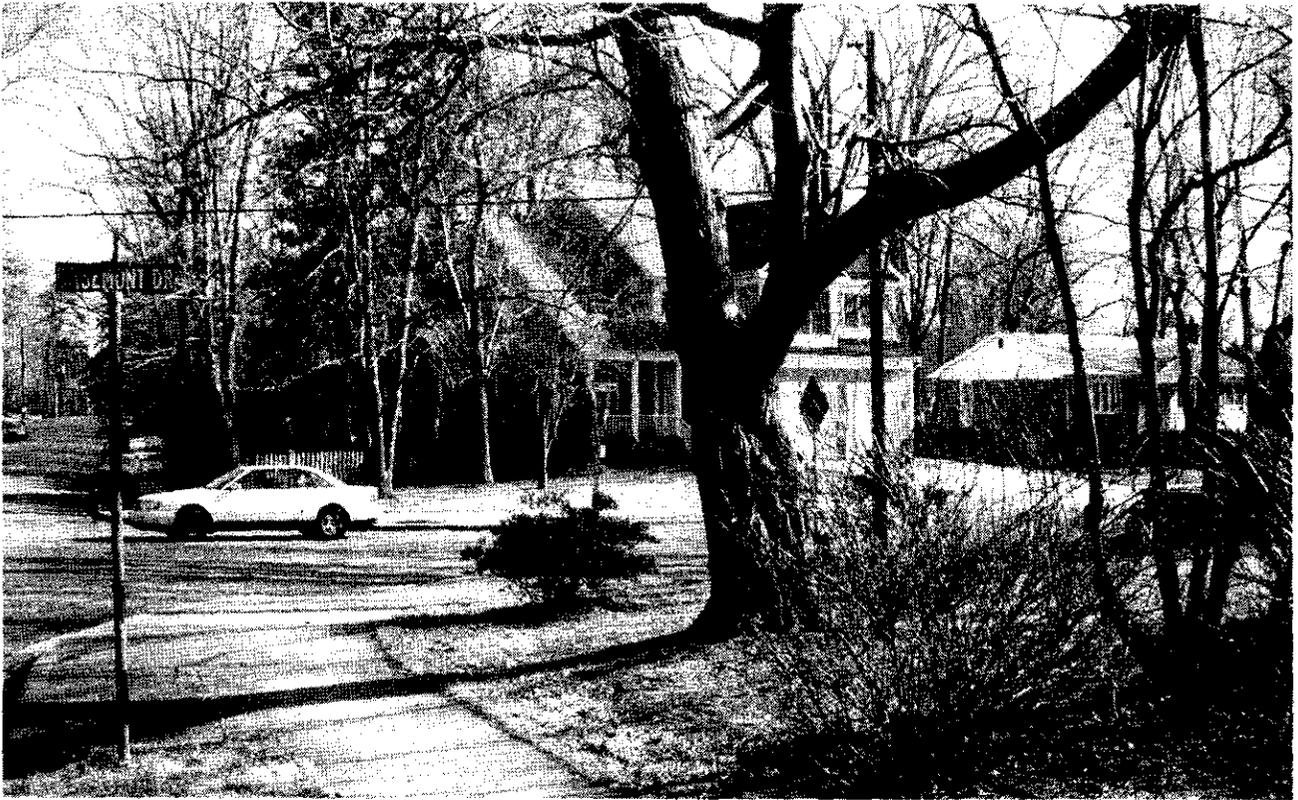


Photo #15 -- From the side of the property on the Casemont side facing towards the house.

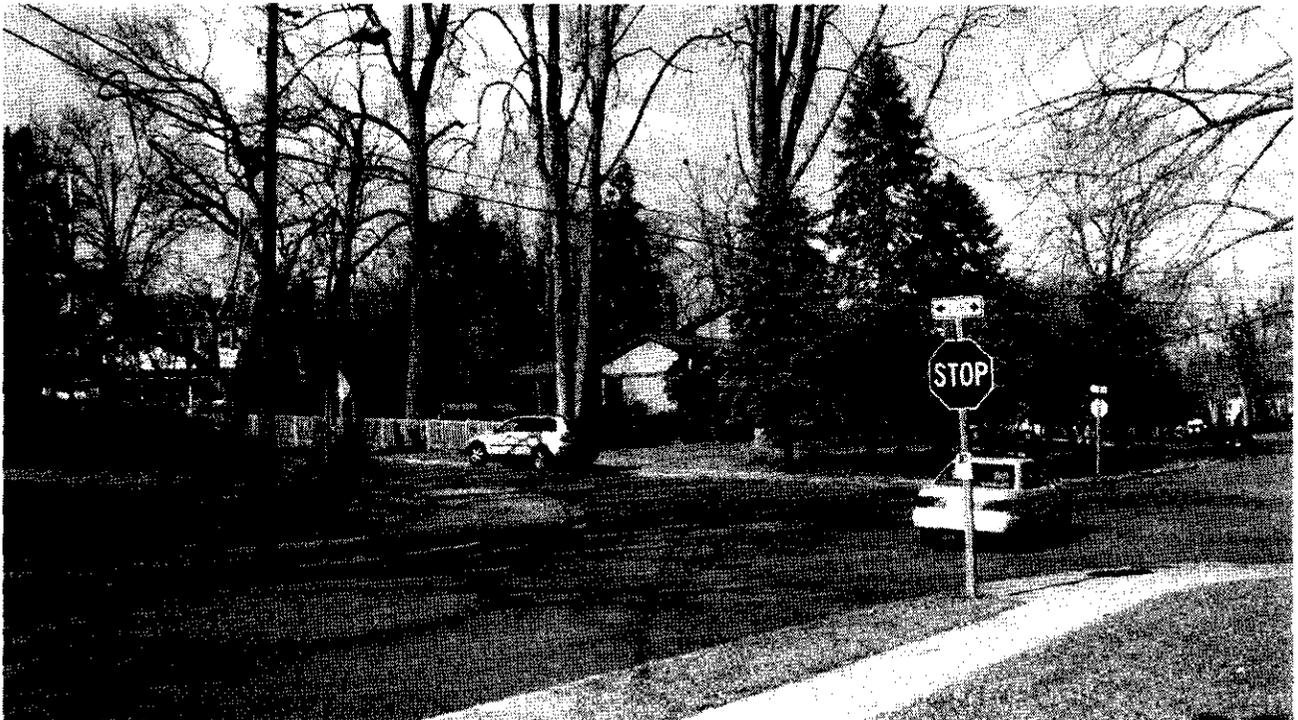


Photo #16 -- From the side of the property on the Casemont side facing the next door lot.

