



APPLICATION ACCEPTED: February 18, 2011

DATE OF PUBLIC HEARING: May 11, 2011

TIME: 9:00 a.m.

# County of Fairfax, Virginia

May 4, 2011

## STAFF REPORT

### SPECIAL PERMIT APPLICATION NO. SP 2011-LE-012

#### LEE DISTRICT

**APPLICANT:** Eric J. Bonetti

**OWNER:** Robert Pierre Johnson Housing Development Corporation of the National Capital Region

**LOCATION:** 7314 Bath Street

**SUBDIVISION:** Springfield

**TAX MAP:** 80-3 ((2)) (34) 23

**LOT SIZE:** 10,655 square feet

**ZONING:** R-3

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit reduction to minimum yard requirements based on error in building location to permit dwelling to remain 9.6 feet from a side lot line.

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

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

*O:\dhedr\Special Permits\5-11) SP 2011-LE-012 Bonetti (error)\SP 2011-LE-012 Bonetti staff report.doc*

*Deborah Hedrick*

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

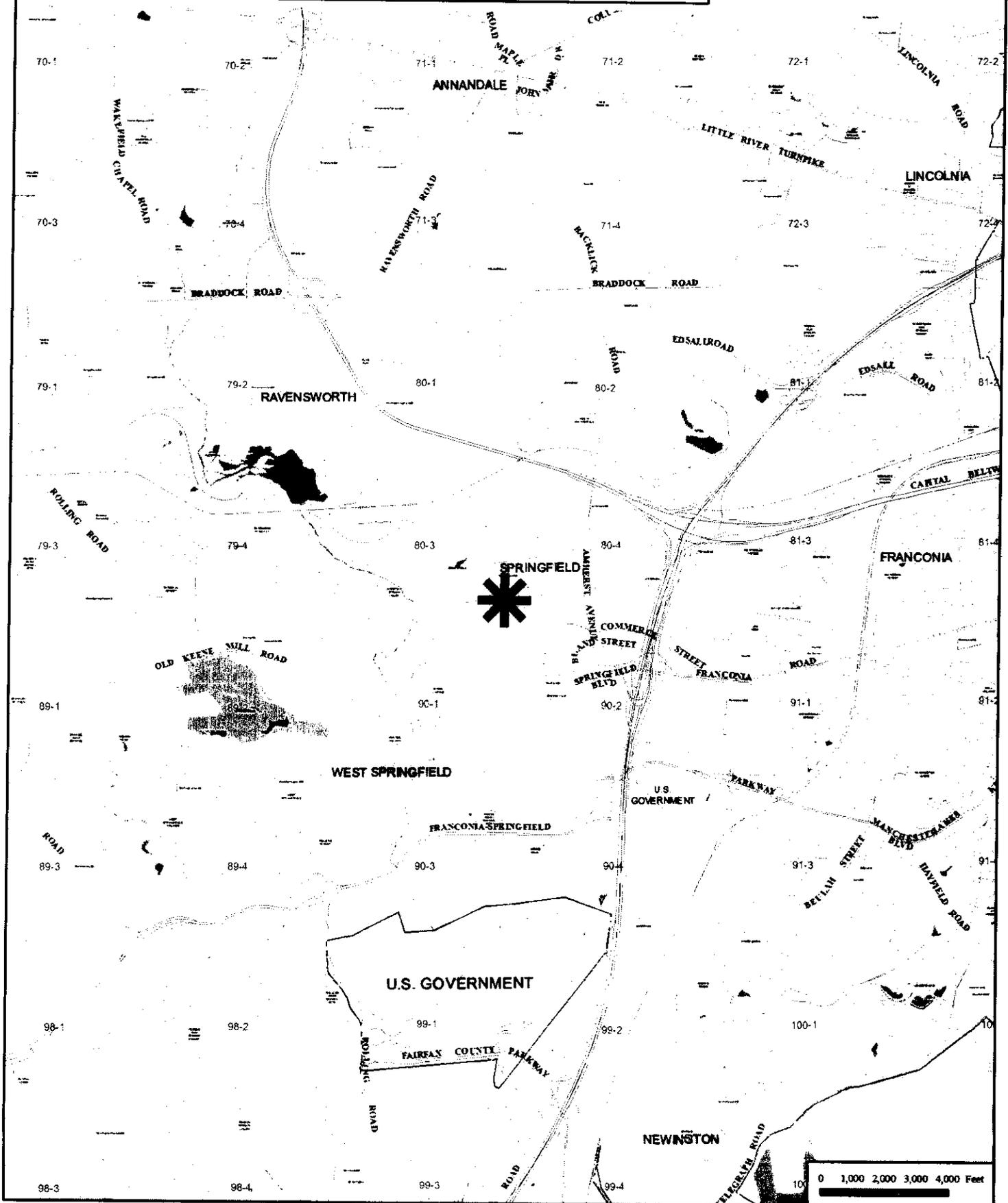


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2011-LE-012

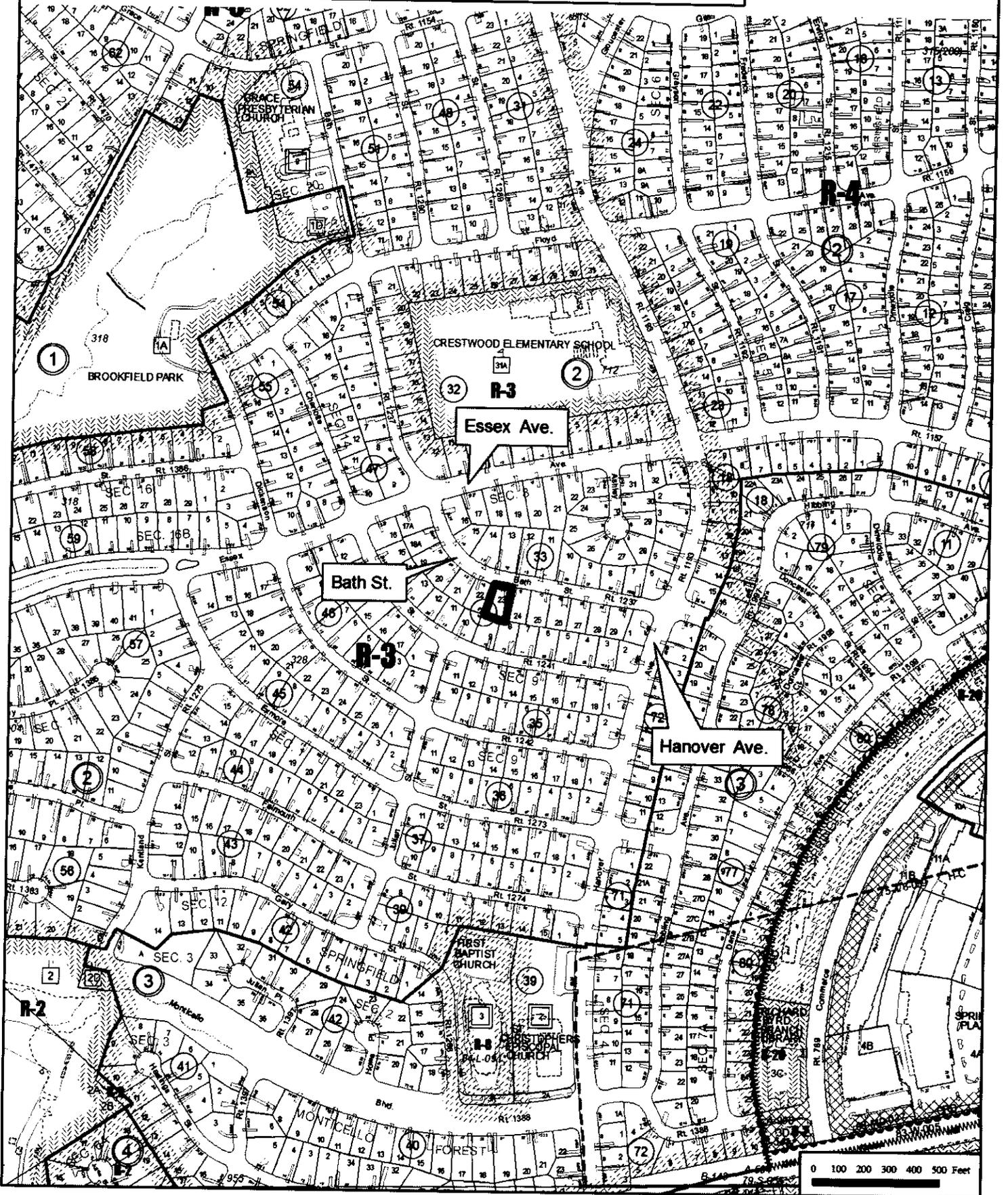
ERIC BONETTI



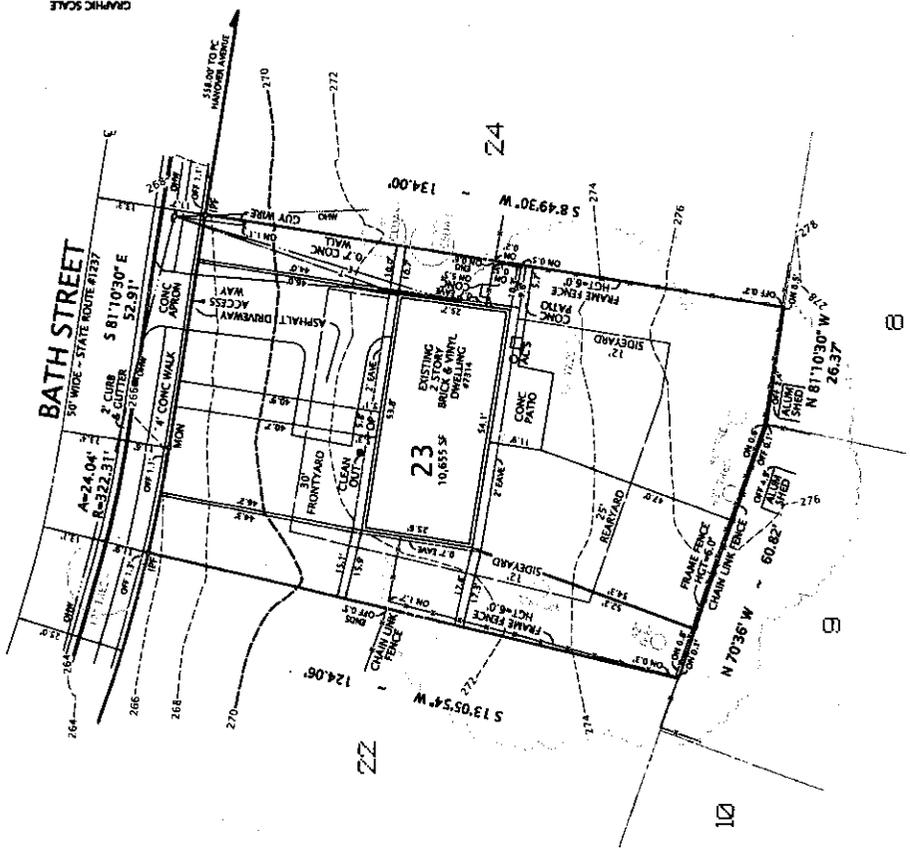
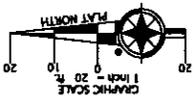
# Special Permit

SP 2011-LE-012

ERIC BONETTI



NOTES:  
 THE DWELLING WAS BUILT IN 1954.  
