



APPLICATION ACCEPTED: March 18, 2014
BOARD OF ZONING APPEALS: June 11, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

June 4, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-DR-020

DRANESVILLE DISTRICT

APPLICANT: Kathleen Oram

OWNERS: Kenneth R. Meade
Kathleen Oram

STREET ADDRESS: 4027 N. Upland Street, McLean, 22101

SUBDIVISION: Golf Club Manors, Section 4

TAX MAP REFERENCE: 31-4 ((12)) (4) 12

LOT SIZE: 22,080 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISIONS: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit modification of minimum yard requirements based on error in building location to permit existing addition to remain 13.4 ft. from the side lot line and to permit reduction of certain yard requirements to permit addition 22.2 ft. from the front lot line and.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-DR-020 for the additions 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.

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

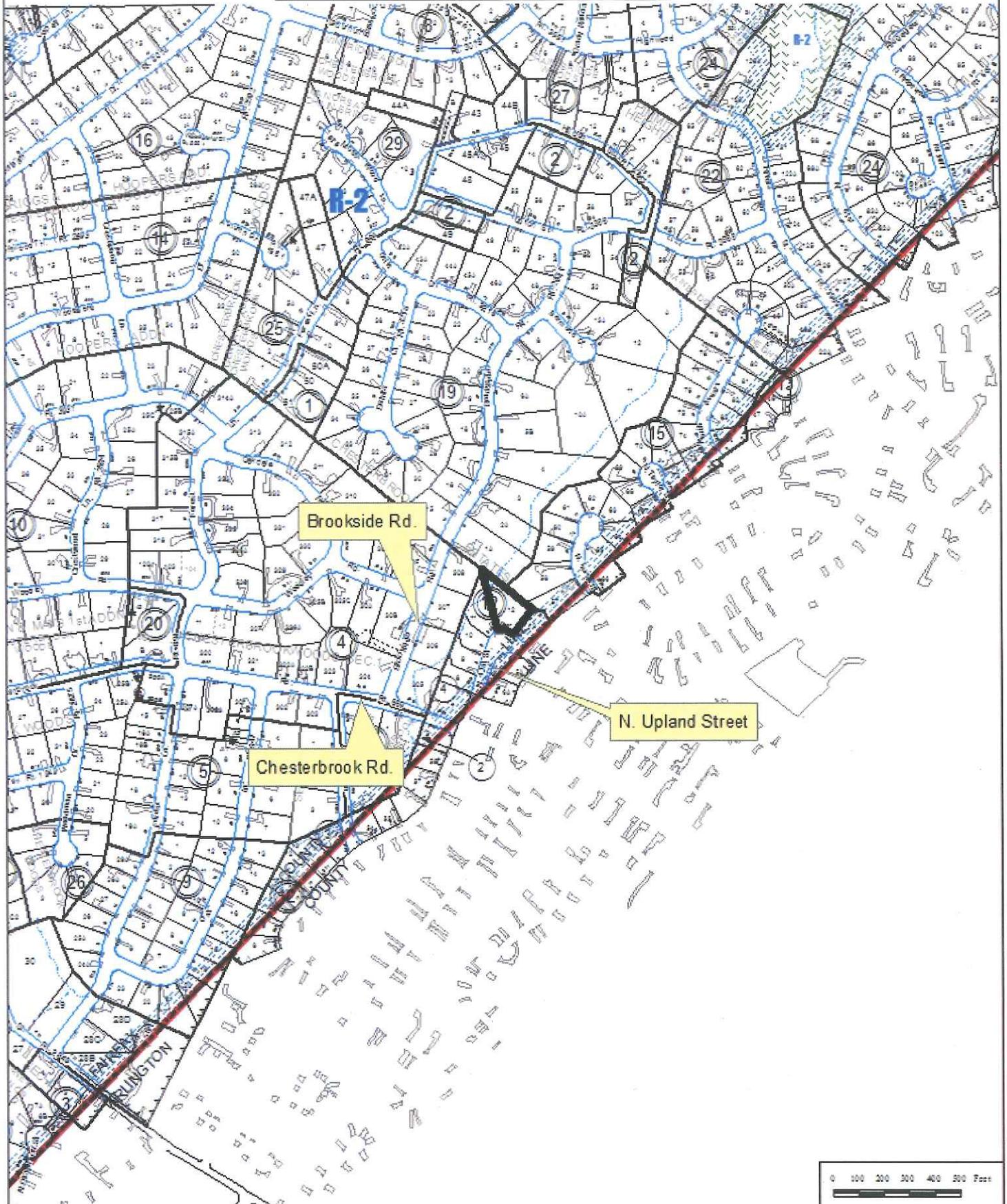
SP 2014-DR-020
KATHLEEN ORAM



Special Permit

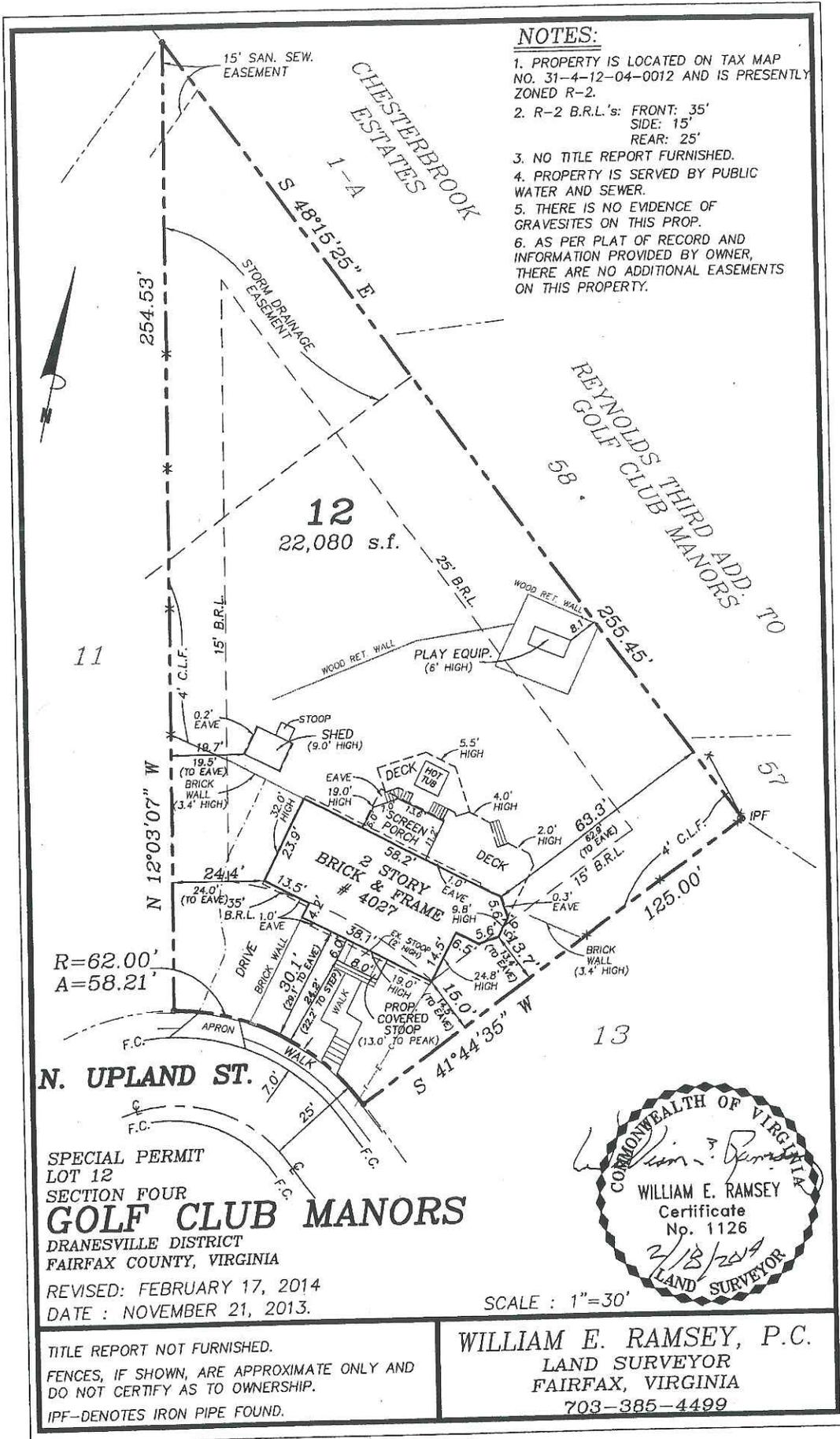
SP 2014-DR-020

KATHLEEN ORAM

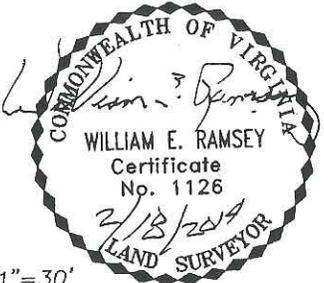


NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 31-4-12-04-0012 AND IS PRESENTLY ZONED R-2.
2. R-2 B.R.L.'s: FRONT: 35' SIDE: 15' REAR: 25'
3. NO TITLE REPORT FURNISHED.
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. THERE IS NO EVIDENCE OF GRAVESITES ON THIS PROP.
6. AS PER PLAT OF RECORD AND INFORMATION PROVIDED BY OWNER, THERE ARE NO ADDITIONAL EASEMENTS ON THIS PROPERTY.



