



APPLICATION ACCEPTED: October 3, 2012  
BOARD OF ZONING APPEALS: December 12, 2012  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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December 5, 2012

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-LE-065

### LEE DISTRICT

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**APPLICANT:** Kimberly Ann Schoppa

**OWNERS:** Kimberly A. Schoppa  
Kimberlyn A. Klaren

**SUBDIVISION:** Springfield

**STREET ADDRESS:** 5903 Amelia Street, Springfield, 22150

**TAX MAP REFERENCE:** Tax Map 80-3 ((2)) (48) 19

**LOT SIZE:** 10,625 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of accessory structure 6.0 ft. from side lot line and 7.0 ft. from rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2012-LE-065 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

*O:\vhomer\Special Permits\Schoppa\Staff Report Schoppa.doc*

*Rebecca Horner*

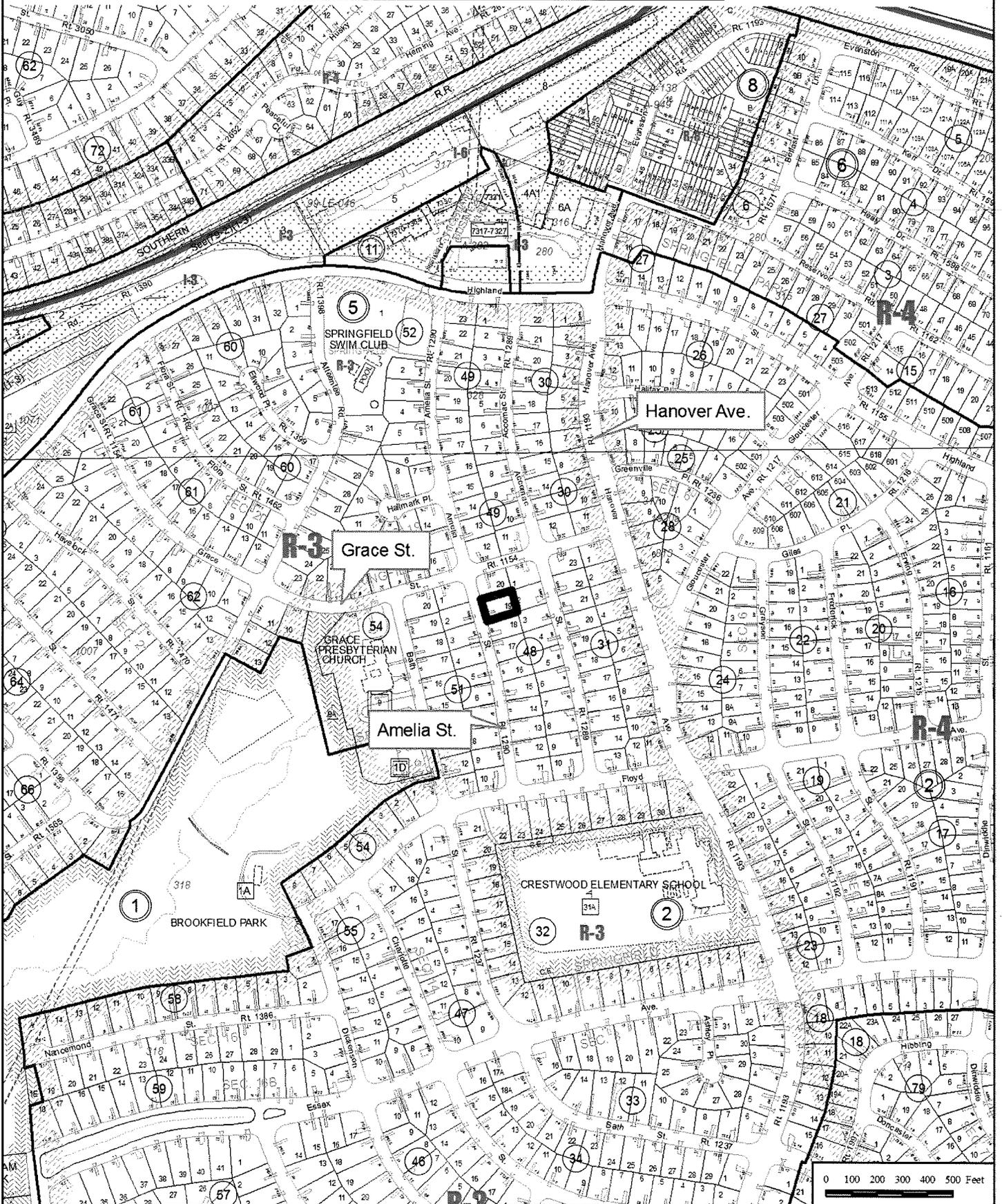
# Special Permit

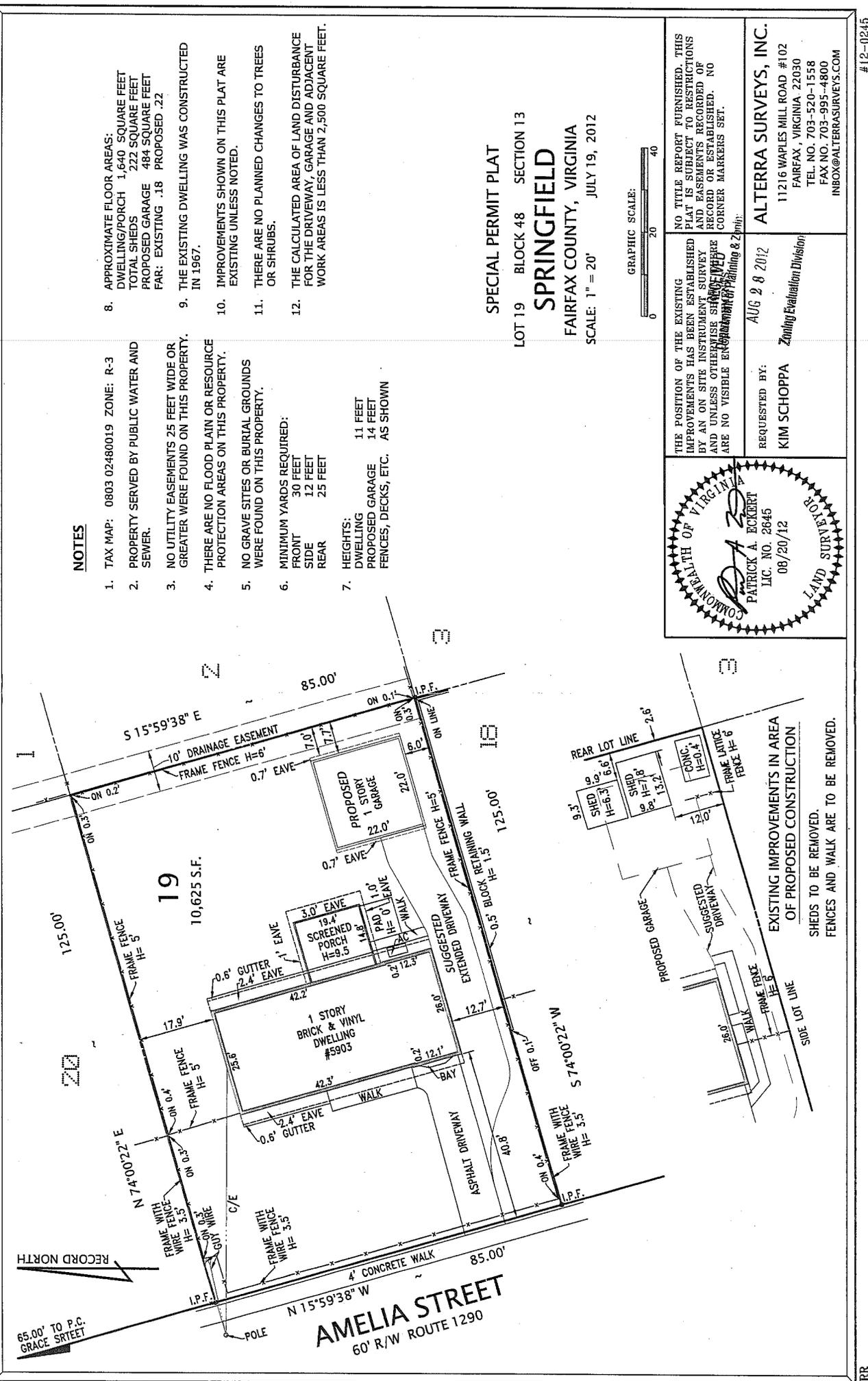
SP 2012-LE-065

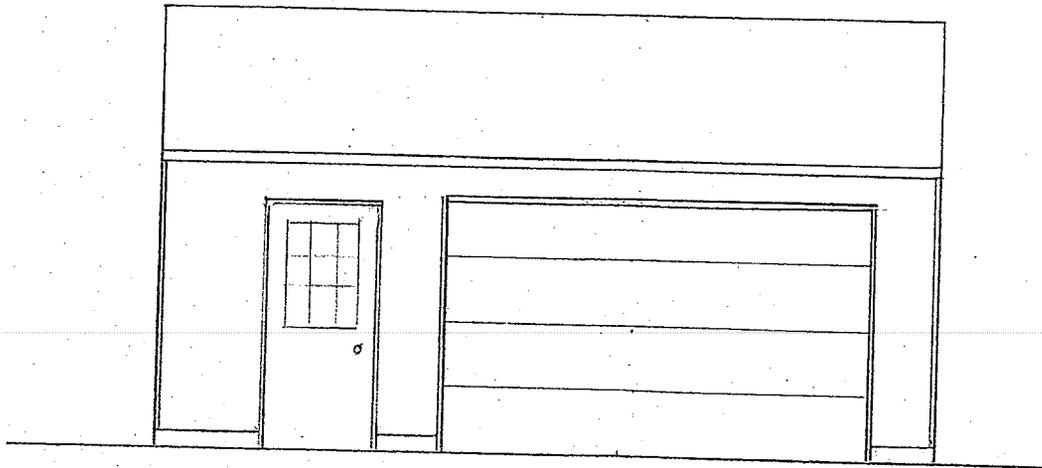
KIMBERLY SCHOPPA



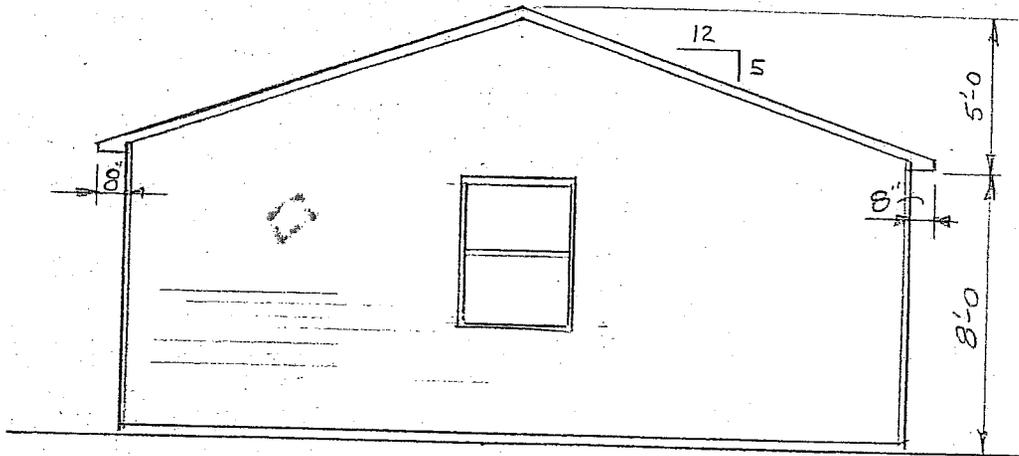
**Special Permit**  
**SP 2012-LE-065**  
**KIMBERLY SCHOPPA**



