



APPLICATION ACCEPTED: August 2, 2013
BOARD OF ZONING APPEALS: January 15, 2014*

* Admin moved for notices

TIME: 9:00 a.m.

County of Fairfax, Virginia

January 8, 2014

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-PR-058

PROVIDENCE DISTRICT

APPLICANTS/OWNERS: Evan David Wesser
Aubrey Noel Wesser

STREET ADDRESS: 2906 Rose Place, Falls Church, 22042

SUBDIVISION: City Park Homes

TAX MAP REFERENCE: 50-4 ((16)) 89

LOT SIZE: 9,009 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 8-914, 8-923

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit covered stoop to remain 27.4 ft. and stairs to remain 21.6 ft. from front lot line and to permit fence greater than 4.0 ft. in height to remain in front yard of a corner lot.

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

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

O:\rhomert\Special Permits\Wesser fence and error\Wesser 50% and error.doc

Rebecca Homer

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/plan/



For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

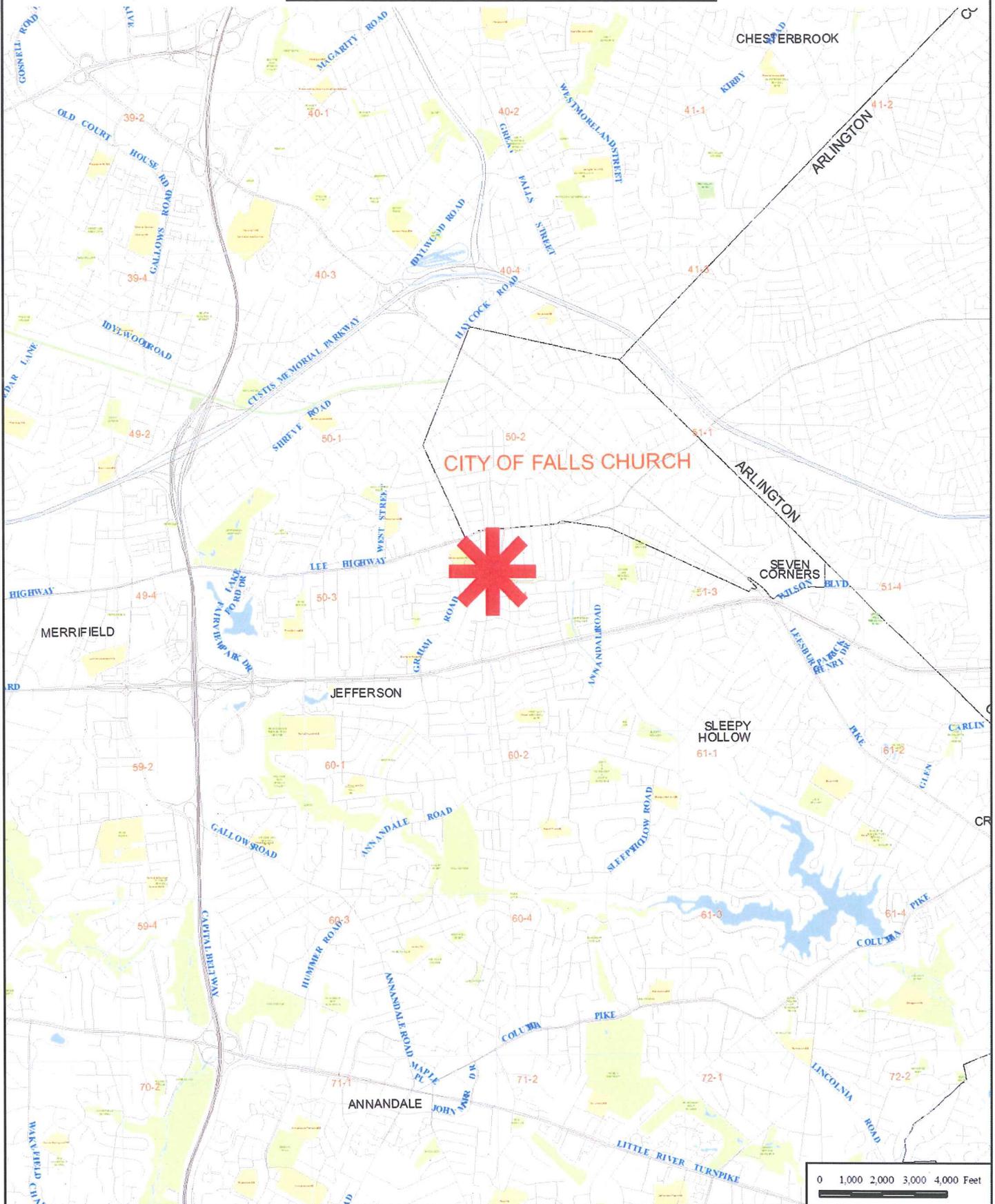


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2013-PR-058

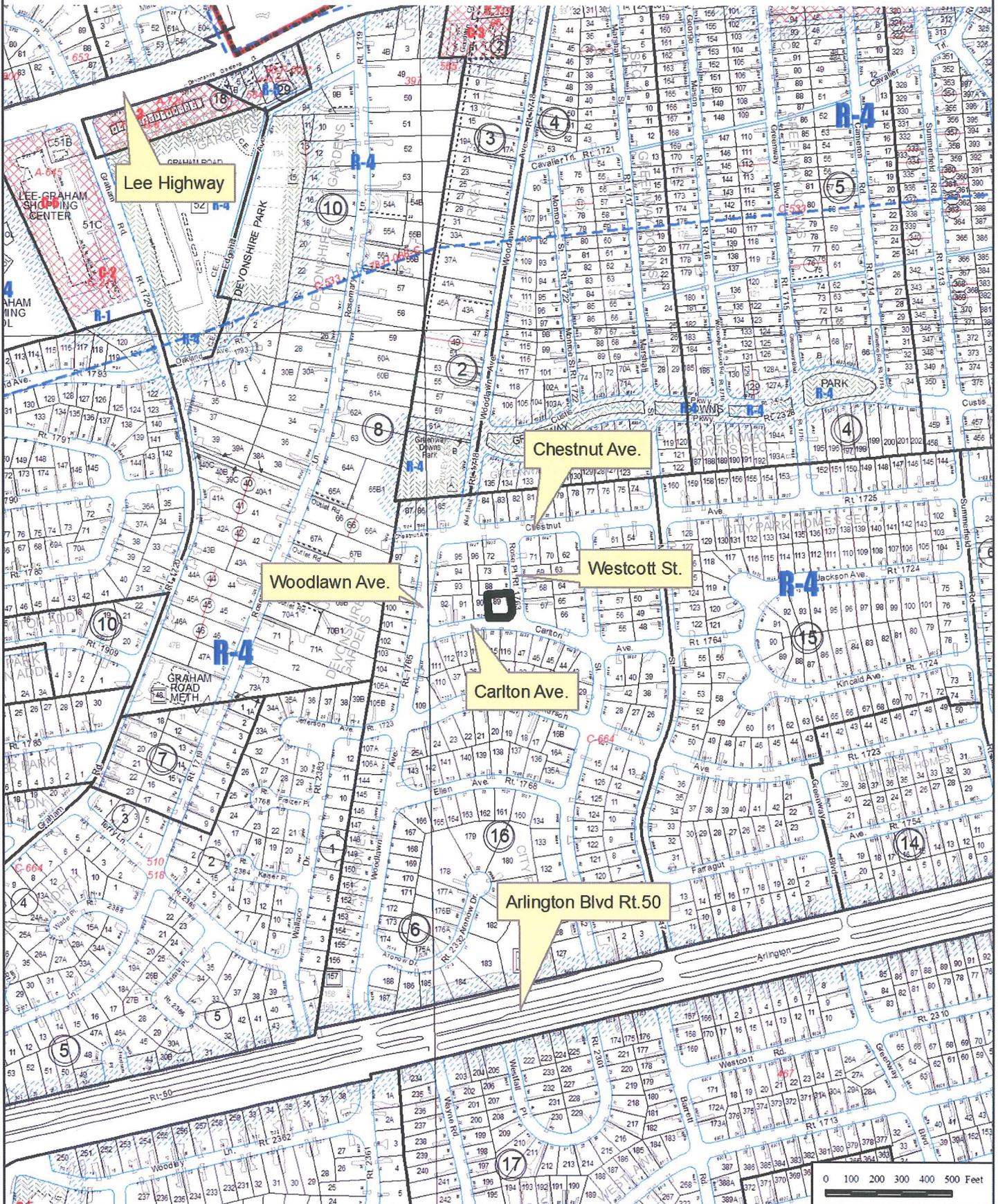
EVAN DAVID WESSER / AUBREY NOEL WESSER



Special Permit

SP 2013-PR-058

EVAN DAVID WESSER / AUBREY NOEL WESSER



NOTES

- TAX MAP: 50-4-16-0089
- ZONE: R-4 (RESIDENTIAL 4 DU/AC)
- LOT AREA: 9,009 SF (0.2068 AC)
- REQUIRED YARDS:
 - FRONT: = 30.0 FEET
 - SIDE: = 10.0 FEET
- HEIGHTS:
 - DWELLING = 23.7 FEET
 - SHED = 07.7 FEET
 - COVERED STOOP (RIDGE HEIGHT) = 15.0 FEET
 - WALLS = AS NOTED
 - FENCES = AS NOTED
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY. THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 515525 0087 D REVISED MARCH 5, 1990.
- AREAS:
 - EX BASEMENT = 933 SF
 - EX FIRST FLOOR = 933 SF
 - EX SECOND FLOOR = 933 SF
 - EX GROSS FLOOR AREA = 2,799 SF
 - EX FLOOR AREA RATIO = EX GFA (2799) / LOT AREA (9009) = 0.31

PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 89, SECTION 3
CITY PARK HOMES
 (DEED BOOK 481, PAGE 538)
 FAIRFAX COUNTY, VIRGINIA

PROVIDENCE DISTRICT
 SEPTEMBER 15, 2010
 NOVEMBER 01, 2010 (REV)
 MARCH 28, 2011 (REV)
 AUGUST 24, 2012 (REV)
 APRIL 29, 2013 (REV)
 SCALE: 1" = 10'



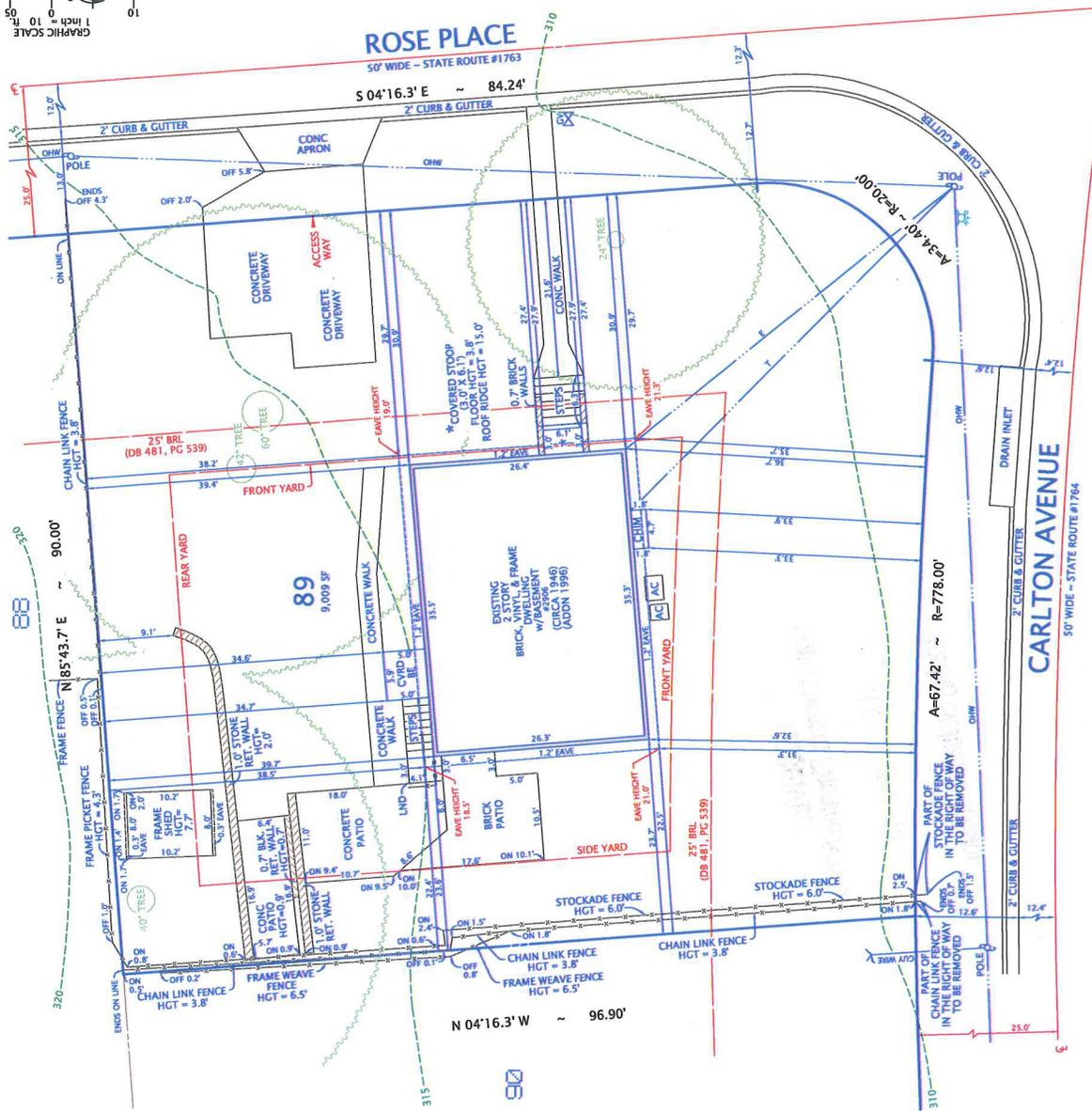
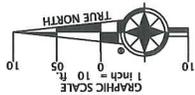
CASE NAME:
 EVAN & AUBREY WASSER

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURBED FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

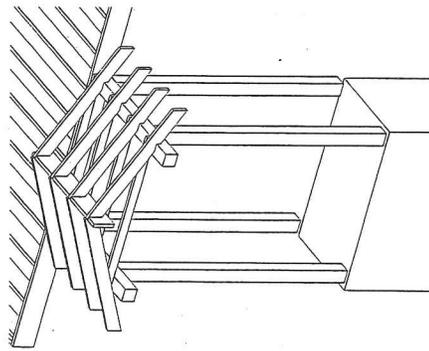
THIS PLAT IS SUBJECT TO INSTRUCTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.

