



APPLICATION ACCEPTED: August 29, 2011
BOARD OF ZONING APPEALS: October 26, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 19, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MV-077

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS: Julia A. Trotter
James E. Fortmuller

STREET ADDRESS: 6915 Quander Road, Alexandria, 22307

SUBDIVISION: Bucknell Manor

TAX MAP REFERENCE: 93-1 ((23)) (7) 9

LOT SIZE: 7,464 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 8-914 and 8-922

SPECIAL PERMIT PROPOSALS: To permit reduction to minimum yard requirements based on error in building location to permit an accessory storage structure to remain 2.9 feet from one side lot line, deck to remain 2.0 feet from other side lot line and reduction of certain yard requirements to permit construction of an addition 7.0 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2011-MV-077 for the addition with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

*O:\dhedri\Special Permits(10-26) SP 2011-MV-077 Fortmuller-Trotter (50 & error)\SP 2011-MV-077 Fortmuller-Trotter 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.**

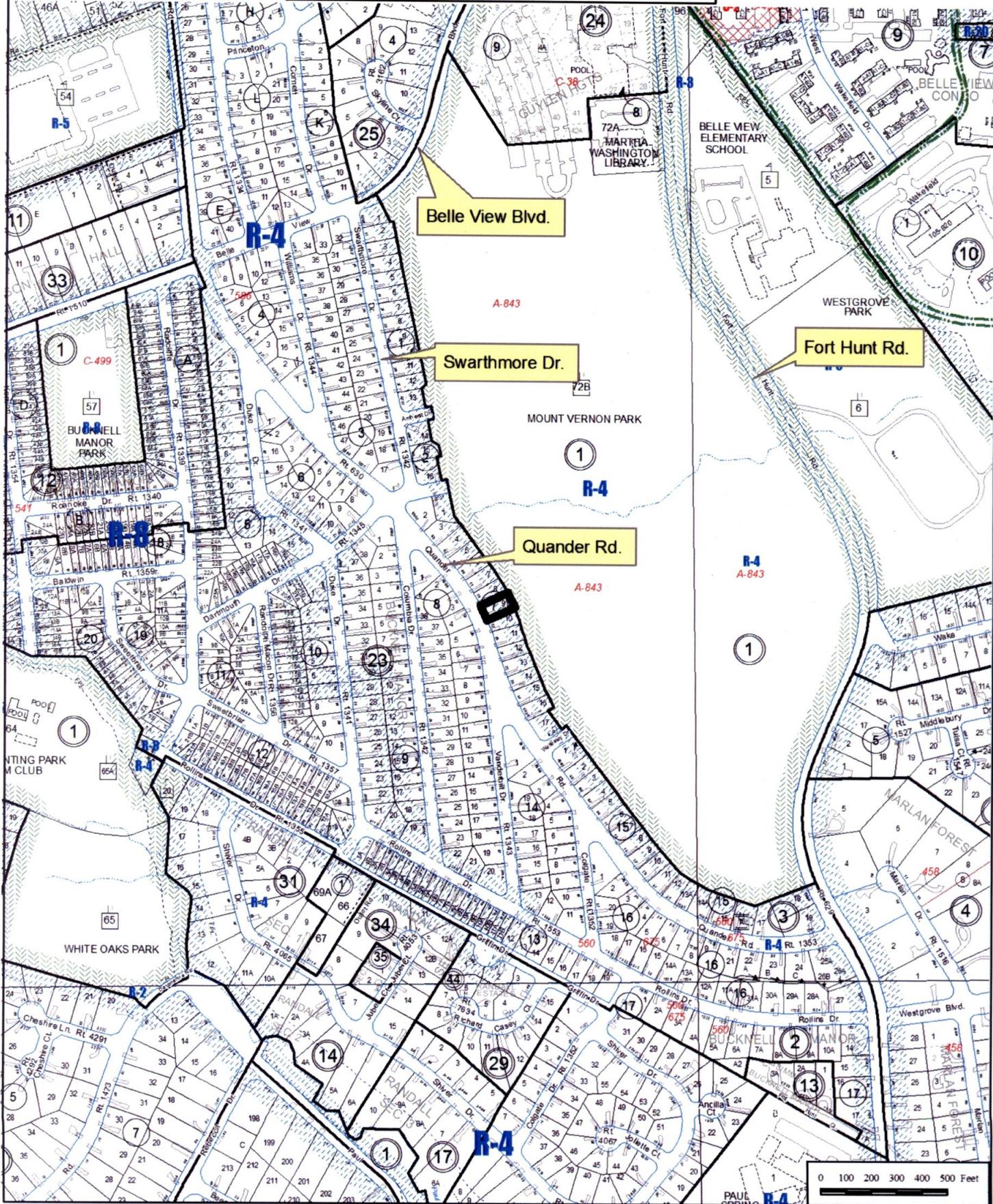


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2011-MV-077

JAMES E. FORTMULLER AND JULIA A. TROTTER





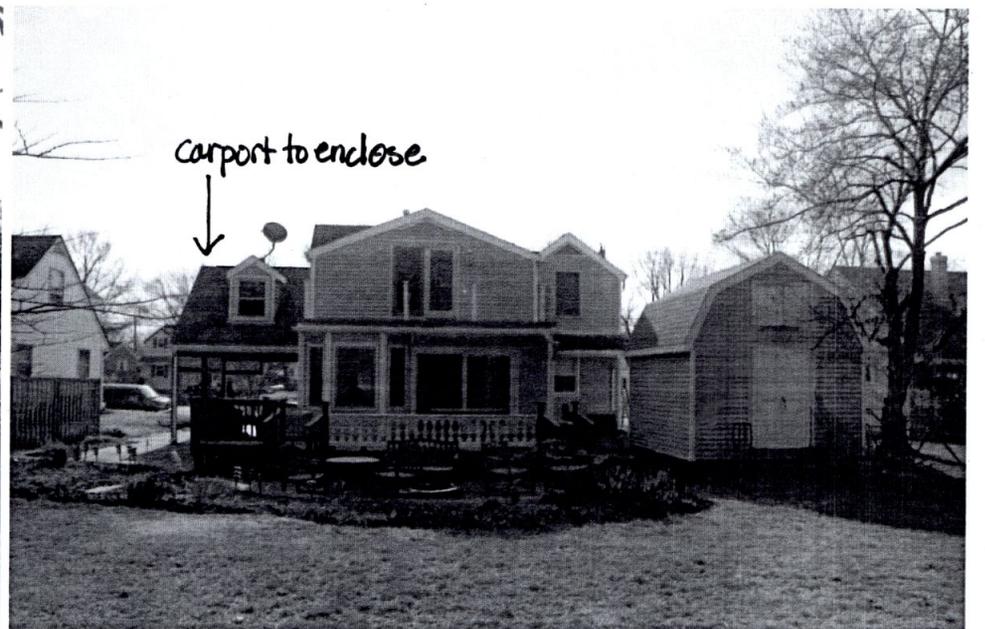
picture E - front corner of house - looking out across the street ... out to the left.



picture F - same as 'E' ... out and to the right.



picture G - back corner of lot looking at rear of the house



picture H - rear of lot - rear of house



picture I - front - looking directly at carport to enclose.



