



APPLICATION ACCEPTED: June 5, 2013
BOARD OF ZONING APPEALS: August 7, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 31, 2013

STAFF REPORT
SPECIAL PERMIT APPLICATION NO. SP 2013-MA-041
CONCURRENT WITH VC 2013-MA-007

MASON DISTRICT

APPLICANTS/OWNERS: David James Laux
Tara Kristen Long

SUBDIVISION: Willowrun

STREET ADDRESS: 4613 Randolph Drive, Annandale 22003

TAX MAP REFERENCE: 71-2 ((11))6

LOT SIZE: 24,798 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISIONS: 8-914, 8-922 & 18-401

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on error in building location to permit accessory structure to remain 1.1 feet from side lot line and reduction of certain yard requirements to permit construction of addition 7.5 feet from side lot line.

VARIANCE PROPOSAL: To permit existing fence greater than 7.0 feet in height to remain in the rear yard.

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-MA-041 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

O:\ehaley\SP 2013-MA-041\Laux Long Staff Report.doc

Erin Haley

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

The approval of this 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.

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.**



Special Permit

SP 2013-MA-041

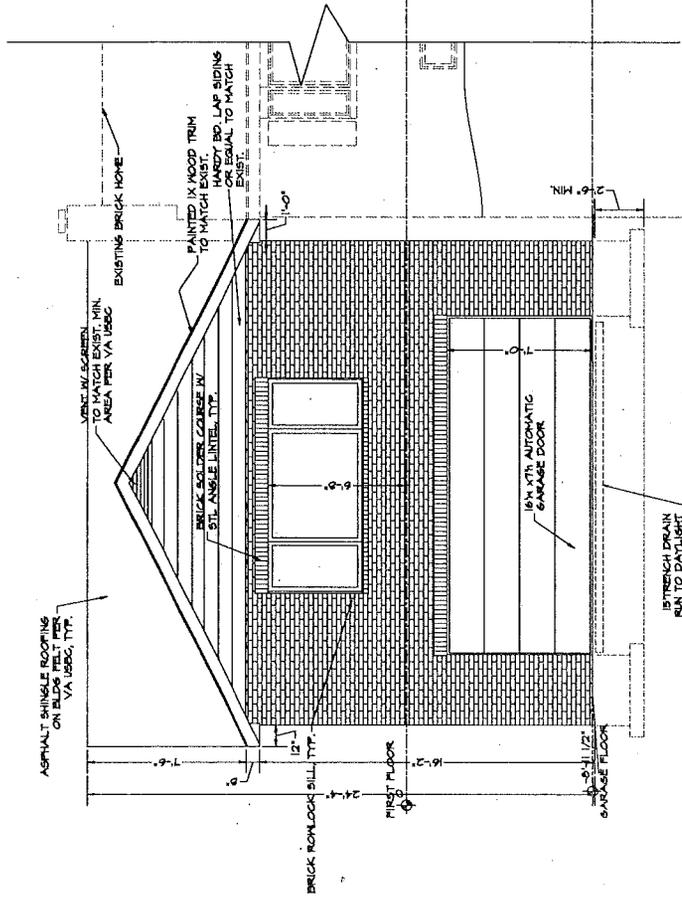
DAVID JAMES LAUX / TARA KRISTEN LONG

Variance Application

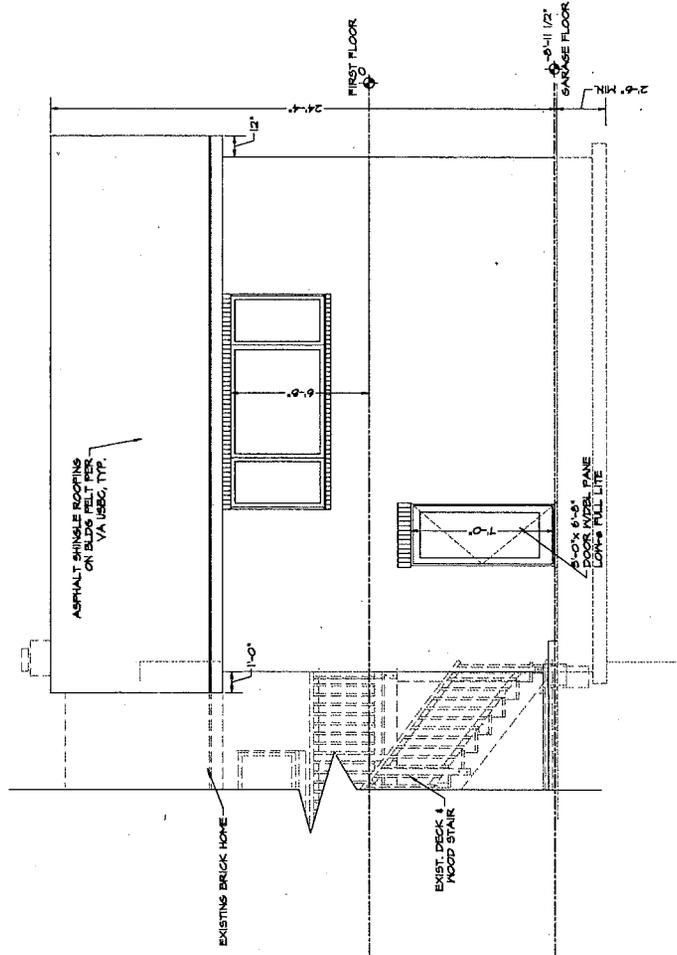
VC 2013-MA-007

DAVID LAUX & TARA LONG





FRONT/ WEST ELEVATION
SCALE 1/4" = 1'-0"



REAR/ EAST ELEVATION
SCALE 1/4" = 1'-0"

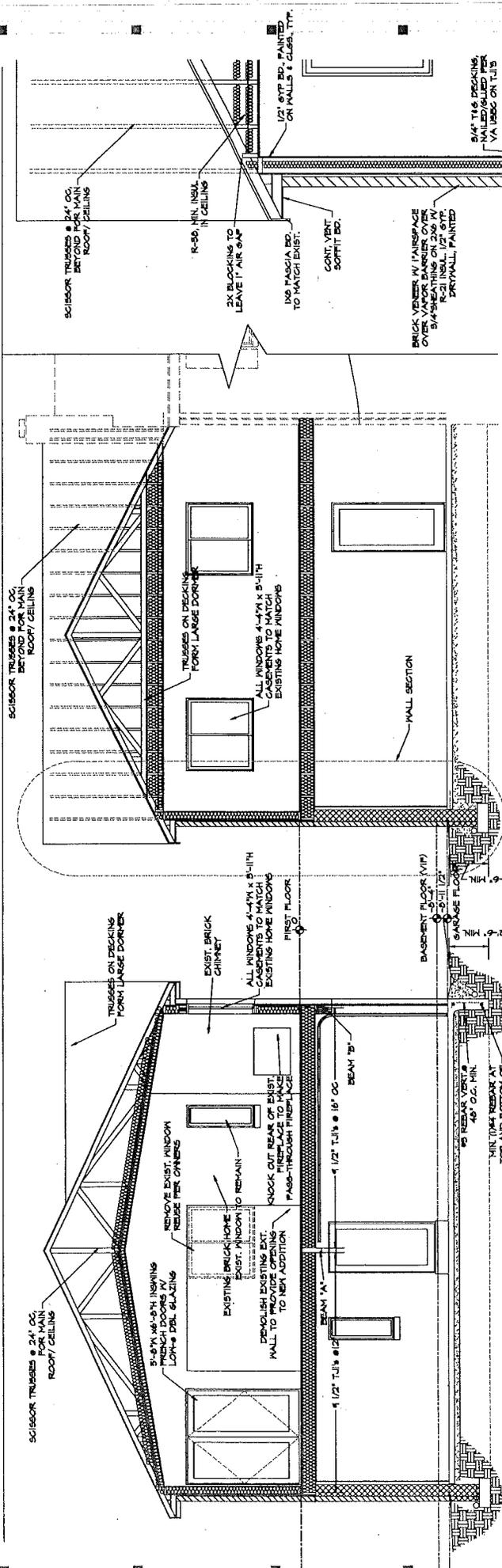
ELEVATIONS

GARAGE ADDITION for
LONG/LAUX RESIDENCE

Ned Poffenberger, AIA
Architecture & Art

Date	Action
9/28/2018	SUBMIT TO OWNER REVIEW

Owner shall verify all information and conditions of site and field conditions and the accuracy of the information provided for the project. The architect shall not be responsible for the accuracy of the information provided by the owner. The architect shall not be responsible for the accuracy of the information provided by the owner.



