



APPLICATION ACCEPTED: June 23, 2011  
DATE OF PUBLIC HEARING: Sept. 21, 2011  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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September 14, 2011

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2011-MA-055  
and  
VARIANCE APPLICATION NO. VC 2011-MA-009**

### MASON DISTRICT

**APPLICANT** Wayne J. Moticka

**OWNERS:** Wayne J. and Laura L. Moticka

**LOCATION:** 3206 Wayne Road

**SUBDIVISION:** Annalee Heights

**TAX MAP:** 60-2((2))(B)8

**LOT SIZE:** 7,200 square feet

**ZONING:** R-4

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

**SPECIAL PERMIT PROPOSAL:** To permit reduction to minimum yard requirements based on error in building location to permit an addition to remain 0.0 feet from the rear lot line and 0.7 feet from a side lot line.

**VARIANCE PROPOSAL:** To permit a fence greater than 7.0 feet in height to remain in rear and side yards.

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

*Susan Langdon/Reports*

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



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

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

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



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

# Special Permit

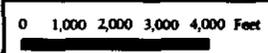
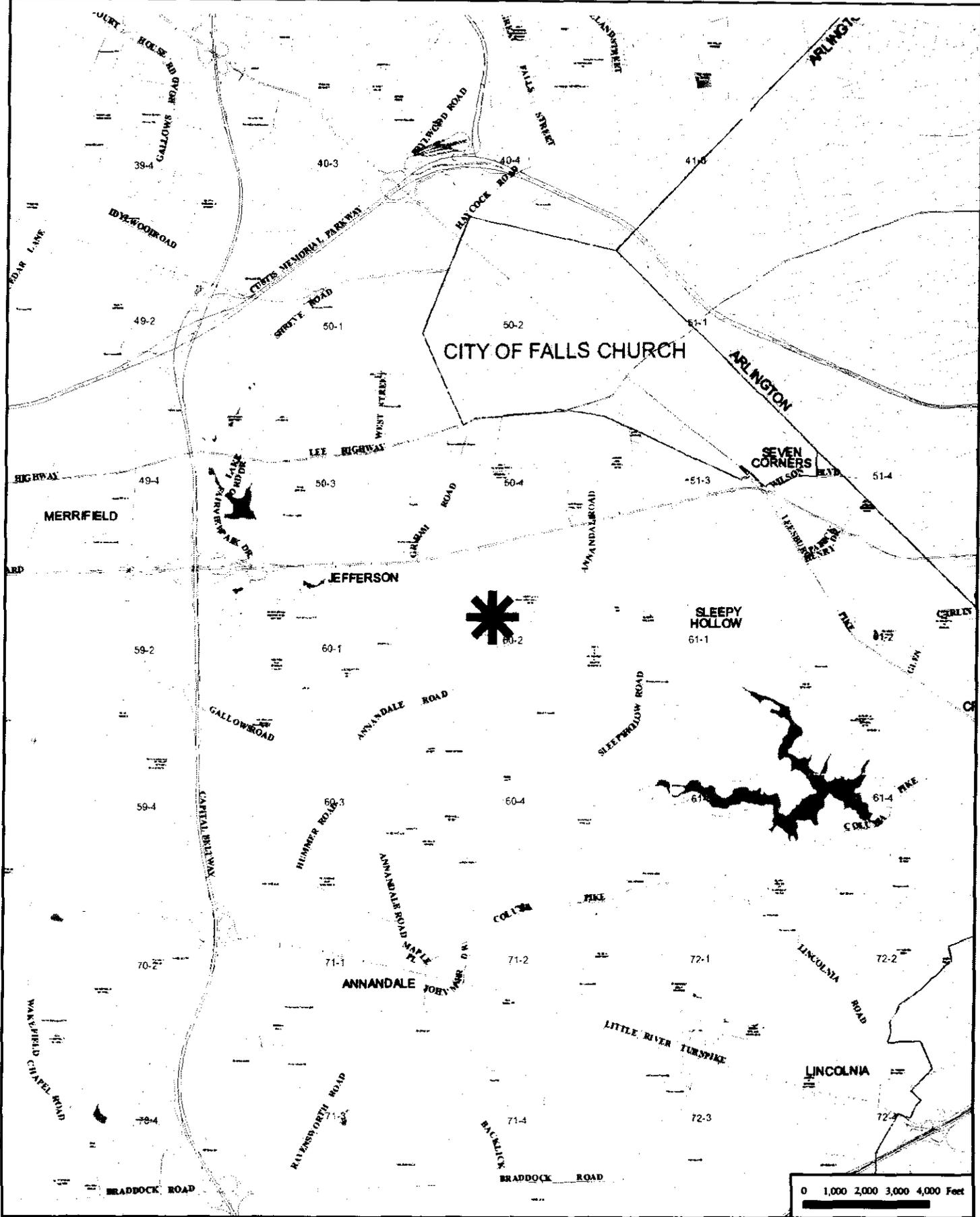
SP 2011-MA-055

WAYNE MOTICKA

# Variance Application

VC 2011-MA-009

WAYNE MOTICKA



# Special Permit

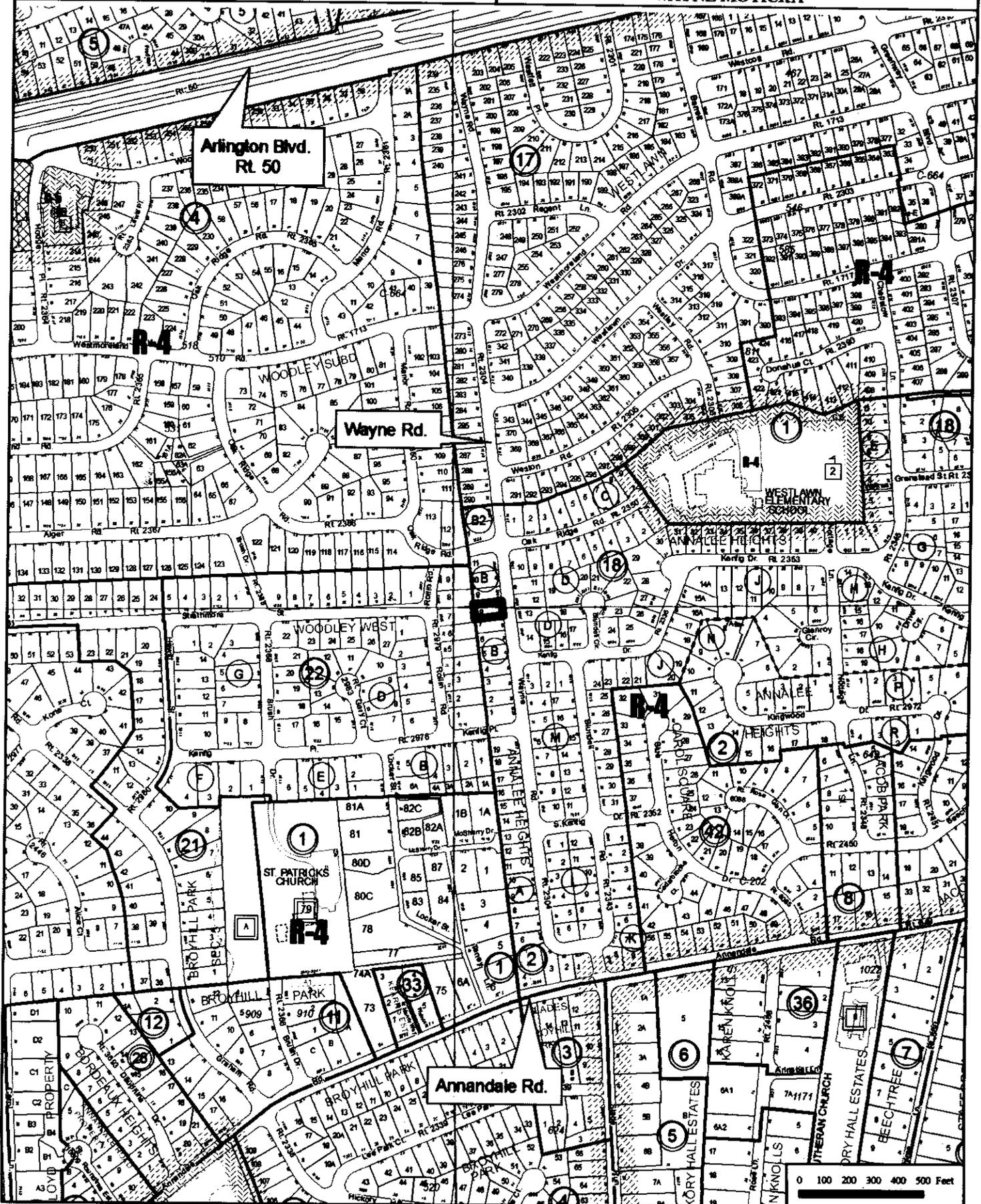
SP 2011-MA-055

WAYNE MOTICKA

# Variance Application

VC 2011-MA-009

WAYNE MOTICKA

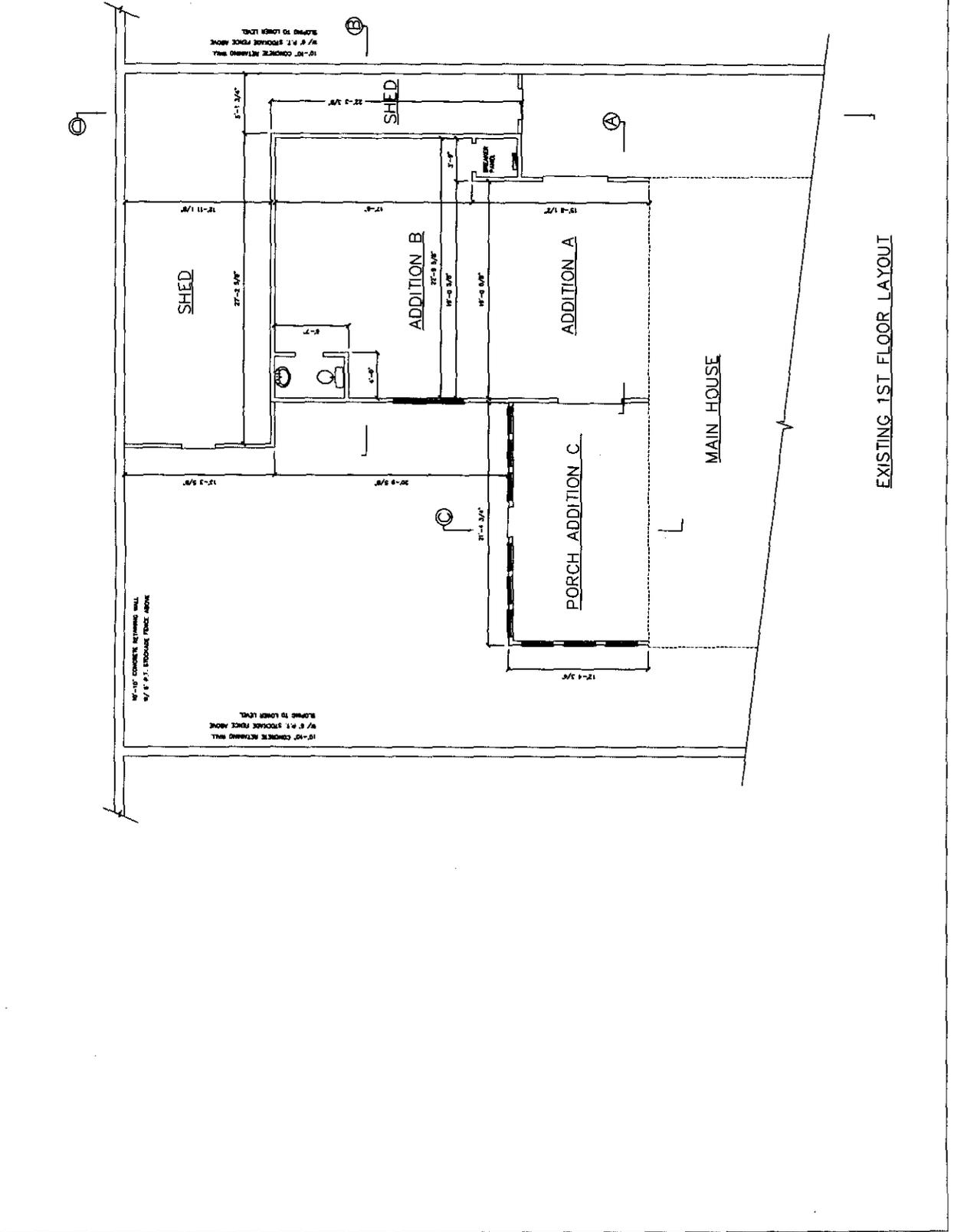






NOV 12 2010

Zoning Evaluation Division:



MR & MRS WAYNE MOTTCHA 3206 WAYNE ROAD FALTSCHURCH VA 22042 703-561-1020 Fax: (000-000-0000)	PO BOX 80 GERARDSTOWN WV 25420 Office: 301-938-0413 Cell: 301-938-0413 Fax: 304-229-2414	DESIGN / MANAGEMENT <b>CWEST</b>	SHEET NO. PAGE 2 SCALE 1/4" = 1'-0" DATE 7/5/10
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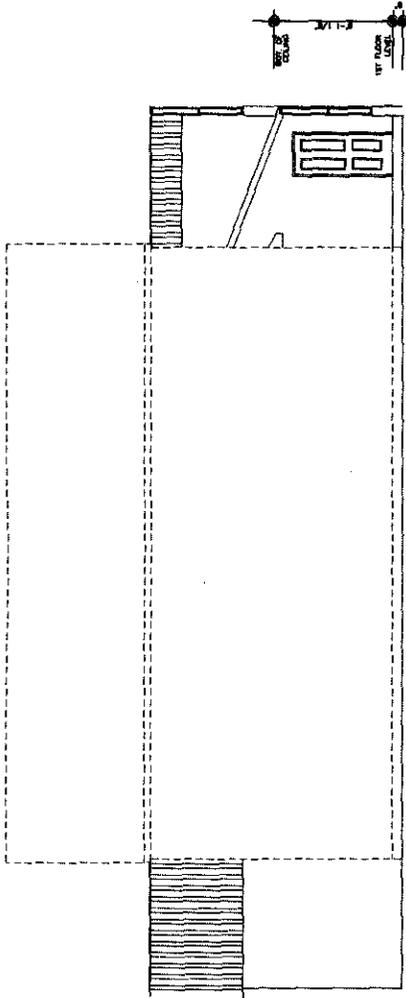


RECEIVED  
Department of Planning & Zoning

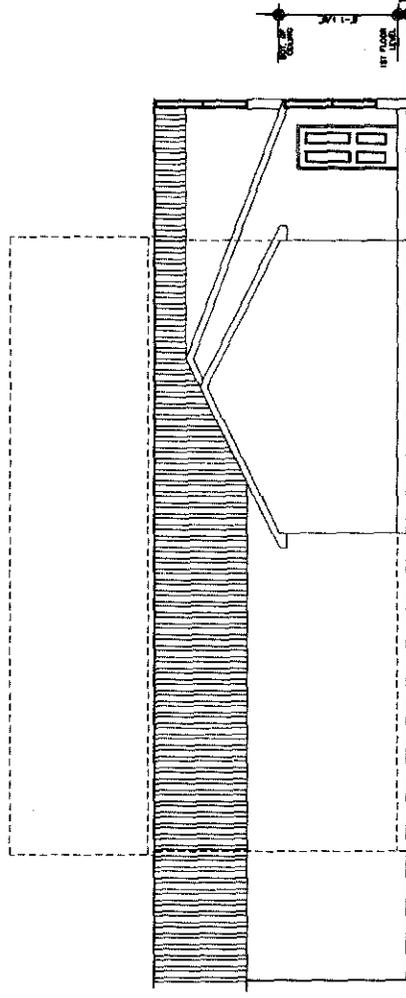
NOV 12 2010

Zoning Evaluation Division

DATE: 11/12/10	PROJECT: 22042	CLIENT: MR & MRS WAYNE NOTCHA	ADDRESS: 3208 WAYNE ROAD FALLS CHURCH VA 22042	PHONE: 703-561-1020	FAX: 703-561-1020
DATE: 11/12/10	PROJECT: 22042	CLIENT: MR & MRS WAYNE NOTCHA	ADDRESS: 3208 WAYNE ROAD FALLS CHURCH VA 22042	PHONE: 703-561-1020	FAX: 703-561-1020
DATE: 11/12/10	PROJECT: 22042	CLIENT: MR & MRS WAYNE NOTCHA	ADDRESS: 3208 WAYNE ROAD FALLS CHURCH VA 22042	PHONE: 703-561-1020	FAX: 703-561-1020
DATE: 11/12/10	PROJECT: 22042	CLIENT: MR & MRS WAYNE NOTCHA	ADDRESS: 3208 WAYNE ROAD FALLS CHURCH VA 22042	PHONE: 703-561-1020	FAX: 703-561-1020
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FRONT ELEVATION

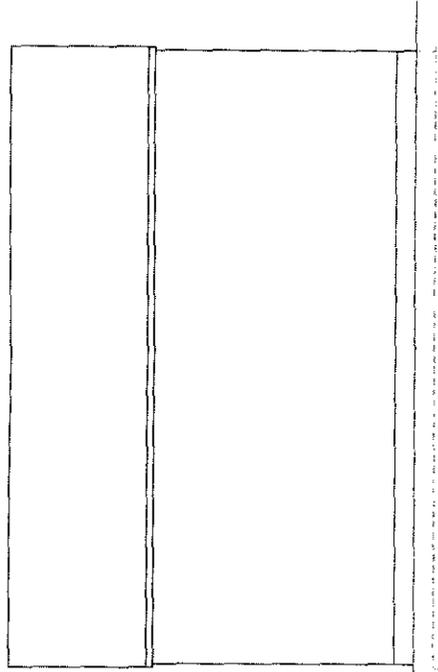


FRONT ELEVATION MAIN HOUSE  
COMBINED WITH  
FRONT ELEVATION ADDITIONS

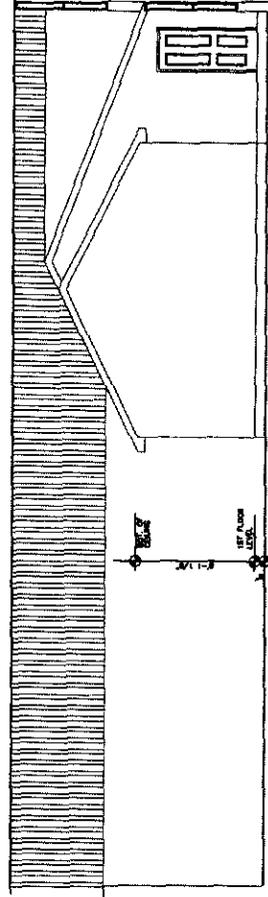
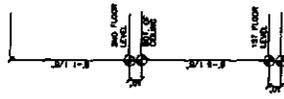
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Zoning Evaluation Division

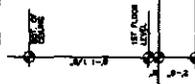
DATE	11/12/10
SCALE	1/4" = 1'-0"
PROJECT	22042
OWNER	MR & MRS WAYNE MOTHCA
ADDRESS	3206 WAYNE ROAD FALTSCHURCH VA
CITY	GERARDESTOWN WV 25420
STATE	WV
COUNTY	JEFFERSON
DISTRICT	
DESIGNER	CWEST
DESIGNER / MANAGER	
PHONE	304-938-0413
FAX	304-229-2414
EMAIL	202-561-1020
WEBSITE	www.cwest.com
PROJECT NO.	
DATE	
SCALE	
PROJECT	
OWNER	
ADDRESS	
CITY	
STATE	
COUNTY	
DISTRICT	
DESIGNER	
DESIGNER / MANAGER	
PHONE	
FAX	
EMAIL	
WEBSITE	



