



APPLICATION ACCEPTED: February 19, 2010
DATE OF PUBLIC HEARING: April 21, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 14, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2010-MA-014

MASON DISTRICT

APPLICANTS & OWNERS: Deepak Bhattasali and Mei Bhattasali, Trustees

ZONING: R-2

LOCATION: 3404 Mansfield Road

SUBDIVISION: Lake Barcroft

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 61-1 ((11)) 998

LOT SIZE: 16,292 Square Feet

SP PROPOSAL: Reduction of certain yard requirements to permit construction of addition 27.08 feet from the front lot line of a corner lot.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-MA-014 for the addition subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with 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 five (5) days after the decision becomes final.

O:\Scaff2\Case Files\Special Permits\SP 2010-MA-014 BHATTASALI\BHATTASALI_Cover.doc

Shannon Caffee

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.**

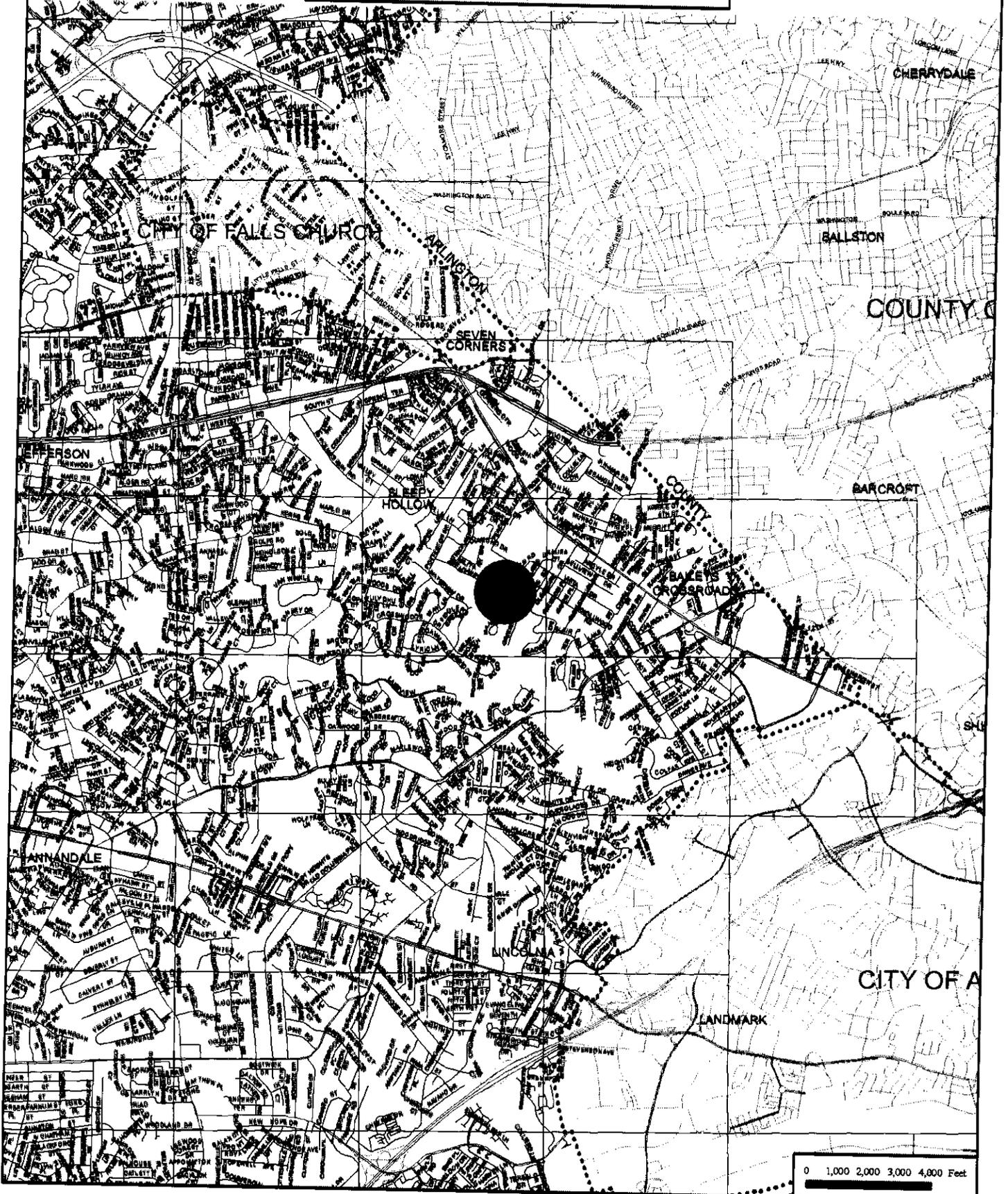


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2010-MA-014

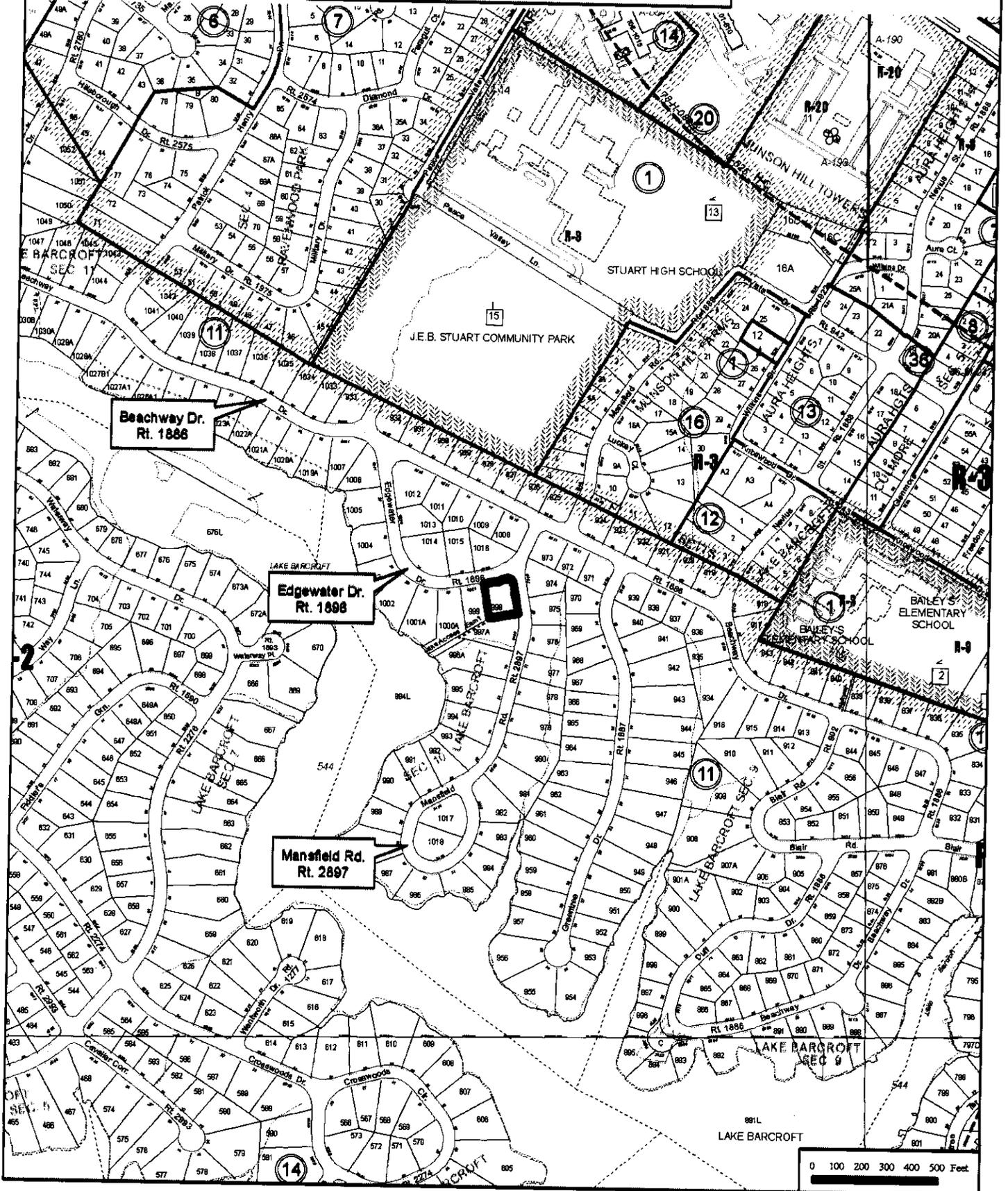
DEEPAK BHATTASALI AND MEI XIE
BHATTASALI, TRUSTEES

