



# County of Fairfax, Virginia

November 24, 2010

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2010-PR-054**

### PROVIDENCE DISTRICT

**APPLICANT:** Thomas S. Cherry

**OWNERS:** Thomas S. Cherry  
Mary C. Cherry

**STREET ADDRESS:** 3115 Northwood Road

**SUBDIVISION:** Villa D'Este

**TAX MAP REFERENCE:** 48-3 ((26)) 1

**LOT SIZE:** 11,770 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an addition 6.0 feet from a side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2010-PR-054 for an addition with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

*O:\dhedri\Special Permits\12-1) SP 2010-PR-054 Cherry (50)\SP 2010-PR-054 Cherry staff report.doc*

*Deborah Hedrick*

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

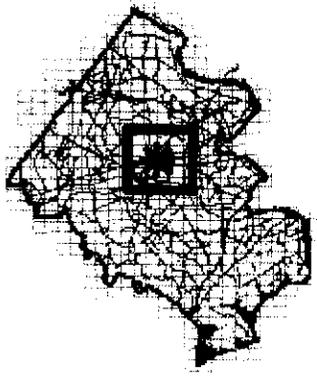
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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).

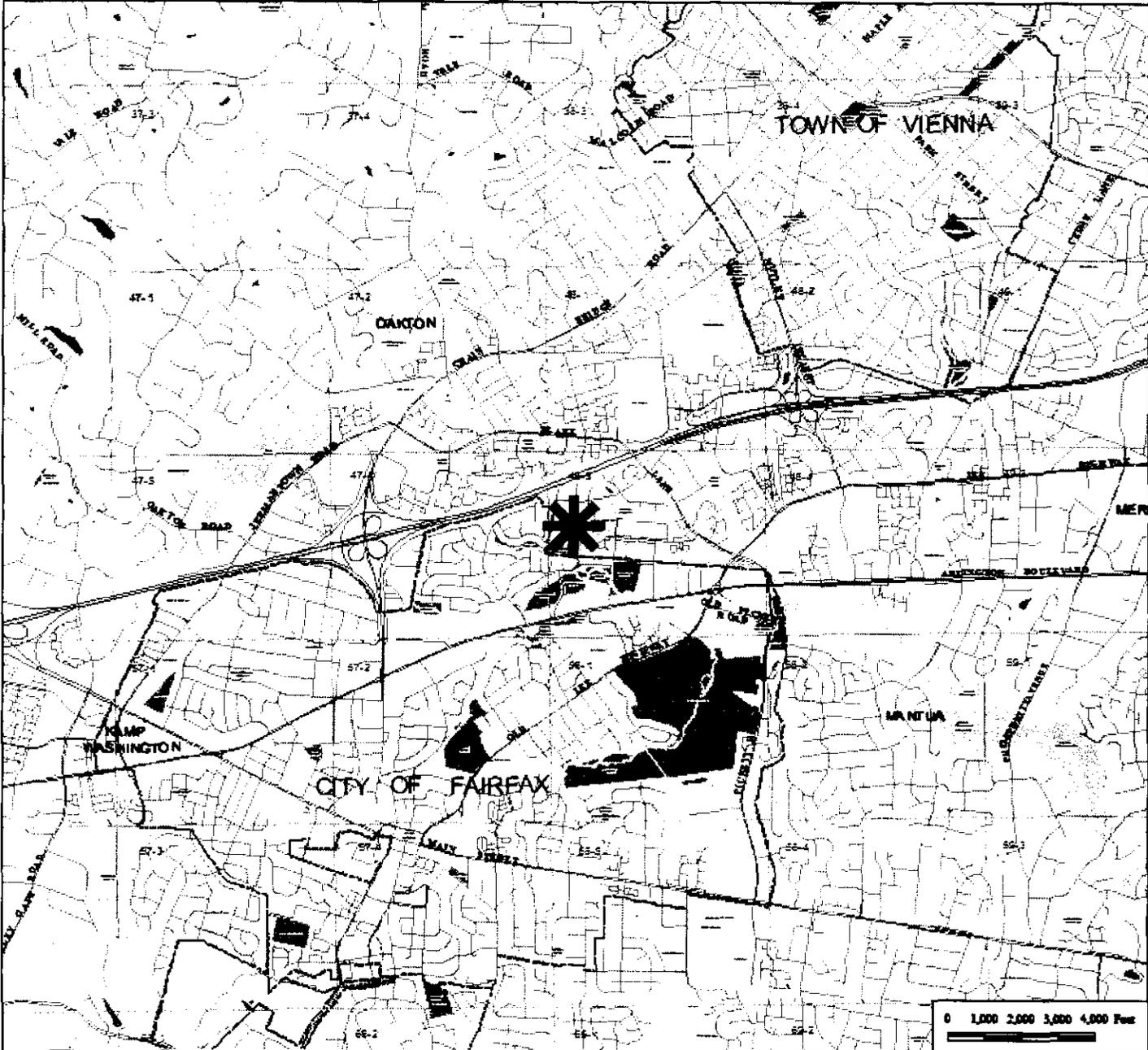
**Special Permit**  
**SP 2010-PR-054**

**Applicant:** THOMAS S. CHERRY  
**Accepted:** 09/13/2010  
**Proposed:** REDUCTION OF CERTAIN YARD REQUIREMENTS  
TO PERMIT ADDITION 6.0 FEET FROM SIDE  
LOT LINE



**Area:** 11,770 SF OF LAND; DISTRICT - PROVIDENCE

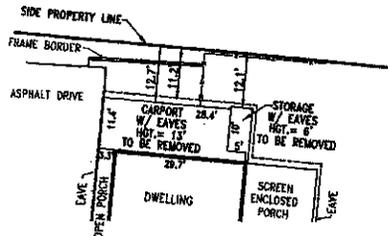
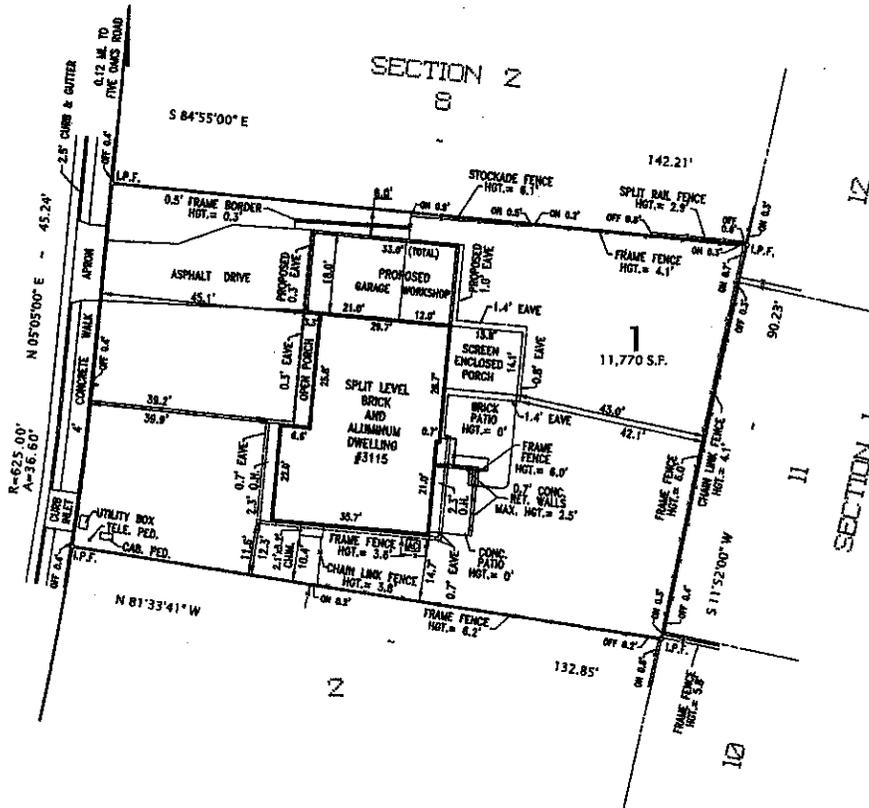
**Zoning Dist Sect:** 08-922  
**Art 8 Group and Use:** 9-21  
**Located:** 3115 NORTHWOOD ROAD  
**Zoning:** R-3  
**Overlay Dist:**  
**Map Ref Num:** 048-3-126/10001







**NORTHWOOD ROAD**  
ROUTE 4944  
50' R/W



EXISTING CARPORT AND STORAGE  
TO BE REMOVED WITH  
CONSTRUCTION OF NEW GARAGE

**NOTES**

1. TAX MAP: 48-3-0026-1
2. ZONE: R-3
3. LOT AREA: 11,770 SQUARE FEET
4. REQUIRED YARDS:
 

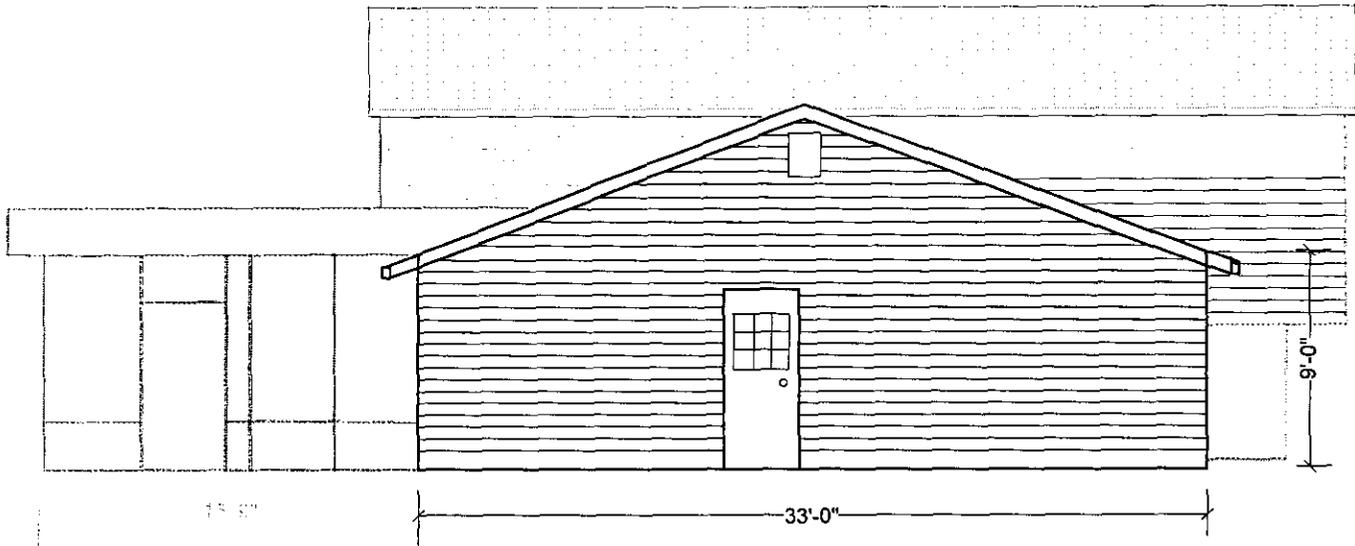
FRONT:	=	30 FEET
SIDE:	=	12 FEET
REAR:	=	25 FEET
5. HEIGHTS:
 

DWELLING	=	18 FEET
SCREEN ENCLOSED PORCH	=	11.2 FEET
OPEN PORCH	=	9.4 FEET
WALLS	=	AS NOTED
FENCES	=	AS NOTED
PROPOSED GARAGE	=	14 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. UTILITIES ARE UNDERGROUND.
10. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
11. THERE ARE NO FLOOD PLAINS, FLOOD HAZARD AREAS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. APPROXIMATE FLOOR AREAS:
 

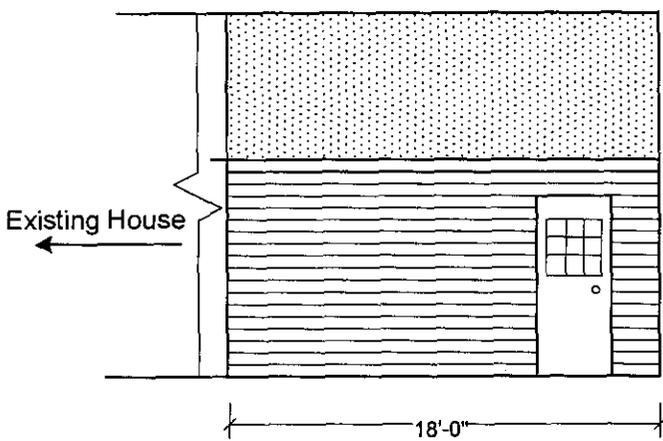
EXISTING DWELLING:	=	2,500 SQUARE FEET
PROPOSED ADDITION:	=	590 SQUARE FEET
FLOOR AREA OF PROPOSED GARAGE ADDITION	=	EQUALS 24% OF THE EXISTING FLOOR AREA.

