



APPLICATIONS ACCEPTED: August 23, 2013  
BOARD OF ZONING APPEALS: November 20, 2013  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

November 13, 2013

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-MV-066  
CONCURRENT WITH VC 2013-MV-016

### MOUNT VERNON DISTRICT

**APPLICANT/OWNER:** Aimee Grinnan

**SUBDIVISION:** Bucknell Manor

**STREET ADDRESS:** 6804 Duke Drive, Alexandria, 22307

**TAX MAP REFERENCE:** 93-1((23))(5)7

**LOT SIZE:** 7,200 square feet

**ZONING DISTRICT:** R-4

**ZONING ORDINANCE PROVISIONS:** 8-922 & 18-401

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of addition 5.0 ft. from a side lot line.

**VARIANCE PROPOSAL:** To permit fence greater than 7.0 ft. in height to remain in side and rear yards.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2013-MV-066 for the addition only 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 applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

*O:\vhorner\Vairances\Grinnan VC and 50%\Grinnan Staff Report.doc*

*Rebecca Horner*

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



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.**



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

# Special Permit

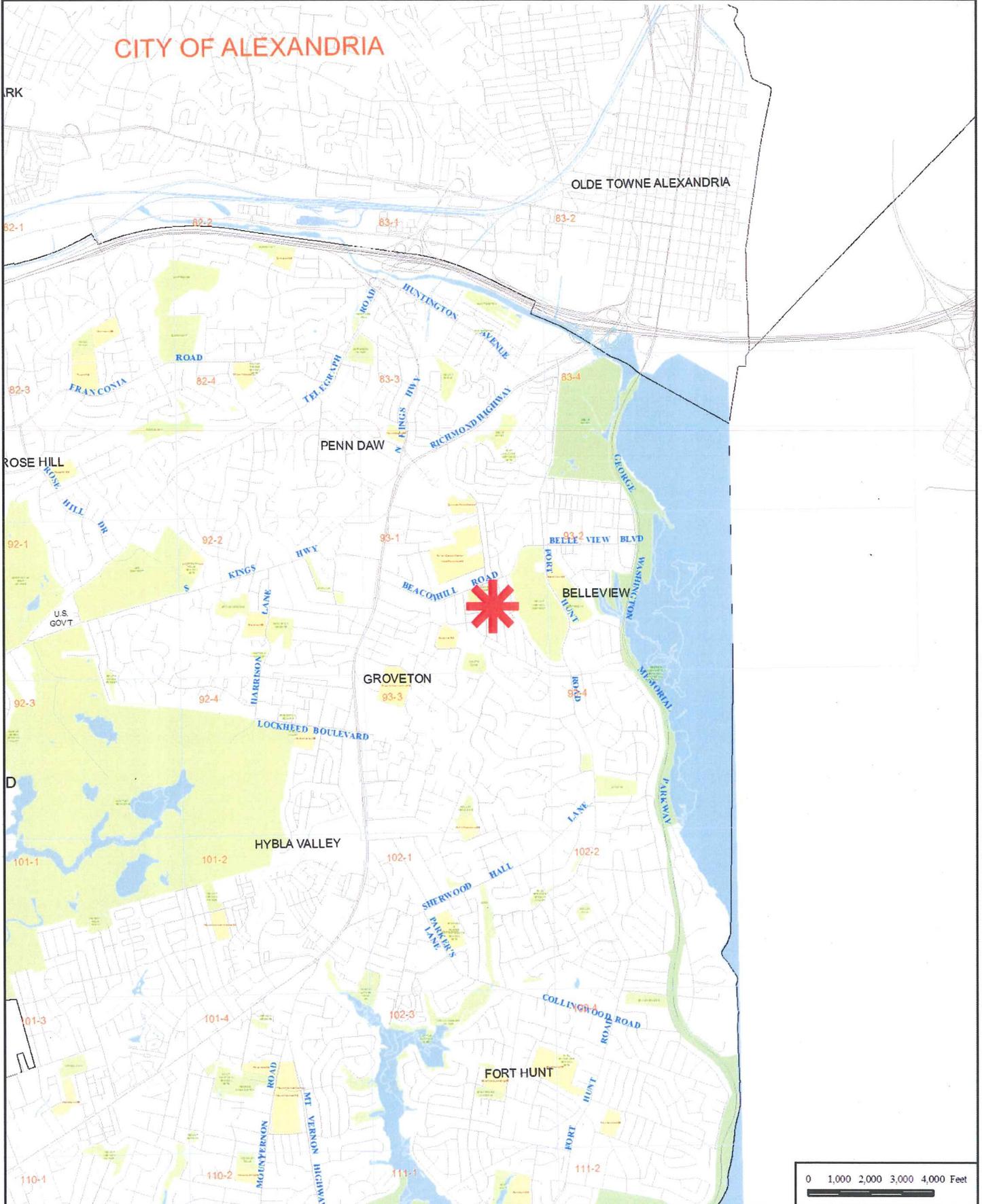
SP 2013-MV-066

AIMEE GRINNAN

# Variance Application

VC 2013-MV-016

AIMEE GRINNAN



# Special Permit

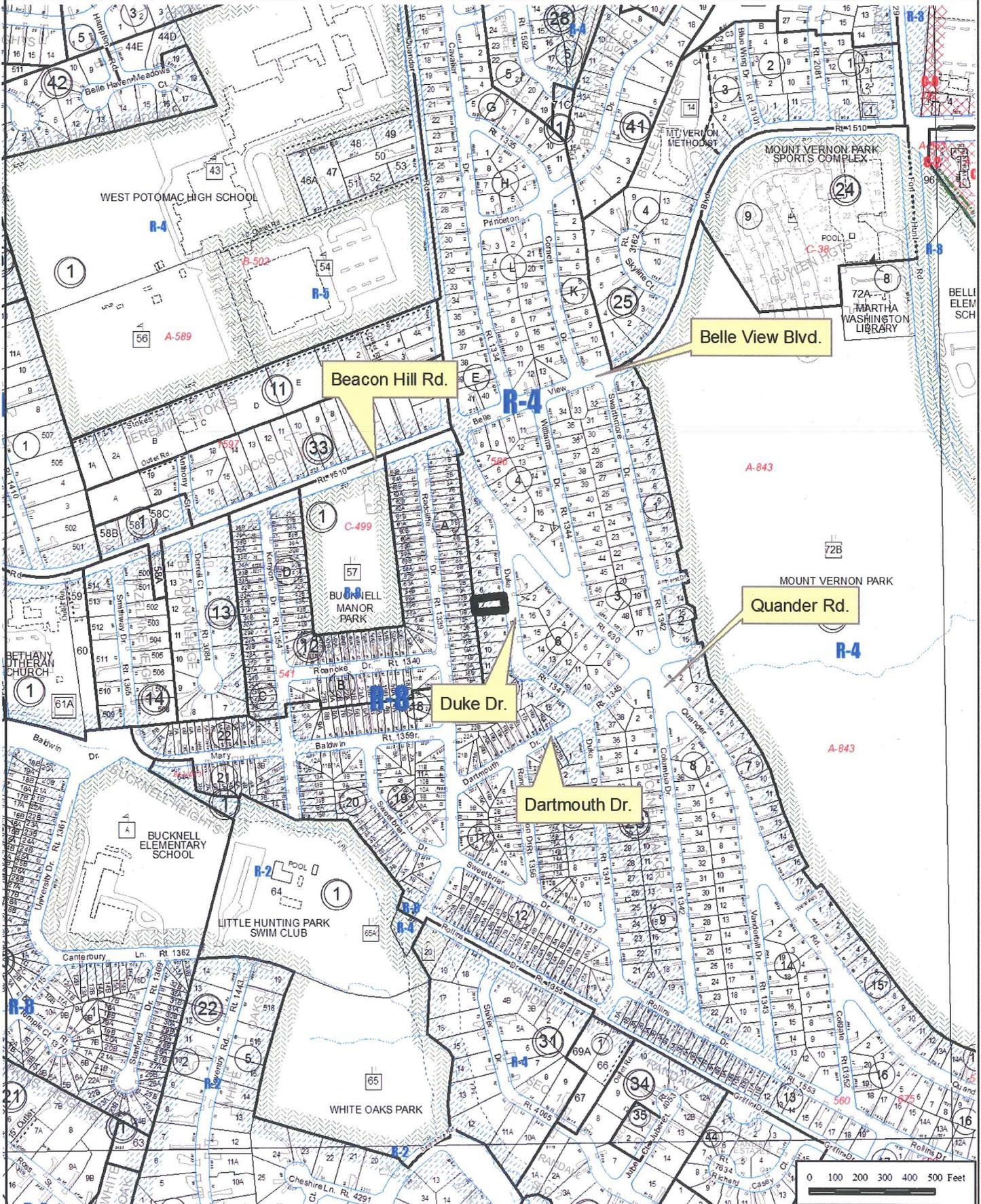
SP 2013-MV-066

AIMEE GRINNAN

# Variance Application

VC 2013-MV-016

AIMEE GRINNAN



**NOTES:**

1. TAX MAP - 093-1-23-05-0007
2. ZONED - R-4
3. LOT AREA = 7,200 S.F.
4. NO TITLE REPORT FURNISHED
5. MINIMUM YARD REQUIREMENTS  
FRONT YARD = 30'  
SIDE YARD = 10'  
REAR YARD = 25'
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER
7. NO GRAVE, OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL WAS OBSERVED DURING FIELD INSPECTION
8. THERE ARE NO EASEMENTS 25' OR GREATER IN WIDTH ON THIS LOT
9. THIS LOT IS IN AN AREA SHOWN ON FIRM COMMUNITY PANEL 315E EFFECTIVE SEPTEMBER 17, 2010 DESIGNATED AS ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
10. THERE ARE NO RPA'S ON THIS SITE

**GROSS FLOOR AREA TABULATION**

EX. HOUSE = 2,085 S.F. (3 LEVELS @ 695 S.F.)  
EX. SHED = 17 S.F.

PROP. 2-STY. ADD'N = 1,028 S.F. (2 LEVELS @ 514 S.F.)