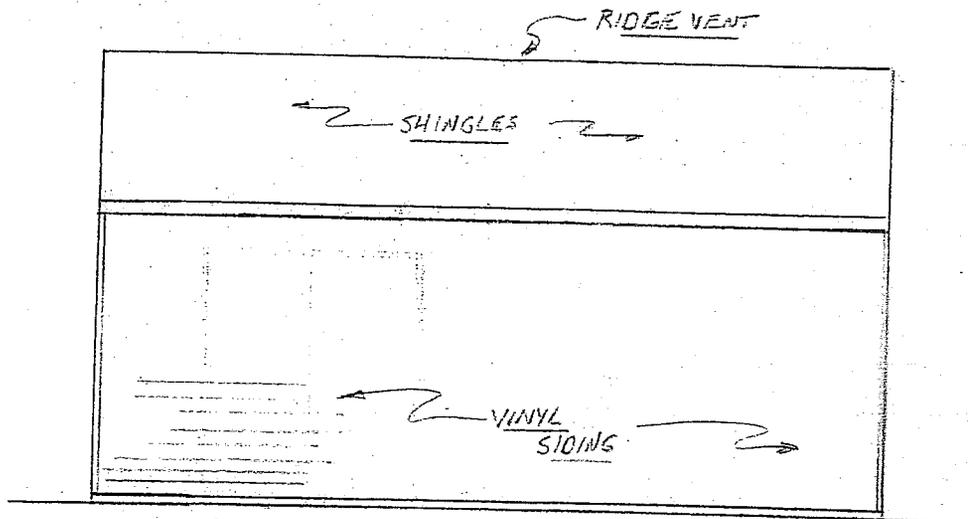




FRONT VIEW 3/16" = 1'-0"



RIGHT SIDE 3/16" = 1'-0"



BACK VIEW 3/16" = 1'-0"

DRIT

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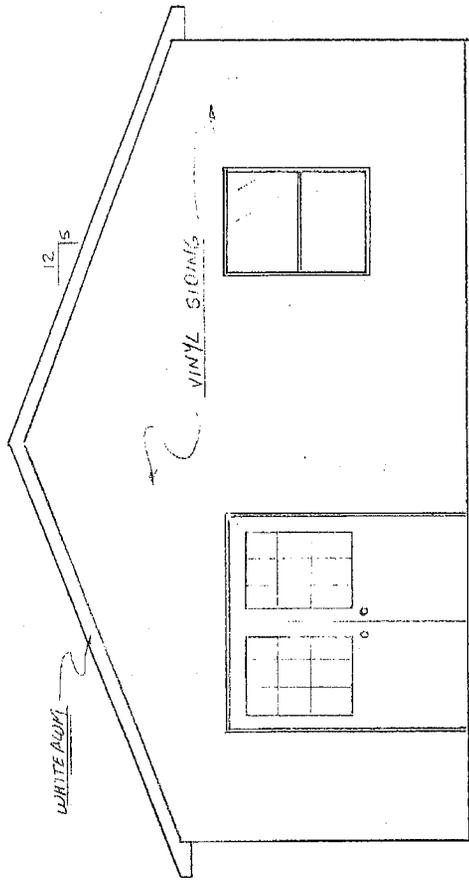
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AUG 28 2012

Zoning Evaluation Division

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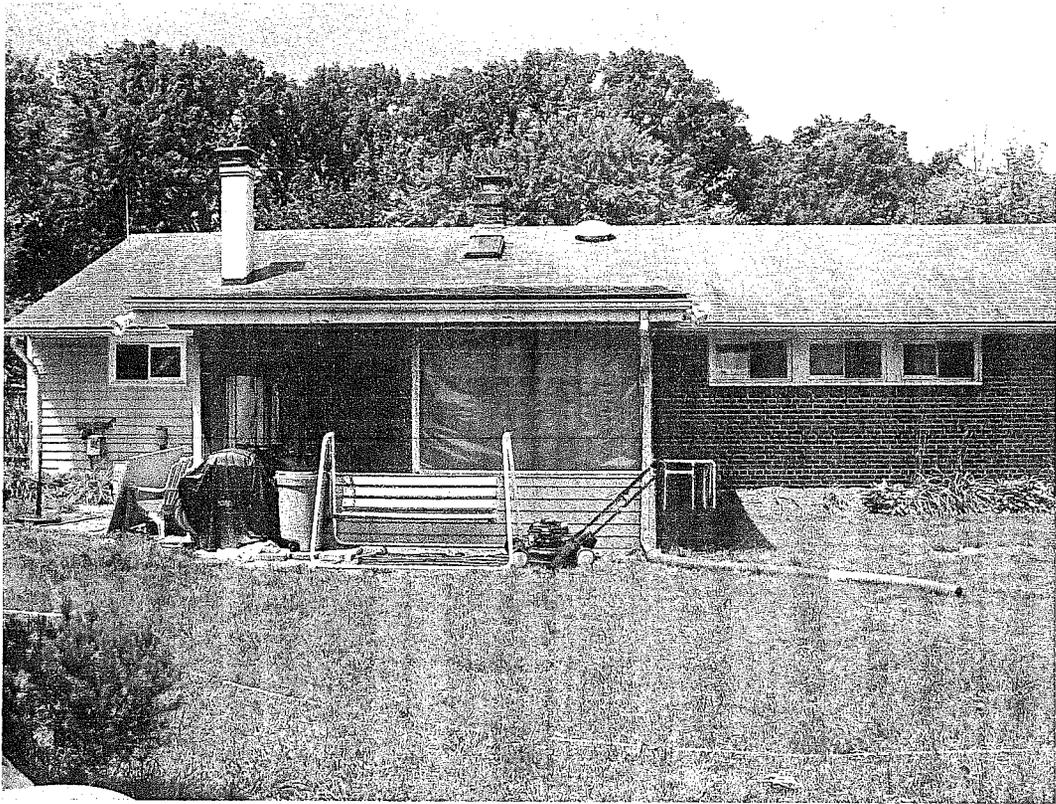
\* REPLACES PLANS DATED 8-1-12

OWNER: KIM KLANEN

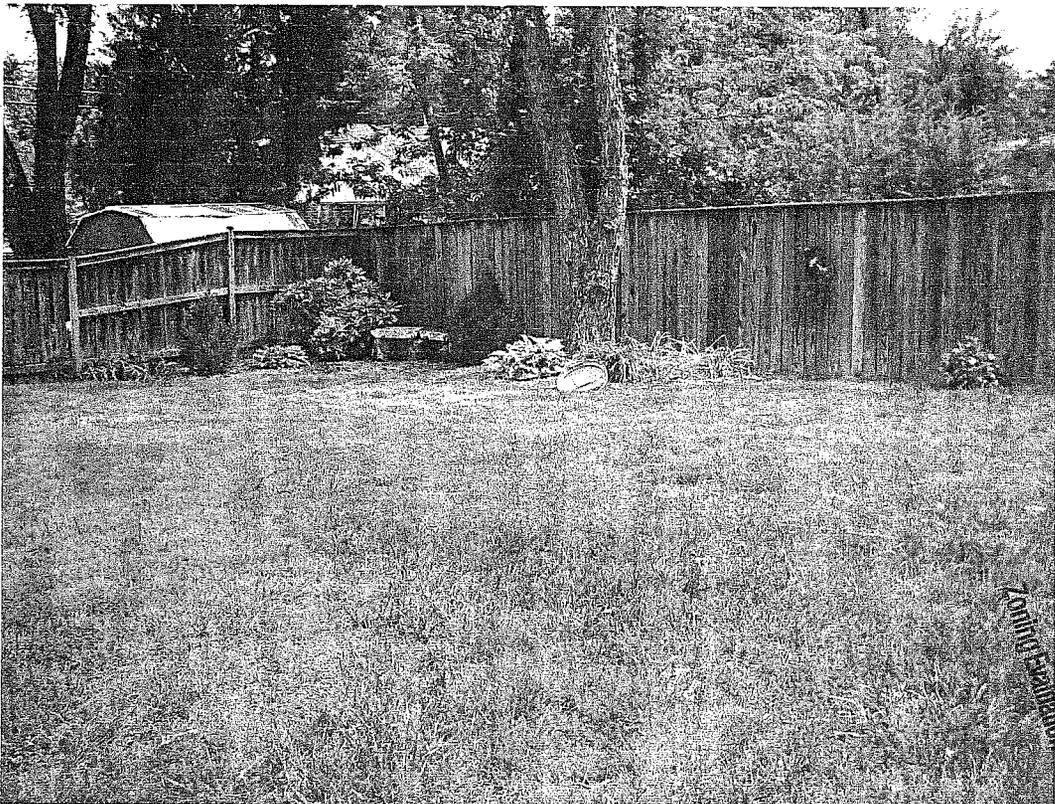
5903 AMELIA ST. SPRINGFIELD, VA 22150

CONTRACTOR: PASSADORE CONTRACTING

LEFT SIDE VIEW

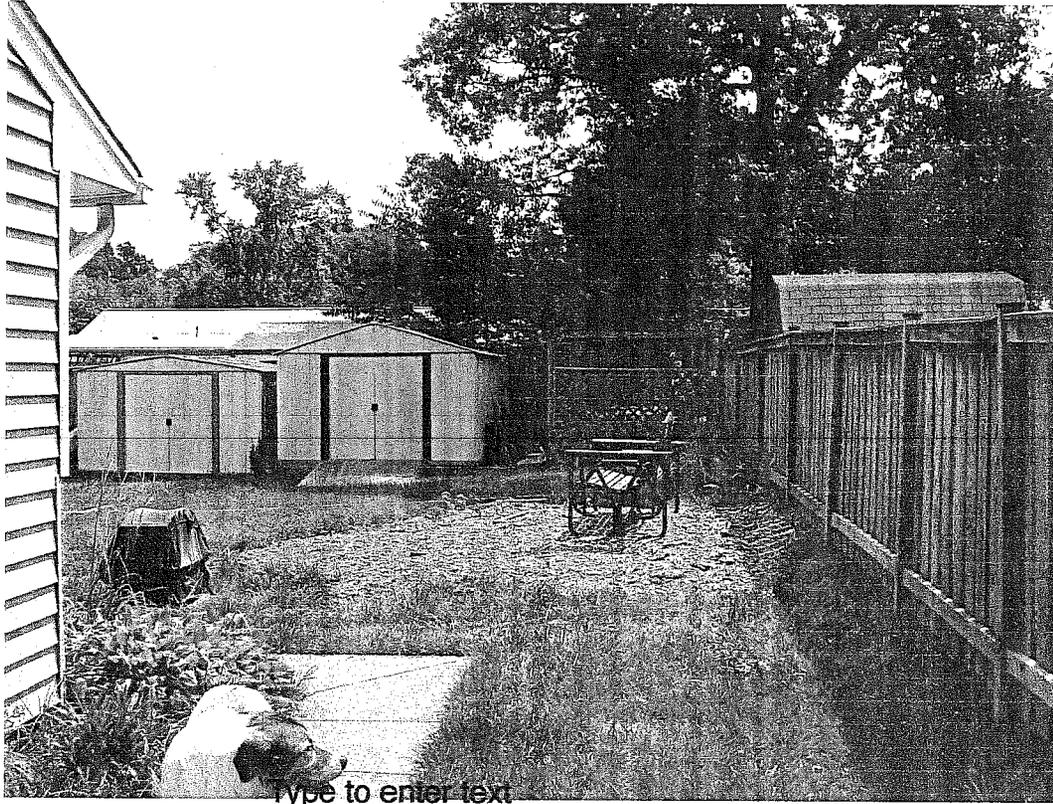


Looking  
directly at  
Rear of  
house



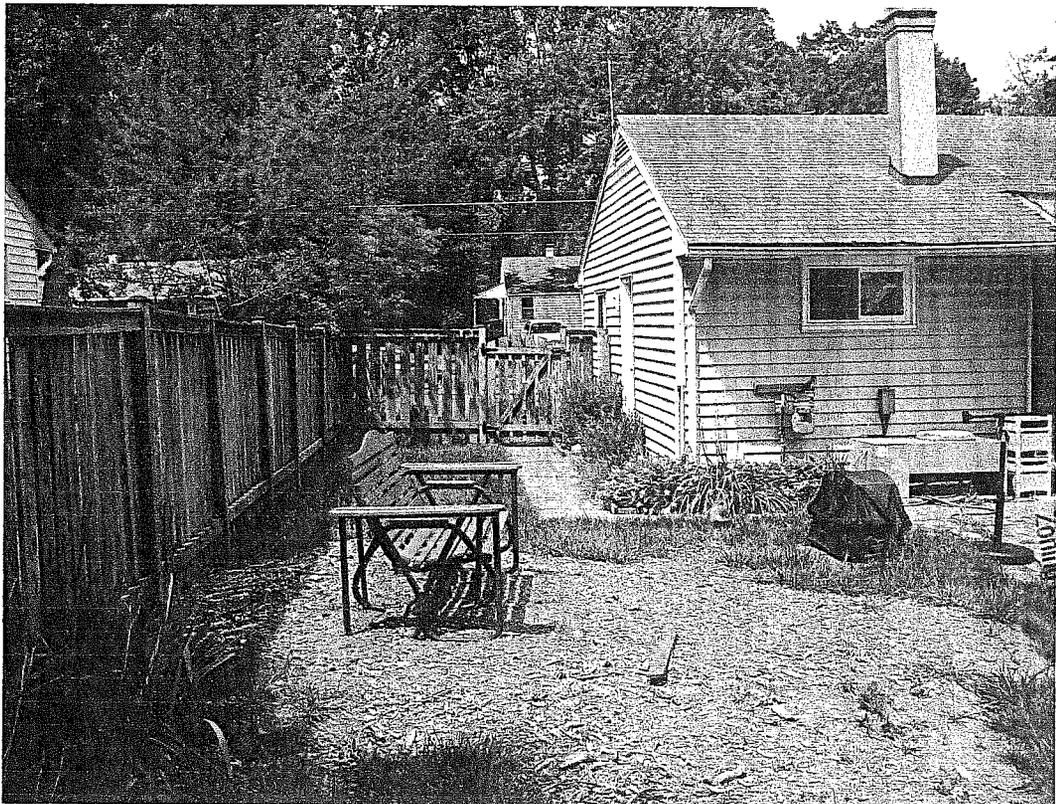
Looking  
from rear  
of house  
to  
North-east  
corner

