



APPLICATION ACCEPTED: May 13, 2010  
DATE OF PUBLIC HEARING: July 28, 2010  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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July 21, 2010

### STAFF REPORT

**SPECIAL PERMIT APPLICATION No. SP 2010-BR-035**  
**Concurrent with VC 2010-BR-004**

### BRADDOCK DISTRICT

**APPLICANTS & OWNERS:** Hieu Trinh and Mai-Huong Tran

**ZONING:** PDH-3

**LOCATION:** 9610 Jenny Lane

**SUBDIVISION:** Vertain Park, Sect. Two

**ZONING ORDINANCE PROVISION:** 8-914, 8-922, 18-404

**TAX MAP:** 69-3 ((18)) 4

**LOT SIZE:** 11,486 Sq. Ft.

**SP PROPOSAL:** To permit reduction of certain yard requirements based on an error in building location to permit an open deck to remain 2.2 feet from the rear lot line and a reduction of certain yard requirements to permit construction of an addition 13.5 feet from the rear lot line.

**VC PROPOSAL:** To permit greater than 30 percent minimum rear yard coverage.

**STAFF RECOMENDATION:** Staff recommends approval of SP 2010-BR-035 for the construction of an addition 13.5 feet from the rear lot line subject to proposed development conditions contained in Appendix 1.

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*MaryAnn Godfrey*

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/](http://www.fairfaxcounty.gov/dpz/)



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.**

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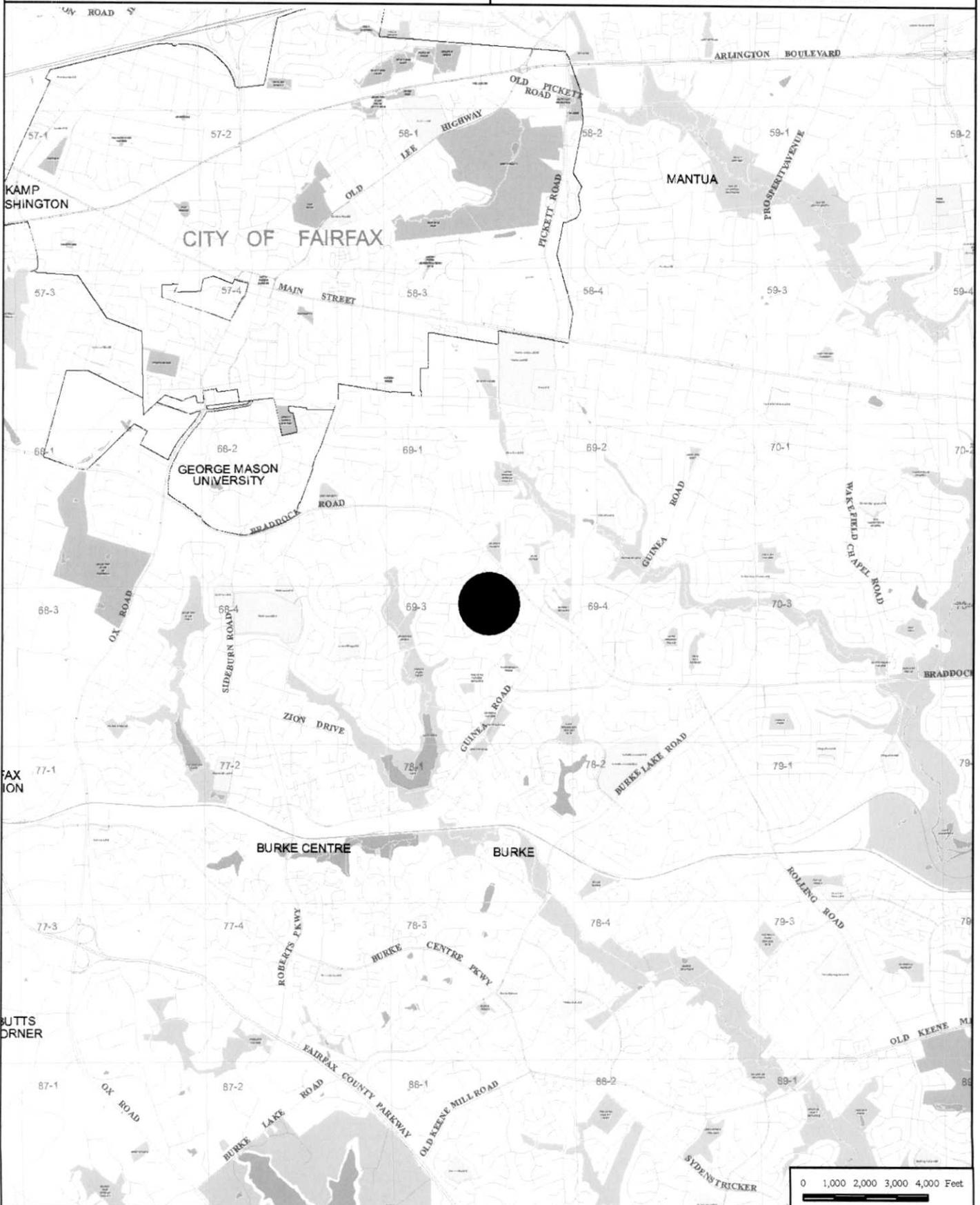
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2010-BR-035  
HIEU TRINH & MAI-HUONG TRAN

