



APPLICATION ACCEPTED: February 7, 2013
BOARD OF ZONING APPEALS: May 15, 2013
MOVED FOR NOTICES
TIME: 9:00 a.m.

County of Fairfax, Virginia

May 8, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-SU-015

SULLY DISTRICT

APPLICANT: Cornelia Gibbs

OWNERS: Cornelia and Thane Gibbs

STREET ADDRESS: 6235 Hidden Canyon Road, Centreville

SUBDIVISION: Pleasant Hill

TAX MAP REFERENCE: 53-4((5)) 73

LOT SIZE: 10,531 square feet

ZONING DISTRICT: R-C, WS

ZONING ORDINANCE PROVISION: 8-913 and 8-914

SPECIAL PERMIT PROPOSAL: To permit modification to minimum yard requirements for certain R-C lots to permit construction of a roofed deck 15.8 feet from side lot line and reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 4.2 feet from side lot line.

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.

Susan Langdon/Reports

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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.**

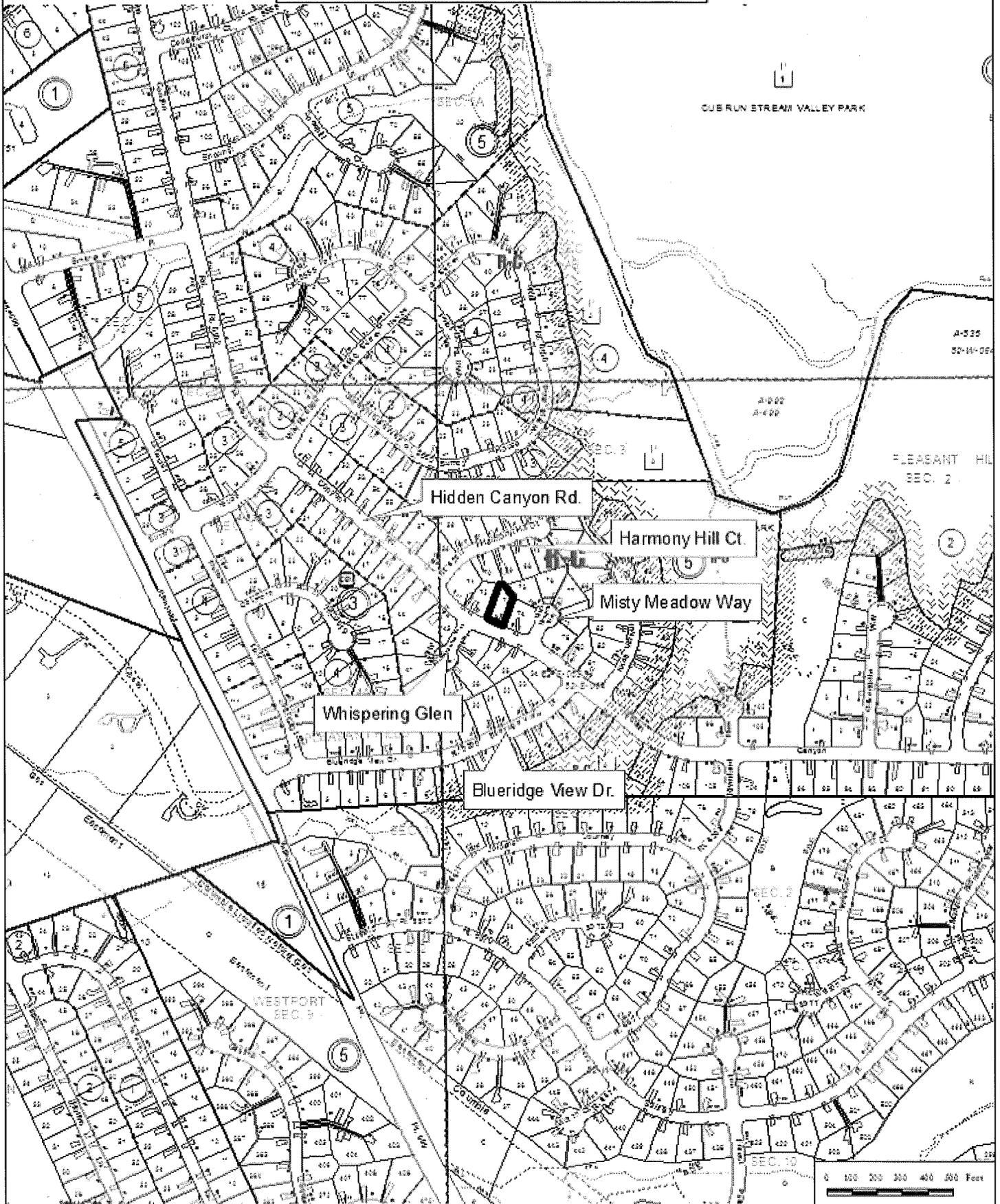


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2013-SU-015

CORNELIA GIBBS



RECORD NORTH

1. TAX MAP: 0534 05 0073 ZONE: RC
2. PROPERTY SERVED BY PUBLIC WATER AND SEWER.
3. NO UTILITY EASEMENTS 25 FEET WIDE OR GREATER WERE FOUND ON THIS PROPERTY.
4. THERE ARE NO FLOOD PLAIN OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
5. NO GRAVE SITES OR BURIAL GROUNDS WERE FOUND ON THIS PROPERTY.
6. MINIMUM YARDS REQUIRED:
FRONT 40 FEET
SIDE 20 FEET
REAR 25 FEET
7. HEIGHTS:
DWELLING 21 FEET
PROPOSED PORCH FLOOR 1.5 FEET
PROPOSED PORCH EAVE 9 FEET
OTHER AS SHOWN
8. FAR: EXISTING .18 PROPOSED .22
9. THE EXISTING DWELLING WAS CONSTRUCTED IN 1978.
10. IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS NOTED.
11. THERE ARE NO PLANNED CHANGES TO TREES OR SHRUBS.

NO TITLE REPORT FURNISHED. THIS PLAT IS SUBJECT TO RESTRICTIONS AND EASEMENTS RECORDED OF RECORD OR ESTABLISHED.

