



APPLICATION ACCEPTED: June 15, 2011  
BOARD OF ZONING APPEALS: August 3, 2011  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

---

July 27, 2011

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-DR-054

Concurrent with VC 2011-DR-008

### DRANESVILLE DISTRICT

**APPLICANT:** Sridevi V. Sarma

**OWNERS:** Sridevi V. Sarma  
Rajan S. Naik

**SUBDIVISION:** Chesterbrook Gardens

**STREET ADDRESS:** 6510 Chesterfield Avenue

**TAX MAP REFERENCE:** 41-1 ((5)) 18

**LOT SIZE:** 10,150 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-914 & 18-401

**SPECIAL PERMIT PROPOSAL:** To permit reduction to minimum yard requirements based on error in building location to permit an open deck to remain 4.8 feet from one side lot line, 0.8 feet from the other side lot line and 1.6 feet from the rear lot line.

**VARIANCE PROPOSAL:** To permit greater than 30 percent minimum rear yard coverage.

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

*O:\dhedr\Special Permits(8-3) SP 2011-DR-054 & VC 2011-DR-008 Sarma\SP 2011-DR-054 & VC 2011-DR-008 staff report.doc*  
Deborah Hedrick

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

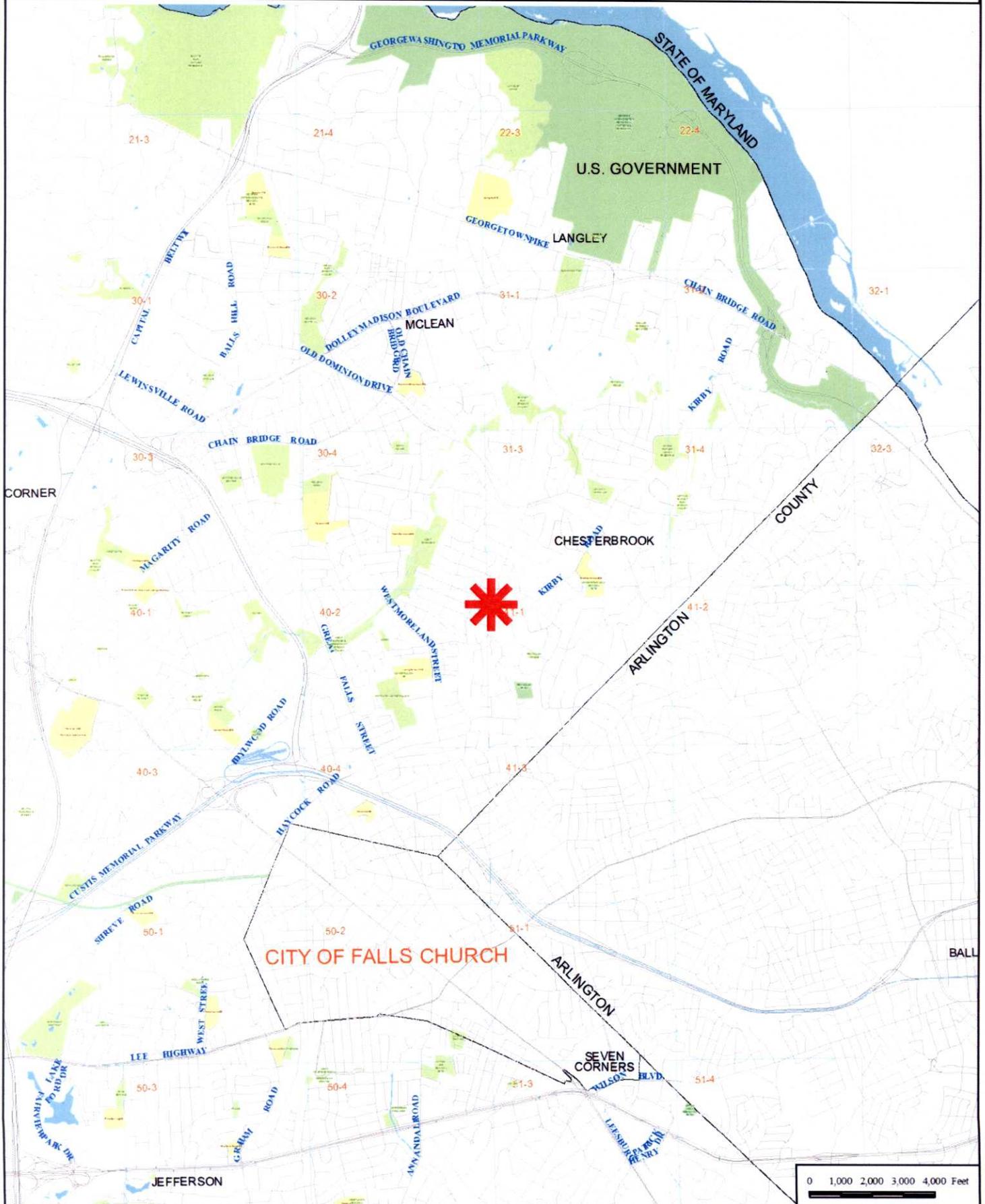
SP 2011-DR-054

SRIDEVI V. SARMA

# Variance Application

VC 2011-DR-008

SRIDEVI V. SARMA



# Special Permit

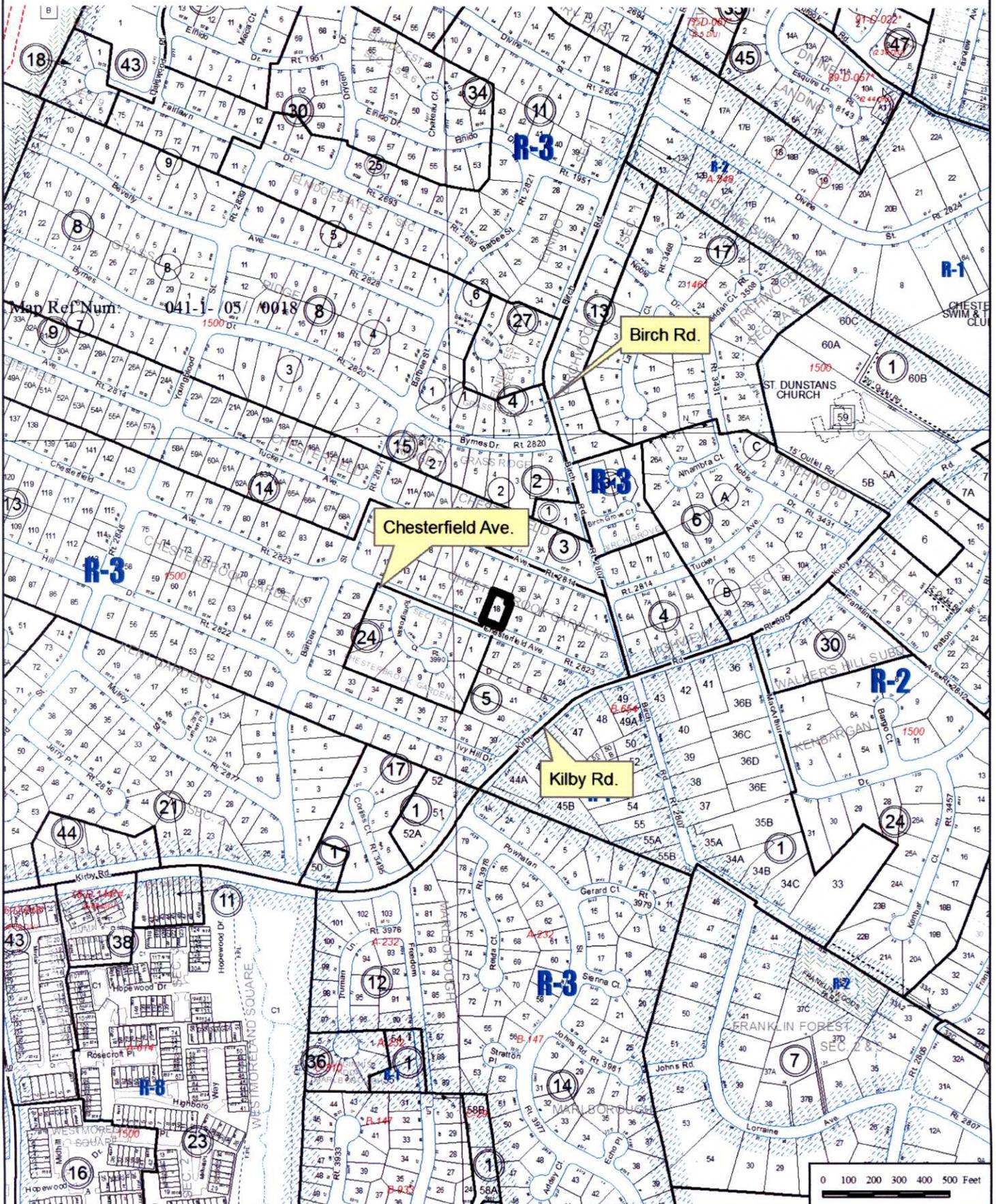
SP 2011-DR-054

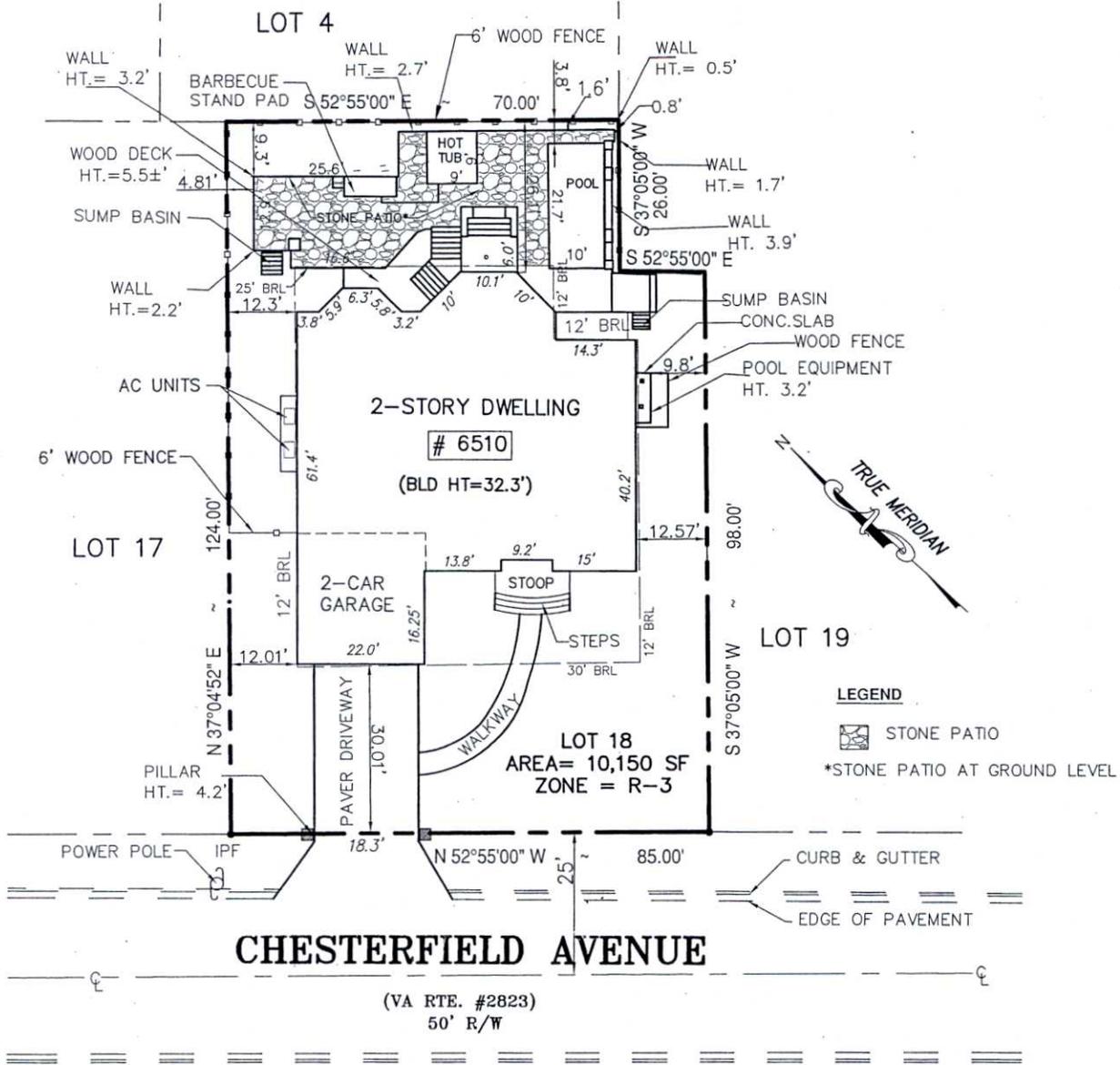
SRIDEVI V. SARMA

# Variance Application

VC 2011-DR-008

SRIDEVI V. SARMA





**REAR YARD COVERAGE**

STONE PATIO=752 SQ FT  
 WALL = 38 SQ FT  
 POOL AREA=216 SQ FT  
 BARBACUE PAD = 32 SF  
 HOT TUB = 81 SF  
 AREAWAY/STEPS = 114 SF  
 TOTAL=1,233 SQ FT  
 REARYARD AREA=1,233 SQ FT  
 REAR YARD COVERAGE=1,233/1,827X100%=67.48%  
 REAR YARD COVERAGE=1,119/1,827X100%=61.25%  
 (WITHOUT AREAWAY/STEPS)



- NOTES:
1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
  2. THE COUNTY RECORDED TAX MAP # 41-1-((05))-18.
  3. THE BOUNDARY INFORMATION SHOWN HEREON IS FROM RECORD AND DOES NOT CONSTITUTE A BOUNDARY BY THIS INDIVIDUAL.
  4. THE HOUSE LOCATION SURVEY IS A RESULT OF FIELD RUN SURVEY BY USING TOTAL STATION (EDM).
  5. FENCE LOCATIONS ARE APPROXIMATE ONLY AN DO NOT CERTIFY AS TO OWNERSHIP. THIS PLAT IS NOT INTENDED FOR THE CONSTRUCTION OF FENCES AND STRUCTURES.
  6. THE PROPERTY IS SERVED BY PUBLIC WATER AND SANITARY SEWER SYSTEM.
  7. NO KNOWN GRVE SITE OR BURIAL SITE EXIST ON THE LOT.

RECEIVED  
 Department of Planning & Zoning  
 JUN 15 2011  
 Zoning Enforcement Division

**PLAT**

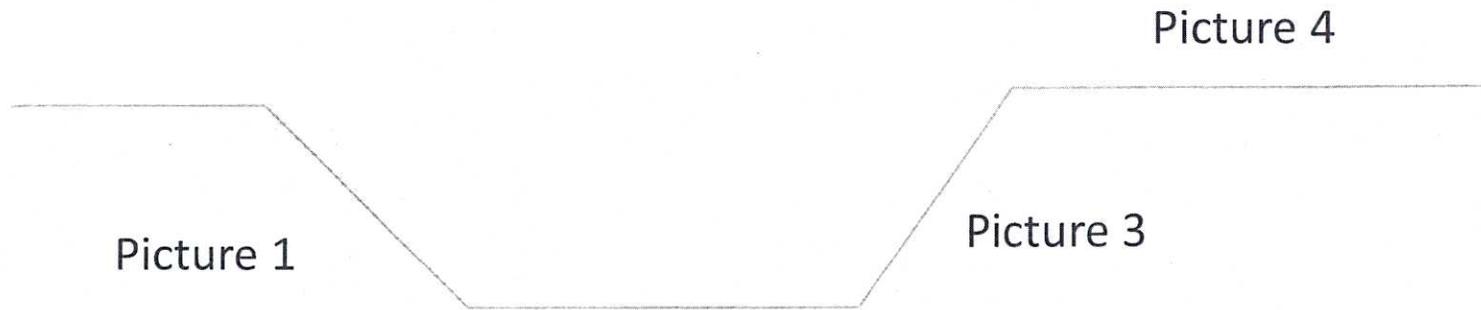
LOT 18, SECTION 1  
 CHESTERFIELD GARDENS  
 DRAINSVILLE DISTRICT  
 6510 CHESTERFIELD AVENUE  
 FAIRFAX COUNTY, VIRGINIA

