



APPLICATION ACCEPTED: November 26, 2013  
ADMINISTRATIVELY MOVED AT APPLICANT'S REQUEST  
BOARD OF ZONING APPEALS: May 14, 2014  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

---

May 7, 2014

## STAFF REPORT

SPECIAL PERMIT SP 2013-SP-103

### SPRINGFIELD DISTRICT

**APPLICANT:** Nedal Khatib

**OWNERS:** Nedal J. Khatib  
Jennifer N. Khatib

**STREET ADDRESS:** 8261 Roseland Drive, Fairfax Station, 22039

**SUBDIVISION:** The Estates at Roseland

**TAX MAP REFERENCE:** 097-3 ((15)) 71A

**LOT SIZE:** 3.27 acres

**ZONING DISTRICT:** R-C, WS

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an accessory structure 26.0 feet from a front lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2013-SP-103 for the accessory structure 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.

*O:\gumk2\SP\_VC Cases\5-14) SP 2013-SP-103 Khatib (50%)\Khatib\SP 2013-SP-103 Khatib 50% SR.docx*

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.**

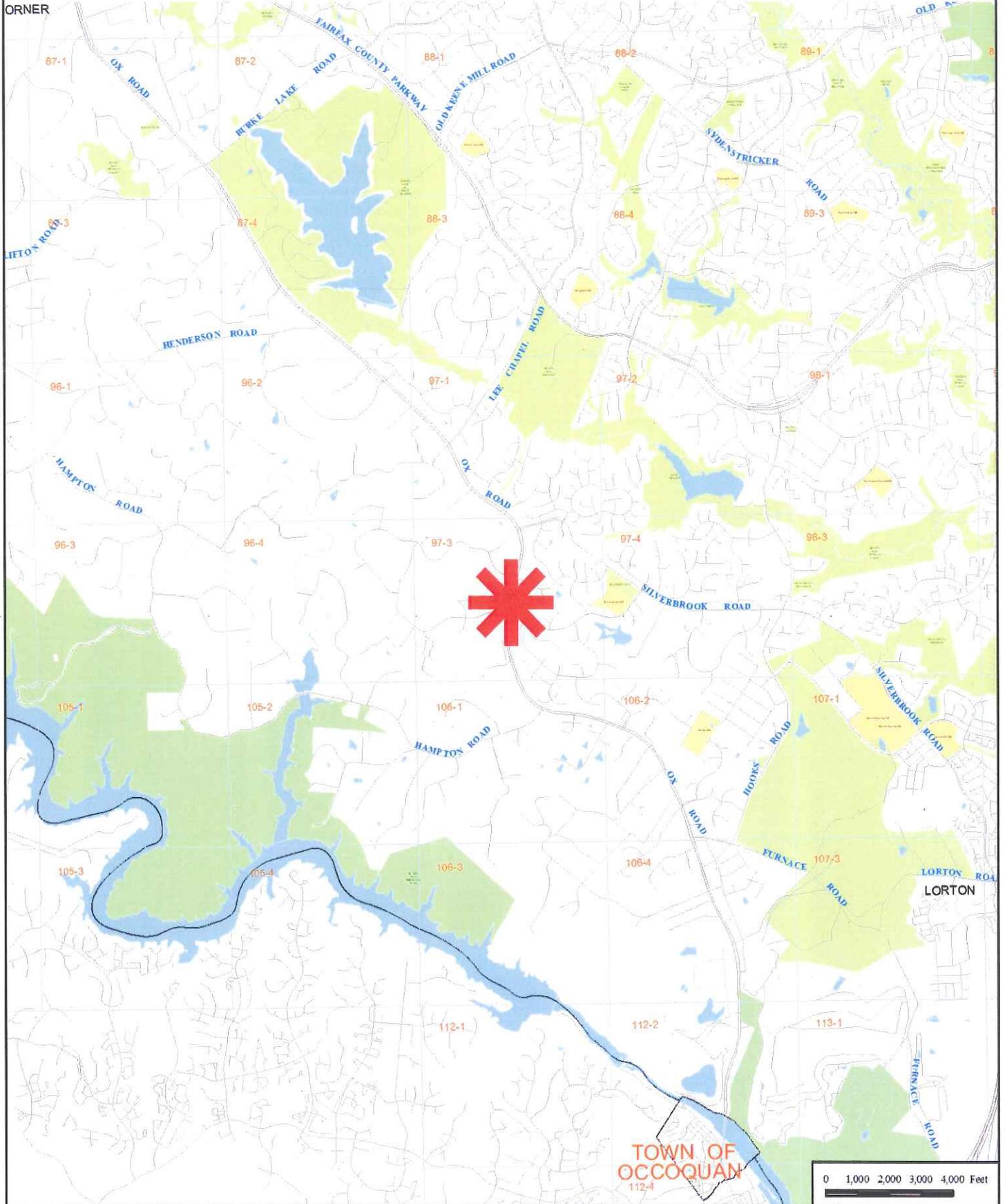


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Permit

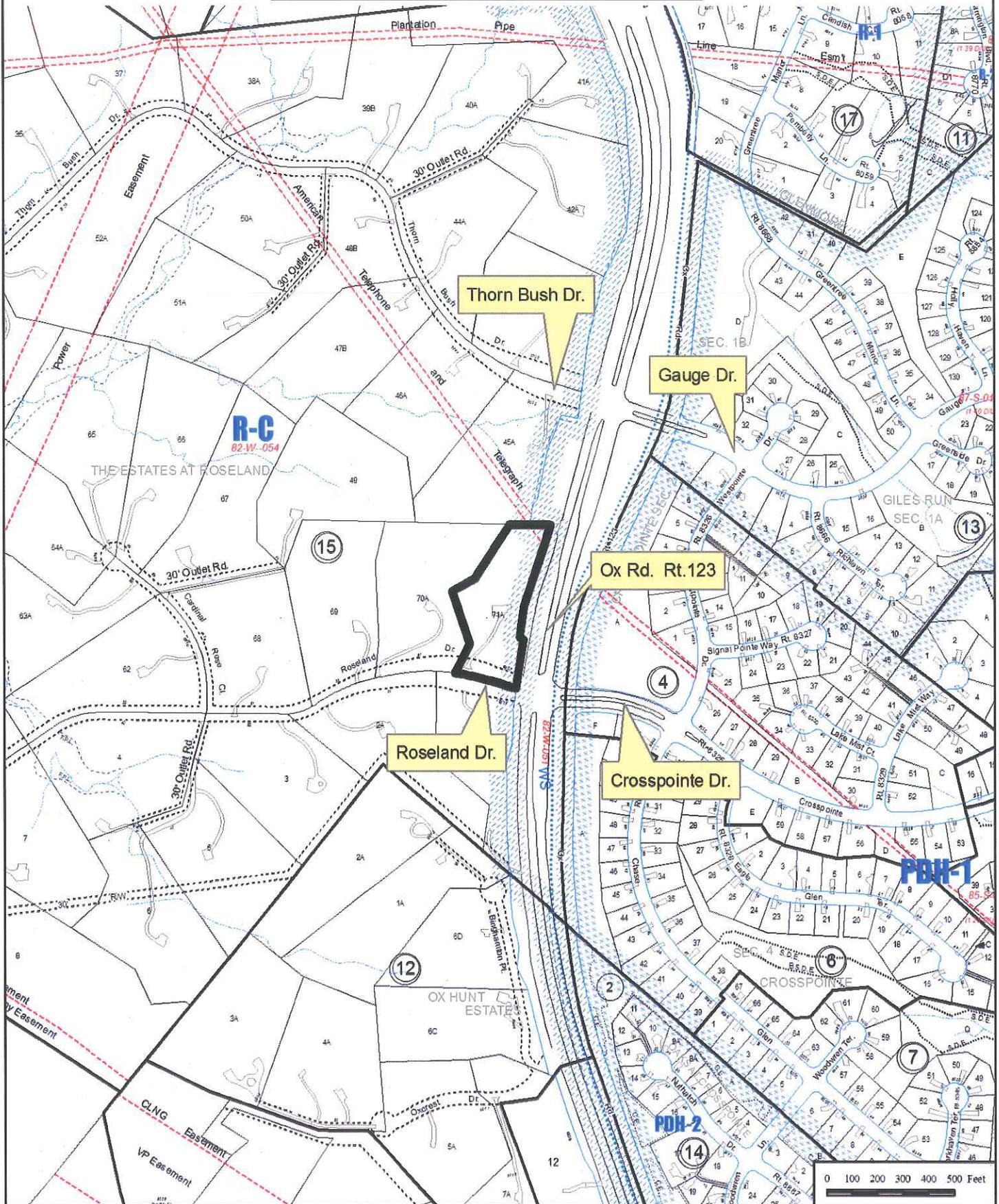
SP 2013-SP-103

NEDAL KHATIB



# Special Permit

SP 2013-SP-103  
NEDAL KHATIB





RECEIVED  
Department of Planning & Zoning

JUN 06 2013

Zoning Evaluation Division

PLAT FOR SPECIAL PERMIT  
RECONSTRUCTION OF LOT 71-A  
CONTRIBUTION OF  
