



APPLICATION ACCEPTED: August 26, 2011
DATE OF PUBLIC HEARING: October 26, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 19, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MV-076

MOUNT VERNON DISTRICT

APPLICANT: Donald Kirkley
Lisa D. Streit

OWNERS: Donald Kirkley
Lisa D. Streit

LOCATION: 2317 Kimbro Street

SUBDIVISION: Hollin Hills

TAX MAP: 93-3 ((21)) 11

LOT SIZE: 15,380 square feet

ZONING: R-2

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit existing addition to remain 11.1 feet from a side lot line.

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

The approval of this special permit 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.

O:\rhomert\Special Permits\Kirkley Streit 2317 Kimbro St\SP 2011-MV 076 staff report.doc

Rebecca Homer

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/



Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

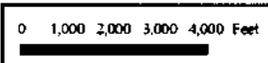
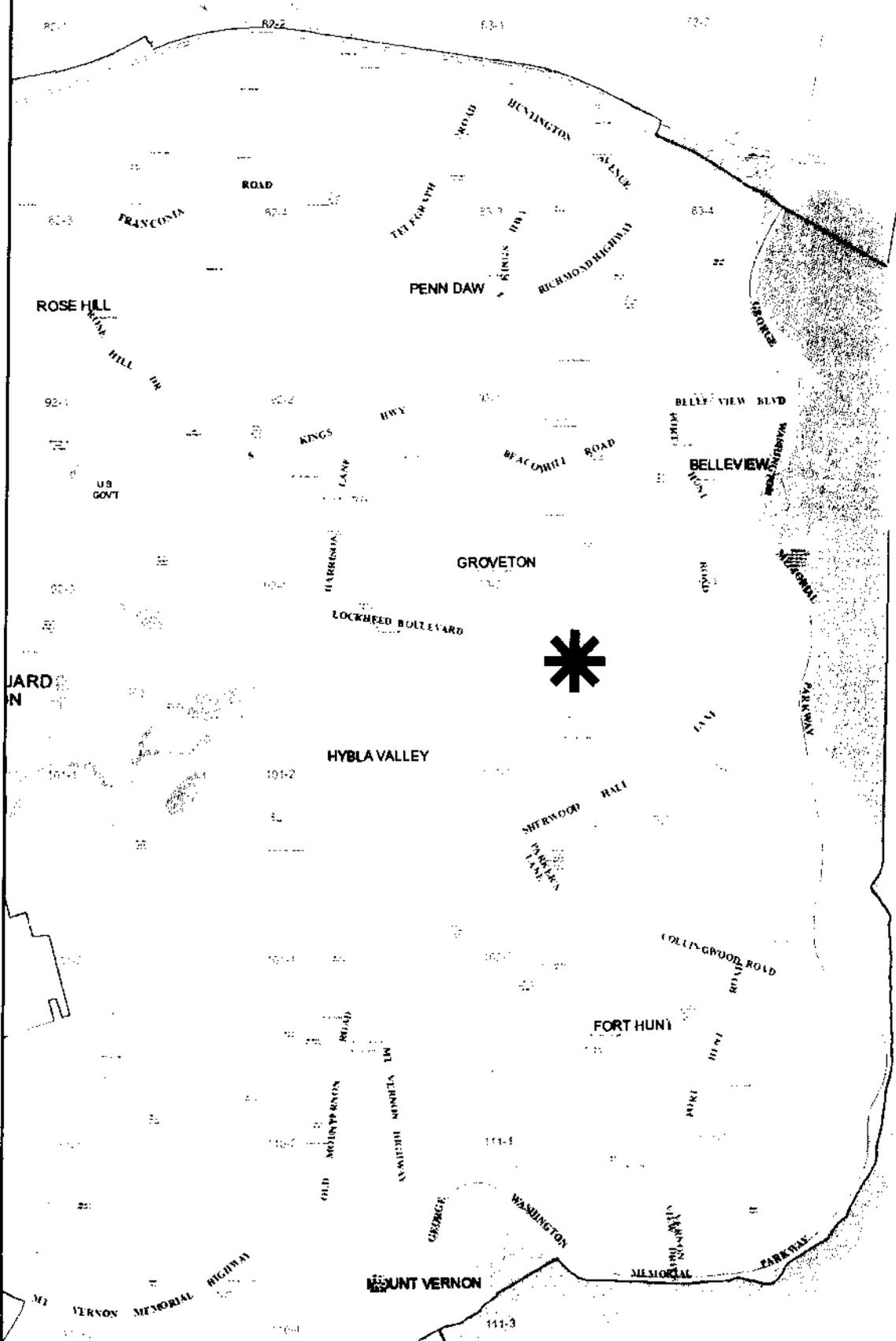
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