EAST/WEST BUILDING SECTION A-A
SCALE: 1/4" = 1'-0"

NORTH/SOUTH BUILDING SECTION B-B
SCALE: 1/4" = 1'-0"

**GARAGE ADDITION FOR
LONG/LAUX RESIDENCE**

SECTIONS

A-5

Date	Action

Contractor shall verify all information shown on these drawings. Any discrepancies between these drawings and the actual site conditions shall be brought to the attention of the architect immediately. The contractor shall be responsible for the coordination of the project.

Ned Poffenberger, AIA
Architecture & Art

WALL SECTION
SCALE: 1/2" = 1'-0"

4550 E. 10th St.
Anchorage, AK 99503

SCISSOR TRUSSES @ 24" OC
BEYOND FOR MAIN
ROOF/CEILING

TRUSSES ON DECKING
FORM LARGE DORMER

ALL WINDOWS 4'-4 1/4" x 5'-1 1/4"
CASEMENTS TO MATCH
EXISTING HOME WINDOWS

EXIST. BRICK
CHIMNEY

REMOVE EXIST. WINDOW
REUSE PER OWNERS

EXISTING BRICK HOME
EXIST. WINDOW
TO REMAIN

KNOCK OUT REAR OF EXIST.
FIREPLACE TO MAKE
PASS-THROUGH FIREPLACE

REMOVE EXIST. W/ VAPOR BARRIER
OVER 5/8" WEATHING ON 2X6 W/ R-50 INSUL. 1/2" GYP. DRYWALL, PAINTED

BRICK VENEER W/ VAPOR BARRIER
OVER 5/8" WEATHING ON 2X6 W/ R-50 INSUL. 1/2" GYP. DRYWALL, PAINTED

MTL. FLASH TO
KEEP HOLES IN BRK.

APPROX. 1/2" MIN.
EDGE BD. TYP.

R-14 INSUL. MIN.
STRETCH PLANS
FOR SPACING

1/2" DIA ANCHOR
BOLTS @ 12" MAX. IN PLAN
FROM ENDS. @ 10" MIN. FROM
BASE

21 NO. PERSONS ON G4J IN
RIGID FOAM INSUL. R-10
UNDER 1/2" GYP. BD.

8" CHU

1/2" EXPANS. JT.

4" REINF. CONC. SLAB
OR VAPOR BARRIER
AS SHOWN ON
CONTACTED SO.

2" MIN.

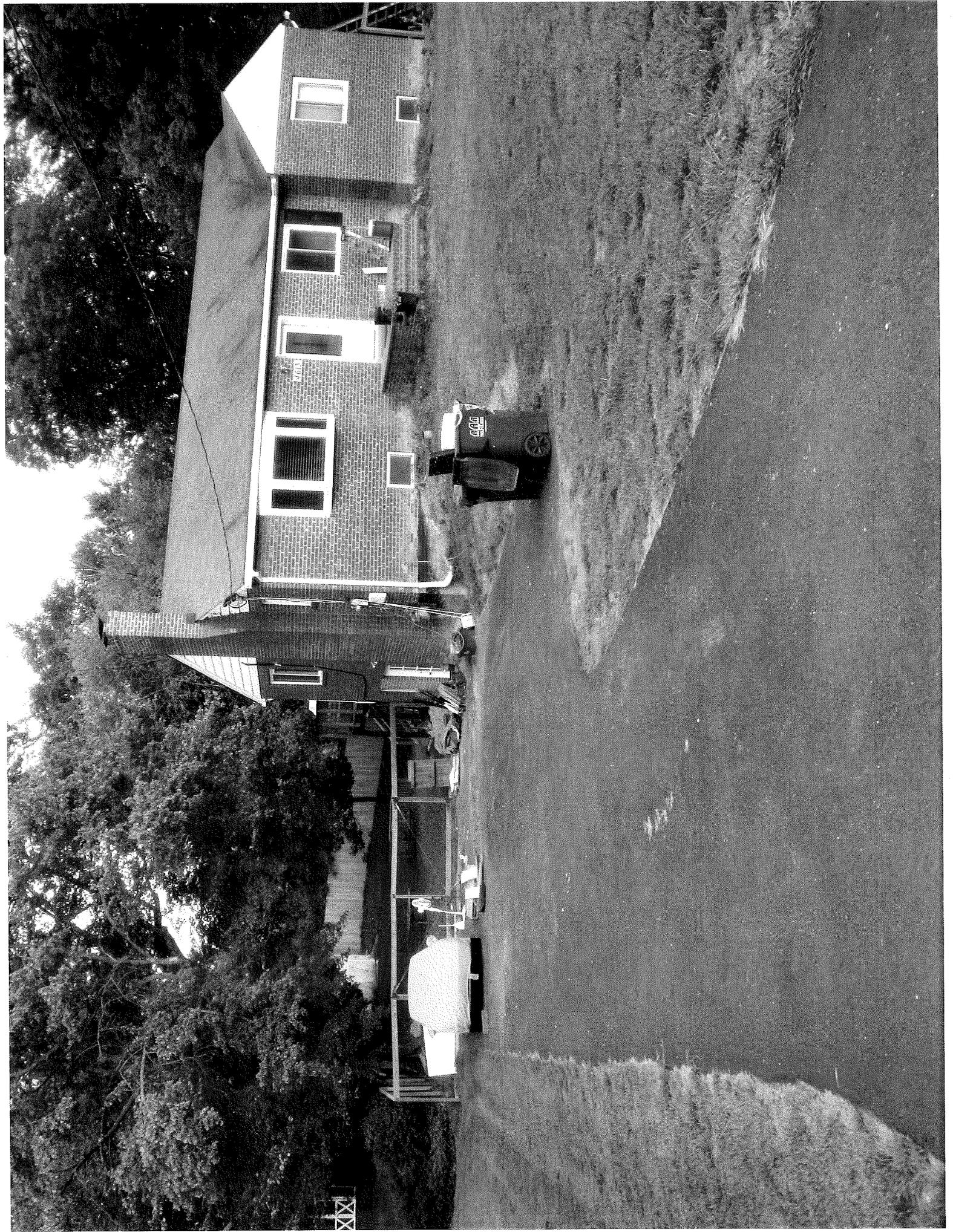
5" HORIZ. REBAR @ 4" O.C.

