



APPLICATION ACCEPTED: October 18, 2013  
DATE OF PUBLIC HEARING: January 8, 2014  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

---

January 1, 2014

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-PR-086

### PROVIDENCE DISTRICT

**APPLICANT:** Paul Cromer

**OWNERS:** Paul L. Cromer  
Patrick M. Pozaro

**LOCATION:** 3325 Holly Court, Falls Church, 22042

**SUBDIVISION:** Holmes Run Acres

**TAX MAP:** 59-2 ((8)) (4) 43

**LOT SIZE:** 15,254 square feet

**ZONING:** R-3

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit reductions to the minimum yard requirements based on errors in building locations to permit addition to remain 6.4 ft. from side lot line and accessory storage structure to remain 5.0 ft. from rear lot line.

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

*O:\vgumk2\SP\_VC Cases\1-8) SP 2013-PR-086 Cromer (error)\SP 2013-PR-086 Cromer Staff Report.docx*

Laura Gumkowski

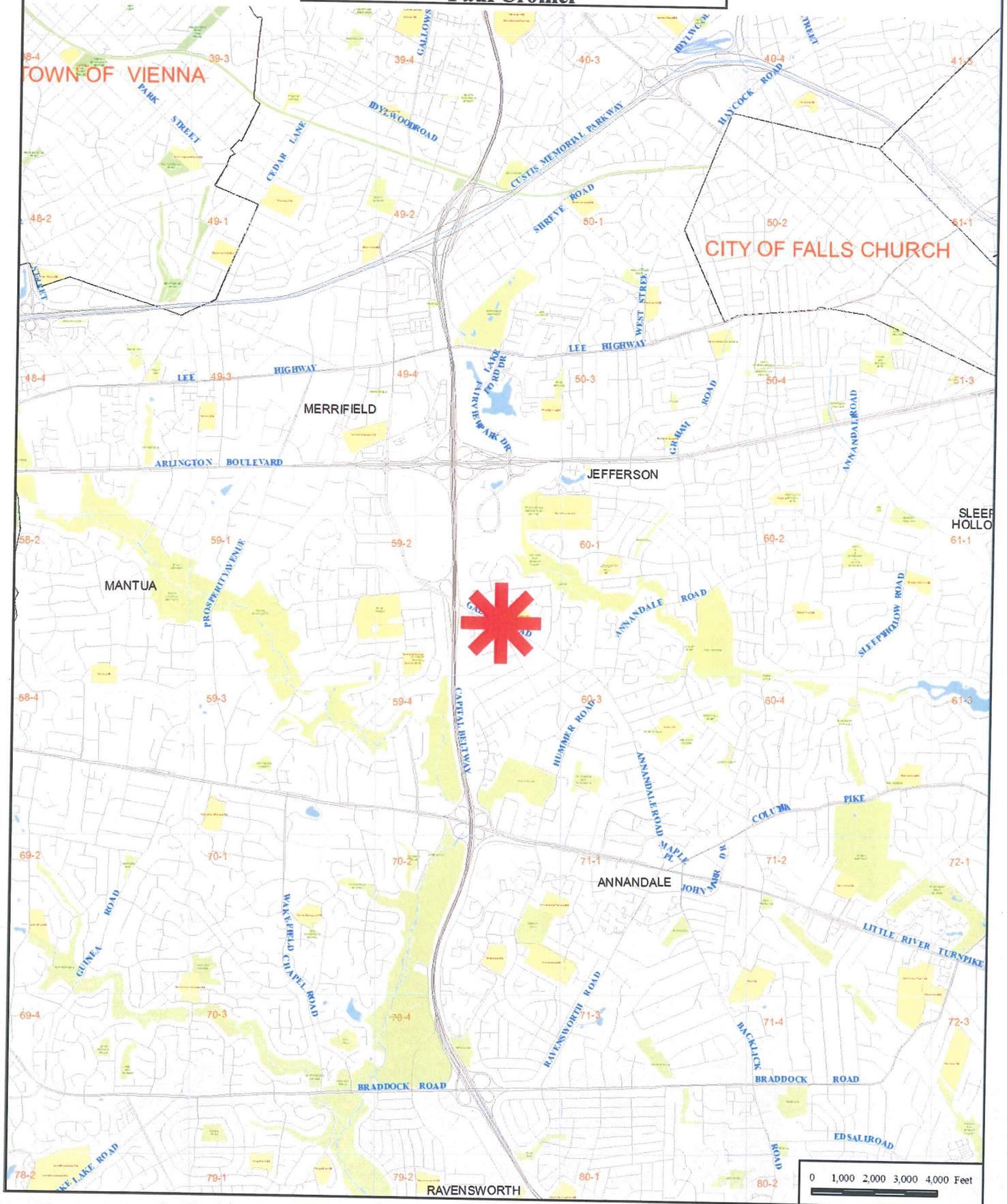
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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.**