 THE FRONT PORCH WAS BUILT IN 1980.  
 THE ADDITION WAS BUILT IN 2006.  
 THE DWELLING WAS REMODELED IN 2006.



**NOTES**

1. TAX MAP: 80-3-002-034-23
2. ZONE: R-3 (RESIDENTIAL 3 DU/AC)
3. LOT AREA: 10,655 SF (0.2446 ACRE)
4. REQUIRED YARDS:  
 FRONT: 30.0 FEET  
 SIDE: 12.0 FEET  
 REAR: 25.0 FEET
5. HEIGHTS:  
 DWELLING: 20.8 FEET  
 OP (TOTAL): 08.9 FEET  
 FENCES: AS NOTED
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. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS CONDUCTED IN THE FIELD AND IS SHOWN AT 2' INTERVALS.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY. THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 515525 01000 D REVISED MARCH 5, 1990.

**12. AREAS:**

1ST FLOOR	=	1386 SF
2ND FLOOR	=	1386 SF
EXISTING GROSS FLOOR AREA	=	2772 SF

EX FLOOR AREA RATIO: EX GFA (2772) / LOT AREA (10655) = 0.26

PLAT  
 ON  
 LOT 23, BLOCK 34, SECTION EIGHT  
**SPRINGFIELD**  
 (DEED BOOK 1124, PAGE 509)

LEE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE: 1" = 20'  
 AUGUST 19, 2010 (SHED REMOVED)  
 OCTOBER 13, 2010 (SHED REMOVED)

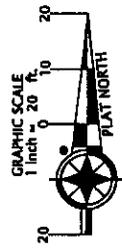
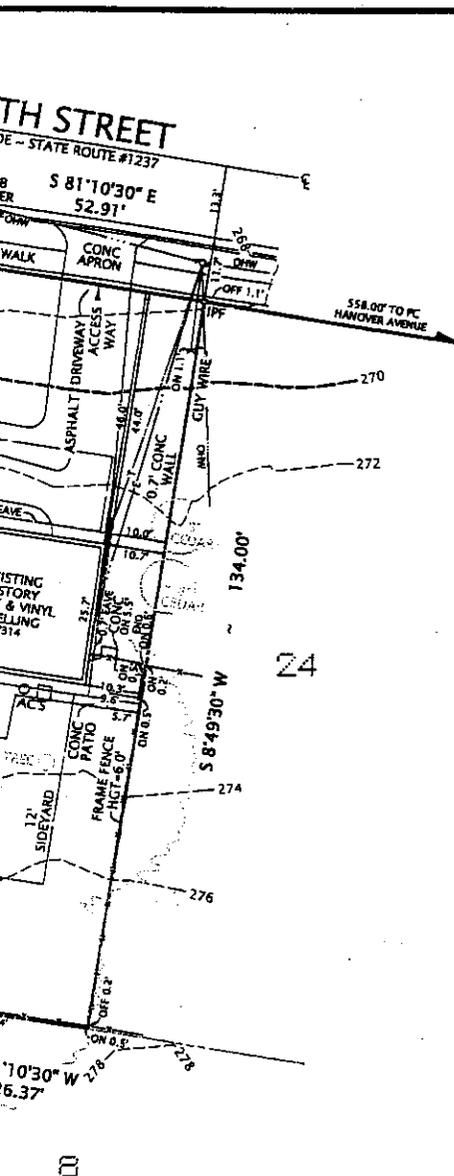
I HEREBY CERTIFY THAT THE PORTIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO OTHER ENCROACHMENTS AS OF THIS DATE.

THE PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.

