



APPLICATION ACCEPTED: November 14, 2012
BOARD OF ZONING APPEALS: February 6, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 30, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-LE-079 CONCURRENT WITH VC 2012-LE-008

LEE DISTRICT

APPLICANT: Michael C. Warren

OWNERS: Michael C. Warren
Susan D. Warren

SUBDIVISION: Beverly Forest

STREET ADDRESS: 7232 Constantine Avenue, Springfield, 22150

TAX MAP REFERENCE: 90-3 ((6)) 40

LOT SIZE: 26,390 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISIONS: 8-922, 8-923 & 18-401

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of addition 33.1 feet from the front lot line and to permit fence greater than 4.0 feet in height to remain in the front yard of a corner lot.

VARIANCE PROPOSAL: To permit accessory storage structure to remain in the front yard of a lot containing 36,000 square feet or less.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-LE-079 for the addition with adoption of the proposed development conditions contained in Appendix 1.

O:\vgumk2\SP Cases\2-6) SP 2012-LE-079_VC 2012-LE-008 Warren\SP 2012-LE-079_VC Warren Staff Report.doc

Laura Gumkowski

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

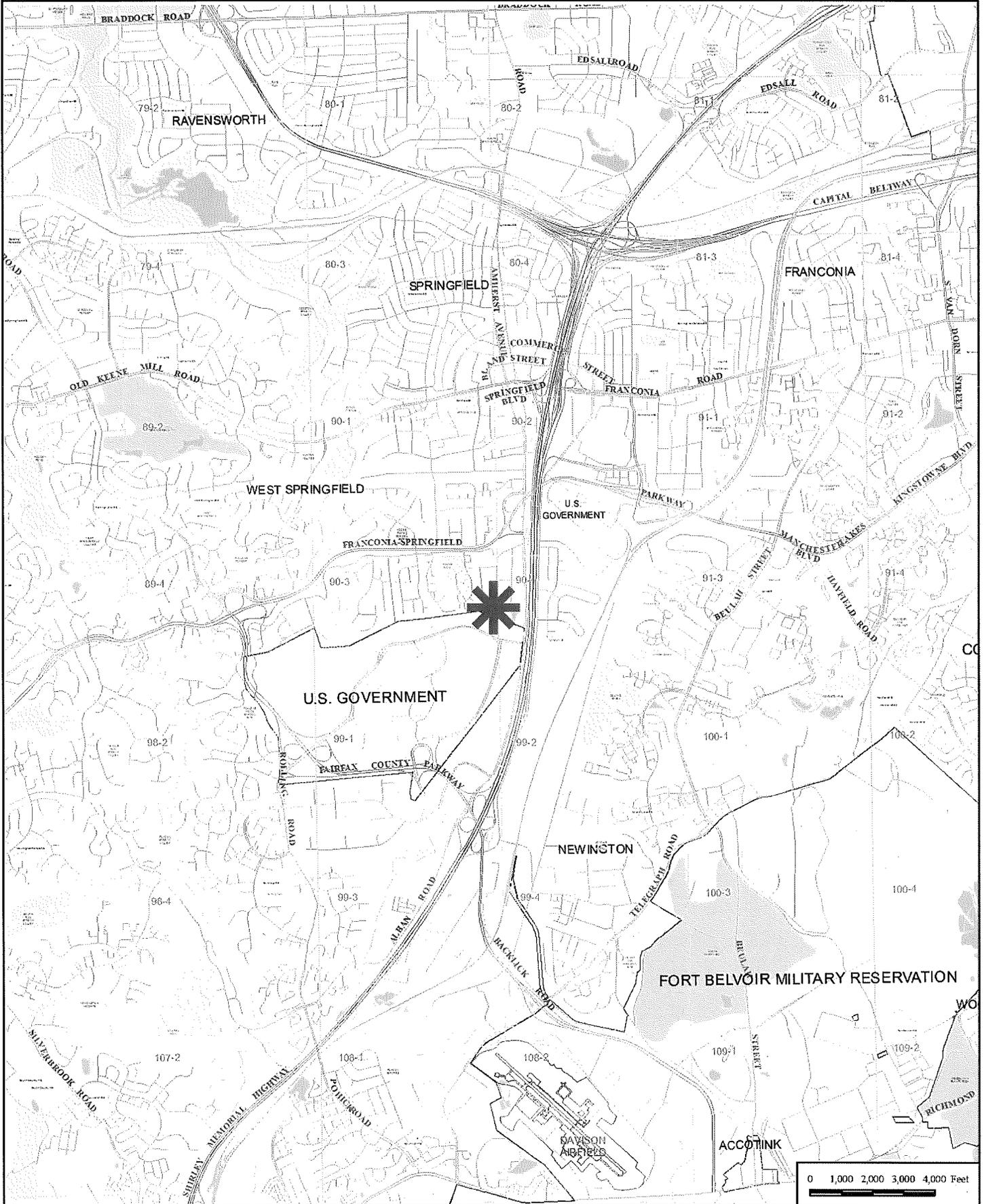
SP 2012-LE-079

MICHAEL C. WARREN

Variance Application

VC 2012-LE-008

MICHAEL C. WARREN



Special Permit

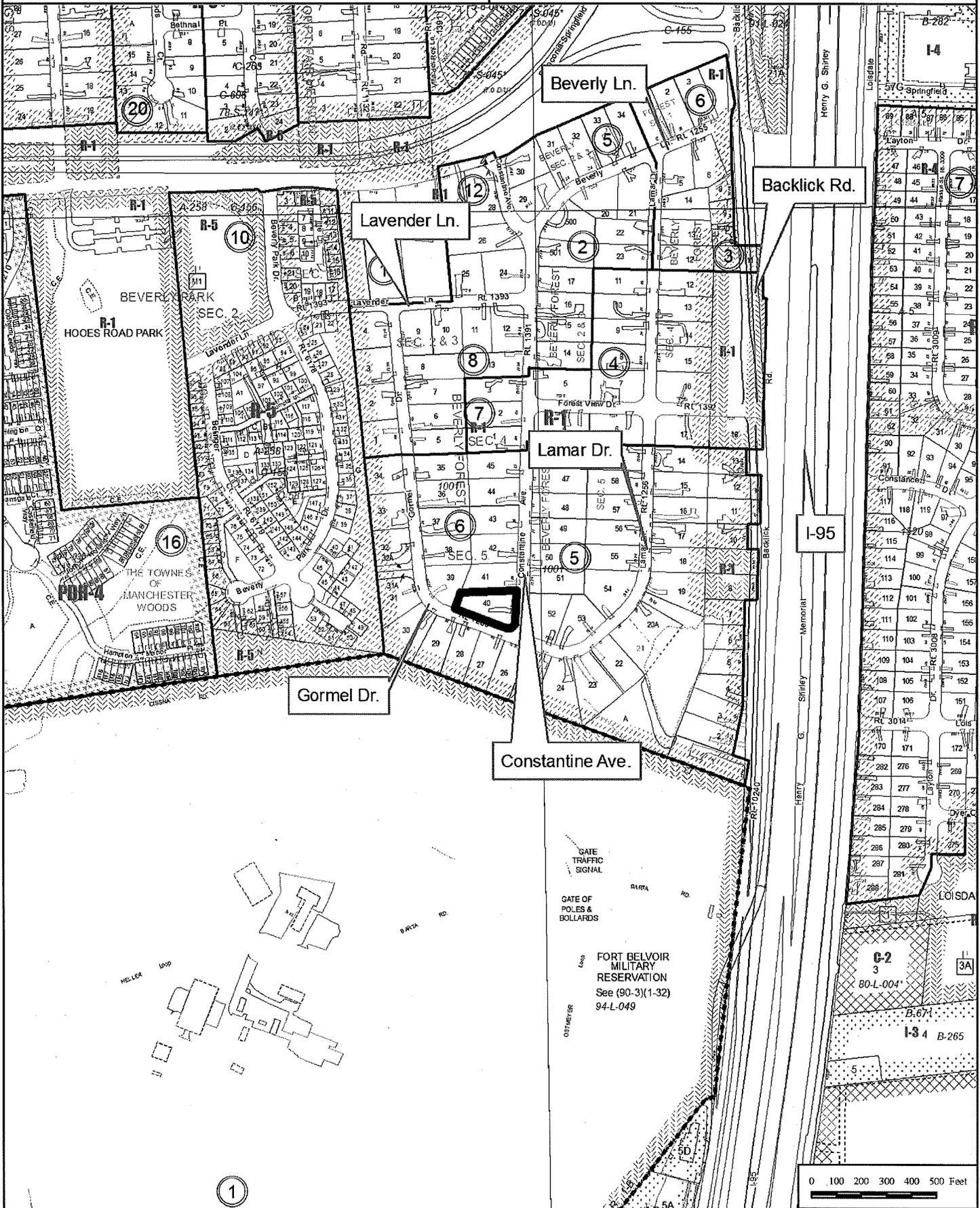
SP 2012-LE-079

MICHAEL C. WARREN

Variance Application

VC 2012-LE-008

MICHAEL C. WARREN

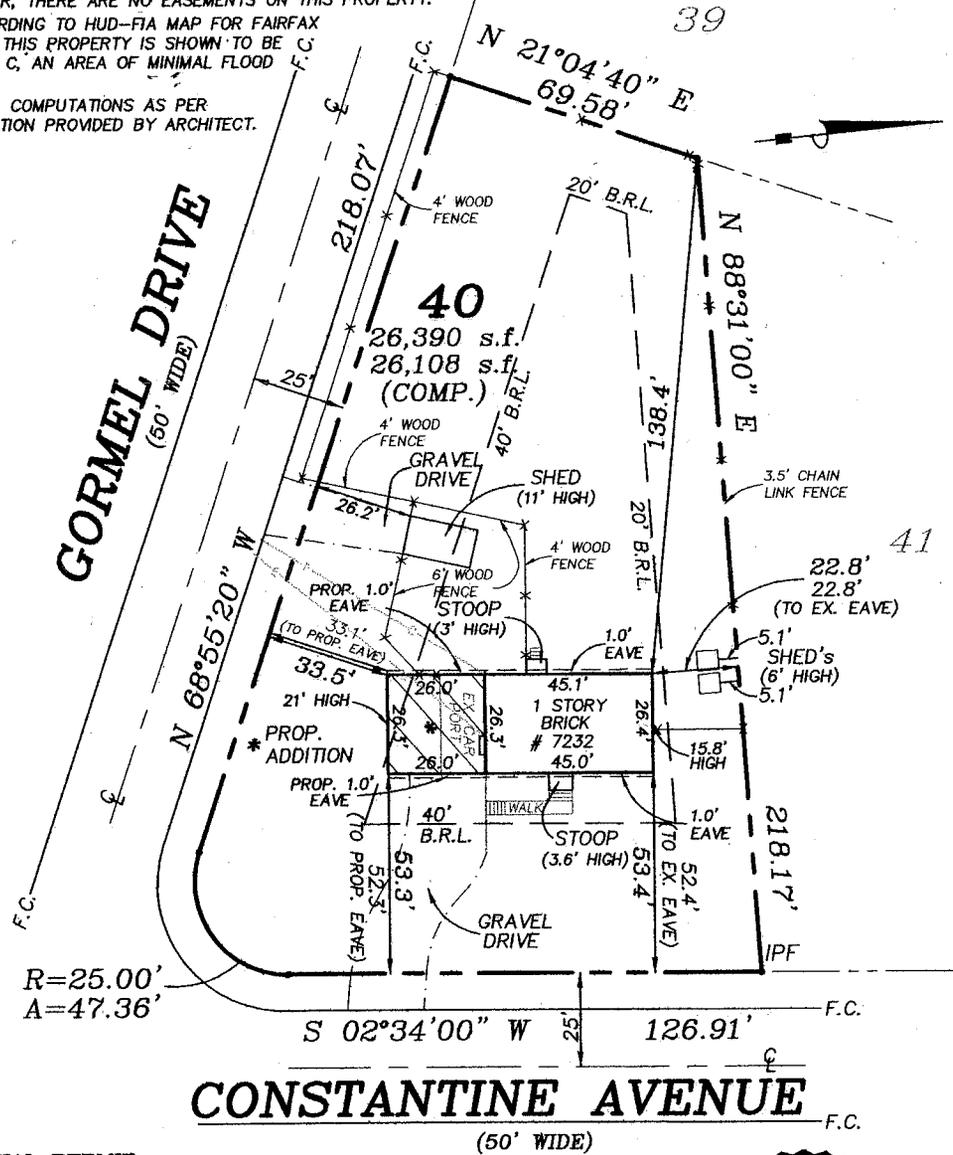


NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 90-3-06-0040 AND IS PRESENTLY ZONED R-1 AS PER FAIRFAX COUNTY ZONING OFFICE.
2. R1 B.R.L.'s: FRONT: 40'
SIDE: 20'
REAR: 25'
3. NO TITLE REPORT FURNISHED.
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. AS PER PLAT OF RECORD AND INFORMATION PROVIDED BY OWNER, THERE ARE NO EASEMENTS ON THIS PROPERTY.
6. ACCORDING TO HUD-FIA MAP FOR FAIRFAX COUNTY THIS PROPERTY IS SHOWN TO BE IN ZONE C, AN AREA OF MINIMAL FLOOD HAZARD.
7. G.F.A. COMPUTATIONS AS PER INFORMATION PROVIDED BY ARCHITECT.

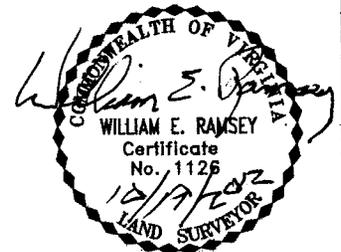
AREA CALCULATION

1. EXISTING FLOOR AREA @ 1st LEVEL	1,188 s.f.
2. EXISTING FLOOR AREA @ BSMT. LEVEL	1,188 s.f.
3. EXISTING FLOOR AREA @ CARPORT	317 s.f.
TOTAL FLOOR AREA	2,693 s.f.
4. ADDITION AREA @ 1st LEVEL	686 s.f.
5. EXISTING AREA @ GARAGE	370 s.f.
TOTAL FLOOR AREA	1,056 s.f.
GFA RATIO	39.2%
1,056 s.f. / 2,693 s.f.	



SPECIAL PERMIT
 LOT 40
 SECTION 5
BEVERLY FOREST
 LEE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

REVISED: OCTOBER 10, 2012
 REVISED: OCTOBER 1, 2012
 REVISED: AUGUST 14, 2012
 DATE : JULY 25, 2012.



SCALE : 1"=40'

TITLE REPORT NOT FURNISHED.
 FENCES, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
 IPF-DENOTES IRON PIPE FOUND.

