



APPLICATION ACCEPTED: April 16, 2014
BOARD OF ZONING APPEALS: July 9, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 2, 2014

STAFF REPORT

APPLICATION SP 2014-SP-044

SPRINGFIELD DISTRICT

APPLICANT: Josephine S. Lowe, Trustee

OWNERS: Josephine s. Lowe, Trustee of the Josephine S. Lowe Revocable Trust for the Benefit of Carol L. Aubrey

LOCATION: 13143 Penndale Lane, Fairfax 22033

SUBDIVISION: Greenbriar

PARCEL: 45-1 ((3)) (61) 5

LOT SIZE: 10,640 square feet

ZONING: R-3, Cluster

ZONING ORDINANCE PROVISION: 8-922 and 8-914

PROPOSAL: To permit reduction of certain yard requirements to permit construction of addition 14.3 ft. from rear lot line, and to permit a reduction in minimum yard requirements based on error in building location to permit an accessory storage structure to remain 2 ft. from the side lot line and 1.6 ft. from the rear lot line

STAFF RECOMMENDATIONS: Staff recommends approval of SP 2014-SP-044 for the reduction of certain yard requirements to permit construction of a sunroom addition, subject to the proposed conditions set forth in Appendix 1.

Carmen Bishop

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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

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.

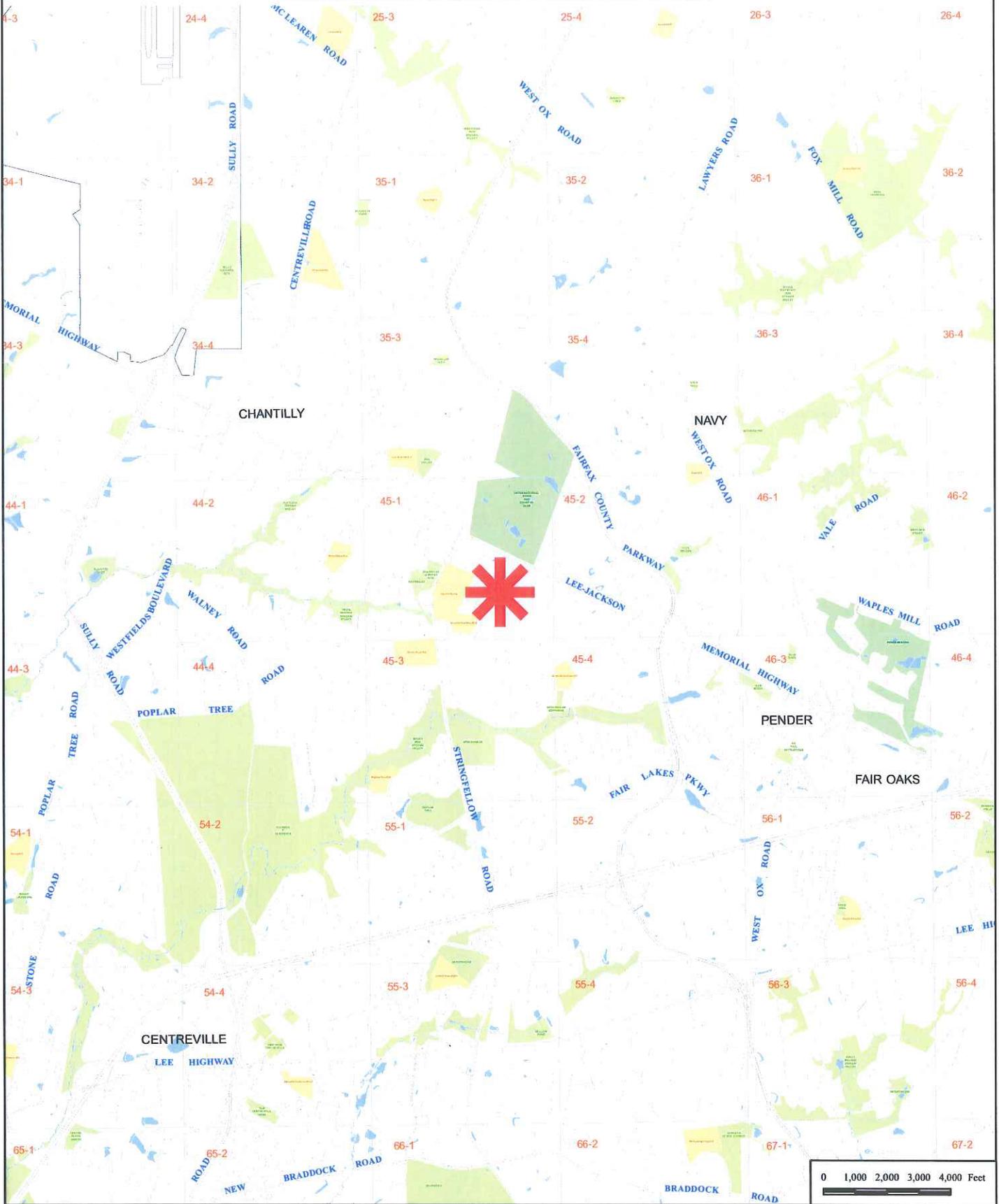
It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290. **Board of Zoning Appeals meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035.**



