



APPLICATION ACCEPTED: October 27, 2013
BOARD OF ZONING APPEALS: February 5, 2014
ADMINISTRATIVELY MOVED AT THE APPLICANT'S REQUEST
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 29, 2014

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-PR-090

PROVIDENCE DISTRICT

APPLICANTS/OWNERS: Peter and Mary Verasin

STREET ADDRESS: 6906 Farragut Avenue, Falls Church, 22042

SUBDIVISION: City Park Homes

TAX MAP REFERENCE: 50-4 ((15)) 26

LOT SIZE: 8,570 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 8-914 and 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of minimum yard requirements based on error in building location to permit open deck to remain 0.0 ft. from side lot line and accessory storage structure to remain 1.3 ft. from side lot line and 3.6 ft. from rear lot line and to permit reduction in certain yard requirements to permit construction of second story addition 25.9 ft. and covered deck 20.4 ft. from front lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2013-PR-090 for the addition and covered deck with adoption of the proposed development conditions contained in Appendix 1.

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

N:\SP_VC Cases\1-15 SP 2013-PR-090 Verasin (errors and 50%)\SP 2013-PR-090 Verasin SR.doc

Laura Gumkowski

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

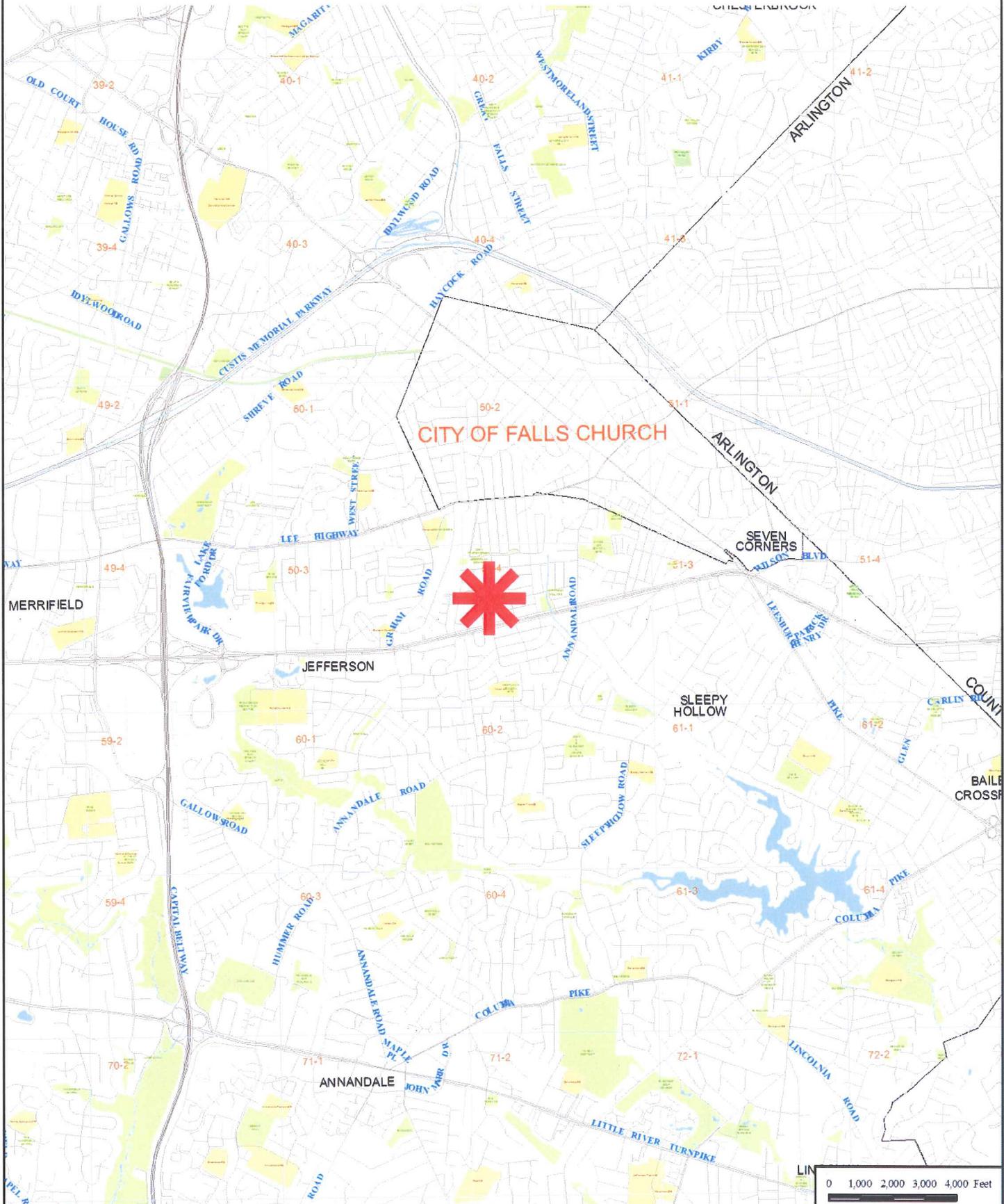
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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



