



APPLICATION ACCEPTED: February 25, 2013
BOARD OF ZONING APPEALS: May 15, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

May 8, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-PR-022

PROVIDENCE DISTRICT

APPLICANT/OWNER: Jane E. Lages, Trustee

SUBDIVISION: Dunn Loring Woods

STREET ADDRESS: 2538 Villanova Drive, Vienna, 22180

TAX MAP REFERENCE: 49-1 ((9)) (G) 16

LOT SIZE: 10,746 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-914 and 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of minimum yard requirements based on error in building location to permit accessory structure to remain 10.2 feet from the side lot line and to permit reduction in certain yard requirements to permit construction of addition 7.5 feet from rear lot line

Recommendation: Staff recommends approval of SP 2013-PR-022 for the garage addition with adoption of the proposed development conditions contained in Appendix 1.

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

O:\rhomert\Special Permits\Lages 50% and error (carport)\Lages staff report 50% and Error.docx Rebecca Homer

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

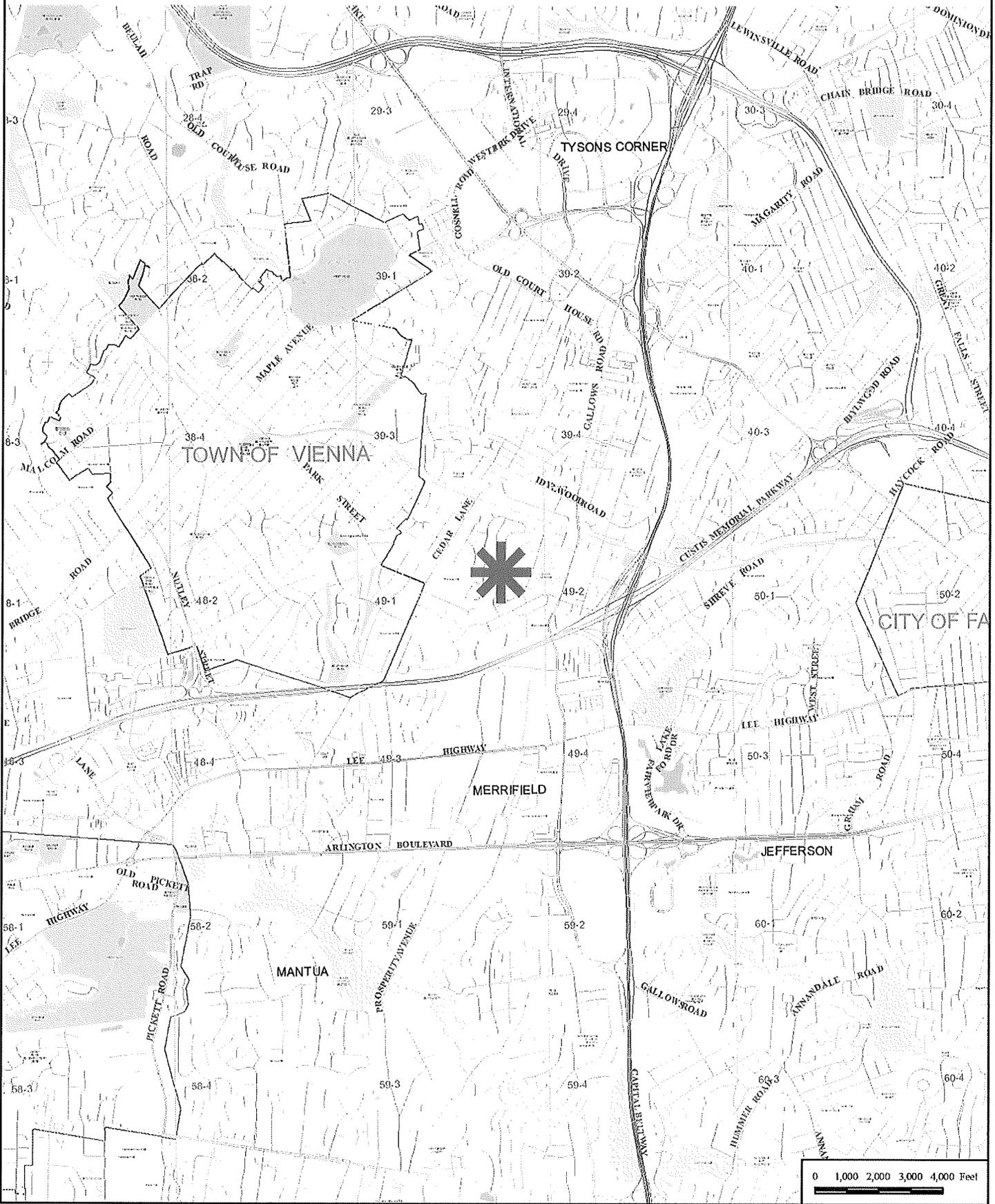
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

