



APPLICATION ACCEPTED: June 29, 2011  
BOARD OF ZONING APPEALS: October 5, 2011  
Moved with applicant's consent  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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September 28, 2011

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-SP-067

### SPRINGFIELD DISTRICT

**APPLICANT/OWNER:** Pauline B. Ramprasad

**STREET ADDRESS:** 6462 Honey Tree Court, Burke, 22015

**SUBDIVISION:** Honey Tree

**TAX MAP REFERENCE:** 88-1 ((10)) 11

**LOT SIZE:** 14,716 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-914 and 8-922

**SPECIAL PERMIT PROPOSALS:** To permit reduction to minimum yard requirements based on error in building location to permit an existing deck to remain 17.3 feet from a front lot line and to permit reduction of certain yard requirements to permit construction of addition 16.4 feet from a front lot line.

**STAFF RECOMMENDATION:** Staff recommends denial of SP 2011-SP-067 for a two-story addition.

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.

*O:\dhedr\Special Permits\10-5 SP 2011-SP-067 Ramprasad (50)\SP 2011-SP-067 Ramprasad staff report.doc  
Deborah Hedrick*

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.

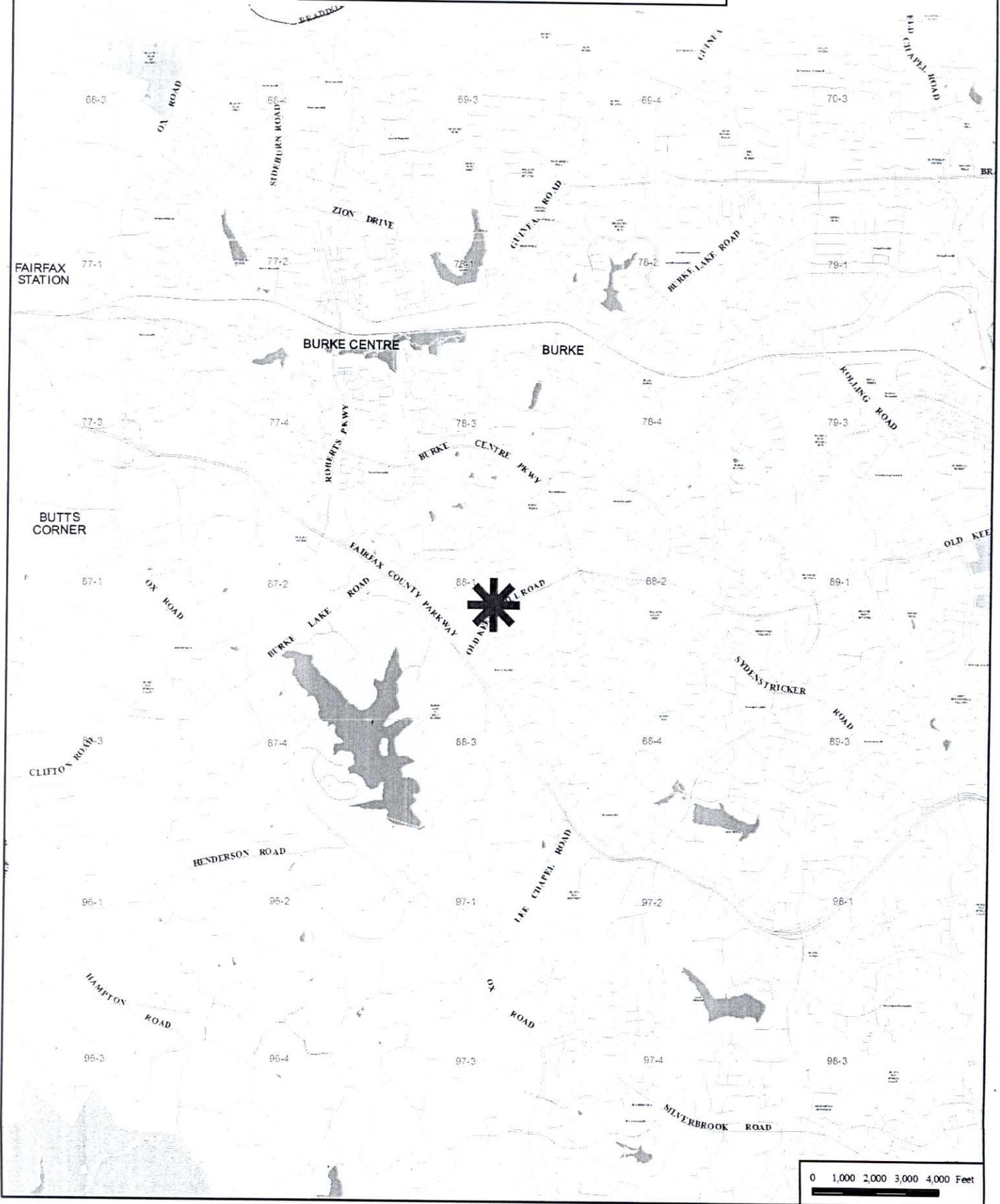
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

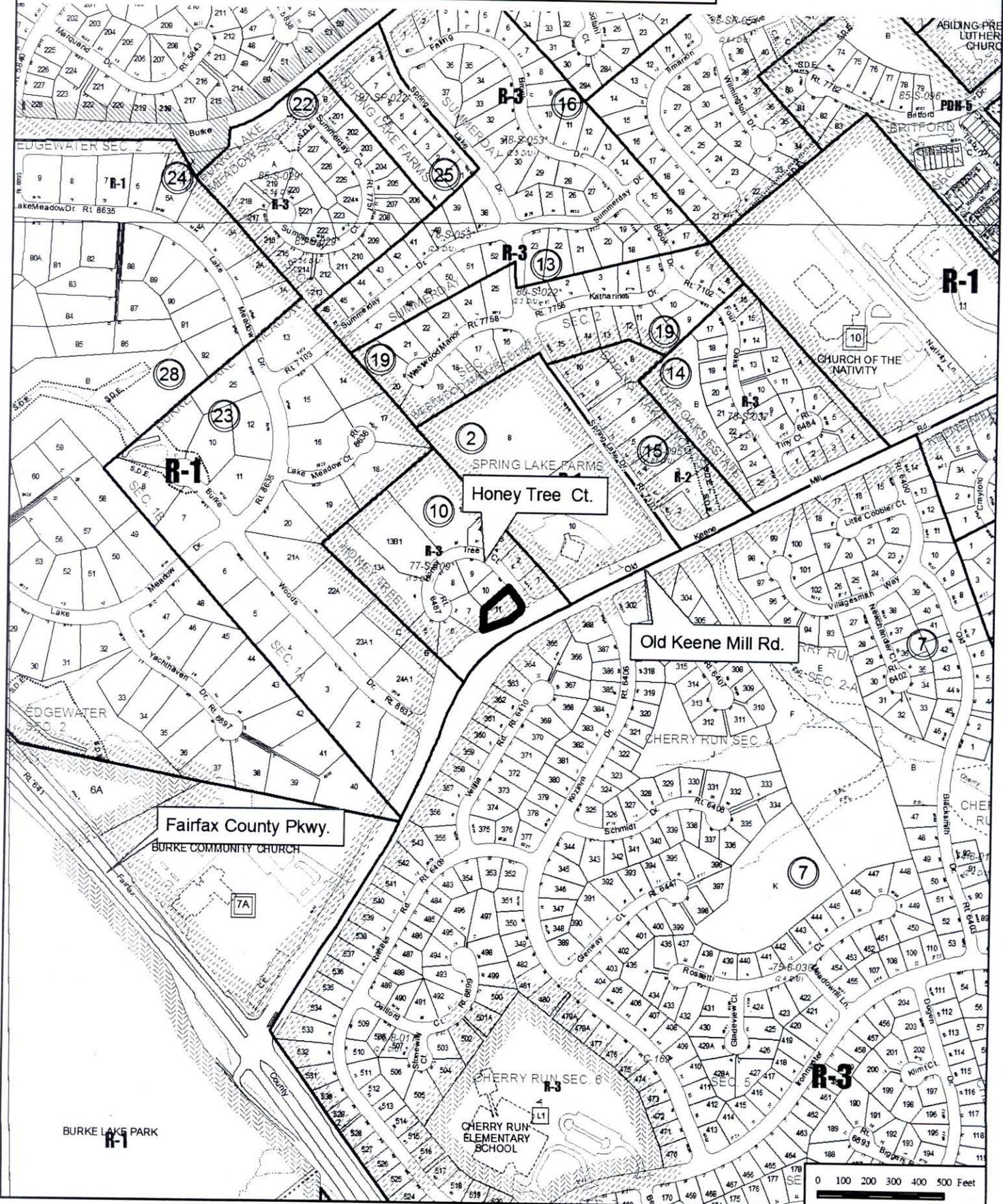


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2011-SP-067**  
**PAULINE B. RAMPRASAD**



**Special Permit**  
**SP 2011-SP-067**  
**PAULINE B. RAMPRASAD**



COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.  
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

NOTES:

- TAX MAP 088-1-10-0011
- 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 HERE IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0270E 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.

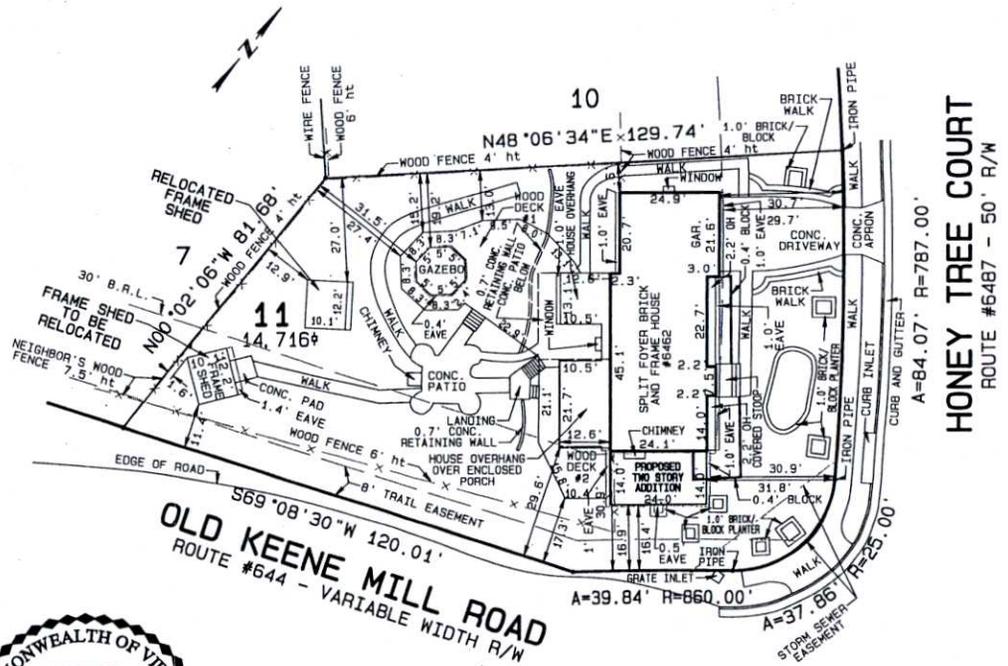
7. FLOOR AREA:	
EXISTING GROSS FLOOR AREA HOUSE	1,496 SQ. FT.
EXISTING GROSS FLOOR AREA GARAGE	525 SQ. FT.
EXISTING GROSS FLOOR AREA ENC. POR.	460 SQ. FT.
EXISTING GROSS FLOOR AREA DECK	1,037 SQ. FT.
EXISTING GROSS FLOOR AREA SHED	120 SQ. FT.
EXISTING GROSS FLOOR AREA GAZEBO	119 SQ. FT.
PROPOSED GROSS FLOOR AREA ADDITION	572 SQ. FT.

TOTAL FLOOR AREA 4,329 SQ. FT.

PROPOSED FLOOR AREA RATIO: 0.29

HEIGHT TABLE

EXISTING HOUSE HEIGHT:	19.3'
EXISTING GAZEBO HEIGHT:	17.7'
EXISTING DECK #1 HEIGHT:	2.7'
EXISTING DECK #2 HEIGHT:	0.6'
EXISTING SHED HEIGHT:	10.5'
PROPOSED ADDITION HEIGHT:	17.8'



SPECIAL PERMIT PLAT

LOT 11

**HONEY TREE**

SPRINGFIELD MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30' DATE: APRIL 1, 2011

CASE NAME: RAMPRASAD SCHUYLER AHRENS

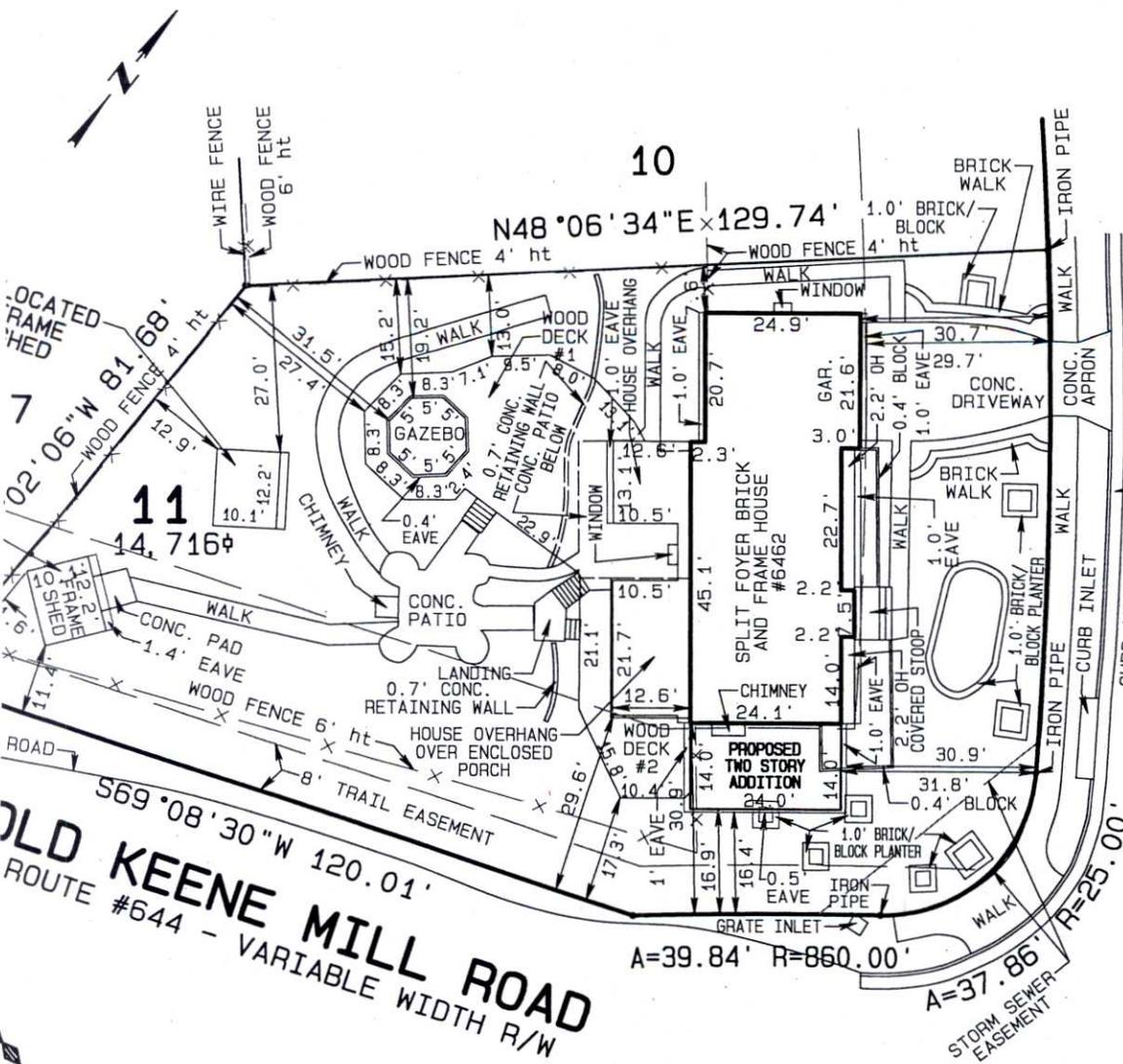
NO TITLE REPORT FURNISHED.  
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.  
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.

