



APPLICATION ACCEPTED: October 14, 2011
DATE OF PUBLIC HEARING: December 14, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

December 7, 2011

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-SP-092

SPRINGFIELD DISTRICT

APPLICANTS/OWNERS: Jong Yeol Na
Kyung H. Na

LOCATION: 9723 Thorn Bush Drive, Fairfax Station, 22039

SUBDIVISION: The Estates at Roseland

TAX MAP: 97-3 ((15)) 51A

LOT SIZE: 5.27 acres

ZONING: R-C and WS

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to the minimum yard requirements based on error in building location to permit accessory structure to remain 13.8 feet with eave 12.7 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.

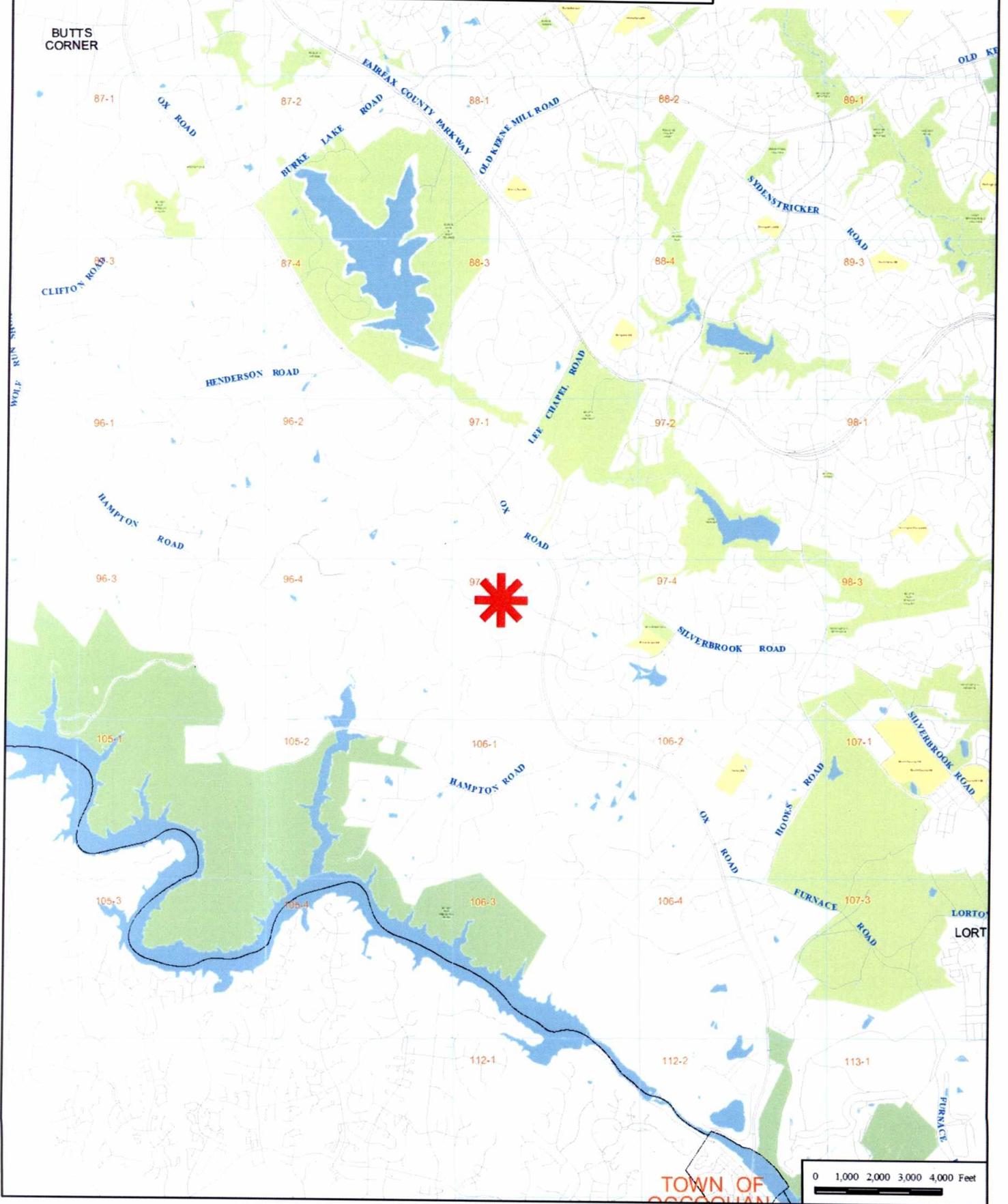
O:\dhedr\Special Permits\12-14) SP 2011-SP-092 Na (error)\SP 2011-SP-092 Na staff report.doc Deborah Hedrick

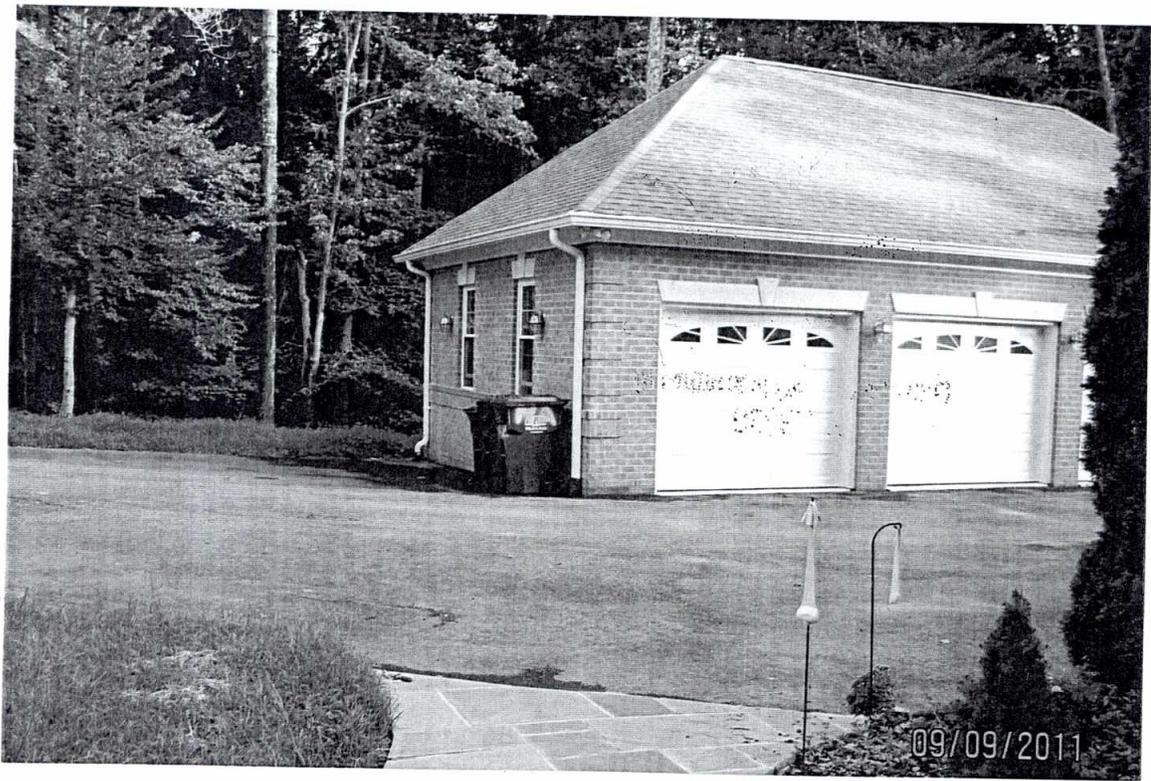
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