**PLAT**  
SHOWING THE IMPROVEMENTS ON  
LOT 1 SECTION 3  
**VILLA D'ESTE**  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 20'      JANUARY 12, 2010

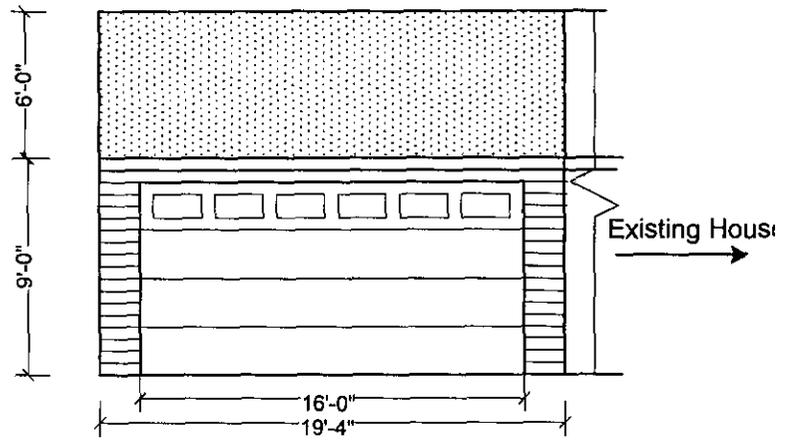
CASE NAME: <b>CHERRY</b>	 GRAPHIC SCALE
 PATRICK A. SARGENT L.C.S. NO. 2045 01/26/10	<p style="font-size: small;">BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET, BOUNDARY SURVEY NOT PERFORMED. PLAT SUBJECT TO RESTRICTIONS OF RECORD AND NO TITLE REPORT IS FURNISHED.</p> <p style="font-size: x-small;">I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CORNER FIELD SURVEY, AND THE LINES CORRESPONDING THEREIN, THERE ARE NO VISIBLE ENCROACHMENTS.</p>
<b>ALEXANDRIA SURVEYS</b> INTERNATIONAL, LLC 6210 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22310 TEL. NO. 703-660-6815 FAX NO. 703-668-7764	



Addition Side Elevation view with existing house shadowed

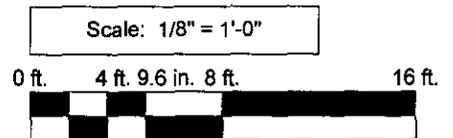


Addition Rear Elevation



Addition Front Elevation

3115 Northwood Road  
Fairfax, VA 22031



3115 Northwood Road  
Fairfax, VA 22031

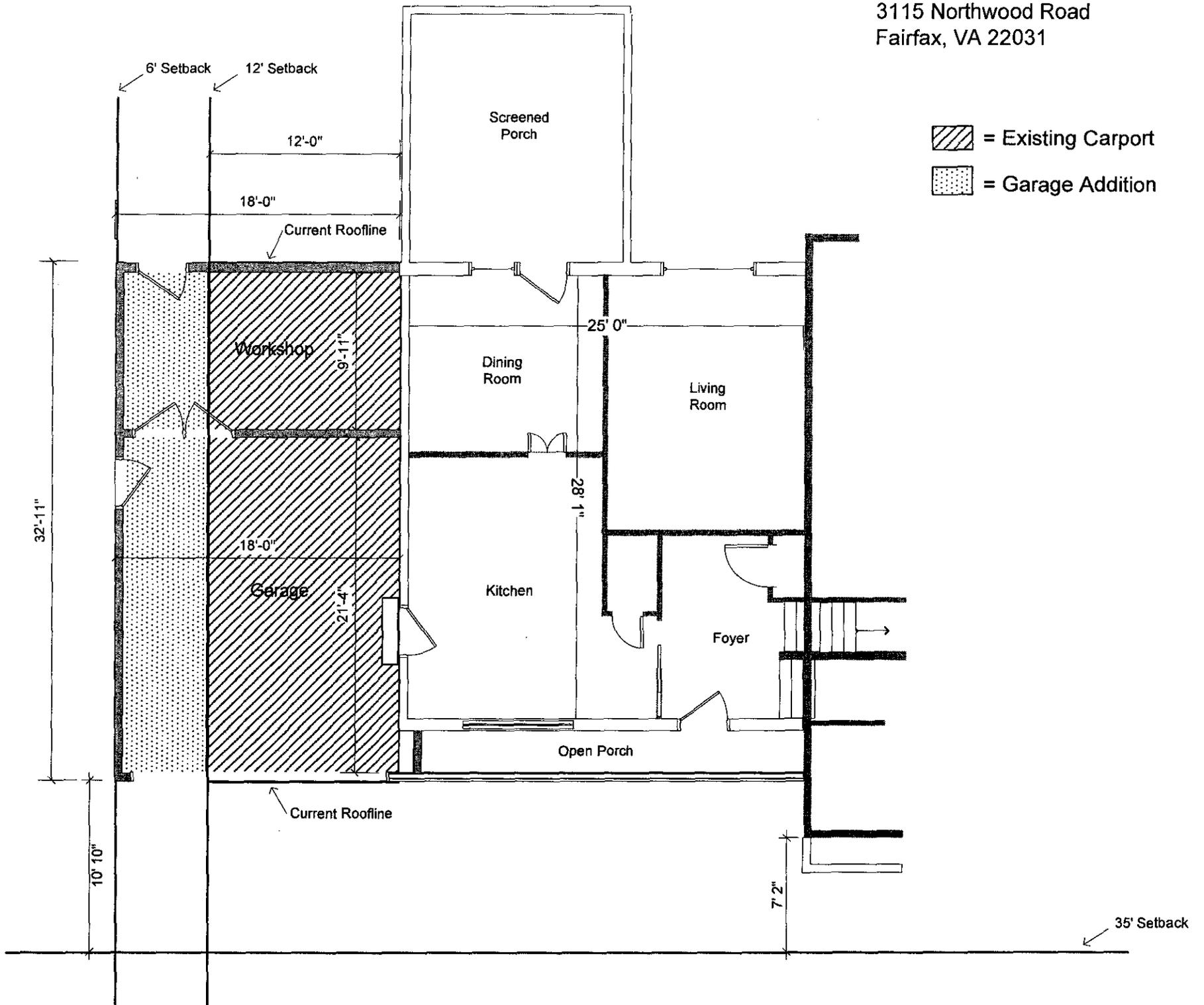




Figure 1 - 3115 Northwood Road - Front yard viewed from northwest



Figure 2 - 3115 Northwood Road - Front yard viewed from west

SE 2010 - 0135



Figure 3 - 3115 Northwood Road - Front yard viewed from southwest



Figure 4 - 3115 Northwood Road - North side yard close-up viewed from west  
(proposed garage will slightly narrower than the current asphalt driveway pad)



Figure 5 - 3115 Northwood Road - Year yard viewed from northeast

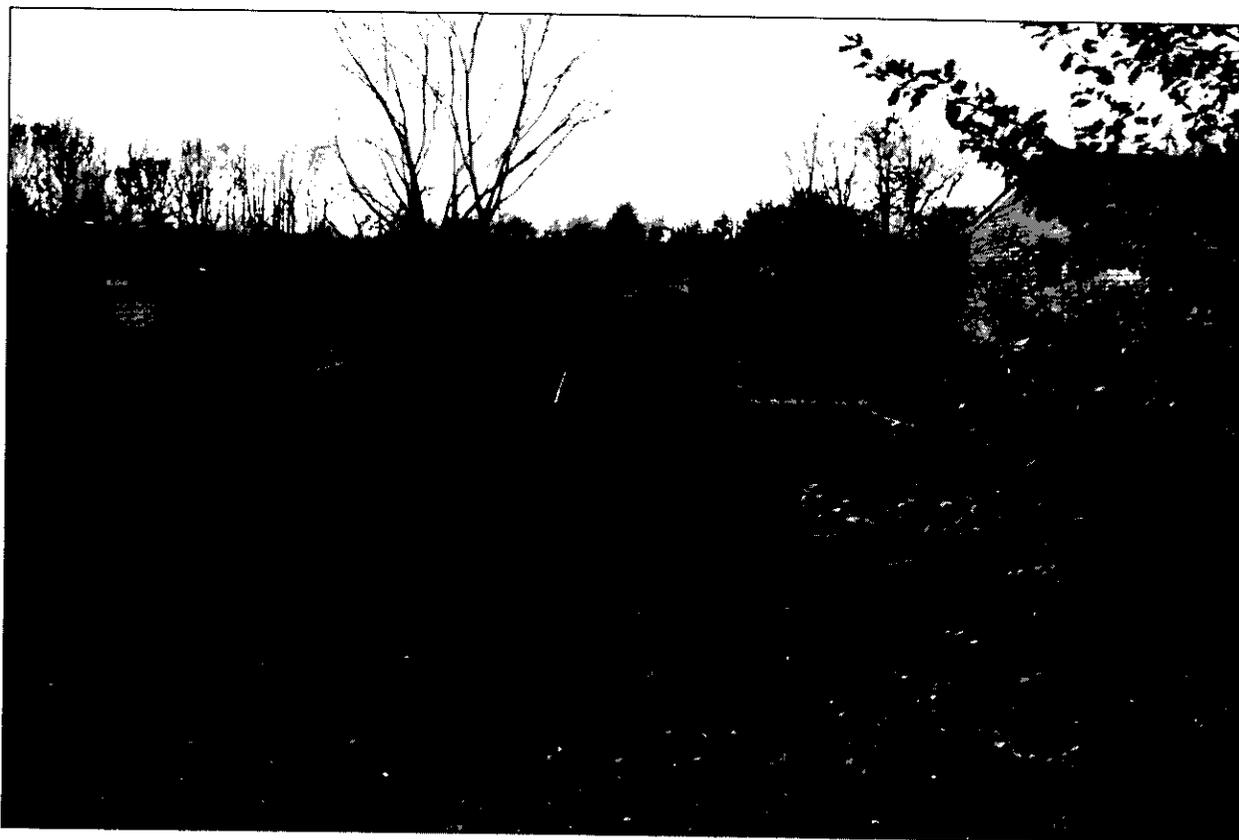


Figure 6 - 3115 Northwood Road - Year yard viewed from east



Figure 7 - 3115 Northwood Road - Year yard viewed from southeast

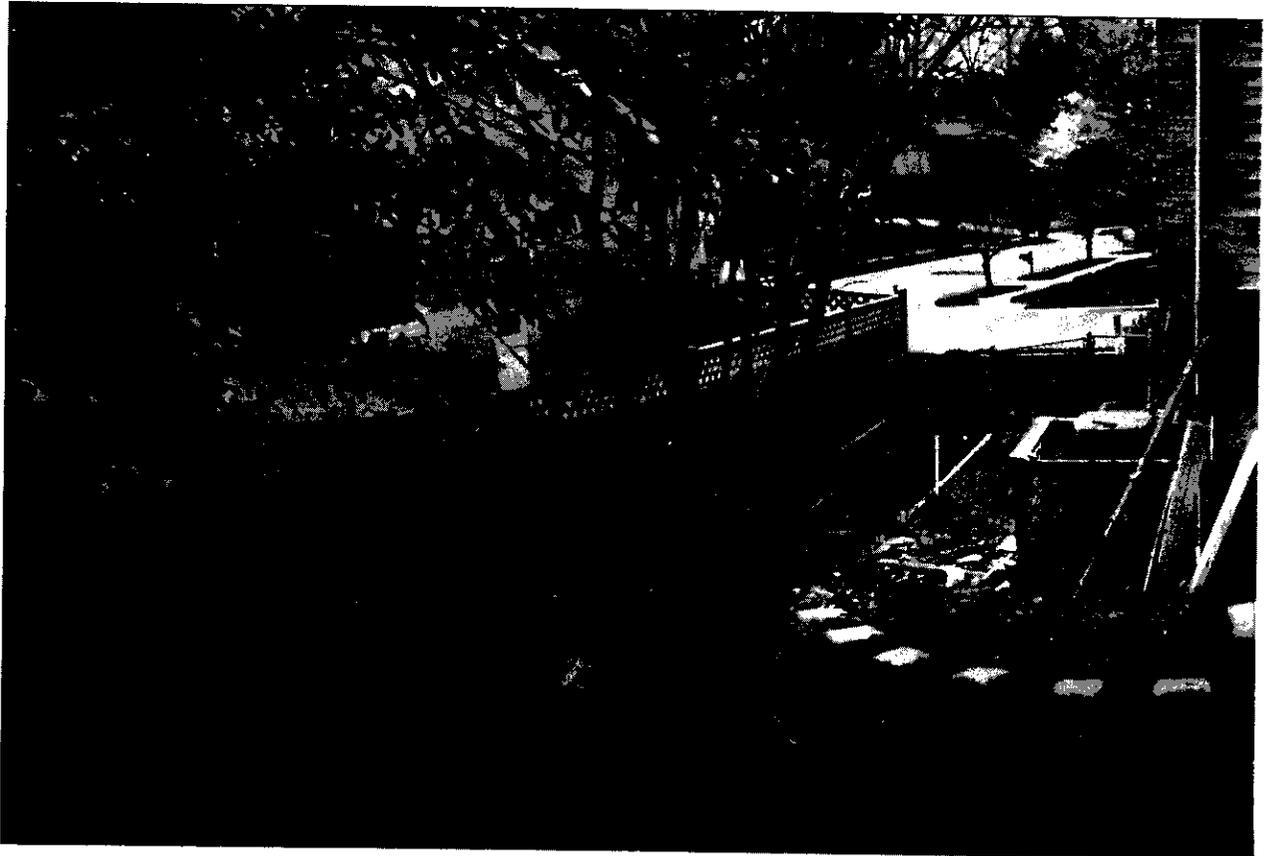


Figure 8 - 3115 Northwood Road - South side yard viewed from southeast



Figure 9 - 3115 Northwood Road - Panorama of year yard from north lot line looking south



Figure 10 - 3115 Northwood Road - Panorama of year yard from south lot line looking north



Figure 11 - 3115 Northwood Road - Panorama of rear yard behind current carport as viewed from northeast corner of proposed garage

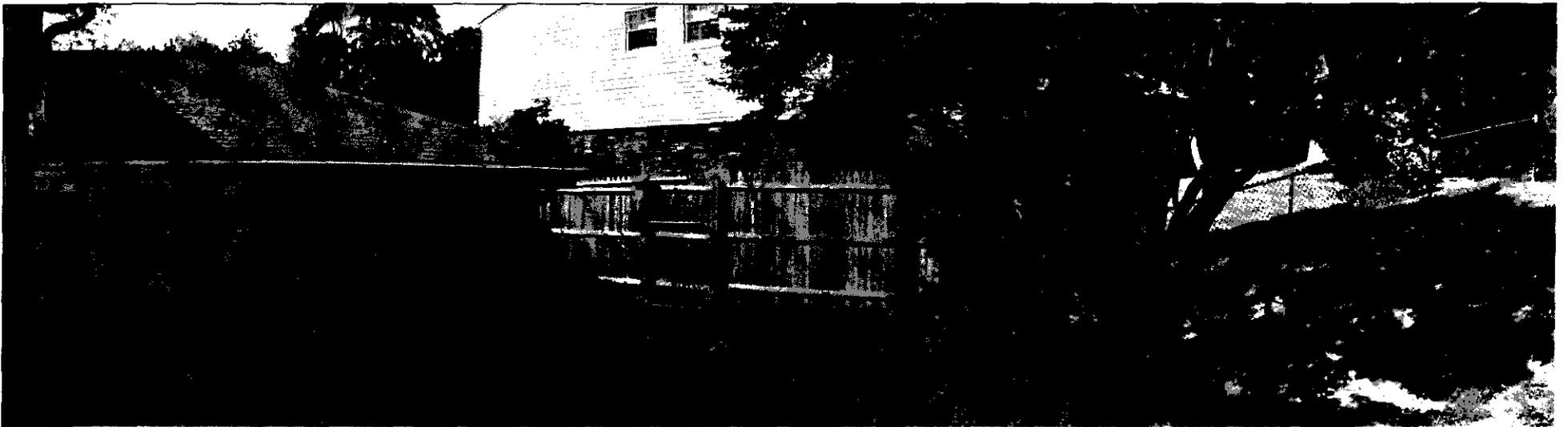


Figure 12 - 3115 Northwood Road - Panorama of rear yard behind current carport as viewed from screened porch door  
(small red and white stick just beyond the shadow marks corner of proposed garage)



Figure 13 - 3115 Northwood Road - Aerial view of house from west with photo index