**SCARTZ SURVEYS**  
LARRY N. SCARTZ LOCAL (703) 494-4184  
CERTIFIED LAND SURVEYOR FAX (703) 494-3330  
WOODBRIIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM



HONEY TREE COURT  
ROUTE #6487 - 50' R/W  
A=84.07' R=787.00'  
A=39.84' R=660.00'  
A=37.86' R=25.00'

THIS PERMIT IS VALID FOR SIX MONTHS FROM DATE ISSUED.  
 SET FORTH IN VIRGINIA CODE SECTION 54.1-407.



**HONEY TREE COURT**  
 ROUTE #6487 - 50' R/W  
 A=84.07' R=787.00'

**OLD KEENE MILL ROAD**  
 ROUTE #644 - VARIABLE WIDTH R/W  
 A=39.84' R=860.00'  
 A=37.86' R=25.00'

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

**SPECIAL PERMIT PLAT**

LOT 11

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REAR: 25'
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5. THE PROPERTY SHOWN HERE IS LOCATED IN FLOOD  
ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY  
PANEL NUMBER 51059C0270E EFFECTIVE DATE,  
SEPTEMBER 17, 2010.
6. 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:

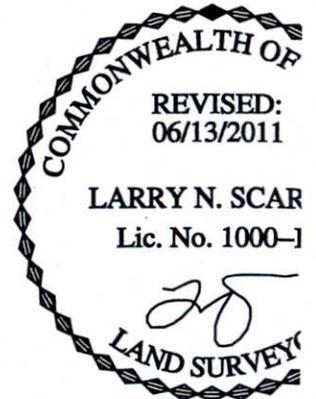
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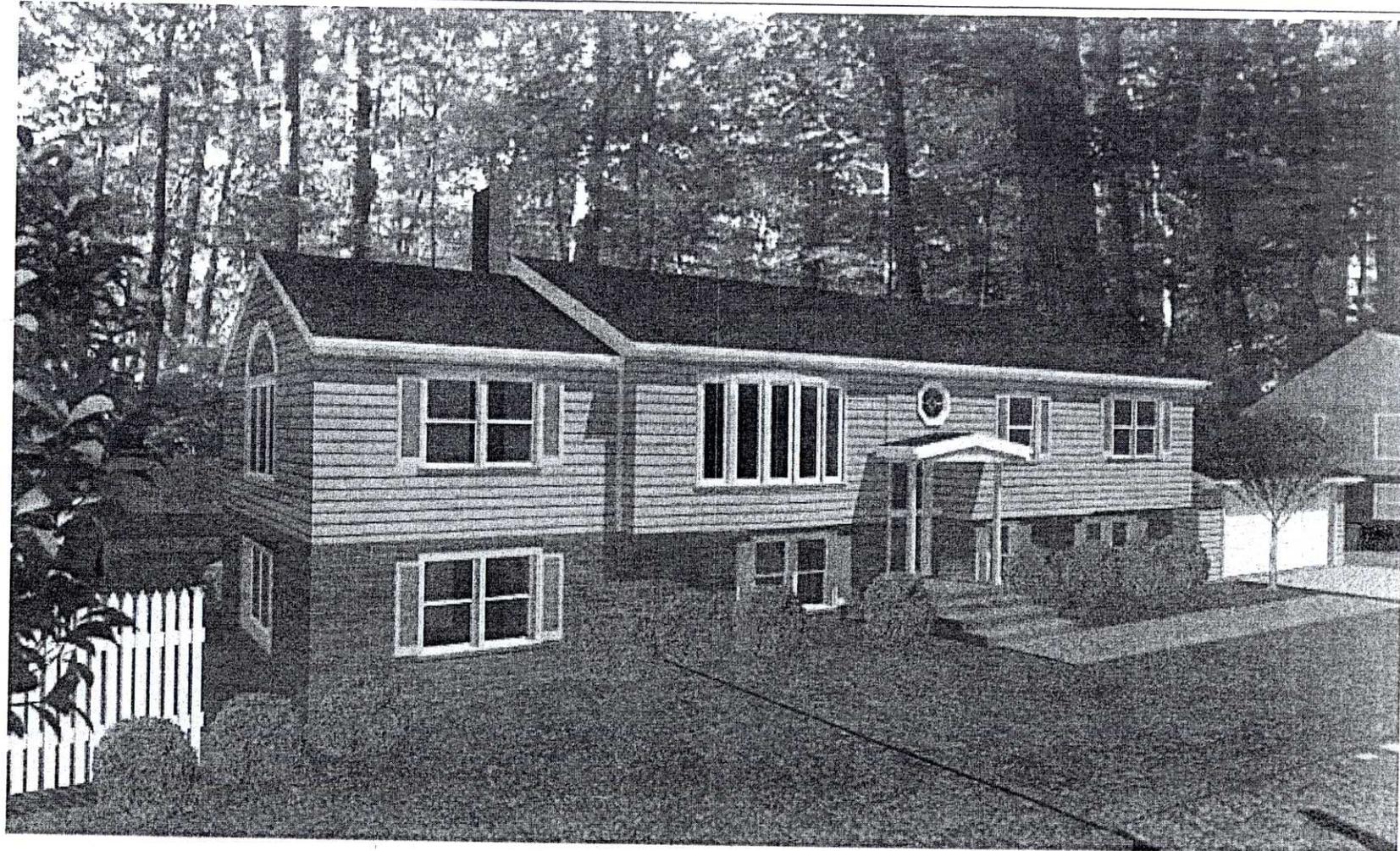
CASE NAME: RAMPRASAD  
SCHUYLER AHRENS

NO TITLE REPORT FURNISHED.  
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.  
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AND DO NOT CERTIFY AS TO OWNERSHIP.

SCARTZ SURVEYS

LARRY N. SCARTZ LOCAL (703) 494-4181  
CERTIFIED LAND SURVEYOR FAX (703) 494-3330  
WOODBIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM





**Left Front Elevation - Design 'B'**

Designed & Drawn By: MJD

Scale:

Date: 3/21/2011

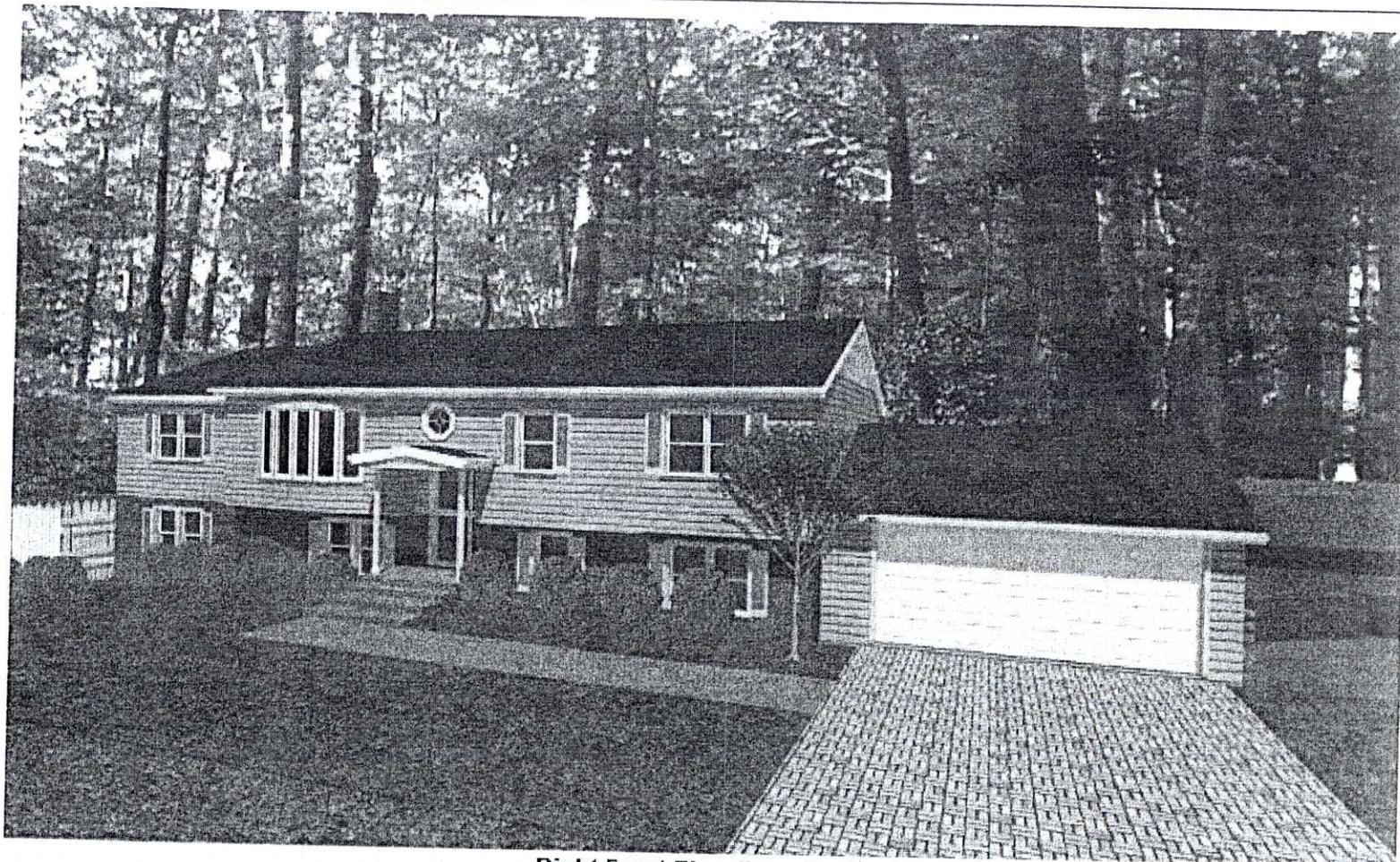
**Michael and Son Services, Inc.**

5740 General Washington Drive  
Alexandria, Virginia 22312  
(703) 658-3998

For The Residence

**Ms. Pauline B. Ramprasad**

6462 Honey Tree Court  
Burke, Virginia 22015



**Right Front Elevation - Design 'B'**

Designed & Drawn By: GJJD

Scale:

Date: 2/21/2011

Michael and Son Services, Inc.

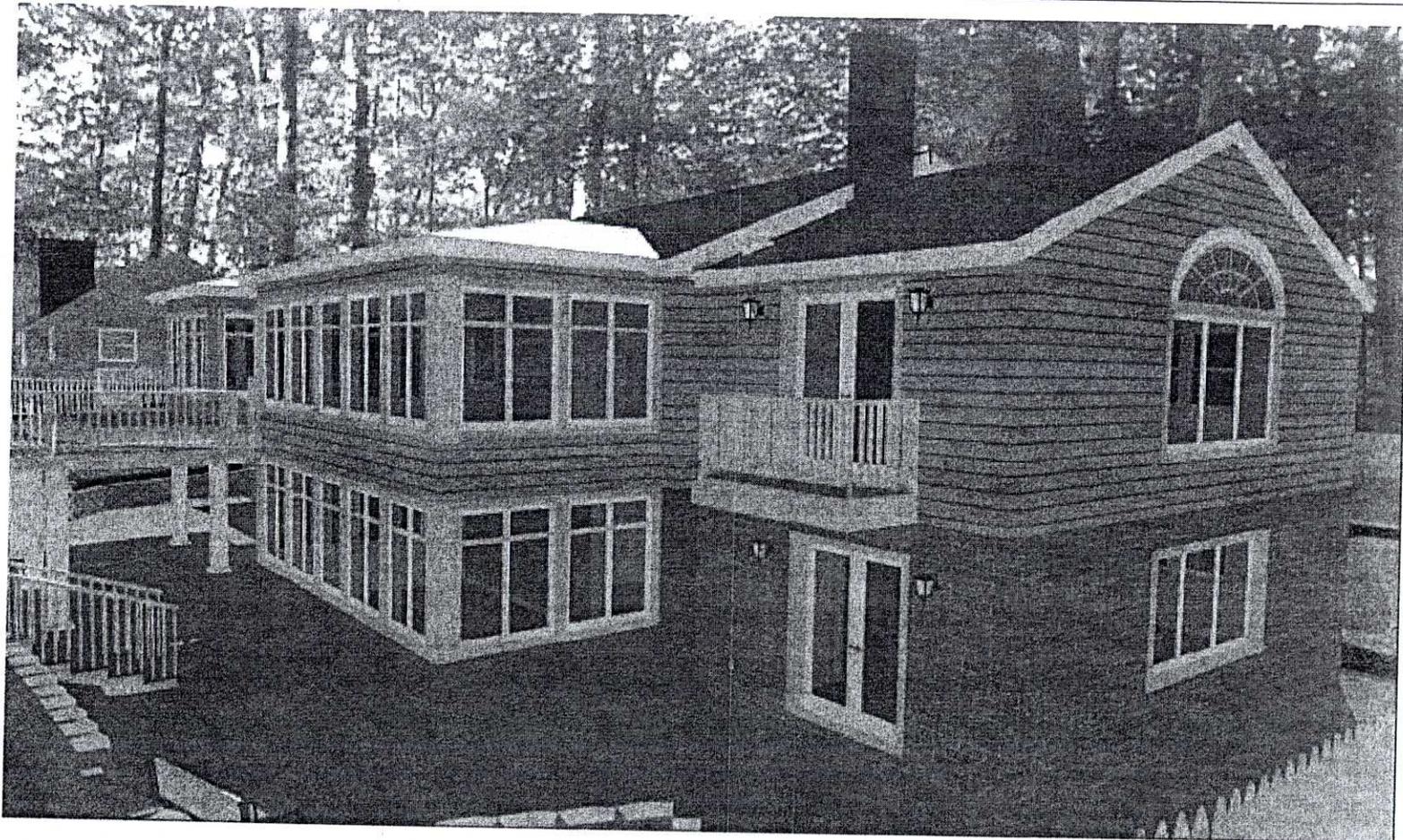
5740 General Washington Drive  
Alexandria, Virginia 22312  
(703) 658-3988

For The Residence

**Ms. Pauline B. Ramprasad**

6462 Honey Tree Court  
Burke, Virginia 22015

12



**Left Rear Elevation - Design 'B'**

Designed & Drawn By: MJJD

Scale:

Date: 2/21/2011

Michael and Son Services, Inc.