Site Line Views 01/15/09



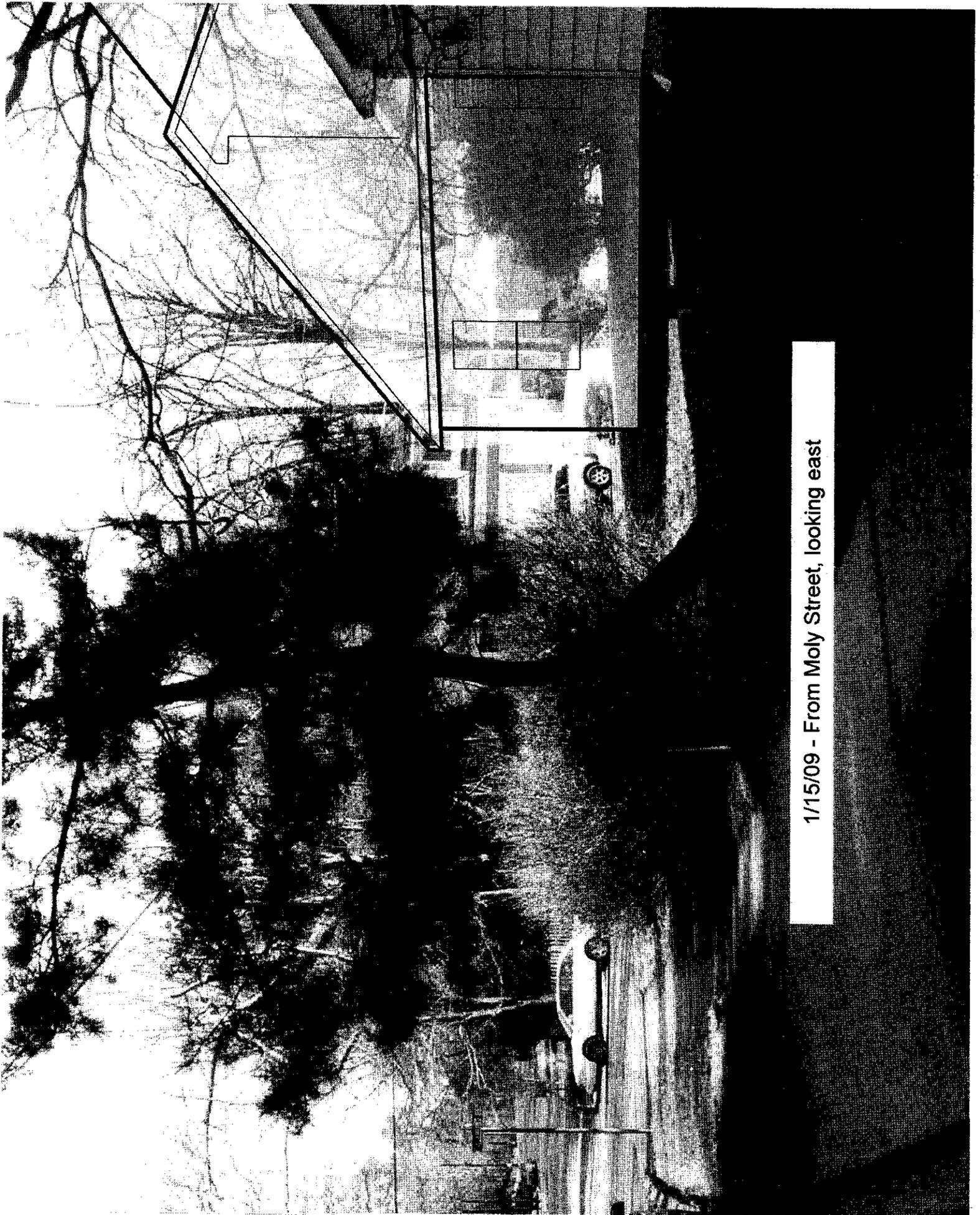
Casemont Stop Eastbound (01/15/09) - "In it's present condition, the stop sign is located so far back from the intersection, one needs to pull forward another 35 feet in order to safely enter Moly Drive, effectively requiring 2 separate stops. This sight-line is pre-existing and would not be effected by the proposed extension to the north."



Casemont Stop Northbound (01/15/09) - "The location of the white vehicle pictured in the intersection is the same and not moved in either photo."



1/15/09 - From Casemont Street, looking northwest



1/15/09 - From Moly Street, looking east

DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a one story addition 20.6 feet from the northern front lot line of a corner lot.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Addition	Front	30 feet	20.6 feet	9.4 feet	31.3 %

* Minimum yard requirement per Section 3-407

LOCATION AND CHARACTER

Existing Site Description

The site is currently zoned R-4 and contains a two story single family detached dwelling with a basement which was built in 1964. The lot consists of 12,147 square feet and has no change in topography. The subject property is surrounded by single family detached homes on all sides. Overhead wires currently cut across the property, specifically towards the intersection of Moly Drive and Casemont Drive. The property is a corner lot with frontage on both Moly Drive and Casemont Drive. Vehicular access is provided via a paved driveway off of Moly Drive.

The subject property has significant tree cover and vegetation in the front yard along Casemont Drive. There is also dense tree cover and vegetation on both the adjacent and subject property to the east of the existing driveway which will not be affected by the proposed construction. Aerial imagery provided by Google Maps can be found in Appendix 4 which depicts the application property along with the neighboring properties.

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

On September 7, 1989 the Board of Zoning Appeals heard Variance VC 89-D-068 for the construction of a garage addition on the subject property which was ultimately granted in part. The previous owners at the time requested approval of a garage addition to be located 22 feet from the front lot line and 4.9 feet from the side lot line. The applicants at that time agreed to reduce the size of the proposed addition to be 22 feet by 22 feet in size resulting in a front yard setback of 24 feet and a side yard setback of 6.9 feet for the structure. A copy of the minutes and resolution of the case can be found in Appendix 5.

Since the BZA approved a structure which would be smaller in size than what was requested; the applicants were required per the development conditions to obtain a new plat with the correct dimensions. A copy of this plat along with the approved building permit which was issued in 1989 can be found in Appendix 6.

Currently, the garage addition sits closer to the front lot line than what was approved by the BZA on September 7, 1989. The garage addition is 20.6 feet from the front lot line (Moly Drive) and 6.8 feet from the side lot line. At the time of acceptance for the current special permit application, this issue was brought forward to the Zoning Administration Division. Though the garage was constructed closer to the front lot line than approved by the by the BZA under the variance, it was ultimately decided that since the structure has been in existence and taxed for more than 15 years, it meets a vested rights determination under Sect. §15.2307 of the State Code of Virginia.

The Forest Conservation Branch of the Department of Public Works and Environmental Services (DPWES) has identified numerous trees on the property. Some of which should not be considered a priority for preservation and others which should. The significant trees identified in the memo provided in Appendix 7 are not proposed to be removed or harmed by the proposed construction.