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-090
PETER & MARY VERASIN

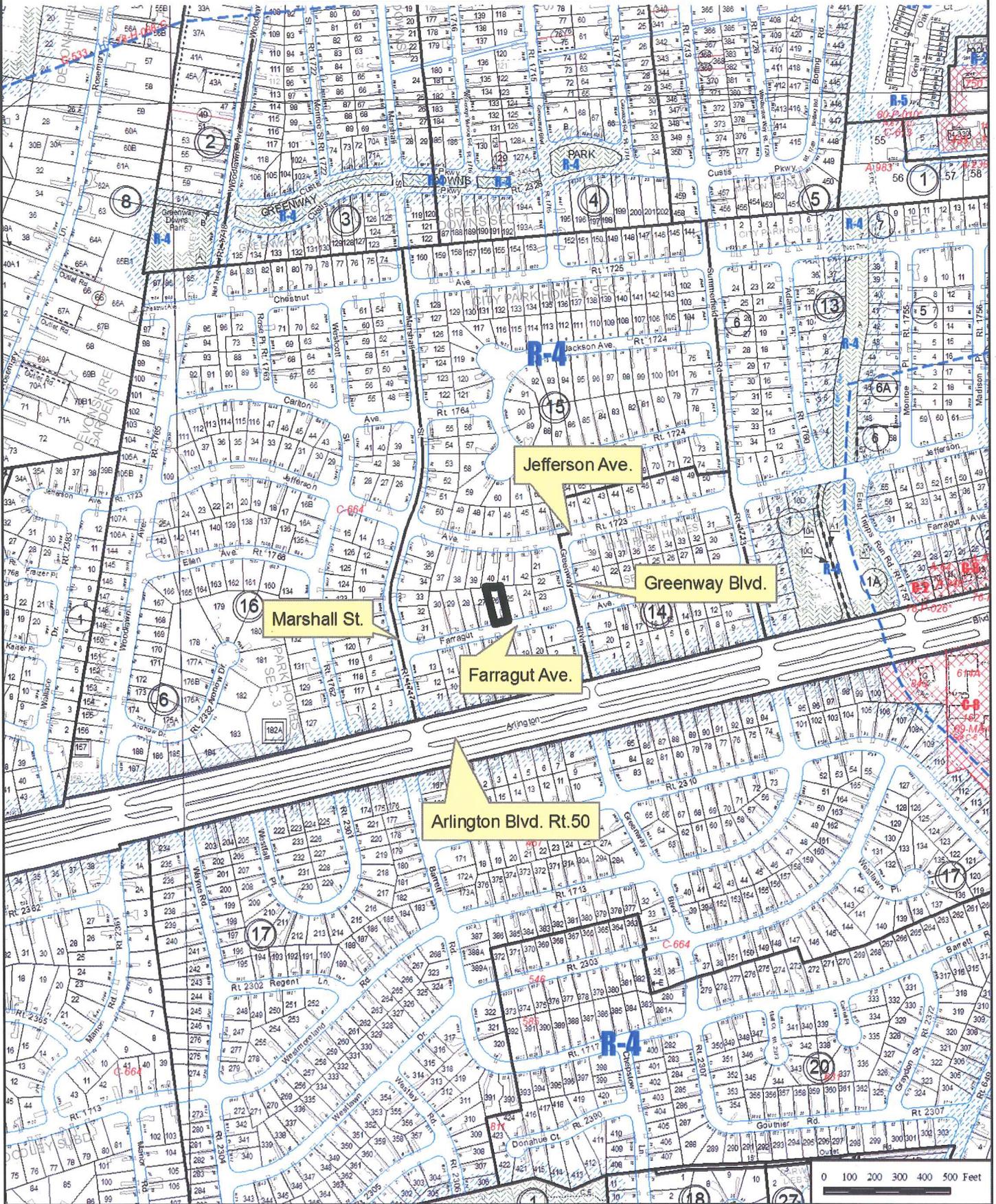


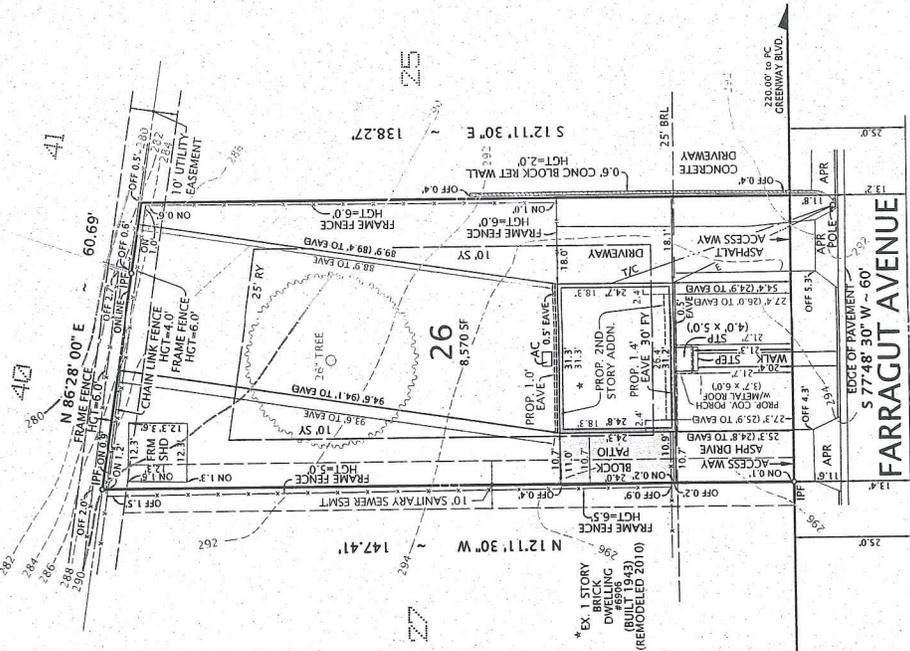
0 1,000 2,000 3,000 4,000 Feet

Special Permit

SP 2013-PR-090

PETER & MARY VERASIN



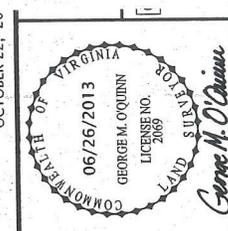


NOTES:

1. TAX MAP: 50-4-15-0026
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 8,570 SF (0.1967 AC)
4. REQUIRED YARDS:
 - FRONT: = 30.0 FEET
 - SIDE: = 10.0 FEET
 - REAR: = 25.0 FEET
5. HEIGHTS:
 - EX. DWELLING = 15.6 FEET (MIDLI)
 - EX. SHED = 08.6 FEET (CONF)
 - PROP. 2ND FLOOR ADDN. = 21.3 FEET (MIDLI)
 - PROP. COVERED PORCH = 13.2 FEET (RIDGE)
 - WALL = 11.4 FEET (MIDLI)
 - FENCES = 02.0 FEET
 - AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEW.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENT 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION THIS PROPERTY.
12. AREAS:
 - EX. BASEMENT = 776 SF
 - EX. 1ST FLOOR = 776 SF
 - EX. GROSS FLOOR AREA = 1,552 SF
- EX. FLOOR AREA RATIO: EX. GFA (1552) / LOT AREA (8570) = 0.18
- PROP. 2ND FLOOR ADDN. = 690 SF / EX. GFA (1552) = 0.44
- PROP. GFA: EX. GFA (1552) + PROP. 2ND FL. ADDN. (690) = 2,242 SF
- PROP. FLOOR AREA RATIO: PROP. GFA (2242) / LOT AREA (8570) = 0.26
13. THE EXISTING BLOCK PATIO IS SHADED GRAY.