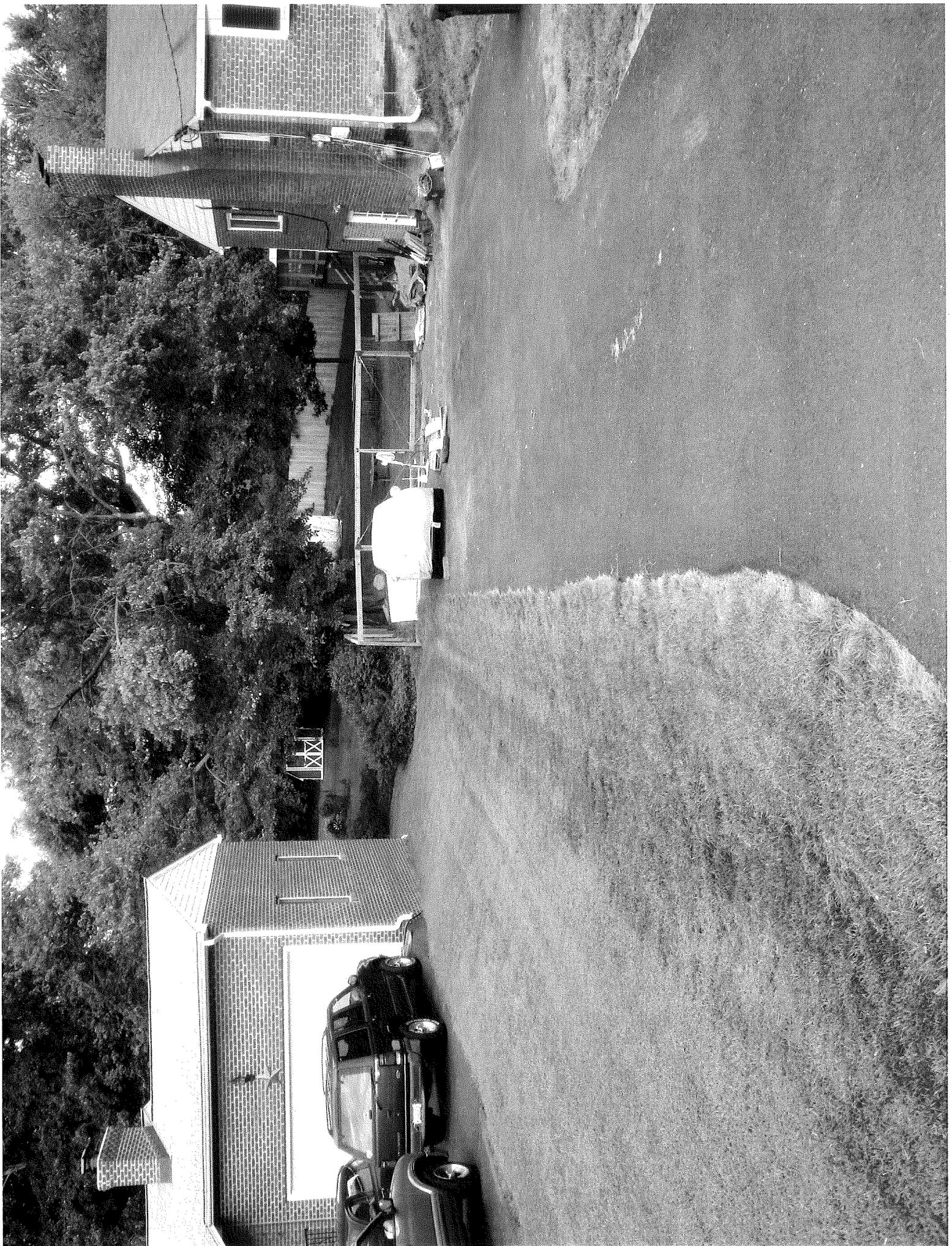
GRAVEL IN FILTER FABRIC

1" RIGID FOAM INSUL.