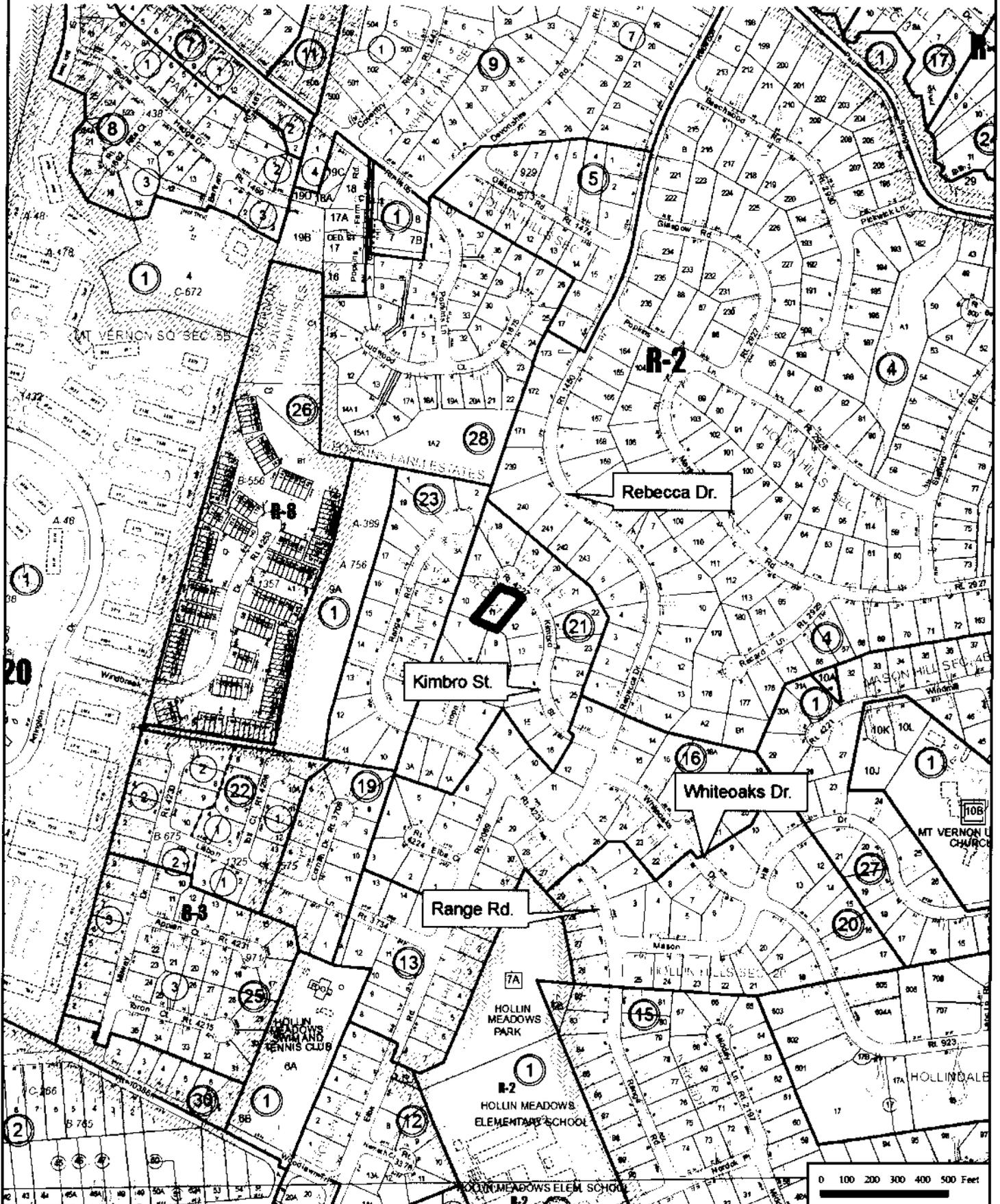
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2011-MV-076
DONALD KIRKLEY & LISA D. STREIT

