



APPLICATION ACCEPTED: June 3, 2010  
DATE OF PUBLIC HEARING: August 11, 2010  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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August 4, 2010

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-SU-040

### SULLY DISTRICT

**APPLICANT/OWNER:** Sirinivas Buddhavarapu  
**LOCATION:** 4480 Shady Point Place  
**SUBDIVISION:** Walney Road  
**DISTRICT:** Sully  
**TAX MAP:** 44-2 ((20)) 125  
**LOT SIZE:** 10,228 Square Feet  
**ZONING:** PDH-2, WS  
**ZONING ORDINANCE PROVISION:** 8-914, 8-922  
**SPECIAL PERMIT PROPOSAL:** To permit reduction to minimum yard requirements based on error in building location to permit an accessory structure to remain 4.5 feet from the rear lot line and to permit reduction to minimum yard requirements to permit an addition 18.3 feet from the rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2010-SU-040 for the addition subject to the proposed development conditions contained in Appendix 1.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

*H:\SP Reports\SP 2010-SU-040, Buddhavarapu, yard reduct., error in bldg. loc..doc Mary Ann Godfrey*

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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/)



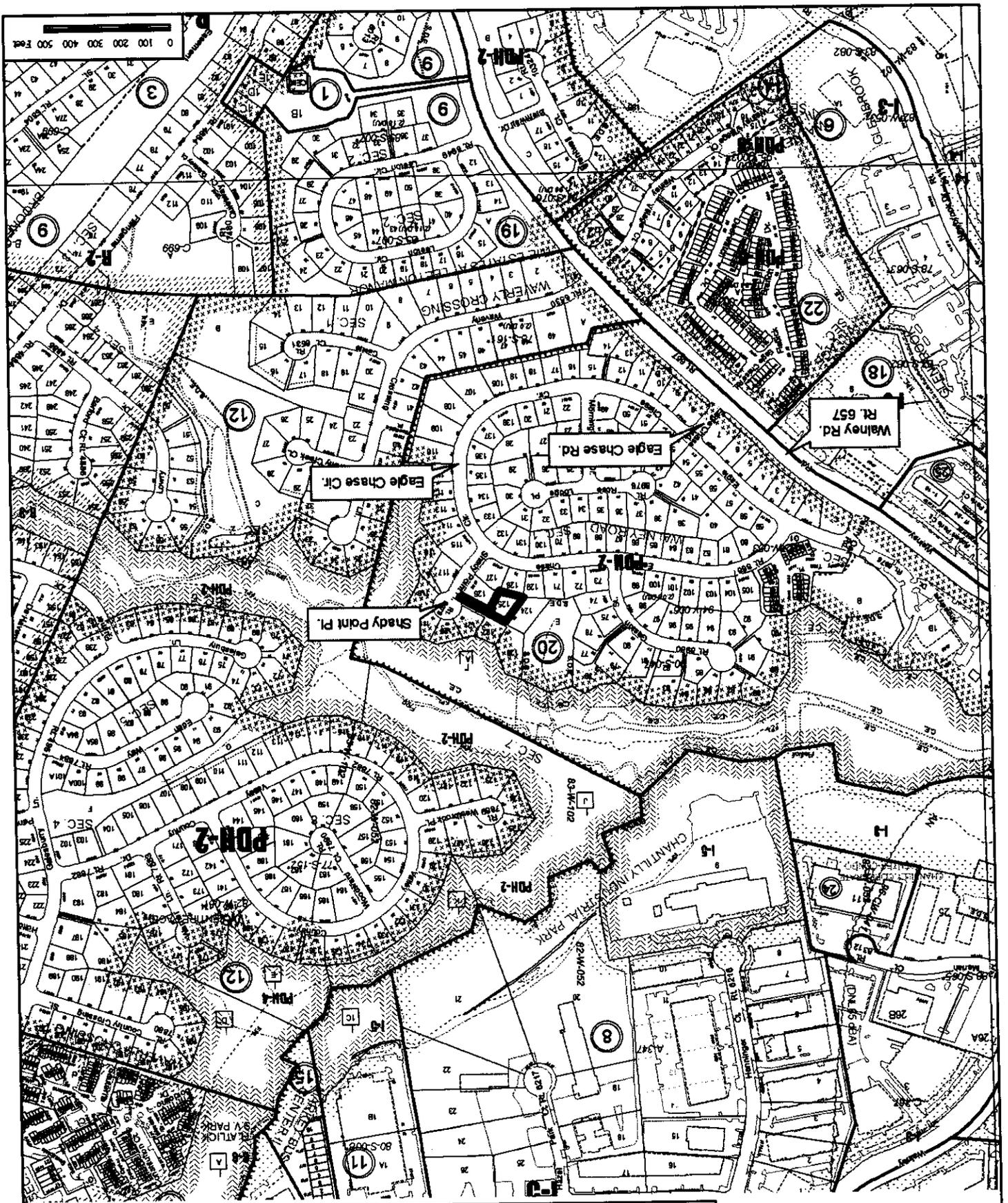
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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-SU-040**  
**SIRINIVAS S. BUDDHAVARAPU**

- NOTES:
- 1) For Map No. 44-2-020-0125
  - 2) Lot Area = 10,228 square feet
  - 3) Zoning PDH-2 (Residential 2 DU/AC)
  - 4) Required yards: Front-30'
  - 5) Sides-8' Min. (incl. 20' under and sewer)
  - 6) Property served by public water and sewer
  - 7) There are no graves or objects or structures marking a place of burial visible on this property
  - 8) This property is not in a flood plain. There is no resource protection area or resource management area. There is no environmental quality corridor.
  - 9) Unless shown, there are no underground utility easements

Maximum Structure Heights Above Grade:  
 Proposed Addition:  
 First level floor = 4.5'  
 Second level floor = 14.5'  
 Roof peak = 29.6'  
 Deck = 4.5'

Structure Areas:  
 Original dwelling 4,164 sq. ft.  
 Proposed addition 528 sq. ft.  
 12% increase in dwelling area

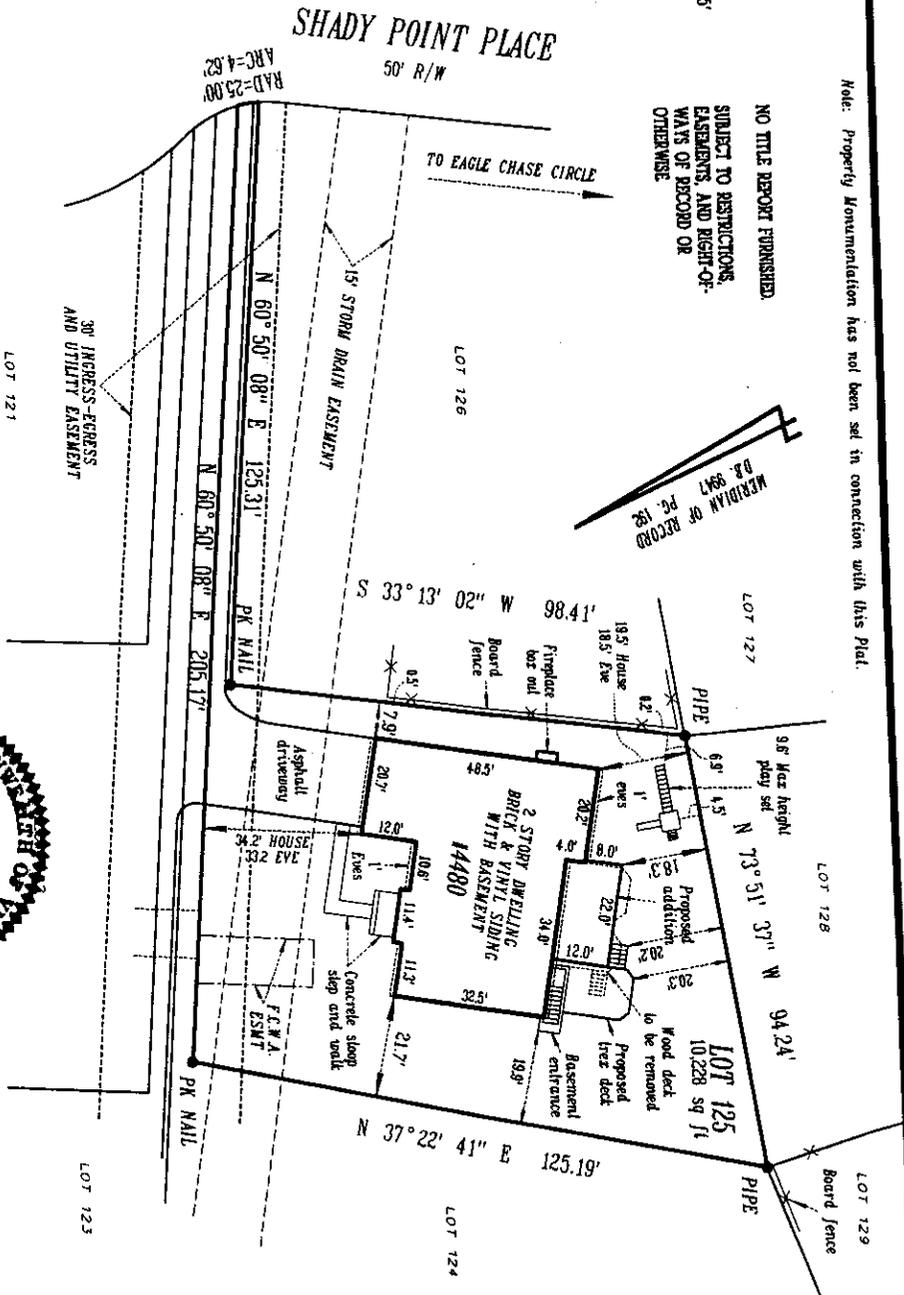
**HOUSE LOCATION AND PROPOSED ADDITION**  
**LOT 125 SECTION 1**  
**WALNEY ROAD SUBDIVISION**  
 SULLY DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE 1" = 30'  
 MARCH 12, 2010

SURVEY FOR: SRINIVAS BUDDHAYARAPU

Y10 0006

Note: Property Monumentation has not been set in connection with this Plat.

