



APPLICATION ACCEPTED: June 15, 2012
DATE OF PUBLIC HEARING: September 12, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 5, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-MA-036

MASON DISTRICT

APPLICANT/OWNER: Esperanza E. Martinez
LOCATION: 7725 Arlen Street, Annandale, 22003
SUBDIVISION: Ravensworth Grove
TAX MAP: 70-2 ((06)) 0157
LOT SIZE: 10,505 square feet
ZONING: R-3
ZONING ORDINANCE PROVISION: 8-914, 8-922
SPECIAL PERMIT PROPOSAL: To permit reduction in minimum yard requirements based on error in building location to permit accessory storage structure to remain 0.7 ft. from side lot line and 8.7 ft. from rear lot line and reduction of certain yard requirements to permit construction of addition 10.2 ft. from side lot line.

Recommendation: Staff recommends denial of SP 2012-MA-036 for the home addition.

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:\rhomert\Special Permits\Martinez 50% and error\Martinez staff report.docx

Rebecca Homer

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.

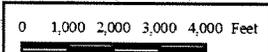
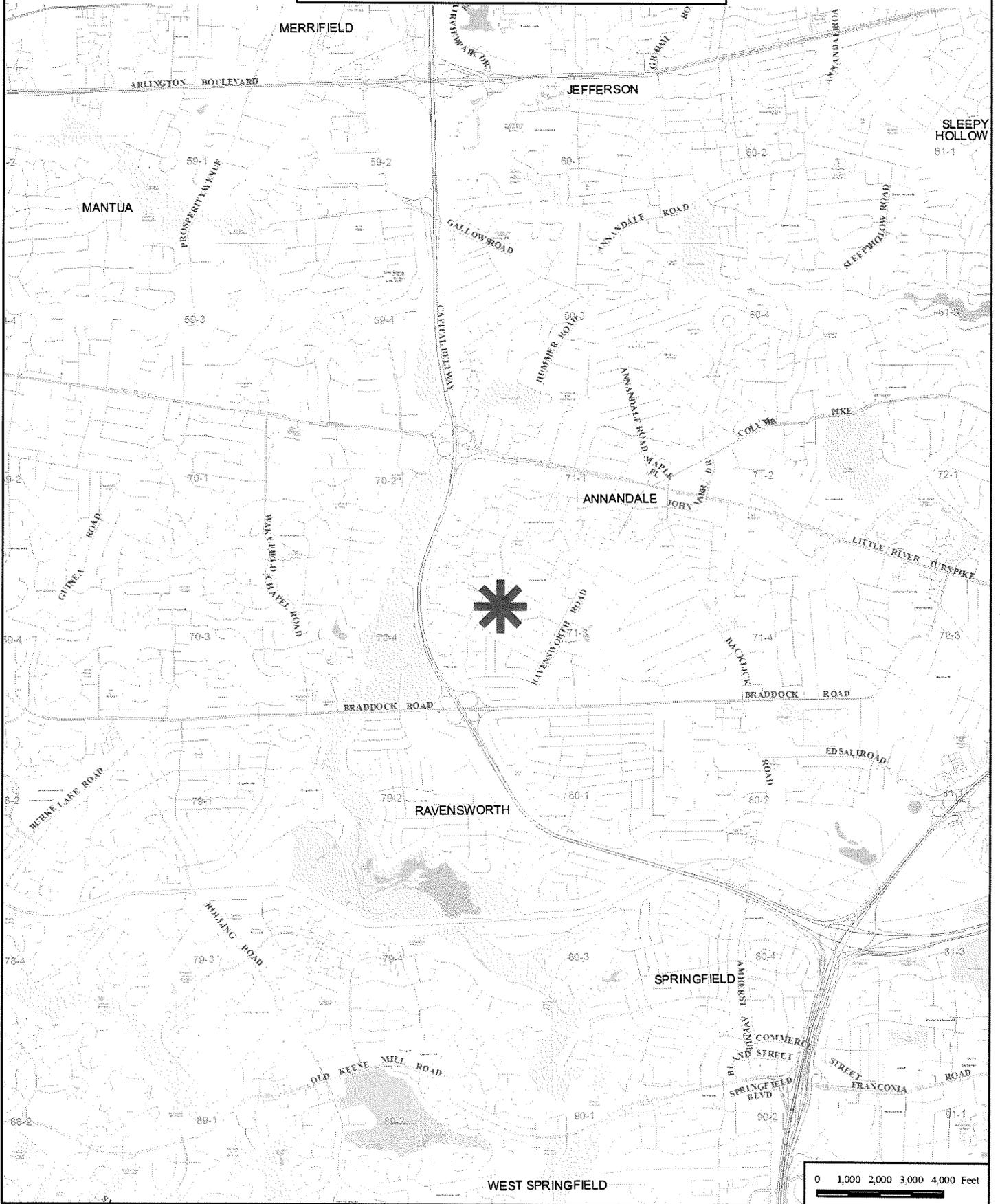
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