**HEIGHTS**

HOUSE = 15'  
SHED = 6.5'  
ARBOR = 9.8'  
WOOD WALK = 0.5'  
CONCRETE WALK = 0.0'  
DECK #1 = 1.0'  
DECK #2 = 2.3'  
STOOP = 1.1'  
CHAIN LINK FENCE = 4'  
ADDITION = 16'

**SPECIAL PERMIT PLAT**  
**LOT 7**  
BLOCK 5

**BUCKNELL MANOR**

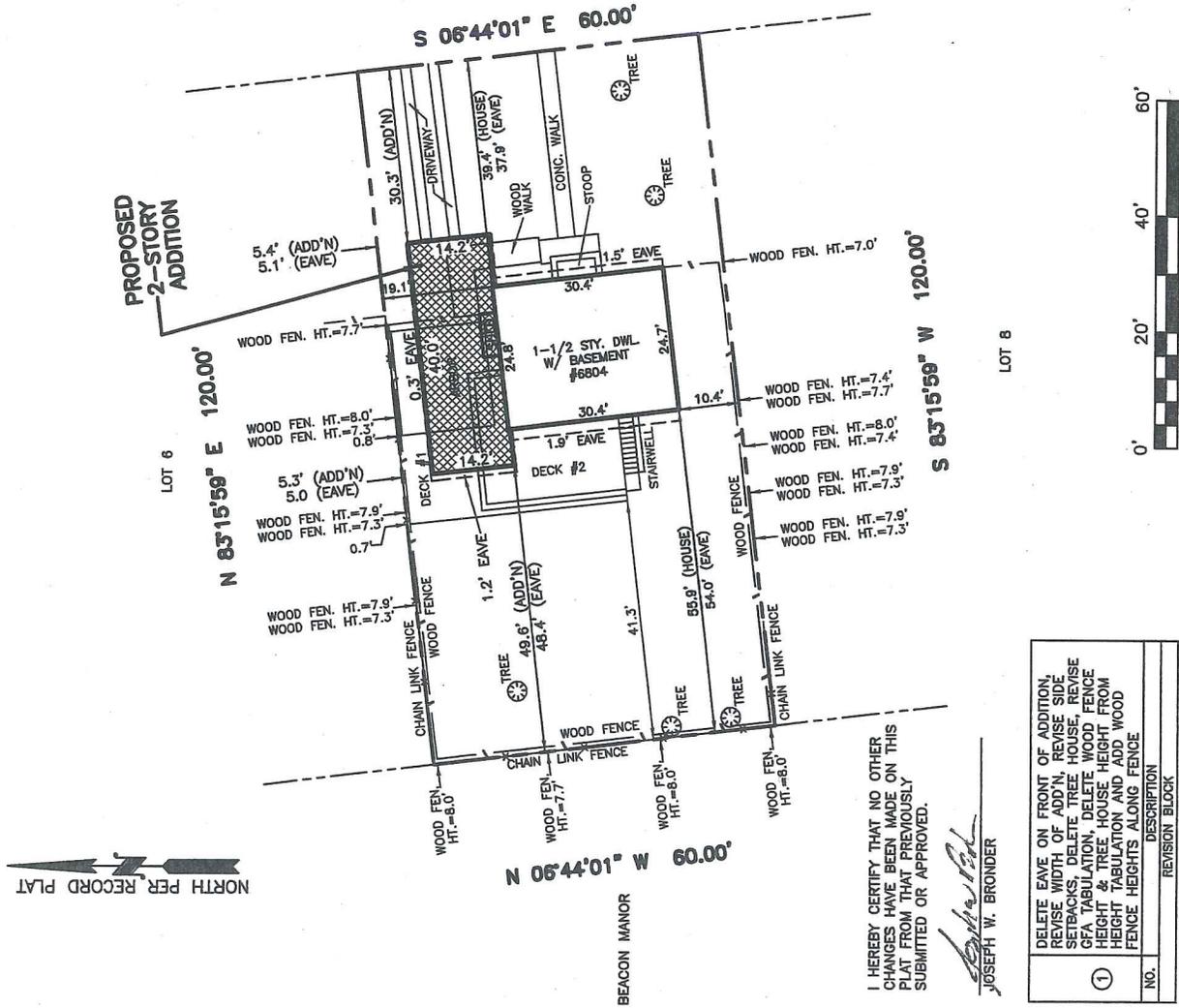
PARCEL 4, SECTION 4  
MT. VERNON DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE - 1"=20'  
JUNE 19, 2013  
**DIGULIAN ASSOCIATES, P.C.**  
LAND SURVEYORS  
7000-D NEWINGTON ROAD  
LORTON, VIRGINIA  
703-339-7449



REV. 7-19-13

SHEET 1 OF 1

**DUKE DRIVE - RTE. 1341**  
(50' WIDE)



I HEREBY CERTIFY THAT NO OTHER CHANGES HAVE BEEN MADE ON THIS PLAT FROM THAT PREVIOUSLY SUBMITTED OR APPROVED.

*Joseph W. Bronder*  
JOSEPH W. BRONDER

NO.	DESCRIPTION	REVISION BLOCK
1	DELETE EAVE ON FRONT OF ADDITION, REVISE WIDTH OF ADD'N, REVISE SIDE SETBACKS, DELETE TREE HOUSE, REVISE GFA TABULATION, DELETE WOOD FENCE HEIGHT & TREE HOUSE HEIGHT FROM HEIGHT TABULATION AND ADD WOOD FENCE HEIGHTS ALONG FENCE	

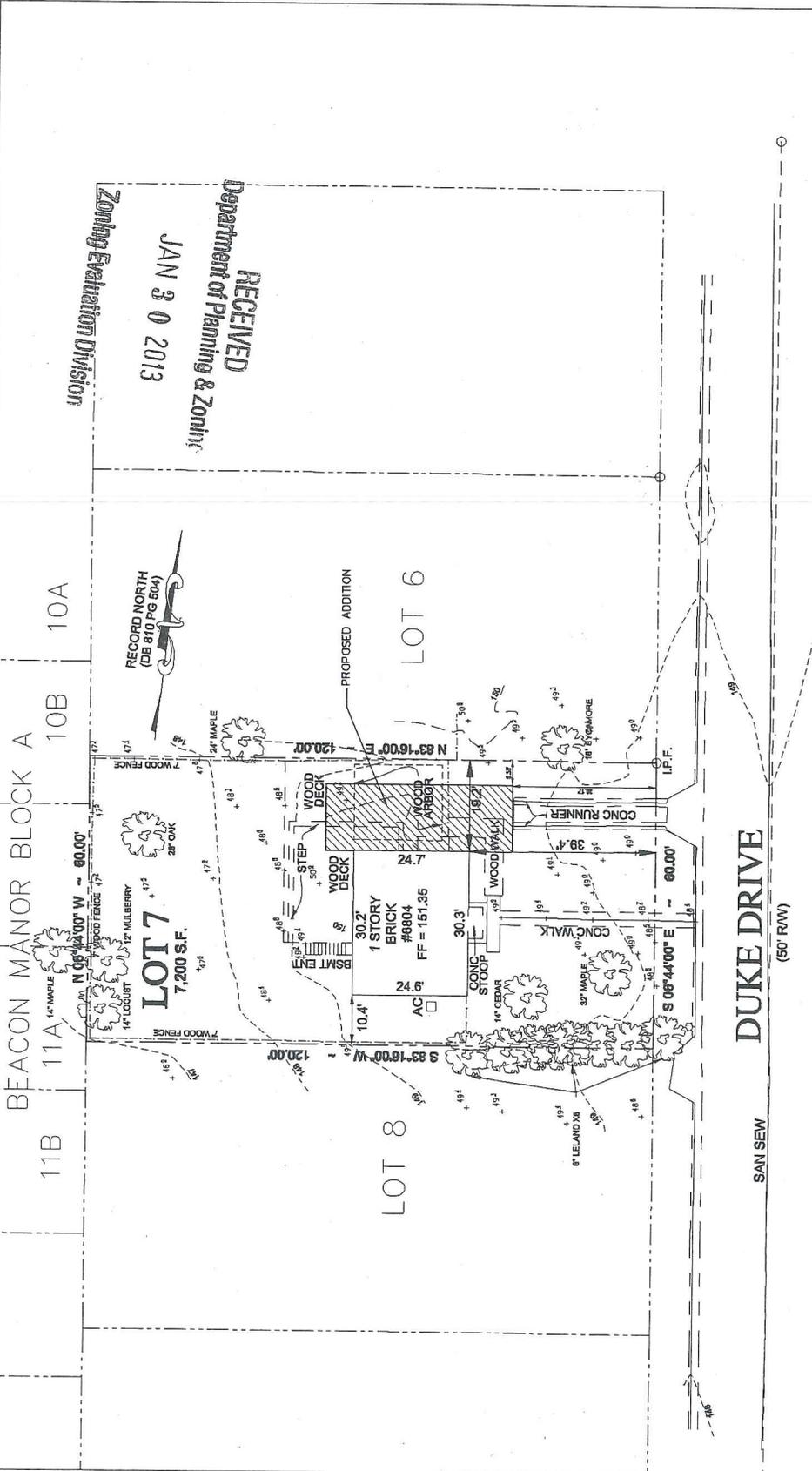


NO.	DATE	DESCRIPTION

PROPOSED  
ADDITION  
PLAN

AMBER GRINNAN RESIDENCE  
LOT 7 BLOCK 5  
6804 DUKE DRIVE  
ALEXANDRIA, VA 22307

DATE	
ISSUED BY	
PROJECT	
SCALE	1" = 10'
SHEET NO.	1 OF 2



RECEIVED  
Department of Planning & Zoning  
JAN 30 2013  
Zoning Evaluation Division

**EXISTING UTILITY NOTE**  
THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE LOCATION OF ALL EXISTING UTILITIES AND NOTING ANY DAMAGES WHICH OCCUR BY HIS FAILURE TO LOCATE OR PROTECT THEM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES WHICH ARE NOT SHOWN ON THIS PLAN. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER AND THE NEAREST AND APPROPRIATE STATE AGENCY OF ANY DAMAGE TO ANY UTILITIES OF WHICH HE HAS ADVANCE NOTICE AT THE START OF THE START OF ANY WORK ON THIS PROJECT.

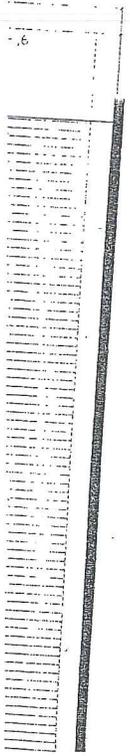
**CONSTRUCTION ENTRANCE NOTE:**  
1. IF THE CONSTRUCTION ENTRANCE LENGTH IS LESS THAN 70 FEET, THE CONTRACTOR SHALL PROVIDE A WASH RACK AND WASH VEHICLE WHEELS BEFORE ENTERING THE STREET.  
2. THE CONTRACTOR/OWNER SHALL PROVIDE SEPARATE WATER TANK/WATER HOSE TO WASH THE VEHICLE WHEELS.  
3. THE STREET SWEEPING IS REQUIRED EVERYTIME THE SEDIMENT IS TRANSPORTED TO THE PUBLIC STREET, AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF THE SWEEPING AT ALL TIMES DURING THE TIME OF THE CONSTRUCTION PERIOD.