5740 General Washington Drive  
Alexandria, Virginia 22312  
(703) 658-3998

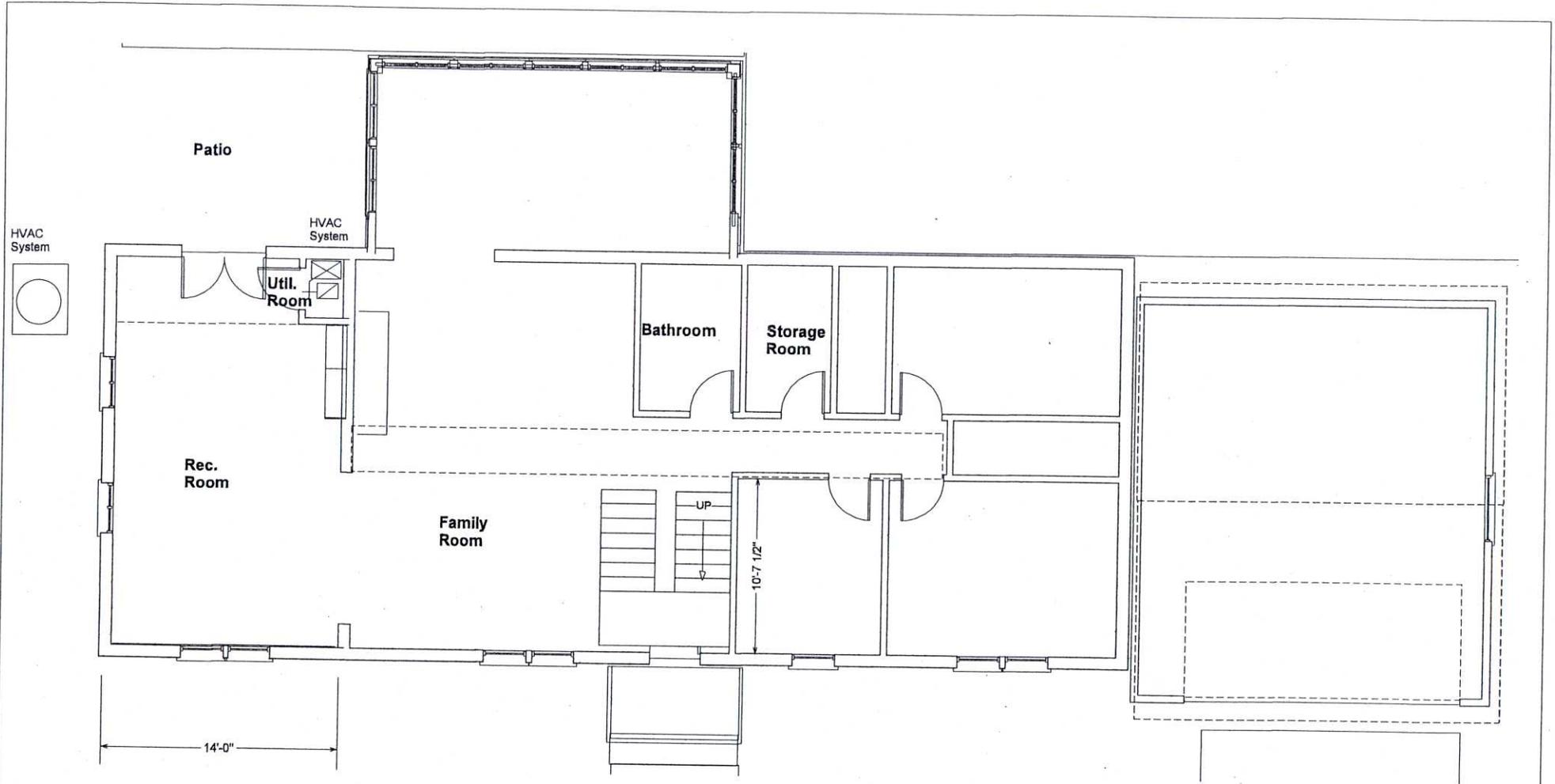
For The Residence

**Ms. Pauline B. Ramprasad**

6462 Honey Tree Court  
Burke, Virginia 22015

13





**Proposed First Floor - Floor Plan**

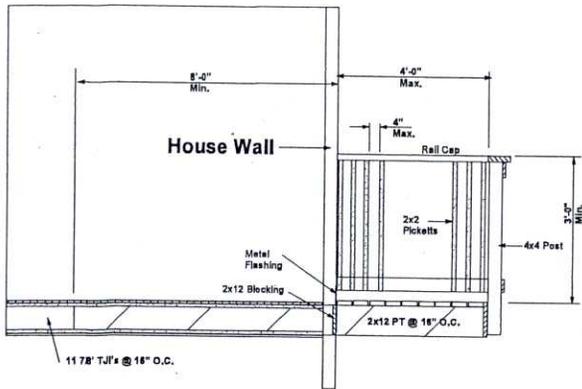
Designed & Drawn By: MJD

Scale:

Date: 3/29/2011

For The Residence  
**Ms. Pauline B. Ramprasad**

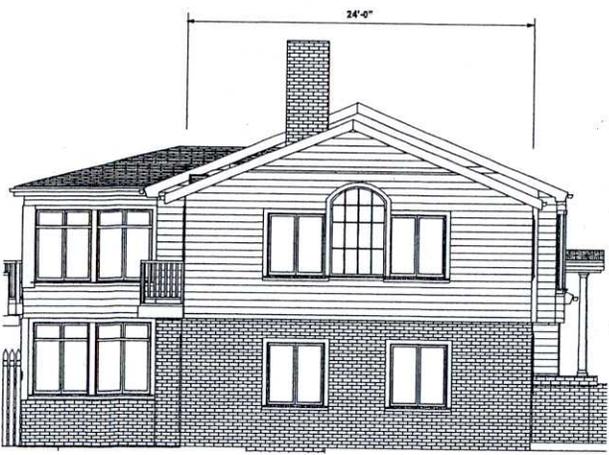
6462 Honey Tree Court  
 Burke, Virginia 22015



**Balcony Detail**



**Rear Elevation**



**Side Elevation**



**Front Elevation**

Designed & Drawn By: MJD  
 Scale:  
 Date: 3/29/2011

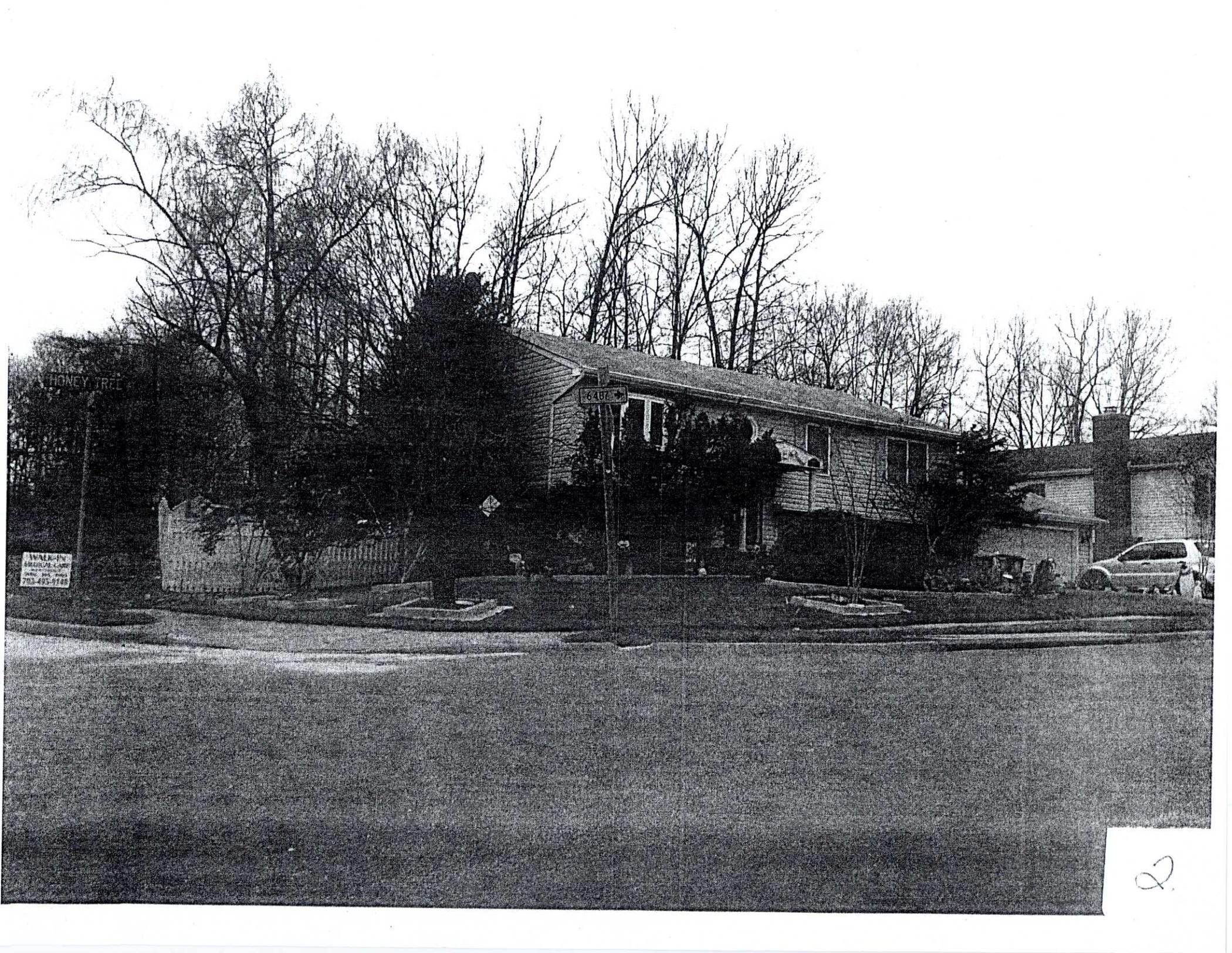
For The Residence  
**Ms. Pauline B. Ramprasad**  
 6462 Honey Tree Court  
 Burke, Virginia 22015

**Proposed Elevations**



8462

1.