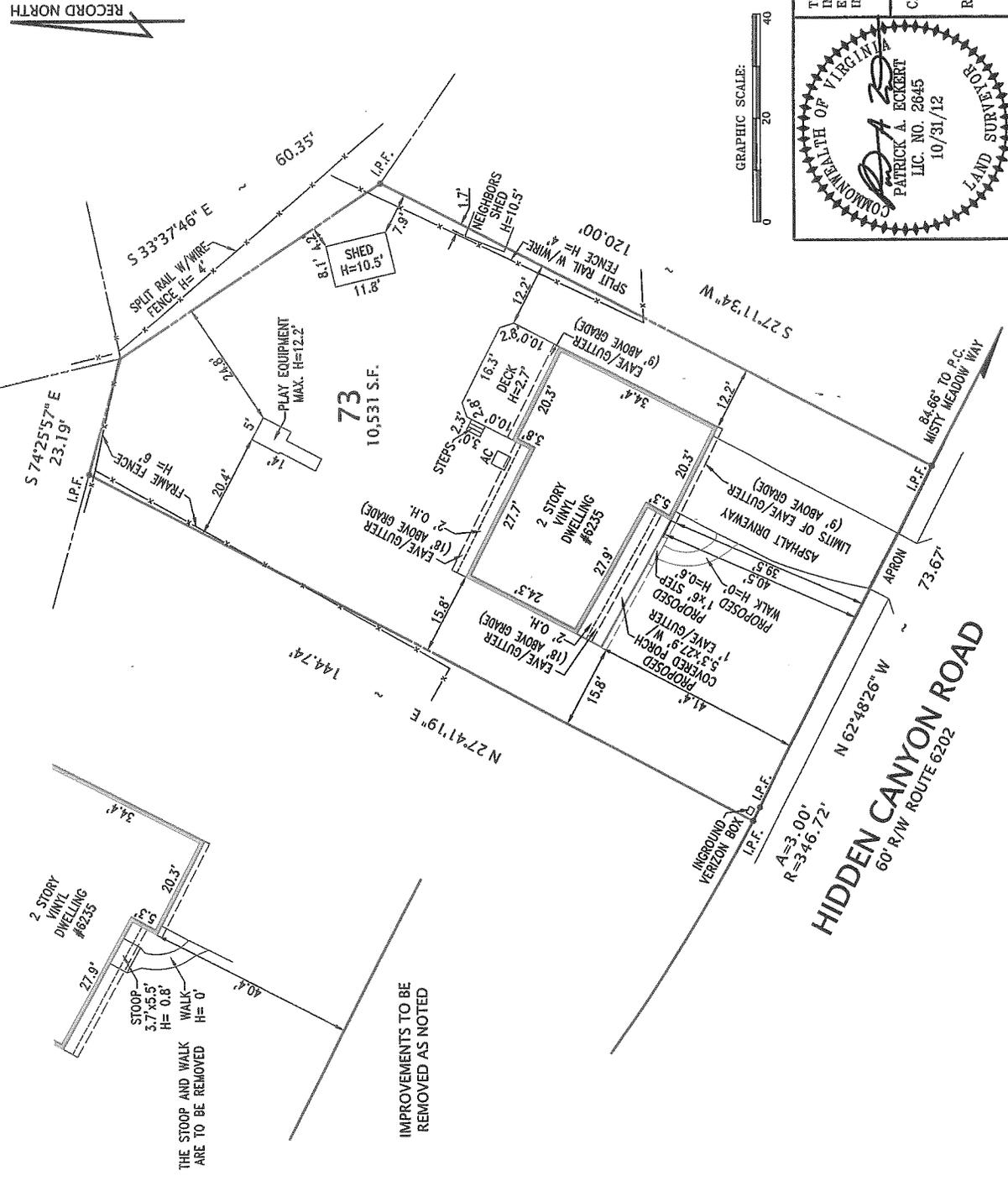
ALTEERRA SURVEYS, INC.
11216 WAPLES MILL ROAD #102
FAIRFAX, VIRGINIA 22030
TEL. NO. 703-520-1558
FAX NO. 703-995-4800
INFO@ALTEERRASURVEYS.COM

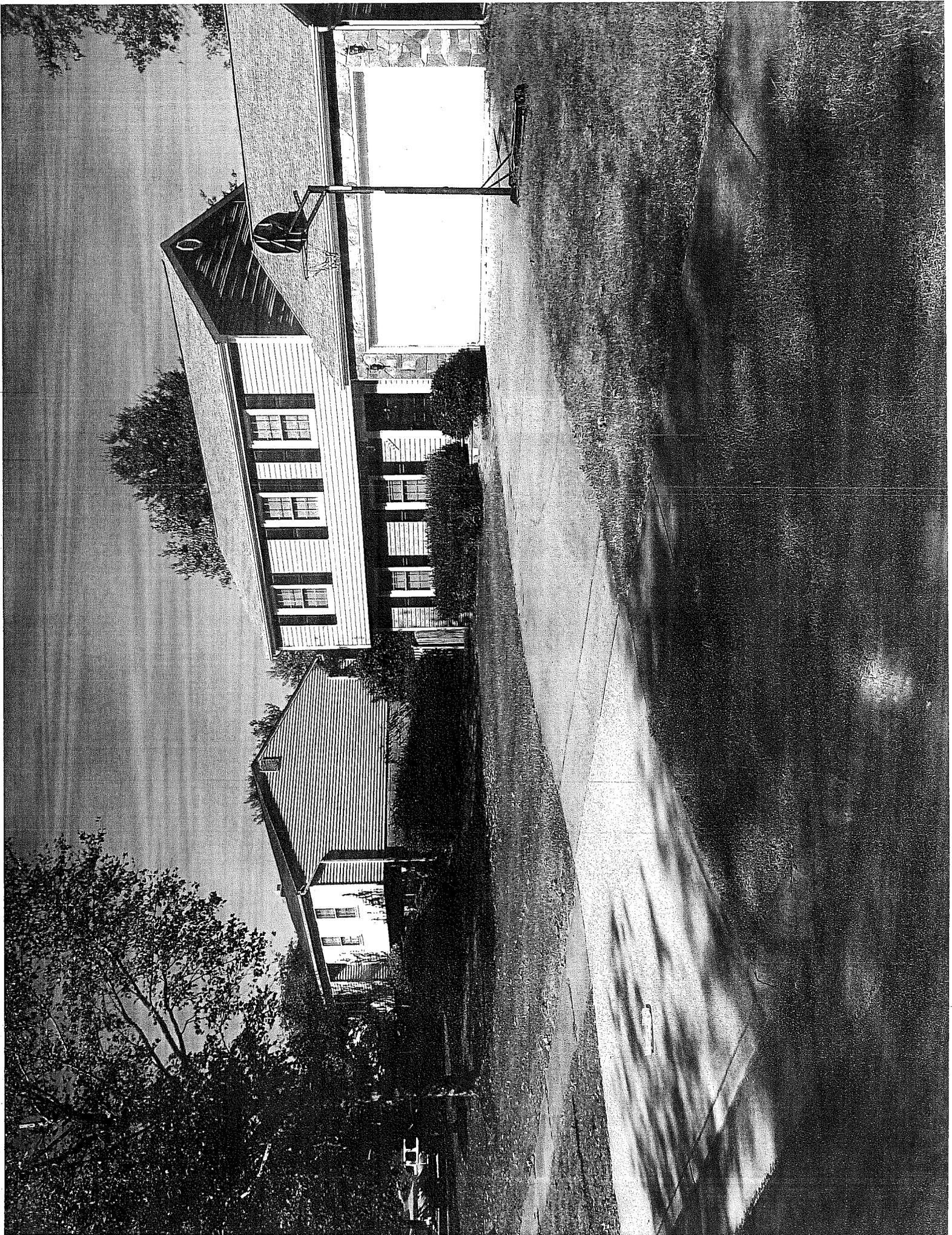
THE POSITION OF THE EXISTING IMPROVEMENTS HAS BEEN ESTABLISHED BY AN ON SITE INSTRUMENT SURVEY.