# Variance Application

VC 2010-BR-004  
HIEU TRINH & MAI-HUONG TRAN



# Special Permit

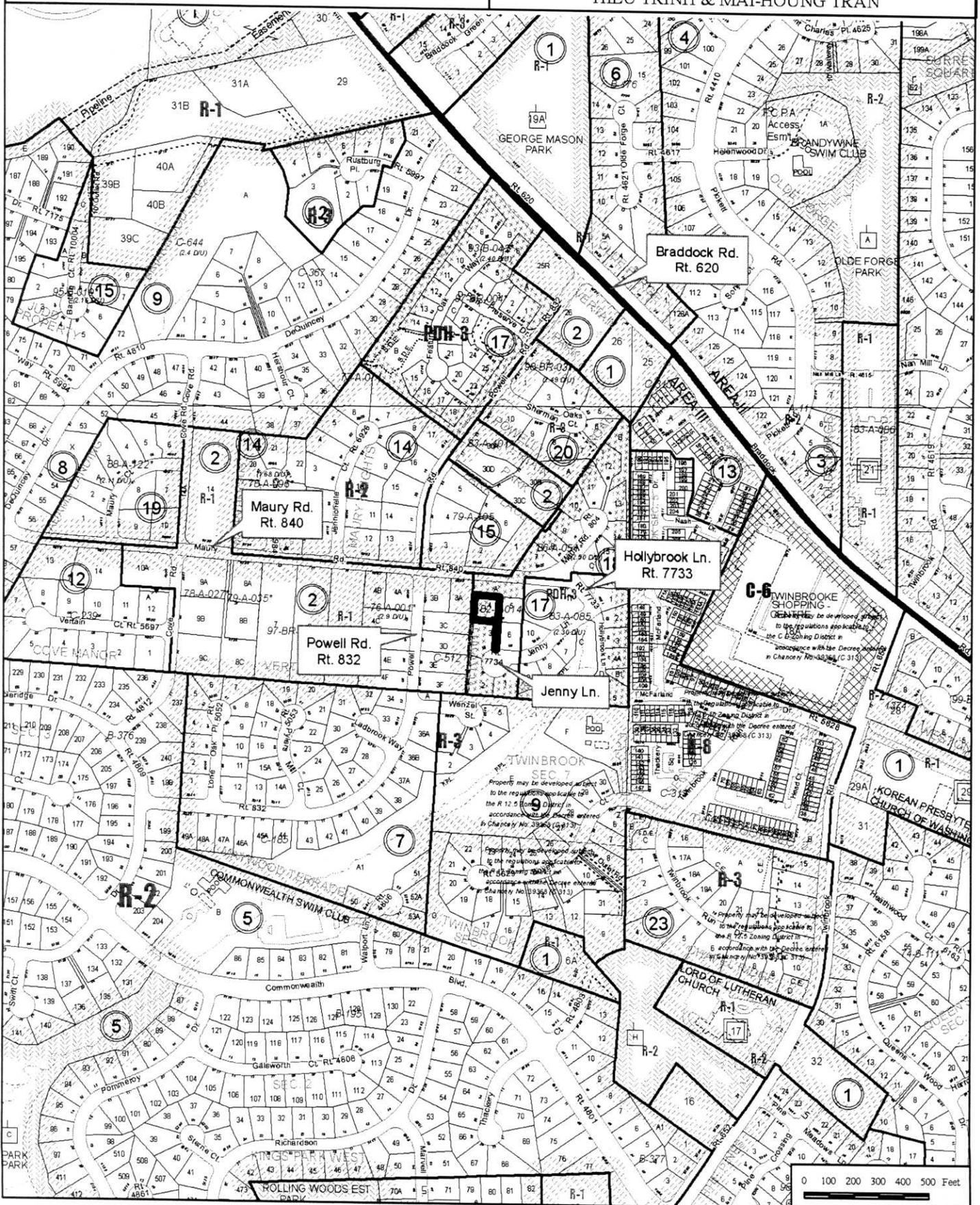
SP 2010-BR-035

HIEU TRINH & MAI-HUONG TRAN

# Variance Application

VC 2010-BR-004

HIEU TRINH & MAI-HUONG TRAN





House Front



House Front



*Left Side Neighbor*



House Front / Driveway



REAR YARD



Neighbor Across House Front

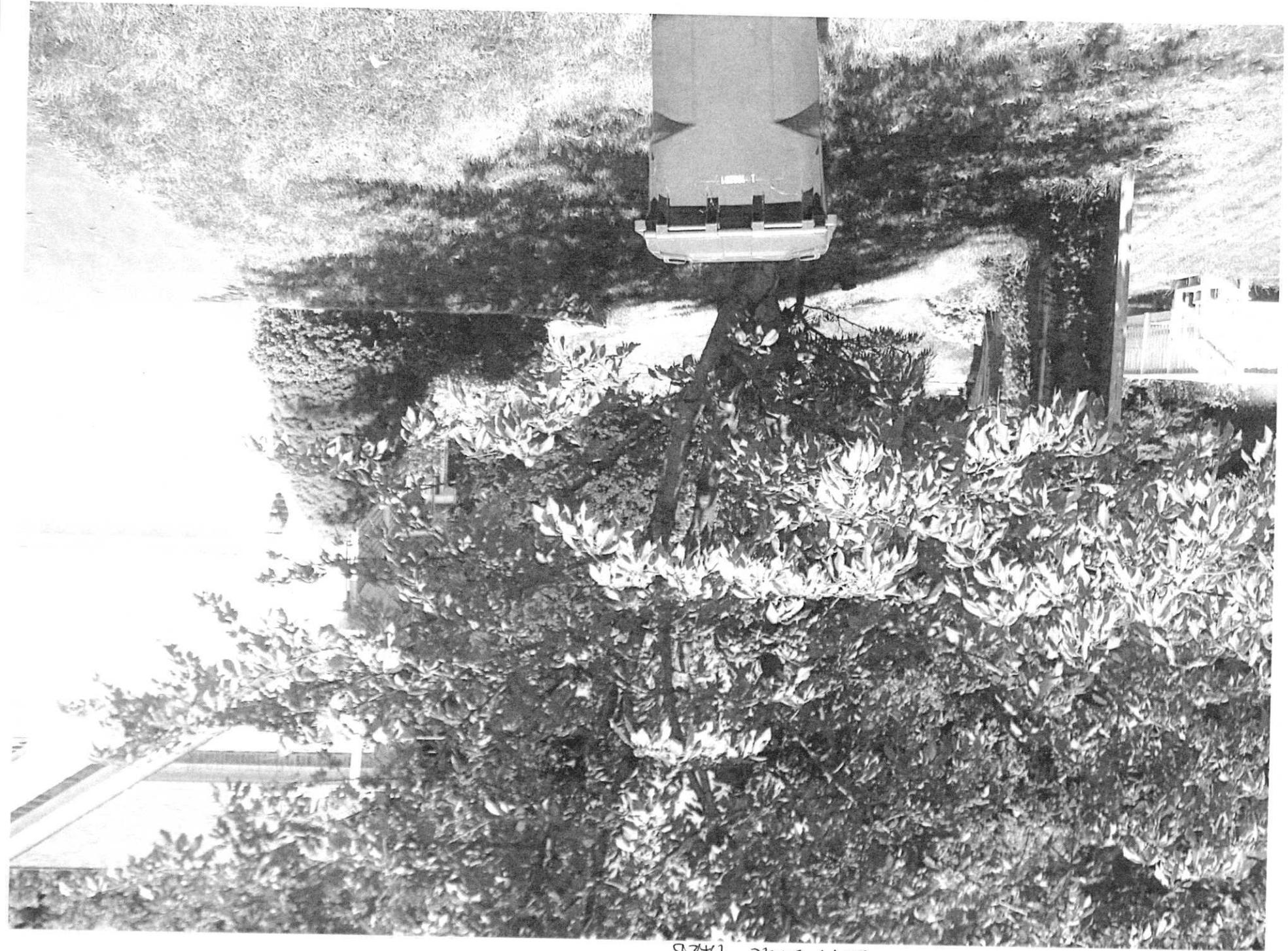


Driveway From House Front



Left Side YARD





Left Side Yard

House Rear





Right Side Yard

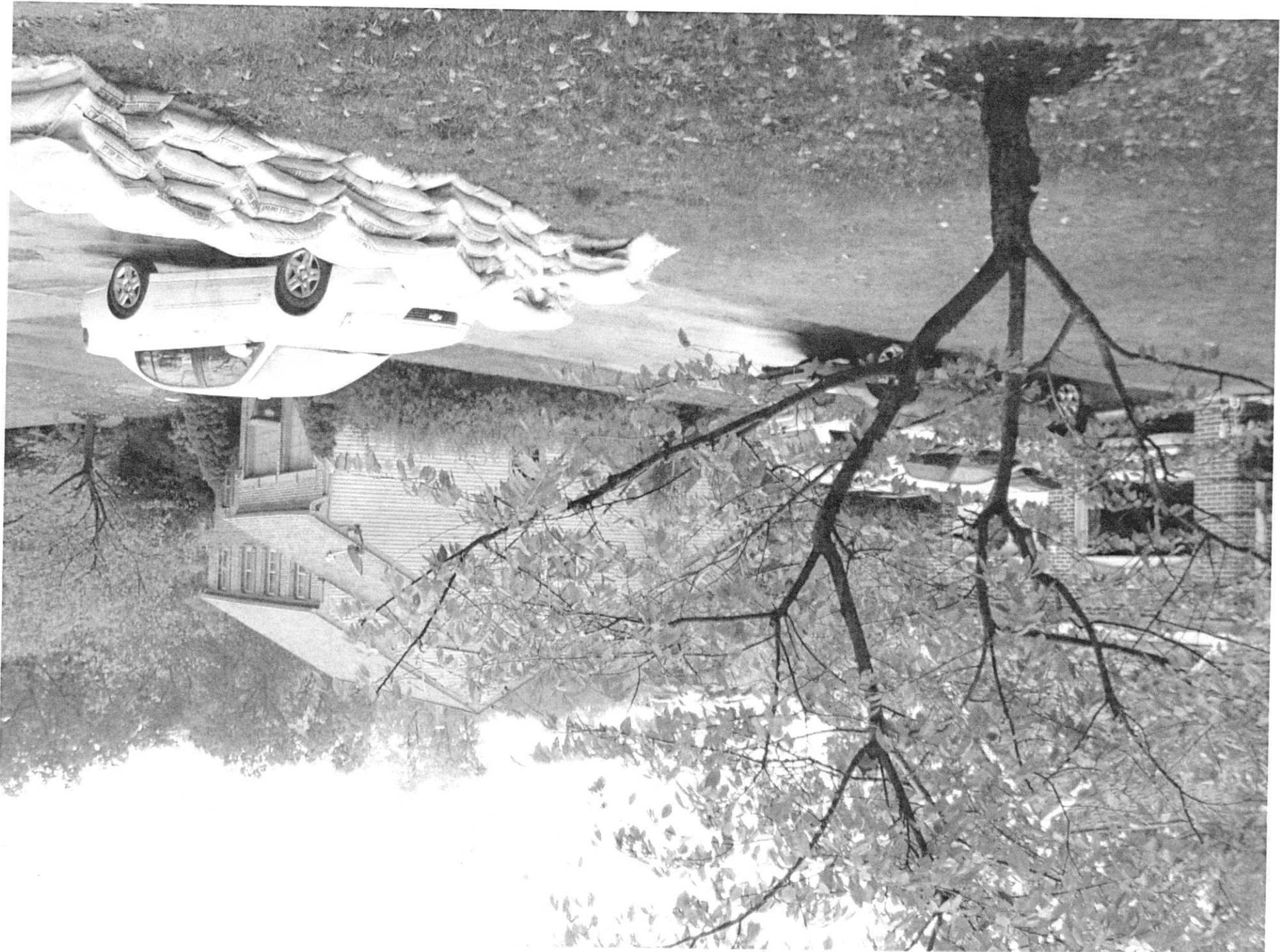
House Left Side/Rear











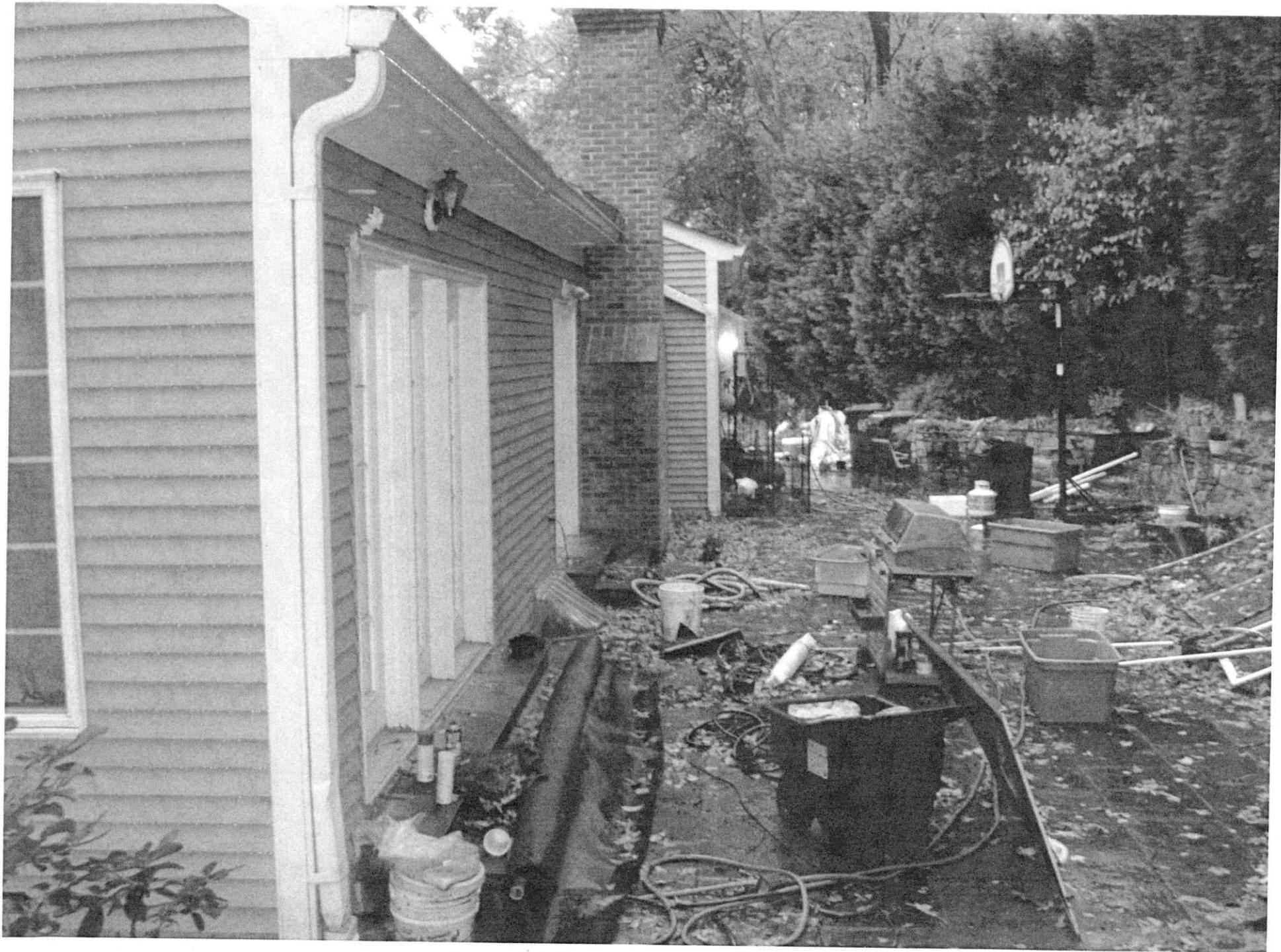
















House Rear / Rear Yard