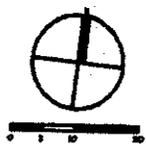


Special Permit

SP 2010-MA-014

DEEPAK BHATTASALI AND MEI XIE
BHATTASALI, TRUSTEES



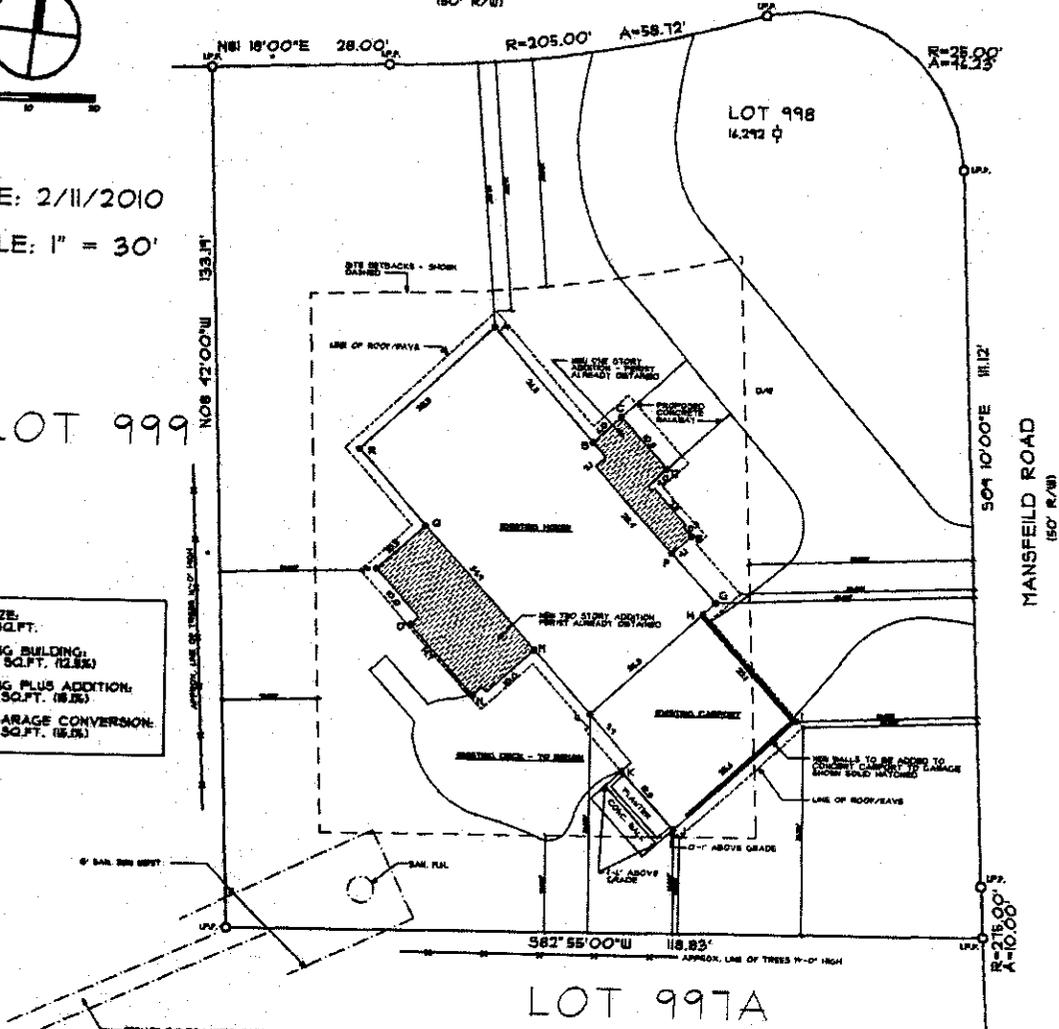


EDGEWATER DRIVE
(50' R/W)

DATE: 2/11/2010
SCALE: 1" = 30'

LOT 999

LOT SIZE:
4,242 SQ.FT.
EXISTING BUILDING:
2049.9 SQ.FT. (48.3%)
EXISTING PLUS ADDITION:
2440.4 SQ.FT. (57.5%)
PLUS GARAGE CONVERSION:
2460.1 SQ.FT. (58.0%)



- NOTES
- BOUNDARY BY OTHERS
 - ALL ENCUMBRANCES OF RECORD MAY NOT BE SHOWN. SEE TITLE REPORT
 - NOT FOR CONSTRUCTION (INCLUDING FENCES)
 - LOCATION OF FENCES IF SHOWN ARE APPROXIMATE AND DO NOT CERTIFY DIMENSIONS
 - THIS PLAT IS BASED ON INFORMATION DEPICTED ON RECORD PLAT
 - THIS PROPERTY IS SHOWN ON TAX MAP, NO. 5111-00-0111
 - HOUSE NO. IS 3404

- NOTES
- THERE ARE NO WELLS OR SEPTIC FIELDS ON THE PROPERTY. THE PROPERTY IS SERVED BY PUBLIC WATER.
 - THERE ARE NO GRAVES OR BURIAL SITES ON THE PROPERTY.
 - THERE IS NO PROPOSED LANDSCAPING OR SCREENING.
 - A PRIVATE TRAIL IS SHOWN ON THE PROPERTY. THE ENCLOSURE OF THE GARAGE DOES NOT AFFECT THIS TRAIL.

NOTES

PLAT LOCATION VERIFIED WITH FAIRFAX COUNTY ENGINEER OF THE DAY ON 2/11/2010 - DETERMINATION WAS THE SITE DOES NOT SET IN A FLOOD PLAIN A RFA OR RWA.

PLAT BOUNDARIES AND BUILDING LOCATION TAKEN FROM PLAT DATE 1-1-10, RECORDED 1-1-10 AND 1-30-10, AS DRAWN BY RICE ASSOCIATES, ANNANDALE VIRGINIA AND ON FILE WITH FAIRFAX COUNTY.

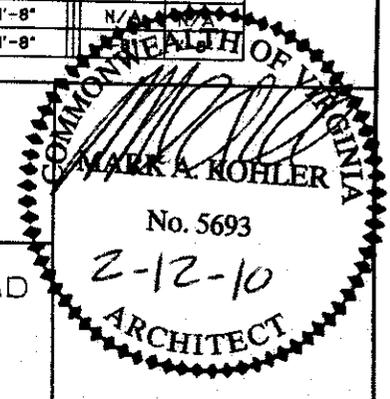
MAIN HOUSE EAVE ELEVATIONS / OVERHANGS						
	TO ROOF HEAD EXISTING	TO ROOF HEAD PROPOSED	OVERHANG FRONT EXISTING	OVERHANG FRONT PROPOSED	OVERHANG SIDE EXISTING	OVERHANG SIDE PROPOSED
A	12'-8"	12'-8"	1'-8"	1'-8"	2'-0"	2'-0"
B	11'-2"	11'-2"	1'-8"	1'-8"	N/A	N/A
C	N/A	12'-0"	N/A	1'-8"	N/A	1'-8"
D	N/A	12'-0"	N/A	1'-8"	N/A	1'-8"
E	N/A	12'-0"	N/A	1'-8"	N/A	1'-8"
F	11'-0"	11'-0"	1'-8"	1'-8"	N/A	N/A
G	11'-9"	11'-9"	3'-9"	3'-9"	2'-0"	2'-0"
H	10'-5"	10'-5"	0'-4"	0'-4"	N/A	N/A
I	10'-5"	10'-5"	0'-4"	0'-4"	2'-0"	2'-0"
J	12'-5"	12'-5"	0'-4"	0'-4"	2'-0"	2'-0"
K	13'-4"	13'-4"	0'-4"	0'-4"	N/A	N/A
L	14'-4"	14'-4"	1'-8"	1'-8"	N/A	N/A
M	18'-2"	18'-2"	1'-8"	1'-8"	N/A	N/A
N	N/A	19'-10"	N/A	0'-4"	N/A	1'-4"
O	N/A	19'-10"	N/A	0'-4"	N/A	1'-4"
P	N/A	19'-10"	N/A	2'-4"	N/A	1'-4"
Q	18'-10"	18'-10"	1'-8"	1'-8"	N/A	N/A
R	18'-3"	18'-3"	1'-8"	1'-8"	N/A	N/A

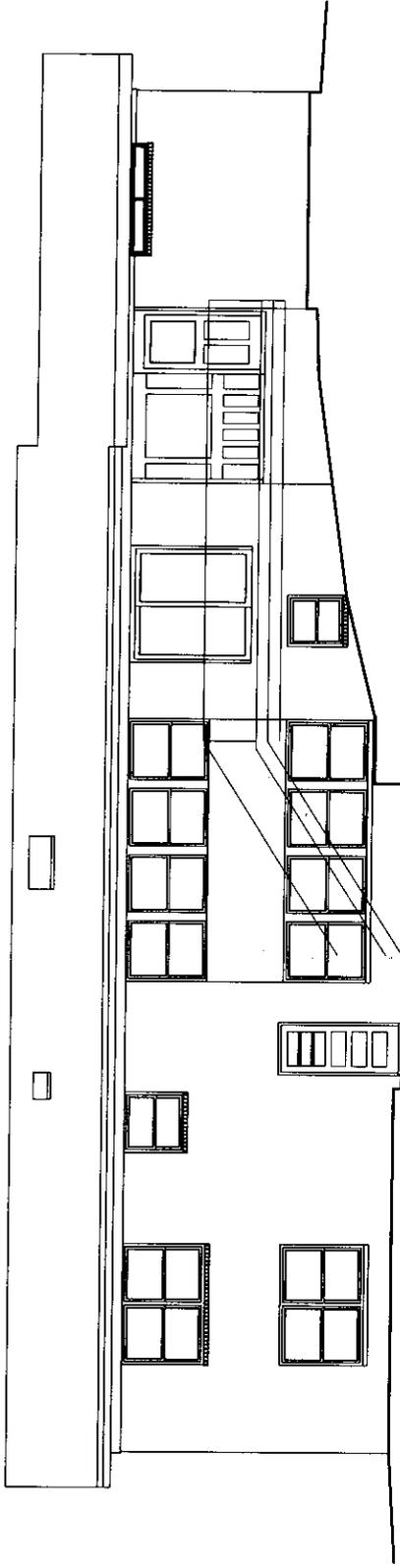
LOCATION:
LOT 998
SECTION 10
LAKE BARCROFT

