



APPLICATION ACCEPTED: December 27, 2013

DATE OF PUBLIC HEARING: March 12, 2014

TIME: 9:00 a.m.

# County of Fairfax, Virginia

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March 5, 2014

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-SP-112

### SPRINGFIELD DISTRICT

**APPLICANT:** Richard E. Gordon, Trustee

**OWNERS:** Richard E. Gordon, as Trustee under The Gordon Family Trust, for the benefit of Laura E. Gordon and Craig R. Gordon

Carole H. Gordon, as Trustee under The Gordon Family Trust, for the benefit of Laura E. Gordon and Craig R. Gordon

**LOCATION:** 6010 Ridge Ford Drive, Burke, 22015

**SUBDIVISION:** Burke Station Square, Section 2B

**TAX MAP REFERENCE:** 78-4 ((8)) 226

**LOT SIZE:** 9,907 square feet

**ZONING DISTRICT:** R-3 Cluster

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit reduction in the minimum yard requirements based on error in building location to permit addition to remain 6.5 ft. from side lot line.

*O:\vgumk2\SP\_VC Cases\3-12 SP 2013-SP-112 Gordon (Error)\SP 2013-SP-112 Gordon SR.docx*

*Laura Gumkowski*

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

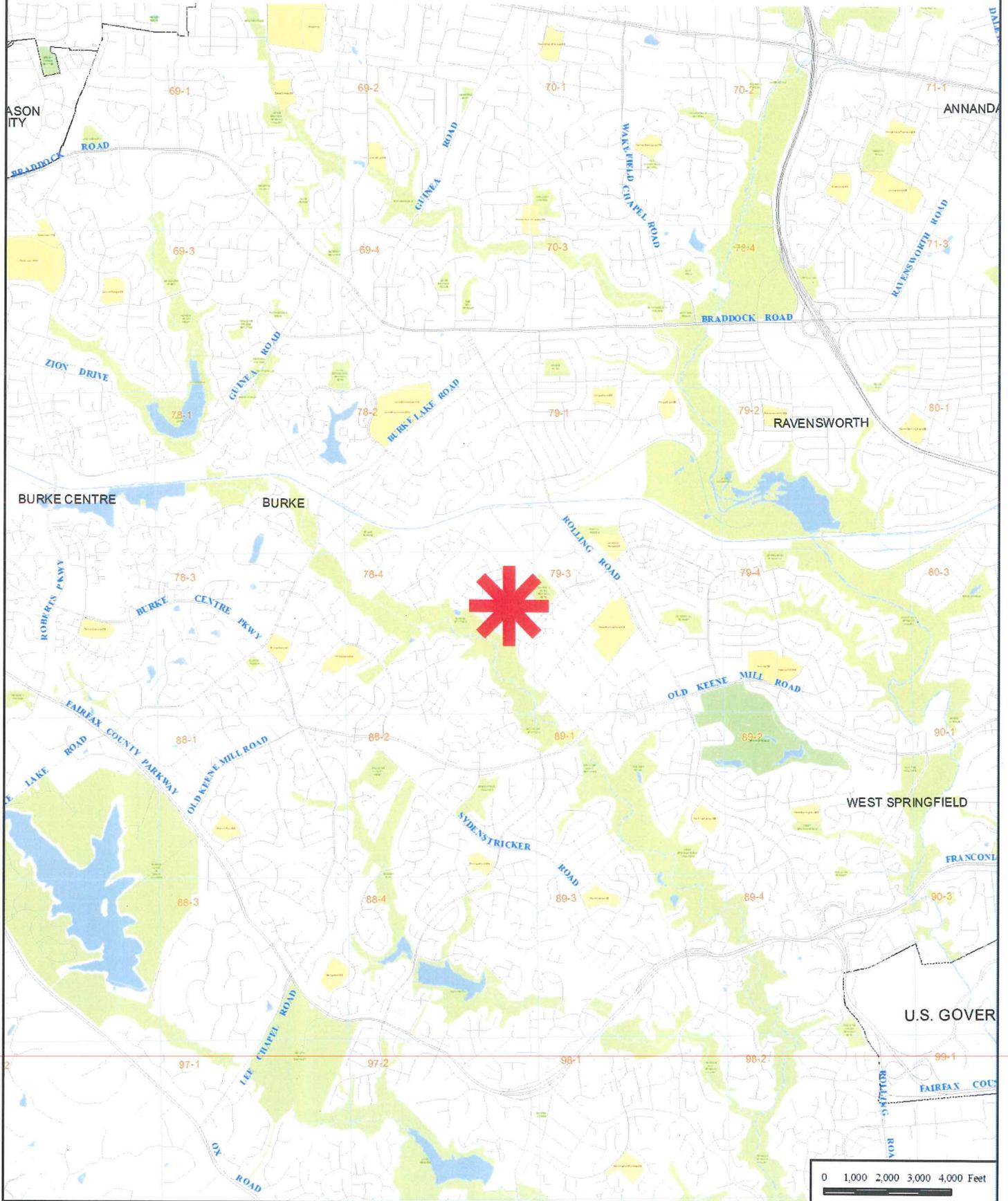
The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

