



APPLICATION ACCEPTED: May 25, 2011  
BOARD OF ZONING APPEALS: July 27, 2011  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

July 20, 2011

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-HM-049

### HUNTER MILL DISTRICT

**APPLICANT AND OWNERS:** Shira and Mark Enstrom  
**STREET ADDRESS:** 1928 Baton Drive  
**SUBDIVISION:** Tiburon  
**TAX MAP REFERENCE:** 28-3 ((11)) 71  
**LOT SIZE:** 15,262 square feet  
**ZONING DISTRICT:** R-2  
**ZONING ORDINANCE PROVISION:** 8-922  
**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to construct an addition (attached garage) 13.3 feet from a side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-HM-049 for a building addition (attached garage) 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.

N:\SP\SP 2011-HM-049 Enstrom\SP 2011-HM-049 Enstrom staff report.doc

Suzie Zottl

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

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



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.

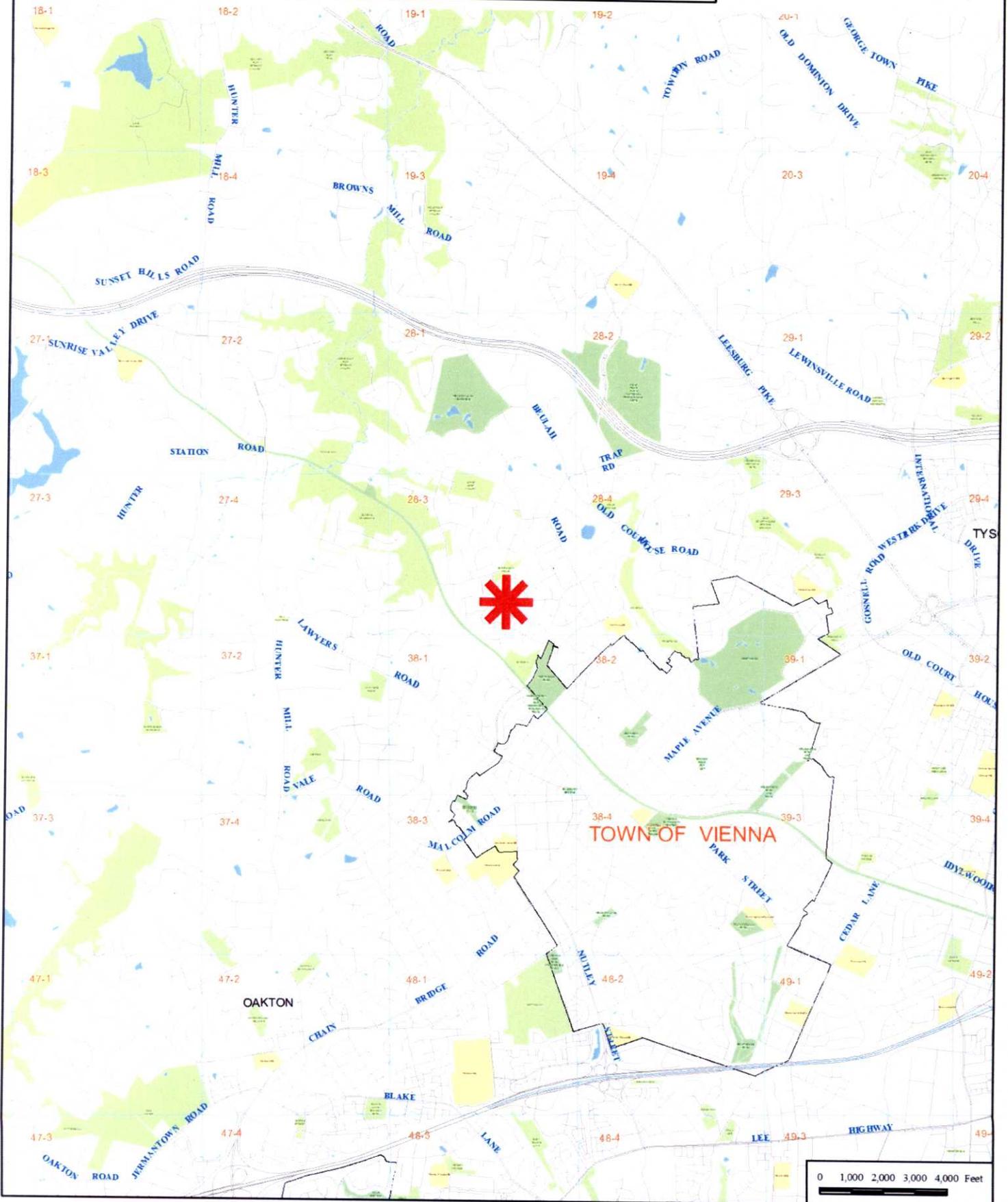
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

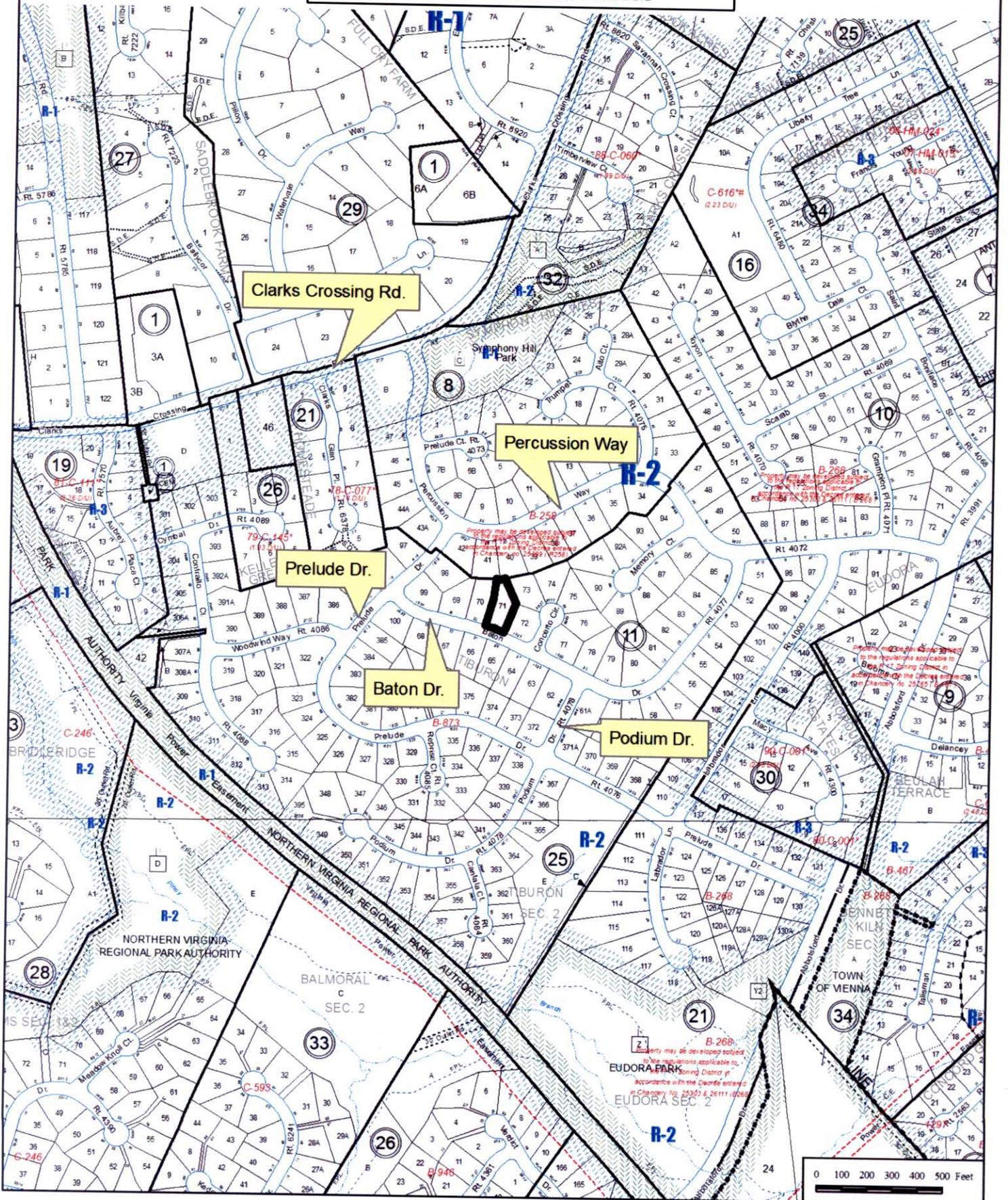


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

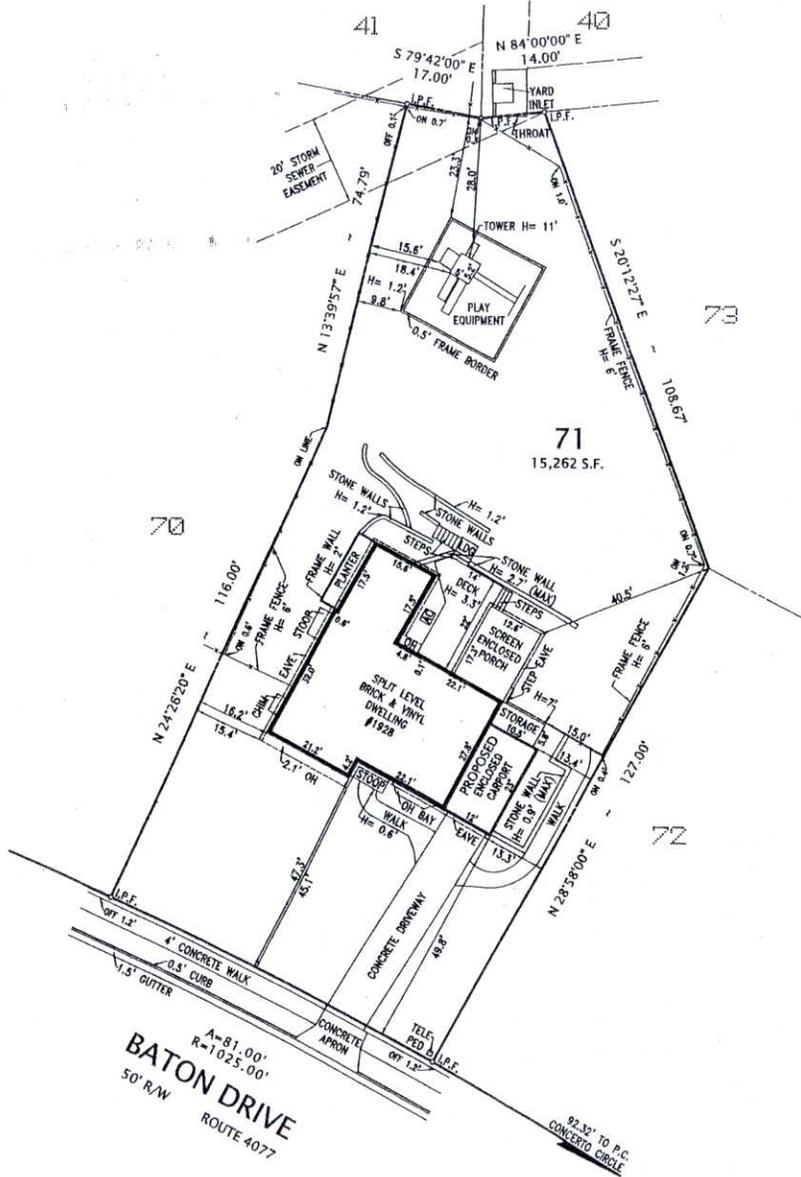
**Special Permit**  
**SP 2011-HM-049**  
**SHIRA AND MARK ENSTROM**



**Special Permit**  
**SP 2011-HM-049**  
**SHIRA AND MARK ENSTROM**



SYMPHONY HILL WEST  
SECTION ONE



NOTES

- TAX MAP: 0283 11 0071
- ZONE: R-2
- LOT AREA: 15,262 SQUARE FEET
- REQUIRED YARDS:
 

