



APPLICATION ACCEPTED: January 30, 2013
DATE OF PUBLIC HEARING: May 15, 2013*
*Moved at applicant's request
TIME: 9:00 a.m.

County of Fairfax, Virginia

May 8, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-MV-011

MOUNT VERNON DISTRICT

APPLICANT: Eric H. Edwards

OWNERS: Eric H. Edwards
Andrea K. Mitchell

LOCATION: 4116 Ferry Landing Road, Alexandria, 22309

SUBDIVISION: Mount Vernon Grove

TAX MAP: 110-4 ((2)) (F) 140A

LOT SIZE: 13,611 square feet

ZONING: R-2

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSALS: To permit reduction to the minimum yard requirements based on error in building location to permit accessory structure to remain 5.1 ft. from rear 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.

O:\rhomera\Special Permits\Edwards (error)\staff report.doc

Rebecca Homer
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 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2013-MV-011

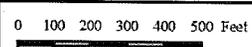
ERIC EDWARDS



Special Permit

SP 2013-MV-011

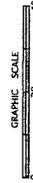
ERIC EDWARDS



NOTES

1. TAX MAP: 1104 02F 0140A
2. ZONE: R-2
3. LOT AREA: 13,611 SQUARE FEET
4. MINIMUM REQUIRED YARDS:
FRONT: 25 FEET FROM
EDGE OF SHARED DRIVEWAY
SIDE: 15 FEET
REAR: 25 FEET
5. HEIGHTS:
DWELLING: 28 FEET
OPEN PORCH: 10 FEET @ EAVE
FENCES, WALLS, ETC. AS SHOWN
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. IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS NOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAIN OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. THIS PROJECT HAS NO PROPOSED CHANGE IN GROSS FLOOR AREA. EXISTING FLOOR AREA RATIO IS APPROXIMATELY 0.26.
12. THERE ARE NO PLANNED CHANGES TO VEGETATION.
13. THERE IS NO OBSERVABLE EVIDENCE OF HAZARDOUS OR TOXIC SUBSTANCES, HAZARDOUS WASTE, OR PETROLEUM PRODUCTS THAT ARE OR WILL BE GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED ON THIS PROPERTY.
14. FAIRFAX COUNTY TAX ADMINISTRATION REAL ESTATE RECORDS INDICATE THAT THE MAP NUMBER FOR THE PROPERTY DELINEATED HEREON IS 1104 02F 0140A AND THAT THE LEGAL DESCRIPTION IS LOT 140, BLOCK F, MOUNT VERNON GROVE. COUNTY LAND RECORDS ALSO INDICATE THAT THE PROPERTY IS LOT 140, BLOCK F, MOUNT VERNON GROVE.

SPECIAL PERMIT PLAT
LOT 140 BLOCK "F"
MOUNT VERNON GROVE
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20' MARCH 9, 2012
 DECEMBER 19, 2012 (REVISED)

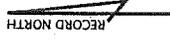
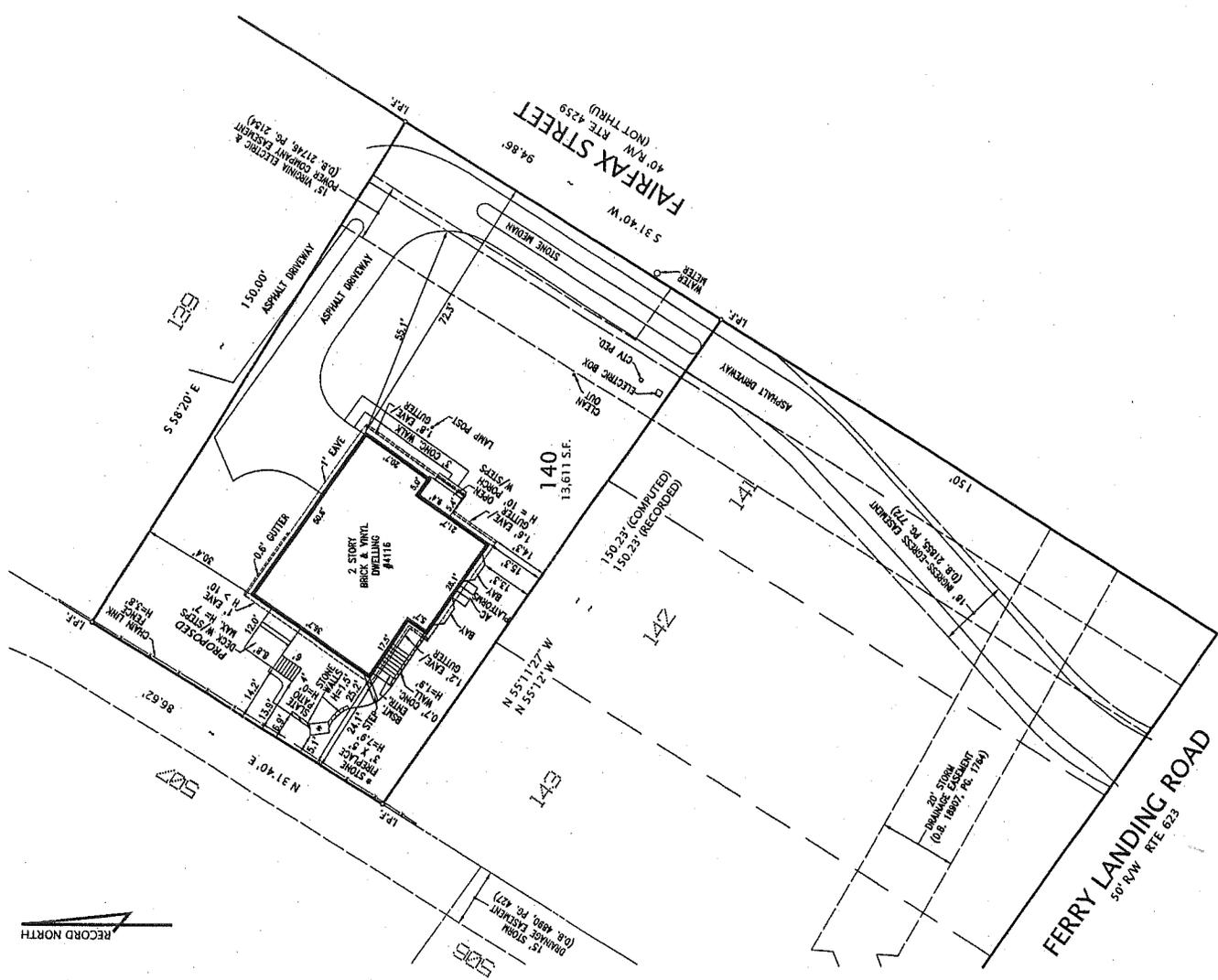


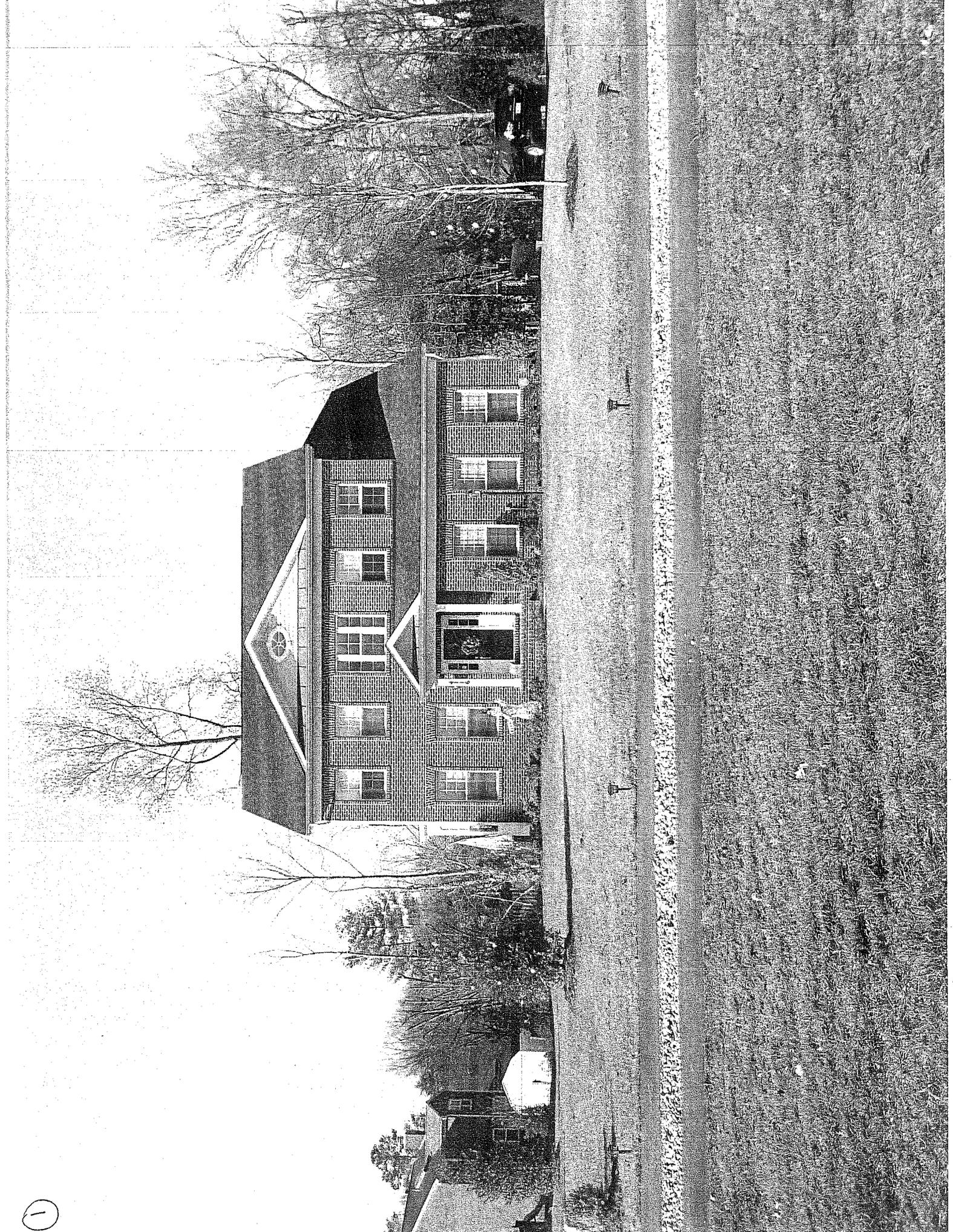
THE POSITION OF THE EXISTING IMPROVEMENTS HAS BEEN ESTABLISHED BY AN ON-SITE INSTRUMENT SURVEY AND SUCCESS OPERATES SHOWN THERE ARE NO VISIBLE ENCROACHMENTS, IN CONCORDANCE WITH THE

