



APPLICATION ACCEPTED: August 23, 2013
DATE OF PUBLIC HEARING: November 20, 2013
ADMINISTRATIVELY MOVED FOR ADS
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 13, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-DR-068

DRANESVILLE DISTRICT

APPLICANT/OWNER: Joshua P. Tenuta

LOCATION: 2212 Boxwood Drive, Falls Church 22043

SUBDIVISION: Churchill

TAX MAP: 40-4 ((10)) (D) 4

LOT SIZE: 10,357 square feet

ZONING: R-4

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction in minimum yard requirements based on errors in building locations to permit accessory structure to remain 7.4 ft. from a side lot line, accessory storage structure to remain 1.3 ft. from a side lot line and 9.7 ft. from the rear lot line, another accessory storage structure to remain 2.3 ft. from a side lot line, an open deck to remain 1.6 ft. from a side lot line and trellis to remain 7.6 ft. from a side lot line.

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

O:\gumk2\SP_VC Cases\11-20 SP 2013-DR-068 Tenuta (Error)\SP 2013-DR-068 Tenuta SR.docx

Laura Gumkowski

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/



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.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



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

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of numerous special permits to allow reductions to minimum yard requirements based on errors in building locations to permit 1) an accessory structure, a 19.6 foot tall garage, to remain 7.4 feet from the northeastern side lot line, 2) an accessory storage structure, a 12.1 foot tall shed, to remain 1.3 feet from the northeastern side lot line and 9.7 feet from rear lot line, 3) another accessory storage structure, a 9.8 foot tall shed, to remain 2.3 feet from the southwestern side lot line, 4) an open deck to remain 1.6 feet from the southwestern side lot line, and 5) a wood open post and beam trellis, a 7.3 foot tall arbor, to remain 7.6 feet from the southwestern side lot line.

	Structure	Yard	Min. Yard Req.	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Accessory Structure (Garage)	Side	10.0 feet*	7.4 feet	2.6 feet	26%
Special Permit #2	Accessory Storage Structure (shed)	Side	10.0 feet**	1.3 feet	8.7 feet	87%
		Rear	12.1 feet**	9.7 feet	2.4 feet	19.8%
Special Permit #3	Accessory Storage Structure (shed)	Side	10.0 feet**	2.3 feet	7.7 feet	77%
Special Permit #4	Open deck	Side	5.0 feet***	1.6 feet	3.4 feet	68%
Special Permit #5	Accessory structure (Trellis)	Side	10.0 feet**	7.6 feet	2.4 feet	24%

*Minimum Yard Requirement per Section 3-307

**Minimum Yard Requirement per 10 -104

***Minimum Yard Requirement per 2-412

A copy of the special permit plat depicting the structures on site, titled "Setback Certification Survey, Lot 4, Section One and Two, Block 'D', Churchill Subdivision," prepared by Remy G. DuCote, L.S., dated September 26, 2012, as revised through July 29, 2013, is included at the front of the staff report.

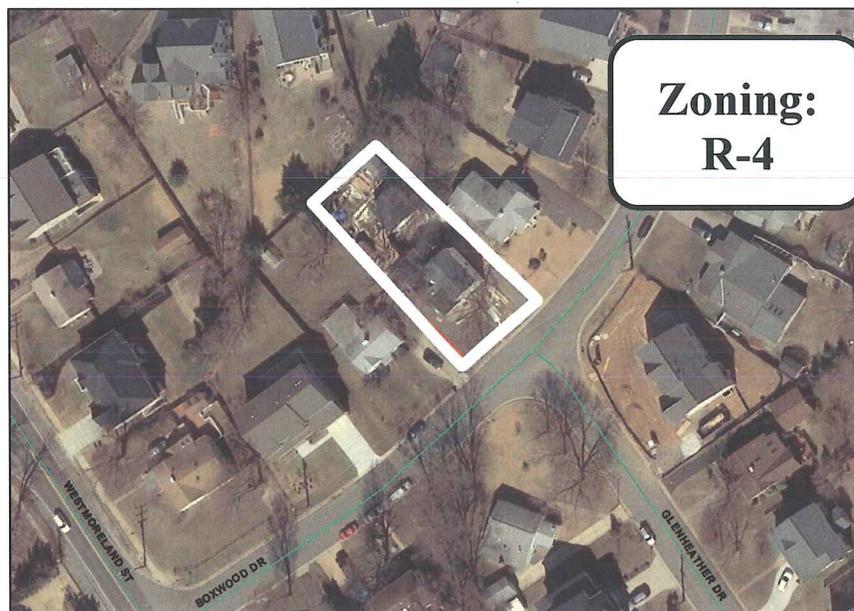
EXISTING CONDITIONS

The 10,357 square foot lot is developed with a two story brick and frame single family detached dwelling, constructed in 1950. A 504 square foot garage which is 19.6 feet in height, a 126 square foot wood shed which is 12.1 feet in height and a wood open post and beam covered area exists in the northern corner of the property. A 9.8 foot high, 98 square foot shed and a 256 square foot wood deck exist of the west of the house in the rear yard. A trellis, 7.3 feet in height is located in the side yard. A covered concrete walk leads from the garage to the wood deck and the back of the house. A 123 square foot front porch and a concrete walkway are located in the front yard. A concrete driveway is located to the north and east of the house and provides vehicular access to Boxwood

Drive. A 6.1 foot high vinyl fence is located near the northeastern property line. A wood fence ranging from 5.8 feet to 6.1 feet in height is located near the northwestern and southwestern property lines. A 3.2 foot high wood fence is located west of the dwelling near the trellis. The property has a manicured lawn with shrubs. Two mature trees exist in the front yard and one large tree exists in the rear yard.

CHARACTER OF THE AREA

As depicted in the picture below, the application property and surrounding lots are developed with single family detached dwellings. All are zoned R-4 and are within the Churchill subdivision.



BACKGROUND

According to the permit history, a building permit was approved in June 2010, for the construction of a detached garage in the rear yard of the house. Another building permit was submitted in September 2010, for a garage addition and an amendment to this building permit was submitted in May 2012, to add a second story addition over the existing detached garage. According to Fairfax County Tax Records the applicant purchased the property in August of 2012. The building permit history related to the garage is contained in Appendix 4. All three building permits depict the garage to be located 10 feet from the side lot line. No building permits were found for the construction of the other structures on the lot except for the dwelling.

A copy of information outlining similar special permit and variance requests in the area is attached in Appendix 5.

ZONING ORDINANCE REQUIREMENTS

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

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

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

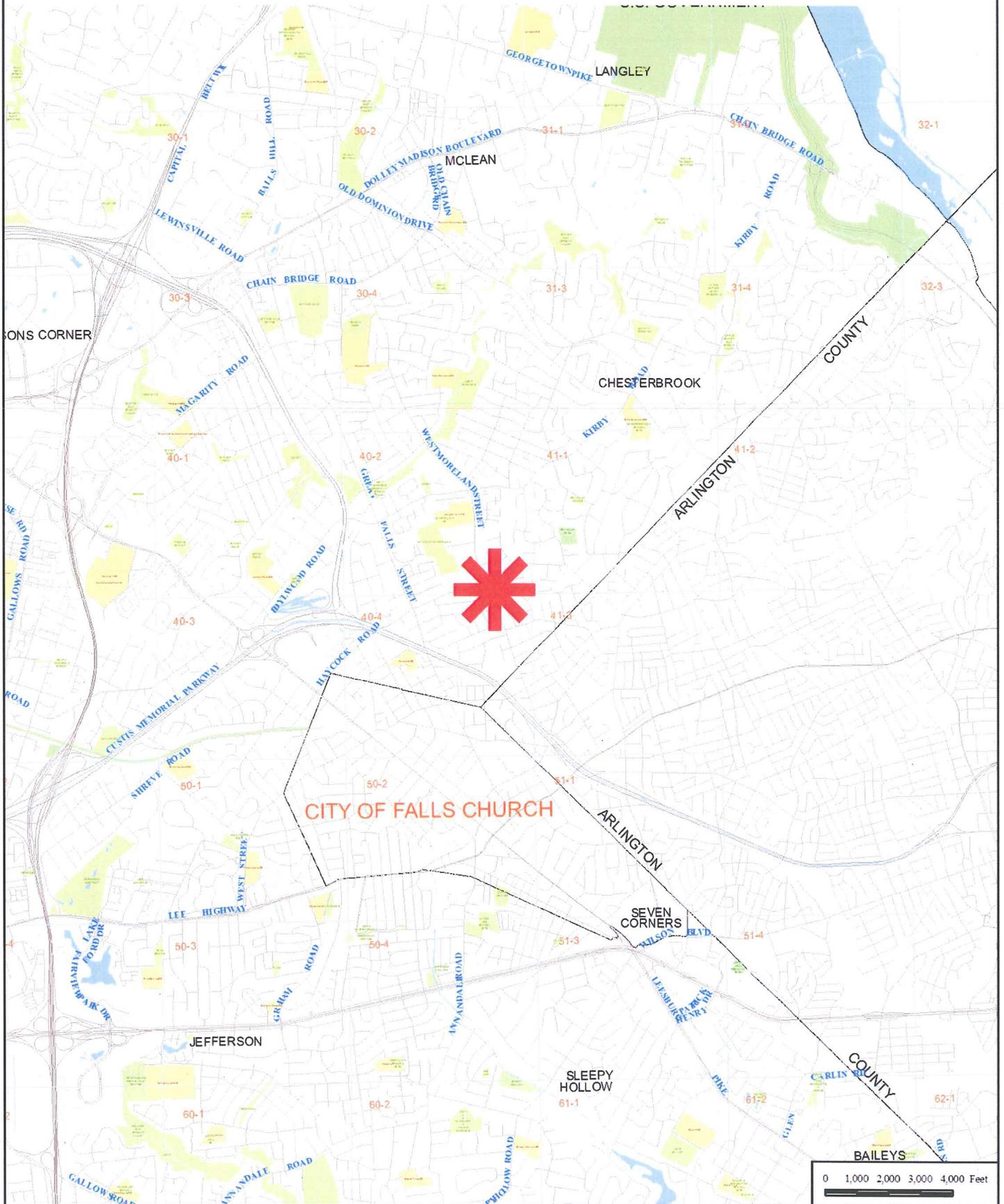
APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit History
5. Similar Case History
6. Zoning Ordinance Provisions

