



**APPLICATION ACCEPTED:** May 24, 2011  
**DATE OF PUBLIC HEARING:** August 3, 2011  
**TIME:** 9:00 a.m.

## County of Fairfax, Virginia

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July 27, 2011

### STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SPA 2008-MA-072**

### MASON DISTRICT

**APPLICANTS & OWNERS:** Alfredo and Mary Aunon

**LOCATION:** 6384 Lakeview Drive

**SUBDIVISION:** Lake Barcroft

**ZONING DISTRICT:** R-2

**ZONING ORDINANCE PROVISION:** 8-922

**TAX MAP:** 61-3 ((14)) 135

**LOT SIZE:** 11,200 square feet

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an addition 9 feet from a side lot line and 32.75 feet from the front lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SPA 2008-MA-072 for an addition with the adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with provisions of any applicable ordinances, regulations, or adopted standards.

O:\kgodda\SPA\Alfredo and Mary Aunon\Staff reports\cover.doc

Kelli Goddard-Sobers

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

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



It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

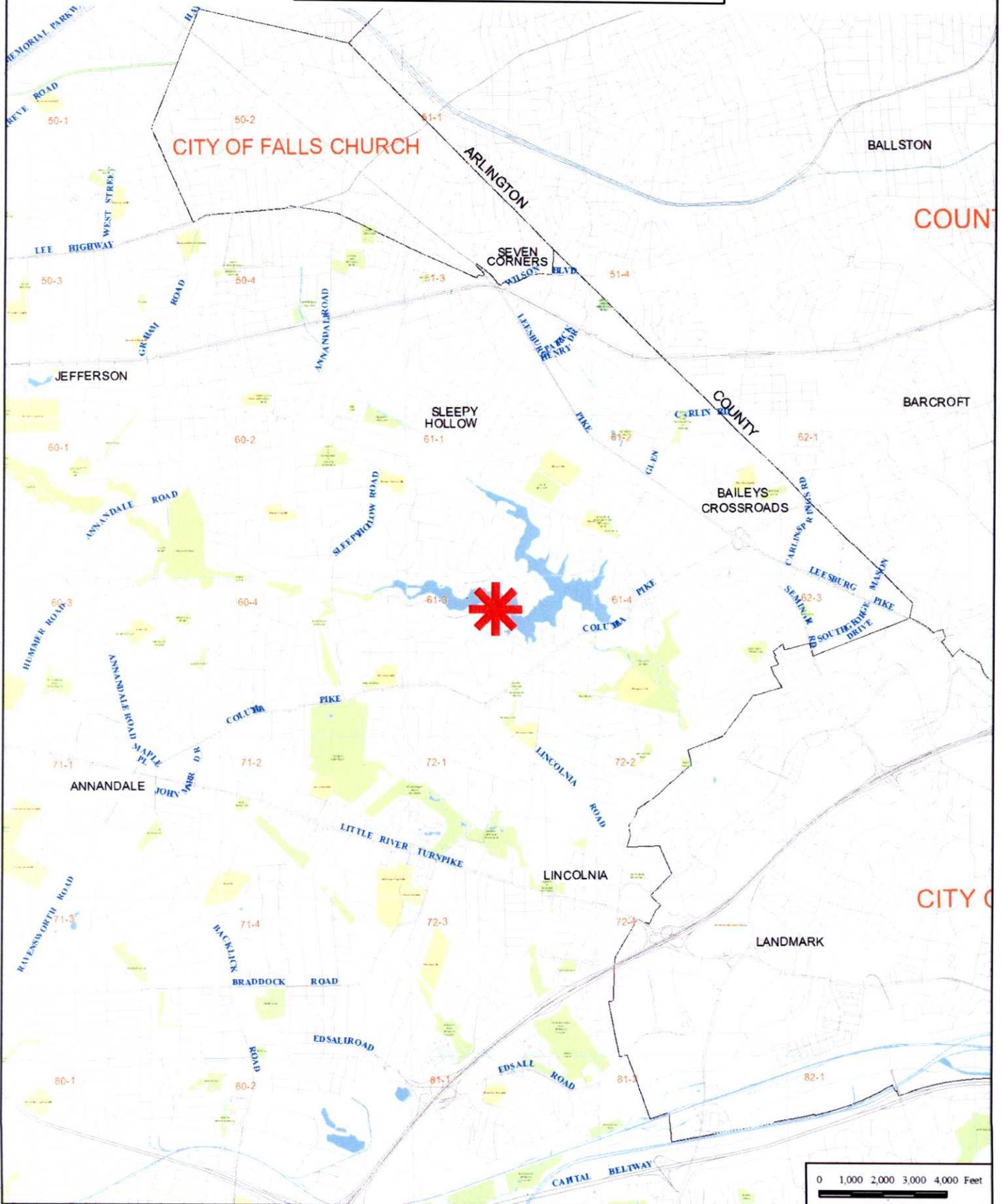
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



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

# Special Permit Amendment

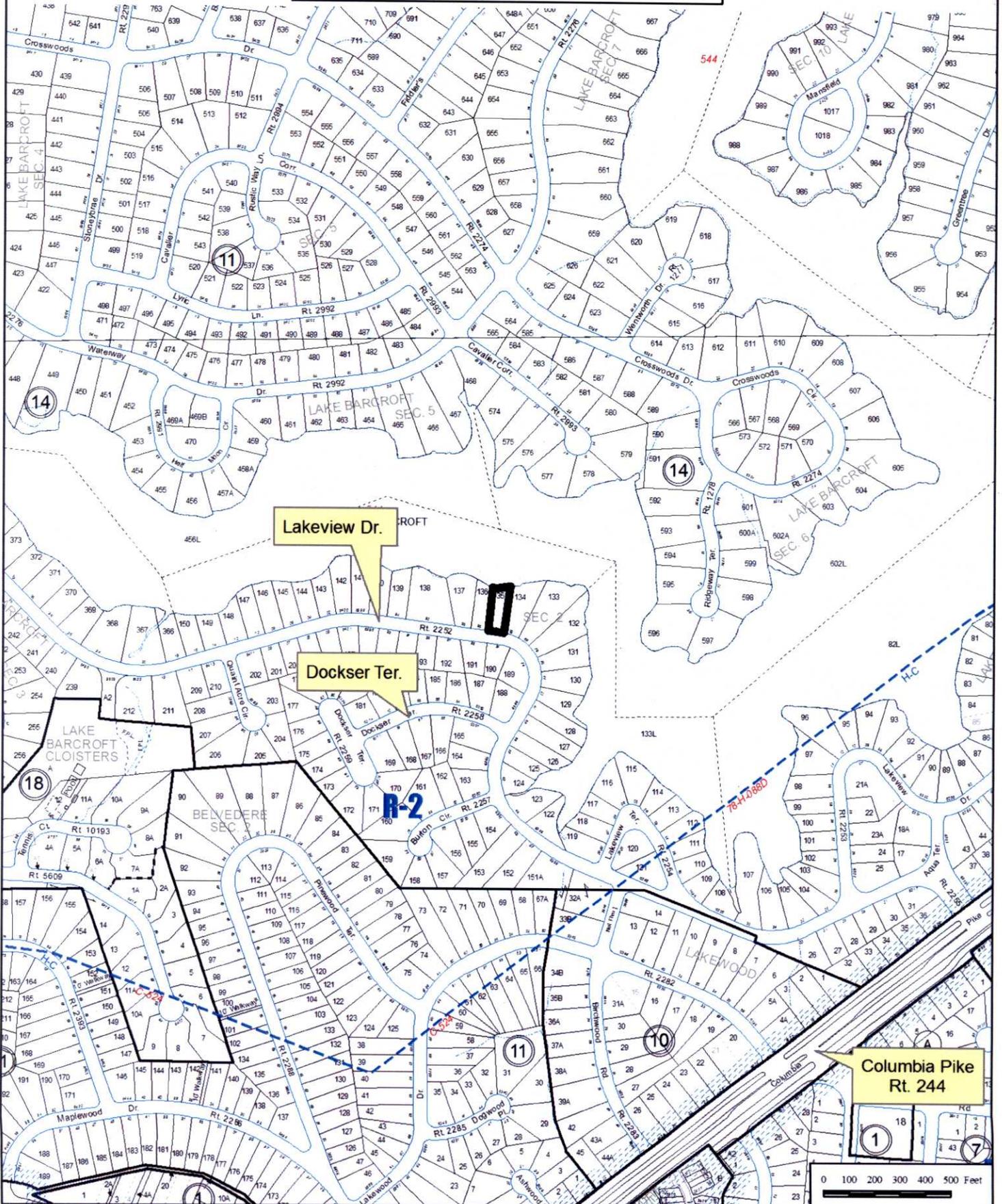
SPA 2008-MA-072  
ALFREDO & MARY AUNON



# Special Permit Amendment

SPA 2008-MA-072

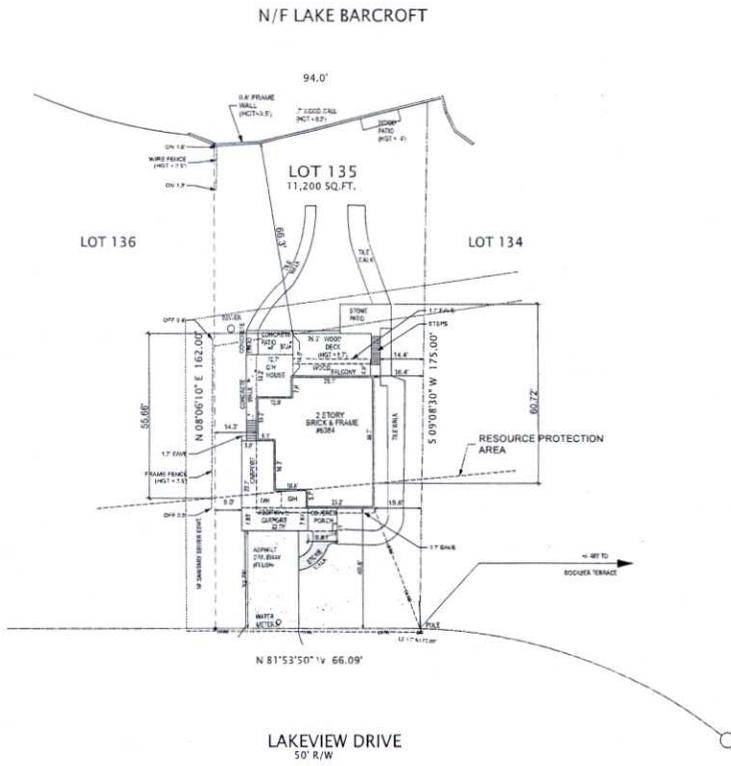
ALFREDO & MARY AUNON





**NOTES**

1. TAX MAP: 061-3-14-135
2. ZONE: R-2
3. LOT AREA: 11,200 SF  
 EXIST GROUND FL OF HOUSE 1,999 SF  
 PROPOSED CARPORT ADDITION 177 SF  
 TOTAL SF 2,176 SF  
 % OF LOT COVERAGE 19.4%
4. REQUIRED YARDS:  
 FRONT = 35 FEET  
 SIDE = 15 FEET  
 REAR = 25 FEET
5. HEIGHTS:  
 DWELLING = 27 FEET  
 ENCLOSED CARPORT = 9.25 FEET  
 PATIOS & WALKS = 0 TO 0.4 FEET  
 FENCES = AS NOTED  
 WALLS = AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. FENCES ARE FRAME AND WIRE UNLESS OTHERWISE NOTED.
9. PER FAIRFAX COUNTY MAPS THERE IS NO FLOODPLAIN ON THIS PROPERTY. THE RESOURCE PROTECTION AREA IS SHOWN HEREON PER THE COUNTY MAP.
10. AREA OF DISTURBANCE = 485 SQUARE FEET (LESS THAN 2,500 SF)
11. EXISTING LANDSCAPING TO REMAIN. NO NEW LANDSCAPING ITEMS WILL BE ADDED.
12. EXISTING GROSS FLOOR AREA  
 2ND FLR 1883 SF  
 1ST FLR 1999 SF  
 BASEMENT 1379 SF  
 GFA (TOTAL) 5261 SF  
 150% x 5261 SF = 7891.5 SF  
 PROPOSED ADDITION = 177 SF  
 177 SF < 7891.5 SF  
 0 SF OF THE PRINCIPAL STRUCTURE IS REMOVED.