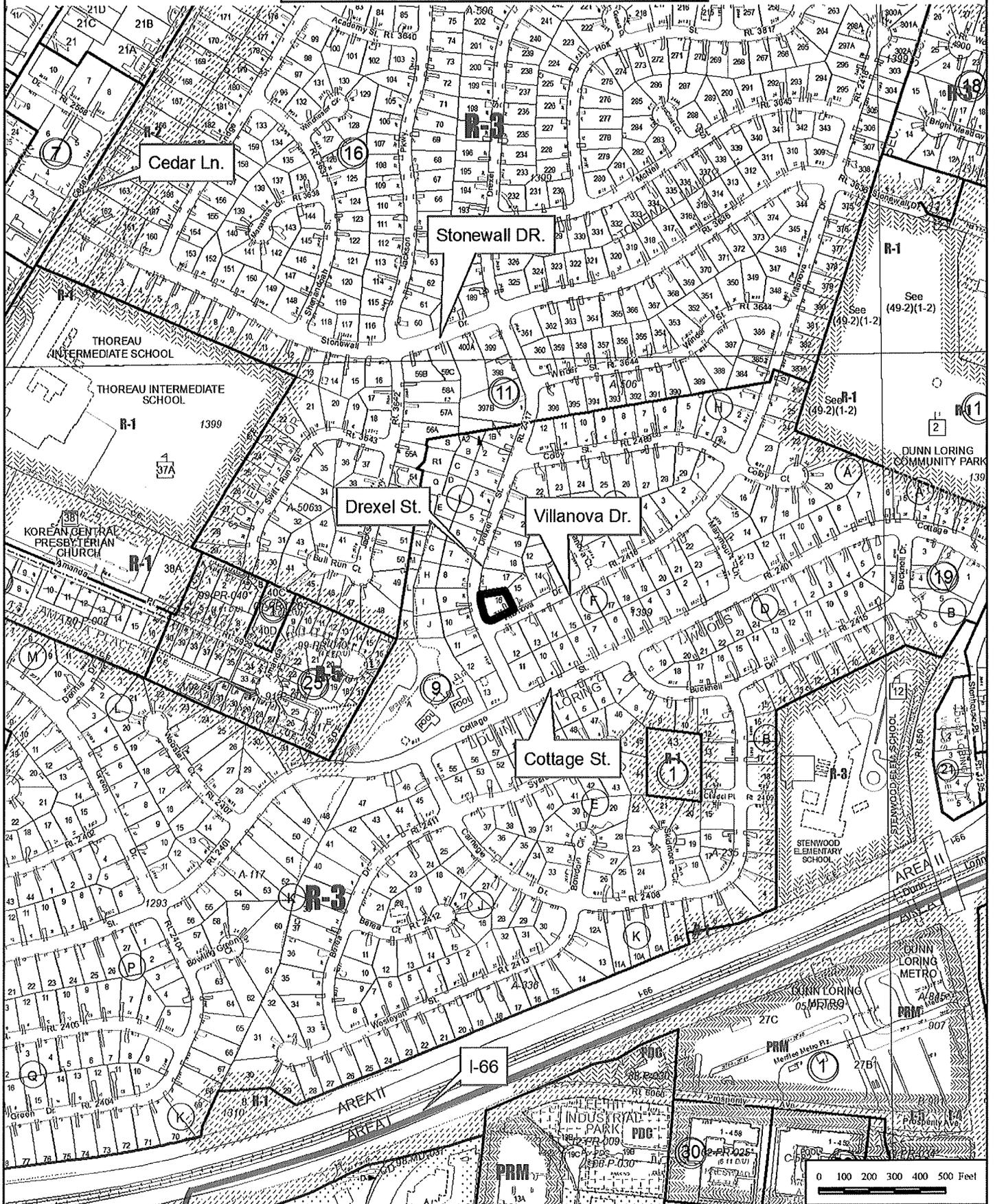


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2013-PR-022
JANE E. LAGES, TRUSTEE

