



County of Fairfax, Virginia

July 20, 2011

STAFF REPORT

VARIANCE APPLICATION NO. VC 2011-DR-006

DRANESVILLE DISTRICT

APPLICANTS/OWNERS: N. Elizabeth Kelleher
P. Ross Taylor

STREET ADDRESS: 2304 Highland Avenue

TAX MAP REFERENCE: 40-4 ((18)) 11

LOT SIZE: 10,007 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 18-401

VARIANCE PROPOSAL: To permit construction of one addition 16.1 feet from one front lot line and 11.5 feet from other front lot line and another addition 10.9 feet from front lot line.

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

The approval of this 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).

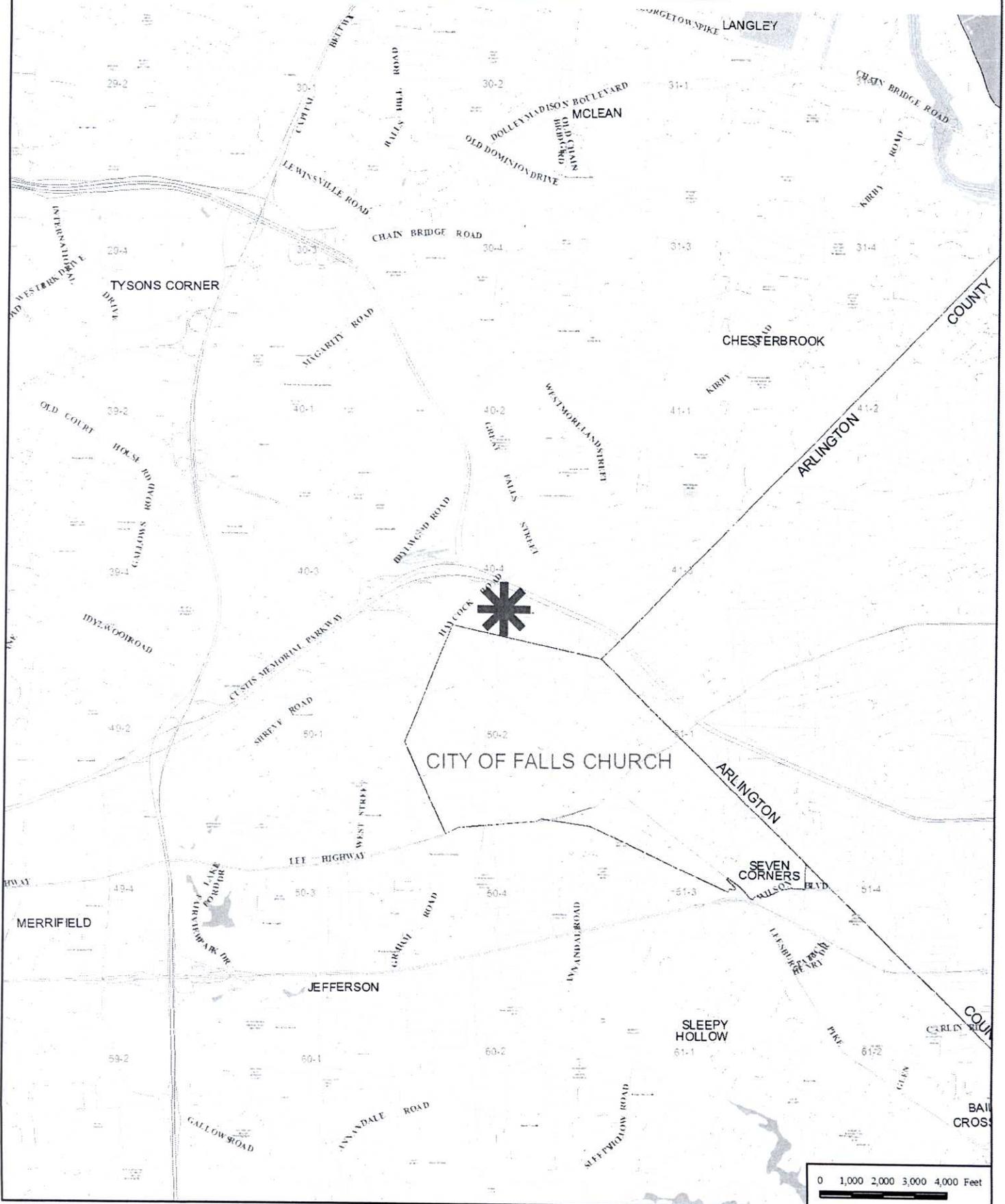
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Deborah Hedrick

Variance Application

VC 2011-DR-006

N. ELIZABETH KELLEHER & P. ROSS TAYLOR



- The property shown here on is located on Fairfax County tax map no. 040-4-18-0011 and is zoned R-4.
- This property is serviced by public sewer and water.
- The existing gross floor area is 1,810 sf (including garage area), the proposed gross floor area is 353 sf (not including porch area), the combination of existing and proposed gross floor area is 2,163 sf with a floor /area ratio of 0.22.
- There are no easement 25' or larger in width on this property, or major underground easements.
- There is no flood plain or resource protection area in the vicinity of this site.
- There are no burial sites apparent on the property.
- Proposed use is residential.
- SWM plans will be submitted at such time as a grading plan is required. Total disturbed area (1,603 sf + 497 sf) = 2,050 sf

elevation top of roof 106.7'
 elevation house eave 100.0'
 elevation mid point roof 103.35'

| pt # | mid roof hght | grade | height |
|------|---------------|-------|--------|
| 1. | 103.35 | 84.50 | 18.85 |
| 2. | 103.35 | 90.00 | 13.35 |
| 3. | 103.35 | 91.90 | 11.45 |
| 4. | 103.35 | 91.60 | 11.75 |
| 5. | 103.35 | 91.00 | 12.35 |
| 6. | 103.35 | 89.90 | 13.45 |
| 7. | 103.35 | 88.50 | 14.85 |
| 8. | 103.35 | 88.90 | 14.45 |
| 9. | 103.35 | 89.20 | 14.15 |
| 10. | 103.35 | 86.00 | 17.35 |

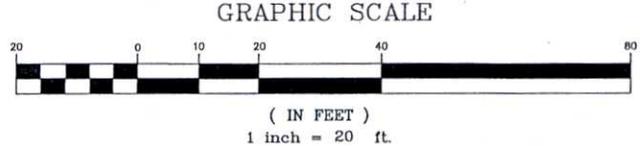
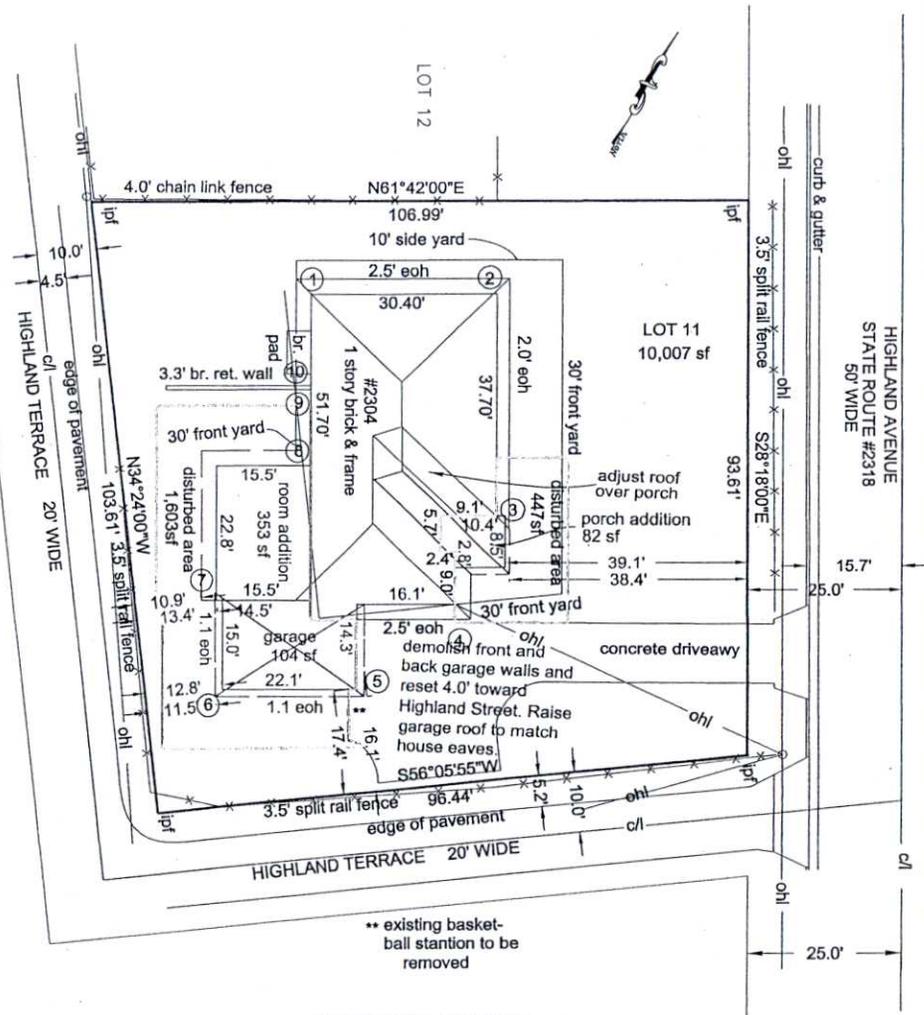
elevations shown are based on assumed datum.
 mean height 142/10 = 14.2

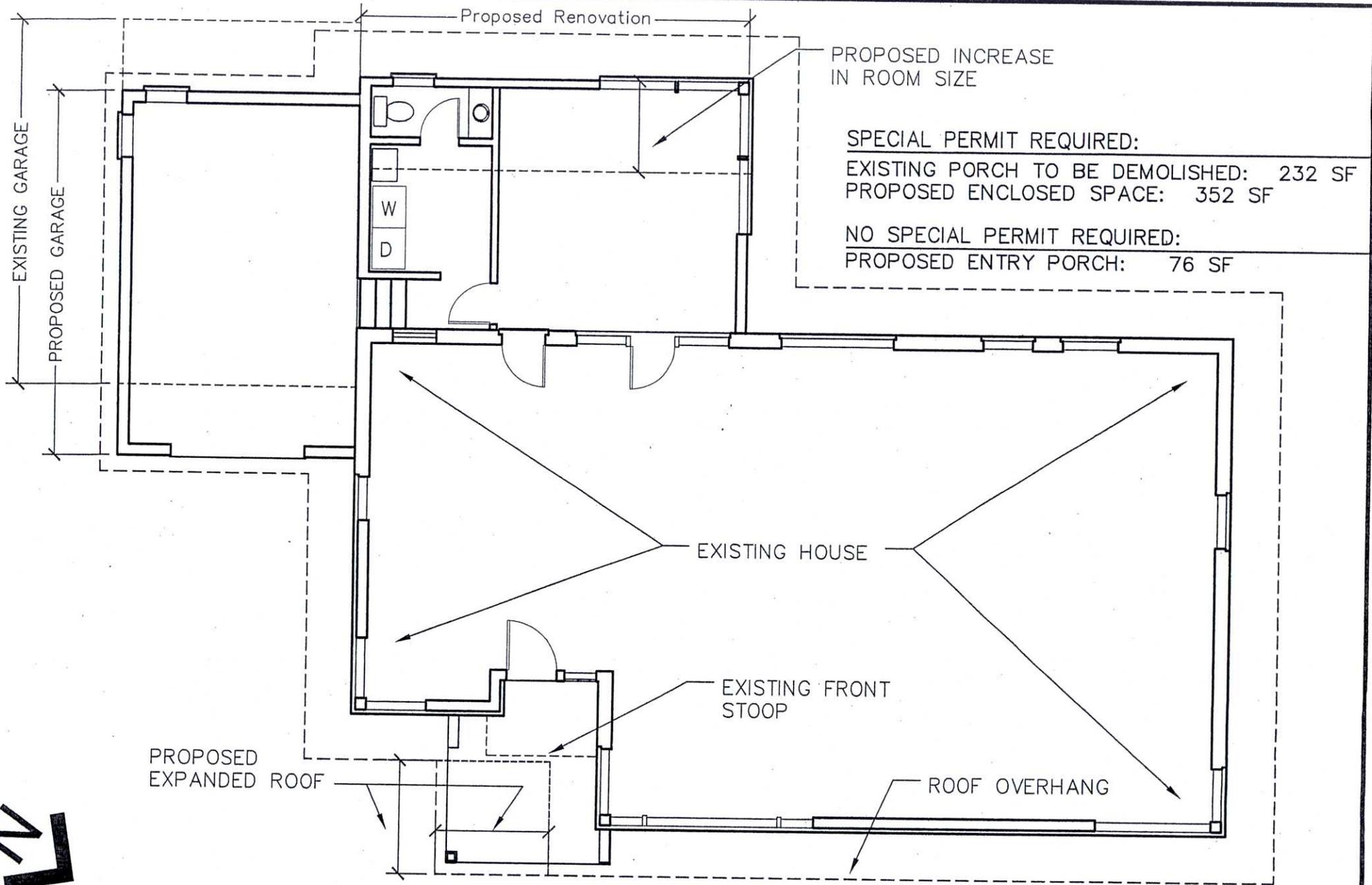
eoh eave overhang
 ohl overhead lines
 c/s concrete stoop
 cl centerline
 ipf iron pipe found

preconstruction mean building height 14.2'
 postconstruction mean building height 14.2'
 (grade elevations do not change; top of roof elevation does not change)

SITE WITH PROPOSED IMPROVEMENTS

| | | |
|-------------------------------------------------------------------------------------|---------------|----------------|
| /Kelle... | VARIANCE PLAT | JOB #: 09-0057 |
| LOT 11, BRYANTS ADDITION TO ELLISON HEIGHTS | | page 2 of 2 |
| DRANESVILLE DISTRICT FAIRFAX COUNTY, VIRGINIA | | SCALE: 1"=20' |
| APEX SURVEYS 7720 VICEROY STREET 703 866-1236 SPRINGFIELD, VIRGINIA 22151 | | |