**PREPARED BY**

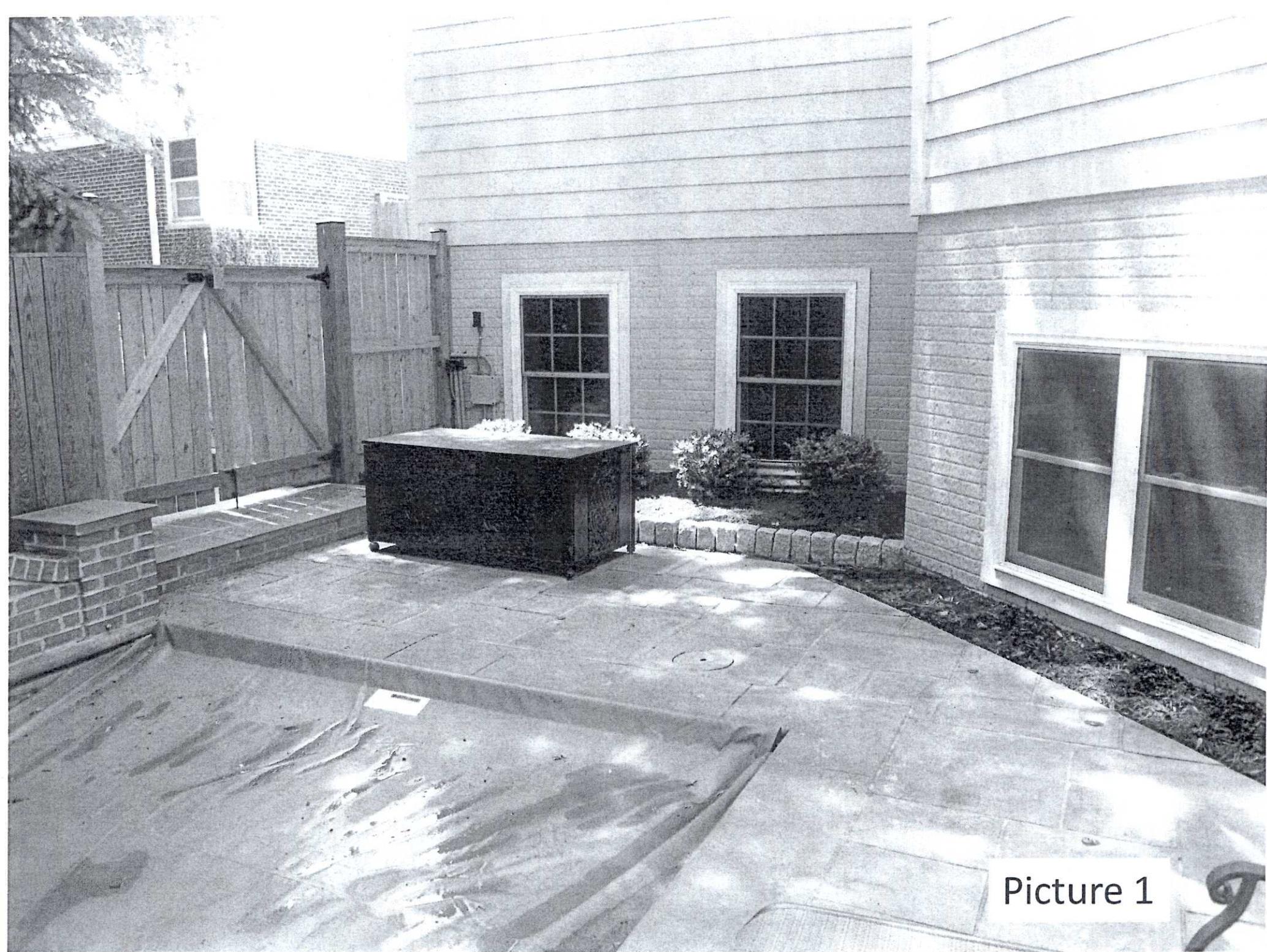
**GeoEnv Engineers**  
 Civil, Environmental & Geotechnical Engineering  
 10875 Main Street, Suite 213  
 Fairfax, VA 22030  
 Phone: 703.591.7170  
 Fax: 703.591.7074