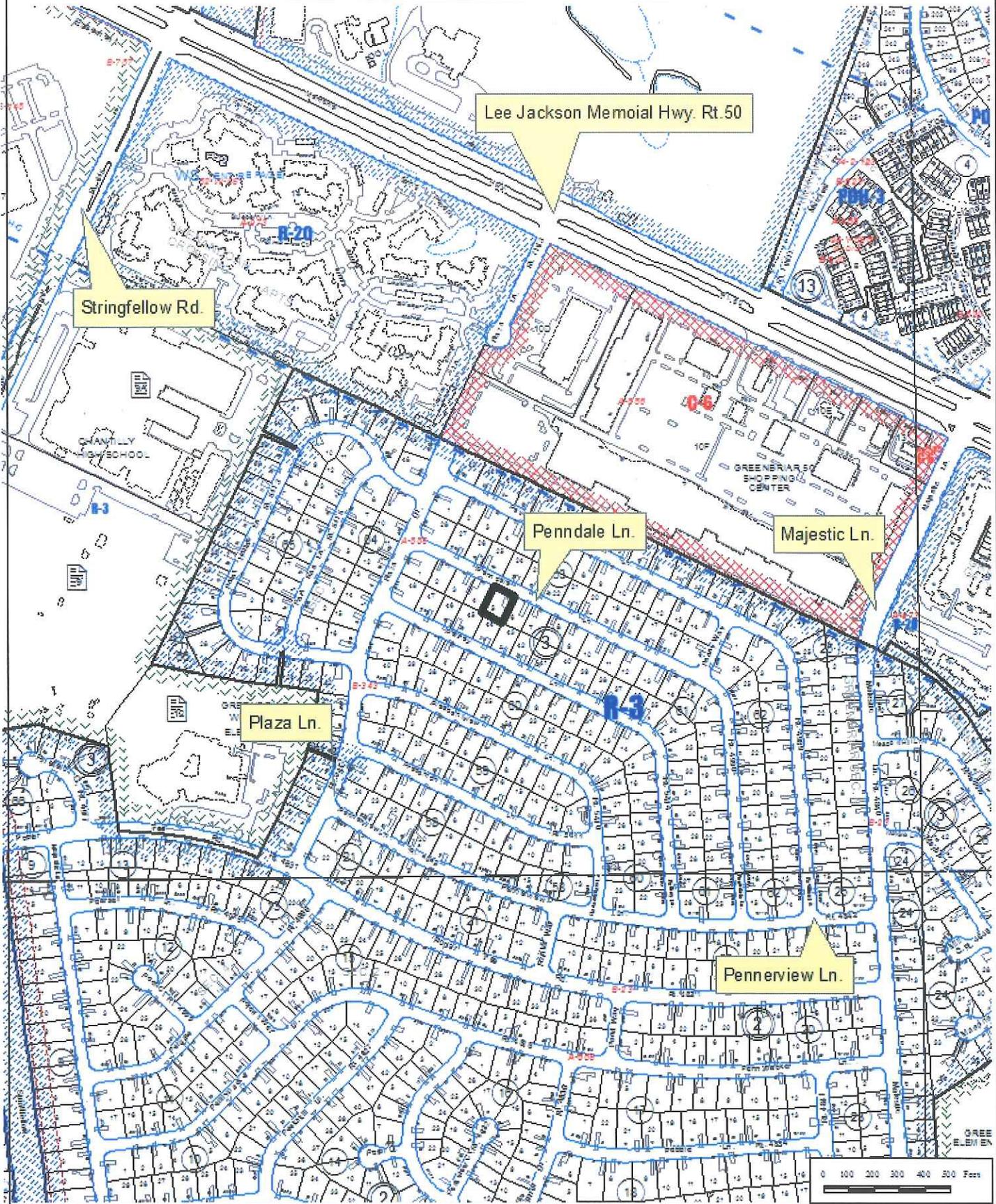
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2014-SP-044
JOSEPHINE S. LOWE, TRUSTEE



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

Special Permit
SP 2014-SP-044
JOSEPHINE S. LOWE, TRUSTEE



GENERAL NOTES

1. THIS PROPERTY IS LOCATED ON TAX MAP 0451 03810005 AND IS ZONED R-3C.
2. NO TITLE REPORT FURNISHED. THERE ARE NO UTILITY EASEMENTS 25 FEET WIDE OR GREATER AND NO MAJOR UNDERGROUND UTILITY EASEMENTS PER RECORD PLAT.
3. BOUNDARY INFORMATION TAKEN FROM RECORD PLAT RECORDED AT DEED BOOK 3413, PAGE 486. DATE OF CONSTRUCTION FOR DWELLING: 1971. SHED CONSTRUCTION DATE UNKNOWN.
4. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. THERE ARE NO KNOWN CEMETERIES OR PLACES OF BURIAL ON SITE.
6. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
7. ALL EXISTING IMPROVEMENTS ON-SITE TO REMAIN UNLESS OTHERWISE NOTED.
8. THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES TO BE GENERATED, UTILIZED, STORED, TREATED AND / OR DISPOSED OF ON-SITE.
9. THE DEVELOPMENT PROPOSED HEREON CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS, EXCEPT AS NOTED. ANY WAIVER EXCEPTION OR VARIANCE SOUGHT BY THE APPLICANT HAS BEEN SPECIFICALLY NOTED IN THIS SUBMISSION.

