



APPLICATION ACCEPTED: December 7, 2011  
DATE OF PUBLIC HEARING: February 29, 2012  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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February 21, 2012

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2011-SP-106**

### SPRINGFIELD DISTRICT

**APPLICANT:** Albert A. Tobin

**OWNERS:** Albert A. Tobin  
Deborah L. Tobin

**LOCATION:** 6626 Reynard Drive, Springfield, 22152

**SUBDIVISION:** Orange Hunt Estates

**TAX MAP:** 89-1 ((5)) 85

**LOT SIZE:** 10,667 square feet

**ZONING:** R-2C (Residential developed under the Cluster provisions)

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit reduction to minimum yard requirements based on error in building location to permit existing addition to remain 6.7 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:\rhomert\Special Permits\Tobin\staff report.docx

Rebecca Homer

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



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.**

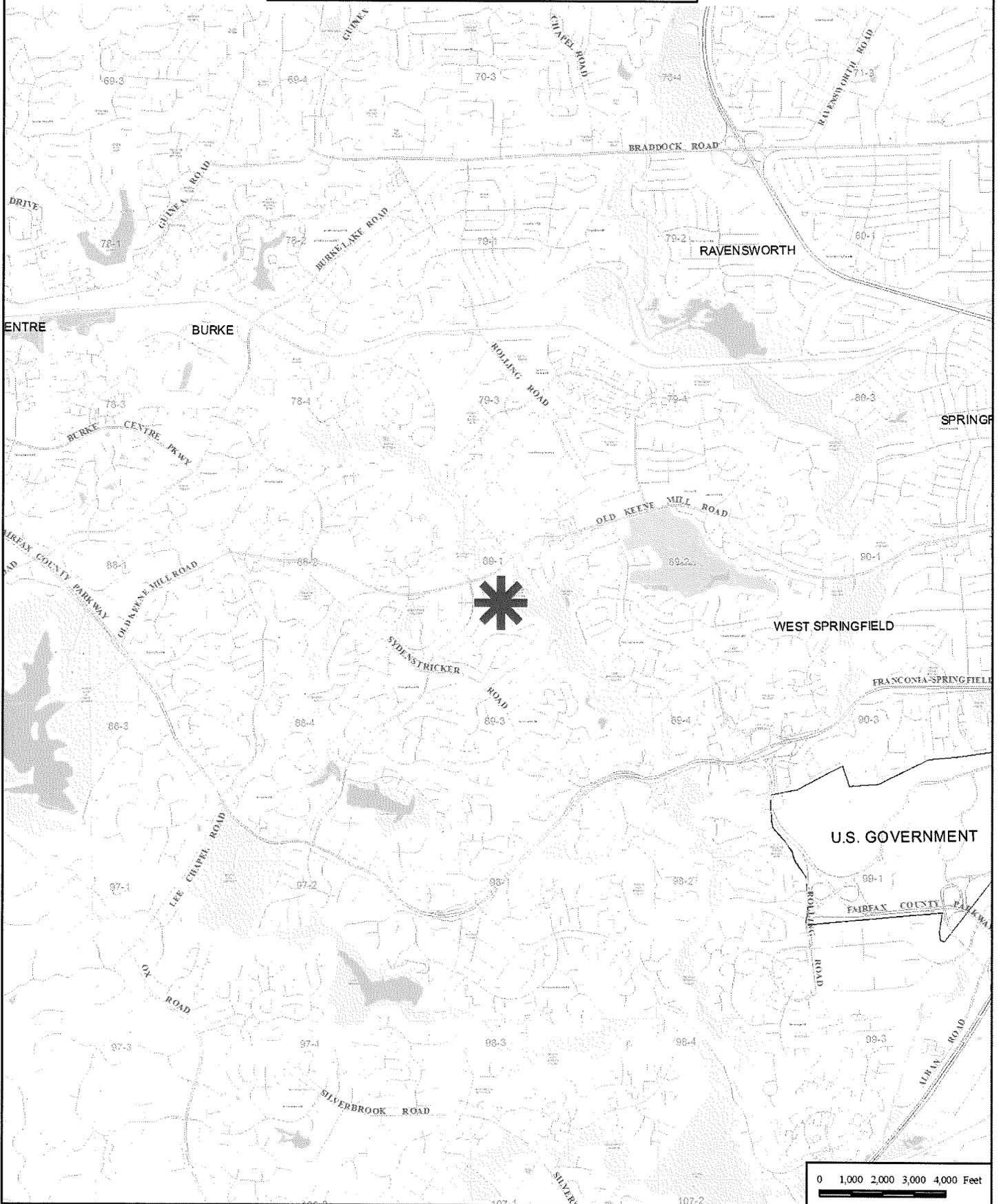


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2011-SP-106

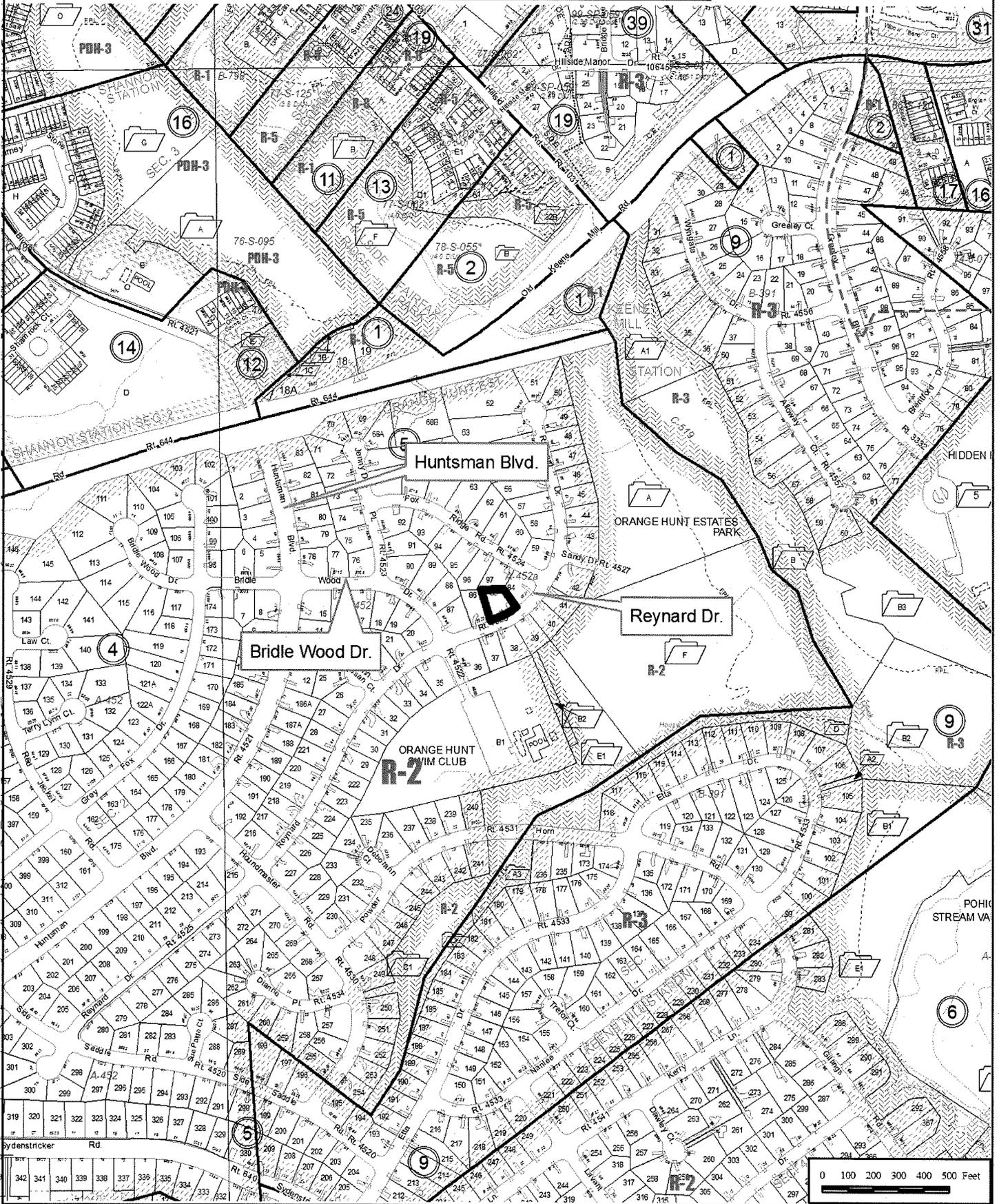
ALBERT TOBIN



# Special Permit

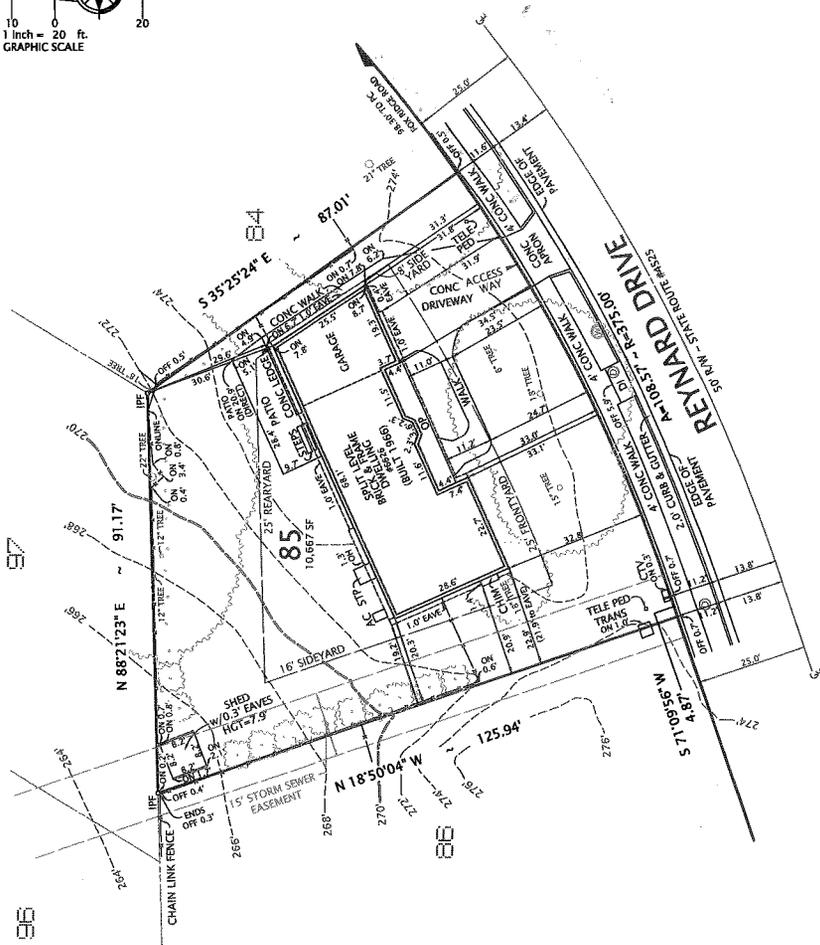
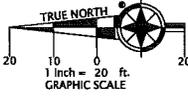
SP 2011-SP-106

ALBERT TOBIN



**NOTES**

1. TAX MAP: 89-1-05-0085
2. ZONE: R-2C (R-2 w/CLUSTER DEV)
3. LOT AREA: 10,667 SF (0.2449 ACRE)
4. REQUIRED YARDS:
  - FRONT: = 25.0 FEET
  - SIDE: = MIN. 8.0' FEET BUT A TOTAL OF 24.0 FEET
  - REAR: = 25.0 FEET
5. EX. HEIGHTS:
  - EX. DWELLING = 19.0 FEET
  - EX. GARAGE (RIDGELINE) = 11.4 FEET
  - EX. GARAGE (EAVE) = 06.6 FEET
  - EX. SHED = 07.9 FEET
  - EX. LEDGE = 00.6 FEET
  - EX. FENCES = 04.0 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS; IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. EX. AREAS:
  - EX. BASEMENT = 651 SF
  - EX. FIRST FLOOR = 1,084 SF
  - EX. SECOND FLOOR = 674 SF
  - EX. GROSS FLOOR AREA = 2,409 SF
  - EX. FLOOR AREA RATIO: 0.23 (2409 / 10,667)
13. FENCES ARE FRAME UNLESS NOTED.
14. ALL FENCES ARE 4'0" IN HEIGHT.
15. UTILITIES ARE UNDERGROUND.
16. TREES ARE 0.5" IN DIAMETER OR LESS UNLESS NOTED.
17. SILT FENCE IS TO CONTAIN THE FAMILY PUPPY DOG. THERE IS NO CONSTRUCTION ASSOCIATED WITH THE SILT FENCE.
18. FRONT YARD = 3,624 SF (FROM THE FACE OF THE DWELLING)  
FRONT YARD IMPERVIOUS COVER = 770 SF.  
FRONT YARD IMPERVIOUS COVER CALC. = 0.21



**ORANGE HUNT ESTATES**  
 FAIRFAX COUNTY, VIRGINIA

SHOWING THE IMPROVEMENTS ON  
 LOT 85, SECTION 1  
 (DEED BOOK 2690, PAGE 236)  
 SPRINGFIELD DISTRICT  
 NOVEMBER 04, 2011 (IMPERV. CALC.)  
 SCALE: 1" = 20'

**PLAT**

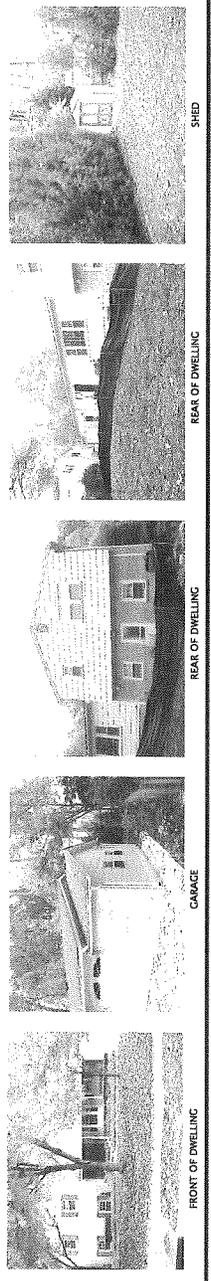
11/04/2011  
 LICENSE NO. 2069  
 CONVEYED BY VIRGINIA LAND SURVEYORS