WILLIAM E. RAMSEY, P.C.
 LAND SURVEYOR
 FAIRFAX, VIRGINIA
 703-385-4499



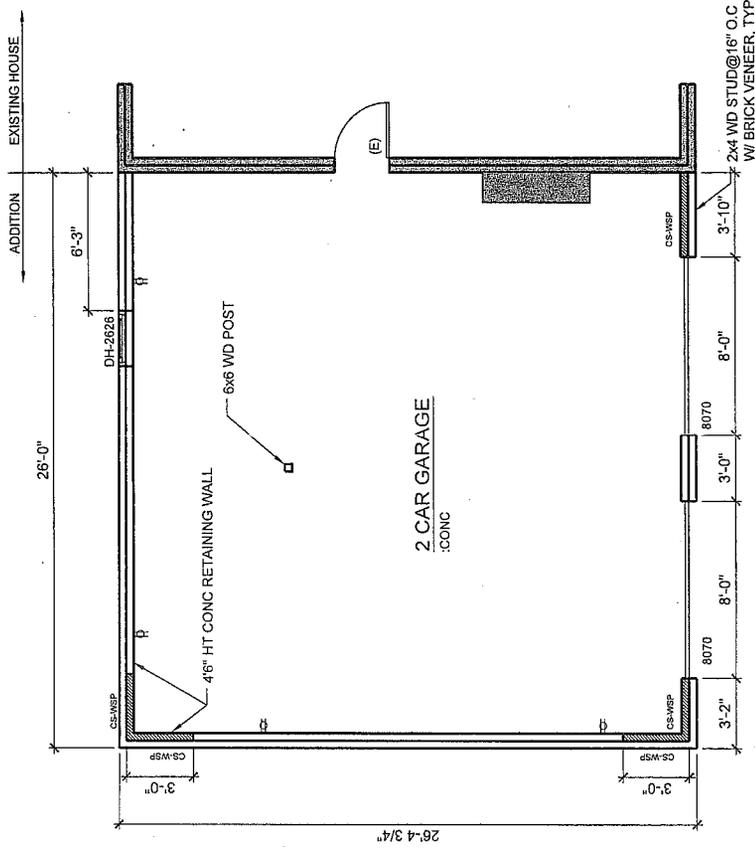
Home Addition
-WARREN
RESIDENCE

7212 Commonwealth Ave
Springfield, VA 22150

Job # 07010
Date: _____

Scale:
FLOOR PLAN
Sheet #

A1



1 1ST FLOOR PLAN
SCALE: 3/16" = 1'-0"

AREA CALCULATION	
1. EXISTING FLOOR AREA @UPPER LEVEL	1,175 SF
2. EXISTING FLOOR AREA @LOWER LEVEL	606 SF
TOTAL FLOOR AREA	1,781 SF
3. ADDITION AREA @UPPER LEVEL	686 SF
4. ADDITION AREA @GARAGE	686 SF
TOTAL GROSS FLOOR ADDITION AREA	1,372 SF



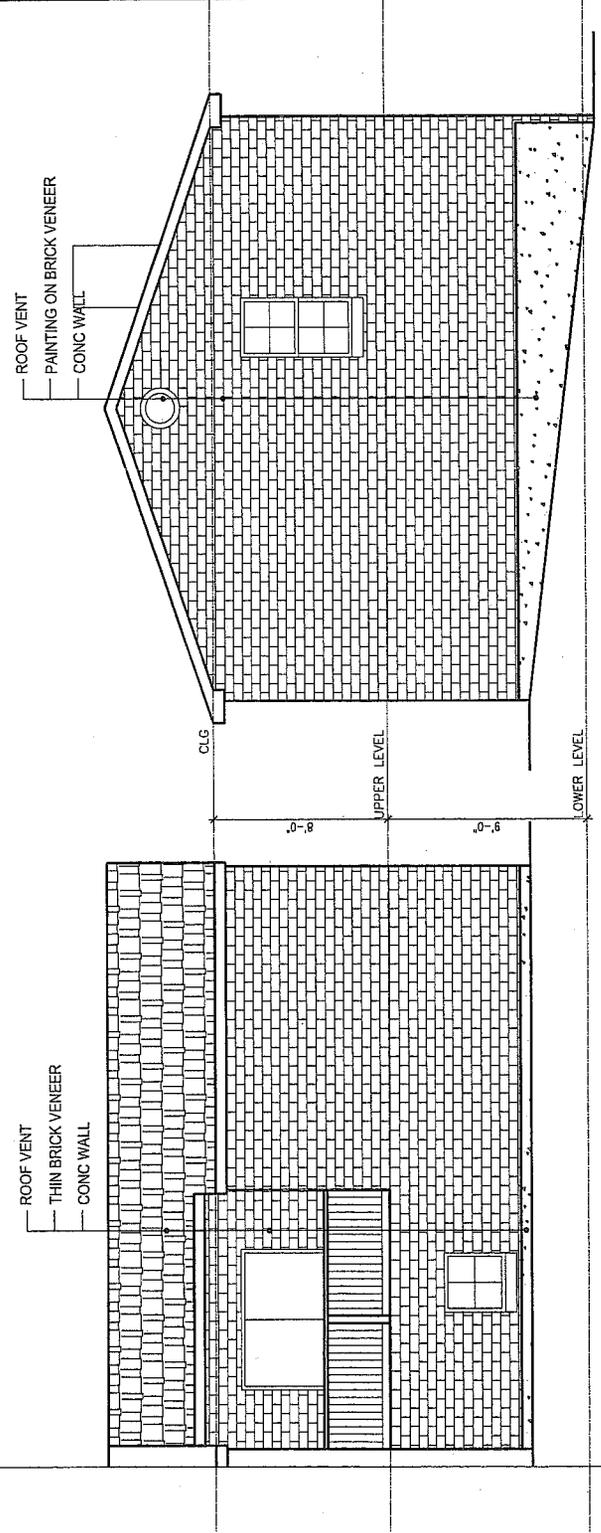
Home Addition
:WARREN
RESIDENCE

7328 CONCORD AVE.
APPROXIMATELY W. 3150

DATE: 07/10
DRAWN: [Signature]

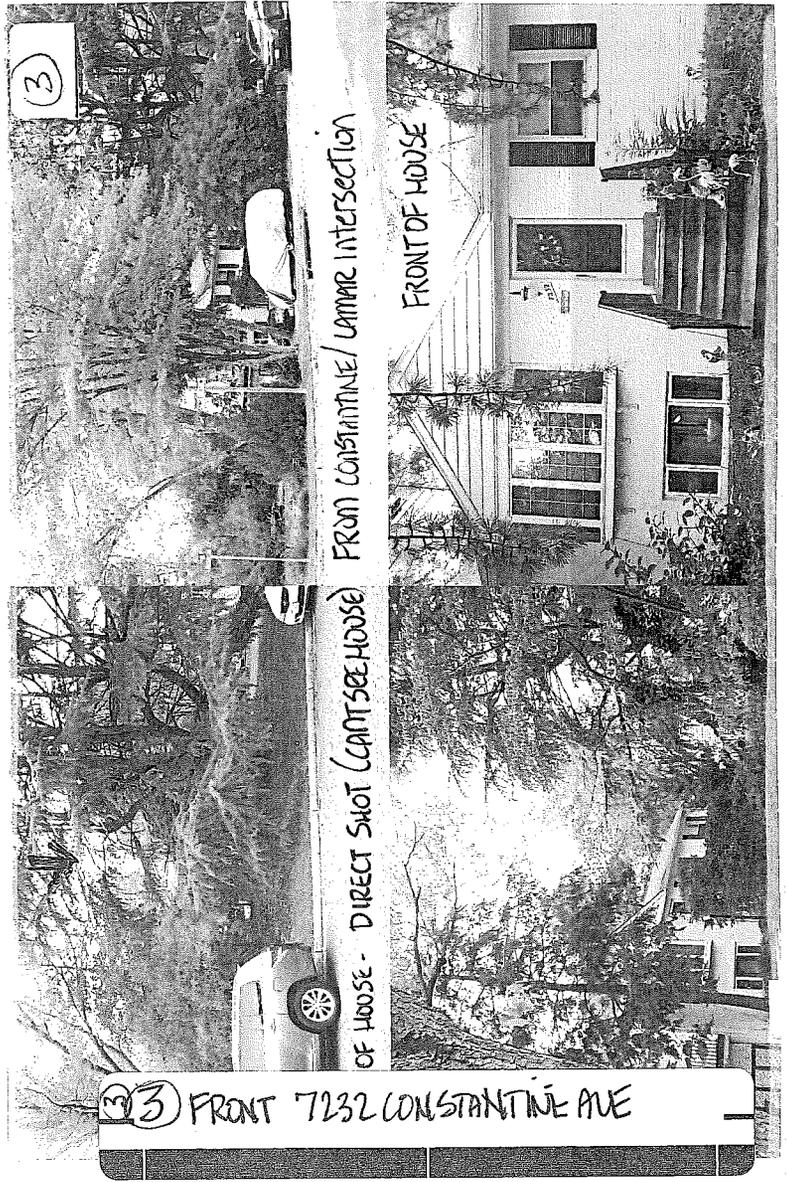
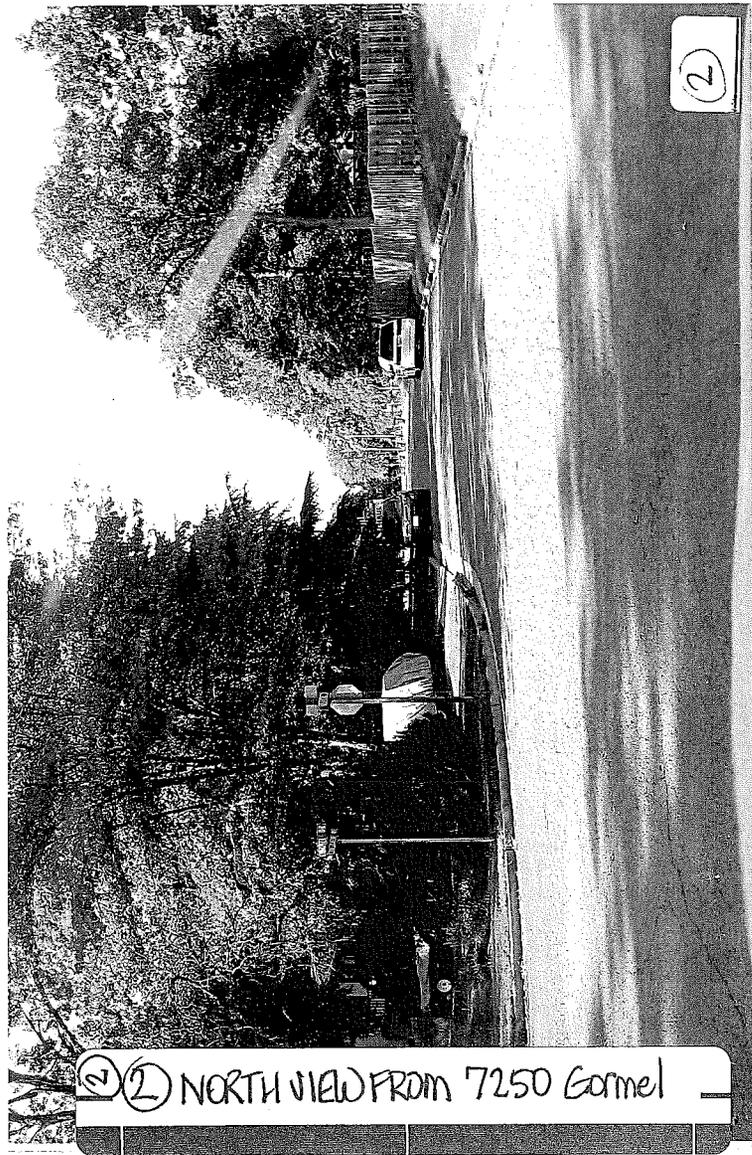
SCALE: 3/16" = 1'-0"
ELEV.
Sheet #

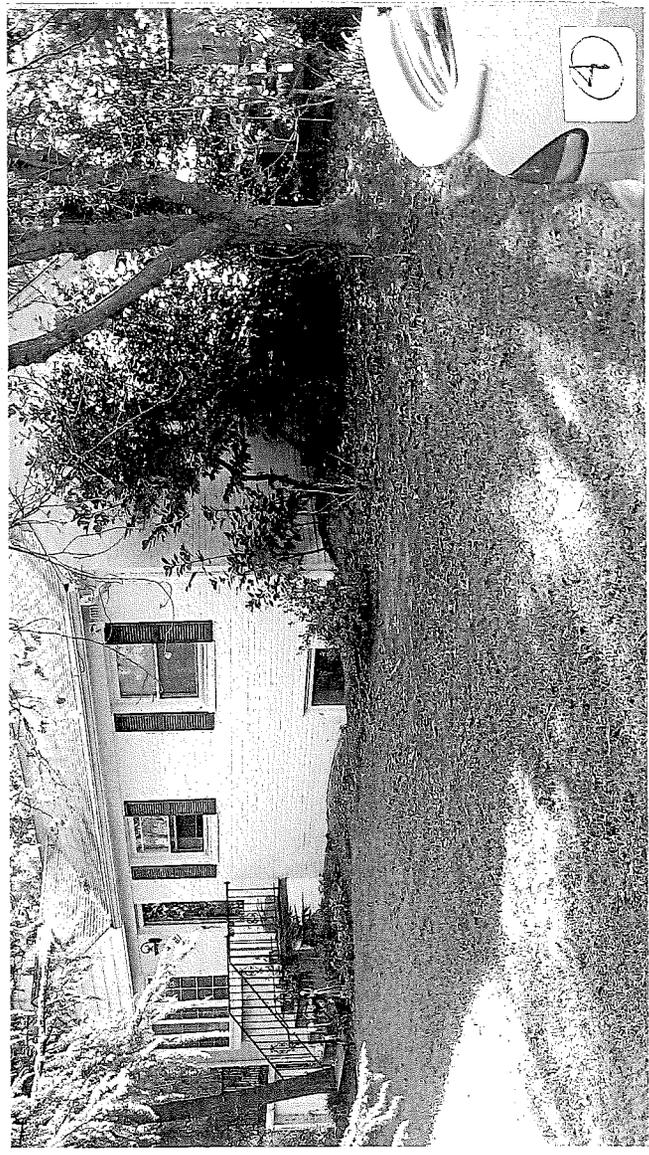
A3



2 REAR ELEVATION
SCALE: 3/16" = 1'-0"

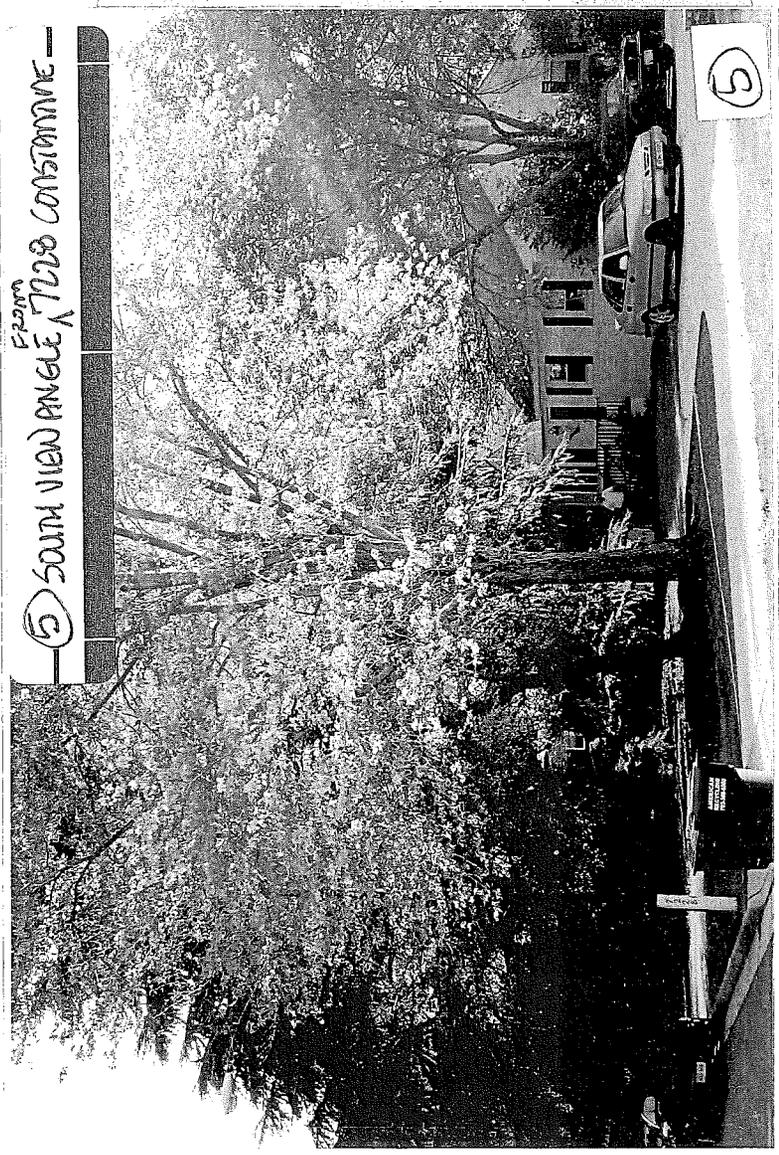
1 SIDE ELEVATION
SCALE: 3/16" = 1'-0"