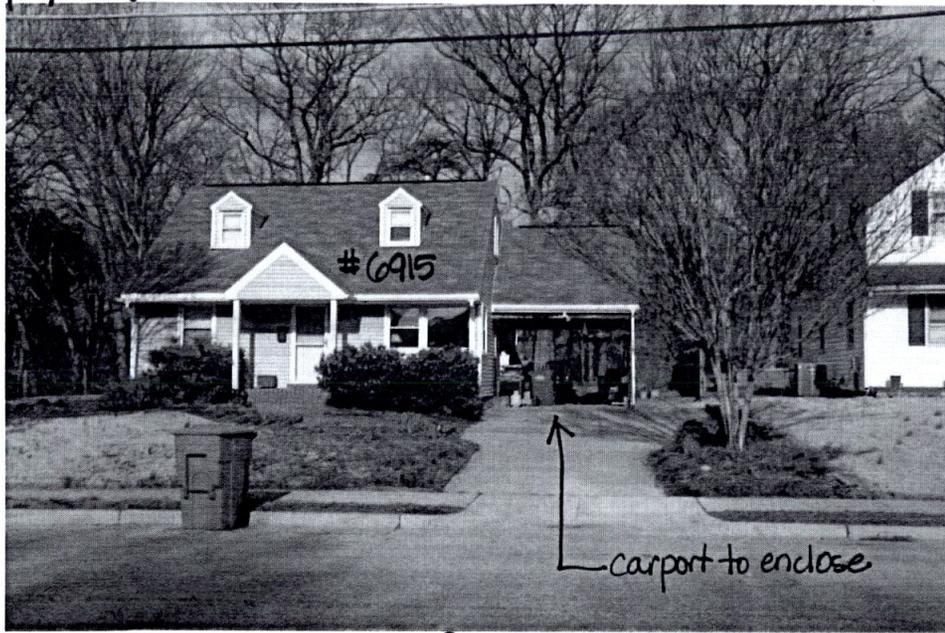
picture J - at the rear of the carport looking out to backyard



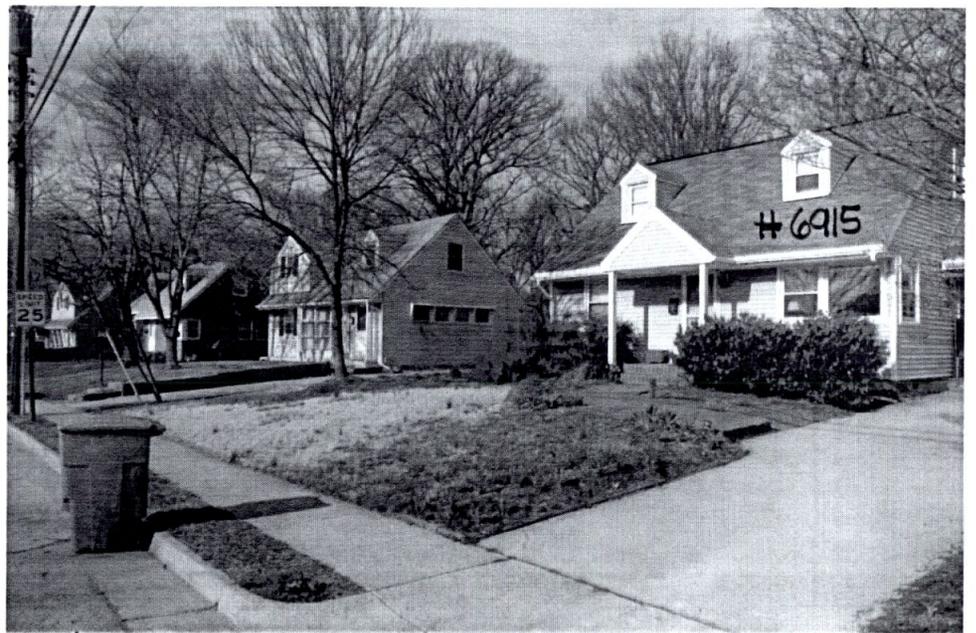
picture K - at rear of carport - looking thru to street.



picture L - rear corner of yard



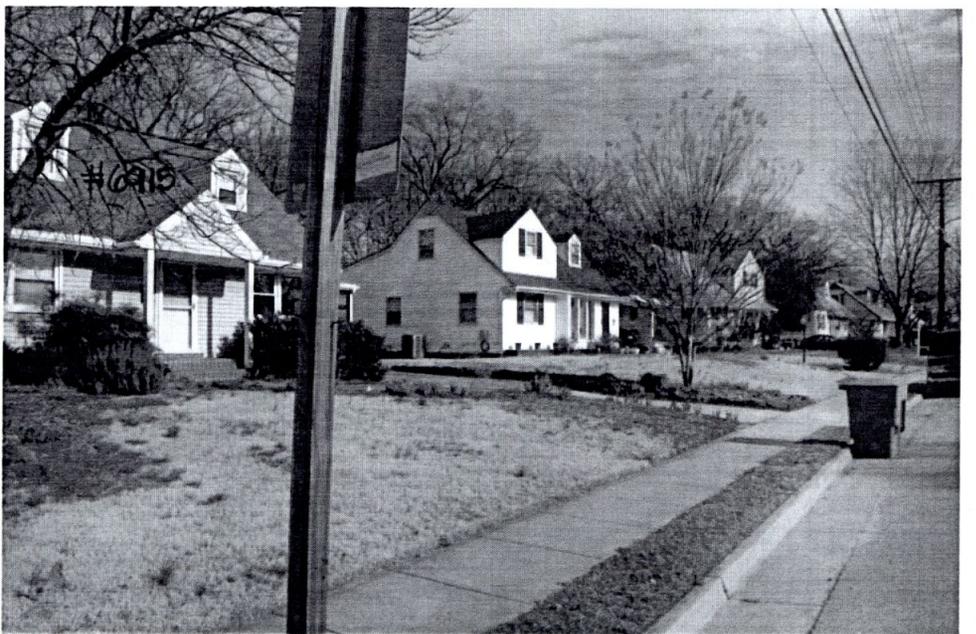
picture A - looking at the front of the house.