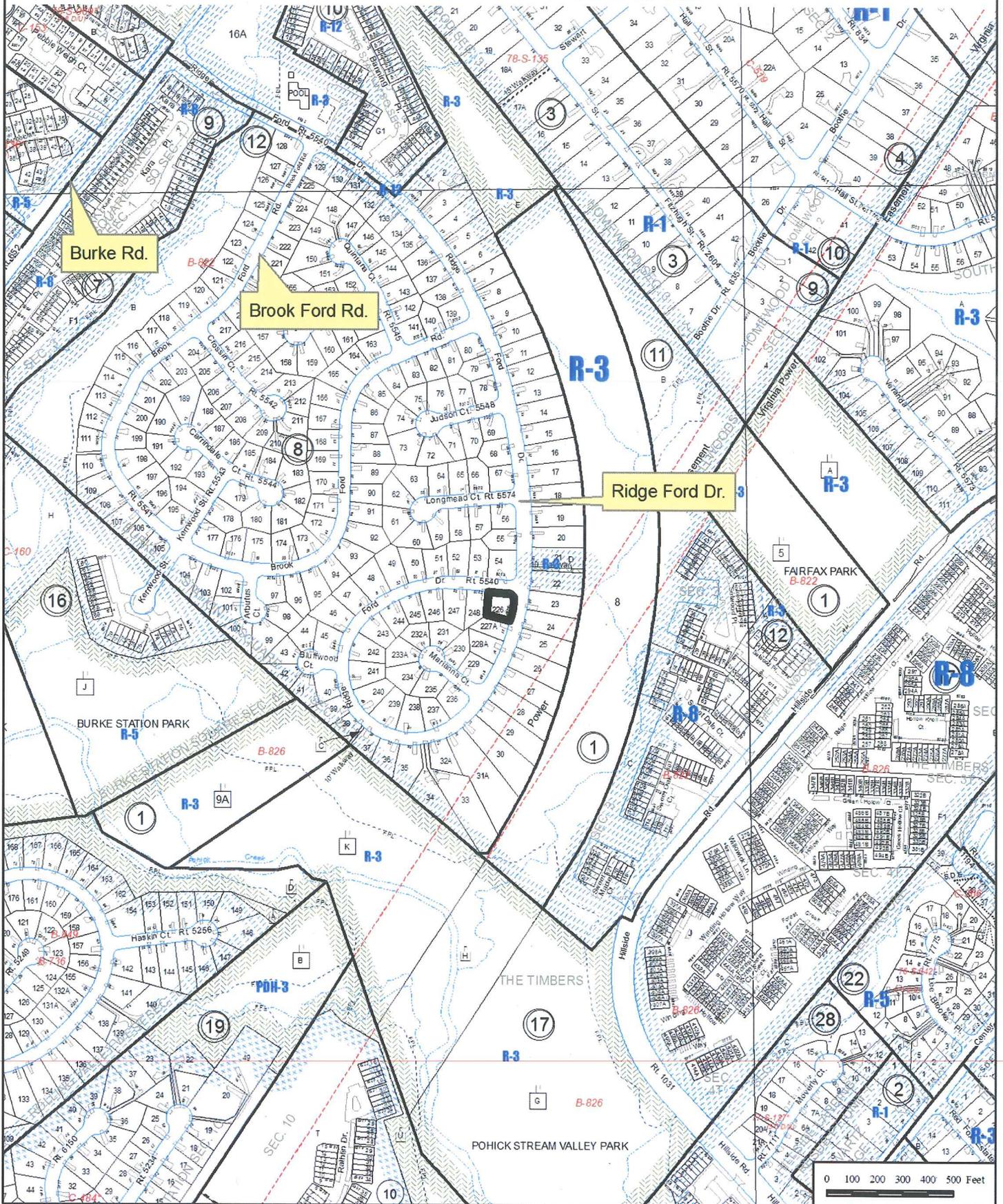


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2013-SP-112**  
**RICHARD E. GORDON, TRUSTEE**