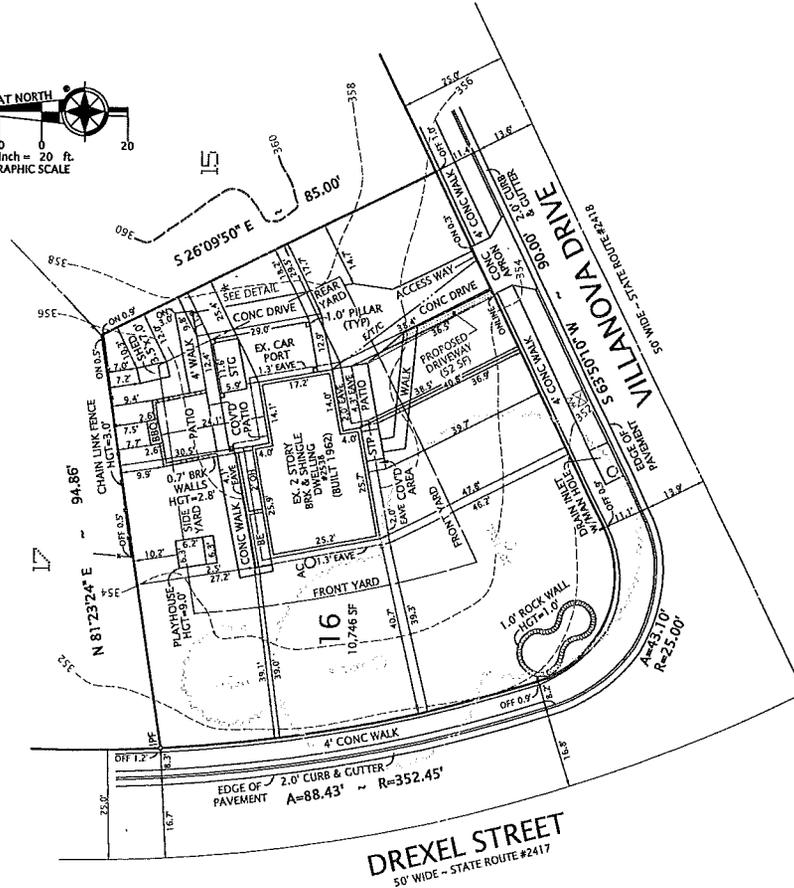
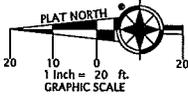
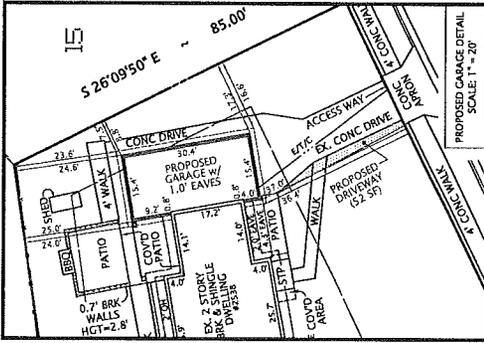


Special Permit
SP 2013-PR-022
JANE E. LAGES, TRUSTEE



NOTES

1. TAX MAP: 49-1-09C-0016
2. ZONE: R-3 (RESIDENTIAL 3 DU/AC)
3. LOT AREA: 10,746 SF (0.2467 ACRE)
4. REQUIRED YARDS:
 - FRONT: = 30.0 FEET
 - SIDE: = 12.0 FEET
5. HEIGHTS:
 - EX. DWELLING = 22.2 FEET (MIDLINE OF ROOF)
 - EX. CARPORT = 10.4 FEET (MIDLINE OF ROOF)
 - EX. SHED = 07.5 FEET
 - PROPOSED GARAGE = 10.4 FEET (MIDLINE OF ROOF)
 - PLAYHOUSE = 09.0 FEET
 - FENCES AND WALLS = AS NOTED
 - BBQ = 03.0 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
 - EX. BASEMENT = 892 SF
 - EX. FIRST FLOOR = 892 SF
 - EX. SECOND FLOOR = 944 SF
 - EX. GROSS FLOOR AREA = 2,728 SF
 - EX. FLOOR AREA RATIO: EX. GFA (2728) / LOT AREA (10746) = 0.25
 - PROP. ADDITION = 455 SF / EX. GFA (2728) = 0.17
 - PROP. GROSS FLOOR AREA: EX. GFA (2728) + PROP. ADDN. (455) = 3,183 SF
 - PROP. FLOOR AREA RATIO: PROP. GFA (3183) / LOT AREA (10746) = 0.30
13. THE EXISTING CAR PORT AND STORAGE UNIT WILL BE REMOVED.
14. 52 SQUARE FEET OF CONC. WILL BE ADDED TO THE EX. DRIVEWAY.



PLAT

SHOWING THE IMPROVEMENTS ON
LOT 16, BLOCK G, SECTION SIX

DUNN LORING WOODS

(DEED BOOK 21150, PAGE 604)

FAIRFAX COUNTY, VIRGINIA

PROVIDENCE DISTRICT
OCTOBER 23, 2012
DECEMBER 27, 2012 (REV.)
FEBRUARY 13, 2013 (REV.)

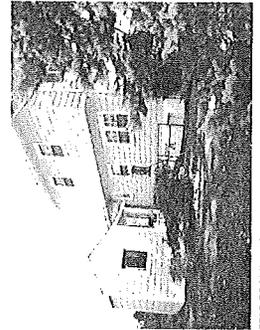
SCALE: 1" = 20'

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN SURVEYED AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

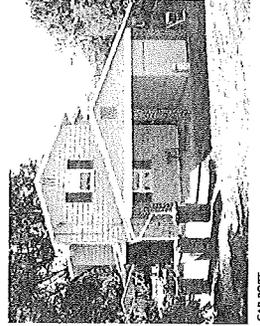
THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FORWARDED. NO CORNER MARKERS SET.



