



APPLICATION ACCEPTED: March 26, 2010  
DATE OF PUBLIC HEARING: June 9, 2010  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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June 2, 2010

### STAFF REPORT

**SPECIAL PERMIT APPLICATION No. SP 2010-MA-023**

### MASON DISTRICT

**APPLICANT & OWNER:** Donovan Humphries  
**ZONING:** R-3  
**LOCATION:** 5315 Dublin Avenue  
**SUBDIVISION:** Edsall Park  
**ZONING ORDINANCE PROVISION:** 8-922  
**TAX MAP:** 80-2 ((2)) 222  
**LOT SIZE:** 14,167 Square Feet  
**SP PROPOSAL:** Reduction of certain yard requirements to permit construction of carport 5.3 feet from the side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2010-MA-023 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.

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-023**  
**DONOVAN L. HUMPHRIES**

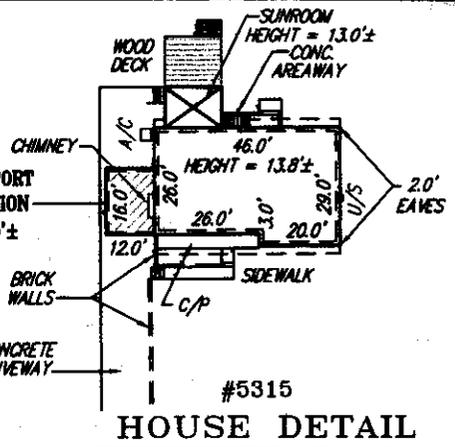




LOT COVERAGE TOTAL = 2,965 SQ. FT. OR 21%

"The proposed carport adds 192 square feet to the 1,266 square foot principal structure. The resulting gross floor area with the addition (1,448 s.f.), is less than 150% (1,884 s.f.) and therefore meets the requirements of 8-222 Paragraph 4. As shown hereon, the addition is subordinate in purpose, scale, use, and intent to the principal structure."

PROPOSED CARPORT  
12' X 16' ADDITION  
HEIGHT = 10.0'±

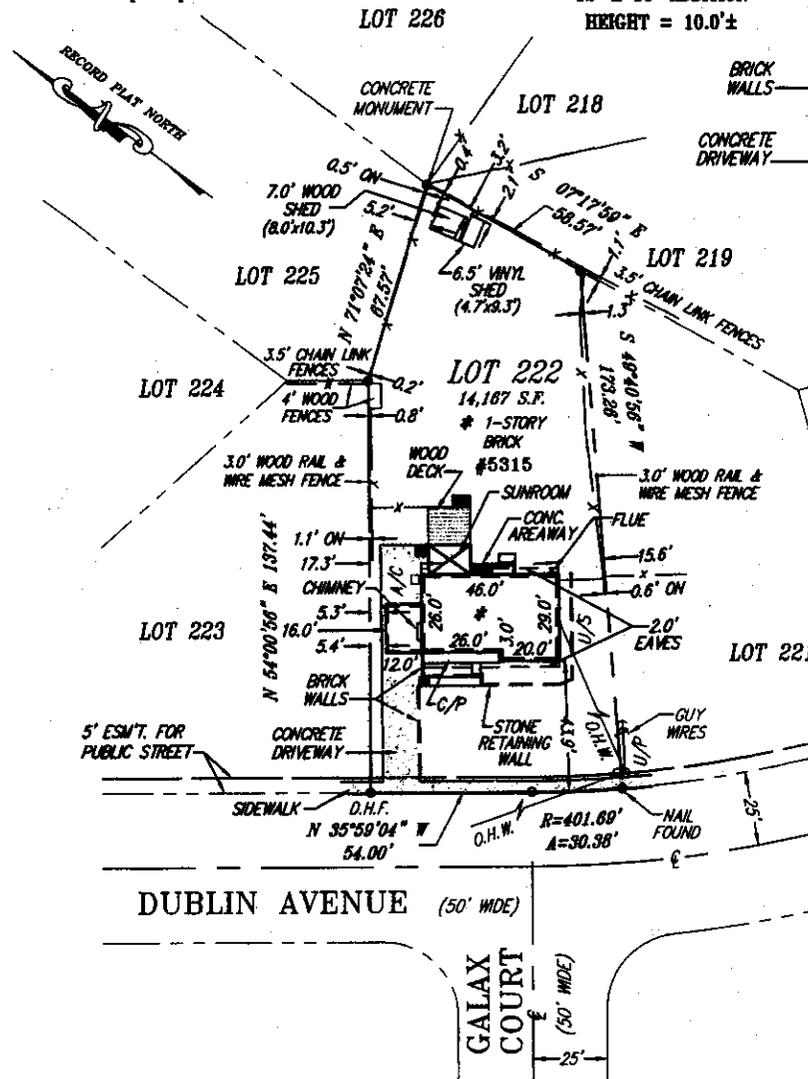


#5315  
HOUSE DETAIL

SCALE: 1" = 30'

**LEGEND**

- A/C = AIR CONDITIONER
- U/S = UTILITY SERVICES
- W/M = WATER METER
- O.H.W. = OVERHEAD WIRES
- U/P = UTILITY POLE
- C/P = CONCRETE PORCH
- I.R.F. = IRON ROD FOUND
- I.P.F. = IRON PIPE FOUND
- D.H.F. = DRILL HOLE FOUND



**NOTES**

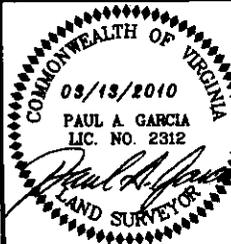
- 1) THE PROPERTY DELINEATED HEREON IS LOCATED ON TAX ASSESSMENT MAP 0802-02-0222 AND IS CURRENTLY ZONED R-3.
- 2) NO TITLE REPORT FURNISHED; SUCH REPORT MAY REFLECT ADDITIONAL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THIS PROPERTY.
- 3) THE PROPERTY DELINEATED HEREON IS LOCATED IN A ZONE 'X'. AREAS DETERMINED
- 4) REQUIREMENTS FOR FLOODPLAIN, AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) REVISED: MARCH 5, 1990; COMMUNITY-PANEL NUMBER 515525 0100 D.  
FRONT = 30' (CONVENTIONAL)  
SIDE = 12' (CONVENTIONAL) REAR = 25' (CONVENTIONAL).
- 5) THE PROPERTY IS SERVED BY PUBLIC WATER.
- 6) THE PROPERTY DOES NOT HAVE ANY EXISTING PUBLIC UTILITY EASEMENT 25' OR LARGER. SEE NOTE NUMBER 2.
- 7) THERE ARE NO KNOWN GRAVE SITES ON THE SUBJECT PROPERTY.