**Special Permit**  
**SP 2013-SP-112**  
RICHARD E. GORDON, TRUSTEE



**NOTES:**

- TAX MAP: 78-4-08-0226
- ZONE: R-3C (R-3 W/CLUSTER DEV)
- LOT AREA: 9,907 SF (0.2274 ACRE)
- REQUIRED YARDS:  
FRONT: = 20.0 FEET  
SIDE: = 8.0 FOOT MIN./TOTAL OF 20.0 FEET
- HEIGHTS:  
DWELLING: = 22.3 FEET  
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.
- 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 2' INTERVALS, AND IS AERIAL AREAS ON THIS PROPERTY.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- AREAS:

BASEMENT	=	576 SF
FIRST FLOOR	=	869 SF
SECOND FLOOR	=	276 SF
GROSS FLOOR AREA	=	2,021 SF

FLOOR AREA RATIO: GFA (2021) / LOT AREA (9907) = 0.20

**NOT TO SCALE**

PLAT  
SHOWING HOUSE LOCATION ON  
LOT 226, SECTION 28  
(DEED BOOK 3358, PAGE 295)  
**BURKE STATION SQUARE**  
FAIRFAX COUNTY, VIRGINIA  
SPRINGFIELD DISTRICT  
SEPTEMBER 21, 2013  
SCALE: 1" = 10'

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

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.

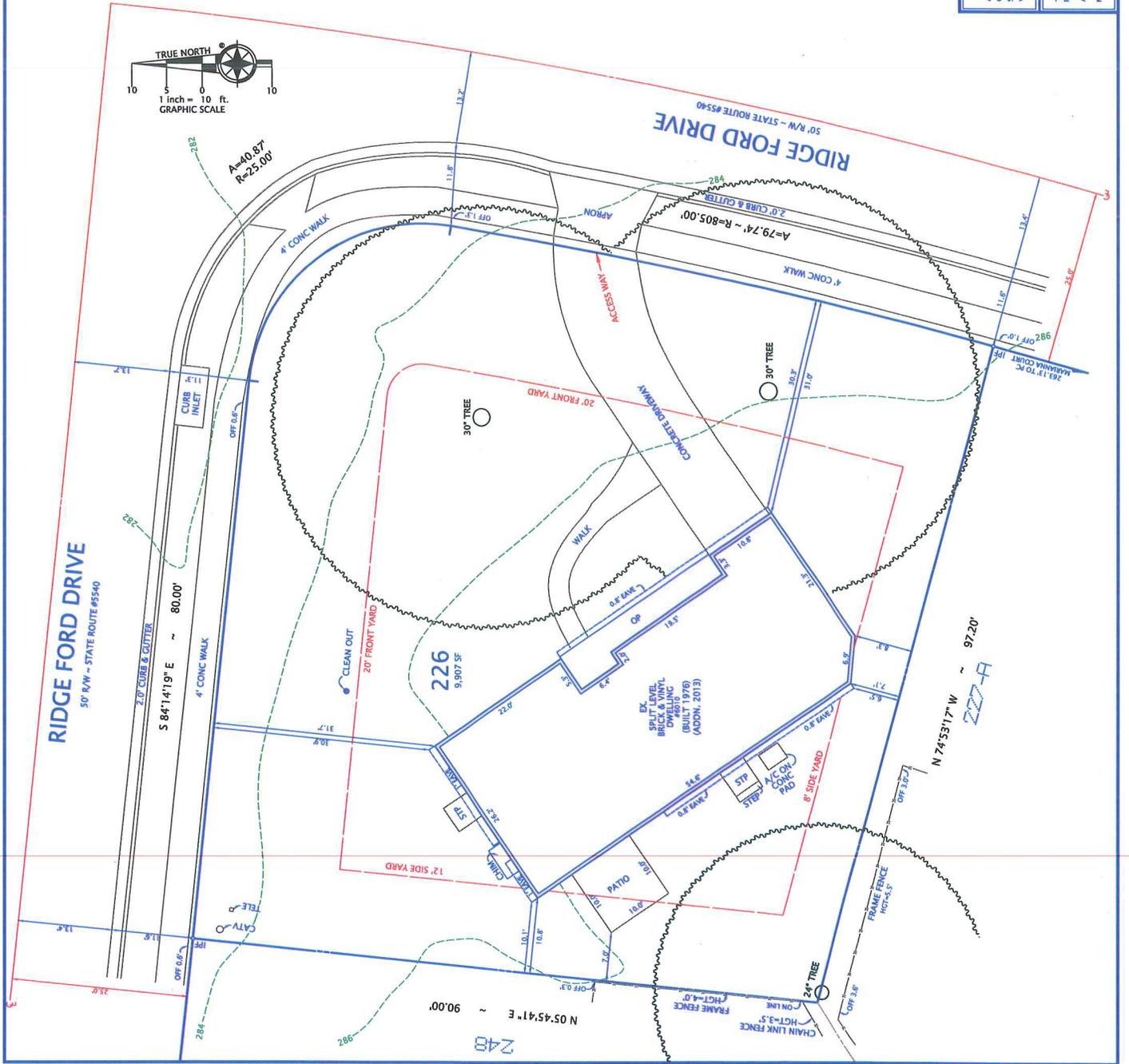
COMMUNITY OF VIRGINIA  
09/21/2013  
GEORGE M. O'CONNOR  
LICENSE NO. 2069  
LAND SURVEYOR

