



APPLICATION ACCEPTED: February 25, 2014
DATE OF PUBLIC HEARING: May 7, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 30, 2014

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2014-MV-009

MOUNT VERNON DISTRICT

APPLICANT: Eoanna Giannopoulos

OWNERS: Eoanna C. Giannopoulos
Arthur T. Giannopoulos

LOCATION: 6215 Foxcroft Road, Alexandria, 22307

SUBDIVISION: Belle Haven

TAX MAP: 83-3 ((14)) (15) 12

LOT SIZE: 10,361 square feet

ZONING: R-4

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on error in building location to permit an accessory storage structure to remain 0.0 feet from the side lot line and patio to remain 0.5 feet from the side lot line.

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

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Laura Gumkowski

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

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



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

Special Permit
SP 2014-MV-009
EOANNA GIANNOPOULOS

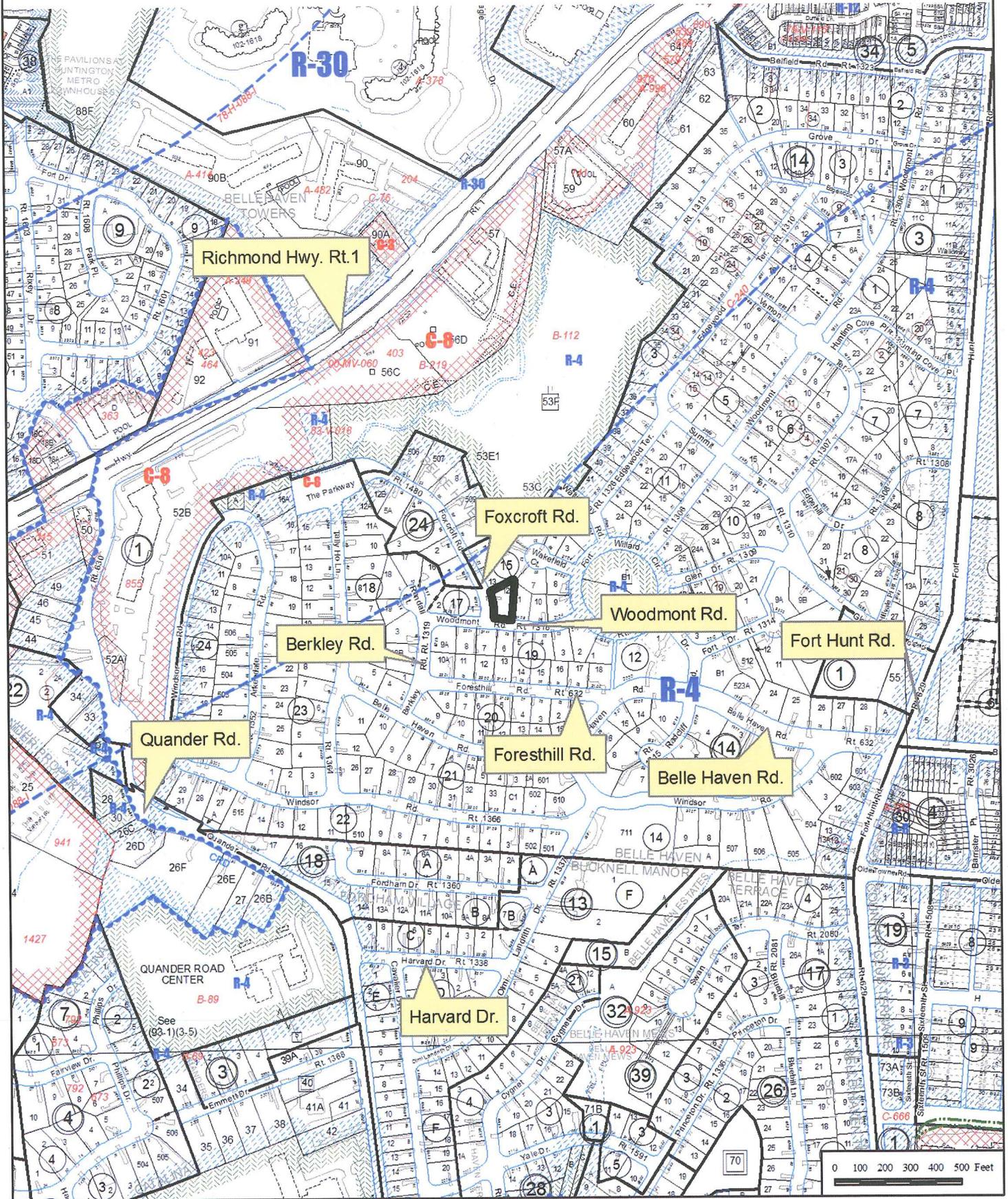
CITY OF ALEXANDRIA

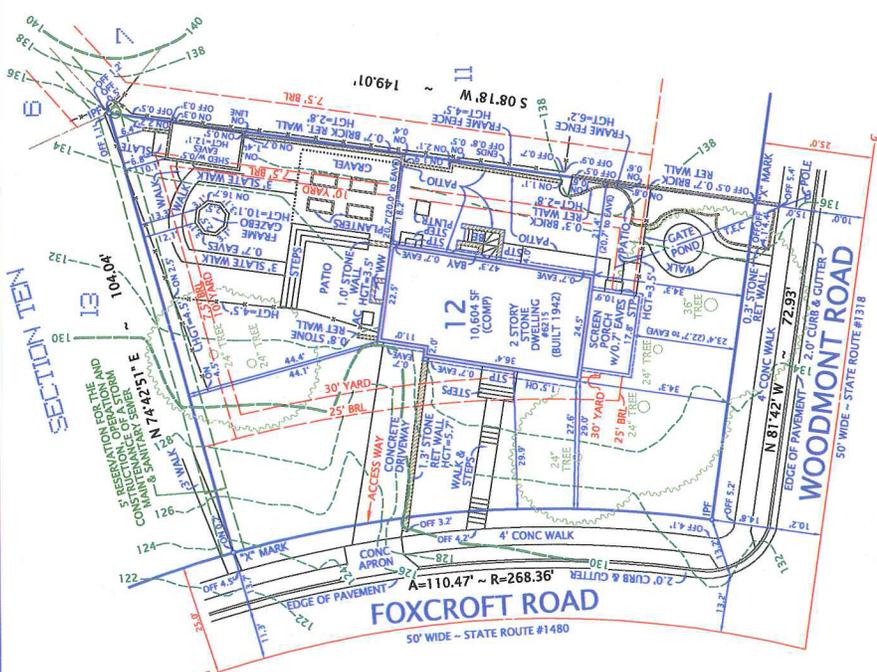
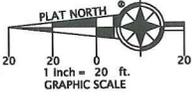