RECEIVED
 Department of Planning & Zoning
 OCT 26 2013
 Planning @ Development Division

PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 26, SECTION TWO
CITY PARK HOME:
 (DEED BOOK 413, PAGE 388)
 FAIRFAX COUNTY, VIRGINIA,
 PROVIDENCE DISTRICT
 SCALE: 1" = 20'
 JUNE 26, 20
 AUGUST 12, 20
 OCTOBER 22, 20



I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY RECORDED AND SHOWN AS SHOWN UNLESS SHOWN OTHERWISE AND VISIBLE ENCROACHMENTS AS OF THIS DATE:

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

NAME:
 PETER VERASIN
 MARY VERASIN
 KCI DESIGN/BUILD

OMINION Surveyors Inc.
 H PEAR TREE VILLAGE COURT
 XANDRIA, VIRGINIA 22309
 703.619.6555
 FAX: 703.799.6412

**VERASIN
RESIDENCE**

REMODEL & ADDITION

6906 FARRAGUT AVENUE
FALLS CHURCH, VA 22042

GENERAL CONTRACTOR

KCI General Contractors
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Vienna, VA 22180
703.401.4282 Fax
703.319.4282 Int

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703.742.3761 (f)

STRUCTURAL ENGINEER

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10000 Lee Road
Arlington, VA 22203
703.401.5625 office

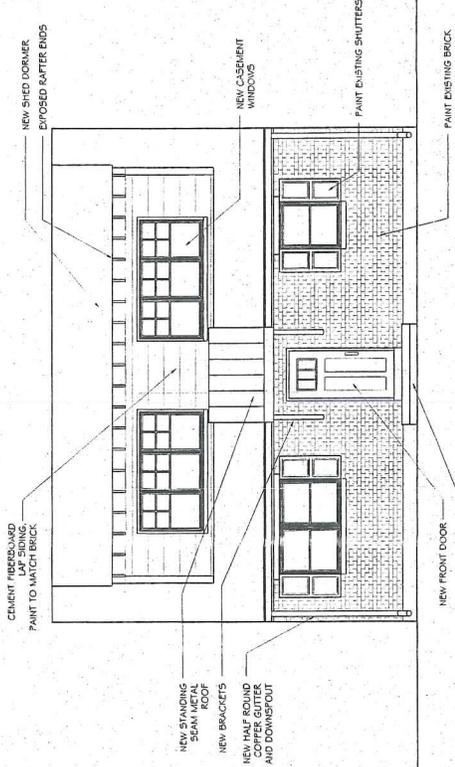
Kamran Oh (Contact)
kohn@ohgroup.com

NO.	REVISIONS	DATE
01	PERMIT	05/20/2013
02	REVISED	
03	REVISED	

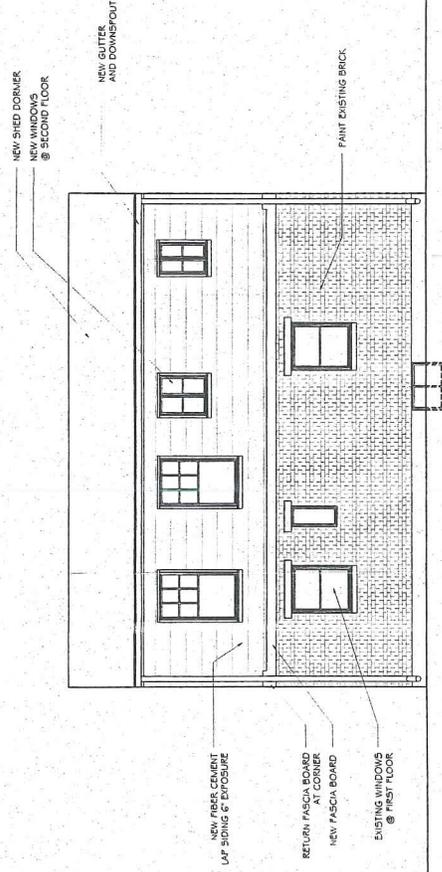
**PROPOSED
ELEVATIONS**

SCALE	1/4" = 1'-0"
PROJECT NO.	
SHEET NO.	

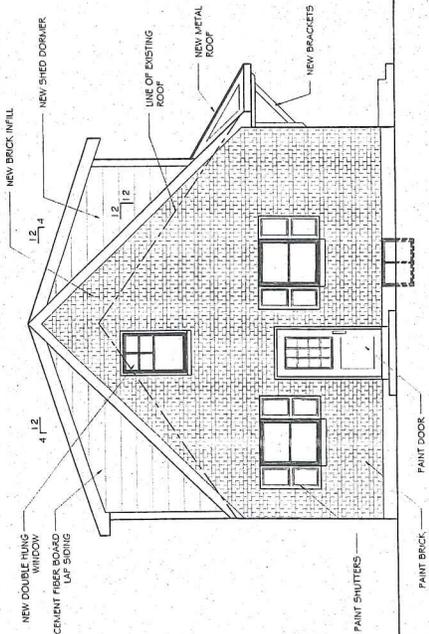
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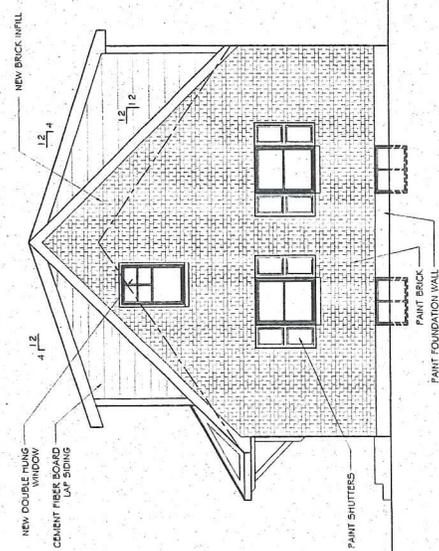
(B) SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



(D) NORTH ELEVATION
SCALE: 1/4" = 1'-0"



(A) WEST ELEVATION
SCALE: 1/4" = 1'-0"



(C) EAST ELEVATION
SCALE: 1/4" = 1'-0"

















SPECIAL PERMIT REQUEST

The applicant is requesting approval of special permits for a reduction of certain yard requirements based on errors in building locations to permit an open deck (a block patio) and shed to remain. The applicant is also requesting a reduction in certain front yard requirements to permit construction of a second story addition and a covered deck.