COMMONWEALTH OF VIRGINIA  
 08/19/2010  
 GEORGE H. O'CONNOR  
 LICENSE NO. 2009  
 LAND SURVEYOR  
*George H. O'Connor*

CASE NAME: R711005AC

**DOMINION** SURVEYING, INC.  
 8606 LEE PARK DRIVE, SUITE 100  
 FALLS CHURCH, VIRGINIA 22049  
 TEL: 703-619-6553  
 FAX: 703-796-8412



NOTES

1. TAX MAP: 80-3-002-034-23
2. ZONE: R-3 (RESIDENTIAL 3 DU/AC)
3. LOT AREA: 10,655 SF (0.2446 ACRE)
4. REQUIRED YARDS:
 

FRONT:	=	30.0 FEET
SIDE:	=	12.0 FEET
REAR:	=	25.0 FEET
5. HEIGHTS:
 

DWELLING	=	20.8 FEET
OP (TOTAL)	=	08.9 FEET
FENCES	=	AS NOTED
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. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS CONDUCTED IN THE FIELD AND IS SHOWN AT 2' INTERVALS.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY. THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 515525 01000 D REVISED MARCH 5, 1990.
12. AREAS:
 

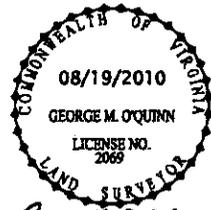
1ST FLOOR	=	1386 SF
2ND FLOOR	=	1386 SF
EXISTING GROSS FLOOR AREA	=	2772 SF

EX FLOOR AREA RATIO: EX GFA (2772) / LOT AREA (10655) = 0.26

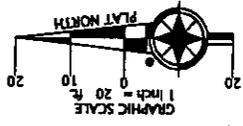


LEFT SIDE OF DWELLING

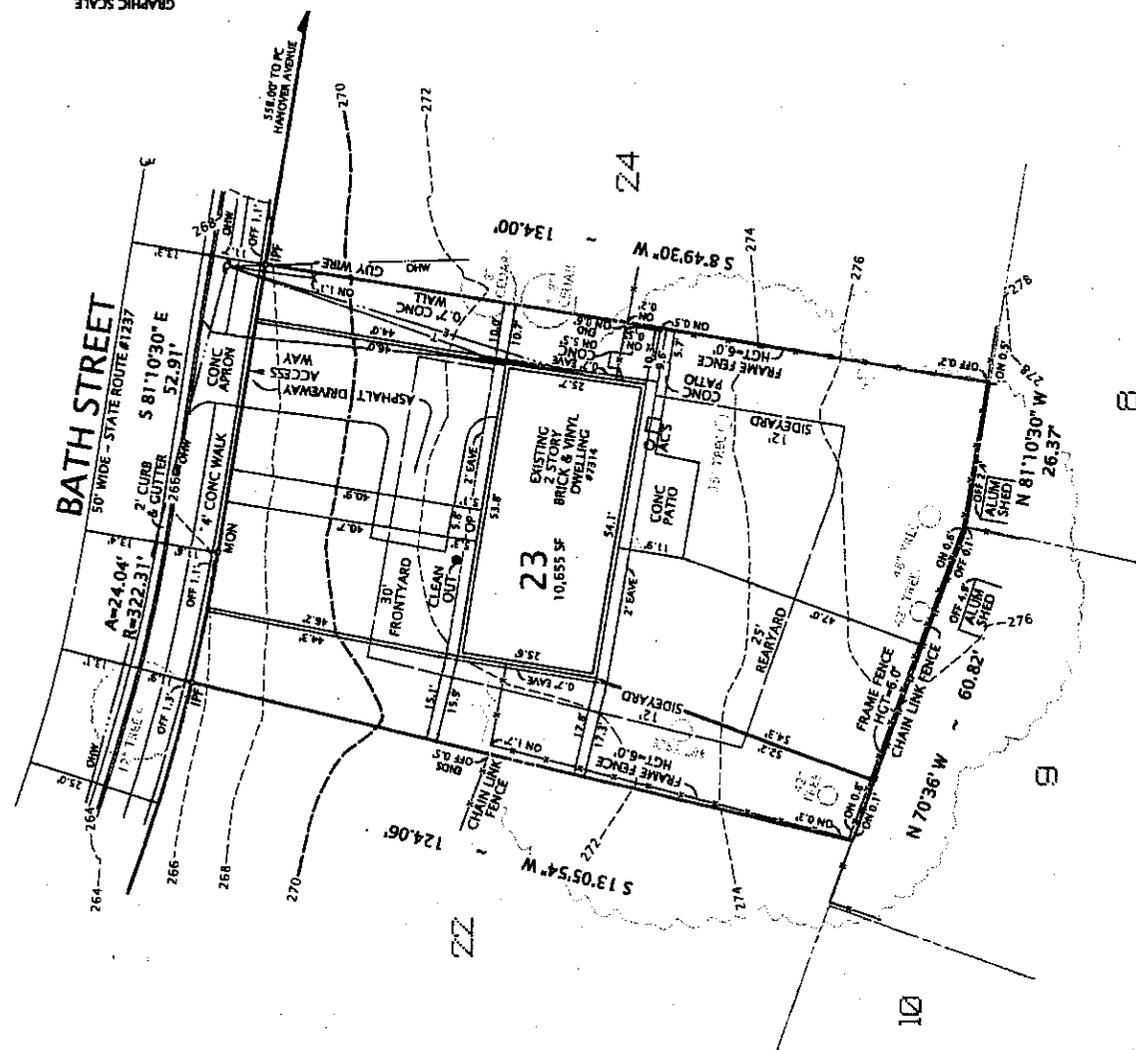
PLAT  
ON  
LOT 23, BLOCK 34, SECTION EIGHT  
**SPRINGFIELD**  
(DEED BOOK 1124, PAGE 509)  
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 20'      AUGUST 19, 2010  
OCTOBER 13, 2010 (SHED REMOVED)

<p>I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:</p>		<p>CASE NAME:  RPJ HOUSING</p>
<p>THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.</p>		<p><b>DOMINION</b> Surveyors Inc. 8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 703-619-6535 FAX: 703-799-6412</p>

NOTES:  
 THE DWELLING WAS BUILT IN 1954.  
 THE EFFECTIVE YEAR BUILT WAS 1980.  
 THE ADDITION WAS BUILT IN 2006.  
 THE DWELLING WAS REMODELED IN 2006.



- NOTES
1. TAX MAP: 80-3-002-0
  2. ZONE: R-3 (RESIDENT)
  3. LOT AREA: 10,655 SF
  4. REQUIRED YARDS:  
 FRONT:  
 SIDE:  
 REAR:
  5. HEIGHTS:  
 DWELLING  
 OP (TOTAL)  
 FENCES
  6. THIS PROPERTY IS SEI
  7. THERE IS NO OBSERV  
 BURIAL GROUNDS ON
  8. ALL IMPROVEMENTS S  
 UNLESS DENOTED AS
  9. THE SURVEYOR IS NO  
 25 FEET IN WIDTH OF
  10. TOPOGRAPHY DELINE  
 FIELD AND IS SHOWN
  11. THERE ARE NO FLOOD  
 ON THIS PROPERTY. T  
 INSURANCE RATE MA  
 REVISED MARCH 5, 15
  12. AREAS:  
 1ST FLOOR  
 2ND FLOOR  
 EXISTING GROSS FLOOR  
 EX FLOOR AREA RATIO



FRONT OF DWELLING

LEFT SIDE OF DWELLING

RIGHT SIDE OF DWELLING

LOT 23, BL  
**SPR**  
 (DEED B)  
**FAIRFAX**  
 SCALE: 1" = 40'