**NOTE REGARDING WATER FRONT LOTS**  
 LOT AREAS AND DISTANCES ALONG SIDE AND WATER LINES OF WATER FRONTAGE LOTS ARE APPROXIMATE AND ARE SHOWN FOR GENERAL INFORMATION ONLY. THE ACTUAL LENGTH OF THE SIDE LINES RUNS TO THE ACTUAL LENGTH OF THE WATER LINES RUNS ALONG THE MEANDERS OF THE SHORE LINE OF THE LAKE AS THE SAME IS NOW DEFINED BY A WEIR SURMOUNTING A MASONRY DAM. THE ELEVATION OF TOP OF SAID WEIR BEING APPROXIMATELY 208 FEET ABOVE SEA LEVEL AS SAME WAS ESTABLISHED BY THE U.S.C. & G.S. IN THE EVENT THAT OTHER THAN A TEMPORARY CHANGE IN SHORE LINE IS CAUSED BY A CHANGE IN THE WATER LEVEL OF THE LAKE DUE TO ARTIFICIAL MEANS, THEN THE SIDE LINE DISTANCES AND DISTANCES ALONG WATER LINES SHALL AUTOMATICALLY BECOME ADJUSTED TO CONFORM TO THE NEW SHORE LINE.

**NOTE:**  
 THIS SPECIAL PERMIT PLAT IS BASED ON HOUSE LOCATION SURVEY PERFORMED BY:  
 SAM WHITSON L.S./LAND SURVEYING,  
 7061 GATEWAY COURT, SUITE 150  
 MANASSAS, VIRGINIA 20109  
 703-330-9622  
 THE SURVEY WAS STAMPED AND SIGNED ON 6/13/2010  
 BY L.S. WHITSON, NO. 1784

**NOTES**  
 1. NO PROPERTY MONUMENTS SET. REFER TO TITLE 54.1-407 OF THE CODE OF VIRGINIA.  
 2. THIS SURVEY WAS ESTABLISHED BY AN ELECTRONIC TOTAL STATION AND TAPE UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS.  
 3. THIS IS NOT A BOUNDARY SURVEY. PROPERTY CORNER MONUMENTS ARE NOT GUARANTEED. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS (IF ANY) OR OTHER CIRCUMSTANCES AFFECTING TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AN INSTRUMENT OF CONSTRUCTION OF FENCES AND THE DESIGN OR CONSTRUCTION OF ANY OTHER IMPROVEMENTS.

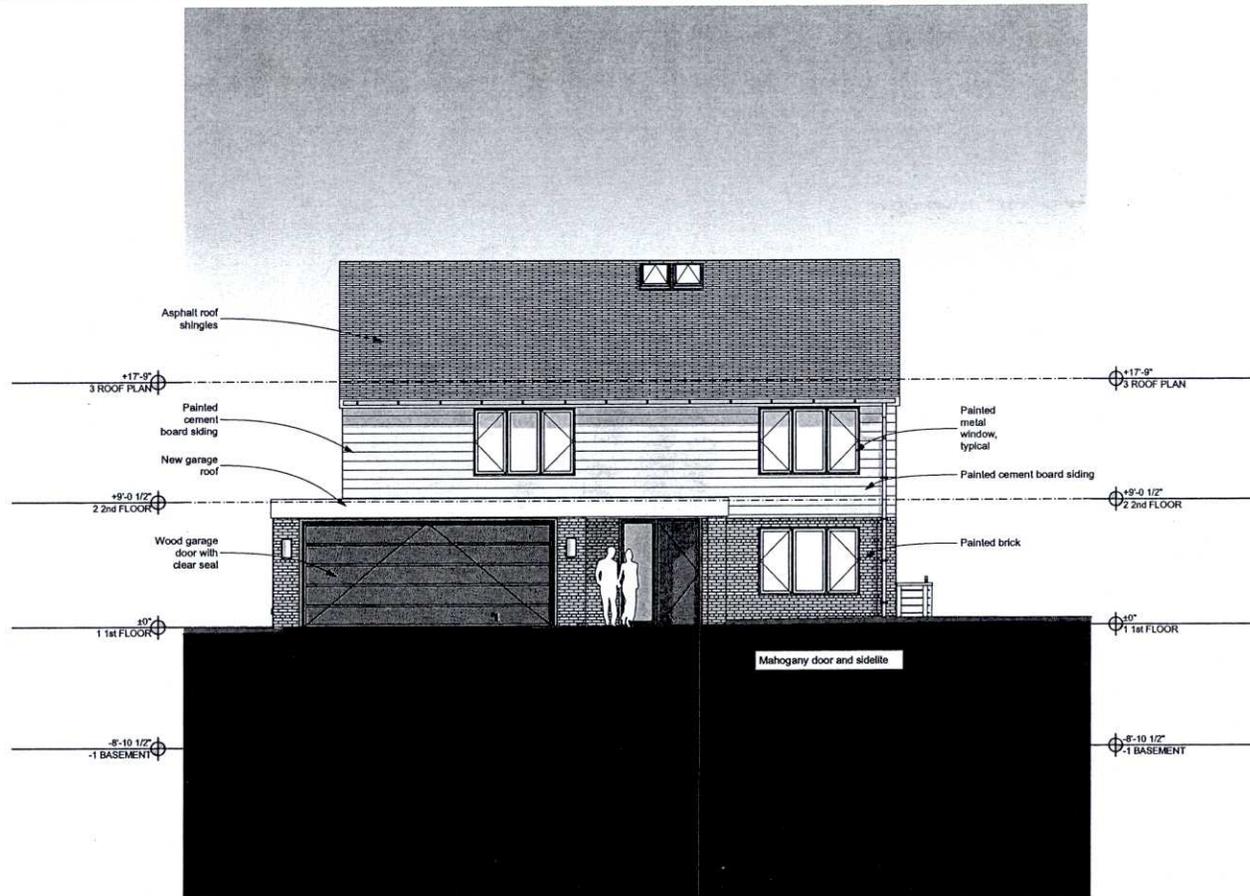
LEGEND	
C/W = CONC WALK	B/W = BAY WINDOW
C/S = CONC STOOP	DHW = OVERHEAD WIRE
CHIM = CHIMNEY	○ = IRON PIPE FOUND
O.H. = OVERHANG	— = FENCE

**OWNER:**  
 ALFREDO & MARY AUNON  
 6364 LAKEVIEW DRIVE  
 FALLS CHURCH, VA 22401

**ARCHITECT:**  
 SANTOS ARCHITECTURE, P.C.  
 4660 NORTH 24TH STREET  
 ARLINGTON, VA 22207

**SPECIAL PERMIT PLAT**  
 LOT 135 SECTION TWO  
 LAKE BARCROFT  
 DEED BOOK 808 PAGE 110  
 FAIRFAX COUNTY, VIRGINIA  
 DATE: MAY 5, 2011  
 SCALE: 1" = 30'

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1 South Elevation  
 SCALE 1/4" = 1'-0"

**santos ARCHITECTURE**  
 4660 North 24th Street  
 Arlington, VA 22207  
 www.santosarchitecture.com  
 ramon@santosarchitecture.com  
 571-212-0973

**GN Contracting**  
 6436 Lakeview Drive  
 Falls Church, VA 22041  
 703-642-6362

CONSULTANTS


**Garage Addition**  
 6384 Lakeview Drive  
 Falls Church, Virginia 22041

Alfredo & Mary Aunon

MARK	DATE	DESCRIPTION

PROJECT NO:	
MODEL FILE:	
DRAWN BY:	
CHKD BY:	
COPYRIGHT	

SHEET TITLE  
 South Elevation

**A-903**  
 SHEET 39 OF 40

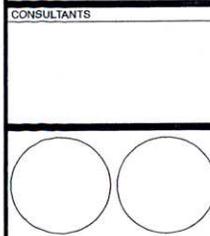
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1 West Elevation  
SCALE: 1/4" = 1'-0"

**santos ARCHITECTURE**  
4660 North 24th Street  
Arlington, VA 22207  
www.santosarchitecture.com  
ramon@santosarchitecture.com  
571-212-0973

**GN Contracting**  
6384 Lakeview Drive  
Falls Church, VA 22041  
783-442-4262



**Garage Addition**  
6384 Lakeview Drive  
Falls Church, Virginia 22401

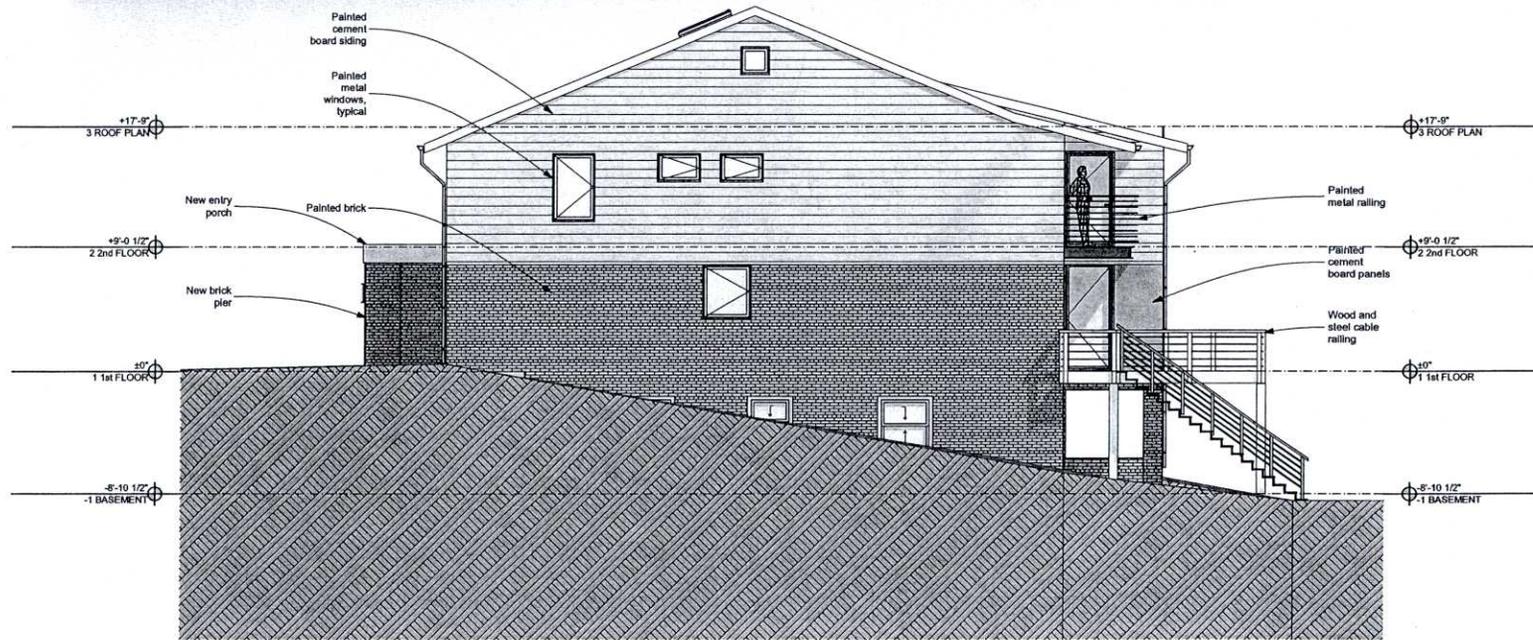
Alfredo & Mary Aunon

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SHEET TITLE  
West Elevation

**A-904**  
SHEET 40 OF 40

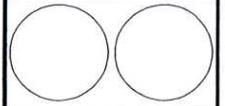


1 East Elevation  
SCALE: 1/4" = 1'-0"

santos ARCHITECTURE  
4660 North 24th Street  
Arlington, VA 22207  
www.santosarchitecture.com  
ramon@santosarchitecture.com  
571-212-0973

GN Contracting  
6438 Lakeview Drive  
Falls Church, VA 22041  
703-642-6262

CONSULTANTS



Garage Addition  
6384 Lakeview Drive  
Falls Church, Virginia 22041

Alfredo & Mary Aunon

MARK	DATE	DESCRIPTION

PROJECT NO:  
MODEL FILE:  
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CHKD BY:  
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SHEET TITLE