FRONT ELEVATION MAIN HOUSE ONLY

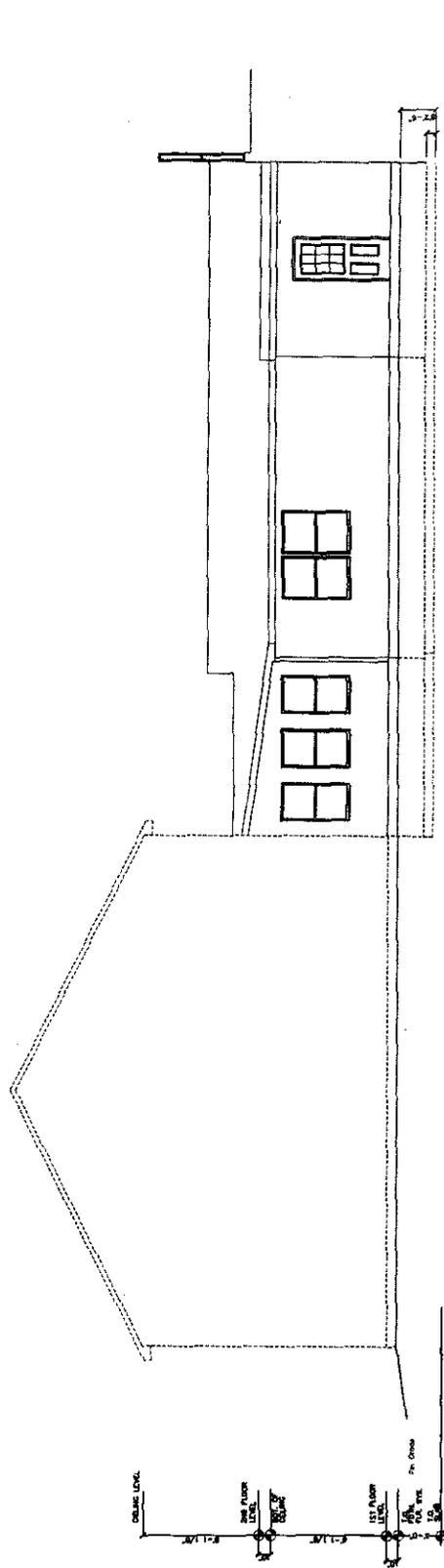


FRONT ELEVATION ADDITIONS WO / MAIN HOUSE

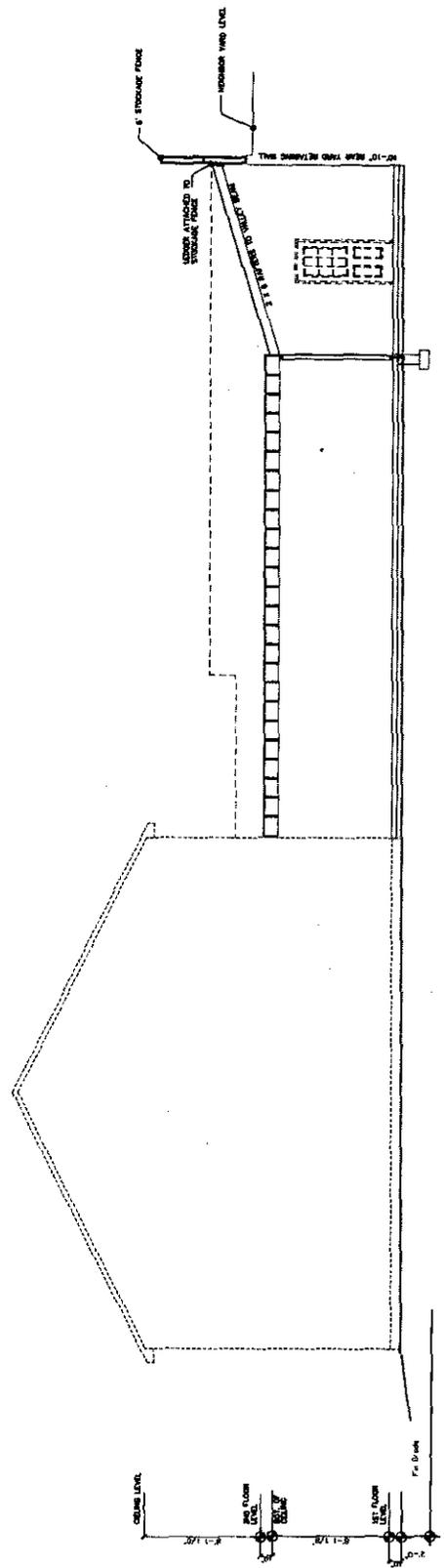








RIGHT SIDE ELEVATION



SECTION D

PROPERTY REPORT  
 LOT 8 SECTION 2 BLOCK B  
**ANNALEE HEIGHTS**  
 FAIRFAX COUNTY, VIRGINIA

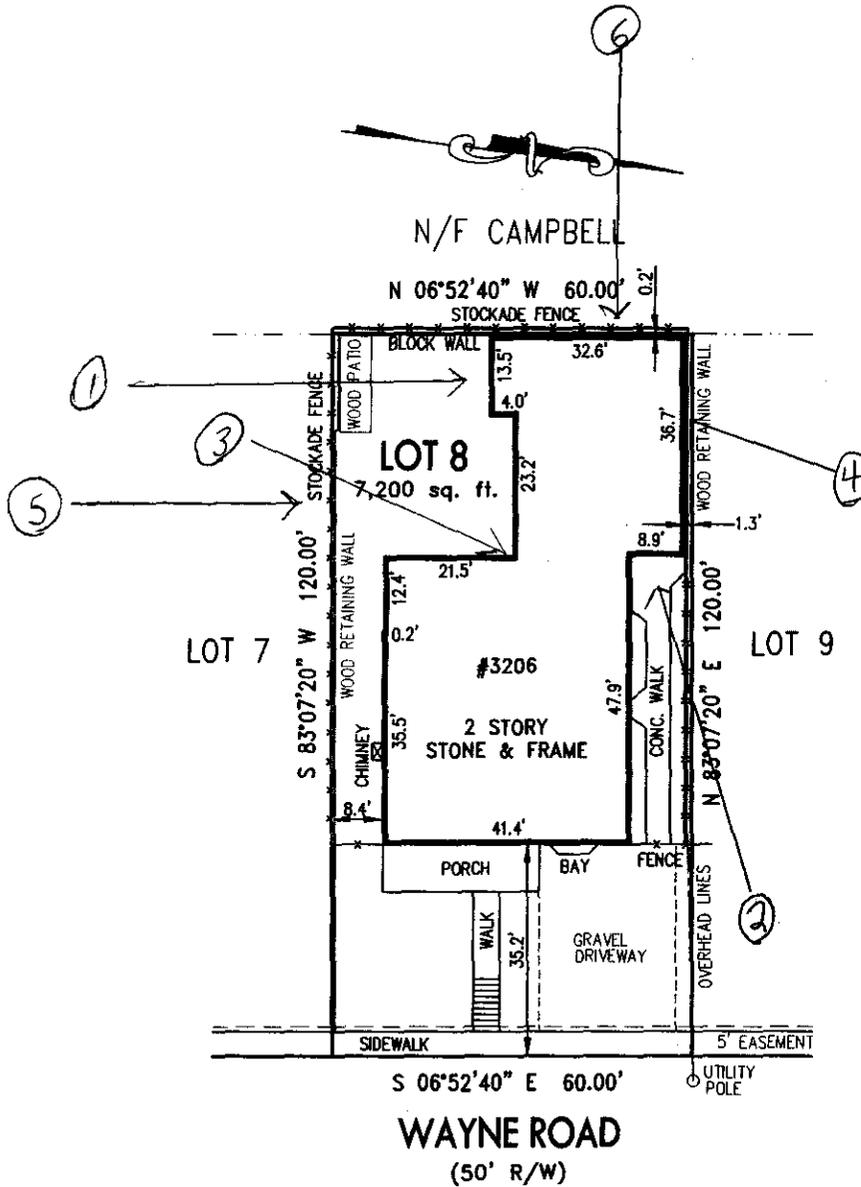
JOB NUMBER : 09-1514

SCALE : 1"=25'  
 CASE NO. : MOTICKA

**TITLE ALLIANCE**  
 OF CHANTILLY, LLC

14155 Newbrook Dr  
 Suite 100  
 Chantilly, VA 20151

Office: 703.674.1210  
 Fax: 866.407.5264



LEGEND FOR ATTACHED PHOTOS

I hereby certify that the position of all existing improvements have been carefully located by a transit and/or tape or electronic measuring device and, unless otherwise shown, there are no encroachments. This plat has been provided for a transaction on or about the date of this plat. This certification is limited to the parties of this transaction. This plat is furnished for informational purposes in the issuance of title insurance and is not to be used for any design or construction or to set property corners. The fence locations shown on this plat are approximate and are not certified as to relation to the property boundaries or ownership. The settlement agent has requested this survey pursuant to the terms of a contract of sale or in conjunction with a re-finance of the subject property at the owner's, prospective purchaser's, and/or lender's direction. The settlement agent has requested that only that information required for title insurance purposes be shown and does not certify to the accuracy of any of the information shown hereon. No title report has been furnished. This plat is subject to restrictions and easements of record. Boundary and other site information has been provided by others. o IPF indicates monuments used for location purposes. If no monuments were found the existing improvements were located from the occupation of existing features. Any reproduction of this document that does not bear an original signature is an unauthorized copy and may violate U.S. copyright laws. Unauthorized copies may not be in conformance with current survey requirements under Virginia State law and shall not be used for insurance and/or mortgage underwriting.

**CRES II, Ltd.**

CERTIFIED REAL ESTATE SERVICES  
 1831 WIEHLE AVENUE, SUITE 105  
 RESTON, VA 20190

OFFICE: 703.742.9105  
 FAX: 703.742.9104



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1. From back yard looking North at work shed door.



2. From side walkway looking West at second work shed door.



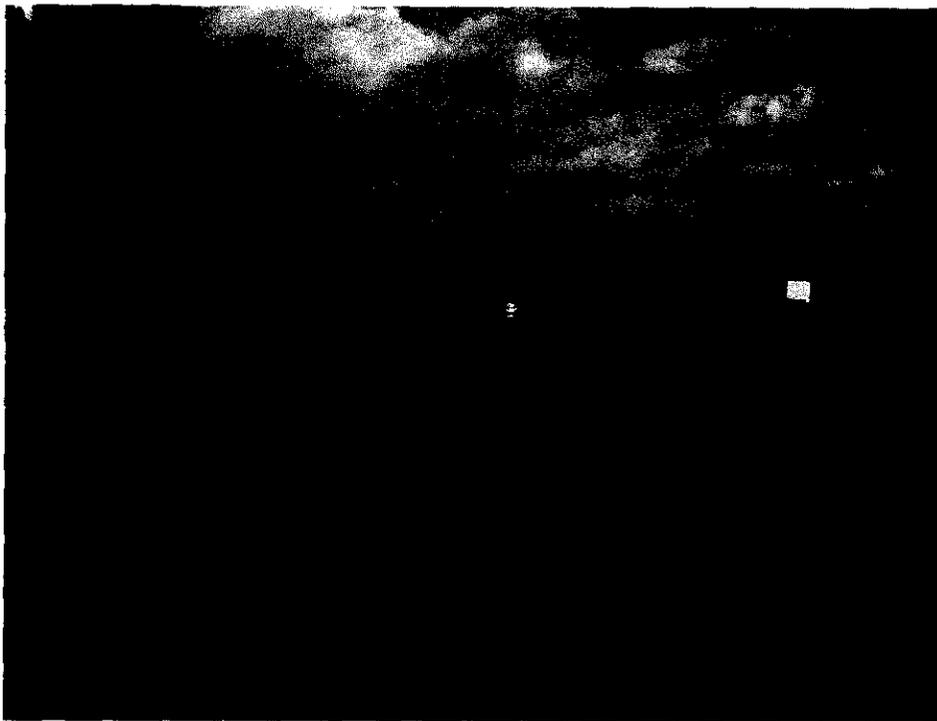
3. From back yard looking Northeast at Family room, Sun room, and main house.



4. From adjacent property looking Southwest.



5. From adjacent property looking North.



6. From adjacent property looking East.



7. Front of house looking West



From front of house looking Southeast at 3207 Wayne Road.



From front of house looking East at 3205 Wayne Road.



From front of house looking Northeast at 3203 Wayne Road.



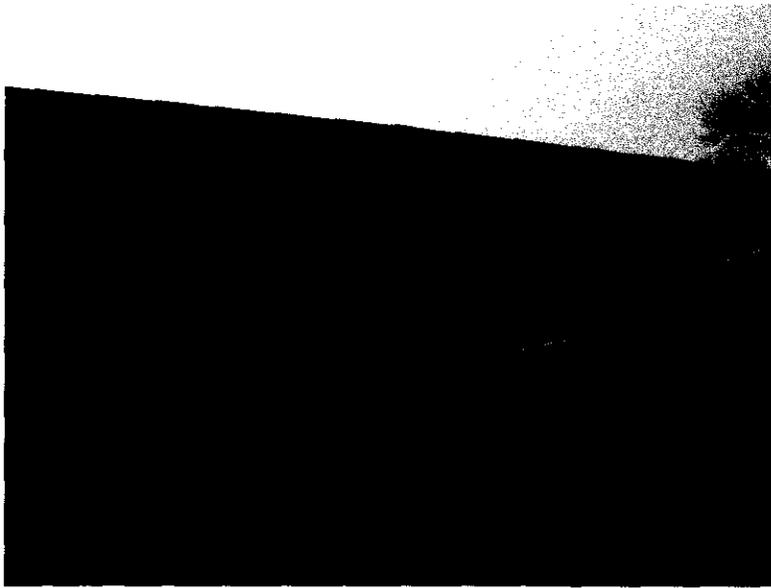
From rear of house looking West at 3205 Rollin Road on opposite side of fence.



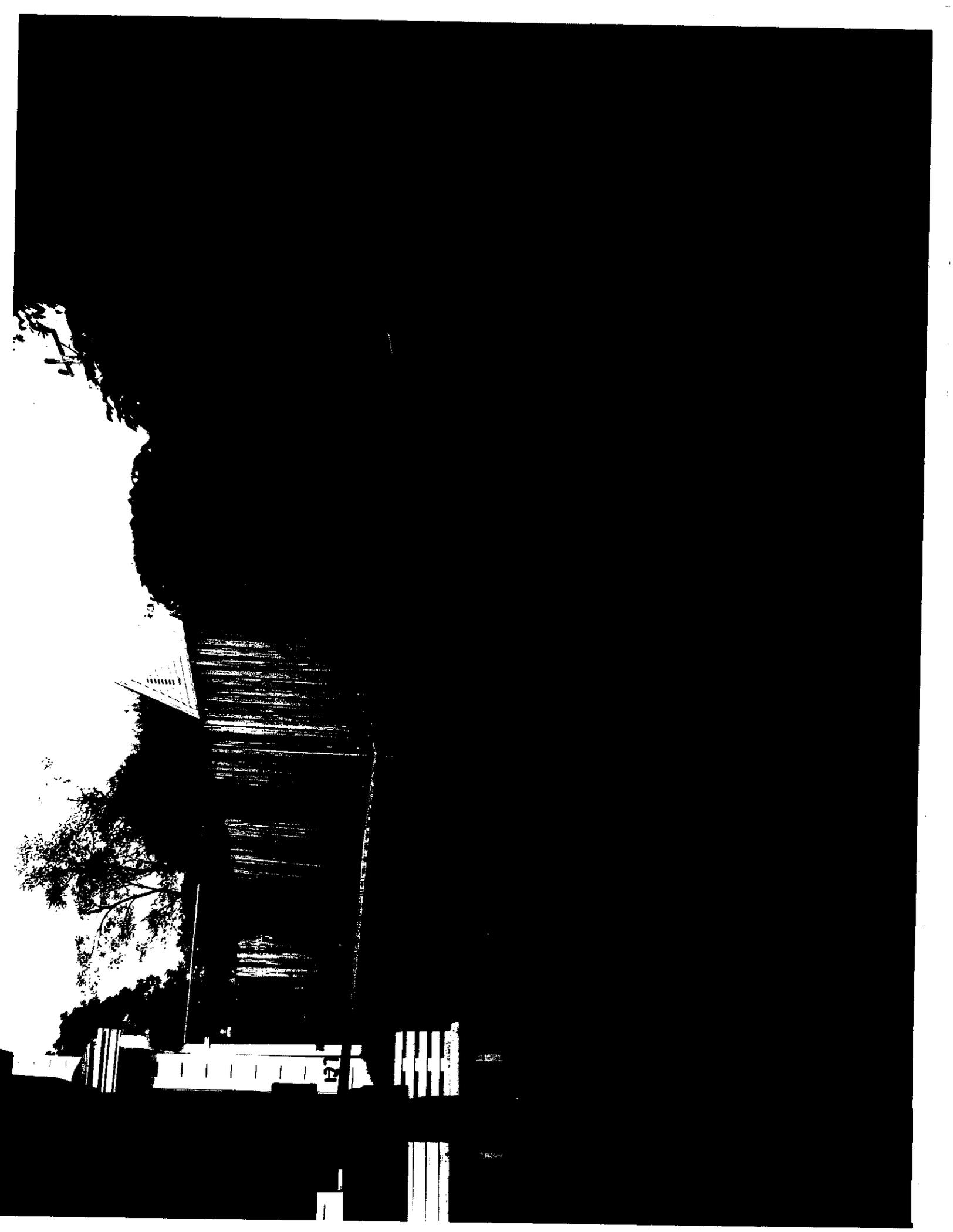
From side of house looking South at 3204 Wayne Road.



Overhead view of 3206 Wayne Road



From rear of house looking West at 3205 Rollin Road.





**DESCRIPTION OF THE APPLICATIONS****Special Permit Application**

The applicant is requesting approval of a special permit for an error in building location to permit an addition to remain 0.0 feet from the rear lot line and 0.7 feet from the northern side lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Min. Yard Req.*</b>	<b>Structure Location</b>	<b>Amount of Error</b>	<b>Percent of Error</b>
<b>Special Permit</b>	<b>Addition</b>	Rear	25.0 feet	0.0 feet	25 feet	100%
<b>Special Permit</b>	<b>Addition</b>	Side	10.0 feet	0.7 feet	9.3 feet	98%

\*Minimum Yard Requirement per Sections 3-407

**Variance Application**

The applicant is also requesting approval of a variance to permit an existing fence greater than 7.0 feet in height to remain in the side and rear yards. A concrete retaining wall with a wood fence directly on top of the wall ranges in height on the application property from a low of 9.8 feet to a high of 18.5 feet.