SPECIAL PERMIT
 LOT 12
 SECTION FOUR
GOLF CLUB MANORS
 DRANESVILLE DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 REVISED: FEBRUARY 17, 2014
 DATE: NOVEMBER 21, 2013.



SCALE: 1"=30'

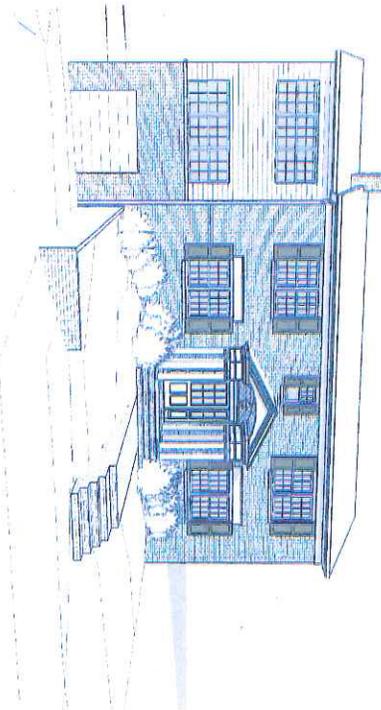
TITLE REPORT NOT FURNISHED.
 FENCES, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
 IPF-DENOTES IRON PIPE FOUND.

WILLIAM E. RAMSEY, P.C.
 LAND SURVEYOR
 FAIRFAX, VIRGINIA
 703-385-4499

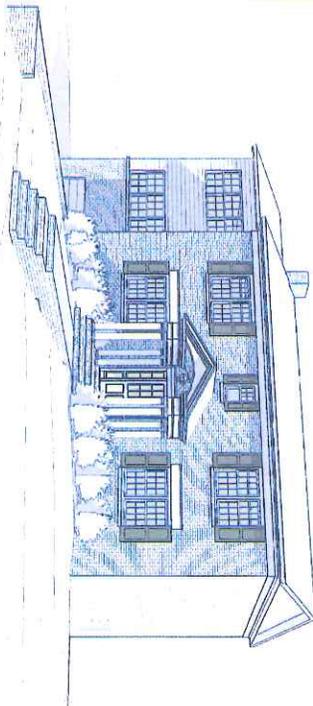
1 View of Existing Elevation



2 Proposed covered porch - Perspective view



3 Proposed covered porch - Perspective view



www.BowersDesignBuild.com
Office: 703.506.0845 Fax: 703.506.0619

Meade - Oram
4027 N. Upland St
McLean, VA

No.	Description	Date
		April 15, 2012

4/19/2012 9:55:20 AM

COPYRIGHT 2005, BOWERS DESIGN BUILD, INC.--ALL RIGHTS RESERVED

C:\Users\mrcarr\Gestop\Meade - Oram - Variance set.rvt

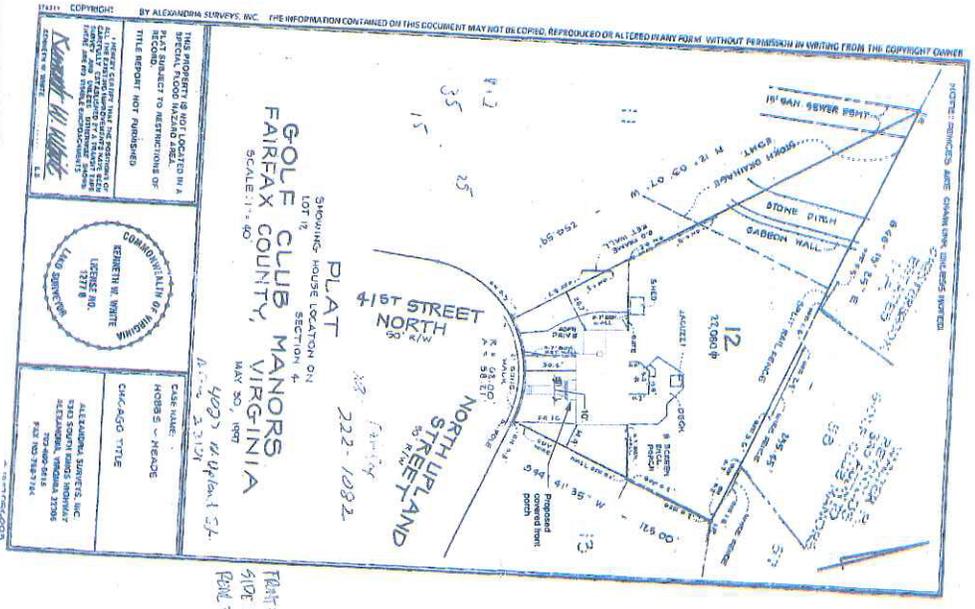
RECEIVED
Department of Planning & Zoning

FEB 20 2013

Zoning Evaluation Division

PROPOSED PORCH ROOF

1" = 40'-0"



THIS PROPERTY IS NOT LOCATED IN A PLAT AND IS NOT IN A RECORD. TITLE REPORT NOT NEEDED.

1. I, THE DESIGNER, HAVE THE PERMISSION OF THE PROPERTY OWNER TO PREPARE THIS PLAN AND TO RECORD IT IN THE PUBLIC RECORDS OF THE STATE OF VIRGINIA.

2. I, THE DESIGNER, HAVE THE PERMISSION OF THE PROPERTY OWNER TO PREPARE THIS PLAN AND TO RECORD IT IN THE PUBLIC RECORDS OF THE STATE OF VIRGINIA.

3. I, THE DESIGNER, HAVE THE PERMISSION OF THE PROPERTY OWNER TO PREPARE THIS PLAN AND TO RECORD IT IN THE PUBLIC RECORDS OF THE STATE OF VIRGINIA.

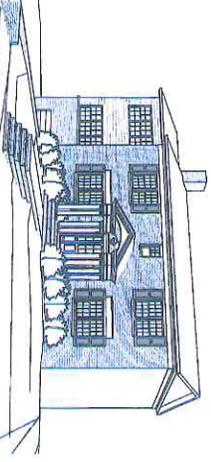
4. I, THE DESIGNER, HAVE THE PERMISSION OF THE PROPERTY OWNER TO PREPARE THIS PLAN AND TO RECORD IT IN THE PUBLIC RECORDS OF THE STATE OF VIRGINIA.

5. I, THE DESIGNER, HAVE THE PERMISSION OF THE PROPERTY OWNER TO PREPARE THIS PLAN AND TO RECORD IT IN THE PUBLIC RECORDS OF THE STATE OF VIRGINIA.

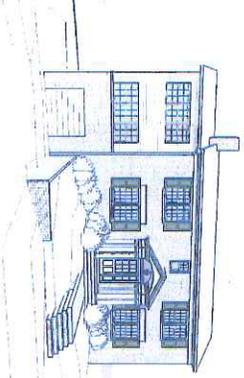
GOLF CLUB MANORS
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1/4" = 1'-0"

PLAT
 SHOWING HOUSE LOCATION ON LOT 12 SECTION 4

FRONT - 35'-2"
 SIDE - 15'-0"
 REAR - 25'-0"



