



County of Fairfax, Virginia

May 11, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-SU-017

SULLY DISTRICT

APPLICANT: Jeffrey C. Hoyt

OWNERS: Jeffrey C. Hoyt
Marci L. Hoyt

STREET ADDRESS: 12809 Gatepost Court

SUBDIVISION: Franklin Farm

TAX MAP REFERENCE: 35-2 ((8)) (7) 17

LOT SIZE: 10,648 square feet

ZONING DISTRICT: PDH-2

ZONING ORDINANCE PROVISIONS: 8-914 and 8-922

SPECIAL PERMIT PROPOSALS: To permit reduction to minimum yard requirements based on errors in building locations to permit one accessory structure (tree house) to remain 0.0 feet and second accessory structure (play equipment) to remain 1.8 feet from the rear lot line and existing dwelling to remain 16.0 feet from a front lot line and to permit reduction to certain yard requirements to permit construction of a second-story addition 16.0 feet from a front lot line and 20.8 feet from the rear lot line.

O:\dhedr\Special Permits(5-18) SP 2011-SU-017 Hoyt (50 & error)\SP 2011-SU-017 Hoyt staff report.doc

Deborah Hedrick

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-SU-017 for a second-story 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 applicant/owner 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. 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.

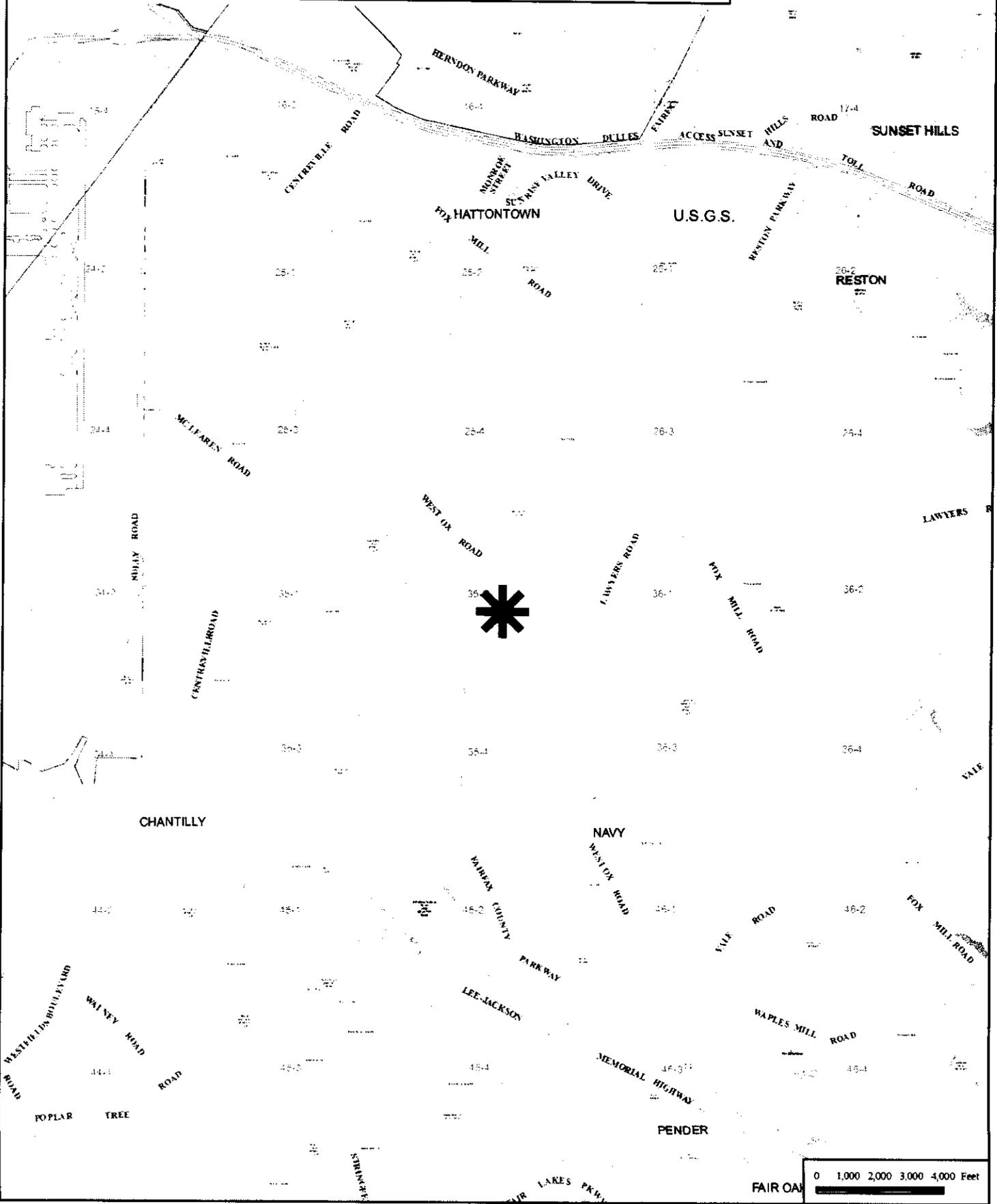
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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 2011-SU-017
JEFFREY HOYT