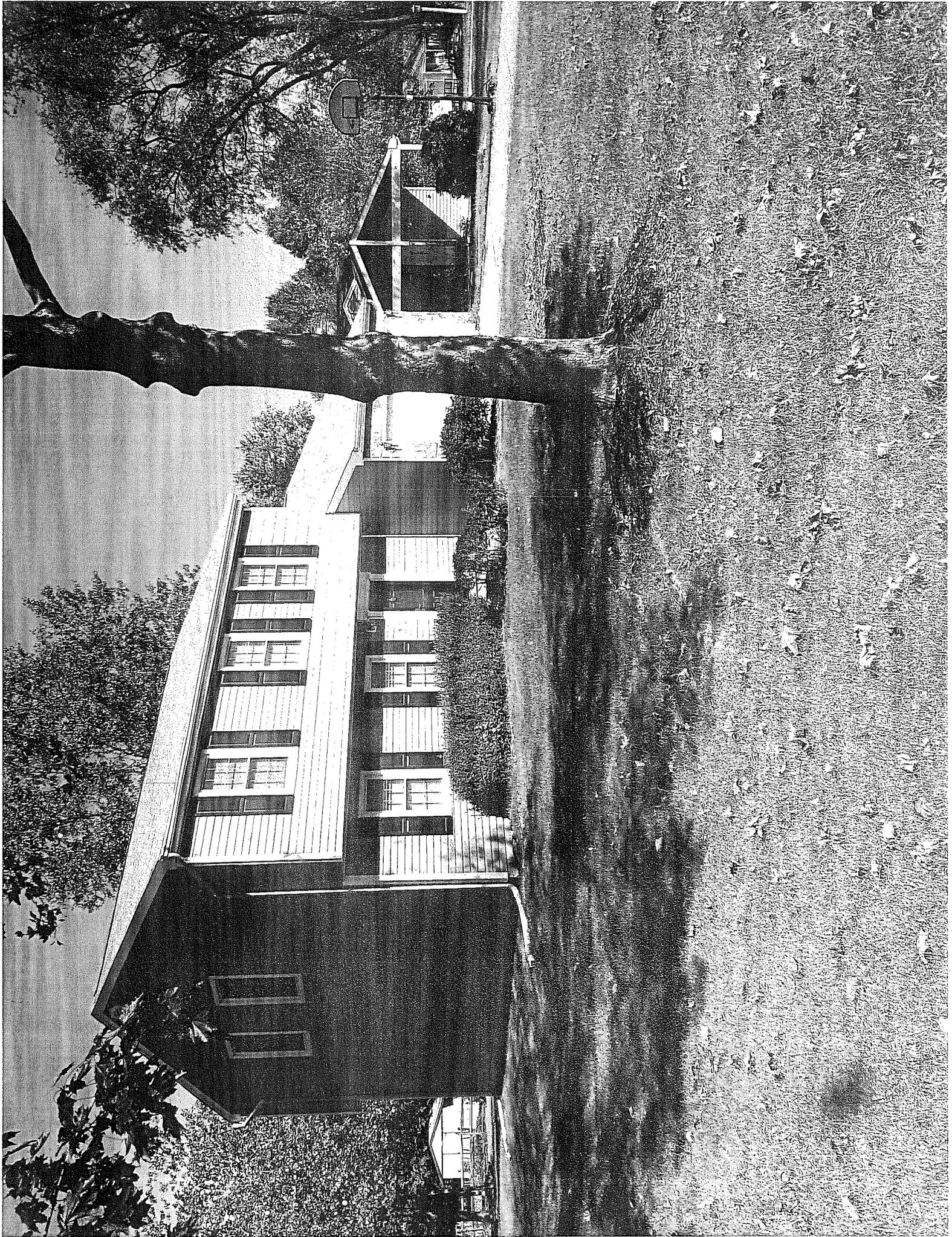
CASE NAME:
GIBBS

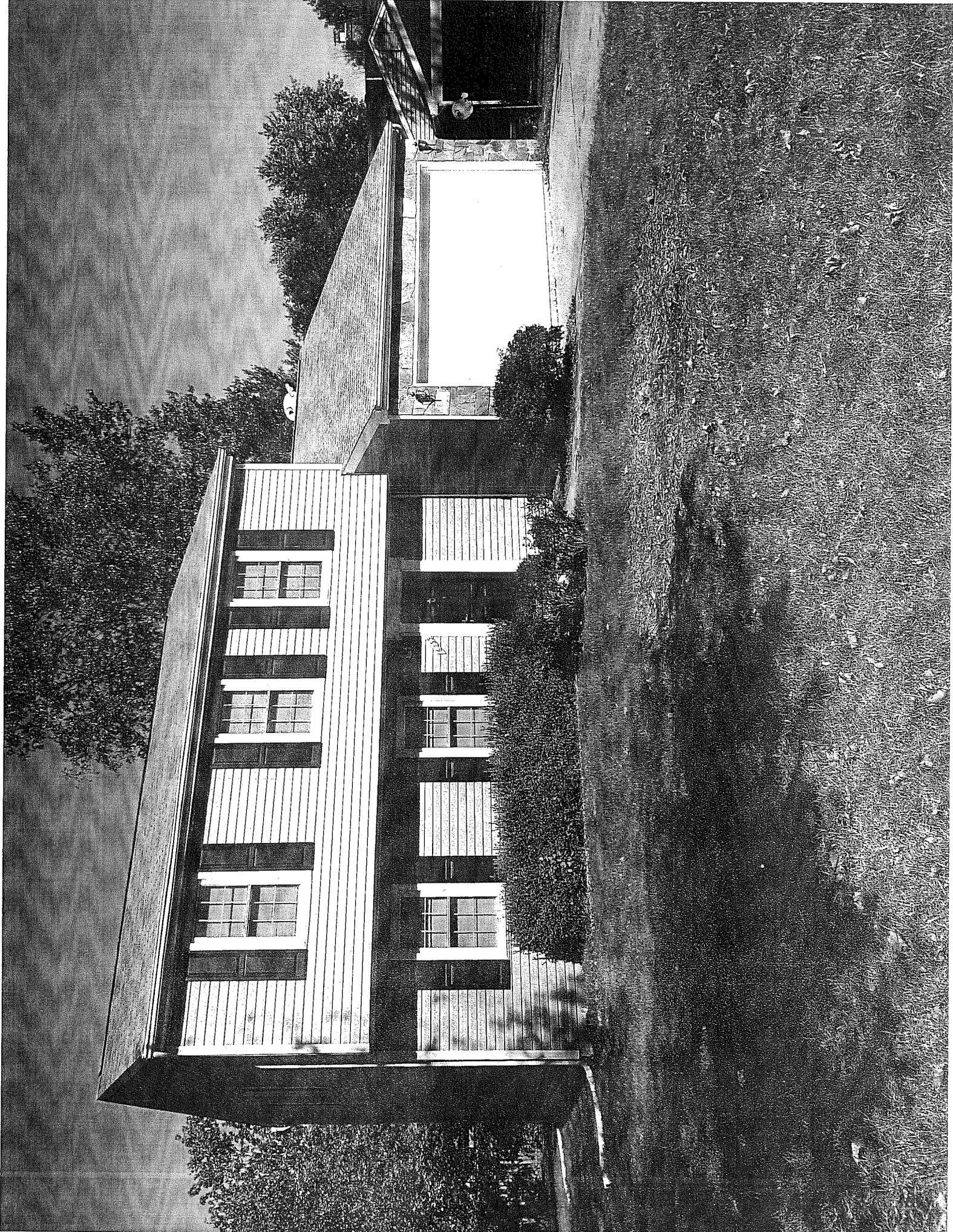
REQUESTED BY:
PHOENIX HOME SERVICES