RECEIVED  
Department of Planning & Zoning  
MAR 22 2010  
Zoning Evaluation Division

*Paul A. Garcia*  
LAND SURVEYOR  
6131 SHERBORN LANE  
SPRINGFIELD, VIRGINIA 22152-1632  
PHONE: 703-886-5911

SCALE: 1" = 40'

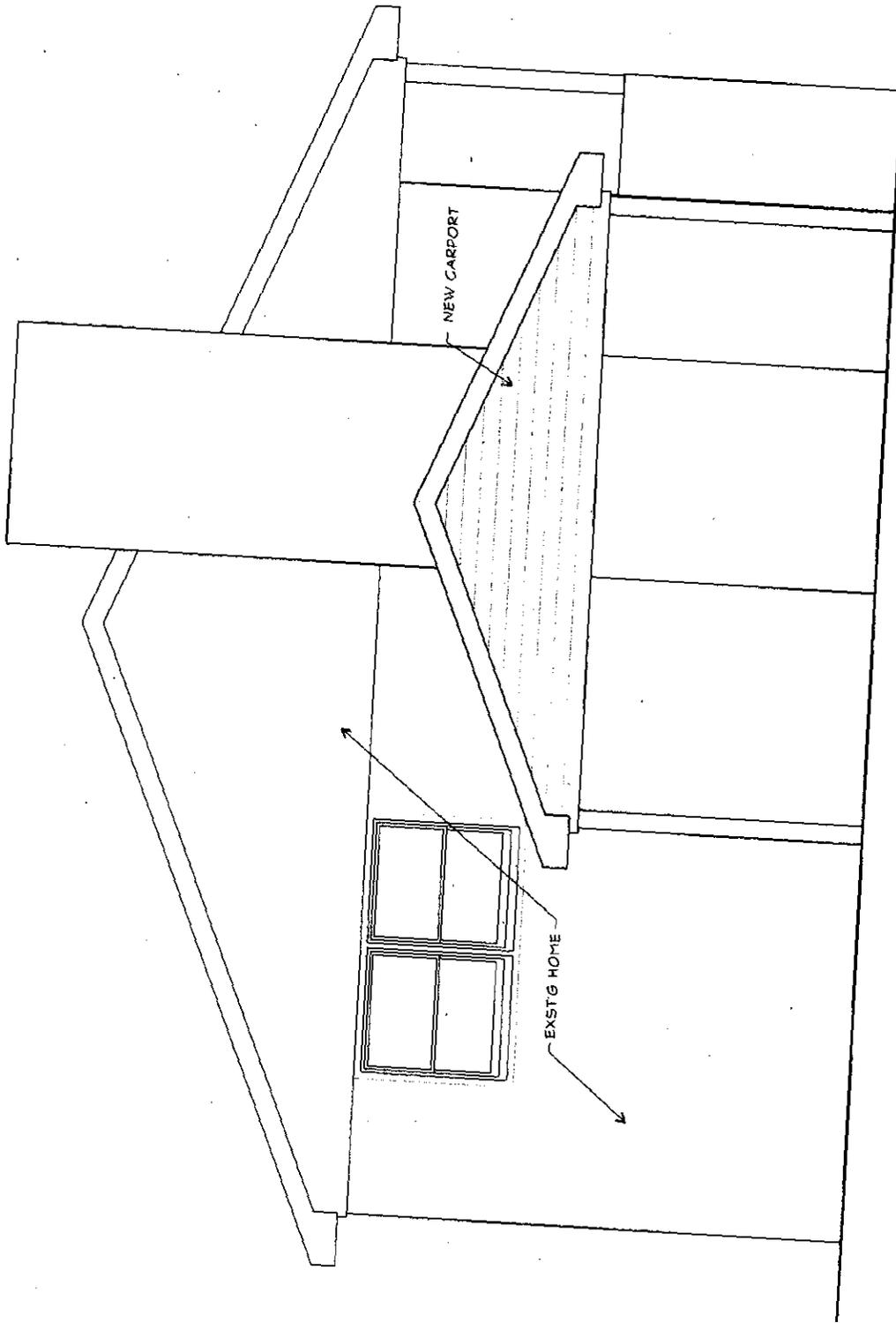
OWNER: HUMPHRIES (DB. 11771, PG. 1331)



SPECIAL PERMIT PLAT  
LOT 222  
SECTION TWO  
**EDSALL PARK**  
(D.B. 1472, P.G. 401)  
MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