SCALE: 1"=20'  
 DATE: JUNE 07, 2011

Back Yard Property Line in Blue



Picture 2-  
This is basement exit  
To backyard



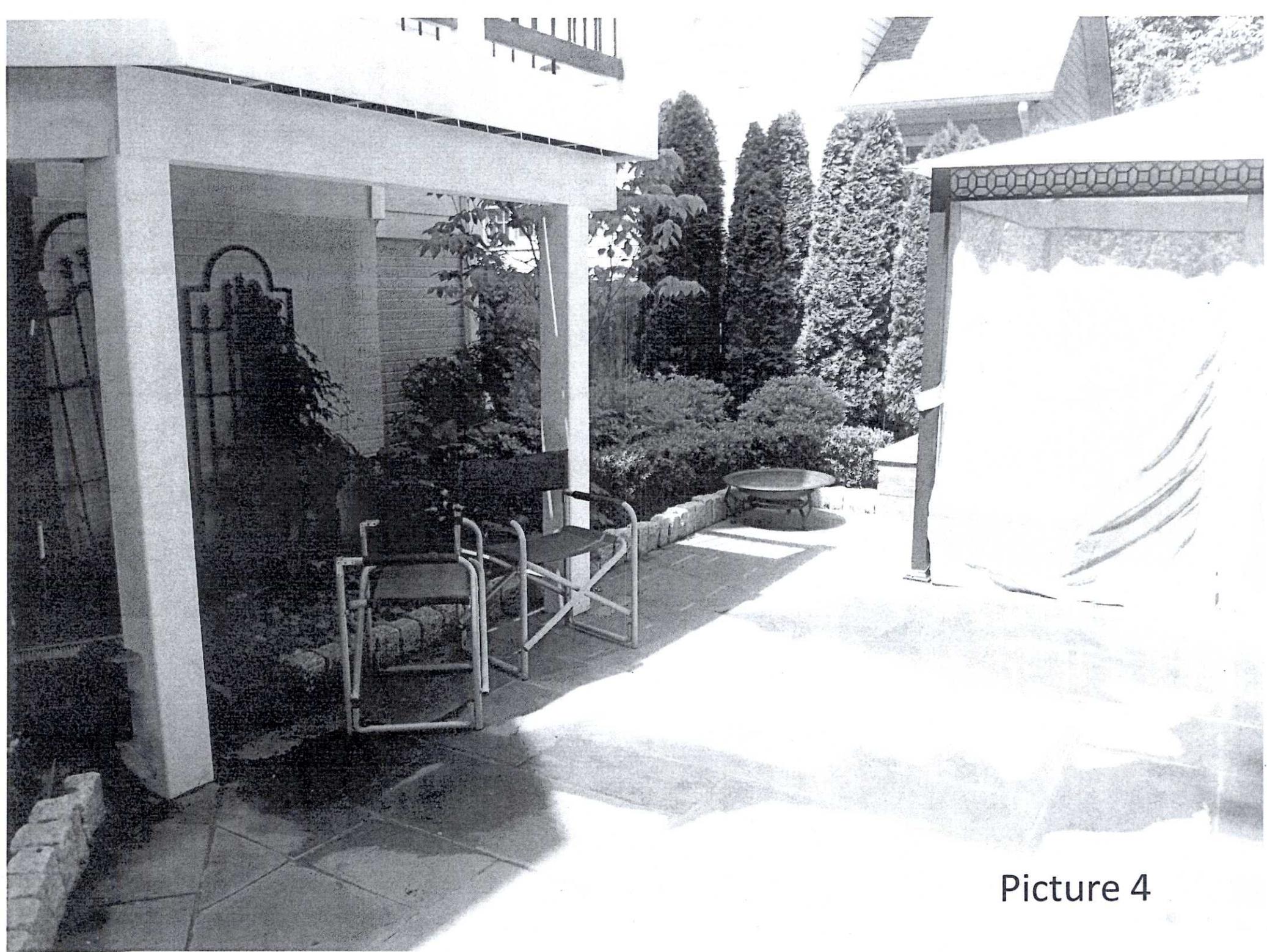
Picture 1



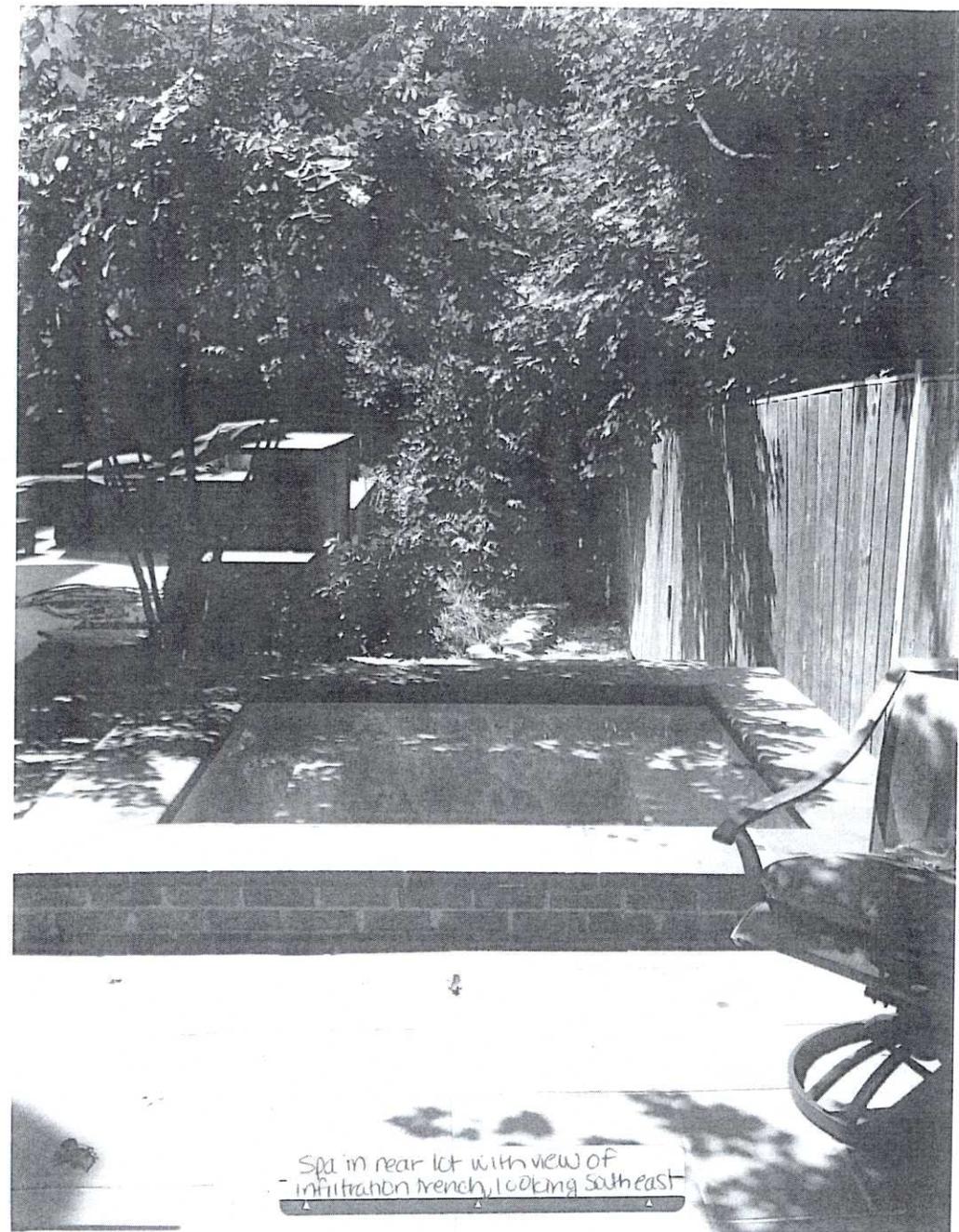
Picture 2



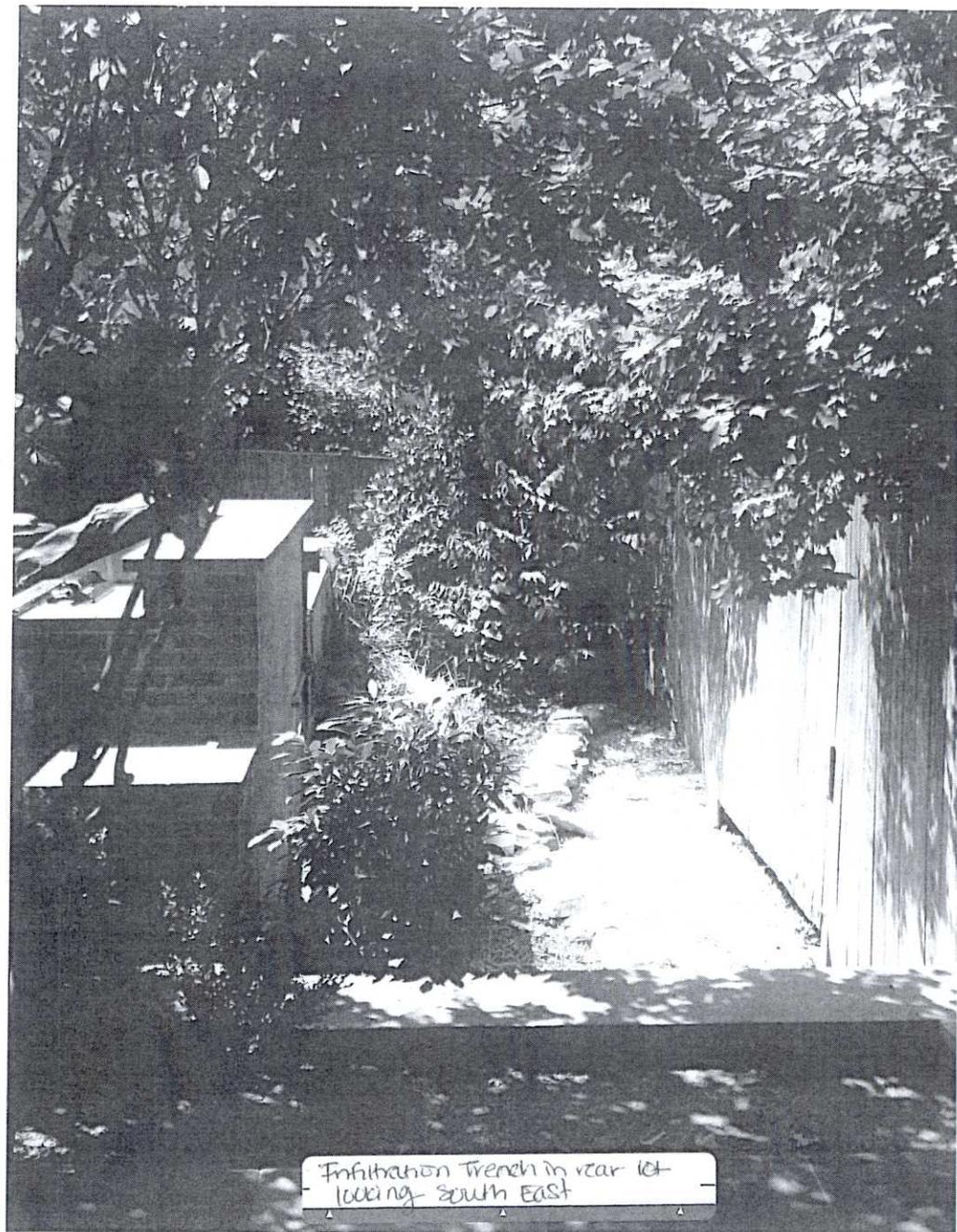
Picture 3



Picture 4



Spa in rear lot with view of infiltration trench, looking Southeast

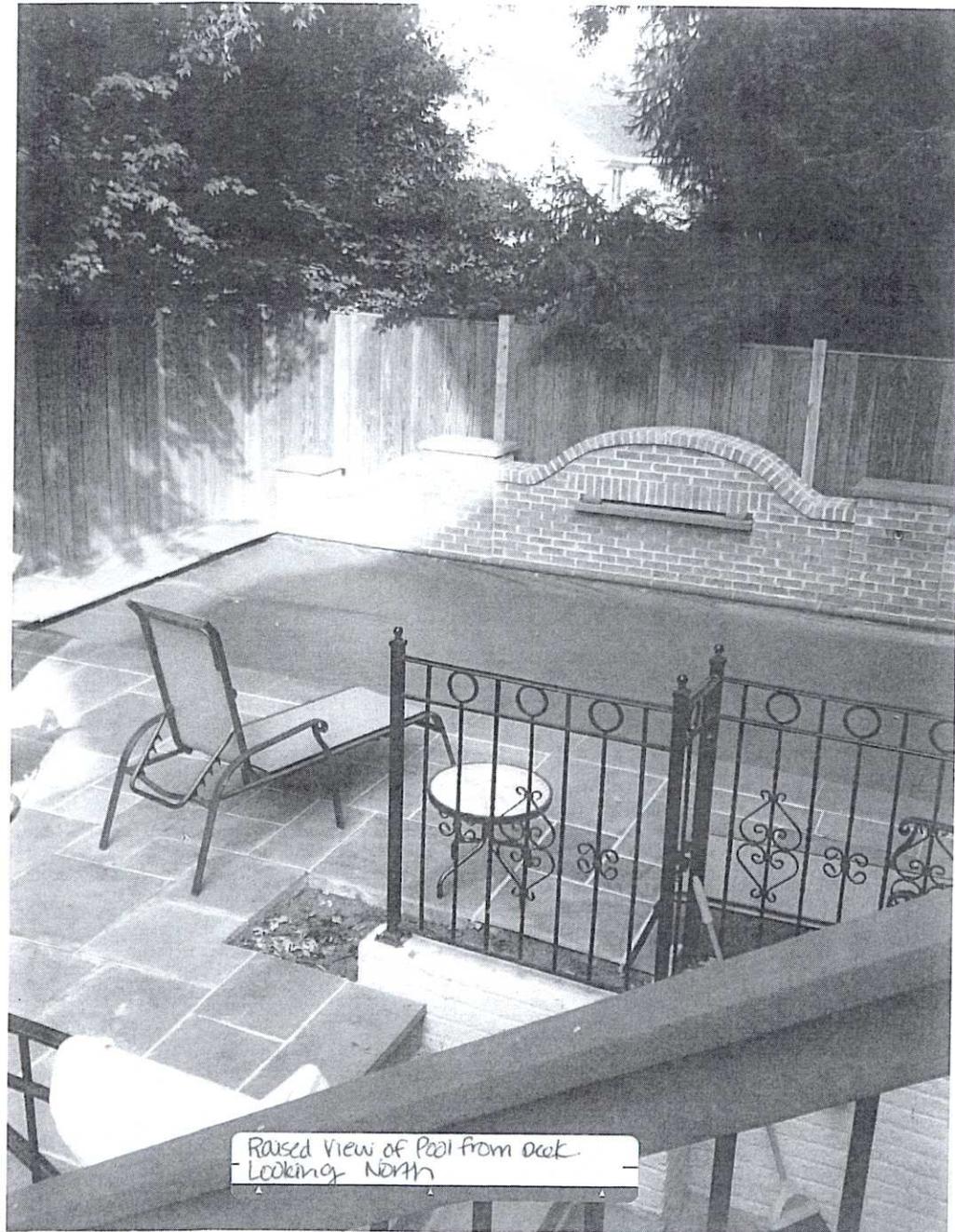


Infiltration Trench in rear lot looking South East



2011.04.21

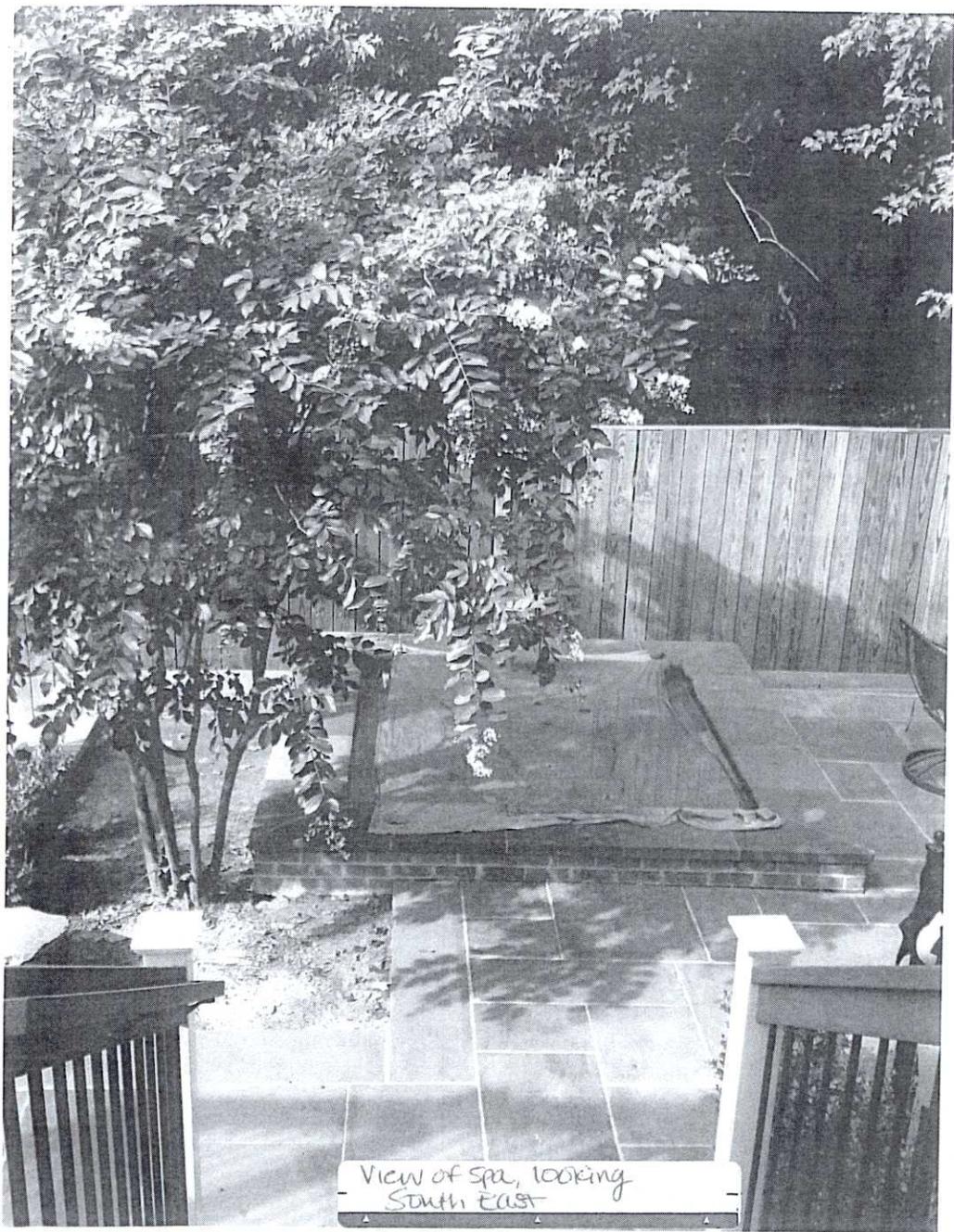
Adjacent property facing south east



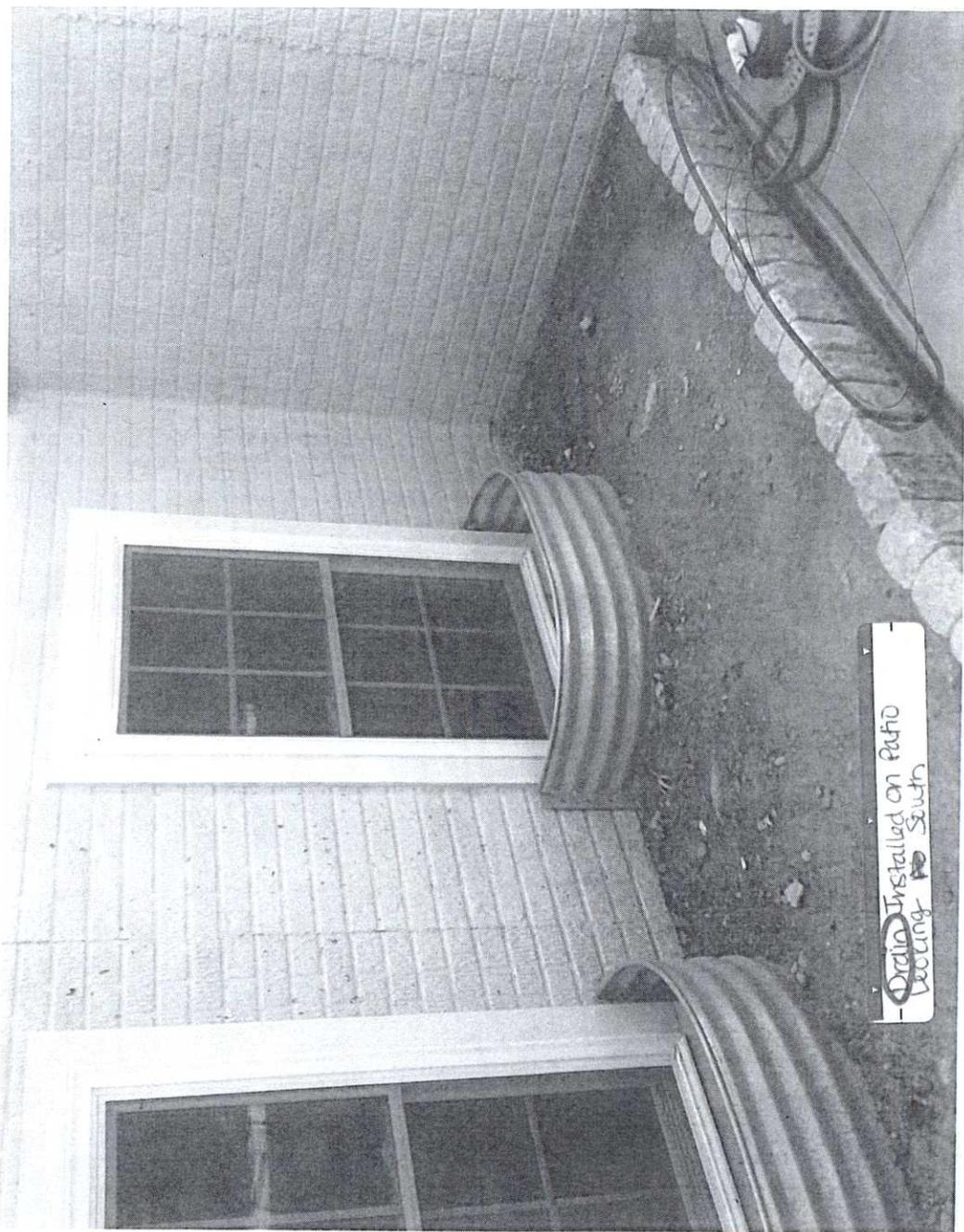
Raised view of Pool from deck  
Looking North



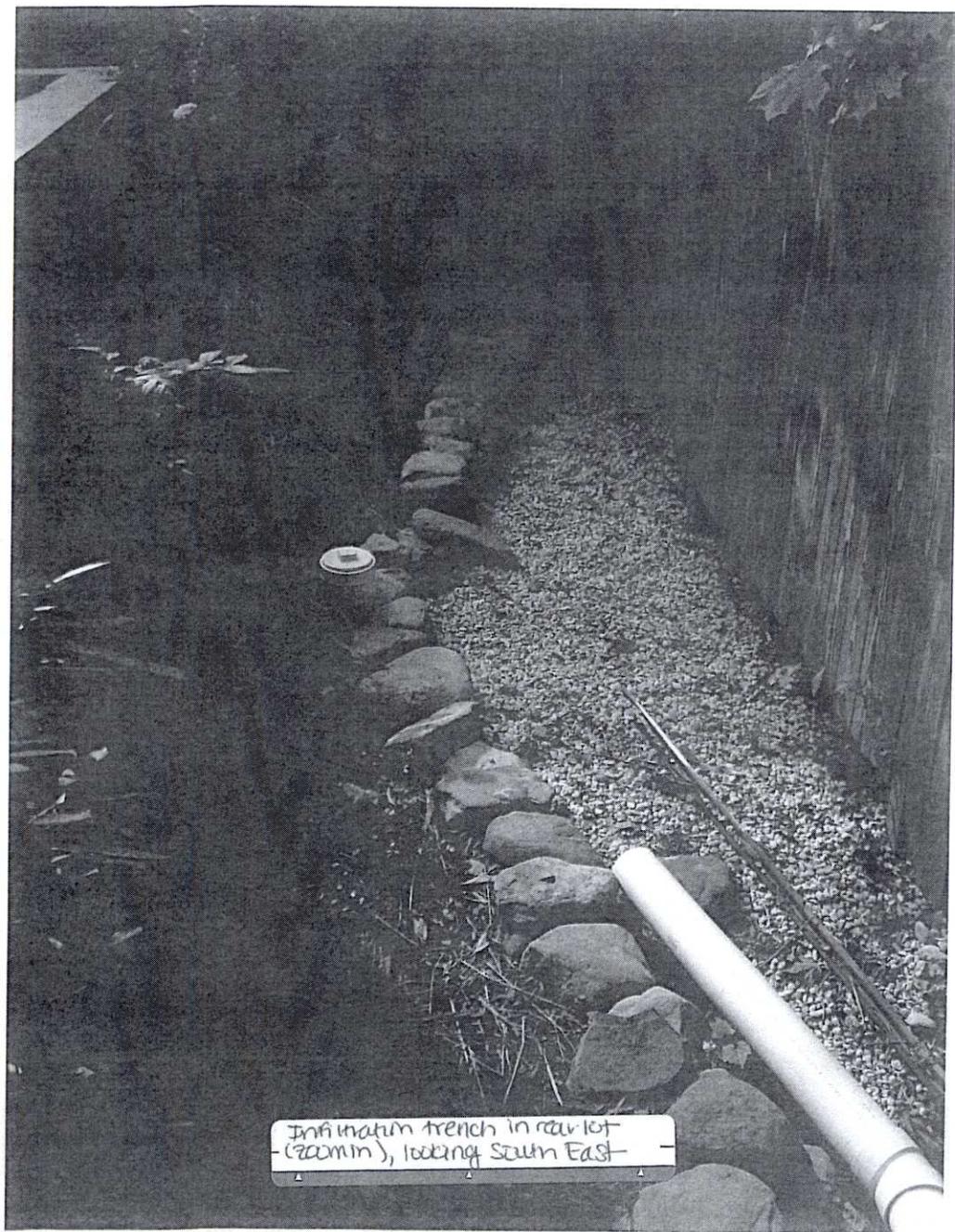
View of deck in rear lot  
Looking north west



