



APPLICATION ACCEPTED: May 17, 2012
DATE OF PUBLIC HEARING: July 18, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 11, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-BR-027

BRADDOCK DISTRICT

APPLICANT/OWNER: Victor Silva

ADDITIONAL OWNER: Rocio Sarmiento

LOCATION: 9018 Lake Braddock Drive, Burke, 22015

SUBDIVISION: Signal Hill

TAX MAP: 78-2 ((14)) 153

LOT SIZE: 9,000 square feet

ZONING: R-3 Cluster

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements for construction of an addition (garage) 7.6 feet from the side lot line such that total side yards equal 15.8 feet

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-BR-027 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

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B. Cho

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

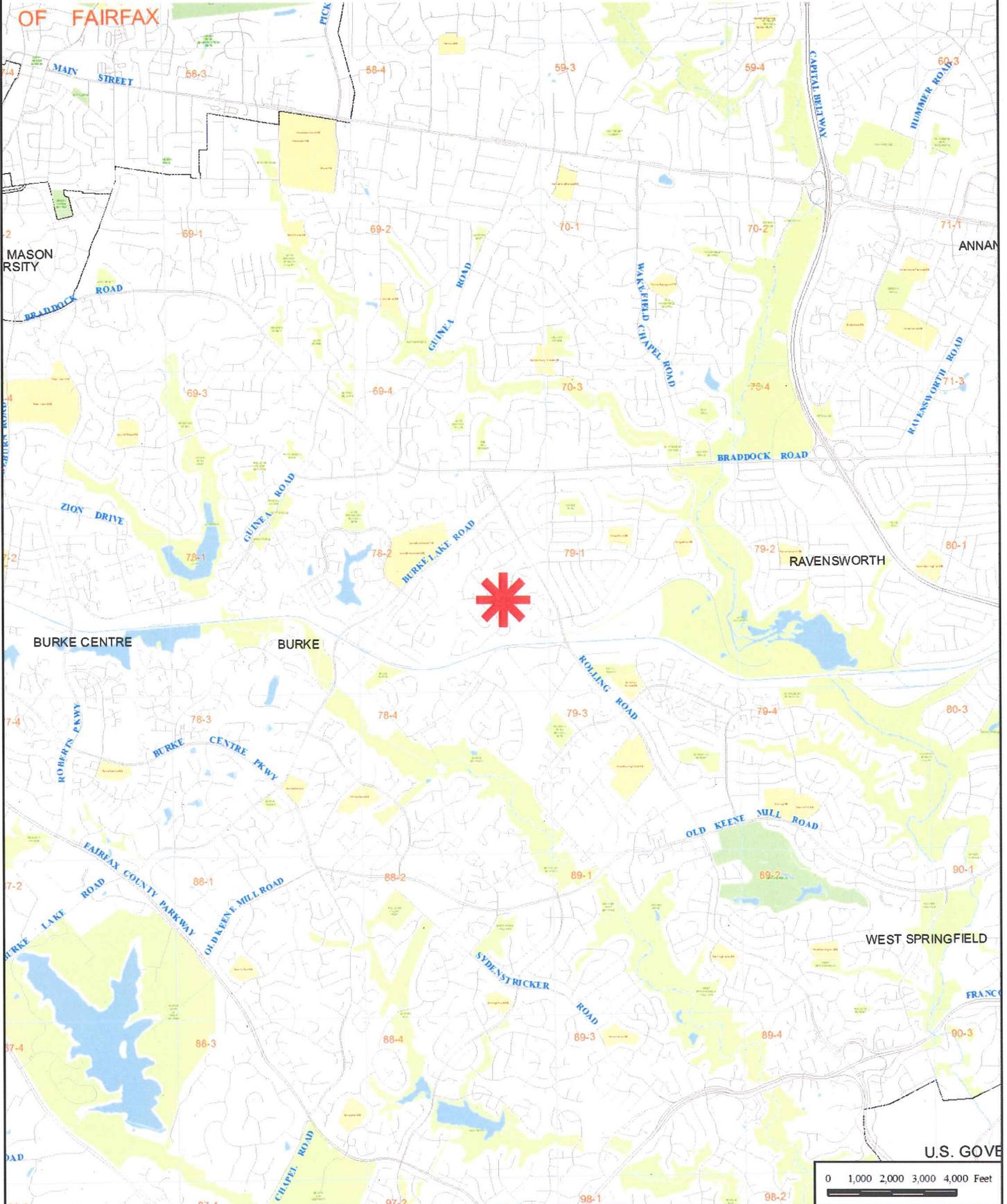


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

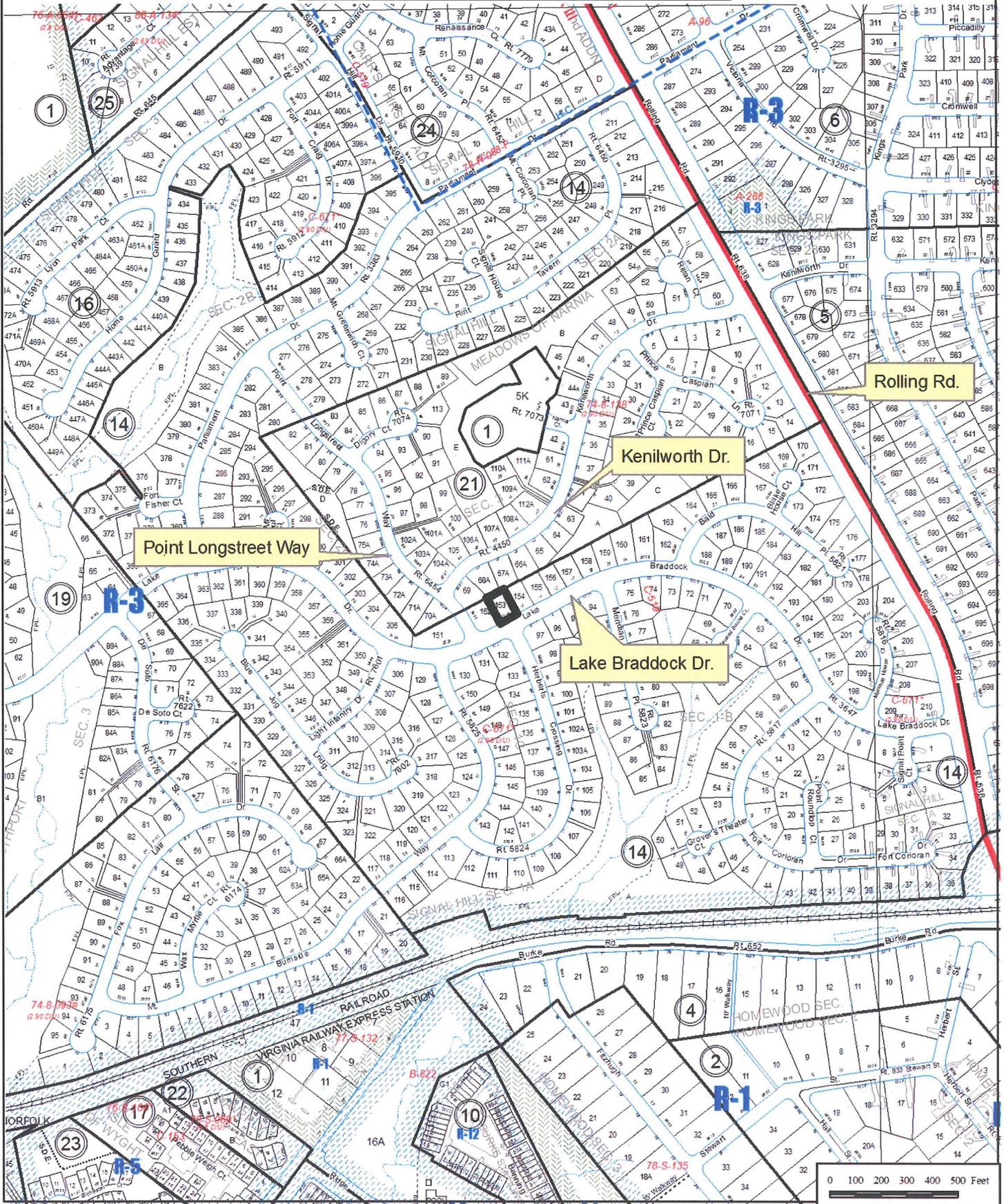
Special Permit

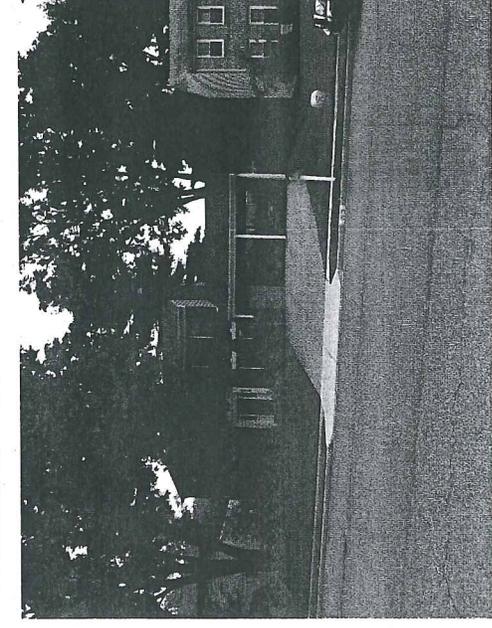
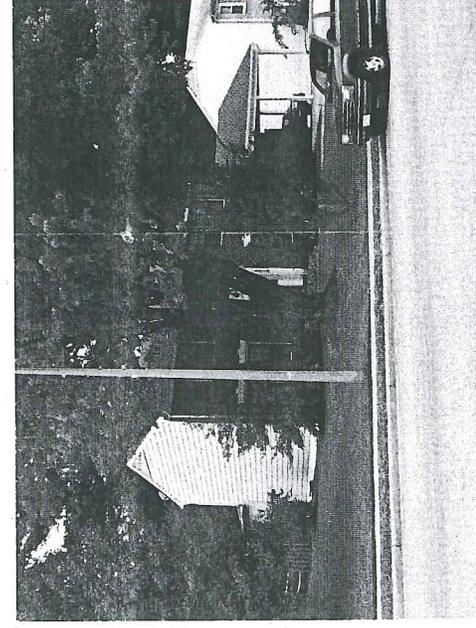
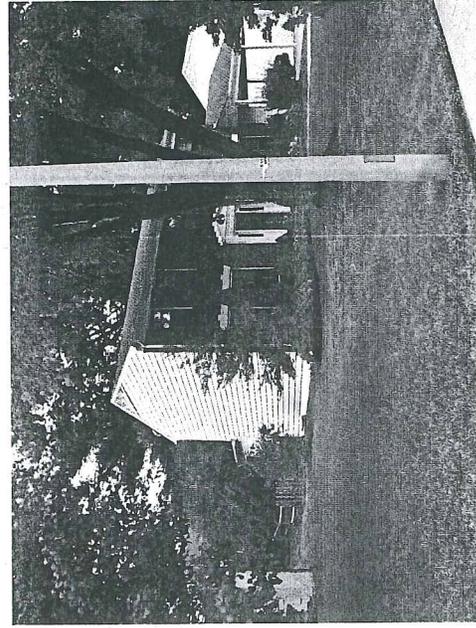
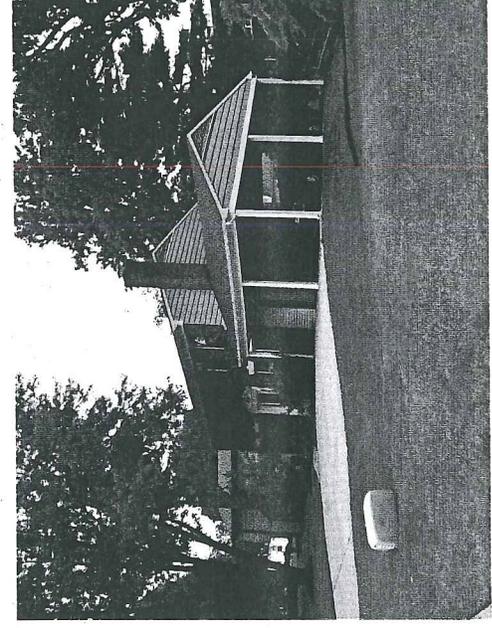
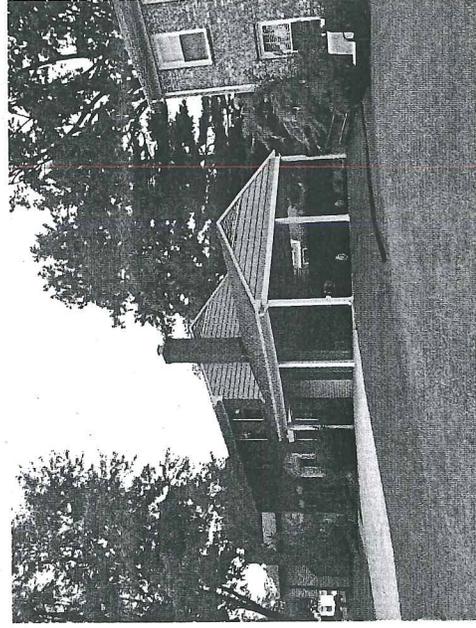
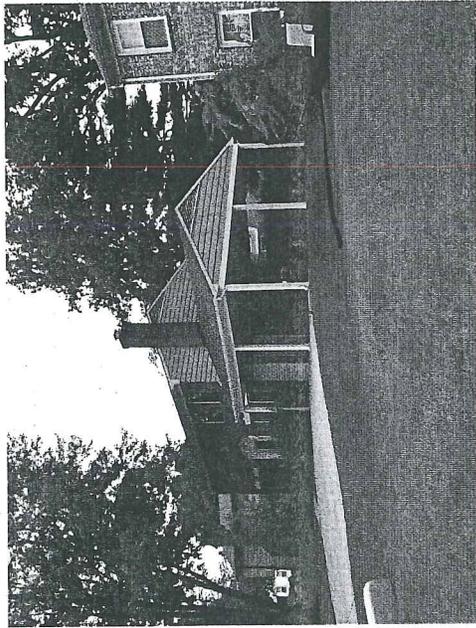
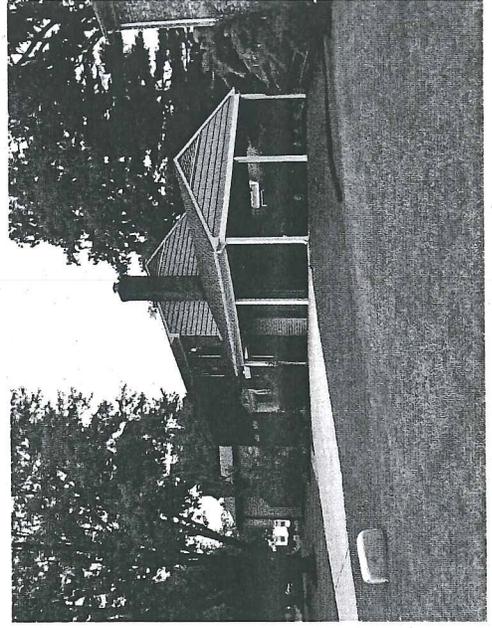
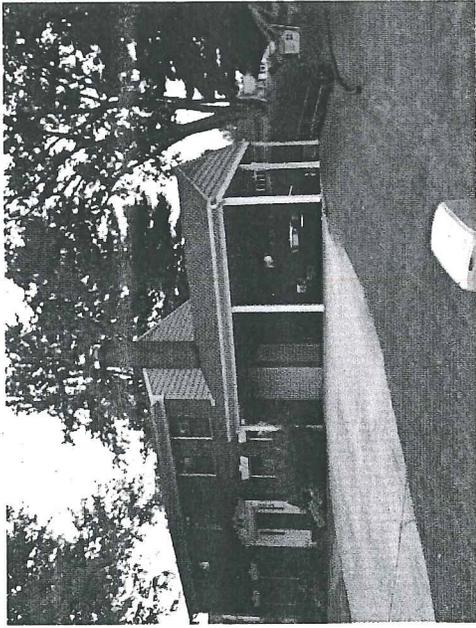
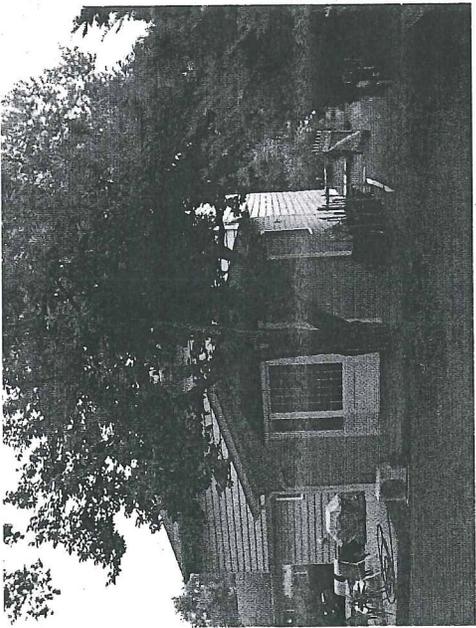
SP 2012-BR-027