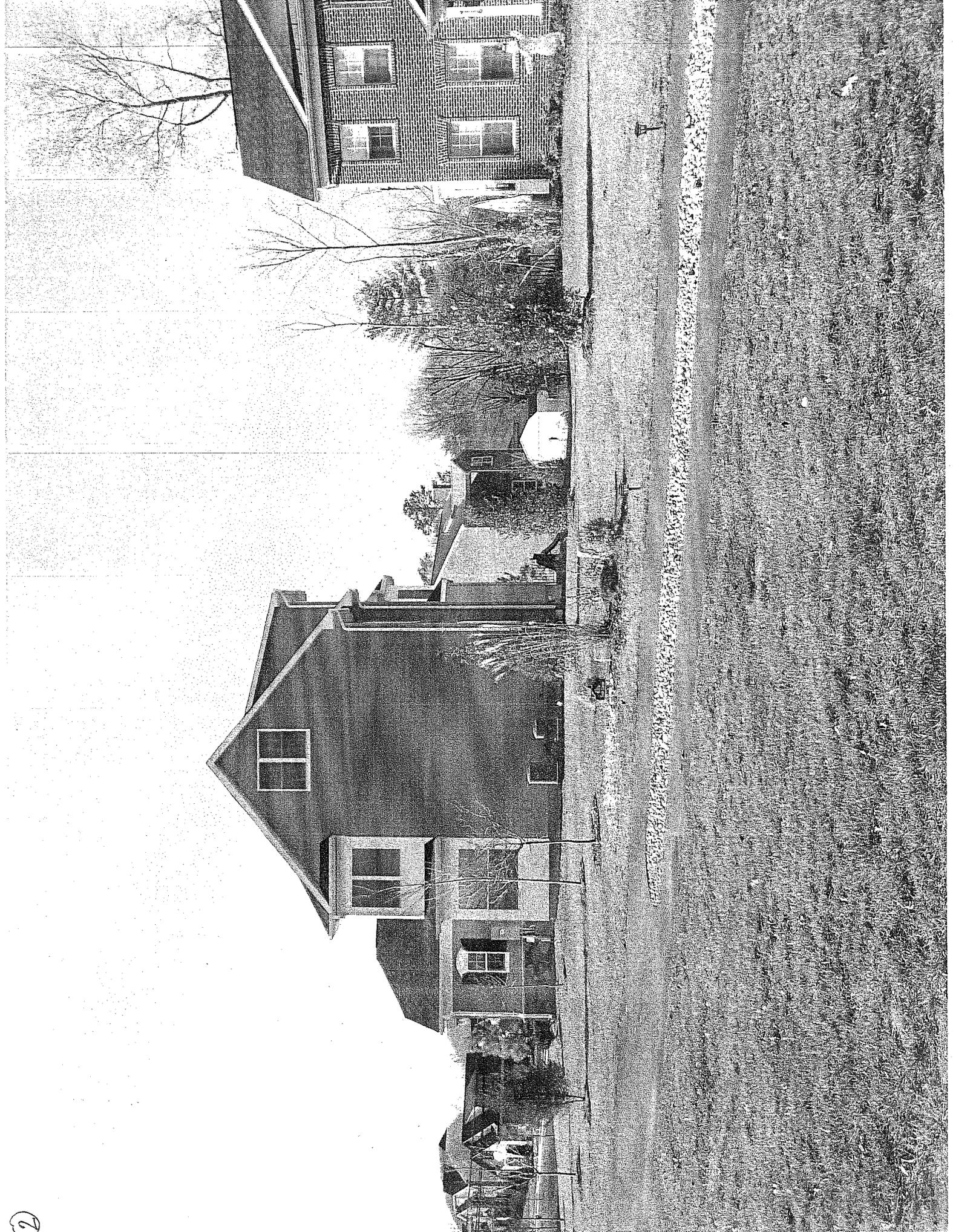
NO TITLE REPORT FURNISHED. THIS PLAT IS SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD OR ESTABLISHED.

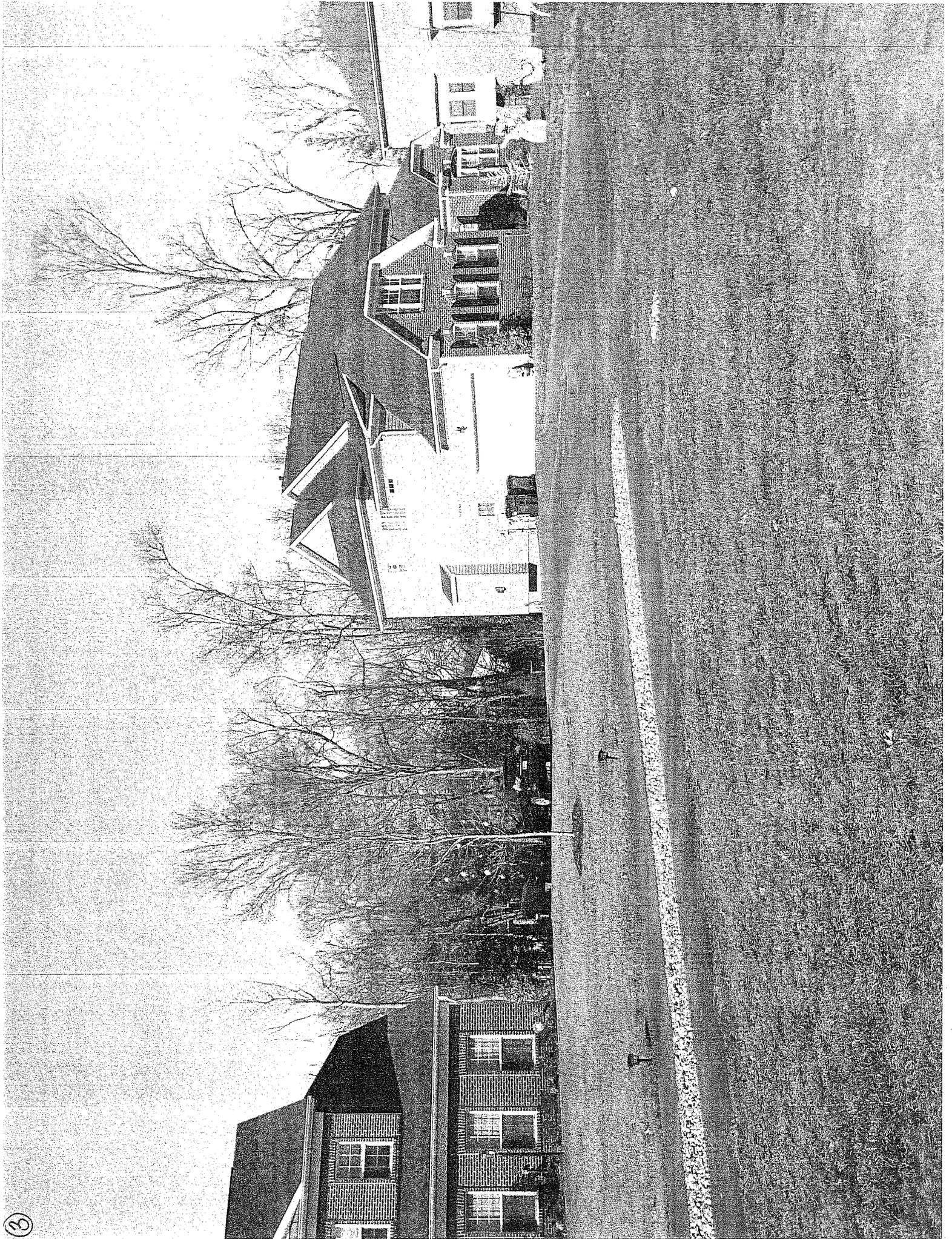
CASE NAME: EDWARDS
 ORDERED BY: PHOENIX HOME SERVICES

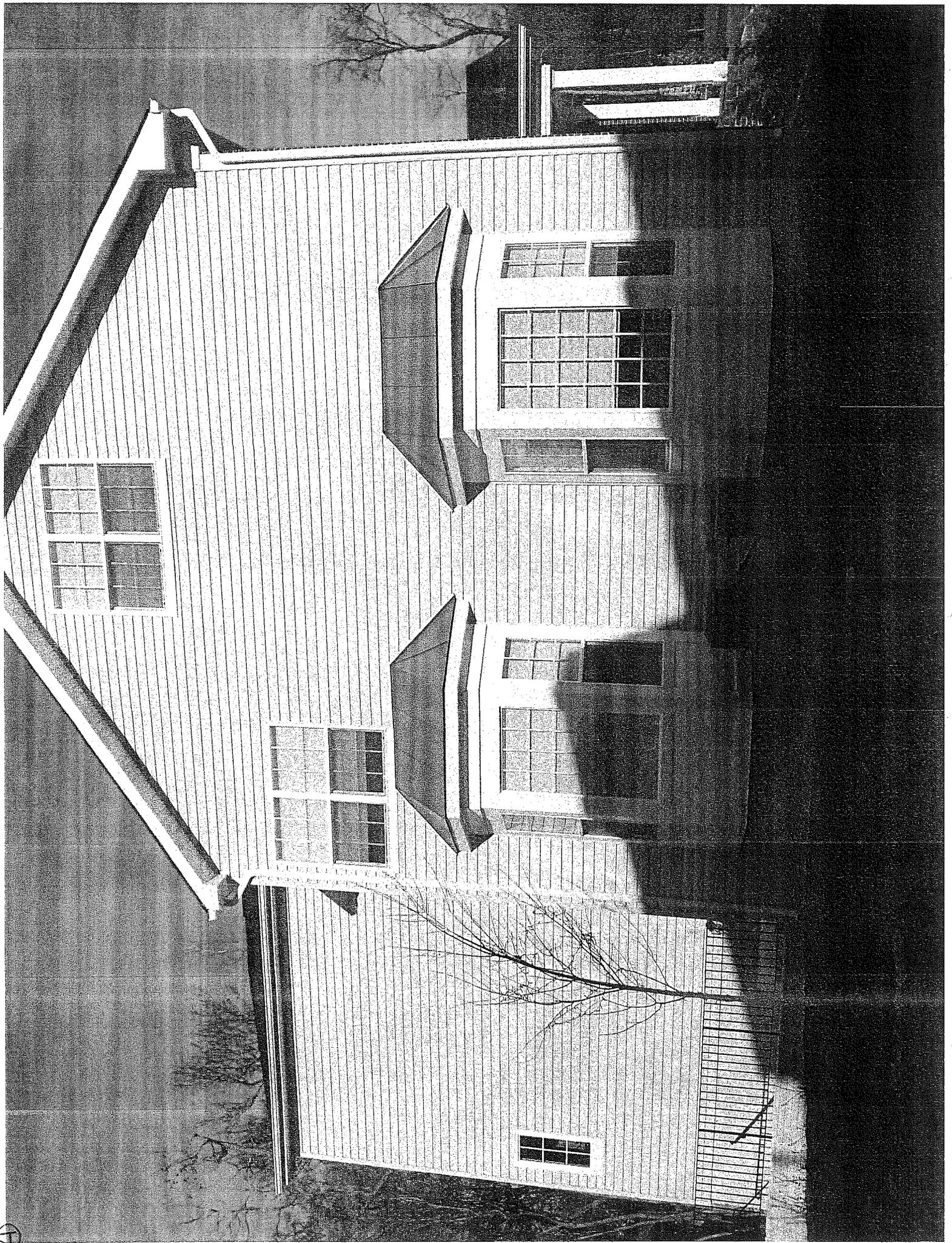
ALTEIRA SURVEYS
 11216 WAPLES MILL ROAD #102
 FAIRFAX, VIRGINIA, 22030
 TEL. NO. 703-520-1558
 FAX NO. 703-895-4800
 INFO@ALTERASURVEYS.COM