MAY 20 2010

SPECIAL PERMIT &  
VARIANCE BRANCH



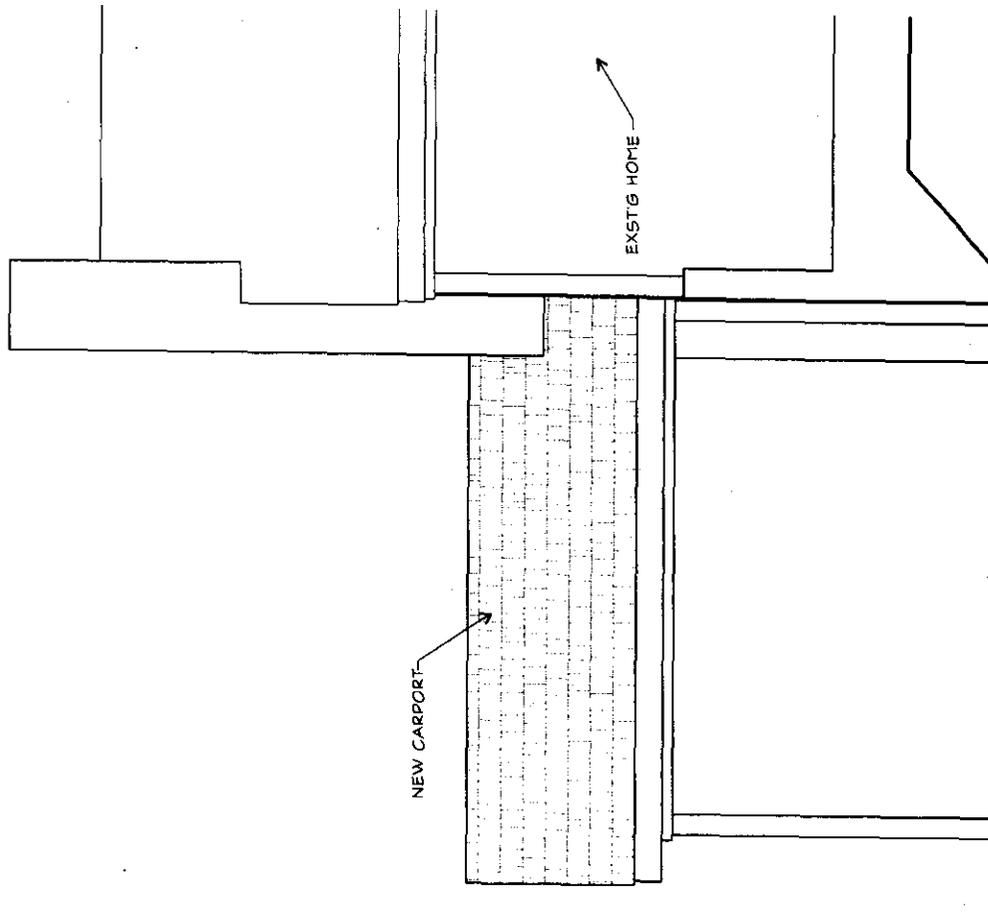
Left (N-West) Elevation

Scale 1/4" = 1'-0"

2  
A1

MAY 20 2010

SPECIAL PERMIT &  
VARIANCE BRANCH



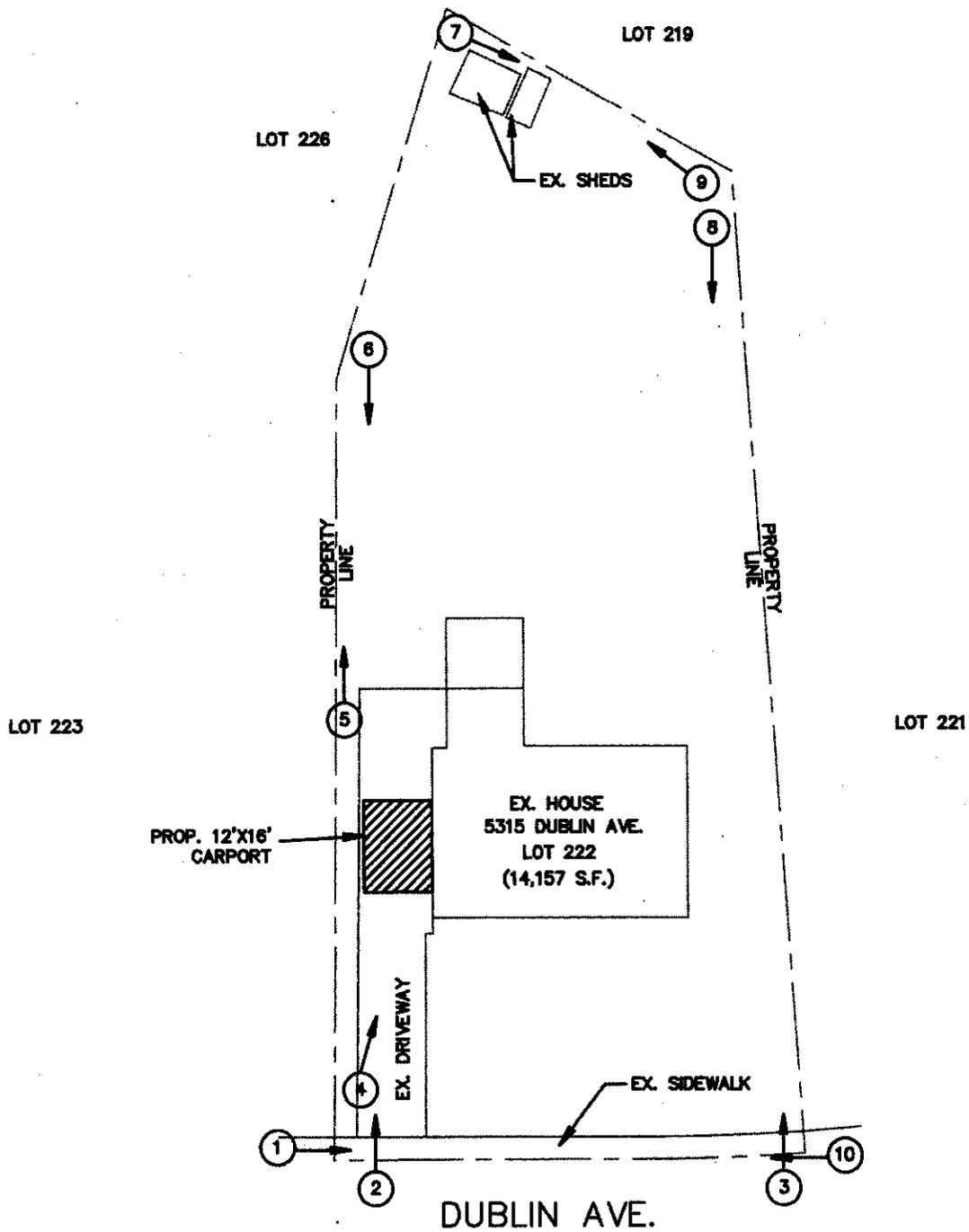
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Front (S-West) Elevation

Scale 1/4" = 1'-0"

# PHOTO KEY

(N.T.S.)



