



APPLICATION ACCEPTED: May 18, 2011  
DATE OF PUBLIC HEARING: August 10, 2011  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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August 3, 2011

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MV-041

### MOUNT VERNON DISTRICT

**APPLICANT/OWNER:** William Hulver

**ADDITIONAL OWNERS:** Meghan Hulver  
Michael Fleming  
Barbara Fleming

**LOCATION:** 1505 Wake Forest Drive

**SUBDIVISION:** Westgrove

**TAX MAP:** 93-2 ((6)) (5) 4

**LOT SIZE:** 12,881 square feet

**ZONING:** R-3

**ZONING ORDINANCE PROVISION:** 8-918 and 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements for construction of a two-story addition 9.0 feet from a side lot line and to permit an accessory dwelling unit within the addition

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-MV-041 for the addition and accessory dwelling unit with adoption of the proposed development conditions contained in Appendix 1.

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Brenda J Cho

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

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

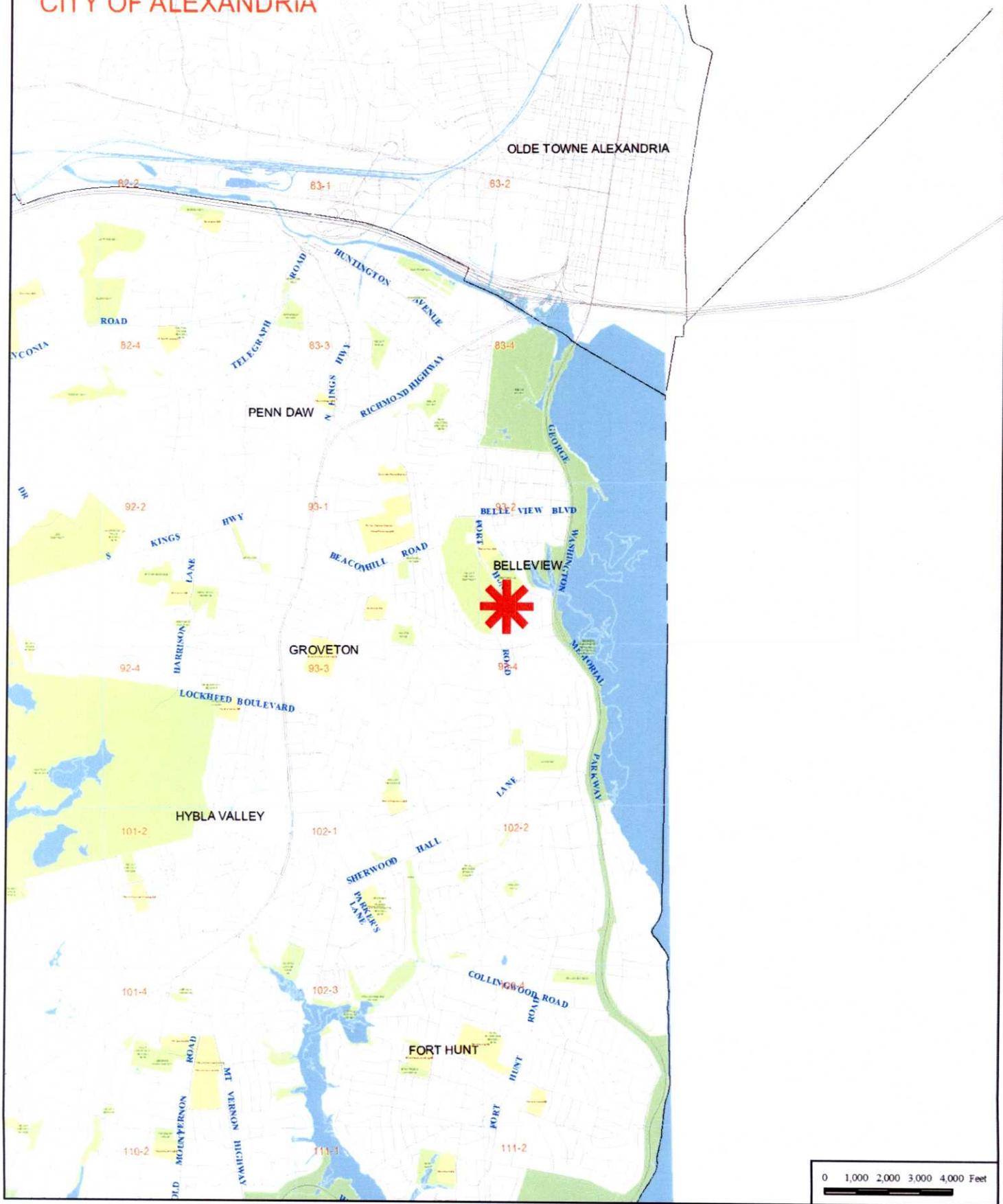
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



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

**Special Permit**  
**SP 2011-MV-041**  
**WILLIAM L. HULVER**

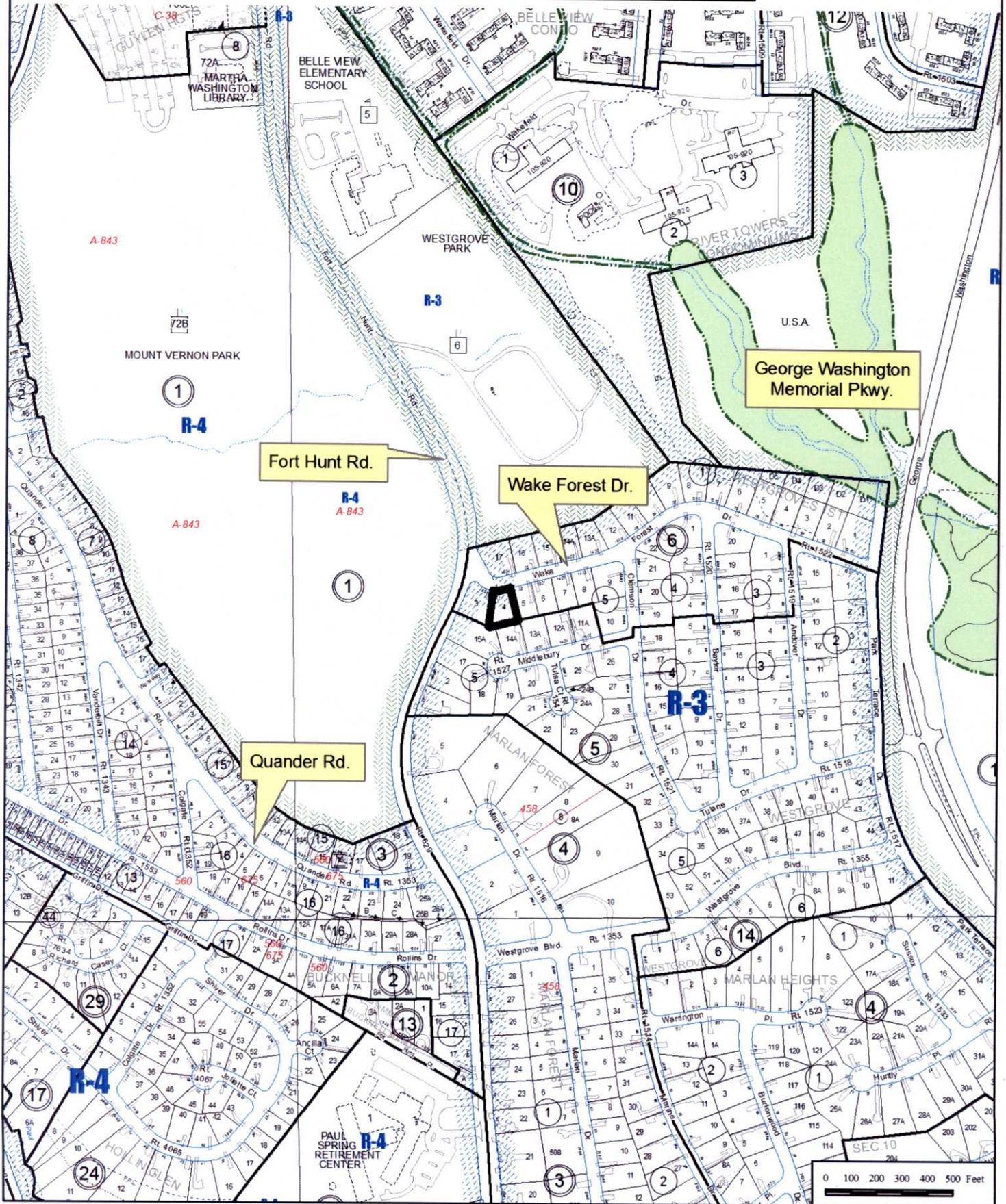
**CITY OF ALEXANDRIA**



# Special Permit

## SP 2011-MV-041

### WILLIAM L. HULVER



72A  
MARTHA  
WASHINGTON  
LIBRARY

BELLE VIEW  
ELEMENTARY  
SCHOOL

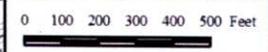
WESTGROVE  
PARK

George Washington  
Memorial Pkwy.

Fort Hunt Rd.

Wake Forest Dr.

Quander Rd.



NOTES:

- TAX MAP 093-2-06-05-0004
- PROPERTY SHOWN HEREON IS ZONED R-3 (RESIDENTIAL 3 DU/AC)
- MINIMUM YARD REQUIREMENTS IN ZONE R-3  
FRONT: 30'  
SIDE: 12'  
REAR: 25'
- PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0320E EFFECTIVE DATE, SEPTEMBER 17, 2010.
- THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.

7. FLOOR AREA:

EXISTING GROSS FLOOR AREA HOUSE	1,812 SQ. FT.
EXISTING GROSS FLOOR AREA SUN ROOM	213 SQ. FT. (TO BE REMOVED)
EXISTING GROSS FLOOR AREA PARK. STRUCTURE	243 SQ. FT. (TO BE REMOVED)

EXISTING FLOOR AREA 2,268 SQ. FT.

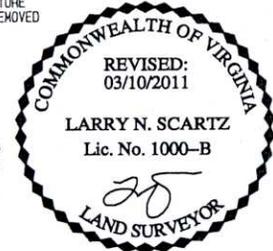
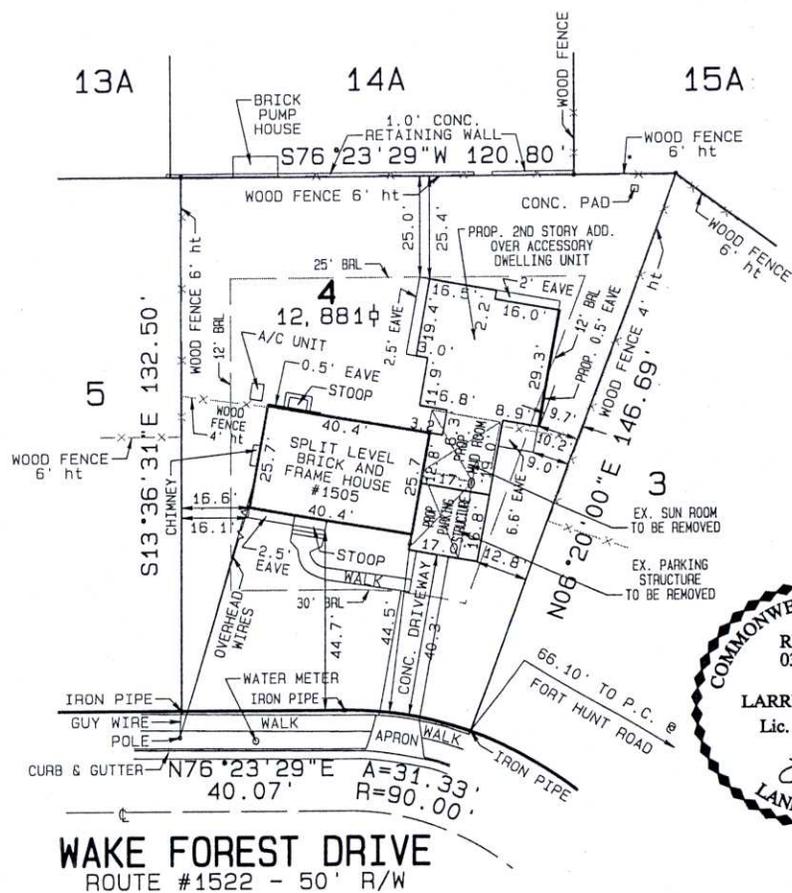
EXISTING GROSS FLOOR AREA HOUSE	1,812 SQ. FT.
PROPOSED GROSS FLOOR AREA MUD ROOM	268 SQ. FT.
PROPOSED GROSS FLOOR AREA PARK. STRUCTURE	286 SQ. FT.
PROPOSED 2ND LEVEL ADDITION	678 SQ. FT.
PROPOSED 1ST LEVEL ACCESSORY DWELLING UNIT	894 SQ. FT.

PROPOSED FLOOR AREA 3,938 SQ. FT.