picture B - looking past house to the left side



picture C - looking into the side/rear yard from the front



picture D - looking past the house to the right



Rear of the house



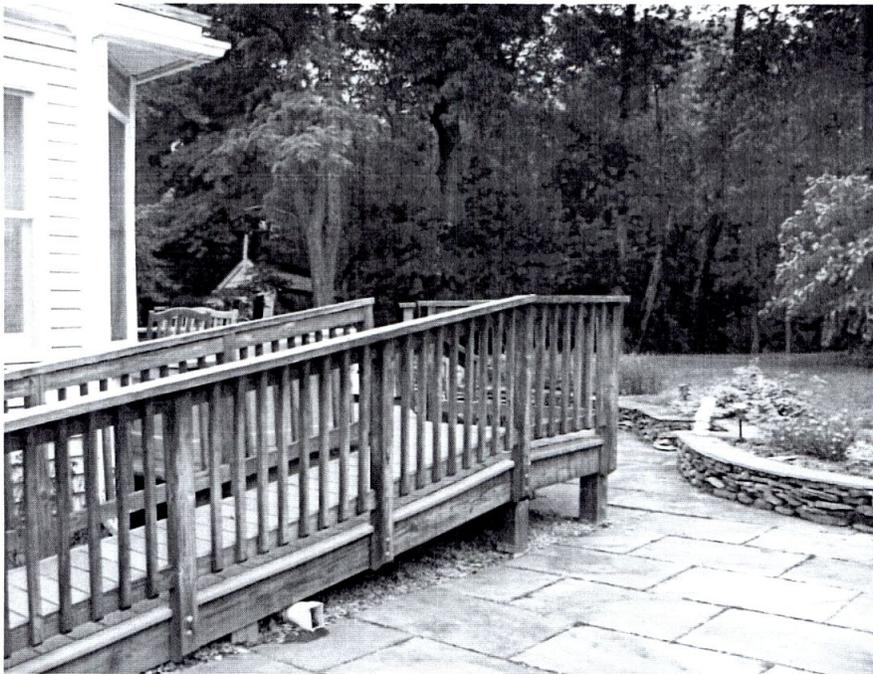
At the rear property line



Rear of house



Rear of house



At the end of the carport, looking to the rear yard.



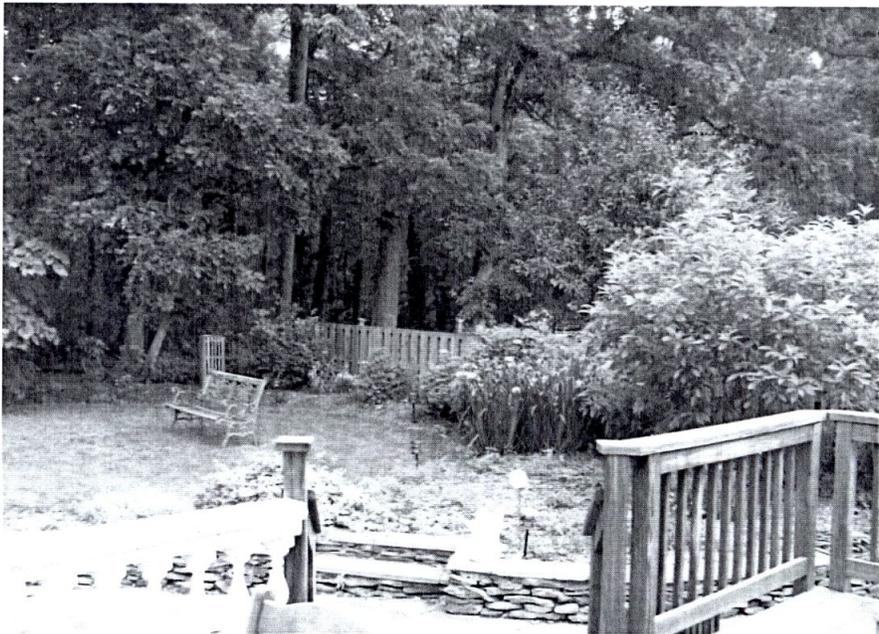
RECEIVED
Department of Planning & Zoning

JUN 14 2011

Zoning Evaluation Division



At the back of the house looking out to the rear property line



RECEIVED
Department of Planning & Zoning

JUN 14 2011

Zoning Evaluation Division

DESCRIPTION OF THE APPLICATIONS

The applicants are requesting approval of a special permit to permit reduction to minimum yard requirements based on errors in building locations to permit 1) an accessory storage structure (shed measuring approximately 13 feet in height) to remain 2.9 feet from the northern side lot line; and, 2) an existing deck (at-grade flagstone patio) to remain 2.0 feet from the southern side lot line. The Zoning Ordinance requires that an accessory storage structure, which measures over 8 ½ feet in height, must meet the minimum side yard requirements of the district.

	Structure	Yard	Min. Yard Req.*	Permitted Extension **	Permitted Yard	Structure Location	Amount of Error	Percent of Error
Special Permit	Shed	Side (north)	10.0 feet	N/A	N/A	2.9 feet	7.1 feet	71%
Special Permit	Deck/ Patio	Side (south)	10.0 feet	5.0 feet	5.0 feet	2.0 feet	3.0 feet	30%

*Minimum yard requirement per Section 3-407

**Permitted Extensions per Section 2-412

The applicants are also requesting approval of a special permit to permit the construction of an addition, specifically, the enclosure of an existing one-car carport into 260 square foot of additional interior space for their home. The addition is proposed to be located 7.0 feet to its eave from the southern side lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Side	10.0 feet	7.0 feet	3.0 feet	30%

*Minimum yard requirement per Section 3-407

EXISTING SITE DESCRIPTION

The 7,464 square foot lot is currently zoned R-4 and developed with a two-story, single-family detached dwelling which was constructed in 1950. A two-story addition located along a portion of the rear of the existing dwelling and an open carport were constructed by building permit in 1994. The rear yard contains an existing wood deck which was constructed by building permit in 2002. There is an at-grade flagstone patio which leads from the open carport into the rear yard and alongside the southern side lot line. A frame shed is located within the rear yard. The property is accessed via a concrete driveway from Quander Road which terminates at the existing one-car carport. The Mount Vernon Park is located along the property's rear lot line and is heavily wooded. There is existing mature vegetation consisting of trees and shrubs on the lot.

CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single Family Detached Dwellings
East	R-4	Fairfax County Park Authority – Mount Vernon Park
South	R-4	Single Family Detached Dwellings
West	R-4	Single Family Detached Dwellings

The dwelling on Lot 10 is located approximately 18 feet from the shared side lot line.

BACKGROUND

An Administrative Reduction of 2.8 feet to the minimum required front yard was forwarded to the Zoning Administration Division for their review and approval, as the reduction requested represents 9%. As of the date of this staff report publication, an official approval has not been granted. When the request is approved it will permit the existing covered front stoop to be located 27.2 feet to its eave from the front lot line instead of the required 30 feet.

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

- Special Permit SP 2009-MV-059 was approved on September 29, 2009 for Tax Map 93-1 ((23)) (9) 24, zoned R-4, at 6927 Duke Drive, to permit reduction of certain yard requirements to permit addition 5.8 feet from side lot line.