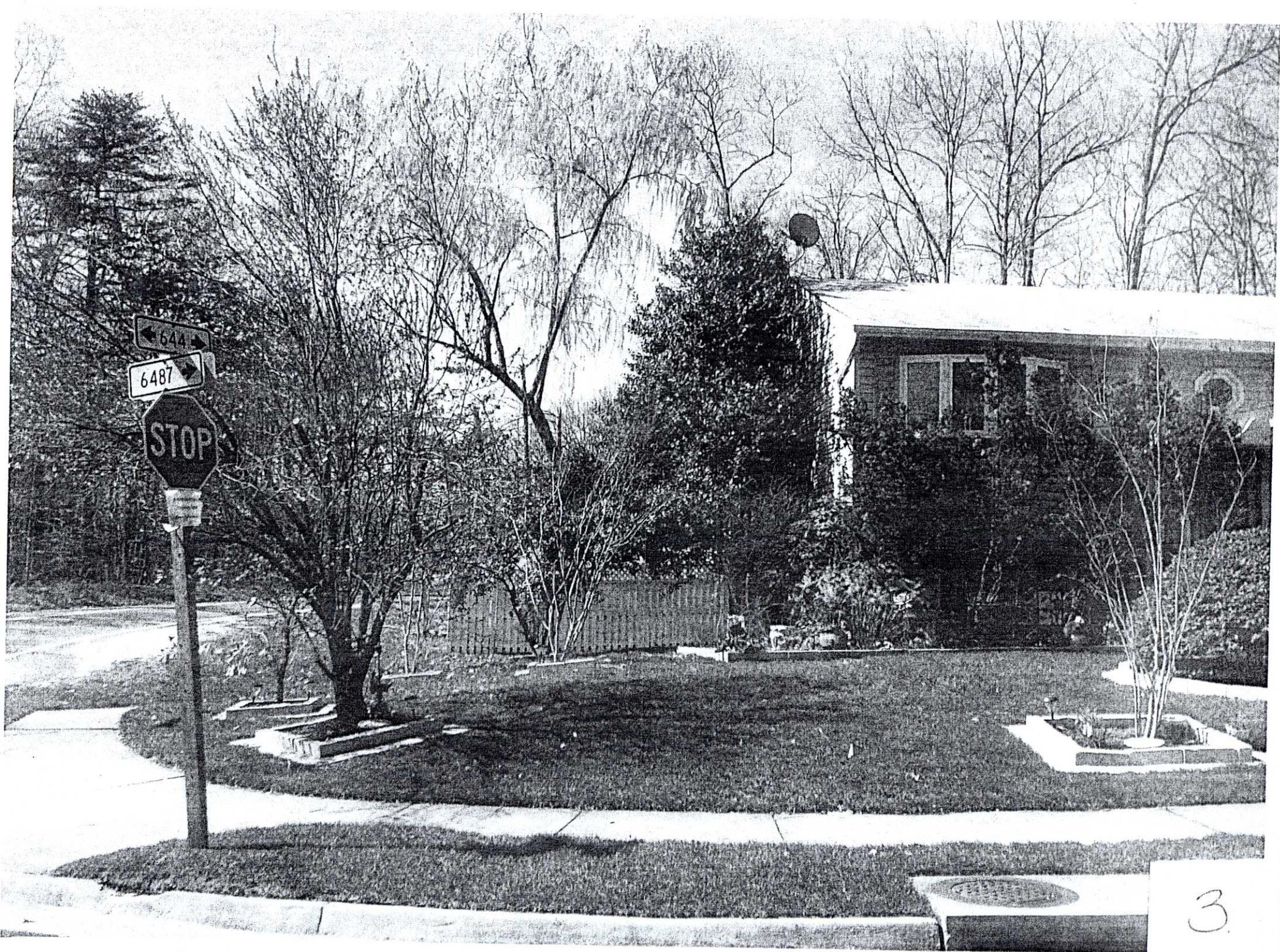


HONEY TREE

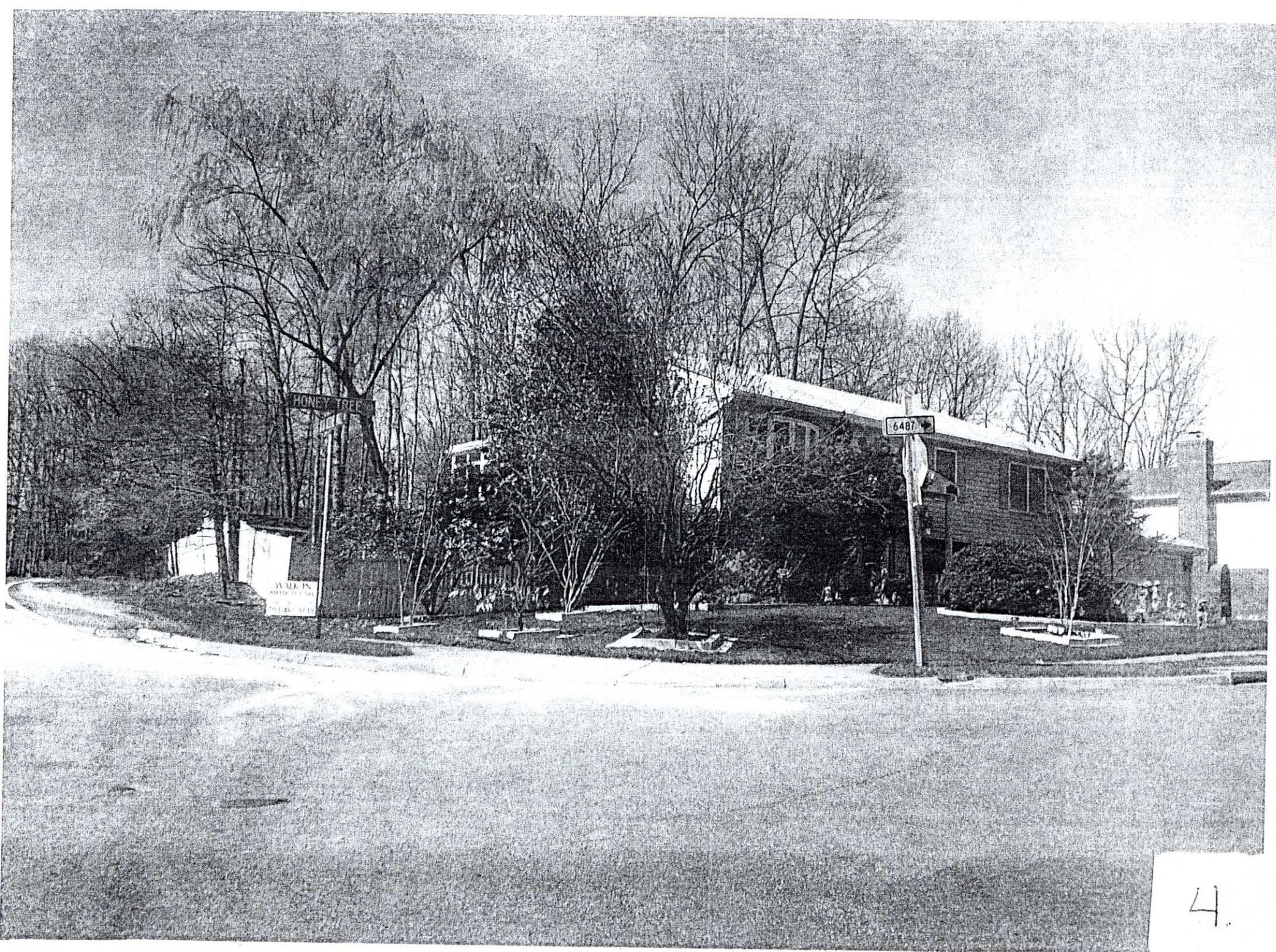
AMERICAN LAND  
703-495-9788

6487

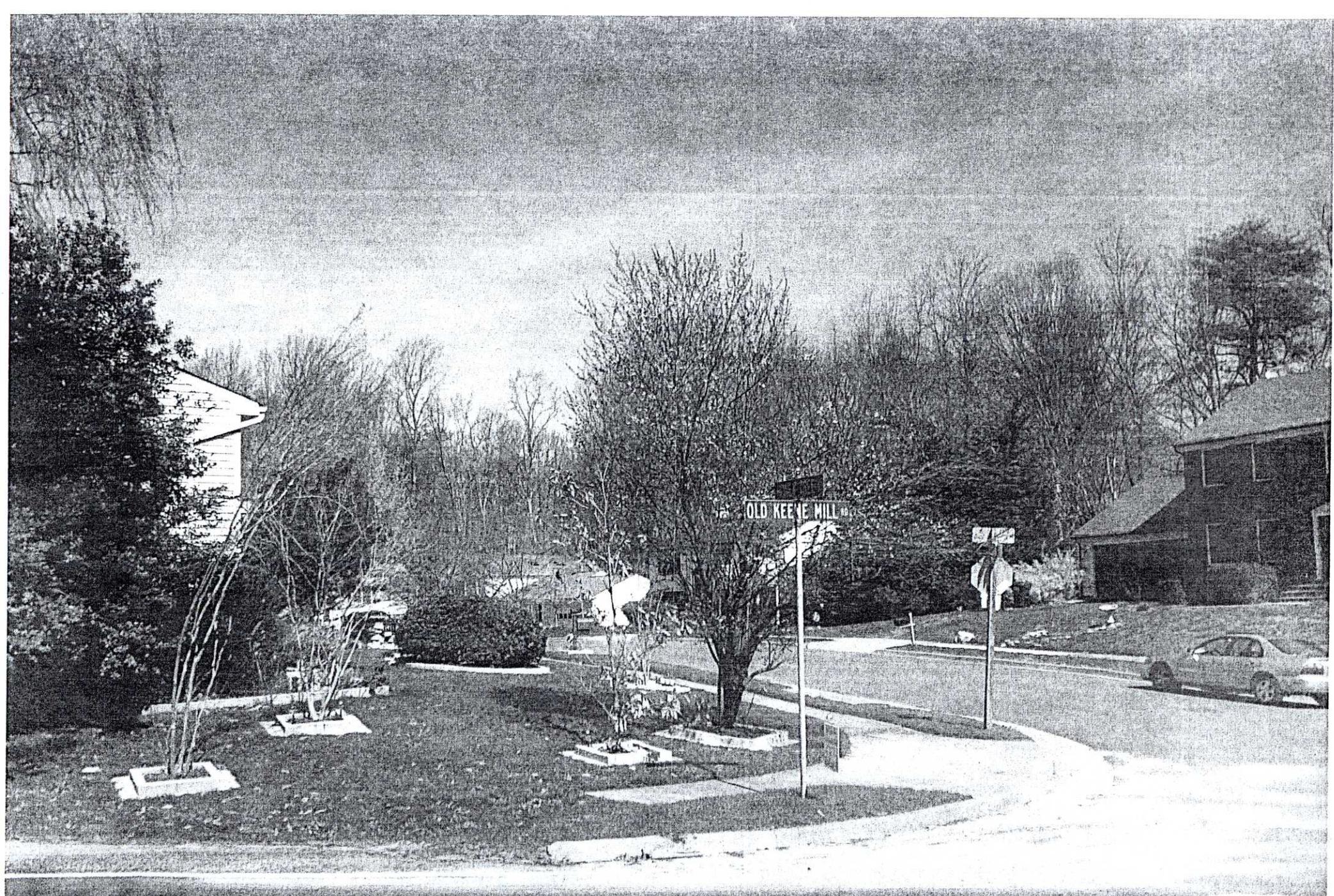
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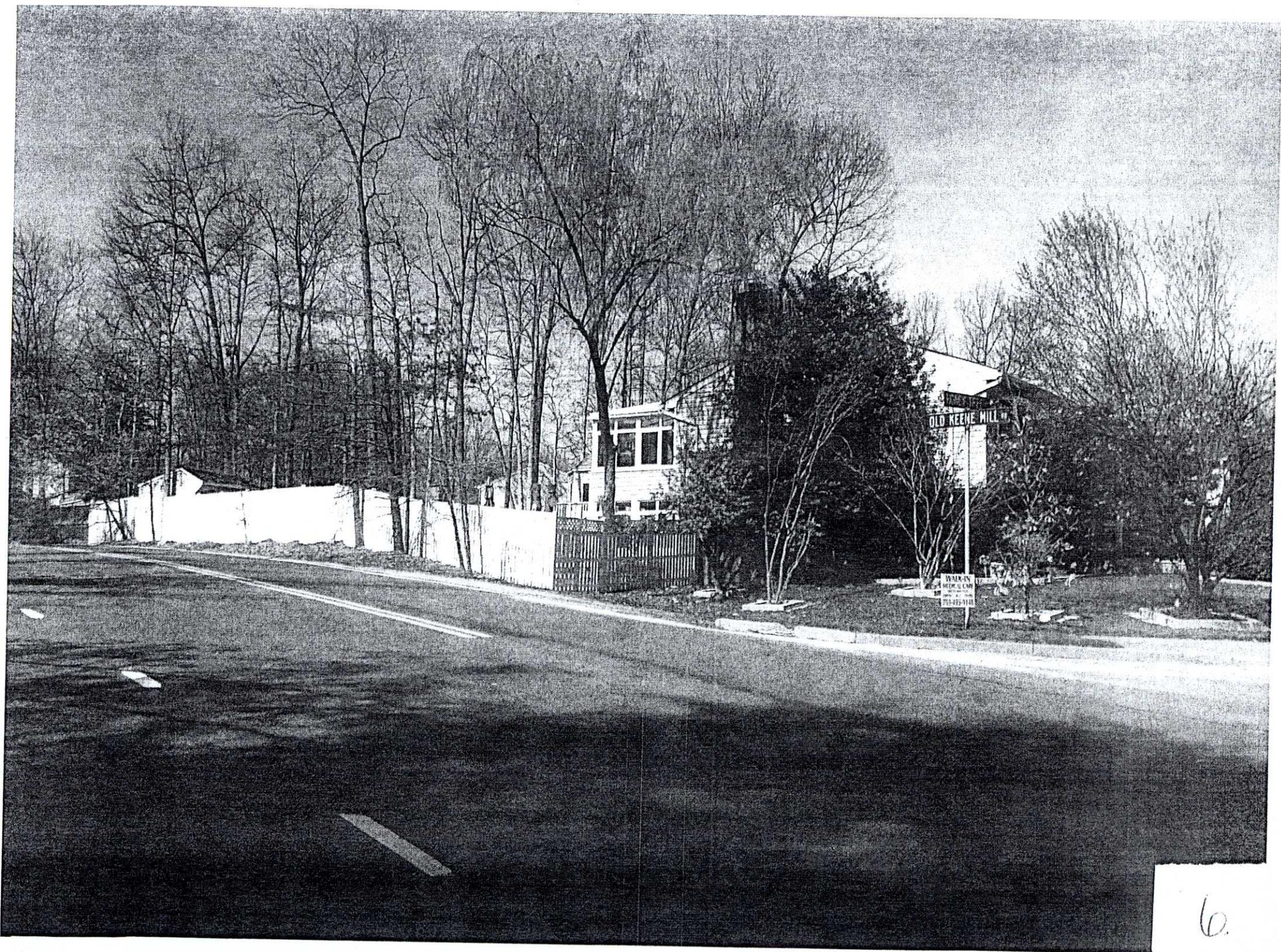