CASE NAME: JANE E. LAGES
DOMINION Surveyors Inc.
8805-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
TEL: 703-799-5412
FAX: 703-799-5412



REAR OF DWELLING



CAR PORT



FRONT OF DWELLING

Special Permit Application for 2538 Villanova Dr., Vienna, VA 22180

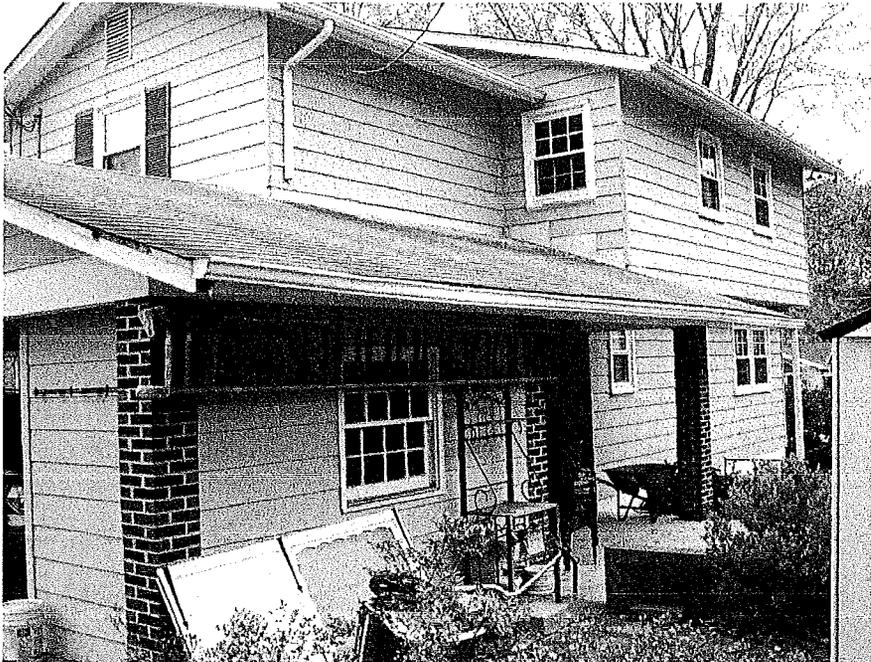
(All pictures taken between November 20-26, 2012)



Front of house



Right side of house



Right rear of house

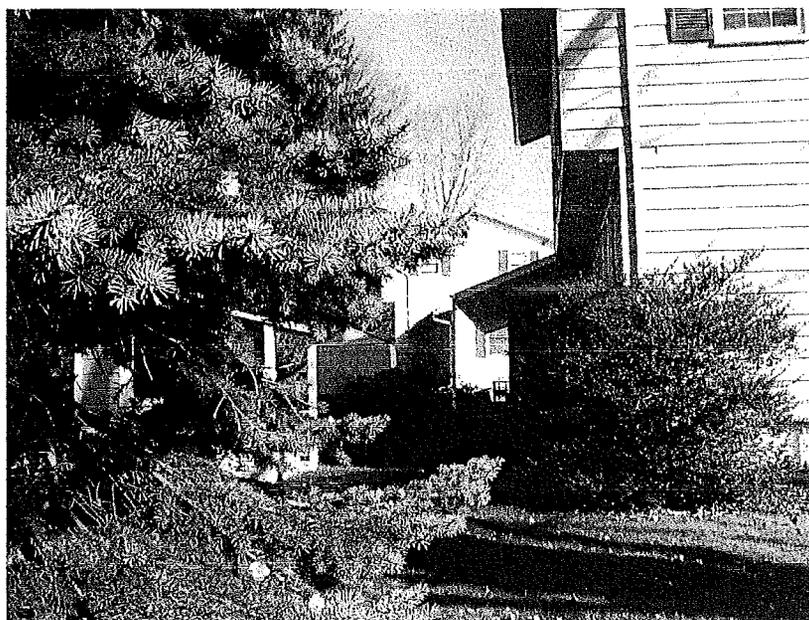


Left side of house.

Special Permit Application for 2538 Villanova Dr., Vienna, VA 22180



Left rear of house



Left rear of house.

Special Permit Application for 2538 Villanova Dr., Vienna, VA 22180



2536 Villanova Dr., house directly to the right of subject property

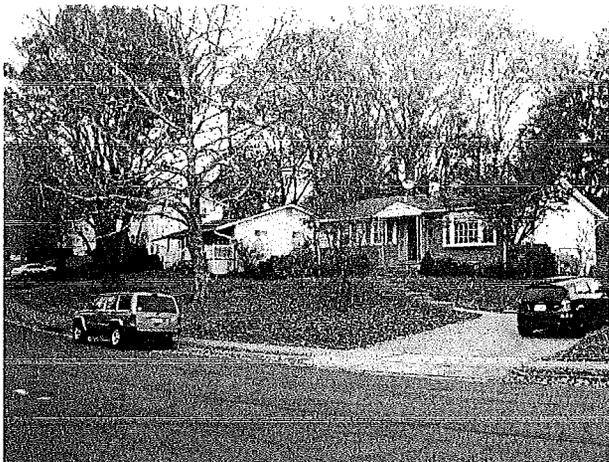


2539 Villanova Drive, directly across from subject property

Special Permit Application for 2538 Villanova Dr., Vienna, VA 22180



2537 Villanova Drive, across and left from subject property



2525 Drexel St, property around the left corner and back of subject property.



2532 Drexel St, across the street on left side of subject property

Special Permit Application for 2538 Villanova Dr., Vienna, VA 22180



2530 Drexel, across the street on left side of subject property



2528 Drexel, across the street on left side of subject property

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of two special permit requests. The first request is for an error in building location to permit an accessory structure (a playhouse) to remain 10.2 ft. from the side lot line.