- LEGENDS**
- AREA TO BE REMOVED
  - ROOT PRUNING TRENCH
  - WATER PROTECTION, SPEC 3.38
  - UNIT OF DISTURBANCE
  - 6" SILT FENCE, SPEC 3.03
  - GAS LINE BY OTHERS
  - WATER LINE BY OTHERS
  - WM WATER METER
  - DV
  - 6" GAS VALVE

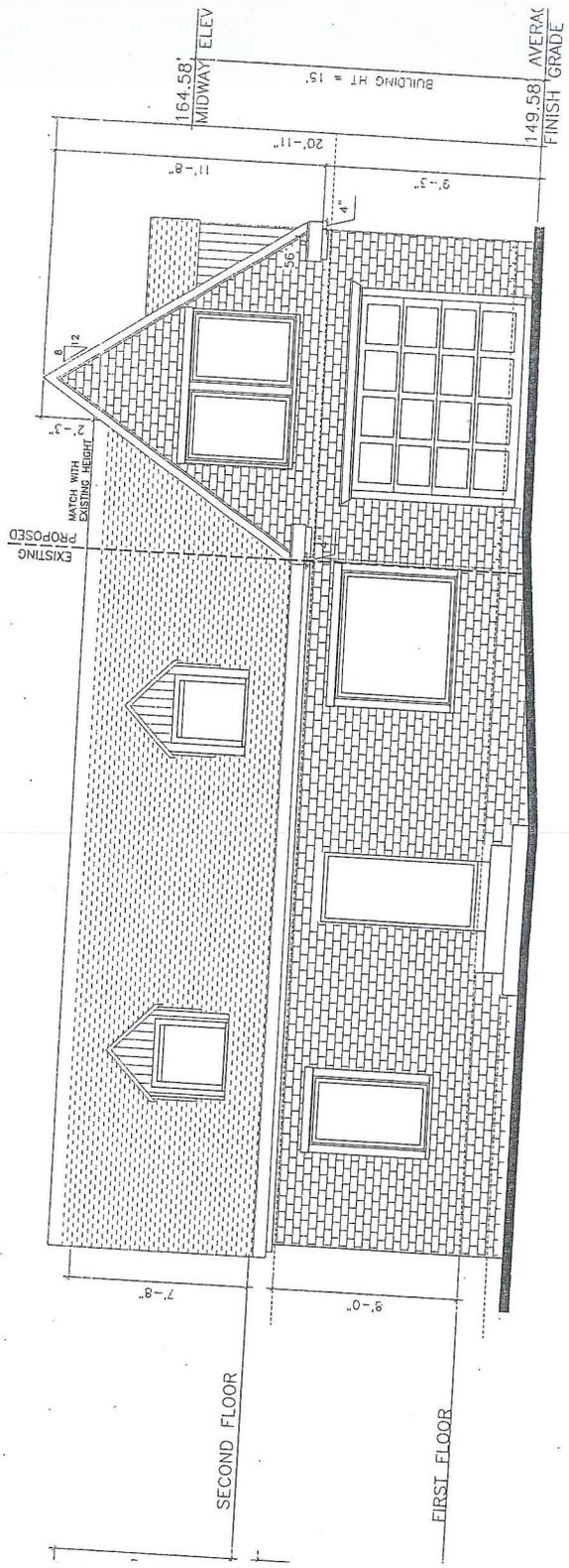
THIS TOPOGRAPHIC SURVEY HAS BEEN MADE UNDER THE DIRECT AND RESPONSIBLE SUPERVISION OF WILLARD BROS. CORPORATION, FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION. THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF THE PROFESSIONAL SURVEYING AND MAPPING ACT, AND THAT THE SURVEYING AND MAPPING STANDARDS OF THE PROFESSIONAL SURVEYING AND MAPPING ACT, AND THAT THE SURVEYING AND MAPPING STANDARDS OF THE PROFESSIONAL SURVEYING AND MAPPING ACT.

**DICKERSON SURVEY AND ARBORIST SERVICES**  
LAND SURVEYING & CONSULTING SERVICES

WILLARD BROS. CORPORATION  
Lic. No. 1558  
11/30/2013

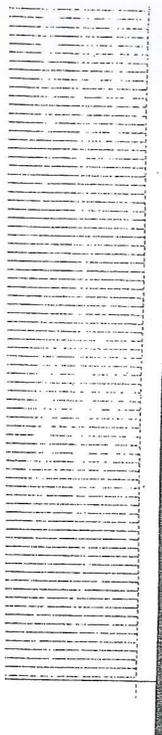


RIGHT ELEVATION  
 SCALE: 1/4" = 1'-0"



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

EAST



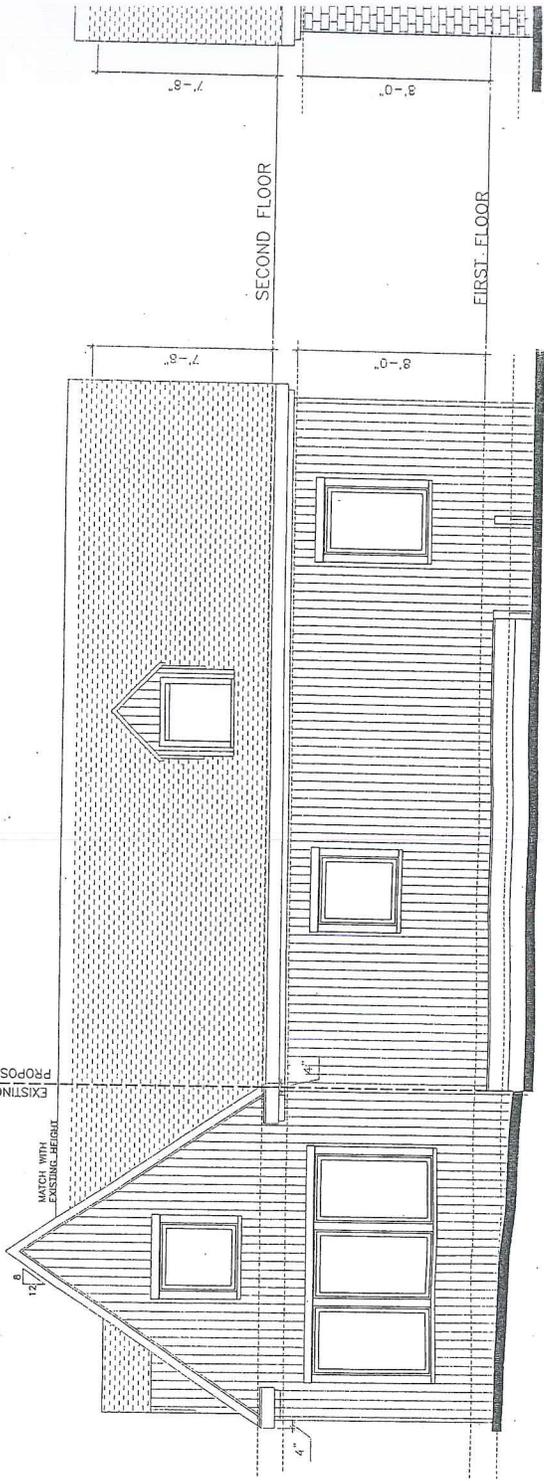
PROPOSED RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

EXISTING  
PROPOSED

MATCH WITH  
ADJACENT SHEET

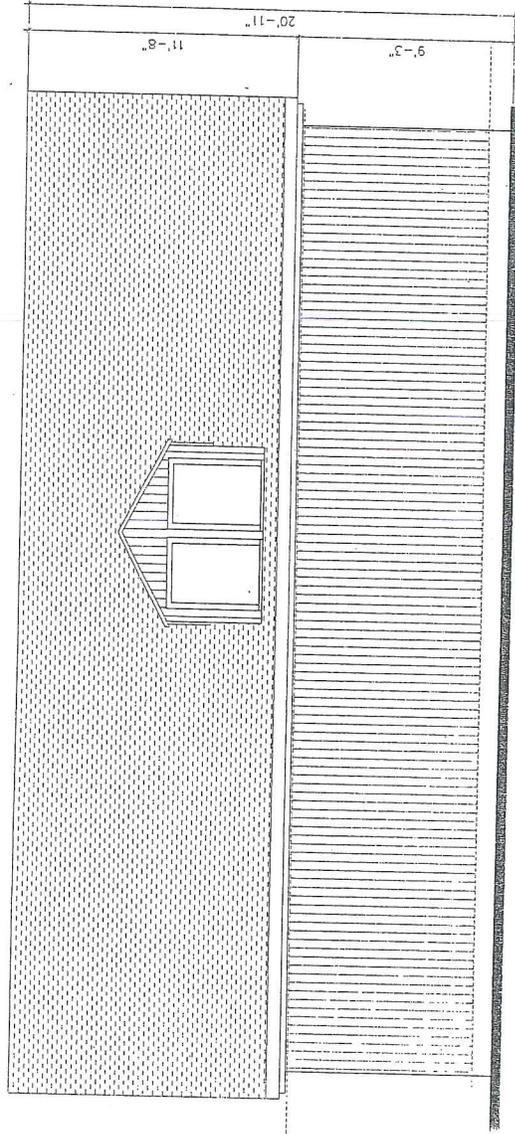
12'  
4"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

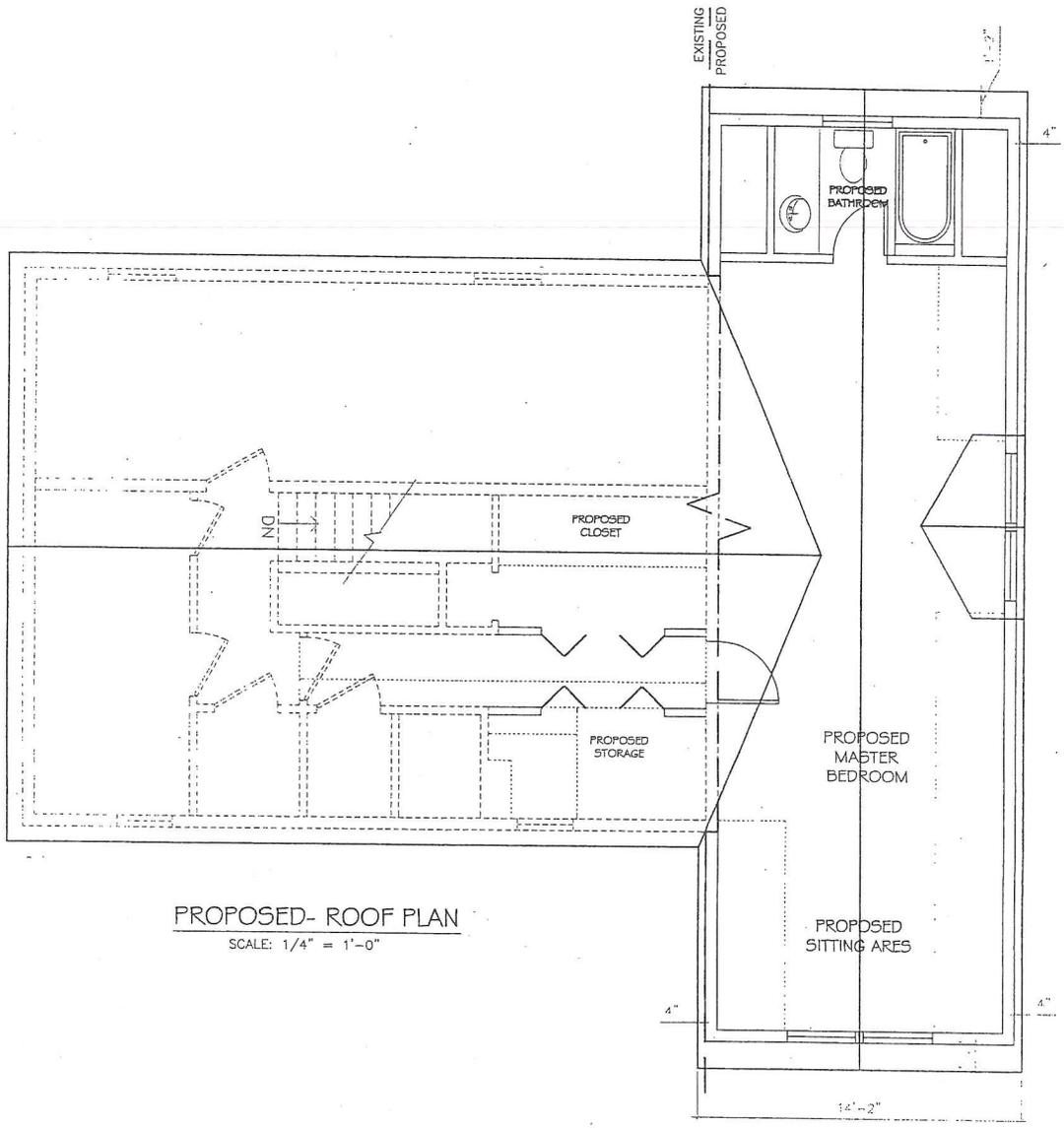
WEST



PROPOSED RIGHT ELEVATION

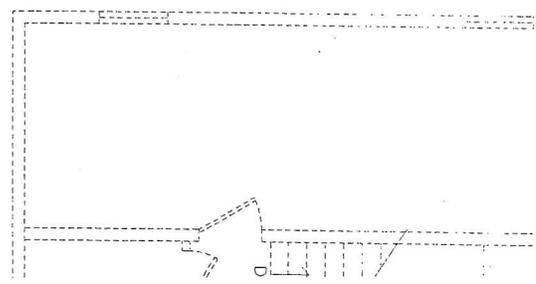
SCALE: 1/4" = 1'-0"