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Looking into backyard on South side of house

type to enter text



Looking from rear yard up South-side of house

Zoning Evaluation Division

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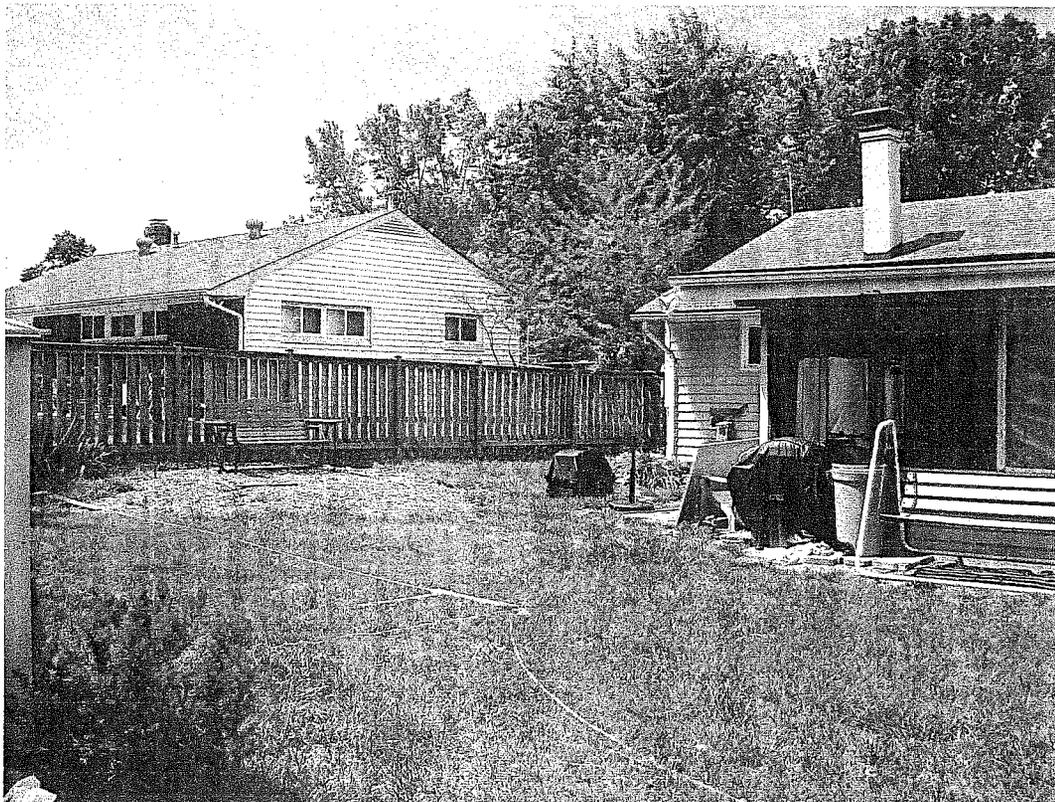


Looking  
from rear  
yard to  
North side  
of house

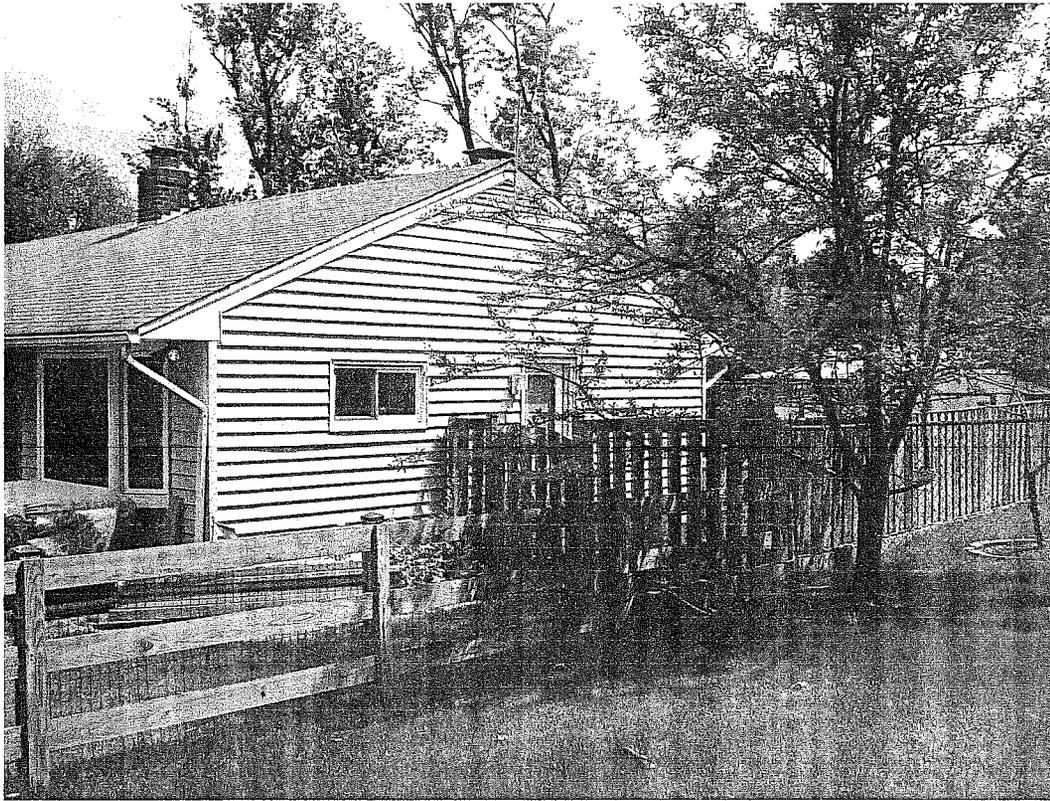
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Looking  
from rear  
yard to  
South side of  
house

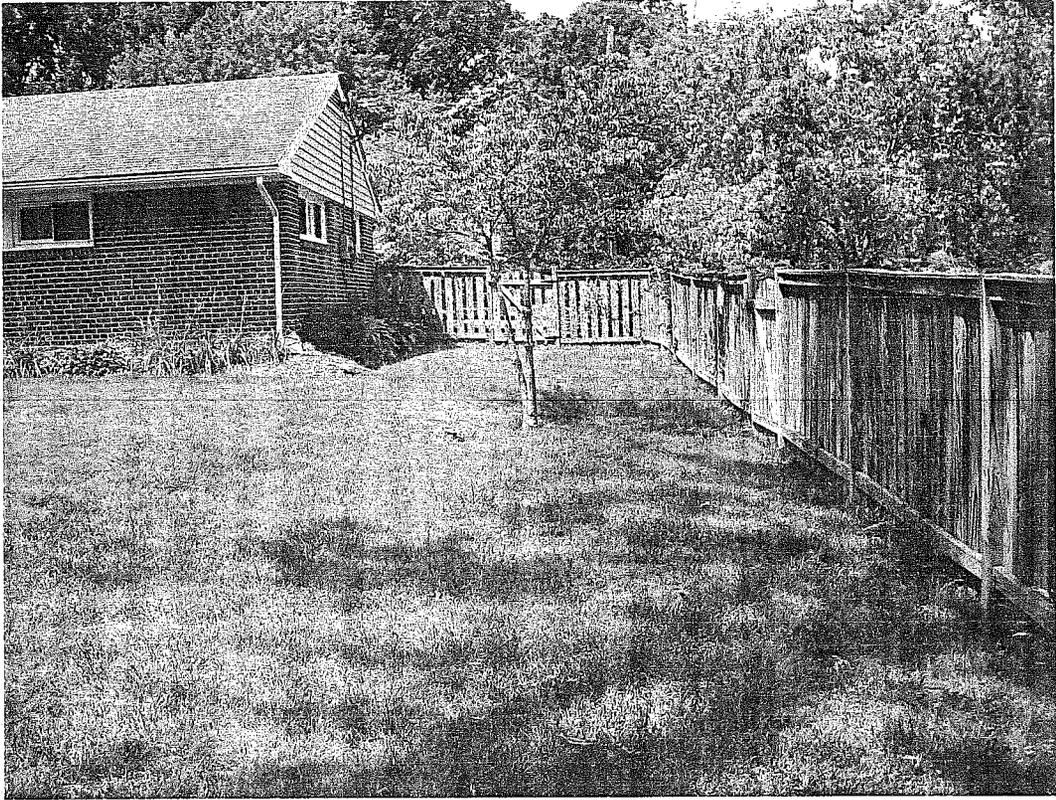


Looking  
from South  
neighbor's yard.  
at the South  
side of house

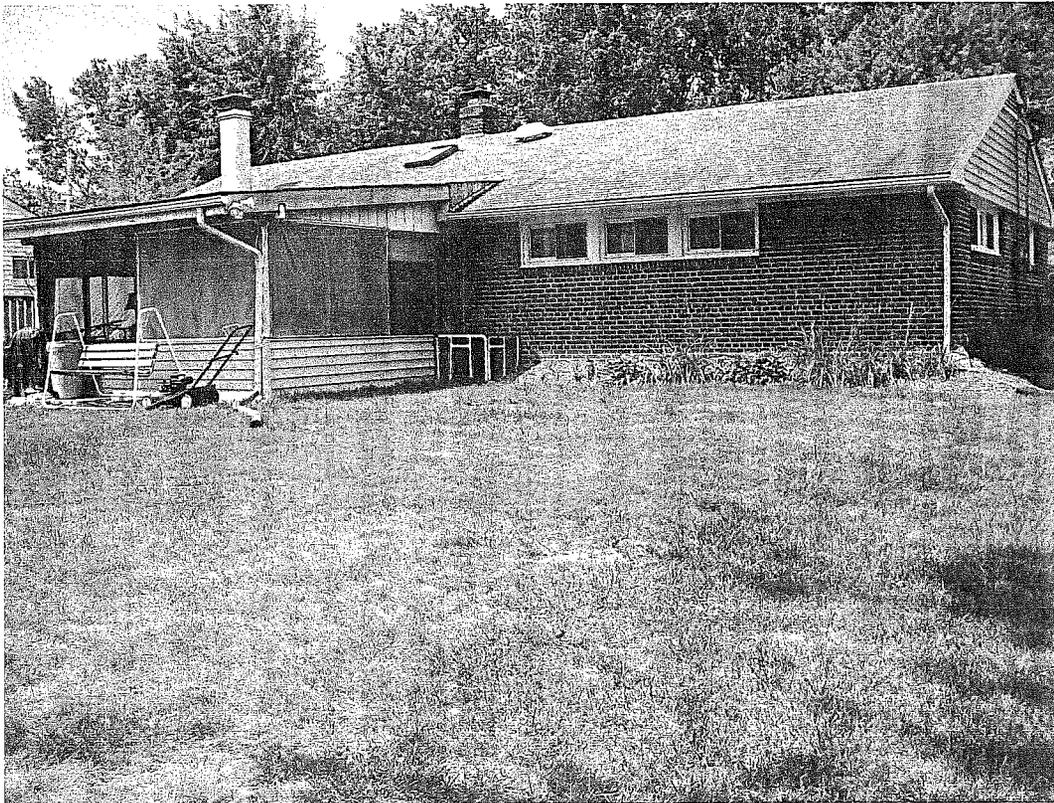
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Looking from  
North neighbor's  
yard at North  
side of house