OLDE TOWNE ALEXANDRIA

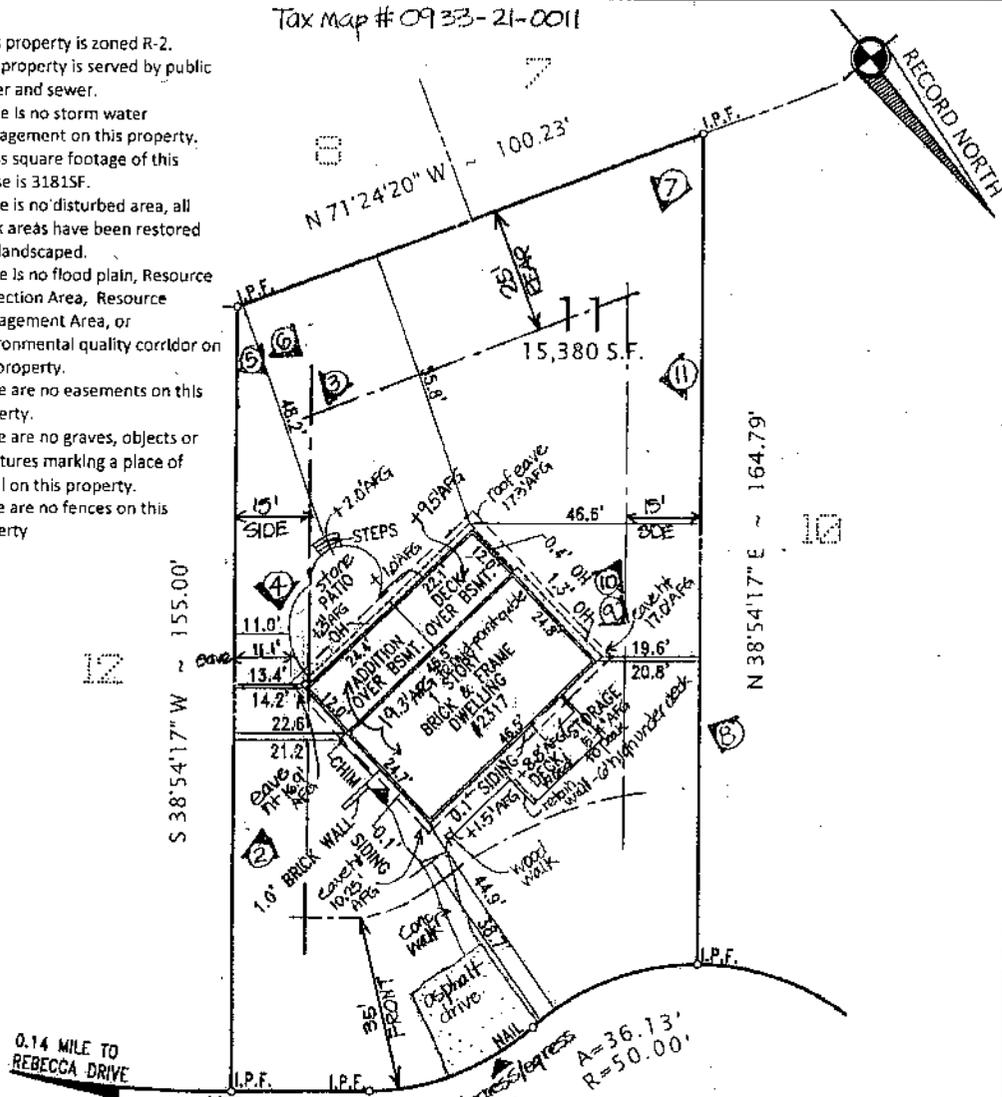


Special Permit
SP 2011-MV-076
DONALD KIRKLEY & LISA D. STREIT



Tax map # 0933-21-0011

1. This property is zoned R-2.
2. This property is served by public water and sewer.
3. There is no storm water management on this property.
4. Gross square footage of this house is 3181SF.
5. There is no disturbed area, all work areas have been restored and landscaped.
6. There is no flood plain, Resource Protection Area, Resource Management Area, or environmental quality corridor on this property.
7. There are no easements on this property.
8. There are no graves, objects or structures marking a place of burial on this property.
9. There are no fences on this property.



S 51°05'43" E ~ 27.86' A=36.13' R=50.00'

S 38°54'17" W ~ 155.00'

N 71°24'20" W ~ 100.23'

N 38°54'17" E ~ 164.79'

KIMBRO STREET
50' R/W

COMMONWEALTH OF VIRGINIA
REBECCA L.G. BOSTICK
Lic. No. 8265
Rebecca Bostick
ARCHITECT
6/23/2011
for special permit

RECEIVED
Department of Planning & Zoning
JUL 11 2011
Zoning Evaluation Division

PLAT
SHOWING WALLCHECK ON
LOT 11 SECTION 21
HOLLIN HILLS
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' DECEMBER 7, 2010

GRAPHIC SCALE



PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

COMMONWEALTH OF VIRGINIA
Patrick A. Eckert
PATRICK A. ECKERT
LIC. NO. 2845
12/08/10
LAND SURVEYOR

REQUESTED BY:
DONALD KIRKLEY

ALEXANDRIA SURVEYS
INTERNATIONAL, LLC
11216 WAPLES MILL ROAD #102 FAIRFAX, VIRGINIA 22030
TEL. NO. 703-660-6615 FAX NO. 703-768-7764

COPYRIGHT BY ALEXANDRIA SURVEYS INTERNATIONAL, LLC. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALIENED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.



① Front corner looking towards house. 5/2011



② From the front - corner in question



③ rear of house - right side is corner

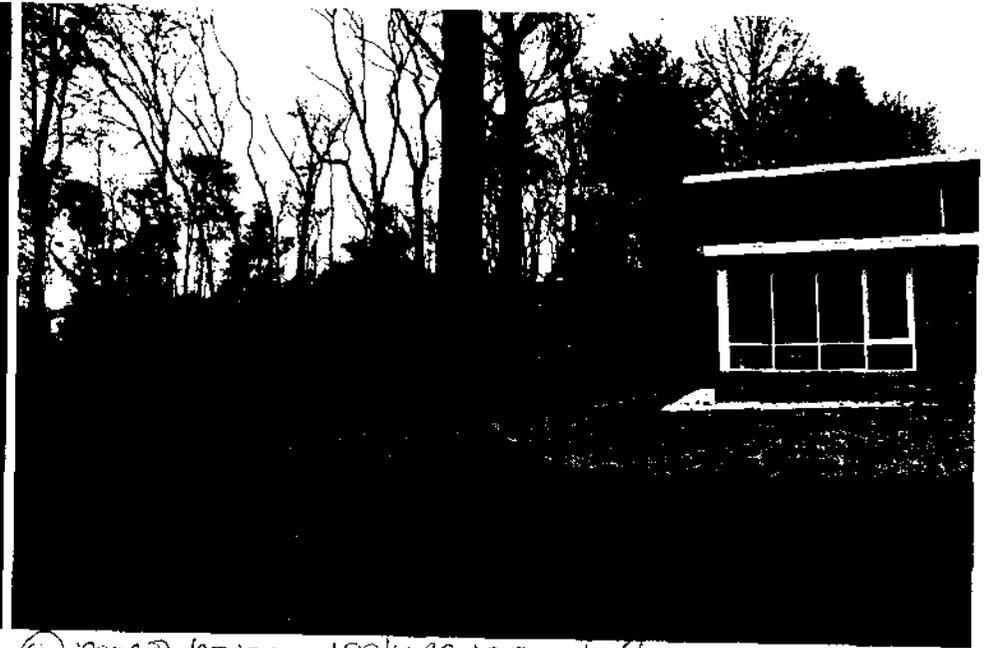


set-back
cuts
through
this
corner of
the
house

④ close up view of corner from rear yard.



⑤ rear of house



⑥ rear of house - looking to the left



⑦ left side of the house from rear corner of yard.



⑧ front + side (same as #7) of house.