*George M. O'Connor*

CASE NAME: RICHARD GORDON

**DOMINION** Surveys Inc.  
8008 JJ PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
703-419-6555  
FAX: 703-799-6412

#13008017-1 #110-13



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Applicant rear patio



Back yard of Applicant house (on left) viewed in Southern direction



Photo Taken from NE of Applicant house at Ridge Ford Dr. + Ridge Ford Dr. Note abutting houses to the South + West

South

East



West

North

Photo Taken facing East from applicant NW corner of property line



West from corner of Ridge Ford Dr. + Ridge Ford Dr. Along North Edge  
of Applicant property line. North edge of applicant house on left.



Facing North from applicant front yard



FACING North from SE corner of Applicant property line



FACING East from Applicant front yard



Facing South from EW portion of Ridge Ford Dr.

Note North side of applicant house on left + abutting home on right (West)

EAST

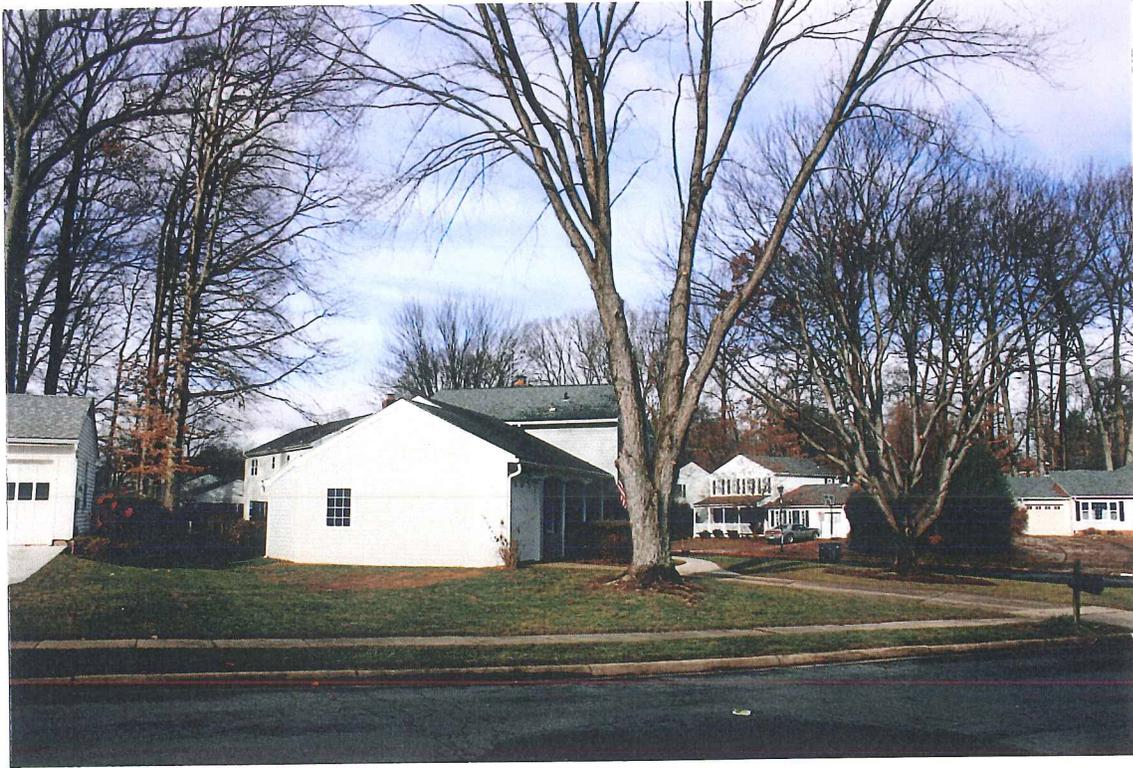


North

Facing due East from SW corner of Applicant property along property line.  
Note: Back of new storage area attached to Applicant House (on left)