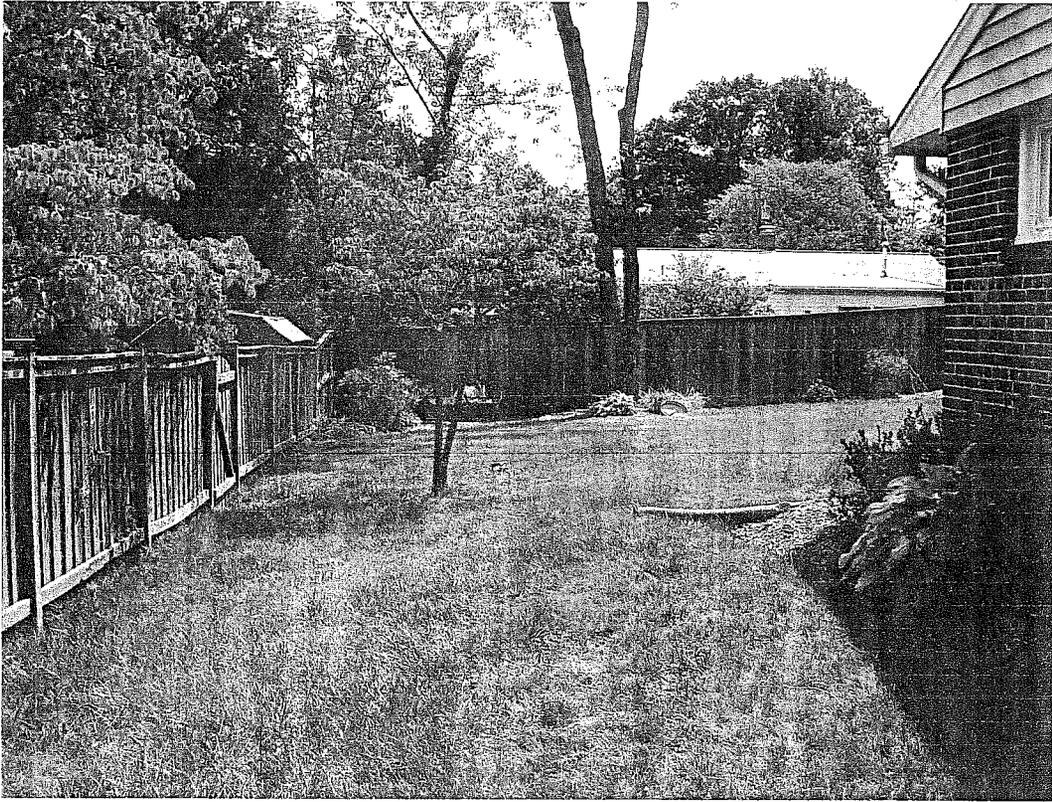


Looking  
From rear  
yard up  
North side  
of house

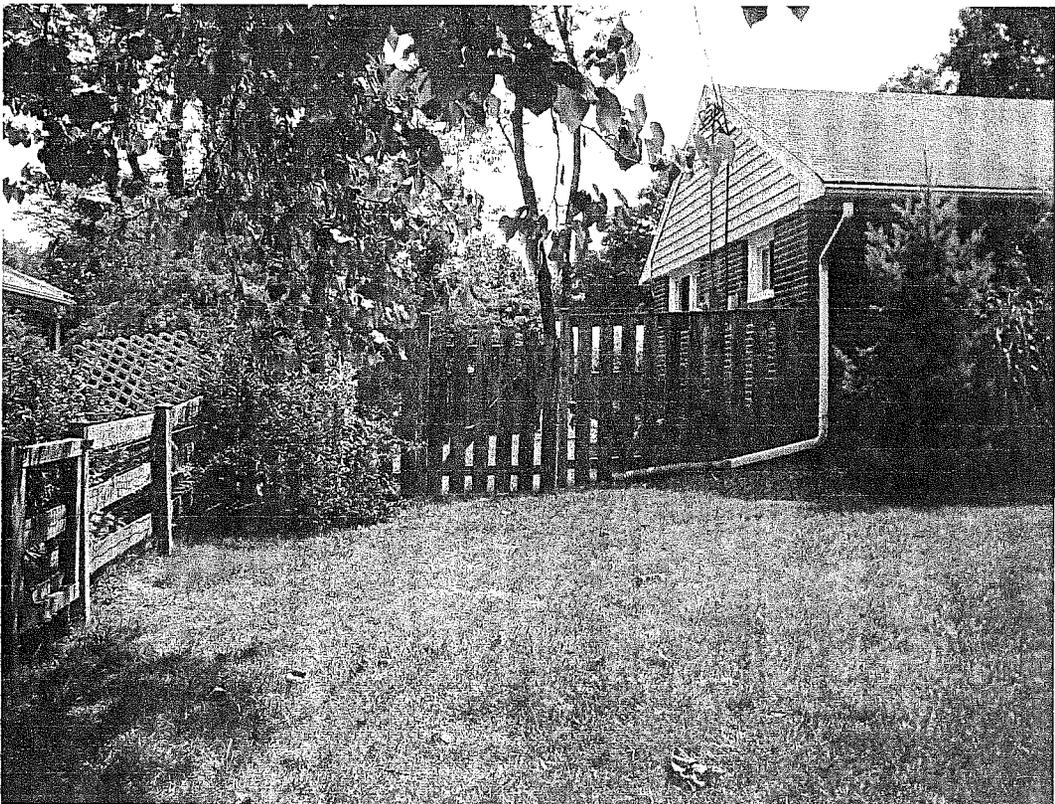


Looking  
from rear yard  
at rear of  
house

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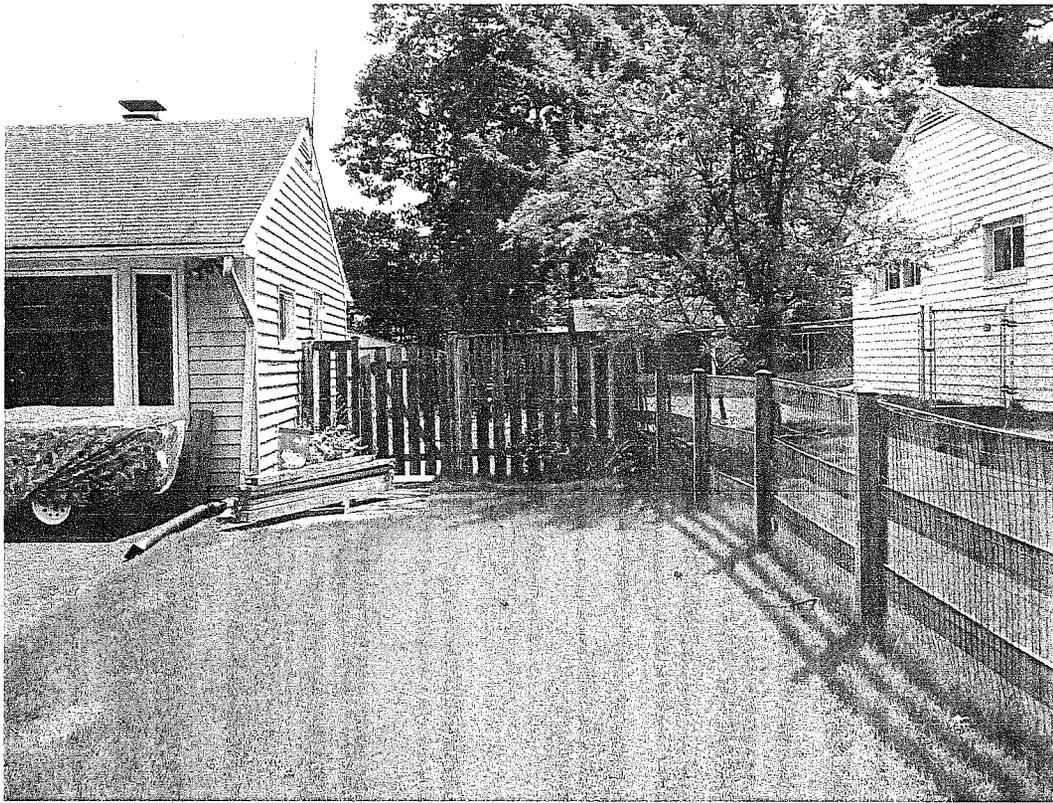


