



APPLICATION ACCEPTED: May 28, 2013
DATE OF PUBLIC HEARING: July 31, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 24, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-SU-035

SULLY DISTRICT

APPLICANT/OWNER: Lori Barnes

LOCATION: 13761 Royal Red Terrace, Chantilly 20151

SUBDIVISION: Maple Hill Estates

TAX MAP: 44-4 ((12)) 28

LOT SIZE: 13,571 square feet

ZONING: R-2 (Cluster) and WS

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit roofed deck to remain 7.2 ft. and open deck to remain 7.5 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 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\7-31 SP 2013-SU-035 Barnes (Error)\SP 2013-SU-035 Barnes SR.docx

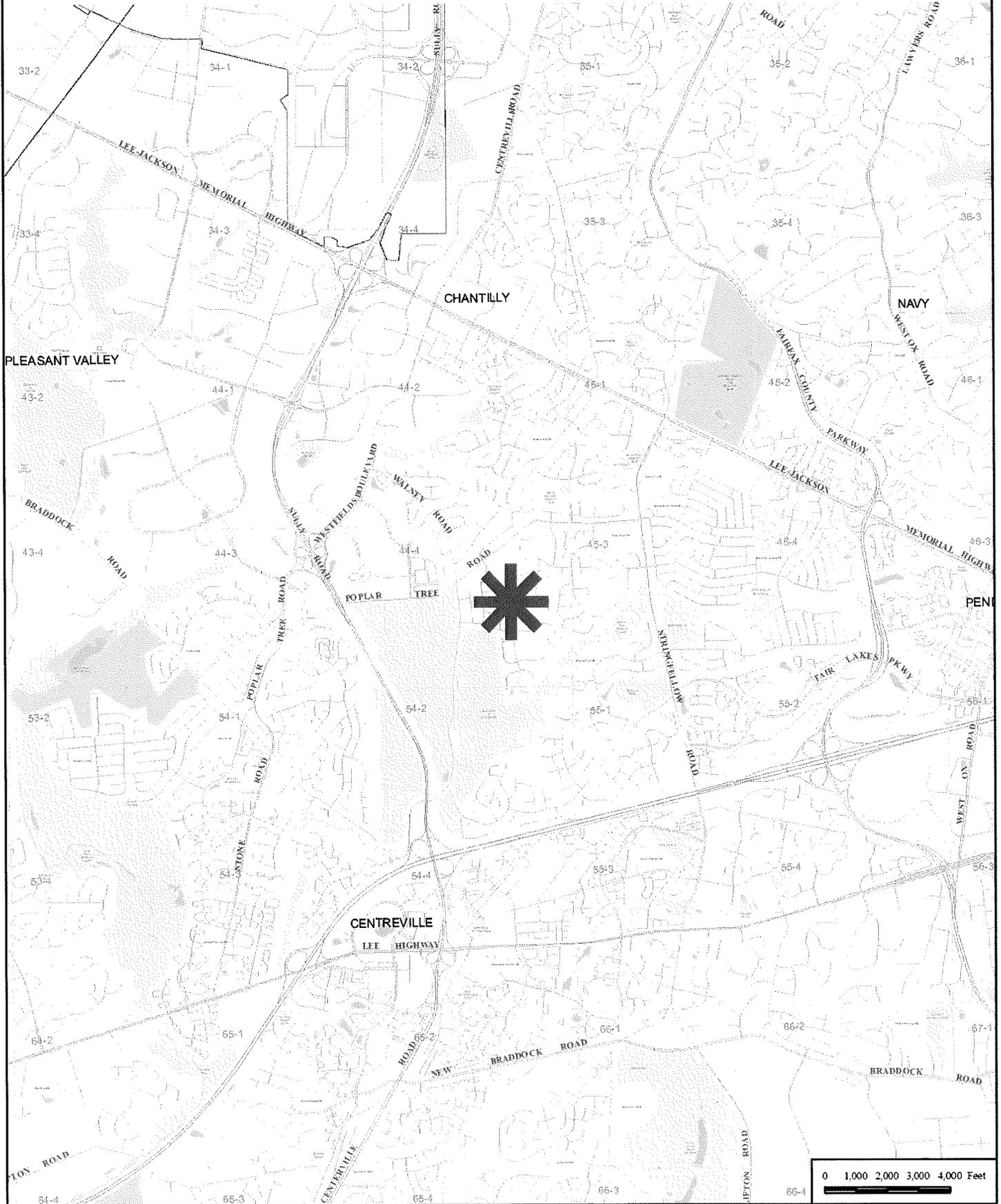
Erin M. Haley

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-SU-035
LORI BARNES

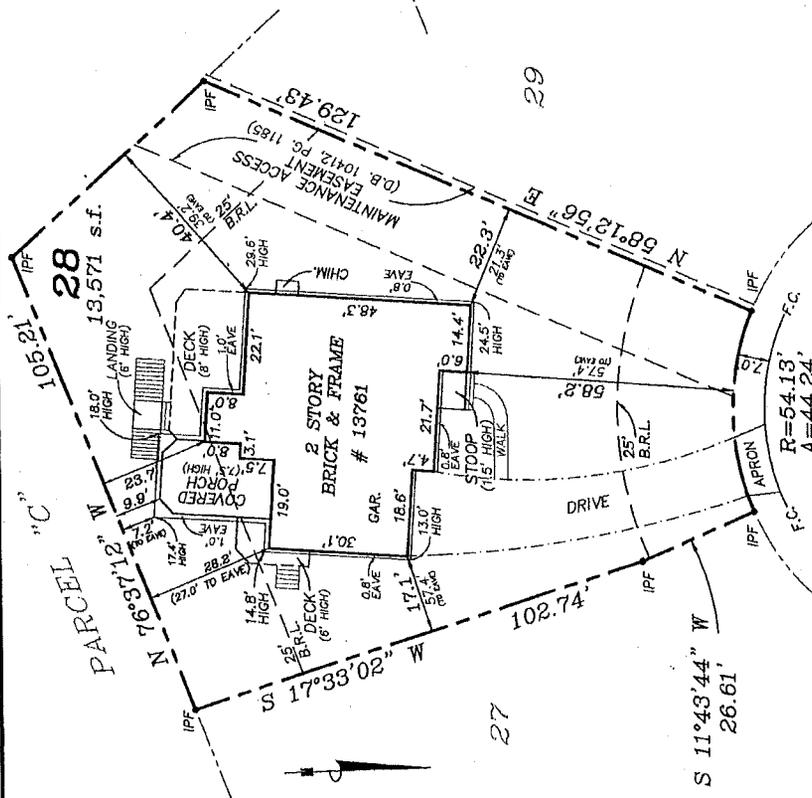


Special Permit
SP 2013-SU-035
LORI BARNES



NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 44-4-12-0028 AND IS PRESENTLY ZONED R-2C.
2. R1 B.R.L.'S: FRONT: 25' MINIMUM OF 24' 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 CONTRACTOR, 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.
7. AS PER FAIRFAX COUNTY TAX ADMINISTRATION, THE ORIGINAL HOUSE WAS BUILT IN 1999.
8. AS PER INFORMATION PROVIDED BY CONTRACTOR, THE REAR ADDITION, DECKS AND COVERED PORCH WERE BUILT IN AUGUST, 2011.



DECK AND PORCH DETAIL
SCALE: 1"=25'

ROYAL RED TERRACE
(49.21' WIDE)



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

SPECIAL PERMIT
LOT 28
MAPLE HILL ESTATES
SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA
DATE: DECEMBER 17, 2012
REVISED: APRIL 10, 2013
REVISED: MAY 28, 2013



