APPLICATION ACCEPTED: July 11, 2011
BOARD OF ZONING APPEALS: August 10, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

August 3, 2011

STAFF REPORT

VARIANCE APPLICATION NO. VC 2011-MV-010

MOUNT VERNON DISTRICT

APPLICANT/OWNER:	Bernadette M. Keany
SUBDIVISION:	Gunston Manor
STREET ADDRESS:	5736 Mallow Trail
TAX MAP REFERENCE:	119-4 ((2)) (20) 15 and 17
LOT SIZE:	7,500 square feet
ZONING DISTRICT:	R-E
ZONING ORDINANCE PROVISION:	18-401
VARIANCE PROPOSAL:	To permit construction of an addition 21.1 feet from the front lot line, 5.2 feet from one side lot line and 11.7 feet from the other side lot line, and a deck 7.2 feet from the side lot line.

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

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

O:\SWILLI\VC\VC 2011-MV-010 Bernadette M Keany\Staff Report\VC 2011-MV-010 Staff report.doc

St. Clair Williams

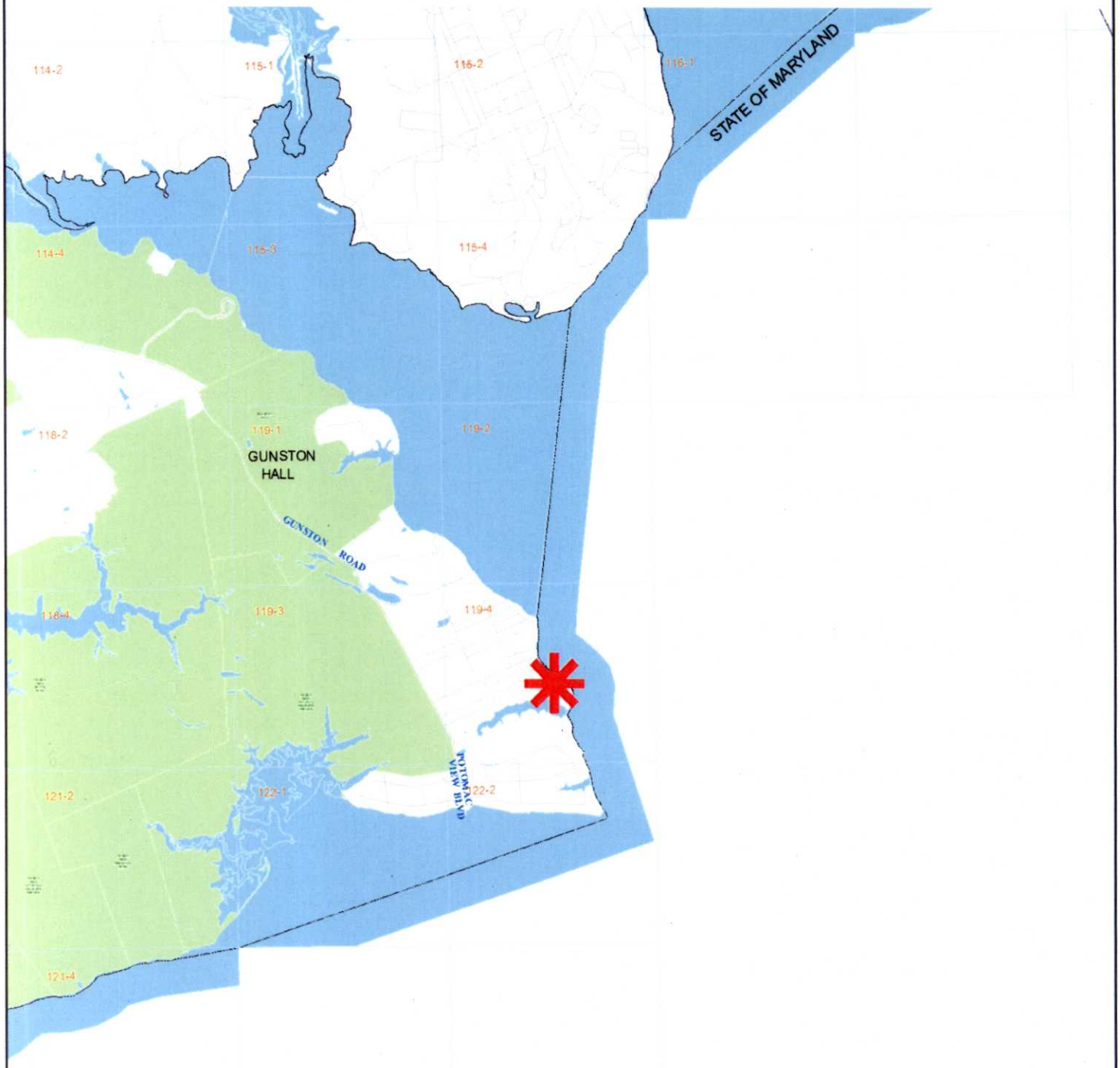
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