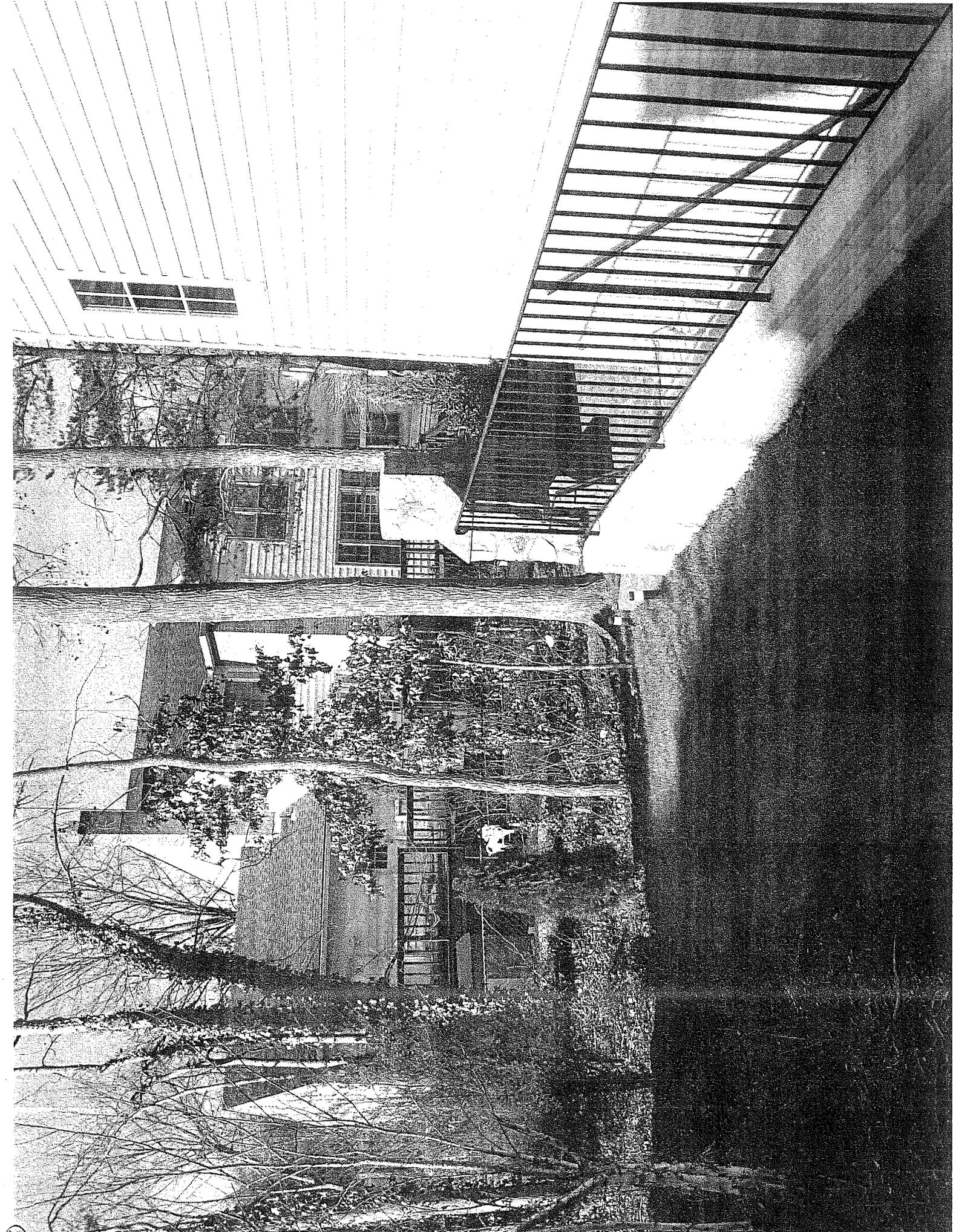


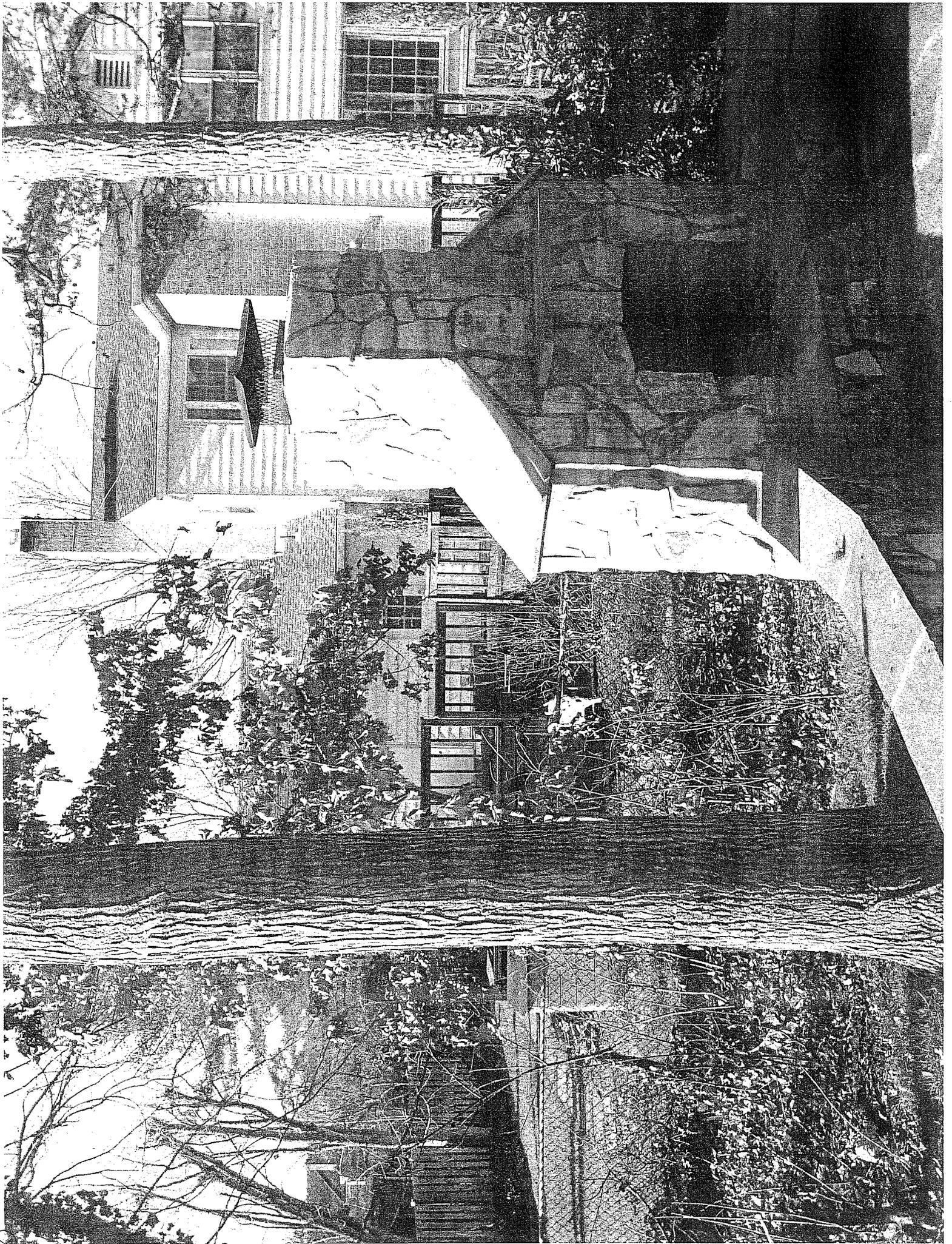




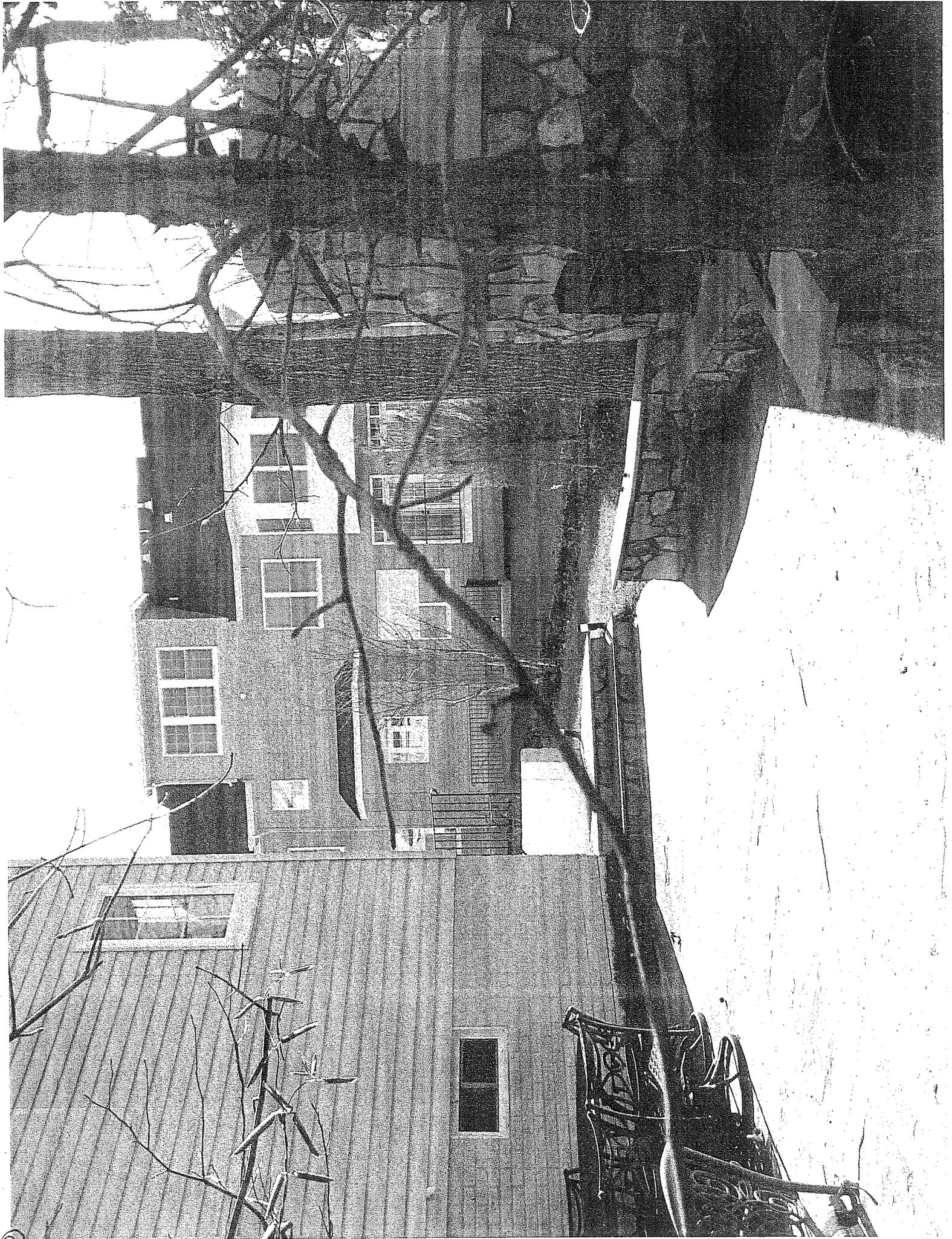


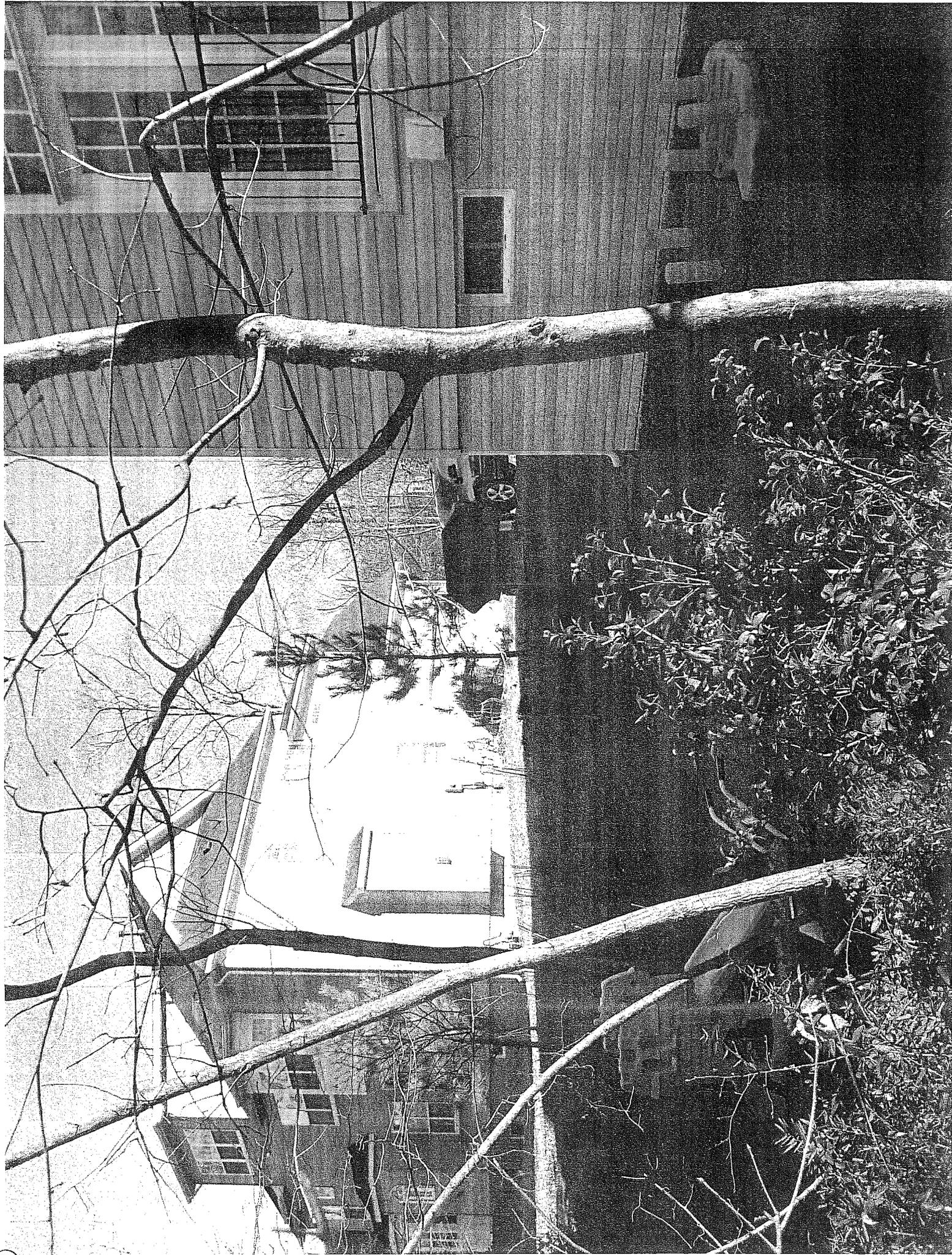


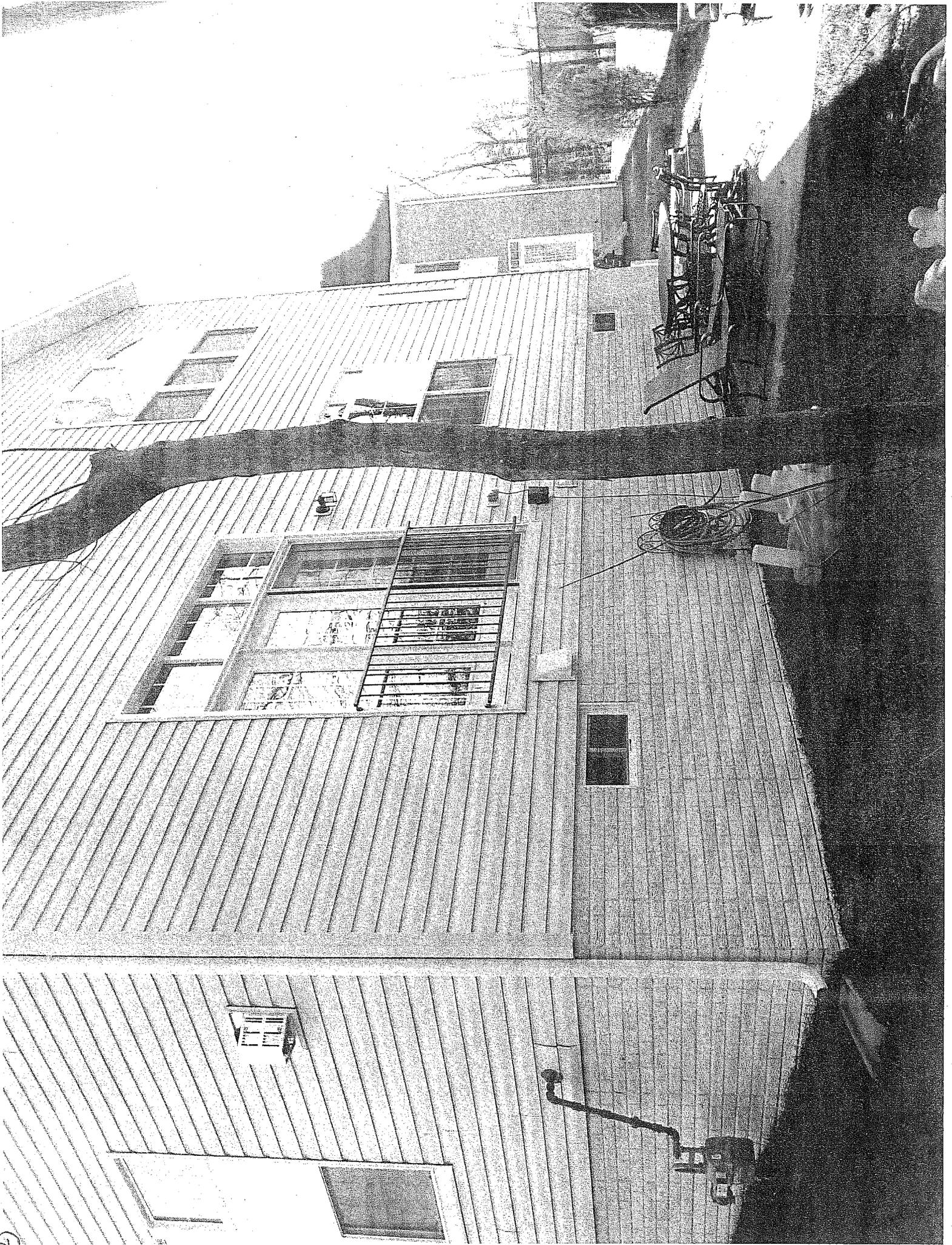