SETBACKS - ZONED R-3C

FRONT = 20'
 SIDE = 5', BUT A TOTAL MINIMUM OF 20'
 REAR = 25'

OWNER

JOSEPHINE LOWE
 13143 PENNDALE LANE
 FAIRFAX, VA 22033

F.A.R.

EXISTING G.P.A. = 1050 / 10,640 = 0.1833 (10.33%)
 PROPOSED G.P.A. = 2,112 / 10,640 = 0.1985 (19.85%)
 % GFA INCREASE 10.52% - 10.53% = 1.32%

SPECIAL USE PERMIT

LOT 5
 BLOCK 61
 SECTION SEVENTEEN
 GREENBRIAR
 DEED BOOK 3413, PAGE 486

RECEIVED
 Department of Planning & Zoning
 FEB 9 0 2014
 Zoning Evaluation Division

SCALE: 1" = 30'
 DATE: 07-22-2013
 REVISED 11-09-2013
 REVISED 12-03-2013
 REVISED 02-20-2014

HAROLD A. LOGAN ASSOCIATES P.C.
 LAND SURVEYING - SITE PLANNING - SUBDIVISION DESIGN
 9114 INDUSTRY DRIVE
 MANASSAS PARK, VA 20111 (703) 330-1988 FAX 690-8132

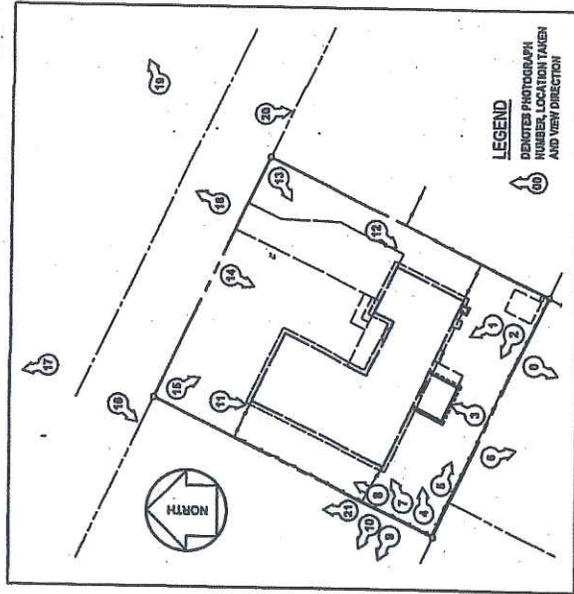
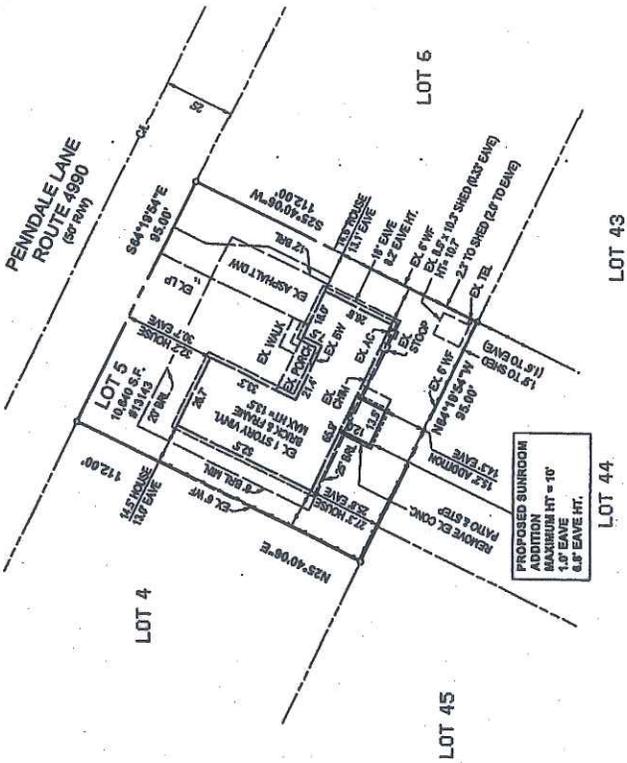


PHOTO LOCATION PLAN
 SCALE: 1" = 30'