OLDE TOWNE ALEXANDRIA



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

Special Permit
SP 2014-MV-009
EOANNA GIANNOPOULOS





NOTES:

1. TAX MAP: 83-3-14-15-0012
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 10,604 SF (COMP) (0.2434 AC) 10,361 SF (REC)
4. REQUIRED YARDS: (CORNER LOT)
FRONT: = 30.0 FEET
SIDE: = 10.0 FEET
5. HEIGHTS:
DWELLING = 23.7 FEET (MIDLINE OF ROOF)
SHED = 12.1 FEET
SCREEN PORCH = 09.5 FEET
WALLS = AS NOTED
FENCES = AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
BASEMENT = 1,136 SF
FIRST FLOOR (INCLUDES SCREEN PORCH) = 1,330 SF
SECOND FLOOR = 1,158 SF
GROSS FLOOR AREA = 3,624 SF
FLOOR AREA RATIO: GFA (3624) / LOT AREA (10604) = 0.34
13. THE BUILDING RESTRICTION LINES WERE RECORDED WITH THE ORIGINAL SUBDIVISION PLAT FOR BELLE HAVEN, SECTION NO. 3, RECORDED IN DEED BOOK 324 AT PAGE 170.

PLAT
SHOWING THE IMPROVEMENTS ON
LOT 12, BLOCK 15, SECTION NO. 3
BELLE HAVEN
(DEED BOOK 324, PAGE 170)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 20' MAY 21, 2013

THE COUNTY HAS THE POSITIONS OF ALL THE PUBLIC IMPROVEMENTS SHOWN 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.



