



APPLICATION ACCEPTED: May 24, 2012
BOARD OF ZONING APPEALS: July 25, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 18, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-PR-031

PROVIDENCE DISTRICT

APPLICANTS/OWNERS: Tim J. Katsapis
Christine C. Katsapis

STREET ADDRESS: 2836 Marshall Street, Falls Church, 22042

SUBDIVISION: Greenway Downs

TAX MAP REFERENCE: 50-2 ((2)) (4) 66

LOT SIZE: 6,250 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 8-914 and 8-922

SPECIAL PERMIT PROPOSALS: To permit reduction to minimum yard requirements based on error in building location to permit stairs to remain 20.5 feet from front lot line and to permit reduction of certain yard requirements to permit construction of a second story addition 6.9 feet and 7.9 feet from side lot lines and chimney 6.7 feet from side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-PR-031 for a second story addition with adoption of the proposed development conditions contained in Appendix 1.

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

O:\dhedri\Special Permits\7-25 SP 2012-PR-031 Katsapis (50 & error)\SP 2012-PR-031 Katsapis staff report.doc

Deborah Hedrick

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

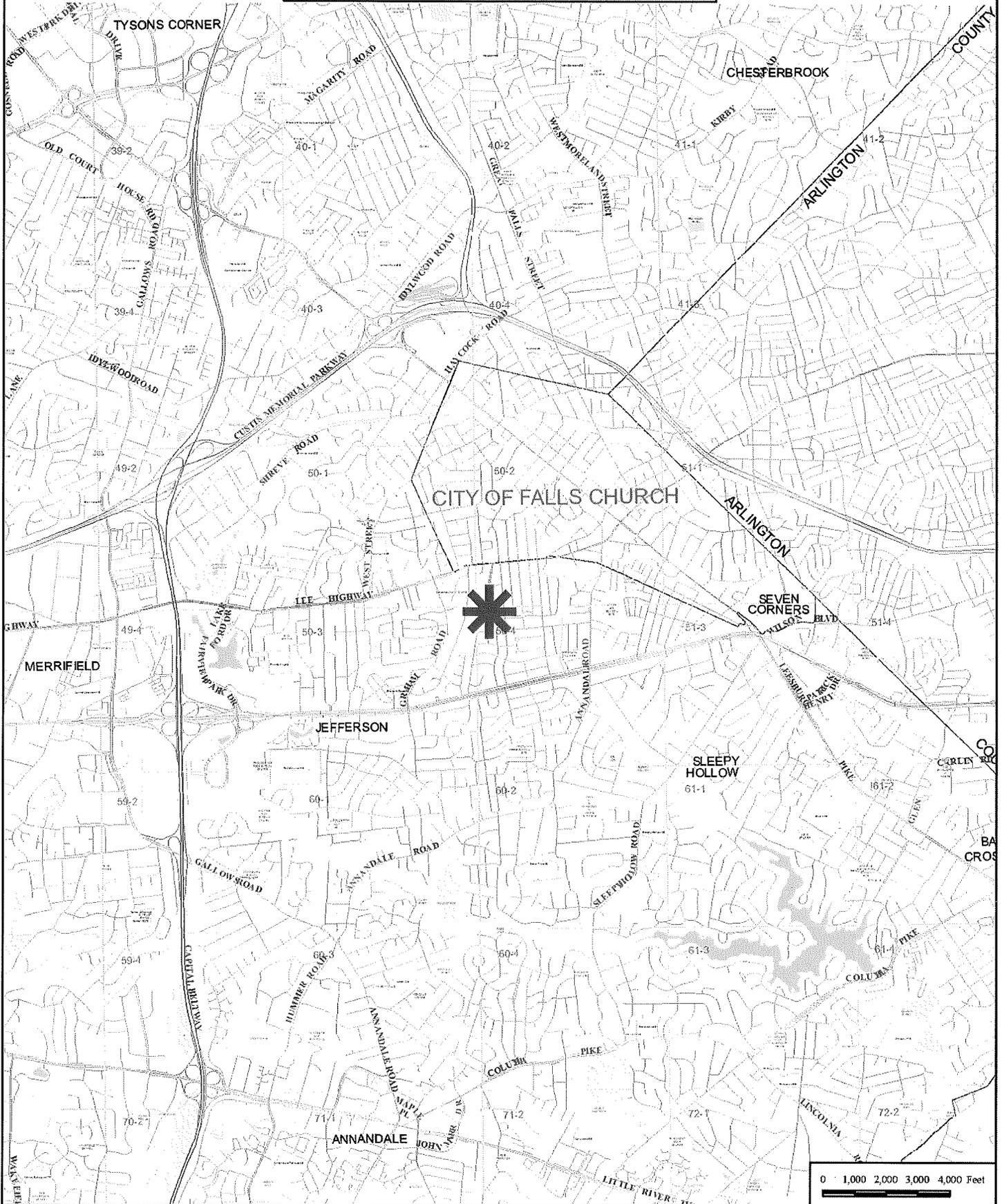
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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



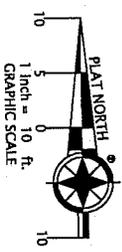
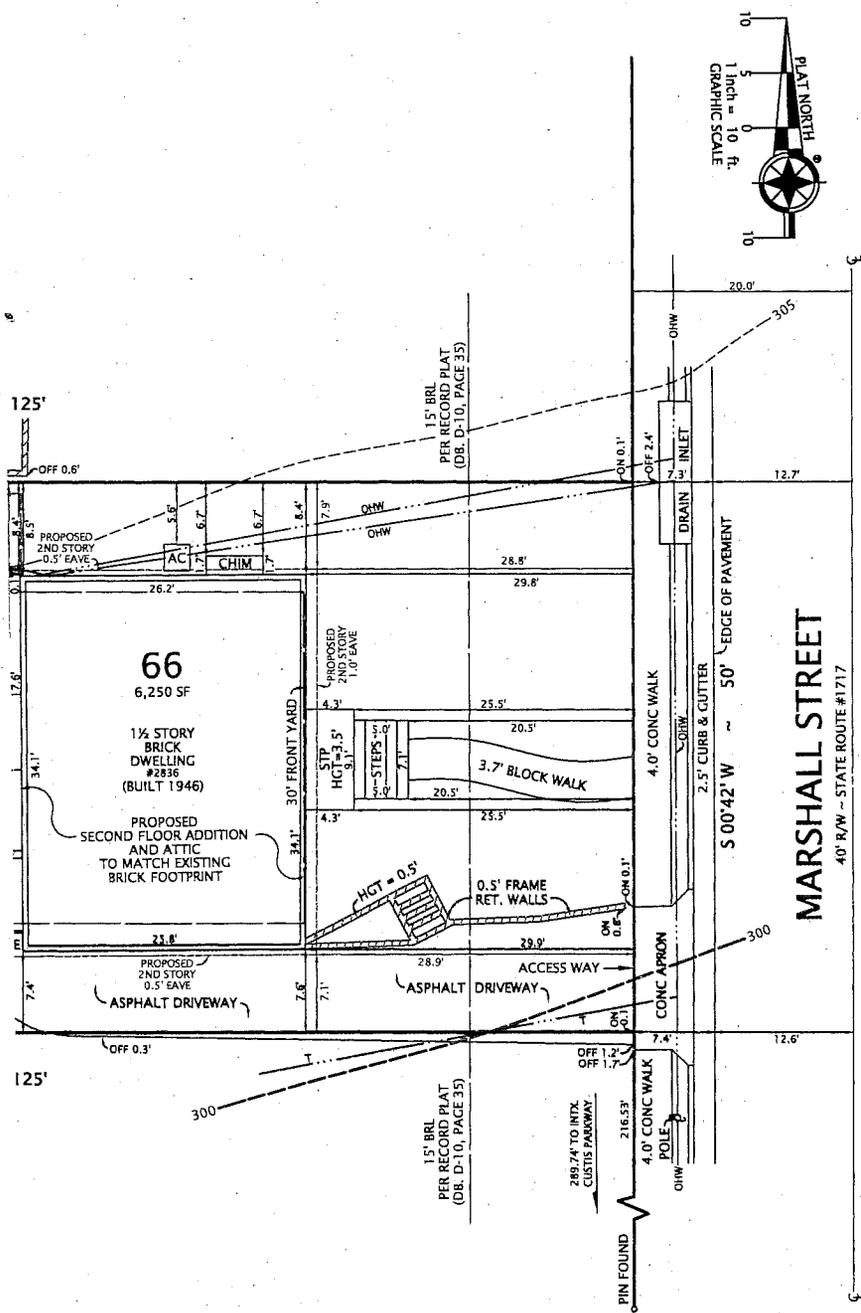
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2012-PR-031
TIM AND CHRISTINE KATSAPIS



Special Permit
SP 2012-PR-031
TIM AND CHRISTINE KATSAPIS





- NOTES:
1. TAX MAP: 50-2-04-0066
 2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
 3. LOT AREA: 6,250 SF
 4. REQUIRED YARDS:

FRONT:	=	30.0 FEET
SIDE:	=	10.0 FEET
REAR:	=	25.0 FEET
 5. HEIGHTS:

EX. DWELLING	=	19.9 FEET
PLAY DECK	=	14.8 FEET
PROPOSED ADDITION	=	30.9 FEET
DECK	=	04.2 FEET
FENCES	=	AS NOTED
 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 5' INTERVALS, AND IS AERIAL.
 11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
 12. AREAS:

EX. BASEMENT	=	894 SF
EX. FIRST FLOOR	=	1,113 SF
EX. SECOND FLOOR	=	519 SF
EX. GROSS FLOOR AREA	=	2,526 SF

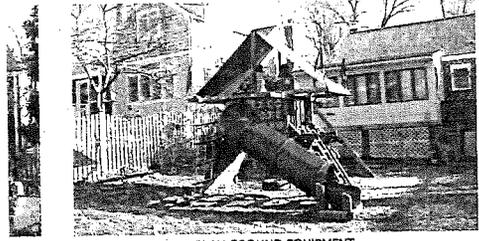
EX. FLOOR AREA RATIO: EX. GFA (2526)/LOT AREA (6250) = 0.40

PROP. 2ND FLOOR ADDN. & ATTIC = 926 SF.
PROP. 2ND FLOOR ADDN. & ATTIC (926)/EX. GFA (2440) = 0.38

EX. BASEMENT	=	894 SF
EX. FIRST FLOOR	=	1,113 SF
PROP. SECOND FLOOR	=	894 SF
PROP. ATTIC	=	551 SF
TOTAL GROSS FLOOR AREA	=	3,452 SF

TOTAL FLOOR AREA RATIO: TOTAL GFA (3452)/LOT AREA (6250) = 0.55
 13. THE PROPOSED 2ND FLOOR ADDITION AND ATTIC WILL BE BUILT DIRECTLY ABOVE THE EXISTING BRICK DWELLING'S FOOTPRINT.
 14. THERE ARE NO EAVES ON THE EXISTING DWELLING.

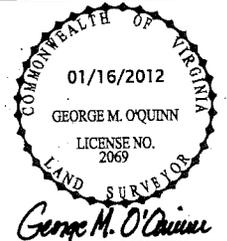
PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 66, SECTION TWO
GREENWAY DOWNS
 (DEED BOOK D-10, PAGE 35)
 FAIRFAX COUNTY, VIRGINIA
 PROVIDENCE DISTRICT
 SCALE: 1" = 10' JANUARY 16, 2012



PLAY GROUND EQUIPMENT

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.