DOMINION Surveys
 8808 H PEAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 703.619.6535
 FAX: 703.759.6412

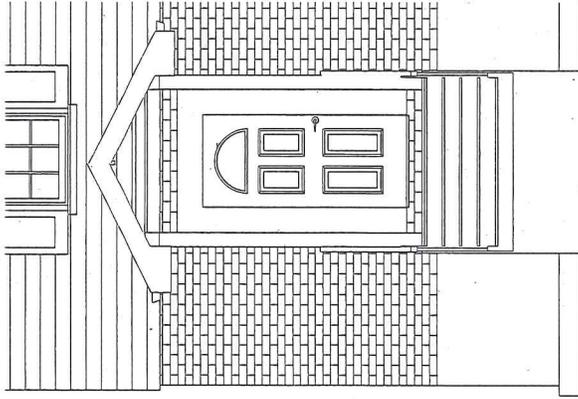
George M. O'Quinn



Attach (2x10) Ridge & (6x6) Headers to Second Storey Floor Framing with Joist Hangers

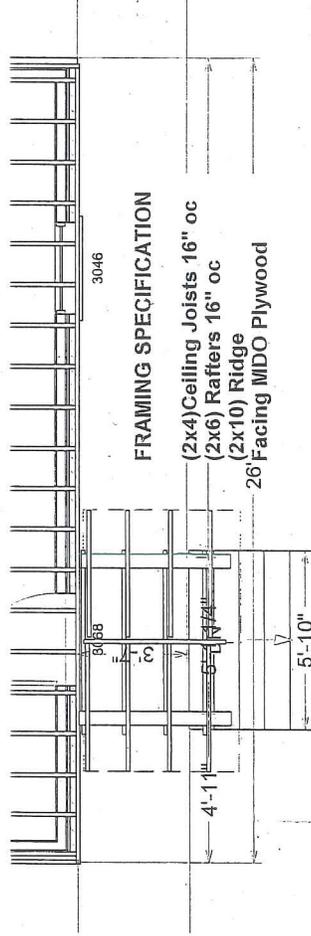


ELEVATION Scale: 1/4" = 1'-0"



Attach (6x6) Posts to slab with Column Bases & to (6x6) Headers with Column Caps.

FRAMING DIAGRAM THAT AVOIDS CONNECTION TO BRICK VENEER



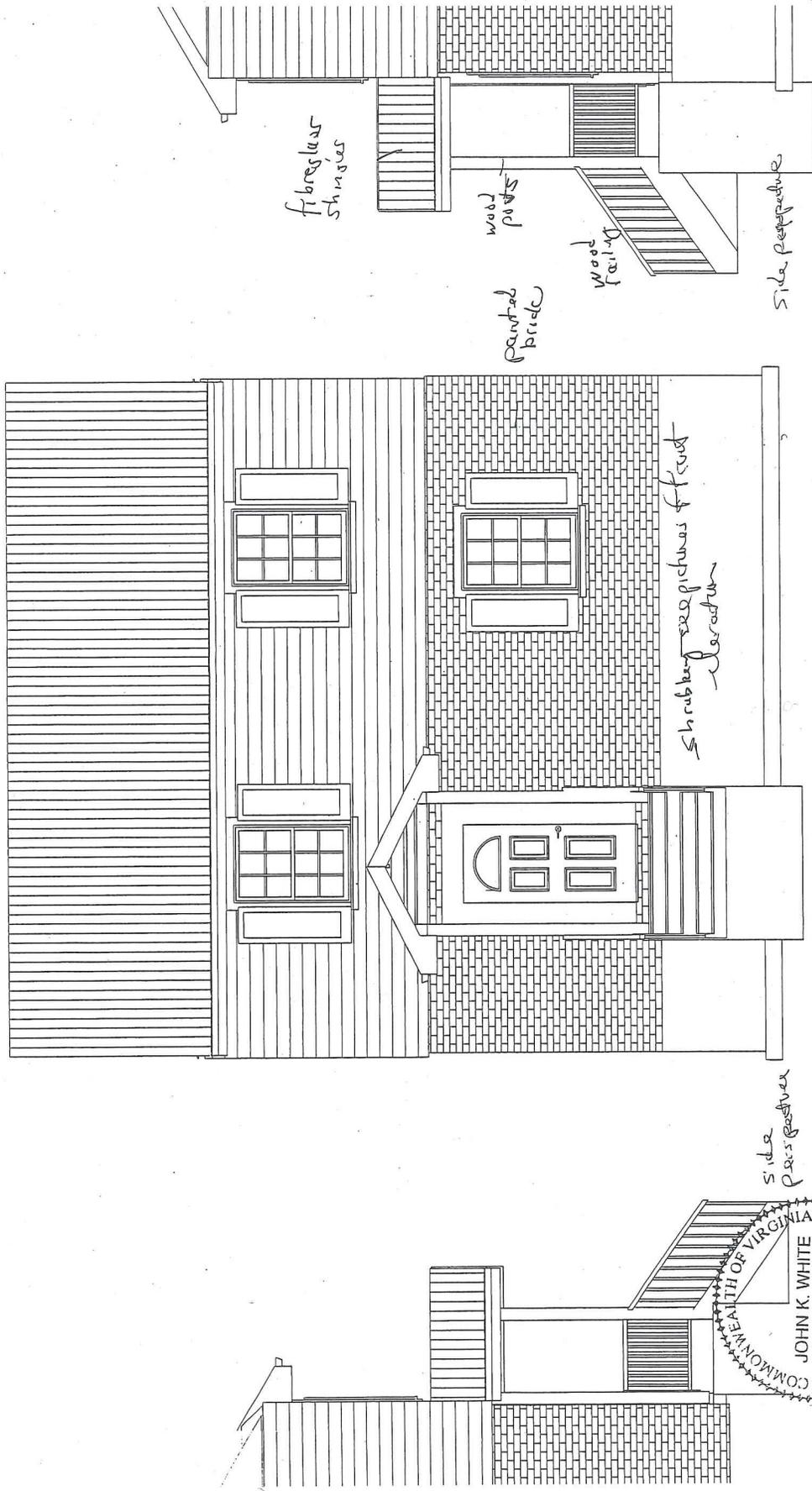
FLOOR PLAN Scale: 1/4" = 1'-0"



JOHN K. WHITE, P.E. ARCHITECTURAL ENGINEER 1119 N. HARRISON ST., ARLINGTON, VA 22205 703-539-7126

Front Porch for Russ Arkin 2906 Rose Place, Falls Church, VA 703-401-7327

please also refer to before + after photos previously submitted



Side Porchposture

Shrubbery over pictures of front porch



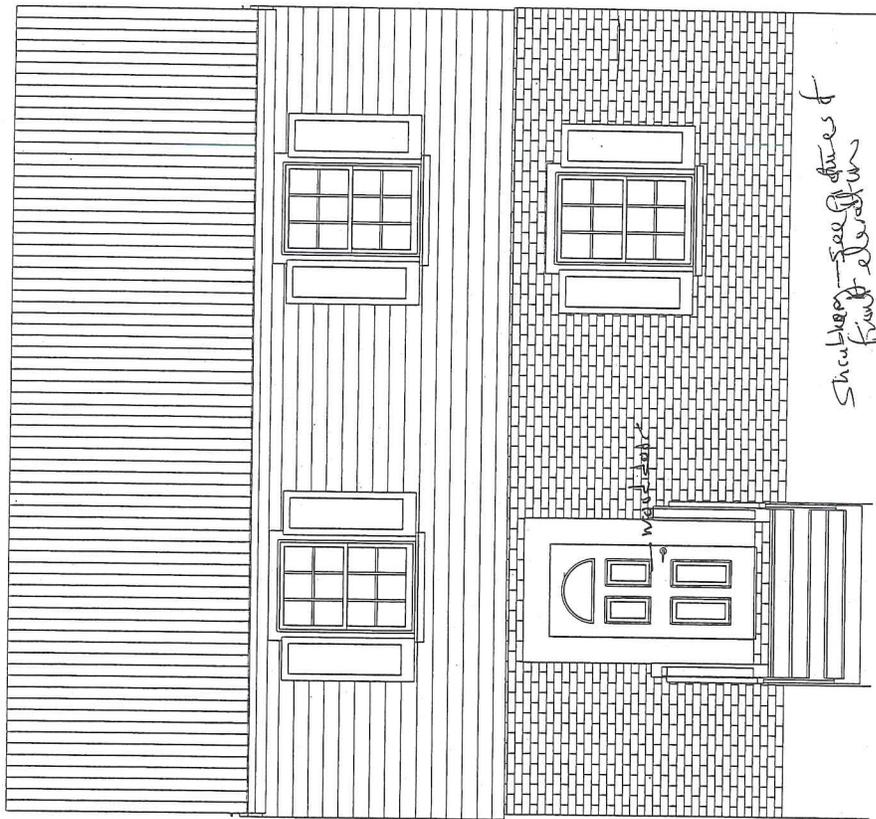
ELEVATIONS WITH NEW PORCH

Front Porch for Russ Arkin 2906 Rose Place, Falls Church, VA 703-401-7327

JOHN K. WHITE, P.E. ARCHITECTURAL ENGINEER 1119 N. HARRISON ST., ARLINGTON, VA 22205 703-539-7126

Please also refer to notes + after pictures
 previously submitted

3



As per notes for
 roof shingles

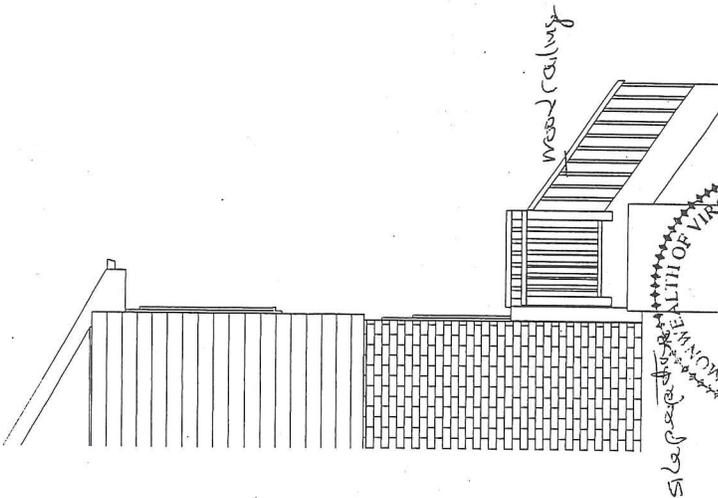
Vinyl Siding

Painted brick

wood railing

side porch + pediment

Structure - see elevations of
 front elevation



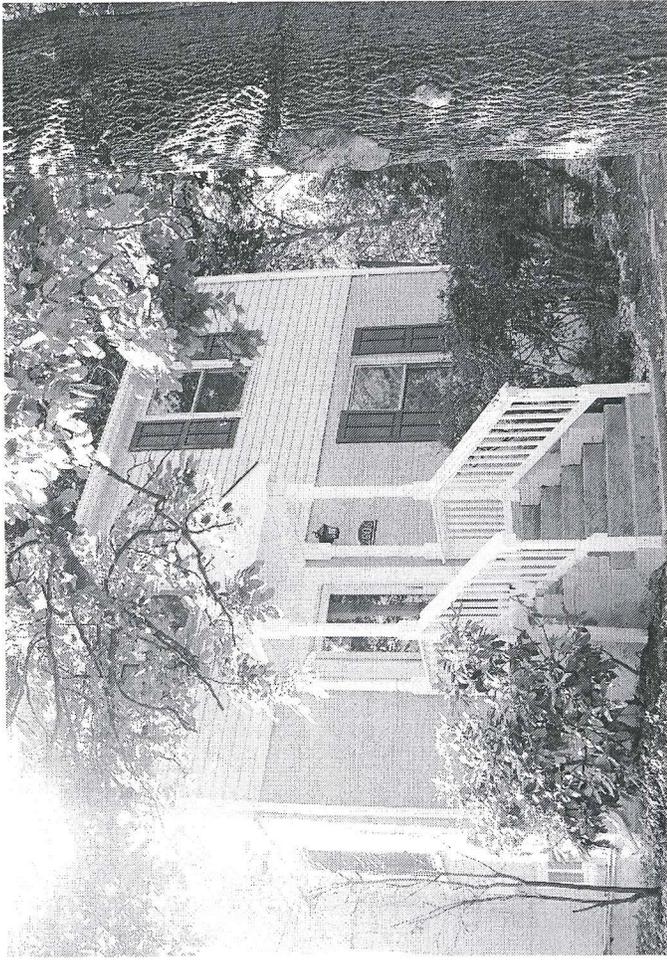
wood railing



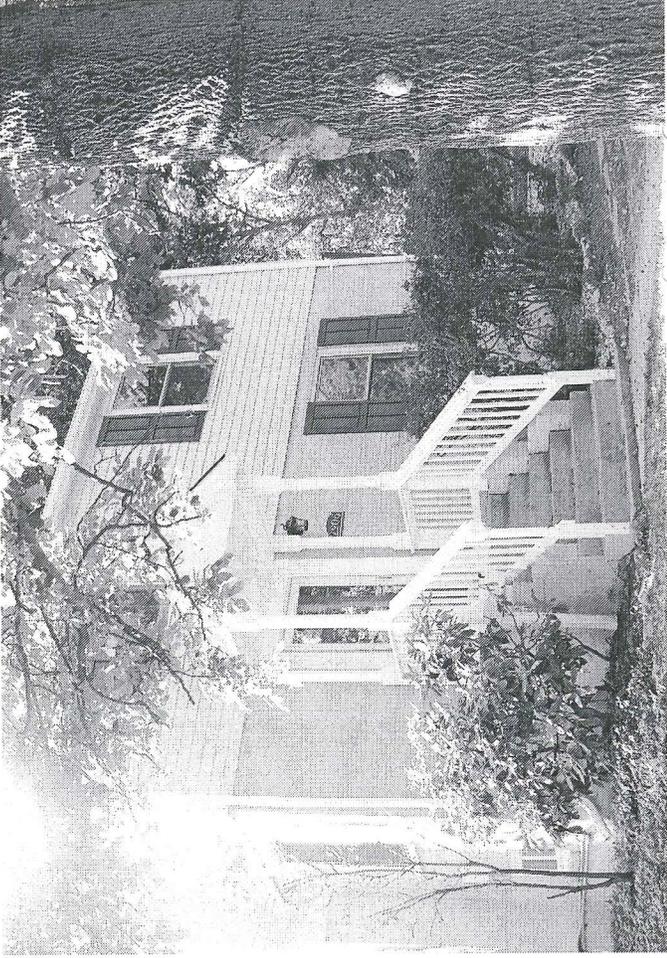
JOHN K. WHITE, P.E. ARCHITECTURAL
 ENGINEER 1119 N. HARRISON ST.,
 ARLINGTON, VA 22205 703-639-7126