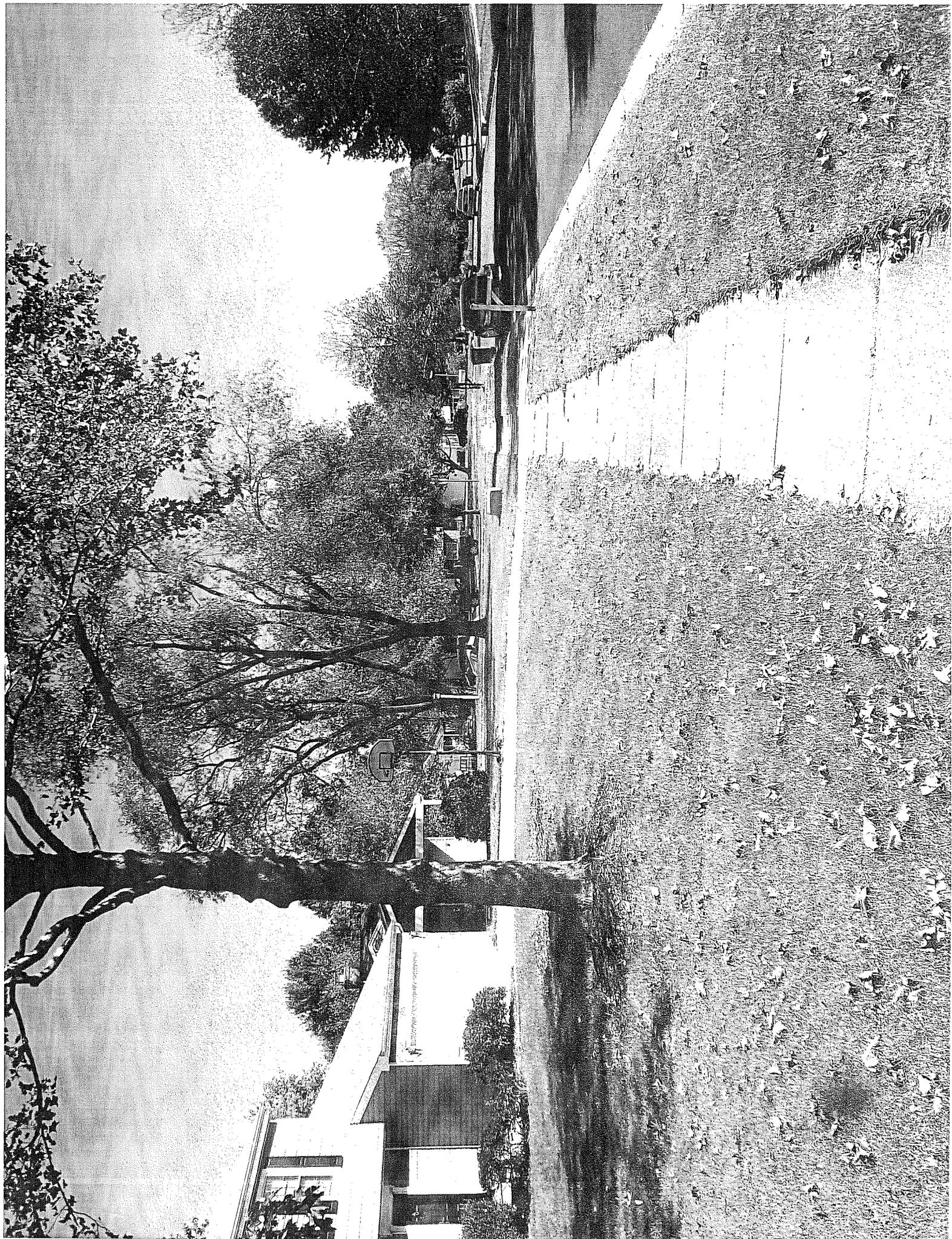
SPECIAL PERMIT PLAT
LOT 73 SECTION 1
PLEASANT HILL
FAIRFAX COUNTY, VIRGINIA
OCTOBER 22, 2012
SCALE: 1" = 20'

