



APPLICATION ACCEPTED: August 6, 2012
DATE OF PUBLIC HEARING: December 5, 2012
Deferred from October 24, 2012
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 28, 2012

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-HM-048

HUNTER MILL DISTRICT

APPLICANT: Thuan Nguyen

OWNERS: Thuan Nguyen
Mylynn Nguyen

LOCATION: 9938 Vale Road, Vienna 22181

SUBDIVISION: N/A (Near Vienna)

TAX MAP: 38-3 ((1)) 5

LOT SIZE: 42,021 square feet

ZONING: R-1

ZONING ORDINANCE PROVISION: 8-914 and 8-922

SPECIAL PERMIT PROPOSALS: To permit reduction of minimum yard requirements based on error in building location to permit accessory storage structure to remain 2.9 ft. from side lot line and open deck to remain 9.0 ft. from side lot line and to permit reduction in certain yard requirements to permit construction of addition 28.3 ft. from front lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-HM-048 for the addition with adoption of the proposed development conditions contained in Appendix 1.

O:\gumk2\SP Cases\SP 2012-HM-048 Nguyen\SP 2012-HM-048 Nguyen staff report.doc

Laura Gumkowski

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 (BZA). 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-HM-048

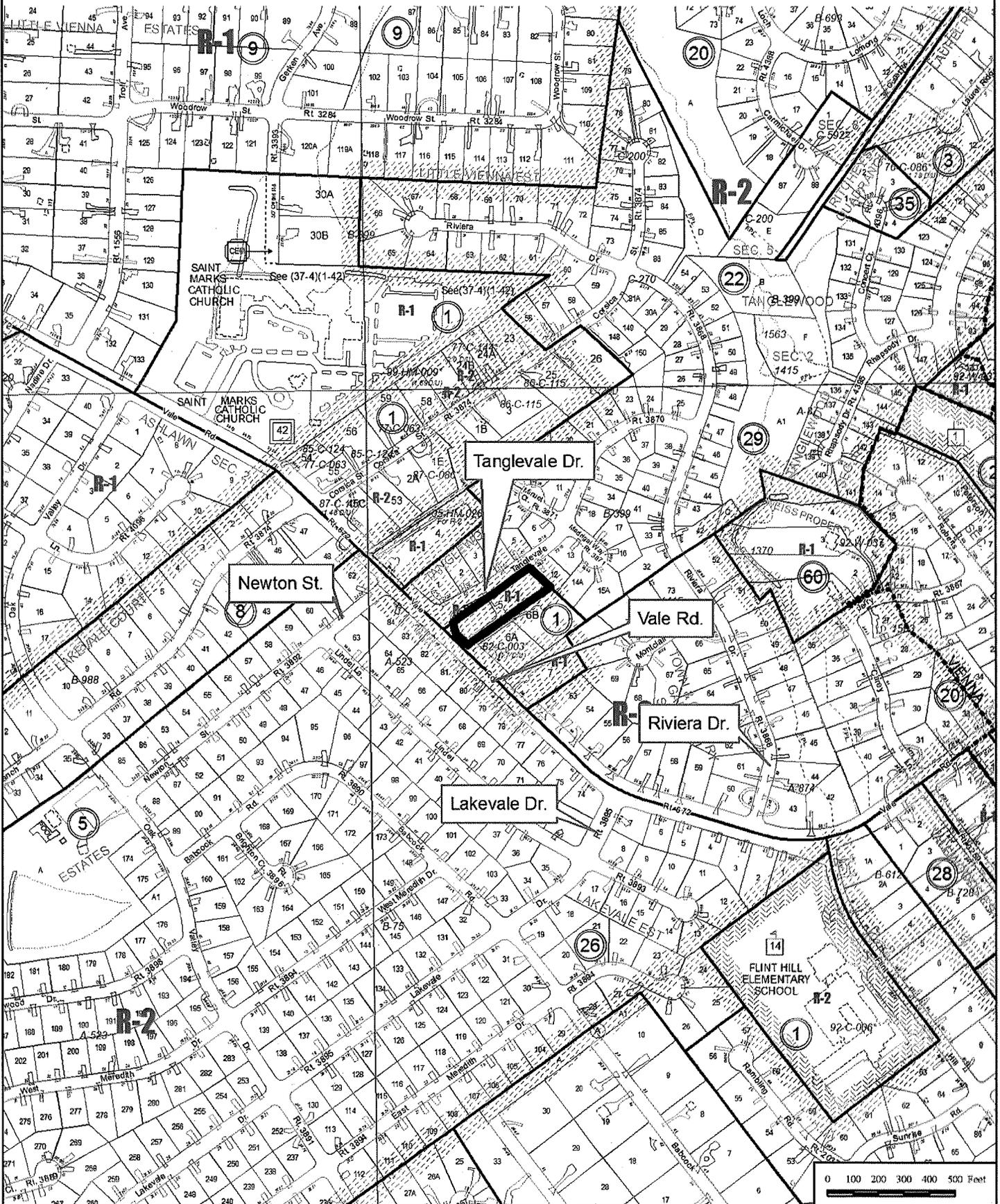
THUAN NGUYEN



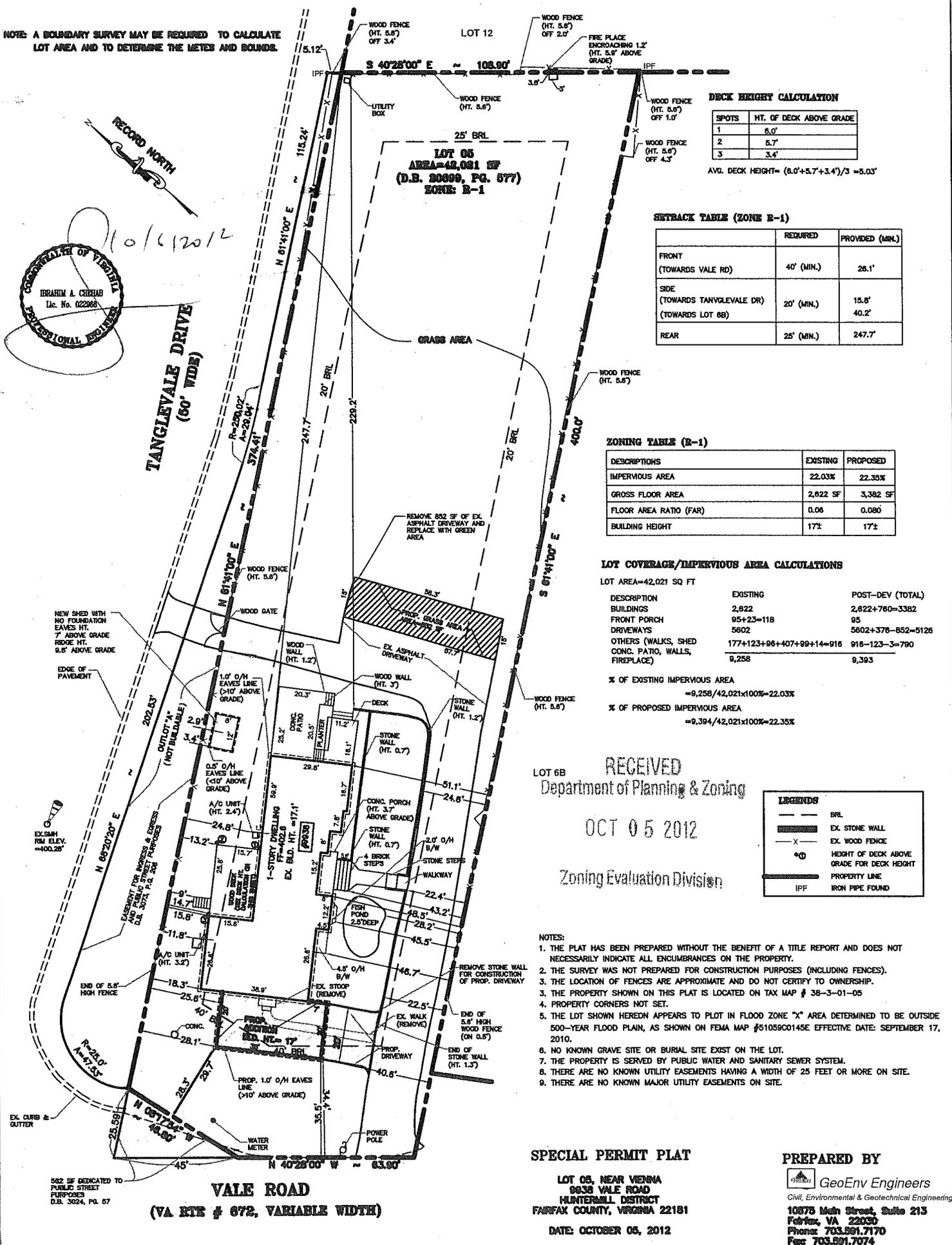
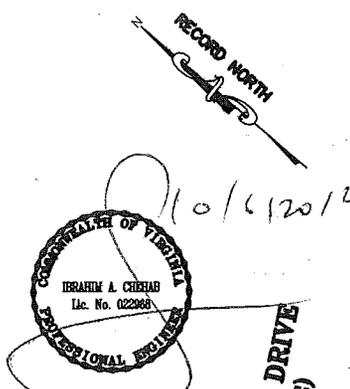
Special Permit

SP 2012-HM-048

THUAN NGUYEN



NOTE: A BOUNDARY SURVEY MAY BE REQUIRED TO CALCULATE LOT AREA AND TO DETERMINE THE METES AND BOUNDS.



DECK HEIGHT CALCULATION

SPOTS	HT. OF DECK ABOVE GRADE
1	6.0'
2	5.7'
3	3.4'

AVG. DECK HEIGHT = (6.0 + 5.7 + 3.4) / 3 = 5.03'

SETBACK TABLE (ZONE B-1)

	REQUIRED	PROVIDED (MIN.)
FRONT (TOWARDS VALE RD)	40' (MIN.)	28.1'
SIDE (TOWARDS TANGLEVALE DR) (TOWARDS LOT 6B)	20' (MIN.)	15.8' 40.2'
REAR	25' (MIN.)	247.7'

ZONING TABLE (B-1)

DESCRIPTIONS	EXISTING	PROPOSED
IMPERVIOUS AREA	22.03%	22.35%
GROSS FLOOR AREA	2,822 SF	3,382 SF
FLOOR AREA RATIO (FAR)	0.06	0.080
BUILDING HEIGHT	17'	17'

LOT COVERAGE/IMPERVIOUS AREA CALCULATIONS

LOT AREA = 42,021 SQ FT

DESCRIPTION	EXISTING	POST-DEV (TOTAL)
BUILDINGS	2,822	2,822+760=3382
FRONT PORCH	95+23=118	95
DRIVEWAYS	5802	5802+378=6180
OTHERS (WALKS, SHED CONC. PATIO, WALLS, FIREPLACE)	177+123+98+407+99+14=818	916-123=790
	9,258	9,393

% OF EXISTING IMPERVIOUS AREA = 9,258 / 42,021 x 100% = 22.03%

% OF PROPOSED IMPERVIOUS AREA = 9,394 / 42,021 x 100% = 22.35%

RECEIVED
Department of Planning & Zoning
OCT 05 2012
Zoning Evaluation Division

LEGENDS

---	BRL
---	EX. STONE WALL
---	EX. WOOD FENCE
X	HEIGHT OF DECK ABOVE GRADE FOR DECK HEIGHT
○	PROPERTY LINE
---	IRON PIPE FOUND

- NOTES:
1. THE PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 2. THE SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES (INCLUDING FENCES).
 3. THE LOCATION OF FENCES ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
 4. THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX MAP # 38-3-01-05
 5. PROPERTY CORNERS NOT SET.
 6. THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON FEMA MAP # 51059C0145E EFFECTIVE DATE: SEPTEMBER 17, 2010.
 7. NO KNOWN GRAVE SITE OR BURIAL SITE EXIST ON THE LOT.
 8. THE PROPERTY IS SERVED BY PUBLIC WATER AND SANITARY SEWER SYSTEM.
 9. THERE ARE NO KNOWN UTILITY EASEMENTS HAVING A WIDTH OF 25 FEET OR MORE ON SITE.
 9. THERE ARE NO KNOWN MAJOR UTILITY EASEMENTS ON SITE.

SPECIAL PERMIT PLAT

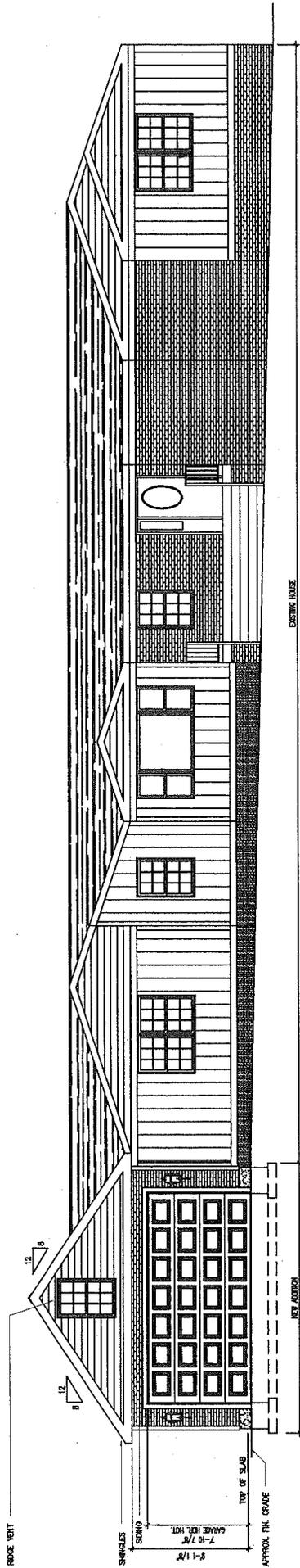
LOT 05, NEAR VIENNA
9838 VALE ROAD
HUNTERHILL DISTRICT
FAIRFAX COUNTY, VIRGINIA 22181
DATE: OCTOBER 05, 2012

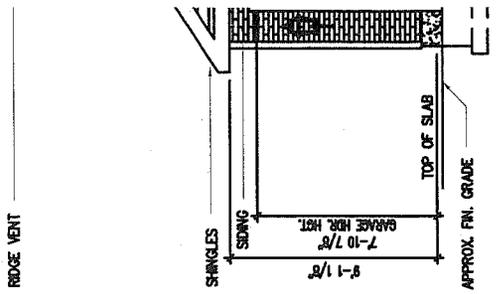
PREPARED BY

GeoEnv Engineers
Civil, Environmental & Geotechnical Engineering
10875 Main Street, Suite 213
Fairfax, VA 22030
Phone: 703.891.7170
Fax: 703.891.7074

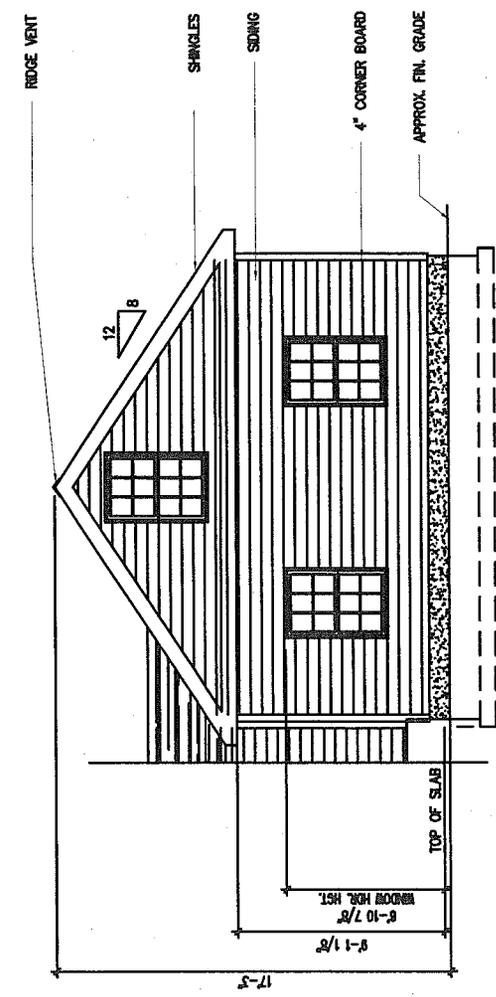
VALE ROAD
(VA RTE # 672, VARIABLE WIDTH)

582 SF DEDICATED TO PUBLIC STREET PURPOSES D.B. 3024, PG. 57





1 FRONT ELEVATION



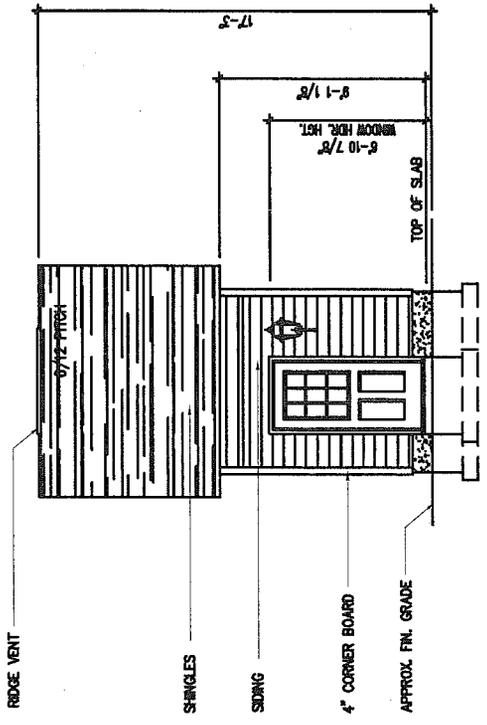
2 REAR ELEVATION

SCALE: 1/4"=1'-0"

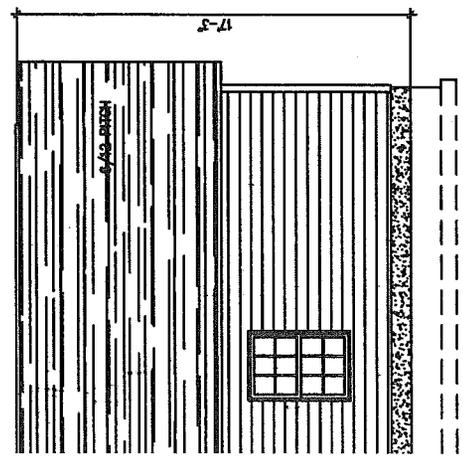
MW CONSTRUCTION
 00 NORTH WASHINGTON STREET
 SUITE 202
 EXPANDRAI, VIRGINIA 22314-2314
 703.838.9788
 DESIGNER: JOHN JONES

THUAN'S GARAGE
 9938 VALE ROAD
 VIENNA, VA. 22181

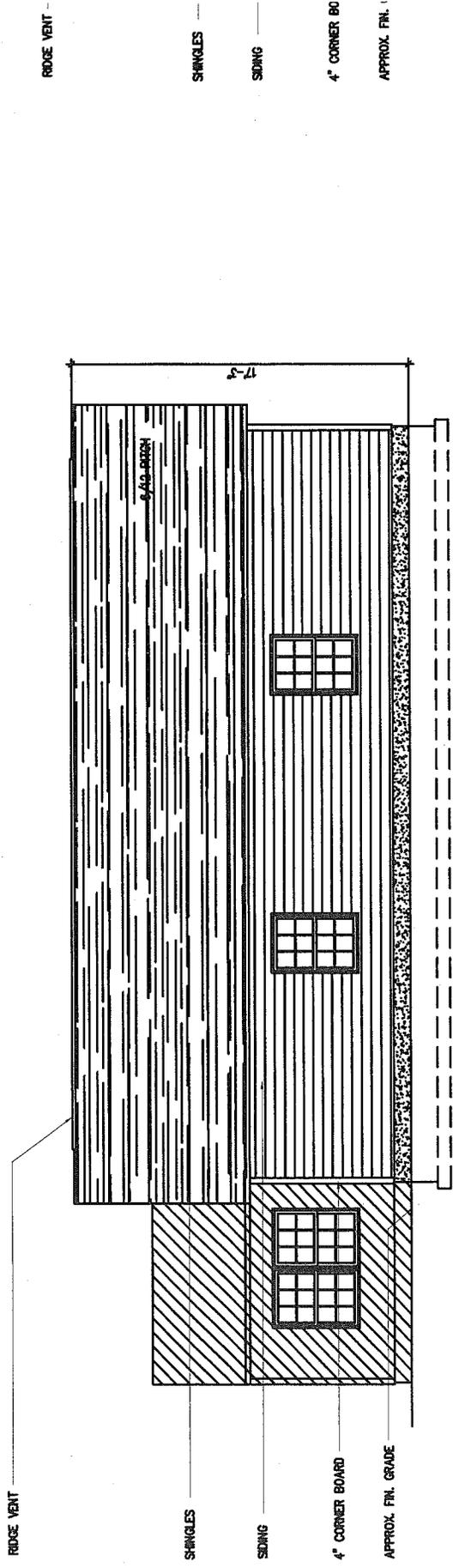
CLIENT:



2 LEFT SIDE ELEVATION SCALE: 1/4"=1'-0"



SCALE: 1/4"=1'-0"



RIDGE VENT

SHINGLES

SIDING

4" CORNER BOARD

APPROX. FIN. GRADE

RIDGE VENT

SHINGLES

SIDING

4" CORNER BO

APPROX. FIN. I

17'-0"

6" x 6" ROUGH

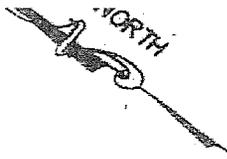
SCALE: 1/4"=1'-0"

RIGHT SIDE ELEVATION

4

LEFT SIDE I

2



S 40°28'00" E ~ 108.90'

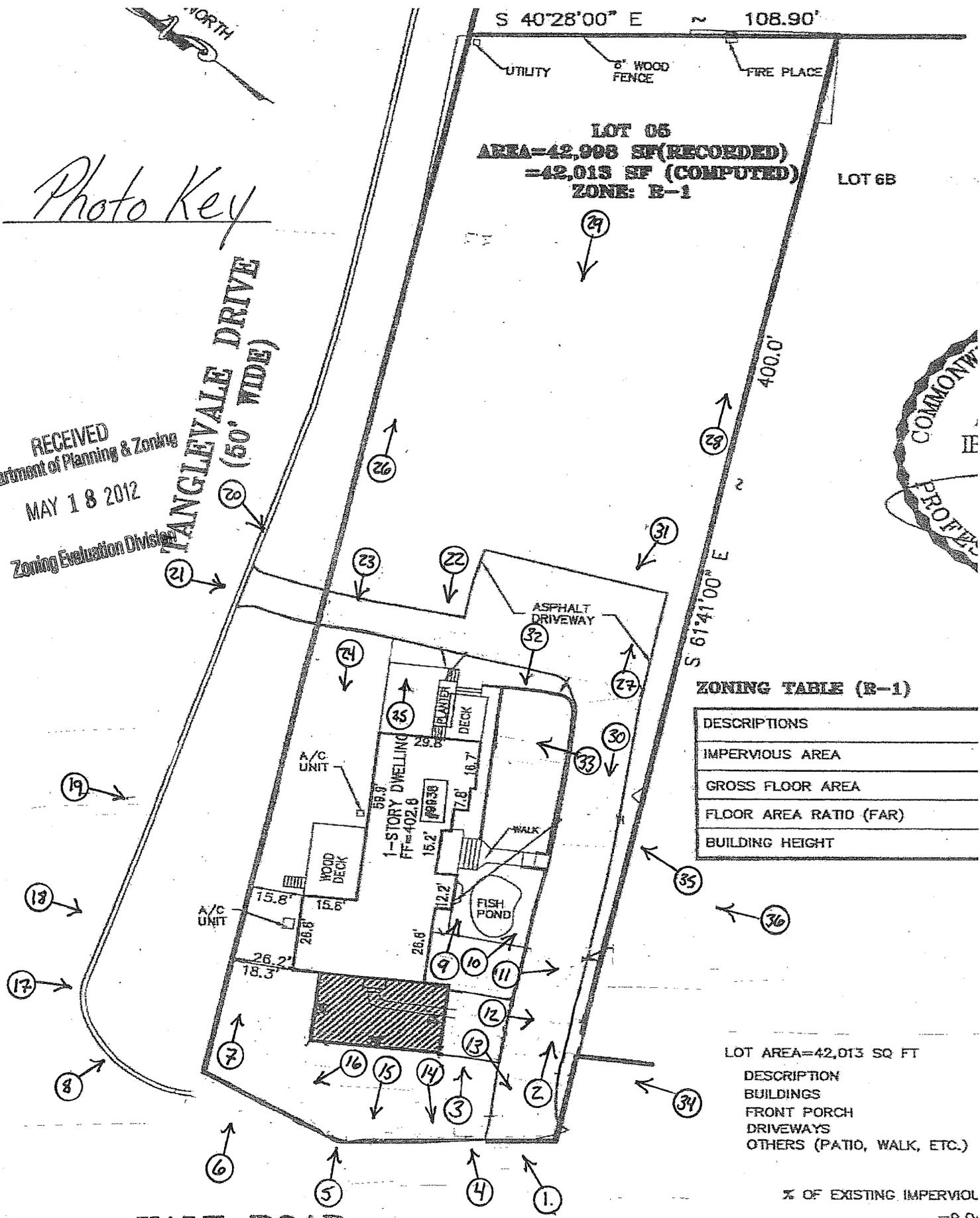
LOT 05
 AREA=42,988 SF (RECORDED)
 =42,013 SF (COMPUTED)
 ZONE: R-1

LOT 6B

Photo Key

RECEIVED
 Department of Planning & Zoning
 MAY 18 2012
 Zoning Evaluation Division

TANGLEVALE DRIVE
 (50' WIDE)



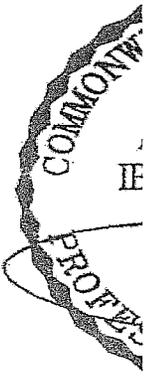
ZONING TABLE (R-1)