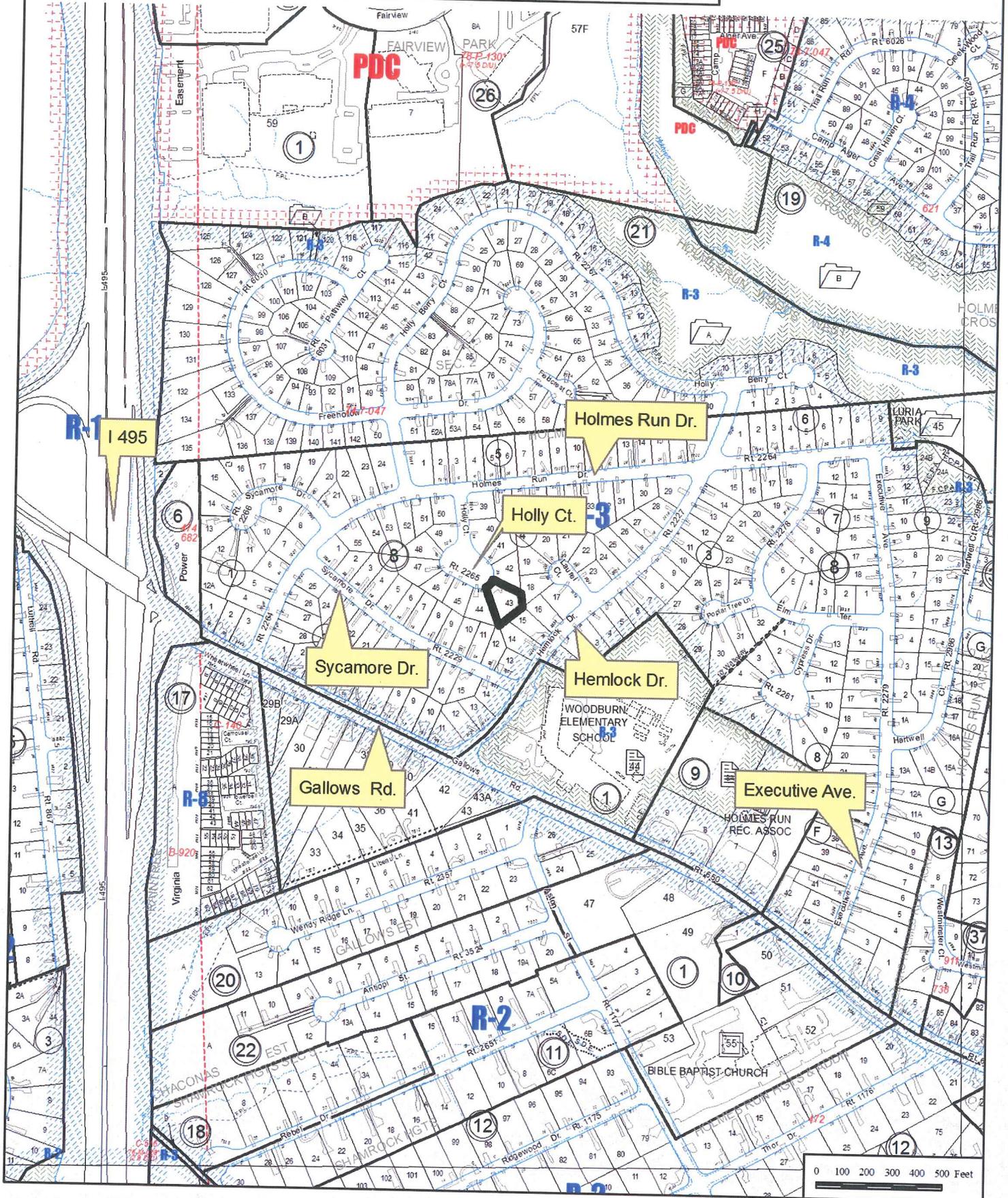


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2013-PR-086**  
**Paul Cromer**