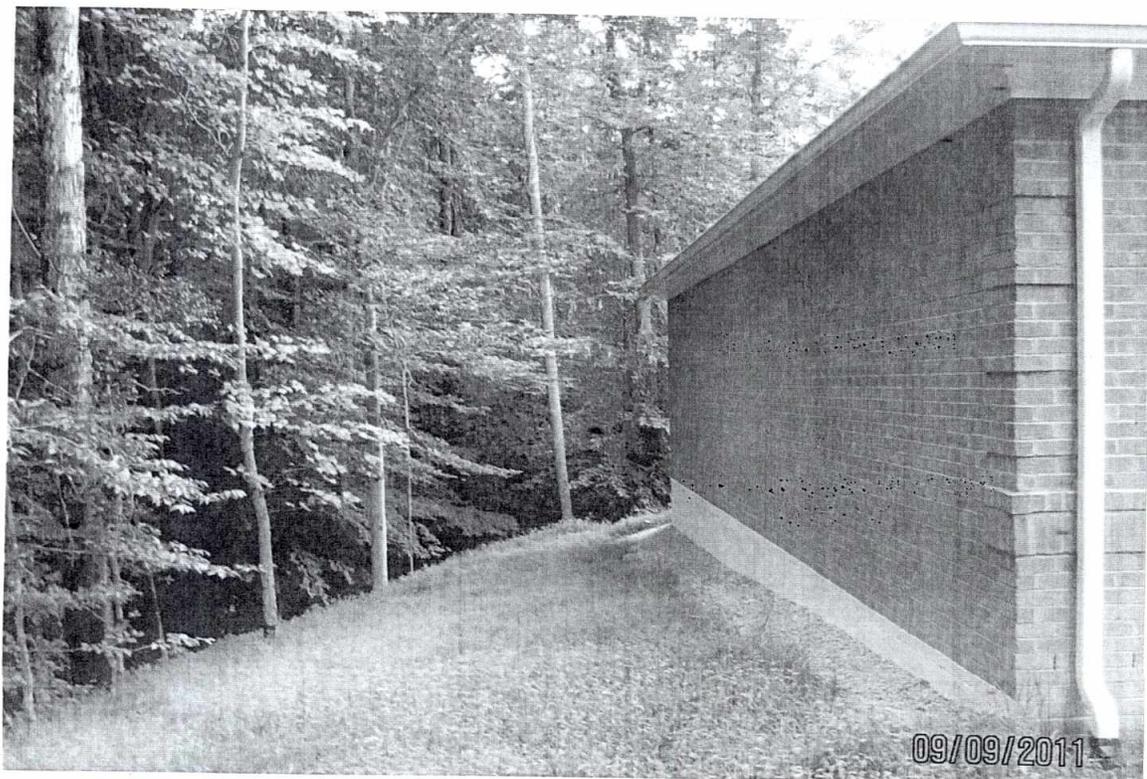
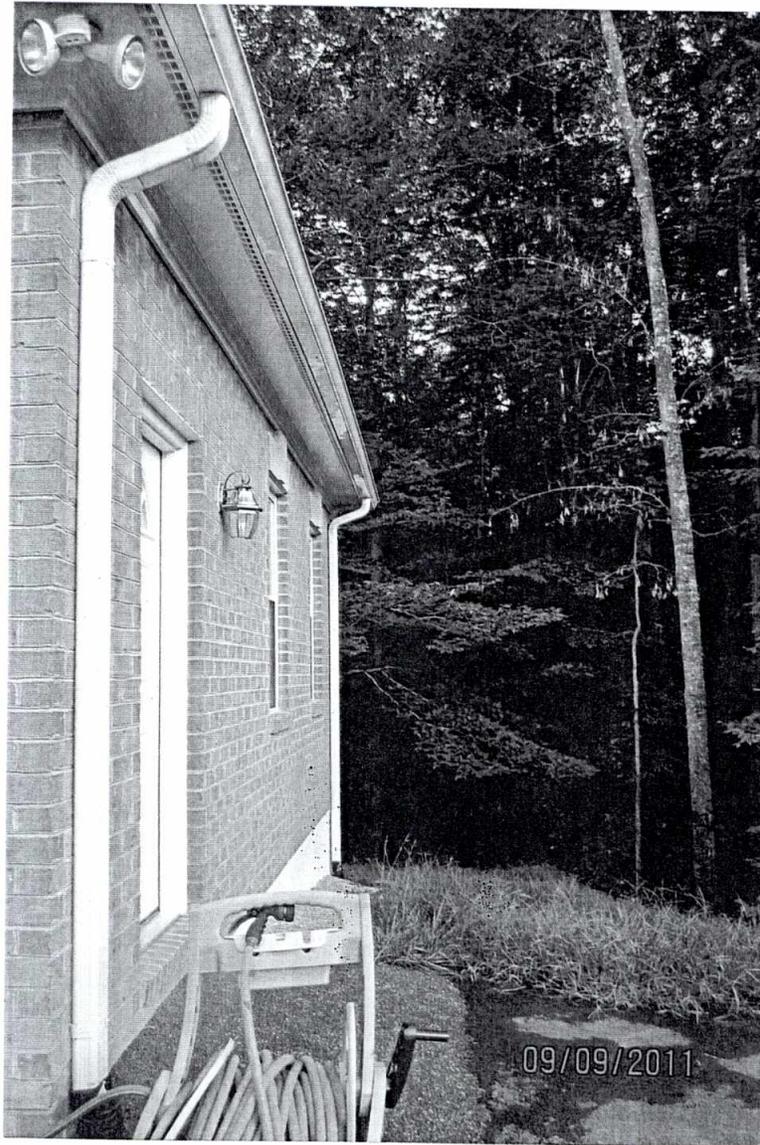
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