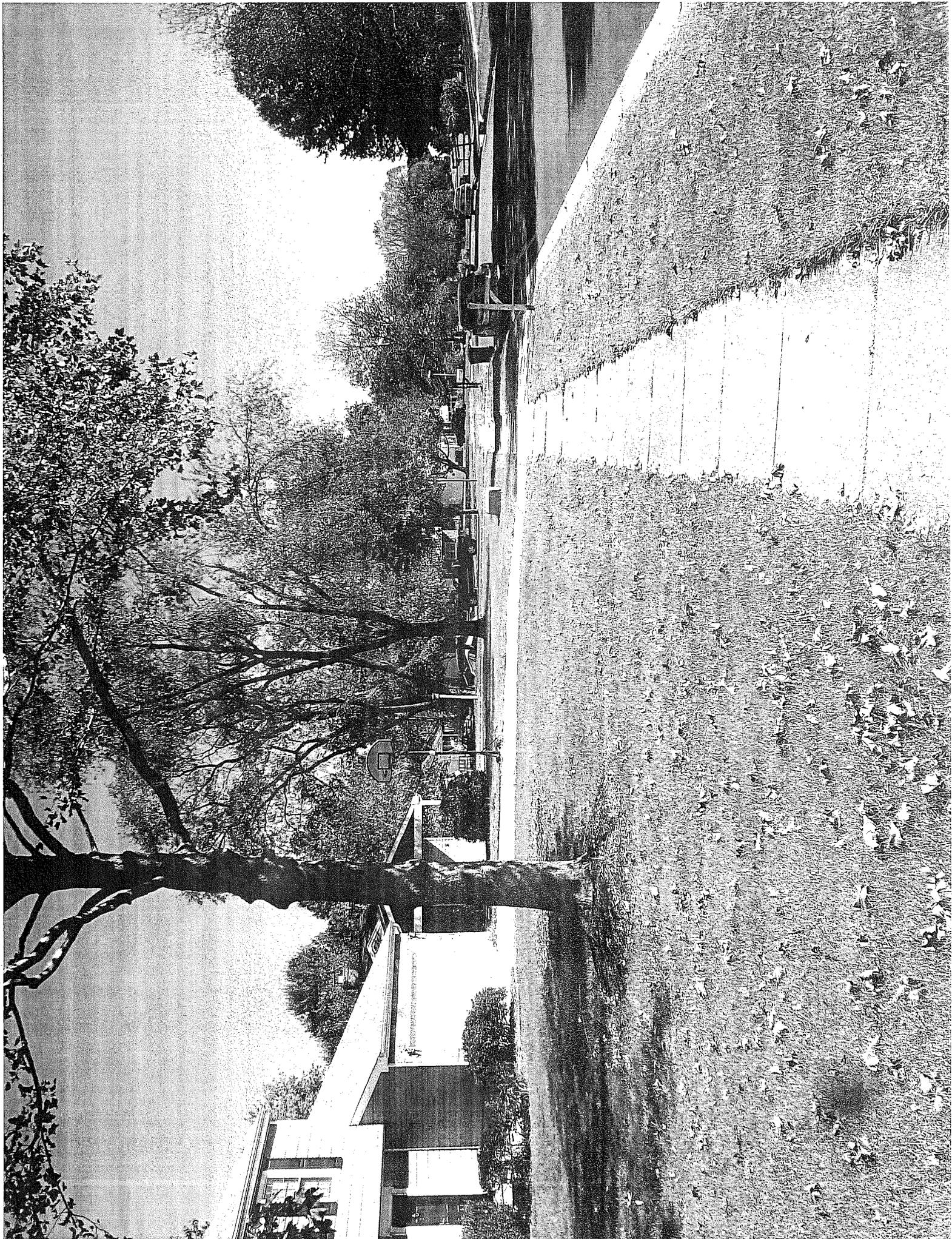




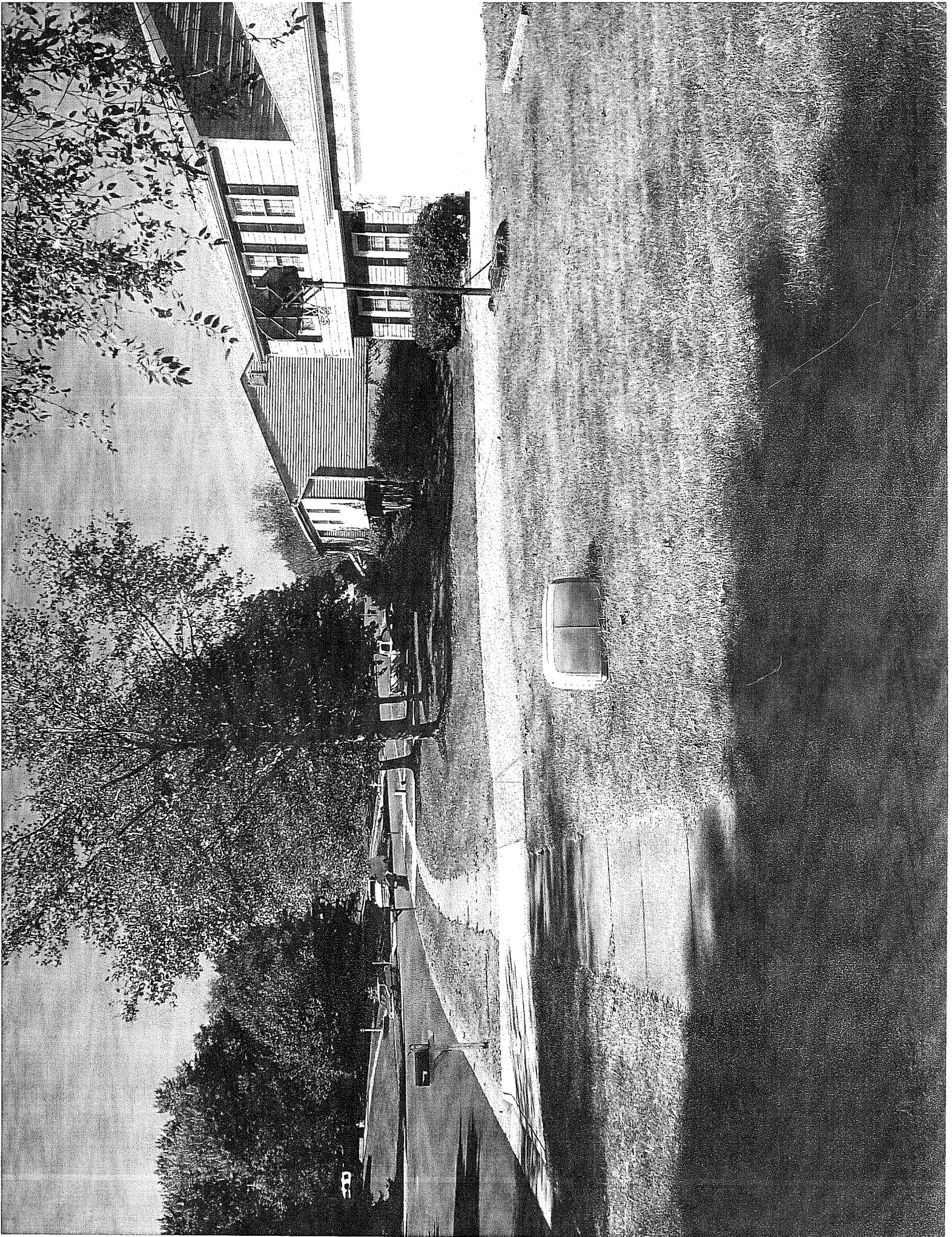


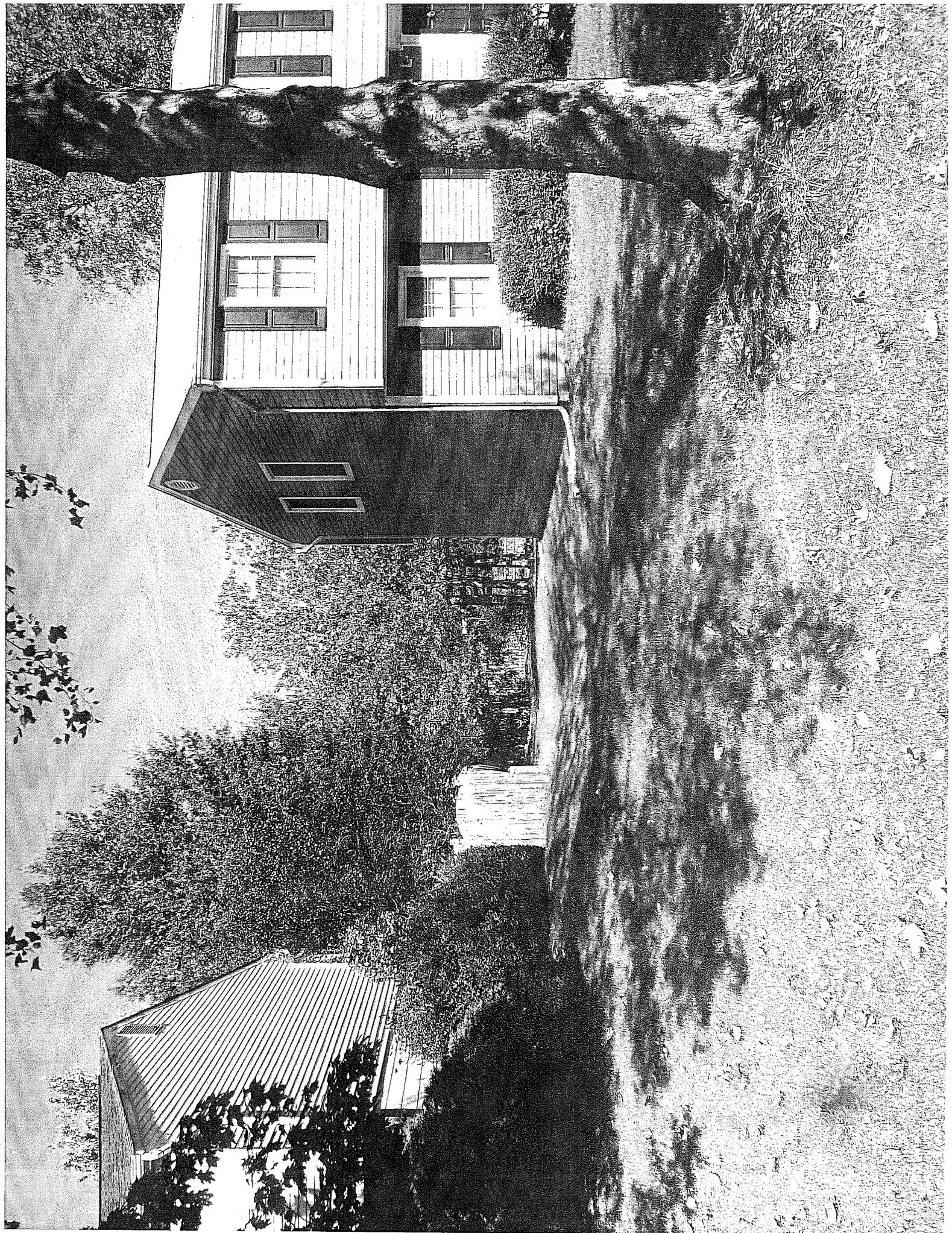






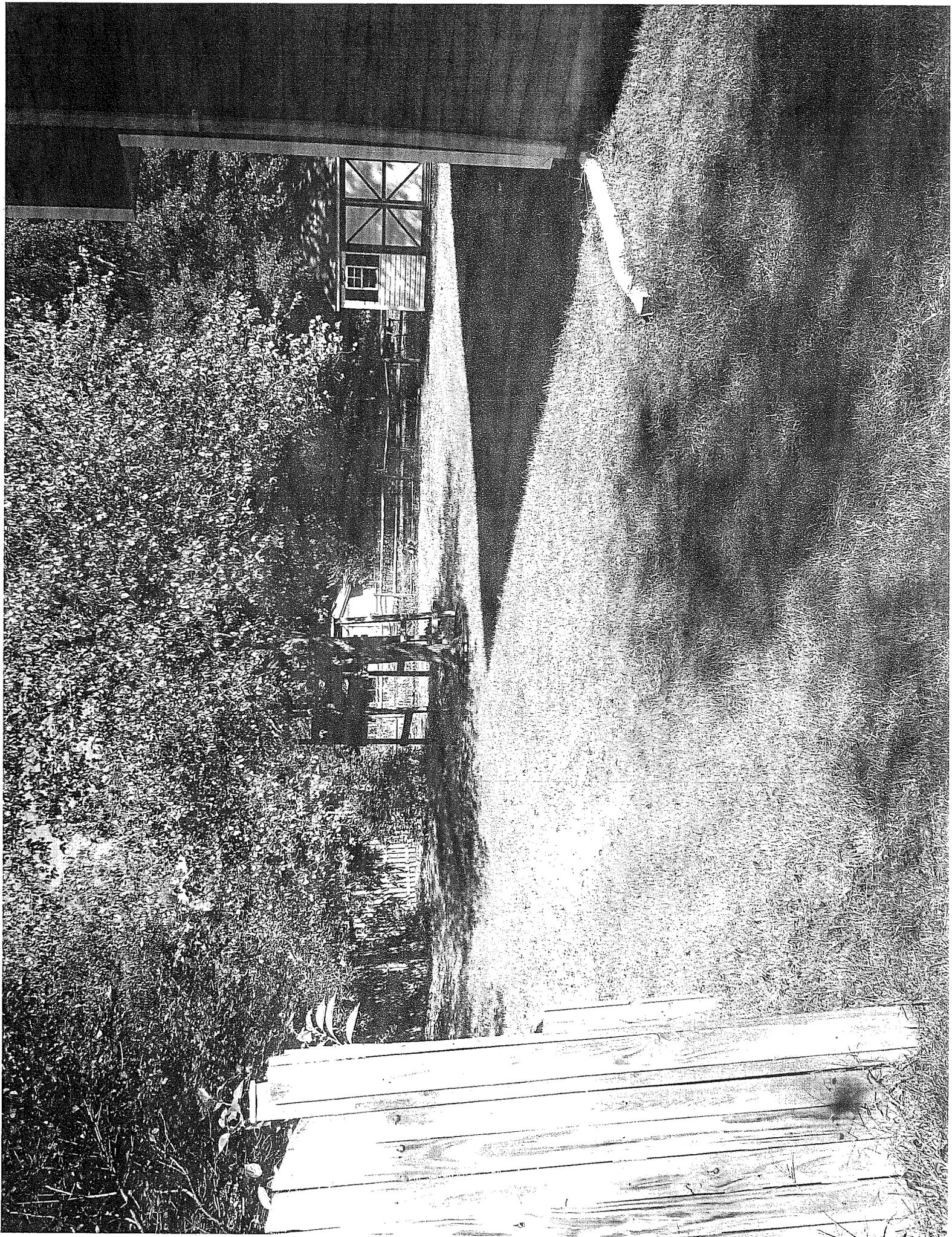
























DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a two special permits. The first is to permit construction of a roofed deck, a covered front porch, to be located 15.8 feet from the western side lot line. The porch addition will be approximately 28 feet long by a little over 5.0 feet deep with a concrete floor. The porch is proposed along the left front of the dwelling.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #1	Addition	Side	20.0 feet	15.8 feet	4.2 feet	24%

*Minimum yard requirement per Section 3-C07

The second special permit request is to allow an existing 10.5 foot tall shed to remain 4.2 feet from the closest side lot line. The shed is approximately 95.5 feet in square footage.