- Special Permit SP 2009-MV-025 was approved on June 30, 2009 for Tax Map 93-1 ((23)) (5) 19B, zoned R-4, at 2216 Dartmouth Drive, to permit reduction to minimum yard requirements based on error in building location to permit accessory structure to remain 2.3 feet from the side lot line and 3.2 feet from the rear lot line.
- Variance VC 2003-MV-084 was approved on July 30, 2003 for Tax Map 93-1 ((23)) (3) 21, zoned R-4, at 6732 Swarthmore Drive, to permit construction of addition 9.6 feet from side lot line.
- Variance VC 2003-MV-027 was approved on May 7, 2003 for Tax Map 93-1 ((23)) (14) 8, zoned R-4, at 7012 Colgate Drive, to permit construction of addition 7.9 feet from side lot line.

ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Plat, Showing the Location of the Dwelling on Lot 9, Block 7, Parcel 2, Section 4, Bucknell Manor
- **Prepared by:** Walter L. Ralph, Certified Land Surveyor on January 2, 1951, as revised through October 14, 2011, by Rebecca L.G. Bostick, Architect
- **Permits required:** Since the deck is an at-grade flagstone patio, a building permit is not required. A building permit is also not required for the 151 square foot accessory storage structure. Although the front covered stoop was constructed in 2000, according to County records, it appears that it was constructed without the benefit of obtaining applicable building permits; therefore, staff has included a development condition requiring the applicant obtain all applicable permits for the covered front stoop.
- **Errors made by:** The current homeowners.

Proposal:

The applicants propose to construct a 260 square foot addition by enclosing an existing carport. The addition as proposed will provide the applicants with interior space to accommodate an area for storage for the home and a utility/laundry room. The addition will be located within the same footprint of the existing one-car carport which has existed on the property since 1995.

The proposal also requests to permit an existing shed to remain 2.9 feet from the northern side lot line and an existing at-grade flagstone patio to remain 2.0 feet from the southern side lot line.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application for the proposed addition must meet all of the following standards, copies of which are attached as Appendix 4:

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *Sect. 8-922* Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets 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 by observation of the neighborhood through submitted photographs and through aerial images that the construction of the addition will not adversely affect the use or development of neighboring properties as a carport has existed in the same footprint since approximately 1995. Additionally, as noted under the Background section, since several additions have been approved by the BZA, this addition is in character with the properties and uses within the vicinity. Therefore, staff believes this standard has 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 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first 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 2,048 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,072 square feet in size for a possible total square footage at build out of 5,120. The proposed addition is 260 square feet, for a total square footage of the house with the addition of 2,308 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 addition will be compatible with the architecture of the existing dwelling on the lot. The roofline of the existing carport will not change with the enclosure creating the proposed addition. Therefore, staff believes the addition will be in character with existing on-site development and therefore the application meets 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 applicants propose to enclose an existing one-car carport to create additional interior space for their home to provide additional storage and a utility/laundry room. The addition will not extend beyond the footprint of the existing carport in terms of its location, height, bulk and scale and no vegetation is proposed to be removed to accommodate the addition as proposed. Therefore, staff believes the addition will be harmonious with surrounding off-site uses and meets 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. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the construction of a 260 square foot addition by enclosing an existing one-car carport will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety, as it will be placed where there currently exists an open carport. Staff believes the request will not increase runoff or erosion significantly as the area currently has existing structures. Staff believes that the application meets 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. *With regard to the carport enclosure, staff believes the request to construct the addition is shown in the most logical location, as it will be placed where a structure has existing on the property since approximately 1995 and will not extend beyond the footprint of the area of the carport. Additionally, as noted in the applicants' statement of justification, the lot contains 7,464 square feet in lot area and has a lot width ranging from 58 to 66 feet, where 8,400 square feet is the minimum lot area and 70 feet is the minimum lot width for this District. Therefore, staff believes the request is minimal and the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas are not applicable to this site.*

CONCLUSION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2011-MV-077 for an addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

APPENDICES

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

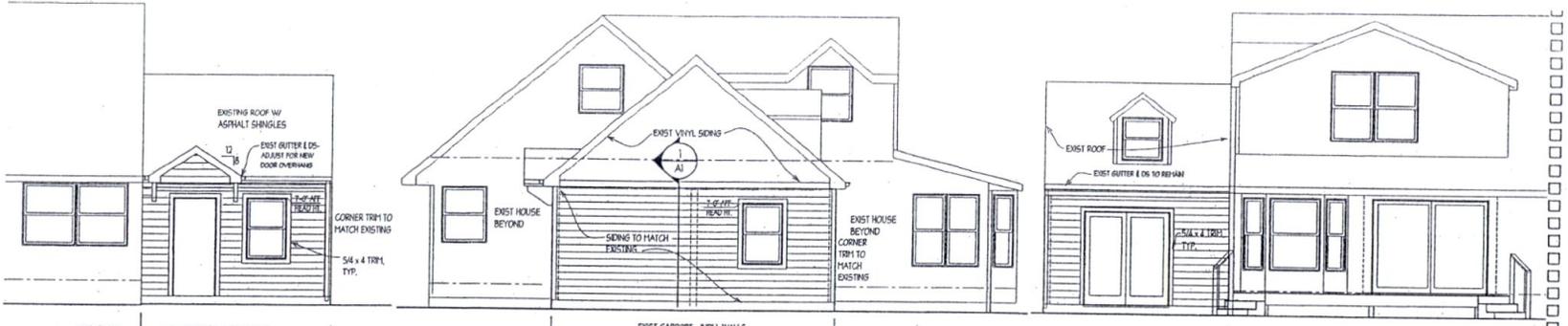
PROPOSED DEVELOPMENT CONDITIONS**SP 2011-MV-077****October 19, 2011**

If it is the intent of the Board of Zoning Appeals to approve SP 2011-MV-077 located at Tax Map 93-1 ((23)) (7) 9 to permit reduction of minimum and certain 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 an accessory storage structure (shed) and deck (flagstone patio) and the location and size of an addition (260 square feet), as shown on the plat prepared Walter L. Ralph, Certified Land Surveyor on January 2, 1951, as revised through October 14, 2011, by Rebecca L.G. Bostick, Architect, as 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 (2,048 square feet existing + 3,072 square feet (150%) = 5,120 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 addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. All applicable permits shall be obtained for the existing covered front stoop.

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.