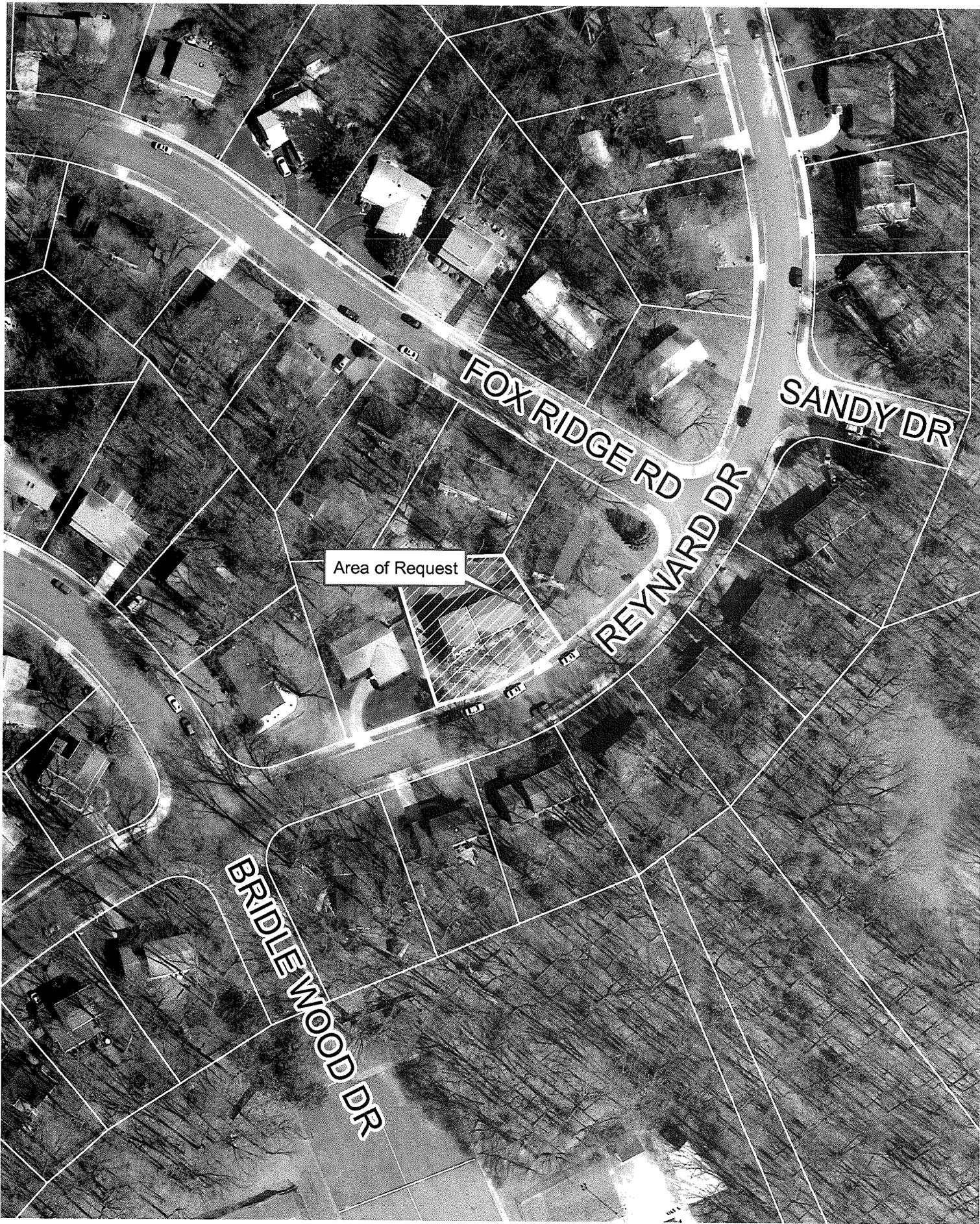
Case Name: ALBERT A. TOBIN, DEBORAH L. TOBIN

DOMINION Surveyors Inc.\*  
 8808 H. REAR TREE VILLAGE COURT  
 ALEXANDRIA, VIRGINIA 22309  
 703.619.6555  
 FAX: 703.793.6412

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.

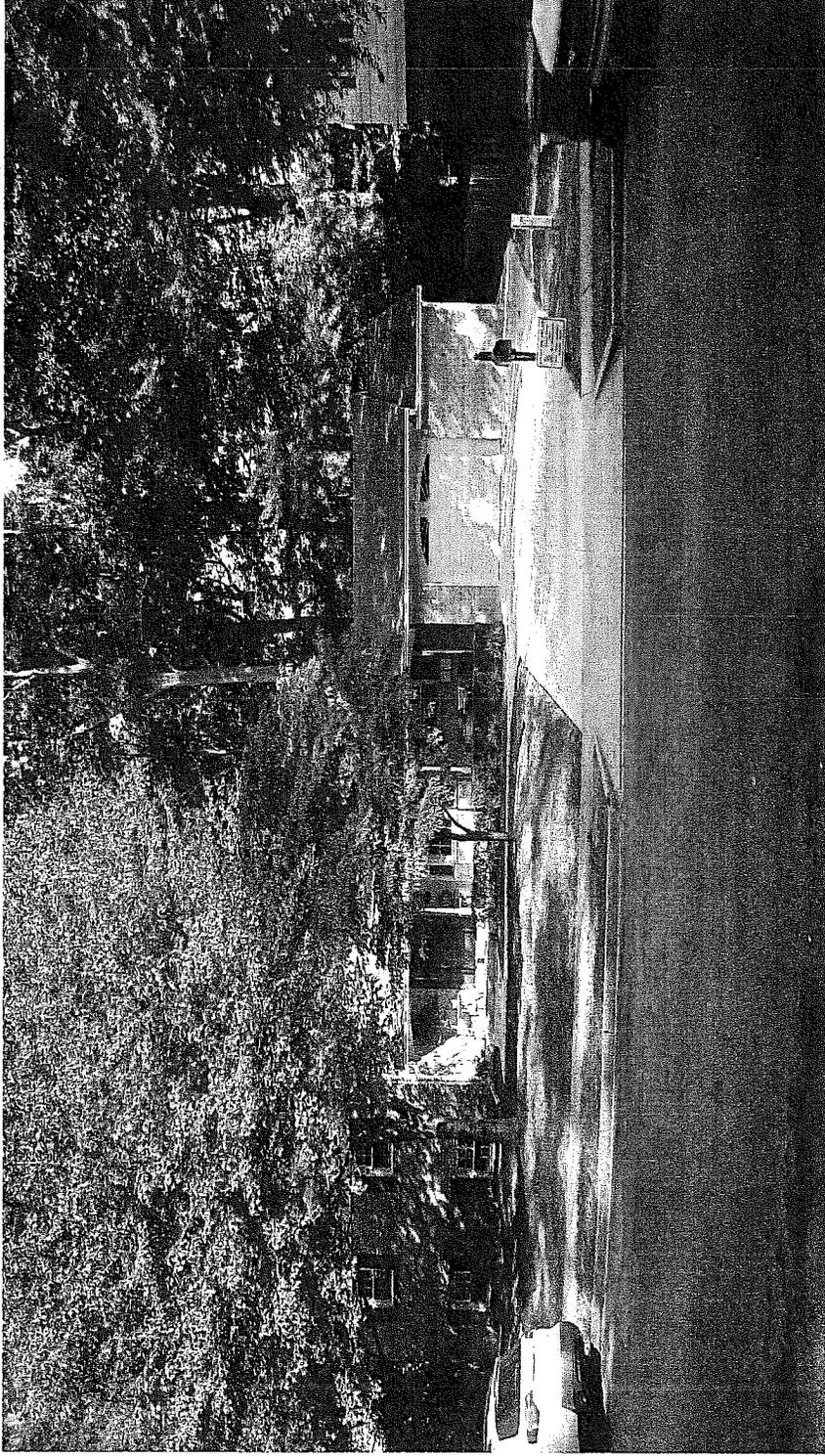




SP 2011-SP-106  
6626 Reynard Drive

1 inch = 100 feet

# **Property - South View Reynard Drive**



**Addition - Garage**

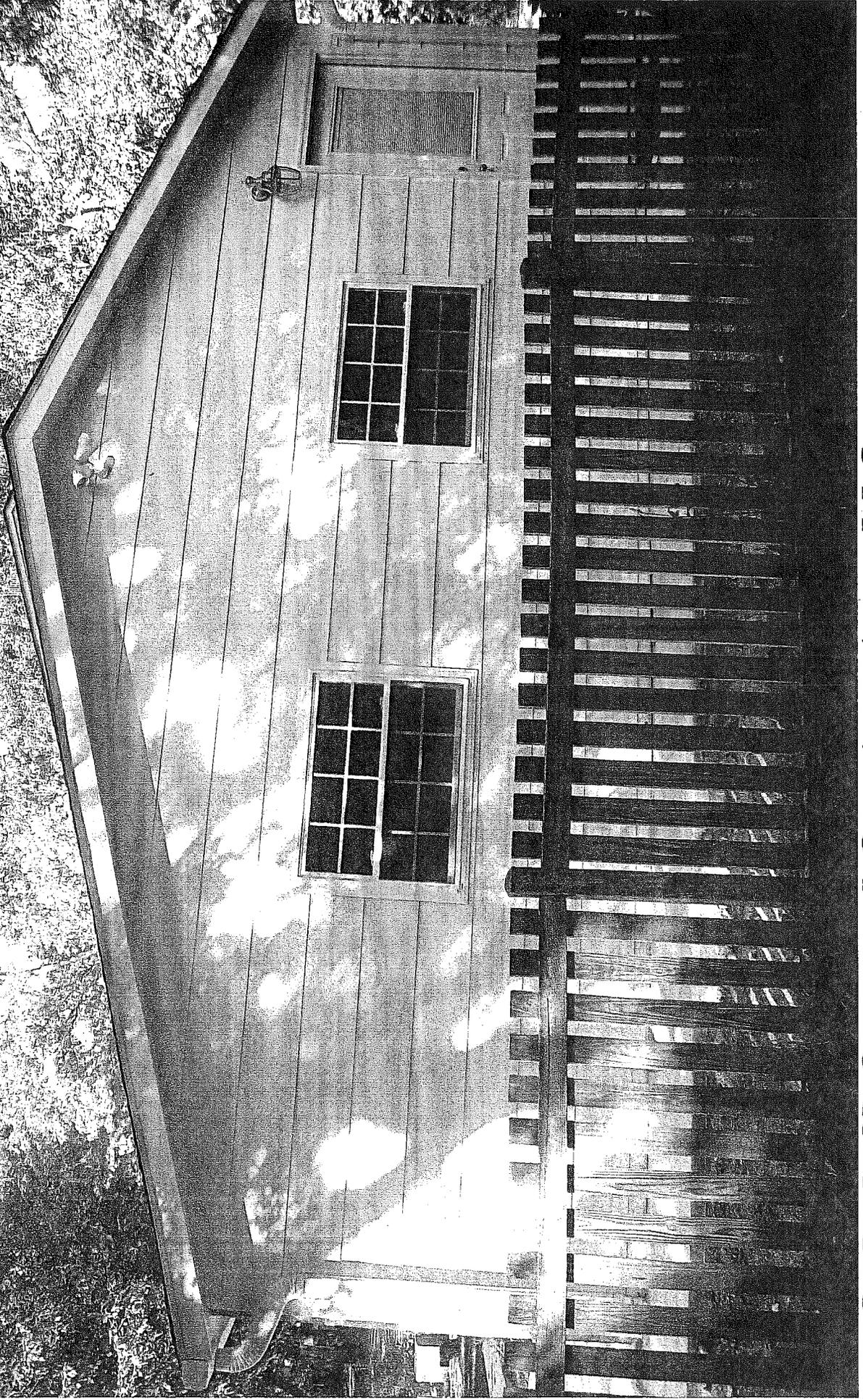
**LOT 85**

**Sokoleff General Contractor - LLC**

**LORTON, VA 22079 703 339 5364**

**9/27/2010**

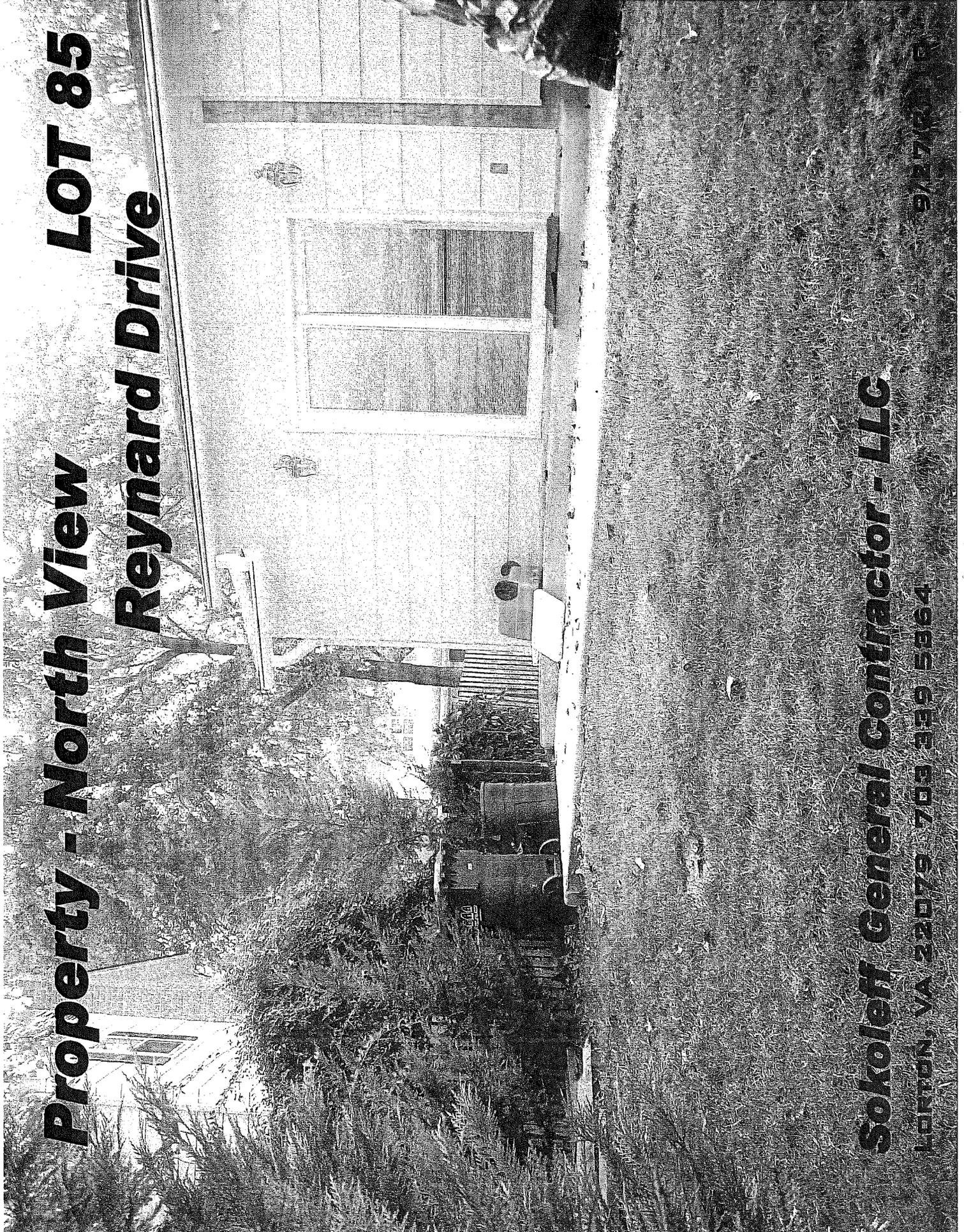
**Property - East View**      **LOT 85**  
**Reynard Drive**