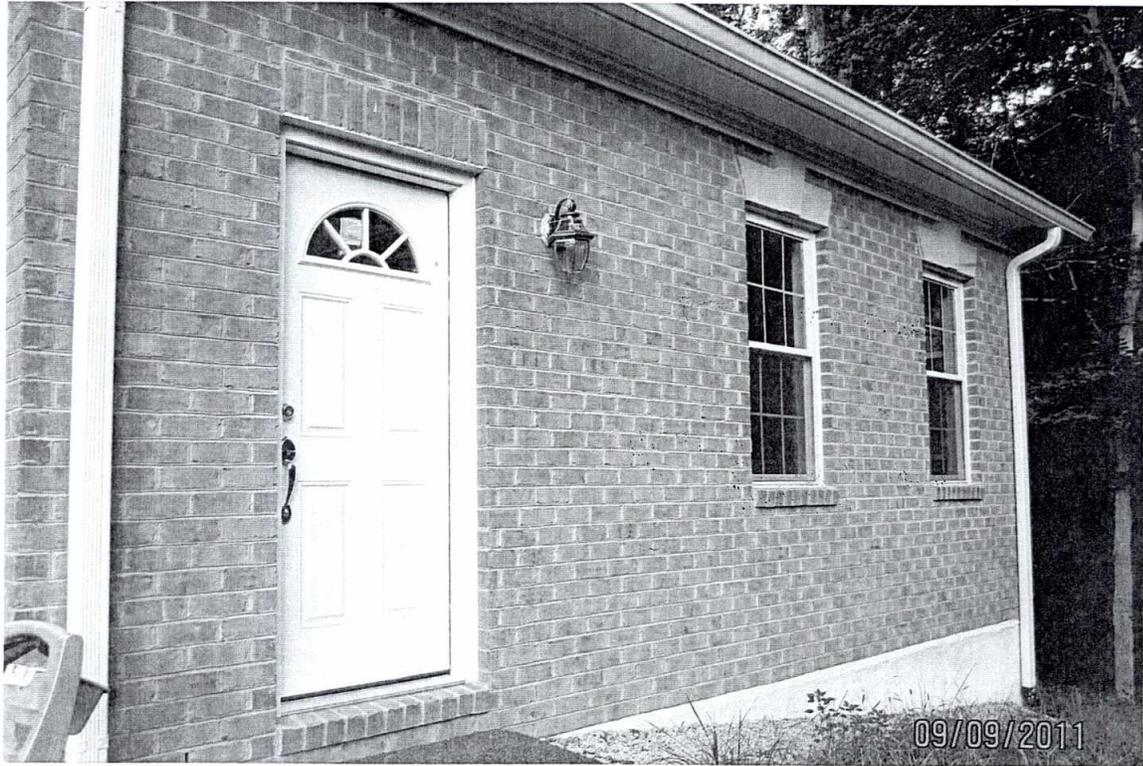
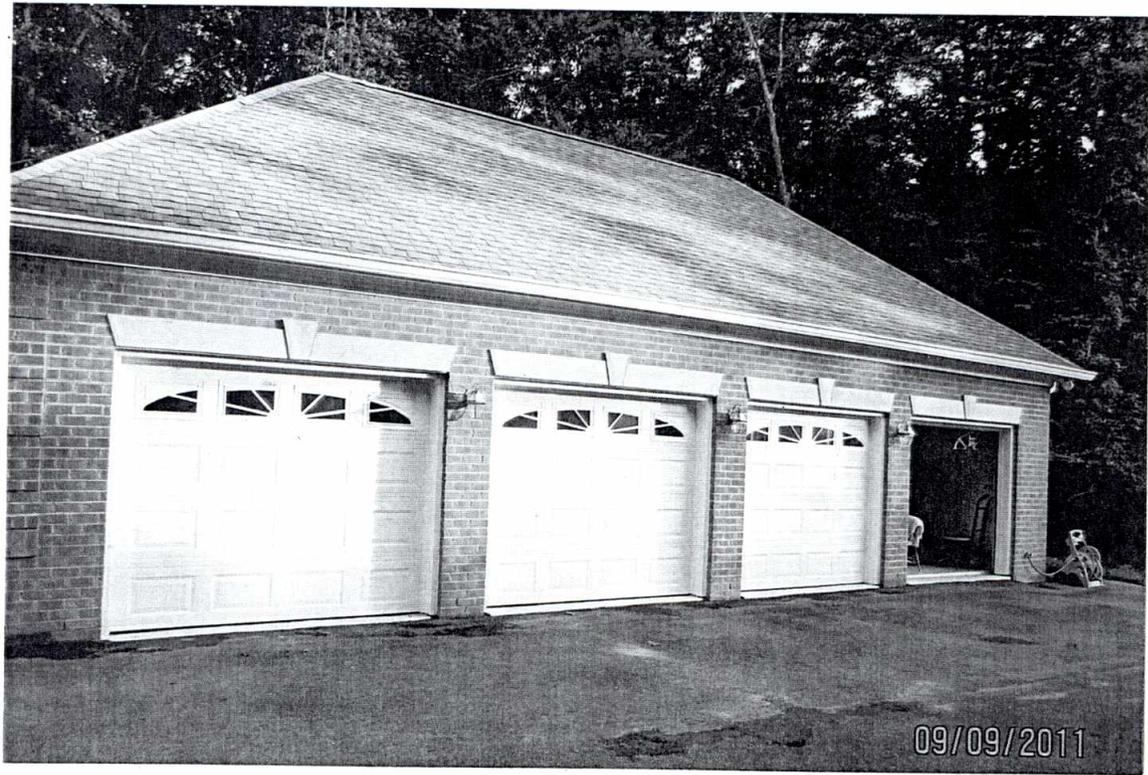
Special Permit
SP 2011-SP-092
JONG YEOL NA AND KYUNG H. NA