ELEVATIONS WITHOUT NEW PORCH

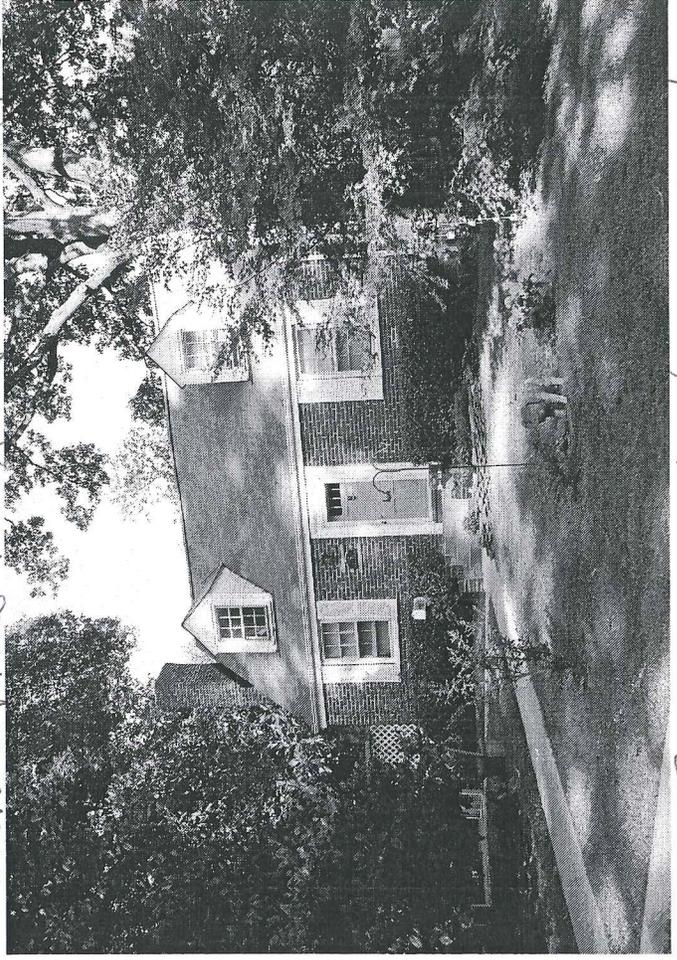
Front Porch for Russ Arkin 2906 Rose
 Place, Falls Church, VA 703-401-7327



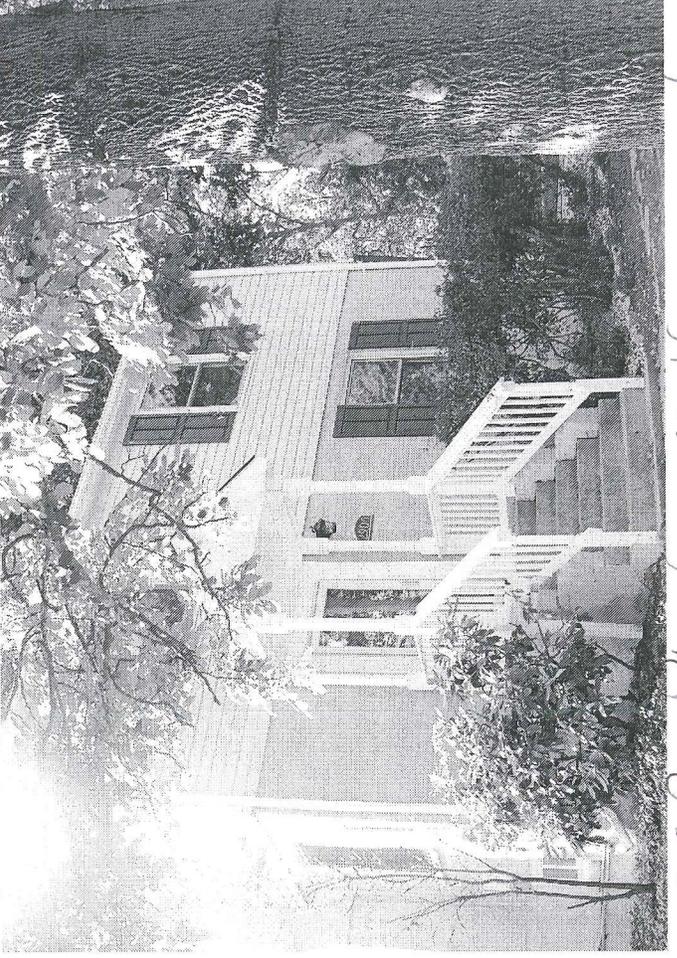
2906 Rose Place - facing NW from corner of yard



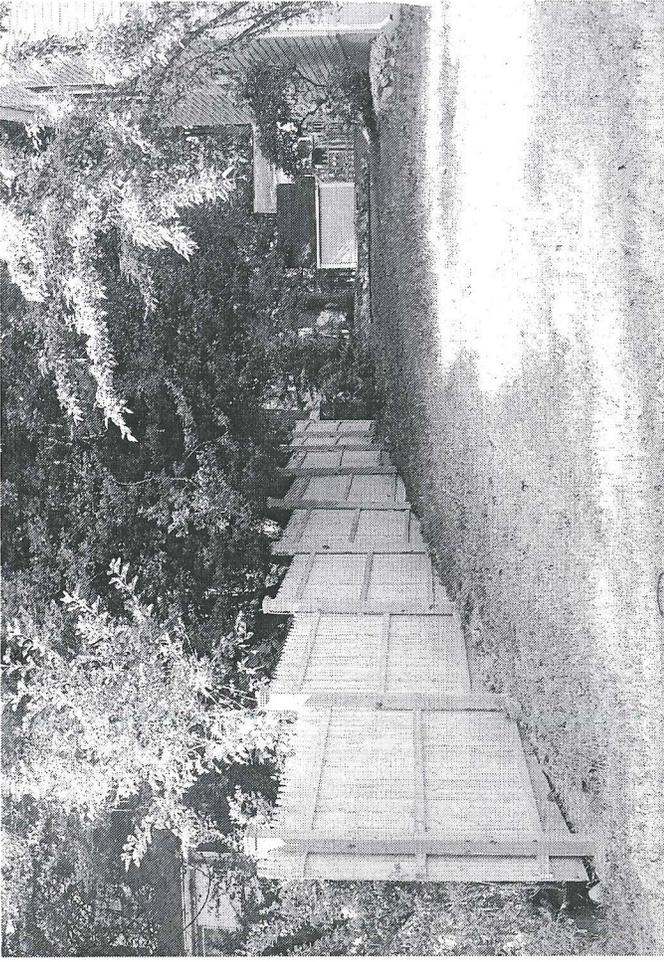
2906 Rose Place - taken from corner of yard facing NW



2905 Rose Place - picture facing east and taken from front corner of 2906 Rose Place



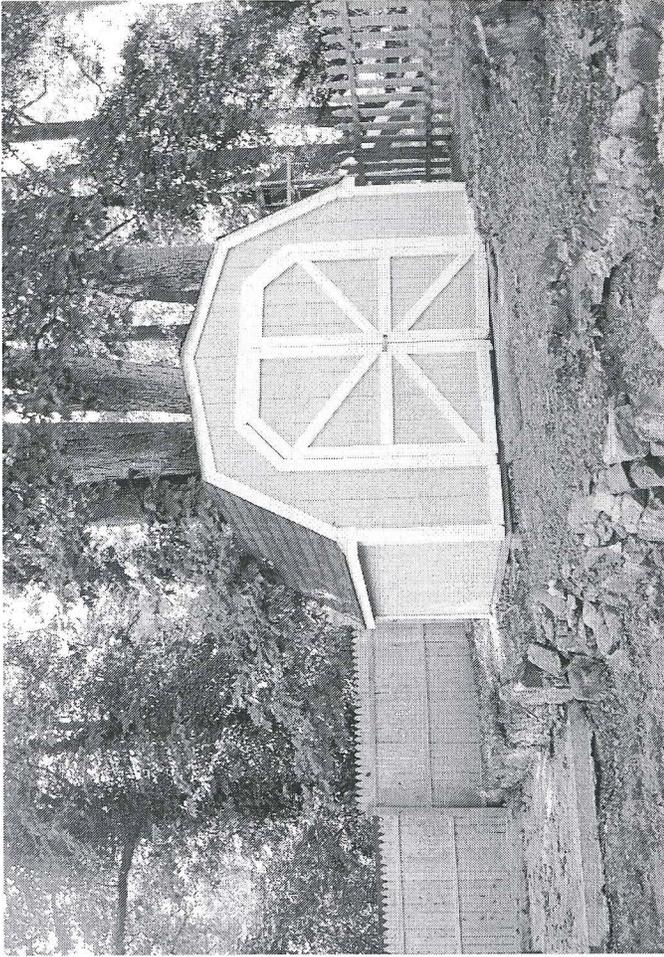
2906 Rose Place facing NW from corner of front yard



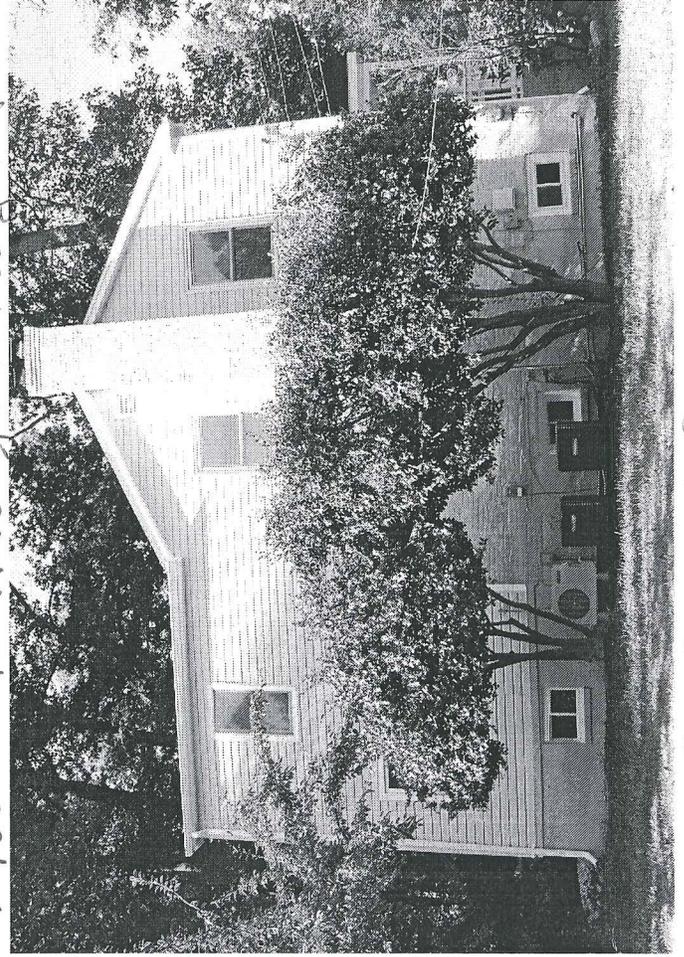
2906 Rose Place Back Yard - facing North



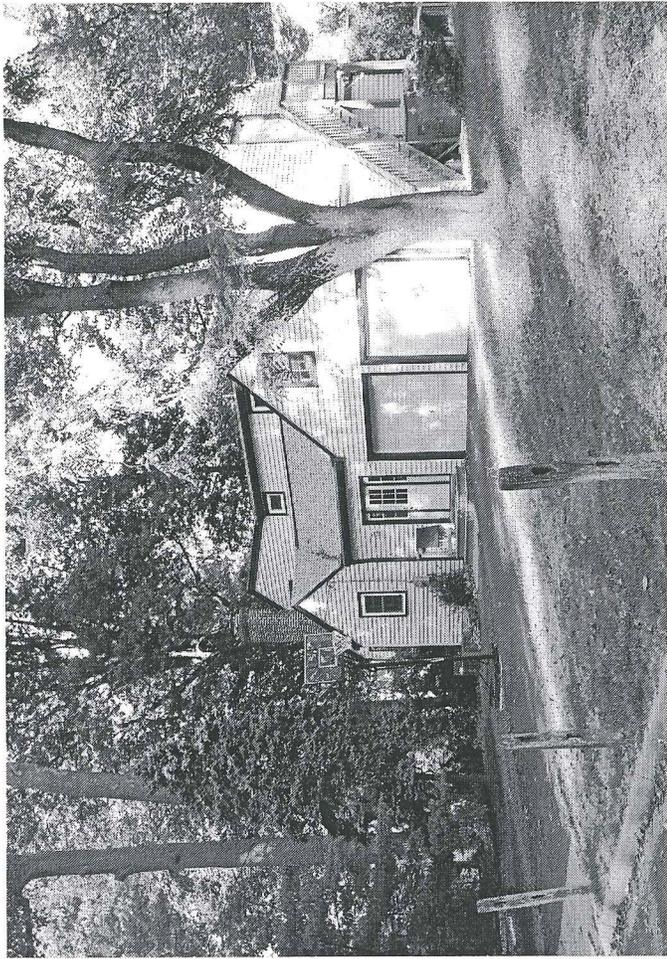
2906 Rose Place - facing South toward
Carlton Place