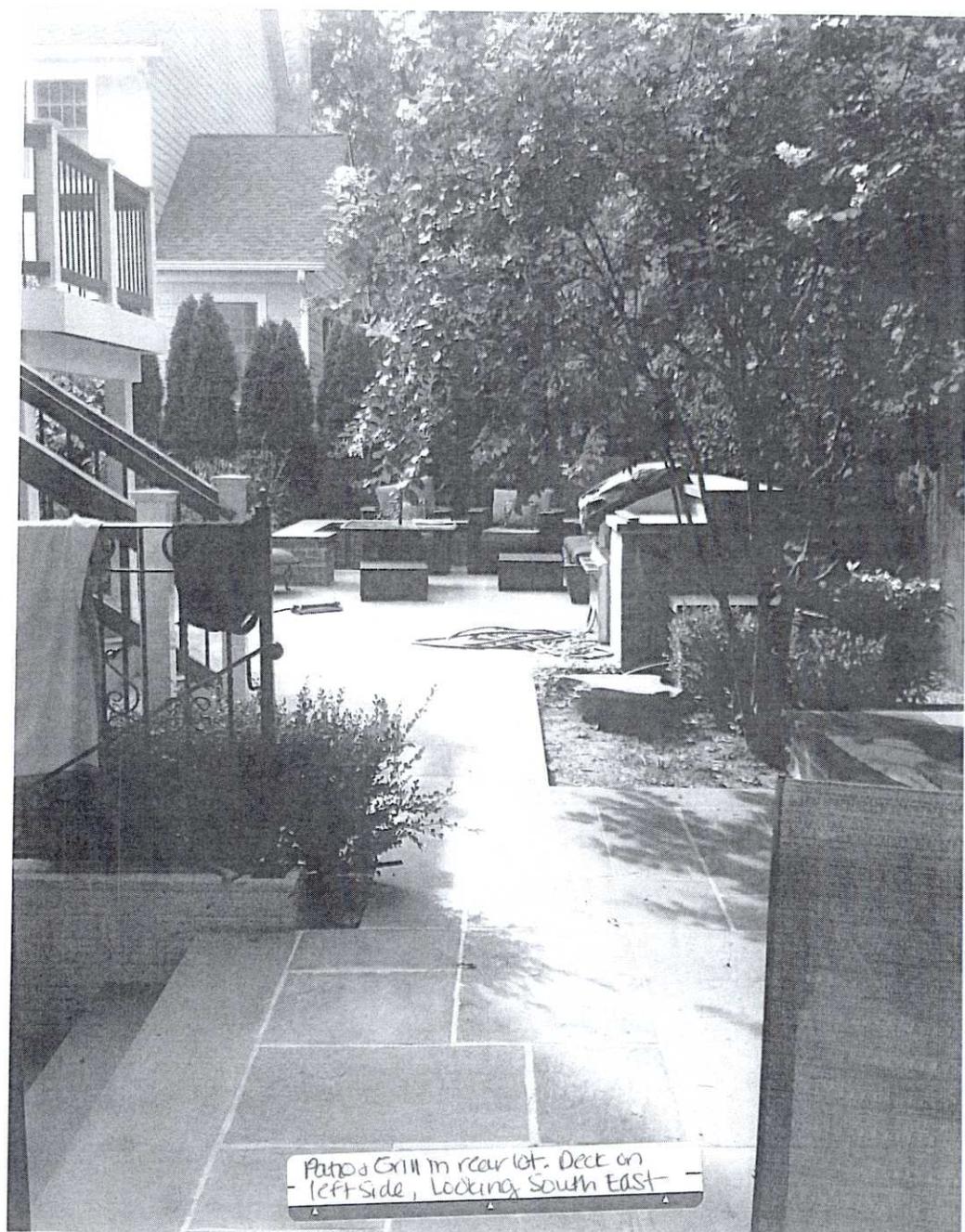
View of spa, looking  
South East



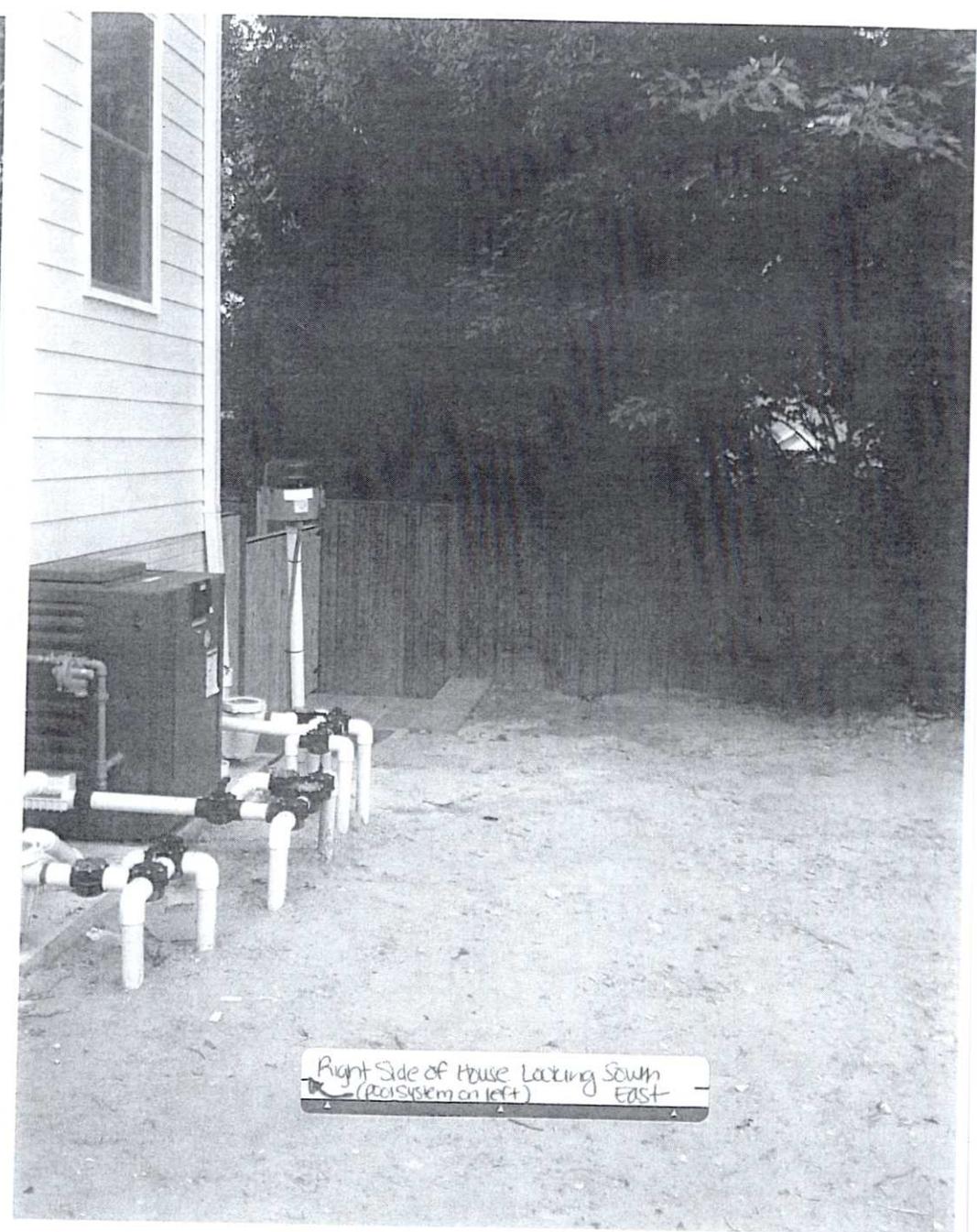
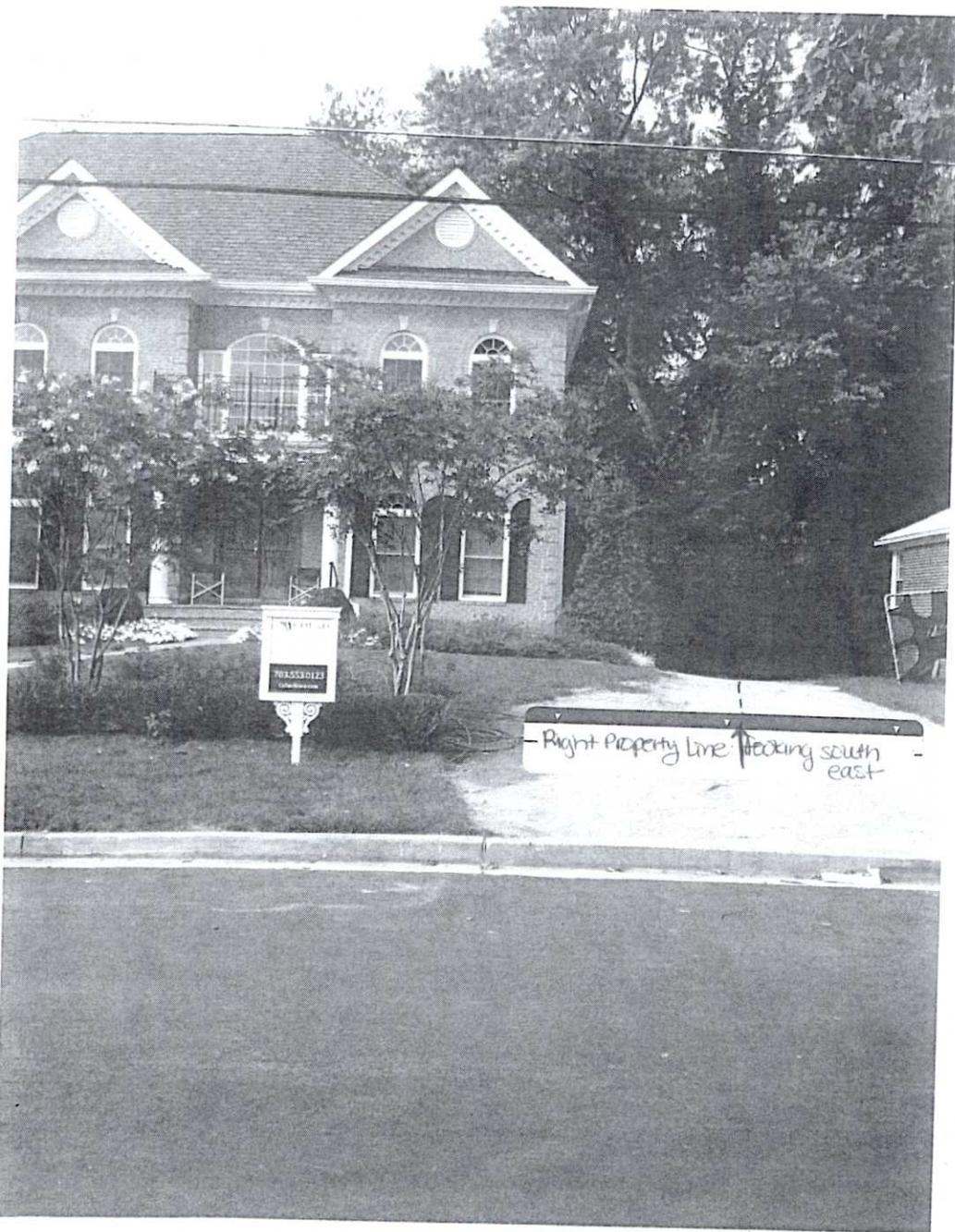
Drain Installed on Pacific  
Decorating South



Information trench in rear lot  
(zoom in), looking South East



Patio Grill in rear lot. Deck on  
left side, looking South East





- Pool patio in rear lot  
Looking East



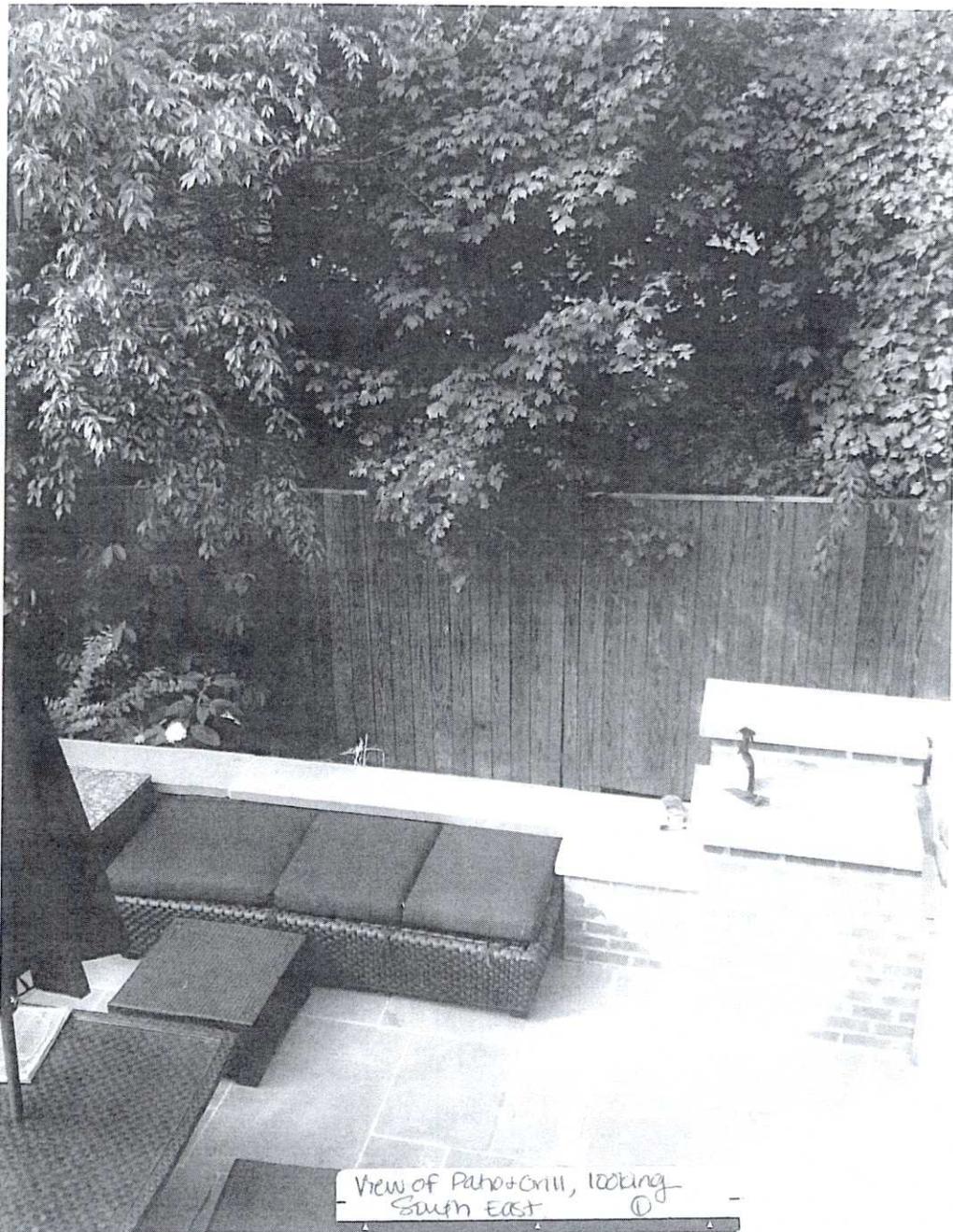
- Patio + spa in rear lot  
Looking East



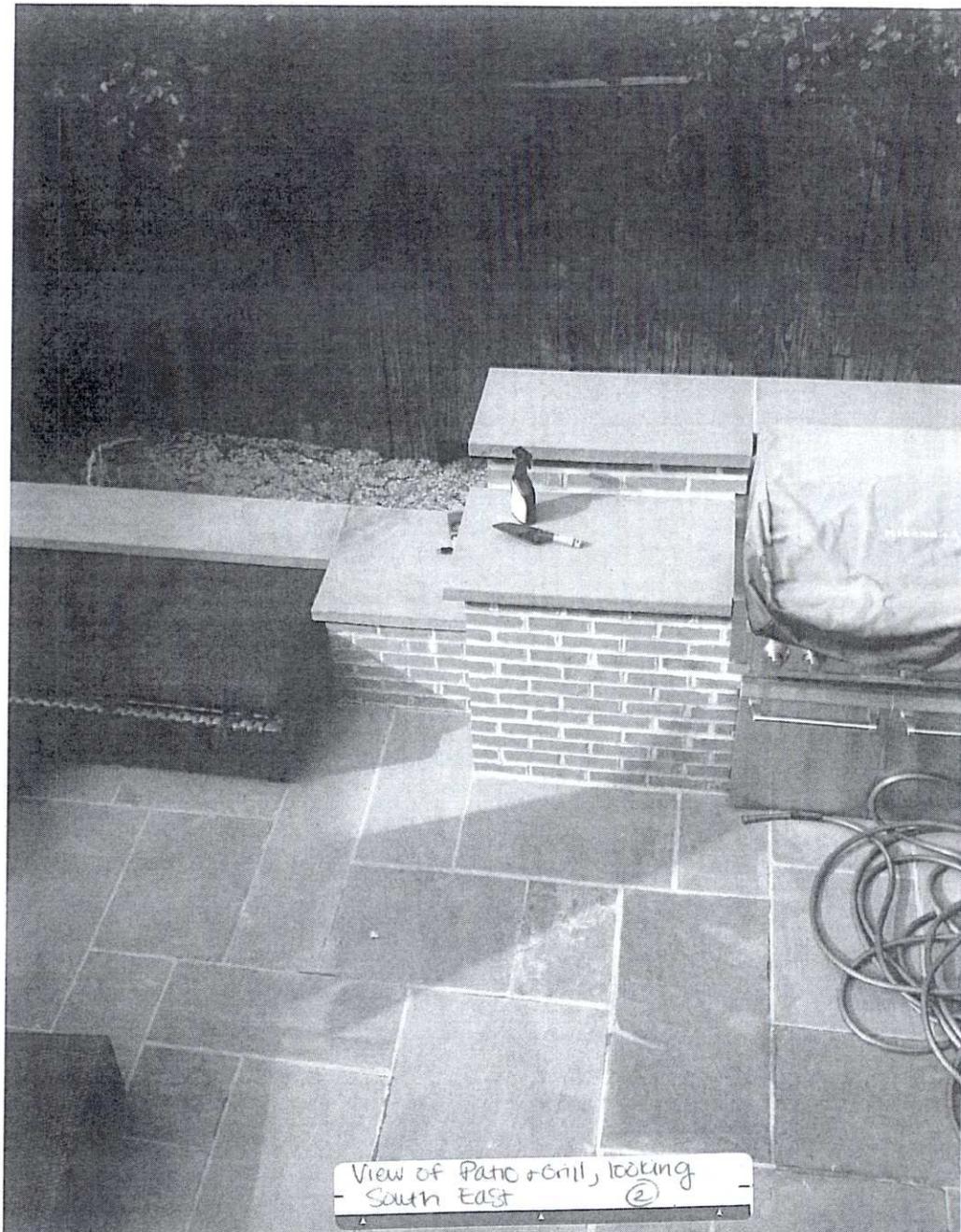
Patio, only view of Pool.  
Looking South West