(A) FRONT ELEVATION 10x11'-0"
(B) END ELEVATION 10x11'-0"
(C) REAR ELEVATION 10x11'-0"

SPECIFICATIONS

- SECTION 1 - GENERAL REQUIREMENTS**
 1.1 Work performed shall comply with the following: These general notes, items, and specifications in the set of drawings, 2009 IRC, International Residential Code, all applicable local and state codes, regulations, ordinances, and all applicable building authorities.
 1.2 The contractor shall provide all address markings. The Contractor shall be bound to perform in full compliance with manufacturer's specifications and other recommendations and industry practices.
 1.3 The Contractor shall maintain the job site neat and orderly. The Contractor shall remove the existing house and landscaping and shall repair any damage caused by its operation.
 1.4 The existing house shall remain occupied during construction. The Contractor shall bring the house to a ready-to-occupy and secure condition at all times.
 1.5 The Contractor shall verify all field conditions and dimensions after the start of work. The Contractor shall document and coordinate all drawings with field conditions. Any discrepancies shall be reported to the Architect before proceeding. DO NOT SCALE DRAWINGS.
 1.6 The Architect reserves the right to change or eliminate items from the contract documents without additional notice. The Architect will not be responsible for any changes or omissions from the contract documents without additional notice. The Contractor shall verify all field conditions and dimensions after the start of work. The Contractor shall document and coordinate all drawings with field conditions. Any discrepancies shall be reported to the Architect before proceeding. DO NOT SCALE DRAWINGS.
 1.7 The Architect reserves the right to change or eliminate items from the contract documents without additional notice. The Architect will not be responsible for any changes or omissions from the contract documents without additional notice. The Contractor shall verify all field conditions and dimensions after the start of work. The Contractor shall document and coordinate all drawings with field conditions. Any discrepancies shall be reported to the Architect before proceeding. DO NOT SCALE DRAWINGS.
 1.8 The Contractor shall verify all field conditions and dimensions after the start of work. The Contractor shall document and coordinate all drawings with field conditions. Any discrepancies shall be reported to the Architect before proceeding. DO NOT SCALE DRAWINGS.
 1.9 The Contractor shall verify all field conditions and dimensions after the start of work. The Contractor shall document and coordinate all drawings with field conditions. Any discrepancies shall be reported to the Architect before proceeding. DO NOT SCALE DRAWINGS.
 1.10 The Contractor shall verify all field conditions and dimensions after the start of work. The Contractor shall document and coordinate all drawings with field conditions. Any discrepancies shall be reported to the Architect before proceeding. DO NOT SCALE DRAWINGS.
- SECTION 2 - ROOF**
 2.1 Storage of Construction Materials: Stored and other nearby items shall not be stored in the existing house without approval from the Owner. Protection of existing house to be.
 2.2 All debris and excess waste material shall be disposed of off-site in accordance with all codes and ordinances. Site shall be left in a properly graded, leveled condition.
 2.3 Existing existing shall be based on existing and provide protection per drawings. Coordinate with the Owner and Utility Companies for availability and construction sequence. Call 811 (TYP) if different lines are encountered.
- SECTION 3 - CONCRETE - HOT MIX**
 3.1 Material: Type II or III concrete, 28-day strength, 4,000 PSI. All materials shall conform to applicable specifications. (ACI 308.1, 308.2, 308.3, 308.4, 308.5, 308.6, 308.7, 308.8, 308.9, 308.10, 308.11, 308.12, 308.13, 308.14, 308.15, 308.16, 308.17, 308.18, 308.19, 308.20, 308.21, 308.22, 308.23, 308.24, 308.25, 308.26, 308.27, 308.28, 308.29, 308.30, 308.31, 308.32, 308.33, 308.34, 308.35, 308.36, 308.37, 308.38, 308.39, 308.40, 308.41, 308.42, 308.43, 308.44, 308.45, 308.46, 308.47, 308.48, 308.49, 308.50, 308.51, 308.52, 308.53, 308.54, 308.55, 308.56, 308.57, 308.58, 308.59, 308.60, 308.61, 308.62, 308.63, 308.64, 308.65, 308.66, 308.67, 308.68, 308.69, 308.70, 308.71, 308.72, 308.73, 308.74, 308.75, 308.76, 308.77, 308.78, 308.79, 308.80, 308.81, 308.82, 308.83, 308.84, 308.85, 308.86, 308.87, 308.88, 308.89, 308.90, 308.91, 308.92, 308.93, 308.94, 308.95, 308.96, 308.97, 308.98, 308.99, 308.100, 308.101, 308.102, 308.103, 308.104, 308.105, 308.106, 308.107, 308.108, 308.109, 308.110, 308.111, 308.112, 308.113, 308.114, 308.115, 308.116, 308.117, 308.118, 308.119, 308.120, 308.121, 308.122, 308.123, 308.124, 308.125, 308.126, 308.127, 308.128, 308.129, 308.130, 308.131, 308.132, 308.133, 308.134, 308.135, 308.136, 308.137, 308.138, 308.139, 308.140, 308.141, 308.142, 308.143, 308.144, 308.145, 308.146, 308.147, 308.148, 308.149, 308.150, 308.151, 308.152, 308.153, 308.154, 308.155, 308.156, 308.157, 308.158, 308.159, 308.160, 308.161, 308.162, 308.163, 308.164, 308.165, 308.166, 308.167, 308.168, 308.169, 308.170, 308.171, 308.172, 308.173, 308.174, 308.175, 308.176, 308.177, 308.178, 308.179, 308.180, 308.181, 308.182, 308.183, 308.184, 308.185, 308.186, 308.187, 308.188, 308.189, 308.190, 308.191, 308.192, 308.193, 308.194, 308.195, 308.196, 308.197, 308.198, 308.199, 308.200, 308.201, 308.202, 308.203, 308.204, 308.205, 308.206, 308.207, 308.208, 308.209, 308.210, 308.211, 308.212, 308.213, 308.214, 308.215, 308.216, 308.217, 308.218, 308.219, 308.220, 308.221, 308.222, 308.223, 308.224, 308.225, 308.226, 308.227, 308.228, 308.229, 308.230, 308.231, 308.232, 308.233, 308.234, 308.235, 308.236, 308.237, 308.238, 308.239, 308.240, 308.241, 308.242, 308.243, 308.244, 308.245, 308.246, 308.247, 308.248, 308.249, 308.250, 308.251, 308.252, 308.253, 308.254, 308.255, 308.256, 308.257, 308.258, 308.259, 308.260, 308.261, 308.262, 308.263, 308.264, 308.265, 308.266, 308.267, 308.268, 308.269, 308.270, 308.271, 308.272, 308.273, 308.274, 308.275, 308.276, 308.277, 308.278, 308.279, 308.280, 308.281, 308.282, 308.283, 308.284, 308.285, 308.286, 308.287, 308.288, 308.289, 308.290, 308.291, 308.292, 308.293, 308.294, 308.295, 308.296, 308.297, 308.298, 308.299, 308.300, 308.301, 308.302, 308.303, 308.304, 308.305, 308.306, 308.307, 308.308, 308.309, 308.310, 308.311, 308.312, 308.313, 308.314, 308.315, 308.316, 308.317, 308.318, 308.319, 308.320, 308.321, 308.322, 308.323, 308.324, 308.325, 308.326, 308.327, 308.328, 308.329, 308.330, 308.331, 308.332, 308.333, 308.334, 308.335, 308.336, 308.337, 308.338, 308.339, 308.340, 308.341, 308.342, 308.343, 308.344, 308.345, 308.346, 308.347, 308.348, 308.349, 308.350, 308.351, 308.352, 308.353, 308.354, 308.355, 308.356, 308.357, 308.358, 308.359, 308.360, 308.361, 308.362, 308.363, 308.364, 308.365, 308.366, 308.367, 308.368, 308.369, 308.370, 308.371, 308.372, 308.373, 308.374, 308.375, 308.376, 308.377, 308.378, 308.379, 308.380, 308.381, 308.382, 308.383, 308.384, 308.385, 308.386, 308.387, 308.388, 308.389, 308.390, 308.391, 308.392, 308.393, 308.394, 308.395, 308.396, 308.397, 308.398, 308.399, 308.400, 308.401, 308.402, 308.403, 308.404, 308.405, 308.406, 308.407, 308.408, 308.409, 