4

— (4) SOUTH VIEW ANGLE FROM CONSTANINE AVE —



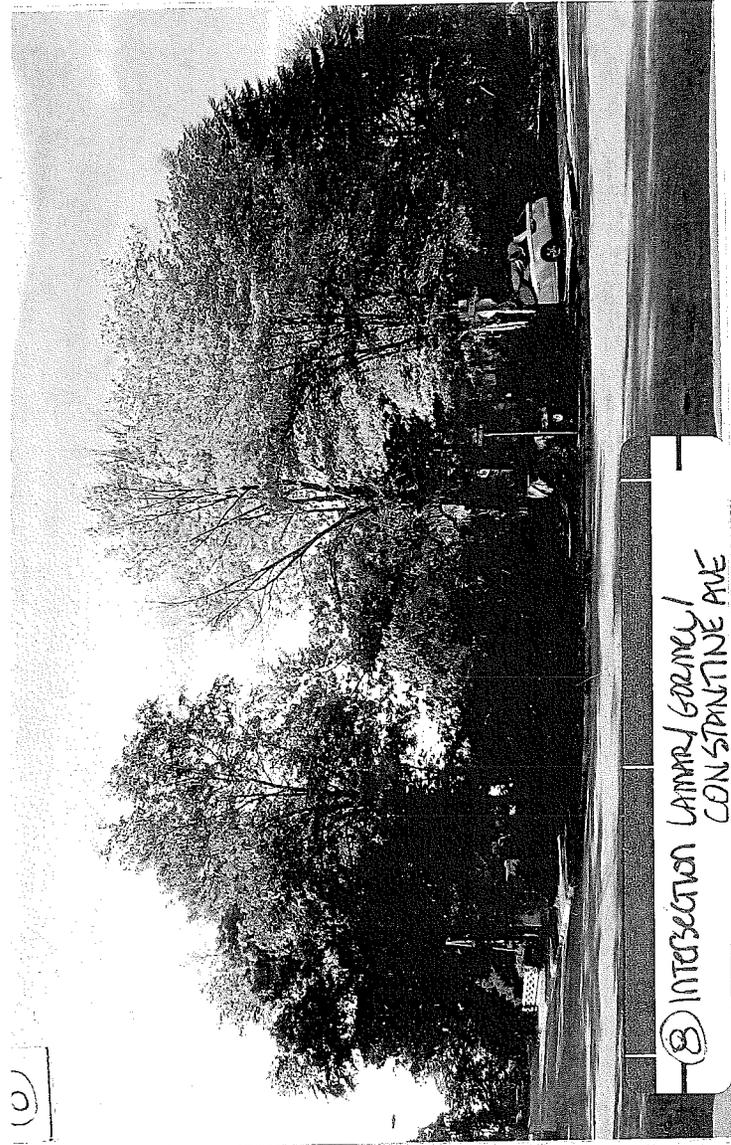
5

— (5) SOUTH VIEW ANGLE FROM ^{EAST} 7928 CONSTANINE —

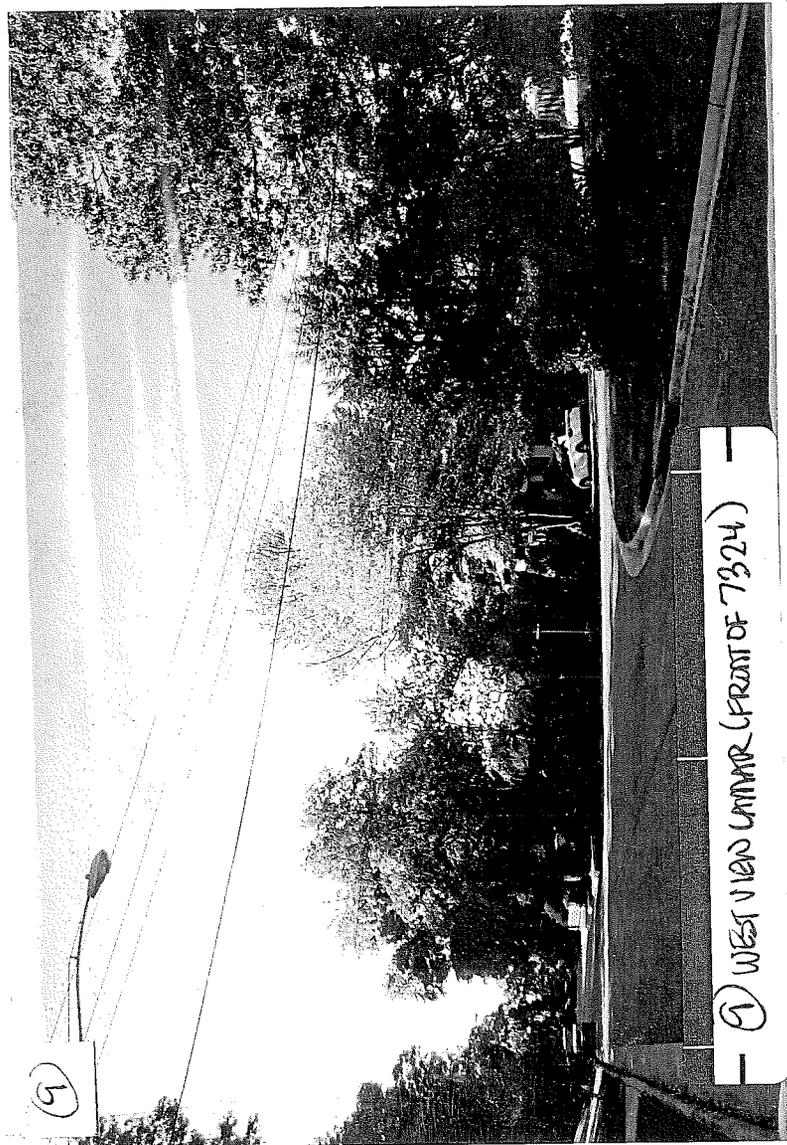


6

— (6) SOUTH VIEW ANGLE FROM CONSTANINE AVE —



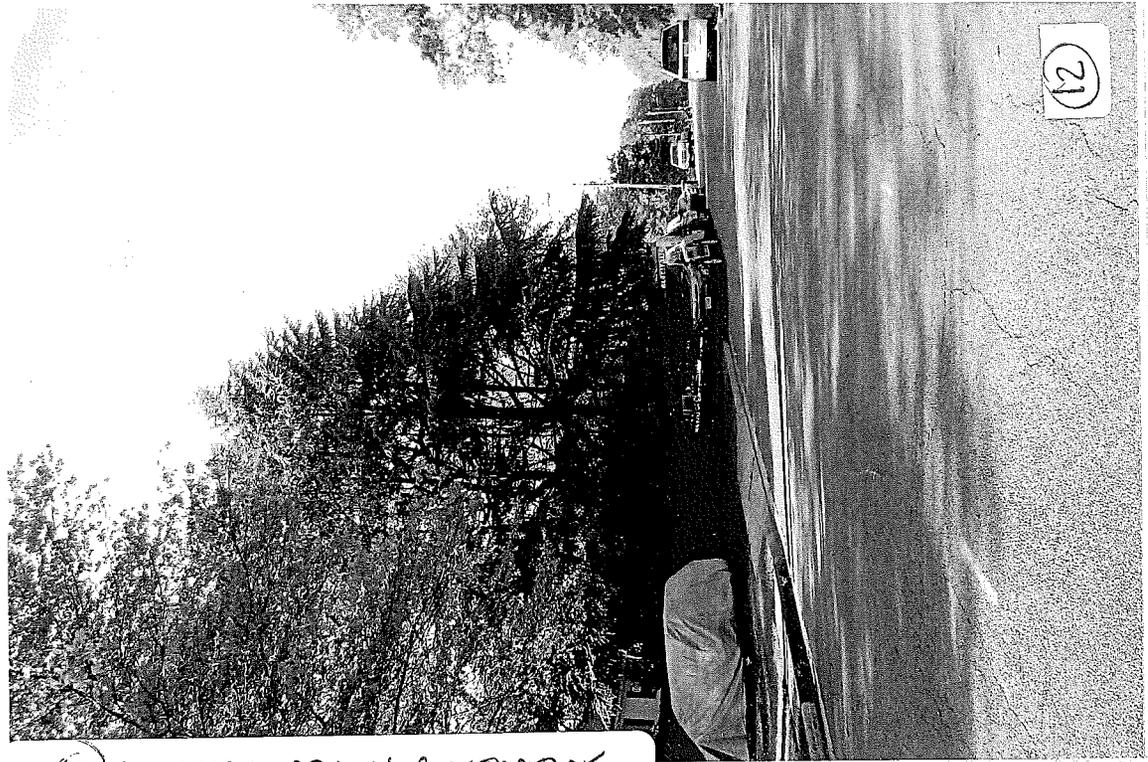
8 INTERSECTION LAMAR GORING /
CONSTANTINE AVE



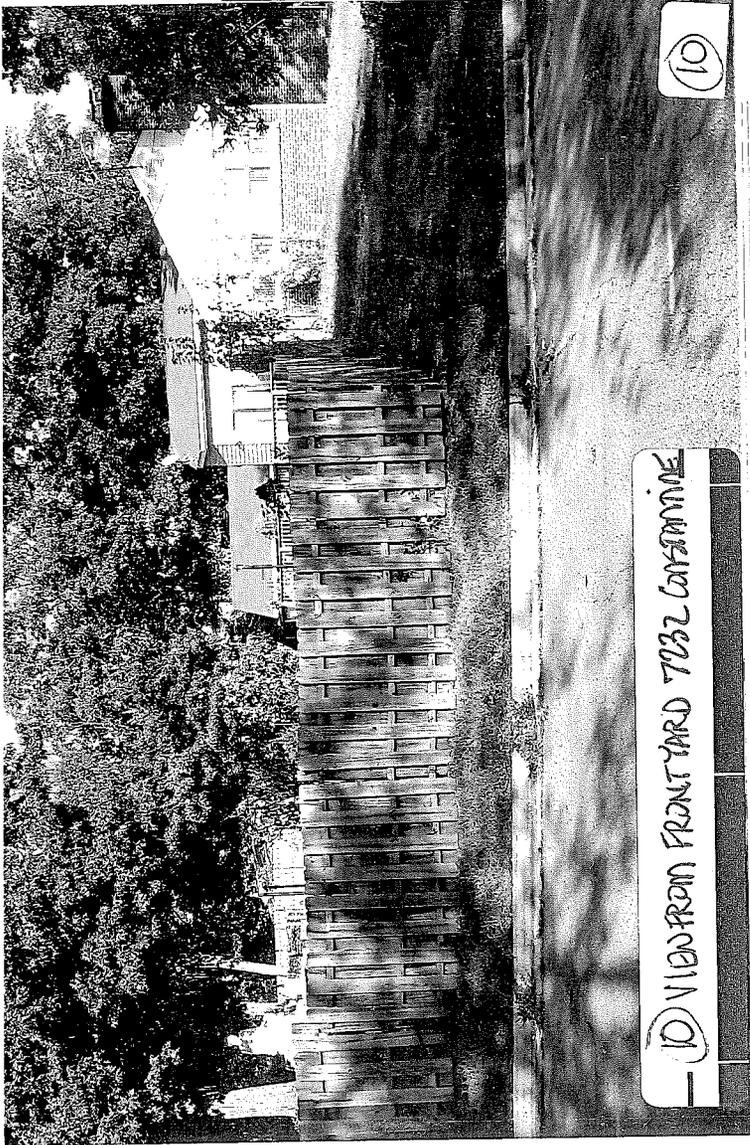
9 WEST VIEW LAMAR (FRONT OF 7324)