**DESCRIPTION OF THE APPLICATIONS**

**Description of Special Permit Applications**

The applicant seeks approval of a special permit for 1) a reduction of minimum yard requirements based on an error in building location to permit an open deck to remain 2.2 feet from the rear lot line and 2) a reduction of certain yard requirements to permit construction of a one-story glass sunroom addition 13.5 feet from the rear lot line.

	Structure	Yard	Min. Yard Required*	Permitted Extension**	Minimum Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Open Deck (Slate Patio)	Rear	25.0 feet	20.0 feet	5.0 feet	2.2 feet	2.8 feet	56%
Special Permit #2	One-Story Sunroom Addition	Rear	25.0 feet	N/A	25.0 feet	13.5 feet	11.5 feet	46%

\* Minimum yard requirement per Section 3-303

\*\* Permitted Extension per Section 2-412

**Description of Variance Application**

The variance is to permit greater than 30 percent minimum rear yard coverage on the subject property. Currently the subject property has 67% minimum rear yard coverage.

**CHARACTER OF THE AREA**

	Zoning	Use
North	PDH-3	Single Family Detached Dwelling
South	PDH-3	Single Family Detached Dwelling
East	PDH-3	Single Family Detached Dwelling
West	R-2	Single Family Detached Dwelling

**BACKGROUND**

The existing two-story dwelling was constructed in 1990 with a 483 square foot attached garage. On August 4, 1998, a permit was issued for construction of a retaining wall that is depicted on the building permit as four (4) feet from the rear lot line and sixteen (16) feet from the northern side lot line. A copy of this permit is included in Appendix 5.

