APPLICATIONS ACCEPTED: May 19, 2014
BOARD OF ZONING APPEALS: August 6, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 30, 2014

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-MV-071
CONCURRENT WITH VARIANCE NO. VC 2014-MV-006

MOUNT VERNON DISTRICT

APPLICANT/OWNER:	Stephen P. Hufnagel
SUBDIVISION:	Belle Haven Estates
STREET ADDRESS:	6627 Skyline Court, Alexandria, 22307
TAX MAP REFERENCE:	93-1 ((25)) (4) 10
LOT SIZE:	9,790 square feet
ZONING DISTRICT:	R-4, H-C
ZONING ORDINANCE PROVISIONS:	8-914, 8-922, 8-923 & 18-401
SPECIAL PERMIT PROPOSALS:	Reduction to minimum yard requirements based on error in building location to permit patios to remain 1.7 ft. and 2.8 ft. from a side lot line. To permit reduction of certain yard requirements to permit construction of addition 22.7 ft. from front lot line. To permit an existing wall greater than 4.0 ft. in height to remain in the front yard.
VARIANCE PROPOSAL:	To permit addition 13.8 ft. from front lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-MV-071 with adoption of the proposed development conditions contained in Appendix 1.

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/

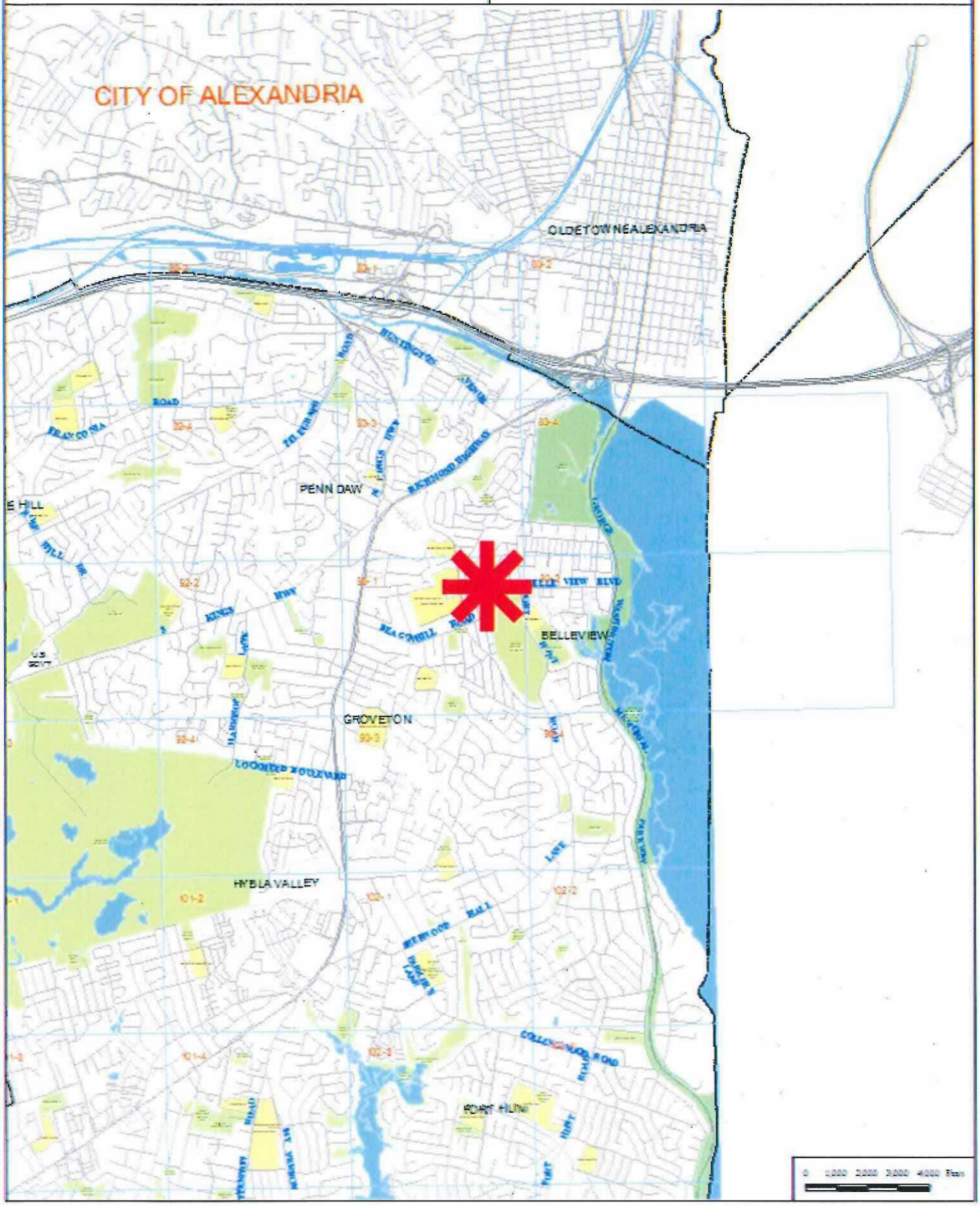
It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 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**.

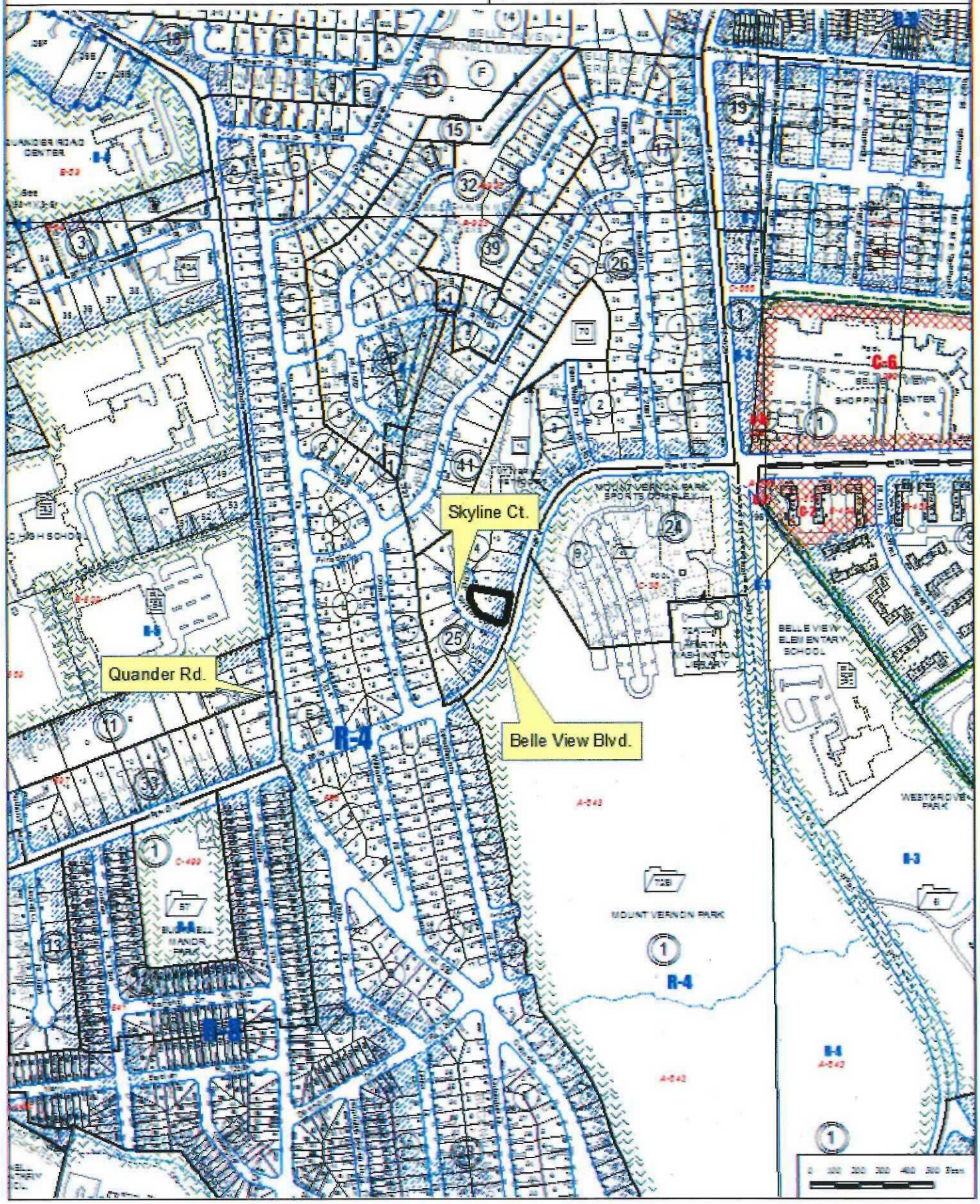
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

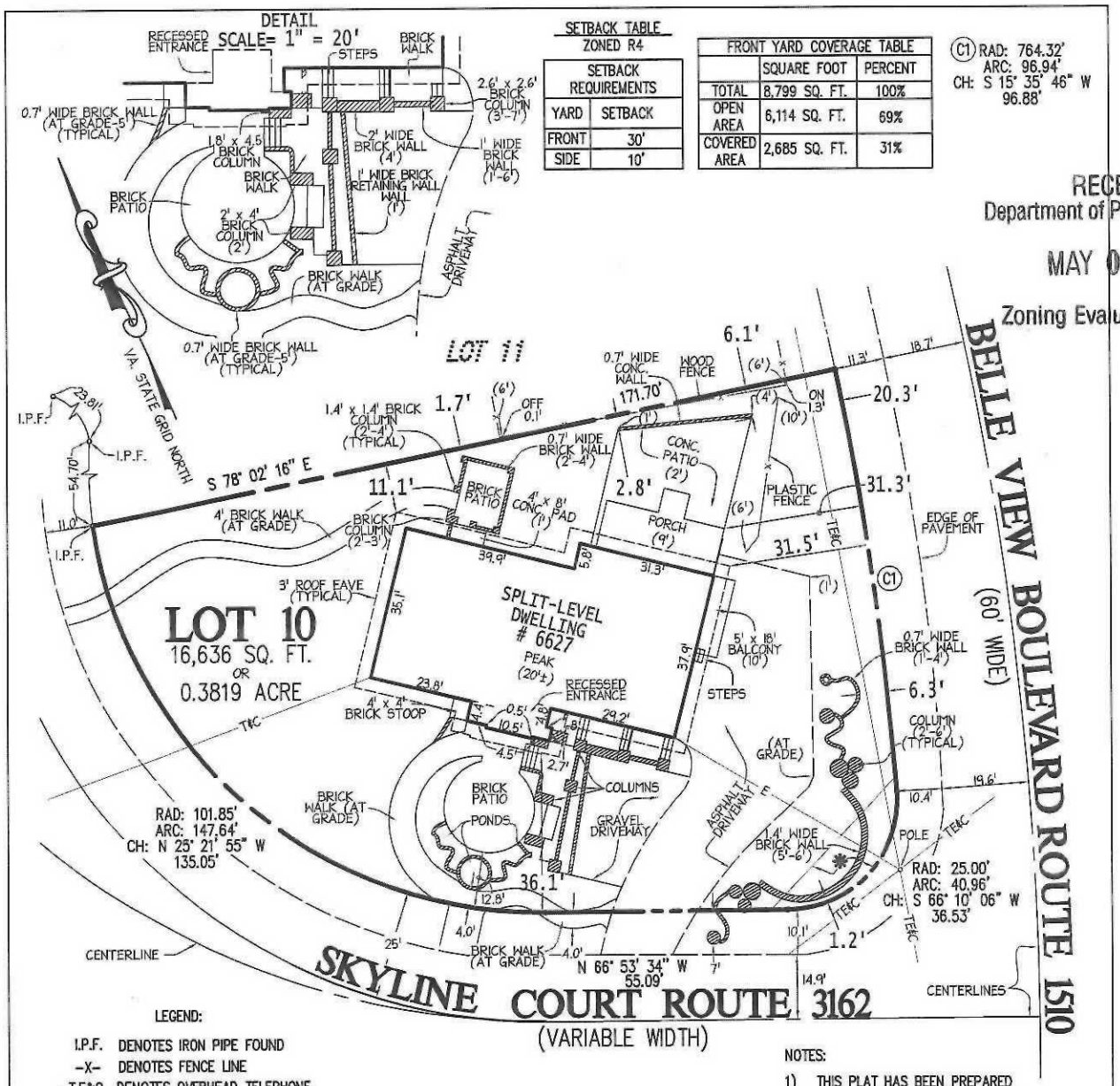
Special Permit	Variance Application
SP 2014-MV-071	VC 2014-MV-006
STEPHEN HUFNAGEL	STEPHEN HUFNAGEL



Special Permit
SP 2014-MV-071
STEPHEN HUFNAGEL

Variance Application
VC 2014-MV-006
STEPHEN HUFNAGEL





SETBACK TABLE
ZONED R4

SETBACK REQUIREMENTS	
YARD	SETBACK
FRONT	30'
SIDE	10'

FRONT YARD COVERAGE TABLE		
	SQUARE FOOT	PERCENT
TOTAL	8,799 SQ. FT.	100%
OPEN AREA	6,114 SQ. FT.	69%
COVERED AREA	2,685 SQ. FT.	31%

RECEIVED
Department of Planning & Zoning
MAY 07 2014
Zoning Evaluation Division

LEGEND:

- I.P.F. DENOTES IRON PIPE FOUND
- –X– DENOTES FENCE LINE
- –T,E&C– DENOTES OVERHEAD TELEPHONE, ELECTRIC, AND CABLE LINES
- B.R.L. DENOTES BUILDING RESTRICTION LINES
- N/F DENOTES NOW OR FORMERLY
- (2') DENOTES HEIGHT ABOVE GRADE

✱ SIGHT DISTANCE AREA AS DESCRIBED IN ZONING REGULATION 2-505

COMMONWEALTH OF VIRGINIA
TIMOTHY J. FARRELL
Lic. No. 2683
2/11/13
LAND SURVEYOR

NOTES:

1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON F.E.M.A. MAP# 51059C0315E EFFECTIVE DATE: SEPTEMBER 17, 2010
3) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 093-1-25-04-0010
4) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 1224, PAGE 130 (UNLESS NOTED OTHERWISE).
5) PROPERTY SERVED BY PUBLIC WATER AND SEWER.
6) NO BURIAL SITES ON LOT PER RECORD PLAT.
7) NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE FEET OR MORE PER RECORD PLAT.