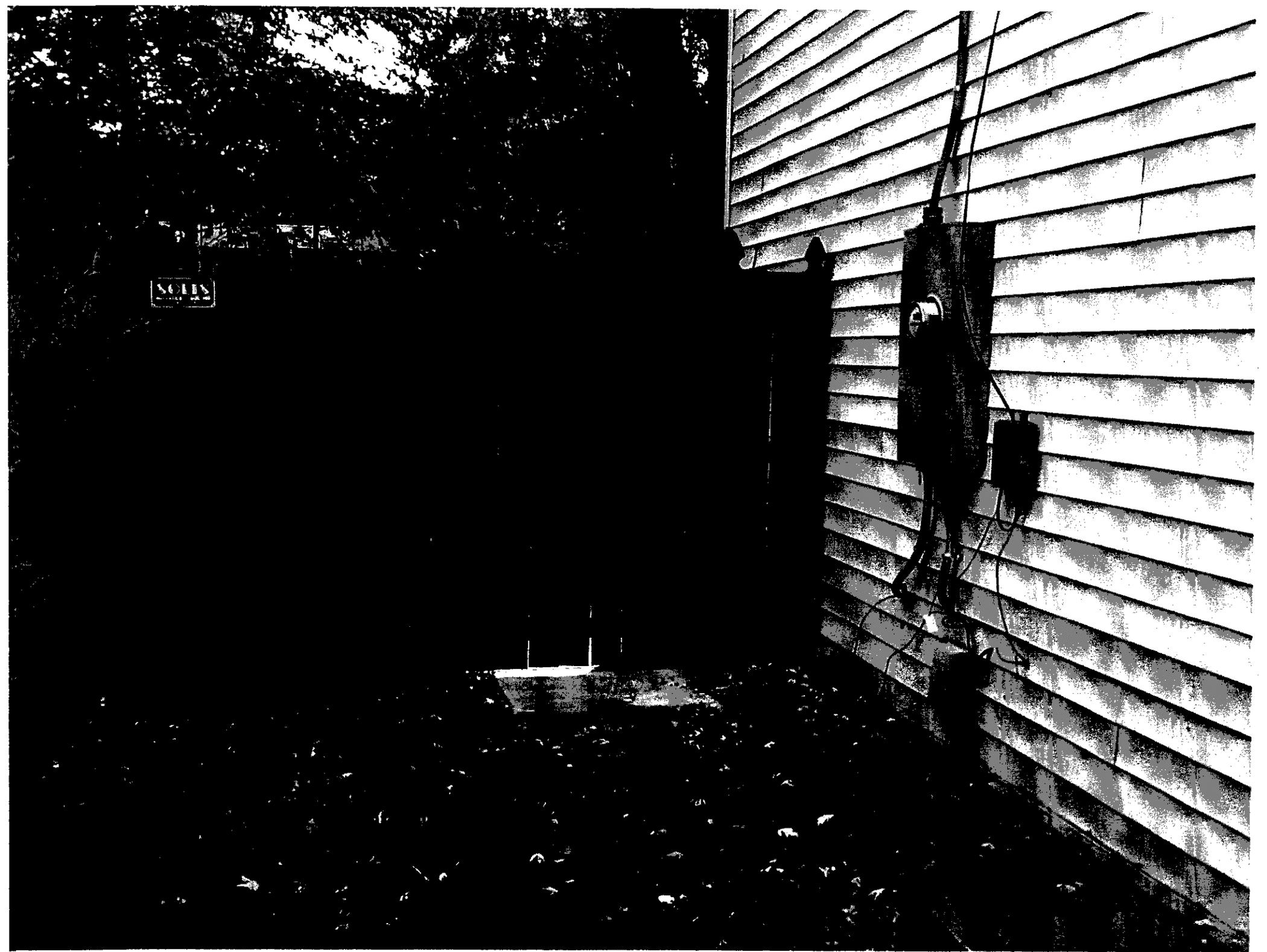






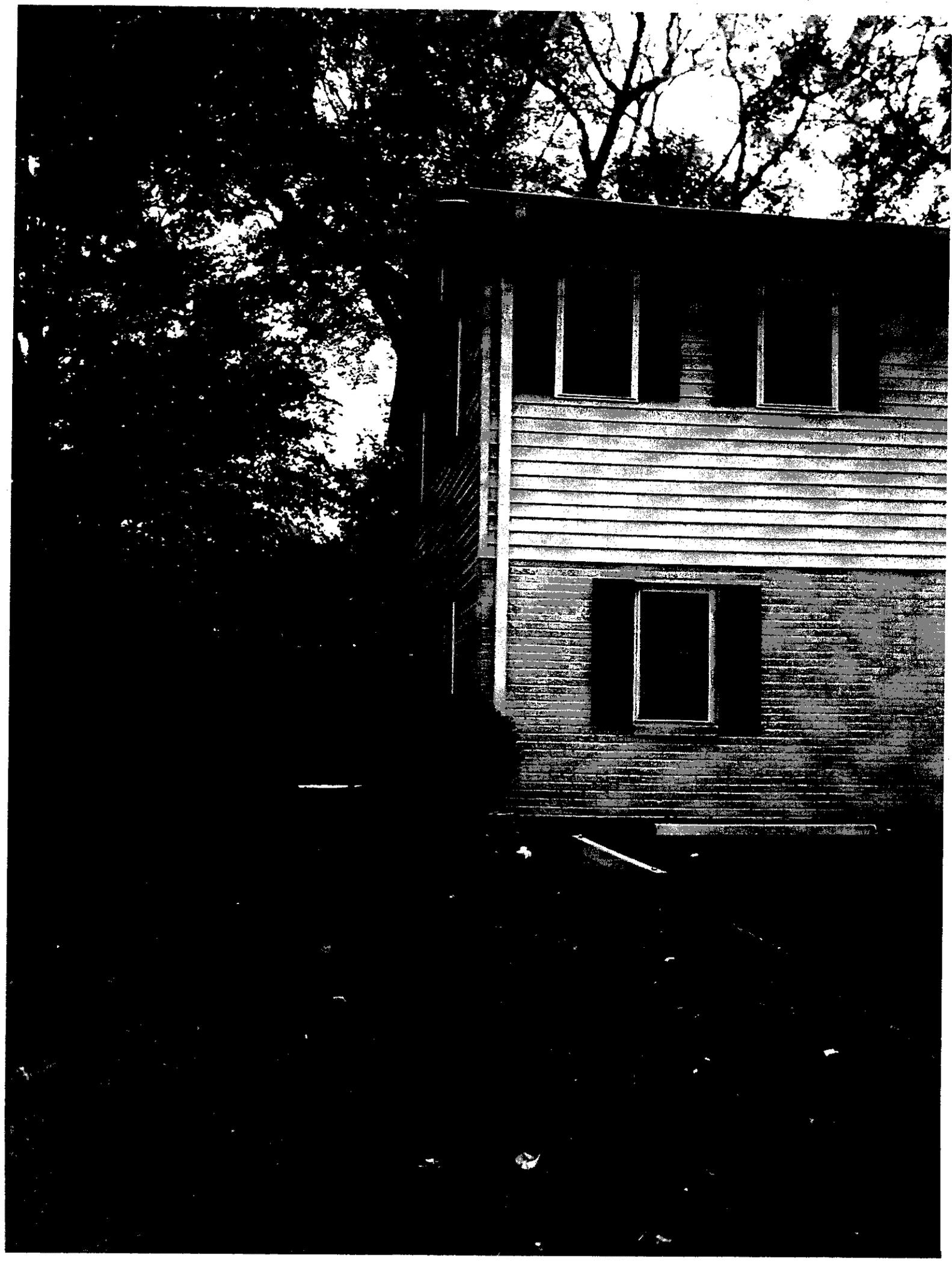






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**DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit for an error in building location to permit an existing dwelling to remain 9.6 feet from the eastern side lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Min. Yard Req.*</b>	<b>Structure Location</b>	<b>Amount of Error</b>	<b>Percent of Error</b>
<b>Special Permit</b>	<b>Dwelling</b>	Side	12.0 feet	9.6 feet	2.4 feet	20%

\*Minimum Yard Requirement per Section 3-307

**LOCATION AND CHARACTER**

**Character of the Area**

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

**Existing Site Description**

The 10,655 square foot lot is developed with a two-story brick and vinyl single-family detached dwelling constructed in 1954. The lot is flat and has a manicured lawn with mature trees and shrubs. A 6-foot high wood privacy fence is located along the side and rear lot lines.