CASE NAME:
ARTHUR T. GIANNIPOULOS
EOANNA C. GIANNIPOULOS

DOMINION Surveyors, Inc.
8808-H PEAR TREE VILLAGE COURT
ALDAMAN, VIRGINIA 22109
703-619-6555
FAX: 703-795-6612

CASE NAME: GIANNIPOULOS #10119004-2



GRAVEL AND PLANTERS (MAY 21, 2013)



BASEMENT ENTRANCE AND PATIO (MAY 21, 2013)



LEFT SIDE OF DWELLING (MAY 01, 2013)



FRONT OF DWELLING (MAY 01, 2013)



SCREEN PORCH (MAY 01, 2013)



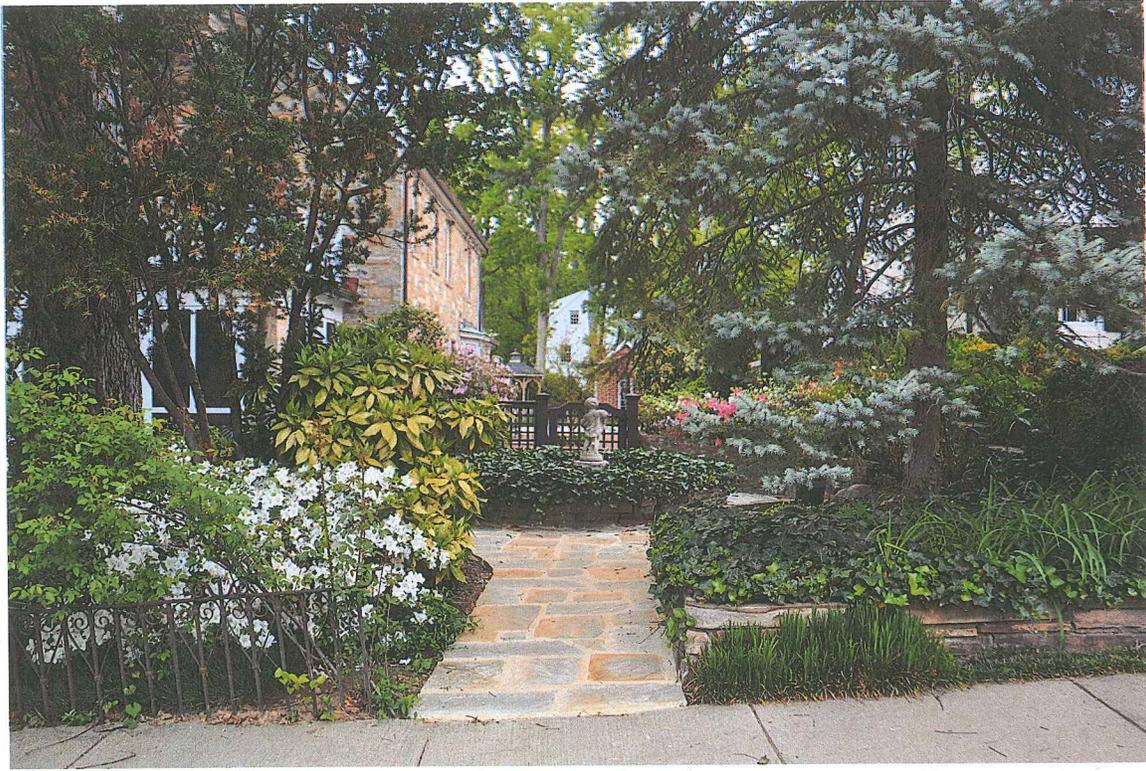
GAZEBO AND SHED (MAY 01, 2013)



PATIO (MAY 21, 2013)



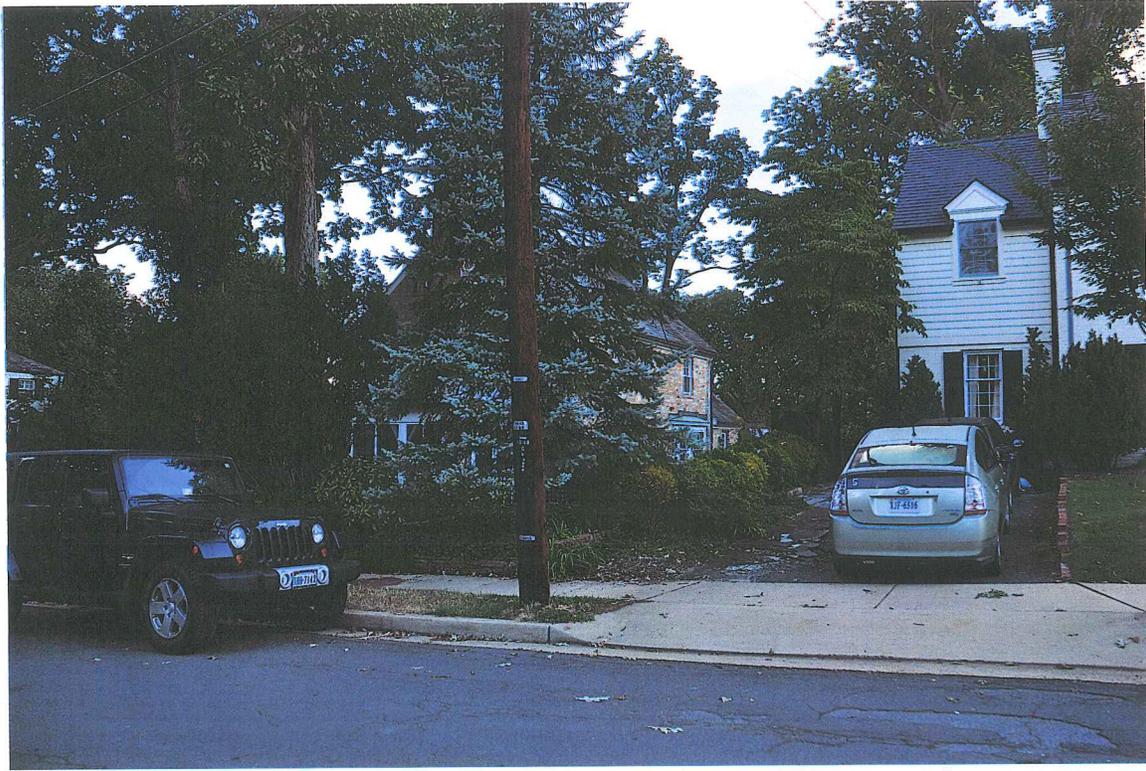
SHED (MAY 21, 2013)















DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of two special permits to allow reductions to the minimum yard requirements based on errors in building location to permit an accessory storage structure (shed) to remain 0.0 feet from the side lot line and patio to remain 0.5 feet from the side lot line. The minimum required side yard setbacks on a property zoned R-4 is 10 feet. For the accessory storage structure the applicant is requesting a 100% reduction. The patio, according to Sect. 2-412, can extend up to five feet into the minimum required side yards. Therefore the applicant is requesting a reduction of 4.5 feet or 90%, to allow the patio to remain 0.5 feet from the side lot line.

A copy of the special permit plat depicting the structures on site titled, "Plat, Showing the Improvements on Lot 12, Block 15, Section No. 3, Belle Haven," prepared by George M. O'Quinn of Dominion Surveyors, Inc., dated May 21, 2013, is included at the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,361 square foot lot is developed with a two story single family detached dwelling, constructed in 1942. A screen porch addition is attached to the south wall of the dwelling. A pond and a walkway are located in the front yard along Woodmont Road. A walkway with attached steps leads to a stoop at the front door of the dwelling. A concrete driveway provides vehicular access to Foxcroft Road. A shed, frame gazebo, and slate walkway exist on the northeast corner of the property. A stone patio and steps are attached to the north façade of the dwelling. A gravel area with planters is located to the east of the patio. A separate patio and attached retaining wall are located to the east of the dwelling (which serves as the functional rear yard of the property). The property has a number of mature trees in on the southern and northern parts. The property slopes down from the eastern property line to the northwest corner.

As depicted in the picture on the following page, the application property and surrounding lots are developed with single family detached dwellings. All properties are zoned R-4 and are within the Belle Haven subdivision.



BACKGROUND

According to Fairfax County Tax Records the applicant's husband purchased the property in November 1996.

A building permit was approved for this property in June of 1990 for the repair and replacement of a screen porch to the south of the dwelling along Woodmont Road. Four complaints related to the property have been filed since March of 2013. Only one complaint remains under investigation and it relates to the existing shed pertaining to this application. The three other complaints were investigated, no violations were found, and the cases were closed by the Department of Code Compliance.

A copy of information outlining similar special permit requests in the area is attached in Appendix 4.

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 Board of Zoning Appeals (BZA) to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-MV-009

April 30, 2014

1. This special permit is approved for the location of the accessory storage structure (shed) and patio as shown on the plat prepared titled, "Plat, Showing the Improvements on Lot 12, Block 15, Section No. 3, Belle Haven," prepared by George M. O'Quinn of Dominion Surveyors, Inc., dated May 21, 2013.

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

Application No.(s): SP 2014-MV-009
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

I, Eoanna C. Giannopoulos, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below 121262

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)
Eoanna C. Giannopoulos	6215 Foxcroft Road, Alexandria, VA 22307	Applicant/Title Owner
Arthur T. Giannopoulos	6215 Foxcroft Road, Alexandria, VA 22307	Applicant/Title Owner

Edy 19JUN13 +

(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 2014-MV-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

12/262

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

Application No.(s): SP 2014-MV-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

121262

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): SP 2014-MV-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

121262

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 5/13/13

+

(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 2014-MV-009
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/13/13 121262
(enter date affidavit is notarized)

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.)
~~X~~ NONE
8/19/2013

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) Applicant Applicant's Authorized Agent
Eoanna C. Giannopoulos, Owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 13th day of May 2013, in the State/Comm. of Virginia, County/City of Alexandria.