A copy of the special permit plat titled "Plat, Showing the Improvements on Lot 26, Section Two, City Park Homes," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated June 26, 2013 and as revised through October 22, 2013, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 8,570 square foot lot contains a one and one-half story brick dwelling. A concrete stoop and concrete walkway exist on the south façade of the dwelling. An accessory storage structure (shed) approximately 151 square feet in size and 8.6 feet in height exists in the northwest corner of the property. A 264 square foot block patio is located to the west of the dwelling. An asphalt driveway is located to the east of the dwelling and provides vehicular access to Farragut Avenue. A separate asphalt driveway also exists in the southwestern corner of the property. A portion of a ten foot wide sanitary sewer easement is located along the western property line. Additionally, a portion of a ten foot utility easement is located along the northern (rear) property line. A wooden fence, ranging in height from 5.0 feet to 6.5 feet encloses the rear yard. A large mature tree is located to the north of the dwelling. There are a number of decorative landscape bushes on the property and the topography of the site is relatively flat with a small drop to the rear.

**Zoning:
R-4**



As shown above, the existing property and surrounding properties are zoned R-4 and developed with single family detached dwellings.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1943 and purchased by the applicants in 2010. A carport was demolished by a previous property owner in 2010.

A Vested Rights Determination was completed by the Zoning Administration Division on January 10, 2014. Staff found that the house has a valid building permit for its location, has been taxed for over 15 years and is vested. The shed and patio, however, are not vested (Appendix 4).

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

DESCRIPTION OF THE APPLICATIONS

The applicants are requesting approval of a special permit for reductions of certain yard requirements based on errors in building locations to permit 1) an open deck, a brick patio, to remain 0.0 feet from the western side lot line and 2) an accessory storage structure, a shed 8.6 feet in height, to remain 1.3 feet from the western side lot line and 3.6 feet from rear lot line. The applicants are also requesting special permits to allow reductions in certain yard requirements to permit 3) construction of second story addition 25.9 feet from the front lot line and 4) a covered deck 20.4 feet from front lot line.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #1	Open deck	Western Side	5.0 feet*	0.0 feet	5.0 feet	100.0%
Special Permit #2	Accessory Storage Structure	Western Side	10.0 feet**	1.3 feet	8.7 feet	87.0 %
		Rear	8.6 feet**	3.6 feet	5.0 feet	58.1 %
Special Permit #3	Second Story Addition	Front	30.0 feet***	25.9 feet	4.1 feet	13.7 %
Special Permit #4	Covered Deck	Front	30.0 feet***	20.4 feet	9.6 feet	32.0 %

*Minimum yard requirement per Sect. 2-412

**Minimum yard requirement per Sect. 10-104

***Minimum yard requirement per Section 3-407

The applicant proposes to construct a 690 square foot, one and one-half story, second floor addition. The total height of the house will increase from 15.6 feet at the midline to

21.3 feet at the midline. The second floor addition will have two shed dormers on the front of the house and will not extend beyond the footprint of the existing structure. The addition will have cement fiberboard siding which will be painted to match the brick of the existing structure.

The applicant also proposes to construct a 20 square foot covered deck and stairs on the south façade of the dwelling. The total height of the covered porch will be 13.2 feet.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: I

Planning District: Jefferson

Planning Sector: Greenway Village Community Planning Sector (J09)

Plan Map: Residential 4-5 du/ac

Zoning Ordinance Requirements

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *Sect. 8-914* Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- *Sect. 8-922* Provisions for Reduction of Certain Yard Requirements

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.

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *A number of properties located in this neighborhood have completed similar additions in size and location. Staff believes by observation of the neighborhood through submitted photographs and aerial photography that the construction of the second floor addition will not adversely affect the use or development of neighboring properties. Therefore, staff believes this standard has been met.*

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 1,552 square feet in size. Therefore 150% of the total gross floor area could result in additions up to 2,328 square feet in size for a possible total square footage at build out of 3,880 square feet. The proposed addition is approximately 690 square feet, for a total square footage of the house with the additions of 2,242 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the dwelling. The height of the house with the proposed second floor addition will increase 5.7 feet. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. Through aerial photography and submitted photographs, staff has confirmed that the second floor addition is smaller than other similar additions in the neighborhood in terms of its height and square footage. A large number of homes in the neighborhood have additions to the rear of the dwelling as well. Therefore, staff believes the addition will be harmonious with surrounding off-site uses and meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the proposed second floor addition, 690 square feet, will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. Staff believes the addition will not increase runoff or erosion as it is being constructed on the same footprint of the first floor of the dwelling. Additionally no new windows are being constructed on the sides of the dwelling, so privacy of the

applicant and their neighborhoods will be preserved. Therefore, staff believes the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Staff believes the request to build the addition is a modest request. The construction and layout of the addition is minimal as the second floor addition is not protruding past the footprint of the first floor. The location of the addition minimally affects the existing onsite characteristics and is similar to additions on neighboring properties. No existing vegetation or trees are impacted by this construction. Other issues of wells, floodplains and/or Resource Protection Areas, and historic resources are not applicable to this site. Staff believes the application meets this provision.

Issue: Patio and Shed in Sanitary Sewer Easement

The block patio to the west of the dwelling and frame shed located in the northwest corner of the property are located in a sanitary sewer easement.

Resolution:

Staff contacted the Wastewater Division of the Department of Public Works and Environmental Services (DPWES) for comment. Staff from DPWES stated that their first recommendation would be for the structures to be removed. However, if this was not possible, DPWES wanted to ensure the homeowners are aware that if work needed to be done in the delineated sanitary sewer easement that the shed and the patio will be removed at the owner's expense. The applicant has been made aware of this provision.

Issue: Shed in Utility Easement

A corner of the frame shed is located in the existing utility easement.

Resolution:

Staff researched the utility easement through the county deed records and consulted the engineer of the plat. It was determined that the utility easement has existed in this location since the creation of the subdivision. The shed does not have a building permit and does not have a concrete foundation; therefore it has the ability to be moved. If any construction takes place in the utility easement that may affect the shed, the shed will be moved at the homeowner's expense. The applicant has been made aware of this provision.