Variance Application

VC 2011-MV-010

BERNADETTE M. KEANY

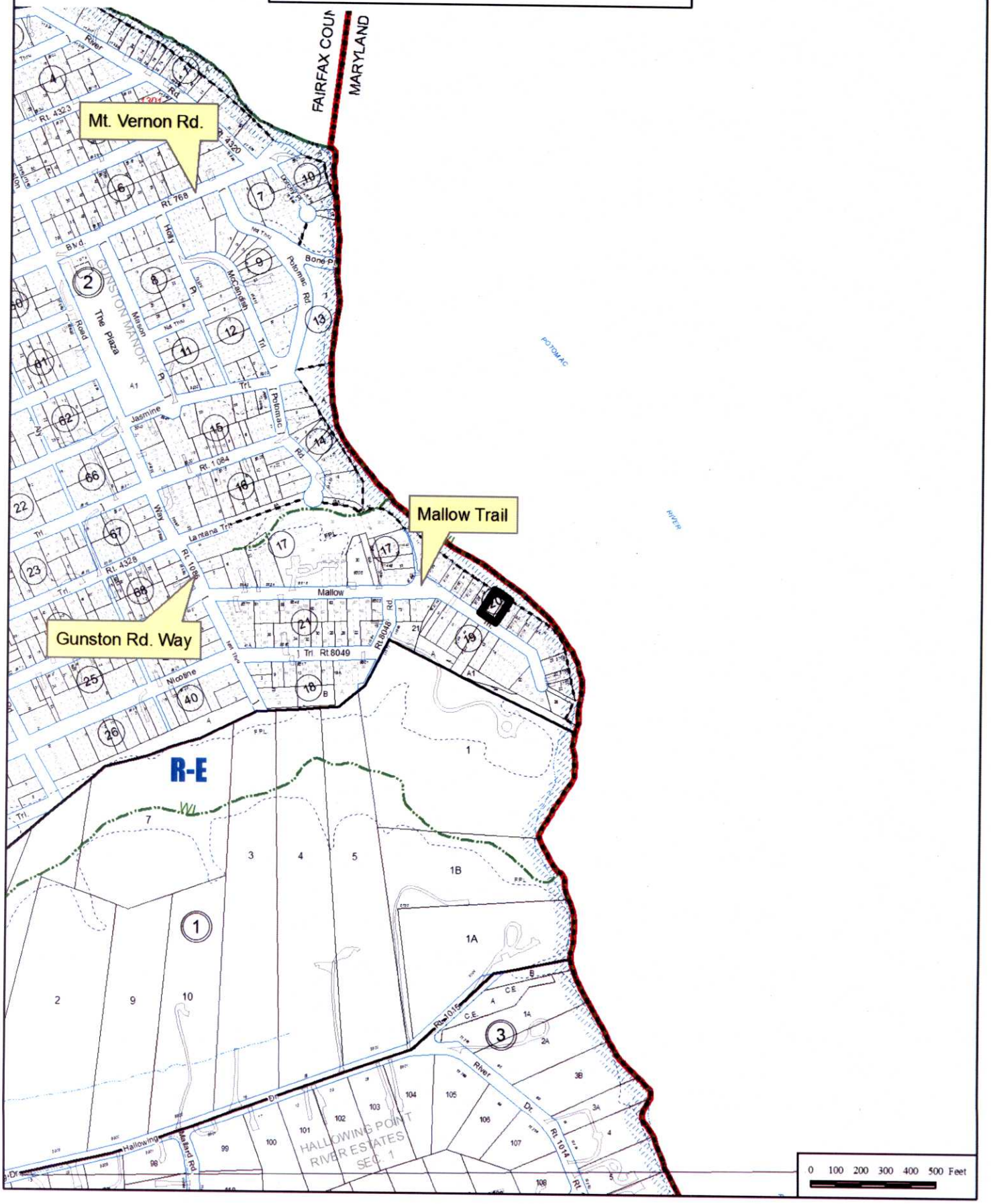


0 1,000 2,000 3,000 4,000 Feet

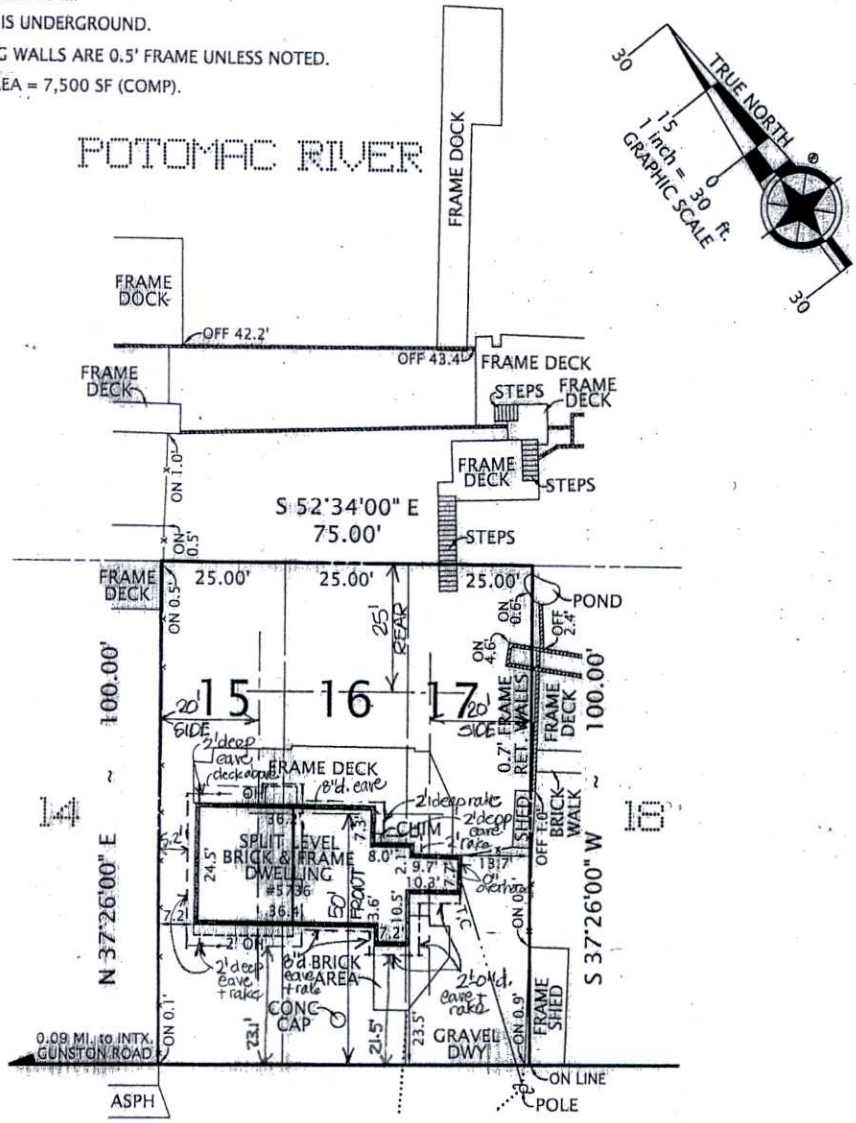
Variance Application

VC 2011-MV-010

BERNADETTE M. KEANY



NOTES: 1. FENCES ARE FRAME.
2. ELECTRIC IS UNDERGROUND.
3. RETAINING WALLS ARE 0.5' FRAME UNLESS NOTED.
4. TOTAL AREA = 7,500 SF (COMP).



N 52°34'00" W ~ 75.00'

MALLOW TRAIL

50' R/W - STATE ROUTE #1498

PLAT

SHOWING HOUSE LOCATION ON
LOTS 15, 16 & 17, BLOCK 20, SECTION A

GUNSTON MANOR

(DEED BOOK N-10, PAGE 501)

FAIRFAX COUNTY, VIRGINIA

MOUNT VERNON DISTRICT

SCALE: 1" = 30' JULY 9, 2008

Rebecca [illegible]
certified eave/rake locations
6/17/11

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.

COMMONWEALTH OF VIRGINIA
07/09/2008
GEORGE M. O'QUINN
LICENSE NO. 2069
LAND SURVEYOR
George M. O'Quinn

Ordered By:
MONUMENT TITLE COMPANY, INC.
Real Estate Settlement Services
601 North Fairfax Street, Suite 150
Alexandria, Virginia 22314
703-548-8666

DOMINION Surveyors Inc.®
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

CASE NAME: PARKER ESTATE ~ KEANY CASE NO: 08-396M #80625017

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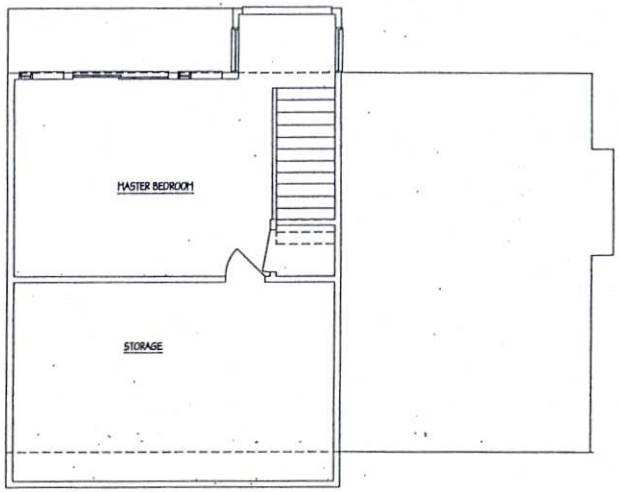
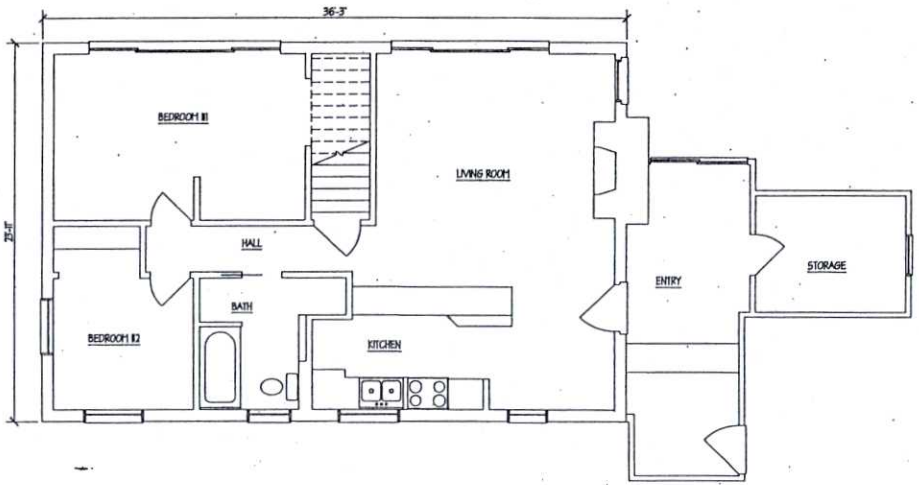


EXISTING SECOND FLOOR PLAN

1/4" - 1'-0"



EXISTING FIRST FLOOR PLAN

1/4" - 1'-0"

Addition to the

KEANY RESIDENCE

5736 MALLOW TRAIL, LORTON, VA 22079

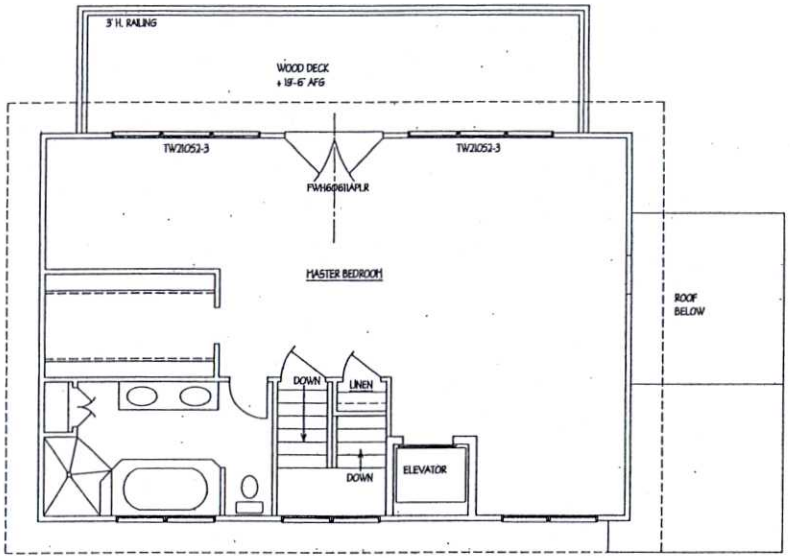
REBECCA L.G. BOSTICK, AIA
A R C H I T E C T
1819 DRURY LANE, SUITE 101 ALEXANDRIA, VA 22307
(703) 768-2250

A1

SHEET 1 OF 3

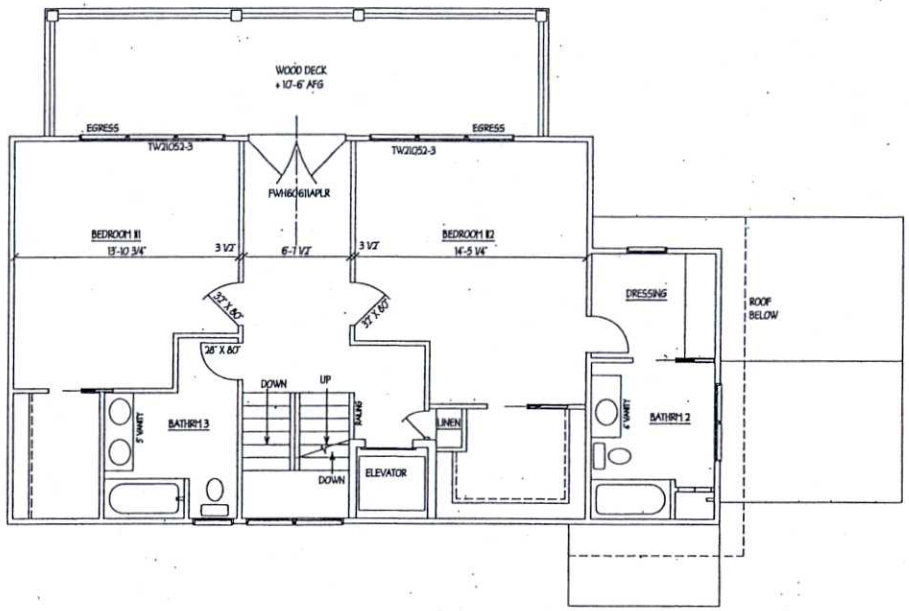
DATE 3/31/11

REVISED



THIRD FLOOR PLAN

1/4" - 1'-0"