**Sokoleff General Contractor - LLC**

01/11/2012

**Property - North View  
Reynard Drive  
LOT 85**



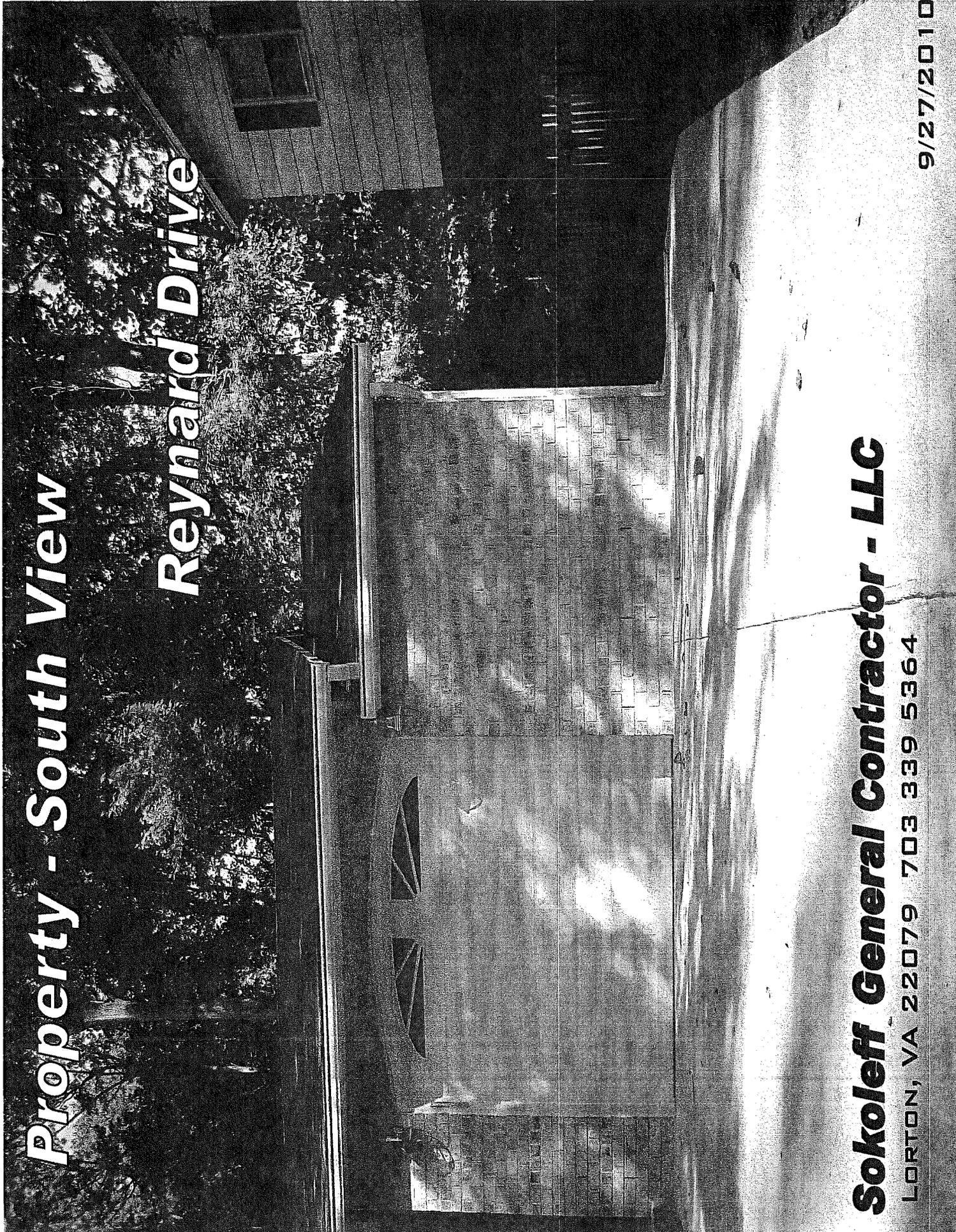
**Sokoleff General Contractor - LLC**

LORTON, VA 22079 703 339 5864

9/27/08

**Property - South View**

**Reynard Drive**



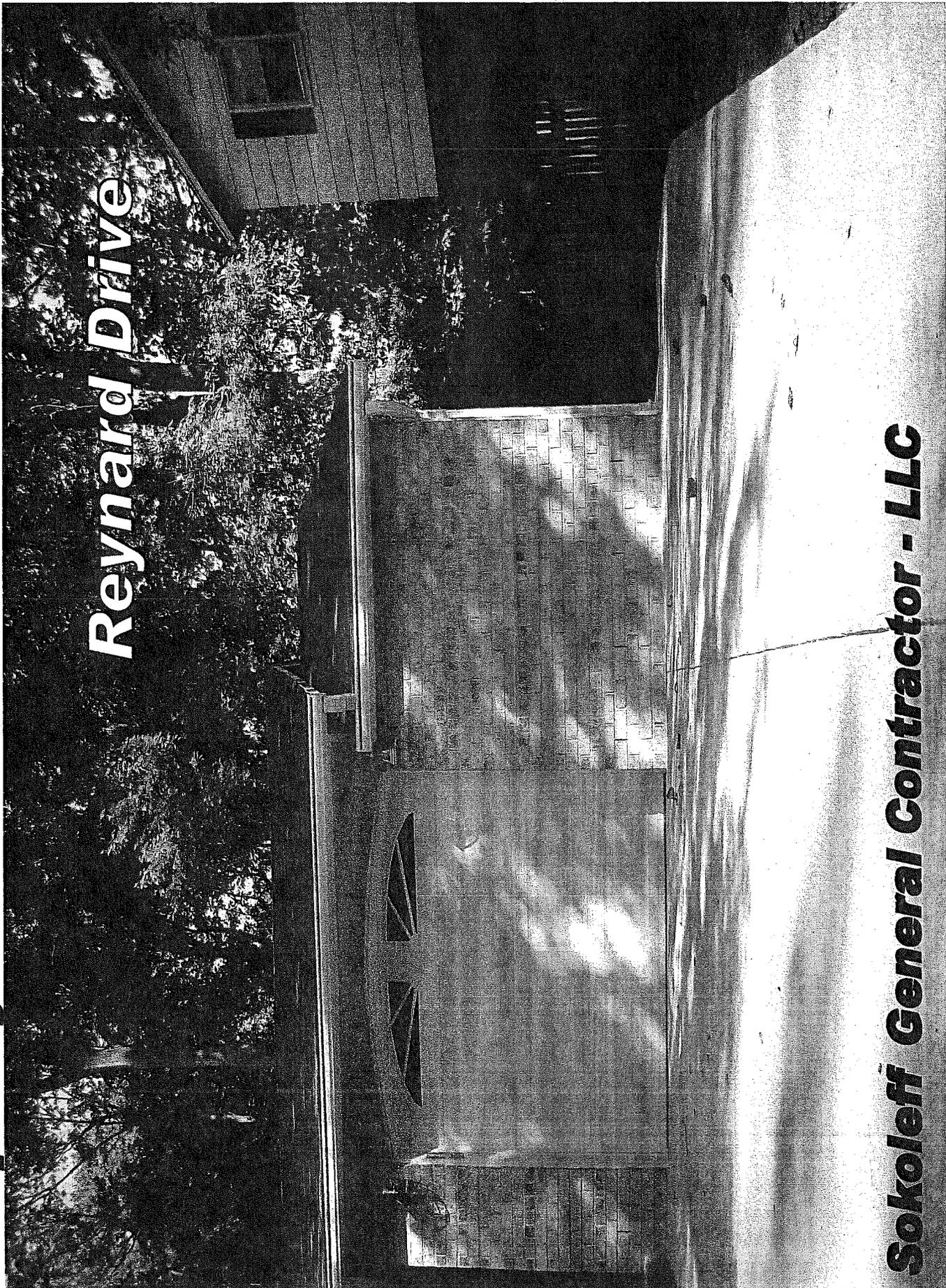
**Sokoleff General Contractor - LLC**

LORTON, VA 22079 703 339 5364

9/27/2010

# Property - South View LOT 85

Reynard Drive



**Sokoleff General Contractor - LLC**

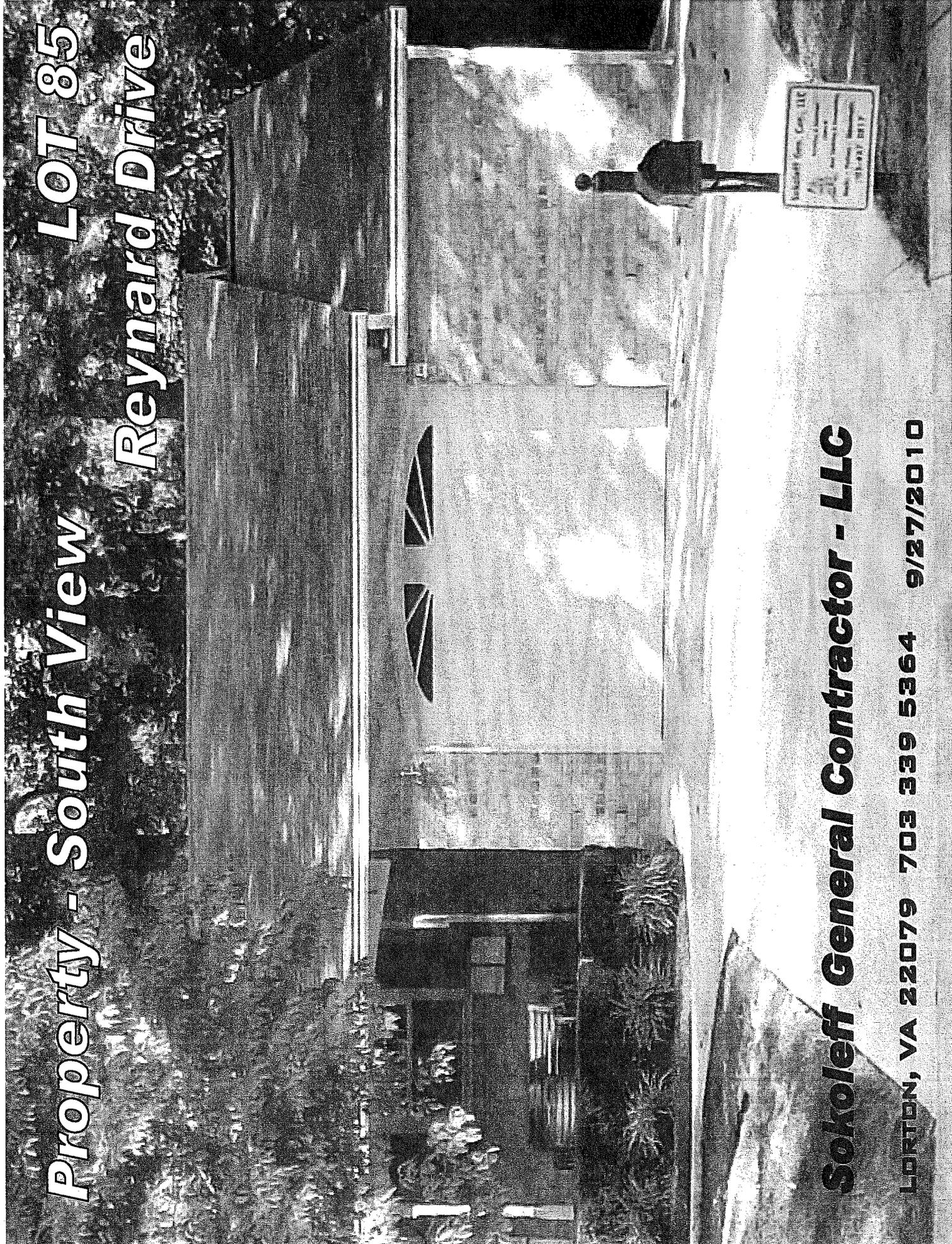
INDOTAN VA 22070 703 330 5364

9/27/2010

**Property - South View**

**LOT 85**

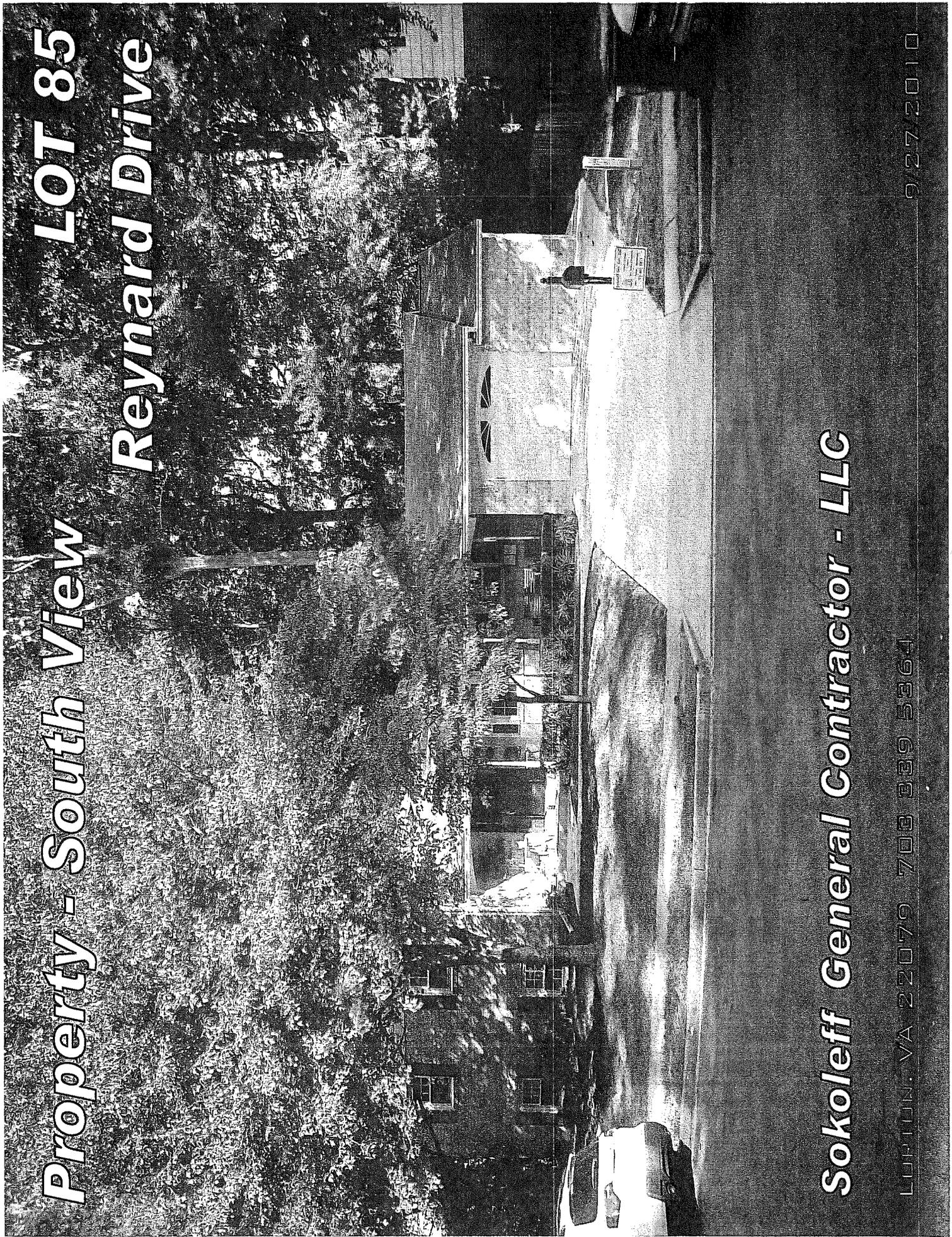