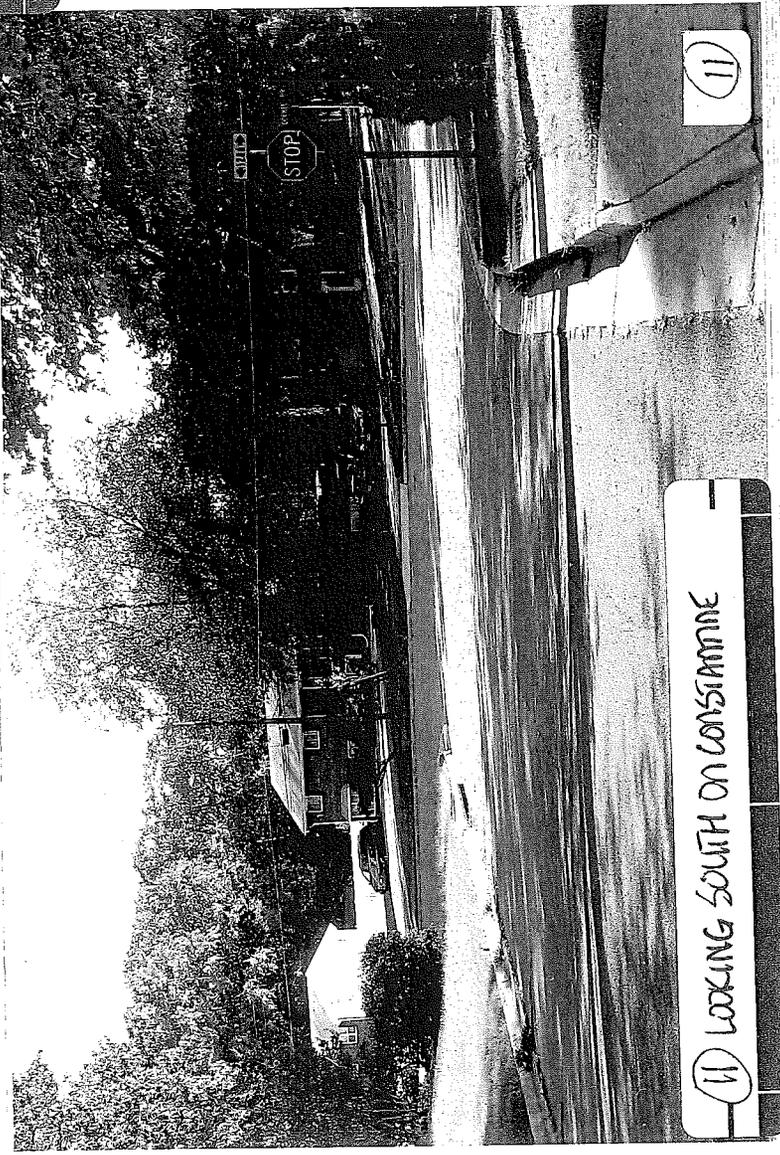
7 WEST VIEW FROM LAMAR DR



— (12) LOOKING NORTH ON CONSTANTINE —



— (10) VIEW FROM FRONT YARD 7032 CONSTANTINE —

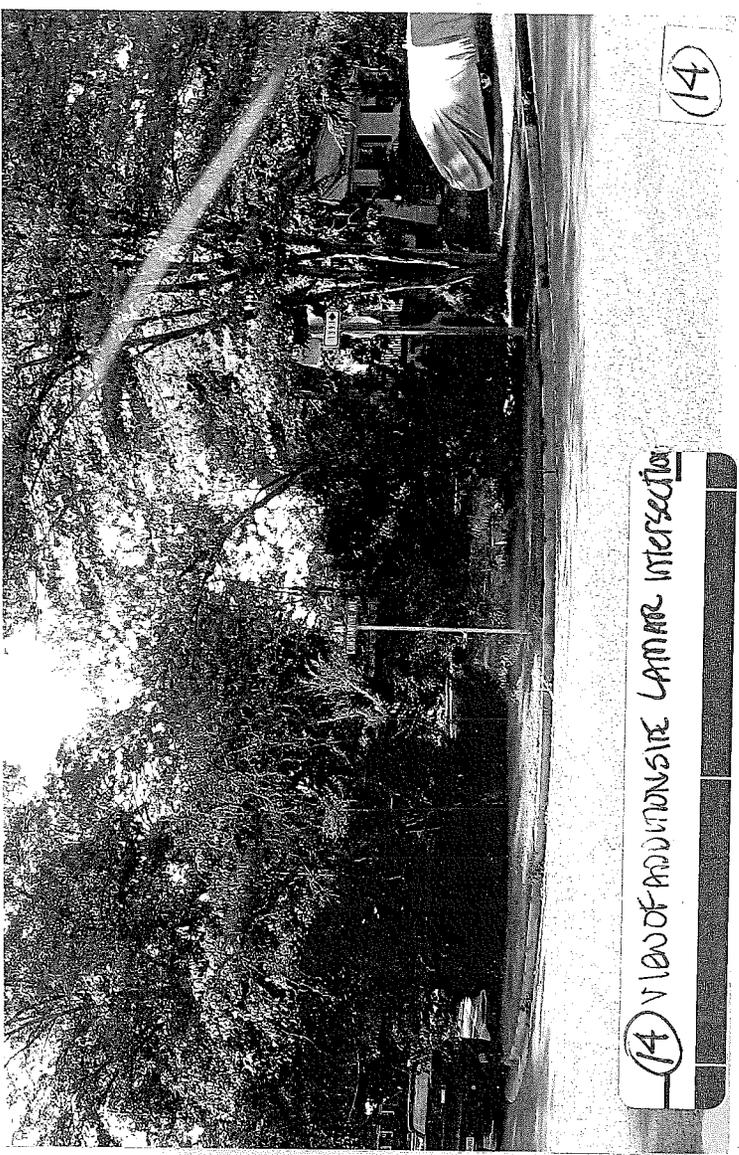


— (11) LOOKING SOUTH ON CONSTANTINE —



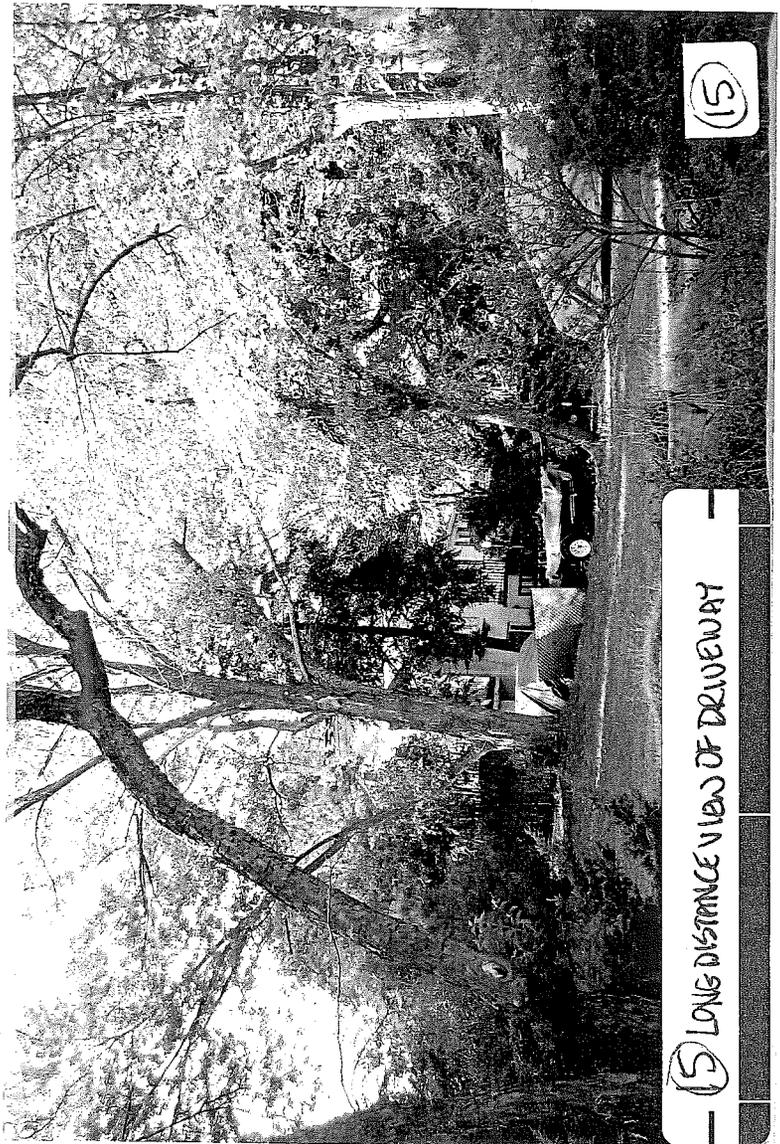
13

13 VIEW OF ADDITION SITE GENERAL



14

14 VIEW OF ADDITION SITE LAMAR INTERSECTION

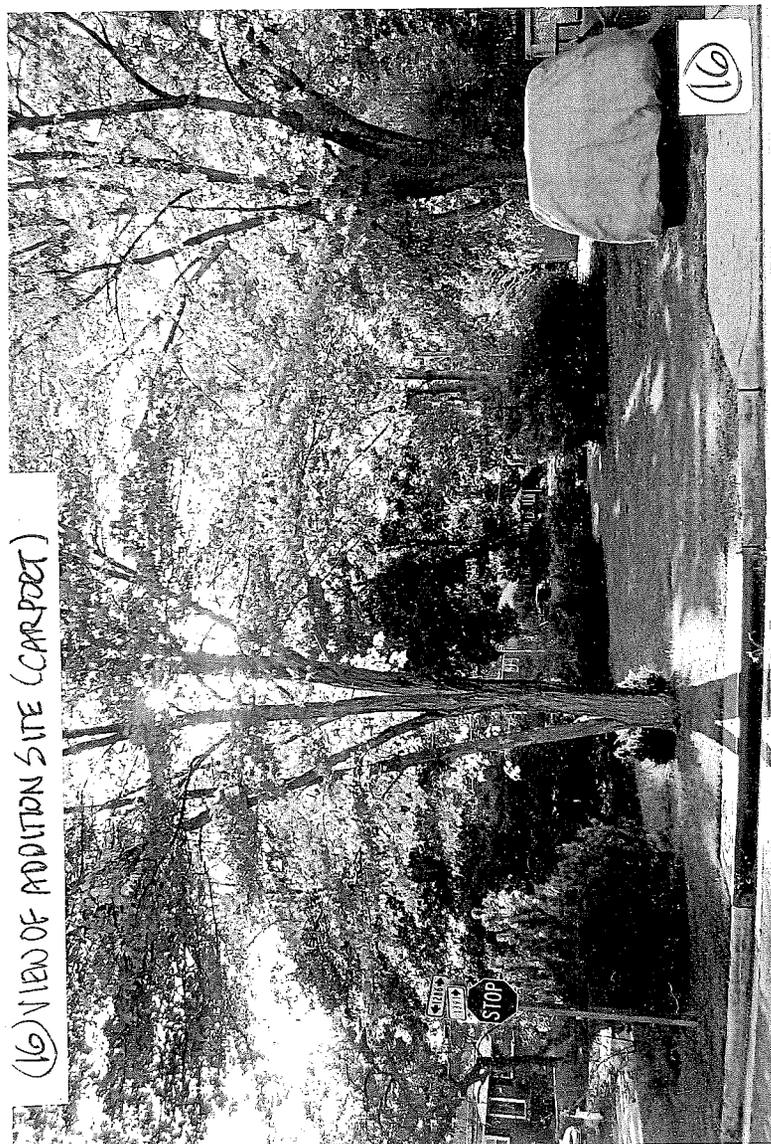


15

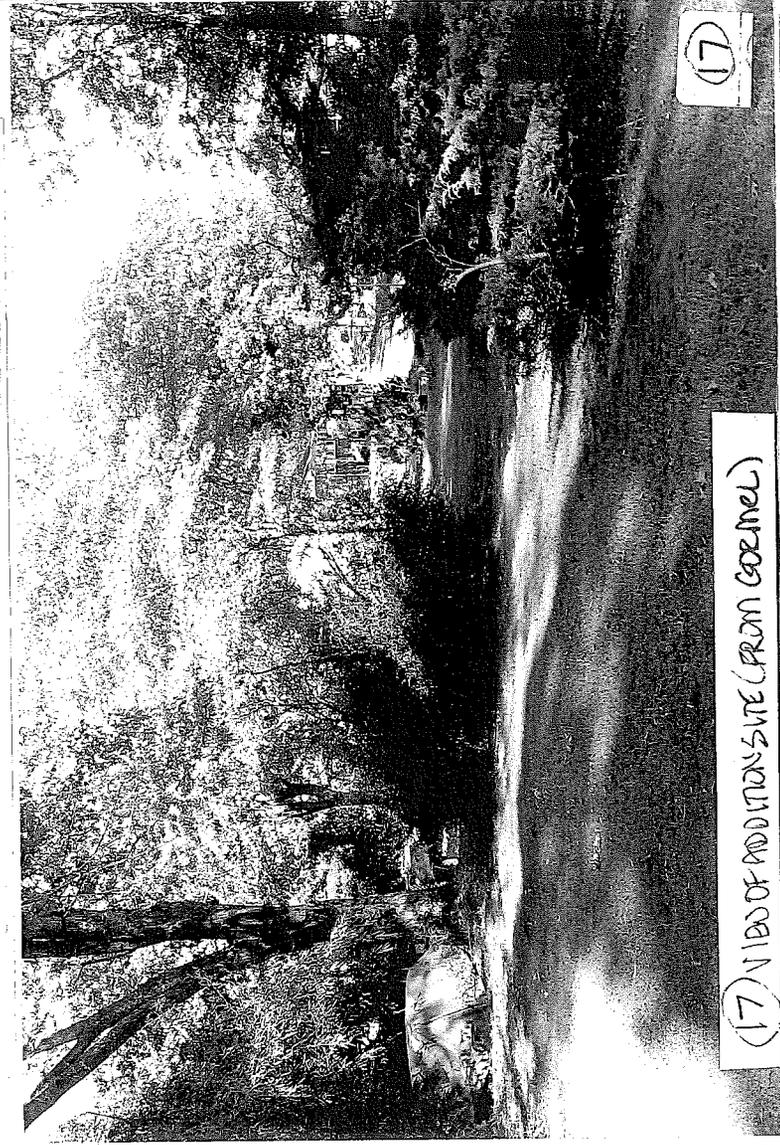
15 LONG DISTANCE VIEW OF DRIVEWAY



(18) VIEW OF ADDITION SITE FROM GORMEL

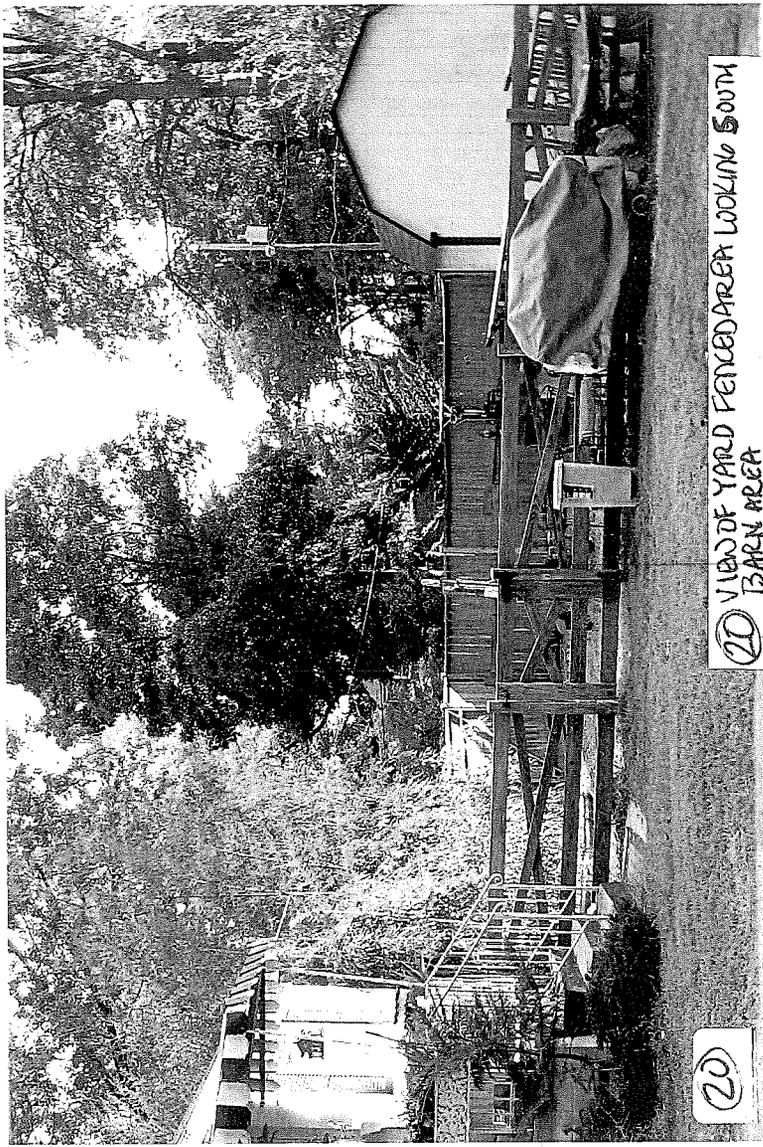
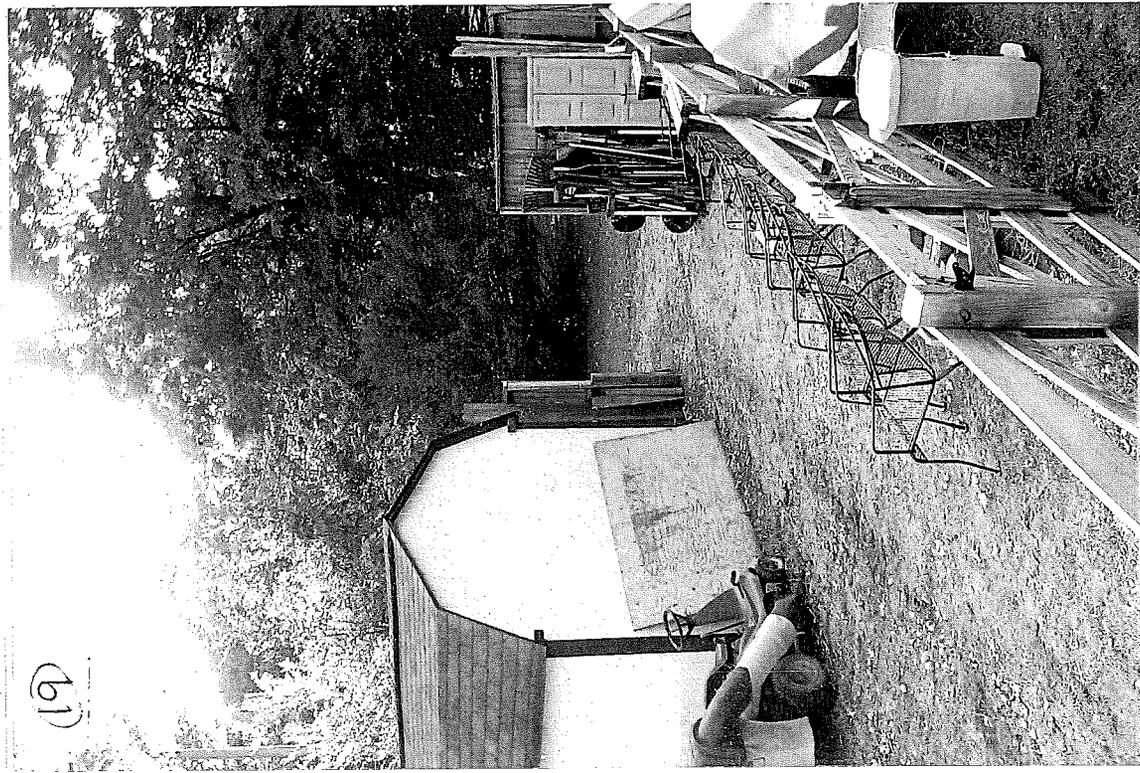


(16) VIEW OF ADDITION SITE (CARPORT)