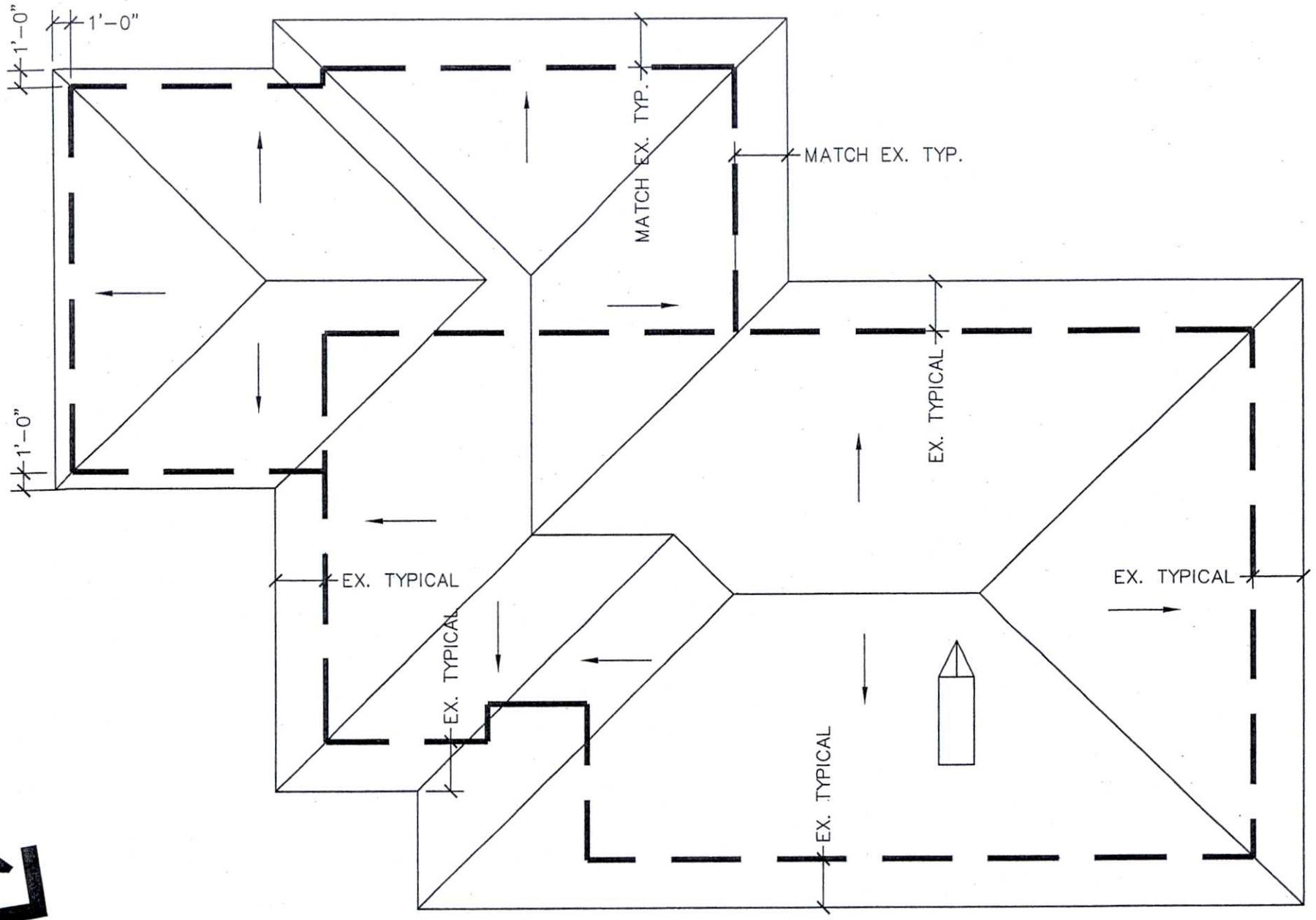




2304 HIGHLAND AVE. / LOT 11
 BRYANTS ADDITION TO ELLISON HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

Proposed Floor Plan - Ground
 1/8" = 1'-0"
 26 March 2010

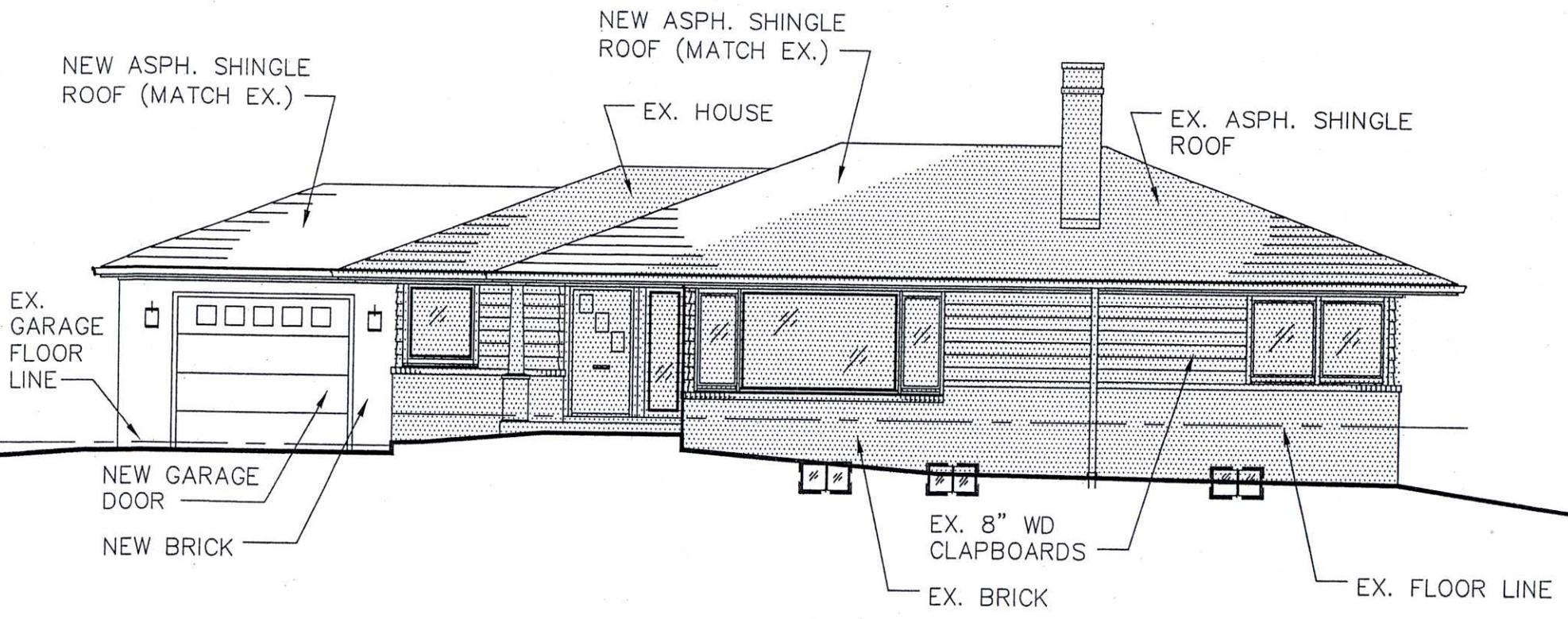
AP01



2304 HIGHLAND AVE. / LOT 11
 BRYANTS ADDITION TO ELLISON HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

Proposed Roof Plan
 1/8" = 1'-0"
 26 March 2010

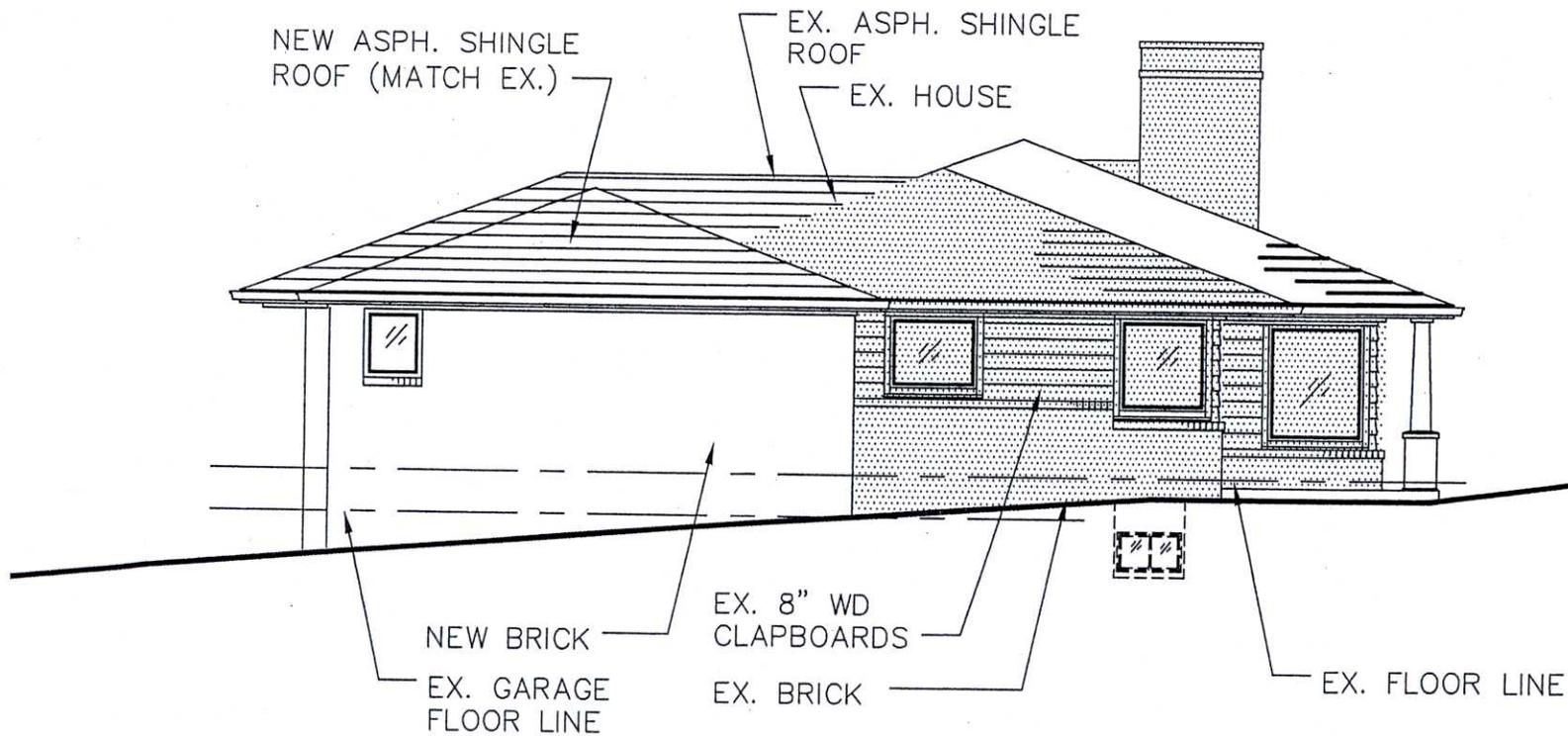
AP02



2304 HIGHLAND AVE. / LOT 11
 BRYANTS ADDITION TO ELLISON HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

Proposed Front Elevation - North
 1/8" = 1'-0"
 26 March 2010

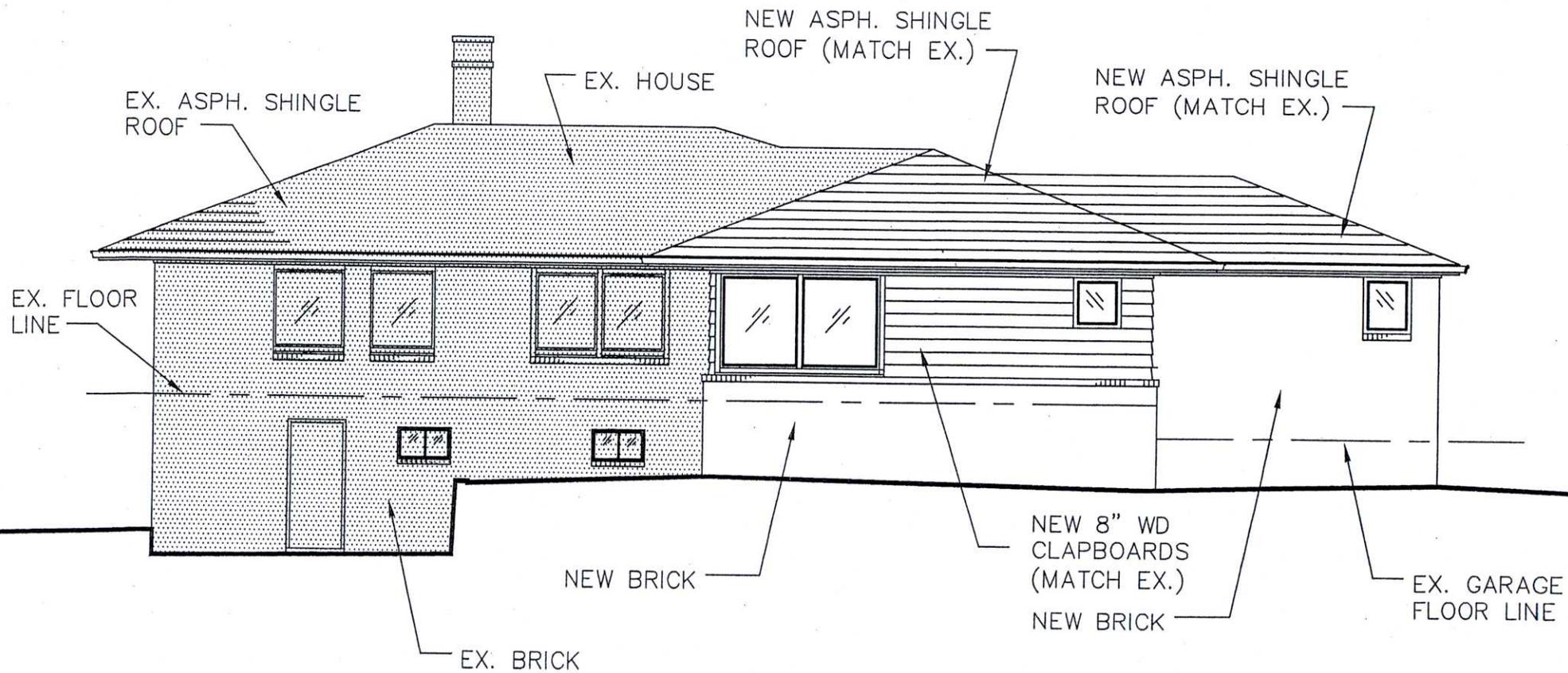
AP03



2304 HIGHLAND AVE. / LOT 11
 BRYANTS ADDITION TO ELLISON HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

Proposed Side Elevation - East
 1/8" = 1'-0"
 26 March 2010

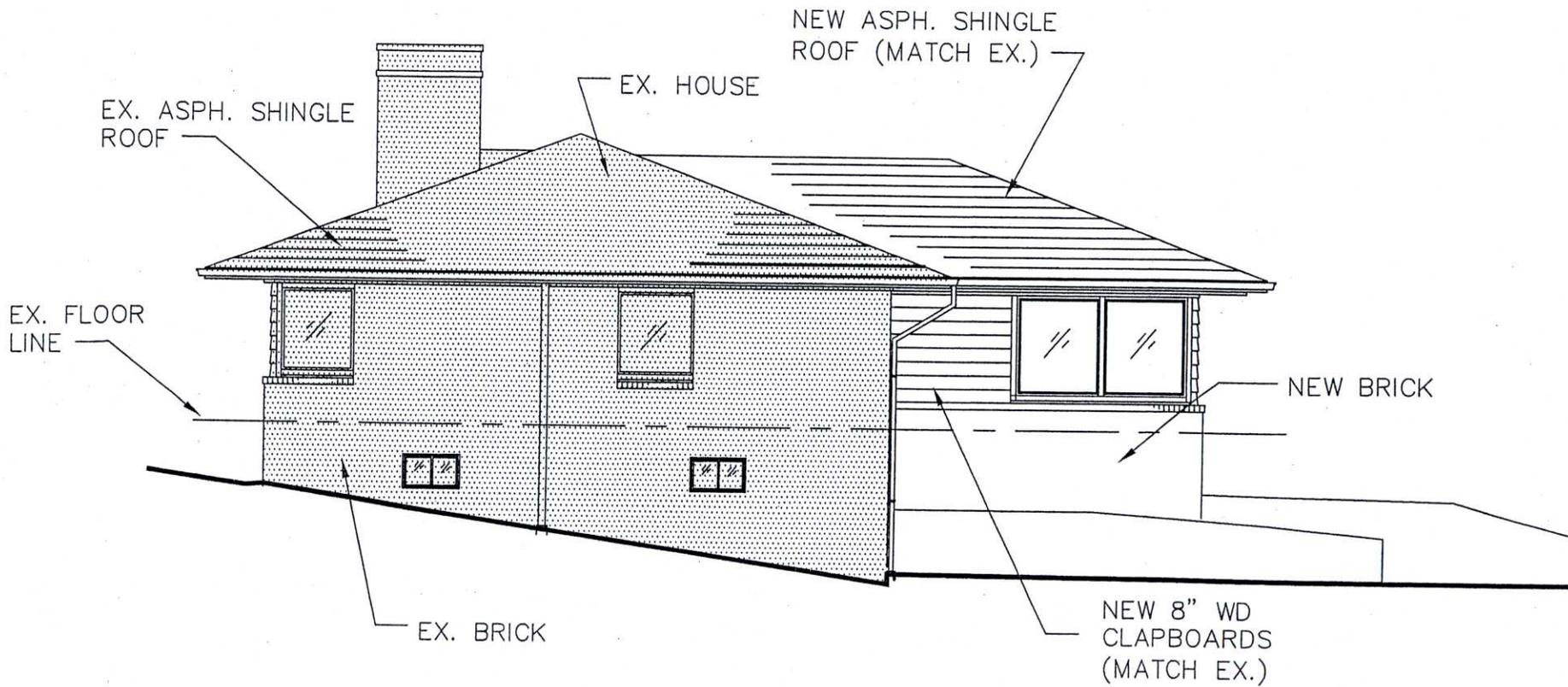
AP04



2304 HIGHLAND AVE. / LOT 11
 BRYANTS ADDITION TO ELLISON HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

Proposed Rear Elevation - South
 1/8" = 1'-0"
 26 March 2010

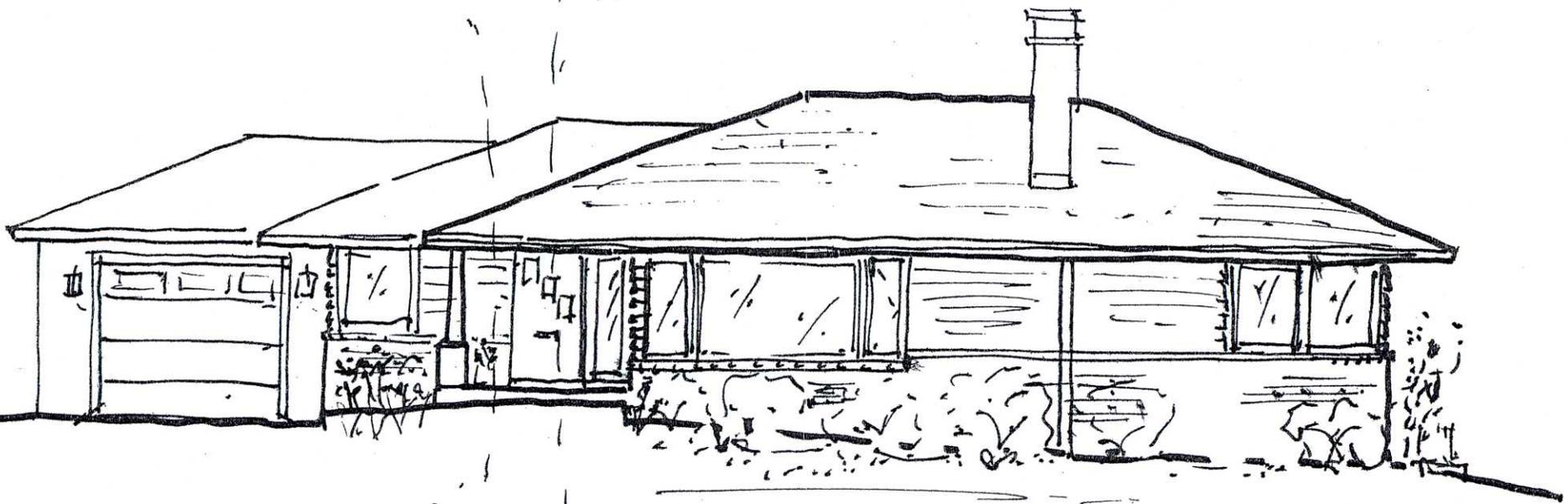
AP05



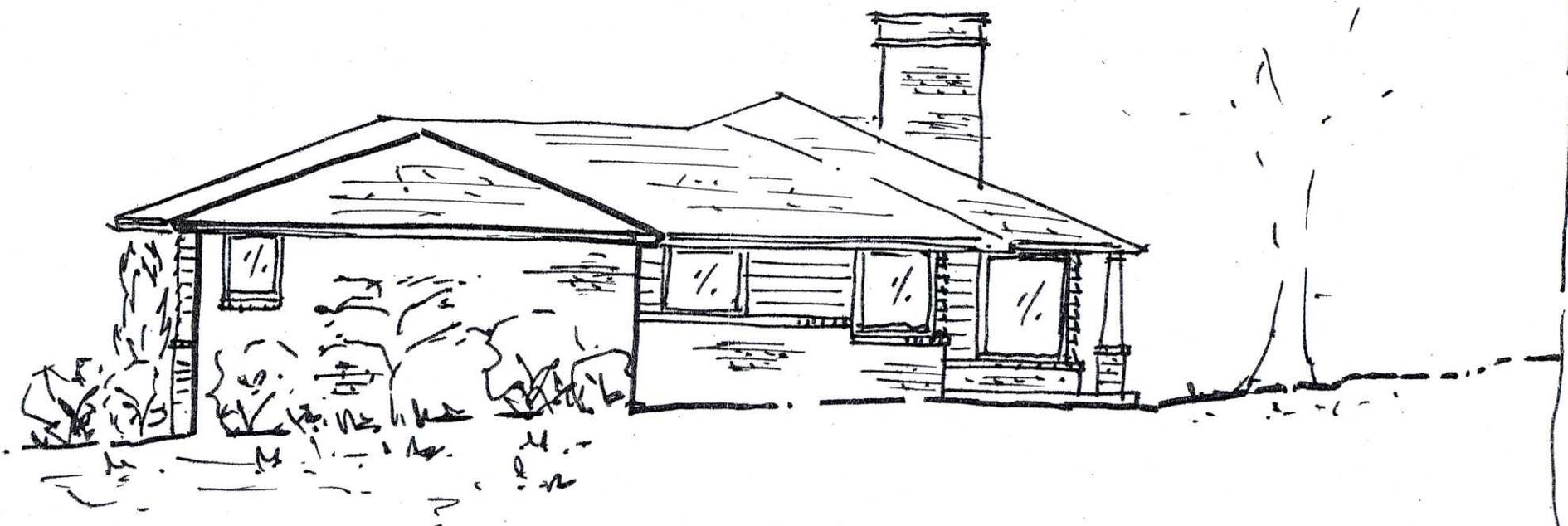
2304 HIGHLAND AVE. / LOT 11
 BRYANTS ADDITION TO ELLISON HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