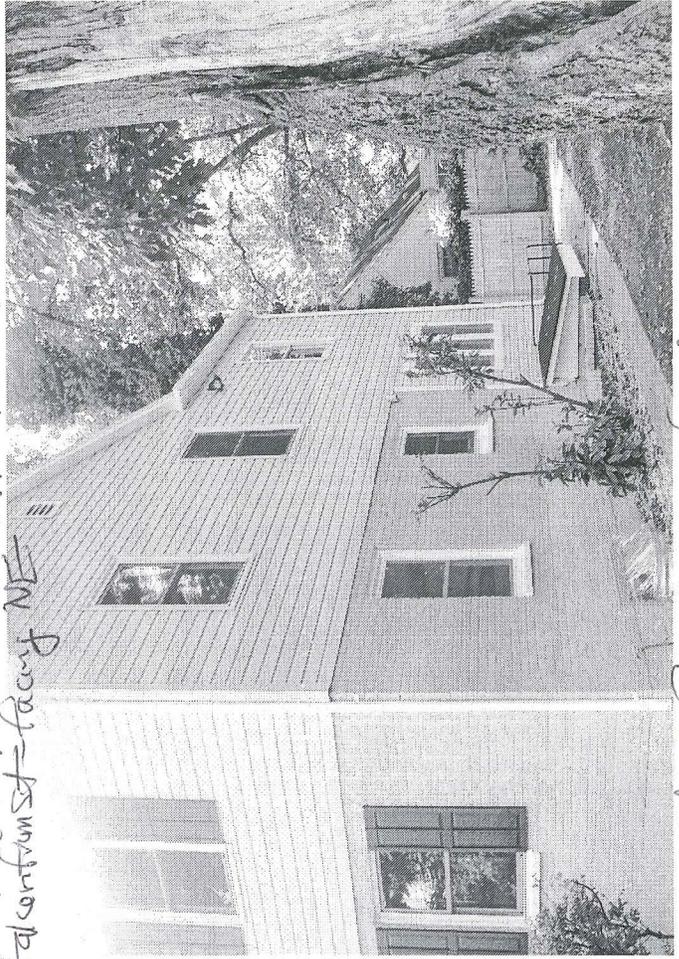
2906 Rose Place Back Yard - facing west



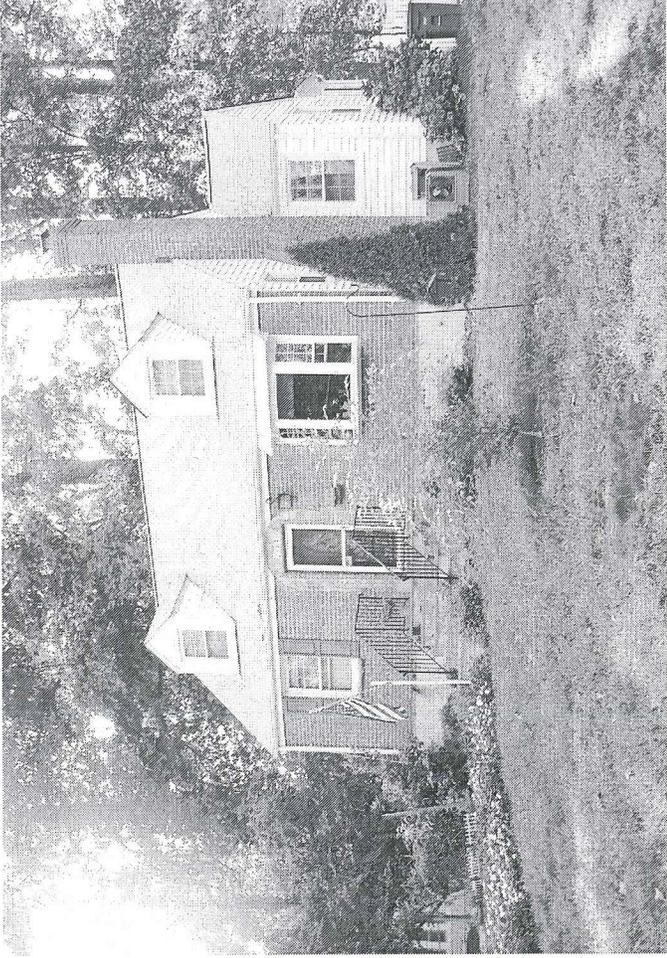
2906 Rose Place - side of home
facing North - toward Carlton Place



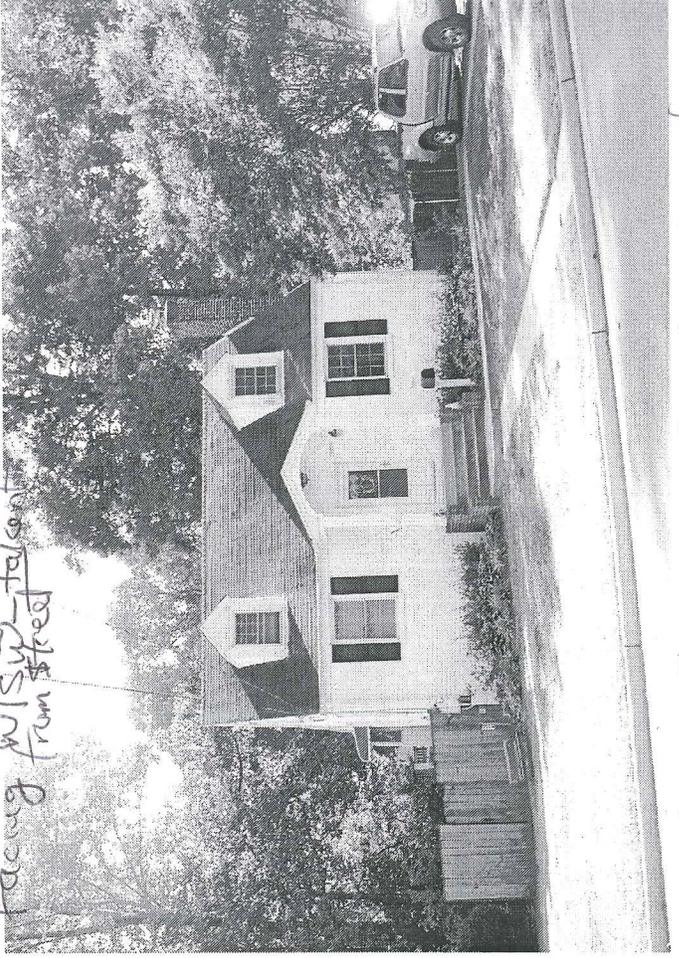
6831 Chestnut Av - across of Rose Pl + Chestnut Av -
facing SW - facing NE



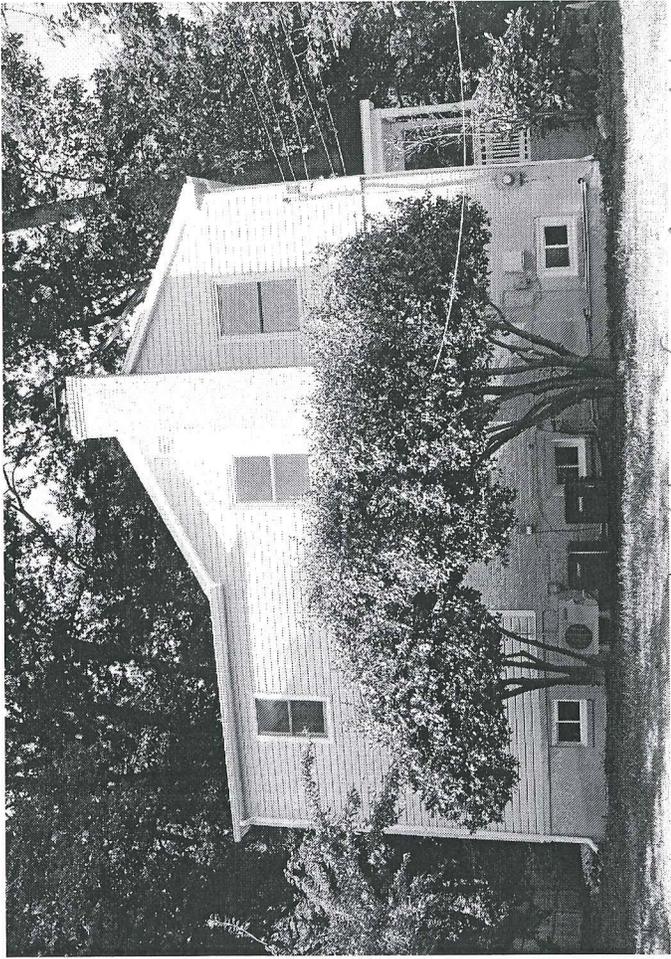
2906 ~~At~~ Rose Place - front (west) corner
and side of home - facing SW



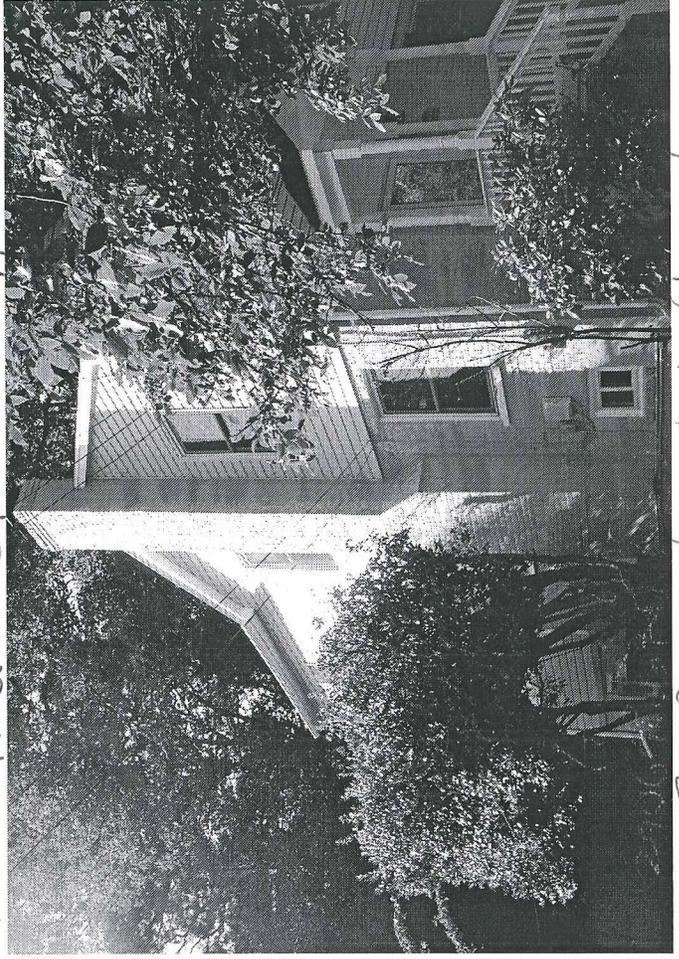
2904 Rose Place - house to immediate N of 2906 Rose Pl
Facing SW - facing NE



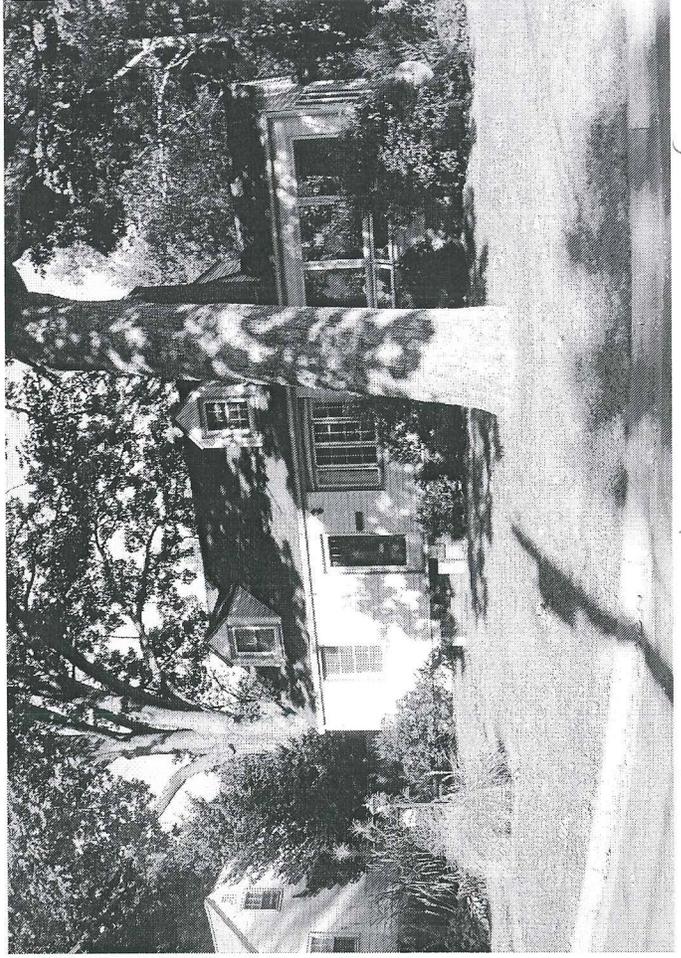
7001 Carlton Place - seen from outdoors of 2906
Rose Place - facing SE



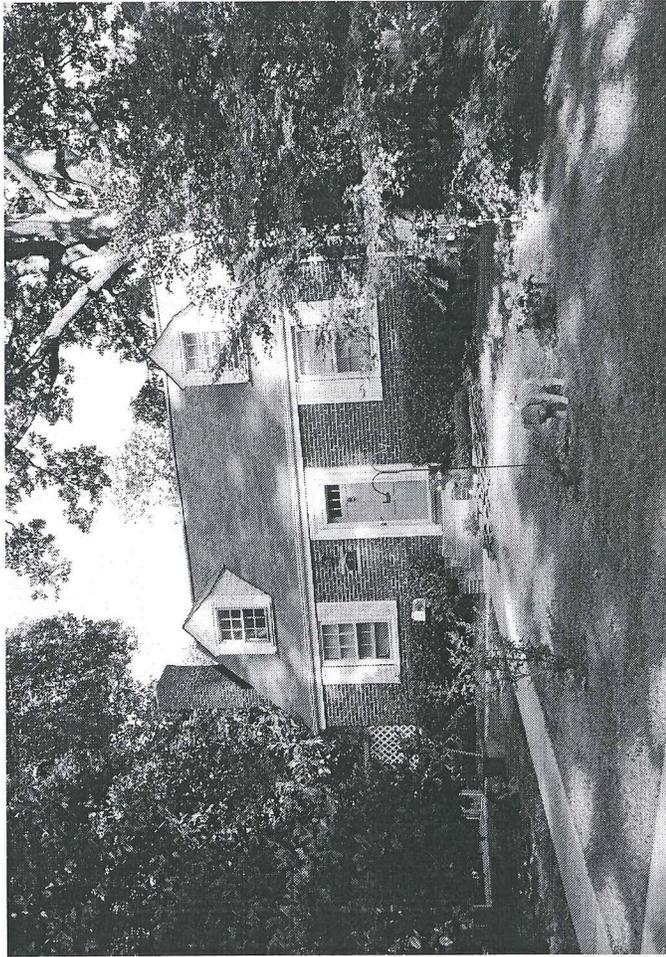
2906 Rose Place - side of house facing North - taken from Carlton Place