Special Permit	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Request #1	Accessory Structure (Playhouse)	Side	12.0 feet	10.2 feet	1.8 feet	15.0%

*Minimum Yard Requirement per Location Requirements Sect. 10-104.

The applicant is also requesting approval of a reduction of certain yard requirements to permit construction of an addition 7.5 feet from the rear lot line. The addition is an enclosure of the existing carport. Elevation drawings are included at the front of the staff report.

Special Permit	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Request #2	Addition	Rear	12.0 feet	7.5 feet	4.5 feet	37.5%

*Minimum Yard Requirement per Sect. 3-307. Because the lot is a corner lot, the rear yard may take a side yard setback.

LOCATION AND CHARACTER OF THE AREA

Character of the Area

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

Existing Site Description

The 10,746 square foot lot is zoned R-3. According to the special permit plat, the existing gross floor area of the dwelling is 2,728 square feet.

An existing carport is located on the eastern side of the dwelling at the termination of a driveway which extends from Villanova Drive. An accessory storage structure is located underneath the existing carport, 11.9 feet from the rear lot line. A concrete walk is located at the rear of the carport and extends from an open patio to the concrete driveway.

A covered patio is located off the rear of the dwelling. Adjacent to the covered patio an open patio with brick wall and barbeque is located 7.5 feet from the northern side lot line.

In addition to the dwelling, the lot contains an existing 7.5 foot tall accessory storage structure (shed), located seven feet from the northern side lot line and 10.3 feet from the rear lot line. Because the shed is less than 8.5 feet tall, the shed may be located in any part of the side and rear yard, and therefore complies with Zoning Ordinance Regulations. A nine foot tall accessory structure (playhouse) is located 10.2 feet from the northern side lot line. The playhouse exceeds 8.5 feet in height and its existing location is not compliant with the minimum side yard setback requirement.

A 3.0 foot high chain link fence, which appears to belong to a neighboring property owner, is located along a portion of the northern side lot line.

The site is level and has several mature trees, shrubs and foundation plantings.

BACKGROUND

The dwelling was constructed with a building permit in 1962. The carport and patio were constructed with a building permit in 1977. The carport and patio were shown to be located 12.0 feet from the rear lot line. It appears the carport and patio were actually constructed 9.8 feet from the rear lot line. In 2008, the applicant purchased the property.

There are no records on file indicating when the accessory structures were erected.

A copy of the special permit plat titled "Plat, Showing the Improvement on Lot 16, Block G, Section 6, Dunn Loring Woods", prepared by Dominion Surveyors, Inc., dated October 23, 2012, as revised through February 13, 2013, signed by George M. O'Quinn is included at the front of the staff report.

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

- Variance (VC) 85-P-021 was approved on June 11, 1985, for Tax Map 49-1 ((09)) (N) 9, zoned R-3, at 2616 Bowling Green Drive, to permit enclosure of existing carport 6.9 feet from side lot line.
- Variance (VC) 91-P-024 was approved on May 22, 1991, for Tax Map 49-1 ((09)) (A) 19, zoned R-3, at 8219 Colby Court, to permit construction of an addition 15.7 feet from rear lot line.
- Special Permit (SP) 99-P-016 was approved June 2, 1999, for Tax Map 49-1 ((09)) (H) 12, zoned R-3, at 8318 Colby Street, to permit reduction of minimum yard requirements based on error in building location to permit deck to remain 1.0 feet from side lot line and accessory structure to remain 3.0 feet from rear lot line.
- Special Permit (SP) 99-P-032 was approved January 12, 2000, for Tax Map 49-1 ((09)) (H) 12, zoned R-3, at 8318 Colby Street, to permit construction of addition 5.7 feet from side lot line of a corner lot.

ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

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

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *The general character of the residential neighborhood is similar; a mix of one and two-story homes, with wood and vinyl siding and brick. Several additions have been approved at the rear and side of dwellings in the neighborhood. The applicant states the proposed carport enclosure addition will be built with materials to match the existing home.*

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

This special permit application for the addition must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 10 allows the BZA to impose development conditions.