LOT 1, 2, 3, 4, 5, 6, 7  
**THE ESTATES AT NOBELAND**  
APPROVED DISTRICT  
SPRINGFIELD COUNTY, GEORGIA  
SCALE - 1" = 20'  
COURTESY: GARDNER ASSOCIATES, P.A.  
LINDA SANDERS  
7000-S HARRINGTON ROAD  
DUBLIN, GA 30128  
770-338-7448

**GENERAL NOTES:**  
1. THIS MAP IS SUBJECT TO ALL APPLICABLE ZONING ORDINANCES.  
2. THE PROPOSED CHANGES ARE SHOWN IN RED.  
3. THE PROPOSED CHANGES ARE SUBJECT TO THE APPROVAL OF THE ZONING BOARD.

1. THE PROPERTY IS BOUND BY WELL AND NORTH
2. THE PROPERTY IS BOUND BY WELL AND SOUTH
3. THE PROPERTY IS BOUND BY WELL AND WEST
4. THE PROPERTY IS BOUND BY WELL AND EAST
5. THE PROPERTY IS BOUND BY WELL AND NORTH AND SOUTH
6. THE PROPERTY IS BOUND BY WELL AND NORTH AND WEST
7. THE PROPERTY IS BOUND BY WELL AND NORTH AND EAST
8. THE PROPERTY IS BOUND BY WELL AND SOUTH AND WEST
9. THE PROPERTY IS BOUND BY WELL AND SOUTH AND EAST
10. THE PROPERTY IS BOUND BY WELL AND WEST AND EAST

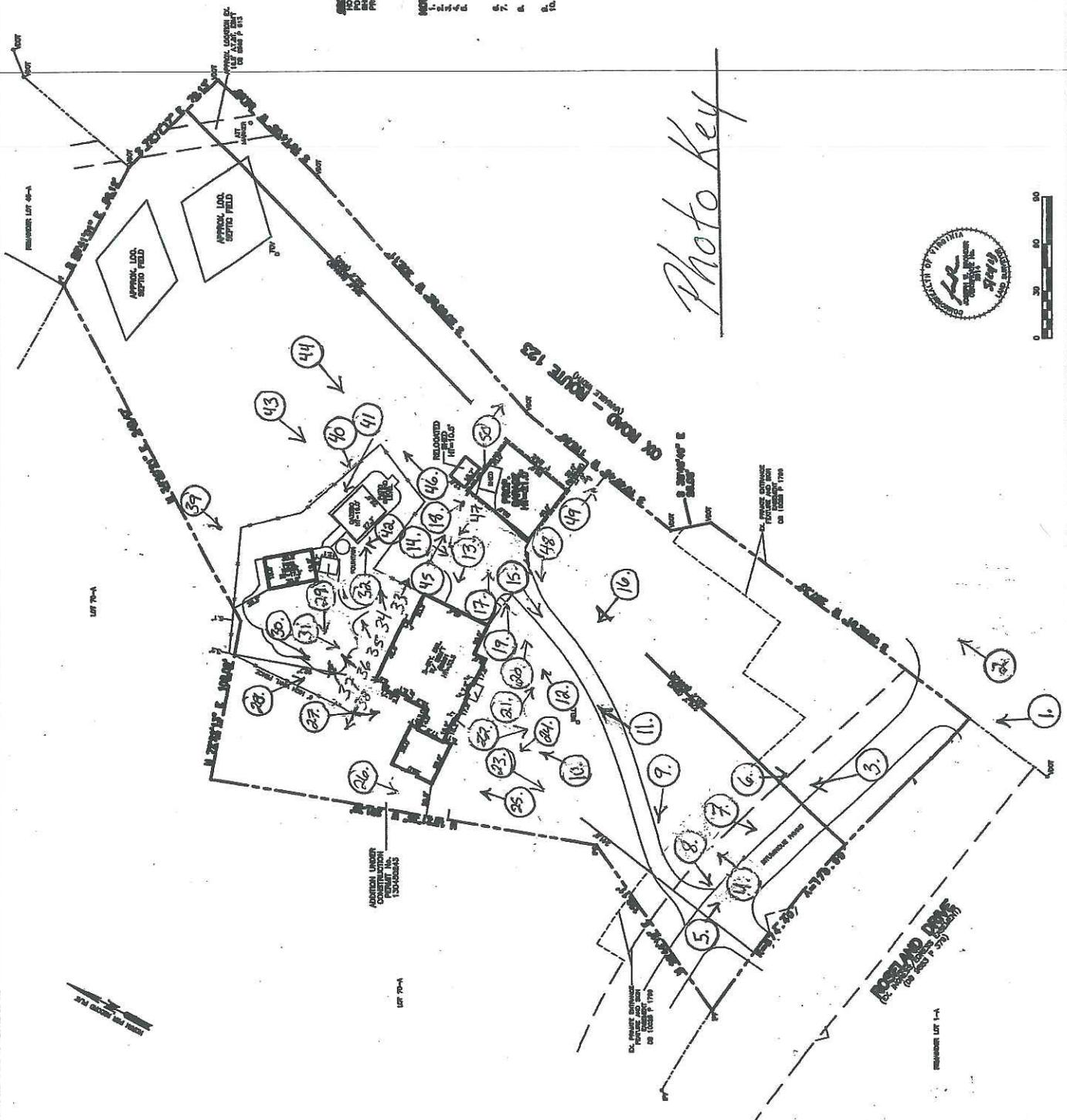


Photo Key





2.



3.



4.



5.



6.



7.



8.





b

10/10/2019 10:00 AM



10.



11

21



13.



14.



15.



16.



17.



18.



19.



20.



21.



22.





23.1

24.





25.

Z6.



27.





28.

29.







31.

32.



33.



34.



35.



36.





57.

38.



39.



40.



41.



42.



43.



44.



45.



46.



47.



48.



49.



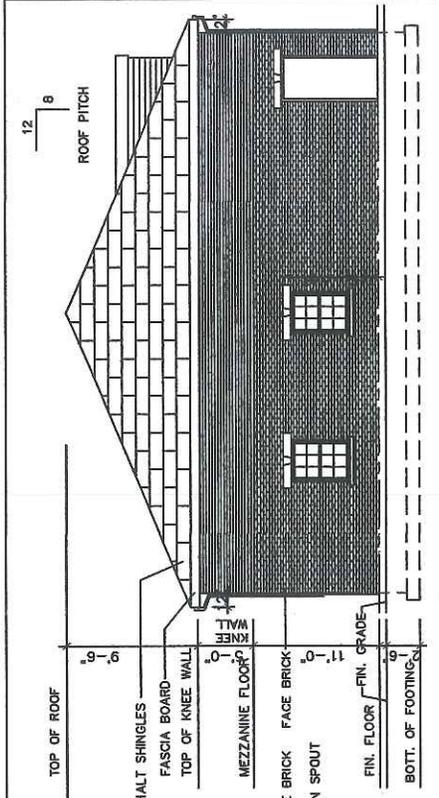
50.