4" CHU BELOW GRADE

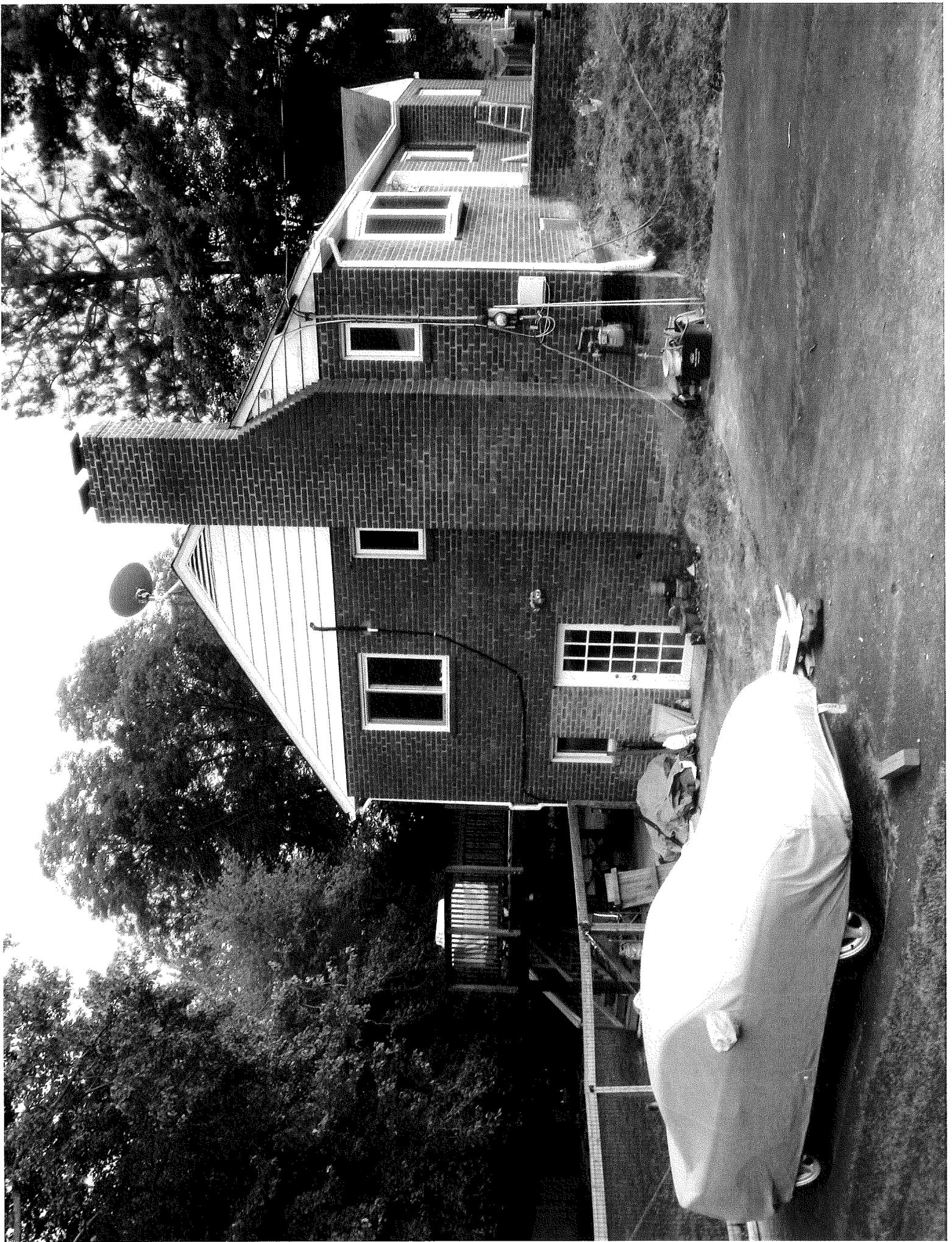
FEET. 6" DRAIN TILE TO DAYLIGHT











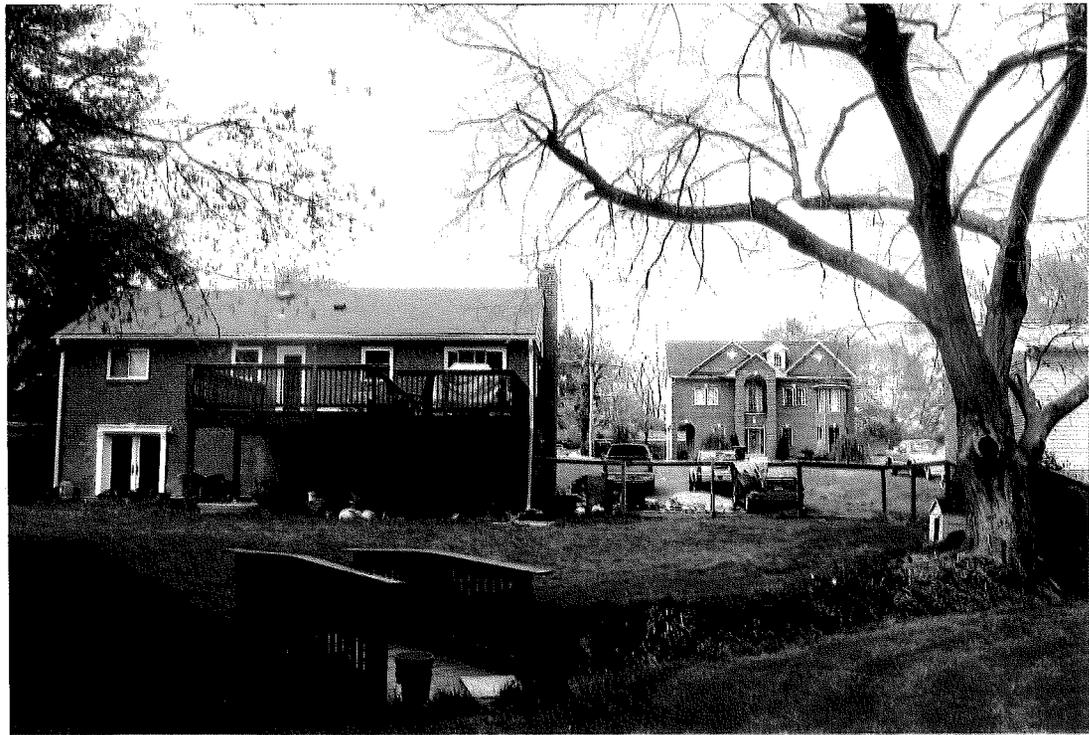


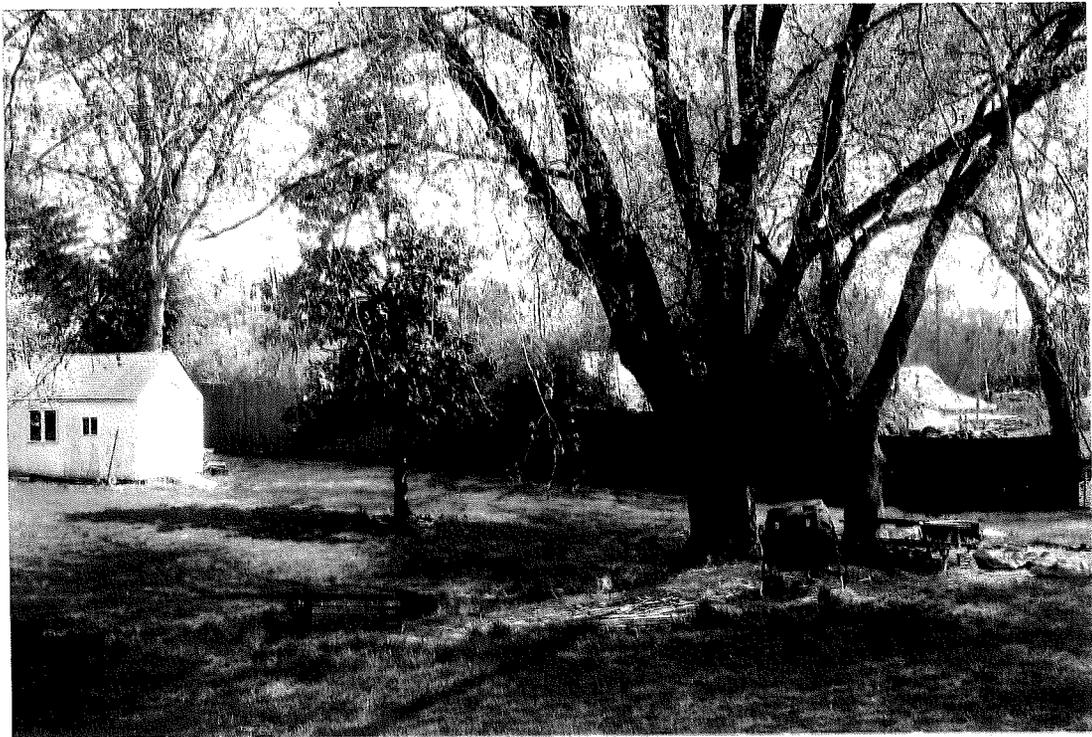


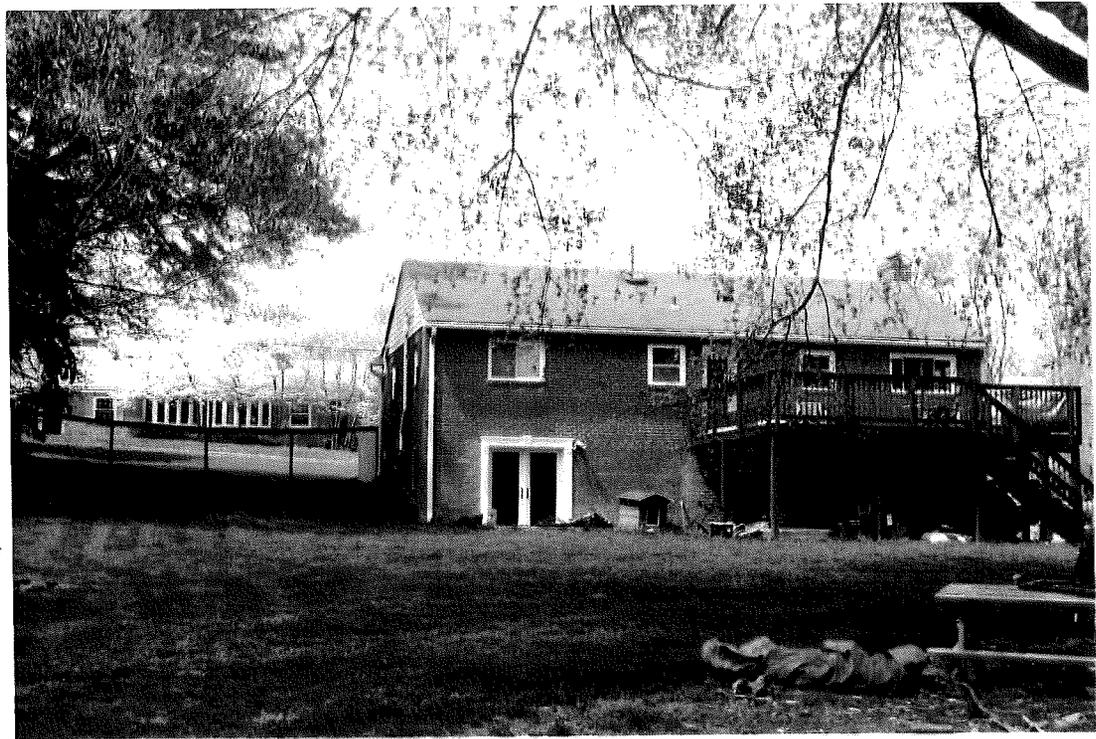


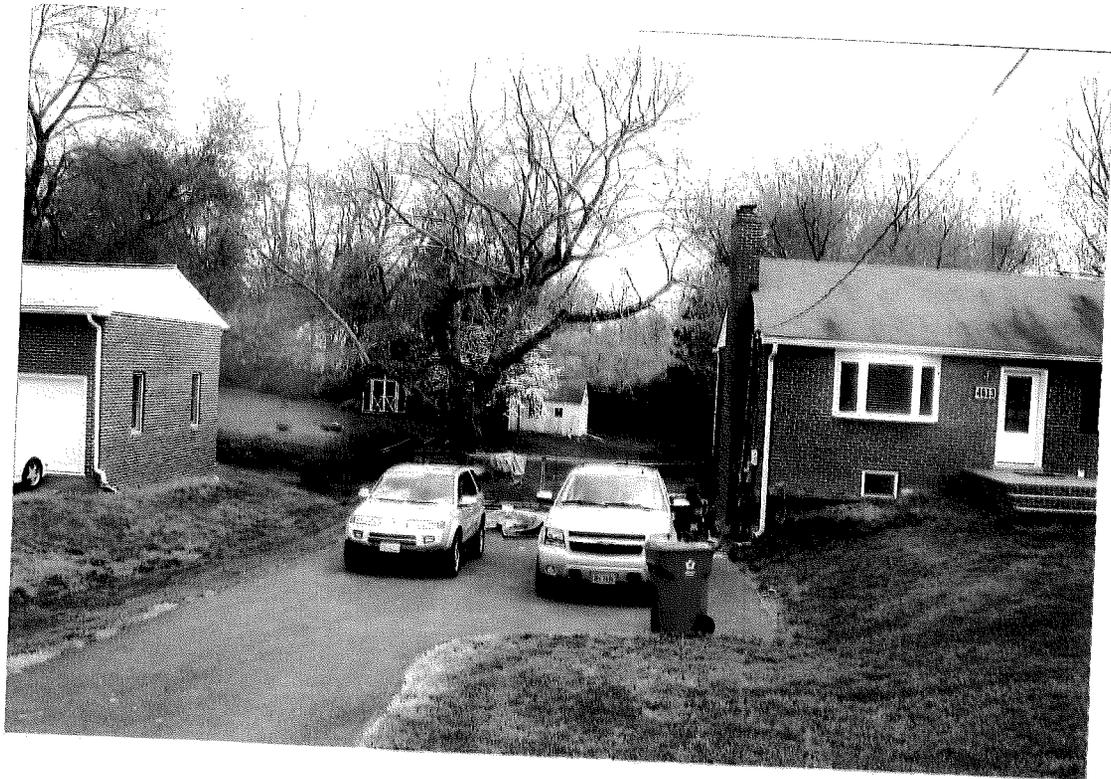














DESCRIPTION OF THE APPLICATIONS

The applicant requests approval of two separate special permits. The first request is to allow a reduction of minimum yard requirements due to error in building location, to permit an accessory structure (shed) to remain 1.1 feet from the northern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit #1	Shed	Side	15.0 feet	1.1 feet	13.9 feet	92.7%

* Minimum yard requirements per Sect. 10-104.

The second request is for a reduction of certain yard requirements to permit construction of an addition (garage) 7.5 feet from the northern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit #2	Garage	Side	15.0 feet	7.5 feet	7.5 feet	50.0%

* Minimum yard requirements per Sect. 3-207

Description of Variance Request

The applicant also requests approval of a variance to permit a fence greater than 7.0 feet in height to remain in the rear yard. The existing rear yard fence is 8.0 feet in height.

EXISTING SITE DESCRIPTION

The application property is developed with a one story, brick, single-family detached dwelling with a walk-out basement. Access to the lot is provided via an asphalt driveway from Randolph Drive. There is a brick front stoop and a front lawn between the house and the street. The property does not have a garage.

The rear yard is fenced on the sides and front by a frame and wire fence 5 feet 3 inches in height. The rear yard lot line is fenced by a frame fence 8 feet in height. The rear yard also contains an 8 foot tall deck over a patio and a storage shed is located in the

southeast corner of the lot. The rear yard is bisected by a small stream that ends at a head wall and concrete drainage pipe near the southwest corner of the lot. A footbridge crosses the stream near the middle of the rear yard.

The lot has a grade change going down from the front yard to the rear yard and begins sloping up again from the stream to the rear lot line. The property contains several mature trees. Just behind the rear lot line, the grade increases several feet up to the adjacent property to the east. This area of land is also covered by a dense growth of bamboo.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single family detached dwellings
South	R-2	Single family detached dwellings
East	PDH-4	Buildable lot with dilapidated structure
West	R-2	Single family detached dwellings

BACKGROUND

The existing dwelling was constructed in 1950. The applicant purchased the property in 2010. The applicants state that the shed was in existence at the time they purchased the property. The applicants received permits for a stoop in 2010 and a deck in 2011.

The property adjacent to the east of the subject property has been the Campbell & Ferrara Nursery since the 1940's. It is currently undergoing redevelopment and the property owner has submitted a subdivision plan for review.

A copy of the special permit plat titled "Plat, Showing the improvements on, Lot 6, Section Two, Willowrun", prepared by Dominion Surveyors, Inc., dated November 7, 2012, signed by George M. O'Quinn, is included at the front of the staff report.

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

ZONING ORDINANCE REQUIREMENTS

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

The application must meet all of the following standards, copies of which are attached as Appendix 5:

- Sect. 8-006 General Special Permit Standards
- Group Standards for All Group 9 Uses (Sect. 8-903)
- Sect. 8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements
- Sect. 18-401 Required Standards for Variances