Stairs to Deck in rear lot.  
Looking South West



View of Patio + Grill, looking South East ①



View of Patio + Grill, looking South East ②

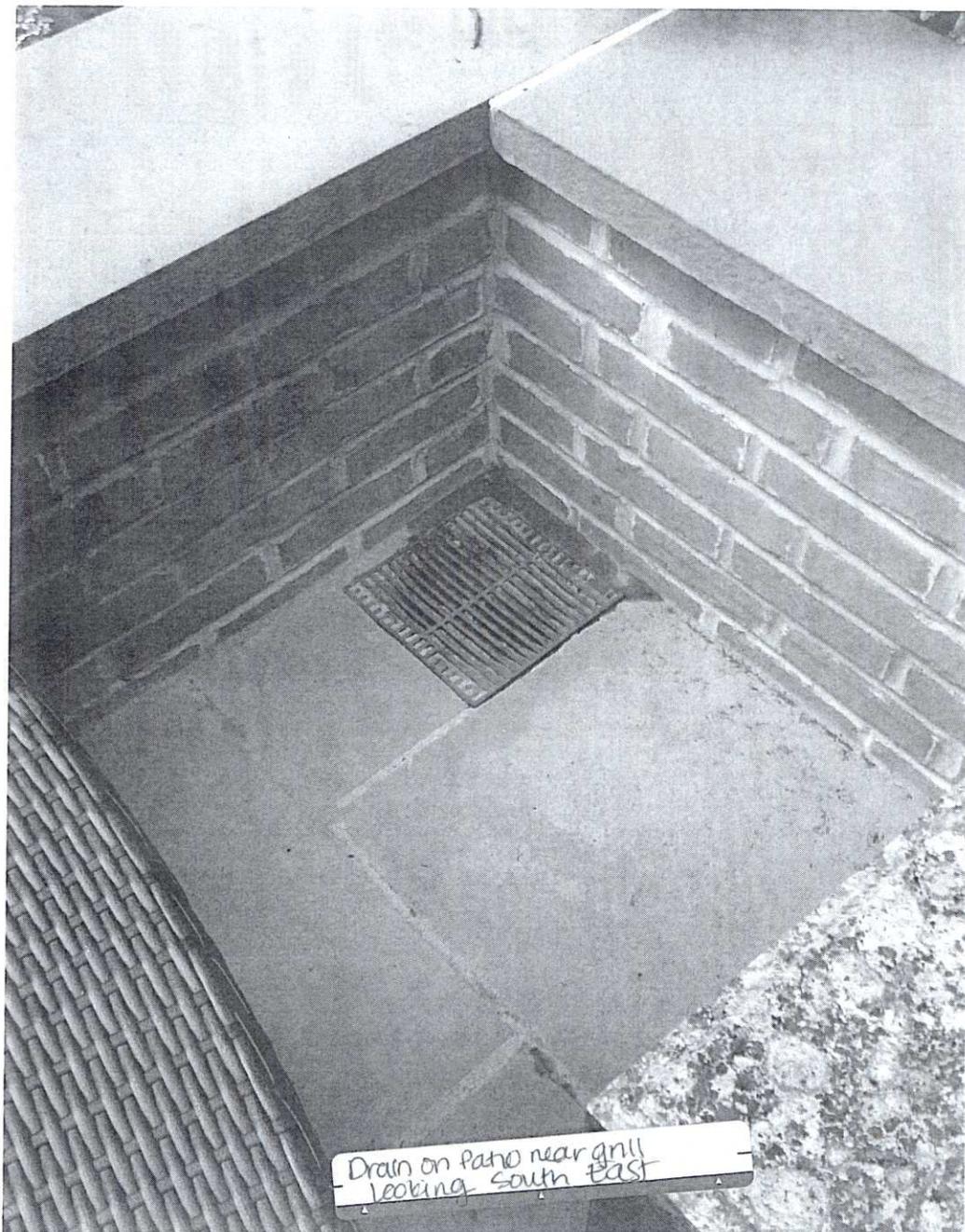


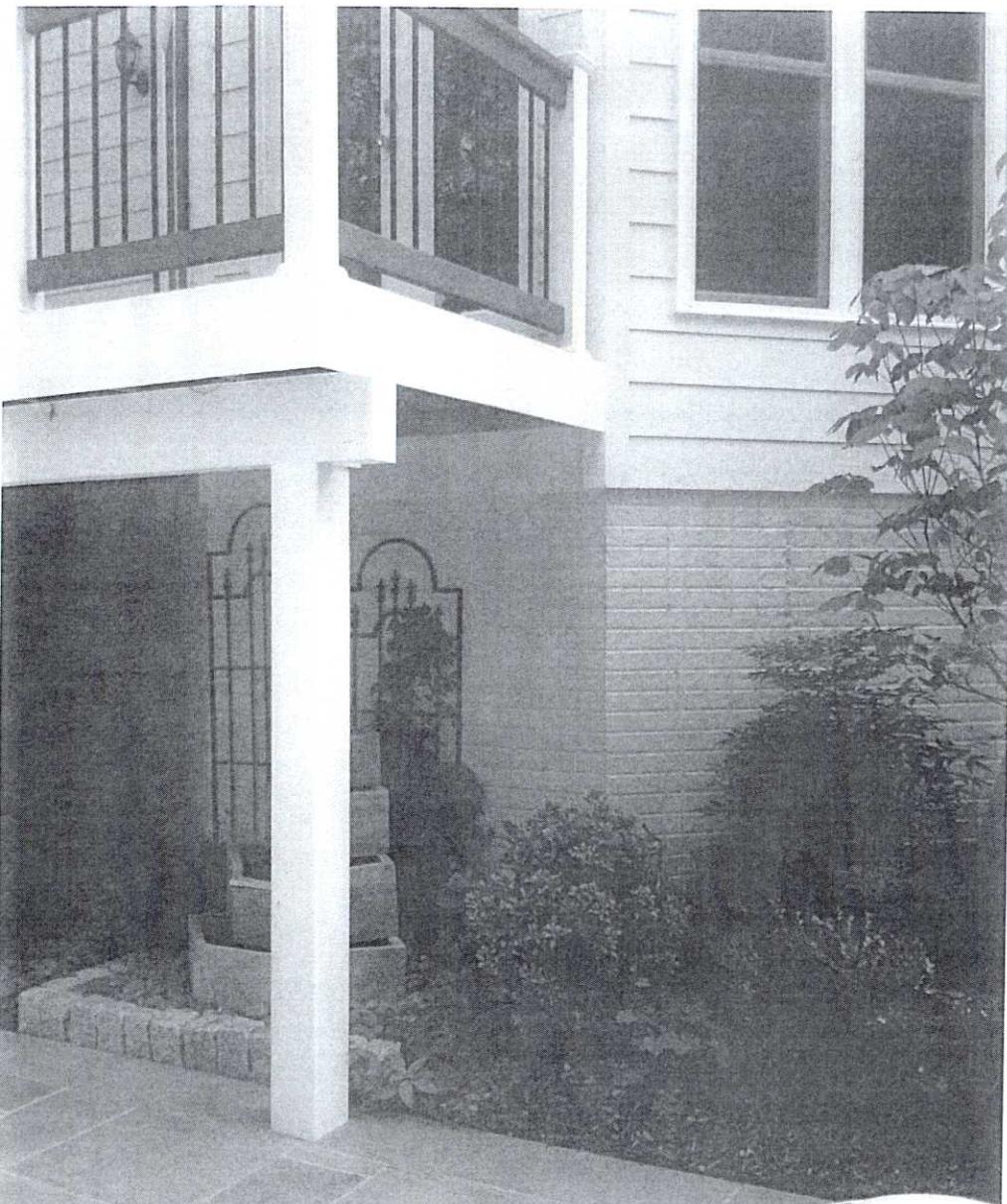
2011.04.21

Adjacent Property facing northwest

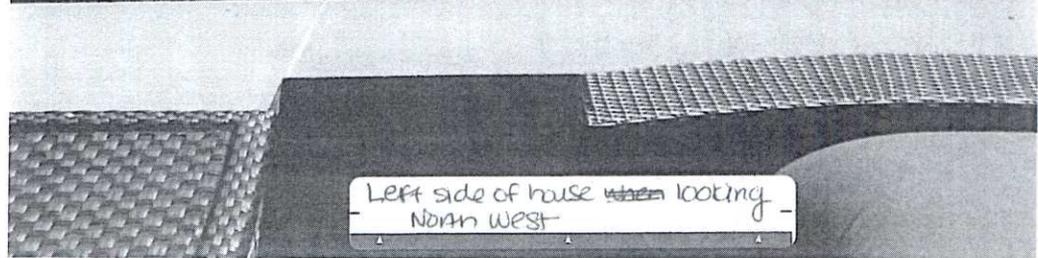


Adjacent properties facing northeast (back yard)

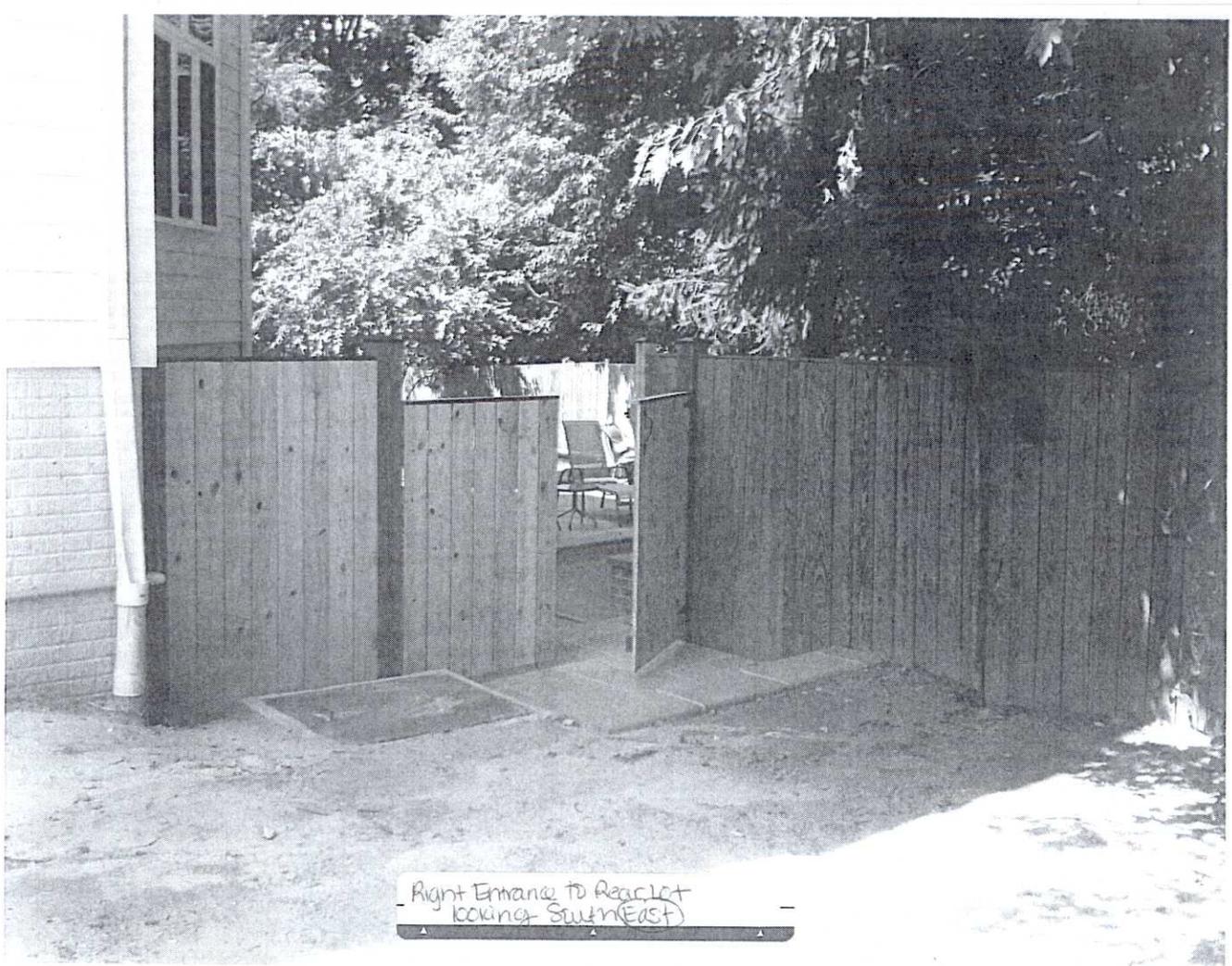




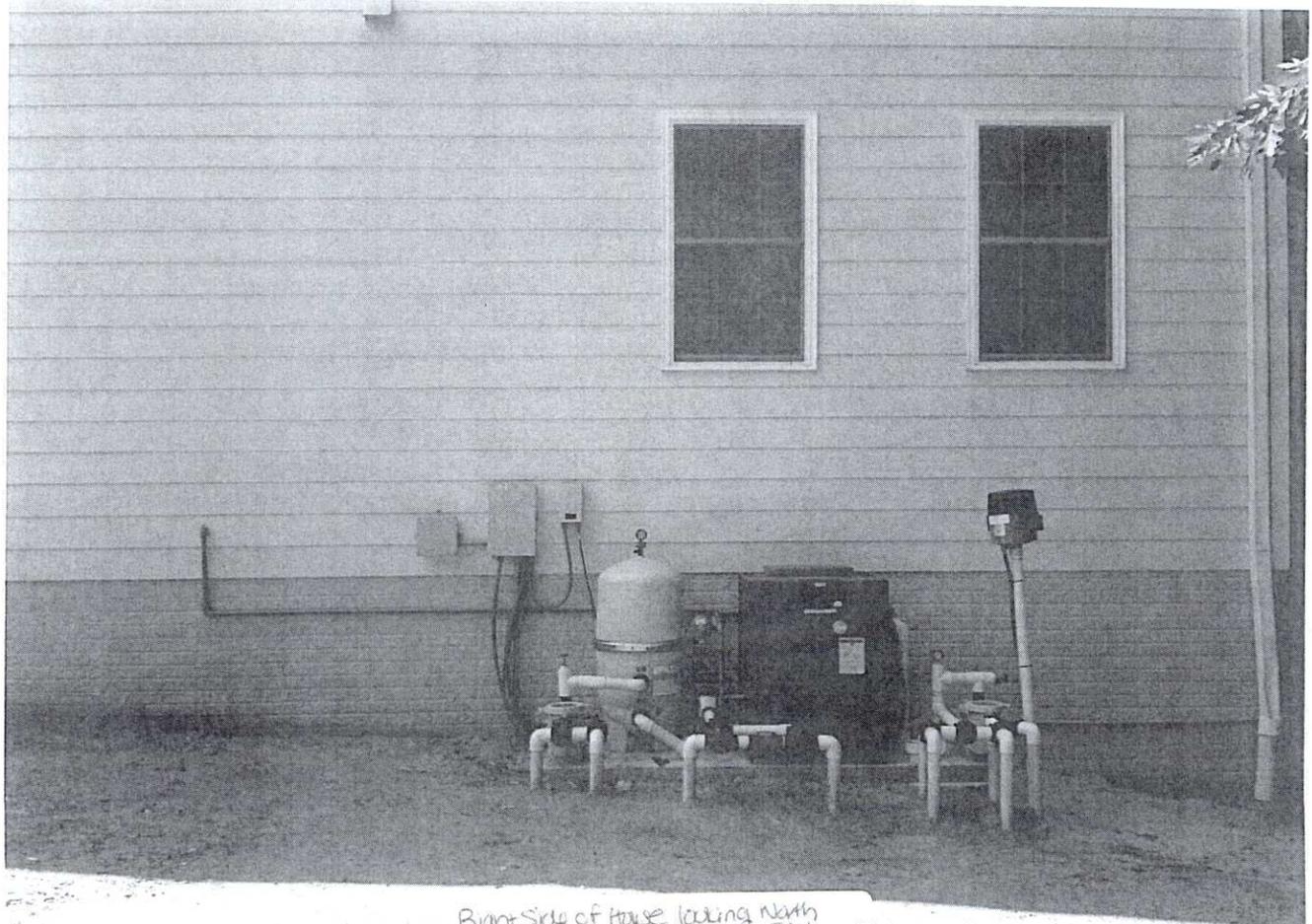
View of deck in rear lot  
Looking North (west)



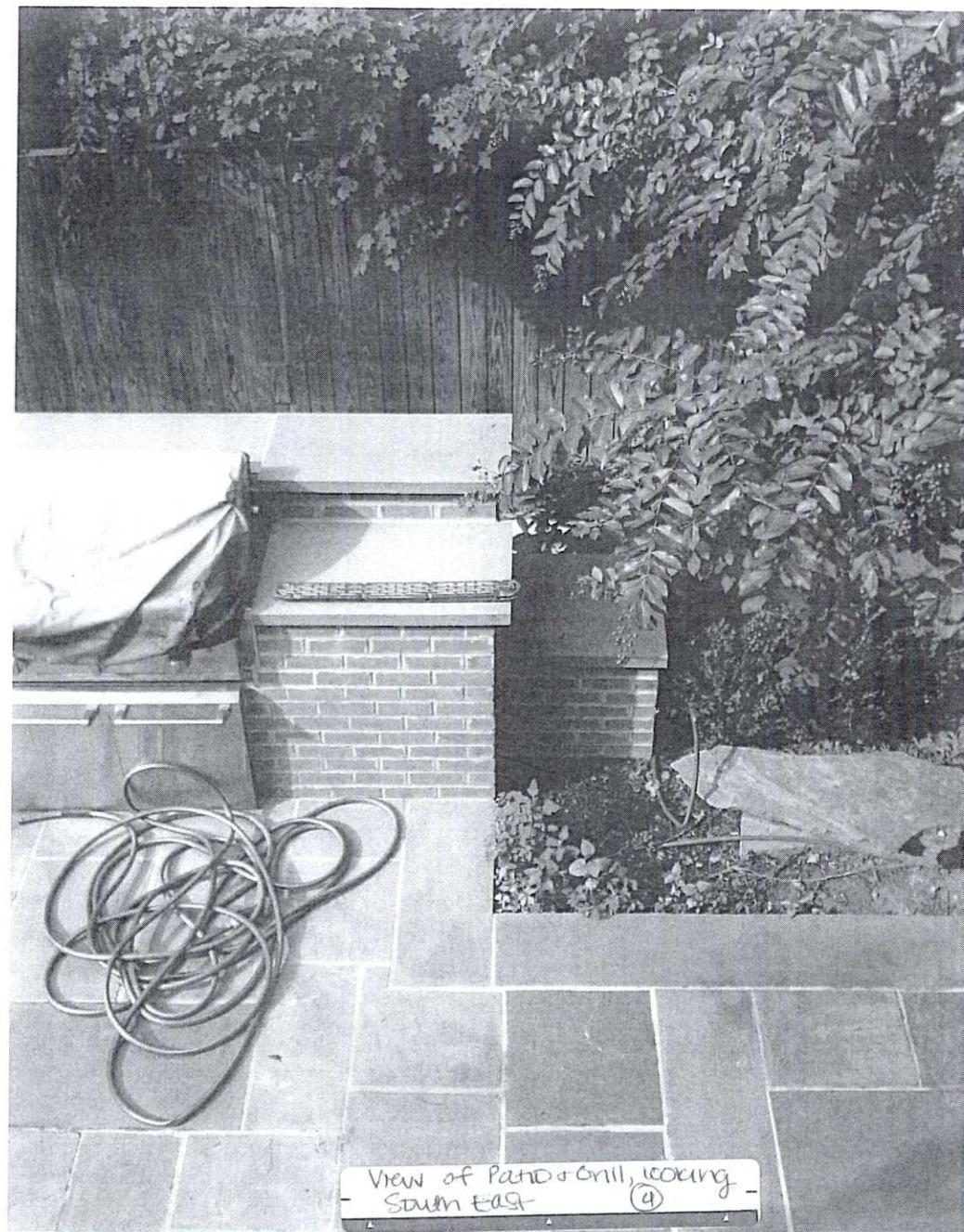
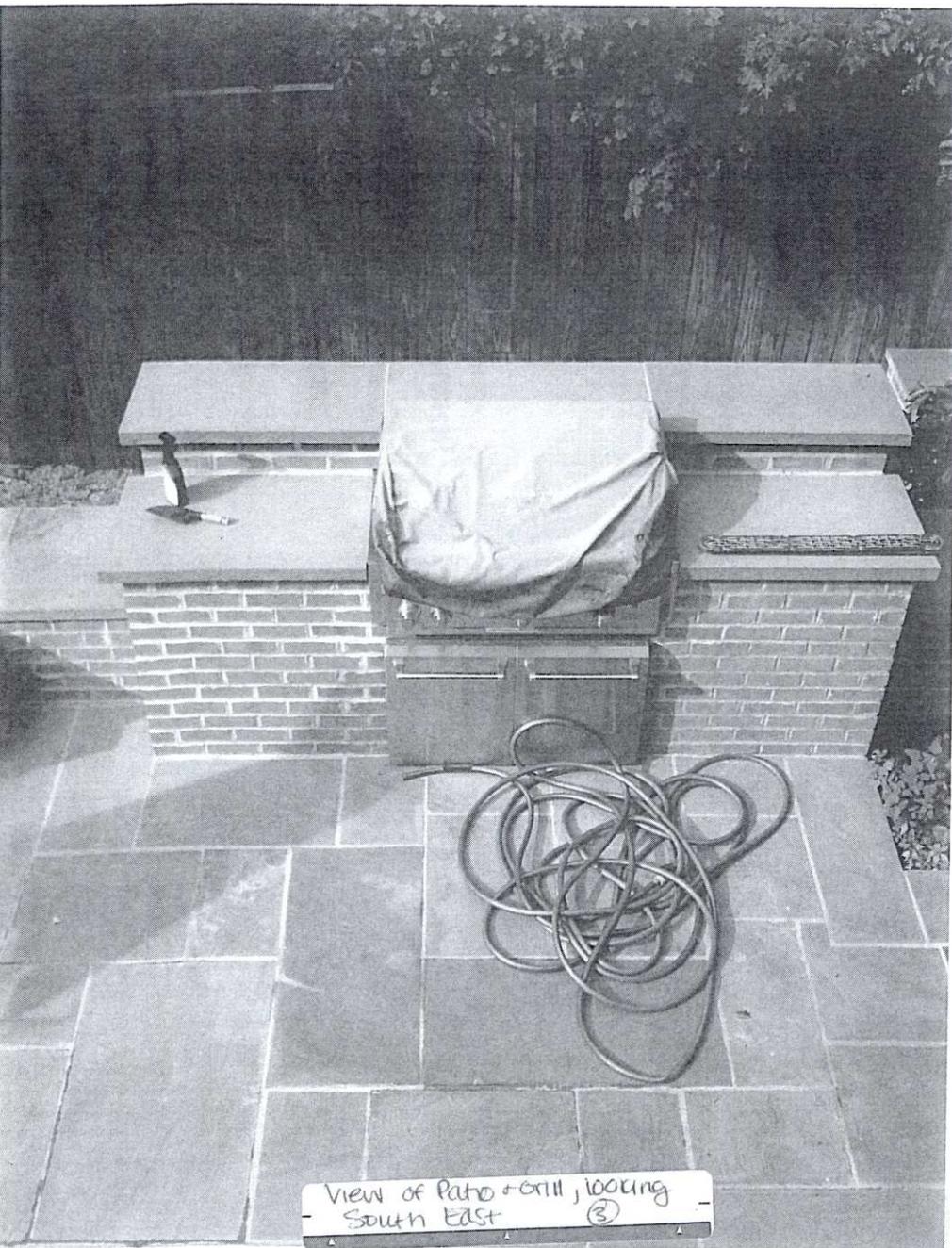
Left side of house ~~when~~ looking  
North west