NORTH

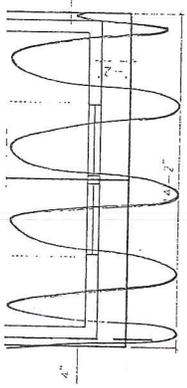


PROPOSED- ROOF PLAN

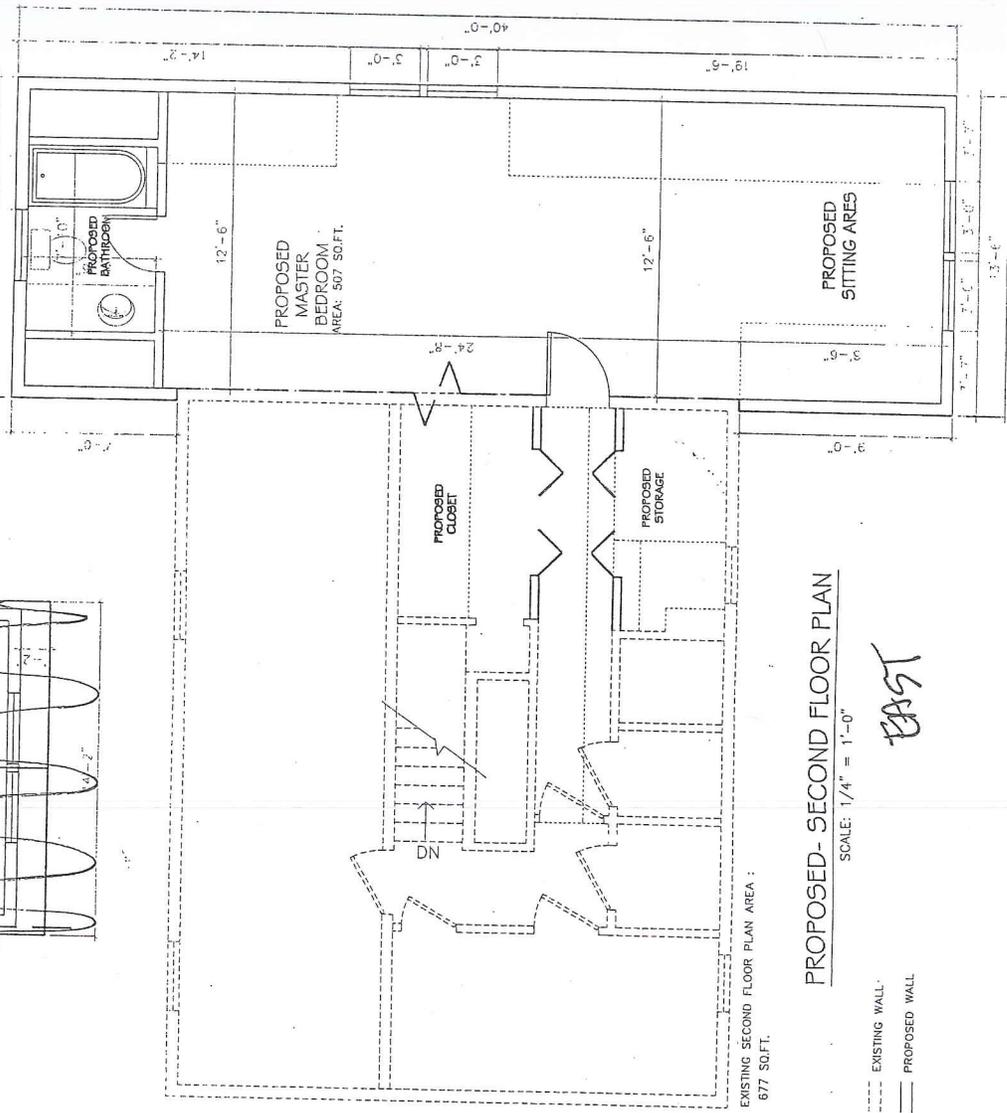
SCALE: 1/4" = 1'-0"