**BACKGROUND**

On October 6, 2010, a determination was made by the Zoning Administration Division, at the applicants' request, that a group residential facility is permitted in the R-3 Zoning District. However, it was noted in the letter that the location of the existing dwelling on the lot in question did not meet the minimum side yard requirement of 12.0 feet and therefore would require special permit approval. In November 2004, the previous owner of the property obtained a building permit to enclose an existing carport and add a

second level above the enclosure. Although it was indicated on the building permit that the addition would meet the minimum required side yard of 12.0 feet, it was constructed 10.4 feet with eave 9.6 feet from the eastern side lot line.

It was noted in the same letter that an accessory storage structure was located within the rear and side yards in error. The applicant has since removed the accessory storage structure as indicated on the submitted special permit plat titled "Plat on Lot 23, Block 34, Section Eight, Springfield" prepared by Dominion Surveyors, Inc., dated August 19, 2010, as revised through October 13, 2010. A copy of the determination and applicable building permit is attached as Appendix 4.

Following the adoption of the current Ordinance, the BZA has heard the following similar applications in the vicinity of the subject parcel:

- Special Permit SP 2007-LE-031 was approved on June 12, 2007 for Tax Map 80-2 ((2)) (34) 20, zoned R-3, at 7320 Bath Street, to permit reduction in minimum yard requirements based on errors in building locations to permit dwelling to remain 10.2 feet, addition 9.2 feet and deck 0.4 feet from side lot line.
- Special Permit SP 2005-LE-033 was denied on November 15, 2005 for Tax Map 80-3 ((2)) (34) 20, zoned R-3, at 7320 Bath Street, to permit reduction to minimum yard requirements based on error in building locations to permit dwelling to remain 10.2 feet, roofed deck (open porch) 0.4 feet with eave 0.0 feet, carport 1.0 feet with eave 0.3 feet and roofed (covered) deck 0.0 feet from a side lot line, deck (concrete and stone patio) 0.4 feet from side and 2.2 feet from rear lot lines and accessory storage structure 2.2 feet with eave 1.9 feet from rear and 8.2 feet from side lot line.
- Special Permit SP 2005-LE-016 was approved on June 29, 2005 for Tax Map 80-3 ((2)) (12) 22, zoned R-4, at 6007 Dinwiddie Street, to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 0.4 feet from side lot line.
- Special Permit SP 01-L-014 was approved on June 19, 2001 for Tax Map 80-3 ((2)) (43) 10, zoned R-3, at 7417 Gary Street, to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 2.7 feet from side lot line.
- Special Permit SP 00-L-029 was approved on September 20, 2000 for Tax Map 80-3 ((2)) (56) 9, zoned R-3, at 7506 Mendota Place, to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 9.7 feet from side lot line.
- Variance VC 98-L-066 was approved on August 19, 1998 for Tax Map 80-3 ((2)) (56) 15, zoned R-3, 7512 Lauralin Place, to permit construction of addition 3.0 feet from side lot line.

- Special Permit SP 95-L-053 was approved on October 10, 1995 for Tax Map 80-3 ((2)) (19) 4, zoned R-4, 6006 Frederick Street, to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 4.0 feet from side lot line.
- Variance VC 93-L-118 was approved on December 21, 1993 for Tax Map 80-3 ((2)) (32) 24, zoned R-3, at 7314 Floyd Avenue, to permit construction of addition 10.6 feet from side lot line.
- Variance VC 92-L-034 was approved on July 8, 1992 for Tax Map 80-3 ((2)) (18) 5, zoned R-4, 7201 Essex Avenue, to allow construction of addition 6.8 feet from side lot line.
- Variance VC 91-L-053 was approved on July 17, 1991 for Tax Map 80-3 ((2)) (44) 23, zoned R-3, at 7402 Exmore Street, to allow enclosure of carport 11.2 feet from side lot line.
- Variance VC 83-L-189 was approved on February 7, 1984 for Tax Map 80-3 ((2)) (35) 14, zoned R-3, at 7310 Charlotte Street, to allow enclosure of existing carport for garage addition to dwelling 10.36 feet from side lot line.

## ZONING ORDINANCE REQUIREMENTS

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

This special permit is subject to Sects. 8-006, 8-903 and 8-914 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

## CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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

**APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. October 6, 2010 Determination Letter and Approved Building Permit
5. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2011-LE-012**

**May 4, 2011**

1. This special permit is approved only for the location of the existing dwelling as shown on the plat prepared by Dominion Surveyors Inc. dated August 19, 2010 as revised through October 13, 2010, submitted with this application and is not transferable to other land.

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

Application No.(s): SP 2011-LE-012  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: APR 15 2011  
 (enter date affidavit is notarized)

I, Eric Bonetti, 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 1098060

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, \* and, if any of the foregoing is a **TRUSTEE**, \*\* each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Robert Pierre Johnson Housing Development Corporation of the National Capital Region	8 West Nelson Avenue, Suite B-1, Alexandria VA 22301	<del>title owner</del> title owner
Eric J. Bonetti	8 W Nelson Avenue, Suite B-1, Alexandria VA 22301	applicant/ agent for title owner

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

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

Application No.(s): SP 2011-LE-012  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: APRIL 5 2011  
(enter date affidavit is notarized)

1098066

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)

Robert Pierre Johnson Housing Development Corporation of  
the National Capital Region, 2666 Military Rd, Arlington  
VA 22207

**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)

No shareholders - we are a non-profit 501(c)(3)

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

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

Application No.(s): SP 2011-CE-012  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: APR 15, 2011  
(enter date affidavit is notarized)

1098064

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): SP 2011-LE-012  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: April 5, 2011  
(enter date affidavit is notarized)

109 806-6

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.

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: April 5 2011  
(enter date affidavit is notarized)

1098066

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:

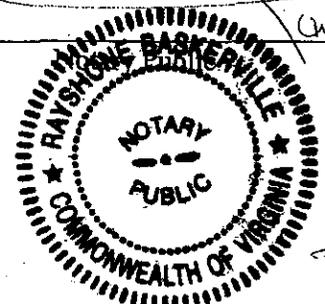
(check one)

Eric J Bonetti  
 Applicant [ ] Applicant's Authorized Agent

Eric J Bonetti, Executive Director  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5<sup>th</sup> day of April, 2011, in the State/Comm. of VIRGINIA, County/City of ABINGDON.

My commission expires: April 30 2012.