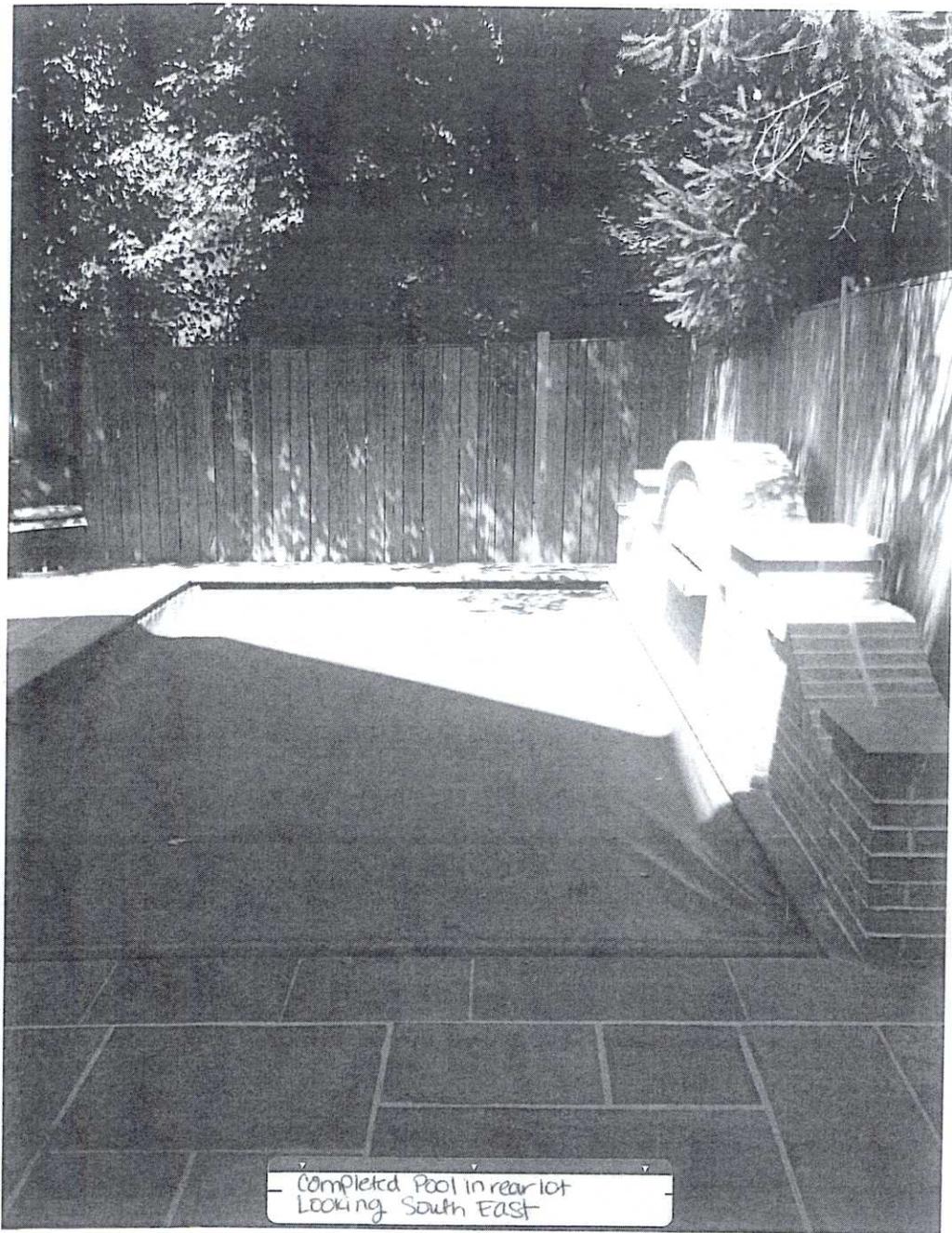


Right Entrance to Rear Lot  
looking South (East)

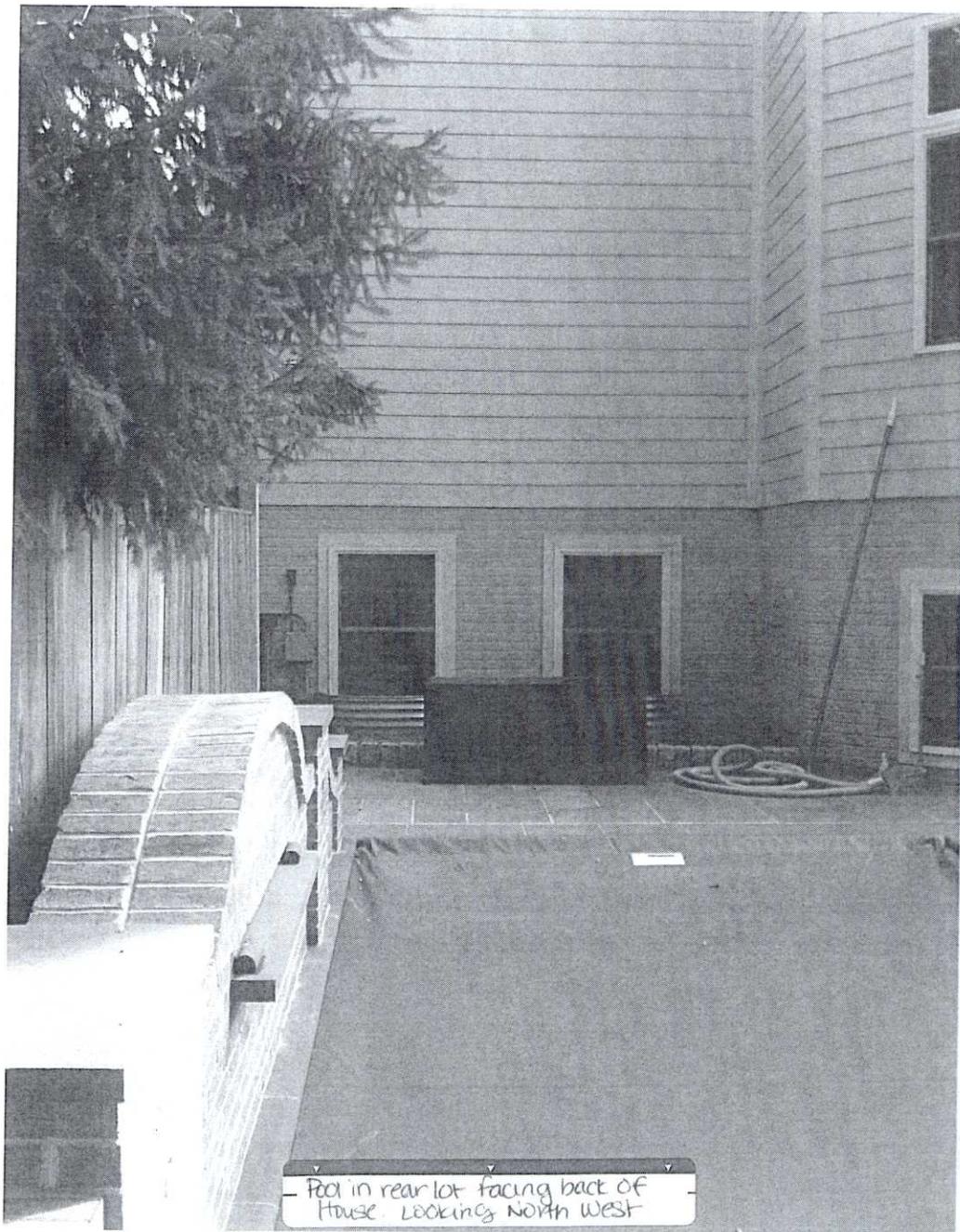


Right Side of House looking North  
+ pool equipment East





Completed Pool in rear lot  
Looking South East



Pool in rear lot facing back of  
House Looking North West



Drain in rear lot installed  
looking south East



**DESCRIPTION OF THE APPLICATIONS**

**Description of Special Permit Request**

The applicants request special permit approval for a reduction to the minimum yard requirements based on an error in building location to permit an open deck, specifically, an at-grade stone patio, to remain 4.8 feet from the western side lot line, 0.8 feet from the eastern side lot line and 1.6 feet from the rear lot line.

The Zoning Ordinance permits any open deck with no part of its floor higher than four feet above finished ground level to extend into a minimum required side yard by five feet, but be no closer than five feet to any side lot line and to extend 20 feet, but be no closer than five feet to any rear lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Extension **	Min. Yard Permitted	Structure Location	Amount of Error	Percent of Error
Special Permit Request	Open Deck	Side (west)	12.0 feet	5.0 feet	7.0 feet	4.8 feet	2.2 feet	31%
Special Permit Request	Open Deck	Side (east)	12.0 feet	5.0 feet	7.0 feet	0.8 feet	6.2 feet	89%
Special Permit Request	Open Deck	Rear	25.0 feet	20.0 feet	5.0 feet	1.6 feet	3.4 feet	68%

\*Minimum yard requirement per Section 3-307

\*\*Permitted Extensions per Section 2-412

**Description of Variance Application**

The applicant also requests variance approval to permit greater than 30 percent minimum rear yard coverage on the application property. Currently, the impervious area in the minimum required rear yard on this site measures 1,233 square feet, or 68% rear yard coverage. The coverage area includes a stone patio, swimming pool, hot tub, barbecue pad, decorative walls around the above listed features, areaways and steps.

**EXISTING SITE DESCRIPTION**

The application property is zoned R-3, is located in the Chesterfield Gardens Subdivision, contains 10,150 square feet and is developed with a two-story, with basement, single-family detached dwelling constructed of half hardi-plant and half brick. County records indicate that the dwelling was constructed in 2009. In June 2006, the County issued a Buildable Lot Determination which permitted the construction of a new home on the lot which contained less than the 10,500 square feet of minimum required area for the R-3 Zoning District since the lot was established prior to the first Zoning Ordinance on March 1, 1941. A copy of the determination is attached as Appendix 5. The dwelling is situated in the center of the lot and maximizes all building restriction lines. Access to the site is provided from Chesterfield Avenue via an existing paver driveway that extends to a two-car garage. Several small landscaped areas are located along the rear and sides of the dwelling and within the stone patio in the rear yard. The applicants Statement of Justification and photographs provided indicate there is an infiltration trench located in the northwestern corner of the rear yard. A 6-foot high wood fence is located along the side and rear yards. The front yard consists of a well manicured grassy lawn with some trees and shrubs. The site is surrounded by single-family detached homes along all property lines.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3	Single family detached dwellings
<b>South</b>	R-3	Single family detached dwellings
<b>East</b>	R-3	Single family detached dwellings
<b>West</b>	R-3	Single family detached dwellings

**BACKGROUND**

County records indicate that a building permit was issued to the applicant on June 1, 2010, for the construction of an in-ground swimming pool with associated decking and a spa. The building permit shows an annotation that a stone patio was to be removed. A copy of the permit is attached as Appendix 6. On July 19, 2010, a Notice of Violation (NOV) was issued to the owners which revealed that the minimum rear yard coverage exceeded 30 percent due to the construction of the pool and stone patio in the rear yard. A copy of the NOV is attached as Appendix 7.

Following the adoption of the current Ordinance, the Board of Zoning Appeals (BZA) heard the following similar applications in the vicinity of the application parcel:

- Special Permit SP 90-D-083 was approved on March 27, 1991 for Tax Map 40-2 ((13)) 69, zoned R-3, at 6531 Chesterfield Avenue, to permit reduction to minimum yard requirements based on error in building location to allow dwelling to remain 9.68 feet from a side lot line.
- Special Permit SP 2010-DR-019 was approved on May 19, 2010 for Tax Map 40-2 ((21)) 46, zoned R-3, at 6603 Jerry Place, to permit reduction of certain yard requirements to permit accessory structure to 12.5 feet from the rear lot line and 6.0 feet from the side lot line.

### **ZONING ORDINANCE REQUIREMENTS (See Appendix 8)**

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

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
- Sect. 18-404 Required Standards for Variances

This special permit and variance are subject to Sects. 8-006, 8-903, 8-914 and 18-404 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 8. Subject to development conditions, the special permit must meet these standards.

### **CONCLUSION**

If it is the intent of the BZA to approve these applications, staff suggests the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 and Appendix 2 of this report, Proposed Development Conditions.

### **APPENDICES**

1. Proposed Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicant's Affidavits
4. Applicant's Statement of Justification
5. Buildable Lot Determination
6. Building Permit dated June 1, 2010
7. Notice of Violation dated July 19, 2010
8. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2011-DR-054**

**July 27, 2011**

1. This special permit is approved for the location of an open deck (stone patio), and accessory structures (swimming pool, hot tub, barbecue pad and decorative walls) as shown on the plat prepared by GeoEnv Engineers, dated June 7, 2011 as sealed through June 14, 2011, as submitted with this application and is not transferable to other land.

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

**PROPOSED DEVELOPMENT CONDITIONS**

**VC 2011-DR-008**

**July 27, 2011**

1. This variance is approved for the rear yard coverage (approximately 68%) on the property as shown on the plat prepared by GeoEnv Engineers, dated June 7, 2011 as sealed through June 14, 2011, submitted with this application and is not transferable to other land.

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

Application No.(s): SP 2011-DR-054  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 7, 2011  
 (enter date affidavit is notarized)

I, Sridevi Sarma, 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

112321

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)
Sridevi Sarma	6510 Chesterfield Ave McLean Va 22101	owner/applicant
Rajan S. Naik	6510 Chesterfield Ave McLean Va 22101	owner

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

SP 2011-DR-054

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 7, 2011  
(enter date affidavit is notarized)

112321

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

N/A

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

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

N/A

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

N/A

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

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

Application No.(s):

SP 2011-DR-054

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 7, 2011  
(enter date affidavit is notarized)

112321

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)

N/A

(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-DR-054

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 7, 2011  
(enter date affidavit is notarized)

11 2 32 |

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:

N/A

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-DR-054

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 7, 2011
(enter date affidavit is notarized)

112321

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:

[Handwritten signature]

(check one)

[X] Applicant

[ ] Applicant's Authorized Agent

Sridevi Sarma

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

Subscribed and sworn to before me this 7 day of June 2011, in the State/Comm. of Virginia, County/City of Fairfax.

[Handwritten signature of Notary Public]

Notary Public

My commission expires: 07-31-2012

Commonwealth of Virginia
Homaira Amin - Notary Public
Commission No. 7196278
My Commission Expires 07/31/2012

Application No.(s): VC 2011-DR-008  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/27/10  
(enter date affidavit is notarized)

I, SRIDEVI SARMA, 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 109861

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)
SRIDEVI V. SARMA	6510 CHESTERFIELD AVE MCLEAN, VA, 22101	<b>OWNER/APPLICANT</b>
RAJAN S. NAIK	6510 CHESTERFIELD AVE MCLEAN, VA 22101	<b>OWNER/APPLICANT</b>

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

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

Application No.(s):

VC 2011-DR-008

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

8/27/10

(enter date affidavit is notarized)

109861

1(b). The following constitutes a listing\*\*\* of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

N/A

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

N/A

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

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

Application No.(s):

VC 2011-DR-008

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

8/27/10

109861

(enter date affidavit is notarized)

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)

N/A

(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): VC 2011-DR-008  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/27/10  
(enter date affidavit is notarized)

109861

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:

N/A

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-008

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

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: August 27, 2010  
(enter date affidavit is notarized)

109861

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

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

NONE

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

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

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

WITNESS the following signature:



(check one)

Applicant

[ ] Applicant's Authorized Agent

SRIDEVI V. SARMA

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

Subscribed and sworn to before me this 27<sup>th</sup> day of August 2010, in the State/Comm. of Virginia, County/City of Fairfax.