PROPOSED FLOOR AREA RATIO: 0.30

HEIGHT TABLE

EXISTING HOUSE PEAK HEIGHT:	20.1'
PROPOSED ADDITION PEAK HEIGHT:	21.5'

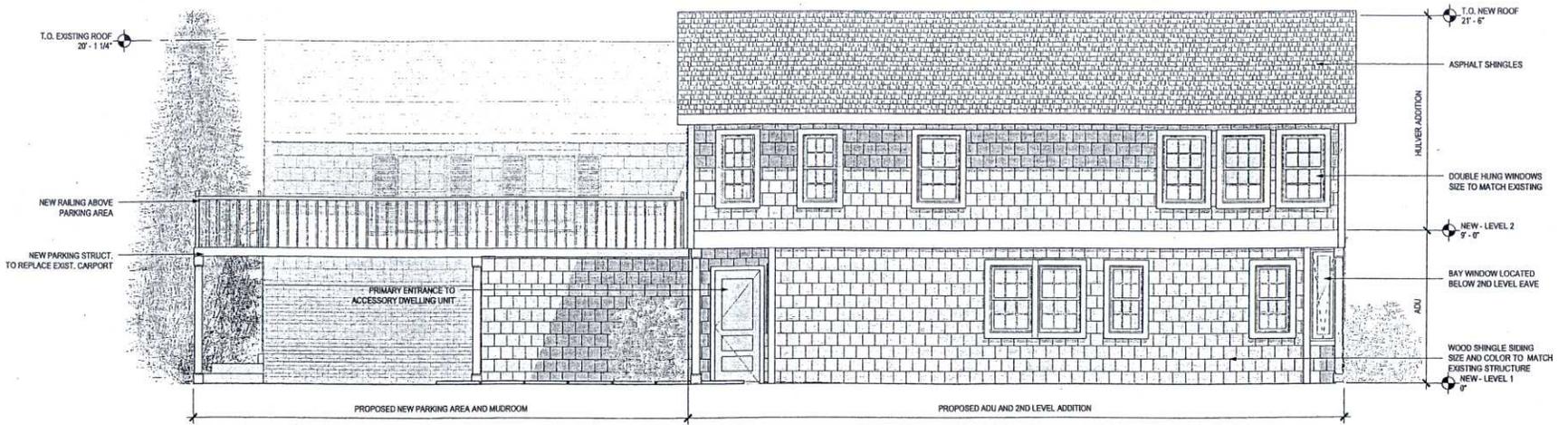


WAKE FOREST DRIVE  
ROUTE #1522 - 50' R/W

SPECIAL PERMIT PLAT  
LOT 4, BLOCK 5, FIRST ADDITION TO  
**WESTGROVE**  
MOUNT VERNON MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1"=30' DATE: MAY 02, 2011

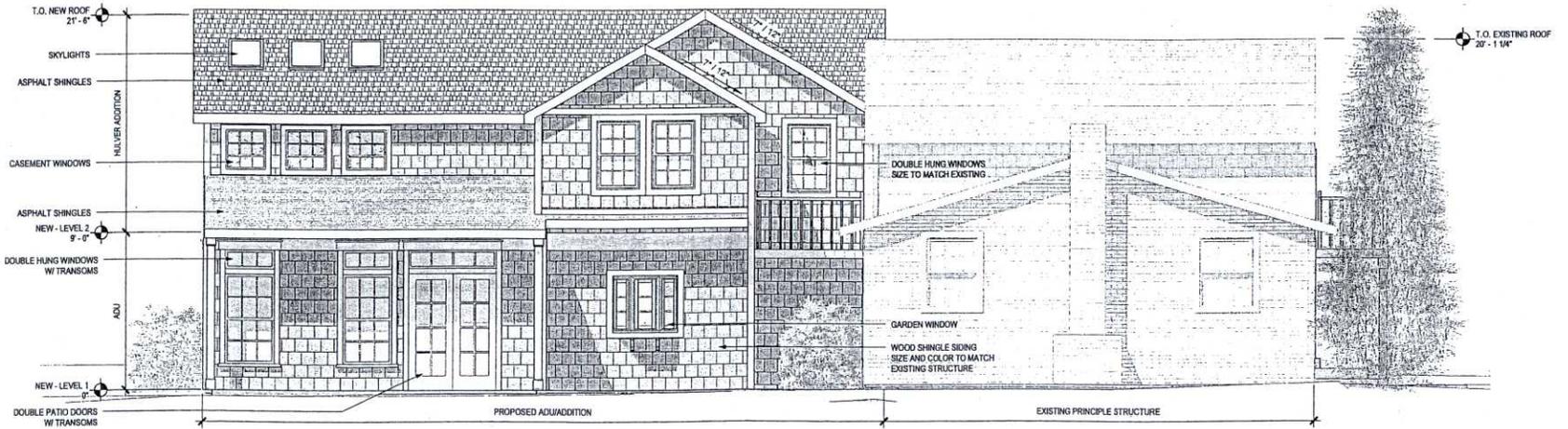
CASE NAME: HULVER/FLEMING	NO TITLE REPORT FURNISHED.
	PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE. FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
<b>SCARTZ SURVEYS</b>	
LARRY N. SCARTZ CERTIFIED LAND SURVEYOR WOODBRIIDGE, VIRGINIA	LOCAL (703) 494-4181 FAX (703) 494-3330 LARRY.SCARTZ@SCARTZ.COM





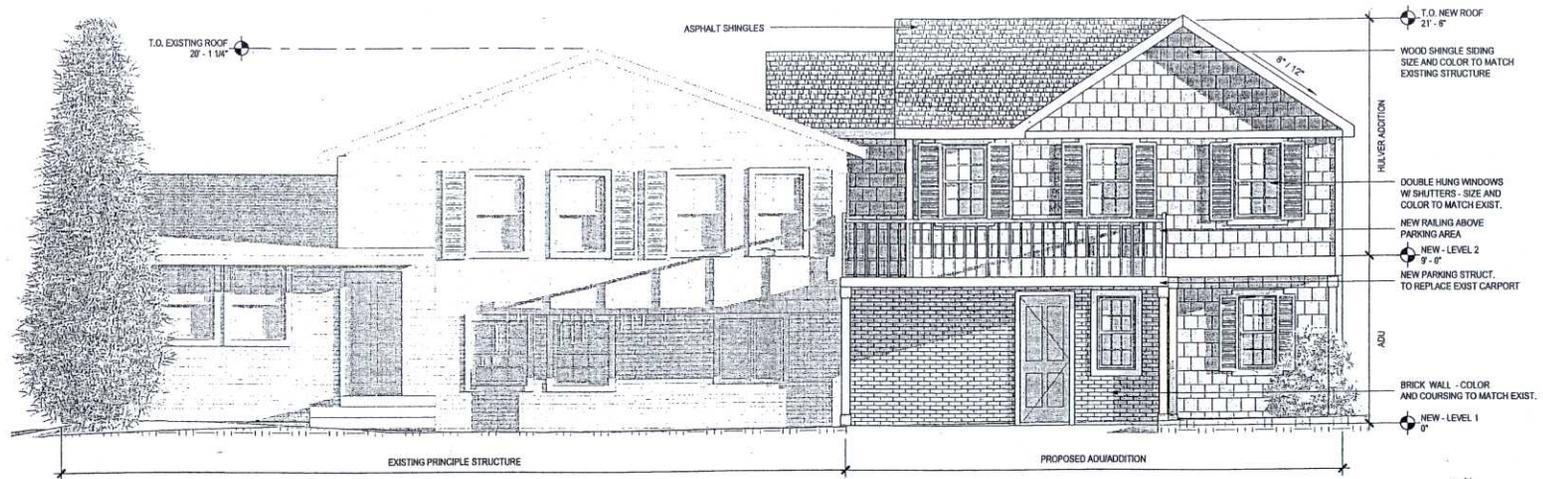
**1 WEST ELEVATION - ADU/ADDITION**

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

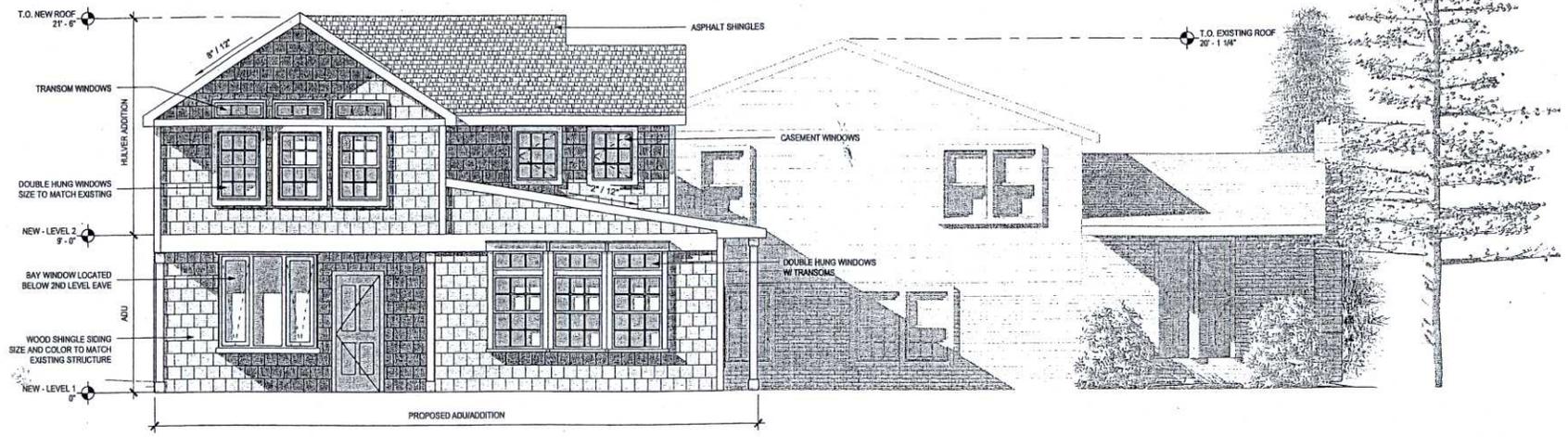


**2 EAST ELEVATION - ADU/ADDITION**

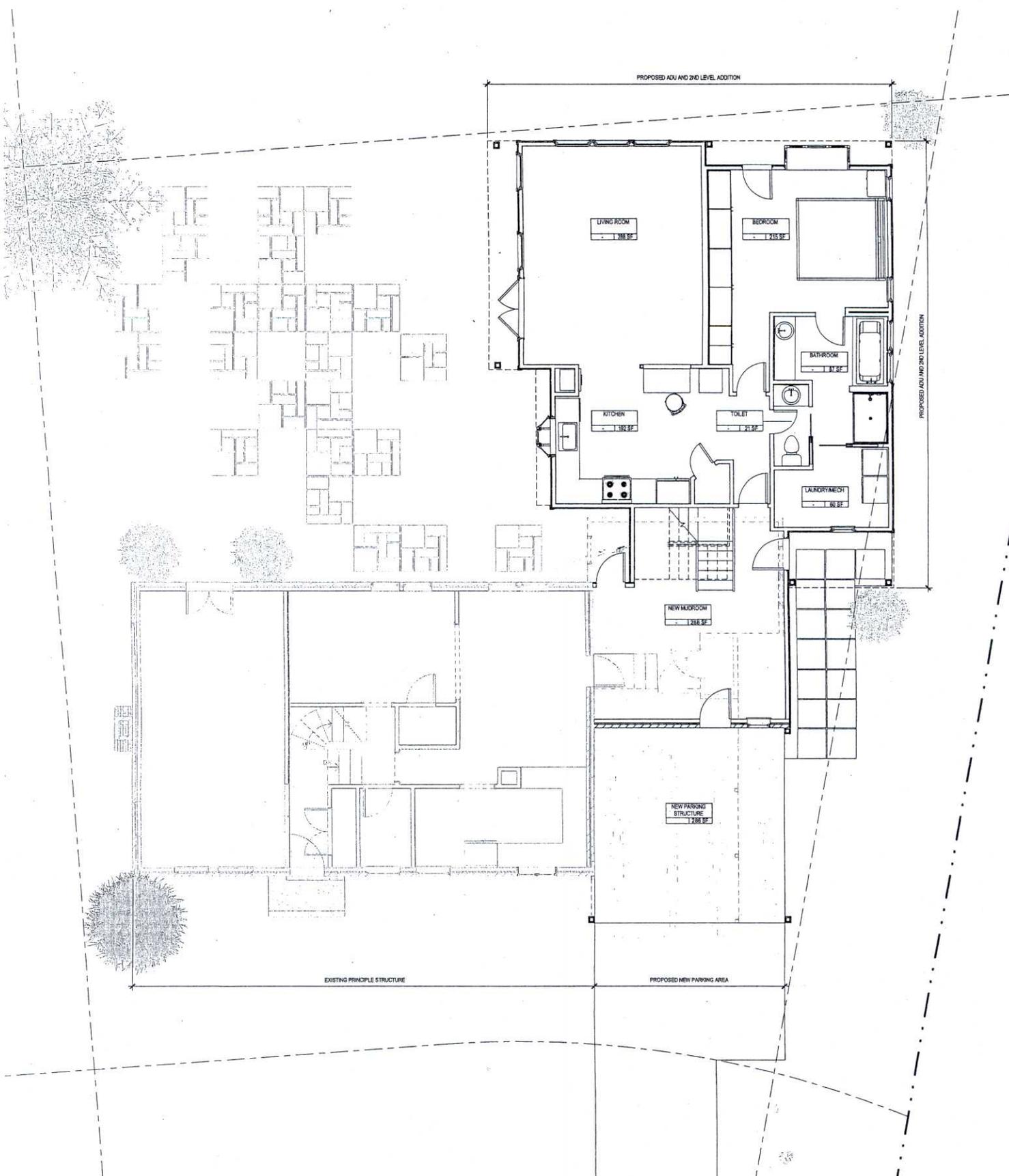
SCALE: 1/4" = 1'-0"