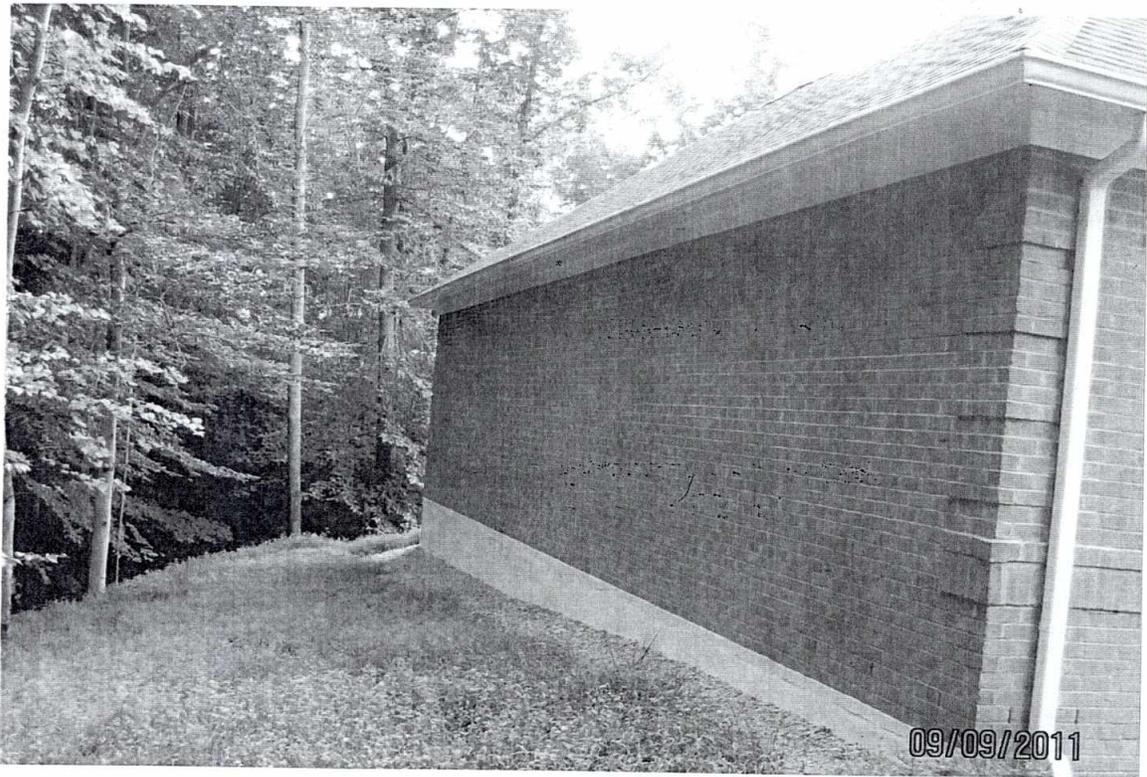












DESCRIPTION OF THE APPLICATION

The applicants are requesting a special permit to permit reduction to the minimum yard requirements based on an error in building location to permit an accessory structure, a detached garage, to remain 13.8 feet with eave 12.7 feet from the southern side lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Extension **	Min. Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit	Garage	Side	20.0 feet	N/A	20.0 feet	13.8 feet	6.2 feet	31%
Special Permit	Eave	Side	20.0 feet	3.0 feet	17.0 feet	12.7 feet	4.3 feet	25%

* Minimum yard requirement per Section 10-104

** Permitted extensions per Section 2-412

EXISTING SITE DESCRIPTION

The 5.27 acre lot is developed with a two-story, masonry single-family detached dwelling constructed in 2001. A deck with open stairs is located along the western side of the dwelling. A majority of the lot is located within a Resource Protection Area (RPA). The property is accessed via an approximately 500 feet in length, 30 foot wide ingress/egress easement from Thorn Bush Drive. The majority of the property is forested with mature deciduous trees.

CHARACTER OF THE AREA

	Zoning	Use
North	R-C and WS	Single Family Detached Dwellings
South	R-C and WS	Single Family Detached Dwellings
East	R-C and WS	Single Family Detached Dwellings
West	R-C and WS	Single Family Detached Dwellings

BACKGROUND

On August 26, 2008, the applicants' builder obtained a building permit to construct a 45 foot by 22.5 foot detached garage, 19.75 feet in height, to be located 21.0 feet from the southern side lot line. A copy of the building permit is attached as Appendix 4. As noted on the plat located at the front of the staff report, the garage as constructed is approximately 46.2 feet by 23.8 feet in size, 23.35 feet in height, and is located 13.8 feet with its eave 12.7 feet from the southern side lot line. A note on the approved building permit certified from the builder that the work performed would not exceed 2,500 square feet of disturbed area, with a maximum of 8 feet on all sides of the structure permitted for disturbance.

On August 4, 2009, the applicants were issued a Notice of Violation, attached as Appendix 5, for land disturbing activities in excess of 2,500 square feet without an approved conservation/grading plan. The applicants were unable to obtain the appropriate grading permits due to the location of the accessory structure.

On December 8, 2010, the Board of Zoning Appeals (BZA) approved special permit SP 2010-SP-059 for an error in building location to allow the accessory structure to remain 13.8 feet with its eave 12.7 feet from the southern side lot line. A copy of the approved Resolution is attached as Appendix 6. The application was approved with a development condition which provided six months of time for the applicant to obtain a building permit and final inspections or the special permit would be null and void.

Since approval of SP 2010-SP-059, as outlined in the applicants' statement of justification, applicable permits were diligently pursued by the applicant, including the submission and approval of a grading plan for the existing structure, approval of a Site Development Permit, new building plans and a building permit application. The grading plan, which is a prerequisite to the issuance of a building permit, was submitted in February 2011, and the permitting process was initiated in March 2011; however, due to processing time within the Department of Public Works and Environmental Services (DPWES), the applicant was unable to obtain final approval of the building permit within the six months provided through the special permit approval development conditions.

The applicant submitted a request for additional time to extend the six months as the building permit is now only pending a Zoning Permit review sign-off; however, since the time limitation was established through an approved development condition, additional time cannot be granted; the submission and approval of a special permit is required.

The violation pertaining to the excess land disturbing activity was dismissed by the Fairfax County Circuit Court on July 1, 2011, since the owner had remedied the violation by the submittal and approval of a grading plan.

A copy of the submitted special permit plat titled "Special Permit Plat, Lot 51A, The Estates at Roseland" prepared by Walter L. Phillips Incorporated, dated May 30, 2010 as revised through October 25, 2010, is included at the front of the staff report.

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

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)

This special permit is subject to Sects. 8-006, 8-903 and 8-914 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

If it is the intent of the BZA to approve this application, staff suggests the BZA 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 History
5. Notice of Violation dated August 4, 2009
6. Approved Resolution
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2011-SP-092

December 7, 2011

1. This special permit is approved for the location of the accessory structure (detached garage) as shown on the plat prepared by Walter L. Phillips Incorporated, dated May 30, 2010 as revised through October 25, 2010, as submitted with this application and is not transferable to other land.
2. A building permit and final inspections for the accessory structure shall be diligently pursued and obtained within six (6) months of final approval of this application.

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

Application No.(s): SP 2011-SP-092
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 23, 2011
(enter date affidavit is notarized)

I, Charles F. Dunlap, 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 113411a

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)
JONG YEOL NA and KYUNG H. NA	9723 THORN BUSH DRIVE FAIRFAX STATION, VA 22039	TITLE OWNERS/APPLICANTS
WALTER L. PHILLIPS INCORPORATED	207 PARK AVENUE FALLS CHURCH, VA 22046	ENGINEER/SURVEYOR/AGENT
CHARLES F. DUNLAP MONICA R. WESTGATE MAX H. BURKHALTER	207 PARK AVENUE FALLS CHURCH, VA 22046	ENGINEER/SURVEYOR/AGENT LAND PLANNER/AGENT ENGINEER/AGENT

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

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

Application No.(s): SP 2011-SP-092
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 23, 2011
(enter date affidavit is notarized)

113411a

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)
WALTER L. PHILLIPS, INCORPORATED
207 PARK AVENUE
FALLS CHURCH, VA 22046

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)
JEFFREY J. STUCHEL
BRIAN G. BAILLARGEON
AARON M. VINSON

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

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

Application No.(s):

SP 2011-SP-092
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 23, 2011
(enter date affidavit is notarized)

113411a

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

PARTNERSHIP INFORMATION

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

NOT APPLICABLE

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

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

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

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

Application No.(s): SP 2011-SP-092
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 23, 2011
(enter date affidavit is notarized)

113411a

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:

NONE

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: November 23, 2011
(enter date affidavit is notarized)

113411a

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: Charles F. Dunlap
(check one) [] Applicant [x] Applicant's Authorized Agent

CHARLES F. DUNLAP, AGENT
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 28th day of November 2011, in the State (Comm) of Virginia, County/City of Falls Church.

My commission expires: June 30, 2015



Lynda Stuchel
Notary Public



ESTABLISHED 1945

September 13, 2011

Via delivery

Ms. Eileen McLane
Zoning Administration
Department of Planning & Zoning
County of Fairfax
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning
SEP 14 2011
Zoning Evaluation Division

Re: ***Special Permit Amendment Application:*** JONG YEOL NA and KYUNG H. NA, 9723 Thorn Bush Drive, Fairfax Station, VA; Tax Map 097-3-15-0051A; Request for Special Permit Amendment (Section 8-914), Error in Building Location.