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3. *General Standard 3* requires that the application proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The 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. *By observation of the neighborhood as well as the review of photographs submitted by the applicant, staff believes that the proposed addition will not adversely affect the use or development of neighboring properties. Although they appear to have been constructed without the need for a variance or special permit, several homes in the immediate vicinity have garage additions similar to the applicant's proposal and several lots are developed with what appear to be new homes in varying styles. The proposed building materials to be utilized on the addition will match the existing building materials for a unified building façade. Staff believes that this standard has been met.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met most of the remaining standards, specifically Standards 4, 6, 7 and 8, but has some reservations with regard to Standard 9 which is discussed herein.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. According to the special permit plat, the existing dwelling is 2,458 square feet in area. Therefore 150% of the total gross floor area could result in an addition up to 3,687 square feet in size for a possible total at build out of 6,145 square feet. The proposed addition is 1,430 square feet, for a total gross floor area of the house with addition of 3,888 square feet. Therefore, the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings submitted indicate that the materials, size and scale of the proposed addition will match the appearance of the existing dwelling. The addition will increase the footprint of the dwelling to add a two-car garage, as well as a second story above for the addition of a great room. The existing dwelling and the proposed addition will maintain 20 feet in height and the addition will match the architecture of the dwelling. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. Staff believes that the proposed improvements are compatible with the surrounding houses in the neighborhood which contains homes with similar additions, both in size and height; however, they all appear to have been constructed without the need for special permit approval. Additionally, new homes are being constructed in the area, which add to the variety and styles of housing types. Staff believes that the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. The addition as proposed expands the dwelling to add a two-car garage, with a second floor great room area above. The Department of Public Works and Environmental Services (DPWES) has not indicated that there are any downstream complaints related to this property and the proposed addition will, for the most part, be located on a portion of the existing driveway. Staff believes that this standard has been met.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of

the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. *The request to construct a two-story addition is shown in the most logical location, as it will be placed where the existing driveway currently terminates. The request is modest in size and scale and is in keeping in size with other dwellings in the neighborhood and will still be smaller than some of the newer homes. Staff believes the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas are not applicable to this site.*

Summary of Zoning Ordinance Provisions

This special permit is subject to Sects. 8-006, 8-903, 8-914, 8-922 and 18-401 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

CONCLUSIONS AND RECOMMENDATIONS

Staff believes that all applicable standards for the reduction of certain yard requirements for the addition as outlined in Sects. 8-006, 8-903 and 8-922 will be satisfied with the adoption of the proposed development conditions. Staff recommends approval of SP 2013-MA-041 subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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 Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicant's Affidavits
4. Applicant's Statements of Justification
5. Applicable Zoning Ordinance Provisions