SECOND FLOOR PLAN

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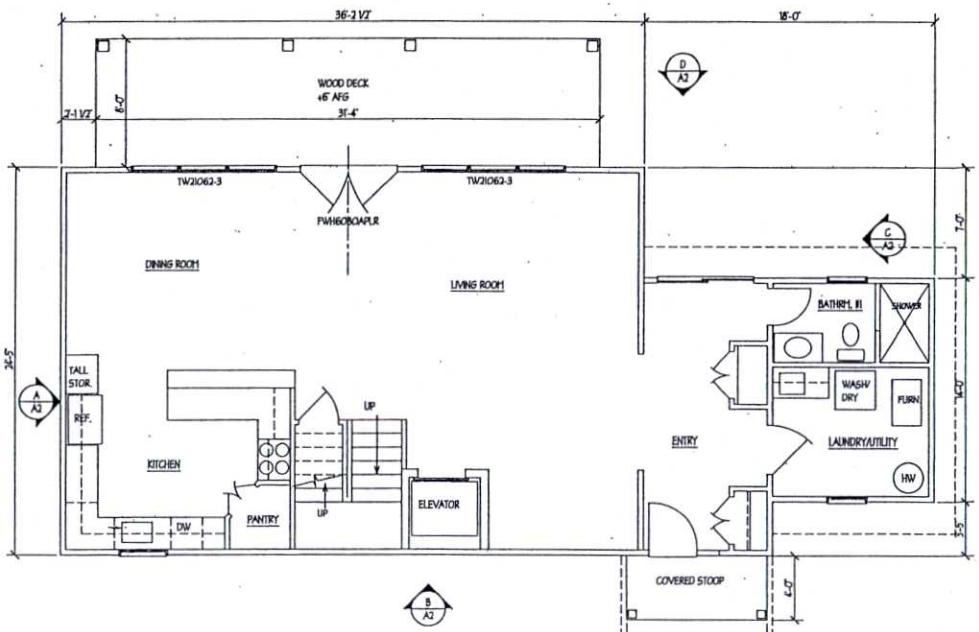

FIRST FLOOR PLAN

1/4" - 1'-0"

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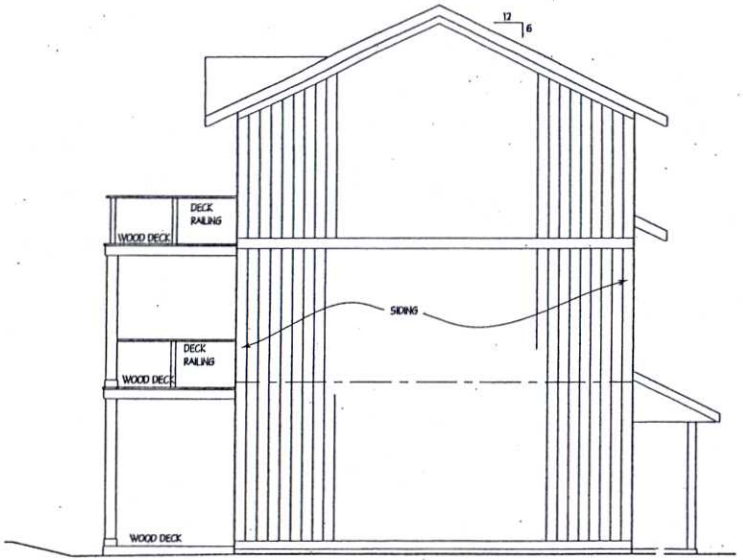
REBECCA L.G. BOSTICK, AIA
A R C H I T E C T
1819 DRURY LANE, SUITE 101
ALEXANDRIA, VA 22307

A2

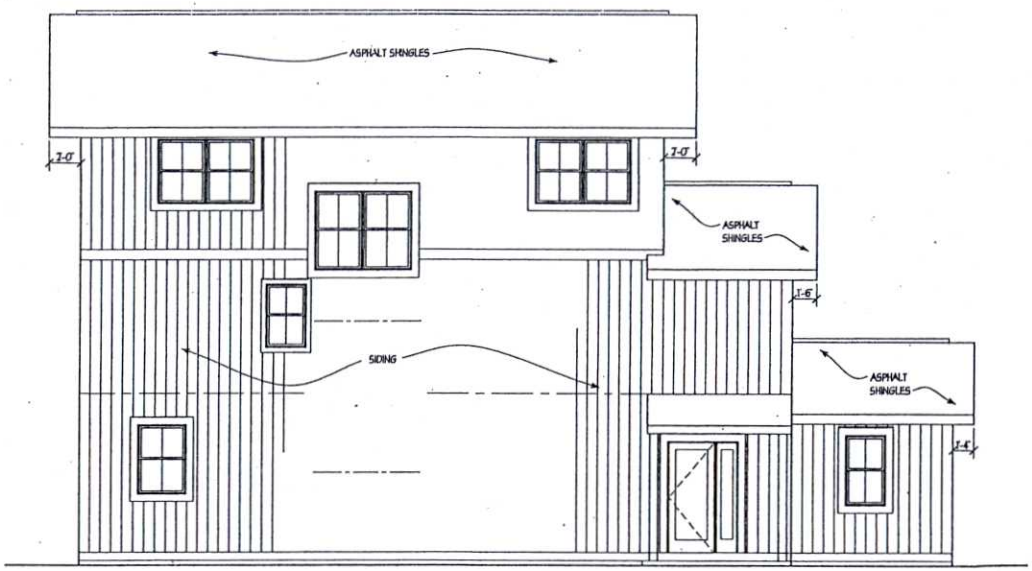
SHEET 2 OF 3

DATE 3/31/11

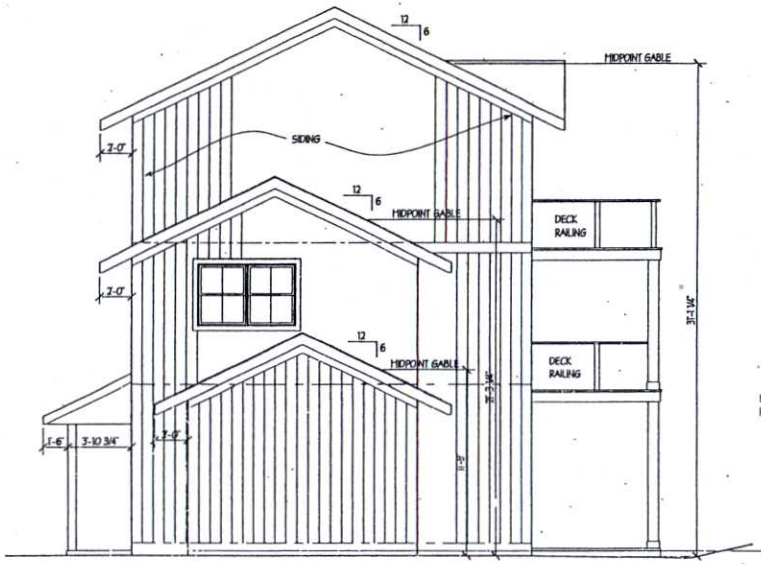
REVISED



A/A3 SIDE/END ELEVATION
1/4"=1'-0"



B/A3 FRONT ELEVATION
1/4"=1'-0"



C/A3 END/SIDE ELEVATION
1/4"=1'-0"

D/A3 REAR ELEVATION
1/4"=1'-0"

Addition to the
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5736 MALLOW TRAIL, LORTON, VA 22079

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A3
SHEET 3 OF 3
DATE 3/31/11

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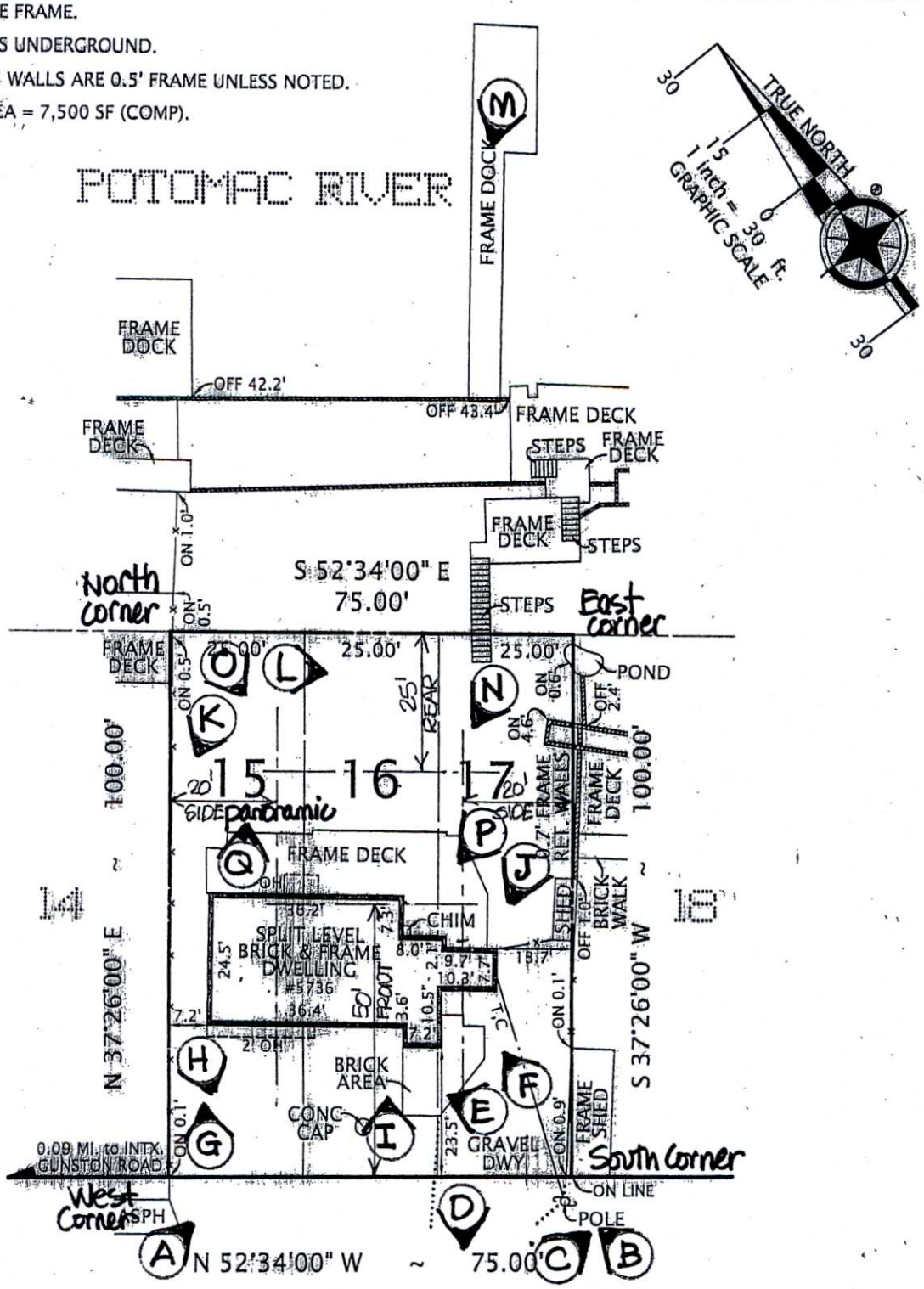