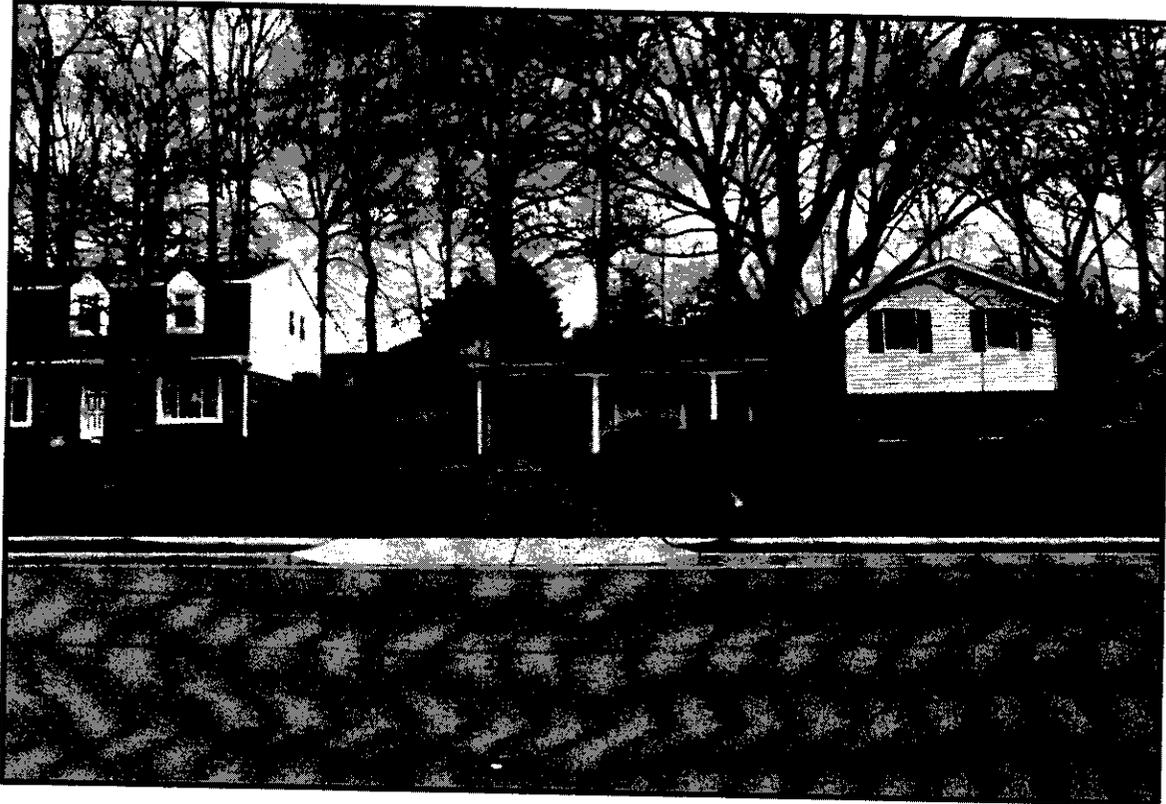


Figure 1, View of 3115 Northwood Road from the west.

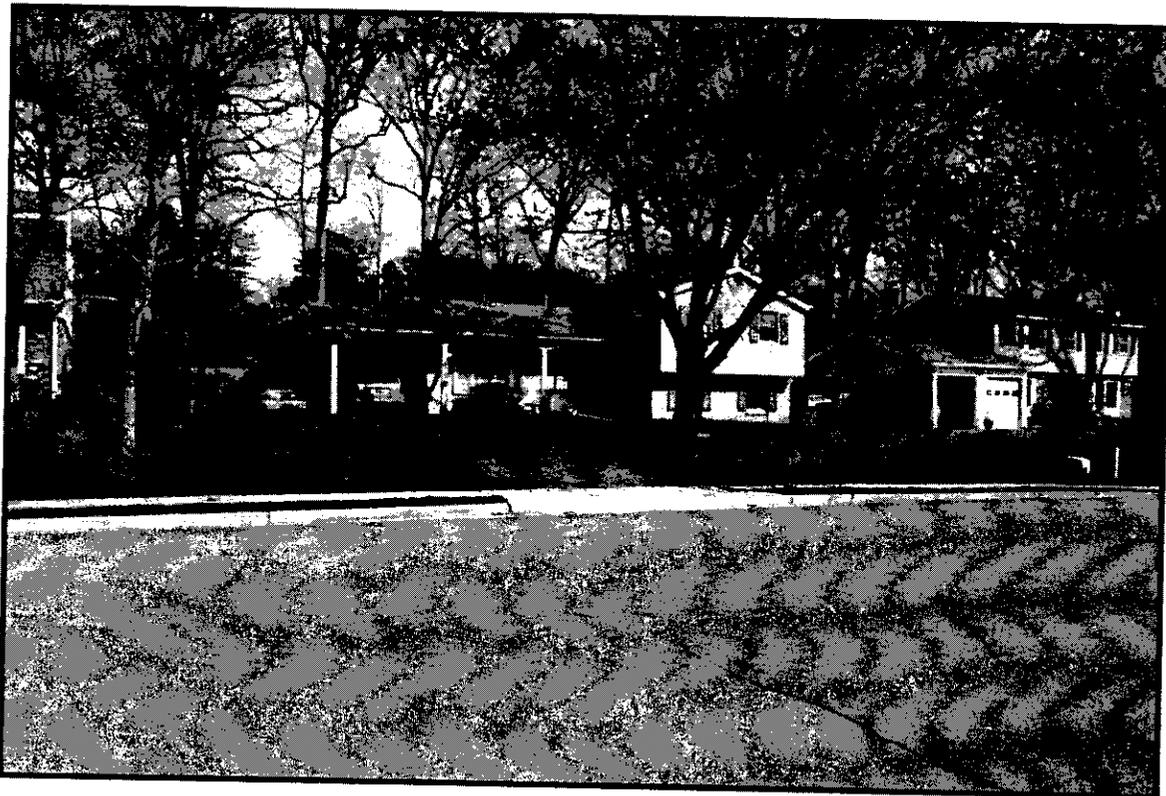


Figure 2, View of 3115 Northwood Road from the northwest.

RECEIVED  
Department of Planning & Zoning  
JUL 09 2010  
Zoning Evaluation Division



Figure 3 - 3115 Northwood Road - Viewed from the east



Figure 4 - 3115 Northwood Road - Viewed from the east

RECEIVED  
Department of Planning & Zoning  
JUL 09 2010  
Zoning Evaluation Division



Figure5 - 3115 Northwood Road - Viewed from southeast



Figure 6 - Picture index, number represents angle of picture for above figures

RECEIVED  
Department of Planning & Zoning

JUL 09 2010

Zoning Evaluation Division



**DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit to permit reduction of certain yard requirements to permit construction of a garage and workshop addition to be located 6.0 feet from the northern side lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	Addition	Side	12.0 feet	6.0 feet	6.0 feet	50%

\*Minimum yard requirement per Section 3-307

**EXISTING SITE DESCRIPTION**

The site is currently zoned R-3, developed with a split level brick and aluminum siding single family detached dwelling, built in 1972. The lot consists of 11,770 square feet and is surrounded by single family detached dwellings along all lot lines. A combination of split-rail, stockade and chain link fencing surrounds the side and rear yards. The property is accessed via an asphalt driveway from Northwood Road which terminates at a one-car carport at the dwelling. While the front portion of the lot slopes gently upward from the street to the dwelling, the rear of the lot has a steep slope from an existing screened porch and brick patio to the rear lot line. The lot contains existing mature trees and shrubs.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3	Single Family Detached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings
<b>South</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single Family Detached Dwellings

## BACKGROUND

On October 10, 2000, the Board of Zoning Appeals (BZA) approved variance application VC 00-P-105 on the subject property to permit construction of a garage addition to be located 4.0 feet from the northern side lot line. A copy of the approved Resolution and plat, in addition to the approved minutes, is attached as Appendix 4. As part of the Board's recommendation for approval, it was noted that "due to the slope of the backyard there is no other place to put the garage" and that "the impact of the extension to have a two-car garage is not going to be that much different from where the carport was now".

Subsequent to the BZA's approval of the variance application, on May 10, 2001, a law suit was filed by an adjacent homeowner, with the Fairfax County Circuit Court. The Court reversed the BZA's decision, stating in-part that the approval "constituted a special privilege or convenience in violation of VA Code" and "was based upon improper principles of law and was plainly wrong". A copy of the Circuit Court Order is attached as Appendix 5. The applicant stated that the judge in the case indicated that the Board did not have enough evidence before them to determine undue hardship. The applicant chose not to appeal the decision.

## ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Plat, Showing the Improvements on Lot 1, Section 3, Villa D'Este
- **Prepared by:** Alexandria Surveys International, LLC
- **Dated:** January 12, 2010

### Proposal:

The applicant proposes to construct a two-car garage and workshop addition, consisting of 590 square feet, to be located 6.0 feet from the northern side lot line. The one-story addition will incorporate not only a two-car garage, but will include an area within it for a proposed workshop to include storage, located to the rear of the garage. There is currently a shed located to the rear of the existing one-car carport, the area of which will provide the space for the workshop and storage. Although other homes within the existing neighborhood have detached storage structures, according to the applicant in referencing their Deed of Dedication, included in the statement of justification, Item 1 indicates that no building is permitted to be located on the lot other than the residential dwelling; therefore, the applicant states that storage must be confined to either the storage structure currently attached to the carport, or as proposed to be within the garage/workshop structure.

## ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application must meet all of the following standards, copies of which are attached as Appendix 6:

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

### **Sect. 8-006 General Special Permit Standards**

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

*General Standard 3* requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of the garage and workshop addition, where there currently exists a carport and storage structure, will not adversely affect the use or development of neighboring properties since a majority of the surrounding properties have enclosed garages on their homes and the request as proposed is modest. Additionally, the request has been reduced in location from the previous approval in 2000 from a 4.0 foot side yard setback to a 6.0 foot setback to lessen the impact on the adjoining neighbor, while still remaining harmonious with other properties in the neighborhood. Since filing this special permit application, the applicant has also received three (3) letters in support of their proposed request. Therefore, staff believes this standard has been met.*

### **Sect. 8-922 Provisions for Reduction of Certain Yard Requirements**

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of 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 dwelling is 2,500 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,750 square feet in size for a possible total square footage at build out of 6,250. The proposed garage/workshop addition is 590 square feet, for a total square footage of the house with the addition of 3,090 square feet. 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 elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed one-story addition will be compatible with the architecture of the existing dwelling on the lot. The proposed garage/workshop addition will not exceed the depth of the existing carport and shed. The height of the new addition (14.0 feet) will not exceed the height of the existing dwelling (18.0 feet); therefore, the proposed addition will be in character with existing on-site development. 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 applicant proposes to construct a one-story, two-car garage and workshop addition at the end of their existing driveway in place of an existing one-car carport and attached storage structure. The construction will extend 5.2 feet further into the side yard than the existing carport to provide for storage of personal vehicles and belongings. Many other properties in the immediate vicinity currently have enclosed garage structures, although they appear to have been constructed without the need for a variance or special permit. Staff believes that the application meets this provision.*

*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. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a 590 square foot one-story addition will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety, as it merely replaces a carport and shed and encloses an existing impervious area which includes driveway pavement. Staff believes the enclosure of the one-car carport structure would in fact reduce issues such as noise and light as the open structure would be enclosed and provide not only the applicant, but the adjacent property privacy. Staff believes the request is modest and does not believe it will increase runoff or erosion significantly as it will be placed where there is currently impervious surfaces, to include an asphalt driveway and concrete carport pad. Additionally, a small portion of the existing concrete pad is proposed to be removed upon completion of the garage, as shown in Figure 4 of the photos located at the front of the staff report. Staff believes that the application 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 request to construct a one-story, two-car garage and workshop addition is shown in the most logical location, as it will be placed where the existing driveway and concrete carport pad currently terminates. The request is modest in size and scale and is adding only an additional 6.6 feet of structure to accommodate vehicles, a workshop and storage area for household items, such as lawn equipment and children's toys. The addition as proposed will not be any longer than the existing open carport and storage structure that has existed since the house was constructed in 1972. As noted in the Board's approval in 2000, the lot is narrow and the topography, consisting of a significant slope, does not permit the applicant the ability to place the garage structure in any other location. Staff believes the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas are not applicable to this site.*

## **CONCLUSION**

Staff believes that the request 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 SP 2010-PR-054 for a one-story, two-car garage and workshop addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

**APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification and Attachments
4. Approved Resolution, Plat and Minutes
5. Fairfax County Circuit Court Order
6. Applicable Zoning Ordinance Provisions

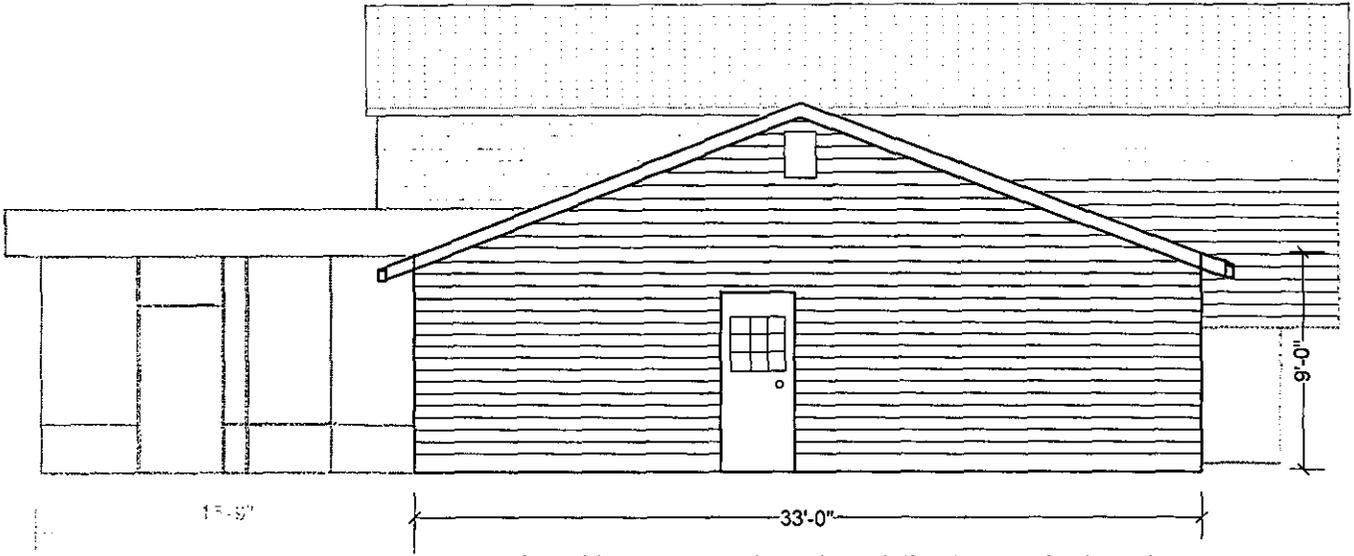
**PROPOSED DEVELOPMENT CONDITIONS****SP 2010-PR-054****November 24, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-PR-054 located at Tax Map 48-3 ((26)) 1 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

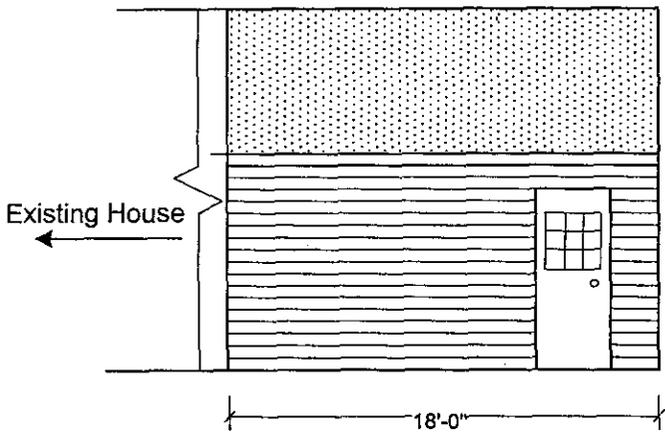
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a one-story garage and workshop addition (approximately 590 square feet), as shown on the plat prepared by Alexandria Surveys International, LLC, dated January 12, 2010, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,500 square feet existing + 3,750 square feet (150%) = 6,250 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. 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 as shown on 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.