308.410, 308.411, 308.412, 308.413, 308.414, 308.415, 308.416, 308.417, 308.418, 308.419, 308.420, 308.421, 308.422, 308.423, 308.424, 308.425, 308.426, 308.427, 308.428, 308.429, 308.430, 308.431, 308.432, 308.433, 308.434, 308.435, 308.436, 308.437, 308.438, 308.439, 308.440, 308.441, 308.442, 308.443, 308.444, 308.445, 308.446, 308.447, 308.448, 308.449, 308.450, 308.451, 308.452, 308.453, 308.454, 308.455, 308.456, 308.457, 308.458, 308.459, 308.460, 308.461, 308.462, 308.463, 308.464, 308.465, 308.466, 308.467, 308.468, 308.469, 308.470, 308.471, 308.472, 308.473, 308.474, 308.475, 308.476, 308.477, 308.478, 308.479, 308.480, 308.481, 308.482, 308.483, 308.484, 308.485, 308.486, 308.487, 308.488, 308.489, 308.490, 308.491, 308.492, 308.493, 308.494, 308.495, 308.496, 308.497, 308.498, 308.499, 308.500, 308.501, 308.502, 308.503, 308.504, 308.505, 308.506, 308.507, 308.508, 308.509, 308.510, 308.511, 308.512, 308.513, 308.514, 308.515, 308.516, 308.517, 308.518, 308.519, 308.520, 308.521, 308.522, 308.523, 308.524, 308.525, 308.526, 308.527, 308.528, 308.529, 308.530, 308.531, 308.532, 308.533, 308.534, 308.535, 308.536, 308.537, 308.538, 308.539, 308.540, 308.541, 308.542, 308.543, 308.544, 308.545, 308.546, 308.547, 308.548, 308.549, 308.550, 308.551, 308.552, 308.553, 308.554, 308.555, 308.556, 308.557, 308.558, 308.559, 308.560, 308.561, 308.562, 308.563, 308.564, 308.565, 308.566, 308.567, 308.568, 308.569, 308.570, 308.571, 308.572, 308.573, 308.574, 308.575, 308.576, 308.577, 308.578, 308.579, 308.580, 308.581, 308.582, 308.583, 308.584, 308.585, 308.586, 308.587, 308.588, 308.589, 308.590, 308.591, 308.592, 308.593, 308.594, 308.595, 308.596, 308.597, 308.598, 308.599, 308.600, 308.601, 308.602, 308.603, 308.604, 308.605, 308.606, 308.607, 308.608, 308.609, 308.610, 308.611, 308.612, 308.613, 308.614, 308.615, 308.616, 308.617, 308.618, 308.619, 308.620, 308.621, 308.622, 308.623, 308.624, 308.625, 308.626, 308.627, 308.628, 308.629, 308.630, 308.631, 308.632, 308.633, 308.634, 308.635, 308.636, 308.637, 308.638, 308.639, 308.640, 308.641, 308.642, 308.643, 308.644, 308.645, 308.646, 308.647, 308.648, 308.649, 308.650, 308.651, 308.652, 308.653, 308.654, 308.655, 308.656, 308.657, 308.658, 308.659, 308.660, 308.661, 308.662, 308.663, 308.664, 308.665, 308.666, 308.667, 308.668, 308.669, 308.670, 308.671, 308.672, 308.673, 308.674, 308.675, 308.676, 308.677, 308.678, 308.679, 308.680, 308.681, 308.682, 308.683, 308.684, 308.685, 308.686, 308.687, 308.688, 308.689, 308.690, 308.691, 308.692, 308.693, 308.694, 308.695, 308.696, 308.697, 308.698, 308.699, 308.700, 308.701, 308.702, 308.703, 308.704, 308.705, 308.706, 308.707, 308.708, 308.709, 308.710, 308.711, 308.712, 308.713, 308.714, 308.715, 308.716, 308.717, 308.718, 308.719, 308.720, 308.721, 308.722, 308.723, 308.724, 308.725, 308.726, 308.727, 308.728, 308.729, 308.730, 308.731, 308.732, 308.733, 308.734, 308.735, 308.736, 308.737, 308.738, 308.739, 308.740, 308.741, 308.742, 308.743, 308.744, 308.745, 308.746, 308.747, 308.748, 308.749, 308.750, 308.751, 308.752, 308.753, 308.754, 308.755, 308.756, 308.757, 308.758, 308.759, 308.760, 308.761, 308.762, 308.763, 308.764, 308.765, 308.766, 308.767, 308.768, 308.769, 308.770, 308.771, 308.772, 308.773, 308.774, 308.775, 308.776, 308.777, 308.778, 308.779, 308.780, 308.781, 308.782, 308.783, 308.784, 308.785, 308.786, 308.787, 308.788, 308.789, 308.790, 308.791, 308.792, 308.793, 308.794, 308.795, 308.796, 308.797, 308.798, 308.799, 308.800, 308.801, 308.802, 308.803, 308.804, 308.805, 308.806, 308.807, 308.808, 308.809, 308.810, 308.811, 308.812, 308.813, 308.814, 308.815, 308.816, 308.817, 308.818, 308.819, 308.820, 308.821, 308.822, 308.823, 308.824, 308.825, 308.826, 308.827, 308.828, 308.829, 308.830, 308.831, 308.832, 308.833, 308.834, 308.835, 308.836, 308.837, 308.838, 308.839, 308.840, 308.841, 308.842, 308.843, 308.844, 308.845, 308.846, 308.847, 308.848, 308.849, 308.850, 308.851, 308.852, 308.853, 308.854, 308.855, 308.856, 308.857, 308.858, 308.859, 308.860, 308.861, 308.862, 308.863, 308.864, 308.865, 308.866, 308.867, 308.868, 308.869, 308.870, 308.871, 308.872, 308.873, 308.874, 308.875, 308.876, 308.877, 308.878, 308.879, 308.880, 308.881, 308.882, 308.883, 308.884, 308.885, 308.886, 308.887, 308.888, 308.889, 308.890, 308.891, 308.892, 308.893, 308.894, 308.895, 308.896, 308.897, 308.898, 308.899, 308.900, 308.901, 308.902, 308.903, 308.904, 308.905, 308.906, 308.907, 308.908, 308.909, 308.910, 308.911, 308.912, 308.913, 308.914, 308.915, 308.916, 308.917, 308.918, 308.919, 308.920, 308.921, 308.922, 308.923, 308.924, 308.925, 308.926, 308.927, 308.928, 308.929, 308.930, 308.931, 308.932, 308.933, 308.934, 308.935, 308.936, 308.937, 308.938, 308.939, 308.940, 308.941, 308.942, 308.943, 308.944, 308.945, 308.946, 308.947, 308.948, 308.949, 308.950, 308.951, 308.952, 308.953, 308.954, 308.955, 308.956, 308.957, 308.958, 308.959, 308.960, 308.961, 308.962, 308.963, 308.964, 308.965, 308.966, 308.967, 308.968, 308.969, 308.970, 308.971, 308.972, 308.973, 308.974, 308.975, 308.976, 308.977, 308.978, 308.979, 308.980, 308.981, 308.982, 308.983, 308.984, 308.985, 308.986, 308.987, 308.988, 308.989, 308.990, 308.991, 308.992, 308.993, 308.994, 308.995, 308.996, 308.997, 308.998, 308.999, 309.000, 309.001, 309.002, 309.003, 309.004, 309.005, 309.006, 309.007, 309.008, 309.009, 309.010, 309.011, 309.012, 309.013, 309.014, 309.015, 309.016, 309.017, 309.018, 309.019, 309.020, 309.021, 309.022, 309.023, 309.024, 309.025, 309.026, 309.027, 309.028, 309.029, 309.030, 309.031, 309.032, 309.033, 309.034, 309.035, 309.036, 309.037, 309.038, 309.039, 309.040, 309.041, 309.042, 309.043, 309.044, 309.045, 309.046, 309.047, 309.048, 309.049, 309.050, 309.051, 309.052, 309.053, 309.054, 309.055, 309.056, 309.057, 309.058, 309.059, 309.060, 309.061, 309.062, 309.063, 309.064, 309.065, 309.066, 309.067, 309.068, 309.069, 309.070, 309.071, 309.072, 309.073, 309.074, 309.075, 309.076, 309.077, 309.078, 309.079, 309.080, 309.081, 309.082, 309.083, 309.084, 309.085, 309.086, 309.087, 309.088, 309.089, 309.090, 309.091, 309.092, 309.093, 309.094, 309.095, 309.096, 309.097, 309.098, 309.099, 309.100, 309.101, 309.102, 309.103, 309.104, 309.105, 309.106, 309.107, 309.108, 309.109, 309.110, 309.111, 309.112, 309.113, 309.114, 309.115, 309.116, 309.117, 309.118, 309.119, 309.120, 309.121, 309.122, 309.123, 309.124, 309.125, 309.126, 309.127, 309.128, 309.129, 309.130, 309.131, 309.132, 309.133, 309.134, 309.135, 309.136, 309.137, 309.138, 309.139, 309.140, 309.141, 309.142, 309.143, 309.144, 309.145, 309.146, 309.147, 309.148, 309.149, 309.150, 309.151, 309.152, 309.153, 309.154, 309.155, 309.156, 309.157, 309.158, 309.159, 309.160, 309.161, 309.162, 309.163, 309.164, 309.165, 309.166, 309.167, 309.168, 309.169, 309.170, 309.171, 309.172, 309.173, 309.174, 309.175, 309.176, 309.177, 309.178, 309.179, 309.180, 309.181, 309.182, 309.183, 309.184, 309.185, 309.186, 309.187, 309.188, 309.189, 309.190, 309.191, 309.192, 309.193, 309.194, 309.195, 309.196, 309.197, 309.198, 309.199, 309.200, 309.201, 309.202, 309.203, 309.204, 309.205, 309.206, 309.207, 309.208, 309.209, 309.210, 309.211, 309.212, 309.213, 309.214, 309.215, 309.216, 309.217, 309.218, 309.219, 309.220, 309.221, 309.222, 309.223, 309.224, 309.225, 309.226, 309.227, 309.228, 309.229, 309.230, 309.23