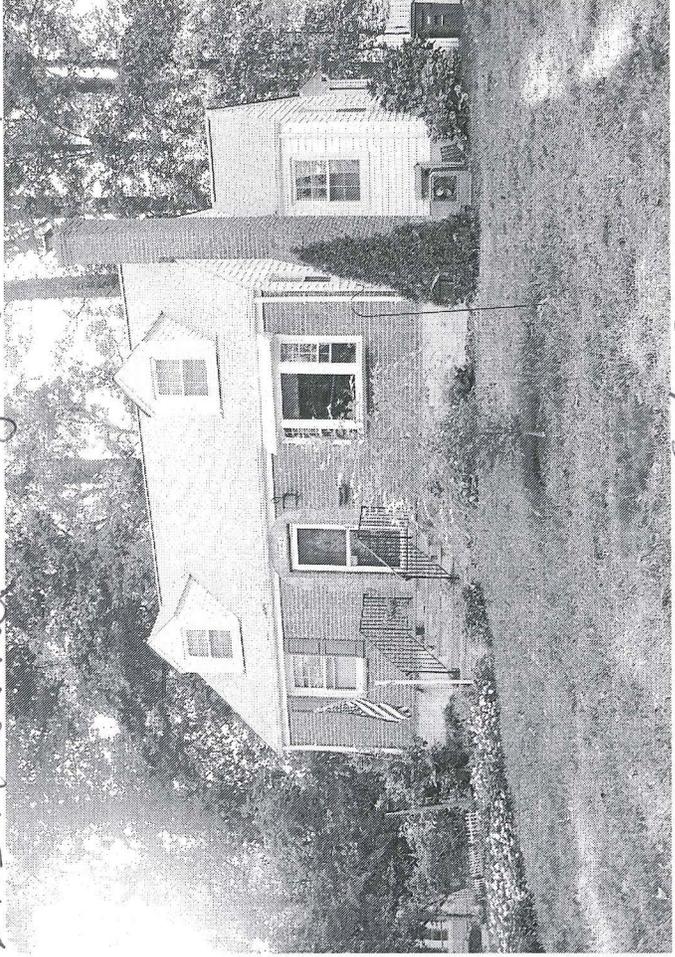
2906 Rose Place - front side of home facing NW - taken from corner of yard



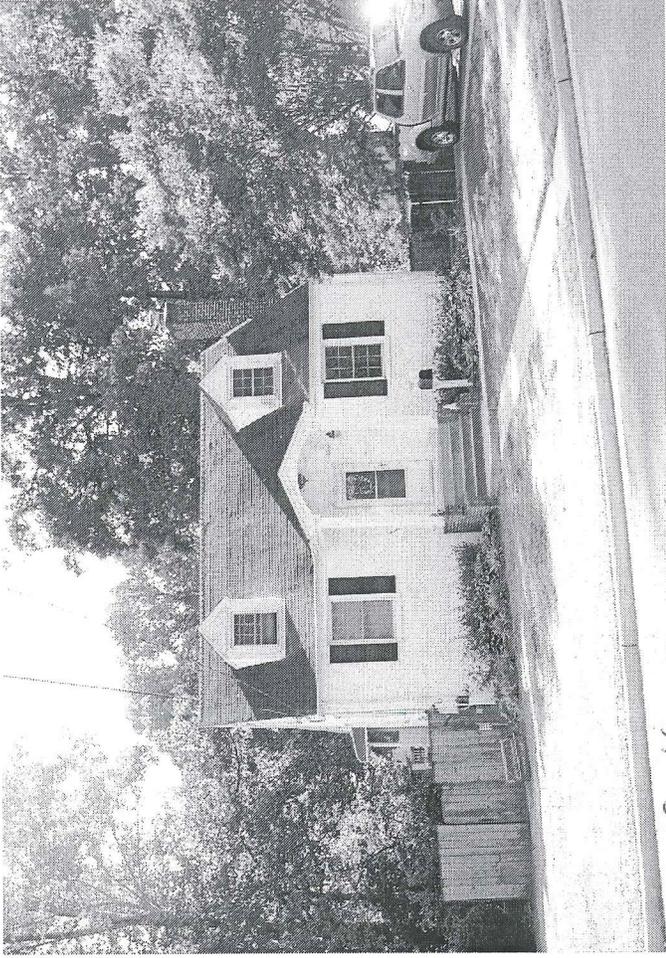
2907 Rose Place - directly across St from 2906 Rose Place - facing east



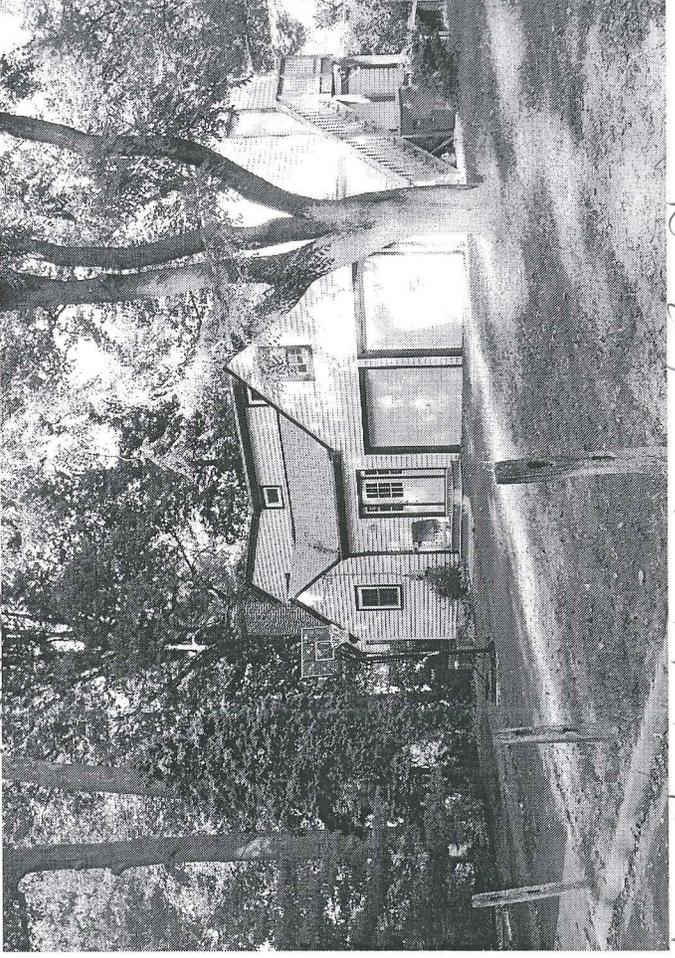
2905 Rose Place - facing SW from corner of yard



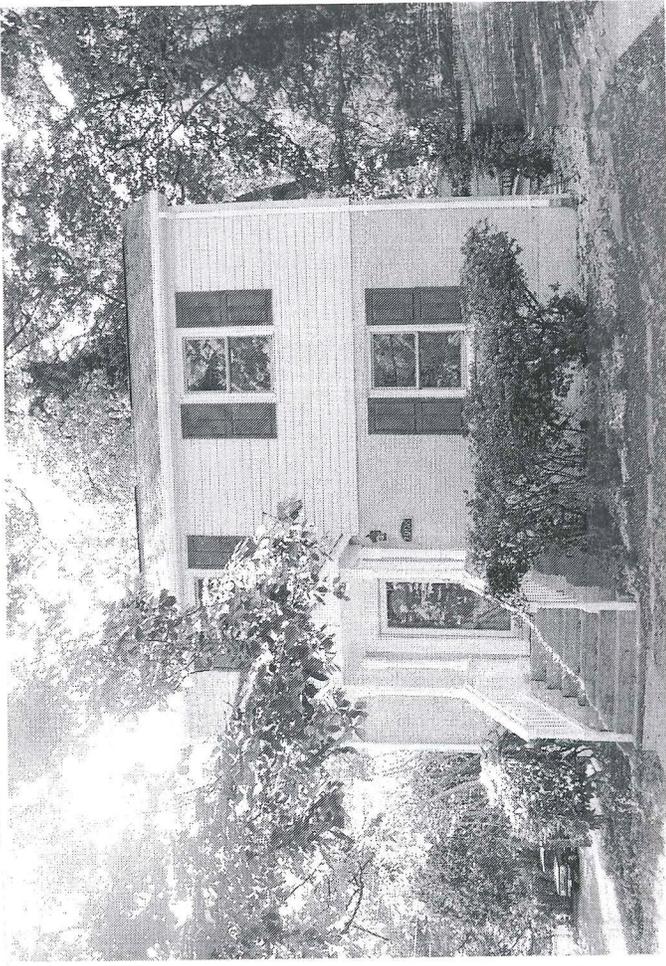
2904 Rose Place - facing SW from corner of yard



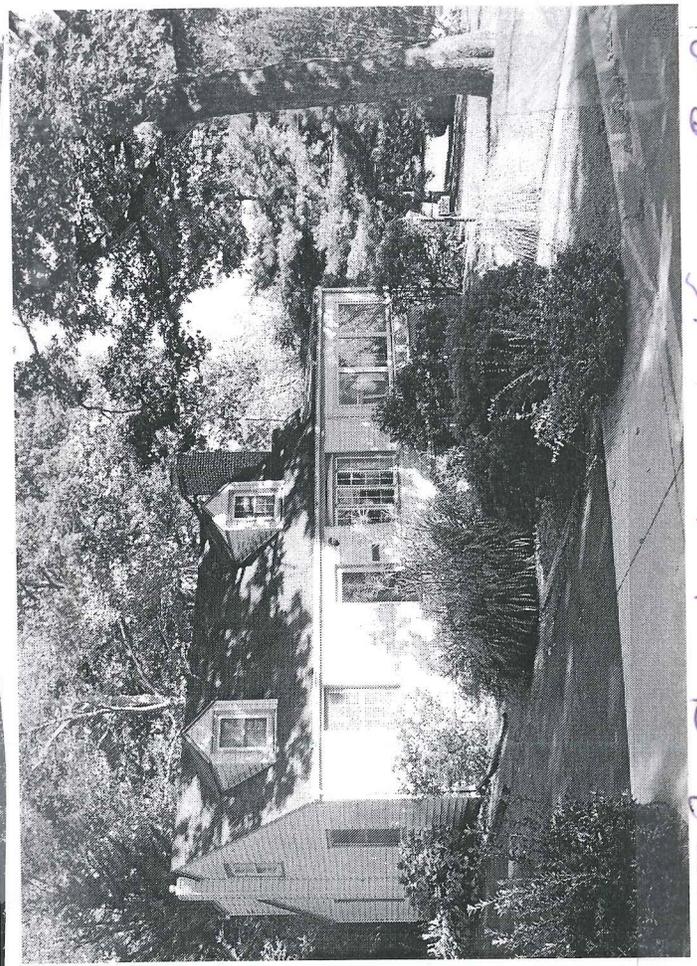
7001 Carleton Pl - seen from street



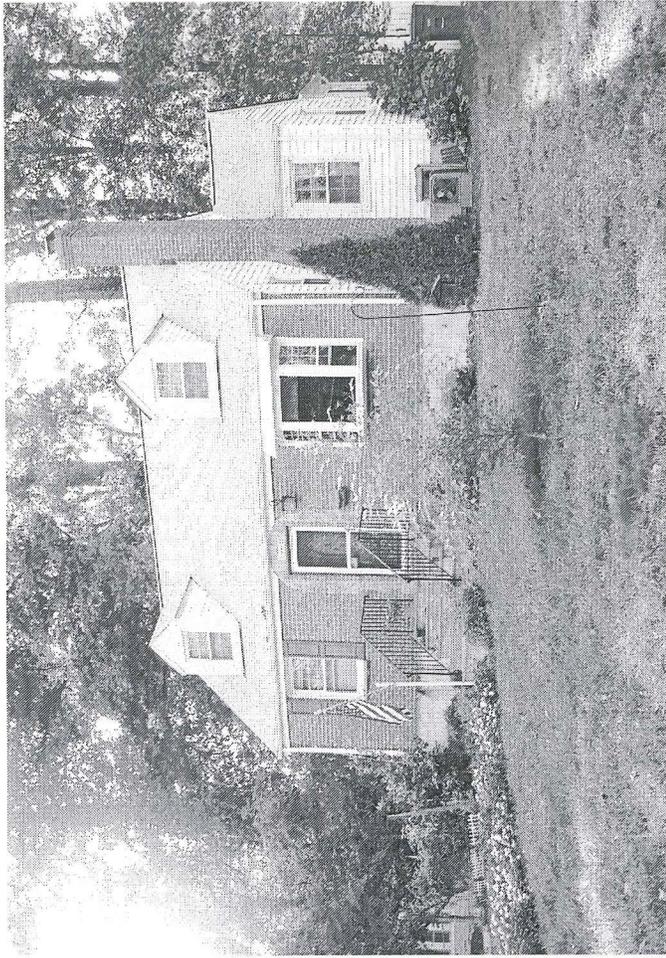
6031 Chestnut Av - at corner of Rose Pl
Chestnut Av - taken from street - facing NE