ORDERED BY:
 TIM J. KATSAPIS & CHRISTINE C. KATSAPIS

DOMINION Surveyors Inc.
 8808-H PEAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 703-619-6555
 FAX: 703-799-6412

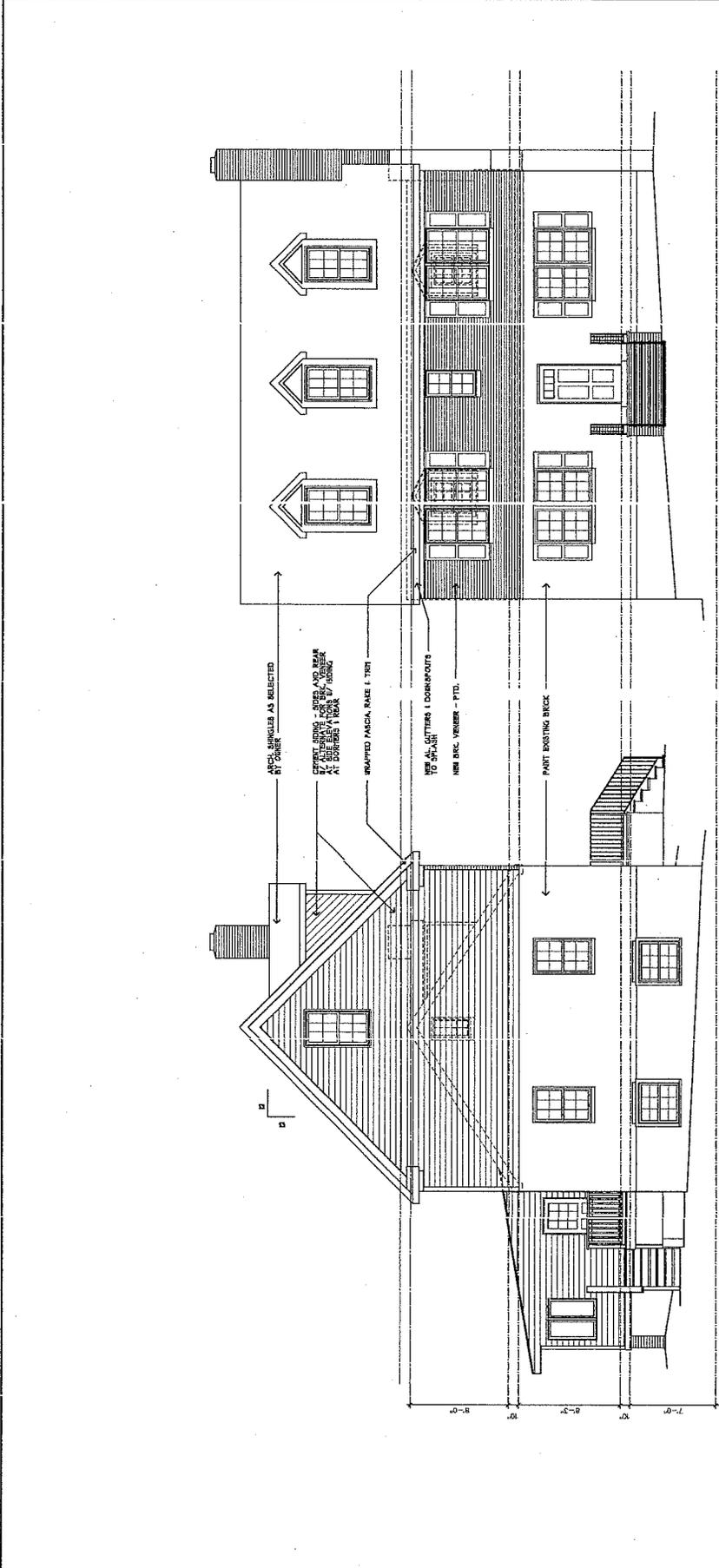
DATE: 02/21/13
 REVISIONS:
 COMM. NO.:
 133

THIS DRAWING IS THE PROPERTY OF KOHLMARK ARCHITECTS. ANY REUSE OR REPRODUCTION OF THIS DRAWING WITHOUT THEIR EXPRESS WRITTEN PERMISSION IS PROHIBITED.

KATSAPIS ADDITION
 2836 MARSHALL ST.
 FALLS CHURCH, FAIRFAX COUNTY, VIRGINIA
 EXTERIOR ELEVATIONS

KOHLMARK ARCHITECTS
 3400 N. HOLLAND ROAD
 SUITE 200
 FALLS CHURCH, VA 22034
 PHONE: 703.271.1100
 WWW.KOHLMARKARCHITECTS.COM

A4
 OF 6



FRONT ELEVATION
 1/4" = 1'-0"

LEFT SIDE ELEVATION
 1/4" = 1'-0"

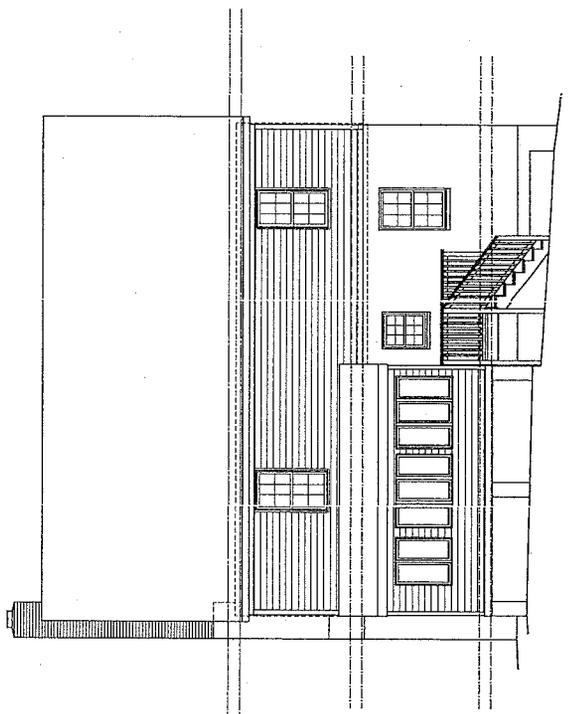
DATE: _____
 REVISIONS: _____
 COMM. NO.: _____
 KRS
 THIS DRAWING IS THE PROPERTY OF KOHLMARK ARCHITECTS
 AND IS NOT TO BE REPRODUCED OR USED IN ANY
 MANNER WITHOUT THE WRITTEN PERMISSION
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KATSAPIS ADDITION
 2836 MARSHALL ST.
 FALLS CHURCH, FAIRFAX COUNTY, VIRGINIA

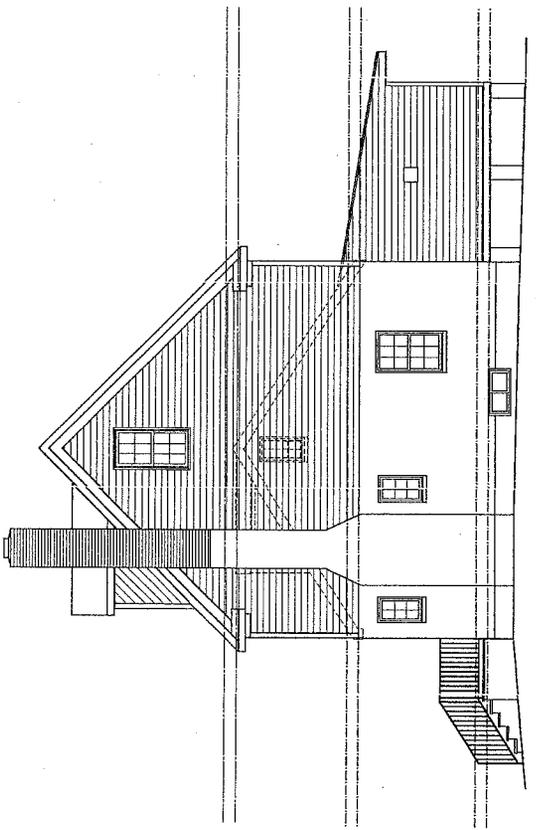
EXTERIOR ELEVATIONS



A5
 OF 6

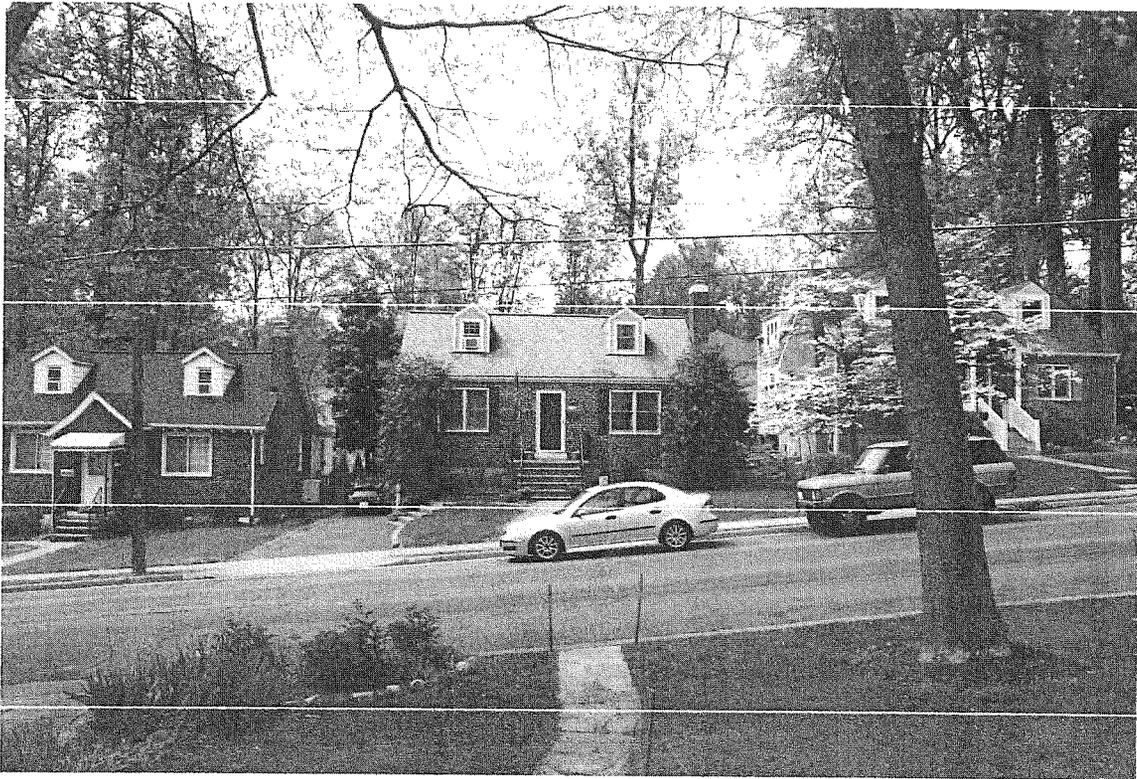


REAR ELEVATION
 1/4" = 1'-0"



RIGHT SIDE ELEVATION
 1/4" = 1'-0"

PHOTOGRAPHS OF SPECIAL PERMIT APPLICATION PROPERTY
2836 Marshall Street, Falls Church, VA 22042



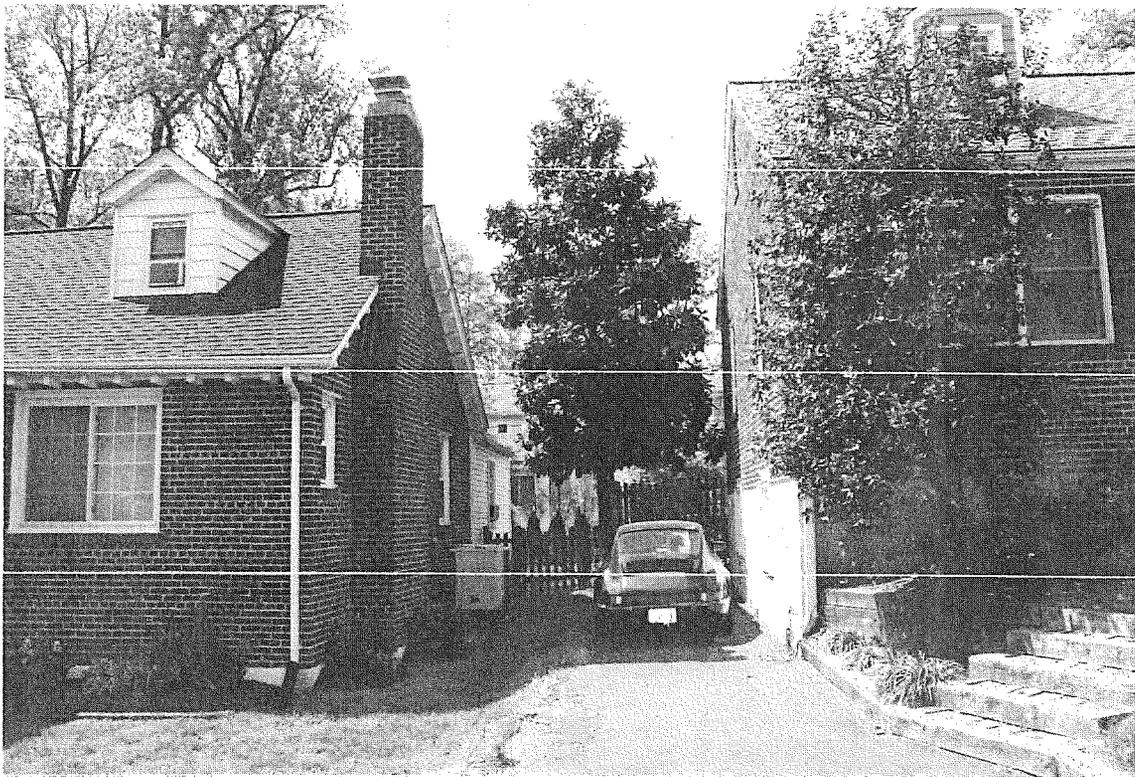
Front of Katsapis Home Facing West (photo taken 4/11/12)