NO TITLE REPORT FURNISHED  
 SUBJECT TO RESTRICTIONS,  
 EASEMENTS, AND RIGHTS-  
 WAYS OF RECORD OR  
 OTHERWISE



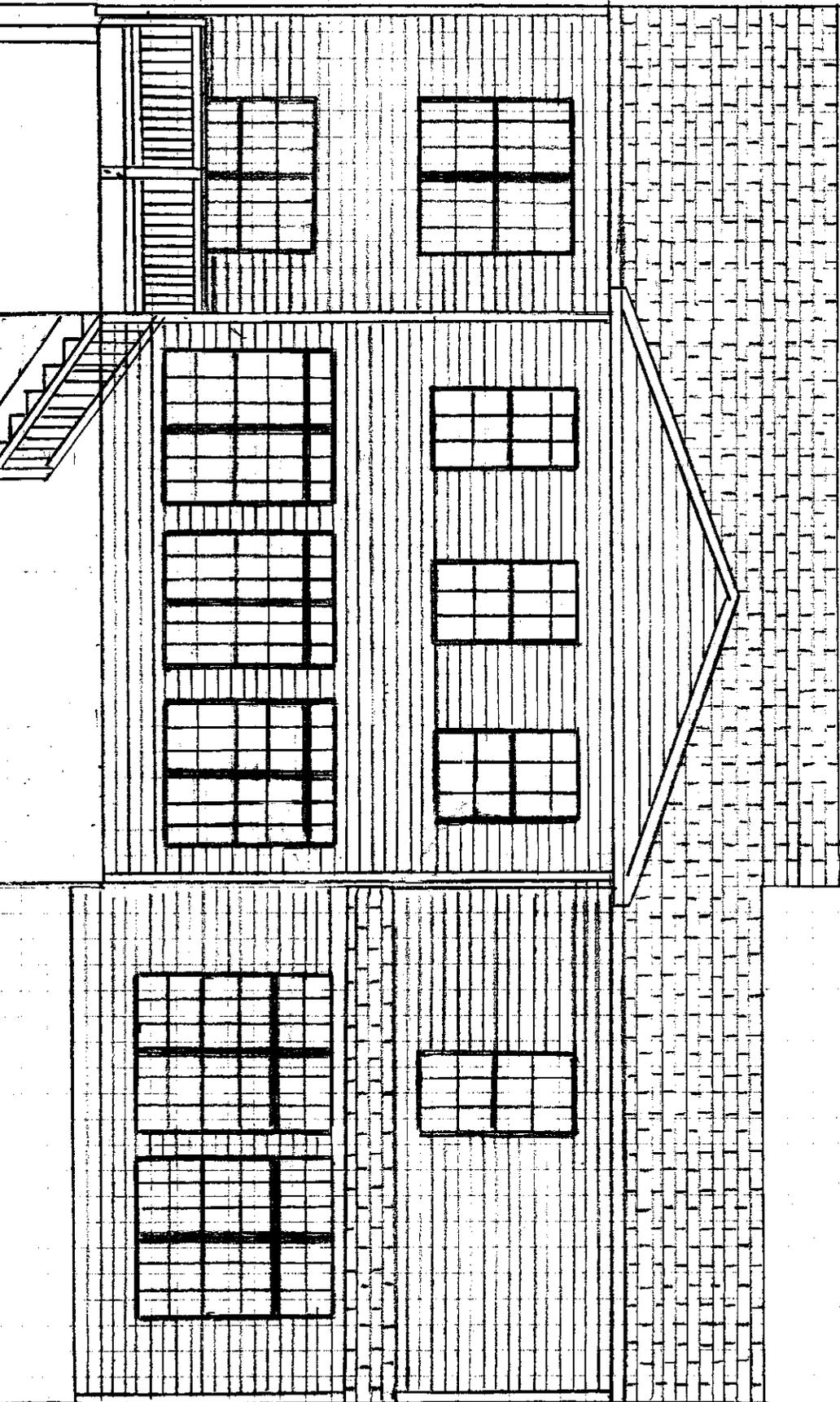
**A V W & ASSOCIATES**  
 LAND SURVEYING  
 #5 BLUE JAY COURT  
 STERLING, VA. 20164  
 (703) 404-9470 FAX 404-9465



CERTIFIED CORRECT  
 FROM FIELD FOUND  
 PIPE SHOWN HEREON.

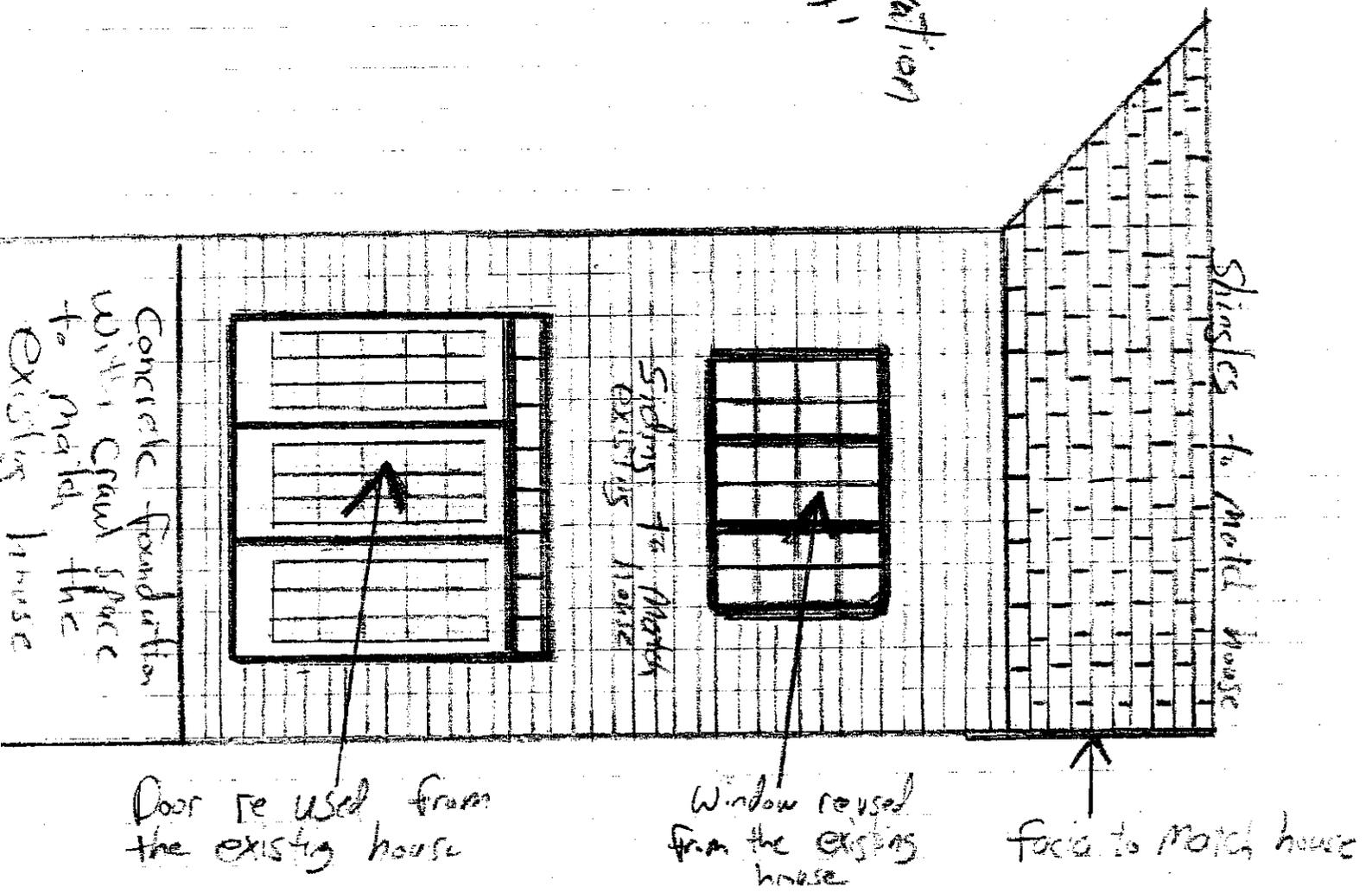
I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TYPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