VICTOR SILVA

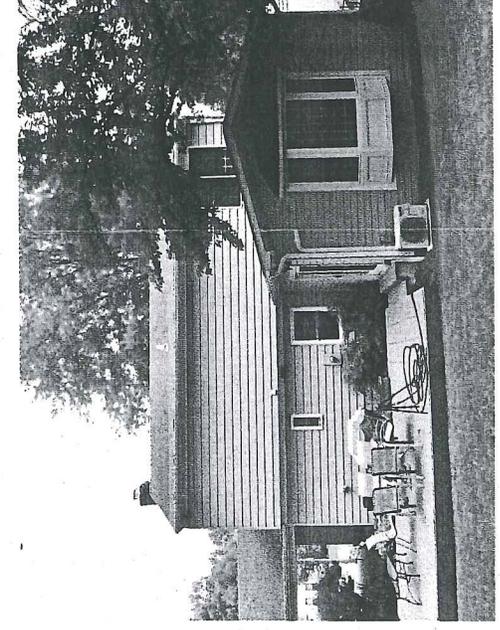
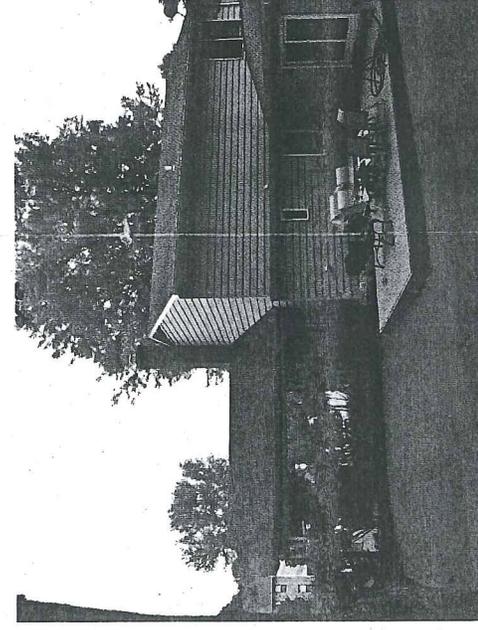
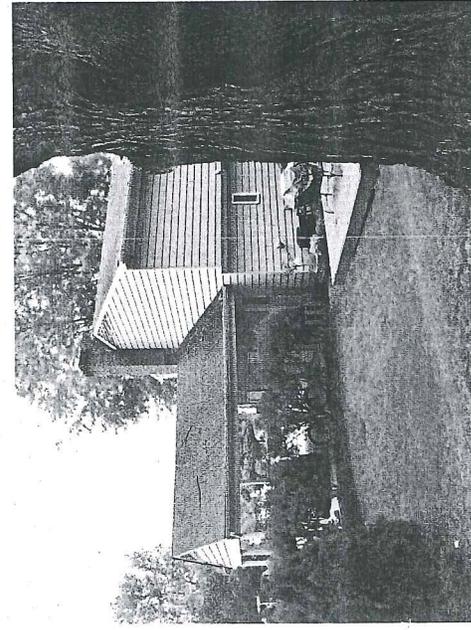
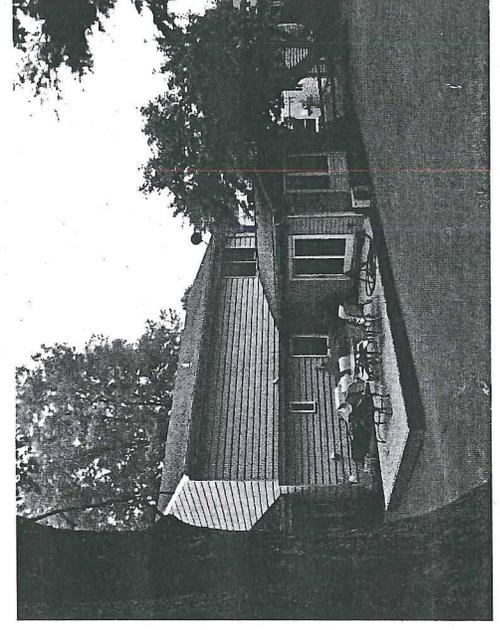
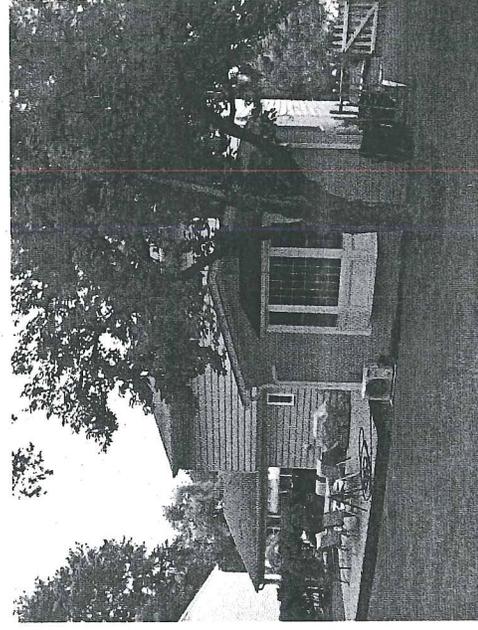
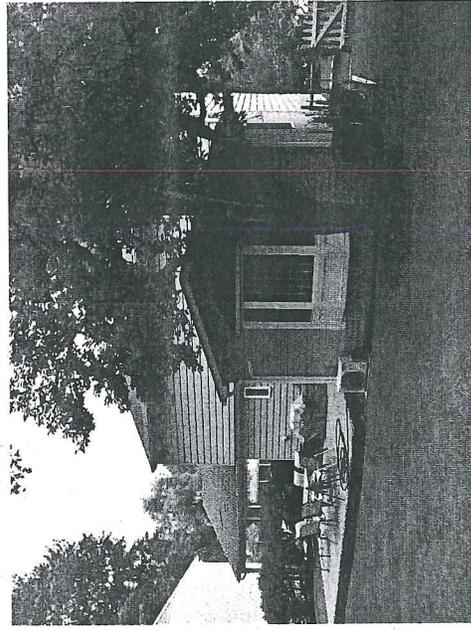
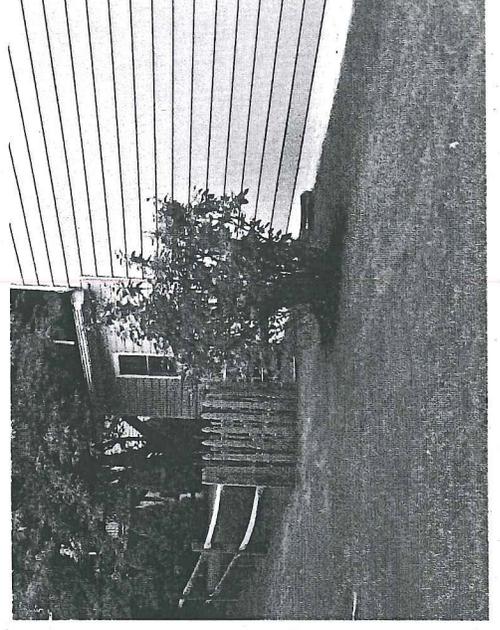
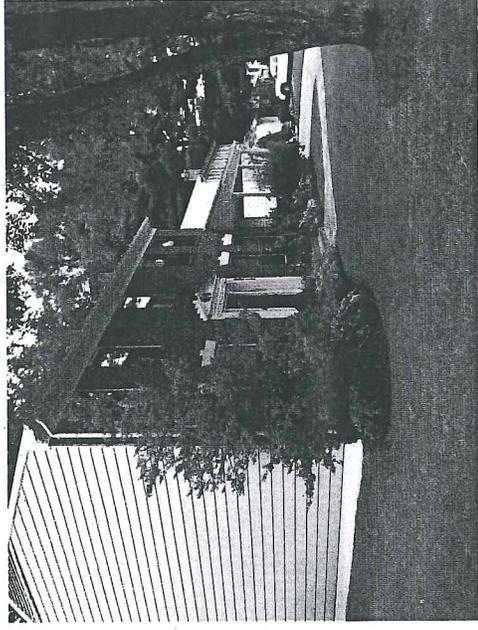
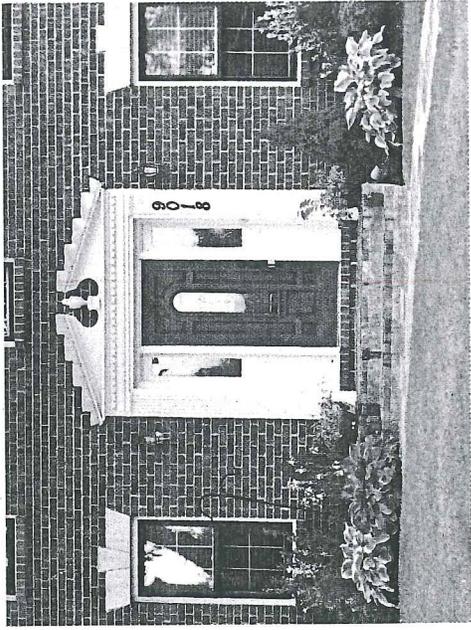