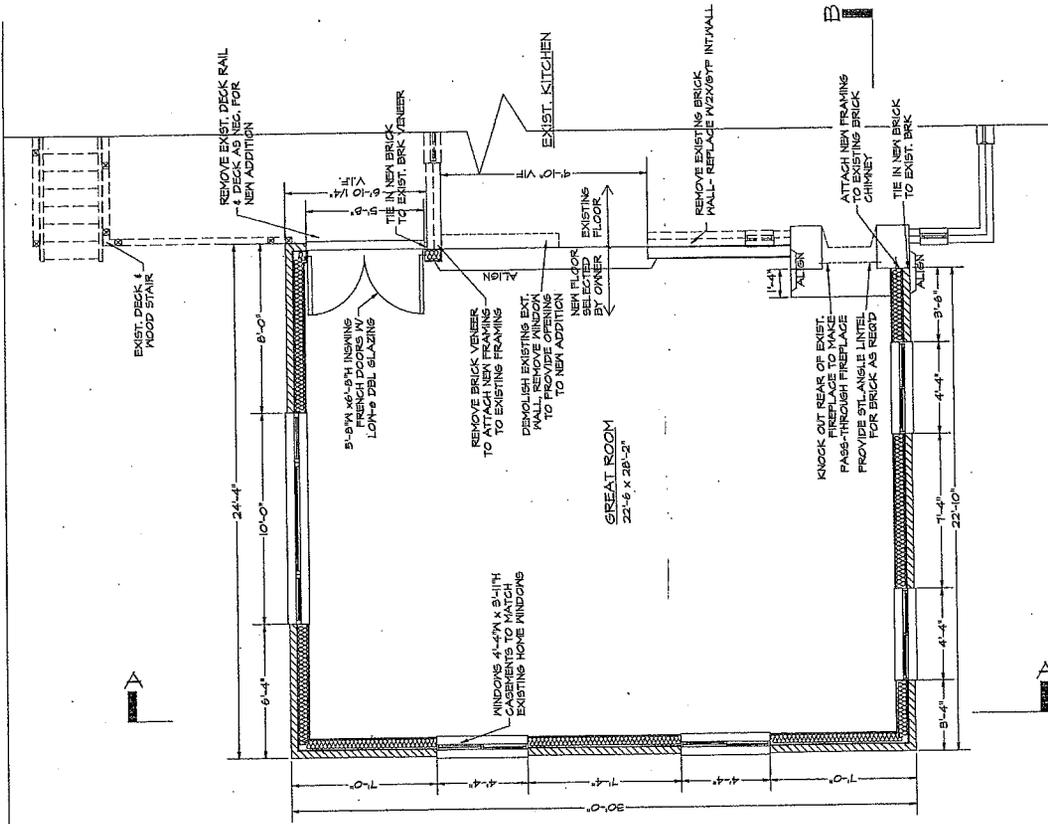
PROPOSED DEVELOPMENT CONDITIONS**SP 2013-MA-041****July 31, 2013**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-MA-041 located at Tax Map 71-2 ((11)) 0006 to permit an addition and shed pursuant to Sect. 8-922 and Sect. 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

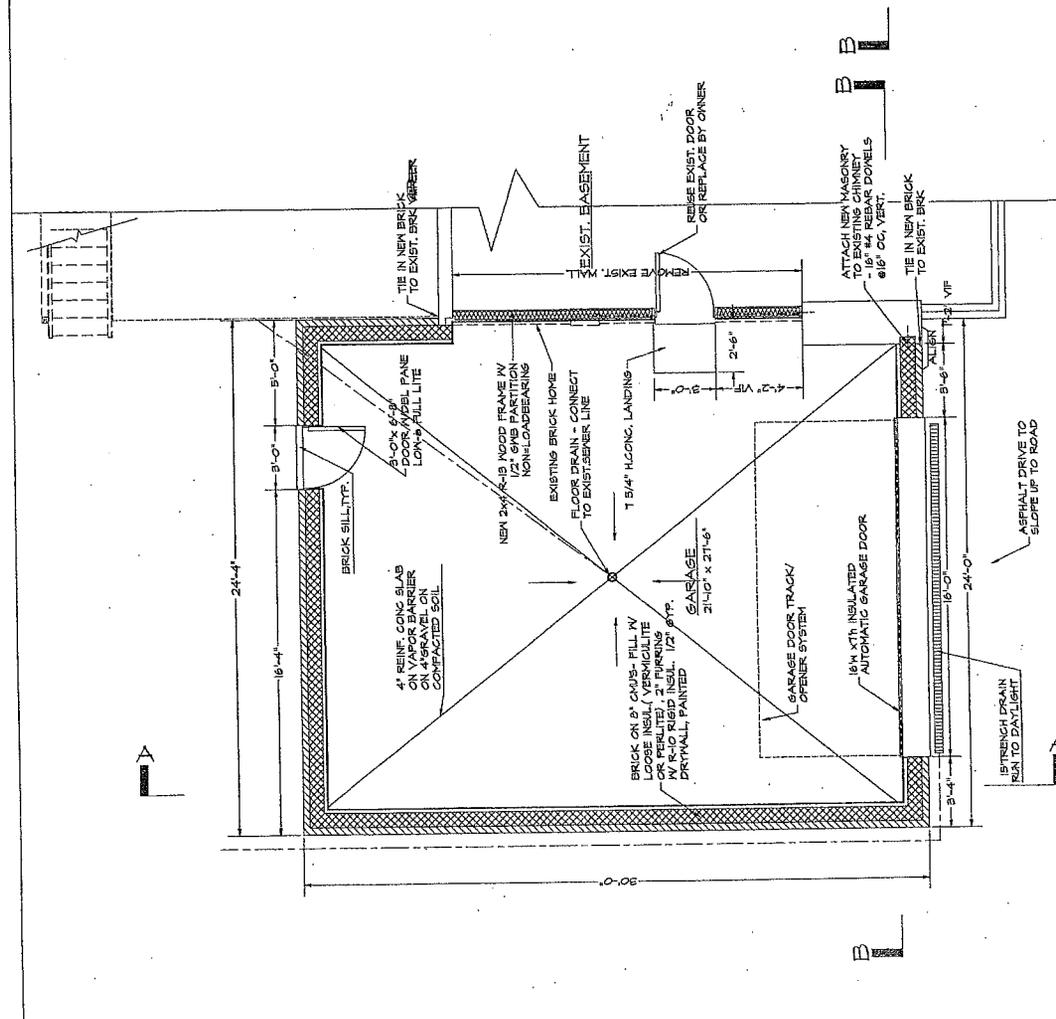
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size, approximately 1,430 square feet for the proposed addition, and the shed as shown on the plat prepared by Dominion Surveyors Inc., dated November 7, 2012, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,458 square feet existing + 3,888 square feet (150%) = 6,145 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural drawings as depicted on Attachment 1 to these conditions.

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

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



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



GARAGE FLOOR PLAN
SCALE: 1/4" = 1'-0"

Ned Poffenberger, AIA
Architecture & Art
2933 Fairhill Road
Fairfax, VA 22031
(703) 876-6086
nedpoff@gnell.com