Proposed Side Elevation - West
 1/8" = 1'-0"
 26 March 2010

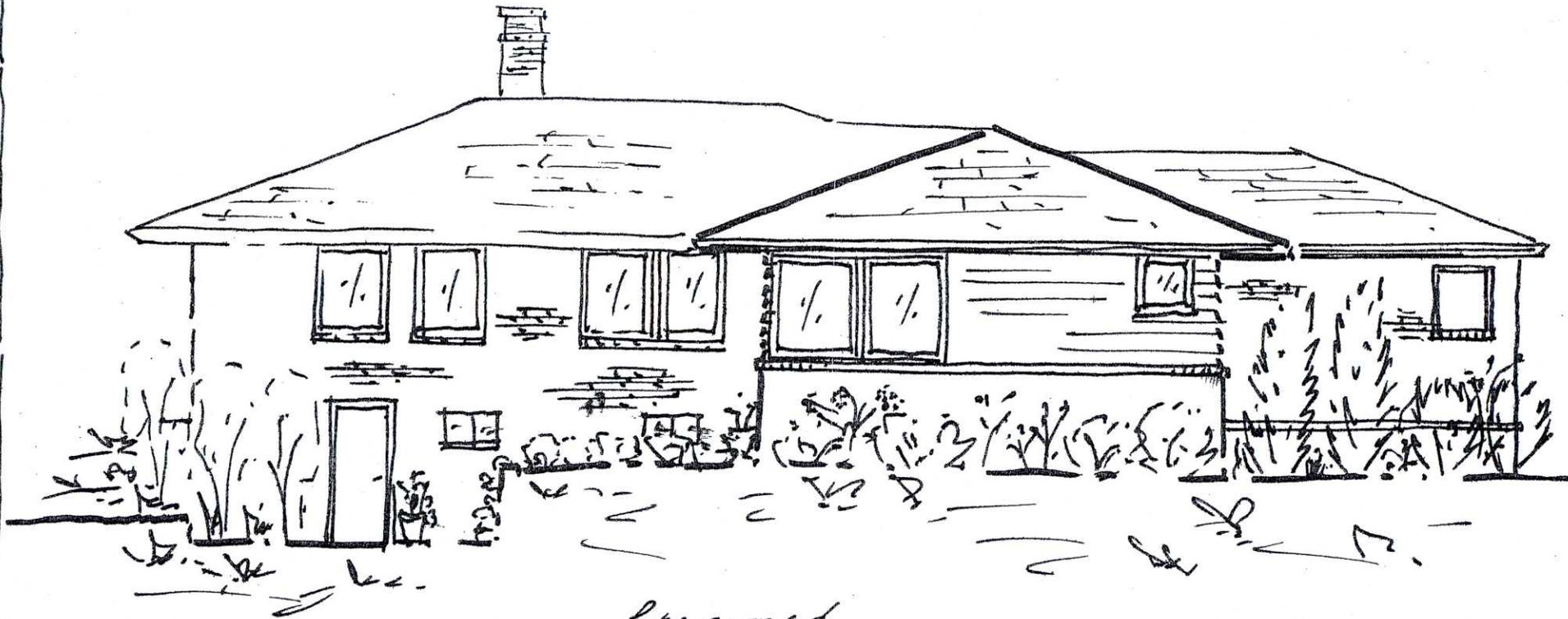
AP06



Proposed
Front Elevation
1/8" = 1'-0" 11.11.10 em

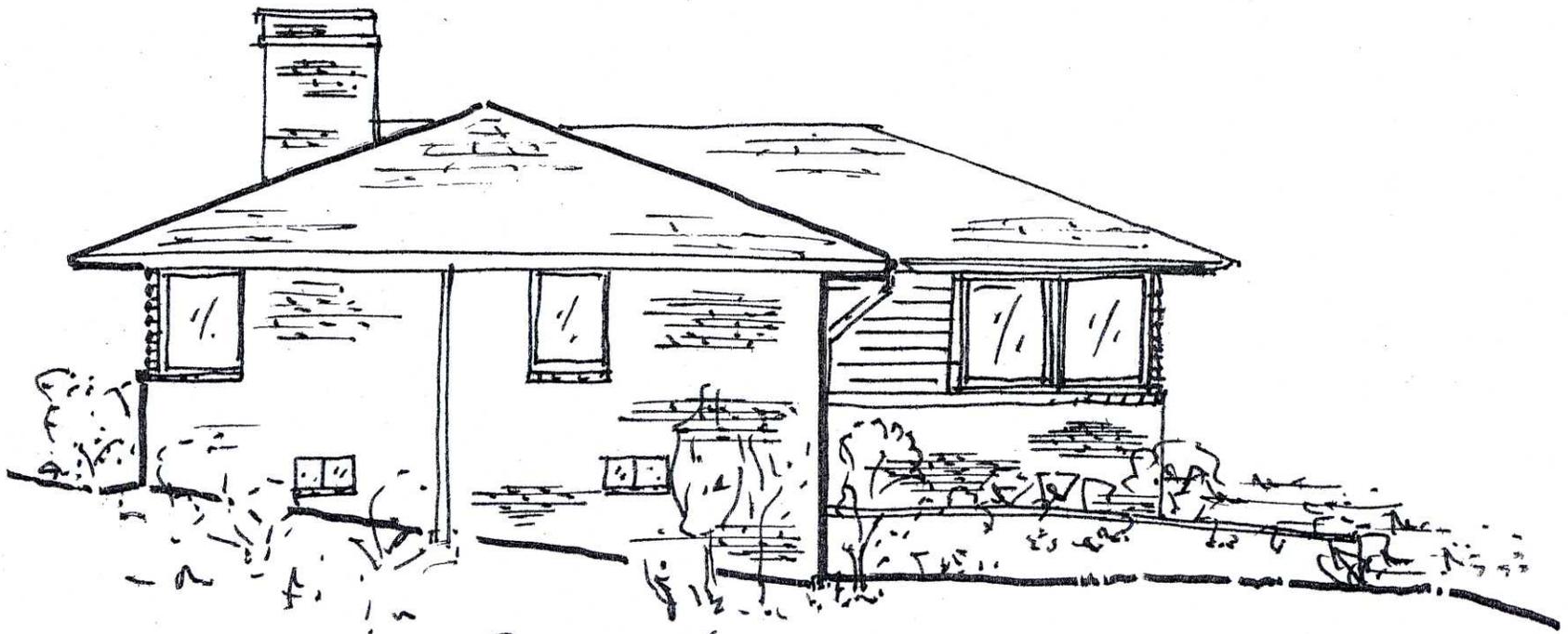


Proposed
Side - East - Elevation
1/2" = 1'-0" 11.11.10 EM

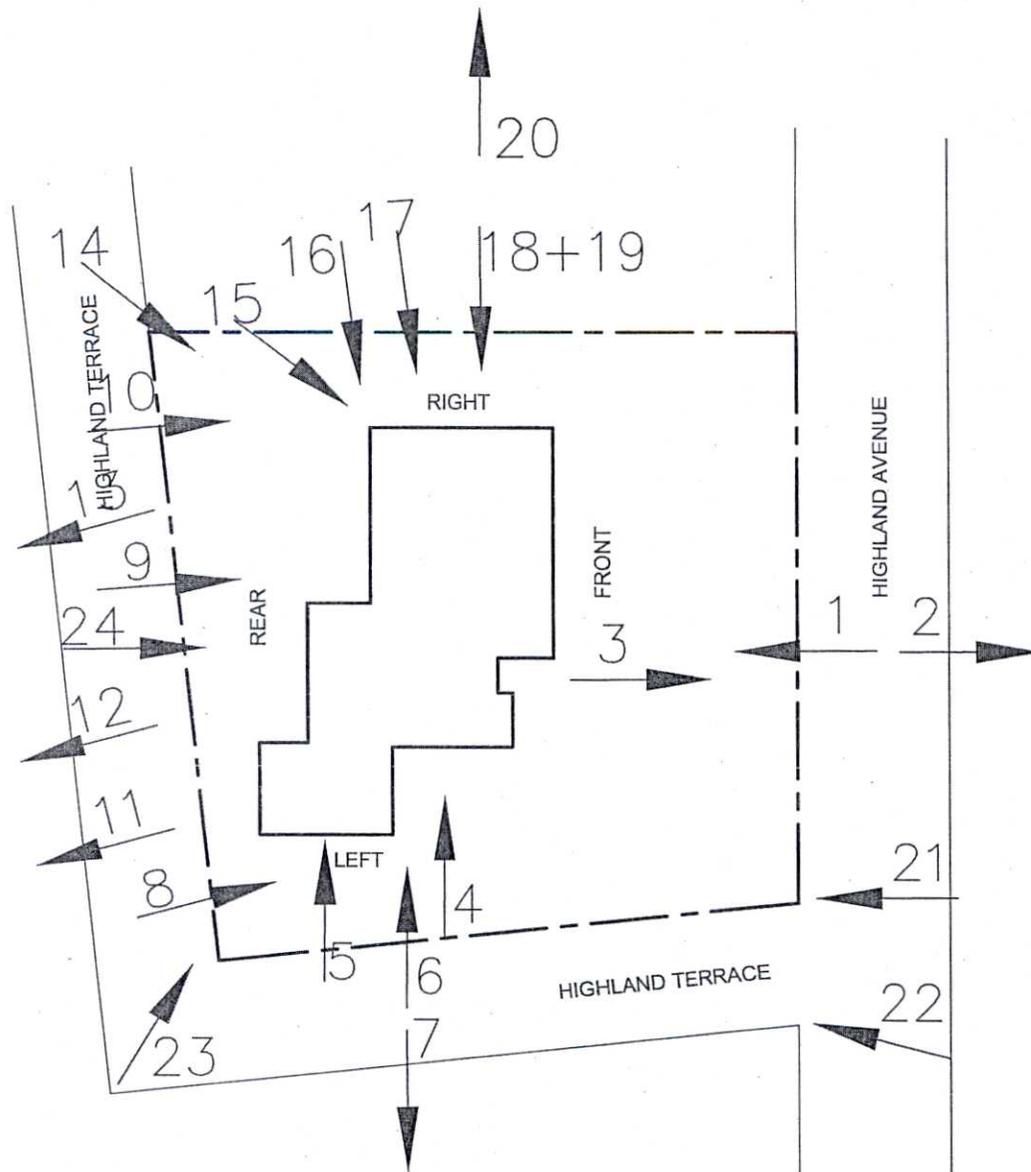


Proposed
Rear Elevation

1/8" = 1'-0" 11.4.10 em



Proposed
Side-West-Elevation
 $\frac{1}{8}'' = 1' - 0''$ 11-11-106m



Photos of Details:

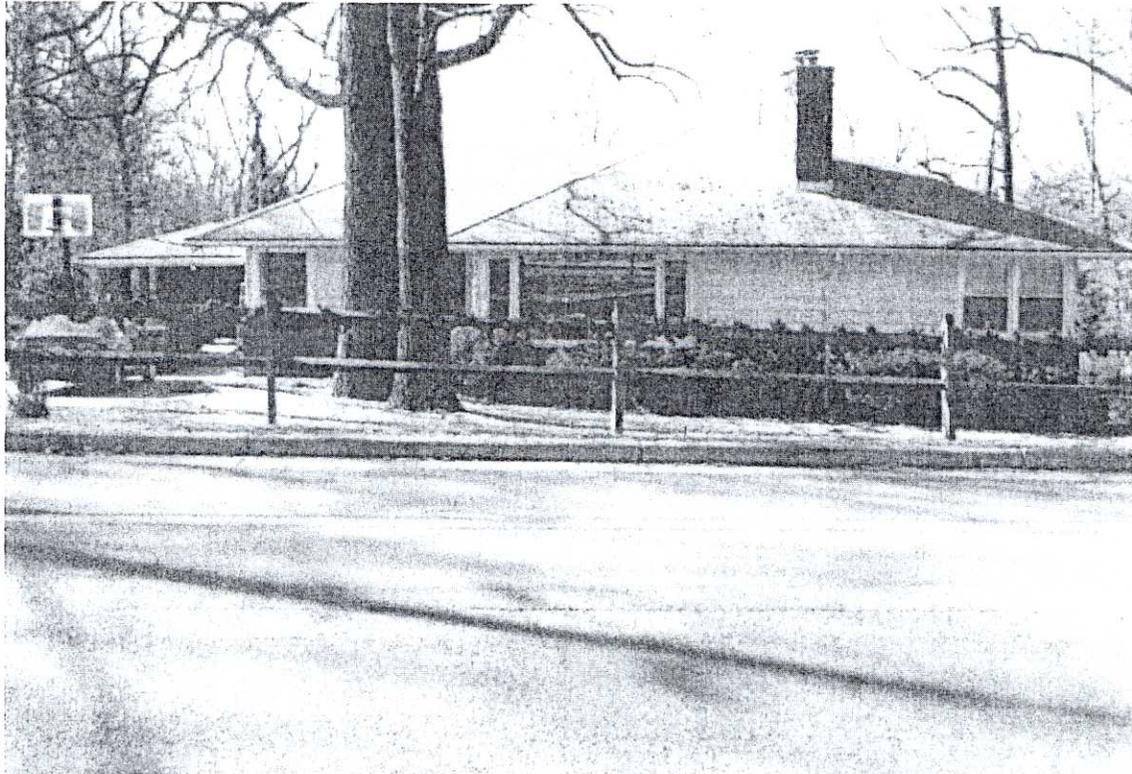
- 25. Mature trees in front yard
- 26. Mature tree in allowable front building area
- 27. Garage roof detail
- 28. Screened porch interior
- 29. Failing rafters in screened porch



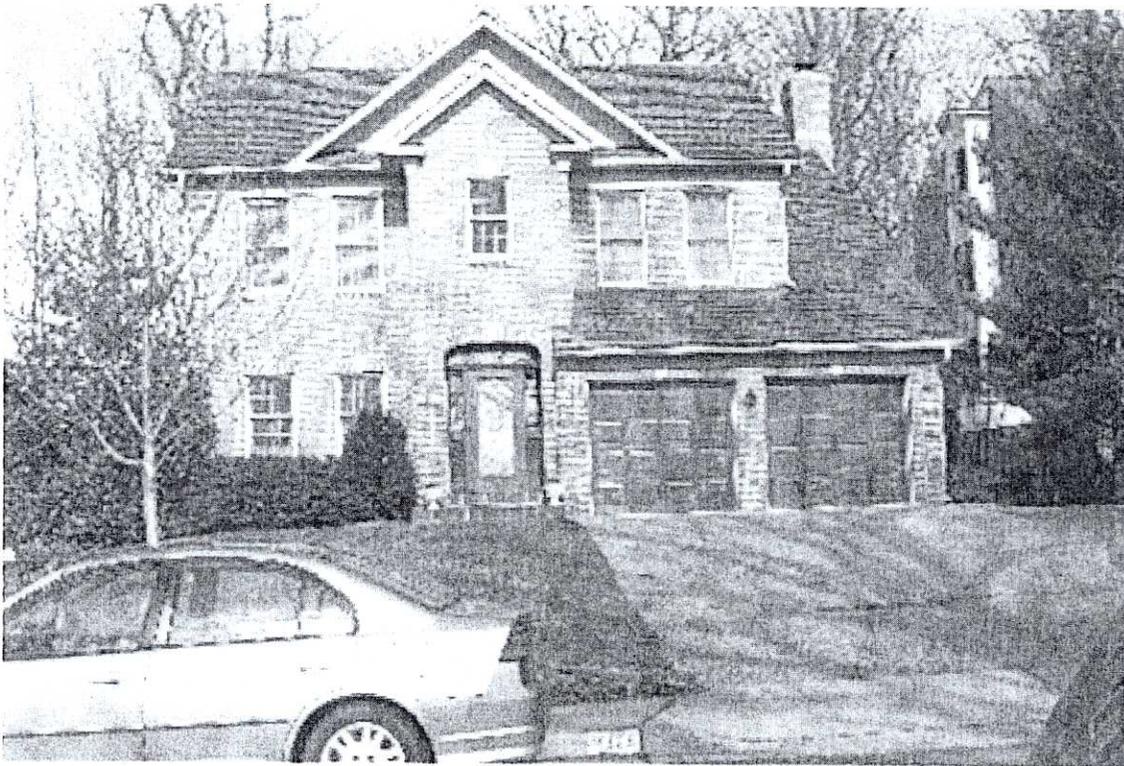
PHOTOGRAPH LOCATOR PLAN
1" = 30'-0"

2304 HIGHLAND AVE. / LOT 11
BRYANTS ADDITION TO ELLISON HEIGHTS
DRAINSVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