7199806

**STATEMENT CONFIRMING OWNERSHIP AND NATURE OF INTEREST IN SUBJECT PROPERTY  
FOR SPECIAL PERMIT ZONING APPLICATION**

**Subject Property Location:** 7314 Bath Street, Springfield, VA 22150

On behalf of the Robert Pierre Johnson Housing Development Corporation of the National Capital Area, Inc., I hereby certify that the property located at **7314 Bath Street, Springfield, Virginia, 22150** was conveyed by Special Warranty Deed from Deutsche Bank National Trust Company, Trustee under the pooling and servicing agreement relating to Impac Secured Assets Corp. Mortgage Pass-through Certificates Series 2006-2, Grantor, to Robert Pierre Johnson Housing Development Corporation of the National Capital Area on September 19<sup>th</sup>, 2007. A copy of the Special Warranty Deed is attached herewith.

Robert Pierre Johnson Housing Development Corporation's interest in the subject property is for the purpose of providing affordable, permanent supportive housing to adults with low incomes who also have serious mental illness. The Corporation owns and operates the home, providing property management and maintenance services to the five residents currently living there.

  
\_\_\_\_\_

Eric Bonetti  
Executive Director/CEO  
Robert Pierre Johnson Housing Development Corporation  
Of the National Capital Area, Inc.

20 Aug 10  
Date

RECEIVED  
Department of Planning & Zoning  
SEP 14 2010  
Zoning Evaluation Division

**FW: SP2010-0190**

Eric Bonetti

**Sent:** Tuesday, December 21, 2010 4:37 PM**To:** virginia.ruffner@fairfaxcounty.gov

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**From:** Eric Bonetti**Sent:** Tuesday, December 21, 2010 4:32 PM**To:** 'virginia.ruffner@fairfaxcounty.gov'**Subject:** SP2010-0190

Ms. Ruffner,

I wanted to send you information on this case per the BZA's requirements:

- A. The error exceeds 10 percent of the measurement involved, in that the building sits 9.6 feet from the side lot line, while the minimum setback is 12".
- B. The noncompliance was through no fault of this organization, as we have not changed the footprint of the building since we acquired it as a group home for adults with disabilities. Rather, it appears that a prior owner enclosed a carport, which thus created the noncompliance. Additionally, it is my understanding that the County also inspected the property with us when it provided funding for the acquisition of the group home and did not note an issue with the setback.
- C. The building in question has stood at this location for many years, and functions as a normal part of the neighborhood. It is well maintained and makes a positive contribution to the neighborhood.
- D. A reduction will not impair the purpose and intent of the ordinance, as there remains adequate space between structures to maintain egress, light, and to preserve access in case of a fire or other emergency.
- E. For the reasons set forth immediately above, this will not create a safety hazard. Additionally, this issue has no affect on the street in front of the property.
- F. The only way absent a special permit to create compliance would be to tear down the side of the building, which would impair the use of the property as a group home for adults with disabilities, and would be prohibitively costly for a non-profit organization such as RPJ Housing.
- G. The reduction would not in any way increase density or floor area ratios.

Thanks very much for your assistance with this matter. If I may answer any questions, please don't hesitate to contact me.

Happy holidays!

Eric Bonetti  
Executive Director  
RPJ Housing  
8 W. Nelson Avenue Suite B1  
Alexandria, VA 22301-2059

Phone: +1 703 549 7170 ext.13

Fax: +1 571 366 2059

### Special Permit Statement of Justification

This is a request for a reduction of yard requirements for a structure that, at the time it was purchased by RPJ Housing, was in some places, slightly closer to the side lot line (approx. 18 inches) than is presently allowed by County zoning requirements.

- A. **Type of operation:** The subject property is a group home that provides affordable, permanent supportive housing to adults with low incomes who also have serious mental illness. Presently, five residents live there.
- B. **Hours of operation:** N/A
- C. **Estimated number of residents:** Five special needs residents.
- D. **Proposed number of residents:** Five special needs residents.
- E. **Estimate of traffic impact:** None.
- F. **Vicinity or general area to be served:** This facility serves Fairfax County residents.
- G. **Description of building façade, etc.** This is a two-story dwelling, consistent with other uses in the neighborhood.
- H. **Hazardous substances:** None known.

RECEIVED  
Department of Planning & Zoning

SEP 14 2010

Zoning Evaluation Division



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Via Email to [ericb@rpjhousing.org](mailto:ericb@rpjhousing.org) and Regular Mail

October 6, 2010

Eric Bonetti  
8 W Nelson Boulevard  
Alexandria, Virginia 22312

RE: Sect. 15.2-2307 of the Code of Virginia Determination;  
Proposed Group Residential Facility  
7314 Bath Street  
Springfield Section 8, Block 34, Lot 23  
Tax Map Ref.: 80-3 ((2)) (34) 23  
Zoning District: R-3

Dear Mr. Bonetti:

This letter is in response to your letter received September 29, 2010 to Eileen McLane regarding the existing dwelling and group residential use located at 7314 Bath Street, identified as Tax Map #80-3 ((2)) (34) 23, which is zoned R-3. The minimum yard requirements for the R-3 District are 30 feet for the front yard, 12 feet for side yards, and 25 feet for the rear yard.

The property is developed with a single family detached dwelling. According to the house location survey you submitted entitled "Plat on Lot 23, Block 34, Section Eight" prepared by Dominion Surveyors, Inc. which is dated August 19, 2010, the eastern side of the dwelling is located 10.3 feet from the side lot line. According to our records, the dwelling was originally constructed in 1954. The house location survey approved by the Zoning Administrator on May 25, 1954 shows an enclosed structure and carport attached to the eastern side of the dwelling, and the dimension given from the carport to the eastern property line was 10.5 feet. A Building Permit was approved on November 10, 2004 for an addition to the dwelling which resulted in enclosure of the carport. The approved plat entitled "Property Report, Lot 23, Section 8, Block 34" which was prepared by Certified Real Estate Services, Ltd. and with the surveyor's stamp dated May 24, 2004 shows the addition approved to be located 12 feet from the eastern side lot line. Your current house location survey detailed above shows that the addition was actually constructed with a side yard setback of 10.3 feet, which does not meet the minimum yard requirement of 12 feet.

Department of Planning and Zoning  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1314 FAX 703-803-6372  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

Under §15.2-2307 of the *Code of Virginia*, if (a) local government has issued a building permit, the structure was constructed in accordance with the building permit, and a certificate of occupancy was issued, or (b) the owner of the building has paid taxes for the structure for more than 15 years, the structure is not illegal and may remain. In this instance, a building permit was issued, however the structure was not constructed in accordance with that building permit, and the portion of the structure in question is less than 15 years old, therefore, §15.2-2307 is not applicable.

A Special Permit for a Reduction of Certain Yard Requirements was been submitted to the Zoning Evaluation Division on September 14, 2010. If approved, this application will address the setback issue. If not, the structure must be reduced in size to meet the minimum side yard requirements.

There is also a shed indicated on the house location plat which is located 2.1 feet from the rear lot line and 1.5 feet from the side lot line. A Notice of Violation was issued on July 22, 2010 regarding the location of this shed, because given the measured height of 9 feet 6 inches; the shed must be located outside of the minimum required side yard of 12 feet, and a minimum of 9 feet 6 inches from the rear lot line. You state that although you have not confirmed that it has been completed, a contractor was hired to remove the shed from the property. The Zoning Inspector will be returning to the property on Wednesday, October 13 for a follow up inspection to verify that the shed has been removed.

Regarding the use of the dwelling, you state in your letter that five women with psychological disabilities and who are receiving support services for these disabilities reside in the home on the subject property. Single family detached dwellings are permitted by right in the R-3 District. Sect. 2-502 of the Zoning Ordinance sets forth the different types of occupancy permitted in dwelling units within Fairfax County, and Par. 4 of this Section provides that a group residential facility is permitted in any dwelling unit in any residential zoning district.