Front of Katsapis Home Facing Northwest (photo taken 4/11/12)



Close-up Front of Katsapis Home Facing Northwest (photo taken 4/11/12)



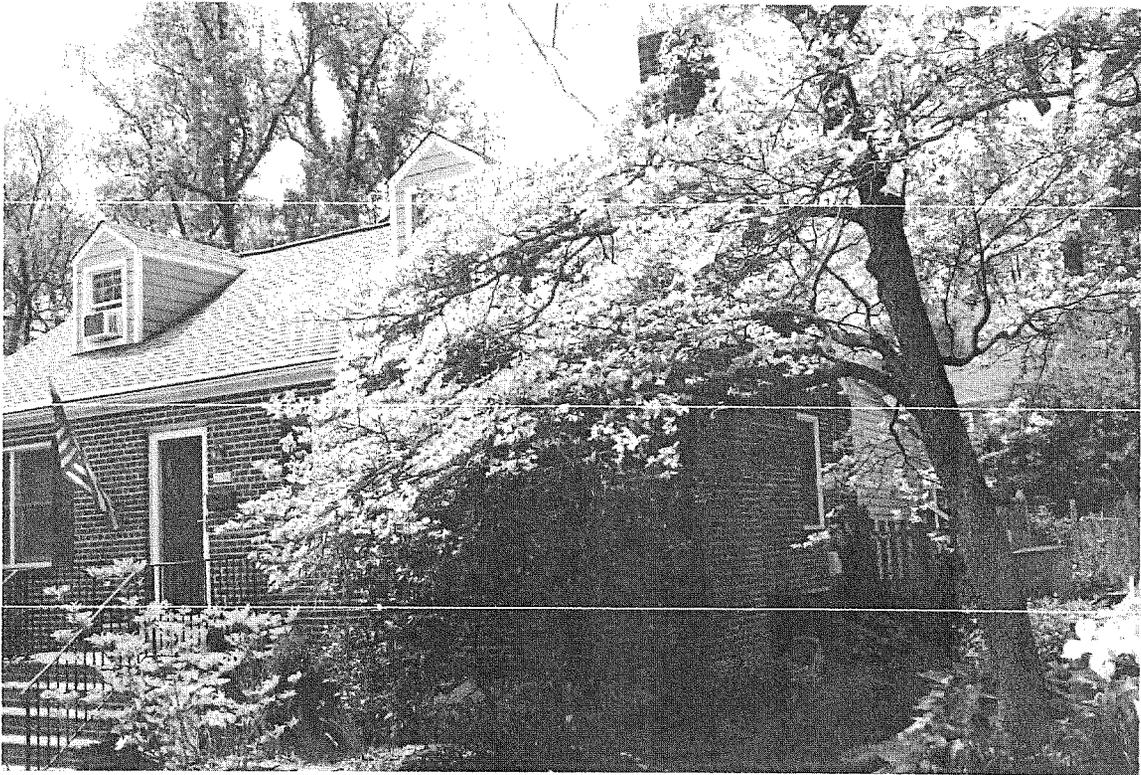
Left of Katsapis Home and Left Neighbors Home Facing West
(photo taken 4/11/12)



Front of Left Neighbors Home Facing Northwest (photo taken 4/11/12)



Front of Right Neighbors Home Facing Southwest (photo taken 4/11/12)



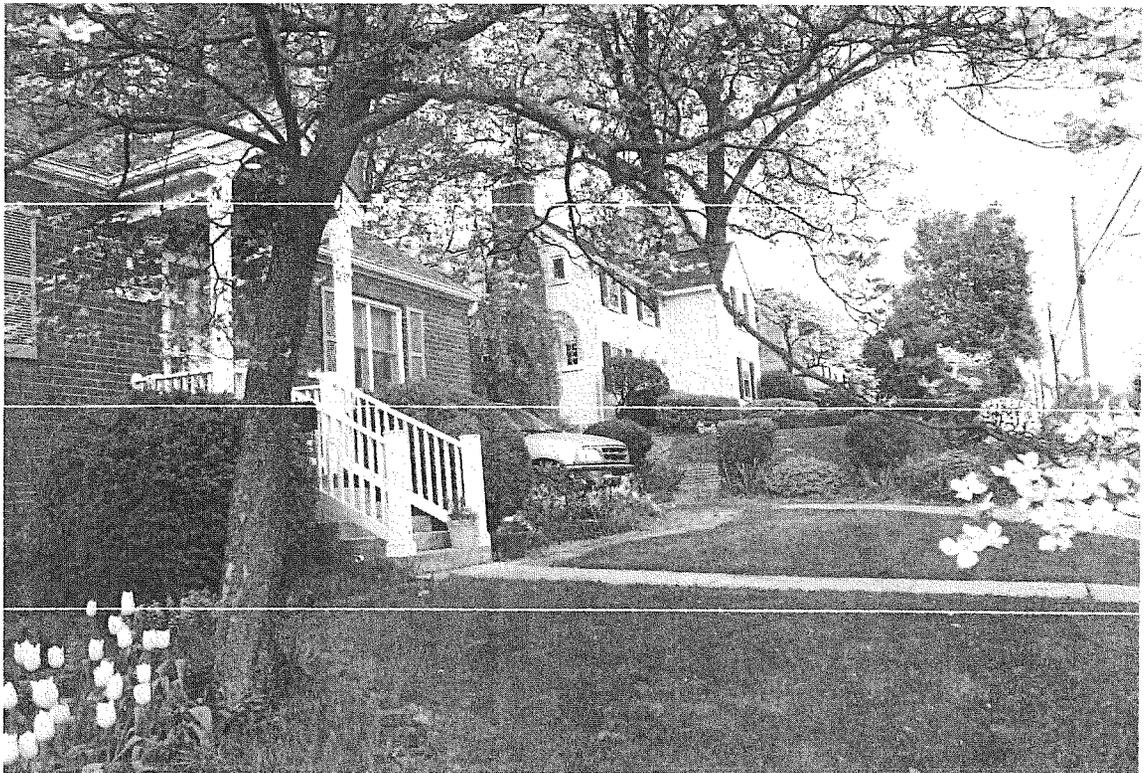
Katsapis Home Facing Southwest (photo taken 4/11/12)



Katsapis Front Yard Facing East (photo taken 4/11/12)



Katsapis Front Yard Facing Northeast (photo taken 4/11/12)



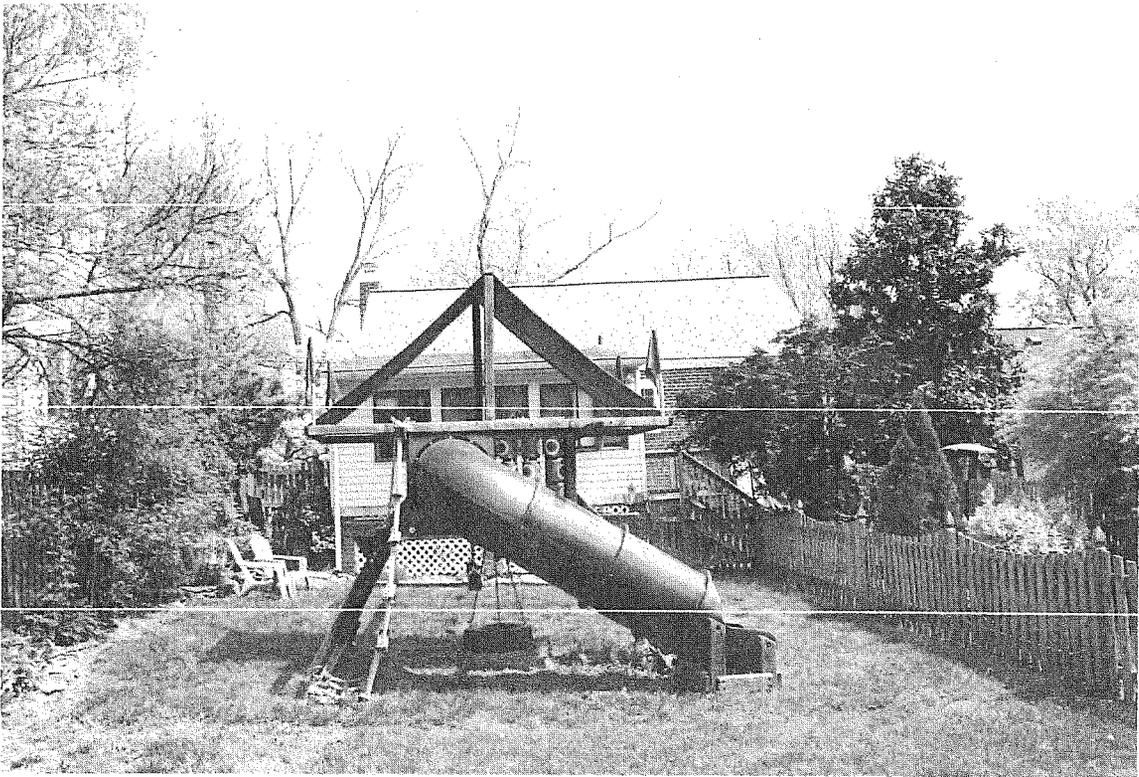
Katsapis Front Yard Facing Northwest (photo taken 4/11/12)



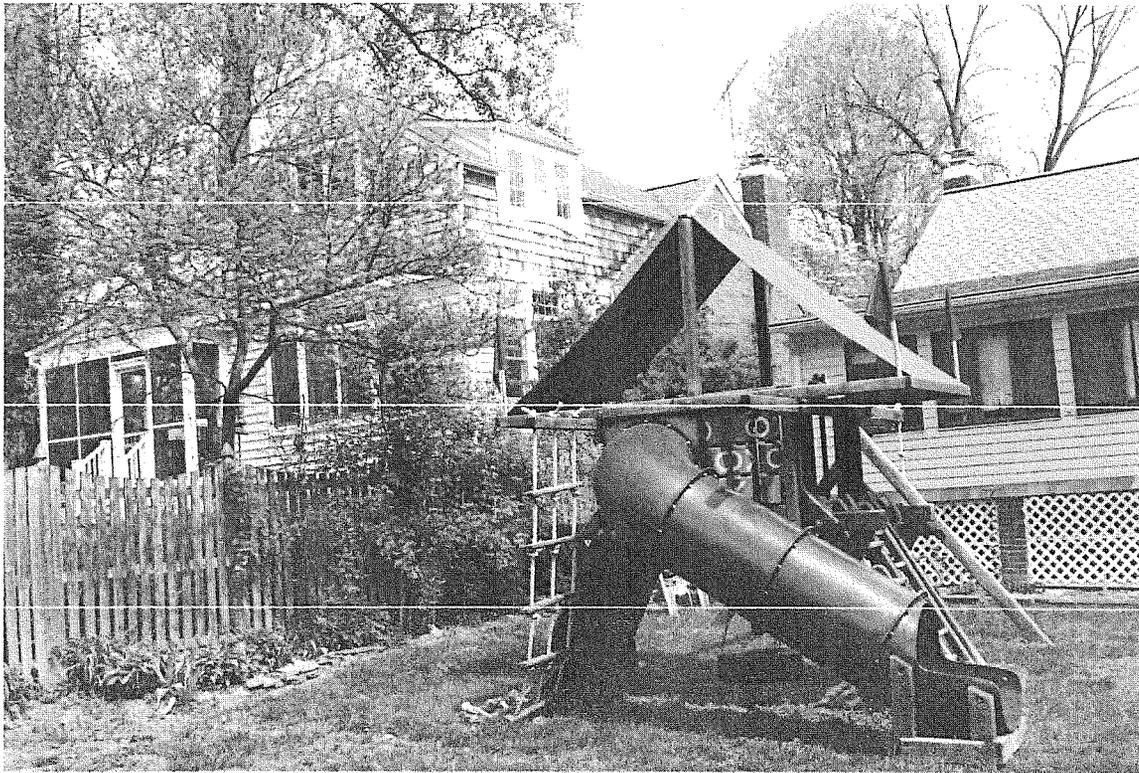
Katsapis Front Yard Facing Southeast (photo taken 4/11/12)