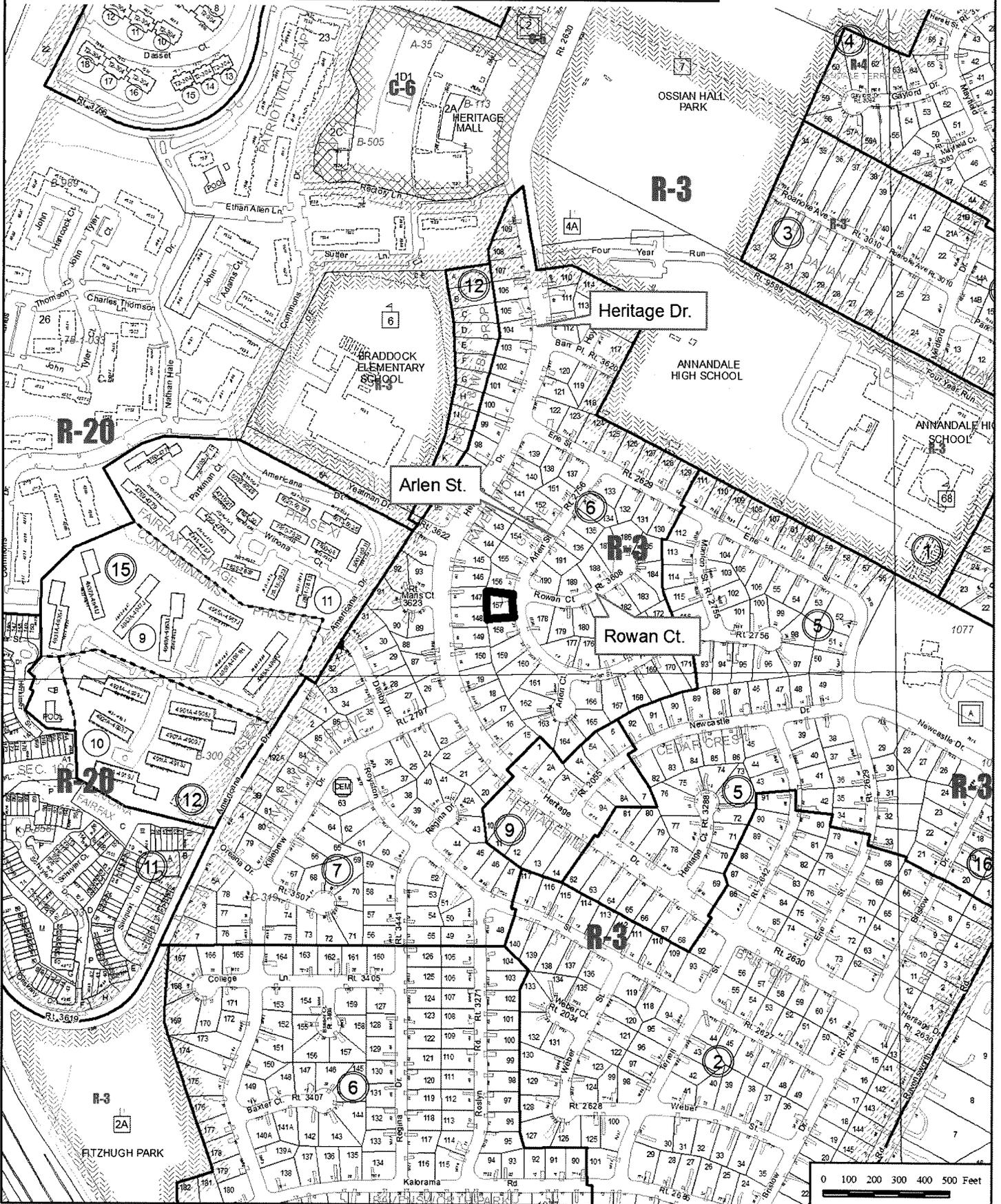


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2012-MA-036
ESPERANZA E. MARTINEZ

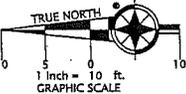
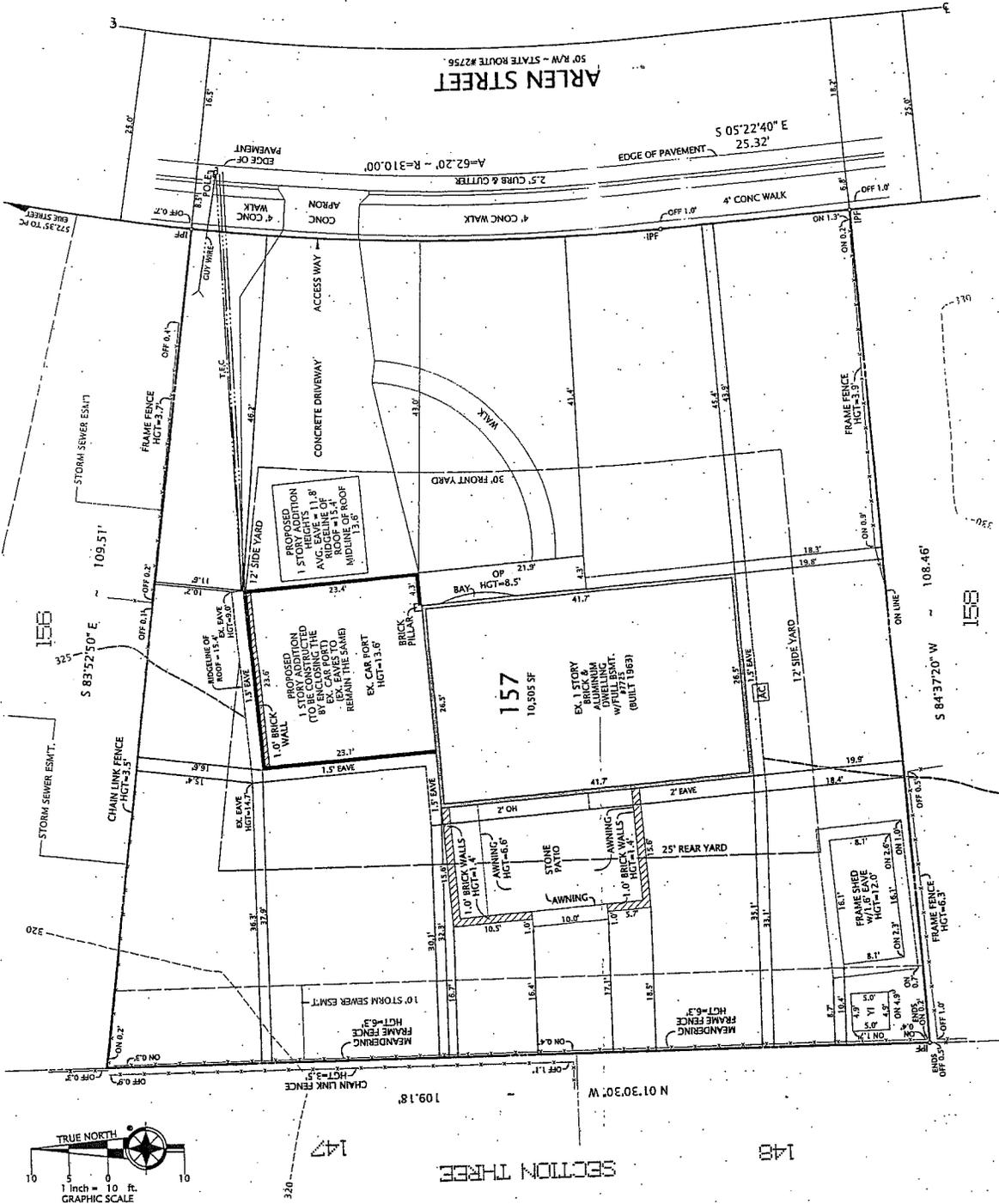