**1 NORTH ELEVATION - ADU/ADDITION**  
SCALE: 1/4" = 1'-0"



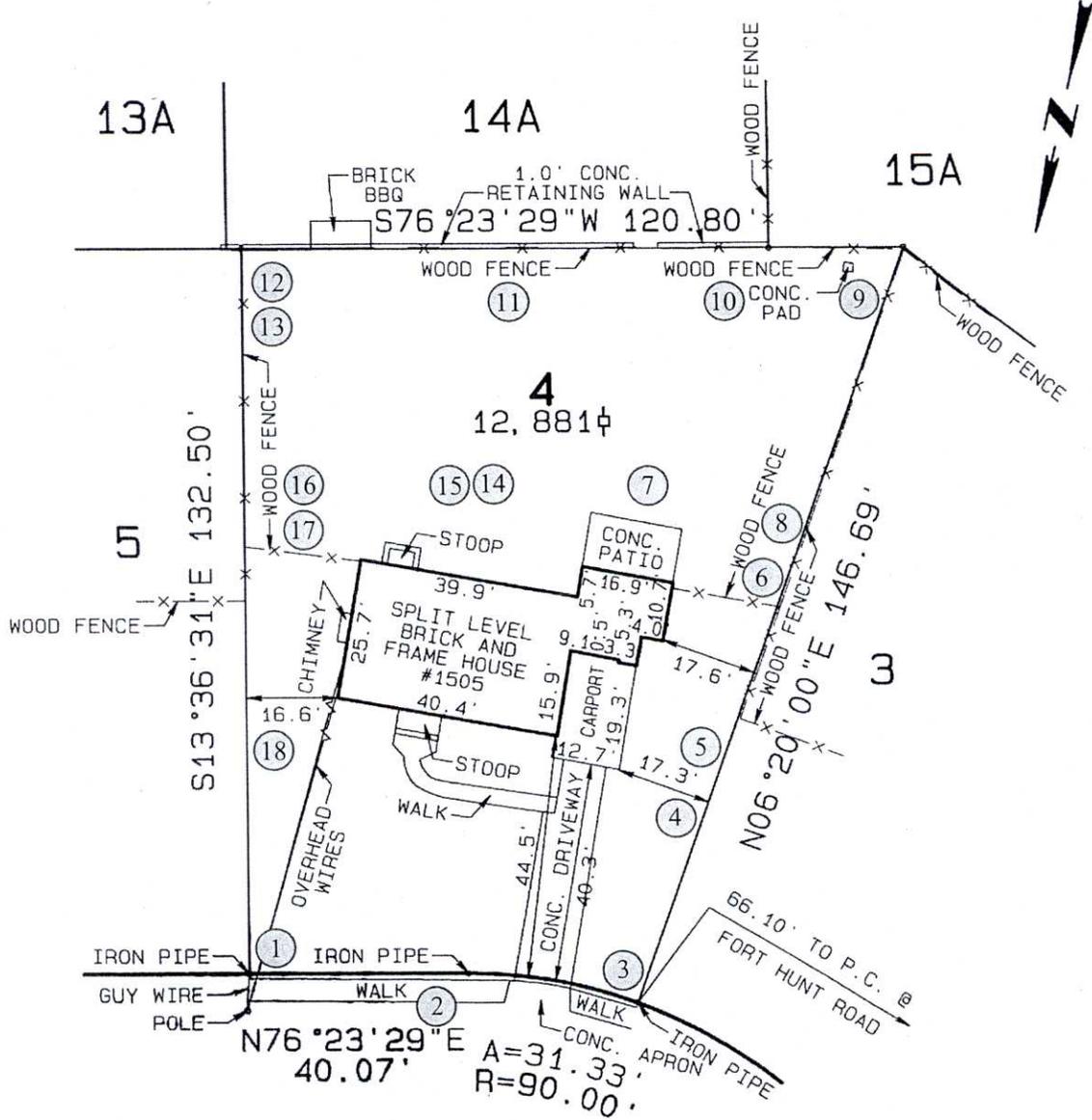
**2 SOUTH ELEVATION - ADU/ADDITION**  
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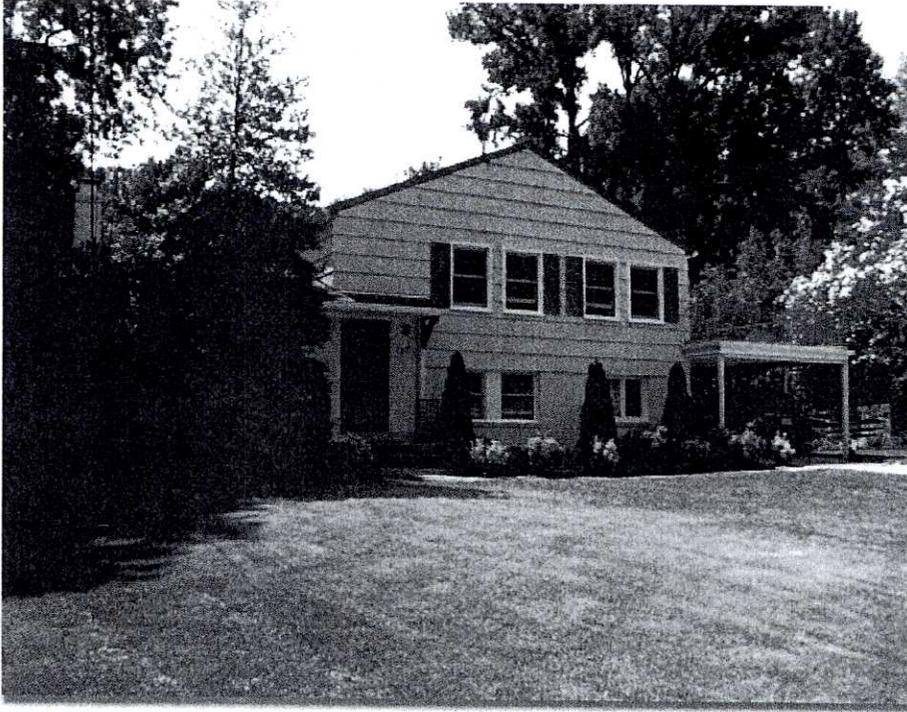
# PHOTOGRAPHS

## APPLICATION PROPERTY LEGEND

(All photographs below were taken on 09/04/2010)



**APPLICATION PROPERTY - (Views from Subject Property Line into Property)**



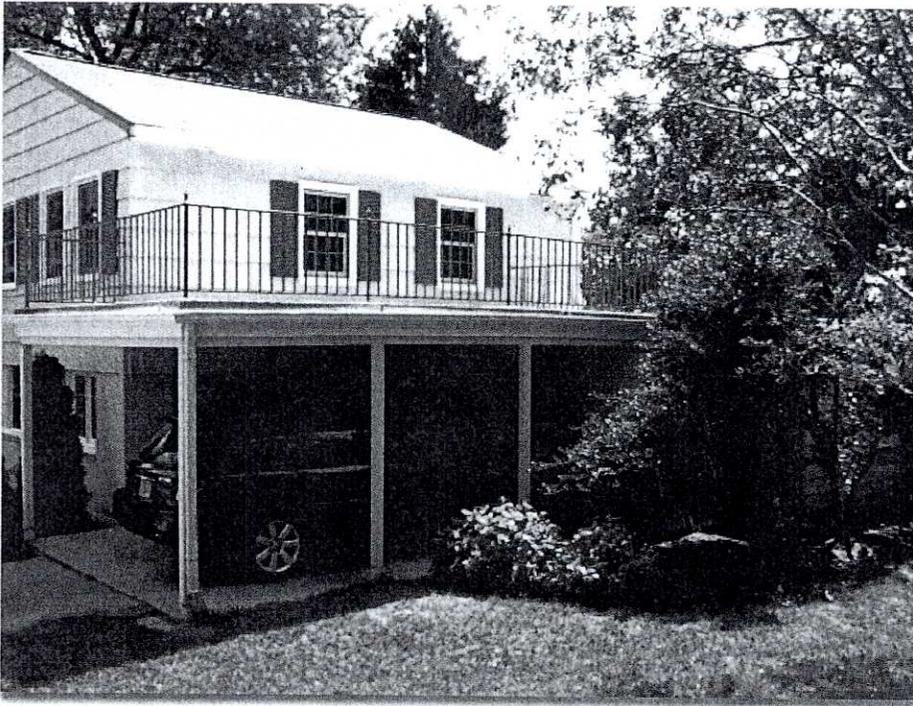
1 – Front Left View from Wake Forest Drive



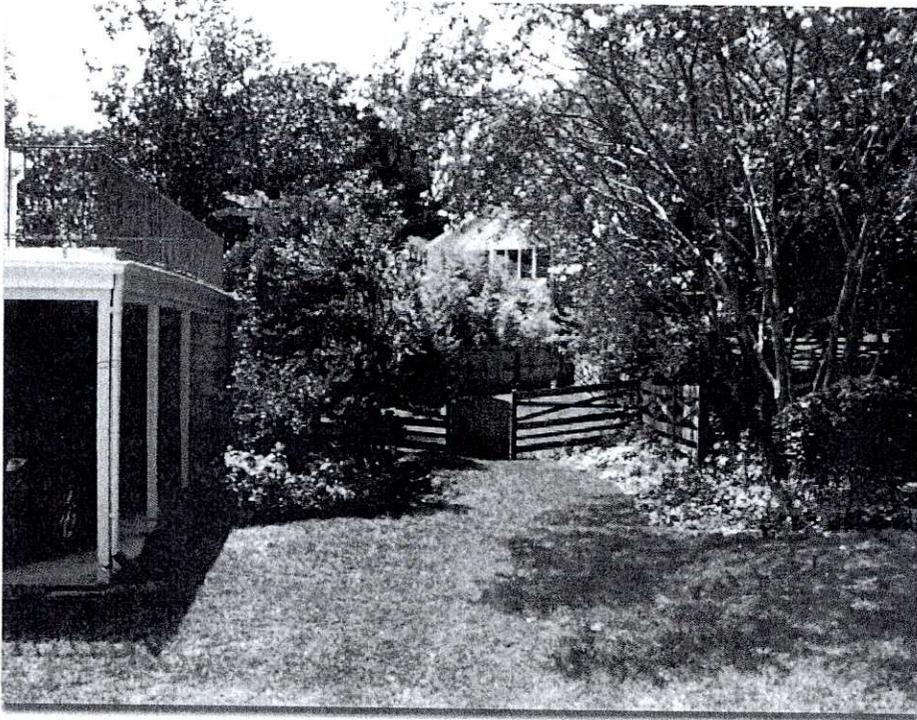
2 – Front Center View from Wake Forest Drive



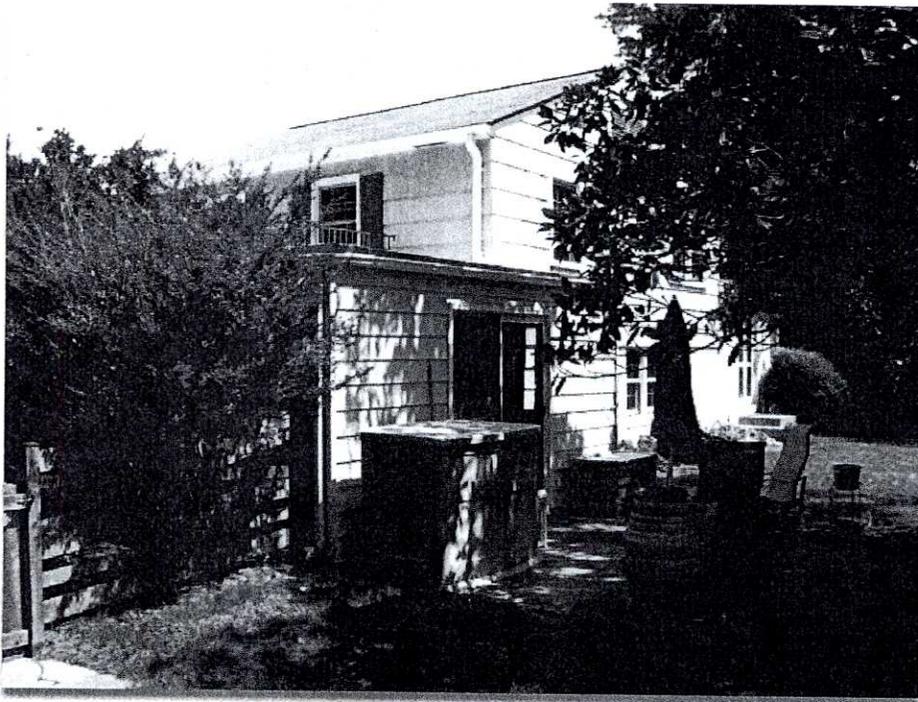
3 – Front Right View from Wake Forest Drive