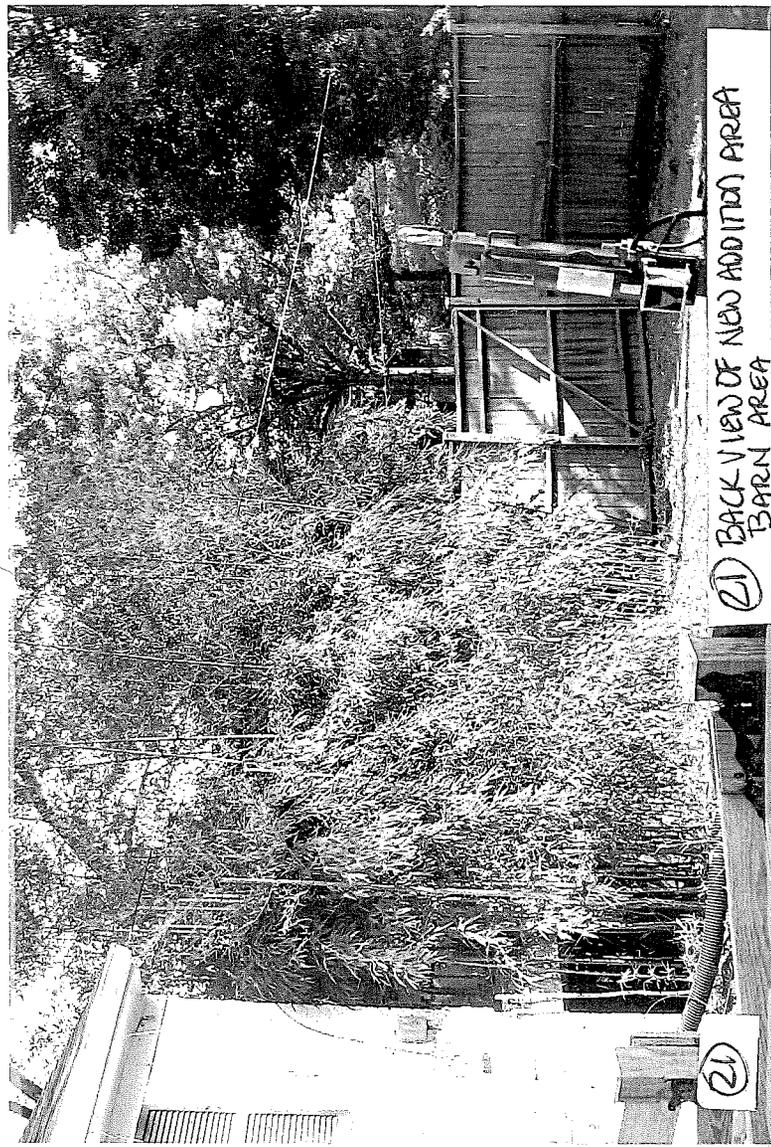


(17) VIEW OF ADDITION SITE (FROM GORMEL)

19 FROM BACK PORCH LOOKING WEST



20 VIEW OF YARD FENCED AREA LOOKING SOUTH BARN AREA



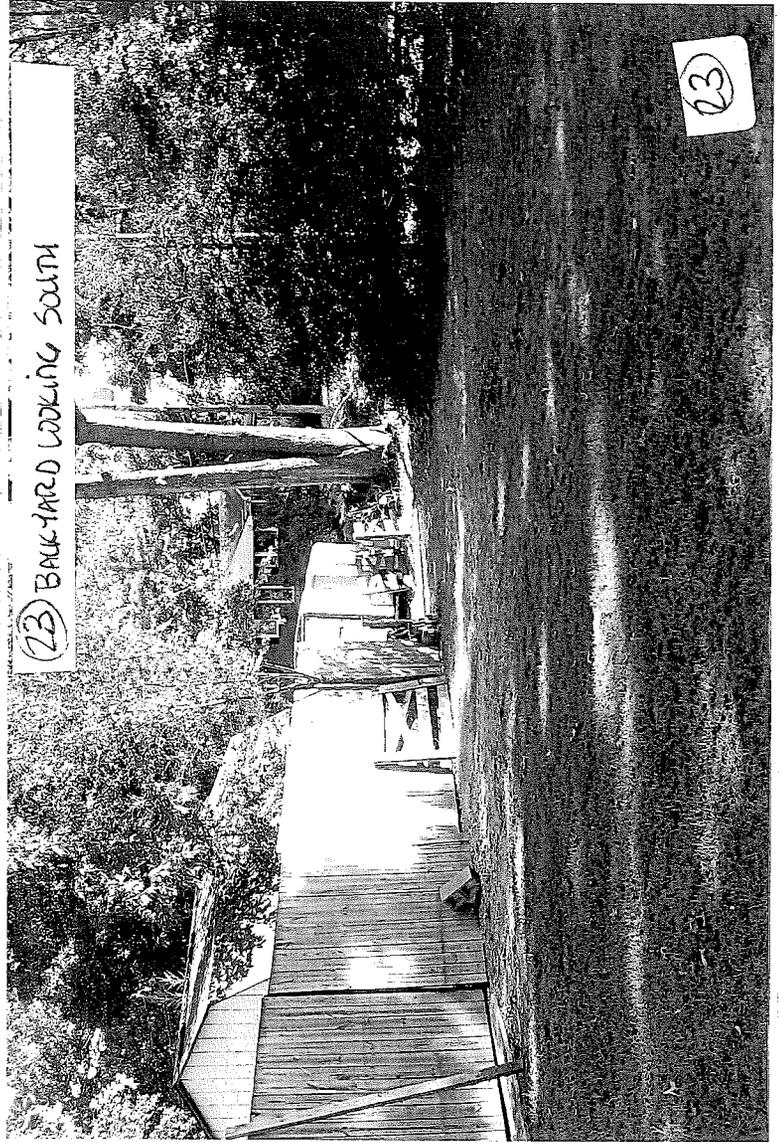
21 BACK VIEW OF NEW ADDITION AREA BARN AREA

(22) BACKYARD LOOKING EAST FROM
7229 E. 22ND



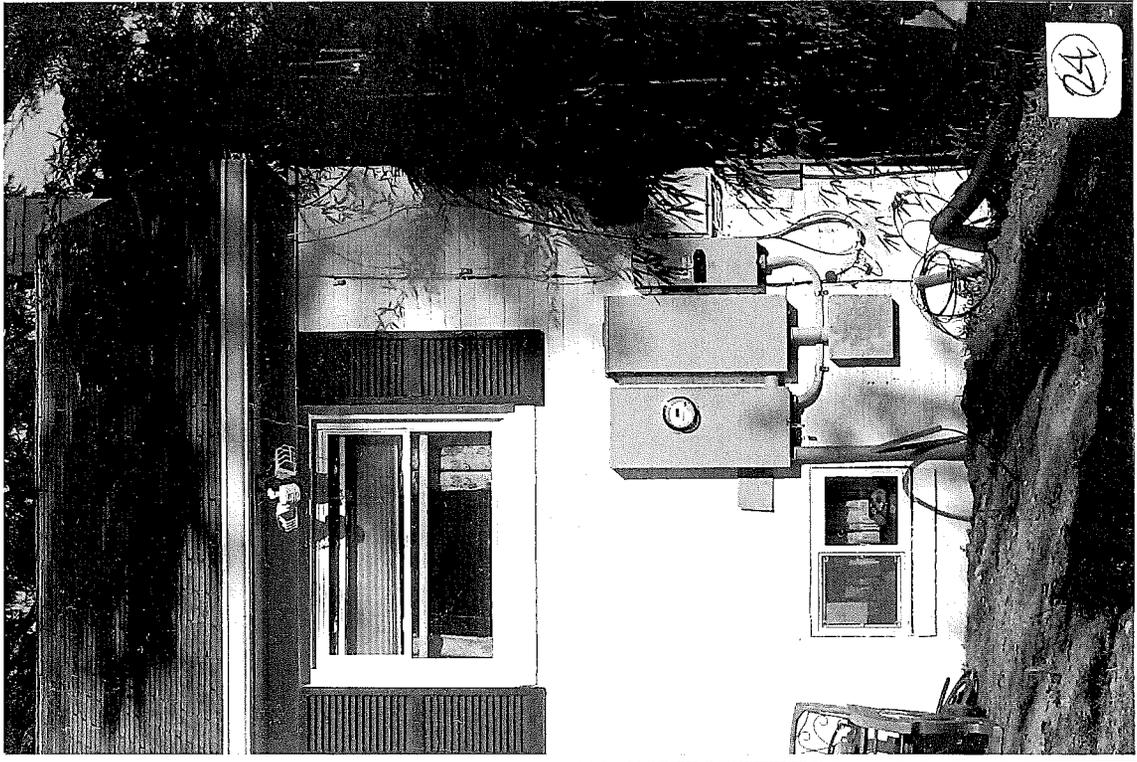
(22)

(23) BACKYARD LOOKING SOUTH

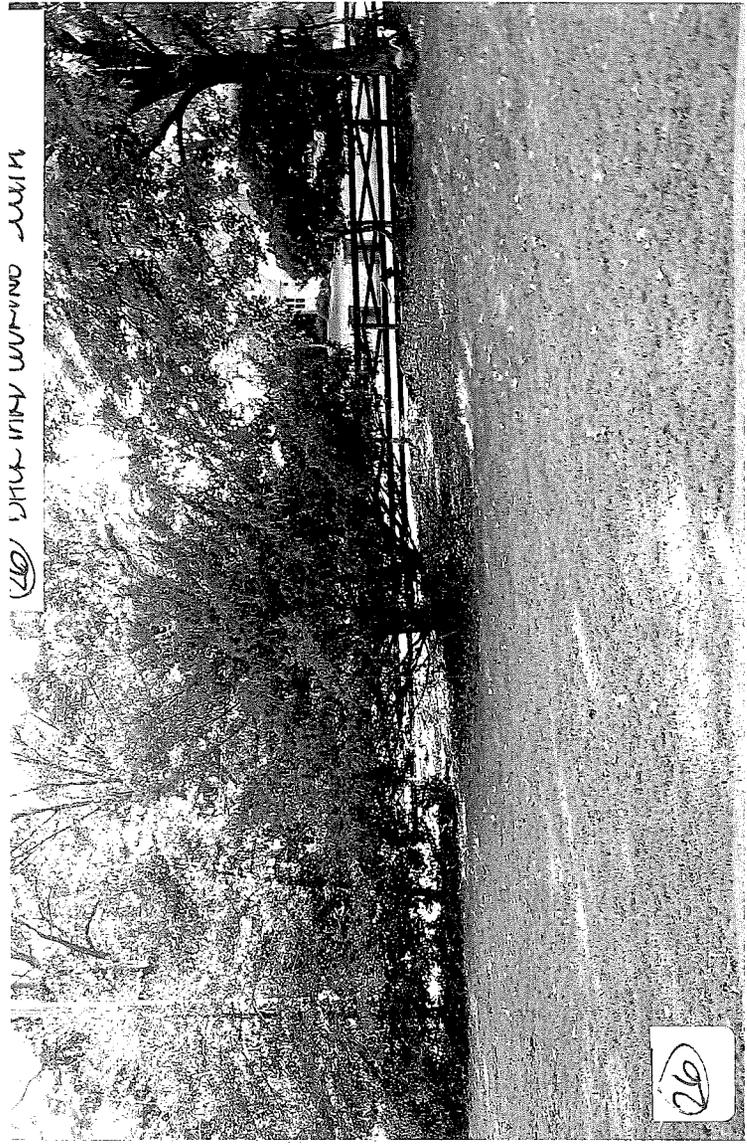


(23)

(24) NEW ELECTRICAL WORK
UNDERGROUND WIRES NEW BOX



(24)



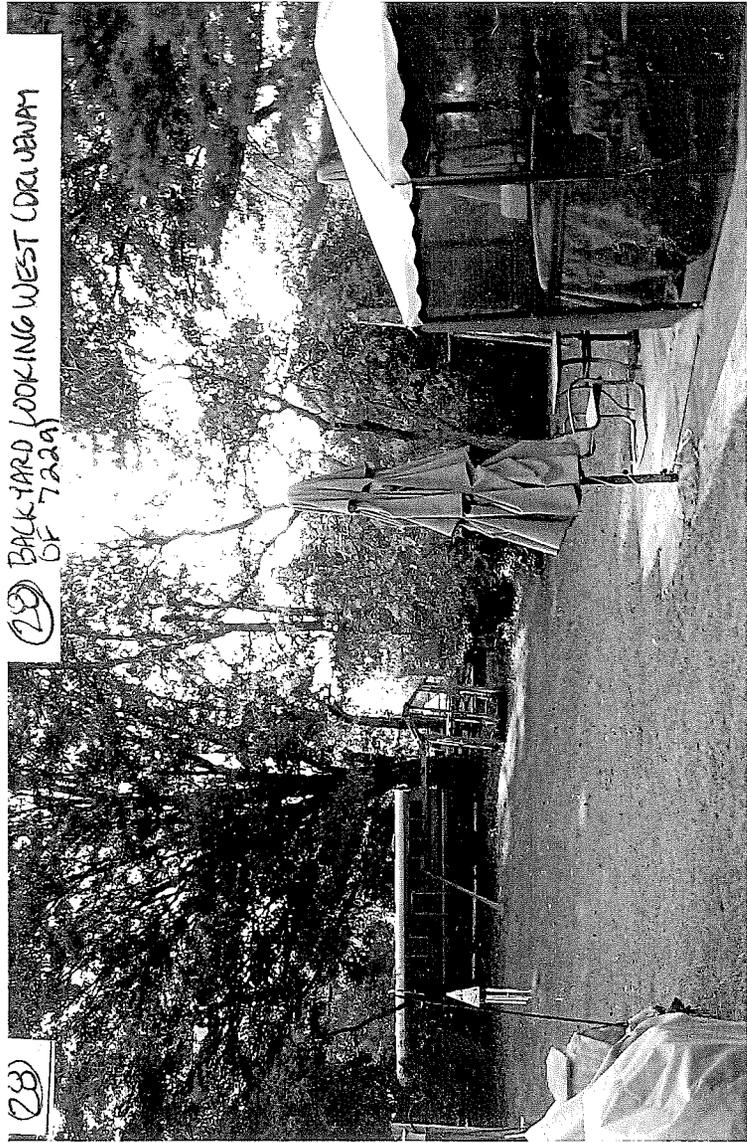
(26) DRIVE WITH WOODS LUSH



(27) BACKYARD LOOKING NORTH 7228 (CONSTANTINE)



(25) BACKYARD LOOKING EAST (FROM 7229 GORMAN)



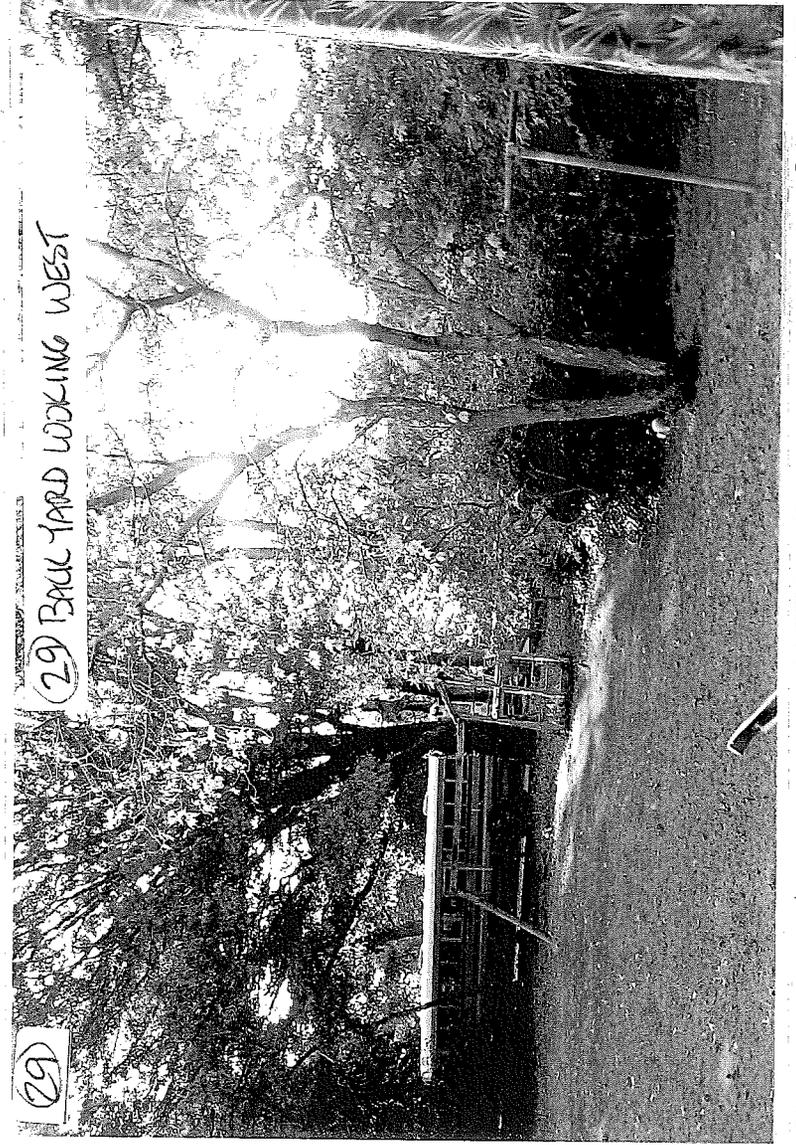
(28) BACKYARD LOOKING WEST (DRIVEWAY OF 7229)