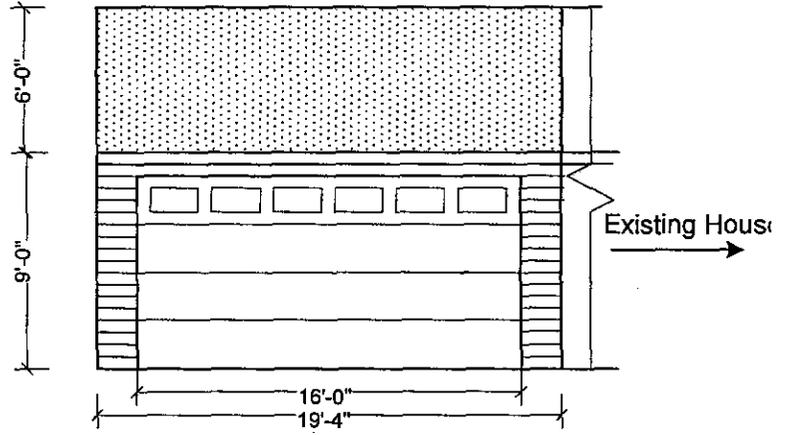
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



Addition Side Elevation view with existing house shadowed



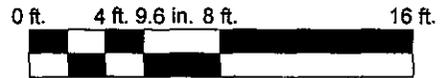
Addition Rear Elevation



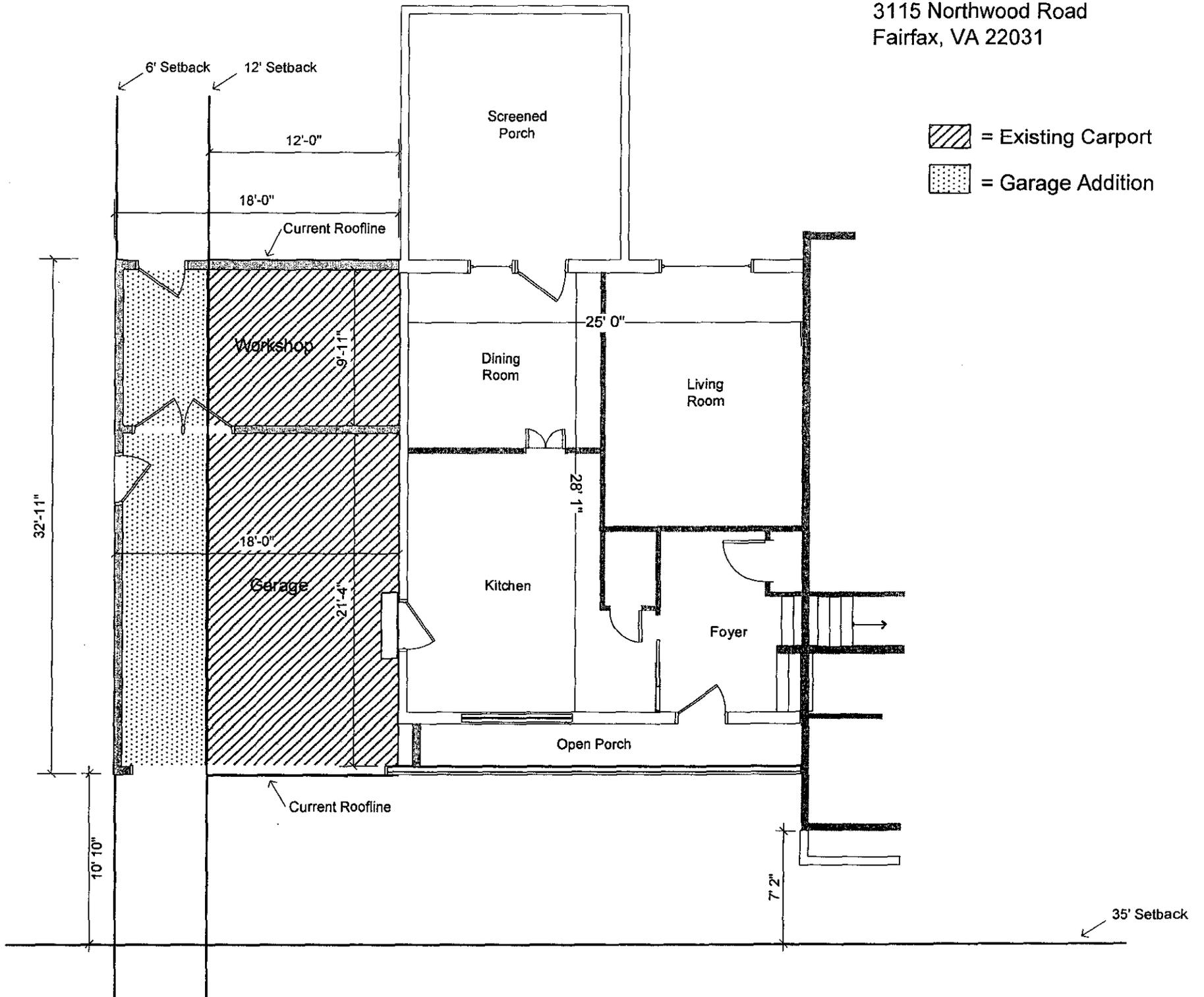
Addition Front Elevation

3115 Northwood Road  
Fairfax, VA 22031

Scale: 1/8" = 1'-0"



3115 Northwood Road  
Fairfax, VA 22031



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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/10/2010  
 (enter date affidavit is notarized)

I, Thomas S. Cherry, 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

109698

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)
Thomas S. Cherry	3115 Northwood Rd., Fairfax VA 22031	<b>Applicant / Title Owner</b>
Mary C. Cherry	3115 Northwood Rd., Fairfax VA 22031	<b>Title Owner</b>

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/10/2010  
(enter date affidavit is notarized)

109698

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)

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/10/2010  
(enter date affidavit is notarized)

109698

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)

(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: 6/10/2010  
(enter date affidavit is notarized)

109698

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: 6/10/2010  
(enter date affidavit is notarized)

109698

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

Applicant's Authorized Agent

Thomas S. Cherry / Applicant  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10 day of June 2010 in the State/Comm. of Fairfax, County/City of McLean

[Signature]  
Notary Public

My commission expires: 7/21/08

Thomas S. Cherry  
Mary Cronin Cherry  
3115 Northwood Road  
Fairfax, VA 22031

October 15, 2010

RECEIVED  
Department of Planning & Zoning

OCT 18 2010

Zoning Evaluation Division

Ms. Debbie Hendrick  
Fairfax County Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

Dear Ms. Hendrick:

We were asked to provide additional justification for a two-car garage due to the proposed narrow width of our original submission. The submitted plat shows a structure extending 18' from the current brick carport wall to a point 6 feet from the property line (50% of the required 12 foot setback). There was some concern that the interior width of the garage would be too narrow to accommodate two cars. The following should help clarify our plans and justify the narrow width of the two-car garage portion of the addition.

- 1) **To maximize the interior width of the garage, we plan to remove the bricks from the current carport wall and replace them with approved drywall. This should provide an additional 5" to the interior width of the garage, bringing the total interior width from 17'7" to 18' of parking space (see attached revised floorplan).** This was our original plan, but was not indicated on the submission because we did not think it was important to the decision. It was unclear on the original submission, but should be very clear now. Another way we will maximize the interior width of the garage is by not having a roof overhang on the north wall. This is a style similar to many of the homes in our neighborhood, including our adjoining neighbors.
- 2) **Two-car garage widths vary greatly, but 18' feet is an acceptable width.** While Fairfax County does not mandate minimum interior widths for two-car garages, we were able to identify several municipalities that do. Davis, CA and Torrance, CA require at least 18' interior width; Sunnyvale, CA requires at least 17' (we were unable to find any Virginia documentation defining minimum garage width). We were able to confirm that accessible parking spaces in public parking lots in Fairfax County must be at least 8'6" wide (17' for 2 spaces). (See attached references.)

Our current vehicles have a total width of 12'4" (Toyota Camry (5'11" wide) and a Honda Pilot (6'5" wide)) and we intend to park both cars in the garage (particularly during inclement weather). We realize that the interior width of 18' is narrow, but it WILL accommodate our standard-sized cars via a typical 16' two-car garage door, and allow for opening doors and moving around the cars. There will be nearly 6' total remaining space (approximately 2' on each side and between cars).

Many communities in the area have two-car garages that are 18' wide or even less. Attached are three floorplans from local builders with recent projects in our area: two with 18' wide garages and one with a 17'11" wide garage. Additionally, the Lakeport community in Reston has two-car garages that are 17'6" wide with 16' doors. Attached are two photos of garages in the Lakeport community showing two cars parked in them. Notice in the photos that the 17'6" width is further reduced by walls within the garages. We measured the garage at the widest part of the interior, not the narrowest. Despite the seemingly narrow width, residents still seem able to comfortably park two cars within them. In Photo 1, the total width of the cars is 12'2" (an Audi A4 and a Jeep Wrangler). In Photo 2, the total width of the cars is 11'8" (a Honda Element and a Honda Accord). Our Toyota Camry and Honda Pilot are a total of 12'4" wide, and our garage will be 6" wider than these examples.

**Our proposed structure is clearly the least amount necessary to accommodate our purpose, and is an acceptable width for a two-car garage.** Anything smaller would likely not be usable as a two-car garage for our current vehicles, thus we are requesting the full 50% reduction in the side yard setback.

- 3) **The additional depth of the structure (which does not exceed the current depth of the carport) is requested to accommodate a small workshop.** This area will be used to store tools (table saw, air compressor, etc.), tool bench, bikes, toys and lawn equipment, as well as exercise equipment. Having this workshop area will leave maximum parking space in the garage portion of the addition, minimizing our need for storing items in the garage. We also want to put a treadmill in the workshop, because our basement, where we have space for a treadmill, has a ceiling that is too low to accommodate a 6' tall person (Thomas) while jogging/running on it. The treadmill will require a significant portion of the workshop.

**Please also consider that our neighborhood has restrictive covenants that specify that no sheds are allowed in yards, so we really need the additional space in the workshop for storing items.** There is currently a small storage shed at the end of the carport, built by the original owners of the house, that allows for some storage. This storage space will go away when we remove the current carport. The new workshop will serve this purpose.

- 4) **To address the issue of the appearance of a 33' long wall on the north side of the property, we hope to break up the length of the wall in several ways.** We have proposed a door along the wall which will break up the length of the wall. There will also be a faux gable vent at the apex of the wall to improve the appearance of the wall. Currently, we have a 6' privacy fence that will remain and sit just beyond the side garage door (approximately 2/3 back from the front of the garage). This fence will also help break up the length of the wall. We will install a gate in this fence to allow us to easily conceal our garbage containers behind it, thus removing the need for space in the garage to store them.

October 15, 2010

Page Three

We have also planned to landscape the area beside the addition to make it more attractive from the street line. If the Board feels we should install a side window to further assist in making the wall more aesthetically pleasing, we will do that, but we prefer not to have a window on that wall for security purposes.

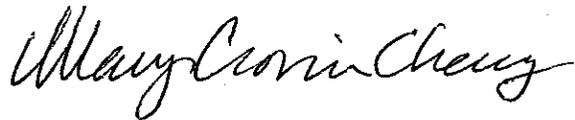
Please keep in mind that this is a one-story addition, and the main windows on the adjoining north lot are second story windows. The small window on the first floor of our neighbor's house is above their washer and dryer. Our proposed structure will not block any light to this window or any other window on their house since it is a lower elevation and only one story (see Figure 12 in the original submission package for a clear picture of these windows).

We appreciate your further consideration of our request.