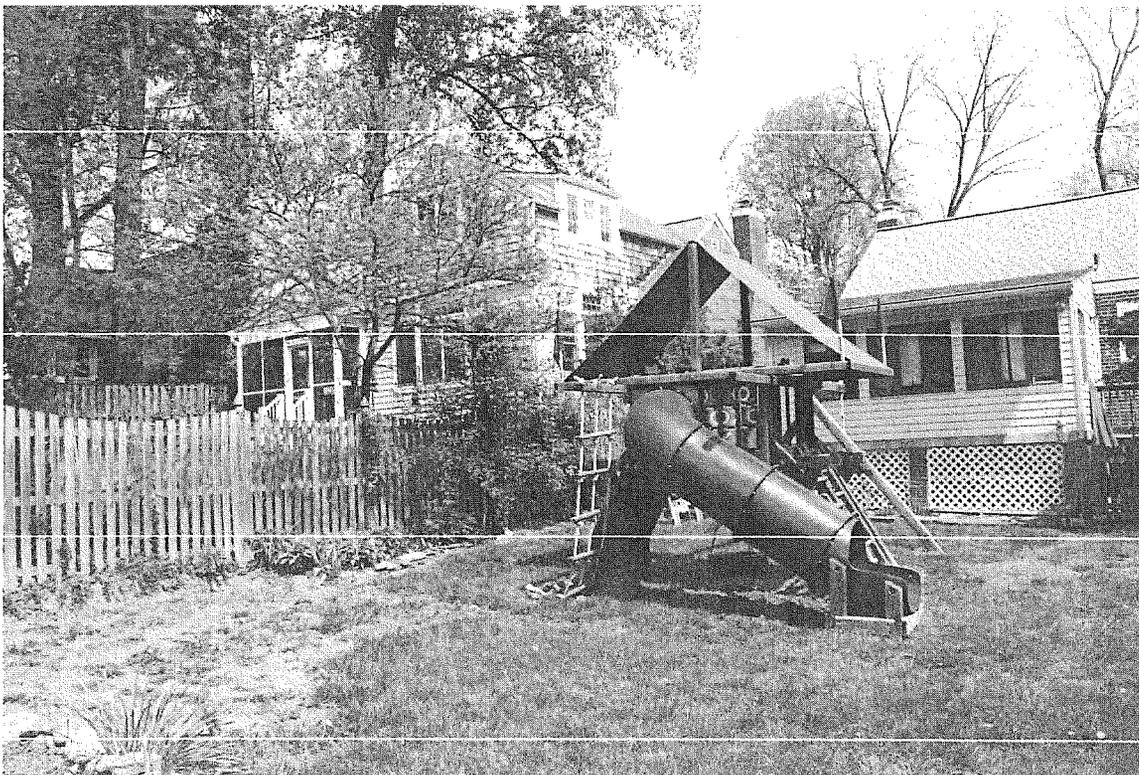
Katsapis Front Yard Facing South (photo taken 4/11/12)



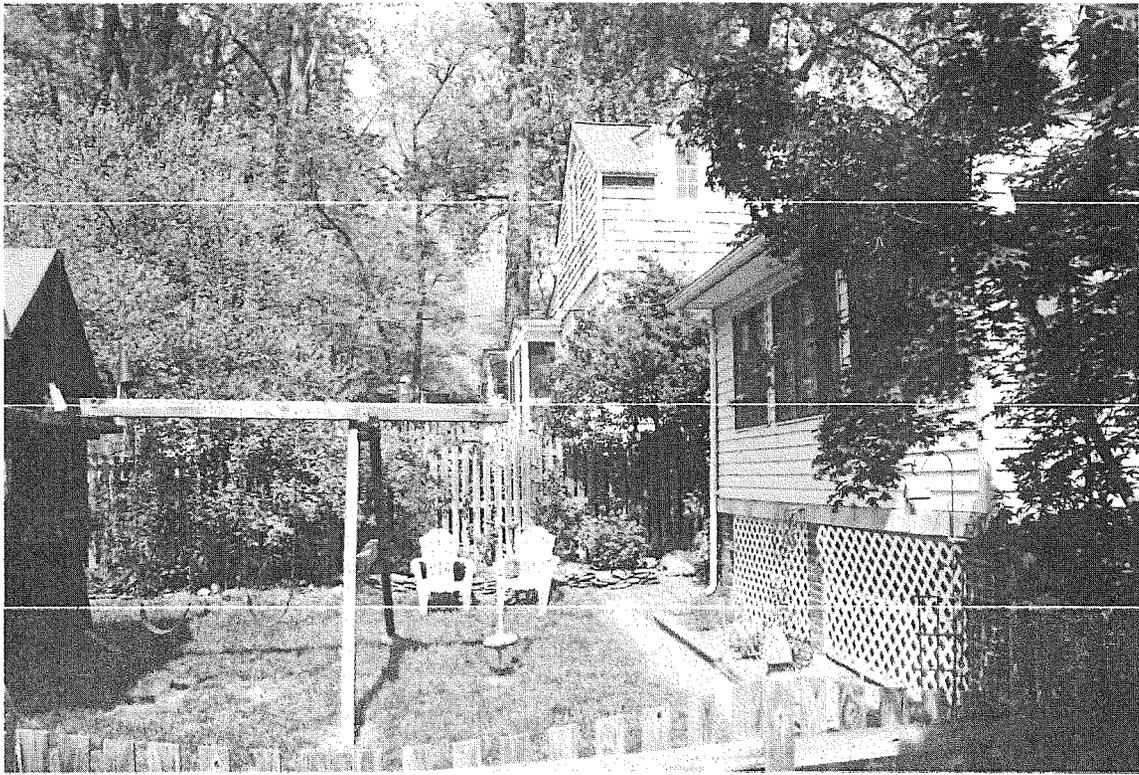
Katsapis Rear Yard Facing East to Katsapis Home (photo taken 4/11/12)



Katsapis Rear Yard Facing Northeast to Right Neighbors Home, 1 of 2
(photo taken 4/11/12)



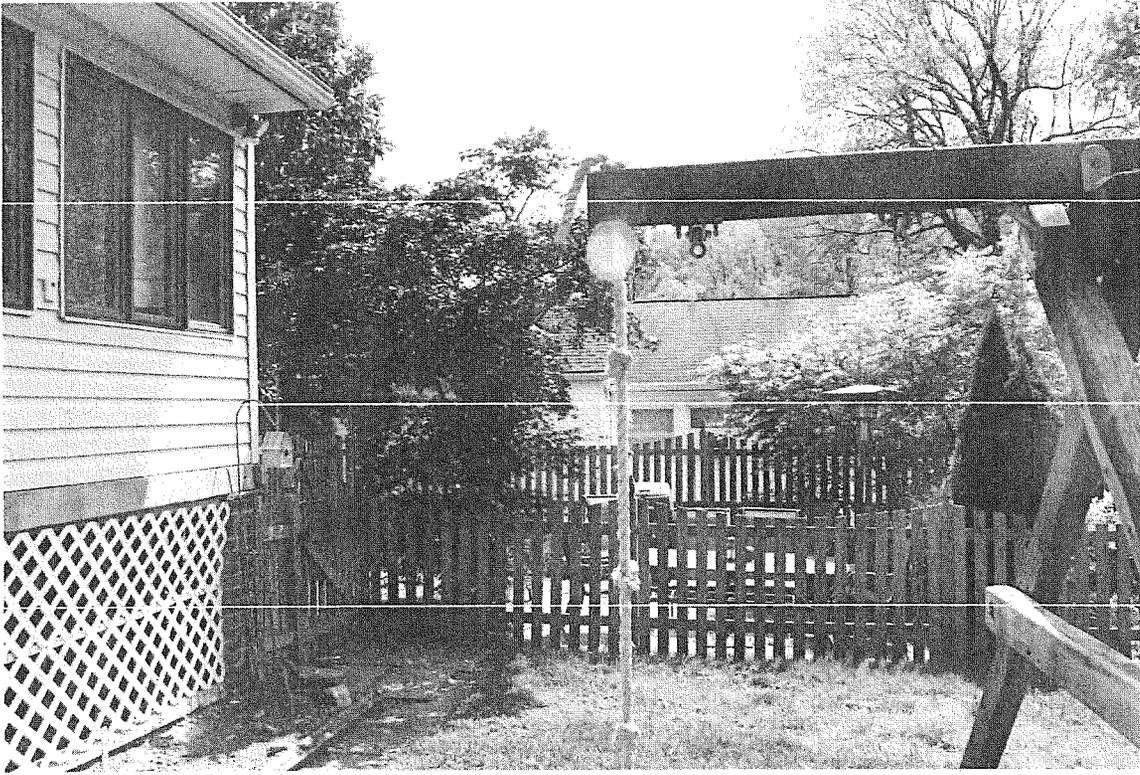
Katsapis Rear Yard Facing Northeast to Right Neighbors Home, 2 of 2
(photo taken 4/11/12)



Katsapis Rear Yard Facing North to Right Neighbors Home (photo taken 4/11/12)



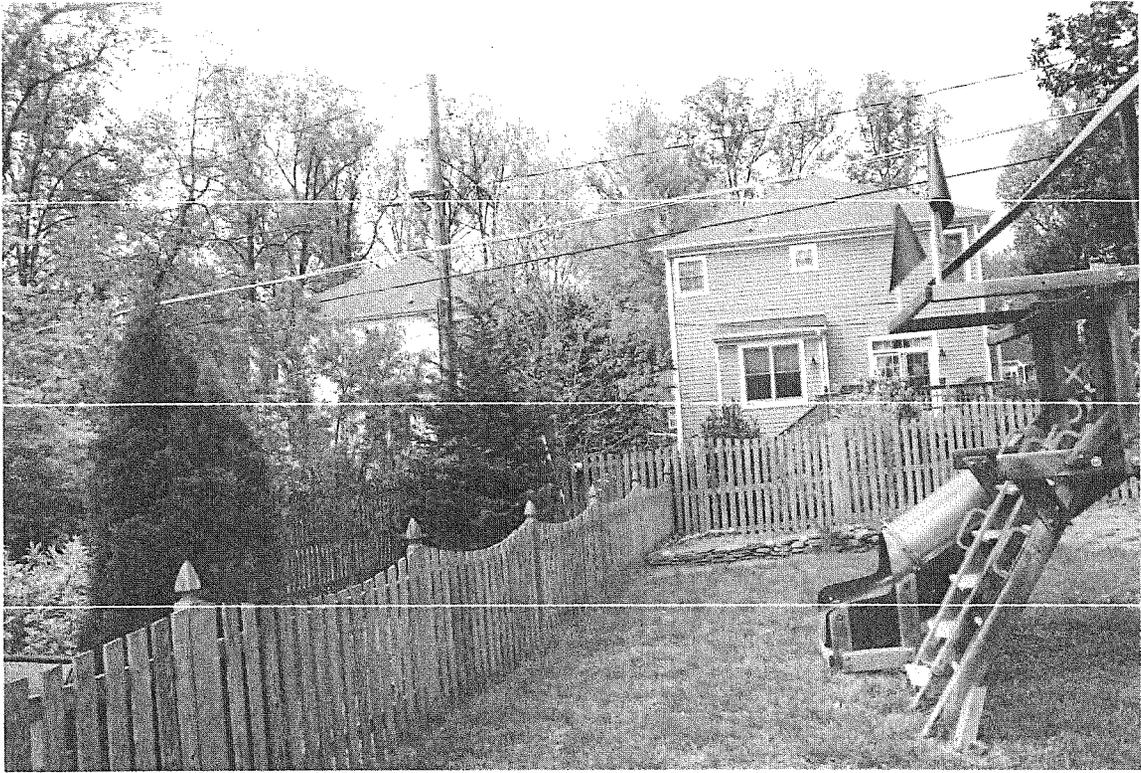
Katsapis Rear Yard Facing Southeast to Left Neighbors Addition
(photo taken 4/11/12)



Katsapis Rear Yard Facing South to Left Neighbors Addition (photo taken 4/11/12)