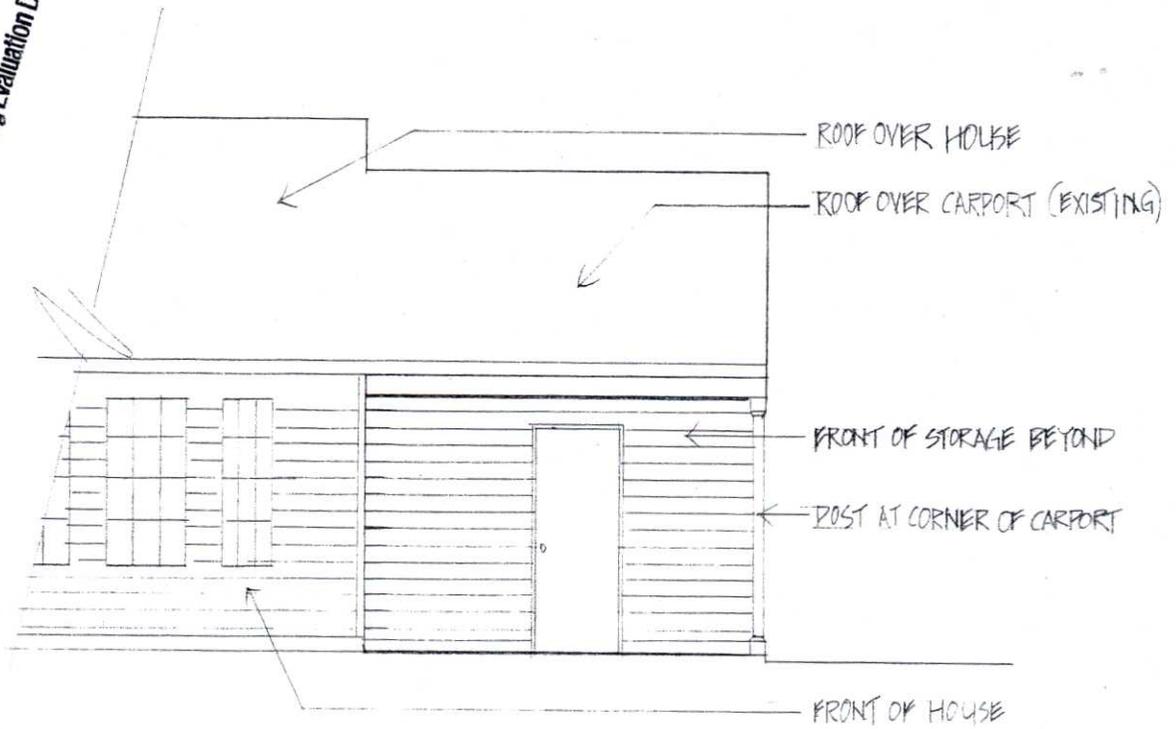
FRONT:	=	35 FEET
SIDE:	=	15 FEET
REAR:	=	25 FEET
- HEIGHTS:
 

DWELLING	=	18 FEET
SCREEN PORCH	=	14 FEET
FENCES	=	6 FEET
WALLS	=	AS NOTED
CARPORT TO BE ENCLOSED:		
PEAK	=	14 FEET
EAVES	=	9 FEET
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER. ALL UTILITIES ARE UNDERGROUND.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- THERE ARE NO FLOOD PLAINS, FLOOD HAZARD AREAS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- APPROXIMATE FLOOR AREAS BASED ON EXTERIOR WALL DIMENSIONS:  
EXISTING HOUSE AND ENCLOSED PORCH = 2,780 SQ. FT.  
PROPOSED ENCLOSED CARPORT = 276 SQ. FT.  
THE FLOOR AREA OF THE ENCLOSED CARPORT ADDITION EQUALS 9.93% OF THE FLOOR AREA OF THE EXISTING HOUSE AND ENCLOSED PORCH FLOOR AREA.
- THIS PROJECT INVOLVES NO CHANGES TO EXISTING VEGETATION.

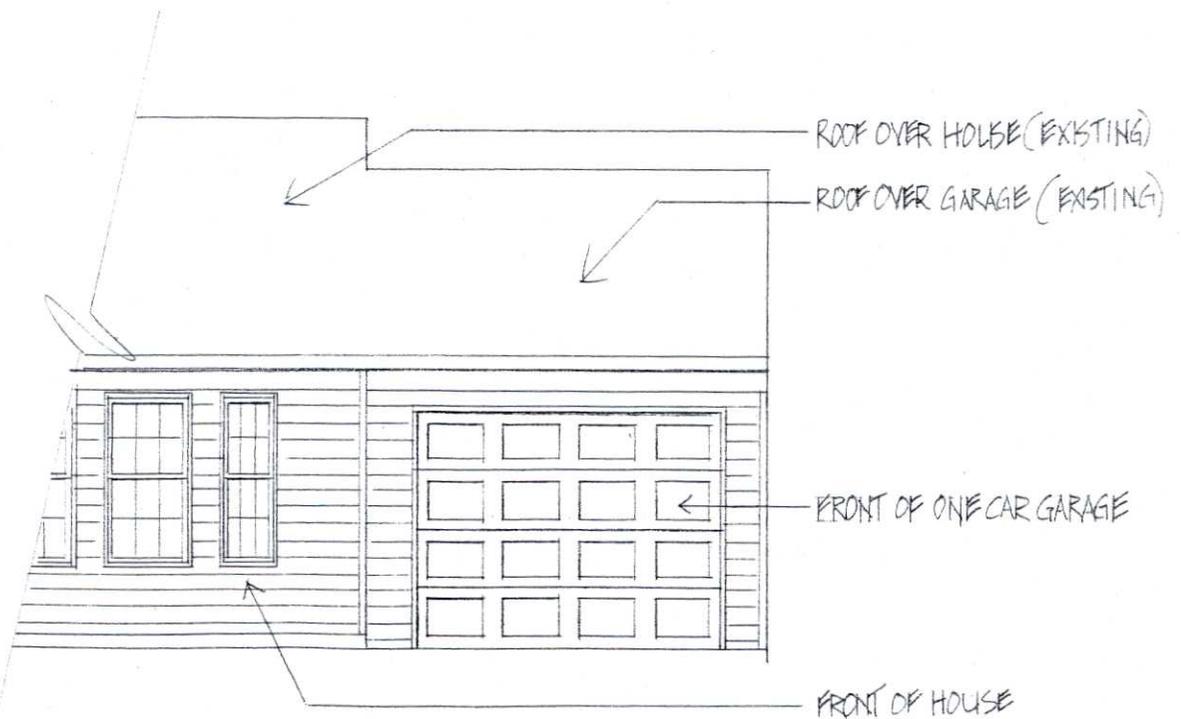
SPECIAL PERMIT PLAT  
SHOWING THE IMPROVEMENTS ON  
LOT 71 SECTION 1  
**TIBURON**  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 20' FEBRUARY 16, 2011  
MAY 18, 2011 (REVISED)

CASE NAME: ENSTROM		0 20 40	
BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET, BOUNDARY SURVEY NOT PERFORMED. PLAT SUBJECT TO RESTRICTIONS OF RECORD AND NO TITLE REPORT IS FURNISHED.			
	I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.		
	AUTHORIZED BY: JONATHAN HODGE <b>ALEXANDRIA SURVEYS INTERNATIONAL, LLC</b> 11216 WAPLES MILL ROAD #102 FAIRFAX, VIRGINIA 22030 TEL. NO. 703-660-6615 FAX NO. 703-768-7764		

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Department of Planning & Zoning  
APR 21 2011  
Zoning Evaluation Division

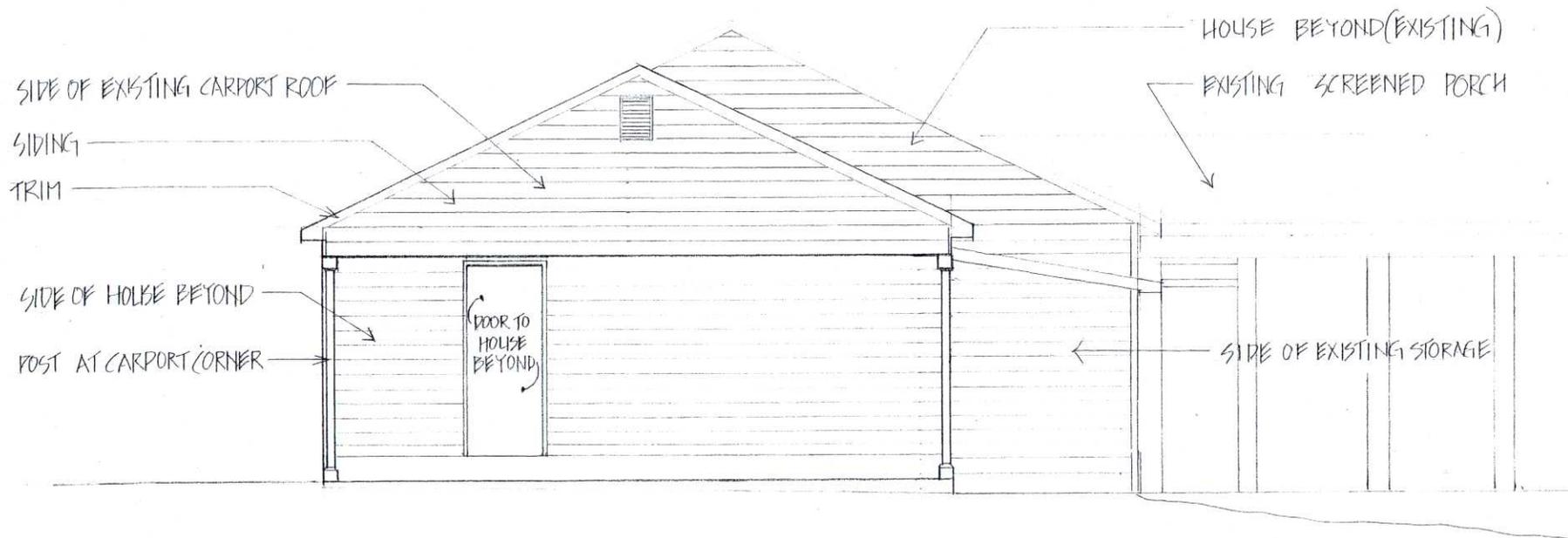


1928 Baton Drive - Front Showing Existing Carport  
(Not to scale)



1928 Baton Drive - Front Showing Proposed One Car Garage  
(Not to scale)

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APR 21 2011  
Zoning Evaluation Division



← STREET

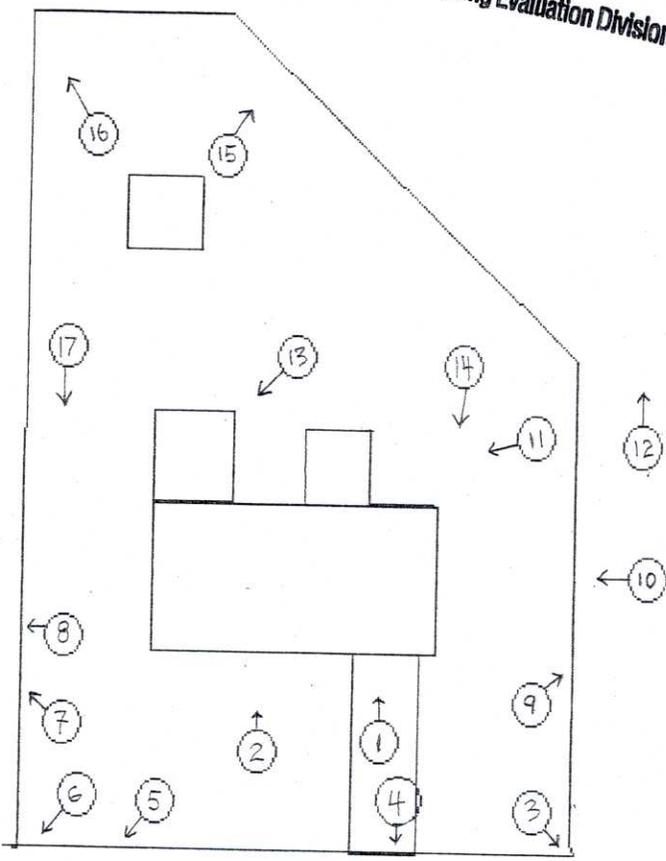
1928 Baton Drive - Side Showing Existing Carport  
(Not to scale)