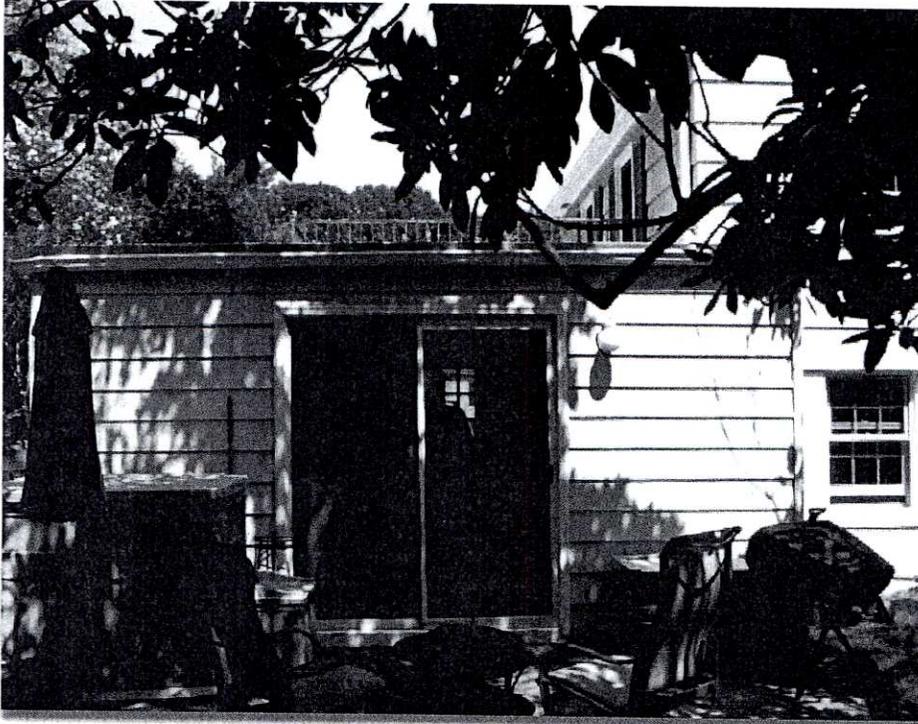
4 – Front Right View of Carport from Yard



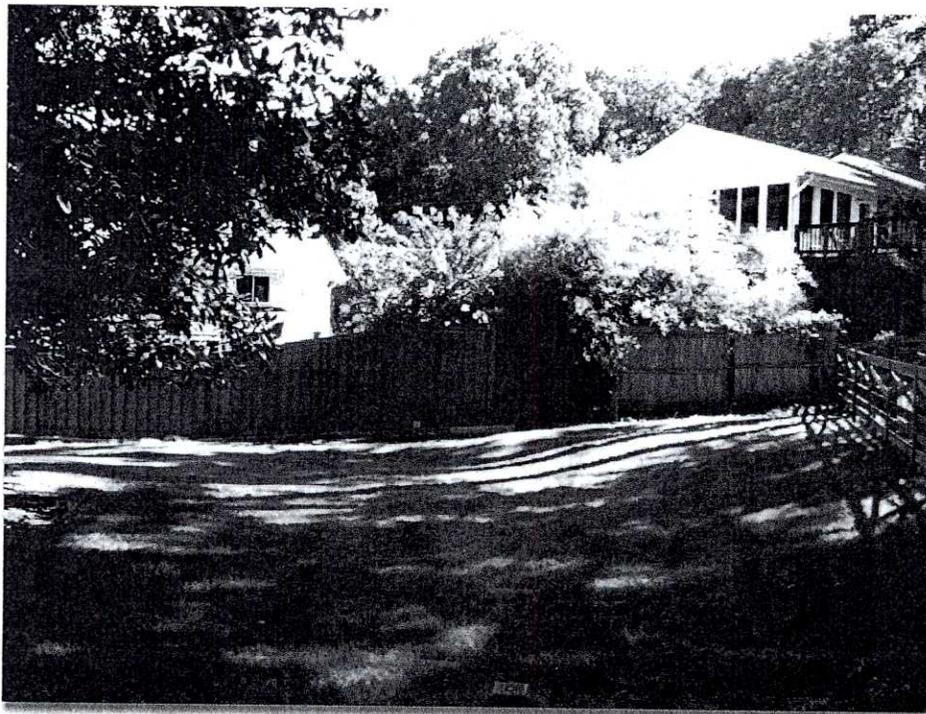
5 – View of Front/Rear Right Side of Yard at Property Line



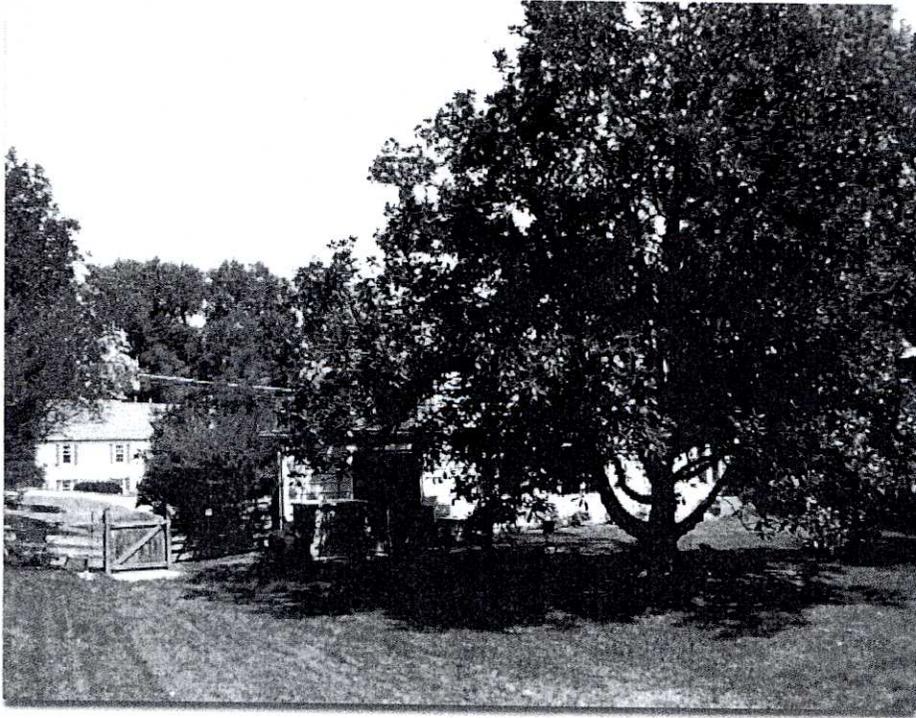
6 – Rear Right View of Sun Porch



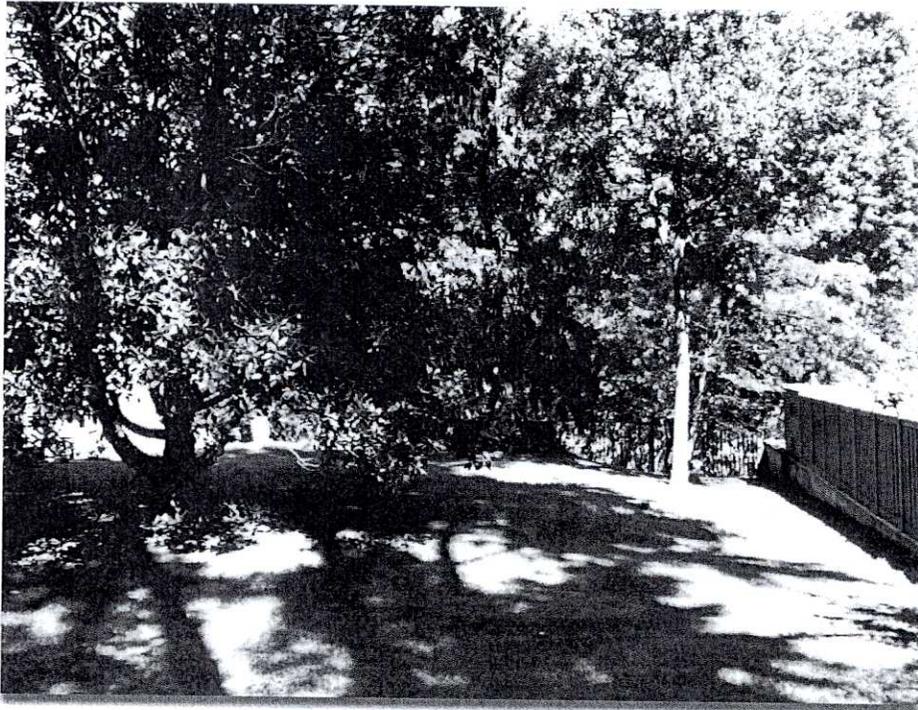
7 – Rear Center View of Sun Porch



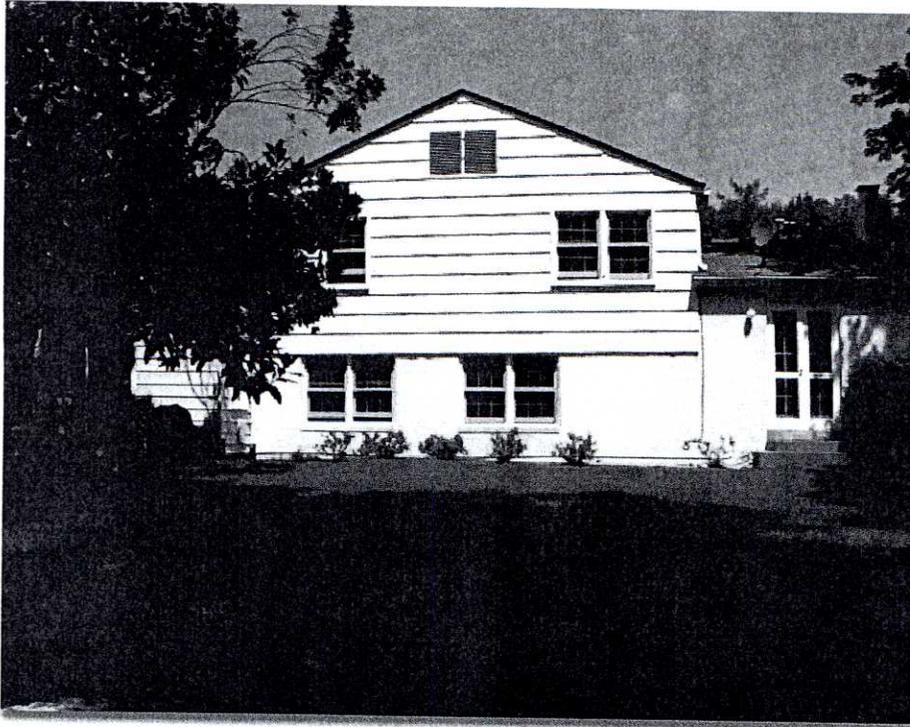
8 – Rear Right View of Yard and Property Line



9 –Rear Right Corner View of Sun Porch and Yard



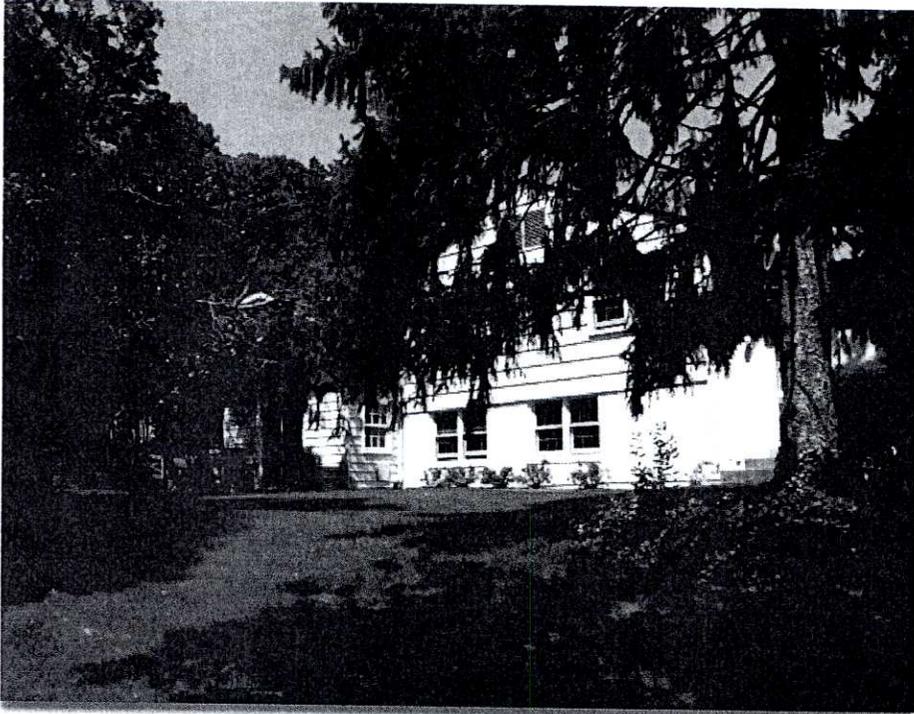
10 –Rear Property Line from Right Rear Corner



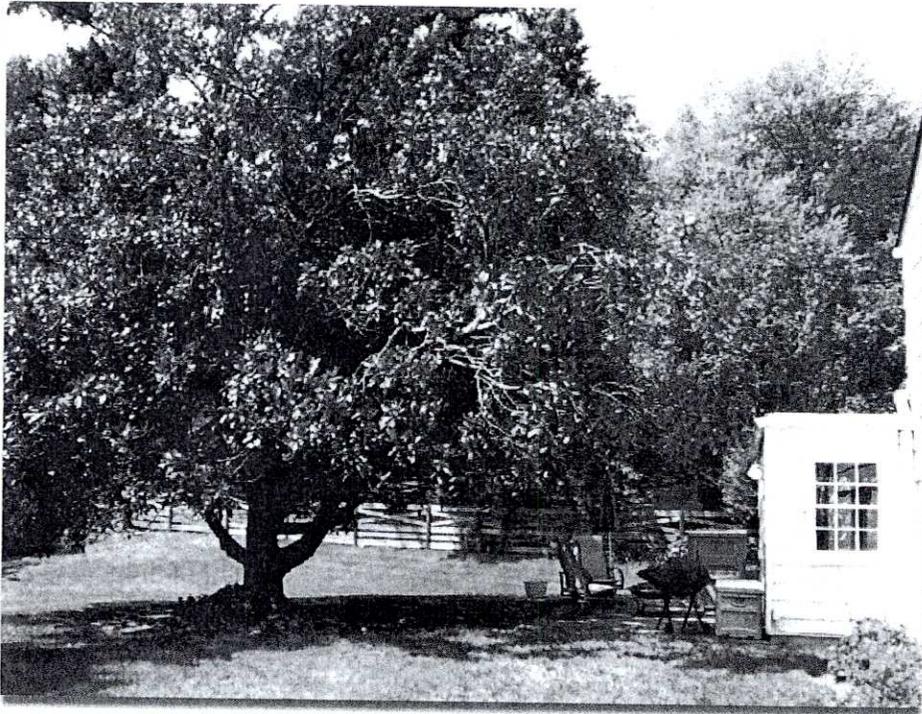
11 – Rear Center View from Property Line



