



APPLICATION ACCEPTED: May 15, 2013  
DATE OF PUBLIC HEARING: July 24, 2013  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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July 17, 2013

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2013-MA-037**

### MASON DISTRICT

**APPLICANT/OWNER:** Gary J. Schwartz

**LOCATION:** 6459 Oakwood Drive, Falls Church, VA 22041

**SUBDIVISION:** Belvedere Park

**TAX MAP:** 61-3 ((11)) 0167

**LOT SIZE:** 14,964 square feet

**ZONING:** R-2, H-C

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit reduction in minimum yard requirements based on error in building location to permit deck to remain 12.0 feet from side lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this 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.

*O:\ehaley\7-24) SP 2013-MA-037 Schwartz (Error)\SP 2013-MA-037 Schwartz SR.docx*

*Erin M. Haley*

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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/](http://www.fairfaxcounty.gov/dpz/)



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.**

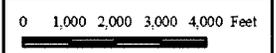
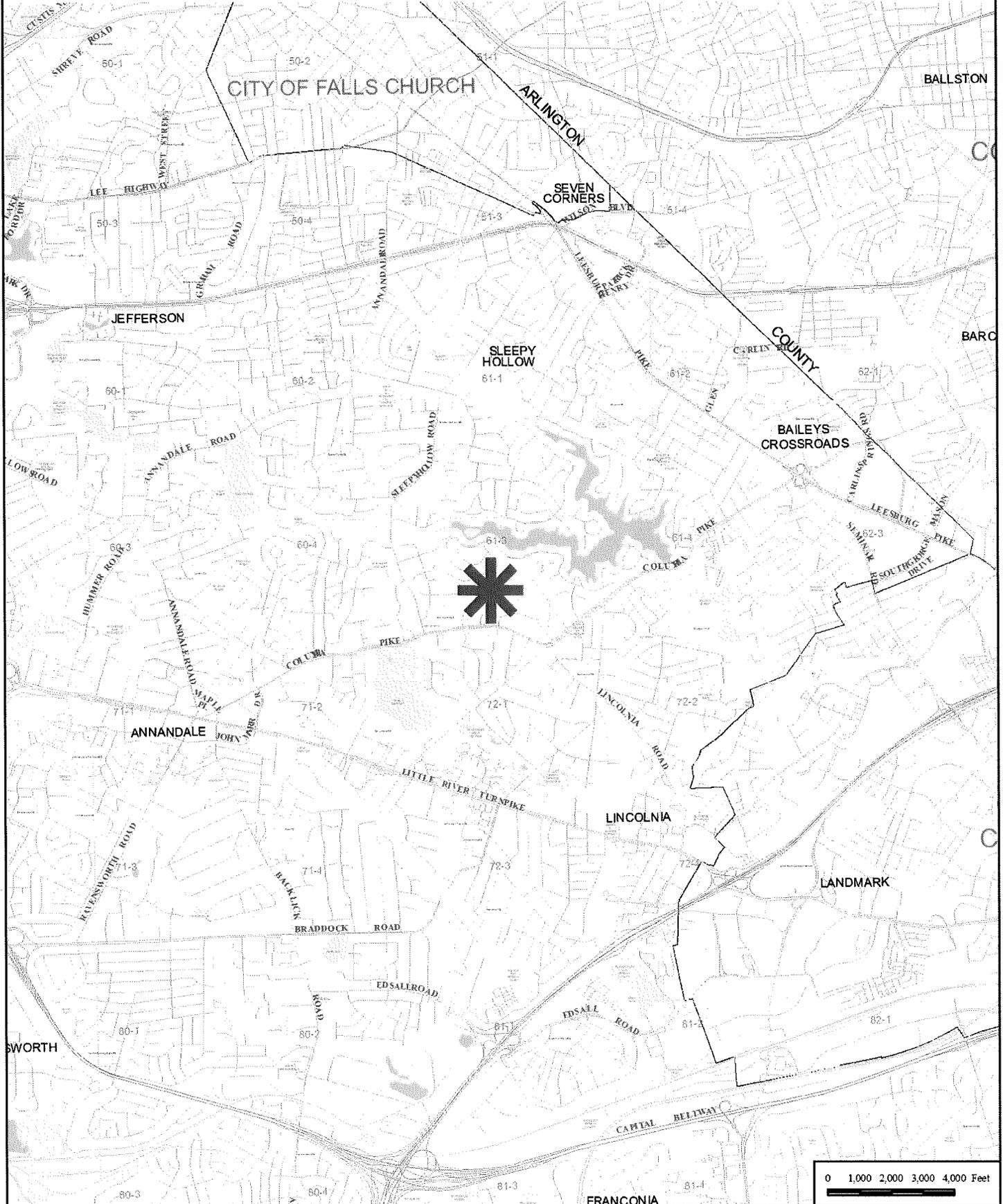


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

SP 2013-MA-037

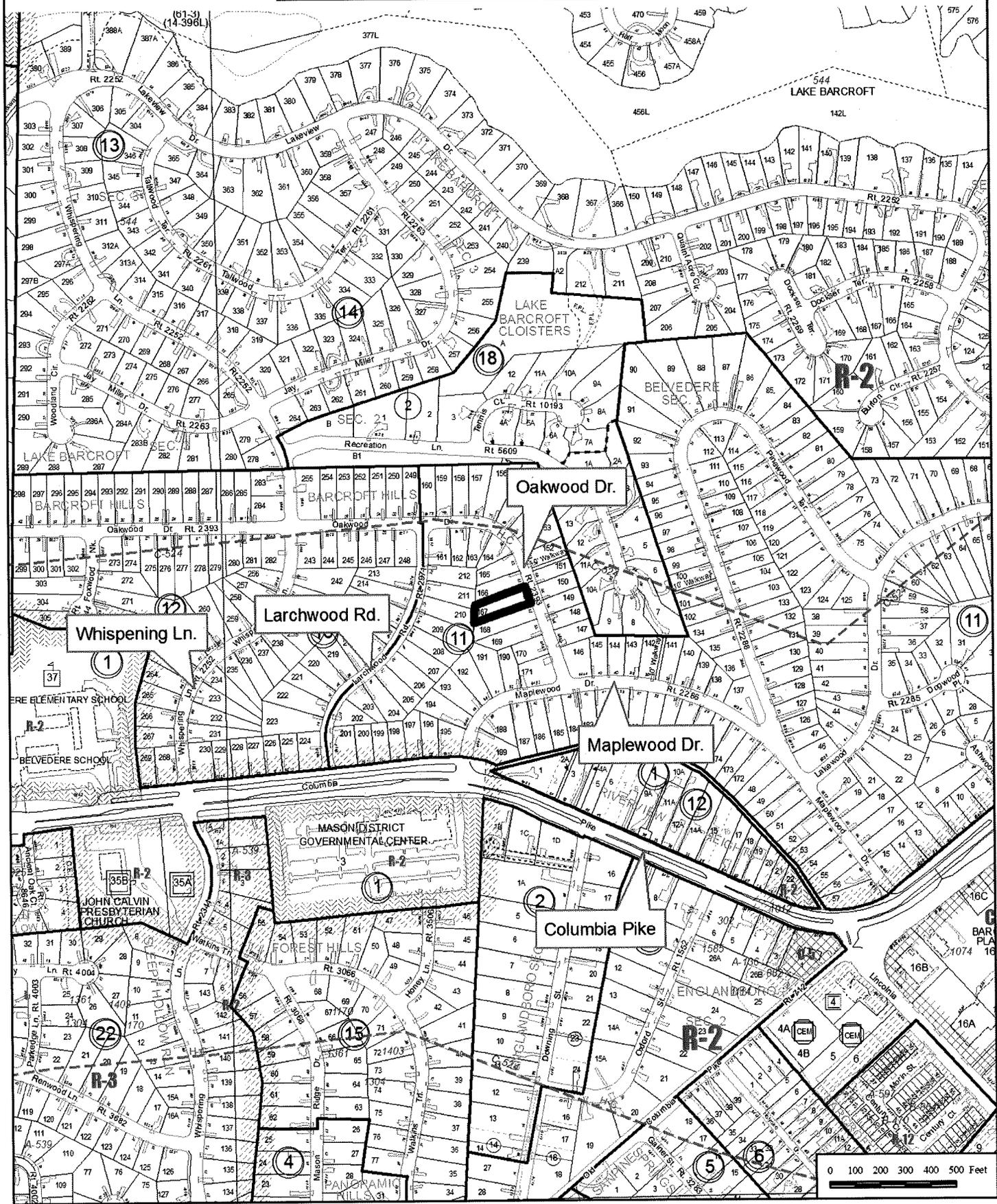
GARY J SCHWARTZ



# Special Permit

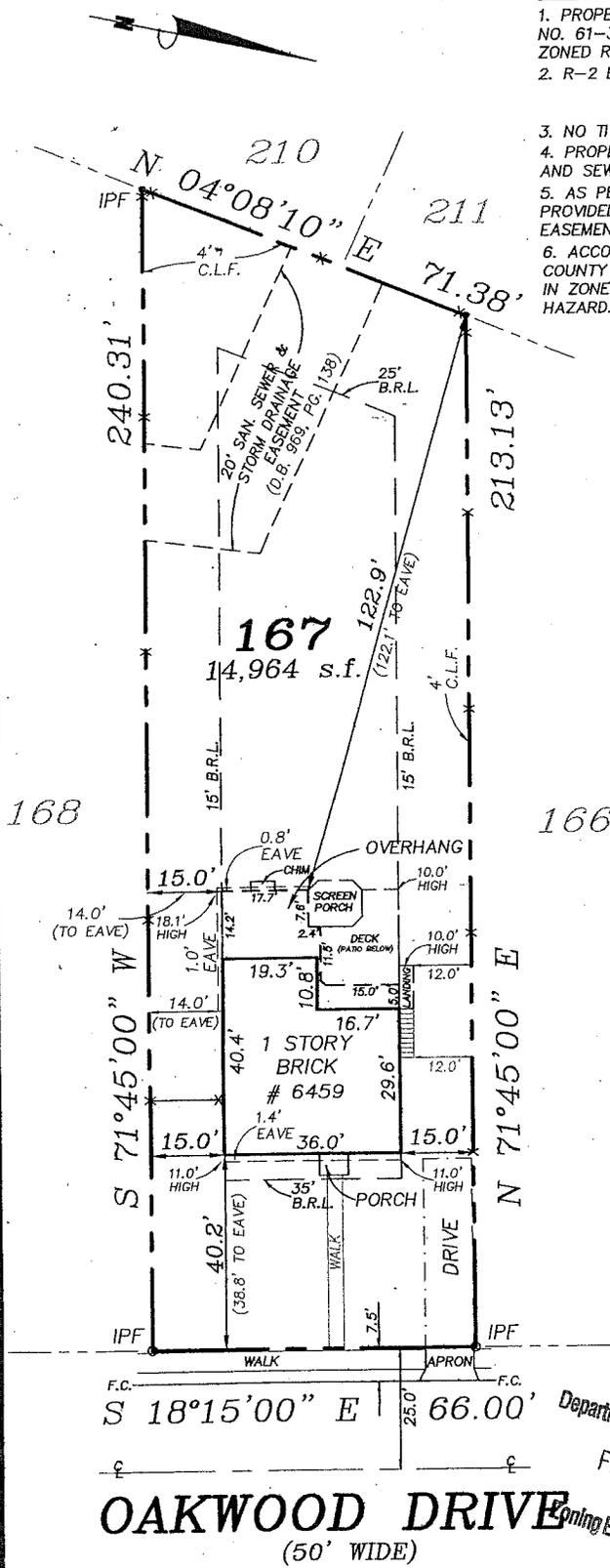
SP 2013-MA-037

GARY J SCHWARTZ

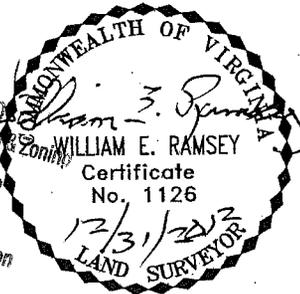


**NOTES:**

1. PROPERTY IS LOCATED ON TAX MAP NO. 61-3-11-0167 AND IS PRESENTLY ZONED R-2.
2. R-2 B.R.L.'s: FRONT: 35' SIDE: 15' REAR: 25'
3. NO TITLE REPORT FURNISHED.
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. AS PER PLAT OF RECORD AND INFORMATION PROVIDED BY OWNER, THERE ARE NO ADDITIONAL EASEMENTS ON THIS PROPERTY.
6. ACCORDING TO HUD-FIA MAP FOR FAIRFAX COUNTY THIS PROPERTY IS SHOWN TO BE IN ZONE C, AN AREA OF MINIMAL FLOOD HAZARD.