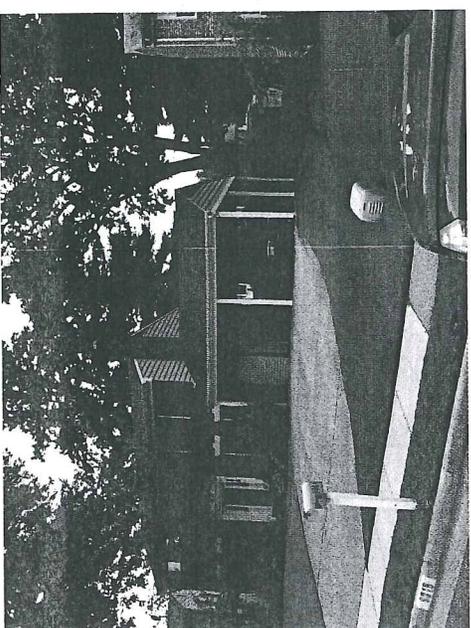
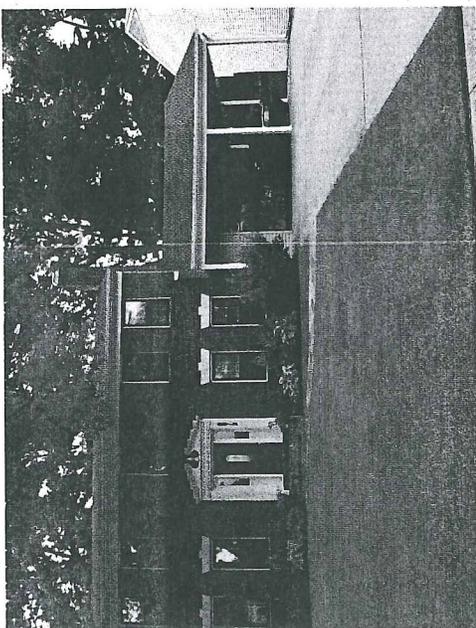
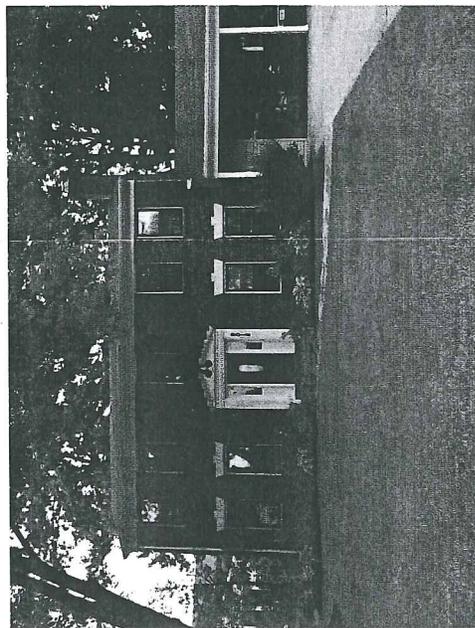
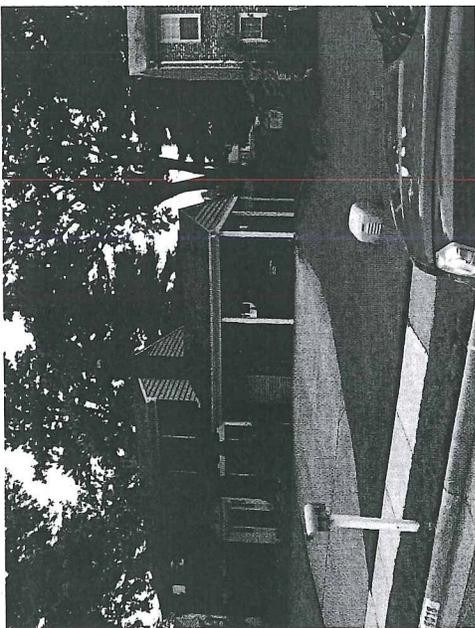
Special Permit
SP 2012-BR-027
VICTOR SILVA