The Board of Zoning Appeals (BZA) has heard the following applications in the vicinity of the property:

- Variance VC 90-D-082, denied on October 26, 1990, on Tax Map Number 40-4 ((5)) 29, on 2301 Meridian Street, zoned R-4, southeast of the subject property to permit construction of addition 8.9 feet from one side lot line, 4 feet from other side lot line and 23.1 feet from the front lot line.
- Variance 88-D-125, granted on October 11, 1988, on Tax Map Number 40-4 ((19)) (E) 18, on 6906 Sycamore Street, zoned R-4, south of the subject property to permit construction of second story addition 24 feet from the front lot line.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat, Lot 16, Casemont
- **Prepared By:** Thomas W. Kenndall, Kendall Consulting, Inc. dated June 23, 2009, and signed through June 29, 2009

Proposal

The applicant proposes to construct a one story addition approximately 370 square feet (22.3 feet by 16.7 feet) and 15 feet in height 20.6 feet from the northern front lot line adjacent to Moly Drive. The purpose of the proposed addition is to expand the existing kitchen which will require the existing family room to be expanded as well. An existing one story portion of the existing dwelling will be raised to be two stories in height. This expansion is permitted by-right since it will meet the minimum required front yard. The existing one-story portion and existing garage are shown in Photo 5 at the front of the staff report.

ZONING ORDINANCE REQUIREMENTS (See Appendix 8)

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application does not meet all of the 8 General Special Permit Standards with notes regarding standard 3.

General Standard 3 requires that the proposed uses 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 that the special permit application does not satisfy this condition based the fact that no other homes in the neighborhood have additions in such close proximity to a front lot line. The aerial photos provided in Appendix 4 depict the neighborhood to be constructed of homes rectangular in shape and consistent in size. The proposed expansion will push the dwelling beyond what is consistent throughout the neighborhood. Therefore, the application does not meet this standard.*

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 the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing structure is 2,066 square feet and there is 290 square feet of proposed by-right construction for a total square footage of 2,356. Therefore 150% of the total gross floor area before the special permit construction could result in an addition up to 3,534 square feet; which makes a combined total of 5,890 square feet. The proposed special permit addition will be 370 square feet for a total of 2,726 square feet for the existing house and addition. Therefore the application does meet 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 proposed addition will be 15 feet in height which is less than the height of the house which is 21.5 feet. The applicant has indicated on the architectural drawing that it will be constructed of materials to match the existing house. However, staff believes the proposed addition will be creating too much bulk in this particular area, too close to the front lot line and will therefore be out of character with existing on-site development. The proposed addition and existing garage will be almost 45 feet in length. Also, staff took into account the previous variance on the property for the garage where the BZA had the applicant at that time reduce the size so that it would not be as close to the lot lines as requested. Since the structure has been built in its current configuration closer than what the BZA even considered as part of that variance, staff takes issue with supporting an application for a structure which proposes to go closer than what was previously approved. Therefore, staff does not believe 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. There are no other additions or structures found that have requested to be as close as 20 feet to a front lot line in the neighborhood. Staff believes that with the proposed addition coupled with the existing garage and the proposed by-right expansion of the second floor will not be in character with the surrounding off-site uses. Many of the homes in the neighborhood do not have this L-shaped configuration which is present on the subject property. Most of the homes in the neighborhood have a size and configuration consistent with the footprint of the existing dwelling without the garage. Aerial imagery showing the neighborhood has been provided in Appendix 4.

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. No downstream complaints have been indicated by DPWES and there is relatively small increase of impervious area due to the small size of the proposed one-story addition. Staff believes that the existing garage which is allowed to remain in its location produces more hardship than the proposed one-story expansion. Therefore, staff does believe that this standard has been satisfied.

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. Staff believes that there is an availability of an alternate location to the south side lot line where an existing screen porch is constructed. Staff feels that the proposed one story family room addition could be expanded on that side of the lot without requiring special permit approval. This would also be less disturbed area since there is an existing screen porch with access currently provided from the dwelling. Therefore, staff does not believe the application satisfies this condition.

CONCLUSION

Staff believes that the subject application for the addition is not in conformance with all the applicable Zoning Ordinance provisions for the reasons outlined above.

RECOMMENDATION

Staff recommends denial of special permit application SP 2009-DR-099 for the one story addition.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Aerial Photos provided by Google Maps
5. Minutes and Variance Resolution for VC 89-D-068
6. Building Permit and Approved Plat for Existing Garage
7. Memo from Forest Conservation Branch
8. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-DR-099****December 30, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-DR-099 located at Tax Map Number 40-4 ((8)) 16 (2220 Casemont Drive), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

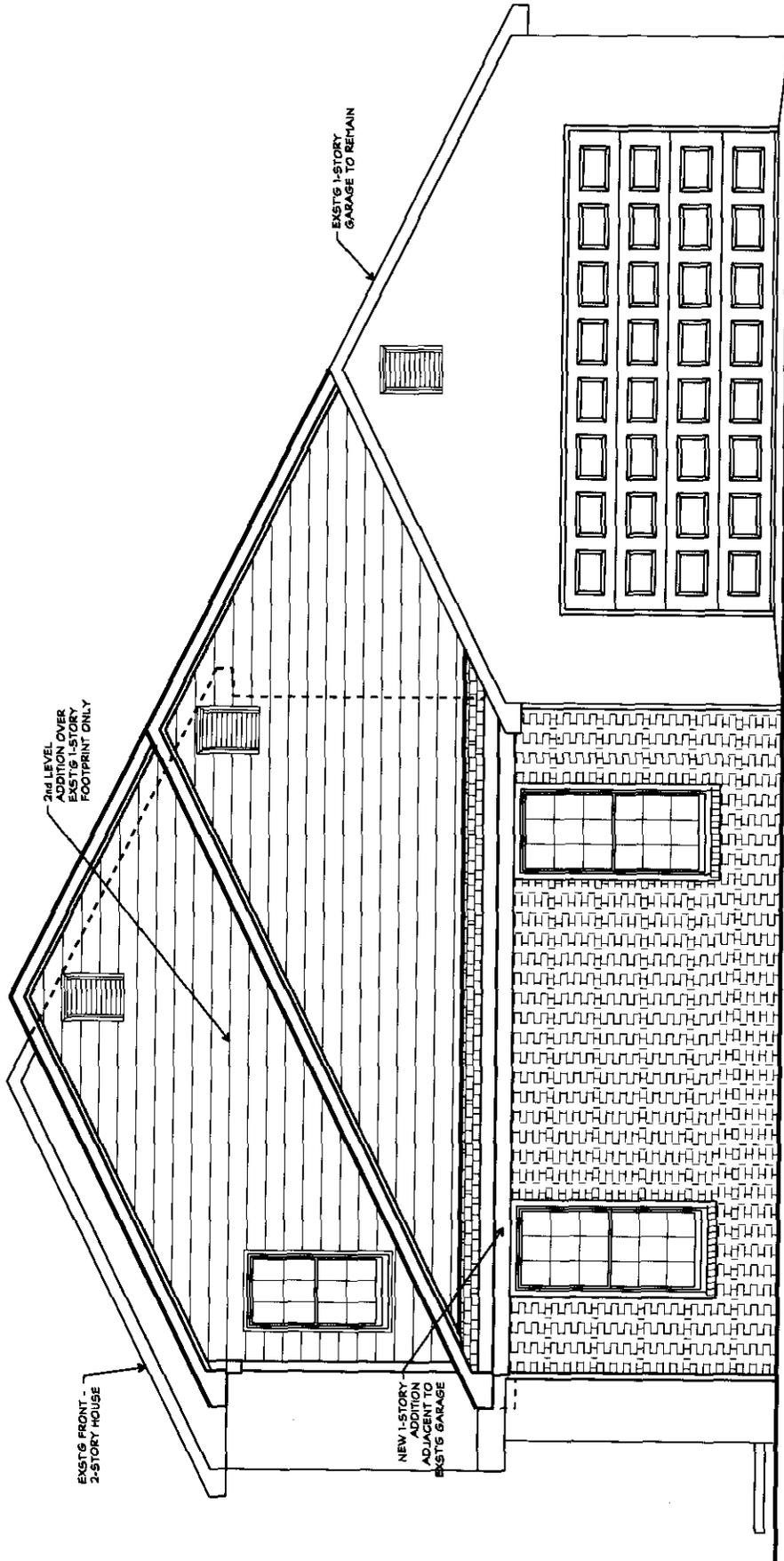
1. These conditions shall be recorded by the applicant among the land record of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a proposed addition as shown on the plat prepared by Thomas W. Kenndall, Kendall Consulting, Inc. dated June 23, 2009 and signed through June 29, 2009, submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principle structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,356 square feet existing + 3,534 (150%) = 5,890 permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction, special permit or variance. 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 depicted on the plat and included in Attachment 1 to these conditions.