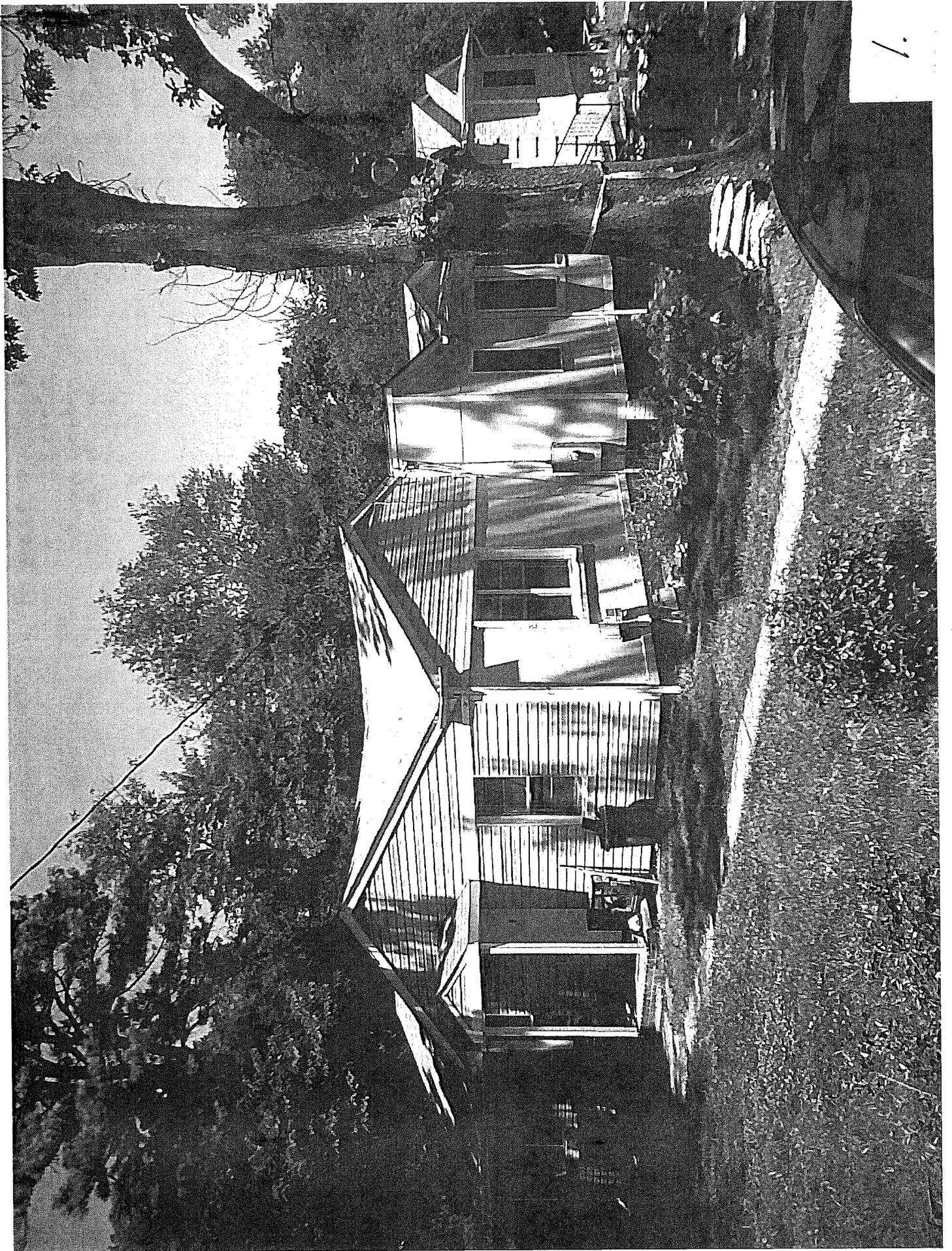
DESCRIPTIONS
IMPERVIOUS AREA
GROSS FLOOR AREA
FLOOR AREA RATIO (FAR)
BUILDING HEIGHT

LOT AREA=42,013 SQ FT
 DESCRIPTION
 BUILDINGS
 FRONT PORCH
 DRIVEWAYS
 OTHERS (PATIO, WALK, ETC.)

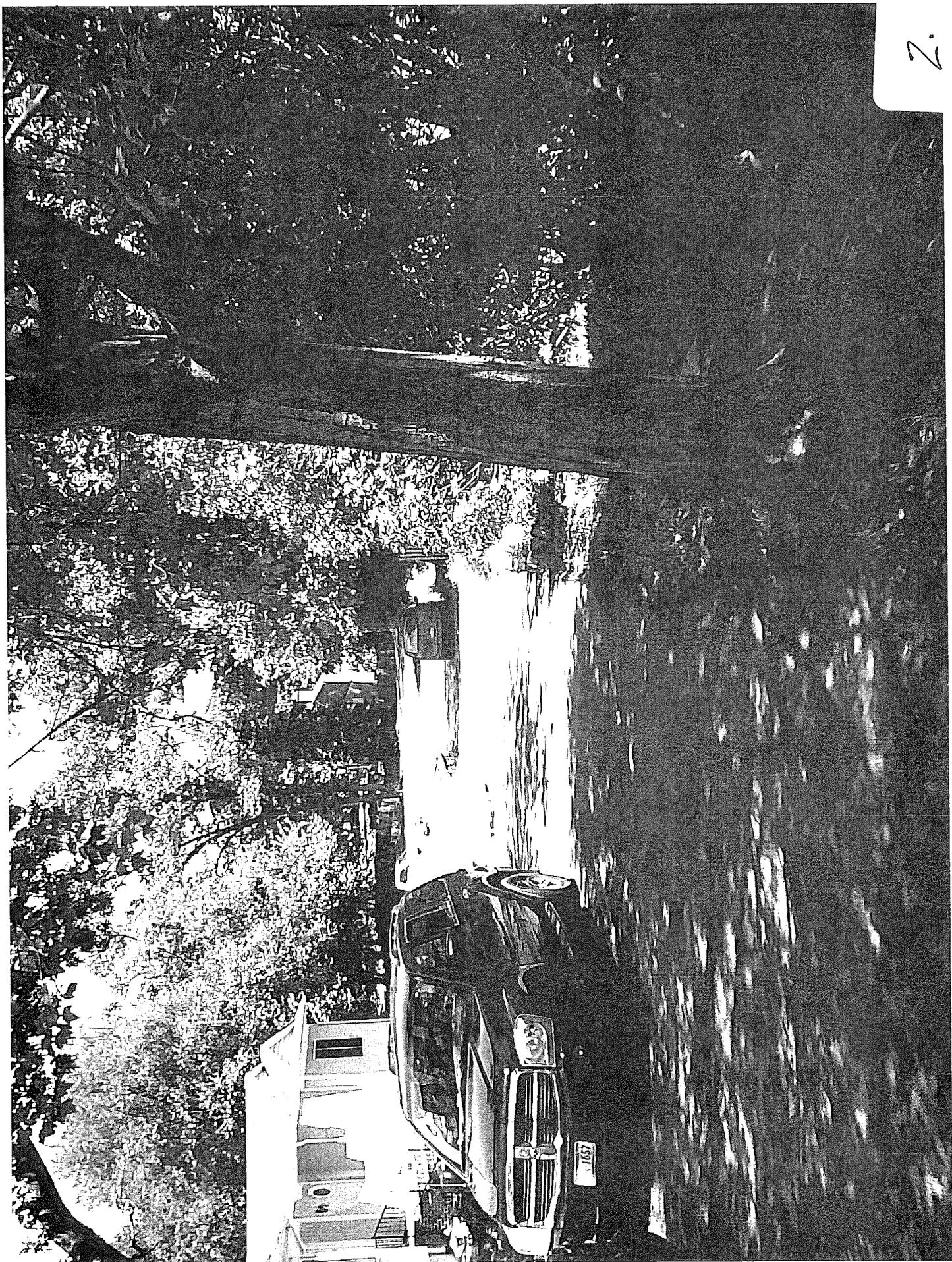
% OF EXISTING IMPERVIOU
 =9.0
 % OF PROPOSED IMPERVIU
 =10.1

VALE ROAD

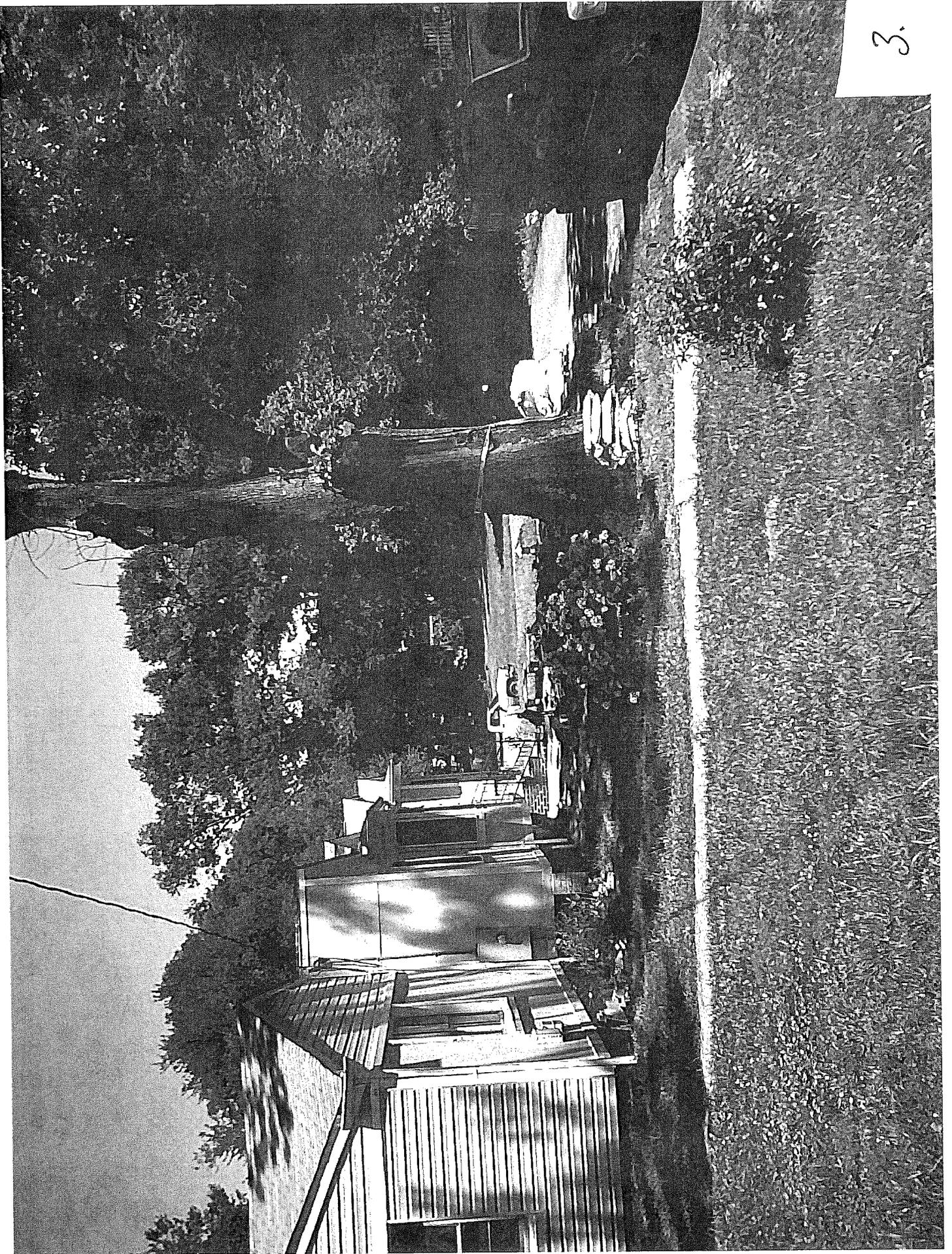




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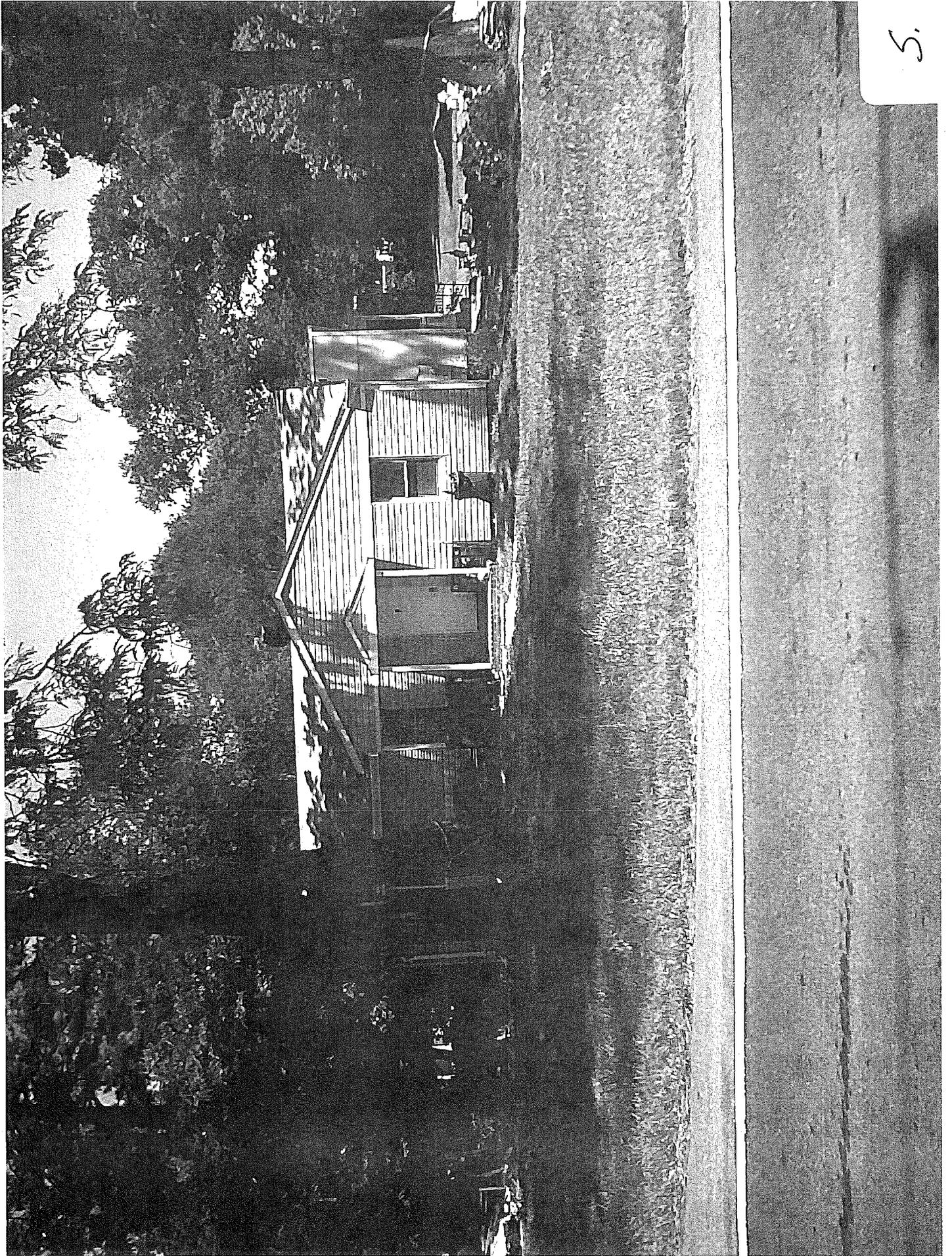


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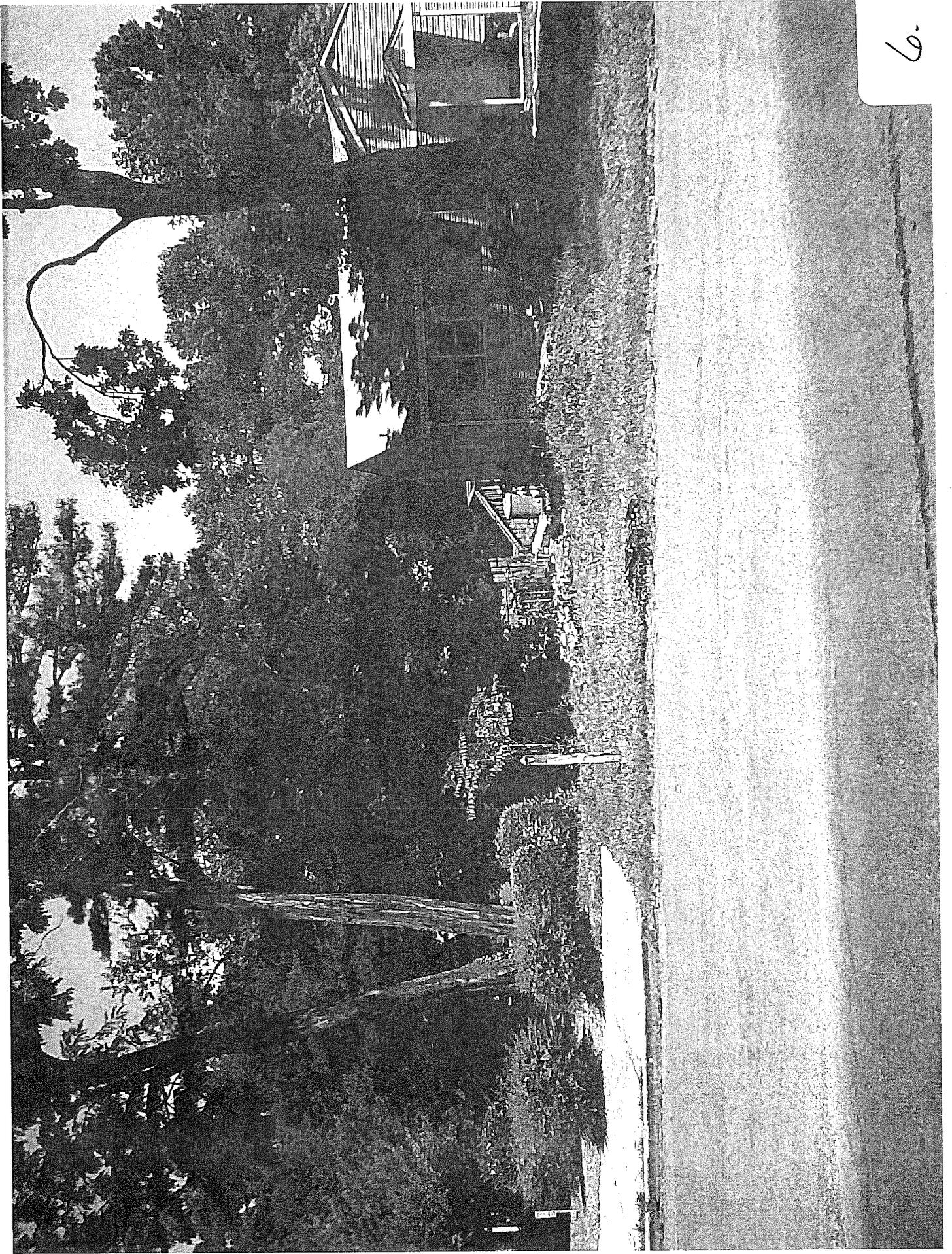
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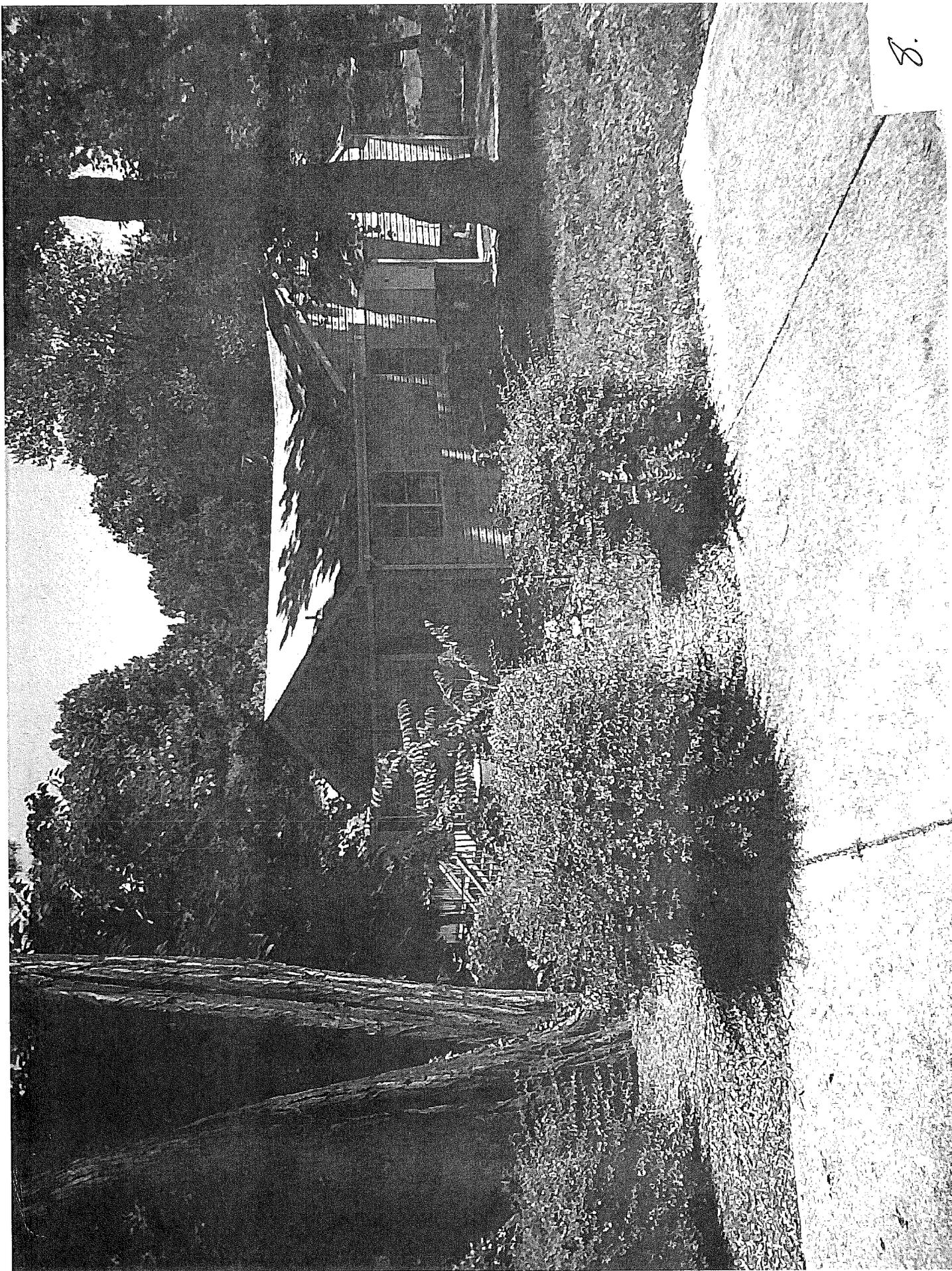
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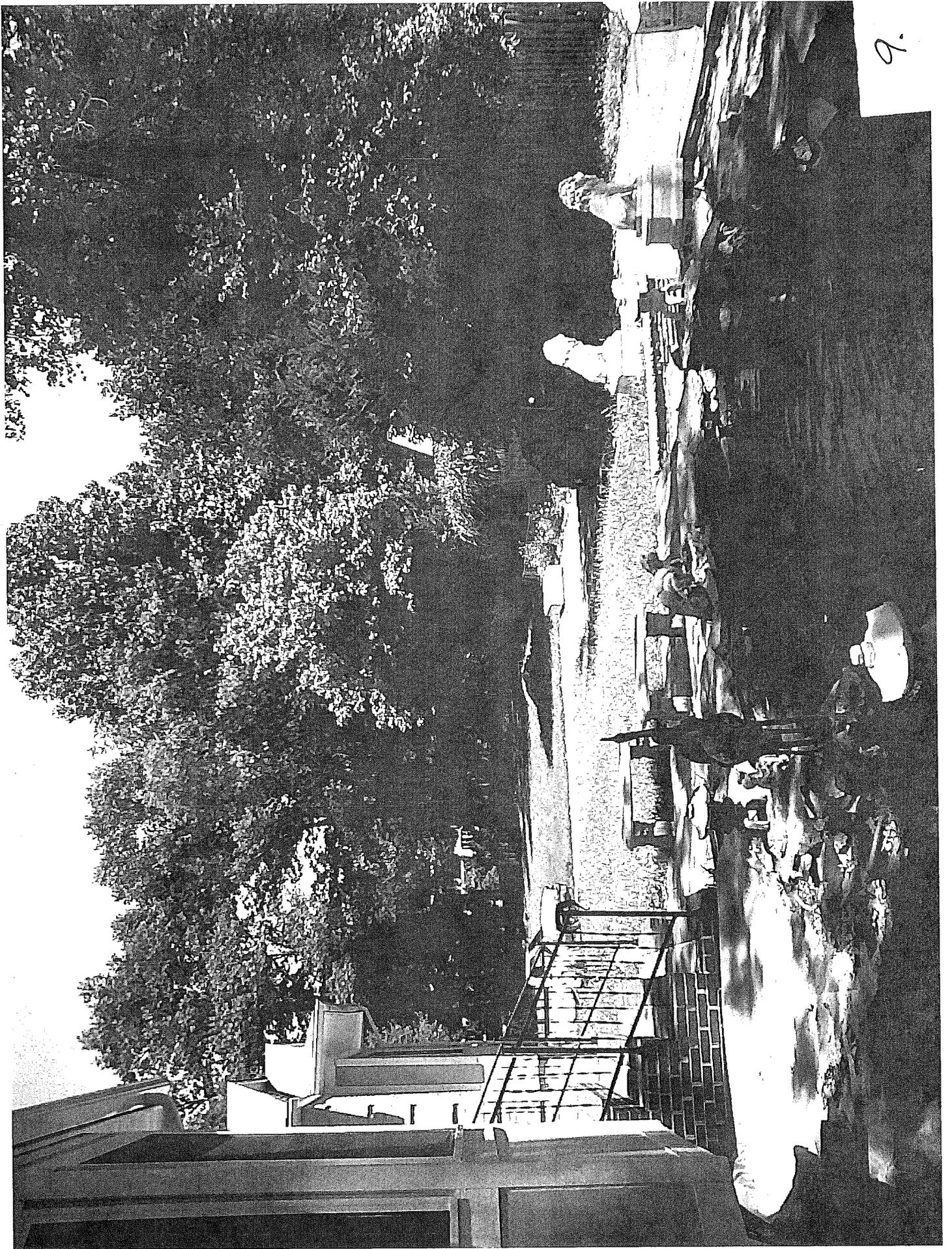