Back elevation



Back elevation



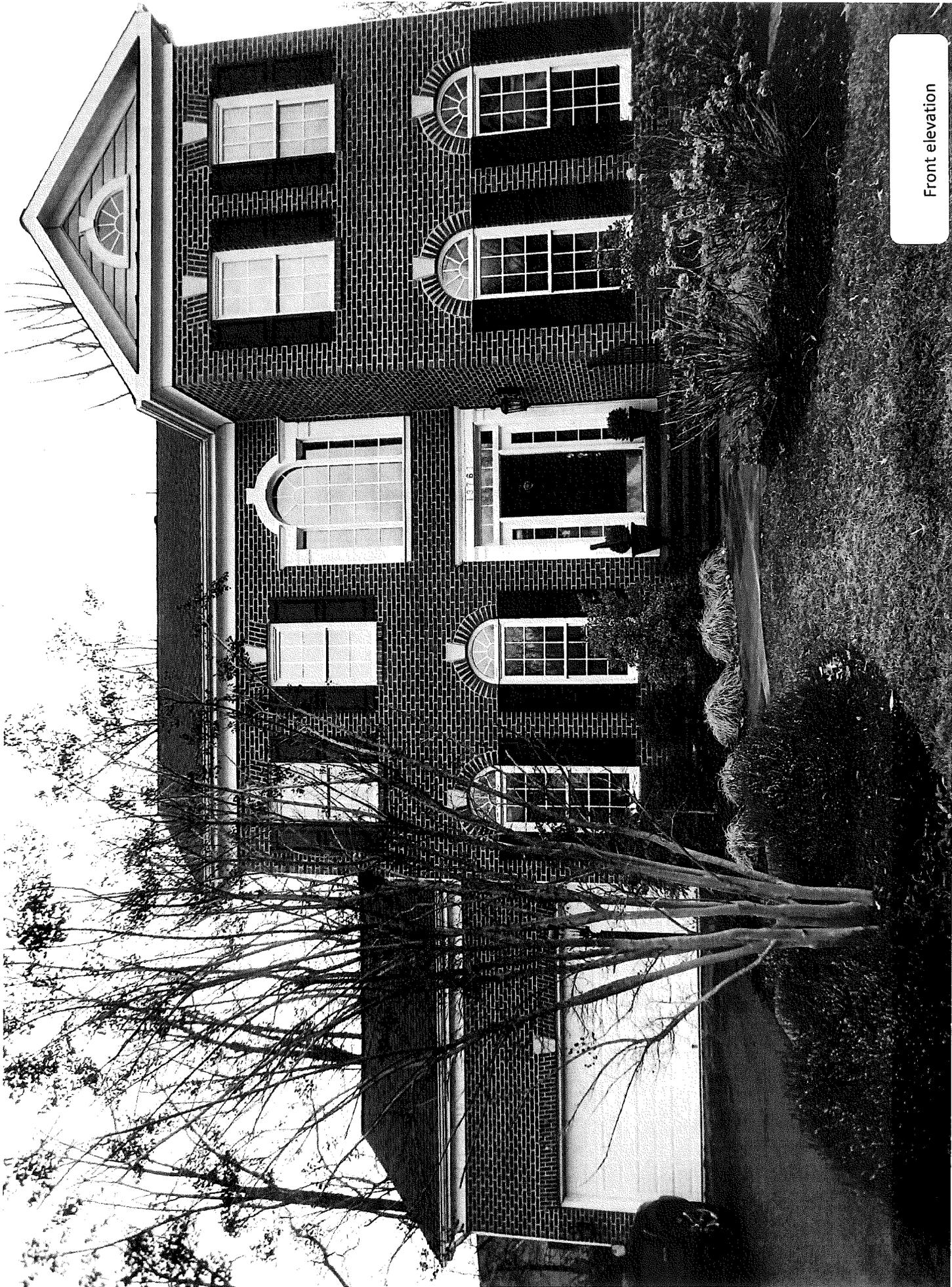
Back elevation



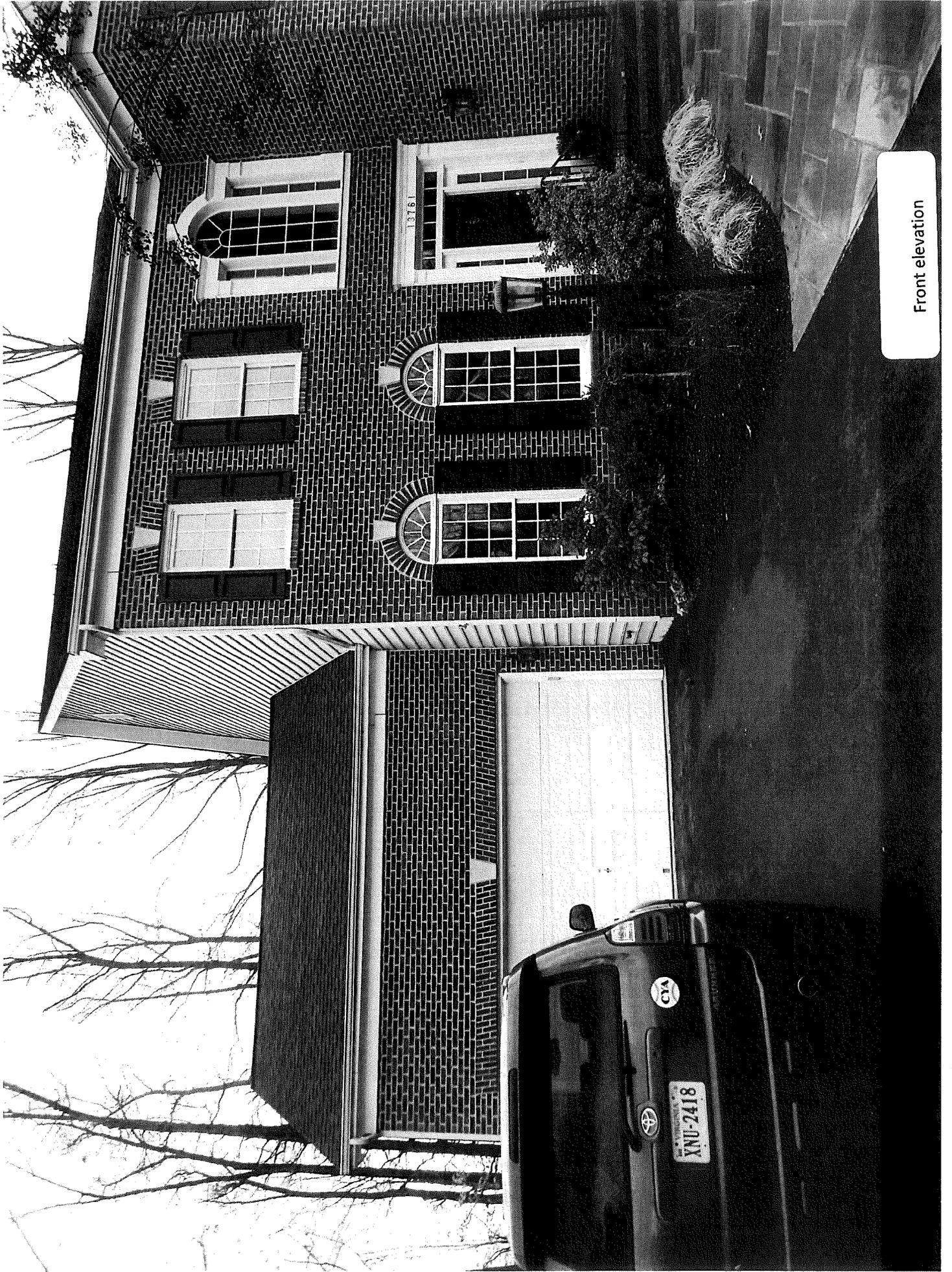
Left elevation



Front elevation



Front elevation



Front elevation



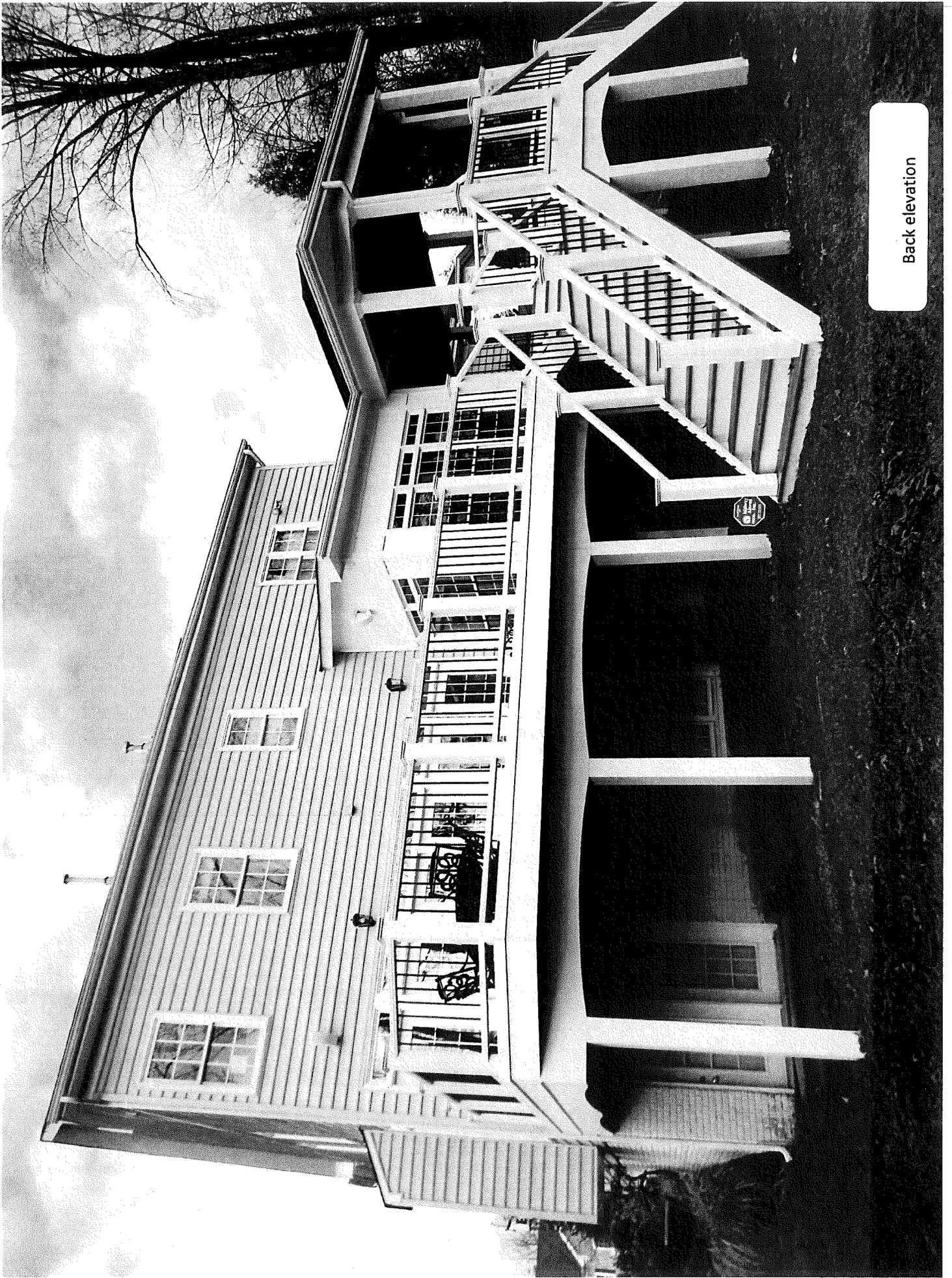
Left elevation



Left elevation



left elevation



Back elevation



Side elevation
Right



Side elevation
Right



Left elevation



Side elevation
Right



Side elevation
Right



Side elevation
Right



Front elevation











DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of two special permit requests. The first is to permit reduction in minimum yard requirements based on an error in building location to permit an existing roofed deck to remain 7.2 feet from the rear lot line.

Special Permit	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Request #1	Roofed Deck	Rear	25.0 feet	7.2 feet	17.8 feet	71.2%

The second special permit request is to permit reduction in minimum yard requirements based on an error in building location to permit an existing deck to remain 7.5 feet from the rear lot line.