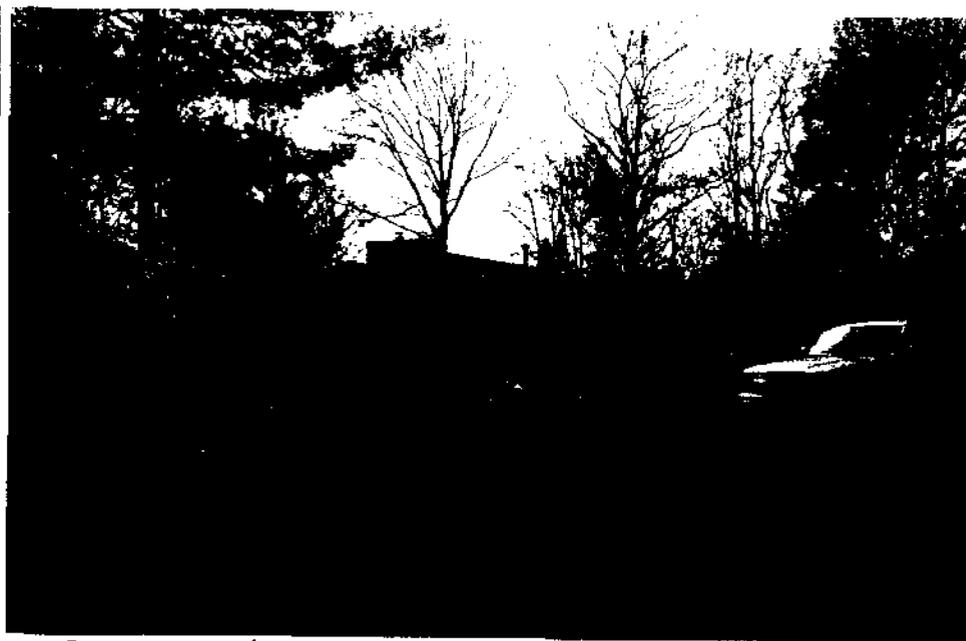
⑨ front corner looking out to neighbors (front)



⑩ front corner looking out to the rear.



⑪ Back of house + rear yard - looking towards neighbors



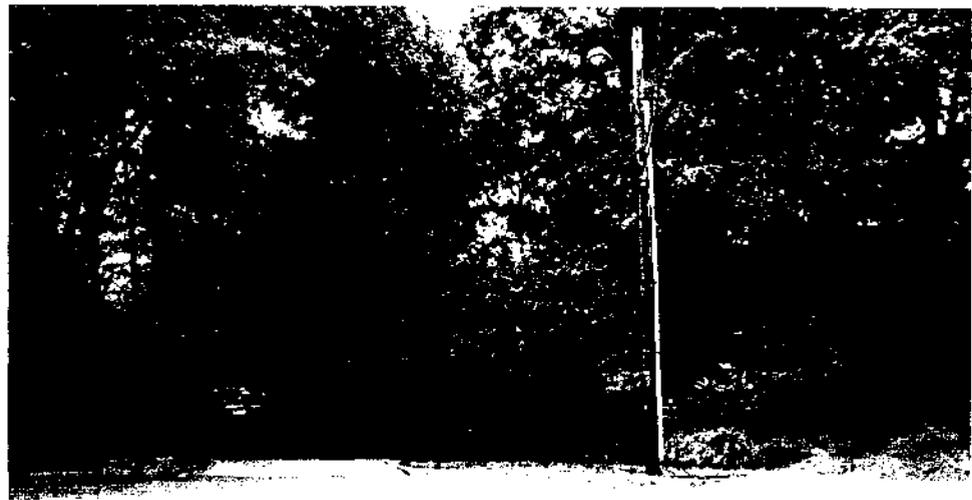
⑫ front of house from across of the street



standing in cul-de-sac & circling clockwise around.



③ neighbor directly right



④

looking down Kumbro Street.



neighbors directly across the street





heading to backyard. (corner in question)



neighbors to the rear (unseen thru landscaping)
(circling across the backyard)



neighbor to the
right from front yard
not seen

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an error in building location to permit an addition to remain 11.1 feet from the eastern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Addition	Side	15.0 feet	11.1 feet	3.9 feet	26%

*Minimum Yard Requirement per Section 3-207

LOCATION AND CHARACTER

Character of the Area

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

Existing Site Description

The 15,380 square foot lot was developed under the R-2 regulations and contains a single family detached dwelling constructed in 1970. The lot is flat and has a heavily manicured lawn with mature trees and shrubs. The site is accessed via a hard surfaced driveway from Kimbro Street, which terminates in a cul-de-sac.

BACKGROUND

On May 6, 2010, a building permit was approved for an addition to the existing dwelling. The plan submitted with the building permit indicated the addition would be located 15 feet from the eastern side lot line, which is the minimum yard requirement. A setback certification based on field survey is a requirement following completion of construction. The setback certification prepared by Patrick A. Eckert on December 12, 2010 shows that the addition was actually built 11.1 feet from the lot line, therefore the setback certification failed on January 3, 2011. A copy of the building permit is included in Appendix 4, the certified plat is included as Appendix 5 and the certification letter from the Zoning Administration Division is included as Appendix 6. The applicant then applied for a special permit to allow a reduction based on error. The plat submitted with the Special Permit is at the front of the staff report and is titled "Plat Showing Wallcheck on, Lot 11, Section 21, Hollin Hills", prepared by Alexandria Surveys International dated December 17, 2010, revised by Rebecca L.G. Bostick dated June 23, 2011.

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

- Variance VC 2003-MV-004 was approved March 19, 2003 for Tax Map 93-3 ((19)) 18, zoned R-2, at 7519 Cornith Drive, to permit construction of an addition 10 feet from front lot line, 8 feet and 14.8 feet from side lot line.
- Variance VC 83-V-007 was approved March 15, 1983 for Tax Map 93-3 ((22)) 02, zoned R-3, at 7502 Milway Drive, to permit construction of an addition to a dwelling 7.4 feet from the side lot line.