**Reynard Drive**



**Sokoleff General Contractor - LLC**

**LORTON, VA 22079 703 339 5364 9/27/2010**

**Property - South View  
Reynard Drive  
LOT 85**

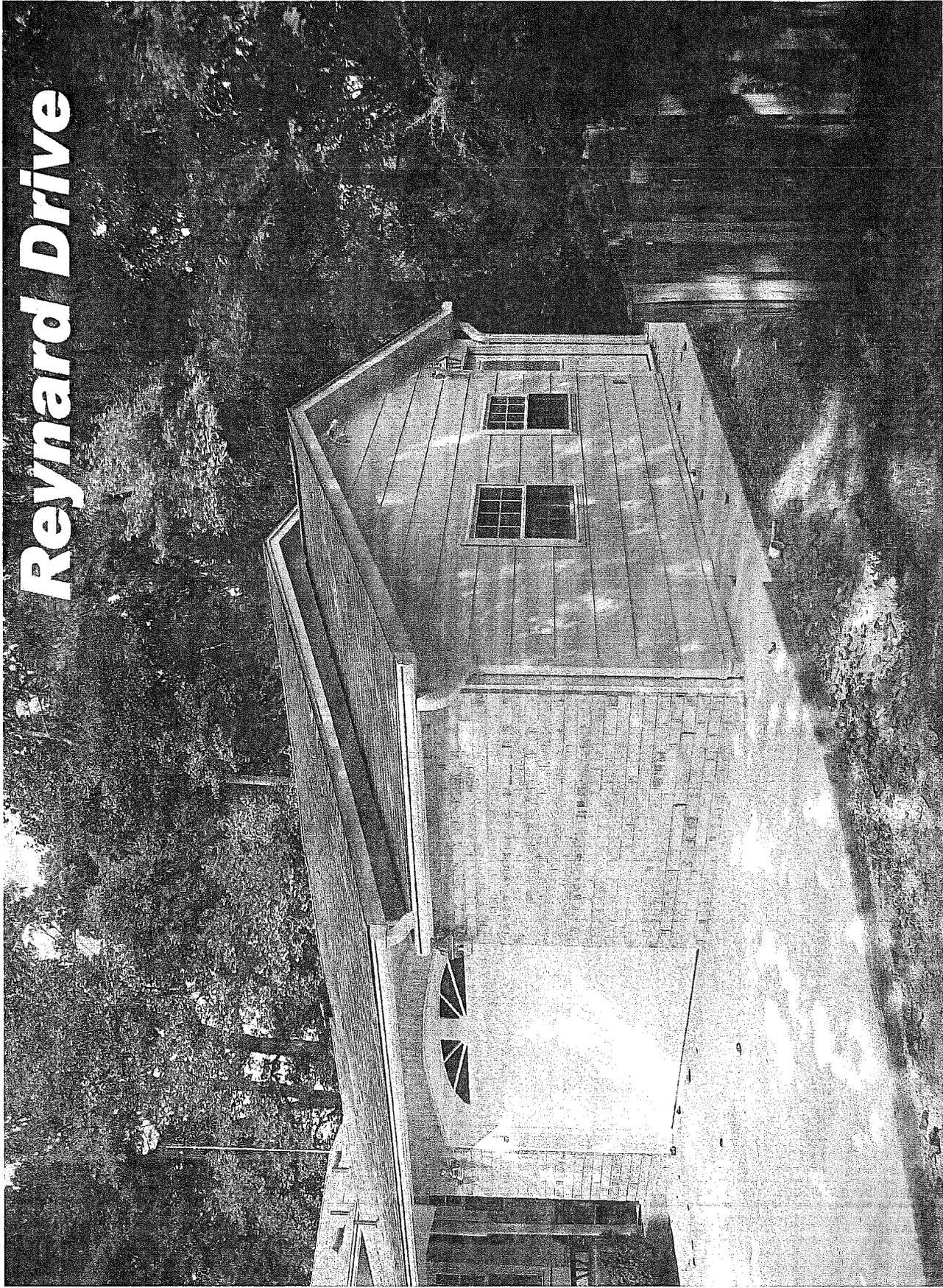


**Sokoleff General Contractor - LLC**

LUPTON, VA 22079 703 339 5364

9/27/2010

**Property - South East View LOT 85**  
**Reynard Drive**



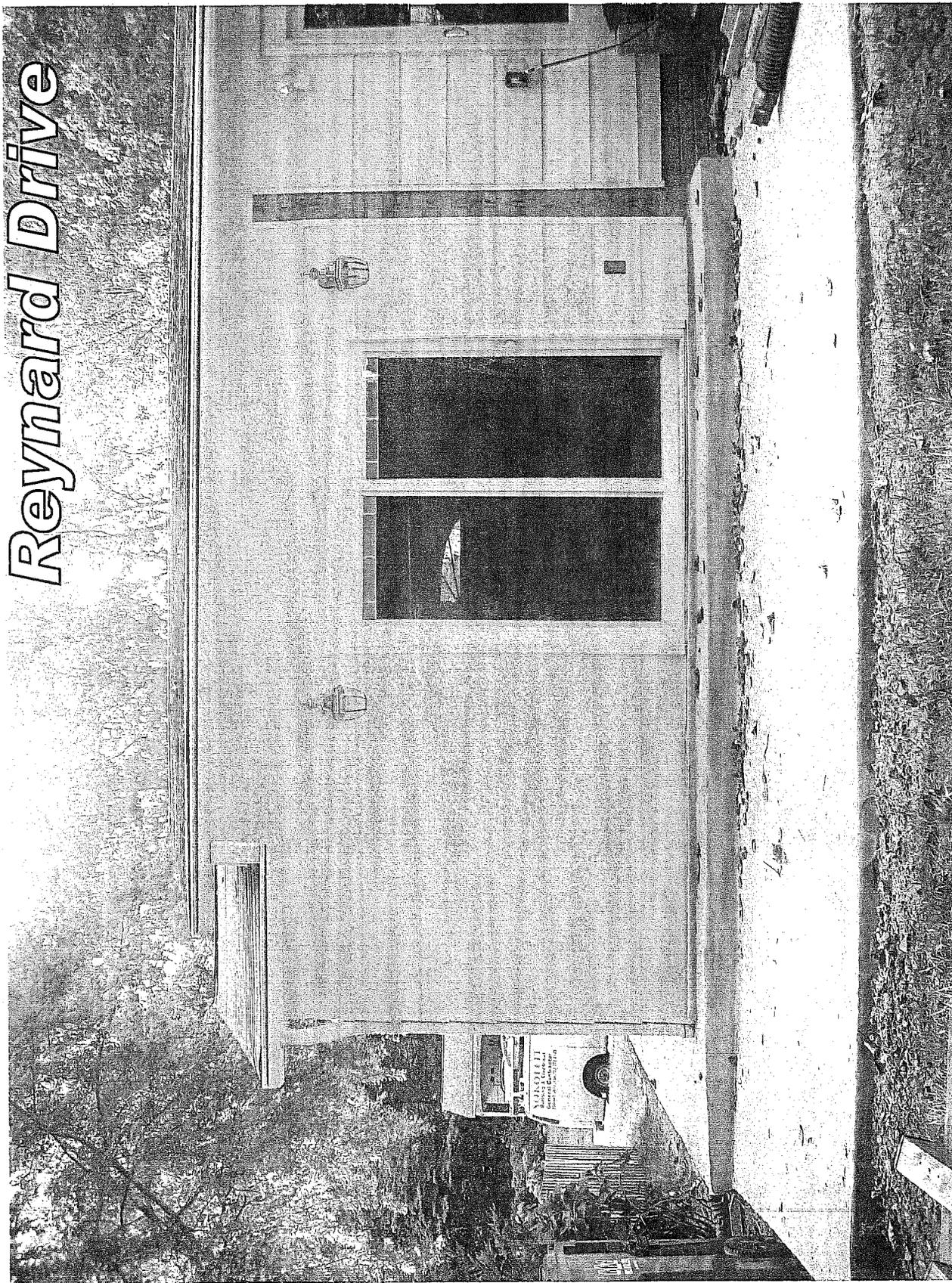
**Sokoleff General Contractor - LLC**

LORTON, VA 22079 703 339 5364

9/27/2010

# Property - North View LOT 85

## Reynard Drive

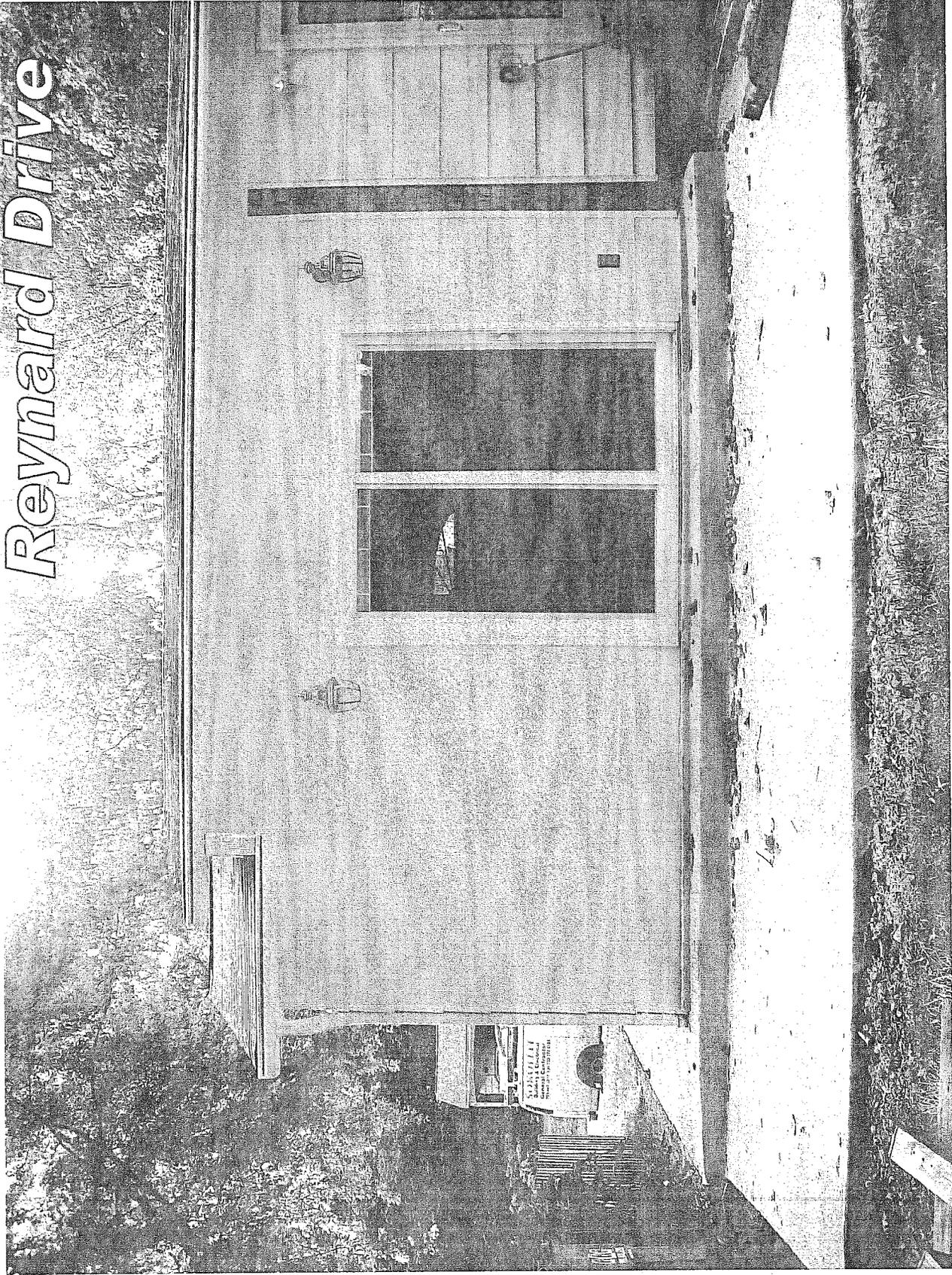


**Sokoleff General Contractor - LLC**  
LORTON, VA 22079 703 339 5364

9/27/2010

**Property - North View LOT 85**

**Reynard Drive**



**Sokoleff General Contractor - LLC**

LORTON, VA 22079 703 339 5364

9/27/2010