LEGEND

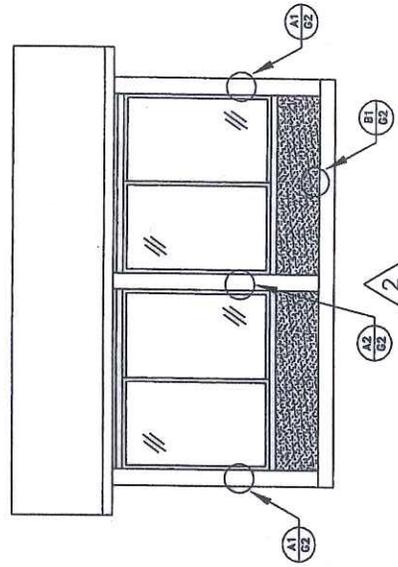
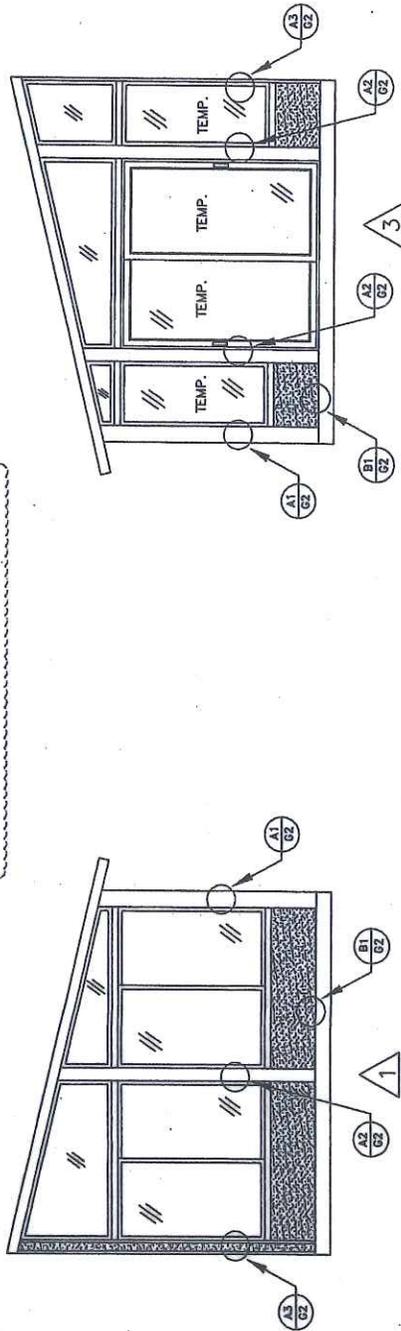
- AC = AIR CONDITIONER
- BRL = BUILDING RESTRICTION LINE
- CHM = CHIMNEY
- DW = DRIVEWAY
- DW = DRIVEWAY
- DW = DRIVEWAY
- WF = WOOD FENCE

LEGEND

- NUMBER PHOTOGRAPH
- NUMBER LOCATION TAGS
- AND VIEW DIRECTION

ELEVATIONS

THIS DIMENSION (83") IS THE MINIMUM MULLION HEIGHT AT BEARING WALL USED IN THE LATERAL LOAD CALCULATIONS



- MINIMUM DESIGN LOADS:**
DEAD LOADS:
 1) ROOF: 6 PSF
 2) WALLS: 5 PSF
- LIVE LOADS:**
 1) ROOF: 30 PSF
 2) WALLS: 90 MPH - 3 SEC. WIND GUST
- DEFLECTION LIMITS:**
 1) ROOF: L/180
 2) WALLS: L/175

TOTAL WEIGHT OF PRODUCTS: 1689 lbs.

THESE DRAWINGS ARE VALID ONLY WITH ORIGINAL WALZ ENGINEERING STAMP, ENGINEER SIGNATURE & SEAL. ANY REVISIONS TO THESE DRAWINGS MUST BE MADE IN THE TITLE BLOCK OF THESE DRAWINGS. NO PHOTOCOPY OR THIRD PARTY ENGINEER SEAL OR SIGNATURE IS ACCEPTABLE AND MAKES THESE DRAWINGS VOID.

COMMONWEALTH OF VIRGINIA
 Lic. No. 033140
 ZEVN B. UZMAN
 PRINTED, SIGNED AND SEALED ON: 5/21/13

PROFESSIONAL ENGINEER
 ZEVN UZMAN P.E.

WALZ ENGINEERING LLC
 48649 VAN DYKE AVE

FILE # CWC-AN-LOWE
 DEALER: CHAMPION OF GAITHERSBURG
 DATE: 05/16/13
 LOWE
 13143 PENNDALE
 FAIRFAX, VA 22033
 P

SHEET
 2 OF 4



14

Front of house



02

Rear yard facing northwest



05

Rear yard facing southeast



03

Rear of house; patio location of proposed addition



Adjacent property to east, Lot 6

16



Adjacent property to west, Lot 4



Adjacent property to rear, Lot 44

DESCRIPTION OF THE APPLICATION

The applicant requests approval of a Special Permit to allow a reduction of certain yard requirements to permit construction of a 162-square foot sunroom addition to an existing single family detached dwelling, 14.3 feet from the rear lot line. The applicant also requests approval of a reduction of the minimum yard requirements based on errors in building location to permit an accessory storage structure (shed) to remain 2.0 feet from the eastern side lot line and 1.6 feet from the rear lot line.

A reduced copy of the Special Permit Plat, titled "Special Use Permit Lot 5 Block 61 Section Seventeen Greenbriar" prepared by Harold A. Logan Associates P.C., dated February 20, 2104, architectural drawings and photographs provided by the applicant are included at the front of this report.

LOCATION AND CHARACTER

The 10,640-square foot subject property is located on Penndale Lane in the Greenbriar subdivision. The property and surrounding area are zoned R-3 and developed under the cluster provisions of the Zoning Ordinance.