	<b>Structure</b>	<b>Yard</b>	<b>Height Permitted By right</b>	<b>Maximum Height Requested</b>	<b>Modification Requested</b>
<b>Special Permit</b>	Fence	Sides and Rear	7.0 feet	18.5 feet	11.5 feet

## LOCATION AND CHARACTER OF THE AREA

### Character of the Area

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

### Existing Site Description

The special permit plat prepared by Dominion Surveyors Inc., dated January 6, 2011, is attached at the front of the staff report and depicts a 7,200 square foot property developed with a two-level, stone-front dwelling and several one-story additions to the rear of the two-level portion. The topography of the lot rises from Wayne Road to the front of the dwelling and is flat to the rear lot line. A retaining wall surrounds the southern, western and a portion of the northern lot lines, though along the southern and western lot lines, it appears to be off the lot, on Lot 7 to the south and directly on the lot line, on (a different) Lot 7 to the west. A wood fence tops the wall, with the wall and fence heights varying with a low of 1.8 feet (off the property) and a high of 18.5 feet. Various other structures are located on the property including walks, play equipment, and a frame platform. The site is accessed via a gravel driveway from Wayne Road. Little vegetation exists on the site.

### BACKGROUND

County records indicate that the dwelling on the application property was constructed in 1951. The plat with the approved building permit depicts a 1 ½ story dwelling 10 feet from the southern side lot line and 37.5 feet from the front lot line. In 1953 a building permit was approved to permit a brick veneer to be added to the existing dwelling; in 1968 a building permit was approved to permit construction of a detached garage 24 by 24 feet in size, located 14 feet from the rear of the house and 4.5 feet from the northern side lot line; in 1969 a building permit was approved to permit the enclosure of, and addition to an existing porch at the rear of the dwelling; in 1977 a building permit was approved for what appears to be the addition of a bathroom at the rear of the dwelling which reduced the distance between the dwelling and the detached garage to 12 feet; in 1978 a building permit was approved to permit what appears to be shown as a stoop on

the front of the house, though the building permit references a kitchen and front bedroom addition. This addition reduced the front yard to 35 feet. A final building permit was approved in 1986 for a new roof over the kitchen. A copy of the referenced building permits is attached in Appendix 5.

On May 4, 2009, Lorrie Kirst, Deputy Zoning Administrator, responded to a letter submitted by Tammy Bennett regarding the property. The letter indicates that Ms. Bennett had a contract to sell the property and was seeking confirmation that the structures on the property were legal. The letter states that the two-story portion of the dwelling and a 24 by 24 foot detached workshop have appeared on the Tax Administration records (DTA) since 1994, and therefore pursuant to Sect. 15.2-2307 of the Code of Virginia, are considered permitted improvements and could remain, however other structures are not referenced in the DTA records and therefore are not permitted. A copy of the determination letter is included as Appendix 6.

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

- Variance VC 98-M-005 was approved on April 3, 1998, for Tax Map 50-3((4)) 239, zoned R-4, at 3105 Lewis Place, to permit construction of addition 8.8 feet from a side lot.
- Variance VC 95-M-073 was approved on September 22, 1995, for Tax Map 50-3((4)) 129 zoned R-4, at 7127 Alger Road, to permit construction of an addition 7.0 feet from a side lot line.
- Variance VC 94-M-159 was approved on February 9, 1995, for Tax Map 60-1((22)) 8 zoned R-4, at 7026 Strathmore Street, to permit construction of carport 2.9 feet from a side lot line.

#### **ZONING ORDINANCE REQUIREMENTS (Appendix 7)**

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)
- Required Standards for Variances (Sect. 18-404)
- Conditions (Sect. 18-405)

The special permit is subject to Sects. 8-006, 8-903 and 8-914 of the Zoning Ordinance as referenced above. Subject to development conditions, the special permit must meet these standards.

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

## **CONCLUSION**

If it is the intent of the BZA to approve these applications, the BZA should condition the approvals by requiring conformance with the conditions set forth in Appendices 1 and 2 of this report, Proposed Development Conditions.

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

## **APPENDICES**

1. Special Permit Proposed Development Conditions
2. Variance Proposed Development Conditions
3. Applicant's Affidavit
4. Applicant's Statement of Justification and Letters in Support
5. Building Permit History
6. Determination Letter Dated May 4, 2009
7. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2011-MA-055**

**September 14, 2011**

1. This special permit is approved only for the location of the addition, as shown on the plat prepared by Dominion Surveyors, Inc., dated January 6, 2011, submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the addition within nine months of approval of this special permit.

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.

**PROPOSED DEVELOPMENT CONDITIONS**

**VC 2011-MA-009**

**September 14, 2011**

1. This variance is approved for the maximum height and location of the wall and fence as shown on the plat prepared by Dominion Surveyors Inc., date January 6, 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 wall/fence within nine months of approval of this special permit.

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



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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: November 10, 2010  
(enter date affidavit is notarized)

110371

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

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

**CORPORATION INFORMATION**

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

N/A  
DOES NOT APPLY

**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)

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: November 10, 2010  
(enter date affidavit is notarized)

110371

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

**PARTNERSHIP INFORMATION**

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

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

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

N/A  
DOES NOT APPLY

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: November 10, 2010  
(enter date affidavit is notarized)

110371

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

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

N/A

DOES NOT APPLY

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: November 10, 2010  
(enter date affidavit is notarized)

110371

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:

Wayne Moticka

(check one)

Applicant

Applicant's Authorized Agent

Wayne J. Moticka

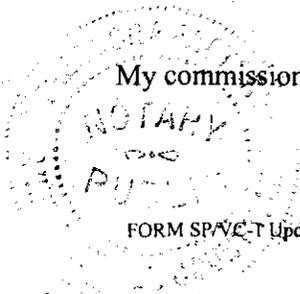
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10 day of November 2010, in the State/Comm. of Maryland, County/City of Anne Arundel.

[Signature]

Notary Public

My commission expires: May 23, 2012



## Statement of Justification and Financial Investment

We purchased a home at 3206 Wayne Road, Falls Church, VA 22042 on October 4, 2009. The purchase price of the house was \$455,000.

Since the purchase, it has come to our attention that the previous owner(s) made significant modifications and completed construction on some areas of the house without obtaining the necessary permits for such modifications. The date the modifications were made is unknown, however the plat dated April 18, 1996 shows the addition of the family room was completed prior to that date. Since that time the roof was extended over the workshop as indicated on the plat from September, 2003. We have had the additions inspected and they have been found to be structurally sound and we would like to obtain the Special Permit required by the County of Fairfax allowing us to retain the existing additions.

Although part of the structure extends to the Lot Line on the West side of the lot, the adjoining property sits 12 feet above our property and behind a concrete retaining wall with an additional privacy fence above the retaining wall. The structure in question (a workshop and storage room) abuts the retaining wall and does not encroach into the adjoining property.

We have included with the Special Permit Application, a plat showing the structure as it now exists, photographs of the structure and photographs from the adjoining properties. Additionally we included architectural depictions of the additions and letters from the owners of all the surrounding properties indicating their acceptance of the structure and that it does not visibly or physically affect them or their property concerns. Furthermore, the existing structure: Is not detrimental to the use and enjoyment of other property in the immediate vicinity; does not create an unsafe condition with respect to both other property and public streets; and will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Should we be required to remove or significantly modify the existing structure, it would impose significant financial hardship on our family in addition to those costs incurred to date; therefore we are respectfully requesting approval of a special permit for the existing structural additions.

Since our first application for a Special Permit, we have been informed that the fence surrounding the property is taller than that allowed by Fairfax County, therefore we have included an application for a Variance with the additionally requested information. The existing fence was also constructed by the previous owner and satisfies the enumerated requirements in Ordinance 18-404:

1. The property was acquired in good faith through purchase.
2. Has an extraordinary situation or condition.
3. The situation is not of so general a nature as to make a reasonably practicable the formulation of a general regulation.
4. The strict application of the Zoning Ordinance would also produce undue hardship as it would require additional cost to remove the existing fence and construct a new fence. The granting of a variance will alleviate said hardship.
5. The undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. The granting of a variance will alleviate a clearly demonstrable hardship.
7. The authorization of the variance will not be of substantial detriment to adjacent properties.
8. The character of the zoning district will not be changed by the granting of the variance.
9. The variance will be in harmony with the intended spirit and purposes of the Ordinance and will not be contrary to the public interest.

Additionally, the playset in the backyard, noted on the last deficiency letter, has been moved to 12 feet from the West property line and 10 feet from the South property line.

Please contact us for any additional information you require.

Sincerely,

Wayne Moticka  
3206 Wayne Road  
Falls Church, VA 22042  
202-561-1020

RECEIVED  
Department of Planning & Zoning  
JUN 23 2011  
Zoning Evaluation Division

To Whom It May Concern:

Tammy Bennett is the owner of 3206 Wayne Road, Falls Church, VA 22042. There is an addition to the house that is to close to the property line and has been there for awhile. This addition to the house in question is ok to stay in my opinion.

Sincerely, *Michael J Leach*

Name First and Last: *Michael J Leach*  
Address: *3203 Wayne Road*  
*Falls Church VA 22042*  
Phone: *703-237-8329*



State of *VA*  
County of *Fauquier*

Sworn to and subscribed before me on  
the *12* day of *May*, *2009*

*Jamin P. Olney*  
Notary Public's Signature  
My Commission Expires *12/31/11*

RECEIVED  
Department of Planning & Zoning  
NOV 12 2010  
Zoning Evaluation Division

To Whom It May Concern:

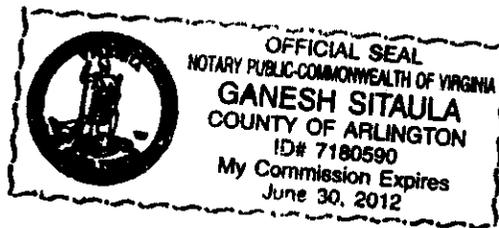
Tammy Bennett is the owner of 3206 Wayne Road, Falls Church, VA 22042. There is an addition to the house that is to close to the property line and has been there for awhile. This addition to the house in question is ok to stay in my opinion.

Sincerely,

*Shirley G. Leach*

Name First and Last: Shirley Leach  
Address: 3203 Wayne Rd  
Falls Church, Va 22042  
Phone: 703 237-8329

CITY/COUNTY OF Arlington  
COMMONWEALTH OF VIRGINIA  
The foregoing instrument was acknowledged before  
me this 5th day of May, 2009.  
By [Signature]  
Notary Public



RECEIVED  
Department of Planning & Zoning  
NOV 12 2010  
Zoning Evaluation Division

To Whom It May Concern:

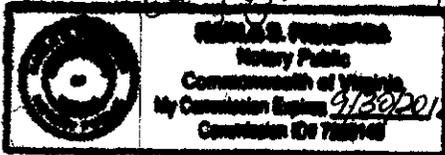
Tammy Bennett is the owner of 3206 Wayne Road, Falls Church, VA 22042. There is an addition to the house that is to close to the property line and has been there for awhile. This addition to the house in question is ok to stay in my opinion.

Sincerely,



Name First and Last: Thanh Van TRUONG  
Address: 3208 WAYNE Rd  
FALLS CHURCH VA 22042  
Phone: 703 532-0316

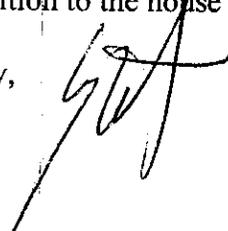
*Karla Figueroa 5/7/09*



To Whom It May Concern:

Tammy Bennett is the owner of 3206 Wayne Road, Falls Church, VA 22042. There is an addition to the house that is to close to the property line and has been there for awhile. This addition to the house in question is ok to stay in my opinion.

Sincerely,



Name First and Last: William Wodatch  
Address: 3204 Wayne Road  
Falls Church VA 22042  
Phone: 703-533-9325



JUSTIN-MUJDAT PASTORE  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES DEC. 31, 2010  
COMMISSION # 7035866

5/7/09

RECEIVED  
Department of Planning & Zoning  
NOV 12 2010  
Zoning Evaluation Division

To Whom It May Concern:

Tammy Bennett is the owner of 3206 Wayne Road, Falls Church, VA 22042. There is an addition to the house that is too close to the property line and has been there for awhile. This addition to the house in question is ok to stay in my opinion.