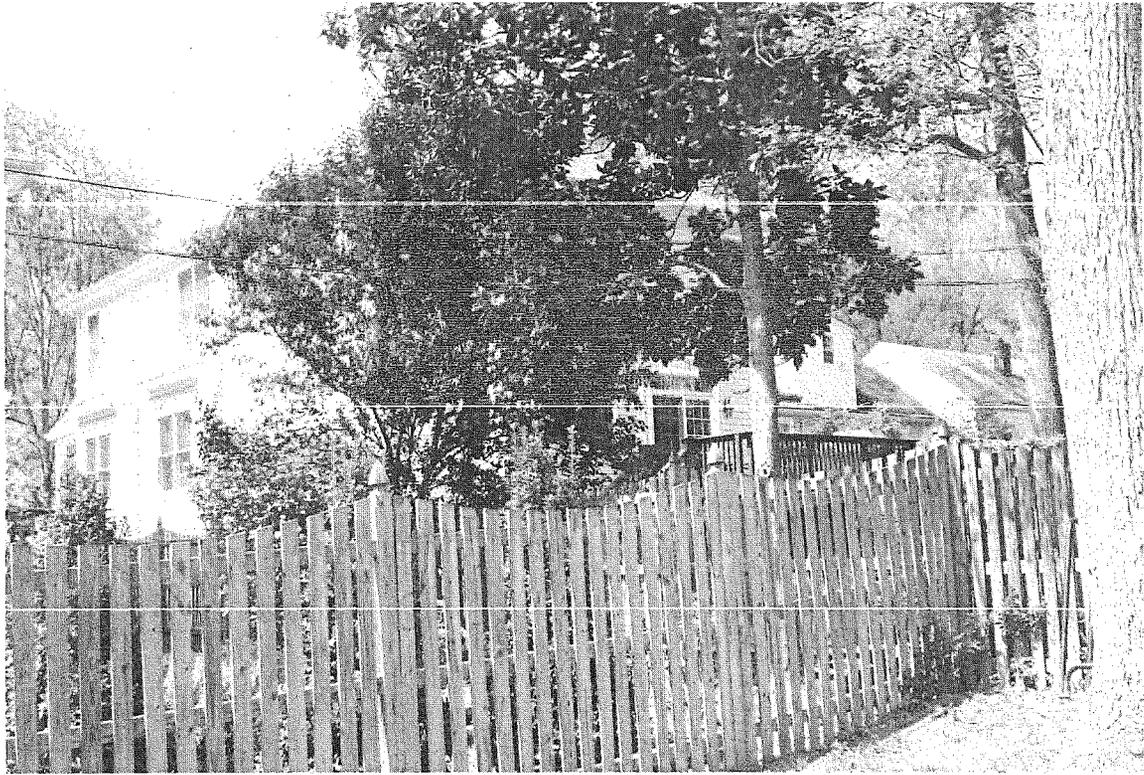
Katsapis Rear Yard Facing West to Neighbors Home (photo taken 4/11/12)



Katsapis Rear Yard Facing West to Neighboring Homes (photo taken 4/11/12)



Katsapis Rear Yard Facing West to Neighbors Home (photo taken 4/11/12)



Katsapis Rear Yard Facing Northwest to Neighbors Home (photo taken 4/11/12)



Katsapis Rear Yard Facing Southwest to Neighbors Home (photo taken 4/11/12)

DESCRIPTION OF THE APPLICATIONS

The applicants are requesting approval of a special permit to permit a reduction to minimum yard requirements based on an error in building location to permit existing stairs associated with a front stoop to remain 20.5 feet from the front lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Extension **	Permitted Yard	Structure Location	Amount of Error	Percent of Error
Special Permit	Stairs	Front	30.0 feet	5.0 feet	25.0 feet	20.5 feet	4.5 feet	18%

*Minimum yard requirement per Section 3-407

**Permitted Extensions per Section 2-412

The applicants are also requesting approval of a special permit for a reduction of certain yard requirements to allow the construction of a second story addition 6.9 feet to its eave from the southern side lot line, 7.9 feet to its eave from the northern side lot line, and extension of an existing chimney 6.7 feet from the northern side lot line.

	Structure	Yard	Minimum Yard Required*	Permitted Extension **	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Side (south)	10.0 feet	N/A	6.9 feet	3.1 feet	31%
Special Permit	Addition	Side (north)	10.0 feet	N/A	7.9 feet	2.1 feet	21%
Special Permit	Chimney	Side (north)	10.0 feet	3.0 feet	6.7 feet	0.3 feet	4%

*Minimum yard requirement per Section 3-407

**Permitted Extensions per Section 2-412

EXISTING SITE DESCRIPTION

The 6,250 square foot lot is currently zoned R-4 and developed with a one and one-half story with walk up basement, cape cod style brick single-family detached dwelling which was constructed in 1946. The existing dwelling measures 2,526 square feet in area

and 19.9 feet in height. The yard is well manicured and contains existing mature vegetation. A frame fence surrounds the side and rear yards. The property is accessed via an asphalt driveway from Marshall Street which runs alongside the southern side of the dwelling. The topography of Marshall Street slopes down-hill from north to south.



CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single Family Detached Dwellings
East	R-4	Single Family Detached Dwellings
South	R-4	Single Family Detached Dwellings
West	R-4	Single Family Detached Dwellings

BACKGROUND

In a letter dated May 14, 2012, from the Zoning Administration Division, attached as Appendix 4, the applicants received a Vested Rights Determination for the existing dwelling and an addition located on the rear of the dwelling, and an Administrative Reduction for play equipment on the subject property. In summary, the letter outlines

that the existing dwelling, currently located 29.8 feet from the front lot line, 7.4 feet from the southern side lot line, 8.4 feet from the northern side lot line, chimney 6.7 feet from the northern side lot line and a one-story vinyl addition 8.4 feet from the northern side lot line all have been taxed for a minimum of 15 years and are not illegal and may remain in their current locations. Additionally, the 14.8 foot in height play equipment shown on the plat, located 9.7 feet from the northern side lot line, has received an Administrative Reduction of 0.3 feet.

The front porch (uncovered stoop), which does not exceed 10 feet in width, is permitted to extend 5.0 feet into the minimum required front yard and therefore is a permitted extension per Section 2-412 of the Zoning Ordinance. However, the steps associated with the front porch exceed the permitted extension and have therefore been included in this special permit application to remain.

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

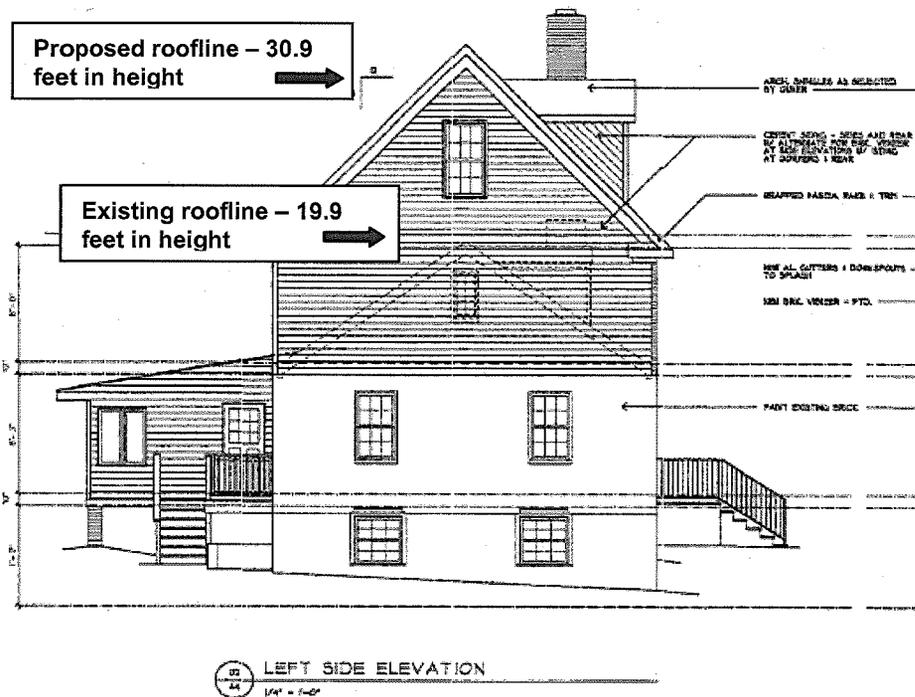
- Variance VC 83-P-117 was approved on October 4, 1983 for Tax Map 50-4 ((4)) 31, zoned R-4, at 2841 Cameron Road, to allow construction of a second story addition to existing dwelling 7.5 feet from one side lot line and 8.4 feet from other side lot line.
- Variance VC 01-P-063 was approved on July 11, 2001 for Tax Map 50-2 ((4)) 109, zoned R-4, at 2829 Woodlawn Avenue, to permit construction of a second story addition 21.9 feet from front lot line and 7.3 foot high fence to remain in the rear yard.
- Variance VC 01-P-064 was approved on July 18, 2001 for Tax Map 50-2 ((4)) 111, zoned R-4, at 2835 Woodlawn Avenue, to permit construction of a second story addition 9.1 feet from a side lot line.
- Variance VC 91-P-067 was approved on August 14, 1991 for Tax Map 50-2 ((4)) 46, zoned R-4, at 2757 Woodlawn Avenue, to permit construction of addition 15.1 feet from front lot line and 9.8 feet from a side lot line.
- Variance VC 97-P-029 was approved on June 4, 1997 for Tax Map 50-2 ((4)) 10, zoned R-4, at 2805 Marshall Street, to permit construction of addition 7.3 feet from a side lot line.
- Variance VC 99-P-126 was approved on December 15, 1999 for Tax Map 50-2 ((4)) 65, zoned R-4, at 2834 Marshall Street, to permit construction of additions 8.0 feet from a side lot line and 22.5 feet from front lot line.
- Variance VC 2003-PR-128 was approved on November 4, 2003 for Tax Map 50-2 ((4)) 51, zoned R-4, at 2807 Woodlawn Avenue, to permit construction of a second story addition 7.4 feet with eave 6.4 feet from both side lot lines.

ANALYSIS

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Plat, Showing the Improvements on Lot 66, Section Two, Greenway Downs
- **Prepared by:** Dominion Surveyors Inc., dated and sealed on January 16, 2012

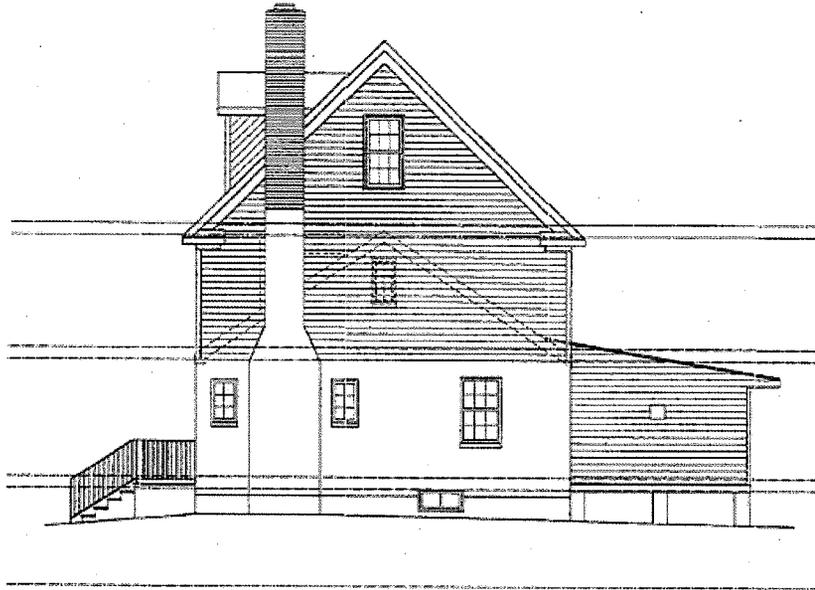
Proposal:

The applicants propose to construct a full second story addition to their cape cod style home which would raise the roofline from 19.9 feet to 30.9 feet (11 foot increase in height).



The second story addition will incorporate the space currently utilized as attic space. The existing second floor (attic space) of the dwelling consists of 519 square feet in area. The expansion of the proposed addition will increase the living area of the second story to 894 square feet, which is a 375 square foot expansion. In addition, the applicants propose to add new attic space which will create a colonial style appearance to their home and add an additional 551 square feet of living area to the dwelling. The applicant has indicated that the "attic" space above the second story addition would be used for a future office/den. Since the second story addition will consist of enlarging existing space, the proposed expansion, including the attic space above, will consist of

926 square feet for the overall construction of the second story addition and attic. Additionally, the existing chimney, currently located 6.7 feet from the northern side lot line, will be required to be raised in height to extend beyond the roofline of the newly proposed second story addition.



RIGHT SIDE ELEVATION
1/4" = 1'-0"

The special permit also requests existing steps associated with a front porch to remain 20.5 feet from the front lot line.