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. According to the plat, the existing dwelling has 2,728 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 4,092 square feet square feet in size for a possible total building size of 6,820 square feet above-grade living area. The proposed addition is approximately 455 square feet in area, thereby realizing a total house size of 3,183 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The applicant has indicated the addition will be built to match the existing dwelling. The garage addition is in the location of the existing carport at the terminus of an existing driveway, which is the most logical location for an enclosed garage. Attached elevations show the addition to be constructed with siding of similar color and shingles to match the existing dwelling. Staff believes this standard has been met.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The proposed addition is in the location of the existing carport. Minimal additional impervious surface will be added in order to slightly enlarge the existing driveway by 52 square feet. No trees or shrubs will be removed. The request is harmonious with surrounding uses because the addition will enclose the existing carport. The bulk and scale is harmonious with the existing dwelling and surrounding properties because the area and height will not change. Staff believes this standard has been met.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff. The carport enclosure will not adversely impact the adjacent properties. It will allow the applicant to incorporate the existing storage structure that is presently visible to neighbors and will enhance the appearance of the property. The proposed addition will not encroach into an RPA or storm water easement. Because the addition is on the footprint of the existing carport and patio, minimal new impervious area for the addition is proposed. Staff believes this standard is met.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure

on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. *The addition is for a single stall enclosed garage on the footprint of the existing carport. There is very little proposed impact to topography or vegetation because the addition is in an area that is already developed and only necessitates a slight (52 square feet) widening of the existing driveway. Staff believes this is the most logical location for the addition and this standard has been met.*

CONCLUSION

Staff finds that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2013-PR-022****May 8, 2013**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-PR-022 located at 2538 Villanova Drive, Tax Map 49-1 ((09)) (G) 16 to permit an error in building location and a reduction of certain yard requirements pursuant to Section 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved only for the location of the accessory structure (playhouse), and the garage addition (approximately 455 square feet), as shown on the plat prepared by Dominion Surveyors, Inc., dated October 23, 2012, as revised through February 13, 2013, signed by George M. O'Quinn, submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,728 square feet existing + 4,092 square feet (150%) = 6,820 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

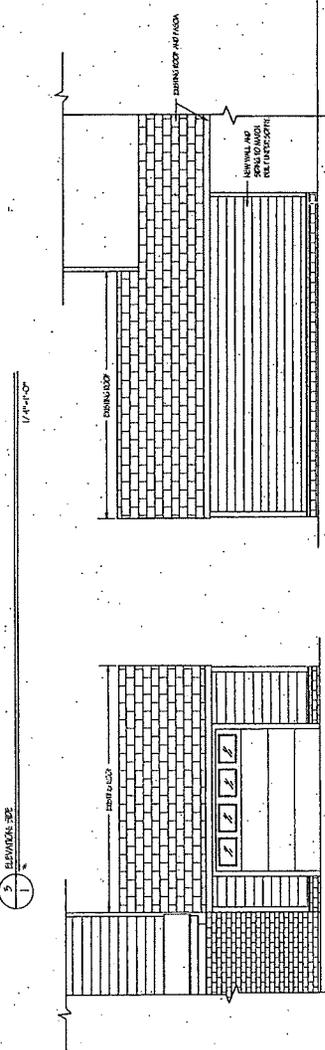
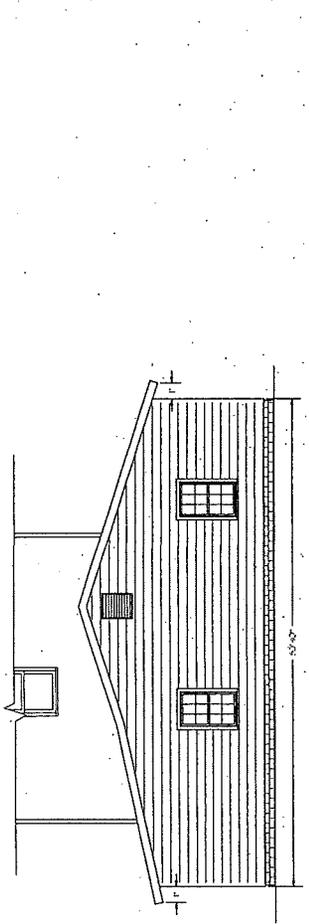
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

General Notes	
No.	Revised/Year

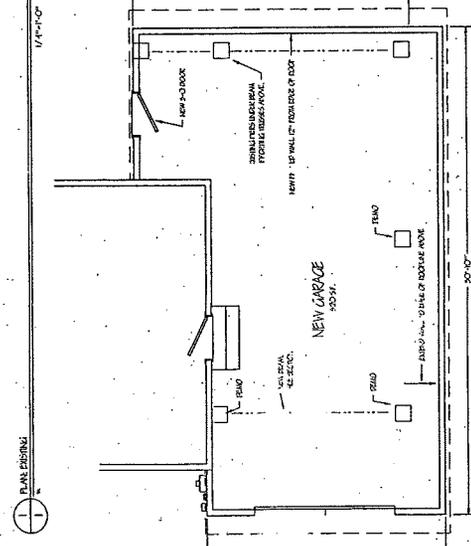
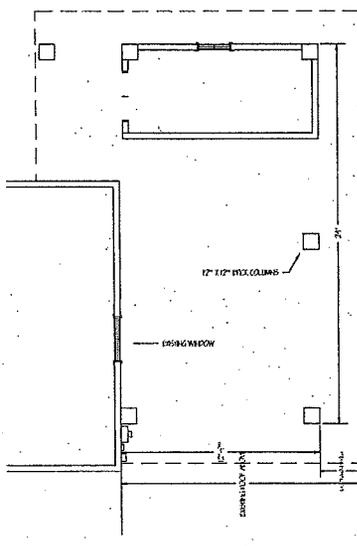