Harninder Chhatwal  
Notary Public

My commission expires: 7306033

Sridevi Sarma, Rajan Naik  
6510 Chesterfield Avenue  
McLean, VA 22101

### **Special Permit Statement of Justification**

In the summer of 2010, we received a permit from the county to build a pool with a surrounding patio. The purpose was to provide a nice small pool area for our children to play as well as neighborhood children. We asked our next door neighbors if it would be OK and they agreed (one has grandchildren of his own). Since we received a permit, we did not realize that we were not compliant with county codes for either the pool or patio and built the structures in good faith.

The county recently determined that the surrounding patio is attached to our home or is contiguous to something that is attached to our home and qualifies as an "attached deck." Consequently, the attached deck encroaches on the required rear and side setbacks of our house, which is zoned in R-3 with setbacks of 30' front, 12' side, and 25' rear.

This application requests a modification to the minimum yard requirements based on error in building location to permit patio deck off 4.8 ft from one side lot line, 0.78 ft from the other side lot line, and 3.8 ft from the rear lot line. The standards of 8-914 are addressed below.

- A) The error exceeds ten (10) percent of the measurement involved.
- B) The noncompliance was done in good faith after receiving a permit from the county and is of no fault to the owners.
- C) Such a reduction will not impair the purpose of this ordinance. 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. The lot size and shape are both atypical making construction of any accessory structure within reasonable size difficult to remain code compliant in the R-3 district.
- D) Authorization of the special permit will not be of substantial detriment to other property in the immediate vicinity because the additions are all enclosed within a tall fence. With a privacy fence surrounding the entire rear yard, currently there are no visible signs of any changes from adjacent properties. There were concerns by neighbors on the down slope side (adjacent to rear lot), that with the new construction, the runoff drainage onto their property would be increased. Actually the opposite is true. Prior to construction of the pool and spa, the lot grade slanted downwards towards the neighbors facing the rear lot and no runoff was diverted. Only downspouts and a few drains were piped into the infiltration trench. After construction of the pool, the drainage has improved dramatically for these neighbors. The grading in the rear lot is now level, with drains throughout to divert all runoff. There are 5 additional drain inlets that were constructed in the rear lot (see photos), accepting and diverting all water from the rear yard into the infiltration trench.
- E) The patio is at ground level and does not cause an unsafe condition with respect to both other property and public streets etc. The patio is enclosed entirely within a tall privacy fence.
- F) To force compliance with the setback requirements would produce undue hardship. Removal of the patio would force removal of the pool comply with the zoning ordinance and would be a tremendous waste of materials, time and money. We went through the legal process in good faith to obtain a permit for construction (which was approved) of the pool and spa for our enjoyment and for the enjoyment of our 2 small children. We invested over \$100,000, therefore a removal of the pool and spa would also cause great anguish.

- G) The reduction of the setbacks will not increase in density or floor area from that permitted by the applicable zoning regulations as the patio is already constructed.

**Justification per page 14 of Special Permit Application (for those applicable)**

- G) The limestone patio surrounds the pool and connects to the stairs that lead to our basement door.
- H) No hazardous or toxic substances will be generated, utilized, or stored on the site.

## **Justification per Zoning Ordinance General standards for a Special Permit**

1. The proposed use at the specified location is in harmony with the adopted comprehensive plan. A pool requires a surrounding patio to safely enter and exit the pool. Our patio is in harmony with the pool structure and matches the patio near the grill, creating a beautiful small recreational area for our children. Due to exceptional topographic conditions of our rear yard, a patio of any size surrounding the pool would breach minimum rear yard requirements (see details in variance application).

2. The proposed is in harmony with the general purpose and intent of the applicable zoning district regulations. 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. The lot size and shape are both atypical making construction of any accessory structure within reasonable size difficult to remain code compliant in the R-3 district.

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.

Authorization of the special permit will not be of substantial detriment to adjacent property because the additions are all enclosed within a tall fence. With a privacy fence surrounding the entire rear yard, currently there are no visible signs of any changes from adjacent properties. There were concerns by neighbors on the down slope side (adjacent to rear lot), that with the new construction, the runoff drainage onto their property would be increased. Actually the opposite is true. Prior to construction of the pool and spa, the lot grade slanted downwards towards the neighbors facing the rear lot and no runoff was diverted. Only downspouts and a few drains were piped into the infiltration trench. After construction of the pool, the drainage has improved dramatically for these neighbors. The grading in the rear lot is now level, with drains throughout to divert all runoff. There are 5 additional drain inlets that were constructed in the rear lot (see photos), accepting and diverting all water from the rear yard into the infiltration trench.

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.

The patio will not have any impact on the existing traffic flow in the neighborhood as it is all entirely in the rear yard.

5. In addition to the standards which may be set forth in this Article for a particular group or use, the Board of Zoning Appeals shall require landscaping and screening in accordance with the provisions of Article 13, Landscaping and Screening, in the Zoning Ordinance.

N/A

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

N/A

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.

N/A

8. Signs shall be regulated by the provisions of Article 12, Signs, in the Zoning Ordinance; however, the Board of Zoning Appeals may impose more strict requirements for a given use than those set forth in this Ordinance.

N/A

8-914

Vari-amt of rearyard covered 62.8

Sp- covered too much but too close to rear and side lines (setbacks that abuts house or contiguous to something that house then "attached deck",,,

## Statement of Justification

### Zoning Ordinance Standards for a Variance

Naik & Sarma Residence  
6510 Chesterfield Avenue  
McLean VA, 22101  
Phone: 703-760-0904, 617-875-9380

RECEIVED  
Department of Planning & Zoning  
JUN 14 2011  
Zoning Evaluation Division

1. The subject property was acquired in good faith. We also applied for a permit from Fairfax County to obtain a pool and spa in good faith. The county approved and supplied a permit, and we continued the construction process in good faith.
2. The subject property has the following characteristics (note: "the effective date of the Ordinance" is August 14, 1978):

C. Exceptional size at the time of the effective date of the Ordinance;

The rear lot in its entirety is comparable to the minimum required rear yard of 25 ft thus significantly limiting possibilities for adding small accessory structures.

D. Exceptional shape at the time of the effective date of the Ordinance;

- The shape of the rear lot is not a perfect rectangle. If it were a perfect rectangle, the approximate dimensions would be 70" x 26", which is 1820 sqft.
- On the top right side of the rear lot at the south side, there is a L-shaped indentation (approximately 26" x 13") that reduces the lot area by 338 sqft.
- On the left top side of the rear lot at the east side, there is an infiltration trench (approximately 4" x 14") which reduces the lot area by 56 sqft.
- On the middle portion of the rear lot at the north-west side, there is a stairway leading from finished basement to rear lot (approximately 10.2" x 7") which reduces lot area by 71.4 sqft.
- There is a small deck landing (approximately 4" x 3") and steps down to access the rear yard which reduces lot area by 12 sqft.

The above items make our rear lot an exceptional shape for which 1343 sqft (1820 - 338 - 56 - 71.4 - 12) is available for construction of accessory structures. If we constructed a small kids pool (22" x 12"), spa (9" x 9") and connecting flagstone patio (22" x 5"), these would cover sqft which is 34% of the rear lot area (1343 sqft), already exceeding the minimum required rear yard.

E. Exceptional topographic conditions. See above.

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. The lot size and shape are both atypical making construction of any accessory structure within reasonable size difficult to remain code compliant in the R-3 district.
4. The strict application of this Ordinance would produce undue hardship. Removal of the pool and spa to comply with the zoning ordinance would be a tremendous waste of materials, time and money. We went through the legal process in good faith to obtain a permit for construction (which was issued on 6/01/2010) of the pool and spa for our enjoyment and for the enjoyment of our 2 small children. We invested over \$100,000, therefore a removal of the pool and spa would also cause great anguish.

5. Such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity as the financial investment was made entirely by us and is not shared by others.
6. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant. All parties involved in the planning and development of the pool and spa approached the legal process in good faith. The permit for construction was granted and nearly completed when the violation notice was received. The lot is atypical as described above and a large financial and personal investment was made.
7. Authorization of the variance will not be of substantial detriment to adjacent property because the additions are all enclosed within a tall fence. With a privacy fence surrounding the entire rear yard, currently there are no visible signs of any changes from adjacent properties. There were concerns by neighbors on the down slope side (adjacent to rear lot), that with the new construction, the runoff drainage onto their property would be increased. Actually the opposite is true. Prior to construction of the pool and spa, the lot grade slanted downwards towards the neighbors facing the rear lot and no runoff was diverted. Only downspouts and a few drains were piped into the infiltration trench. After construction of the pool, the drainage has improved dramatically for these neighbors. The grading in the rear lot is now level, with drains throughout to divert all runoff. There are 5 additional drain inlets that were constructed in the rear lot (see photos), accepting and diverting all water from the rear yard into the infiltration trench.
8. The character of the zoning district will not be changed by the granting of the variance as the additional constructions are not visible to any neighbor (enclosed entirely by fence and large trees).
9. The variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest. The rear yard patio, pool and spa fits in well with the residential neighborhood and is nicely designed. The granting of a variance will also enable improved drainage which will alleviate concerns of rear lot neighbors and would not affect any other neighbor.

## Statement of Justification

Naik & Sarma Residence  
6510 Chesterfield Avenue  
McLean VA, 22101  
Phone: 703-760-0904, 617-875-9380

RECEIVED  
Department of Planning & Zoning

JUN 14 2011

Zoning Evaluation Division

The house is zoned in R-3 with setbacks of 30' front, 12' side, and 25' rear. We are requesting a reduction of the minimum yard requirements to permit setbacks of 30' front, 4.8 on one' side, 0.78' on the other side, and 3.8' rear. The proposed reduction represents the minimum amount of reduction necessary to accommodate the pool, spa and patio that is already constructed on the lot. We kindly request the variance for the following reasons:

1. The pool, spa and patio were constructed in exact accordance with an **already approved** permit from Fairfax County. We applied for a permit from Fairfax County to obtain a pool and spa in good faith. The county approved and supplied a permit (issued 6/01/2010), and we continued the construction process in good faith. After 95% of the pool and spa were complete, the homeowners received a notice of violation from the County of Fairfax, Virginia on July 19, 2010. The violation (Case # 201004137) states that approximately 82% of the minimum required rear yard has been covered with our pool, spa and flagstone patio.
2. The total size of the rear lot, the atypical shape of the rear lot, and the infiltration trench that existed prior to purchasing the home makes it difficult to add any accessory structure without requiring a variance.
3. We do not have the financial resources to remove or make changes to the already constructed (and previously approved) pool, patio and spa, which will be substantial. Removal of the structures will deeply sadden our small children, for whom we have spent the last 5 years saving the substantial money for these facilities. Removal will also be a waste of materials and time spent in construction.
4. The structural accessories will not have any impact on the existing traffic flow in the neighborhood as they are all entirely in the back yard
5. No hazardous waste, toxic substances, or petroleum products (as defined in Title 40, Code of Federal Regulations Part 280) was utilized, stored or disposed of on site. There are no existing storage tanks or containers on site. The pool system is enclosed in a locked fence for safety.
6. The only concern expressed to us by our neighbors (at least to our knowledge) has been about excessive drainage from our back yard onto their property. The documentation attached proves that the drainage has actually dramatically improved and substantially less water now drains into our neighbor's lots
7. The variant application meets all of the 9 zoning ordinance standards.

Re: Additional materials for Variance Application File: SP 010-0196 and VC 2010-0239

Jan 28, 2011

~~December 7, 2010~~

Dear Virginia H. Ruffner,

I am enclosing all the additional materials that I believe are necessary to complete my application for a variance. After meeting in person with Marie Langhorne, I realized that our submitted plat was misleading and incorrect. It appeared from the variance plat that our stone patio extended all the way to our home which would make it an "open deck" that violates zoning ordinance regulations. Our patio does not touch our home and I am therefore providing:

- 1. A revised plat (adds all the requested information such as pool equipment and location) *+ copies*
- 2. Additional photos to show that the stone patio is not an open deck anywhere - *could not take due to snow but clear from new plat.*

Please feel free to contact me if there are any questions or concerns. I appreciate your patience as it took me some time to discover that we did not violate the zoning ordinance regulations with our stone patio and to also get a new plat done. I hope that our application is complete.

*please call me if you need additional photos.*

Happy holidays!

Best,  
  
Sridevi Sarma

617-875-9380

Email: sree@jhu.edu

RECEIVED  
Department of Planning & Zoning  
FEB 04 2011  
Zoning Evaluation Division



# County of Fairfax, Virginia

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

## Buildable Lot Determination

1	5	4	1	4	-	L	V	-	0	0	1	-	1
---	---	---	---	---	---	---	---	---	---	---	---	---	---

**Property Tax Map Number:** 041-1-05-0018  
**Property Address:** 6510 Chesterfield Ave.  
**Applicant's Name:** Michael Murad  
**Applicant's Address:** 1427 Layman Street  
**Applicant's Phone Number:** (703) 587-8700  
**Current Zoning:** R-3  
**Magisterial District:** Dranesville  
**Subdivision Name:** Chesterbrook Gardens



The Department of Public Works and Environmental Services have reviewed the subject lot for compliance with the Fairfax County Subdivision Ordinance. Based on a search of the pertinent deed information associated with this lot, it appears that the subject lot was created and recorded on April 3, 1950 in Deed Book 762 Page 28. From a subdivision perspective, this action is described as one of the following:

- \_\_\_\_\_  
Initial/Date      Recordation of a metes and bounds description or plat prior to September 1, 1947.
- TSN/04-07-06  
Initial/Date      Recordation of a deed and plat in compliance with the Subdivision Ordinance in effect at the time.
- \_\_\_\_\_  
Initial/Date      Recordation of a metes and bounds description or plat after September 1, 1947 and at least on March 25, 2003, or thereafter the subject lot has been included on the Fairfax County Real Property Identification Map as a separate lot and has been taxed as a separate lot.

The Zoning Administration Division, Department of Planning and Zoning (DPZ) have reviewed the subject lot for compliance with the applicable requirements of the Fairfax County Zoning Ordinance. The subject lot is currently zoned R-3 which district requires a minimum lot area of 10,500 square feet and a minimum lot width of 80 feet. The subject lot has a lot area of 10,150 square feet and a lot width of 89 feet.

- The subject lot meets the current Zoning Ordinance requirements for lot area and lot width.

Department of Public Works and Environmental Services  
 Land Development Services, Environmental and Site Review Division  
 12055 Government Center Parkway, Suite 535  
 Fairfax, Virginia 22035-5503  
 Phone 703-324-1720 • TTY 703-324-1877 • FAX 703-324-8359

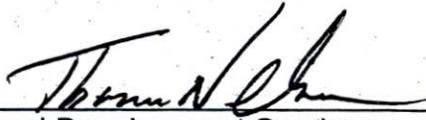


- The subject lot does not meet the current Zoning Ordinance requirements for lot area and/or lot width. However, the grandfathering provision of Sect. 2-405 of the Zoning Ordinance is applicable based on DPZ research that indicates that the lot met the applicable Zoning Ordinance requirements, with regard to lot area and lot width, when created/recorded or such creation/recordation predated the first Zoning Ordinance (March 1, 1941).
- The subject lot does not meet the current Zoning Ordinance requirements for lot area and/or lot width and did not meet such requirements at the time it was created. However, the grandfathering provision of Section 2-405 of the Zoning Ordinance is applicable based on DPZ research that indicates that the lot contained a principal structure on March 9, 2004, that was occupied or had been occupied at any time between March 9, 1999 and March 9, 2004, or is under construction pursuant to a building permit and that a Non-Residential Use Permit will be issued within 12 months after March 9, 2004.
- The subject lot does not meet the current Zoning Ordinance requirements and did not meet the applicable lot area and/or lot width requirements when the lot was created or any time thereafter. A separate letter from the DPZ, explaining this noncompliance will be subsequently issued.

Reviewing Authority: Mary Ann Tsai 06-07-06  
 Zoning Administration Division Date  
 Department of Planning and Zoning

Based on the foregoing the following is applicable to the subject lot:

- The subject lot is considered a valid lot under the Subdivision Ordinance and a building permit may be issued for the development of a use permitted by right, by special permit or by special exception on the lot, provided all County and applicable Zoning Ordinance regulations, including minimum yard requirements, are met.
- The subject lot is an outlot under the Subdivision Ordinance and does not constitute a buildable lot.