Looking  
into backyard  
on North-side  
of house

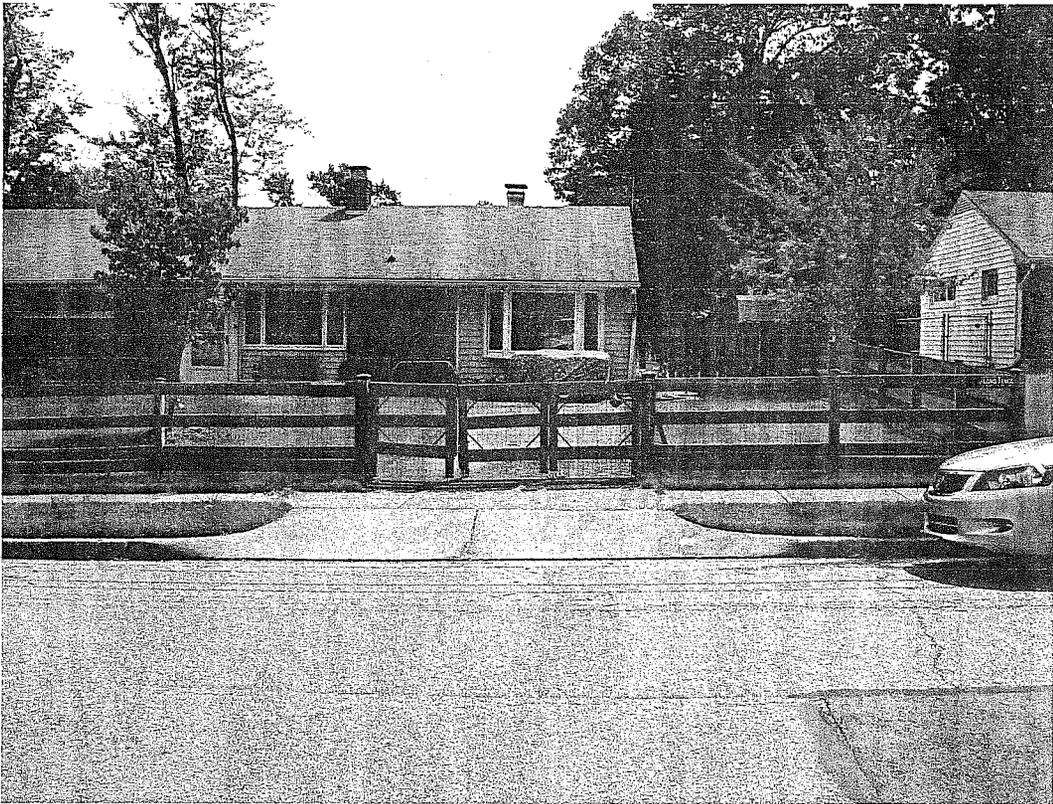


Looking  
down North-side  
from frontyard

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Zoning Evaluation Division

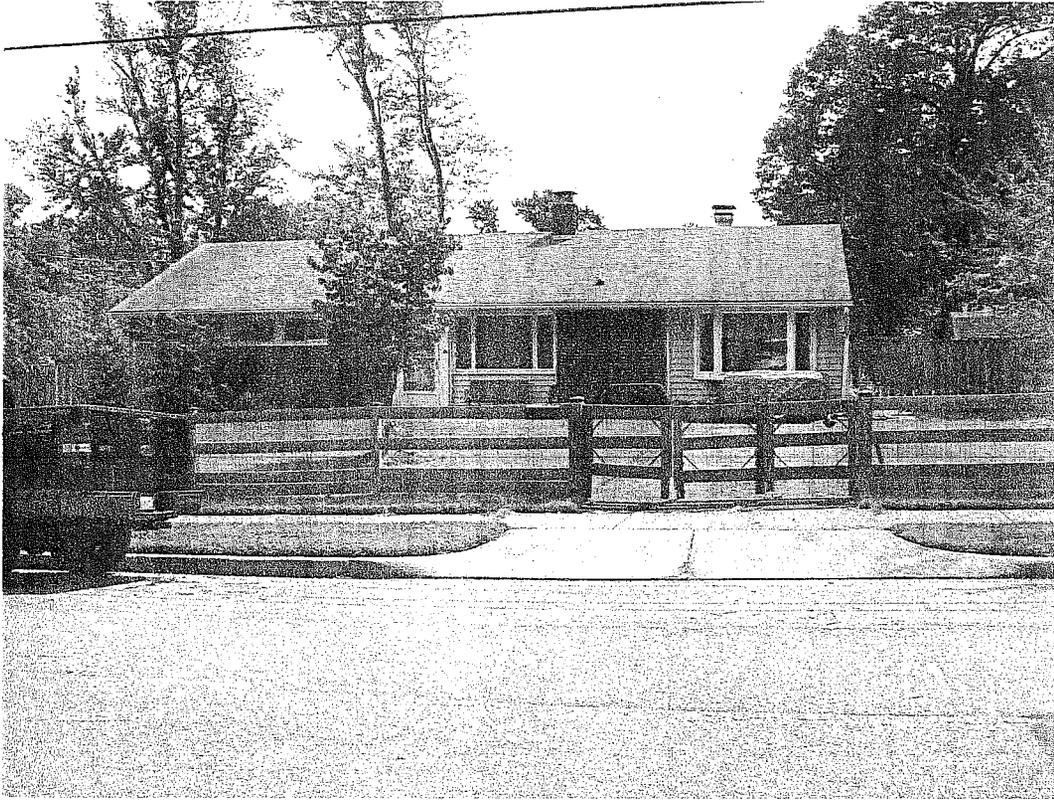


Locking  
down  
south-side

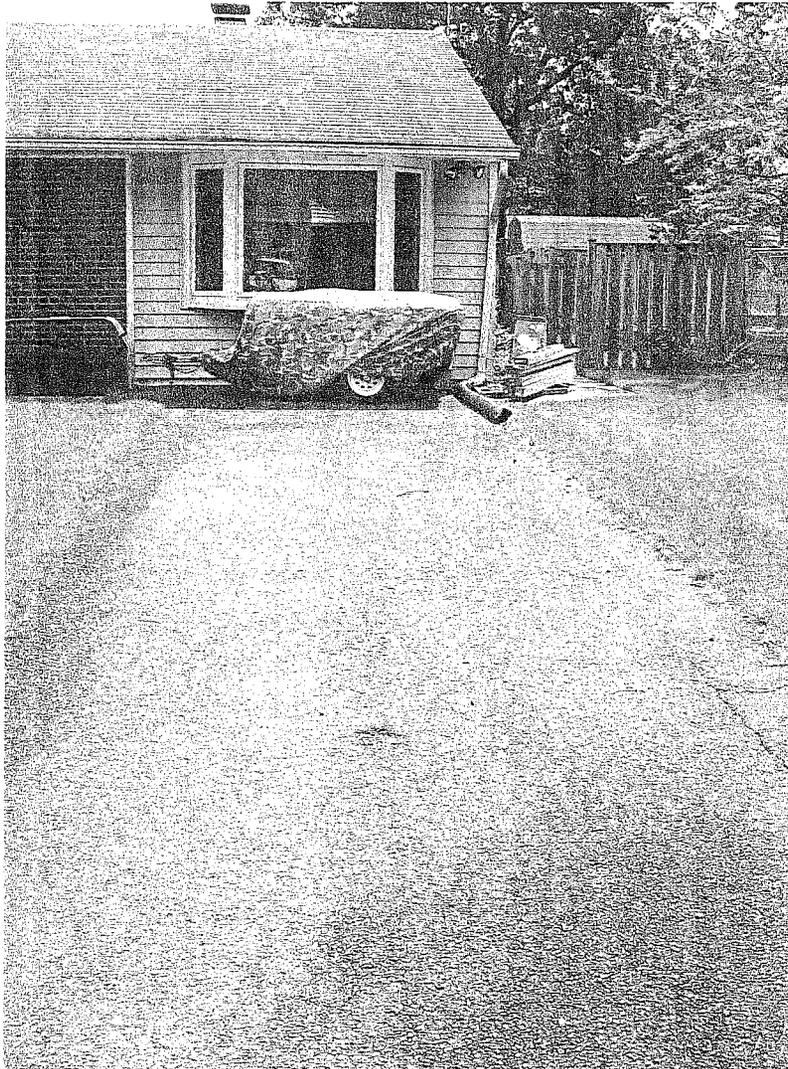


Front of  
house

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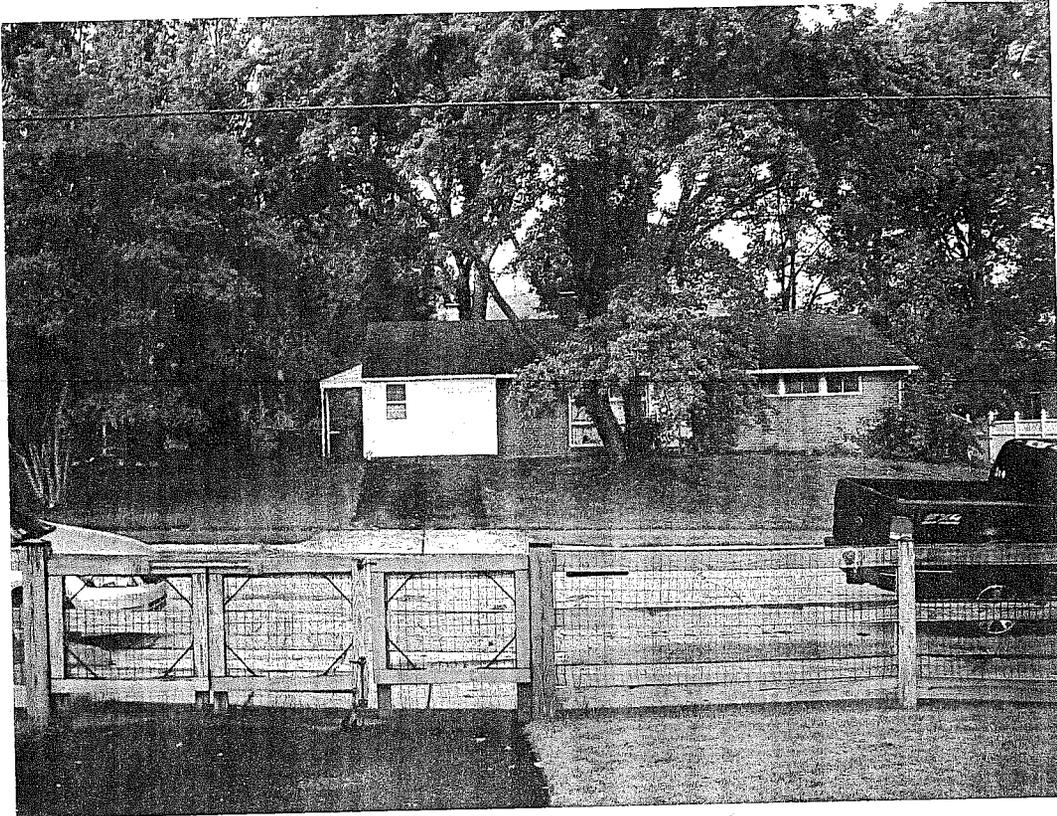