4 Proposed covered porch - Perspective View



3 Proposed covered porch - Perspective View

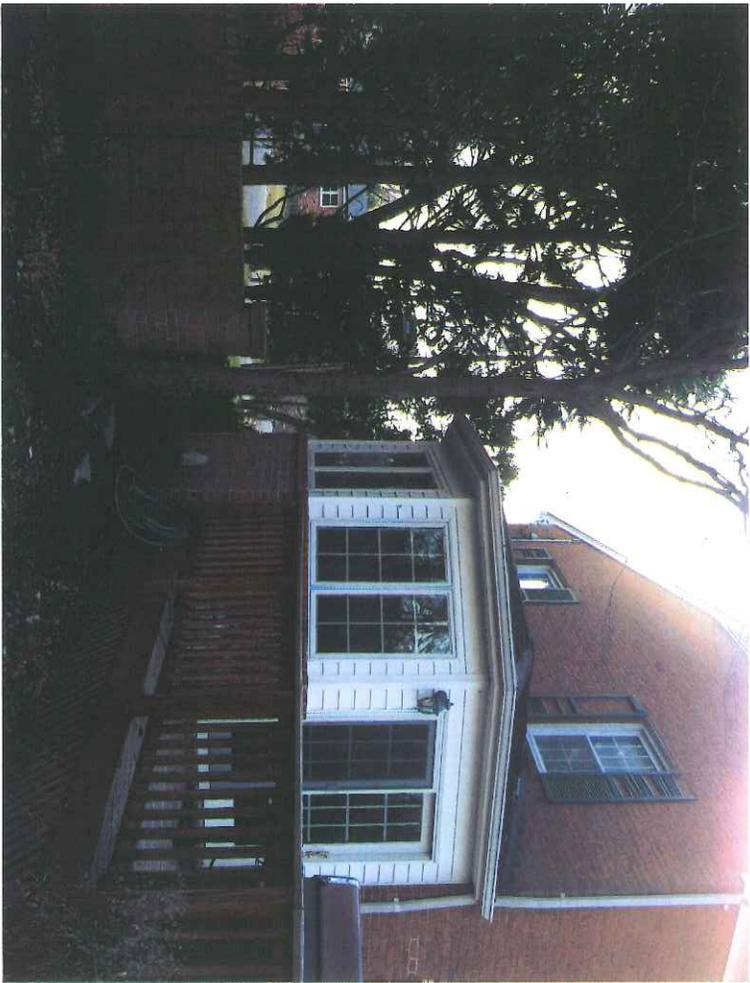
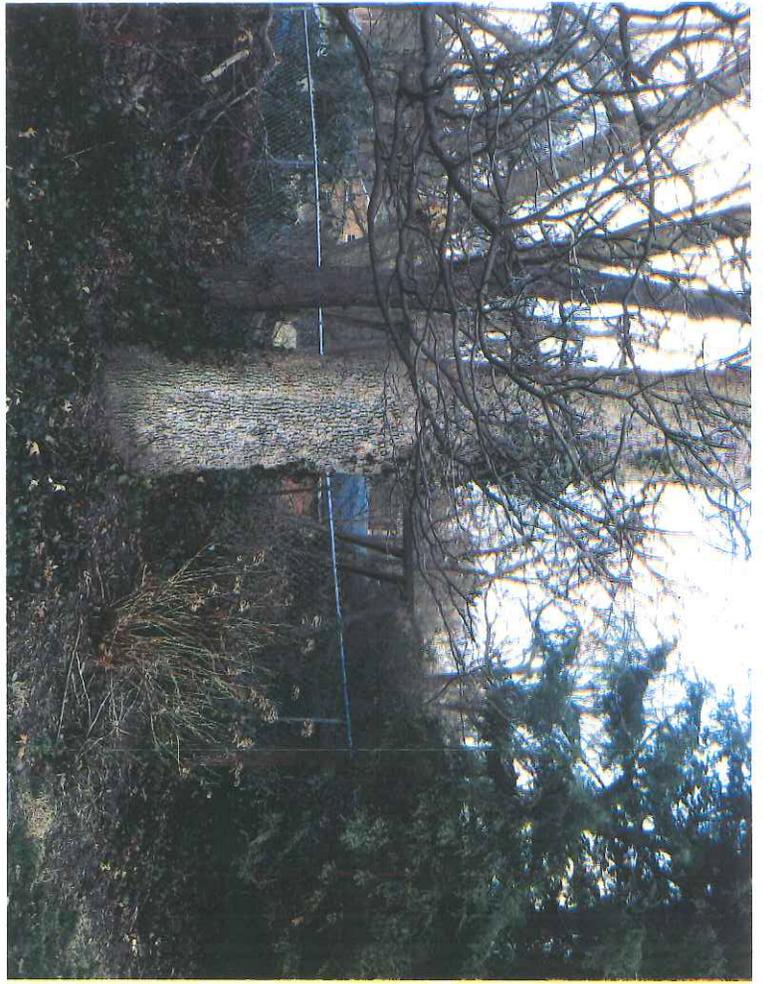


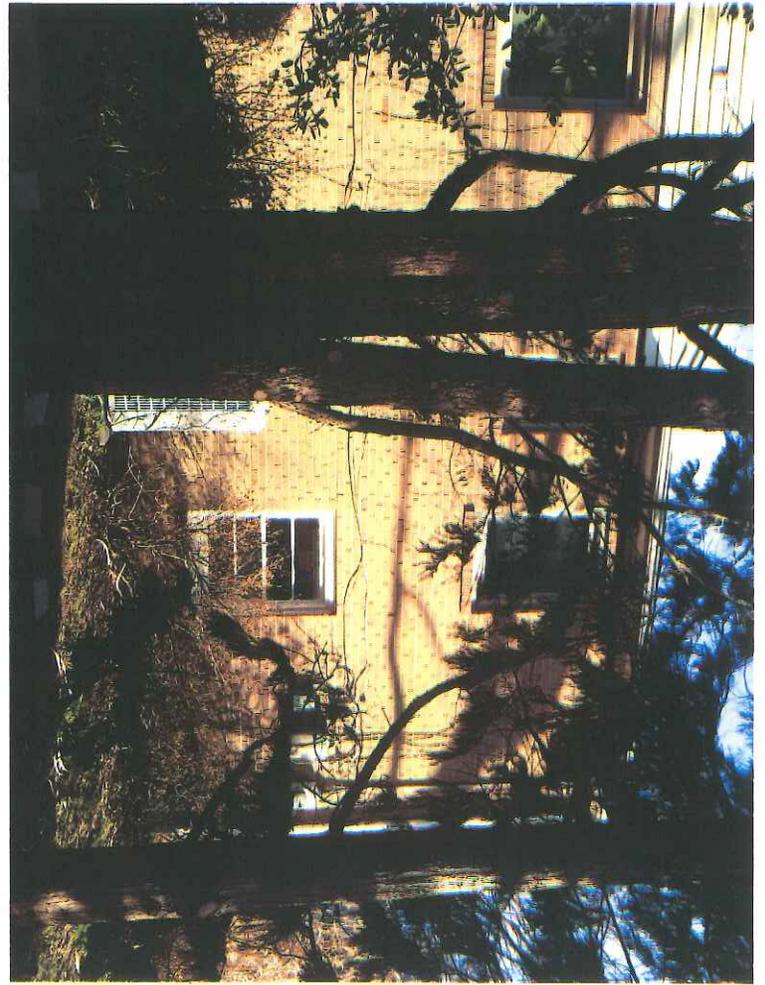
2 View of Existing Elevation
 Scale = 1/4"