SPECIAL PERMIT  
 LOT 167  
 SECTION THREE  
**BELVEDERE  
 PARK**  
 MASON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA



RECEIVED  
 Department of Planning & Zoning  
 FEB 28 2013  
 Zoning Evaluation Division

**OAKWOOD DRIVE**  
 (50' WIDE)

DATE: DECEMBER 17, 2012.

SCALE: 1"=30'

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

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

FOR: SCHWARTZ



**Home Addition  
:SCHWARTZ  
RESIDENCE**

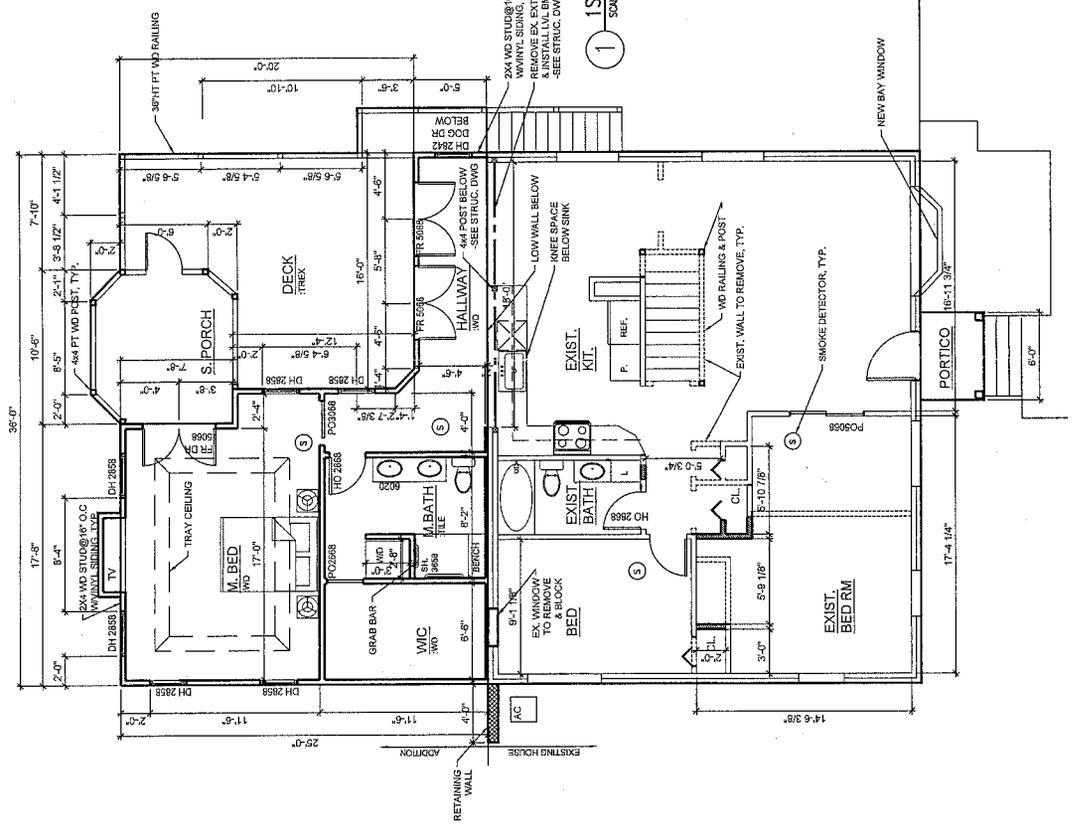
645 GARWOOD DR.  
FALCONSPUR, VA 22041

DATE: 07/10  
JOB #:

PROJECT: CLARK JENI  
OWNER: JENNIFER CLARK  
DESIGNER: JENI  
DATE: 07/10  
SCALE: 1/8" = 1'-0"

FLOOR PLANS  
SP1

AREA CALCULATION	
1. EXISTING FLOOR AREA BT FT FLOOR	1,083 SF
2. EXISTING FLOOR AREA RESULT	1,083 SF
3. ADDITION AREA @ 1ST FLOOR	503 SF
4. ADDITION AREA @ 1ST FLOOR RESULT	202.7 SF
5. TOTAL GROSS ADDITION FLOOR AREA	202.7 SF
6. PORCH	384.4 SF
7. PORTICO	244.4 SF
8. LAND AREA	14,922 SF
9. LAND COVER AREA	1,529 SF
10. TOTAL RESIDENTIAL FLOOR AREA	2,471.7 SF
S.F.A. RATIO	
11. ADDED RESIDENTIAL RATIO (647.9)	38.4%
12. TOTAL RESIDENTIAL RATIO (2,471.7)	16.5%
13. TOTAL RESIDENTIAL RATIO PER LAND (11.98)	18.2%
14. GROUND COVER RATIO PER LAND (10.89)	10.3%



**1 1ST FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

RECEIVED  
Department of Planning & Zoning  
FEB 28 2013  
Zoning Evaluation Division



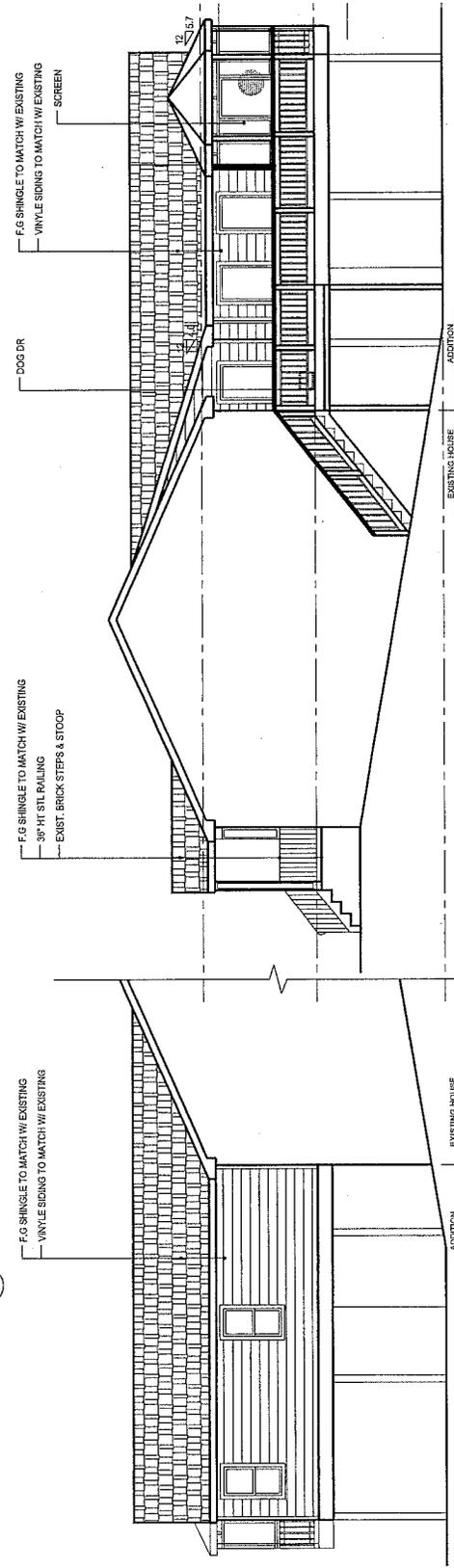
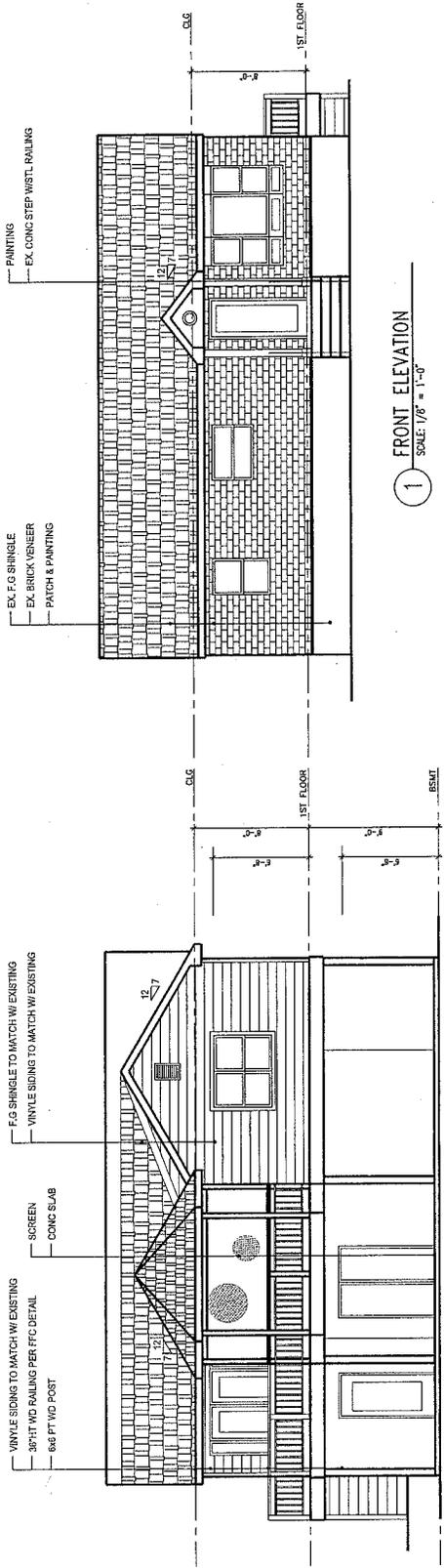
Home Addition  
:SCHWARTZ  
RESIDENCE