MALLOW TRAIL

50' R/W - STATE ROUTE #1498

photograph legend

PLAT

SHOWING HOUSE LOCATION ON

LOTS 15, 16 & 17, BLOCK 20, SECTION A

GUNSTON MANOR

(DEED BOOK N-10, PAGE 501)

FAIRFAX COUNTY, VIRGINIA

MOUNT VERNON DISTRICT

SCALE: 1" = 30' JULY 9, 2008

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

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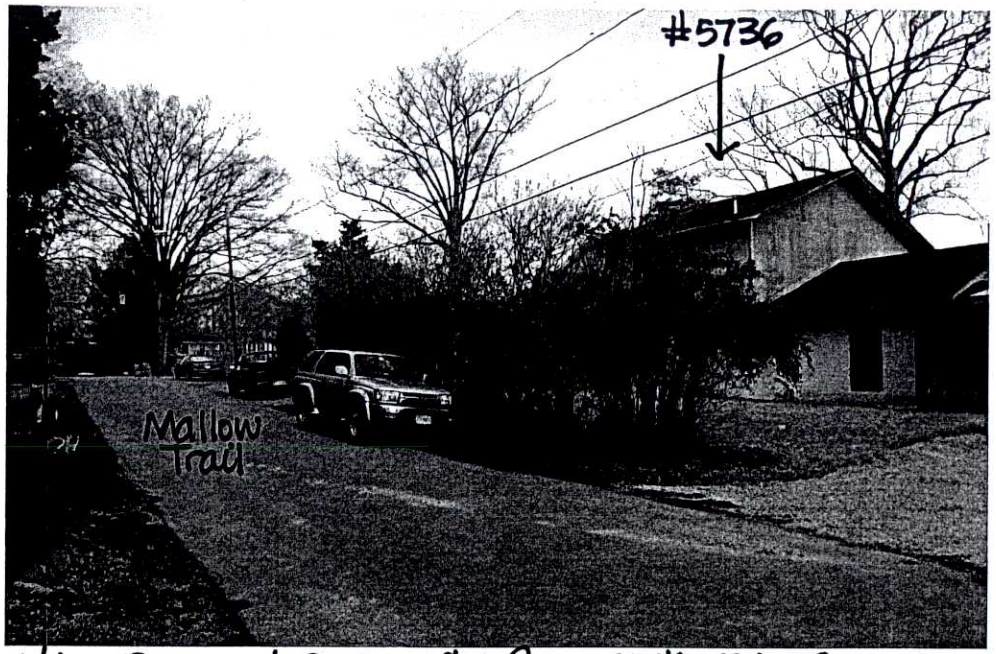
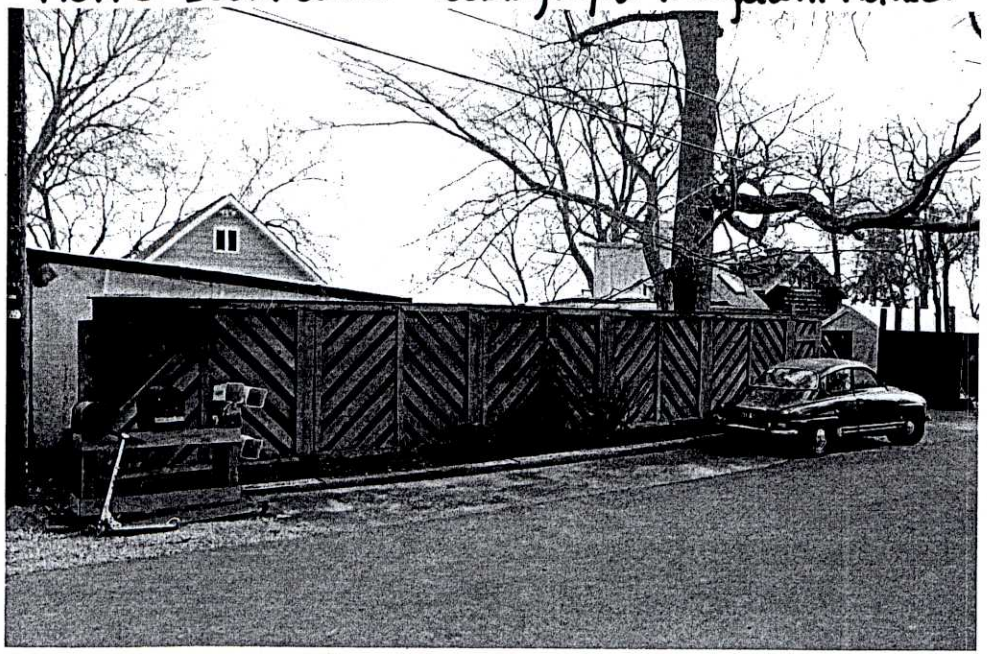
View A - Front of property from west corner

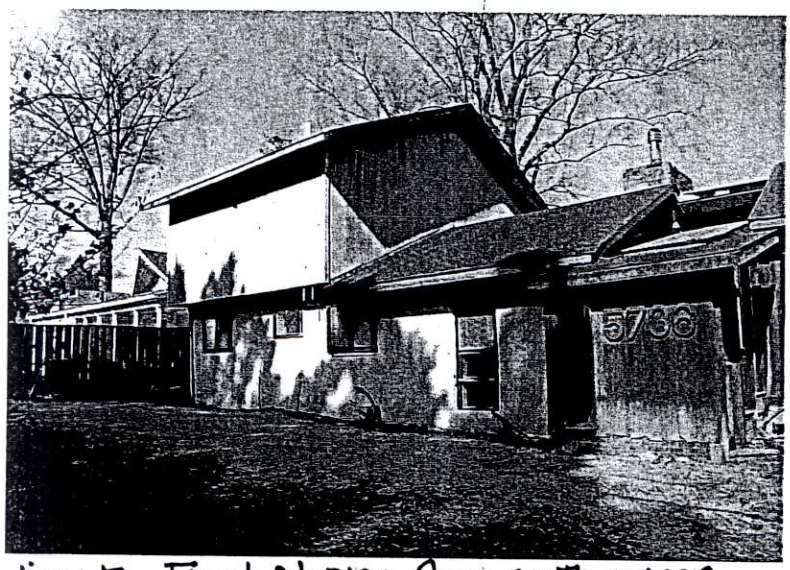


View B - Front of property from south corner

View C-south corner-looking right to adjacent homes.