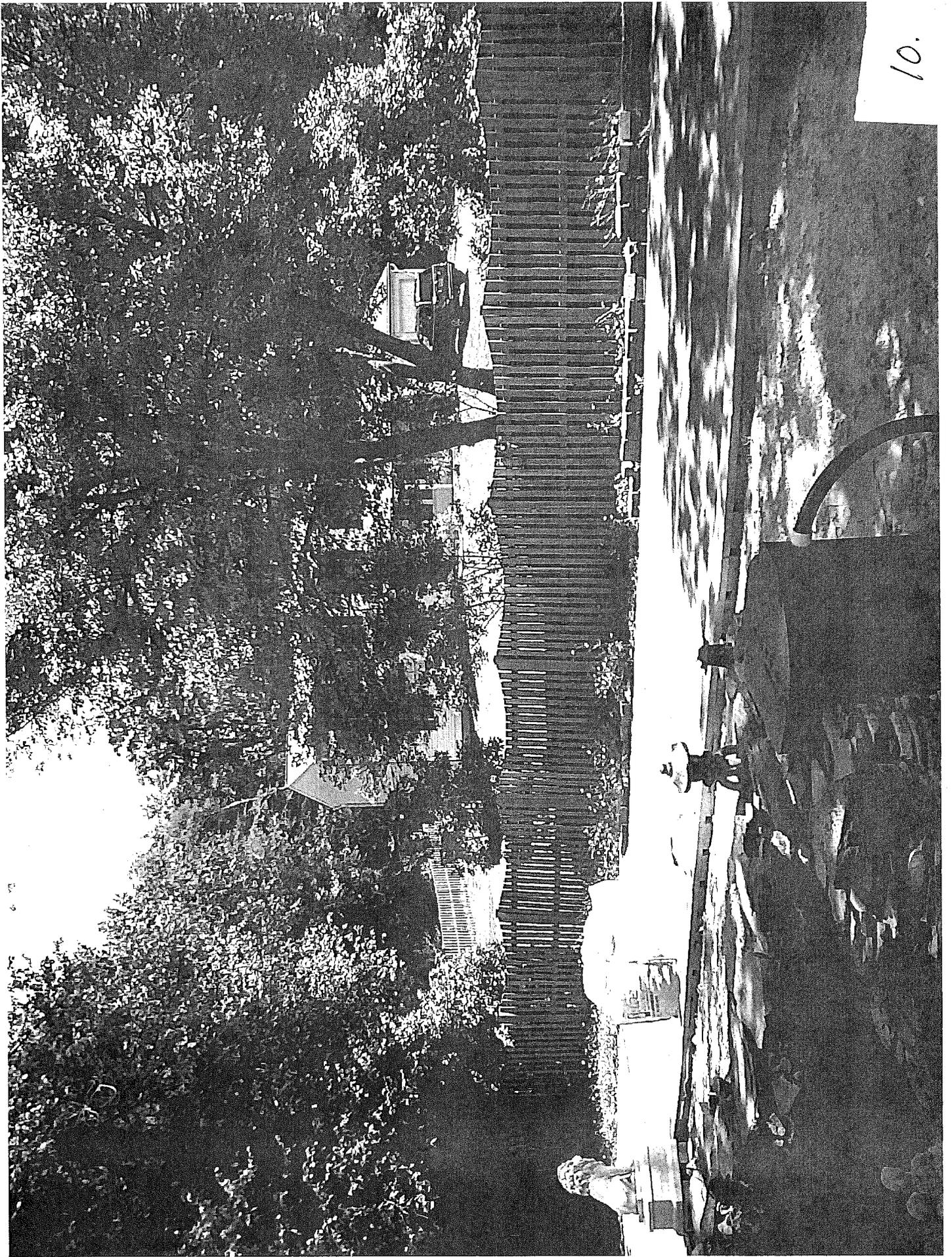


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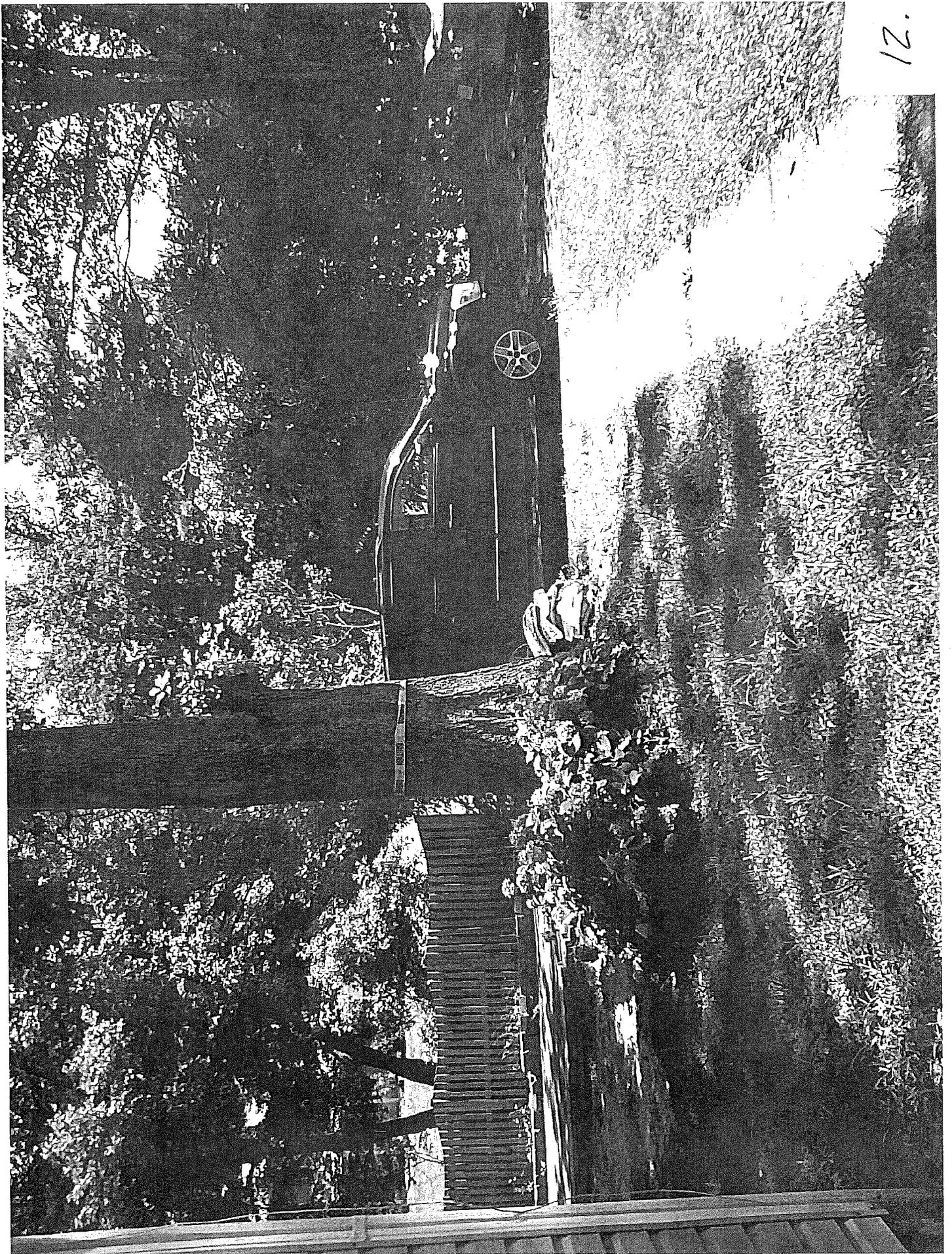
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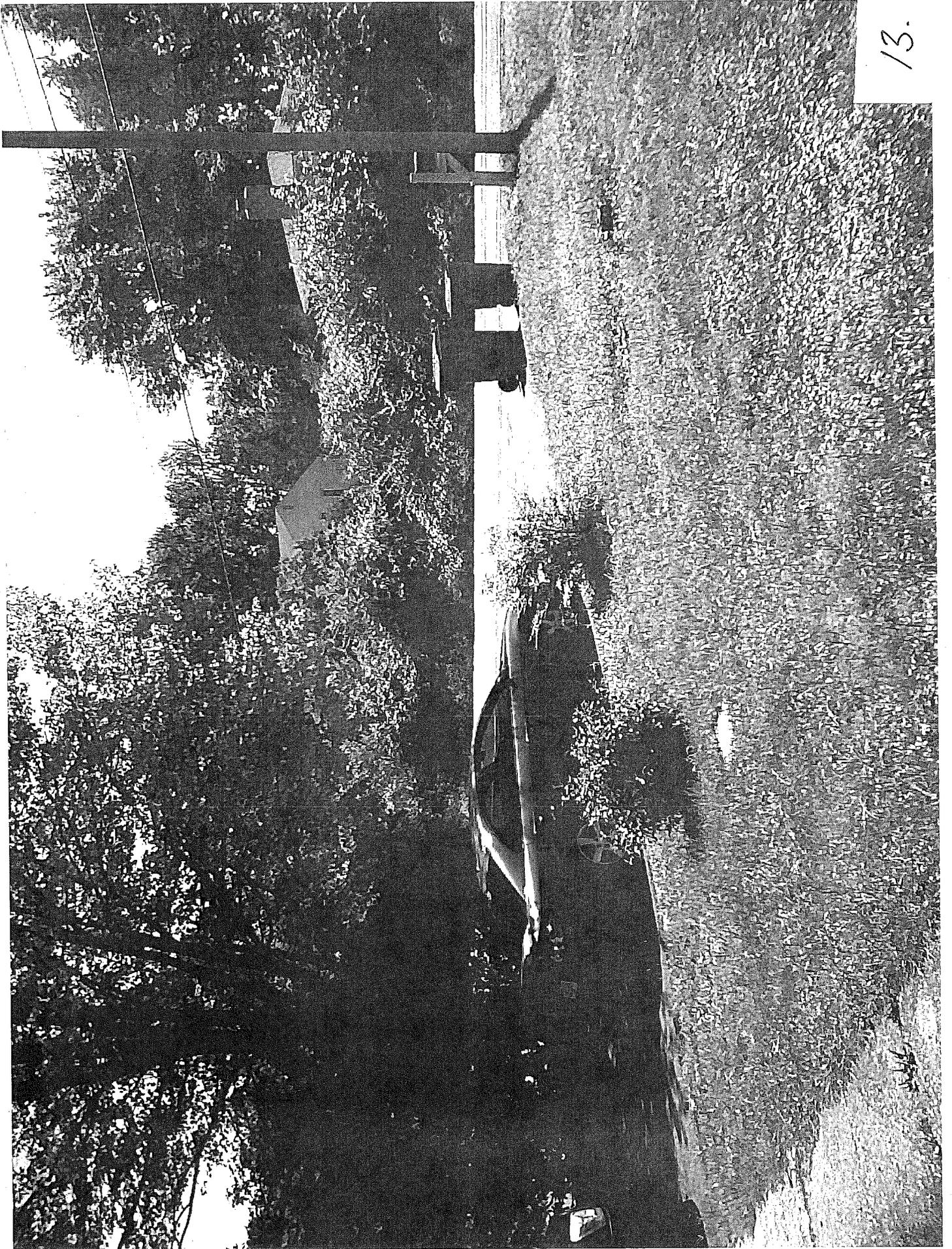


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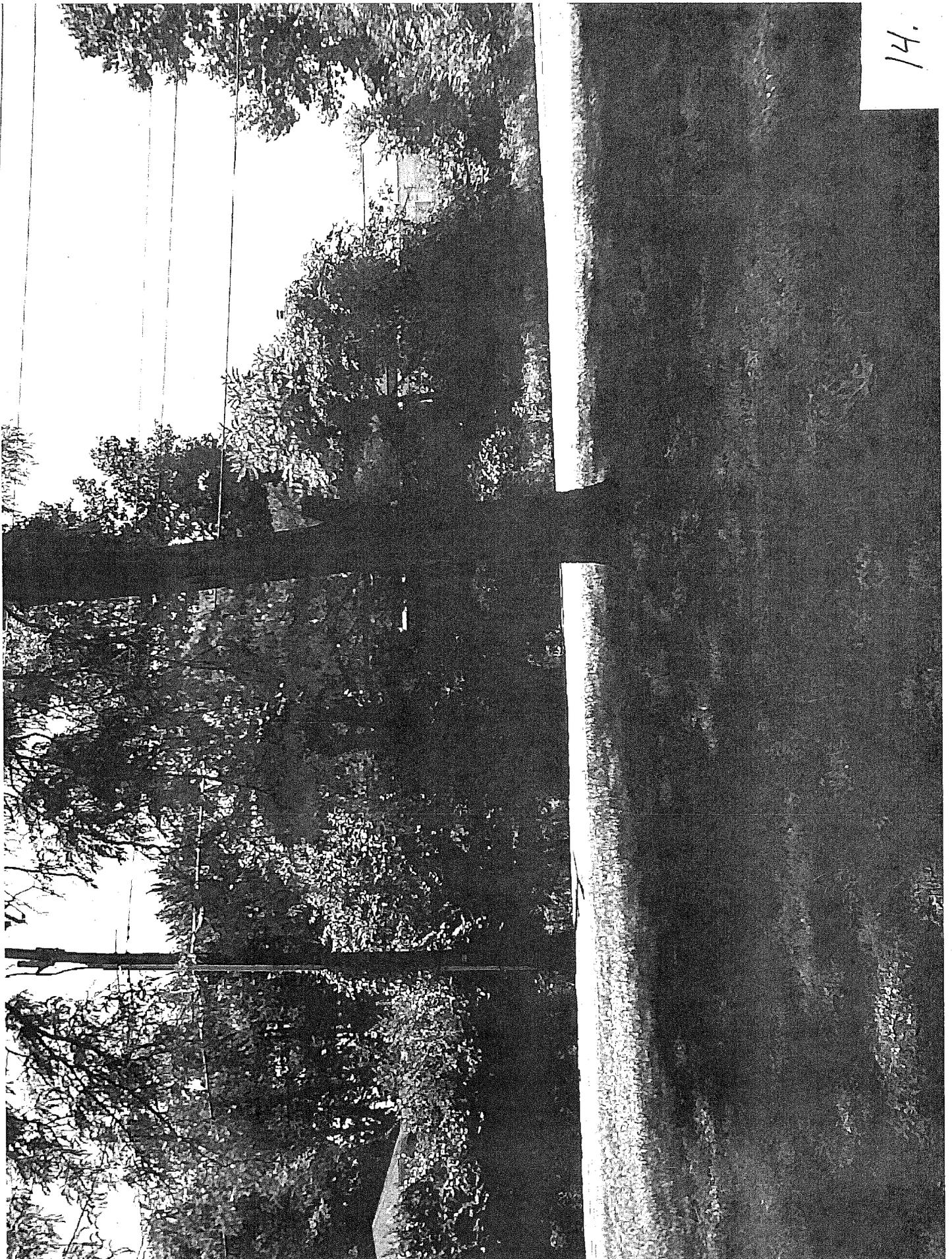




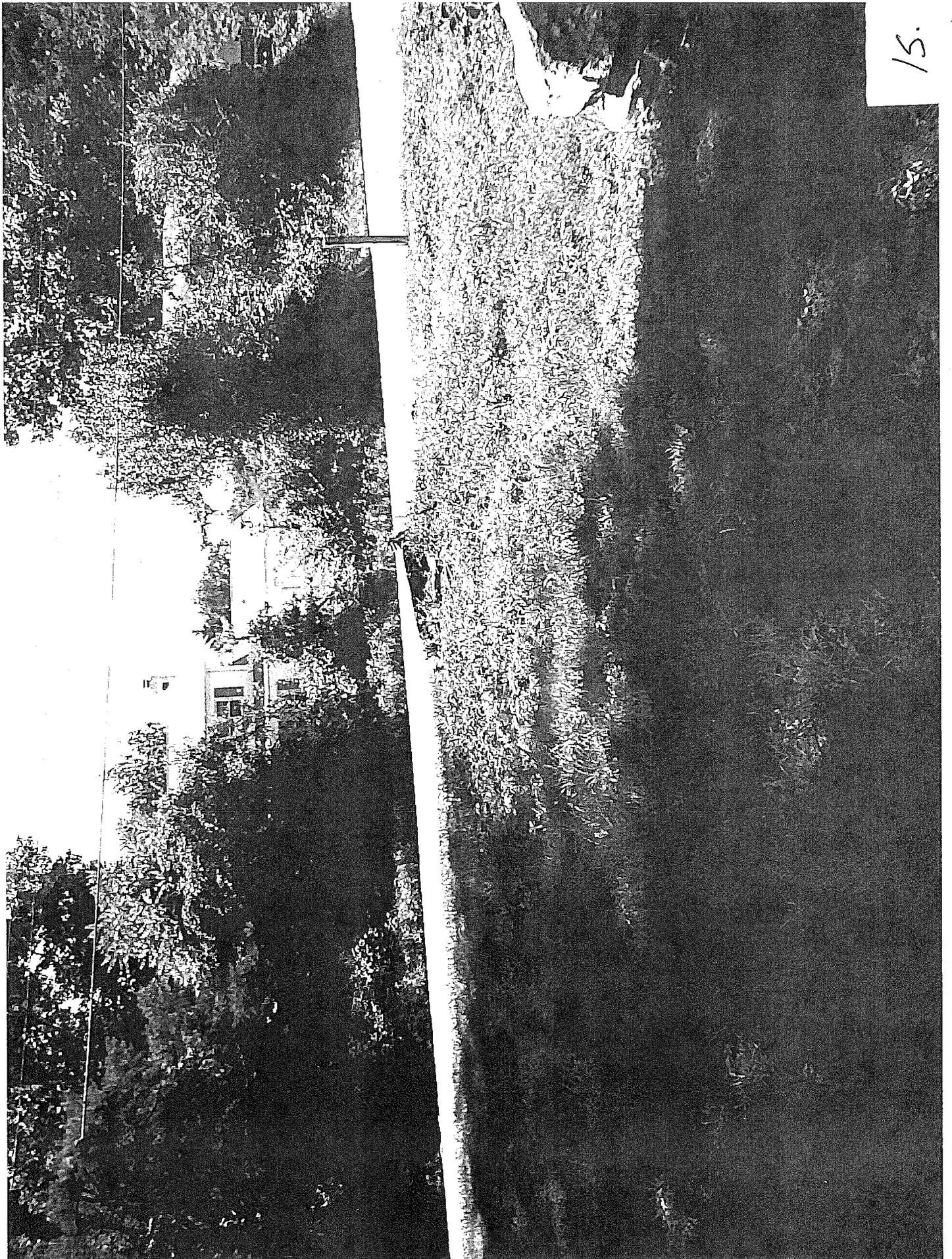
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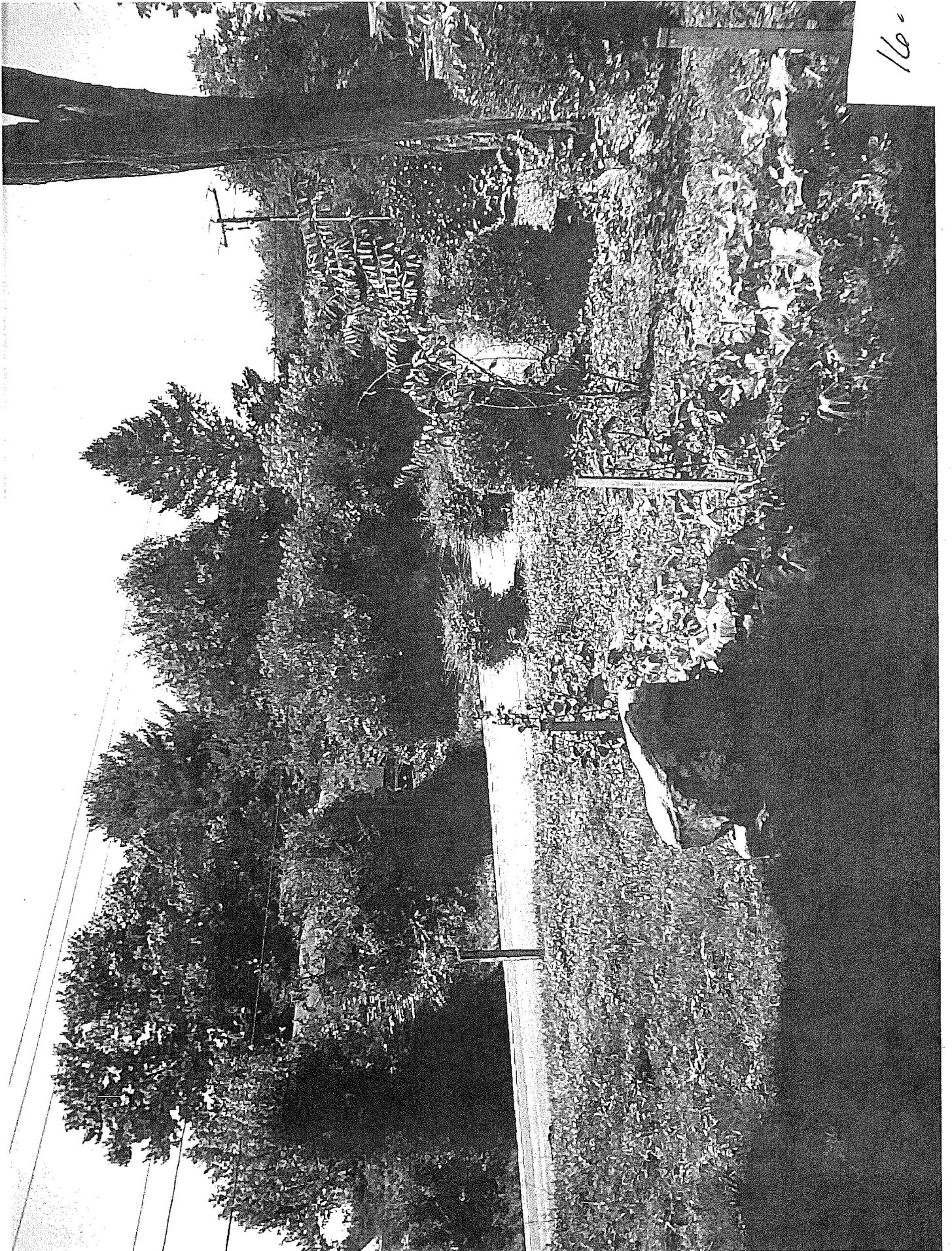
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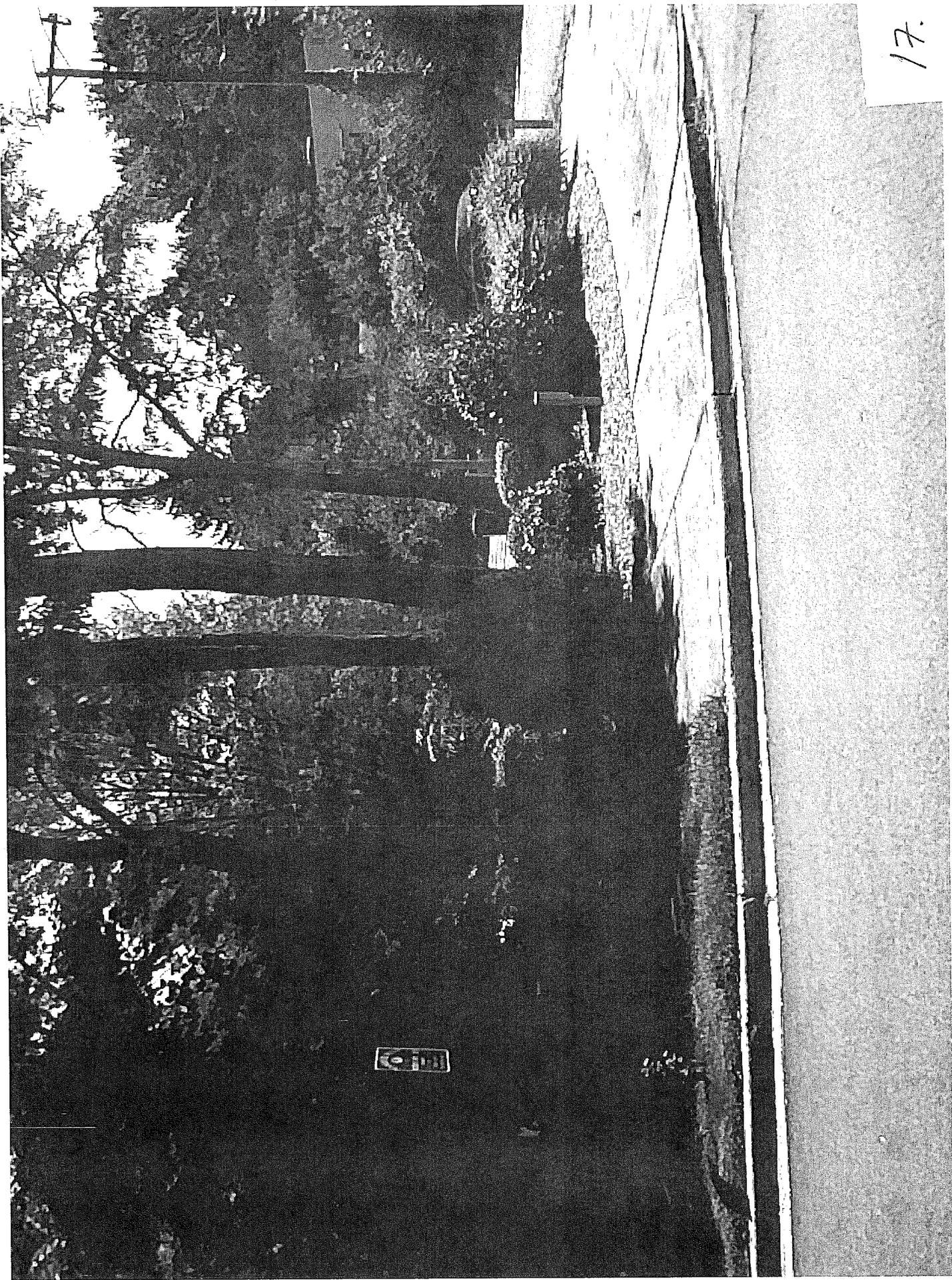