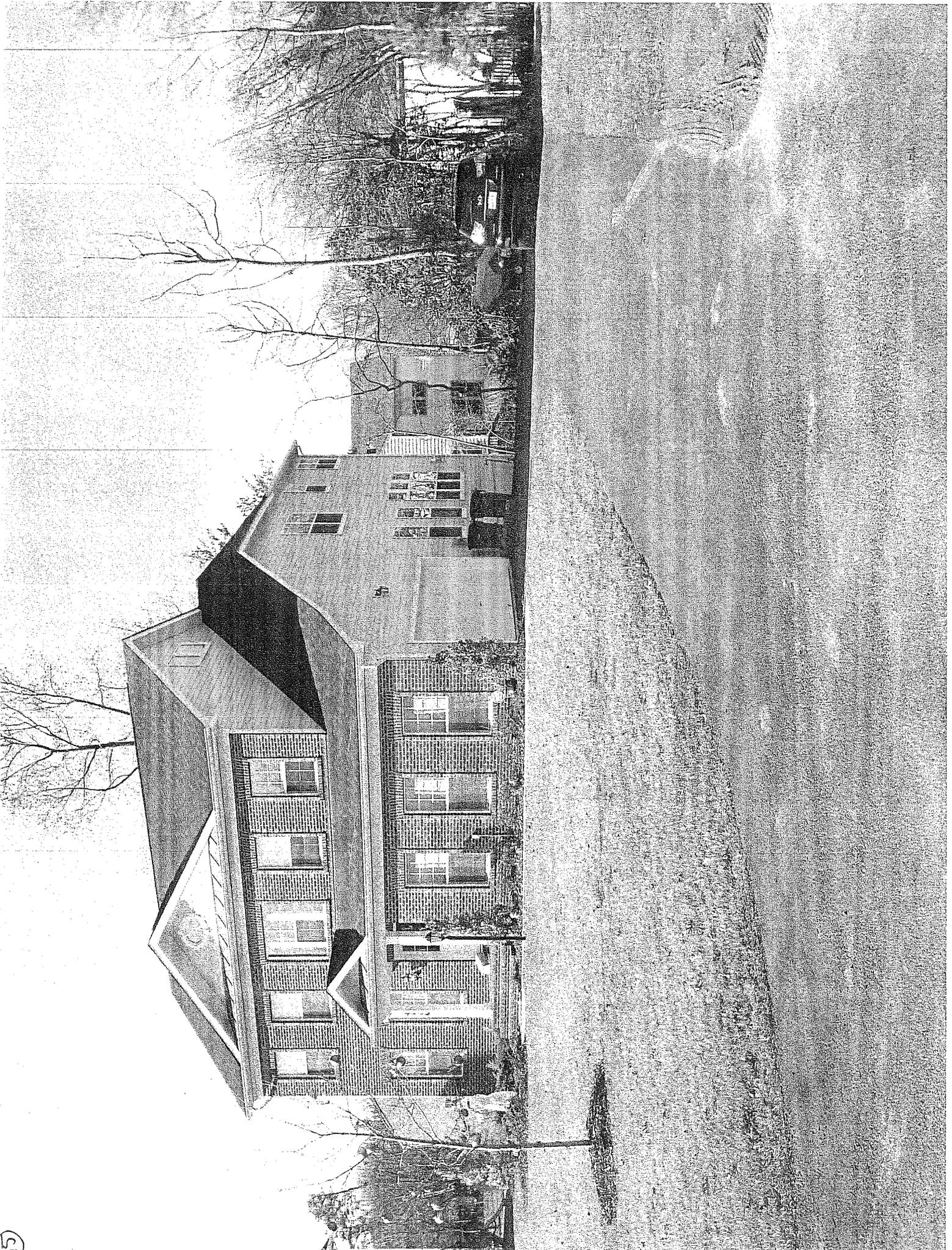






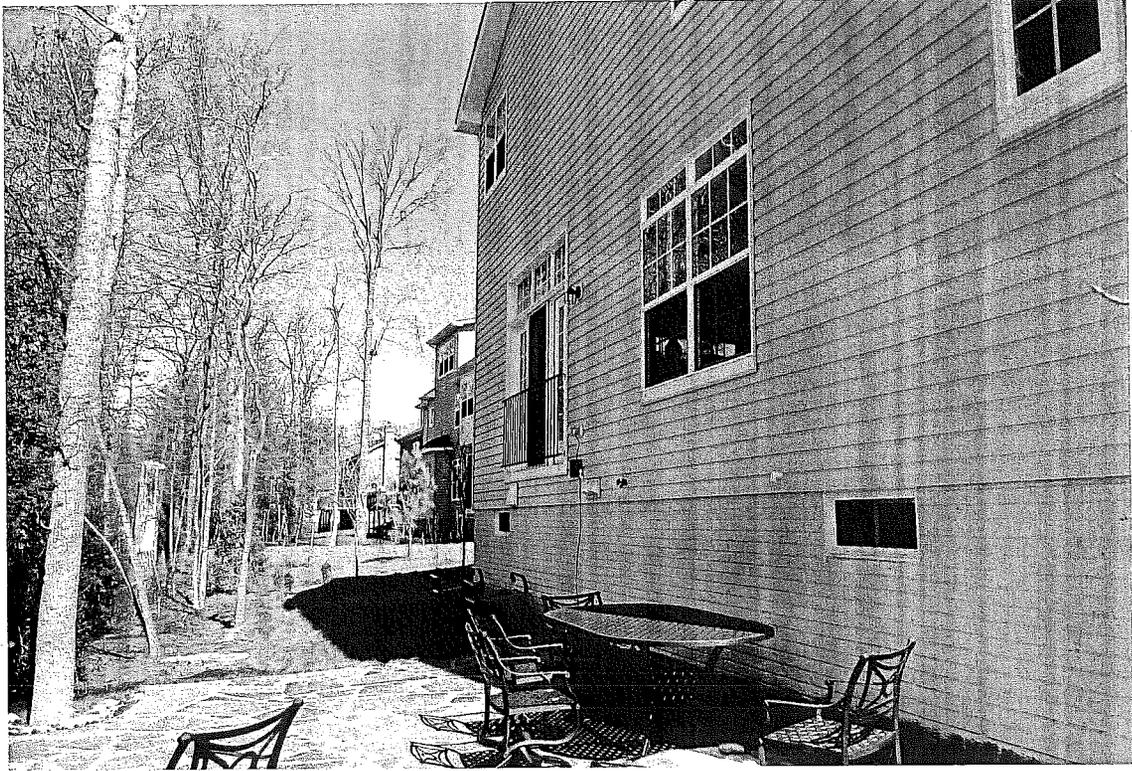




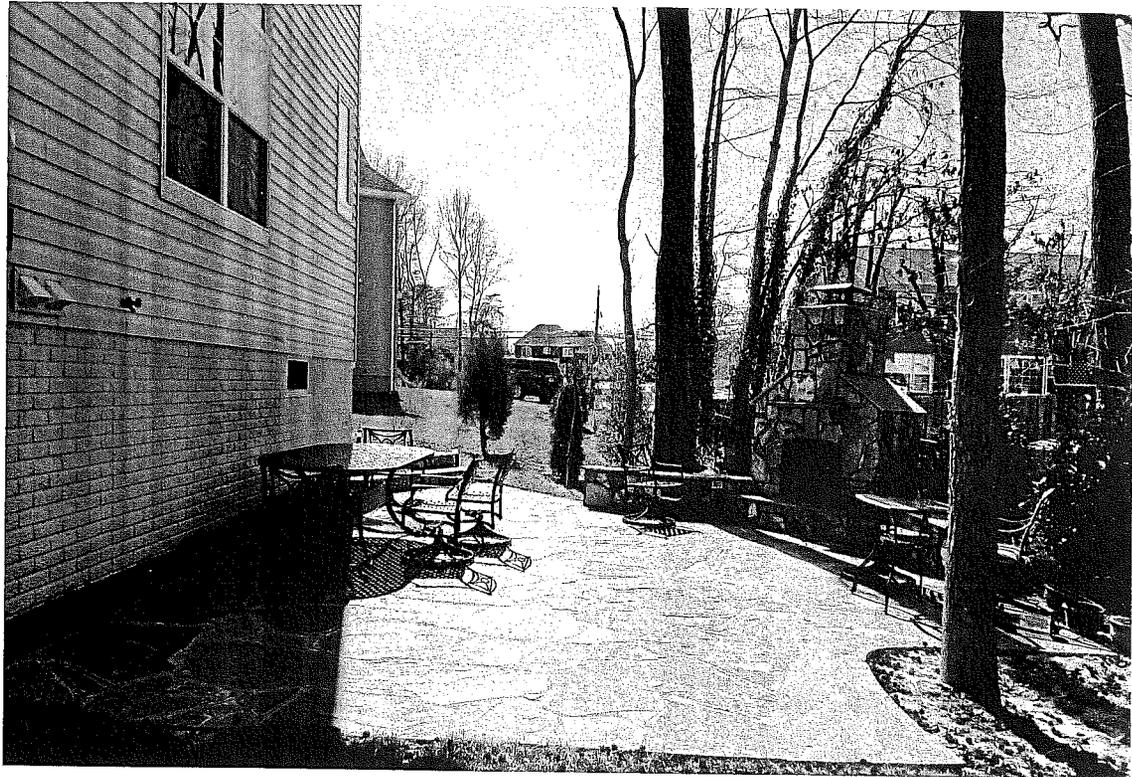


← south

back of home



→ north



Back of home

Home faces SE

Looking at the
Front of home



Facing

SW

Front of home &