(28)



(30) BACKYARD LOOKING WEST

(30)



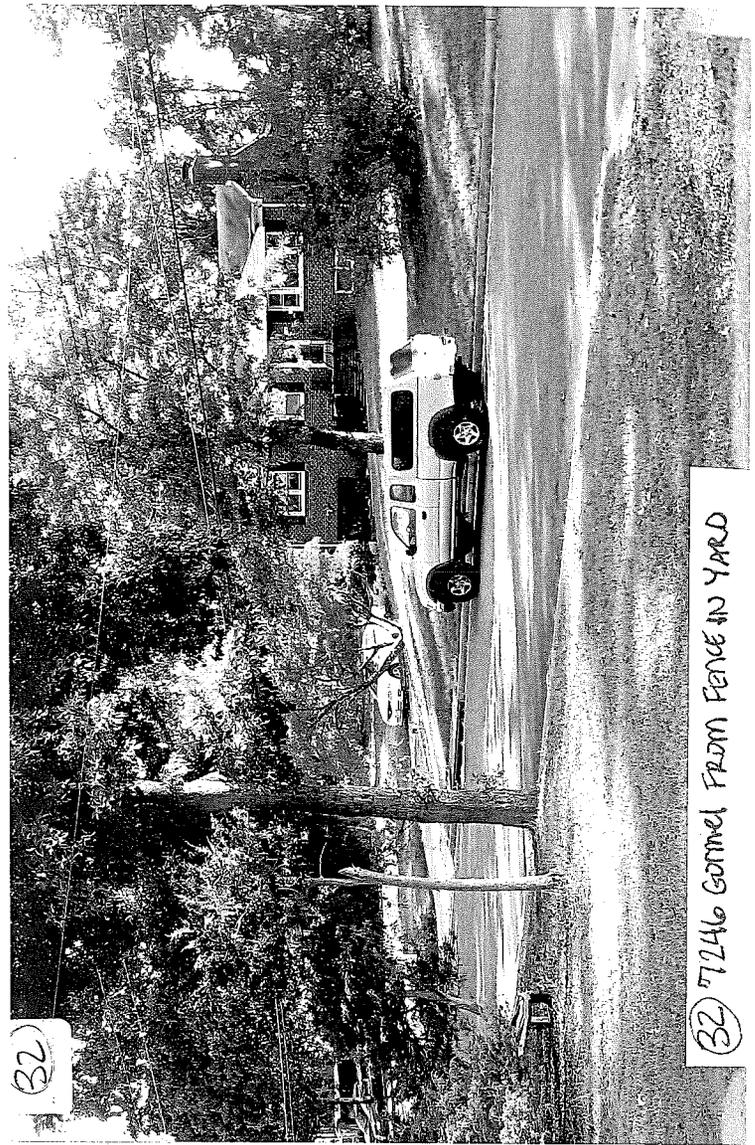
(29) BACKYARD LOOKING WEST

(29)



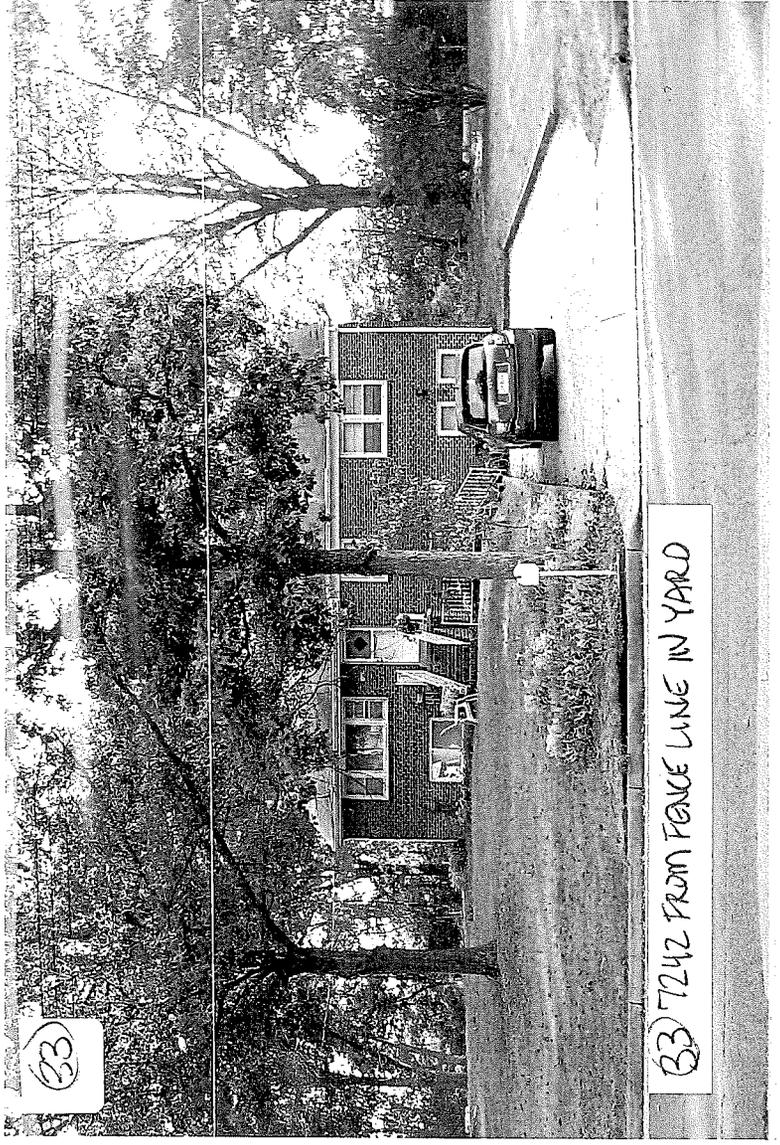
LOOKING WEST ON GORMEL

31



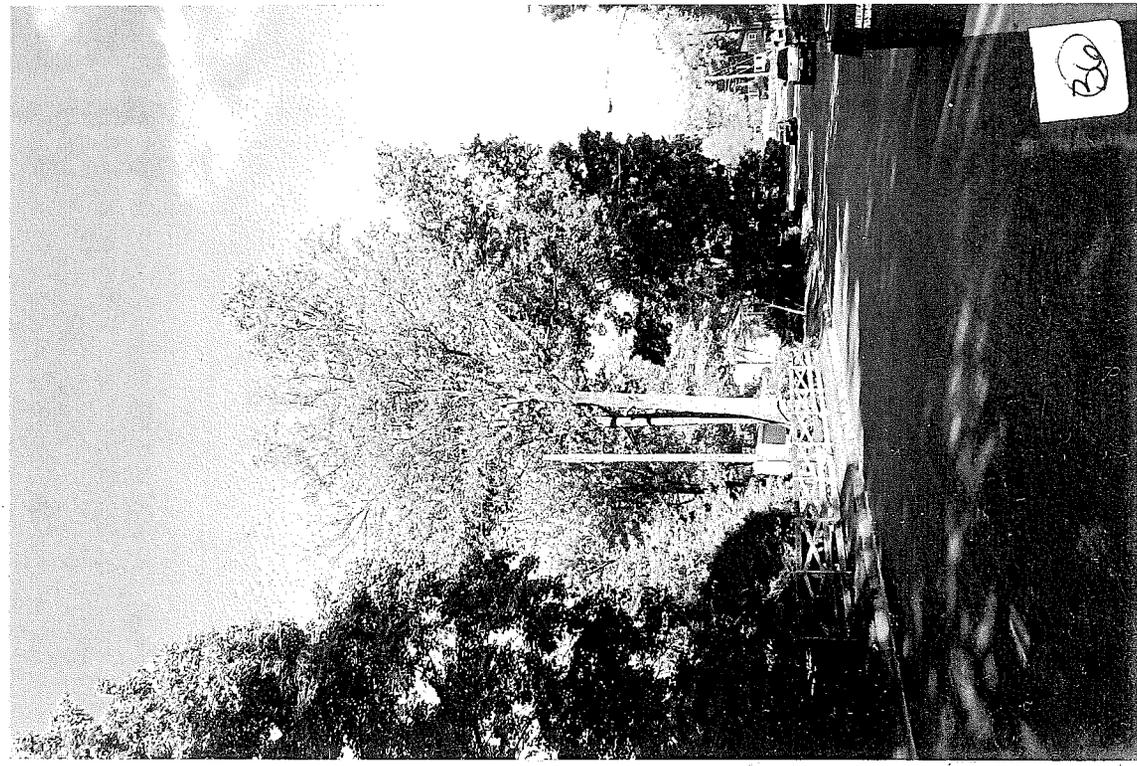
32 7246 GORMEL FROM FENCE IN YARD

32

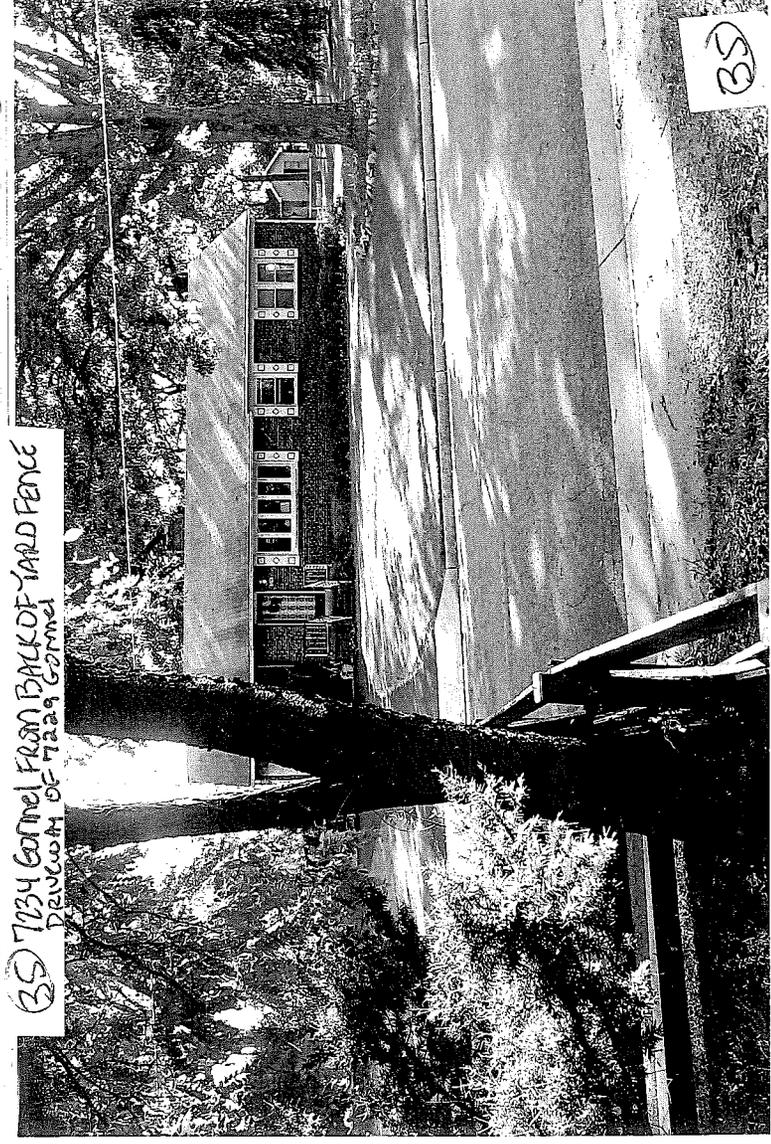
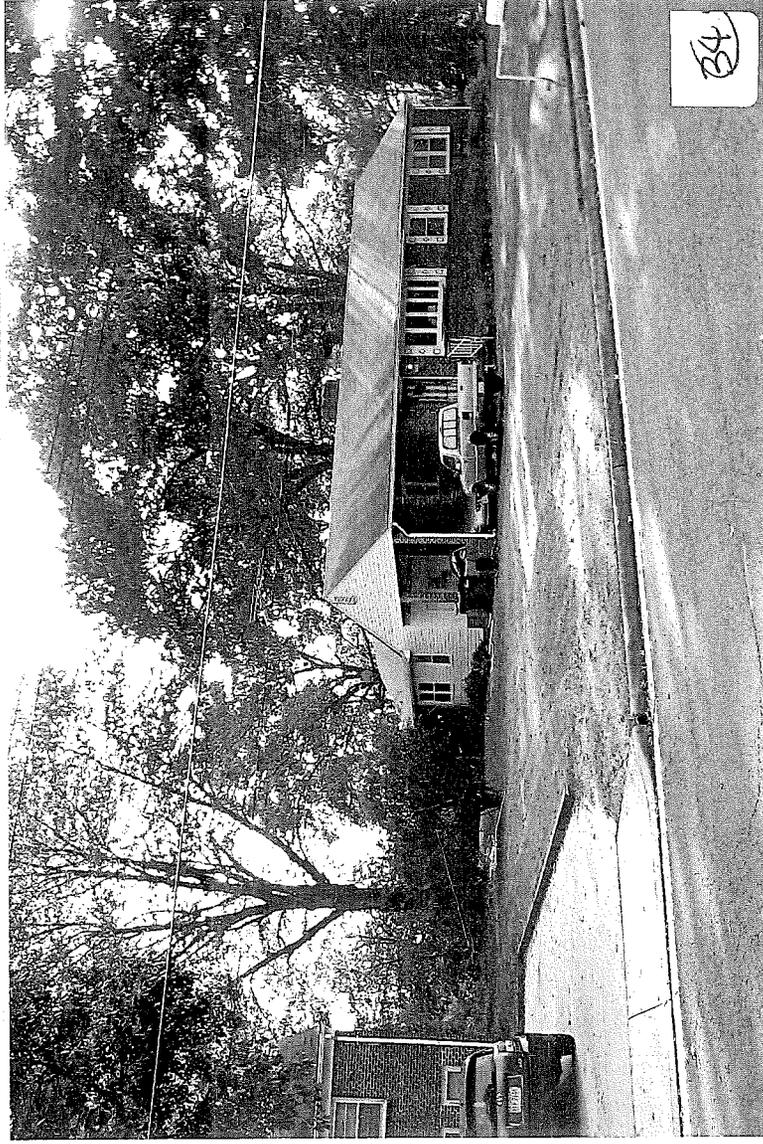


33 7242 FROM FENCE LINE IN YARD

33



339 LOOKING EAST FROM 7234 Gornel



335 7234 Gornel FROM BACK OF YARD FENCE
VIEW FROM 7229 Gornel

DESCRIPTION OF THE APPLICATIONS

Description of Special Permit Requests

The applicant requests special permit approval for a reduction to the minimum yard requirements to permit construction of a garage addition, with a second floor master bedroom above, 33.1 feet from the front lot line of Gormel Drive.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit Request	Garage Addition	Front	40.0 feet	33.1 feet	6.9 feet	17.3%

*Minimum yard requirement per Section 3-107

The applicant is also seeking a special permit to allow an existing fence greater than four feet in height to remain in the front yard of a corner lot. The six foot high frame fence is located in the front yard on Gormel Drive. The portion of the fence in violation is approximately 80.0 feet in length.