Special Permit	Structure	Yard	Min. Yard Req.*	Extension Permitted	Structure Location	Amount of Error	Percent of Error
Request #2	Deck	Rear	25.0 feet	12.0 feet	7.5 feet	5.5 feet	70.0%

*Minimum Yard Requirement per Section 3-307

EXISTING SITE DESCRIPTION

The 13,571 square foot lot is developed with a two-story brick and frame dwelling, constructed in 1999. The interior lot abuts an area of private open space to the rear. A roofed composite deck is located in the rear yard on the southeast side of the single family dwelling. The roofed deck is attached to an open deck with stairs that extends around the structure, along the left side of the dwelling and along the width of the rear of the dwelling. The roofed deck has a floor height of 7.5 feet. The open deck has a landing with stairs that is 8.0 feet high.

An asphalt driveway extends from Royal Red Terrace to a garage at the front of the dwelling. A step stone walkway leads from the driveway to the front stoop. The property has a manicured lawn with mature trees and shrubs.

A Maintenance Access Easement extends from Royal Red Terrace along the western side of the property.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2, Cluster	Single Family Detached Dwellings
South	R-2, Cluster	Private Open Space
East	R-2, Cluster	Single Family Detached Dwellings
West	R-2, Cluster	Single Family Detached Dwellings, Open Space

BACKGROUND

According to Fairfax County Tax Records, the applicant purchased the property on August 29, 2005. On October 26, 2012, the applicant submitted a setback certification request for an open deck, a gazebo, and two one-story additions, pursuant to Building Permit #111570227 (attached as Appendix 4). The setback certification failed (attached as Appendix 5).

A copy of the submitted special permit plat titled, "Special Permit, Lot 28, Maple Hill Estates," prepared by William E. Ramsey, P.C., dated December 17, 2012, as revised through May 28, 2013, is included at the front of this report.

Following the adoption of the current Ordinance, the BZA has not heard any special permit or variance applications in the vicinity of the application parcel.