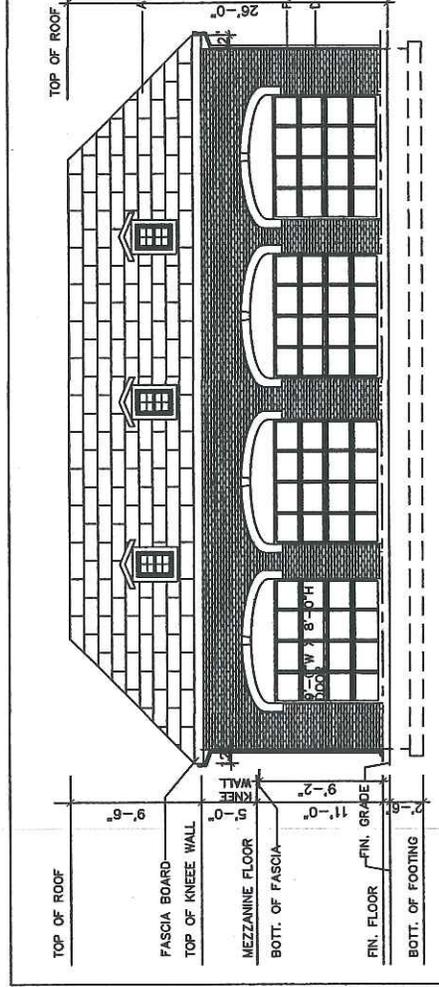
JASPER KRN BARROW  
 6006 BRATT PLACE  
 GREENBELT, MD. 20770  
 PHONE 901-663-6280

PROPOSED GARAGE  
 6261 ROSKIND DRIVE  
 FAIRFAX, VA. 22039

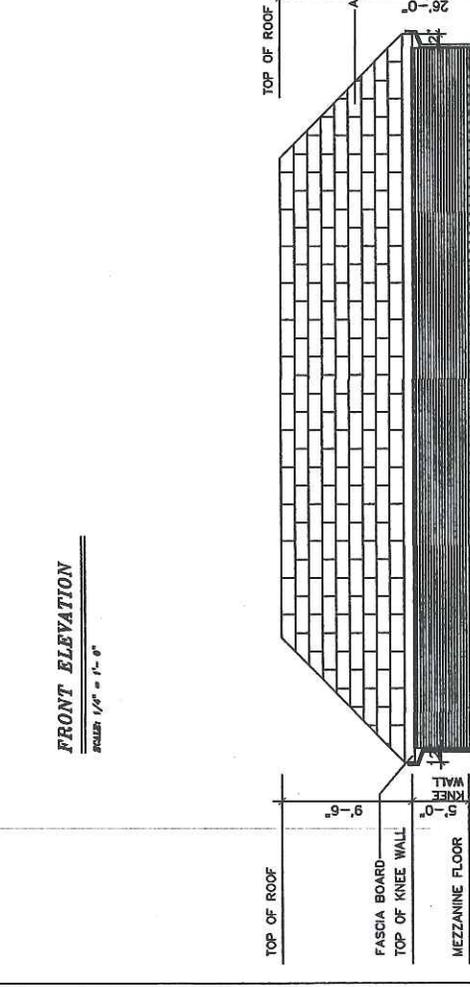
BUILDING ELEVATIONS  
 A-04



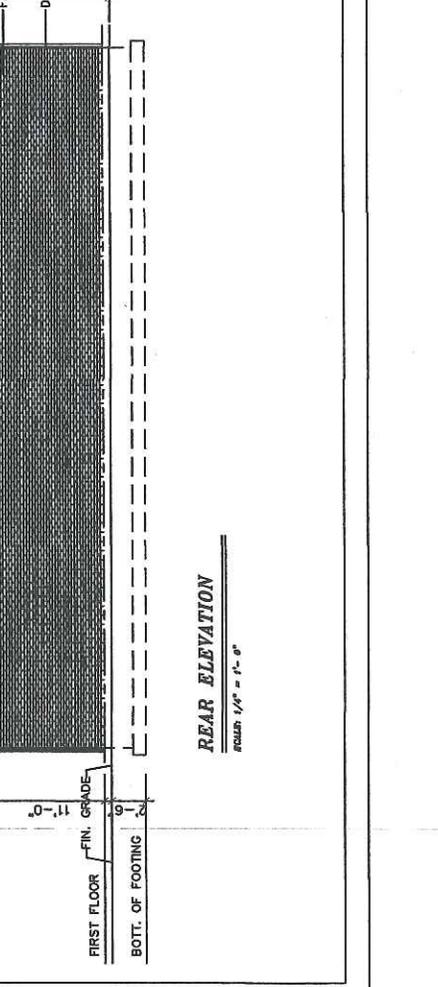
**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