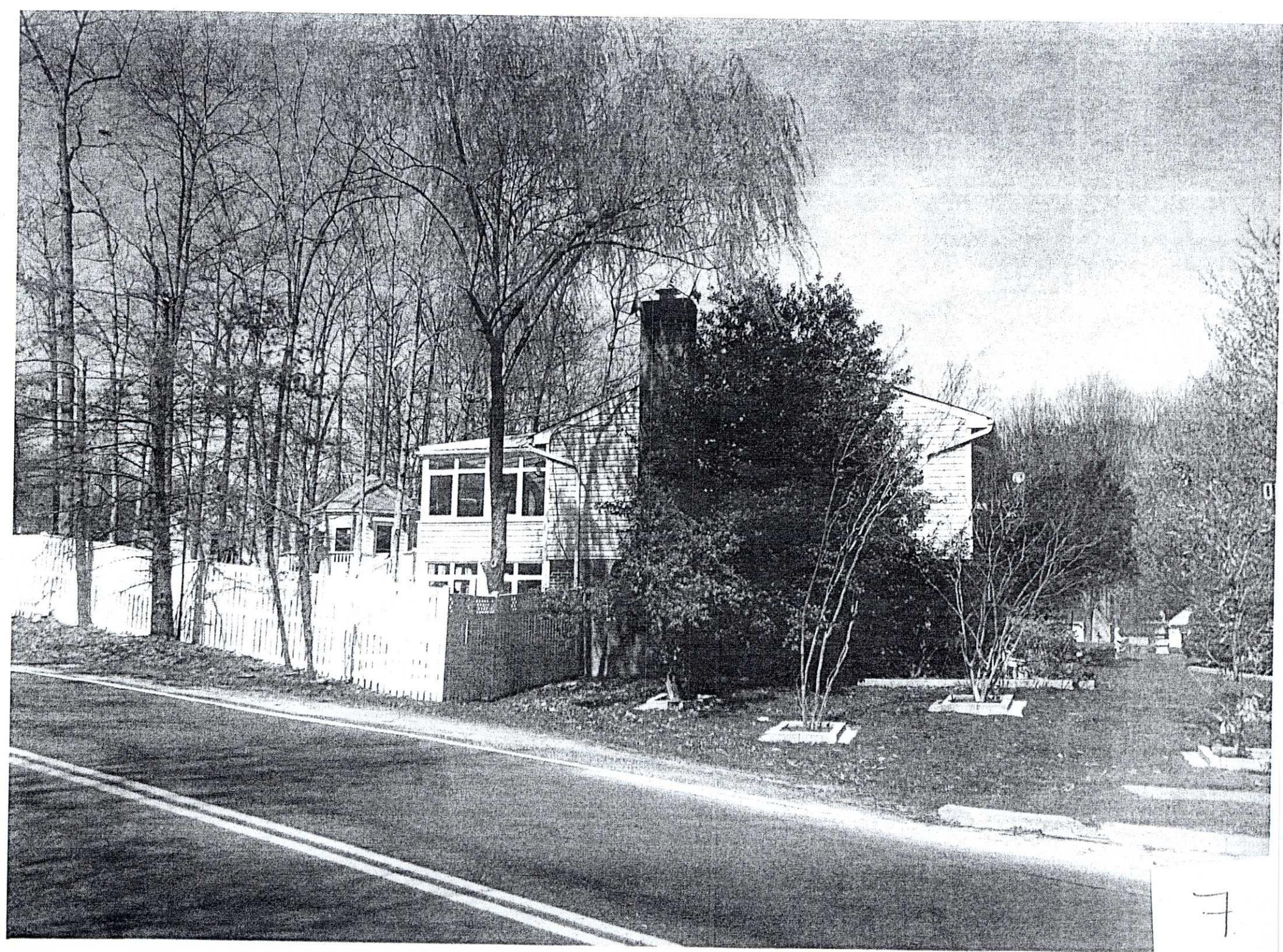
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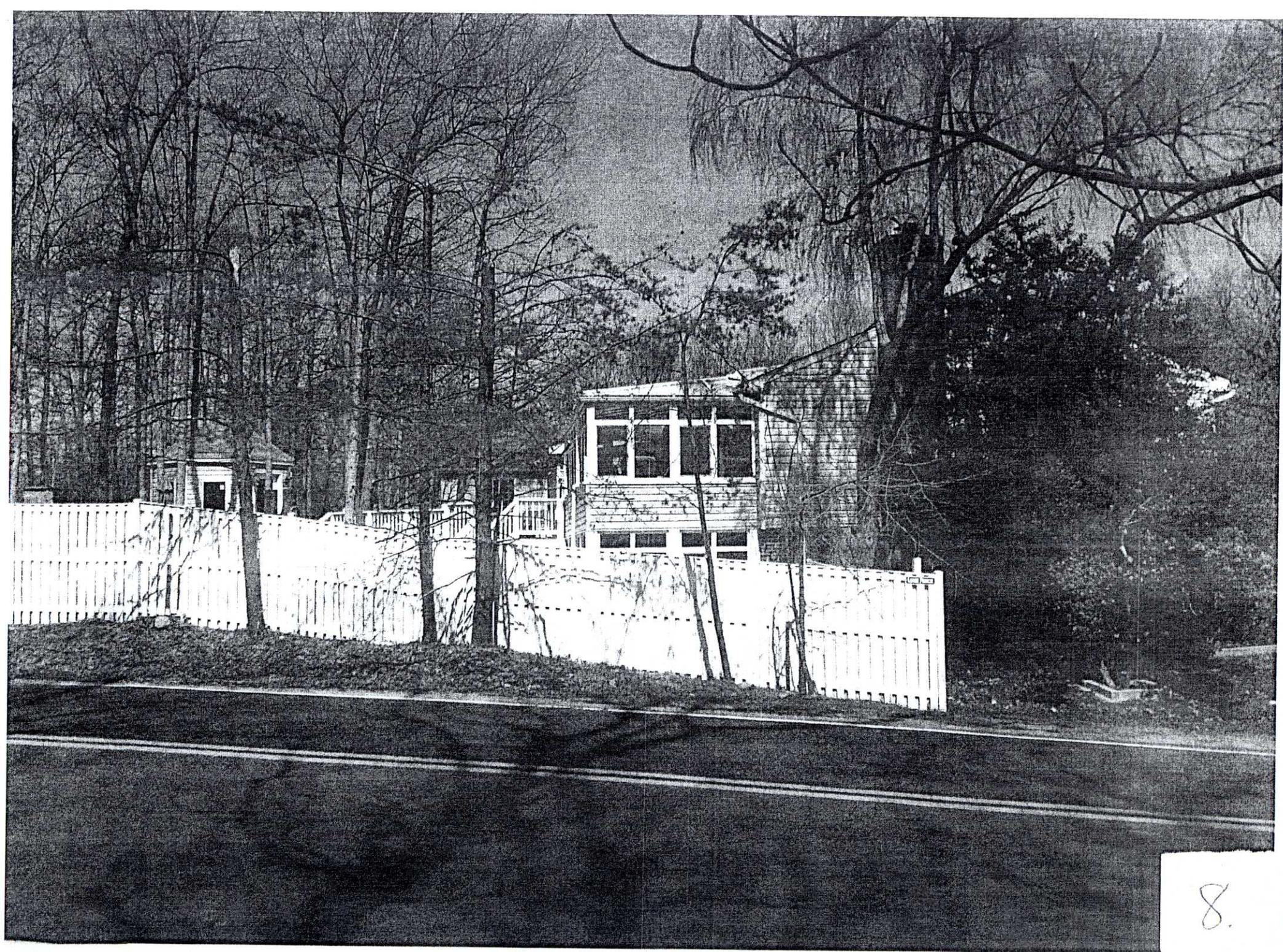
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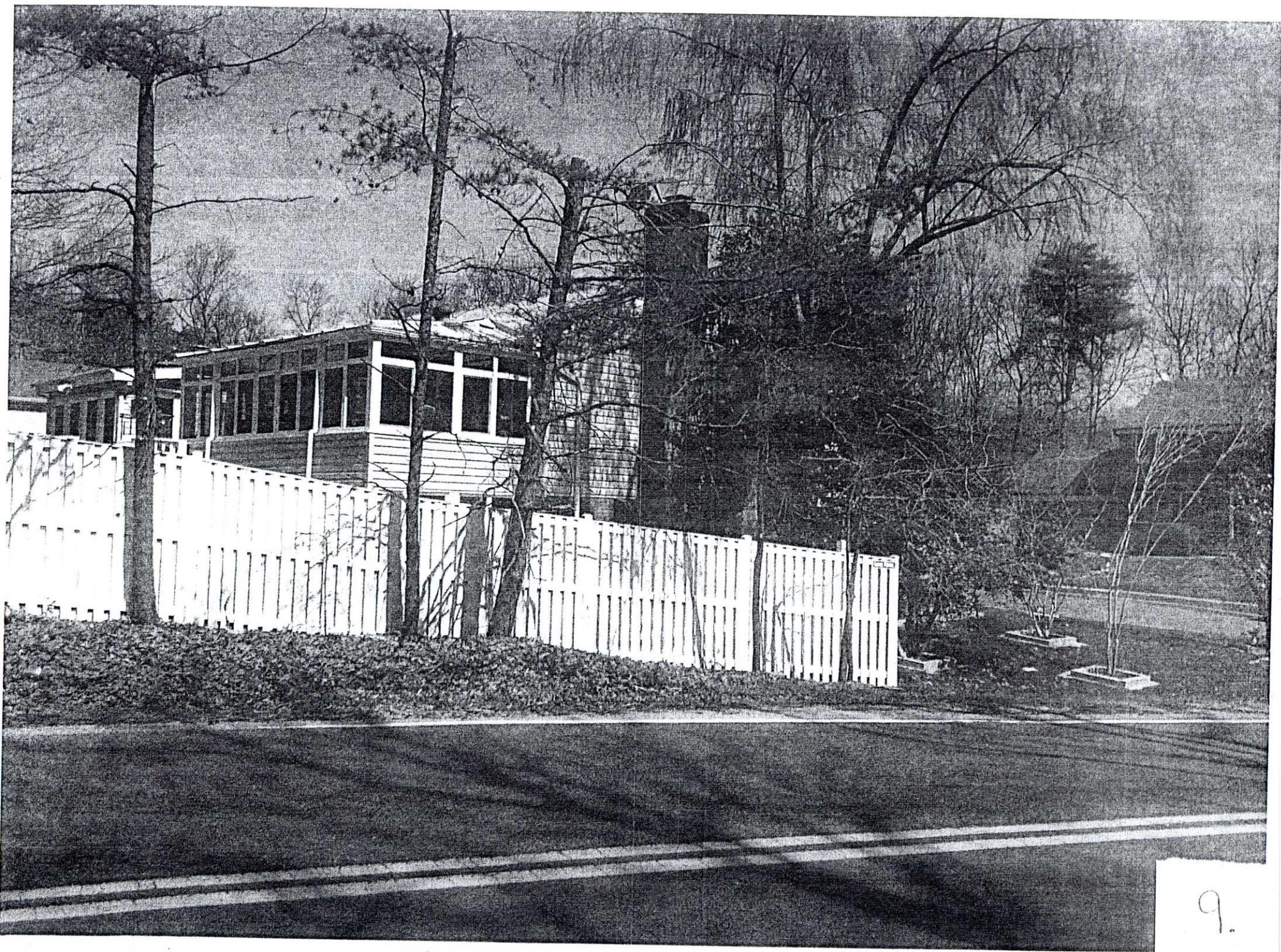




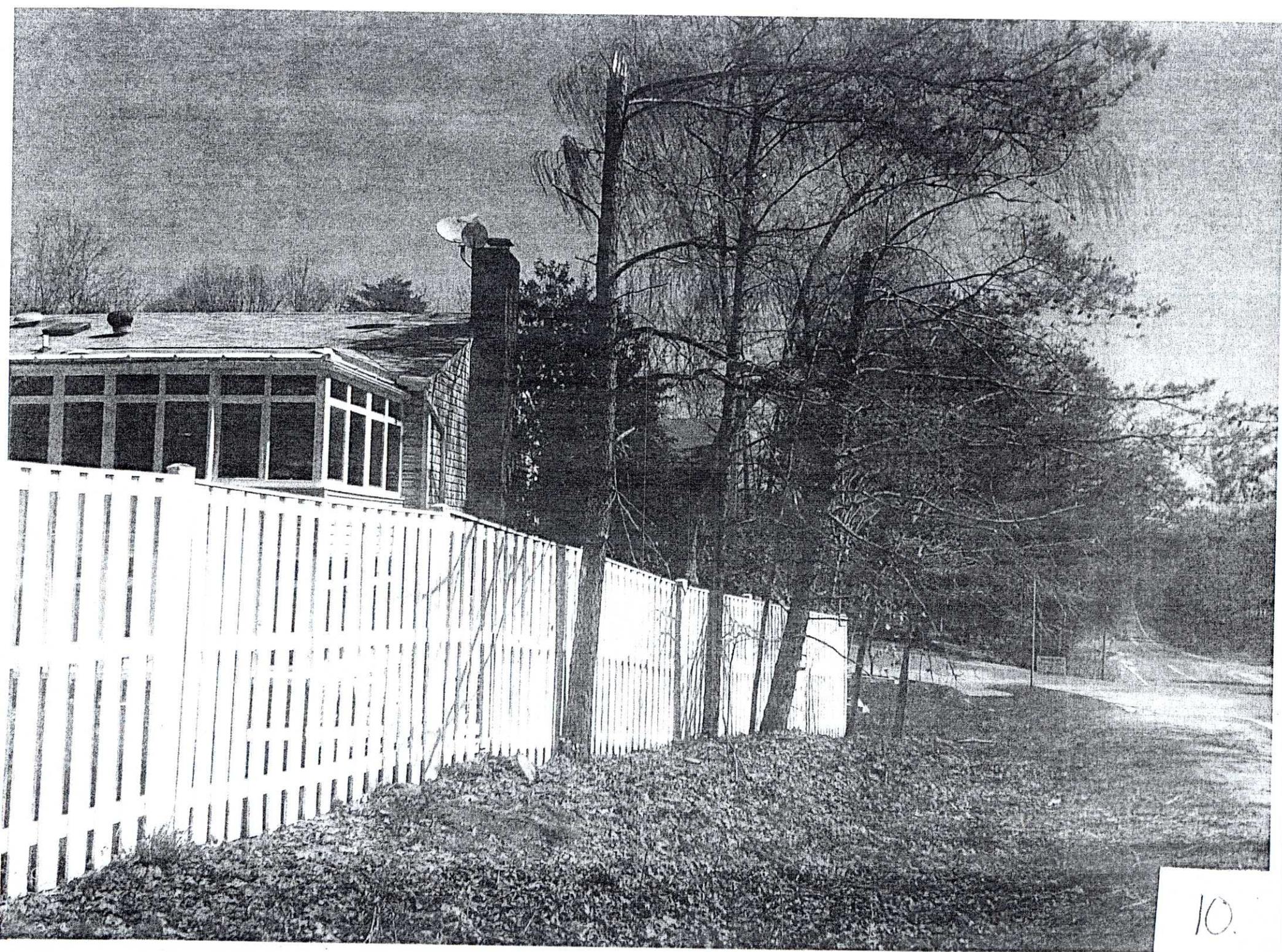
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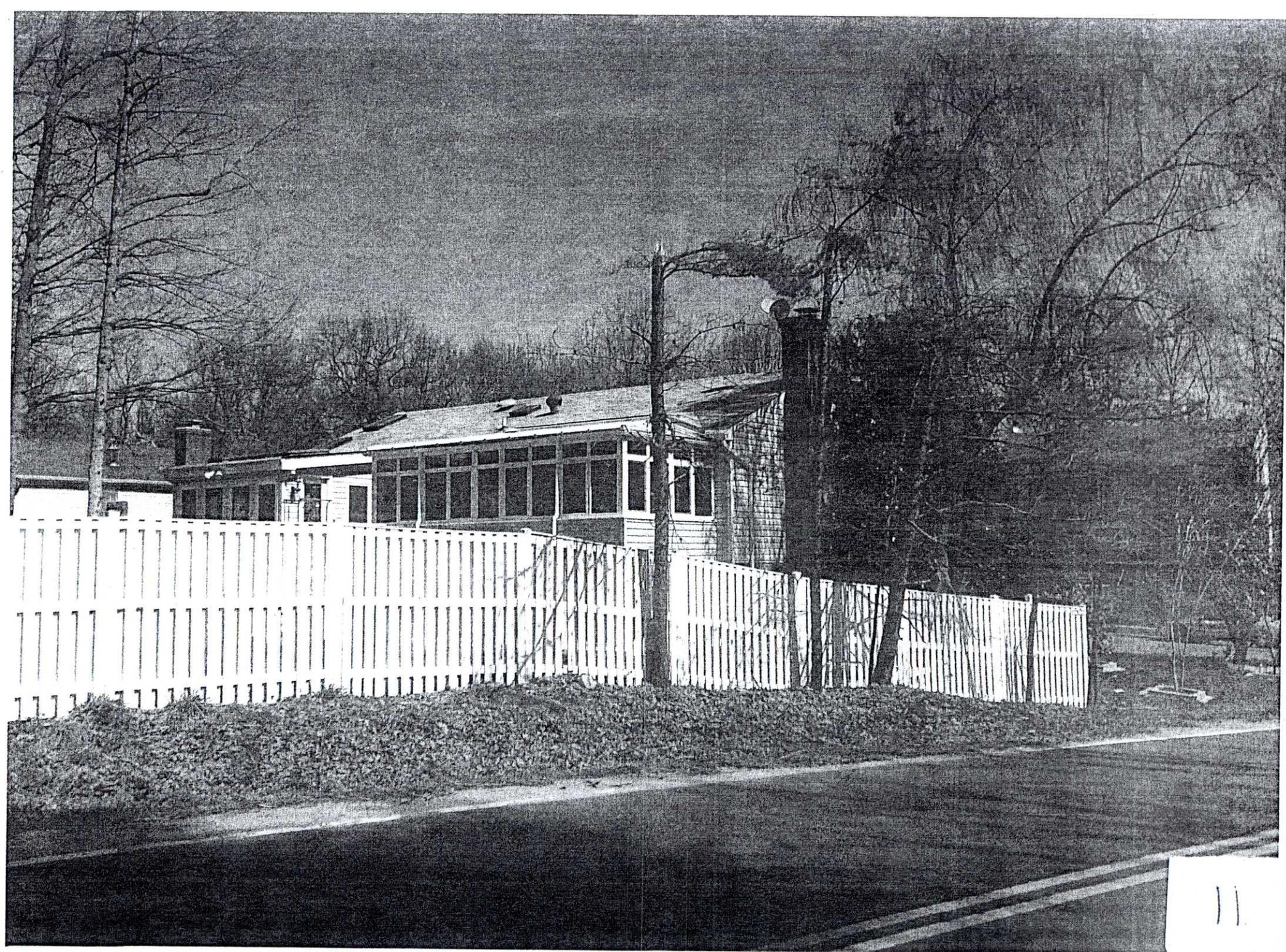
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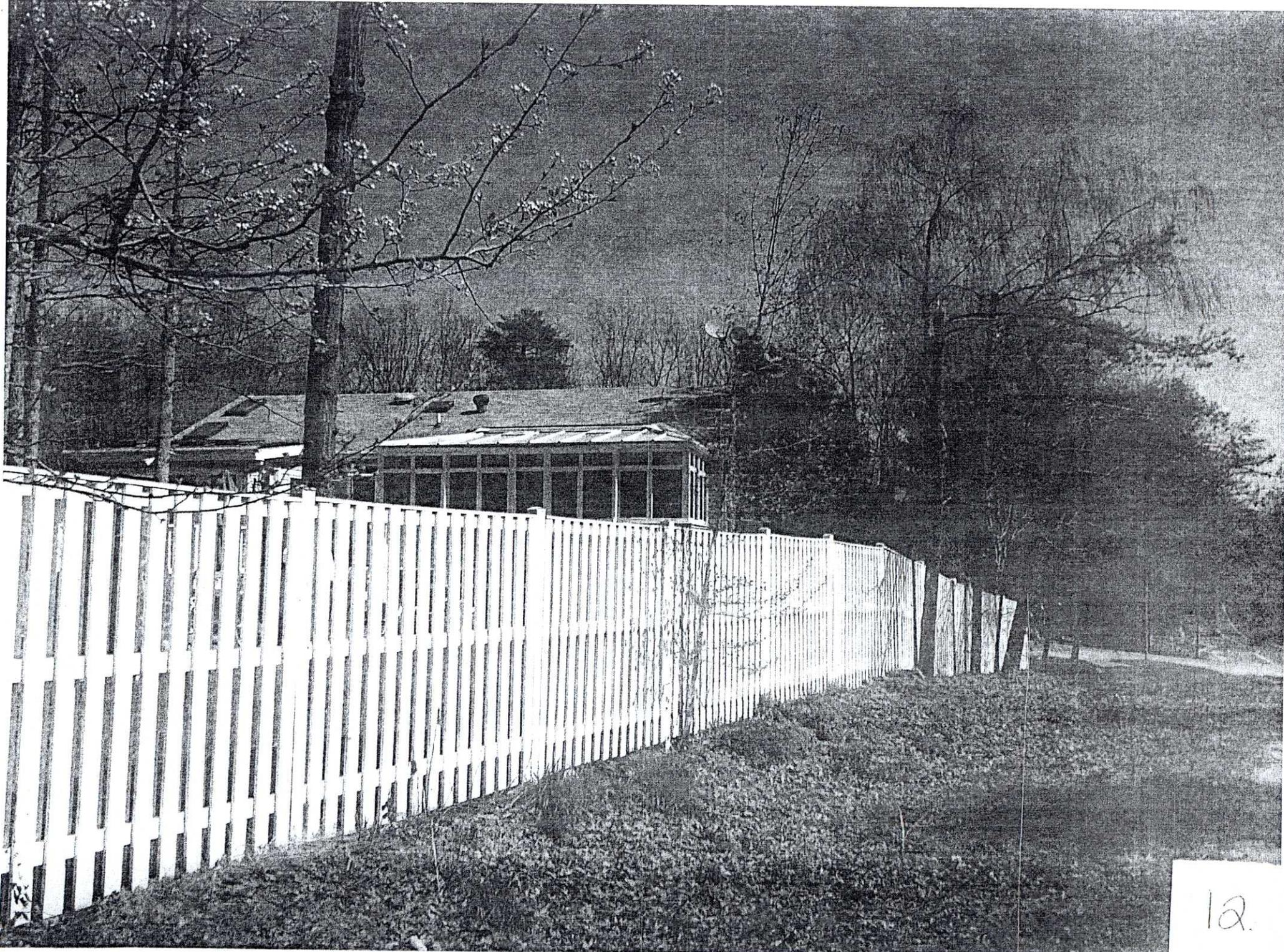
9.