2304 Highland Ave. , Falls Church, VA 22046 – Existing Condition Photographs

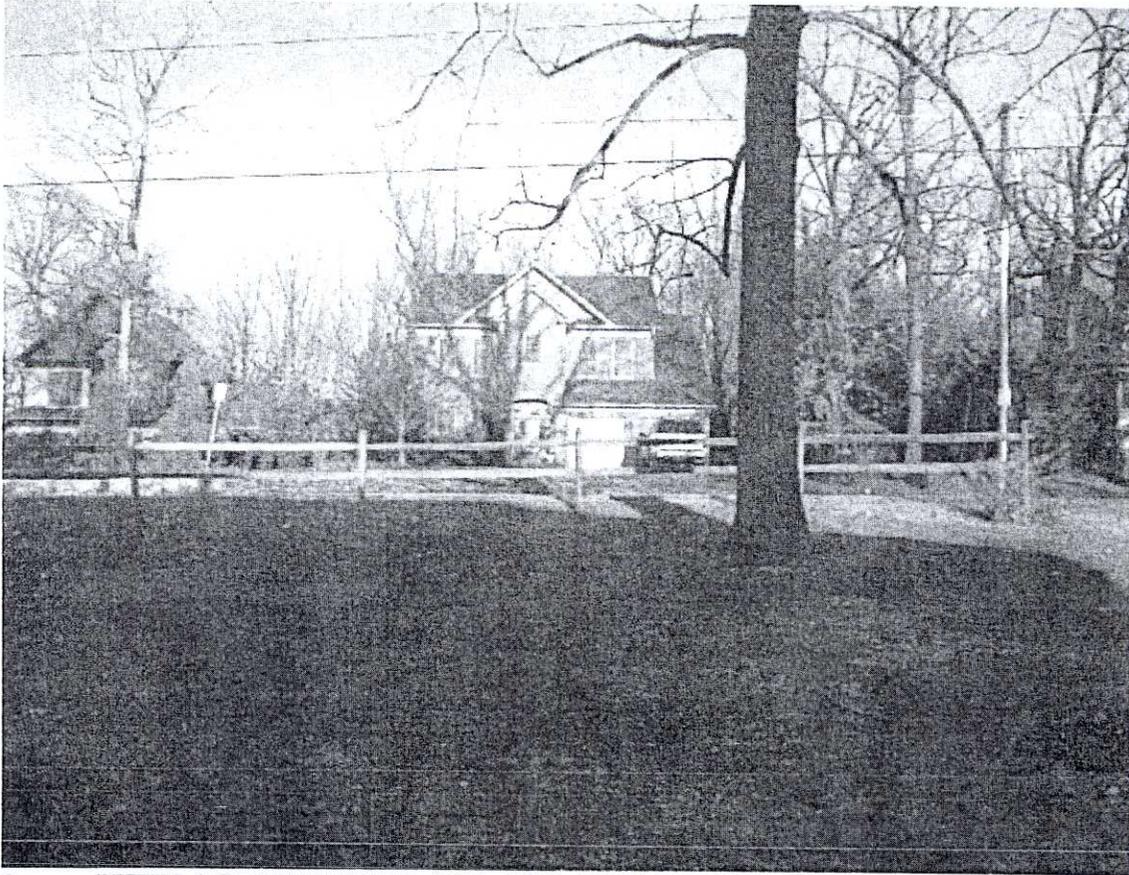


1. FRONT OF SUBJECT PROPERTY, FROM HIGHLAND AVE.

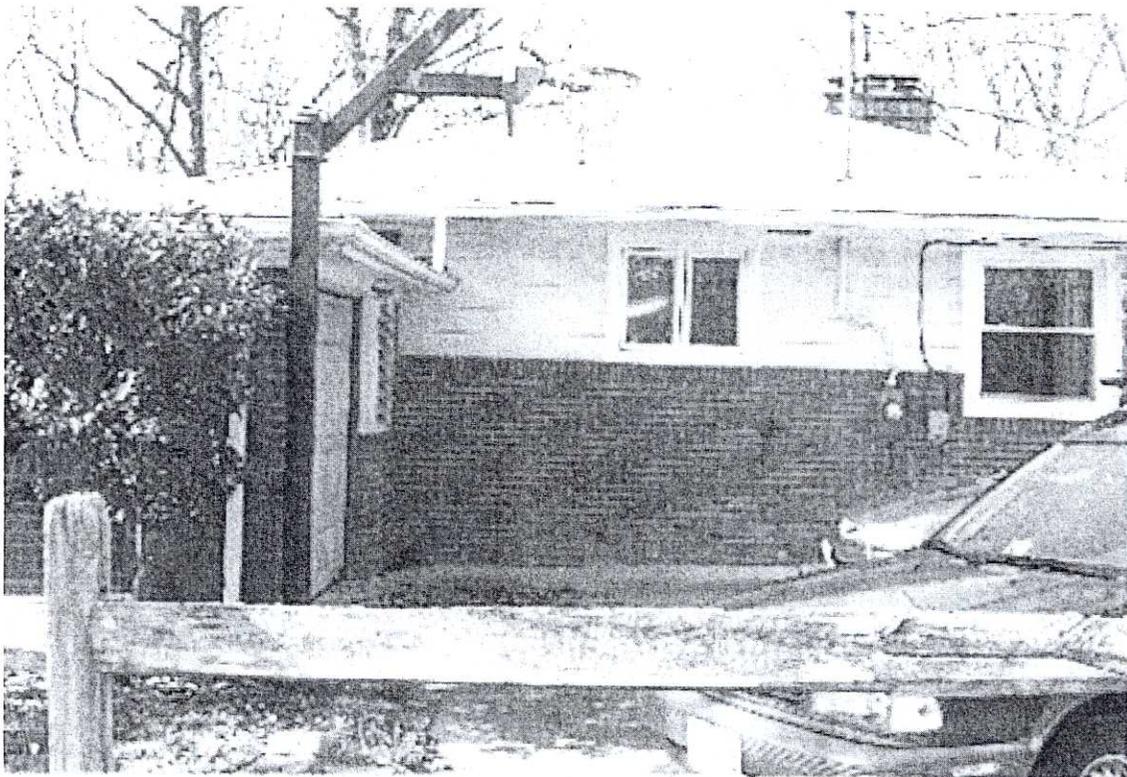


2. DIRECTLY ACROSS HIGHLAND AVE. FROM SUBJECT PROPERTY

2304 Highland Ave. – Existing Condition Photographs

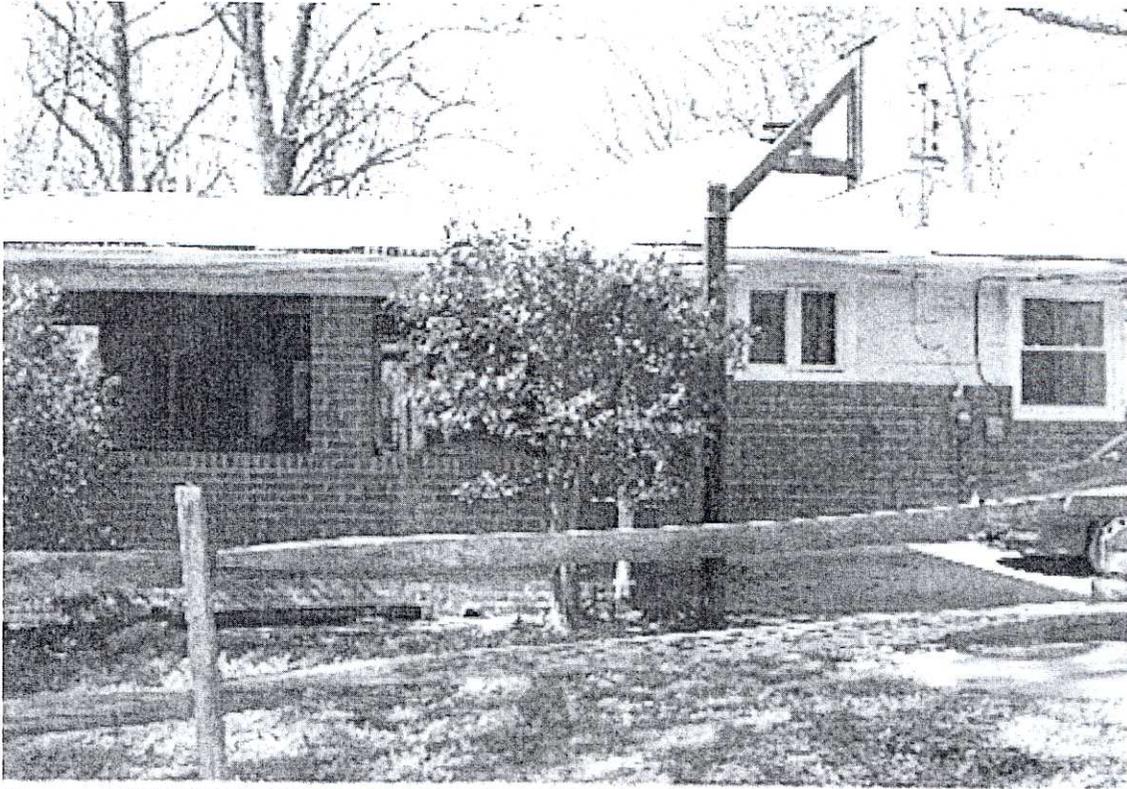


3. VIEW ACROSS HIGHLAND AVE. FROM FRONT OF SUBJECT HOUSE



4. LEFT SIDE, VIEWED FROM ALLEY (HIGHLAND TERRACE).

2304 Highland Ave. – Existing Condition Photographs

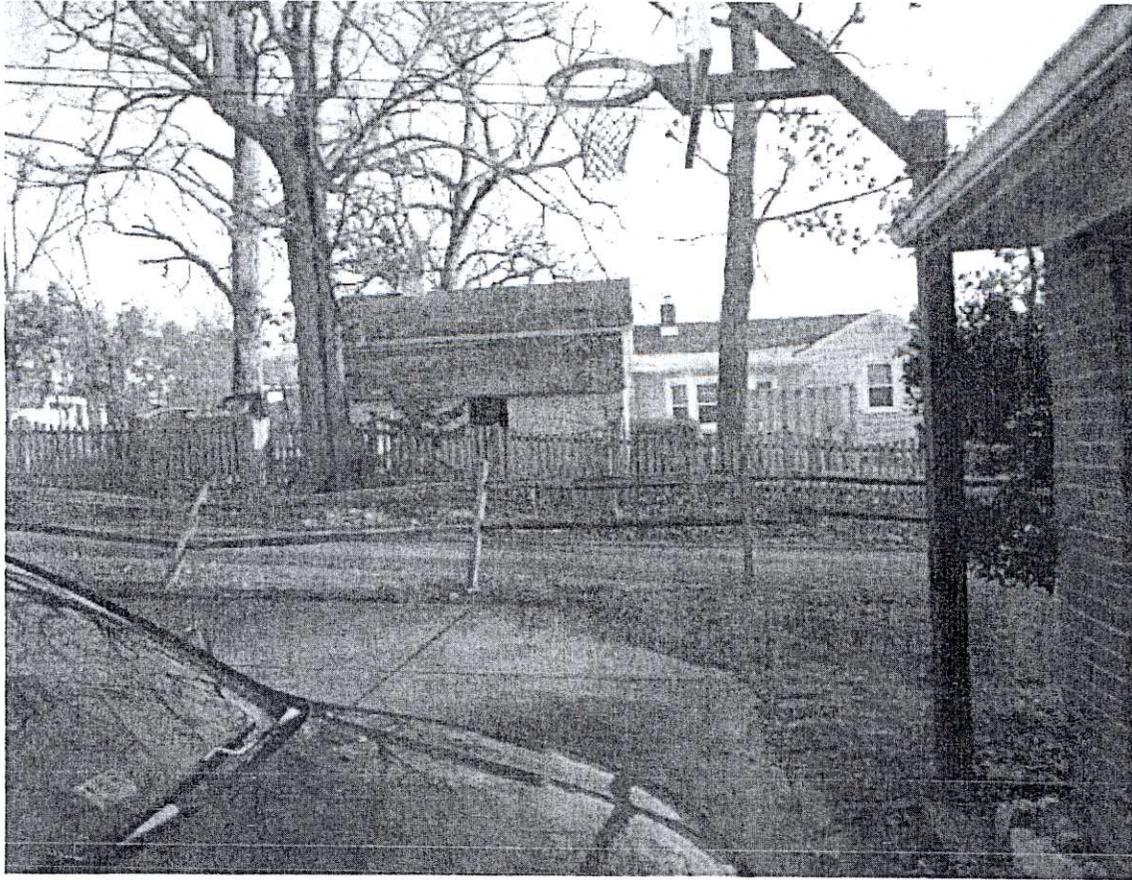


5. LEFT SIDE, VIEWED FROM ALLEY.* GARAGE ON LEFT



6. VIEW FROM HIGHLAND TERRACE TOWARD SUBJECT PROPERTY

2304 Highland Ave. – Existing Condition Photographs

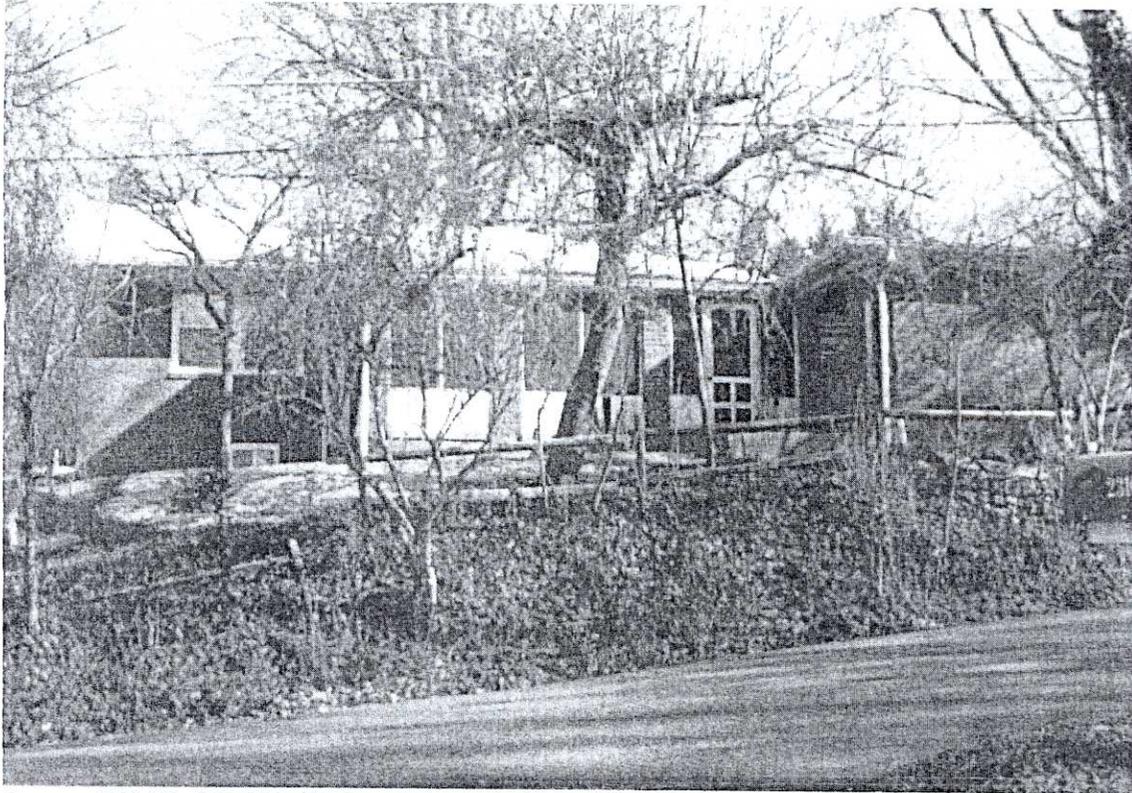


7. VIEW TOWARD CORNER LOT ON MT. DANIEL

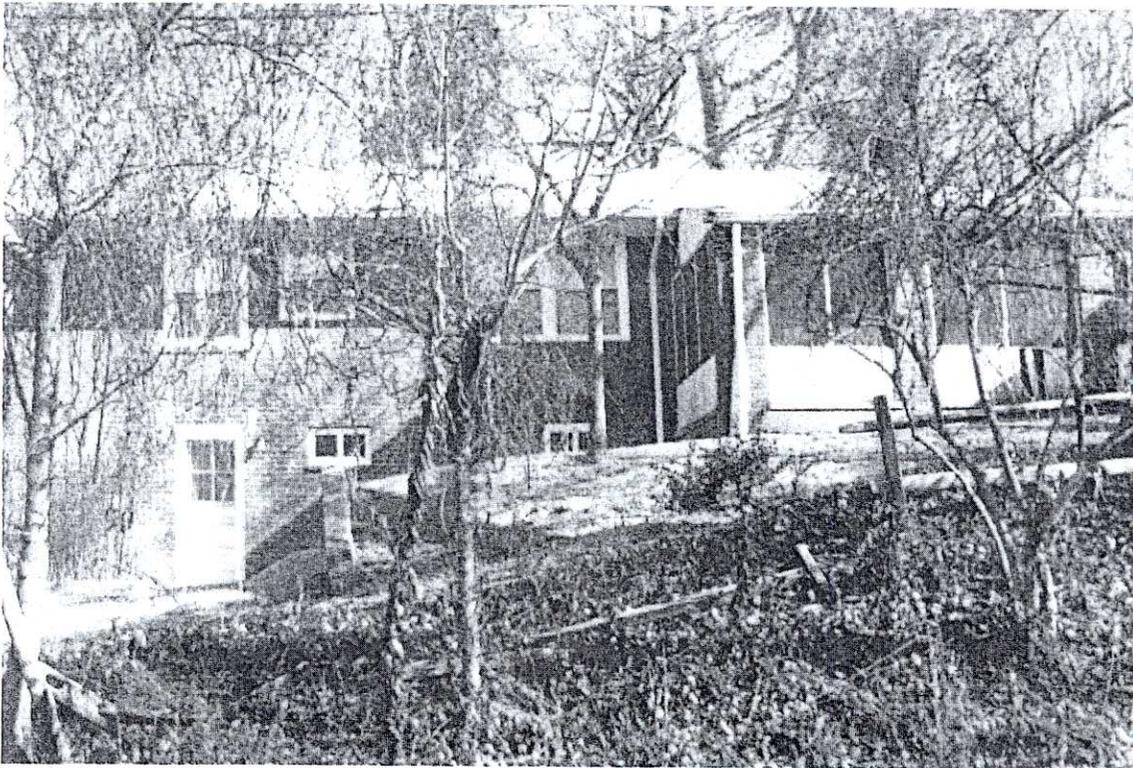


8. REAR OF GARAGE AND HOUSE BEYOND

2304 Highland Ave. – Existing Condition Photographs

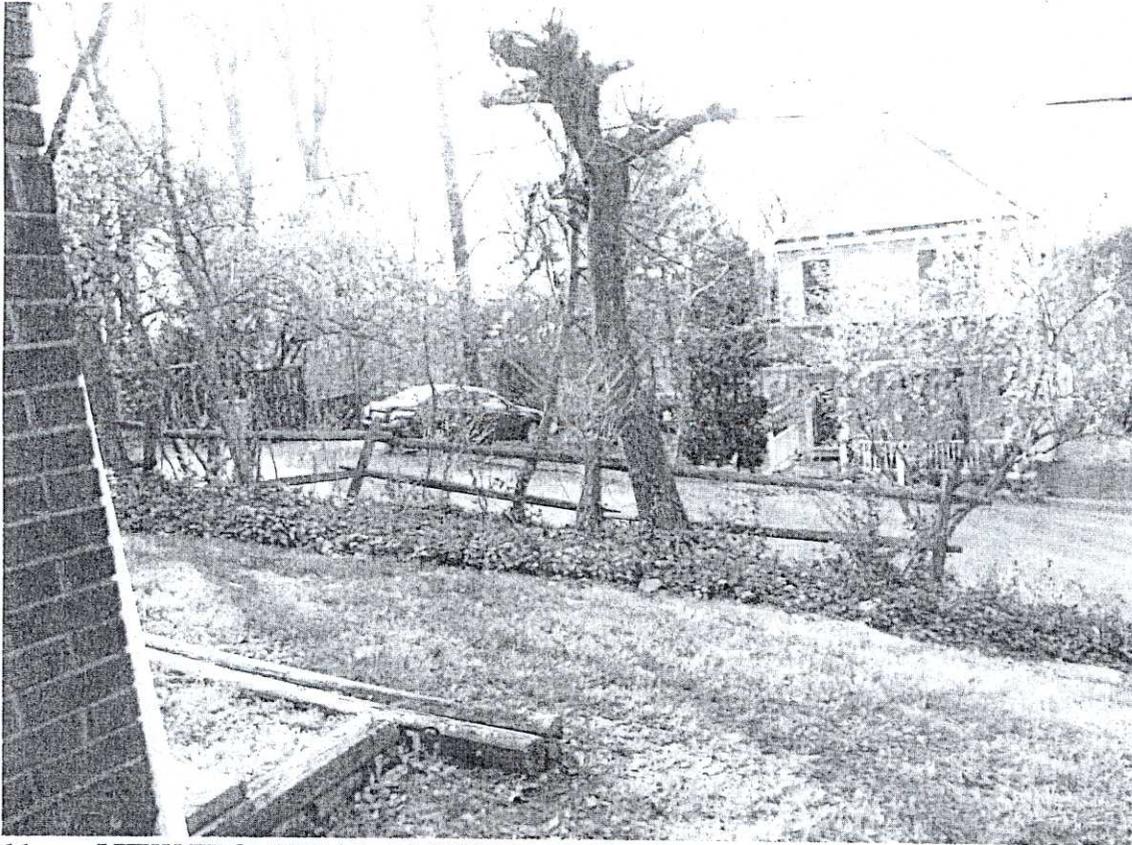


9. REAR OF SUBJECT HOUSE WITH BACK ALLEY* IN FOREGROUND.



10. REAR OF HOUSE FROM ALLEY (HIGHLAND TERRACE).

2304 Highland Ave. – Existing Condition Photographs



11. VIEW FROM REAR OF HOUSE TO NEIGHBOR ACROSS ALLEY.*



12. VIEW FROM REAR OF HOUSE TO NEIGHBORS ACROSS ALLEY
(HIGHLAND TERRACE).

2304 Highland Ave. – Existing Condition Photographs

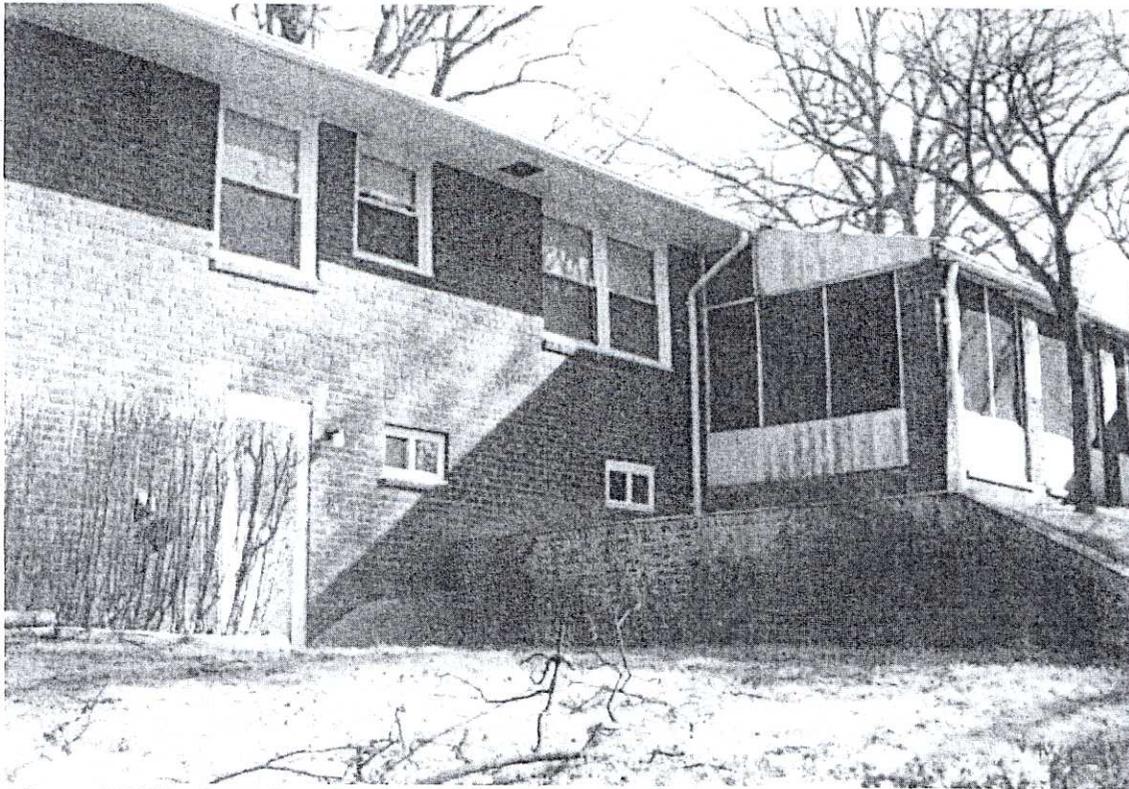


13. VIEW FROM REAR CORNER OF LOT ACROSS ALLEY*

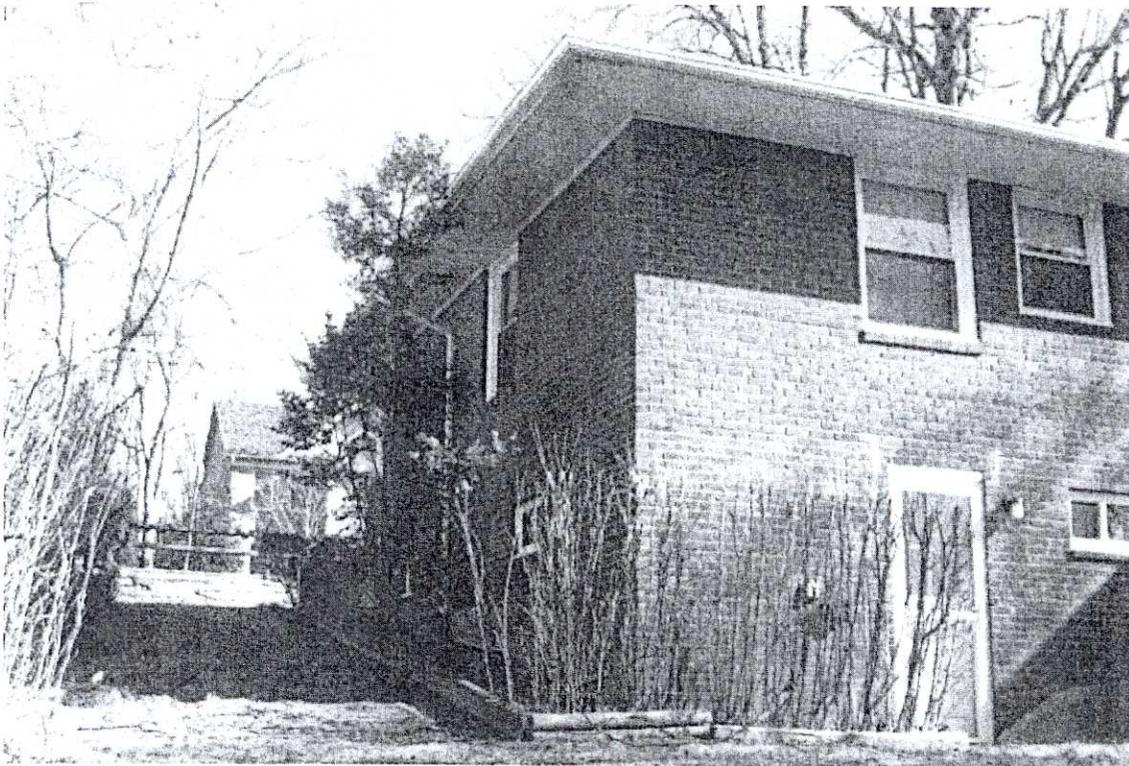


14. REAR WITH PARTIAL VIEW OF RIGHT SIDE. VIEWED FROM ALLEY*

2304 Highland Ave. – Existing Condition Photographs

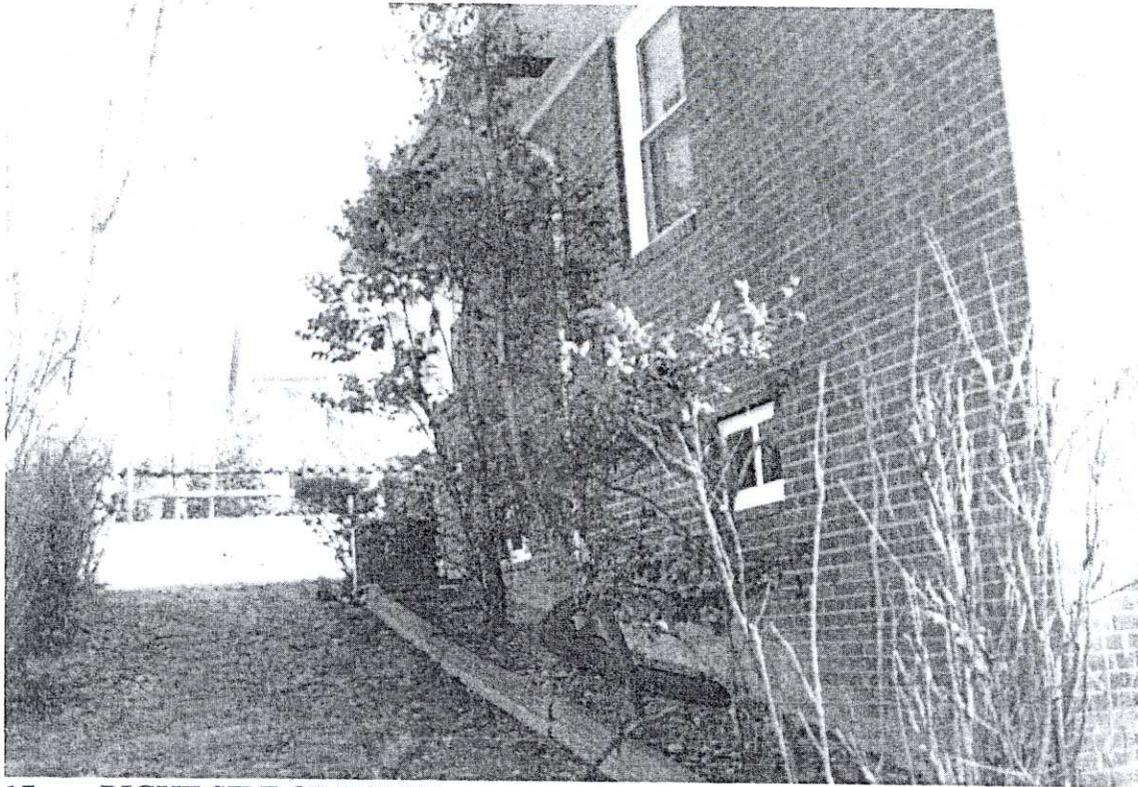


15. REAR OF HOUSE AND RETAINING WALL

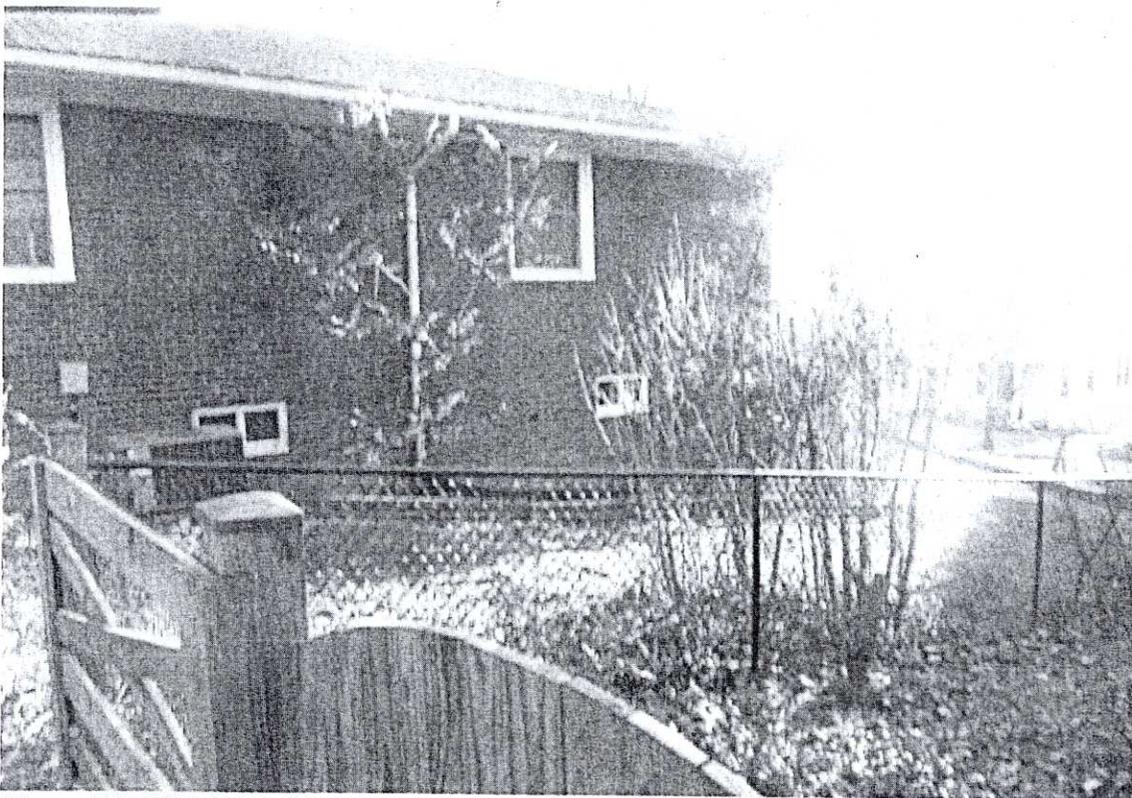


16. REAR AND PARTIAL RIGHT SIDE

2304 Highland Ave. – Existing Condition Photographs

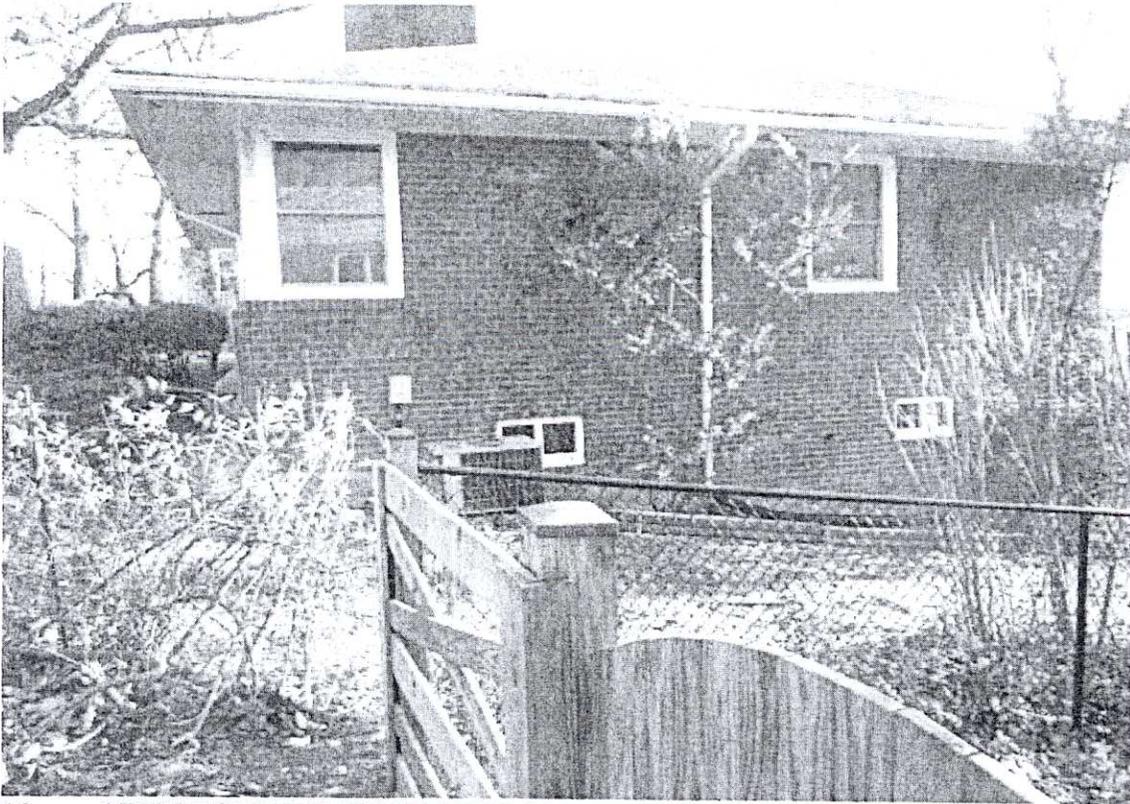


17. RIGHT SIDE OF HOUSE

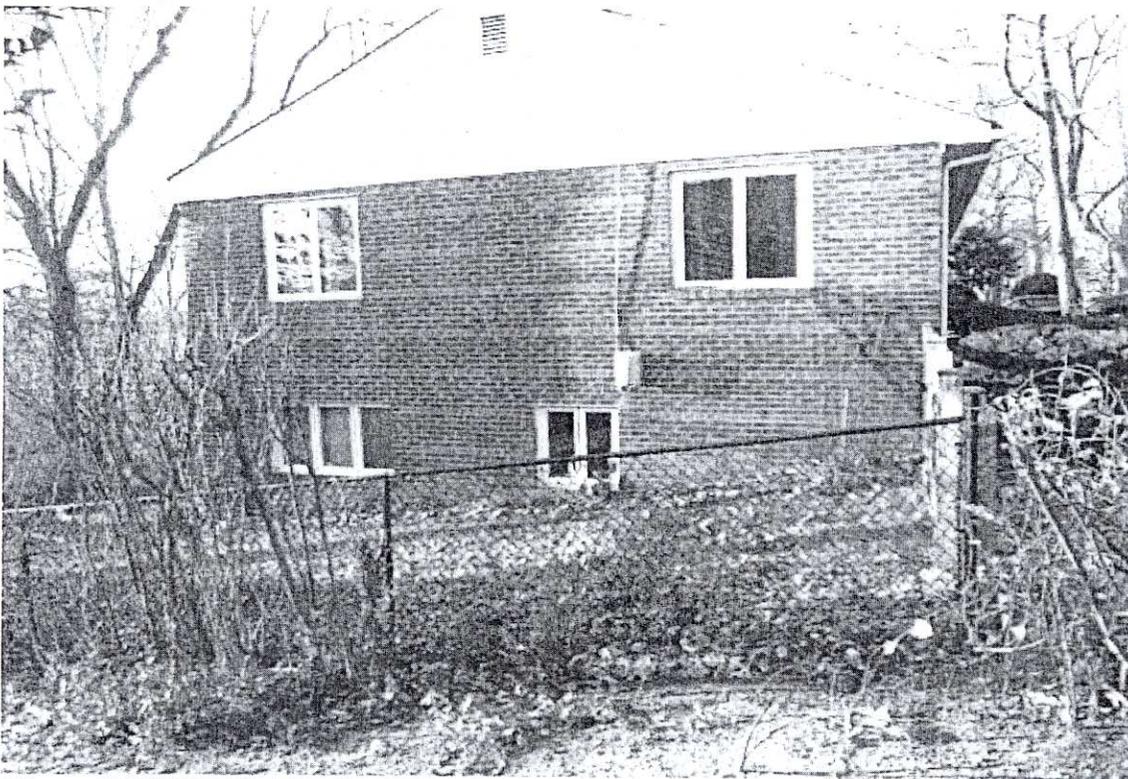


18. RIGHT SIDE OF SUBJECT HOUSE; HIGHLAND TERR. IN DISTANCE

2304 Highland Ave. – Existing Condition Photographs



19. VIEW TOWARD SUBJECT PROPERTY FROM NEIGHBOR



20. VIEW TOWARD NEIGHBOR ON HIGHLAND AVE. FROM SUBJECT PROPERTY

2304 Highland Ave. – Existing Condition Photographs

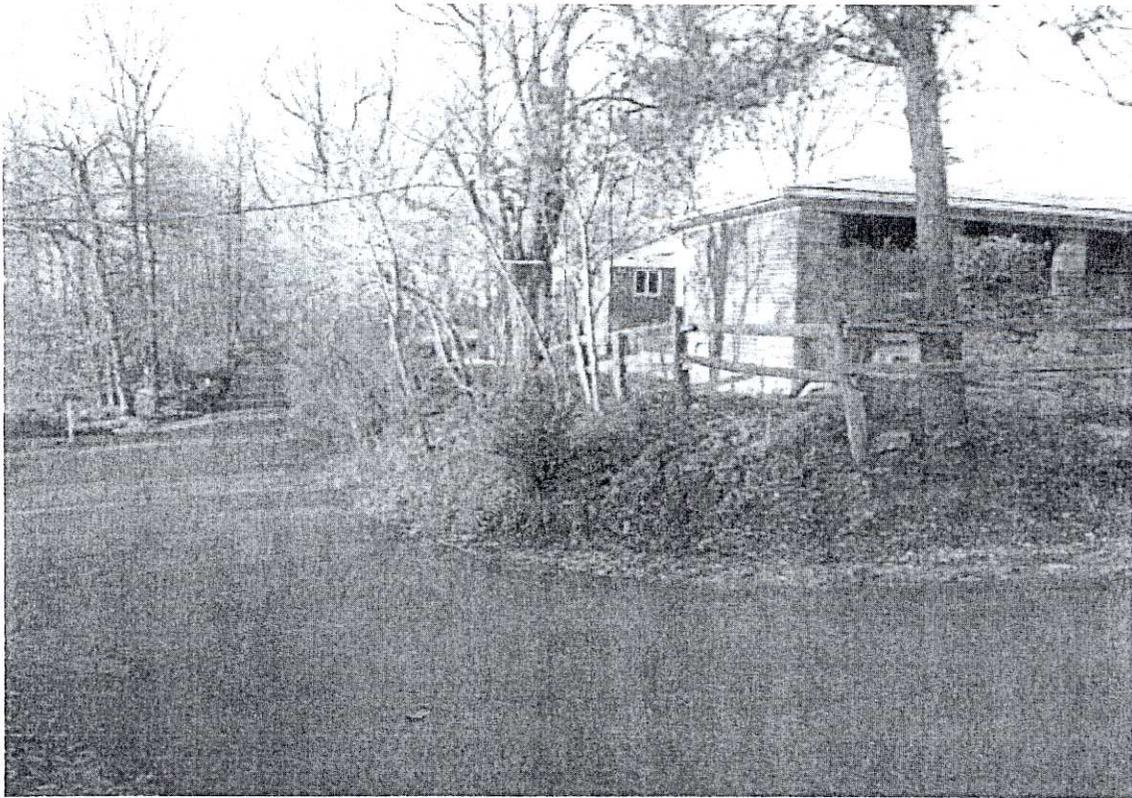


21. ALLEY* ENTRANCE AS SEEN FROM HIGHLAND AVE.

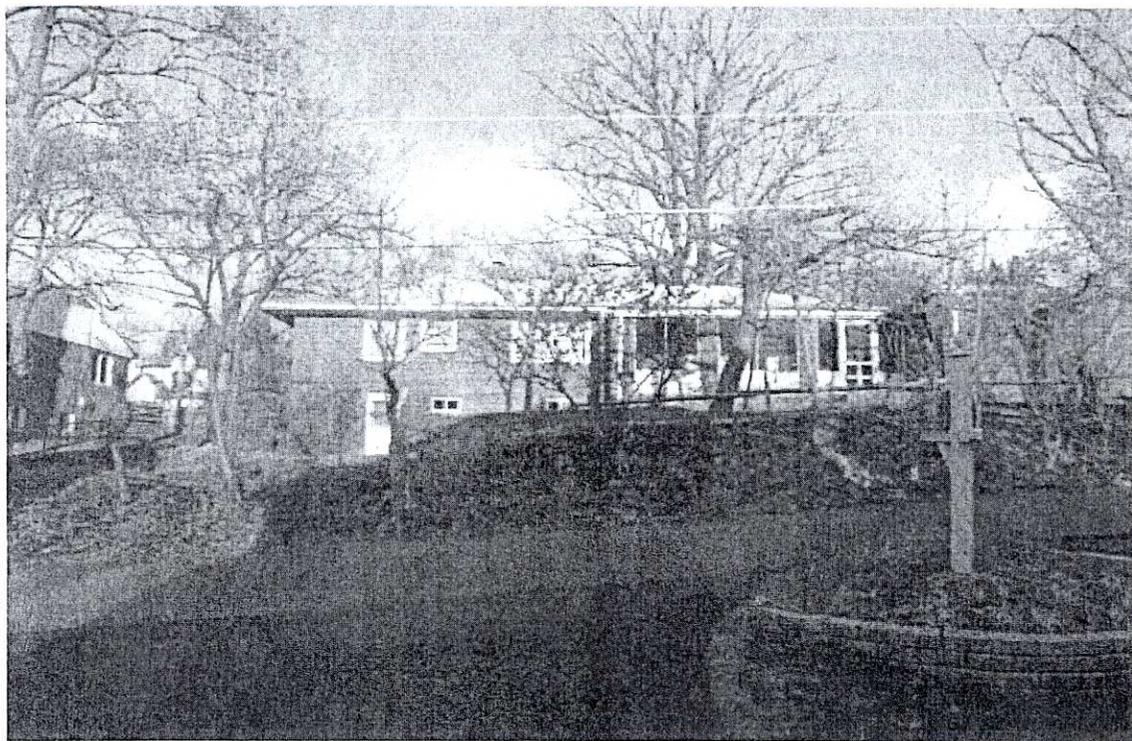


22. SUBJECT PROPERTY PARTIAL FRONT AND LEFT SIDE , WITH ALLEY* ENTRANCE OFF HIGHLAND AVE.

2304 Highland Ave. – Existing Condition Photographs



23. VIEW FROM HIGHLAND TERRACE TO REAR OF GARAGE

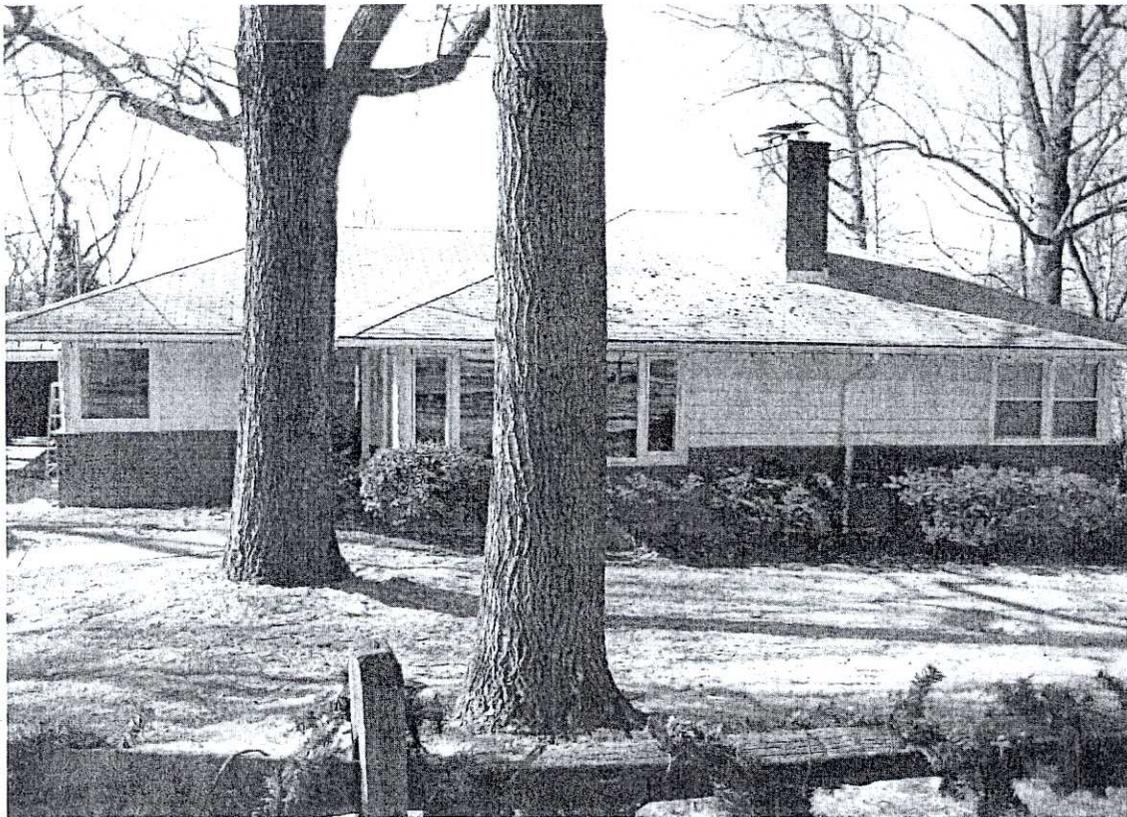


24. VIEW TOWARD REAR OF SUBJECT PROPERTY FROM ACROSS HIGHLAND TERRACE.

2304 Highland Ave. – Existing Condition Photographs

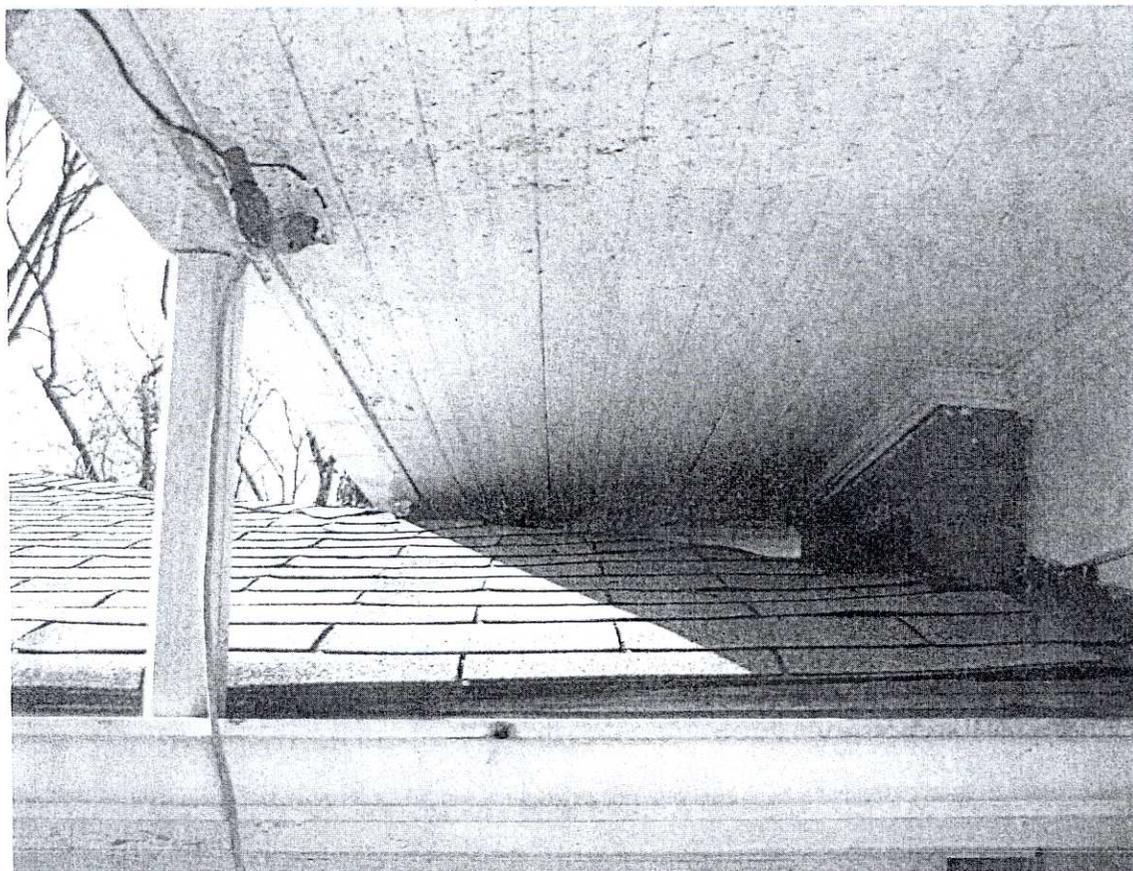