**LEFT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



**RIGHT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



**REAR ELEVATION**  
SCALE: 1/4" = 1'-0"

A-02

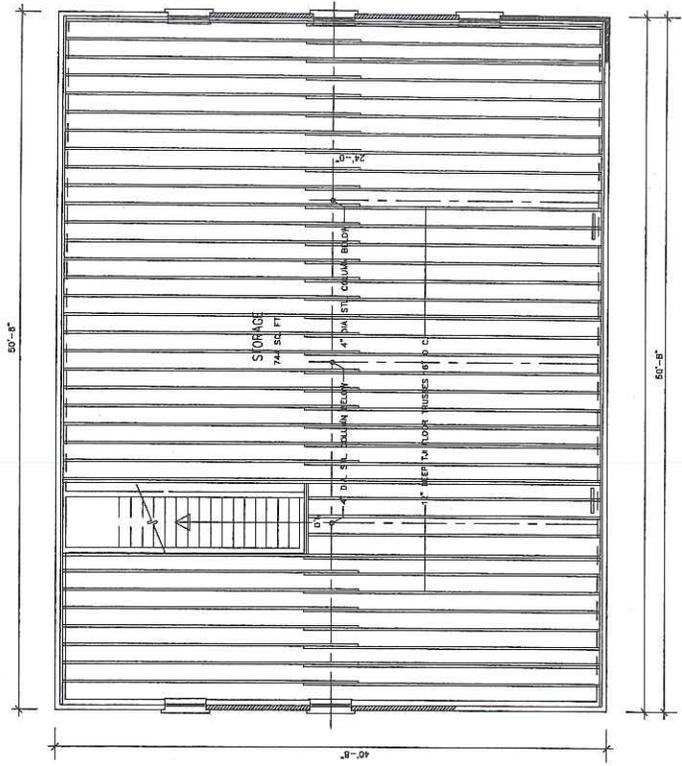


MEZZANINE FLOOR PLAN & ROOF FRAMING PLAN

PROPOSED GARAGE  
6261 ROSELAND DRIVE,  
FAIR FAX, VA. 22039

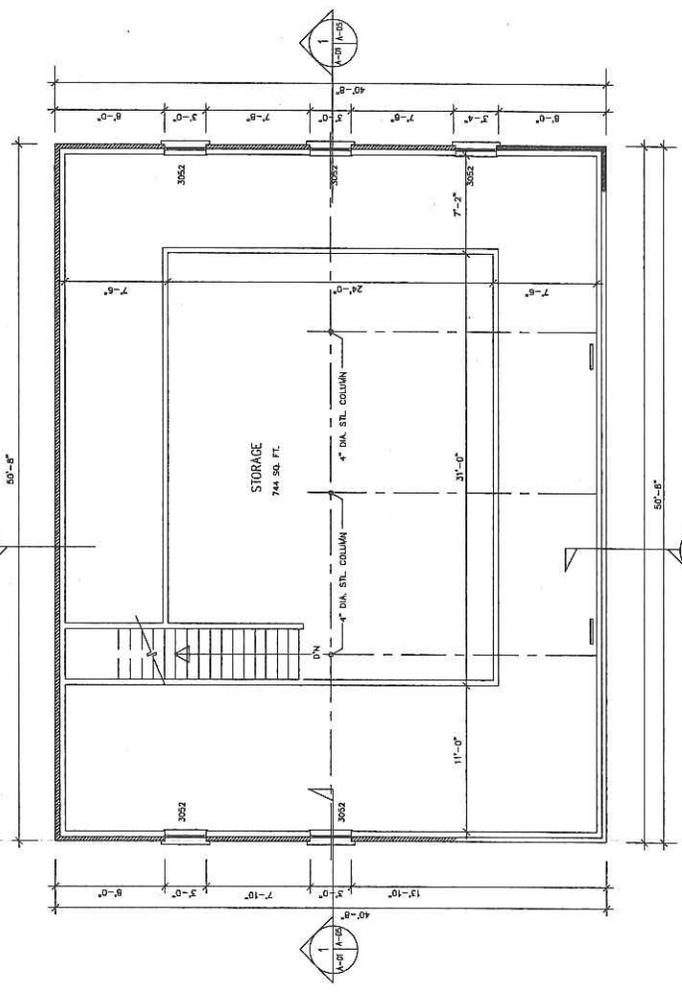
JASPER KEN BARROW  
8006 BRETT PLACE,  
GREENBELT, MD. 20770  
PHONE 301-902-9230

PROJECT NO.	00-00-00
DATE	00-00-00
SCALE	1/4" = 1'-0"
DESIGNER	JASPER KEN BARROW
CHECKED	
APPROVED	



MEZZANINE FRAMING PLAN

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



MEZZANINE FLOOR PLAN

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

**STRUCTURAL NOTES:**

- CONCRETE NOTES:**
- (1) ALL NEW CONC. CONSTRUCTION SHALL CONFORM TO ACI CODE 318-88.
  - (2) 28 DAYS CONC. STRENGTH SHALL BE 3000 P.S.I. CONC. PROTECTION FOR REINFORCEMENT BARS & MESH TO HAVE A MINIMUM COVER AS FOLLOWS
  - (3) CONCRETE POURED AGAINST EARTH - 3"
  - (4) FORMED CONC. EXPOSED TO EARTH - 2" FOR BARS LARGER THAN #4 AND 1 1/2" FOR ALL OTHERS.
  - (5) BEAMS & COLUMNS - 1 1/2".
  - (6) SLABS - 1/2".
  - (7) INTERIOR FACES OF WALLS - 3/4".
  - (8) SLAB ON GRADE @ MID POINT.
  - (9) BOTTOM OF ALL FOOTINGS TO BE A MINIMUM OF 30" BELOW FINISH GRADE
  - (10) FOOTINGS TO BE PLACED ON UNDISTURBED SOIL
  - (11) PROVIDE DETAILS FOR FOOTINGS SAME AS SIZE AND SPACING TO MATCH WALL REINF.
  - (12) DO NOT PLACE BACKFILL AGAINST FOUNDATION UNTIL FIRST FLOOR IS IN PLACE
  - (13) FOUNDATION SHALL BE MAINTAINED IN A DRY CONDITION PRIOR TO PLACEMENT OF CONCRETE.
  - (14) NO CALCULUM SHALL BE POURED ON FROZEN SOIL.
  - (15) NO CONCRETE SHALL BE USED.
  - (16) NO CONCRETE SHALL BE POURED IN COLD WEATHER UNLESS APPROPRIATE PROVISIONS ARE MADE.
  - (17) CONCRETE LINTELS TO HAVE A MINIMUM BEARING OF 8" ON EACH SIDE OF OPENING.

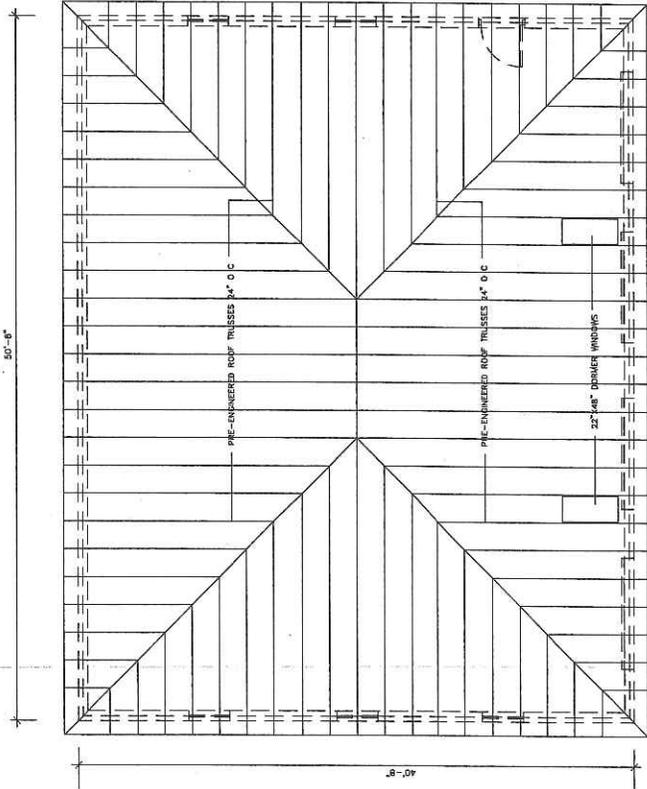
**REINFORCING STEEL NOTES:**

- (1) ALL REINFORCING STEEL EXCEPT TIES SHALL CONFORM TO ASTM - A615 GRADE 60. TIES SHALL CONFORM TO ASTM-A615 GRADE 40. WELDED WIRE MESH TO CONFORM TO ASTM-A185. FABRICATE & PROVIDE STANDARD SUPPORTING ACCESSORIES IN ACCORDANCE WITH ACI MANUAL OF STANDARD PRACTICE OF DETAILING REINFORCED CONCRETE ACI 318 - 74.
- (2) ALL STRUCTURAL STEEL & PLATES SHALL CONFORM TO ASTM-A36.
- (3) ALL ANCHOR BOLTS SHALL CONFORM TO ASTM - A307.
- (4) ALL PIPE COLUMNS 3" DIA. STANDARD WEIGHT, CONFORMING TO ASTM-A501 (FY 36KSI).
- (5) ALL STRUCTURAL STEEL TO BE PRIME PAINTED.
- (6) WELDED WIRE FABRIC TO BE 6" x 6" - W-4MIL-4 LOCATED MID DEPTH IN CONCRETE SLAB.
- (7) USE 3 1/2" x 3 1/2" x 1/4" STEEL ANGLES AT CONCRETE TO SUPPORT WELDED WIRE FABRIC.
- (8) ALL STEEL BEAM LINTELS ARE USED, EXTENDING LINTELS MINIMUM OF 8" BEYOND OPENING ON BOTH SIDES.
- (9) FLOOR JOISTS, BEAMS, COLUMNS AND ROOF TRUSSES TO BE

- FLOOR JOIST LIVE LOAD 40 PSF.  
 F<sub>s</sub> 1000 P.S.I. (SINGLE USE)  
 F<sub>s</sub> 1200 P.S.I. (MULTIPLE USE)  
 F<sub>v</sub> 100 P.S.I.  
 E.L.A. X 10-6 107" SG.
- (1) USE DOUBLE WOOD PLATES AT OPENINGS UP TO 4' 0" WIDE.
  - (2) USE WOOD BEAMS AT OPENINGS WIDER THAN 4'-0".
  - (3) WOOD BEAMS TO BE CONNECTED TO FLOOR JOISTS BY WOOD BEAMS.
  - (4) SOUTHERN PINE NO. 2 GRADE SURFACE DREED AT 18 0/18 MOISTURE CONTENT.