BACKYARD →

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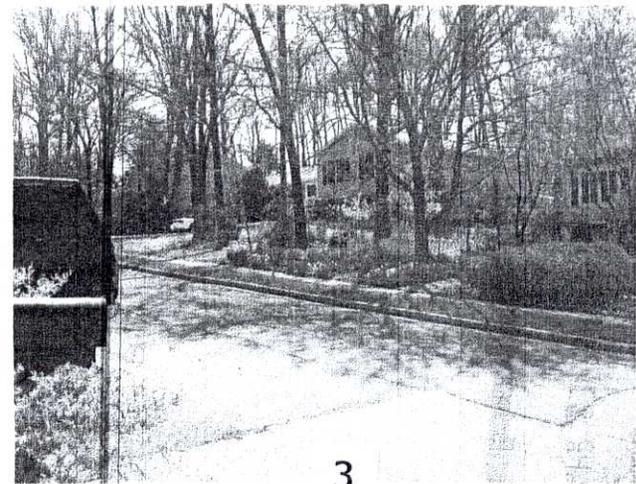
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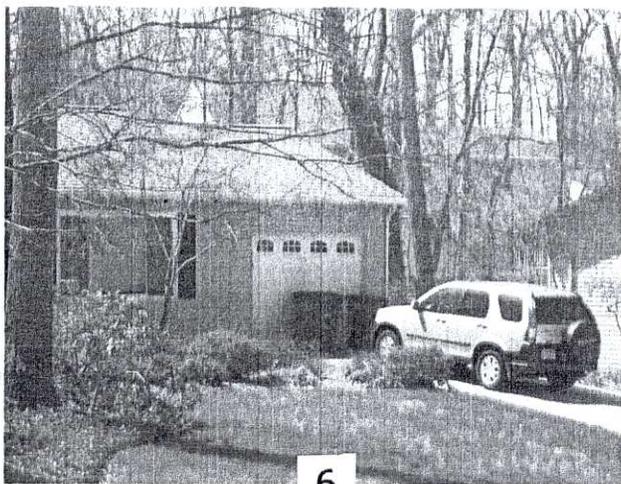


1928 Baton Drive  
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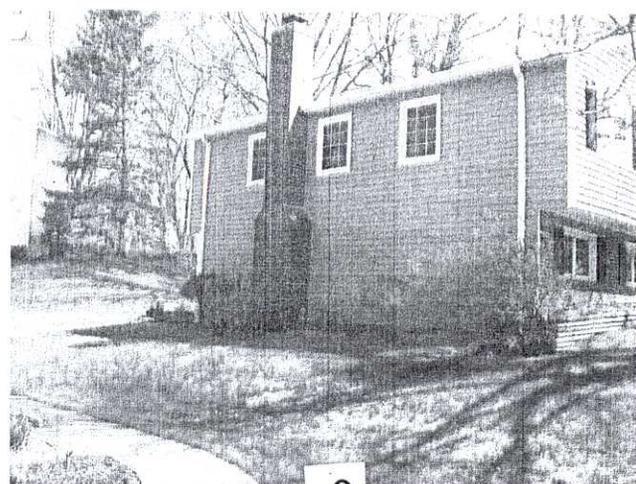
**Photographic orientation of photo's taken from  
1928 Baton Drive, Vienna, VA**



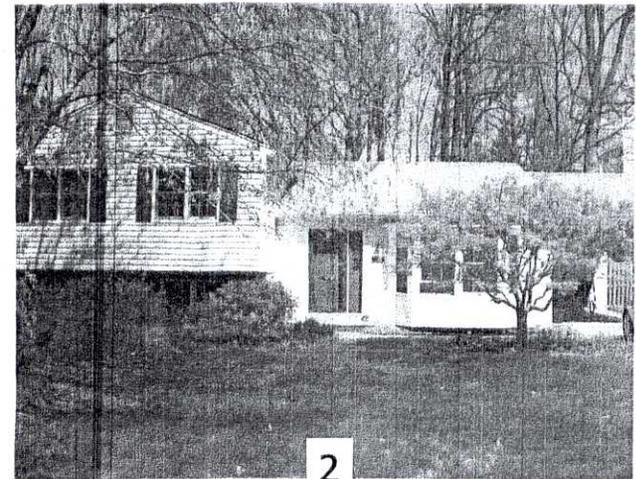
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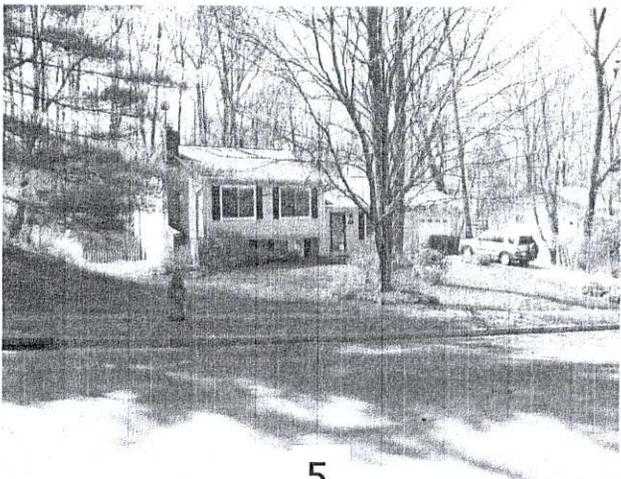
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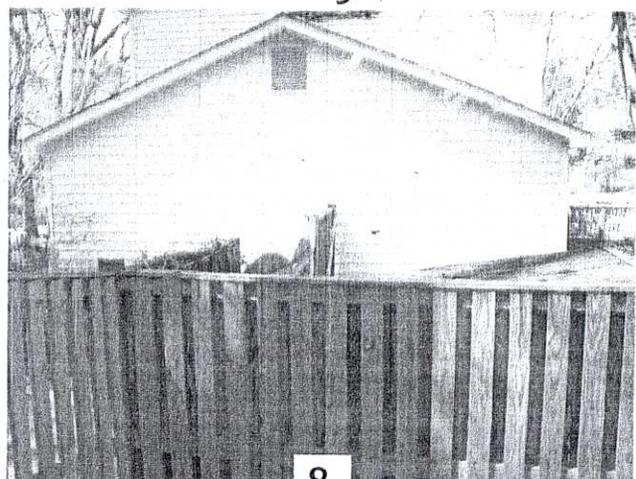
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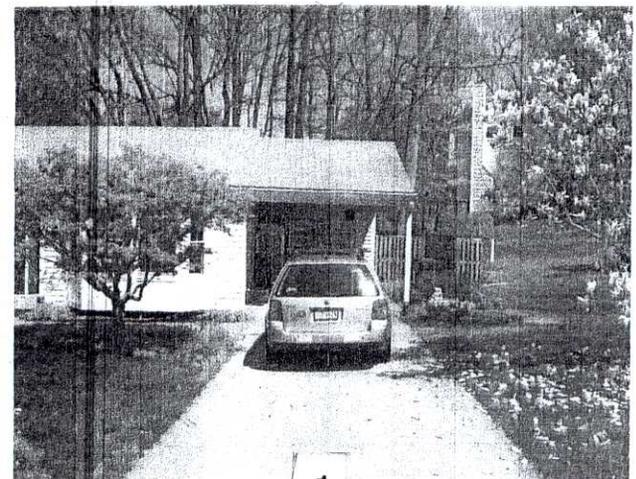
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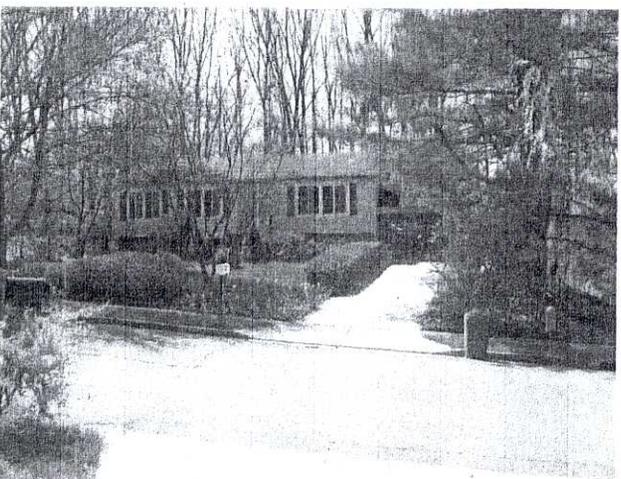
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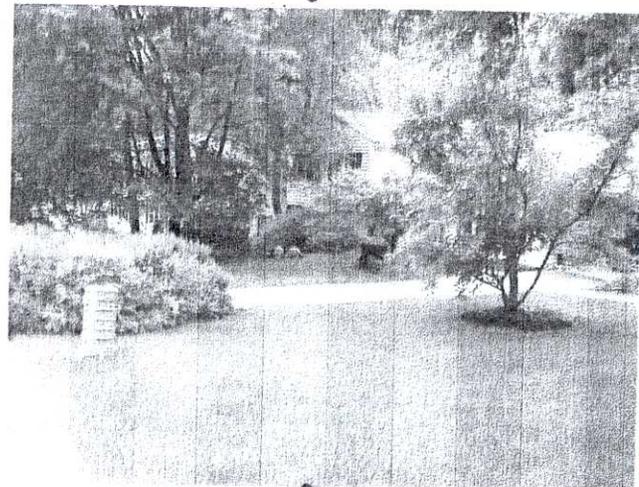
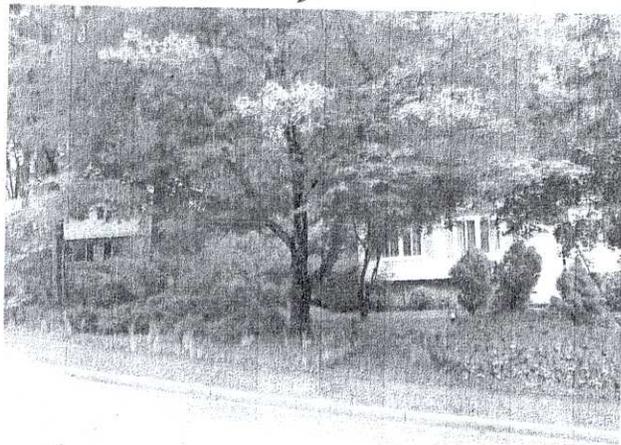
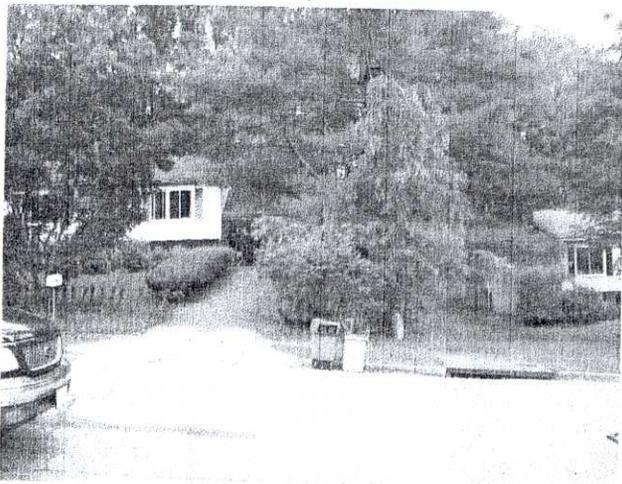
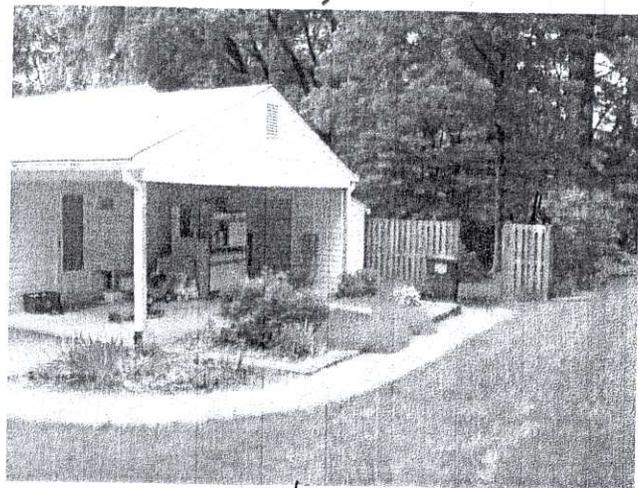
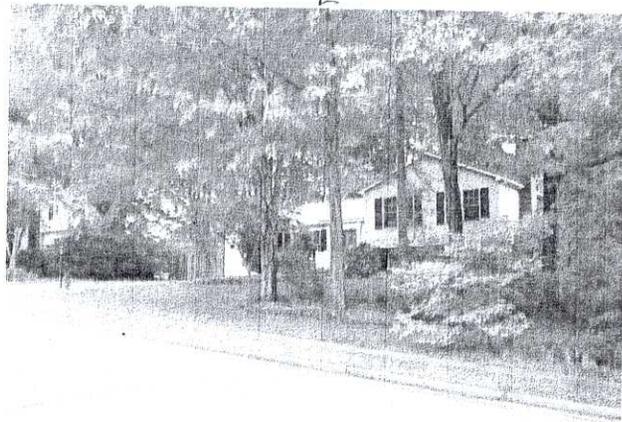
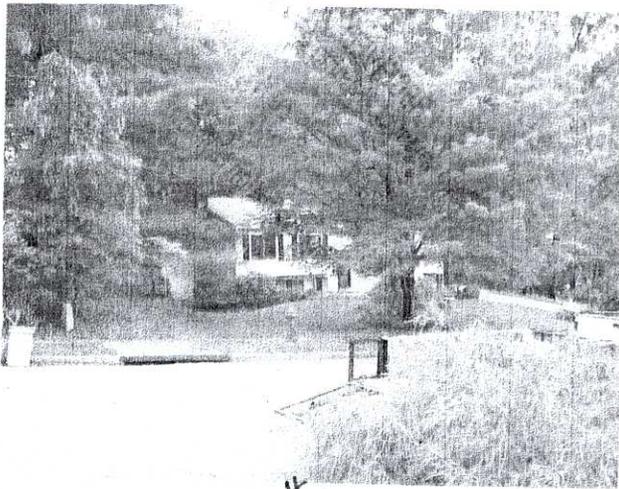
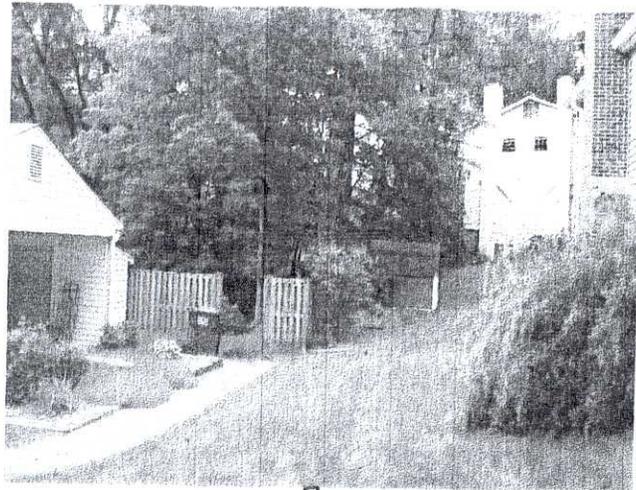
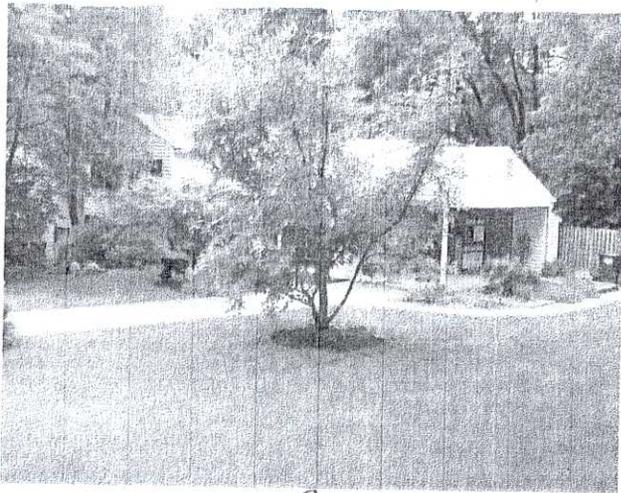
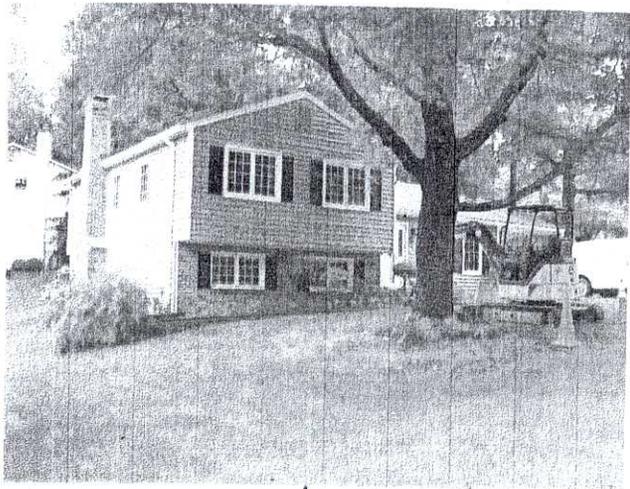