10.



11



12.

**DESCRIPTION OF THE APPLICATIONS**

The applicant is requesting two separate special permits with the proposed application. The first request is for an error in building location to permit an existing deck to remain 17.3 feet from a front lot line of a corner lot. The wood deck was constructed 0.6 feet above ground level and is located along the rear of the dwelling and extends into the front yard facing Old Keene Mill Road, which is utilized by the applicant as a side yard.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Permitted Ext.**</b>	<b>Structure Location</b>	<b>Amount of Error</b>	<b>Percent of Error</b>
<b>Special Permit</b>	<b>Deck</b>	Front	30.0 feet	6.0 feet	17.3 feet	6.7 feet	30%

\*Minimum yard requirements per Section 3-307

\*\*Permitted extension per Section 2-412

The applicant is also requesting approval of a special permit for a reduction of certain yard requirements to permit the construction of a two-story, 572 square foot addition, 24 feet in length by 14 feet in width, to be located 16.4 feet to its eave from the front lot line of a corner lot. The addition is proposed to be located in the front yard facing Old Keene Mill Road.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	<b>Addition</b>	Front	30.0 feet	16.4 feet	13.6 feet	45%

\*Minimum yard requirement per Section 3-307

**EXISTING SITE DESCRIPTION**

The 14,716 square foot lot is developed with an existing split foyer, two-story, brick and frame single family detached dwelling which is situated on a corner lot between Old Keene Mill Road and Honey Tree Court. The dwelling was constructed in 1979 8.0 feet from the side lot line. The applicant has obtained multiple building permits to permit the construction of several additions including a two-story sunroom addition and a two-level deck along the rear of the dwelling. The property is developed with multiple structures in the rear yard including a gazebo, a frame shed, a concrete patio, a wood deck and

several walkways and retaining walls. An existing frame shed is located in the southwestern corner of the rear yard; however, is proposed to be relocated more central to the rear yard since it does not meet current Zoning Ordinance regulations. There is existing fencing which surrounds the applicants front, side and rear yards. The fencing located along Old Keene Mill Road is permitted at its current height and is in conformance with Zoning Ordinance regulations. There is an 8 foot trail easement located along the southern lot line along Old Keene Mill Road.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3	Single Family Detached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings
<b>South</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single Family Detached Dwellings

**BACKGROUND**

The applicant obtained an 0.4 foot Administrative Reduction to the minimum required front yard on July 13, 2011, which permits the existing enclosed two-story porch addition to be located 29.6 feet to its eave from the front lot line facing Old Keene Mill Road instead of the required 30 feet.

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

**ANALYSIS**

- **Special Permit Plat:** (Copy at front of staff report)
- **Title of Plat:** Special Permit Plat, Lot 11, Honey Tree
- **Prepared by:** Scartz Surveys dated April 1, 2011 as signed and sealed through June 13, 2011

**Proposal:**

The applicant proposes to construct a two-story addition along the western side of the dwelling, 16.4 feet to its eave along Old Keene Mill Road. The addition is proposed to be 572 square feet in size, 24 feet in length and 14 feet in width and will accommodate a new "recreation room" to be located on the first level and a "sunroom" to be located on the upper level. The applicant also requests the existing wood deck be permitted to remain 17.3 feet from the front lot line adjacent to Old Keene Mill Road.

**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 6:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Minimum Yard Requirements Based on Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

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

Staff believes that the application for the second story addition does not meet all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

*General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. Staff believes that the special permit application does not satisfy this condition since the proposed addition will be located 16.9 feet from a major thoroughfare, Old Keene Mill Road. Additionally, as noted in a memorandum received from the Department of Transportation dated September 8, 2011, attached as Appendix 4, there is an existing 8 foot wide trail easement along the application property's southern lot line, parallel to Old Keene Mill Road, and the applicant has constructed items such as planter boxes and a fence along and within this easement. It should be noted that a development condition has been included stating that if the easement needs to be accessed, any damage or reconstruction of the fence will be at the cost of the applicant. No other properties within the Honey Tree subdivision have required a special permit or variance to their properties for this type of construction. Staff believes this standard has not been met.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 4 relates to additional square footage, which does not apply to this application. 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 not met all of the remaining standards, specifically Standards 6, 7, 8, and 9. Standard 4, relative to floor area, is met.

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 1,956 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 2,934 square feet in size for a possible total square footage at build out of 4,890. The proposed addition is 572 for a total square footage of the house with the addition of 2,528 square feet. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed two-story addition will be compatible with the architecture of the existing dwelling on the lot; however, given the bulk along the lot line with Old Keene Mill Road, 24 foot in length and 14 feet in width, the house would be approximately 80 feet in length. Although other homes in the neighborhood appear to have additions constructed to their dwellings, it appears that these meet the minimum yard requirements on the lots. Even though the lot has two front yards, one facing Old Keene Mill Road and the other facing Honey Tree Court, the applicant could develop the recreational room/sunroom addition at the rear of the dwelling and meet minimum yard requirements without the need for this special permit. Staff believes that the application does not meet this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The applicant proposes to construct a two-story addition in close proximity to a major thoroughfare. Some landscape plantings would need to be removed to accommodate the addition. Staff from the Forest Conservation Branch of the Department of Public Works and Environmental Services (DPWES) has indicated in a memorandum dated August 16, 2011, attached as Appendix 5 that due to the removal of existing vegetation, a vegetative buffer between the proposed addition and the trail easement should be planted. The lack of existing vegetation and limited area in which to plant vegetation as mitigation for the significant impact of the proposed structure is an issue for staff. Staff*

*believes the addition will not be harmonious with surrounding off-site uses in the neighborhood and does not meet this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. There are no known drainage complaints on file related to this property. The adjacent property is right-of-way for a major thoroughfare which is shown on the Comprehensive Plan to be widened to a four-lane divided road with a 12 to 16 foot wide trail easement. Staff believes that the proposed two-story addition so close to the roadway and trail easement could have an effect on the future widening and would place living space for a single family dwelling directly adjacent to a high noise generating use. There already exists a brick planter and a fence within or adjacent to the existing easement and expanding the dwelling could potentially lead to other structures being placed in the areas of the yard either affected now or in the future by the roadway and trail. Staff believes that the application does not meet this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Though the application property is a corner lot with two front yards, the rear yard is quite large, with a depth ranging between 80 and 110 feet. There are numerous accessory structures in the rear yard, however most could be relocated or reduced in size to permit the expansion of the home to the rear, rather than to the side. The applicant states that the second story portion of the addition is to be a "sunroom". A sunroom exists currently at the rear of the dwelling and the "recreation" portion of the addition could be incorporated elsewhere at the rear of the house. Staff does not believe the applicant has proven that this is the minimum amount of reduction necessary to accommodate the addition nor that there are not alternative locations for the addition.*

## **CONCLUSION**

Staff believes that the request for the proposed two-story addition is in not conformance with the applicable Zoning Ordinance provisions for the reasons outlined above.

## RECOMMENDATION

Staff recommends denial of SP 2011-SP-067 for the two-story addition. However, if the BZA intends to approve the application in total or in part, then staff suggests the BZA adopt the Proposed Development Conditions in Appendix 1 of the staff report. The conditions will require modification if the application is approved in part. 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 a portion 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 and Attachments
4. Department of Transportation Memorandum dated September 8, 2011
5. Forest Conservation Branch Memorandum dated August 16, 2011
6. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2011-SP-067****September 28, 2011**

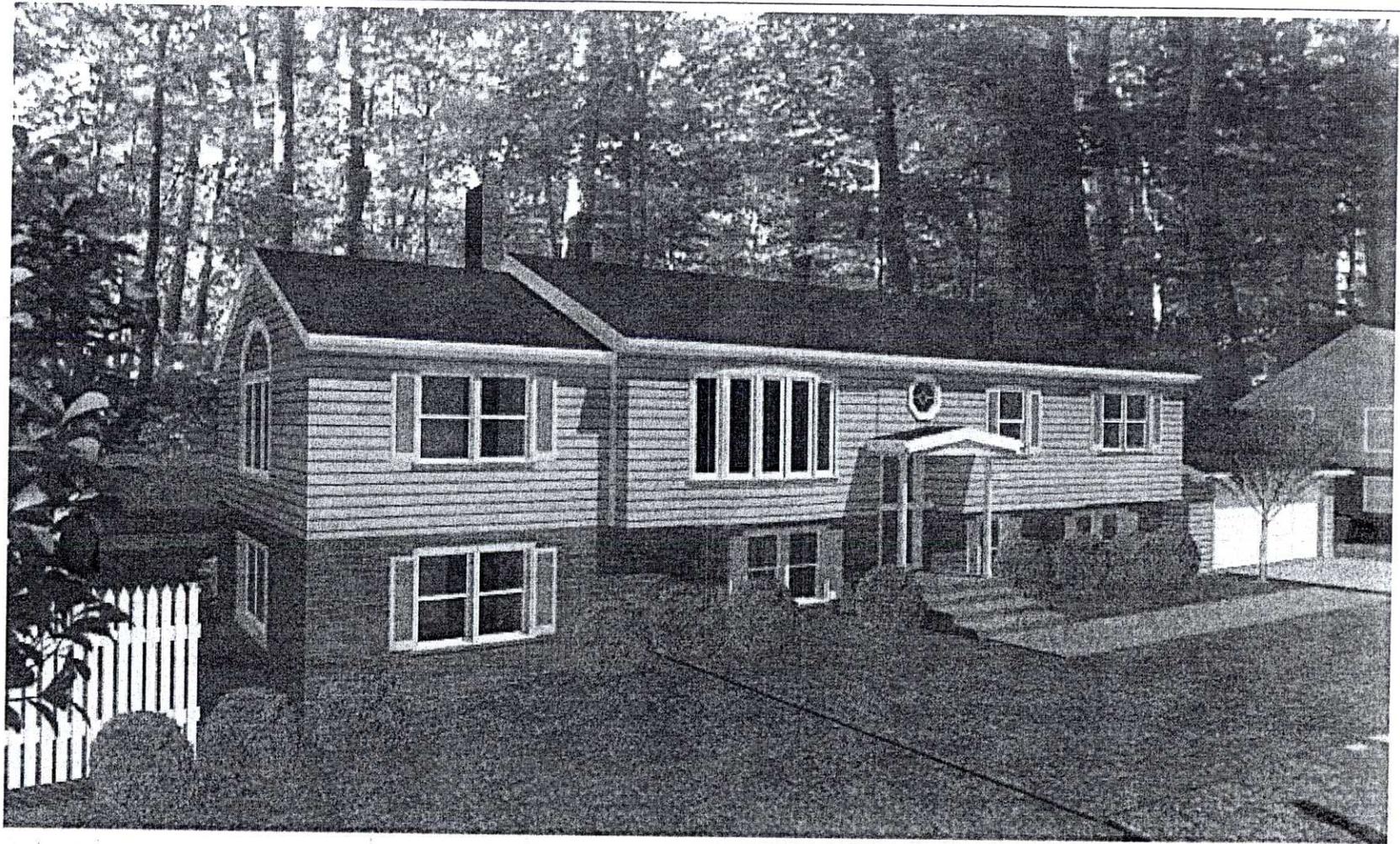
If it is the intent of the Board of Zoning Appeals to approve SP 2011-SP-067 located at Tax Map 88-1 ((10)) 11 to permit reduction of minimum yard requirements pursuant to Sections 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring 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. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location of the addition and wood deck, as shown on the plat prepared by Scartz Surveys, dated April 1, 2011, as signed and sealed through June 13, 2011, submitted with this application and is not transferable to other land.
3. 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 (1,956 square feet existing + 2,934 square feet (150%) = 4,890 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.
4. The proposed two-story addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. As shown on the special permit plat, the "Frame Shed" shall be removed, relocated or reduced in height to comply with current Zoning Ordinance requirements.