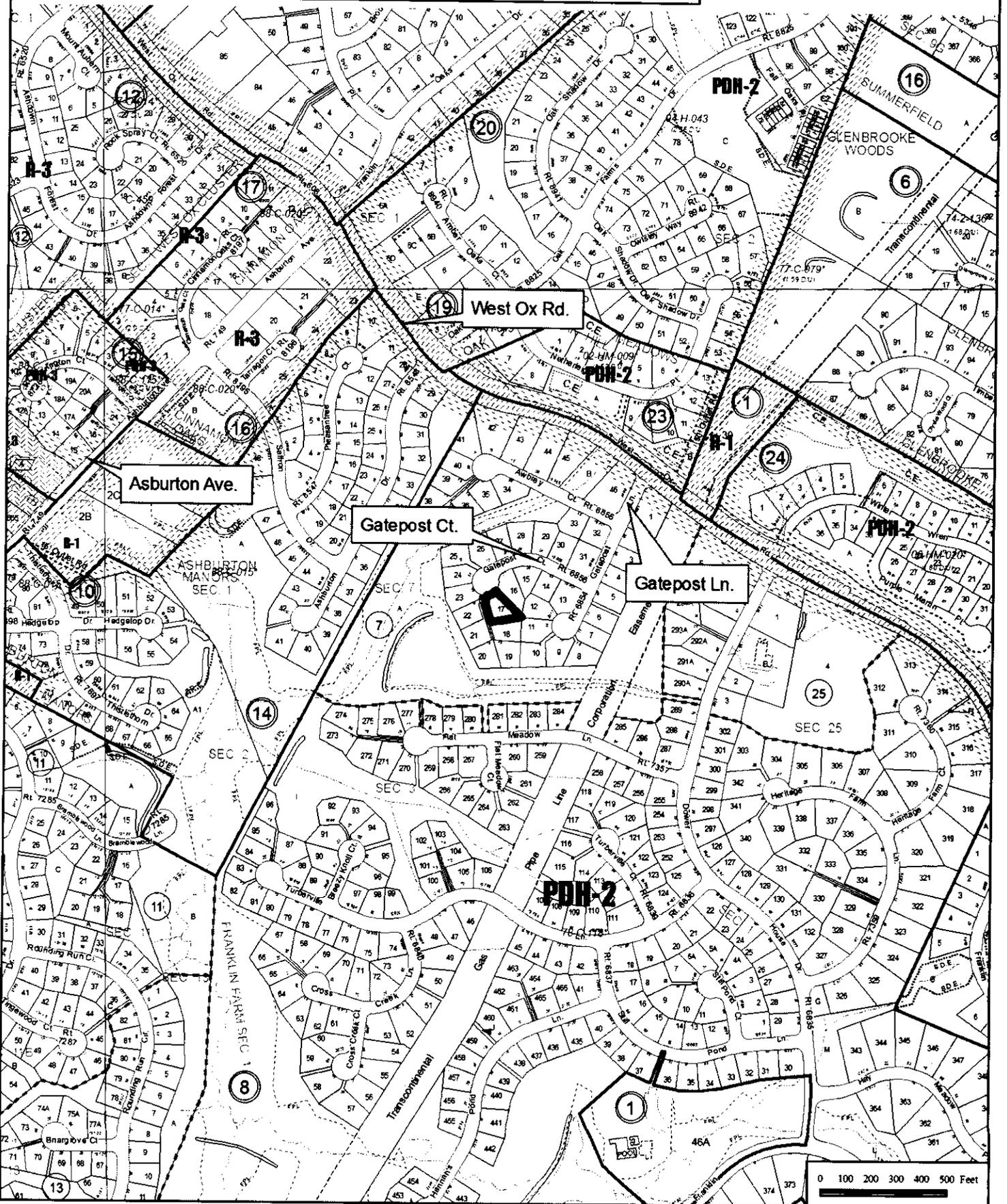
0 1,000 2,000 3,000 4,000 Feet

FAIR OAK

Special Permit

SP 2011-SU-017

JEFFREY HOYT



400.85' TO P.C.
GATEPOST LANE

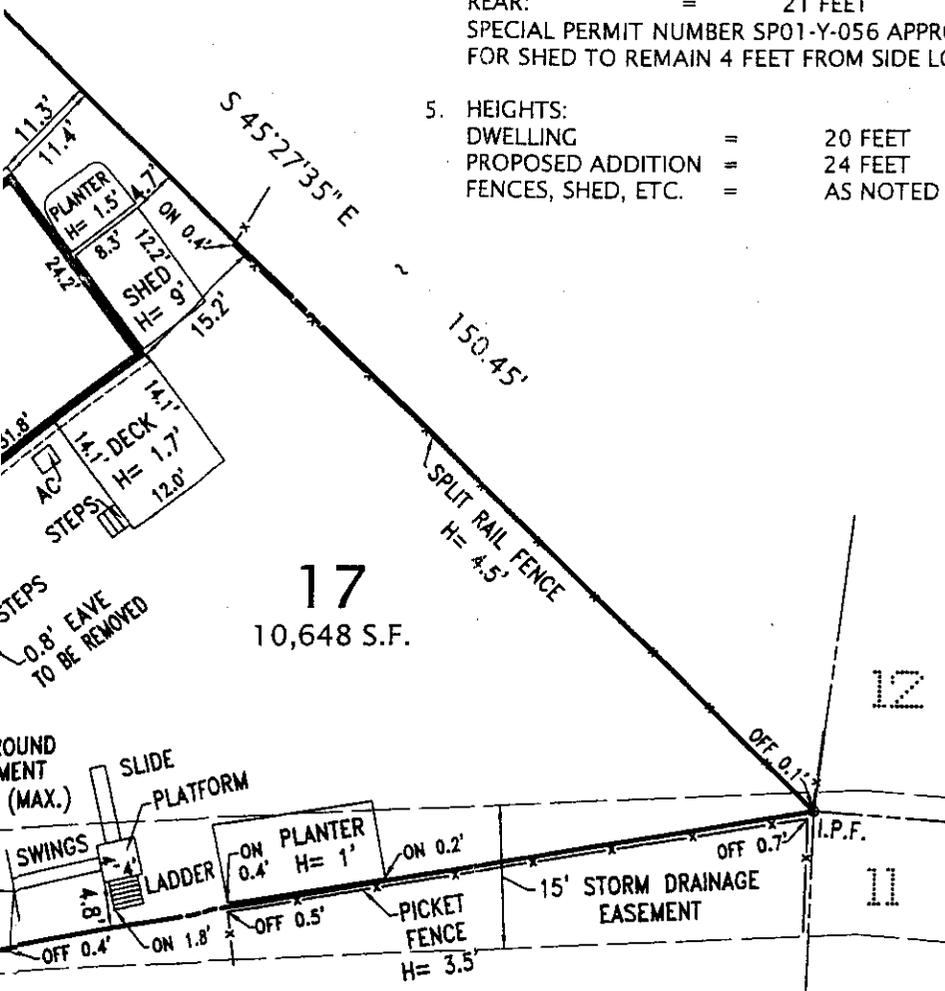
NOTES

1. TAX MAP: 0352 08070017
2. ZONE: PDH-2
3. LOT AREA: 10,648 SQUARE FEET
4. ZONING CODE MINIMUM REQUIRED YARDS:
 DWELLING
 FRONT: = 25 FEET
 SIDE: = 8 FEET MINIMUM, 24 FEET TOTAL
 REAR: = 25 FEET

MINIMUM YARDS PER VARIANCE NUMBER VC01-Y-159
 APPROVED 12/11/2001
 FRONT: = 18 FEET
 YARD ADJACENT TO THE SHARED DRIVEWAY IS A FRONT YARD.
 25 FEET IS REQUIRED FROM THE EDGE OF THE SHARED DRIVEWAY.
 REAR: = 21 FEET
 SPECIAL PERMIT NUMBER SP01-Y-056 APPROVED 12/11/2001
 FOR SHED TO REMAIN 4 FEET FROM SIDE LOT LINE.

5. HEIGHTS:
 DWELLING = 20 FEET
 PROPOSED ADDITION = 24 FEET
 FENCES, SHED, ETC. = AS NOTED ON DRAWING

6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER. ALL UTILITIES ARE UNDERGROUND.
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 NOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. FLOOD PLAIN AND RESOURCE PROTECTION AREAS ARE SHOWN PER COUNTY MAPPING.
11. APPROXIMATE FLOOR AREAS BASED ON EXTERIOR WALL DIMENSIONS:
 ORIGINAL DWELLING = 1,680 SF
 ADDITION WITH VARIANCE IN 2002 = 680 SF
 PROPOSED ADDITION = 810 S.F.
 FLOOR AREA OF 2002 ADDITION AND PROPOSED ADDITION EQUALS 89% OF THE ORIGINAL DWELLING FLOOR AREA.
12. THE TERMS OFF AND ON AS USED HEREON MEAN THAT THE OBJECT INDICATED IS OUTSIDE OF THE SUBJECT PROPERTY (OFF) OR INSIDE THE SUBJECT PROPERTY (ON) BY THE DISTANCE INDICATED.



RECEIVED
 Department of Planning & Zoning
 FEB 25 2011
 Zoning Evaluation Division

PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 17 SECTION 7
FRANKLIN FARM
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20'
 DECEMBER 13, 2010
 FEBRUARY 24, 2011 (REVISED)

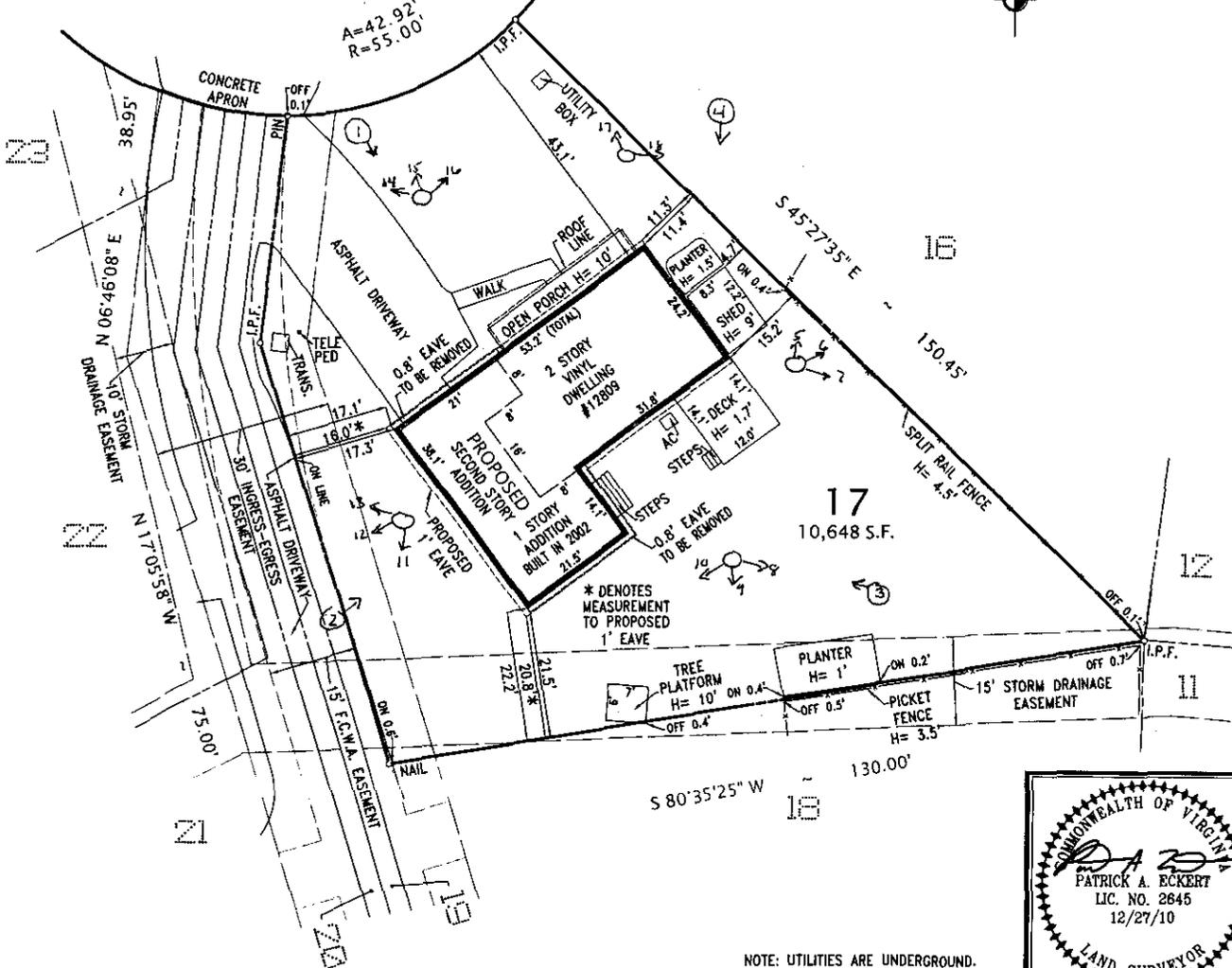
Map of photographs submitted

400.85' TO P.C.
GATEPOST LANE

GATEPOST COURT

50' R/W

A=42.92'
R=55.00'



17
10,648 S.F.

* DENOTES
MEASUREMENT
TO PROPOSED
1' EAVE

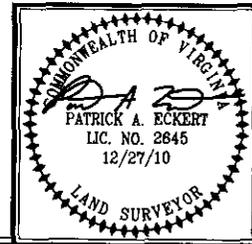
NOTE: UTILITIES ARE UNDERGROUND.