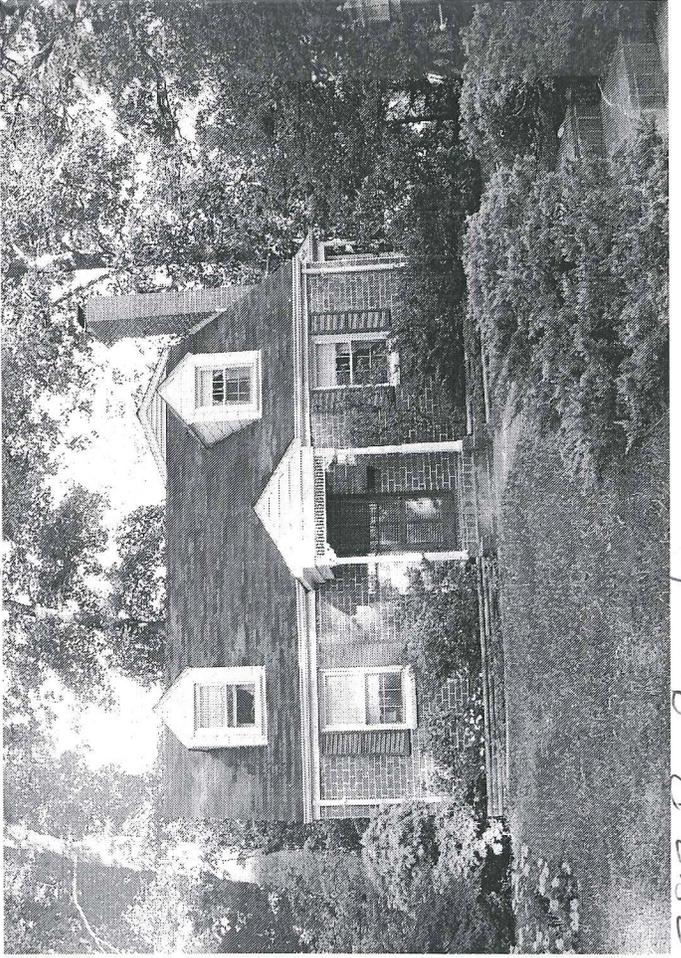
2906 Rose Place - facing west



2907 Rose Place - directly across st from 2906 Rose Pl. - facing E/SE

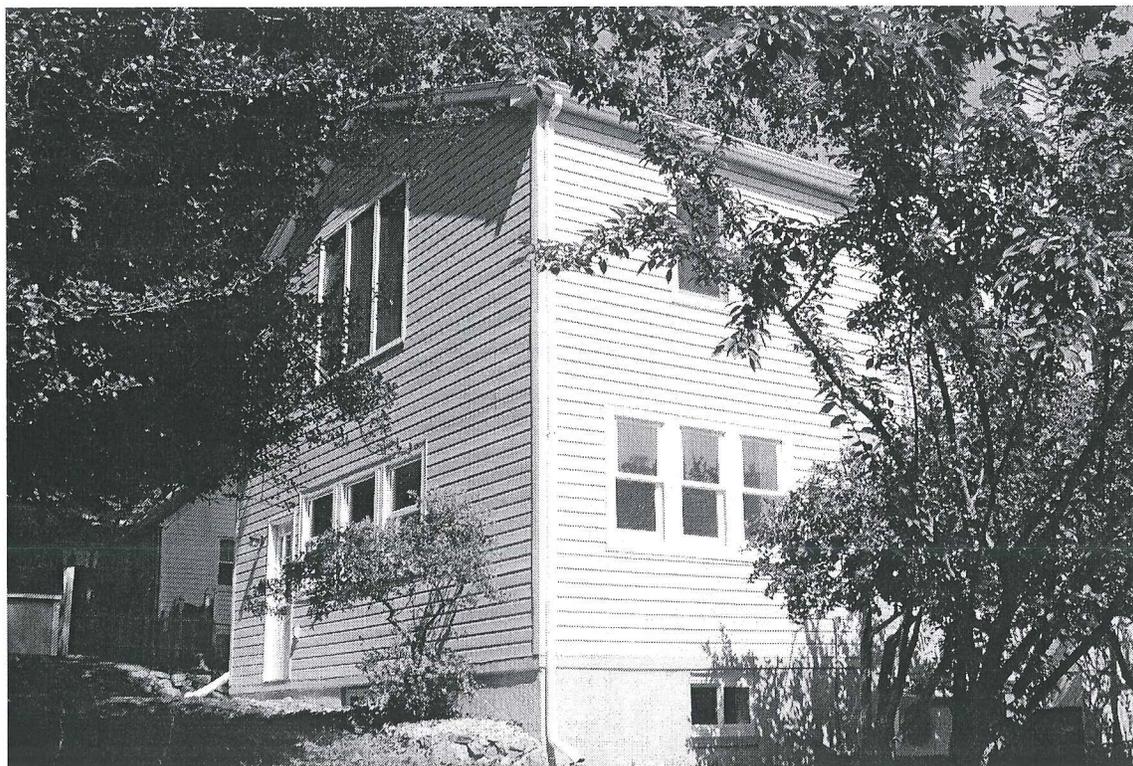


2904 Rose Pl - facing NE from corner of 2906 Rose Pl yard



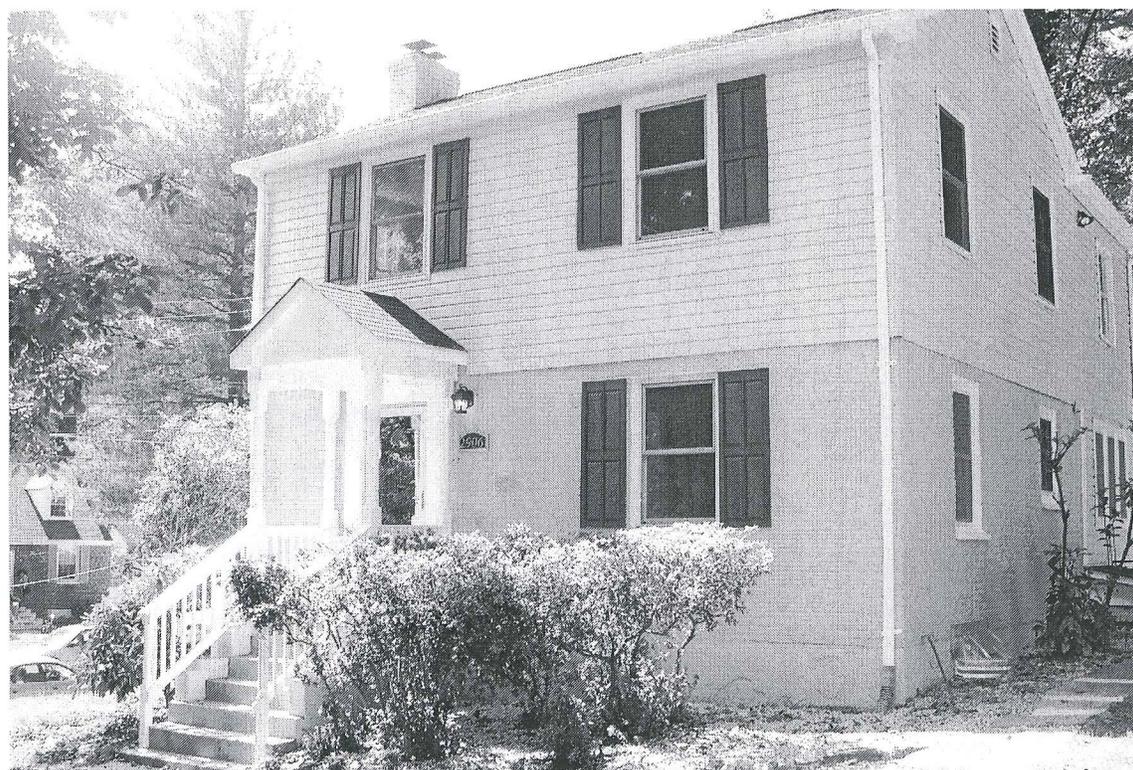
2903 Rose Place - facing

(10)



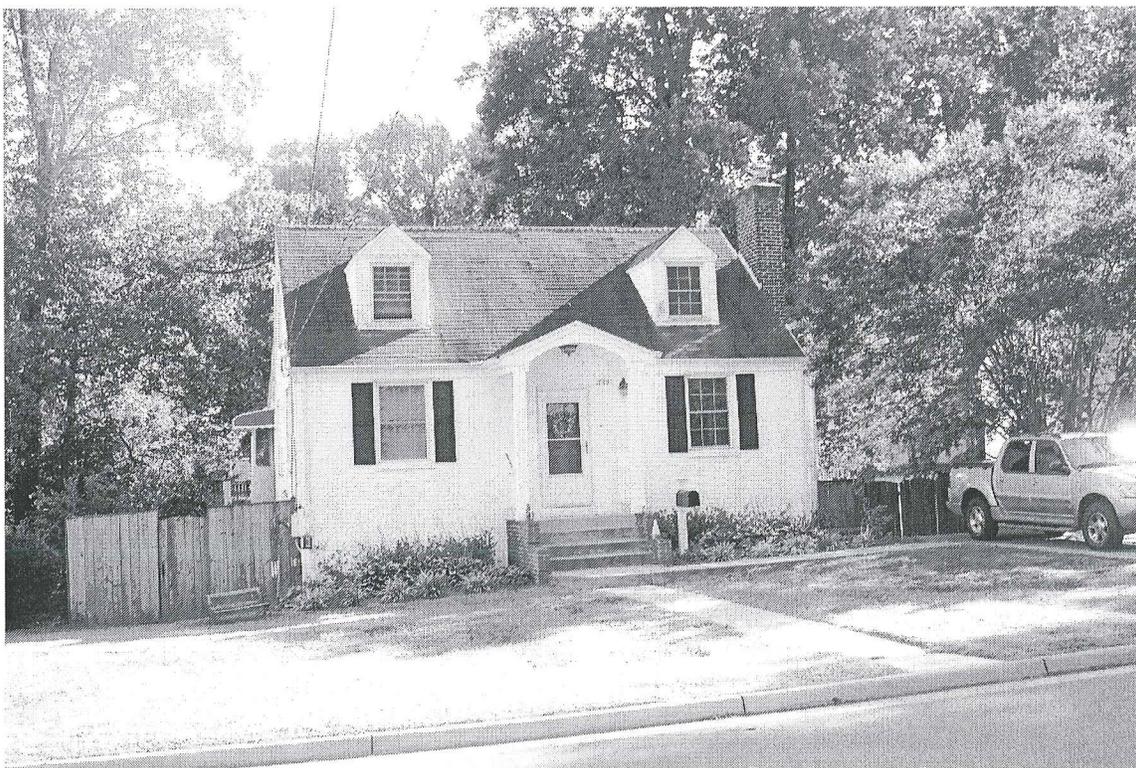
rear of 2906 Rose Place facing SE

(12)



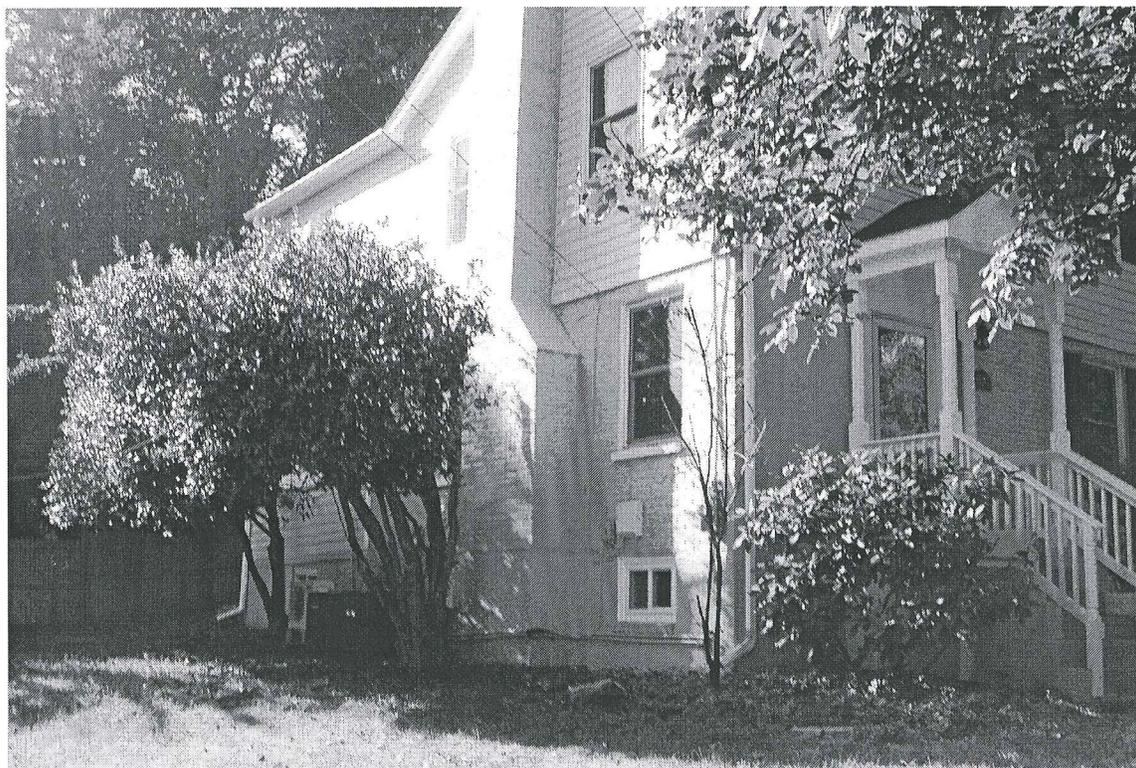
2906 Rose Place with covered porch - facing ~~SE~~ SW