CONCLUSION

Staff believes that the request for the addition and the covered deck are in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2013-PR-090 for the additions with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Vested Rights Determination
5. Similar Case History
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2013-PR-090****January 29, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-PR-090 located at Tax Map 50-4 ((15)) 26 to permit reduction of certain yard requirements pursuant to Sects. 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the addition (690 square feet), a covered deck (20 square feet), patio and shed as shown on the plat titled "Plat, Showing the Improvements on Lot 26, Section Two, City Park Homes," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated June 26, 2013 and as revised through October 22, 2013, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,552 square feet existing + 2,328 square feet (150%) = 3,880 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The additions shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has

commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**VERASIN
RESIDENCE**

REMODEL & ADDITION

6906 FARRACUT AVENUE
FALLS CHURCH, VA 22042

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KCI General Contractors
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703.319.4316 cell

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kcaminski@kcicontractors.com

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703.766.3761 (f)

STRUCTURAL ENGINEER

Ohl Engineering Group
Arlinghams, VA 22033
703.401.5625 office

Kamran Ohi (Contact)
koho@koho.com

FOR PERMIT	05/20/2013	DATE
NO. REVISIONS		
DRAWING TITLE		

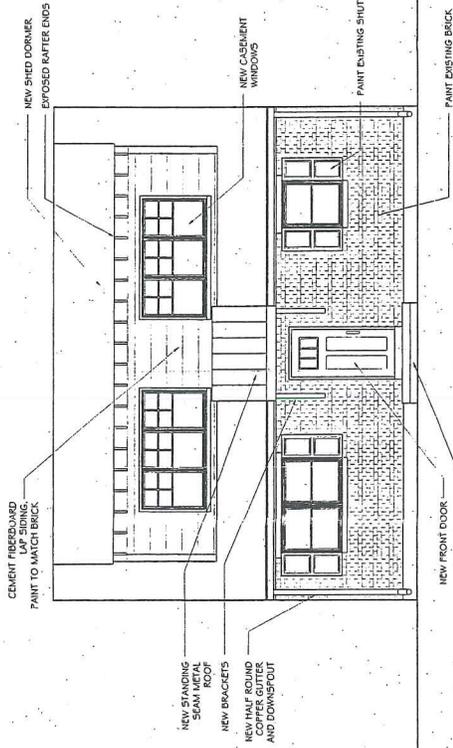
**PROPOSED
ELEVATIONS**

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

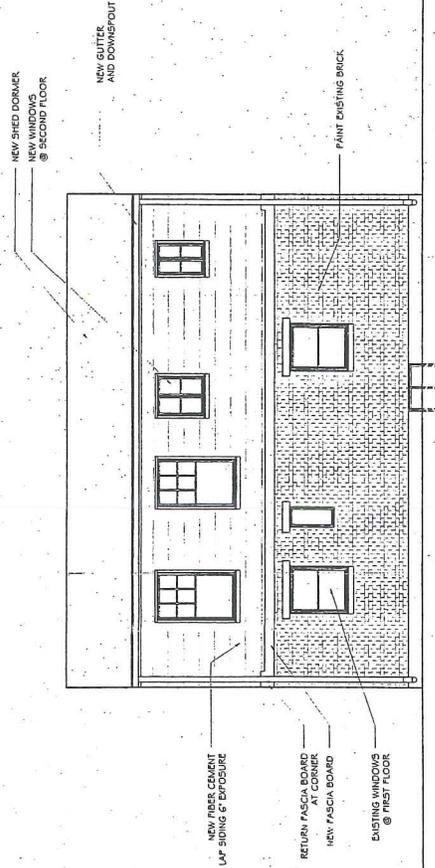
PROJECT NO.

SHEET NO.

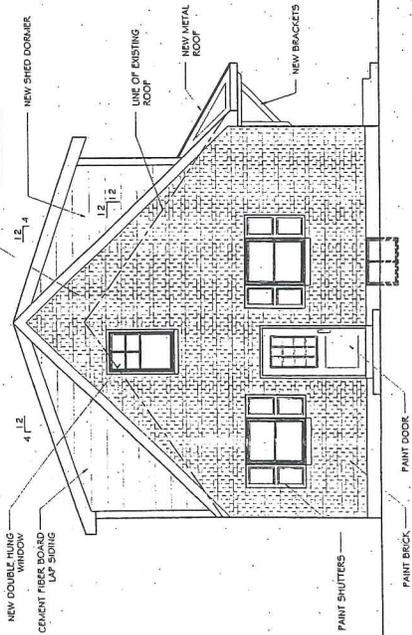
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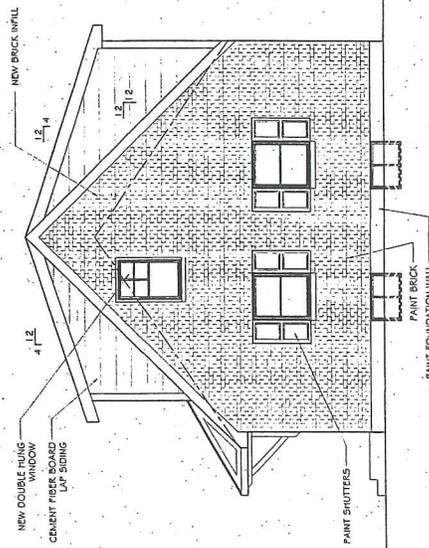
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SCALE: 1/4" = 1'-0"



D NORTH ELEVATION
SCALE: 1/4" = 1'-0"



A WEST ELEVATION
SCALE: 1/4" = 1'-0"



C EAST ELEVATION
SCALE: 1/4" = 1'-0"

Application No.(s): SP 2013-PR-090
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/28/13
 (enter date affidavit is notarized)

I, Peter + Mary Verasim, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant 121743
 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)
Peter N Verasim	6906 Farragut Ave Falls Church, VA 22042	Applicant/Title Owner
Mary K Verasim	6906 Farragut Ave Falls Church, VA 22042	Applicant/Title Owner

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

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

Application No.(s): SP 2013 - P12 - 090
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/28/13
(enter date affidavit is notarized)

121743

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

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

CORPORATION INFORMATION

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

NONE

DESCRIPTION OF CORPORATION: (check one statement)

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

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

(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-090

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/28/13
(enter date affidavit is notarized)

121743

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)

NONE

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

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

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

Application No.(s):

SP 2013-PR-090

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/28/13
(enter date affidavit is notarized)

121743

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/28/13 (enter date affidavit is notarized)