VARIANCE PLAT

LOT 10

SECTION ONE, BLOCK 4

BELLE HAVEN ESTATES

MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA

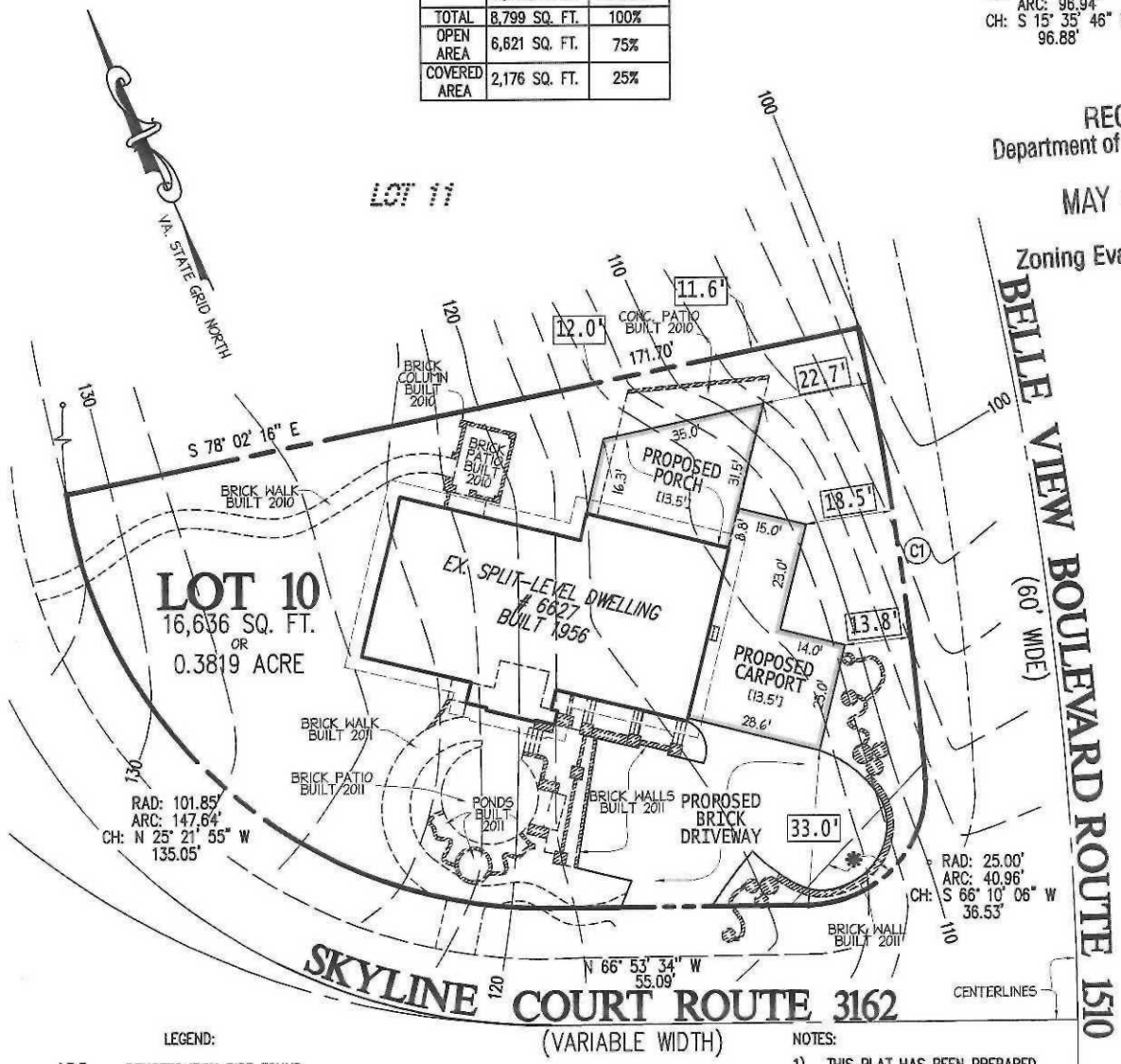
SHEET 1 OF 2
SHOWING EXISTING IMPROVEMENTS

B.W. SMITH AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYING
MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

TJF	REVISION: 7/16/13 (COUNTY COMMENTS)		FIELD CREW: D. CONRAD
	REVISION: 8/5/13 (COUNTY COMMENTS)		REVISION: 2/19/13 (PROPOSED IMPROVEMENT)
	REVISION: 4/30/14 (ROAD NAME & SEAL)		REVISION: 6/28/13 (COUNTY COMMENTS)
			JOB# 20130266
DFT: R.D.P.	CHK: M.K.S.	NO TITLE REPORT FURNISHED	SCALE= 1" = 25'	DATE: 02/11/13

FRONT YARD COVERAGE TABLE		
	SQUARE FOOT	PERCENT
TOTAL	8,799 SQ. FT.	100%
OPEN AREA	6,621 SQ. FT.	75%
COVERED AREA	2,176 SQ. FT.	25%

RECEIVED
Department of Planning & Zoning
MAY 07 2014
Zoning Evaluation Division



LEGEND:

I.P.F.	DENOTES IRON PIPE FOUND
--X--	DENOTES FENCE LINE
N/F	DENOTES NOW OR FORMERLY
1'	DENOTES PROPOSED SWING
------	DENOTES EXISTING IMPROVEMENTS
[1']	DENOTES PROPOSED HEIGHT ABOVE GRADE

COMMONWEALTH OF VIRGINIA
TIMOTHY J. FARRELL
Lic. No. 2683
2/11/13
LAND SURVEYOR

✱ SIGHT DISTANCE AREA AS DESCRIBED IN ZONING REGULATION 2-505

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8) CONTOURS SHOWN WHERE ESTABLISED FROM FAIRFAX COUNTY GIS MAPPER.

VARIANCE PLAT

LOT 10

SECTION ONE, BLOCK 4

BELLE HAVEN ESTATES

MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA

SHEET 2 OF 2
SHOWING PROPOSED IMPROVEMENTS

B.W. SMITH AND ASSOCIATES, INC. PROFESSIONAL LAND SURVEYING MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996 TJF	REVISION: 7/16/13 (COUNTY COMMENTS)		FIELD CREW: D. CONRAD
	REVISION: 8/5/13 (COUNTY COMMENTS)		REVISION: 2/19/13 (PROPOSED IMPROVEMENT)
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			JOB# 20130266
DFT: R.D.P.	CHK: M.K.S.	NO TITLE REPORT FURNISHED	SCALE= 1" = 25'	DATE: 02/11/13

Carport and Porch Addition,
Building Permit # 130070087, 7 January 2013,
Stephen Hufnagel PhD, Designer, Owner, Builder, IT System Engineer

6627 Skyline Ct, Alexandria, VA. 22307

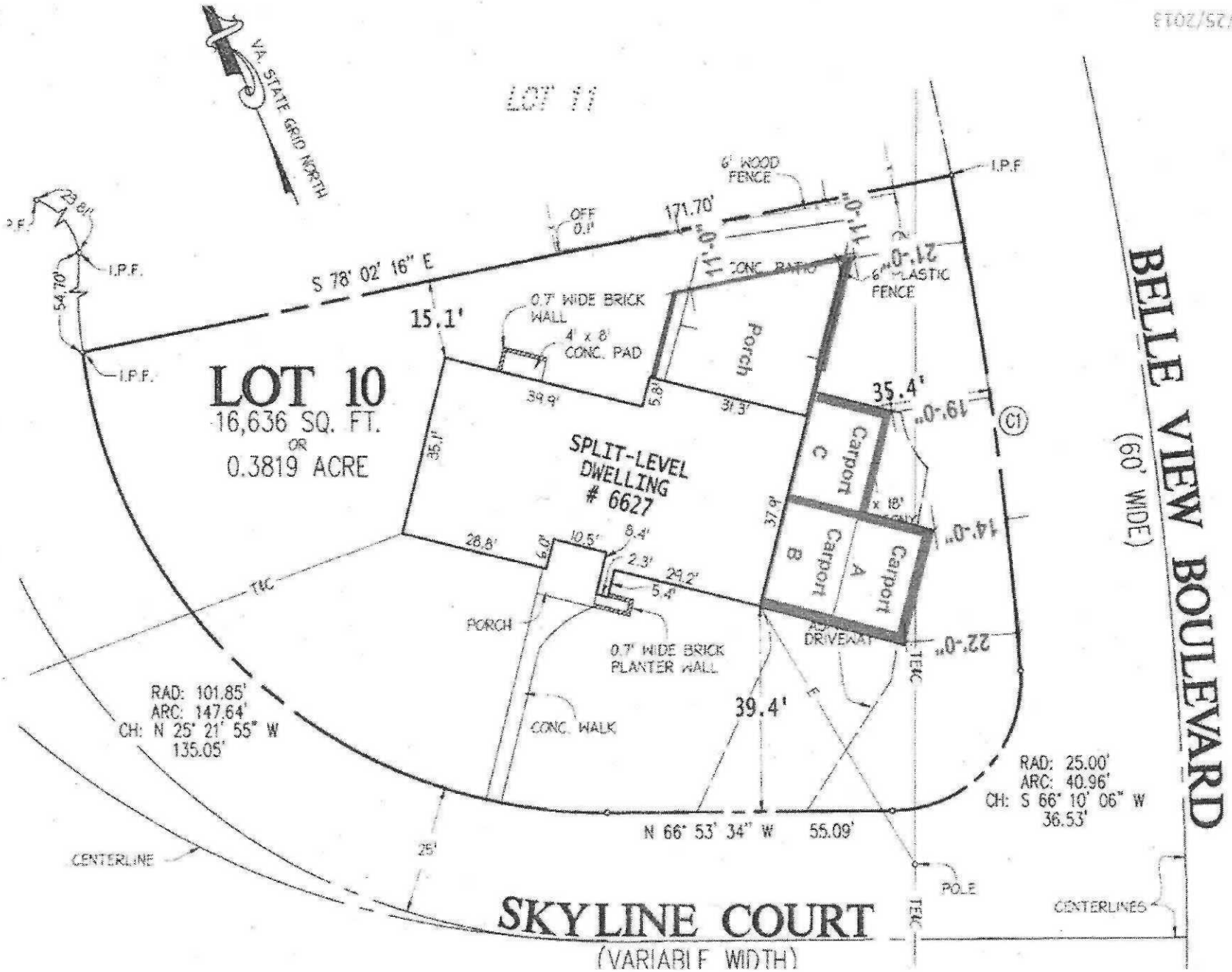
BELLE HAVEN ESTS, LT 10 BLK 4 SEC 1

MT VERNON DIST. #1, Map # 0931 25040010, Tax District 60100

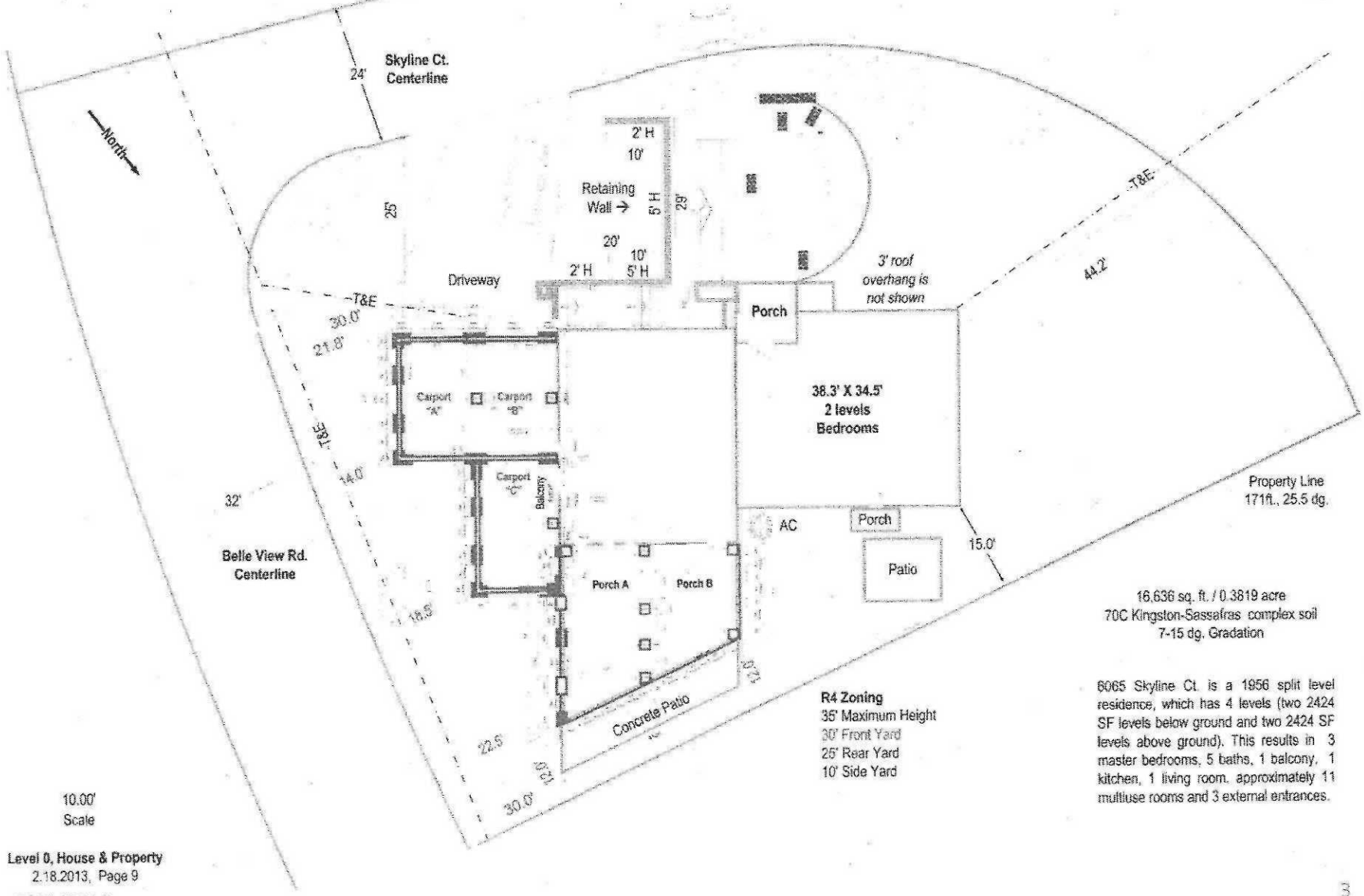
The Objective of this package is a Special Permit for a 1956 two-street corner lot R4 zoned residence, for an carport – porch addition, which is 14' from one of the boundary roads. vs. the 30' zoning requirement.