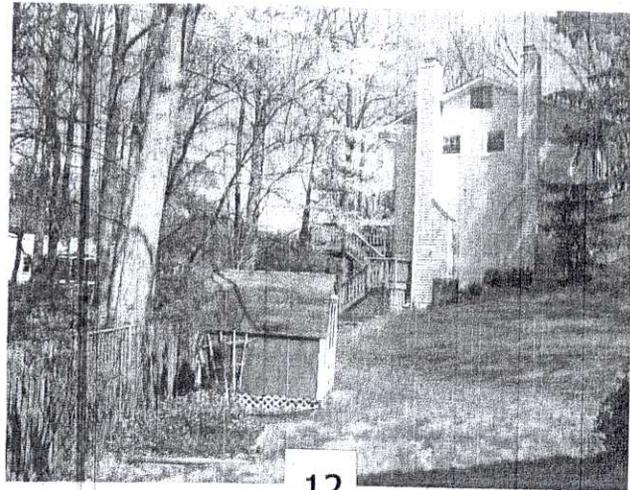
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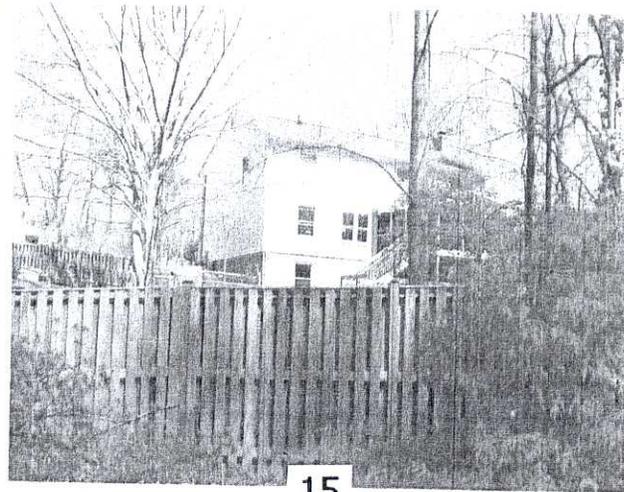
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APRIL 13, 2011





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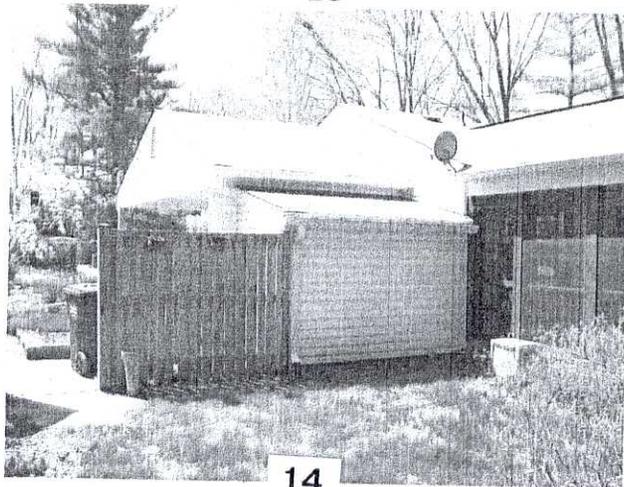


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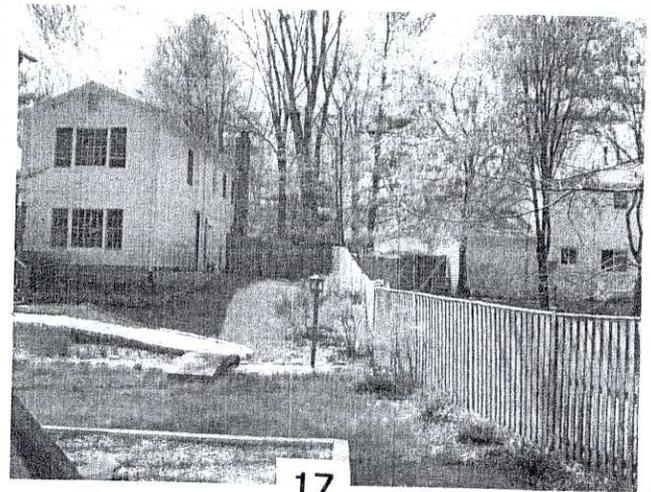
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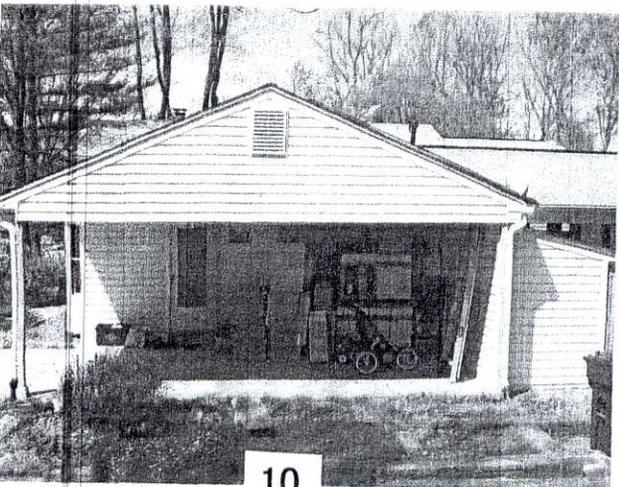


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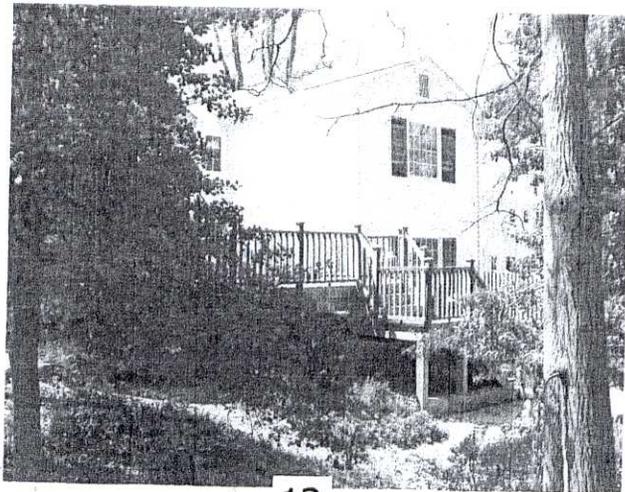


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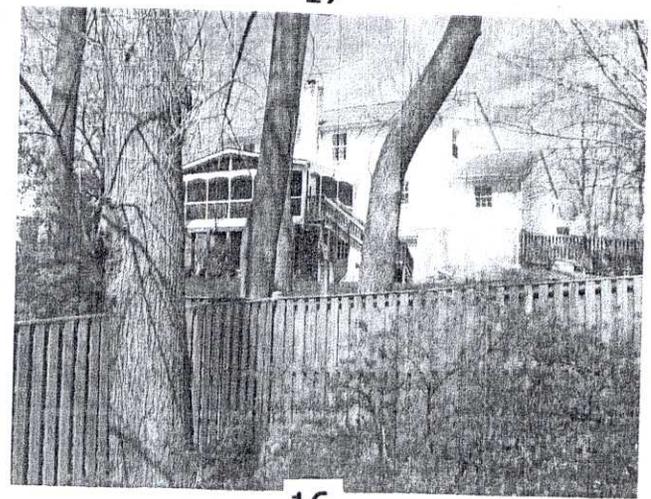
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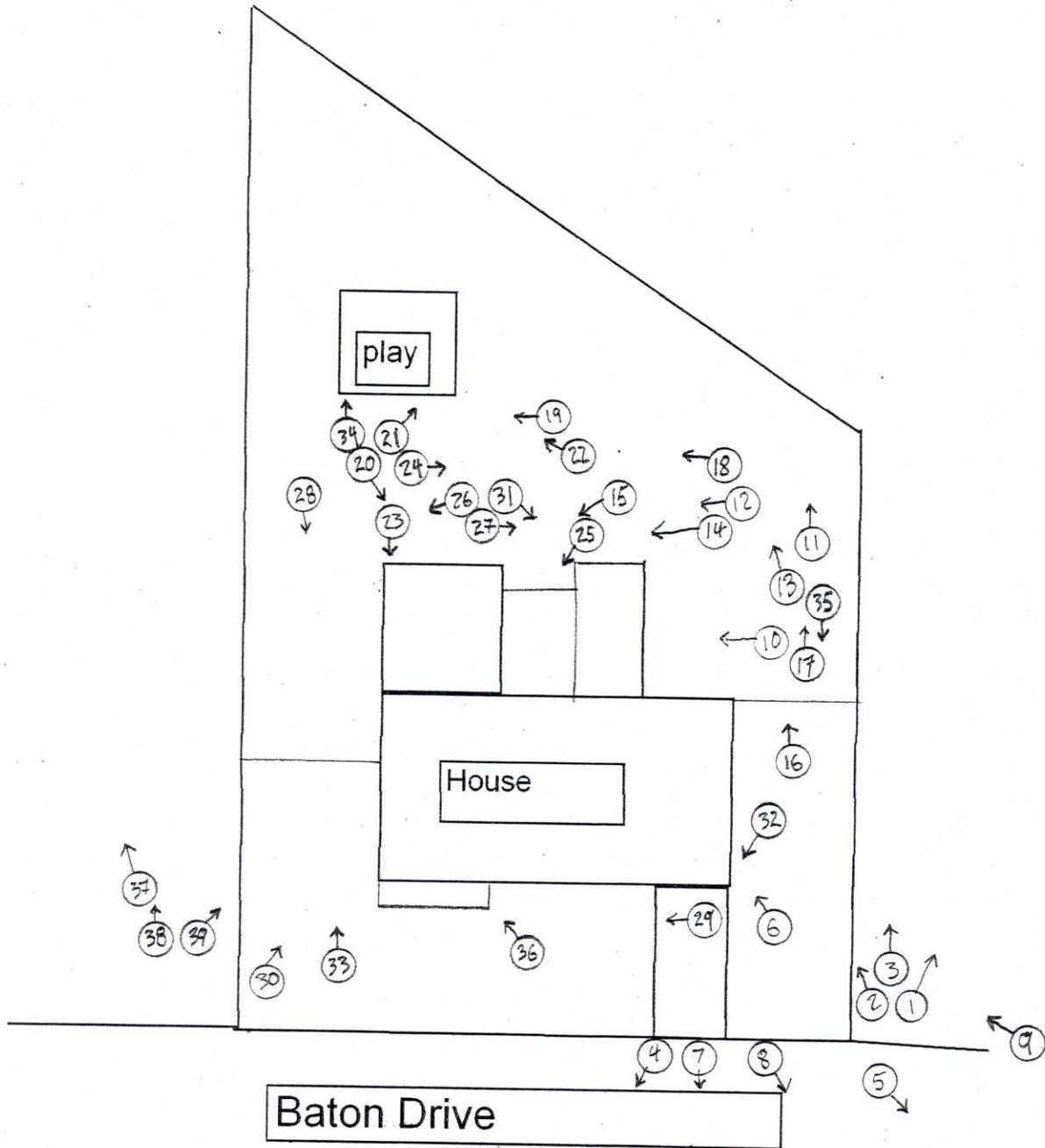