The applicant acquired the property on June 24, 1992. The applicant's Statement of Justification states that the existing patio was installed approximately 18 years ago by a contractor hired by the homeowners.

The Board of Zoning Appeals (BZA) has not heard any similar special permit or variance applications in the neighborhood:

### **Proposal:**

The applicant seeks approval for a special permit for a reduction of certain yard requirements based on an error in building location to permit an open deck to remain 2.2 feet from the rear lot line and a reduction of certain yard requirements to permit construction of a one-story glass sunroom addition 13.5 feet from the rear lot line. The proposed sunroom is 280 square feet in area and 10 feet in height. The sunroom would be located on an existing slate patio.

The applicant also requests approval of a variance to permit more than 30% coverage in the minimum required rear yard. Currently the minimum required rear yard has 67% coverage.

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

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location (Sect. 8-914)
- Provisions for Reduction of Certain Yard Requirements (Sect. 8-922)
- Required Standards for Variances (Sect. 18-404)

### **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. *The proposed one-story sunroom addition is proposed to be located on an existing patio. The open nature of the addition will be less obtrusive than a tradition building addition. There is extensive vegetation on the property adjacent to the proposed addition. Therefore, staff believes that the proposed addition will not adversely affect the 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 additions 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 3,991 square feet according to the County tax records. Therefore 150% of the total gross floor area could result in an addition up to 5,986.5 square feet; which makes a combined total of 9,977.5 square feet. The proposed addition will only be 280 square feet for a total of 4,271 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 one-story sunroom addition will be a small expansion of the central part of the rear of the house. It will be located on an existing patio. Since the house is currently 24.8 feet in height and the proposed addition will only be 10 feet in height; staff believes that the proposed addition will be in character with existing on-site development. The applicant has provided drawings of the proposed addition showing that the walls will be almost entirely glass and screens, which will reduce the appearance of bulk and which demonstrates that the addition will conform to the existing house. Staff believes that the application meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. There is ample vegetation between this dwelling and that to the rear to screen the addition. Since the addition will be constructed on top of an existing patio, no vegetation should be disturbed. Houses in the surrounding neighborhood are similar in size and architectural style. The proposed sunroom addition to the rear of the house will not affect the character of the neighborhood.*

*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. The proposed development should not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise and light. The adjacent property to the west and adjacent to the proposed addition has dense vegetation which will screen the proposed addition. Since the proposed sunroom will be constructed over an existing patio, there will be no increase in impervious surfaces. No downstream complaints have been indicated by DPWES. Staff believes that the proposed addition meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The subject property is a pipestem lot with the dwelling constructed at an angle on the lot. The rear of the lot is at a lower elevation than the adjacent property and is well screened by vegetation. The proposed location at the rear of the house on an existing patio provides the most secluded location for the proposed sunroom, which is a glass and screen structure. There is a 10 foot wide sanitary sewer easement along the southern side of the property which slopes down to the adjacent dwelling. The right side of the lot contains vegetation that would have to be removed in order to construct the addition. Given the above, the proposed location of the addition is the most appropriate location on the lot for the sunroom. No vegetation will need to be removed for the construction of the proposed addition. There are no floodplains or Resource Protection Areas on the subject property.*

## **CONCLUSION**

Staff believes that the subject application for the proposed 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-BR-035 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, the BZA should 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 Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicant's Special Permit Affidavit
4. Applicant's Variance Affidavit
5. Applicant's Statement of Justification
6. Building Permit for Retaining Wall
7. Zoning Ordinance Provisions

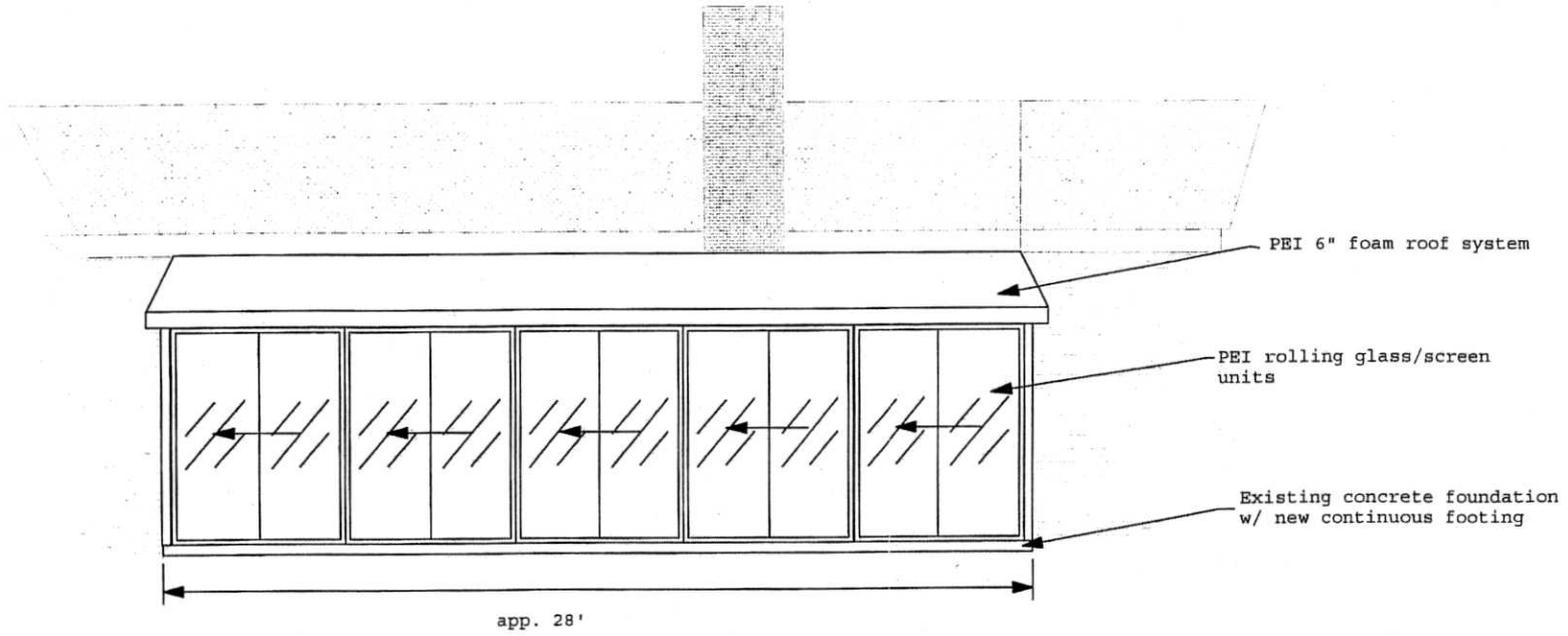
**PROPOSED DEVELOPMENT CONDITIONS****SP 2010-BR-035****July 21, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-BR-035 located at Tax Map Number 69-3 ((18)) 4 (9610 Jenny Lane), to permit reduction of minimum yard requirements based on error in building location and to permit reduction of certain yard requirements pursuant to Sects. 8-914 and 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 the proposed deck (slate patio) and sunroom addition as shown on the plat prepared by Scartz Surveys, dated February 17, 2010, and revised through July 6, 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 dwelling that existed at the time of the first expansion (3,991 square feet existing house + 483 square feet garage)  $4,474 (150\%) = 6,711$  (permitted) regardless of whether such addition complies with the minimum yard requirement is the subject of 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.