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 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.

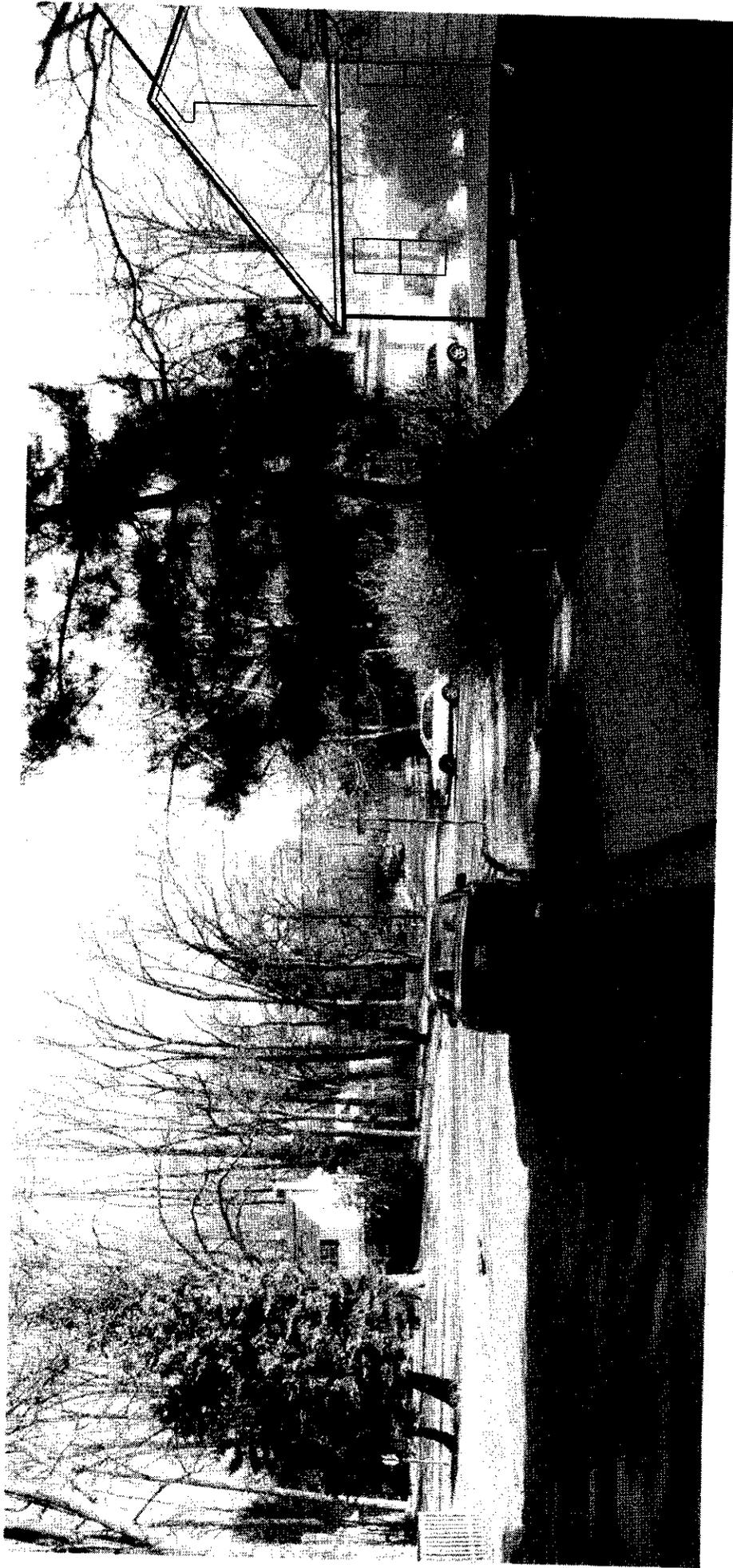
NOV 19 2009

SPECIAL PERMIT &
VARIANCE BRANCH





1/15/09 - From Casemont Street, looking northwest



1/15/09 - From Moly Street, looking east

Application No.(s): SP 2009-DR-099
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 24th 2009
 (enter date affidavit is notarized)

I, JONATHAN & ELISABETH MORSE, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant 105186
 applicant's authorized agent listed in Par. 1(a) below

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)
JONATHAN B MORSE	2220 CASEMONT DR FALLS CHURCH VA 22046	APPLICANT/TITLE OWNER
ELISABETH R MORSE	2220 CASEMONT DR FALLS CHURCH VA 22046	APPLICANT/TITLE OWNER

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

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

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

Application No.(s): SP 2009-DK-099
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 24th 2009
(enter date affidavit is notarized)

105186

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)

NONE

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

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

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

Application No.(s): SP 2009-DR-099
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 24th 2009
(enter date affidavit is notarized)

105186

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)

NONE

(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): SP 2009-DR-099
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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 24th 2009.
(enter date affidavit is notarized)

105186

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

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

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

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

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

NONE

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 24th 2009.
(enter date affidavit is notarized)

105186

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: Jonathan Morse
Elisabeth Morse
(check one) Applicant Applicant's Authorized Agent
JONATHAN MORSE
ELISABETH MORSE
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 24th day of June 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Wendy S. De Paz-Hernandez
Notary Public

My commission expires: May 31, 2010

WENDY S. DE PAZ-HERNANDEZ
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MAY 31, 2010
COMMISSION # 7025323

Statement of Justification

RECEIVED
Department of Planning2220 Casemont Drive – Special Permit
Jonathan and Elisabeth Morse

SEP 25 2009

Zoning Evaluation DIVISION

Our house is located on the corner of Casemont Drive and Moly Drive at 2220 Casemont Drive – Tax Map No 0404 08 0016. My wife and I have owned and lived in this house for over 9 years. We currently have three children ages 5, 7, and 9. Our growing family has begun to cramp our existing house. We would like to expand our kitchen. To accomplish this, we would use our current family room. The proposed addition will allow space to replace the lost family room.