Application No.(s): SP 2011-MV-077
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/21/11
 (enter date affidavit is notarized)

I, Julia A. Trotter, 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 111783

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)
Julia A. Trotter	6915 Quander Road Alexandria VA 22307	Applicant/Owner
James E. Fortmuller	6915 Quander Road Alexandria VA 22307	Applicant/Owner

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

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

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

Application No.(s): SP 2011-MV-077
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/21/11
(enter date affidavit is notarized)

111783

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)

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-MV-077
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/21/11
(enter date affidavit is notarized)

111783

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): SP 2011-MV-077
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/21/11
(enter date affidavit is notarized)

111783

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

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

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

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

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

None

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

Application No.(s): SP 2011-MV-077
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/21/11
(enter date affidavit is notarized)

11783

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

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

NONE

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

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

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

WITNESS the following signature:

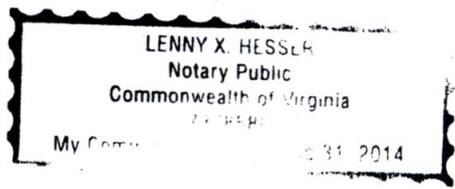
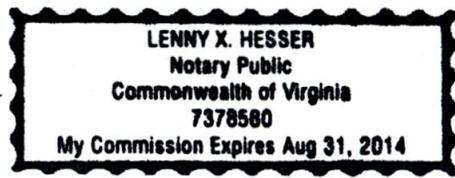
(check one) Applicant Applicant's Authorized Agent

Julia A. Trotter
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this April day of 21st 2011, in the State/Comm. of Virginia, County/City of Alexandria

[Signature]
Notary Public

My commission expires: Aug 31, 2014



RECEIVED
Department of Planning & Zoning

AUG 18 2011

Zoning Evaluation Division

Statement of Justification
6915 Quander Rd, Alexandria, VA 22307

**A. Special Permit to Infill Existing Carport Structure
Reduction of 10' Side Yard to 7' Requested**

1. This special permit application is to infill an existing carport structure to create interior living space. **A reduction of 10' side yard to 7' is requested.** The structure (concrete floor, posts and beams, and roof) is existing and the new walls will align with the existing.