Special Permit

SP 2013-DR-068

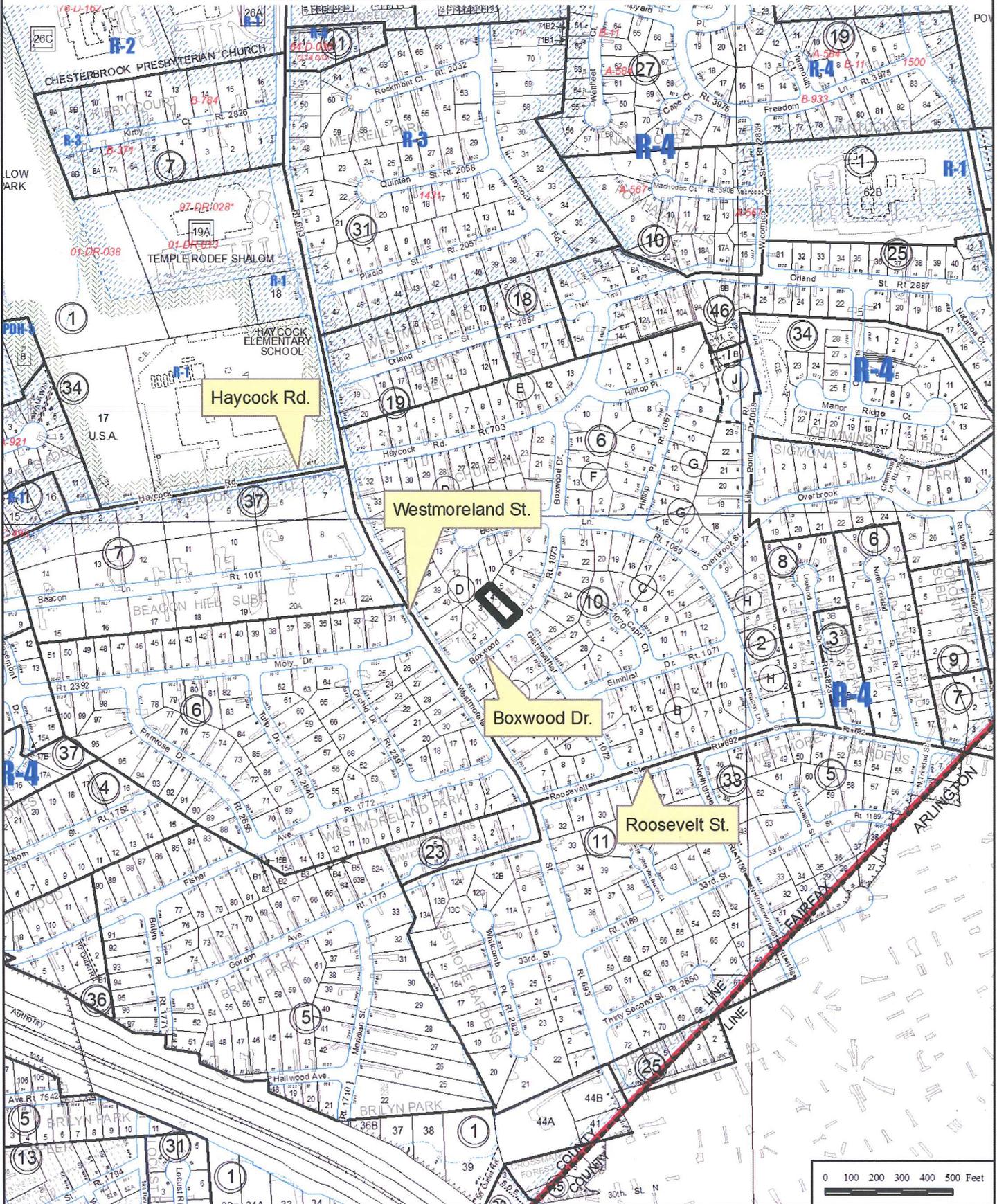
JOSHUA P. TENUTA



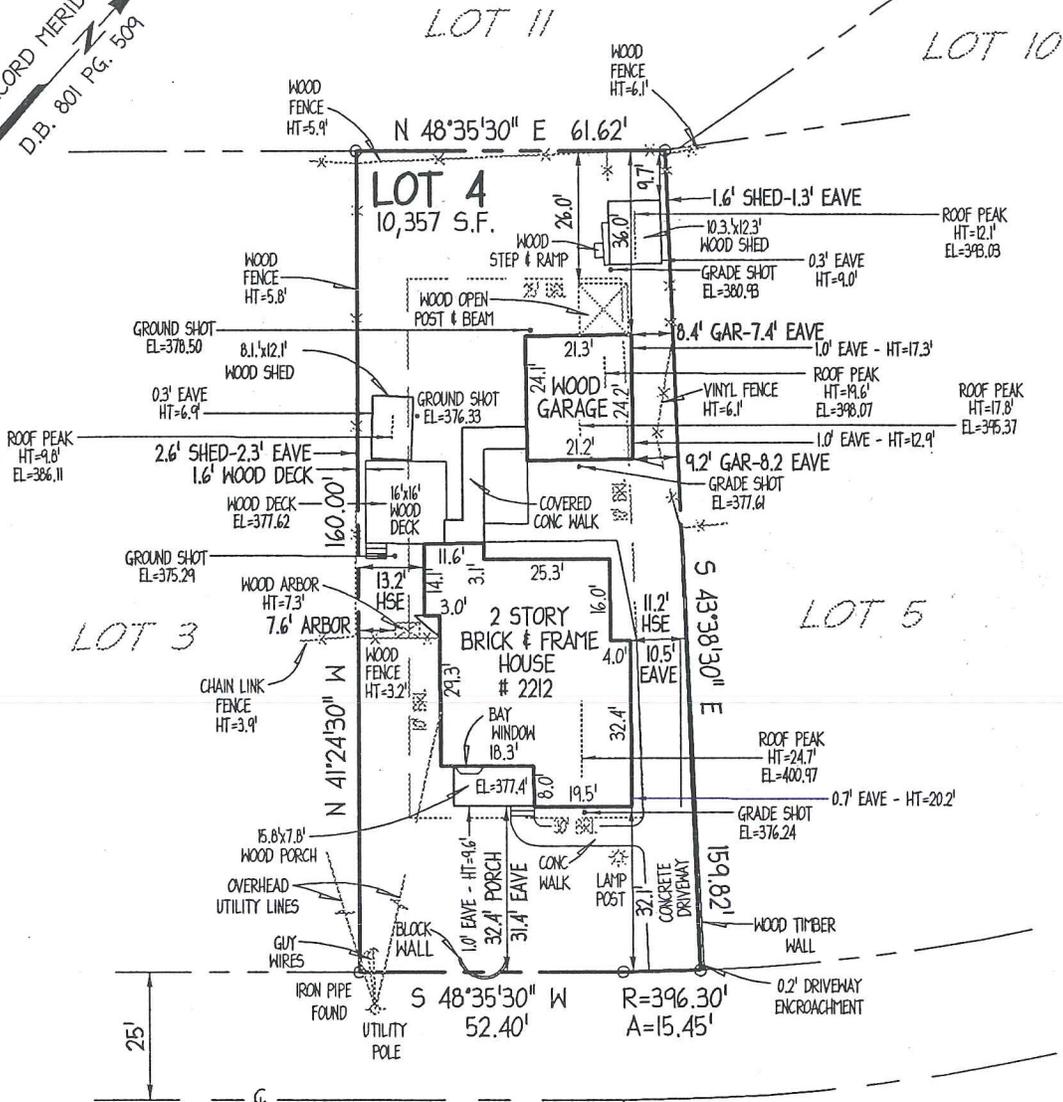
Special Permit

SP 2013-DR-068

JOSHUA P. TENUTA



RECORD MERIDIAN
D.B. 801 PG. 509



BOXWOOD DRIVE - ROUTE 1073
(50' WIDE)

SETBACK CERTIFICATION SURVEY
LOT 4
SECTION ONE & TWO, BLOCK "D"
CHURCHILL SUBDIVISION

DEED BOOK 801 PAGE 509
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

DATE: SEPTEMBER 26, 2012 SCALE: 1" = 30'
REV. DATE: JUNE 10, 2013
REV. DATE: JULY 29, 2013

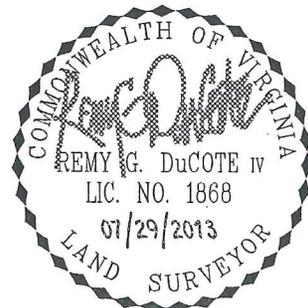
NOTES:

1. THE PROPERTY DELINEATED ON THIS SURVEY IS LOCATED ON FAIRFAX COUNTY TAX MAP REFERENCE NO. 0404-10D-0004 AND IS CURRENTLY ZONED R-4.
2. ACCORDING TO FLOOD INSURANCE RATE MAP FOR FAIRFAX COUNTY, COMMUNITY No. 51059C 0170E, DATED SEPTEMBER 17, 2010, THIS PROPERTY LIES IN ZONE "X", "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN"
3. THIS SURVEY WAS PREPARED WITHOUT A TITLE REPORT. THEREFORE THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RESTRICTIONS AND ENCUMBRANCES OF RECORD.
4. THE POSITION OF THE EXISTING IMPROVEMENTS ON THE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A FIELD SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.
5. FENCES, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY OWNERSHIP.
6. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION OF FENCES OR ANY OTHER IMPROVEMENTS.

GLENHEATHER DRIVE (50' WIDE)

THE PROPERTY SHOWN HEREON IS CONNECTED TO PUBLIC WATER AND SANITARY SEWER.

ALL VISIBLE UTILITIES ABOVE GROUND HAVE BEEN LOCATED AND ARE SHOWN ON THIS HEREON AND ALL EASEMENTS RECORDED ON THE SUBDIVISION PLAT DB 801 PG 509 ARE SHOWN HEREON.