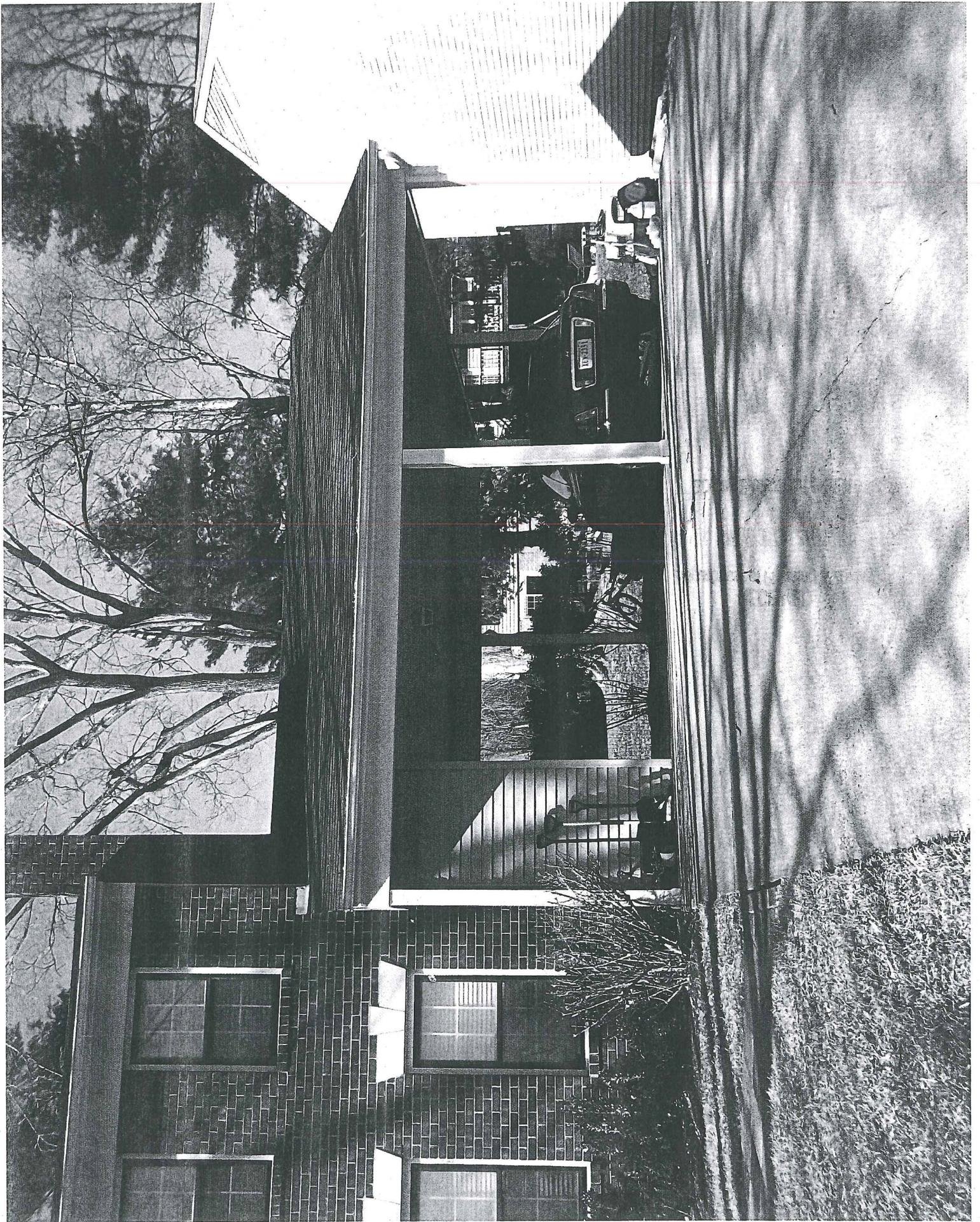


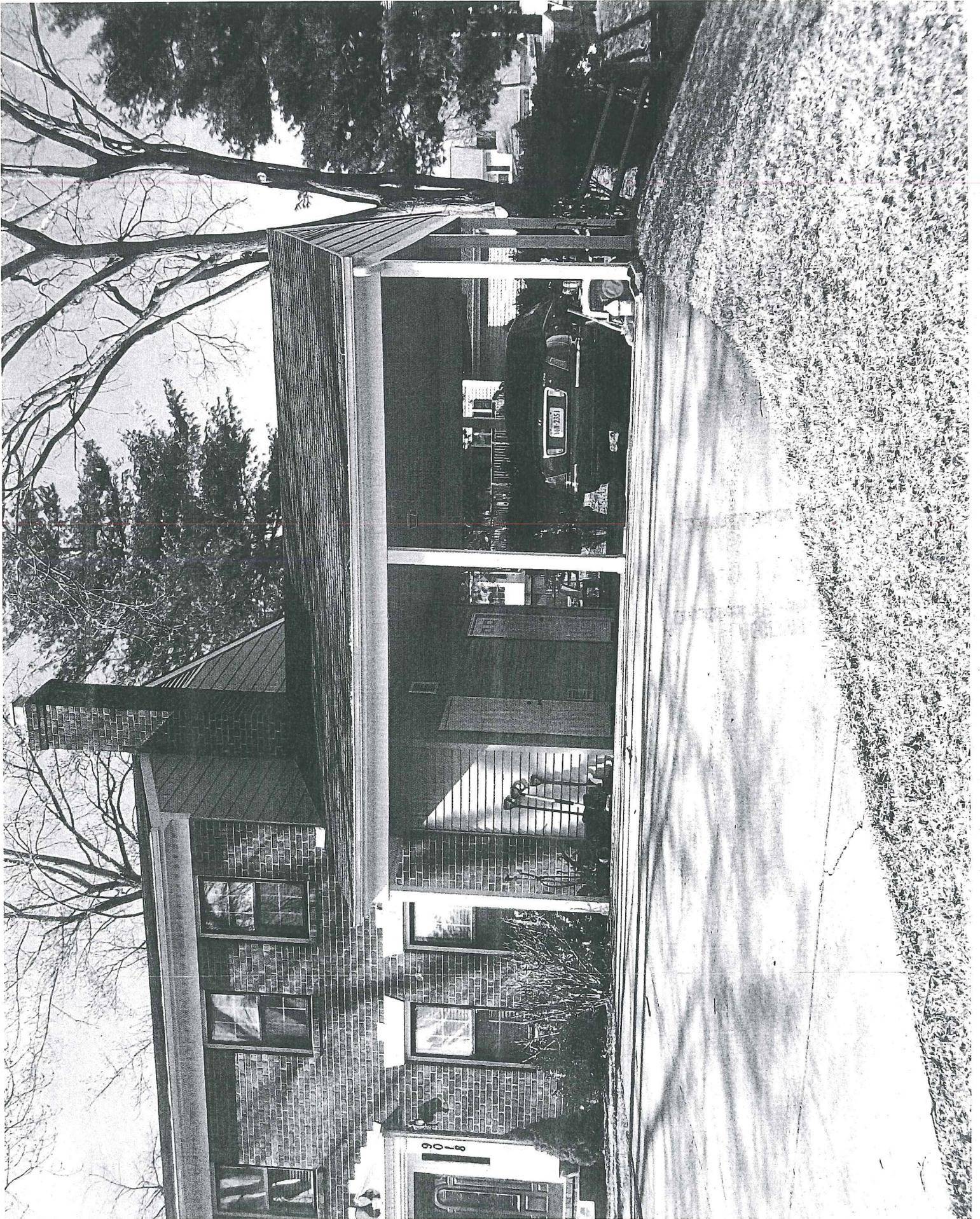


Before Pictures.