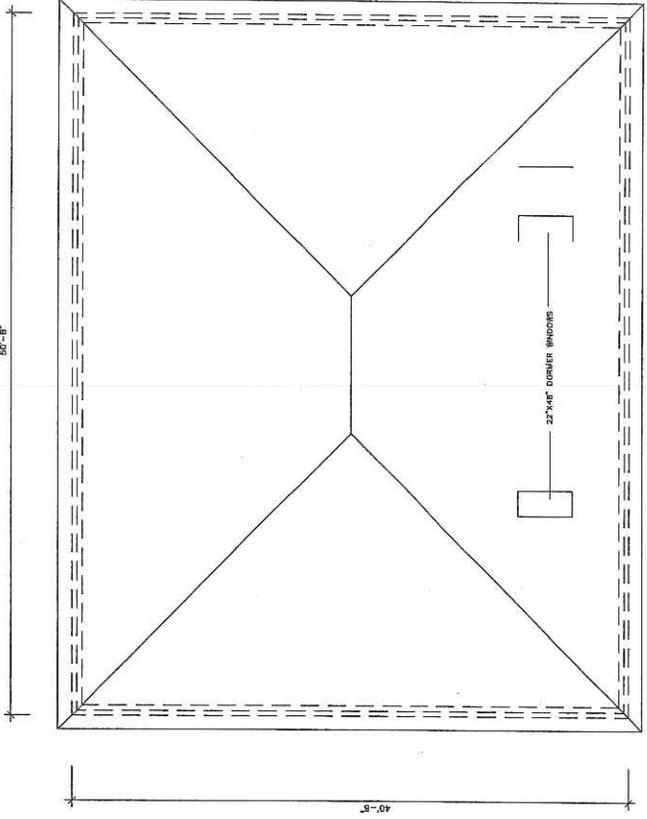
**ROOF TRUSSES**

- (1) ROOF TRUSSES ARE TO BE PRE-ENGINEERED, FABRICATED AND ERECTED IN ACCORDANCE WITH THE BC 2003
  - (2) ROOF TRUSSES TO BE 24" O.C. BUT UNDER ROOF TOP UNITS (RTU) TRUSSES ARE TO BE 18" O.C.
- DESIGN LOADS**
- (1) FLOOR JOISTS LIVE LOADS TO BE 40 PSF
  - (2) FLOOR JOISTS DEAD LOADS TO BE 20 PSF
  - (3) SEISMIC LOADS - ZONE 2
  - (4) WIND LOADS TO BE 20 PSF
  - (5) SNOW LOADS TO BE 30 PSF



**ROOF FRAMING PLAN**

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



**ROOF PLAN**

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

JASPER KEN BARROW  
 8008 BRETT PLACE  
 GREENBELT, MD 20770  
 PHONE 301-602-5230

PROJECT NO. 00-00-00  
 DATE 12-11-11  
 DRAWN BY J-K  
 CHECKED BY J-K  
 PROJECT NO. 00-00-00

PROPOSED GARAGE  
 8261 ROSELAND DRIVE,  
 FAIR FAX, VA, 22039

ROOF PLAN &  
 STRUCTURAL NOTES

A-03



## SPECIAL PERMIT REQUEST

The applicant is requesting approval of a special permit to allow a reduction in certain front yard requirements to allow construction of a 1,881 square foot detached accessory structure, a garage. The garage will be 26.0 feet in height and will be located 26.0 feet from a front lot line (along Ox Road). The side yard setbacks for R-C are 40 feet; therefore the applicant is requesting a reduction of 14.0 feet or 35%.

A copy of the special permit plat titled, "Plat for Special Permit, Remainder of Lot 71-A, Resubdivision of Lots 1, 2, 70 & 71, The Estates at Roseland," prepared by Joseph W. Bronder, L.S. of DiGiulian Associates, P.C., dated March 22, 2013 and as revised through April 1, 2014, is included in the front of the staff report.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 3.27 acre lot contains a two story single family detached dwelling with a basement. A pool, pool house, two gazebos, a patio, a fountain and a deck are located to the north of the dwelling. A six foot high vinyl fence encloses a portion of the rear yard. An addition is attached to the west of the dwelling. A porch, walkway and a driveway are located to the south of the dwelling. The driveway provides vehicular access to Roseland Drive. The driveway culminates on the east side of the dwelling at an attached three car garage. A paved area allows for the turn-around of vehicles. To the east of the paved area is a storage shed. A septic field is located on the northeast corner of the property. A set of brick columns, ranging in height from 6.0 feet to 7.1 feet are located along a portion of the eastern property line and near the southern property line along Roseland Drive.

The property slopes down from the eastern property line to the western property line. There is a 10 foot increase in elevation from the eastern property line to the surface of Ox Road.



As shown on the previous page, the existing lot and surrounding lots to the north, west and south are zoned R-C and developed with single family detached dwellings. These properties are located within a watershed protection overlay district. The properties to the east, across Ox Road, are zoned PDH-1 and developed with single family detached dwellings.

## **BACKGROUND AND HISTORY**

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1998 and purchased by the applicant in 2001.

A building permit was approved on September 25, 1998 for the construction of a deck to the north of the dwelling. A separate building permit was approved for a sunroom addition on June 10, 1999. A third building permit was approved on September 10, 2004 for the construction of a pool house to the north of the dwelling. A building permit for a pool was also approved in September of 2004. A fourth building permit for a gazebo to the north of the dwelling was approved on April 8, 2005. A fifth building permit for a one story addition with a basement was finalized on March 14, 2013.

A Setback Certification was approved on October 2, 2013 for 20.8 side yard setback for an addition on the western side of the dwelling (Appendix 4).

A determination letter from the Zoning Administration Division (ZAD) was sent to the applicant on November 18, 2013. The letter referenced three stand-alone brick structures and a series of brick columns connected by white slats in the front yards of the property. These structures were determined to be a fence and a fence up to 7 feet in height is permitted in an R-C lot. Additionally, ZAD granted a 0.1 foot increase in fence height for an existing brick column that is 7.1 feet in height. Please see Appendix 5 for a copy of this determination.

Records indicate that no other applications related to a reduction in minimum required front yards for the construction of an accessory structure have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area: III**

**Planning District: Pohick**

**Planning Sector: Dominion Community Planning Sector (P05)**

**Plan Map: Residential .1-.2 du/ac**

### **Site Plan Submittal to DPWES (Appendix 6)**

On April 30, 2014, stormwater comments were received from the Department of Public Works and Environmental Services. Staff determined that a site plan will need to be submitted to DPWES as the proposed land disturbance is over 2500 square feet. Additionally, staff determined that if the post-development impervious area is greater than 18%, then a BMP review will also be required.

### **Zoning Ordinance Requirements**

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *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 8. 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 structures in size and location. Staff believes by observation of the neighborhood through submitted photographs and aerial photography that the construction of an accessory structure will not adversely affect the use or development of neighboring properties. Therefore, staff believes this standard has been met.*

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 4 relates to additions, 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 5, 6, 7, 8, and 9.

*Standard 5* states that 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. *The proposed accessory storage structure will serve as a garage. The size of the proposed garage is 1,881 square feet and is subordinate to the 10,761 square feet primary dwelling. Therefore, staff believes that 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 accessory structure will be compatible with the dwelling. The height of the house is 33.5 feet and the height of the proposed garage is 26.0 feet. The accessory structure will not be higher than the existing height of the house; therefore, 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 accessory structure is similar to other structures in the neighborhood in terms of its height, bulk and scale. Additionally, the accessory structure will be located in the front yard closest to Ox Road and therefore will minimally impact neighbors. Staff believes the accessory structure 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 garage, 1,881 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 accessory structure will not significantly increase runoff or erosion, as its placement is at the bottom of a slope. Additionally, the applicant has moved the accessory structure closer to the primary dwelling and reduced the size of the proposed additional driveway to limit the total amount of land area disturbed. 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. The location of the proposed accessory structure does not impact the existing septic field and lines. Additionally, the location of the accessory structure has been altered from the original submission to allow for more tree cover to be preserved. Other issues of floodplains and/or Resource Protection Areas, and historic resources are not applicable to this site. Staff believes the application meets this provision.*

## **CONCLUSION**

Staff believes that the request is 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- SP-103 for the accessory structure 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. Setback Certification dated October 12, 2013
5. Determination Letter dated November 18, 2013
6. DPWES (Stormwater) comments dated April 30, 2014
7. Forest Conservation Branch (DPWES) Comments dated May 5, 2014
8. Applicable Zoning Ordinance Provisions