#1



#1

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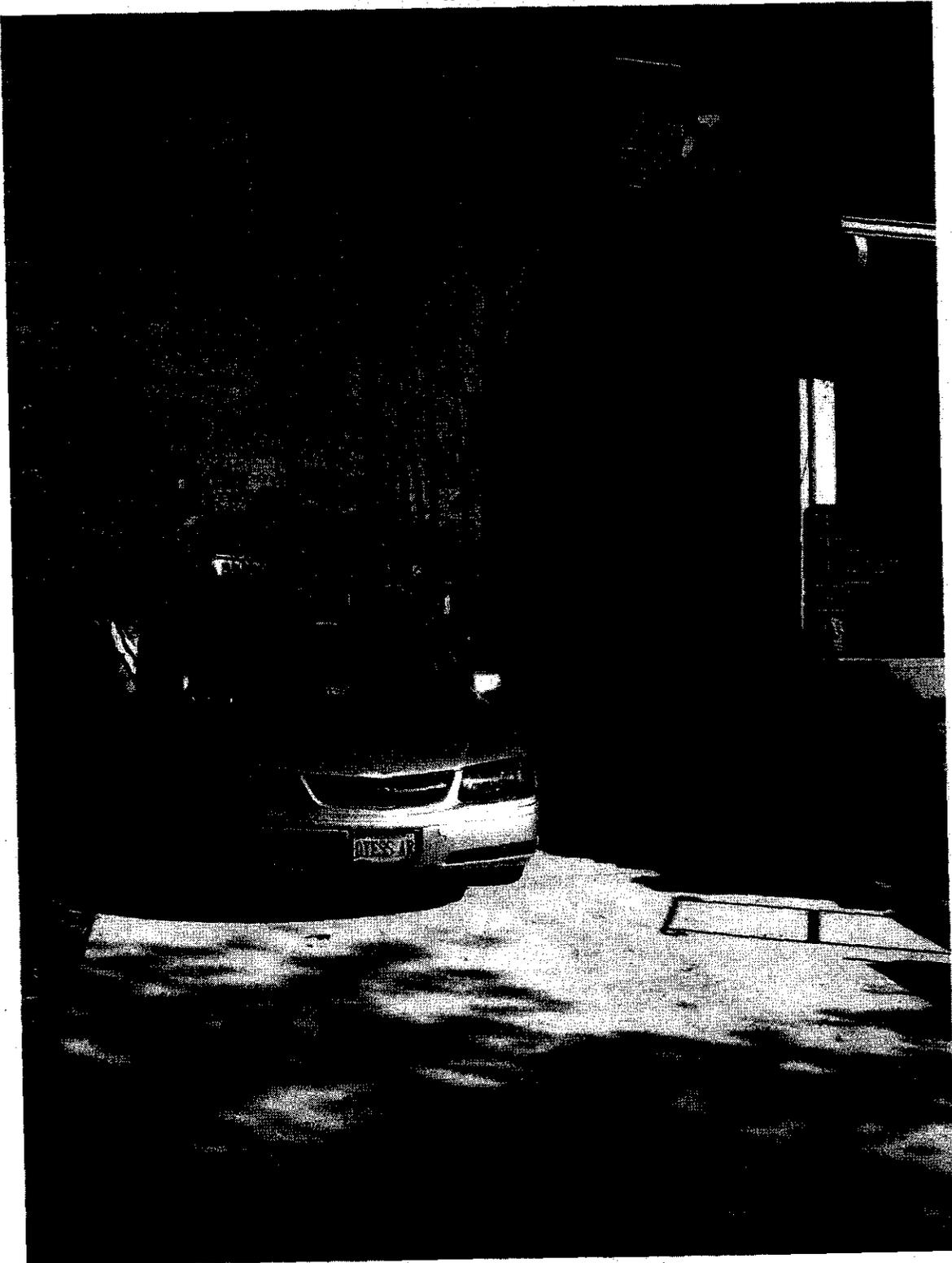
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Zoning evaluation division