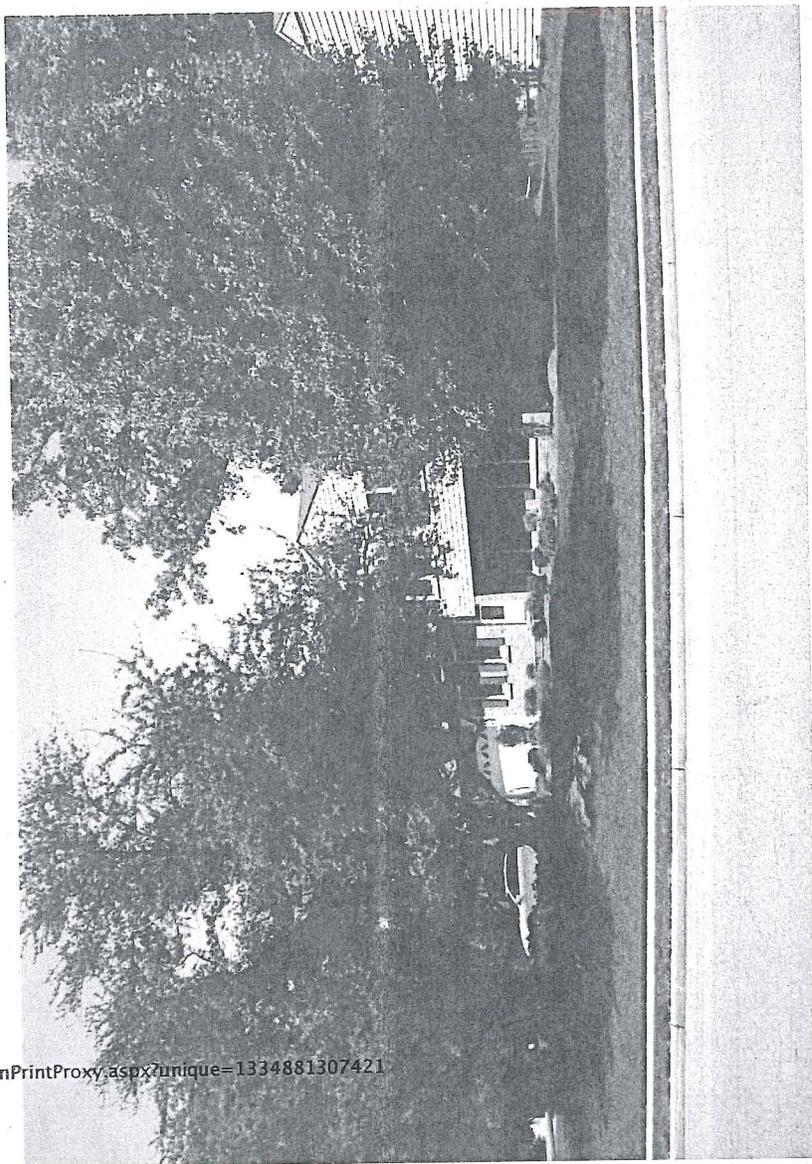






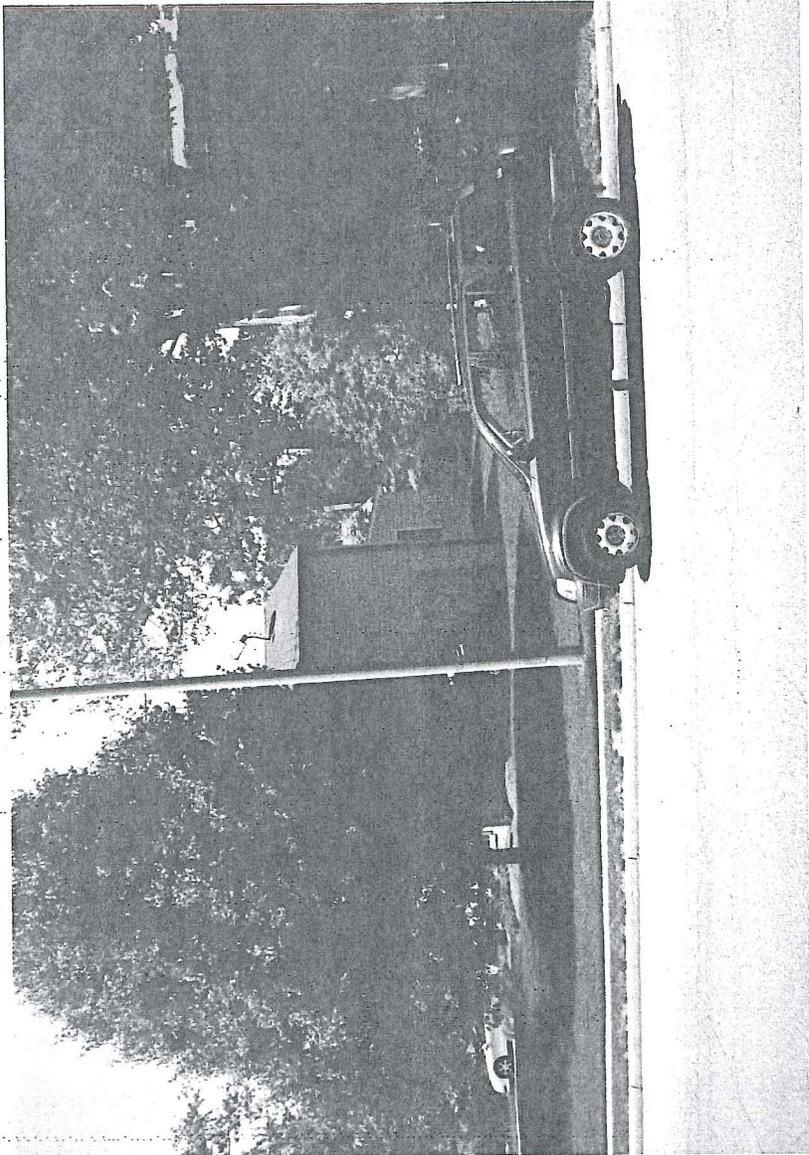
HOUSE NEXT DOOR ON THE RIGHT 'A'

2



HOUSE NEXT DOOR ON THE RIGHT "B"

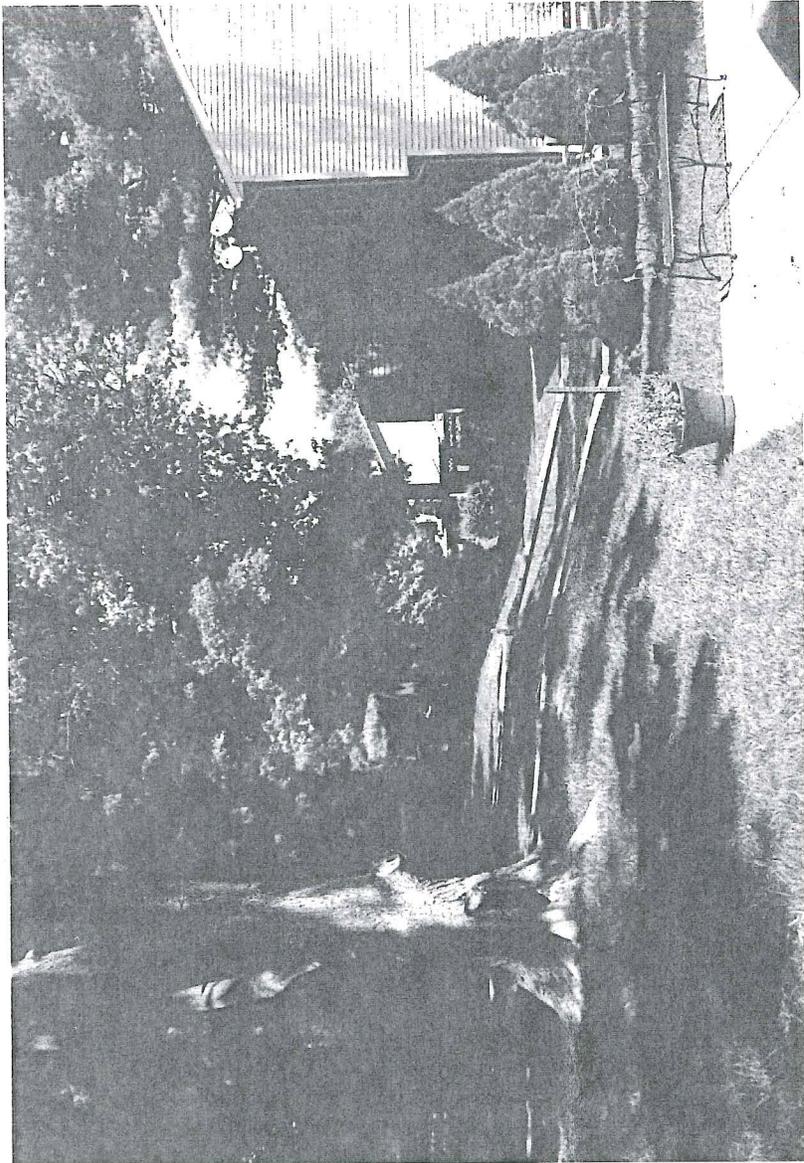
3



REAR LEFT "C"

NEIGHBOUR
HOUSE

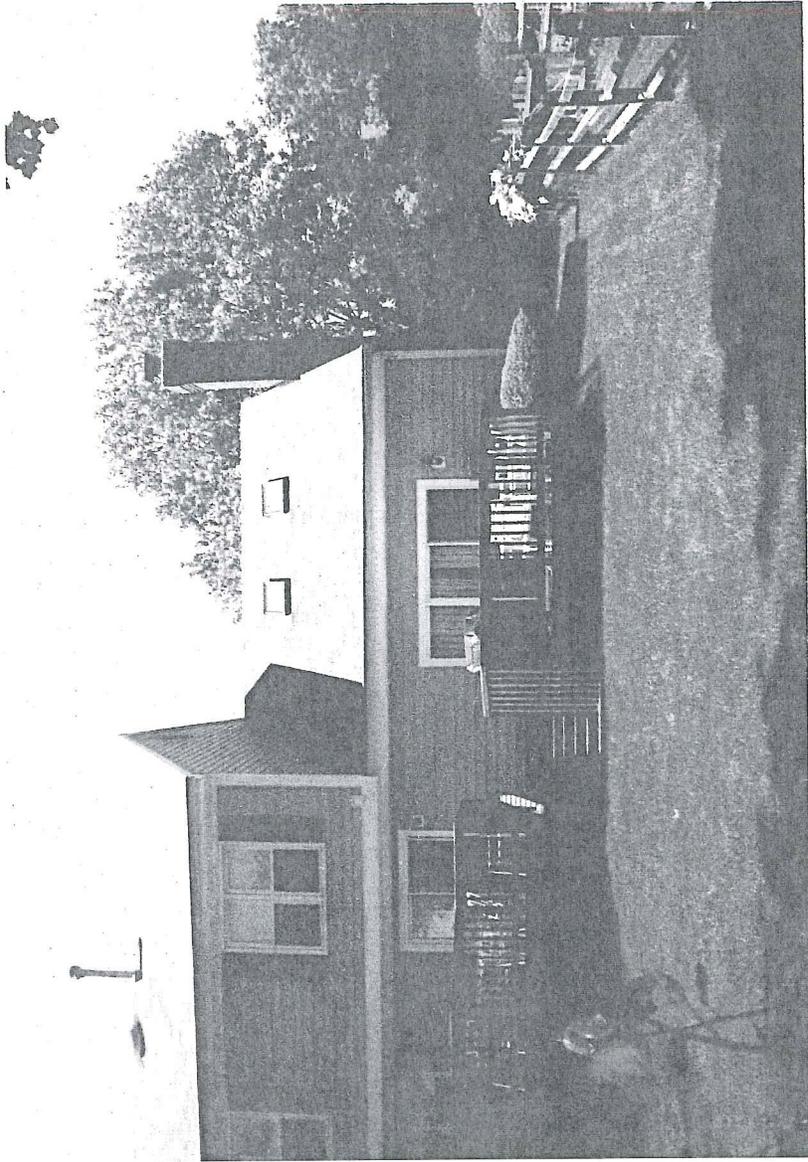
(4)