WEST

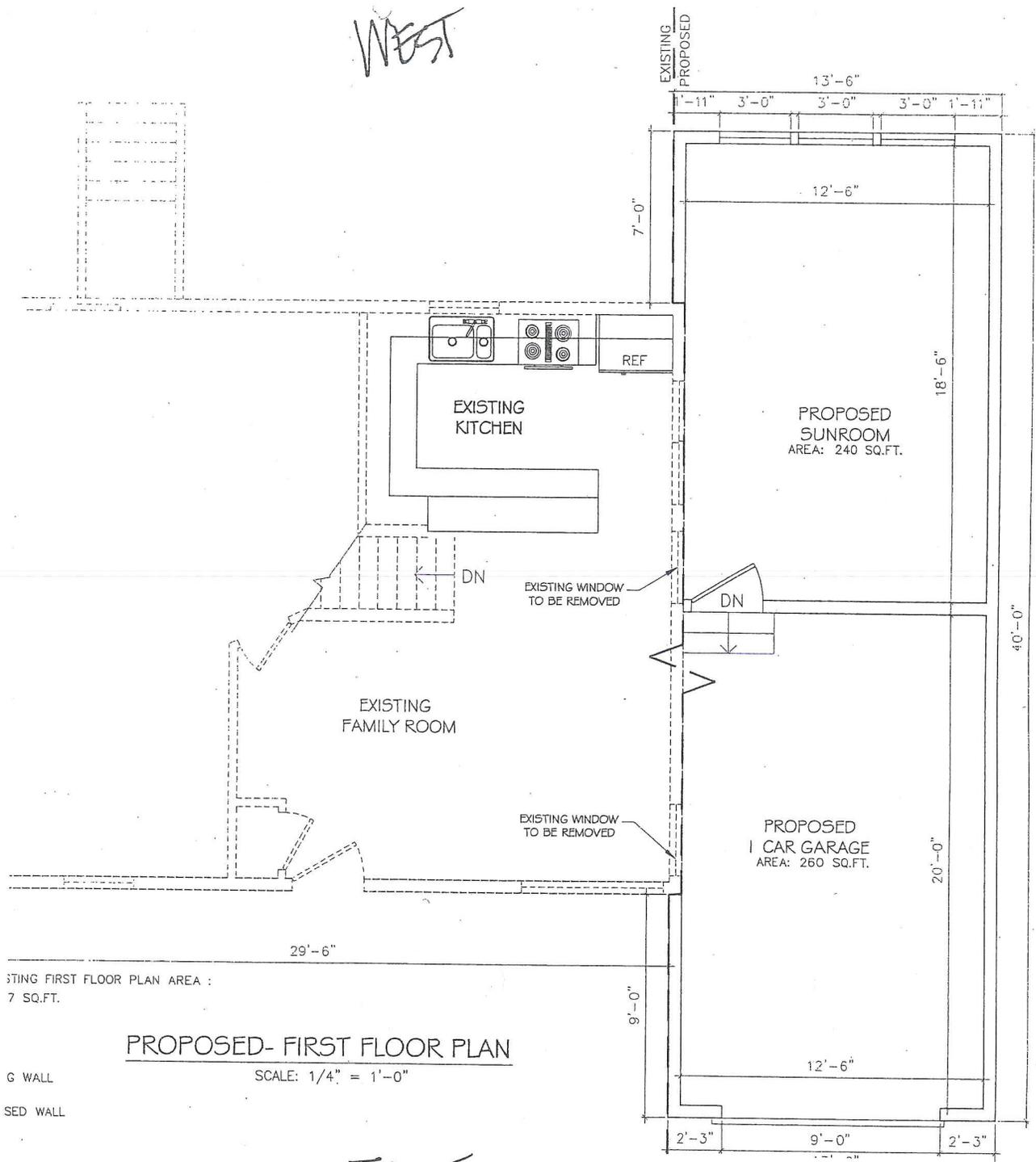


PROF  
EXE



EAST

WEST



PROPOSED- FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

EAST



NORTH NEIGHBORS YARD  
FACING SOUTHWEST



REAR YARD  
WEST SIDE  
FACING NORTH



REAR YARD

SOUTH FACING WEST



REAR YARD  
SOUTH FACING NORTH

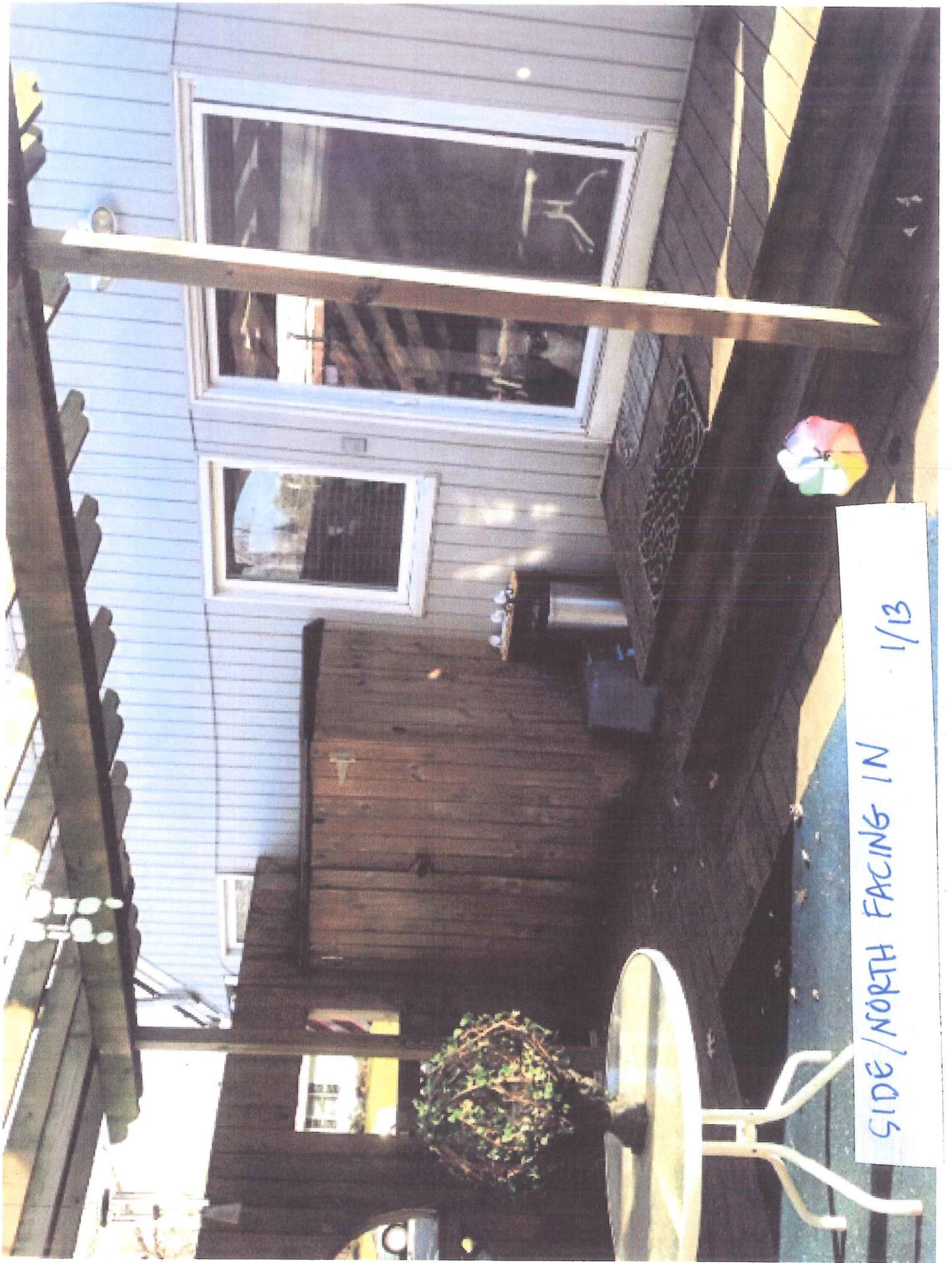


REAR YARD

NORTH FACING SOUTHWEST



NORTH SIDE - FRONT ADJACENT NEIGHBOR  
1/13



SIDE/NORTH FACING IN  
1/13



SOUTH / FRONT SIDE 1/13



SOUTH FACING NORTH  
1/13



SIDE/NORTH FACING OUT/TOWARD  
NEIGHBOR  
V13



NORTH / FRONT SIDE  
1/13



FRONT - HOUSE FACES  
EAST 1/13



SIDE/NORTH FACING OUT TOWARD NEIGHBOR  
1/13



REAR 1/13



Rear South Side - 9 FT Fence 1/13



SOUTH / FRONT SIDE  
1/13



SOUTH NEIGHBOR'S YARD  
SOUTH FACING NORTHWEST  
(APPLICANT HOUSE NOT VISIBLE  
DUE TO TREE LINE)



### **SPECIAL PERMIT REQUEST**

To permit reduction of certain yard requirements to permit construction of an addition 5.0 feet from a side lot line.

### **VARIANCE REQUEST**

To permit an existing fencing greater than 7.0 feet in height to remain in the side and rear yards.

A copy of the plat titled "Special Permit Plat, Lot 7, Block 5, Bucknell Manor" prepared by Joseph W. Bronder, Land Surveyor, of Digiulian Associates, P.C., dated July 19, 2013, as revised through July 22, 2013, is included in the front of the staff report.

A more detailed description of the requests is included on Page 3.

### **CHARACTER OF THE SITE AND SURROUNDING AREA**

As depicted in the picture on the following page, the subject parcel and surrounding properties are within the Bucknell Subdivision and are developed with single family detached dwellings, zoned R-4 and R-8. The application property is a standard lot with frontage on Duke Drive. The dwelling is a 1/2 -story, brick and aluminum with 2,085 square feet of above grade living area.

The existing dwelling contains an attached deck extending west off the rear of the dwelling. Access to the lot is provided via a hard surfaced driveway from Duke Drive terminating at a patio and trellis on the north side of the dwelling. A concrete walk extends from the street to the front door of the dwelling. Wood fencing, ranging in height from 7.0 feet to 8.0 feet attaches to the dwelling and extends along the side and rear lot lines, enclosing the rear yard.

The lot contains several mature trees, as depicted on the existing vegetation map included at the front of the report. An 18" Sycamore tree and a 24" Maple are located on the property to the north, very close to the northern side lot line of the subject parcel. The topography of the parcel is fairly flat.



A tree-house structure was formerly located in the backyard, as shown in the attached pictures, but was later removed by the applicant.

## BACKGROUND

The existing dwelling was constructed in 1950. Staff did not find records for the trellis or attached deck. The applicant purchased the property in 2012, as it exists today.

The applicant decided to request a special permit for an addition and, through the acceptance process, was found to have fences in excess of the permitted height.

A copy of information outlining similar special permit and variance requests is included as Appendix 4.

**DESCRIPTION OF THE APPLICATIONS**

**Special Permit**

The applicant is requesting approval of a reduction of certain yard requirements to permit the construction of a two-story addition 5.0 feet from the northern side lot line. The first floor of the addition will contain a one-car garage and a sunroom. The second floor will a bedroom with sitting and bathrooms attached. The addition is proposed to be 14.2 feet wide and 40 feet long and 16 feet tall. An existing arbor and deck is proposed to be removed to accommodate the addition.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
<b>Special Permit</b>	<b>Addition</b>	Side	10.0 feet	5.0 feet	5.0 feet	50.0%

\* According to Sect. 3-407.

**Variance**

The applicant is also requesting approval of a variance is permit a fence, ranging in height from 7.3 feet to 8.0 feet to remain in the side and rear yards of the property. A maximum fence height of 7.0 feet is permitted.

**ANALYSIS**

**Comprehensive Plan Provisions**

Plan Area: Area IV, Mount Vernon Planning District  
 Planning Sector: Groveton Community Planning Sector  
 Plan Map: Residential 3-4 d.u./acre

**Zoning Ordinance Requirements**

Applicable bulk regulations and additional location regulations are set forth above.

The application must meet all of the following standards, copies of which are attached as Appendix 7.

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

- Sect. 18-401 Required Standards for Variances

### **Urban Forest Management Memorandum (See Appendix 6)**

**Issue:** The Urban Forest Management Division indicated a 20-inch diameter sycamore is located off-site in close proximity to the front portion of the proposed two-story addition. The forester indicated the tree is in good condition and both the roots and canopy will be impacted by construction of this site.

**Resolution:** The forester recommends the addition be adjusted to decrease the impact to the existing tree. If the footprint cannot be adjusted, then an alternative foundation footing system should be considered to reduce construction impact to the roots. A pier and grade beam on the front portion of the foundation would significantly reduce the loss of tree roots. The applicant has not agreed to this resolution. A development condition is included to address this issue.

**Issue:** Even with adjustments to the footprint of the proposed addition and/or the use of new foundation systems there will be construction impacts to the off-site tree from other construction activities, such as the use of heavy equipment and the storage of building materials.

**Resolution:** The applicant should consult with a certified arborist or a registered consulting arborist on specific methods to further reduce construction impacts. Such methods may include the use of a supersonic air tool to locate and avoid large structural roots, tying back limbs so materials may be lifted onto the building without damaging the limbs. Further, provide a tree preservation narrative describing the specific activities that will be implemented to improve the survivability of the tree. The applicant has not agreed to this resolution. A development condition is included to address this issue.

### **Sect. 8-006 General Special Permit Standards**

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

*General Standard 3* requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *The general character of the neighborhood is residential. The applicant proposes to build the addition at the side of the home abutting a large mature tree and adjacent to an existing dwelling. The off-site tree will be impacted by the proposed addition. Staff recommends the addition be adjusted, or as an alternative, utilize construction methods to reduce impacts to the roots. The addition has an upper-level master bedroom living space with a window facing into the northern neighbors property. Staff recommends the*

*window glazing be translucent; treated in a way that does not reduce the privacy of the northern neighbor. With development conditions, the addition will be harmonious with the existing dwelling and neighborhood.*

### **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 existing accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. *Staff believes that, with development conditions, the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.*

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. According to the stamped drawings provided by the engineer, the existing dwelling has 2,085 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 3,127.5 square feet square feet in size for a possible total building size of 5,212.5 square feet above-grade living area. The proposed addition is approximately 1,028 square feet in area, thereby realizing a total house size of 3,113 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 be compatible with the existing structure. The addition will be sided, and the roof will be shingled to match the existing dwelling. The addition is clearly subordinate in bulk and scale to the principal dwelling. The proposed addition will create 2' 3" increase in additional height to the overall existing structure. Staff believes this is a minor difference and still in harmony with the existing structure. Staff believes 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. It appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains residential homes, some with additions off the side of the dwellings, though no special permits were found for these additions. The proposed exterior building materials are consistent with the on-site*

*dwelling and compatible with those in the neighborhood. The addition will impact one off-site tree. Staff believes with the adoption of the proposed development conditions, 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. There is no RPA on the property. The addition adds minimal impervious area because the addition is in the area of an existing patio and trellis. The side lot of the subject parcel abuts the side of another lot which contain several trees, one of which is close to the proposed addition. There is approximately 15 feet separation between the side of the adjacent dwellings and the proposed addition. The area has been used by the applicant; however the addition of floor area above the first level, within the side yard, may reduce the privacy of the neighbor. Due to this, staff recommends translucent glazing for the proposed window within the dormer located on the second level. With a development condition, staff believes this standard is met.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The proposed addition is in an area without existing trees, however a large mature off-site tree has canopy and roots within the construction zone of the proposed addition. The area of the addition is off the side of the existing dwelling into the side lot of the property. The abutting property to the north is very near the proposed addition. There is approximately 15 feet of separation between the proposed addition and the adjacent property. It appears there will be adverse impact to the large sycamore tree, therefore, staff believes that the adoption of proposed development conditions is critical for the application to meet this provision.*

### **Summary of Zoning Ordinance Provisions**

This special permit and variance are subject to Sects. 8-006, 8-903, 8-922 and 18-401 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSION**

If it is the intent of the BZA to approve this application, staff suggests the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 and Appendix 2 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.

## **RECOMMENDATION**

Staff recommends approval of SP 2013-MV-066 for the addition, only with the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

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

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

## **APPENDICES**

1. Proposed Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicants Affidavits
4. Applicants Statement of Justification
5. Similar Case History
6. Urban Forest Management Division Comments
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2013-MV-066****November 13, 2013**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-MV-066 located at 6804 Duke Drive, Tax Map 93-1((23))(5)7 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is granted only for the purposes, structures and/or uses indicated on the plat "Special Permit Plat, Lot 7, Block 5, Bucknell Manor" prepared by Joseph W. Bronder, Land Surveyor, of Digiulian Associates, P.C., dated July 19, 2013, as revised through July 22, 2013, and approved with this application, as qualified by these development conditions.
3. The footprint of the addition shall be reduced or the addition shall be moved westward if possible to decrease the impact to the roots and limbs of off-site trees. If the footprint cannot be adjusted, then an alternative foundation footing system, such as a pier and grade beam on the front portion of the foundation shall be used to reduce the loss of tree roots.
4. The applicant shall retain a certified arborist or a registered consulting arborist to determine and implement methods to reduce construction impacts to adjacent off-site trees. Such methods may include the use of a supersonic air tool to locate and avoid large structural roots and properly tying back limbs so materials may be lifted onto the building without damaging the trees.
5. Prior to commencement of and during the entire construction process, the applicant shall designate the area along the northern property boundary as a tree save area to protect existing off-site vegetation and shall install tree protection fencing along the northern property line to protect the vegetation in this area from construction activities. The protective fencing shall remain intact during the entire construction process and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that inappropriate activity such as the storage of construction equipment does not occur in this area.

6. The proposed window glazing shown on the north elevation of the upper-level of the addition shall be translucent so that the property owner to the north retains privacy.
7. 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 (2,085 square feet existing + 3,127.5 square feet (150%) = 5,212.5 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.
8. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions, with the qualifications set forth in condition #3 above.

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 the use has been established as noted above. The Board of Zoning Appeals may grant additional time to establish the use 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.