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 5:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs and through aerial images that the construction of the second story addition will not adversely affect the use or development of neighboring properties since many of the homes in the immediate surrounding neighborhood have received similar approvals to expand their homes, as noted in the Background section of this report, to include the dwelling immediately adjacent on Lot 65. Additionally, the character of the neighborhood appears to have changed over time and now instead of the 1940's style cape cod homes, the neighborhood has become a more eclectic variety of home styles. As shown in the image below, the properties immediately to the rear of the subject property have significantly changed the character of the surrounding area. Therefore, staff believes this standard has been met.*



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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 2,526 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,789 square feet in size for a possible total square footage at build out of 6,315. The proposed addition is 926 square feet, for a total square footage of the house with the addition of 3,452 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed second story addition and attic will be compatible with the architecture of the existing dwelling on the lot as the request only increases the bulk by adding 926 square feet of living area. The second story addition in its entirety will provide for new larger bedrooms in what is now the attic space of the home and provide a new attic space with full head room for additional living space and possibly an office/den for the family. The height of the current structure is 19.9 feet in height and the proposed addition and attic space will raise the roofline to 30.0 feet in height. Residential dwellings in this district are permitted to be developed at a maximum height of 35 feet. Staff believes the addition will be in character with existing on-site development and will create minimal bulk and scale to the existing structure on the lot. Therefore the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The applicants propose to construct a second story addition which would include an attic space above. The dwelling adjacent on Lot 65 has received approval of a variance to accommodate the same type of request. Also, as shown in the image on Page 6, there are three homes immediately behind the application property, on Lots 85, 86 and 87, which are newer three level homes whereby the developer removed the existing smaller cape cod style homes and rebuilt new homes on the lots, although they appear to have been constructed within the buildable area. The neighborhood has a significant grade

change where properties have been constructed "down-hill" from one another from north to south along Marshall Street. The applicants propose to maintain the same character of their home while increasing the footprint by enlarging the existing attic space as a full second floor and adding new attic space with full head room. The existing dwelling was constructed in 1946 and currently does not meet the minimum yard requirements and received a Vested Rights Determination dated May 14, 2012. Since the proposed construction will merely raise the roofline by 11.0 additional feet, no vegetation is proposed to be removed to accommodate the addition as proposed. Therefore, staff believes the addition will be harmonious with surrounding off-site uses and meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the construction of a second story addition will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety, as the second story addition appears to be relatively minor by adding only an additional 11 feet of height to the existing dwelling and will not extend beyond the existing plane of the dwelling on any lot line. Although the home on Lot 67 is down-hill from the subject property, staff does not believe increasing the roofline by 11 additional feet will cause significant impact on the use or enjoyment of their property as the existing dwelling currently appears taller due to the topography of Marshall Street. Staff believes the request will not increase runoff or erosion since no additional impervious area will be added to the site with this application. Staff believes that the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The request appears to be minor in size and scale given that the applicants' propose to only add a second story addition, by expanding an existing attic space above their home, and adding new attic space, which will only increase the size of the overall dwelling by 926 square feet. Other homes in the neighborhood have received similar approvals by the Board for the same type of request due to the layout of the homes on the lots within the subdivision. Given that the existing dwelling does not meet the current yard designations set forth for this Zoning District, staff believes the request is minimal and the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas are not applicable to this site.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of SP 2012-PR-031 for a second story addition and chimney with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Vested Rights Determination and Administrative Reduction letter dated May 14, 2012
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2012-PR-031****July 18, 2012**

If it is the intent of the Board of Zoning Appeals to approve SP 2012-PR-031 located at Tax Map 50-2 ((4)) 66 to permit reduction of minimum yard and certain yard requirements pursuant to Sections 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location of the stairs (20.5 from the front lot line) and the location and size of a second story addition and attic (926 square feet), as shown on the plat prepared Dominion Surveyors, Inc., dated and sealed on January 16, 2012, 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 (2,526 square feet existing + 3,789 square feet (150%) = 6,315 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



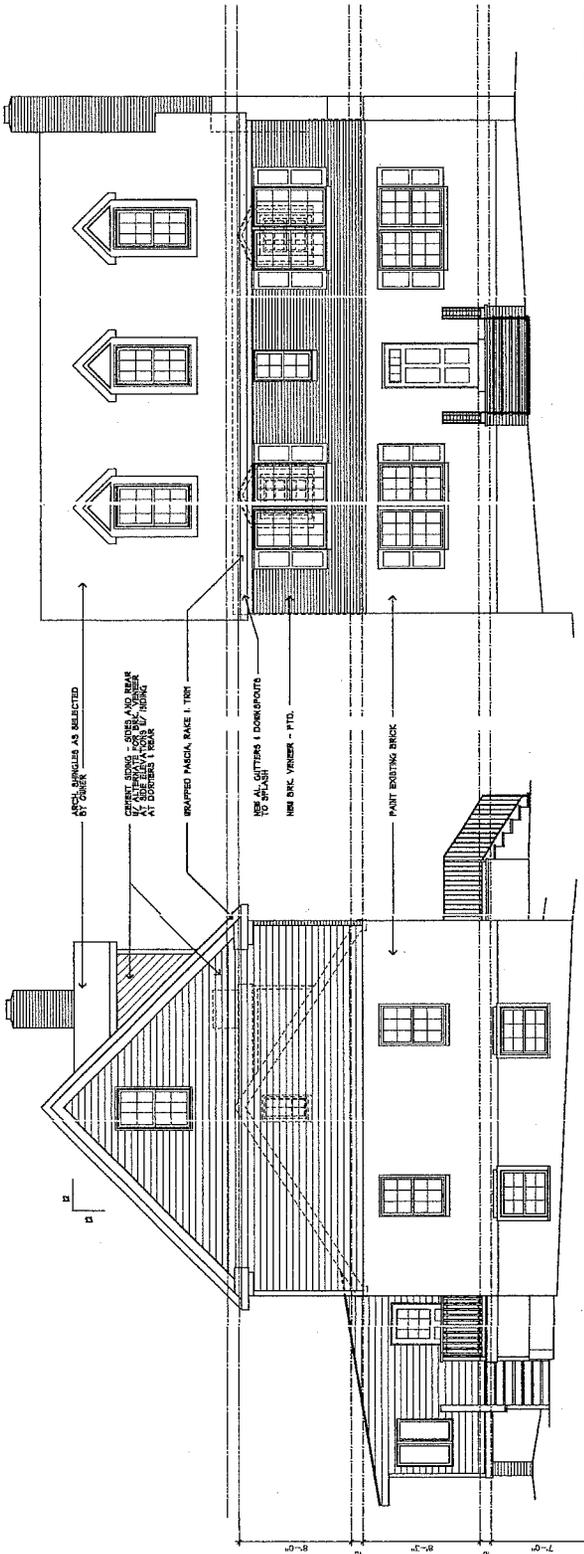
KOHLMARK
ARCHITECTS
1000 S. HOLLAND ROAD
SUITE 100
FALLS CHURCH, VA 22034
PHONE: 703.271.1111
FAX: 703.271.1112

A 0

KATSAPIS ADDITION
2836 MARSHALL ST.
FALLS CHURCH, FAIRFAX COUNTY, VIRGINIA
EXTERIOR ELEVATIONS

DATE	REVISIONS
02/15/04 <td>COMPL. NO.</td>	COMPL. NO.
02/15/04 <td>333</td>	333

THIS DRAWING IS THE PROPERTY OF KOHLMARK ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. WITHOUT WRITTEN PERMISSION, IT IS NOT TO BE REPRODUCED OR COPIED FOR ANY OTHER PROJECT OR SITE.



FRONT ELEVATION
1/4" = 1'-0"

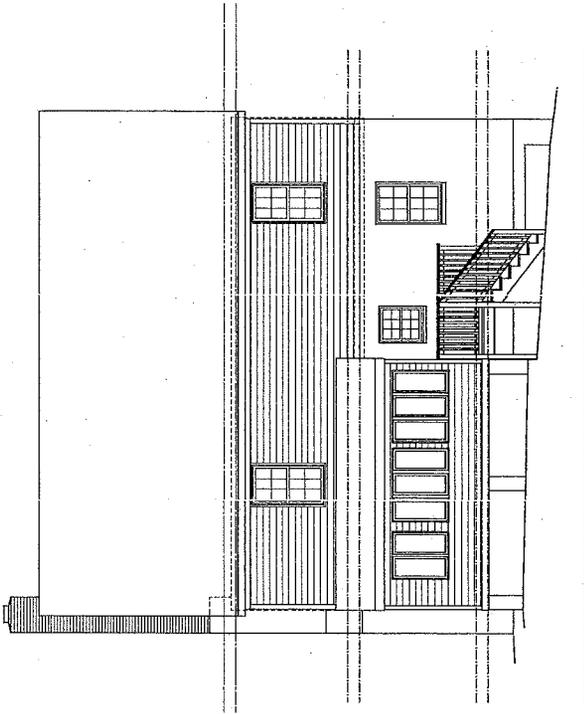
LEFT SIDE ELEVATION
1/4" = 1'-0"

DATE: _____
 REVISIONS: _____
 COMM. NO. _____
 DATE: _____
 THIS DRAWING IS THE PROPERTY OF KOHLMARK ARCHITECTS. ANY REUSE OR REPRODUCTION OF THIS DRAWING WITHOUT PERMISSION IS PROHIBITED.

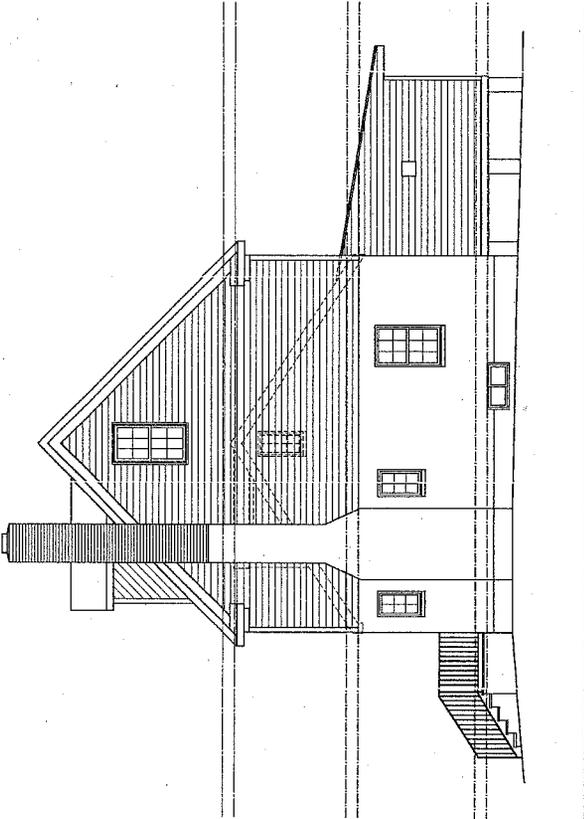
KATSAPIS ADDITION
 2836 MARSHALL ST.
 FALLS CHURCH, FAIRFAX COUNTY, VIRGINIA
 EXTERIOR ELEVATIONS

KOHLMARK ARCHITECTS
 JAMES H. KOLLING FOUNDRY
 10000 WOODLAND DRIVE
 FALLS CHURCH, VA 22034
 PHONE: 703-744-2827
 FAX: 703-744-2827

A5
 OF 6



REAR ELEVATION
 1/4" = 1'-0"



RIGHT SIDE ELEVATION
 1/4" = 1'-0"

Application No.(s): SP 2012-PR-031
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/12/12
 (enter date affidavit is notarized)

I, Tim J. Katsapis, 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

115820

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)
Tim J. Katsapis	2836 Marshall Street, Falls Church, VA 22042	APPLICANT / TITLE OWNER
Christine C. Katsapis	2836 Marshall Street, Falls Church, VA 22042	APPLICANT / TITLE OWNER
Mark Kohler	KohlMark Architects, 5206-B Road, Burke, VA 22015	AGENT

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

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

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

Application No.(s):

SP 2012 - PR - 031

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

4/12/12

(enter date affidavit is notarized)

115820

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)

KohlMark Architects, 5206 - B Rolling Road, Burke, VA 22015

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)

Mark, NMI, Kohler

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

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

Application No.(s): SP 2012-PR-031
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/12/12
(enter date affidavit is notarized)

115820

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**)

NOT APPLICABLE

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

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

Application No.(s): SP 2012 PR-031
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/12/12
(enter date affidavit is notarized)