Applicant garage/storage add on looking West along property line. (South side of house)



RECEIVED  
Planning & Zoning  
Department

DEC 11 2013

Zoning Section Office

Closer view of applicant garage/storage looking West



Photo Taken from Applicant back yard S to W To abutting properties



RECEIVED  
Department of Planning & Zoning

DEC 11 2013

Zoning Evaluation Division

Applicant back yard view to WNW from property line

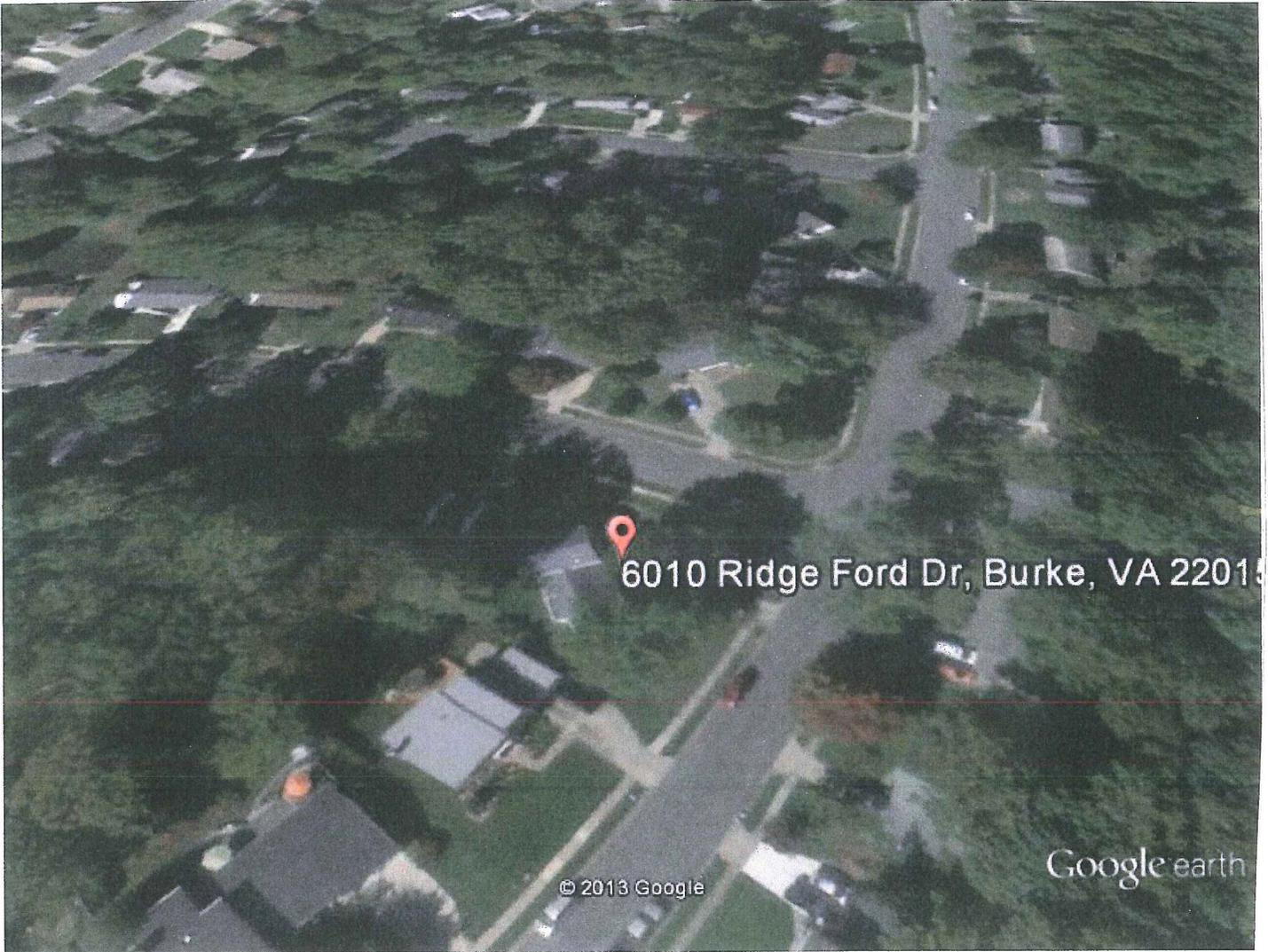


View of Applicant property and abutting properties

North

WEST

EAST



South

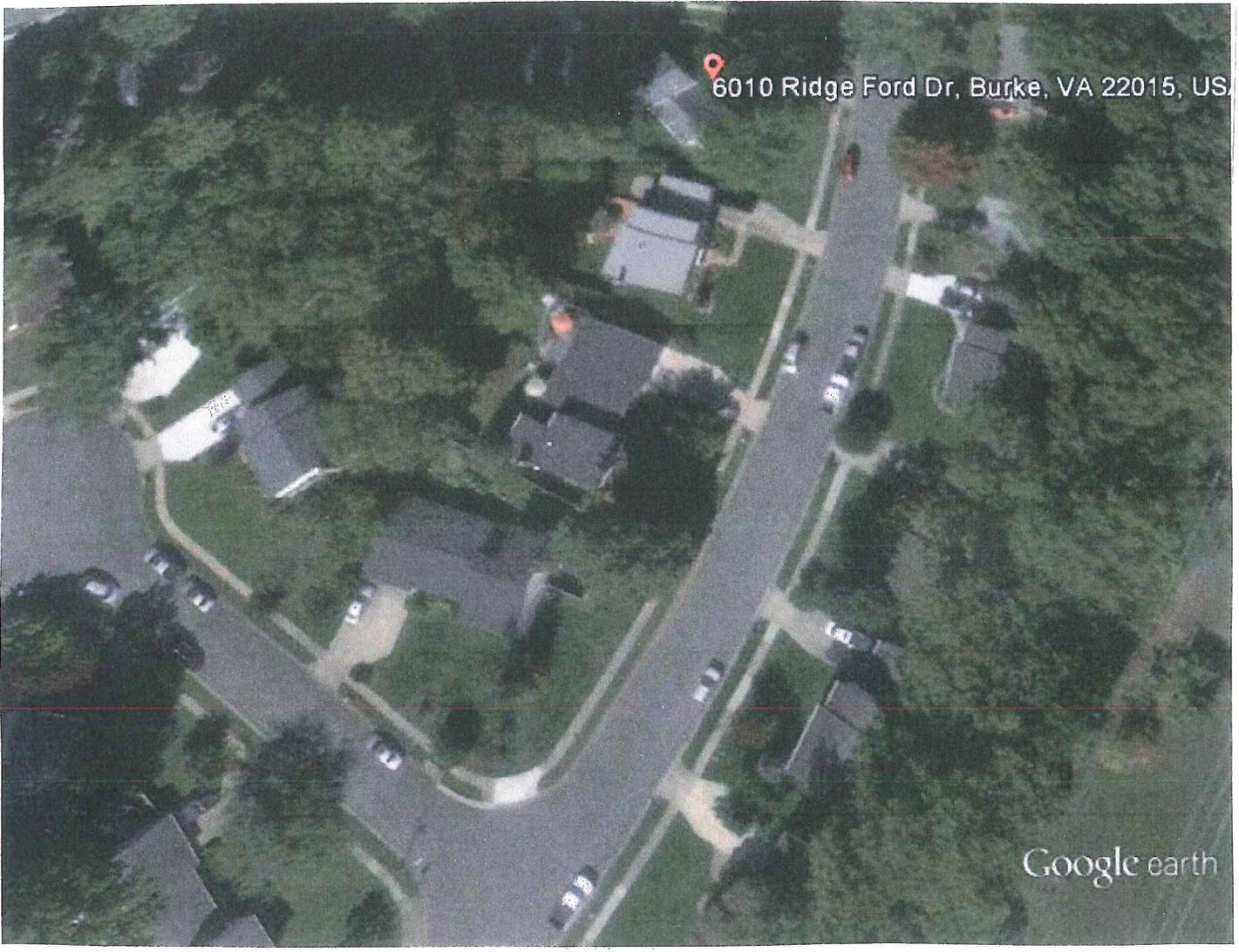
\* Photos Taken 12/7/13



View of Applicant property located West from this Street. (Ridge Ford Dr.)