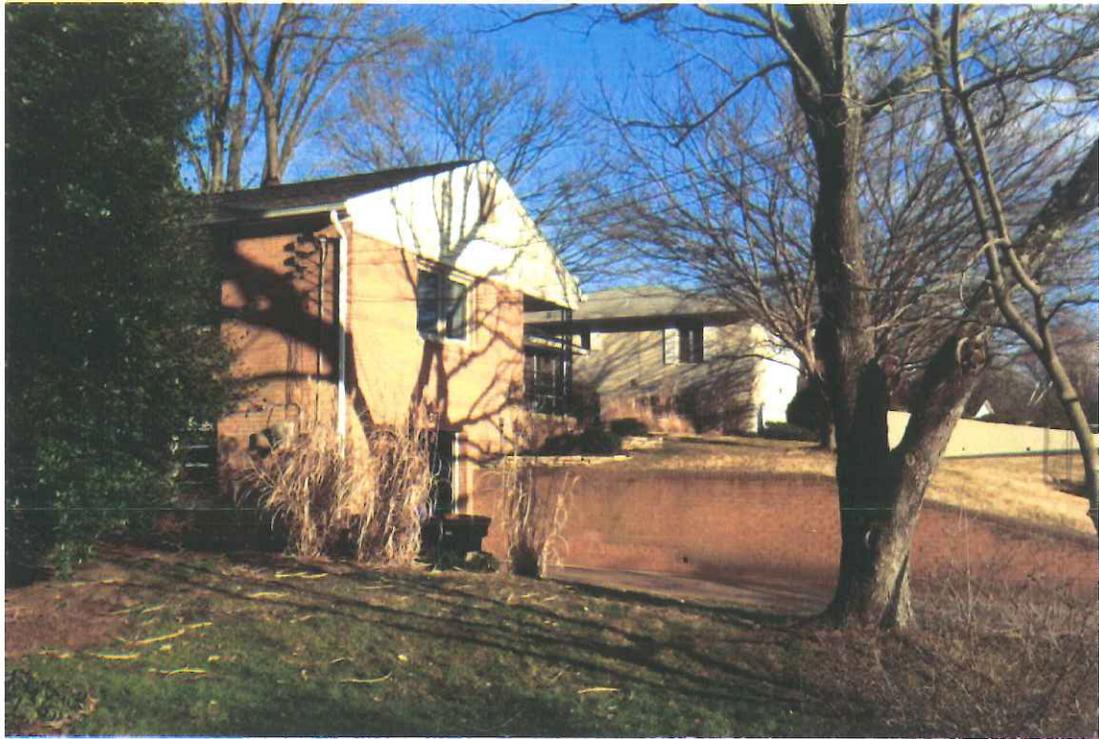


Meade - Oram
 4027 N. Upland St
 McLean, VA

No.	Description	Date
		April 14, 2012







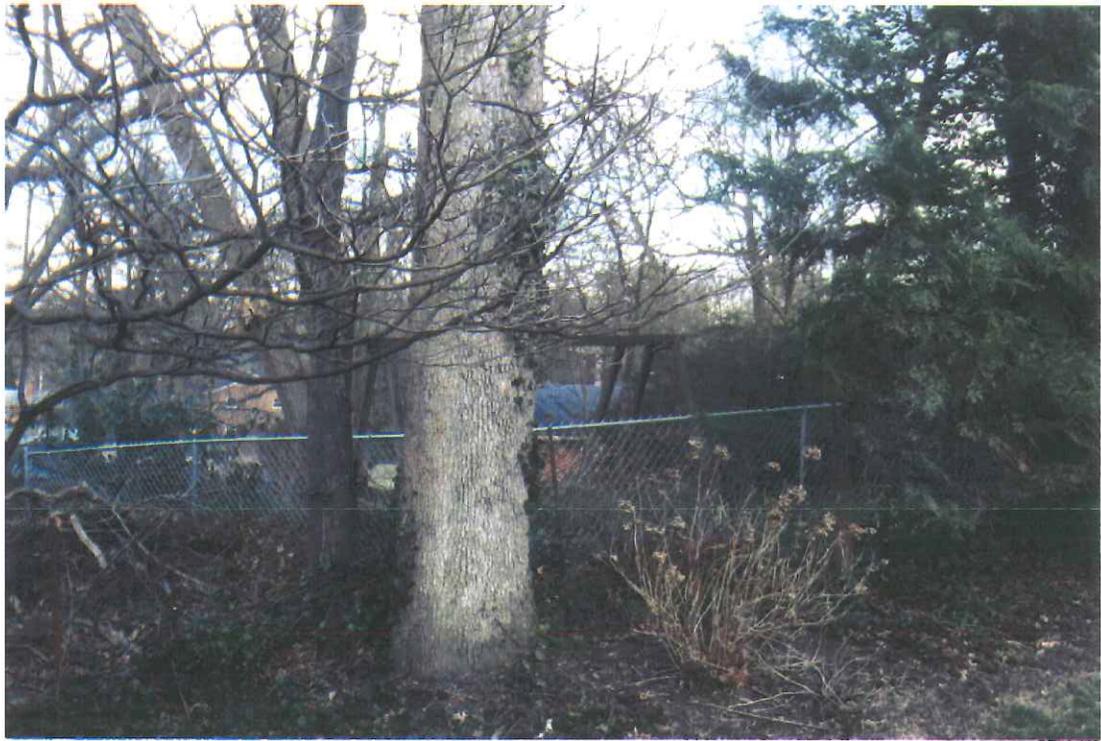


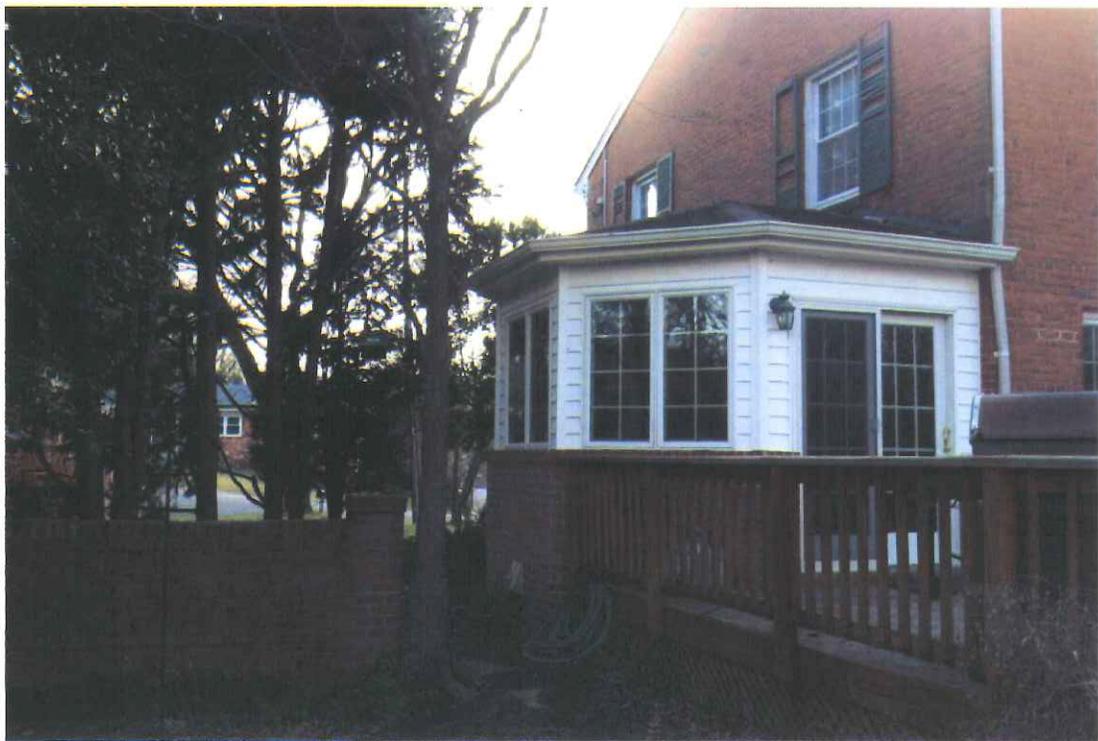


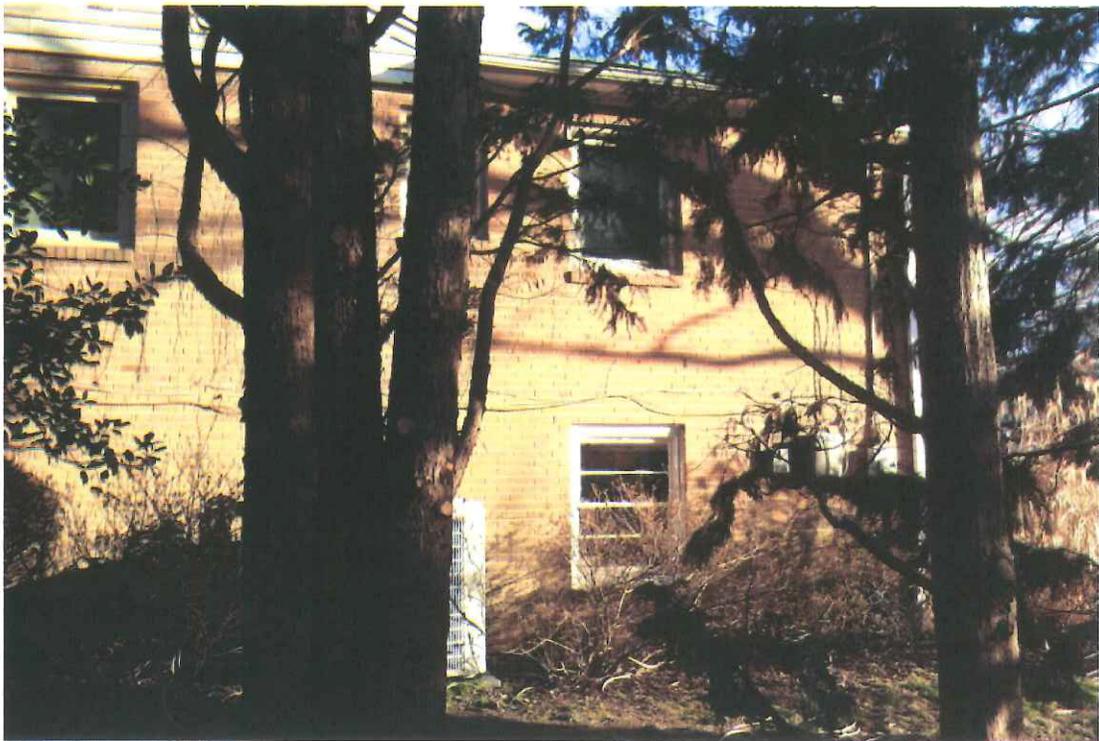














SPECIAL PERMIT REQUEST

The applicant is requesting approval of a special permit for a reduction in certain yard requirements to allow an addition (covered porch) to be constructed 22.2 ft. from the front lot line. The covered porch addition would be 96.0 square feet in size and 13.0 feet in height and would extend the existing uncovered front stoop by approximately 4.0 feet. The front yard setback for properties zoned R-2 is 35 feet; therefore the applicant is requesting a reduction of 12.8 feet, or 36.6 percent.