MASON DISTRICT
FAIRFAX COUNTY
VIRGINIA

PREPARED BY:
KOHLER HOMES
ARCHITECT BUILDER

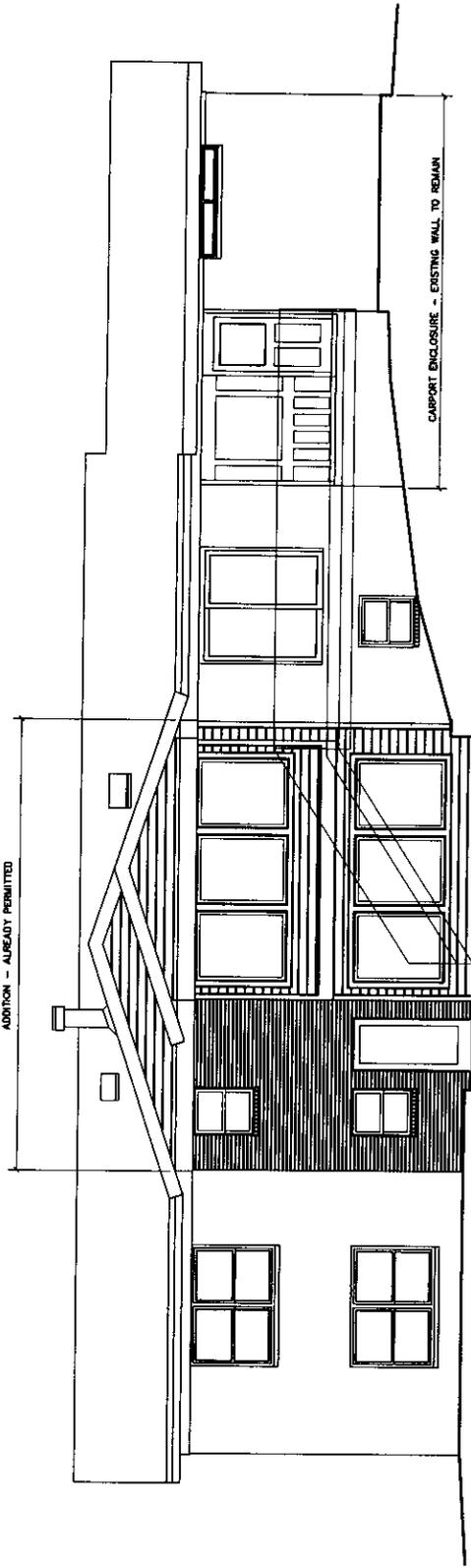
5206-B ROLLING ROAD
BURKE, VA 22015
103-764-1200





REAR ELEVATION - EXISTING

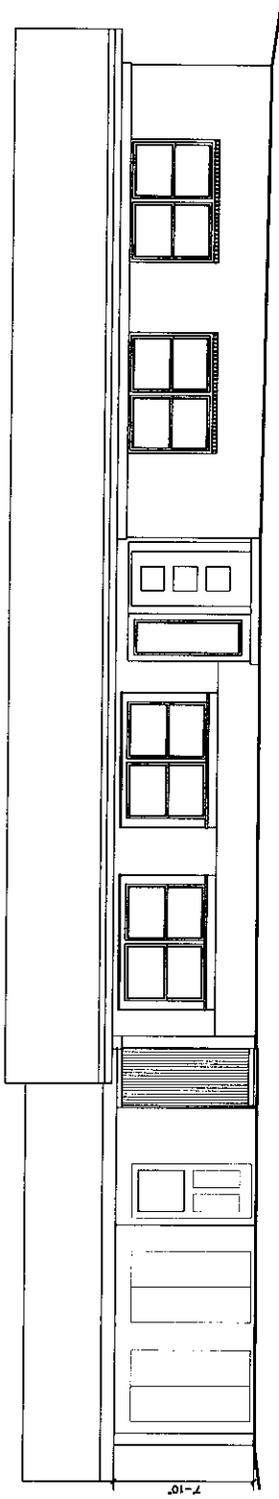
SCALE: 3/32" = 1'-0"



REAR ELEVATION - PROPOSED

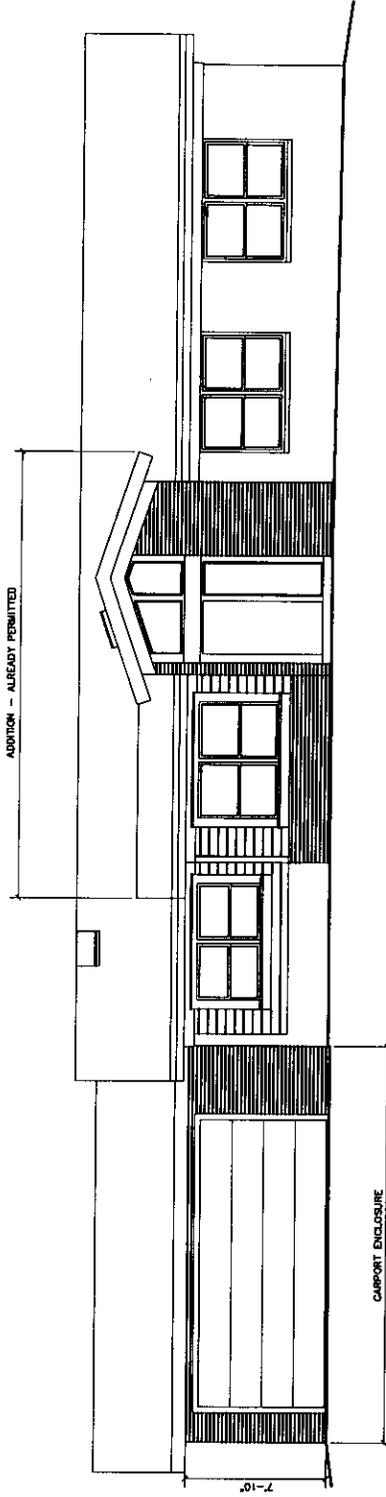
SCALE: 3/32" = 1'-0"





FRONT ELEVATION - EXISTING

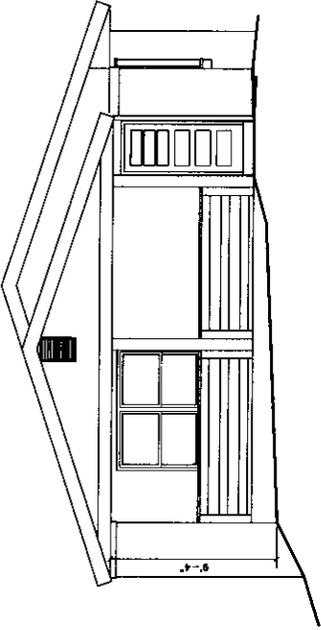
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FRONT ELEVATION - PROPOSED

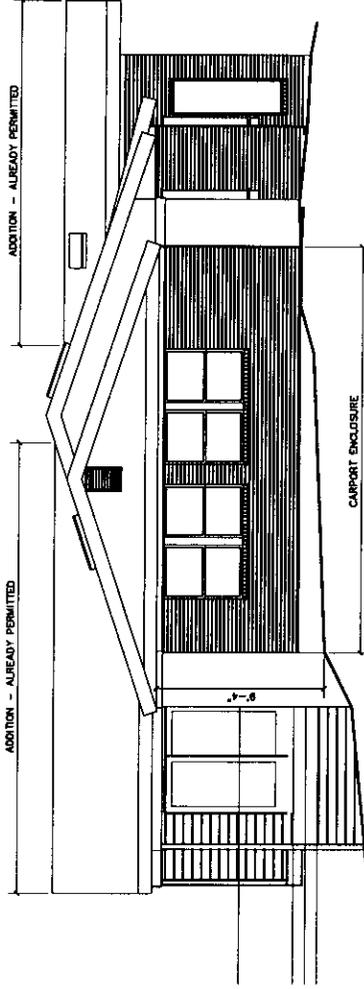
SCALE: 3/32" = 1'-0"