ZONING ORDINANCE REQUIREMENTS (See 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)

CONCLUSION

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

The approval of this special permit 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. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit
5. Certified plat.
6. Setback Certification letter January 3, 2011
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2011-MV-076

October 19, 2011

1. This special permit is approved only for the location of an addition, as shown on the plat prepared Alexandria Surveys International, LLC dated December 7, 2010, revised by Rebecca L.G. Bostick dated June 23, 2011, submitted with this application and is not transferable to other land.

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/6/2011
 (enter date affidavit is notarized)

I, Donald Kirkley Jr. & Lisa D Streit, 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

112656

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Lisa D. Streit	2317 Kimbro Street, Alexandria VA 22307	Owner/Applicant
Donald Kirkley Jr.	2317 Kimbro Street, Alexandria VA 22307	Owner/Applicant
Rebecca L6 Bostick, Architects, Inc	1819 Drury Lane Alexandria VA 22307	Agent
Rebecca L6 Bostick	1819 Drury Lane, Alexandria VA 22307	Agent

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/16/2011
(enter date affidavit is notarized)

112656

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

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

CORPORATION INFORMATION

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Rebecca LG Bostick (100% of shares)

(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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/6/2011
(enter date affidavit is notarized)

112656

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)

NONE

(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**)

NONE

(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)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/6/2011
(enter date affidavit is notarized)

112656

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/6/2011
(enter date affidavit is notarized)

112656

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 *[Signature]*
 Applicant's Authorized Agent

DONALD KIRKLEY JR. / LISA D. STREET (OWNERS)
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 6th day of July, 2011, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: Dec. 31, 2014



[Signature]
Notary Public

JUL 11 2011

Zoning Evaluation Division

Statement of Justification

2317 Kimbro Street, Alexandria, VA 22307

1. This special permit application is to request a reduction of the side yard setback from 15' to 11.1' to the building eave at the rear corner of the new addition due to an error in building location. This is a single family home.
2. Justification items A. – I.
 - A. This is a single family home.
 - B. There are no hours of operations.
 - C. There are no estimated number of patrons, etc.
 - D. There are no proposed number of employees, etc.
 - E. The traffic impact will not change from a normal household use.
 - F. General area will remain the same.
 - G. This house is a typical 1 level home with a basement utilizing brick veneer and siding. This house has been approved by the Design Review committee for the Hollin Hills neighborhood.
 - H. There are no toxic or hazardous substances which will be utilized, stored and disposed on the site.
 - I. This is a typical suburban home which complies with zoning ordinances except for a corner of the house. There are no changes to the existing.

Property Ownership

This property is owned by Donald Kirkley and Lisa D. Streit. This ownership will not change. The building is occupied by these homeowners.

8-914- Provisions for Reduction to the minimum yard requirements based on error in building location.

8-914.2

2.A The error exceeds 10% of the side yard measurement. The side yard set-back line is on a diagonal so it is just a rear corner of the house that sits over the set-back. The set-back is 15' and the eave extends to 11.1'

2. B. The noncompliance was done in good faith. When this project was designed, we used an existing plat and designed the addition to be just behind the 15' set-back limit. Perhaps during reproduction, the plat was distorted. I expected the building corner to be at the 15' set back limit. The new survey shows that the corner is just over the set-back.

2.C. This reduction will not change the purpose of this Ordinance. It is only one corner of the building and the yard between the properties has been fully landscaped to screen the new addition.

2.D This reduction is not detrimental to the use and enjoyment of other properties in the immediate vicinity. The Owner has made improvements to the landscaping to create additional screening from the adjacent property.

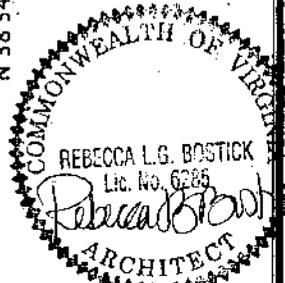
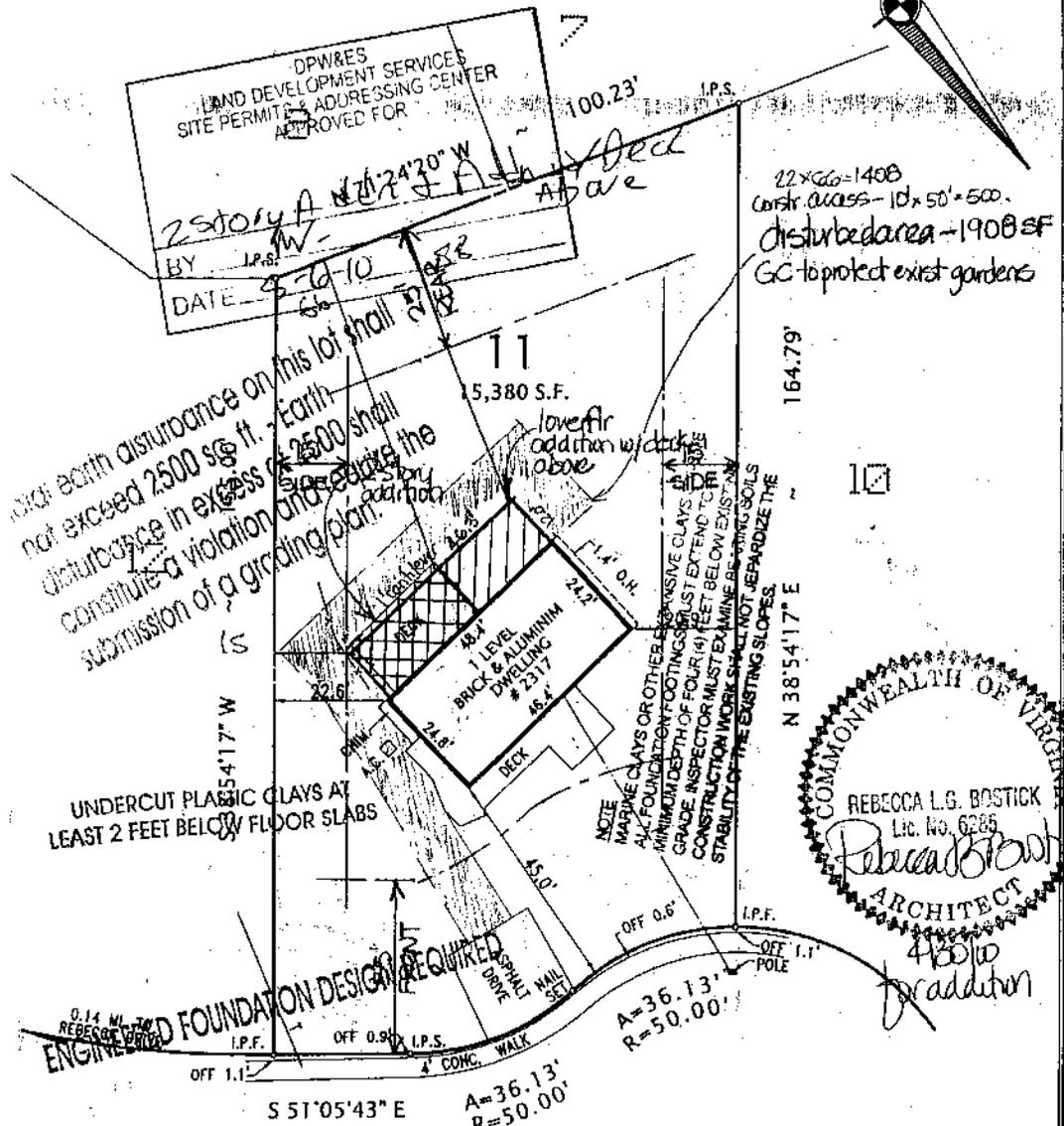
2.E This reduction will not create an unsafe condition with respect to both other property and public streets.