Special Permit
SP 2012-MA-036
ESPERANZA E. MARTINEZ



NOTES:

- TAX MAP: 70-2-06-0157
- ZONE: R-3 (RESIDENTIAL 3 DU/AC)
- LOT AREA: 10,505 SF (0.2412 ACRE)
- REQUIRED YARDS:
 - FRONT: 30 FEET
 - SIDE: 12 FEET
 - REAR: 25 FEET
- HEIGHTS:
 - EX. DWELLING = 17.4 FEET
 - EX. SHED = 12.0 FEET
 - EX. CARPORT = 13.6 FEET
 - PROP. ADDN. = 13.6 FEET
 - EX. AWNING = 06.6 FEET
 - EX. FENCES = AS NOTED
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- TOPOGRAPHY/DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- AREAS:
 - EX. BASEMENT = 1,104 SF
 - EX. FIRST FLOOR = 1,145 SF
 - EX. GROSS FLOOR AREA = 2,249 SF
 - EX. FLOOR AREA RATIO: EX. GFA (2249) / LOT AREA (10505) = 0.21
 - PROP. ADDN. = 550 SF. (550) / EX. GFA (2249) = 0.24
 - PROP. BASEMENT = 1,104 SF
 - PROP. FIRST FLOOR = 1,695 SF
 - PROP. GROSS FLOOR AREA = 2,799 SF
 - PROP. FLOOR AREA RATIO: PROP. GFA (2799) / LOT AREA (10505) = 0.27



RECEIVED
Department of Planning & Zoning
MAY 21 2012

Zoning Evaluation Division

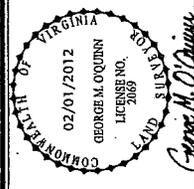
PLAT
SHOWING THE IMPROVEMENTS ON
LOT 157, SECTION FIVE

RAVENSWORTH GROVE
FAIRFAX COUNTY, VIRGINIA

(DEED BOOK 2266, PAGE 480)
MASON DISTRICT
FEBRUARY 01, 2012

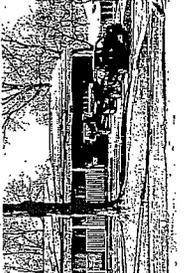
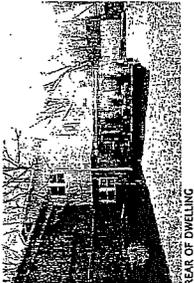
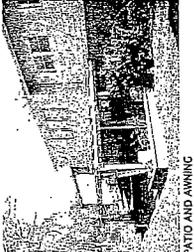
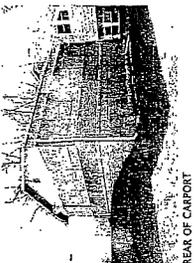
I HEREBY CERTIFY THAT THE PORTIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY, AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE.

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



CASE NAME:
ELIZABETH MARTINEZ

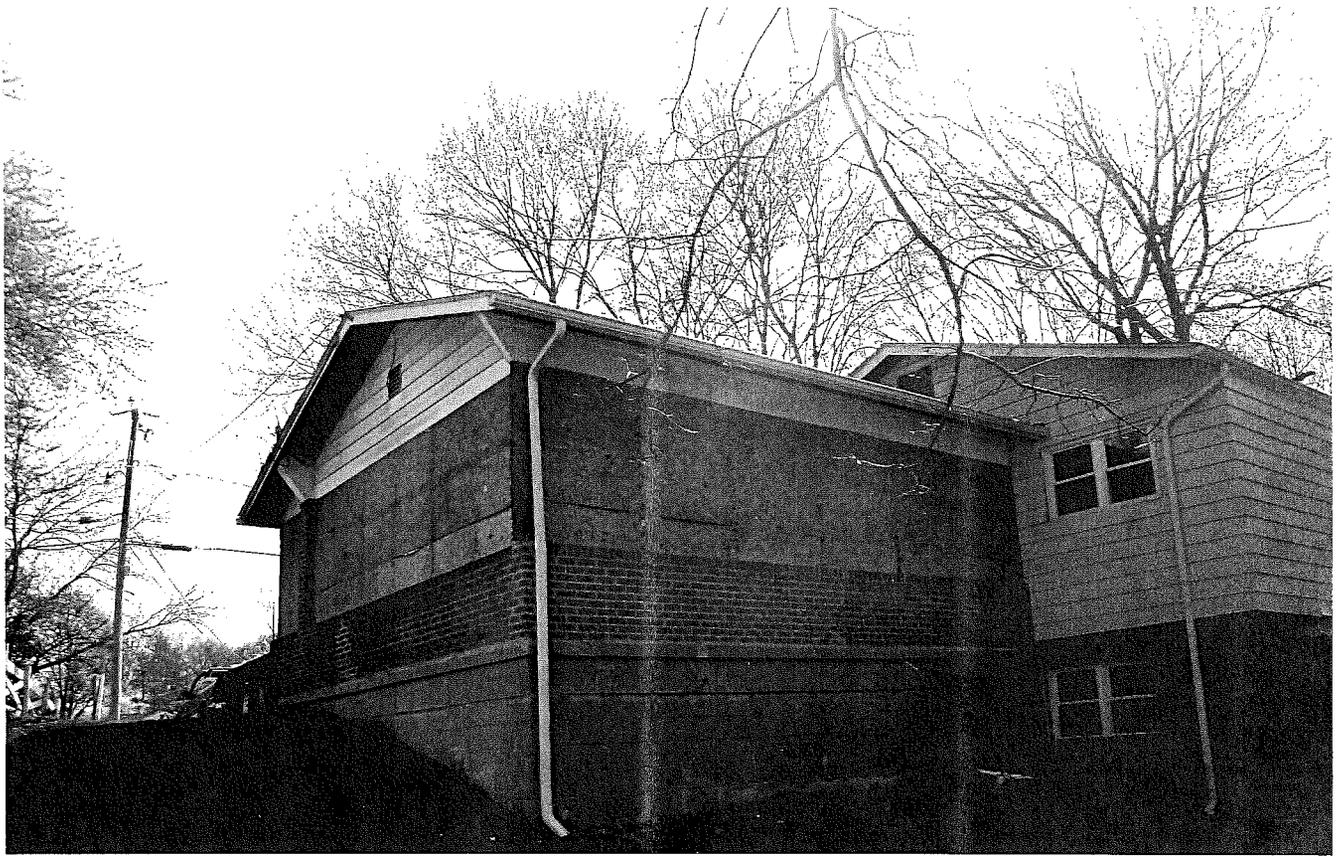
DOMINION Surveyors Inc.
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
FAX: 703-399-5412