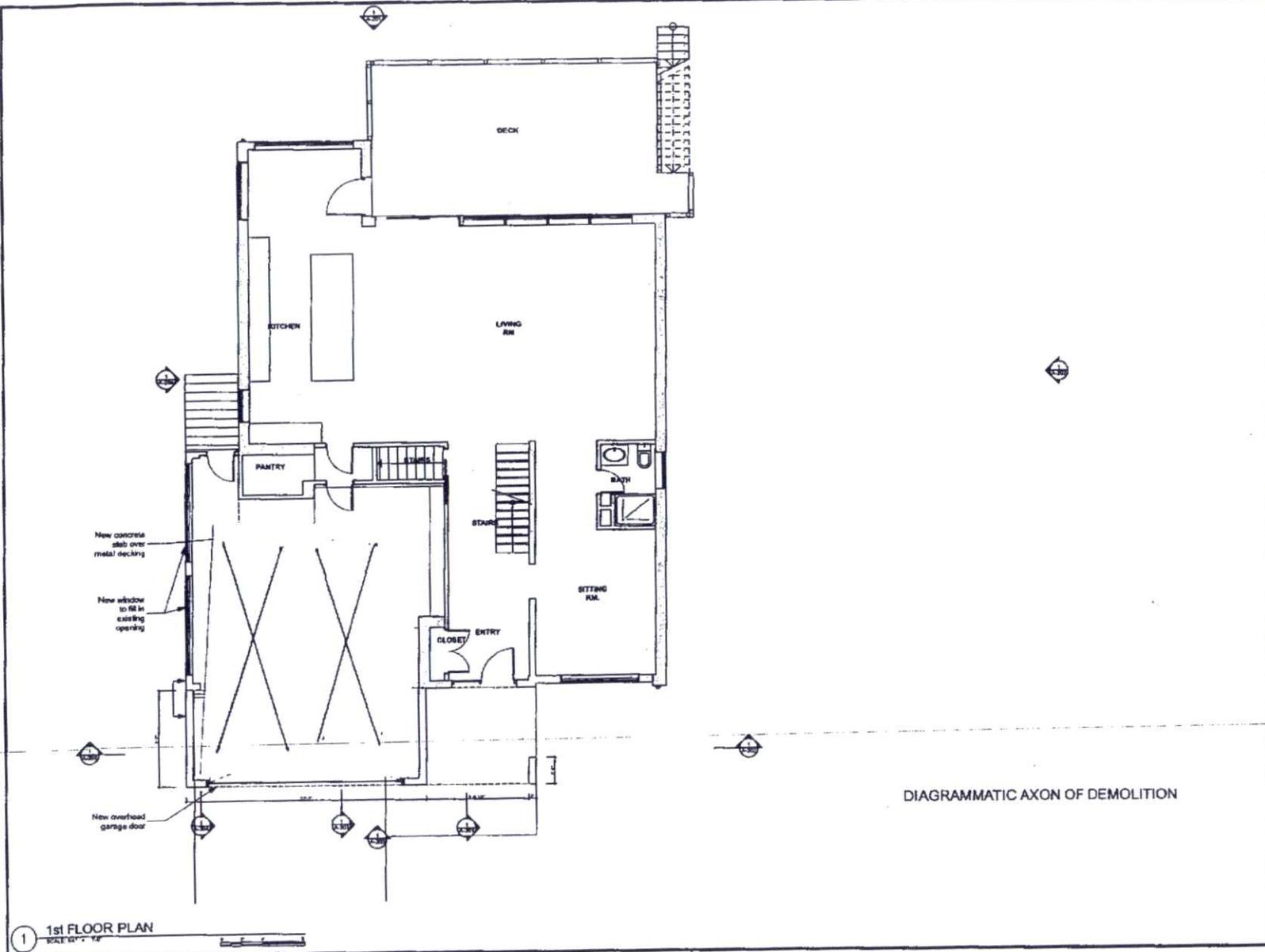
East Elevation

A-902

SHEET 38 OF 40



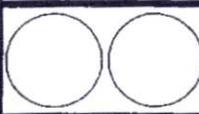
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1st FLOOR PLAN

SANTOS ARCHITECTURE  
 4682 North 24th Street  
 Arlington, VA 22207  
 871-312-0873

CONSULTANTS



Garage Addition  
 6184 Lakeview Drive  
 Falls Church, Virginia 22041

Mr. Aunon

MARK	DATE	DESCRIPTION

PROJECT NO:  
 SHEET FILE:  
 DRAWN BY:  
 CHECK BY:  
 COPYRIGHT:

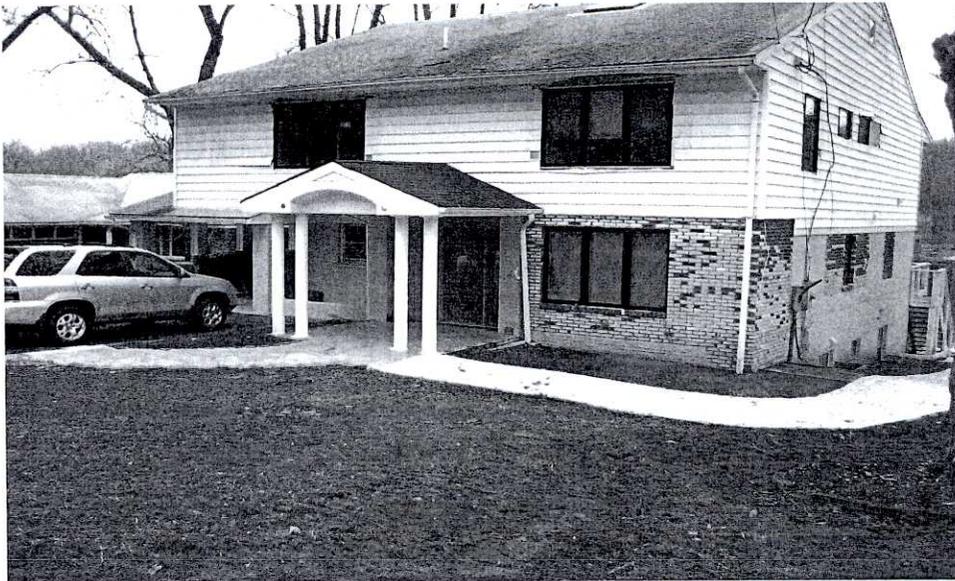
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 1st FLOOR PLAN

A-102

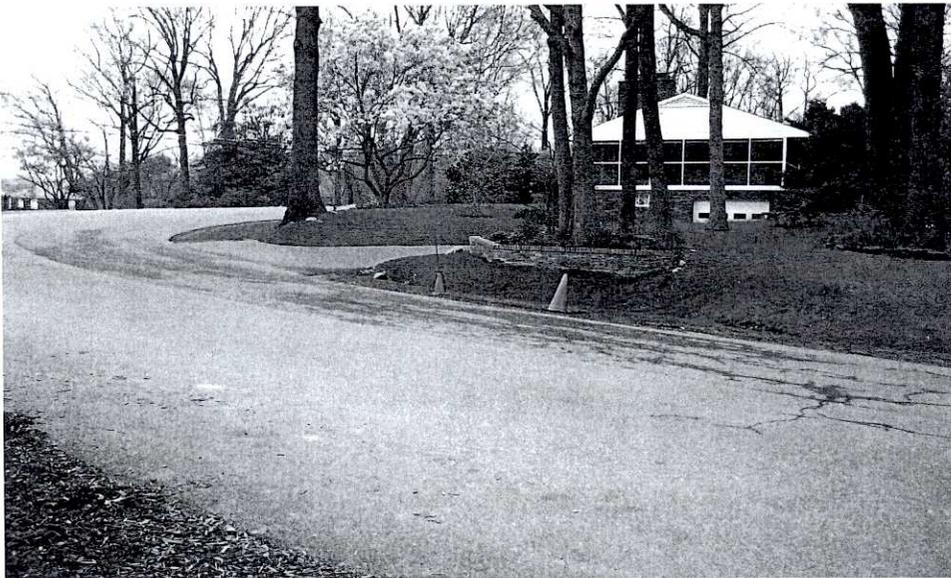
SHEET 5 OF 35

## Photographs of the Application Property and Abutting Properties

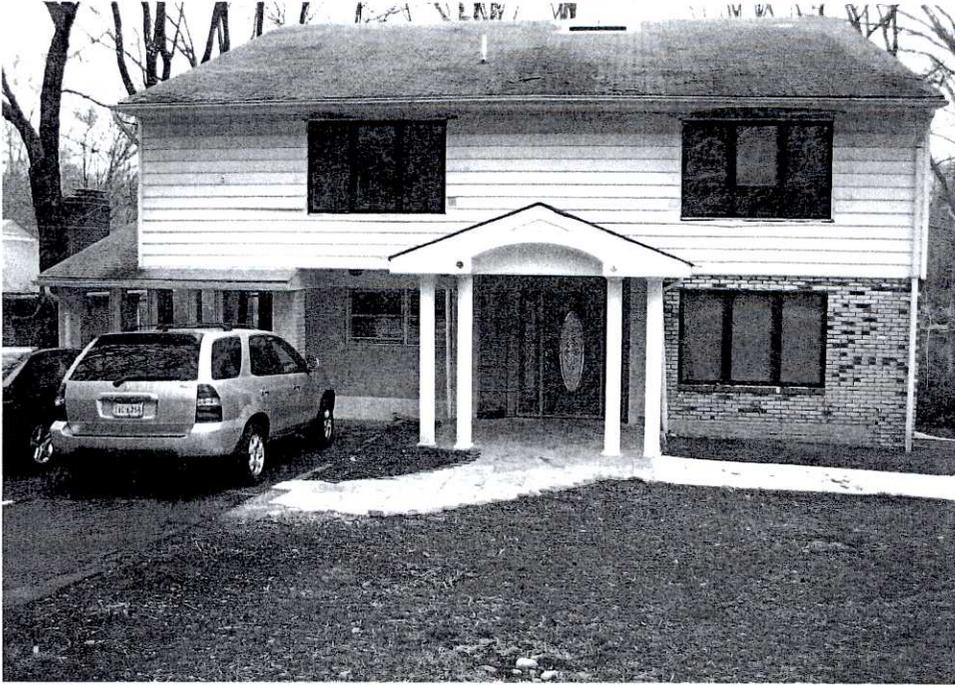
### Application Property



(A) – Front right view of property



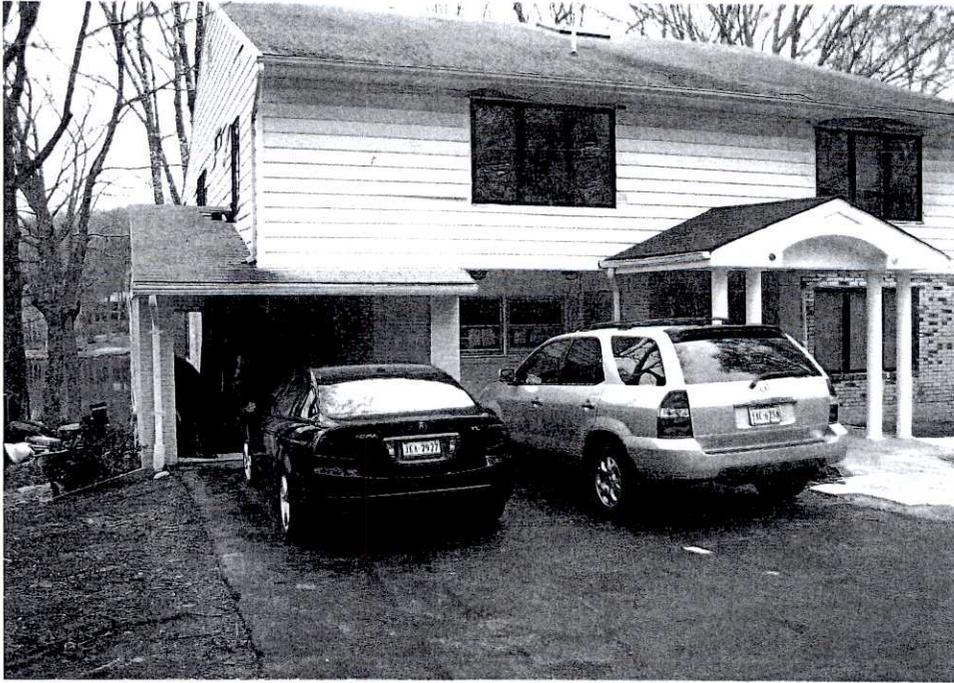
(B) – Front right view of property looking away from house