RECEIVED
Department of Planning & Zoning
MAR 0 4 2014
Zoning Evaluation Division

- 2009 International Residential Code used for the design
- approximately 625 square feet porch
- Approximately 644 square feet per Carport Unit
- brick& cinder block wall construction
  - Following Fairfax County Typical Carport Enclosure Details
- flat "deck" roof
  - Following Fairfax County Typical Deck Details
- Foundation
  - Following Fairfax County, Virginia Typical Retaining Wall Details


VA. STATE GRID NORTH
LOT 11
6' WOOD FENCE
I.P.F
OFF 0.1'
171.70'
11'-0"
21'-0"
CONC. RATIO
6' PLASTIC FENCE
S 78° 02' 16" E
I.P.F.
54.70'
15.1'
0.7' WIDE BRICK WALL
4' x 8' CONC. PAD
Porch
LOT 10
16,636 SQ. FT.
OR
0.3819 ACRE
SPLIT-LEVEL DWELLING # 6627
35.4'
19'-0"
C1
Carport C
Carport B
Carport A
x 18' ENV
14'-0"
22'-0"
DRIVEWAY
PORCH
0.7' WIDE BRICK PLANTER WALL
CONC. WALK
39.4'
RAD: 101.85'
ARC: 147.64'
CH: N 25° 21' 55" W
135.05'
RAD: 25.00'
ARC: 40.96'
CH: S 66° 10' 06" W
36.53'
N 66° 53' 34" W 55.09'
CENTERLINE
POLE
CENTERLINES
BELLE VIEW BOULEVARD
(60' WIDE)
SKYLINE COURT
(VARIABLE WIDTH)

6627 Skyline Ct, Alexandria, VA. 22307
BELLE HAVEN ESTS, LT 10 BLK 4 SEC 1
MT VERNON DIST. #1, Map # 0931 25040010, Tax District 60100



16,636 sq. ft. / 0.3819 acre
70C Kingston-Sassafras complex soil
7-15 dg. Gradation

R4 Zoning
35' Maximum Height
30' Front Yard
25' Rear Yard
10' Side Yard

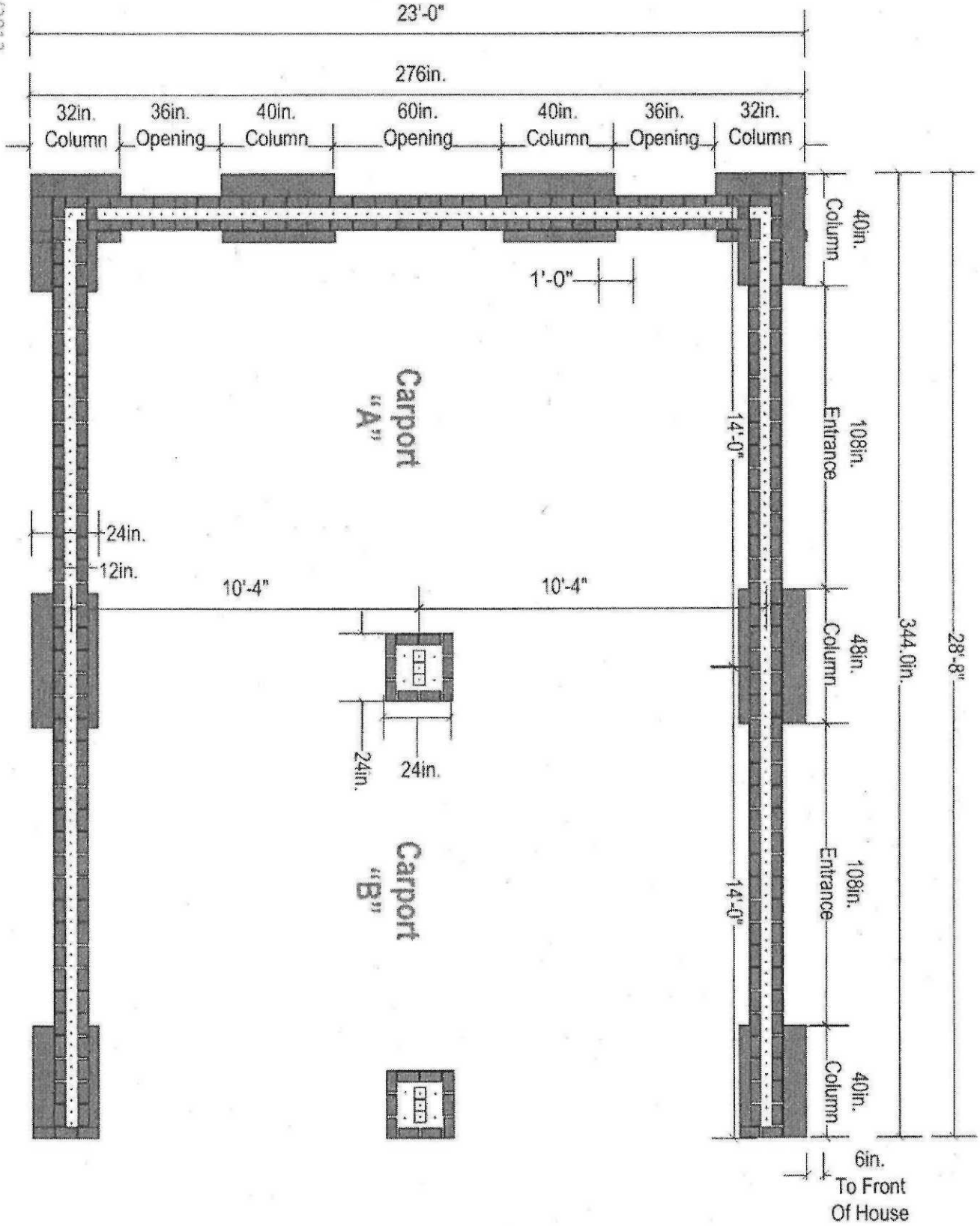
6065 Skyline Ct. is a 1956 split level residence, which has 4 levels (two 2424 SF levels below ground and two 2424 SF levels above ground). This results in 3 master bedrooms, 5 baths, 1 balcony, 1 kitchen, 1 living room, approximately 11 multiuse rooms and 3 external entrances.

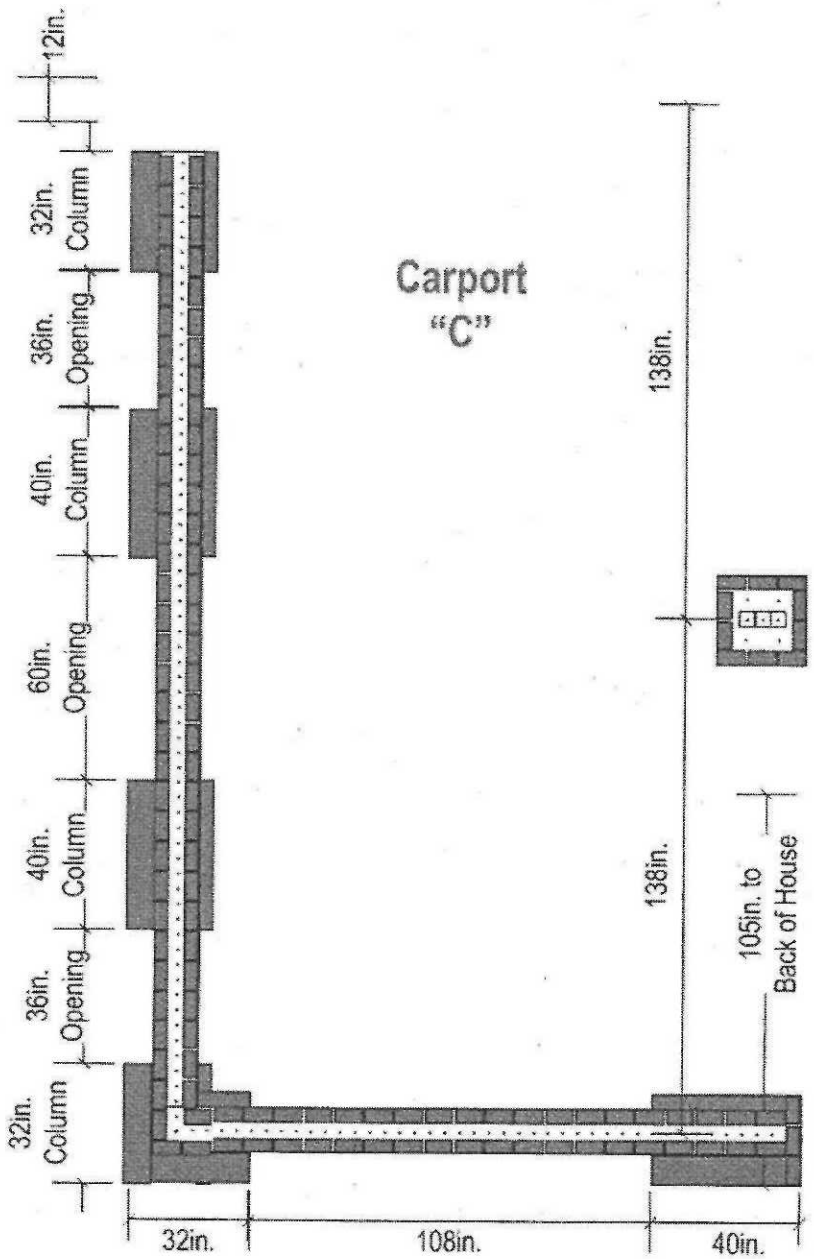
10.00'
Scale

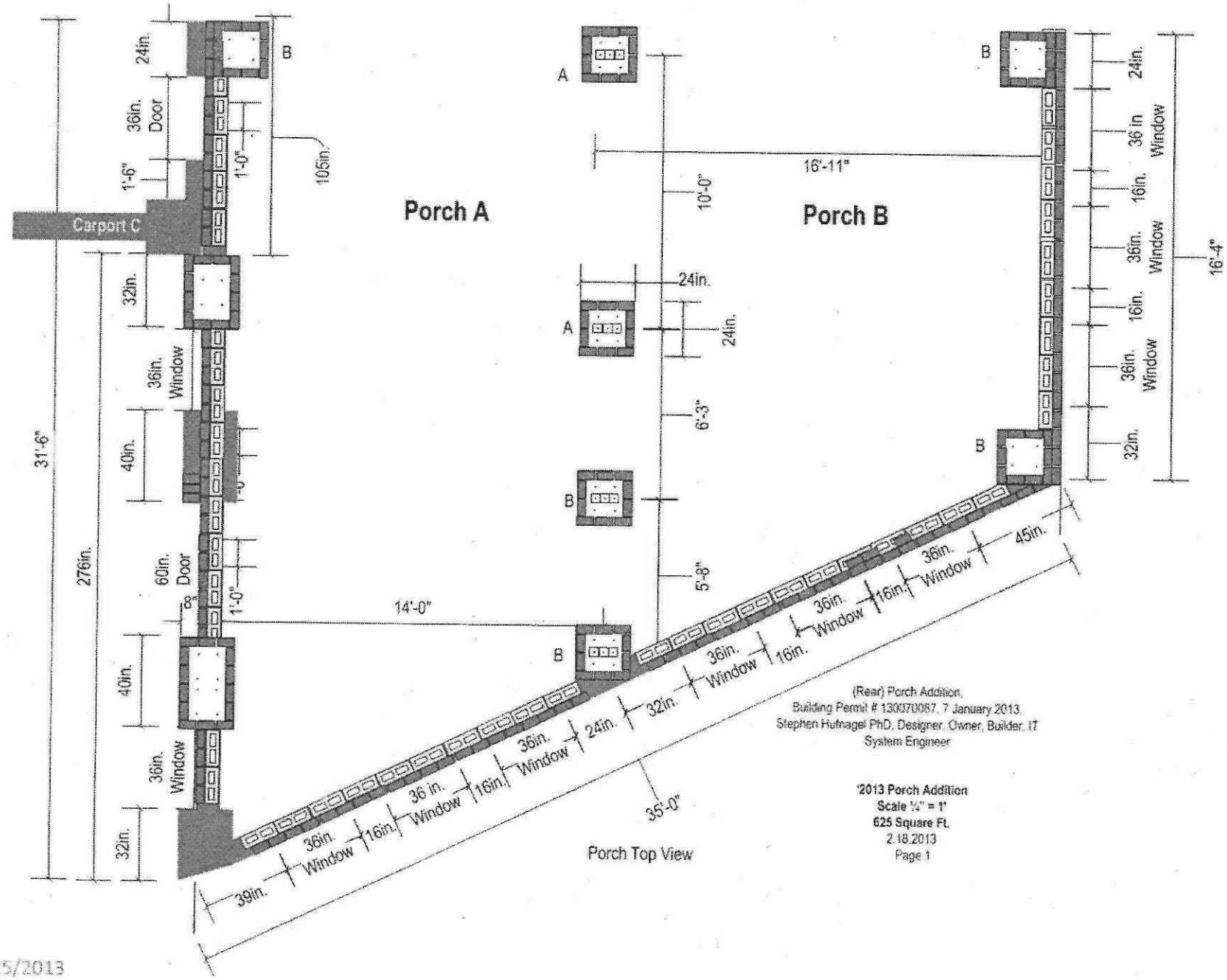
Level 0, House & Property
2.18.2013, Page 9

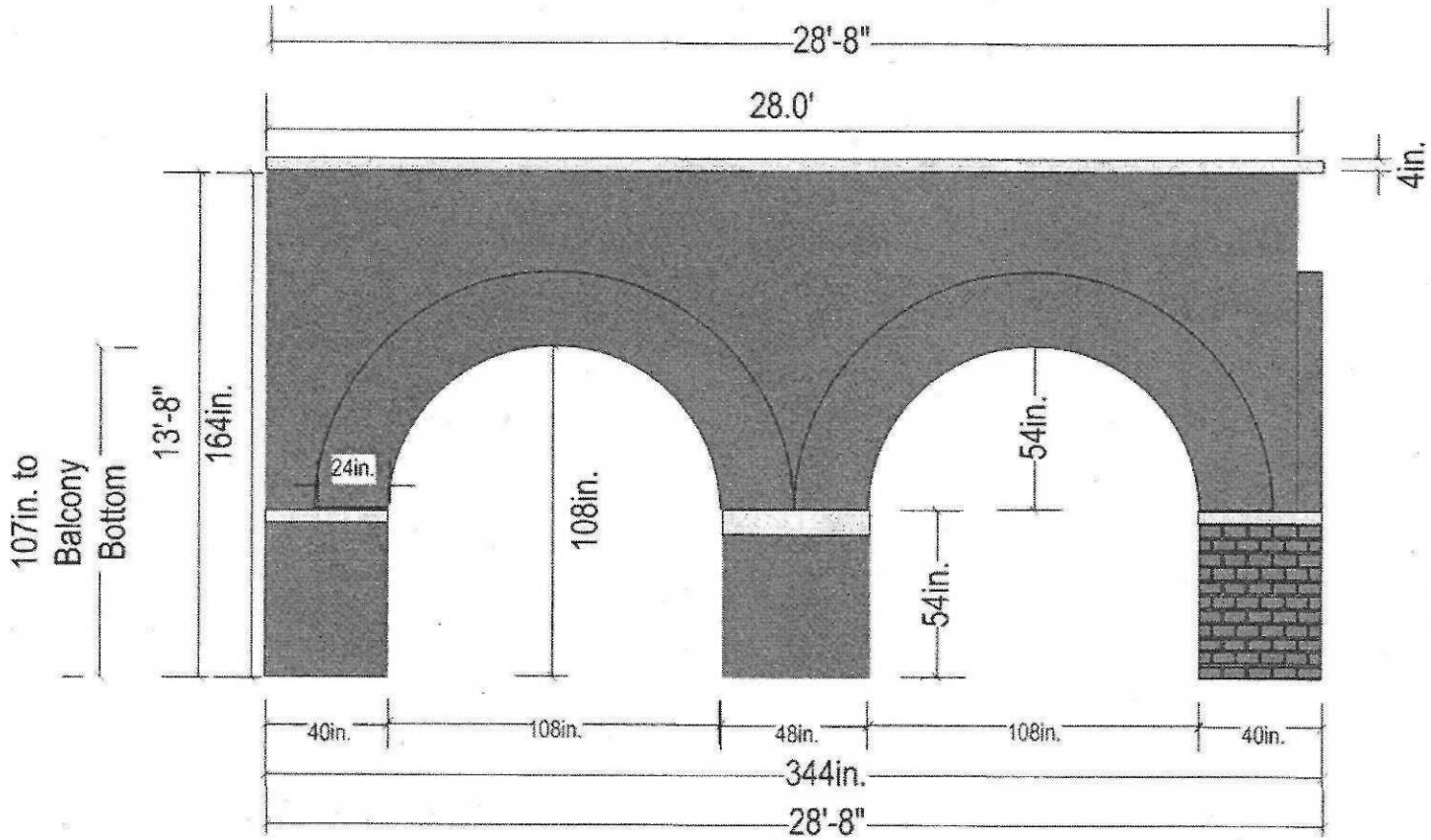
7/25/2013

7/25/2013


23'-0"
276in.
32in. Column
36in. Opening
40in. Column
60in. Opening
40in. Column
36in. Opening
32in. Column
40in. Column
1'-0"
Carport "A"
14'-0"
108in. Entrance
24in.
12in.
10'-4"
10'-4"
48in. Column
344.0in.
28'-8"
24in.
24in.
Carport "B"
14'-0"
108in. Entrance
40in. Column
6in. To Front Of House


Carport
"C"
32in.
Column
36in.
Opening
40in.
Column
60in.
Opening
40in.
Column
36in.
Opening
32in.
Column
12in.
138in.
138in.
105in. to
Back of House
32in.
108in.
40in.