NOTES

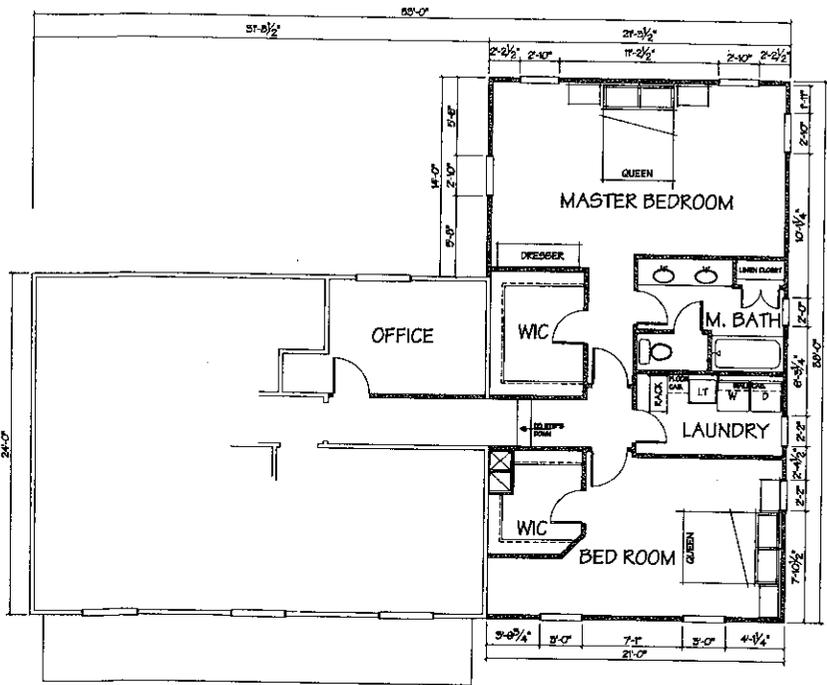
- TAX MAP: 0352 08070017
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 YARD ADJACENT TO THE SHARED DRIVEWAY IS A FRONT YARD.
 25 FEET IS REQUIRED FROM THE EDGE OF THE SHARED DRIVEWAY.
 REAR: = 21 FEET
 VARIANCE ALSO FOR SHED TO REMAIN 4 FEET FROM SIDE LOT LINE.
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 PROPOSED ADDITION = 24 FEET
 FENCES, SHED, ETC. = AS NOTED ON DRAWING
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
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PLAT
SHOWING THE IMPROVEMENTS ON
LOT 17 SECTION 7
FRANKLIN FARM
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20' DECEMBER 13, 2010

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JAN 10 2011
Zoning Evaluation Division



CASE NAME: HOYT	
GRAPHIC SCALE 0 20 40	REQUESTED BY: JEFFREY HOYT
PLAT SUBJECT TO RESTRICTIONS OF RECORD. TITLE REPORT NOT FURNISHED.	ALEXANDRIA SURVEYS INTERNATIONAL, LLC 11216 WAPLES MILL ROAD SUITE 102 FAIRFAX, VIRGINIA 22030 TEL. NO. 703-660-6615 FAX NO. 703-768-7764

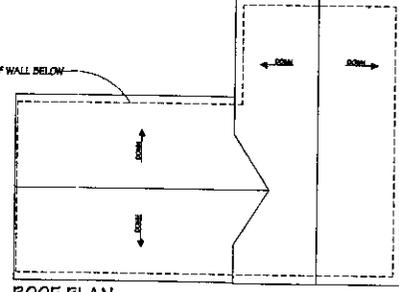


LINE OF EXISTING ROOF (TO BE REMOVED)

EXISTING HOUSE

LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"

LINE OF WALL BELOW



REAR ELEVATION
SCALE 1/4" = 1'-0"

LINE OF EXISTING ROOF (TO BE REMOVED)

EXISTING STEPS

EXISTING HOUSE

SHINGLES TO MATCH EXISTING

SIDING TO MATCH EXISTING

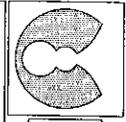
LINE OF EXISTING ROOF (TO BE REMOVED)

EXISTING HOUSE

FRONT ELEVATION
SCALE 1/4" = 1'-0"

RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

EXISTING HOUSE

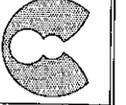


Laurel Design Associates
Architects
14920 Largo Vista Drive, Laguna Hills, Virginia 20168
703-753-5050

HOYT ADDITION
DANIELS DESIGN AND REMODELING
SCHEMATIC DRAWINGS

Date: Revised 7/25/10
Exhibitions
FOR THE PURPOSE OF HOA
APPROVAL ONLY

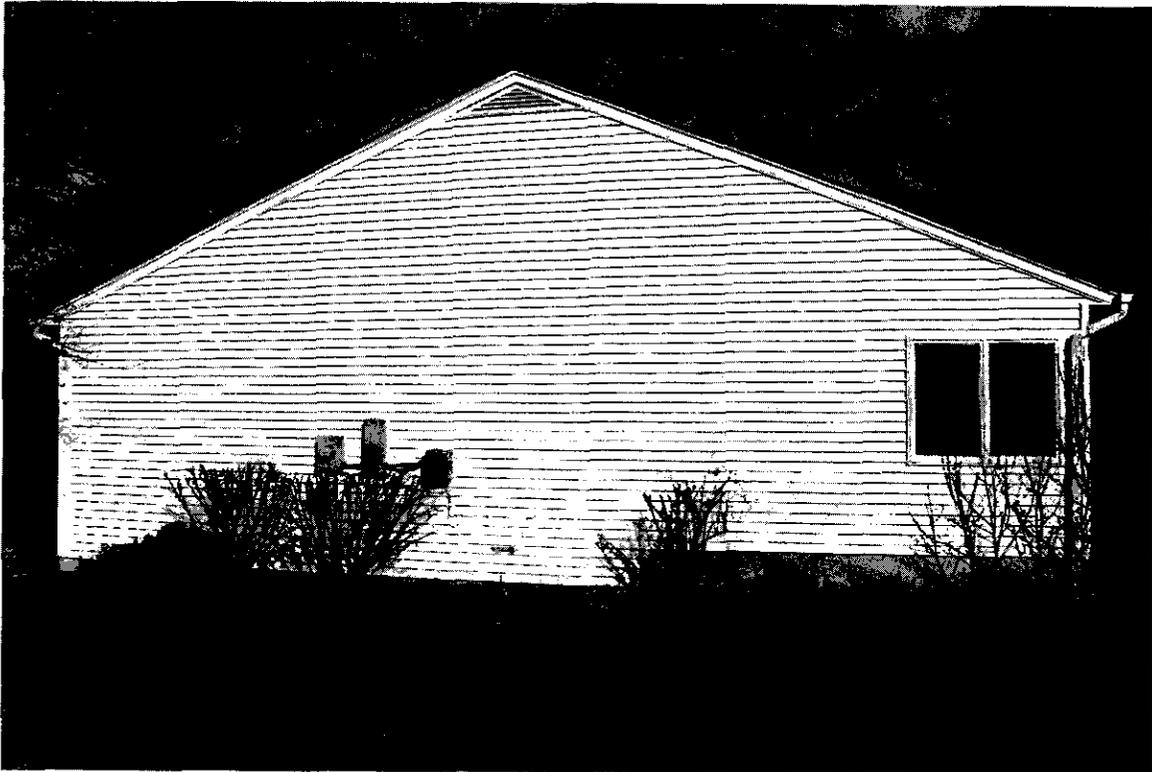
John A. Farnham, Architect
Sheet # A1 Scale Noted
Drawn By Arnold



View of house (see attached plat with photo locations and direction)



View 1



View 2

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Zoning Evaluation Division

View of house (con't)

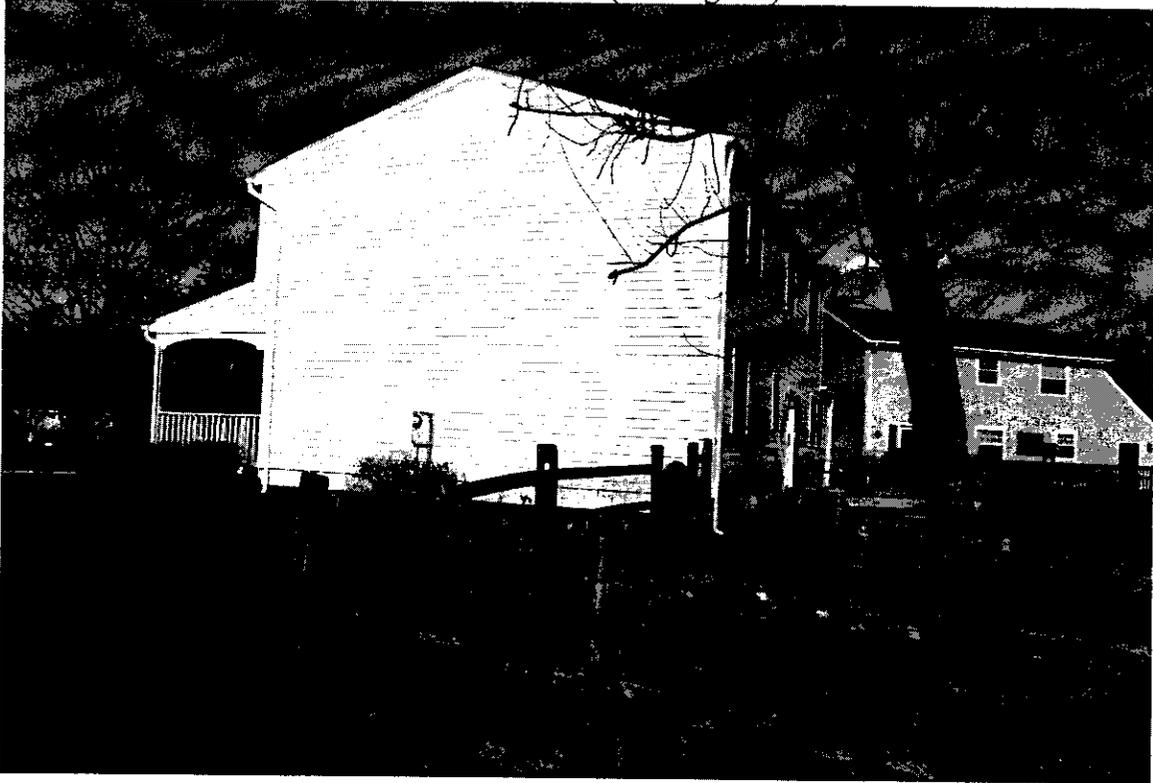


View 3



View 4

View from house (360 degrees)