2.F As this project is complete, and this is just a small corner, this would create a hardship to correct. Options have been explored by the homeowner and the contractor. The angle does not permit an aesthetically pleasing solution.

2.G This reduction will not result in an increase in density or FAR from what is permitted.

COPYRIGHT BY ALEXANDRIA SURVEYS INTERNATIONAL, LLC THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER

NOTES: 1. UTILITIES ARE UNDERGROUND UNLESS NOTED.
2. FENCES ARE FRAME.



ALL CONSTRUCTION INVOLVING PROBLEMA SOILS MUST BE PERFORMED UNDER THE FULL TIME INSPECTION OF A GEOTECHNICAL ENGINEER. PFM 4-0402 50' R/W

PLAT

APPROVED 5-6-02
Eileen M. McLean
Zoning Administrator

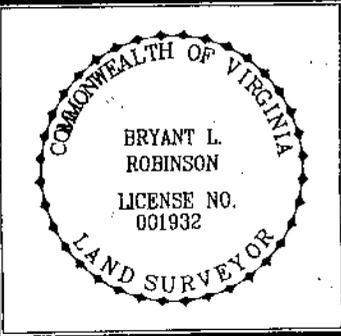
SHOWING HOUSE LOCATION ON
LOT 11 SECTION 21
HOLLIN HILLS
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' JULY 17, 2002

No Second Kitchen or Wet Bar

PLAT SUBJECT TO RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

Bryant L. Robinson
BRYANT L. ROBINSON, L.S.