Statement of Justification:

Dear Ms. McLane:

This letter is written on behalf of the applicants, Jong Yeol Na and Kyung H. Na, owners of the above captioned property in support of their application to amend the approved development conditions associated with the approval of a Special Permit 2010-SP-059 on December 8, 2010. Specifically, this application serves to request that additional time be granted to the applicant to obtain a new building permit for the previously constructed free-standing garage.

Background

Special Permit Number 2010-SP-059 to permit an accessory free-standing garage to remain 13.8-feet from the eastern side lot line was approved on December 8, 2010; and, as a condition to this approval, the Applicant was to have obtained a new building permit for the existing structure within six (6) months. The Applicant has diligently pursued obtaining this permit, including the submitting and obtaining approval of a grading plan for the existing structure and obtaining a Site Development Permit; and, the preparation of new building plans and building permit application and its submittal for approval. The grading plan, which is a prerequisite to the issuance of a building permit, was submitted in early February 2010; and, the building permit process was initiated in March 2011, both well prior to the expiration date of the Special Permit; however, due to an inordinate processing time within DPWES,

CIVIL ENGINEERS
LAND SURVEYORS
PLANNERS
LANDSCAPE ARCHITECTS
ARBORISTS

207 PARK AVENUE
FALLS CHURCH, VA 22046
PHONE: (703) 532-6163
FAX: (703) 533-1301
WWW.WLPINC.COM

the applicant was unable to obtain approval of the building permit within the six (6) months stipulated by the approval of the Special Permit.

As additional background, this property was the subject of a violation issued on or about August 4, 2009 for land disturbing activity in excess of 2,500 square feet. As part of the grading plan work to remedy this violation it was discovered that the plan on which the original building permit was based contained errors, which resulted in the accessory structure being placed closer to the side property line than allowed, as well as errors on the amount of land disturbing activity needed to complete the work. As such, no grading plan could be filed with the County until the matter of the error in building location was addressed, which led to the aforementioned Special Permit. The violation pertaining to the excess land disturbing activity was ultimately dismissed by the Court on July 1, 2011, after the County Inspectors testified that the owner had remedied the violation by the submittal and approval of a grading plan.

Request for Special Permit Amendment

This application respectfully requests that the development condition associated with Special Permit Number 2010-SP-059 be amended to allow additional time to obtain a new building permit for the free-standing garage. In response to the original Special Permit condition, the process of obtaining a new building permit for the existing structure began in early March, 2011, shortly after receiving technical approval of the grading plan. It was determined on March 7, 2011 that the new building permit could be obtained as a "residential walk-thru" permit as a revision to the original permit; and, to complete same, the Applicant needed to provide two (2) copies of the building plans and a new permit application. The new building permit application was logged in on that date; and, the building permit assigned to this is #110660192 and the plan number is #W-11-1818. However, due to litigation by the property owner against the contractor that performed the original permitting and construction work that resulted in the violation, the previous building plans used to permit the structure were not available and were tied up in the litigation; therefore, the applicant was required to arrange to have new building plans prepared to accompany the building permit application. With this information, the Applicant then engaged the services of another architect to prepare a new set of building plans for the existing structure. These plans were completed in May 2012; and, once all of the approval conditions associated with the grading plan had been resolved, the walk-thru building permit application could continue.

As noted previously, final approval of the grading plan was needed to complete the building permitting process. This grading plan (Plan #8448-INF-039-1) was initially submitted on or about February 2, 2011; and, it was technically approved and sent to Site Permits on or about March 2, 2011. When the grading plan went to Site Permits, it was sent with several approval conditions, specifically the completion of a Pro Rata Share Agreement and fee for the Sandy Run Watershed, the completion and establishment of a conservation agreement and deposit and the acquisition of a VDOT Permit. The

Pro Rata Share agreement and fee was paid on or about March 22, 2011; however, inasmuch as there would be no land disturbing activity associated with the approved grading plans, as the work was already complete, request was made of DPWES staff to delete this conditions, as well as the condition related to obtaining a VDOT Permit, again, because the work was complete. DPWES staff agreed with this request; however, prior to vacating the conditions, they advised that an inspector must first verify in the field that the work was complete. **This inspection apparently did not take place until early June 2011; and, these two conditions were not deleted until June 9, 2011, some 90 days after the request that they be deleted.**

After the grading plan approval conditions were updated on June 9, 2011, the building permit application was taken to Site Permits, where that signature was obtained; and, the permit was then taken to Zoning for approval. On June 14, 2011, Zoning requested additional copies of the building plans; and, the package was then forwarded to Code Compliance because of the outstanding violation (see above). Code Compliance signed off on the application and returned it to Zoning, where it currently remains; however, Zoning advised that they cannot sign off on the building permit application, as the 6-month time period to obtain the building permit conditioned by the approval of the Special Permit has since past. As a result, the building permit application currently remains in Zoning, with signature pending a change in the development condition to allow additional time. Once Zoning approval has been obtained, then the building permit application will then go the Residential Building Walk-thru Engineer at which point it can be logged out and released. It is noted that the Residential Building Walk-thru Engineer has already reviewed the new building plans for the garage; and, they are fine.

Summarizing the above, the owner is, essentially, waiting only for Zoning sign-off on the building permit application in order to obtain the new building permit and thereby satisfy the Special Permit condition. The above summary demonstrates that the owner has diligently pursued the grading plan and building permit process; and, it can be reasonably argued that, had Public Works not taken nearly three (3) months to perform an inspection of the property, the grading plan could have been approved much more quickly and the new building permit issued well in advance of June 8, 2011. In our view, the Applicant should not be penalized for inordinate review time within DPWES inasmuch as review is a function of variables outside Applicant's control. Accordingly, on behalf of the Applicant, we believe that this request for additional time is justified, as the delays in permitting can be attributed more to delays by the County rather than a lack of due diligence on part of the owner.

Additional Justification

The justifications related to the original Special Permit approved on December 8, 2010 remain and are hereby included for reference:

A. The error exceeds ten percent (10%) of the measurement involved, and

- The existing garage stands 13.8-feet from the side lot line, whereas it should have been constructed 23.35-feet from the side lot line, a distance that is equal to the height of the structure. The error is 9.55-feet, which is greater than 10% of the required measurement.
- B. *The non-compliance 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*
- See refer to the background, above. The Owner applied for a Building Permit and engaged a licensed contractor to perform the work, relying upon its compliance with all requirements. The nearest neighbors do not object the location of the garage.
- C. *Such reduction will not impair the purpose and intent of the Ordinance, and*
- The intent of the Ordinance is not impaired by this reduction, as the structure is remotely located in relation to the adjoining lot.
- D. *It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and*
- As stated, the location of the garage is remotely located in relation to the closest property; and, the owner of the adjacent property previously supported the original application.
- E. *It will not create an unsafe condition with respect to both other property and public streets, and*
- The reduced setback does not create any unsafe condition to either the immediate adjoining lot or to the public street.
- F. *To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner, and*
- To force compliance will result in the destruction of an attractive accessory structure for which the appearance is in substantial conformance with the neighborhood and will cause economic waste; and, its removal will not provide any greater visual buffer, given its remote location.
- G. *The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning density regulations.*
- This request will not result in any change to, or exceed, the allowable density.