neighbors

Home Faces SE

Front of home



FACING
NE

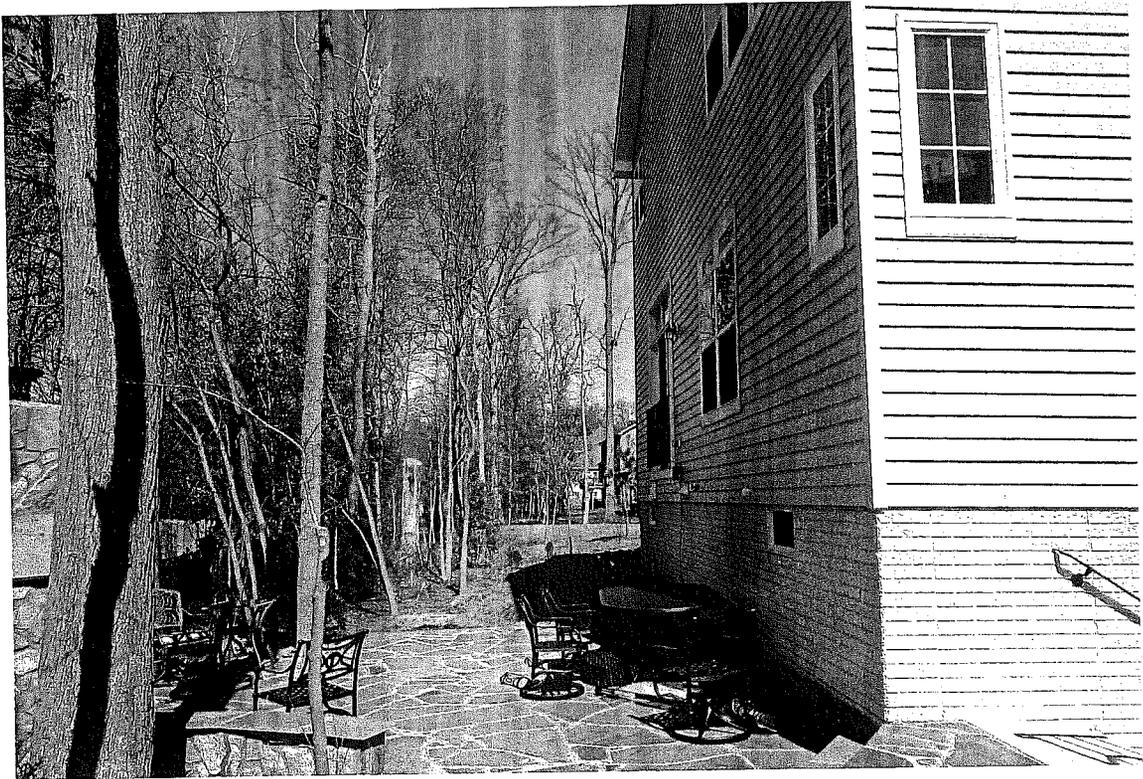
Front of home &
neighbors

back of home

→ NORTH



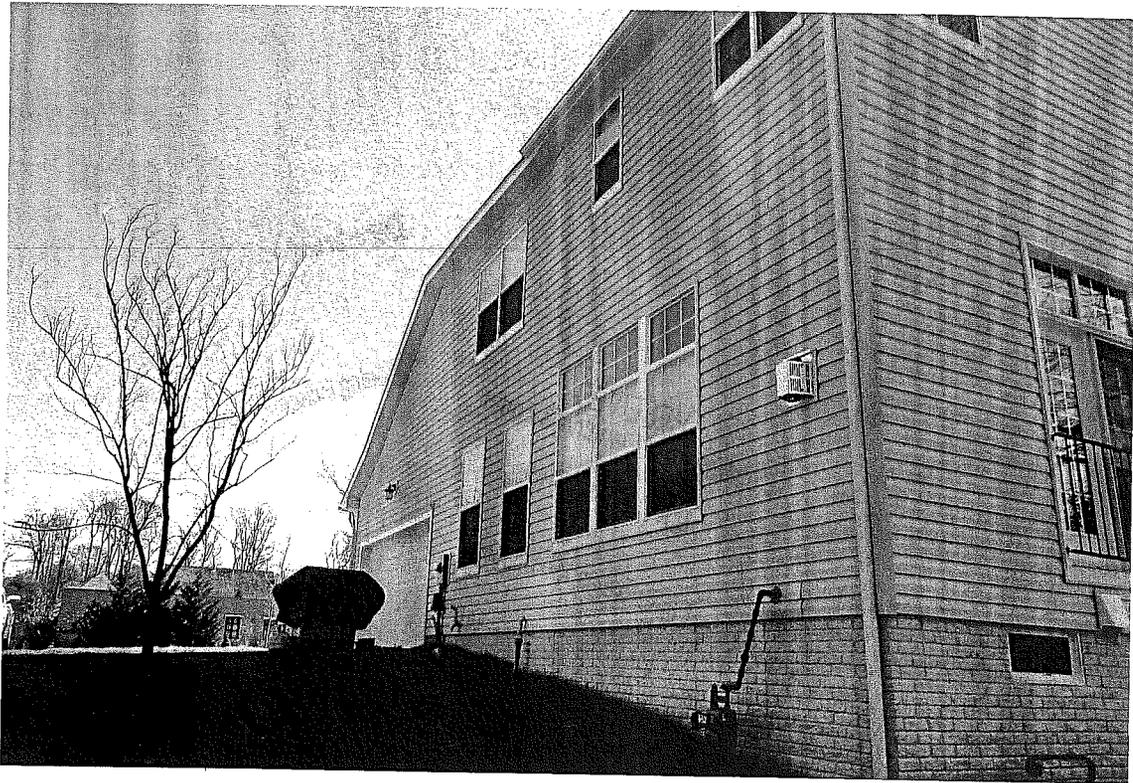
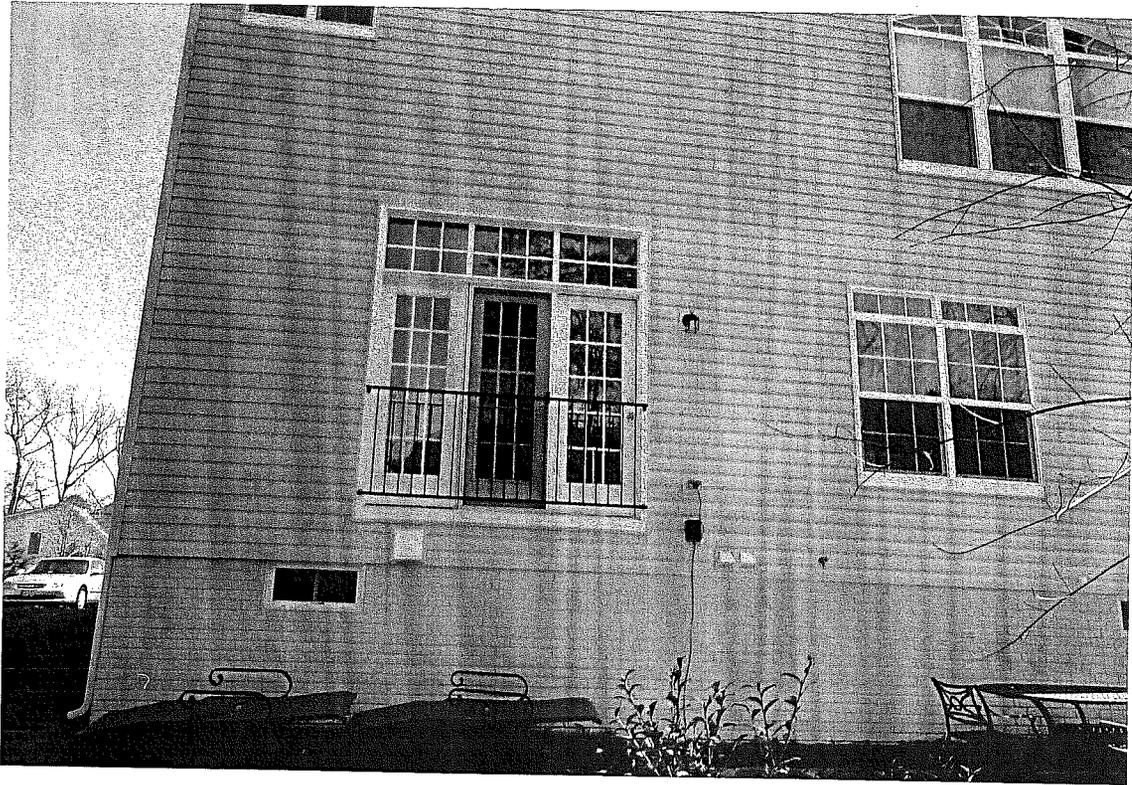
← SOUTH