Buddhavarapu residence  
After addition

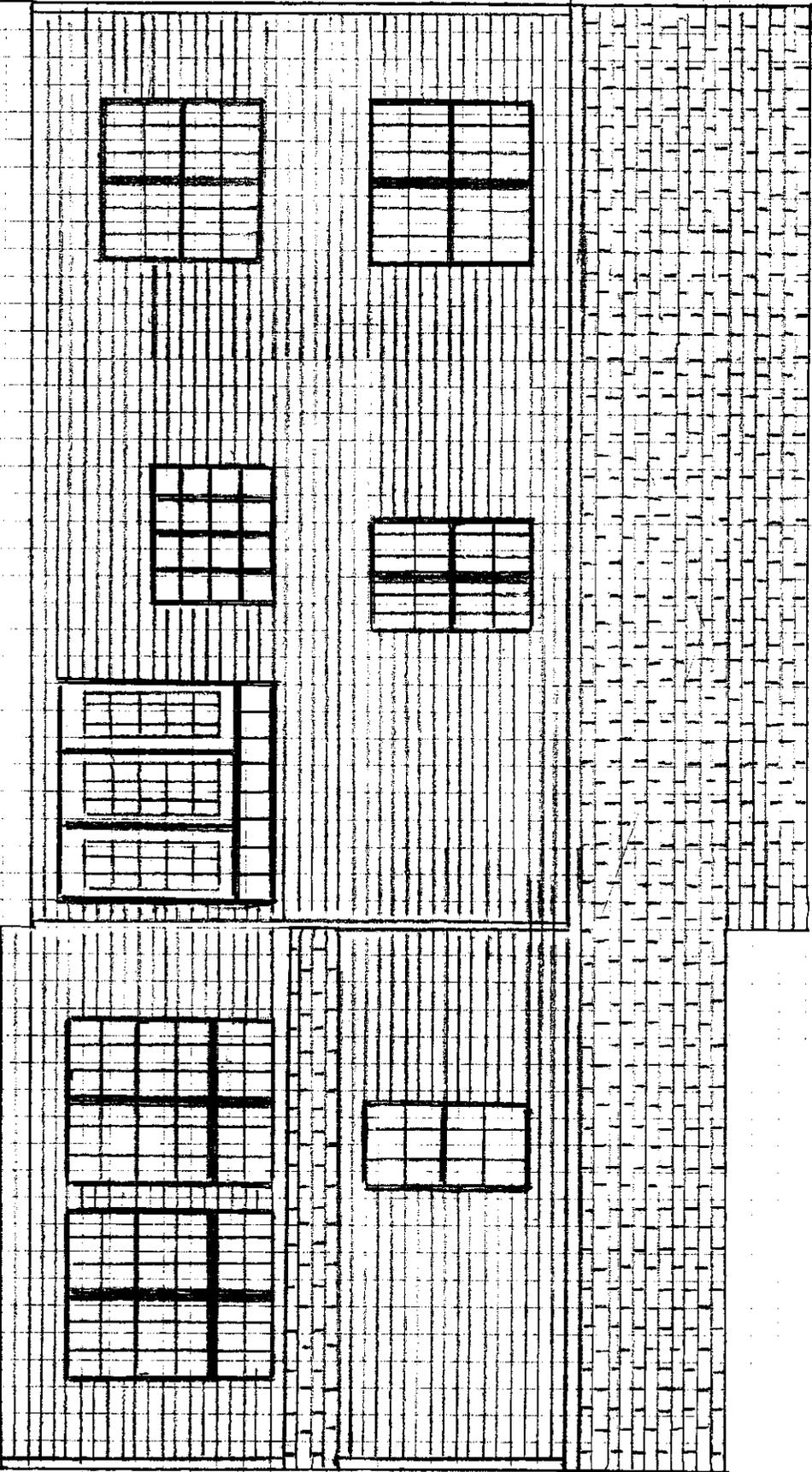


RECEIVED  
Department of Planning & Training  
MAY 18 2010  
Zonal Education Office

EAST  
Side Elevation  
Scale 1" = 4'



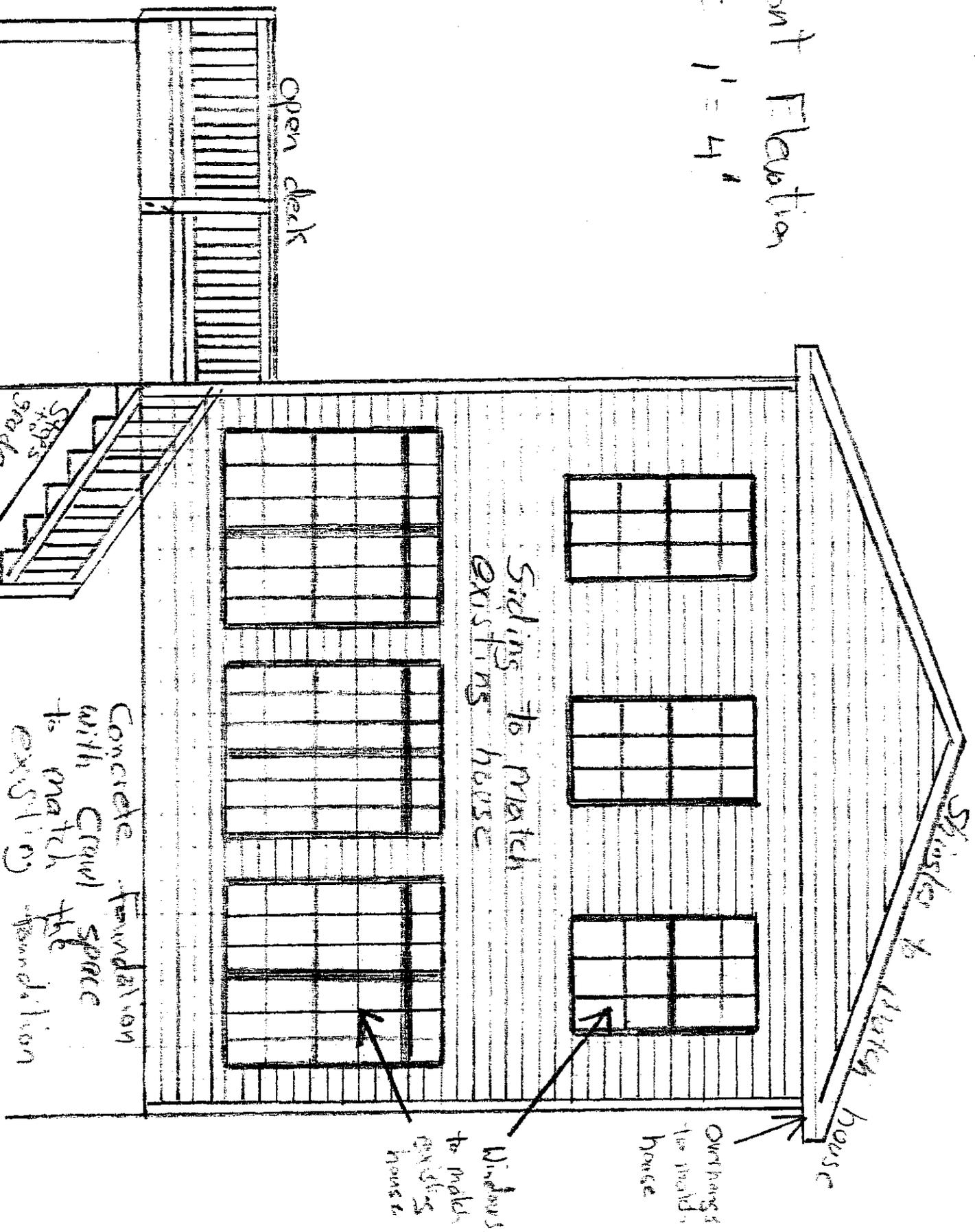
Buddhavar app Residence  
Before addition



RECEIVED  
Department of Planning & Zoning  
MAY 18 2010  
Zoning Evaluation Division

# Front Elevation

Scale 1" = 4'