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #2	Shed	Side	20.0 feet	4.2 feet	15.8 feet	79%

A copy of the special permit plat entitled "Special Permit Plat, Lot 73, Section 1, Pleasant Hill" prepared by Patrick A. Eckert, dated October 22, 2012, and signed October 31, 2012, is included at the front of the staff report.

EXISTING SITE DESCRIPTION

The 10,531 square foot lot is rectangular in shape and has access via a concrete driveway from Hidden Canyon Road to a two-car garage. A six foot tall frame fence encompasses a portion of the side and rear yards. The topography of the lot is fairly flat and the yard is open with little vegetation. A wood deck is attached to the rear of the dwelling and the rear yard contains the referenced shed and play equipment.

CHARACTER OF THE AREA

	Zoning	Use
North	R-C, WS	Single Family Detached Dwellings
East	R-C, WS	Single Family Detached Dwellings
South	R-C, WS	Single Family Detached Dwellings
West	R-C, WS	Single Family Detached Dwellings

BACKGROUND

The subject property was developed under the R-2 Cluster regulations. The property was zoned R-17 with rezoning B-264 by the Board of Supervisors on June 15, 1966, which in 1978 was converted to the R-2 Cluster District. On July 26, 1982, the property was rezoned to the R-C District as part of rezoning RZ 82-W-054. The R-2 Cluster regulations specified a minimum required side yard of eight (8) feet, with total minimum side yards of 24 feet. At the time the dwelling was constructed, it met the R-2 Cluster regulations. With the adoption of RZ 82-W-054, the property was subject to the R-C Zoning District regulations, which specify a minimum side yard of 20 feet.