Sincerely,

Name First and Last: Christine L. Rogers *Christine L. Rogers*  
Address: 3207 Wayne Rd  
Falls Church Va 22042  
Phone: 703/532-5570

Commonwealth of Virginia

County of Arlington

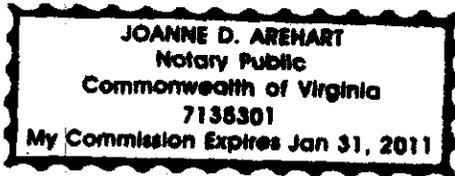
The foregoing instrument was acknowledged

Before me this 8<sup>th</sup> day of May, 2009

By Christine L. Rogers

*Joanne D. Arehart*  
Notary Public

My Commission Expires Jan 31, 2011



To Whom It May Concern:

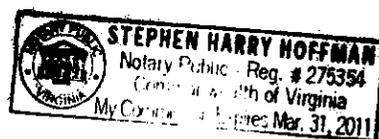
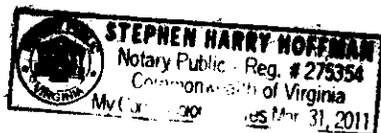
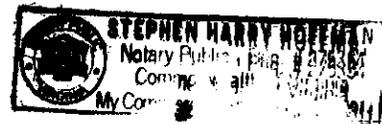
Tammy Bennett is the owner of 3206 Wayne Road, Falls Church, VA 22042. There is an addition to the house that is too close to the property line and has been there for awhile. This addition to the house in question is ok to stay in my opinion.

Sincerely,

*James McCray*

Name First and Last: JAMES MCCRAY  
Address: 3214 WAYNE RD  
FALLS CHURCH 22042  
Phone: \_\_\_\_\_

Commonwealth  
State of: Virginia  
County of: Fauquier  
Subscribed and sworn to before me this  
6 day of MAY, 2009  
Stephen Harry Hoffman  
STEPHEN HARRY HOFFMAN, Notary Public  
My Commission Expires MARCH 31, 2011

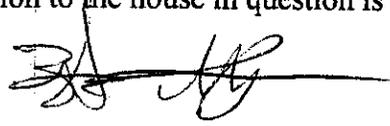


RECEIVED  
Department of Planning & Zoning  
NOV 12 2010  
Zoning Evaluation Division

To Whom It May Concern:

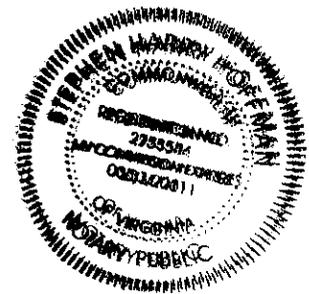
Tammy Bennett is the owner of 3206 Wayne Road, Falls Church, VA 22042. There is an addition to the house that is to close to the property line and has been there for awhile. This addition to the house in question is ok to stay in my opinion.

Sincerely,



Name First and Last: Zenaida Castillo  
Address: 3205 Rollin Rd  
Falls Church Va 22042  
Phone: 703 573 0977

Commonwealth  
State of: Virginia  
County of: Fairfax  
Subscribed and sworn to before me this  
day of July, 2007  
Stephen Harry Hoffman  
STEPHEN HARRY HOFFMAN, Notary Public  
My Commission Expires MARCH 31, 2011



RECEIVED  
Department of Planning & Zoning  
NOV 12 2010  
Zoning Evaluation Division

To Whom It May Concern:

Tammy Bennett is the owner of 3206 Wayne Road, Falls Church, VA 22042. There is an addition to the house that is too close to the property line and has been there for awhile. This addition to the house in question is ok to stay in my opinion.

Sincerely,



Name First and Last: Siam Sunongkol  
Address: 3207 Rollen Rd.  
Falls Church VA 22042  
Phone: 571 309 6867

Commonwealth  
State of: Virginia  
County of: Fauquier  
Subscribed and sworn to before me this  
8 day of May, 2009  
Stephen Harry Hoffman  
STEPHEN HARRY HOFFMAN, Notary Public  
My Commission Expires Mar. 31, 2011



RECEIVED  
Department of Planning & Zoning  
NOV 12 2010  
Zoning Evaluation Division

To Whom It May Concern:

Tammy Bennett is the owner of 3206 Wayne Road, Falls Church, VA 22042. There is an addition to the house that is to close to the property line and has been there for awhile. This addition to the house in question is ok to stay in my opinion.

Sincerely,



Name First and Last: LESLIE DRISCOLL  
Address: 3202 ROLLIN RD  
FALLS CHURCH VA 22042  
Phone: 703-560-2619

*Commonwealth*  
State of: Virginia  
County of: Fauquier  
Subscribed and sworn to before me this  
8 day of May, 2009  
*Stephen Harry Hoffman*  
STEPHEN HARRY HOFFMAN, Notary Public  
My Commission Expires MARCH 31, 2011



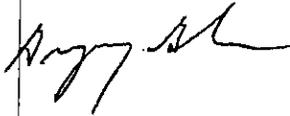
RECEIVED  
Department of Planning & Zoning  
NOV 12 2010  
Zoning Evaluation Division

ATTN: TAMMY 703-893-2441

To Whom It May Concern:

Tammy Bennett is the owner of 3206 Wayne Road, Falls Church, VA 22042. There is an addition to the house that is to close to the property line and has been there for awhile. This addition to the house in question is ok to stay in my opinion.

Sincerely,



Name First and Last: Gregory Gale  
 Address: 3205 Wayne Rd  
Falls Church VA 22042  
 Phone: 571-244-3971

Witness: Heidi B. Dawson 05/11/09  
 Heidi B. Dawson

RECEIVED  
 Department of Planning & Zoning  
 NOV 12 2010  
 Zoning Evaluation Division

County of Fairfax, Virginia

OFFICE OF THE ZONING ADMINISTRATOR

APPLICATION FOR ZONING APPROVAL

Building Permit

Magisterial District Falls Church Va Building Permit No. 7126  
 Name of Owner Midway Homes Inc Address Box 1023 Falls Church Va  
 Name of Builder Angus Construction Co Address Box 1023 Falls Church Va  
 Subdivision Angus Leasing Subd Lot No. 8 Block B Section 2  
 Use of Building Dwelling  
 No. of Families or Housekeeping Units 1 Plans F.H.A. approved Cost 7000.00  
 Size of Lot: Width \_\_\_\_\_ ft. Depth \_\_\_\_\_ ft. Area \_\_\_\_\_ acres  
 Height of building, at front center to highest point of roof 18 ft.  
 Set back from side line of street 35 Width of street 50 ft. (right of way)  
 Name (No.) of street Wayne Road Paving of street State Dept  
 Side yard 15 ft. Side yard 10 ft. Rear yard 15 ft.  
 Are water and/or sewer available Yes Zone Urban

Plat property to scale, showing ALL buildings and ALL distances to property lines, if plat is required, and attach hereto. When this is done preliminary (foundation) zoning permit shall be issued provided the requirements of the Fairfax County Zoning Ordinance are met.

I, the undersigned hereby certify that I understand the foregoing requirement and procedure. I understand that building construction cannot exceed the height of first floor joists until after Final Zoning Approval is issued. I understand that I am required to either furnish the Zoning Administrator with 2 copies of a certified surveyor's plat showing the exact location of the walls in relation to the property and street lines, or to notify him when foundation is ready for inspection before Final Zoning Approval may be obtained. I further certify that I have the authority to make this application, that the information given is correct, and that the use and construction, if permit is issued shall conform to the County Health Regulations, the Building and Zoning Ordinances and private deed restrictions if any, which may be imposed on the property.

F.A. 7565-  
Telephone No.

Albert A. Joseph  
Applicant  
Box 1023 Falls Church Va  
Address  
July 17 - 50  
Date

INSPECTOR'S REPORT

Foundation location inspected and approved as being in conformance with the requirements of the Fairfax County Zoning Ordinance.

Date \_\_\_\_\_  
Inspector \_\_\_\_\_

FINAL ZONING APPROVAL

In compliance with the Zoning Ordinance, effective as of this date, and by authority vested in me as Zoning Administrator by the Board of Supervisors, I hereby issue Final Zoning Approval for the above described use and building construction based on attached surveyor's plat or foundation inspection made as indicated by above inspector's report.

AUG 20 1950

Date \_\_\_\_\_  
J. F. Schuman, Jr.  
Zoning Administrator

PRELIMINARY (FOUNDATION) PERMIT

Construction cannot exceed the height of 1st floor joists until final zoning approval is issued. Before Final Zoning Approval of building permit shall be issued the applicant is required to either furnish the Zoning Administrator with 2 copies of a certified surveyor's plat showing the exact location of the walls in relation to the property and street lines or to notify him when the foundation is ready for inspection.

Preliminary (Foundation) Permit issued based on attached plat. Final approval subject to above.

Date JUL 20 1950  
J. F. Schuman, Jr.  
Zoning Administrator

True Meridian

CAMPBELL TRACT

Hub 2  $N6^{\circ}52'40''W$  60.00' Hub  
5' easement

LOT # 8  
BLOCK 'B'  
Section II  
7,200 sq. ft.

$\frac{1}{2}$ -S-F  
Type C-1

LOT # 9

WEST  
GREYSTEAD

$R = 25'$   
 $\Delta = 95^{\circ}43'$  PIPE

Hub 1  $S6^{\circ}52'40''E$  60.00' Hub  
172.38'

WAYNE ROAD

MAR 22 1951

# 1136 Wayne Road

Plot of the property of:  
Center Homes Incorporated  
LOT # 8 - BLOCK 'B'  
"ANNALEE HEIGHTS"  
FALLS CHURCH MAGISTERIAL DIST.  
FAIRFAX COUNTY  
VIRGINIA  
R.F. Dyle certified land surveyor, Newport News Va.  
Scale: 1" = 50' August 11, 1951

Lot 8  
Blk B

COUNTY OF FAIRFAX, VIRGINIA  
OFFICE OF BUILDING INSPECTOR

Building Permit No. 5018

APPLICATION FOR PERMIT TO ALTER, REPAIR OR ADD TO EXISTING BUILDING

Fairfax, Va. 7/8, 1953

TO THE BUILDING INSPECTOR:

The undersigned applies for a permit to Exp - Rev - Altnell -

- 1. Description of Building Garage
- 2. Location: Lot No. \_\_\_\_\_ Block B Section \_\_\_\_\_ Subdivision Annexes HES
- 3. Name of Owner John Bradley Phone \_\_\_\_\_  
Address 1136 Wayne Rd Ch
- 4. Name of Designer \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_
- 5. Name of Contractor J. H. Bryant Phone \_\_\_\_\_  
Address same Wayne Rd

I hereby certify that the property described above is listed in the name of: \_\_\_\_\_

Mag. Dist. \_\_\_\_\_ Deed Book Reference \_\_\_\_\_  
Supervisor of Assessments A

- 6. Zoning: Use of building res. No. of families or housekeeping units NONE  
No. kitchens NONE Size of lot: Width 60 ft., Depth 120 ft., Area \_\_\_\_\_; Height of building (to highest point of roof) 10 ft. Setback from property line: Front 30 ft., Rear \_\_\_\_\_ ft., Side 0 ft.  
Zone \_\_\_\_\_
- 7. Check system to be used: (a) Sewage Disposal by: Public Sewer \_\_\_\_\_, Community System \_\_\_\_\_, Septic Tank \_\_\_\_\_, Pit privy \_\_\_\_\_ (b) Water Supply: Public system \_\_\_\_\_, Individual well \_\_\_\_\_
- 8. Give Details:

Apply 4 brick masonry to existing frame existing concrete  
new 9' x 12' concrete footing  
30" below grade  
to masonry to frame with  
low metal tin 24" o.c. (span)  
with masonry 9' x 12' x 12' over

- 9. Use of Building after Alterations: \_\_\_\_\_
- 10. Estimated Cost of Improvement 750 10' masonry other  
3 x 4 x 4 1/2

NO PLAT REQUIRED

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restriction, if any, which are imposed on the property.

John Bradley  
Signature of owner or authorized agent

Address \_\_\_\_\_

Fire-proof \_\_\_\_\_ Non-fireproof ✓

Total sq. ft. \_\_\_\_\_ Fee 3.00

Approved by Building Inspector \_\_\_\_\_  
7/8/53  
Date

Telephone No. \_\_\_\_\_

Date 7-8-53

INSP-OR: JRK - 10-24-68

P49873

COUNTY OF FAIRFAX, VIRGINIA  
OFFICE OF THE BUILDING INSPECTOR  
Application for Building Permit

APPLICATION NO. 1522  
DATE 19 68 PERMIT NO. 14473

MAP REFERENCE			
Plot Number	Subd. Des.	Blk. or Sec.	Parcel or lot
602	2	B	81

To: BUILD  ALTER OR REPAIR  ADD TO  DEMOLISH  MOVE

**JOB LOCATION**  
Street: 3206 WAYNE RD.  
Lot No. 8 Block B Section II  
Subdivision: ANNALIE HEIGHTS

**OWNER**  
Corp. Name \_\_\_\_\_  
Name: JERRY W. AKE  
(Reg. Agent)  
Address: 3206 WAYNE RD  
City: FALLS CHURCH Telephone Number: 534-2251

**ARCHITECT ENGINEER**  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State Reg. No. \_\_\_\_\_

**CONTRACTOR**  
Name: OWNER  
Address \_\_\_\_\_  
City \_\_\_\_\_  
County Reg. # \_\_\_\_\_ State Reg. # \_\_\_\_\_

**DESCRIPTION**  
For: BUILD GARAGE

No. of Bldgs. 1 Est. Const. Cost \$ 250.00  
No. of Units \_\_\_\_\_ No. of Stories \_\_\_\_\_  
No. of Kitchens \_\_\_\_\_ Penthouse \_\_\_\_\_  
No. of Baths \_\_\_\_\_ Ht. of Bldg. \_\_\_\_\_ ft.  
No. of Rooms \_\_\_\_\_ Bldg. Area \_\_\_\_\_ sq. ft.  
(Exclude Kit. & Bath)  
Basement  Slab  Crawl  Soil: Solid  Fill

Ftg: Concrete  Pile  Caisson   
Ext. Walls: Wood  Metal  Brick   
Int. Walls: Plast  Dry wall  Panel   
Roof: Flat  Pitch  Shed   
Roofing: Built-up  Shingle  Roll

Heat: Oil  Gas  Electric   
Equipments: Boiler  Furnace  Heat Pump  Air Cond.