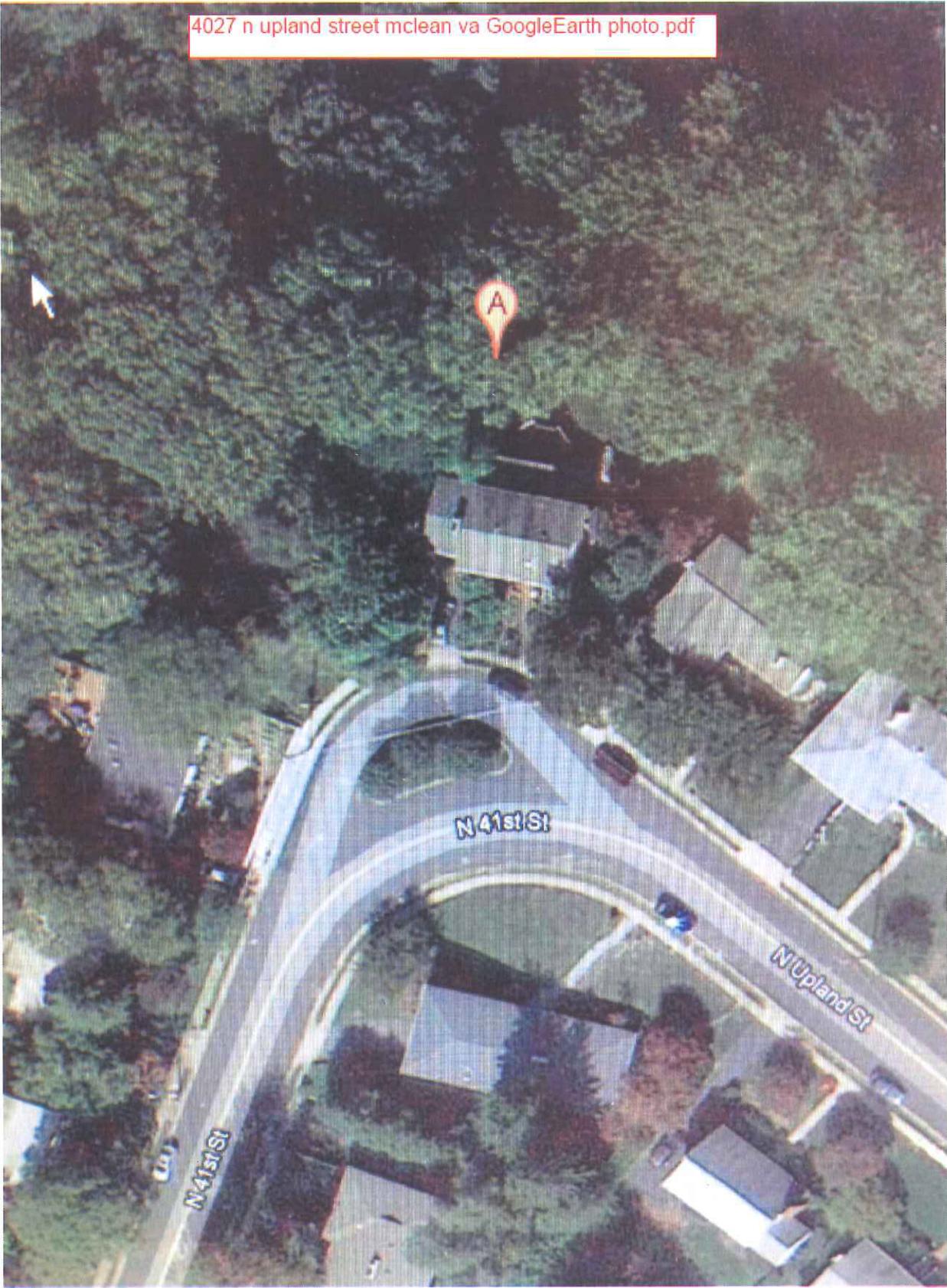
The applicant is also requesting a modification of minimum yard requirements based on an error in building location to permit an existing addition to remain 13.4 ft. from the side lot line. The side yard setback for properties zoned R-2 is 15 feet, therefore the applicant is requesting a reduction of 1.6 feet or 10.7 percent.

A copy of the special permit plat titled "Special Permit, Lot 12, Section Four, Golf Club Manors," prepared by William E. Ramsey, P.C., dated February 18, 2014 is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 22,080 square foot lot contains a two story, brick, single family detached dwelling. Access to the property is provided from North Upland Street. An open porch, a walkway and an asphalt driveway are located to the south of the dwelling. A screened porch, deck, and hot tub are located to the north of the dwelling. A 9.0 foot high shed and play equipment 6.0 feet in height are located to the north of the structure. An area of storm drainage easement and a 15.0 foot wide sanitary sewer easement are located across the rear portion of the property. A portion of chain link fence 4.0 feet in height runs along the western and the southeastern property lines. A brick wall 3.4 feet in height runs from the western and eastern property lines toward the structure. A number of mature trees are located on the property and the lot is relatively flat.

4027 n upland street mclean va GoogleEarth photo.pdf



As shown on the previous page, the existing lot and surrounding lots are zoned R-2 and developed with single family detached dwellings. The property is north of North Glebe Road and south of George Washington Memorial Parkway.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1956 and purchased by the applicants in 2004. The original building permit is included as Appendix 4. The original building permit plat depicts the structure as being located 15.2 feet from the eastern side lot line. On June 7, 2000, a building permit was approved for interior renovations on the dwelling and the construction of a deck and one story addition (Appendix 5). The approved building permit plat depicted the dwelling to be located approximately 14.9 feet from the side lot line and that the addition met the 15.0 foot setback requirement. There is no evidence of a setback certification as that requirement was not implemented until 2011 and the addition was constructed in 2000. When a new special permit plat was drawn for the proposed covered porch, it was discovered that the addition was actually 13.4 feet from the side lot line. There are no complaints related to the property.

Since the adoption of the Zoning Ordinance, the Board of Zoning Appeals has heard several similar applications for reduction of yard requirements and errors in building location. A copy of information related to the requests is attached in Appendix 6.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: II

Planning District: McLean

Planning Sector: Kirby Community Planning Sector (ML03)

Plan Map: Residential 2-3 du/ac

Zoning Ordinance Requirements

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. 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. Staff believes by observation of the neighborhood through submitted photographs and aerial photography that the construction of the covered porch addition will not adversely affect the use or development of neighboring properties. The location of the addition does not substantially affect the existing onsite or offsite residential characteristics and is similar to additions on neighboring properties. Therefore, staff believes this standard has been met.

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 2,612 square feet in size. Therefore 150% of the total gross floor area could result in additions up to 6,530 square feet in size for a possible total square footage at build out of 9,142 square feet. The proposed addition is approximately 96 square feet, resulting in a total square footage of the house with the addition of 2,708 square feet. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The addition is located largely over the area of the existing front stoop foundation. The elevation drawings indicate that the materials, size and scale of the proposed addition will be compatible with the existing dwelling. The

height of the house is 19.0 feet and the height of the proposed addition will be 13.0 feet. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. Through aerial photography, submitted photographs, and background research staff has confirmed that there are similar covered front porches in the area. The proposed addition does not affect neighboring properties in terms of topography, vegetation or existing trees. Therefore, staff believes the addition will be harmonious with surrounding off-site uses and meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the proposed addition, 96 square feet, will not significantly impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion or stormwater runoff. Staff believes the addition will not significantly increase runoff or erosion as the covered porch will be constructed on the footprint of an existing stoop and will not dramatically increase the impervious area existing on-site. Therefore, staff believes the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Staff believes that the proposed request for a 96 square foot covered front porch is a modest one. It would be constructed largely over the area of an existing uncovered front stoop and therefore staff believes the location of the addition is reasonable.

Other issues of lot shape, yard determination, environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, vegetation and significant trees, easements 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 2014-DR-020 for the addition (covered porch) 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. Building Permit for original dwelling, dated April 9, 1956
5. Building Permit for addition, dated June 7, 2000
6. Similar Case History
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-DR-020****June 4, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-020 located at Tax Map 31-4 ((12)) (4) 12 to permit reduction of certain yard requirements pursuant to Sects. 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the proposed addition (covered porch 96 square feet in size and 13.0 feet in height) located 22.2 feet from the front lot line, and the existing location of the addition to remain 13.4 feet from the side lot line, as shown on the plat titled "Special Permit, Lot 12, Section Four, Golf Club Manors," prepared by William E. Ramsey, P.C., dated February 18, 2014, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,612 square feet existing + 6,530 square feet (150%) = 9,142 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The covered porch addition 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 for the covered porch addition 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.

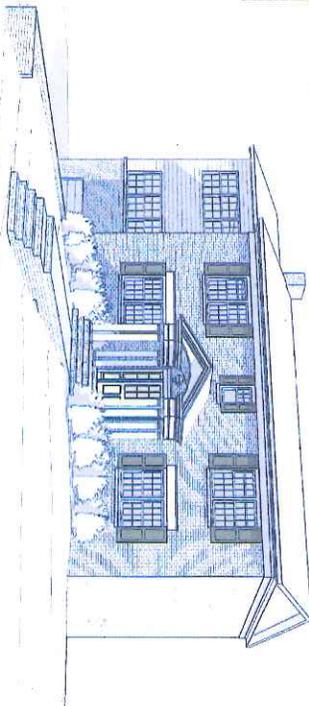
1 View of Existing Elevation



2 Proposed covered porch - Perspective view



3 Proposed covered porch - Perspective view



www.BowersDesignBuild.com
Office: 703.505.0845 Fax: 703.508.0819

Meade - Oram
4027 N. Upland St
McLean, VA

No.	Description	Date
		April 16, 2012

RECEIVED
Department of Planning & Zoning

FEB 20 2013

Zoning Examination Division

4/18/2012 9:56:20 AM

COPYRIGHT 2008, BOWERS DESIGN BUILD, INC.-ALL RIGHTS RESERVED

C:\Users\mscarsi\Desktop\Meade - Oram - Variance set.rvt

PROPOSED PORCH ROOF

THE ATTACHED AFFIDAVIT

HAS NOT BEEN APPROVED

BY THE OFFICE OF THE COUNTY ATTORNEY

Off. to Jo Ellen
3/5/14

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 10, 2014
(enter date affidavit is notarized)

I, Kathleen Oram, do hereby state that I am an
(enter name of applicant or authorized agent)

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

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Kathleen Oram	4027 N. Upland Street, McLean, VA 22101	Applicant
John T. Coburn, Jr.	6715 Whittier Avenue, Suite 200, McLean, VA 22101	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): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 10, 2014
(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)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 10, 2014
(enter date affidavit is notarized)

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)

N/A

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 10, 2014
(enter date affidavit is notarized)

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

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

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

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

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

None

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 10, 2014
(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.)