**Property - South East View LOT 85  
Reynard Drive**

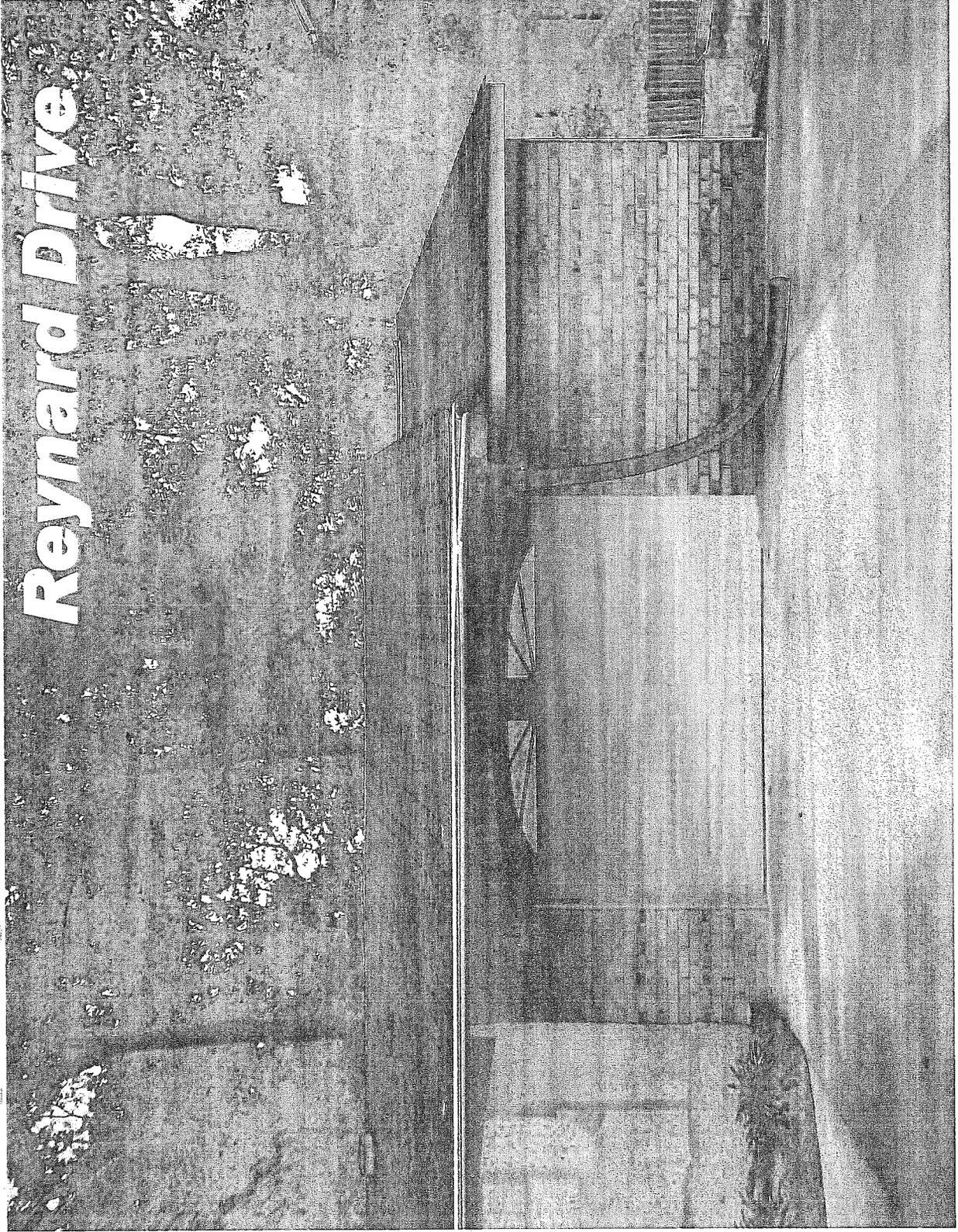


**Sokoleff General Contractor - LLC**  
LORTON, VA 22079 703 339 5364

9/27/2010

Property - South View LOT 85

Reynard Drive

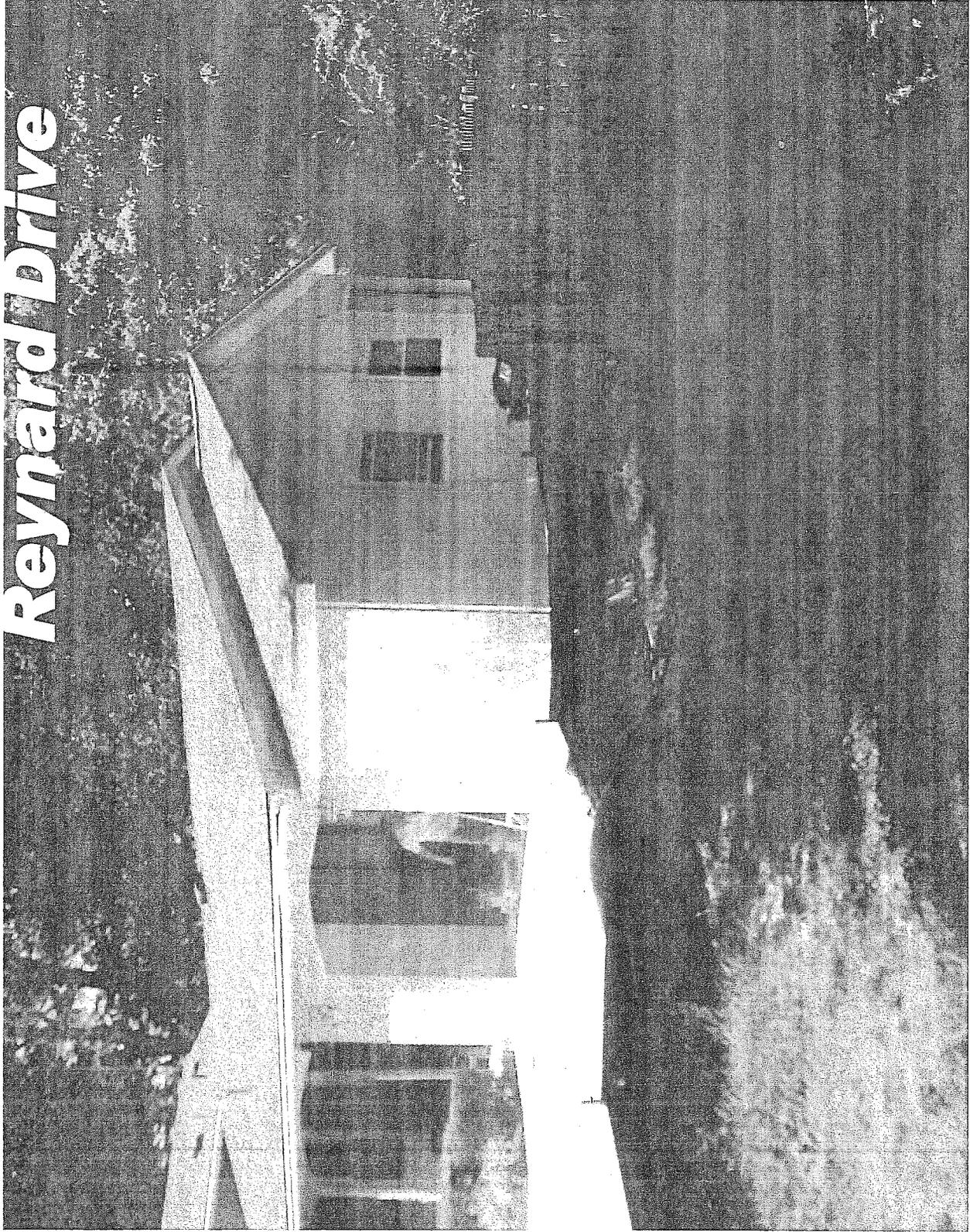


Sokoloff General Contractor - LLC  
Lorton, VA 22079 703 339 5364

9/27/2010

**Property - South - East View LOT 8!**

**Reynard Drive**

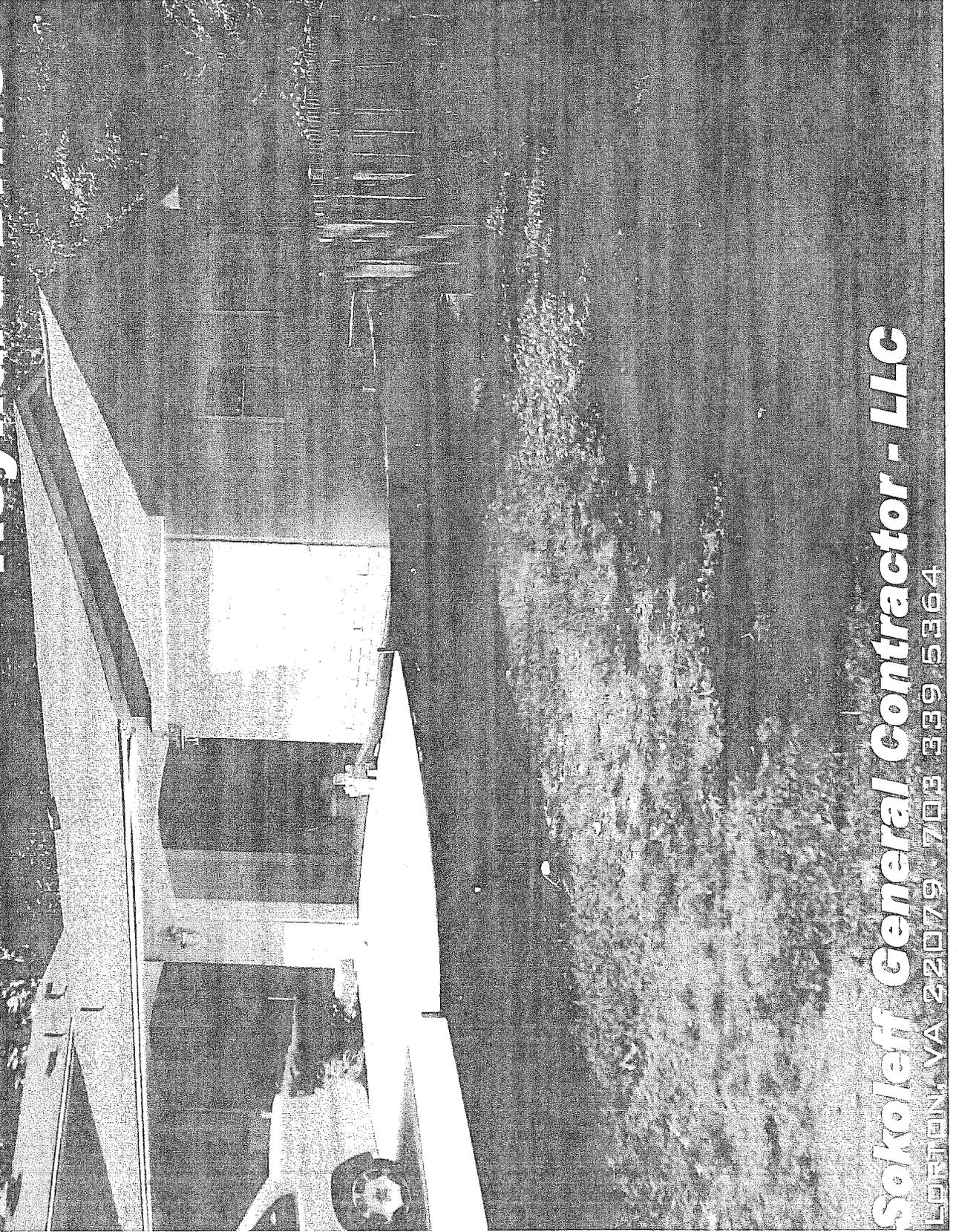


**Sokoleff General Contractor - LLC**

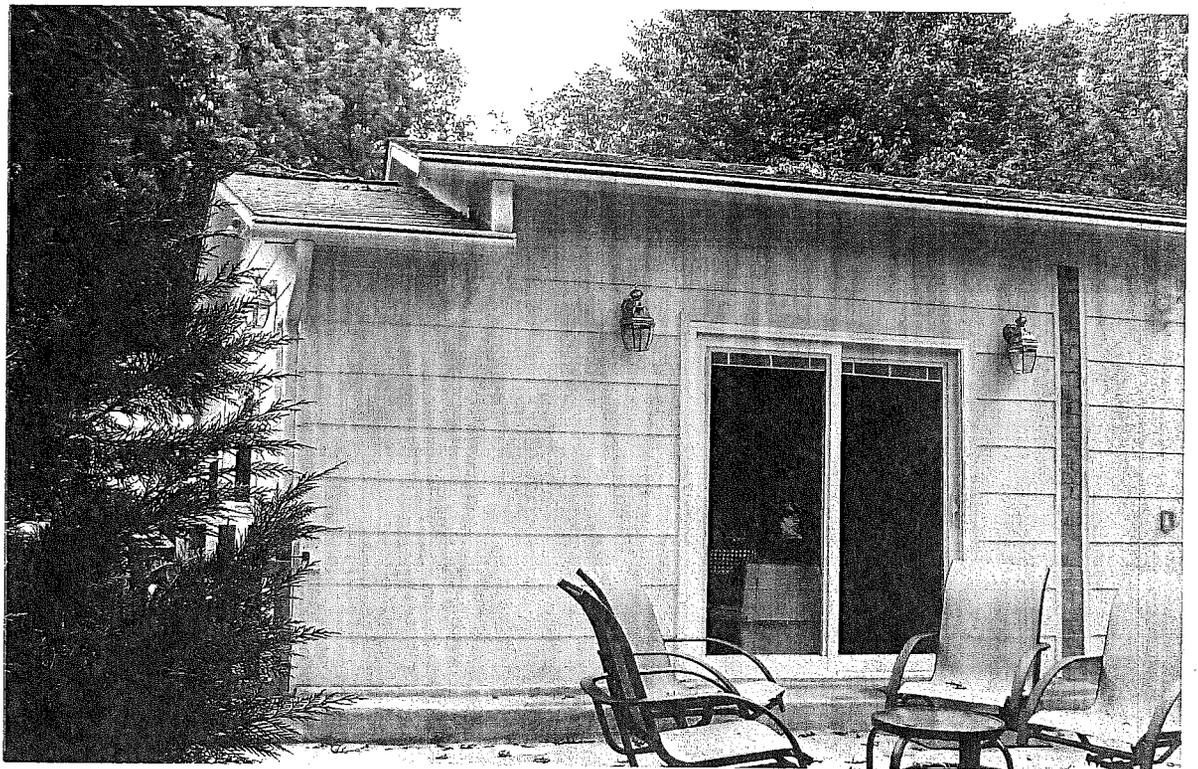
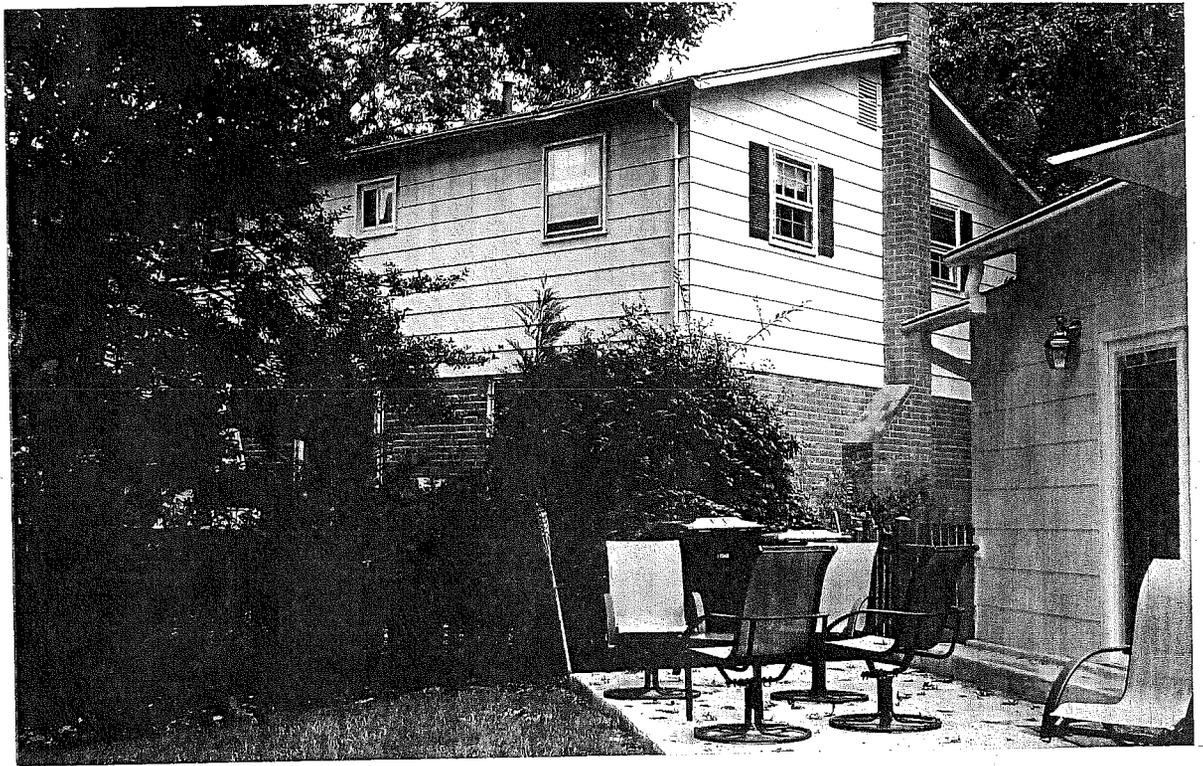
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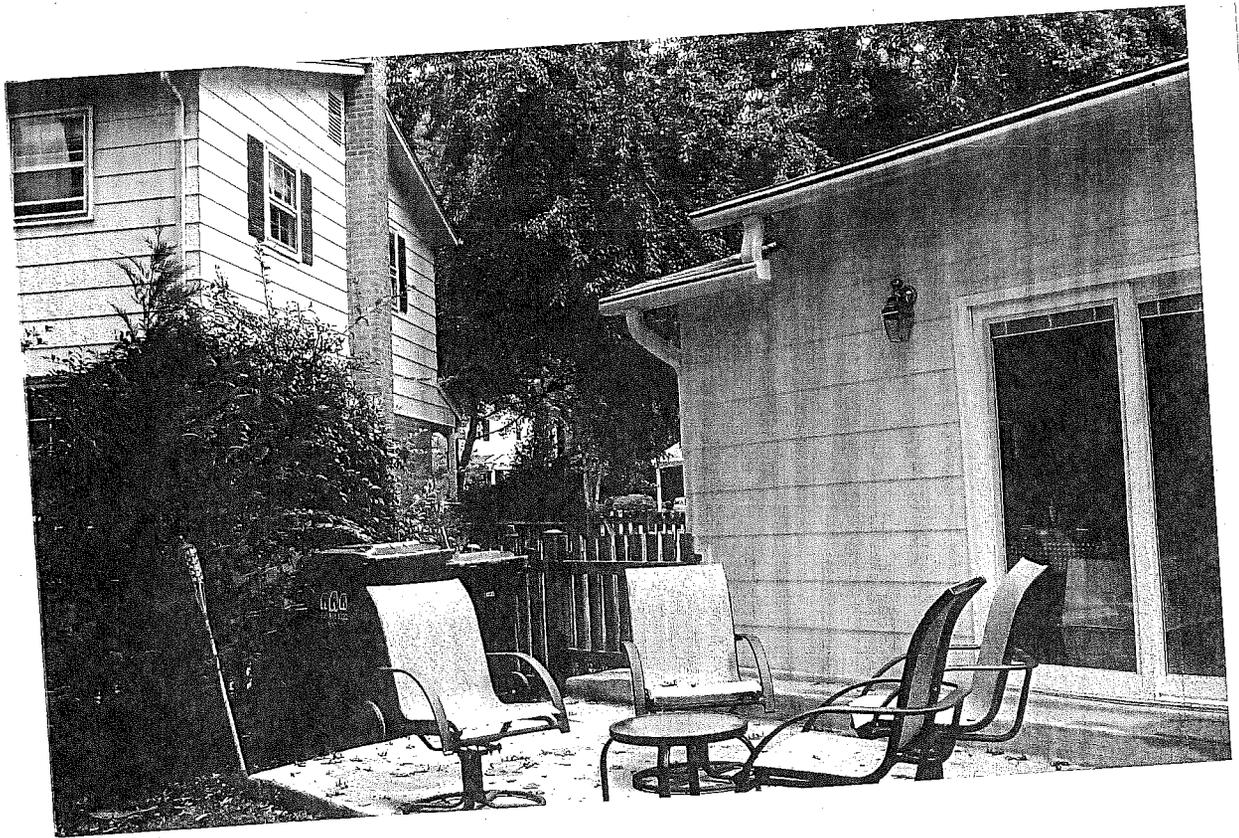
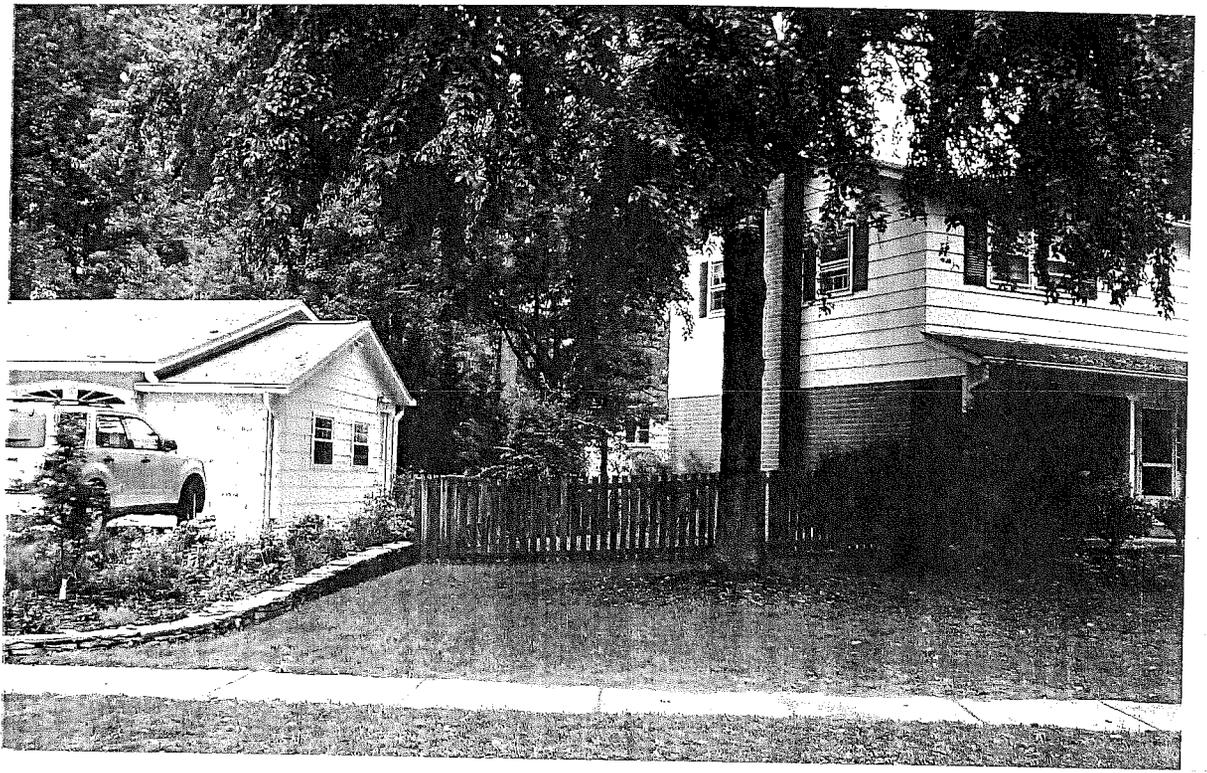
9/27/2010