Additional Information

Building Façade: The façade of the existing garage has not changed since the previous approval of the Special Permit; and, it is a one (1) level brick structure (matching residence) constructed at grade on

a concrete slab. The building has double hung windows and four (4) overhead garage doors. The front of the garage faces the south side of the existing house.

Statement Pertaining to Hazardous Substances, etc.: There are no known hazardous or toxic substances, hazardous waste or petroleum products as described by the regulations generated, utilized, stored, treated and/or disposed of on the property.

Eave/Overhang Information: The existing garage eave's overhangs by approximately 18-inches, extending to 12.3-feet of the side lot line at issue.

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards except as noted in this application.

Request for Waiver of Submission Requirement (if necessary)

The applicant submits twenty-three (23) copies of the original, approved Special Permit Plat that shows the accessory garage structure and its relation to the side yard lot line. It is submitted that the attached Plat adequately depicts the existing condition, and no changes have been made since the approval of the original Special Permit. To the extent that the enclosed plat presents an adequate depiction for determination of the issues presented, but for some reason does not meet all the technical requirements of the Ordinance, the Applicant requests the Zoning Administrator to accept the attached plat, waiving any unmet requirements.

Conclusion

Accordingly, on behalf of the Applicant, we hereby request Zoning Staff to review this application and the enclosed supporting materials, scheduling this request to be heard by the Board of Zoning Appeals with its recommendation to grant additional time to obtain a building permit for the accessory garage structure, as the delays and the inability to obtain a Building Permit with the timeframe previously stipulated by the Board of Zoning Appeals are attributed more to delays by the County rather than a lack of due diligence on part of the owner. We further request that the conclusions of Board of Zoning Appeals associated with their previous approval of Special Permit 2010-SP-059 be reaffirmed as part of this application.

Ms. Eileen McLane

Page 6

September 13, 2011

I thank you in advance for your consideration in this matter and look forward to your favorable response. In the interim, please feel free to contact me should you have any questions or need additional information. As always, I look forward to speaking with you soon.

Very truly yours,



Charles F. Dunlap, L.S.
Senior Project Manager

Enc.

Cc: Ms. Kuk Na, w/enc. (email)

CFD:mc

(10-009/FM-7)

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 82390173

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp

DO NOT WRITE IN GRAY SPACES (SEE INSTRUCTIONS)
 PLAN: 1-1
 TAXED: 1-1

ROLLING	DATE	APPROVED BY
ENCENSING		
ZONING		
SUB-PERMITS		
HEALTH DEPT		
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROJECT SUPERVISOR		
INSPECTION		

FEES
 FILING FEE: 1750
 AMOUNT DUE: 1750

BUILDING PLAN REVIEW
 REVIEWER: _____ # OF HOURS: _____
 REVISION FEES: _____
 FIRE MARSHAL FEES: _____
 FIXTURE FEES: _____ PLAN NO: JCR

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 LOG OUT: _____
 BY: _____ DATE: _____

ZONING REVIEW
 USE: SFD
 ZONING DISTRICT: RC HISTORICAL DISTRICT: No
 ZONING CASE #: _____
 GROSS FLOOR AREA OF TENANT SPACE: _____

YARDS:	GARAGE: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
FRONT: <u>N/C</u>	OPTIONS: YES <input type="checkbox"/> NO <input type="checkbox"/>
FRONT: <u>N/C</u>	REMARKS: <u>One-story</u>
L SIDE: <u>21'</u>	<u>Detached garage</u>
R SIDE: <u>N/C</u>	
REAR: <u>N/C</u>	<u>Existing above grade</u>

REMARKS: living area - 5,484 sq ft per acre
(No other detached structures)
1012.5 sq ft for garage
19'15" tall

OK to approve per Darryl
121.50
~~*~~ construction is outside
RPA and Floodplain. S

NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit: _____
 Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____
 My commission expires the _____ day of _____, 20____

(Notary Signature)
10160163/65/1

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION
 ADDRESS: 9723 Thorn Bush Dr
 LOT # 51A BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION: Estates at Rosebud
 TENANT'S NAME _____
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME: NA JONG YEOL
 ADDRESS: 9723 THORN BUSH DR
 CITY: FAIRFAX STATION STATE: VA ZIP: 22039
 TELEPHONE _____
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME: MB CONSTRUCTION INC
 ADDRESS: 2848 HIDEWAY RD
 CITY: FAIRFAX STATE: VA ZIP: 22031
 TELEPHONE: 703 273-3338
 EMAIL _____
 STATE CONTRACTORS LICENSE # 2705 110267A
 COUNTY BPOL # 000-0A-3490
 CONTACT ID _____

APPLICANT
 NAME: SUNGHAN PARK
 ADDRESS: 14702 DEER LAKE CT
 CITY: CENTREVILLE STATE: VA ZIP: 20120
 TELEPHONE: 703 222-2682
 EMAIL _____
 CONTACT ID _____

DESCRIPTION OF WORK
45' x 22'5" GARAGE

HOUSE TYPE _____
 ESTIMATED COST OF CONSTRUCTION: 50,000
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION: 200003
 DESIGNATED MECHANICS LIEN AGENT (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent: [Signature] Date: 8-26-2008
 Printed Name and Title: SUNGHAN PARK
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

HOUSE LOCATION SURVEY 82390123
 LOT 51-A
 THE ESTATES AT ROSELAND
 SPRINGFIELD DISTRICT
 FAIRFAX COUNTY, VIRGINIA

The Limits of Clearing and Grading shown near and/or adjacent to the Resource Protection Area (RPA) are to be observed and enforced. Any encroachment or disturbance of the RPA not shown on this survey is considered a violation of the Chesapeake Bay Preservation Ordinance (CBPO) and is subject to the penalties of CBPO Article 9 (Violations and Penalties).



M.P. 8-10-00

No Second Kitchen or Wet Bar

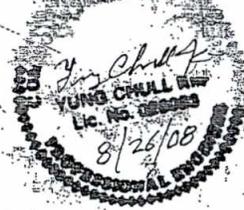
APPROVED
 Op. No. 8-26-08
 Eileen M. Malone
 Zoning Administrator

DETAIL SCALE
 1" = 30'

APPROX. LOCATION
 EX. VEPCO EASEMENT
 DB. 554 PG. 127



"I hereby certify that the limits of clearing and grading delineated on this house location plat prepared by Area Solutions LLC dated 8/26/2008 for the property located at 9723 THORN BUSH DRIVE accurately reflects the scope of this project and that the proposed work can be performed within the limits of clearing and grading as shown. I further certify that the total disturbed land area that will be associated with the construction of the proposed 45' x 22.5' GARAGE will not exceed 2,500 sq. ft."