NEIGBORGH HOUSE

REAR RIGHT

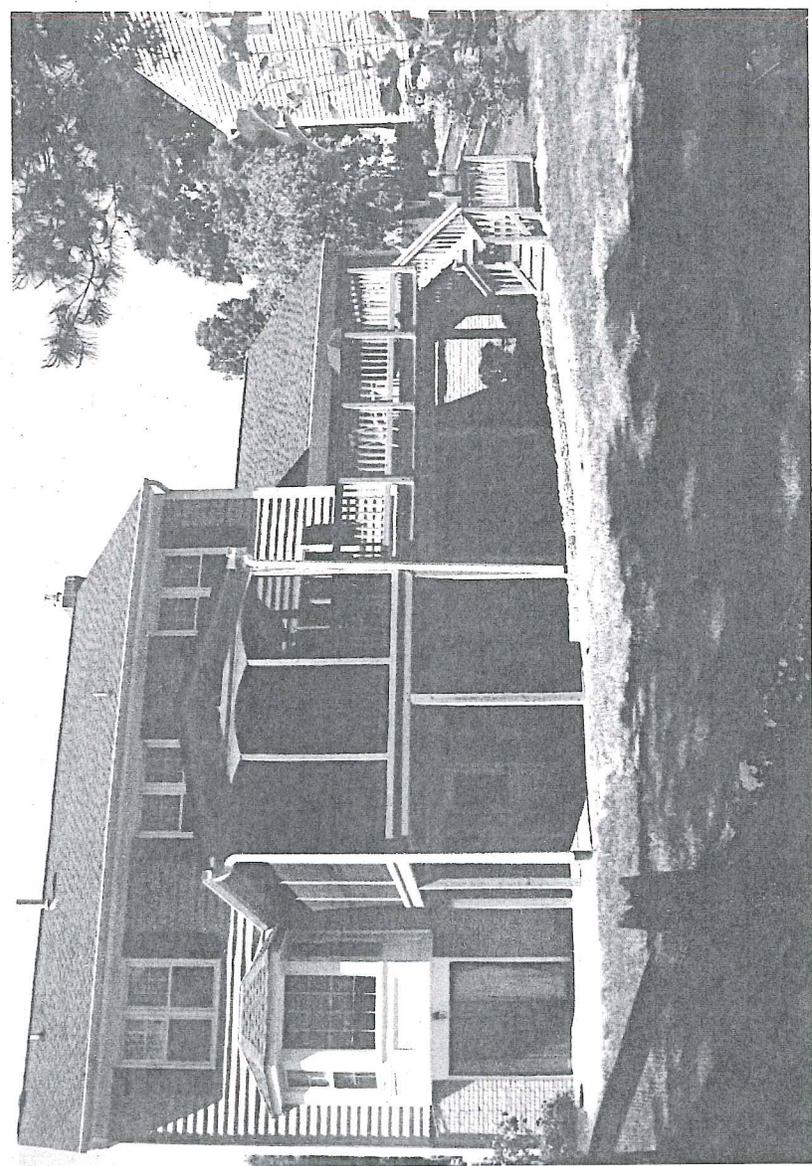
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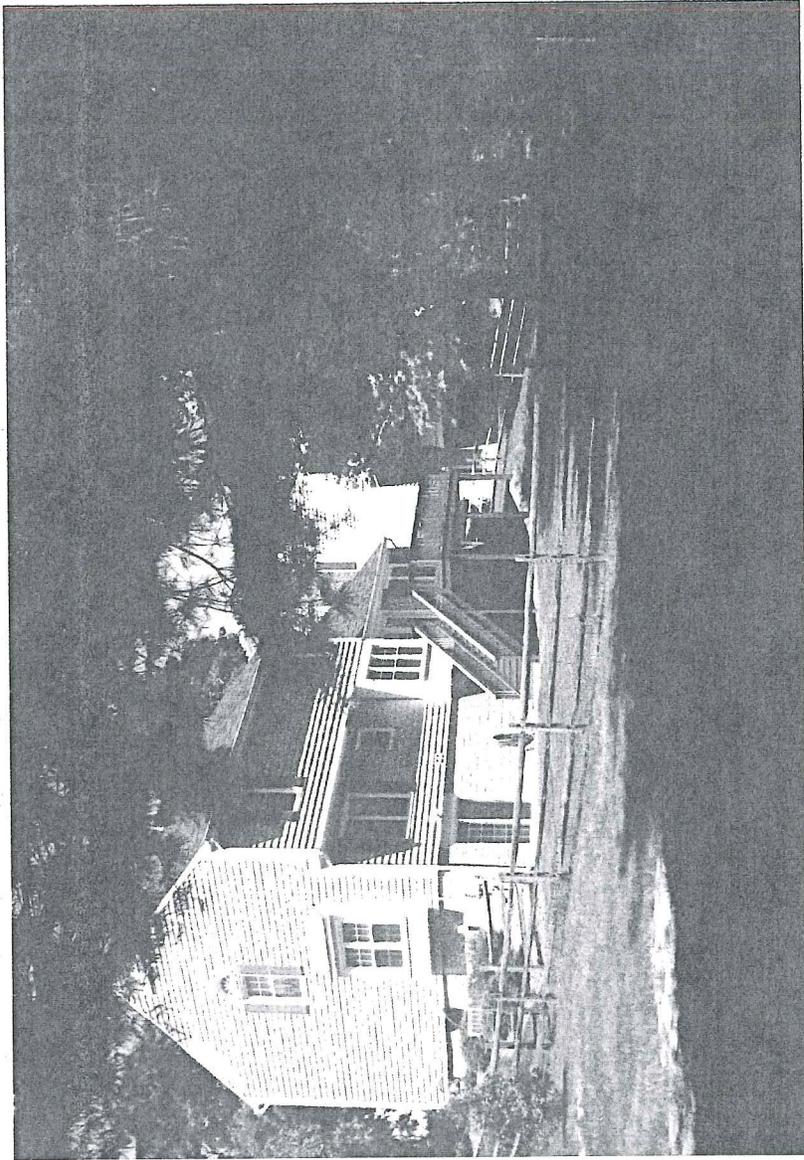
REAR CENTER

NEIGHBORHOOD HOUSE



NEIBORG HOUSE REAR LEFT

7











DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit to enclose a carport for an addition (garage) to be built 7.6 feet from the side lot line such that total side yards equal 15.8 feet. The garage will measure 468 square feet in area.

	Structure	Yard	Min. Yard Req.	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit	Addition (Garage)	Side	8.0 feet	7.6 feet	0.4 feet	5%
Special Permit	Addition	Total Side Yards	20.0 feet	15.8 feet	4.2 feet	21%

EXISTING SITE DESCRIPTION

The 9,000 square foot lot is developed with a two-story, brick and frame single family attached dwelling. The principal dwelling measures approximately 2,000 square feet and was originally built in 1978 with a single story addition constructed in 2008. There is a two car carport on the east (left) side of the house, and there is a concrete driveway in front of the carport. Within the carport, there is a 60 square foot storage area. At the rear of the house, there is an open concrete patio. The site is landscaped with a couple of tall, mature trees and grass, and along the rear and side (east) property lines, there are shrubs. Around the rear yard, there is wood stockade fencing which measures approximately 4 feet in height.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3 Cluster	Single Family Attached Dwelling
South	R-3 Cluster	Single Family Attached Dwelling
East	R-3 Cluster	Single Family Attached Dwelling
West	R-3 Cluster	Single Family Attached Dwelling

BACKGROUND

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

- Variance VC 83-A-213 was approved on April 3, 1984 for Tax Map 78-2 ((14)) 181, zoned R-3 Cluster at 8919 Bald Hill Place, to enclose an existing carport 7.4 feet from the side lot line such that total side yards would be 18.9 feet.
- Variance VC 87-A-133 was approved on December 28, 1988 for Tax Map 78-2 ((14)) 100, zoned R-3 Cluster at 5607 Herbert's Crossing Drive, to enclose an existing carport 7.4 feet from a side lot line such that side yards totaled 16.9 feet.
- Variance VC 89-A-018 was approved on June 7, 1989 for Tax Map 78-2 ((14)) 88, zoned R-3 Cluster at 5612 Meridian Hill Place, to construct an addition to the dwelling 8.0 feet from a side lot line such that side yards totaled 17.2 feet.
- Variance VC 92-B-115 was approved on January 13, 1993 for Tax Map 78-2 ((14)) 150, zoned R-3 Cluster at 5603 Mt. Burnside Way, to enclose an existing carport 7.0 feet from a side lot line.
- Special Permit SP 2006-BR-043 was approved on October 17, 2006 for Tax Map 78-2 ((14)) 175, zoned R-3 Cluster at 8920 Bald Hill Place, to permit an addition 6.6 feet from a side lot line.