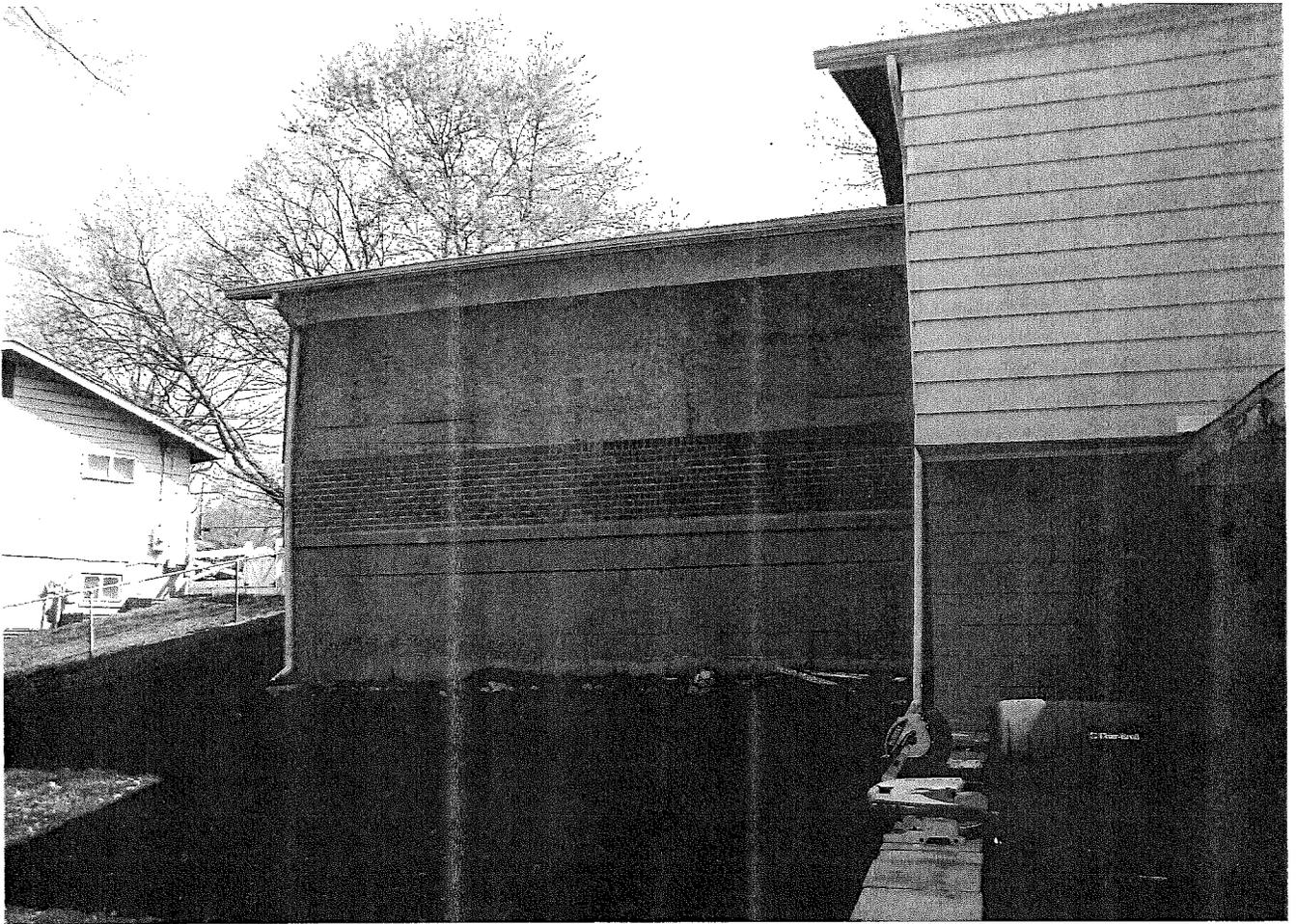


7725 Astlen St. Annandale, Va. 22003

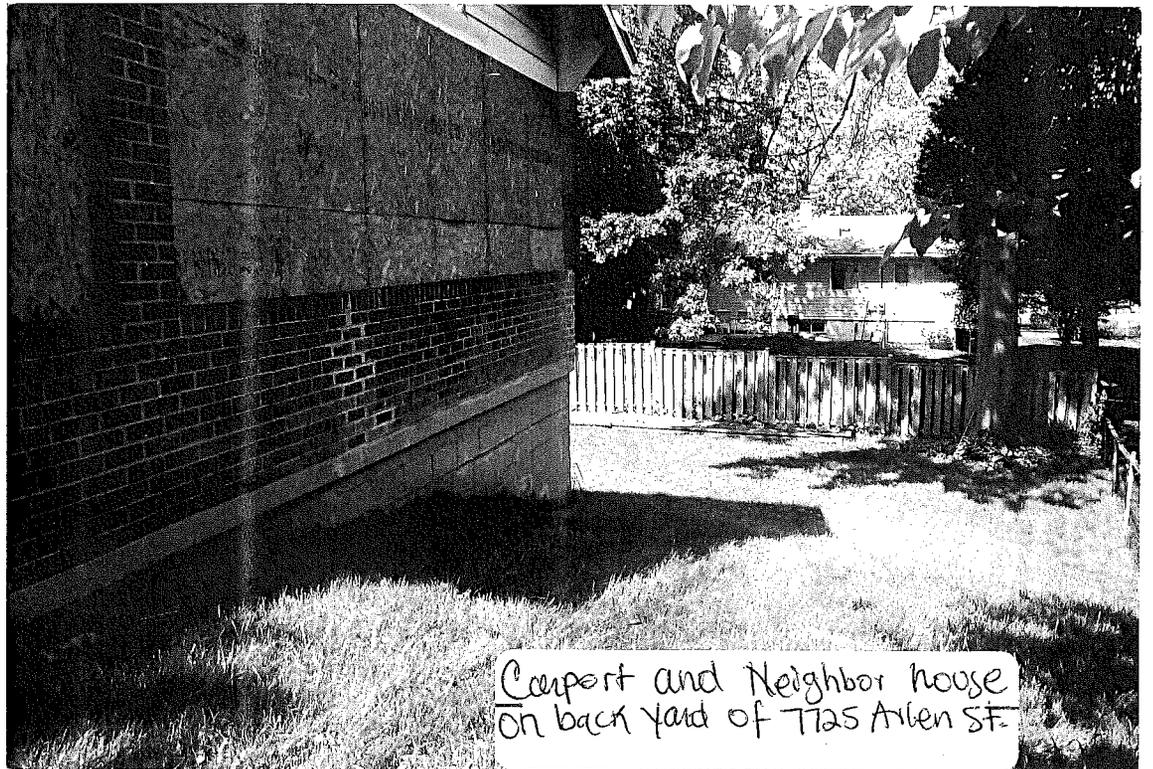