845 GRANWOOD DR  
FALLENBURCH, VA 22041

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

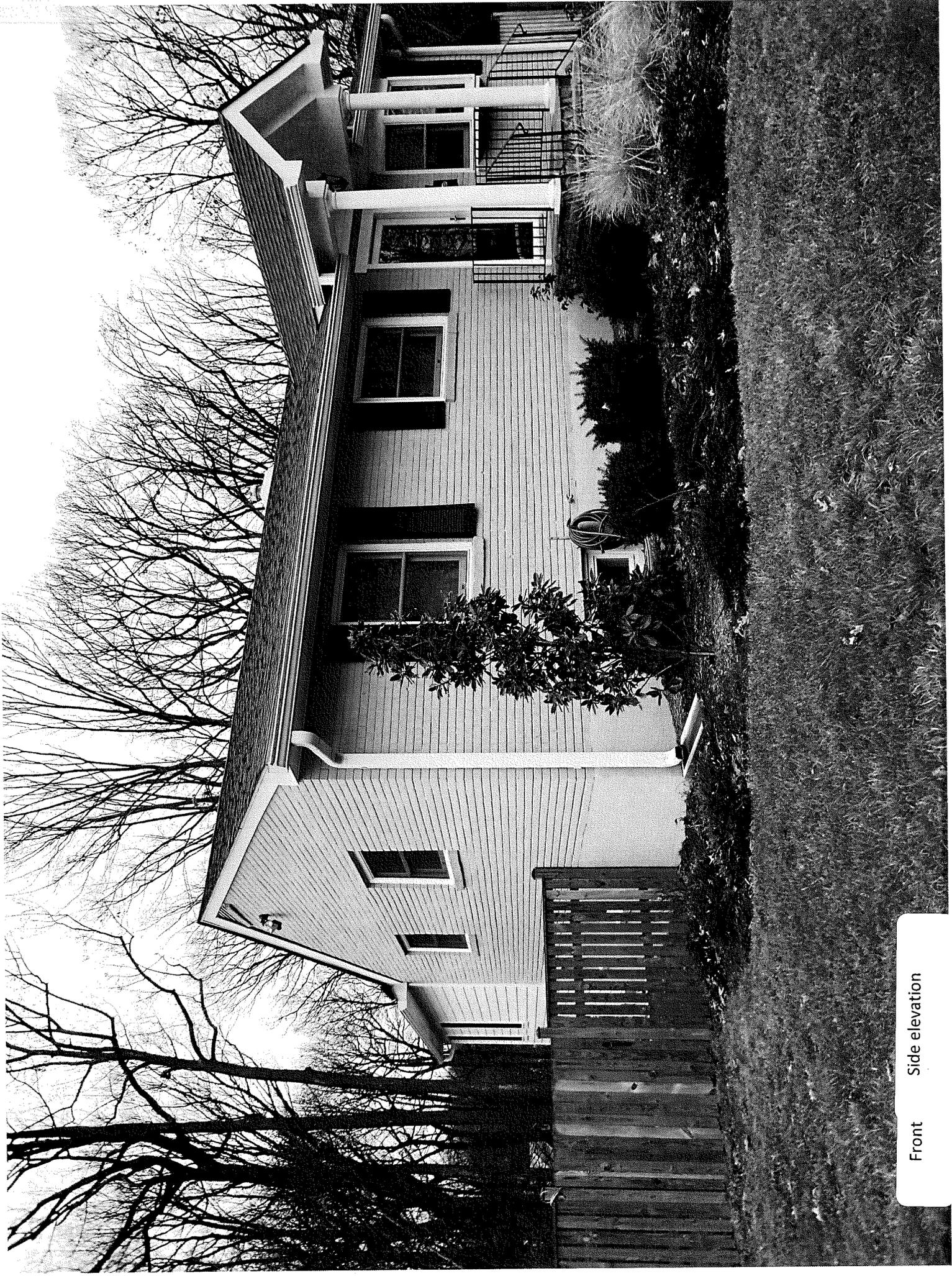
PROJECT: SCHWARTZ, CLARENCE, VA 10023 GRANWOOD DR FALLENBURCH, VA 22041
OWNER: SCHWARTZ
DATE: 07/10
SCALE: 1/8" = 1'-0"
CHART: 101
ELEVATIONS
SHEET #

SP2



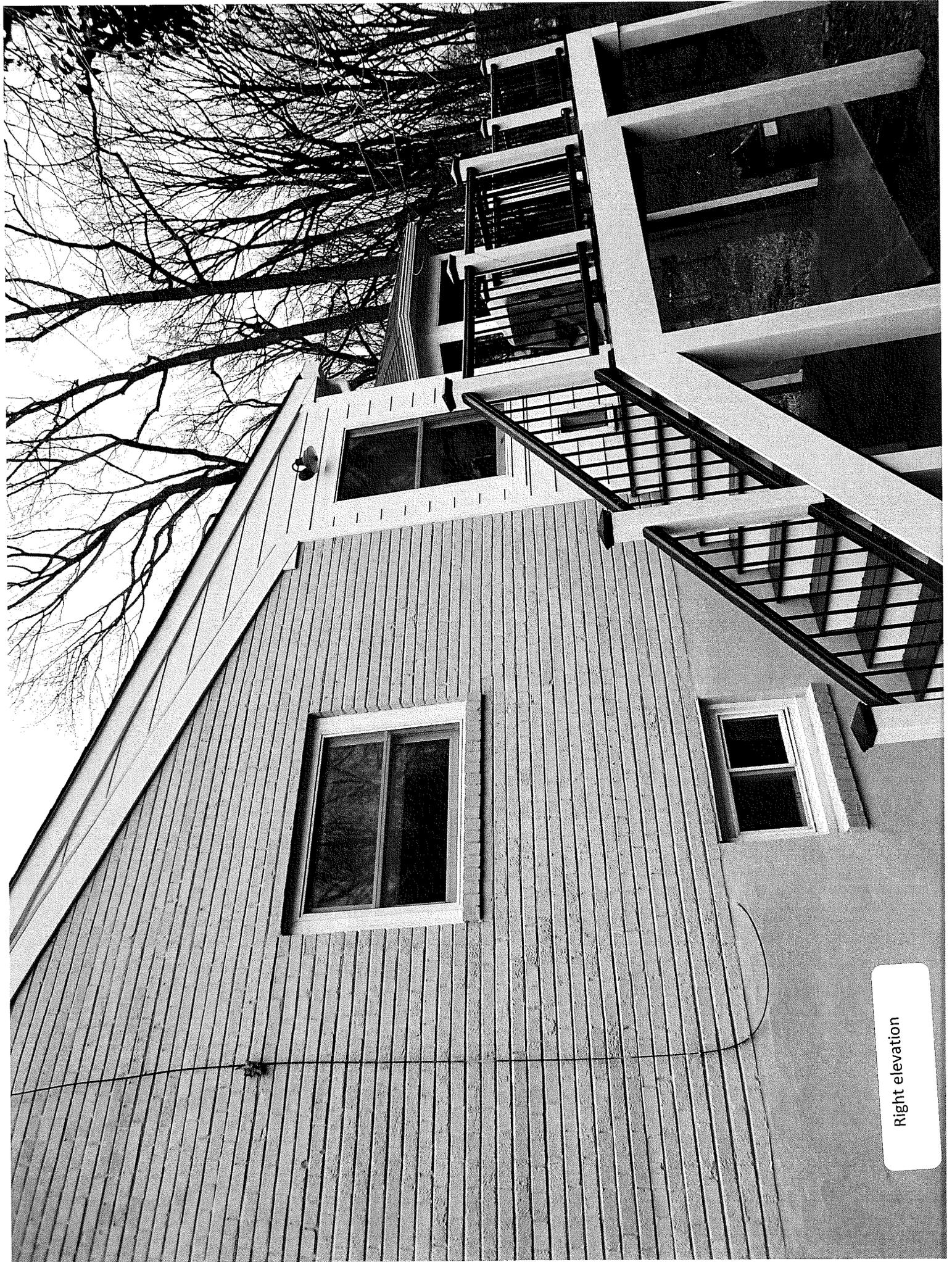
RECEIVED  
Department of Planning & Zoning  
FEB 28 2013