6. The applicant shall assume all responsibility for repair and/or replacement of any portions of the fence which must be removed to accommodate repairs and/or maintenance within the trail easement as shown on the special permit plat.
7. The applicant shall remove the brick/block planters as shown on the SP plat outside of the trail easement within 90 days of approval of this application.

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 construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. 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.



**Left Front Elevation - Design 'B'**

Designed & Drawn By: MJD

Scale:

Date: 9/8/2011

**Michael and Son Services, Inc.**

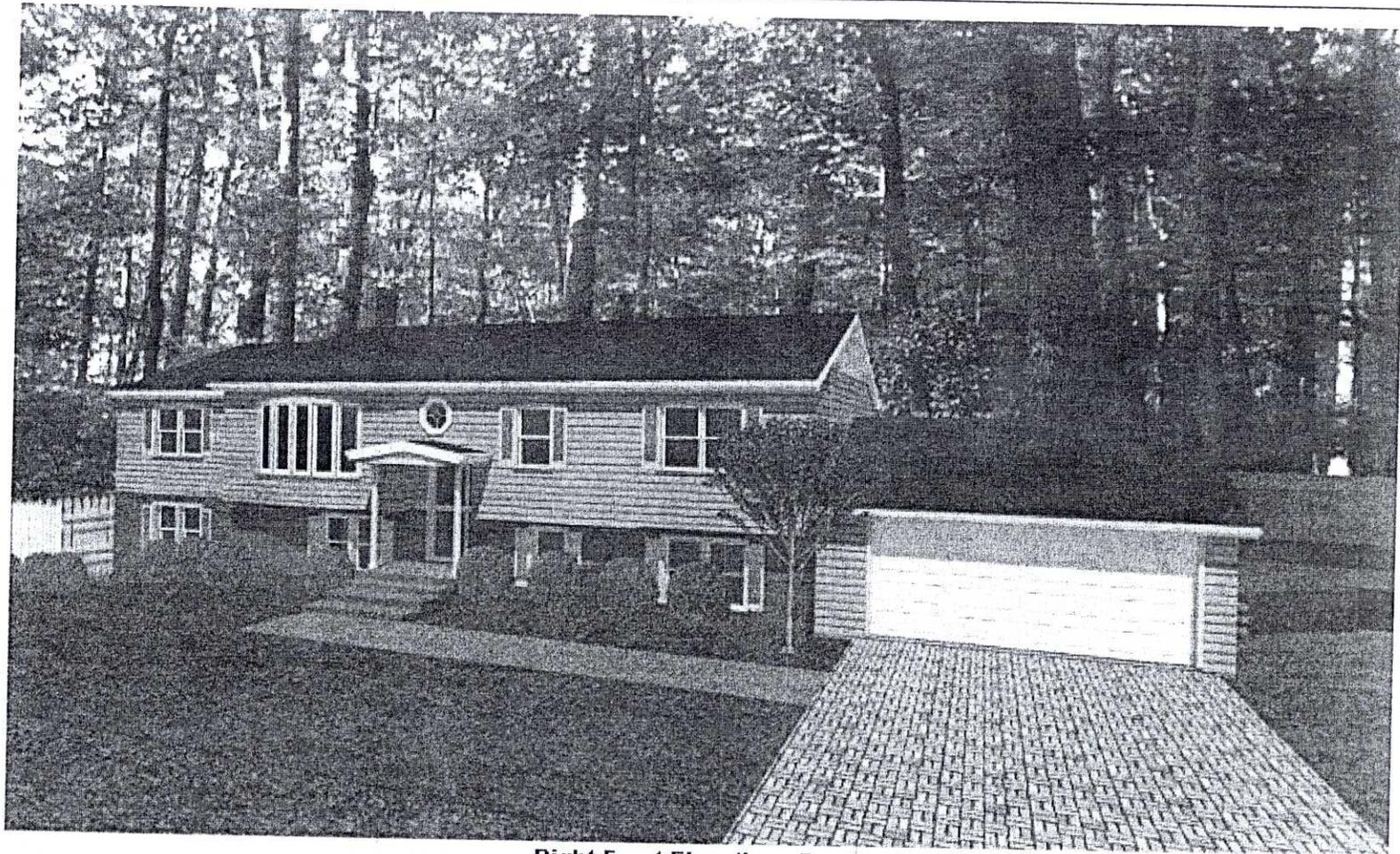
5740 General Washington Drive  
Alexandria, Virginia 22312  
(703)658-3998

For The Residence

**Ms. Pauline B. Ramprasad**

6462 Honey Tree Court  
Burke, Virginia 22015

11



**Right Front Elevation - Design 'B'**

Designed & Drawn By: MJD

Scale:

Date: 5/21/2011

Michael and Son Services, Inc.

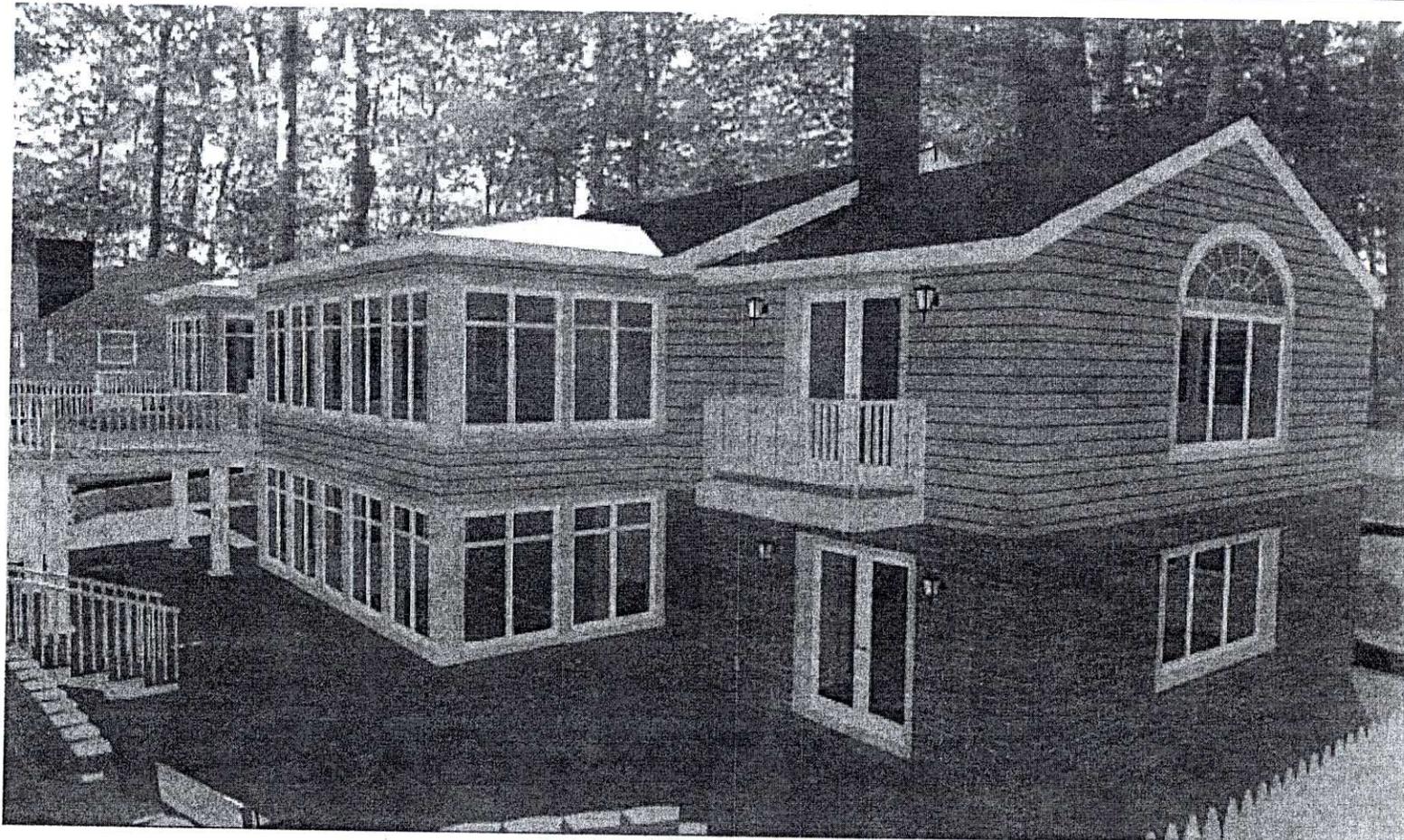
5740 General Washington Drive  
Alexandria, Virginia 22312  
(703) 458-3998

For The Residence

**Ms. Pauline B. Ramprasad**

6462 Honey Tree Court  
Burke, Virginia 22015

12



**Left Rear Elevation - Design 'B'**

Designed & Drawn By: MJD

Scale:

Date: 5/21/2011

Michael and Son Services, Inc.

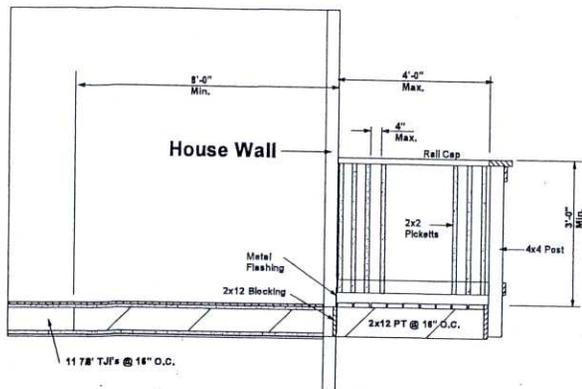
5740 General Washington Drive  
Alexandria, Virginia 22312  
(703) 458-3558

For The Residence

**Ms. Pauline B. Ramprasad**

6482 Honey Tree Court  
Burke, Virginia 22015

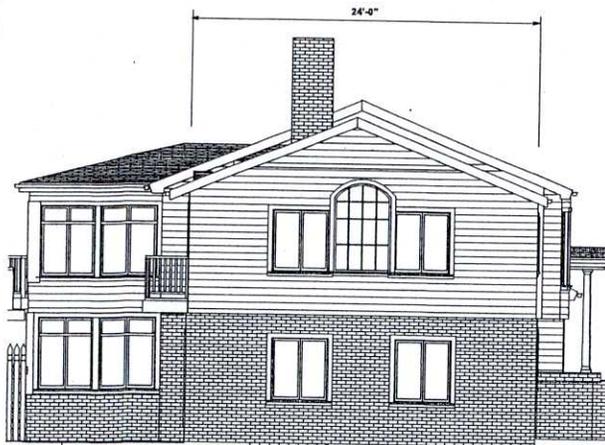
**13**



**Balcony Detail**



**Rear Elevation**



**Side Elevation**

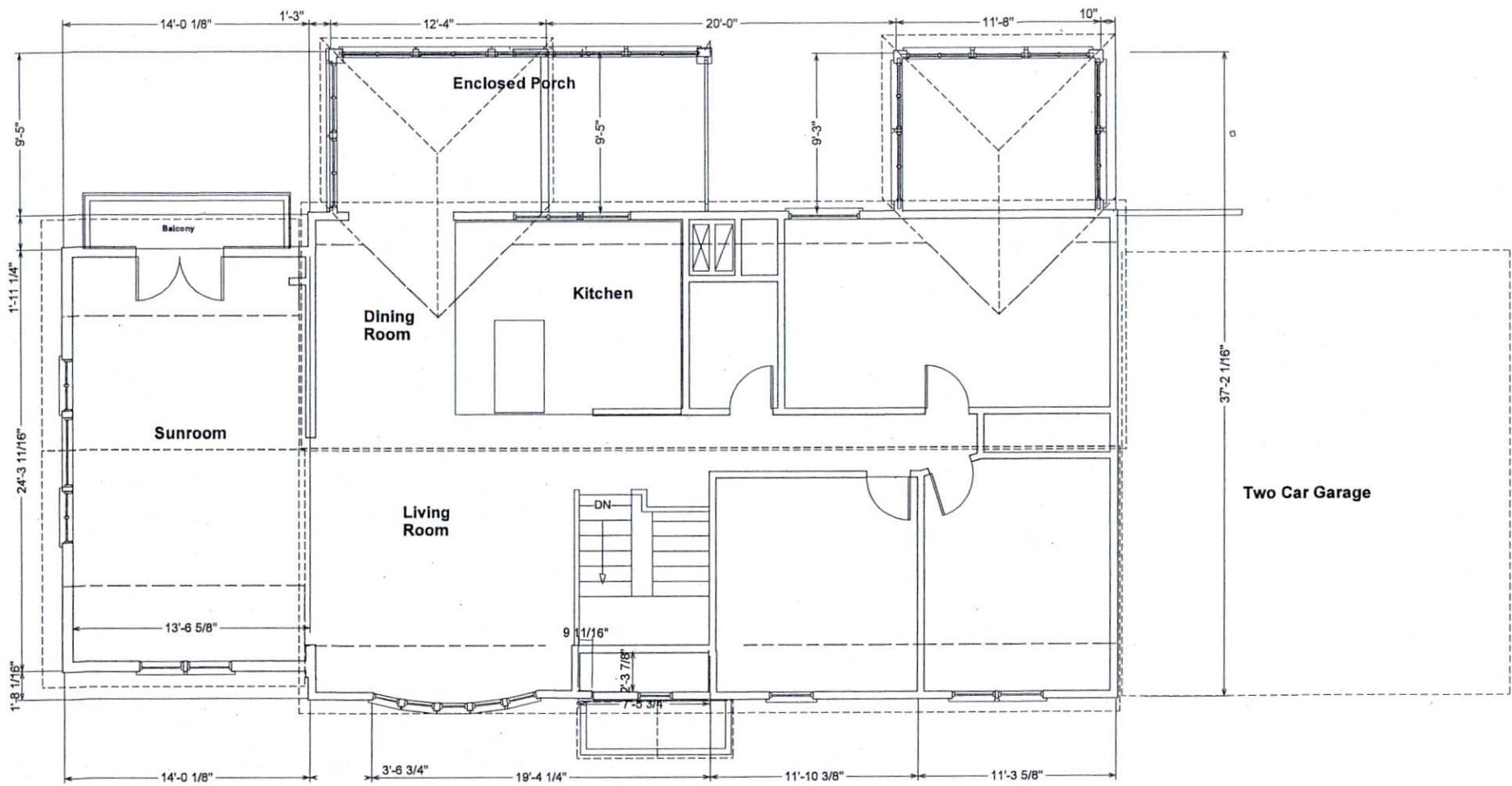


**Front Elevation**

Designed & Drawn By: MJD  
 Scale:  
 Date: 3/29/2011

For The Residence  
**Ms. Pauline B. Ramprasad**  
 6462 Honey Tree Court  
 Burke, Virginia 22015