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. Building Permit #111570227
5. Setback Certification Failure letter dated November 19, 2012
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-SU-035

July 24, 2013

1. This special permit is approved for the locations of the roofed deck and open deck as shown on the plat prepared by William E. Ramsey, P.C., titled "Special Permit, Lot 28, Maple Hill Estates," dated December 17, 2012, as revised through May 28, 2013, 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-SU-035
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 8, 2013
 (enter date affidavit is notarized)

I, Lori Barnes, 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 119703

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)
Christopher L. Barnes	13761 Royal Red Terrace, Chantilly, VA 20151	Owner
Lori W. Barnes	13761 Royal Red Terrace, Chantilly, VA 20151	Applicant/Owner
Michael Nash Design, Build & Homes, Inc.	8630-A Lee Highway, Fairfax, VA 22031	Agent
Shawn A. Nazemian	8630-A Lee Highway, Fairfax, VA 22031	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).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 8, 2013
(enter date affidavit is notarized)

119703

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 Design, Build & Homes, Inc. 8630-A Lee Highway, 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

(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-SU-035

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 8, 2013

(enter date affidavit is notarized)

119703

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-SU-035
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 8, 2013
(enter date affidavit is notarized)

119703

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-SU-035
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 8, 2013
(enter date affidavit is notarized)

119703

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)

Lori W. Barnes
[X] Applicant [] Applicant's Authorized Agent

Lori W. Barnes
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 8 day of March 2013, in the State/Comm. of VA, County/City of Prince William

[Signature]
Notary Public

My commission expires: 04/30/2015



March 1, 2013

To Whom It May Concern:

We have lived at 13761 Royal Red Terrace since 2005. When we purchased the home, the previous owners (an older couple with no children at home) had already constructed a small deck on the back of the house. This deck was only accessible through the family room and did not have steps or an exit point into the yard from the deck. We found out rather quickly that our family of five and a large dog did not have much room to maneuver on the deck once we put furniture out there and entertaining was pretty much impossible.

After much planning and research, we decided to hire a contractor to design and build a larger deck, one that also provided direct access to the yard and to the kitchen. To accomplish this, we planned to bump out our kitchen table area enough to add double doors from the kitchen to the new deck, and bring the deck across the back of our house to be accessible from both the back and side yard as well as the kitchen and family room, allowing for maximum flow for family and entertaining. We also desired steps into the back yard and side yard. The man of the house, an avid baseball fan, also wanted to be able to watch baseball on TV outside on the deck, specifically on a covered deck, not screened, where he could enjoy outdoor spectating and entertaining even in poor weather.

Since its completion, we have been very happy with the way the new addition and deck have opened up the back of our house creating a much more "liveable" and enjoyable space for every member of the family.

Sincerely,



Chris and Lori Barnes

Homeowners

RECEIVED
Department of Planning & Zoning
APR 05 2013
Zoning Evaluation Division

STATEMENT OF JUSTIFICATION

- 1) The error in measurement of back stairs and landing to the deck to backyard set back and covered porch eave and structure measurement to side yard set back exceeds 10% and was due to error in identifying the back of the lot caused by the multi angles of this particular lot
- 2) The noncompliance was done through no fault of the homeowner and was simply a mistake to drop of the grading level after finished construction
- 3) This request for reduction of set back lines will not impair the purpose of this deck and covered porch and will not impair any of the regulatory ordinances.
- 4) This deck and covered porch is in sync with the rest of the community and ties seamlessly to rest of existing dwelling,
- 5) The deck and covered porch is an essential space to homeowner lifestyle and their daily activities. It offers expanded first floor space for their kids entertainment and enjoyment of their backyard
- 6) This deck and covered porch located on rear of existing structure and does not create any unsafe condition to respected adjacent properties. It faces Parkland in backyard.. It does not create any unsafe condition to public street and any right of ways
- 7) The adjacent neighbors are delighted to have such addition to neighborhood and have offered their total supports (see attached letter of recommendations and signatures)
- 8) The Back stairway is necessary to offer access from deck and covered porch to back yard and suggested covered porch offers four season outdoor space for homeowner's daily lives and it is an important part for their family and daily routines
- 9) This reduction will not result in any increase in density or floor area ratio from that permitted by applicable zoning district regulations
- 10) This addition, deck and covered porch has been approved by homeowner association architectural board and fully complies with all building, zoning ordinances

Special Permit Statement of Justification

The project that is the subject of this special permit is an addition of breakfast room, deck, covered porch and its back stairs to back of existing house. This addition will provide an improved quality of life for homeowners and their family for entertainment and added space for their enjoyment and their life style.

- 1) The room, deck and stairway have not exceeded more than 50% of the requirement and will result in 7.8ft set back from left sideline. And stairs will be away 13 ft from backyard setback line.
- 2) No detached accessory structure has been constructed.
- 3) The lot only contains the principal structure and new addition, deck, covered porch and back stairway
- 4) The addition and deck is located in rear of existing structure and the stairway.
- 5) This addition, deck, covered porch and stairway is in character with existing structure and rest of the neighborhood.
- 6) The addition is in character of the existing structure and has complied with Homeowners Association architectural guidelines, maintaining the color, style and trims compatible with current structure.
- 7) 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).
- 8) The addition conforms to the provisions of all applicable ordinances, regulations and adopted standards.
- 9) There are no known hazardous materials or toxic substances that will be generated, utilized, stored, treated, and/or disposed of on site.
- 10) The reduction of setback to side yard is necessary to allow the rear stairway to access the backyard and covered porch from side set back to allow the eave of new covered porch to be conformed to remaining character of the existing structure
- 11) The location, rear of home and current landscaping backing into parkland will screen of this addition from all back neighboring properties

Approval of Special Exception

I, the undersigned resident of Royal Red Terrace Chantilly, VA 20151, understand the intent of the special exception requested by Chris and Lori Bares of 13761 Royal Red Terrace Chantilly, VA 20151 and recommend that the exception be approved.