(C) - Front view of property



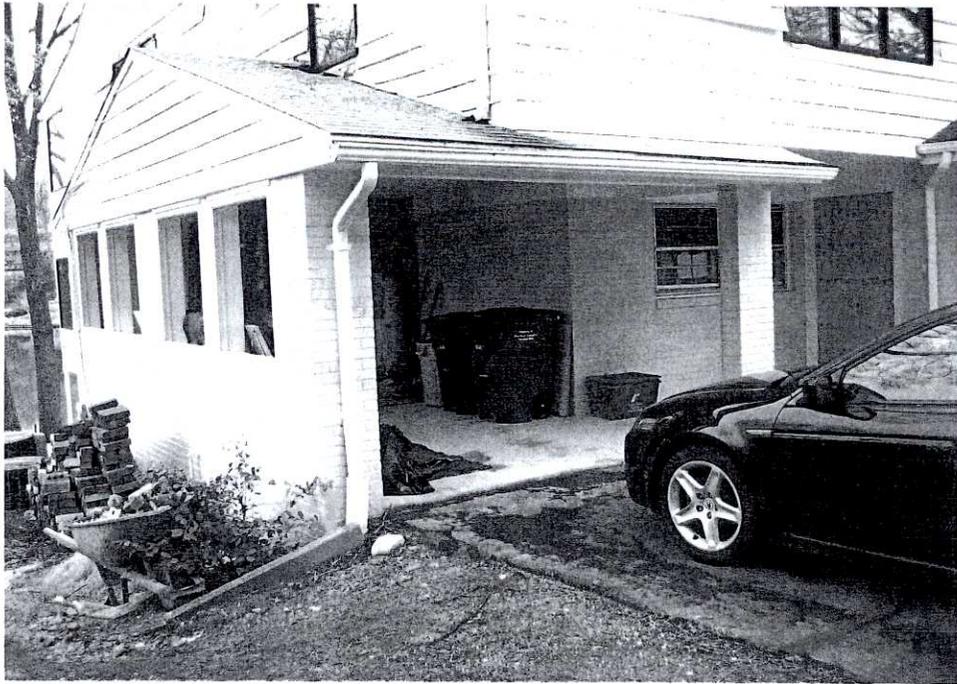
(D) - Front view of property looking away



(E) – Front left view of property



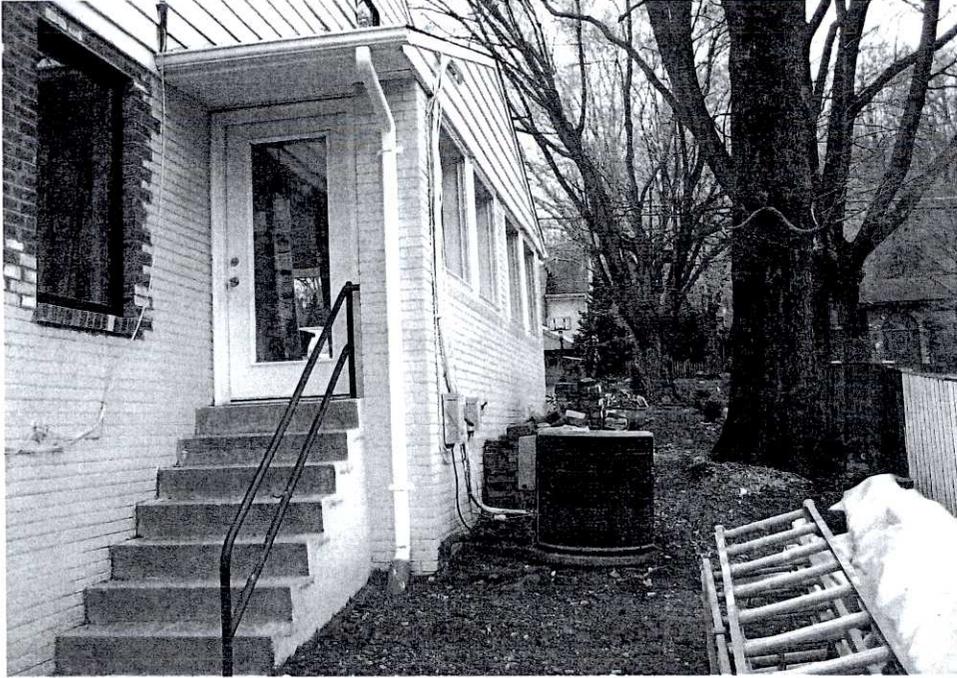
(F) – Front left view of property looking away



(G) - Front left side of view of property



(H) - Front left side view of property looking away



(I) - Back right side view of property



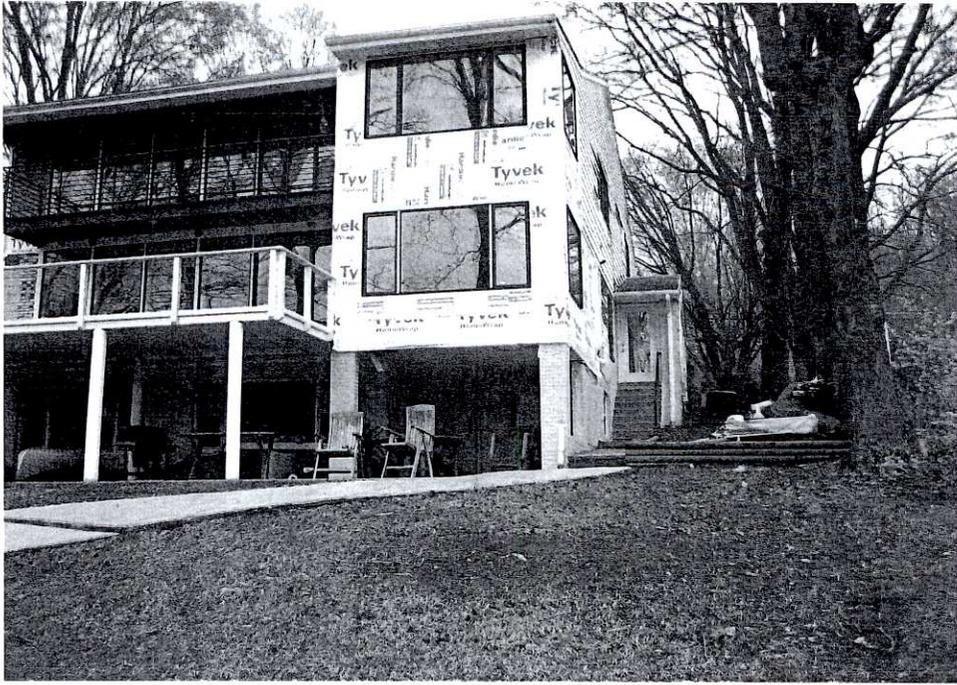
(J) - Back right side view of property looking away



(K) - Back right side of property looking to adjacent yard



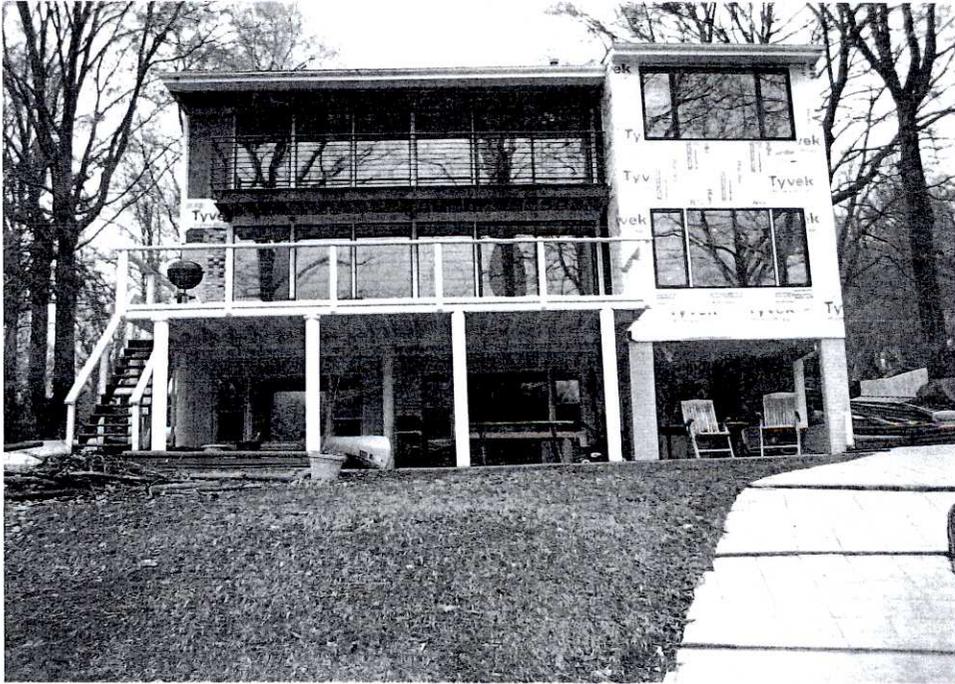
(L) - Back left side of property looking to adjacent yard



(M) – Back right view of property



(N) – Back right view of property looking away



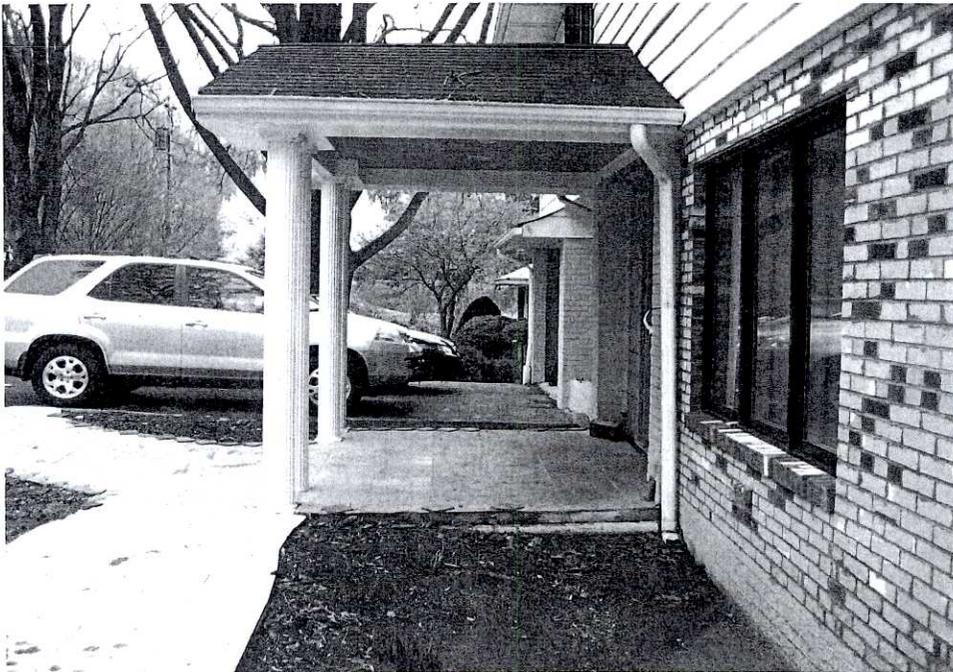
(O) – Back side view of property



(P) – Back side view of property looking away



(Q) – Back right side view of property

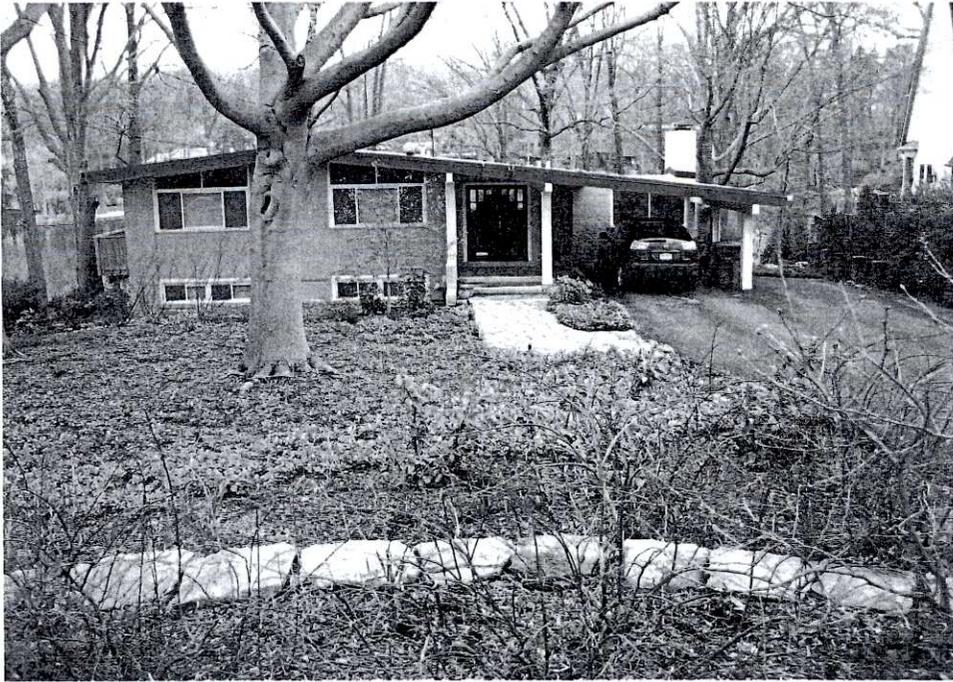


(R) – Right side view of property



(S) - Right side view of property looking away

## Abutting Properties



(T) - Property to right side of application home



(U) - Property to right side of application home



(V) – Property to left side of application home



(W) – Property across street from application home



(X) - Property across street from application home



**DESCRIPTION OF THE APPLICATION**

The applicants are requesting approval of a special permit amendment to allow a reduction of certain yard requirements to permit a garage addition to be located 32.75 feet from the front lot line and nine feet from the western side lot line.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Side (west)	15 feet	9 feet	6 feet	40%
		Front	35 feet	32.75 feet	2.25 feet	6.4%

\* Minimum yard requirement per Section 3-207.