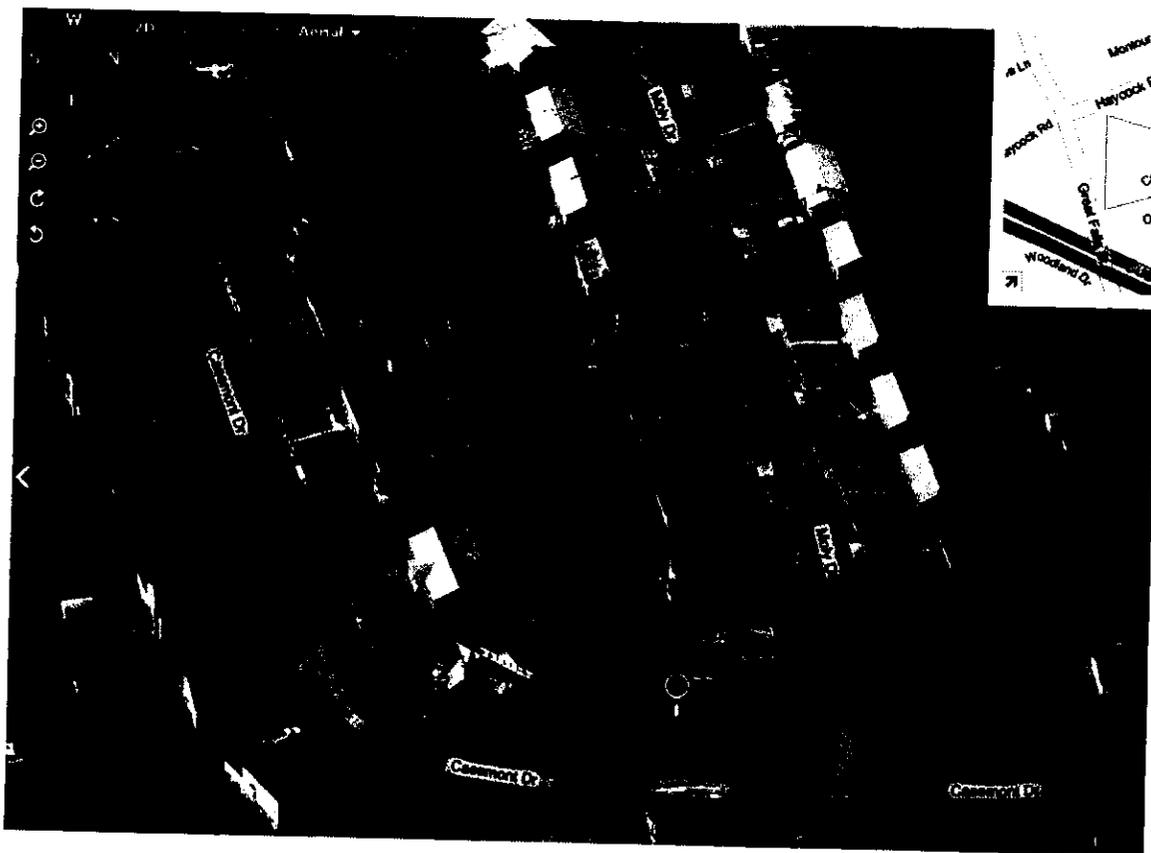
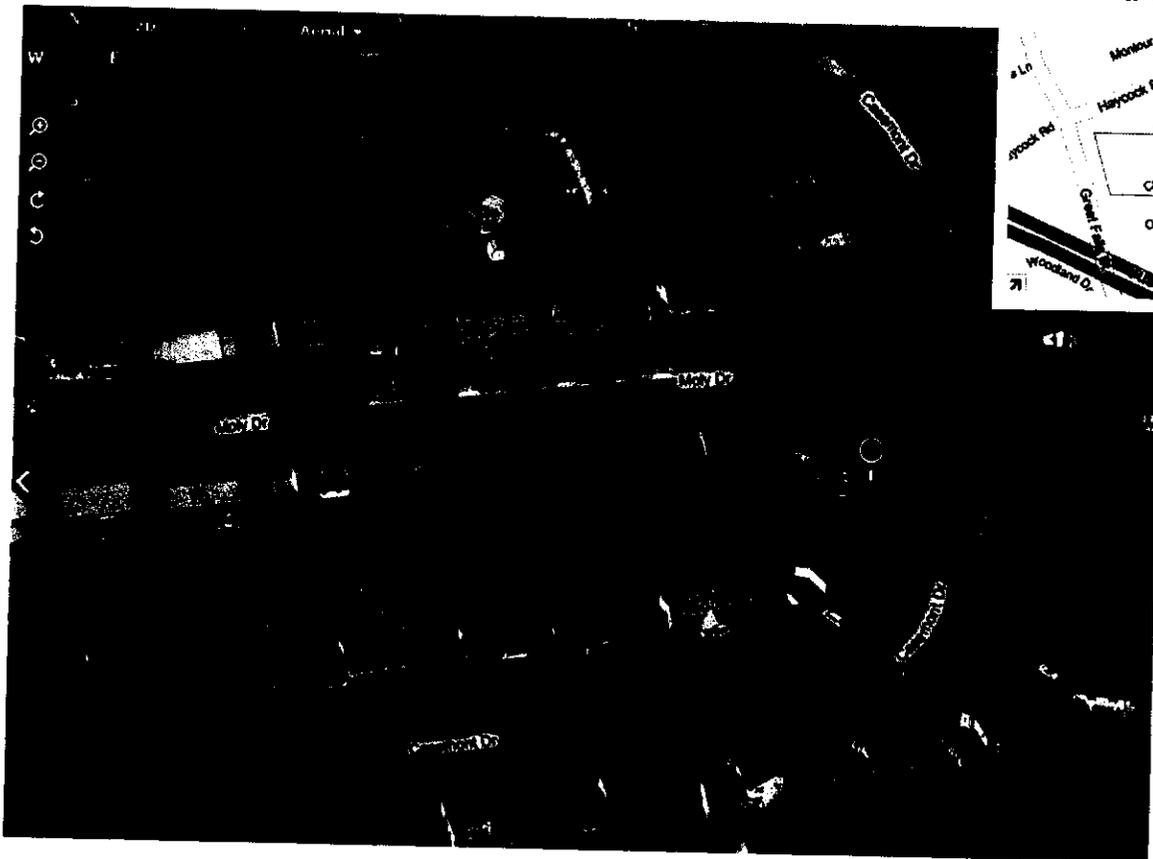
The area off the existing family room is the only useable space to expand. We are constrained by the shape of the front/side yard property line due to the street contour following the curb entering from Moly Drive. The setback corner is pinching off any possibility of reasonable expansion. Additionally, the tight lot lines around the rest of the property make any other spot for the expanded kitchen not feasible, especially when access from the existing uses of interior space is taken into account.