Front of Project

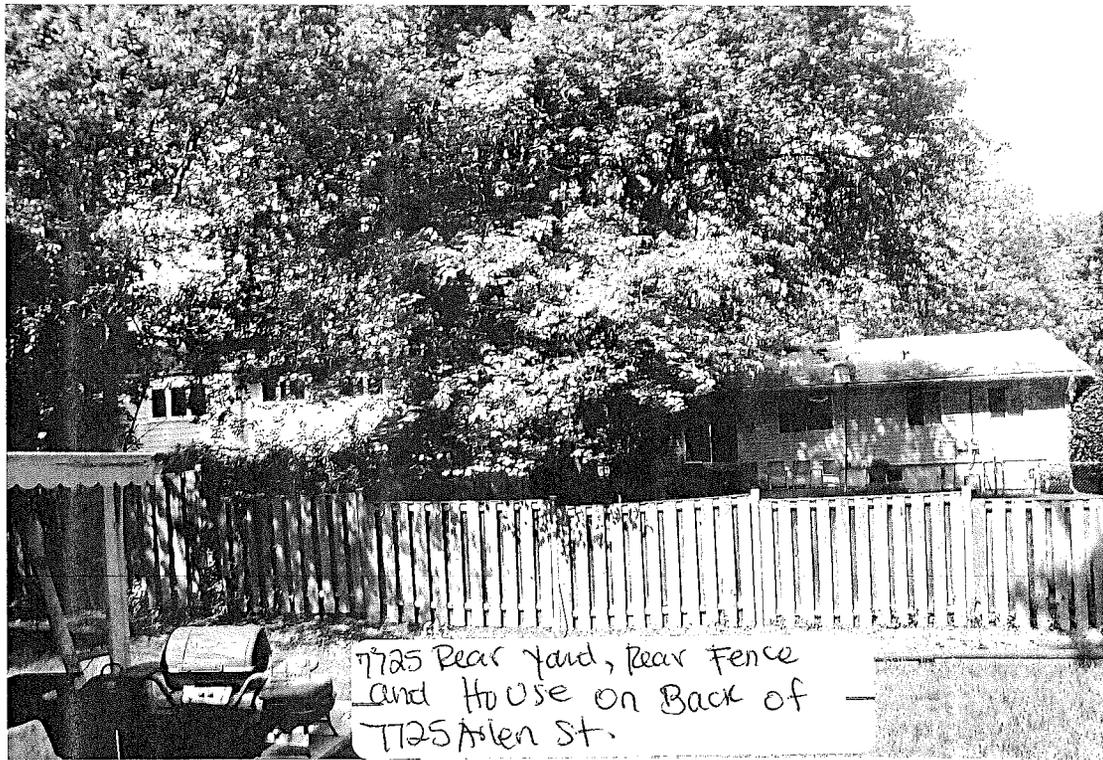




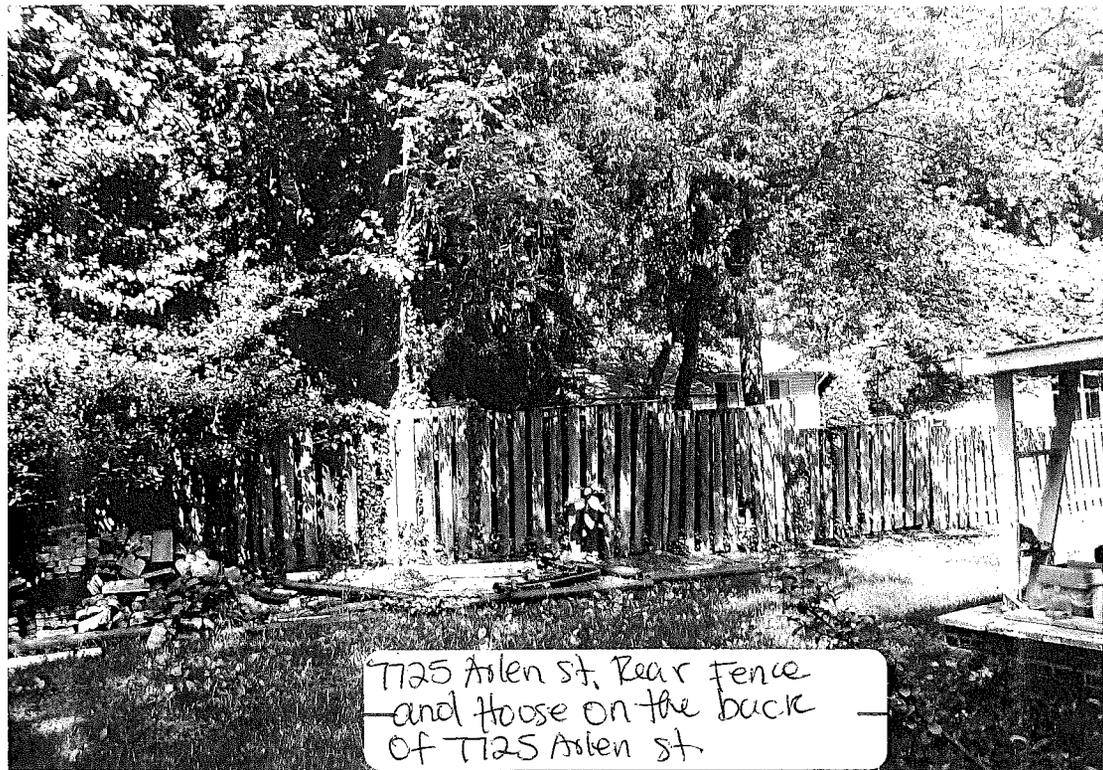