[Signature]
Notary Public

My commission expires: 8/31/16



JAN 29 2014

Zoning Evaluation Division

Section 8-914 Direct responses for the shed's error in location

- 1A. The error does not exceed 10% of the measurement involved.
- 1B. We selected the location, type of shed and rebuilt the shed in good faith. We did our best to make it as unobtrusive as possible to street views and for our neighbors. We realized there was no way for us to put something in that would not be visible so we also paid close attention to the material and the look of the structure so that it would blend with the element of other buildings in the vicinity (brick, similar pitch of roof, real slate and windows matching window type and look of house) so that it would not look unsightly. We have received wonderful feedback from neighbors who appreciated that we made sure it was an asset to not just the property but to the surroundings.
- 1C. The ordinance prevents unsightly structures from being placed in view of adjoining properties. This structure is pleasing to view, having received many compliments from neighbors. It does not impede visibility to those traveling on the streets or sidewalks and actually screens and reduces the impact of the massive visibility of the neighbor's addition up grade of our property.
- 1D. The shed is not in any way detrimental to the use and enjoyment of other property in the immediate vicinity. The rebuilding of the shed is an asset to the property providing a place for lawn maintenance equipment and seasonal items to be stored away from view. It is simple in design and blends easily with the surroundings. It helps to dwarf the massive view of the neighboring addition from both the property and street as well.
- 1E. The placement of the shed does not create an unsafe condition to any properties.
- 1F. It was costly to build because of the materials used and labor required, and is a marked improvement from the previous shed made of wood siding and fashioned as a lean to. Any changes would be of considerable cost and hardship, and a waste of expensive materials.
- 1G. This reduction will not affect the density or floor area ratio applicable zoning district regulations.

Section 8-914

Direct Responses for patio ^{0.5}1.2 feet from side lot line to remain

- 1A. The error does not exceed 10% of the measurement involved.
- 1B. The patio existed in that same location prior to our buying the property, it was originally installed by the first owners from what we've been told and would be at least 50 years+. Although we are a corner house, this is technically the back of our house and the area where all outdoor access lead (other than our garage or front door). In addition the bricks which start the patio "floor" actually start beyond the retaining wall which is clearly on the property line and vegetation is planted inbetween. (See Neighbor's plat 2108 Woodmont Rd included in package).
- 1C. The ordinance was intended to provide privacy to neighbors. This area is substantially below grade from the neighbor's house. We also have substantial vegetation along this perimeter to provide additional privacy for ourselves and the neighbors.
- 1D. The patio is tastefully done, the vegetation is well tended and does is not detrimental to the use and enjoyment of the adjoining property.
- 1E. The patio does not create an unsafe condition to any properties.
- 1F. The patio, with it's associated vegetation, brings value to the property by also providing walkway access through the back areas and providing a visually pleasing view from the street. The materials were expensive (bricks handcut to look like old brick) and costly to repair and re-lay through this area.
- 1G. This reduction will not affect the density or floor area ratio applicable zoning district regulations.

Additional Statements

- I. There are no Hazardous or toxic substances on the site.
- II. The development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

RECEIVED
Department of Planning & Zoning
MAY 23 2013
Zoning Evaluation Division

Narrative

Owner/Applicant: Eoanna Giannopoulos, LEED Associate
Joint Owner: Art Giannopoulos

Background

We moved specifically to Belle Haven 17 years ago because we fell in love with the neighborhood. We learned as much as we could about its history from neighbors, visits to the County deed office and written histories from the neighborhood association.

The "derecho" in June 2012 brought a probable microburst through our backyard and took down 3 huge, healthy white oak trees in our backyard. As a result we completely lost our backyard canopy for shade and privacy. It damaged our retaining wall, destroyed the existing shed, fence and pulled up patio and walkways, and we lost a good deal of our plants and shrubs. It was a substantial loss in terms of labor and cost. We had even been a stop on the neighborhood garden tour just the year before. It left a Martian landscape through the excessive heat of last summer.

Rebuilding

Our previous shed had been much too small at less than 10sq ft – which was barely usable and attached to the house. There was no way to expand this footprint since we have basement windows which would be covered up and having the shed on the house had discolored the stone as well from mildew.