25. MATURE TREE IN ALLOWABLE FRONT BUILDABLE AREA

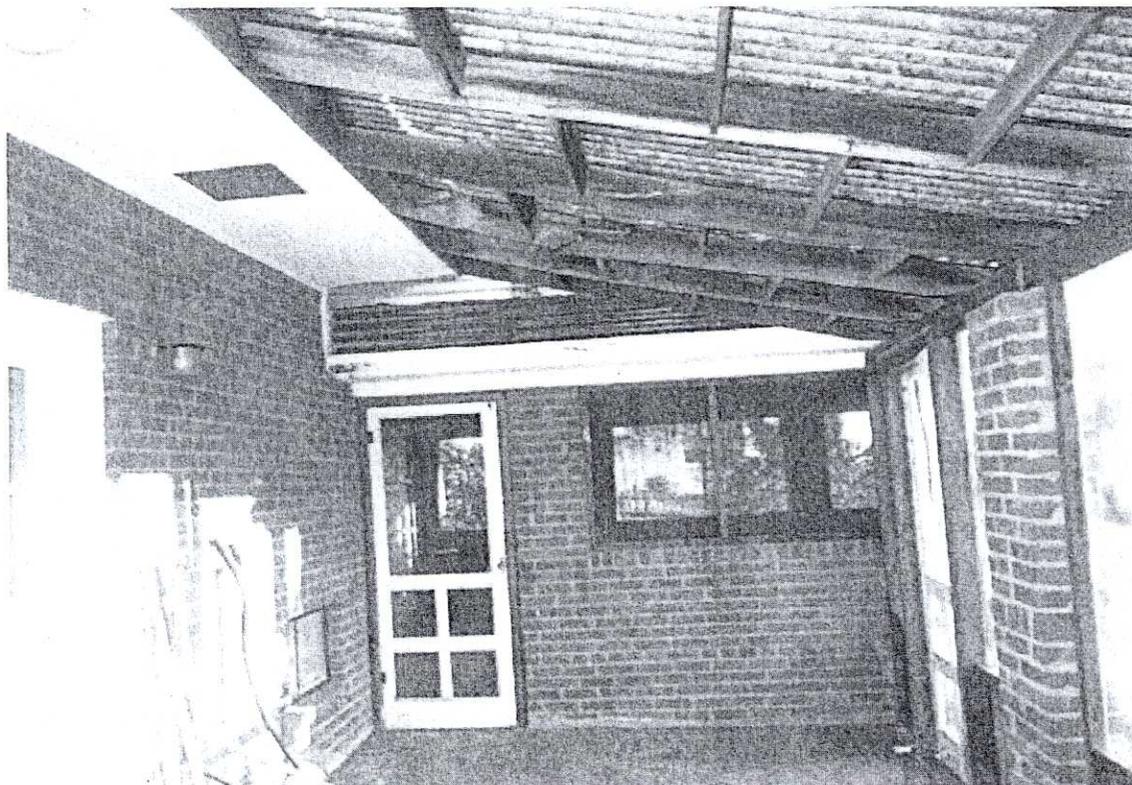


26. MATURE TREES IN FRONT YARD. ONE CLOSEST TO HOUSE IS WITHIN ALLOWABLE BUILDABLE AREA (OUTSIDE 30' FRONT YARD SET BACK)

2304 Highland Ave. – Existing Condition Photographs



27. GARAGE ROOF MEETS HOUSE EAVE AND WALL



28. VIEW OF SCREENED PORCH WITH FAILING RAFTER

2304 Highland Ave. – Existing Condition Photographs



29. DETAIL OF FAILING RAFTER

*ALLEY = HIGHLAND TERRACE

DESCRIPTION OF THE APPLICATION

The applicants are seeking approval of three variance requests for two additions with the proposed application: 1) to permit construction of a one-story addition (garage) to be located 16.1 feet to its eave from the southern front lot line facing Highland Terrace; 2) and 11.5 feet to its eave from the western front lot line facing Highland Terrace; and 3) construction of another one story addition (room addition) to be located 10.9 feet to its eave from the western front lot line facing Highland Terrace.

| | Structure | Yard | Minimum Yard Required* | Proposed Location | Proposed Reduction |
|--------------------|-------------------|------------------|-------------------------------|--------------------------|---------------------------|
| Variance #1 | Addition (garage) | Front (southern) | 30.0 feet | 16.1 feet | 13.9 feet |
| Variance #2 | Addition (garage) | Front (western) | 30.0 feet | 11.5 feet | 18.5 feet |
| Variance #3 | Addition (room) | Front (western) | 30.0 feet | 10.9 feet | 19.1 feet |

* Minimum yard requirement per Section 3-407

CHARACTER OF THE AREA

| | Zoning | Use |
|--------------|---------------|----------------------------------|
| North | R-4 | Single Family Detached Dwellings |
| South | R-4 | Single Family Detached Dwellings |
| East | R-4 | Single Family Detached Dwellings |
| West | R-4 | Single Family Detached Dwellings |

EXISTING SITE DESCRIPTION

The site is currently zoned R-4 and developed with a one-story brick and frame, single-family detached dwelling, built in 1952. The lot consists of 10,007 square feet and is surrounded by single-family detached dwellings along all lot lines. The property is bounded on the northeast by Highland Avenue and on the south and west by Highland Terrace. As noted in the applicants' Statement of Justification, Highland Terrace is a public street having a paved width of approximately ten feet. Because of this, the property has three front yards and one side yard. The existing dwelling with garage was constructed prior to adoption of the current Zoning Ordinance and therefore met the requirements at the time of construction. There is an existing concrete driveway which extends from Highland Avenue along the southern side of the property and terminates at an existing one-car garage.