121743

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)

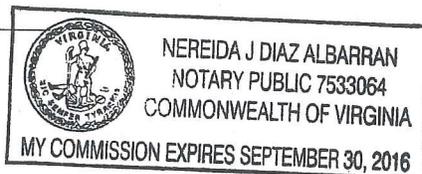
[X] Applicant [] Applicant's Authorized Agent

Mary K Verasini Peter N. Verasini (type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 28 day of June 2013 in the State/Comm. of Virginia, County/City of Virginia/Fairfax

[Signature] Notary Public

My commission expires: 09/30/2016



SEP 23 2013

SP2013-017
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STATEMENT OF JUSTIFICATION

Zoning Evaluation Division

My husband and I bought our Cape Cod on 6906 Farragut Ave in Falls Church, VA in October 2010. In looking for a home, we were looking for a community that would be suitable for raising a family. We considered other neighborhoods, but choose this area because we want to raise our family in a diverse, stable, family friendly established community. While we realized that the home we were purchasing was a small cape cod, we fully expected that we could enlarge the home based on the other homes in the area that had themselves been enlarged, primarily through the addition a story and a half addition.

Shortly after moving in, we did begin our family. Our son is 2. We recently found out that we are expecting twins. Due to the unexpected growth in our family size, we decided to pursue a story and a half addition similar to others in the area.

Following address the specific items of the special permit justification:

- A. **Type of operation(s):** N/A
- B. **Hours of operation:** N/A
- C. **Estimated number of patrons/clients/patients/pupils/etc.:** N/A
- D. **Proposed number of employees/attendants/teachers/etc.:** N/A
- E. **Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:** N/A
- F. **Vicinity or general area to be served by the use:** N/A
- G. **Description of building façade and architecture of proposed new building or additions:** The façade will resemble a Craftsman/Cape Cod style home with two shed dormers on the front and back of the house and a small overhang above the front door supported with decorative brackets. The story and a half addition will not extend beyond the footprint of the existing structure and will result in three bedrooms and two bathrooms to the second story of the home. The addition will utilize cement fiberboard lap siding painted to match the brick of the existing structure.
- H. **A listing, if known, of all hazardous or toxic substances:** There are no known hazardous or toxic substances to be generated, utilized, stored, treated, and/or disposed of as it relates to this project.
- I. **A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted:** We are

requesting a waiver to permit reduction of certain yard requirements to permit a story and a half addition 26 feet from front lot line and covered porch 21.7 feet from front lot line.

We are in need of special permit because our house currently sits on a setback of 25 feet per the zoning ordinance in effect at the time the house was built in the late 1940's. Since that time, the zoning ordinance has been changed to require a minimum setback of 30 feet. We are requesting that the 30-foot requirement be waived for our renovation so that we may utilize the full footprint of our existing home and maximize the space gained in our renovation.

The renovation will impose no negative impact on the neighboring homes and as mentioned will fit with the style of the neighborhood. The renovation will not expand the home beyond the existing footprint. We specifically selected a contractor who was familiar with the neighborhood and who has renovated other homes in the neighborhood. We are confident that his work will enhance our neighborhood.

Per 8-922 Provisions for Reduction of Certain Yard Requirements, the addition to the principal structure does not exceed the allowed 150 percent of the total gross floor area. The existing Gross Floor Area (GFA) of the principal structure is 1,552 sq.ft. of which 776 sq.ft. is on the first floor and 776 sq. ft. is in the basement. The allowable area for the addition is 776 sq.ft. The first floor and basement shall remain the same while the second floor will be gaining an additional 690 sq.ft. which is less than the allowable 776 sq.ft. The total proposed addition is 44% of the GFA.

There is no existing accessory structure. The addition will be in character with the existing structure and in harmony with surrounding off-site structures in terms of location, height, bulk and scale and have no impact to existing vegetation. The proposed addition will not adversely impact the use or enjoyment of any adjacent properties and will not result in additional noise, light, erosion, or stormwater runoff or impose any safety issues. Our proposed reduction represents the minimum amount of reduction necessary to accommodate our proposed addition on our lot.

In addition, the shed and block patio on our property are noncompliant, but were pre-existing upon our purchase of the home and therefore not the fault of the property owner. Our shed is 8.6 feet, which exceeds the 8.5 feet height limit and imposes the minimum yard requirements, and our block patio abuts the property. The shed exceeds 10 percent of the rear lot and side lot requirement sitting 3.6 feet from the rear lot line which is 5 feet more than the allowed 8.6 feet or 58% and 1.3 feet from the side lot line which is 8.7 feet more than the allowed 10 foot side yard or 87%. Additionally, the patio exceeds 10 percent of the side lot requirement sitting 0.0 feet from the side lot line, which is 100% greater than the allowed 10 foot side yard requirement. The reduction in yard requirement will not impair the enjoyment of surrounding properties and it will not create an unsafe condition for other properties and the public streets. Forced compliance with the minimum yard requirements would result in additional cost that we do not have budgeted. The reduction in yard requirement will not result in an increase in permitted density or floor area ratio.

Our new babies are due early November. The contractor estimated a 3-month time frame for the renovations. This would have allowed the work to be done well in time for the arrival of our twins. Everything that we have done, we have done in good faith, following best practices by seeking a licensed contractor experienced in the area, having an engineer examine the structure, working with an architect and designer to ensure that the design fit the neighborhood. We are very concerned that with the additional time required to complete the special permit request process we will not be able to get the work completed in time for the arrival of our twins. If there is anything at all that can be done to prioritize our request, we would greatly appreciate it. As we stated earlier, we chose this neighborhood because it is a great place to raise a family. We do not want to be forced to move but we simply will no longer fit in our home unless we can expand.