Zoning Evaluation Division



Front

Side elevation



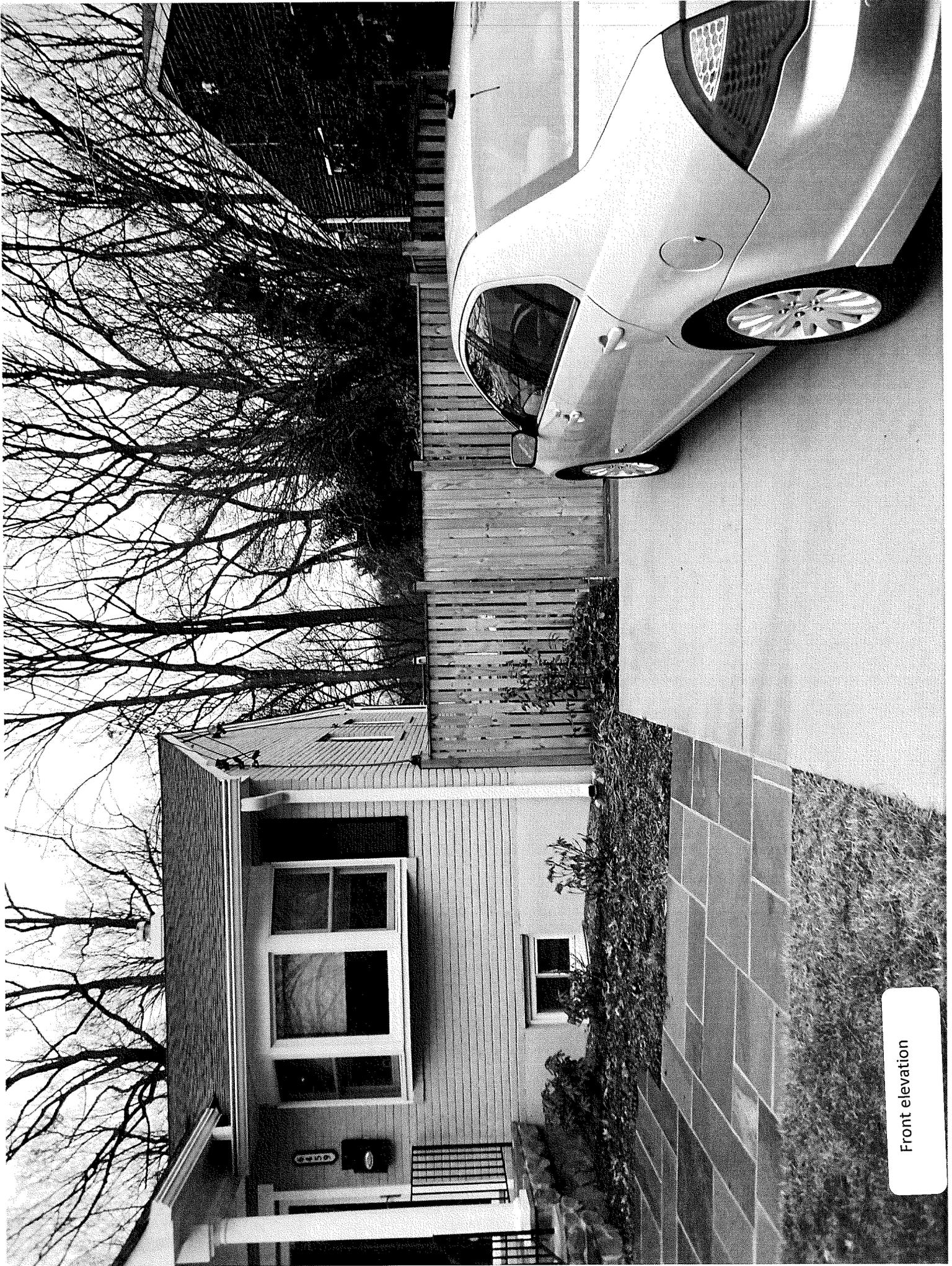
Right elevation



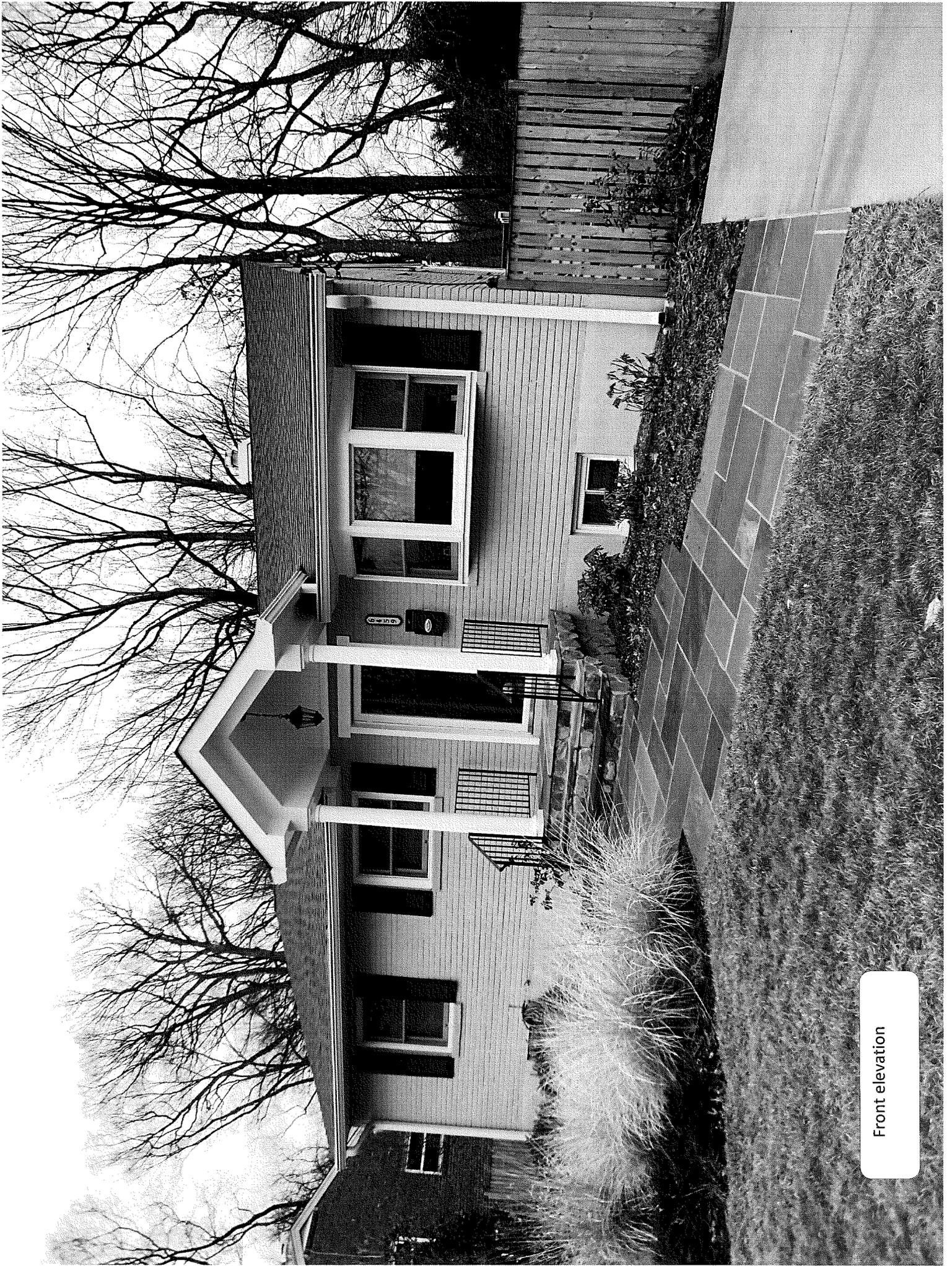
Left elevation



Left elevation



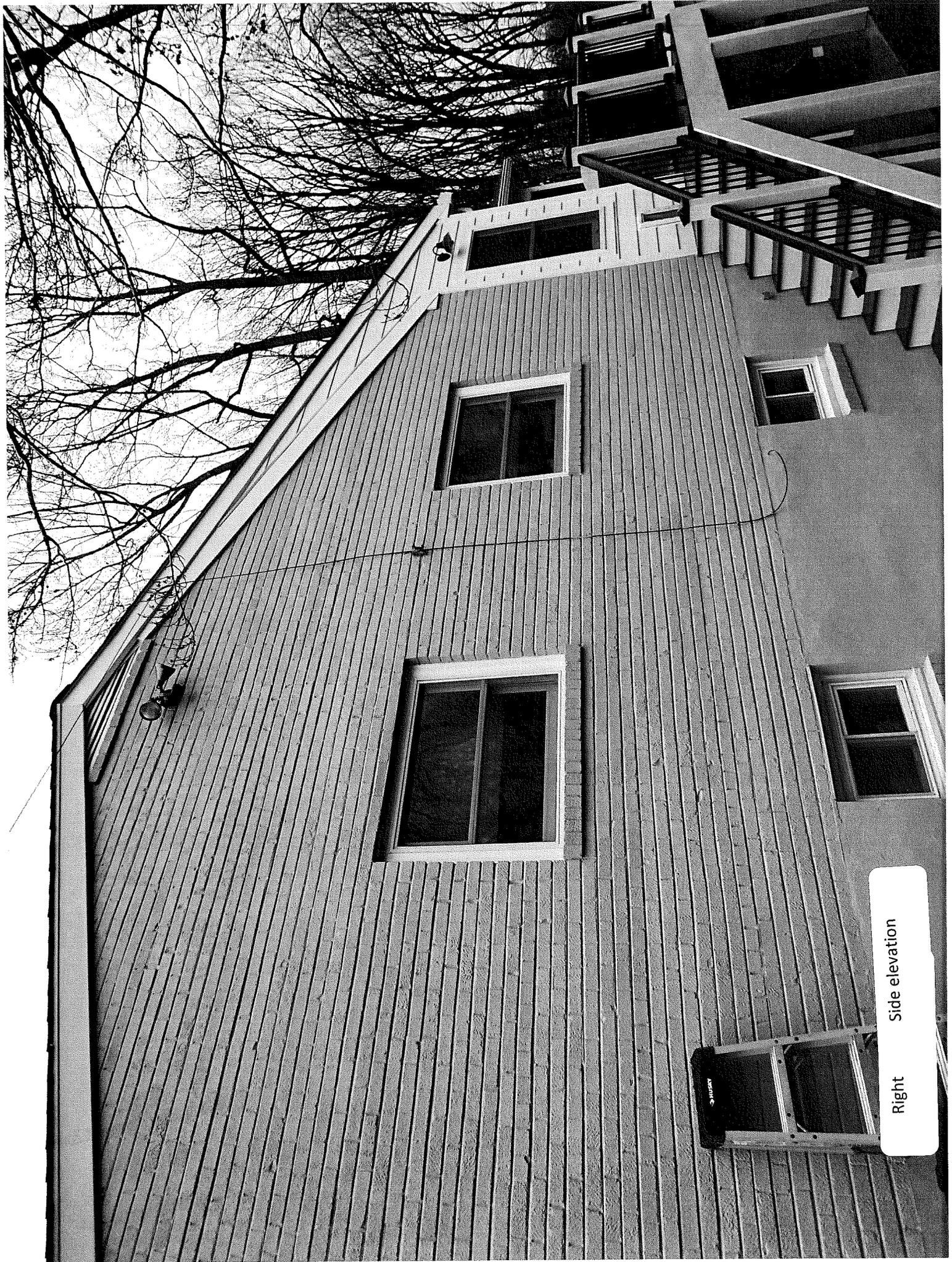
Front elevation



Front elevation

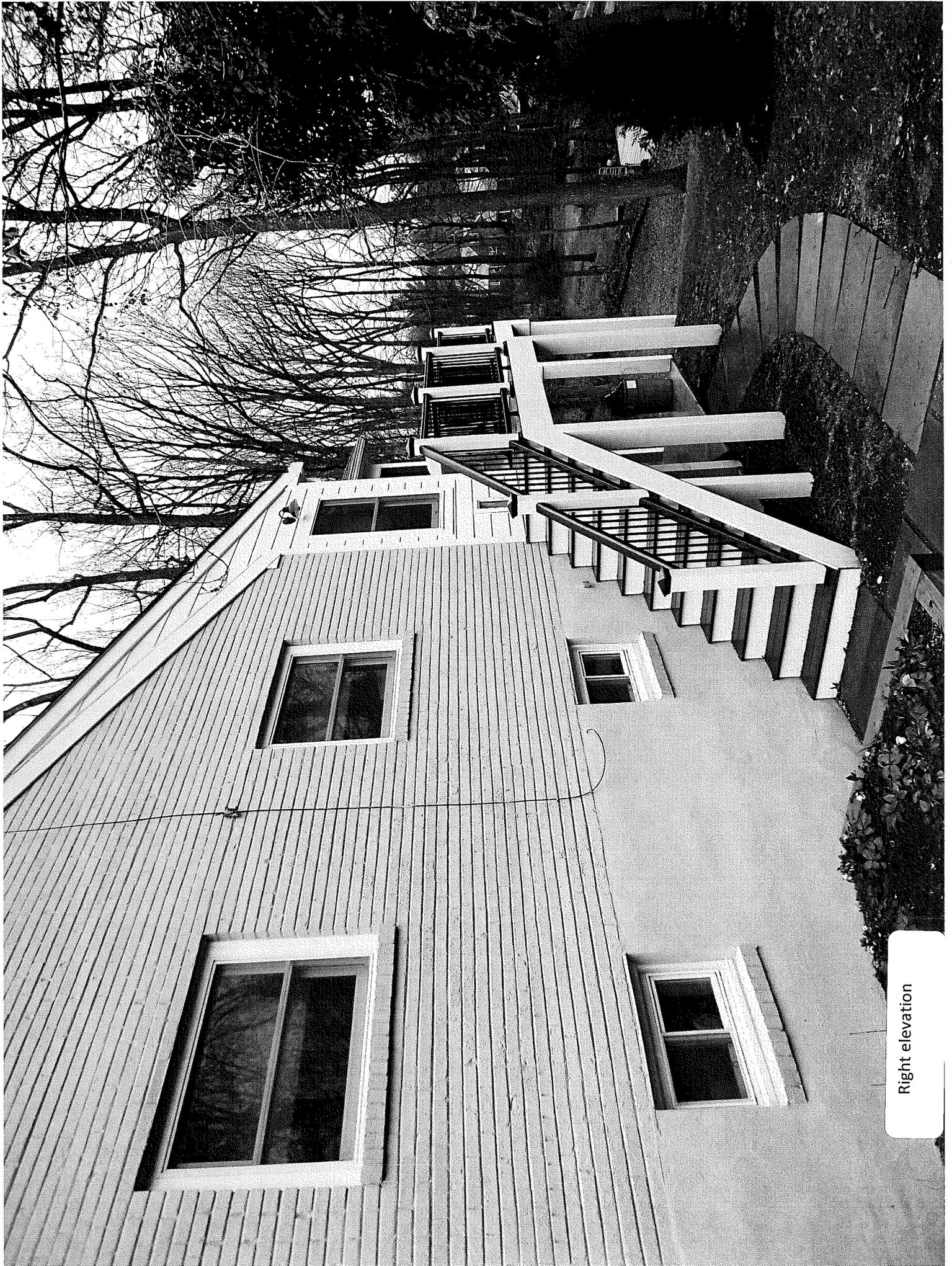


Right Front elevation



Side elevation

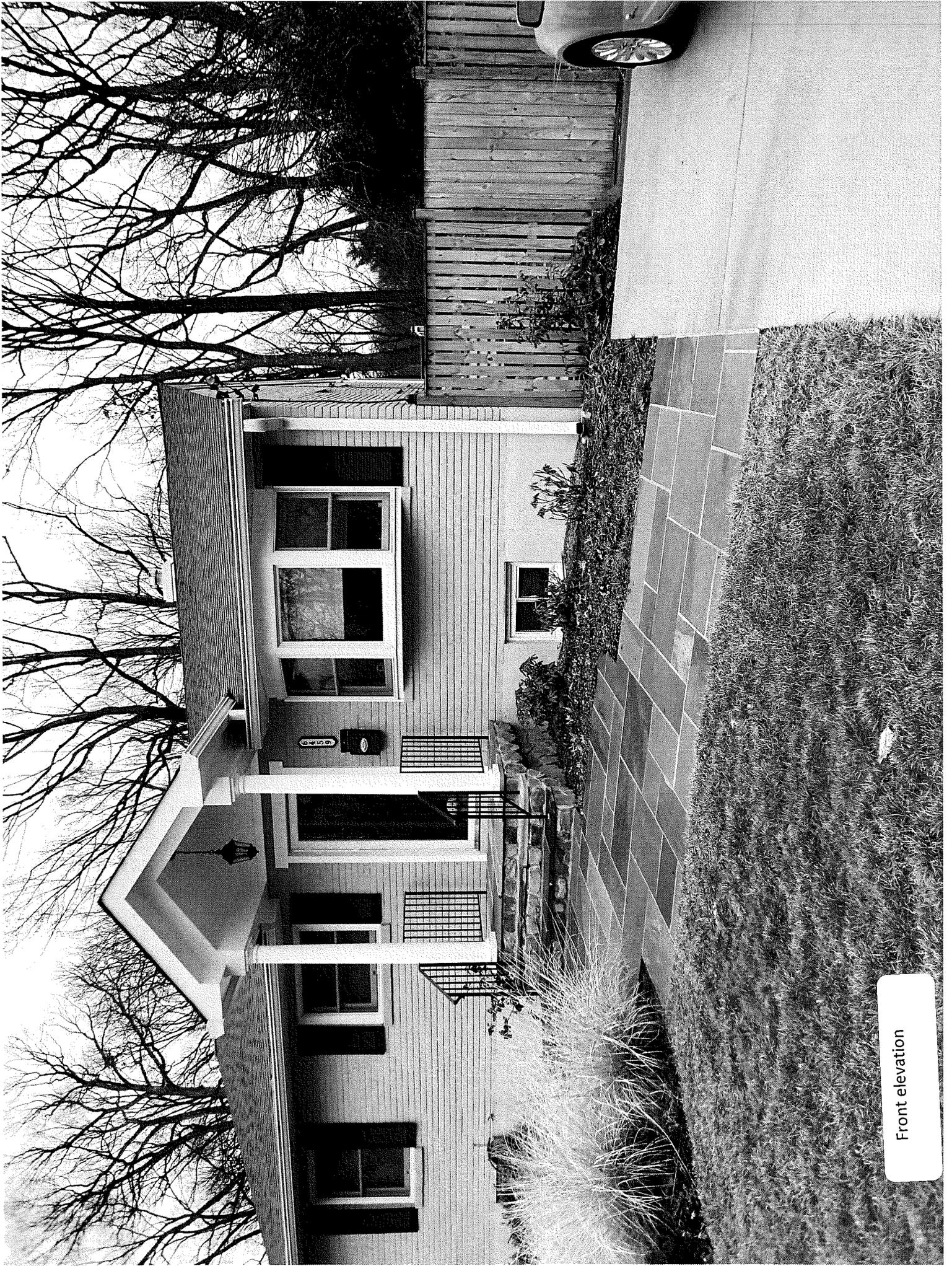
Right



Right elevation



Front elevation



Front elevation



Left elevation



Left elevation



Left € Side elevation



Left Side elevation



Back elevation



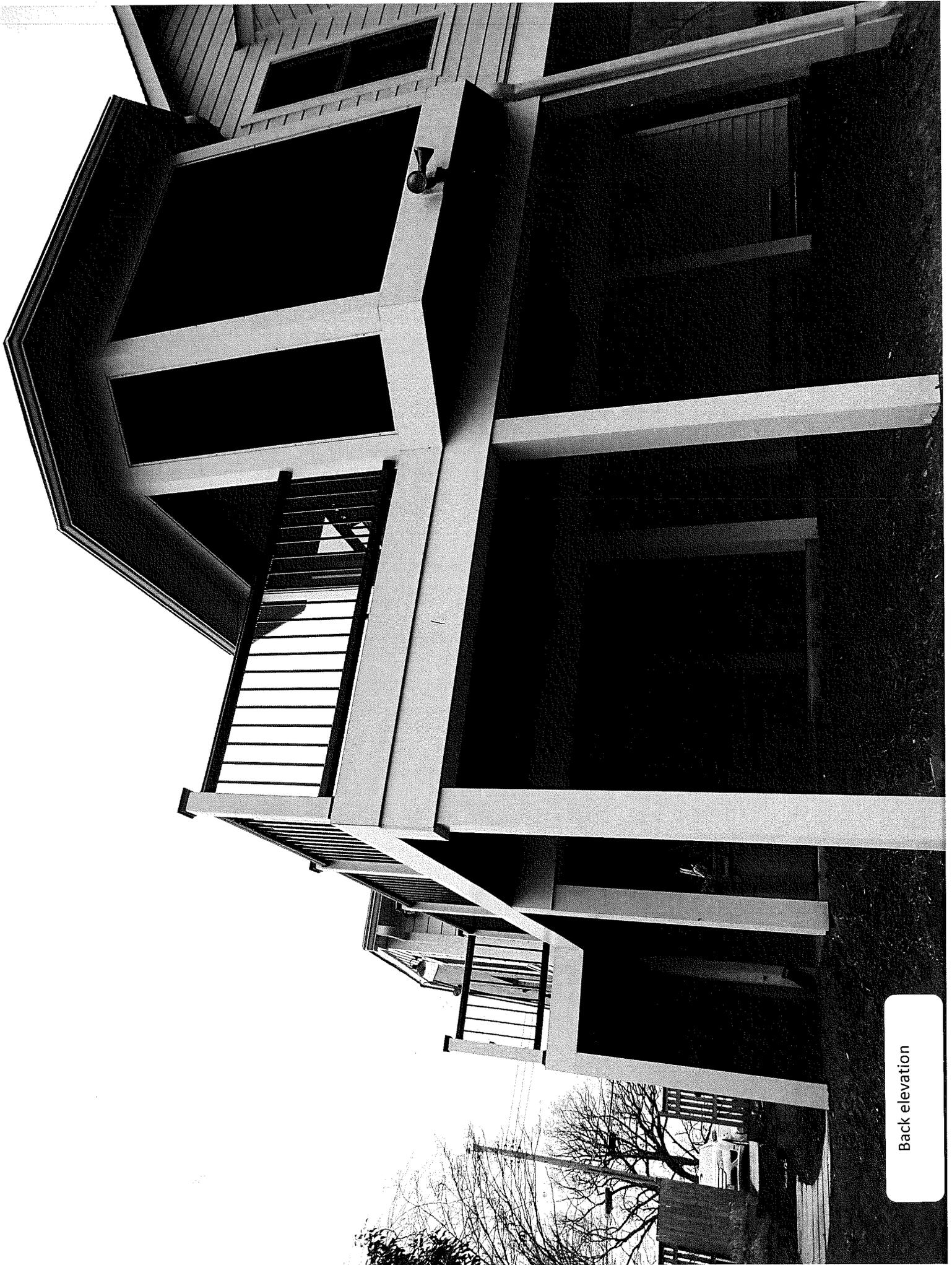
Back elevation



Back elevation



Back elevation



Back elevation



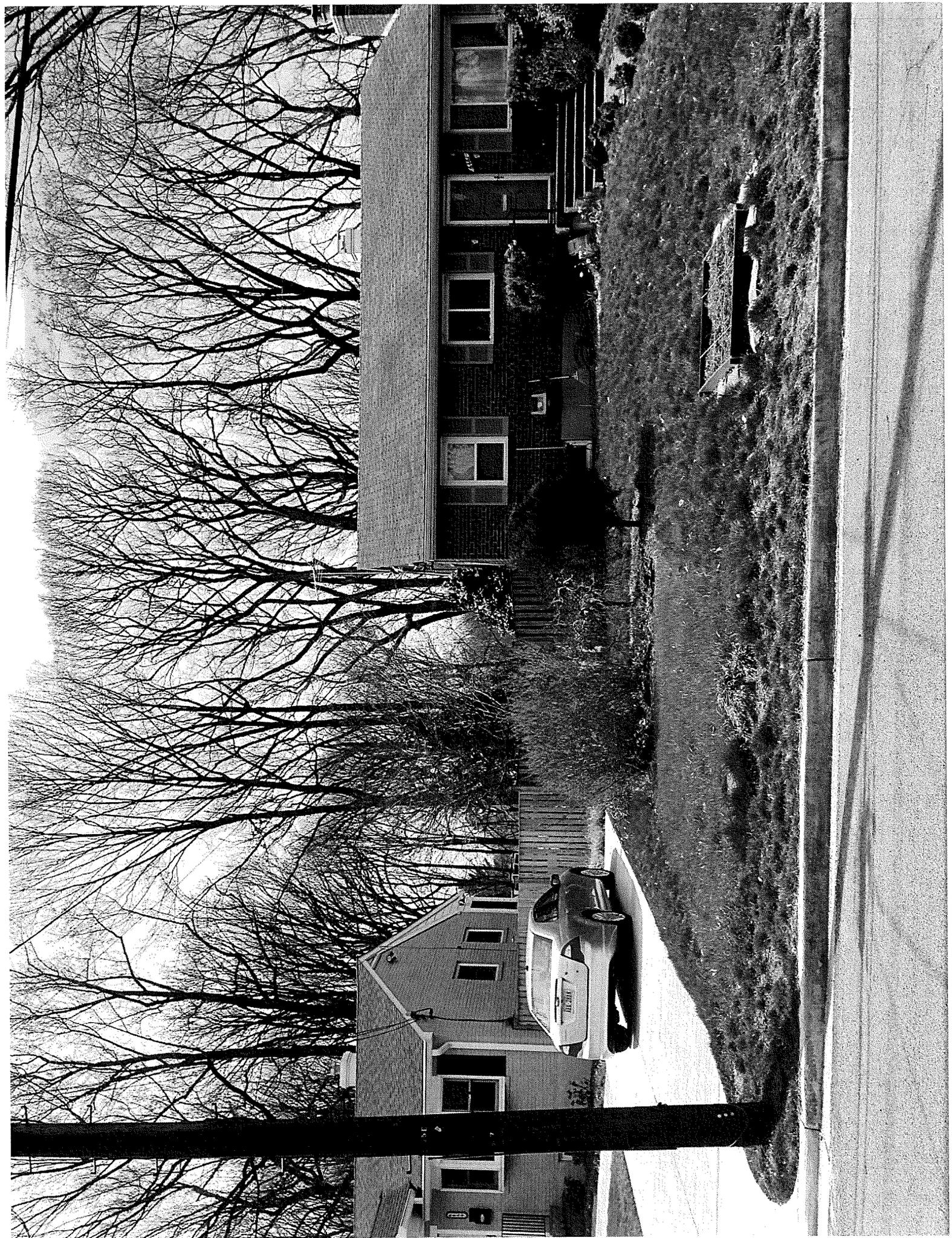
Back elevation

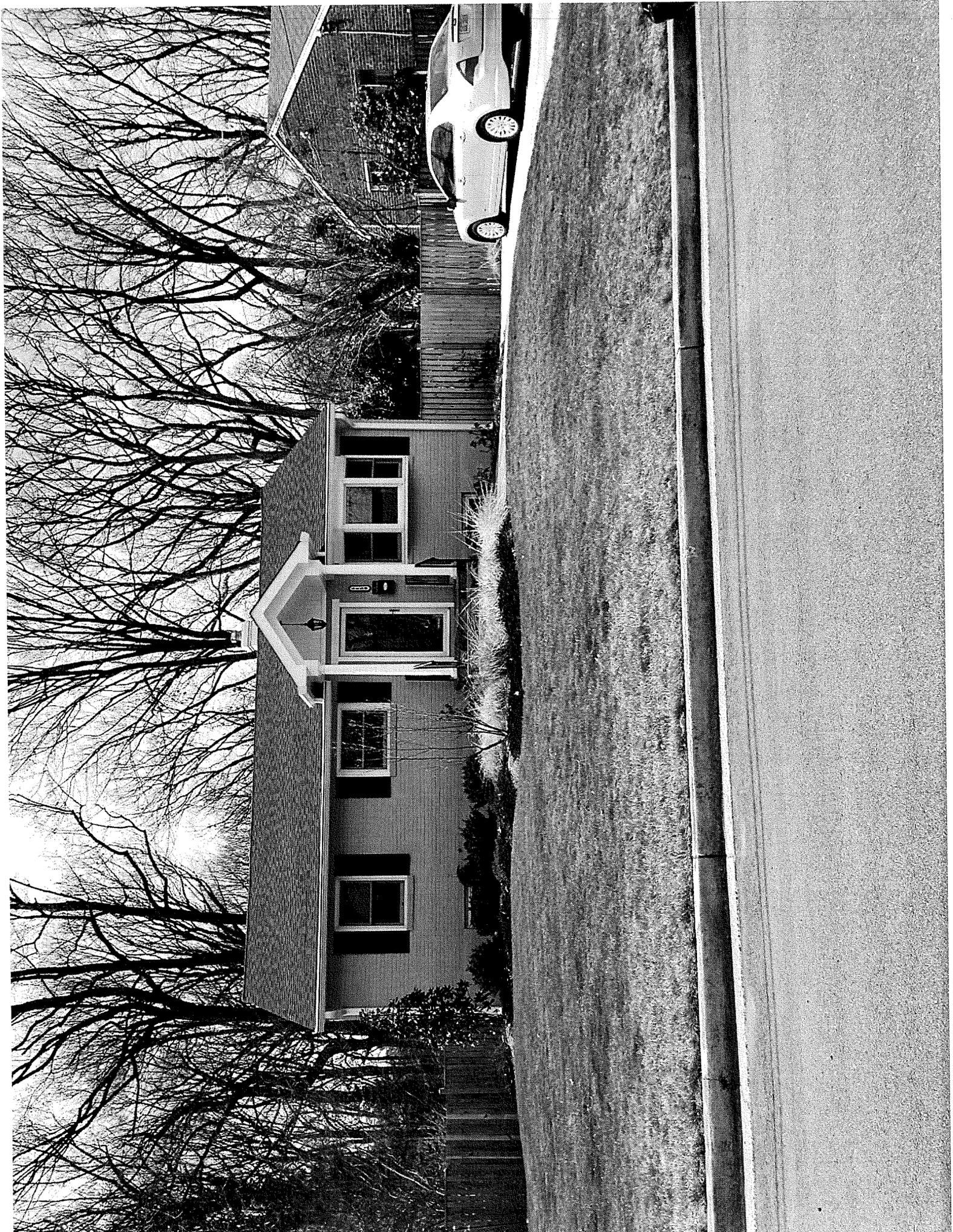
Right

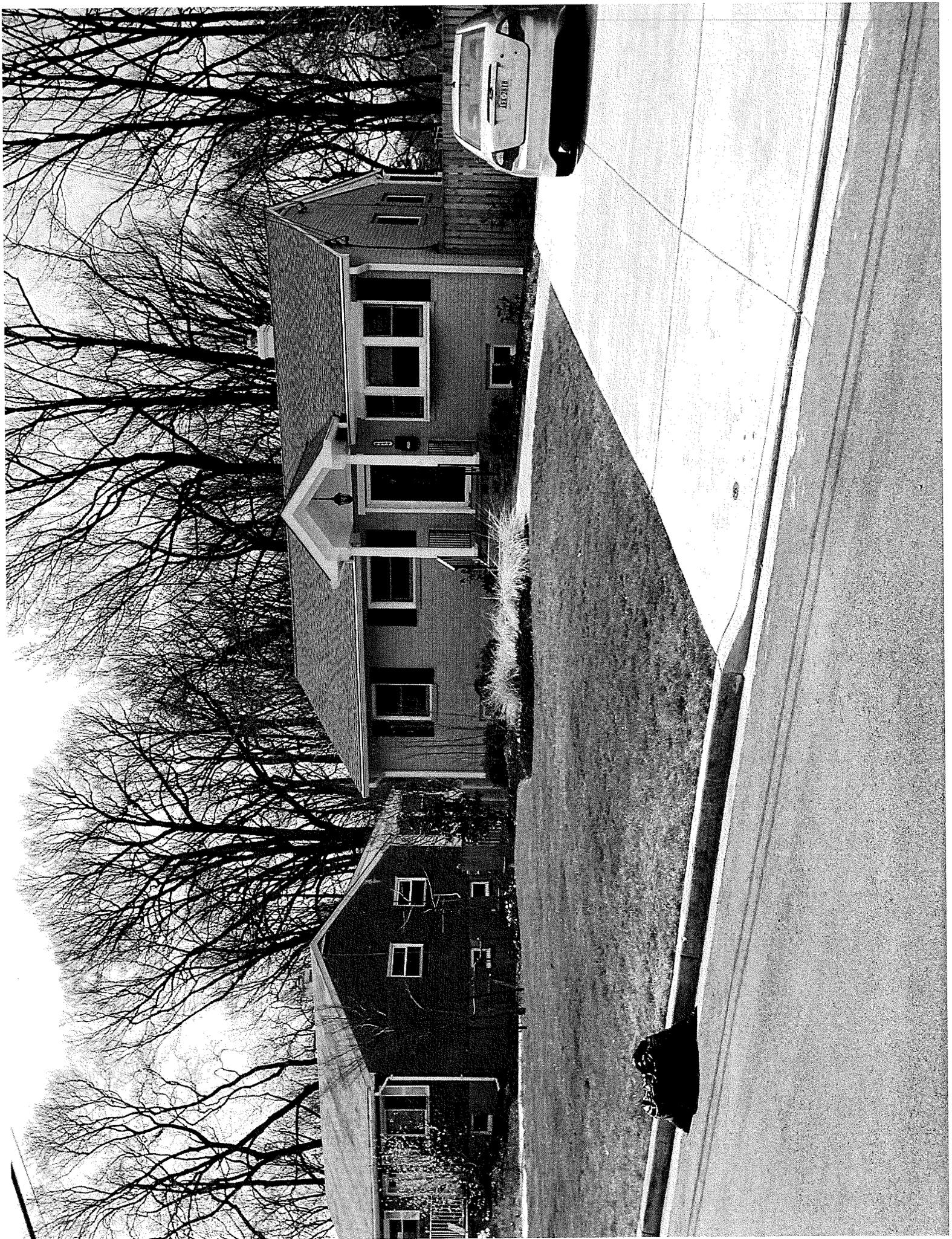


Right Side elevation















**DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit for a reduction in the minimum yard requirements based on an error in building location to permit an existing 10.0 foot high deck to remain 12.0 feet from the northern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
<b>Special Permit</b>	<b>Deck</b>	Side	15.0 feet	12.0 feet	3.0 feet	20%

\*Minimum Yard Requirement per Section 3-307 and 2-412

**EXISTING SITE DESCRIPTION**

The 14,964 square foot lot is developed with a one-story brick dwelling, constructed in 1954. The house includes a basement, a rear deck with stairs and a screened porch. A concrete driveway provides access to the front of the property from Oakwood Drive. A step-stone walkway leads from the driveway to a covered stoop attached to the front of the dwelling. A four foot high chain link fence is located along the side and rear lot line. The property has a manicured lawn with mature trees and shrubs. A 20 foot wide sanitary sewer and storm drainage easement is located in the southwest corner of the property.

**CHARACTER OF THE AREA**

	Zoning	Use
<b>North</b>	R-2	Single Family Detached Dwellings
<b>South</b>	R-2	Single Family Detached Dwellings
<b>East</b>	R-2	Single Family Detached Dwellings
<b>West</b>	R-2	Single Family Detached Dwellings

**BACKGROUND**

According to Fairfax County Tax Records, the applicant purchased the property on September 21, 1990. In 2010, a building permit application was submitted for an

addition, deck, and stairs at the rear of the house (Appendix 4). The building permit was approved with the provision that the deck have no stairs. The addition, deck, and stairs were constructed with the stairs encroaching into the side yard. When the applicant applied for a setback certification prior to the final inspection, the setback certification failed. A copy of the letter is included in Appendix 5.