GARAGE ADDITION FOR LONG/LAUX RESIDENCE

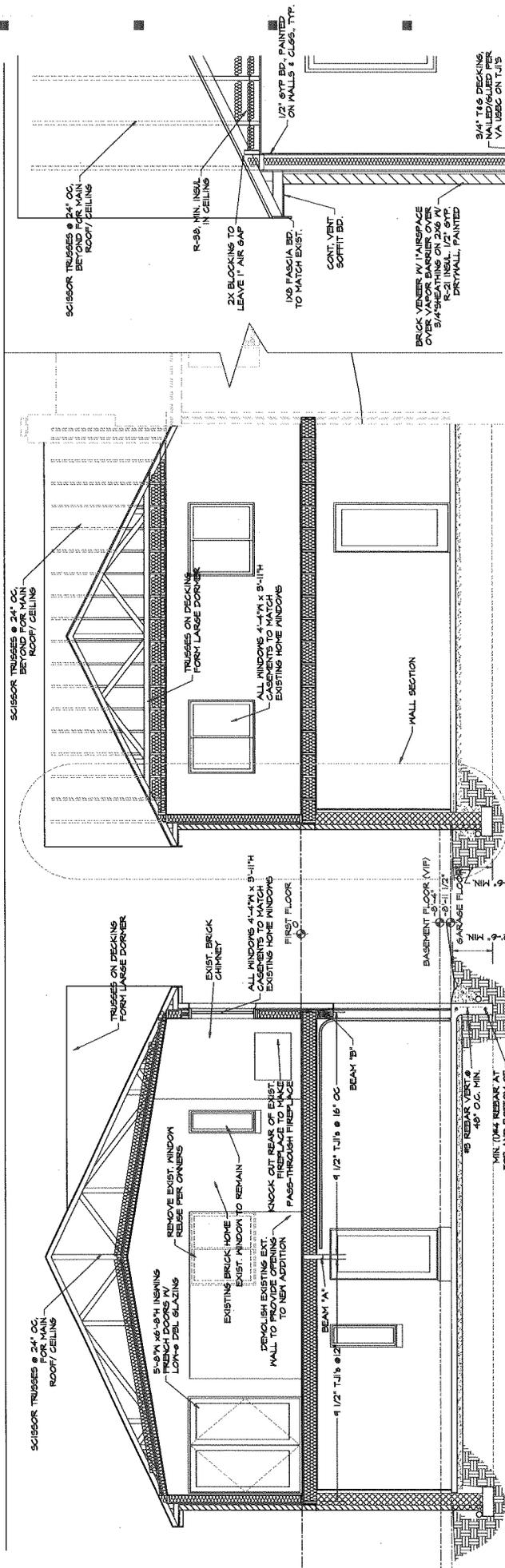
4613 Randolph Dr.
Annandale, VA 22003

Date	Action

Field notes and survey information are the property of the client. Any discrepancies between the field notes and the final conditions of the project shall be the responsibility of the contractor. The contractor shall be responsible for any and all field notes and survey information submitted to the architect for his or her use on this project. The architect shall not be responsible for any errors or omissions in the field notes or survey information submitted to the architect for his or her use on this project.

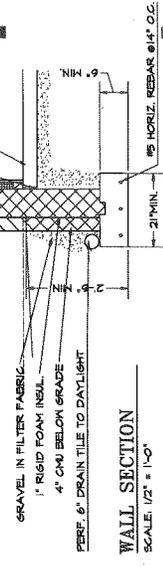
PLANS

A-2



NORTH/SOUTH BUILDING SECTION B-B
SCALE: 1/4" = 1'-0"

EAST/WEST BUILDING SECTION A-A
SCALE: 1/4" = 1'-0"



WALL SECTION
SCALE: 1/2" = 1'-0"

Ned Poffenberger, AIA
Architecture & Art

GARAGE ADDITION FOR LONG/LAUX RESIDENCE

Date	Action

Contractors shall verify all field conditions before commencing construction. Discrepancies between construction documents and field conditions shall be reported to the architect immediately. The architect is not responsible for construction methods or materials used by the contractor. The contractor shall be responsible for obtaining all necessary permits and approvals for the construction of this project.

SECTIONS

A-5

PROPOSED DEVELOPMENT CONDITIONS

VC 2013-MA-007

July 31, 2013

1. This variance is approved for the 8 foot rear yard fence on the property as shown on the plat prepared by Dominion Surveyors, Inc., dated November 7, 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 including requirements for building permits.

Application No.(s): SP 2013-MA-041 & VC 2013-MA-007
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/12/12
 (enter date affidavit is notarized)

I, David James Laux, 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

117114

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)
David J. Laux	4613 Randolph Dr Annandale VA 22003	Applicant/Title Owner
Tara K. Long	4613 Randolph Dr Annandale VA 22003	Applicant/Title Owner

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

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

Application No.(s): SP 2013-MA-041 ¹/₂ VC 2013-MA-007
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/12/12
(enter date affidavit is notarized)

117114

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
NONE

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
NONE

(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-041 & VC 2013-MA-007
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/12/12
(enter date affidavit is notarized)

117114

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-041 & VC 2013-MA-007
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/12/12
(enter date affidavit is notarized)

117114

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-041 & VC 2013-MA-007
(county-assigned application number(s), to be entered by County Staff).

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 7/12/12
(enter date affidavit is notarized)

117114

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.

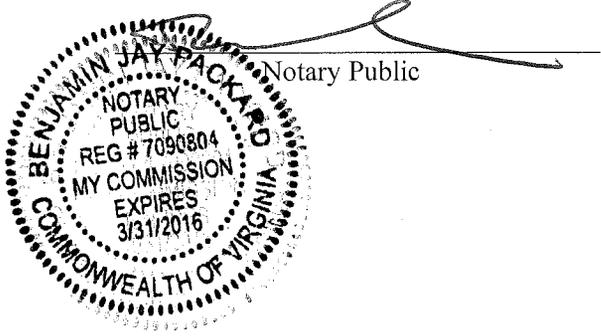
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, 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
David J. Laux Owners Tara K. Long
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12 day of July 2012, in the State/Comm. of Virginia, County/City of Alexandria.

My commission expires: 3/31/2016



Special Permit Statement of Justification

- A: Residential Dwelling
- B: N/A
- C: N/A
- D: N/A
- E: N/A
- F: N/A

G: The residential dwelling is a one story brick home with walk-out basement built around 1950. The proposed addition (plans for which have been attached) would add a double car garage on the basement level and great room on the upper level designed to match the existing architecture including a matching brick façade that would be harmonious with the existing structure and surrounding dwellings. The resulting gross floor area of the addition (720 ft²) will be less than 150% of the total gross floor area of the principal structure (~2500 ft²) that exists at the time of this (the first) expansion request (addition will be approximately 28% of the total gross floor plan of the principal structure). As a result, the gross floor area of the proposed addition will be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

The addition would conform to the existing height, bulk and scale of the existing structure. No trees would need to be removed to add the proposed addition and the proposed addition would not have a significant impact to adjacent properties with regard to issues of noise, light, air, safety, erosion or storm water runoff. The proposed addition will likely improve the erosion and storm water runoff that flows down the existing driveway because of the drainage that will be installed in front of the garage. The proposed addition would not have a significant impact on the environmental characteristics of the site, with only minimal grading necessary. The proposed addition is not within a floodplain or Resource Protection Area, there is no well, septic field, easement or preservation of historic resources on the site and the only existing vegetation on the site of the proposed addition is grass.

H: N/A

I: The proposed addition will conform with all applicable ordinances and regulations with the exception of intruding approximately 6 feet into the 15 foot minimum side-yard requirement (leaving a side yard of approximately 11 feet to the edge of the property. The dwelling currently does not have a garage and the driveway currently leads to and occupies the site of the proposed addition. The

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adjacent properties on both sides and across the street from the dwelling all have garages and a garage could not be added to either side of the house without a special permit because of the narrowness of the lot, nor could the garage be rotated 90° because the swing of the driveway would cause an intrusion into the minimum side yard requirement. A detached garage could not be added because of the creek that runs through the middle of the backyard of the dwelling.