12 – Rear Property Line from Left Rear Corner



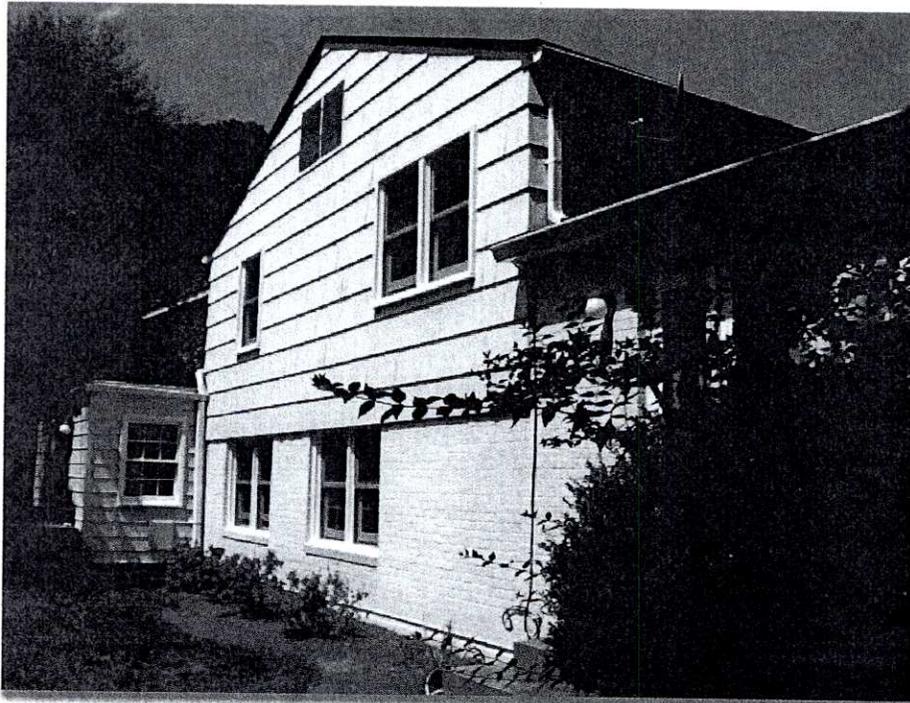
13 – Rear Left Corner View from Rear Left Corner Property Line



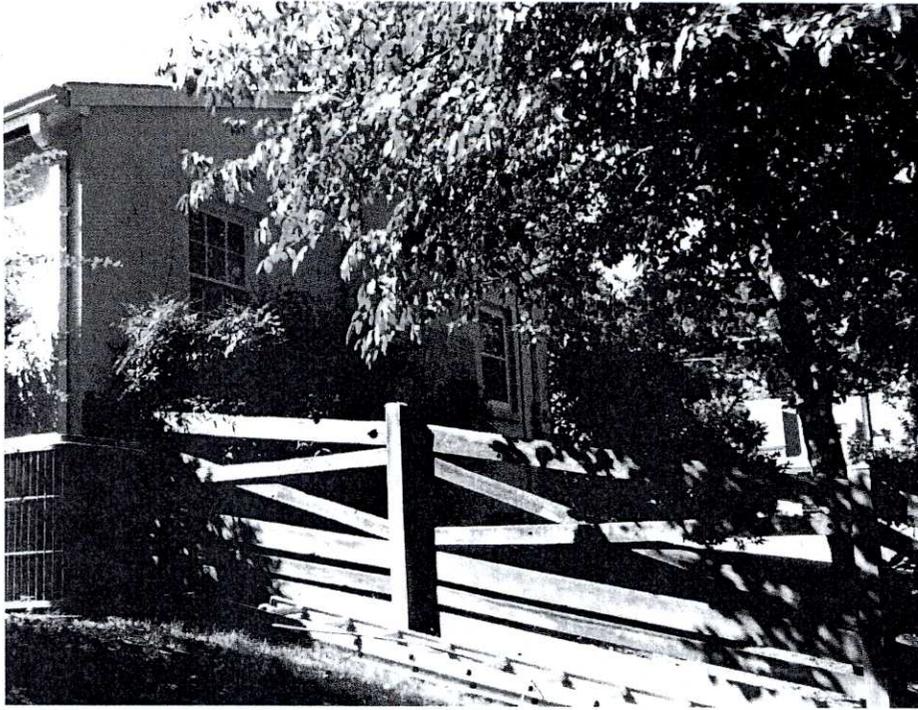
14 – Rear Right View of Yard and Sun Porch



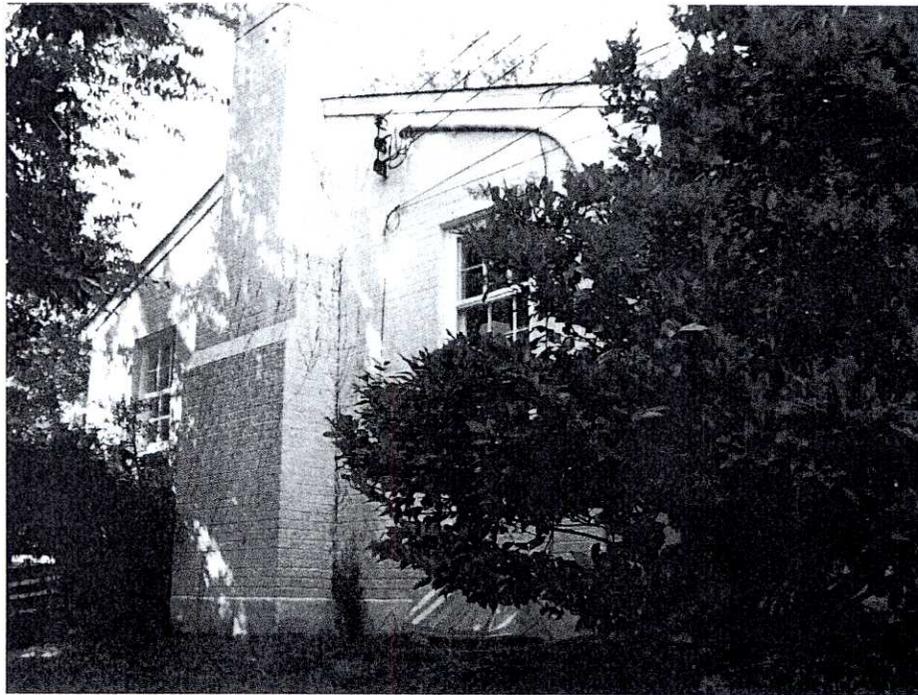
15 – Rear Left View of Yard and Wood Fence at Property Line