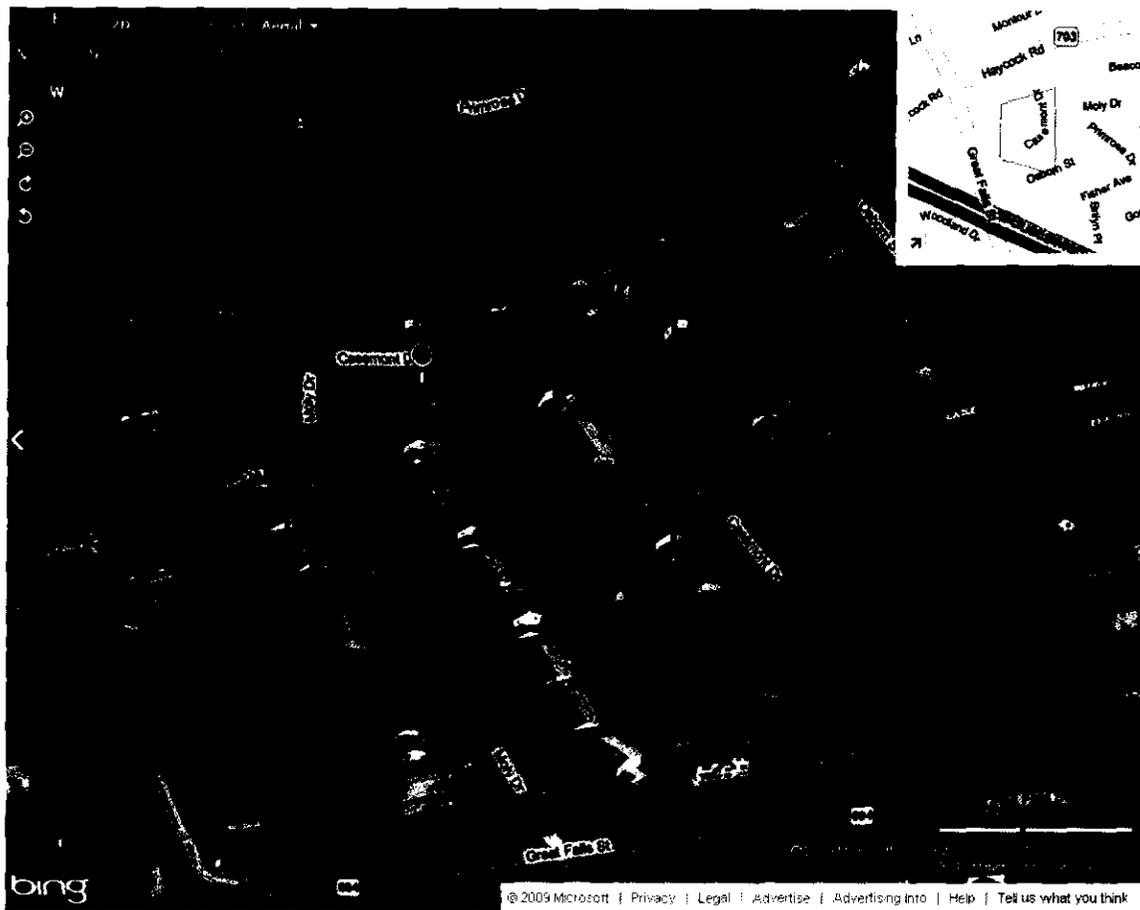
Our house was built in 1964. The house is situated on a corner lot and has 30 foot setbacks on both the front (Casemont) and side (Moly). The proposed addition will be 20.6' feet from the front (Moly) lot line. The rear set back is about 6.8' and the other side is about 33.1'. The current above grade living space is 2066 square feet. The addition we are proposing will add approximately 370 square feet to the first floor and 290 square feet to the second floor. This totals 660 square feet or 32% increase. The new structure will maintain a visually harmonious format.

There is no accessory structure in the front yard.

The new structure is a natural addition to the existing one. It will continue the same style and flow, using a complimentary facade. The new structure will also tie in the lines of the three separate existing roofs – first floor, second floor, and garage. The new structure is well contained within the environment including the grade of the lot, existing trees, and Moly and Casemont Drives. The proposed new structure does not pose any negative impact or visibility issues with the existing terrain (see attached Site Line Views and Site Structure mock-ups.)

Due to the location of our house on the lot and our requirement to have more functional family and kitchen space we are requesting a special permit to build 9 feet outside the current Building Restriction Line (BRL). The lot has setbacks of 30 feet on both the Casemont front and the Moly side. Our request is less than the 15 foot maximum setback allowance by Special Permit.





Page 397, September 7, 1989, (Tape 1), (Edlin School Ltd. and Fair Oaks Community Church, SF 89-C-026, continued from Page 396)

started and is diligently pursued, or unless additional time is approved by the Board of Zoning Appeals because of occurrence of conditions unforeseen at the time of the approval of this Special Permit. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator prior to the expiration date. Mr. Ribble seconded the motion. The motion carried by a vote of 5-0 with Mr. DiGiulian and Mr. Hammack being absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on September 15, 1989. This date shall be deemed to be the final approval date of this special permit.

//

The Board recessed at 11:38 a.m. and reconvened at 11:58 a.m.

//

→ Page 397 September 7, 1989, (Tape 1), Scheduled case of:

10:45 a.m. BILLY J. & BARBARA H. ELLIS, VC 89-D-068, application under Sect. 18-401 of the Zoning Ordinance to allow construction of garage addition to dwelling to 22.0 feet from a street line of a corner lot and 4.9 feet from side line (30 ft. min. front yard, 10 ft. min. side yard req. by Sect. 3-407), located at 2220 Casemont Drive, on approximately 12,147 square feet of land, zoned R-4, Dranesville District, Tax Map 40-4((8))16.

Jane Kelsey, Chief, Special Permit and Variance Branch, presented the staff report.

Billy J. Ellis of 2220 Casemont Drive, Falls Church, Virginia, presented his justifications as set forth in the staff report. Mr. Ellis said the garage would be on the side of the house that his immediate neighbor has the air conditioner and therefore has no objection to the garage. There are other garages in the neighborhood, and being a corner lot any other location would require extensive work, and his plans will leave all the trees on the property.

In response to the Board questions, Mr. Ellis said he had no objection to the garage being 22 x 22 feet.

There being no further speakers and staff having no further comments, Chairman Smith closed the public hearing.