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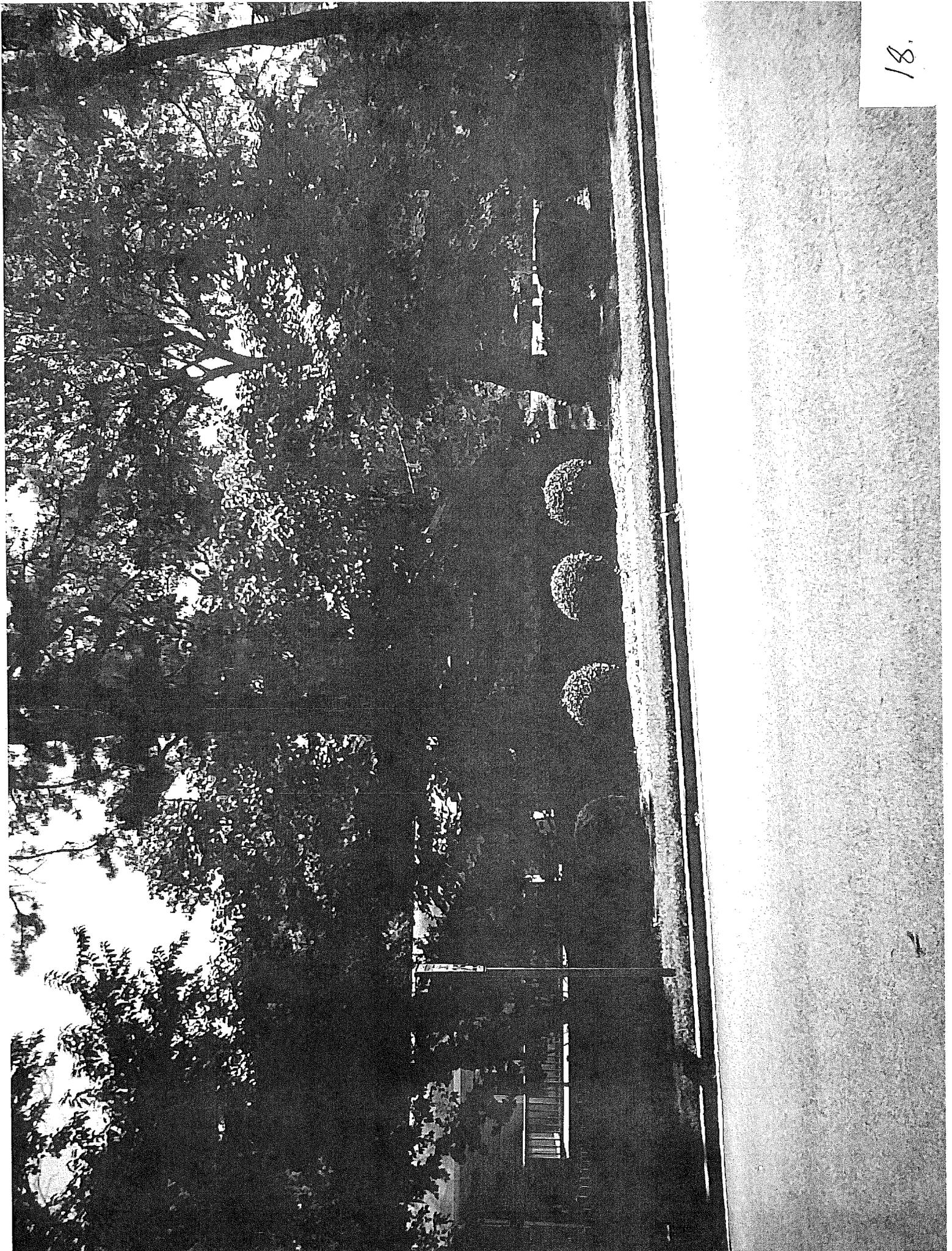


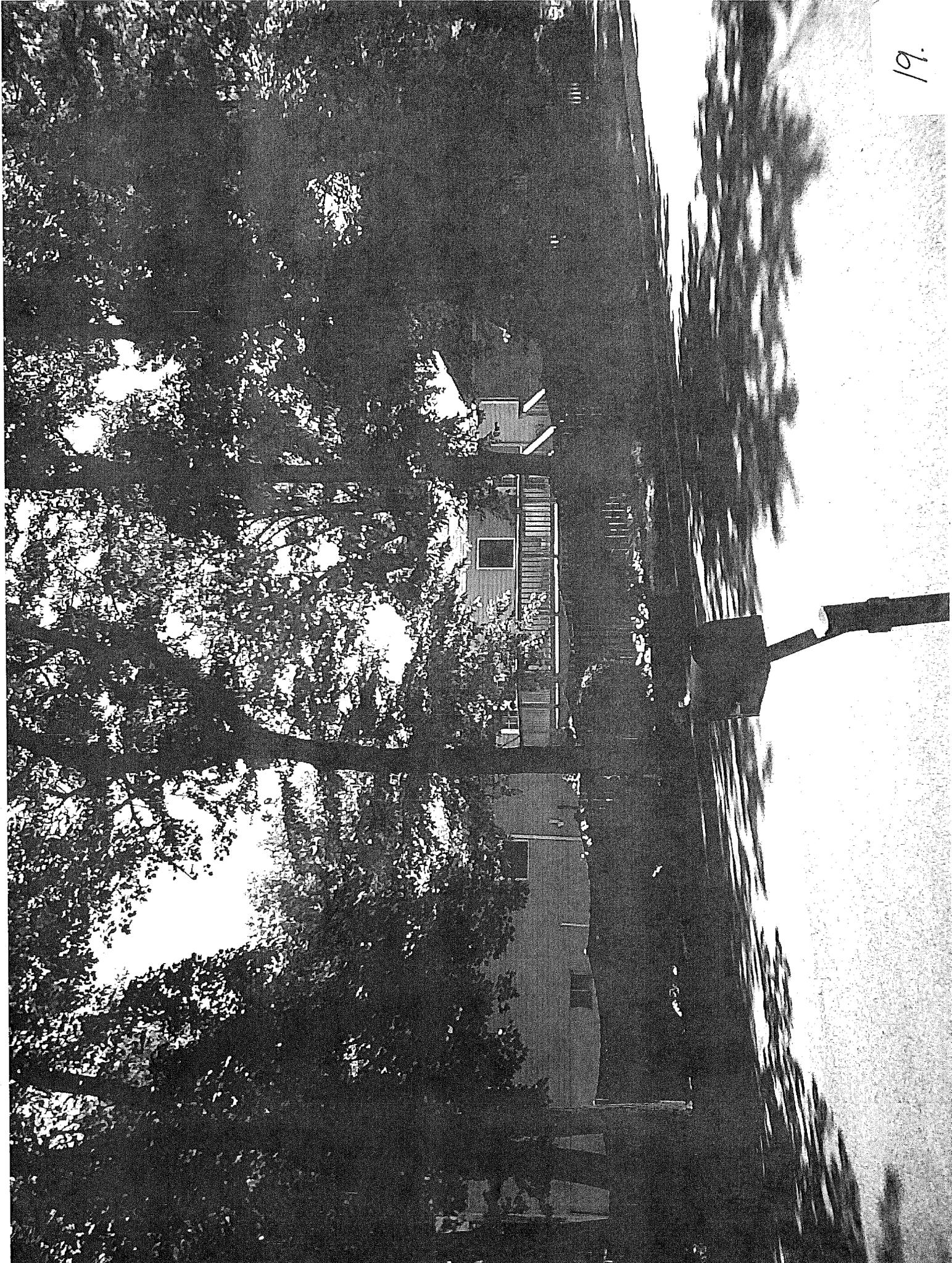
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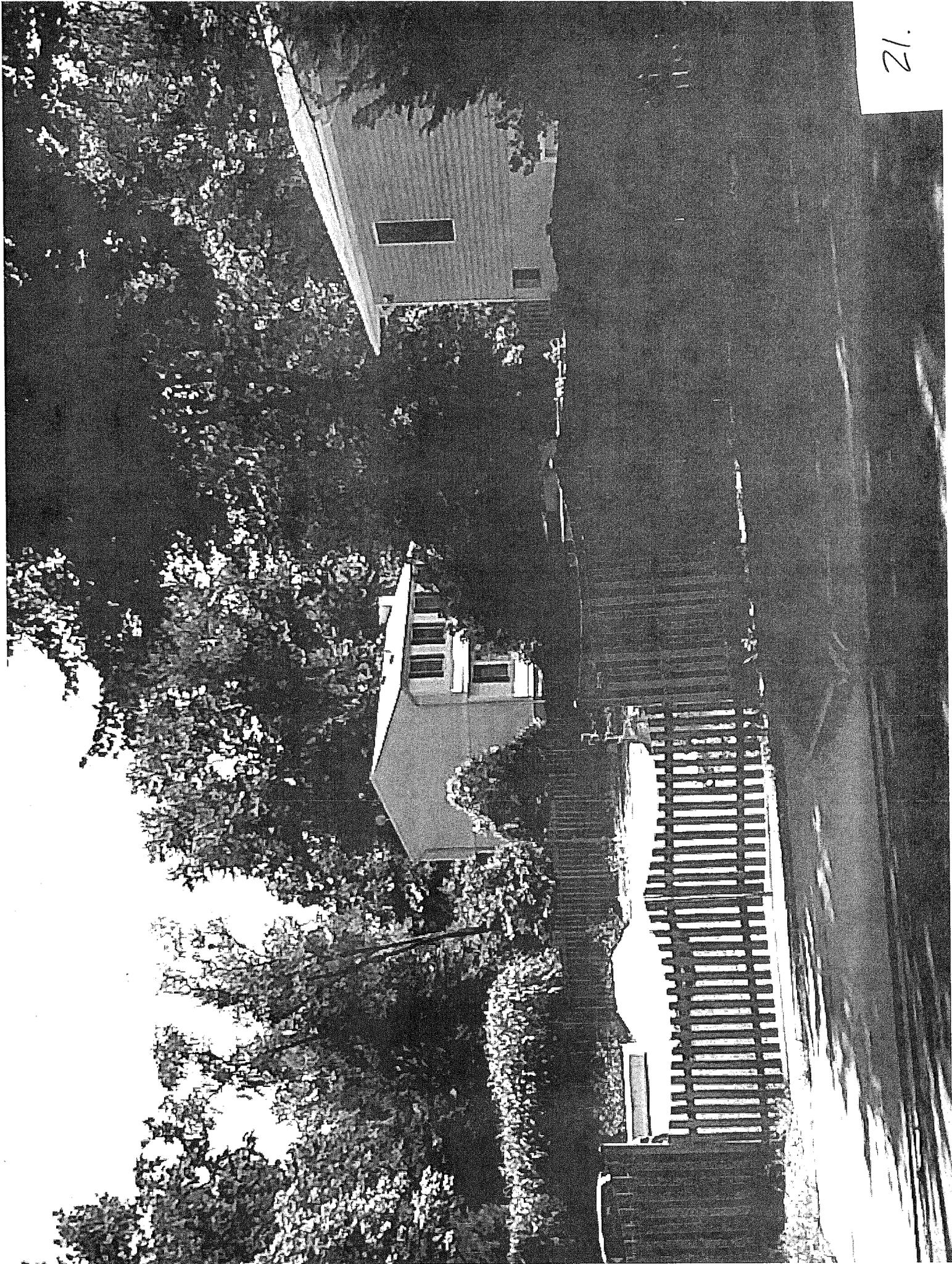


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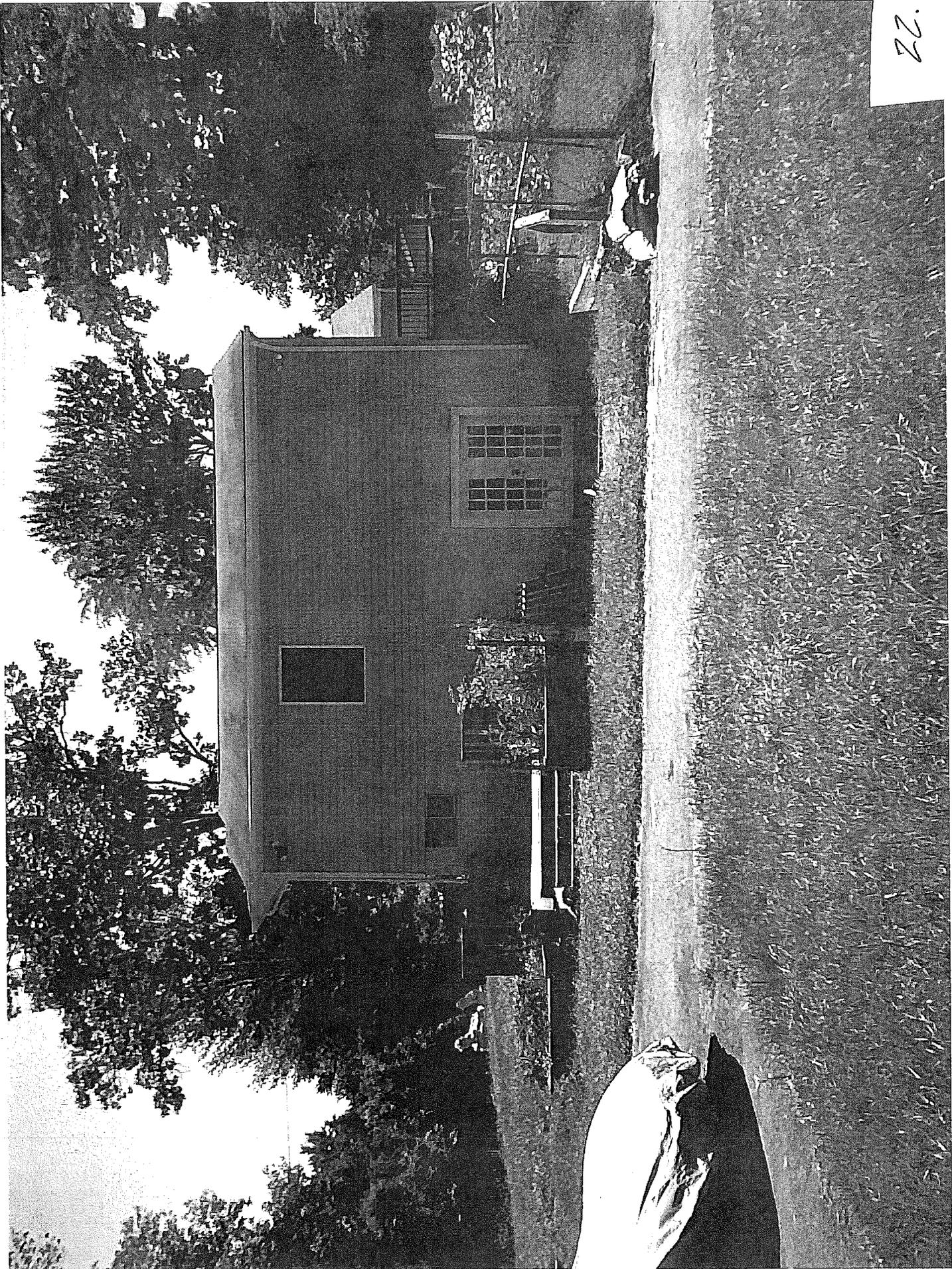






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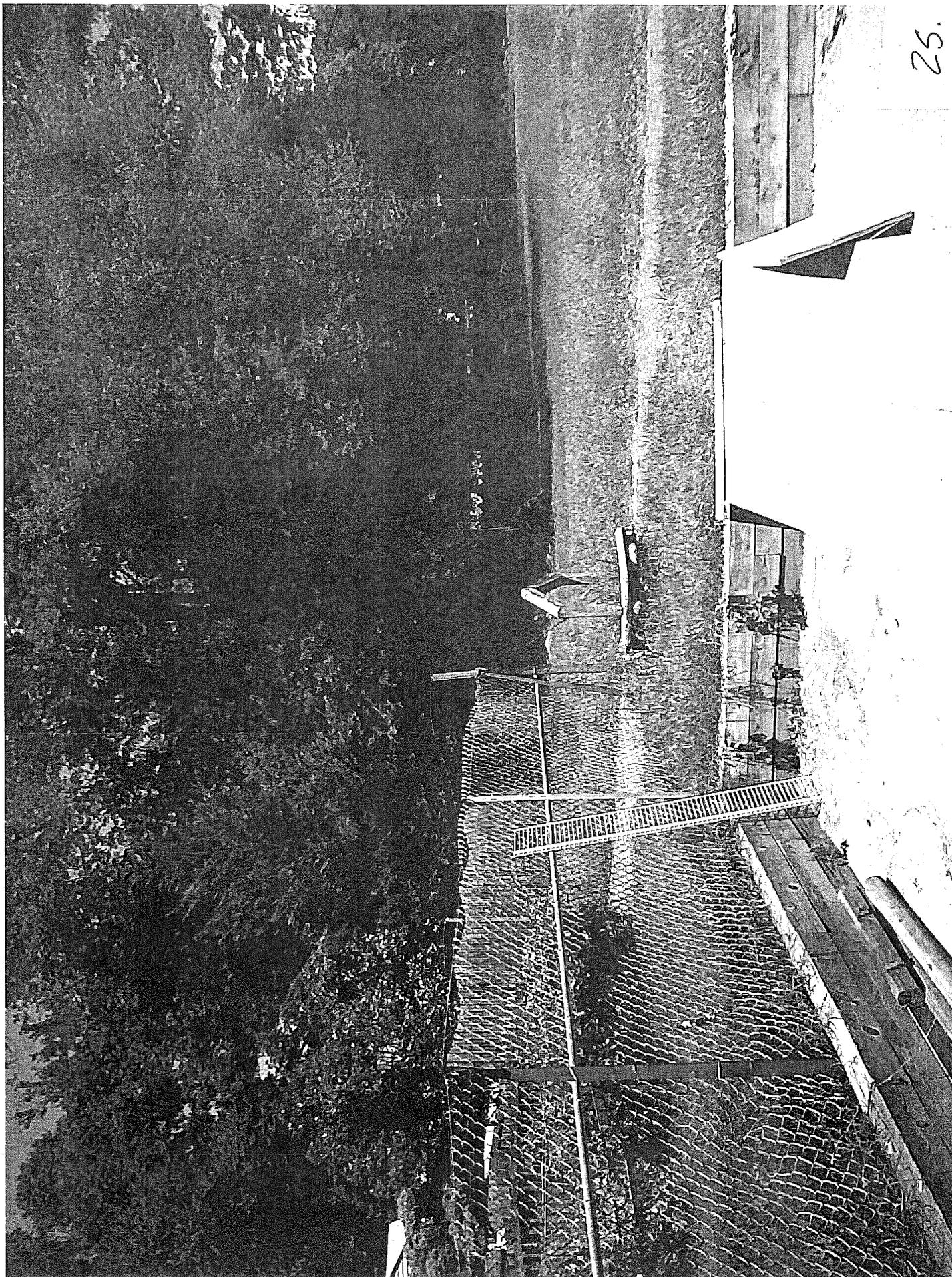




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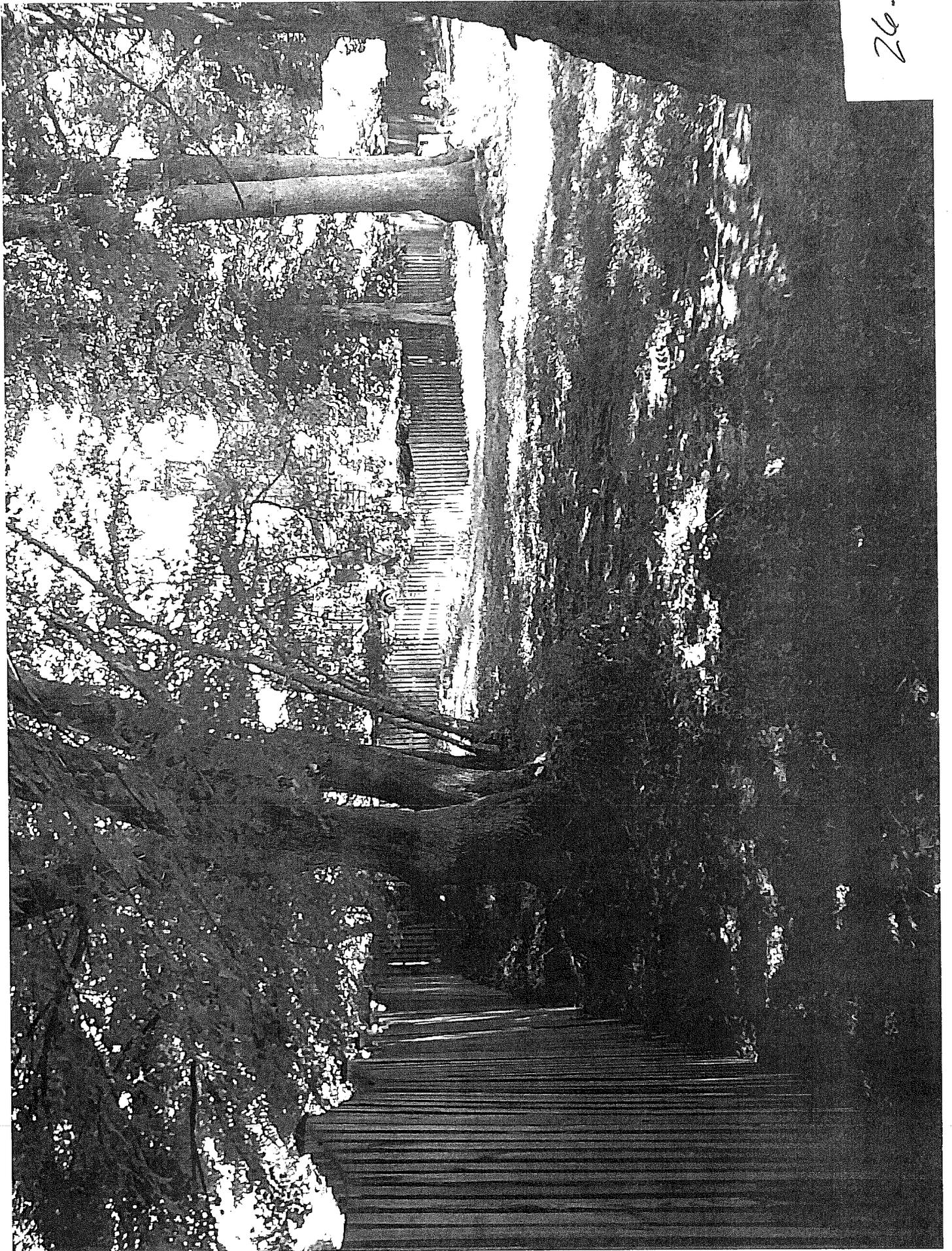
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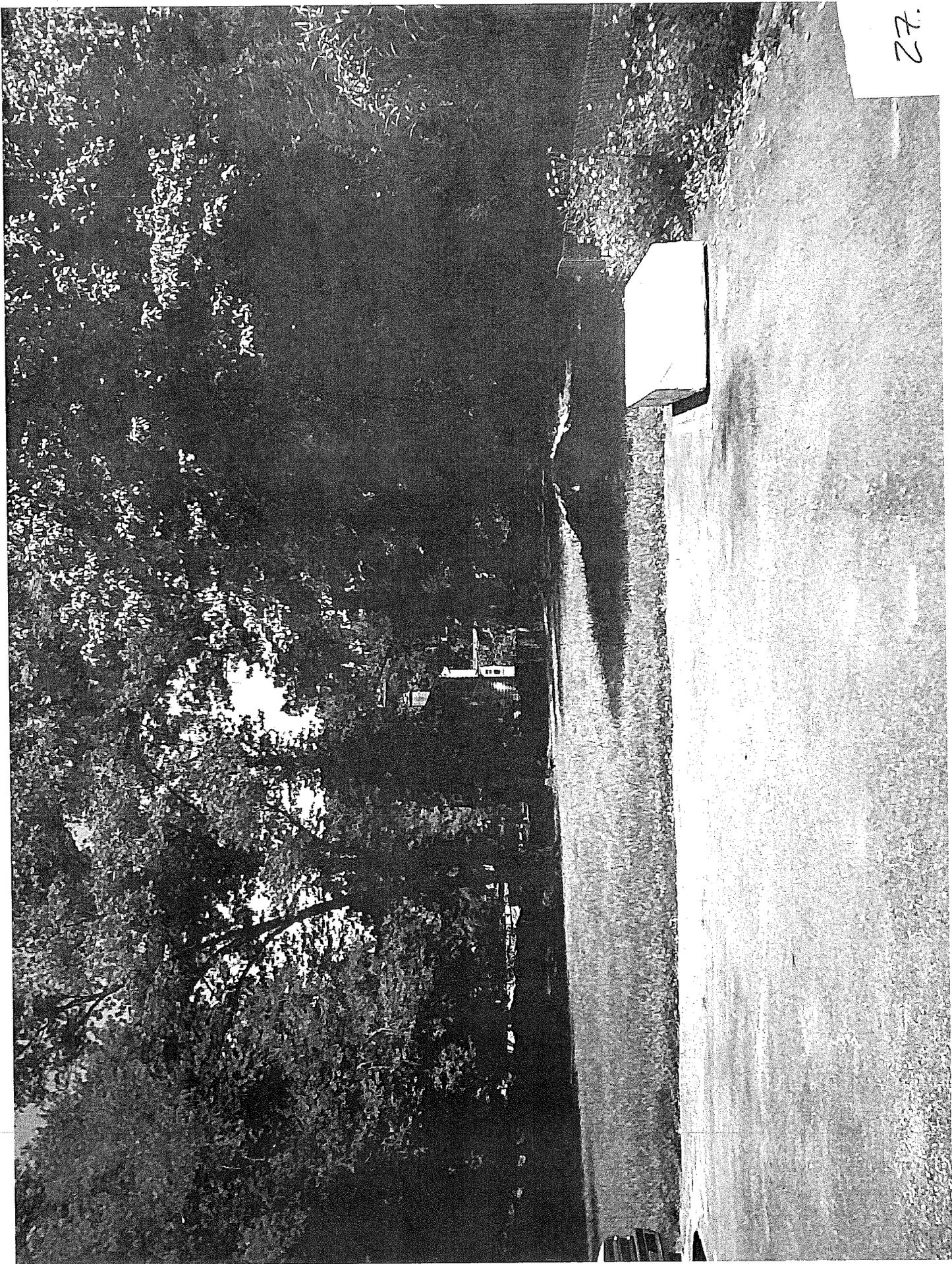