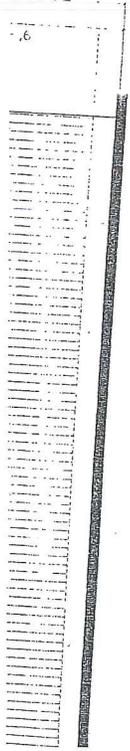
**PROPOSED DEVELOPMENT CONDITIONS**

**VC 2013-MV-016**

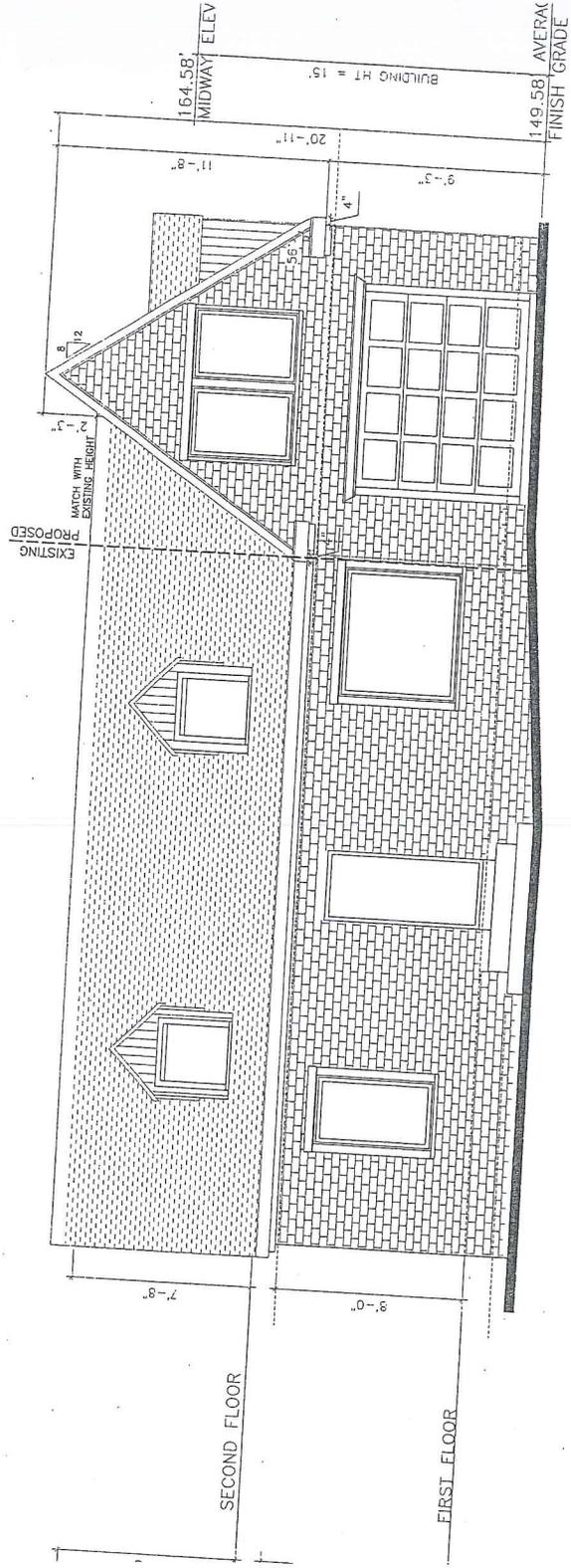
**November 13, 2013**

1. This variance is approved for the fencing in excess of 7.0 feet in height in the side and rear yards of the property as shown on the plat "Special Permit Plat, Lot 7, Block 5, Bucknell Manor" prepared by Joseph W. Bronder, Land Surveyor, of Digiulian Associates, P.C., dated July 19, 2013, as revised through July 22, 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 including requirements for building permits.



RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"



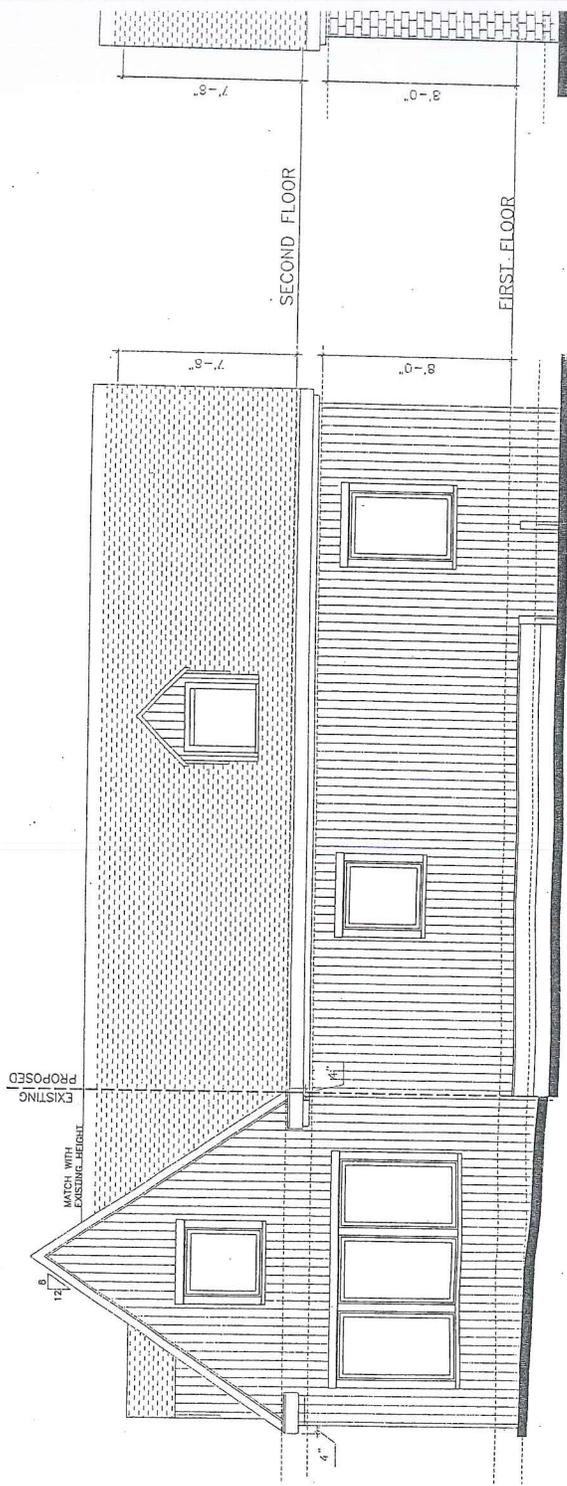
FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

EAST



PROPOSED RIGHT ELEVATION

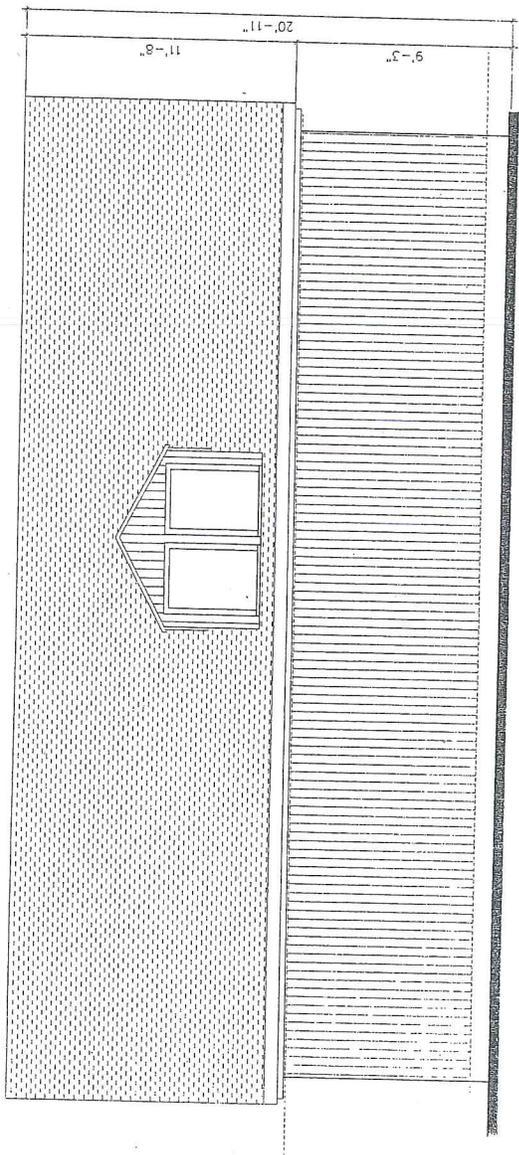
SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

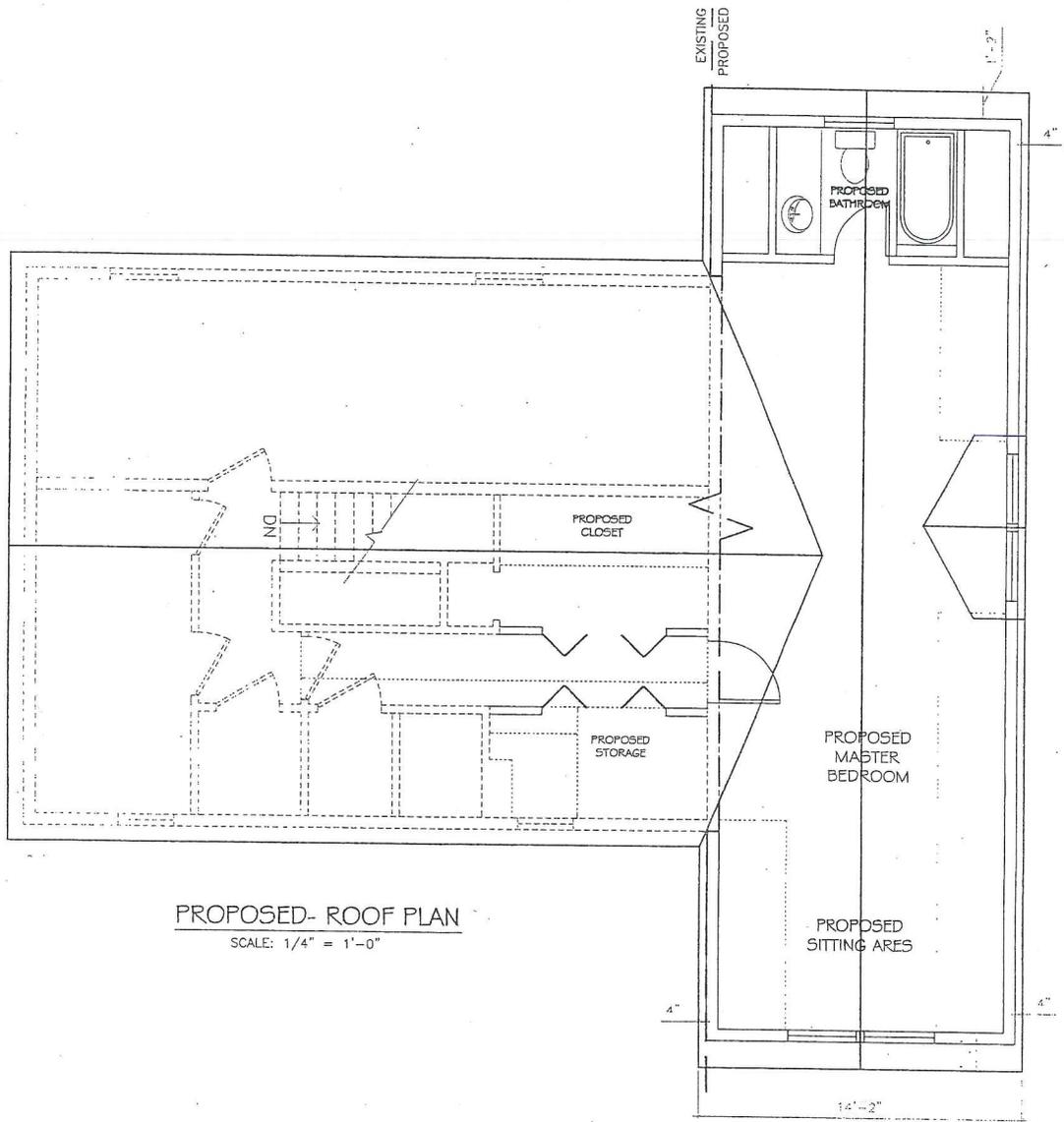
WEST



PROPOSED RIGHT ELEVATION

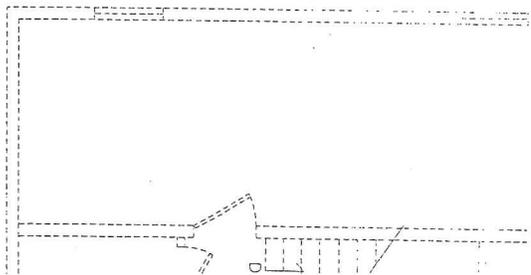
SCALE: 1/4" = 1'-0"