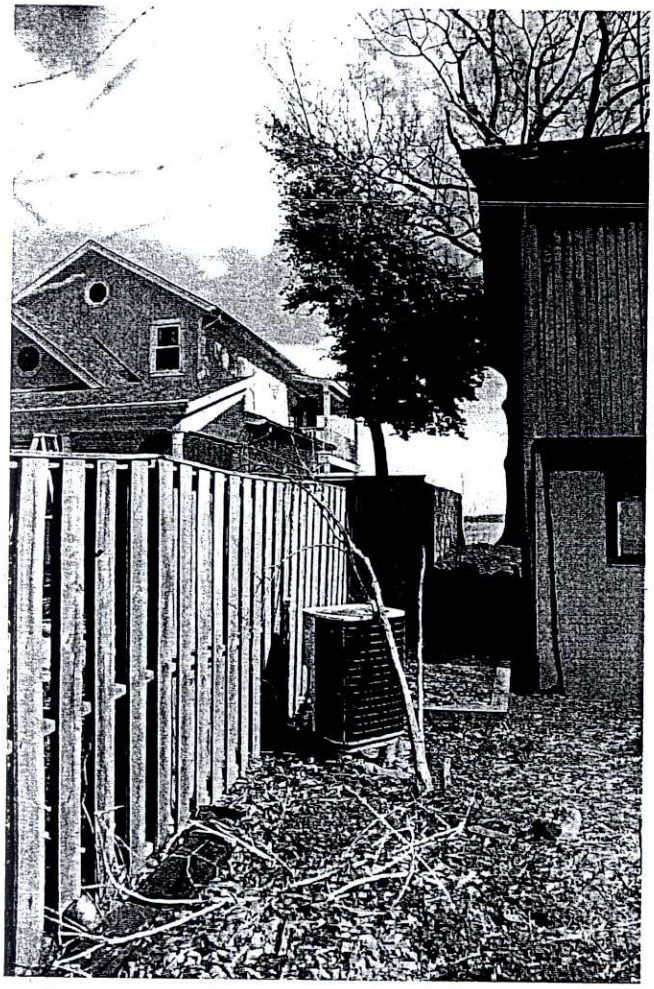


View D-standing in driveway-looking across the street

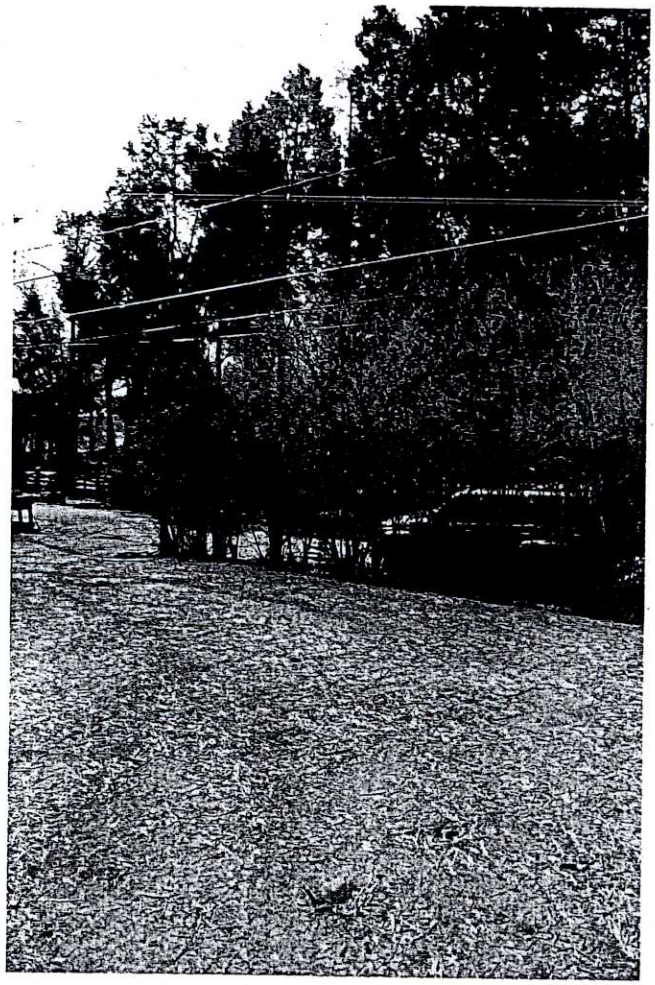


View E - Front of house from south corner

View F - Front of house - from south corner

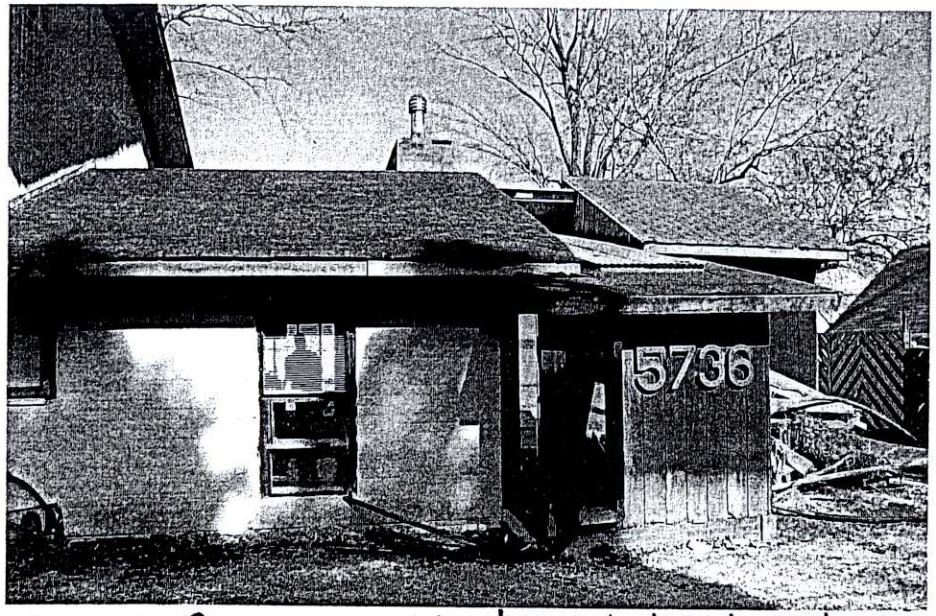


View G. Front corner looking down NW side of house.

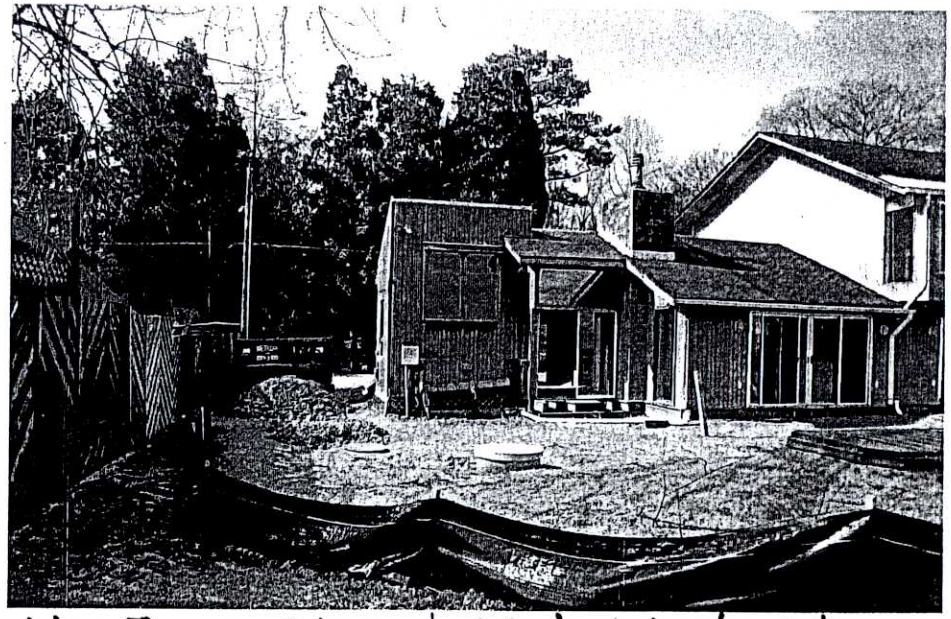


View H - from front corner of the house - looking out to the street

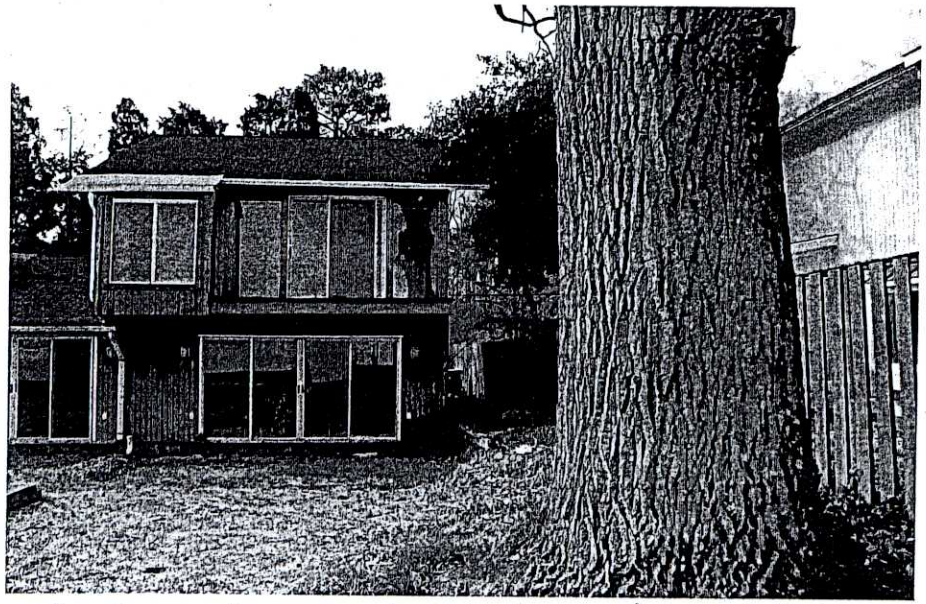
5736 Mallow Trail, Lorton VA 22079



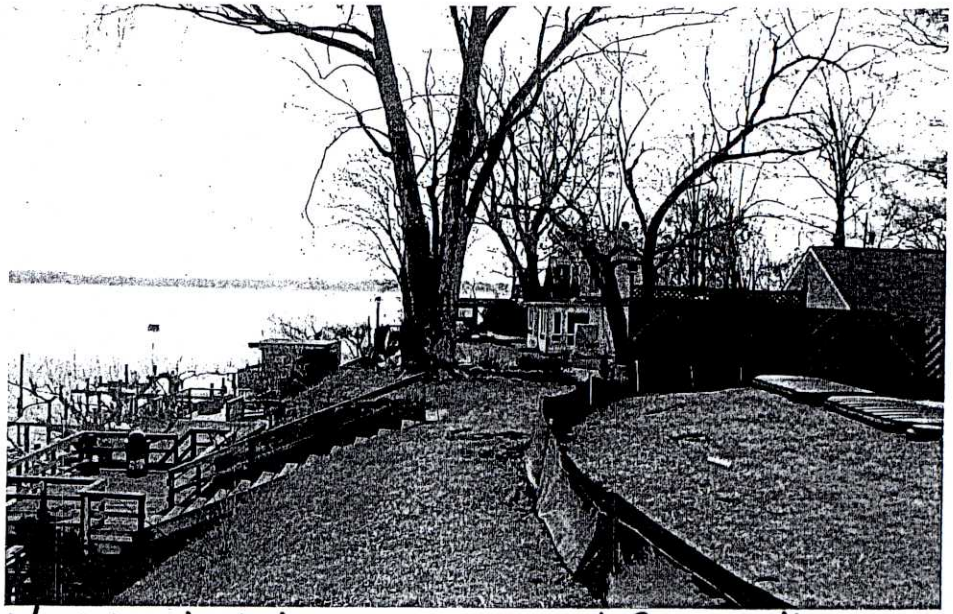
View I- front corner of the house looking towards SE side



View J- rear of house looking back to street & SE side yard



View K- north corner looking back at rear of house & NW side yard.