Figure 1: Subject Property, Source: Fairfax County GIS, 2013 Imagery

The one-story brick and vinyl dwelling was constructed in 1971, and consists of approximately 2,300 square feet, including the attached one-car garage. The west side and rear portions of the lot are enclosed with a six-foot high wood fence. A patio, accessed by a sliding glass door, extends from the rear of the dwelling. A shed is located in the southeast corner of the property. The property is relatively flat and is landscaped with various trees and shrubs.

The present owner purchased the property in 2005, and the shed was existing at that time. The application states that the construction date of the shed is unknown. No complaints have been filed with the Department of Code Compliance. The property is not subject to proffers or development conditions. Information outlining similar requests in the vicinity of the applicant's property is included in Appendix 4.

DESCRIPTION OF THE REQUESTS

Reduction of the minimum yard requirements based on errors in building location:

The shed was existing on the property when it was purchased by the present owner in 2005. The shed is 87.55 square feet and measures 8.5' x 10.3' x 10.7' high. It is located 1.6 feet from the rear lot line and 2.0 feet from the side lot line (measured to the eaves). Sect. 10-104(10)E of the Zoning Ordinance provides that an accessory storage structure which exceeds 8.5 feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line. Accordingly, the shed is required to be 10.7 feet from the rear lot line and eight feet from the side lot line. The applicant requests an 85 percent reduction for the rear yard, and an 80 percent reduction for the side yard. The applicant has indicated that the shed is served by electricity; however, staff has been unable to confirm that appropriate permits were issued.

Reduction of certain yard requirements:

The applicant requests approval to construct a 162-square foot sunroom 14.3' from the rear property line (measured to the eave). The rear yard for the R-3 District developed in accordance with the cluster provisions is 25 feet. The applicant's request is for a 43 percent reduction. The dimensions of the addition are 12.0' x 13.5' x 10' high. The dwelling is situated 25.8 feet from the rear property line, so a special permit would be required for any addition to the rear of the house. The proposed sunroom would be located over the existing patio and consist of white aluminum to match the dwelling.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Bull Run Planning District,
Stringfellow Community Planning Sector
Plan Map: Residential, 2-3 du/ac
Text: No specific text

Zoning Ordinance Requirements

The application must meet the standards of the following sections of the Zoning Ordinance, which are included in Appendix 5:

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

The standards, as they relate to the request for reduction of yard requirements for the sunroom, are discussed below.

Sect. 8-006, General Special Permit Standards

The General Standards require the proposed use to be in harmony with the comprehensive plan and the general purpose and intent of the zoning district, not adversely affect the use or development of neighboring properties, not create hazardous pedestrian or vehicular traffic, be served by adequate facilities, and comply with Zoning Ordinance standards for landscaping, open space, parking and signage. In staff's opinion, the proposed reduction in the rear yard requirement for the sunroom addition satisfies these standards.

Sect. 8-903, Group 9 Standards

The Standards for all Group 9 Uses address lot size and bulk regulations, performance standards and site plan requirements. The subject property meets the applicable performance standards, and lot size and bulk regulations with the exception of this application. The proposed addition is not subject to site plan review.

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

This special permit application for the sunroom addition must satisfy all of the provisions contained in Sect. 8-922. 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 the remaining standards, specifically Standards 4, 6, 7, 8 and 9.

Standard 4 states that the gross floor area (gfa) of an addition to an existing principal structure may be up to 150 percent of the total gfa of the principal structure that existed at the time of the first expansion request. For the purpose of this Standard, gfa includes the floor area of any attached garage. This application is the first expansion request. The existing dwelling, including garage, is approximately 2,300 square feet. Therefore, 150 percent of the total gfa could result in additions up to 3,450 square feet for a possible total square footage at build out of 5,750 square feet. The proposed addition is 162 square

feet, representing seven percent of the gfa of the principal structure, and resulting in a total square footage of the house with the addition of 2,462 square feet. Therefore, the application meets this provision.

Standard 6 requires that the BZA determine that the proposed development will be in character with the existing on-site uses in terms of location, height, bulk and scale. The sunroom will be constructed to the rear of the dwelling over an existing patio foundation. The existing one-story dwelling has a maximum height of 13.5 feet, and the sunroom would have a maximum height of 10 feet. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development will be in character with the surrounding uses in terms of location, height, bulk and scale of surrounding structures, topography, vegetation and the preservation of significant trees. Through aerial photography and background research, staff has confirmed that there are similar additions located in rear yards on neighboring properties. The proposed sunroom would not affect neighboring properties in terms of topography, vegetation or existing trees. In staff's opinion, the proposed modest addition meets this standard.

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 downstream stormwater complaints on file for which this lot might have an impact. DPWES also noted that additional stormwater management review will not be required. Staff believes that the proposed addition of 162 square feet over an existing patio will not significantly impact the use and/or enjoyment of any adjacent property.