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) Kate Oram Applicant Applicant's Authorized Agent

Kathleen Oram
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 10th day of February 2014, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 3/31/16

Karl Wilhelm
Notary Public

FEB 25 2014

WRITTEN STATEMENT OF JUSTIFICATION

Zoning Evaluation Division

Proposed Project: To replace an existing front porch that is located within the 35'0" front setback with a new portico roof.

1. Kenneth R. Meade and Kathleen Oram purchased the subject property in good faith on June 17, 1997. The front of the house where the proposed portico roof will be installed will function as cover for family and guests entering and exiting the house. A secondary purpose will be to shield the front door from damaging sunlight and rain/snow.

2. At its narrowest point, the distance between the front of the house and the closest curb line is 30'4". Note that the curblines are not the curblines for N. Upland Street, but rather the curblines for a service road that goes around a small traffic island that exists directly in front of the property. There is an existing uncovered front porch (that was in existence at the time of purchase of the property) that extends 8'0" from the front of the house. The proposed project would extend the current porch by no more than 4'0".

3. The configuration of the property and curblines is unique. In addition, the subject of this request is to replace the existing front porch with a new portico covered porch that extends the existing front porch by no more than 4'0". Adopting a general regulation to amend to Zoning Ordinance to permit this project is not reasonably practicable.

4. The inability to extend and cover the porch would prevent full use and enjoyment of the property, and there are no adverse impacts from allowing the project to proceed.

5. We are not aware of any other property that has the combination of the same unique configuration with N. Upland Street, N. 41st Street, and the traffic island, the 35'0" setback requirement, and an existing porch within the setback.

6. Strict application of the 35'0" setback would prohibit construction of the covered portico porch, thus preventing full use and enjoyment of the property.

7-9. Replacement of the existing porch with a covered portico porch will not impact adjacent properties at all. The front setback as measured to the N. Upland Street curb line is actually far greater than the 35'0" setback required by the zoning ordinance. There are many similar covered portico porches in the neighborhood, and addition of a covered portico porch is consistent with the character of the zoning district and the surrounding neighborhood, and is not contrary to the public interest. Allowing replacement of an existing structure that lies within the setback does not run counter to the intended spirit and purposes of the setback requirement, especially in light of the unique circumstances and configuration of the traffic island and curblines of N. Upland Street.

10. The front of the house is a mostly brick colonial with typical window grill pattern and green shutters. The front portico roof will be consistent with the existing architecture in

both scale and proportion. The color of the trim will be consistent with existing window trim to better integrate the structure.

11. There is and will be no known or anticipated hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; no hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or no petroleum products as defined in Title 40, Code of Federal Regulations Part 280; that will be generated, utilized, stored, treated, and/or disposed of on site and no contents of any existing or proposed storage tanks or containers.

12. The proposed new portico roof will conform to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions to include applicable building codes. Request for adjustments are listed in 2-9.

13. The Gross Floor Area (GFA) of the proposed portico roofed area is far less than 150% of the principle structure. No portion of the existing single family detached dwelling will be removed. There will be no accessory structures involved with this project.

14. As depicted on the drawings included in this package, the proposed plan 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.

15. As depicted on the drawings included in this package, the proposed plan will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, erosion and storm water runoff.

16. The proposed plan represents the minimum footprint possible to achieve appropriate front door and human coverage from weather elements.

WRITTEN STATEMENT OF JUSTIFICATION 8-914

- A. The error in building location is 1 foot 5 inches (17 inches total) over the R-2 mandated 15 foot setback as measured to the physical building. The error in building location is 1 foot 8 inches (20 inches total) over the mandated 15 foot setback as measured to the eaves of the house; in excess of 10% of the 15 foot setback (180 inches). Plat by William E. Ramsey, P.C. dated February 17, 2014 depicts the area over the 15 feet setback line.
- B. See A.
- C. The Owner contracted with a licensed contractor to build the structure in compliance with then current Fairfax County Building Codes. The plans that the contractor provided to the Owners clearly showed that they were going to build the addition 10 feet 3 inches from the existing house wall. The contractor built the addition in excess of 13 feet from the existing wall and didn't mention it to the Owner. The contractor successfully obtained a Fairfax County final inspection for the project. Given these two items the Owner never was aware of anything that would have prompted them to suspect being over the setback line.
- D. The structure as constructed does not impair the intent and purpose of the Zoning Ordinance.
- E. The structure as constructed is not detrimental to the use and enjoyment of the subject property or other property in the immediate vicinity. It does not create an access or line of sight problem for the property or adjacent properties.
- F. The structure as constructed does not create any unsafe conditions with respect to the property, adjacent property and/or public streets.
- G. To force compliance with minimum yard requirements or location regulations would cause unreasonable hardship upon the owner. The structure has been in place for 14 years. To bring the structure back to the 15 feet setback line part of the Owner's kitchen would have to be demolished and new foundation, exterior walls, windows and roof structure would have to be built.
- 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.

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF BUILDING INSPECTOR

Building Permit No. 14730

APPLICATION FOR PERMIT TO BUILD

Fairfax, Va., 4-9- 1956

TO THE BUILDING INSPECTOR:

The undersigned hereby applies for a permit to build according to the following specifications:

1. State how many buildings to be erected one (one one story)
2. Material brick
3. Name of Owner Benjamin Conner Corp. Phone NE 2-5757
Address P.O. Box 110, N. Sta., Arlington
4. Name of Designer Benjamin Conner Corp. Phone "
Address P.O. Box 110, N. Sta., Arlington
5. Name of Contractor " Phone "
Address "
6. Location: Lot No. 12 Block - Section 7 Subdivision Golf Club Annex
Name (NO.) of Street N. W. 1st St.

I hereby certify that the property described above is listed in the name of William J. ...

Mag. Dist. _____ Deed Book Reference 127-113
John W. Ferguson
Supervisor of Assessments

7. Size of building: No. of feet front 51'-6"; No. feet rear 51'-6"; No. feet deep 28'-0"; No. stories in height 2;
No. rooms 8; Cubic contents of bldg. _____ cu. ft. Estimated cost 20,100
8. Zoning: Use of building single dwelling No. of families or housekeeping units ONE;
No. kitchens ONE; Size of lot: Width 58'-1/2 ft., Depth 125'-5/8 ft., Area 22,000 sq. ft. Height of building
(to highest point of roof) _____ ft. Setback from property line: Front 30 ft., Rear 80 ft., Side 15'-2 ft.
Zone Suburban
9. Check system to be used: (a) Sewage Disposal by: Public Sewer , Community System _____, Septic tank _____,
Pit privy _____ (b) Water Supply: Public System , Individual well _____
10. What will the building be erected on? (Solid or filled land) solid
Finished outside grade to cellar floor 3 ft. First floor is 0 ft. above curb grade.
11. Material of foundation brick piers Thickness and material of external walls:
Cellar or basement brick 8" - 12"; 1st story brick 8" - 12";
2nd story brick 8"; 3rd story _____;
4th story _____; 5th story _____
Thickness of other walls _____; 1st story _____;
2nd story _____; 3rd story _____;
4th story _____; 5th story _____
12. What will be the material of the front? brick
13. Will the roof be flat, pitch, or mansard? pitch
14. Roofing material asph. / cork shingles
15. What will be the means of access to the roof? set down stair way to attic
16. How is the building heated? oil gas
17. Is the lower story to be used for business purposes of any kind? no