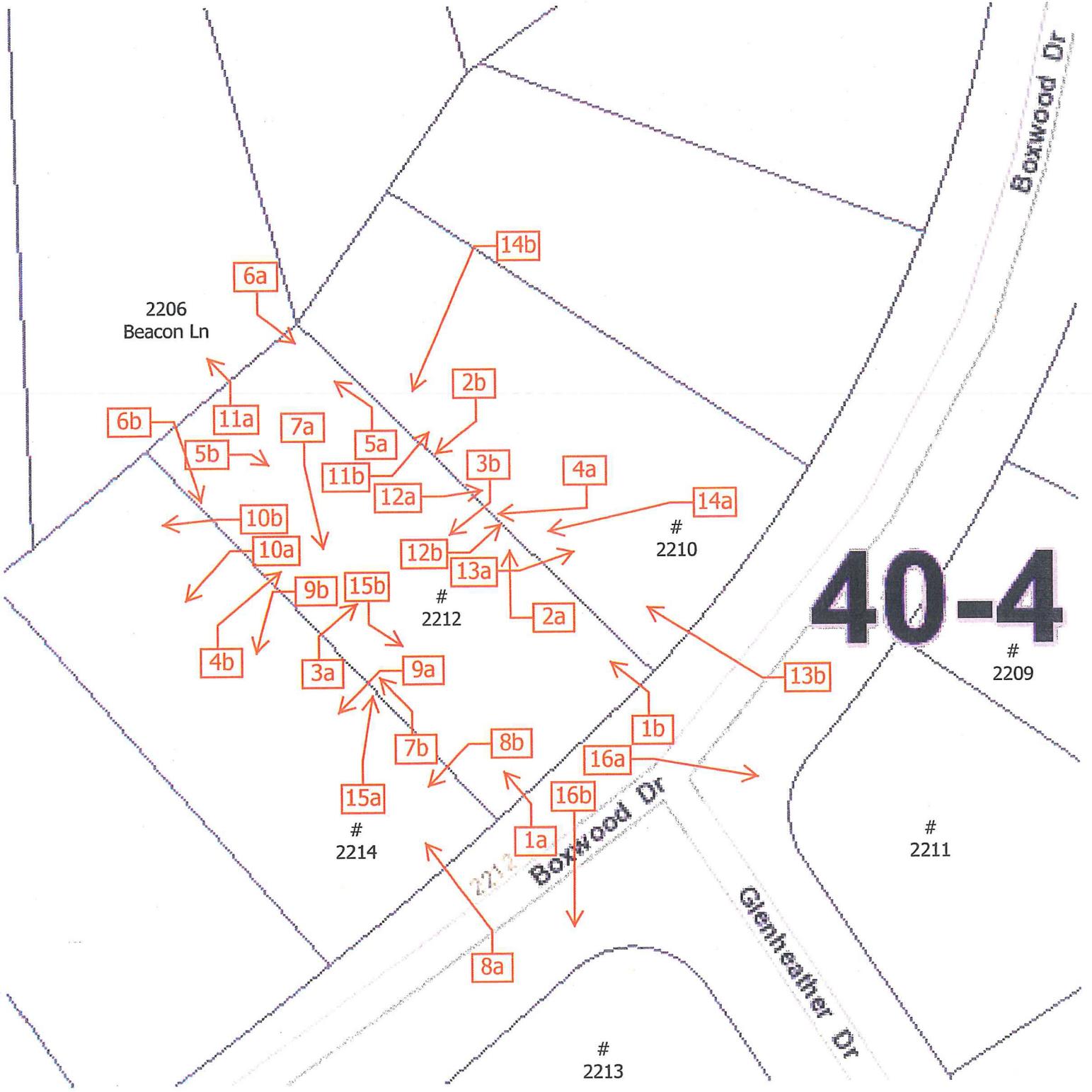


Remy G. DuCote
LAND SURVEYOR
5503 RAINWOOD DRIVE
FREDERICKSBURG, VIRGINIA 22407
(540) 841-4900

AUG 09 2013

Zoning Evaluation Division

Photo Key
2212 Boxwood Dr.



1a



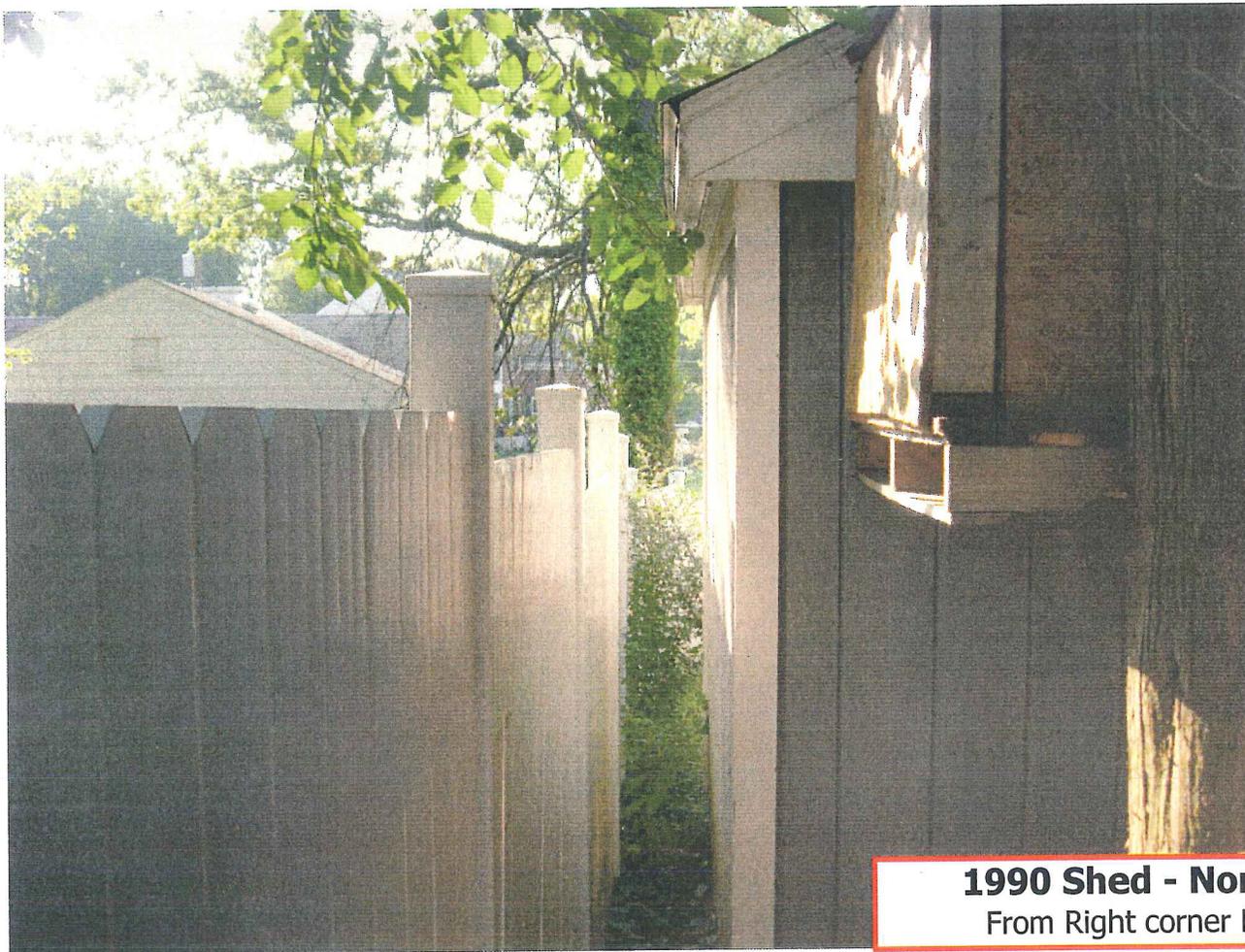
Front-Left / South-West
From Boxwood Dr.

1b



Front-Right / South-East
From Boxwood Dr.

6a



1990 Shed - North-West
From Right corner Rear Yard

6b



2010 Shed - North-West
From Left corner Rear Yard

3a



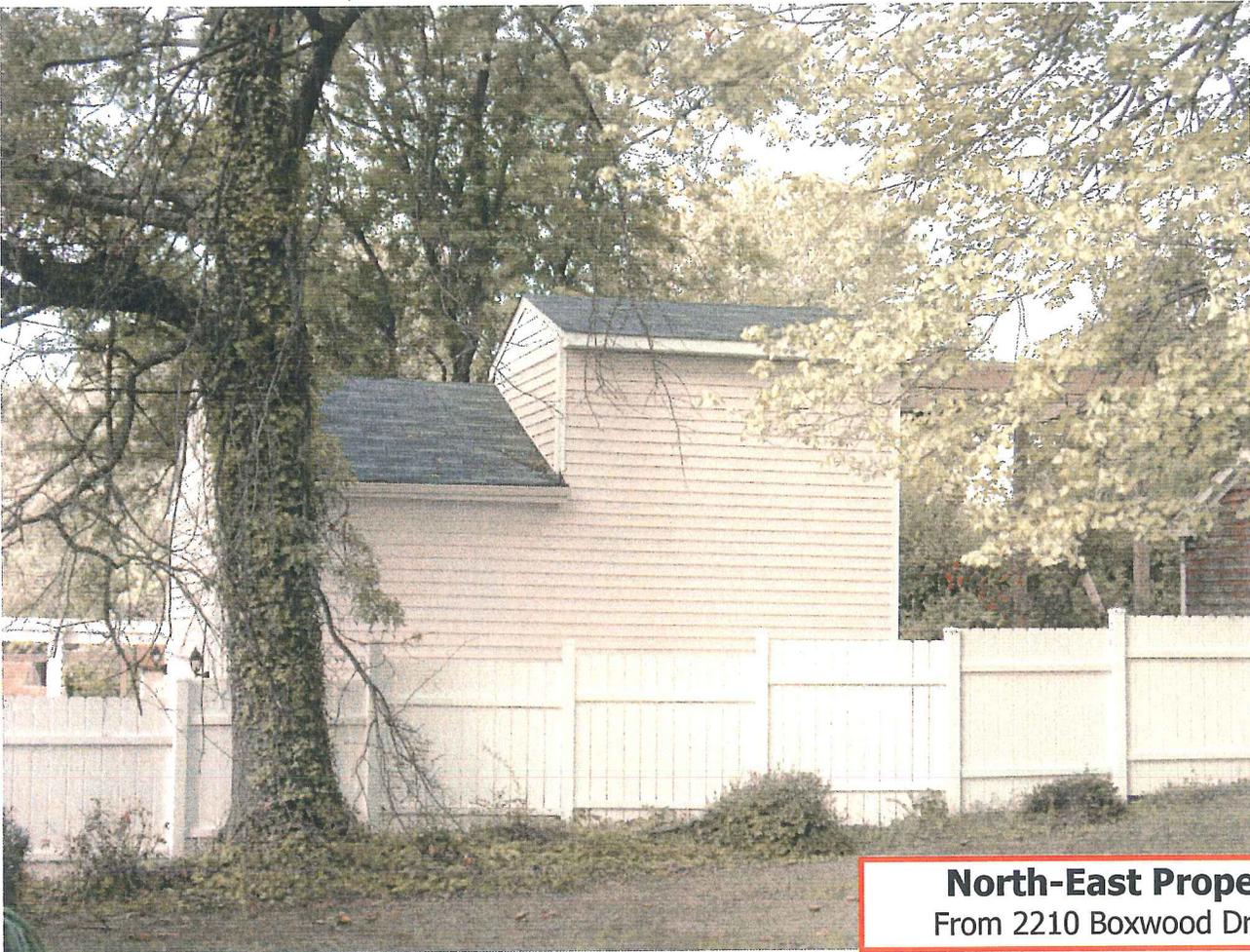
Garage Front / South-West
From Deck/Shed, Left Rear Yard