115820

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

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

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

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

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

NONE

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

Application No.(s): SP 2012-PK-031
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/12/12 115820
(enter date affidavit is notarized)

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:

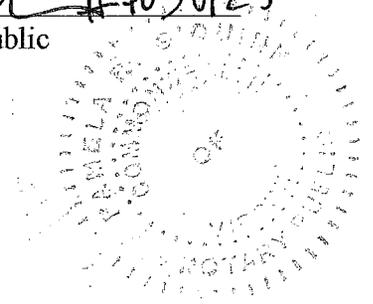
(check one) Applicant Applicant's Authorized Agent

Tim J. Katsapis, AKA Efthimios D. Katsapis, Applicant/Title
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12 day of April, 2012, in the State/Comm. of Virginia, County/City of Fairfax

Ram Olu #4050125
Notary Public

My commission expires: Nov 30, 2014



JUN 25 2012

Katsapis Addendum (SP 2012-PR-031) on Neighborhood Character**SPECIAL PERMIT &
VARIANCE BRANCH**Overview

We moved into the neighborhood in April 2002. Then, when the interest rates got very low, all of our surrounding neighbors began to do construction and home improvements to their homes. The house directly behind ours which was originally a cape cod surrounded by a wall of trees was leveled along with the trees and replaced by with three very tall and narrow single family homes (2837, 2839, 2841 Monroe Street) and with minimal yards by a developer. These houses appear to have been built within the maximum building envelope on lots 85, 86, and 87 respectively. Several similar models (see picture of 2762 Marshall Street) have popped up throughout the neighborhood as houses have been purchased and leveled by the same developer. Our neighbor to the right extended a screened-in porch out into their back yard and our neighbor to the left re-sided both of their editions into their backyard. Directly across the street from our house, the neighbors added a second story edition and remodeled their entire 2nd floor. Across the street and diagonal to the left, our neighbors added a 3-story (basement and up) edition to their home and a front porch. Across the street and diagonal to the right our neighbors re-painted their entire house and remodeled the interior of their 2nd floor, their kitchen, and basement. Additionally, in the time we have lived on Marshall Street an entire cape cod house was trucked in one morning and placed on a base at the bottom of the street where it hits Custis Parkway. Across the street from that home, a total remodel of what started out as an A frame was done. Because of the convenience of the neighborhood to schools and metro, the overall character of Greenway Downs is changing from rows of cape cods in various colors to many variations on the theme of remodeled capes, colonials, or tear down and build up of new, tall narrow homes. Compared to all our surrounding neighbors, our home is the only one that has not been upgraded to add more living space through remodel or addition.

Proposed Renovation

2836 Marshall Street is situated on Marshall Street between Lee Highway and Arlington Boulevard. Marshall Street runs downhill from North to South. The proposed renovation will transform our cape cod-style home into a colonial-style home. It will add a second floor and attic space (which may be finished living space if that option is selected). This style of home is fairly typical in the area and within the Greenway Downs neighborhood many renovation projects over the years have included cape cod and colonial homes. There are also many A-frame, modern-style homes and ranch-style houses in the neighborhood.

Below are a series of pictures of our home and other houses in our immediate neighborhood to illustrate the changing character of our neighborhood.

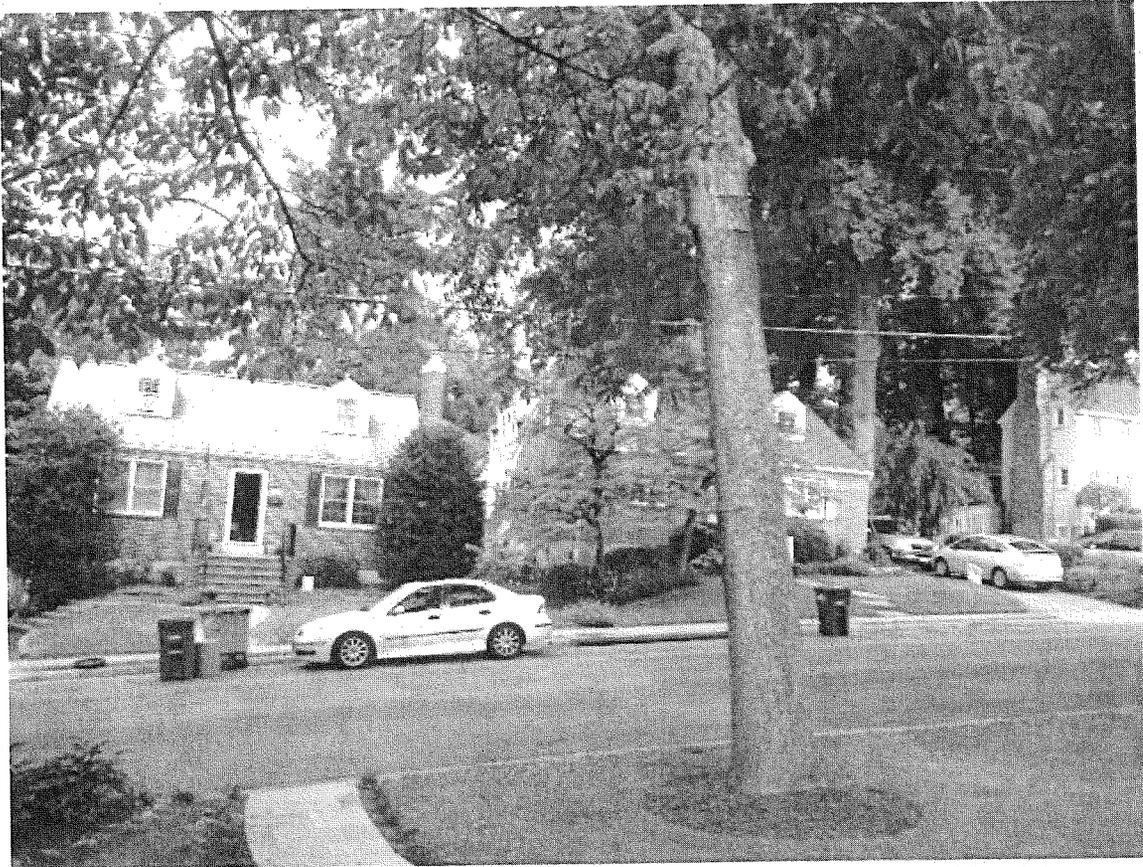


Exhibit 1. This is a picture of our home at 2836 Marshall Street (lot 66), 2834 Marshall Street (lot 65) to the right, and 2830 Marshall Street (lot 63). Note how each house in this picture appears shorter than the next.



Exhibit 2. This picture shows 2836 Marshall Street (lot 66) and 2838 Marshall Street (lot 67) to the left. Our proposed renovation would add only 11 feet above our existing roofline. This is well within the maximum allowable height of 35 feet.



Exhibit 3. This picture shows 2836 Marshall Street (lot 66) and 2838 Marshall Street (lot 67) to the left (looking down hill). While these two houses are generally the same size, our home appears to “tower” over the house on the left. This is clearly a result of topography in our neighborhood.



Exhibit 4. This picture shows the rear of 2836 Marshall Street (lot 66) and the rear of 2834 Marshall Street (lot 65) facing North East. The addition of 2834 Marshall Street is much taller than our addition. Since our house is downhill from this adjacent property, it appears to be much smaller (note the peaks and chimneys of the two houses).



Exhibit 5. This picture shows 2838 W. George Mason Road (lot 182) to the right of 2840 W. George Mason Road (lot 183). The topography on W. George Mason Road is very similar to Marshall Street (W. George Mason Road is one street over to the right of Marshall Street facing North). The size of our home will be similar to that of 2838 W. George Mason Road following the proposed renovation. Our neighbor's house at 2838 Marshall Street would appear to be similar in size relative to the scene above.

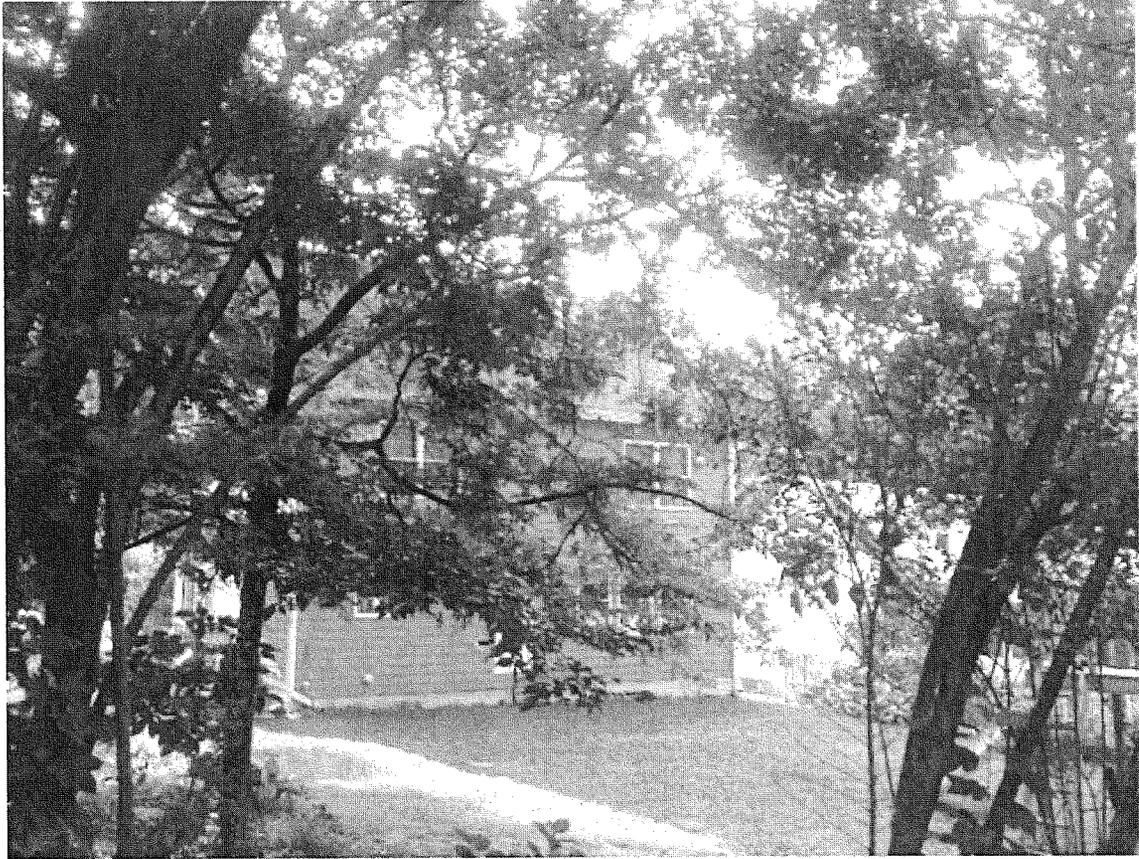


Exhibit 6. This is the rear view of the two houses described in Exhibit 5.



Exhibit 7. This picture shows 2762 Marshall Street (lot 38) to the right of 2800 Marshall Street (lot 39). This is another example of newer style, larger homes in our neighborhood.



Exhibit 8. This is a picture of 2839 Monroe Street (lot 86) to the left of 2841 Monroe Street (lot 87). These homes were built several years ago. Our home looks at the rear of these houses. Note the smaller Cape Code-style house to the right of 2841 Monroe Street.



Exhibit 9. This is 2847 W. George Mason Road (lot 130) to the right of 2845 W. George Mason Road (lot 131), a much smaller cape cod house.



Exhibit 10. This is a picture of 2830 Woodlawn Avenue (lot 37A) to the right of 2834 Woodlawn Avenue (lot 41A). While 2830 Woodlawn Avenue was built several decades ago, it is noteworthy that even then homes of different styles and sizes were common in Greenway Downs.



Exhibit 11. This is what our house looked like 10 years ago a couple of months after we bought it. Note the tree canopy extending behind the three houses shown in this picture. These trees were taken down and replaced with three large houses at 2837, 2839 and 2841 Monroe Street. Our immediate neighbors to the left and right of our home all look out to the rear view of these larger homes.

18 May 2012

Addendum to Special Permit Application SP 2012-0088

Ref: 1) 2 May 2012, Special Permit Application
Reply from Ms. Ruffner

2) 14 May 2012, Vested Rights Determination
and Administrative Reduction

Reference 2 notes the "front deck" or stoop can be incorporated into the special permit application submitted for a reduction of the minimum yard requirements for the second story addition.