Porch A
Porch B
Carport C
24in.
36in. Door
1'-6"
1'-0"
105in.
32in.
36in. Window
40in.
60in. Door
8"
31'-6"
276in.
A
B
16'-11"
10'-0"
24in.
6'-3"
5'-8"
14'-0"
16'-4"
36 in Window
16in.
36in. Window
45in.
39in.
35'-0"
Porch Top View
(Rear) Porch Addition,
Building Permit # 130070087, 7 January 2013,
Stephen Hufnagel PhD, Designer, Owner, Builder, IT
System Engineer
'2013 Porch Addition
Scale ¼" = 1'
625 Square Ft.
2.18.2013
Page 1

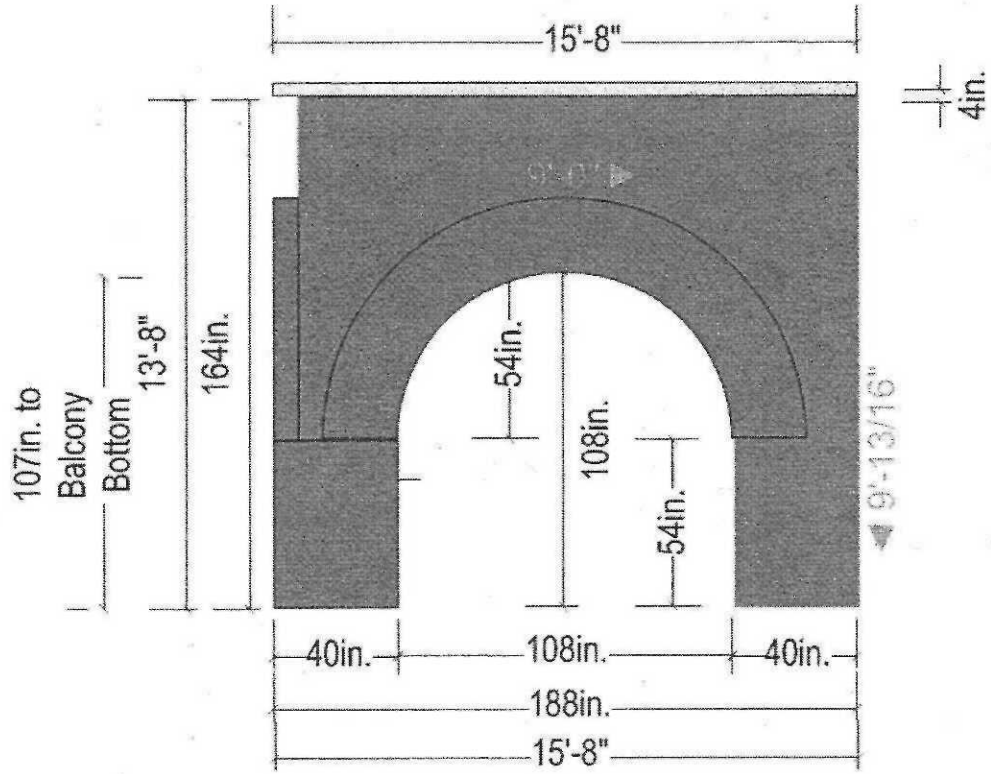


'2013 Carport Addition
Scale ¼" = 1' 0"
2.20.2013
Page 1

Carport A&B Front & Back View

Notes

- 108" Arch is 24" Thick
- 40" Arch is 12" Thick
- Wall is 24" Thick

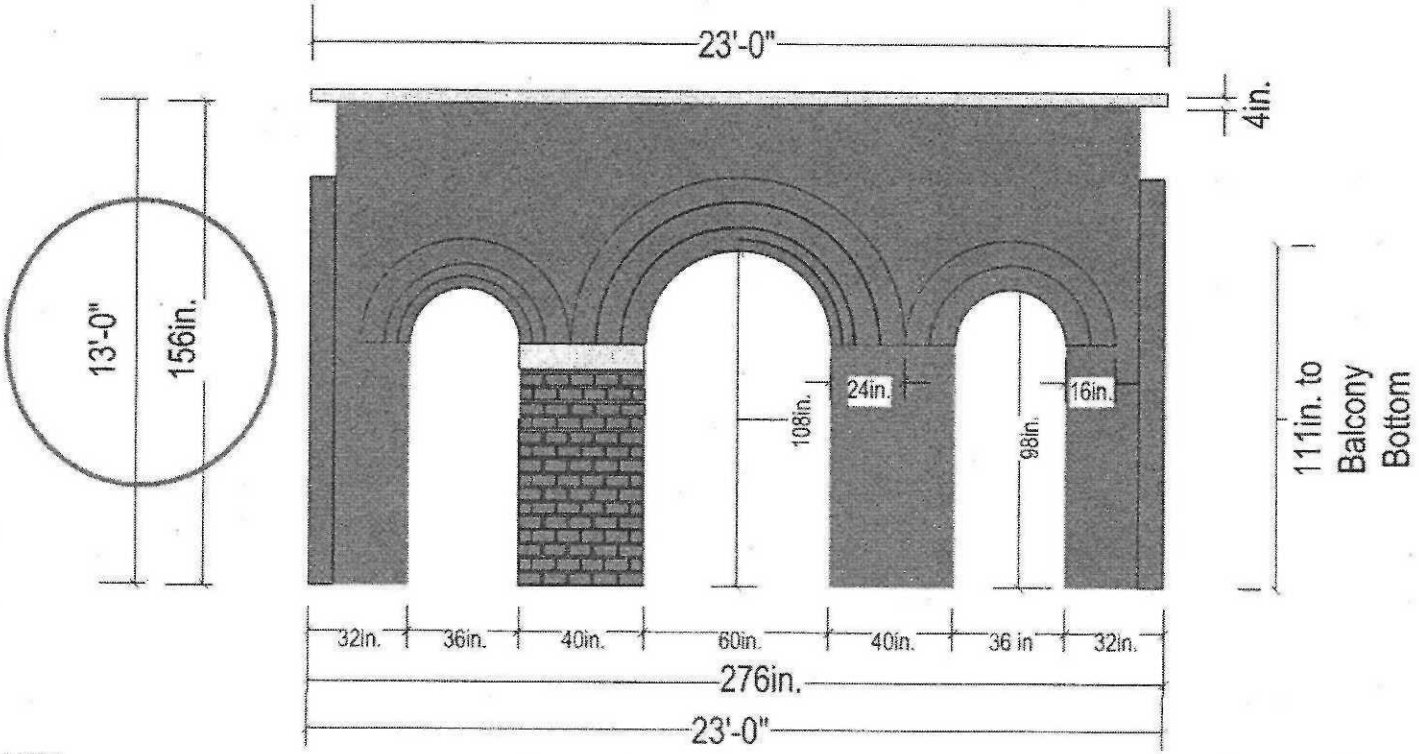


'2013 Carport Addition
Scale ¼" = 1' 0"
2.20.2013
Page 1

Carport C Front & Back View

Notes

- 108" Arch is 24" Thick
- 40" Arch is 12" Thick
- Wall is 24" Thick

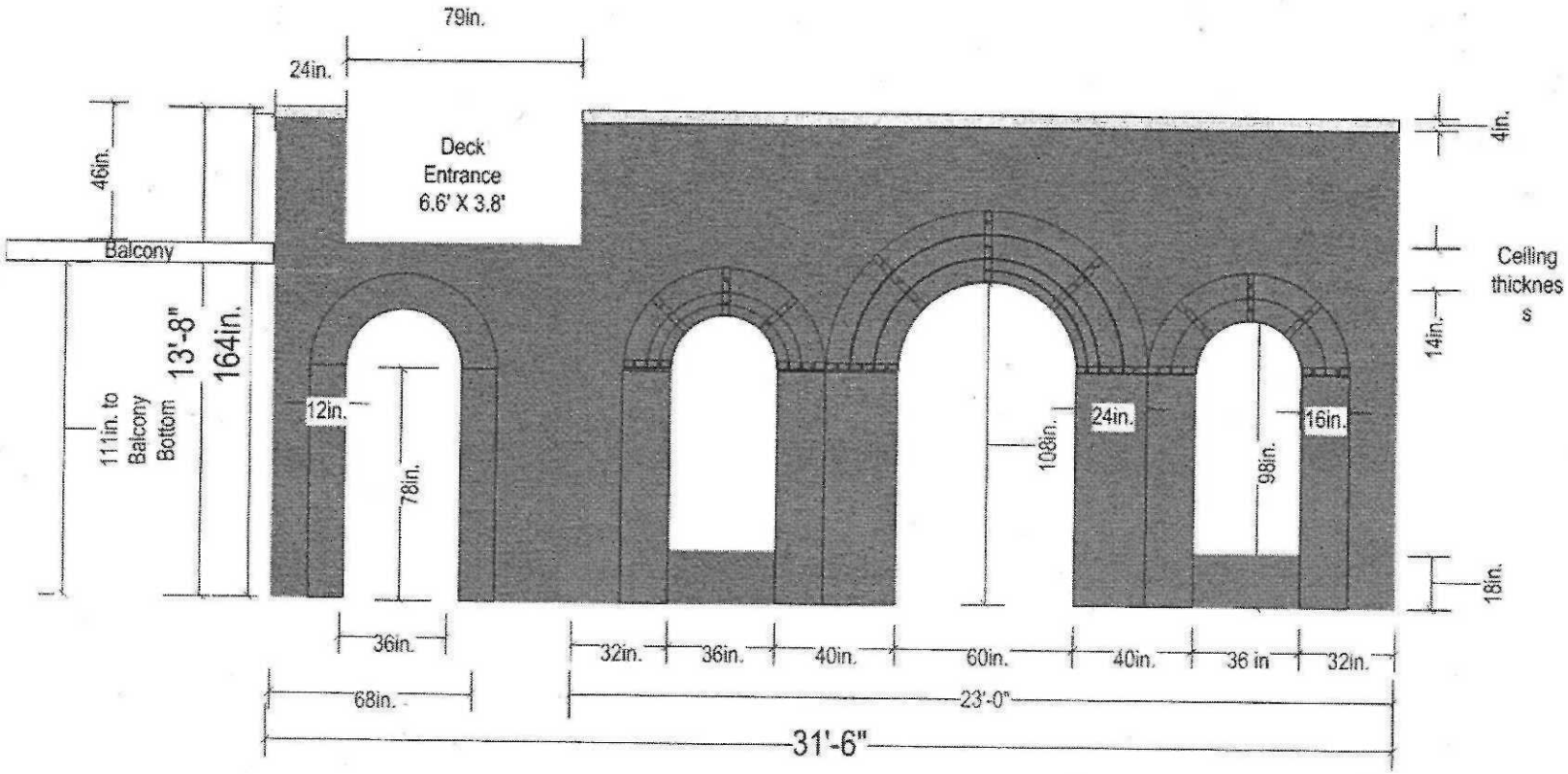


'2013 Carport Addition
Scale ¼" = 1' 0"
2.20 2013
Page 1

Carport A&C Side-View

Notes

- 60" Arch is 20" Thick
- 32" Arch is 12" Thick
- Wall is 24" Thick
- Brick size is 7.5" x 3.5" x 2.25"

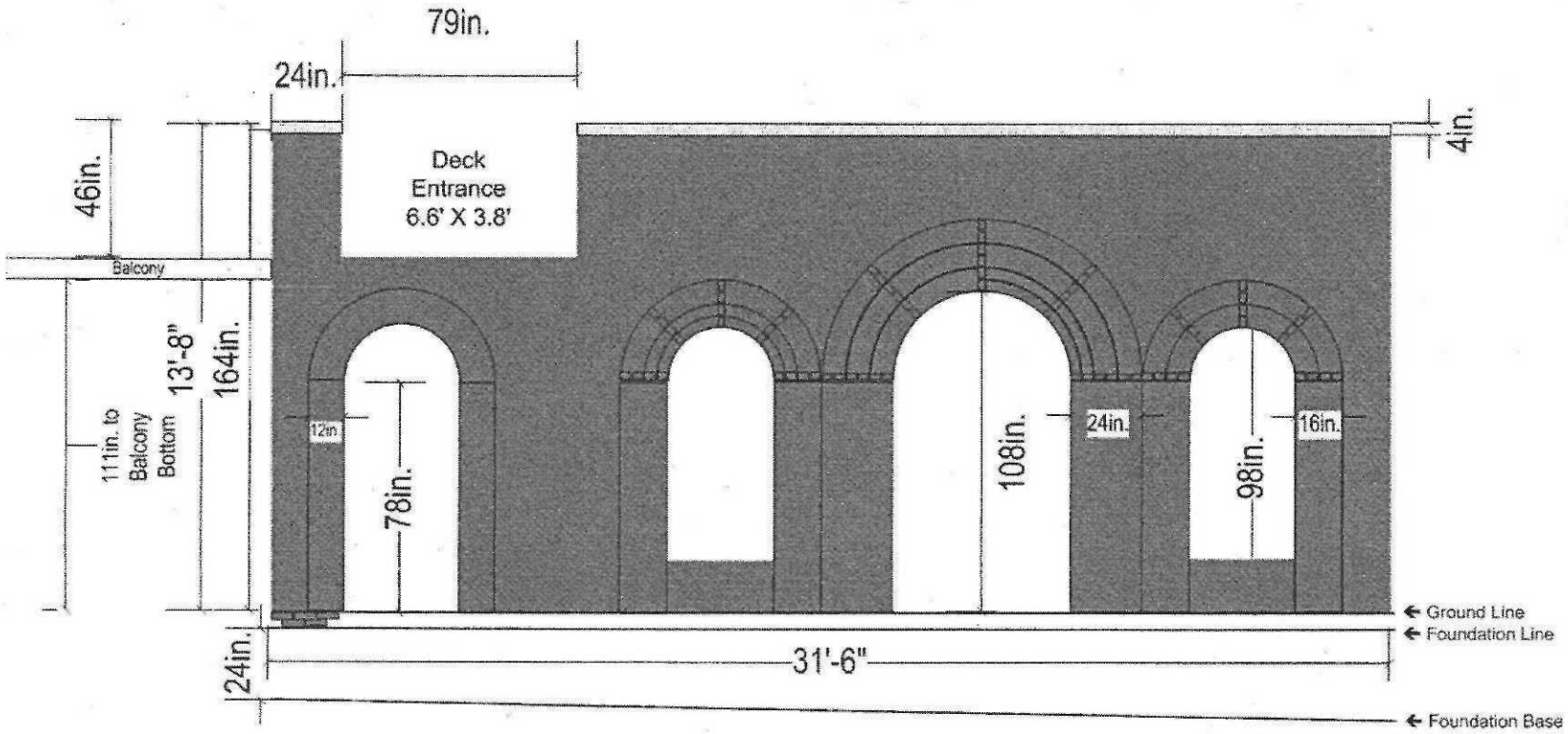


'2013 Porch
Scale ¼" = 1' 0"
2.20.2013
Page 1

Porch Driveway Side-View

Notes

- 60" Arch is 20" Thick
- 32" Arch is 12" Thick
- Wall is 24" Thick
- Brick size is 7.5" x 3.5" x 2.25"