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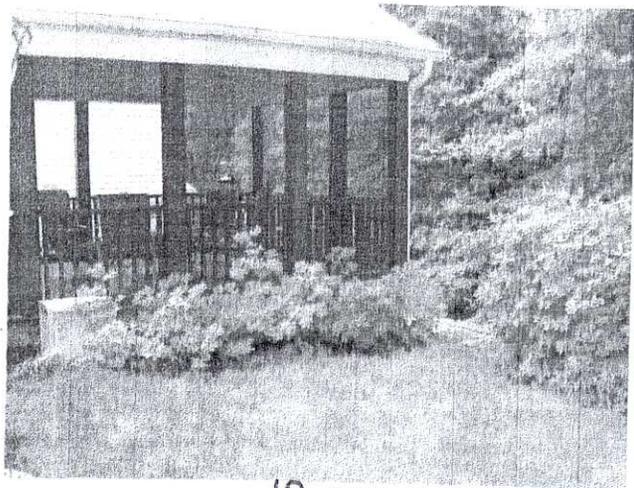
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Photograph Orientation Plan for:  
Second Group of Photos - May 18, 2011  
1928 Baton Drive, Vienna, VA

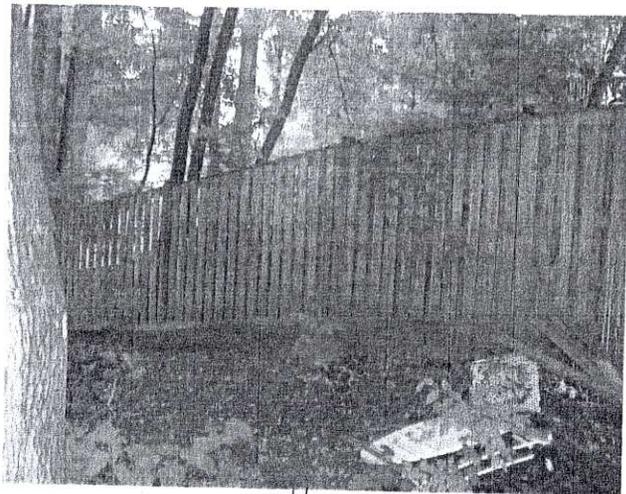


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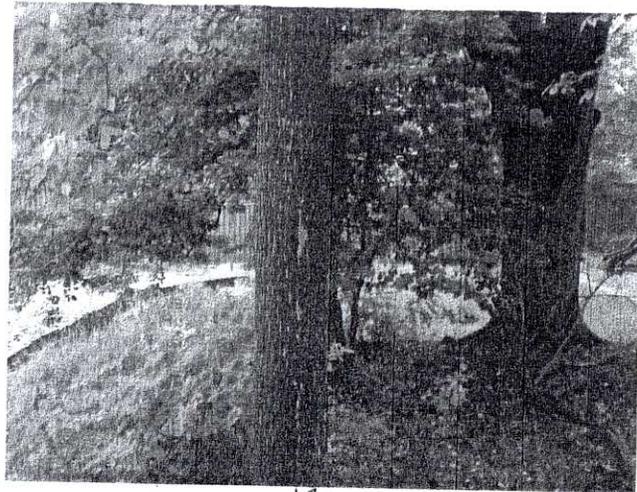
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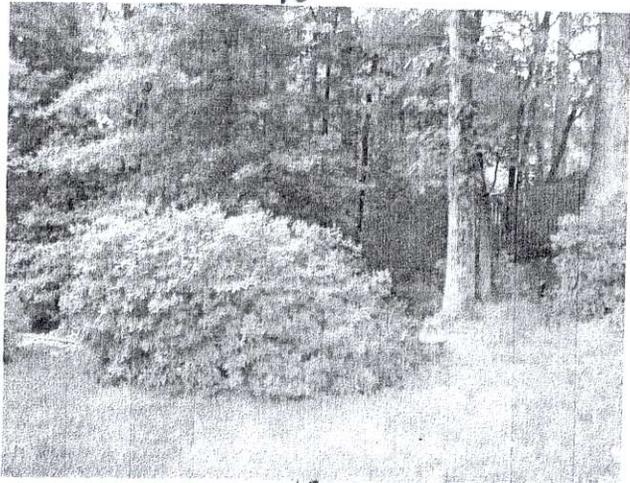
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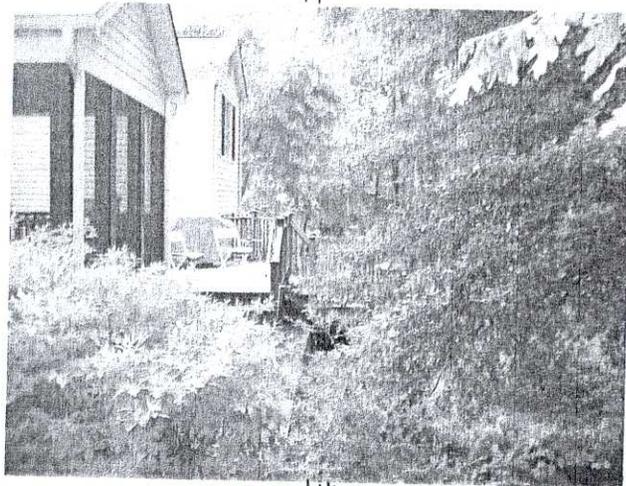
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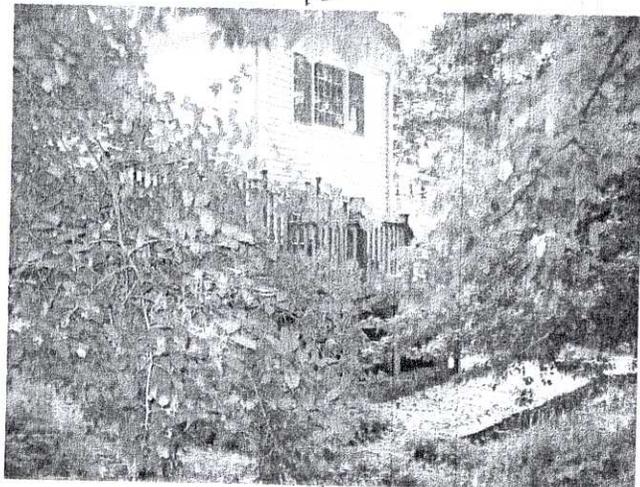
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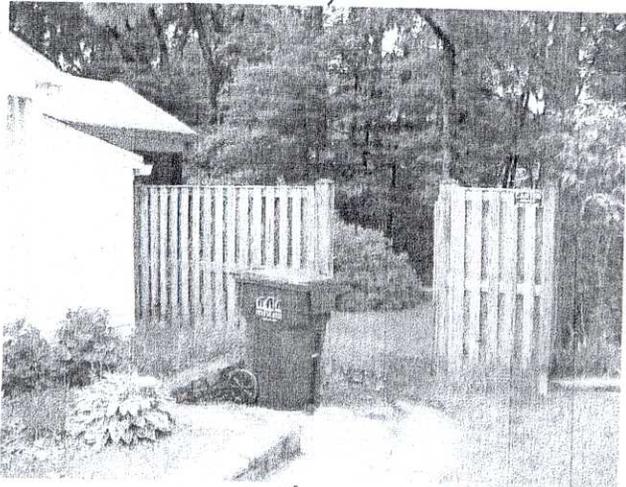
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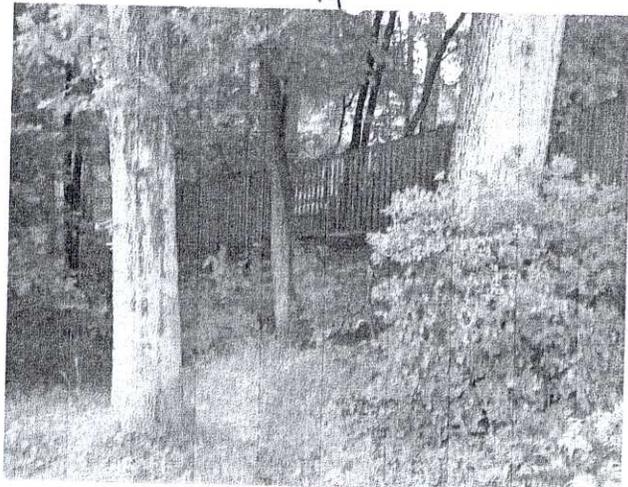
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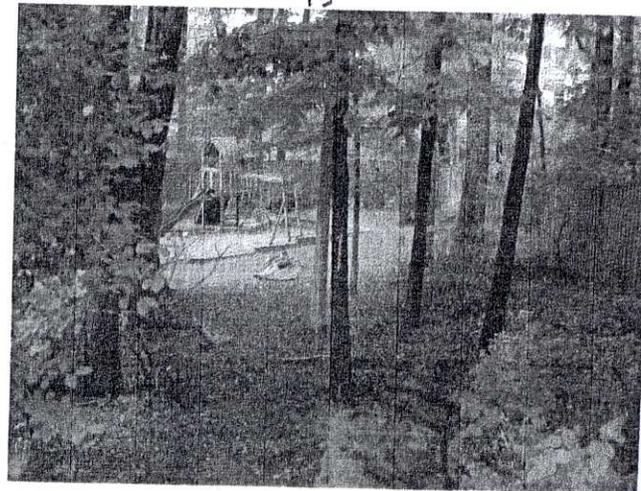
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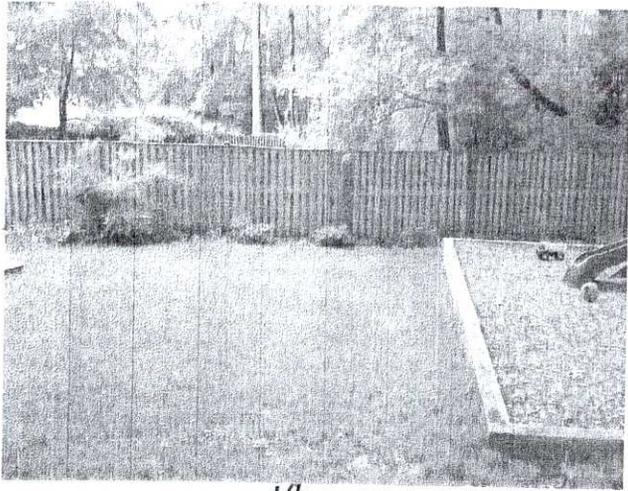
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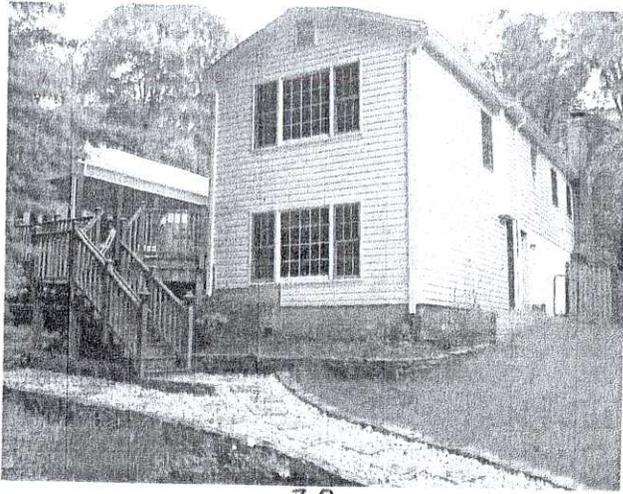
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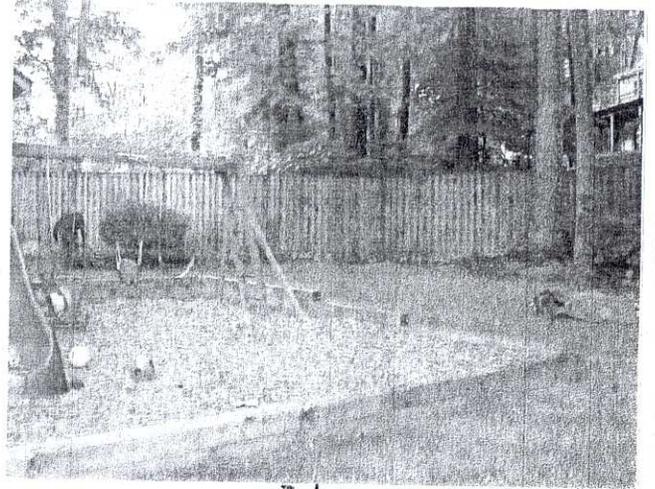
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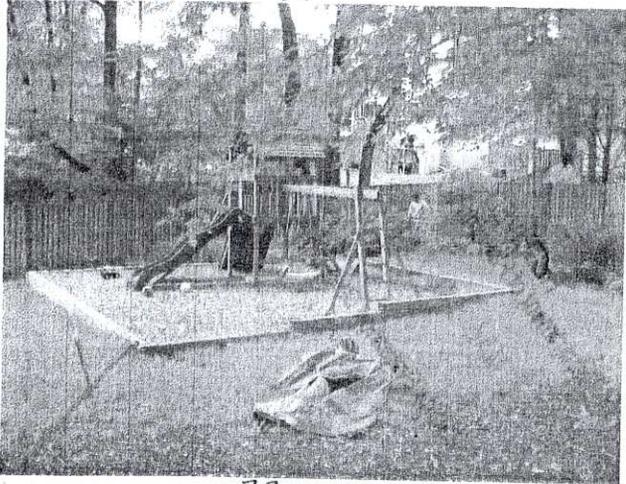
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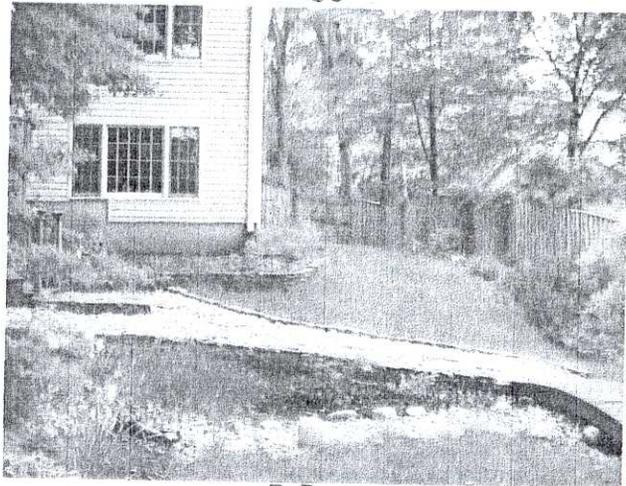
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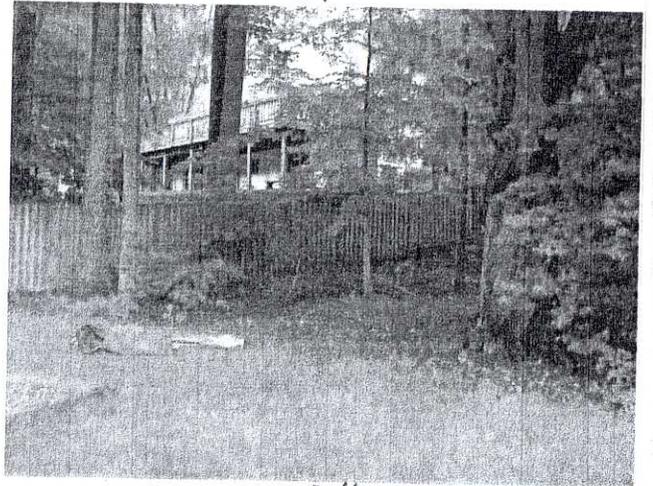