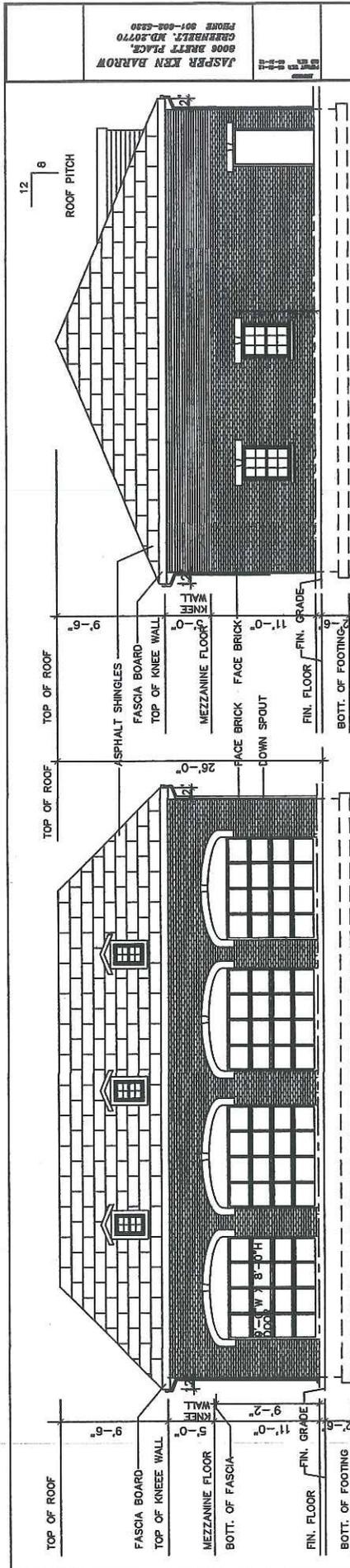
**PROPOSED DEVELOPMENT CONDITIONS****SP 2013-SP-103****May 7, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-SP-103 located at Tax Map 97-3 ((15)) 71A to permit reduction of certain yard requirements pursuant to Sect. 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 proposed accessory structure, a garage, approximately 1,881 square feet as shown on the plat titled "Plat for Special Permit, Remainder of Lot 71-A, Resubdivision of Lots 1, 2, 70 & 71, The Estates at Roseland," prepared by Joseph W. Bronder, L.S. of Digiulian Associates, P.C., dated March 22, 2013 and as revised through April 1, 2014, as submitted with this application and is not transferable to other land.
3. Restoration Planting- The applicant shall restore any disturbed area between the proposed garage and Ox Road. Restoration planting shall consist of a 2-in. caliper Category II deciduous trees (eg. Eastern redbud, flowering dogwood) and a 6-8 foot tall Category II evergreen trees (eg. American holly) planted in the available space around the garage to increase the screening capacity between the garage and Ox Road.
4. No commercial automotive repairs or storage shall occur on the property.
5. The accessory structure 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.

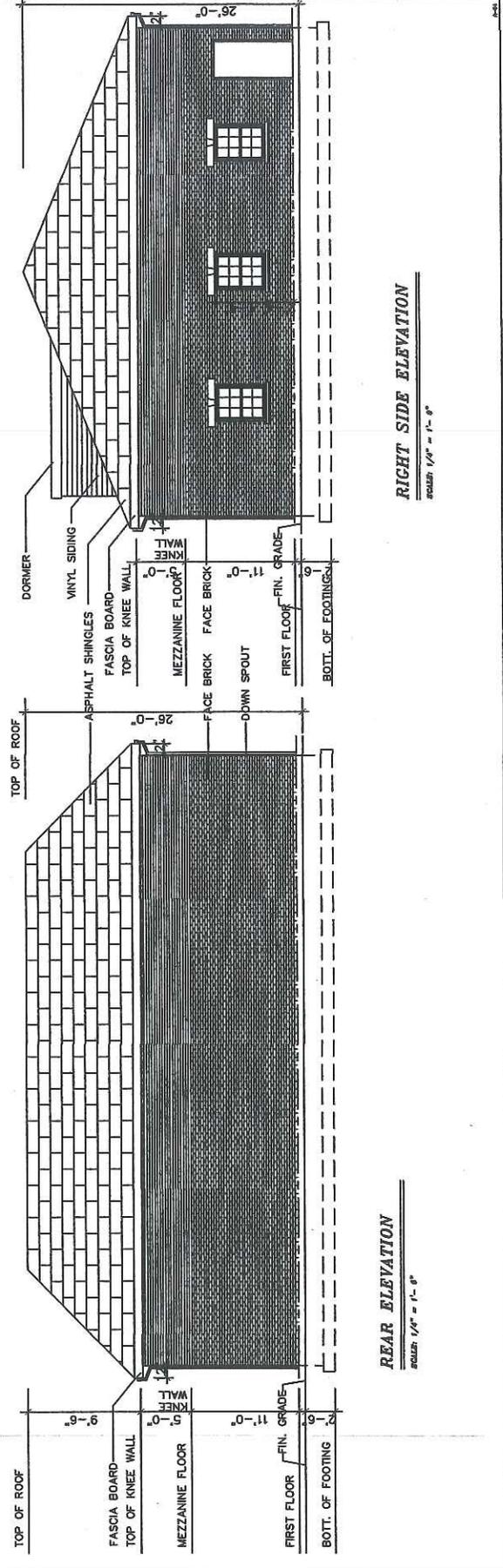
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if 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.



PROPOSED GARAGE  
8261 ROSKILAND DRIVE,  
FAIRFAX, VA. 22039

JASPER KEN BARROW  
9006 BRITT PLACE,  
GREENBELT, MD. 20770  
PHONE 801-668-6290

DATE: 02-03-03  
SCALE: 1/4" = 1'-0"



A-1

Application No.(s):

SP 2013 - SP-103

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 29, 2013  
(enter date affidavit is notarized)

I, Schuyler P. Ahrens, 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

121334

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)
Nedal J. Khatib	8261 Roseland Drive Fairfax Station VA, 22039	Applicant/Title Owner
Jennifer N. Khatib	8261 Roseland Drive Fairfax Station VA, 22039	Applicant/Title Owner
Schuyler P. Ahrens DBA Ez Cad Designs	4393 Kevin Walker Drive #156 Dumfries VA, 22025	Applicant's Authorized Agent.

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP 2013-SP-103  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 29, 2013 121334  
(enter date affidavit is notarized)

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)  
*(Sole Proprietor) Schuyler P. Ahrens DBA-Ez Cad Designs  
4393 Kevin Walker Dr. #156 Dumfries VA, 22025*

**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-SP-103  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 29, 2013  
(enter date affidavit is notarized)

121334

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 2013-SP-103

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 29, 2013  
(enter date affidavit is notarized)

121334

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-103

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 29, 2013  
(enter date affidavit is notarized)

12334

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)

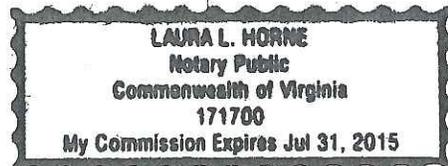
[ ] Applicant [X] Applicant's Authorized Agent

Schuyler P. Ahrens / Authorized Agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29 day of May 2013, in the State/Comm. of Virginia, County/City of Pr Williams