Sincerely,



Thomas S. Cherry



Mary Cronin Cherry

# Revised Addition Floorplan 10/15/10

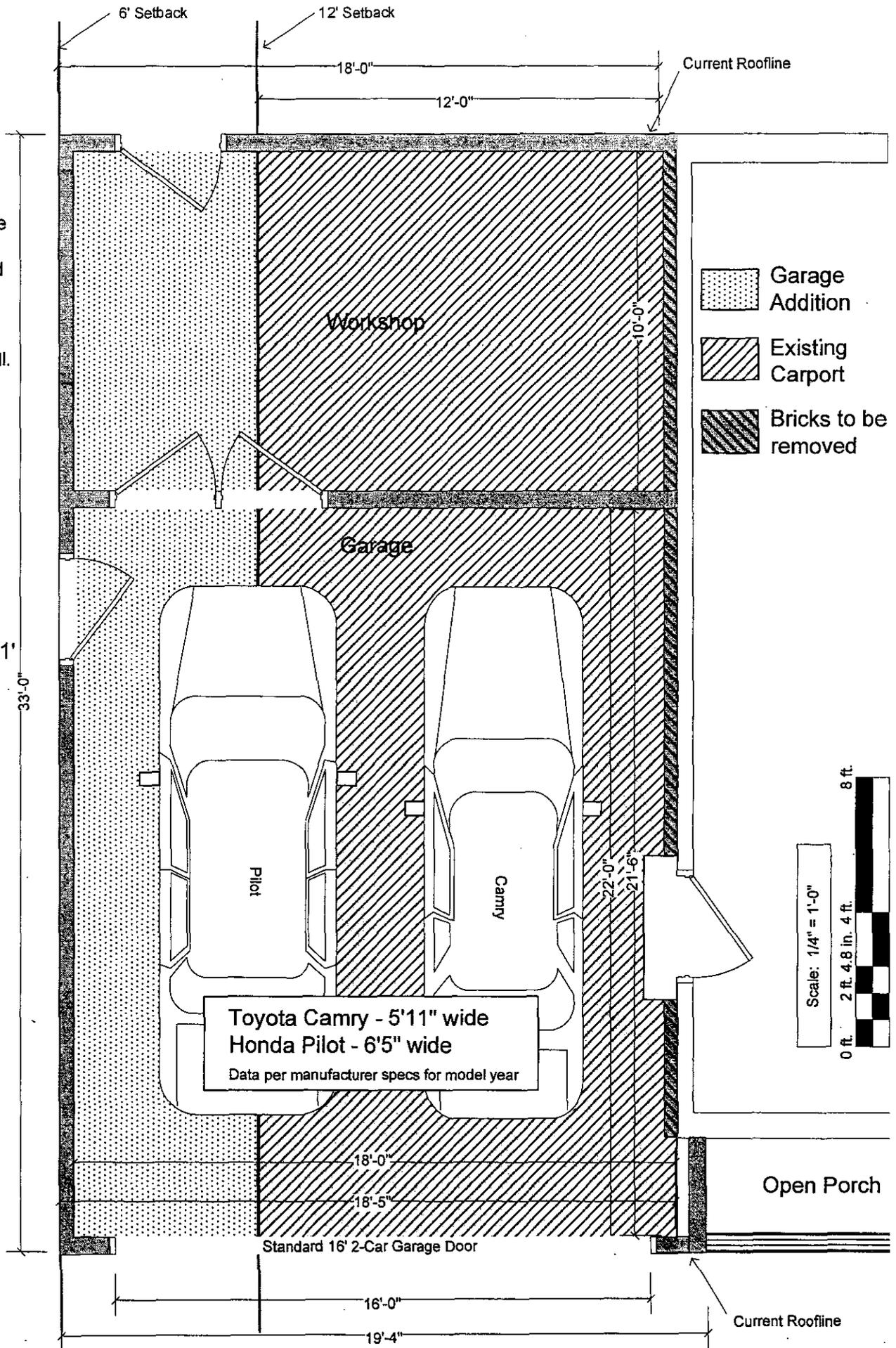
3115 Northwood Road  
Fairfax, VA 22031

Shows additional interior width and existing vehicles drawn to scale

Please note that the exterior wall location has not changed. The additional 5" interior width will be obtained by removing bricks from current carport wall and replacing with approved drywall.

Scale 1/4" = 1'

Garage Sq. Ft. = 387 (interior)  
Workshop Sq. Ft = 180 (interior)



Toyota Camry - 5'11" wide  
Honda Pilot - 6'5" wide  
Data per manufacturer specs for model year



Home Living Here Doing Business Visiting Departments & Agencies Search Site:

Index

- Contacts/Directions
- Disability Services Board Home Page
- Site Accessibility
- About Us
- Frequently Called Numbers
- Legal Resources
- Library Resources
- Service Animals
- Tax Information
- Transportation
- Meeting Accessibility
- Frequently Asked Questions
- Sites of Interest

Related Links

- Area Agency on Aging
- Boards, Authorities and Commissions
- Community Services Board
- Family Services
- Health Department
- Human Services

Online Services

Our Government

News and Events

Maps, Facts & Stats

State & Federal

homepage > health and human services > human services > fairfax area disability services board:

Printer Friendly A A A Text Text Only

Accessible Parking

To request a searchable Adobe PDF version of the information below, or alternative formats such as large print, please send a message that includes your mailing address and/or e-mail.

- Accessible Parking Spaces
  - Signs
  - Location, Number, and Size of Accessible Parking
  - Accessible Parking Spaces for Cars
  - Accessible Parking Spaces for Vans
- Disability Parking Placards and Plates
  - Placards and Plates
  - Application Process
  - Rights and Privileges
  - Privacy for Temporary and Permanent Placard Holders
- To Report a Violation
- Securing a Residential Accessible Parking Space
- Resources on the Web
- Appendix 1- Required Number of Accessible Parking Spaces
- Appendix 2- Sample Letter to Request a Reasonable Accommodation for an Assigned Parking Space

The Americans with Disabilities Act (ADA) is a federal law that gives people with disabilities the right to access public programs and public accommodations. Having accessible parking spaces, and the ability to reserve those spaces for people with disabilities, is vital for access. State and local laws, regulations, and codes-such as the Virginia Uniform Statewide Building Code and the Fairfax County Public Facilities Manual, and the Virginia Department of Motor Vehicle regulations determining who can park in accessible spaces-brings the ADA to life.

Accessible Parking Spaces

The ADA Standards for Accessible Design (ADAAG) sets standards for accessible parking which are in turn incorporated into state and local building codes. Accessible parking spaces must be provided in all parking areas open to the public and located on the shortest access route from the parking area to the facility entrance. The following information comes primarily from the ADAAG, but it's important to check the building codes applicable in your locality to make sure that there are no additional requirements. Good sources for the Virginia and Fairfax codes are listed in the resources section.

Signs

Accessible parking spaces are to be identified by an above-grade sign displaying the International Symbol of Access and the words "DMV PERMIT REQUIRED, PENALTY \$100 - \$500 FINE, TOW-AWAY ZONE". The signs shall be 12" wide and 24" high and shall be mounted on a wall or post so that the lower edge of the sign is not less than 4' nor more than 7" above grade. A van accessible space shall have an additional sign 12" wide and 7" high and shall display the words "VAN ACCESSIBLE". Note that an accessibility symbol painted on the parking facility floor cannot be the only way an accessible space is marked. It is the property owner/manager's responsibility to post accessible parking signs that conform to current regulations. The signs shall consist of white lettering on a blue background. A plate with the standards for Fairfax County is available online in the forms section of the Fairfax County Public Facilities Manual, numbers 32A-7 and 32B-7. In addition, the requirements for posting signage for accessible parking are also in plates 32C-7 and 32CM-7 of the Fairfax County Public Facilities Manual. (Please note: You must install a free plug-in on your computer to view the plates. The link to the plug-in are at the top of the page of the Facilities Manual.)

Disability parking signs can be obtained from commercial sign shops. Most sign shops also install the signs. Sign shops can be located in the Yellow Pages and the internet. Many indicate in their advertisements that they are in compliance with the ADA, but prices vary considerably and getting several quotes may assure the best price. Consumers are advised against using sign shops that are not aware of and do not have the current requirements for signs for the jurisdiction in which the signs will be placed.

Back to Top

Location, Number, and Size of Accessible Parking

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances. The law sets out the minimum number of accessible parking spaces, based on the size of the parking facility. Appendix 1 lists the minimum number of accessible van and car spaces required but check with local building codes should they be more stringent. Also note that for places having multiple parking facilities (such as malls) the numbers of total parking spaces are not combined to determine the number of accessible spaces. Instead, each parking facility is counted separately. In addition, at least one of eight parking spaces must be van accessible, and in facilities with fewer than eight accessible parking spaces, at least one must be van accessible.



Access aisle dimensions, sign specifications and accessibility routes (including appropriate curb ramps) are all specified by law. All parking spaces shall be delineated on both sides with a single line (stripe), with a minimum width of 4 inches. The width for a universal parking space is a minimum of 8 1/2 feet, measured from the centerline of one stripe to the centerline of the adjacent stripe.

Back to Top

**LOT COVERAGE (Section 91.4.9 of the TMC):**

Lot coverage refers to total land area covered by structures or the building footprint, excluding covered patios open on 2 sides or more.

- **One-story:** 50 percent of lot area
- **Two-story:** 40 percent of lot area

**USABLE OPEN SPACE (Section 91.4.10 of TMC):**

- One-third (1/3) of total lot area is to be provided as open space in one or more areas having minimum dimensions of 10 feet by 15 feet. Open space is defined as yards unobstructed from ground to sky, excepting covered patios not enclosed on more than 2 sides.

**ACCESSORY STRUCTURES (Section 91.4.8 of TMC):**

- Height: Limited to one-story and 14 feet in height.
- Living quarters prohibited.
- Setbacks: If located in rear ¼ of lot, may be setback 1 foot from rear property line and 1 foot from one interior side property line, provided setback to other interior side property line is no less than 10 percent of the lot width and no less than 3 feet. If not in rear ¼ of lot, building must comply with setbacks required for residence.

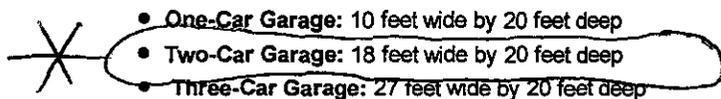
Accessory structure must be setback a minimum of 6 feet from residence.

- Maximum Area: Provided all setbacks are met, an accessory building of 400 square feet may be built on any lot. The building may also contain additional area equal to 25% of the required rear yard area. However, no accessory structure shall exceed 700 square feet in area.

**PARKING (Sections 93.1.3 & 93.2.1 of TMC):**

An enclosed two-car private garage is required for each single-family residence. Existing residences with a one-car garage will be required to provide a two-car garage at such time the aggregate value of the cumulative structural additions/alterations made reaches fifty (50) percent or more of the replacement value of such building or structure, plus one-third (1/3) of the garage, based on Table 3-A of Section 303 of the City Building Code.

**Minimum Interior Garage Dimensions (measured as clear areas inside garage):**

- 
- **One-Car Garage:** 10 feet wide by 20 feet deep
  - **Two-Car Garage:** 18 feet wide by 20 feet deep
  - **Three-Car Garage:** 27 feet wide by 20 feet deep

**GENERAL INFORMATION:**

- This handout is **only a summary** of the R-1 Development Standards. See Chapter 1, Article 4 of Division 9 of the Torrance Municipal Code for the complete standards. Additional Community Development Department handouts are available at the Community Development Department on how to calculate: FAR, building height, and, average setbacks.

Prepared by Torrance Community Development Department June 2002

[Back to Top](#)

# Municipal Code

[Davis Maps](#) | [Job Opportunities](#) | [City Council & Commissions](#) | [Departments](#) | [Contact Us](#)

## Municipal Code

[Municipal Code Main Index \(/\)](#) | [Search Municipal Code \(search.cfm\)](#) | [PDF This Article \(PDF\)](#)  
[\(printarticle.cfm?chapter=40&article=1890\)](#)

### CHAPTER 40 ZONING\* (CHAPTER.CFM?CHAPTER=40)

#### 40.25.070 Parking space size and access.

(a)Off-street parking space and maneuvering shall meet the requirements as established by the planning commission. In the case of two-way traffic, the following minimum widths shall apply for private driveways:

- (1)Serving one space, ten feet;
  - (2)Serving two to six spaces, twelve feet;
  - (3)Serving seven to twenty spaces, sixteen feet, except for high-turnover uses (less than one hour), where twenty feet is required;
  - (4)Serving twenty-one or more cars, twenty feet.
- (b)In the case of one-way traffic, the minimum private driveway width shall be ten feet.

(c)Back-out parking is prohibited, except for single and two-family dwellings and parking areas with three or less spaces.

(d)Minimum parking space dimensions are:

- (1)Standard space, nine feet by eighteen feet;
- (2)Compact space, eight feet by sixteen feet.\*

\*Compact spaces shall not be permitted in single-family residential zones.

Angled and parallel spaces shall be designed pursuant to the above dimensional requirements in conjunction with the "standard automobile parking dimension requirements" for said dimensions contained in the city's parking standards resolution.

(e)Minimum driveway widths and garage dimensions for single-family and duplex dwellings shall be:

**One CarTwo Cars**

Driveway Width9 ft. 18 ft.

garage Dimensions10 feet x 20 feet x

20 feet\*20 feet\*

\*At a minimum, unobstructed space (i.e., not occupied by permanent fixtures, cabinets, water heaters, etc.) within the garage must meet minimum parking space dimensional requirements (nine feet by eighteen feet for one space, eighteen feet by eighteen feet for two spaces).

In the case of an existing house and driveway (building permits issued prior to May 23, 1998), the total width of a driveway for two side by side spaces shall be sixteen feet.

(f)Required uncovered parking spaces for single family and duplex dwellings located in the front yard shall not be used for, or obstructed by, storage of material, equipment or inoperable vehicles. (Ord. No. 296, § 23.5A; Ord. No. 377; Ord. 945, § 1, 2; Ord. No. 1040, § 1; Ord. No. 1940, §§ 2, 3.)



# THINGS TO KNOW FOR ADDITIONS OR NEW CONSTRUCTION OF SINGLE FAMILY HOMES

## DESIGN REVIEW

The following projects require approval of a Design Review with the Planning Division:

- Projects resulting in a significant change in the appearance of the exterior,
- One-story residential project that adds 20% or more square footage to the existing floor area (including the garage), and
- Second story additions, regardless of size.

The design is reviewed for compliance with development standards and the design policies described in the *Single Family Home Design Techniques or Eichler Design Guidelines* as applicable. This document is available online at the website listed below. Please see the Design Review handout for complete information.

## PARKING REQUIREMENTS

### Homes with Less Than Two Covered Spaces and Two Uncovered Spaces

If the home has an existing one-car garage or carport, additional parking may be required. If the addition results in 4 or more bedrooms (dens or studies count as bedrooms) or 1,800 square feet or more of floor area (including the garage), two covered spaces must be provided on the property. This parking must meet setback requirements and minimum dimensions. See sidebar for more information.

### Garage Conversions or Reductions in Garage Size

If you would like to convert an existing garage/carport into living area, you will be required to provide an equivalent number of covered parking spaces on your property. Existing garages/carports which do not meet the minimum dimensions (see sidebar) may not be reduced further in size.

## SOLAR STUDIES

The purpose of a solar study is to ensure that new structures do not shade more than 10% of the area of an adjacent building's roof, protecting the property owners' ability to install solar panels. Solar studies demonstrating compliance with this requirement may be required for any second story addition or new two-story home. Refer to the Solar Study handout and contact the on-duty planner for more information.

## VISION TRIANGLES

Vision triangles are areas which must be kept clear of all objects except for fences, hedges, shrubs or other natural objects of 3 feet or less in height. All lots must maintain 10-foot driveway vision triangles. Corner lots must maintain a corner vision triangle of 40 feet. See the Vision Triangle brochure for further information.

## FIRE SPRINKLERS

If you are building a new house or an addition greater than 50% of the existing living area (not including the garage), you are required to install fire sprinklers through the entire house. A Fire Protection Engineer can answer any questions you have about this requirement.

### CORNER LOTS

Corner lots must maintain a 40 ft. vision triangle clear of any objects greater than 3 ft. in height.

### MINIMUM 2-CAR GARAGE DIMENSIONS

A two-car garage must be 400 sq. ft.

minimum. The interior dimension of the garage cannot be reduced to less than 17' (w) x 18' (d).

### MINIMUM 1-CAR GARAGE DIMENSIONS

A one-car garage must be 200 sq. ft.

minimum. The interior dimension of the garage cannot be reduced to less than 8.5' (w) x 18' (d).