Homeowner (Katsaris) requests Zoning Administrator's support to reduce the minimum required yard (front) for the principal structure as the "error does not exceed 10% of the measurement involved." The proposed use will require the existing deck to remain 20.5' from the front line.

The "noncompliance was done in good faith, or through a fault of the property owner." This reduction will not impair the purpose and intent of this ordinance. This will not be detrimental to the use and enjoyment of other property in the immediate vicinity. It will also "not create an unsafe condition with regard to both the property and public streets."

over —

RECEIVED
Department of Planning & Zoning

MAY 18 2012

Zoning Evaluation Division

SP 2012-0088

Forcing compliance with the maximum yard requirements could cause unreasonable hardship on the owner as the owner would have to exit from the rear of the house. Lastly, the "reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations."

The so-called "front deck" was covered with brick to bring an unsafe concrete stoop into safety standards. The "deck" does not occupy any greater space (~~width~~ height, width, length) than original stoop.

Thank you,
Tim Katsaris

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

Tim and Christine Katsapis
2836 Marshall Street, Falls Church, VA 22042

RECEIVED
Department of Planning & Zoning
MAY 07 2012
Zoning Evaluation Division

The following information is provided pursuant to Fairfax County's Special Permit submission requirements and relevant sections of the Fairfax County Zoning Ordinance, including, but not limited to Section 8-922, Provisions for Reduction of Certain Yard Requirements.

- A. Type of operation: Residential
- B. Hours of operation: Continuous
- C. Estimated number of patrons: Not applicable.
- D. Proposed number of employees: Not applicable.
- E. Estimate of traffic impact: Not applicable.
- F. Vicinity or general area to be served by the use: The subject property only.
- G. Architectural compatibility: The proposed addition to the home is compatible and in harmony with the existing neighborhood, which features a mix of cape cod and colonial style homes. The construction and finish of the new addition would match the existing home. Similar style brick and windows will be installed.
- H. Hazardous and toxic substances: There are no current or proposed hazardous or toxic substances proposed with the project, and the site will fully comply with all state and federal environmental regulations.
- I. Statement of justification: A Special Permit to reduce minimum side yard requirements is requested to build the proposed addition, consisting of a second floor and attic, within the home's existing footprint (see attached drawings). The proposed use would require reduction of certain yard requirements to permit a second floor addition and attic directly above the existing principal structure's footprint (6.9 feet and 7.9 feet) from side lot lines. The proposed addition is within the maximum building height and front/rear minimum yard requirements.

Checklist items 930.00-930.05 (8-922 Standards, Items 4-10) are addressed below:

Item 4. As documented in Paragraph 12 of the Survey Plat (dated 16 January 12), the resulting gross floor area (GFA) of the proposed addition to the existing principal structure is 3,452 SF. The existing principal structure GFA is 2,652 SF. The GFA percentage change between the existing principal

structure and proposed addition is 73%. This amount is well within the allowable 150% of the total GFA.

Item 5. The proposed addition will be in character and harmony with the existing principal structure. In accordance with Section 8-922, the resulting GFA of the proposed addition will be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

Item 6. The proposed addition will be in character and harmony with the existing on-site development in terms of the location, height, bulk and scale of the existing structure on the lot.

Item 7. As shown in the submitted architectural diagrams and pictures of the abutting properties, the proposed addition will be harmonious with the surrounding off-site uses and structure in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees, as required.

Item 8. The proposed addition will 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.

Item 9. The proposed second floor addition and attic will be built directly above the existing brick dwelling's footprint. This represents the minimum amount of reduction necessary to accommodate the proposed addition on the lot in keeping with the desired look of the home as shown in the provided architectural diagrams.

Item 10. We (the applicants) understand 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 ration, lot coverage, landscaping and/or screening requirements."

Finally, as the base footprint of the existing principal structure is only 894 SF, reducing the footprint of the proposed 2nd floor addition and attic within the contemporary side lot requirements will not allow our family to increase the gross floor area needed to construct three modest-sized bedrooms, closets, and two bathrooms. This additional living and storage space would significantly increase our family's quality of life. Additionally, if we were to build the addition in conformance with the zoning ordinance, the home's exterior would not be very appealing from a design point-of-view, which would significantly impact its curb appeal and diminish its value.

APR 12 2012

Zoning Evaluation Division

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

Tim and Christine Katsapis
2836 Marshall Street, Falls Church, VA 22042

The following information is provided pursuant to Fairfax County's Special Permit submission requirements and relevant sections of the Fairfax County Zoning Ordinance.

- A. Type of operation: Residential
- B. Hours of operation: Continuous
- C. Estimated number of patrons: Not applicable.
- D. Proposed number of employees: Not applicable.
- E. Estimate of traffic impact: Not applicable.
- F. Vicinity or general area to be served by the use: The subject property only.
- G. Architectural compatibility: The proposed addition to the home is compatible and in harmony with the existing neighborhood, which features a mix of cape cod and colonial style homes. The construction and finish of the new addition would match the existing home. Similar style brick and windows will be installed.
- H. Hazardous and toxic substances: There are no current or proposed hazardous or toxic substances proposed with the project, and the site will fully comply with all state and federal environmental regulations.
- I. Statement of justification: A Special Permit to reduce minimum side yard requirements is requested to build the proposed addition, consisting of a second floor and attic, within the home's existing footprint (see attached drawings). As shown in the Survey Plat, the proposed addition extends slightly into the minimum required side yard requirement. The proposed addition is within the maximum building height and front/rear minimum yard requirements.

As the base footprint of the existing home is only 894 SF, reducing the footprint of the proposed addition would not achieve our objective of increasing the gross floor area needed to construct three modest-sized bedrooms, closets, and two bathrooms. This additional space would increase our family's quality of life. Additionally, if we were to build the addition in conformance with the zoning ordinance, the home's exterior would not be very appealing from a design point-of-view, which could potentially diminish the value of our home and its curb appeal.



County of Fairfax, Virginia

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

May 14, 2012

Tim Katsapis
2836 Marshall Street
Falls Church, VA 22042

RE: § 15.2-2307 Vested Rights Determination and Administrative Reduction

2836 Marshall Street
Greenway Downs, Section 2, Lot 66
Tax Map Ref.: 50-2 ((4)) 66
Zoning District: R-4

Dear Mr. Katsapis:

This letter is in response to your vested rights determination and administrative reduction request dated May 7, 2012 for the existing dwelling, building addition and children's play equipment on the referenced property.

Based on a plat entitled, "Plat Showing the Improvements on Lot 66, Section Two, Greenway Downs," prepared by George M. O'Quinn, LS for Dominion Surveys, Inc. and dated January 16, 2012, a 1 ½ story single family detached dwelling, a 17.8 foot x 12.7 foot addition and a 14.8 foot tall children's play structure are located on the referenced lot. The plat also shows a deck with stairs on the front of the house, and a chimney and air conditioning unit on the side of the dwelling.

ISSUES

The referenced property is zoned R-4 District and is subject to a minimum front yard requirement of 30 feet, a minimum side yard requirement of 10 feet and a minimum rear yard requirement of 25 feet. There are several setback issues with this property that include:

1. The submitted plat shows the dwelling 29.8 feet from the front lot line instead of the minimum required front yard of 30 feet.
2. The plat also shows a 3 ½ foot tall deck with stairs that are 20.5 feet from the front lot line. Under Sect. 2-412 of the Zoning Ordinance, any open deck with no part of its floor higher than 4 feet above finished grade may extend 6 feet into the minimum required front yard. As such, the front deck does not meet the minimum front yard requirement.

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/



3. The plat shows a 5-foot wide chimney as being 6.7 feet from the side lot line. Sect. 2-412 of the Zoning Ordinance allows chimneys that are not more than 10 feet in width to encroach 3 feet into any minimum required yard but not closer than 5 feet to any lot line. Thus, the chimney does not meet the minimum side yard requirement.
4. The sides of the dwelling are 8.5 feet (right side of dwelling) and 8.4 feet (right side of addition) and 7.4 feet (left side of dwelling) from the side lot lines instead of the minimum required 10 feet.

EXISTING DWELLING

Under §15.2-2307 of the *Code of Virginia*, if (a) local government has issued a building permit, the structure was constructed in accordance with the building permit, and a certificate of occupancy was issued, or (b) the owner of the building has paid taxes for the structure for more than 15 years, the structure is not illegal and may remain. There is no evidence in the Department of Planning and Zoning files that a building permit was issued for the dwelling or building addition. However, the Department of Tax Administration (DTA) records indicate that these structures, including the chimney, have been taxed for at least 15 years. Therefore, §15.2-2307 of the Code of Virginia is applicable and the dwelling and the building addition may remain; however, both structures must meet the Building Code requirements that were in effect when they were constructed. Building Code information is available from the Department of Public Works and Environmental Services at 703-222-0114. The structures may not be replaced or enlarged unless the replacement or expansion complies with all regulations of the district in which located.

FRONT DECK

The deck, in its current dimension has not been taxed for 15 years. As such, §15.2-2307 is not applicable for the deck. However, a modification of the minimum required front yard for the deck can be incorporated into the special permit application you submitted for a reduction of the minimum yard requirements for the second story addition. Please coordinate with the Zoning Evaluation Division at 703-324-1290 on this matter.

PLAY EQUIPMENT

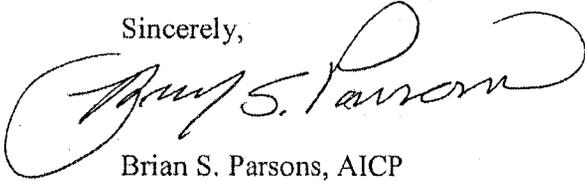
The children's play equipment, which is 14.8 feet in height, is located 27.6 feet from the rear lot line and 9.7 feet from the side lot line. Accessory structures (play equipment) greater than 7.0 feet in height cannot locate in any minimum required side yard, and must be setback a distance of their height from the rear lot line. The play equipment complies with the minimum required rear yard but not with the minimum required 10 foot side yard.

However, 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 duly authorized agent of the Zoning Administrator, I have determined that the requirements for an administrative reduction are applicable as set forth in Sect. 2-419 and a 0.3 foot administrative reduction in the side yard is granted for the children's play equipment.

Tim Katsapis
May 14, 2012
Page 3

I trust that this letter satisfactorily responds to your request. Should you have any additional questions, please feel free to contact me at 703-324-1314.

Sincerely,



Brian S. Parsons, AICP
Assistant to the Zoning Administrator

cc:

Linda Q. Smyth, Supervisor, Providence District

Eileen M. McLane, Zoning Administrator

✓ Barbara C. Berlin, Director, Zoning Evaluation Division

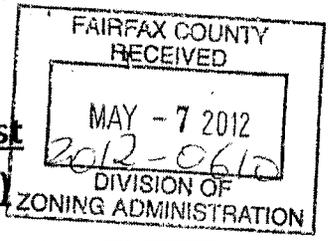
Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch

Diane E. Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch

Virginia H. Ruffner, Planner III, Application Acceptance Section, Zoning Evaluation Division (ZED)

Michael Chauncey, Planning Technician II, Application Acceptance Section, ZED w/ plat

O: bparso\Vested Rights Determinations \2836 Marshall St. doc



Vested Rights Determination (or "2307") Request
(Pursuant to §15.2-2307 of the Code of Virginia)

Property Address and/or Tax Map #: 2836 Marshall Street, Falls Church, VA 22042	
Requestor's Name: Tim Katsapis	
Requestor's Address: 2836 Marshall Street, Falls Church, VA 22042	
Requestor's Phone Number and/or Email: (703) 593-5613 Katsapist@gmail.com	
Description of Structure(s) in Question to include the date of construction if known (i.e. carport enclosure in 1974): The date of the addition's construction is unknown.	
Does the structure(s) in question have a building permit?:	YES NO
If currently applying for a building permit, please provide the building permit number: Special Permit app. # SP 2012-0088	
Is there a current zoning violation on the property?	YES NO

REQUIRED SUBMISSION MATERIALS:

- If building permit application has been submitted, copy of the submitted plat.
- Or, a plat of the property, to scale, which shows the location of all existing structures, distance of structures from all property lines and the height of any detached accessory structures (garages, sheds, etc.).
- Photographs of the interior and exterior of the structure in question.

SUBMIT TO:

Department of Planning & Zoning
 Zoning Administration Division
 Attn: Eileen McLane, Zoning Administrator
 12055 Government Center Pkwy, Suite 807
 Fairfax, Virginia 22035

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914

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

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-922 Provisions for Reduction of Certain Yard Requirements

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

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.