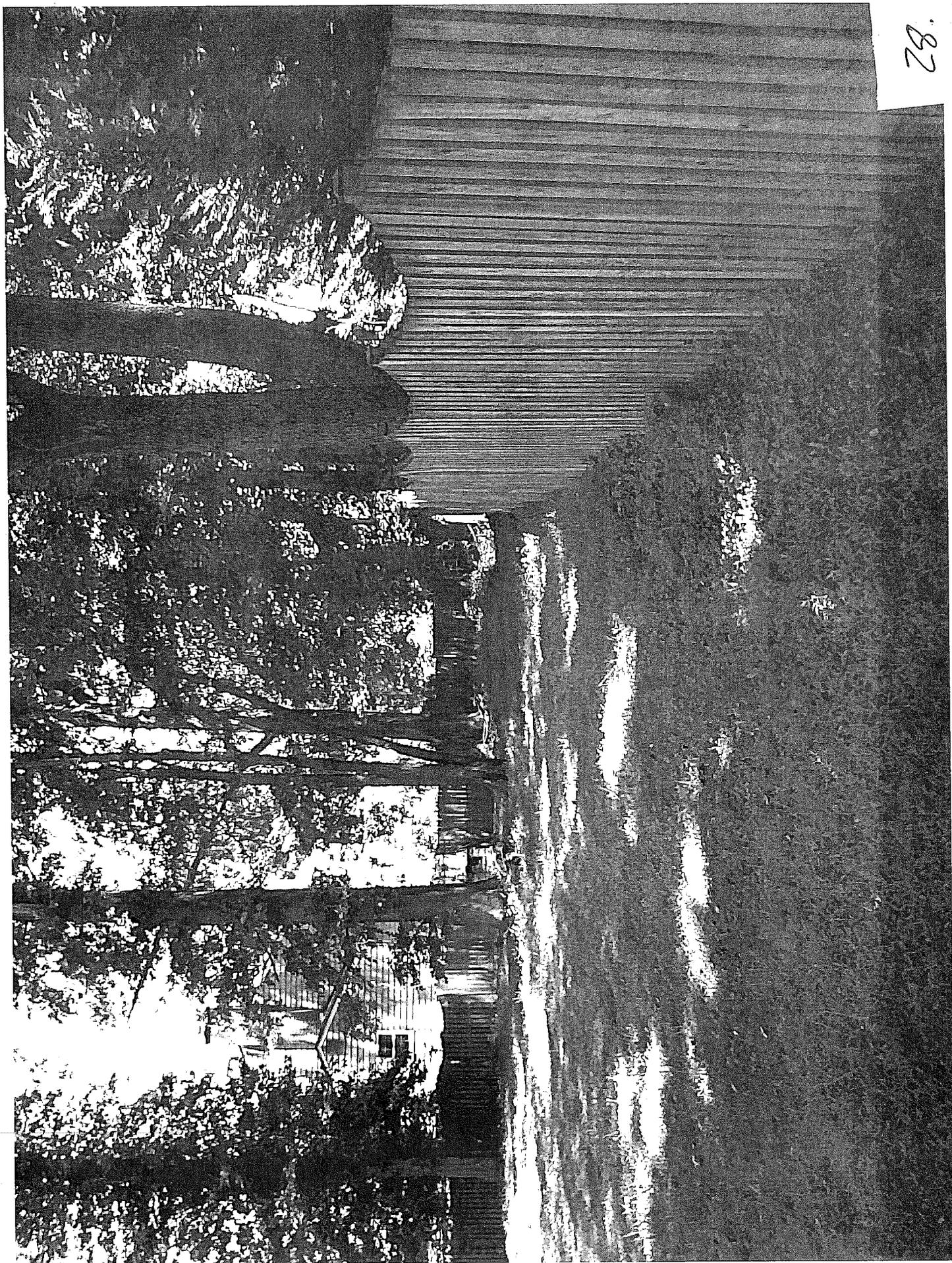
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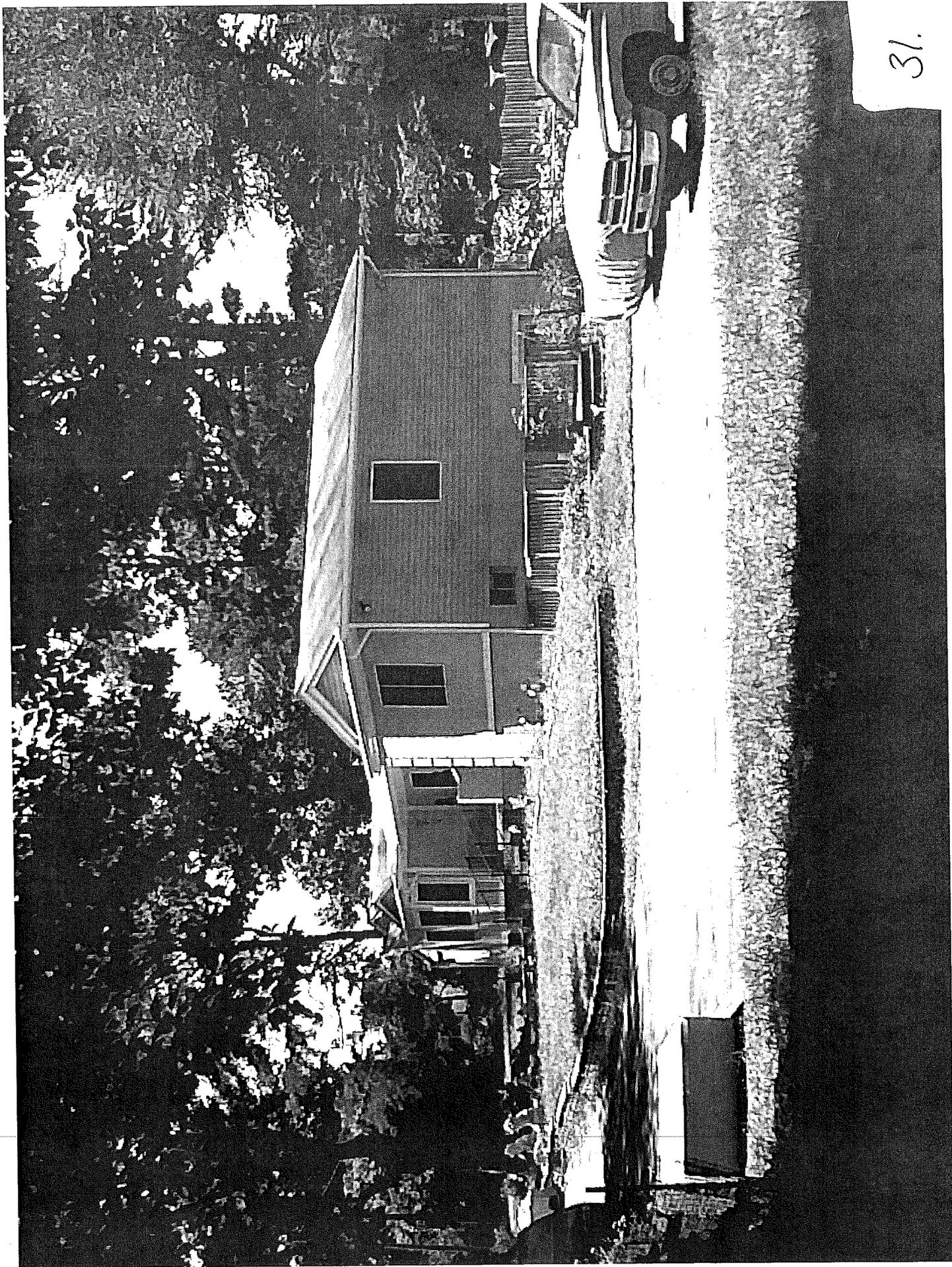


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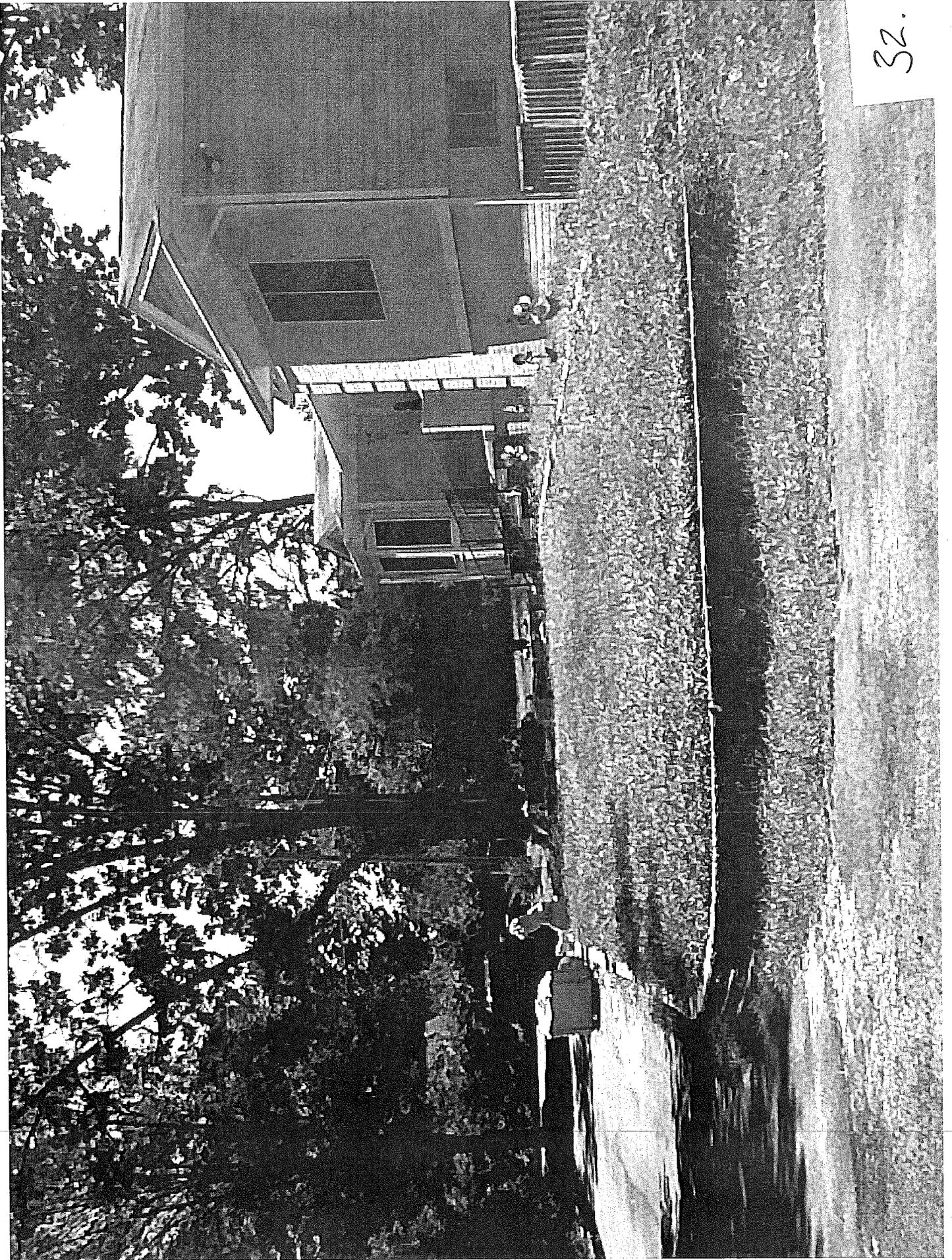


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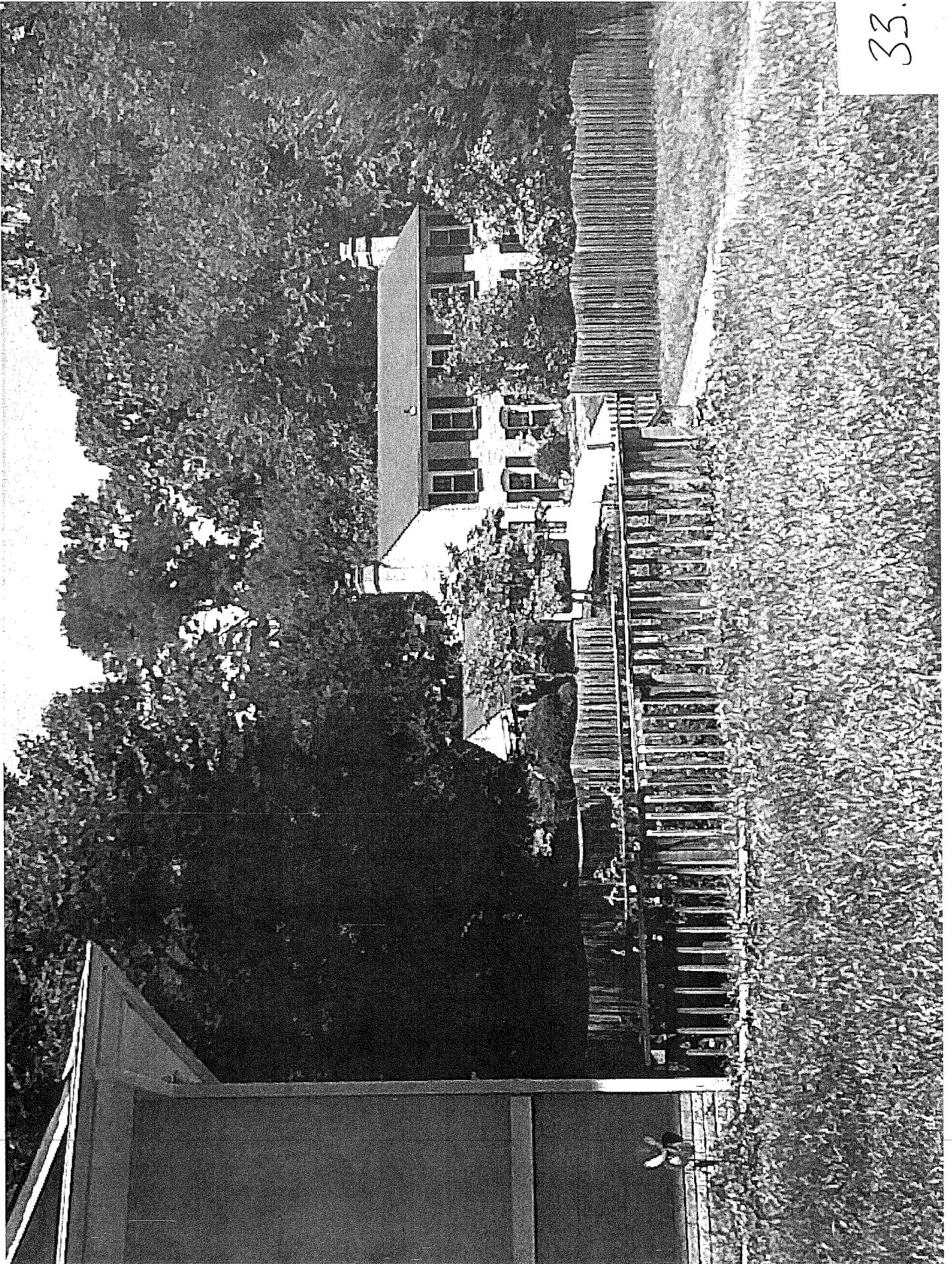


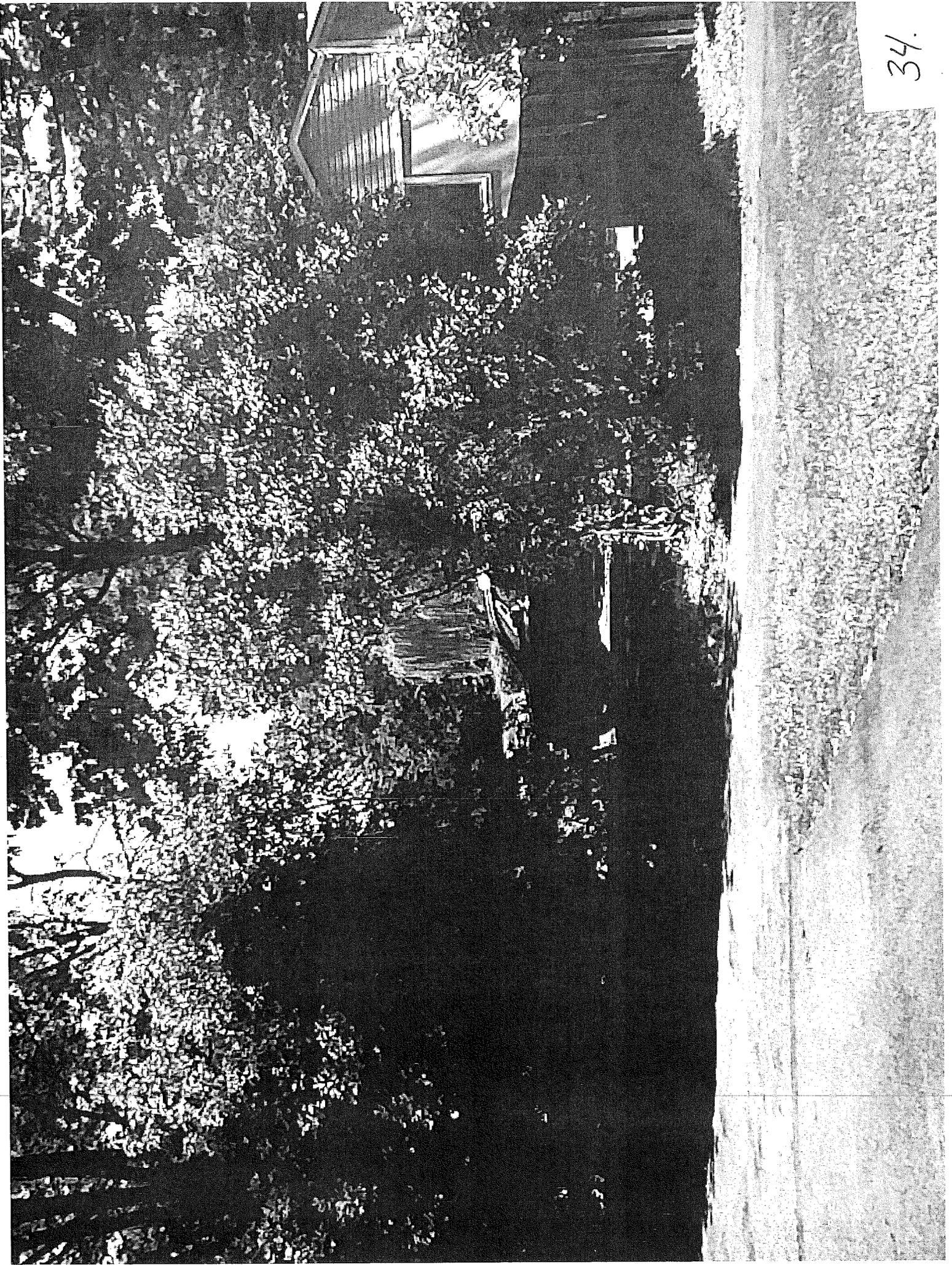
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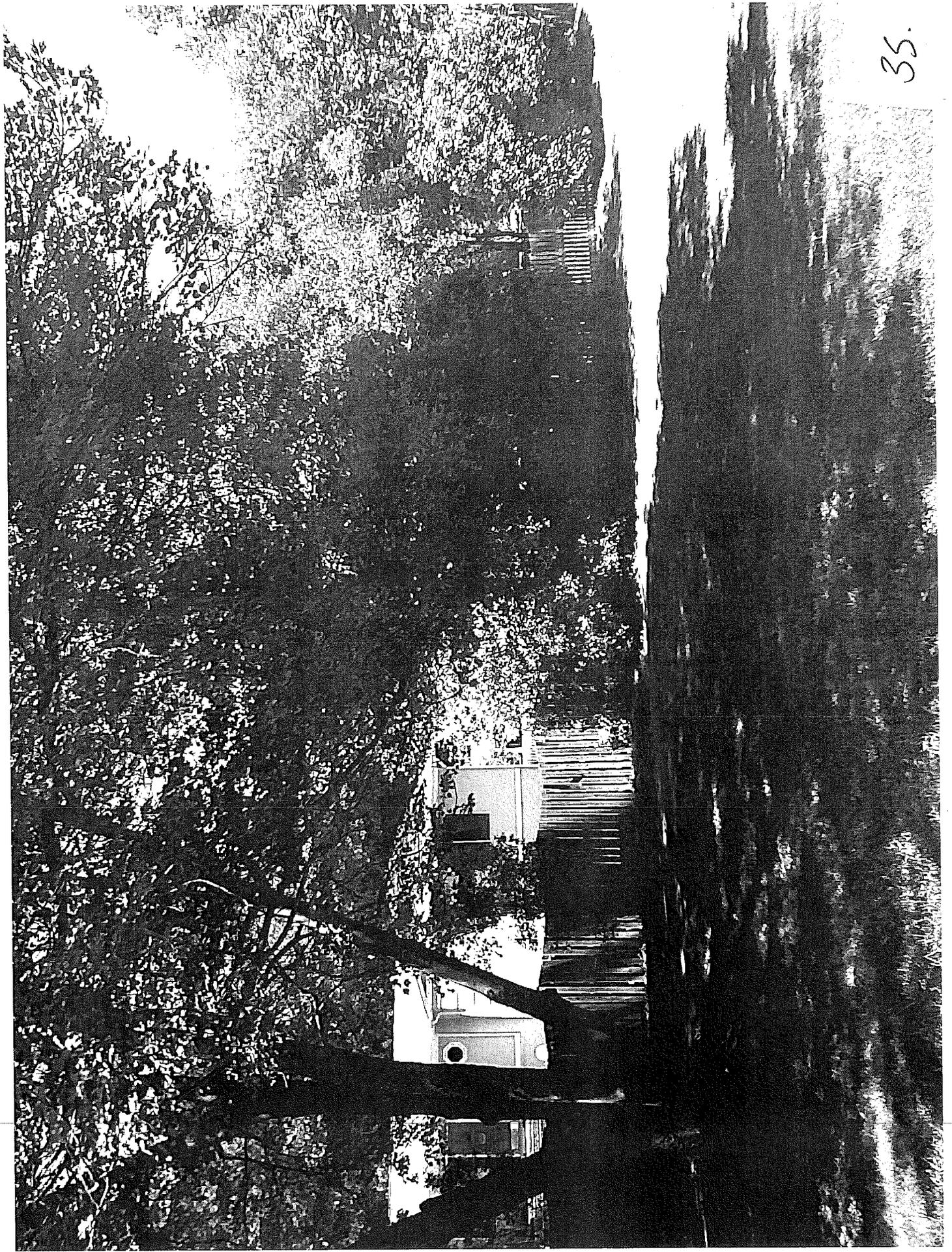


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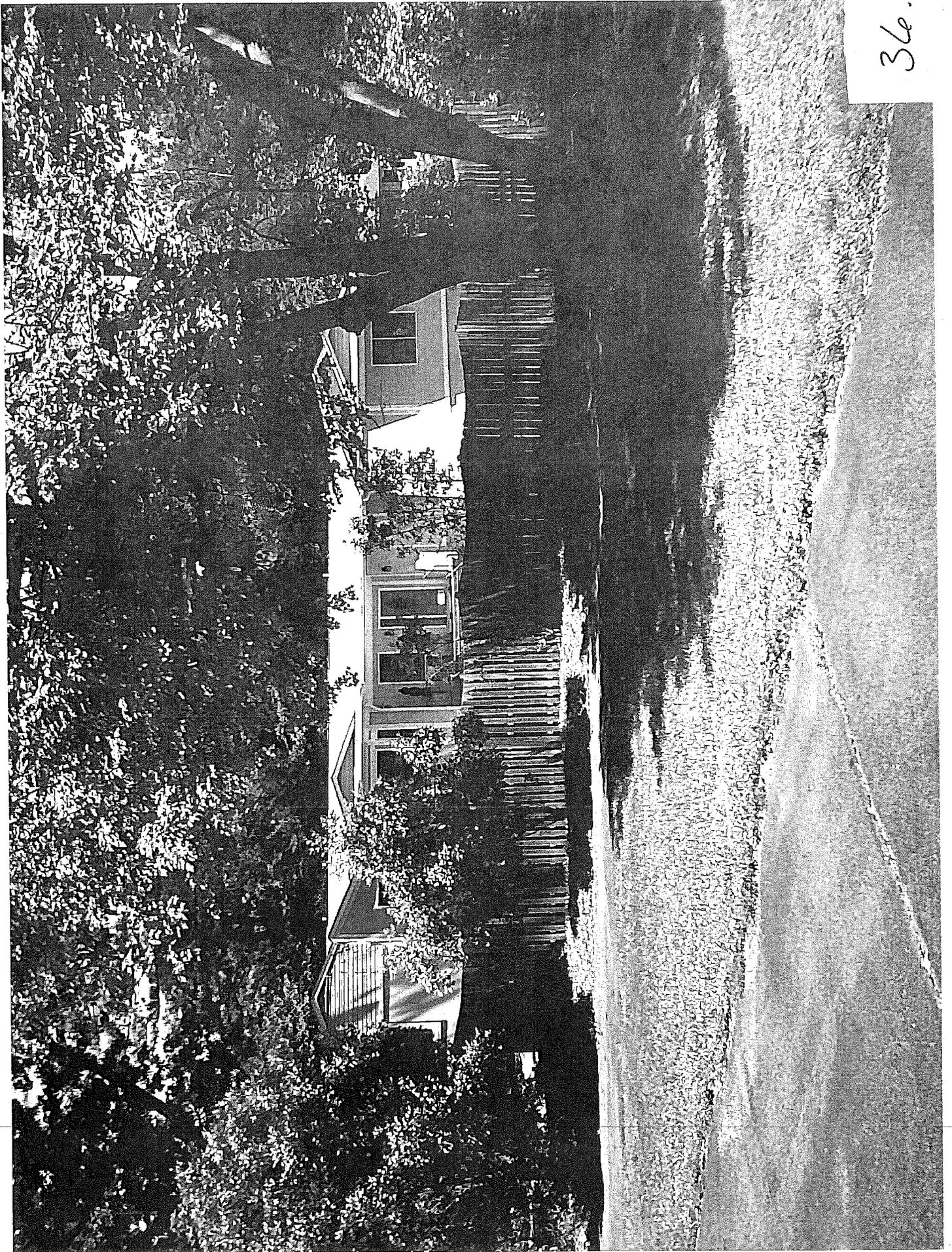
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35.