Standard 9 requires the BZA to determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot, considering factors such as the layout of the existing structure, availability of alternate locations for the addition, orientation, shape of the lot, environmental characteristics, and the locations of well and/or septic fields, easements and historic resources. The location of the existing dwelling on the lot would preclude any additions to the rear without special permit approval. The location of the sunroom over the existing patio minimizes the increase in impervious surface. The side yards are not sufficient to accommodate the proposed structure, and an addition to the front of the dwelling would have a larger visual impact on neighboring properties. Other issues of lot shape, orientation, well or septic fields, easements, and environmental and historic resources are not applicable to this site. Staff believes the application meets this provision.

STAFF CONCLUSIONS

Staff believes that the request for a reduction in certain yard requirements is in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed development conditions in Appendix 1.

If it is the intent of the Board of Zoning Appeals (BZA) to approve the application for a reduction of the minimum yard requirements based on errors in building location, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report.

RECOMMENDATION

Staff recommends approval of SP 2014-SP-044 for the reduction of certain yard requirements to permit construction of a sunroom addition, subject to the proposed conditions set forth 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 applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. 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 this application.

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.

APPENDICES

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

Proposed Development Conditions**SP 2014-SP-044****July 2, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SP-044 located at 13143 Penndale Lane, Tax Map 45-1 ((3)) (61) 5, to permit reduction of certain yard requirements pursuant to Section 8-922, and reduction of the minimum yard requirements based on errors in building location pursuant to Section 8-914 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Permit is approved only for the accessory storage structure (shed) and the proposed sunroom addition as shown on the plat prepared by Harold A. Logan Associates, P.C., dated February 20, 2014, submitted with this application, and is not transferable to other land.
2. 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.
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, regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the 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. Accordingly, the 2,300-square foot existing dwelling shall not be increased by more than 3,450 square feet, for a total of 5,750 square feet. Subsequent additions that meet minimum yard requirements may be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural drawings and materials as shown on Attachment 1 to these conditions.
5. All applicable permits for the shed shall be obtained within ninety (90) days of this special permit approval.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by the Board.

This approval, contingent on the above noted conditions, shall not relieve the application 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, thirty (30) months after the date of approval unless construction of the addition 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.

FILE # CWC-AN-LOWE
 DEALER: CHAMPION OF GAITHERSBURG
 LOWE
 13143 PENNDALE
 FAIRFAX, VA 22033
 DATE: 05/16/13
 P

WALZ ENGINEERING LLC
 48649 VAN DYKE AVE

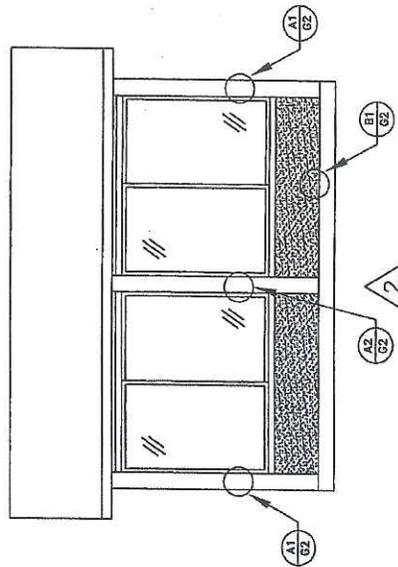
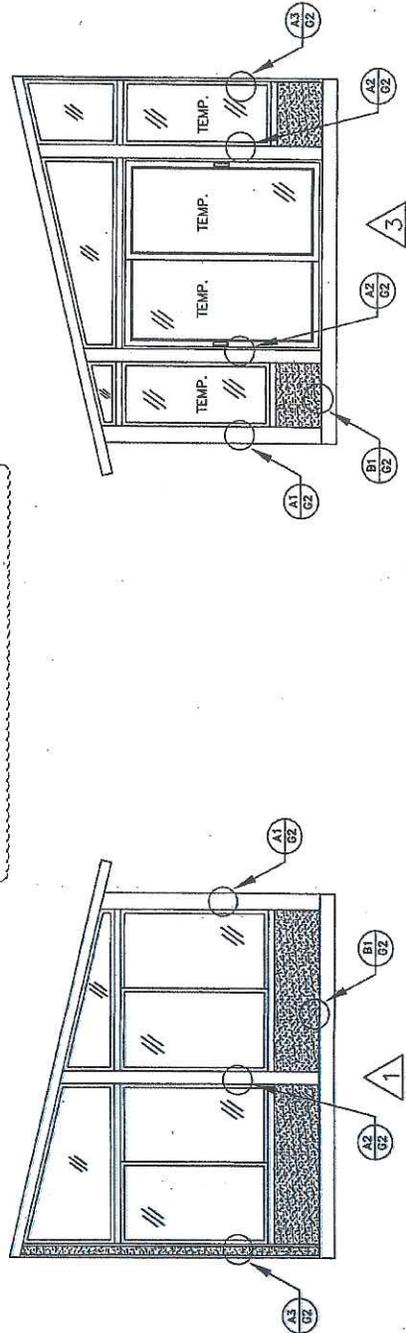
ZEYU UZMAN P.E.
 ZEYU UZMAN P.E.