View 5



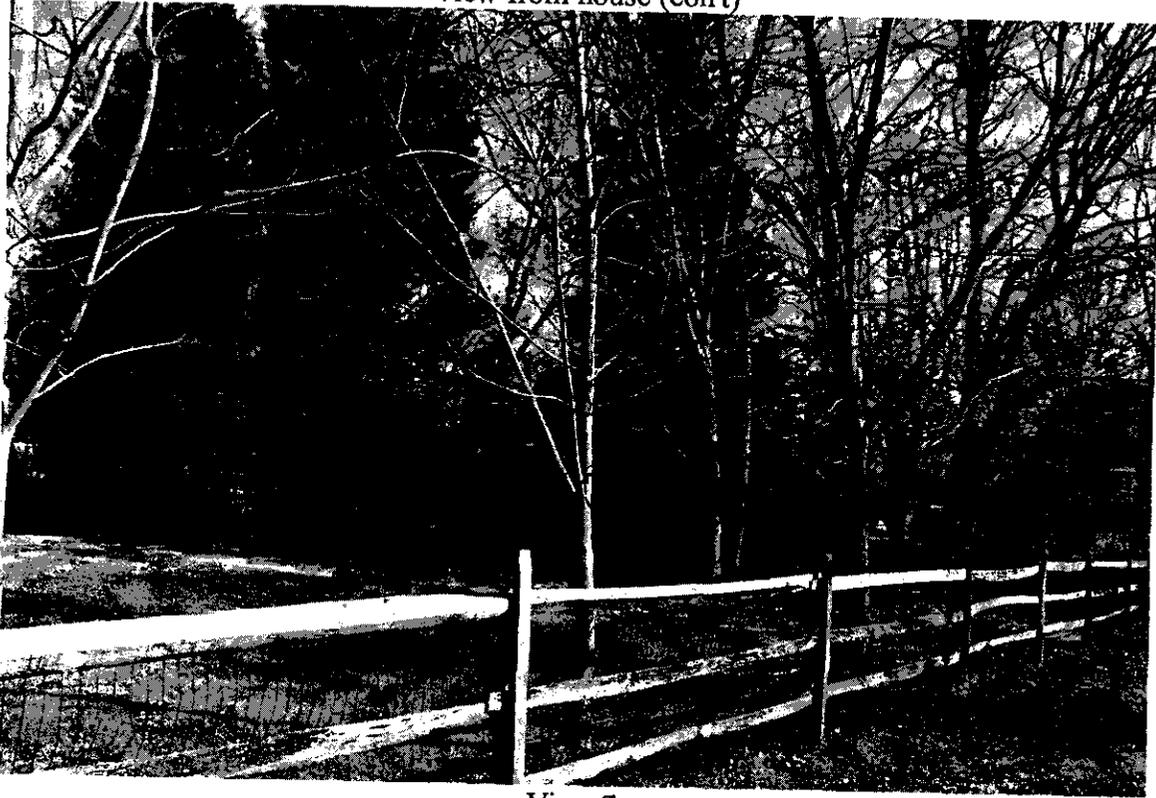
View 6

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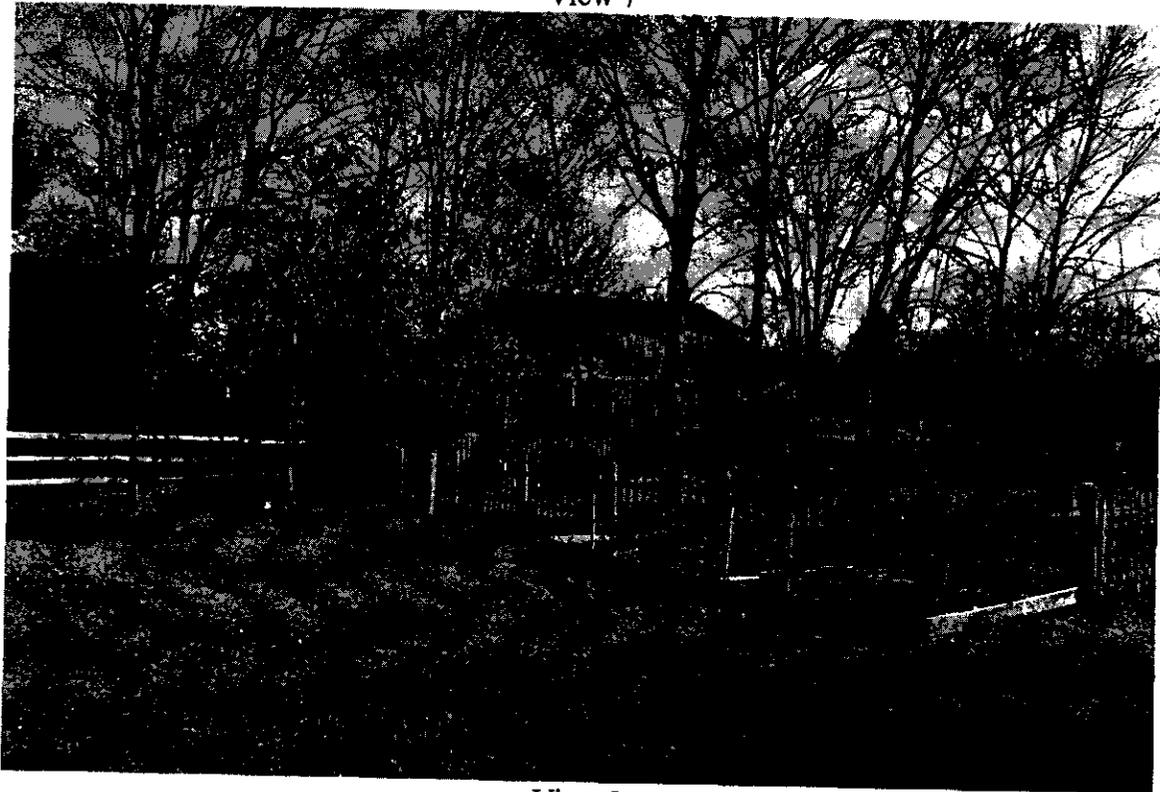
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Zoning Evaluation Division

View from house (con't)



View 7



View 8

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Zoning Evaluation Division

View from house (con't)



View 9



View 10

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Department of Planning & Zoning

JAN 10 2011

View from house (con't)



View 11



View 12

View from house (con't)



View 13



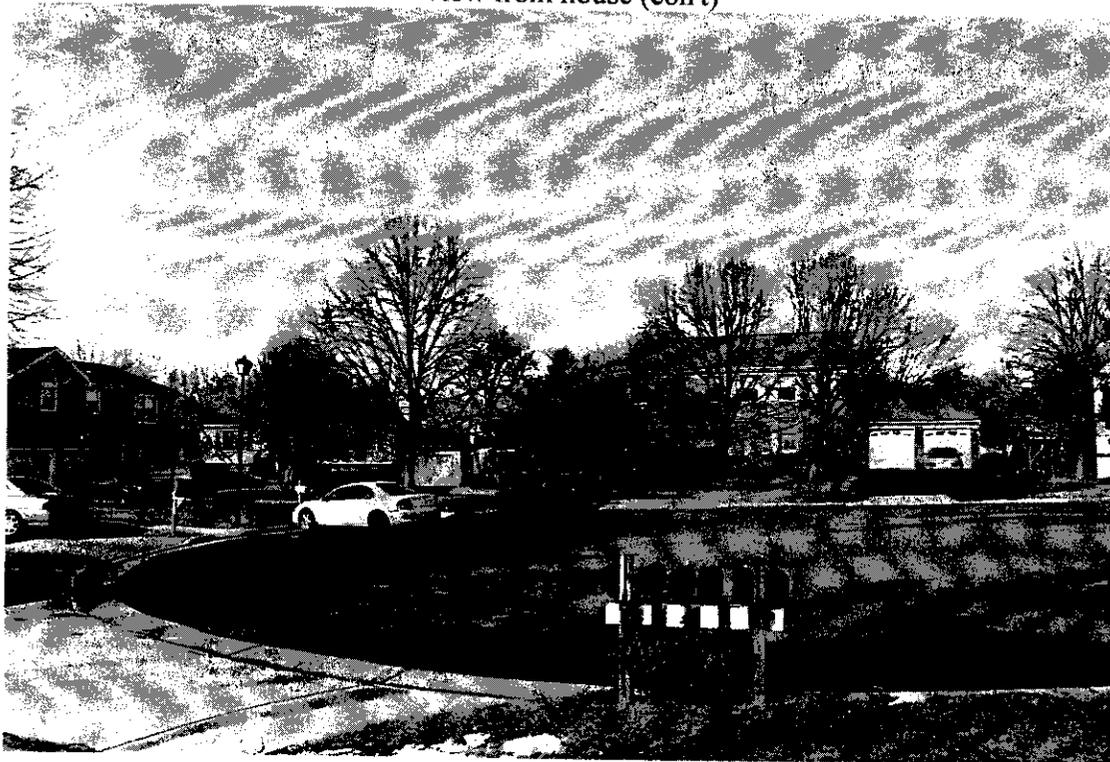
View 14

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View from house (con't)



View 15



View 16

View from house (con't)



View 17



View 18

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JAN 10 2011

Zoning Evaluation Division

DESCRIPTION OF THE APPLICATIONS

The application contains several special permit requests based on errors in building locations. The first request is to permit an accessory structure (tree house) which measures 10 feet in height to remain 0.0 feet from the rear lot line. The second request is to permit an accessory structure (play equipment) which measures 7.7 feet in height to remain 1.8 feet from the rear lot line. The Zoning Ordinance requires accessory structures which exceed 7 feet in height to be setback a distance equal to their height from the rear lot line. The third request is to permit the existing dwelling to remain 16.0 feet from a front lot line of a pipestem lot.