**EXISTING SITE DESCRIPTION**

The site is currently zoned R-2, and is developed with a two-story brick and vinyl siding single family detached dwelling, with basement, built in 1955. The property is accessed from Lakeview Drive by an asphalt driveway at the front of the site. The property is fairly flat at the front of the site, slopes slightly to the east and slopes steeply towards the rear of the site. There are several mature trees around the periphery of the property and open space at the rear which terminates at the edge of a lake owned by the Lake Barcroft Estates.

**CHARACTER OF THE AREA**

	Zoning	Use
North	R-2	Lake Barcroft Estates - Lake
South	R-2	Single Family Detached Dwellings
East	R-2	Single Family Detached Dwellings
West	R-2	Single Family Detached Dwellings

## BACKGROUND

According to the building permit history and real estate records, in 1955 the existing single family detached home was built with the carport 9.2 feet from the western side lot line. On March 22, 1955, variance #7134 was granted to permit the single family detached dwelling and carport to remain 14.4 inches from the side lot line, as the dwelling had been constructed closer than what was allowed by the Zoning Ordinance. A copy of the minutes for this variance approval is contained in Appendix 4.

On September 30, 2008, the Board of Zoning Appeals (BZA) approved SP 2008-MA-072 to permit a reduction to minimum yard requirements based on error in building location to permit the enclosed carport to remain 9.2 feet from the side lot line. A copy of the resolution and the approved special permit plat are included as Appendix 5.

According to the outline of the property's history in the staff report for SP 2008-MA-072, around 1984 a second story was added to the principle structure. Apparently, because the carport was set into the house, a knee wall and more support columns were needed to support the second story. As a result, those modifications were added and subsequently, windows and a door were added.

On August 12, 2008, a 0.7 foot administrative reduction in the minimum required side yard was granted by the Zoning Permit Review Branch, DPZ, as the special permit plat for SP 2008-MA-072 depicted the dwelling to be 14.3 feet from the western side lot line. Subsequently, on September 22, 2008, a 3.4 foot administrative reduction in the minimum required front yard was granted as the plat also depicted the front covered stoop to be 31.6 feet to the front lot line.

There is no record of when the existing deck (depicted on the special permit plat on the rear of the existing dwelling) was constructed since there are no building permits on file. The deck is 14.4 feet from the eastern side lot line and was also in need of an administrative reduction for an error in building location less than ten percent. However, since the structure was constructed within a sanitary sewer easement, the administrative reduction request was denied by the Zoning Administration Division. SP 2008-MZ-072 conditioned that the deck must be brought into compliance with the Zoning Ordinance.

Subsequently, on November 7, 2008, it was determined by the Fairfax County Facilities Management Department, that in the event of excavation, the County's maintenance personnel could most likely obtain access to the sanitary sewer pipe within the easement without requiring the removal or alteration of the steps or overhanging deck. It was stated that in the event there is damage to the steps or deck due to maintenance activities, absent gross negligence, the County would not be liable for such damages. It was also stated, that if maintenance of the sewer line cannot be performed without the removal of the steps and/or deck from the easement area, the removal would have to be done at the owner's expense (see Appendix 6).

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

- Variance VC 87-M-116 was approved on November 13, 1987 for Tax Map 61-3 ((14)) 23A, zoned R-2, at 6321 Lakeview Drive, to permit construction of addition to dwelling 10 feet from a side lot line.
- Variance VC 88-M-097 was approved on August 5, 1988 for Tax Map 61-3 ((14)) 57, zoned R-2, at 6209 Lakeview Drive, to permit construction of addition to dwelling 13 feet from side lot line and 30 feet from front lot line.
- Variance VC 93-M-120 was approved on January 12, 1994 for Tax Map 61-4 ((2)) 807, zoned R-2, at 3615 Boat Dock Drive, to permit construction of addition 17.7 feet from rear lot line and 6.1 feet from side lot line.
- Variance VC 94-M-155 was approved on March 8, 1995 for Tax Map 61-3 ((14)) 71, zoned R-2, at 6222 Lakeview Drive, to permit construction of addition 5.9 feet from a side lot line.
- Variance VC 98-M-041 was approved on June 3, 1998 for Tax Map 61-3 ((14)) 105, zoned R-2, at 6332 Lakeview Drive, to permit construction of garage addition 5.0 feet from a side lot line and 20.0 feet from front lot line and addition 19.1 feet from front lot line.
- Variance VC 2002-MA-120 was denied on November 6, 2002 for Tax Map 61-3 ((14)) 25, zoned R-2, at 6327 Lakeview Drive, to permit construction of additions 4.0 feet from side lot line and 27.0 feet from front lot line of a corner lot and deck 12.0 feet from side lot line.
- Variance VC 2003-MA-090 was approved on August 6, 2003 for Tax Map 61-4 ((2)) 804, zoned R-2, at 3534 Pinetree Terrace, to permit construction of addition 13.4 feet with eave 11.2 feet from side lot line and fences greater than 4.0 feet in height to remain in front yard.
- Special Permit SP 2009-MA-028 was approved on July 14, 2009 for Tax Map 61-3 ((14)) 22, zoned R-2, at 6319 Lakeview Drive, to permit reduction of certain yard requirements to permit construction of addition 12.6 feet and 14.5 feet from side lot lines and 12.5 feet and 13.1 feet from rear lot line.
- Special Permit SP 2011-MA-021 was approved on May 25, 2011 for Tax Map 61-3 ((14)) 61, zoned R-2 and HC, at 6201 Lakeview Drive, to permit construction of addition 12 feet from side lot line.

**ANALYSIS OF SPECIAL PERMIT APPLICATION**

- Title of SPA Plat: Special Permit Plat Lot 135 Section 2  
Lake Barcroft
- Prepared By: Ramon Santos
- Dated: May 5, 2011 as revised through May 23, 2011

**Proposal:**

The applicant is seeking approval of a reduction to certain yard requirements to permit construction of a garage addition 32.75 feet from the front lot line and 9 feet from the side lot line. The applicant is proposing to enclose the existing one-car carport and convert it into a two-car garage. An interior wall would be removed to provide floor area for the second parking space in the garage. The applicant is also proposing to modify the roof of the existing A-frame portico at the front of the house to a flat roof, to connect to the roof of the garage. The flat roof would extend into the front yard 1.5 feet less than the existing portico.

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

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

The application must meet all of the following standards, copies of which are attached as Appendix 8.

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

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

Staff believes that the application meets all of the eight General Special Permit Standards. Of particular note regarding this application are General Standards 3 and 5.

*General Standard 3* requires that *the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan.* Staff believes by observation of the neighborhood on a site visit and submitted photographs that the existing single family detached dwelling and proposed addition is harmonious with neighboring properties as the majority of the surrounding properties have enclosed garages and the proposed garage is modest. As noted earlier in the report under the background section many of the homes within the subdivision have received approval of variances and special permits for similar additions. *Staff believes that the*

*proposed addition will not adversely affect the use or development of neighboring properties. Therefore, this standard has been met.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions.

Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The total square footage of the existing structure is 5,261 square feet (SF). Therefore 150% of the total gross floor area could result in an addition up to 7,891.5 SF in size for a possible total square footage at build out of 13,152.5 SF. The proposed addition is 177 SF, for a total square footage of the house with the addition of 5,438 SF. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures indicate that the materials, size and scale of the proposed addition will be in character with the existing structure. The applicant is proposing to use the existing carport floor area and some interior floor area to create two parking spaces for the enclosed garage. The garage would extend 7.83 feet into the front yard to provide space to maneuver around the parked vehicles. The roof of the garage would connect to the proposed flat roof covering the front porch. The roof of the porch is being modified to be more in character with the existing dwelling. Additionally, the porch would be 1.5 feet further away from the front lot line than the existing portico. Staff believes the application meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The proposed carport enclosure and modification of the front porch will be harmonious with the neighboring properties, topography and vegetation. The applicant does not propose to remove any existing vegetation to enclose the carport and to modify the existing front porch. There are mature trees within close proximity to the proposed addition along the side of the house which will remain. Staff advises the applicant to install some type of barrier or tree protection devices prior to construction to protect the trees' critical root zones during all construction activities. Staff believes that the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards as the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. There is a Resource Protection Area (RPA) on the property; however, the construction work proposed is outside of the county-mapped RPA. There is also floodplain on the property; however, the work proposed is more than 15 feet away from the floodplain boundary. Staff believes that the enclosure of the carport to the side of the existing dwelling and modification of the roof of the front porch would have very little impact on stormwater runoff, noise, light, air, safety or erosion. Staff believes that the application meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The location of the addition at the side of the dwelling for additional living space is the most appropriate area as it minimizes impact on the surrounding properties and requires the least adaptation to the layout of the current structure. Staff believes that this standard has been met.*

## **CONCLUSION**

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of SPA 2008-MZ-072 subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Variance # 7134 Minutes
5. Approved Development Conditions and Special Permit Plat for SP 2008-MA-072
6. Facilities Management Department Letter
7. Urban Forest Management Division Analysis
8. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****July 27, 2011**

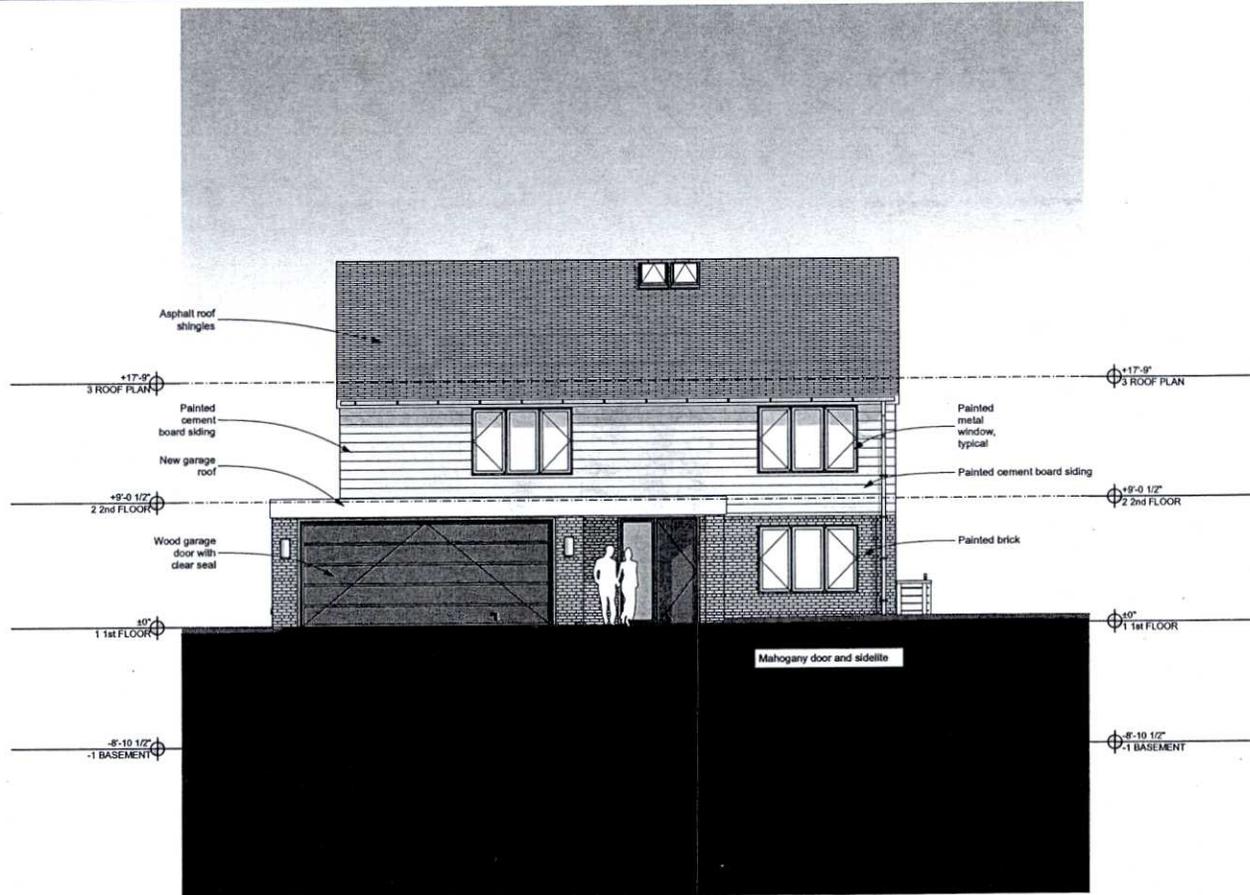
If it is the intent of the Board of Zoning Appeals to approve SPA 2008-MA-072 located at Tax Map 61-3 ((14)) 61 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit amendment is approved for the location and size (approximately 177 square feet) of the proposed addition as shown on the plat prepared by Ramon Santos, dated May 5, 2011 as revised through May 23, 2011, as submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (5,261 square feet existing + 7,891 square feet (150%) = 13,152.50 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit amendment.
4. The addition shall be consistent with the architectural renderings included in Attachment 1 to these conditions.
5. Prior to commencement of and during the entire construction process, the applicant shall designate the area along the south side of the driveway and within six feet of the proposed garage addition as tree save areas to protect existing on-site and off-site vegetation and shall install tree protection fencing such as 14-gauge welded wire or orange plastic fence to protect the vegetation in these areas from construction activities. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that inappropriate activities such as the storage of construction equipment do not occur within the area.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit amendment. 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.