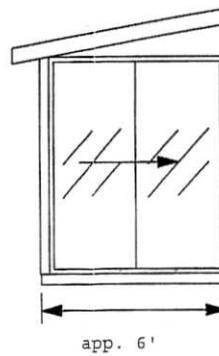
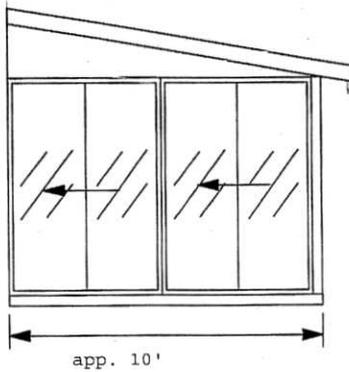
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.



Mai Tran  
9610 Jenny Lane  
Fairfax, VA 22032

PEI AVIG Sunroom project  
10'x28'  
Single Slope Roof  
PEI rolling glass/screen doors  
6" PEI foam roof system



Job #: 36956-1  
Checked by: \_\_\_\_\_ Date: \_\_\_\_\_  
Scale: 1/4" = 1'

**PROPOSED DEVELOPMENT CONDITIONS**

**VC 2010-BR-004**

**July 21, 2010**

1. This variance is approved for greater than 30 percent minimum rear yard coverage for the deck (slate patio) as shown on the plat prepared by Scartz Surveys, dated February 17, 2010, revised through July 6, 2010, submitted with this application and is not transferable to other land.

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 including requirements for building permits.

Application No.(s): SP 2010-BR-035  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/30/09  
 (enter date affidavit is notarized)

I, William A. Reames, 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

105183

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)
William A. Reames	10595 Furnace Road Suite 100 Lorton, VA 22079	Agent/Contractor
James C. Garner Jr.	10595 Furnace Road Suite 100 Lorton, VA 22079	Agent/Contractor
Frederick V. Reames	10595 Furnace Road Suite 100 Lorton, VA 22079	Agent/Contractor
Hieu Trinh & Mai-Houng Tran	9610 Jenny Lane Fairfax, VA 22032	Owner/Applicant
Reamco, Inc. dba Patio Enclosures, Inc.	10595 Furnace Rd. Suite 100 Lorton, VA 22079	Agent/Contractor

(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 - BR - 035  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/30/09  
(enter date affidavit is notarized)

105183

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)  
Reamco, Inc. dba Patio Enclosures, Inc.  
10595 Furnace Road  
Suite 100  
Lorton, VA 22079

**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)

Frederick V. Reames

(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-BR-035

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

6/30/09

(enter date affidavit is notarized)

105183

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

**PARTNERSHIP INFORMATION**

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

N/A

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

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

N/A

(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 2010 - BR-035  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/30/09  
(enter date affidavit is notarized)

105183

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-BR-035  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/30/09  
(enter date affidavit is notarized)

105183

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.

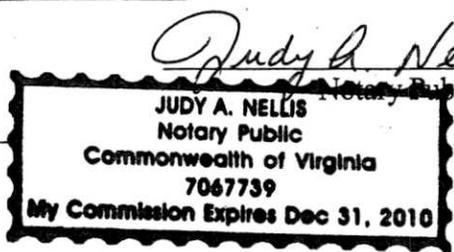
WITNESS the following signature:

(check one) X [Signature]  
[ ] Applicant [X] Applicant's Authorized Agent

William A. Reames Vice President/General Manager  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30th day of June 2009, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 12/31/2010



Application No.(s): VC 2010-BR-004  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 11, 2010  
 (enter date affidavit is notarized)

I, William A. Reames, 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            107805

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 <b>BOLD</b> above)
William A. Reames	10595 Furnace Road Ste. 100 Lorton, VA 22079	Agent/Contractor
James Garner	10595 Furnace Road Ste. 100 Lorton, VA 22079	Agent/Contractor
Frederick V. Reames	10595 Furnace Road Ste. 100 Lorton, VA 22079	Agent/Contractor
Hieu Trinh	9610 Jenny Lane	Owner/Applicant
Mai-Huong Tran	Fairfax, VA 22032	Owner/Applicant
Reamco, Inc., dba Patio Enclosures, Inc. (check if applicable)	10595 Furnace Rd., Ste. 100 Lorton, VA 22079	Agent/Contractor

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): VC 2010 - BR - 004  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 11, 2010  
(enter date affidavit is notarized)

107805

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)  
Reamco, Inc. dba Patio Enclosures, Inc.  
10595 Furnace Road Suite 100  
Lorton, VA 22079

**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)  
Frederick V. Reames

(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): VC 2010-BR-004  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 11, 2010  
(enter date affidavit is notarized)

107805

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.