	Structure	Yard	Minimum Setback/ Yard Required*	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Accessory Structure (tree house)	Rear	10.0 feet	0.0 feet	10.0 feet	100%
Special Permit #2	Accessory Structure (play equipment)	Rear	7.7 feet	1.8 feet	5.9 feet	77%
Special Permit #3	Dwelling	Front	25.0 feet	16.0 feet	9.0 feet	36%

*Minimum yard/setback requirements per Section 3-207 and Section 10-104

The applicant is also requesting approval of a special permit for a reduction of certain yard requirements to permit construction of a second-story addition to be located at its closest point 16.0 feet from a front lot line of a pipestem lot and 20.8 feet from the rear lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Dwelling	Front	25.0 feet	16.0 feet	9.0 feet	36%
Special Permit	Dwelling	Rear	25.0 feet	20.8 feet	4.2 feet	17%

*Minimum yard requirement per Section 3-207

Note: On October 22, 1979, the Board of Supervisors approved RZ 78-C-118 which rezoned approximately 828 acres from the R-1 District to the PDH-2 District with a density of 2 dwelling units per acre (du/ac). Bulk regulations for the PDH District are regulated under the provisions of Sect. 16-102 of the Zoning Ordinance. Design Standards are those which are approved by the Board of Supervisors on the final development plan for the subdivision. Subsequent additions, according to Sect. 16-403, must conform to that conventional zoning district which most closely characterizes the development under consideration provided, however, that the desired alteration is in substantial conformance with the approved final development plan. This subdivision is developed under the PDH-2 regulations but is most similar to the R-2 Cluster regulations, which requires a minimum front yard and rear yard of 25.0 feet and a minimum side yard of 8.0 feet.

EXISTING SITE DESCRIPTION

The lot consists of 10,648 square feet and is surrounded by single-family detached dwellings along all lot lines. The property is accessed via an asphalt driveway from Gatepost Court which terminates at an existing one-car garage. There is a 15 foot storm drainage easement located along the entire rear lot line. A 30 foot ingress-egress easement is located along the entire western side lot line. The lot is flat and contains some existing vegetation consisting of mature trees and shrubs. As noted above, a tree house and play equipment are located along the rear lot line, as well as a gardening planter, all within the storm drainage easement. A combination of split rail and picket fencing are located along the eastern side lot line and a portion of the rear yard.

CHARACTER OF THE AREA

	Zoning	Use
North	PDH-2	Single Family Detached Dwellings
East	PDH-2	Single Family Detached Dwellings
South	PDH-2	Single Family Detached Dwellings
West	PDH-2	Single Family Detached Dwellings

BACKGROUND

Records indicate that the dwelling was originally constructed in 1982.

On December 11, 2001, the Board of Zoning Appeals (BZA) approved VC 01-Y-159 concurrent with SP 01-Y-056 to permit construction of a one-story addition to be located 18.0 feet from a front lot line and 21.0 feet from the rear lot line and to permit error in building location to permit a shed to remain 4.0 feet from a side lot line. A copy of the approved Resolution and plat are attached as Appendix 4.

On May 1, 2002, the applicant obtained a building permit to construct the one-story addition as per the variance approval. In reviewing the special permit plat submitted with this application, it is noted that the one-story addition was constructed approximately 16 feet from the front lot line, instead of the 18.0 feet. Therefore, the location of the existing dwelling was included in this special permit for an error in building location since it was constructed closer than permitted with the variance approval.

Following the adoption of the current Ordinance, the BZA has heard the following similar special permits or variances in the vicinity of the application parcel:

- Special Permit SP 2010-SU-063 was approved on January 12, 2011 for Tax Map 35-2 ((8)) 280, zoned PDH-2, at 12768 Flat Meadow Lane, to permit reduction of certain yard requirements to permit construction of addition 6.0 feet from a side lot line.
- Variance VC 01-Y-159 was approved December 19, 2001 for Tax Map 35-2 ((8)) (7) 17, zoned PDH-2, at 12809 Gatepost Court, to permit construction of a one-story addition 18.0 feet from the front lot line and 21.0 feet from the rear lot line.
- Special Permit SP 01-Y-056 was approved on December 19, 2001 or Tax Map 35-2 ((8)) (7) 17, zoned PDH-2, at 12809 Gatepost Court, to permit reduction in minimum yard requirements based on error in building location for shed to remain 4 feet from side lot line.
- Variance VC 94-Y-083 was approved on October 5, 1994 for Tax Map 35-2 ((8)) (7) 12, zoned PDH-2, at 3012 Gatepost Lane, to permit construction of addition 12.3 feet from side lot line such that side yards total 18.3 feet.
- Variance VC 93-Y-108 was approved on December 8, 1993 for Tax Map 35-2 ((8)) (7) 8, zoned PDH-2, at 3015 Gatepost Lane, to permit construction of addition 19.2 feet rear lot line.
- Variance VC 89-C-156 was approved on March 21, 1990 for Tax Map 35-2 ((8)) 105, zoned PDH-2, at 12770 Turberville Lane, to permit construction of screen porch to dwelling 20 feet from rear lot line.

ANALYSIS

- **Special Permit Plat:** (Copy at front of staff report)
- **Title of Plat:** Plat Showing the Improvements on Lot 17, Section 7, Franklin Farm
- **Prepared by:** Alexandria Surveys International, LLC dated December 13, 2010 as revised through February 24, 2011
- **Permits required:** Building permits are not required for the accessory structures. A building permit was obtained for an addition to the dwelling; however it was not constructed per the building permit and previously approved variance.
- **Errors made by:** The current homeowners.

Proposal:

The applicant proposes to construct a second-story addition above the existing one-story addition which was constructed upon approval of a variance VC 01-Y-059. The proposed addition will not exceed the existing building footprint of the first level and will consist of 810 square feet of additional living space. The applicant also requests two accessory structures to be permitted to remain in the rear yard. One of the structures is a tree with a platform (tree house) and the other is play equipment. Although the structures are within an existing 15 foot storm drainage easement, staff from the Maintenance and Stormwater Management Division of the Department of Public Works and Environmental Services (DPWES) state they are able to be removed by hand and therefore are permitted to remain in their current locations. The applicant has been advised that if DPWES should need to access the easement, the County will not be liable for damage to these structures.

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 5:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Minimum Yard Requirements Based on Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the second story 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 that the special permit application satisfies this condition since the proposed addition will be located above an existing one-story addition and will not extend beyond the already established footprint of the dwelling. The closest neighboring property most affected by the addition is located approximately 35 feet away from the shared lot line. 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 4 relates to additional square footage, which does not apply to this application. 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 2,360 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,540 square feet in size for a possible total square footage at build out of 5,900. The proposed addition is 810 square feet, for a total square footage of the house with the addition of 3,170 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 second-story addition will be compatible with the architecture of the existing dwelling on the lot. Although the existing dwelling measures 20 feet in height and the proposed addition measures 24 feet in height, the addition will create a two-level uniform appearance and will be in character with the 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 second level above an existing one-story addition which was approved by variance in 2001. No vegetation is proposed to be removed to accommodate the proposed addition. As shown in the photographs located at the front of the staff report, many other homes in the immediate vicinity are two full levels. Staff believes the addition will be harmonious with surrounding off-site uses and 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 second-story addition, consisting of 810 square feet, will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety as the addition will not extend beyond the existing footprint of the dwelling and will be located adjacent to a 30 foot ingress-egress easement where the closest affected dwelling is located approximately 35 feet away. Staff believes the request is modest as it will be placed above an existing one-story addition and should not increase runoff or erosion significantly. 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 second-story addition is shown in the most logical location given it will be placed above an existing one-story addition constructed by an approved variance. No additional impervious surfaces or land disturbance is proposed with the request. The request is minimal in size and scale and represents the minimum amount of reduction necessary to accommodate the structure which will not extend beyond the existing plane of the dwelling. Also, given the placement of the dwelling on the lot, and the location of easements along the entire western and southern lots lines, and to maintain an existing internal flow within the dwelling, other possible locations are limited. 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 2011-SU-017 for a second-story 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 applicant/owner 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 and Plat for VC 01-Y-159 and SP 01-Y-056
5. Applicable Zoning Ordinance Provisions