Mrs. Harris moved to grant-in-part to limit the size of the garage to 22 x 22 feet and 24 foot off front and 6.9 feet off side. Chairman Smith informed the applicant that new plats are needed.

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COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

In Variance Application VC 89-D-068 by BILLY J. & BARBARA H. ELLIS, under Sect. 18-401 of the Zoning Ordinance to allow construction of garage addition to dwelling to 22.0 feet from a street line of a corner lot and 4.9 feet from side line (THE BOARD GRANTED A GARAGE ADDITION 24 FEET FROM A STREET LINE OF A CORNER LOT AND 6.9 FEET FROM SIDE LINE), on property located at 2220 Casemont Drive, Tax Map Reference 40-4((8))16, Mrs. Harris moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 7, 1989; and

WHEREAS, the Board has made the following findings of fact:

1. That the applicant is the owner of the land.
2. The present zoning is R-4.
3. The area of the lot is 12,147 square feet of land.
4. The applicant has satisfied the nine standards for a Variance.
5. The request is reasonable and would create a hardship for the applicant if not granted.
6. The applicant must submit a revised plat limiting the garage dimensions to 22 feet by 22 feet.

Page 398 September 7, 1989, (Tape 1), (Billy J. & Barbara H. Ellis, VC 89-D-068, continued from Page 397)

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **GRANTED-IN-PART** with the following limitations:

1. This variance is approved for the location and the specific addition shown on the plat included with this application and is not transferable to other land.
2. Under Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, twenty-four (24) months after the approval date* of the variance unless construction has started and is diligently pursued, or unless a request for additional time is approved by the BZA because of the occurrence of conditions unforeseen at the time of approval. A request for additional time must be justified in writing and shall be filed with the Zoning Administrator prior to the expiration date.
3. A Building Permit shall be obtained prior to any construction.
4. A new plat will be required to show the dimensions of garage being 22 x 22 feet, 24 feet from front lot line and 6.9 feet from side lot line.

Mr. Ribble seconded the motion. The motion carried by a vote of 5-0 with Mr. DiGiulian and Mr. Hammack being absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on September 15, 1989. This date shall be deemed to be the final approval date of this variance.

//

Page 398 September 7, 1989, (Tape 1), Scheduled case of:

11:00 a.m. MR. & MRS. KENNETH A. KISSELL, VC 89-L-069, application under Sect. 18-401 of the Zoning Ordinance to allow construction of deck addition to dwelling to 0.0 feet from the rear lot line and 2.8 feet from the side lot line (5 ft. min. rear yard and 10 ft. min. side yard req. by Sects. 3-507 and 2-412), located at 7111 Captains Cove Court, on approximately 3,143 square feet of land, zoned R-5, Lee District, Tax Map 92-3(3)82.

Jane Kelsey, Chief, Special Permit and Variance Branch, presented the staff report.

BUILDING PERMIT APPLICATION

APPLICATION NO. 19
 Date

JOB LOCATION
 Street 2220 Casemont Dr.
 Building _____ Floor _____ Suite _____
 Subdivision Casemont
 Tenants Name Ellis

DO NOT WRITE IN THIS SPACE
 Permit No. 9934180370
 Map Reference 040-4-1081 10016
 Building Permit No. _____ Control No. _____
 Std. _____ Mag. _____ Plan _____ Census _____

OWNER
 Name Mr. & Mrs. Billy J. Ellis
 Address (Mailing) 2220 Casemont Dr.
 City Falls Church State VA Zip 22046
 Telephone 533-0271

CONTRACTOR
 Company Name Classic Color & Design, Inc
 Master
 Address 1543 Brookhaven Dr. **OWNER**
 City McLean State VA Zip 22101
 Telephone 356-7977 License No. 88888888
 State Contractors License No. 050624 9804823602
 County Business Account No. 03-7575

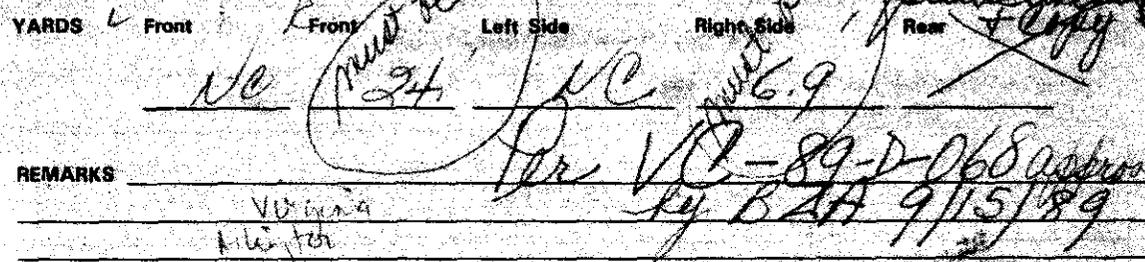
For	Description	ROUTING	
		Date	Approved By:
1	1 story 2-car garage w/ vestibule & work shed attached		
2	Health Review		
2	Site Review	<u>12/13/89</u>	<u>[Signature]</u>
1	Zoning Review	<u>12/13/89</u>	<u>[Signature]</u>
	Sanitation Review		
3	Building Review	<u>12/13/89</u>	<u>[Signature]</u>
	Fire Review		

Model/Use garage
 Sewage: Public Community Septic Tank None
 WATER: Public Individual Well None
 N-New D-Demolish
 R-Alter or Repair M-Move
 A-Add To O-Other

REMARKS:
 BUILDING DESCRIPTION QUANTITY
 # Units _____
 # Stories 1 (one)
 # Rooms _____
 # Bedrooms _____
 # To be Added _____
 # Baths _____
 # Half Baths _____
 # Kitchens _____
 # Fireplaces _____
 Basement _____
 % Basements to Finish _____

BUILDING DIMENSIONS			
No. Stories	Width	Depth	Sq. Ft.
1	22	32	704
	X		
	X		
	X		

Use Group of Building _____
 Type of Construction _____
 Building Area _____
 Estimated Const. Cost 224,500.00
ZONING REVIEW
 Zoning Proffers Building R-4 ✓
 Zoning Class _____
 Zoning Case # _____
BUILDING CHARACTERISTICS
 Building Height _____
 Exterior Walls _____
 Interior Walls _____
 Roofing Material _____
 Flooring Material _____
 Heating Fuel _____
 Heating System _____
GRADING AND DRAINAGE REVIEW
 Soils _____
 Historical _____
 Plan # _____
 Retaining Wall _____



REMARKS
Virginia
Kingston
2nd Dec. 1989
Harry H. Bowhe
CASEMONT

FOR COUNTY USE ONLY:

Date <u>12/13/89</u> By <u>[Signature]</u> Approved for Issuance of Building Permit	Fee <u>73.81</u> Filing Fee <u>54</u> Amount Due _____
--	--

The request for and use of personal information on this form is subject to the provisions of the Privacy Protection Act of 1976 and the Freedom of Information Act.
 I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that if a permit is issued the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations including private building restrictions, if any, which relate to the property. He/She and the company or organization named and represented herein is duly registered or exempt from registration in accord with the provisions of Chapter 7 of the Code of Virginia.
 Signature of Owner or Agent Billy J. Ellis Date 2 Dec 89
 Notary Signature Harry H. Bowhe Date 12/13/89

APPROVED

NOTE: PROPOSED HEIGHT TO PEAK OF PROPOSED GARAGE ROOF IS 11'-4".