Front of  
House



Close-up  
of driveway

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Zoning Evaluation Division



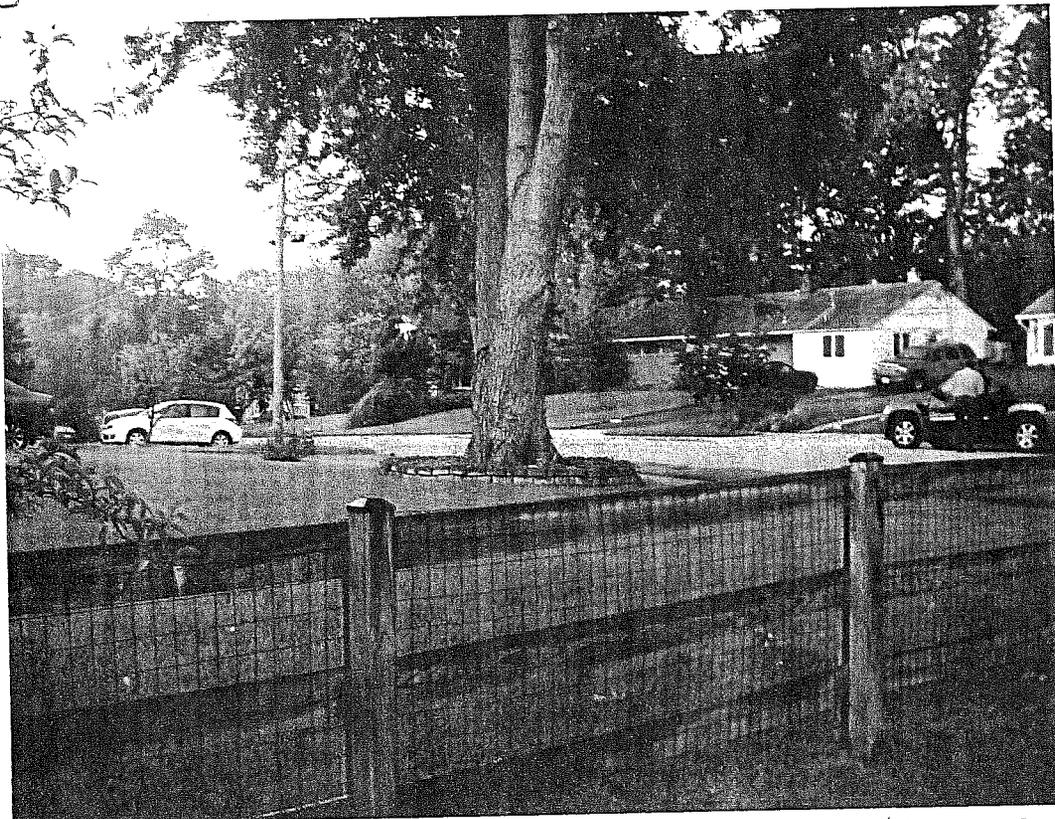
*Across the street... looking West.*

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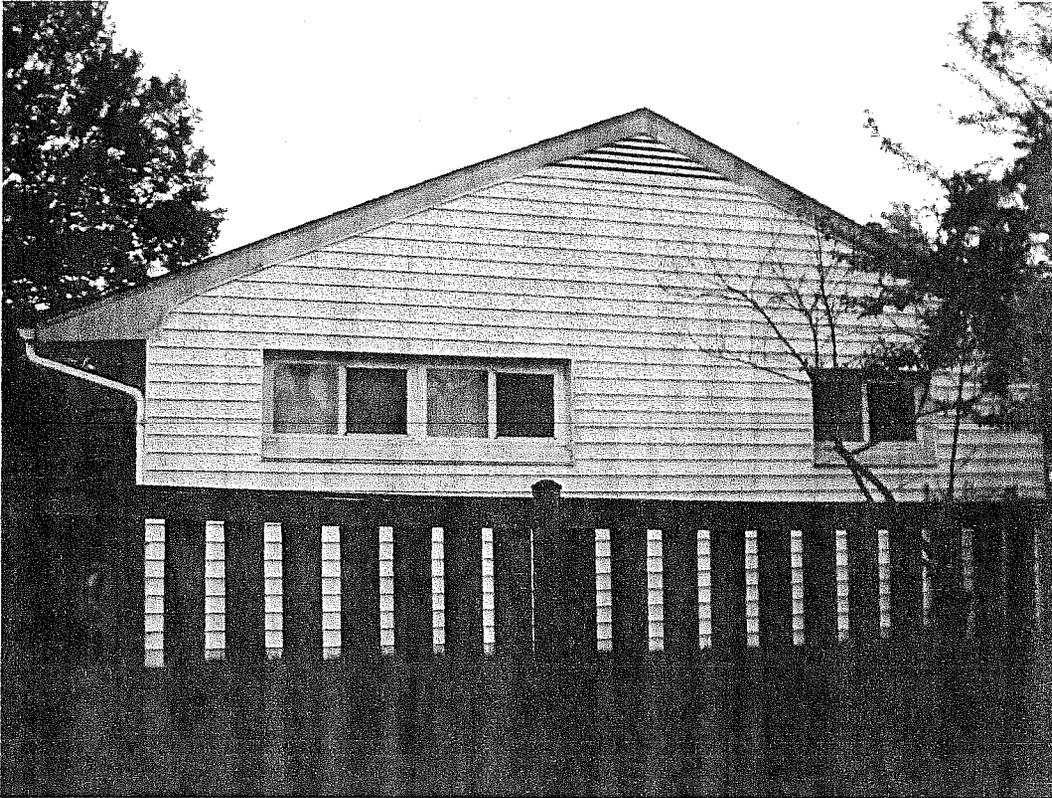
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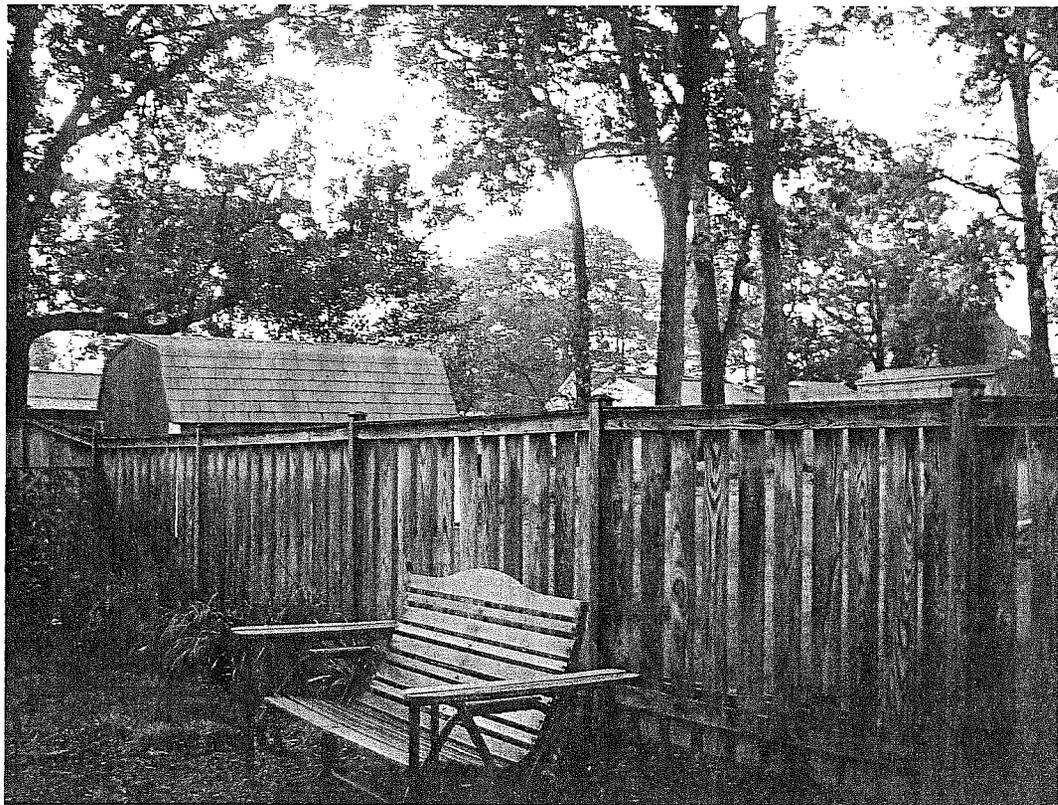
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*Looking Southwest into South neighbor's front yard.*



*Southside neighbor's house*



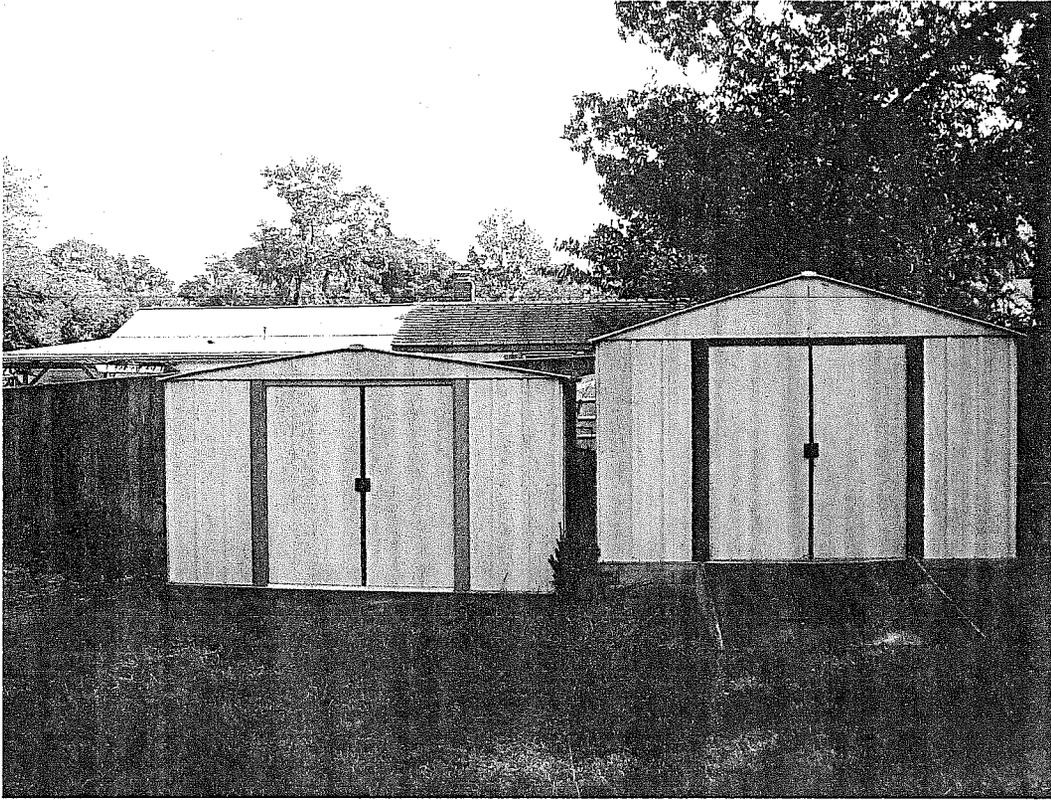
*Looking southeast, into Southside neighbor's backyard*

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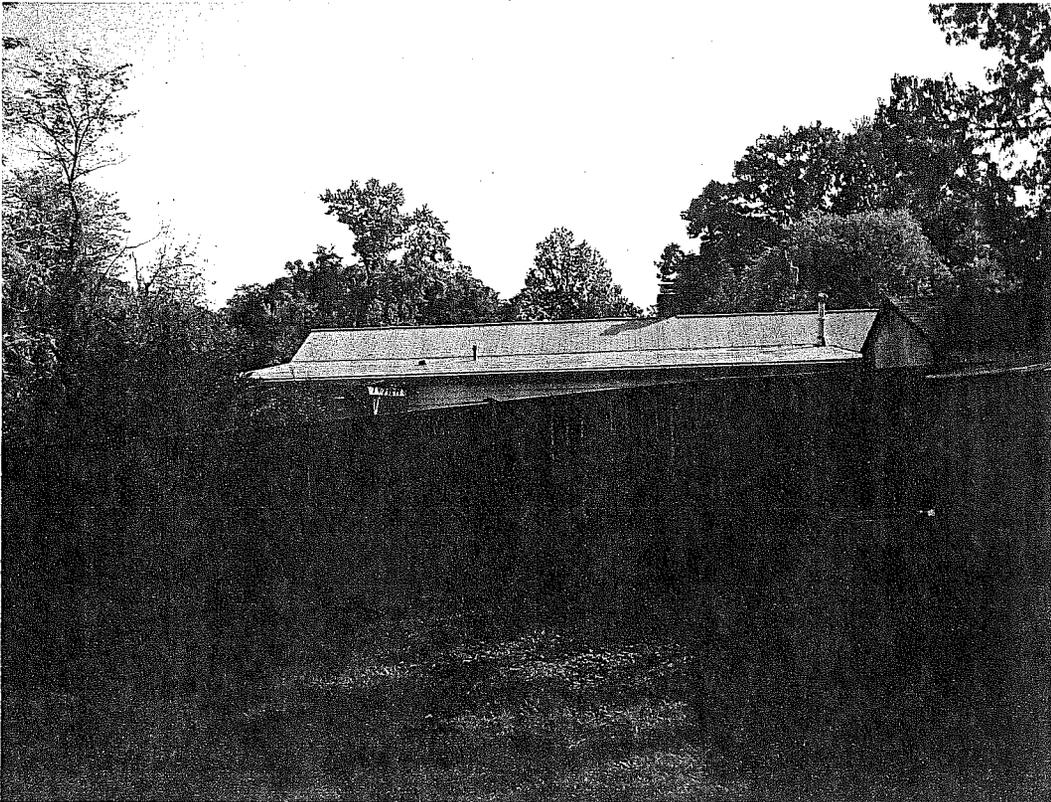
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SEP 27 2012

Zoning Evaluation Division



Rear neighbor, looking East.



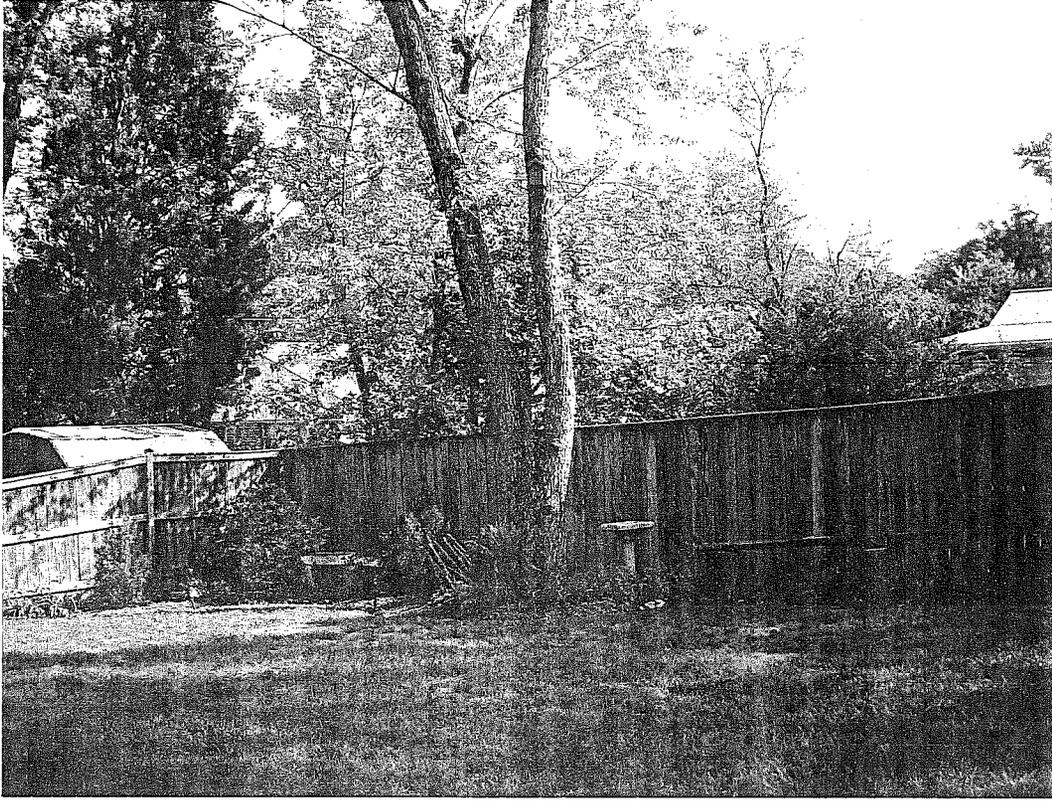
Rear neighbor, looking East

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Department of Planning & Zoning