### ROOF MATERIALS

All roof materials must equal or improve the quality of the existing material on the house.

For example, 30-year composition shingles must be replaced with 30-year or better.

Please see the Re-Roofing handout for further information.

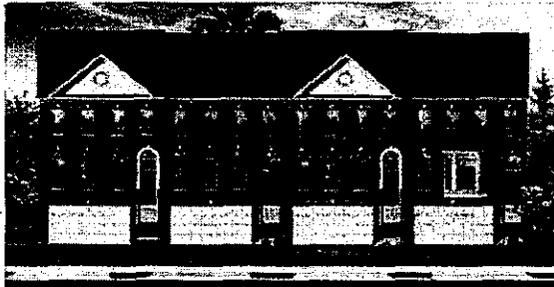
# The Hylton Group

*The Tradition Continues...*

## Saddle Ridge

"Austin"

Located at Intersection of Spriggs Road and Riverside Dr in Dale City, Va



Starting at \$324,900

### Off-Site Sales Center Location

13601 Hidden Creek Rd

Manassas, Va 20112

(at intersection of Token Valley Rd and Hidden Creek Rd.)

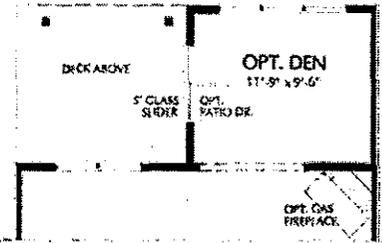
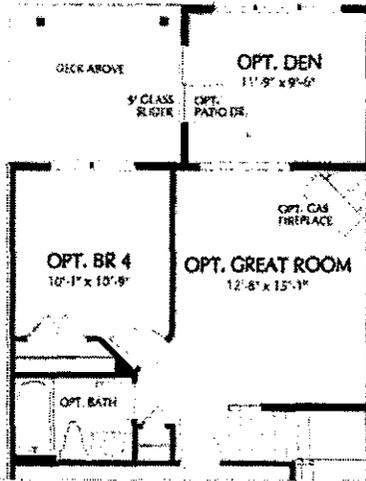
- 3-4 Bedrooms with 2 ½-3 ½ Baths
- 8 and 9 Foot Ceilings
- \* 2 Car Garage see attached floorplan
- Handset Ceramic Tile in Bathrooms (18'x20')
- 65 Gallon Hot Water Heater
- Advanced Wiring System for TV & Phone
- Timeless Traditional Colonial Architecture
- Oversized Windows and Trim
- Insulated Tilt-In Windows
- Owners Bath with Separate Shower & Soaking Tub
- Hardwood Foyer Entrance
- Designer Two Tone Paint
- Cultured Marble Tops on all Vanities
- Decorative Light Fixtures
- Plus Much More!!!

Please Visit <http://www.hyltonsavings.com> to View all of Our Current Promotions and Incentives!

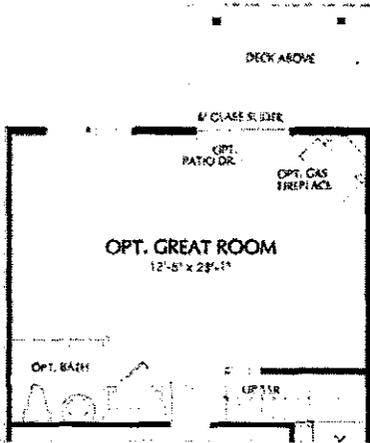
For more information please contact Judy Powell- Sales Manager at (703) 590-3500

Visit our webpage at <http://www.thehyltongroup.com>

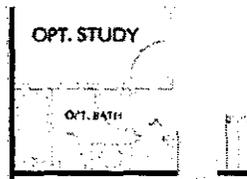




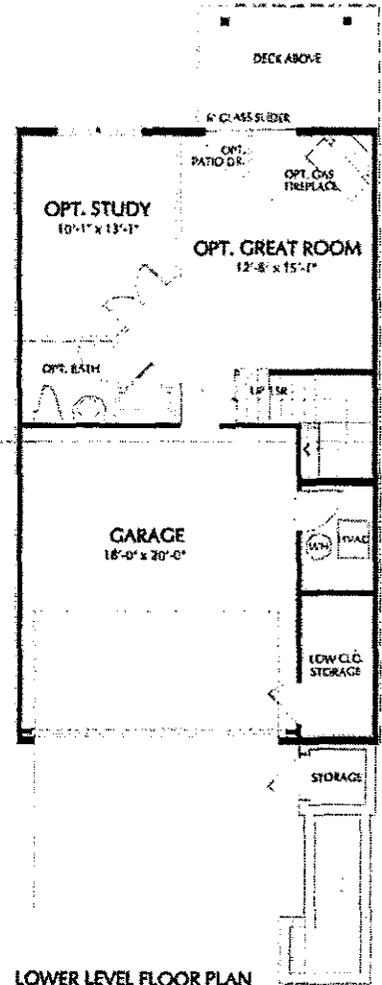
PARTIAL LOWER LEVEL PLAN  
W/ OPT. 1st FLOOR SUNROOM



PARTIAL LOWER LEVEL PLAN  
W/ OPT. EXPANDED GREAT ROOM



PARTIAL LOWER LEVEL PLAN  
W/ OPT. FULL BATH



LOWER LEVEL FLOOR PLAN

18'0" x 20'0" →

THE HYLTON GROUP  
THE AUSTIN

The  
Hylton Group  
The Tradition Continues...

Illustrations are artist's renderings only and may vary in detail from plans and specifications and are subject to change.  
Due to changes in building codes and product improvements, the plans are subject to modification.



# Enclave at Poplar Run

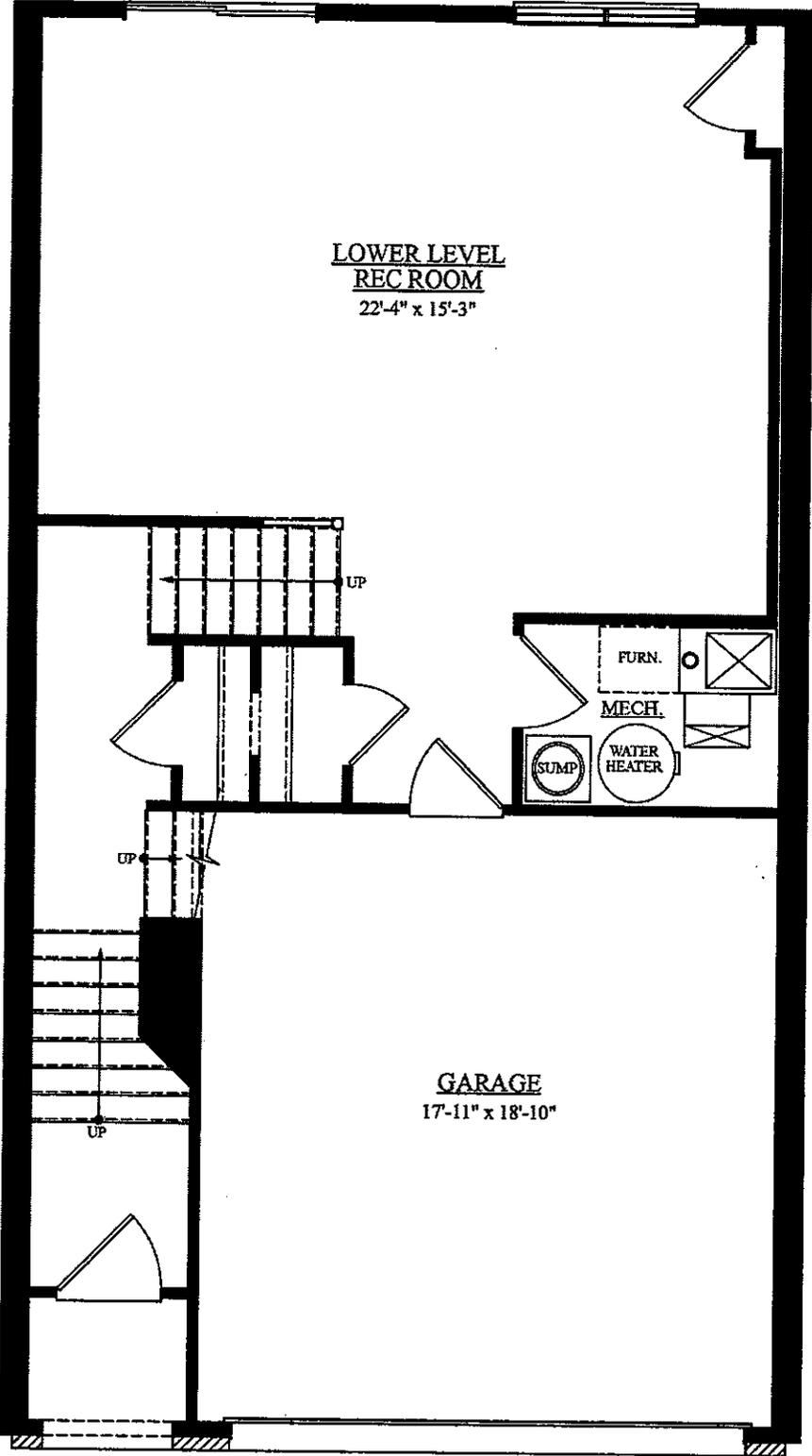
## Included Features

- Three finished levels
- Gas fireplace with slate surround
- Upgraded Kichler light fixture package
- 30 year architectural shingles
- \* Two car garage with Amarr "Carriage" style garage door(per plan)
- Two hose bibs (front and rear)
- Hardwood floors in foyer and kitchen
- Nine foot ceilings on first floor
- Second floor vaulted ceilings (per plan)
- Upgraded gourmet kitchen with Aristokraft 42" maple or oak cabinetry
- Oak staircase from entry to 1st floor (per plan)
- Granite kitchen countertops
- Whirlpool complete appliance package: \*Cooktop with 30" wall oven (per plan) \*22 cubic foot side by side refrigerator with ice maker \*Dishwasher
- Ceramic tile in all bathrooms
- iLevel flooring systems
- Deluxe interior moulding and trim package with crown moulding, chair rail, and door casements
- Carbon monoxide detectors on each floor
- Two ceiling fan pre-wires (with choice of location)
- Three category 5 phone pre-wires
- Three RG-6 cable pre-wires
- Architecturally designed brick front, accents, stoop, and lead walk (per plan)
- R-38 Insulated Ceilings
- R-13 Insulated Exterior Walls
- R-19 Insulated in Cantilevers
- 65 gallon quick recovery gas water heater
- Ply Gem Classic low E argon gas filled windows
- Programmable thermostats
- Full pre-settlement demonstration
- Quality inspection process for over 52 phases of construction
- 10 year limited homeowner's warranty
- Manufacturers' limited warranties
- State-of-of-the-art online warranty tracking system available 24/7
- Exclusive Your Home. Your Way.™ customization program
- Celebrating 30 years of industry experience
- Awards of excellence received from Maryland National Capital Building Industry Association, National Association of Home Builders, and Northern Virginia Building Industry Association

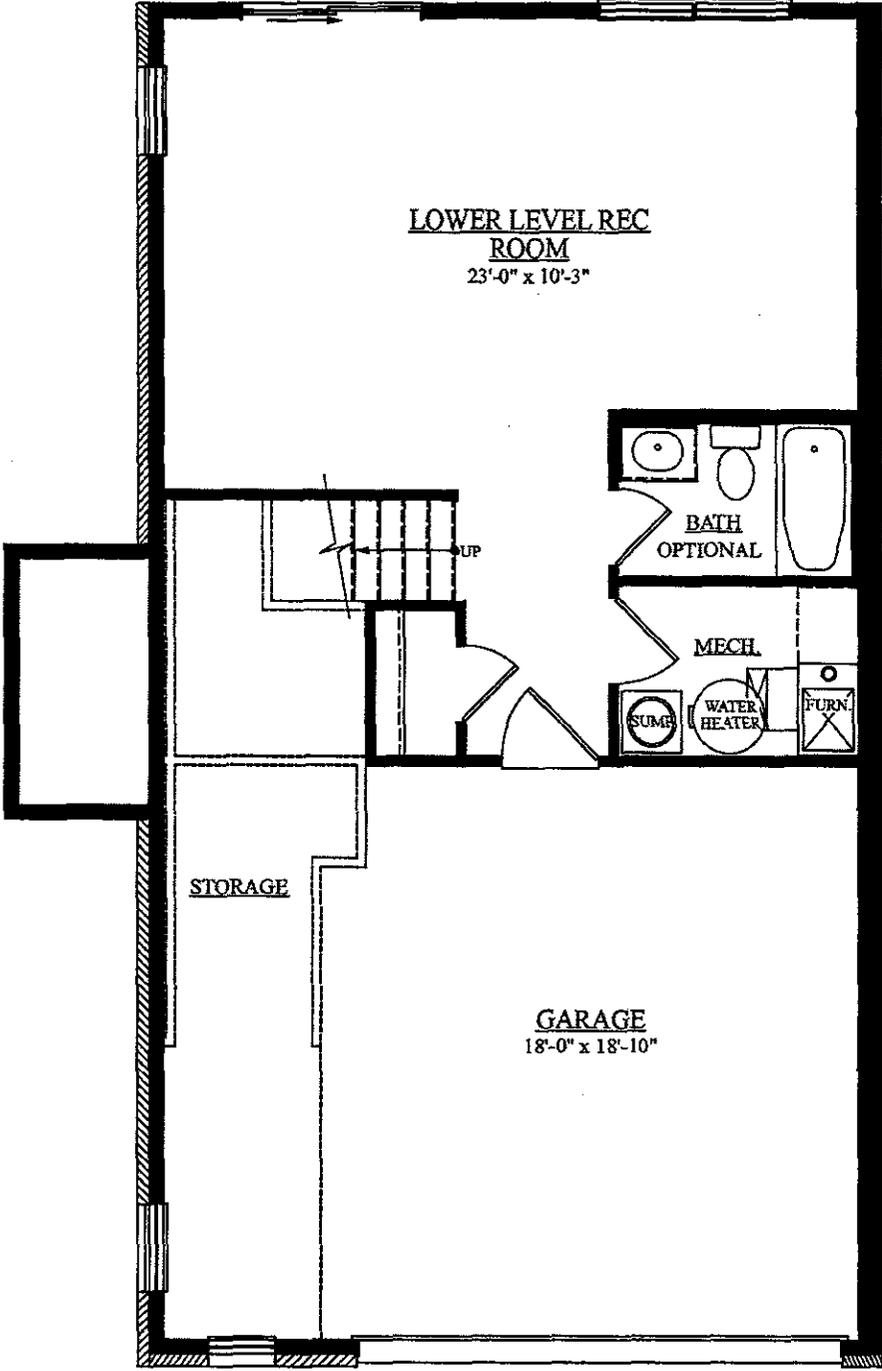
See two  
attached floorplans  
(17'11" x 18'10" and  
18' x 18'10")