36.



S 40°28'00" E ~ 108.90'

UTILITY 6" WOOD FENCE FIRE PLACE

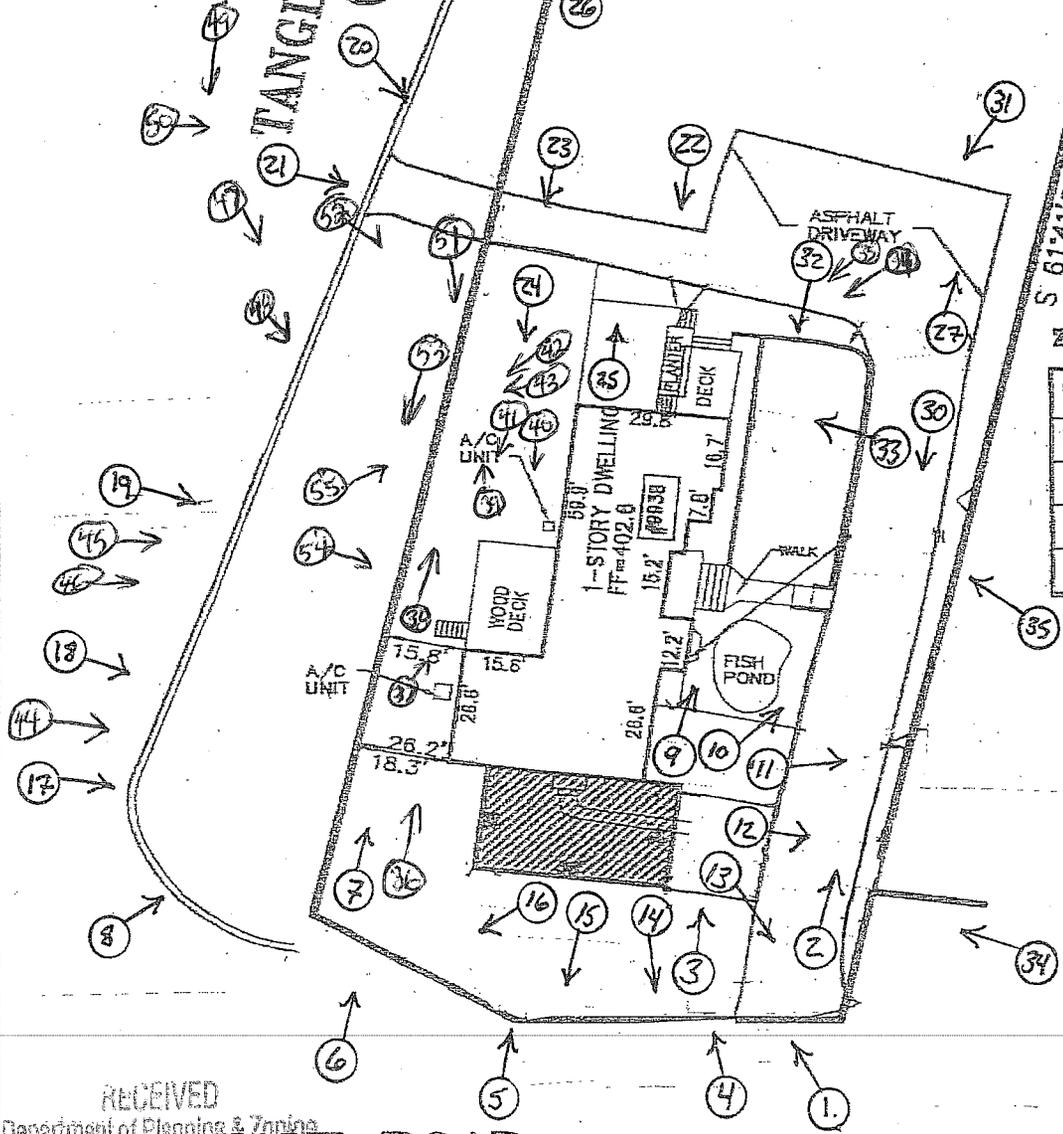
LOT 05
 AREA=42,988 SF (RECORDED)
 =42,013 SF (COMPUTED)
 ZONE: R-1

LOT 6B

Photo Key

TANGLEVALE DRIVE (50' WIDE)

COMMON
 IE
 PROTECT



ZONING TABLE (R-1)

DESCRIPTIONS
IMPERVIOUS AREA
GROSS FLOOR AREA
FLOOR AREA RATIO (FAR)
BUILDING HEIGHT

LOT AREA=42,013 SQ FT

- DESCRIPTION
- BUILDINGS
- FRONT PORCH
- DRIVEWAYS
- OTHERS (PATIO, WALK, ETC.)

% OF EXISTING IMPERVIOL =9.0

% OF PROPOSED IMPERVIOL =10.1

RECEIVED
 Department of Planning & Zoning
VALE ROAD

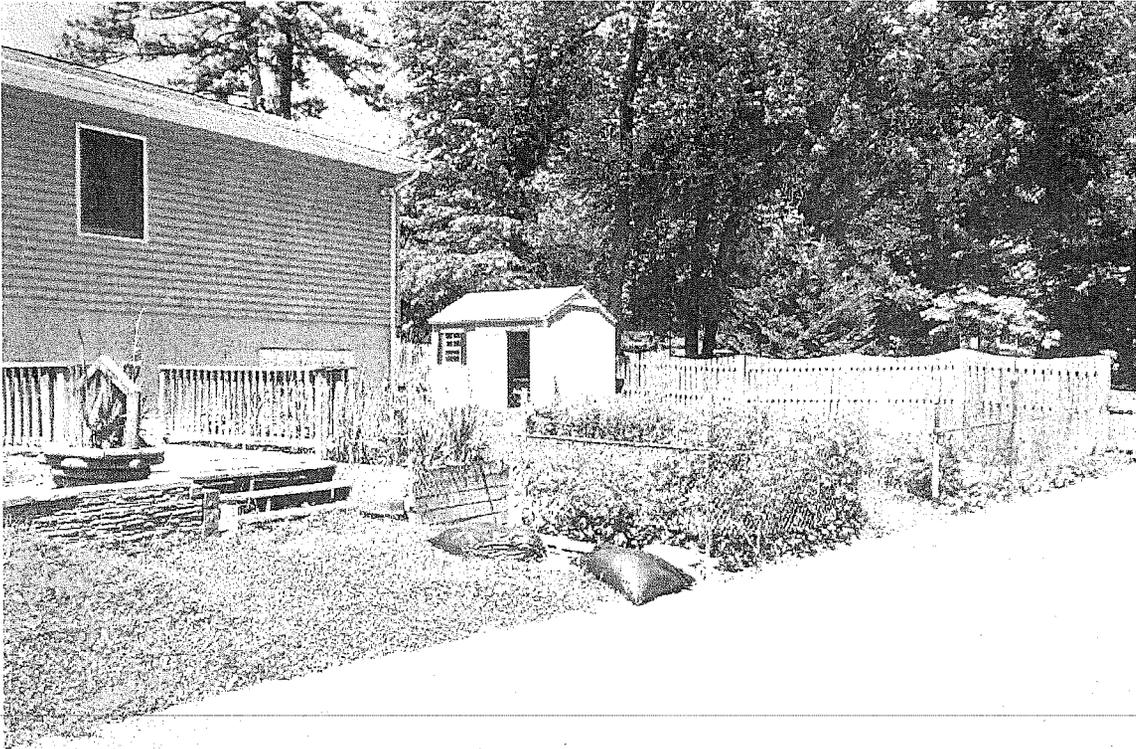
JUN 28 2012

Zoning Evaluation Division

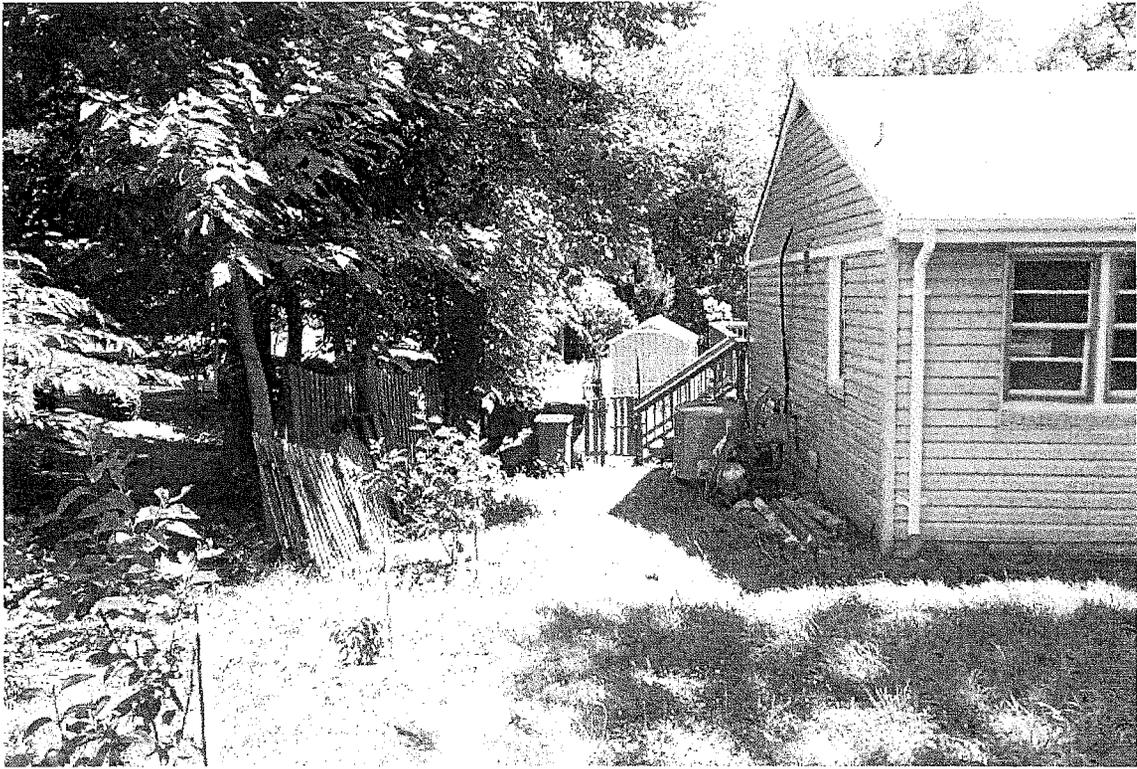
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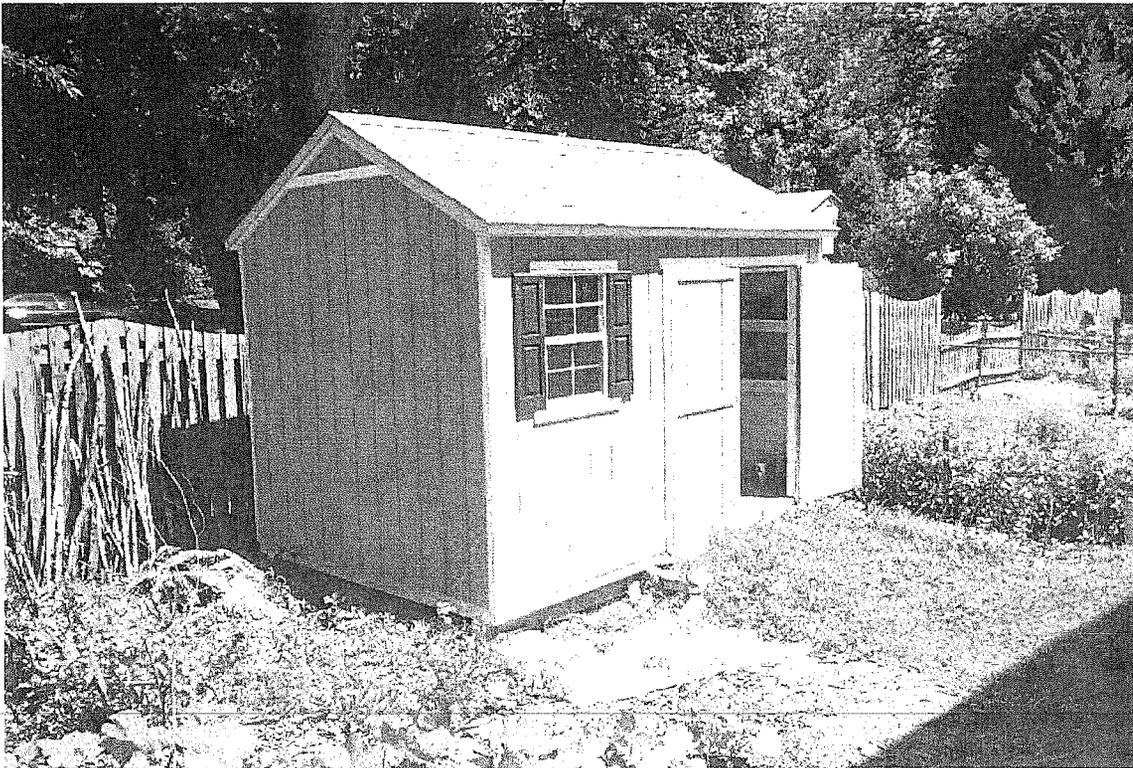
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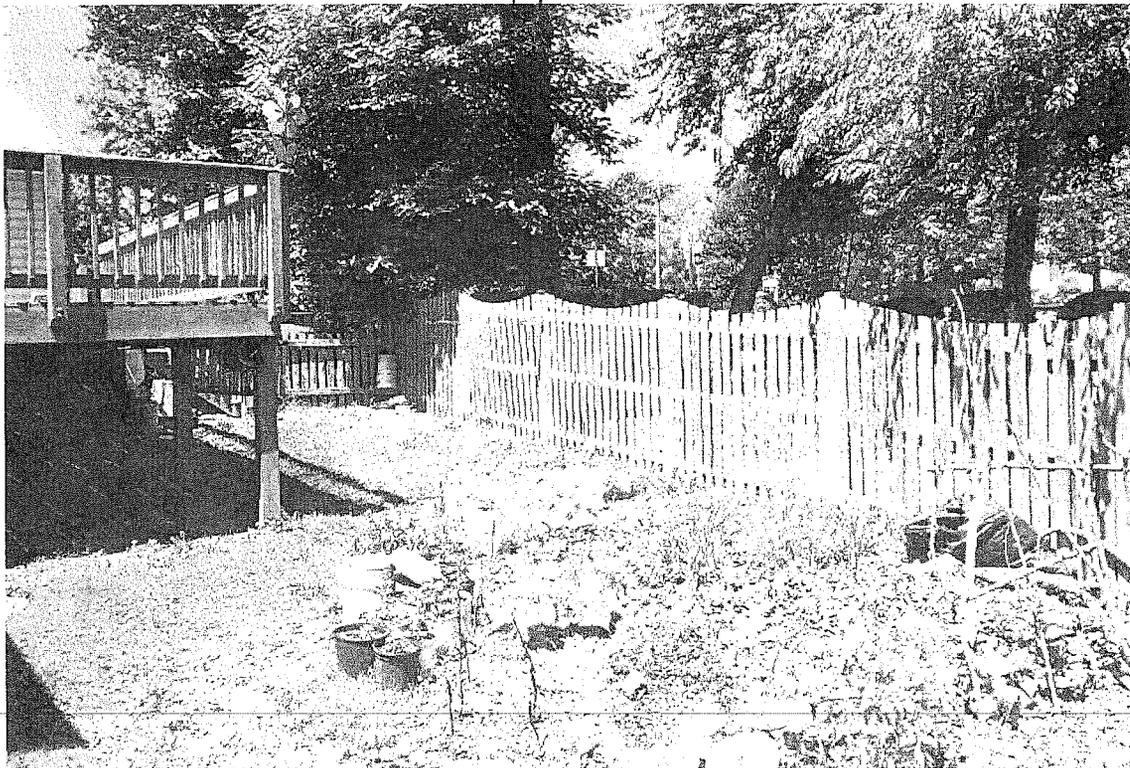
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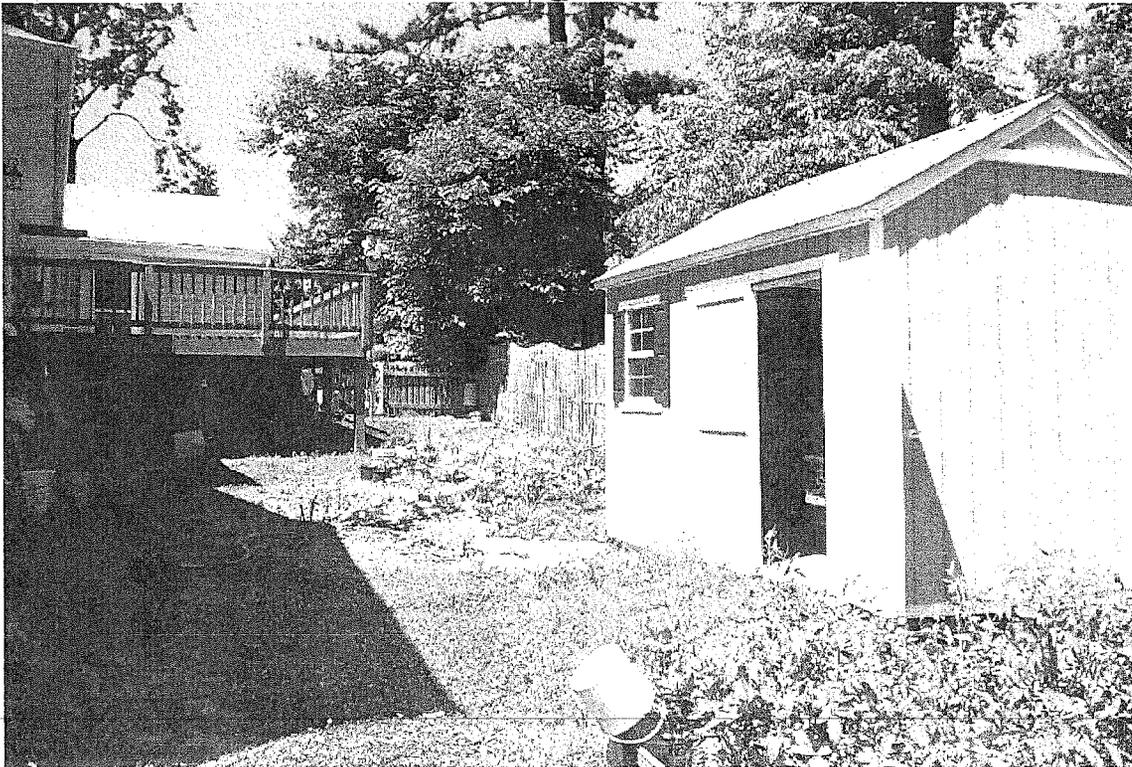
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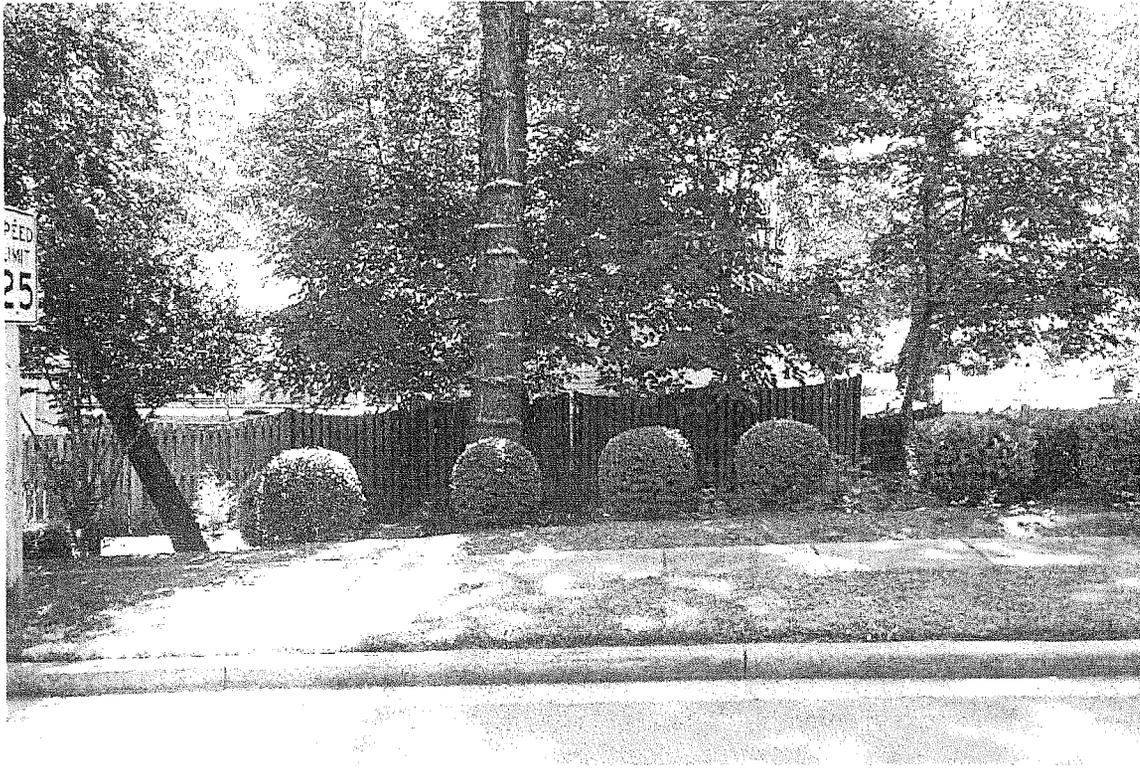
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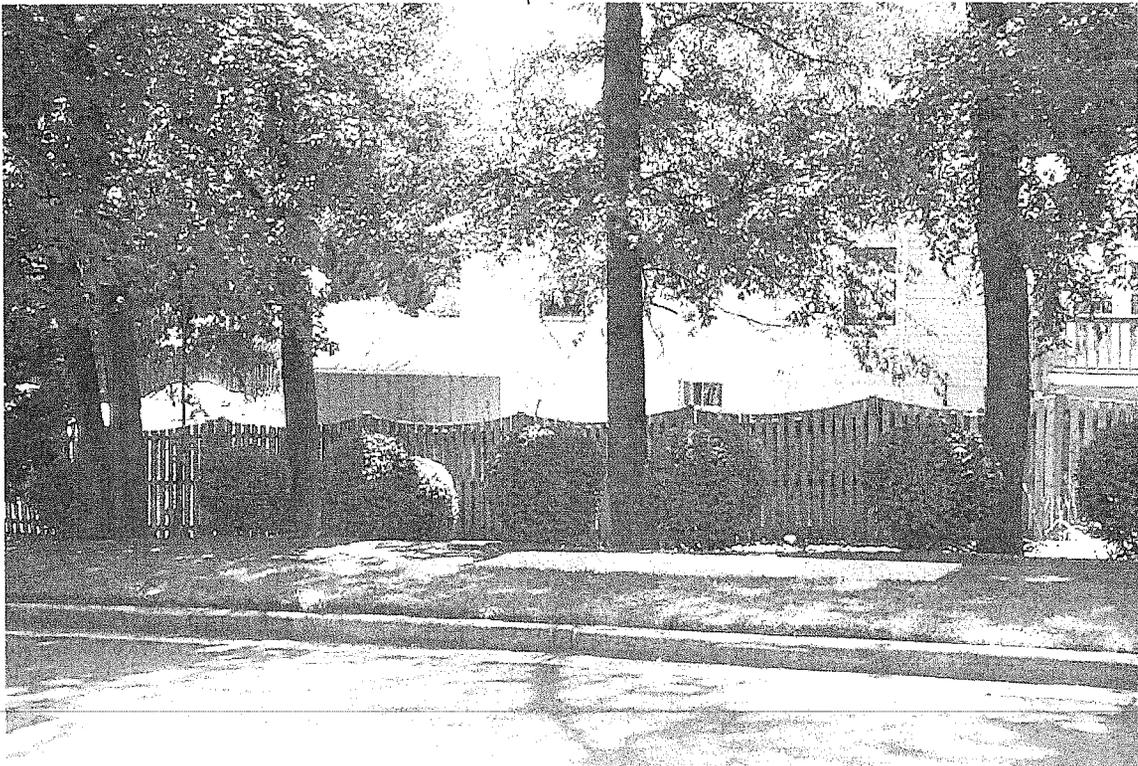
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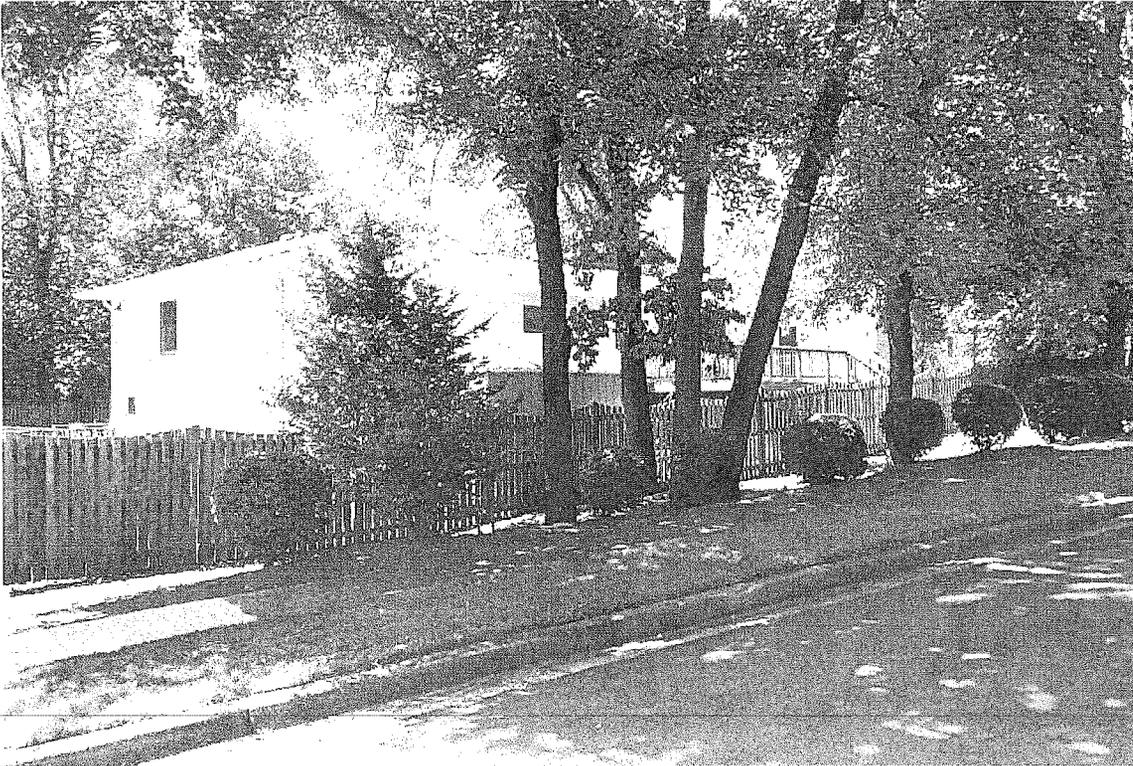
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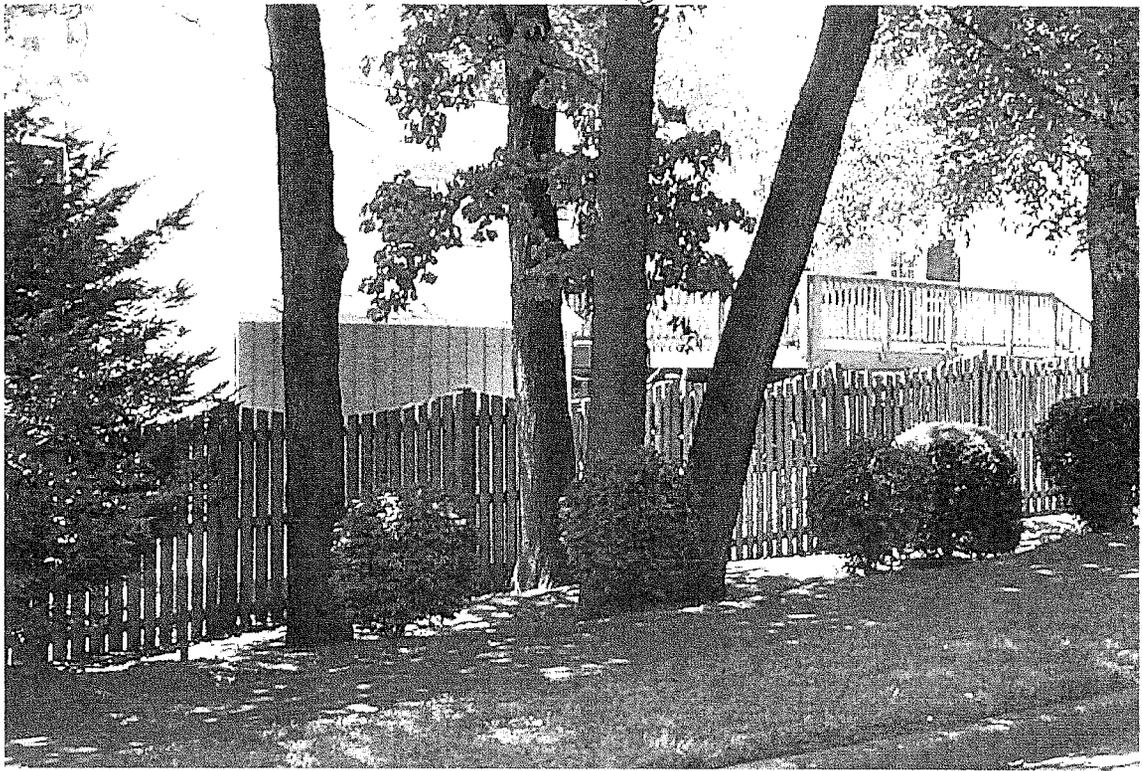
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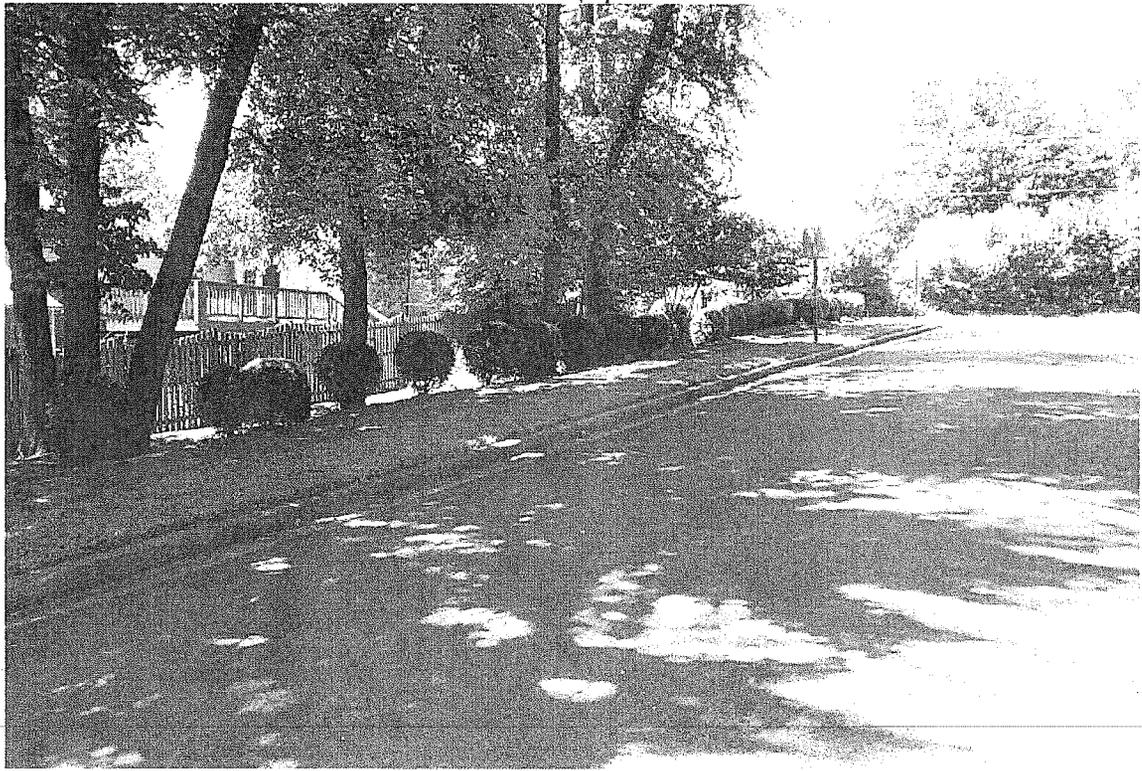
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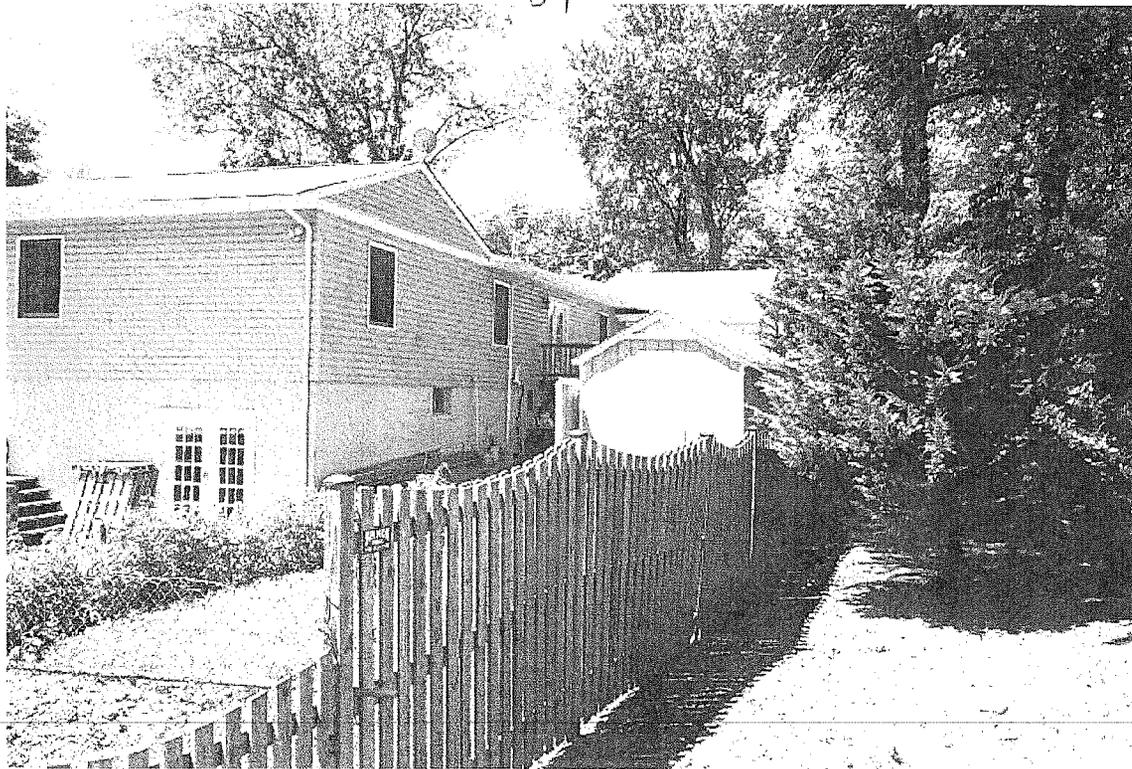
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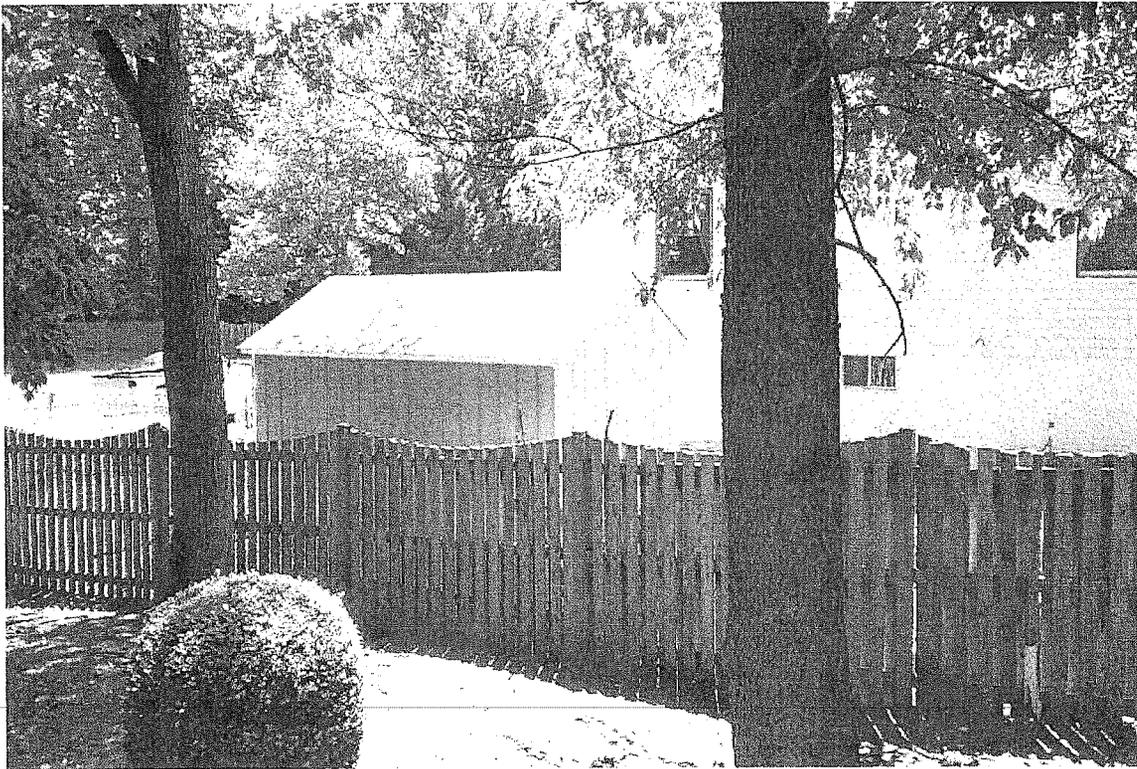
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DESCRIPTION OF THE APPLICATIONS