Shingles to match house

Siding to match existing house

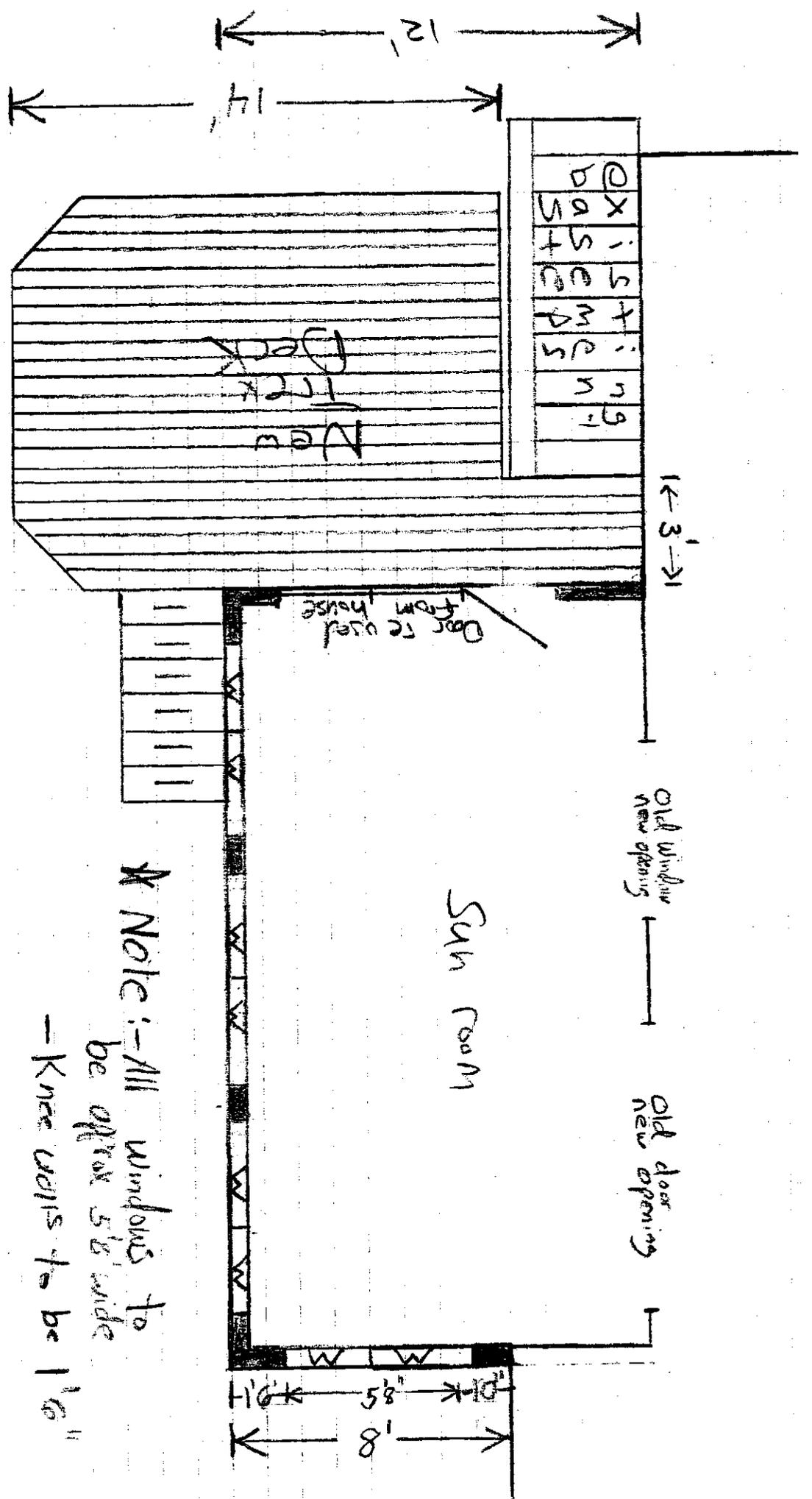
Overhangs to match house

Windows to match existing house

Open deck

Concrete foundation with crawl space to match existing foundation

Steps to grade



\* Note :- All windows to be approx 5'8" wide  
 - Knee walls to be 1'6"

First Floor Footprint  
 scale 1" = 4'

*[Signature]*  
 2-24-10

Minimum Structure  
 Rights Above Grade:  
 Proposed Addition:  
 1st level floor = 4.5'  
 cond level floor = 14.5'  
 of peak = 29.6'  
 h = 14.5'

Note: Property Monumentation has not been set in connection with this Plat.

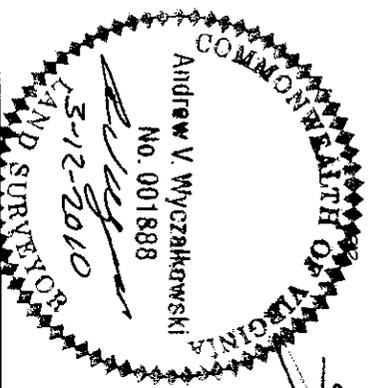
NO TITLE REPORT FURNISHED.  
 SUBJECT TO RESTRICTIONS,  
 EASEMENTS, AND RIGHT-OF-  
 WAYS OF RECORD OR  
 OTHERWISE.

(Legend)

SHADY POINT PLACE

VISION

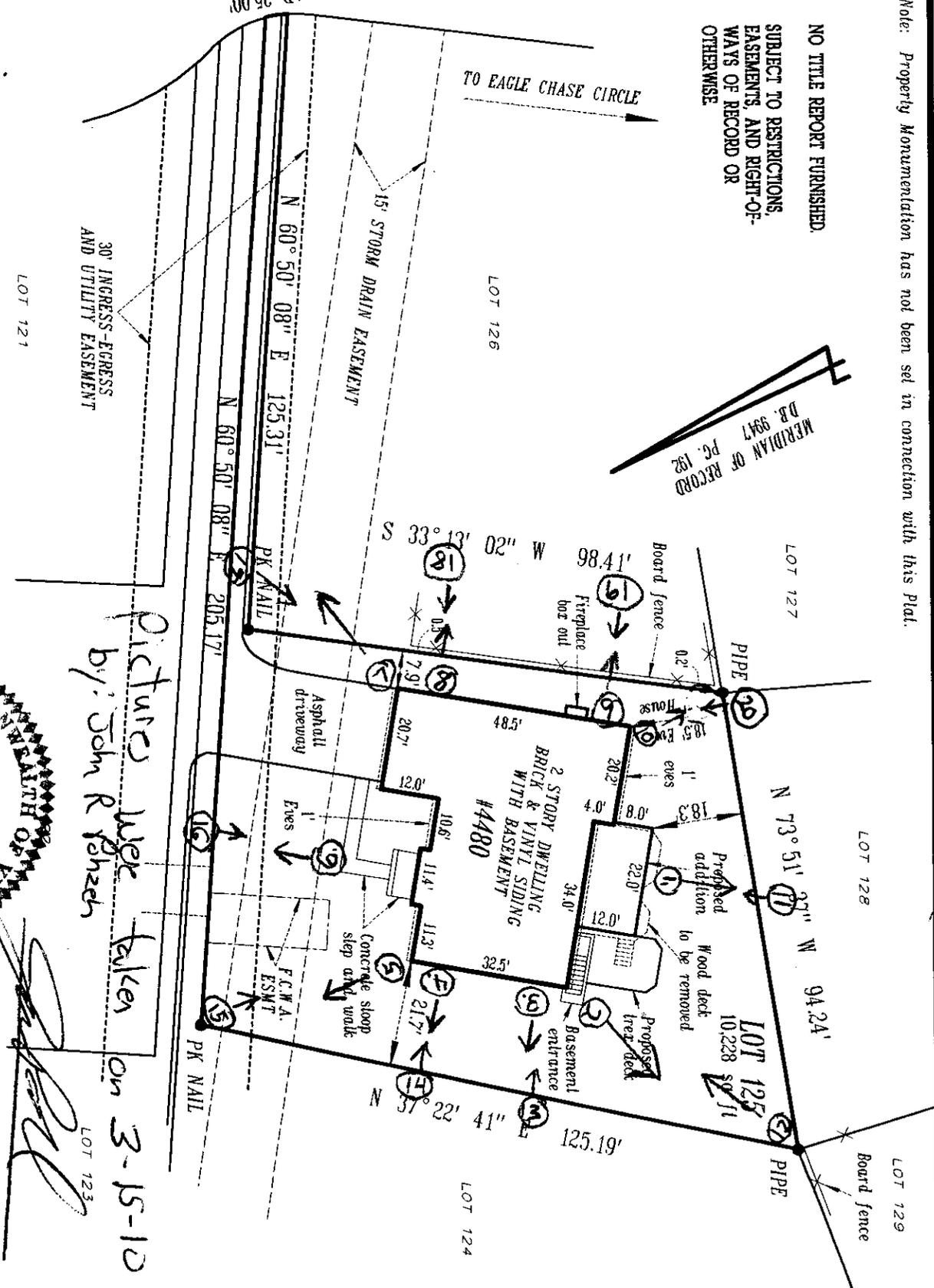
A V W & ASSOCIATES  
 LAND SURVEYING  
 #5 BLUE JAY COURT  
 STERLING, VA. 20164  
 (703) 404-9470 FAX 404-9465



I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

CERTIFIED CORRECT  
 FROM FIELD FOUND  
 PIPE SHOWN HEREON.