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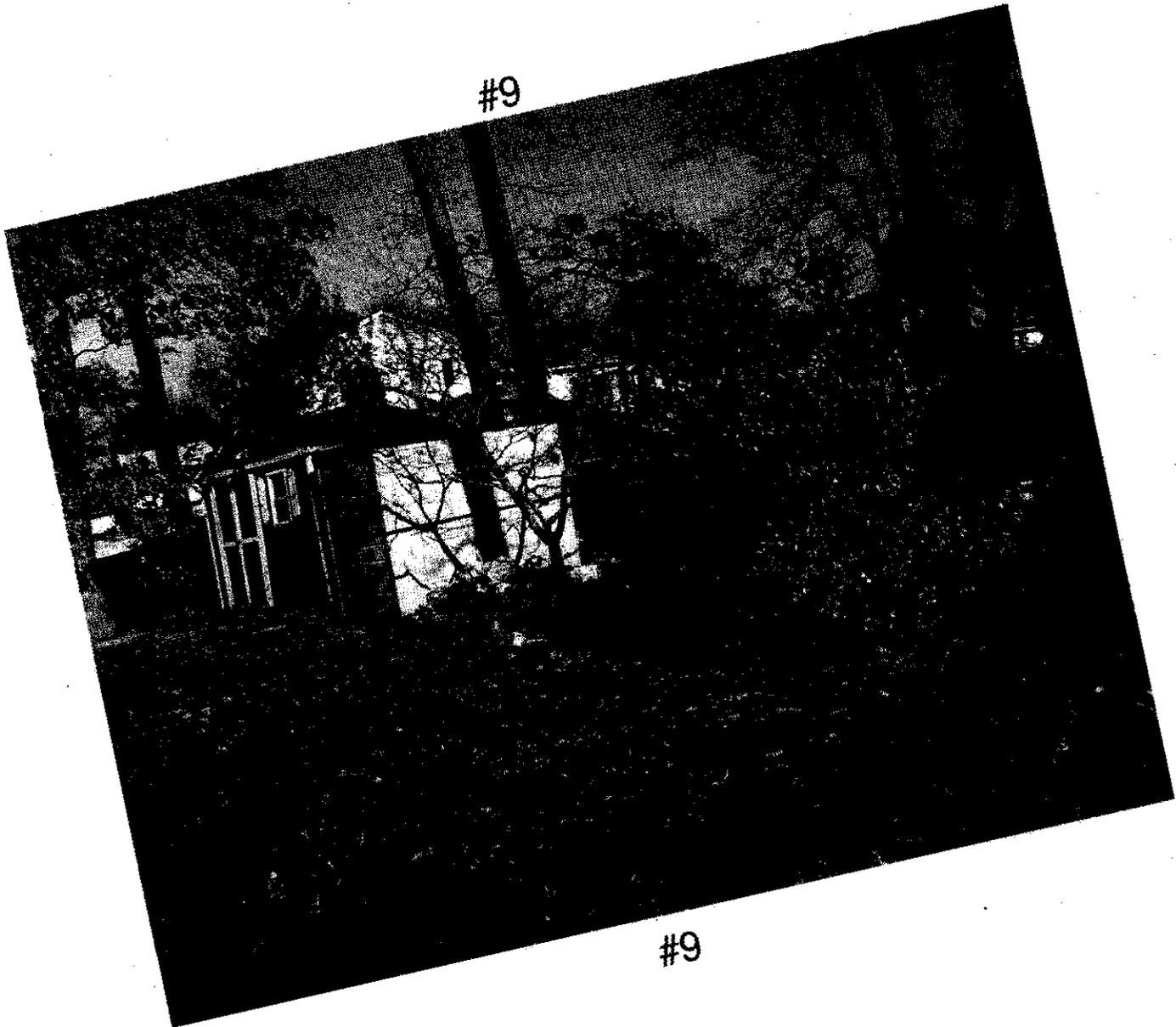
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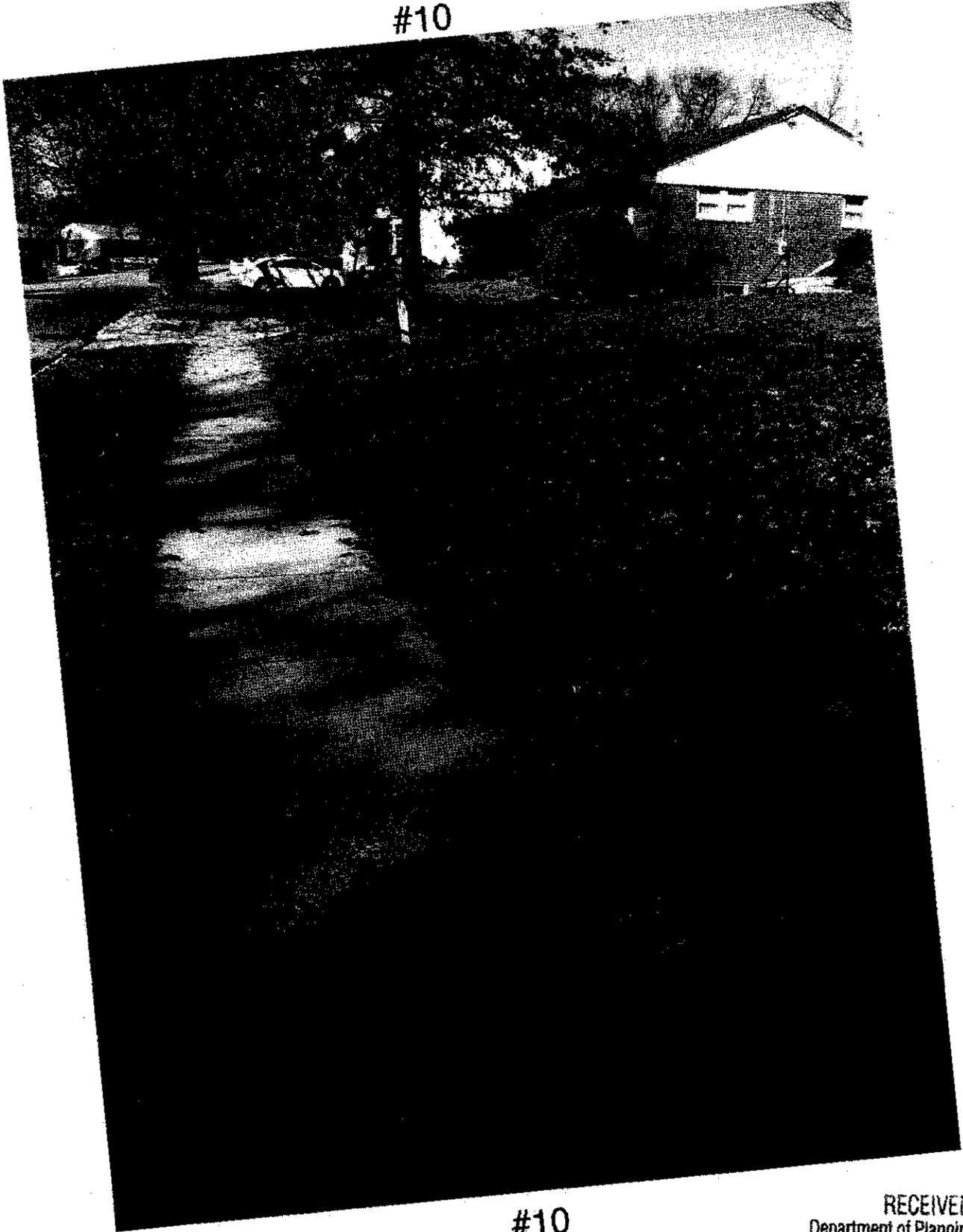
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MAR 22 2010

Zoning Evaluation Division

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Zoning Evaluation Division

**DESCRIPTION OF THE APPLICATION**

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a carport 5.3 feet from the western side lot line.

	Structure	Yard	Min. Yard Required*	Permitted Extensions **	Min. Yard Permitted	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Carport	Side	12 feet	5 feet	7 feet	5.3 feet	1.7 feet	24.3 %

\* Minimum yard requirement per Section 3-307

\*\* Permitted Extensions per Section 2-412

**LOCATION AND CHARACTER**

**Existing Site Description**

The site is currently zoned R-3 and contains a one story with basement single-family detached dwelling which was originally constructed in 1957. The lot consists of 14,167 square feet and is surrounded by single family detached homes on all sides. There is little change in topography and there are mature trees on the subject property which will not be affected by the proposed construction. Aerial imagery obtained from the internet has been provided in Appendix 4 to show the property and the surrounding neighborhood.

**Character of the Area**

	Zoning	Use
North	R-3	Single Family Detached Dwellings
West	R-3	Single Family Detached Dwellings
East	R-3	Single Family Detached Dwellings
South	R-3	Single Family Detached Dwellings

**BACKGROUND**

The sheds located in the rear yard of the subject property are both less than 8.5 feet in height; therefore, they meet zoning ordinance location regulations.

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

- Variance VC 92-M-044, granted on July 22, 1992, on Tax Map Number 80-2 ((2)) 135, on 5407 Clifton Street, zoned R-3, southeast of the subject property to permit enclosure of existing carport 10.5 feet from the side lot line.
- Variance VC 87-L-084, granted on September 11, 1987, on Tax Map Number 80-2 ((2)) 133, on 5411 Clifton Street, zoned R-3, southeast of the subject property to permit enclosure of existing carport 10.5 feet from the side lot line.
- Variance VC 87-L-084, granted on September 11, 1987, on Tax Map Number 80-2 ((2)) 125, on 5417 Blacksburg Road, zoned R-3, southeast of the subject property to permit enclosure of existing carport 10.5 feet from the side lot line.