Following the adoption of the current Ordinance, the BZA has heard many special permit and variance applications within the Pleasant Hill subdivision.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application meets all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006, General Standards
- Sect. 8-903, Standards for all Group 9 Uses
- Sect. 8-913, Provisions for Approval of Modifications to the Minimum Yard Requirements for Certain R-C Lots
- Sect. 8-914, Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

May 8, 2013

1. This special permit is approved for the location and size of the covered porch addition and shed as shown on the plat entitled "Special Permit Plat, Lot 73, Section 1, Pleasant Hill" prepared by Patrick A. Eckert, dated October 22, 2012, signed October 31, 2012, submitted with this application and is not transferable to other land.
2. All applicable permits shall be obtained prior to any construction and approval of final inspections shall be obtained.

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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/6/12
(enter date affidavit is notarized)

I, William Everett, 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

118582

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)
Phoenix Home Services	9141 Schockcraft Ln Burke VA	Agent
William J. Everett	9707 Ashby Rd Fairfax VA	applicant's agent
Thane A. Gibbs	6235 Hidden Canyon Rd Centreville, VA	applicant / title owner
Cornelia D. Gibbs	6235 Hidden Canyon Rd Centreville VA	applicant / 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): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/6/12
(enter date affidavit is notarized)

118582

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)

Phoenix Home Services, Inc.
9141 Schoolcraft Ln
Burke, VA 22015

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Kyung O. Izett
Steve M. Bowes
Gregory C. Izett

(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)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/6/12
(enter date affidavit is notarized)

118582

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)

N/A

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/6/12
(enter date affidavit is notarized)

118582

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: 11/6/12
(enter date affidavit is notarized)

118582

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:

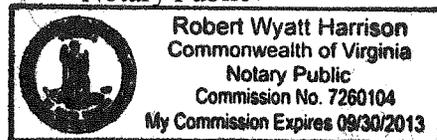
(check one) William Everett
 Applicant Applicant's Authorized Agent

William Everett
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 6 day of November 2012, in the State/Comm. of Virginia, County/City of Fairfax

Robert Wyatt Harrison
Notary Public

My commission expires: 9-30-2013



Special Permit Statement Of Justification

6235 Hidden Canyon Rd, Centreville, Va 20120
Tax Map#: 53-4-05-0073
Zoning District: R-C

To Whom it May Concern

This request is for a Special Permit to obtain a reduction in the minimum side yard requirement for the above referenced property. We have planned to make improvements to our home to enhance appearance, usability and overall value. The planned improvements cannot be made without extending construction past the minimum side yard requirements. The screened in porch would be very similar to that of other homes in this same neighborhood. It appears that many of the homes in this neighborhood have obtained special permits to build similar structures. These improvements will not be a substantial detriment to adjacent properties and will work well with the existing architecture of the home.

As this is not a place of business, there are no hours of business, patrons, clients, employees, etc. There will be no additional traffic impact. There are not and will not be any hazardous or toxic substances generated, utilized, stored, treated, and/or disposed of on this project site.

The Special Permit is being sought for a reduction of the side yard requirement to permit the construction of a screened in porch on the front of the house. The reduction in the yard requirement would not impair the purpose or intent of the ordinance and will not be detrimental to the use and enjoyment of other properties in the immediate vicinity. The construction will not create an unsafe condition with respect to other properties or public streets. To force compliance with the minimum yard requirement would unreasonably impede our ability to keep up with the appearance of the surrounding properties as well as our plans to utilize and enjoy our property. Thank you for your consideration in this matter.

RE: Cornelia Gibbs

6235 Hidden Canyon Rd

Centreville, VA

File: SP 2012-0256

ATTN: William Everett 703-606-1515

8-914 Statement

The error exceeds ten percent of the measurement involved. The noncompliance was done in good faith. Such a reduction will not impair the purpose and intent of this ordinance. It will not be detrimental to the use and enjoyment of the other property in the immediate vicinity. It will not create an unsafe condition with respect to both other property and public streets. To force compliance with the minimum yard requirement would cause unreasonable hardship upon the owner. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards

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.

8-913 Provisions for Approval of Modifications to the Minimum Yard Requirements for Certain R-C Lots

The BZA shall approve a special permit to allow a modification to the minimum yard requirements of the R-C District, but only in accordance with the following provisions:

1. The proposed dwelling or addition thereto is on a lot which was comprehensively rezoned to the R-C District on July 26, 1982 or August 2, 1982 and such lot was: (a) the subject of final plat approval prior to July 26, 1982, or (b) recorded in accordance with a final consent decree entered in Chancery No. 78451 by the Fairfax County Circuit Court on September 17, 1985, or (c) recorded in accordance with a final consent decree entered in Chancery Nos. 78425, 78452, 78454, 78461, 78462 and 78465 by the Fairfax County Circuit Court on September 17, 1985, as amended by a final consent decree entered on November 25, 1991 by the Fairfax County Circuit Court in Chancery No. 123887.
2. Such modification shall result in a yard not less than the minimum yard requirement of the zoning district which was applicable to the lot on July 25, 1982.
3. Such a modification shall be approved if it is established that the resultant development will be harmonious with existing development in the neighborhood and will not adversely impact the public health, safety and welfare of the area.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat. Such plat shall be prepared by a certified land surveyor or registered engineer except plats submitted for additions to existing single family dwellings or accessory structures related to existing single family dwellings may be prepared by the applicant. Such plat shall contain the following information:
 - A. The dimensions of the lot or parcel, the lot lines thereof, and the area of land contained therein.
 - B. The location, dimensions 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 and for accessory structures, the height of the highest point of the structure from finished ground level.
 - C. The distance from all property lines to the proposed building, structure or addition, shown to the nearest one-tenth of a foot.
 - D. The existing and intended use of each building or structure or part thereof, including the number of dwelling units within a dwelling.
 - E. The location and configuration of any existing or proposed off-street parking space(s), the number of spaces proposed to be provided, and information as to the proposed surfacing of such areas.
 - F. The delineation of any Resource Protection Area and Resource Management Area.
 - G. The signature and certification number, if applicable, of the person preparing the plat.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

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

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