[Signature] Notary Public

My commission expires: 7-31-15



## Statement of Justification

JAN 16 2014

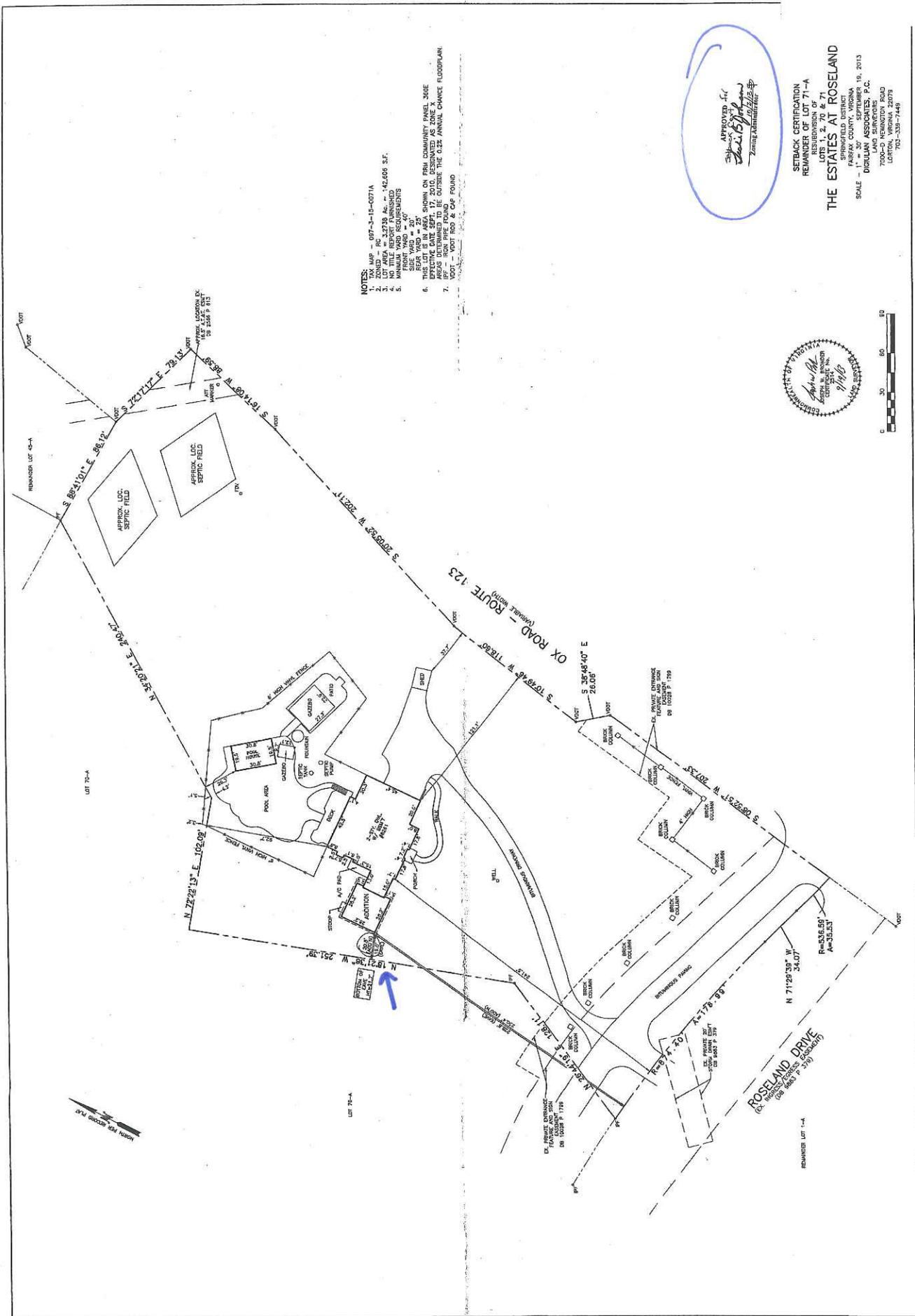
SPECIAL PERMIT &  
VARIANCE BRANCH

Re: Nedal J. & Jennifer N. Khatib  
8261 Roseland Dr.  
Fairfax Station VA, 22039  
Proposed Detached Garage

1. 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. The proposed garage needs to be located in its current proposed location for several reasons. The proposed garage cannot attach to the right side of the house because the current house has a side-entry garage which would be blocked by any side addition. The proposed garage cannot attach to the left side of the house because of existing functionality with regards to the existing driveway and because there is not enough room for such a structure to be constructed. Because the owner is trying to create minimal disturbance to the existing grade and vegetation, the structure is being proposed near the existing driveway/construction access. The current grade from the edge of the existing driveway, going back toward the rear of the property substantially drops, creating not only topographic issues but construction challenges as well. The garage needs to be located in its current proposed location in order to keep clear access to the rear of the property, if the garage is placed closer toward the existing house/fence, it will create a narrow opening between the front and rear of the property. Finally, the current proposed location is critical to allow for turning radius of a long boat and/or trailer to enter and exit the garage. Putting this proposed garage in any other location would be detrimental to the proposed esthetics, full use, and functionality desired by the property owners.
2. This special permit shall only apply to the proposed single story- detached garage-encroaching into the side lot property line- in an R-C zone within 21' feet.
3. 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 expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. The existing house is 10,761 SQ. Feet, the existing detached shed is 171 SQ. Feet, and the existing detached pool house is 536 SQ. Feet, totaling an existing floor area of 11,468 SQ. Feet. The proposed floor area of the garage is 1,881 SQ. Feet, thus giving a total proposed floor area of 13,349 SQ. Feet. The total percentage increase will be 16% percent

4. 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. The proposed floor area ratio to the existing dwelling is at 16% percent.
5. 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 proposed detached garage will face the existing house in the same general location as the existing attached garages. The proposed detached garage will only be a single-story structure adjacent to the existing two-story house. And the proposed garage will also be smaller in width than the width of the existing house. The structure will be constructed with materials of good quality, matching the façade of the existing house and structures located on the property.
6. 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 the significant trees as determined by the Director. Other neighbors in the community also have similar detached garages, pools, and accessory structures of similar style and size located on their properties. A minimal amount of trees and vegetation will be removed through this process. And a review through the Fairfax County Site Review and Health Review would be completed and approved prior to any permits being issued and work being started. The proposed garage is adjacent to a road with a heavily wooded buffer and embankment in which neither the proposed garage nor the existing road are visible from either side of the buffer.
7. 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 storm water runoff. The proposed detached garage would be almost invisible to the public from any side of the property. The property is quite large and there is a complete buffer of heavy trees and vegetation surrounding the property. Also, the neighboring property owners have expressed no objections to the proposed detached garage. The homeowner has also obtained verbal support for the proposed detached garage from their homeowner's association, which they will obtain a formal approval for, if this special permit is granted.
8. 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. The proposed garage will be located where the existing driveway is, which will allow for minimal impact on existing vegetation by slightly enlarging the existing driveway at the front of the proposed garage. The proposed structure also needs to be located in close proximity to the existing house for security purposes. The current garages are being completely utilized and this newly proposed detached garage is needed because Mr. Khatib owns a few vehicles of high value that need to be properly secured on his property. Because of this, we request that the Fairfax County BZA approve this proposed detached garage, so that the owner can reduce the congestion of his vehicles in the driveway and secure his property.

9. **No hazardous or toxic substances will be generated, utilized, stored, treated, and/or disposed of at this residence and the size and contents of any existing or proposed storage tanks or containers.**
10. **Such reduction will not impair the purpose and intent of this ordinance and will conform 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.**



- NOTES:**
1. TYP MAP - 077-3-15-0071A
  2. TYP MAP - 077-3-15-0071A
  3. LOT AREA = 22739 AC. = 142,806 SF.
  4. NO TITLE REPORT FURNISHED
  5. ALL DIMENSIONS TO CORNERS
  6. THIS LOT IS IN AREA SHOWN ON FIRM COMMUNITY PANEL 200E
  7. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

APPROVED BY  
*David B. Johnson*  
 Zoning Administrator

SETBACK CERTIFICATION  
 REMINDER OF LOT 71-A  
 REMINDER OF LOT 71  
**THE ESTATES AT ROSELAND**  
 FARRAX COUNTY, VIRGINIA  
 SPRINGFIELD DISTRICT  
 LAND SURVEYORS, P.C.  
 SCALE - DISCREPANCY ROAD  
 7000-S REMINGTON ROAD  
 LITTLETON, CO 80120  
 703-333-7448





# County of Fairfax, Virginia

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

November 18, 2013

Schuyler Ahrens  
4393 Kevin Walker Drive #156  
Dumfries, Virginia 22025

RE: Determination of Fence Status and Location  
82621 Roseland Drive  
Tax Map Ref.: 97-3 ((15)) 71A  
Zoning Districts: R-C

Dear Mr. Ahrens:

This is in response to your request on October 22, 2013, for a determination regarding specific structures located on the referenced property and whether they are permitted. You were referred by the Zoning Evaluation Division for a written determination pursuant to acceptance of a Special Permit application for the referenced property. As shown on the plat submitted for the special permit application, the request for written determination centers on the three stand-alone and evenly spaced brick columns along the frontage of Roseland Drive (a private street) and a series of brick columns connected by white slats and white pillars along 160 feet of the Ox Road boundary.