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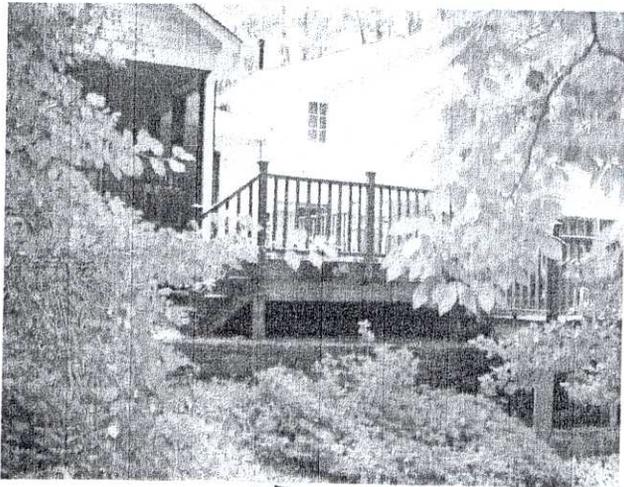
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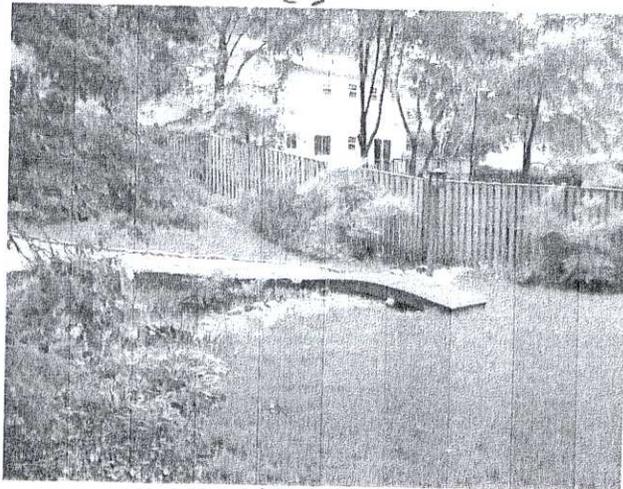
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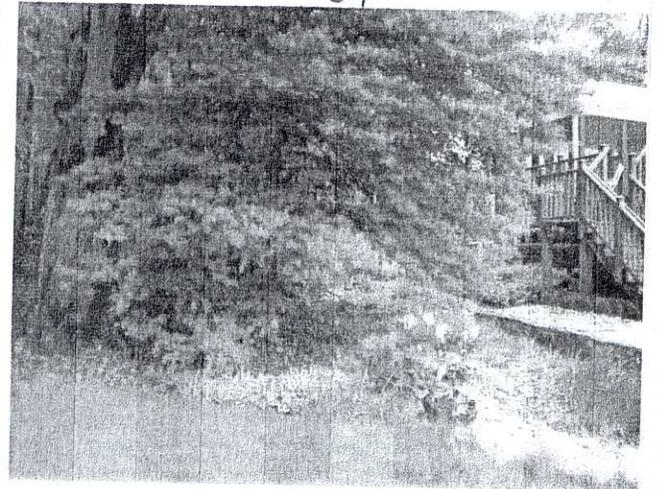
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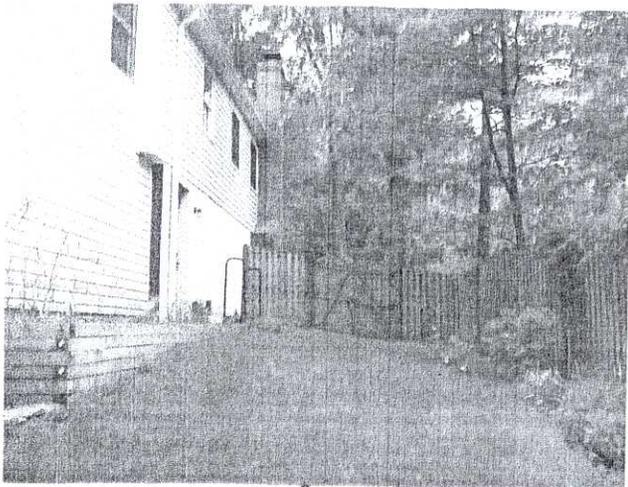
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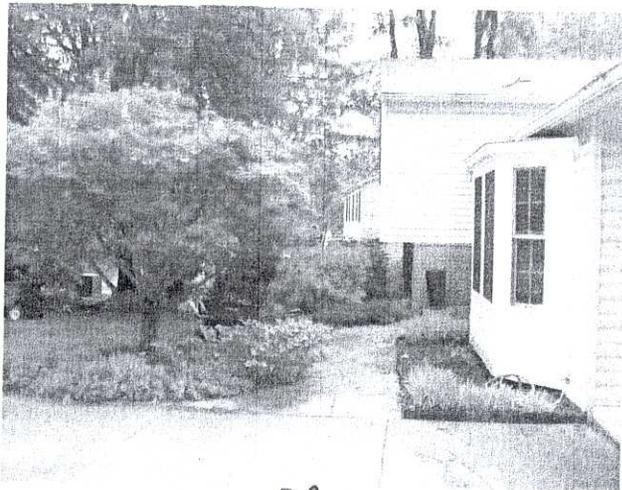
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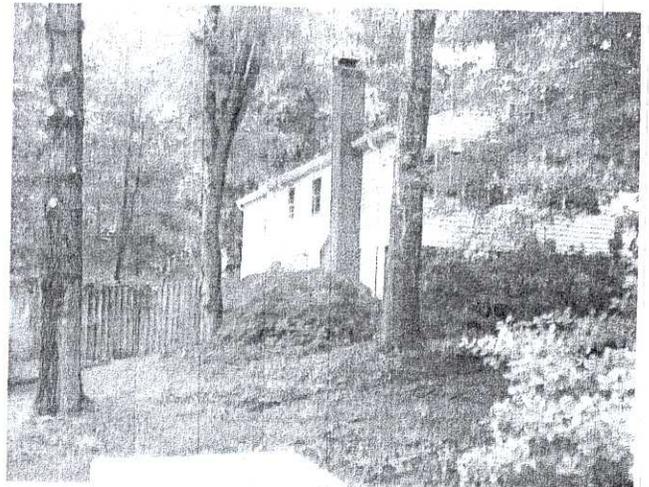
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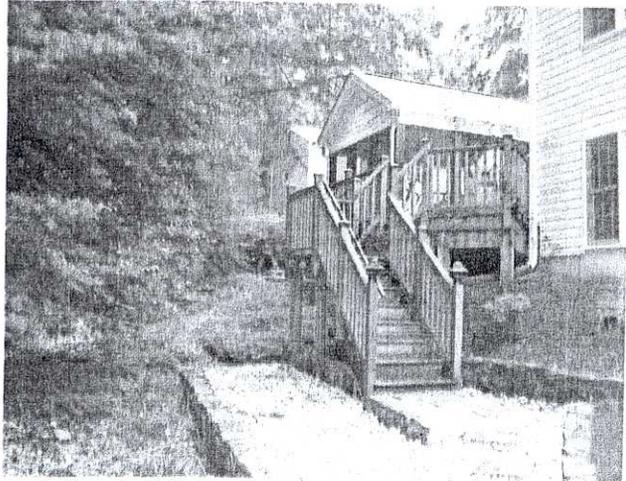
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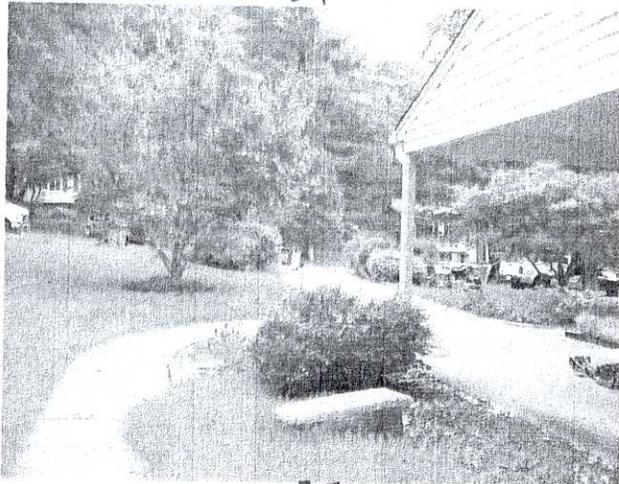
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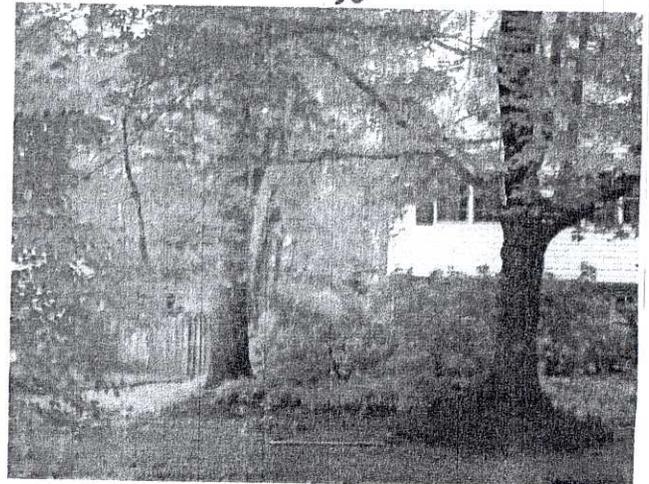
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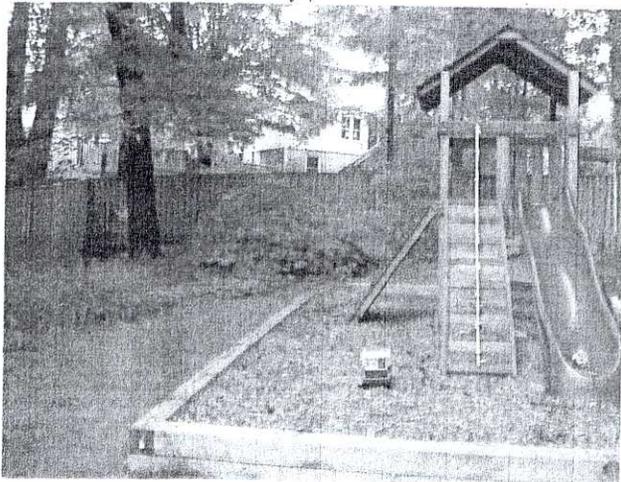
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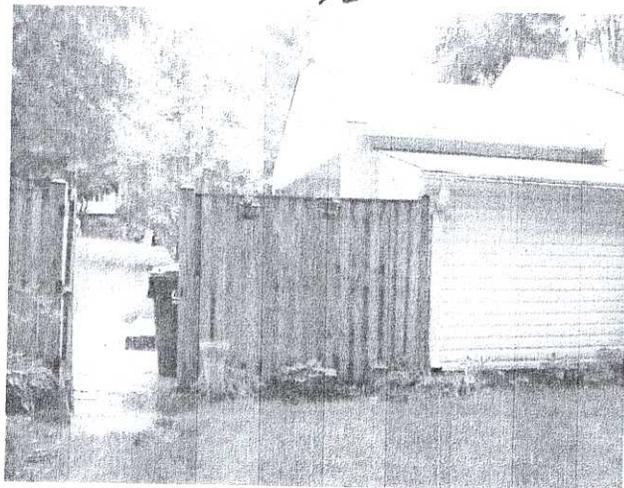
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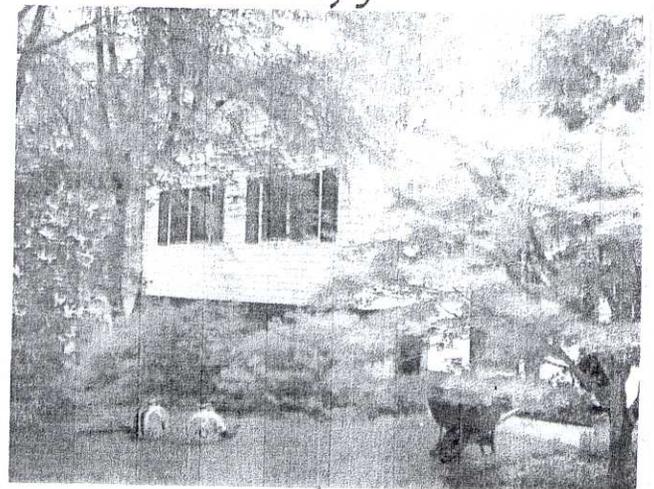
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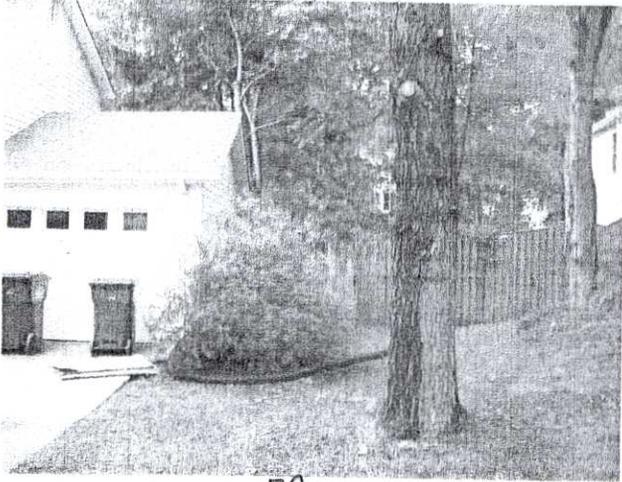
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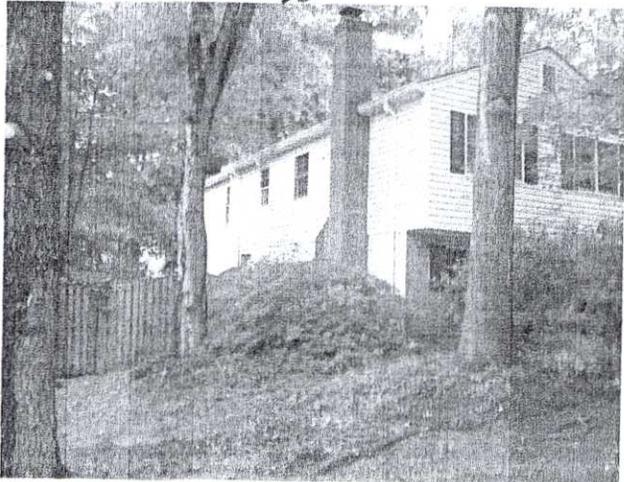
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Second Group of Photos - May 18, 2011  
1928 Baton Drive, Vienna, VA - PAGE 5

## DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit to permit reduction of certain yard requirements to permit construction of a building addition (to enclose an existing one-car carport and turn it into attached garage) to be located 13.3 feet to its eave from the eastern side yard.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	<b>Building Addition</b>	Side	15.0 feet	13.3 feet	1.7 feet	11%

\* Minimum yard requirement per Section 10-104

## EXISTING SITE DESCRIPTION

The site is currently zoned R-2 and is developed with a split-level, vinyl sided, single-family detached dwelling, built in 1972. The lot is 15,262 square feet (0.35 acres) and is surrounded by similarly sized lots that also contain single-family detached dwellings along all lot lines. The property is accessed via a concrete driveway from Baton Drive which extends along the eastern side lot line and terminates at a carport. There is a play equipment set located behind the house; it is 28.0 feet from the rear lot line and 15.6 feet from the western side lot line. There is a deck, a screened porch, and retaining walls and steps located at the rear and eastern side of the house; all necessary permits were obtained for these improvements. The lot is vegetated with a combination of existing mature deciduous trees and shrubs.

## CHARACTER OF THE AREA

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-2	Single Family Detached Dwelling
<b>East</b>	R-2	Single Family Detached Dwelling
<b>South</b>	R-2	Single Family Detached Dwelling
<b>West</b>	R-2	Single Family Detached Dwelling

## BACKGROUND

Records indicate there were two similar applications for properties in the vicinity of the application site heard by the BZA:

Variance application VC 93-H-066, for 1920 Baton Drive, was approved on December 8, 1993 and permitted construction of an addition 10.3 feet from the side lot line (15 foot minimum side yard requirement).

Special Permit application SP 2007-HM-112, for 1931 Baton Drive, was approved on December 11, 2001. This Special Permit was for a reduction of the side yard requirement to permit an addition 10.6 feet from the side lot line (15 foot minimum side yard requirement).

## ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Special Permit Plat Showing the Improvements on Lot 71, Section 1, Tiburon
- **Prepared by:** Alexandria Surveys International, LLC, dated February 16, 2011, revised May 18, 2011, as sealed on May 19, 2011

### Proposal:

The applicant proposes to enclose the existing one-car carport and turn it into an attached garage, which measures 12 feet in width x 23 feet in length, and is proposed to be 14 feet tall at the peak. It will be located 13.3 feet from the eastern side lot line at its closest point. The proposed enclosed carport will be a total of 276 square feet.

## 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 4:

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

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

Staff believes that the application for the attached garage 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. *Two nearby properties have been granted special permits or variances for a side yard reduction. The proposed attached garage will be similar in style to that of the existing home, and will be the same height as the existing screened porch. As shown in the drawings located at the front of the staff report, the proposed height and building materials are consistent with that of the existing dwelling. Staff believes by observation of the neighborhood through submitted photographs, and the approval of similar special permit or variance applications on the same street, that the construction of the attached garage will not adversely affect the use or development of neighboring properties. 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 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 5, 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. *The total square footage of the principal structure (existing house and enclosed porch) is 2,780 square feet. The proposed enclosed carport (building addition) is a total of 276 square feet. The building addition represents a total of 9.93% of the total gross floor area of the principal structure and, therefore, meets this standard.*

*Standard 5* states that 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. *The proposed attached garage will be 276 square feet in area and 14 feet in height. The existing dwelling is 2,780 square feet in area and approximately 18.0 feet in height; therefore staff believes that the accessory structure is clearly subordinate and the application meets this provision.*

*Standard 6* states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The proposed attached garage will be located at the end of the existing concrete driveway and will replace an existing carport. The applicant proposes that the building addition will be architecturally compatible with*

*the existing dwelling on the lot in terms of building materials, roof lines, and height. Staff believes the proposed attached garage is in character with existing on-site development and this standard has been met.*

*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. Observation of the neighborhood through the submitted photographs shows that the subject property and surrounding properties are wooded with mature deciduous trees and well screened. The proposed attached garage will replace an existing carport in the same approximate location. Staff believes that there will be no harm to significant trees on the subject property or neighboring properties; therefore, this standard has been met.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. The Department of Public Works and Environmental Services (DPWES) has confirmed that there is no Resource Protection Area (RPA) or floodplain located on the property and no downstream drainage complaints have been found. Staff believes that the enclosing of the existing carport will not impact the use and /or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety, as it is an existing structure which only requires the installation of side walls and a garage door to complete its construction. Staff believes the request is modest and does not believe it will increase runoff or erosion as the area is already paved. 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 proposed location of the attached garage is the most logical location given that there is an asphalt driveway which terminates at the existing carport. Enclosing the carport and turning it into a garage requires the least amount of land disturbance as compared with locating the addition on another side of the property. Other issues of floodplains and/or Resource Protection Areas are not applicable to this site. Therefore, staff believes this standard has been met.*

## **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-HM-049 for a building 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
4. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2011-HM-049****July 20, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-HM-049, located at Tax Map 28-3 ((11)) 71 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