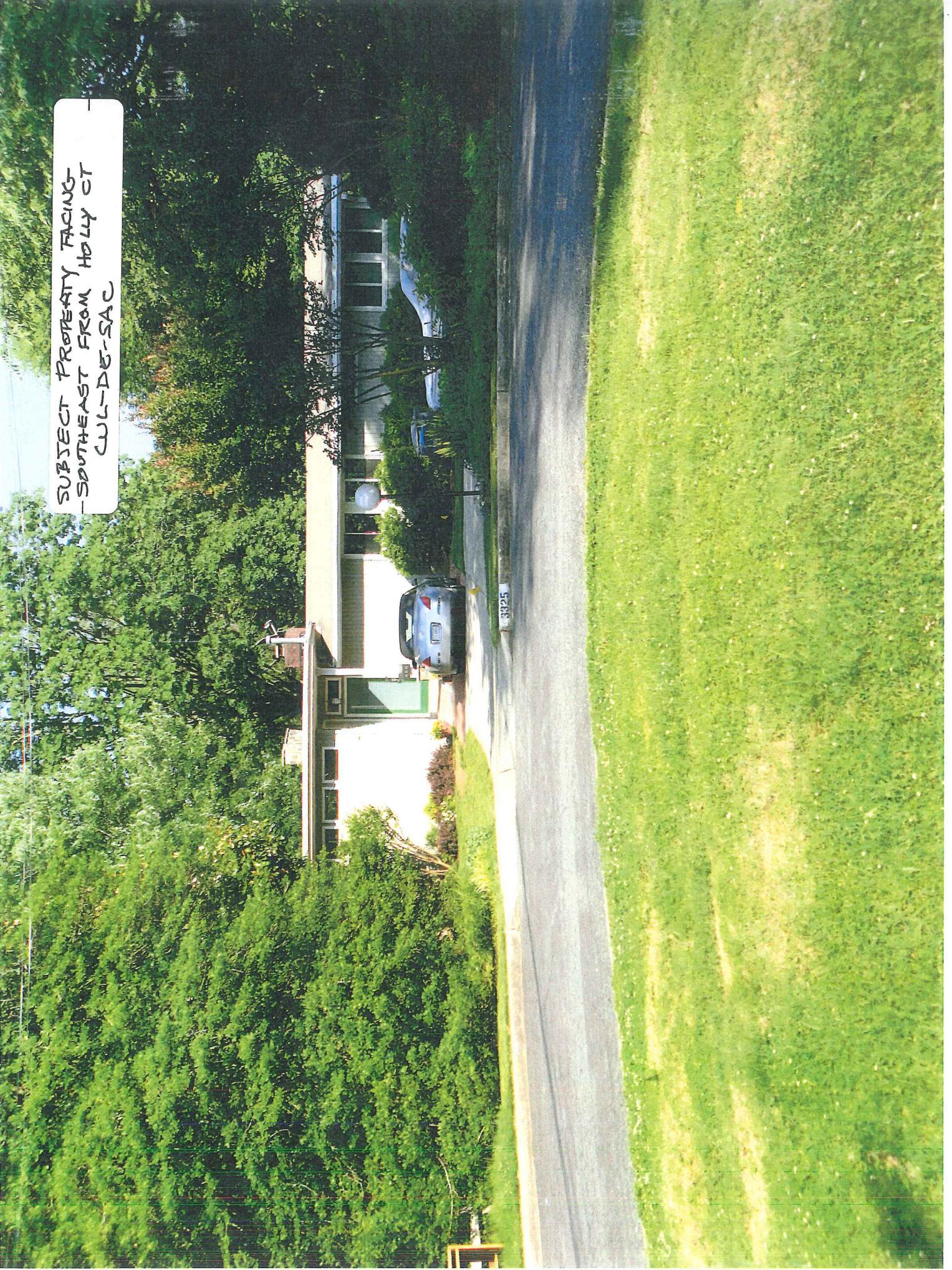


# Special Permit SP 2013-PR-086 Paul Cromer





SUBJECT PROPERTY FACING  
SOUTHEAST FROM HOLLY CT  
CUL-DE-SAC



FRONT OF SUBJECT PROPERTY  
FACING SOUTHEAST



3925 Holly Court

FACING SOUTHEAST FROM HOLLY CT  
SUBJECT PROPERTY TO RIGHT  
3323 HOLLY CT TO LEFT



FRONT LEFT SIDE YARD OF  
SUBJECT PROPERTY FACING  
SOUTHEAST



FRONT SIDE YARD LEFT OF SUBJECT  
PROPERTY FACING NORTHEAST  
INTO 3325 HOLLY CT



FRONT SIDE YARD LEFT OF SUBJECT  
PROPERTY FACING NORTH EAST  
INTO 323 HOLLY CT



FRONT SIDE OF SUBJECT  
PROPERTY FACING  
SOUTHEAST



FROM HOLLY CT FACING SOUTHEAST  
- SUBJECT PROPERTY ON LEFT -  
3326 HOLLY CT ON RIGHT



FRONT YARD OF SUBJECT  
PROPERTY FACING WEST INTO  
3326 HOLLY CT



RIGHT SIDE FRONT YARD OF SUBJECT  
PROPERTY FACING WEST INTO  
3326 HOLLY CT



REAR YARD OF SUBJECT  
PROPERTY FACING NORTHEAST



REAR OF SUBJECT PROPERTY FACING  
NORTHEAST INTO 3323 HOLLY CT



REAR OF SUBJECT PROPERTY  
FACING NORTHEAST INTO  
3323 HOLLY CT



LEFT SIDE YARD OF SUBJECT  
PROPERTY FACING NORTHWEST  
WITH 3323 HOLLY CT ON RIGHT



LEFT REAR SIDE YARD OF  
SUBJECT PROPERTY FACING  
SOUTHEAST



REAR OF SUBJECT PROPERTY FACING  
EAST INTO 3322 LAUREL CT



REAR OF SUBJECT PROPERTY FACING  
SOUTHEAST INTO 3336 HEMLOCK DR.



RIGHT REAR OF SUSPECT PROPERTY  
- FACING SOUTHEAST (W/2)  
3388 HEMLOCK DR (BEHIND SHED)