The Zoning Ordinance defines a group residential facility as follows:

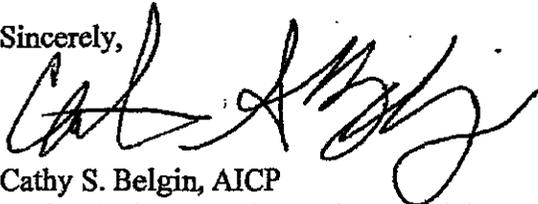
"A group home or other residential facility, with one or more resident counselors or other staff persons, in which no more than: (a) eight (8) mentally ill, mentally retarded or developmentally disabled persons reside and such home is licensed by the Virginia Department of Behavioral Health and Developmental Services; or (b) eight (8) mentally retarded persons reside and such home is licensed by the Virginia Department of Social Services; or (c) eight (8) handicapped persons reside, with handicapped defined in accordance with the Federal Fair Housing Amendments Act of 1988. The terms handicapped, mental illness and developmental disability shall not include current illegal use or addiction to a controlled substance as defined in Sect. 54.1-3401 of the Code of Virginia or as defined in Sect. 102 of the Controlled Substance Act (21 U.S.C. 802)."

Mr. Eric Bonetti  
October 6, 2010  
Page 3

You have stated that you believe that this facility is not licensed by one of the above-referenced Virginia Departments; but that the five (5) women with psychological disabilities residing there require assistance with daily living activities and you believe they would qualify as handicapped under the Federal Fair Housing Amendments Act of 1988. As such, this would constitute a group residential facility and is a permitted use in the R-3 District.

I trust this correspondence adequately responds to your request. If you have any additional questions, please feel free to contact me at 703-324-1314.

Sincerely,



Cathy S. Belgin, AICP  
Senior Assistant to the Zoning Administrator

CSB/

Attachment: A/S

cc: Eileen M. McLane, Zoning Administrator  
Regina C. Coyle, Director, Zoning Evaluation Division  
Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch  
Diane Johnson-Quinn, Deputy Zoning Administrator for  
Zoning Permit Review Branch  
Bruce Miller, Property Maintenance/Zoning Enforcement Inspector  
Janet E. Coldsmith, Director, Real Estate Division, DTA

O:\cbelgi\Vested Rights Letter 7314 Bath.doc



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

## Vested Rights Determination under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	80-3((2)) (34) 23
Property Address:	7314 Bath Street
Requestor's Name:	Eric Bonetti
Requestors Address: (if different than above)	8 W Nelson Boulevard Alexandria, Virginia 22312
Requestor's Phone Number:	703-549-7170 ex. 13
Current Zoning:	R-3
Magisterial District:	Lee
Subdivision Name/Section/Block/Lot No.:	Springfield Section 8, Block 34, Lot 23

### Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia

The property is developed with a single family detached dwelling. According to our records, the dwelling was originally constructed in 1954. The house location survey approved by the Zoning Administrator on May 25, 1954 shows an enclosed structure and carport attached to the eastern side of the dwelling, and the dimension given from the carport to the eastern property line was 10.5 feet. A Building Permit was approved on November 10, 2004 for an addition to the dwelling which resulted in enclosure of the carport. The approved plat entitled "Property Report, Lot 23, Section 8, Block 34" which was prepared by Certified Real Estate Services, Ltd. and with the surveyor's stamp dated May 24, 2004 shows the addition approved to be located 12 feet from the eastern side lot line. According to the house location survey entitled "Plat on Lot 23, Block 34, Section Eight" prepared by Dominion Surveyors, Inc. which is dated August 19, 2010, the eastern side of the dwelling is actually located 10.3 feet from the side lot line, which does not meet the minimum requirement of 12 feet.

### Background Summary (check all that are applicable):

- A Building Permit has been issued for the addition to the dwelling, but was not constructed in accordance with the Building Permit.
- No evidence of a Building Permit having been issued for the addition to the dwelling.
- A Non-Residential Use Permit/Residential Use Permit has been issued or, when a Non-RUP/RUP is not required, evidence that the structure(s) has passed final inspection.
- Department of Tax Administration records indicate that the addition has been taxed for at least 15 years.
- Department of Tax Administration records does not indicate that the addition to the dwelling has been taxed for 15 years.

Department of Planning and Zoning  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1314 FAX 703-803-6372  
www.fairfaxcounty.gov/dpzz



**Staff Determination:**

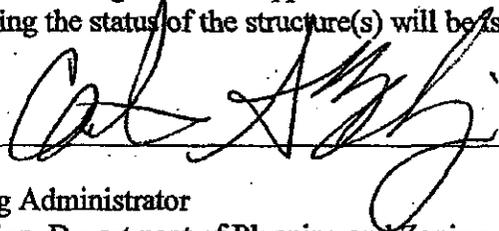
- §15.2-2307 of the Code of Virginia is applicable and the structure may remain. The structure may not be replaced or enlarged unless the replacement or expansion complies with all regulations of the district in which located.
- §15.2-2307 of the Code of Virginia is applicable for the structure and the structure(s) may remain; however, §15.2-2307l is not applicable for the use of the structure. A separate letter explaining the status and use of the structure(s) will be issued.
- §15.2-2307 of the Code of Virginia is not applicable for the addition to the dwelling. A separate letter explaining the status of the structure(s) will be issued.

**Reviewer's Signature:**

Cathy S. Belgin, AICP

Senior Assistant to the Zoning Administrator

Zoning Administration Division, Department of Planning and Zoning



**Date:** 10/6/10

cc: Janet E. Coldsmith, Director, Real Estate Division, DTA  
Eileen M. McLane, Zoning Administrator  
Diane Johnson-Quinn, Deputy Zoning Administrator, for Zoning Permit Review Branch  
Virginia Ruffner, Applications Acceptance, Zoning Evaluation Division

# BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
 PERMIT APPLICATION CENTER  
 12855 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-5984 Telephone: 703-222-0801  
 Web site: www.fairfaxcounty.gov/bcs

PERMIT # 04314B1920

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY.  
 PLAN # P-04-19396  
 TAX MAP # 080-3-02-34-0023

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

**JOB LOCATION** BATH  
**ADDRESS** 7314 BATH Street  
**LOT #** 23 **BUILDING** \_\_\_\_\_  
**FLOOR** \_\_\_\_\_ **SUITE** \_\_\_\_\_  
**SUBDIVISION** Springsfield Rlk 34  
**TENANT'S NAME** Sec 8

**OWNER INFORMATION** OWNER  TENANT   
**NAME** [Signature]  
**ADDRESS** Fairfax Bath Street  
**CITY** Springsfield **STATE** VA **ZIP** 22030  
**TELEPHONE** 703-417-6277

**CONTRACTOR INFORMATION** SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
**COMPANY NAME** \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_  
**CITY** \_\_\_\_\_ **STATE** VA **ZIP** \_\_\_\_\_  
**TELEPHONE** \_\_\_\_\_  
**STATE CONTRACTORS LICENSE #** \_\_\_\_\_  
**COUNTY BPOL #** \_\_\_\_\_

**APPLICANT** [Signature]

**DESCRIPTION OF WORK**  
Addition 2nd level  
2nd level addition of 2500 sq ft  
Plan showing best stress design  
for 2nd level  
**HOUSE TYPE** 2  
**ESTIMATED COST OF CONSTRUCTION** 25000  
**BLDG AREA (SQ FT OF FOOTPRINT)** \_\_\_\_\_  
**USE GROUP OF BUILDING** \_\_\_\_\_  
**TYPE OF CONSTRUCTION** \_\_\_\_\_  
**SEWER SERVICE** PUBLIC  SEPTIC  OTHER   
**WATER SERVICE** PUBLIC  WELL  OTHER   
 OTHER PLEASE SPECIFY \_\_\_\_\_