## **ANALYSIS OF SPECIAL PERMIT APPLICATION**

- **Title of SP Plat:** Special Permit Plat, Lot 222, Section Two, Edsall Park
- **Prepared By:** Paul A. Garcia, dated and signed March 13, 2010.

### **Proposal**

The applicant proposes to construct a one-car carport over an existing driveway. The proposed carport will be approximately 192 square feet in size (16 feet by 12 feet) and 10 feet in height. The existing one story dwelling is 1,256 square feet in size and 13.8 feet in height. The proposed carport will be constructed of similar materials to the existing dwelling.

### **ZONING ORDINANCE REQUIREMENTS (See Appendix 6)**

- 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 many other homes in the neighborhood have garages and carports constructed by right. The applicant is currently parking all of their vehicles on the existing driveway and/or street; a carport would provide more parking on-site and be more in keeping with the neighborhood. Given the small size and scope of the proposed carport, and that the requested yard reduction is only 1.7 feet, staff believes that it will not adversely affect the use and development of neighboring properties.*

**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 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 10 feet in height which is lower than the height of the house. The applicant has indicated in the statement of justification that it will be constructed of materials to match the existing house. Staff believes the proposed carport will be in character with existing on-site development in terms of height and bulk respectively.*

*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 carport will be constructed over an existing asphalt driveway. Therefore, there will be no increase in impervious surfaces on the property. Given that the carport is proposed over the existing driveway, there will not be damage any significant trees or existing vegetation. There are many other garages and/or carports in the area, so the proposed carport is in character with the neighborhood. Therefore, staff believes that the proposed carport will be harmonious with surrounding off-site uses.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. No downstream complaints have been indicated by DPWES and there is no increase of impervious area due to the proposed addition being constructed over an existing driveway. As stated previously, the applicant will be able to house some of their vehicles within the confines of the carport instead of the asphalt driveway and street. Therefore, staff believes that the proposed carport shall 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. The proposed carport could not have been constructed by-right on either side of the property given the proximity of the existing dwelling to the side lot lines. There are no Resource Protection areas on the subject property and the topography suggests very little change in grade.*

## **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-023 for the carport 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-023****June 2, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-MA-023 located at Tax Map Number 80-2 ((2))222 (5315 Dublin Avenue), 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.

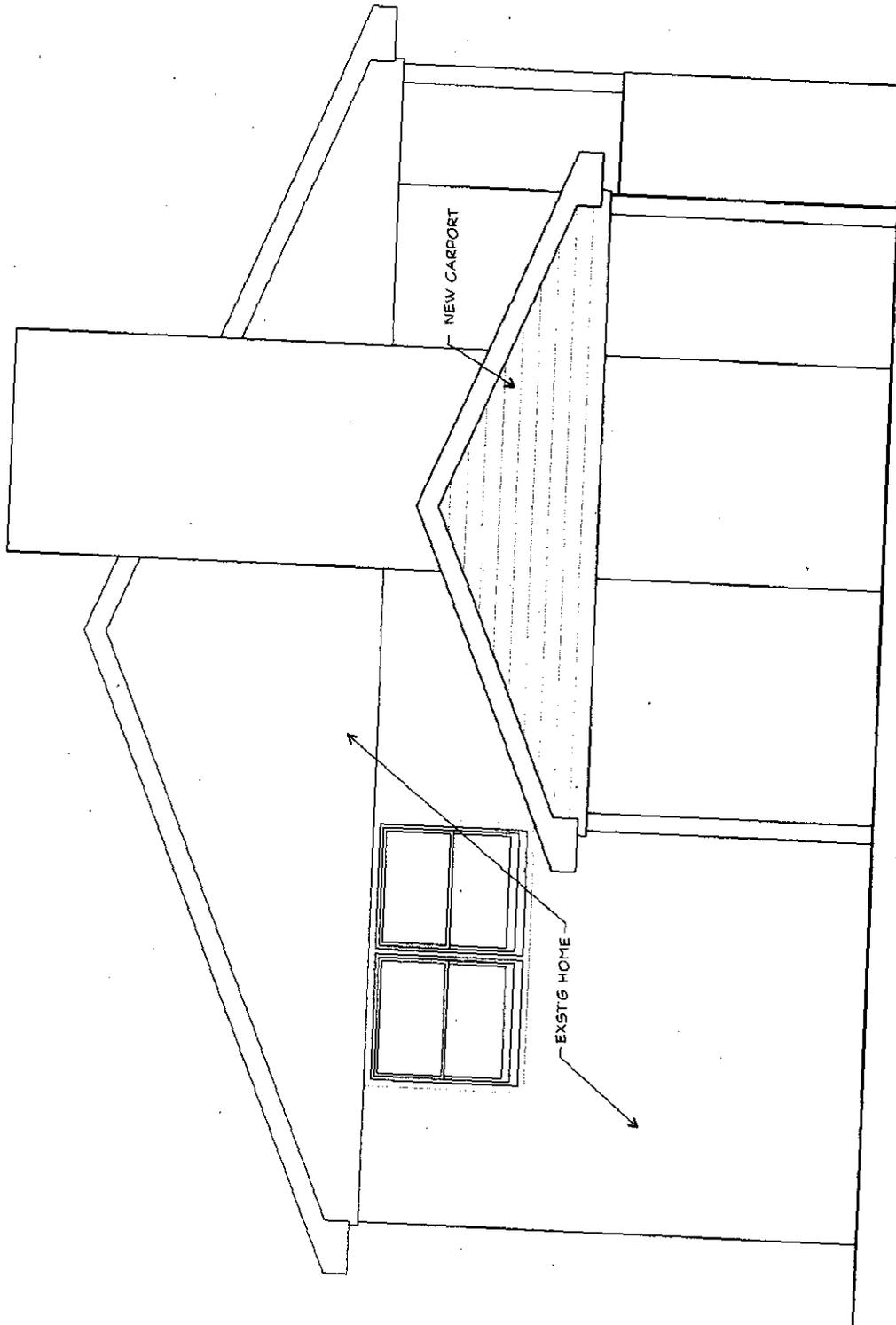
1. This special permit is approved for the location and size of a proposed carport addition as shown on the plat prepared by Paul A. Garcia, dated and signed March 13, 2010, submitted with this application and is not transferable to other land.
2. The addition shall be consistent with the architectural 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.