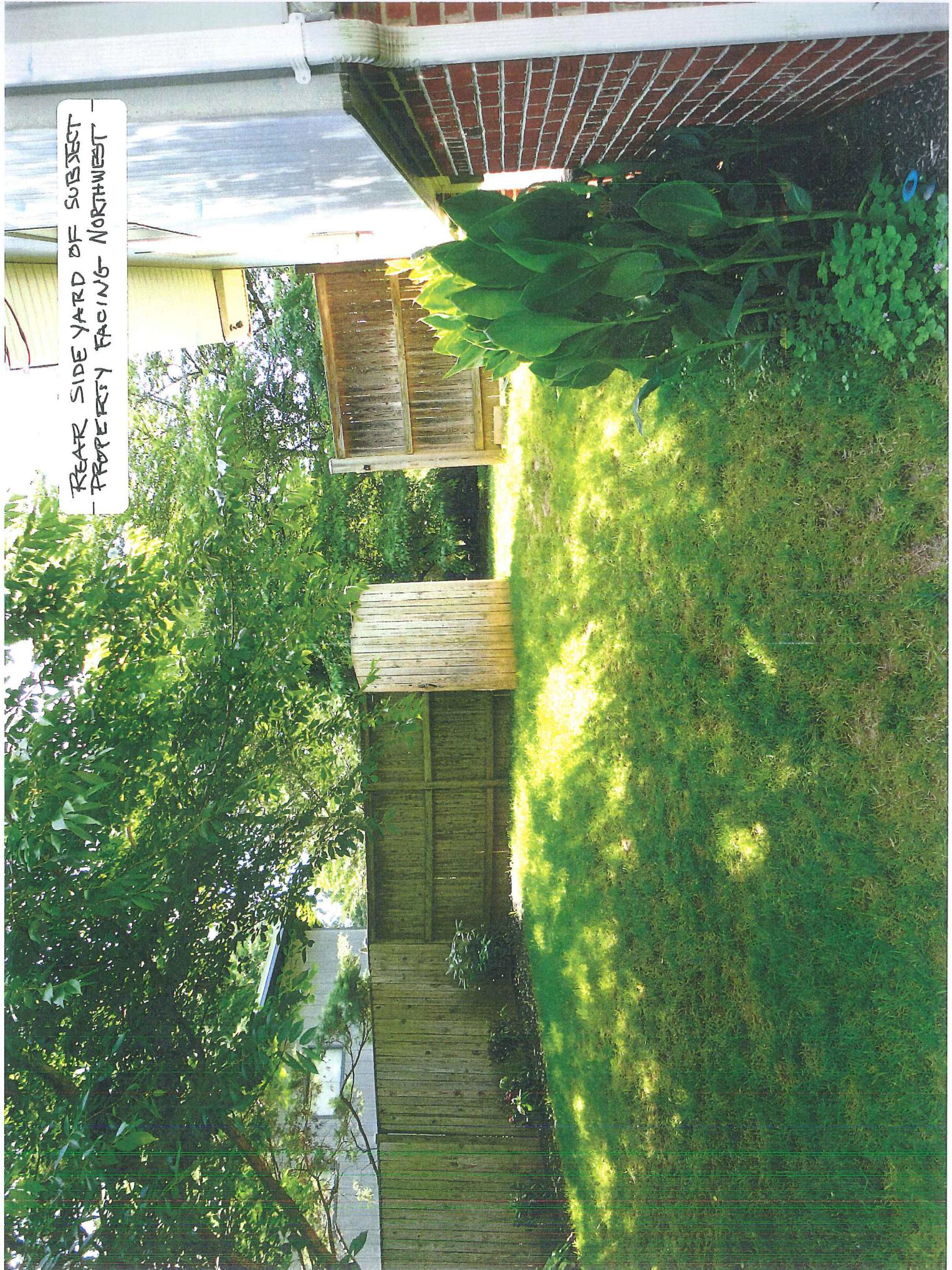
REAR OF SIDE YARD OF SUBJECT  
PROPERTY FACING SOUTHEAST INTO  
3308 HENLOCK DR & 3326 HOLLY CT



SIDE YARD (RIGHT) OF  
SUBJECT PROPERTY FACING  
NORTHWEST



REAR SIDE YARD OF SUBJECT  
PROPERTY FACING NORTHWEST



## DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of two special permits to allow reductions to the minimum yard requirements based on errors in building location to permit 1) an existing addition to the dwelling to remain 6.4 feet from the northeastern side lot line and 2) an accessory storage structure (shed) to remain 5.0 feet from the rear lot line. The shed is 10.25 feet in height and 243 square feet in area.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
<b>Special Permit #1</b>	<b>Addition</b>	Side	12.0 feet	6.4 feet	5.6 feet	46.7%
<b>Special Permit #2</b>	<b>Accessory Storage Structure (shed)</b>	Rear	10.25 feet	5.0 feet	5.25 feet	51.2%

A copy of the special permit plat depicting the structures on site, titled, "Special Permit Plat, Holmes Run Acres, Lot 43, Blk 4, Sec 3," prepared by Gregory J. Budnik, P.E., of GJB Engineering, Inc., dated October 14, 2013, is included at the front of the staff report.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 15,254 square foot lot is developed with a one-story frame single family detached dwelling, constructed in 1951. A two-story addition exists to the northeast of the structure. A number of decks are attached to the rear of the house and a hot tub exists on one of the decks. A 64 square foot shed, 8.25 feet in height, exists to the rear of the dwelling and west of the existing decks. A 243 square foot shed, 10.25 feet in height, exists to the rear of the dwelling, and north of the rear property line. An infiltration facility has been installed in the southwest portion of the property in anticipation of the installation of a pool and associated decking in the rear yard. A brick and concrete driveway that exists north of the dwelling provides vehicular access to Holly Court. A six foot high wood fence encloses the rear yard of the property. The property has a manicured yard with mature trees and shrubs. The property slopes down from the northwest to the southeast.