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

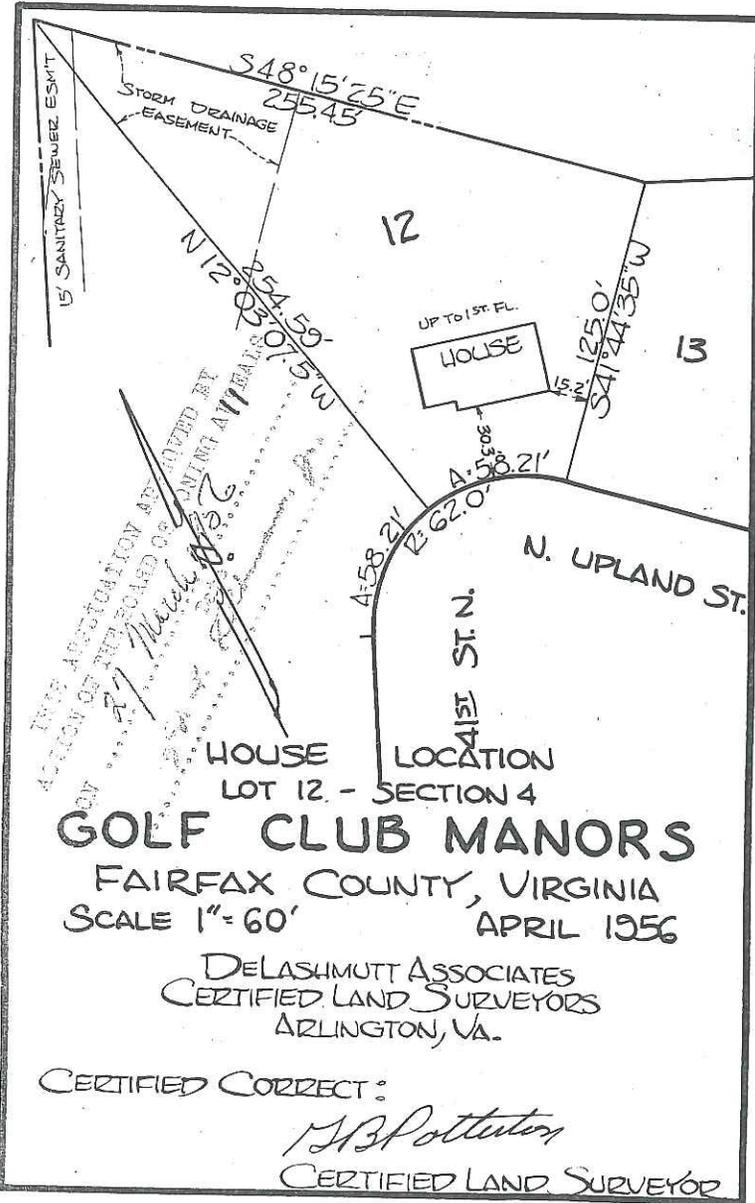
Benjamin Conner Corp.
Benjamin Conner - Sec'y.
Signature of owner or authorized agent
P.O. Box 110, N. Sta., Arlington, Va.
Address

Fireproof _____	Non-fireproof <u>#3700</u>
Total sq. ft. _____	Fee <u>#3700</u>
Pay't Order No. _____	
Date received _____	
Initials	
Approved by Building Inspector	
<u>[Signature]</u>	
Date	

Telephone Number _____ Date _____

ROUTING SCHEDULE

OFFICE OF:	DATE TO	DATE FROM	REMARKS	TITLE
ZONING ADMINISTRATOR	4/9/56	4/9/56	PRELIM ISSUED	<i>[Signature]</i>
HEALTH OFFICER				
SANITARY ENGINEER	4/9/56		Rel. County Surveyor <i>Wiley</i>	
ELECTRICAL INSPECTOR				
PLUMBING INSPECTOR				



BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
 PERMIT APPLICATION CENTER
 12855 Government Center Parkway, 2nd Floor 703-222-0801
 Fairfax, Virginia 22035-5504

PERMIT # 0016130760

APPENDIX 5

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY
 PLAN # W-00-03403
 TAX MAP # 0314-12/04/001

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	6-9-00	[Signature]
SITE PERMITS	6-9-00	[Signature]
HEALTH DEPT.		
BUILDING REVIEW	6-9-00	[Signature]
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE
 FILING FEE - 321.00
 AMOUNT DUE -

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC. J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT)
 BY [Signature] DATE 6/7/00

ZONING REVIEW USE 2D ZONING CLASS R-2
 ZONING CASE # _____

GROSS FLOOR AREA OF TENANT SPACE
 YARDS: FRONT 35+ GARAGE 1 2 3
 FRONT _____ OPTIONS YES NO
 L SIDE 10 REMARKS 1-sty addn
 R SIDE 15 10'7" x 13'2" x 12' L
 REAR 25+ has 2nd kitchen row wet bar
(2) open deck no

GRADING AND DRAINAGE REVIEW
 SOILS # 10 A B C
 HISTORICAL DISTRICT _____
 AREA TO BE DISTURBED (TOTAL SQ FT) 400
 ADD'L IMPERVIOUS AREA (ADDED SQ FT) 120
 PLAN # _____ APPR. DATE _____

STAMPS Ft. Exm 14, 2 smt, 2500
 (See reverse side of application)

REMARKS
Stairs 10'3" x 13' x
1 1/2" LCB int alls
to remodel kitchen
Plumbing attached

NOTARIZATION (if required)
 State (or territory or district) of Columbia
 County (or city) of Beverly, to wit: I,
Cynthia McClure, a Notary Public in
 the State and County aforesaid, do certify that
Cynthia McClure whose name is signed to
 this application, appeared before me in the State and County aforesaid and executed
 this affidavit. Given under my hand this 7th day of JUNE, 2000.
 My commission expires the 14th day of July, 2001.
 [Signature] (Notary Signature)

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION
 ADDRESS 4027 N. UPLAND STREET
 LOT # 12 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION GOLF CLUB MANORS Sec 4
 TENANT'S NAME _____

OWNER INFORMATION OWNER TENANT
 NAME KEN MEADE & KATHY GRAM
 ADDRESS 4027 N. UPLAND STREET
 CITY McLEAN STATE VA ZIP 22101
 TELEPHONE 703 536 7220

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 STATE CONTRACTORS LICENSE # _____
 COUNTY BPOL # _____

APPLICANT CINDY McCLURE

DESCRIPTION OF WORK
ONE STORY ADDITION AND
DECK, KITCHEN RENOVATION

HOUSE TYPE INT
 ESTIMATED COST OF CONSTRUCTION \$15,200
 BLDG AREA (SQ FT OF FOOTPRINT) 128
 USE GROUP OF BUILDING R4
 TYPE OF CONSTRUCTION BRICK/FRAME SB
 SEWER SERVICE PUBLIC SEPTIC OTHER
 WATER SERVICE PUBLIC SEPTIC OTHER
 OTHER PLEASE SPECIFY _____

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS	
# KITCHENS	EXTER. WALLS
# BATHS	INTER. WALLS
# HALF BATHS	ROOF MATERIAL
# BEDROOMS	FLOOR MATERIAL
# OF ROOMS	FIN. BASEMENT
# STORIES	HEATING FUEL
BUILDING HEIGHT	HEATING SYSTEM
BUILDING AREA	# FIREPLACES
BASEMENT	

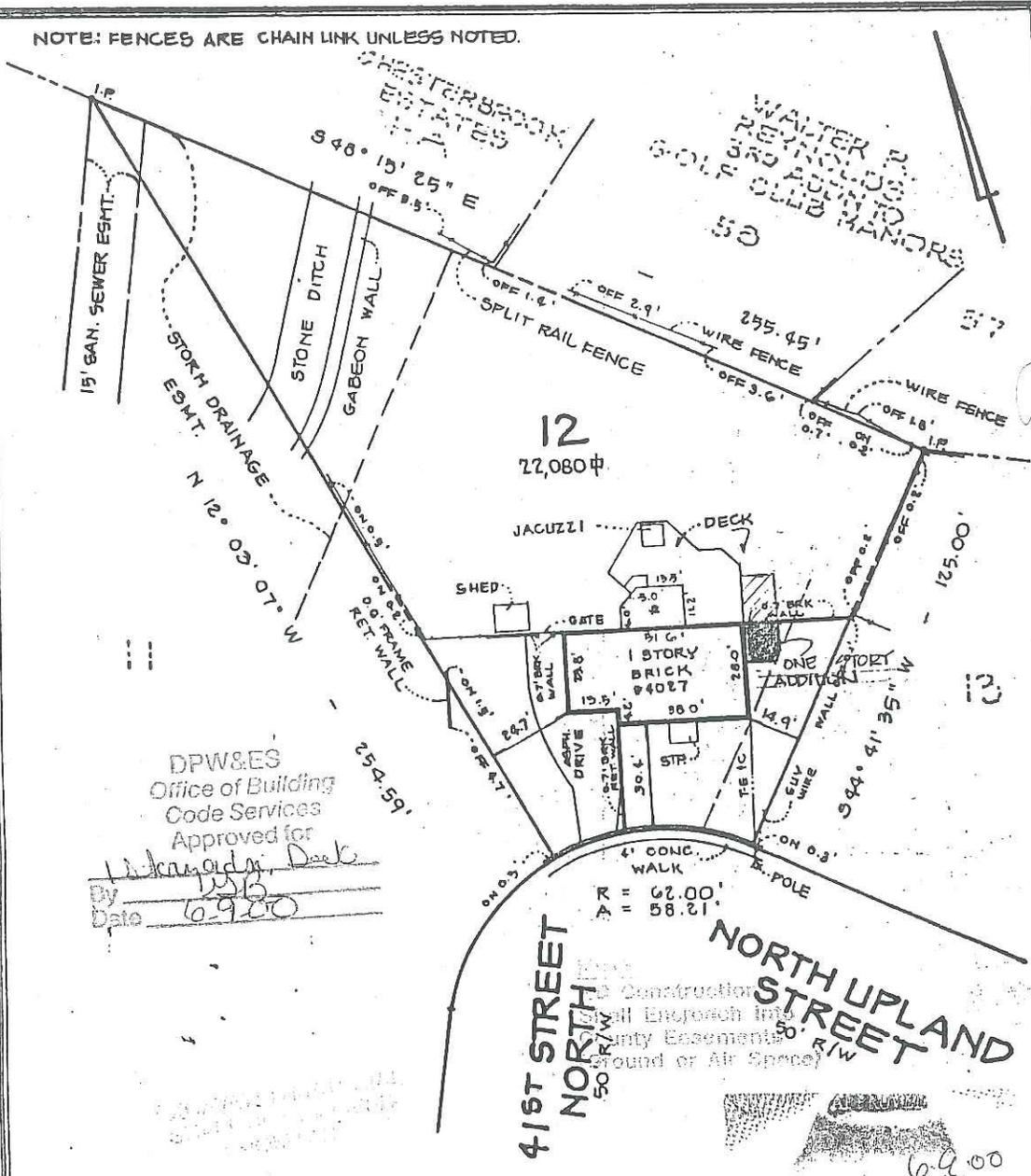
Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Cindy McClure 6/7/00
 Signature of Owner or Agent Date
Cindy A. McClure
 Printed Name and Title