BACKGROUND

The applicants seek approval of a variance to permit construction of two separate structures on property which has three front yards. The first structure will consist of the demolition of an existing garage which is currently located 7.7 feet from the western front lot line and 16.5 feet from the southern front lot line. A new garage is proposed to be located 11.5 feet from the western front lot line and 16.1 feet from the southern front lot line. The second structure will consist of enlarging an existing screened porch into an enclosed room addition. The 353 square foot room addition is proposed to be located 10.9 feet from the western front lot line. Details of the additions are shown on the plat titled "Variance Plat, Lot 11, Bryants Addition to Ellison Heights" prepared by APEX Surveys, dated July 31, 2009, revised through April 10, 2011, a copy of which is included at the front of the staff report along with architectural drawings.

A new roofline for the garage and room addition is proposed to match the roofline of the existing dwelling on the lot. During review of the application it appeared to staff that the area shown on the plat as the concrete driveway seemed to be a greater amount of paved area than that permitted in the R-4 District. However, in discussion with the Land Surveyor, staff has been informed that the calculated area is 22.3% of front yard coverage, which is less than the 30% allowed in this District.

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

- Special Permit SP 2007-DR-049 was approved on July 31, 2007 for Tax Map 40-4 ((10 (J) 22, zoned R-4, at 6942 Spruce Street, to permit reduction of certain yard requirements to permit addition 8.5 feet from the side lot line and second story addition 5.0 feet from side lot line.
- Variance VC 00-D-113 was approved on November 8, 2000 for Tax Map 40-4 ((19)) (G) 35 and 36, zoned R-4, at 6924 Mount Daniel Drive, to permit the construction of an addition 21.1 feet from the front lot line of a corner lot.

- Special Permit SP 94-D-048 was approved on January 3, 1995 for Tax Map 40-4 ((18)) 14, zoned R-4, at 2242 Highland Avenue, to permit reduction to minimum yard requirements based on error in building location to permit dwelling to remain 7.5 feet from side lot line.
- Variance VC 88-D-125 was approved on October 11, 1988 for Tax Map 40-4 ((19)) (E) 18 and 19, zoned R-4, at 6906 Sycamore Street, to allow construction of a second story addition to dwelling 24 feet from front lot line.

ZONING ORDINANCE REQUIREMENTS (Appendix 4)

This variance application must satisfy all of the nine (9) enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance, which would afford relief as set forth in Sect. 18-405.