As depicted in the picture on the following page, the application property and surrounding lots are developed with single family detached dwellings. All properties are zoned R-3 and are within the Holmes Run Acres subdivision.



## BACKGROUND

According to Fairfax County Tax Records the applicant purchased the property in October of 2000. A building permit was approved for this property in December of 2003 for the construction of a two-story addition to the northeast of the house (Appendix 4). Although no plat was available in the county records for this addition, the applicant provided a plat that appears to be for this addition in the Statement of Justification (Appendix 3). This plat has been signed and dated by DPWES in 2003 and shows the location of the addition 12 feet from the side lot line. Additionally, county land records indicate that plumbing, electrical and mechanical permits were obtained for the addition. Another building permit was submitted in 2006, to build three open decks with stairs to the rear of the house. The applicant has already submitted plans for the infiltration trench on his property and will apply for building permits for the pool and the deck if this special permit application is approved.

A copy of information outlining similar special permit 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

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2013-PR-086**

**January 1, 2014**

1. This special permit is approved for the location of the addition and the accessory storage structure (shed) as shown on the plat prepared titled, "Special Permit Plat, Holmes Run Acres, Lot 43, Blk 4, Sec 3," prepared by Gregory J. Budnik, P.E., of GJB Engineering, Inc., dated October 14, 2013.

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-PR-086  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: JUNE 18, 2013  
 (enter date affidavit is notarized)

I, PAUL L. CROMER, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)  applicant 122007  
 applicant's authorized agent listed in Par. 1(a) below

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)
PAUL L. CROMER	3325 HOLLY CT FALLS CHURCH, VA 22042	<b>APPLICANT/TITLE OWNER</b>
PATRICK M. POZARO	3325 HOLLY CT FALLS CHURCH, VA 22042	<b>TITLE OWNER</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).

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: JUNE 18, 2013  
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122007

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)

NOT APPLICABLE

**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)

(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-PR-086

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

JUNE 18, 2013

(enter date affidavit is notarized)

122007

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)

NOT APPLICABLE

(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):

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: JUNE 18, 2013  
(enter date affidavit is notarized)

122007

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-PR-086

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: JUNE 18, 2013  
(enter date affidavit is notarized)

122007

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:

Paul L. Cromer

(check one)

[X] Applicant

[ ] Applicant's Authorized Agent

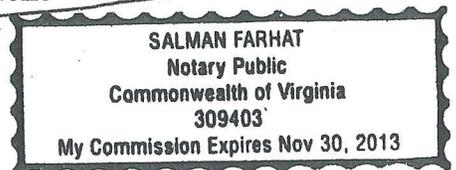
PAUL L CROMER OWNER

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

Subscribed and sworn to before me this 18 day of JUNE 2013, in the State/Comm. of FAIRFAX, County/City of

Notary Public

My commission expires: NOV 30, 2013



OCT 17 2013

**Statement of Justification**

Zoning Evaluation Division

I, Paul Cromer, owner and occupant of the detached single family residence located at 3325 Holly Court, Holmes Run Acres, Providence District #1 in Fairfax County am seeking approval of a Special Permit to provide relief to the minimum side yard setback requirements due to an error in building construction.

In 2003, I contracted with a registered Virginia architect, Scott Sterl AIA, to draw up construction plans for a kitchen remodel and an addition to the Holly Court residence. In early 2004, TW Herren Construction, a licensed Fairfax Count builder, was hired to construct the addition/kitchen remodel per the construction plans drawn up by the architect.

Somehow during either the building or permitting process, the minimum side yard setback requirements were overlooked. *The existing dwelling is 6.4 ft from side lot line - 12.0 ft required*

In addition, acting in good faith, there is a shed located in the corner of the property that was built prior to my owning the property in 2000. I have no documents showing date of construction of said shed. *The shed is 5.0 ft from rear lot line - required 10.5 feet.*

The proposed use, and other pertinent data, including specifically the following:

- A. The type of operation...the property in a detached single family residence.
- B. through I. Do not apply.