16 – Rear Left Corner View



17 – Rear Left View

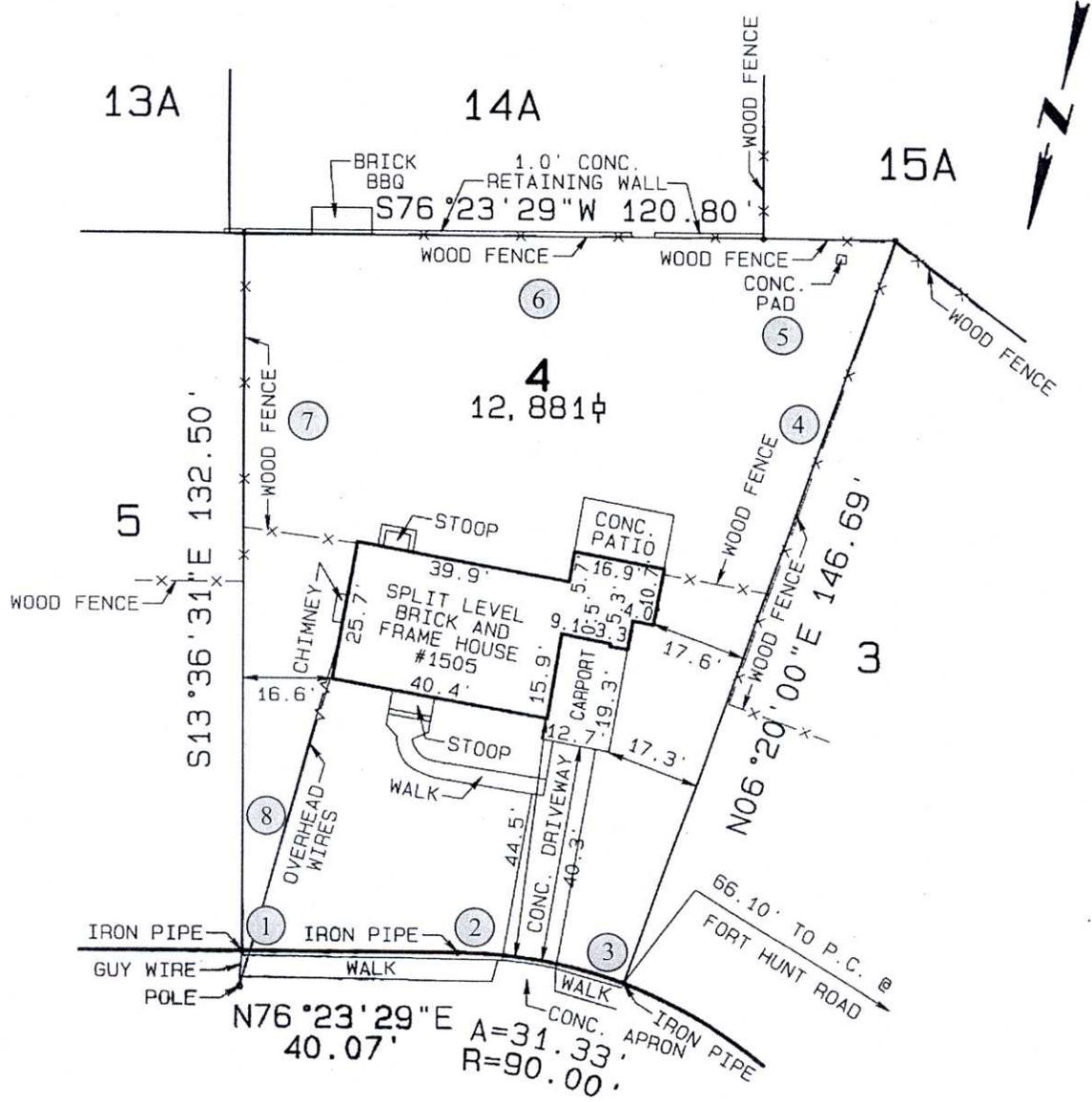


18 – Front Left Corner View

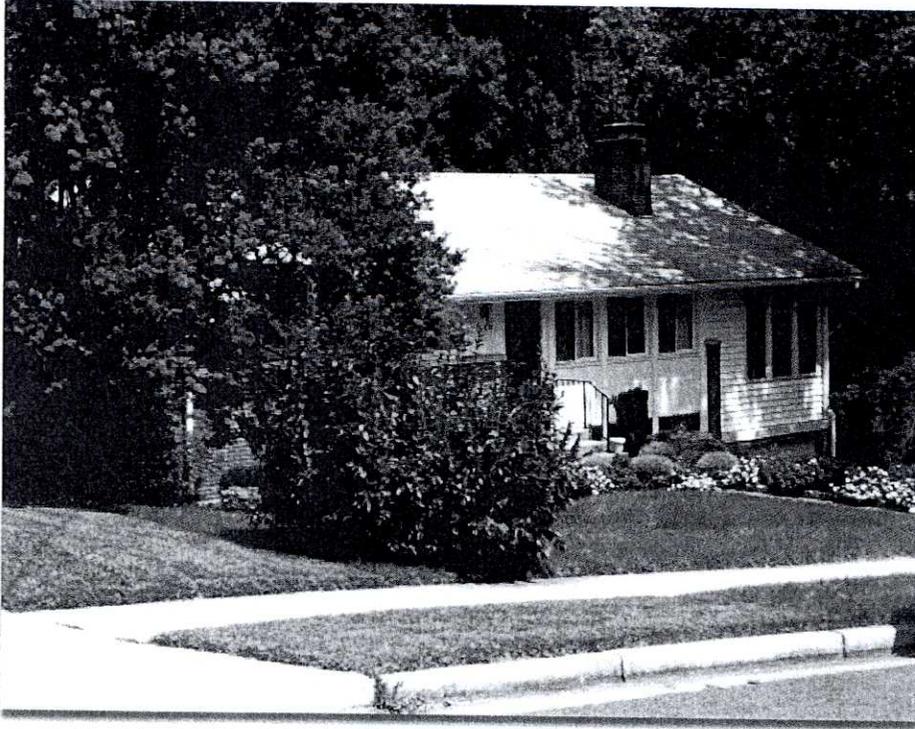
# PHOTOGRAPHS

## ABUTTING PROPERTIES LEGEND

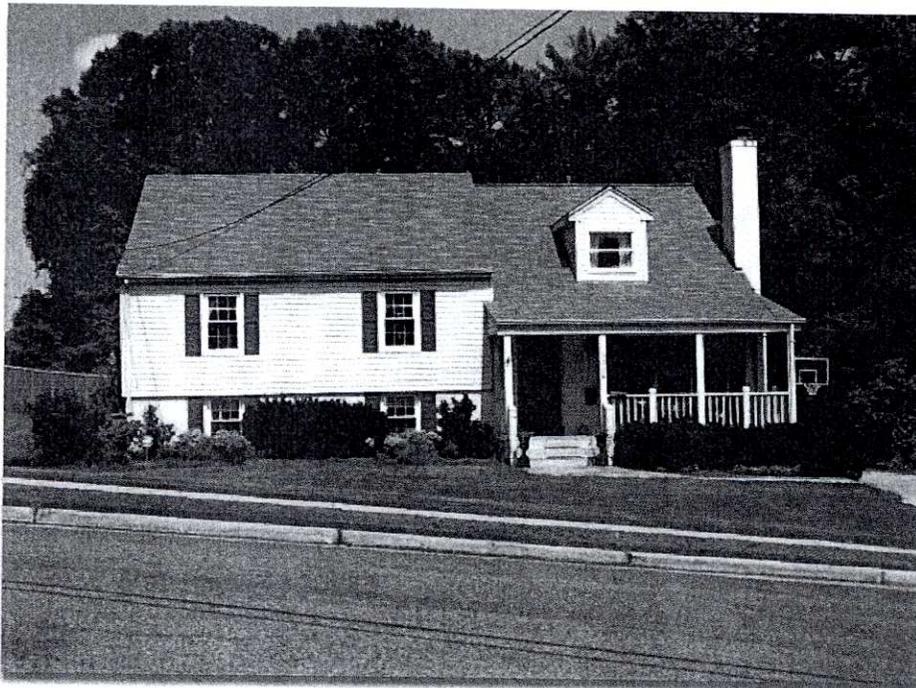
(All photographs below were taken on 09/04/2010)



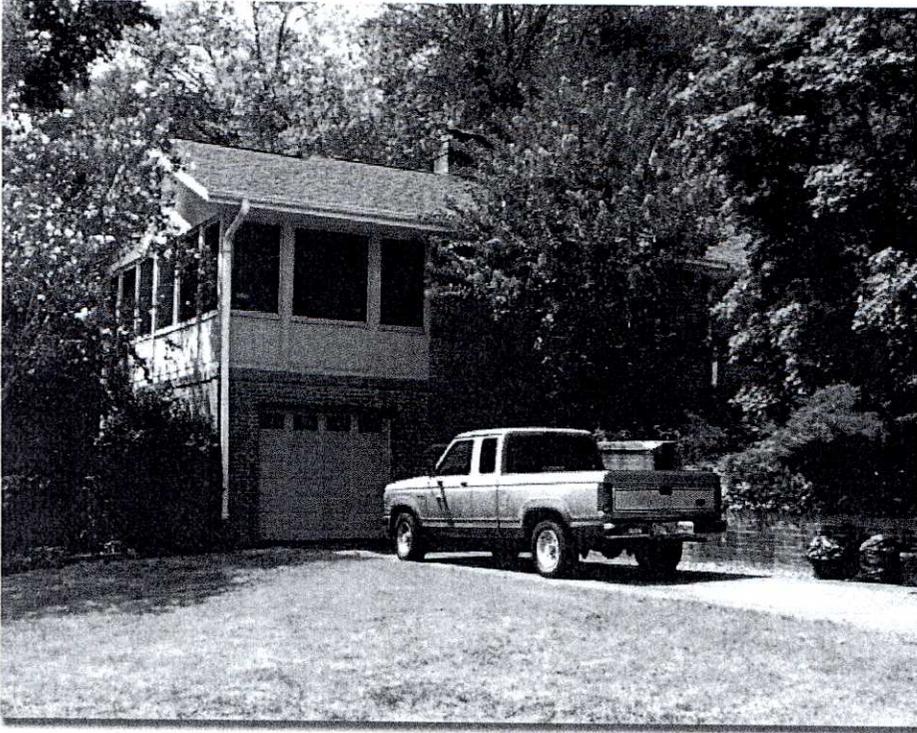
**ABUTTING PROPERTIES - (Views of Abutting Properties from Inside Property Line)**



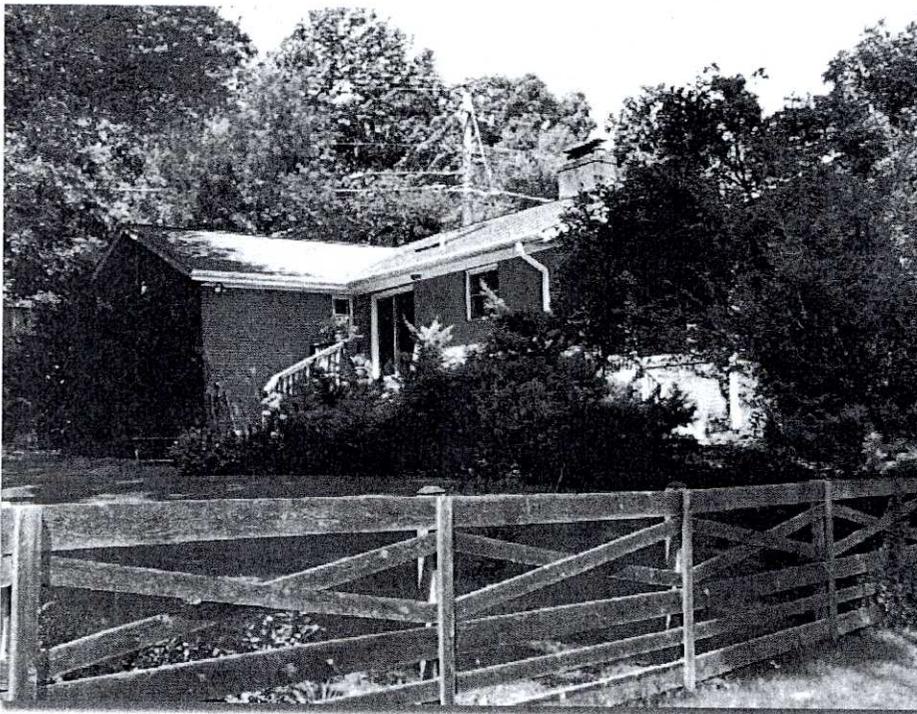
1 – 1502 Wake Forest Drive



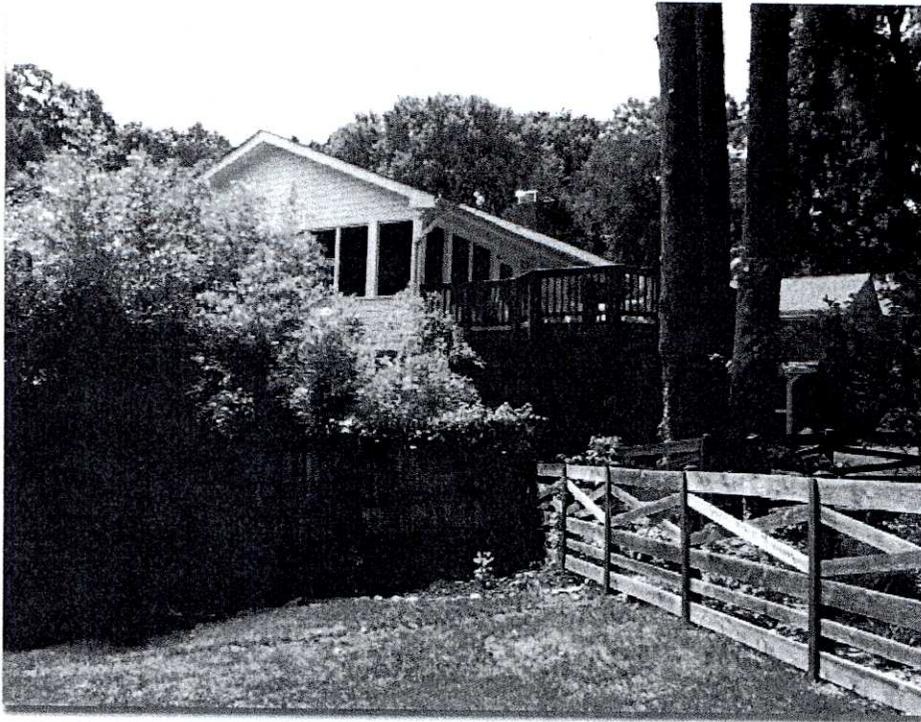
2 – 1504 Wake Forest Drive



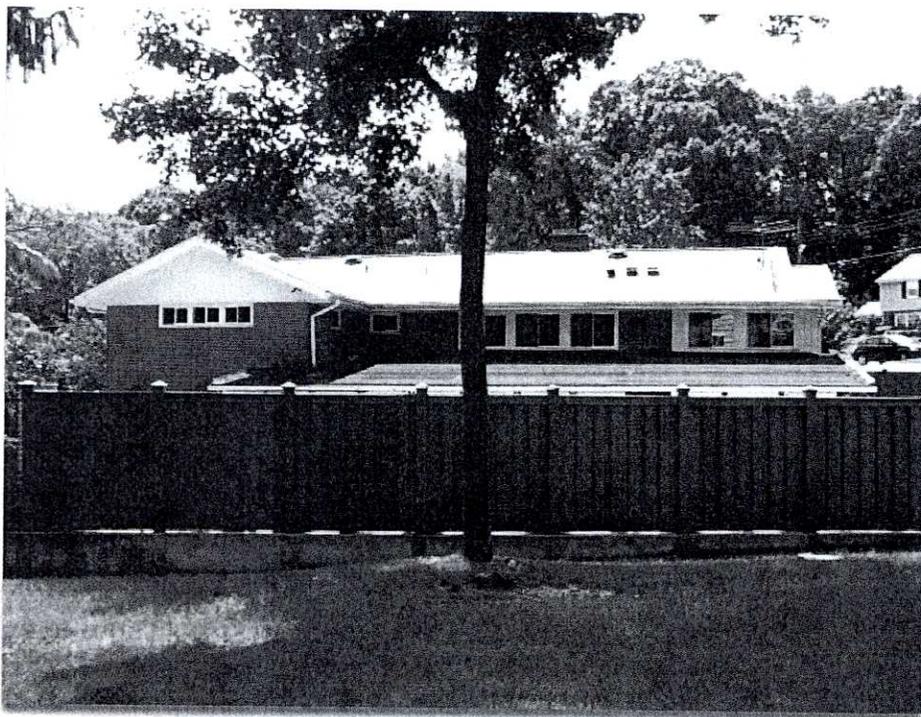
3 – 1507 Wake Forest Drive



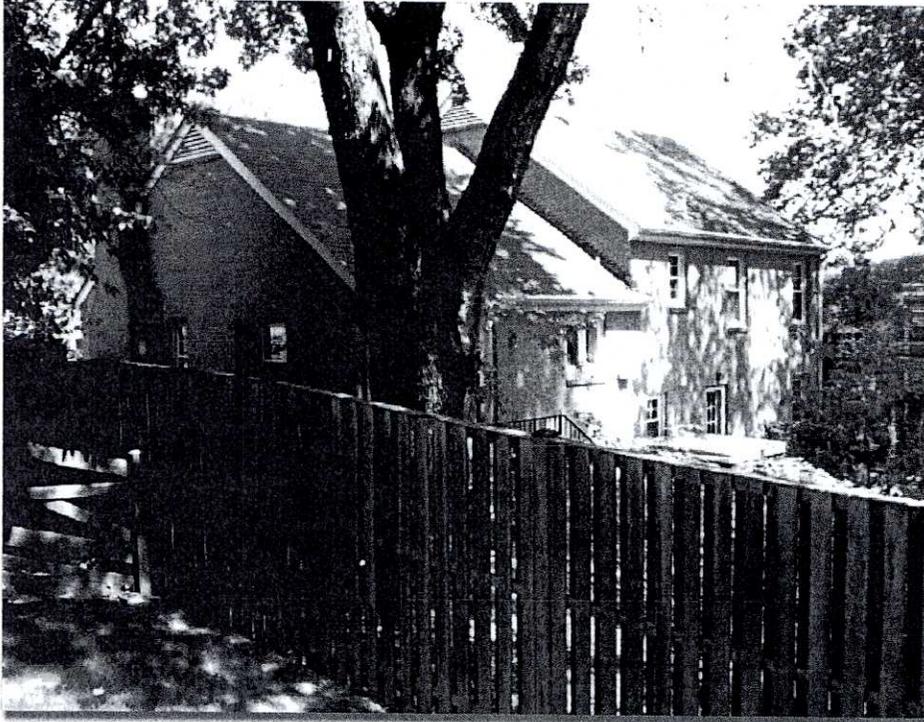
4 – 1507 Wake Forest Drive (Rear View from Property Line)