Sewages: Public  Community  Septic Tank  None   
Water: Public  Individual Well  None

Remarks: \_\_\_\_\_

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

534-8351 Phone No. 6/18/68 Date Jerry W. Ake Signature of Owner or Auth. Agent

APPLICANT: DO NOT WRITE BELOW THIS LINE

**PLAN APPROVAL**  
Use Group of Building M Area of Bldg. \_\_\_\_\_ @ \_\_\_\_\_ per Sq. Ft. \$ \_\_\_\_\_  
Type of Construction 4-B @ \_\_\_\_\_ \$ \_\_\_\_\_  
Fire District \_\_\_\_\_ @ \_\_\_\_\_ \$ \_\_\_\_\_  
Date Checked 6-18-68 By [Signature] TOTAL FEE \$ 7.00  
Approved by Building Inspector [Signature]

ROUTING	OFFICE	Rm. No.	DATE	BY	OFFICE	Rm. No.	DATE	BY
	<input checked="" type="checkbox"/>	Land Office	112			Fire Marshall		
<input checked="" type="checkbox"/>	Zoning Administrator	210	<u>6-18-68</u>	<u>[Signature]</u>	Streets & Drainage		<u>6-18-68</u>	<u>[Signature]</u>
<input checked="" type="checkbox"/>	Sanitary Engineer				Housing & License	<u>337</u>	<u>6-18-68</u>	<u>[Signature]</u>
<input checked="" type="checkbox"/>	Health Officer	Rt. 237						

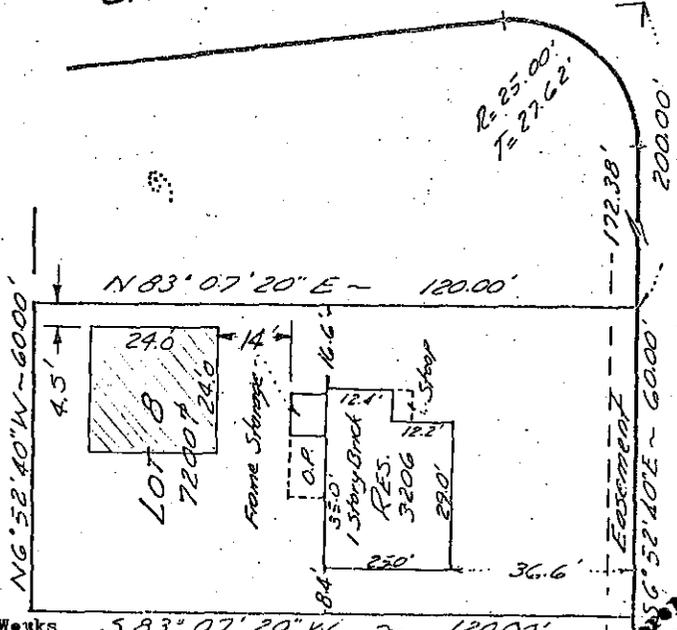
I hereby certify to the following statements:  
1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.  
2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.

Date June 18 1968 By Jerry W. Ake Property Owner Authorized Agent

**CERTIFICATION**  
Supervisor of Assessments \_\_\_\_\_  
Property is listed in name of John L. Bradley  
Magisterial District Macon Deed Book Reference 848-467  
Supervisor: John W. Jay

**ZONING**  
Subdivision: Annallee Hgts Lot No. 8 Block B Section 2 Zone R-10  
Street Address \_\_\_\_\_  
Use of Bldg. garage Use after Alteration \_\_\_\_\_ No. Families \_\_\_\_\_  
BZA \_\_\_\_\_ SITE PLAN \_\_\_\_\_  
Set Back: Front 24' Side 5' Left Side 4' Rear 4' Zoning Administrator [Signature]

OAK RIDGE ROAD (West Greenstead)



Department of Public Works  
 Fairfax County, Virginia  
 Application Number *122*

I hereby certify that this plot plan and structure shown hereon conform to the requirements of Section 113.10 of The Fairfax County, Virginia Building Code.

Director of Public Works

Approved for proposed location of building shown, subject to final check.  
 Date *April 8, 1968*  
 Zoning Administrator

JUN 18 1968  
 By *[Signature]*  
 Date

HOUSE LOCATION  
 LOT 8  
 BLOCK B, SECTION II  
 ANNALEE HEIGHTS  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE: 1" = 30' APRIL 16, 1968  
 CARLISLE & COOK  
 CERTIFIED LAND SURVEYORS

PA 34710

CERTIFIED CORRECT TO TERRY W. AKE

*[Signature]*

*Jm sp or - JRK 4-11-69*

*P56251*

COUNTY OF FAIRFAX, VIRGINIA  
OFFICE OF THE BUILDING INSPECTOR  
Application for Building Permit

APPLICATION NO. E6313  
P56251  
DATE \_\_\_\_\_ 19\_\_\_\_ PERMIT NO. \_\_\_\_\_

MAP REFERENCE			
Plot Number	Subd. Des.	Blk. or Sec.	Parcel or lot
<u>602</u>	<u>2</u>	<u>B</u>	<u>8</u>

To: BUILD  ALTER OR REPAIR  ADD TO  DEMOLISH  MOVE

**JOB LOCATION**  
Street 3206 WAYNE RD  
Lot No. B B II  
Subdivision ANNALEE HEIGHTS

**OWNER**  
Corp. Name \_\_\_\_\_  
Name TERRY W. AKE  
Address 3206 WAYNE RD  
City FALLS CHURCH 534-8351  
Telephone Number \_\_\_\_\_

**ARCHITECT ENGINEER**  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State Reg. No. \_\_\_\_\_

**CONTRACTOR**  
Name OWNER  
Address \_\_\_\_\_  
City \_\_\_\_\_  
County Reg. # \_\_\_\_\_ State Reg. # \_\_\_\_\_

**DESCRIPTION**  
For: ENCLOSE AND ADD TO EXISTING PORCH

No. of Bldgs. \_\_\_\_\_ Est. Const. Cost \$ 1100.00  
No. of Units \_\_\_\_\_ No. of Stories \_\_\_\_\_  
No. of Kitchens \_\_\_\_\_ Penthouse \_\_\_\_\_  
No. of Baths \_\_\_\_\_ Ht. of Bldg. \_\_\_\_\_ ft.  
No. of Rooms \_\_\_\_\_ Bldg. Area \_\_\_\_\_ sq. ft.  
(Exclude Kit. & Bath)  
Basement  Slab  Crawl  Soil: Solid  Fill

Frg: Concrete  Pile  Caisson   
Ext. Walls: Wood  Metal  Brick   
Int. Walls: Plst  Drywall  Panel   
Roof: Flat  Pitch  Shed   
Roofing: Built-up  Shingle  Roll

Heat: Oil  Gas  Electric   
Equipment: Boiler  Furnace  Heat Pump  Air Cond.

Sewage: Public  Community  Septic Tank  None   
Water: Public  Individual Well  None

Remarks: \_\_\_\_\_

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

534-8351 Phone No. MARCH 26, 1969 Date Terry W. Ake Signature of Owner or Auth. Agent

APPLICANT: DO NOT WRITE BELOW THIS LINE

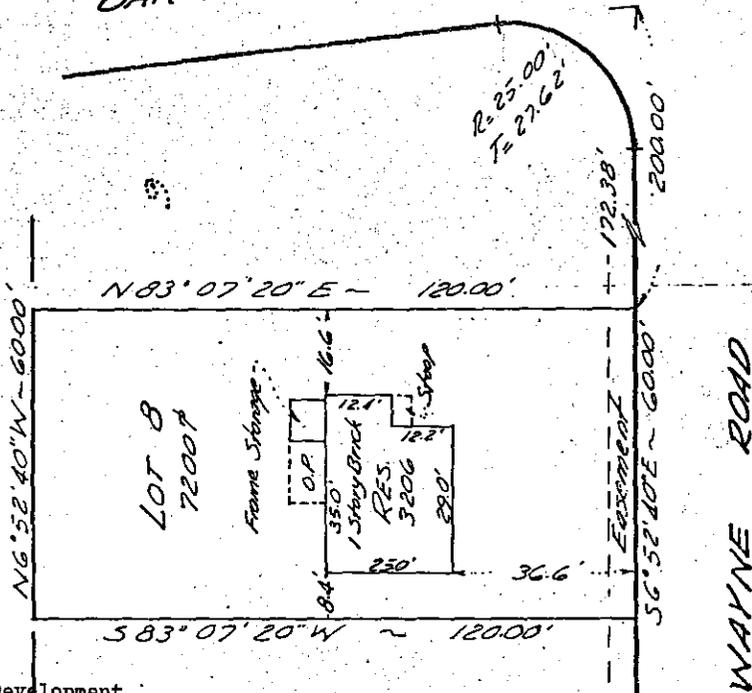
**PLAN APPROVAL**  
Use Group of Building L-3 Area of Bldg. \_\_\_\_\_ @ \_\_\_\_\_ per Sq. Ft. \$ \_\_\_\_\_  
Type of Construction 4-B @ \_\_\_\_\_ \$ \_\_\_\_\_  
Fire District \_\_\_\_\_ @ \_\_\_\_\_ \$ \_\_\_\_\_  
Date Checked 3-26 19 69 By JRK TOTAL FEE 5.00  
Approved by Building Inspector JRK

ROUTING	OFFICE	Rm. No.	DATE	BY	OFFICE	Rm. No.	DATE	BY
	<input checked="" type="checkbox"/>	Land Office	112	3/26/69	MA	Fire Marshal		
<input checked="" type="checkbox"/>	Zoning Administrator	210	3-26-69	<u>JRK</u>	Streets & Drainage			
<input type="checkbox"/>	Sanitary Engineer				Housing & License	210	3-26-69	<u>JRK</u>
<input type="checkbox"/>	Health Officer	Rt. 237					3-26-69	<u>RP</u>

**CERTIFICATION**  
I hereby certify to the following statement:  
1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.  
2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.  
Date MARCH 26 69 By Terry W. Ake Property Owner Authorized Agent

**ZONING**  
Supervisor of Assessments \_\_\_\_\_  
Property is listed in name of John L. Bradley  
Magisterial District Providence 1 Deed Book Reference 848-467  
Supervisor: John W. Ferguson, MA  
Subdivision Annalee Heights Block B Section 2 Zone R-10  
Street Address \_\_\_\_\_  
Use of Bldg. enclose & add to ex. porch No. of Families \_\_\_\_\_  
BZA \_\_\_\_\_ SITE PLAN \_\_\_\_\_  
Set Back: Front 36 Rt. Side 16 Left Side 8 Rear 25 Zoning Administrator JRK

OAK RIDGE ROAD (West Grenstead)



LOT 8  
7200 P

Frame Storage

Approved for proposed location of building as shown. Final approval subject to wall check.  
 Date: MAR 26 1969  
 Zoning Administrator

Department of County Development  
 Fairfax County, Virginia  
 Application Number: F 6313

I hereby certify that this plot plan and structure shown hereon conform to the requirements of Section 113.10 of The Fairfax County, Virginia Building Code.

Director of County Development  
*Don Popovich*  
 By His Agent

MAR 26 1969  
 Date

HOUSE LOCATION  
 LOT 8  
 BLOCK B, SECTION II  
 ANNALEE HEIGHTS  
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30'      APRIL 16, 1968  
 CARLISLE & COOK  
 CERTIFIED LAND SURVEYORS

CERTIFIED CORRECT TO TERRY W. AKE

*T. W. Ake*

8 A 94710

OK 8-29-77 WB

COUNTY OF FAIRFAX, VIRGINIA  
DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT  
Application for Building Permit

APPLICATION NO. 117773  
DATE 19 77 PERMIT NO. 110115

MAP REFERENCE table with columns: Plot Number, Subd. Div., Blk. or Sec., Parcel or lot. Values: 21, 2, B, 8.