**Zoning Ordinance General Standards for a Special Permit**

Pursuant to Section 8-006 of the Zoning ordinance, the following general standards are addressed

1. Does not apply
2. Does not apply
3. The current addition does not adversely affect the use or development of neighboring properties since there is a 60 plus foot magnolia tree between the neighboring residence and the addition in question.
4. Does not apply
5. Does not apply
6. Does not apply
7. Does not apply
8. Does not apply

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

Based on Part 2

- A. The error does exceed ten (10) percent of the measurement involved,

RECEIVED  
Department of Planning & Zoning

AUG 01 2013

Zoning Evaluation Division

- B. The non compliance was done in good faith and through no fault of the property owner
- C. Such reduction will not impair the purpose and intent of this Ordinance. Landscaping has been added to the property as a screening measure.
- D. Is not detrimental to the use and enjoyment of other property owners, since the addition is screened from neighboring property by a 60 plus foot magnolia tree.
- E. Property will not create an unsafe condition to other property and public streets since a six (6) wooden fence is in place.
- F. To force compliance will produce an extreme hardship, since the addition will need to be torn down.
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

DPW&ES  
Office of Building  
Code Services

Approved for Creeway  
2 city addition on creeway

By: JSB

Date: 10-15-03

55°20'16" 00" W

110.30'

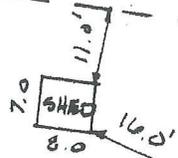
S 50°24'00" E

62.2'

53.1'

LOT 43  
15,254 sq ft

73.1'



APPROVED

10-15-03

*William E. [Signature]*  
Zoning A.C.

EXCAVATED MATERIAL  
SHALL BE REMOVED  
FROM SITE

S 65°00'00" E

119.72'

TOTAL EARTH DISTURBANCE ON THIS  
LOT SHALL NOT EXCEED 2500 S.F.

CHIM.

PROPOSED  
ADDITION  
(1STY.  
W/BMT)

30.1'  
#3325  
1STY. BRICK  
FRAME W/BMT

COVERED  
ENTRY

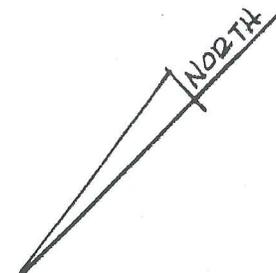
BRICK  
PATIO

CONC. DRIVE

N 21°39'14" W

25.6'

101.45'



BACKFILL ON WALLS MUST BE NON-EXPANSIVE, FREE  
DRAINING MATERIAL ADEQUATELY SLOPED TO PREVENT  
POUNDING OF WATER AROUND THE STRUCTURE.

HOLLY COURT  
50' R/W

PROVIDE POSITIVE DRAINAGE  
OR COVER  
FOR ALL OUTSIDE AREAWAYS

FOUNDATIONS AND PIERS MUST BE  
PLACED ON COMPETENT MATERIAL.

LOT 43 BLOCK 4 SECTION 3  
HOLMES RUN ACRES  
FAIRFAX COUNTY, VIRGINIA

INFORMATION SHOWN HEREON TAKEN FROM  
HOUSE LOCATION PREPARED BY JAMES H. GUYNN,  
CERTIFIED LAND SURVEYOR, & DATED JULY 1, 1976

1" = 30'

9/22/03

**BUILDING PERMIT APPLICATION**

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
 PERMIT APPLICATION CENTER

12055 Government Center Parkway, 2nd Floor Telephone: 703-222-0801  
 Fairfax, Virginia 22035-5504 Web site: http://www.co.fairfax.va.us/dpwcs

PERMIT # 03

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # R-03-01287  
 TAX MAP # 10-2-5574

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

**JOB LOCATION**  
 ADDRESS 5325 HOUR CT  
 LOT # 43 BUILDING SCH 3  
 FLOOR Basement SUITE  
 SUBDIVISION HOLLIS RUN ARES  
 TENANT'S NAME

**OWNER INFORMATION** OWNER  TENANT   
 NAME PAUL GEORGE  
 ADDRESS 5325 HOUR CT  
 CITY Fairfax STATE VA ZIP 22042  
 TELEPHONE 703 201-1650