MAY 20 2010

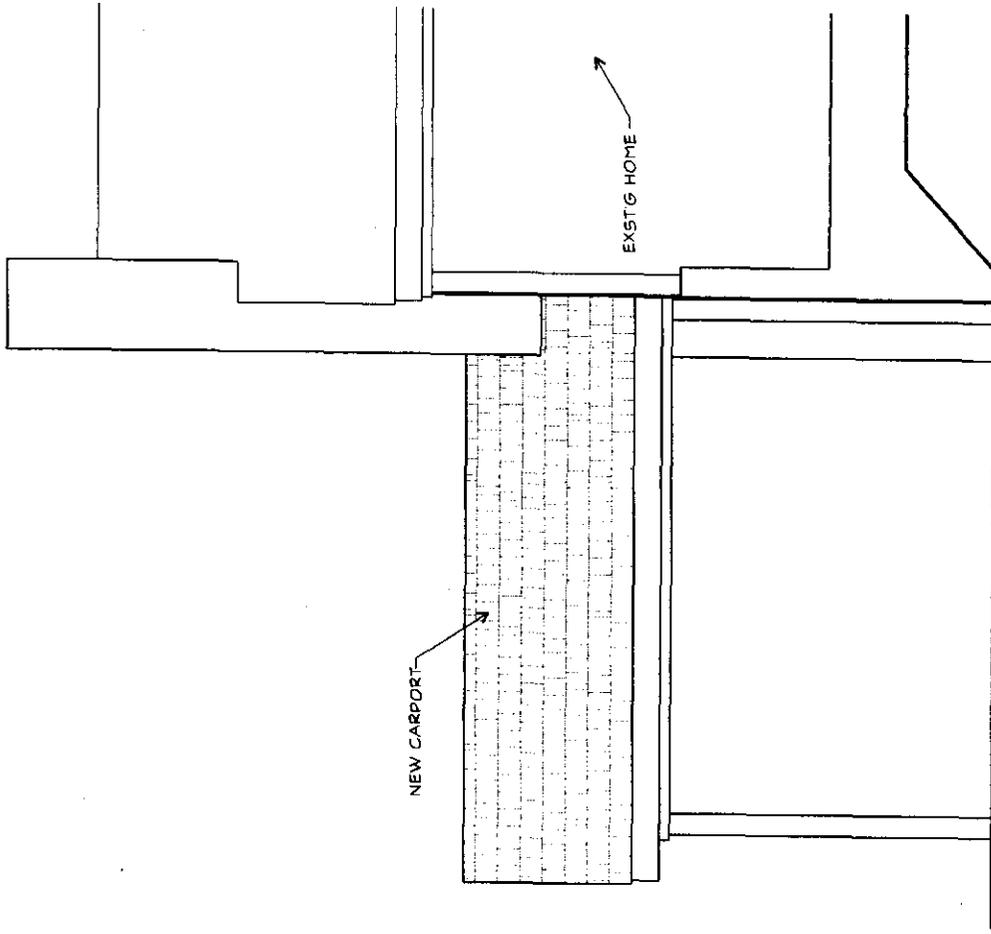
SPECIAL PERMIT &  
VARIANCE BRANCH



Left (N-West) Elevation 2  
Scale 1/4" = 1'-0" A1

MAY 20 2010

SPECIAL PERMIT &  
VARIANCE BRANCH



1  
A1

Front (S-West) Elevation

Scale 1/4" = 1'-0"

Application No.(s): SP 2010-MA-023  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: Feb 8, 10  
 (enter date affidavit is notarized)

I, DONALD E. LAWSON, 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      107080a

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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
DONOVAN L. HUMPHRIES	5315 DUBLIN AVE. SPRINGFIELD, VA 22153	<b>APPLICANT/TITLE OWNER</b>
DONALD E. LAWSON	7429 FOXLEIGH WAY ALEXANDRIA, VA 22315	<b>AGENT</b>

(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 2010-MA-023  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: Feb 8, 10  
(enter date affidavit is notarized)

107080a

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)

NOT APPLICABLE

**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 2010-MA-023  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

✓ DATE: 8 Feb 10.  
(enter date affidavit is notarized)

107080a

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)

NOT APPLICABLE

(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.

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DATE: Feb 8, 10  
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107080a

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

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-023  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: Feb 8, 10  
(enter date affidavit is notarized)

107080a

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:

Donald E. Lawson

(check one)

Applicant

Applicant's Authorized Agent

DONALD E. LAWSON

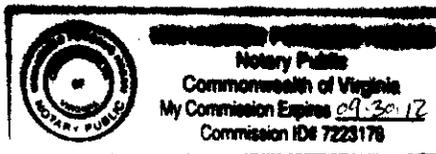
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 8th day of February, 2010, in the State/Comm. of VA, County/City of FAIRFAX.