3b

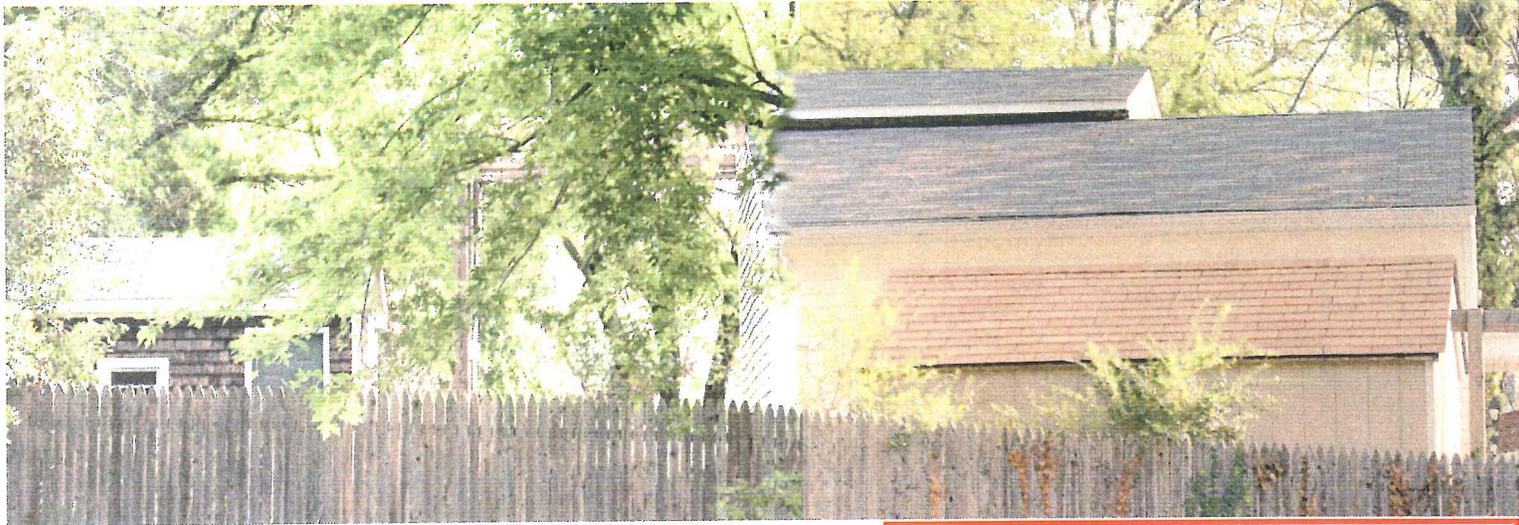


Garage Front / East
From Right corner, Driveway

4a



North-East Property Line
From 2210 Boxwood Dr. Rear Yard



South-West Property Line
From 2214 Boxwood Dr. Rear Yard

4b

5a



1990 Shed - South-East
From Driveway/Garage Right side-yard

5b



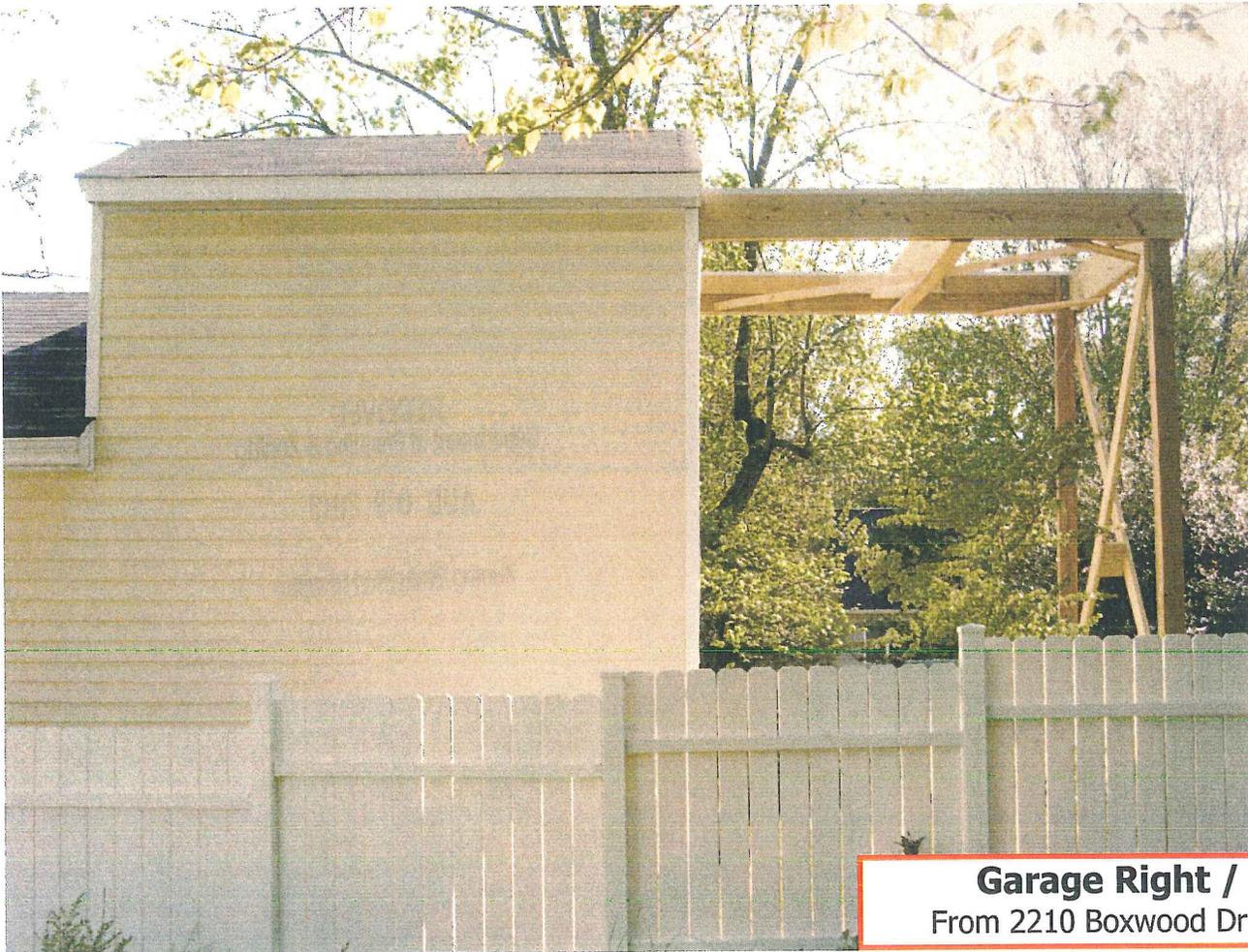
1990 Shed - South-West
From Left corner Rear Yard