Back of home

↑ west

back of home

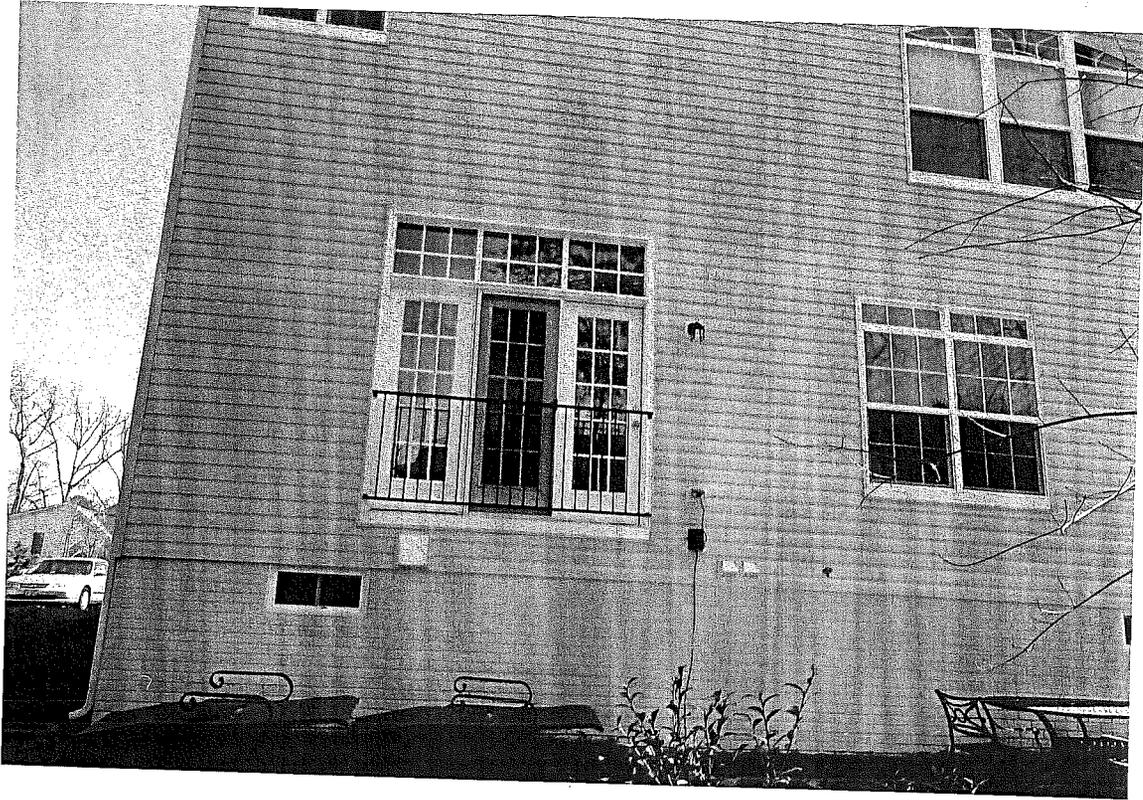


↑ west

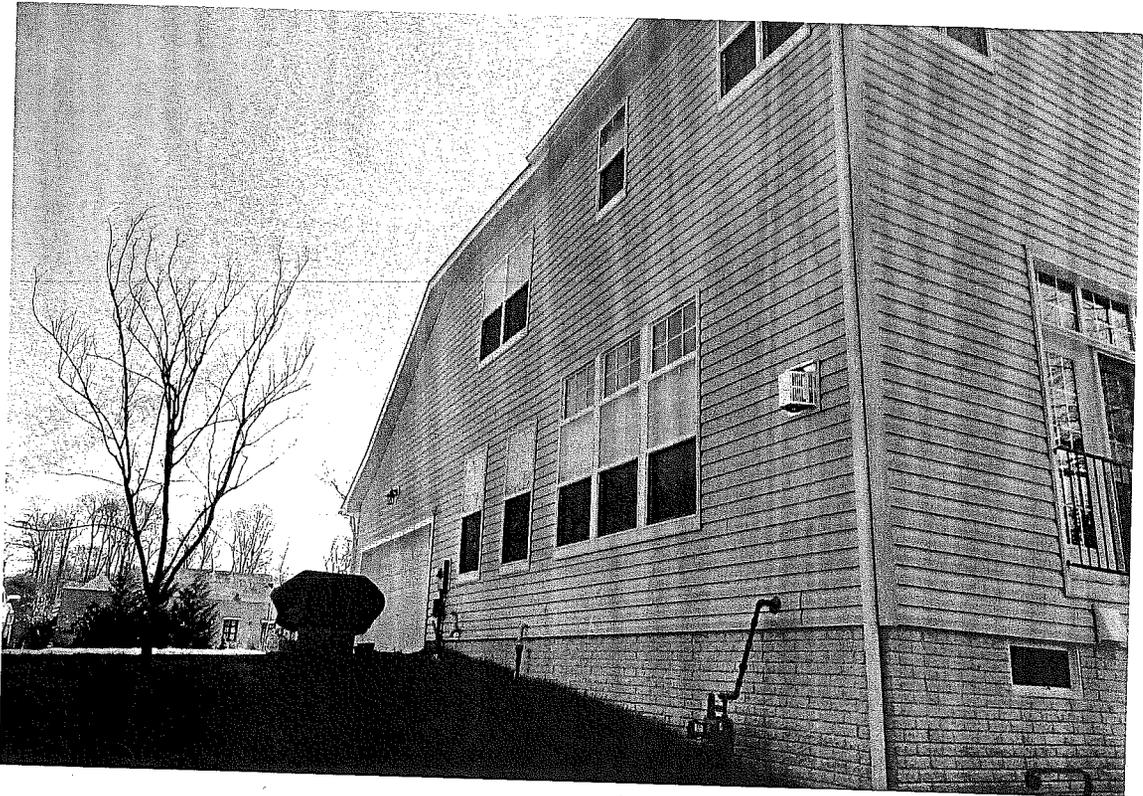
side of home

FACING WEST

back of home



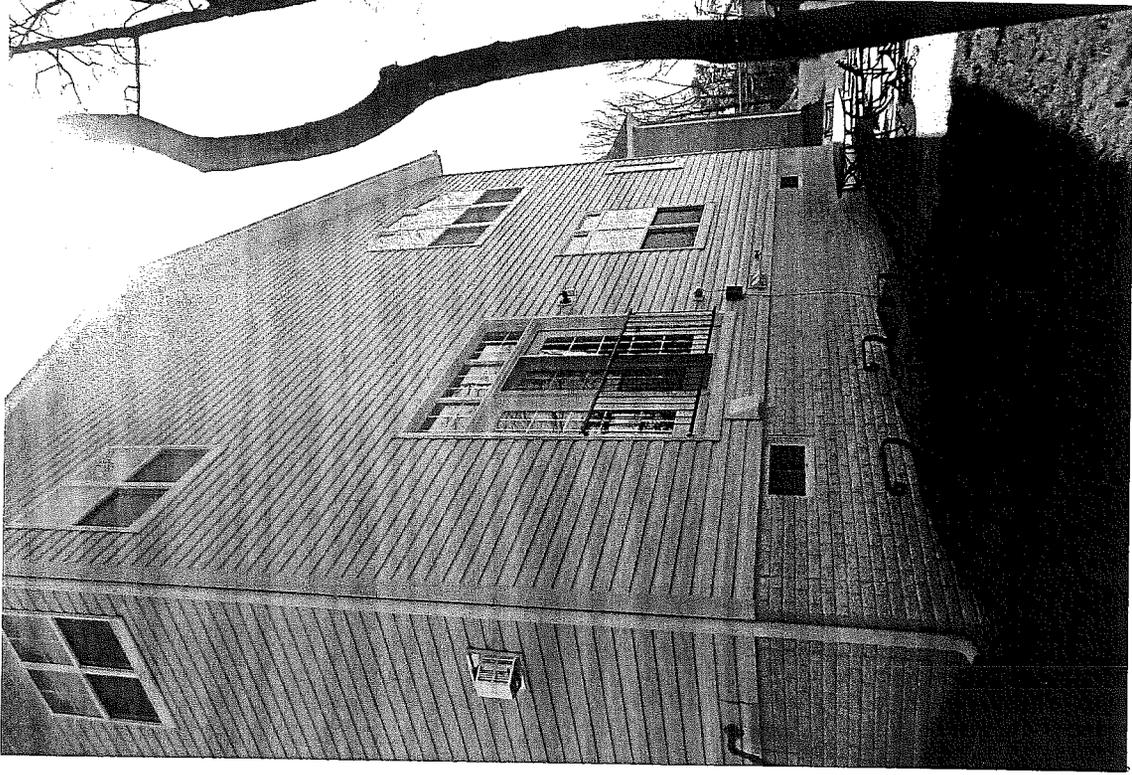