Picture were taken on 3-15-10  
 by: John R. Jones



①



3/5/10 JRP

②

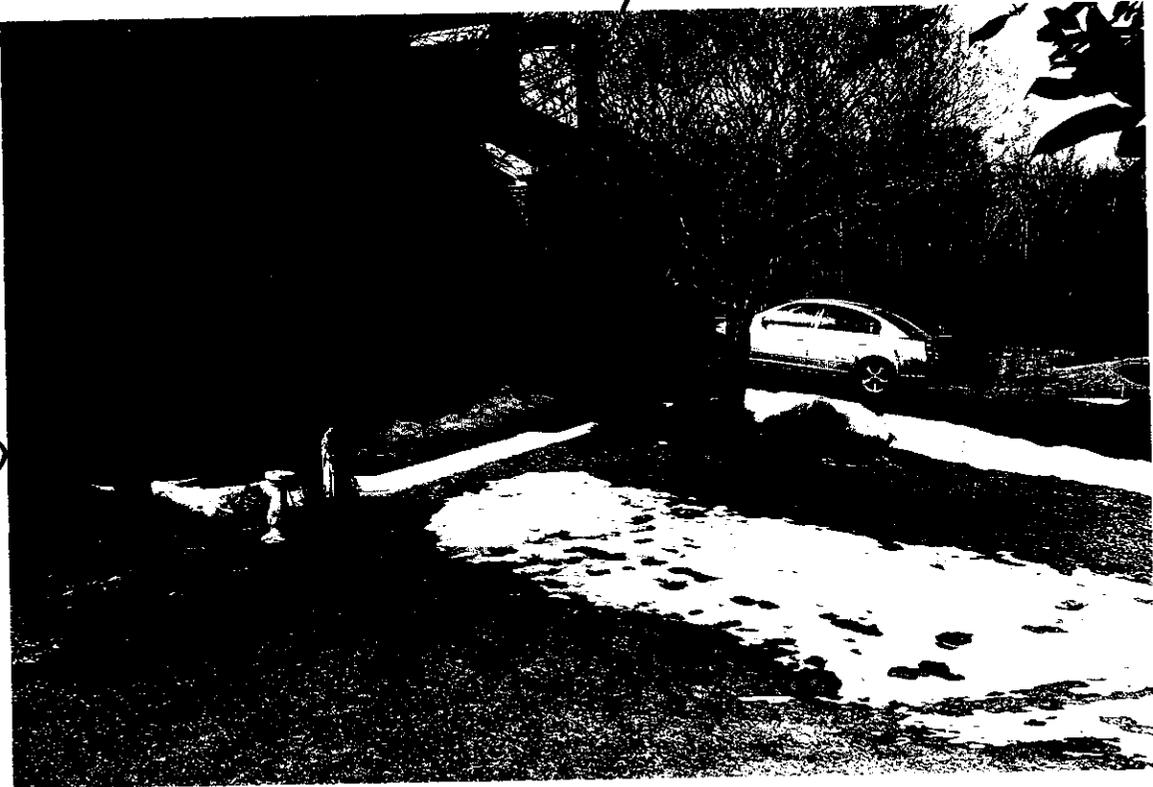


3.



3/5/10 AR

4.





3/5/10 AR





3/5/10 R



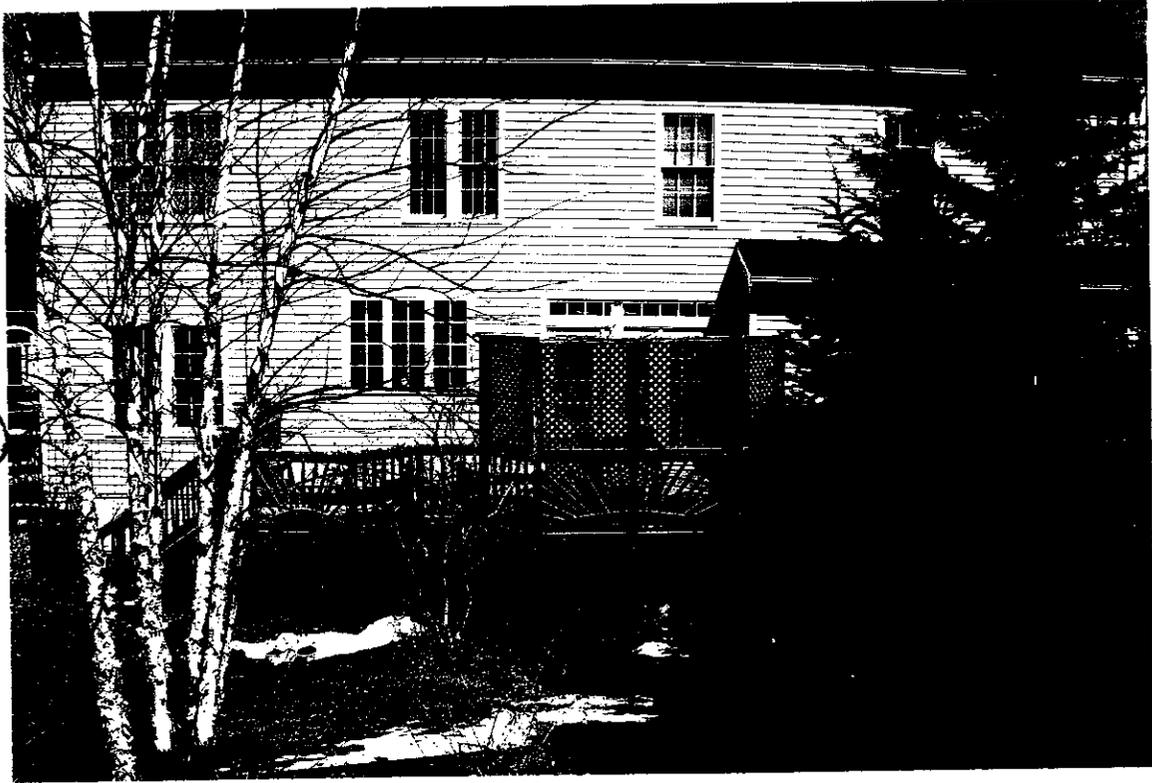
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3/5/10 AR

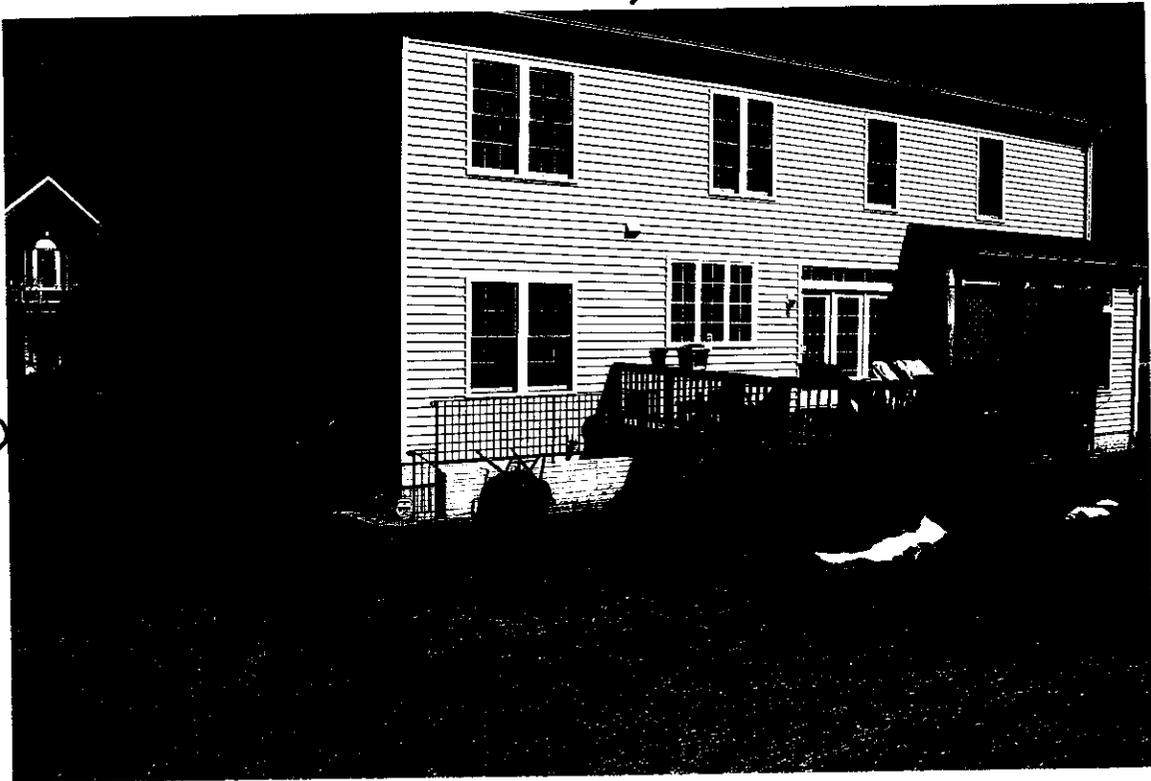
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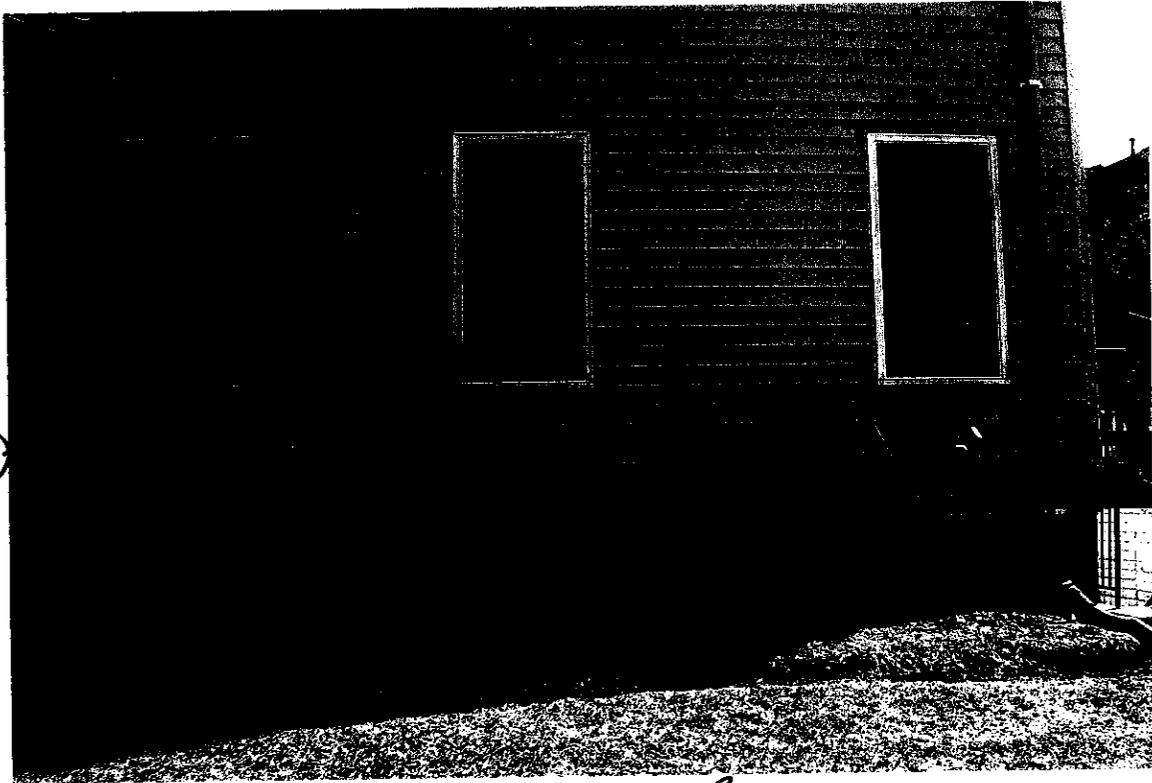
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3/5/10 JH