A. – F. This is a residential site. Type of operation, hours of operation, patrons, employees, traffic impact, storage of hazardous or toxic substances are not applicable to this project.

G. The carport addition is designed to blend into the existing house. Since the roof line is existing, the walls will match the existing house, siding and any windows will match existing. See drawings included with this submission.

H. This is a residential site and hazardous or toxic substances are not applicable to this project.

I. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, including the International Residential Code. The only exception is the side yard set-back limit being requested herein this special permit.

8-922- Provisions for Reduction of Certain yard Requirements

922.01 The minimum side yard being requested to be reduced is not subject to development conditions. The set-back is 10' and this request is to reduce this set-back to 7' set-back. This does not exceed 50% of set-back limit.

922.02 This reduction will not result in anything being placed in the front yard set-back.

922.03 This lot has a principal structure and complied with the set-backs when this structure was originally constructed. The carport was constructed within set-backs for a carport structure.

922.04 The existing gross floor area is approximately 2048 square feet, not including the carport. Enclosing the carport makes the proposed gross floor area is 2380 square feet, a 13% increase.

922.05 & .06 The addition will be subordinate to the primary house, just similar in size and character, height and bulk, and scale of the existing house on the site.

922.07 This design is in compliance and harmony with the requirements of this neighborhood, in scale, look, height, and details.

922.08 This new addition will have minimal impact on the surrounding neighbors as the roof structure currently exists. There will be no changes to the slope of the ground, again the concrete slab is existing, and grades will not be changed, thus minimal changes to the storm water. Downspouts currently spill on grade. With the lot having a very slight slope, no erosion will occur on this property or any other neighbor's property.

922.09 There is no floodplain, no steep slopes, no resource protection area, no well or septic, no easements, no preservation of historic resources, no significant (or insignificant) trees to protect.

922.11 Plat is attached with items listed.

922.12 Architectural drawings and pictures are attached.

B. Special Permit for Reduction of Side Yard Requirements Based on Error in Building Location

Reduction of 10' Side Yard to 2.9' Requested

1. This special permit application is to reduce the minimum yard requirements based on an error in building location, specifically an existing shed that was constructed by the owners in the backyard of their property ten years ago.

How the Error Occurred: In 1998, owners built a free standing storage shed on concrete blocks in their back yard. The shed measures 12'4" by 12'4" with a height of 13'7". It sits 2.9' feet from the north side yard of the property. The shed was built solely by the owners and there were no subcontractors or builders involved. Because several properties in the area have large sheds in their back yards, some of which are close to the side yards, the owners believed that they were complying with any existing county ordinances.

Several years later, when deciding to pursue a special permit to enclose their carport, the owners became aware that their free standing shed was in violation of Fairfax County side yard requirements. Specifically, because the shed is taller than 8 ½ feet, it may not be located closer than the required side yard setback for the lot, which is 10 feet.

The construction was done in good faith and the owners were not aware that the shed was in violation of minimum side yard requirements. **A reduction of 10' side yard to 2.9' is requested.**

A. – F. This is a residential site. Type of operation, hours of operation, patrons, employees, traffic impact, storage of hazardous or toxic substances are not applicable to this project.

G. The existing shed blends into the existing property. The siding matches the existing house. See photographs included with this admission.

H. This is a residential site and hazardous or toxic substances are not applicable to this project.

I. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, including the International Residential Code. The only exception is the side yard set-back limit being requested herein this special permit.

8-914- Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

914.1 Plat is attached with items listed.

914.2

A. The error exceeds ten (10) percent of the measurement involved. Side yard requirements are 10 feet, and the current structure comes within 2.9' feet of the side yard.

B. The noncompliance was done in good faith. The owners, seeing that several houses on the street have free standing large sheds in their back yards, some of which appear to be closer than 10 feet from the side yard of the property lines, believed that building such a shed in their back yard would not be in violation of Fairfax County regulations. Only upon starting the process of obtaining a special permit to enclose their carport did the owners discover that the shed was in violation of the regulations.

C. Such reduction will not impair the purpose and intent of this Ordinance. The subject property is designated R-4, Residential. R-4 properties are defined as having 8,400 square feet. The Ordinance was intended to ensure an adequate amount of yardage between structures on adjoining properties. However, the ordinance providing for 10' side yard minimums also presumes a minimal property square footage of 8,400 feet and a minimum lot width of 70 feet. The subject property is only 7,464 square feet and its width ranges from 58.44 feet to 65.97 feet. Applying the current side yard requirements to this property would cause an undue hardship as it gives the owners less yard to work with.

D. The reduction will not be detrimental to the use and enjoyment of other property in the immediate vicinity. No neighbors have complained that the use and enjoyment of their property has in any way been affected by the existence of the shed.

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

F. Forcing compliance with the minimum yard requirements would cause unreasonable hardship upon the owners, who will be forced to relocate it at considerable expense.

G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

C. Special Permit for Reduction of Front Yard Requirements Based on Error in Building Location

Reduction of 30' Front Yard to 27.2' Requested

1. This special permit application is to reduce the minimum yard requirements based on an error in building location, specifically an existing front door covered stoop that was constructed by the owners more than ten years ago.

How the Error Occurred: In 2000, owners built a front door covered stoop in connection with a brick path to their front door. The covered stoop is 27.2 feet from the front lot line of the property. The stoop was built by a bricklayer contracted by the owners.

Several years later, when deciding to pursue a special permit to enclose their carport, the owners became aware that their stoop was in violation of Fairfax County side yard requirements. Specifically, because the stoop is located 27.2 feet from the front lot line, it is closer than the required front yard setback for the lot, which is 30 feet.

The construction was done in good faith and the owners were not aware that the stoop was in violation of minimum front yard requirements. **A reduction of 30' front yard to 27.2' is requested.**

A. – F. This is a residential site. Type of operation, hours of operation, patrons, employees, traffic impact, storage of hazardous or toxic substances are not applicable to this project.

G. The stoop blends into the existing property.

H. This is a residential site and hazardous or toxic substances are not applicable to this project.

I. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, including the International Residential Code. The only exception is the front yard set-back limit being requested herein this special permit.

8-915- Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

914.3 Plat is attached with items listed.

914.4

A. The error does not exceed ten (10) percent of the measurement involved. Front yard requirements are 30 feet, and the current structure comes within 27.2 feet of the front yard.

B. The noncompliance was done in good faith. Only upon starting the process of obtaining a special permit to enclose their carport did the owners discover that the front stoop was in violation of the regulations.

C. Such reduction will not impair the purpose and intent of this Ordinance.

D. The reduction will not be detrimental to the use and enjoyment of other property in the immediate vicinity. No neighbors have complained that the use and enjoyment of their property has in any way been affected by the existence of the stoop.

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

F. Forcing compliance with the minimum yard requirements would cause unreasonable hardship upon the owners, who will be forced to remove it at considerable expense.

G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

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.