	Structure	Yards	Height Permitted By right	Maximum Height Requested	Modification Requested
Special Permit	Fence	Front	4.0 feet	6.0 feet	2.0 feet

Description of Variance Request

The applicant also requests a variance approval to permit an accessory storage structure, a shed 11.0 feet high, to remain in a front yard of a lot containing 36,000 square feet or less. This is also in the yard adjacent to Gormel Drive. The property is 26,390 square feet in size.

A copy of the plat entitled "Special Permit Plat, Lot 40, Section 5, Beverly Forest" prepared by William E. Ramsey, P.C., dated July 25, 2012, and signed October 19, 2012, as well as the architectural drawings of the addition are included at the front of the staff report.

EXISTING SITE DESCRIPTION

The application property is developed with a one story, single-family detached dwelling made of brick. County records indicate that the dwelling was constructed in 1956. A garage addition, which enclosed a former carport, is located to the south of the single family dwelling. A stoop exists on the front facade of the house with a walkway that leads to a gravel driveway. The driveway provides access to Constantine Avenue. Another stoop is located to the rear of the dwelling. Two sheds, both 5.1 feet high, are located 5.1 feet from the northern side property line. Another shed, 11.0 feet in height, exists 26.2 feet from the southern front property line. The property is a corner lot; therefore it has two front yards, one located on Constantine Avenue and one located on Gormel Drive. A 6.0 high wood frame fence extends from the western side of the garage to behind the shed in the front yard. The six foot fence continues north along the side of the shed. A four foot wood fence is located in the rear yard that starts at the rear of the house and connects to part of the six foot fence. The four foot fence continues along the south of the shed and extends to the other side of the property line. The fence continues on the other side of the property line to the west. A 3.5 foot chain link fence is located along the western and a portion of the northern property line. The rest of the yard consists of a lawn with large trees and other vegetation.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1	Single family detached dwellings
South	R-1	Single family detached dwellings
East	R-1	Single family detached dwellings
West	R-1	Single family detached dwellings

BACKGROUND

There are no permits in county records to determine when the existing garage was added. The submitted plat, however, shows a carport where the garage currently exists. Staff can reason that the carport was enclosed to make a garage. A building permit was issued in 2006 for interior renovations only. A Sherriff's Letter was issued to the applicants on February 10, 2009, that cited violations on the property that pertained to outdoor storage of items, which was corrected, and an accessory structure on a

corner lot (see Appendix 5). A Notice of Violation (NOV) was issued to the applicant on the same day. Violations include the existence of an inoperable vehicle and parking vehicles in the grass (see Appendix 6). A Vested Rights Determination was completed by the Zoning Administration Division (ZAD) in relation to the shed located in the front yard along Gormel Drive. It was determined that the shed was not vested as it did not have a building permit and has not been taxed for 15 years (see Appendix 7).

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

ZONING ORDINANCE REQUIREMENTS (See Appendix 8)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements
- Sect. 8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard
- Sect. 18-401 Required Standards for Variances

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. *Staff believes by observation of the neighborhood through submitted photographs and through aerial images that the addition will not adversely affect the use or development of neighboring properties. The general character of the residential neighborhood is single family dwellings. The proposed garage addition is of a similar style to the existing home on the property and other single family dwellings in the 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 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is approximately 1,188 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 1,782 square feet in size for a possible total square footage at build out of 2,970 square feet. The proposed garage and second floor bedroom addition is approximately 1,372 square feet in size, for a total square footage of the house, with the additions, of 2,560 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 submitted indicate that the materials, size and scale of the proposed garage addition and will be compatible with the existing structure. The addition is subordinate in bulk and scale to the principal dwelling and the proposed addition will not create any additional height to the overall existing structure. The proposed addition is two stories in height and because of a drop-off in topography; it is proposed to be the same height as the existing dwelling. 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 proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. There are a variety of styles and stories of houses 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. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the garage and second floor addition is modest in size and scale and will not impact the use and/or enjoyment of adjacent properties. Staff believes that the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of

the existing structure; availability of alternate locations for the proposed structure; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. *The proposed location of the garage and second floor bedroom addition is an adequate location as a driveway and carport already exist on this side of the house. The garage and addition would further infringe on side yard setbacks, if it was placed on the northern side of the dwelling. The setback distance of the dwelling on the northern side is 22.8 feet. At its proposed location, a reduction of only 6.9 feet is requested. If placed on this side it does not appear that any trees will be removed with the construction of this addition as analyzed through submitted photos and aerial photography. Other issues of steep slopes, floodplains, wells, easements and preservation of historic resources are not applicable to this site. Therefore, staff believes that the application meets this provision.*

CONCLUSION

If it is the intent of the BZA to approve these applications, staff recommends the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 and Appendix 2 of this report, Proposed Development Conditions.

RECOMMENDATION

Staff recommends approval of SP 2012-LE-079 for the garage 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 Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicant's Affidavits
4. Applicant's Statement of Justifications
5. Sherriff's Letter dated February 10, 2009
6. Notice of Violation dated February 10, 2009
7. Vested Rights Determination dated September 6, 2012
8. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2012-LE-079

January 30, 2013

If it is the intent of the Board of Zoning Appeals to approve SP 2012-LE-079 located at Tax Map 90-3 ((6)) 40 to permit reduction of certain yard requirements pursuant to Sect. 8-922 and to permit a fence over 4.0 feet in height in a front yard pursuant to Sect. 8-923 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 addition and the height and location of fences as shown on the plat prepared by William E. Ramsey, dated July 25, 2012, signed October 19, 2012 and revised 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 (1,188.0 square feet existing + 1,782.0 square feet (150%) = 2,970.0 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. 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.



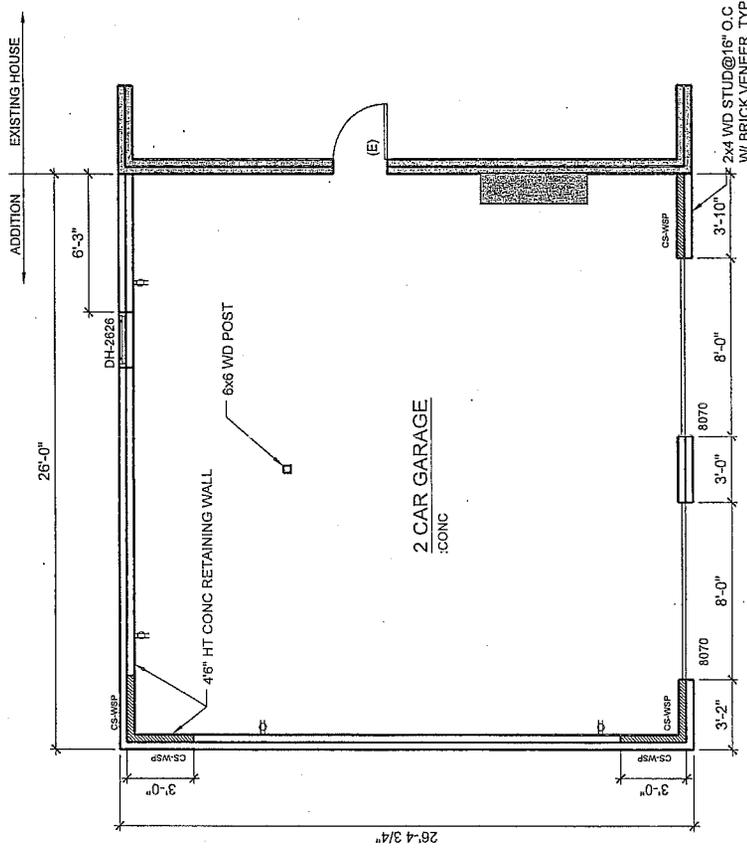
Home Addition
:WARREN
RESIDENCE

7323 Coopersville Ave
Springfield, VA 22151

DATE: 07/10
SCALE: 1/8" = 1'-0"

DATE: 07/10
SCALE: 1/8" = 1'-0"
FLOOR PLAN
SHEET

A1



1 1ST FLOOR PLAN
SCALE: 3/16" = 1'-0"

AREA CALCULATION	
1. EXISTING FLOOR AREA @UPPER LEVEL	1,175 SF
2. EXISTING FLOOR AREA @LOWER LEVEL	606 SF
TOTAL FLOOR AREA	1,781 SF
3. ADDITION AREA @UPPER LEVEL	686 SF
4. ADDITION AREA @GARAGE	686 SF
TOTAL GROSS FLOOR ADDITION AREA	1,372 SF



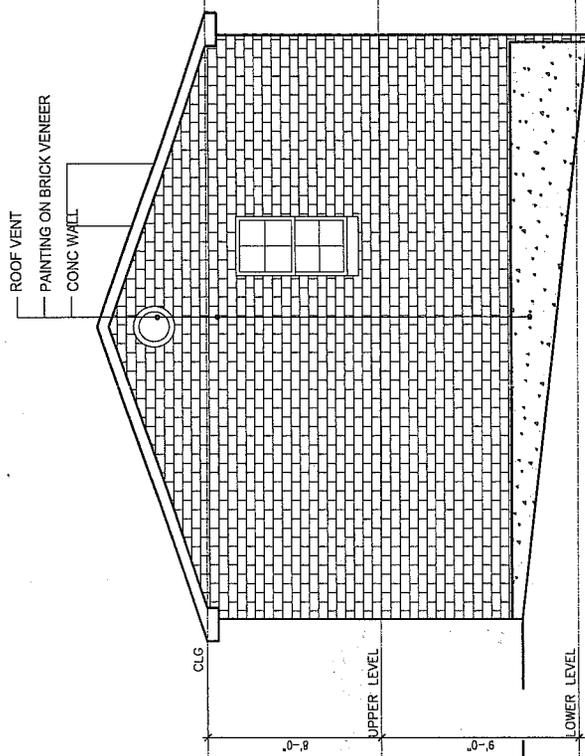
Home Addition
WARREN
RESIDENCE

7232 Connecticut Ave
Springfield, VA 22150

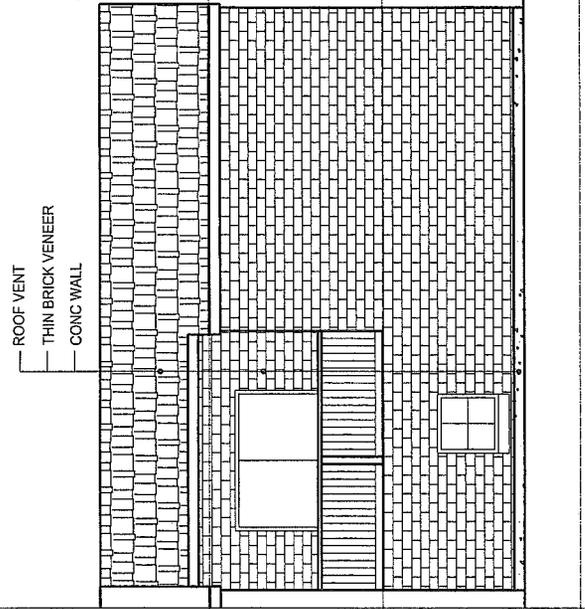
Job # 07010
Date _____
Name _____

Scale _____
ELEV. _____
Sheet # _____

A3



1 SIDE ELEVATION
SCALE: 3/16" = 1'-0"



2 REAR ELEVATION
SCALE: 3/16" = 1'-0"

PROPOSED DEVELOPMENT CONDITIONS

VC 2012-LE-008

January 30, 2013

1. This variance is approved for the location of a shed in the front yard as shown on the plat prepared by William E. Ramsey, dated July 25, 2012, signed October 19, 2012 and revised as submitted with this application and is not transferable to other land.

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 including requirements for building permits.

Application No.(s): SP 2012-LE-079
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: OCT 9, 2012
 (enter date affidavit is notarized)

I, MICHAEL C. WARREN, 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

117639

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)
MICHAEL C. WARREN	7232 CONSTANTINE AVE, SPRINGFIELD, VA 22150	APPLICANT/TITLE OWNER
SUSAN O. WARREN	7232 CONSTANTINE AVE, SPRINGFIELD, VA 22150	TITLE OWNER

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

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

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

Application No.(s): SP 2012 - LE - 079
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: OCT 9, 2012
(enter date affidavit is notarized)

117639

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): SP 2012-LE-079
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: OCT 9, 2012
(enter date affidavit is notarized)

117639

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-LE-079
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: OCT 9, 2012
(enter date affidavit is notarized)

117639

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 - LE - 079
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: OCT 9, 2012
(enter date affidavit is notarized)

117639

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.

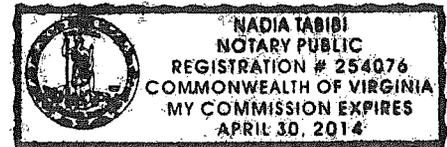
WITNESS the following signature:

(check one) [x] Applicant [] Applicant's Authorized Agent
Michael Warren
MICHAEL C. WARREN Applicant/Title owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 09 day of OCTOBER 2012, in the State/Comm. of Virginia, County/City of Fairfax

Nadia Tabibi
Notary Public

My commission expires: 04/30/2014



Application No(s):

VC 2012-LE-008

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

Nov 7, 2012

(enter date affidavit is notarized)

I, MICHAEL C. WARREN, do hereby state that I am an (enter name of applicant or authorized agent)

(check one)

[x]

applicant

[]

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

118538

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.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Row 1: MICHAEL C. WARREN, 7232 CONSTANTINE AVE SPRINGFIELD, VA 22150, Applicant/Title owner. Row 2: SUSAN D. WARREN, 7232 CONSTANTINE AVE SPRINGFIELD, VA 22150, Title owner.

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

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

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

Application No.(s):

VC 2012-LE-008

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

Nov 7, 2012

(enter date affidavit is notarized)

118538

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):

VC 2012-LE-008

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Nov 7 2012
(enter date affidavit is notarized)

118538

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.

VC 2012-LE-008

Application No.(s):

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Nov 7 2012

(enter date affidavit is notarized)

118538

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:

[x] 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):

VC 2012-LE-008

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Nov 7 2012 (enter date affidavit is notarized)

118538

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:

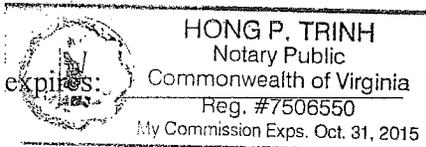
(check one)

Michael C. Warren [X] Applicant [] Applicant's Authorized Agent

MICHAEL C. WARREN (type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 07 day of November 2012, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires:



[Signature] Notary Public

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

FOR MICHAEL AND SUSAN WARREN

7232 CONSTANTINE AVE

SPRINGFIELD, VA 22150

✓ 4-10

- A. Single family home.
- B. 24/7
- C. Two
- D. Zero
- E. No impact on neighborhood traffic
- F. Beverly Forest community
- G. Two story addition (bedroom over garage)
- H. None
- I. My wife and I live in a small home, approximately 1180 square feet. We are requesting a Special Permit to build a two story addition, a bedroom over a garage. The addition will improve and expand our home while complementing the design of surrounding homes in the neighborhood. My wife and I have designed the addition to nest with the neighborhood, achieve a level of uniformity and ensure increased market value by:
 - a. Integrating the new design into the current existing structure thereby maintaining the current roof line and width of the home
 - b. Using quality building materials, all brick, which maintains the current structure's integrity
 - c. Using identical paint schemes
 - d. Converting the current carport into a garage, mimicking the design of five of our immediate neighbors' homes



Susan Warren



Michael C. Warren

Date: 8 Aug 2012

Date: 8 Aug 2012

RECEIVED (5)
Department of Planning & Zoning

AUG 16 2012

Zoning Evaluation Division

Item 930.10: STATEMENT OF JUSTIFICATION FOR TEMPORARY STRUCTURES (GAZEBO/PATIO)

Identified in the pictures I submitted in my Special Permit Application, SP 2012-0191 were two temporary structures, a Gazebo and a Patio. Regarding the patio, what the county identified as a patio is nothing more than sheets of pressure treated plywood which provides a level surface for the Gazebo. Our backyard is not level. A level surface is the manufacturer's prescribed installation technique in order to properly set up and secure the Gazebo. The rubber mat on the plywood provides a method of draining water when it rains. Not having a rubber mat results in puddles of rain water standing within the Gazebo. Numerous attempts to set up the Gazebo without the plywood and rubber mat have been complete failures and have resulted in damage to the Gazebo structure.