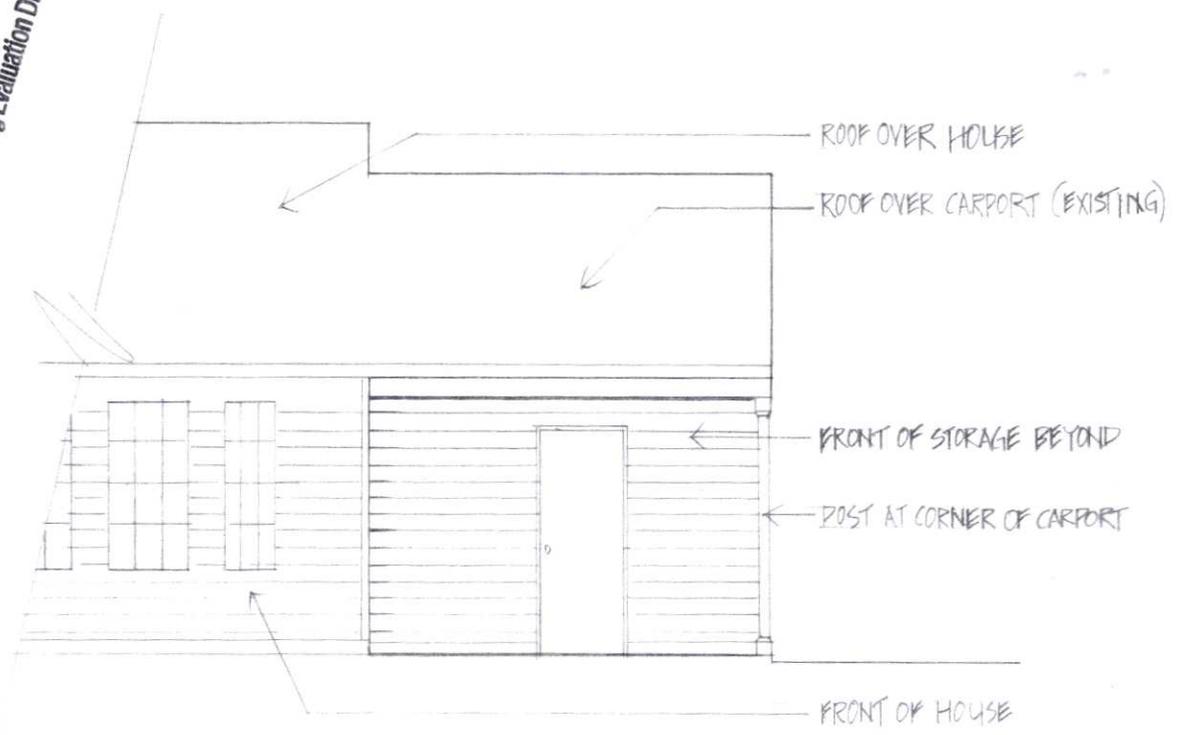
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of an addition (one-story, approximately 276 sq. ft.) as shown on the plat prepared by Alexandria Surveys International, LLC, dated February 16, 2011, revised May 18, 2011, as sealed on May 19, 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 (2,780 square feet existing + 4,170 square feet (150%) = 6,950 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 included in Attachment 1 to these conditions.

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

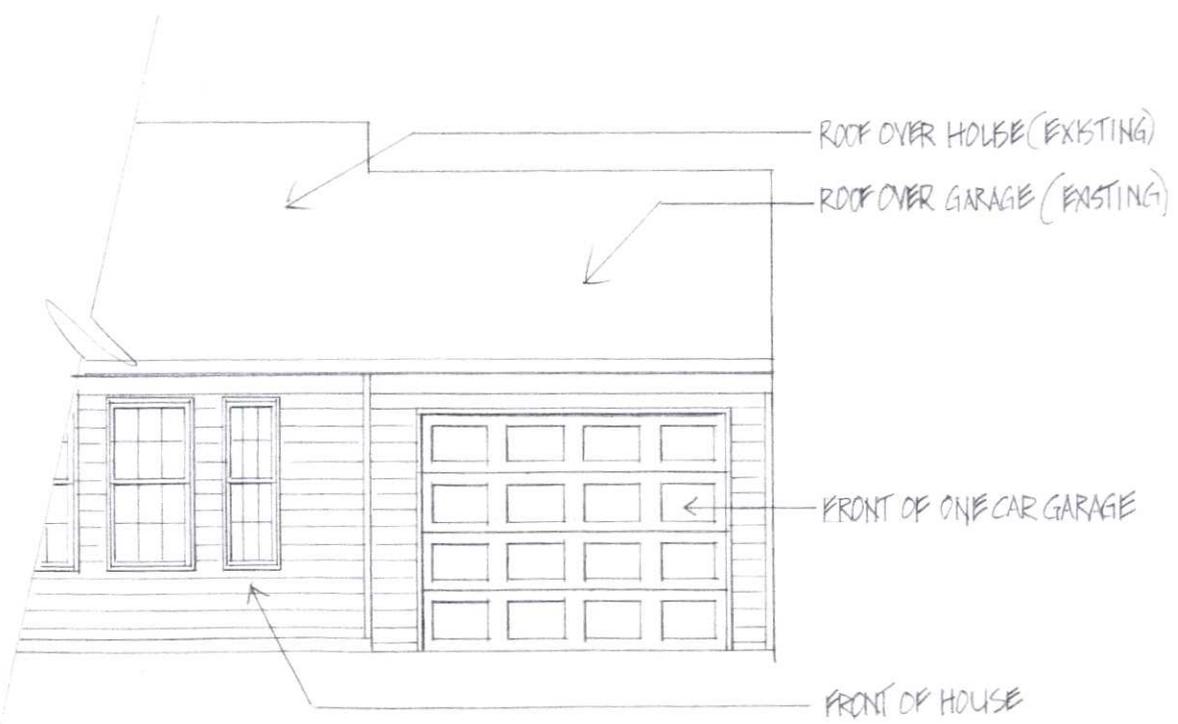
or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and 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.

RECEIVED  
Department of Planning & Zoning  
APR 21 2011  
Zoning Evaluation Division

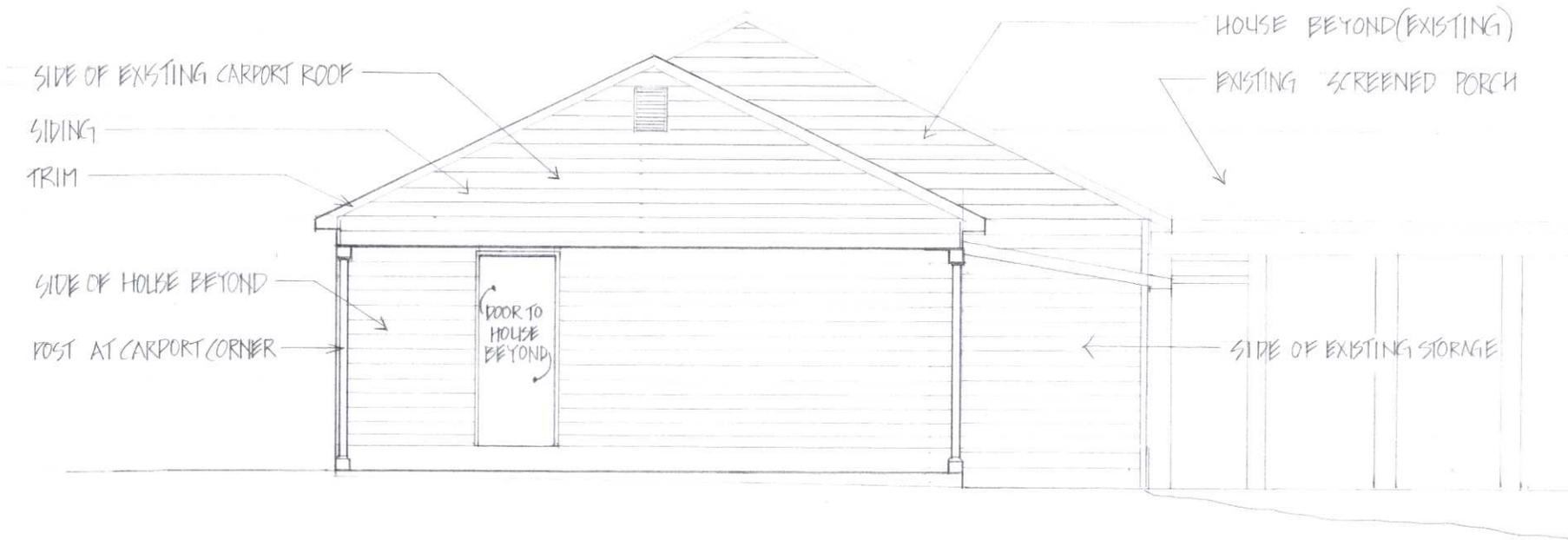


1928 Baton Drive - Front Showing Existing Carport  
(Not to scale)



1928 Baton Drive - Front Showing Proposed One Car Garage  
(Not to scale)

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Department of Planning & Zoning  
APR 21 2011  
Zoning Evaluation Division



← STREET

1928 Baton Drive - Side Showing Existing Carport  
(Not to scale)

BACKYARD →

Application No.(s): SP 2011-HM-649  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: APRIL 14, 2011  
 (enter date affidavit is notarized)

I, JONATHAN HODGE, 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

111776

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)
MARK A. ENSTROM	1928 BATON DRIVE, VIENNA, VA 22182	APPLICANT/TITLE OWNER
SHIRA L. ENSTROM	1928 BATON DRIVE, VIENNA, VA 22182	APPLICANT/TITLE OWNER
JONATHAN A. HODGE	2070 BINGHAM COURT, RESTON, VA 20191	AGENT

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

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



Application No.(s): SP 2011-HM-049  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: APRIL 14, 2011 111776  
(enter date affidavit is notarized)

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)

NA

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

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

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

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

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

Application No.(s): SP 2011-HM-049  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: APRIL 14, 2011  
(enter date affidavit is notarized)

111776

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-HM-049  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: APRIL 14, 2011  
(enter date affidavit is notarized)

111776

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

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

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

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

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

NONE

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

Application No.(s): SP 2011-HM-049  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: April 14, 2011 111776  
(enter date affidavit is notarized)

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

[ ] Applicant [x] Applicant's Authorized Agent

JONATHAN HODGE

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

Subscribed and sworn to before me this 14 day of April 2011, in the State/Comm. of Virginia  
Fairfax, County/City of Fairfax.

Leslie D. Duvall  
Notary Public

My commission expires:



Mark and Shira Enstrom  
 1928 Baton Drive  
 Vienna, Virginia  
 22182

Fairfax County  
 Department of Planning and Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax County, VA 22035  
 703-324-1290

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 Department of Planning & Zoning

APR 21 2011

Zoning Evaluation Division

Tax Map: 0283 11 0071, Zone: R-2

Setbacks: Front yard = 35 feet, side yard = 15 feet, rear yard = 25 feet.

To whom it may concern,

We understand that as owners of our home we may be allowed a reduction of certain yard requirements and we would like to enclose our existing one-car carport to create a one-car garage.

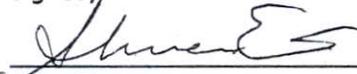
The reason for our request for a special permit is that we understand the side setback is required to be 15 feet and our carport is 13.3 feet from the property line.

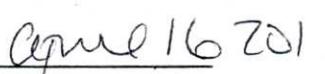
Below we have addressed each of the provisions as we understand them:

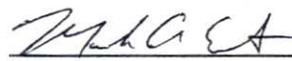
- 1.) The side yard will not result in less than 50% of the setback requirement and no part of our home will be within 5 feet of the property line.
- 2.) We are not placing a detached accessory structure in the front yard.
- 3.) Our lot only contains one principal structure and complies with minimum yard requirements.
- 4.) The house and enclosed screen porch are 2,780 square feet. The carport we wish to enclose is 276 square feet. The resulting gross floor area (house and one-car garage) will be only a 109.9% increase, from 2,780 square feet to 3,056 square feet.
- 5.) The resulting gross floor area of the existing structure and the enclosed carport shall be clearly subordinate in purpose, scale, use and intent to the principal structure on site.
- 6.) The proposed carport enclosure will, we believe, be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure on the lot.
- 7.) The proposed carport enclosure will be, we believe, harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and preservation of significant trees.
- 8.) The proposed carport enclosure will be, we believe, not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety erosion and storm-water runoff.
- 9.) The proposed reduction, we believe, represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot.
- 10.) We hope the application we have made satisfies your criteria and understand you may impose criteria as it regards to maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

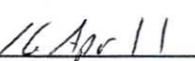
Thank you for reviewing our request for a reduction in yard requirement.

Signed,

  
 \_\_\_\_\_  
 Shira Enstrom

  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Mark Enstrom

  
 \_\_\_\_\_  
 Date

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

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

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

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

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

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

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

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

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

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

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

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

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

field; location of easements; and/or preservation of historic resources.

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

- H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.