SPECIAL PERMIT PLAT (Copy at the front of the report)

Title of SP Plat: Special Permit Plat, Lot 153, Section 1-C, Signal Hill

Prepared By: Scartz Surveys

Dated: December 22, 2010 as revised and sealed through June 14, 2011

Proposal:

The applicant proposes to enclose the existing two car carport for a garage addition. The addition will measure 468 square feet in area, and vinyl siding is proposed along the exterior of the addition. A garage door will be constructed in the front, and a small vinyl window is proposed along the rear of the addition.

According to County records, the applicant applied for a permit to enclose the garage and to install circuit and fixtures for the addition in November 2010. However, the permits were not issued.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 4:

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

General Special Permit Standards (Sect. 8-006)

Staff believes that the application for the addition meets all of the General Special Permit Standards, particularly Standard 3. General Standard 3 requires that 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.” *Staff believes that the proposed addition will not adversely affect the neighboring property since the proposed garage addition will be built over the footprint of the existing carport. The closest neighboring property to the proposed addition does not have any windows facing the addition. Any impact from the addition on the adjacent single family detached dwelling will be minimal and will not affect the use or development of the neighboring properties. Staff believes this standard has been met.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The gross floor area of a single family dwelling would also include the floor area of any attached garage. *The gross floor area of the existing dwelling is 2,000 square feet, and 150 percent of the total gross floor area is 3,000 square feet. In total, the applicant would be permitted to have approximately 5,000 square feet on site. The request is for an addition of 468 square feet, which will result in a gross floor area of 2,468 square feet. This standard is satisfied.*

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The applicant proposes to enclose an existing carport, and the proposed construction of the addition will be in scale with the*

house, as shown on the renderings (see Attachment 1). The roof of the carport will remain intact, so the height will not change. Staff believes this standard is satisfied.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. *The location of the proposed addition is the most suitable location on the site since there is an existing carport which will be enclosed for the garage. No trees are proposed for removal to build the new addition. Staff believes this standard is satisfied.*

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. *The proposed garage will not adversely impact the use or enjoyment of the adjacent properties. The applicant proposes to enclose an existing carport. Adequate light and air will be preserved due to the compatible scale of the addition, and there are no anticipated impacts to noise, light, erosion and stormwater runoff. Staff believes this standard is satisfied.*

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. *The proposed location of the addition is the best possible location since it will be built in the area of an existing carport. The applicant does not propose to enlarge the carport's footprint for the addition, and there is no other suitable location for a garage addition on the site. There is no RPA or floodplains on the site and no trees will be removed. Staff believes this standard is satisfied.*

CONCLUSION

Staff recommends approval of SP 2012-BR-027 for an addition (garage) with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2012-BR-027****July 11, 2012**

If it is the intent of the Board of Zoning Appeals to approve SP 2012-BR-027 located at Tax Map 78-2 ((14)) 153 to permit a reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the garage addition (468 square feet), as shown on the plat prepared by Scartz Surveys, dated December 22, 2010 as revised and sealed through June 14, 2011, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion [2,000 square feet existing + 3,000 square feet (150%) = 5,000 square feet maximum permitted on lot] regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The garage addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the construction has commenced and been diligently pursued. The Board of Zoning Appeals may grant additional time to commence construction if a written request for

additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.







10/21/2011 17:18:22

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 10, 2011
 (enter date affidavit is notarized)

111934a

I, VICTOR SILVA, do hereby state that I am an
 (enter name of applicant or authorized agent)

Magdalena C. Geonanga
 MAGDALENA C. GEONANGA
 NOTARY PUBLIC
 COMMONWEALTH OF VIRGINIA
 MY COMMISSION EXPIRES JULY 31, 2013
 NOTARY REGISTRATION NUMBER 357652

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

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)
VICTOR D. SILVA	9018 LAKE BRADDOCK DR. BURKE, VA 22015	APPLICANT/TITLE OWNER
ROCIO SARMIENTO	9018 LAKE BRADDOCK DR. BURKE, VA 22015	TITLE OWNER
ROLANDO PIVARAL OF PIVARAL MENDOZA CORPORATION	4394 EVANSDALE RD WOODBIDGE, VA 22193	AGENT "

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 10, 2011
(enter date affidavit is notarized)

111 934a

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)

NS

PIVARAL MENDOZA CORPORATION
4394 EVANS DALE ROAD
WOODBRIDGE, VA 22193

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)

ROLANDO PIVARAL

(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: June 10, 2011
(enter date affidavit is notarized)

111934a

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): _____
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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 10, 2011
(enter date affidavit is notarized)

111934a

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 10, 2011
(enter date affidavit is notarized)

111934a

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

VICTOR D. SILVA

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

Subscribed and sworn to before me this 10th day of June 2011, in the State/Comm. of Virginia, County/City of Fairfax.

Magdalena C. Geonanga
Notary Public

My commission expires: July 31, 2013

Magdalena C. Geonanga
MAGDALENA C. GEONANGA
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JULY 31, 2013
NOTARY REGISTRATION NUMBER 357652

A written statement from the applicant describing the proposed use, giving all pertinent data, including, specifically.

- Carport will be turned in an enclosed garage and will be used to park our vehicles.

A listing if know of all hazardous or toxic substances as set forth in title 40, code of federal regulations parts 116.4, 302.4 and 355; all hazardous wate as set forth in commonwealth of Virginia/Department of waste management/regulations VR 672-10-1- Virginia hazardous waste management regulations; and/or petroleum products as defined in title 40, code of Federal regulations part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any exsiting or proposed storage tanks or containers.

- NONE

A statement that the proposed development conforms to the provisions of all applicable ordinaces, regulations and adopted starndards or, if any waiver exception or variance is sought by the applicant, such shall be specially noted with the justification for such modification.

- Comply with development conforms to the provisions of all applicable ordinaces, regulations and adopted starndards.

The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

- ~~See plats from surveyors.~~

The BZA shall determine that the proposed development will be in charcter with the existing on site development in terms of the location, height, bulk and scale of the existing structure on the lot.

- ~~See plats from surveyors.~~ 2000 SF EXISTING } RP
408 SF INCREASIN } 10/20/11
0% 22.71 %

The BZA shall determine that the proposed development is harmonious with the surrounding off site uses and structres in terms of lcation, height, bulk and scale of surrounting structures, topography, existing vegetation and the preservation of significant trees as determined by the director. THE PROPOSE GARAGE

- ~~See plats from surveyors.~~ WILL BE SIMILAR TO OTHERS IN THE NEIBORGHOOD

10/20/11

The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent poreperty with regard to issues such as noise, light, air, erosion and stromwater runoff.

- ~~See plats from surveyors.~~

The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered included, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations of the lot; enviromental characteristics of the site, including presence of steep slopes, floodplains and/or resource protection areas; preservation trees as determined by the director; location of a well and/or septic field, location of easements; and/or preservation of historic resources.

- ~~See plats from surveyors.~~

The location, dimension and height of any building structure or addition, whether existing or proposed; In addition for decks, the height of the finished floor above finished ground level.

- 8ft

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Department of Planning & Zoning

OCT 20 2011

Zoning Evaluation Division

- No Eave or overhangs

All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distance from all existing and proposed structures to lot lines.

-

Means of ingress and egress to the property from a public street(s)

- See pictures

The location, type and height of any existing and proposed landscaping and screening.

- 5ft.

Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.

- Will be build per county details
- Vinyl siding
- Roof (shingles existing)
- Vinyl window

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

The proposed construction will enclose an existing CARPORT in order to convert it in a GARAGE in the property located in 90 18 Lake Braddock Dr. Burke, VA 22015

The hours of operation will be from 7:00 am to 5:30 pm Mondays to Saturdays

There will be between 2 to 7 construction workers depending on the tasks to be done in particular days

The garage finished building will match the rest of the building architecture. (See pictures)



12/18/10

Victor Silva

Date



MAURICIO S. PAZ
NOTARY PUBLIC 7192158
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MARCH 31, 2012

RECEIVED
Department of Planning & Zoning

MAY 10 2011

Zoning Evaluation Division

ZONING ORDINANCE PROVISIONS

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.

8-922 Provisions for Reduction of Certain Yard Requirements

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

1. Only the following yard requirements shall be subject to such special permit:

A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.

B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.

C. Accessory structure location requirements set forth in Sect. 10-104.

D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the

time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.

5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

- A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.