CARPORT ELEVATION - EXISTING

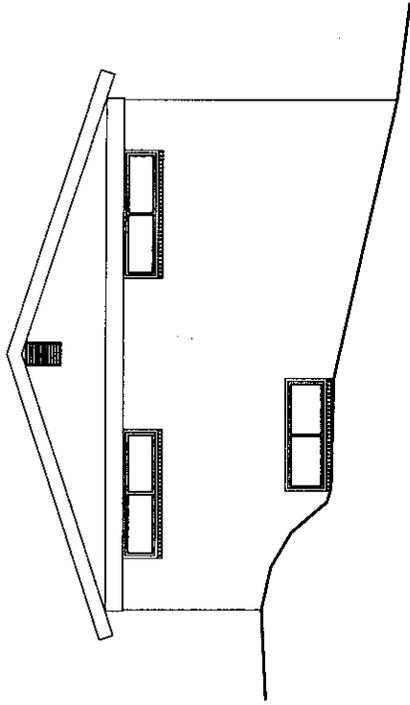
SCALE 3/32" = 1'-0"



GARAGE ELEVATION - PROPOSED

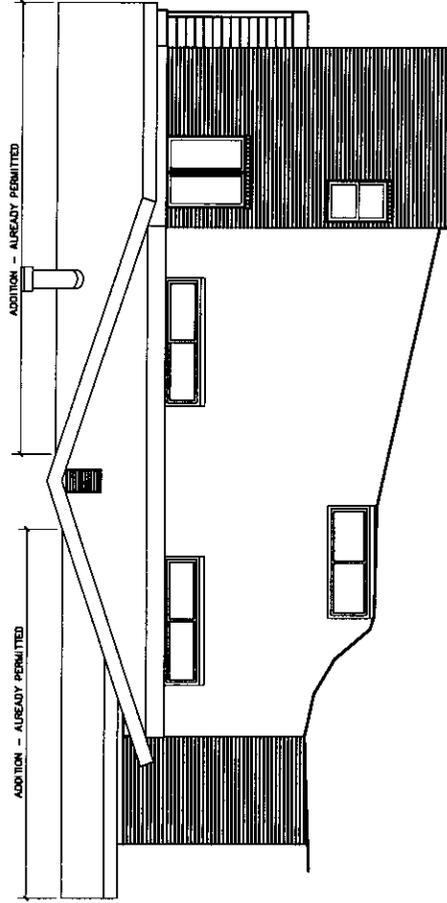
SCALE 3/32" = 1'-0"





SIDE ELEVATION - EXISTING

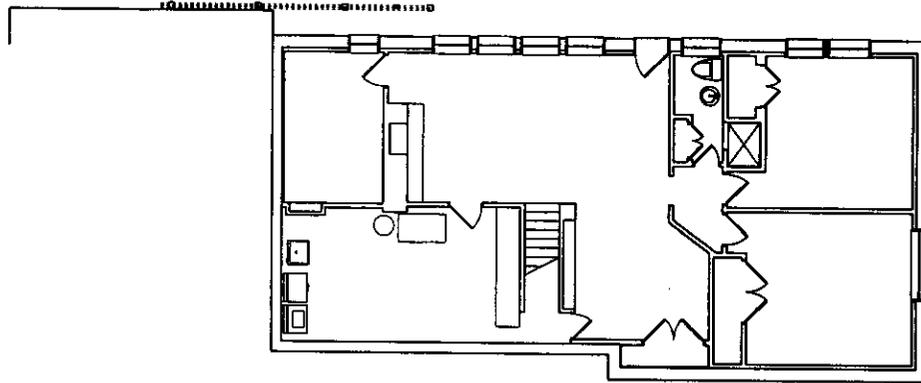
SCALE: 3/32" = 1'-0"



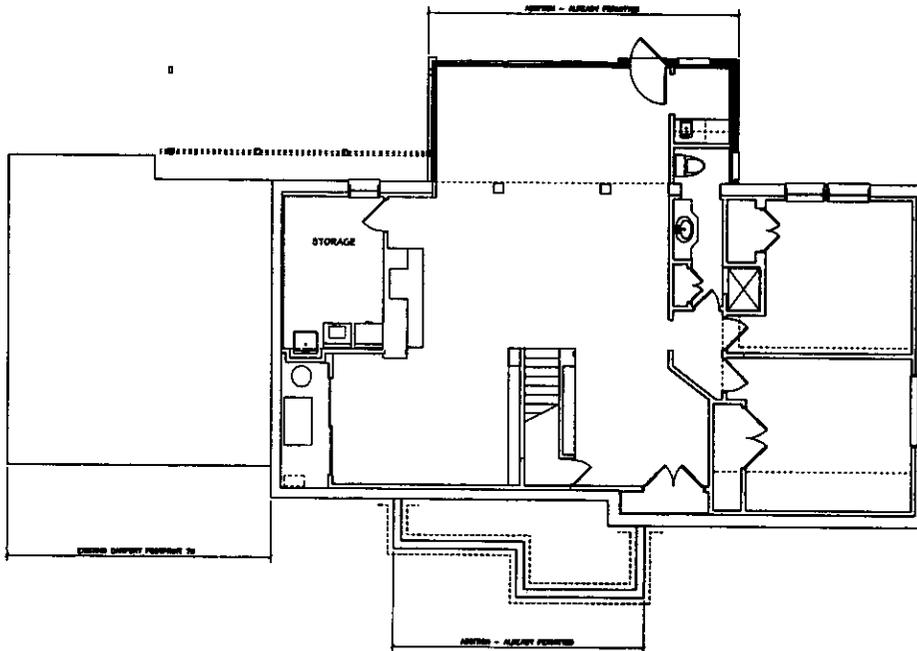
SIDE ELEVATION - PROPOSED

SCALE: 3/32" = 1'-0"

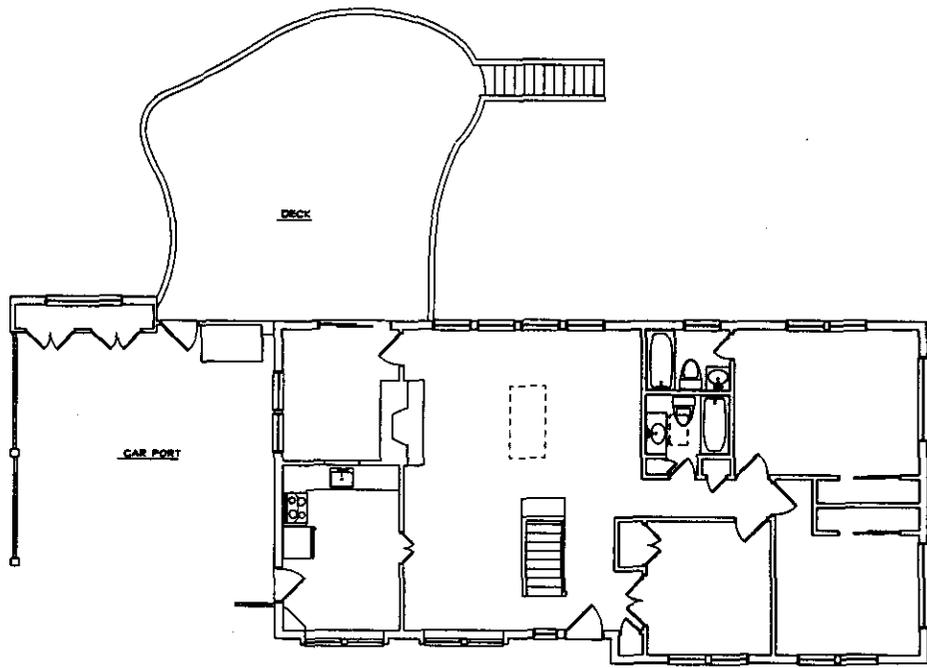




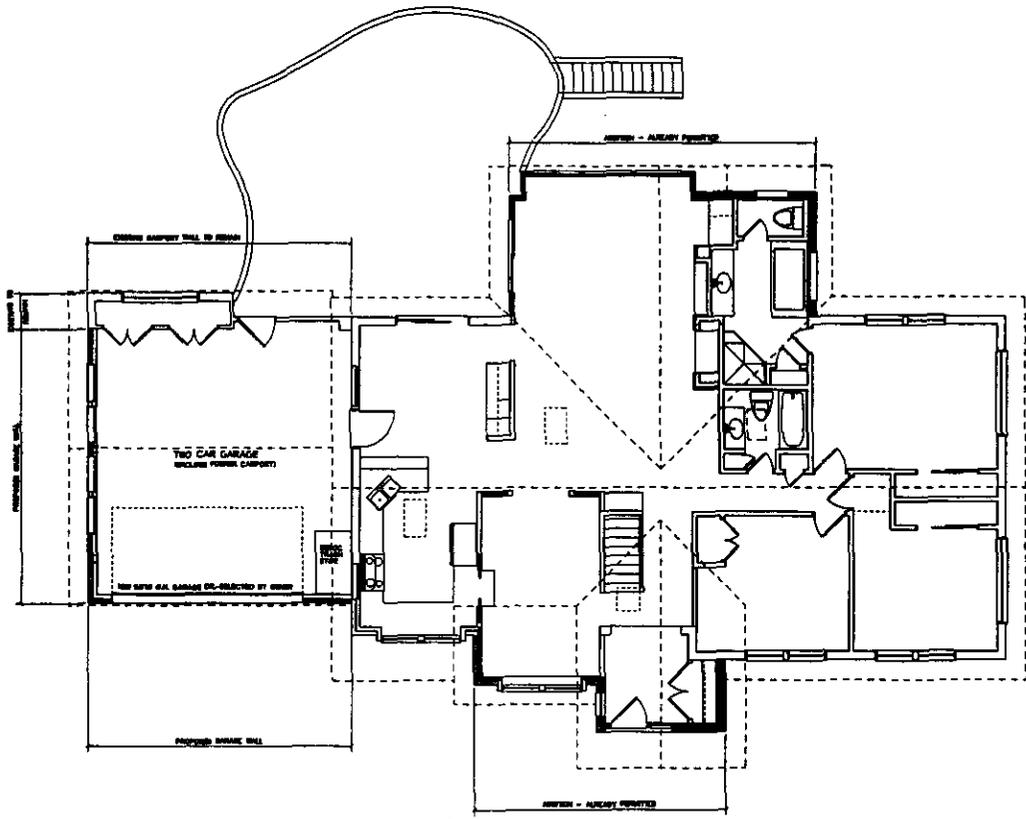
BASEMENT PLAN - EXISTING
SCALE: 1/16" = 1'-0"