CONCLUSION

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

APPENDICES

1. Proposed Development Conditions
2. Applicants' Affidavit
3. Applicants' Statement of Justification with Attachments
4. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

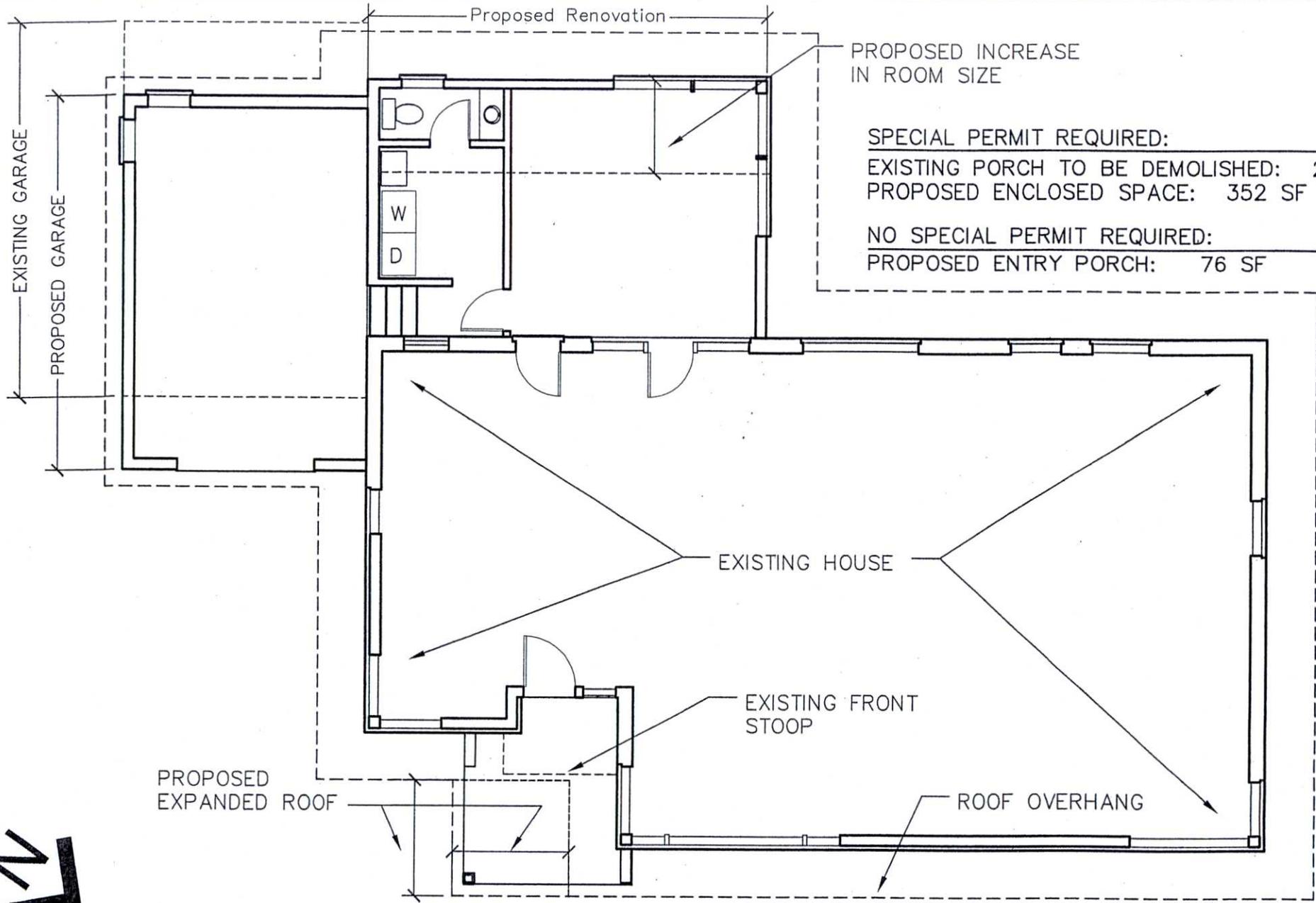
VC 2011-DR-006

July 20, 2011

1. This variance is approved for the additions as shown on the plat prepared by APEX Surveys dated July 31, 2009, revised through April 10, 2011, submitted with this application and is not transferable to other land.
2. The additions shall be generally consistent with the architectural renderings and materials depicted on the plat and included in Attachment 1 to these conditions.

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

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.



PROPOSED INCREASE
IN ROOM SIZE

SPECIAL PERMIT REQUIRED:
 EXISTING PORCH TO BE DEMOLISHED: 232 SF
 PROPOSED ENCLOSED SPACE: 352 SF

NO SPECIAL PERMIT REQUIRED:
 PROPOSED ENTRY PORCH: 76 SF

PROPOSED
EXPANDED ROOF

EXISTING HOUSE

EXISTING FRONT
STOOP

ROOF OVERHANG

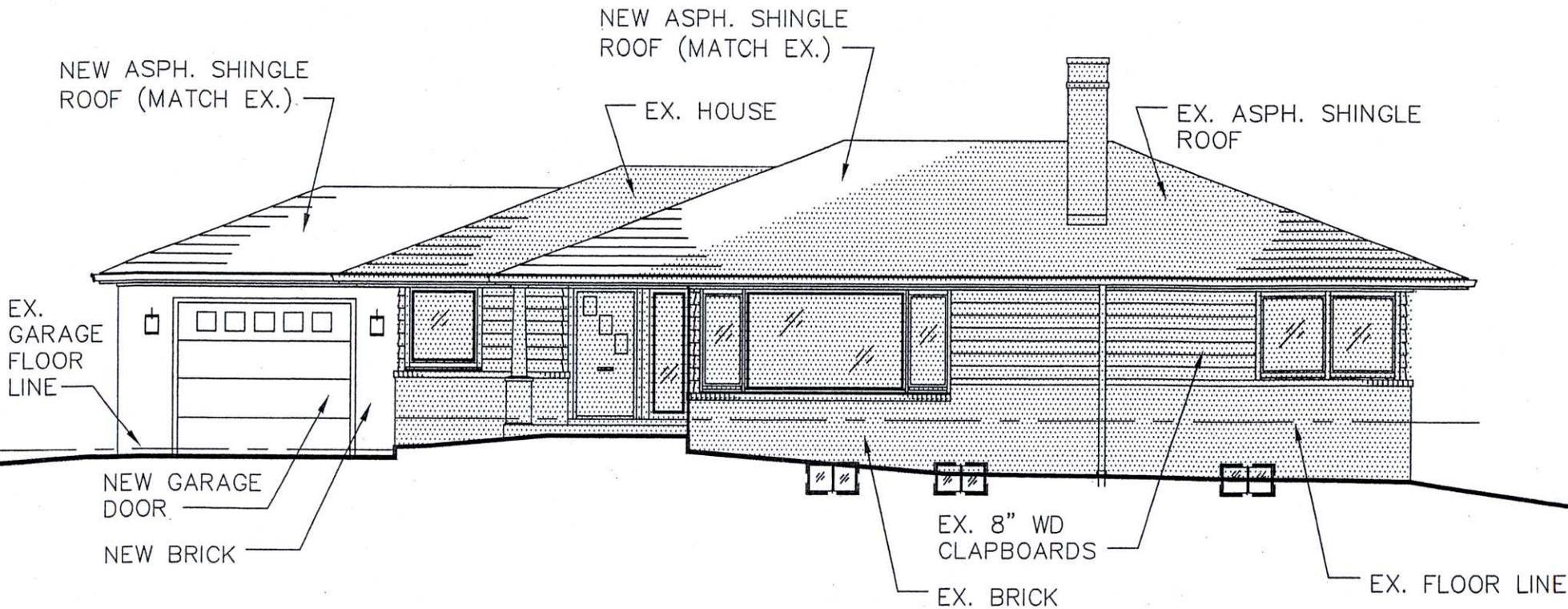


ATTACHMENT 1

2304 HIGHLAND AVE. / LOT 11
 BRYANTS ADDITION TO ELLISON HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

Proposed Floor Plan - Ground
 1/8" = 1'-0"
 26 March 2010

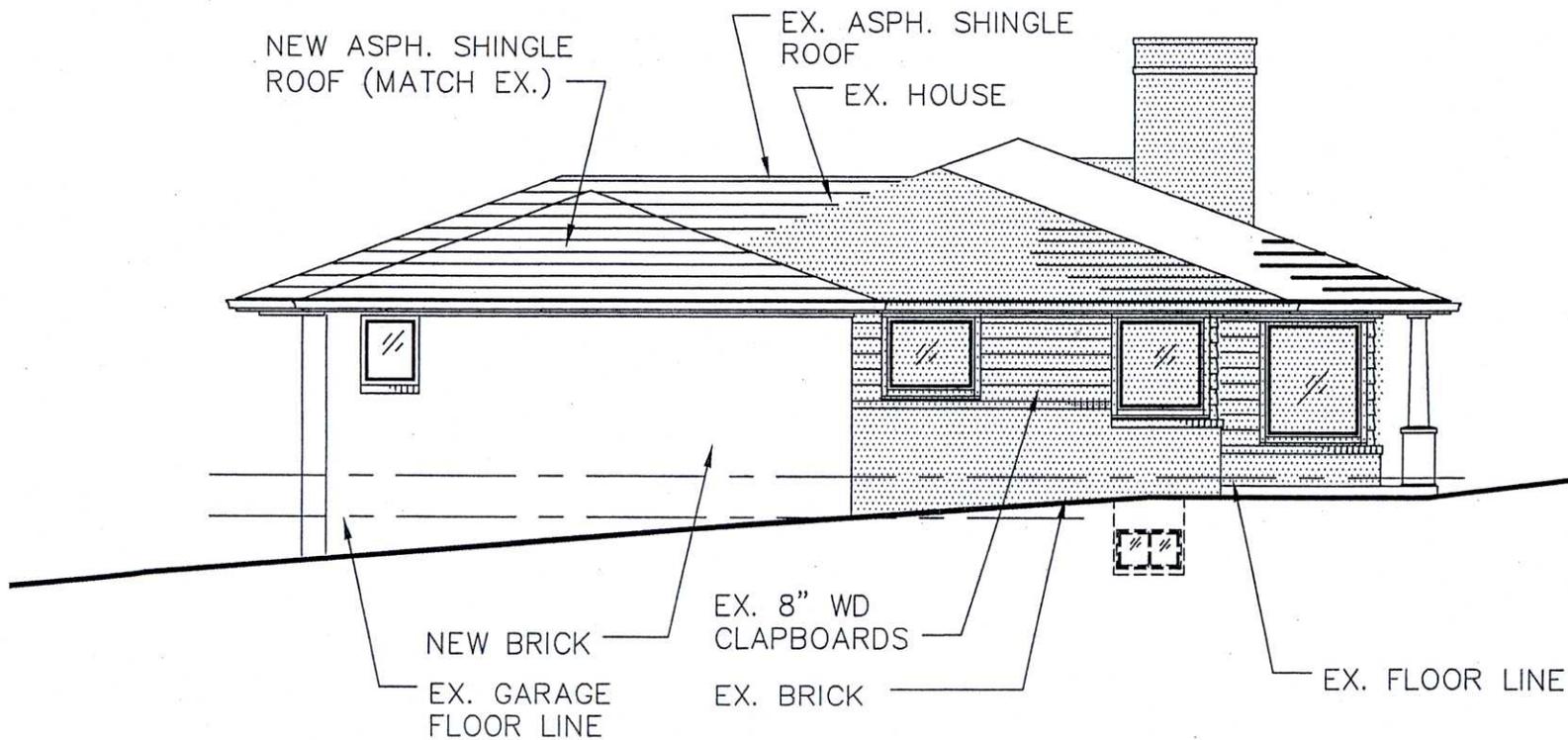
AP01



2304 HIGHLAND AVE. / LOT 11
 BRYANTS ADDITION TO ELLISON HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

Proposed Front Elevation - North
 1/8" = 1'-0"
 26 March 2010

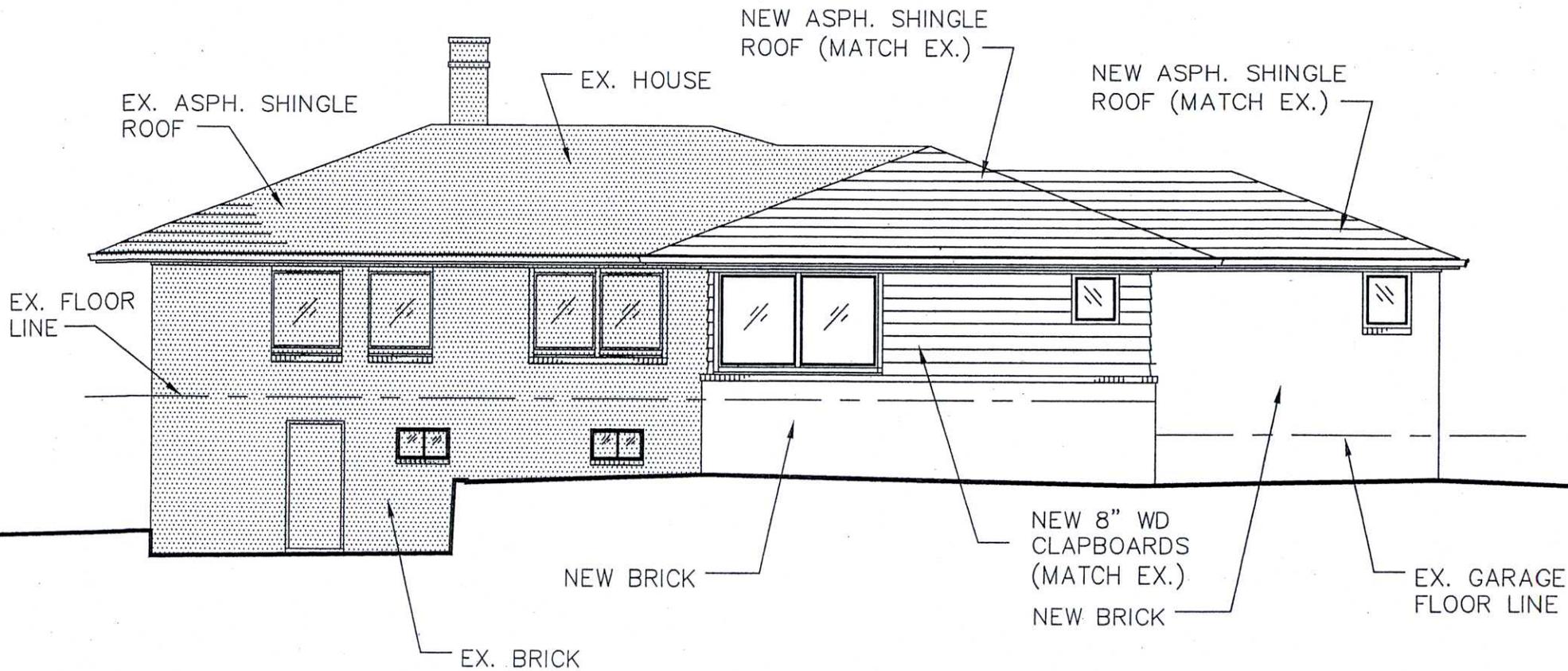
AP03



2304 HIGHLAND AVE. / LOT 11
 BRYANTS ADDITION TO ELLISON HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

Proposed Side Elevation - East
 1/8" = 1'-0"
 26 March 2010

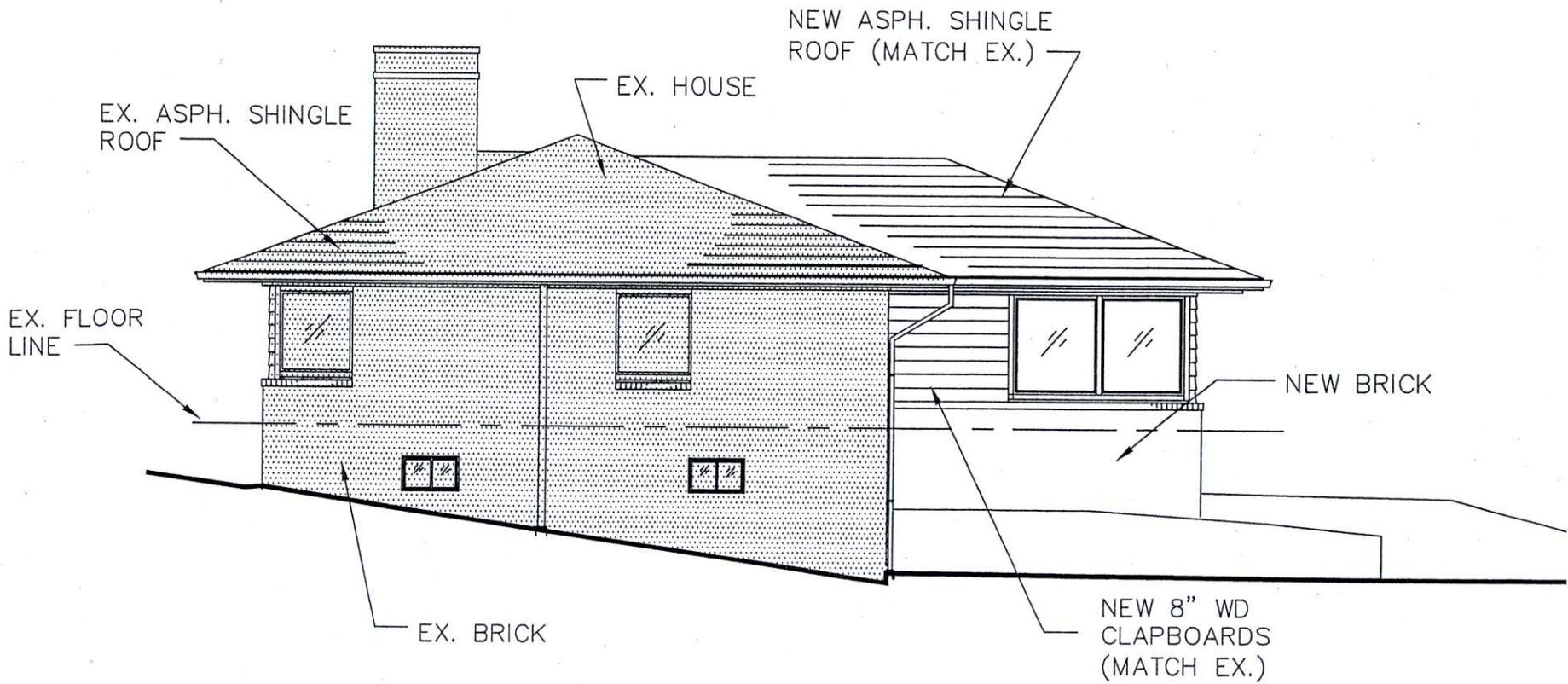
AP04



2304 HIGHLAND AVE. / LOT 11
 BRYANTS ADDITION TO ELLISON HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

Proposed Rear Elevation - South
 1/8" = 1'-0"
 26 March 2010

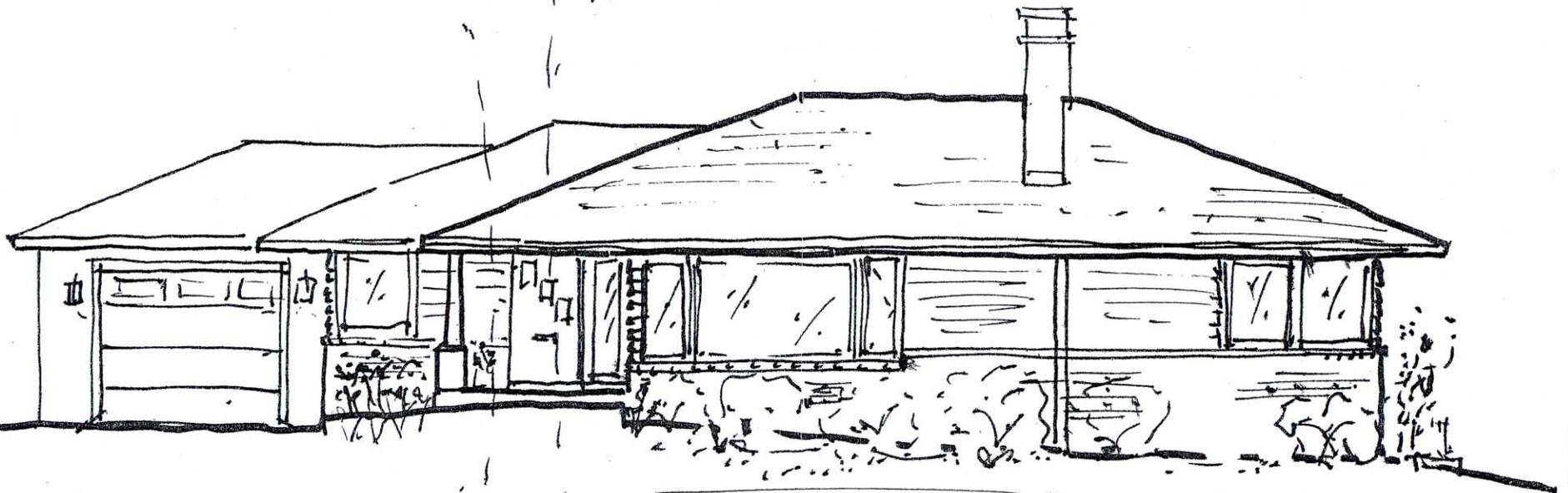
AP05



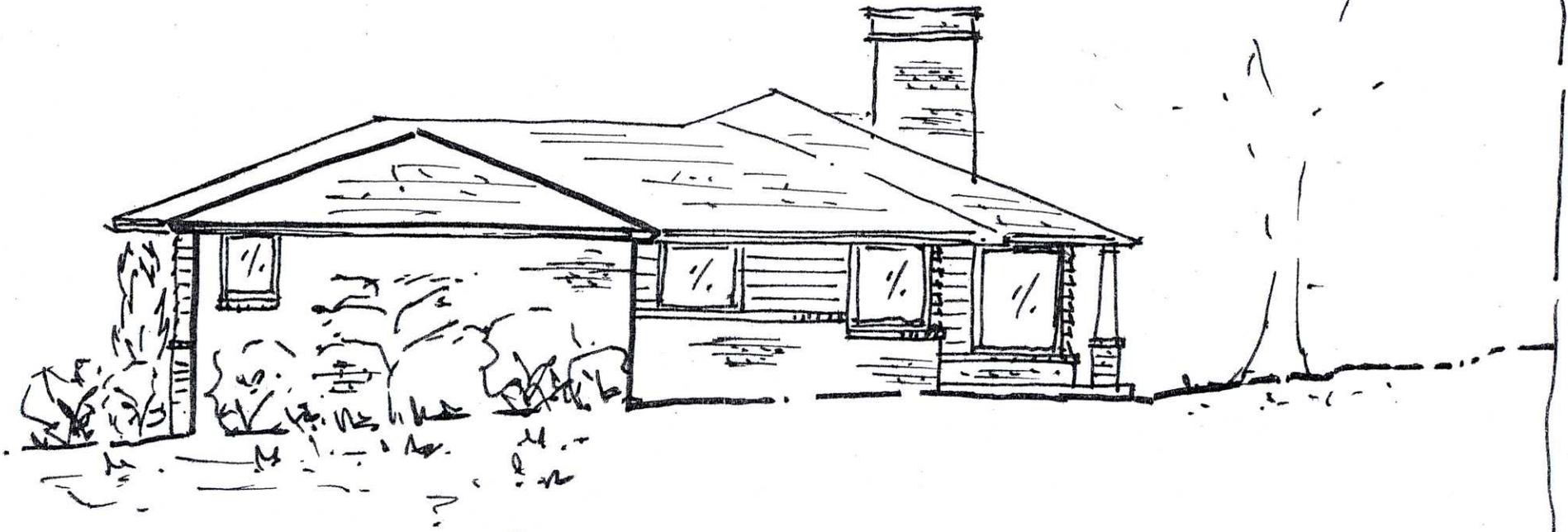
2304 HIGHLAND AVE. / LOT 11
 BRYANTS ADDITION TO ELLISON HEIGHTS
 FAIRFAX COUNTY, VIRGINIA