MOHAMMED FERDIAUS HASM

Notary Public

My commission expires: 09/30/2012



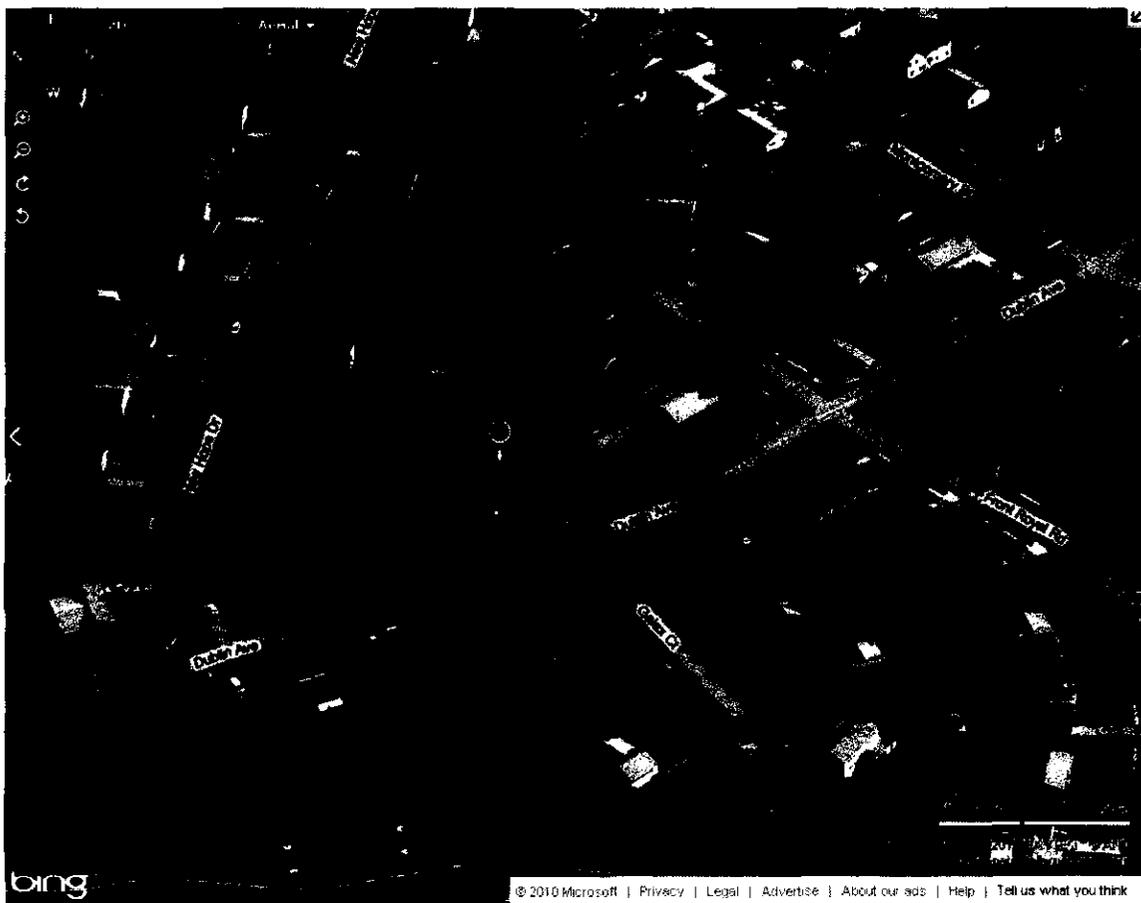
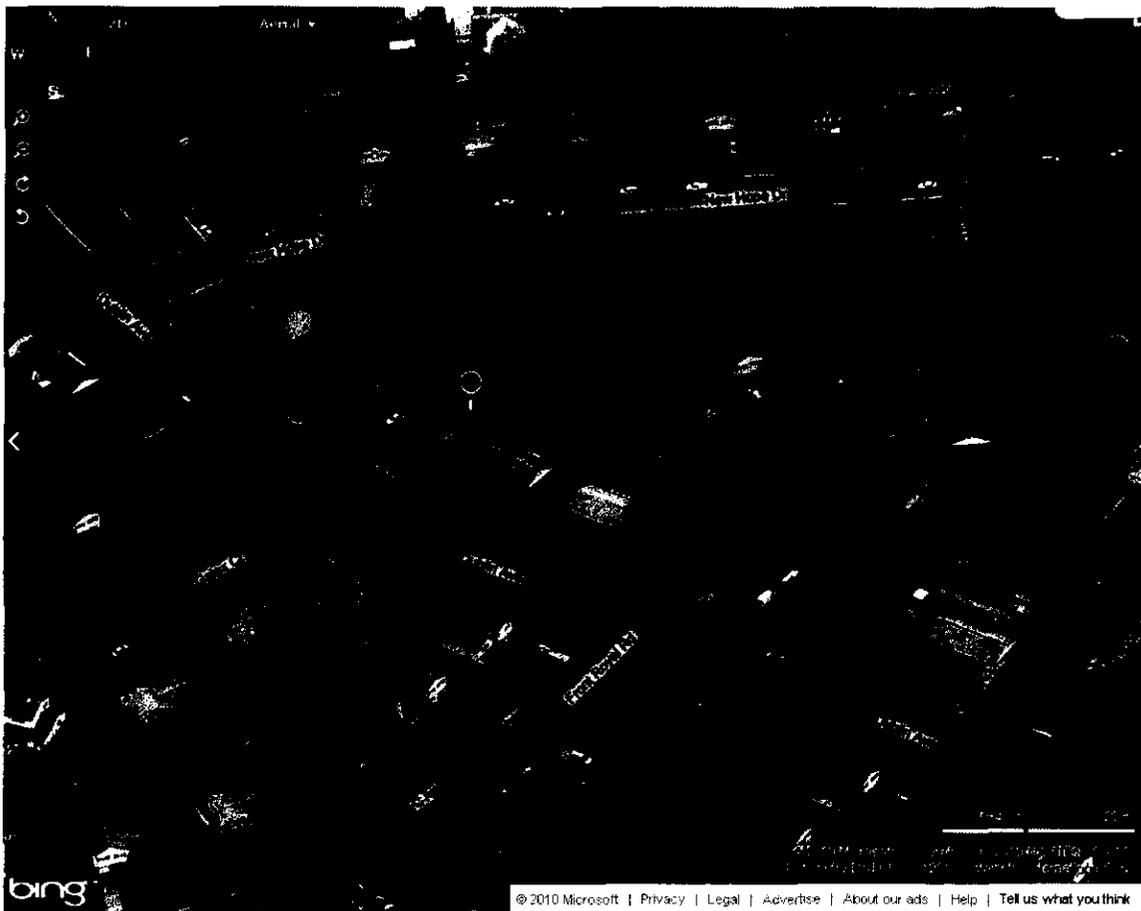
## SPECIAL PERMIT STATEMENT OF JUSTIFICATION

5315 DUBLIN AVE, SPRINGFIELD, VA 22153

- A. Driveway would be for residential use only.
- B. Maximum use 24 hour single parking, or used nightly when home.
- C. Mr Humphries is the sole owner. May be used by guests on occasion.
- D. No employees, teachers will use site.
- E. No additional traffic than residential use by my guests: my use to and from work. Less impact on street parking is anticipated.
- F. Convenience of parking by resident and occasional visitors.
- G. Construction of 12x16 Carport Addition on left side of residence will conform with other carports in neighborhood, and matching colors and A frame style will be used to conform with the residence.
- H. No hazardous materials or waste of any kind will be stored in the area. No containers of any kind will be kept in the carport area.
- I. Variance of distance from carport to side lot requested will be 5.3 inches (and will include overhang). The carport/addition will provide safety for owner when he arrives or departs from his residence, and will provide safety for vehicle and result in less impact on neighborhood street parking.
- J. The proposed carport adds 192 square feet to the 1,256 square foot principal structure. The resulting gross floor area with the addition (1448s.f) is less than 150% (1884s.f.) and therefore meets the requirements of 8-922 Paragraph 4. As shown in the included plat, the addition is subordinate in purpose, scale, use, and intent to the principal structure.
- K. The proposed carport/addition shall be built 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, assuring 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.
- L. 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.

Don Lawson, Agent

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Zoning Evaluation Division





**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.