51-A
 5.2675 Acres

100 YEAR WATER SURFACE ELEVATION

50-A



FINAL APPROVAL

JAN 22 2008

ZONING ADMINISTRATION DIVISION
 DEPARTMENT OF PLANNING AND ZONING

FOOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

DAMP PROOFING/WATERPROOFING REQUIRED IN ACCORDANCE WITH BUILDING CODES

TOTAL EARTH DISTURBANCE ON THIS LOT SHALL NOT EXCEED 2,500 SQ. FT. EXCAVATED MATERIAL SHALL BE REMOVED FROM SITE

DPW&ES LAND DEVELOPMENT SERVICES SITE PERMITS & ADDRESSING CENTER APPROVED FOR

detached garage

BY: [Signature]
 DATE: 8/26/08

"I hereby certify that the limits of clearing and grading delineated on this house location plat prepared by URBAN ENGINEERING & ASSOC., INC. dated 8/10/2008 for the property located at 9723 THORN BUSH DR. accurately reflects the scope of this project and that the proposed work can be performed within the limits of clearing and grading as shown. I further certify that the total disturbed area that will be associated with the construction of the proposed 45' x 22.5' GARAGE will not exceed 2,500 sq. ft."

URBAN ENGINEERING & ASSOC., INC.

CIVIL ENGINEERS LANDSCAPE ARCHITECTS LAND SURVEYORS
 7712 LITTLE RIVER TURNPIKE

08-23-00
 BY: E. MATTISON



County of Fairfax, Virginia

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

NOTICE OF VIOLATION

VIOLATION ISSUED TO: Kyung H. & Jong Yeol Na
9723 Thorn Bush Drive
Fairfax Station, Virginia 22039

LOCATION OF VIOLATION: 9723 Thorn Bush Drive

COMPLAINT NUMBER: 200904393

MAP REFERENCE: 0973 15 0051A

On August 3, 2009, I inspected the above referenced site and found the following violation:

Land-disturbing activity in excess of 2500 square feet without an approved conservation/grading plan.

This is a violation of Section 104-1-2 of the Fairfax County Code which requires:

No person may engage in land-disturbing activity until he has submitted to the County a conservation plan for the land-disturbing activity and the plan has been reviewed and approved by the Director.

You are directed to correct this violation within thirty (30) days of receipt of this Notice of Violation. No additional work is permitted until the required corrective action is completed. The following corrective action is required:

1. Immediately, cease and desist all land disturbing activities.
2. Immediately, install erosion and sediment control measures to protect waterways and off-site properties.
3. Immediately, seed and mulch all denuded areas.
4. Submit and obtain the required permit and grading plan approved by Fairfax County to remedy the violation. Documents should be hand delivered to Plan and Document Control, Suite 506, 12055 Government Center Parkway, Fairfax, Va. You may call 703-324-1730 if there are any questions regarding submission fees.

Failure to correct the violation within the prescribed time limit may result in further legal action under the applicable state and county codes.

ISSUED BY: Antonio Torrico

Antonio Torrico, Senior Engineering Inspector
12055 Government Center Parkway
Fairfax, Virginia 22035-5503
Phone: (703) 324-1937
Email: antonio.torrico@fairfaxcounty.gov

DATE ISSUED: August 4, 2009



COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JONG YEOL NA & KYUNG H. NA, SP 2010-SP-059 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction to minimum yard requirements based on error in building location to permit accessory structure to remain 13.8 ft. with eave 12.7 ft. from side lot line. Located at 9723 Thorn Bush Dr. on approx. 5.27 ac. of land zoned R-C and WS. Springfield District. Tax Map 97-3 ((15)) 51A. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on December 8, 2010; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the property.
2. The applicants have shown compliance with the required standards.
3. The error was done in good faith.
4. Unlike some of these cases, it appears something was engineered beforehand.
5. A building permit application and plat were submitted and approved, and then somehow, on this very large lot, the garage still was placed too close to the side line.
6. It is hard to tell from the drawing exactly how that happened, whether the garage was further forward than they thought it was going to be, or it was more than 30 feet away from the house, or maybe the house was not quite in the same place to begin with.
7. However that came about, it appears that it is either a mathematical error on the drawing or some kind of stakeout error in the field.
8. The size of the structure is a little different from what is on the approved building permit, about a foot more or less one way or another in each direction.
9. It is a very large garage, as big as some houses in terms of the footprint.
10. On a lot of this size, the impact of the larger footprint is meaningless.
11. There is very large vegetation all around. It would be very difficult to see the garage unless you were up close to it.
12. Looking at the contour lines, the garage is sort of at the top of a very steep slope.
13. Looking at the plat in detail, it looks like there is a drop-off of in excess of twenty (20) feet.
14. It is hard to see how they even got it as close to the line as they did.
15. With the topography there and the mature vegetation, the structure would not have a significant impact on anyone, even as close as 13.8 feet.
16. There is a letter in the staff report from the property owner on that side confirming that they do not have an issue with the location of the garage, as long as it does not affect their ability to transfer the property, and the Board could not see how it would.
17. Given that the error was done in good faith and the applicants are trying to resolve it, and given that the structure is not going to have a significant impact on anyone, the criteria have been met.
18. The applicants will have to go through a further layer of review with DPWES, at least as to the grading plan.
19. It is not clear how the applicants ended up disturbing more than 2500 square feet, but the Board will leave that to be resolved by DPWES.

20. The Board has determined that the criteria in the mistake section resolution motion have been satisfied.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;
- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;
- C. Such reduction will not impair the purpose and intent of this Ordinance;
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
- E. It will not create an unsafe condition with respect to both other property and public streets;
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

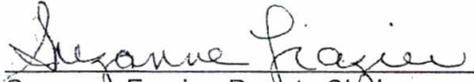
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. This special permit is approved for the location of the accessory structure (detached garage) as shown on the plat prepared by Walter L. Phillips Incorporated, dated May 30, 2010 as revised through October 25, 2010, as submitted with this application and is not transferable to other land.
2. A building permit and final inspections for the accessory structure shall be diligently pursued and obtained within six (6) months of final approval of this application or this special permit shall be null and void.

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.

Mr. Beard seconded the motion, which carried by a vote of 6-0. Mr. Byers was absent from the meeting.

A Copy Teste:

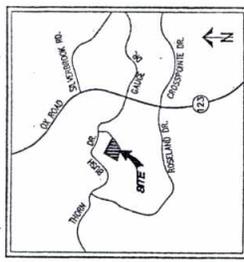


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals

THE ESTATES AT ROSELAND
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VA
LOT 51A
SPECIAL PERMIT PLAN

WALTER L. PHILLIPS
INCORPORATED
CIVIL ENGINEERS-LAND SURVEYORS-PLANNERS-LANDSCAPE ARCHITECTS
207 PARK AVENUE FALLS CHURCH, VIRGINIA 22046
(703) 532-6193 FAX (703) 533-1301
DATE: 9/20/10 9:10 AM
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN

NO.	DESCRIPTION	DATE	BY	APPROVED	DATE



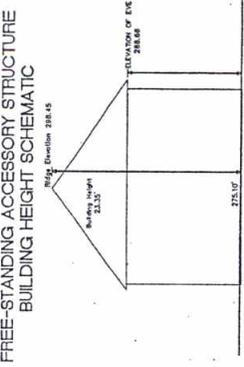
VICINITY MAP
SCALE: 1"=2000'