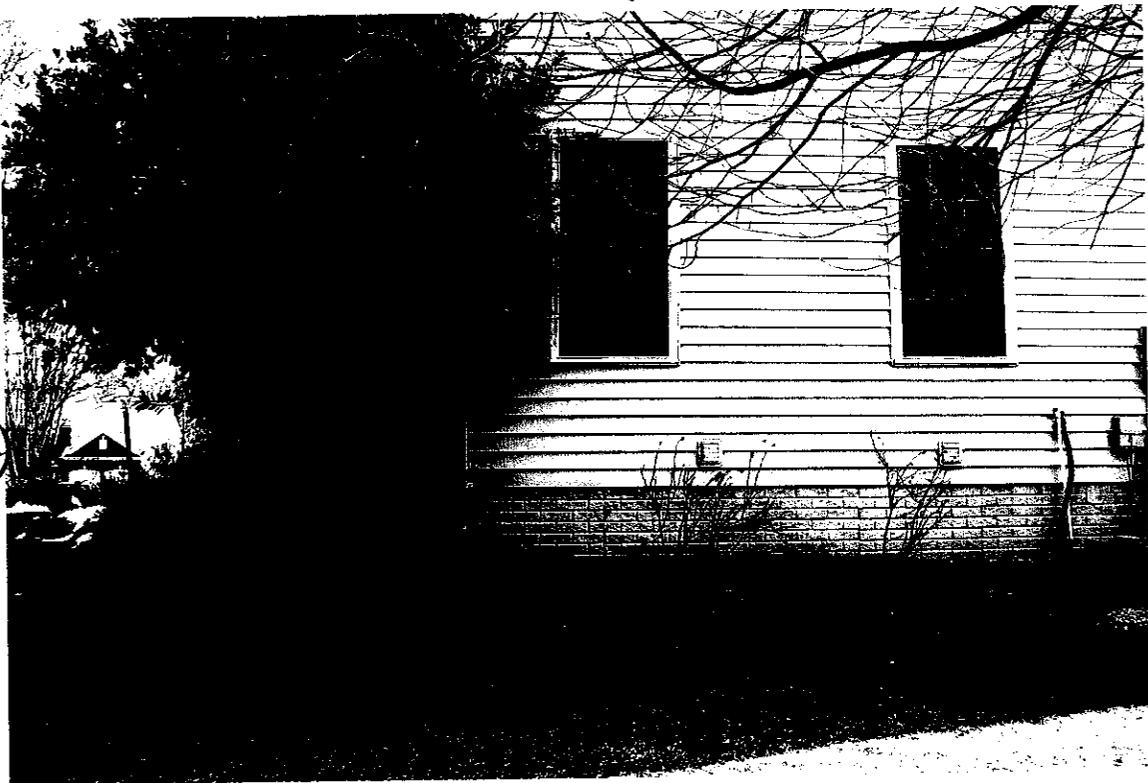
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13



3/5/10 48

14



15



3/5/10 AB

14





3/5/10 46



19



3/5/10 JRB

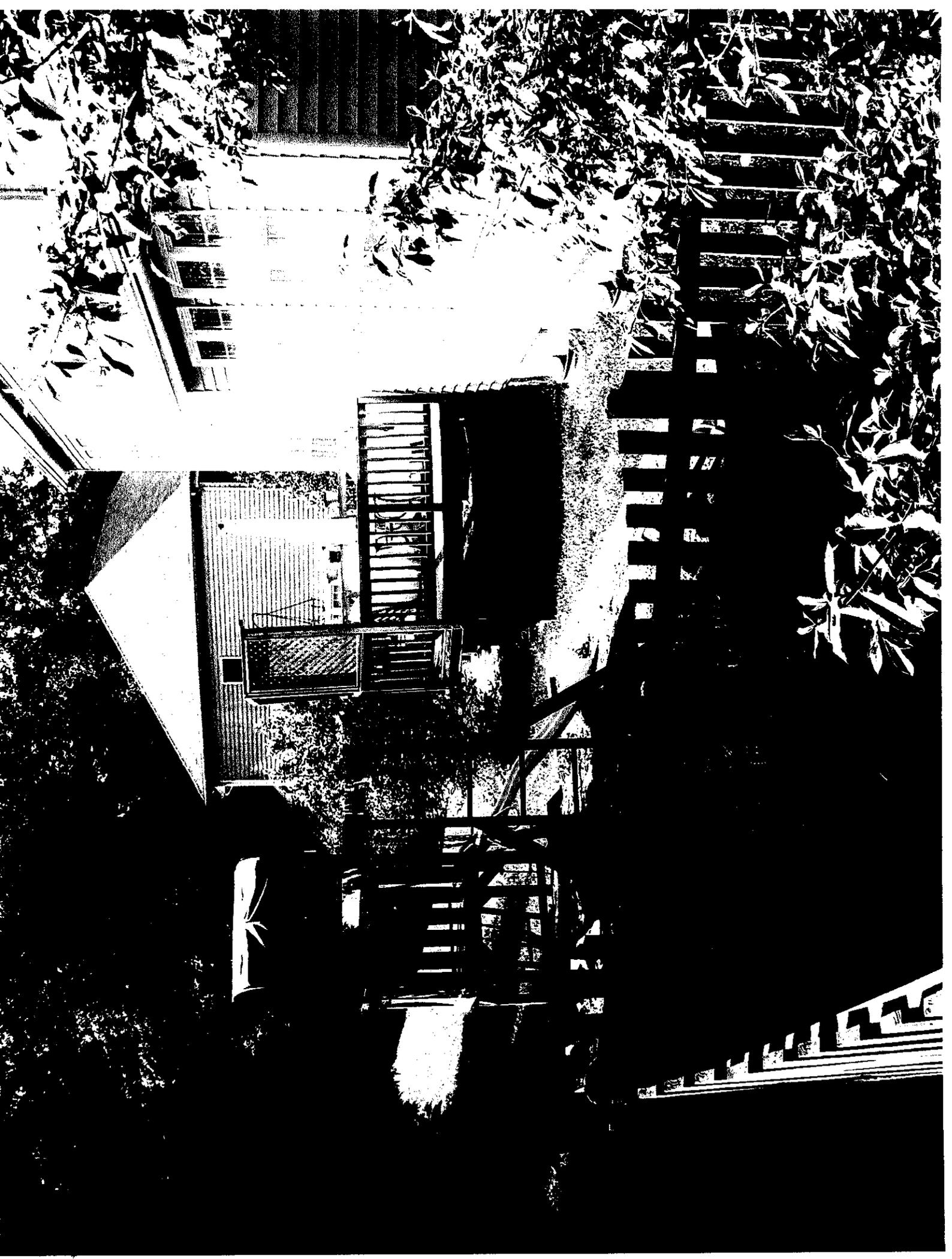
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3/5/10 *AKB*

Picture shows Lot 127 which has the existing house very close to the property line as do many other existing houses in this subdivision



**DESCRIPTION OF THE 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 accessory structure (children’s play equipment) to remain 4.5 feet from the rear lot line and 2) a reduction of certain yard requirements to permit construction of a 2-story addition 18.3 feet from the rear lot line.

	Structure	Yard	Min. Yard Required	Structure Location	Amount of Error/Reduction	Percent of Error/Reduction
Special Permit #1	Accessory Structure	Rear	9.6 feet **	4.5 feet	5.1 feet	53%
Special Permit #2	Addition	Rear	25.0 feet *	13.5 feet	11.5 feet	46%

\* Minimum yard requirement per Section 3-303  
 \*\* Permitted Location per Par. 10 E of Section 10-104

**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	PDH-3	Single Family Detached Dwelling

**BACKGROUND**

The existing two-story dwelling was constructed in 1998 with a full basement, a 440 square foot attached garage, and a 286 square foot wooden deck. The applicant is the original owner.