To: BUILD  ALTER OR REPAIR  ADD TO  DEMOLISH  MOVE

JOB LOCATION: Street 3206 WAYNE ROAD, Lot No. 8 B II, Subdivision ANNIEE HEIGHTS.  
OWNER: Name VERNON + LUCY LUENBERG, Address 3206 WAYNE RD., City FALLS CHURCH, VA.  
ARCHITECT ENGINEER: Name DAMIEN E. CHAVES.  
CONTRACTOR: Name SELF.

DESCRIPTION: For: ADDING TO HOUSE 4 ROOMS.  
No. of Bldgs. 1, Est. Const. Cost \$10,000.00.  
No. of Units, No. of Stories adding 2 stories.  
No. of Kitchens, Penthouse.  
No. of Baths 3, Ht. of Bldg. ft.  
No. of Rooms 4, Bldg. Area sq. ft.  
Basement  Slab  Crawl  Soil: Solid  Fill   
Ftg. Concrete  Pile  Calsson   
Ext. Walls: Wood  Metal  Brick   
Int. Walls: Plast  Drywall  Panel   
Roof: Flat  Pitch  Shed   
Roofing: Built-up  Shingle  Roll   
Heat: Oil  Gas  Electric   
Equipment: Boiler  Furnace  Heat Pump  Air Cond.   
Sewage: Public  Community  Septic Tank  None   
Water: Public  Individual Well  None

Remarks: (PARADE) Took out wall up door RE-ING with double doors 5'11" x 9' picture  
REMOVED Plywood from wall and replaced with drywall and paneling. MADE a 5'8" ROOM for a bath - 4'10" on the side of the house and to be brick.

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

536 9127 Phone No. 7/10/77 Date. Signature of Owner or Auth. Agent.

APPLICANT: DO NOT WRITE BELOW THIS LINE

PLAN APPROVAL: Use Group of Building 4B, Area of Bldg. @ per Sq. Ft. \$, Type of Construction 01, Fire District @, Date Checked 7/18/77 By [Signature], TOTAL FEE \$ 240.

ROUTING table with columns: OFFICE, DATE, APPROVED BY. Rows: Land Office, Zoning Administrator, Public Works, Health Dept., Fire Marshall, Design Review, Housing & License, Assessments.

CERTIFICATION: I hereby certify to the following statement: 1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner. 2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit. Date 7/28/77, Property Owner, Authorized Agent.

Supervisor of Assessments: Property is listed in name of Vernon Glenn Wenberg, Magisterial District Old HSC & HM, Deed Book Reference 3975-232, Supervisor: Samuel G. [Signature]

ZONING: Subdivision Anniee Heights, Lot No. 8, Block B, Section II, Zone, Street Address 3206 Wayne Road, Use of Bldg. one bath in rear garage, No. Families None, BZA, Set Back: Front NC, Rt. Side NC, Left Side see plat.

60-2-2-B-8  
3206 Wayne Rd.

770780333  
MASON

Adm.

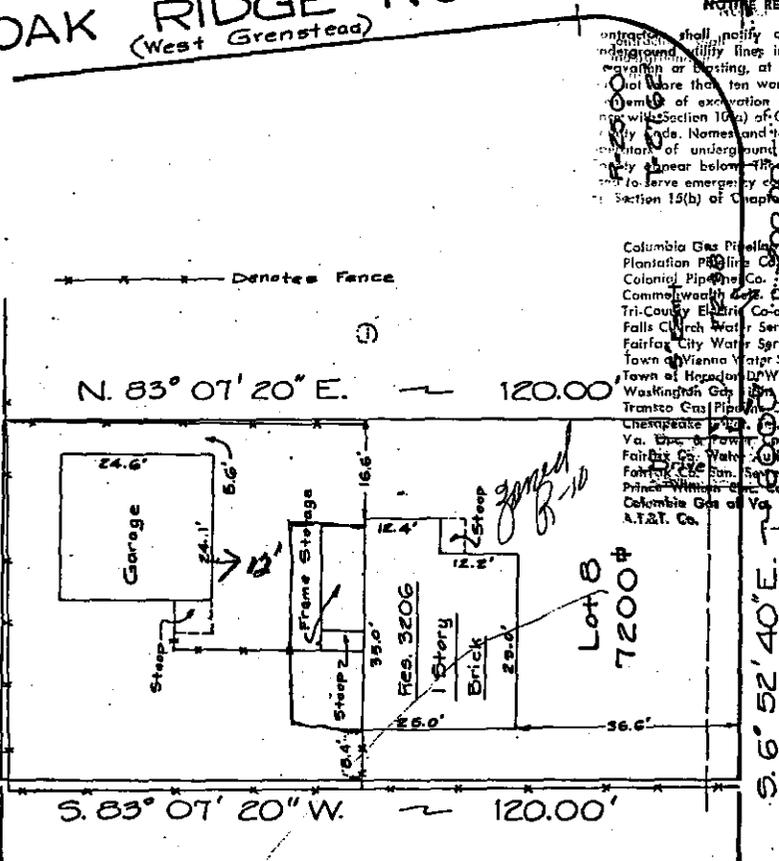
OAK RIDGE ROAD  
(West Grenstead)

NOTICE REQUIRED

Contractors shall notify operators who maintain underground utility lines in the area of proposed excavation or blasting, at least two working days, but no more than ten working days prior to commencement of excavation or demolition in accordance with Section 10(a) of Chapter 66 of the Fairfax Code. Names and telephone numbers of the location of underground utility lines in Fairfax County appear below. These numbers may also be used to serve emergency condition notices as required by Section 15(b) of Chapter 66 of the Code.

- Columbia Gas Pipeline Co. 759-2115
- Plantation Pipeline Co. 780-3350
- Colonial Pipeline Co. 273-5525
- Commonwealth Electric Co. (703)670-3118
- Tri-County Electric Co-op. (703)777-2041
- Falls Church Water Service (703)532-0800
- Fairfax City Water Service 273-7900
- Town of Vienna Water Service 978-8007 ex 241
- Town of Herndon DPW 447-1000
- Washington Gas Pipeline Co.
- Tranco Gas Pipeline Co.
- Chesapeake Electric Co. MISS UTILITY
- Va. Elec. & Power Co. (703)559-0100
- Fairfax Co. Water Authority
- Fairfax Co. San. Serv. Div.
- Prince William Electric Co-op.
- Columbia Gas of Va.
- A.T.&T. Co.

N. 6° 52' 40" W. ~ 60.00'



N. 83° 07' 20" E. ~ 120.00'

S. 83° 07' 20" W. ~ 120.00'

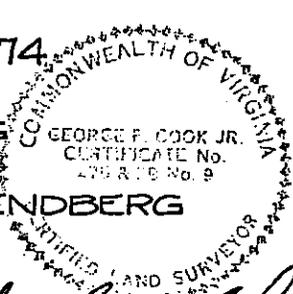
S. 6° 52' 40" E. ~ 60.00'

WAYNE ROAD

Approved for proposed location of building as shown. Final approval subject to wall check.

HOUSE LOCATION APPROVED  
LOT 8  
BLOCK B  
SECTION II  
DATE 2-14-74 BY [Signature]  
DIV. DIRECTOR OR HIS AGENT

ANNALEE HEIGHTS  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 25'  
COOK & MILLER  
SURVEYING - ENGINEERING



CERTIFIED CORRECT TO VERNON G. & LUCY WENDBERG

D.S. 6624

[Signature]

FAIRFAX COUNTY, VIRGINIA

SUBJECT: Request for Amendment of Existing Building Permit DATE: \_\_\_\_\_

REFERENCE: Building Permit Number 7707 1190 0333

Address 3206 WAYNE RD FALLS CHURCH VA

Owner VERNON C WISBERG

Subdivision ANNALIE HEIGHTS Grid \_\_\_\_\_

AMENDMENT REQUESTED:

Change house type from Model \_\_\_\_\_ to Model \_\_\_\_\_

House relocated \_\_\_\_\_ Deck or Porch added \_\_\_\_\_

Garage added \_\_\_\_\_ Garage deleted \_\_\_\_\_

Carport added \_\_\_\_\_ Carport deleted \_\_\_\_\_

Walkout Basement added \_\_\_\_\_ Walkout Basement deleted \_\_\_\_\_

Other. Specify: ADDING TO KITCHEN ROOM 6'X18' AND  
ADDING TO FRONT BEDROOM 11'6"X12"

SUPPORTING DOCUMENTATION SUBMITTED:

Revised Plat \_\_\_\_\_ Revised Site Plan \_\_\_\_\_

Revised Construction Plans \_\_\_\_\_ Revised Grading Plan \_\_\_\_\_

SIGNATURE OF OWNER OR AGENT Vernon C Wisberg Phone: 536 6171

Current mailing address/ZIP 3206 WAYNE RD  
FALLS CHURCH VA. 22042

BELOW FOR COUNTY USE ONLY

PLAT No. 60-2 Subd Des 2 Blk/Sec B-2 Pcl/Lot 8

AMENDMENT APPROVED: CB DESIGN REVIEW JA (DATE) 3-27-78

(M) 3<sup>rd</sup> ZONING CB (DATE) 3/23/78

HEALTH DEPT JA (DATE) \_\_\_\_\_

4<sup>th</sup> CONSTR PLANS REVIEW JA (DATE) 3/23/78

ADDITIONAL BUILDING PERMIT FEE TO BE PAID \$ 16.50 Fee Code \_\_\_\_\_

Distribution: White - Permit Jacket  
Pink - Real Estate

Canary - Zoning  
Goldenrod - Applicant

Approved for proposed location of building as shown. Final approval subject to wall check.

MAR 23 1978

Zoning Administrator

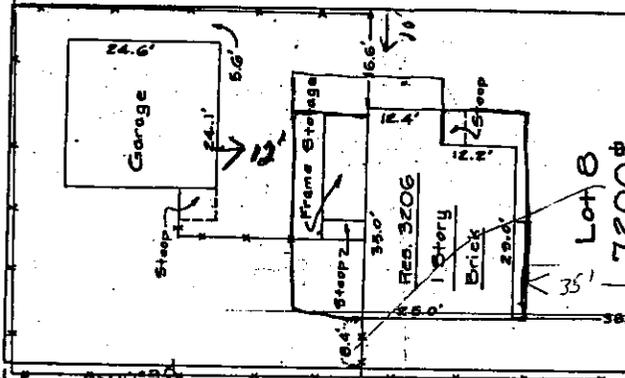
**NOTICE REQUIRED**

Contractors shall notify operators who maintain underground utility lines in the area of proposed excavation or blasting, at least two working days, but not more than ten working days prior to commencement of excavation or demolition in accordance with Section 10(e) of Chapter 68 of the Fairfax County Code. Names and telephone numbers of the operators of underground utility lines in Fairfax County appear below. These numbers may also be used to serve emergency condition notice as required by Section 15(b) of Chapter 68 of the Code.

- Columbia Gas Pipeline Co. 759-2115
- Plantation Pipeline Co. 780-3350
- Colonial Pipeline Co. 273-5525
- Commonwealth Tele. Co. (703)670-3118
- Tri-County Electric Co-op. (703)777-2041
- Fairfax County Water Service (703)332-0800
- Fairfax City Water Service 273-7900
- Town of Vienna Water Service 938-8007 ext 241
- Washington Gas Light Co. 437-1000
- Transco Gas Pipeline Co.
- Chesapeake & Potomac Tel. Co.
- Ya. Elec. & Power Co.
- Fairfax County Sewer Authority
- Fairfax Co. San Sewer Div.
- Hydrowilliam Elec. Corp.
- Columbia Gas of Va.
- A.T.&T. Co.

MISS UTILITY (301)559-0100

N. 6° 52' 40" W. ~ 60.00'



WAYNE ROAD

Approved for proposed location of building as shown. Final approval subject to wall check.