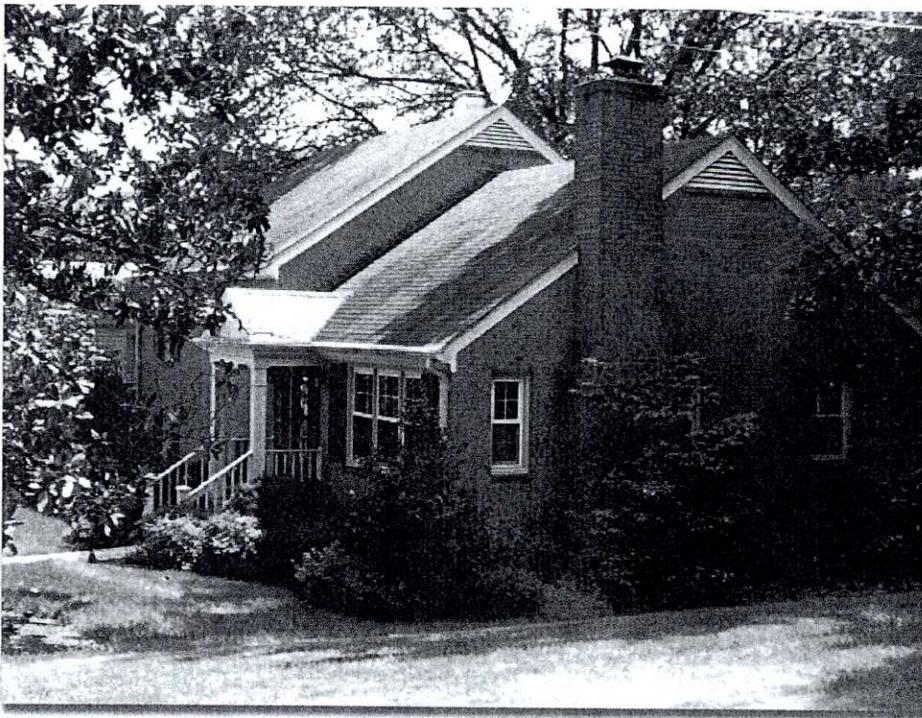
5 – 1504 Middlebury Drive (Rear View from Property Line)



6 – 1502 Middlebury Drive (Rear View from Yard)



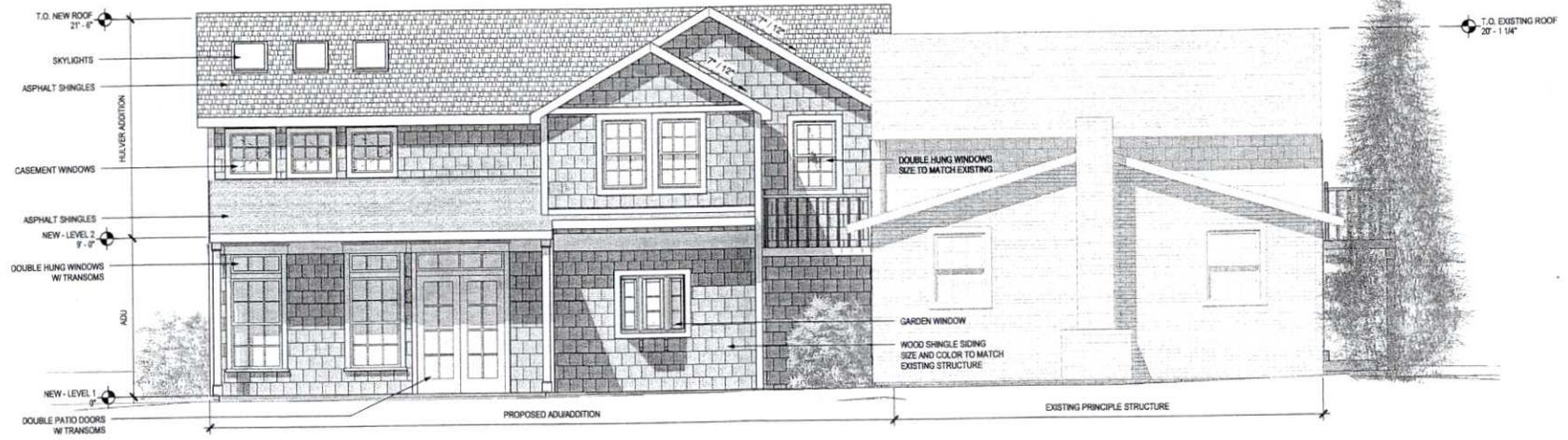
7 – 1503 Wake Forest Drive (Rear View from Property Line)



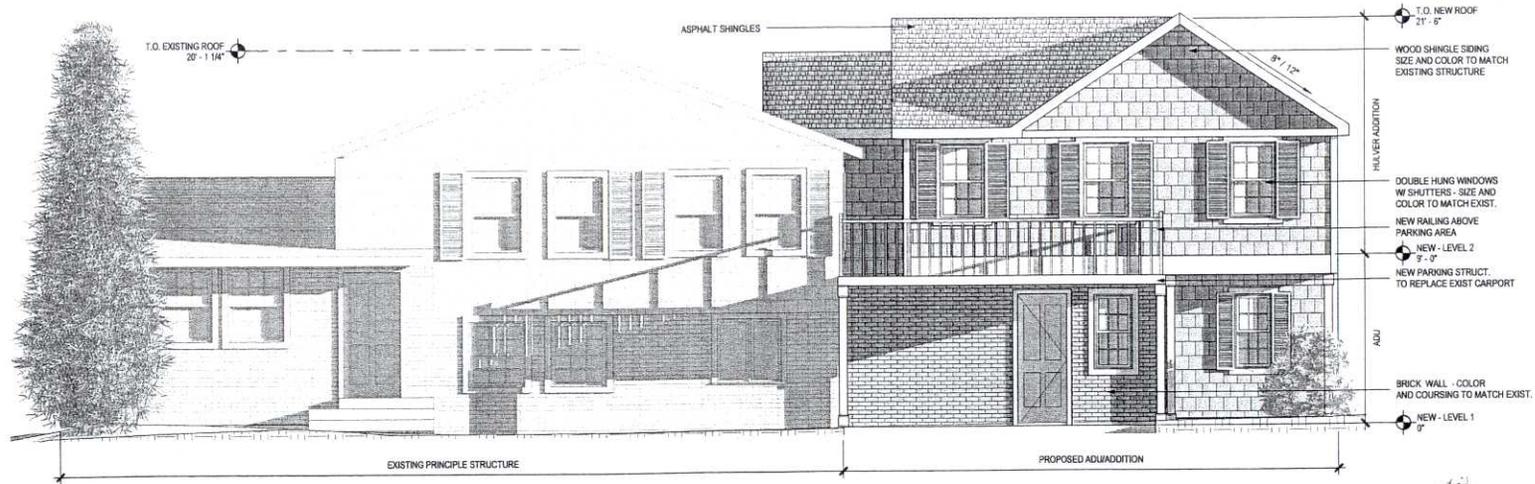
8 – 1503 Wake Forest Drive



**1 WEST ELEVATION - ADU/ADDITION**  
SCALE: 1/4" = 1'-0"

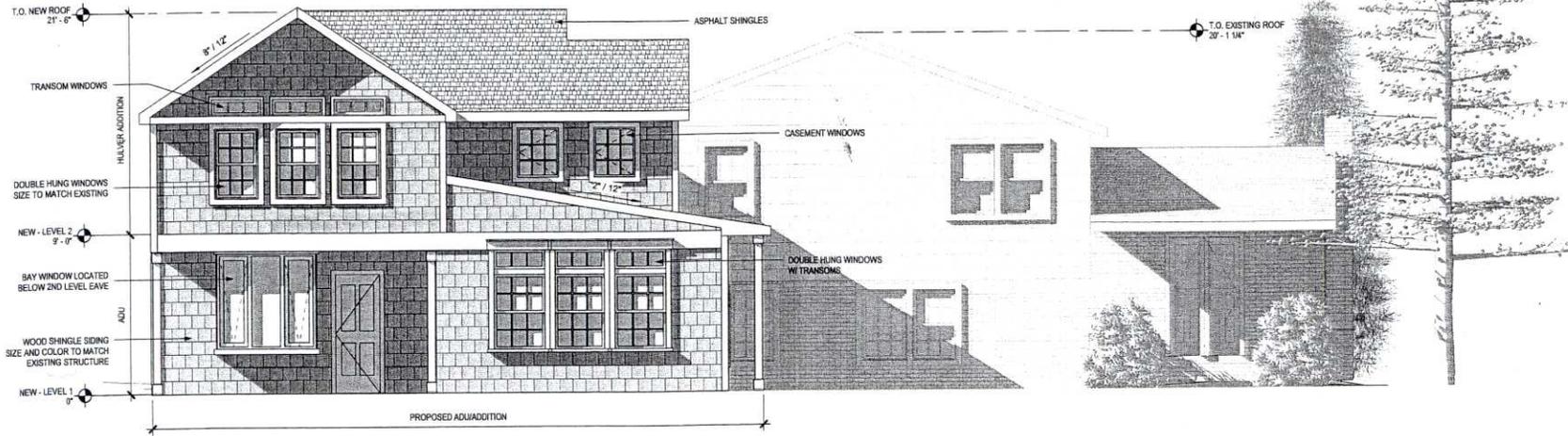


**2 EAST ELEVATION - ADU/ADDITION**  
SCALE: 1/4" = 1'-0"



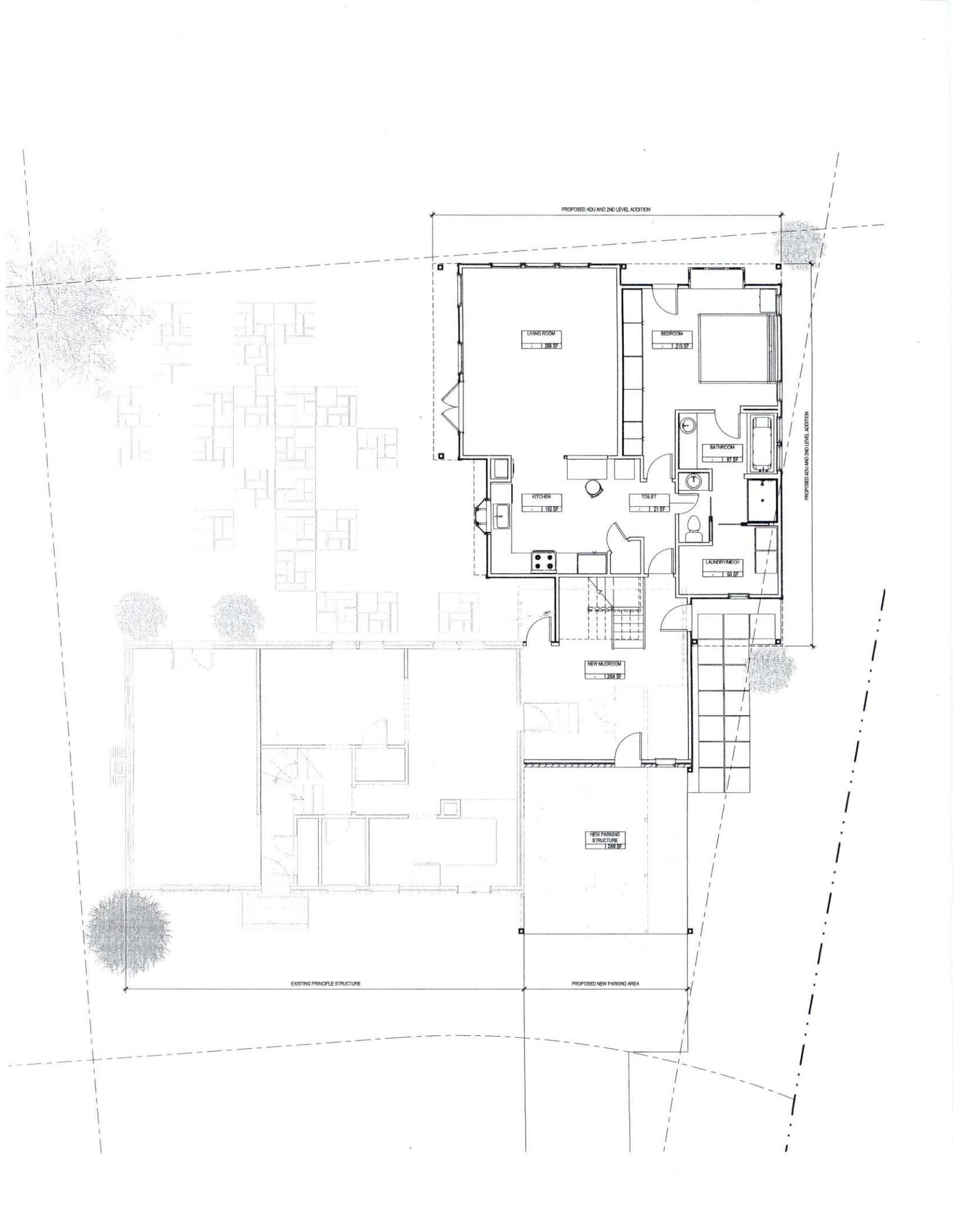
**1 NORTH ELEVATION - ADU/ADDITION**

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



**2 SOUTH ELEVATION - ADU/ADDITION**

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



**DESCRIPTION OF THE APPLICATION**

The applicant requests approval of two special permit requests. The first request is for a two-story addition to be built 9.0 feet from the side lot line. The two-story addition will be built at the southwest corner of the house and will measure 1,572 square feet and 21.5 feet in height. An existing carport and sunroom will be removed to construct a new carport, mudroom and addition. The second request is for an 894 square foot accessory dwelling unit to be located on the ground floor of the aforementioned addition. In total, the gross floor area of the principal structure and addition, as well as the expanded mudroom, will be 3,652 square feet.