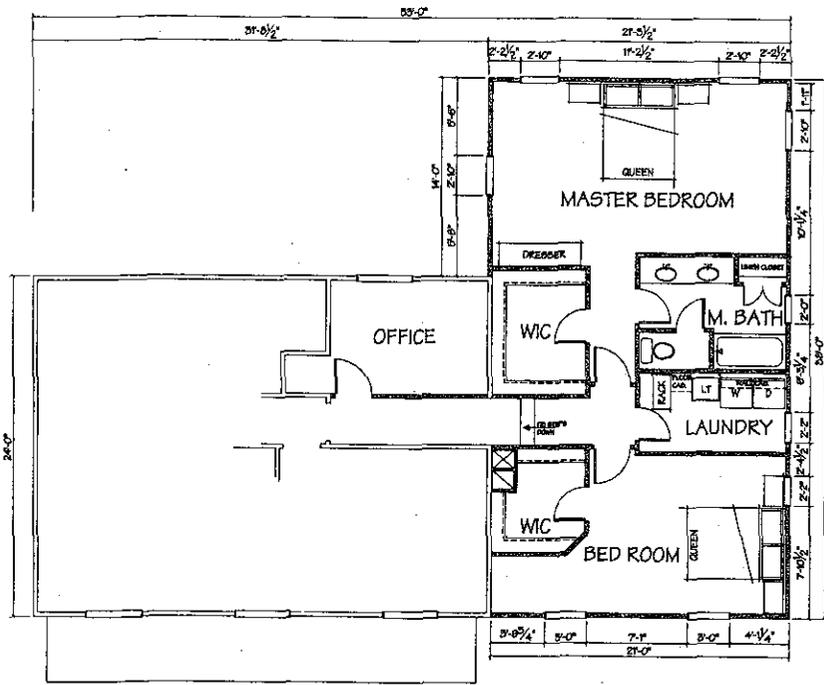
PROPOSED DEVELOPMENT CONDITIONS**SP 2011-SU-017****May 11, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-SU-017 located at Tax Map 35-2 ((8)) (7) 17 to permit reduction of minimum yard requirements pursuant to Sections 8-914 and 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 of the accessory structures (tree house and play equipment) and location and size of a second-story addition, as shown on the plat prepared by Alexandria Surveys International, LLC, dated December 13, 2010, as revised through February 24, 2011, 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 (2,360 square feet existing + 3,540 square feet (150%) = 5,900 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 generally 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.

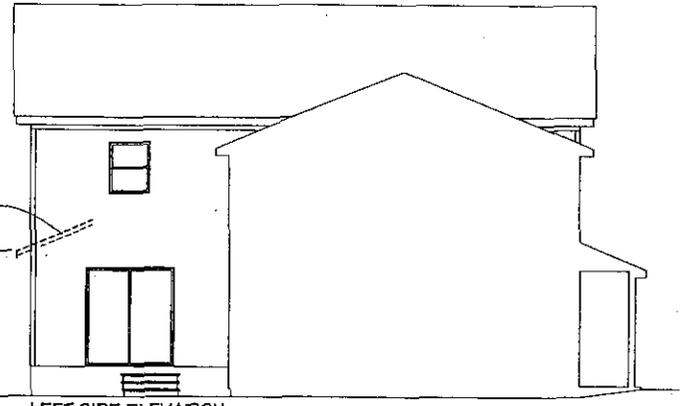
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

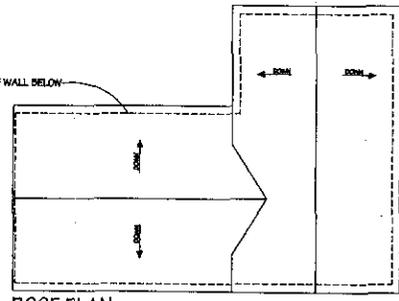
LINE OF EXISTING ROOF (TO BE REMOVED)

EXISTING HOUSE

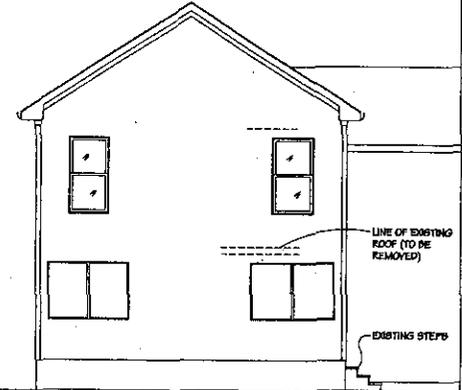


LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"

LINE OF WALL BELOW



ROOF PLAN
SCALE 1/4" = 1'-0"



REAR ELEVATION
SCALE 1/4" = 1'-0"

LINE OF EXISTING ROOF (TO BE REMOVED)

EXISTING STEPS

EXISTING HOUSE

SHINGLES TO MATCH EXISTING

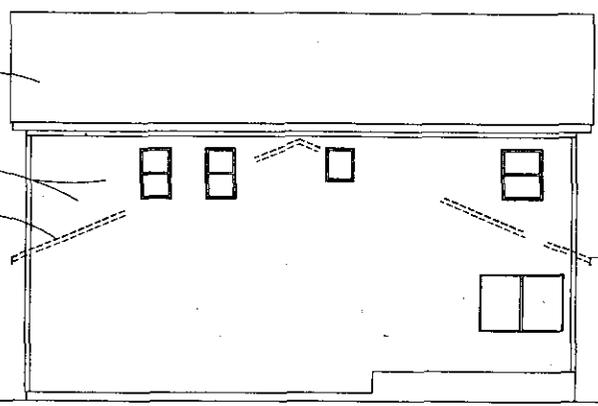
SIDING TO MATCH EXISTING

LINE OF EXISTING ROOF (TO BE REMOVED)

EXISTING HOUSE



FRONT ELEVATION
SCALE 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"

EXISTING HOUSE



Daniel Design Associates
Architects
14820 Largo Vista Drive, Hyattsville, Virginia 20168
703-753-5050

HOYT ADDITION
DANIELS DESIGN AND REMODELING
SCHEMATIC DRAWINGS

Redr Jamará 7/25/10
Revisions
FOR THE PURPOSE OF HOA
APPROVAL ONLY

John A. Parkins, Architect
Sheets #
A1
Scale Noted



Application No.(s): SP 2011-SU-017
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/9/11
(enter date affidavit is notarized)

I, Jeffrey Hoyt, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant 110813
 applicant's authorized agent listed in Par. 1(a) below

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 BOLD above)
Jeffrey E. Hoyt	12809 Gatepost Ct. Herndon VA 20171	Applicant Title Owner
Marzi L. Hoyt	Same	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-SU-017
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/9/11
(enter date affidavit is notarized)

110813

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)

N/A

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)

N/A

(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-SU-017
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/9/11
(enter date affidavit is notarized)

110813

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**)

N/A

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

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

Application No.(s): SP 2011-SU-017
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/9/11
(enter date affidavit is notarized)

110813

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: 1/9/11 (enter date affidavit is notarized)

110813

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

[X] Applicant [] Applicant's Authorized Agent

Jeffrey C. Hoyt

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

Subscribed and sworn to before me this 9th day of January 20 11, in the State/Comm. of Virginia, County/City of Loudoun

Karen Heatherlon Notary Public

My commission expires: June 30, 2012



RECEIVED
Department of Planning & Zoning

FEB 25 2011

File 2011-0008

Information for the 8-922 Standards, as requested by the checklist report for Ward 10, by the letter dated February 9, 2011

Discussion: In 2002 a single story addition was added to the property. Under the procedures of the time, variance VC01-Y-159 was used to reduce the minimum yard requirements for a single story addition. We are planning to put a second story on this addition, however as-built, the existing addition is closer to the property line than was indicated on the variance application. The eave is 16.0' from the side property line vs. 18.0' noted.

This application, therefore, requests that the existing structure remain in place and a second story is allowed to be added.

Item 930.01 – Once done, addition provides a family room and garage on the first floor and two bedrooms and a laundry room on the second floor. The kitchen, living room, main doors, etc. remain in their original locations and constitute the “main” part of the home. Also, in terms of raw square footage, it is 89% the size of the original dwelling. Therefore, the addition is clearly subordinate to the original structure.

Item 930.02 – The 2002 addition was done so it seamlessly flowed into the original structure and this was a major consideration for the proposed addition. In this way, the character of the original structure is preserved even though new structure was added.

Item 930.03 – The 2002 addition plus the proposed addition is 89% of the original dwelling. It is planned for the addition to be slightly taller than the main part of the house to mimic other homes in the vicinity. This puts the entirety of the existing and proposed additions on par with the original structure on the lot.

Item 930.04 - The existing and proposed additions did not impede lines of sight or encroach on neighboring properties. The intended purpose is the same before and after the two additions – a single family home. Therefore, the final structure would not create any additional noise, erosion, stormwater runoff than the original dwelling.

Item 930.05 – Due to the shape of the lot and the disparity between the shape of the lot and the orientation of the original structure, this option had the least impact on neighboring properties and encroachment into minimum yard requirements. The proposed addition is being placed on top of the 2002 addition so will not encroach any further into the minimum yard requirements than the current structure does. As a result of building higher, one maple tree in the front yard will have to be cut back a bit, however the tree will not be removed. No easements or historic resources were affected by the 2002 addition or will be by the proposed addition.

Item 930.15 – As noted on the plat, the approximate floor area based on exterior well dimensions are:

Original dwelling – 1680 SF

Addition with variance in 2002 – 680 SF

Proposed addition – 810 SF

Therefore the floor area of the 2002 addition and proposed addition equals 89% of the original dwelling floor area.