NORTH

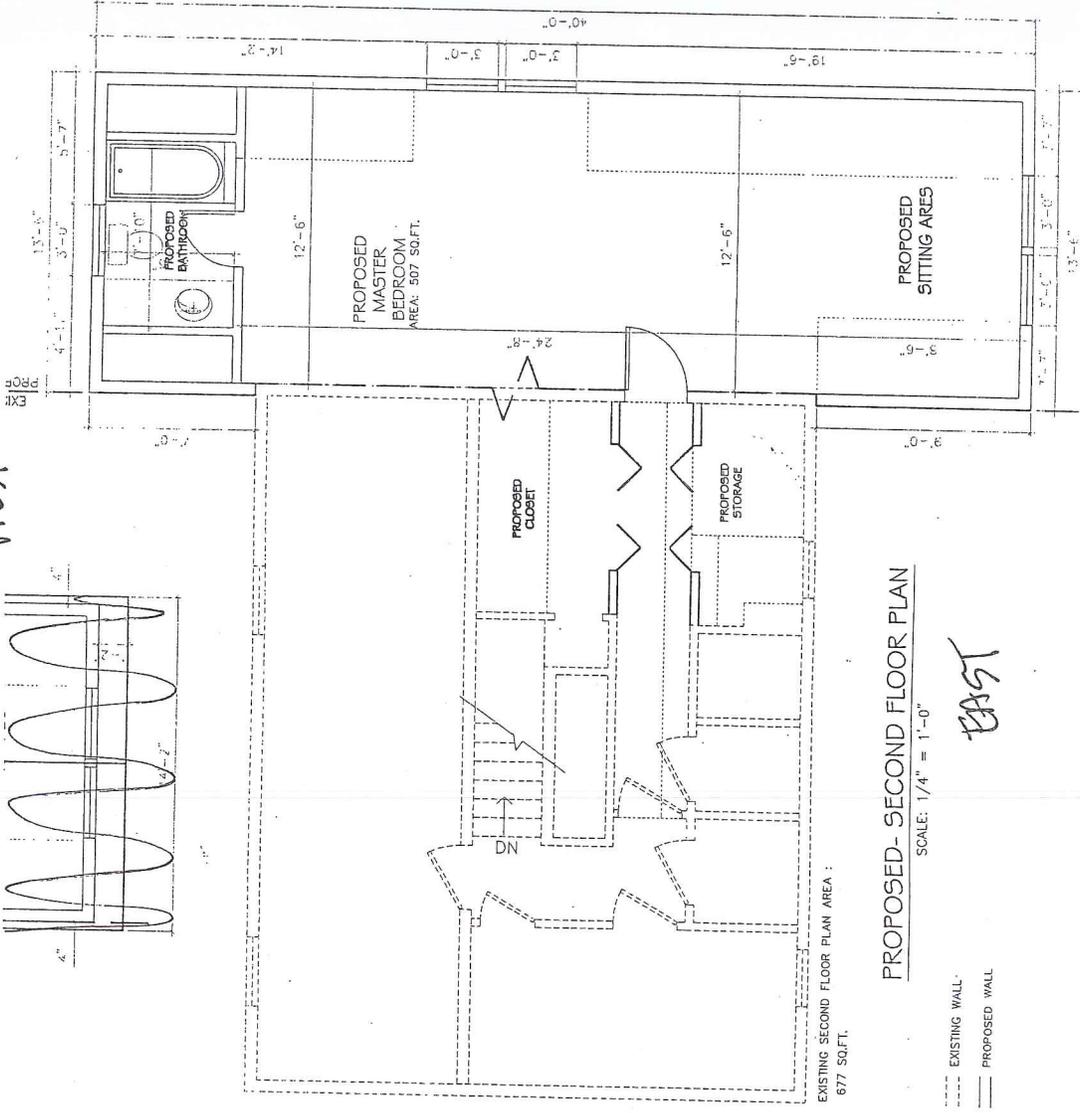
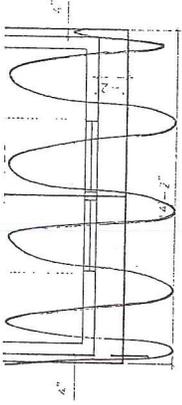


PROPOSED- ROOF PLAN

SCALE: 1/4" = 1'-0"



West



EXISTING SECOND FLOOR PLAN AREA :  
677 SQ.FT.

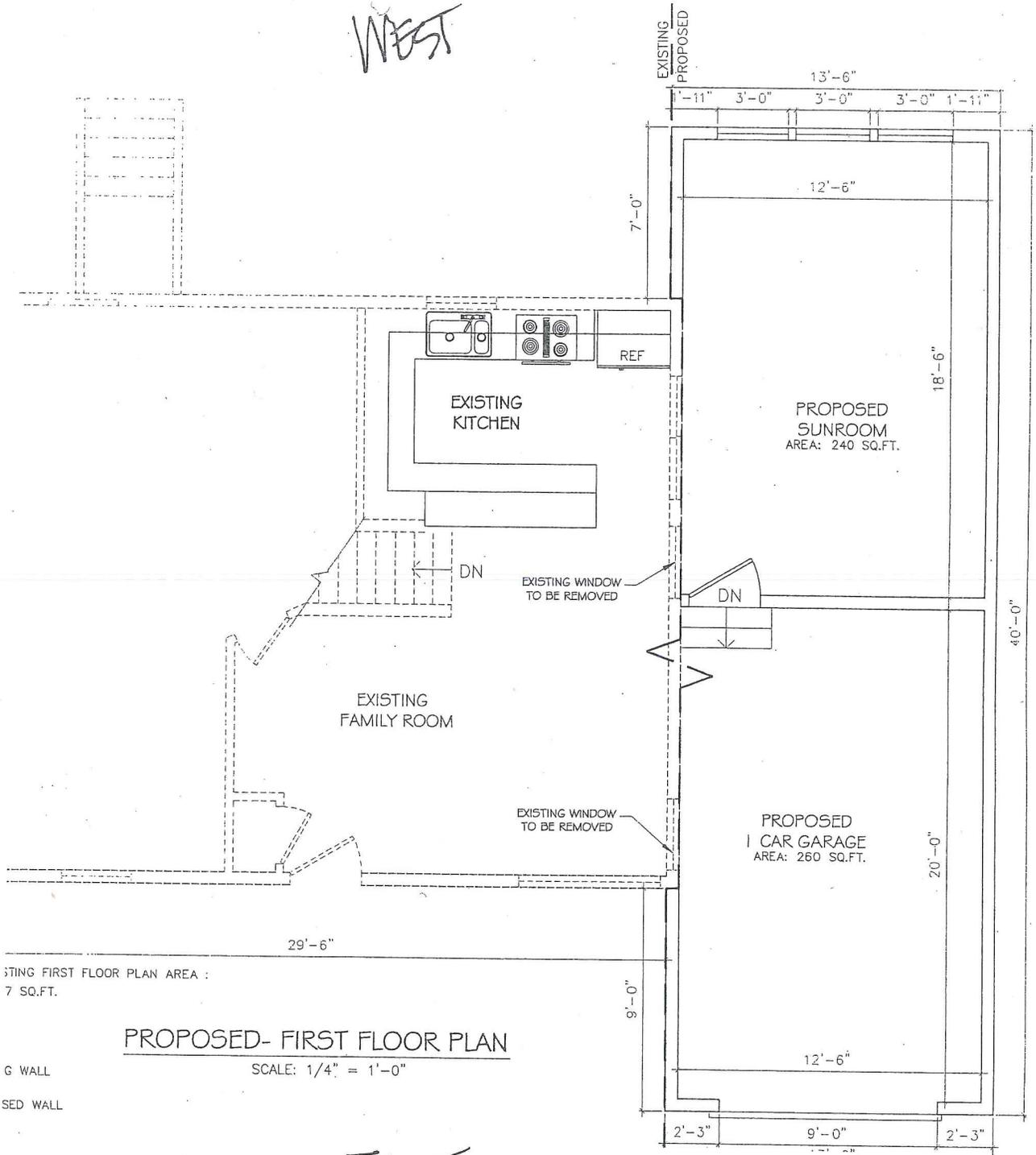
### PROPOSED- SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

- EXISTING WALL
- PROPOSED WALL

East

WEST



EXISTING FIRST FLOOR PLAN AREA :  
777 SQ.FT.

PROPOSED- FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

SOLID WALL

DASHED WALL

EAST

**PROPOSED DEVELOPMENT CONDITIONS**

**VC 2013-MV-016**

**November 13, 2013**

1. This variance is approved for the fencing in excess of 7.0 feet in height in the side and rear yards of the property as shown on the plat "Special Permit Plat, Lot 7, Block 5, Bucknell Manor" prepared by Joseph W. Bronder, Land Surveyor, of Digiulian Associates, P.C., dated July 19, 2013, as revised through July 22, 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 including requirements for building permits.

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 30, 2013  
(enter date affidavit is notarized)

I, Aimee M. Grinnan, 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

119644

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Aimee M. Grinnan	6804 Duke Dr. Alexandria VA 22307	Title Owner Agent/Project Planner

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 30, 2013  
(enter date affidavit is notarized)

119644

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)

**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)

N/A

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 30, 2013  
(enter date affidavit is notarized)

119644

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**)

N/A

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 30, 2013  
(enter date affidavit is notarized)

119644

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:

N/A

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 amg 2/14/13

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: January 30, 2013  
(enter date affidavit is notarized)

119644

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 any 2/14/13

(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)

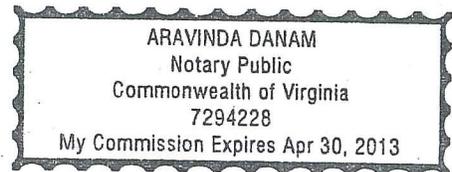
[Signature]  
 Applicant [ ] Applicant's Authorized Agent

Aimee M. GRINNAN  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30 day of January 2013, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]  
Notary Public

My commission expires: April 30, 2013



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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/20/13  
(enter date affidavit is notarized)

I, C. NEALE HERGEWARTHER, 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

121909

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
---	--	---

AIMEE M. GRIMMAN	6804 DUKE DR ALEX, VA, 22307	<del>AGENT OWNER</del> <b>APPLICANT</b>
------------------	---------------------------------	--

C. NEALE HERGEWARTHER	7310 ORIOLE AVE. SPRINGFIELD, VA. 22150	<b>AGENT</b>
-----------------------	--	--------------

C. NEALE HERGEWARTHER	7310 ORIOLE AVE. SPRINGFIELD, VA. 22150	<b>AGENT</b>
-----------------------	--	--------------

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/20/13  
(enter date affidavit is notarized)

121909

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

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

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

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

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

NONE

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/20/13  
(enter date affidavit is notarized)

121909

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:

[Signature]

(check one)

Applicant

Applicant's Authorized Agent

C. NEALE KORSBORN  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of August, 2013, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]  
Notary Public

My commission expires: April 30, 2014



AUG 06 2013

Zoning Evaluation Division

6804 Duke Dr.  
Alexandria, VA 22307  
703-655-6343  
Agrinnan67@yahoo.com

**Statement of Justification  
Fence Variance  
July 2013**

The applicant, Aimee Grinnan purchased the above property on August 6, 2012. Realizing that many of the surrounding homes had substantial garages and/or additions, Ms. Grinnan contacted the County and was informed that a special permit would be necessary to accomplish a similar addition. In addition during the Special Permit process, Miss Grinnan was informed that the existing 8' privacy fence was in violation of the County Zoning Ordinance and that a variance would be needed.