We did our homework in picking the best place for the shed and concluded the only place was toward the farthest corner of the property to limit visibility from the road on either side and neighboring homes. Being on a corner property was a challenge.

Special Circumstances

Adjoining properties: Unlike the 3 neighboring homes adjoining, we have no additions to our house. 2 of these additions we know required a variance to our property line. The third is close enough to our property line that it may have required one as well.

Corner Lot: With a house situated on a corner lot, we are learning that technically we have no backyard as described from a property point of view. We, therefore, are unable to completely hide visibility of any structure on our property. By moving the shed to the back corner we were able to make it less obtrusive to a view from the street, but we still paid particular attention to not make it "look" like a shed by keeping the same pitch and material (slate) as the house roof.

Topography: 2 of our adjoining neighbors are uphill from us, making the effective height of the shed much lower. The impact on our 3rd neighbor is minimized since we have sited the shed so the wider side is downhill of the more closely effected neighbors (which are the 2 uphill neighbors already mentioned. (see photos)

Location: Prior to having the shed in that location there were shrubs growing on top of the retaining wall (planted by previous owners) that were as tall as the shed is now so the impact has not prevented any change in view for adjoining neighbors. There had been no complaints about these shrubs in the years we lived here.

Appearance: We tried to keep the materials of the shed in keeping with the buildings in the neighborhood. We used a brick that gives the structure a aged look as if it were always a part of the property with wooden windows matching the mullions of the house and the material and pitch to match the house.

Going forward:

Since a great deal was destroyed and lost in the storm, we are now finishing up the repairs and hope to put in more greenscape to soften the property boundaries for both us and our neighbors. This has been a significant project in terms of time and money, but our intent has always been to make it an asset to this property and surrounding properties. Neighbors have been resoundingly complimentary directly to us for the work we've done. They have particularly focused on the shed with good comments on how we went the extra mile to create something visually appealing.

Similar Case History

# Record	Status
1 ZAPS - SP - SP 2007-MV-047	APPLICATION APPROVED
Land Use:	INCREASE IN FENCEWALL HGT IN ANY FRONT YARD (RES), BUILDING IN ERROR, MODIFICATION TO MIN YD REQUIREMENT BASED ON ERROR
Appl Description:	TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ROOFED DECK TO REMAIN 22.7 FEET FROM FRONT LOT LINE, ACCESSORY STRUCTURE TO REMAIN 1.8 FEET FROM REAR LOT LINE AND 1.5 FEET FROM SIDE LOT LINE, ACCESSORY STRUCTURE TO REMAIN 3.4 FEET FROM SIDE LOT LINE AND TO PERMIT FENCE GREATER THAN 4 FEET IN HEIGHT IN FRONT YARD
2 ZAPS - SP - SP 2008-MV-103	APPLICATION APPROVED
Land Use:	REDUCTION OF CERTAIN SFD YARDS
Appl Description:	REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT STOOP TO REMAIN 20.3 FEET FROM FRONT LOT LINE AND REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ROOFED DECK 23.6 FEET FROM FRONT LOT LINE OF A CORNER LOT
3 ZAPS - SP - SP 88-V -085	APPLICATION APPROVED
Appl Description:	REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW 15.2 FT. HIGH DETACHED GARAGE TO REMAIN 1.9 FT. FROM SIDE LOT LINE (10 FT. MIN. SIDE YARD AND 15.2 FT. MIN. REAR YARD REQUIRED)
4 ZAPS - SP - SP 2008-MV-001	APPLICATION APPROVED
Appl Description:	TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 8.0 FT. FROM SIDE LOT LINE AND TO PERMIT FENCE GREATER THAN 4.0 FT. IN HEIGHT TO REMAIN IN FRONT YARD
5 ZAPS - SP - SP 2008-MV-040	APPLICATION APPROVED
Land Use:	PERMITTED EXTENSION INTO MINIMUM REQUIRED YD
Appl Description:	REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION TO REMAIN 15.0 FEET FROM FRONT LOT LINE OF A CORNER LOT
6 ZAPS - SP - SP 97-V -050	APPLICATION APPROVED
Appl Description:	REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DWELLING TO REMAIN 6.0 FT. FROM SIDE LOT LINE AND 7.9 FT. FROM REAR LOT LINE, AND AN EXISTING BALCONY TO REMAIN 7.3 FT. FROM REAR LOT LINE

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.
 - H. The reduction or modification 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.