SEP 27 2012

Zoning Evaluation Division



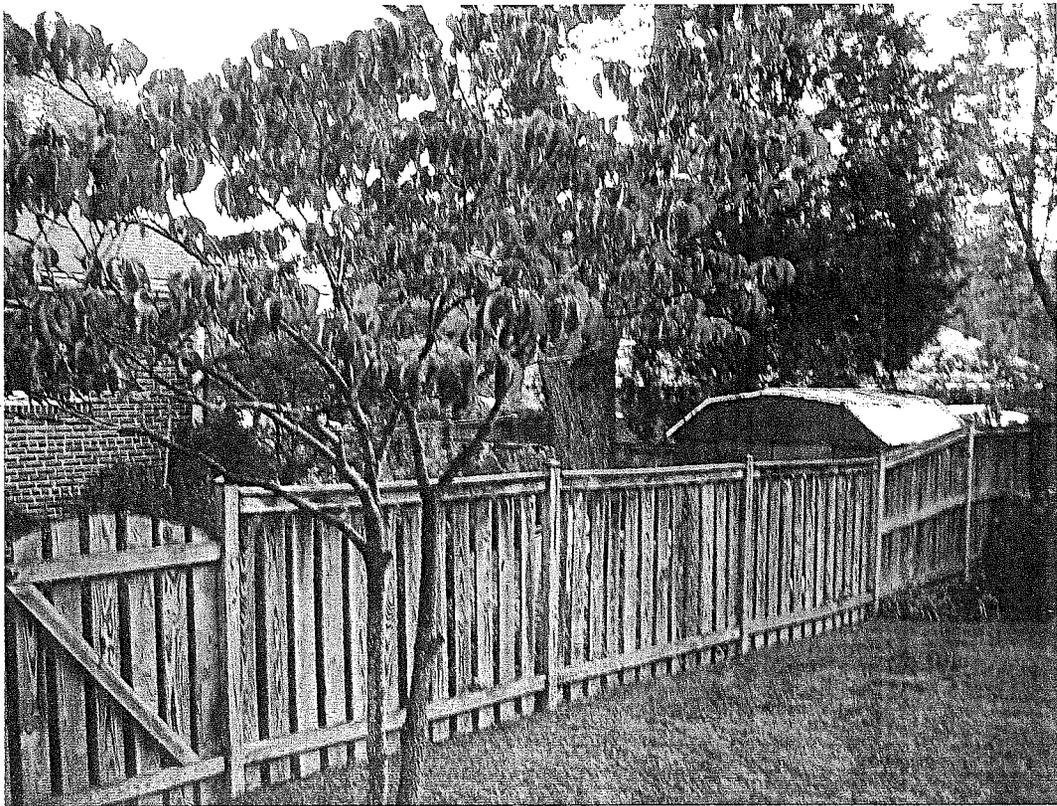
Rear neighbor, looking Northeast

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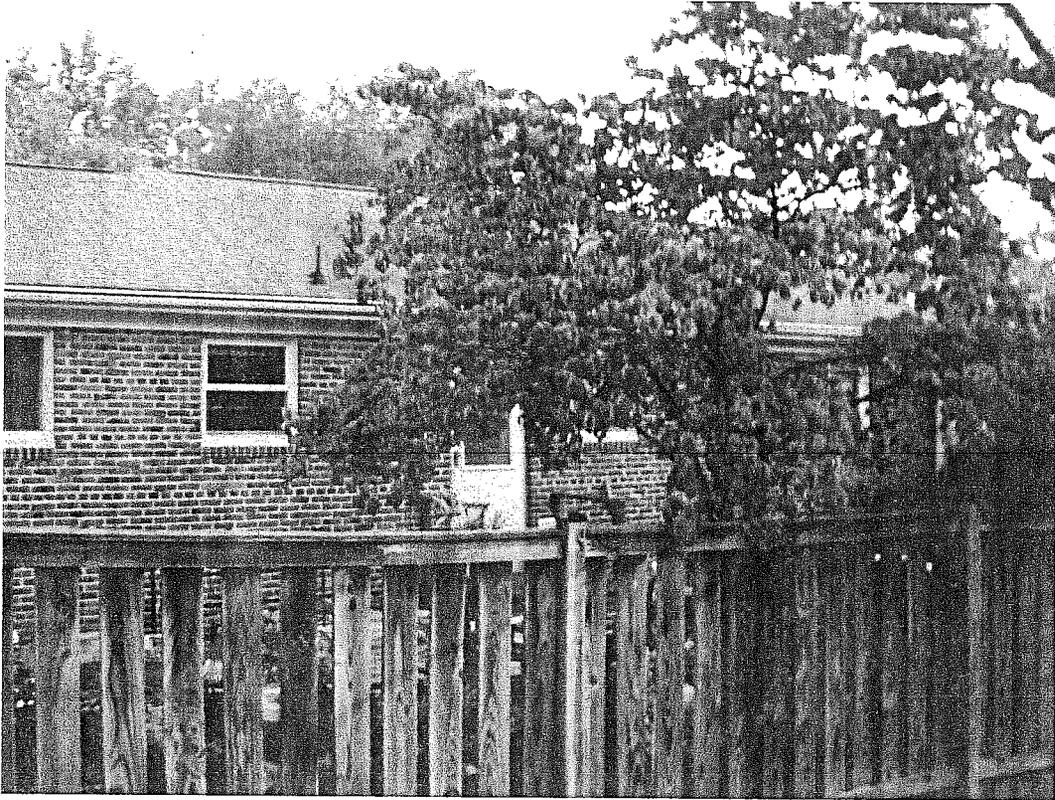
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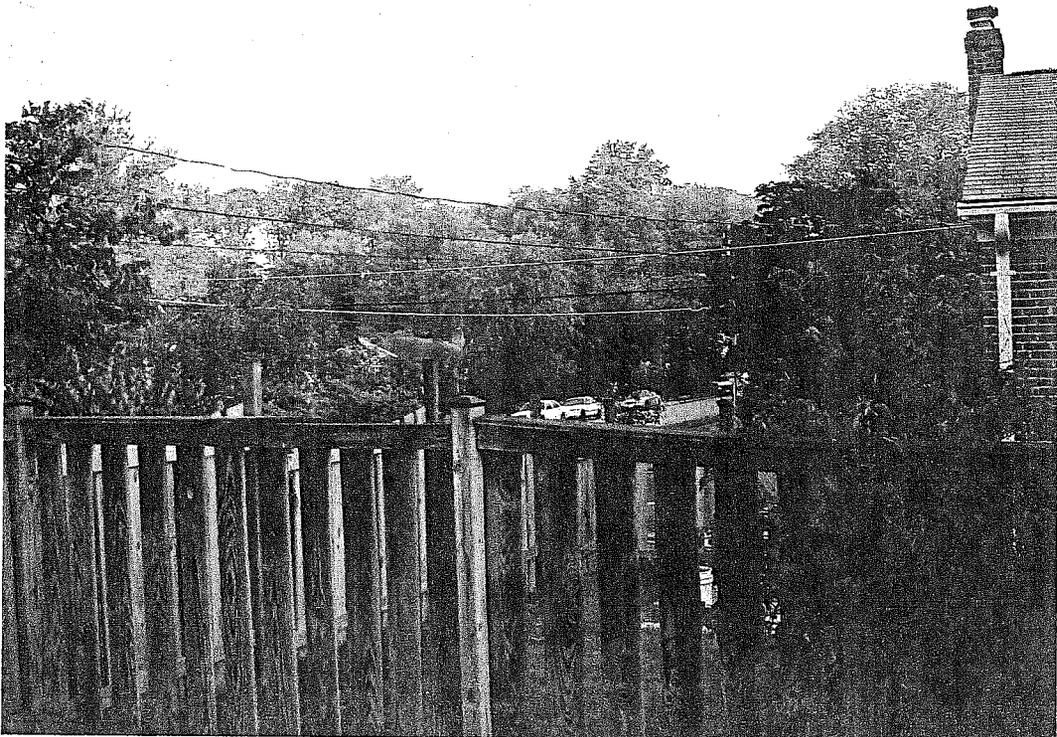
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*Northside neighbor, looking into their backyard*



Northside neighbor, looking North. (They have a shallow backyard.)



Northside neighbor, looking into their sideyard. (NW)

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## DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit to permit reduction of certain yard requirements for construction of an accessory structure, a detached garage, 7.0 feet from the rear lot line and 6.0 feet from the southern side lot line. The addition will be a detached garage.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
<b>Special Permit</b>	<b>Accessory Structure</b>	Side	12 feet	6.0 feet	6.0 feet	50%
	<b>Accessory Structure</b>	Rear	14 feet	7.0 feet	7.0 feet	50%

\* Minimum yard requirement per Section 3-307 and 10-104

## EXISTING SITE DESCRIPTION

The 10,625 square foot lot is currently zoned R-3 and developed with a 1,640 square foot one-story single family detached dwelling, built in 1954. The lot is fairly level. The property contains a few trees, shrubs and foundation plantings. There is a 10' drainage easement along the rear property line which encumbers the rear of the property. Two sheds and a concrete pad are located in the southwest corner of the lot,

There is an existing screened porch off the rear of the dwelling. A building permit was issued for the screened porch in 1974.

Fencing surrounds the property and ranges in height from 3.5 feet in the front yard to 5 feet along the side lot lines and 6 feet along the rear lot line.

The lot is accessed via a hard-surfaced driveway that extends from Amelia Street and terminates at the house. Originally the lot contained a carport at the termination of the driveway, which was later converted into living space. There is no garage on the property at this time.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3	Single-Family Detached Dwellings
<b>East</b>	R-3	Single-Family Detached Dwellings
<b>South</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single-Family Detached Dwellings

**BACKGROUND**

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

- Variance VC 99-L-132 was approved December 22, 1999 for Tax Map 80-3 ((02)) (13) 8, zoned R-4, at 5914 Craig Street to permit construction of an accessory structure 5 feet from rear lot line and 5 feet from side lot line.
- Special Permit SP 2002-LE-029 was dismissed August 29, 2005 for Tax Map 80-3 ((02)) (20) 8, zoned R-4, at 5914 Erving Street to permit an accessory structure to remain 2 feet from side lot line and 2.3 feet from rear lot line.
- Special Permit SP 2003-LE-001 was approved on April 2, 2003 for tax map 80-3 ((03)) (41) 1, zoned R-3, at 6400 Julian Street to permit an accessory structure to remain 2.9 feet and eave 2.3 feet from side lot line and fence greater than 4 feet to remain in front yard.
- Special permit SP was approved June 9, 2004 for tax map 80-3 ((02)) (72) 10, zoned R-3, at 6219 Hanover Avenue to permit accessory storage structure to remain 4.2 feet from rear lot line and 4.4 feet with eave 3.4 feet from side lot line.
- Special Permit SP was denied on November 15, 2005 for tax map 80-3 ((02)) (34) 20, zoned R-3, at 7320 Bath Street to permit dwelling to remain 10.2 feet, roofed deck 0.4 feet with eave 0.0 feet, carport 1 feet with eave 0.3 feet and roofed deck 0.0 feet from side lot line, deck 0.4 feet from side and 2.2 feet from rear lot lines and accessory storage structure 2.2 feet with eave 1.9 feet from rear and 8.2 feet from side lot lines.
- Special Permit SP 2010-LE-022 was approved July 14, 2010 for tax map 80-3 ((02)) (63) 13, zoned R-3, at 5908 Attentee Road to permit accessory storage structure to remain 3.3 feet from side lot line.

- Special Permit SP 2011-LE-098 was approved January 25, 2012 for tax map 80-3 ((02)) (10) 27, zoned R-4, at 6007 Craig Street to permit roofed deck to remain 21 feet from front lot line and accessory storage structure to remain 1.1 feet from rear lot line and 0.6 feet from side lot line.

<b>PLAT</b>	
<b>Special Permit Plat</b>	Front of Report
<b>Title of SP Plat:</b>	Special Permit Plat, Lot 19, Block 48, Section 13, Springfield
<b>Prepared By:</b>	Patrick A Eckert, Professional Engineer, dated July 19, 2012 as revised though August 20, 2012

**Proposal:**

The applicant requests to add a 22' x 22' detached garage, a total of 484 square feet of gross floor area, in the southeast rear corner of the lot. The proposed detached garage will be located 7.0 feet, measured from the edge of the eave, from the eastern rear lot line and 6.0 feet, as measured from the edge of the eave, from the southern side lot line. The Zoning Ordinance requires a minimum rear yard equal to the height of the garage which is 14 feet and side yard of 12 feet in the R-3. Renderings provided by the applicant indicate the detached garage will be built with vinyl siding.

The plat shows a driveway extension proposed from the existing driveway and terminating at the proposed detached garage.

The detached garage is proposed to have an overhead doors facing west toward the proposed driveway and a double french door on the side of the garage, toward the backyard.