Built in 1950's, and well before the current Fairfax County Zoning Ordinance was adopted, the house has a 39.4' set back to the front (east); a 56' set back to the rear, (west); A 19.2' set back to the right side (north); a 10.4' set back to the left side (south). In addition, there is a wooden privacy fence surrounding the backyard built by a previous owner. The lot in question is 60' wide and has a total of 7,200 sq. Ft. Current Fairfax County Zoning Ordinance 3-54 Part 4 3-400 R-4 Residential District, Four Dwelling Units/Acre 3-406 Lot Size Requirements, for conventional subdivisions states: Minimum Lot Width 70' Average Lot Area 8,800 sq. Ft; with Minimum Lot Area of 8,400 sq. Ft.

**Written Description and Supplemental Justification:**

The Following Justification presented for consideration is in accordance with BZA Section 18-404 of the Zoning Ordinance.

1. The Subject property previously listed was acquired in good faith, August 6, 2012 and at the time the non-compliance was not noted or established by the seller or buyer.
2. The Subject property has the following characteristics that occurred prior to the effective date of the zoning ordinance.

- a. Exceptional narrowness at the time of the effective date of the ordinance; The lot in question is 60' wide and current Fairfax County Zoning Ordinance 3-54 Part 4 3-400 R-4 Residential District, Four Dwelling Units/Acre 3-406 Lot Size Requirements, for conventional subdivisions states: Minimum Lot Width 70'
  - b. Exceptional size at the time of the effective date of the ordinance: The lot in question has a total of 7,200 sq. Ft. Current Fairfax County Zoning Ordinance 3-54 Part 4 3-400 R-4 Residential District, Four Dwelling Units/Acre 3-406 Lot Size Requirements, for conventional subdivisions states: Lot Area 8,800 sq. Ft; with Minimum Lot Area of 8,400 sq. Ft.
3. Because the lot is exceptionally narrow and has 1,200 sq. ft. less than the minimum defined in the ordinance; the height of the existing privacy fence is not of so general or recurring in 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. Strict application of the zoning ordinance would produce undue hardship for the property owner as well as the owners of all adjacent properties as any alterations, modifications or the complete removal of the fence would have an adverse impact on all established landscaping at both sides as well as a large financial impact to the owner for landscape replacement and maintenance
5. With the exception of the adjacent properties and the subject property the undue hardship described above is not shared generally by other properties in the same zoning district and the same vicinity
6. Granting of this Variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant. The need for modifications or replacement of the fence as well as the need to re-landscape all areas adjacent to the fence creates such a condition.
7. Authorization of a variance will not be of substantial detriment to adjacent properties; in that it will protect established landscaping
8. Granting of this variance will not change the character of the zoning district
9. Granting the variance will be harmony with the intended spirit and purposes of this ordinance and will not be contrary to the public interest.

6804 Duke Dr.  
Alexandria, VA 22307  
703-655-6343  
[Agrinnan67@yahoo.com](mailto:Agrinnan67@yahoo.com)

RECEIVED  
Department of Planning & Zoning  
JUL 24 2013  
Zoning Evaluation Division

**Revised**  
**Statement of Justification**  
**Special Permit 2013-030**  
**June 2013**

The applicant, Aimee Grinnan purchased the above property on August 6, 2012. Realizing that many of the surrounding homes had substantial garages and/or additions, Ms. Grinnan contacted the County and was informed that a special permit would be necessary to accomplish a similar addition.

Built in 1950's, and well before the current Fairfax County Zoning Ordinance was adopted, the house has a 39.4' set back to the front (east); a 56' set back to the rear, (west); A 19.2' set back to the right side (north); a 10.4' set back to the left side (south). In addition, there is a wooden privacy fence surrounding the backyard built by a previous owner. The lot in question is 60' wide and has a total of 7,200 sq. Ft. Current Fairfax County Zoning Ordinance 3-54 Part 4 3-400 R-4 Residential District, Four Dwelling Units/Acre 3-406 Lot Size Requirements, for conventional subdivisions states: Minimum Lot Width 70' Average Lot Area 8,800 sq. Ft; with Minimum Lot Area of 8,400 sq. Ft.

Subsequently, Ms. Grinnan contacted an architect and engineer to design an addition which would provide first floor garage and mud/laundry room and second floor master bedroom suite and bath but would fit into the neighborhood and onto the existing structure. The resulting proposed addition will be located at the right/North side of the house, but will need a reduction in the side 10' setback to 5.0', as the proposed addition encroaches the required minimum side yard by, 5' at the closest point to the property line. The addition will be a total of 1028 Sq. Ft. (2 Levels with 514 Sq. Ft. per level). The existing house has a total of 2,085 sq. ft. This provides an addition that is 49% of the existing house.

### **Written Description and Supplemental Justification:**

As previously mentioned the house was built in 1950 and is representative of the style available for this neighborhood. (Bucknell Manor) The proposed additional will clearly be subordinate in purpose, scale, use and intent to the existing home. The existing home will remain with minor, non-structural alterations to the 2<sup>nd</sup> floor plan to allow access to a new master bedroom suite. The 1<sup>st</sup> floor of the additional will expand the gathering areas for the owner and also contain a single car garage at ground level. In accordance with Section 8-922, Paragraph 2, the applicant believes that the BZA shall determine that:

The applicant believes that the BZA shall determine that:

1. The proposed use of the addition shall be in harmony with the comprehensive plan for the community, currently several adjacent and neighboring properties have had similar additions constructed.
2. The proposed addition shall be in harmony with the general intent and purpose of the zoning district regulations. It is the intention to construct the addition using materials that closely match the existing structure and in a style that is the same if not similar to existing construction in the community.
3. The proposed addition will be harmonious with the neighboring residences since several of the surrounding neighbors have constructed additions to their homes.
4. Similarly, the proposed addition will not adversely impact the use or enjoyment of the adjacent properties in regard to noise, light, air, erosion or storm water runoff.
5. Construction of the addition will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan.
6. The proposed addition will be character with the existing house. As shown on the provided plat and elevations. The addition will be located at the North side of the house (right side) and will have a side setback of at least 5.3'; a front setback of 30.2'; and a rear setback of 49.9'. Building materials for the addition will be very similar to the original house.
7. The existing lot does not conform to the current zoning ordinance being narrower by 10' and having 1,200 sq. ft. less than the minimum for an R-4 zoned lot.

# Similar Case History

## Group: 2009-MV-059

### SP 2009-MV-059

[STAFF REPORT](#)
[LOCATOR MAP](#)

**APPLICANT:** STEPHEN N. SMITH (STEPHEN & DEBORAH M SMITH)  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 09/29/2009  
**ZONING DISTRICT:** R- 8  
**DESCRIPTION:** REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 5.8 FEET FROM SIDE LOT LINE  
**LOCATION:** 6927 DUKE DRIVE  
**TAX MAP #S:**  
 0931 23090024

## Group: 2011-MV-077

### SP 2011-MV-077

[STAFF REPORT](#)
[LOCATOR MAP](#)

**APPLICANT:** JAMES E. FORTMULLER AND JULIA A. TROTTER  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 10/26/2011  
**ZONING DISTRICT:** R- 4  
**DESCRIPTION:** REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 7.0 FEET FROM SIDE LOT LINE AND REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT SHED TO REMAIN 2.9 FEET FROM SIDE LOT LINE  
**LOCATION:** 6915 QUANDER ROAD  
**TAX MAP #S:**  
 0931 23070009

## Group: 2003-MV-027

### VC 2003-MV-027

**APPLICANT:** MARK A WOLVEN  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 05/07/2003  
**ZONING DISTRICT:** R- 4  
**DESCRIPTION:** TO PERMIT CONSTRUCTION OF ADDITION 7.9 FEET FROM SIDE LOT LINE  
**LOCATION:** 7012 COLGATE DRIVE  
**TAX MAP #S:**  
 0931 23140008

## Group: 2003-MV-084

### VC 2003-MV-084

[STAFF REPORT](#)

**APPLICANT:** PETER C. SLEIGHT  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 07/30/2003  
**ZONING DISTRICT:** R- 4  
**DESCRIPTION:** TO PERMIT CONSTRUCTION OF ADDITION 9.6 FEET FROM SIDE LOT LINE  
**LOCATION:** 6732 SWARTHMORE DRIVE  
**TAX MAP #S:**  
 0931 23030021





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** October 17, 2013

**TO:** Rebecca Horner, Staff Coordinator  
Zoning Evaluations Division, DPZ

**FROM:** Jay Banks, Urban Forester II  
Forest Conservation Branch, DPWES

**SUBJECT:** Bucknell Manor, Block 5, Lot 7, SP 2013-MV-066

This review is based on the Application for a Special Permit stamped "Received, Department of Planning and Zoning, January 30, 2013" and Special Permit Plat stamped "Received, Department of Planning and Zoning, July 24, 2013". A site visit was conducted on October 2, 2013.

1. **Comment:** A 20 (twenty) inch diameter sycamore, *Platanus occidentalis*, is located off-site in close proximity to the front portion of the proposed 2-story addition. The tree is in good condition and both the roots and canopy will be impacted by construction on this site.

**Recommendation:** The applicant should consider adjusting the footprint of the addition to decrease the impact to the roots and limbs of the off-site tree. Either reduce the size of the proposed addition in the front portion of the yard or slide the entire addition to the rear of the lot. If the footprint cannot be adjusted then an alternative foundation footing system should be considered to reduce construction impact to the roots. A pier and grade beam on the front portion of the foundation would significantly reduce the loss of tree roots.

2. **Comment:** Even with adjustments to the footprint of the proposed addition and/or the use of new foundation systems there will be construction impacts to the off-site tree from other construction activities. Such as the use of heavy equipment and the storage of building materials.

**Recommendation:** The applicant should consult with a certified arborist or a register consulting arborist on specific methods to further reduce construction impacts. Such methods may include the use of a supersonic air tool to locate and avoid large structural roots, tying back limbs so materials may be lifted onto the building without damaging the limbs. Further, provide a tree preservation narrative describing the specific activities that will be implemented to improve the survivability of the tree.

Department of Public Works and Environmental Services  
Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
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Bucknell Manor, Block 5, Lot /  
SP 2013-MV-066  
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If you have any questions, please feel free to contact me at 703-324-1770.

JSB/

UFMDID #: 184765

cc: DPZ File

**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.

### 8-922 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 all reasonable use 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.