BASEMENT PLAN - PROPOSED
SCALE: 1/16" = 1'-0"




FIRST FLOOR PLAN – EXISTING
 SCALE: 1/16" = 1'-0"




FIRST FLOOR PLAN – PROPOSED
 SCALE: 1/16" = 1'-0"

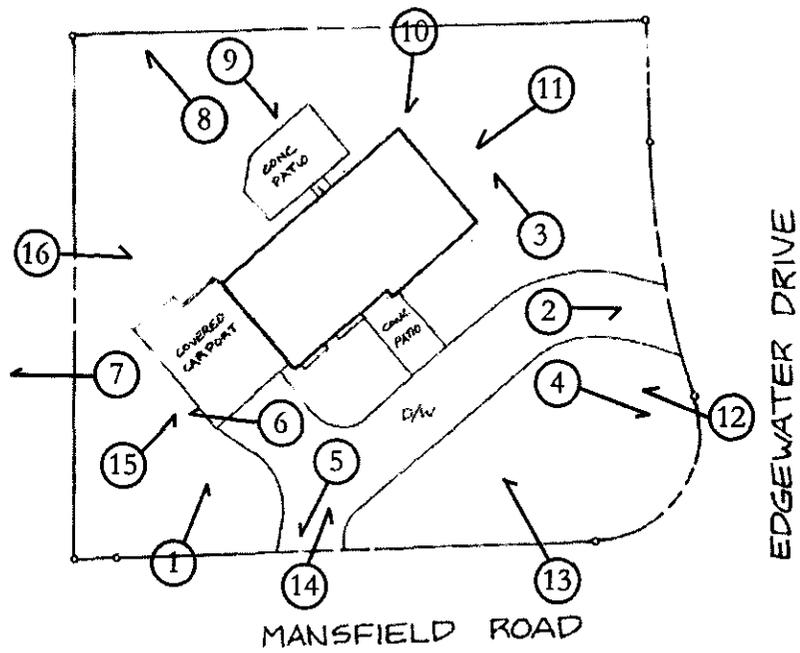


Photo location legend



- ① Looking at front of house on carport side from across Mansfield Road.



② Looking to rear yard / tree fence from front yard along Edwater Drive side of house.



③ Looking across Edgewater Drive to neighboring property from front of house.



4

Looking towards intersection of Edwater Drive and Mansfield Road from front of house.



5

Looking across Mansfield Road to neighboring properties from front of house.



⑥ Looking through existing carport to neighbor property from front of house.



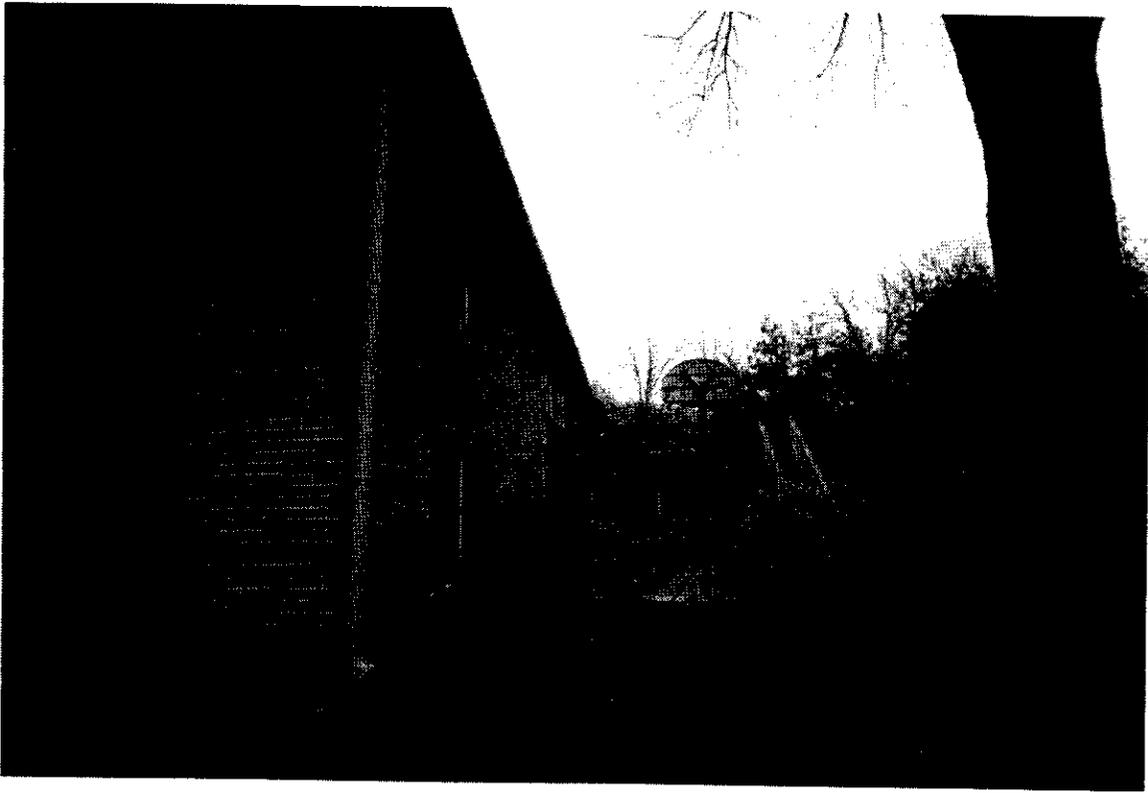
⑦ Looking from rear yard to neighbors garage. Taken from carport side of house.



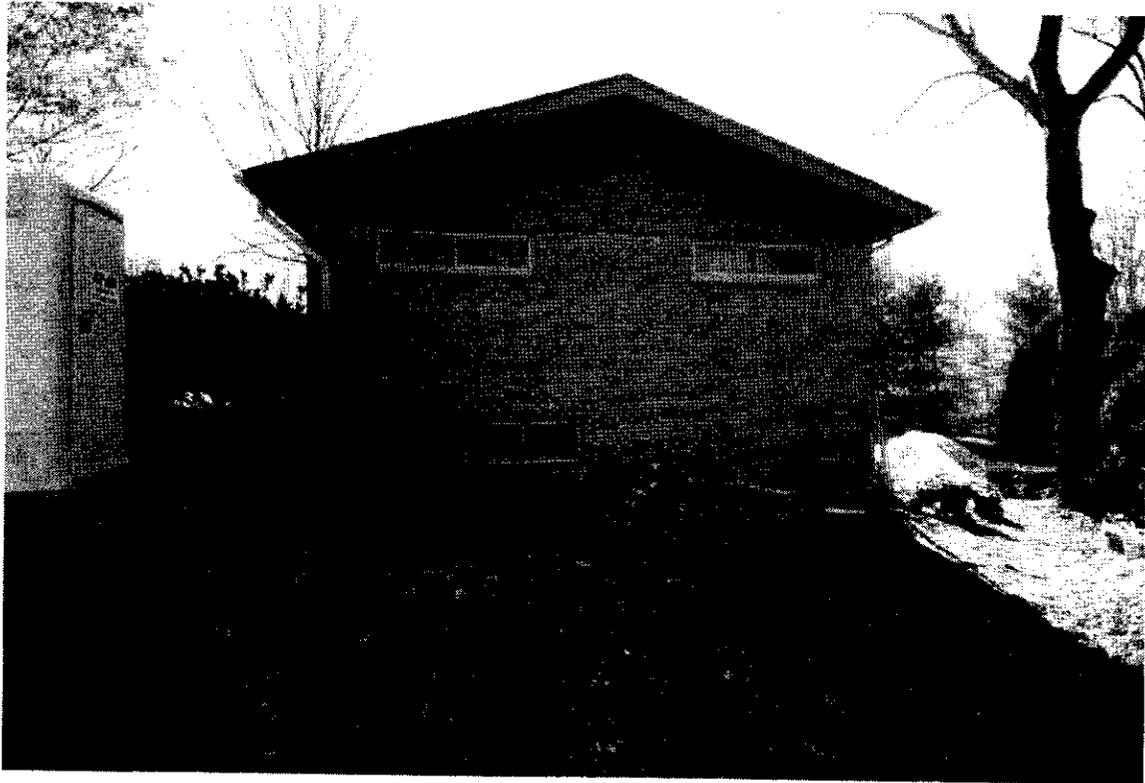
8 Looking from rear of house to rear yard.