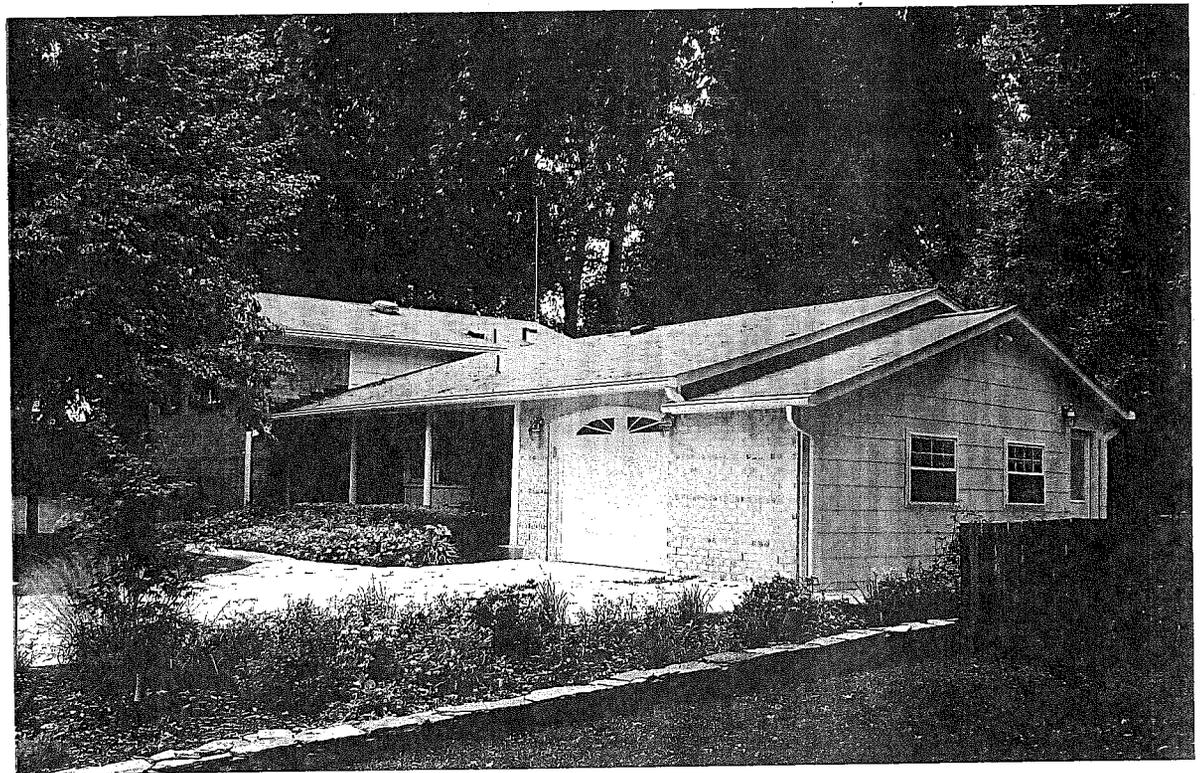
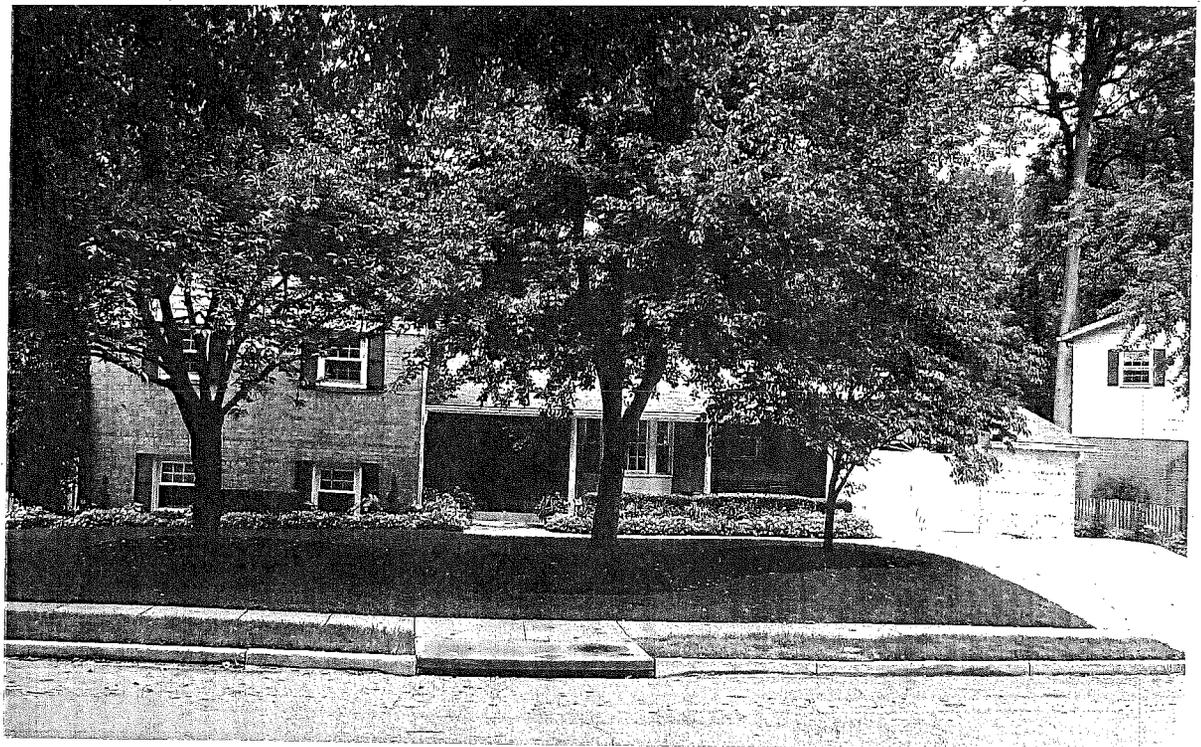
**Property - South -East, View LOT 8  
Reynard Drive**

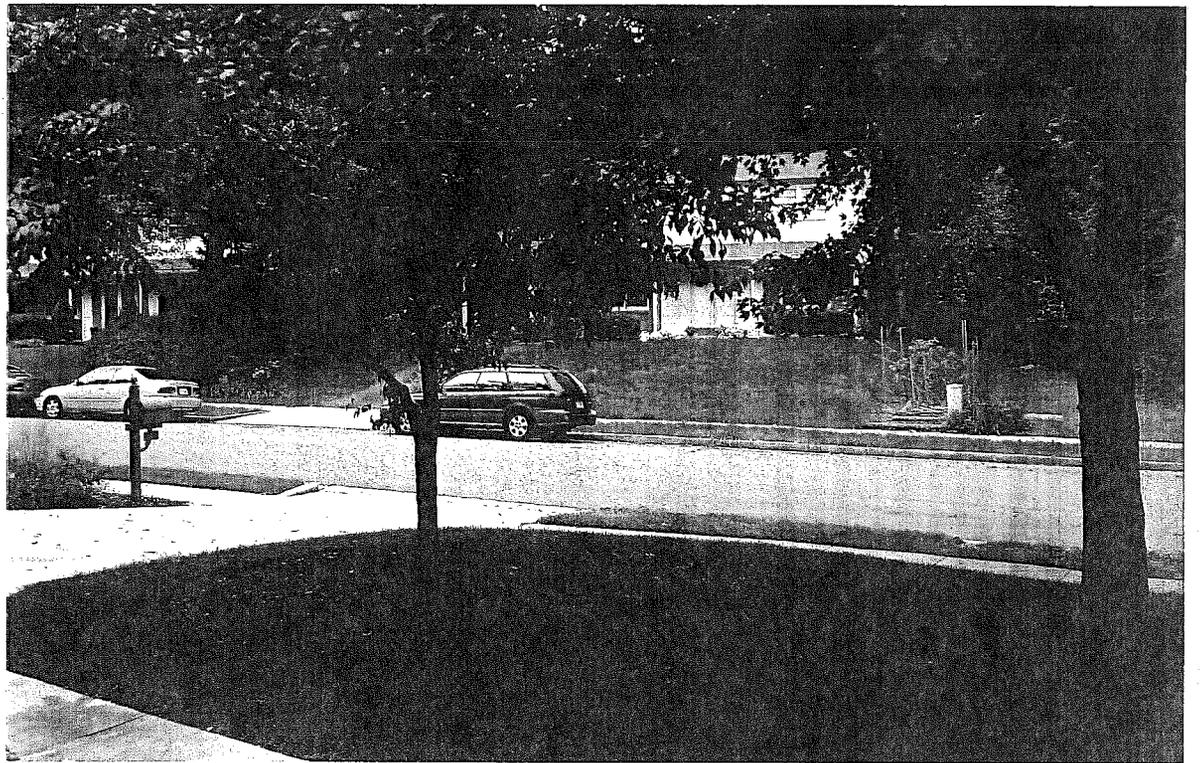
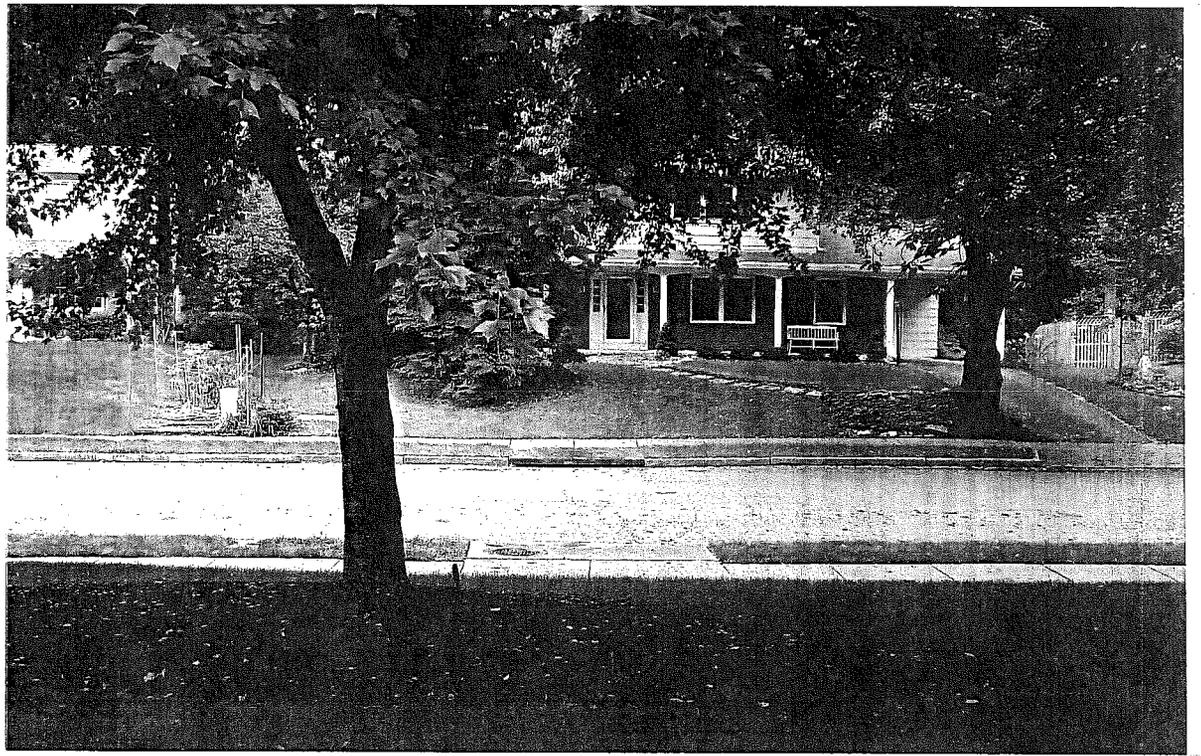