Back of Proposed Garage



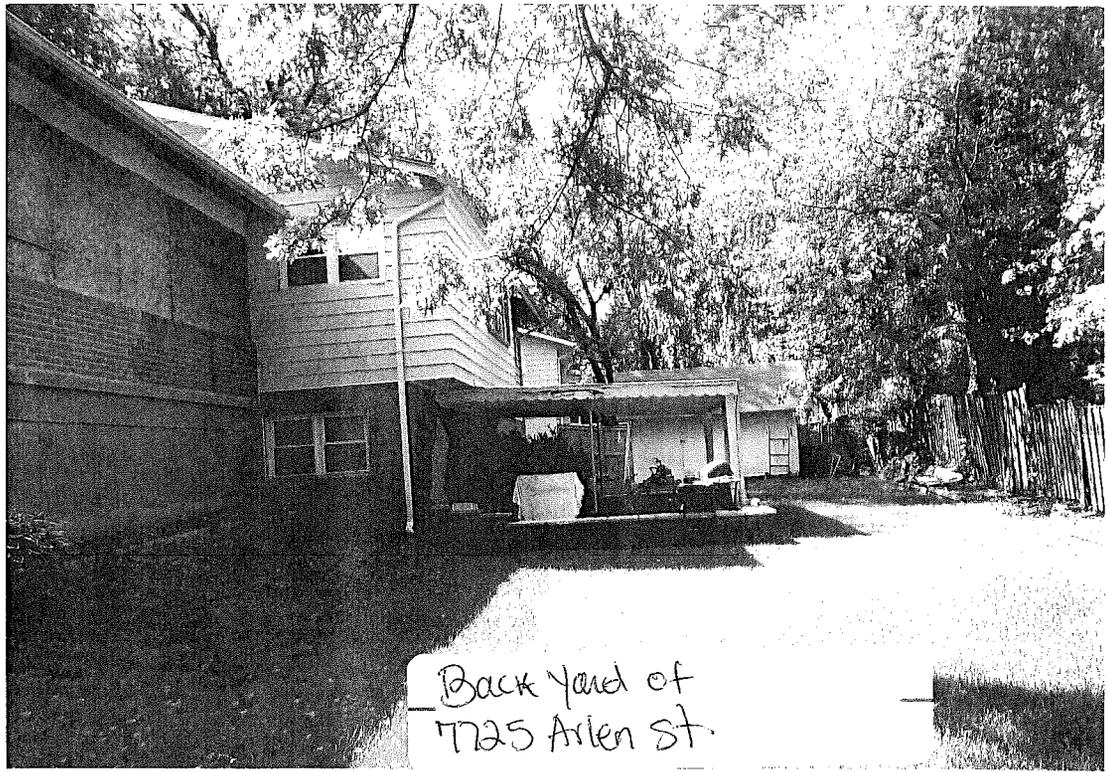
Carpenter and Neighbor house
on back yard of 7725 Arden St.