The applicant is requesting approval of three separate special permits. The first request is to allow a reduction to minimum yard requirements based on an error in building location to permit an accessory storage structure (shed), which measures approximately 96 square feet in size and 9.8 feet in height, to remain 2.9 feet to its eave from the northern side lot line.

The second special permit request is to allow a reduction to minimum yard requirements based on an error in building location to permit an existing open deck to remain 9.0 feet from the foot of the stairs attached to the deck from the northern side lot line. The deck is 6.0 feet at its highest point.

Special Permit Request #1 and #2

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit Request #1	Accessory Storage Structure (Shed)	Northern Side	20.0 feet	2.9 feet	17.1 feet	85.5%
Special Permit Request #2	Deck	Northern Side	20.0 feet	9.0 feet	11.0 feet	55.5%

* Minimum yard requirement per Section 3-107

The third special permit request is to allow a reduction to minimum yard requirements to permit construction of a proposed one story addition, a garage, to exist 28.3 feet from the front lot line.

Special Permit Request #3

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit Request #3	Garage Addition	Front	40 feet	28.3 feet	11.7 feet	29.3%

EXISTING SITE DESCRIPTION

The 42, 201 square-foot property contains a one story house with basement. The property is surrounded on the southwest, southeast and northeast with single family detached dwellings zoned R-2 or R-2 Cluster. The property on the northwest side is vacant land owned by the Tanglewood Community Association and is also zoned R-2 Cluster. A deck exists on the northern façade of the house and has stairs that lead toward the northern property line. A storage shed exists 2.9 feet from the northern lot line. A 516.6 square foot concrete patio exists on the eastern façade of the house and a door from the patio enters into the basement. Another wooden deck, measuring 180.4 feet in area, exists just south of the concrete patio. A decorative concrete porch exists outside the main entrance on the south façade. A concrete walkway extends from the front porch to the asphalt driveway. A fish pond is located to the east of the walkway. A small stone wall exists around the edge of the side yard, just before the asphalt driveway. A wooden fence, 5.6 feet in height is located along the southern property line. An additional wooden fence, also 5.6 feet in height is located along the northern property line with a wooden gate at the asphalt driveway entrance. The property is accessed via two entrances, an asphalt driveway from Vale Road (along the western property line) and another asphalt driveway from Tanglevale Drive (along the northern property line). These driveways connect and curve around the house from the southwest corner of the property to midway on the northern property line. The lot is flat and contains existing vegetation consisting of mature trees.

CHARACTER OF THE AREA

	Zoning	Use
Northwest	R-2 Cluster	Vacant Land- Owned by the Tanglewood Community Assn.
Southwest	R-2 Cluster	Single Family Detached Dwelling
Southeast	R-2	Single Family Detached Dwelling
Northeast	R-2 Cluster	Single Family Detached Dwelling

BACKGROUND

The original dwelling was constructed in 1952, and a 30 foot by 60 foot one story addition was permitted and built in 1997. The applicant purchased the property in September of 2009. See Appendix 4 for building history.

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

- Variance VC 95-H-011 was approved on May 17, 1995, for Tax Map 38-3 ((01)) 0046A, zoned R-1, at 2578 Chain Bridge Road, to permit an existing dwelling to remain 4.0 feet from a front lot line.

Proposal:

The applicants propose to construct a 778 square foot garage addition to the west of the existing dwelling. The garage, 17.4 feet in height, is proposed to be located 28.3 feet from its eave to the front lot line facing Vale Road. The front façade of the garage will be painted brick and the side and rear of the garage will have vinyl siding. A new driveway will extend from the existing driveway to the proposed garage.

The proposal also requests to permit multiple errors in building locations on the lot to remain, as outlined in detail on Page 1 of this report.

ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- 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

This special permit is subject to Sects. 8-006, 8-903, 8-914 and 8-923 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 4. Subject to development conditions, the special permit must meet these standards.

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 site visits and submitted photographs that the construction of the addition will not adversely affect the use or development of neighboring properties. In the immediate area of the property, there are a variety of zoning districts and housing styles. Therefore, although an addition is being added to the front of the existing house, it will not out of character with the homes in the surrounding area. There is adequate vegetative buffering to the west and south sides of the property to provide screening for the neighbors. Therefore, staff believes this standard has been met.*

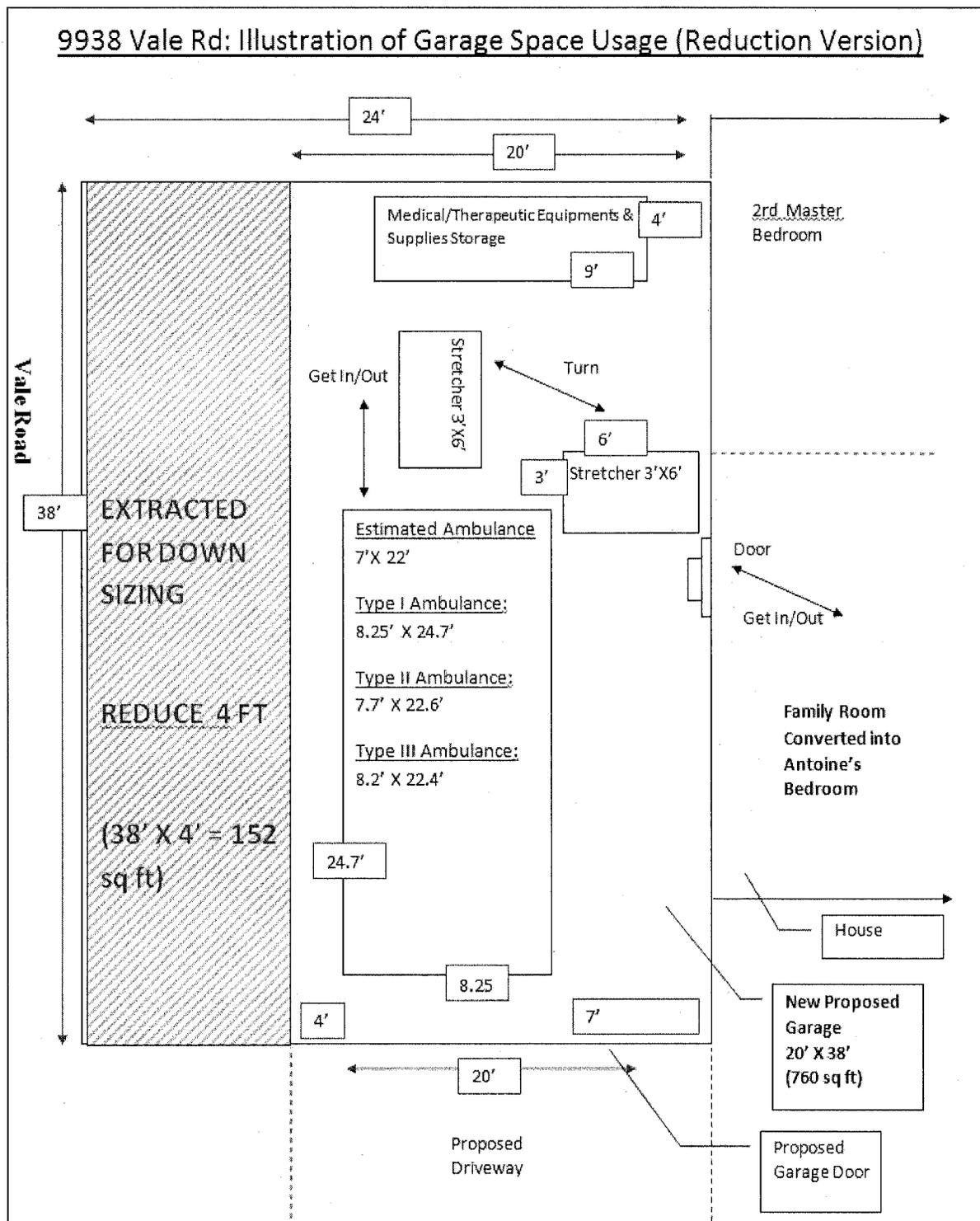
Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

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 10 allows the BZA to impose development conditions. Standard 5 relates to accessory structures and does not apply to this application. 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 2,622 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,933 square feet in size for a possible total square footage at build out of 6,555 square feet. The proposed addition is 778 square feet, for a total square footage of the house with the addition of 3,400 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 garage addition will be compatible with the architecture of the existing dwelling. The height of the proposed addition will not exceed the height of the existing roofline. The location of the garage will provide immediate access to an ambulance that is needed. The person in the home that has medical needs has a bedroom located directly next to the garage. The bulk and scale of the garage addition have been adjusted since the first submittal. The new submission, which is included in this staff report, provides the necessary room for the size of an ambulance; the necessary room to transport the patient to the ambulance and also room for medical supply storage (see Picture 1 below). Therefore, the application meets this provision.

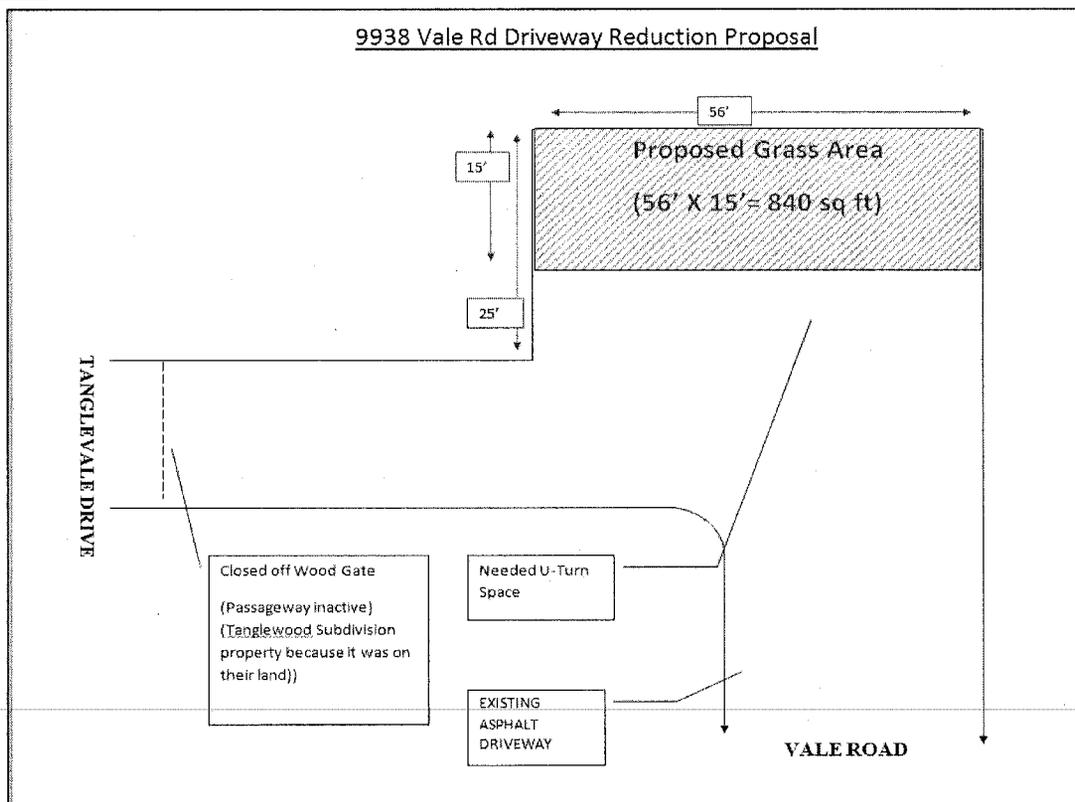
Picture 1



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 maintain the same character of their home while increasing the footprint by constructing a 778 square foot addition. Additionally, staff believes that no additional vegetative screening is needed along the front yard of the property along Vale Road. A strip of vegetated land, with mature trees, brush and a fence provides adequate screening to the neighbors across the street to alleviate any visual impact from the proposed addition. Staff also believes there is adequate vegetative screening on site to provide a buffer to the neighbor along the southern property line.*

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 the request will not increase runoff or erosion since the applicant has agreed to remove a portion of their existing asphalt driveway, equal to the size of the new addition, to help offset the impacts of stormwater runoff (see Picture 2 below).*

Picture 2



Staff requested that additional asphalt be removed. However the applicant only uses the additional driveway access on Tanglevale Drive on an intermittent basis and has an agreement with the homeowners association dated August 9, 2012 that allows use over the portion of property that they own (see Appendix 5). Staff believes that the construction of an addition will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. Staff believes that through these justifications 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 applicant wishes for their child, currently residing in a rehabilitation center, to move back to his home. In order for this to be feasible, direct access to an ambulance is needed for transportation. This is proposed to be accomplished through the construction of a garage that will accommodate an ambulance. The location of the proposed garage, along the western side of the current home, was chosen by the applicant because it will be immediately next to the room where the child will reside. The proposed garage was reduced in size from its original submission to only provide the necessary space for an ambulance and patient transportation. Three trees will be removed with the construction of the proposed garage and driveway. Urban Forestry had no comment on this (see Appendix 6). There are no easements located on the property. However an easement for ingress and egress and public street purposes exists to the north of the property. The construction of the proposed garage will not impact the easement. Other issues of well, floodplains, Resource Protection Areas and/or heritage resources 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-HM-048 for an addition and errors with the 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. Building Permit History
5. Homeowner's Association Agreement
6. Urban Forestry Memorandum dated September 25, 2012
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2012-HM-048****November 28, 2012**

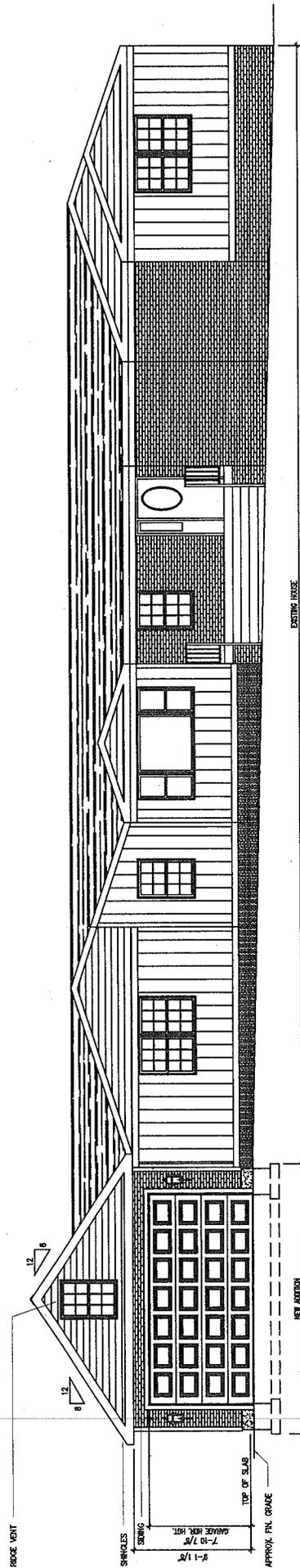
If it is the intent of the Board of Zoning Appeals to approve SP 2012-HM-048 located at Tax Map Number 38-3 ((1)) 5 to permit reduction of minimum and certain yard requirements pursuant to Sect(s). 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval 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 and size of an accessory storage structure, deck and an addition (778 square feet), as shown on the plat prepared by GeoEnv Engineers dated October 5, 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 (2,622 square feet existing + 3933 square feet = 6,655 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.