Winchester Homes  
Silver Spring, MD - Poplar Run

# THE MANOR PAXTON AT THE ENCLAVE AT POPLAR RUN



# THE PEMBERTON AT THE ENCLAVE AT POPLAR RUN



FINISHED BASEMENT PLAN

Winchester Homes

## Garages in Lakeport community in Reston



Photo 1 - Garage 17'6" wide with 16' door, width of cars 12'2"

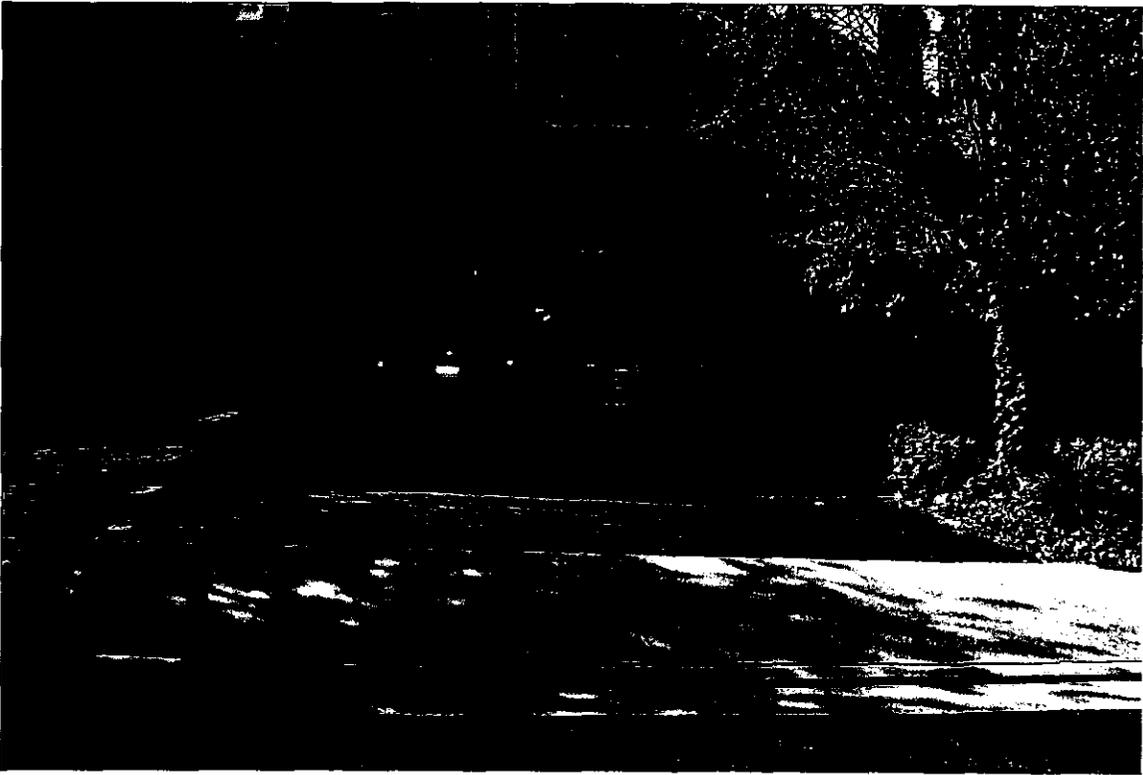


Photo 2 - Garage 17'6" wide with 16' door, width of cars 11'8"

RECORDED 3421 336

9194

THIS DEED OF DEDICATION, Made this 27th day of April, 1971,  
by FAIRMONT CONSTRUCTION CORPORATION, a Maryland corporation,  
party of the first part;

WITNESSETH: That

WHEREAS, the party of the first part is the owner in fee simple and sole proprietor of a certain parcel of land containing 9.5508 acres, situate and being in Fairfax County, Virginia, and hereinafter more fully described; and

WHEREAS, it is the desire of the party of the first part to subdivide the aforesaid land into lots and dedicate certain parts thereof to streets, roadways and easements, and the said Subdivision is to be known as Section Three, Villa D'Este.

NOW, THEREFORE, the party of the first part does hereby subdivide that certain parcel of land situate and being in Fairfax County, Virginia, and more particularly described as follows:

BEGINNING at a point on the southerly right of way line of Five Oaks Road, said point also marking a corner common to Villa D'Este, Section 2, a subdivision recorded among the land records of Fairfax County, Virginia; thence departing the southerly right of way line of Five Oaks Road with the line of Villa D'Este, Section 2, the following courses and distances: S 08° 51' 36" W, 558.15 feet; S 30° 36' 39" E, 64.10 feet; S 84° 55' 00" E, 111.36 feet; S 05° 05' 00" W, 11.00 feet, and S 84° 55' 00" E, 192.21 feet to a point in the line of Villa D'Este, Section 1, a subdivision recorded among the land records of Fairfax County, Virginia; thence with the line of Villa D'Este, Section 1, S 11° 52' 00" W, 252.94 feet to a point marking a corner common to Gilford and Mary W. Shirley; thence departing the line of Villa D'Este, Section 1, with the line of Gilford and Mary W. Shirley, N 84° 55' 00" W, 724.79 feet to a point in the line of Mosby Woods, Block T, Section 7; thence with the line of Mosby Woods, Block T, Section 7, Jessie Lee Spielman and Mortimer B. Phillips, N 11° 52' 00" E, 894.93 feet to a point in the southerly right of way line of Five Oaks Road; thence with the southerly right of way line of Five Oaks Road S 84° 55' 00" E, 344.75 feet and S 05° 05' 00" W, 17.50 feet to the point and place of beginning, containing 9.5508 acres of land;

April 26, 1971  
return to:

LAW OFFICE  
JOHN F. RUTLEDGE  
ATTORNEY AT LAW

FILED 3421 337  
BOOK 3421 337

to be now known as Lots ONE (1) through TWENTY FOUR (24), both inclusive, Section THREE (3), VILLA D'ESTIE, as the same is shown on the plat prepared by B. Calvin Burns, Certified Land Surveyor, dated 22 October 1970, which is attached hereto and made a part hereof.

This Subdivision is made in accordance with the desires of the owner and in accordance with the statutes of the State of Virginia and the ordinances of the County of Fairfax governing the subdividing and platting of land. All streets which appear on the plat attached hereto and made a part hereof are hereby dedicated as public streets, and all easements are hereby granted.

It is understood that the said land is to be owned subject to the following restrictions, conditions and limitations which are to be construed as covenants running with the land:

1. Land use and building type: No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars.
2. Building location: No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building set back line established by County ordinance. In any event, no building shall be located on any lot nearer than 35 feet to the front lot line.
3. Lot area and width: No dwelling shall be erected or placed on any lot having a width of less than 70 feet at the building line nor shall any dwelling be erected or placed on any lot having an area of less than 8,400 square feet.
4. Nuisances: No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
5. Temporary structures: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.
6. Garbage: No lot shall be used or maintained as a dumping ground for rubbish.
7. Refuse disposal: Trash, garbage or other waste shall not be kept except in sanitary containers; all incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

BOOK 3421 PAGE 338

8. Livestock and poultry: No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purposes.

9. Signs: No signs of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

10. Land near parks and water courses: No building shall be placed nor shall any material or refuse be placed or stored on any lot within 20 feet of the property line of any part or edge of any open water course, except that clean fill may be placed nearer provided that the natural water course is not altered or blocked by such fill.

11. Sight distance at intersections: No fence, wall, hedge or shrub planting which obstructs sight line at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property line extended. The same sight line limitations shall apply on any lot within 10 feet of the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections.

12. Easements: Easements for installation and maintenance of utilities and drainage facilities are reserved over the rear five feet of each lot.

13. Term: These covenants are to run with the land and shall be binding on all parties and on all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years, unless an instrument signed by a majority of the then owners of the lots has been recorded to change said covenants in whole or in part.

14. Severability: Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

15. Enforcement: Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

IN WITNESS WHEREOF, the party of the first part, acting pursuant to authorization from its Board of Directors, has caused this Deed of Dedication to be executed on its behalf by ALEXANDER

LAW OFFICE  
JOHN F. RUTLEDGE  
WASHINGTON, VIRGINIA

DEED BOOK 3121 PAGE 389

LUKINSON, its President, and its corporate seal to be affixed and attested by FLORENCE HERTZLICH, its Secretary, all on the date first above written.

FAIRMONT CONSTRUCTION CORPORATION

By: Alexander Lukinson  
President



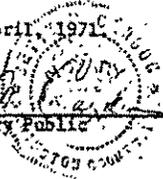
Attest:  
Florence Hertlich  
Secretary

STATE OF VIRGINIA

COUNTY OF ARLINGTON, to-wit:

I, Betty McCard, a Notary Public in and for the County aforesaid, State of Virginia, whose commission as Notary expires January 25, 1975, do hereby certify that ALEXANDER LUKINSON and FLORENCE HERTZLICH, whose names as President and Secretary, respectively, of FAIRMONT CONSTRUCTION CORPORATION are signed to the foregoing Deed of Dedication bearing date the 16th day of April, 1971, have acknowledged the same before me in my County and State aforesaid, that the same is signed and acknowledged by due authority.

GIVEN under my hand this 16th day of April, 1971  
Betty McCard  
Notary Public



T-15325

In the Clerk's Office of the Circuit Court of Fairfax County, Virginia APR 16 1971 at 2:46 PM  
This instrument was received and, with the certificate annexed, admitted to record with plat attached

Attest:  
John F. Rutledge Clerk

LAW OFFICE  
JOHN F. RUTLEDGE  
ARLINGTON, VIRGINIA

Thomas S. Cherry  
Mary Cronin Cherry  
3115 Northwood Road  
Fairfax, VA 22031

August 27, 2010

Fairfax County  
Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

RECEIVED  
Department of Planning & Zoning  
AUG 31 2010  
Zoning Evaluation Division

Dear Sir or Madam:

This is a statement of justification for a Special Permit for the Reduction of Certain Yard Requirements located at 3115 Northwood Road (Tax map #: 0483-26-0001) in the Providence district.

The subject property was purchased on August 5, 1993 as the primary residence of Thomas S. Cherry and Mary C. Cherry.

Our intent is to replace an existing attached 12-foot wide, one-car carport with an attached 18-foot wide, two-car garage. This will add 6 feet to the width of the house, putting the house 6 feet from the property line. This request is for a 50% reduction of the 12 foot setback for side yards required for the R-3 zoning district in which our property is located. A width of 18 feet is the minimum width for a two-car garage. Most two-car garages are 20-24 feet wide. By right, we can build a 17-foot wide carport, so the additional 1 foot requested for the garage is minimal.

We have designed a garage that is the depth of the house to accommodate a small workshop for projects and repairs. The current carport is already the depth of the house, so this is not a change.

The existing dwelling is approximately 2,500 square feet, the proposed garage will be approximately 590 square feet (24% of the existing floor area) and is clearly subordinate in purpose, scale, use and intent to the principle structure on the site.

The property has extreme elevation (a steep hill) that prevents the addition of a detached garage elsewhere on the property. In addition to the hill, the narrowness of the property (82.5 feet at the street), and the location of the house on the property create a situation where there is no other feasible place to construct a garage.

This request is being made for both safety/security and aesthetic reasons:

**Safety/Security** -- Over the years, several homes and automobiles in our neighborhood have been broken into including *our* family vehicles while parked in the carport and driveway on *three* separate occasions (2/12/1999, 9/19/2006 and 11/8/09 Fairfax County Police case # 99043001809, case # 06262002989, and case # 20093120107). We would like the security of locking up our cars and concealing them from view so that it is not so obvious when we are not home.

**Aesthetic** -- Over the years, many of our neighbors have converted their carports to garages. In the past year alone, the adjacent neighbors to the south and southwest of our property have converted their carports to garages. This request is in harmony with the character of the neighborhood and would improve the appearance of our home by allowing us to conceal all our bikes, balls, toys and storage bins that are visible from the street.

We intend to completely remove the existing carport and construct a garage that continues the existing roofline of the main house. We will use the same siding and roofing as the existing house so that it will not be out of character with the neighborhood, nor stand out as an obvious addition.

There are no existing trees or shrubs in the area where the garage addition will be constructed. The area next to the current carport where the garage will be constructed is currently a gravel parking pad and storage area for our trash cans. The existing driveway is already about a foot *wider* than the width of the proposed garage.

The adjoining property to the north (the side of the proposed garage) is a two story house and our proposed garage addition will be only one story, so the addition will not block the views from their side bedroom windows on the upper level. These side bedroom windows are minor windows for the bedrooms. The main (large) windows for these two bedrooms are on the front and rear of the house. There is also one very small first story window that may be affected, but the location of this window is in the laundry room, above the washing machine, and cannot be easily used.

Due to the elevation and landscaping/vegetation of the rear property, the proposed garage is out of view of the adjoining properties to the rear.

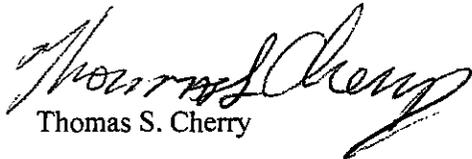
No hazardous or toxic substances or storage tanks are in existence and are not proposed by this permit application.

The following special permit justification questions do not apply to this request since this a single family home, and there is no change in the current use of the area:

- Types of operation(s),
- Hours of operation,
- Estimated number of patrons,
- Proposed number of employees,
- Estimated traffic impact, vicinity or general area to be served by the use.

We thank you for your consideration of our request.

Sincerely,

  
Thomas S. Cherry

  
Mary Cronin Cherry

## VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

THOMAS S. CHERRY, VC 00-P-105 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of addition 4.0 ft. from side lot line. Located at 3115 Northwood Rd. on approx. 11,770 sq. ft. of land zoned R-3. Providence District. Tax Map 48-3 ((26)) 1. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 10, 2000; and

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

1. The applicant is the owner of the land.
2. The applicant presented testimony before the Board indicating compliance with the prescribed criteria for the granting of a variance.
3. The lot is very narrow.
4. Due to the slope of the backyard there is no other place to put the garage.
5. The impact of the extension to have a two-car garage is not going to be that much different from where the carport is now.

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

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

7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

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

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

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This variance is approved for the location of a garage addition shown on the plat prepared by Kenneth W. White, dated, May 12, 2000, submitted with this application and is not transferable to other land.
2. A Building Permit shall be obtained prior to any construction and approval of final inspections shall be obtained.
3. The addition shall be architecturally compatible with the existing dwelling.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval\* unless construction has commenced and has 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 variance. 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.

Mr. Pammel seconded the motion which carried by a vote of 4-3. Chairman DiGiulian, Mr. Hammack and Mr. Kelley voted against the motion.