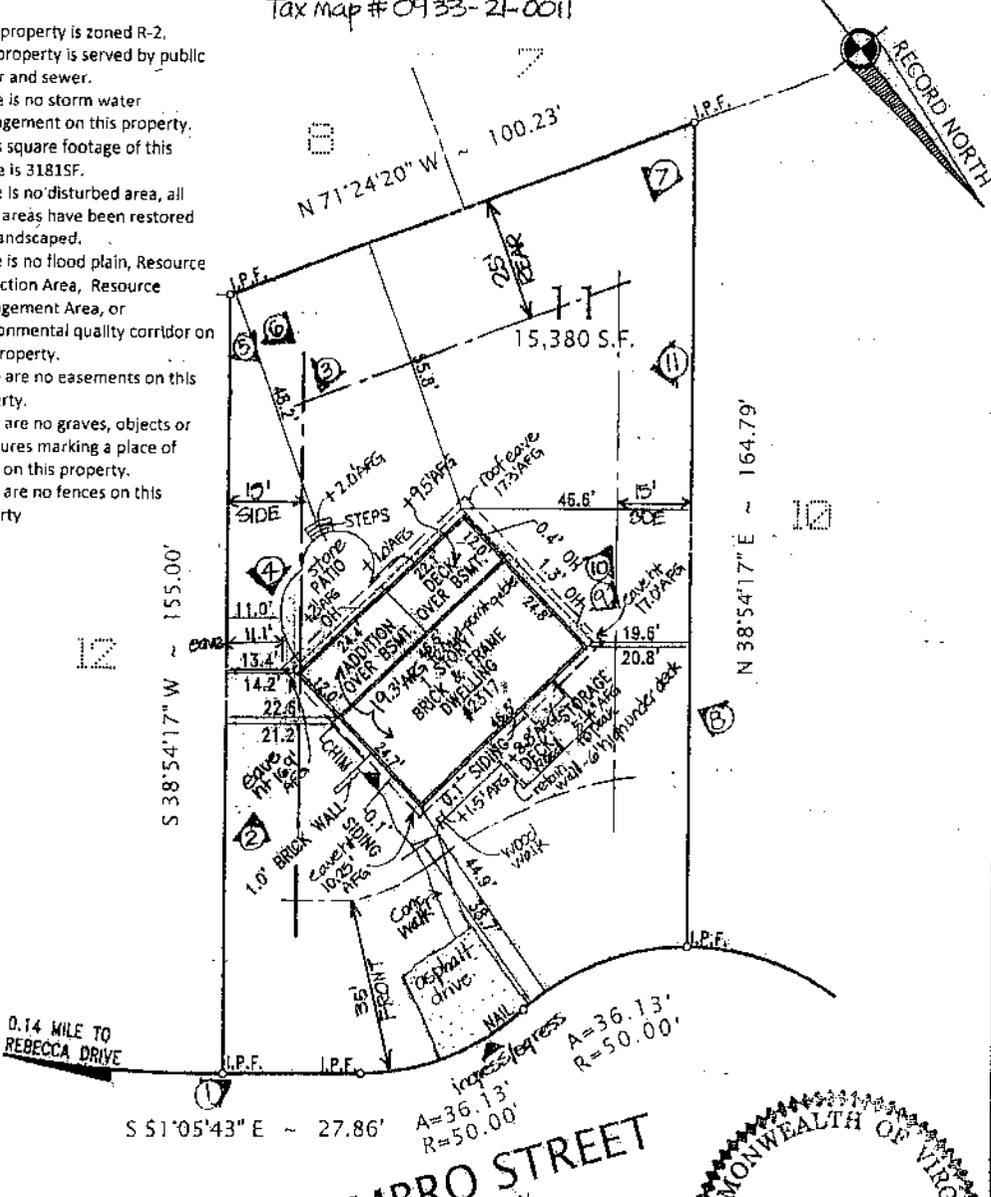


CASE NAME:
STREIT

ALEXANDRIA SURVEYS INTERNATIONAL, LLC.
6343 SOUTH KINGS HIGHWAY
ALEXANDRIA, VIRGINIA 22306
703-660-6615
FAX 703-766-7764

Tax map # 0933-21-0011

1. This property is zoned R-2.
2. This property is served by public water and sewer.
3. There is no storm water management on this property.
4. Gross square footage of this house is 3181SF.
5. There is no disturbed area, all work areas have been restored and landscaped.
6. There is no flood plain, Resource Protection Area, Resource Management Area, or environmental quality corridor on this property.
7. There are no easements on this property.
8. There are no graves, objects or structures marking a place of burial on this property.
9. There are no fences on this property.



12

N 38°54'17\"/>

0.14 MILE TO REBECCA DRIVE

S 51°05'43\"/>

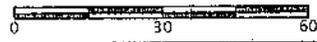
KIMBRO STREET
50' R/W

COMMONWEALTH OF VIRGINIA
REBECCA L.G. BOSTICK
Lic. No. 6265
Rebecca Bostick
ARCHITECT
6/23/2011
for special permit

RECEIVED
Department of Planning & Zoning
JUL 11 2011
Zoning Evaluation Division

PLAT
SHOWING WALLCHECK ON
LOT 11 SECTION 21
HOLLIN HILLS
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' DECEMBER 7, 2010

GRAPHIC SCALE



PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

COMMONWEALTH OF VIRGINIA
Patrick A Eckert
PATRICK A. ECKERT
LIC. NO. 2045
12/08/10
LAND SURVEYOR

REQUESTED BY
DONALD KIRKLEY
ALEXANDRIA SURVEYS
INTERNATIONAL, LLC
11216 WAPLES MILL ROAD #102 FAIRFAX, VIRGINIA 22030
TEL. NO. 703-660-6615 FAX NO. 703-768-7764



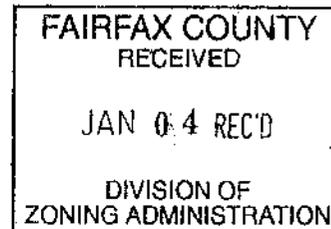
County of Fairfax, Virginia

APPENDIX 6

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

January 3, 2011

Mr. Brad Zombro
P.O. Box 477
Fairfax, Virginia



Re: Setback Certification – Building Permit #101260121
2317 Kimbro Street
Hollin Hills, Section 21, Lot 11
Tax Map Ref: 93-3 ((21)) 11
Zoning District: R-2

Dear Mr. Zombro:

This letter is in response to your request for approval of the setback certification for the addition pursuant to Building Permit #101260121. The property is zoned R-2 District, which has a minimum front yard requirement of 35 feet, minimum side yard requirement of 15 feet and minimum rear yard requirement of 25 feet. The setback certification plat shows the overhang part of the addition is located 13.4 feet from the left side property line, encroaching into the minimum required yard by 1.6 foot.

The setback certification also shows a concrete patio with steps but it does not show the height of the patio. Pursuant Sect. 20-300 of the Zoning Ordinance the definition of deck includes any patio. Pursuant Sect. 2-412, any open deck with any part of its floor higher than four (4) feet above finished ground level may not extend into minimum required yards. There is no record on file that a building permit was issued for the patio with steps. It has not been listed on the tax assessment records for more than fifteen years and therefore is not vested pursuant to Sect. 15.2-2307 of the Code of Virginia. Therefore, the setback certification has been failed, and a copy of the plat is enclosed.

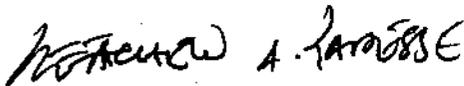
For the setback certification to be approved the overhang could be remodeled to meet the minimum required side yard and the height of the patio should be shown on the setback certification and if the height exceeds four feet, the patio could be reduced to meet the minimum required side yard, which is 15 feet. Alternatively, a reduction of the minimum required yard or an error in building location special permit could be sought from the Board of Zoning Appeals (BZA). All special permits require the submission of an application, plat and fee; 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 by calling 703-324-1290. If you choose to modify the structures, a revised building plan will be required. With all

2317 Kimbro Street
January 3, 2011
Page 2

options, a new setback certification will be required. For information related to building permit you can call at 703-222-0801.