The Floor Area Ratio is as follows:

Orig. dwelling + additions + shed

Total SF for property

or

$$\frac{1680 + 1490 + 101}{10648} = 0.307$$

RECEIVED
Department of Planning & Zoning
FEB 25 2011
Zoning Evaluation Division

Information for the 8-914 Standards, as requested by the checklist report forwarded by the letter dated February 9, 2011

Discussion: In Spring of 2010, a tree platform was installed on a tree that marks the border between this house and the one that borders it's back yard. The purpose was to provide a place for children to play. At the time, we asked the neighbor if it would be OK and they agreed (they have children who would use it as well). The platform is 6' by 7' and roughly 10' above the ground, depending on where the measurement is taken (the ground slopes) and has fixed railings on three sides and tree trunks on the fourth to prevent falling. As this was not a permanent structure, we did not think any approval was necessary from the county. There are no utilities provided to the structure. The structure is quite sturdy and has easily survived several violent storms and one large snow which damaged many trees in the area.

This application requests that the tree platform be permitted to remain in place. Consistent with item 912.00 in the checklist noted above, the standards of 8-914 are addressed below.

1. The plat is the same attached.
2.
 - a) As noted on the plat, the platform is right up against the property line, and therefore encroaches completely on the minimum yard requirements.
 - b) We did not understand that this would be considered a permanent part of the property and would therefore require county approval and all processes associated with that.
 - c) Allowing this tree platform to remain will not impair the purpose or intent of the Ordinance.
 - d) The platform is small and high off the ground, and therefore does not affect the use or enjoyment of any other property in the immediate area. Several neighborhood children have been able to enjoy use of this platform in addition to our own children, and in that way it enhances enjoyment of the property.
 - e) The platform is small and although it is high off the ground, it has been secured all the way around with measures to prevent falling. It does not create an unsafe condition or affect anyone or anything on the ground.
 - f) This is the only tree in which such a secure tree platform could be placed. If the minimum yard requirements were to be enforced, the platform would have to be removed and destroyed. There are no other locations on the property to install one.
 - g) The square footage is not living, storage, or space usable for anything other than children playing.

File 2011-0008

Information for the 8-914 Standards for the playset added to the plat per the checklist report forwarded by the Fairfax County letter dated February 9, 2011

Discussion: Several years ago, a swing set with slide was installed. At the time, we asked the neighbor if it would be OK and they agreed (they have children who would use it as well). The Franklin Farm home owners association (HOA) approved the installation, however we were not aware that Fairfax County approval would also be necessary.

This application requests that the playset be permitted to remain in place. The standards of 8-914 are addressed below.

1. The plat is the same attached.
2.
 - a) As noted on the plat, the swingset is within 1.8' of the property line, and therefore encroaches completely on the minimum yard requirements.
 - b) We did obtain HOA approval, however as a non-permanent structure, we were not aware it required county approval.
 - c) Allowing this playset to remain will not impair the purpose or intent of the Ordinance.
 - d) Several neighborhood children have been able to enjoy use of this swingset in addition to our own children, and in that way it enhances enjoyment of the property.
 - e) The playset is in the rear of our yard, and adjacent to the side yard of the neighboring house. It does not block sight lines or any passage through the area, nor does it interfere with drainage or otherwise impact the property. It is well cared for and does not create an unsafe condition.
 - f) Because of the orientation of the house on the property and the orientation of the houses, all the other places in the back yard would be too close to the house, deck, or the fence on the neighboring property to provide a safe place to play. If the minimum yard requirements were to be enforced, the playset would have to be removed.
 - g) The playset is not living, storage, or space usable for anything other than children playing.

RECEIVED
Department of Planning & Zoning

MAR 02 2011

Zoning Evaluation Division

Statement of Justification per page 14 of the Special Permit Application package dated July 2009

RECEIVED
Department of Planning & Zoning
FEB 25 2011
Zoning Evaluation Division

- A. Type of operation - N/A
- B. Hours of operation - N/A
- C. Number of patrons, etc. - N/A
- D. Number of employees - N/A
- E. No traffic impact
- F. Vicinity or general area to be served - the subject property only
- G. The construction and finish of new addition will match the existing structure. Similar style windows and siding will be installed and the roof will have black asphalt shingles to match those on the main section of the house. Vinyl siding to match the existing will finish the external appearance of the addition. The roof over the addition will be rotated 90 degrees in relation to the existing roof so the front of the house will have an appearance similar to other homes in the area.
- H. No hazardous or toxic substances will be generated, utilized, or stored on the site.
- I. The addition will adhere to all standing Fairfax County regulations and ordinances other than the following minimum yard requirements:
 - 1. Front: 16.0' (minimum requirement is 25.0') from the edge of the eave to the property line. This is the side yard of the house, but is adjacent to a pipestem and therefore must meet the minimum yard requirements of a front yard. Per 8-922, the maximum encroachment allowed is 50% of the minimum - this is more than the 12.5' minimum and therefore within the bounds of acceptable encroachment. Note that the property line and side of the house diverge, and approximately 1/2 of structure meets the 25' minimum yard requirement.
 - 2. Side: 20.8' (minimum requirement is 25.0') from the edge of the eave to the property line. This is the rear of the house, however it is adjacent to the neighbor's side yard and therefore must meet the minimum yard requirements of a side yard. This encroachment is minimal and due to the oddly shaped yard. It is only an issue for a approximately 4 feet of the rear of the proposed addition.

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

JEFFREY C. HOYT, VC 01-Y-159 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of addition 18.0 ft. from front lot line and 21.0 ft. from rear lot line. Located at 12809 Gatepost Ct. on approx. 10,648 sq. ft. of land zoned PDH-2. Sully District. Tax Map 35-2 ((8)) (7) 17. (Concurrent with SP 01-Y-056). Ms. Gibb 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 December 11, 2001; and

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

1. The applicant is the owner of the land.
2. The applicant met the required standards for a variance.
3. The lot is oddly shaped.
4. Because of the pipestem driveway, the side yard requirements are more stringent.
5. Only one corner does not meet the 25-foot side yard requirement and requires the variance.
6. There is a storm drainage easement in the rear.
7. The addition is fairly well landscaped and a long distance from the neighboring property.

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 the one-story addition shown on the plat prepared by Alexandria Surveys, Inc., dated April 25, 1994, as revised through September 20, 2001, by Jeffrey C. Hoyt, 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. Kelley seconded the motion which carried by a vote of 5-0. Mr. Hammack and Mr. Ribble were absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on December 19, 2001. This date shall be deemed to be the final approval date of this variance.

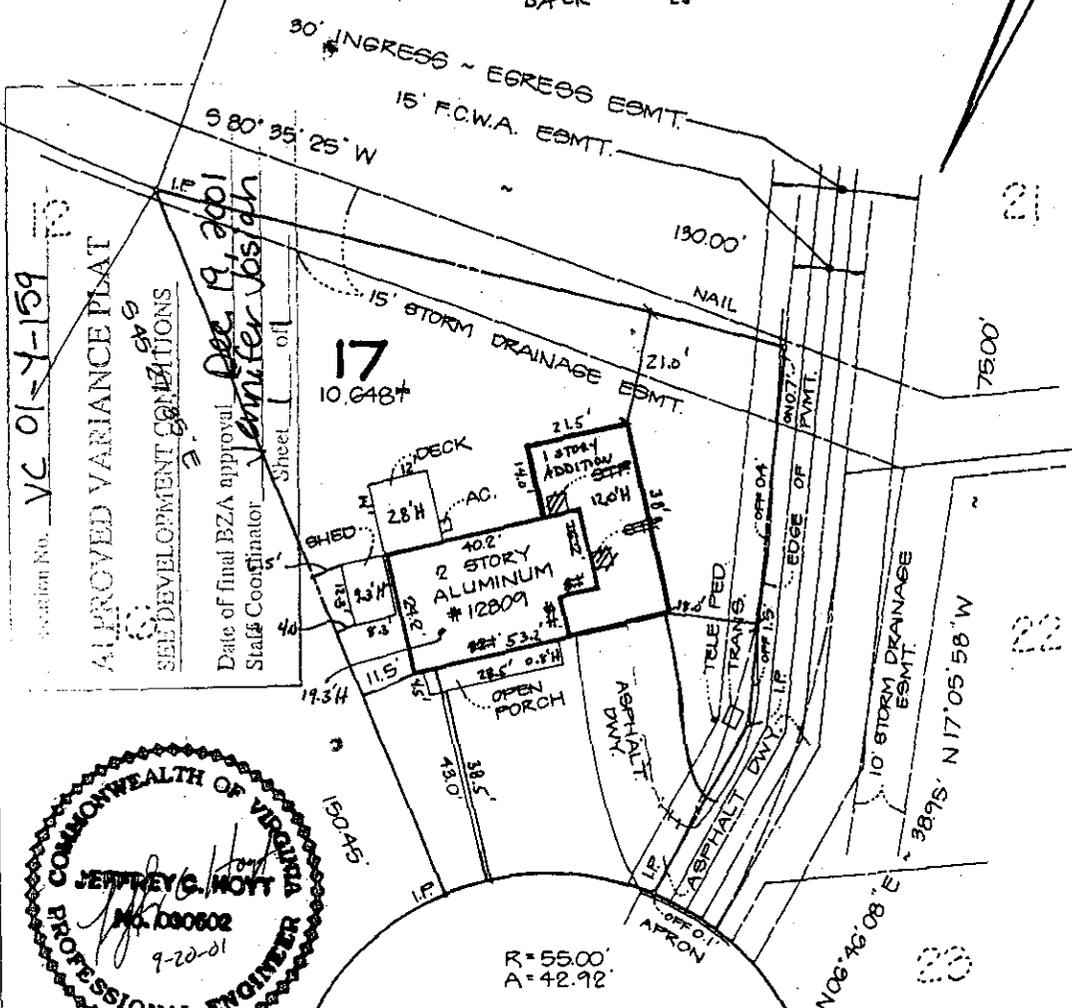
A Copy Teste:



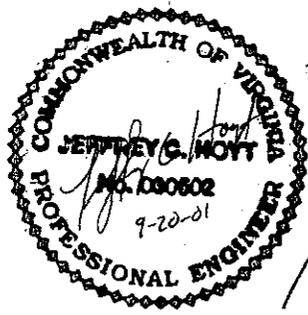
Regina Thorn Corbett, Clerk
Board of Zoning Appeals

NOTE: UTILITIES UNDERGROUND.
PUBLIC SEWER
PUBLIC WATER

	REQ'D SETBACK	PROPOSED SETBACK
FRONT	25'	18'
SIDE	8'/24' TOTAL	4'/22' TOTAL
BACK	25'	21'



Application No. VC 01-4-159
APPROVED VARIANCE PLAT
SEE DEVELOPMENT CONDITIONS
Date of final BZA approval Dec 19, 2001
Staff Coordinator Jennifer Josiah



GATEPOST COURT
50' R/W

RECEIVED
DEPARTMENT OF PLANNING AND ZONING

SEP 21 2001

FOR ADDITION, SHED, AND
DECK DIMENSIONS ONLY.
REMAINDER AS SURVEYED
BY KENNETH WHITE ON
APRIL 25, 1994.