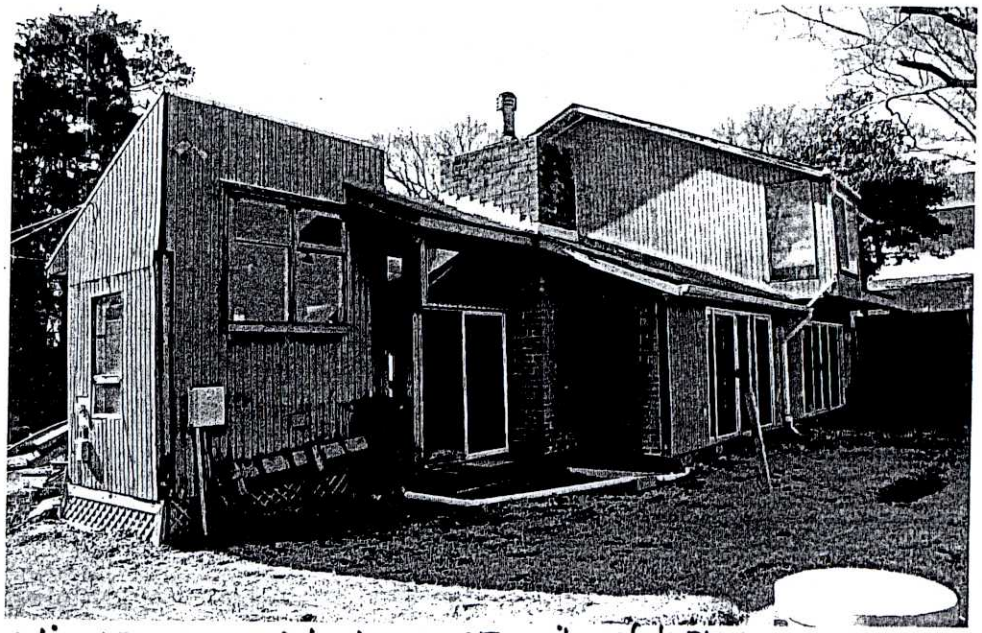


View L- looking across rear yard from north corner

View M – rear of property from dock

View N – rear of house from east corner

View O – rear of house + backyard from north corner.



View P – rear of house + SE side of house.

View Q - Panoramic view of backyard from rear corner of the house.
(The black lids are the septic field.)

5736 Mallow Trail, Lorton VA 22079

DESCRIPTION OF THE APPLICATION

The applicant is requesting a variance to allow construction of a second and third story addition to an existing single-family detached dwelling 21.1 feet from the front lot line, 5.2 feet from one side lot line (west), and 11.7 feet from the other side lot line (east). In addition, the applicant is requesting to construct a deck 7.2 feet from the side lot line (west). The bulk regulations for the R-E District in Par.2 of Sect. 3-E07 of the Zoning Ordinance require a minimum front yard of 50 feet and a minimum side yard of 20 feet. The propsed dwelling will meet the rear yard requirements, as well as the maximum permitted height. A building envelope is represented on the variance plat.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Variance	Addition	Front	50.0 feet	22.1 feet	27.9 feet	56%
		Side (West)	20.0 feet	5.2 feet	14.8 feet	74%
		Side (East)	20.0 feet	11.7 feet	8.3 feet	42%
	Deck	Side (West)	20.0 feet	7.2 feet	12.8 feet	64%

EXISTING SITE DESCRIPTION

The subject site measures 7,500 square feet in area and contains an existing brick and frame single-family detached dwelling that was constructed in 1954. In addition to the existing dwelling, the lot contains a shed, gravel driveway, wood fencing along the side lot lines, and steps and a frame deck over the river at the rear of the property. The lot width measures 75 feet, and the length is 100 feet. The site is zoned Residential-Estate (R-E). Under the R-E standards in the current Zoning Ordinance, a minimum lot size of 75,000 square feet and a minimum lot width of 200 feet are required. The lot is accessible via Mallow Trail and is located in a residential neighborhood.

CHARACTER OF THE AREA

	Zoning	Use
North	-	Potomac River
South	R-E	Single Family Detached Dwelling

East	R-E	Single Family Detached Dwelling
West	R-E	Single Family Detached Dwelling

BACKGROUND

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

- Variance VC 85-V-030 was approved on July 9, 1985 for Tax Map 119-4 ((2)) (12) 1-5, zoned R-E at 13375 Holy Place to permit construction of a dwelling 41.81 feet, 46.0 feet and 49.33 feet from the front lot lines of a corner lot.

- Variance VC 86-V-051 was approved on September 9, 1986 for Tax Map 119-4 ((2)) (21) 51-59, zoned R-E at 5845 Mallow Trail to permit construction of a modular home 47.25 feet from the front lot line.

- Variance VC 86-V-033 was approved on December 30, 1987 for Tax Map 119-4 ((2)) (53) 5-12, 14, 16, 18, and 20, zoned R-E at 11300 Gunston Road Way to permit construction of a dwelling 38.0 feet from the front lot line of a corner lot.

- Variance VC 88-V-122 was approved on October 19, 1988 for Tax Map 119-4 ((2)) (1) 15-21, zoned R-E at 11345 River Road to permit construction of an addition to a dwelling 16.2 feet from the front lot line.

- Variance VC 90-V-096 was approved on October 31, 1990 for Tax Map 119-4 ((2)) (21) 34-40, zoned R-E to permit construction of a dwelling 25.0 feet from the front lot line.

- Variance VCA 90-V-096 was approved on August 13, 2002 for Tax Map 119-4 ((2)) (21) 34-40, zoned R-E at 5860 Nicotine trail to permit construction of an accessory structure in the minimum required front yard of a lot containing 36,000 square feet or less, and to permit an existing dwelling to remain 29.4 feet from the front lot line.

- Variance VC 93-V-026 was approved on June 8, 1993 for Tax Map 119-4 ((2)) (17) 31-34, zoned R-E at 5766 Mallow Trail and 11445 Potomac Road to permit construction of an addition to a dwelling 46.5 and 41.2 feet from the front lot lines of a corner lot, a deck 13.8 feet from the front and 5.6 feet from the rear lot lines, and a dwelling to remain 5.3 feet from the rear and 26.3 feet from the front lot lines.

- Variance VC 94-V-062 was approved on July 13, 1994 for Tax Map 119-4 ((2)) (1) 15-21, zoned R-E at 11345 River Road to permit construction of an addition to a dwelling 25.5 feet from the front lot line.

- Variance VC 94-V-125 was approved on December 21, 1994 for Tax Map 119-4 ((2)) (10) 1-4, zoned R-E at 5901 Mount Vernon Boulevard to permit construction of additions to a dwelling 46.0 and 47.0 feet from the front lot line, 10.0 feet from the side lot line, and an accessory structure 0.0 feet from the side lot line.

- Variance VC 94-V-135 was approved on December 23, 1994 for Tax Map 119-4 ((2)) (17) 30, zoned R-E at 5808 Mallow Trail to permit the enclosure of a structure located 21.2 feet from the front lot line.

- Variance VC 96-V-026 was approved on June 18, 1996 for Tax Map 119-4 ((2)) (6) 1-10, zoned R-E at 11374 River Road to permit construction of additions to a dwelling 34.4 feet, 29.4 feet, 32.5 feet, and 40.0 feet from the front lot lines of a corner lot and permit an existing dwelling to remain 34.4 feet from the front lot line, and an accessory structure to remain in the front yard.

- Variance VC 97-V-038 was approved on June 18, 1997 for Tax Map 119-4 ((2)) (5) 1 and 9, zoned R-E at 11352 River Road to permit construction of an addition to a dwelling 9.4 and 17.6 feet from the front lot lines of a corner lot and for a pump house and shed to remain in a minimum required front yard.

- Variance VC 00-V-064 was approved on August 16, 2000 for Tax Map 119-4 ((2)) (6) 24A, 26, 28, 30, 32 and 34, zoned R-E at 5919 Fox Glove Trail to permit construction of an addition to a dwelling 24.6 feet from the front lot line.

- Variance VC 01-V-039 was approved on June 6, 2001 for Tax Map 119-4 ((2)) (5) 1 and 9, zoned R-E at 11352 River Road to permit construction of a dwelling 8.0 feet and 18.5 feet from the front lot lines of a corner lot.

- Variance VC 01-V-088 was approved on August 15, 2001 for Tax Map 119-4 ((2)) (1) 6A, zoned R-E at 11371 River Road to permit construction of an addition to a dwelling 14.3 feet from the rear lot line.

- Variance VC 2002-MV-149 was approved on December 4, 2002 for Tax Map 119-4 ((2)) (40) 11, zoned R-E to permit construction of a dwelling 30.0 feet from the front lot line.

- Variance VC 2002-MV-197 was approved on March 12, 2003 for Tax Map 119-4 ((2)) (3) 12, zoned R-E at 5933 Clematis Trail to permit construction of an addition to a dwelling 12.0 feet from the side lot line, and a fence greater than 4.0 feet in a front yard.

- Variance VC 2004-MV-112 was approved on June 15, 2005 for Tax Map 119-4 ((2)) (1) 34, zoned R-E at 11317 River Road to permit construction of a dwelling 19.0 feet with eave 17.0 feet and stoop 17.0 feet from the front lot line.

VARIANCE PLAT (Copy at front of staff report)

- **Title of Plat:** Plat Showing the house location on Lots 15, 16, & 17, Block 20, Section A, Gunston Manor
- **Prepared by:** Dominion Surveyors Inc.
- **Dated:** Dated (originally certified) July 9, 2008, and signed by Rebecca Bostick, June 17, 2011

ZONING ORDINANCE REQUIREMENTS

This variance application must satisfy all of the nine (9) enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance, which would afford relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 4.

CONCLUSION

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

VC 2011-MV-010

August 3, 2011

1. This variance is approved for the maximum size and location within the building envelope of a single-family detached dwelling, as shown on the plat prepared by Dominion Surveyors Inc., dated (originally certified) July 9, 2008, and signed (recertified) by Rebecca Bostick, June 17, 2011, as submitted with this application and is not transferable to other land.

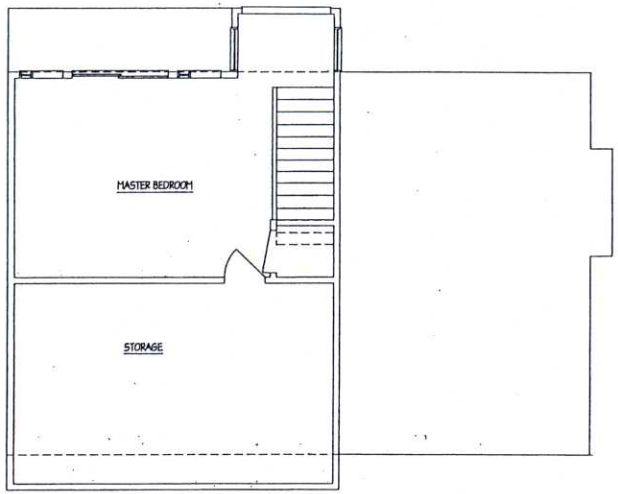
2. All applicable building permits and final inspections shall be obtained for the single-family detached dwelling.

3. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

ATTACHMENT 1



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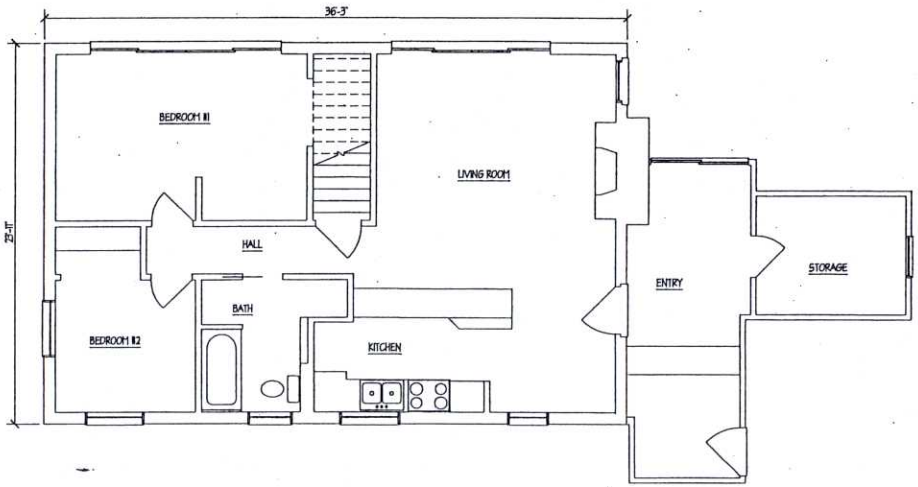

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1/4" - 1'-0"

Addition to the

KEANY RESIDENCE

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REBECCA L.G. BOSTICK, AIA

ARCHITECT

1819 DRURY LANE, SUITE 101 ALEXANDRIA, VA 22307

(703) 768-2250

A1

SHEET 1 OF 3

DATE 3/31/11

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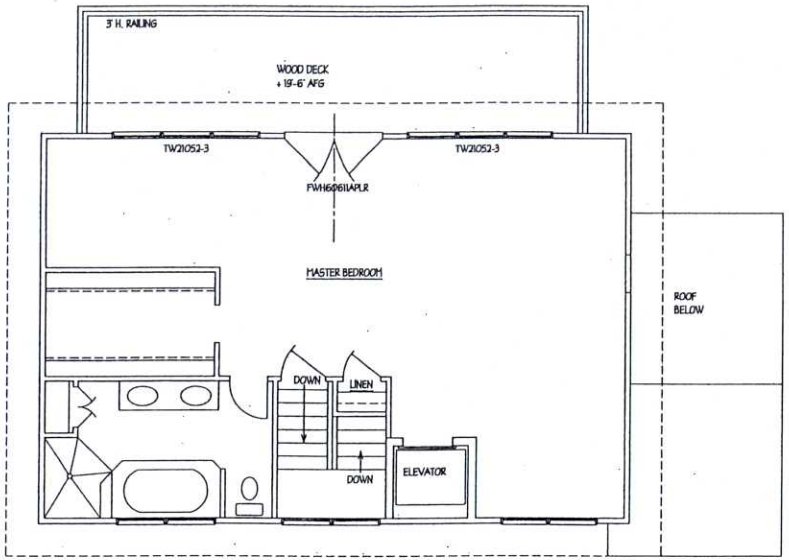
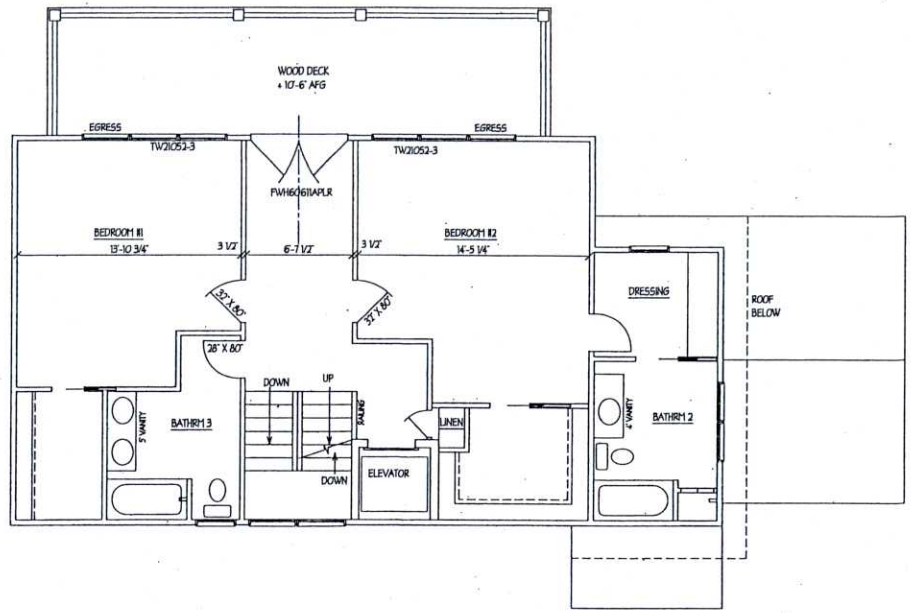


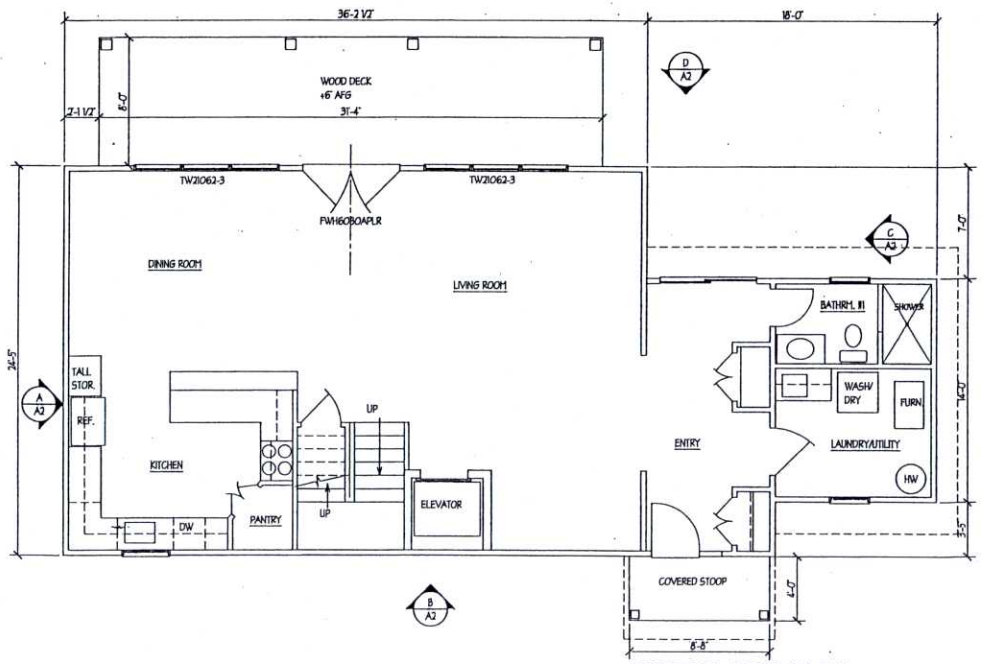
THIRD FLOOR PLAN

1/4" - 1'-0"



SECOND FLOOR PLAN

1/4" - 1'-0"



FIRST FLOOR PLAN

1/4" - 1'-0"

Addition to the

KEANY RESIDENCE

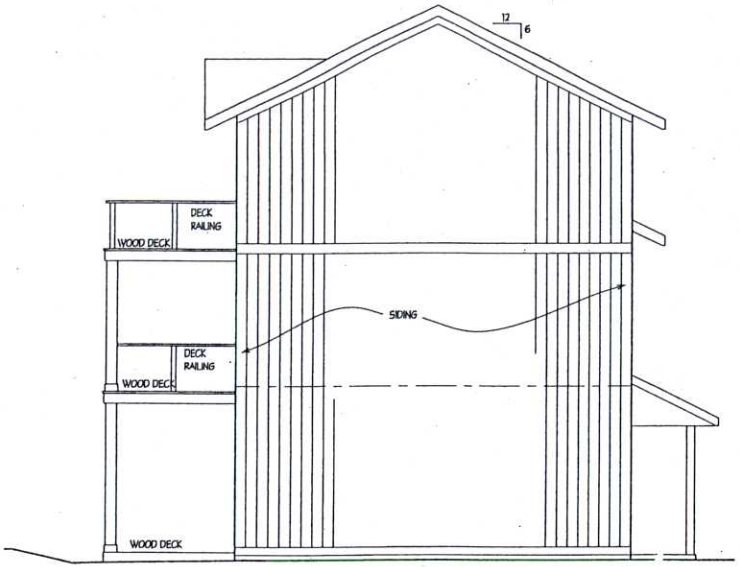
REBECCA L.G. BOSTICK, AIA
A R C H I T E C T
1819 DRURY LANE, SUITE 101 ALEXANDRIA, VA 22307