	Structure	Yard	Min. Yard Req.	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition	Side	12.0 feet	9.0 feet	3.0 feet	25%

**EXISTING SITE DESCRIPTION**

The 12,881 square foot lot is developed with a split level, single family detached dwelling, which was built in 1957. An addition (porch enclosure) near the carport was completed in 1972. The existing brick and frame dwelling measures 2,025 square feet in area and 20.1 feet in height. The carport measures 243 square feet which is not included in the gross floor area calculation. There is a concrete driveway and sidewalk in front of the house, and a walkway connects the driveway to the front entrance. Outside the sun room, there is a small concrete patio. A wood fence between four (4) to six (6) feet in height surrounds the rear yard, which is landscaped with grass, mature trees and other plantings. The topography of the rear yard slopes down towards the back (south) and right (east) side and up towards the left (west) side.

**CHARACTER OF THE AREA**

	Zoning	Use
North	R-3	Single Family Detached Dwelling
South	R-3	Single Family Detached Dwelling
East	R-3	Single Family Detached Dwelling
West	R-3	Single Family Detached Dwelling

**BACKGROUND**

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

- Variance VC 2001-V-150 was approved on December 12, 2001 for Tax Map 93-2 ((5)) (5) 11A, zoned R-3 at 1402 Middlebury Drive to permit construction of an addition 10.2 feet from a side lot line.
- Variance VC 99-V-087 was approved on September 14, 1999 for Tax Map 93-2 ((6)) (1) 3, zoned R-3 at 1204 Wake Forest Drive to permit construction of a second story addition 10.0 feet from a side lot line.
- Variance VC 95-V-131 was approved on February 28, 1996 for Tax Map 93-2 ((5)) (6) 10, zoned R-3 at 1203 Westgrove Boulevard to permit construction of an addition 10.6 feet from a side lot line.

**SPECIAL PERMIT PLAT** (Copy at the front of the report)

- **Title of SP Plat:** Special Permit Plat, Lot 4, Block 5, First Addition to Westgrove
- **Prepared By:** Scartz Surveys
- **Dated:** Dated May 2, 2011, as sealed through March 10, 2011

**Proposal:**

The applicant proposes to build a two-story addition at the southwest corner of the existing dwelling. An existing carport and sunroom will be removed for a new, slightly expanded carport and mudroom in the same location. The proposed two-story addition will connect from the new mudroom and will measure 1,572 square feet in area and 21.5 feet in height. The addition will be built of similar materials, including the wood and asphalt shingles, to the existing house. The addition will be set back 25 feet from the rear property line, which meets the minimum rear yard setback requirement in the R-3 District, and a small portion of the addition and its eave are within the required side yard setback. The requested reduction is measured from the closest point of the addition's eave to the side property line.

	<b>Principal Dwelling</b>	<b>Addition</b>	<b>Sunroom/Mudroom</b>	<b>Carport*</b>	<b>Total Gross Floor Area</b>
Existing	1,812 SF	n/a	213 SF	243 SF	2,025 SF
Proposed	no change	1,572 SF	268 SF	286 SF	3,652 SF

*\*the square footage of the carport is not included in gross floor area calculations.*

An accessory dwelling unit with one bedroom, one bathroom, living area, kitchen and laundry/mechanical space is proposed for the ground level of the addition. The accessory dwelling unit will measure 894 square feet in area, and the proposed occupants of the unit are over 55 years of age. Par. 3 of Sect. 8-918 of the Zoning Ordinance states that the accessory dwelling unit cannot exceed 35% of the principal dwelling unit's total gross floor area. The principal dwelling currently measures 2,025 square feet (without the carport), and when the 1,572 square foot addition and mudroom are completed, the principal dwelling will measure a total of 3,652 square feet in area. An accessory dwelling unit measuring up to 1,278 square feet in area or 35% of the expanded principal dwelling is permitted; therefore, the proposed accessory dwelling unit will not exceed the permitted square footage for this use.

The applicant proposes to remove an existing carport for one (1) car and expand it to accommodate two (2) cars. Any additional cars will be parked on the existing concrete driveway.

## ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 4:

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Additional Standards for Accessory Dwelling Units (Sect. 8-918)
- Provisions for Reduction of Certain Yard Requirements (Sect. 8-922)

### General Special Permit Standards (Sect. 8-006)

Staff believes that the application for the addition meets all of the General Special Permit Standards, particularly Standard 3. General Standard 3 requires that 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." *Staff believes that the proposed addition will not adversely affect the neighboring properties since only a small corner of the addition is within the required side yard setback. Any impact from the addition on the adjacent lots will be minimal and will not affect the use of development of the neighboring properties. Staff believes this standard has been met.*

### Additional Standards for Accessory Dwelling Units (Sect. 8-918)

This special permit is subject to Sect. 8-918 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 4. Subject to development conditions, the special permit must meet these standards.

Provisions for Reduction of Certain Yard Requirements (Sect. 8-922)

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 expansion request. The gross floor area of a single family dwelling would also include the floor area of any attached garage. *The gross floor area of the existing dwelling is 2,025 square feet, and 150 percent of the total gross floor area is 3,037.5 square feet. In total, the applicant would be permitted to have approximately 5,062.5 square feet on site. The request is for an addition of 1,572 square feet, which will result in a gross floor area of 3,652 square feet. Staff believes this standard is satisfied.*

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. *In addition to permitted construction of an renovated carport and new mudroom, the applicant proposes to build a two-story addition at the rear corner of the existing structure near a previous (sunroom) addition. The proposed construction of the addition will be in scale with the house, as shown on the plat and draft elevations (see Attachment 1) since the height and bulk will be similar. The height difference between the existing dwelling and the proposed addition will be 1.4 feet. Construction materials will also largely match, including similar brick and shingles. Staff believes this standard is satisfied.*

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 two-story addition will be built at the southwest corner of the existing dwelling. The application site is longer and wider along the southwest corner, and the topography of the site slopes down towards the eastern side of the lot, away from the location of the proposed addition. Though a large mature tree will be removed to accommodate the addition, the same tree may have been impacted by development of a by-right addition due to its location near the house in the rear yard. Staff believes this standard is satisfied.*

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. *The proposed addition will not adversely impact the use or enjoyment of the adjacent properties. Adequate light and air will be preserved due to the compatible scale of the addition, and there are no anticipated impacts to noise, light, erosion and stormwater runoff. Yard flooding has occurred on properties in the area, but any downstream drainage issues*

*are already existing and will not be exacerbated by the addition. The area of the proposed addition will not require substantial grading and will not affect the topography of the site greatly. Staff believes this standard is satisfied.*

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. *The proposed location of the addition is the best possible location as identified by the applicant. A majority of the proposed addition is permitted by-right in its location. In order to preserve the layout of the existing house, the addition is proposed for the southwest corner of the site, which suits the dimensions of the lot. Besides the rear of the house, the proposed location of the addition is based on topographical changes in the rear yard. The yard slopes down towards the back and east side. Though a mature tree will be removed for the addition, the vegetation in the rear yard will largely be preserved. There is no RPA or floodplains on the site. Other issues of well and/or septic or easements are not applicable to this site. Staff believes this standard is satisfied.*

## **CONCLUSION**

Staff recommends approval of SP 2011-MV-041 for an addition and an accessory dwelling unit with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

## **APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS****SP 2011-MV-041****August 3, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-MV-041 located at Tax Map 93-2 ((6)) (5) 4 to permit a reduction of certain yard requirements and an accessory dwelling unit pursuant to Section 8-918 and 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 for the addition and kitchen in the accessory dwelling unit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicant only, William Hulver and/or Meghan Hulver, Barbara Fleming, Michael Fleming and is not transferable without further action of this Board, and is for the location indicated on the application, 1505 Wake Forest Drive (12,881 square feet), and is not transferable to other land.
3. This special permit is approved for the location and size of the addition (1,572 square feet), as shown on the plat prepared by Scartz Surveys, dated May 2, 2011, as sealed through March 10, 2011, as submitted with this application and is not transferable to other land.
4. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion [2,025 square feet existing + 3,037.5 square feet (150%) = 5,062.5 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.
5. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

6. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
7. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
8. The accessory dwelling unit shall contain a maximum of 894 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.
9. All applicable building permits and final inspections shall be obtained for construction of the kitchen in the accessory dwelling unit prior to occupancy.
10. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
11. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
12. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
13. All parking shall be provided on site as shown on the special permit plat.

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

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

Application No.(s): SP 2011-MV-041  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: SEPTEMBER 15, 2010  
 (enter date affidavit is notarized)

109918

I, WILLIAM L HULVER, 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

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)
1. WILLIAM HULVER	1505 WAKE FOREST DRIVE ALEXANDRIA, VA 22307	1. APPLICANT/TITLE OWNER
2. MEGHAN HULVER	1505 WAKE FOREST DRIVE ALEXANDRIA, VA 22307	2. TITLE OWNER
3. MICHAEL FLEMING	2717 CARTER FARM CT ALEXANDRIA, VA 22306	3. TITLE OWNER
4. BARBARA FLEMING	2717 CARTER FARM CT ALEXANDRIA, VA 22306	4. TITLE 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).

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

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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)

NOT APPLICABLE

**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)

NOT APPLICABLE

(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-MV-041  
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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: SEPTEMBER 15, 2010  
(enter date affidavit is notarized)

109918

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)

NOT APPLICABLE

(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**)

NOT APPLICABLE

(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-041  
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(enter date affidavit is notarized)

109918

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-MV-041  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: SEPTEMBER 15, 2010  
(enter date affidavit is notarized)

109918

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

WILLIAM L HULVER (APPLICANT/TITLE OWNER)

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

Subscribed and sworn to before me this 15<sup>th</sup> day of SEPT., 2010, in the State/Comm. of WASHINGTON, County/City of DISTRICT OF COLUMBIA

Andrea R. [Signature]  
Notary Public

My commission expires: July 31, 2012

**STATEMENT OF JUSTIFICATION**

William L. Hulver (Homeowner/Applicant)  
 1505 Wake Forest Drive  
 Alexandria, VA 22307

**RECEIVED**  
 Department of Planning & Zoning

APR 26 2011

**Zoning Evaluation Division**

**SPECIAL PERMIT REQUEST:**

The following application is being submitted for the approval of a special permit allowing the construction of an Accessory Dwelling Unit addition to the Southwest (rear) corner of our primary single family residence.

**EXISTING SITE DESCRIPTION:**

The existing structure is a two-story (split-level) half brick and wood shingle siding single family detached dwelling constructed in 1957 and is located on Lot 4, Block 5 within the Westgrove subdivision of Alexandria, VA 22307. The total gross area of the existing principal dwelling is 2268 sq. ft. with a lot size of 12,881 sq. ft (0.3 acres). There is a concrete driveway entering the property from Wake Forest Drive which terminates at a one story carport located at the front West side of the dwelling. A single door accessible from the carport allows access to a sun porch located at the Southwest (rear) corner of the dwelling. The zoning district for the property is R-3 with the following minimum setback requirements:

Front Yard: **30 ft.**

Side Yard: **12 ft.**

Rear Yard: **25 ft.**

**ACCESSORY DWELLING UNIT REQUEST:**

The preliminary design for an addition to our existing principal dwelling will consist of 2 independent levels in which only the first story (ground level) will be designated as the Accessory Dwelling Unit and will be used to accommodate my wife's parents. The second story of the addition will be used as additional living space in conjunction to the primary dwelling and will only benefit my family. The ADU will be located at the Southwest (rear) corner of the property and will be constructed as part of the existing structure of the principle residential unit. Access to the ADU will be provided through the addition of a new single door through the South side of the existing sun porch. The ADU will contain one bedroom, one bathroom, one laundry/mechanical space, a kitchen and a living room. The total gross square footage of the proposed Accessory Dwelling Unit is estimated to be 894 sq ft. I believe the proposed Accessory Dwelling Unit addition complies with the Fairfax County guidelines and restrictions outlined in the Zoning Ordinance provisions on the basis that:

Existing Principle Dwelling Sq Footage = **2268 sf**

- Existing Gross Floor Area of House = 1812 sf
- Existing Gross Floor Area of Sun Room (to be demolished) = 213 sf
- Existing Gross Floor Area of Parking Structure (to be demolished) = 243 sf

Proposed Gross Floor Area of New 2<sup>nd</sup> Level HULVER Addition = 678 sf

Proposed Gross Floor Area of New Mudroom (to replace existing Sun Room) = 268 sf

Proposed Gross Floor Area of New Parking Structure (to replace existing Parking Area) = 286 sf

New Total Sq Footage of Principle Dwelling = (1812 + 678 + 268 + 286) = **3044 sf**

Proposed (Ground level) Accessory Dwelling Unit Sq Footage = **894 sf**

**3044sf** (Principle) x **0.35** (Max. Gross) = **1065sq** (Allowed for ADU) > **894 sf** (Proposed ADU)

In summary, per the data listed above, the proposed square footage total for the Accessory Dwelling Unit ground level addition is less than the 35% maximum square footage requirement allowed/granted by the Fairfax County Zoning restrictions.

## ZONING ORDINANCE PROVISIONS

### 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.

### **8-918 Additional Standards for Accessory Dwelling Units**

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.

4. The accessory dwelling unit shall contain not more than two (2) bedrooms.

5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:

A. One of the dwelling units shall be owner occupied.

B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:

(1) Any person fifty-five (55) years of age or over and/or

(2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in

the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:

(1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.

(2) A group of not more than four (4) persons not necessarily related by blood or marriage.

6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:

A. Uninterrupted access to one (1) entrance; and

B. Accessibility and usability of one (1) toilet room.

7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.

8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.

9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.

10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.

11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.

12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.

13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.

### **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 expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this 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.
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 Emergency Management Agency, 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.