Paul H. Keller Design + Drafting
 4010 OLD GUN ROAD E. PH: 804-349-5365
 MIDLOTHIAN, VA 23113 FAX: 804-272-0322

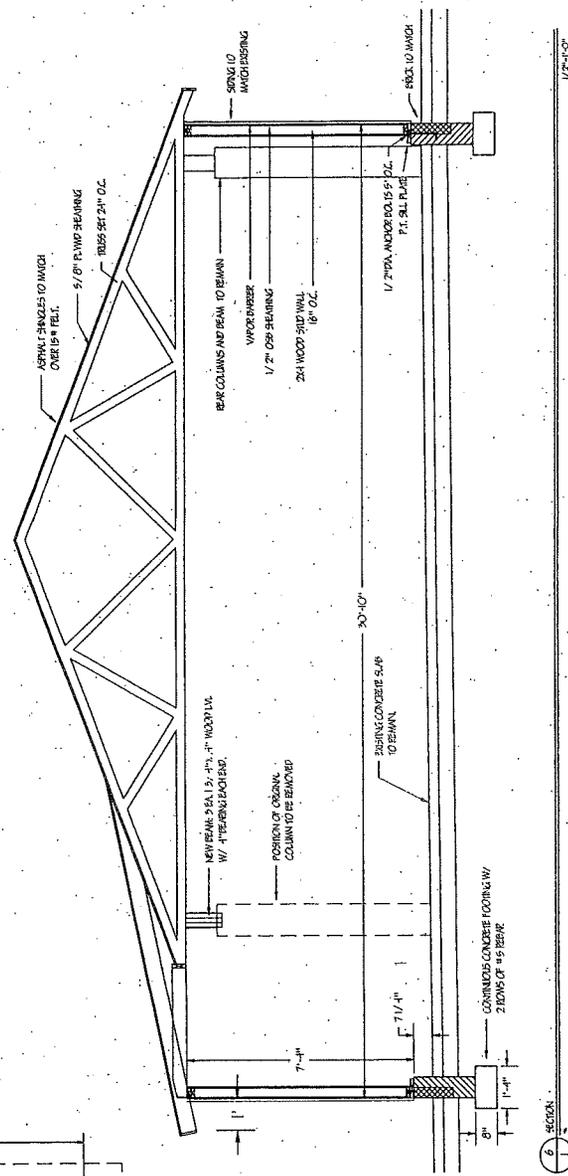
Project Name:	
Owner:	
Address:	
Phone:	
Drawn by:	PHK
Date:	
Scale:	VARIABLE



3 ELEVATION SIDE
 4 ELEVATION FRONT



1 PLAN FOUNDATION
 2 PLAN GARAGE



6 SECTION

BEAR COLLARS AND BEAM TO BEAM
 WOOD JOIST
 1/2" OSB SHEATHING
 2x4 WOOD SHEATHING
 8" O.C.

NEW TRUSS 2x4 L.S. 12' x 12' WOOD 1/4"
 1/4" TRUSS TO BE REMOVED
 POSITION OF ORIGINAL
 COLUMN TO BE REMOVED
 BRUSHING CONCRETE SLAB
 TO BEAM
 30'-10"

CONCRETE FOOTING W/
 2 BARS OF #6 REBAR

7'-4"
 7'-4"
 8"

Application No.(s): SP 2013-PR-022
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 19, 2013
(enter date affidavit is notarized)

I, Jane E. Lages, Trustee, 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

119627

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)
Jane E. Lages, Trustee for The Jane E. Lages Trust, dated Sept. 4, 2012, for the benefit of Jane E. Lages	2538 Villanova Dr, Vienna, VA 22180	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: February 19, 2013
(enter date affidavit is notarized)

119627

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)

None

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 19, 2013
(enter date affidavit is notarized)

119627

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)

None

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 19, 2013
(enter date affidavit is notarized)

119627

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: February 19, 2013 119627
(enter date affidavit is notarized)

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)

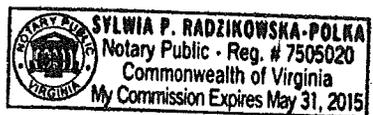
Jane E. Lages, Trustee
 Applicant Applicant's Authorized Agent

Jane E. Lages, Trustee
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19 day of FEBRUARY 2013, in the State/Comm. of VA, County/City of FAIRFAX.