Aerial view of Applicant property and neighborhood To the South

NORTH



WEST

EAST

South



View To The East from Applicant property

## DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit to allow a reduction in the minimum yard requirements based on an error in building location to permit an addition to remain 6.5 ft. from the southern side lot line. The addition is for an existing carport, which was converted into a one car garage. A minimum side yard of 8.0 feet is required in an R-3 Cluster subdivision, therefore a modification of 1.5 feet, or 18.8% is requested.

A copy of the special permit plat depicting the structures on site, titled, "Plat Showing House Location on Lot 226, Section 2B, Burke Station Square," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated September 21, 2013, is included at the front of the staff report.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 9, 907 square foot lot is developed with a split level, single family detached dwelling. A one-story garage addition is attached to the southeast side of the dwelling. The property, as a corner lot, has two front yards which are both along Ridge Ford Drive. An open porch exists on the northeastern façade with a walkway that leads to a concrete driveway. The concrete driveway provides vehicular access to Ridge Ford Road, from the eastern front yard. A stoop and chimney exist on the northwestern façade. A 100 square foot patio and another stoop exist along the southwestern side of the house. The property is relatively flat and has two mature trees in the eastern front yard and another mature tree in the southwestern corner of the property.

This property is zoned as R-3 and is developed under the cluster provisions of the Zoning Ordinance , which requires a minimum side yard of no less than 8 feet, such that the total side are a minimum 20 feet. As such, it has been determined by the Zoning Administration Division that since this is a corner lot with two front yards, the lot is permitted to have a minimum yard setback along both the western property line and the southern property line of eight feet. Therefore, the applicant is requesting a minimum yard reduction for the existing house location along the southern lot line. The patio, and open deck, and an addition 10.1 feet from the western side yard, meet the provisions of the Zoning Ordinance.

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



## BACKGROUND

According to Fairfax County Tax Records the house was constructed in 1976 and purchased by the applicant in 1977. A complaint had been submitted against this property for unpermitted interior renovations, however, the issue has been inspected and the complaint was closed. A building permit was approved for this property to convert an existing carport into an attached garage and to build an addition on the rear of the house with no changes to the roof. Inspections for this addition were completed on July 2013 according to county records (Appendix 4). However, the addition did not pass a setback certification and therefore, has not completed a final building inspection.

There have been a number of variance applications near this property that have allowed reductions in the minimum required side yards to permit construction of additions. There have not been any however, applications based on an error in building location.

## ZONING ORDINANCE REQUIREMENTS

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 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. Building Permit History
5. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2013-SP-112**

**March 5, 2014**

1. This special permit is approved for the location of the addition as shown on the plat prepared titled, "Plat Showing House Location on Lot 226, Section 2B, Burke Station Square," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated September 21, 2013.
2. All applicable permits and final inspections shall be obtained for the addition within 180 days of approval of this application.

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

Application No.(s): SP 2013-SP-112  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/5/13  
 (enter date affidavit is notarized)

I, Richard E. Gordon, Trustee, do hereby state that I am an  
 (enter name of applicant or authorized agent)

122944

(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 <b>BOLD</b> above)
Richard E. Gordon, As Trustee under The Gordon Family Trust, for the benefit of:	6010 Ridge Ford Dr. Burke, VA. 22015	Applicant / <b>TITLE OWNER</b>
Laura E. Gordon	416 Millwood Ct., Vienna, VA, 22180	<b>DAUGHTER</b>
Craig R. Gordon	1603 Heatherwood Dr. Decatur, GA. 30033	<b>SON</b>
Carole H. Gordon, as Trustee under The Gordon Family Trust, for the benefit of:	6010 Ridge Ford Dr. Burke, VA. 22015	<b>TITLE OWNER</b>
Laura E. Gordon	416 Millwood Ct., Vienna, VA. 22180	<b>DAUGHTER</b>
Craig R. Gordon	1603 Heatherwood Dr., Decatur, GA. 30033	<b>SON</b>

[ ] 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).

SP 2013-SP-112

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/5/13  
(enter date affidavit is notarized)

122944

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)

N/A

**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.

SP 2013-SP-112

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/5/13  
(enter date affidavit is notarized)

122944

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

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

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

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

N/A

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

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

Application No(s): SP 2013-SP-112  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/5/13  
(enter date affidavit is notarized)

122944

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

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

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

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

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

NONE

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

Application No(s): SP 2013-SP-112  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/5/13  
(enter date affidavit is notarized)

122944

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: Richard E. Gordon, Trustee  
(check one)  Applicant [ ] Applicant's Authorized Agent

Richard E. Gordon, Trustee  
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 5<sup>th</sup> day of November 2013, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]  
Notary Public