Proposed Side Elevation - West
 1/8" = 1'-0"
 26 March 2010

AP06



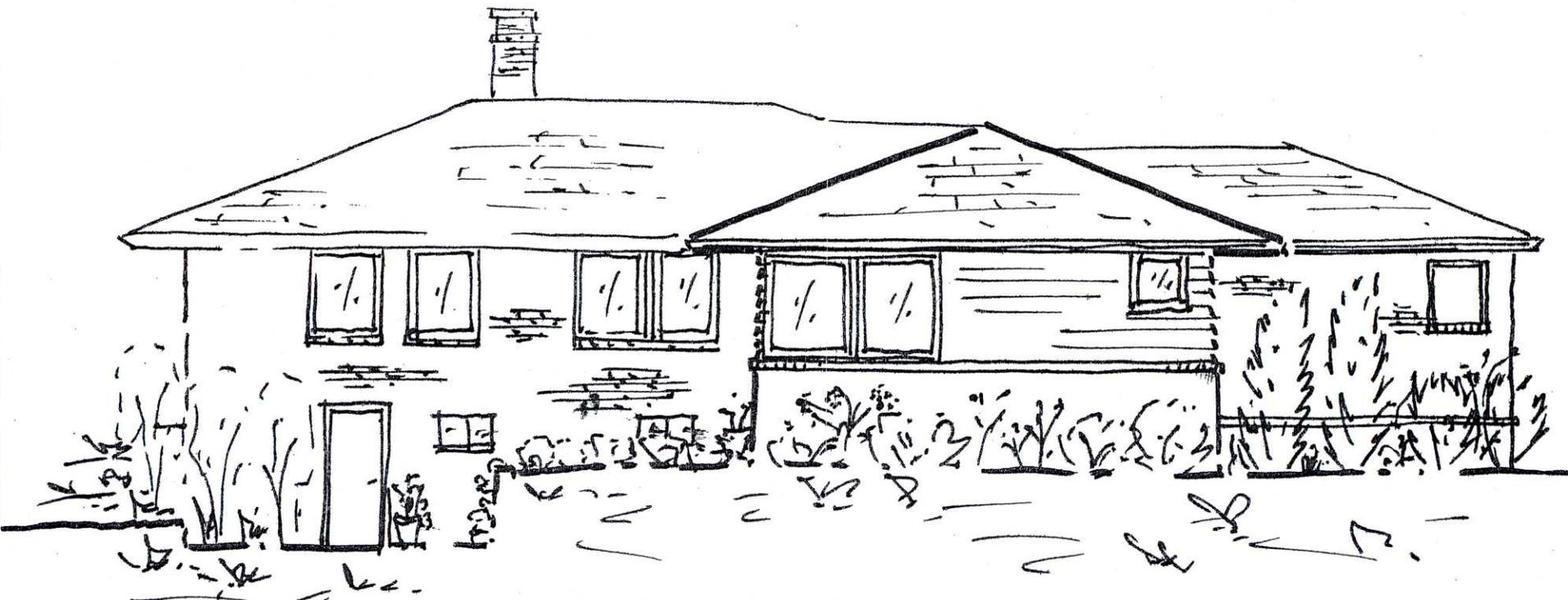
Proposed
Front Elevation
1/8" = 1'-0" 11.11.10 em



Proposed
Side - East - Elevation

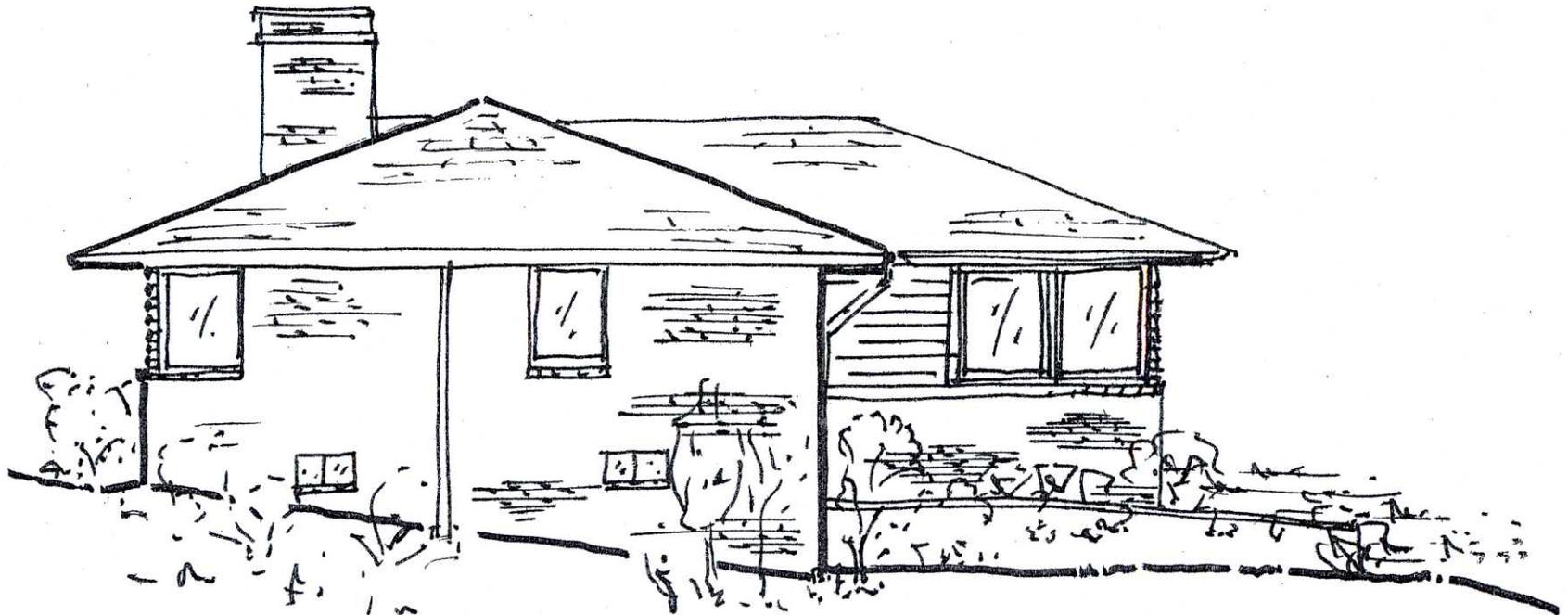
$\frac{1}{8}'' = 1'-0''$

11.11.10 EM



Proposed
Rear Elevation

1/2" = 1'-0" 11.4.10 G.M.



Proposed
Side-West-Elevation
1/8" = 1'-0" 11-11-106M

Application No.(s): VC 2011-DR-006
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 24, 2011 - Revised
 (enter date affidavit is notarized)

I, William M. Baskin, Jr., 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 111187a

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) |
|------------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| N. Elizabeth Kelleher | 2304 Highland Avenue, Falls Church, VA 22046 | Applicant/Owner |
| P. Ross Taylor | 2304 Highland Avenue, Falls Church, VA 22046 | Applicant/Owner |
| Edith M. MacArthur | 7607 Marian Court, Falls Church, VA 22042 | Architect/Agent |
| Baskin, Jackson & Duffett, PC | 301 Park Avenue, Falls Church, VA 22046 | Attorney/Agent |
| William M. Baskin, Jr. | 301 Park Avenue, Falls Church, VA 22046 | Attorney/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).

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111187a

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)

Baskin, Jackson & Duffett, PC
301 Park Avenue
Falls Church, Virginia 22046

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)

William M. Baskin, Jr.
John G. Jackson
Robert J. Duffett

(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):

VC 2011-DR-006

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 24, 2011 - Revised
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11187a

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)

NONE

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

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

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

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

Application No.(s):

VC 2011-DR-006

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

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11187a

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): VC 2011-DR-006
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 24, 2011 - Revised
(enter date affidavit is notarized)

11187a

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)

William M. Baskin, Jr.
[] Applicant [x] Applicant's Authorized Agent

William M. Baskin, Jr., Attorney/Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 24th day of March, 2011, in the State/Comm. of Virginia, County/City of Falls Church

My commission expires: November 30, 2013



STATEMENT OF JUSTIFICATION

Applicants own and reside in the property located at 2304 Highland Avenue in the Falls Church area of Fairfax County. The house, which was built in 1952, does not meet current yard requirements for a house in the R-4 zone. The subject property is bounded on the northeast by Highland Avenue and on the south and southwest by Highland Terrace. Highland Terrace is a public, but substandard street, having a paved width of approximately ten feet. Because of this, the property has three front yards and one side yard. Under the current yard requirements in the R-4 zone, this house would ordinarily be required to maintain a 30 foot minimum yard around the three sides of the house bounded by a public street. The existing garage is 7.7 feet as measured from the eave, from Highland Terrace to the rear of the house 16.5 feet as measured from the eave. This is a request to reduce the yards to permit the additions 16.1 feet from the front lot line, 11.5 feet and 10.9 feet from the other front lot line.

The location and design of the garage roof was poorly conceived originally, and this has led to water damage. Basically, the water from the garage roof flows toward the house on one side, and toward the screened porch on the other. Since neither of the roofs of these adjacent and attached volumes is co-planar with the garage gutter system, the water ultimately relies on flashing and caulking to keep it out of the house and screened porch. This is never best practice, and isn't sustainable long term. The best way to remedy this is to raise the garage and screened porch eaves to be co-planar with that of the house, and then use gravity to convey the water toward appropriate valleys and gutters about the new roof, toward the ground. This is a design problem which cannot be

remedied by merely putting on a new roof. The applicant proposes to relocate the garage forward 4 feet toward Highland Avenue. This results in moving the garage farther from Highland Terrace in the rear by 4 feet (it will remain within the existing set back requirements in the front.) Additionally, the applicant proposes to enclose an existing screened in porch on the rear of the house and extend the rear wall of the porch 5.4 feet, allowing the roof over the relocated garage to tie into the roof over the enclosed porch. The net result of this is that the enclosed porch and garage will be, at the closest point, 10.9 feet from the property line, or 2.1 feet farther from the property line than the location of the existing garage, thus, reducing the extent to which the house is non-conforming.

The subject property was acquired in good faith and, but for the roof problem, would be kept in its existing footprint.

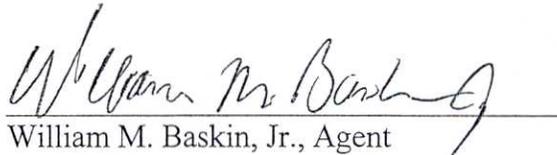
The property has several exceptional conditions which justify a variance. The first is the highly unusual condition of having three front yard setback requirements because of the 10 foot wide paved street known as Highland Terrace. The lot width along Highland Avenue is 93.6 feet. This is less than required for a corner lot in the R-4 zone. Additionally, exceptional topographic conditions exist by virtue of the lot being atop a steep hill. This is a condition that is of more significance to the neighboring properties downhill from the subject property. The applicants seek to maintain the existing house as a single story structure and permitting a variance will allow the owner to do that, whereas building a new two story house would create a structure that would

significantly tower over the immediate downhill neighbors and do more to change the character of the neighborhood than would granting the variance.

These conditions of the narrow lot, unusual topography, and the public street on three sides of the lot are not of so general or recurring nature to make reasonably practicable the formation of a general regulation by the Board of Supervisors as an amendment to the Zoning Ordinance.

The strict application of this ordinance will produce undo hardship by causing the owners to lose their garage and such hardship as not shared generally by other property in the same district. The granting of a variance will alleviate a clearly demonstrable hardship whereas a strict application of the zoning ordinance would unreasonably restrict utilization of the subject property.

The granting of the variance will not be of substantial detriment to the adjacent property nor will it change the character of the zoning district. The variance will be in harmony with the intended spirit and purpose of the zoning ordinance and will not be contrary to the public interest.


William M. Baskin, Jr., Agent

Amanda M. Axeen
2316 Highland Terrace
Falls Church, Virginia 22046
703-533-5804
amanda.axeen@gmail.com

December 6, 2010

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

To Whom It May Concern:

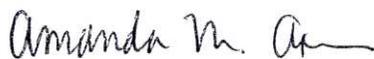
My neighbors, Elizabeth Kelleher and Ross Taylor, are seeking a variance from the Fairfax County zoning ordinance for the property located at 2304 Highland Avenue in Falls Church. I am writing to express my support for their application.

My husband, Matthew Axeen, and I own the property at 2316 Highland Terrace, which is located directly behind the 2304 Highland Avenue property. The front of our home faces the rear of their home, including their screened-in porch and garage.

I understand that Ms. Kelleher and Mr. Taylor would like to alter the exterior footprint of their home to fix their roofline and gutters to prevent water damage, and to gain additional living space by enclosing and extending their current screened-in porch. I also understand that this project will modify their existing roofline slightly and move their garage several feet forward. The proposed renovations, as explained to me, seem modest and reasonable. Moreover, the net impact of this project on their rear yard area seems minimal; the decrease in yard incurred from the 5.4-foot extension of the screened-in porch would be offset by the increase in yard yielded from moving the garage forward 4-feet.

I do not believe that this variance, if granted, would have a significant negative impact on our property specifically (and we are arguably the property owners most directly impacted) or on our neighborhood as a whole. Simply put, I welcome any changes that would tend to improve the overall structure and appearance of my neighbors' home.

Sincerely,



Amanda M. Axeen

RECEIVED
Department of Planning & Zoning

FEB 17 2011

Zoning Evaluation Division

2318 Highland Terrace
Falls Church, VA 22046
December 4, 2010

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

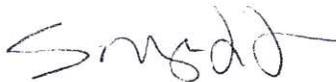
To Whom It May Concern:

As regards the variance application of N. Elizabeth Kelleher and P. Ross Taylor (2304 Highland Avenue, Falls Church, VA 22046), we want to express our support of the application. We live behind the Kelleher-Taylor property (our front door faces their back yard). We understand the owners plan to move the garage a few feet away from its back property line on Highland Terrace and lift the garage roof in order to solve roof and gutter issues. We also understand they plan to make the screen porch 5.4 feet bigger, in the direction toward Highland Terrace, and enclose the space to make it an insulated, interior room. They will add landscaping in the back and make their front porch slightly bigger.

We see their plan as an improvement to the neighborhood. Because they will maintain the style and basic layout of the house (with the minor adjustments described above), we will benefit. We will be facing a façade that will be more attractive, yet we will not have our view marred by a large, second-story type addition or rebuild.

Thank you for registering our support of the variance application.

Sincerely,



Sonya Powell
757-717-5245

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Department of Planning & Zoning
FEB 17 2011
Zoning Evaluation Division

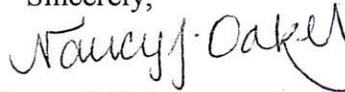
2314 Highland Terrace
Falls Church, VA 22046
December 11, 2010

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

To whom it may concern:

I am writing regarding planned renovations on the house at 2304 Highland Avenue. I live directly behind the house where the renovations will be most visible. Ms. Kelleher and Mr. Taylor were kind enough to come to my house, show me the footprint of the renovation, explain why the renovation is necessary and show me the expected outcome. I fully support the renovations that Ms. Kelleher and Mr. Taylor plan and wish them well.

Sincerely,



Nancy J. Oakes

cc: Ms. Elizabeth Kelleher and Mr. Ross Taylor

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Department of Planning & Zoning
FEB 17 2011
Zoning Evaluation Division

Kelleher

12.15.2010

To whom it may concern,

I looked over the drawing the Taylor's sent me of their house on Highland Ave. and was very happy with the overall look of the changes. I think this new look will keep in the spirit of the original house as well as improve on the looks of the house. The change of the porch into a room will be a nice addition to the living space. My wife and I own the house directly next door to the Taylor's, 2302 Highland, and see no reason to have any objections to what they would like to do. I think this is a good idea and it is nice to see that they will be keeping in the spirit of the original house.



Aaron Beck

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Department of Planning & Zoning
FEB 17 2011
Zoning Evaluation Division

December 5, 2010

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

To whom it may concern:

This letter is in support of an application for zoning variance submitted by Elizabeth Kelleher and Ross Taylor for property located at 2304 Highland Ave., Falls Church, Va. It is our understanding that their application includes relocation of their garage and changing the roof line to be consistent with the rest of the house. It will also include changing the foot print of the house to be farther away from the property line on Highland Terrace and cosmetic changes that will improve the appearance of the property.

We believe it is in the interest of the neighborhood and the community in general to allow these changes and they have our complete support. We urge you to approve their application. We are available to elaborate on our support if necessary.

Sincerely,

Gary and Lois Price

2305 Highland Ave.

Falls Church, Va. 22046

703-533-8589

RECEIVED
Department of Planning & Zoning
FEB 17 2011
Zoning Evaluation Division

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

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 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 purposes of this Ordinance and will not be contrary to the public interest.

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.