2a



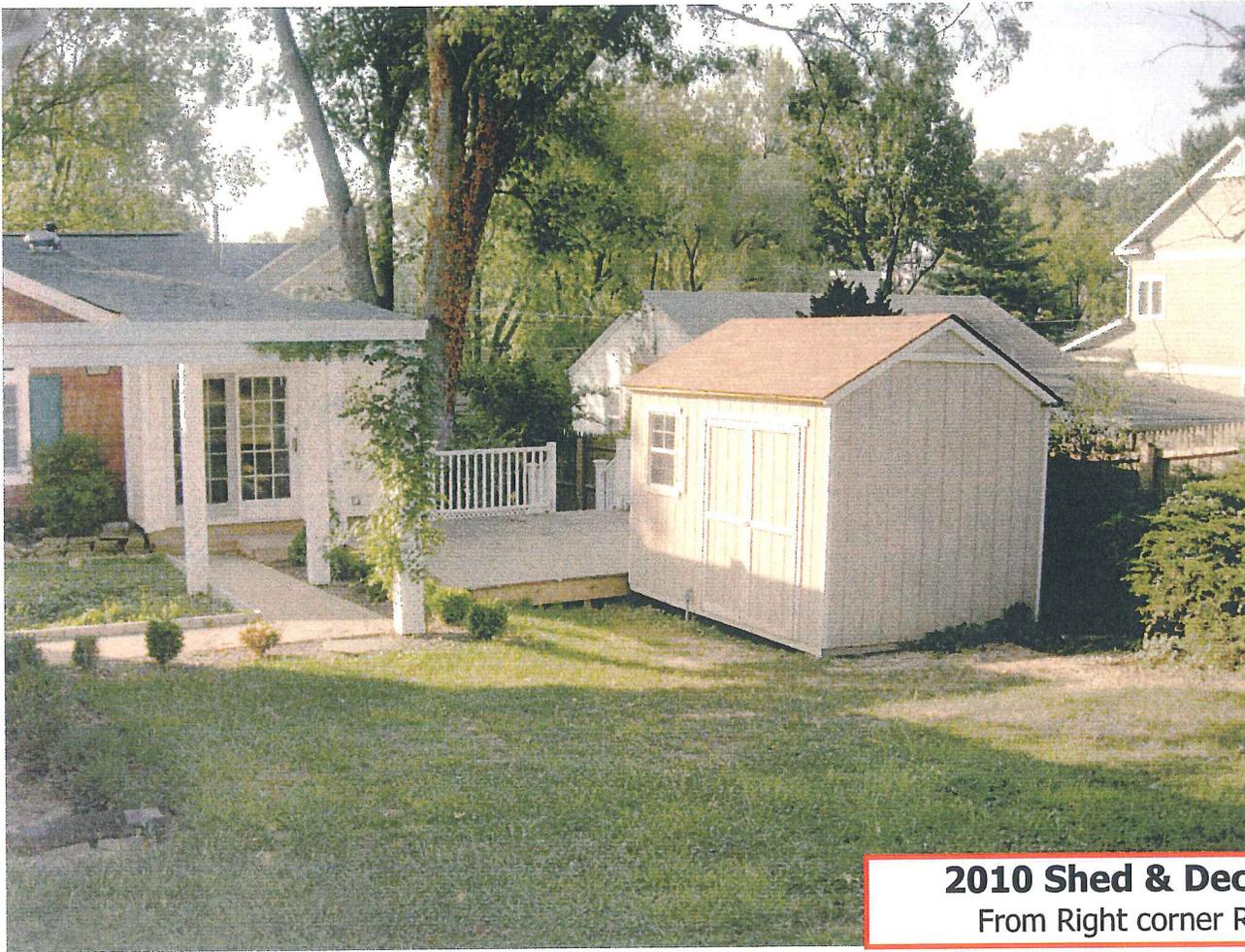
Garage Front / South-East
From Driveway

2b



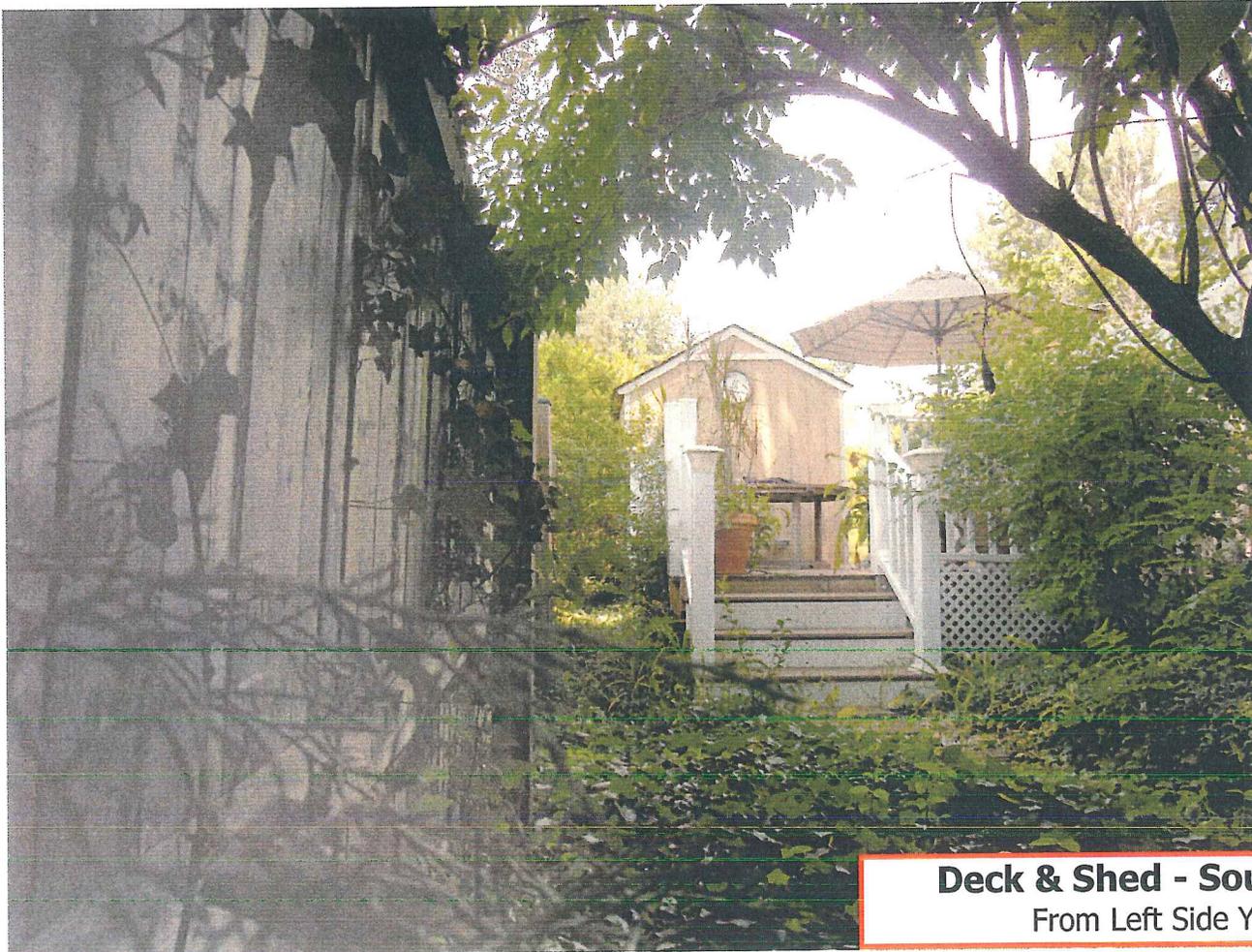
Garage Right / North
From 2210 Boxwood Dr. Rear Yard

7a



2010 Shed & Deck- North
From Right corner Rear Yard

7b



Deck & Shed - South-East
From Left Side Yard

8a



2214 Boxwood Dr
From street facing North

8b



2214 Boxwood Dr
From side yard facing West

9a



2214 Boxwood Dr
From side yard facing West

9b



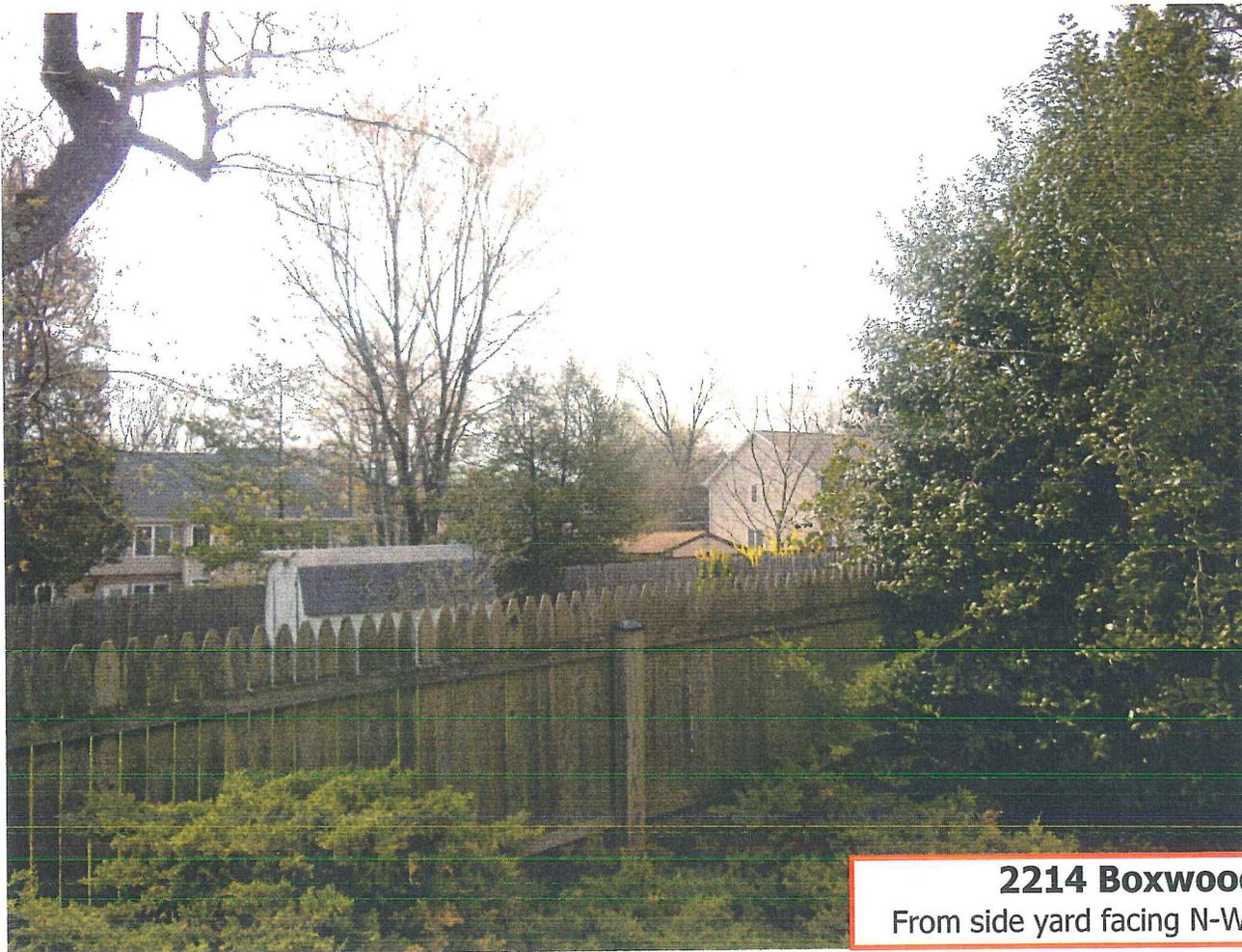
2214 Boxwood Dr
From side yard facing S-West

10a



2214 Boxwood Dr
From side yard facing West

10b



2214 Boxwood Dr
From side yard facing N-West rear yard

11a



2206 Beacon Lane
From 2212 Boxwood rear yard facing North

11b



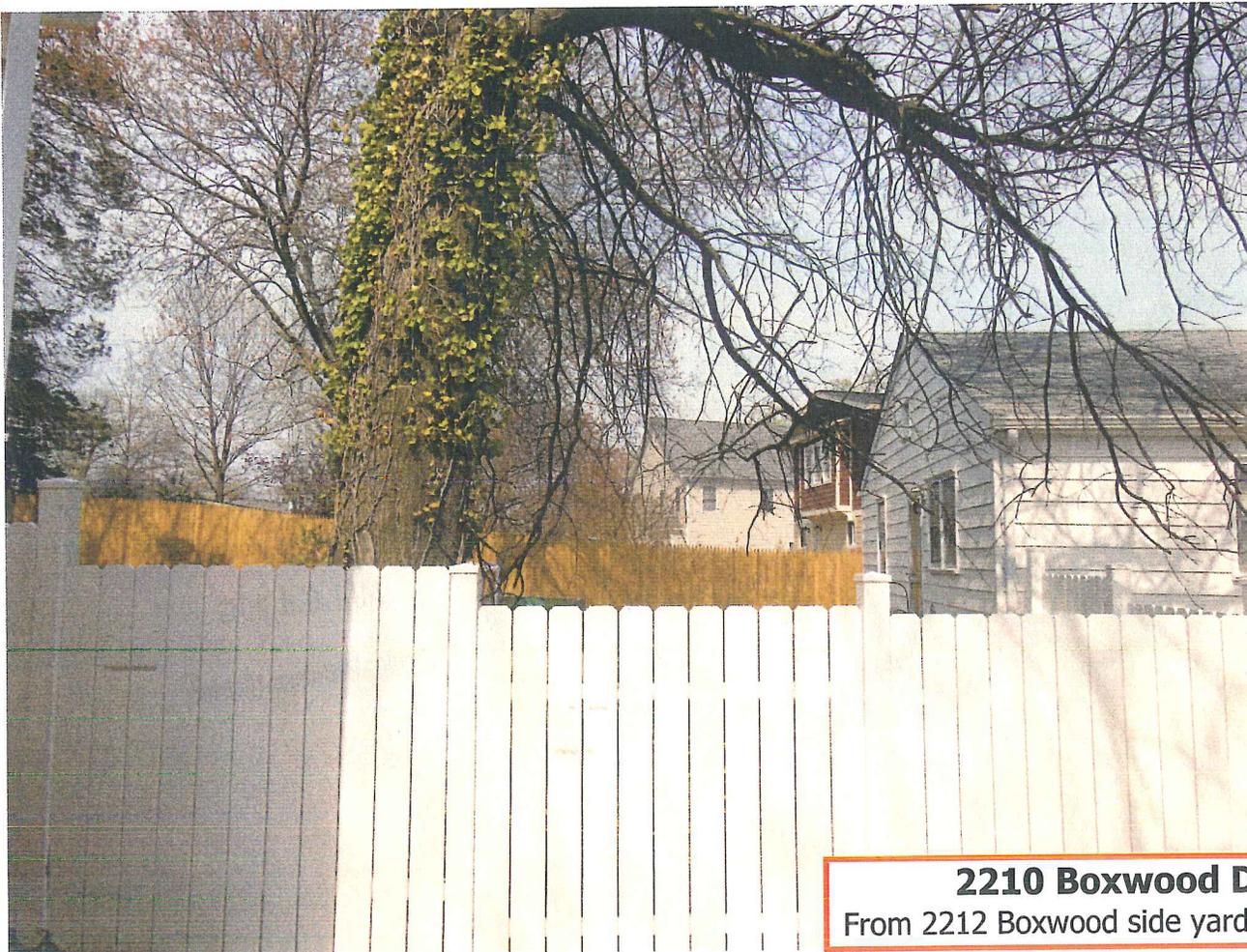
2210 Boxwood Drive
From 2212 Boxwood rear yard facing N-East