13



7001 Carlton Av seen from front of 2906 Rose Pl facing SE

14



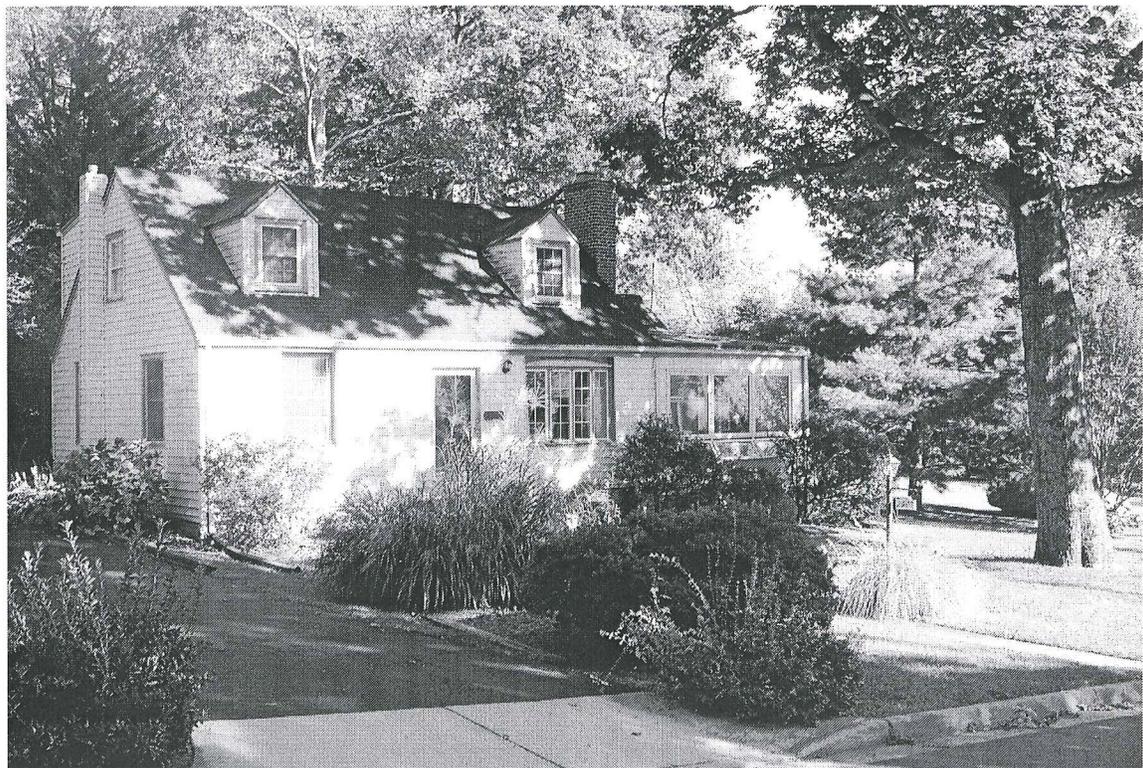
2906 Rose Pl. - side/front facing NW

15



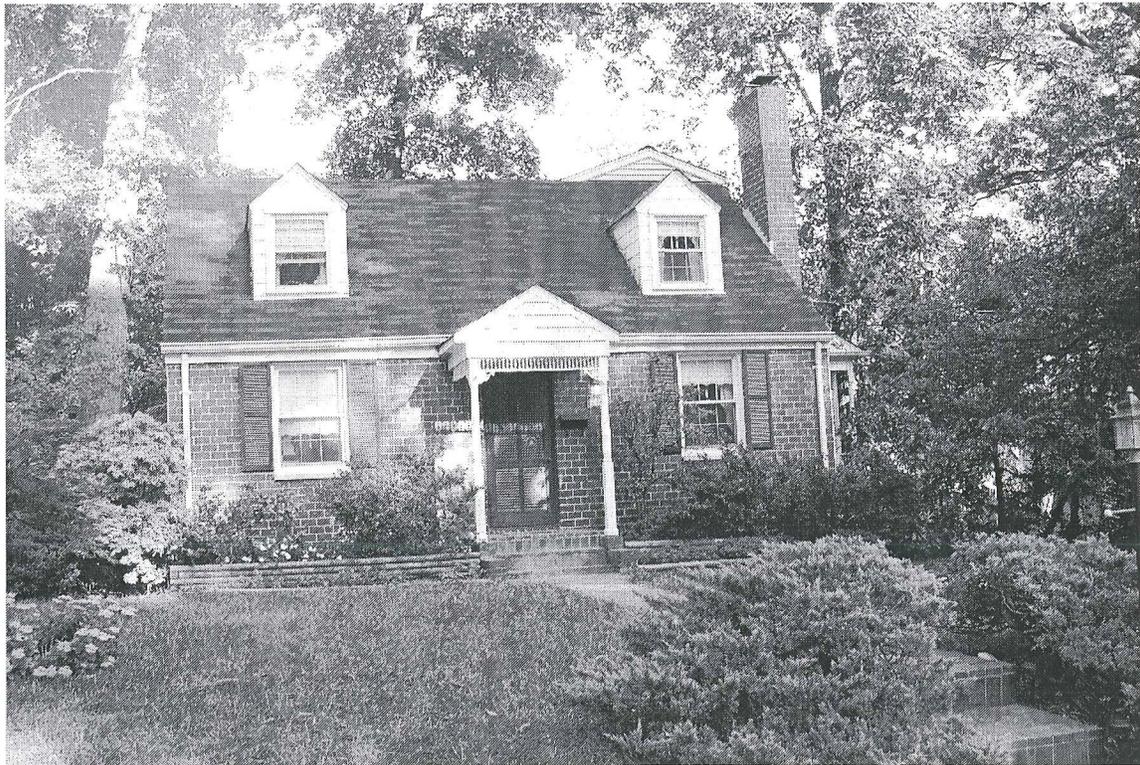
2904 Rose Pl - home next door to 2906 Rose Place

16



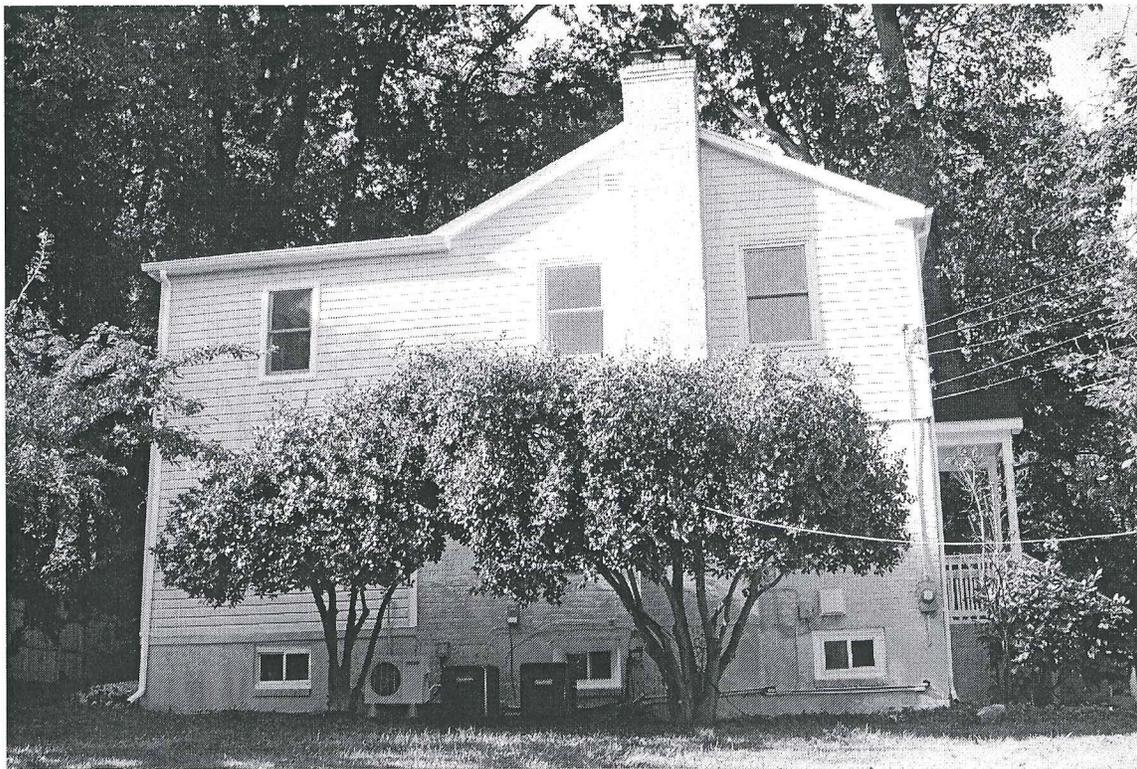
2907 Rose Place - home across street from
2906 Rose Place.

17



2703 Rose Place - similar covered stoop

18



side yard + side view of covered entry - 2906
Rose Place facing N



19

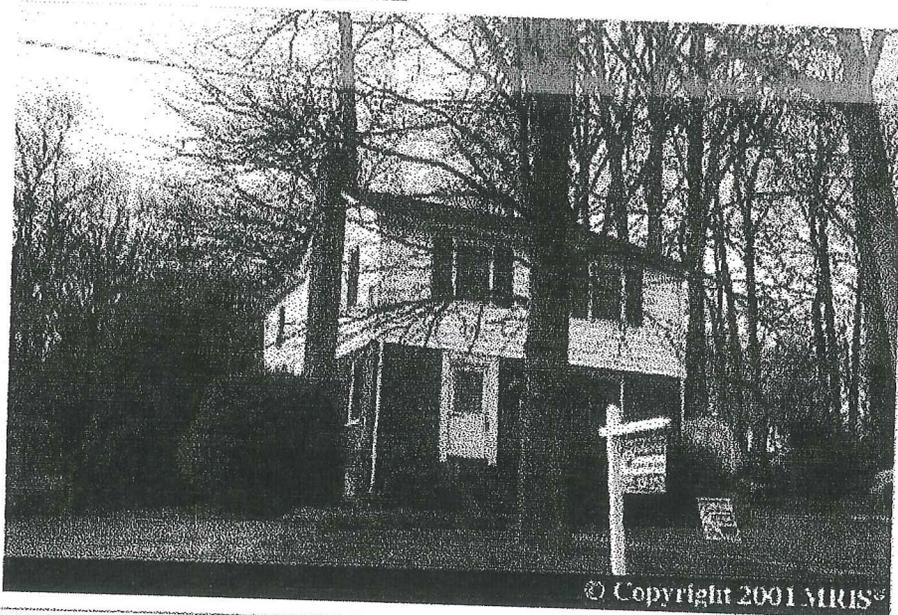
2904 Rose Pl taken from 2906 Rose Pl. facing N



29

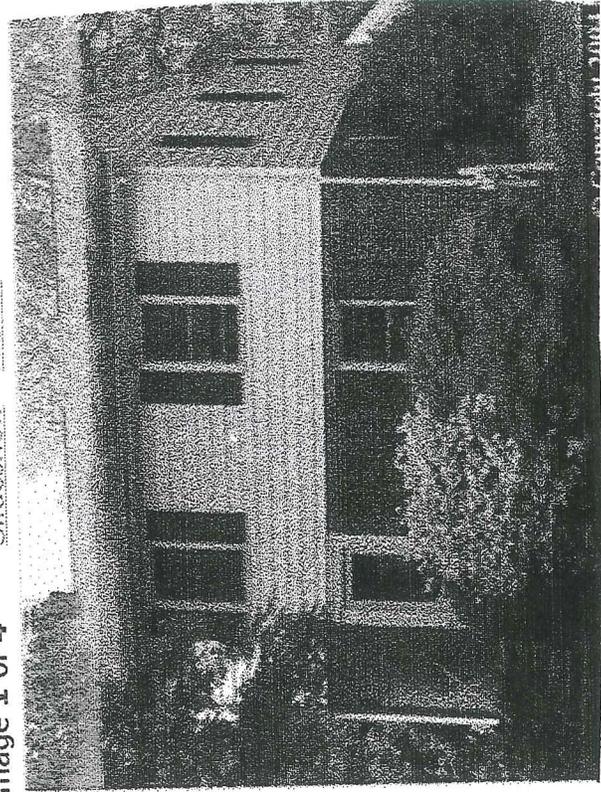
6935 Carlton Av taken from front yard of
2906 Rose Place facing SE

21



2906 Rose Pl with existing steep gable
covered porch installation

Image 1 of 4



2400 Rose Pl with existing stoop +
steps Prior to covered porch

22









SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to permit reduction to minimum yard requirements based on error in building location to permit a covered stoop to remain 27.4 ft. and stairs to remain 21.6 ft. from front lot line adjacent to Rose Place, and to permit fence greater than 4.0 ft. in height to remain in front yard of a corner lot. A 6.0 foot tall fence is located in the front yard adjacent to Carlton Avenue.

The minimum front yard required for the stoop is 30.0 feet and the minimum front yard required for the stairs is 25.0 feet, therefore reductions of 2.6 feet and 3.4 feet respectively are requested. A maximum fence height of 4.0 feet is permitted in the front yard; therefore a modification of 2.0 feet is requested.

A copy of the special permit, plat titled "Plat Showing the Improvements on Lot 89, Section 3, City Park Homes," prepared by George M. O'Quinn, Land Surveyor, of Dominion Surveyors Inc., dated September 15, 2010, as revised through April 29, 2013, is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 9,009 square foot corner lot contains a two-story brick and vinyl single family dwelling. The dwelling includes a covered stoop, with stairs, 27.4 feet and 21.6 feet, respectively, from the front lot line of Rose Place.

A brick patio extends off the rear of the dwelling, adjacent to an open concrete patio. A 7.7 foot tall accessory storage structure is located in the northwest corner of the lot. A 1.0 foot tall retaining wall is located south of the accessory storage structure. A concrete walk and steps extend alongside the northern façade of the dwelling, from the front yard along Rose Place to the open concrete patio in the side yard. The site is accessed via a concrete driveway from Rose Place, terminating in front of the dwelling.

A 6.0 foot tall stockade fence is located along the side lot line, within the front yard along Carlton Avenue, extending toward the rear yard. Fencing varies in height and type from stockade to chain link, from 3.8 feet to 6.5 feet in height.

As shown on the next page, the existing lot and surrounding lots are zoned R-4 and developed with single family detached dwellings.



BACKGROUND

According to Fairfax County Tax Records the dwelling was constructed in 1946, an addition was completed in 1995 and the house was remodeled in 2010. The applicants indicate that when they purchased the home in 2010 the existing stoop had been covered. The applicants indicate the previous owners constructed the covering for the stoop.

A copy of information outlining similar special permit and variance requests is attached in Appendix 6.

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)

- Provisions for Increase in Fence and/or Wall Height in Any Front Yard (Sect. 8-923)

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

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. Similar Case History
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-PR-058

January 8, 2014

1. This special permit is approved for the location of the fence in the front yard and to permit covered stoop and stairs to remain as shown on the plat prepared by George M. O'Quinn, Land Surveyor, of Dominion Surveyors Inc., dated September 15, 2010, as revised through April 29, 2013.
2. All applicable permits and final inspections shall be obtained for the covered stoop and stairs 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): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

110900

I, Evan David Wesser, 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

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)
Evan D. Wesser	2906 Rose Place, Falls Church, VA 22042	Applicant/Title Owner
Aubrey N. Wesser	2906 Rose Place, Falls Church, VA 22042	Applicant/Title Owner
Russell E. Arkin	3435 N. 14th Street, Arlington, VA 22201	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): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

110900

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

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

U0900

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

110900

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

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

110900

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:

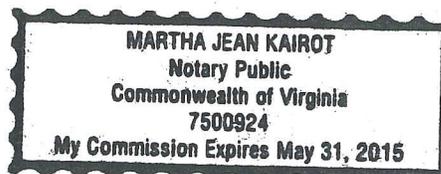
(check one) Evan D. Wesser
[] Applicant [] Applicant's Authorized Agent

Evan D. Wesser
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18th day of October 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Martha Jean Kairot
Notary Public

My commission expires: May 31, 2015



Statement of Justification-Section 8-914

This Statement is made in support of our application to allow the covering of an existing stoop on a home that we purchased at 2906 Rose Place, Falls Church, VA. We would like to note that at the time we purchased the home, the existing stoop already had been covered so that we had no involvement in the construction of the covering. We are asking for approval of our application on the following basis:

1. The non-compliance has occurred due to no fault of our own. The stoop covering was constructed by a prior owner.
2. The covering was constructed over an existing stoop so that there has been no additional structure built whose foundation is closer to the front property line than had already existed.
3. The stoop covering enhances the beauty of the home as well as the streetscape in the immediate neighborhood so will not be detrimental to nearby properties.
4. The reduction will not impair the intent and purpose of the Ordinance as what has occurred was the covering of an existing stoop which appears to have been built at the time of original construction of our home
5. The stoop covering will not create an unsafe condition with respect to adjacent properties or public streets as visibility/sight lines to and from other properties will not be impeded as can be seen by reference to the plat that has been submitted as part of this application.
6. Forcing compliance with minimum yard requirements would cause a hardship upon us as we would have to bear the expense of removing something that we did not construct. Further, the stoop covering provides shelter when we are entering our home and improves our safety in inclement weather by keeping the stoop clear of water, ice and snow. Also, many other homes in our neighborhood have stoops with later constructed coverings.
7. Granting of this application will not result in an increase in density or floor area ratio from that permitted by applicable zoning district regulations.