Approving Authority:  06-08-06  
 Land Development Services Date  
 Department of Public Works and  
 Environmental Services

cc: Janet E. Coldsmith, Director, Real Estate Division, DTA  
 Robert A. Farrimond, GIS and Mapping Services Branch, DIT  
 Eileen M. McLane, Deputy Zoning Administrator, Ordinance Administration Branch, DPZ  
 Leslie B. Johnson, Deputy Zoning Administrator, Zoning Permit Review Branch, DPZ  
 Ken Williams, Chief, Plan and Document Control, ESRD, DPWES

**Buildable Lot Determination**

1	5	4	1	4	-	L	V	-	0	0	1	-	1
---	---	---	---	---	---	---	---	---	---	---	---	---	---



DEPARTMENT OF PUBLIC WORKS  
AND ENVIRONMENTAL SERVICES

15414-LV-001-1

**BUILDABLE LOT VALIDATION REQUEST FORM**

Applicant's Name:	Michael MURAD
Applicant's Mailing Address: <i>(include City, State, Zip)</i>	1427 LAYMAN Street McLean Va 22101
Applicant's Phone Number:	(703) 587-8700
Applicant's e-mail Address:	Michaelmurad@wt.net
Property Address – if known: <i>(include City, State, Zip)</i>	6510 Chesterfield ave. McLean, Va 22101
Property Tax Map Number:	41-1-5-08
Current Zoning:	R-3
Magisterial District:	<del>Chesterbrook Garden</del> DR.
Subdivision Name:	Chesterbrook Garden
Deed Book and Page No.: <i>(of most recent sale)</i>	2908-468
Nature/Description of Request or Additional Information:	Build New home on this Property. (Existing house Now)

Please complete as much information as you have available regarding the subject property. Upon completion, return this form to:

Plan and Document Control Section  
12055 Government Center Parkway, Suite 506  
Fairfax, Virginia 22035-5503  
Phone 703-324-1730 • Fax 703-324-3921 • TTY 711

The application will be assigned a Project Number for Fairfax County. To ascertain the status of your request, contact the Plan and Document Control Section and refer to this number. Please also note – you must provide a valid contact address and telephone number to enable processing of your request.

REVIEW FEE: \$250.00

LOT VALIDATION # \_\_\_\_\_

County of Fairfax, Virginia

Department of Public Works and Environmental Services

Land Development Services

Residential Use Permit

--01-Apr-2009

RUP Number: 218448 Building Permit Number: 90620143

Requestor first name: LEILA Requestor last name: RAHMAN

Requestor phone number: (240) 606-5305 RUP Created By: MB

Street Number Street Name Street Type Act.No Level Unit Act.No
6510 CHESTERFIELD AV 001 01

Lot No Subdivision Map Reference Number Inspection Area
0018 CHESTERBROOKS GARDEN LOT 18 SEC / 0411 05 0018 4

Inspector Issue Date
Electrical mali Tongarm / George Ford 3.24.09 / 3.25.09
Plumbing mali Tongarm 3.25.09
Mechanical mali Tongarm 3.25.09
Building mali Tongarm 3.25.09
Site Inspection Branch William P. Dougherty 4.03.09
Approved \* [Signature] 4.03.09

\* This Residential Use Permit supersedes any previous Residential Use Permit for this property.

Remarks

The following requirements, if checked, are being waived in accordance with chapter 112 article 18 part 704 of the Fairfax County Code to obtain a residential use permit:

- Final grading, sodding or seeding of lot (winter waiver)
Completion of landscaping and screening requirements
Completion of sidewalks
Bituminous concrete street surface (winter waiver)
Stand of grass not yet obtained (inadequate)

ATTENTION

No trees or shrubs may be planted in the dedicated right-of-way without first obtaining a permit from Virginia Department of Transportation at 703-383-2899, when exceptions for final grading, sodding and/or seeding are granted during the winter, the builder is obligated to complete this work by the first day of June.

Homeowner
Builder
Zoning

**Fairfax County, Virginia**  
 Department of Public Works and Environmental Services  
 Permit Application Center  
 12055 Government Center Parkway  
 Fairfax, Virginia 22035-5504

## RESIDENTIAL SWIMMING POOL/SPA

**Permit Number:** 100820192

**Issue Date:** 06/01/2010

**Tax Map ID:** 041-1 / 05 / / 0018

**Job Address:** 6510 Chesterfield Av  
 Mc Lean, VA22101-5229

**Plan No:** W-10-1894

**Issued To:**

NAIK RAJAN S  
 6510 Chesterfield Ave  
 Mclean, Va 22101  
 (703) -

**Contractor:**

APEX CUSTOM HOMES LLC  
 29 North King St  
 Leesburg, Va 20176-0000  
 (703) 669-2620

**Mechanic's Lien Agent:** None Designated

**Structure:** SINGLE FAMILY DWELLING  
**GROUP:** U

**Code:** (USBC 2006) : IRC 2006  
**Type of Construction:** VB

HAS PERMISSION, ACCORDING TO APPROVED PLANS, APPLICATION AND RESTRICTIONS OF RECORD TO: BUILD INGROUND GUNITE POOL WITH DECKING AND SPA

### Gunite Pool

### Site Related Approval Conditions and Alerts

- Hydrostatic Pressure Release Valve required.
- **Responsible Land Disturber:** NA
- Swimming Pool Wall must be backfilled with non-expansive material. In lieu of such material, an engineered design of pool walls must be provided.
- **Responsible Land Disturber:** NA
- Total earth disturbance on this lot shall not exceed 2500 sq. ft. - Earth disturbance in excess of 2500 shall constitute a violation and require the submission of a grading plan.
- **Responsible Land Disturber:** NA
- Physical demarcation of the limits of disturbance prior to commencing construction, through the use of silt fence, snow fence, tree protection or a comparable material is required.
- **Responsible Land Disturber:** NA

**100820192**

041-1-05-0018

**Note to Property Owner:** In accordance with Chapter 102 of the Code of the County of Fairfax, the property address must be displayed on the property in such a manner as to be visible from the public right of way. A copy of the building permit shall be posted on the construction site for public inspection until the work is completed.

Prior to beginning construction, contact your Homeowners' Association regarding any restrictive covenants governing property improvements. Sometimes, covenants may be more restrictive than the Fairfax County Code. Furthermore, requirements of covenants are not addressed by the issuance of your building permit.

The permittee is required to notify all utilities before commencing any underground construction and must receive the proper clearances from the utilities as prescribed in the Code of the County of Fairfax. (Miss Utility - 1-800-257-7777)

**BUILDING OFFICIAL**



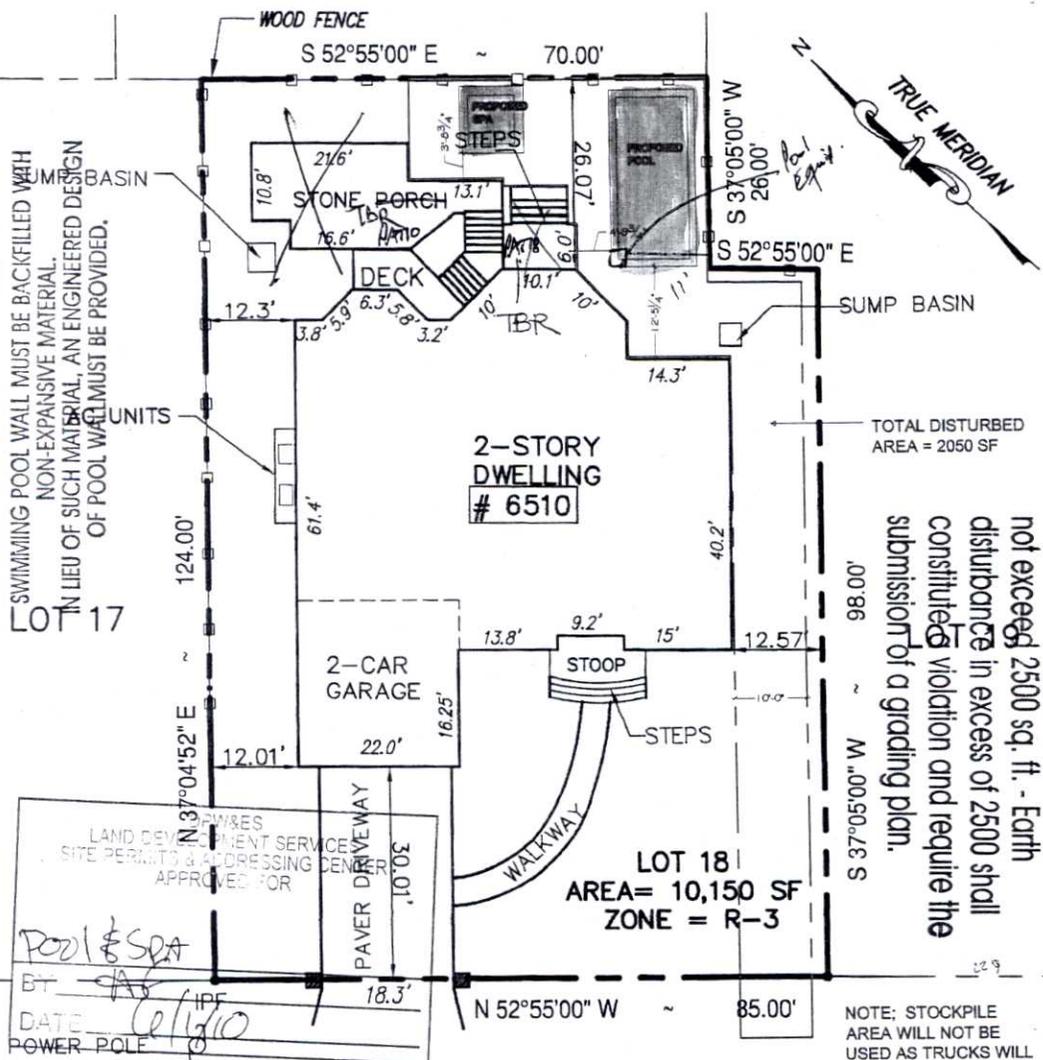
To Schedule an Inspection:

Internet - [www.fairfaxcounty.gov/fido](http://www.fairfaxcounty.gov/fido)  
 Call Center - 703-222-0455

AIRS - 703-222-2474  
 TTY, VA Relay - 711

P  
E  
R  
M  
I  
T

LOT 4



Total earth disturbance on this lot shall not exceed 2500 sq. ft. - Earth disturbance in excess of 2500 shall constitute a violation and require the submission of a grading plan.

NOTE: STOCKPILE AREA WILL NOT BE USED AS TRUCKS WILL BE LOADED AS SOIL IS EXCAVATED.

LOT 18  
AREA = 10,150 SF  
ZONE = R-3

CHESTERFIELD AVENUE

Physical demarcation of the boundary disturbance prior to commencing construction, through the use of silt fence, snow fence, tree protection or a comparable material is required.

HYDROSTATIC PRESSURE RELEASE VALVE REQUIRED

NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. THE COUNTY RECORDED TAX MAP # 41-1-((05))-18.
3. THE BOUNDARY INFORMATION SHOWN HEREON IS FROM RECORD AND DOES NOT CONSTITUTE A BOUNDARY BY THIS INDIVIDUAL.
4. THE HOUSE LOCATION SURVEY IS A RESULT OF FIELD RUN SURVEY BY USING TOTAL STATION (EDM).
5. FENCE LOCATIONS ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP. THIS PLAT IS NOT INTENDED FOR THE CONSTRUCTION OF FENCES AND STRUCTURES.



HOUSE LOCATION

LOT 18, SECTION 1  
CHESTERFIELD GARDENS  
DRAINSVILLE DISTRICT  
6510 CHESTERFIELD AVENUE  
FAIRFAX COUNTY, VIRGINIA

PREPARED BY

APPROVED BY: *[Signature]*  
GeoEnv Engineers  
Civil, Environmental & Geotechnical Engineering  
10875 Main Street, Suite 213  
Fairfax, VA 22030  
Phone: 703.591.7170  
Fax: 703.591.7074

SCALE: 1"=20'  
DATE: APRIL 11, 2010

# BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT  
 PERMIT APPLICATION CENTER  
 12055 Government Center Parkway, 2nd Floor  
 Fairfax, Virginia 22035-5504  
 Telephone: 703-222-0801  
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 100820192  
 FOR INSPECTIONS CALL 703-222-0455 (see back for more information)  
 OR VISIT US ON THE WEB AT  
[http://www.fairfaxcounty.gov/isisnet/inspection\\_sched.asp](http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY  
 PLAN # 100820192  
 TAX MAP # CALL 05 0018

ROUTING	DATE	APPROVED BY
LICENSING	5-27-10	[Signature]
ZONING	6-1-10	[Signature]
SITE PERMITS	6-1-10	[Signature]
HEALTH DEPT		
BUILDING REVIEW	6-1-10	[Signature]
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$  
 FILING FEE \$  
 AMOUNT DUE = \$ 1650.00

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

APPROVED FOR ISSUANCE OF BUILDING PERMIT  
 (LOG OUT)  
 BY [Signature] DATE 6/1/10

ZONING REVIEW  
 USE SFD  
 ZONING DISTRICT R-3 HISTORICAL DISTRICT  
 ZONING CASE #

GROSS FLOOR AREA OF TENANT SPACE  
 YARDS: GARAGE 1  2  3   
 FRONT OPTIONS YES  NO   
 FRONT REMARKS build in ground  
 L SIDE gunite pool with  
 R SIDE spa  
 REAR 12x23=276 sq ft 8.5x0.5=

REMARKS pool + spa take up less than 30% of min. req rear  
Public water & Public Sewerage  
protegit.  
Alt 1750 sq ft x .3 = 525 sq ft  
pool + spa = 348.25  
348.25  
 [Signature]  
 Brandy Dyer

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

JOB LOCATION  
 ADDRESS 16510 Chesterfield Ave  
 LOT # 18 BUILDING  
 FLOOR SUITE  
 SUBDIVISION Chesterbrook Gardens  
 TENANT'S NAME Sec. 1  
 EMAIL  
 CONTACT ID

OWNER INFORMATION OWNER  TENANT   
 NAME Sridevi Sarma & Rajan Nik  
 ADDRESS 16510 Chesterfield Avenue  
 CITY McLean STATE VA ZIP 22101  
 TELEPHONE  
 EMAIL  
 CONTACT ID

CONTRACTOR INFORMATION SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME Apex Custom Homes LLC  
 ADDRESS 29 North King St  
 CITY Leesburg STATE VA ZIP 20178  
 TELEPHONE 703-666-9-2100  
 EMAIL  
 STATE CONTRACTORS LICENSE # 2705 091827A  
 COUNTY BPOL #  
 CONTACT ID 320155

APPLICANT  
 NAME Brandy Dyer  
 ADDRESS 10274 Bevetkye Mill Rd  
 CITY Brand Rv STATE VA ZIP 20137  
 TELEPHONE 540-349-2717  
 EMAIL  
 CONTACT ID AC3077034

DESCRIPTION OF WORK Build  
Gunite Pool w/Decking &  
Spa  
In ground

HOUSE TYPE 9FD  
 ESTIMATED COST OF CONSTRUCTION \$40,000  
 USE GROUP OF BUILDING  
 TYPE OF CONSTRUCTION

DESIGNATED MECHANICS' LIEN AGENT  
 (Residential Construction Only)  
 NAME  
 ADDRESS  
 NONE DESIGNATED  PHONE

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

[Signature] 3-19-2010  
 Signature of Owner or Agent Date  
Brandy Dyer, AA  
 Printed Name and Title  
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

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



# County of Fairfax, Virginia

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

## NOTICE OF VIOLATION

**DATE OF ISSUANCE:** July 19, 2010

**SHERIFF'S LETTER**

**CASE #:** 201004137 **SR#:** 62567

**SERVE:** Rajan S. Naik  
 Sridevi V. Nsarma  
 6510 Chesterfield Avenue  
 McLean, Virginia 22101

**LOCATION OF VIOLATION** 6510 Chesterfield Avenue  
 McLean, Virginia 22101-5229  
 Tax Map #: 41-1 ((5)) 18  
 Chesterbrook Gardens, Sec.1, Lot 18  
 Zoning District: R-3

Dear Property Owners:

A zoning inspection conducted, on July 16, 2010, revealed that over approximately eighty-two (82) percent of the minimum required rear yard has been covered on the above referenced property. The minimum required rear yard has been covered with a pool, spa and flagstone patio. The required minimum rear yard requirement for a lot in the R-3 District is twenty-five (25) feet.

Pools, spas and flagstone patios are permitted accessory uses in the R-3 District, subject to limitations detailed in Par. 3 of Sect. 10-103 of the Fairfax County Zoning Ordinance, which state respectively that:

All uses and accessory structures to single family detached dwellings, to include those extensions permitted by Sect. 2-412, shall cover no more than thirty (30) percent of the area of the minimum required rear yard.

**Department of Code Compliance**  
 12055 Government Center Parkway, Suite 1016  
 Fairfax, Virginia 22035-5508  
 Phone 703-324-1300 FAX 703-324-9346  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)

Rajan S. Naik  
Sridevi V. Nsarma  
July 19, 2010  
Page 2

Since, the pool, spa and flagstone patio encompasses approximately eighty-two (82) percent of the required minimum rear yard of this lot, it is in violation of Par. 6 of Sec. 2-302 of the Zoning Ordinance that states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered, or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

You are, hereby, directed to clear these violations within thirty (30) thirty days of receipt of this Notice. Compliance can be accomplished by the following:

- Reduce the amount of coverage of the required minimum rear yard to comply with the provisions of Par. 3 of Sect. 10-103 as detailed above.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party, and any other information you may wish to submit and a \$2455.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

A follow-up inspection will be made at the expiration of this time period. Failure to comply, with the Notice, shall result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-9327 or (703) 324-1300.

Sincerely,



Michael P. Caudle  
Property Maintenance\Zoning Enforcement Inspector

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

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

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

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

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

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

8-914

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

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

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

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

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

**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.