12a



2210 Boxwood Drive
From 2212 Boxwood rear yard facing East

12b



2210 Boxwood Drive
From 2212 Boxwood side yard facing N-East

13a



2210 Boxwood Drive
From 2212 Boxwood side yard facing East

13b



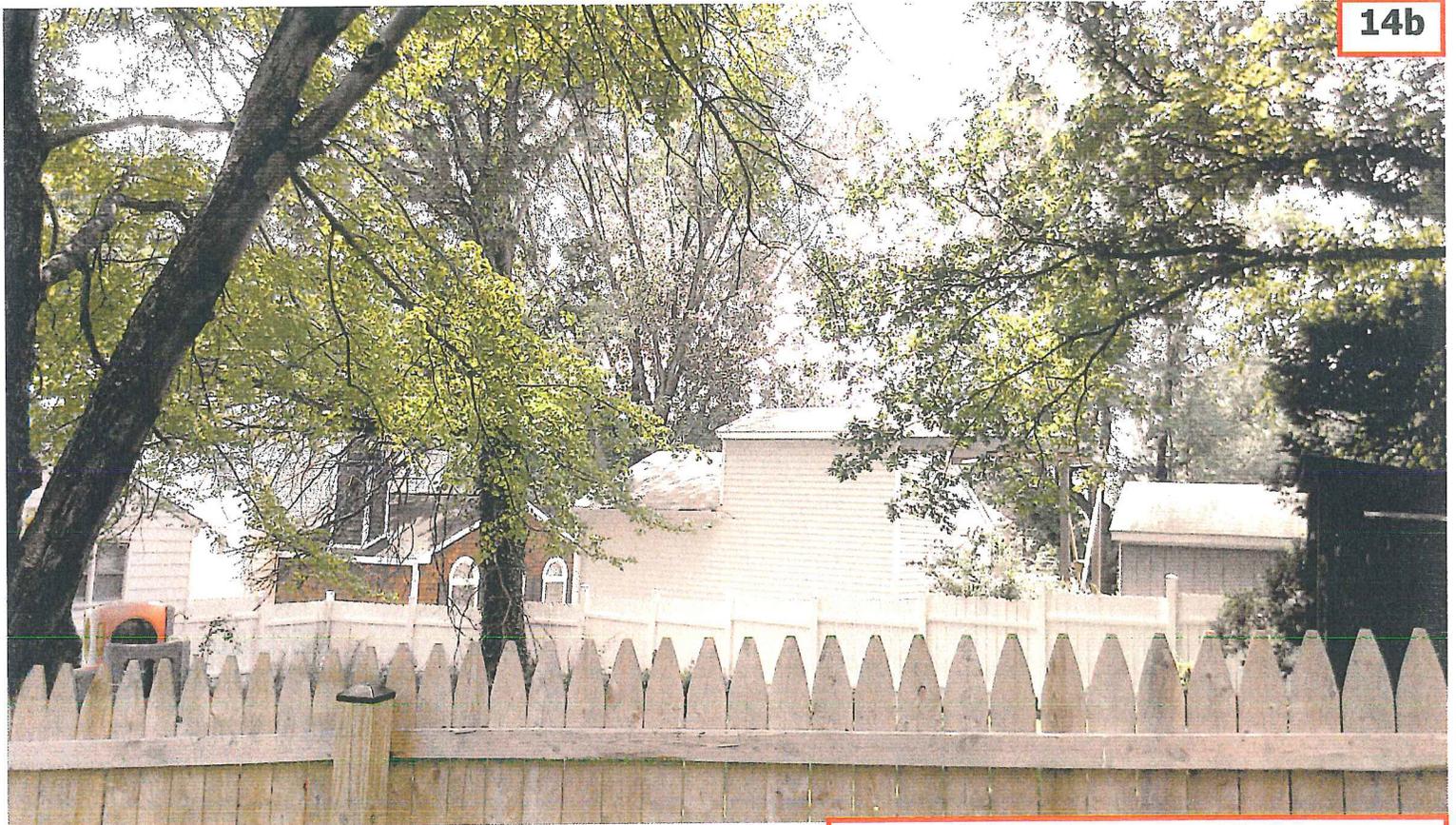
2210 Boxwood Drive
From street facing North

14a



2212 Boxwood Drive
From 2210 Boxwood front yard facing West

14b



2212 Boxwood Drive
across 2210 Boxwood rear yard facing S-west

15a



2212 Boxwood Drive
From 2214 Boxwood front yard facing North

15b



1990 fence w/ arbor gate
From 2212 Boxwood side yard facing S-east

16a



2211 & 2209 Boxwood Drive
From 2212 Boxwood front yard facing S-east

16b



2213 Boxwood Drive
From 2212 Boxwood front yard facing South

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-DR-068

October 23, 2013

1. This special permit is approved for the location of the two accessory structures (garage and trellis) two accessory storage structures (sheds), and an open deck, as shown on the plat prepared titled, "Setback Certification Survey, Lot 4, Section One and Two, Block 'D', Churchill Subdivision," prepared by Remy G. DuCote, L.S., dated September 26, 2012 as revised through July 29, 2013.
2. All applicable permits and final inspections shall be obtained for the garage within 180 days of approval of this application.

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

Application No.(s): SP 2013-DR-068
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/12/13
 (enter date affidavit is notarized)

I, Scott R. Boddie, 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

119315

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)
Joshua P. Tenuta	2212 Boxwood Dr., Falls Church, VA 22043	Applicant/Title Owner
A Realistic Creation, Inc., d/b/a Pattern for Building	42990 Golf View Drive, South Riding, VA 20152	Agent
Scott R. Boddie	42990 Golf View Drive, South Riding, VA 20152	Agent

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP 2013-DIR-068
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/12/13
(enter date affidavit is notarized)

119315

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)

A Realistic Creation, Inc., d/b/a Pattern for Building
42990 Golf View Drive
South Riding, VA 20152

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)

Scott R. Boddie
Deborah Boddie

(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-DR-068
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/12/13
(enter date affidavit is notarized)

119315

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-DR-068
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/12/13
(enter date affidavit is notarized)

119315

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-DR-068
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/12/13
(enter date affidavit is notarized)

119315

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
Scott R. Boddie
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12 day of February 2013, in the State/Comm. of Virginia, County/City of Prince William.

My commission expires: 2/28/14



Zurima E. Martinez Zambrano
Notary Public
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA

AUG 09 2013

Zoning Evaluation Division

APPLICATION FOR A SPECIAL PERMIT
2212 Boxwood Dr.
Falls Church, VA 22043
TAX MAP NO.: 40-4 ((10)) (D) 4

STATEMENT OF JUSTIFICATION

The property is a private residence. This Special Permit application is a request for a Reduction to the Minimum Yard Requirements based on Error in Building Location to permit the following:

- 2-car Garage built in 2010 to remain
- shed built in 1990 to remain
- shed installed in 2010 to remain
- deck extended in 2010 to remain
- arbor at picket fence gate built in 1990 to remain

Description of 2-car Garage:

As an exception to Zoning Ordinance Article 3 Sect. 407 Par. 2.A.(1)b, we are requesting a 16% reduction of the side yard requirements to 8.4 ft. In September 2010, the previous owner obtained building permit # 101800098 to construct a 2-car garage. The builder measured the required 10 ft. side yard setback from the existing fence on the adjacent property to the front right corner (N-East) of the new foundation. They neither took into account that the fence was over the property line nor that the boundary was at a slight angle. The garage was not constructed exactly parallel to the boundary, resulting in a setback of 8.4 ft. to the rear right corner (North). This error exceeds 10% of the measurement involved.

There are no windows on the North-east side facing the nearest neighbor at 2210 Boxwood, and the eaves are 12 ft. or greater in height on that side. The proposed reduction represents the minimum amount necessary to accommodate the structure, as there are no options for a change in layout or availability of alternate locations. Any alteration or relocation attempt has been determined to be catastrophic to the structure and its use.

The wood framing on the rear of the garage is non-structural and was intended to support a future retractable roof, which design idea was abandoned during construction and building inspection.

Description of the 1990 shed:

As an exception to Zoning Ordinance Article 10 Sect. 104 Par. 10.D & E, we are requesting a 20% reduction of the rear yard requirements to 9.7 ft., and a reduction of the side yard requirements to 1.3 ft. In 1990 a previous owner (there have been at least four) obtained building permit # 902072291 to construct a Family Room addition and accessory structure (storage shed). This 10'x12' structure is 12 ft. in height and was built to match the architectural style of the exterior of the home. It's construction is post-&-beam with permanent concrete footings, and has gone unrecognized on county zoning plats for 22 years. There can be no relocation of this structure if not allowed to remain, only destruction.

Description of the 2010 shed:

As an exception to Zoning Ordinance Article 10 Sect. 104 Par. 10.D, we are requesting a reduction of the side yard requirements to 2.6 ft. The 8'x12' prefabricated shed is technically 9.8 ft. in height where it stands. It was intended to be 8.5 ft. in height when purchased. The company that was paid by the previous owner to deliver and install the shed did not cut the grade to provide an even base, but set blocks under the uneven corners, resulting in the roof peak being higher than the maximum allowed to remain in any part of the side yard. Relocation of the shed to partially excavate the grade below to lower it would be an expensive project and unreasonable for the current homeowner to accomplish.

Description of the deck:

As an exception to Zoning Ordinance Article 2 Sect. 412 Par. 2.A.(2), we are requesting a reduction of the side yard requirements to 1.6 ft. The previous owner had the deck extended to the left boundary (S-West) after losing some area of the existing patio as part of the permitted addition. It is 5 inches in height from the patio to a maximum of 2.3 ft. in height where the grade slopes enough to require steps. They considered it as an extension of the patio and less than 4 ft. in height therefore not subject to a 5 ft. side yard limitation. The wood framing above the railing visible in earlier photos was a trellis that has since been removed.

Description of the 1990 arbor:

As an exception to Zoning Ordinance Article 10 Sect. 104 Par. 3.C, we are requesting a 20% reduction of the side yard requirements to 7.6 ft, -or- 5% increase in height, as the feature exceeds the 7 ft. height limitation at 7.3 ft.