My commission expires: 7/31/16

RICHARD H. BOND  
Notary Public 7518330  
Commonwealth of Virginia  
My Commission Expires 7/31/16

RECEIVED  
Department of Planning & Zoning

RECEIVED  
Department of Planning & Zoning

APPENDIX 13

DEC 11 2013

DEC 11 2013

Zoning Evaluation Division

Zoning Evaluation Division

Richard E. Gordon  
Carole H. Gordon  
6010 Ridge Ford Drive  
Burke, VA 22015

Fairfax County Dept. of Planning and Zoning  
Zoning Evaluation Division  
12035 Government Parkway Suite 801  
Fairfax, VA 22035

December 9, 2013

The one car carport attached to our house was converted, by a contractor, to a one car garage, with a small storage area attached at the rear. The project was completed in August 2013. The side of the storage area is too close to the property line (per zoning ordinance) creating an error in building location. This setback issue is no fault of the home owner. We are requesting a Special Permit.

An error of ten (10) percent of the measurements involved in the construction from a single carport to a garage and small storage area attached at the rear has occurred. The storage area is for personal use only, storage of lawn care, and landscaping tools. The error is in building location from 8 feet and 12 feet on side to 6.5 feet and 10.1 feet as per ordinance 8-914. There are no known hazardous or toxic substances as set forth in the title 40, code of federal regulations parts 116.4, 302.4, and 355. Development conforms to the provisions of all applicable ordinances, regulations and adopted standards.

This reduction will not be detrimental to the use and enjoyment of other property owners in the immediate vicinity. The property will continue to be in harmony with and not adversely affect the use or development of neighboring properties. The abutting property owner is willing to accept the encroachment.

It will not create an unsafe condition with respect to both other property and public street. The building error does not affect utilities, drainage, or parking.

To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owners.

The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Applicant Richard E. Gordon

Applicant Carole H. Gordon

Richard E. Gordon  
Carole H. Gordon  
6010 Ridge Ford Drive  
Burke, VA 22015

Fairfax County Dept. of Planning and Zoning  
Zoning Evaluation Division  
12035 Government Parkway Suite 801  
Fairfax, VA 22035

October 2, 2013

The one car carport attached to our house was converted, by a contractor, to a one car garage, with a small storage area attached at the rear. The project was completed in August 2013. The side of the storage area is too close to the property line (per zoning ordinance) creating an error in building location. This setback issue is no fault of the home owner. We are requesting a Special Permit.

An error of ten (10) percent of the measurements involved in the construction from a single carport to a garage and small storage area attached at the rear has occurred. The storage area is for personal use only, storage of lawn care, and landscaping tools. The error is in building location from 8 feet and 12 feet on side to 6.5 feet and 10.1 feet as per ordinance 8-914.

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To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owners.

The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Applicant Richard E. Gordon

Applicant Carole H. Gordon

RECEIVED  
Department of Planning & Zoning

OCT 04 2013

Zoning Evaluation Division

Fairfax County Government  
 12055 Government Center Parkway  
 Fairfax, VA 22035

**Building Permit  
 Zoning Review**

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

5/29/13 8:36:08AM

**Bldg Permit #:** **131490009**

**RESIDENTIAL ADDITION**

**Address:** 6010 Ridge Ford Dr Burke VA 22015-3651

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

**Subdiv:** Burke Station Square Lt 226 Sec 2B

**Sub Census:** 309.01 **Lot Size:** 9,907.00

**Tax Map:** 0784 08 0226

**Owner:** Gordon Richard E Tr

**Phone Day:** (703)644-4619 x

**Evening:**

**Contractor:**

J & J CONTRACTING LLC  
 14404 William Carr Lane  
 Centreville, Va 20120-0000  
 (703) 922-5525

**Type of Work:** ADDITIONAL STORIES

**Description of Work:** convert existing carport into garage

**Specific Description of Work:**

1 Story Ground	1 Story Crawl	1 Story Bsmt Below	2 Story Ground	2 Story Crawl	2 Story Bsmt below	2nd Story Addn Over Exist Structure
Y	N	N	N	N	N	N

**ZPRB Review:**

**Date**

5/29/13

**Status**

ALANGH

Approved

**Zoning Detail Review TAB:**

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-3	Y	SFD	N	N	N	N	Y

**Yard/Setbacks:**

**Dimensions:**

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type
addition	31.20	0.00	0.00	9.50	8.00	0.00	addition 20x34	10.00	OTHER

**DETAILS COMMENTS:**

convert carport into garage per plan



## **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.