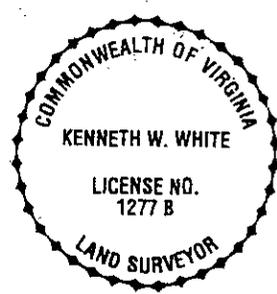
PLAT (FOR VARIANCE & SPECIAL PERMIT)
SHOWING HOUSE LOCATION ON
LOT 17 SECT. 7

FRANKLIN FARM
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30'
APRIL 25, 1994
SEPTEMBER 20, 2001

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
PLAT SUBJECT TO RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

Kenneth W. White
KENNETH W. WHITE L.S.



CASE NAME:
FARGAY ~ HOYT

FALCONE TITLE & ESCROW, INC.

ALEXANDRIA SURVEYS, INC.
6343 SOUTH KINGS HIGHWAY
ALEXANDRIA, VIRGINIA 22306
703-680-8615
FAX 703-768-7764

571975

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JEFFREY HOYT, SP 01-Y-056 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction to minimum yard requirements based on error in building location to permit shed to remain 4.0 ft. from side lot line. Located at 12809 Gatepost Ct. on approx. 10,648 sq. ft. of land zoned PDH-2. Sully District. Tax Map 35-2 ((8)) (7) 17. (Concurrent with VC 01-Y-159). Ms. Gibb 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 December 11, 2001; and

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

That the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and Sect. 8-914, Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;
- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;
- C. Such reduction will not impair the purpose and intent of this Ordinance;
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
- E. It will not create an unsafe condition with respect to both other property and public streets;
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

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

1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
2. That the granting of this special permit will not create an unsafe condition with respect to both

other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

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

1. This Special Permit is approved for the location of the shed shown on the plat prepared by Alexandria Surveys, Inc., dated April 25, 1994, as revised through September 20, 2001, by Jeffrey C. Hoyt, submitted with this application and is not transferable to other land.

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

Mr. Kelley seconded the motion which carried by a vote of 5-0. Mr. Hammack and Mr. Ribble were absent from the meeting.

This decision was officially filed in the office of the Board of Zoning Appeals and became final on December 19, 2001. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:

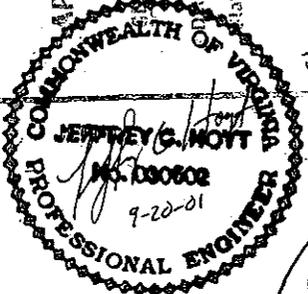
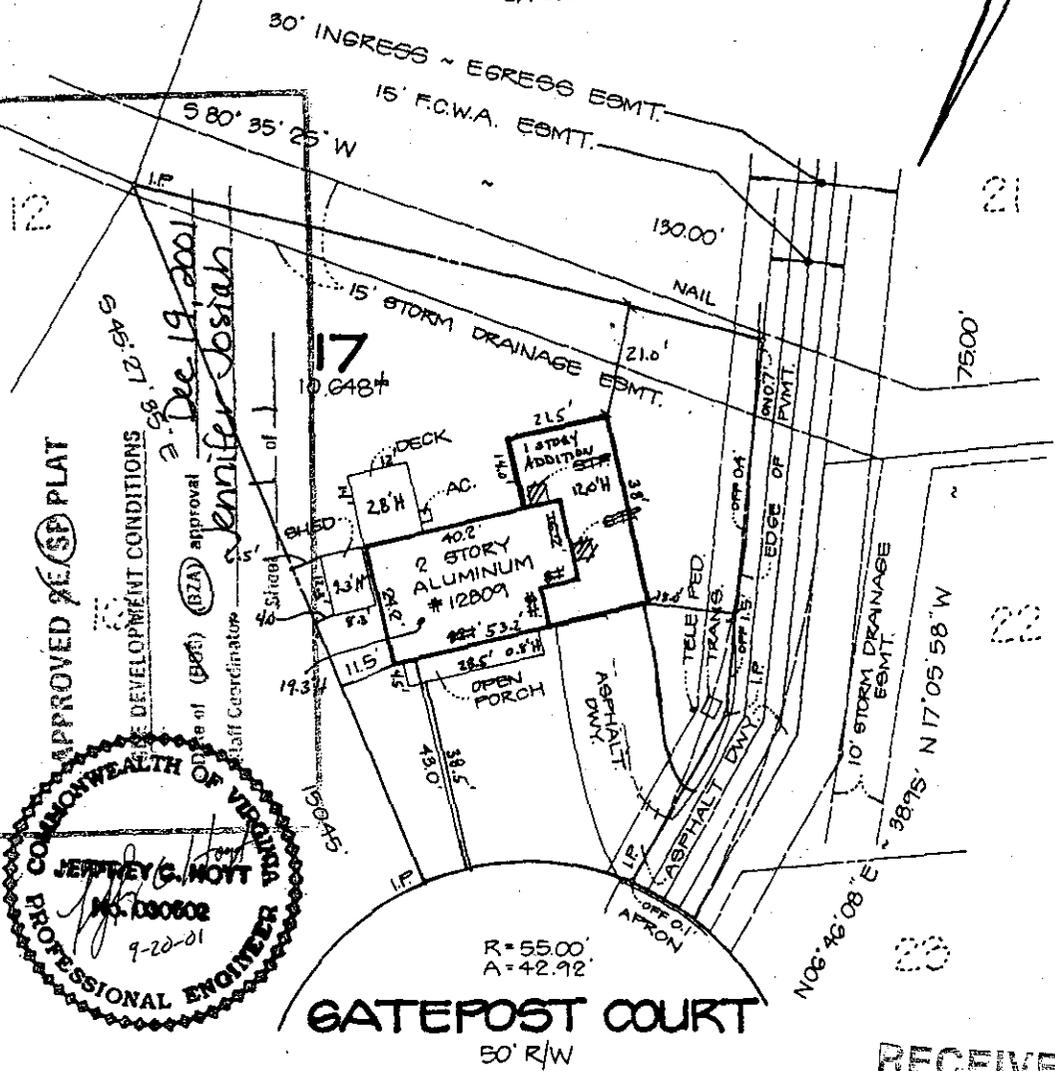


Regina Thorn Corbett, Clerk
Board of Zoning Appeals

NOTE UTILITIES UNDERGROUND.
PUBLIC SEWER
PUBLIC WATER.

	REQ'D SETBACK	PROPOSED SETBACK
FRONT	25'	18'
SIDE	8'/24' TOTAL	4'/22' TOTAL
BACK	25'	21'

Application No. SF 01-V-056



FOR ADDITION, SHED, AND
DECK DIMENSIONS ONLY.
REMAINDER AS SAVED
BY KENNETH WHITE ON
APRIL 25, 1994.

PLAT (FOR VARIANCE & SPECIAL PERMIT)
SHOWING HOUSE LOCATION ON
LOT 17 SECT. 7
FRANKLIN FARM

FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30'
APRIL 25, 1994
SEPTEMBER 20, 2001

RECEIVED
DEPARTMENT OF PLANNING AND ZONING

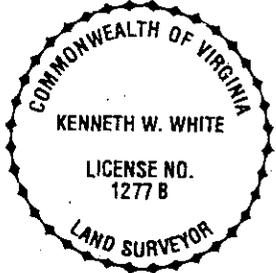
SEP 21 2001

ZONING REGULATIONS

THIS PROPERTY IS NOT LOCATED IN A
SPECIAL FLOOD HAZARD AREA.
PLAT SUBJECT TO RESTRICTIONS OF
RECORD.
TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF
ALL THE EXISTING IMPROVEMENTS HAVE BEEN
CAREFULLY ESTABLISHED BY A TRANSIT TAPE
SURVEY AND UNLESS OTHERWISE SHOWN,
THERE ARE NO VISIBLE ENCROACHMENTS.

Kenneth W. White
KENNETH W. WHITE L.S.



CASE NAME:
PARSAY ~ HOYT

FALCONE TITLE &
ESCROW, INC.

ALEXANDRIA SURVEYS, INC.
6343 SOUTH KINGS HIGHWAY
ALEXANDRIA, VIRGINIA 22306
703-860-6615
FAX 703-768-7764

8-006 General Standards

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

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

8-903 Standards For All Group 9 Uses

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

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

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

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

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

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

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

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

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

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