\*This decision was officially filed in the office of the Board of Zoning Appeals and became final on October 18, 2000. This date shall be deemed to be the final approval date of this variance.

A Copy Teste:

  
Lori M. Mallam, Deputy Clerk  
Board of Zoning Appeals

**NOTE:**

1. TAX MAP: 48-3-0086-1
2. ZONE: R-3
3. LOT AREA: 11,776 SQUARE FEET

**4. REQUIRED WARDS:**

- FRONT: 90 FEET
- SIDE: 18 FEET
- REAR: 87 FEET

**5. HEIGHTS:**

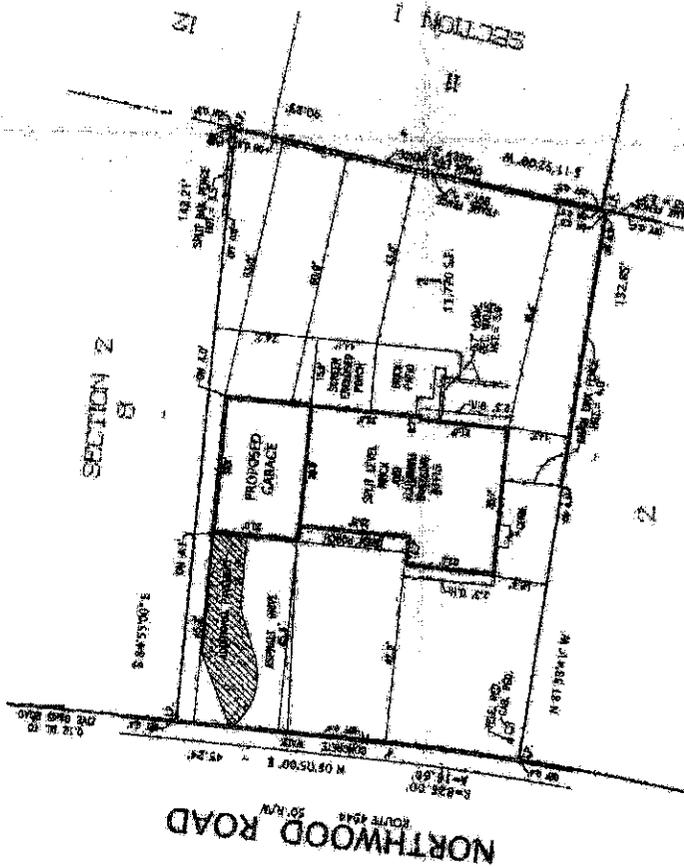
- DWELLING: 15.7 FEET
- SCREEN ENCLOSED PORCH: 11.3 FEET
- OPEN PORCH: 9.4 FEET
- WALLS: AS SHOWN
- PROPOSED GARAGE: 12.5 FEET

6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.

7. THERE IS NO OBSERVABLE EVIDENCE OF GAZE LITES OR SIGNAL LIGHTS ON THIS PROPERTY.

8. ALL DIMENSIONS SHOWN ON THIS PLAN ARE EXISTING UNLESS NOTED AS PROPOSED.

9. UTILITIES ARE UNDETERMINED.



APPROVED VARIANCE BY THE STAFF OF THE PLANNING COMMISSION

DATE: 05/08/2008 APPROVED: [Signature] BY: [Signature]

STAFF: [Signature]

PLAT  
SHOWING THE IMPROVEMENTS ON  
LOT 1 SECTION 3  
**VILLA D'ESTE**  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
MAY 12, 2008  
SCALE: 1" = 20'

RECEIVED  
MAY 10 2008

<p>OUR OFFICE IS RESPONSIBLE FOR THE DESIGN OF THE PLAT. THE DESIGN IS NOT GUARANTEED.</p>	<p>OWNER NAME: <b>CREBBY</b></p>
<p>CREBBY</p> <p>CREBBY DEVELOPMENT, INC. 2000 SOUTH MAIN STREET ARLINGTON, VIRGINIA 22204 TEL: 703-704-1714</p>	<p># 298 - 00</p>

Page \_\_\_\_\_, October 10, 2000, (Tape 1) Scheduled case of:

9:00 A.M. THOMAS S. CHERRY, VC 00-P-105 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of addition 4.0 ft. from side lot line. Located at 3115 Northwood Rd. on approx. 11,770 sq. ft. of land zoned R-3. Providence District. Tax Map 48-3 ((26)) 1.

Chairman DiGiulian called the applicant to the podium and asked if the affidavit before the Board of Zoning Appeals (BZA) was complete and accurate. Tom Cherry, 3115 Northwood Road, Fairfax, Virginia, replied that it was.

Susan Langdon, Chief, Special Permit and Variance Branch, made staff's presentation as contained in the staff report. The applicants requested a variance to permit the construction of a garage addition to be located 4 feet from a side lot line. The Zoning Ordinance requires a minimum side yard of 12 feet; therefore, a variance of 8 feet was requested.

Mr. Cherry presented the variance request as outlined in the statement of justification. He informed the Board that the lot was exceptionally narrow and had extreme topographical conditions, which prohibited the construction of the garage anywhere other than what was requested. He stated that he had two toddlers and another child on the way and the garage would also provide protection for them while being strapped into and taken out of their car seats. He stated that their cars had been vandalized in the recent past and the garage would provide additional security for the family. Mr. Cherry stated that several of the homes in the area had similar garages and he submitted photographs of them.

Mr. Hart referred to bushes located in the applicant's side yard and asked whether they would be removed upon construction of the garage addition. Mr. Cherry replied that they would be removed.

Mr. Hart asked if the applicant planned on changing the grade of the property. Mr. Cherry replied that there would not be a change in the grade and that there were no drainage problems.

Mr. Hammack asked why the garage needed to be so long. Mr. Cherry replied that the concrete slab of the carport already existed and he was adding on to it.

Chairman DiGiulian called for speakers.

Steven Wideman, came forward to speak in opposition. He stated that he was opposed to the garage because it would severely limit the view from their home and because of this it would decrease the value of his home. He said that the crime rate had not increased in the area and the past break ins were due to unlocked cars.

Mr. Hart asked if there were windows located on the side of the home facing the proposed garage and if his house was located 13 feet from the shared lot line. Mr. Wideman answered that the master bedroom windows faced the proposed garage and that his home was located 13 feet from the shared lot line.

Mr. Hart asked staff if there had been any other variances granted in the neighborhood. Ms. Langdon replied that there had been a 3-foot variance granted for the construction of a greenhouse, which was located on the corner lot on the opposite corner.

Mr. Hart asked what the distance was to the next home with relation to that variance. Mr. Wideman replied that there was no house located next door to that particular lot. He continued stating that the greenhouse had never been completed and it was now an eyesore.

Anthony Ceco, 9909 Barnsbury Court, came forward to speak in opposition. He stated that he lived next door to the property with the unfinished greenhouse. He said that the granting of the variance would set an unwanted precedent in the neighborhood.

Mr. Cherry, in his rebuttal, stated that he did not wish to cause conflict in the neighborhood, however, his proposal would not negatively affect the neighborhood in any way. He said the garage was in character with the neighborhood and the majority of the neighbors were in support of the variance. He said the garage addition would be located below the neighbor's bedroom window.

He mentioned that several years ago a large tree stood where the proposed garage extension was proposed to be and no neighbors ever complained about the tree. He said that many neighbors had adequate parking for two vehicles and he was simply requesting that he have the same.

Mr. Kelley stated that the garage was very large and asked if the applicant had considered making it smaller. Mr. Cherry replied that his attempts to discuss different options with Mr. Wideman were not productive and that he based the size on what several other homes had.

Chairman DiGiulian closed the public hearing.

Mr. Hart stated that this was a very close case but stated that he was satisfied that the physical conditions of the lot were unusual enough to grant a variance. He said that this was the only place to locate a garage because of the slope of the backyard and that the lot was very narrow. He stated that the impact of the extension was not significant.

Mr. Kelley stated that he would not support the variance because it was too large. He said he would support a lesser variance. Mr. Hammack stated that he agreed with Mr. Kelley and he could not support the application.

Mr. Hart moved to approve VC 00-P-105 for the reasons stated in the Resolution.

//

## COUNTY OF FAIRFAX, VIRGINIA

### VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

THOMAS S. CHERRY, VC 00-P-105 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of addition 4.0 ft. from side lot line. Located at 3115 Northwood Rd. on approx. 11,770 sq. ft. of land zoned R-3. Providence District. Tax Map 48-3 ((26)) 1. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 10, 2000; and

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

1. The applicant is the owner of the land.
2. The applicant presented testimony before the Board indicating compliance with the prescribed criteria for the granting of a variance.
3. The lot is very narrow.
4. Due to the slope of the backyard there is no other place to put the garage.
5. The impact of the extension to have a two-car garage is not going to be that much different from where the carport is now.

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

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

8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

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

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

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This variance is approved for the location of a garage addition shown on the plat prepared by Kenneth W. White, dated, May 12, 2000, submitted with this application and is not transferable to other land.
2. A Building Permit shall be obtained prior to any construction and approval of final inspections shall be obtained.
3. The addition shall be architecturally compatible with the existing dwelling.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval\* unless construction has commenced and has 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 variance. 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.

Mr. Pammel seconded the motion which carried by a vote of 4-3. Chairman DiGiulian, Mr. Hammack and Mr. Kelley voted against the motion.

\*This decision was officially filed in the office of the Board of Zoning Appeals and became final on October 18, 2000. This date shall be deemed to be the final approval date of this variance.

//

Page \_\_\_\_\_, October 17, 2000, (Tape 1) After Agenda Item:

Request for Reconsideration  
Thomas S. Cherry  
VC 00-P-105

There was no motion therefore, the request was denied.

//



FAIRFAX  
COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division  
Special Permit and Variance Branch  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5510

(703) 324-1280

Fax (703) 324-3924

---

V I R G I N I A

October 20, 2000

Mr. S.R. Weidman  
3113 Northwood Road  
Fairfax, Virginia 22031

Re: Request for Reconsideration VC 00-P-105  
Thomas S. Cherry

Dear Mr. Weidman:

At its October 17, 2000 meeting, the Board of Zoning Appeals took action to **DENY** your request for reconsideration regarding the above referenced application.

If you should have any questions please contact Juan Bernal, Staff Coordinator, at 703-324-1280.

Sincerely,

Lori M. Mallam, Deputy Clerk  
Board of Zoning Appeals

VIRGINIA : IN THE CIRCUIT COURT OF FAIRFAX COUNTY

STEPHEN WEIDMAN and	)	
CYNTHIA WEIDMAN	)	
	)	
	)	Petitioners
	)	
	)	At Law No. 191682
v.	)	
	)	
BOARD OF ZONING APPEALS	)	
OF FAIRFAX COUNTY, et al.	)	
	)	
	)	Defendants.

**ORDER**

THIS CAUSE came on to be heard the 10th day of May, 2001 upon Petitioner's Petition for Writ of Certiorari, the Writ of Certiorari issued by the Circuit Court of Fairfax County, the record of the hearing before the Board of Zoning Appeals and the argument and evidence submitted by Counsel at the hearing on May 10, 2001;

AND IT APPEARING that the evidence before the Court does not show unnecessary hardship within the meaning of VA. CODE ANN. Sec. 15.2-2309;

AND IT FURTHER APPEARING to the Court that the variance granted to Thomas and Mary Cherry in BZA proceeding No. VC 00-P-105 constituted a special privilege or convenience in violation of VA. CODE ANN. Sec. 15.2-2309;

AND IT FURTHER APPEARING that the grant of the variance to Thomas and Mary Cherry in BZA proceeding No. VC 00-P-105 was based upon improper principles of law and was plainly wrong;

LAW OFFICE  
 GEORGE F. TROWBRIDGE, JR.  
 SUITE 202  
 84 UNIVERSITY DRIVE  
 FAIRFAX, VIRGINIA 22030

(703) 355-8220  
 FAX (703) 352-2324

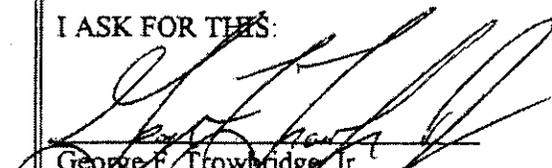
It is hereby ADJUDGED, ORDERED and DECREED that the decision of the Board of Zoning Appeals in BZA proceeding No. VC 00-P-105 be, and the same hereby is, overruled and the variance granted by the Board of Zoning Appeals in BZA proceeding No. VC 00-P-105 be, and the same hereby is declared null and void.

ENTERED THIS 25th DAY OF MAY, 2001



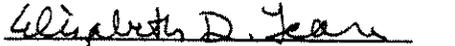
Hon. Leslie M. Alden  
JUDGE

I ASK FOR THIS:



George F. Trowbridge, Jr.  
4084 University Drive, Suite 202  
Fairfax, Virginia 22030  
(703) 385-8220  
Va. State Bar #13575  
Counsel for Petitioners  
Stephen Weidman and  
Cynthia Weidman

<sup>OBJECTION:</sup>  
SEEN AND EXCEPTED TO: ON THE GROUNDS ~~AS~~ ARGUED BY COUNSEL FOR  
THE CHERRYS AND THE BZA, AND ON THE COURT'S RULING THAT ITS REVIEW  
WAS DE NOVO

  
Elizabeth Teare, VAB 319 05  
ASSISTANT COUNTY ATTORNEY  
Fairfax County Attorney's Office  
12000 Government Center Parkway  
Suite 549  
Fairfax, Virginia 22035  
Counsel for  
Board of Zoning Appeals  
of Fairfax County

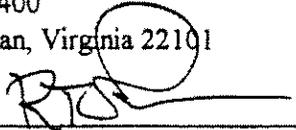
LAW OFFICE  
GEORGE F. TROWBRIDGE, JR.  
SUITE 202  
84 UNIVERSITY DRIVE  
FAIRFAX, VIRGINIA 22030

(703) 385-8220  
FAX (703) 352-2324

OBJECTED & EXCEPTED TO ON THE GROUNDS ARGUED  
BY COUNSEL FOR THE BZA AND THE  
CHERRYS AND ON THE COURT'S  
RULING THAT ITS REVIEW WAS  
DE NOVO WHICH VIOLATES EXISTING  
LAW:  
SEEN AND EXCEPTED TO:

WALTON & ADAMS, P.C.  
6862 Elm Street  
Suite 400  
McLean, Virginia 22101

By:



Randall T. Greehan  
Counsel for  
Thomas S. Cherry and  
Mary C. Cherry

LAW OFFICE  
RGE F. TROWBRIDGE, JR  
SUITE 202  
084 UNIVERSITY DRIVE  
AIRFAX, VIRGINIA 22030

(703) 388-8220  
FAX (703) 352-2324

### **8-006 General Standards**

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

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

**8-903 Standards for All Group 9 Uses**

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

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

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

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

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

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

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

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

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first 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.