The Board of Zoning Appeals (BZA) has heard the following special permit application in the neighborhood:

- Special Permit SP 2009-SU-081, approved on November 3, 2009, on Tax Map 44-2 ((20)) 60, 14099 Eagle Chase Circle, zoned PDH-2, southwest of the subject property to permit an accessory dwelling unit.

**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 accessory structure (play equipment) to remain 4.5 feet from the rear lot line. The applicant is also requesting approval of a reduction of certain yard requirements to permit construction of an addition 18.3 feet from the rear lot line. The proposed addition is two stories and 29.6 feet in height to the peak of the roof, with the lower level containing a sunroom and the upper level containing bedrooms. The addition will contain 528 square feet. An existing deck will be removed and the addition constructed in its place. A new deck is proposed to the west of the addition and will meet minimum yard requirements.

**ZONING ORDINANCE REQUIREMENTS (See Appendix 4)**

- 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)

**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 addition is proposed to be located at the rear of the dwelling and will be built to match the existing structure in architectural style and materials. 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 4,164 square feet according to the SP Plat. Therefore 150% of the total gross floor area could result in an addition up to 6,246 square feet; which makes a combined total of 10,410 square feet. The proposed addition will be 528 square feet for a total of 4,252 square feet for the existing house and addition. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The proposed two-story addition will be centrally located at the rear of the house. It will be constructed to match the existing dwelling. The height to the roof peak of the addition is proposed to be 29.6 feet, slightly less than 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. The subject area is characterized by substantial homes on small lots. Vegetation is not abundant on the lots. Based on aerial maps, there is variation in the proximity of dwellings to each other and the subject property is located in one of the less dense locations. Extensions and decks at the rear of dwellings appear to be common. Therefore, the proposed 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 proposed addition to the rear of the existing dwelling will not unduly impact the adjacent property. There is currently a deck at the rear of the house that will be removed for the addition and new deck. There will be a slight increase in imperviousness. 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 small pipestem lot with an irregular shape with the western side 125.19 feet in length and the eastern side 98.41 feet in length. The house was constructed at a slight angle significantly closer to the eastern, or shorter, side of the lot. The dwelling located to the east has a larger footprint than the subject dwelling and is located in close proximity to the common lot line. The lot exhibits generally level topography. For this reason, the proposed centered location of the addition appears to be the most appropriate location on the lot. With the exception of one small tree, 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-SU-040 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. Applicant's Special Permit Affidavit
3. Applicant's Statement of Justification
4. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2010-SU-040****August 4, 2010**

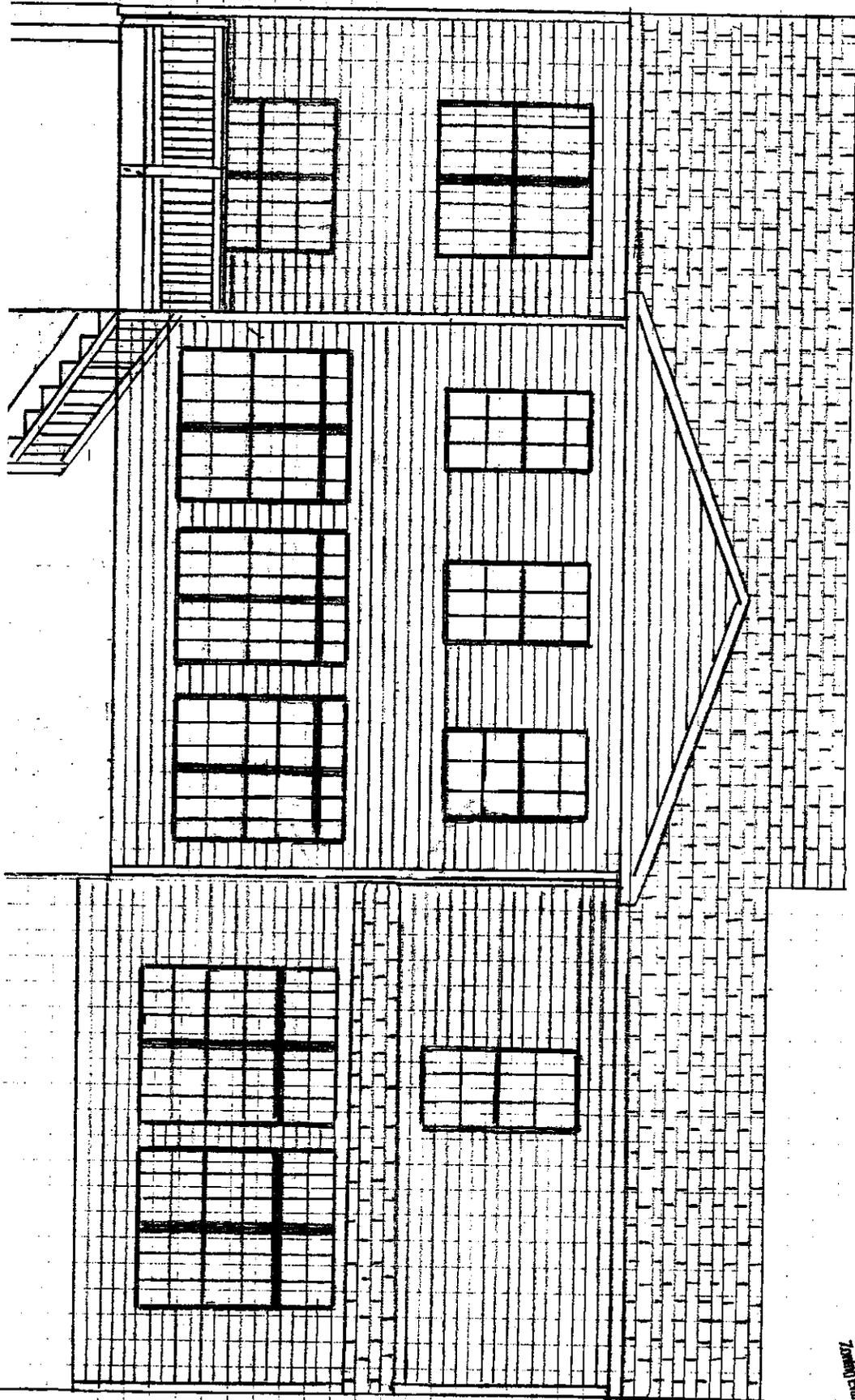
If it is the intent of the Board of Zoning Appeals to approve SP 2010-SU-040 located at Tax Map Number 44-2 ((20)) 125 (4480 Shady Point Place), to permit reduction of minimum yard requirements based on error in building location and to permit reduction of certain yard requirements pursuant to Sects. 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 accessory structure (child's play equipment) and two-story addition as shown on the plat prepared by AVW & Associates, dated March 12, 2010, submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the dwelling that existed at the time of the first expansion (3,724 square feet existing house + 440 square feet garage) 4,164 (150%) = 6,246 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.

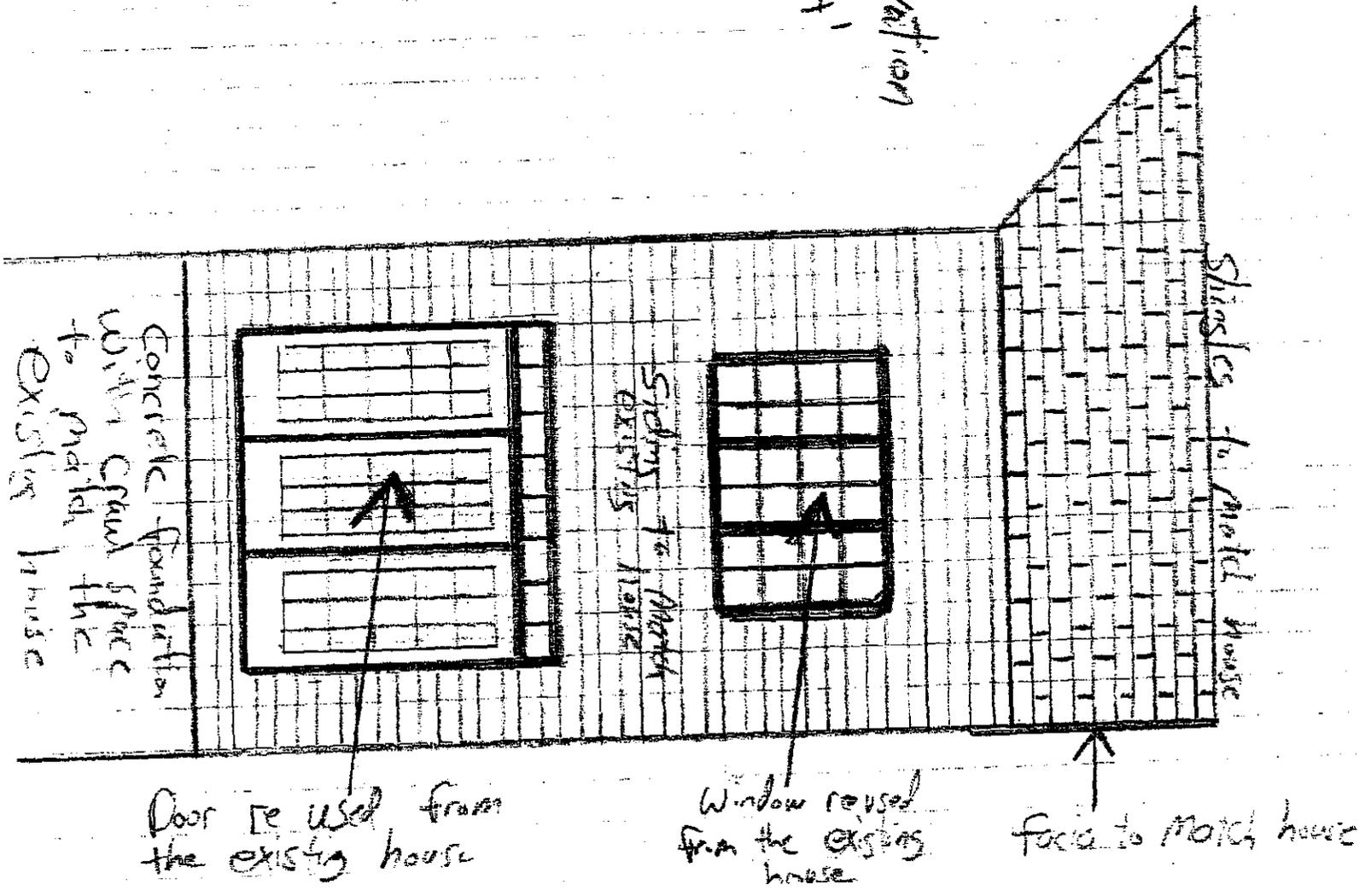
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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