A copy of the submitted special permit plat titled, "Special Permit, Lot 167, Section Three, Belvedere Park," prepared by William E. Ramsey, P.C., dated December 17, 2012, as revised through December 31, 2012, is included at the front of this report.

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

- Special Permit, SP 2011-MA-066, was approved on October 26, 2011, for Tax Map 61-3 ((11)) 203, zoned R-2, at 3911 Larchwood Road, to permit a reduction to minimum yard requirements based on an error in building location to permit an addition to remain 9.5 feet from a side lot line, and an open deck 1.42 feet from a side lot line, and reduction of certain yard requirements to permit construction of a second story addition 8.0 feet from a side lot line.

## **ZONING ORDINANCE REQUIREMENTS**

- 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)

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 6. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSION**

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

The approval of this 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. 2010 Building Permit Application
5. Setback Certification letter
6. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2013-MA-037**

**July 17, 2013**

1. This special permit is approved for the location of the existing deck as shown on the plat prepared by William E. Ramsey, P.C., Land Surveyor, titled "Special Permit, Lot 167, Section Three, Belvedere Park" dated December 17, 2012, as revised through December 31, 2012, as submitted with this application and is not transferable to other land.

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

Application No.(s): SP 2013-MA-037  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: April 17<sup>th</sup>, 2013  
(enter date affidavit is notarized)

I, Shawn Nazemian, 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      120076

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Mr. Gary J. Schwartz	6459 Oakwood Dr. Falls Church, VA 22041	Applicant/ Title Owner
Michael Nash Custom Kitchens, Inc. Doing business as "Michael Nash"	8630- A Lee Hwy. Fairfax, VA 22033	Agent
Shawn Nazemian	8630- A Lee Hwy. Fairfax, VA 22033	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):

SP 2013-MA-037

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

April 17<sup>th</sup> - 2013

(enter date affidavit is notarized)

120076

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)

MICHAEL NASH CUSTOM KITCHENS, INC.
8630-A LEE HWY. FAIRFAX, VA 22031

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)

SONNY NAZEMIAN 100% SHAREHOLDER

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

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

Application No.(s):

SP 2013-MA-037

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 17<sup>th</sup> 2013  
(enter date affidavit is notarized)

120076

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): SP 2013-MA-037  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: April 17<sup>th</sup> 2013  
(enter date affidavit is notarized)

120076

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SP 2013-MA-037  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: April 17<sup>th</sup> 2013  
(enter date affidavit is notarized)

120076

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*

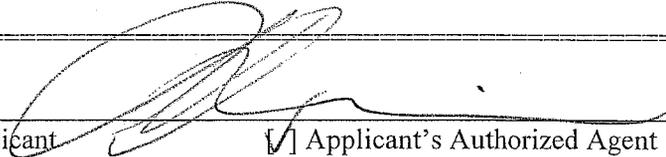
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(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:

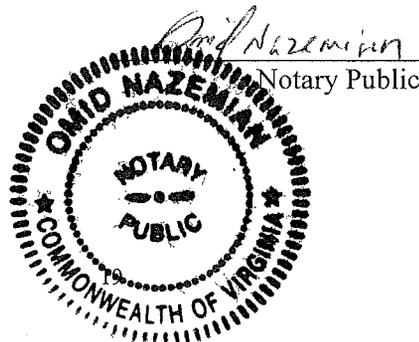
(check one)

Applicant   Applicant's Authorized Agent

Shawn A Nazemian  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17 day of April 2013, in the State/Comm. of VA, County/City of Fairfax.

My commission expires: 1/31/2014



7339073



*Special Permit Statement of Justification*

The project that is the subject of this special permit is an addition of Bedroom and hallway to back of existing house, deck and stairway to access back of the property and side yard. This addition will provide an improved quality of life for homeowners and their aged in place Bedroom, bathroom and access to side yard and backyard. This stairway which is encroaching on side set back is the only access from main level to back yard, side yard, driveway and is serving as a fire escape as well.

- 1) The room, deck and stairway have not exceeded more than 50% of the requirement and will result in 12 ft set back from right sideline.
- 2) No detached accessory structure has been constructed
- 3) The lot only contains the principal structure and new addition, deck, screen porch and side stairway
- 4) The addition and deck is located in rear of existing structure and the stairway is the only part that is shown 3'x10' on right elevation
- 5) This addition, deck, screen porch and stairway is in character with existing structure and rest of the neighborhood
- 6) The owners of adjacent neighboring properties have agreed that this addition, deck and stairway have not adversely impact them or their property. ( see attached statements and signatures).
- 7) The addition conforms to the provisions of all applicable ordinances, regulations and adopted standards.
- 8) There are no known hazardous materials or toxic substances that will be generated, utilized, stored, treated , and/or disposed of on site.
- 9) The reduction of set back to side yard is necessary to allow the rear stairway for its access as a fire escape, access from back of the house and deck
- 10) The location, rear of home, and current landscaping backing into parkland will screen of this addition from all back neighboring properties

RECEIVED  
Department of Planning & Zoning

MAY 06 2013

Zoning Evaluation Division

## Statement of Justification

To the Board of Zoning Approval,

I, Gary J. Schwartz am the sole owner of the property located at 6459 Oakwood Drive Falls Church, VA 22041.

We recently added a deck with landing and stairs to our home. The landing and stairs as built are slightly outside of current height requirements for setback certification. The landing and stairs are for our personal safety so as to provide a second emergency exit from the main floor of the house and away from the property. The only other exit is from the front door. Besides the front door, the new deck stairway and landing are closest to the driveway located in the front yard. Finally, due to the grading of the property, there is no viable alternative placement of the landing and stairs.

We trust that you will take these circumstances into consideration when deciding on whether to approve this request for a special permit.

Thank you very much.

 02/22/2013

Gary J. Schwartz

RECEIVED  
Department of Planning & Zoning  
FEB 28 2013  
Zoning Evaluation Division

Approval of Special Permit

I, the undersigned resident of 6458 Oakwood Dr. Falls Church, VA 22041, understand the intent of the special exception requested by Gary J. Schwartz of 6459 Oakwood Dr. Falls Church, VA 22041. Gary J. Schwartz needs landing and stairs (w/3 ft encroachment to side set back) onto deck for access and recommend the special permit to be approved.

Matthew Lake      2-22-13  
Name                  Date

      2-22-13  
Signature              Date

Address of adjacent property: 6458 Oakwood Dr

RECEIVED  
Department of Planning & Zoning  
FEB 28 2013  
Zoning Evaluation Division

Approval of Special Permit

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BITA MAKHTOUM      2/23/13  
Name                      Date

BITA MAKHTOUM      2/23/13  
Signature                Date

Address of adjacent property: 6457 Oakwood Dr

RECEIVED  
Department of Planning & Zoning  
FEB 28 2013  
Zoning Evaluation Division

Approval of Special Permit

I, the undersigned resident of 6463 Oakwood Dr. Falls Church, VA 22041, understand the intent of the special exception requested by Gary J. Schwartz of 6459 Oakwood Dr. Falls Church, VA 22041. Gary J. Schwartz needs landing and stairs (w/3 ft encroachment to side set back) onto deck for access and recommend the special permit to be approved.

JOSEPH S. KIST      2/24/13  
Name                      Date

Joseph S Kist      2/24/13  
Signature                Date

Address of adjacent property: 6463 OAKWOOD DR.

Rm 324

**BUILDING PERMIT APPLICATION**

FAIRFAX COUNTY GOVERNMENT  
PERMIT APPLICATION CENTER  
12055 Government Center Parkway, 2nd Floor  
Fairfax, Virginia 22035-5504  
Telephone: 703-222-0801  
Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 103620225

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)  
OR VISIT US ON THE WEB AT  
[http://www.fairfaxcounty.gov/isisnet/inspection\\_sched.asp](http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp)

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
(PLEASE PRINT OR TYPE)

**JOB LOCATION**

ADDRESS 4159 Oak Dr Falls Church  
 LOT # 1127 BUILDING \_\_\_\_\_  
 FLOOR \_\_\_\_\_ SUITE \_\_\_\_\_  
 SUBDIVISION 1st Subdiv sec 13  
 TENANT'S NAME Gary Schwartz  
 EMAIL \_\_\_\_\_  
 CONTACT ID \_\_\_\_\_

**OWNER INFORMATION** OWNER  TENANT

NAME Gary Schwartz  
 ADDRESS 4159 Oak Dr Falls Church  
 CITY Falls Church STATE VA ZIP 22041  
 TELEPHONE 703-440-3078  
 EMAIL \_\_\_\_\_  
 CONTACT ID \_\_\_\_\_

**CONTRACTOR INFORMATION** SAME AS OWNER

CONTRACTORS MUST PROVIDE THE FOLLOWING:

COMPANY NAME Michael Nash Custom K  
 ADDRESS 4320 Lee Hwy  
 CITY Falls Church STATE VA ZIP \_\_\_\_\_  
 TELEPHONE 703-601-0800  
 EMAIL \_\_\_\_\_  
 STATE CONTRACTORS LICENSE # 2705 054289A  
 COUNTY BPOL # 20-7411  
 CONTACT ID 37393

**APPLICANT**

NAME Clark J. J...  
 ADDRESS 1428 82 Avenue Ct  
 CITY Reston STATE VA ZIP 20191  
 TELEPHONE 301-728-2702  
 EMAIL \_\_\_\_\_  
 CONTACT ID \_\_\_\_\_

**DESCRIPTION OF WORK**

1 story Addition w/ deck w/  
steps, ramp, porch, 10' high porch  
1 1/2 story w/ porch  
and 10' high porch

**HOUSE TYPE** \_\_\_\_\_

ESTIMATED COST OF CONSTRUCTION 220,000

USE GROUP OF BUILDING 1100

TYPE OF CONSTRUCTION \_\_\_\_\_

**DESIGNATED MECHANICS' LIEN AGENT**  
(Residential Construction Only)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

NONE DESIGNATED  PHONE \_\_\_\_\_

PLANNING	DATE	APPROVED BY
LICENSING		
ZONING		
SITE PERMITS		
HEALTH DEPT		
RECORDING REVIEW		
ENVIRONMENT		
SHIRE MARSHAL		
ASBESTOS		
PROFESSION		

**FEE**

PLANNING FEE \_\_\_\_\_

AMOUNT DUE \_\_\_\_\_

**BUILDING PLAN REVIEW**

REVIEWER \_\_\_\_\_ # OF HOURS \_\_\_\_\_

REVISION FEES \_\_\_\_\_

SHIRE MARSHAL FEES \_\_\_\_\_

EXEMPTIONS  PLAN LOC  TRIP

**APPROVED FOR ISSUANCE OF BUILDING PERMIT**  
(LOG OUT)

BY \_\_\_\_\_ DATE \_\_\_\_\_

**ZONING REVIEW**

USE SFD

ZONING DISTRICT R-2 HISTORICAL DISTRICT \_\_\_\_\_

ZONING CASE # \_\_\_\_\_

GROSS FLOOR AREA OF TENANT SPACE \_\_\_\_\_

**YARDS:** FRONT 36 REAR 122

**L SIDE** 15 **R SIDE** 15

**GARAGE** 1  2  3

**OPTIONS** YES  NO

**REMARKS** one story

**REMARKS**

deck: 16' x 20' (overall); 8' hgt

front porch: 5' x 5'; 12' hgt

bay windows: 7' x 2'; 10' hgt

one story add: 25' x 36' (overall); 19' hgt

screen porch: 10.6' x 9.8'; 19' hgt

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent Clark J. J... Date 12/28/10