COMMONWEALTH OF VIRGINIA
 Lic. No. 033140
 ZEYU B. UZMAN
 PRINTED, SIGNED AND SEALED ON: 5/21/13

THESE DRAWINGS ARE VALID ONLY WITH ORIGINAL
 WALZ ENGINEERING STAFF ENGINEER SIGNATURE &
 SEAL. VALID ENGINEER NAME WILL APPEAR ON THE
 TITLE BLOCK OF THESE DRAWINGS. NO PHOTOCOPY
 OR REPRODUCTION OF THESE DRAWINGS IS
 ACCEPTABLE AND MAKES THESE DRAWINGS VOID.

ELEVATIONS

THIS DIMENSION (83") IS THE MINIMUM
 MULLION HEIGHT AT BEARING WALL USED
 IN THE LATERAL LOAD CALCULATIONS



- MINIMUM DESIGN LOADS:
 DEAD LOADS:
 1) ROOF: 6 PSF
 2) WALLS: 5 PSF
- LIVE LOADS:
 1) ROOF: 30 PSF
 2) WALLS: 90 MPH - 8 SEC. WIND GUST
- DEFLECTION LIMITS:
 1) ROOF: L/180
 2) WALLS: L/176

TOTAL WEIGHT OF PRODUCTS: 1689 lbs.

HAROLD A. LOGAN ASSOCIATES, P.C.
Land Surveying • Subdivision Design • Site Planning
9114 Industry Drive • Manassas Park, Virginia 20111

President
Harold A. Logan
Registered Land Surveyor
Virginia • Maryland (Retired) • West Virginia (Inactive)

Phone: (703) 330-1988
Fax: (703) 690-8132

February 19, 2014

RECEIVED
Department of Planning & Zoning

Ms. Regina Coyle
Department of Planning & Zoning
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22035

FEB 20 2014
Zoning Evaluation Division

Re: Special Permit Application, Waiver of Minimum Rear Yard on Tax Map 45-1(03)(61)0005, Greenbriar Lot 5 Block 61 Section 17, Springfield District

Dear Ms. Coyle:

The following is submitted as a revised Statement of Justification for the above reference Special Permit application. The property consists of 0.2443 acres and has public street frontage on Penndale Lane. The Trustee, Josephine S. Lowe desires to construct an addition to on the rear of the existing dwelling as well as address an error in building location.

1. Type of Operation

This application is seeking a Special Permit under Section 3-307 2A(2)(c) & 3-307 2B(2) 7 (3) of the Zoning Ordinance to decrease the minimum rear yard in the R-3C zoning to 14.3' instead of the required 25' and address an error in building location for the existing 8.5' x 10.3' x 10.7' high shed that is located 2.3' from the side lot line and 1.9' from the rear lot line. The construction date of the shed is unknown. The applicant is seeking to construct a small addition on the rear of the existing dwelling and allow the existing shed to remain in place as-is. Strict application of the ordinance would completely deny the applicant of full use and enjoyment of their Property. The authorization of the Special Permit would not be any detriment to the adjacent property owners. Further, the character of the zoning district would not be changed by the granting of this Special Permit would be in harmony with the intended spirit and purposes of the zoning ordinance and would not be contrary to public interest.

2. Hours of Operation

The Special Permit is required to permit the proposed residential addition and address an error in building location. No commercial uses are proposed; therefore the "hours of operation" is not applicable.

3. Estimated Number of Patrons/Clients/Patients/Pupils/Etc.

The Special Permit is required to permit the proposed residential addition and address an error in building location. No commercial uses are proposed; this section is not applicable.

4. Proposed Number of Employees/Attendants/Teachers/Etc.

The Special Permit is required to permit the proposed residential addition and address an error in building location. No commercial uses are proposed; this section is not applicable.

5. Estimation of Traffic Impact of the Proposed Use, Including the Maximum Expected Trip Generation and the Distribution of Such Trips by Mode and Time of Day

The subject property currently contains one single-family detached house. There is no proposed increase in vehicle traffic.

6. Vicinity of General Area to be Served by the Use

The Special Permit is required to permit the proposed residential addition and address an error in building location. No commercial uses are proposed; this section is not applicable.

7. Description of Building Façade and Architecture of Proposed New Building Additions.

The proposed addition on the subject property will be consistent with the surrounding architecture.

8. A listing of All Hazardous or Toxic Substances

To the best of our knowledge, the subject property does not contain any hazardous or toxic substances. There is an existing residential style oil tank onsite that will be removed according to all Federal, State and local requirements and regulations.

9. A statement of How the Proposed use Conforms to the Provision of All Applicable Ordinances, Regulations, Adopted Standards and Any Applicable Conditions

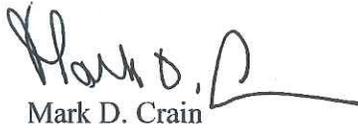
The subject property and proposed use will conform to the provision of all applicable ordinances, regulations, adopted standards and any applicable conditions, except for those Special Permit conditions requested as part of this application.

In addition to the items listed above, the application proposes to meet the following general standards:

All applicable ordinance and requirements will be met with this application.

If you have any questions, please feel free to contact me.