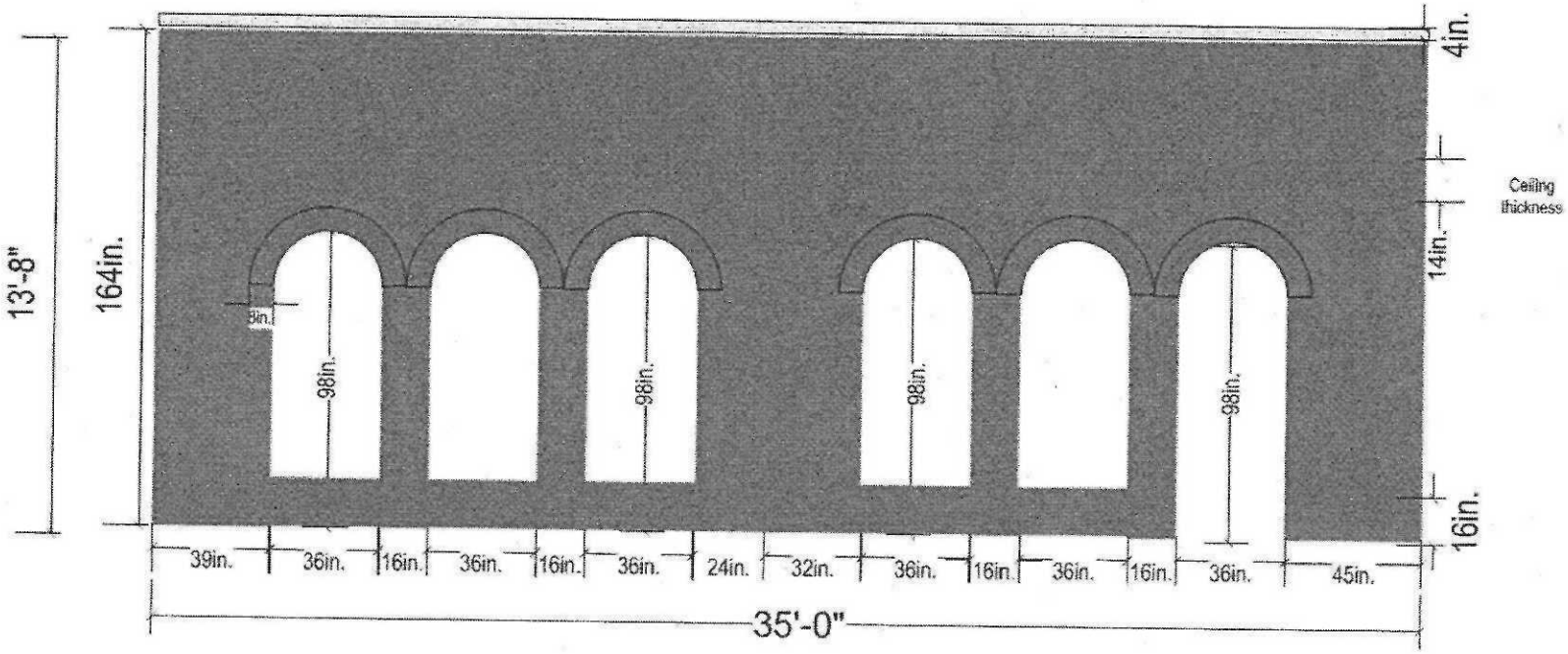


'2013 Porch
Scale ¼" = 1' 0"
1.13 2013
Page 1

Porch Driveway Side-View Showing Foundation Line

Notes

- 60" Arch is 20" Thick
- 32" Arch is 12" Thick
- Wall is 24" Thick
- Brick size is 7 5" x 3 5" x 2 25"

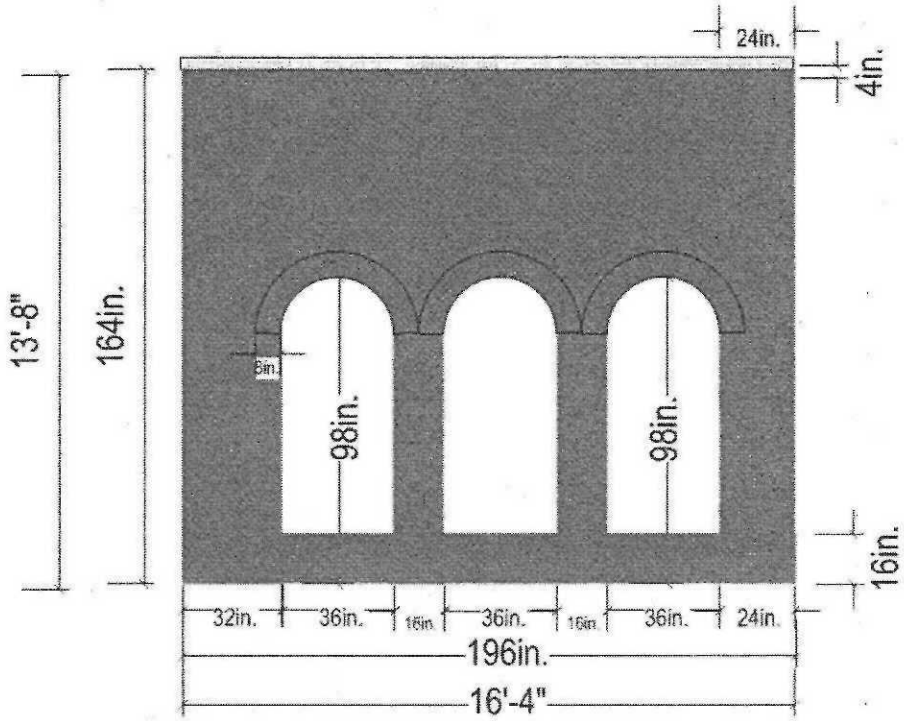


'2013 Porch
Scale ¼" = 1' 0"
1.13.2013
Page 1

Porch Back-View

Notes

- 32" Arch is 10" Thick
- Wall is 12" Thick



'2013 Porch Addition
Scale ¼" = 1' 0"
1 13 2013
Page 1

Porch Side-View (Back-Yard)