Printed Name and Title agent

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

**NOTARIZATION** (if required)

State (or territory or district) of \_\_\_\_\_

County (or city) of \_\_\_\_\_, to wit: I, \_\_\_\_\_

Notary Public in the State and County aforesaid, do certify that \_\_\_\_\_

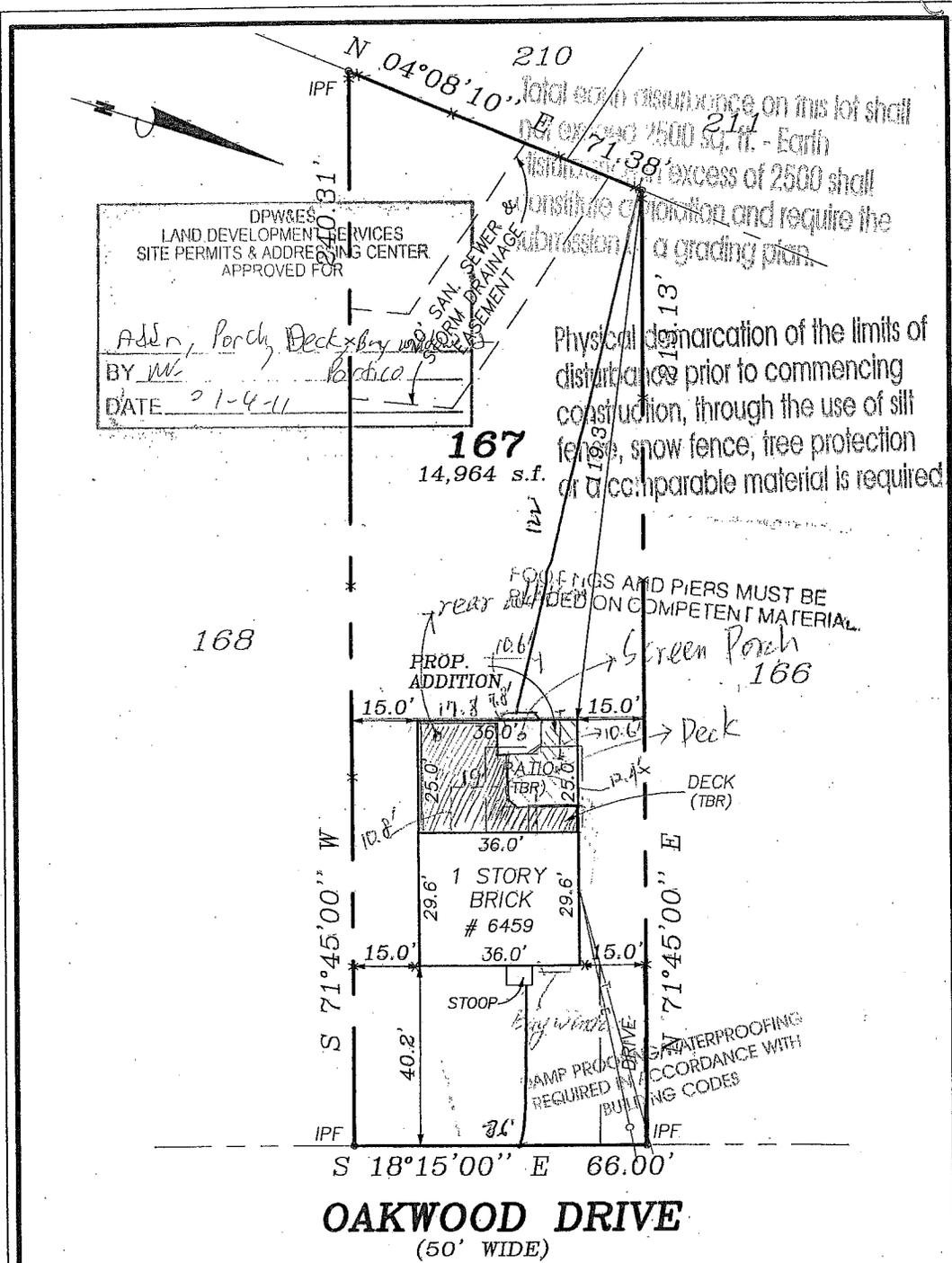
whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

(Notary Signature)

Before construction  
call Ed Ballard @ 703 658-3806



DPW&ES  
LAND DEVELOPMENT SERVICES  
SITE PERMITS & ADDRESSING CENTER  
APPROVED FOR

Addn, Porch, Deck by [Signature]  
BY [Signature]  
DATE 2-4-11

PROPOSED ADDITION  
LOT 167  
SECTION THREE  
**BELVEDERE**  
MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

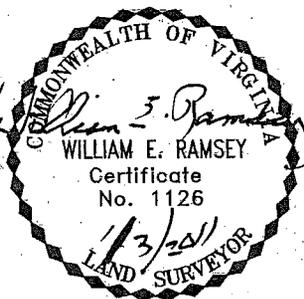
NOTE: ACCORDING TO HUD-FIA MAP FOR FAIRFAX COUNTY, THIS PROPERTY IS SHOWN TO BE IN ZONE C, AN AREA OF MINIMAL FLOOD HAZARD.

DATE: JANUARY 3, 2011.

SCALE: 1"=30'

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

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



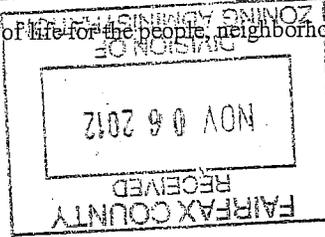


# County of Fairfax, Virginia

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

November 6, 2012

Martin Bonyadian  
 Michael Nash Custom Kitchens, Inc.  
 8630-A Lee Highway  
 Fairfax, Virginia 22031



RE: Belvedere Park, Section 3, Lot 167.  
 6459 Oakwood Drive  
 Tax Map Ref: 61-3 ((11)) 167  
 Zoning District: R-2

Dear Mr. Bonyadian:

This letter is in response to your October 26, 2012 request for approval of a setback certification for the rear addition to the one-story detached single family dwelling on the referenced property. This property is zoned R-2 District is subject to a 35 foot minimum required front yard, a 15 foot minimum required side yard and a 25 foot minimum required rear yard. The yards in question are the 15 foot right side yard and the 15 foot left side yard.

The setback certification plat shows that the existing deck and landing are 10 feet in height and that the stairs and landing encroach about 3 feet into the minimum required 15 foot side yard. Sect. 2-412 of the Zoning Ordinance does not permit decks or landings that are taller than 4 feet to encroach into the minimum side yard.

According to the building permit application, the stairs were part of the original building permit application request. However, the Building Permit was approved with the annotation that there were to be no stairs. Therefore the setback certification has been failed until either the stairs are remove/relocated or approval of a special permit for a reduction in yards is obtained by the Board of Zoning Appeals.

A copy of the failed setback certification plat is attached. A final inspection cannot take place until a setback certification is approved. Therefore, your cooperation in this matter is greatly appreciated.

I trust this information adequately responds to your request. If you have any questions regarding this response, please feel free to contact me at 703-324-1314.

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



Martin Bonyadian  
Michael Nash Custom Kitchens, Inc.  
November 6, 2012  
Page 2

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian S. Parsons". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

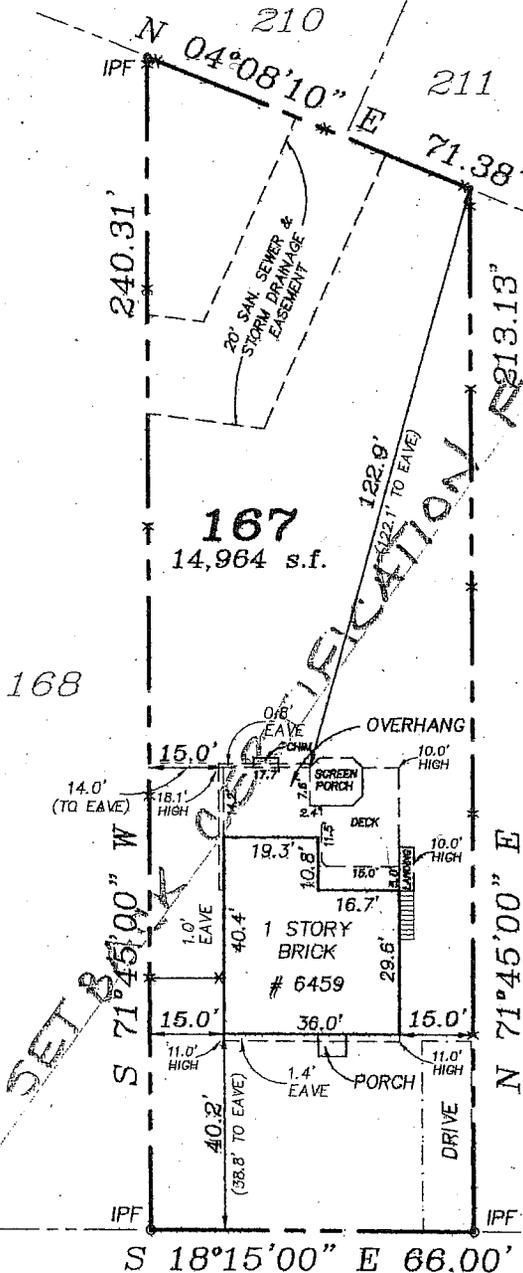
Brian S. Parsons, AICP  
Assistant to the Zoning Administrator

Attachments: A/S

cc: Gary Schwartz; 6459 Oakwood Dr., Falls Church, VA 22041 (property owner)  
Penelope A. Gross, Supervisor, Mason District  
Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch  
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch ✓

# HOUSE LOCATION SURVEY

NOTE: I HEREBY CERTIFY THAT THE POSITION OF THE EXISTING IMPROVEMENTS ON THE BELOW DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE (ELECTRONIC DISTANCE METER) SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO ENCROACHMENTS.

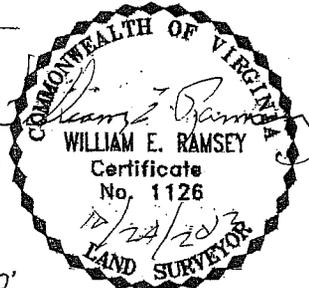


NOTE: HEIGHTS SHOWN ARE TO EAVES.

LOT 167  
SECTION THREE  
**BELVEDERE PARK**  
MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA

NOTE: ACCORDING TO HUD-FIA MAP FOR FAIRFAX COUNTY, THIS PROPERTY IS SHOWN TO BE IN ZONE C, AN AREA OF MINIMAL FLOOD HAZARD.

**OAKWOOD DRIVE**  
(50' WIDE)



REVISED: OCTOBER 23, 2012  
DATE: JUNE 25, 2012.

SCALE: 1"=30'

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

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

FOR SCHWARTZ

### **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.