9 Looking from rear yard to rear of house.



⑩ Looking from Edgewater Drive side of house along rear of house.



⑪ Looking from Edgewater Drive towards side of house.



12 Looking from intersection of Mansfield Road and Edgewater Drive to front of house.



13 Looking across Mansfield Drive toward front of house.



14 Looking across Mansfield Drive towards carport and front of house.



15 Looking from neighbors yard to carport side of house.



①6 Looking from rear corner of yard towards carport side of house.

DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a garage addition 27.08 feet from the eastern front lot line of a corner lot.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Garage Addition	Front	35 feet	27.08 feet	7.92 feet	22.6 %

* Minimum yard requirement per Section 3-207

LOCATION AND CHARACTER

Existing Site Description

The site is currently zoned R-2 and contains a one-story with basement single-family detached dwelling which was originally constructed in 1956. The lot consists of 16,292 square feet and is surrounded by single family detached homes on all sides. There is a significant change in topography present in both the front and rear yards of the property. This change can best be observed by the photos provided in the front of the staff report. There are also mature trees in the front and rear yards which will not be affected by the proposed construction. The subject property is a corner lot and vehicular access is provided by a paved driveway which has access from both Edgewater Drive and Mansfield Road. Aerial imagery obtained from the internet has been provided in Appendix 4 to observe the property and the surrounding neighborhood.

Character of the Area

	Zoning	Use
North	R-2	Single Family Detached Dwellings
West	R-2	Single Family Detached Dwellings
East	R-2	Single Family Detached Dwellings
South	R-2	Single Family Detached Dwellings

BACKGROUND

The existing carport was constructed by building permit #P31196 which was issued in 1965.

The applicants have also obtained building permits for construction of two by-right additions which are depicted in hashed markings on the special permit plat.

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

- Variance VC 2004-MA-052, denied on June 30, 2004, on Tax Map Number 61-1 ((11)) 936, on 6201 Beachway Drive, zoned R-2, east of the subject property to permit construction of addition 31.3 feet with eave 30.6 feet from the front lot line and 10 feet with eave 9.6 feet from the side lot line.
- Variance VC 2003-MA-052, denied on July 2, 2003, on Tax Map Number 61-1 ((11)) 996A, on 3410 Mansfield Road, zoned R-2, south of the subject property to permit construction of addition 25.7 feet and eave 24.6 feet from the front lot line.
- Variance VC 2002-MA-070, granted on July 17, 2002, on Tax Map Number 61-1 ((11)) 1020A, on 6305 Beachway Drive, zoned R-2, west of the subject property to permit construction of addition 8 feet from the side lot line and 25.5 feet from the front lot line.
- Variance VC 97-M-122, granted on February 18, 1998, on Tax Map Number 61-1 ((11)) 913, on 6145 Beachway Drive, zoned R-2, east of the subject property to permit construction of addition 27.8 feet from the front lot line and 7.5 feet from the rear lot line.
- Variance VC 94-M-005, granted on April 6, 1994, on Tax Map Number 61-1 ((11)) 917, on 6154 Beachway Drive, zoned R-2, east of the subject property to permit construction of addition 30.6 feet from the front lot line.
- Variance VC 89-M-140, denied on January 26, 1990, on Tax Map Number 61-1 ((11)) 993, on 3418 Mansfield Road, zoned R-2, south of the subject property to permit construction of garage addition to dwelling to 8.8 feet from the side lot line and 26 feet from the front lot line and to allow construction of covered porch addition to 17.9 feet from the front lot line.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Lot 998, Section 10, Lake Barcroft
- **Prepared By:** Mark A. Kohler, Kohler Homes, dated February 11, 2010 and signed February 12, 2010.

Proposal

The applicant proposes to enclose an existing carport to a two car garage. The applicant only proposes to add walls around the existing infrastructure provided by the existing two-car carport. The approximate size of the two car garage is 547 square feet in size and it will utilize the existing roof provided by the carport.

ZONING ORDINANCE REQUIREMENTS (See Appendix 5)

- 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 meets 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 satisfies this condition based the fact that there is no further extension into the front yard than what currently exists. The applicants propose to enclose an existing carport to a garage; many homes in the neighborhood have garages as can be seen in the aerial imagery provided in appendix 4. Therefore, staff believes the application meets this provision.*

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 combined with the permitted by-right construction is 3,657.7 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 5,486.5 square feet; which makes a combined total of 9144.2 square feet. The proposed addition will be 547.3 square feet in size for a total of 4,205 square feet for the existing house and addition. 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 proposed two car garage will enclose an existing carport. The structure will utilize the same roof as the existing carport and is proposed to be only 547.3 square feet in size. The existing single family detached dwelling is 3,657.7 square feet in size; therefore the proposed garage addition will be in character with existing on-site development in terms of height and bulk respectively. The proposed garage will be constructed with materials similar to the existing dwelling. Staff believes the proposed addition will not be out of character with existing on-site development and 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 proposed addition will not adversely affect the neighboring properties due to the small size and scope. No land disturbance will take place since the applicant proposes to enclose the existing two-car carport by installing walls. No significant trees are proposed to be removed by the construction. Given that the applicant's propose to enclose an existing carport which will be the same height as what's existing and the fact that there are other garages throughout the neighborhood, staff believes the proposed construction will be harmonious with surrounding off-site uses and structures.

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 no increase of impervious area due to the proposed addition replacing an existing carport. Currently there is dense tree cover in the rear and front of the property; but this tree cover will not be affected by the proposed construction. There are some trees and vegetation located on the adjacent properties as well but they are located in the rear yard and will not be affected by the proposed construction. Therefore, staff believes that the proposed addition will not have any adverse impact on neighboring properties.

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. Since the proposed addition is not extending further into the yards than what currently exists, staff believes this proposed garage is a minimal addition. There are no potential alternate locations for a garage given the orientation of the dwelling on the property. The location of the existing carport and driveway makes the proposed garage location the most logical location. Therefore, staff believes the application satisfies this provision.

CONCLUSION

Staff believes that the subject application for the addition 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 special permit application SP 2010-MA-014 for the addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

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 Imagery of Property
5. Zoning Ordinance Provisions

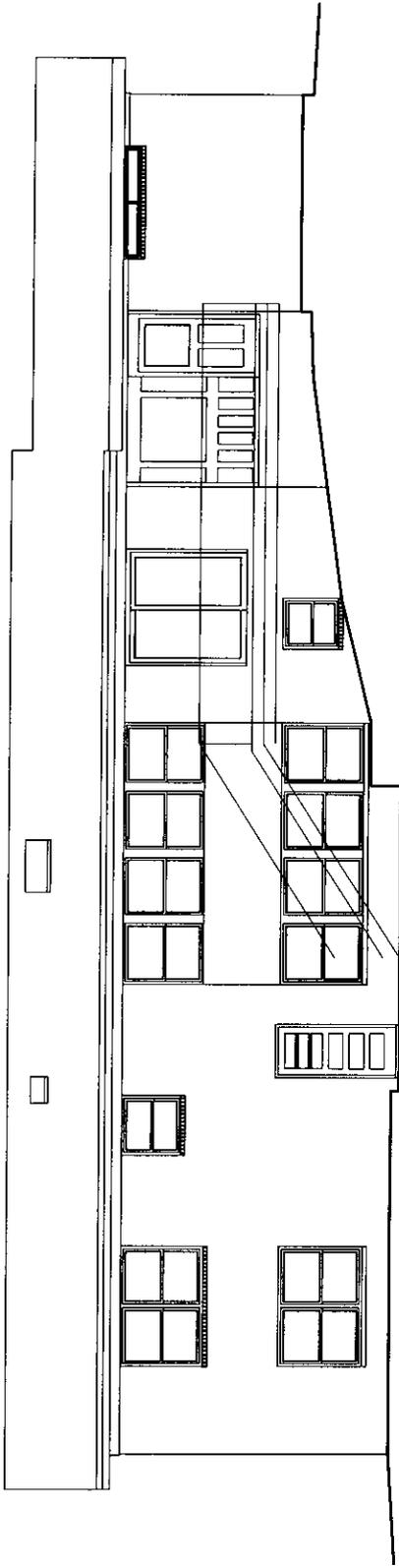
PROPOSED DEVELOPMENT CONDITIONS**SP 2010-MA-014****April 14, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-MA-014 located at Tax Map Number 61-1 ((11)) 998 (3404 Mansfield Road), 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.