Our Gazebo, with its plywood floor, is a temporary structure. We set up and take down the Gazebo each year. We have assembled/disassembled and stored our Gazebo every year for approximately 10 years. The reason we have a Gazebo is due to my wife's severe allergies to bee stings and bug bites. My wife (Susan) has a prescription for an EpiPen (Epinephrine Auto-Injector 0.3mg) which she carries with her at all times. A letter from our family doctor, Dr. Lisa Harper, can be provided if required.

The dimensions of the Gazebo are 12X12 with the center height of 83". The Gazebo folds and unfolds like an accordion. Again, the only way for my wife to enjoy our backyard is for her to stay inside a covered environment.

Enclosure (1)

Nov 7, 2012

Fairfax County Zoning Evaluation Division
Department of Planning and Zoning (Attn: Ms. Virginia H. Ruffner, Planner III)
12055 Government Center Parkway, Suite 801
Fairfax Virginia, 22035-5509

Subject: APPLICATION FOR VARIANCE: PROVISION FOR INCREASE IN FENCE HEIGHT FROM FOUR (4) FEET TO SIX (6) FEET IN FRONT YARD 26.2 FEET FROM THE FRONT LOT LINE

Ref: Section 8-923 of the Zoning Ordinance

Dear Ms. Ruffner,

Per the reference, detailed explanations addressing each standard of Section 8-923 of the Fairfax County Zoning Ordinance is met are provided below:

1. The current fence height does not exceed six (6) feet and does comply with Par. 31 of Sect. 10-104.
2. The current fence height meets the sight distance requirements contained in Sect. 2-505.
3. My request for a fence height increase from four (4) feet to six (6) feet warrants BZA approval for the following reasons:
 - a. The fact that our property is a corner property with multiple front yards.
 - b. The fact that our fence is aesthetically pleasing architectural design which is integrated into our principal structure and will be integrated into our proposed two story addition.
 - c. The location of our corner property, which is and has been for 20 years, the location of a Fairfax County school bus stop provides an open and inviting area for curious children and trespassing adults. My wife and I are deeply concerned about the safety and security of our property and of the young children who frequent our property on a daily basis. Though children typically access my property before and after school, our fence prevents children, and others, from accessing our external electrical box and other items which catch their attention.
 - d. Our fence deflects the noise from expanded I-95 and Backlick Road traffic and road construction as well as the noise from the development and operation of Fort Belvoir North.
4. The fence height is in character with the existing on-site development and is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The height of the fence does not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.

6. I understand that the BZA may impose conditions it deems necessary to satisfy the criteria of Sect. 8-923, including but not limited to imposition of landscaping or fence design requirements.

If you have any questions regarding my request please call me at (cell) 703-328-0244 or contact me via email at sxwarren@verizon.net .

Sincerely,



Michael C. Warren

Nov 7, 2012

RECEIVED
Department of Planning & Zoning

NOV 07 2012

Zoning Evaluation Division

NOV 02 2012

Nov 2, 2012

Fairfax County Zoning Evaluation Division
Department of Planning and Zoning (Attn: Ms. Virginia H. Ruffner, Planner III)
12055 Government Center Parkway, Suite 801
Fairfax Virginia, 22035-5509

Zoning Evaluation Division

Subject: APPLICATION FOR VARIANCE: ACCESSORY STRUCTURE 26.2 FEET FROM THE FRONT LOT LINE

Ref: (1) Section 18-404 of the Zoning Ordinance

Dear Ms. Ruffner

Per the reference, detailed explanations of how each standard of the Zoning Ordinance is met are provided below:

1. My wife and I purchased our home in good faith in 1992 and are the sole owners of the subject property.
2. Our property was first developed in 1956 which predates the ordinance. Though our property is over 26,000sqft, the property is a corner lot, has an irregular shape and is exceptionally narrow at the NE corner (rear) of the property. The characteristics of our property restrict and constrain my wife and me from effectively and fully utilizing the property.
3. The condition or situation of the subject property is not of a recurring nature to warrant the formulation of a general regulation to be adopted by the board of Supervisors as an amendment to the Zoning Ordinance. My variance request is submitted due to the irregular characteristics of our property combined with the fact that the property is located on the corner of Constantine and Gormel. The property is unlike most of the other 100(+) lots in our neighborhood. The majority of the other lots within our neighborhood has more regular/rectangular shapes and is not located on the corner intersection of two streets.
4. The strict application of this Ordinance produces an undue hardship because my wife and I are severely limited with what improvements we can make to the property. Our application for a variance pertains to the location of our shed which is 26.2 feet from the front lot line. Our shed is located at the end of our secondary driveway. Our shed is the same color scheme and design as our home and improves our property aesthetically by adhering to the architectural lines of our home and general layout of the property. This variance will allow us to maintain the aesthetic balance, instead of relocating our shed to the middle of our front/back yard which would not be in keeping with the overall design of our property or our neighborhood, and would look totally out of place.
5. As mentioned previously, other properties located within the same zoning district do not suffer the same negative impact of the irregular shape of our property because their lots are more rectangular in shape and are not located on a corner intersection. Due to the shape of our neighbors' lots, most of their accessory structures are located in their rear yards.

6. Granting our request for a variance allows my wife and me to integrate our shed into the design of our new two story addition, SP 2012-0191, achieving a sense of symmetry on the property. Strict application of the ordinance unreasonably restricts the utilization of our property by requiring my wife and I to relocate the shed to a small irregular shaped space identified within the survey plat. Locating the shed in this small irregular space would negatively impact our adjacent neighbor because it is not in keeping with the design of our neighborhood and aesthetically, it would look totally out of place.
7. The authorization of the variance would not be a substantial detriment to the adjacent property; in fact, it would have no negative impact on either adjacent property.
8. Granting this variance would not change the character of the zoning district.
9. Granting this variance will be in harmony with the intended spirit and purposes of this Ordinance and in no way contrary to the public interest.

If you have any questions regarding my request please call me at (cell) 703-328-0244 or contact me via email at sxwarren@verizon.net .

Sincerely,,



Michael C. Warren



Street file

County of Fairfax, Virginia

APPENDIX 5

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

DATE OF ISSUANCE: February 10, 2009

SHERIFF'S LETTER

CASE #: 40874

SERVE: Michael C. Warren
Susan Warren
7232 Constantine Avenue
Springfield, Virginia 22150

LOCATION OF VIOLATION 7232 Constantine Avenue
Springfield, Virginia 22150-3115
Tax Map #: 0903 06 0040
Zoning District: R-1



Dear Property Owners:

An inspection of the above referenced property on January 16, 2009 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-302 (5) Junk Yard in a Residential District:

You are storing in the front, side and rear yards of this property the following materials, debris and junk:

Tires, plastic containers, jugs, scrap pieces of lumber, metal, cinder blocks, tree limbs, branches, trash bags, tarps, lawn mowers, tools, ladders, trailers, and other miscellaneous debris.

The use of the property for the storage of the afore-described items constitutes a junk yard, which is defined in Part 3 of Article 20 of the Fairfax County Zoning Ordinance as:

The use of any space, whether inside or outside a building, for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof; provided that this definition shall not apply to outside



- Removing all items comprising the storage yard from this lot to a lawful site; and
- Ceasing, on a permanent basis, the use of the property as a storage yard.

§ 10-102 (24) Outdoor Storage

§ 2-302 (6) Accessory Use must comply with Article 10:

An inspection has determined that you are allowing the storage in the front, side, rear yards and under the carport of, but not limited to, the following:

Tires, plastic containers, jugs, scrap pieces of lumber, metal, cinder blocks, tree limbs, branches, trash bags, tarps, lawn mowers, tools, ladders, trailers, shelves, boxes, and other miscellaneous debris.

This outdoor storage:

Exceeds 100 square feet in area, and

Is not located in the rear half of the lot, and

Is not screened from view from the first story window of any neighboring dwelling.

This outdoor storage is not in accordance with Par. 24 of Sect. 10-102 of the Fairfax County Zoning Ordinance that states in part:

Storage, outdoor in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet.

Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance that states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

- (2) Temporary portable storage containers shall not exceed a cumulative gross floor area of 130 square feet for each dwelling unit.
- C. Temporary portable storage containers shall not exceed eight and one-half (8½) feet in height.
- D. Temporary portable storage containers shall not be located in any required open space, landscaped area, on any street, sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection. Such containers shall also be subject to the sight distance provisions of Sect. 2-505.

Therefore, as this temporary portable storage container has been on this property for a time period exceeding that which is permitted in Par. 27 of Sect. 10-102 of the Zoning Ordinance within a six (6) month period, you are in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing the temporary portable storage container from this property.

Furthermore, the inspection revealed that you have constructed an accessory storage structure which measures approximately eleven (11) feet in height, at its highest point and is approximately 120 square feet in area (12) by (10) feet in the front yard on this corner lot. An accessory storage structure is a permitted accessory use on this lot; however the location of this accessory storage structure must comply with Par. 10B and Par. 12F of Sect. 10-104.

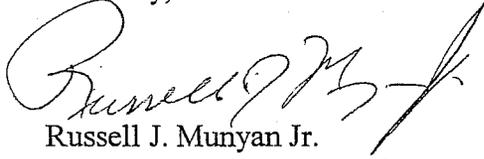
Violation: ACCESSORY STRUCTURE CORNER LOT – Par. 10B and 12F of Sect. 10-104

10B- An accessory storage structure shall not be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less.

Michael C. Warren
Susan Warren
February 10, 2009
Page 7

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1399 or (703) 324-1300.

Sincerely,



Russell J. Munyan Jr.
Property Maintenance/Senior Zoning Inspector

RJMJR/seg



Street File

County of Fairfax, Virginia

APPENDIX 6

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

NOTICE OF VIOLATION

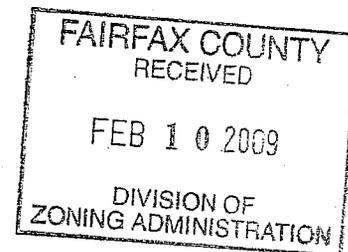
DATE OF ISSUANCE: February 10, 2009

SHERIFF'S LETTER

CASE #: 40874

SERVE: Michael C. Warren
Susan Warren
7232 Constantine Avenue
Springfield, Virginia 22150

LOCATION OF VIOLATION 7232 Constantine Avenue
Springfield, Virginia 22150-3115
Tax Map #: 0903 06 0040
Zoning District: R-1



Dear Property Owners:

An inspection of the above referenced property on January 16, 2009 revealed the following violations of the Fairfax County Zoning Ordinance.

- § 10-102 (13) Inoperable Vehicle(s)
§ 2-302 (6) Accessory Use must comply with Article 10:

The inspection has determined that you are storing two inoperable vehicles at this residentially zoned property. Paragraph 3 of Section 110-2-1 of the Fairfax County Code defines an inoperative vehicle as:

- (3) Any motor vehicle, trailer, or semi trailer as herein defined:
 - (A) Which is not in operating condition; or
 - (B) Which does not display valid license plates; or

Michael C. Warren
Susan Warren
February 10, 2009
Page 3

temporary parking on an unsurfaced area in a front yard for a period not to exceed forty-eight (48) hours for loading, unloading, cleaning or repair of vehicles or trailers.

Therefore, the parking of vehicles on unsurfaced areas in the front yard of this property is in violation of this aforementioned Zoning Ordinance provision.

You are hereby directed to clear this violation of Par. 8 of Sect. 11-102 within ten (10) days of receipt of this Notice. Compliance can be accomplished by the following:

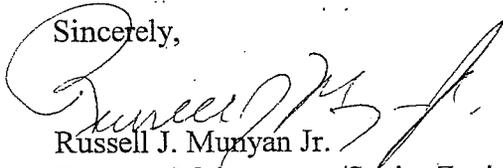
- Ceasing, on permanent basis, the parking of vehicles on the lawn or other unsurfaced areas in the front yard at this property, and
- Taking whatever action is necessary to ensure continued compliance with Par. 8 of Sect. 11-102 of the Zoning Ordinance.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within ten (10) days of the date of this letter in accordance with Sec. 15.2-2311 and Sec. 15.2-2286 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such ten (10) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$375.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703) 324-1399 or (703) 324-1300.

Sincerely,



Russell J. Munyan Jr.
Property Maintenance/Senior Zoning Inspector

RJMJR/seg

CF



County of Fairfax, Virginia

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

September 26, 2012

Michael C. Warren
7232 Constantine Avenue
Springfield, VA 22150

RE: Sect. 15.2-2307 of the Code of Virginia Determination
7232 Constantine Avenue
Beverly Forest, Sec. 5, Lot 40
Tax Map Ref.: 90-3 ((6)) 40
Zoning District: R-1

Dear Mr. Warren:

This is in response to your letter dated September 19, 2012 to Leslie B. Johnson requesting a vested rights determination for the existing shed (accessory storage structure) on the referenced property. According to your letter, after submitting a special permit application, it was determined that the accessory storage structure on the referenced property does not comply with the Fairfax County Zoning Ordinance requirement that prohibits freestanding accessory structures in any front yard containing 36,000 square feet or less. You are requesting that the accessory storage structure stays in its current location based on your justification of a bill of sale and five-year warranty for the accessory storage structure, which indicates that the accessory structure has been at its current location since March 23, 1996.

The property is a corner lot zoned R-1 District. The minimum required yards for the R-1 District are 40 feet front yard, 20 feet side yard and 25 feet rear yard. However, on a corner lot, the rear yard may be of such minimum dimension as the side yard requirement for that district. As such, the minimum required rear yard for the referenced property is 20 feet. Based on your request and the plat submitted to Zoning Evaluation Division, an accessory storage structure is located in the front yard along Gormel Drive on the referenced property. Pursuant to Par. 10B of Sect. 10-104 of the Zoning Ordinance, no accessory storage structure shall be located in any front yard on any lot containing 36,000 square feet or less. As such, the accessory storage structure in the front yard does not comply with the provision above.

Under §15.2-2307 of the *Code of Virginia*, if (a) local government has issued a building permit, the structure was constructed in accordance with the building permit, and a certificate of occupancy was issued, or (b) the owner of the building has paid taxes for the structure for more than 15 years, the structure is not illegal and may remain. Our records contain no evidence that a building permit has been issued for the construction of the accessory storage structure and the

Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/



7232 Constantine Avenue

September 26, 2012

Page 2

tax records do not indicate that the accessory storage structure has been taxed for at least 15 years. Therefore, §15.2-2307 of the *Code of Virginia* is not applicable to the accessory storage structure. However, the accessory storage structure could be relocated and/or modified to meet the provisions of the Zoning Ordinance as described above; alternatively, a variance could be sought from the Board of Zoning Appeals (BZA) for the accessory storage structure. A variance requires the submission of an application, plat and fee; notification of adjacent property owners; and a public hearing before the BZA. The BZA can only approve a variance if it can be determined that all nine of the strict variance standards can be met. Information pertaining to the variance process is available from the Zoning Evaluation Division by calling 703-324-1290.

This determination is based upon the facts presented in your request and the applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.

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

Sincerely,



Getachew A. Tadesse
Assistant to the Zoning Administrator

cc: Jeff C. McKay, Supervisor, Lee District
Leslie B. Johnson, Zoning Administrator
Barbara C. Berlin, Director, Zoning Evaluation Division
Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch
Diane E. Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch

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.

8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. 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 or structure, to include existing or proposed fences and/or walls.
- 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 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. If applicable, existing 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.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.