David J. Laux

Date

Tara K. Long

Date

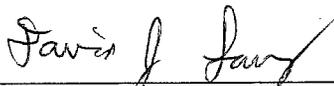
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Variance Statement of Justification Under Zoning Ordinance 18-404

8 ft Fence Along Rear Property Boundary

- 1: The subject property was legally purchased in August 2010 in good faith
- 2A: N/A
- 2B: N/A
- 2C: N/A
- 2D: N/A
- 2E: The subject property lies adjacent to Campbell & Ferrara Nursery (hereafter, "nursery property"), which lies at a significantly higher elevation than the subject property (approximately 4' higher at a distance of only 5' onto the adjacent nursery property). There is a steep increase in grade along the rear property line until the higher elevation is reached. The 8' fence actually provides the privacy equivalent of a 4' fence because of this steep grade and elevation change. At the current height, it is still easy to see into the backyard of the subject property from the nursery property.
- 2F: N/A
- 2G: At the time of this application, the nursery property (adjacent along rear property line of the subject property) is in the early stages of being developed into a residential area. Construction (as applicant best understands the situation) is slated to begin in June/July 2013. Significant development (installation of sewer lines, retention ponds, housing, paving of roads, etc.) will be necessary, which will produce noise and dust. The fence provides a minimum of protection against the noise and air pollution, which would be reduced if the fence was only 7ft in height.
- 3: The development of the nursery property is not a general or recurring occurrence since the property will not be developed again anytime in the near future.
- 4: Strict application of the ordinance would produce undue hardship by reducing the enjoyment of the backyard of the subject property due to increased noise and air pollution, in addition to the increased traffic from construction crews.
- 5: The hardship occurring on the subject property is not generally shared by other properties in the same zoning district because the subject property is the only adjacent property to the nursery property that lies at a significantly lower elevation than the nursery property. Only an adjacent property sitting at a lower elevation would need a taller than 7ft fence.

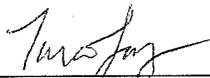
- 6A: Strict application of the Zoning Ordinance would unreasonably restrict the utilization of the subject property by reducing the enjoyment of using the backyard due to increased noise and air pollution and increased traffic from construction crews.
- 6B: Granting of a variance will reduce the amount of noise and air pollution occurring as the result of the development of the property, as well as provide additional privacy from construction crews.
- 7: Granting of the variance will not be a substantial detriment to the adjacent property because the adjacent property sits at a significantly higher elevation, so the fence appears to be only approximately 4 feet high when standing on the adjacent property.
- 8: The character of the zoning district will not be changed because the fence is set back nearly 250 feet from the road and the fence was constructed and stained to blend into the natural environment.
- 9: The variance is in harmony with the spirit and purposes of the Zoning Ordinance because it provides, in limited circumstances such as those presented in this application, for exceptions to be made when application of the Ordinance would unfairly burden a limited subset of the population effected by the Ordinance. The variance is not contrary to the public interest because the development of the nursery will provide the opportunity for additional residents to live in Fairfax County (providing additional tax revenue) and the fence allows the construction to occur in a manner that least affects the adjacent property (the subject property).



David J. Laux

5/29/13

Date



Tara K. Long

5/29/13

Date

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Zoning Evaluation Division

Special Permit Statement of Justification Under Zoning Ordinance 8-914

Proposed Addition

A: Residential Dwelling

B: N/A

C: N/A

D: N/A

E: N/A

F: N/A

G: The residential dwelling is a one story brick home with walk-out basement built around 1950. The proposed addition (plans for which have been attached) would add a double car garage on the basement level and great room on the upper level designed to match the existing architecture including a matching brick façade that would be harmonious with the existing structure and surrounding dwellings. The resulting gross floor area of the addition (720 ft²) will be less than 150% of the total gross floor area of the principal structure (~2500 ft²) that exists at the time of this (the first) expansion request (addition will be approximately 28% of the total gross floor plan of the principal structure). As a result, the gross floor area of the proposed addition will be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

The addition would conform to the existing height, bulk and scale of the existing structure. No trees would need to be removed to add the proposed addition and the proposed addition would not have a significant impact to adjacent properties with regard to issues of noise, light, air, safety, erosion or storm water runoff. The proposed addition will likely improve the erosion and storm water runoff that flows down the existing driveway because of the drainage that will be installed in front of the garage. The proposed addition would not have a significant impact on the environmental characteristics of the site, with only minimal grading necessary. The proposed addition is not within a floodplain or Resource Protection Area, there is no well, septic field, easement or preservation of historic resources on the site and the only existing vegetation on the site of the proposed addition is grass.

H: N/A

I: The proposed addition will conform with all applicable ordinances and regulations with the exception of intruding approximately 6 feet into the 15 foot minimum side-yard requirement (leaving a side yard of approximately 11 feet to

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the edge of the property. The dwelling currently does not have a garage and the driveway currently leads to and occupies the site of the proposed addition. The adjacent properties on both sides and across the street from the dwelling all have garages and a garage could not be added to either side of the house without a special permit because of the narrowness of the lot, nor could the garage be rotated 90° because the swing of the driveway would cause an intrusion into the minimum side yard requirement. A detached garage could not be added because of the creek that runs through the middle of the backyard of the dwelling.

Existing Shed

- A: The error exceeds ten (10) percent of the measurement involved because the shed is only 1.1 feet off the side yard property line and the shed should have been placed 15 feet off the side yard property line.
- B: The shed was placed in error through no fault of the current property owners (David Laux and Tara Long) because the shed was erected at some point prior to the purchase of the property in August 2010. Previously submitted plots indicate the existence of the shed prior to the purchase date. The current owners have no knowledge as to whether a permit was issued prior to construction of the shed.
- C: A reduction of the requirement will not impair the purpose and intent of the Ordinance because the shed is set back far enough from the road and located behind the single family dwelling on the property that it is barely noticeable. Furthermore, the current property owners are not aware of a single complaint being made, from neighbors or otherwise, that the placement of the shed offends the aesthetics of the neighborhood.
- D: The shed has been in existence for a number of years already (the exact number is unknown, but at least since August 2010 when the current owners purchased the property) and has not been detrimental to the use and enjoyment of other property in the immediate vicinity.
- E: The shed does not create an unsafe condition with respect to other property because there are no other dwellings or structures within 20 feet of the shed with the exception of the yard fence. The shed does not create an unsafe condition with respect to public streets because the shed is set back from the nearest public street by approximately two-hundred (200) feet.
- F: Forcing compliance with the minimum yard requirements would cause unreasonable hardship upon the owners because the shed is the sole structure available to store tools, fertilizer, lawn chemicals, a riding lawnmower, and other yard essentials. Furthermore, at the time of purchase, the current owners were unaware and were never notified that the shed was in non-compliance of local zoning ordinances.

G: The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations because the structure is not part of the single family dwelling on the property.

David J. Laux
David J. Laux

4/19/13
Date

Tara K. Long

Date

Special Permit Statement of Justification

- A: Residential Dwelling

- B: N/A

- C: N/A

- D: N/A

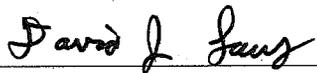
- E: N/A

- F: N/A

- G: The residential dwelling is a one story brick home with walk-out basement built around 1950. The proposed addition (plans for which have been attached) would add a double car garage on the basement level and great room on the upper level designed to match the existing architecture including a matching brick façade.

- H: N/A

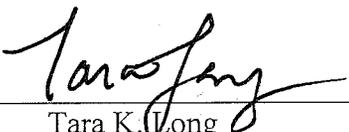
- I: The proposed addition will conform with all applicable ordinances and regulations with the exception of intruding approximately 6 feet into the 15 foot minimum side-yard requirement (leaving a side yard of approximately 11 feet to the edge of the property. The dwelling currently does not have a garage and the driveway currently leads to and occupies the site of the proposed addition. The adjacent properties on both sides and across the street from the dwelling all have garages and a garage could not be added to either side of the house without a special permit because of the narrowness of the lot. A detached garage could not be added because of the creek that runs through the middle of the backyard of the dwelling.



David J. Laux

7/12/12

Date



Tara K. Long

7/12/12

Date

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David Laux and Tara Long, the co-applicants of this special permit application, are the sole owners of the property located at 4613 Randolph Dr, Annandale VA 22003.

David J. Laux

David J. Laux

7/12/12

Date

Tara K. Long

Tara K. Long

7/12/12

Date

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8-006 General Standards

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

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

8-903 Standards For All Group 9 Uses

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

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

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

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

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

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

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

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

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

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

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.