[Signature]
Notary Public

My commission expires: MAY 31st, 2015



Special Permit Statement of Justification for Garage Addition
Jane E. Lages
2538 Villanova Dr., Vienna, VA 22180

- I am requesting approval to reduce the minimum setback of 12' from the property line as required in the R-3 zoning area of my neighborhood. I would like to turn my existing carport and attached shed into a single-car garage that will be attached to my house. The proposed garage would be slightly less than three feet wider than the existing carport. The garage will also be 4' longer than the existing carport/shed to allow for extra storage space. This extra 4' will be achieved by pulling the front of the proposed garage forward to make it even with the main structure of the house. It will also necessitate making some modifications to the current slope of the driveway.
- **My request for the permit applies to the right rear corner of the proposed garage, which will extend into the minimum setback area by 3' 4"; for a new minimum setback area at that point of 8' 8".** The rest of the garage would not encroach in any way on the setback area. The construction of the garage and the modifications to the driveway should have minimal to no effect on my neighbors' property or their ability to navigate the street while the work is underway.
- With regard to appearance, the garage will be constructed to blend in with my home and the surrounding homes. Siding will be used on the exterior, and asphalt shingles of the same color as the existing roof will be used in areas where the roofline has to be extended.
- The existing shed will be removed as part of the plan for the garage.
- Aside from the paint that will be used on/in the garage, I am unaware of any toxic or hazardous substances that will be involved in removing the existing carport/shed and constructing the garage.
- The addition of a garage on my home should have no effect on fire department personnel's ability to access my immediate neighbors' property. There will still be a considerable distance between their home and my garage. Also, there is a fire hydrant directly in front of my property and quite close to my neighbors', making it very easy for emergency personnel to attach a hose and bring it on to their property without the garage posing any obstacle.
- Aside from the encroachment of the right rear corner of the proposed garage into the minimum setback area, the structure will otherwise conform to the provisions of all applicable ordinances, regulations, and adopted standards.

RECEIVED
Department of Planning & Zoning

JAN 22 2013

Zoning Evaluation Division

4) The resulting gross floor area of the proposed addition is equal to 17 percent of the gross floor area of the existing structure, far under the 150 percent maximum allowed under the ordinance.

5) The resulting gross floor area of the proposed addition is clearly subordinate in purpose, scale, use and intent to the principal structure, as the proposed structure will be a garage and not a living area in the home.

6) Applicant understands that the BZA shall determine whether 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 on the lot. Applicant refers BZA to architectural drawings and photos provided in her application, as well as her original justification for additional information.

7) Applicant understands that the BZA shall determine whether 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. Applicant refers BZA to architectural drawings and photos provided in her application, as well as her original justification for additional information.

8) Applicant understands that the BZA shall determine whether the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff.

9) Applicant understands that the BZA shall determine whether the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Applicant notes that she has worked closely with her contractor to determine the minimum width of the garage necessary to allow for the inclusion of stairs from garage into the house, the ability to open the car doors fully to allow safe ingress and egress, and storage for trash and recycling containers so as to ensure that the proposed structure would not encroach more than absolutely necessary into the minimum setback area.

10) Applicant understands that 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.

FEB 20 2013

Zoning Evaluation Division

**Addendum to Justification for Special Permit Application for Jane E. Lages
SP 2013-0017**

**Proposed Use Item #1: Error in Building Location to Permit Accessory Structure to
Remain 10.2 Feet from Side Lot Line. Responses to Section 8-914, para 2 (A-G)**

- A) Homeowner believes the error in placement of playhouse exceeds 10 percent of the measurement involved.
- B) Noncompliance with regard to the placement of the playhouse was done in good faith. Homeowner and contractor had no idea that a child's play structure would require attention to the distance from the property. There was no ill will or deliberate intent to violate zoning restrictions. The house was simply placed where it was--behind the house and at a distance from the street--for the safety of homeowner's child. That section of the yard happens to be relatively narrow, so options for placement are limited.
- C) A reduction in the minimum yard requirements to accommodate the error in building will not impair the purpose and intent of the Zoning Ordinance. The playhouse encroaches on the required minimum yardage by less than 2 feet and does not negatively affect any neighboring properties.
- D) The reduction will not be detrimental to the use and enjoyment of other property in the immediate vicinity. The playhouse is still more than 10 feet from the side property line. The playhouse is mostly behind some trees and bushes and its placement does not affect neighbor's views or property. Neighbor has never complained about the structure.
- E) The reduction will not create an unsafe condition with respect to both other property and public streets. The playhouse is set considerably back from the street and therefore does not in any way affect drivers' lines of sight, and it does not block access to my neighbors' property or create any other unsafe condition.
- F) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner. Playhouse is a solid wood structure and weighs several hundred pounds. Homeowner has no means of moving the structure herself and would need to hire someone to do so. Given the weight of the structure and the potential damage that could be caused by attempting to move it, the money involved could be at least a few hundred dollars or more, which seems unreasonable given that the playhouse encroaches on the minimum yardage by less than two feet and poses no danger to or hardship on neighbors.
- G) The homeowner believes that the reduction in minimum yard requirements will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

**Proposed Use Item #2 – Reduction of Certain Yard Requirements to Permit Addition 7.5
Feet From Rear Lot Line – Responses to Section 8-922, Items 4-10**

8-006 General Standards

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

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

8-903 Standards For All Group 9 Uses

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

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

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

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

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

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

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.