LEGEND

- DB ... DEED BOOK
- 10 ... 10' SETBACK
- 15 ... 15' SETBACK
- 20 ... 20' SETBACK
- 25 ... 25' SETBACK
- 30 ... 30' SETBACK
- 35 ... 35' SETBACK
- 40 ... 40' SETBACK
- 45 ... 45' SETBACK
- 50 ... 50' SETBACK
- 55 ... 55' SETBACK
- 60 ... 60' SETBACK
- 65 ... 65' SETBACK
- 70 ... 70' SETBACK
- 75 ... 75' SETBACK
- 80 ... 80' SETBACK
- 85 ... 85' SETBACK
- 90 ... 90' SETBACK
- 95 ... 95' SETBACK
- 100 ... 100' SETBACK
- 105 ... 105' SETBACK
- 110 ... 110' SETBACK
- 115 ... 115' SETBACK
- 120 ... 120' SETBACK
- 125 ... 125' SETBACK
- 130 ... 130' SETBACK
- 135 ... 135' SETBACK
- 140 ... 140' SETBACK
- 145 ... 145' SETBACK
- 150 ... 150' SETBACK
- 155 ... 155' SETBACK
- 160 ... 160' SETBACK
- 165 ... 165' SETBACK
- 170 ... 170' SETBACK
- 175 ... 175' SETBACK
- 180 ... 180' SETBACK
- 185 ... 185' SETBACK
- 190 ... 190' SETBACK
- 195 ... 195' SETBACK
- 200 ... 200' SETBACK

Application No. **SP 2010-0105A**
APPROVED SUB/P PLAN
Date of (DOB) (DEA) Approval: **10/28/2010**
Rear Coordinates: **0.005**
Scale: **1"=10'**

- RECEIVED
Department of Planning & Zoning
October 9, 2010
Zoning Administrator
- NOTES**
1. THE PROPERTY IS REZONED BY FAIRFAX COUNTY, VIRGINIA, AS R4.
 2. THIS APPLICATION IS FOR A GROUP'S SPECIAL PERMIT FOR ENDS IN BUILDING ACCESSORY STRUCTURES TO ALLOW A PRIVATE DETACHED GARAGE (A PERMITTED ACCESSORY USE) TO BE CONSTRUCTED ON THE PROPERTY.
 3. THE PROPOSED GARAGE IS LOCATED 15.5 FEET FROM THE SOUTHWEST PROPERTY LINE.
 4. THE PROPOSED GARAGE IS LOCATED 15.5 FEET FROM THE SOUTHWEST PROPERTY LINE.
 5. THIS PLAN WAS PREPARED TO SHOW LIMITED TOPOGRAPHY AND DOES NOT REPRESENT A BOUNDARY SURVEY.
 6. THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR FAIRFAX COUNTY, VIRGINIA, COMMUNITY PANEL NUMBER 51523 0015 D, REVISED 06/01/09, SHOWS THAT THE PROPOSED GARAGE IS NOT LOCATED IN A FLOOD HAZARD AREA. HOWEVER, THE PROPOSED GARAGE IS NOT LOCATED IN A FLOOD HAZARD AREA. HOWEVER, THE PROPOSED GARAGE IS NOT LOCATED IN A FLOOD HAZARD AREA.
 7. THIS REPORT DOES NOT REPRESENT A BOUNDARY SURVEY. IN ADDITION, THE ELEVATIONS BASED ON FINISH FLOOR OF 8735 THORN BUSH DRIVE, PER THE 2008 SURVEY BY URBAN ENGINEERING & ASSOC., INC., DATED JUNE 1998.
 8. ELEVATIONS BASED ON FINISH FLOOR OF 8735 THORN BUSH DRIVE, PER THE 2008 SURVEY BY URBAN ENGINEERING & ASSOC., INC., DATED JUNE 1998.
 9. THERE ARE NO KNOWN UTILITIES (E.G., GAS, WATER, SEWER, ETC.) LOCATED WITHIN 10' OF ANY MAJOR UNDERGROUND UTILITY EASEMENTS ON THE PROPERTY.



FREE-STANDING ACCESSORY STRUCTURE BUILDING HEIGHT SCHEMATIC
Scale: 1"=10'

ACCESSORY BUILDING HEIGHT (FEET): 284.45 - 275.10 = 23.35' (< 25' 00')

BUILDING HEIGHT NOTES:

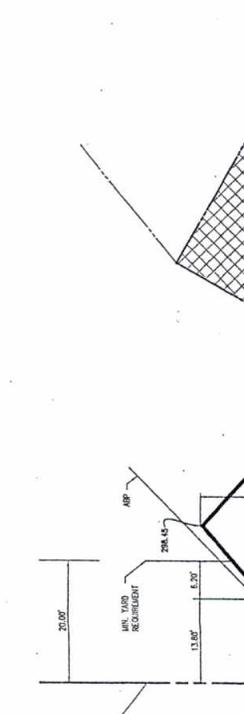
1. PER FAIRFAX COUNTY ZONING ORDINANCE, THE DETERMINATION OF GRADE SHALL BE THE HIGHEST FINISHED GRADE LEVEL ADJACENT TO THE STRUCTURE.
2. BUILDING HEIGHT FOR AN ACCESSORY STRUCTURE SHALL BE MEASURED FROM THE LOWEST POINT OF THE FINISHED GROUND LEVEL ADJACENT TO THE STRUCTURE TO THE HIGHEST POINT OF THE STRUCTURE (PER FAIRFAX ZONING ORDINANCE 10-103.4).
3. REQUIRED YARD REQUIREMENT FOR FREE-STANDING ACCESSORY STRUCTURE SHALL BE EQUAL TO THE MINIMUM REQUIRED SIDE YARD (E.G. 10'-104.15E).

ZONING TABULATION:
ZONE R-4-C, RESIDENTIAL (0.2 DWELLING UNITS PER ACRE)

MIN. LOT AREA	MIN. LOT WIDTH	MIN. BLD. HT.	MIN. FRONT YARD SETBACK	MIN. SIDE YARD SETBACK	MIN. REAR YARD SETBACK	MAX. DENSITY
5 ACRES	200 FT	35 FT	10 FT	5 FT	5 FT	1 DU/AC

EXISTING: 45,287.5 AC
4,580 FT
3.31 FT
10 FT
5 FT
5 FT
1 DU/AC

*MIN. YARD REQUIREMENT R-4-C ZONE (SEE BUILDING HEIGHT NOTE 3, THIS SHEET)



SIDE YARD (13'8" FROM PL) ANGLE OF BULK PLANE DETAIL
SCALE: 1"=10'

PARCEL 97-3-16-0000A
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000B
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000C
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000D
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000E
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000F
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000G
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000H
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000I
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000J
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED



SCALE: 1"=10'

PARCEL 97-3-16-0000A
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000B
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000C
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000D
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000E
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000F
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000G
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000H
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000I
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

PARCEL 97-3-16-0000J
OWNER: DAVIDSON CATHERINE M
USE: SINGLE FAMILY, DETACHED

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.