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

BY ALEXANDRIA SURVEYS, INC. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.

NOTE: FENCES ARE CHAIN LINK UNLESS NOTED.



DPW&ES
Office of Building
Code Services
Approved for

W. Kennedy, Clerk
By *W. White*
Date *6-9-97*

41ST STREET NORTH
50' R/W

NORTH UPLAND STREET
50' R/W

PLAT

SHOWING HOUSE LOCATION ON
LOT 12 SECTION 4

GOLF CLUB MANORS
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 40'

MAY 30, 1997

THIS PROPERTY IS NOT LOCATED IN A
SPECIAL FLOOD HAZARD AREA.
PLAT SUBJECT TO RESTRICTIONS OF
RECORD.
TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF
ALL THE EXISTING IMPROVEMENTS HAVE BEEN
CAREFULLY ESTABLISHED BY A TRANSIT TAPE
SURVEY AND UNLESS OTHERWISE SHOWN,
THERE ARE NO VISIBLE ENCROACHMENTS.

Kenneth W. White
KENNETH W. WHITE L.S.



CASE NAME:
HOBBBS ~ HEADE

CHICAGO TITLE

ALEXANDRIA SURVEYS, INC.
6343 SOUTH KINGS HIGHWAY
ALEXANDRIA, VIRGINIA 22306
703-660-6615
FAX 703-768-7764

Similar Case History

Group: 86-D-084

VC 86-D-084

APPLICANT: MR. AND MRS. HEINRICH SCHMITZ
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 10/28/1986
ZONING DISTRICT: R-2
DESCRIPTION: TO ALLOW CONSTRUCTION OF ADDITION TO RESIDENCE TO 14.1 FEET FROM SIDE LOT LINE (15 FEET MIN. REQUIRED)
LOCATION: 6021 WOODLEY ROAD
TAX MAP #S:
 0314 10 0012

Group: 88-D-138

VC 88-D-138

APPLICANT: DELVOIE, CHRISTIAN M.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 11/18/1988
ZONING DISTRICT: R-2
DESCRIPTION: ALLOW ENCLOSURE OF EXISTING SCREENED PORCH 10.0 FT. FROM SIDE LOT LINE (15 FT. MIN. SIDE YARD REQ.)
LOCATION: 1516 HARDWOOD LANE
TAX MAP #S:
 0314 14 0006

Group: 93-D-109

VC 93-D-109

APPLICANT: RICHARD F ROSEN
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 11/17/1993
ZONING DISTRICT: R-2
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 5.5 FT. FROM SIDE LOT LINE (15 FT. MIN. SIDE YARD REQ.)
LOCATION: 1640 MADDUX LANE
TAX MAP #S:
 0314 11 0005

Group: 97-D-098

VC 97-D-098

APPLICANT: FRUITT, FRANK H & ELIZABETH S
STATUS: APPLICATION APPROVED
STATUS/DECISION DATE: 01/06/1998
ZONING DISTRICT: R-2
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 13.2 FT. FROM SIDE LOTLINE AND CHIMNEY 11.2 FT. FROM SIDE LOT LINE
LOCATION: 1707 FOREST LANE
TAX MAP #S: 0314 09 0001

Group: 98-D-147

VC 98-D-147

APPLICANT: WILCOX, JEFF AND AMY
STATUS: APPLICATION APPROVED
STATUS/DECISION DATE: 02/24/1999
ZONING DISTRICT: R-2
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITIONS 12.1 FT., 13.2 FT., AND 12.0 FT. FROM SIDE LOT LINE
LOCATION: 1709 FOREST LANE
TAX MAP #S: 0314 09 0002

Group: 98-D-148

VC 98-D-148

APPLICANT: OTT, KEVIN & RUTH
STATUS: APPLICATION APPROVED
STATUS/DECISION DATE: 03/03/1999
ZONING DISTRICT: R-2
DESCRIPTION: PERMIT CONSTRUCTION OF SECOND STORY ADDITION 12.1 FT. FROM SIDE LOT LINE AND ROOFED DECK 11.8 FT. FROM SIDE LOT LINE
LOCATION: 1711 FOREST LANE
TAX MAP #S: 0314 09 0003

Group: 99-D-069

VC 99-D-069

APPLICANT: LOISELLE, JAMES M.
STATUS: APPLICATION APPROVED
STATUS/DECISION DATE: 07/28/1999
ZONING DISTRICT: R-2
DESCRIPTION: PERMIT CONSTRUCTION OF DECK 10.5 FT. FROM SIDE LOT LINE
LOCATION: 1718 FOREST LANE
TAX MAP #S: 0314 09 0025A

Group: 2003-DR-025

SP 2003-DR-025

[STAFF REPORT](#)

APPLICANT: CRAIG KIRBY
STATUS: APPLICATION APPROVED
STATUS/DECISION DATE: 08/06/2003
ZONING DISTRICT: R-2
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT SHED TO REMAIN 7.8 FEET FROM SIDE LOT LINE, PATIO 2.7 FEET FROM REAR LOT LINE AND ADDITION 19.0 FEET FROM REAR LOT LINE
LOCATION: 5952 WOODACRE COURT
TAX MAP #S: 0314 16 0042A

Group: 2003-DR-091

VC 2003-DR-091

[STAFF REPORT](#)

APPLICANT: CRAIG KIRBY
STATUS: APPLICATION DENIED
STATUS/DECISION DATE: 08/06/2003
ZONING DISTRICT: R-2
DESCRIPTION: TO PERMIT CONSTRUCTION OF ACCESSORY STRUCTURE 2.0 FEET AND EAVE 1.0 FEET FROM SIDE LOT LINES
LOCATION: 5952 WOODACRE COURT
TAX MAP #S: 0314 16 0042A

Group: 2004-DR-012

VC 2004-DR-012

[STAFF REPORT](#)

APPLICANT: CRAIG A. KIRBY
STATUS: APPLICATION APPROVED
STATUS/DECISION DATE: 04/07/2004
ZONING DISTRICT: R-2
DESCRIPTION: TO PERMIT CONSTRUCTION OF AN ACCESSORY STRUCTURE OR ADDITION 6.8 FEET WITH EAVE 5.8 FEET FROM SIDE LOT LINE AND 9.3 FEET WITH EAVE 8.3 FEET FROM ANOTHER SIDE LOT LINE
LOCATION: 5952 WOODACRE COURT
TAX MAP #S: 0314 16 0042A

Group: 2004-DR-015

VC 2004-DR-015

[STAFF REPORT](#)

APPLICANT: JAMES H ROSSER & NICKI J WATTS
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 04/13/2004
ZONING DISTRICT: R-2
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 22.3 FEET WITH EAVE 21.2 FEET FROM FRONT LOT LINE AND 14.9 FEET FROM SIDE LOT LINE AND ADDITION 9.4 FEET WITH EAVE 8.4 FEET FROM OTHER SIDE LOT LINE
LOCATION: 1533 WOODACRE DRIVE
TAX MAP #S:
0314 14 0008

Group: 2007-DR-145

SP 2007-DR-145

[STAFF REPORT](#)

APPLICANT: MORRIS, PATRICK & SUSAN
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 02/12/2008
ZONING DISTRICT: R-2
DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 10.1 FEET FROM SIDE LOT LINE
LOCATION: 6010 BALSAM DRIVE
TAX MAP #S:
0314 16 0017

Group: 2009-DR-008

SP 2009-DR-008

[STAFF REPORT](#)

[LOCATOR MAP](#)

APPLICANT: AMY AND JEFFERY WILCOX
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 04/14/2009
ZONING DISTRICT: R-2
DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 11.5 FEET FROM SIDE LOT LINE
LOCATION: 1709 FOREST LANE
TAX MAP #S:
0314 09 0002

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, or
 - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
 - C. 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
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - 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.

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.