Notes

- 26" Arch is 10" Thick
- Wall is 12" Thick

6627 Skyline Ct., Alexandria, VA 22307
Variance Request VC-2013-0066
Photographs
July 2013

RECEIVED
Department of Planning & Zoning
MAR 04 2014
Zoning Evaluation Division

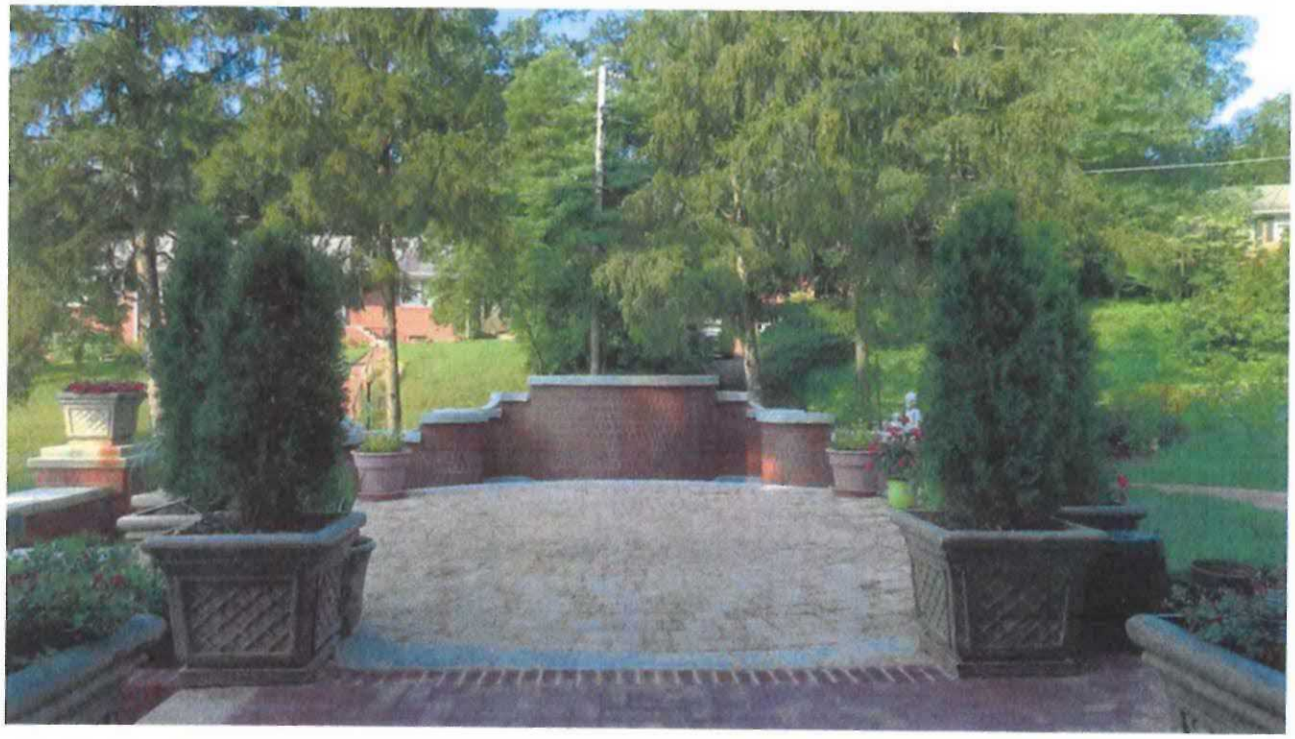
Top View

Showing Property Lines, adjacent streets and Neighbors

House Front

SW
HOUSE
NE

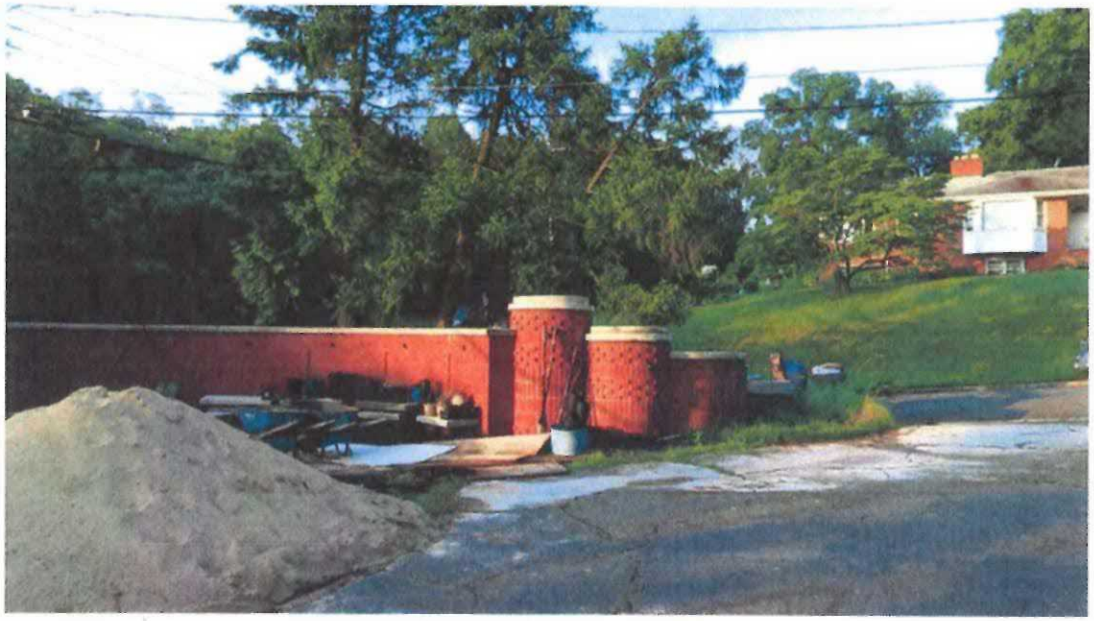
Facing In



Facing Out

House Front Left Corner

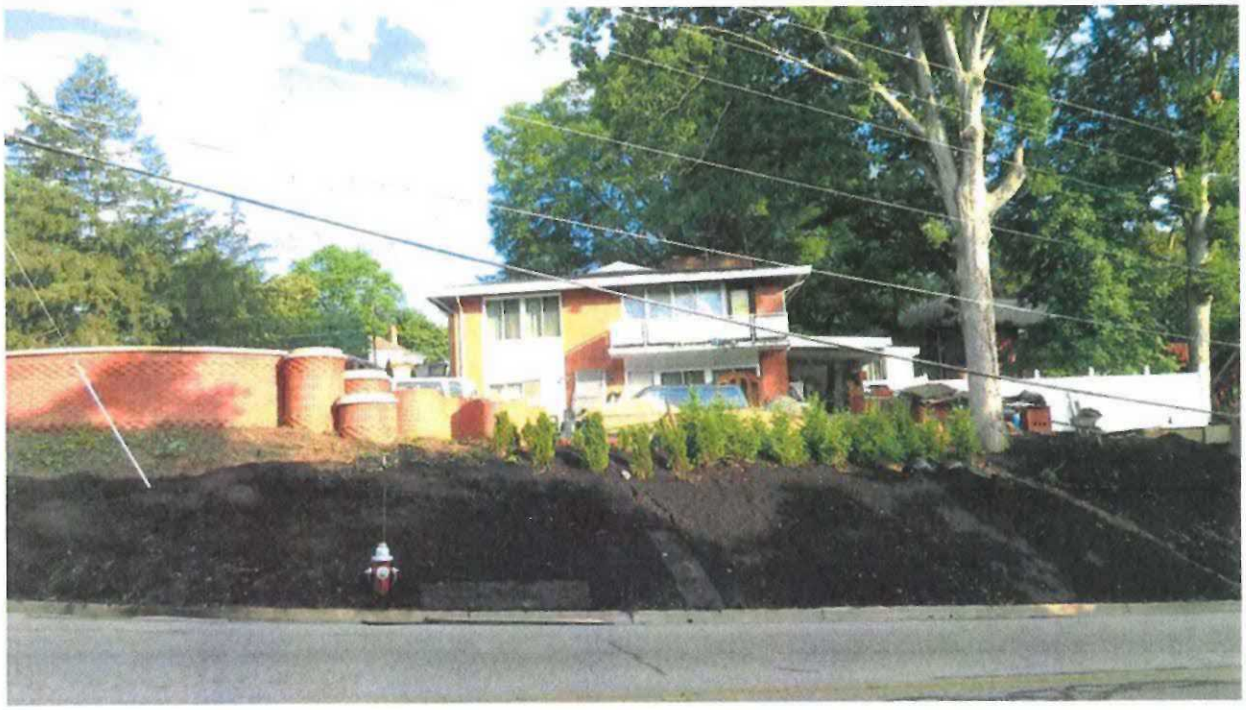
Facing In



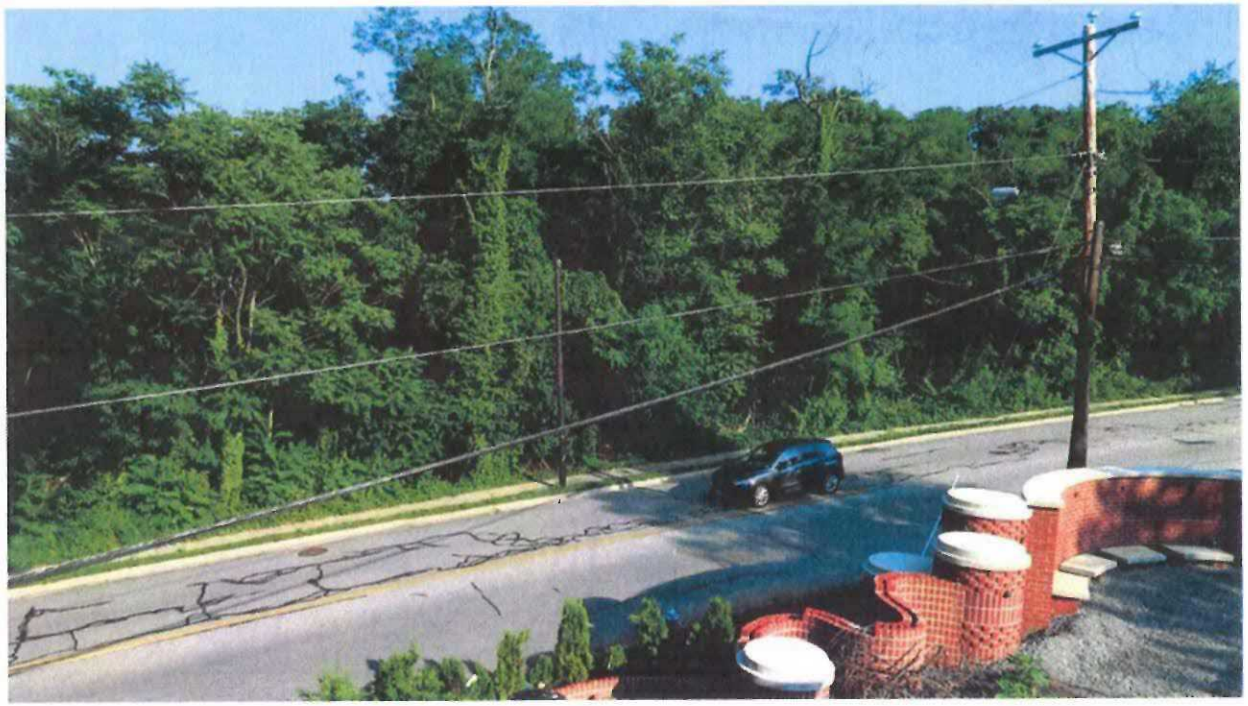
Facing Out

House Left

SW
HOUSE
NE



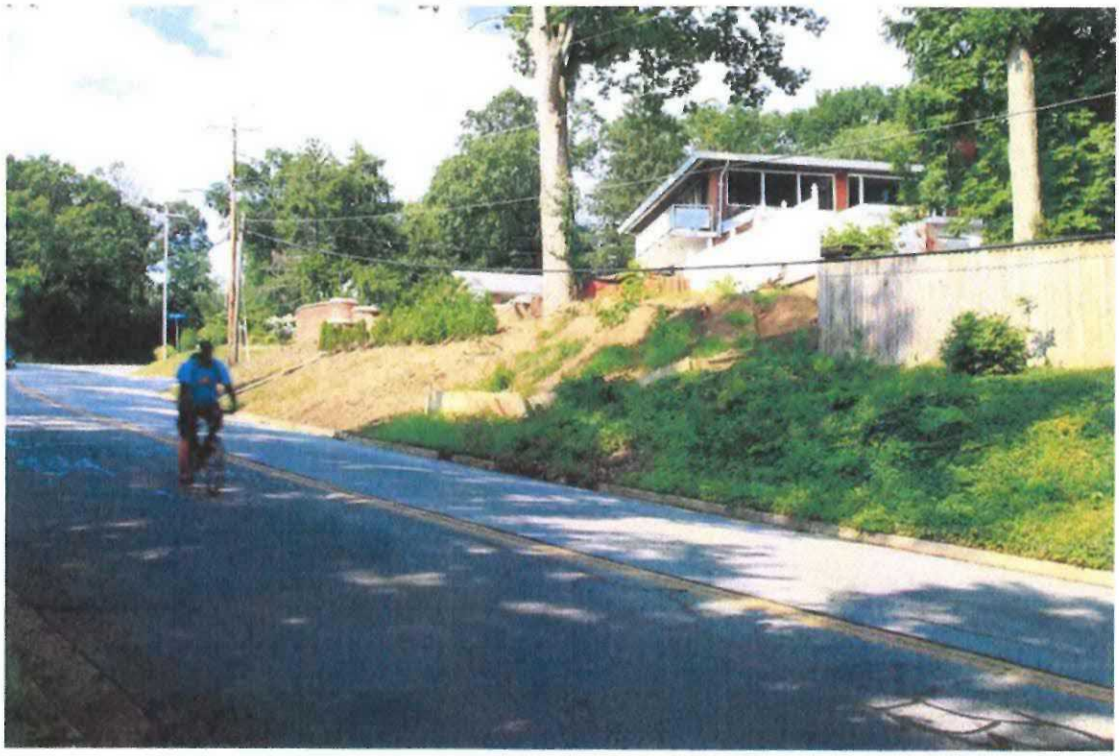
Facing In



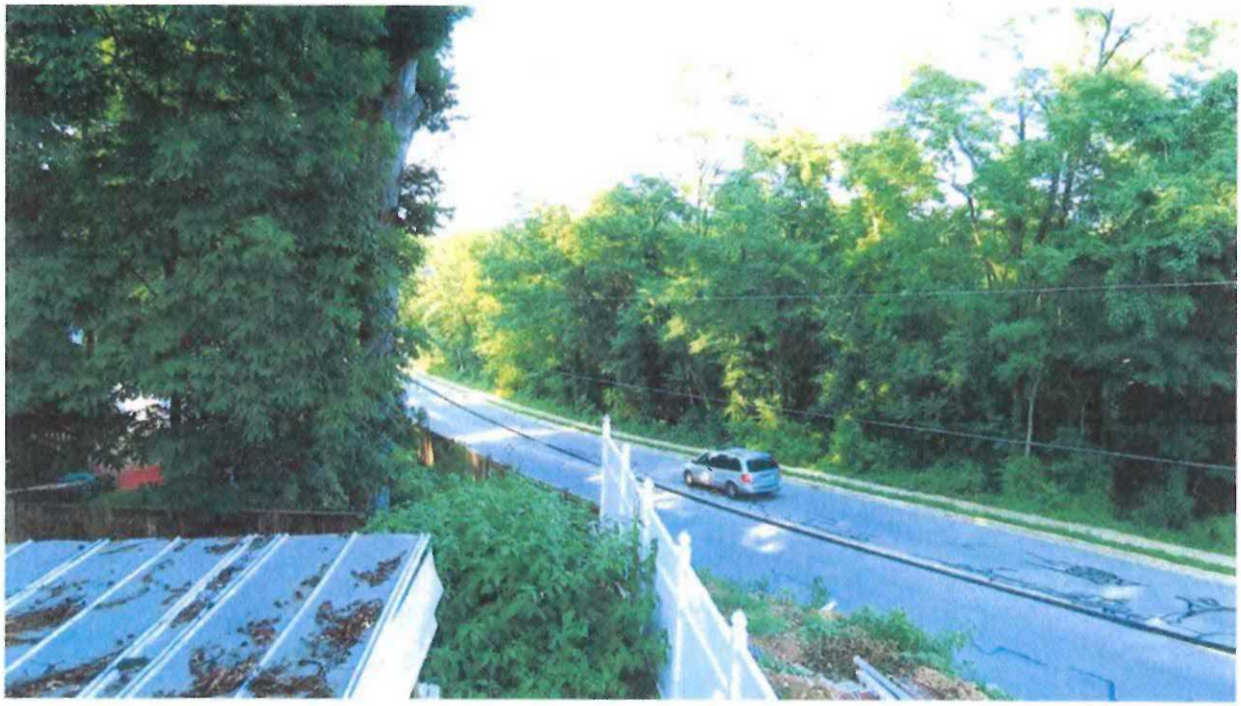
Facing Out

House Back Left Corner

SW
HOUSE
NE



Facing In



Facing Out

House Back

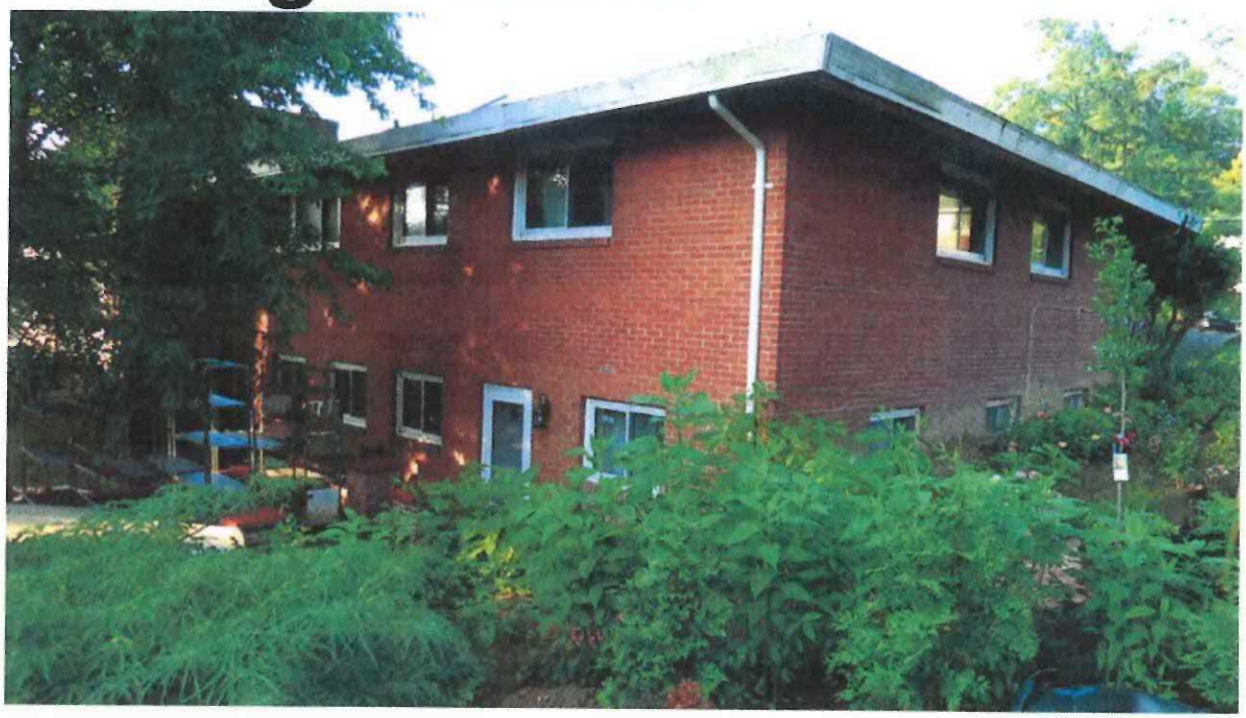
SW
HOUSE
NE

Facing In showing Proposed Porch to be Replaced

Facing Out

House Back Right Corner

SW
HOUSE
NE



Facing In

Facing Out

House Right

SW
HOUSE ⟷
NE

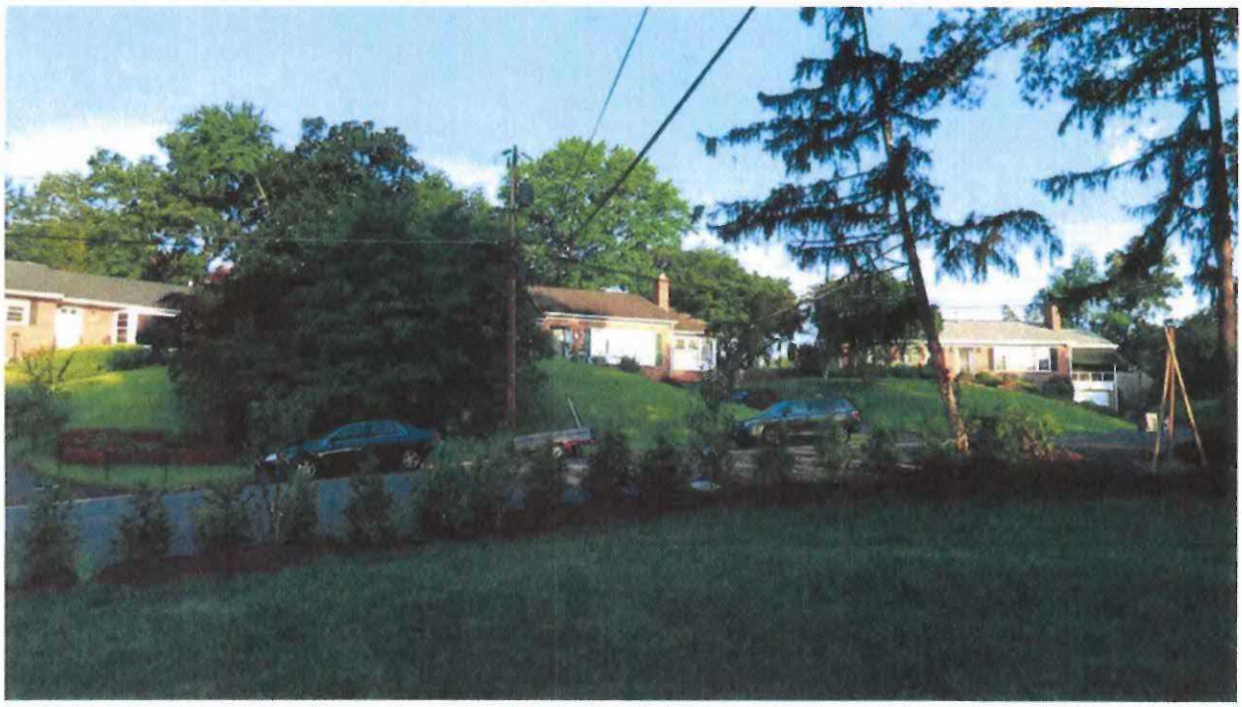
Facing In

Facing Out

House Front Right Corner

SW
HOUSE
NE

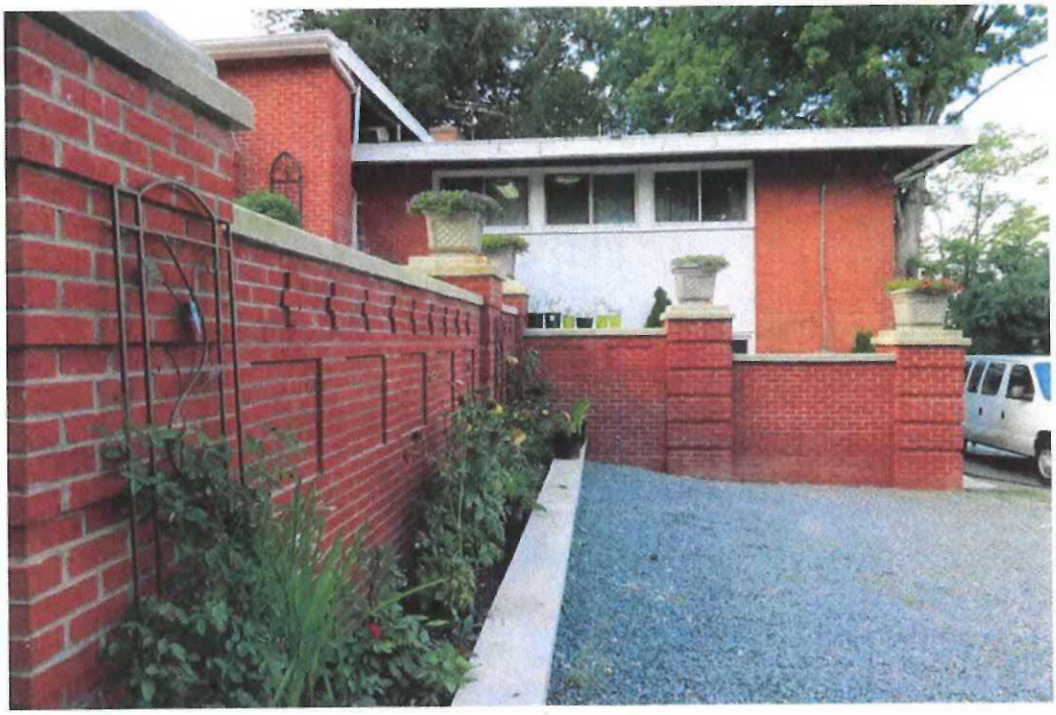
Facing In



Facing Out

Structures

SW
HOUSE
NE



Front Left Retaining Wall Facing in

Right Rear Patio Facing In

Photographs showing structures, terrain, vegetation, and the proposed location of new structures.