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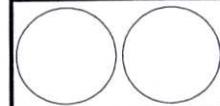


1 South Elevation  
 SCALE 1/8" = 1'-0"

**santos ARCHITECTURE**  
 4850 North 24th Street  
 Arlington, VA 22207  
 www.santosarchitecture.com  
 ramon@santosarchitecture.com  
 571-212-0973

**GN Contracting**  
 6436 Lakeview Drive  
 Falls Church, VA 22041  
 703-642-6382

CONSULTANTS



**Garage Addition**  
 6384 Lakeview Drive  
 Falls Church, Virginia 22401

Alfredo & Mary Aunon

MARK	DATE	DESCRIPTION

PROJECT NO:  
 MODEL FILE:  
 DRAWN BY:  
 CHKD BY:  
 COPYRIGHT

SHEET TITLE  
 South Elevation

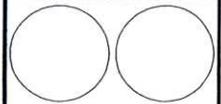
**A-903**  
 SHEET 39 OF 40



santos ARCHITECTURE  
 4660 North 24th Street  
 Arlington, VA 22207  
 www.santosarchitecture.com  
 ramon@santosarchitecture.com  
 571-212-0973

GN Contracting  
 6435 Lakeview Drive  
 Falls Church, VA 22041  
 703-642-6262

CONSULTANTS



Garage Addition  
 6384 Lakeview Drive  
 Falls Church, Virginia 22041

Alfredo & Mary Aunon

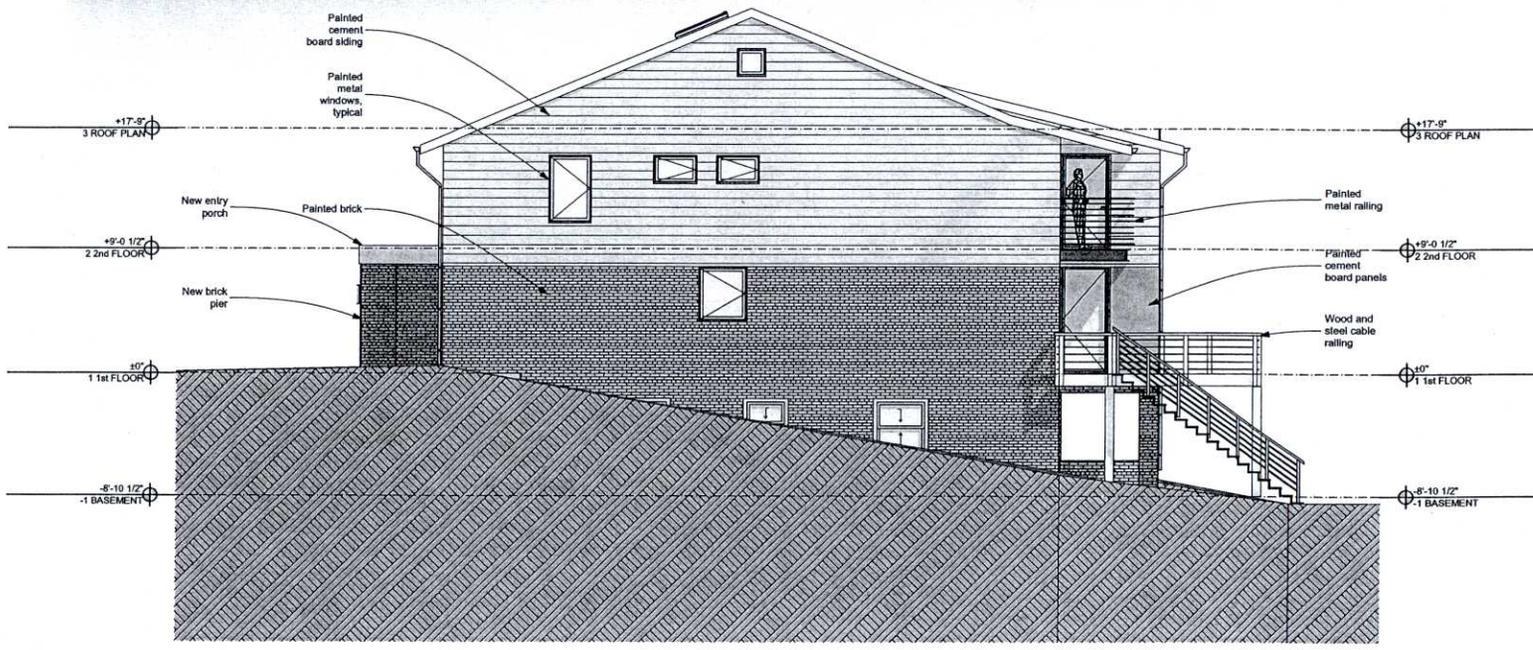
MARK	DATE	DESCRIPTION

PROJECT NO:	
MODEL FILE:	
DRAWN BY:	
CHKD BY:	
COPYRIGHT:	

SHEET TITLE  
 East Elevation

A-902

SHEET 38 OF 40



1 East Elevation  
 SCALE: 1/4" = 1'-0"



Application No.(s): \_\_\_\_\_  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4/15/2011  
 (enter date affidavit is notarized)

I, Alfredo Aunon & Mary Aunon, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant      111742  
                           applicant's authorized agent listed in Par. 1(a) below

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Mary F. Aunon	6384 Lakeview Drive Falls Church, VA 22041	Applicant & OWNER
Alfredo F. Aunon	6384 Lakeview Drive Falls Church, VA 22041	APPLICANT & 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): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4/15/2011  
(enter date affidavit is notarized)

111742

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)

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

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

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

N/A

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

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

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4/15/2011  
(enter date affidavit is notarized)

111 742

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

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

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

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

N/A

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

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

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4/15/2011  
(enter date affidavit is notarized)

111742

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.)**

N/A (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): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4/15/2011  
(enter date affidavit is notarized)

111742

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.

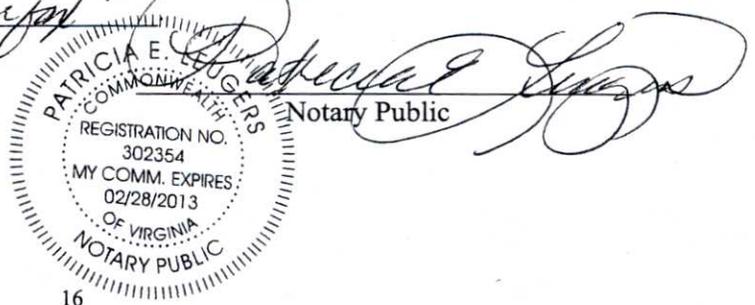
WITNESS the following signature:

(check one)

Alfredo Anson Mary Anson  
 Applicant [ ] Applicant's Authorized Agent

Alfredo F. Anson ; Mary F. Anson (Applicants)  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15 day of April 2011, in the State/Comm. of Virginia, County/City of Fairfax



My commission expires: 2-28-2013

## Statement of Justification

**Applicants:** Alfredo Aunon and Mary Aunon, his wife

**Property Location:** 6384 Lakeview Drive

**Tax Map Reference:** 61-3((14))135, Lake Barcroft Subdivision, Section 2

### **Background:**

The dwelling subject to this Special Permit Amendment application is located at 6384 Lakeview Drive. The property backs to and is contiguous to Lake Barcroft. It was constructed in 1955 as a single story brick rambler and has gone through various updates over the years. The carport has existed since the construction of the original home by the developer of the Lake Barcroft subdivision in 1955. The existing carport has an approved side yard setback 9.2' of the 15' and the portico over the front door has an approved front yard setback 31.6' of the 35'.

### **Overview:**

This application would like to transition a one car carport into a 2 car garage and change an A-frame portico to a flat roof that adjoins the garage and the front door. The side yard variance requested is 6' of the 15' (9' setback) and the front yard variance requested is approximately 2'3" of the 35' (32'9" setback which reduces the existing approved setback). Most homes of similar value and size surrounding this property have 2 car garages, which is consistent with the neighborhood homes.

*Detail:* The existing property has an A-frame portico covering the front door, which extends 9.2' from the house with a front yard setback of 31.6'. This application request to replace the portico with a flat roof that extends out only approximately 7.83' (7'10", approximately 1'5" less than current structure) and is contiguous over the proposed garage to provide a cohesive and aesthetically pleasing view, and adjusts the front yard setback to 32.75' (32'9").

### *Item #4, 8-9222*

The garage addition will be less than 150% of the *gross floor area* of the existing dwelling. The proposed addition to the existing structure is 177 square feet, which equates to approximately 3.4% of total gross floor area of principal structure. The existing floor area ratio is 46.97% and the proposed floor area ratio will be 48.55%. The total area of disturbance will be approximately 485 square feet.

### *Item #5, 8-922*

The resulting gross floor area of the garage addition is *subordinate* in purpose, scale, use and intent to the principal structure. The modification of the A-frame structure and extension of the contiguous flat roof with the garage will improve the aesthetic view of the dwelling that is visible from the street side.

### *Item #6, 8-922*

The garage addition and the conversion of the A-frame portico to a flat roof structure will be in *character* with the existing on-site development. The flat roof modification along

with the integration with the garage will maintain the scale, height and integrity of the existing home on the lot.

*Item #7, 8-922*

The modifications will be *harmonious* with the surrounding off-site uses and structures of the surrounding homes. The change will also be in alignment with the look and feel of neighboring homes given that all the surrounding homes in the neighborhood are varied with the majority having 2 car garages. The height of the proposed garage and flat roof are consistent with the lines of the existing home. The bulk and scale of the garage are in scale with the surrounding structures (height, bulk and scale increase will be performed by using existing interior home structure). The existing carport has a structure that is 12' long and bumps out 4' wide that comprise of an internal room. The existing space (approx 17' long) is not suitable to store a vehicle due to not having sufficient space to walk around the vehicle. The request to expand the length of the proposed garage would provide the sufficient space to enter and walk around a parked vehicle. The flat roof provides a contiguous cover from the garage to the front door, which gives the property the look and feel of the surrounding homes. The location of the garage cannot be changed due to space limitation associated with the existing structure and available land. The garage and flat roof will not impact any vegetation, as the adjusted surfaces are primarily asphalt and concrete nor will there be any impact to surrounding trees.