Buddhavarapu residence  
After addition



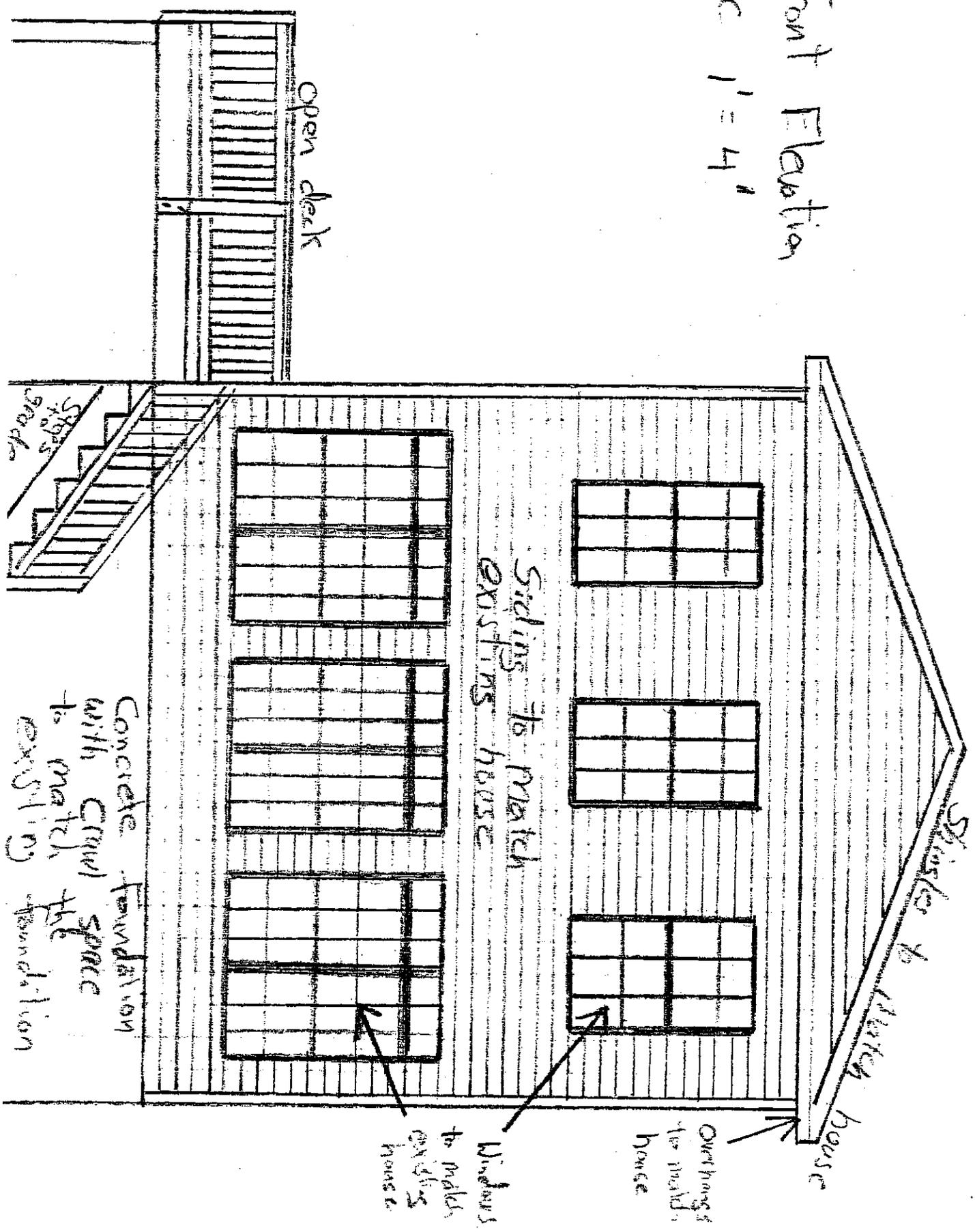
RECEIVED  
Department of Research & Training  
MAY 18 2010  
Zonal Engineering College

EAST  
Side Elevation  
Scale 1" = 4'



# Front Elevation

Scale 1' = 4'



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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3 /29/ 10  
 (enter date affidavit is notarized)

I, John R. Pohzehl, 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            **107933**

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)
Srinivas S. Buddhavarapu	4480 Shady Point Place, Chantilly, VA. 20151	Title Owner
Neeraja Gumma	4480 Shady Point Place, Chantilly, VA. 20151	Title Owner
A&P Builders LLC	240 Warren Ave, Front Royal, VA. 22630	Agent
John R. Pohzehl	8212 Kerfoot Drive, Gainesville, VA. 20155	Agent

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
 \*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3 / 29 / 10  
(enter date affidavit is notarized)

107933

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)

A&P Builders LLC  
240 Warren Ave, Front Royal, VA. 22630

**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~~ <sup>Members:</sup> (enter first name, middle initial, and last name)

Perry L. Leach

Holly M. Leach

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/29/10  
(enter date affidavit is notarized)

107933

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

**PARTNERSHIP INFORMATION**

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

N/A

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

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

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

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

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3 /27/ 10  
(enter date affidavit is notarized)

107933

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

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

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

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

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

None

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3/29/10  
(enter date affidavit is notarized)

107933

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[ ] Applicant      [x] Applicant's Authorized Agent

John R. Pohzehl  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29 day of MARCH 2010, in the State/Comm. of VIRGINIA, County/City of PRINCE WILLIAM

Louie L. Barreras  
Notary Public

My commission expires: 10-31-2012

**LOUIE L. BARRERAS**  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES OCT. 31, 2012  
COMMISSION # 7210081

# Statement of Justification for Error in Building

Srinivas Buddhavarapu 4480 Shady Point  
Place, Chantilly, VA 20151

- a.) The error exceeds (10) percent of the measurement involved
- b.) The error was done in good faith as it is a swingset used by Mr Buddhavarapus daughter. Mr Buddhavarapu did not need a building permit for the swingset and he chose to locate it behind screening trees & in front of his living room windows to watch over his daughter
- c.) The reduction will not impede the purpose or intent of the Ordinance
- d.) It will not be detrimental to the use and enjoyment of other property in the immediate vicinity because it is a swingset located near the house & behind screening trees
- e.) It will not create an unsafe condition with respect to both other property and public streets because it is located in Mr Buddhavarapu's back yard
- f.) Forcing compliance with the minimum yard requirements would cause unreasonable hardship to the owner because the swingset is used for his daughter's enjoyment and is in no way causing any problems with any neighbors

Statement of Justification  
for Error in Building Continued...

- g) The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations

By:   
John R Pohzehl

Date: 5-27-10

RECEIVED  
Department of Planning & Zoning  
MAY 27 2010  
Zoning Evaluation Division

Statement of Justification  
for reduction of certain yard  
requirements By: *John R. Pichzel* Date: 8-2-10  
John R. Pichzel

- a) The addition will increase the existing principal total gross floor area by 12% which is much less than the 150% that is allowed
- b) The addition is in character with the existing houses in terms of height, location, bulk and scale
- c) The addition is in harmony with the surrounding off site uses and structures in terms of height, bulk, scale, and location. No significant trees will be removed
- d) The addition will not adversely impact any of the adjacent properties with regard to noise, light, air, safety, erosion or storm water runoff
- e) The additions proposal reduction represents the minimum amount of reduction on this lot. It is located away from both side neighbors and closest to the line of the back yard.

## **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.