Similar Case History

Group: 86-P -013

SP 86-P -013

APPLICANT: THOMAS J. SCHUMAKER, SHARI, STEVEN AND CLAUDETTE HUGHES
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 03/25/1986
ZONING DISTRICT: R- 4
DESCRIPTION: REDUCTION TO MIN. YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW SHED TO REMAIN 1.7 FEET FROM SIDE LOT LINE AND 4.1 FEET FROM REAR LOT LINE OF A CORNER LOT (10 FT. MIN. SIDE YARD REQUIRED)
LOCATION: 2914 SUMMERFIELD ROAD
TAX MAP #S:
 0504 15 0078

Group: 2002-PR-189

VC 2002-PR-189

APPLICANT: DENISE A DAVENPORT
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 02/12/2003
ZONING DISTRICT: R- 4
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 23.6 FEET FROM FRONT LOT LINE
LOCATION: 6902 JEFFERSON AVENUE
TAX MAP #S:
 0504 15 0045

Group:

APPLICANT: FELISA GONZALES & KING-IN MARSHALL
STATUS: RECEIVED
STATUS/DECISION DTE: 08/25/2010
ZONING DISTRICT: R- 4
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 20.2 FEET FROM FRONT LOT LINE
LOCATION: 6900 FARRAGUT AVENUE
TAX MAP #S:
 0504 15 0023

Group: 2011-PR-001

SP 2011-PR-001

STAFF REPORT

LOCATOR MAP

APPLICANT: GERTRUDE M JENKINS
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 04/06/2011
ZONING DISTRICT: R- 4
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 5.2 FEET FROM REAR LOT LINE AND 5.0 FEET FROM SIDE LOT LINE
LOCATION: 2920 SUMMERFIELD ROAD
TAX MAP #S:
 0504 15 0073



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Via Mail

January 10, 2014

Peter and Mary Verasin
6906 Farragut Avenue
Falls Church, Virginia 22042

RE: Sect. 15.2-2307 of the Code of Virginia Determination for 6906 Farragut Avenue
City Park Homes, Section 2, Lot 26
Tax Map Ref.: 50-4 ((15)) 26
Zoning District: R-4

Dear Mr. and Ms. Verasin:

This letter is in response to the inquiry filed by Laura Gumkowski on December 27, 2013 requesting a vested rights determination for the dwelling, patio, and shed located on the referenced property. The property is zoned R-4, and is developed with a single family detached dwelling and accessory structures. According to the real estate assessments, the dwelling was constructed in 1943 and remodeled in 2010.

Included with this request is a copy of a plat showing the locations of the dwelling (with proposed addition), the patio, and the shed. The minimum yard requirements for the R-4 District are 30 feet for front yards, 10 feet for side yards, and 25 feet for the rear yard. The front of the dwelling is located 25.3 feet with eave 24.8 feet from the front lot line, which does not meet this requirement. Patios are considered decks in the Zoning Ordinance. Pursuant to Par. 2A of Sect. 2-412, open decks attached to single family detached dwellings that are less than 4 feet from ground level are permitted to extend up to 6 feet into the minimum required front yard (but not be located closer than 14 feet to a front lot line), and up to 5 feet into a minimum required side yard (but not be located closer than 5 feet to a side lot line). The patio appears to extend to the left (western) side lot line, which does not meet this requirement. Pursuant to Par. 10 of Sect. 10-104, freestanding accessory storage structures (sheds) that are over 8.5 feet in height must meet the minimum side yard requirement, which in this case is 10 feet, and must be located a minimum of the distance equal to the height of the structure, which in this case is 8.6 feet. The distance from the shed to the side lot line is not shown on the plat, but scales to approximately one foot from the side lot line, and is located 3.6 feet from the rear lot line, which does not meet the Zoning Ordinance requirements.

Under §15.2-2307 of the *Code of Virginia*, if (a) local government has issued a building permit, the structure was constructed in accordance with the building permit, and a certificate of

Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/

Peter and Mary Verasin
January 10, 2014
Page 2

occupancy was issued, or (b) the owner of the building has paid taxes for the structure for more than 15 years, the structure is not illegal and may remain. In this instance, building permits were not located in our files for the structures. The dwelling has been listed in the real estate assessments for the last 15 years. As such, §15.2-2307 is applicable and the dwelling may remain in the current location. However, this structure may not be replaced or enlarged unless the replacement or expansion complies with all current regulations of the district in which it is located.

The patio and shed have not been listed in the real estate assessments for the last 15 years. As such, §15.2-2307 is not applicable. Therefore, in order to meet the minimum Zoning Ordinance requirements, the shed and patio must be removed or relocated to meet the requirements described above. Alternately, you may request a special permit or variance from the Board of Zoning Appeals (BZA) to retain the shed and patio in their current locations. Special permit and variance applications require submission of an application, plat, and fees, as well as notification of adjacent property owners and a public hearing before the BZA. Information on the variance application processes is available from the Zoning Evaluation Division at 703-324-1290. Please note that failure to address this issue may impact your ability to obtain building permits or pursue other zoning applications on this property in the future.

I trust this correspondence adequately responds to your request. If you have any additional questions, please feel free to contact me at 703-324-1314.

Sincerely,



Cathy S. Belgin, AICP
Senior Assistant to the Zoning Administrator

cc: Linda Q. Smyth, Supervisor, Providence District
Leslie B. Johnson, Zoning Administrator
Andrew Hushour, Deputy Zoning Administrator for Ordinance Administration Branch
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch
Laura Gumkowski, Staff Coordinator, Zoning Evaluation Division
Tim Shirocky, Director, Real Estate Division, DTA

O:\cbelgi\Vested Rights Letter 6906 Farragut Avenue.doc



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Vested Rights Determination under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	50-4 ((15)) 26
Property Address:	6906 Farragut Avenue
Requestor's Name:	Peter and Mary Verasin
Requestors Address: (if different than above)	same
Requestor's Phone Number:	703-725-3821, 703-867-9487
Current Zoning:	R-4
Magisterial District:	Providence
Subdivision Name/Section/Block/Lot No.:	City Park Homes, Section 2, Lot 26

Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia

The property is zoned R-4, and is developed with a single family detached dwelling and accessory structures. According to the real estate assessments, the dwelling was constructed in 1943 and remodeled in 2010. A plat was included showing the locations of the dwelling, patio, and shed.

The minimum yard requirements for the R-4 District are 30 feet for front yards, 10 feet for side yards, and 25 feet for the rear yard. The front of the dwelling is located 25.3 feet with eave 24.8 feet from the front lot line, which does not meet this requirement. Pursuant to Par. 2A of Sect. 2-412, open decks attached to single family detached dwellings that are less than 4 feet from ground level are permitted to extend up to 6 feet into the minimum required front yard (but not be located closer than 14 feet to a front lot line), and up to 5 feet into a minimum required side yard (but not be located closer than 5 feet to a side lot line). The patio appears to extend to the left (western) side lot line, which does not meet this requirement. Pursuant to Par. 10 of Sect. 10-104, freestanding accessory storage structures (sheds) that are over 8.5 feet in height must meet the minimum side yard requirement, which in this case is 10 feet, and must be located a minimum of the distance equal to the height of the structure, which in this case is 8.6 feet. The distance from the shed to the side lot line is not shown on the plat, but scales to approximately one foot from the side lot line, and is located 3.6 feet from the rear lot line, which does not meet the Zoning Ordinance requirements.