*Item #8, 8-922*

The proposed modifications will *not adversely impact* the adjacent property, as it does not impact any views or use and enjoyment of the adjacent property with regard to increased noise, light or air. The adjacent lot dwelling is set back further from the street than the subject dwelling. The proposed flat roof and garage are contiguous and aesthetically improves the street view of the dwelling. The design of the proposed addition is in character with the house and adjoining properties and neighborhood look and feel. The enclosed garage and flat roof does not create unsafe conditions with respect to other property or the public streets. There will not be any undue erosion or storm water runoff resulting from the garage and modified roofline.

*Item #9, 8-922*

The proposed modification represents the *minimum amount of reduction* necessary to accommodate the proposed structure on the lot. A typical 2-car garage has approximately 550 square feet and the proposed structure contains approximately 545 square feet. We plan on using the current carport space and using up existing internal dwelling structure (former kitchen) to create the space for the 2-car garage. The location of the carport has existed since the 1950s and is the only location that can be used for the garage. The structure does not impact any resource-protected areas and will have no affect on existing vegetation or any adverse storm water runoff impact.

*Item #10, 8-922*

The slight increase in maximum gross floor area, floor area ratio, and lot coverage desired by this special permit amendment is minimal in order to significantly improve the dwelling aesthetic view from the street side and to align with neighboring properties that

have 2 car garages. The increase in floor area is needed in order to provide ample space to walk around a parked vehicle inside the garage. The existing space would not be functional to park a vehicle while using a garage door due to not having the ability to walk around the vehicle to enter the home via the door inside the garage space. The additional square footage provides the needed space to park 2 vehicles and have the ability to close a garage door and walk around the vehicle.

We believe that this application meets all the provisions of the Zoning Ordinance and respectfully request that this Special Permit Amendment be approved.

Sincerely,  
Alfredo and Mary Aunon (Property Owners)

#7134  
March 22, 1955

*Lot 135*

A. Glenn Bryan, to permit dwelling and carport closer to side lot line than allowed by the Ordinance, Lot 135, Section 2, Lake Barcroft, Mason District. (Suburban Residence)

A. Glenn Bryan. Mr. Calvin Burns represented the applicant. This house was located incorrectly on the property, Mr. Burns said, and the builder did not realize it until the man next door suggested that the building appeared to be too close to his line. They checked the location again, and found that he was right. The building was very slightly in violation, about 4 inches. They have allowed 2 inches extra for masonry. There are homes already built on Lots 134 and 136 - joining lots.

This lot has a rough topography, Mr. Burns said - the sewer line has been put in on the lower part of the lot in order to give sufficient fall to tie in. There were no objections from the area.

Mr. Haar moved to grant the application because this is only a 6 inch violation and the topography of these lots is quite irregular and this appears to have been an honest mistake and does not affect joining property adversely. Seconded, Judge Hamel. Carried, unanimously.

//

AH 5, EXH C

COUNTY OF FAIRFAX, VIRGINIA  
OFFICE OF BUILDING INSPECTOR

32

Building Permit No. 11447

APPLICATION FOR PERMIT TO BUILD

Art. No.

Fairfax, Va., FEB. 23rd, 1955

TO THE BUILDING INSPECTOR:

The undersigned hereby applies for a permit to build according to the following specifications:

1. State how many buildings to be erected ONE DWELLING (Full Bmnt.)
2. Material BRICK + CINDER BLK.
3. Name of Owner A. GLEN BYRAN Phone \_\_\_\_\_  
Address ALEX, VA.
4. Name of Designer W.L. MAYNE Phone \_\_\_\_\_  
Address ALEX, VA.
5. Name of Contractor W.C. WARD Phone KL. 9-5959  
Address ROUTE 2 BOX 428 ALEX, VA.
6. Location: Lot No. \_\_\_\_\_ Block \_\_\_\_\_ Section 2 Subdivision LAKE BARBOUR ESTATE  
Name (No.) of Street LAKEVIEW DR.

I hereby certify that the property described above is listed in the name of Barbour Estate

Mag. Dist. Mason #1 Deed Book Reference James M. Barbour  
Supervisor of Assessments

7. Size of building: No. of feet front 40; No. feet rear 40; No. feet deep 39; No. stories in height DNE; No. rooms \_\_\_\_\_; Cubic contents of bldg. \_\_\_\_\_ cu. ft. Estimated cost 13,000
8. Zoning: Use of building ONE FAMILY RESIDENCE No. of families or housekeeping units ONE; No. kitchens \_\_\_\_\_; Size of lot: Width 66 ft., Depth 170 ft., Area 11,200; Height of building (to highest point of roof) 21 ft. Setback from property line: Front 40 ft., Rear 70 ft., Side 15 ft. Zone Suburban 21
9. Check system to be used: (a) Sewage Disposal by: Public Sewer  Community System \_\_\_\_\_, Septic tank \_\_\_\_\_, Pit privy \_\_\_\_\_ (b) Water Supply: Public System  Individual well \_\_\_\_\_
10. What will the building be erected on? (Solid or filled land) Solid  
Finished outside grade to cellar floor \_\_\_\_\_ ft. First floor is \_\_\_\_\_ ft. above curb grade.
11. Material of foundation CONCRETE Thickness and material of external walls:  
Cellar or basement CONCRETE 8" + 12"; 1st story BRICK + CINDER BLK. 8"  
2nd story \_\_\_\_\_; 3rd story \_\_\_\_\_  
4th story \_\_\_\_\_; 5th story \_\_\_\_\_  
Thickness of other walls \_\_\_\_\_; 1st story \_\_\_\_\_  
2nd story \_\_\_\_\_; 3rd story \_\_\_\_\_  
4th story \_\_\_\_\_; 5th story \_\_\_\_\_
12. What will be the material of the front? BRICK
13. Will the roof be flat, pitch, or mansard? PITCH
14. Roofing material ASPHALT
15. What will be the means of access to the roof? SCUTTLE
16. How is the building heated? GAS FORCED AIR
17. How many stories to be used for business purposes of any kind? No

I certify that I have the authority to make this information given is correct, and that the building shall conform to the County Health Regulations and Zoning Ordinances, and private deed restrictions which are imposed on the property.

W.C. Ward  
Contractor

Box 428 ALEX, VA.

Fire-proof _____	Non-fireproof _____
Total sq. ft. _____	Fee <u>2,250</u>
Pay't Order No. _____	
Date received _____	
Approved by Building Inspector <u>[Signature]</u>	

Telephone \_\_\_\_\_

**BUILDING  
 PERMIT APPLICATION**

APPLICATION NO HH5, EXH. C.  
 19  
 Date

**JOB LOCATION**  
 Street 6354 LAKEVIEW DR.  
 Building \_\_\_\_\_ Floor \_\_\_\_\_ Suite \_\_\_\_\_  
 Subdivision \_\_\_\_\_  
 Tenants Name JOHN J. DONATE KELLY

**DO NOT WRITE IN THIS SPACE**  
 Permit No. 8427080190  
 Map Reference 061-3-14-0135  
 Building Permit No. \_\_\_\_\_ Control No. \_\_\_\_\_  
 Std. \_\_\_\_\_ Mag. \_\_\_\_\_ Plan \_\_\_\_\_ Census \_\_\_\_\_

**OWNER**  
 Name JOHN J. DONATE KELLY  
 Address (Mailing) 6354 LAKEVIEW DR.  
 City FAIRFAX State VA Zip 22031  
 Telephone (703) 266-9512

**CONTRACTOR**  
 Company Name W. H. HARRIS E. B. BROWN INC.  
 Master \_\_\_\_\_  
 Address 1701 DEASIE ST.  
 City FAIRFAX State VA Zip \_\_\_\_\_  
 Telephone 773-1052 License No. \_\_\_\_\_  
 State Contractors License No. 24-90-1  
 County Business Account No. 1-7

**Description**  
 For 2ND FLOOR ADDITION ABOVE  
 THE EXISTING RESIDENT  
 3 BED ROOM, 2 BATHROOM,  
 1 DEN.

**ROUTING**

	Date	Approved By:
Health Review		
Site Review	<u>1-4-00</u>	<u>[Signature]</u>
Zoning Review	<u>1/2/00</u>	<u>[Signature]</u>
Sanitation Review		
Building Review	<u>1/11/00</u>	<u>[Signature]</u>
Fire Review		

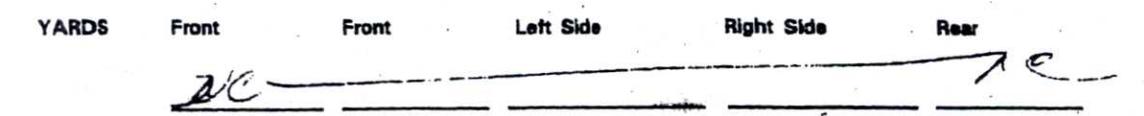
Model/Use \_\_\_\_\_  
 Sewage: Public  Community  Septic Tank  None   
 WATER: Public  Individual Well  None   
 N-New  D-Demolish  
 R-Alter or Repair  M-Move  
 A-Add To  O-Other

**REMARKS:**  
**BUILDING DESCRIPTION QUANTITY**  
 # Units \_\_\_\_\_  
 # Stories \_\_\_\_\_  
 # Rooms \_\_\_\_\_  
 # Bedrooms \_\_\_\_\_  
 # To be Added \_\_\_\_\_  
 # Baths \_\_\_\_\_  
 # Half Baths \_\_\_\_\_  
 # Kitchens \_\_\_\_\_  
 # Fireplaces \_\_\_\_\_  
 Basement \_\_\_\_\_  
 % Basements to Finish \_\_\_\_\_

**BUILDING DIMENSIONS**

No. Stories	Width	Depth	Sq. Ft.
	<u>27'2"</u>	<u>9'</u>	<u>= 1753</u>
	<u>X</u>	<u>=</u>	<u>=</u>
	<u>X</u>	<u>=</u>	<u>=</u>
	<u>X</u>	<u>=</u>	<u>=</u>

Use Group of Building \_\_\_\_\_  
 Type of Construction \_\_\_\_\_  
 Building Area 1753  
 Estimated Const. Cost 111,000  
**ZONING REVIEW**  
 Zoning Proffers Building \_\_\_\_\_  
 Zoning Class RE-WSRDP R-2  
 Zoning Case # \_\_\_\_\_  
**BUILDING CHARACTERISTICS**  
 Building Height \_\_\_\_\_  
 Exterior Walls \_\_\_\_\_  
 Interior Walls \_\_\_\_\_  
 Roofing Material \_\_\_\_\_  
 Flooring Material \_\_\_\_\_  
 Heating Fuel \_\_\_\_\_  
 Heating System \_\_\_\_\_  
**GRADING AND DRAINAGE REVIEW**  
 Soils \_\_\_\_\_  
 Historical \_\_\_\_\_  
 Plan # \_\_\_\_\_  
 Retaining Wall \_\_\_\_\_



**REMARKS** 2<sup>nd</sup> Floor addition - Single Family  
Queen Only  
Lake Barcroft  
St 135 Sec 2

**FOR COUNTY USE ONLY:**

Date <u>1/11/00</u> By <u>[Signature]</u> Approved for issuance of Building Permit	Fee _____ Filing Fee <u>700</u> Amount Due _____
---	--

The request for and use of personal information on this form is subject to the provisions of the Privacy Protection Act of 1976 and the Freedom of Information Act.  
 I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that if a permit is issued the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations including private building restrictions, if any, which relate to the property. He/She and the company or organization named and represented herein is duly registered or exempt from registration in accord with the provisions of Chapter 7 of the Code of Virginia.

**SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS**

AHMED GARMA AND KADIJA NOURY, SP 2008-MA-072 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction to minimum yard requirements based on error in building location to permit addition to remain 9.2 ft. Located at 6384 Lakeview Dr. on approx. 11,200 sq. ft. of land zoned R-2. Mason District. Tax Map 61-3 ((14)) 135. Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 30, 2008; and

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

1. The applicants are the owners of the land.
2. The applicant meets the required criteria set forth under the Code section in particular that the non-compliance was done in good faith, or through no fault of the property owner.
3. The reduction will not impair the purpose or intent of the Ordinance.
4. The reduction will not be detrimental to the use or enjoyment of other property in the immediate vicinity.
5. The reduction will not create an unsafe condition with respect to both other properties and the public streets.
6. It satisfies the other requirements as well.
7. This is really a minimal request.
8. The building has been there permitted under the original construction.
9. The applicant simply puts some windows in the existing open spaces.
10. The Board agrees with the applicant that the addition is really an improvement of the property in all respects.