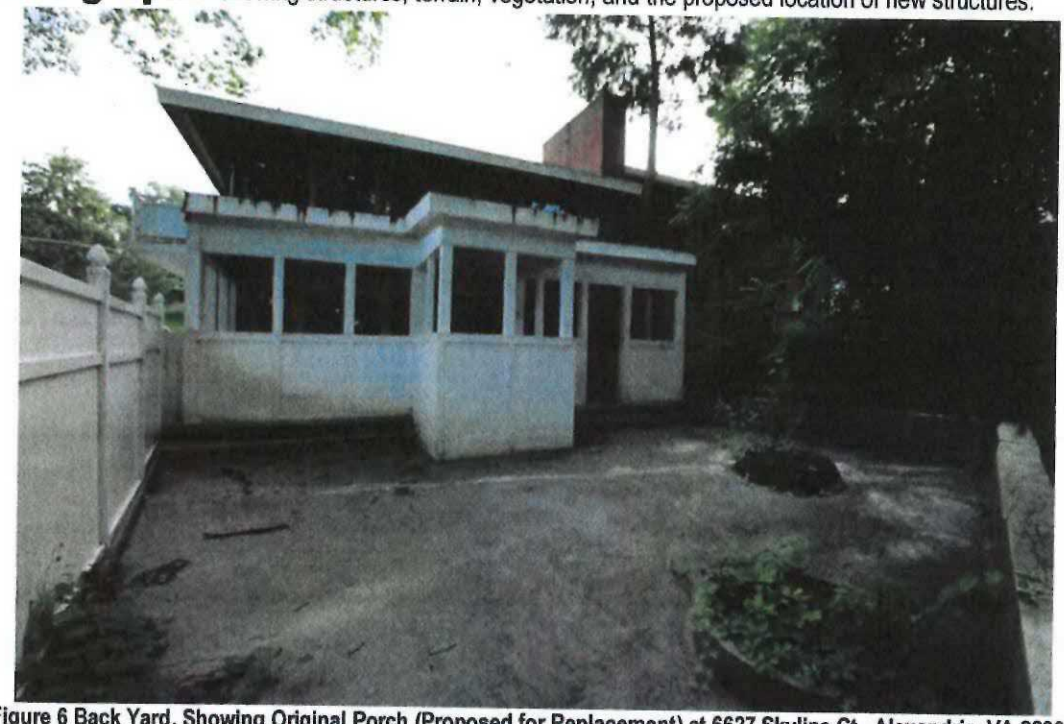


Figure 6 Back Yard, Showing Original Porch (Proposed for Replacement) at 6627 Skyline Ct., Alexandria, VA 22307

Figure 7 NE View of Back Yard with Original Porch in the Background at 6627 Skyline Ct., Alexandria, VA 22307

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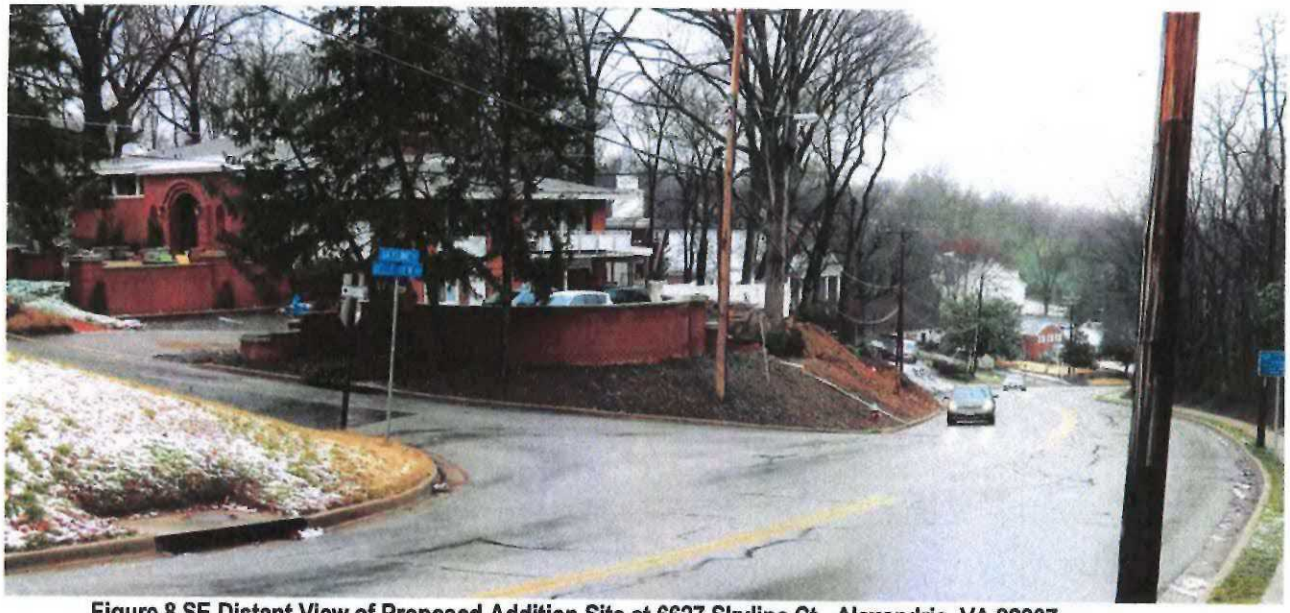

Figure 8 SE Distant View of Proposed Addition Site at 6627 Skyline Ct., Alexandria, VA 22307

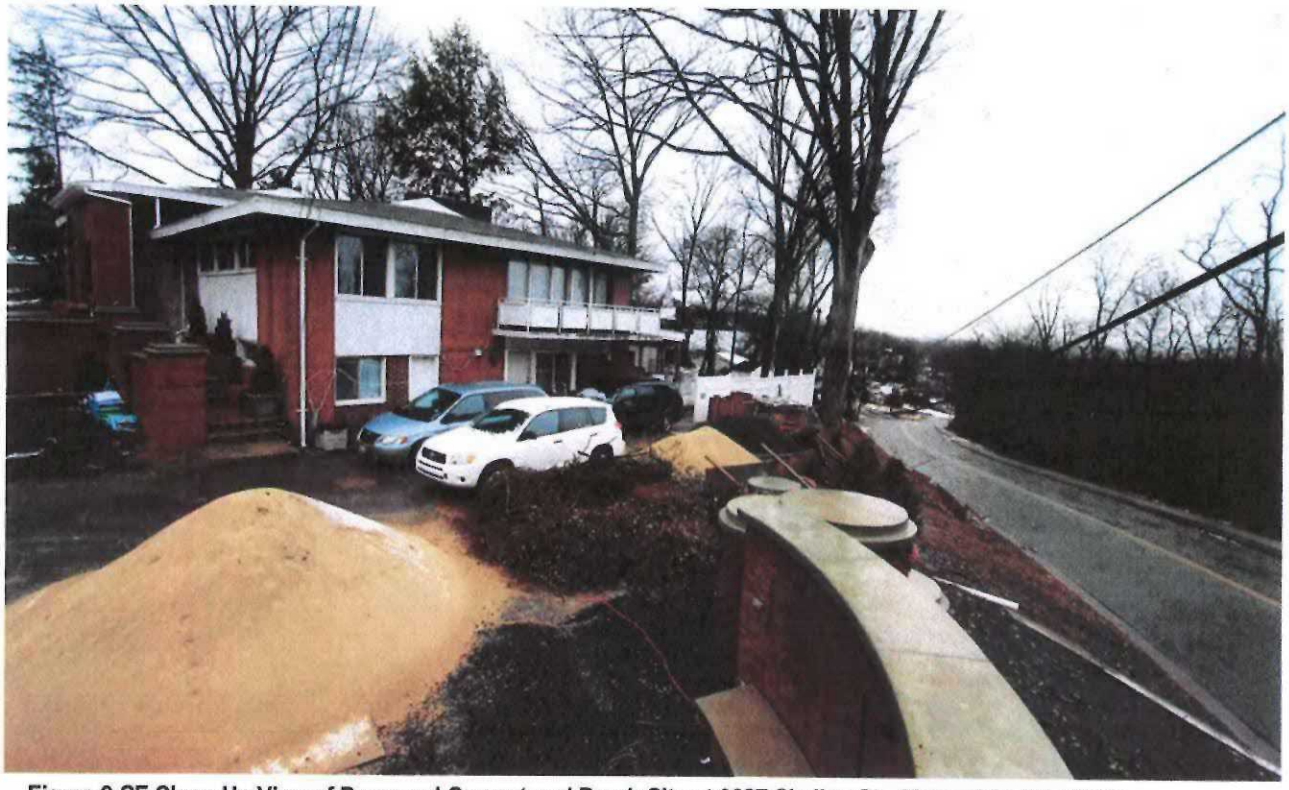

Figure 9 SE Close-Up View of Proposed Carport and Porch Site at 6627 Skyline Ct., Alexandria, VA 22307

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Figure 10 S Front View of Residence and Proposed Addition Site at 6627 Skyline Ct., Alexandria, VA 22307

Figure 11 SW Corner View of Residence at 6627 Skyline Ct., Alexandria, VA 22307

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Department of Planning & Zoning
MAY 07 2014
Zoning Evaluation Division

Photographs showing structures, terrain, vegetation, and the proposed location of new structures.

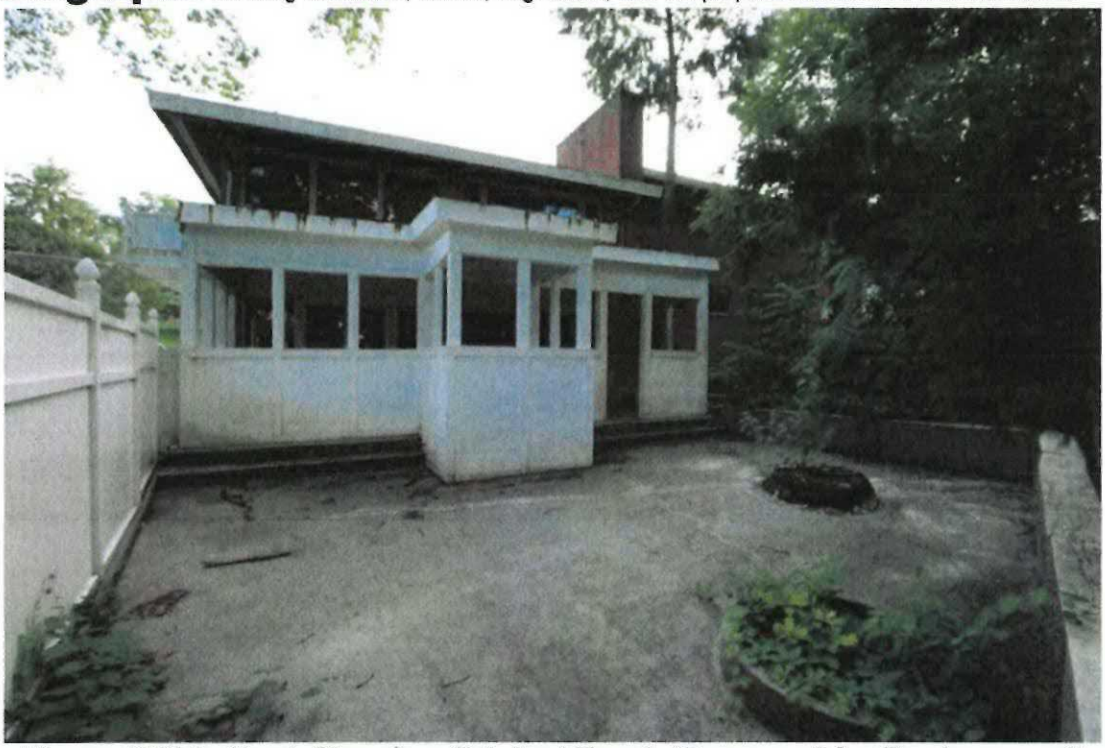


Figure 7 Side Yard, Showing Original Porch (Proposed for Replacement)

Figure 8 NE View of Side Yard with Original Porch in the Background

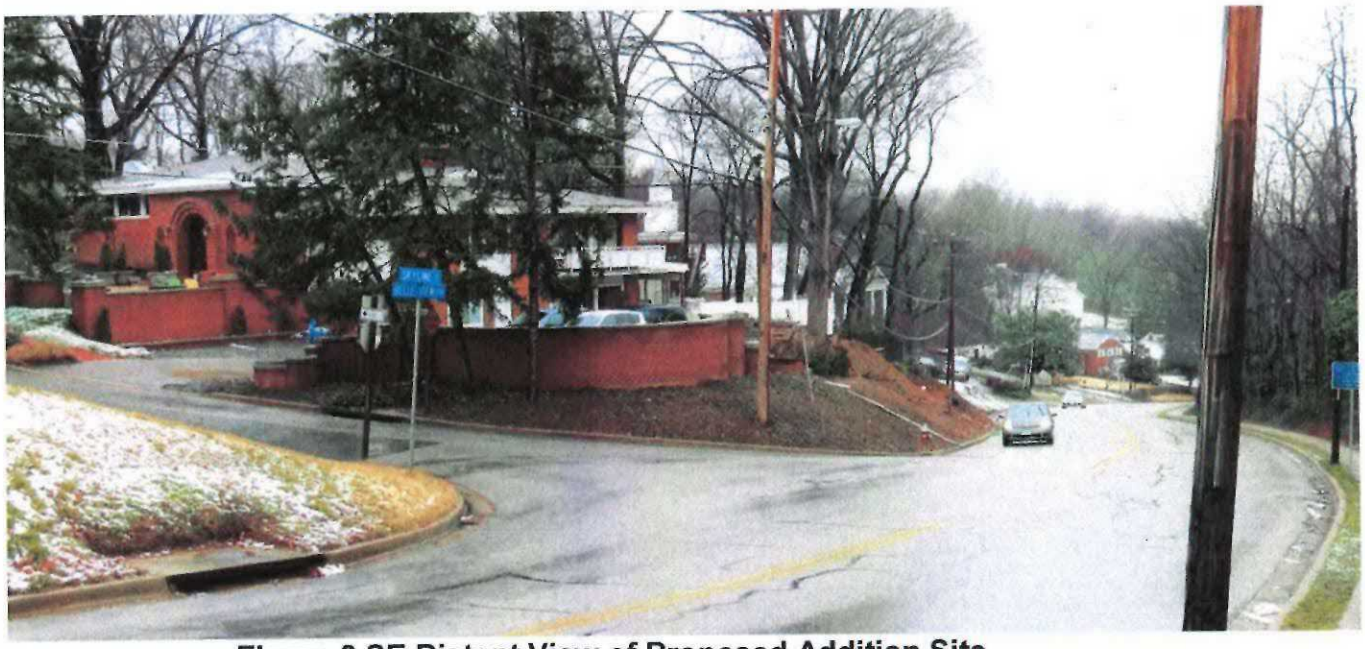


Figure 9 SE Distant View of Proposed Addition Site

Figure 10 SE Close-Up View of Proposed Carport and Porch Site

Figure 11 S Front View of Residence and Proposed Addition Site

Figure 12 SW Corner View of Residence

Figure 13 Close-up View of Side-Yard Patio

SPECIAL PERMIT REQUEST

The applicant is requesting approval of three special permit requests. The first is for a special permit to allow a reduction to the minimum yard requirements based on an error in building location to permit patios to remain 1.7 feet and 2.8 feet from the side lot line. The second is to allow a reduction of certain yard requirements to permit construction of an addition 22.7 feet from the front lot line. The third is for approval of a special permit to allow a wall greater than 4.0 feet in height to remain in the front yard of a corner lot.