A2

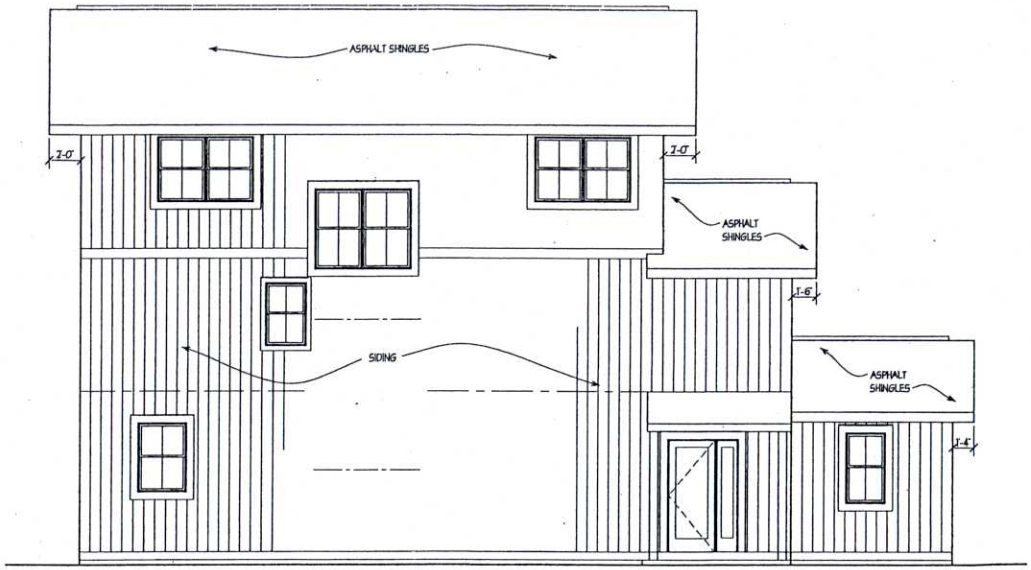
SHEET 2 OF

DATE 3/31/11

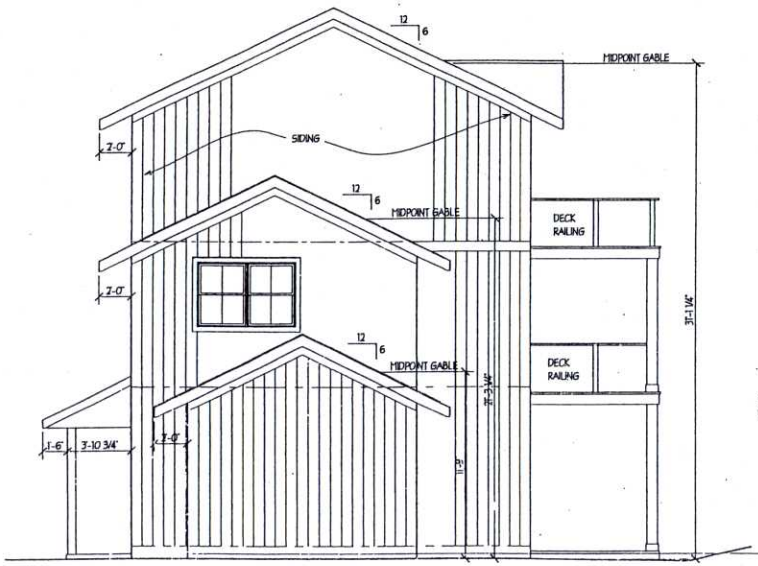
REVISED



A/A3 SIDE/END ELEVATION
1/4"=1'-0"



B/A3 FRONT ELEVATION
1/4"=1'-0"



C/A3 END/SIDE ELEVATION
1/4"=1'-0"

D/A3 REAR ELEVATION
1/4"=1'-0"

Addition to the

KEANY RESIDENCE

5736 MATTOW TRAIL, FORTON VA 22079

REBECCA L.G. BOSTICK, AIA
A R C H I T E C T
1819 DRURY LANE, SUITE 101 ALEXANDRIA, VA 22307

A3

SHEET 3 OF 3

DATE 3/31/11

Application No.(s): SP 2011-MV-050
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 10, 2011
(enter date affidavit is notarized)

I, Bernadette M. Keany, 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

111594v

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

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

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

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
Bernadette M. Keany	8212 Collingwood Ct, Alexandria VA 22308	Applicant/ Title Owner
Rebecca L6 Bostick, Architects Inc	1819 Drury Lane Alexandria VA 22307	Agent
Rebecca L6 Bostick	1819 Drury Lane Alexandria VA 22307	Agent

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

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

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

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DATE: June 10, 2011 111594b

(enter date affidavit is notarized)

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

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

CORPORATION INFORMATION

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

Rebecca LG Bostick, Architects Inc
1819 Drury Lane
Alexandria VA 22307

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)

Rebecca LG Bostick (100% + only shareholder)

(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-MS-050

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 10, 2011 111594v

(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)

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

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

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

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

Application No.(s): SP 2011-MV-050

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 10, 2011 111594v

(enter date affidavit is notarized)

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

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

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

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

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

none

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

Application No.(s): SP 2011-MU-050
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 10, 2011
(enter date affidavit is notarized)

111594b

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: Bernadette M. Keany

(check one) [✓] Applicant [ ] Applicant's Authorized Agent

Bernadette M. Keany
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10th day of June 2011, in the State/Comm. of Virginia, County/City of Alexandria

Sandra M. Vasquez
Notary Public

My commission expires: 03/31/2014

SANDRA M. VASQUEZ
Notary Public
Commonwealth of Virginia
7319063
My Commission Expires Mar 31, 2014

REBECCA L.G. BOSTICK
ARCHITECT

Statement of Justification
5736 Mallow Trail, Lorton, VA 22079

This variance application is to renovate and add on to an existing house on a very sub-standard lot in the RE zoning district. **A reduction of front and side yard set-backs is requested.** A reduction of the front yard from 50' to 21.1' to the eave of the covered front stoop is requested. Note that the building eave only requires a front yard set-back of 25.1' A reduction of the side yard setback from 20' to 5.2' on the left side of the property and from 20' to 11.7' on the right side of the property is requested.

The house will be rebuilt, utilizing the existing foundations and adding only a small area 49sf of addition, on new foundation walls. The existing house is a 1-1/2 story house and the proposed house is a 3-story house with a 2-story portion and a 1-story mudroom/entry portion of the house. The dimensions above are based on the existing house location and a 2' overhanging eave or rake.

Enumerated Requirements:

1. This subject property was acquired in good faith. The Owner purchased this property believing it was set on the lot in accordance with all zoning requirements and code ordinances. In this particular stretch of homes, all the lots along the river are very similar in size. Houses vary in size with this existing house being a smaller home than those adjacent.

It wasn't until the plat was shown to the Architect that any problem was discovered.

2. The property has several of the exceptional characteristics listed.

A. This lot has exceptional narrowness. The RE zoning district requires a minimum lot width of 200'. This lot has a width of 75'. That is only 37.5% of the required minimum yard for this zoning district.

The lot width of 75' minus the 40' of side yard set-backs only leaves 35' for building width. The existing house is 54' in width.

B. This lot has exceptional shallowness. With a lot depth of 100 and 75' of that is front and rear set-backs, only 25' is left for the building depth. The existing house is 28.5' in depth.

1819 DRURY LANE, SUITE 101 ALEXANDRIA, VA 22307
703-768-2250

Based on the minimum lot size of 75,000 and minimum width of 200', then the lot depth should be 375'. Again this lot depth is only 26.6% of the required size.

C. This lot has exceptional size, small size. With this zoning district, the minimum lot size is 75,000 SF, yet this lot is only 7,500 SF- 10% of the required size.

D. This lot is a nice rectangular lot so exceptional shape is not a characteristic of this lot.

E. This lot is relatively flat in the area of the house so exceptional topographic conditions are not a characteristic of this lot for the house.

F. This lot is an extraordinary situation due to several reasons. First is the location of the existing house. Ninety-nine percent (99%) of the existing house sits in the front yard and side yard set-backs. The Owner planned to keep the first floor and build above the existing foundations. There was no thought that the existing foundation could not be used due to its location.

In addition, before using the property, the Owner wanted to correct the septic system of the house. She worked with Fairfax County health department to come up with a solution. Again the size, and this time the topography, of the lot made this very difficult. A new system, in complete compliance with the County, has now been installed. But this new system does not permit the building location to change to even try and be set further back in the lot to get behind set-backs. The septic system was set 18' off the existing wall which is a minimum health department clearance required. The building cannot go back any further on the lot. Again, this limits any building to the existing foundations.

G. The use or development of property immediately adjacent to this property is not an extraordinary characteristic of this lot.

3. This is truly a one of a kind lot and this condition and situation will not be a general or recurring situation.

4. The strict application of this ordinance would produce undue hardship for the Owner. The existing house is in poor condition, it is an eyesore to the neighborhood. It is currently in an uninhabitable condition. The Owner would like to clean up and restore the building, adding additional space for her family. With the set-back issues, a building permit cannot be issued for any work.

5. The undue hardship appears not to be shared generally by other properties. The other homes are large and set back a little further on the property.

6. A. The strict application of the zoning ordinance would prohibit and unreasonably restrict the utilization of the property. As mentioned, this existing house sits almost completely in the set-backs. A building permit can never be issued for any work on this property. The building as it exists, is not habitable and is in need of renovation. The

Owner wishes to have a larger home to accommodate her family. Without the variance that can never happen.

6B. The granting of the variance will definitely alleviate a hardship. This is not a convenience or privilege. There is nowhere else to build on this property but to utilize the existing foundations and build up. We have tried to explore other options but with the RE zoning, the size of this lot, and the new septic system- there are no other options available.

7. This variance will not be of detriment to the adjacent properties. The adjacent homes are of equal size and set further back on their lots. The proposed house will not affect views or access to any other property. The adjacent lots are currently bordered by high fences which will not be changed.

The adjacent house to the left is also 3 stories in a series of additions. Most houses on the street are 2 to 3 stories. This area is very unique; each house being very personalized so there is not a single style or size to meet. The house will be built with wood frame and siding to match materials of the majority of the surrounding homes. Most homes in the stretch of road are built up to the edges of the property. This home will be in scale with its surrounding neighbors.

8. The character of the zoning district will not be changed by the granting of the variance. It is a single family home and will remain a single family home. The house and lot size will remain in keeping with others on this stretch of road.

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. By granting this variance, this piece of property is being brought up to current building code standards. The septic system is the first step, the house is the last step. As mentioned, the house as it stands now is unsafe and uninhabitable. A new house will make this a safe and pleasant property, in keeping with the look and harmony of this neighborhood.

Your consideration is appreciated. If you have any questions, please feel free to call.

Rebecca Bostick
Rebecca LG Bostick, Architects, Inc.
703-768-2250

ZONING ORDINANCE PROVISIONS

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 the utilization 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.