Date JUL 14 1977

Zoning Administrator

**HOUSE LOCATION APPROVED**

LOT 8  
BLOCK B  
SECTION II

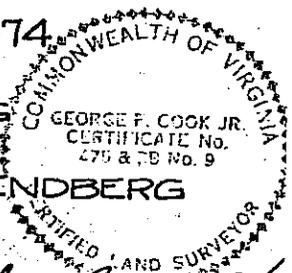
DIVISION OF DESIGN REVIEW

DATE 7-14-77 BY *[Signature]* DIV. DIRECTOR OR HIS AGENT

**ANNALEE HEIGHTS**

FAIRFAX COUNTY, VIRGINIA  
SCALE: 1" = 25'  
JAN. 10, 1974

COOK & MILLER  
SURVEYING & ENGINEERING



CERTIFIED CORRECT TO VERNON G. & LUCY WENDBERG

DIVISION OF DESIGN REVIEW

DATE 3-23-78 BY *[Signature]* DIV. DIRECTOR OR HIS AGENT

D.S. 6624

*[Signature]*

**BUILDING  
 PERMIT APPLICATION**

APPLICATION NO

19

Date

**JOB LOCATION**

Street 2000 Main St  
 Building \_\_\_\_\_ Floor \_\_\_\_\_ Suite \_\_\_\_\_  
 Subdivision \_\_\_\_\_  
 Tenants Name Box 2 R.R. 13 240

**DO NOT WRITE IN THIS SPACE**

Permit No. \_\_\_\_\_  
 Map Reference \_\_\_\_\_  
 Building Permit No. \_\_\_\_\_ Control No. \_\_\_\_\_  
 Std. \_\_\_\_\_ Mag. \_\_\_\_\_ Plan \_\_\_\_\_ Census \_\_\_\_\_

OWNER

Name John H. Conway  
 Address (Mailing) 2000 Main St  
 City Reston State VA Zip 20192  
 Telephone \_\_\_\_\_

CONTRACTOR

Company Name John H. Conway  
 Master John H. Conway  
 Address 2000 Main St  
 City Reston State VA Zip \_\_\_\_\_  
 Telephone 703/700-1001 License No. \_\_\_\_\_  
 State Contractors License No. 000000  
 County Business Account No. 00-000

For \_\_\_\_\_ Description \_\_\_\_\_

**ROUTING**

Model/Use \_\_\_\_\_

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

	Date	Approved By:
Health Review		
Site Review	7-17-20	[Signature]
Zoning Review	7/17/20	[Signature]
Sanitation Review		
Building Review	7-17-20	[Signature]
Fire Review		

Use Group of Building R-4  
 Type of Construction 513  
 Building Area \_\_\_\_\_  
 Estimated Const. Cost 2500

**ZONING REVIEW**

Zoning Proffers Building \_\_\_\_\_  
 Zoning Class R-4  
 Zoning Case # \_\_\_\_\_

**BUILDING CHARACTERISTICS**

Building Height \_\_\_\_\_  
 Exterior Walls \_\_\_\_\_  
 Interior Walls \_\_\_\_\_  
 Roofing Material \_\_\_\_\_  
 Flooring Material \_\_\_\_\_  
 Heating Fuel \_\_\_\_\_  
 Heating System \_\_\_\_\_

**GRADING AND DRAINAGE REVIEW**

Soils \_\_\_\_\_  
 Historical \_\_\_\_\_  
 Plan # \_\_\_\_\_  
 Retaining Wall \_\_\_\_\_

**REMARKS:**

**BUILDING**

**DESCRIPTION QUANTITY**

# Units \_\_\_\_\_  
 # Stories \_\_\_\_\_  
 # Rooms \_\_\_\_\_  
 # Bedrooms \_\_\_\_\_  
 # To be Added \_\_\_\_\_  
 # Baths \_\_\_\_\_  
 # Half Baths \_\_\_\_\_  
 # Kitchens \_\_\_\_\_  
 # Fireplaces \_\_\_\_\_  
 Basement \_\_\_\_\_  
 % Basements to Finish \_\_\_\_\_

**BUILDING DIMENSIONS**

No. Stories	Width	Depth	Sq. Ft.
	X		
	X		
	X		
	X		

YARDS Front Front Left Side Right Side Rear

NC NC 16 NC

**REMARKS**

new roof over existing kitchen  
to be added  
Post attached

**FOR COUNTY USE ONLY:**

Date 7-10-20 By [Signature]  
 Approved for Issuance of Building Permit

Fee \_\_\_\_\_  
 Filing Fee 1000  
 Amount Due \_\_\_\_\_

The request for and use of personal information on this form is subject to the provisions of the Privacy Protection Act of 1976 and the Freedom of Information Act.

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

Signature of Owner or Agent

Date

Notary Signature

Date

APPROVED

7/10/86

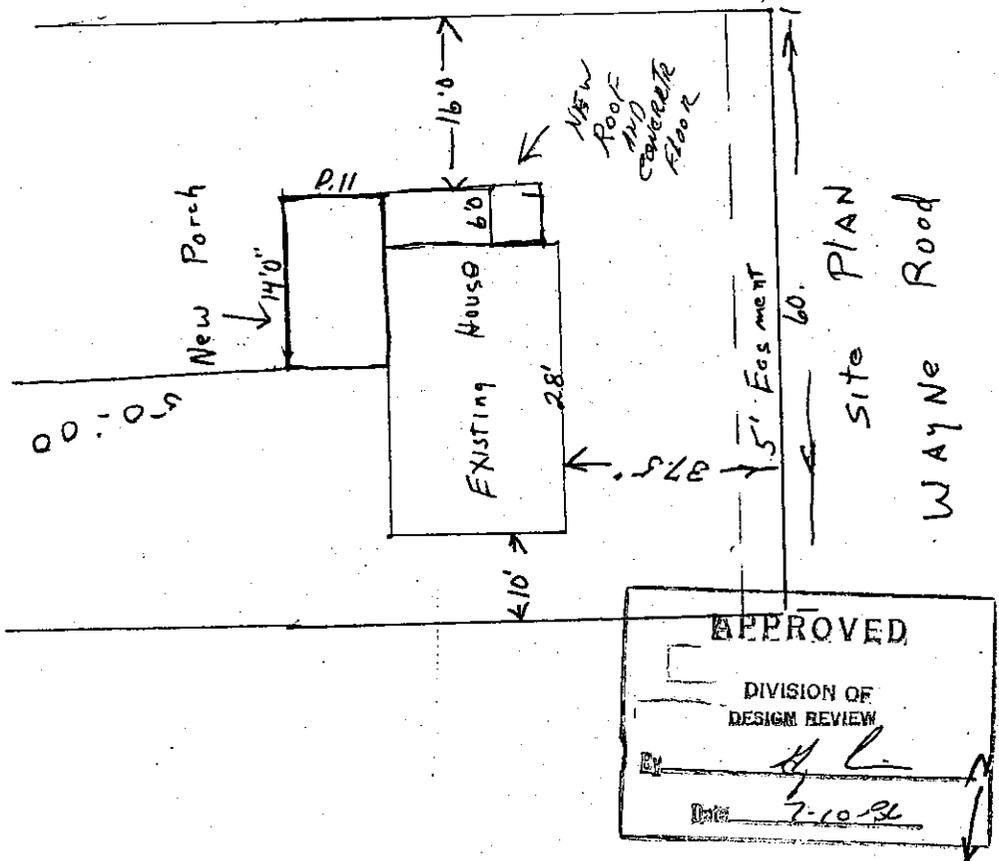
Commissioner

*[Signature]*  
Koning Administrator

Approved for proposed  
Location of Building as  
shown on this plan  
subject to call check.  
Date: JUL 10 1986

Page 3 of 3  
Name of  
W.M. Bailey  
1135 Wayne Rd  
Pond Addition

P.M.  
[Signature]



00:00

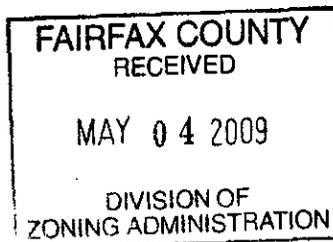


# County of Fairfax, Virginia

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

May 4, 2009

Tammy Bennett  
3206 Wayne Road  
Falls Church, Virginia 22042



RE: 3206 Wayne Road  
Annalee Heights, Section 2, Block B, Lot 8  
Tax Map Ref.: 60-2 ((2)) (B) 8  
Zoning District: R-4

Dear Ms. Bennett:

This letter is in response to your letter to Eileen McLane dated April 23, 2009 and our subsequent phone conversation regarding the existing structures on the above referenced property. It is my understanding that you have a contract to sell the property and you are seeking confirmation that the structures on the property are "legal".

The property is zoned R-4 District which has a minimum front yard requirement of 30 feet, a minimum side yard requirement of 10 feet and a minimum rear yard requirement of 25 feet. Under Par. 10 of Sect. 10-104 of the Zoning Ordinance, sheds which exceed 8 ½ feet in height cannot be located in a front yard on a lot containing 36,000 square feet or less in size, cannot be located in a minimum required side yard, and must be setback a distance equal to its height from the rear lot line.

Although the Department of Planning and Zoning has no records for this property, the 1996 house location plat submitted with your letter shows a single family detached dwelling unit with a 2-story front portion, a 1-story addition in the rear and a screen porch. In addition, a shed of approximately 60 square feet in size with a height of greater than 8 ½ feet (the height is based on our phone conversation) is depicted along the rear lot line. The 2-story portion of the house is located 8.7 feet from the south side lot line and 8.8 feet from the north side lot line; the screen porch is located 8.7 feet from the south side lot line; and the 1-story addition is located 4.4 feet from the side lot line and approximately 13 feet from the rear lot line. As such, the 1-story, 2-story and screen porch portions of the house do not meet the current minimum yard requirements of the R-4 District. Furthermore, the shed does not meet Par. 10 of Sect. 10-104.

Pursuant to §15.2-2307 of the *Code of Virginia*, if a structure has been assessed as part of the improvements to the referenced property for a period of 15 years or more, it is considered a permitted improvement and may remain, but it shall not be expanded. According to Department

Department of Planning and Zoning  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1314 FAX 703-803-6372  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



Tammy Bennett  
May 4, 2009  
Page 2

of Tax Administration records (DTA), the two-story portion of the house and a 24' by 24' detached workshop have appeared on the DTA records since at least 1994. There is no reference to a shed, screen porch or 1-story addition in the DTA records. It appears that at some point the connection between the then existing detached workshop and main house was added, thereby combining the two structures into the main house. Since the porch and shed have never been incorporated on the tax records, and a 576 square foot detached workshop is reflected on the tax records instead of a one-story addition, §15.2-2307 of the *Code of Virginia* is not applicable for the 1-story addition, screen porch and shed. As such, the 1-story addition, shed and screen porch are not permitted absent the approval of a special permit for an error in building location by the Board of Zoning Appeals (BZA). However, §15.2-2307 is applicable for the two-story portion of the house, and this portion of the house can remain even though it does not meet the current minimum side yard requirements.

All special permits require the submission of an application, plat and fees; notification of adjacent property owners and a public hearing before the BZA. Information pertaining to the special permit process is available from the Zoning Evaluation Division at 703-324-1290. I have enclosed a copy of the special permit application and the standards for all special permits and for special permits for errors in building location.

I know that this is not the response you were hoping for, but I trust this letter adequately responds to your request. Should you have any additional questions, please feel free to contact me at 703-324-1314.

Sincerely,



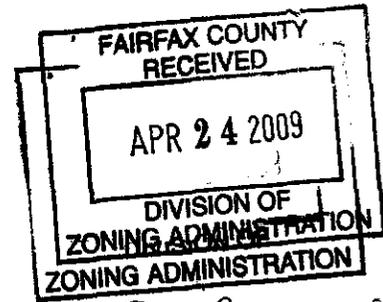
Lorrie Kirst  
Deputy Zoning Administrator  
for Ordinance Administration Branch

Attachments: A/S

cc: Penelope A. Gross, Supervisor, Mason District  
Eileen M. McLane, Zoning Administrator  
Diane E. Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch

April 23, 2009

Eileen McLane  
Zoning Administration  
12055 Government Center Parkway  
8th Floor, Suite 829  
Fairfax, VA 22035  
Subject: 3206 Wayne Road, Falls Church, VA 22042



2009-0209

Dear Eileen McLane,

I'm writing you to ask for help in a matter. I bought the house in question 5 years ago as it sits today with an addition that supposedly never had a permit for. The previous owner told me they did get permits but the county doesn't show that. This was my first house and didn't have a good real estate agent. I'm currently selling the house with a contract in hand with an addendum about the permits. As you know in this market to get a contract is a blessing. I've gone to the permit office 4 times for help and every time I've gone they had me do different things and would tell me different things, with little or no help. The latest is that I have to write this letter to you for help. They are thinking that I could be grandfathered in if the house has been taxed for 15 years; I've enclosed a plot plan from 1996 so you could see what I'm talking about. My house has 5 bedrooms, 3 full bathrooms and 1 half bathroom. I'm begging and pleading for help in this matter. You may contact me thru email at [tbennett2731@verizon.net](mailto:tbennett2731@verizon.net), phone: 571-216-3155 or mail.

Sincerely yours,

  
Tammy Bennett



**8-006 General Standards**

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

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

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

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

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

**8-914**

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

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

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

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

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

## **18-404 Required Standards for Variances**

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

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
  - A. Exceptional narrowness at the time of the effective date of the Ordinance;
  - B. Exceptional shallowness at the time of the effective date of the Ordinance;
  - C. Exceptional size at the time of the effective date of the Ordinance;
  - D. Exceptional shape at the time of the effective date of the Ordinance;
  - E. Exceptional topographic conditions;
  - F. An extraordinary situation or condition of the subject property; or
  - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
  - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict 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.