**CONTRACTOR INFORMATION** SAME AS OWNER   
 CONTRACTORS MUST PROVIDE THE FOLLOWING:  
 COMPANY NAME T.W. HEEREN CONST.  
 ADDRESS 16011 SHALLOW FORD RD  
 CITY Manassas STATE VA ZIP 20111  
 TELEPHONE 703 331 0299  
 STATE CONTRACTORS LICENSE # 2101033132 D  
 COUNTY BPOL # 1B, 2A43

**APPLICANT** T. W. HEEREN

**DESCRIPTION OF WORK**  
TWO STORY DINING ROOM ADDITION  
AND KITCHEN RENOVATION

**HOUSE TYPE**  
 ESTIMATED COST OF CONSTRUCTION 60,000  
 BLDG AREA (SQ FT OF FOOTPRINT)  
 USE GROUP OF BUILDING R4  
 TYPE OF CONSTRUCTION SFD  
 SEWER SERVICE PUBLIC  SEPTIC  OTHER   
 WATER SERVICE PUBLIC  WELL  OTHER   
 OTHER PLEASE SPECIFY:

**DESIGNATED MECHANICS LIEN AGENT**  
 (Residential Construction Only)  
 NAME  
 ADDRESS  
 NONE DESIGNATED  PHONE

**CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS**

# KITCHENS	EXTER. WALLS	
# BATHS	INTER. WALLS	
# HALF BATHS	ROOF MATERIAL	
# BEDROOMS	FLOOR MATERIAL	
# OF ROOMS	FIN. BASEMENT	%
# STORIES	HEATING FUEL	
BUILDING HEIGHT	HEATING SYSTEM	
BUILDING AREA	# FIREPLACES	
BASEMENT		

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be compiled 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.

T. W. Heeren 10/14/03  
 Signature of Owner or Agent Date

T. W. HEEREN, GENL. CONTRACTOR  
 Printed Name and Title

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

ROUTING	DATE	APPROVED BY
LICENSING	10/15/03	[Signature]
ZONING	10-15-03	[Signature]
SITE PERMITS	11-15-03	[Signature]
HEALTH DEPT.		
BUILDING REVIEW	11-2-03	[Signature]
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$  
 FILING FEE \$  
 AMOUNT DUE = \$ 9376

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

**APPROVED FOR ISSUANCE OF BUILDING PERMIT**  
 (LOG OUT)  
 BY HK DATE 12/10/03

ZONING REVIEW ZONING CLASS R-3  
 USE SFD  
 ZONING CASE #

GROSS FLOOR AREA OF TENANT SPACE  
 YARDS: GARAGE 1  2  3   
 FRONT OPTIONS YES  NO   
 FRONT 55' REMARKS BLD 2 STORIES  
 L SIDE 12' 16' x 12' (10' x 12')  
 R SIDE 25'  
 REAR 25'

**GRADING AND DRAINAGE REVIEW**  
 SOILS # 55 A  B  C   
 HISTORICAL DISTRICT  
 AREA TO BE DISTURBED (TOTAL SQ FT) 12158  
 ADD'L IMPERVIOUS AREA (ADDED SQ FT) 201  
 PLAN # APPR. DATE

**STAMPS** FF 2500, EXMUT  
 (See reverse side of application)

**REMARKS**

**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)

# Similar Case History

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## Group: 94-P -042

### SP 94-P -042

**APPLICANT:** RIEGER, DANA M & WENDY M  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 12/01/1994  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DWELLING TO REMAIN 7.4 FT. FROM SIDE LOT LINE  
**LOCATION:** 3326 HOLLY COURT  
**TAX MAP #S:**  
 0592 08040044

## Group: 98-P -043

### SP 98-P -043

**APPLICANT:** HOWE, DAVID E. & MARY T.  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 02/17/1999  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT CARPORT TO REMAIN 0.0 FT. FROM SIDE LOT LINE AND SHED TO REMAIN 1.4 FT. FROM SIDE LOT LINE AND 1.3 FT. FROM REAR LOT LINE  
**LOCATION:** 3404 CYPRESS DRIVE  
**TAX MAP #S:**  
 0592 08080003

### **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.