**DESIGNATED MECHANICS' LIEN AGENT**  
 (Residential Construction Only)  
**NAME** \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_

**NONE DESIGNATED**  **PHONE** \_\_\_\_\_

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS	
# KITCHENS	EXTER. WALLS
# BATHS	INTER. WALLS
# HALF BATHS	ROOF MATERIAL
# BEDROOMS	FLOOR MATERIAL
# OF ROOMS	FIN. BASEMENT
# STORIES	HEATING FUEL
BUILDING HEIGHT	HEATING SYSTEM
BUILDING AREA	# FIREPLACES
BASEMENT	

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	11-9-04	[Signature]
SITE PERMITS	11-9-04	[Signature]
HEALTH DEPT.	11-10-04	[Signature]
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

**FEE** \$ \_\_\_\_\_  
**FILING FEE** \$ \_\_\_\_\_  
**AMOUNT DUE** = \$ \_\_\_\_\_

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

**APPROVED FOR ISSUANCE OF BUILDING PERMIT**  
 (LOG OUT)  
 BY [Signature] DATE 11/10/04

**ZONING REVIEW**  
**USE** SFD **HISTORICAL DISTRICT** P-3  
**ZONING DISTRICT** \_\_\_\_\_  
**ZONING CASE #** \_\_\_\_\_  
**GROSS FLOOR AREA OF TENANT SPACE**  
**YARDS:** GARAGE 1  2  3   
**FRONT** 42 **OPTIONS** YES  NO   
**FRONT** WC **REMARKS** Build 1stky  
**L SIDE** 12 Add over existing  
**R SIDE** 15 1st level enclosure  
**REAR** 56 Existing car port to

**GRADING AND DRAINAGE REVIEW**  
**SOILS #** 200 A  B   
**AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT)** \_\_\_\_\_  
**IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT)** 5120  
**PLAN #** \_\_\_\_\_ **APPR. DATE** \_\_\_\_\_

**STAMPS**  
[Signature]  
 (See reverse side of application)

**REMARKS** make living area per  
plans  
soil id attached

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

[Signature] 11/19/04  
 Signature of Owner or Agent Date  
John Ross  
 Printed Name and Title  
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

**NOTARIZATION** (if required)  
 State (or territory or district) of \_\_\_\_\_  
 County (or city) of \_\_\_\_\_, to wit I,  
 \_\_\_\_\_  
 Notary Public in the State and County aforesaid, do certify that  
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.  
 Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ My  
 commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 (Notary Signature)

PROPERTY REPORT  
 LOT 23 SECTION 8 BLOCK 34

JOB NUMBER: 04-2040

SPRINGFIELD  
 FAIRFAX COUNTY, VIRGINIA  
 CLIENT: ROJAS

SCALE: 1"=30'  
 CASE NO.: 04596VA

THE SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA.



**RTS**

Reston, VA 22040

Office: 703-533-7500  
 Fax: 703-533-7553

DPW&ES  
 Office of Building  
 Code Services  
 Approved for

*Endorse ex-cd*  
 By *W. E. Shoup*  
 Date *11/9/04*  
*Space*  
*2nd floor*  
*other*  
*ex-5pp*

I hereby certify that the position of all existing improvements have been carefully located by a transit and/or tape or electronic measuring device & unless otherwise shown there are no encroachments.

This plat has been provided for a transaction on or about the date of this survey. This certification is limited to the parties of this transaction. This plat is furnished for informational purposes in the issuance of title insurance and is not to be used for design or construction or set property corners. The fence locations shown on this plat are approximate and are not certified as to relation to the property boundaries or ownership.

The settlement agent has requested this survey pursuant to the terms of a contract of sale or in conjunction with a re-finance of the subject property at the owner's, prospective purchaser's, and/or lender's direction. The settlement agent has requested only that information required for title insurance purposes be shown and does not certify to the accuracy of any of the information shown hereon. No title report has been furnished.

This plat is subject to restrictions and easements of record. Boundary and other site information has been provided by others.

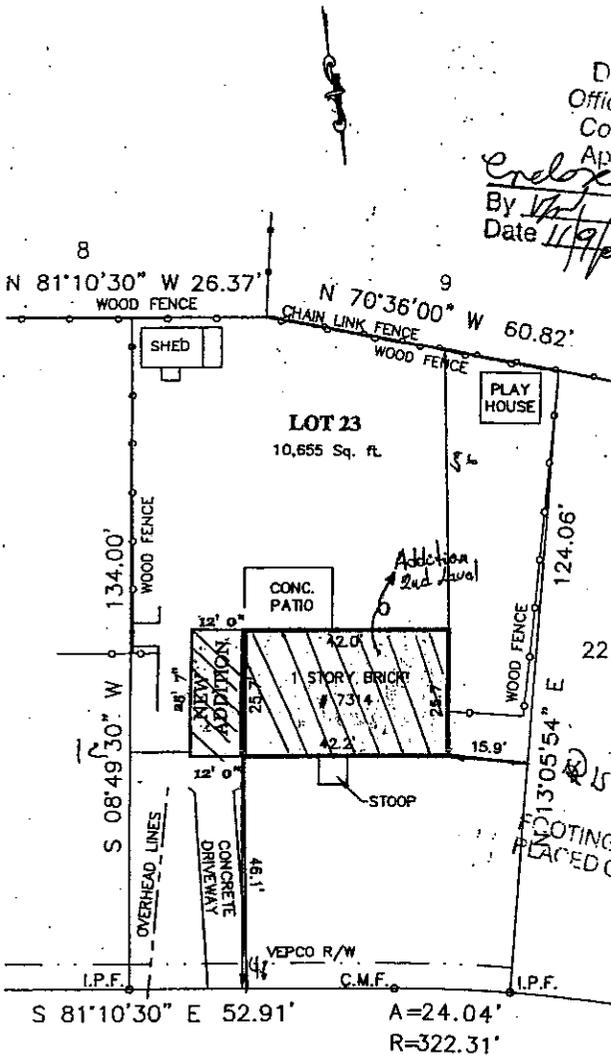
IPF indicates monuments used for location purposes. If no monuments were found the existing improvements were located from the occupation of existing features. Any reproduction of this document that does not bear an original signature is an unauthorized copy and may violate U.S. copyright laws. Unauthorized copies may not be in conformance with current survey requirements under Virginia State law and shall not be used for insurance and/or mortgage underwriting.

SEAL REQUIRED IN ACCORDANCE WITH BUILDING CODES

NOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

APPROVED

*11-9-04*  
*William E. Shoup*  
 Zoning A-5

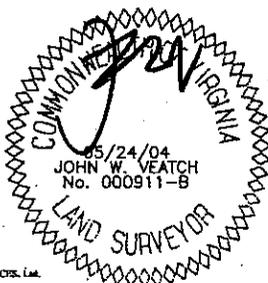


BATH STREET  
 50' WIDE

*No Second Kitchen or Wet Bar*  
 EXCAVATION



Surveyor:  
**CERTIFIED REAL ESTATE SERVICES, Ltd.**  
 1831 WIEHLE AVENUE  
 SUITE 105  
 RESTON, VA 20190  
 PHONE: 703.742.9105  
 FAX: 703.742.9104  
 Email: satellitesurvey@aol.com  
 COPYRIGHT CERTIFIED REAL ESTATE SERVICES, Ltd. 2001-2004



## **8-006 General Standards**

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

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

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

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

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

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

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

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

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

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