Summary:

Excepting the foregoing, all elements of the Property conform to the provisions of all applicable ordinances, regulations and adopted standards. There are no known hazardous or toxic substances to be generated, utilized, stored, treated, or disposed of on site. All of the above structures and uses are in harmony with the general purpose and intent of the residential zoning regulations. There is no adverse effect on the use or development of the neighboring properties, and no effect on pedestrian or vehicular traffic. The gross floor area of the principal structure has not been affected by any of the conditions requiring this request application. These are in character with the existing on-site development and scale of the structures on the lot, and do not adversely impact the use and enjoyment of any adjacent property. The noncompliance was done in good faith, and to force compliance would cause an unreasonable hardship on the owner.

JUN 11 2013

Zoning Evaluation Division

APPLICATION FOR A SPECIAL PERMIT
2212 Boxwood Dr.
Falls Church, VA 22043
TAX MAP NO.: 40-4 ((10)) (D) 4

STATEMENT OF JUSTIFICATION

The property is a private residence. This Special Permit application is a request for a Reduction to the Minimum Yard Requirements based on Error in Building Location to permit the following:

- 2-car Garage built in 2010 to remain
- shed built in 1990 to remain
- shed installed in 2010 to remain
- deck extended in 2010 to remain

Description of 2-car Garage:

As an exception to Zoning Ordinance Article 3 Sect. 407 Par. 2.A.(1)b, we are requesting a 16% reduction of the side yard requirements to 8.4 ft. In September 2010, the previous owner obtained building permit # 101800098 to construct a 2-car garage. The builder measured the required 10 ft. side yard setback from the existing fence on the adjacent property to the front right corner (N-East) of the new foundation. They neither took into account that the fence was over the property line nor that the boundary was at a slight angle. The garage was not constructed exactly parallel to the boundary, resulting in a setback of 8.4 ft. to the rear right corner (North). This error exceeds 10% of the measurement involved.

There are no windows on the North-east side facing the nearest neighbor at 2210 Boxwood, and the eaves are 12 ft. or greater in height on that side. The proposed reduction represents the minimum amount necessary to accommodate the structure, as there are no options for a change in layout or availability of alternate locations. Any alteration or relocation attempt has been determined to be catastrophic to the structure and its use.

The wood framing on the rear of the garage is non-structural and was intended to support a future retractable roof, which design idea was abandoned during construction and building inspection.

Description of the 1990 shed:

As an exception to Zoning Ordinance Article 10 Sect. 104 Par. 10.D & E, we are requesting a 20% reduction of the rear yard requirements to 9.7 ft., and a reduction of the side yard requirements to 1.3 ft. In 1990 a previous owner (there have been at least four) obtained building permit # 902072291 to construct a Family Room addition and accessory structure (storage shed). This 10'x12' structure is 12 ft. in height and was built to match the architectural style of the exterior of the home. It's construction is post-&-beam with permanent concrete footings, and has gone unrecognized on county zoning plats for 22 years. There can be no relocation of this structure if not allowed to remain, only destruction.

Description of the 2010 shed:

As an exception to Zoning Ordinance Article 10 Sect. 104 Par. 10.D, we are requesting a reduction of the side yard requirements to 2.6 ft. The 8'x12' prefabricated shed is technically 9.8 ft. in height where it stands. It was intended to be 8.5 ft. in height when purchased. The company that was paid by the previous owner to deliver and install the shed did not cut the grade to provide an even base, but set blocks under the uneven corners, resulting in the roof peak being higher than the maximum allowed to remain in any part of the side yard. Relocation of the shed to partially excavate the grade below to lower it would be an expensive project and unreasonable for the current homeowner to accomplish.

Description of the deck:

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Summary:

There are no known hazardous or toxic substances to be generated, utilized, stored, treated, or disposed of on site. All of the above structures and uses are in harmony with the general purpose and intent of the residential zoning regulations. There is no adverse effect on the use or development of the neighboring properties, and no effect on pedestrian or vehicular traffic. The gross floor area of the principal structure has not been affected by any of the conditions requiring this request application. These are in character with the existing on-site development and scale of the structures on the lot, and do not adversely impact the use and enjoyment of any adjacent property. The noncompliance was done in good faith, and to force compliance would cause an unreasonable hardship on the owner.

APPLICATION FOR A SPECIAL PERMIT
2212 Boxwood Dr.
Falls Church, VA 22043
TAX MAP NO.: 40-4 ((10)) (D) 4

RECEIVED
Department of Planning & Zoning

JAN 02 2013

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION

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- 2-car Garage built in 2010 to remain
- shed built in 1990 to remain
- shed installed in 2010 to remain
- deck extended in 2010 to remain

Description of 2-car Garage:

We are requesting a 16% reduction of the side yard requirements to 8.4 ft. In September 2010, the previous owner obtained building permit # 101800098 to construct a 2-car garage. The builder measured the required 10 ft. side yard setback from the existing fence on the adjacent property to the front right corner (N-East) of the new foundation. They neither took into account that the fence was over the property line nor that the boundary was at a slight angle. The garage was not constructed exactly parallel to the boundary, resulting in a setback of 8.4 ft. to the rear right corner (North). This error exceeds 10% of the measurement involved.

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The previous owner had the deck extended to 2.6 ft. from the left boundary (S-West) after losing some area of the existing patio as part of the permitted addition. It is 5 inches in height from the patio to a maximum of 2.3 ft. where the grade slopes enough to require steps. They considered it as an extension of the patio and less than 4 ft. in height therefore not subject to a 5 ft. side yard limitation.

All of the above structures and uses are in harmony with the general purpose and intent of the residential zoning regulations. There is no adverse effect on the use or development of the neighboring properties, and no effect on pedestrian or vehicular traffic. The gross floor area of the principal structure has not been affected by any of the conditions requiring this request application. These are in character with the existing on-site development and scale of the structures on the lot, and do not adversely impact the use and enjoyment of any adjacent property. The noncompliance was done in good faith, and to force compliance would cause an unreasonable hardship on the owner.

BUILDING PERMIT APPLICATION

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

PERMIT # 101400094

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

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY
 PLAN # _____
 TAX MAP # _____

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING		
SEE PERMITS		
HEALTH DEPT.		
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

TEE
 FILING FEE \$ _____
 AMOUNT DUE = \$ _____

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OFF)
 BY: _____ DATE: _____

ZONING REVIEW
 USE SED
 ZONING DISTRICT _____ HISTORICAL DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT <u>nc</u>	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>nc</u>	REMARKS	<u>21 x 24</u>		
L SIDE <u>nc</u>		<u>do back</u>		
R SIDE <u>11</u>		<u>garage</u>		
REAR <u>37</u>		<u>15' sq ft</u>		

REMARKS 504 sq ft
Per plan
15' tall
existing
sq ft
1181

**A SETBACK CERTIFICATION BASED
 ON-FIELD SURVEY IS REQUIRED
 PRIOR TO RUP ISSUANCE OR
 FINAL INSPECTION**

1105/11039

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

JOB LOCATION
 ADDRESS 2212 Bullwood Dr
 LOT # 1 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Quantum 201-2
 TENANT'S NAME 3374 D
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME JOSEPH CAULI
 ADDRESS 2212 Bullwood Dr
 CITY FALLS CHURCH STATE VA ZIP 22028
 TELEPHONE _____
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME CLASSIC PLUMB
 ADDRESS PO Box 216
 CITY FALLS CHURCH STATE VA ZIP 22028
 TELEPHONE 408-929-9000
 EMAIL FALLS@CLASSICPLUMB.COM
 STATE CONTRACTORS LICENSE # 2105-17397
 COUNTY BPOL # 8-1724
 CONTACT ID 3167R

APPLICANT
 NAME JOHN EMERSON
 ADDRESS 6374 STEINWALL ST
 CITY ALEX STATE VA ZIP 22304
 TELEPHONE 703-357-1211
 EMAIL JOHN@EMERSONVA.COM
 CONTACT ID _____

DESCRIPTION OF WORK
NEWER GARAGE

HOUSE TYPE _____
 ESTIMATED COST OF CONSTRUCTION 29,000
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____
 DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

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

Signature of Owner or Agent JOHN EMERSON Date 6/29/10
 Printed Name and Title _____

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

NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit: I, _____, a
 Notary Public in the State and County aforesaid, do certify that

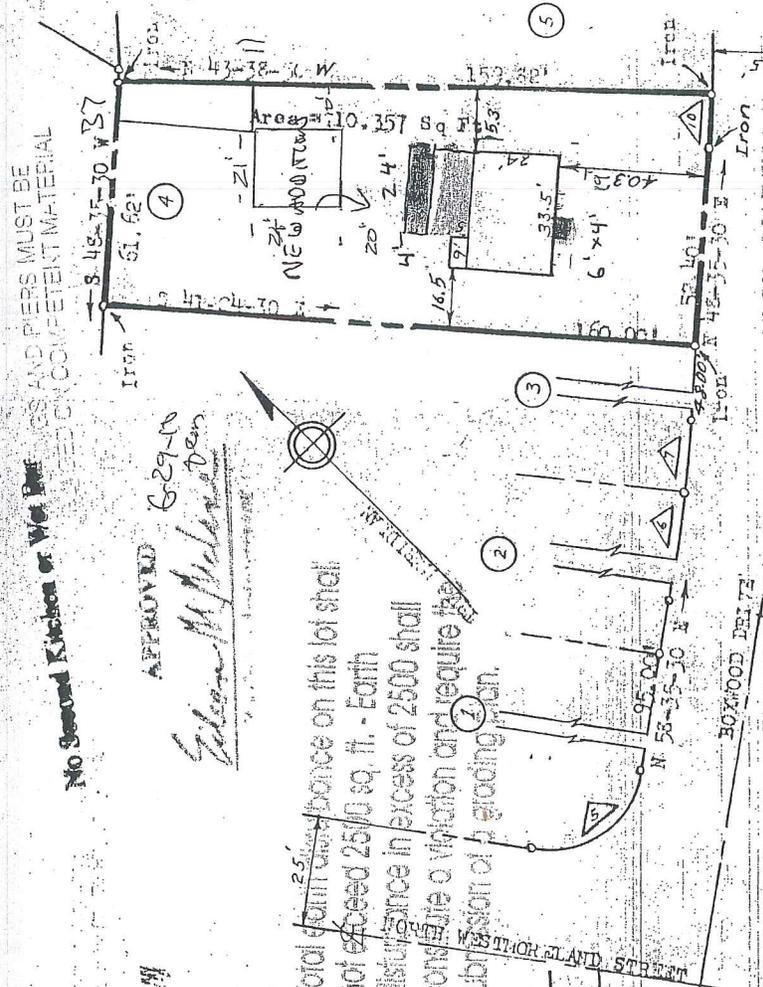
whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____.
 My commission expires the _____ day of _____, 20____.