**Proposed Elevations**



**Proposed Second Floor - Floor Plan**

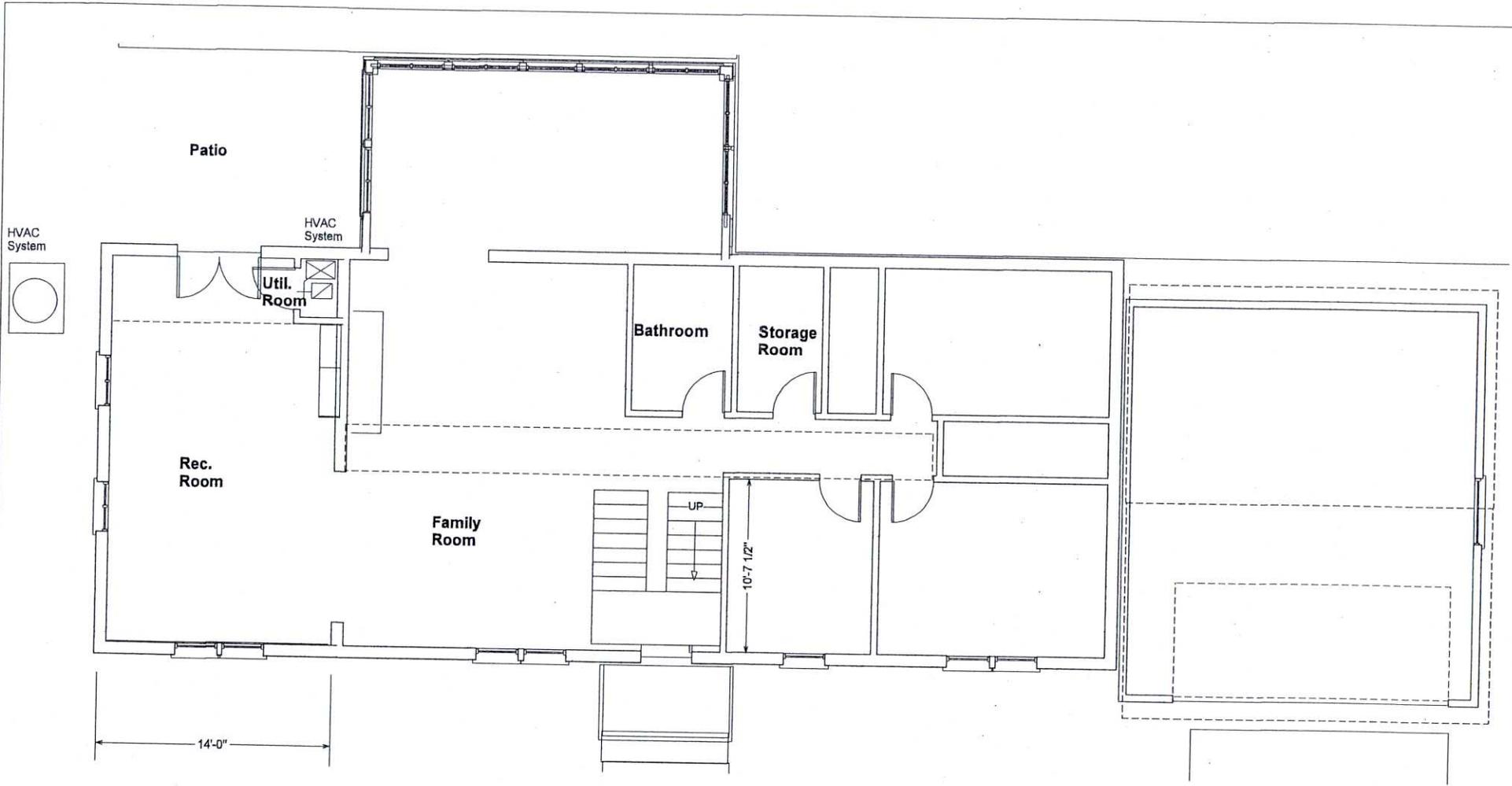
Designed & Drawn By: MJJ  
 Scale:  
 Date: 3/29/2011

**Michael and Son Services, Inc.**  
 5740 General Washington Drive  
 Alexandria, Virginia 22312  
 (703) 658-3998

For The Residence  
**Ms. Pauline B. Ramprasad**  
 6462 Honey Tree Court  
 Burke, Virginia 22015

**Proposed Second Floor  
 Floor Plan**

**2**



**Proposed First Floor - Floor Plan**

Designed & Drawn By: MJD

Scale:

Date: 3/29/2011

For The Residence  
**Ms. Pauline B. Ramprasad**

6462 Honey Tree Court  
 Burke, Virginia 22015

Application No.(s): SP 2011-SP-067  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4/5/2011  
(enter date affidavit is notarized)

I, Schuyler P. Ahrens, 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

111672

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)
Pauline B. Ramprasad	6462 Honey Tree Ct. Burke VA, 22015	Title Owner/ Applicant
Schuyler P. Ahrens D/B/A Ez Cad Designs	4871 Benecia Lane Dumfries VA, 22025	Applicants' Agent

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

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

Application No.(s):

SP 2011-SP-067

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

4/5/2011

(enter date affidavit is notarized)

111672

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)

Schuyler Paul Ahrens D/B/A Ez Cad Designs (Sole Proprietor)
4871 Benecia Lane - Dumfries VA, 22025

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):

SP 2011-SP-067

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

4/5/2011

(enter date affidavit is notarized)

111672

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s):

SP 2011-SP-067

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

4/5/2011

(enter date affidavit is notarized)

111672

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-SP-067

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

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

4/5/2011

111672

(enter date affidavit is notarized)

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

[X] Applicant's Authorized Agent

Schwylter P. Ahrens / Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5 day of APRIL 2011, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires:

JULY 31, 2013

Notary Public



SHARON E. JOHNSON
Notary Public
Commonwealth of Virginia
Reg. #362733
My Commission Exps. July 31, 2013

## Statement of Justification

Department of Planning &amp; Zoning

JUN 15 2011

Zoning Evaluation Division

**Re: Pauline B. Ramprasad  
6462 Honey Tree Ct.  
Burke VA, 22015  
Proposed Two Story Side Addition**

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 the proposed two story addition- encroaching into the second front lot property line of a corner lot- in an R-3 zone within 16.4' feet from the proposed eave.
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. The existing dwelling is 2,021 SQFT and the proposed floor area of the addition is 572 SQFT.
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. The proposed floor area ratio to the existing dwelling is at 0.29 percent.
6. The proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The ridge line of the proposed addition would carry over from the existing house ridge line, except it would only be about sixteen inches lower than the existing ridge line. The intent of this offset is to give the front of the house a bit more character esthetically. The proposed addition would also be twice the distance from the second front property line then the existing garage currently stands on the opposite side to the side lot property line. This is relevant because this property is located on a corner lot and normally this second front property line would usually be the resident's other side property line with a less stringent setback requirement.

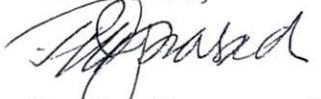
7. The proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of the significant trees as determined by the Director. The neighborhood is fairly small with only twenty or so houses on the street. Other residents have added large additions to the rear and sides of their homes that are very similar to this proposed addition. Ms. Ramprasad prides herself on the appearance of her property, she has worked hard and paid a lot of money to ensure that it looks great, not only from her view but from the view of her neighbors as well. Ms. Ramprasad not only keeps a neat property but ensures that through its decorative landscape, it also functions very well for her needs. There will be no other landscaping done to this property.
8. 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 storm water runoff. This particular property in the neighborhood is located on the corner and is barely visible from any other resident.
9. 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. Because of how narrow the current lot is and the fact that it is located on a corner, there are not many options for alternative locations for this addition. Ms. Ramprasad has made many improvements to the outside of her property and this would finally complete the look she is trying to achieve. She had originally desired that this addition be a bit larger, but later reduced its proposed size in hopes of falling within a more reasonable request of the Board of Zoning Appeals.
10. Ms. Ramprasad is a single mother with two sons and grandchildren. She has family that visits occasionally during the holidays and this addition would create more space that better comforts her and her family's needs. She has made many improvements to her property and always seeks the help of professionals to perform great work with only the best materials on the inside and outer façade to match the existing structure's brick, siding and trim as best as possible. As a diligent and law abiding citizen of Fairfax County, she has always been sure to seek the approval of the county through permits with all work being performed on her property. We respectfully request that the Board allow her to construct this addition, so that it may add to the comfort and enjoyment of her property.

## Agent Authorization Letter

**RE: Special Permit- Side Addition  
6462 Honey Tree Ct.  
Burke VA, 22015**

To whom it may concern, at the Fairfax County Department of Planning and Zoning and the Board of Zoning Appeals. I, Pauline Ramprasad; owner of the property listed above- Give Schuyler Ahrens DBA EZ CAD DESIGNS permission to act as my agent- as of 3/18/11, in assisting me with my special permit in Fairfax County. Please contact me with any questions.

Thank You,

  
Pauline Ramprasad

3/18/2011

Home: 703-451-1110  
Office: 202-473-0821

RECEIVED  
Department of Planning & Zoning

APR 05 2011

Zoning Evaluation Division

# Statement of Justification

RECEIVED  
Department of Planning & Zoning

JUN 15 2011

Zoning Evaluation Division

**Re: Pauline B. Ramprasad  
6462 Honey Tree Ct.  
Burke VA, 22015  
Existing Rear Grade Level Deck**

- A. The error made on the property exceeds ten (10) percent of the measurement involved.**
- B. The noncompliance was done in good faith. In most jurisdictions, grade level decks do not even require a permit and under the Virginia Residential Code, slabs, patios, driveways and sidewalks do not even require a building permit. This is the reason why the homeowner never got a permit, because she was under the belief that there were no restrictions.**
- C. Such reduction will not impair the purpose and intent of this ordinance,**
- D. the property is enclosed with a 6' foot tall fence at the front left sides of the corner lot and is not visible by most parties.**
- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity because it is not visible to most people.**
- F. It will not create an unsafe condition with respect to all other properties and public streets, and serves as a level walkway for the owner as she walks along the edge of her property.**
- G. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.**
- H. The reduction will not result in an increase in density or floor area ratio from that of permitted by the applicable zoning district regulation.**
- I. No hazardous or toxic substances will be generated, utilized, stored, treated, and/or disposed of at this residence and the size and contents of any existing or proposed storage tanks or containers.**
- J. A waiver is requested for the existing rear grade level deck- encroaching into the front lot property line in an R-3 zone within 17.3' feet.**



# County of Fairfax, Virginia

## MEMORANDUM

DATE: September 8, 2011

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver, Chief  
Site Analysis Section  
Department of Transportation

**SUBJECT:** Transportation Impact

**REFERENCE:** SP 2011-SP-067; Pauline B. Ramprasad  
Land Identification Map: 88-1((10))0011

*MAD* for  
*AKR*

This department has reviewed the referenced application and special permit plat dated June 13, 2011. The proposed application for an addition to the front/side of the existing dwelling would not create significant additional impacts to the surrounding public street system; however, the adjacent eight foot trail easement is of concern. The plat notes brick planter improvements and a fence proximate to the trail easement. Location of the improvements was confirmed during a site visit to the property. The planters should be located out of the easement area. It appears that the recently constructed fence is within the trail easement. If so, that fence can be removed without compensation to the owner if the easement is necessary for trail construction.

The following items were noted during review of the application. This is provided for information and we are not expecting these items to be addressed by the applicant.

- The Comprehensive Plan shows Old Keene Mill Road widened to a four-lane divided roadway. In addition to the roadway widening, the Trails Plan calls for on-road bike lanes.
- The current eight foot wide trail easement doesn't comply with the County's PFM easement standard of twelve feet or VDOT's sixteen feet.

MAD/mdd

Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 220335-2895  
Phone: (703) 877-5600 TTY: 711  
Fax: (703) 877-5723  
[www.fairfaxcounty.gov/fcdot](http://www.fairfaxcounty.gov/fcdot)





## County of Fairfax, Virginia

## MEMORANDUM

August 16, 2011

**TO:** Ms. Debbie Hedrick, Staff Coordinator  
Zoning Evaluation Division, DPZ

RECEIVED  
Department of Planning & Zoning

**FROM:** Hugh Whitehead, Urban Forester II  
Forest Conservation Branch, DPWES

AUG 17 2011

Zoning Evaluation Division

**SUBJECT:** Honey Tree, Lot 11, SP 2011-SP-067

I have reviewed the above referenced Special Permit application, including a Statement of Justification and Special Permit Plat stamped as received by the Zoning Evaluation Division on June 15, 2011. The following comment and recommendation is based on this review and a site visit conducted on August 9, 2011.

- Comment:** The two-story addition is proposed 16.9 feet from the property boundary and 9 feet from the trail easement. Currently, the end of the dwelling is buffered by existing landscaping that will be removed with construction of the proposed addition. It seems justified to require replacement planting to restore buffering capacity in the reduced front yard along Old Keene Mill Road.

**Recommendation:** Approve the Special Permit conditioned on planting a vegetative buffer between the addition and the trail easement. Suggested planting includes Burkwood viburnum and Purple Gem or English Roseum rhododendron.

If there are any questions, please contact me at (703)324-1770.

HCW/  
UFMID #: 162900

cc: RA File  
DPZ File

Department of Public Works and Environmental Services  
Land Development Services, Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769  
www.fairfaxcounty.gov/dpwes



### **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.

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

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

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

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.