As shown on the plat, all of these structures are located in a "private entrance feature and sign easement." Our records indicate these features were approved as part of the sign permitted for the Estates of Roseland Subdivision. In addition, these features were shown on the approved grading plans for the development including both lots at this entrance (the referenced property, Lot 71A, and Lot 1A to the south).

Regardless of these approvals, these structures are most similar to a fence. As provided in Par. 3A of Sect. 10-104 of the Zoning Ordinance, a fence of up to 7 feet in height is permitted on a lot containing 2 or more acres in the R-A through R-1 Districts. Given the referenced property is in the R-C District and is 3.27 acres in size, a 7-foot fence is permitted on the referenced property. It is noted that one of the brick columns exceeds the 7-foot height limit by 0.1 feet. As a duly authorized agent of the Zoning Administrator, I am granting an increase in fence height for an existing fence as provided for in Par. 3I of Sect. 10-104 of the Zoning Ordinance, which allows up to a 5% increase in height due to factors such as variations in topography, and that the noncompliance was through no fault of the property owner. Based on the plat provided, the fence meets all the standards under this section, and the 0.1 foot increase in fence height is hereby granted.

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/](http://www.fairfaxcounty.gov/dpz/)



Mr. Schuyler Ahrens

November 18, 2013

Page 2

This determination is based upon the facts presented in your request and the applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.

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

Sincerely,



Heath Eddy, AICP  
Senior Assistant to the Zoning Administrator  
Ordinance Administration Branch

cc: Leslie Johnson, Zoning Administrator  
Michelle O'Hare, Deputy Zoning Administrator, Ordinance Administration Branch  
Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch  
Michael Chauncey, Special Permits and Variances Branch, Zoning Evaluation Division



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** April 30, 2014

**TO:** Laura B. Gumkowski, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** William J. Veon, Jr., Senior Engineer III (Stormwater)  
Central Branch, Site Development and Inspections Division  
Department of Public Works and Environmental Services

**SUBJECT:** Special Permit Application No.: SP 2013-SP-103  
Nedal Khatib (aka, Estates at Roseland, Lot 71A)  
Special Permit Plat (dated April 1, 2014)  
LDS Project No.: 008448-ZONA-002-1  
Tax Map No.: 097-3-15-0071A  
Springfield District

The subject application has been reviewed and the following stormwater management comments are offered at this time:

Mohan Bastakoti's 12/26/2013 stormwater comments (below) for the originally proposed project are still valid for the revised Special Permit Plat (dated April 1, 2014)

1. Proposed land disturbance is more than 2500 sq. ft., so a SWM review [and a grading plan are] required.
2. Post development impervious area computation was not provided. If the post development impervious area is greater than 18%, a BMP review will be required.

In addition:

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site.

Water quality controls are required for this site unless the site's total impervious area is < 18% (see Comment 2, above), or unless a waiver is approved by the Director (PFM 6-0401.2E).

Also note that the property is located within the Occoquan Watershed with respect to the required phosphorus removal rate should a BMP be required.

Department of Public Works and Environmental Services  
Land Development Services, Site Development and Inspections Division  
12055 Government Center Parkway, Suite 535  
Fairfax, Virginia 22035-5503  
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



Laura B. Gumkowski, Staff Coordinator  
Special Permit Application No.: SP 2013-SP-103  
April 30, 2014  
Page 2 of 3

No SWM/BMP computations have been included with the current submittal. Therefore a preliminary determination of compliance for BMPs cannot be made.

#### Floodplains

There are no regulated floodplains on the property/site.

#### Downstream Drainage Complaints

There are no significant, contemporary downstream drainage complaints on file.

#### Stormwater Detention

Stormwater detention is required (see Comment 1, above), if not waived (PFM 6-0301.3). No SWM/BMP computations have been included with the current submittal. Therefore a preliminary determination of compliance for SWM cannot be made.

#### Site Outfall

A preliminary Outfall Narrative has not been provided. Therefore a preliminary determination of compliance for Adequate Outfall cannot be made.

#### Stormwater Planning

This site is located in the Lower Occoquan Watersheds and the Sandy Run Watershed Management Area. There is a future County stormwater pond retrofit project (SA9101) located adjacent to the subject site. However, the site does not drain to this pond, and should have little to no impact on the future project.

#### Dam Breach

The property is not located within a dam breach inundation zone.

#### Miscellaneous

There are no other significant issues apparent at this time.

The preceding comments are based on the 2011 version of the Fairfax County Public Facilities Manual (PFM). However, a new stormwater ordinance and updates to the PFM's stormwater requirements were adopted by the County's Board of Supervisors on January 28, 2014. The effective date of implementation of these new regulations is scheduled for July 1, 2014, but is subject to possible change pending the outcome of the review of the regulations by the State's Department of Environmental Quality. The site plan for this application may be required to conform to the updated PFM and the new ordinance.

Laura B. Gumkowski, Staff Coordinator  
Special Permit Application No.: SP 2013-SP-103  
April 30, 2014  
Page 3 of 3

Please contact me at 703-324-1648 or [William.Veon@fairfaxcounty.gov](mailto:William.Veon@fairfaxcounty.gov), if you have any questions or require additional information.

WJV/

cc: Don Demetrius, Chief, Watershed Projects Evaluation Branch, SPD, DPWES  
Fred Rose, Chief, Watershed Planning & Assessment Branch, SPD, DPWES  
Durga Kharel, Chief, Central Branch, SDID, DPWES  
Hani Fawaz, Senior Engineer III, Central Branch, SDID, DPWES  
Zoning Application File



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** May 5, 2014

**TO:** Laura Gumkowski, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Hugh Whitehead, Urban Forester II *HW*  
Forest Conservation Branch, DPWES

**SUBJECT:** Estates at Roseland Lot 71A, SP 2013-SP-103

I have reviewed the above referenced Special Permit application including a Statement of Justification and a Plat for Special Permit; stamped as received by the Zoning Evaluation Division on January 16, 201, and April 8, 2014, respectively. The following comment is based on this review.

- Comment:** The Applicant proposes to construct a 40 x 50-ft. garage in a front yard of this corner lot, on the east side of the existing residence. The garage is shown to be located within 26 feet of the property boundary. The setback for the front yard is 40 feet. Trees in a wooded area between the existing residence and Rt. 123 (Ox Road) are shown to be removed for construction of the garage. Existing trees in the wooded area between the proposed garage and the eastern property boundary would be preserved.

**Recommendation:** Limits of clearing and grading necessary for the construction of the proposed garage should be shown on the Plat for Special Permit. Restoration/reforestation of the area cleared beyond the footprint of the garage should be required. Suggested language for a development condition requiring restoration planting is as follows:

“Restoration Planting - The applicant shall restore any disturbed area between the proposed garage and Ox Road. Restoration planting shall consist of 2-in. caliper Category II deciduous trees (eg. Eastern redbud, flowering dogwood) and 6-8 foot tall Category II evergreen trees (eg. American holly) planted in the available space around the garage to increase the screening capacity between the garage and Rt. 123.”

If there are any questions or further assistance is desired, please contact me at (703)324-1770.

HCW/  
UFMDID #: 187484

cc: DPZ File

Department of Public Works and Environmental Services  
Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 711, Fax: 703-803-7769  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)



**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.

### **8-922 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.