Your cooperation in this matter is greatly appreciated. Please be advised that an inspection hold has been placed on the Building Permit. If you have any questions regarding this response, please feel free to contact me at 703-324-1314.

Sincerely,

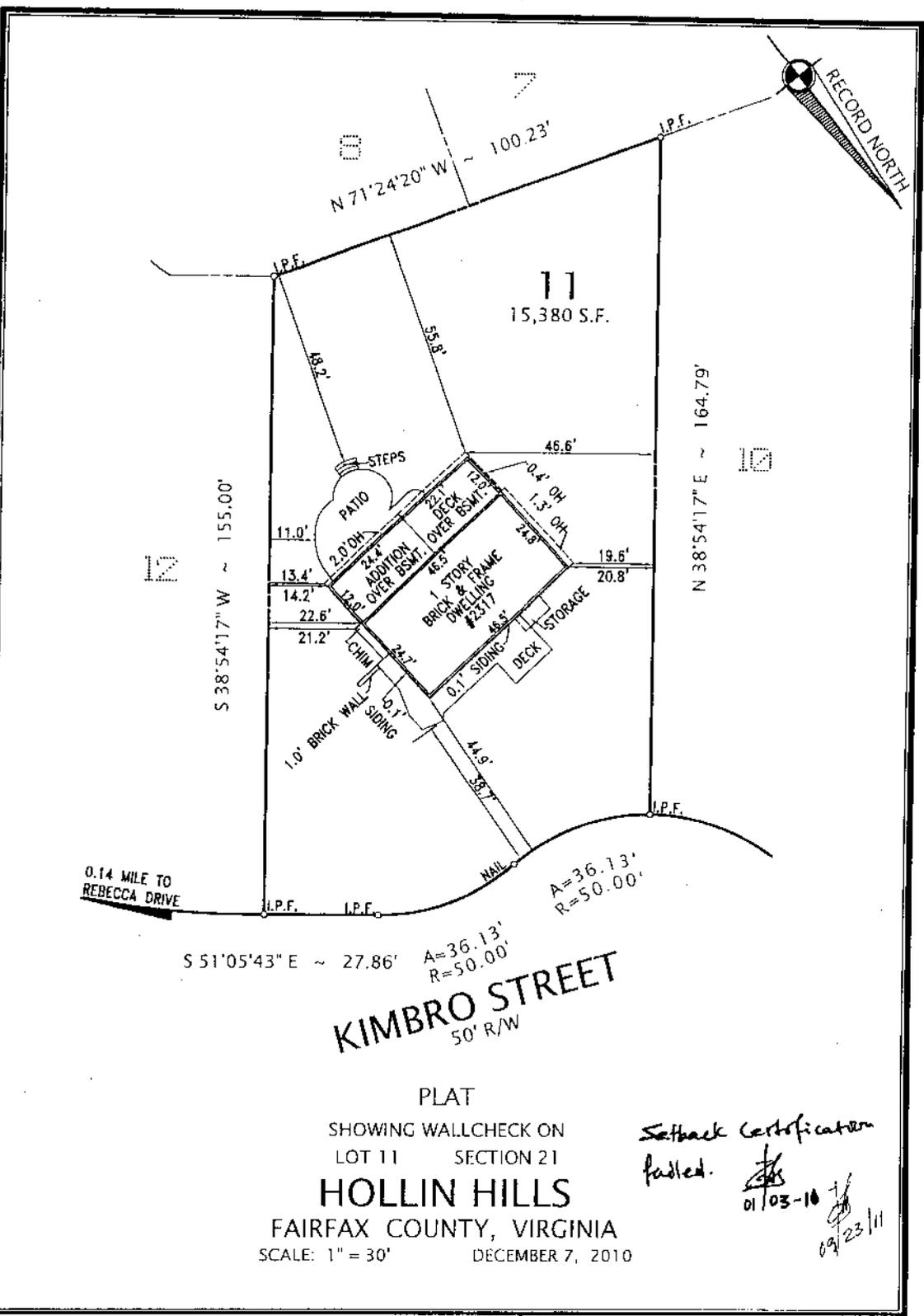


Getachew A. Tadesse
Assistant to the Zoning Administrator

Enclosures

cc: Gerald W. Hyland, Supervisor Mount Vernon District
Eileen McLane, Zoning Administrator
Michelle M. O'Hare, Deputy Zoning Administrator, Ordinance Administration Branch
✓ Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch
Charles O'Donnell, Residential Inspections Division, DPWES
Jack W. Weyant, Director, Environmental and Facilities Inspections Division, DPWES

COPYRIGHT BY ALEXANDRIA SURVEYS INTERNATIONAL, U.S. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.

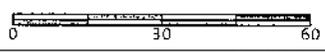


KIMBRO STREET
50' R/W

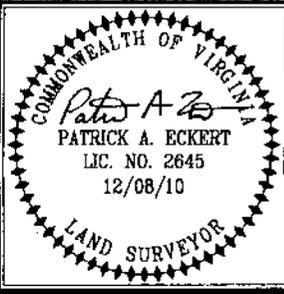
PLAT
SHOWING WALLCHECK ON
LOT 11 SECTION 21
HOLLIN HILLS
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' DECEMBER 7, 2010

*Setback Certification
failed.*
[Signature]
01/03-10
09/23/11

GRAPHIC SCALE



PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.



REQUESTED BY:
DONALD KIRKLEY

ALEXANDRIA SURVEYS
INTERNATIONAL, U.C.
11216 WAPLES MILL ROAD #102 FAIRFAX, VIRGINIA 22030
TEL. NO. 703-660-6615 FAX NO. 703-768-7764

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.