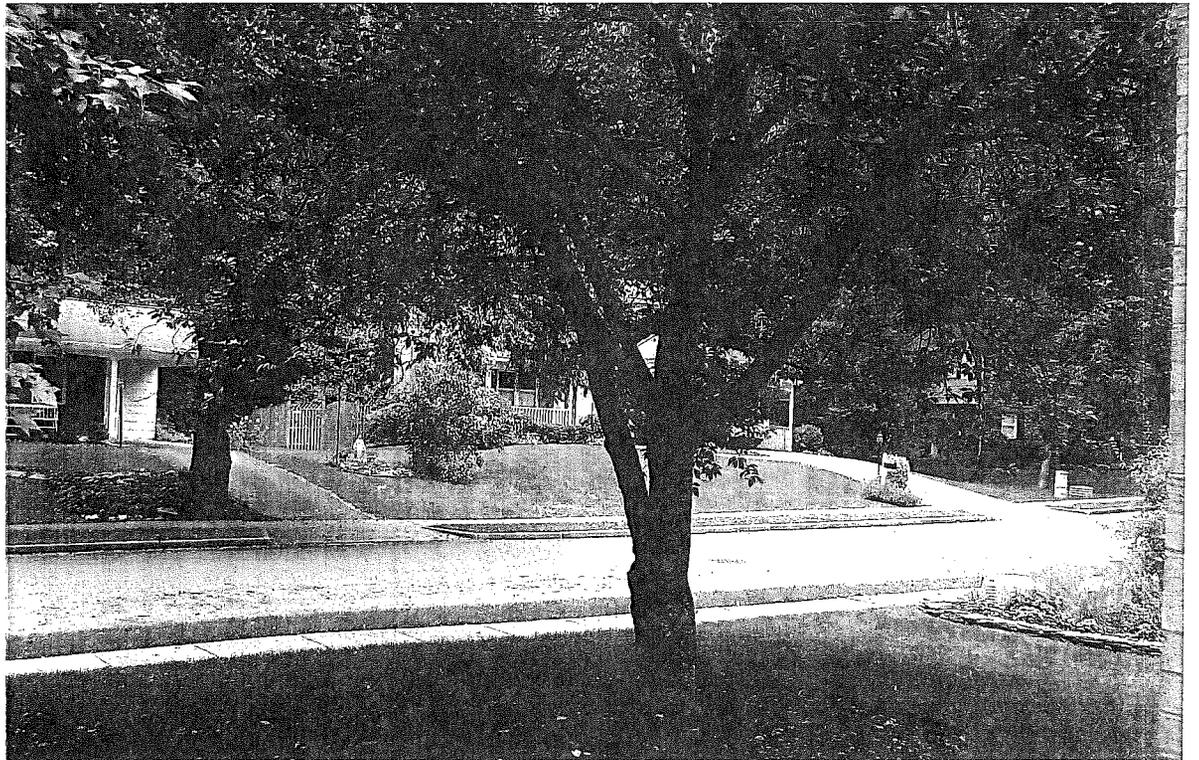
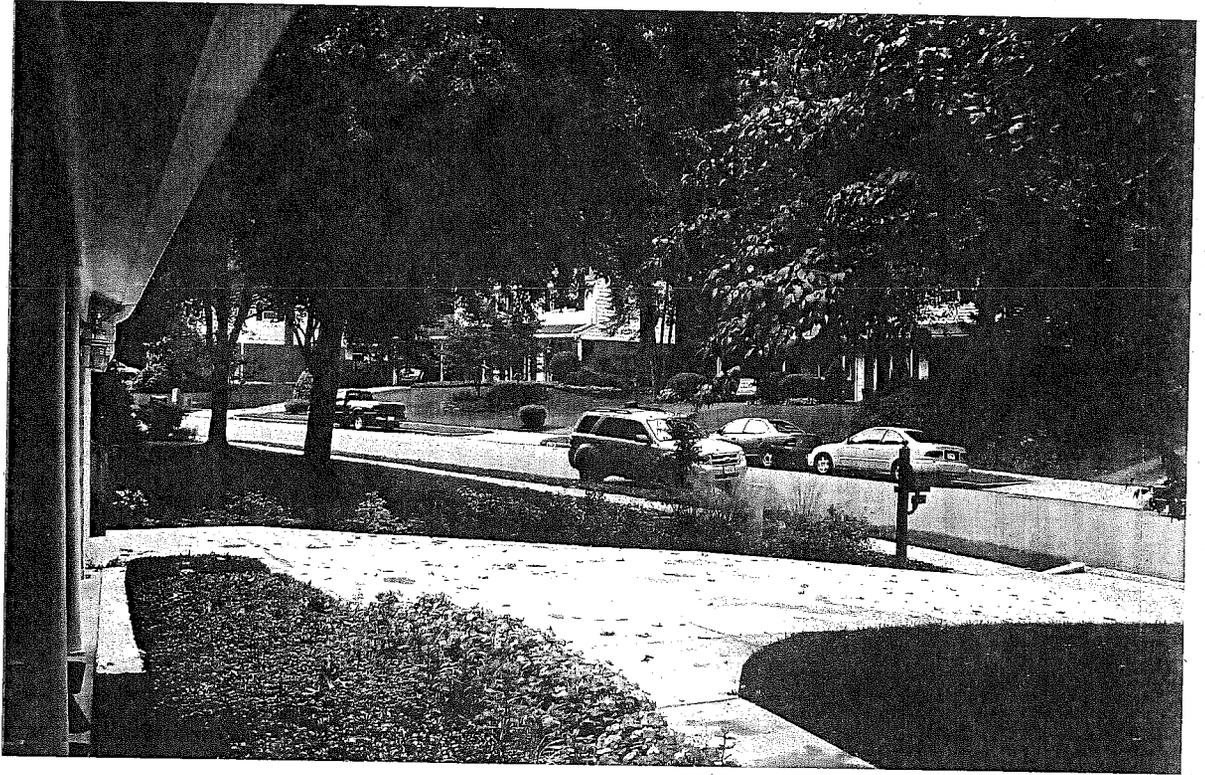
**Sokoleff General Contractor - LLC**  
LORTON, VA 22079 703 339 5364

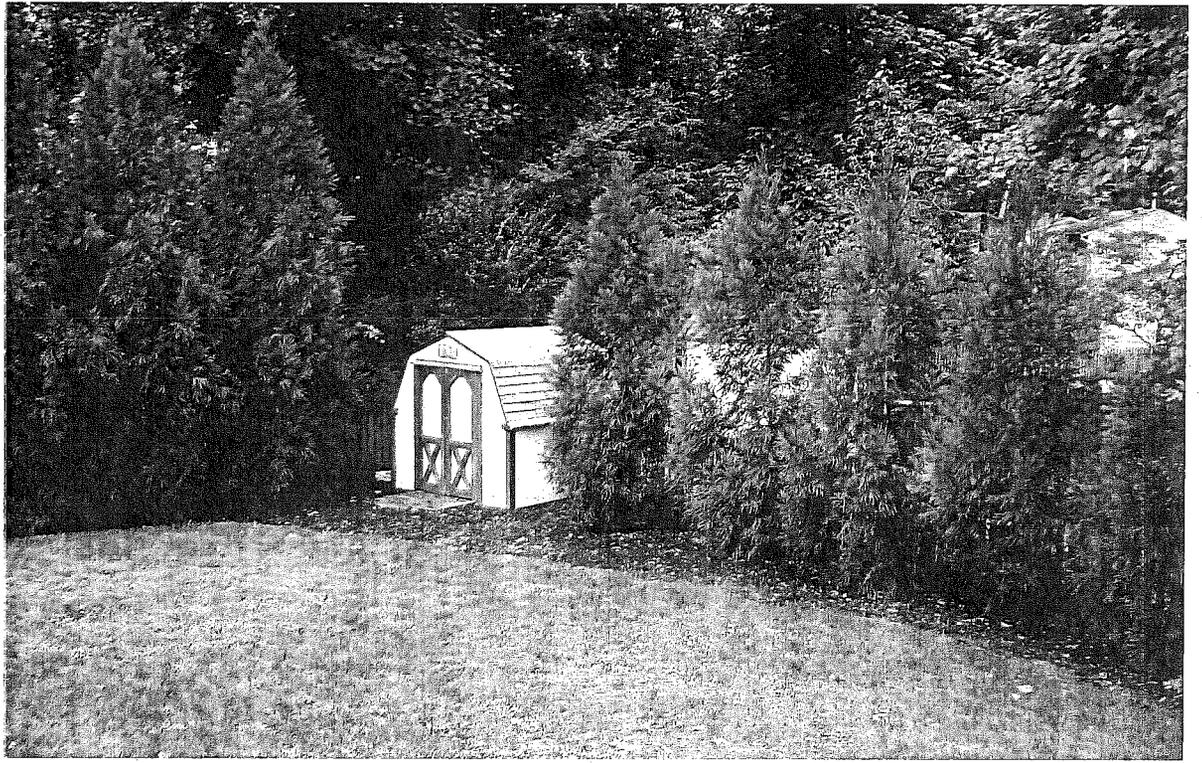














Lot 85

FOY R

REYNARD

REYNARD OF



**DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit for an error in building location to permit an addition to remain 6.7 feet from the eastern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Addition	Side	8.0 feet	6.7 feet	1.3 feet	16%

\*Minimum Yard Requirement per Section 3-207

**LOCATION AND CHARACTER**

**Character of the Area**

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

**Existing Site Description**

The 10,667 square foot lot was developed under the R-2 cluster regulations and contains a single family detached dwelling/patio house constructed in 1966. The lot slopes to the rear where the basement is partially exposed and has a manicured lawn with mature trees, shrubs and some foundational plantings. The site is accessed via a hard surfaced driveway from Reynard Drive.

There is an existing shed in the northwest corner of the property.

Existing 4' high chain link fencing encloses the rear portions of the lot and an existing concrete patio/open deck is located off the rear of the dwelling.

## BACKGROUND

On June 4, 2010, a building permit was approved for an addition to enclose the existing carport and create a garage. The plan submitted with the building permit indicated the addition would be located 8 feet from the eastern side lot line, which is the minimum yard requirement. A setback certification based on field survey is a requirement following completion of construction. The setback certification prepared by Ernest Njaba, PE on August 25, 2010 shows that the addition was actually less than 8 feet from the side lot line, therefore the setback certification failed on August 26, 2010. A copy of the building permit is included in Appendix 4 and the setback certification letter is included as Appendix 5. The applicant then applied for a special permit to allow a reduction based on error.

The existing shed is located in a storm water drainage easement. According to staff from the Department of Public Works and Environmental Services the shed must be relocated out of the drainage easement. A development condition is added to address the location of the shed.

A concrete patio was added recently and measures 4.9 feet from the side lot line, which is 0.1 foot into the required minimum yard. An administrative reduction was granted on November 29, 2011 and a copy of the approved letter is attached as Appendix 6.

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

- Variance VC 88-S-058 was approved July 8, 1988 for Tax Map 89-1 ((05)) B1, zoned R-2 Cluster, at 8709 Fox Ridge Road, to permit construction of a carport addition 3.1 feet from side lot line, such that side yards total 18.7 feet.
- Variance VC 88-S-159 was approved January 18, 1989 for Tax Map 89-1 ((05)) 237, zoned R-2 Cluster, at 8706 Powder Horn Road, to permit construction of a garage addition 8.3 feet from the side lot line, such that side yards total 19.8 feet.
- Variance VC 95-S-046 was approved July 19, 1995 for Tax Map 89-1 ((4)) 101, zoned R-3 at 8208 Marcy Avenue, to permit construction of an addition 6.0 feet from side lot line.
- Variance VC 96-S-145 was approved February 12, 1997 for Tax Map 89-1 ((5)) 228, zoned R-2 Cluster at 6723 Houndmaster Road, to permit construction of an addition 3.8 feet from side lot line, such that side yards total 19.1 feet.

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

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

**CONCLUSION**

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

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

**APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit
5. Setback Certification letter August 26, 2010.
6. Administrative reduction letter November 29, 2011.
7. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2011-SP-106**

**February 21, 2012**

1. This special permit is approved only for the location of an addition, as shown on the plat prepared by Dominion Surveyors, Inc., dated November 14, 2011, by George M. O'Quinn, submitted with this application and is not transferable to other land.
2. The existing shed shall be relocated outside of the storm sewer easement within 120 days of approval of this special permit.

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 29 AUG 2011  
(enter date affidavit is notarized)

I, ALBERT A. TOBIN, 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

1098624

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
ALBERT A. TOBIN	6626 REYNARD DRIVE SPRINGFIELD, VA 22152	<b>APPLICANT/TITLE OWNER</b>
DEBORAH L. TOBIN	6626 REYNARD DRIVE SPRINGFIELD, VA 22152	<b>TITLE OWNER</b>

NFE

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 29 Aug 2011  
(enter date affidavit is notarized)

1098620

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)

*NONE*

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 29 Aug 2011  
(enter date affidavit is notarized)

1098e2b

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

**PARTNERSHIP INFORMATION**

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

*NONE*

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

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

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

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

Application No.(s): \_\_\_\_\_

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 29 Aug 2011  
(enter date affidavit is notarized)

109 8620

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

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

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

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

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

NONE

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

Application No.(s): \_\_\_\_\_

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 29 Aug 2011  
(enter date affidavit is notarized)

1098026

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

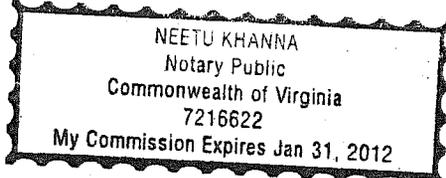
ALBERT A. TOBIN

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

Subscribed and sworn to before me this 29 day of August, 2011, in the State/Comm. of Fairfax, County/City of Fairfax.

[Signature]  
Notary Public

My commission expires: Jan 31, 2012



Date: 14 November 2011

Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

RECEIVED  
Department of Planning & Zoning

NOV 14 2011

Albert A. Tobin  
6626 Reynard Drive  
Springfield, VA 22152

Zoning Evaluation Division

Subject: SPECIAL PERMIT STATEMENT OF JUSTIFICATION

Re: SP 2010-0195

1. Submitted in accordance with Section 8-011 of Zoning Ordinance.
2. Request approval for the following minor reduction in minimum yard requirement:
  - a. Garage addition to single family residence at 6626 Reynard Drive, Springfield, VA 22152. Minimum yard clearance is provided in the Special Permit Plat submitted with this application.
  - b. Concrete patio slab at rear of garage addition. Special Permit Plat submitted shows the amount of the slab extension in to the minimum required yard clearance.
3. Compliance with Section 8-914 standards:
  - A. The measurement error exceeds 10% of the minimum yard clearance. The addition does not extend into the minimum required yard clearance by more than 1.1 foot or 15%.
  - B. The error was made in good faith by the contractor, and through no fault of the property owner. The error to the structure is a slight extension into the minimum requirement by a small portion of the overhanging eave of the garage at the back end. The error to the concrete patio slab is also slight and was constructed as is to maintain symmetry with the rest of the structure.
  - C. The request for approval of reduction in minimum yard requirement does not impair the purpose or intent of this Zoning Ordinance.
  - D. The addition, including extension into minimum yard requirement does not adversely impact the use or enjoyment of any adjacent properties. The design of the new garage matches surrounding homes with garages and maintains the architectural nature of the homes in the neighborhood. The addition is in character with the existing structure and surrounding houses in terms of location, bulk, and scale.

E. The addition, including extension into minimum yard requirement will not create an unsafe condition with respect to both other properties and public streets.

F. Contractor and owner of the property discussed options for restoring compliance with zoning regulation to avoid having to apply for special permit. Since the structure was already completed options were to tear down affected portion of the roof section and re-construct it to comply. This would have put undue cost burden on the owner and the contractor. Reconstruction would also have made the structure aesthetically unpleasing and asymmetrical.

G. The reduction does not result in an increase in density or floor area ratio from that permitted.

4. The errors occurred as result of contractor lack of awareness that the eaves of the structure and the concrete slab were subject to the minimum yard requirements.

5. Statement of hazardous or toxic substances. Any hazardous substances kept on the property are typical household variety such as gas grill propane tanks, household pesticides and automobile fluids.

6. This justification statement is submitted to comply with requirements as set forth in Section 8-914. Request for approval is for compliance with all applicable ordinances, regulations, and adopted standards.