FACING WEST



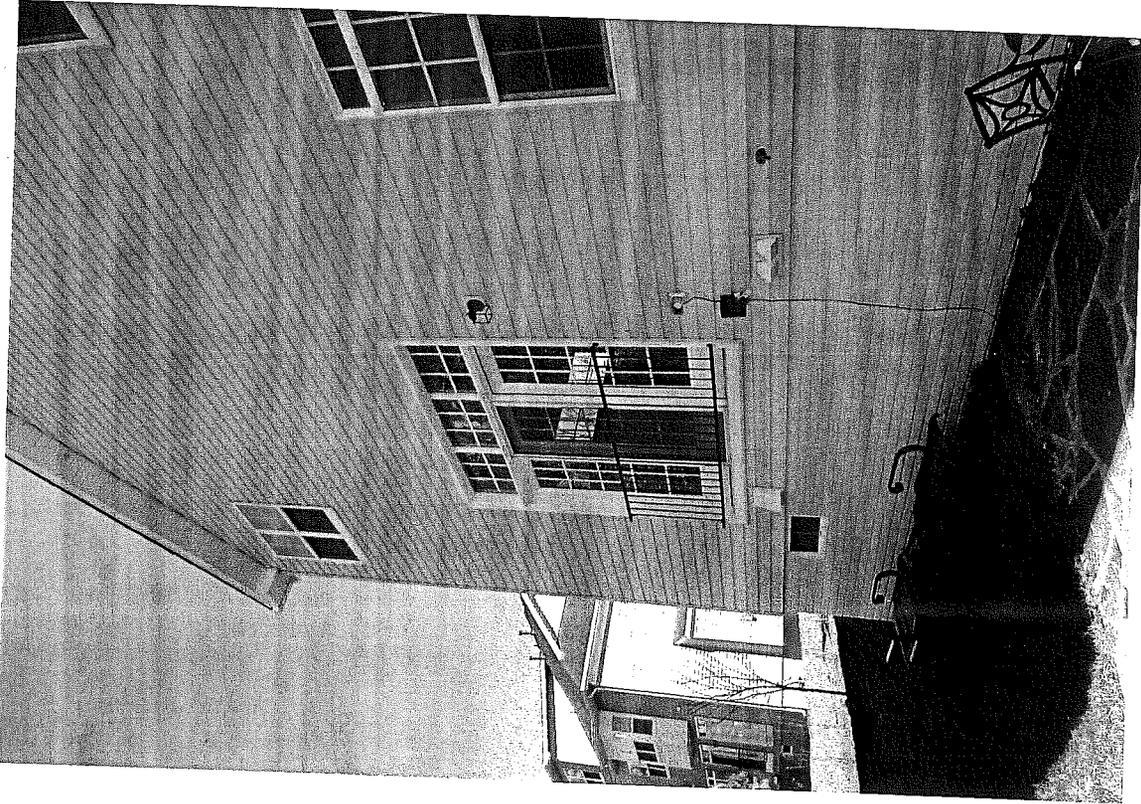
Side of home

back of home

NW →

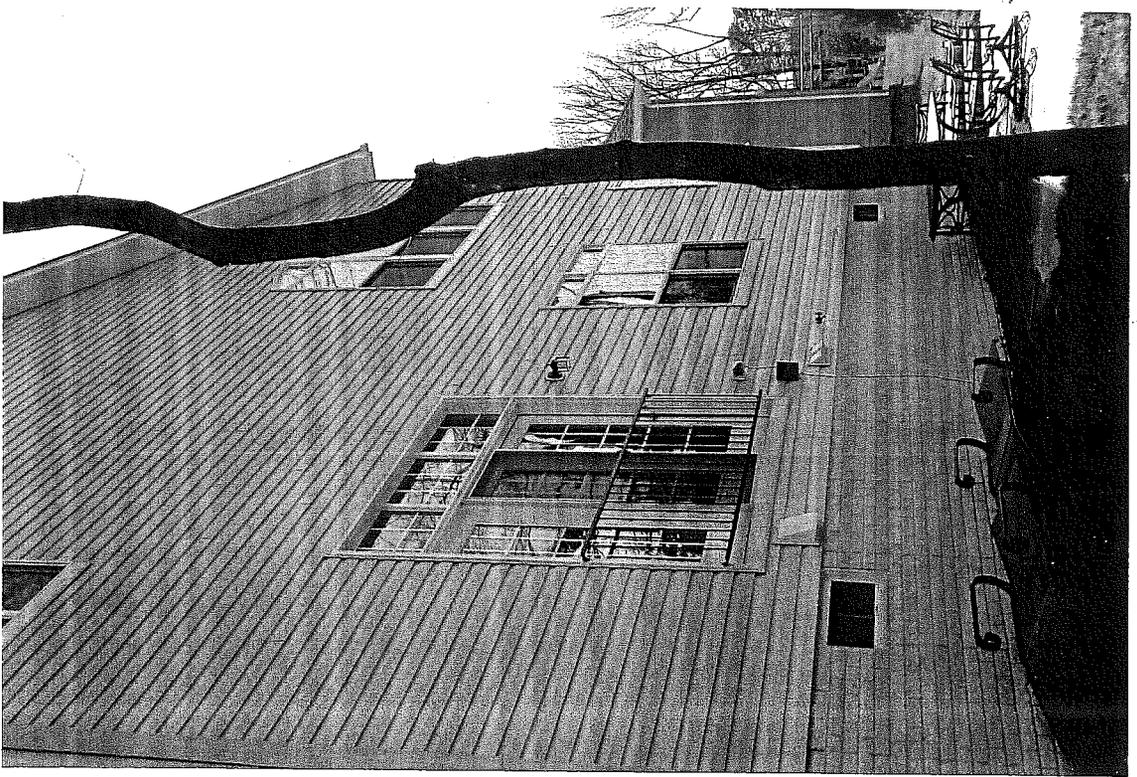


← SW

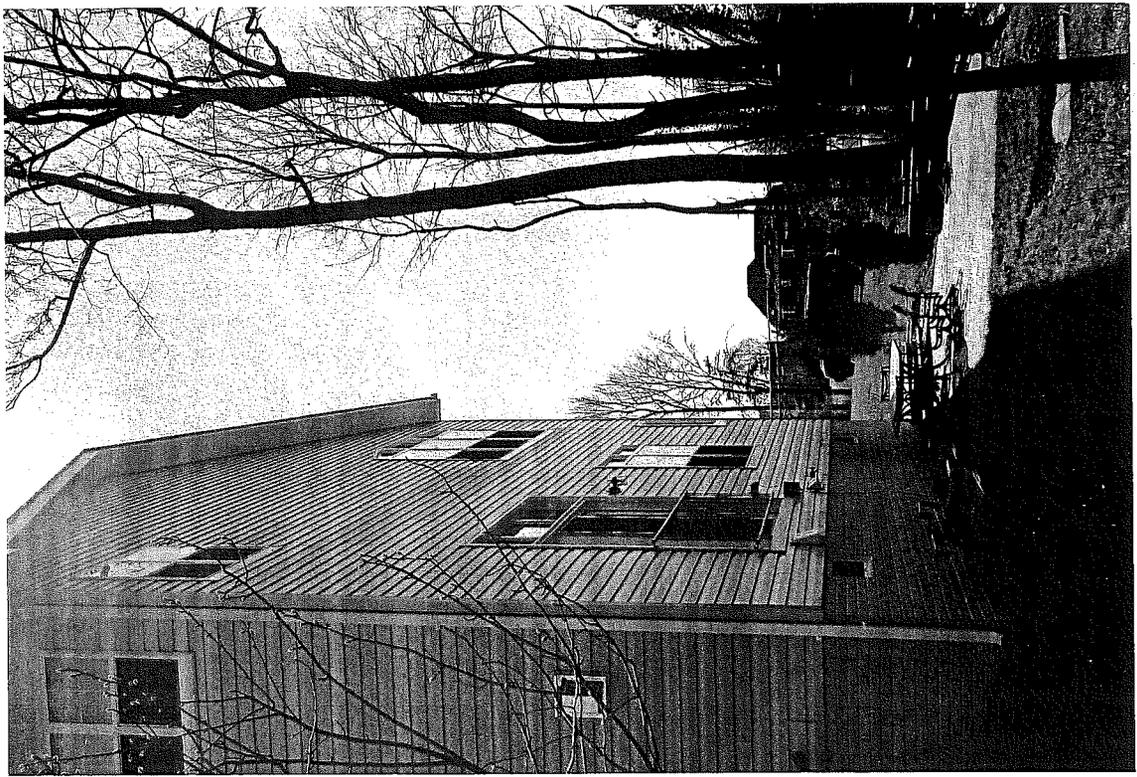


back of home
(project location)