(Notary Signature) _____

This is to certify that the survey of this property was made by me on the ground as per record description and is correct. There is no encroachment either way across property lines.

M. B. Sours
Civil Engineer & Surveyor
Falls Church & Chatham, Va.

Note: All bearings are true meridian bearings calculated from deflection angles.
Dead Reference:
D. B. R. 5 Page 669
D. B. R. 6 Page 364
D. B. R. 6 Page 557
A. H. Hodgson & others to G. V. Coleman and J. R. Neabitt. D. B. 753 page 80



APPROVED
John W. Z...
Zoning Administrator

APPROVED
Edwin M. ...
6-29-50

APPROVED
DIVISION OF INSPECTION SERVICES
BY *...*
Date 7-26-50

APPROVED
...
Zoning Administrator
DEC 7 - 1950

CHURCHILL SUBDIVISION
FAIRFAX COUNTY, VIRGINIA
PROVIDENCE MAGISTERIAL DISTRICT

APPROVED
...
Zoning Administrator
DEC 7 - 1950

Scale: 1" = 40'
Searched
INDEXED
SERIALIZED
FILED
DEC 15 1950
FBI - FAIRFAX COUNTY

Curve data:
I. = 30-00-00
R. = 25-00'
Ch. = 35-30'
Cl. Pg. = S-76-21-30 I

Curve data:
I. = 30-00-00
R. = 25-00'
Ch. = 35-30'
Cl. Pg. = N 54-39-30 N

Curve data:
I. = 2-03-00
R. = 546.50'
Ch. = 20-75'
Cl. Pg. = N 49-30-30 E

Curve data:
I. = 2-03-00
R. = 546.50'
Ch. = 20-75'
Cl. Pg. = N 49-30-30 E

Curve data:
I. = 2-03-00
R. = 546.50'
Ch. = 20-75'
Cl. Pg. = N 49-30-30 E

Curve data:
I. = 2-03-00
R. = 546.50'
Ch. = 20-75'
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R. = 546.50'
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I. = 2-03-00
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I. = 2-03-00
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Curve data:
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R. = 546.50'
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 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT #

102590129

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT

http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp

DO NOT WRITE IN GRAY SPACES (COUNTY USE ONLY)

PLAN # _____
 TAX MAP # _____

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING		
SITE PERMITS		
HEALTH DEPT		
BUILDING REVIEW		
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ _____
 FILING FEE \$ _____
 AMOUNT DUE = \$ _____

BUILDING PLAN REVIEW

REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLANT OC: J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT)

BY: _____ DATE _____

ZONING REVIEW

USE Std R-4
 ZONING DISTRICT R-4 HISTORICAL DISTRICT _____
 ZONING CASE # _____

GROSS FLOOR AREA OF TENANT SPACE

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>30'</u>	REMARKS	<u>Garage addn 18x22</u>		
L SIDE				
R SIDE <u>10'</u>				
REAR		<u>Main 4x24</u>		

REMARKS _____

**A SETBACK CERTIFICATION BASED
 ON FIELD SURVEY IS REQUIRED
 PRIOR TO RUP ISSUANCE OR
 FINAL INSPECTION**

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

JOB LOCATION

ADDRESS 2212 Boxwood Drive
 LOT # _____ BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Carrhill
 TENANT'S NAME Gelven
 EMAIL Maggie.gelven@verizon.net
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT

NAME William Maurice A. Gelven
 ADDRESS 2212 Boxwood Drive
 CITY Falls Church STATE VA ZIP 22043
 TELEPHONE 703-522-3337
 EMAIL Maggie.gelven@verizon.net
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER

CONTRACTORS MUST PROVIDE THE FOLLOWING:

COMPANY NAME _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 EMAIL _____
 STATE CONTRACTORS LICENSE # _____
 COUNTY BPOL # _____
 CONTACT ID _____

APPLICANT

NAME William Maurice A. Gelven
 ADDRESS 2212 Boxwood Drive
 CITY Falls Church STATE VA ZIP 22043
 TELEPHONE 703-522-3337
 EMAIL Maggie.gelven@verizon.net
 CONTACT ID _____

DESCRIPTION OF WORK

HOUSE TYPE _____
 ESTIMATED COST OF CONSTRUCTION _____
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____
 DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

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

Signature of Owner or Agent _____ Date _____
 Printed Name and Title _____

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

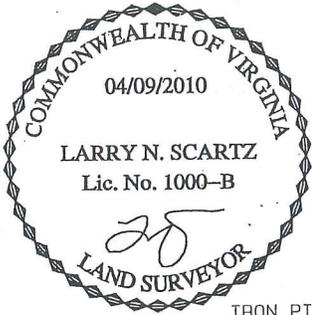
NOTARIZATION (if required)

State (or territory or district) of _____
 County (or city) of _____, to wit: I, _____
 Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____
 My commission expires the _____ day of _____, 20____

(Notary Signature) _____

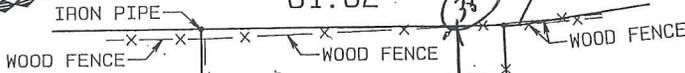
COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.



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

Garage 2nd story + 2nd story
BY 11
DATE *9/16/10* 10
N48°35'30"E 61.62'

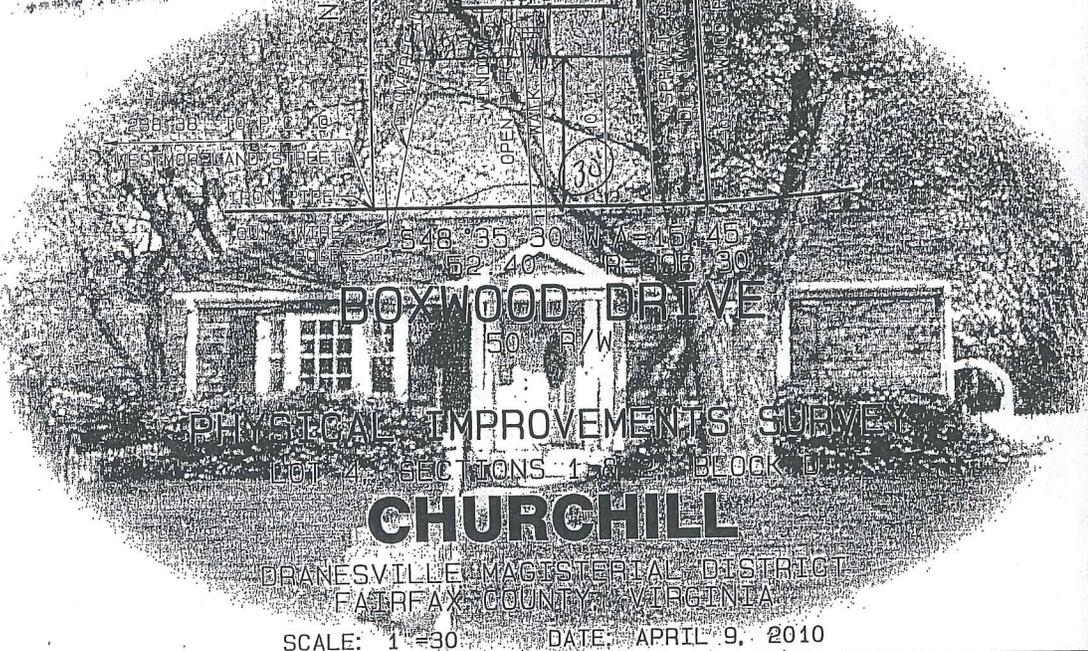
APPROVED
9-16-10
[Signature]
County Administrator



Physical demarcation of the limits of disturbance prior to commencing construction, through the use of staked fence, snow fence, tree protection or a comparable material is required.

Total earth disturbance on this lot shall not exceed 2500 sq. ft. - Earth disturbance in excess of 2500 shall constitute a violation and require the submission of a grading plan.

Duplicate
9-16-10



BOXWOOD DRIVE

PHYSICAL IMPROVEMENTS SURVEY

LOT 4 SECTIONS 1 & 2 BLOCK D

CHURCHILL

BRANESVILLE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30' DATE: APRIL 9, 2010

CASE NAME: MOORE
TO GELVEN (10-039)

NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY
AND DO NOT CERTIFY AS TO OWNERSHIP.



**CHATHAM
TITLE** LLC

SCARTZ SURVEYS

LARRY N. SCARTZ LOCAL (703) 494-4181
CERTIFIED LAND SURVEYOR FAX (703) 494-3330
WOODBIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM



**Building Permit
 Zoning Review**

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

5/30/12 10:29:38AM

Bldg Permit #:

121440132

DETACHED STRUCTURE RESIDENTIAL

Address: 2212 Boxwood Dr Falls Church VA 22043-1734

Bldg: N/A Floor: Suite: N/A

Subdiv: Churchill Lt 4 Blk D Secs 1 2

Sub Census: 709.03 Lot Size: 10,357.00

Tax Map: 0404 10D 0004

Owner: Gelven Joseph W Jr

Phone Day: (703)532-8337 x

Evening:

Contractor:

OWNER IS CONTRACTOR
 (999) 999-9999

Type of Work: GARAGE

Description of Work: AMEND 102590129//ADD SECOND STORY ADDITION OVER EXISTING DETACHED GARAGE

Specific Description of Work:

Multi level
 Y

ZPRB Review:

Date

Status

5/30/12

RG00D3

Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Exceeds 30%	SFT	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback	GA
R-4	N	SFD	N	0	N	N	N	N	N	20.50

Yard/Setbacks:

Dimensions:

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type
2nd stry addn	0.00	0.00	0.00	0.00	0.00	28.00	2nd stry addn 9.83 x 9.83	20.50	OTHER

DETAILS COMMENTS:

Second story addition over previously approved detached garage. No wet bar or second kitchen.

Similar Case History

Group:

APPLICANT: YAR M. BEHSUDI
STATUS: RECEIVED
STATUS/DECISION DTE: 02/04/2009
ZONING DISTRICT: R-4
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STRUCTURE TO REMAIN 8.9 FEET FROM SIDE LOT LINE AND ____ FEET FROM THE REAR LOT LINE
LOCATION: 2226 CAPRI COURT
TAX MAP #S:
0404 10C 0006

Group: 90-D -086**SP 90-D -086**

APPLICANT: IANAS MARIUS
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 04/03/1991
ZONING DISTRICT: R-4
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW GARAGE/WORKSHOP TO REMAIN 2 FT. FROM SIDE AND REAR LOT LINES (10 FT. MIN. SIDE YARD AND 11.2 FT. MIN. REAR YARD REQ.)
LOCATION: 6516 ROOSEVELT STREET
TAX MAP #S:
0404 10060004

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.