**ZONING ORDINANCE REQUIREMENTS**

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

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- 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 neighborhood is residential. There are several existing accessory storage structures in the neighborhood. The applicant proposes to build the accessory storage structure in the area of the existing driveway access at the rear of the property. The accessory storage structure will be harmonious with the existing dwelling and neighborhood.*

**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 4 relates to additional gross floor area for the dwelling, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. *Staff believes that the application has met all of the remaining standards, specifically Standards 5, 6, 7, 8, and 9.*

*Standard 5* states that 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. *The detached accessory structure is proposed to be 484 square feet in area and 14 feet in height. The existing dwelling is 1,640 square feet in area and 11 feet in height. The proposed accessory structure is approximately 29% of the gross floor area of the principle structure and situated in the southwest corner of the property and 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 submitted indicate that the materials, size and scale of the proposed accessory structure will be compatible with the existing structure. The structure will be sided, and the roof will be shingled to match the existing dwelling. The accessory structure is clearly subordinate in bulk and scale to the principal dwelling and the proposed structure is similar to other accessory structures in the neighborhood. Staff believes the application meets this provision.*

*Standard 7* states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. *It appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains residential homes, several with*

*accessory structures in the rear and side yards. There have been several modifications in the vicinity to allow accessory structures within required side and rear yards. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. Staff believes the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. There is no RPA on the property. The accessory structure adds some impervious area, however the new structure will replace two sheds, therefore the additional impervious area is minimal. There are no trees or landscaping in the area of the proposed garage. The rear lot of the subject parcel abuts the side and rear of other lots which contain trees and fencing. 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 proposed garage is in an area without existing trees and in an area where two existing sheds are currently located and proposed for removal. The location is in the area of the existing driveway access and represents the most logical location for the detached garage. The garage is sized to hold the applicant's existing car, two motorcycles and other storage items. The area of the addition is in the backyard of the existing dwelling. The abutting properties are oriented in a way such that the rears and sides of the properties abut the rear lot of the subject parcel. It appears there will be no impact to existing vegetation and minimal new impervious area. Therefore staff believes that the application meets this provision.*

## **CONCLUSION**

Staff finds that the subject application 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-LE-065 for the addition, subject to 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 with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

## PROPOSED DEVELOPMENT CONDITIONS

SP 2012-LE-065

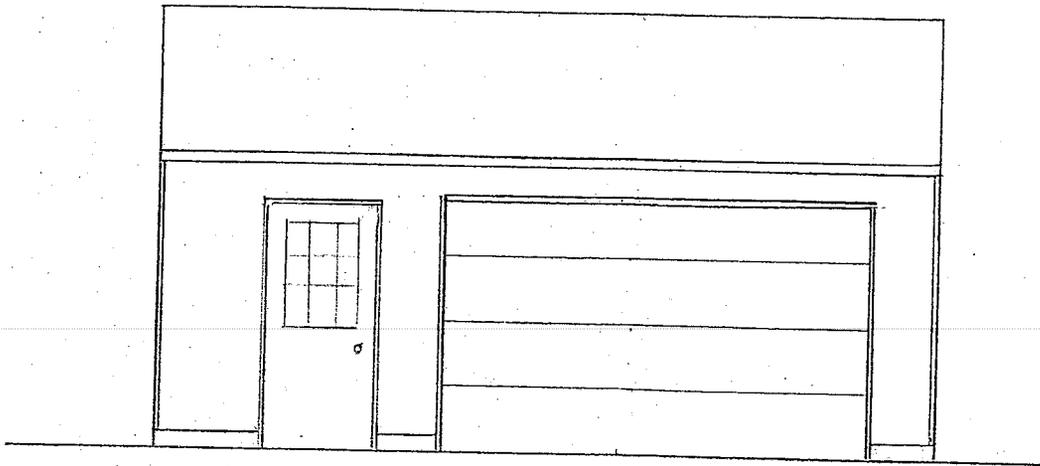
December 5, 2012

If it is the intent of the Board of Zoning Appeals to approve SP 2012-LE-065 located at 5903 Amelia Street, Tax Map 80-3 ((02)) (48) 19 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.

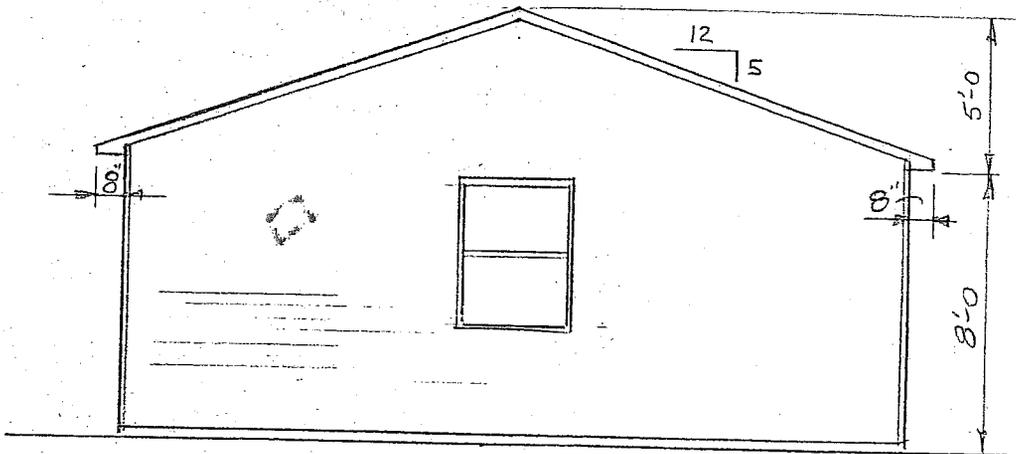
1. This special permit is approved for the location and size (approximately 484 square feet) of the accessory structure (garage), as shown on the plat prepared by Patrick A. Eckert, Land Surveyor, dated July 19, 2012, as revised through August 20, 2012, submitted with this application and is not transferable to other land.
2. All applicable building permits and final inspections shall be obtained for the accessory structure.
3. The accessory storage structure shall generally be 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.

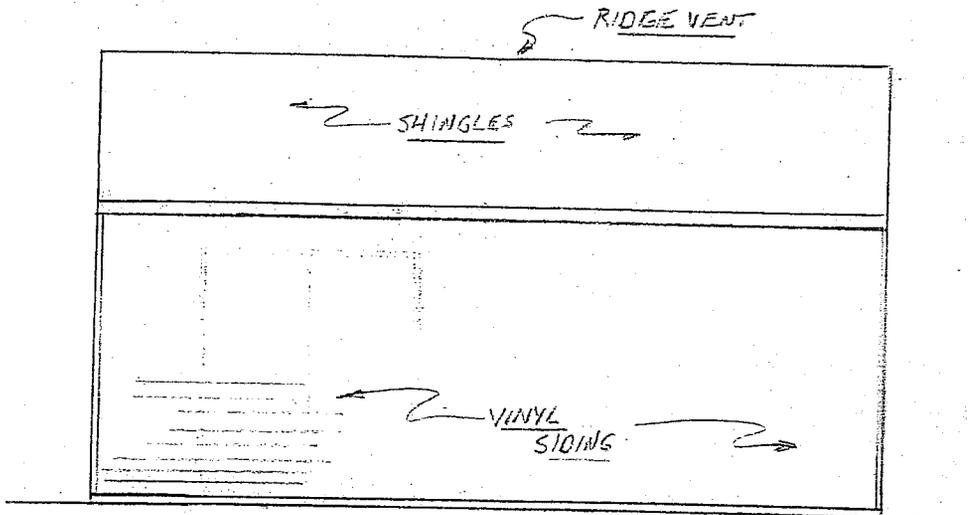
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



FRONT VIEW 3/16" = 1'-0"



RIGHT SIDE 3/16" = 1'-0"



BACK VIEW 3/16" = 1'-0"

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2x4  
ALU

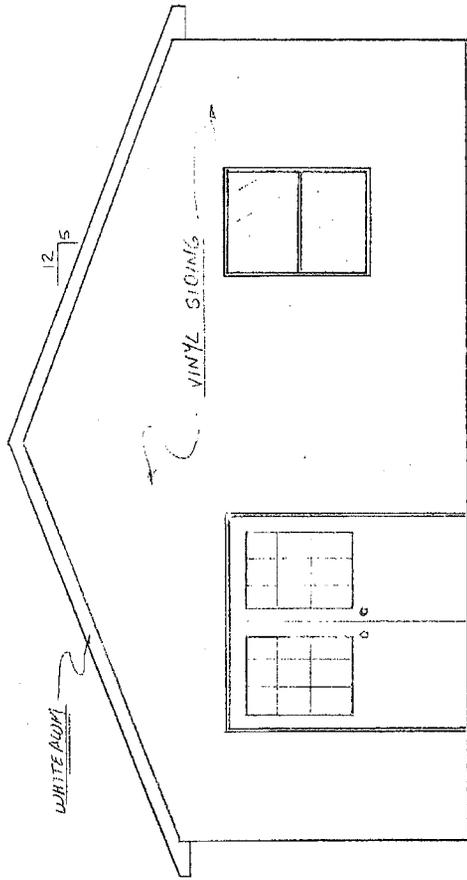
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AUG 28 2012

Zoning Evaluation Division

VINYL  
SIDING  
FINISH



\* REPLACES PLANS DATED 8-1-12

OWNER: KIM KLAREN  
5903 ARIELA ST. SPRINGFIELD, VA 22150  
CONTRACTOR: PASSIONE CONTRACTING

LEFT SIDE VIEW

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 7/3/12  
 (enter date affidavit is notarized)

I, Kimberly Schoppa, 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

117826

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Kimberly A. Schoppa	5903 Amelia St. Springfield, VA 22150	<b>Applicants/Title Owners</b>
Kimberlyn A. Klaren	5903 Amelia St. Springfield, VA 22150	<b>Title Owners</b>

(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: 7/3/12  
(enter date affidavit is notarized)

117826

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: 7/3/12  
(enter date affidavit is notarized)

111824

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)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 7/3/12  
(enter date affidavit is notarized)

117826

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: 7/3/12  
(enter date affidavit is notarized)

117826

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 [Signature]

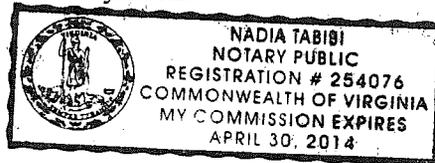
[ ] Applicant's Authorized Agent

Kimberly A Schoppa  
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 3rd day of July, 2012, in the State/Comm. of Fairfax, County/City of Virginia

My commission expires: 04/30/2014

[Signature]  
Notary Public



Statement of Justification  
Schoppa Residence  
5903 Amelia Street  
Springfield, Virginia 22150

RECEIVED  
Department of Planning & Zoning  
AUG 28 2012  
Zoning Evaluation Division

We are applying for a special permit for a side yard setback reduction and a rear yard setback reduction for the construction of a detached garage. We are seeking a 50% reduction from the side property line from 12 feet to 6 feet. We are also seeking a 50% reduction from the rear property line from the height of the structure, which will be approx. 14 feet, to 7 feet. The garage will only be used by the owners of the property, Kimberly Schoppa and Kimberlyn Klaren. The garage is being constructed to create parking for two motorcycles, storage of yard equipment and tools. The garage will be built in a style that will blend well with the style of the existing home as well as the style of the neighborhood. There are over 30 homes in the neighborhood that have detached garages, and most of them were built close to their property lines. Placing a new garage on the property with current yard requirements would put the garage very close to the house and make it stand out in the neighborhood. Current yard requirements would also make it nearly impossible to park a vehicle in the garage. The proposed garage would not affect the flow of traffic on the street or increase the number of trips made to and from the property. The existing house is 1400 sq. ft. and the proposed garage is 400 sq. ft. The garage will be 29% of the existing house and therefore subordinate in purpose, scale use and intent to the principle structure on the site.

The proposed garage is in scale and character with the existing on-site development in terms of location (built on the driveway side of the house), height (it does not exceed the height of the existing house), build and scale of the existing house on the lot. The garage is wood frame construction with a sloped, shingle roof to match the existing house. The garage does not adversely affect the use or development of neighboring properties with regard to issues such as noise, light, air, safety, erosion and storm water runoff.

There are no known toxic or hazardous substances or waste on the site. There are no signs associated with this project.

Other than our application for a Special Use Permit from Fairfax County, the proposed garage conforms to all known ordinances, regulations and standards.

The reduction and subsequent structure, would increase the property value and give the property amenities that newer construction offers.

**8-006 General Standards**

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

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

**8-903 Standards for All Group 9 Uses**

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

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

### **8-922 Provisions for Reduction of Certain Yard Requirements**

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

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

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

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

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

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first 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.