Evan D. Wesser


Aubrey N. Wesser

RECEIVED
Department of Planning & Zoning

DEC 14 2012

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION-2906 ROSE PLACE
EVAN AND AUBREY WESSER

The home was built in 1946 and is 1866 square feet above grade with 933 square feet in the basement. The home sits on a corner lot. The setbacks are as follows: front yard 30.9' (29.7' to eave); second front yard-32.6' at back of home and 36.7' at front of home; side yard 23.6' at one corner and 23.7' at the other corner; the rear yard is 39.7' at the rear corner (38.5' to the eave) and 39.4' at the other corner (38.2 to eave). The covered porch is 27.9' to the house and 27.4' to the eave.

The front door is above grade. There was an existing set of concrete steps leading to the front door prior to the time that the covered porch was built. The covering was built by the prior owners, Russell and Elaine Arkin. We had no involvement with the construction and the porch was part of the home at the time of our purchase. The Arkins built the porch covering, thinking that the curb in front of the home was the property line. In fact, the property line is on our front lawn as there is a reservation for a potential future sidewalk. There are many homes of similar type throughout our community which have existing entryway slab/stoops that have had overhead roof coverings added to them.

The square footage of the covered area is just over 18 square feet so it is subordinate to the existing structure as it is less than 1% of the area of the home. It only covers an area that is equal to the area of the existing porch entry slab and does not extend over the stairs. It would allow us to enter the home and be out of the rain. We have spoken to our neighbors on Rose Place and they are pleased that the home has been renovated and with the look of the front porch. In conclusion, the prior owner covered a small portion of an existing set of steps and the overall shortfall is less than 10% of the required setback and is more than 30' from the curb. We respectfully request that our application for special permit be granted.


Evan Wesser


Aubrey Wesser

RECEIVED
Department of Planning & Zoning

DEC 07 2012

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION
2906 ROSE PLACE, FALLS CHURCH, VA 22042
EVAN AND AUBREY WESSER

The home was built in 1946 and is 1866 square feet above grade with 933 square feet in the basement. It is a corner lot. The current setbacks are as follows: front yard with covered stoop: 27.4'; the second front yard is 32.6 at the back of the home and 36.7' at the front of the home. The rear yard is 23.6' at one corner and 23.7' at the other corner. The side yard is 39.7' at the rear corner and 39.4' at the front corner. The front door is above grade and there was an existing set of concrete steps prior to construction of the roof covering. The persons from whom we purchased the home, Russell and Elaine Arkin, built the roof on the existing slab, thinking that the curb was the property line. There are many homes of similar type throughout the City Park Homes neighborhood which have existing entryway slabs/stoops that have had overhead roof coverings added to them.

The square footage of the covered area is just over 18 square feet so it is subordinate to the existing structure as it is less than 1% of the area of the home. It only covers an area that is equal to the area of the existing porch entry slab and does not extend over the stairs. It would allow you to enter the home and be "out of the rain". With the covered porch, the home is set back 27.4' from the front of the lot, a shortfall of 2.6' relative to the required front yard setback. We have spoken to the neighbors on Rose Place and they are pleased that the home has been renovated and with the look of the front porch. In conclusion we are covering a small portion of an existing set of steps and slab and the overall shortfall is less than 10 percent of the required setback. We respectfully request that our application for special permit be granted.

 12/2/10
Evan Wesser


Aubrey Wesser

RECEIVED
Department of Planning & Zoning
JAN 21 2011
Zoning Evaluation Division

WRITTEN STATEMENT OF JUSTIFICATION

We are seeking approval of a special permit for a roof structure to cover an existing stoop on a home that we recently purchased. Covering the existing stoop with a roof, we believe, has added to the overall attractiveness of the home. Many of the homes in the Fairfax Homes community, including adjacent homes, have similar covered stoops. The neighbors we have spoken with on Rose Place and adjacent streets have stated that they are pleased the home has been renovated and like the design of the covered stoop. The structure was built by the prior owner who had renovated the home. It is the same depth as the existing stoop. The circumstances of this resulted from a belief that the existing curb on Rose Place represented the front property line of the lot. When a survey of the property was later received by the prior owner, it was determined that the property line was closer to the front of the home. If this request is granted, the covered porch structure will remain on the existing porch stoop.

We respectfully request your approval of our application. Dated November 5, 2010


Aubrey Noel Wesser

 12/2/10
Evan David Wesser

RECEIVED
Department of Planning & Zoning
JAN 21 2011
Zoning Evaluation Division

J:R>7
SUBV/SJ, TW

STATEMENT OF JUSTIFICATION
2906 ROSE PLACE, FALLS CHURCH, VA 22042
RUSSELL AND ELAINE ARKIN

We purchased this home as a short sale. The home was built in 1946 and is 1866 square feet above grade with 933 square feet in the basement. It is a corner lot. The current setbacks are as follows: front yard without covered stoop: 30.9'. Front yard with covered stoop: 27.9'. Second front yard 32.5'/36.7'. Rear yard: 23.6'/23.7'. Side yard: 39.7'/39.4'. The home was in poor condition and we have renovated it. The front door is above grade and there was an existing set of concrete steps and a concrete stoop at the time we purchased the home. There are many homes of similar type throughout the City Park Homes neighborhood which have existing entryway slabs/stoops that have had overhead roof coverings added to them.

It seemed to us that the home would be visually more appealing with a similar roof covering. When we purchased the home, we did not have a survey of the property. Thus, we thought that the property line was the curb on Rose Lane. This distance is 42.6' to the curb. We measured that distance and noted that it was a greater distance than needed to add a roof to the existing porch slab and be within the allowable front yard setback. As such, as part of the renovation, we instructed the contractor to build the roof covering on the existing slab. The square footage of the covered area is just over 18 square feet so it is subordinate to the existing structure as it is less than 1% of the area of the home. It only covers an area that is equal to the area of the existing porch entry slab and does not extend over the stairs. It would allow you to enter the home and be "out of the rain." There are no accessory structures in the front yard. When we went to the County to secure a permit for the porch so that the design could be reviewed and the porch inspected, we learned that the front property line was not coincident with the curb but is set back onto the lawn of the property as there is an existing right of way. As such, with the covered roof, the porch causes the home to have a shortfall of 2.1' relative to the required front yard setback. We have spoken to the neighbors on Rose Place and they are pleased that the home has been renovated and with the look of the front porch. In conclusion we are covering a small portion of an existing set of steps and slab and the porch roof is 42.6' from the curb and only overall shortfall is only 10 percent of the required setback. We will be submitting letters of support from a number of the neighbors in the near future and respectfully request that our application for special permit be granted.


Elaine B. Arkin


Russell E. Arkin

RECEIVED
Department of Planning & Zoning
SEP 23 2010
Zoning Evaluation Division

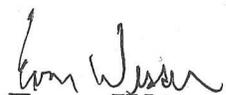
MAY 07 2013

Zoning Evaluation Division

REQUEST FOR WAIVER OF SECTION 8-923

With this application, we also are requesting a waiver of Section 8-923 of the Zoning Code concerning the fence that is behind the rear of our home. We are requesting that we be allowed to keep the existing wood fence which is 6' in height and extends to the property line. Given that we live on a corner lot, the zoning ordinance treats the property line in question as a front yard and requires that the maximum height of any fence not exceed 4' in height. The fence as currently built is 6' in height to the property line and extends slightly over the property line. There is a second chain link fence that also extends slightly over the property line. We will remove the portions of both fences that extend over the property line. In reviewing the requirements of Section 8-923, we would note the following.

1. The fence will not exceed 6' in height.
2. The fence which is functionally behind our home, will meet the site distance requirements of Section 2-505. This can be seen by reference to the attached plat
3. The fence in question is behind our home as the home is sited on a corner lot.
4. The fence is in character with our site development which contains a single family home. The common property line on which the fence is located is the side yard of the adjacent home
5. The 6' proposed fence height will not adversely impact the one adjacent property described in item 4. The common property line of the two homes is treed and contains vegetation


Evan Wesser


Aubrey Wesser

Similar Case History

Group: 00-P-061
VC 00-P-061

APPLICANT: WOLFFE, JAMES & FRANCK, SHARYN
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 08/09/2000
ZONING DISTRICT: R-4
TAX MAP #S: 0504-16
DESCRIPTION: TO PERMIT THE CONSTRUCTION OF ADDITION 21.5 FT. FROM FRONT LOT LINE OF A CORNER LOT
LOCATION: 2906 ROSE PLACE, FALLS CHURCH, VA 22042

Group: 92-P-103
VC 92-P-103

APPLICANT: D'ADDARIO, PAUL W. & DEBORAH K.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 12/16/1992
ZONING DISTRICT: R-4
TAX MAP #S: 0504-16
DESCRIPTION: ALLOW CONSTRUCTION OF ADDITION 23.1 FT. FROM FRONT LOTLINE (30 FT. MIN. FRONT YARD REQ.)
LOCATION: 3009 WESTCOTT STREET

Group: 92-M-083
VC 92-M-083

APPLICANT: DONALDSON, BARBARA L.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 11/13/1992
ZONING DISTRICT: R-4
TAX MAP #S: 0504-13
DESCRIPTION: ALLOW CONSTRUCTION OF ADDITION 20.1 FT. FROM FRONT LOTLINE (30 FT. MIN. FRONT YARD REQ.)
LOCATION: 6724 CHESTNUT AVENUE

Group: 94-P-072
SP 94-P-072

APPLICANT: ATTILUIS, JAMES & DEBORAH
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 03/15/1995
ZONING DISTRICT: R-4
TAX MAP #S: 0504-13
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 23.0 FT. FROM FRONT LOT LINE
LOCATION: 6708 CHESTNUT AVENUE

Group: 98-P -136

VC 98-P -136

APPLICANT: JAMES M PETKO
STATUS: APPLICATION APPROVED
STATUS/DECISION DATE: 01/07/1999
ZONING DISTRICT: C-3
TAX MAP #S: 0504-13
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 26.9 FT. FROM FRONT LOT LINE
LOCATION: 6716 ARLINGTON BLVD.

Group: 99-P -058

VC 99-P -058

APPLICANT: JOSE POSTIGO
STATUS: APPLICATION APPROVED
STATUS/DECISION DATE: 07/14/1999
ZONING DISTRICT: R-4
TAX MAP #S: 0504-09
DESCRIPTION: PERMIT CONSTRUCTION OF SECOND STORY ADDITION 25.0 FT. FROM FRONT LOT LINE & 9.0 FT. FROM SIDE LOT LINE
LOCATION: 2926 MEADOW LANE

Group: 2002-PR-185

VC 2002-PR-185

APPLICANT: NETTIE D HARRIS
STATUS: APPLICATION APPROVED
STATUS/DECISION DATE: 02/12/2003
ZONING DISTRICT: R-4
TAX MAP #S: 0504-10
DESCRIPTION: TO PERMIT THE CONSTRUCTION OF A DWELLING 14.85 FT., BAY WINDOWS 12.85 FT. AND 16.0 FT. AND STOOP 13.0 FT. FROM EDGE OF THE PIPESTEM DRIVEWAY PAVEMENT AND DWELLING 7.0 FT. FROM SIDE LOT LINE
LOCATION: 2919 RANDOM ROAD

Group: 2002-PR-189

VC 2002-PR-189

APPLICANT: DENISE A DAVENPORT
STATUS: APPLICATION APPROVED
STATUS/DECISION DATE: 02/12/2003
ZONING DISTRICT: R-4
TAX MAP #S: 0504-15
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 23.6 FEET FROM FRONT LOT LINE
LOCATION: 6902 JEFFERSON AVENUE

Group: 2006-PR-007

SP 2006-PR-007

STAFF REPORT

APPLICANT: CARLOS H. ZUNIGA
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 05/23/2006
ZONING DISTRICT: R- 4
TAX MAP #S: 0504-09
DESCRIPTION: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DWELLING TO REMAIN 13 FEET WITH EAVE 12 FEET FROM FRONT LOT LINE OF A CORNER LOT
LOCATION: 2923 MEADOW LANE

Group: 2006-PR-070

SP 2006-PR-070

STAFF REPORT

APPLICANT: ANDREW JANOSKO
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 02/06/2007
ZONING DISTRICT: R- 4
TAX MAP #S: 0504-08
DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 15.0 FEET FROM THE FRONT LOT LINE, 24.2 FEET FROM THE REAR LOT LINE AND 7.4 FEET FROM THE SIDE LOT LINE
LOCATION: 2843 MEADOW LANE

Group: 2003-PR-167

VC 2003-PR-167

STAFF REPORT

APPLICANT: PAUL KEARNEY
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 02/11/2004
ZONING DISTRICT: R- 4
TAX MAP #S: 0504-13
DESCRIPTION: TO PERMIT CONSTRUCTION OF COVERED DECK 26.9 FEET WITH EAVE 26.4 FEET AND STEPS 23.2 FEET FROM FRONT LOT LINE OF A CORNER LOT
LOCATION: 6727 CHESTNUT AVE

Group: 2004-PR-019

VC 2004-PR-019

STAFF REPORT

APPLICANT: JANE TOROK (FORMERLY JAN VAN WAGONER) AND THOMAS TOROK
STATUS: DISMISSED
STATUS/DECISION DTE: 05/09/2007
ZONING DISTRICT: R- 4
TAX MAP #S: 0504-16
DESCRIPTION: TO PERMIT ACCESSORY STRUCTURES TO REMAIN IN THE FRONT YARD OF A LOT CONTAINING 36,000 SQUARE FEET OR LESS AND TO PERMIT FENCES GREATER THAN 4.0 FEET TO REMAIN IN A FRONT YARD OF A CORNER LOT
LOCATION: 2908 WESTCOTT STREET

Group: 2008-PR-024

SP 2008-PR-024

STAFF REPORT

APPLICANT: A. BRIAN BARTLETT
STATUS: APPLICATION APPROVED
STATUS/DECISION DATE: 06/05/2008
ZONING DISTRICT: R- 4
TAX MAP #S: 0504-09
DESCRIPTION: TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT SECOND STORY ADDITION 23.4 FEET FROM THE FRONT LOTLINE AND 7.2 FEET FROM THE SIDE LOT LINE AND ROOFED DECK 18.5 FEET FROM FRONT LOT LINE
LOCATION: 2927 CHERRY STREET

8-006 General Standards

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

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

8-903 Standards For All Group 9 Uses

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

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

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

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

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

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

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

8-923 *Provisions for Increase in Fence and/or Wall Height in Any Front Yard*

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

- D. The location, dimension and height of any building or structure, to include existing or proposed fences and/or walls.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. If applicable, existing gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.