M. Christine Risi 1/23/13
Name Date

[Signature] 1/23/13
Signature Date

Address of adjacent property: 13763 Royal Red Terrace

RECEIVED
Department of Planning & Zoning
JAN 29 2013
Zoning Evaluation Division

Approval of Special Exception

I, the undersigned resident of Royal Red Terrace Chantilly, VA 20151, understand the intent of the special exception requested by Chris and Lori Bares of 13761 Royal Red Terrace Chantilly, VA 20151

and recommend that the exception be approved.

Beth Halpin 1/23/13
Name Date

Beth Halpin 1/23/13
Signature Date

Address of adjacent property: 13759 Royal Red Terrace
Chantilly, VA 20151

RECEIVED
Department of Planning & Zoning

JAN 29 2013

Zoning Evaluation Division

**Building Permit
 Zoning Review**

*This document does not reflect the final
 Building Permit approval.*

6/13/11 2:26:38PM

Permit #: **111570227**

RESIDENTIAL ADDITION

Address: 13761 Royal Red Te Chantilly VA 20151-0000
 Bldg: N/A Floor: Suite: N/A
 Subdiv: Maple Hill Estates Lt 28 Sub Census: 915.01 Lot Size: 13,571.00
 Tax Map: 0444 12 0028
 Owner: Barnes Christopher L
 Phone Day: (703)815-5854 x Evening:

Contractor: MICHAEL NASH CUSTOM KITCHENS I
 8630 Lee Highway Suite B
 Fairfax, Va 22031-0000
 (703) 641-9800

Type of Work: ADDITIONAL STORIES
 Description of Work: build deck with landing, steps and gazebo and build one story addition for break room and build another one story addition for mud room on crawl space
 Specific Description of Work:

Story	1 Story	1 Story	2 Story	2 Story	2 Story Bsmt	2nd Story Addn
around	Crawl	Bsmt Below	Ground	Crawl	below	Over Exist Structure
Y	N	N	N	N	N	N

PRB Review:
 Date: 6/13/11 14:08 LBOWES Status: **Approved**

Zoning Detail Review TAB:

Zoning	Cluster	Use	2nd ADU			Proffer	Setback
Dist	Subdiv		Wet Bar	Kitchen	Subdiv		
R-2	Y	SFD	N	N	N	N	Y

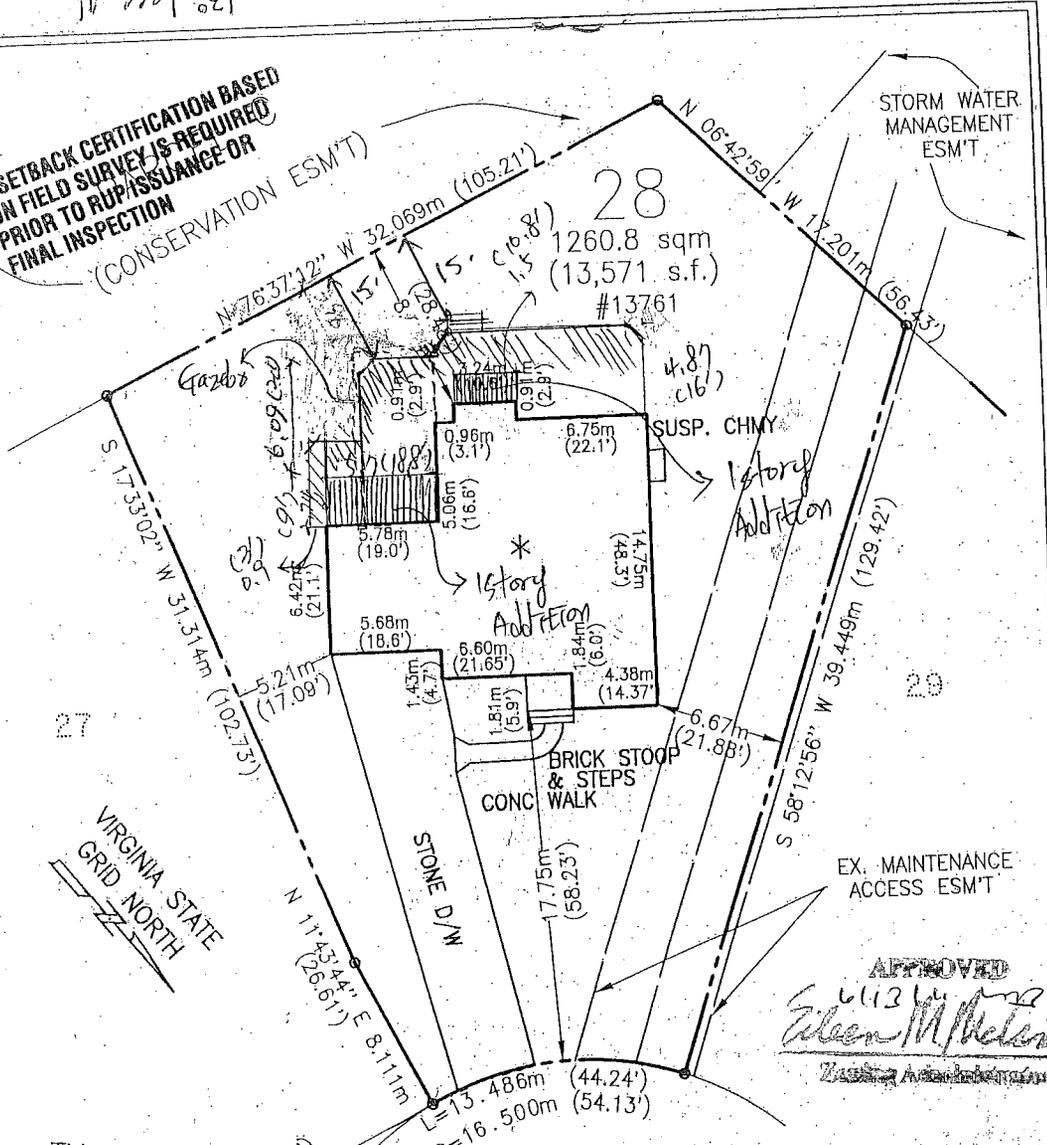
Hard/Setbacks:

Structure	Dimensions						Structure Type
	Front (A)	Front (B)	Front (C)	Left	Right	Rear	
deck	0.00	0.00	0.00	0.00	0.00	15.00	OPEN
gazebo							
addition							
add crawl							
spc							

DETAILS COMMENTS:
 Open deck and gazebo (roofed deck only 2.5' height) both 15' from rear lot line; both additions at least 25' from rear lot line.
 Setback certification needed for one-story addition that is 25' from rear lot line.

111570227

A SETBACK CERTIFICATION BASED ON FIELD SURVEY IS REQUIRED PRIOR TO RUP/ISSUANCE OR FINAL INSPECTION (CONSERVATION ESM'T)



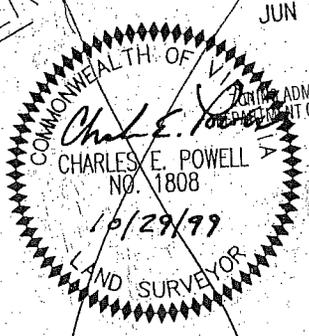
APPROVED
6/13/11
Eileen M. Peterson
Zoning Administrator

This Plat depicts the location, height and distances of existing and proposed structures to respective lot lines.

* 2 STORY BRICK AND FRAME

Clark Jun
Owner/Agent
6/13/11
Date

ROYAL RED TERRACE
FINAL APPROVAL
JUN 22 2000



- NOTES
1. NO TITLE REPORT FURNISHED.
 2. THE IMPROVEMENTS SHOWN DO NOT LIE WITHIN A H.U.D. DESIGNATED AREA OF SPECIAL FLOOD HAZARD.
 3. THIS PLAT IS NOT INTENDED FOR USE IN DETERMINING THE LOCATION OF THE PROPERTY LINES OR CONSTRUCTION OF EXTERIOR IMPROVEMENTS.
 4. ALL EASEMENTS ARE RECORDED IN D.B. 10412 AT PG. 1185 UNLESS OTHERWISE NOTED.
 5. WALL CHECK : 6-25-99
 6. FINAL 10-22-99

HOUSE LOCATION SURVEY
LOT 28
MAPLE HILL ESTATES
DEED BOOK 10412 PAGE 1185
SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE = 1:300 DATE : JUNE, 1999

8569-E SUDLEY RD.
MANASSAS, VA
20110-3811
PH (703) 631-8387
FA (703) 631-9414

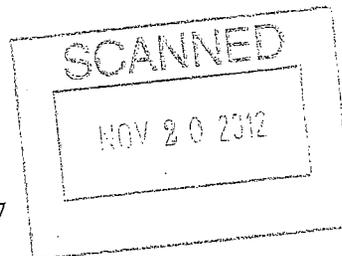


County of Fairfax, Virginia

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

November 19, 2012

Martin Bonyadian
8630-A Lee Highway
Fairfax, VA 22031



RE: Setback Certification: Application Permit No.: 111570227
13761 Royal Red Terrace
Maple Hill Estates, Lot 28
Tax Map: 44-4 ((12)) 28
Zoning District: R-2 (subject to cluster provisions)

Dear Mr. Bonyadian:

On October 26, 2012, a setback certification request was submitted for an open deck, a gazebo, and two one-story additions, pursuant to Building Permit #111570227. The above-referenced property is zoned R-2 District subject to cluster provisions, which has a minimum required front yard of 25 feet, a minimum required side yard of 8 feet but a total minimum of 24 feet, and a minimum required rear yard of 25 feet. After a review of your submission, the setback certification has been failed due to the following:

- According to the setback certification plat, the gazebo, which is identified as a covered porch on the plat, has a floor height of 7.5 feet and is located 9.9 feet from the rear lot line. The gazebo is considered by the Zoning Ordinance to be a roofed deck. A roofed deck with a floor that is greater than 4 feet in height may not extend into the minimum required rear yard of 25 feet. As such, the gazebo does not comply with the location requirements of the Zoning Ordinance. However, pursuant to Par. 5 of Sect. 2-419, the Board of Zoning Appeals may grant a special permit for an error in building location that exceeds 10 percent of the measurement involved. All special permit applications require the submission of an application, plat, and fees, notification of adjacent property owners, and a public hearing before the Board of Zoning Appeals. Please contact the Zoning Evaluation Division at (703) 324-1290 for information and assistance on how to file a special permit application.
- According to the setback certification, the landing with stairs associated with the 8 foot high rear deck is located approximately 7.5 feet from the rear lot line. The stairs and landing are considered part of the deck. An open deck with a floor that is greater than 4 feet in height may extend into the minimum required rear yard of 25 feet by up to 12 feet but may not be closer than 5 feet to the rear lot line. As such, the landing with stairs does not comply with the location requirements of the Zoning Ordinance. However, as

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/



Mr. Bonyadian
November 19, 2012
Page 2

described above, you may apply for a special permit for an error in building location to allow these structures to remain.

- Finally, the landing with stairs associated with the rear deck and the stairs associated with the side deck are not shown on the building permit. As such, the building permit will need to be amended to reflect these features. For information on amending the building permit please contact the Zoning Permit Review Branch at 703-222-1082.