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

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

G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

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

1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

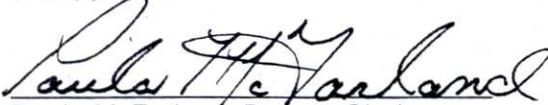
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. This special permit is approved for the location of an existing addition (enclosed carport) shown on the plat prepared by Andrew L. Westerman, Alexandria Surveys International, LLC, dated May 9, 2008 signed through July 16, 2008 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.

Mr. Byers seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



Paula McFarland, Deputy Clerk  
Board of Zoning Appeals





## County of Fairfax, Virginia

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

November 7, 2008

Ms. Jane Kelsey  
Jane Kelsey & Associates, Inc.  
4041 Autumn Court  
Fairfax, VA 22030-5168

RECEIVED  
Department of Planning & Zoning

APR 18 2011

Zoning Evaluation Division

RE: Property located at 6384 Lakeview Drive, Falls Church, VA  
Tax Map No. 61-3-14-0135 - Lake Barcroft Subdivision

Dear Ms. Kelsey:

On September 24, 2008, you requested a letter from Fairfax County addressing the encroachment of a deck within the sanitary sewer easement at the back of 6384 Lakeview Drive, Falls Church, Virginia. The sanitary sewer easement is owned by the Fairfax County Board of Supervisors and provides sanitary sewer service to the Lake Barcroft Subdivision.

The Fairfax County Facilities Management Department analyzed the encroachment of the deck that overhangs the sanitary sewer easement, as well as other improvements within the easement area, with staff from the Wastewater Planning and Monitoring Division in the Fairfax County Department of Public Works and Environmental Services ("DPWES"). The following issues were considered based on the assumption that the sanitary sewer line is roughly centered within an easement area depicted (relative to the deck, patio, steps and walkway) on that plat dated May 9, 2008, prepared by Alexandria Surveys, entitled "Special Permit Plat Showing Improvements on Lot 135 Section 2 Lake Barcroft," attached hereto and incorporated herein.

- The walkway and patio features are permitted improvements within the public sanitary sewer easement.
- While the slight encroachment of the steps and deck (overhang into the easement) would hinder to some extent the County's ability to maintain the sewer line, if excavation is required, the relatively shallow depth of the sewer main (approximately six feet) would tend to mitigate any maintenance difficulties.

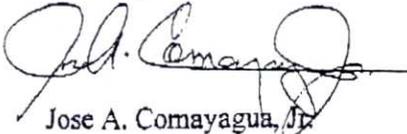
It was determined that in the event of excavation, County maintenance personnel could likely obtain access to the pipe without requiring the removal or alteration of the steps or overhanging deck, though not without an increased risk of damage to these improvements. In the event that such maintenance of the sewer pipe resulted in damages to the steps or the deck, the County, absent gross negligence, would not be liable for such damages. Additionally,

Jane Kelsey  
November 7, 2008  
Page 2 of 2

should the County at any time in the future determine that reasonable maintenance of the sewer line cannot be performed without the removal of the steps and/or deck from the easement area, such removal(s) would need to be done at the owner's expense. Under the foregoing terms and conditions, upon the agreement of the owner(s) as evidenced below, the County will permit the encroachments.

If you have any questions or concerns, please contact Marguerite Verville Guarino at 703-324-8409.

Sincerely



Jose A. Comayagua, Jr.  
Director

Attachment: Plat

cc: Marguerite Verville Guarino, Assistant Director  
Gilbert Osei-Kwadwo, Wastewater Planning & Monitoring, DPWES

**SEEN AND AGREED:**

\_\_\_\_\_  
Signature

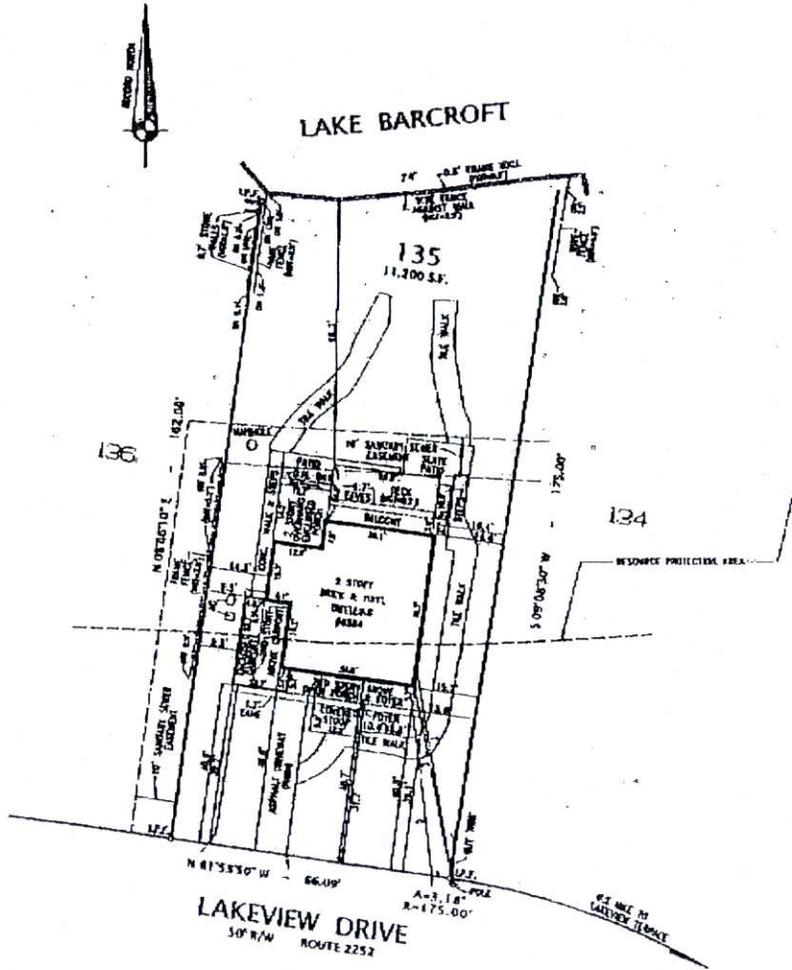
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed), Owner

\_\_\_\_\_  
Name (Printed), Owner

NOTE FROM ORIGINAL SURVEYOR PLAN RECALCULATED WATER POUND LEVELS

LOT HEIGHTS AND DISTANCES FROM THE WATER LINES OF BAKER FLOODING LEVELS ARE APPROXIMATELY AND ARE SHOWN FOR GENERAL INFORMATION ONLY. THE ACTUAL HEIGHTS OF THE BAKE LINES FROM TO AND THE ACTUAL LENGTHS OF THE WATER LINES ALONG THE BOUNDARIES OF THE BOUNDARY OF THE SAME, AS THE SAME IS NOW DEFINED BY A NEW SURVEYING AND MEASUREMENT OF THE TELEVISION OF 200 FT OR MORE NEW APPROXIMATELY 100 FEET ABOVE MEAN SEA LEVEL AS SAME WAS ESTABLISHED BY THE U.S.C. & G.I. IN THE EVENT THAT OTHER THAN A PERMANENT CHANGE IN THE WATER LINE IS CAUSED BY A CHANGE IN THE WATER LEVEL OF THE LAKE DUE TO ARTIFICIAL MEANS, THEN THE NEW DISTANCES AND DIMENSIONS ALONG WATER LINES SHALL AUTOMATICALLY BECOME APPLICABLE TO CONFORM TO THE NEW WATER LINE.



- NOTES
- TAX MAP: DB1-2-14-235
  - ZONE: R-2
  - LOT AREA: 11,200 SQUARE FEET
  - REQUIRED YARDS:
    - FRONT: - 25 FEET
    - SIDE: - 15 FEET
    - REAR: - 15 FEET
  - HEIGHTS:
    - DWELLING: - 27 FEET
    - ENCLOSURE CARPORT: - 13 FEET
    - ENCLOSURE PORCH: - 10 FEET
    - LEVELLED STEEP SLOPE: - 10 FEET
    - PATIOS & WALKS: - 0 TO 4.4 FEET
    - FENCES: - AS NOTED
    - WALLS: - AS NOTED
  - THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
  - THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
  - ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE EXISTING.
  - THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS, 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
  - FENCES ARE FRAME AND WIRE UNLESS OTHERWISE NOTED.
  - PER FAIRFAX COUNTY MAPS THERE IS NO FLOODPLAIN ON THIS PROPERTY. THE RESOURCE PROTECTION AREA IS SHOWN HEREON PER THE COUNTY MAP.

SPECIAL PERMIT PLAT  
 SHOWING IMPROVEMENTS ON  
 LOT 135 SECTION 2  
**LAKE BARCROFT**  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE: 1" = 20' MAY 9, 2004

GRAPHIC SCALE

BY TURNING UP THE VERTICAL CURVE IN CORNER MARKING SET, DOUBLETS RESET THE PERMITS. PLAT SHOWS IN ACCORDANCE WITH SECTION 21.1 OF THE VIRGINIA ZONING ACT.

I HEREBY CERTIFY THAT THE INFORMATION ON THIS SPECIAL PERMIT PLAT IS TRUE AND CORRECT AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF VIRGINIA.

**ALEXANDRIA SURVEYS**  
 INDEPENDENT, LLC  
 1111 NORTH CREEK ROAD # 100, SUITE 100, ALEXANDRIA, VIRGINIA 22304  
 TEL: 703-324-3924 FAX: 703-324-3924



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** October 8, 2008

**TO:** Mike Congleton, Zoning Enforcement Branch, DPZ  
Diane Johnson-Quinn, Zoning Permit Review Branch, DPZ  
Penny Rood, Code Enforcement Branch, DPWES

**FROM:** Shannon Caffee  
Zoning Evaluation Division, DPZ

**SUBJECT:** SP 2008- MA-072, Ahmed Garma and Kadija Noury, 6384 Lakeview Drive



On September 30, 2008 the Board of Zoning Appeals took action to approve the above noted special permit for a reduction to minimum yard requirements based on error in building location to permit an addition to remain 9.2 feet from a side lot line. However, be advised that the BZA took action to remove a development condition proposed by staff which would have required the applicant to obtain building permits for other structures on the subject property which were not previously obtained.

- There is a front covered stoop, which has received an administrative reduction for an error less than ten percent from Zoning Permit Review Branch, DPZ; however there are no building permits on file for said structure.
- There is also a deck on the rear of the existing dwelling which does not have building permits on file and is located within the minimum required side yard, a Resource Protection Area (RPA) and within a Sanitary Sewer Easement. Due to the issues of the RPA and the Sanitary Sewer Easement, it is staff's understanding that an administrative reduction (since this error is less than ten percent) will not be approved until those issues are resolved through the process of obtaining a building permit.

Since the development condition which required the applicant to obtain such permits was removed by the BZA; we are notifying the proper agencies which could potentially correct these issues.

If you have any questions please feel free to contact me at (703) 324-1290.

O:\Scaff2\Case Files\Special Permits\SP 2008-MA-072 GARMA\GARMA\_Memo to other agencies.doc



# County of Fairfax, Virginia

## MEMORANDUM

July 11, 2011

**TO:** Kelli-Mae Goddard-Sobers, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Nicholas J. Drunasky, Urban Forester II *NJD*  
Forest Conservation Branch, UFMD

**SUBJECT:** Lake Barcroft, Lot 135, Section 2, SPA 2008-MA-072

**RE:** Request for assistance dated June 29, 2011

This review is based upon the Special Permit Application SPA 2008-MA-072 stamped "Received, Department of Planning & Zoning April 18, 2011."

General Comment: It appears that the conversion of the existing one car carport into a two car garage will not have any significant impacts on existing trees. Existing trees appear to be located on or near the property boundary adjacent to the existing driveway and carport. Staff recommends some type of barriers or tree protection devices be put into place prior to construction beginning in order to protect the existing trees during construction of the garage.

If you have any questions, please feel free to contact me at 703-324-1770.

J/  
UFMID #: 161882

cc: RA File  
DPZ File



**8-006 General Standards**

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

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

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

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

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

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

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

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

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.

4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be

presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

- A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
- B. Total area of the property and of each zoning district in square feet or acres.
- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
- F. Means of ingress and egress to the property from a public street(s).
- G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
- H. If applicable, the location of a well and/or septic field.
- I. Existing and proposed gross floor area and floor area ratio.
- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. The location, type and height of any existing and proposed landscaping and screening.
- L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted

comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

M. Seal and signature of professional person certifying the plat.

12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.