Application No.(s): VC 2010-BR-004  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 11, 2010  
(enter date affidavit is notarized)

107805

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): VC 2010-BR-004  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: March 11, 2010  
(enter date affidavit is notarized)

107805

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.

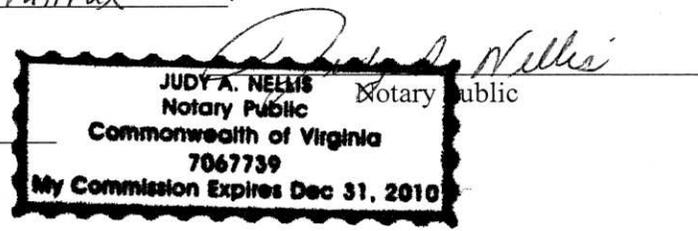
WITNESS the following signature: [Signature]

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

William A. Reames Vice President/General Manager  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 11th day of March 2010, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 12/31/10





PATIO & PORCH ENCLOSURES • SOLARIUMS & GREENHOUSES • CUSTOM WINDOW TREATMENTS

10595 FURNACE ROAD • SUITE 100 • LORTON, VA 22079 • 1 (800) 277-2846 • FAX (703) 690-2009

VA Contractor Class A License #20345  
MHIC # 12756  
DC #263

**WILLIAM A. REAMES**  
VICE PRESIDENT - GEN. MGR.

Attachment to Variance and Special Permit Request for:

Hieu Trinh & Mai-Huong Tran

Statement of Justification pursuant to 8-914 -- Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

Homeowners are requesting approval to keep the slate patio where it is now.

The patio was installed approximately 18 years ago by a contractor hired by the homeowners.

We believe that the error in building location was done in good faith. The homeowners hired a contractor for the work and relied upon them for proper placement and compliance.

Approval will not be detrimental to the use and enjoyment of other property in the immediate vicinity.

It will not create an unsafe condition with respect to both other property and public streets.

Forcing compliance would absolutely result in unreasonable hardship to the homeowners.

The reduction will not result in an increase in density or floor area ration from that permitted by the applicable zoning district regulations.

We believe we are asking for the minimum amount necessary based on current conditions.

William A. Reames  
Applicant's Authorized Agent

RECEIVED  
Department of Planning & Zoning

MAY 11 2010

Zoning Evaluation Div

Special Permit Application Revisions - Tran  
File # SP2009-0192

Item 1.00

Proposed Use: Reduction of certain yard requirements to permit addition 14.8 feet from rear lot line. Need more pictures of property including sheds, patio and any accessories.

Item 5.00

To permit a modification of the rear yard. To permit building a sunroom 14.8 ft from rear property line for a 50% reduction.

Item 5.07

The proposed use is to build a glass enclosure on existing concrete foundation and install a new continuous footer. Roof is made of 6" foam with aluminum extrusions that wrap the foam with shingles on top and 8 glass roof panels. The walls are made of aluminum and the glass will be 5/8" double pane glass. Electric to be installed to code by homeowner.

Item 5.08

No hazardous or toxic substances to be used.

Item 5.09

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards.

Item 930.00 – 930.05 & 930.15

The glass enclosed room 17% of the gross floor area. No surrounding structures will be disturbed and vegetation will remain the same. The new structure is 280 Sq.Ft.

RECEIVED  
Department of Planning & Zoning

NOV 09 2009

Zoning Evaluation Division

**SPECIAL PERMIT STATEMENT OF JUSTIFICATION**

Mai-Huong Tran  
Hieu Trinh  
9610 Jenny Lane  
Fairfax, VA 22032

RECEIVED  
Department of Planning & Zoning

JUN 30 2009

Zoning Evaluation Division

The purpose of this request is to modify side yard setback requirements to allow a seasonal sunroom to be built over part of an existing slate patio.

We hereby certify that:

- The subject property was acquired in good faith.
- Approval of the Special Permit will not negatively impact the neighborhood or adjoining properties in any way.
- We are getting no closer to the property line than the current footprint of the concrete foundation is now.
- The condition/configuration of the subject property is not generally shared by others in the vicinity. Property is on a pipe stem and has a truly unique configuration.

February 1, 2010

Statement of Justification – Variance

Hieu Trinh & Mai-Houng Tran  
9610 Jenny Lane  
Fairfax, VA 22032

RECEIVED  
Department of Planning & Zoning  
MAR 11 2010  
Zoning Evaluation Division

We hereby certify and attest to the following:

1. Property was acquired in good faith
2. Property has exceptional topographical conditions – specifically the fact that it is at the end of a pipe stem
3. Condition is NOT of such recurring nature 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. Strict application would produce undue hardship
5. Undue hardship is NOT shared generally by other properties in the same zoning district and the same vicinity
6. Strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property
7. Authorization of the variance will not be of substantial detriment to adjacent property
8. The character of the zoning district will not be changed by the granting of the variance
9. The variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest