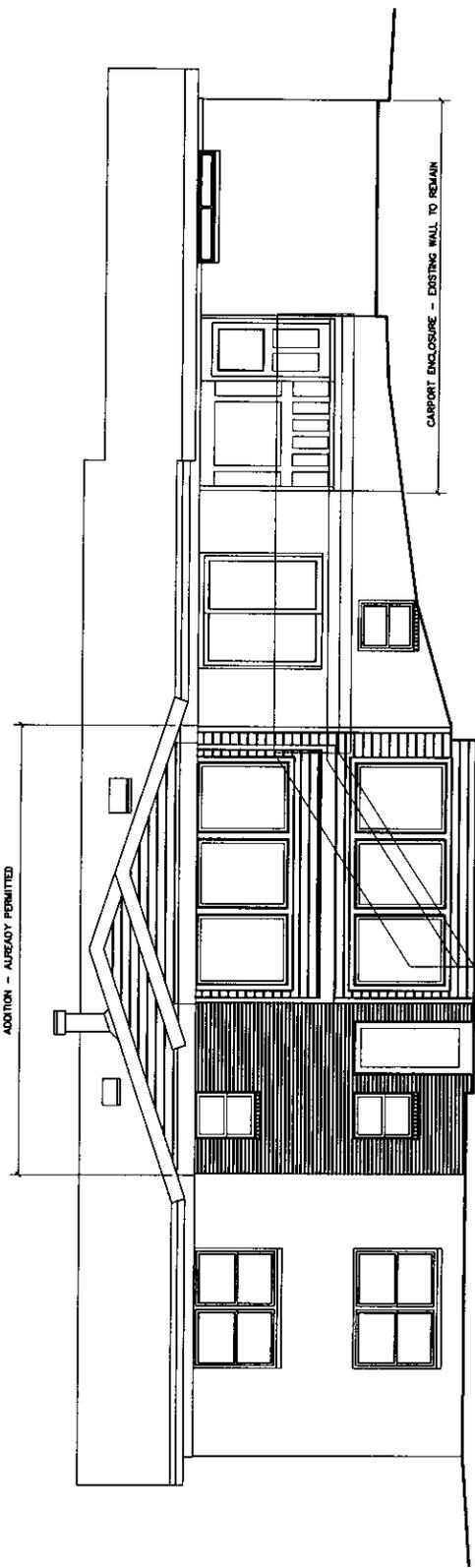
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a proposed garage addition as shown on the plat prepared by Mark A. Kohler, Kohler Homes, dated February 11, 2010 and signed February 12, 2010, 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 principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,657.7 square feet existing + 5,486.5(150%) = 9,144.2 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 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.

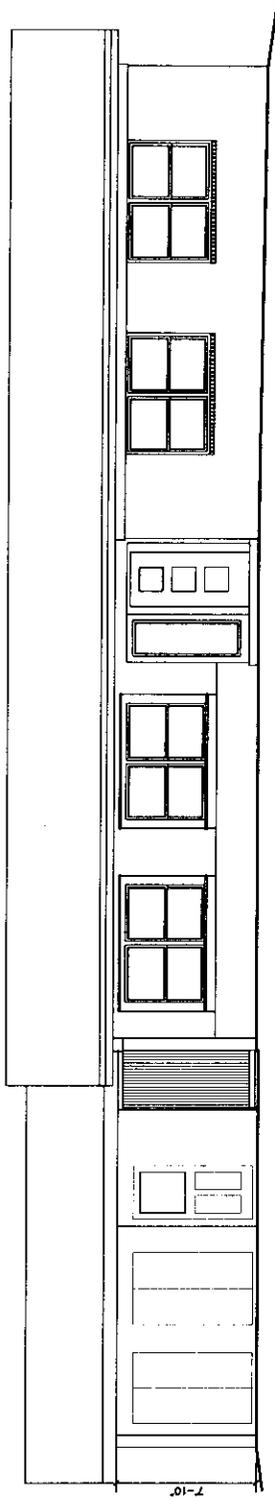
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction 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.



REAR ELEVATION - EXISTING
SCALE: 3/32" = 1'-0"

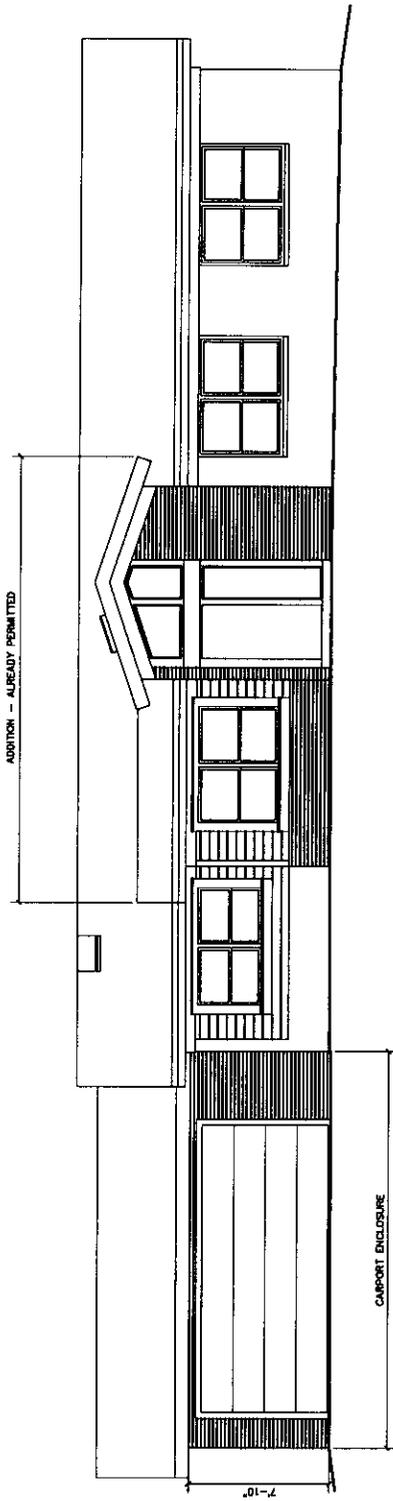


REAR ELEVATION - PROPOSED
SCALE: 3/32" = 1'-0"



FRONT ELEVATION - EXISTING

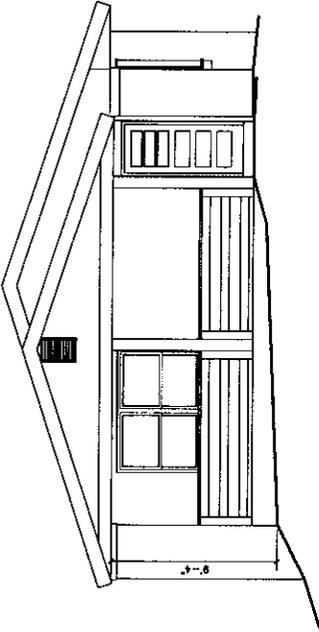
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FRONT ELEVATION - PROPOSED

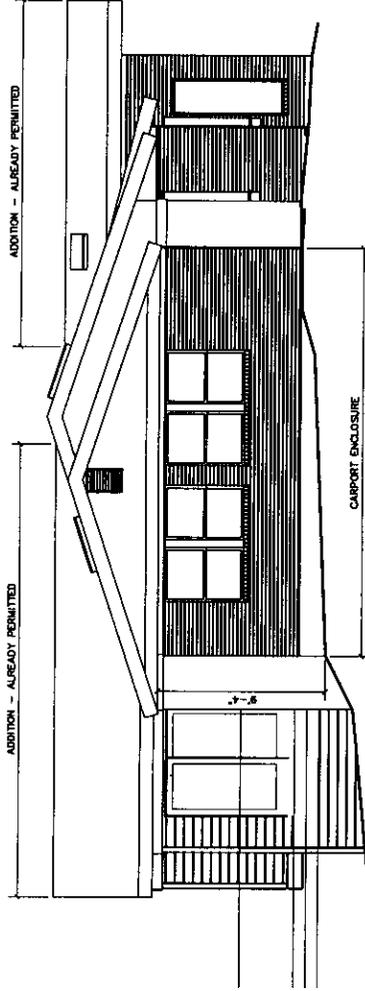
SCALE: 3/32" = 1'-0"





CARPORT ELEVATION -- EXISTING

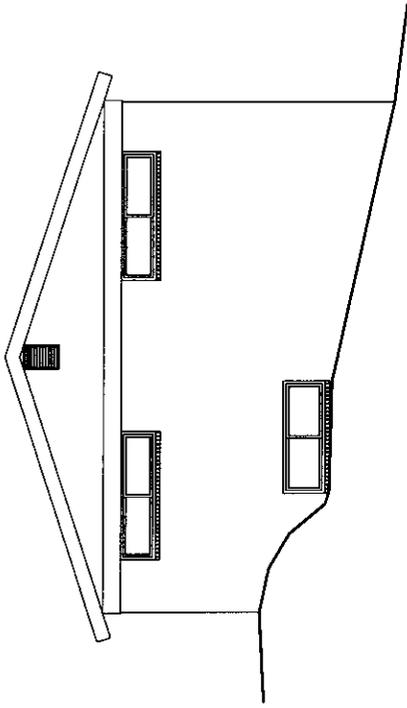
SCALE: 3/32" = 1'-0"