AL

7

DESIGNER:

PREPARED FOR:

PERMIT SET

DATE: OCTOBER 04, 2012

NO. DATE

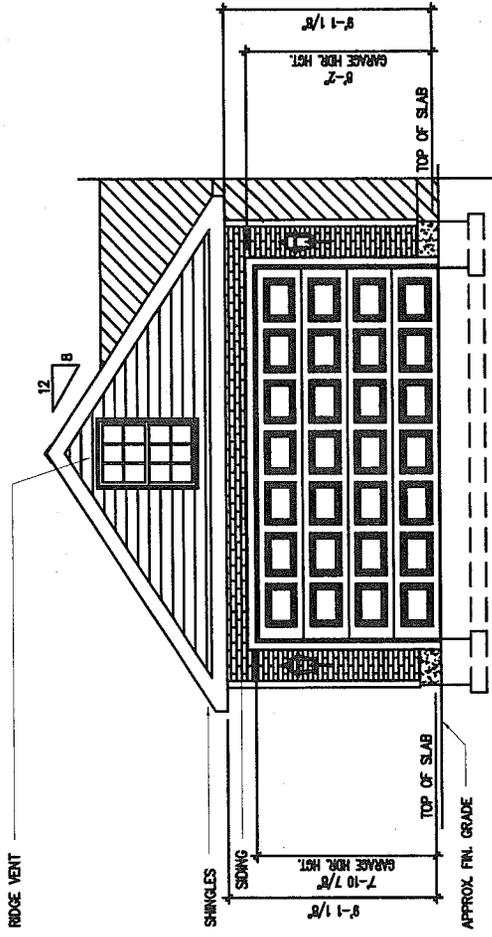
SCALE

ELEVATIONS

SHEET TITLE

SHEET NUMBER

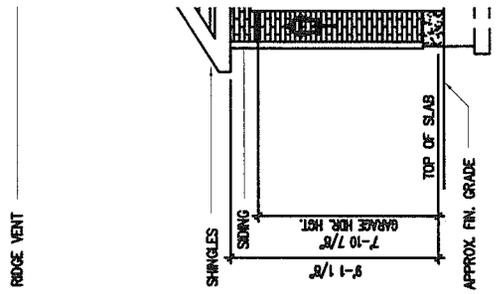
A-3



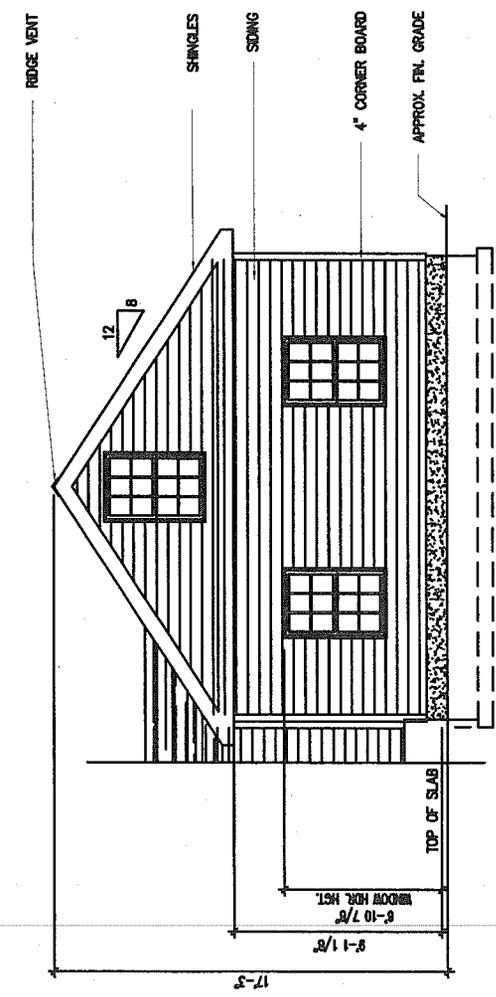
1 FRONT ELEVATION

SCALE: 1/4"=1'-0"

1'-0"



1 FRONT ELEVATION



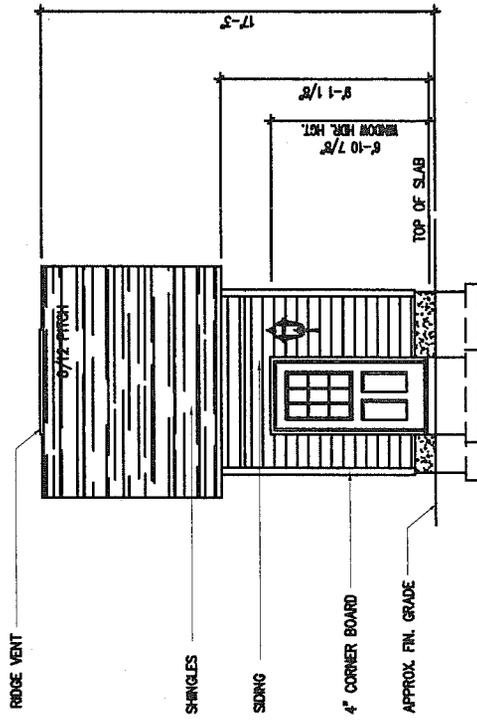
2 REAR ELEVATION

SCALE 1/4"=1'-0"

THUAN'S GARAGE
9938 VALE ROAD
VIENNA, VA. 22181

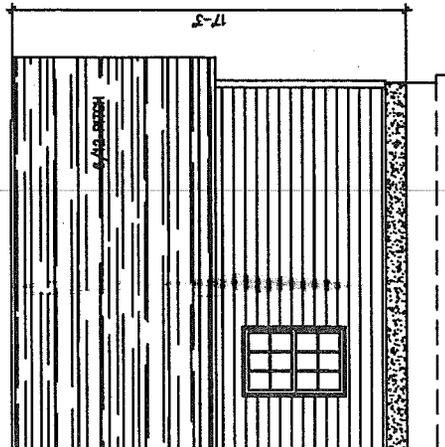
CLIENT:

MW CONSTRUCTION
00 NORTH WASHINGTON STREET
SUITE 202
EXANDRAI, VIRGINIA 22314-2314
703.838.9788
DESIGNER: JOHN JONES

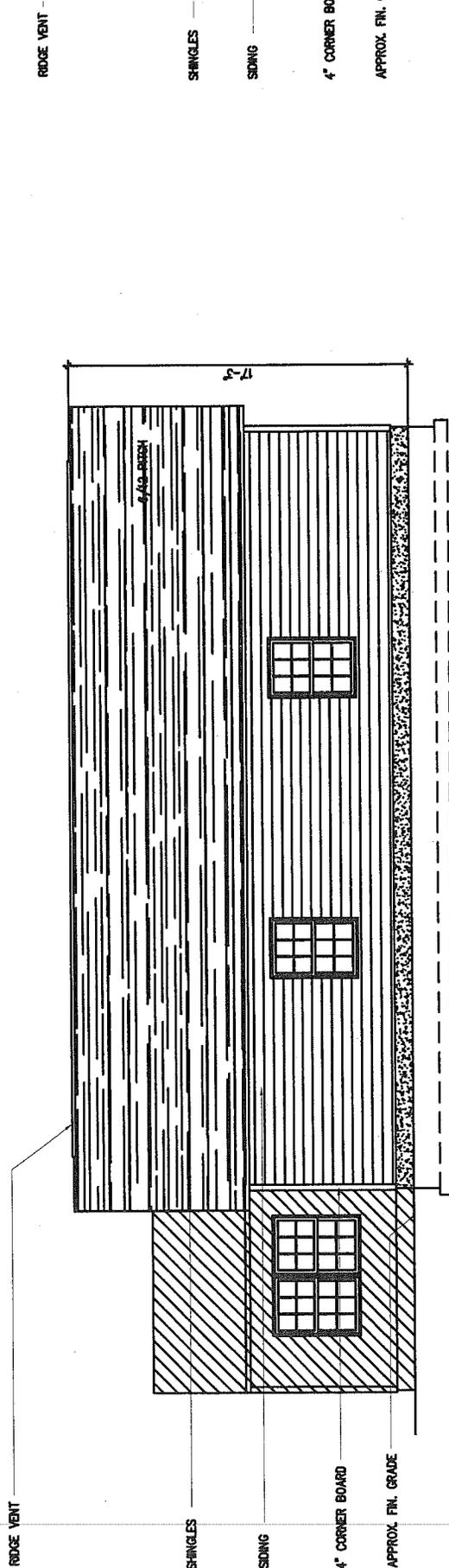


2 LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"



SCALE: 1/4"=1'-0"



RODGE VENT

SHINGLES

SIDING

4" CORNER BOARD

APPROX. FIN. GRADE

RODGE VENT

SHINGLES

SIDING

4" CORNER BO

APPROX. FIN. I

17'-3"

FLAS-BUSH

4 RIGHT SIDE ELEVATION

4

SCALE: 1/8"=1'-0"

2 LEFT SIDE

2

Application No.(s): SP 2012-HM-048
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/19/12
 (enter date affidavit is notarized)

I, JERRY BYRON WOODS, 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

116329

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)
THUAN NGUYEN	9938 VALE RD VIENNA, VA 22181	APPLICANT/TITLE OWNER
MYLYNN NGUYEN	9938 VALE RD VIENNA, VA 22181	TITLE OWNER
MW CONSTRUCTION SERVICES, LLC	6068 DEER HILL CT CENTREVILLE, VA 20121	AGENT
JERRY BYRON WOODS	700 DARTMOUTH RD, #1 ALEXANDRIA, VA 22314	AGENT
GREGORY TATE MARKS	500 N. WASHINGTON ST STE 202 ALEXANDRIA, VA 22314	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-HU-048
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/19/12
(enter date affidavit is notarized)

116329

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)
MW CONSTRUCTION SERVICES, LLC
6068 DEER HILL CT
CENTREVILLE, VA 20121

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)
JERRY BYRON WOODS
GREGORY TATE MARKS

(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-HM-048
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/19/12
(enter date affidavit is notarized)

116 329

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): SP 2012-HU-048
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/19/12
(enter date affidavit is notarized)

116329

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-HM-048
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/19/12
(enter date affidavit is notarized)

116329

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:

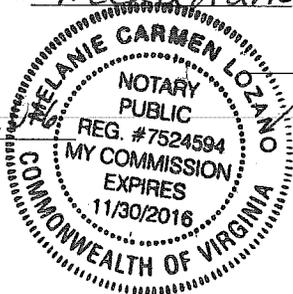
(check one)

Jerry Byron Woods
 Applicant Applicant's Authorized Agent

JERRY BYRON WOODS - AGENT
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19th day of September 2012, in the State/Comm. of Virginia, County/City of Alexandria

My commission expires: 11/30/12



Melanie Lozano
Notary Public

AUG 03 2012

STATEMENT OF JUSTIFICATION (Revision #2)

Zoning Evaluation Division

Thuan Nguyen
9938 Vale Rd
Vienna, VA 22181

Section 8-922**Proposed Single Story Garage**

1. Besides the typical function of the garage, the primary proposed use of the garage addition is to provide the medically required accommodation. This accommodation is needed in order to transfer and maintain a three year-old severely compromised family member, from the currently residing rehabilitation facility to his home residence. The family's wish is for him to be able to live at home, where he will receive the constant love and attention, throughout his very limited and fragile life expectancy. His severely compromised condition requires numerous and frequent ambulance transportations, with mandatory quick, easy, and clear access, to and from the home residence. A letter from the child's primary doctor is included in the Special Permit Package. The requesting reduction of the front lot setback requirements to construct a garage close to the street side of the house, will allow the construction of the above accommodation.
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. The special permit is for the proposed single story garage addition encroaching into the front lot property line in an R-1 zone. The garage encroaches into the front setback 15.3 feet, with a 38.2 percent change in front yard setback. The garage will have overhang eaves of one foot, which had been included into the measurement. It will be 24.7 feet from the front lot line.
4. The resulting gross floor area of the addition to the existing principal structure is not greater than 150% of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150% of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of the single family detached dwelling is to be removed, no more than fifty percent (50%) of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of a single family dwelling, 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 detached garage. The total proposed GFA is 3,534 SF. The total of that added is 912 SF. The resulting GFA is 134.8% of the original GFA.

5. The resulting gross floor area of the existing accessory structure and any addition to it is clearly subordinate in purpose, scale, use, and intent to the principle structure on this site. The proposed floor area ratio has increased from 6% to 8%.
6. 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 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 the significant trees as determined by the Director.
8. The proposed development will not adversely impact the use and/or enjoyment of any neighboring property with regard to issues such as noise, light, air, safety, erosion and storm water runoff. 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.
9. 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 structures; 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 steps 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 front elevation of the new structure will be painted brick with a vinyl siding, and roof gable. The sides and rear of the structure will be vinyl siding. All materials including roofing, siding, exterior trim, doors, and windows will be colors to match the existing structure finishes as closely as possible. This will result in an added structure that maintains consistency with the existing structure materials and finishes.
11. There will be no hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations parts 116.4, 302.4, and 355; hazardous waste as set forth in Commonwealth of Virginia / Department of Waste Management Regulations VR 672-10-1-Virginia Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site. There are no existing or proposed storage tanks or containers at this site.
12. The proposed development conforms to the provisions of all applicable ordinances, regulations, and adopted standards.

13. It is confirmed that the ownership of the property is Thuan Nguyen, the nature of the applicant's intent in same.
14. The proposed use is 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.
15. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use will be provided. Parking and loading requirements are in accordance with provisions of Article 11.

Section 8-914

Existing Open Deck

1. The error in building location exceeds ten percent of the measurement involved. The existing deck is 13.2 feet and the attached staircase is 9 feet from the side lot line. The closest distance of the deck that encroaches into the side setback is 11 feet, which results in a 55 percent change.
2. The noncompliance was done through no fault of the property owner because the deck was constructed sometimes in 1998, prior to ownership of the property in the year 2009-2010. Also, at the time of ownership, due to the lack of knowledge about its history, it was under the assumption that the existing decks was constructed within compliance and have had all the appropriate permits.
3. Such reduction does not impair the purpose and intent of this Ordinance.
4. It is not detrimental to the use and enjoyment of other property in the immediate vicinity. The existing deck is hidden behind the wooden fence that lines the entire side lot line. It is also hidden behind a line of closely spaced, large, leafy trees located on the outlot area, which abuts the side lot line.
5. It does not create an unsafe condition with respect to both other property and public streets. The existing deck faces the side lot line, which is enclosed with wooden fence.
6. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owners and household members. Side yard setback compliance action of tearing down the deck would deprive the household members of its current daily benefits. The existing deck is being used daily and frequently by all household members, especially the elderly grandparents and the toddler. It's also being used by visiting family members and friends. Its usage serves as a mean to enjoy and absorb the healthy outdoor essence, and appreciate the serenity of the close by vegetable garden.

7. The reduction does not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations. The existing open deck was not part of the living area.

Section 8-914

Existing Shed

1. The error in building location exceeds ten percent of the measurement involved. This 96 SF existing shed is 2.9 feet from the side lot line. The 2.9 feet includes the eave. It encroaches into the side setback 17.1 feet, which results in an 85.5 percent change.
2. The noncompliance was done in good faith and was the result of an error in the unknown difference of 1.3 feet between the descriptive and actual finished construction heights of the shed. The shed was constructed in November 2011, at 2.9 feet from the side lot line, based on the belief that it may be located anywhere in a side yard, due to its descriptive height of 8.5 feet. But the actual finished constructed height turned out to be 9.8 feet. All actions related to the shed was held-off, because of the desire to add the shed special permit request in with the in-the-process garage addition special permit request.
3. Such reduction does not impair the purpose and intent of this Ordinance.
4. It is not detrimental to the use and enjoyment of other property in the immediate vicinity. The existing shed is hidden behind the wooden fence that lines the entire side lot line. It is also hidden behind a line of closely spaced, large, leafy trees located on the outlot area, which abuts the side lot line.
5. It does not create an unsafe condition with respect to both other property and public streets. The existing shed faces the side lot line, which is enclosed with wooden fence.
6. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owners and household members. Side yard setback compliance action of relocating the shed further away from the elderly grandparents' rear bedroom access way would cause hardship on their medical mobility difficulties. The purpose of this non-electrical and non-plumbing shed is to store the grandparents' vegetable garden tools, supplies, and care products, in addition to the lawn care machineries and tools. The daily and frequent care of the vegetable garden is very hard on the elderly grandparents' medical conditions, which cause mobility difficulties. Therefore, the location of the shed was intended to be next to the vegetable garden, which is indented to be next to the grandparents' rear access way of their bedroom.
7. The reduction does not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations. The existing shed was not part of the living area.

BUILDING PERMIT APPLICATION

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FAX COUNTY, VIRGINIA
PERMIT APPLICATION CENTER
355 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035-5504
(703) 222-0801

PERMIT #

FOR INSPECTIONS CALL: (703) 222-0455

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

JOB LOCATION:
 ADDRESS 9938 WALE RD
 LOT # 5 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION FAIRFAX COUNTY NEAR VIEW
 TENANT'S NAME _____

OWNER INFORMATION: OWNER TENANT
 NAME ALBERTA HADLEY
 ADDRESS 9938 WALE RD
 CITY VEENNA STATE VA ZIP 22181
 TELEPHONE _____ 4074

CONTRACTOR INFORMATION:
 CHECK IF SAME AS OWNER
 COMPANY NAME _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 LOCAL CONTRACTOR LICENSE # _____
 STATE CONTRACTORS LICENSE # _____
 COUNTY BUSINESS ACCOUNT # _____
 APPLICANT ALBERTA HADLEY

DESCRIPTION OF WORK
ADDITION - 1 UNIT
20X60

HOUSE TYPE _____
 ESTIMATED COST OF CONSTRUCTION 25,000.00
 BLDG AREA (SQ FT OF FOOTPRINT) 24
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION SFB

SEWER SERVICE: PUBLIC SEPTIC OTHER
 WATER SERVICE: PUBLIC WELL OTHER
 OTHER PLEASE SPECIFY _____

DESIGNATED MECHANICS' LIEN AGENT:
 (Residential Construction Only)
 NAME: _____
 ADDRESS: _____

NONE DESIGNATED: PHONE: _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS:

# KITCHENS	_____	EXTER. WALLS	_____
# BATHS	_____	INTER. WALLS	_____
# HALF BATHS	_____	ROOF MATERIAL	_____
# BEDROOMS	_____	FLOOR MATERIAL	_____
# OF ROOMS	_____	FIN. BASEMENT	_____ %
# STORIES	_____	HEATING FUEL	_____
BUILDING HEIGHT	<u>16'</u>	HEATING SYSTEM	_____
BUILDING AREA	_____	# FIREPLACES	_____
BASEMENT	_____		

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN #		
TAX MAP #		
ROUTING	DATE	APPROVED BY:
ZONING		
SITE PERMITS		
SANITATION		
HEALTH DEPT.		
FIRE MARSHAL		
BUILDING REVIEW	<u>5/17/07</u>	<u>[Signature]</u>
LICENSING	<u>1547</u>	<u>[Signature]</u>
ASBESTOS		

FEE \$ _____
 FILING FEE \$ _____
 AMOUNT DUE \$ 114.00

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC: J R
 APPROVED FOR ISSUANCE OF BUILDING PERMIT
 BY [Signature] DATE 5/17/07

ZONING REVIEW: ZONING CLASS R1
 USE SFD
 ZONING CASE # _____

GROSS FLOOR AREA OF TENANT SPACE _____

YARDS: GARAGE: 1 2 3
 FRONT _____ OPTIONS: YES NO
 FRONT 25' REMARKS: 300 sq ft
 L SIDE 25' NO DRIVEWAY
 R SIDE 44' NO DRIVEWAY
 REAR 200' NO DRIVEWAY

GRADING AND DRAINAGE REVIEW
 SOILS: # 10, 20 A B C
 HISTORICAL DISTRICT _____
 AREA TO BE DISTURBED (TOTAL SQ FT) _____
 ADD'L IMPERVIOUS AREA (ADDED SQ FT) _____
 PROFFERS _____
 PLAN # _____ APPR. DATE _____

STAMPS:
 PROBLEM SOILS
 SEE APPROVED GRADING PLAN
 SITE PLAN AND/OR SOILS REPORT
 (See reverse side of application)

REMARKS: As noted Attached

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

[Signature] 7-24-07
Signature of Owner or Agent Date

Notary Signature _____ Date _____
(Notarization required if owner not present at time of application)

Tanglewood Community Association, Inc.
P. O. Box 1942
Vienna, VA 22183
August 9, 2012

Mylynn Vuong
9938 Vale Road
Vienna, VA 22181

Dear Ms. Vuong

This letter is in response to your email and letter of June 19 and June 25, 2012 regarding a passageway from your property that traverses Outlot "A" of the Tanglewood Subdivision. The Tanglewood Community Association (TCA) owns this property and our Board of Directors has the authority to permit use.

Based on your discussions with Messrs. Sharp and Logan, our board has decided that no action is necessary. You may continue to use the passageway occasionally and we do not expect to make any changes in our property at this time. TCA reserves the right to modify or remove permission at a future date.

If you have any questions or concerns, please let me know.

Sincerely,



Les Carl
Board President
Tanglewood Community Association



County of Fairfax, Virginia

MEMORANDUM

September 25, 2012

TO: Laura Gumkowski, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Hugh Whitehead, Urban Forester II
Forest Conservation Branch, DPWES

Huw

SUBJECT: 9938 Vale Road, Lot 5, SP 2012-HM-048

I have reviewed the above referenced Special Permit application, stamped as received by the Zoning Evaluation Division (DPZ) on August 3, 2012. The application proposes an addition to the existing dwelling that encroaches 10-15 feet into the required 40-foot yard, and a reduction of the minimum side yard requirements due to an error in building location, permitting an existing deck and attached stairs, as well as an existing shed to remain within the 20-foot yard of the lot.

1. **Comment:** It seems the addition might be better attached to the rear wall of the existing dwelling in place of the existing deck and concrete patio. An existing asphalt driveway wraps around the rear of the house and could provide access to the addition. The deck could be moved to the southeast side of the house and could be accessed from both the existing dwelling and the new addition.

Recommendation: Require the applicant to explore the feasibility of attaching the new addition at the rear of the existing dwelling.

2. **Comment:** If the Special Permit is approved with the proposed reduction of the front yard, additional screening should be provided in the remaining front yard of the lot to increase the buffering capacity for the dwellings (Lots 81 and 82) on the opposite side of Vale Road.

Recommendation: Require the applicant to submit a landscape plan for review and approval by the Urban Forest Management Division that proposes a vegetative buffer that effectively screens the proposed addition from Vale Road and the lots on the opposite side of the street. Approval of the proposed Special Permit should be conditioned on the implementation of this landscape plan.

3. **Comment:** The existing deck with attached stairs and the existing shed appear to be screened by an existing 5.5-ft. high solid board fence.

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division

12055 Government Center Parkway, Suite 518

Fairfax, Virginia 22035-5503

Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769

www.fairfaxcounty.gov/dpwes



9938 Vale Road, Lot 5
SP 2012-HM-048
September 25, 2012
Page 2 of 2

Recommendation: Condition approval of the Special Permit on the property owners maintaining the existing 5.5-ft. high solid board fence or an equivalent barrier.

If there are any questions, please contact me at (703)324-1770.

HCW/
UFMID #: 173924

cc: RA File
DPZ File



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.