I note that the rear addition is located 23.7 feet from the rear lot line. The minimum required rear yard in the R-2 District subject to cluster provisions is 25 feet. As such, the rear addition does not comply with the location requirements of the Zoning Ordinance. However, pursuant to Sect. 2-419 of the Zoning Ordinance, the Zoning Administrator has the authority to reduce the minimum required yard for any building wherein the error does not exceed 10 percent of the measurement involved, was the result of an error in the location of the building subsequent to the issuance of a Building Permit and/or the noncompliance was done in good faith or through no fault of the property owner. I note that the error in building location does not exceed 10 percent of the measurement involved and that you have stated that the error occurred through no fault of the property owner. Therefore as duly authorized agent of the Zoning Administrator, I have determined that the requirements for an administrative reduction are applicable as set forth in Sect. 2-419. Therefore, a 1.3 foot administrative reduction of the minimum required rear yard is granted for the rear addition.

Please note that a final building inspection cannot be scheduled until the setback certification is approved. Your cooperation in this matter is greatly appreciated.

If you have any questions regarding this response, please feel free to contact me at 703-324-1314.

Sincerely,



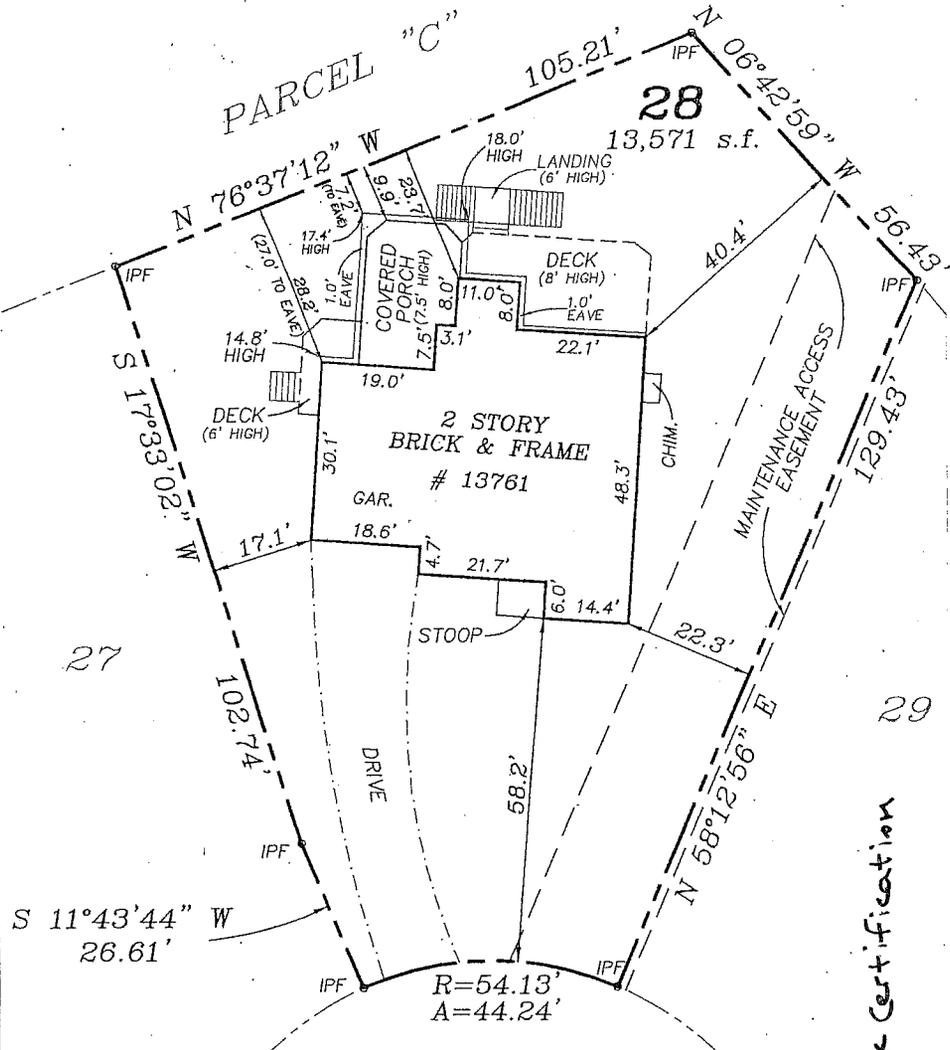
Roger Marcy
Assistant to the Zoning Administrator

Distribution:

Christopher Barnes, 13761 Royal Red Terrace, Chantilly, VA 20151
Mavis E. Stanfield, Deputy Zoning Administrator for Appeals
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch ✓
Charles O'Donnell, Residential Inspections Division, DPWES
Betsy Smith, Environmental and Facilities Inspections Division, DPWES

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.



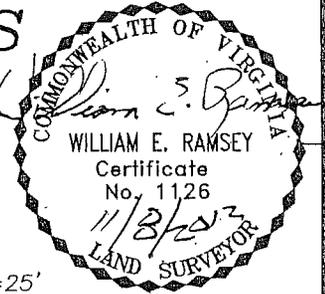
A 1.3 foot administrative reduction in the minimum required 10.0 yard has been GRANTED per Sect. 2-419 on November 19, 2012 by:

Roger H. Marcy
 Roger H. Marcy,
 Assistant to the Zoning Administrator

ROYAL RED TERRACE (49.21' WIDE)

Setback Certification
 RM
 11-19-12
 Failed

LOT 28
MAPLE HILL ESTATES
 SULLY 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.

REVISED: NOVEMBER 8, 2012
 DATE: OCTOBER 25, 2012.

SCALE: 1"=25'

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

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.