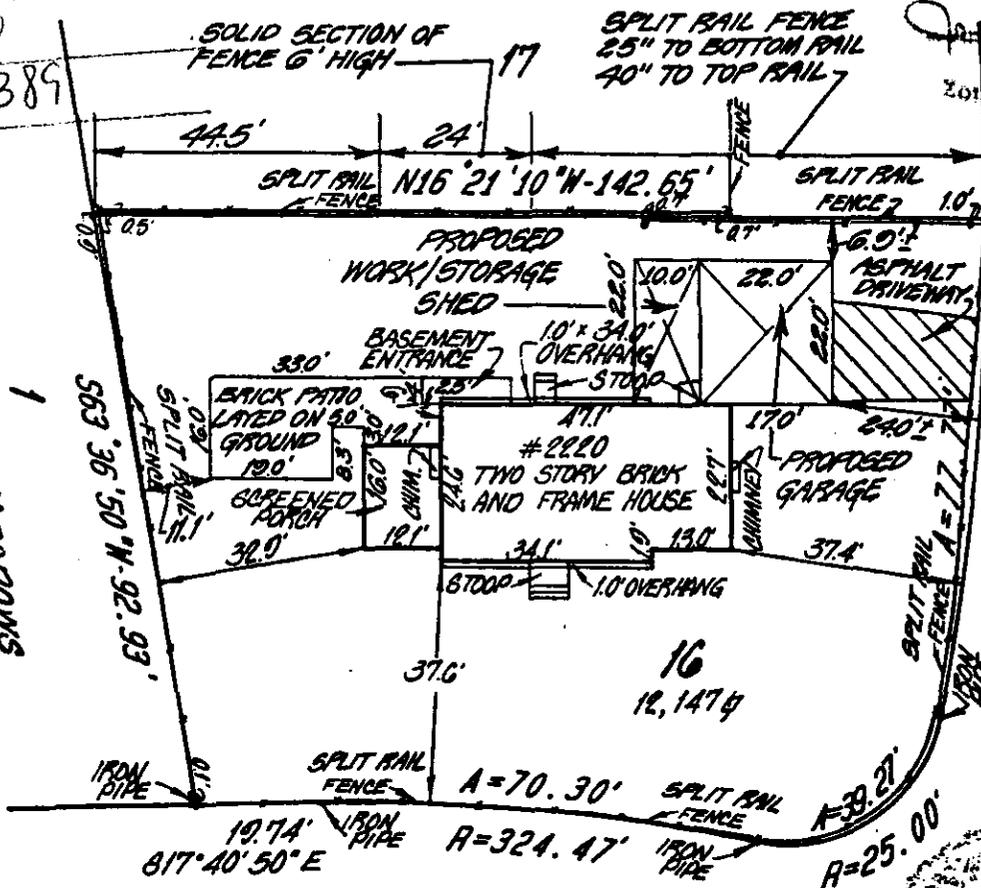
APPROVED

DIVISION OF INSPECTION SERVICES

By *lca*
Date 12-1389

W. Quinn
Zoning Administrator

McLENN
1
MEADOWS



MOLLY DRIVE
50' R/W

Approved By
the BZA on
12/12/89
Walter Parley
Assoc. Clerk BZA

CASEMONT DRIVE
50' R/W



HOUSE LOCATION SURVEY

LOT 16

CASEMONT SUBDIVISION

DRAVESVILLE DISTRICT **ADDED PROPOSED GARAGE AND SHED**
FAIRFAX COUNTY, VIRGINIA **SEPT. 11, 1989**

Scale: 1" = 30'

Date: MAY 31, 1988

NO TITLE REPORT FURNISHED.
 PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
 FENCE LOCATIONS IF SHOWN ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS THE PROPERTY LINE.

[Signature]
 CERTIFIED LAND SURVEYOR

CASE NAME:
BILLY J. ELLIS

LARRY N. SCARTZ
 CERTIFIED LAND SURVEYOR
 WOODBRIDGE, VIRGINIA
 TELEPHONE: WOODBRIDGE... 494-4101
 STAFFORD... 689-2168
 METRO... 690-4965



County of Fairfax, Virginia

MEMORANDUM

November 4, 2009

TO: Shannon Caffee, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester II *CH*
Forest Conservation Branch, DPWES

SUBJECT: Casemont Lot 16 (2220 Casemont Drive), SP 2009-DR-099

RE: Request for assistance dated October 22, 2009

This review is based on the Special Permit Application, SP 2009-DR-099 stamped as "Received, Department of Planning and Zoning, September 25, 2009". A site visit was conducted on October 30, 2009.

Site Description: This site is developed with an existing two story brick and frame single family detached dwelling with an associated asphalt driveway at the northwestern portion of the site and an attached brick patio and screened porch at the southwestern portion of the site. Existing vegetation adjacent to the proposed addition consists of several trees including a 24-inch diameter red maple tree, a multi-trunk dogwood tree, a 9-inch diameter Japanese black pine, a 5-inch diameter dogwood, a multi trunk American holly, and several large forsythia shrubs. These trees and shrubs appear to be in poor to good condition.

- 1. Comment:** Existing vegetation adjacent to the proposed addition includes a 24-inch diameter red maple tree near the corner of Molly Drive and Casemont Drive. This tree is located under an electric utility line, is in poor health and structurally weak. This tree should not be considered for preservation. Next to the above red maple tree is a multi-trunk dogwood, also located under an electric utility line, appears to be in poor to fair health. This tree should not be considered a priority for preservation.

Recommendation: The 24-inch diameter red maple should be considered for removal due to its location under the electric utility line, poor health and structural weakness. The multi-trunk dogwood tree also under the electric utility should not be considered a priority for preservation.

- 2. Comment:** On-site vegetation located next to the driveway, near the proposed addition, includes a 9-inch diameter Japanese black pine on the east side of the driveway that appears to be in good condition should could be considered for preservation, a 5-inch

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



Casemont, Lot 16 (2220 Casemont Drive)
SP 2009-DR-099
November 4, 2009
Page 2 of 2

diameter dogwood tree and multi-trunk American holly tree on the west side of the driveway, appear to be in good condition, and should be considered a priority for preservation.

Recommendation: A tree save area should be provided to include the Japanese black pine on the east side of the driveway and the dogwood and multi-trunk American holly trees on the west side of the driveway.

Please feel free to contact me at 703-324-1770 if you have any questions or concerns about this review.

CSH/
UFMID #: 147762

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



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.

8-922 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 expansion request. The resulting gross

floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this 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.

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.