Building permits were not located for these structures. The dwelling has been listed in the real estate assessments for the last 15 years, but the patio and shed have not been listed for the last 15 years.

Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/





Vested Rights Determination (or "2307") Request

(Pursuant to §15.2-2307 of the Code of Virginia)

Property Address and/or Tax Map #:	50-4 ((15)) 0026	6906 Farragut Ave. Falls Church 22042
Requestor's Name:	Laura Gorkowski <i>MB</i>	12/27/2013
Requestor's Address:	DPZ-ZED	
Requestor's Phone Number and/or Email:	703-324-1209	
Description of Structure(s) in Question to include the date of construction if known (i.e. carport enclosure in 1974):	- Front yard setback of SFD - 1943 - Block patio - Shed	
Does the structure(s) in question have a building permit?:	<input checked="" type="radio"/> YES	<input type="radio"/> NO
If currently applying for a building permit, please provide the building permit number:	N/A	
Is there a current zoning violation on the property?	YES	<input type="radio"/> NO

REQUIRED SUBMISSION MATERIALS:

- If building permit application has been submitted, copy of the submitted plat.
- Or, a plat of the property, to scale, which shows the location of all existing structures, distance of structures from all property lines and the height of any detached accessory structures (garages, sheds, etc.).
- Photographs of the interior and exterior of the structure in question.

SUBMIT TO:

Department of Planning & Zoning
 Zoning Administration Division
 Attn: Leslie B. Johnson, Zoning Administrator
 12055 Government Center Pkwy, Suite 807
 Fairfax, Virginia 22035

**if you find any easement information please let me know*

**this case is scheduled for public hearing in the end of Feb or beginning of March*

8-006 General Standards

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

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

8-903 Standards For All Group 9 Uses

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

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

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

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

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

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

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

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

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

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

DATE: January 22, 2014

INITIAL MBD

TO: Megan Duca

FROM: Lori Mallam

SUBJECT: Draft Legal Notice for SP 2013-LE-062
BZA Public Hearing on March 19, 2014 at 9:00 A.M.

REVIEW THE FOLLOWING DRAFT LEGAL AD, UPDATE AND REVISE AS NECESSARY AND CHECK THAT YOU VERIFIED THE FOLLOWING ITEMS:

1. Applicant/Agent: Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich + Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

2. Applicant Name
 3. Supervisor District
 4. Acres
 5. Tax Map Number(s)
 6. Overlay District(s)
 7. Street Address(s)

8. Case Number
 9. Proposed Use - see note below
 10. Zoning District
 11. Concurrent Cases associated with SE 2013-LE-014
 12. Map Headings
 13. Ordinance Provisions - see below

no map (?)

Legal Notice will read as follows:

SP 2013-LE-062 MOHAMMAD HAJIMOHAMMAD, TRUSTEE AND FLORA HAJIMOHAMMAD,
TRUSTEE OF THE HAJIMOHAMMAD REVOCABLE TRUST, SP 2013-LE-062
Appl. under Sect(s) 8-914 8-922 of the Zoning Ordinance to permit reduction of certain
yard requirements due to error in building location to permit existing building to
remain 29.5 ft. and 33 ft. from the front lot lines. Located at 5630 South Van Dorn
St., Alexandria, 22310, on approx. 31,451 sq. ft. of land zoned C-6. Lee District.
Tax Map 81-2 ((3)) 8A.

INITIAL and return to Susan by, **JANUARY 30, 2014.**

The wording in LDS is very strange. Is this an error in building location (8-914) or a reduction of certain yard requirements (8-922)?

Error in building location. It's correct on the application form but not LDS. I've asked Virginia to correct in LDS.

Question - do you not notify adjacent jurisdictions for sp? (city of Alexandria)

Policy on Notification Requirements

If a public hearing is **not** opened, but is deferred for less than 30 days:

Staff is responsible for notifications by First Class Mail 5 days prior to new public hearing date

If a public hearing is **not** opened, but is deferred for more than 30 days:

The applicant is responsible for doing the notices

If a public hearing is opened and closed and deferred for decision only:

No new notifications/advertising is required

If a public hearing is opened and continued:

No new notifications required if continued to a date certain

The Clerk for the Day is responsible for sending the notifications for SP/VC applications that are not opened and deferred for less than 30 days.

ZAD staff is responsible for sending notices for appeal applications.

Moved by staff prior to the meeting date:

In order to **administratively move** an application, at least one of the three notice/ad requirements must **not** have occurred:

- 1) Notices mailed to surrounding property owners.
- 2) Sign posted on property.
- 3) Ad run twice in newspaper.

NOTE: If at any point all notice/ad requirements have been met, the date cannot be changed by staff, and only the BZA can take action.

Moved by staff after the meeting date:

- 1) **Decision Only** -- If an application has reached the decision only stage and has to be rescheduled due to unforeseen events/emergencies (i.e., inclement weather, etc.), regardless of the length of time between the meetings, no further notices need to be sent because the opportunity for speakers has passed.
- 2) **New or Continued** -- If an application is going before the BZA for the first time or it has been continued by the BZA and it is subsequently rescheduled due to unforeseen events/emergencies (i.e., inclement weather, etc.), regardless of the length of time between the meetings, notices shall be sent by staff because speakers still have the opportunity to be heard.

Deferred by BZA:

When a public hearing has been scheduled and all three notice/ad requirements have been met, the **BZA must defer** the public hearing.

Definition of Terms

Opened -- A public hearing is considered opened once the oath is given.

Closed -- Chairman **states** that the public hearing is closed.

Continued -- The hearing has been opened, the Chairman **does not state** that the public hearing is closed and the hearing is continued to another date.

Deferred for Decision -- The hearing has been opened, the Chairman **states** that the hearing is closed and the decision is deferred to another date.

Indefinitely Deferred/Decision Indefinitely Deferred -- When an applicant does not want to go forward with their application, but they do not want to withdraw it, they can request their application be given one of these statuses, which do not require BZA action.