GARAGE ELEVATION -- PROPOSED

SCALE: 3/32" = 1'-0"

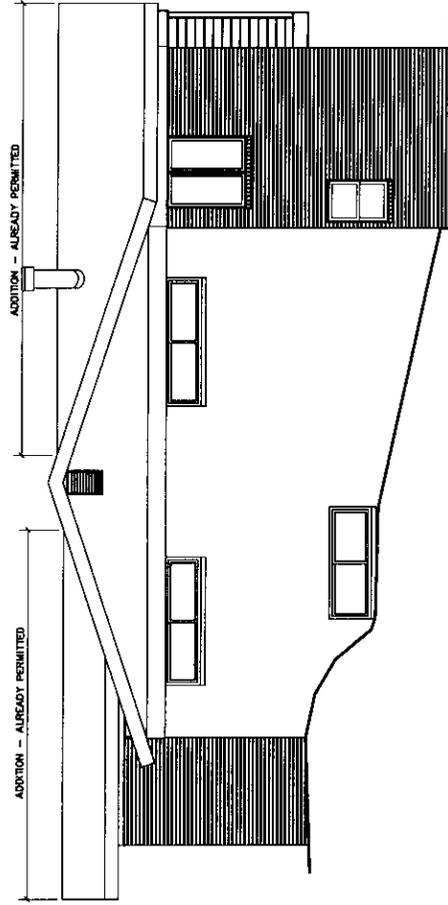




SIDE ELEVATION - EXISTING



SCALE: 3/32" = 1'-0"



SIDE ELEVATION - PROPOSED



SCALE: 3/32" = 1'-0"

Application No.(s): SP 2010-MA-014
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 22, 2010
 (enter date affidavit is notarized)

I, Mark A. Kohler, 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 1069866

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)
Deepak Bhattasali, Trustee of The Deepak Bhattasali Revocable Trust for the benefit of Mei Xie Bhattasali	3404 Mansfield Road Falls Church, VA 22041	Applicant/Title Owner
Mei Xie Bhattasali, Trustee of The Mei Xie Bhattasali Revocable Trust for the benefit of Deepak Bhattasali	3404 Mansfield Road Falls Church, VA 22041	Applicant/Title Owner
Kohler Homes, Inc.	5206-B Rolling Road Burke, VA 22015	Agent
Mark A. Kohler	5206-B Rolling Road Burke, VA 22015	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).

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 22, 2010
(enter date affidavit is notarized)

1069866

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)
Kohler Homes, Inc.
5206-B Rolling Road
Burke, VA 22015

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)
Mark A. Kohler

(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.

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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)

NONE

(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.

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DATE: January 22, 2010
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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): SP 2010-MA-014
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 22, 2010
(enter date affidavit is notarized)

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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

Mark A. Kohler, President of Kohler Homes, Inc.
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22nd day of January 2010, in the State/Comm. of Fair Virginia, County/City of Fairfax

My commission expires: January 31, 2012

Brandy H. Carney
Notary Public

BRANDY H. CARNEY
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JAN. 31, 2012
COMMISSION # 7198083

RECEIVED
Department of Planning & Zoning
FEB 12 2010
Zoning Evaluation Division

Statement of Justification

Bhattasali Residence
3404 Mansfield Road
Falls Church, Virginia 22041

We are requesting a special permit to reduce the minimum setbacks along the front of the residence to allow for the enclosure of the existing carport. Converting the carport to a fully enclosed garage is only a small portion of a larger remodeling project. The additions to the main house have already been approved and permitted, only adding an additional 23% to the overall size of the house.

The portion of the project requiring a special permit is the existing carport conversion into a full garage. The carport already has an enclosed rear wall and side wall; this construction will add a front wall and the remaining side wall. The roof line of the carport will not be changed, and we feel that since the carport is already half enclosed that these changes will not make a significant change in the appearance of the house. The portion of the project that actually falls within the setbacks is actually a very small portion of the wall length.

The house is currently zone R-2 with 35' setbacks along the Mansfield Road and Edgewater Drive sides of the house as it is a corner lot. We are requesting a 6'-10" (7'-11" to roof overhang) reduction in the setback along the Mansfield Road side of the house. This amount will allow us to complete the enclosure of the carport. Having two front setback requirements limits the area where construction can occur, and there is no alternative site that would not extend further into the setbacks where we might place a new garage. Since we are maintaining the same footprint and roof line of the existing carport we believe that this is the best alternative. All possible vegetation around the carport will be preserved or replanted upon completion and no trees will be removed by enclosing the carport. There are no well or septic systems on the property. The changes do not extend into any easements and there is no historic resource area on the site.

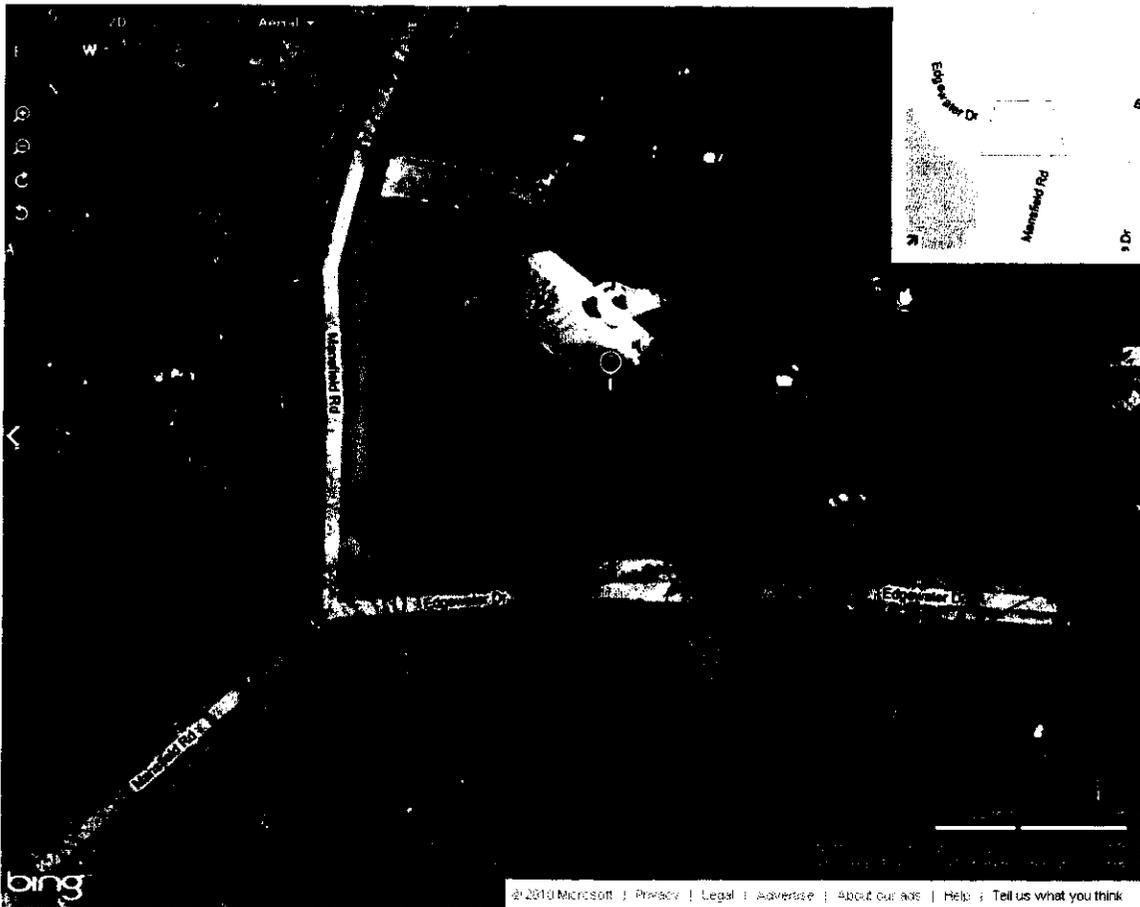
The addition would be of wood frame construction and finished to match the existing house. The roof will not be changed, unless it is decided to redo the entire roof. If that is done all finishes will match the existing house. A new garage door will be installed that will match the style of the house and will be in keeping with the style of the surrounding neighborhood.

The changes will not impact the existing traffic flow in the neighborhood and are planned for the use of the Bhattasali family, the owners of the house. No hazardous waste, toxic substances or petroleum products (as defined in Title 40, Code of Federal Regulations Part 280) will be utilized, stored or disposed of on site. There are no existing storage tanks or containers on site.

The existing house (basement and first floor) with the already permitted new additions is 3657.7 sq.ft. The existing carport is 547.3 sq.ft.

Per instructions from staff we are listing the addition as the entire carport, 547.3sq.ft. Of that 46.5 sq.ft. is over the existing setbacks for the property.





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.