Sincerely,


Mark D. Crain

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/26/2014
 (enter date affidavit is notarized)

123635

I, Mark D. Crain, 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)
Josephine S. Lowe, Trustee of the Josephine S. Lowe Revocable Trust for the benefit of:	13143 Penndale Lane Fairfax, VA 22033	Applicant/Title Holder
Carol L. Aubrey	14389 Gulliver Road Centreville, VA 20120	Beneficiary of Josephine S. Lowe Revocable Trust
Harold A. Logan Associates, PC	9114 Industry Drive Manassas Park, VA 20111	Agent
Harold A. Logan	9114 Industry Drive Manassas Park, VA 20111	Agent
Mark D. Crain	9114 Industry Drive Manassas Park, VA 20111	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)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

123635

DATE: 2/26/2014
(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)
- Harold A. Logan Associates, PC 9114 Industry Drive Manassas Park, VA 20111

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)

- Harold A. Logan

(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)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/26/2014
(enter date affidavit is notarized)

123635

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): _____
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/26/2014
(enter date affidavit is notarized)

123635

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: 2/26/2014
(enter date affidavit is notarized)

123635

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)

Mark D. Crain

[] Applicant

[x] Applicant's Authorized Agent

Mark D. Crain

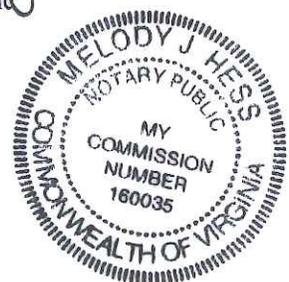
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 26th day of February 2014, in the State/Comm. of Virginia, County/City of Manassas.

My commission expires:

October 31, 2016

Melody J. Hess
Notary Public



Similar Case History

Run date: 5/6/2014 5:38:51PM

Report Description: Search for zoning cases using a specified grid, quad, and double-circle range of tax map numbers. This report is the same as the Tax Map Double Circle Range Search, Short Form except that the tax map numbers are in the main report. This report does not include comprehensive tax map history.

Tax Map Range: 0451 ((03)) - ((03))

Case Types: ALL

Group: 86-P -126

VC 86-P -126

APPLICANT: JACK E SCHMAUTZ
STATUS: APPLICATION APPROVED
STATUS/DECISION 03/03/1987
ZONING DISTRICT: R- 3
DESCRIPTION: TO ALLOW CONSTRUCTION OF GLASS-ENCLOSED PORCH 15.3 FEET FROM REAR LOT LINE (25 FEET MIN. REQUIRED)
LOCATION: 4104 MAJESTIC LANE
TAX MAP #S:
 0451 03250003

Group: 88-P -041

VC 88-P -041

APPLICANT: SHERMAN NEAL
STATUS: APPLICATION DENIED
STATUS/DECISION 07/15/1988
ZONING DISTRICT: R- 3
DESCRIPTION: ALLOW 6 FT. HIGH FENCE TO REMAIN IN A FRONT YARD (4 FEET MAXIMUM HEIGHT FOR FENCE IN A FRONT YARD)
LOCATION: 4104 PEONY WAY
TAX MAP #S:
 0451 03630015

Group: 91-Y -073

VC 91-Y -073

APPLICANT: JIM ZARIN
STATUS: APPLICATION APPROVED
STATUS/DECISION 09/18/1991
ZONING DISTRICT: R- 3
DESCRIPTION: TO ALLOW CONSTRUCTION OF AN ADDITION TO 16 FEET FROM THE REAR LOT LINE (25 FT. MIN. REQUIRED)
LOCATION: 13154 PAVILION LANE
TAX MAP #S:
 0451 03250041

Group: 96-Y -119

VC 96-Y -119

APPLICANT: JACOBSON, MURRAY
STATUS: APPLICATION APPROVED
STATUS/DECISION 12/04/1996
ZONING DISTRICT: R- 3
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 16.9 FT. FROM REAR LOT LINE
LOCATION: 13126 PENNDALE LANE
TAX MAP #S:
0451 03630016

Group: 2002-SP-184

VC 2002-SP-184

APPLICANT: ROBERT E GRIESEMER
STATUS: APPLICATION DENIED
STATUS/DECISION 02/05/2003
ZONING DISTRICT: R- 3
DESCRIPTION: TO PERMIT CONSTRUCTION OF FENCE GREATER THAN 4.0 FEET AND ACCESSORY STRUCTURE IN FRONT YARD ON A LOT CONTAINING 36,000 SQUARE FEET OR LESS
LOCATION: 4103 PLAZA LANE
TAX MAP #S:
0451 03630001

Group: 2011-SP-018

SP 2011-SP-018

[STAFF REPORT](#)

[LOCATOR MAP](#)

APPLICANT: JOANNE M. MORGAN
STATUS: APPLICATION APPROVED
STATUS/DECISION 05/25/2011
ZONING DISTRICT: R- 3
DESCRIPTION: MODIFICATION TO THE MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 0.9 FEET FROM THE REAR LOT LINE AND 1.3 FEET FROM THE SIDE LOT LINE AND FENCE GREATER THAN 4 FEET IN HEIGHT TO REMAIN IN THE FRONT YARD
LOCATION: 4201 PLAZA LANE
TAX MAP #S:
0451 03590001

ZONING ORDINANCE PROVISIONS**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, Par 2 and 3

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 or modification under the provisions of this Section, the BZA shall allow only a reduction or modification 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.

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 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.
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 Emergency Management Agency, 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.