**BUILDING PERMIT APPLICATION**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
FAIRFAX COUNTY, VIRGINIA  
PERMIT APPLICATION CENTER  
12055 Government Center Parkway, 2nd Floor  
Fairfax, Virginia 22035-5504  
(703) 222-0801

PERMIT # 982 H6 B0140

APPENDIX 6

FOR INSPECTIONS CALL: (703) 222-0455

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

**JOB LOCATION:**  
ADDRESS 9610 JEMMY LA.  
LOT # 4 BUILDING \_\_\_\_\_  
FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
SUBDIVISION Potomac Park Sec-2  
TENANT'S NAME \_\_\_\_\_

**OWNER INFORMATION:** OWNER  TENANT   
NAME MAI TRAM  
ADDRESS 9610 JEMMY LA  
CITY Fairfax STATE VA ZIP 22032  
TELEPHONE 703-425-3953

**CONTRACTOR INFORMATION:**  
CHECK IF SAME AS OWNER   
COMPANY NAME J.L. MASOARY CAP  
ADDRESS 4113 S. 18 ST  
CITY Arlington STATE VA ZIP 22204  
TELEPHONE 703-920-5695  
LOCAL CONTRACTOR LICENSE # \_\_\_\_\_  
STATE CONTRACTORS LICENSE # 2705013363  
COUNTY BUSINESS ACCOUNT # 50-9222  
APPLICANT JOHN LUIS

**DESCRIPTION OF WORK**  
Reting wall

HOUSE TYPE Sind  
ESTIMATED COST OF CONSTRUCTION 6500  
BLDG AREA (SQ FT OF FOOTPRINT) \_\_\_\_\_  
USE GROUP OF BUILDING \_\_\_\_\_  
TYPE OF CONSTRUCTION \_\_\_\_\_  
SEWER SERVICE: PUBLIC  SEPTIC  OTHER   
WATER SERVICE: PUBLIC  WELL  OTHER   
OTHER PLEASE SPECIFY \_\_\_\_\_

**DESIGNATED MECHANICS' LIEN AGENT:**  
(Residential Construction Only)  
NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
NONE DESIGNATED:  PHONE: \_\_\_\_\_

**CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS:**  
# KITCHENS \_\_\_\_\_ EXTER. WALLS \_\_\_\_\_  
# BATHS \_\_\_\_\_ INTER. WALLS \_\_\_\_\_  
# HALF BATHS \_\_\_\_\_ ROOF MATERIAL \_\_\_\_\_  
# BEDROOMS \_\_\_\_\_ FLOOR MATERIAL \_\_\_\_\_  
# OF ROOMS \_\_\_\_\_ FIN. BASEMENT \_\_\_\_\_ %  
# STORIES ret. wall HEATING FUEL \_\_\_\_\_  
BUILDING HEIGHT 3' HEATING SYSTEM \_\_\_\_\_  
BUILDING AREA \_\_\_\_\_ # FIREPLACES \_\_\_\_\_  
BASEMENT \_\_\_\_\_

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN #	<u>W-98-03887</u>	
TAX MAP #	<u>069-3/18/2004</u>	
ROUTING	DATE	APPROVED BY:
ZONING	<u>8-5-98</u>	<u>[Signature]</u>
SITE PERMITS	<u>8-5-98</u>	<u>[Signature]</u>
SANITATION		
HEALTH DEPT.		
FIRE MARSHAL		
BUILDING REVIEW	<u>8/5/98</u>	<u>[Signature]</u>
LICENSING	<u>8-9-98</u>	<u>[Signature]</u>
ASBESTOS		

FEE \$ \_\_\_\_\_  
FILING FEE \$ \_\_\_\_\_  
AMOUNT DUE \$ 99.50

**BUILDING PLAN REVIEW**  
REVIEWER \_\_\_\_\_ # OF HOURS \_\_\_\_\_  
REVISION FEES \$ \_\_\_\_\_  
FIRE MARSHAL FEES \$ \_\_\_\_\_  
FIXTURE UNITS \_\_\_\_\_ PLAN LOC: J  R

APPROVED FOR ISSUANCE OF BUILDING PERMIT  
BY JLM DATE 8-5-98

**ZONING REVIEW:** ZONING CLASS PDH-3  
USE off-gar  
ZONING CASE # \_\_\_\_\_

GROSS FLOOR AREA OF TENANT SPACE \_\_\_\_\_  
YARDS: GARAGE: 1  2  3   
FRONT OPTIONS: YES  NO   
FRONT REMARKS: Retaining Wall  
L SIDE only  
R SIDE 3' off grade  
REAR \_\_\_\_\_

**GRADING AND DRAINAGE REVIEW**  
SOILS: # 32 A  B  C   
HISTORICAL DISTRICT \_\_\_\_\_  
AREA TO BE DISTURBED (TOTAL SQ FT) 1277.35  
ADD'L IMPERVIOUS AREA (ADDED SQ FT) 832.35  
PROFFERS \_\_\_\_\_  
PLAN # \_\_\_\_\_ APPR. DATE \_\_\_\_\_

STAMPS:  
EX MAIL, FF, BF  
[Signature]  
(See reverse side of application)

REMARKS:  
[Signature]

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

Signature of Owner or Agent John Luis Date 8/4/98  
John Luis  
Printed Name and Title

Notary Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Notarization required if owner not present at time of application)



## **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

### **8-903 Standards For All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

**8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location**

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
  - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of well and/or septic field.
  - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
  - A. The error exceeds ten (10) percent of the measurement involved, and
  - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
  - C. Such reduction will not impair the purpose and intent of this Ordinance, and
  - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
  - E. It will not create an unsafe condition with respect to both other property and public streets, and
  - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
  - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

## 8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.

**18-404 Required Standards for Variances**

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

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 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 purposes of this Ordinance and will not be contrary to the public interest.

**18-405 Conditions**

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.