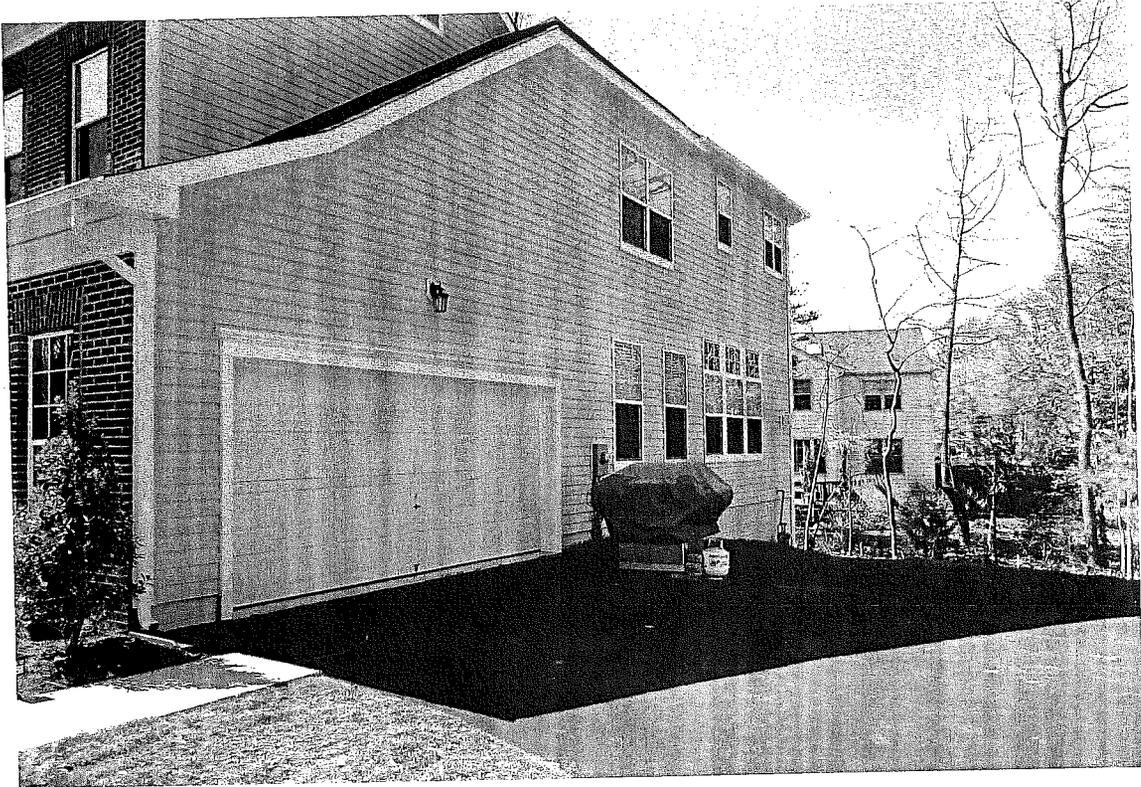
NORTH →



NORTH →



NE →



side of
home



↑
SE

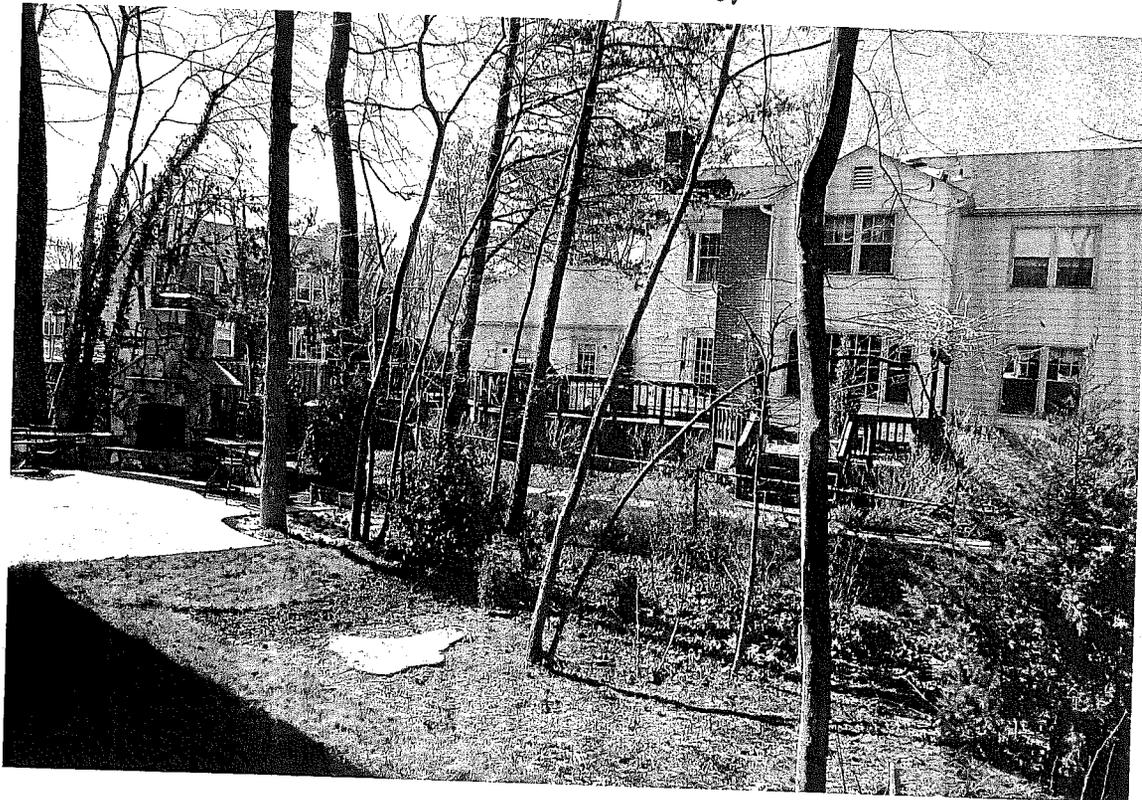
side of home

Facing East

neighbors
behind
home



Facing East



neighbors behind home

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval for a reduction to the minimum yard requirements based on an error in building location to permit an accessory structure, an outdoor fireplace, to remain 5.1 feet from the rear lot line. The fireplace is 7.9 feet in height.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit	Accessory Structure (fireplace)	Rear	7.9 feet	5.1 feet	2.8 feet	35.4%

* Minimum yard requirement per Section 10-104.

EXISTING SITE DESCRIPTION

The 13,611 square-foot property is developed with an existing single family dwelling. Access to the site is provided from Ferry Landing Road to an attached garage. The yard contains several existing mature trees, newly planted trees and foundation plantings. The rear yard contains a slate patio, which is attached to the dwelling. The referenced stone fireplace is located within the rear yard, 5.1 feet from the rear lot line.

A 3.8 foot high chain link fence is located along a portion of the northwestern side lot line.

An 18 foot wide ingress/egress easement is located adjacent to Fairfax Street extending from Ferry Landing Road to Lot 139 to the north.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single Family Detached Dwellings
South	R-2	Single Family Detached Dwellings
East	R-2	Single Family Detached Dwellings
West	R-2	Single Family Detached Dwellings

BACKGROUND

The dwelling on the applicant's property was constructed in 2011. The applicant indicates he constructed the outdoor fireplace in December 2011.

A copy of the special permit plat entitled "Special Permit Plat, Lot 140, Block F, Mount Vernon Grove" prepared by Alterra Surveys, dated March 9, 2012, as revised through December 19, 2012, is included at the front of the staff report.

There are no other special permit applications in the vicinity of the application parcel.

ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

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

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

CONCLUSION

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

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.

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-MV-011

May 8, 2013

1. This special permit is approved for the location of the stone fireplace as shown on the special permit plat prepared by Alterra Surveys, dated March 9, 2012, as revised through December 19, 2012, as submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the accessory structure (outdoor fireplace) within six months of the approval of the special permit.

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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/10/13
 (enter date affidavit is notarized)

I, BRIAN JAMES ROSENHEIM, 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

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)
ERIC H. EDWARDS	4116 FERRY LANDING RD ALEXANDRIA, VA 22309	APPLICANT/TITLE OWNER
ANDREA K. MITCHELL	4116 FERRY LANDING RD ALEXANDRIA, VA 22309	TITLE OWNER
PHOENIX HOME SERVICES, INC	9141 SCHOOLCRAFT LN BURKE, VA 22015	AGENT
BRIAN J. ROSENHEIM	11320 ARISTOTLE DR #108 FAIRFAX, VA 22030	AGENT

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/10/13
(enter date affidavit is notarized)

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)

KYDNE D. IZETT
STEVE N. BOWEN
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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/10/13
(enter date affidavit is notarized)

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/10/13
(enter date affidavit is notarized)

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: 1/10/13
(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)

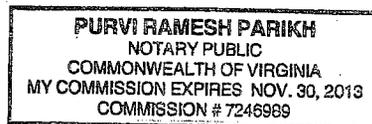
Applicant Applicant's Authorized Agent

BRIAN J ROSENHEIM
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10 day of January 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Purvi Ramesh Parikh
Notary Public

My commission expires: 11/30/2013



SPECIAL PERMIT STATEMENT OF JUSTIFICATION

4116 Ferry Landing Rd. Alexandria, VA 22309

Tax Map #:1104 02F 0140

Zoning District: R-2

To whom it may concern:

This request is for a Special Permit to obtain a reduction in the minimum rear yard requirement for the above referenced property. We have made improvements to our home to enhance its appearance, usability and overall value. In doing so, we inadvertently violated the rear setback when constructing an outdoor fireplace over 7' tall. The noncompliance was done in good faith and was the result of a misunderstanding of the setbacks. The improvements will not be a detriment to adjacent properties and will work well with the existing architecture of the home.

The fireplace was constructed in December of 2011 and is in violation of the rear yard setback. It is currently 5.1' from the rear property line and, because it is 7'9" tall, is supposed to be 7'9" from the rear property line, thus exceeding ten percent of the measurement involved. We had originally intended for the fireplace to be under 7' tall, but during construction decided we wanted it a bit larger and were unaware at the time that there were a different set of regulations once the structure exceeds 7'.

The lot on which the home is located has one of the smaller effective buildable areas in the community. For the majority of lots here a project of this scope could be accomplished within the buildable area. In this case, due to the shallowness of the lot the buildable area ends very close to the existing rear wall of the house and the improvements cannot be constructed within the remaining available space. Sufficient room for the construction is available in the side yard but outdoor living space on the side of the house does not fit with the existing design or character of surrounding properties. As such, we are now requesting a Special Permit from the Board of Zoning Appeals.

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

The Special Permit is being sought for a reduction of the rear yard requirement to permit the construction of a deck on the back side of the house and the already constructed fireplace. 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 property in the immediate vicinity. This construction will not create an unsafe condition with respect to other property and public streets. To force compliance with the minimum yard requirement would cause unreasonable hardship it would require the fireplace to be torn down completely and rebuilt to be 9" shorter which would cost nearly ten thousand dollars and compromise the integrity of the existing patio. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations. Thank you for your consideration in this matter.

JAN 22 2013

Zoning Evaluation Division



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.