7725 Rear yard, Rear Fence
and House on Back of —
7725 Arlen St.

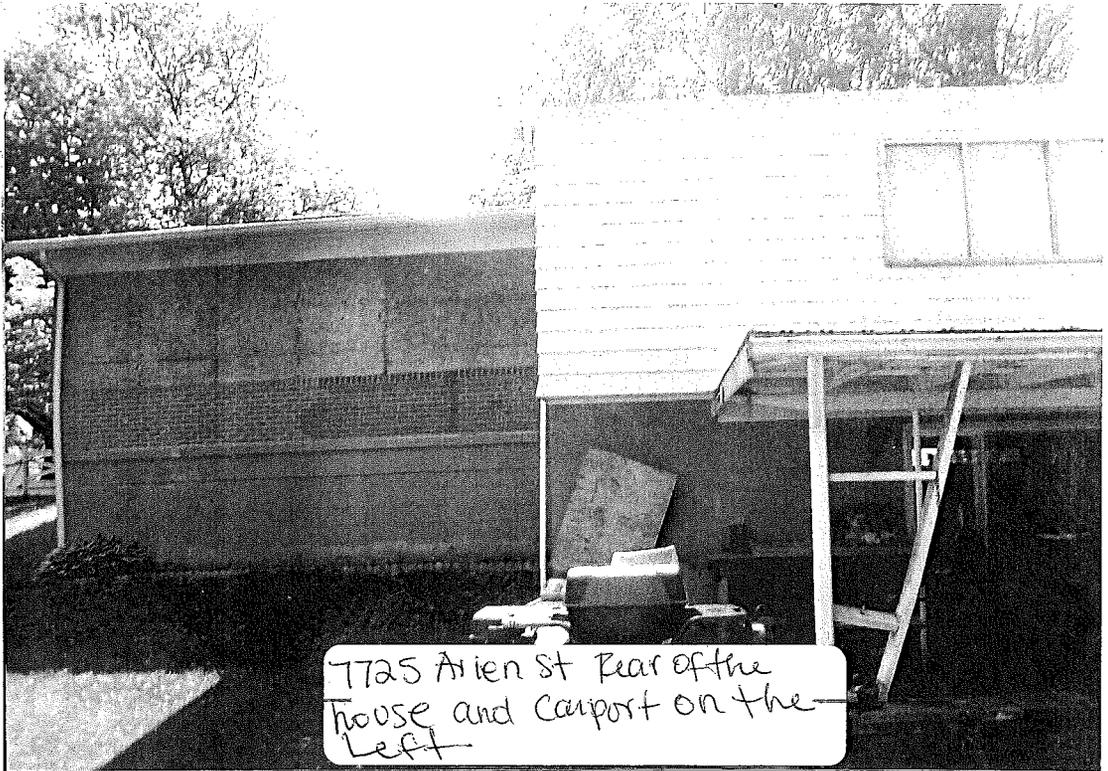


7725 Arlen St, Rear Fence
and House on the back —
of 7725 Arlen St





Proposed carport to be converted in to a car garage



7725 Arlen St Rear of the house and carport on the left



Rear fence of 7725 Arden St
Left side of the house



Left side 7725 Arden St
Storage Shed.



Left side of 7125 Arlen St
and fence of 7123

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of 1) a special permit for reduction of minimum yard requirements based on error in building location to permit an accessory storage structure (frame shed) to remain 0.7 ft. from the southern side lot line and 8.7 ft. from the western rear lot line and 2) a reduction of certain yard requirements to permit construction of a garage addition, 10.2 ft. from the northern side lot line.

Special Permit	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Request #1	Accessory Structure	Side	12 feet	0.7 feet	11.3 feet	94.2%
		Rear	12 feet	8.7 feet	3.3 feet	27.5%
Request #2	Addition	Side	12 feet	10.2 feet	1.8	15%

*Minimum Yard Requirement per Section 3-307 and 10-104.

LOCATION AND CHARACTER OF THE AREA

Character of the Area

	Zoning	Use
North	R3	Single Family Detached Dwellings
South	R3	Single Family Detached Dwellings
East	R3	Single Family Detached Dwellings
West	R3	Single Family Detached Dwellings

Existing Site Description

The 10,505 square foot lot was developed under the R-3 regulations and contains a one-story single family detached dwelling, constructed in 1963. According to the Special Permit Plat, the existing gross floor area of the dwelling is 2,249 square feet.

In addition to the dwelling, the lot contains an accessory storage structure a roofed deck attached to the dwelling and a yard inlet within a 10' wide storm sewer easement.

The 12 foot tall accessory storage structure is located in the southwest corner of the property. The closest point of the accessory storage structure is located 0.7 feet from the side lot line and 8.7 feet from the rear lot line and the eave slightly encroaches into the storm sewer easement.

The lot slopes slightly from the front of the lot to the rear and has several mature trees. The site is accessed via a hard surfaced driveway from Arlen Street.

Fencing, varying in height from 3.5 feet to 6.3 feet, is located along the rear and both side property lines.

Structure	
Floor Area	2,249 square feet*
Year Constructed	1963
Access	hard-surfaced driveway that extends from Arlen Street
Site Features	Mature vegetation
Easements	Fencing, varying in height from 3.5 feet to 6.3 feet, is located along the rear and both side property lines. Ten (10) foot wide storm sewer easement, running north to south along the rear property line.

*According to the stamped drawings provided by the surveyor.

BACKGROUND

In 2008, the applicant purchased the property. The existing dwelling, built in 1963, originally had a concrete patio at the rear of the dwelling. In 1974, a building permit was issued to construct a double carport on the north side of the dwelling. The carport terminates at the end of the existing hard surfaced driveway.

Roofed decks are permitted to extend into the required rear yard up to 12 feet. The existing roofed deck does not extend further than permitted.

Staff does not know when the accessory storage structure was erected or have any records pertaining to the structure. Staff also does not know how or by whom the garage was partially enclosed.

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

- Variance (VC) 86-A-035 was approved on July 1, 1986 for Tax Map 70-2 ((07)) 50, zoned R-3, at 8204 Toll House Road, to permit construction of garage addition to dwelling to 7.6 feet from side lot line.
- Variance (VC) 89-A-025 was denied on June 14, 1989 for Tax Map 70-2 ((07)) 25, zoned R-3, at 8250 Toll House Road, to permit construction of addition to existing attached garage to 3.1 feet from side lot line.
- Special Permit SP 2009-BR-046 was approved on August 11, 2009 for Tax Map 70-2 ((05)) 61, zoned R-3, at 7620 Erie Street, to permit accessory structure 6.0 feet from side lot line and 15 feet from rear lot line and reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 1.2 feet from side lot line.

PLAT	
Special Permit Plat	At front of report
Title of SP Plat:	Plat showing the improvement on Lot 157, Section 5, Ravensworth Grove
Prepared By:	Dominion Surveyors Inc., dated February 1, 2012, signed by George M. O'Quinn

Proposal:

The applicant requests approval to allow the existing accessory storage structure to remain in its current location, 0.7 feet from the side lot line and 8.7 feet from the rear lot line.

The applicant also requests to enclose the existing carport to create an attached two-car garage. The applicant indicates the garage will be used for the storage of vehicles and other items, such as gardening equipment, bicycles and ladders. The applicant states that no shrubs, trees or existing vegetation should be removed and there will not be erosion or runoff issues for neighboring properties. No architectural renderings were provided, however, the applicant indicates in the statement of justification that the construction will include siding placed on top of low brick walls.

ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3.

General Standard 3 requires that the proposed uses 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. *The general character of the residential neighborhood is similar; one-story homes, with wood and vinyl siding with brick. Many of the houses have attached carports and there are some that appear to have been enclosed as there are several attached garages. The applicant states the proposed addition will be built with siding to match the existing home.*

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 existing accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. *Staff believes the application has not met all of the remaining standards, specifically Standards 6 or 7 because no architectural elevations were provided that would allow staff to analyze these standards.*

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. *According to the stamped drawings provided by the surveyor, the existing dwelling has 2,249 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 3,373.5 square feet square feet in size for a possible total building size of 5,622.5 square feet above-grade living area. The proposed addition is approximately 550 square feet in area, thereby realizing a total house size of 2,799 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 applicant did not provide architectural elevations for the proposed addition; therefore staff is unable to evaluate this standard. Staff attempted to contact the applicant on several occasions; however she did not return any of the messages.

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 proposed home addition is in the location of the existing carport. The carport is not being enlarged and no additional impervious surface will be added. No trees or vegetation will be removed. The request is harmonious with surrounding uses because the addition will enclose the existing garage as some of the other properties have already done. The bulk and scale is harmonious with the existing dwelling and surrounding properties because the area and height will not change. The existing carport is already partially enclosed, however the applicant did not provide architectural elevations to show how she intends to finish the addition. Staff does not believe the existing partially enclosed and unfinished addition meets this standard. Without architectural elevations to show anything different than what is existing, staff finds the application does not meet this standard.

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 storm water runoff. The carport enclosure will not adversely impact the adjacent properties. It will allow the applicant to enclose storage that is presently visible to neighbors and will enhance the appearance of the property. The proposed addition will not encroach into an RPA or storm water easement. Because the addition is on the footprint of the existing carport and paved driveway area, no new impervious area is proposed. Staff believes this standard is met.

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 carport enclosure is on the footprint of the existing carport and existing driveway. There is no better location for the garage than the existing carport. There is no proposed impact to topography or vegetation because the enclosure does not require new footings or similar construction. Staff believes this is the most logical location for the garage enclosure and this standard has been met.

CONCLUSION

Staff recommends denial of SP 2012-MA-036 for the addition. The applicant did not provide architectural elevations as required with the special permit submission. Without architectural elevations, staff is unable to fully evaluate the request and find that the home addition meets standards 6 and 7.

Should the BZA choose to approve the request, staff recommends 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-MA-036****September 5, 2012**

If it is the intent of the Board of Zoning Appeals to approve SP 2012-MA-036 located at 7725 Arlen Street, Tax Map 70-2 ((06)) 0157 to permit 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. This special permit is approved only for the location of the accessory storage structure, and the garage addition (approximately 550 square feet), as shown on the plat prepared by Dominion Surveyors, Inc., dated February 1, 2012, signed by George M. O'Quinn, Land Surveyor, submitted with this application and is not transferable to other land.
2. 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.
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 (2,249 square feet existing + 3,373.5 square feet (150%) = 5,622.5 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 finished to match the existing dwelling in materials and color.

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

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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/28/12
(enter date affidavit is notarized)

I, Esperanza Elizabeth Martinez, 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

115492

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)
Esperanza E. Martinez.	7725 Arlen St. Annandale, Va. 22003	Applicant/owner.

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/28/12
(enter date affidavit is notarized)

115492

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/28/12
(enter date affidavit is notarized)

115492

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/28/12
(enter date affidavit is notarized)

115492

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

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

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

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

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

NONE.

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/28/12
(enter date affidavit is notarized)

115492

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

Esperanza E. Martinez Owner/Applicant.
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 28th day of February 2012, in the State/Comm. of Virginia, County/City of Falls Church.

My commission expires: 03/31/2014

Helen M. Barrera
Notary Public



JUN 06 2012

Zoning Evaluation Division

June 05, 2012.

Department of Planning and Zoning
12055 Government Center Pkwy
Fairfax, Va. 22035.

RE: Special Permit application SP2012-0072.

Item 5.00

Reduction of certain yard requirements to permit addition 10.2 feet from side lot line and error in building location to permit accessory structure to remain 0.7 feet from side lot line and 8.7 feet from rear lot line. Vehicles in garage will enter in and out through the existing driveway; door to be used is 7 feet high and 16 feet wide; no shrub, trees or existing vegetation should be removed therefore no erosion should occur and no storm water should runoff to any adjacent property.

This property was bought in 08/15/2008 in good faith, with the existing open carport at no fault of the property previous owner since the construction of the carport was made under application No. L 8674 Permit No. 109539 in 4/18/1974. By enclosing this carport I will not adversely impact or reduce the enjoyment of any adjacent properties in the immediate vicinity, it will not create an unsafe condition with respect to both other properties and public street.

Item 5.8 5.9

There will be NON hazardous waste, petroleum products or toxic substances to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers should NOT be maintain in this proposed car garage.

In my understanding this proposed development conforms to the provision of all applicable ordinances, regulation and adopted

standards and if through the process I see any variance or exception I will be noted with the justification for such modification.

Items 930.00-930.05

Reduction of certain yard requirements to permit addition 10.2 feet from side lot line and error in building location to permit accessory structure to remain 0.7 feet from side lot line and 8.7 feet from rear lot line. Vehicles in proposed garage will enter in and out through the existing driveway. Proposed car garage is 23.1 feet width, 23.6 feet deep and 8.2 feet high, door to be used is Clopay model 4053, 7 feet high and 16 feet wide; property floor area ratio: prop. GFA (2799) / lot area (10505) that equal to 0.27% addition is 550 SF. (550) / EX. GFA (2249) that equal to 0.24%. No shrub, trees or existing vegetation should be removed therefore no erosion should occur and no storm water should runoff to any adjacent property.

Sincerely,

A handwritten signature in black ink, appearing to read 'Esperanza E. Martinez', with a stylized flourish at the beginning.

Esperanza E. Martinez

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.