Sincerely,



Albert A. Tobin

**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 # 10155003  
 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](http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp)

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

**JOB LOCATION**  
 ADDRESS 6626 REYNOLDS DR. SPRINGFIELD 22152  
 LOT # 85 BUILDING \_\_\_\_\_  
 FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
 SUBDIVISION George Hunt Ests  
 TENANT'S NAME \_\_\_\_\_  
 EMAIL \_\_\_\_\_  
 CONTACT ID \_\_\_\_\_

**OWNER INFORMATION** OWNER  TENANT   
 NAME ALBERT TOBIN  
 ADDRESS 6626 REYNOLD DR.  
 CITY SPRINGFIELD STATE VA ZIP 22152  
 TELEPHONE 571 722 7975  
 EMAIL \_\_\_\_\_  
 CONTACT ID \_\_\_\_\_

**CONTRACTOR INFORMATION** SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME SOKOLEFF GEN. CONTR. R  
 ADDRESS 7657 SUMMERHILL CT  
 CITY LORTON STATE VA ZIP 22079  
 TELEPHONE (703) 447-3817  
 EMAIL SGK-444@hotmail.com  
 STATE CONTRACTORS LICENSE # A-2705115747A  
 COUNTY BPOL # 000-07-4667/1034380  
 CONTACT ID AC330611

**APPLICANT**  
 NAME MIRRO KOLEV  
 ADDRESS 7657 SUMMERHILL CT  
 CITY LORTON STATE VA ZIP 22079  
 TELEPHONE (703) 447-3817  
 EMAIL SGK-444@hotmail.com  
 CONTACT ID \_\_\_\_\_

**DESCRIPTION OF WORK**  
GARAGE-REMODELING

HOUSE TYPE SINGLE FAMIL HOUSE  
 ESTIMATED COST OF CONSTRUCTION \$ 10,000.00  
 USE GROUP OF BUILDING \_\_\_\_\_  
 TYPE OF CONSTRUCTION \_\_\_\_\_

**DESIGNATED MECHANICS' LIEN AGENT**  
 (Residential Construction Only)

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 NONE DESIGNATED  PHONE \_\_\_\_\_

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY

PLAN #	10155003	
TAX MAP #	0871030080	
<b>ROUTING</b>		
PLANNING	DATE	APPROVED BY
ZONING		
SITE PERMITS		
HEALTH DEPT.		
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PERMITTERS		

**FEE**  
 FILING FEE \_\_\_\_\_  
 AMOUNT DUE = \$ \_\_\_\_\_

**BUILDING PLAN REVIEW**  
 REVIEWER \_\_\_\_\_ # OF HOURS \_\_\_\_\_  
 REVISION FEES \$ \_\_\_\_\_  
 FIRE MARSHAL FEES \$ \_\_\_\_\_  
 INSURANCE UNITS \_\_\_\_\_ PLAN EOC  RIF

**APPROVED FOR ISSUANCE OF BUILDING PERMIT**  
 (LOG OUT)  
 BY \_\_\_\_\_ DATE \_\_\_\_\_

**ZONING REVIEW**  
 USE Res  
 ZONING DISTRICT R-2C HISTORICAL DISTRICT \_\_\_\_\_  
 ZONING CASE # \_\_\_\_\_  
 GROSS FLOOR AREA OF TENANT SPACE \_\_\_\_\_

YARDS: \_\_\_\_\_  
 FRONT \_\_\_\_\_ GARAGE 1  2  3   
 FRONT \_\_\_\_\_ OPTIONS YES  NO   
 L SIDE 20' REMARKS \_\_\_\_\_  
 R SIDE 8' Enclosed carport  
 REAR \_\_\_\_\_ + enlarge to create  
 REMARKS garage 14'x14'  
12'x25'4"

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be compiled 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.

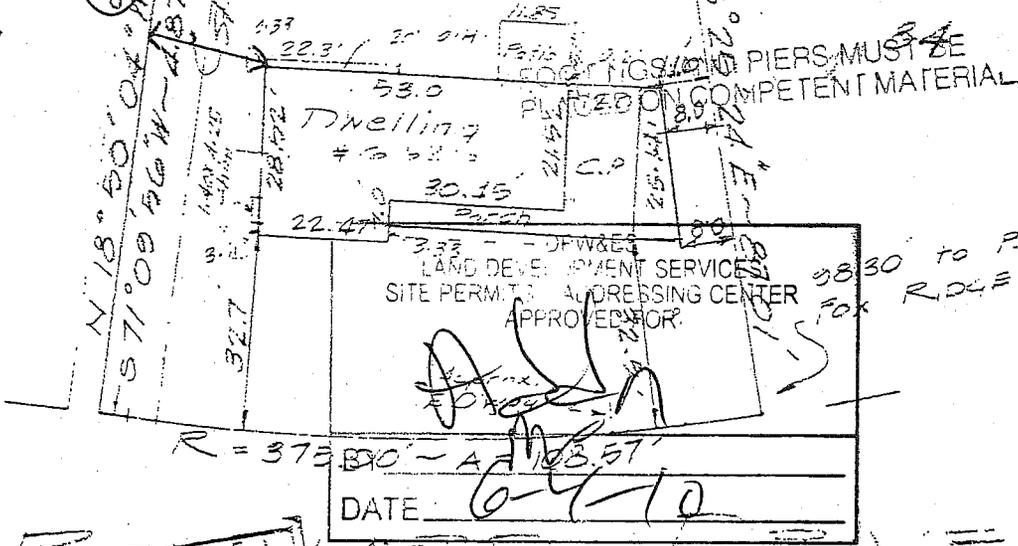
MIRRO KOLEV 6-4-10  
 Signature of Owner or Agent Date  
MIRRO KOLEV Vice president  
 Printed Name and Title  
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

**NOTARIZATION** (if required)  
 State (or territory or district) of \_\_\_\_\_  
 County (or city) of \_\_\_\_\_, to-wit: I, \_\_\_\_\_  
 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)

total earth disturbance on this lot shall not exceed 2500 sq. ft. - Earth disturbance in excess of 2500 shall constitute a violation and require the submission of a grading plan.

APPROVED

6-4-66  
*[Signature]*  
 Zoning Administrator



R = 375 B30 - A 103.57

DATE 6-4-66

REYNARD DRIVE

30 R/N

NOV 23 1966  
 ZONING ADMINISTRATOR  
 DATE

RECEIVED  
 NOV 10 1966  
 Zoning Administrator

# ORANGE HUNT ESTATES

MASON MAGISTERIAL DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30' DATE: Final 6-10-66  
 GREENHORNE, O'MARA, DEWBERRY & NEALON  
 Civil Engineers - Land Surveyors  
 84 Arnegor Blvd, Fairfax, Virginia 22031  
 Certified Correct:

Reference: DB2090 PG 244  
 Drawn by: SH KDP  
 Checked by: [Signature]



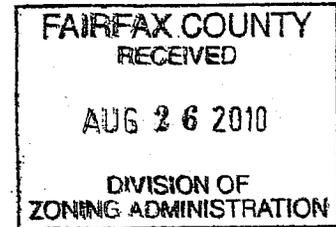
# County of Fairfax, Virginia

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

August 26, 2010

Koley Miroslav  
7657 Summerhill Court  
Lorton, Virginia 22079

RE: Building Permit #101550037  
Orange Hunt Estates, Section 1, Lot 85  
6626 Reynard Drive  
Zoning District: R-2  
Tax Map Ref.: 89-1 ((5)) 85



Dear Mr. Miroslav:

This is in response to your August 25, 2010 submission of a setback certification for a garage addition on the referenced property. Based on the submitted setback certification plat, the constructed attached garage is 8.0 feet from the eastern side lot line with an 8 foot tall eave that is located 6.9 feet from the side lot line. The property was developed as a cluster subdivision under the R-2 District regulations, and a minimum side yard of 8 feet is required. Under Par. 1 of Sect. 2-412 of the Zoning Ordinance, eaves that are at least 10 feet above the finished ground level may extend 3 feet into any minimum required yard but not closer than 2 feet to any lot line. Given that the eave associated with the garage addition is only 8 feet above the ground, it cannot extend into the minimum required side yard and the eave must meet the minimum side yard requirement of 8 feet. The plat submitted in conjunction with the Building Permit application was not certified and shows a side yard of 8 feet.

The setback certification has been failed and a copy of the plat is enclosed. The size of the structure (eave) could be reduced to meet the 8 foot minimum required side yard, or a reduction of the minimum required yard special permit could be sought from the Board of Zoning Appeals (BZA). All special permits require the submission of an application, plat and fee; notification of adjacent property owners; and a public hearing before the BZA. Information pertaining to the special permit process is available from the Zoning Evaluation Division by calling 703-324-1290. If you choose to modify the structure, a revised building plan will be required. With either option, a new setback certification will be required.

Your cooperation in this matter is greatly appreciated. Please be advised that an inspection hold has been placed on the Building Permit. In addition, this information is being forwarded to the Department of Code Compliance for the appropriate enforcement action.

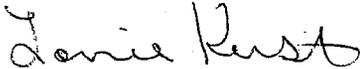
Department of Planning and Zoning  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1314 FAX 703-803-6372  
www.fairfaxcounty.gov/dpz/



Miroslav Kolev  
August 26, 2010  
Page 2

Although this is not the desired response, I trust this information adequately responds to your request. If you have any additional questions, please feel free to contact me at 703-324-1314.

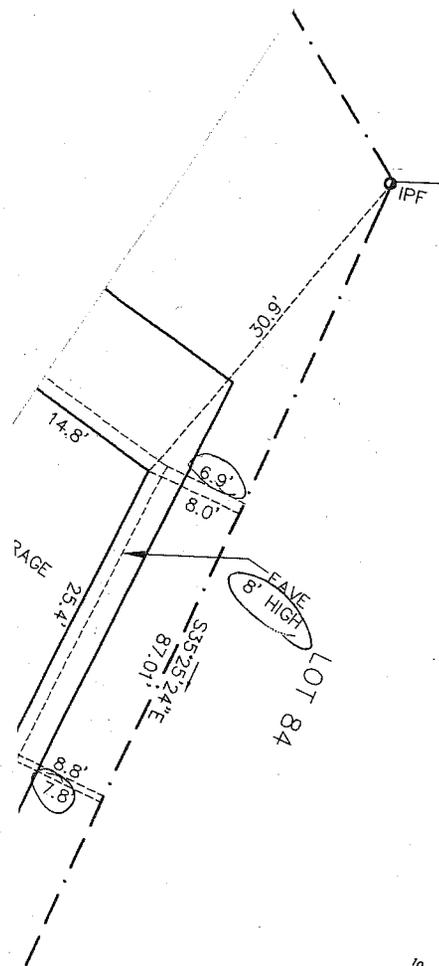
Sincerely,



Lorrie Kirst  
Deputy Zoning Administrator  
for Ordinance Administration Branch

Enclosure

cc: Pat Herrity, Springfield District Supervisor  
Eileen M. McLane, Zoning Administrator  
Michael Congleton, Senior Deputy Zoning Administrator/Property Maintenance Code  
Official, Department of Code Compliance  
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch  
Paul Lynch, Director, Residential Inspections Division, DPWES



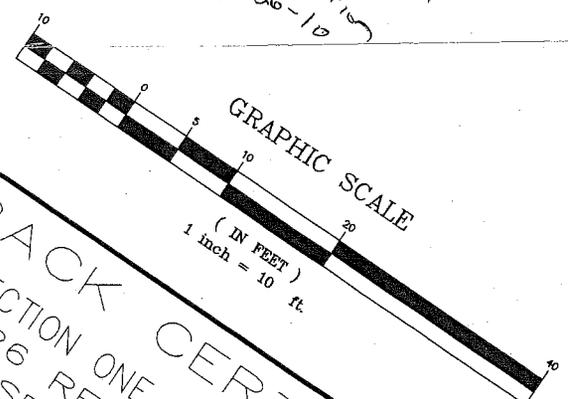
I HEREBY CERTIFY THAT THE STRUCTURES AS SHOWN WERE LOCATED IN THE FIELD AND THE SETBACKS SHOWN MEET THE ZONING SETBACK REQUIREMENTS OF THE FAIRFAX COUNTY. THE ENVOACHING EAVE SETBACKS AS SHOWN ARE IN ACCORDANCE WITH PAR. 1A OF SECT. 2-412 OF THE ZONING ORDINANCE.



*Ernest M. NJABA*  
 ERNEST NJABA, P.E.

Setback Certification  
 Failed  
 Janie Rust 8-26-10

8/25/2010  
 DATE



**SETBACK CERTIFICATION**  
 LOT 85, SECTION ONE ~ ORANGE HUNT ESTATES  
 6626 REYNARD DRIVE  
 SPRINGFIELD PLAT IN DB 2690 PG.236  
 DB 7403/708 ~ PLAT IN DB 2690 PG.236  
 FAIRFAX COUNTY, VIRGINIA

DATE: AUGUST 23, 2010  
 PLAT SUBJECT TO RESTRICTIONS AND/OR EASEMENTS OF RECORD

SCALE: 1" = 10'

OWNER/APPLICANT: ALBERT A. TOBIN & DEBORAH L. TOBIN  
 6626 REYNARD DRIVE  
 SPRINGFIELD, VA 22152

DESIGNED BY: AHO  
 DRAWN BY: AHO

**BOTA CONSULTING ENGINEERS, INC.**  
 GEOTECHNICAL-CONSTRUCTION SERVICES-ENVIRONMENTAL  
 10216 EVERLY TERRACE  
 LANHAM, MD. 20706

TELEPHONE: (301)577-7814 FAX: (301)577-7814 CELL: (571)641-0338

SHEET 1 of 1  
 CHECKED BY: EMN

PID 21 05 0085



# County of Fairfax, Virginia

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

**Via Email (aatobin@aol.com) and U.S. Mail**

November 29, 2011

Albert A. Tobin  
6626 Reynard Drive  
Springfield, VA 22152

RE: 6626 Reynard Drive  
Orange Hunt Estates, Section 1  
Tax Map: 89-1 ((5)) 85  
Zoning District: R-2 (developed under cluster provisions)

Dear Mr. Tobin:

This is in response to your email of November 22, 2011 requesting an administrative reduction of the minimum required side yard for an existing concrete patio at the referenced location. The property is zoned R-2 and was developed under the cluster provisions. The minimum required side yard for this district is 8 feet. Pursuant to Par. 2A of Sect. 2-412, a patio, or open deck with no part of its floor higher than four feet above finished ground level, may extend into a minimum required side yard by 5 feet, but not closer than 5 feet to any side lot line. The existing concrete patio, as shown on the plat dated November 4, 2011 and prepared by Dominion Surveyors Inc., is located 4.9 feet from the side lot line.

Pursuant to Sect. 2-419 of the Zoning Ordinance, the Zoning Administrator has the authority to reduce the minimum required yard for any building wherein the error does not exceed 10% of the measurement involved, was the result of an error in the location of the building subsequent to the issuance of a Building Permit and/or the noncompliance was done in good faith or through no fault of the property owner. Therefore, as a duly authorized agent of the Zoning Administrator, I have determined that the requirements for an administrative reduction are applicable and a 0.1-foot administrative reduction for the side yard adjacent to the concrete patio is granted.

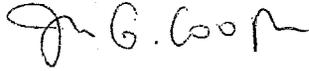
I would note that this request was submitted in conjunction with the special permit application you have submitted for a reduction in minimum yard requirements based on an error in building location to permit an existing garage to remain 6.9 feet from the side lot line, also as shown on the plat.

Should you have any additional questions, please feel free to contact me at 703-324-1314.

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

Albert A. Tobin  
November 29, 2011  
Page 2

Sincerely,



Jill G. Cooper, AICP  
Senior Assistant to the Zoning Administrator

cc: Pat Herrity, Supervisor, Springfield District  
Eileen M. McLane, Zoning Administrator  
Mavis E. Stanfield, Deputy Zoning Administrator for Appeals  
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch  
✓ Megan A. Brady, Planner, Application Acceptance, Zoning Evaluation Division

**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.