VARIANCE REQUEST

The applicant is also requesting approval of a variance to permit an addition 13.8 feet from the front lot line.

A copy of the plat titled "Variance Plat Lot 10, Section One, Belle Haven Estates," prepared by Timothy J. Farrell, Land Surveyor, of B.W. Smith and Associates, Inc., dated February 11, 2013, as revised through April 30, 2014, is included in the front of the staff report.

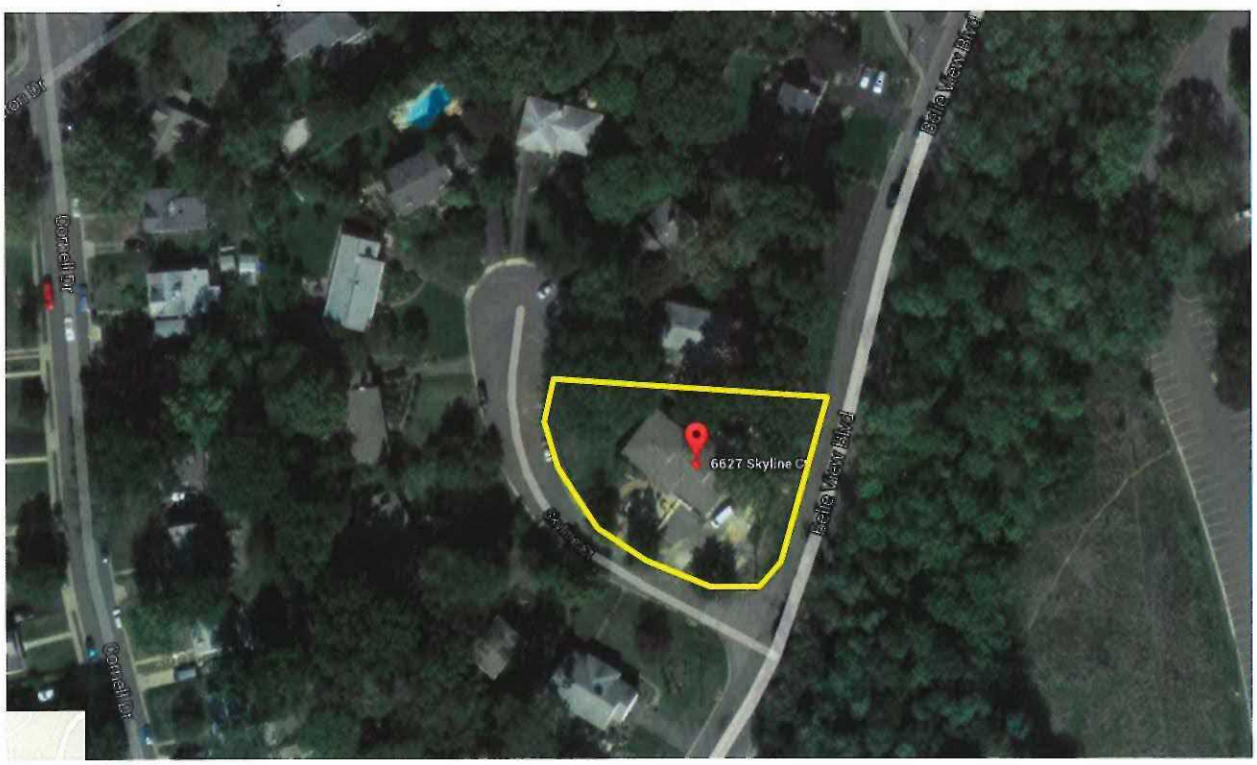
More detailed descriptions of the proposals are provided on page three.

CHARACTER OF THE SITE AND SURROUNDING AREA

As depicted in the picture on the following page, the subject parcel and surrounding properties are zoned R-4. The subject parcel and properties to the north, west, and south are developed with single family detached dwellings. The property to the east is Mount Vernon District Park. The application property is a corner lot with frontage on both Skyline Court and Belle View Boulevard. The dwelling is split level, brick, with 2,512 square feet of above grade living area and full basement.

The existing dwelling was built in 1956 and does not have a garage. An asphalt driveway provides access from Skyline Court. A brick walkway extends from the driveway to a brick patio and the front entrance. The patio area also contains retaining walls and ponds. More brick retaining walls are located on the corner of the property adjacent to the intersection of Skyline Court and Belle View Boulevard. These walls vary in height from 1 foot to 6 feet. One column is 7 feet in height, but will be removed as it is located in the right-of-way. A brick patio enclosed by a brick wall 2 to 4 feet in height is located to the rear of the property with a brick walkway extending to the Skyline Court. A concrete patio with a porch is located to the rear of the dwelling. A balcony is located on the eastern side of the dwelling. A plastic fence is located in the eastern portion of the front yard and runs along the side of the concrete patio. The fence ranges from 6 feet to 10 feet in height.

The lot contains mature trees and landscaping. The topography of the parcel slopes down from west to east with a large grade change between the dwelling and Belle View Boulevard.



BACKGROUND

Fairfax County Tax Records indicate that the original dwelling was constructed in 1956. The applicant purchased the property in 2010. On January 19, 2012, County staff inspected the property and discovered that the applicant had constructed a retaining wall over 2 feet in height in the front yard without first acquiring permits. A corrective work order was issued on January 30, 2012. The applicant subsequently obtained a permit to construct a retaining wall under 5 feet in height. A copy of this permit is included as Appendix 6.

A copy of information outlining similar special permit and variance requests in the area is attached in Appendix 5.

DESCRIPTION OF THE APPLICATIONS

Special Permit

The applicant is requesting approval of three special permit applications. The first is for a special permit to allow a reduction to the minimum yard requirements based on an error in building location to permit patios to remain 1.7 feet and 2.8 feet from the side lot line. The R-4 zoning district requires a side yard of 10 feet. Therefore, the applicant is requesting reductions of 8.3 feet and 7.2 feet. According to the applicant's testimony, the patio 2.8 feet from the side lot line had been constructed by a previous owner.

The second special permit request is for a reduction of certain yard requirements to permit the construction of a roofed porch 22.7 feet from the eastern front lot line. The area of the proposed porch would be over an existing concrete patio. The porch is proposed to be 35 feet wide, 13.5 feet tall. The brick porch would be enclosed with Roman style arches and windows and a flat roof that is to be used as a deck. The existing concrete patio would be replaced. In an R-4 zone, there is a front yard requirement of 30.0 feet, so for the porch addition the applicant is requesting a reduction of 7.3 feet, or 24.3 percent.

The third special permit request is to permit an existing wall greater than 4.0 ft. in height to remain in the front yard. The wall is brick, varying in height from 1 foot to 6 feet and columns that range in height from 2 feet to 6 feet.

Variance

The applicant is also requesting approval of a variance to permit an addition, an enclosed carport, in the front yard of the property adjacent to Belle View Boulevard. The addition would be located 13.8 feet from the front lot line. Since the required front yard is 30 feet, the applicant is requesting a reduction of 16.2 feet, or 54 percent.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: IV
Planning Sector: Mount Vernon, MV 03 Greater Belle Haven
Plan Map: 4 dwelling units per acre

Zoning Ordinance Requirements- Variance

- Sect. 18-401 Required Standards for Variances

This variance application must satisfy all of the nine (9) enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance, which would afford relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 7.

Zoning Ordinance Requirements- Special Permit

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Reduction to the Minimum Yard Requirements Based on Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements
- Sect. 8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

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, the enclosed porch, meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *A number of properties located in this neighborhood have completed additions similar in location, scale and size. Staff believes by observation of the neighborhood through submitted photographs and aerial photography that the construction of the addition will not adversely affect the use or development of neighboring properties. Additionally, the topography of the property allows a limited view of the structures on site. 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 2,512 square feet in size. Therefore 150% of the total gross floor area could result in additions up to 3,768 square feet in size for a possible total square footage at build out of 6,280 square feet. The proposed addition that is the subject of the special permit is approximately 748 square feet, for a total square footage of the house with the additions of 3,260 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 elevation drawings and pictures submitted for the special permit indicate that the materials, size and scale of the proposed addition will be compatible with the dwelling. The height of the addition would be 13.5 feet, which is shorter than the existing dwelling. Staff believes that the application meets this provision.*

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. *Through aerial photography and photos submitted by the applicant, staff has confirmed that the addition is similar to others in the neighborhood in terms of its height, size, and location on the lot. 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, 748 square feet in size, will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. The addition of the enclosed porch is to the rear of the structure in the location of an existing patio and will be partially screened due to the topography of the property. Staff believes the addition will minimally increase runoff or erosion as a portion of the addition is being constructed on the site of an existing patio. 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 the request to build the addition is a modest request, though staff would prefer if the applicant reduced the size of rear portion of the carport to be narrower. The construction of the addition is minimal as it would be located on the area of an existing patio. Other issues of wells, floodplains and/or Resource Protection Areas, and historic resources are not applicable to this site. Staff believes the application meets this provision.*

Transportation Analysis

The Virginia Department of Transportation (VDOT) has requested that the portion of brick wall that extends into the right-of-way be removed. A development condition has been included to address this issue and the applicant has agreed. VDOT's comments have been included as Appendix 8.

CONCLUSION

Special Permit

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.

Variance

If it is the intent of the BZA to approve this request, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 2 of this report.

RECOMMENDATION

Staff recommends approval of SP 2014-MV-071 for the addition and roofed deck 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 Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicant's Affidavit
4. Applicants Statements of Justification
5. Similar Case History
6. Building Permit for retaining walls, dated February 16, 2012
7. Applicable Zoning Ordinance Provisions
8. VDOT comments, dated July 14, 2014

PROPOSED DEVELOPMENT CONDITIONS

SP 2014-MV-071

July 30, 2014

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MV-071 located at Tax Map 93-1 ((25)) (4) 10 to permit reduction of certain yard requirements pursuant to Section 8-922, error in building location pursuant to Section 8-914, and permit an existing wall greater than 4 feet in height in the front yard pursuant to Section 8-923 of the 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 porch addition (748 square feet in size, 13.5 feet in height), and existing patios and wall to remain as shown on the plat titled "Variance Plat Lot 10, Section One, Belle Haven Estates," prepared by Timothy J. Farrell, Land Surveyor, of B.W. Smith and Associates, Inc., dated February 11, 2013, as revised through April 30, 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 (2,512 square feet existing + 2,512 square feet (150%) = 6,280 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 addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

5. All portions of the brick wall located in the right-of-way **shall be removed within six months**.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Carport and Porch Addition,
Building Permit # 130070087, 7 January 2013,
Stephen Hufnagel PhD, Designer, Owner, Builder, IT System Engineer

6627 Skyline Ct, Alexandria, VA. 22307

BELLE HAVEN ESTS, LT 10 BLK 4 SEC 1

MT VERNON DIST. #1, Map # 0931 25040010, Tax District 60100

The Objective of this package is a Special Permit for a 1956 two-street corner lot R4 zoned residence, for an carport – porch addition, which is 14' from one of the boundary roads. vs. the 30' zoning requirement.

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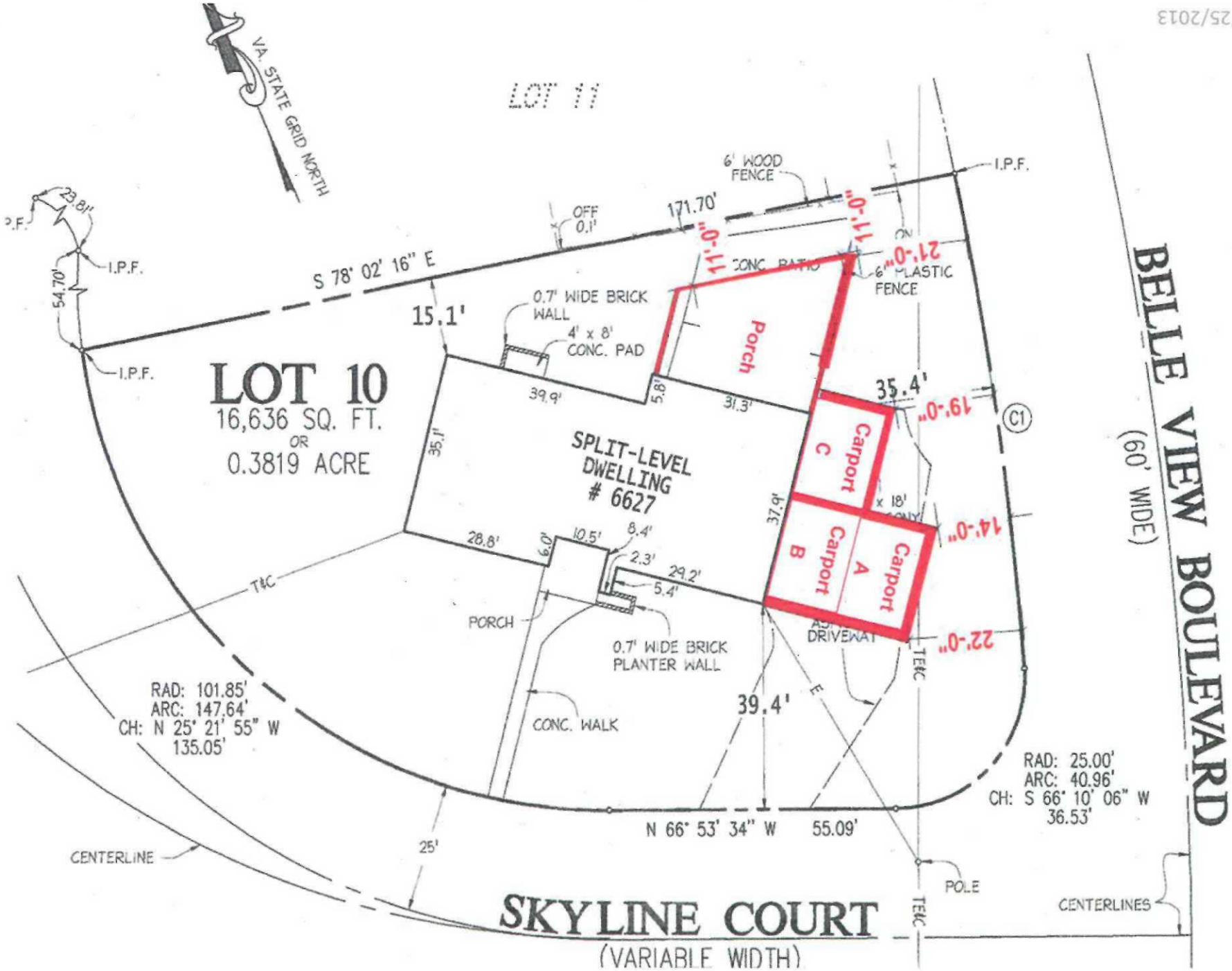
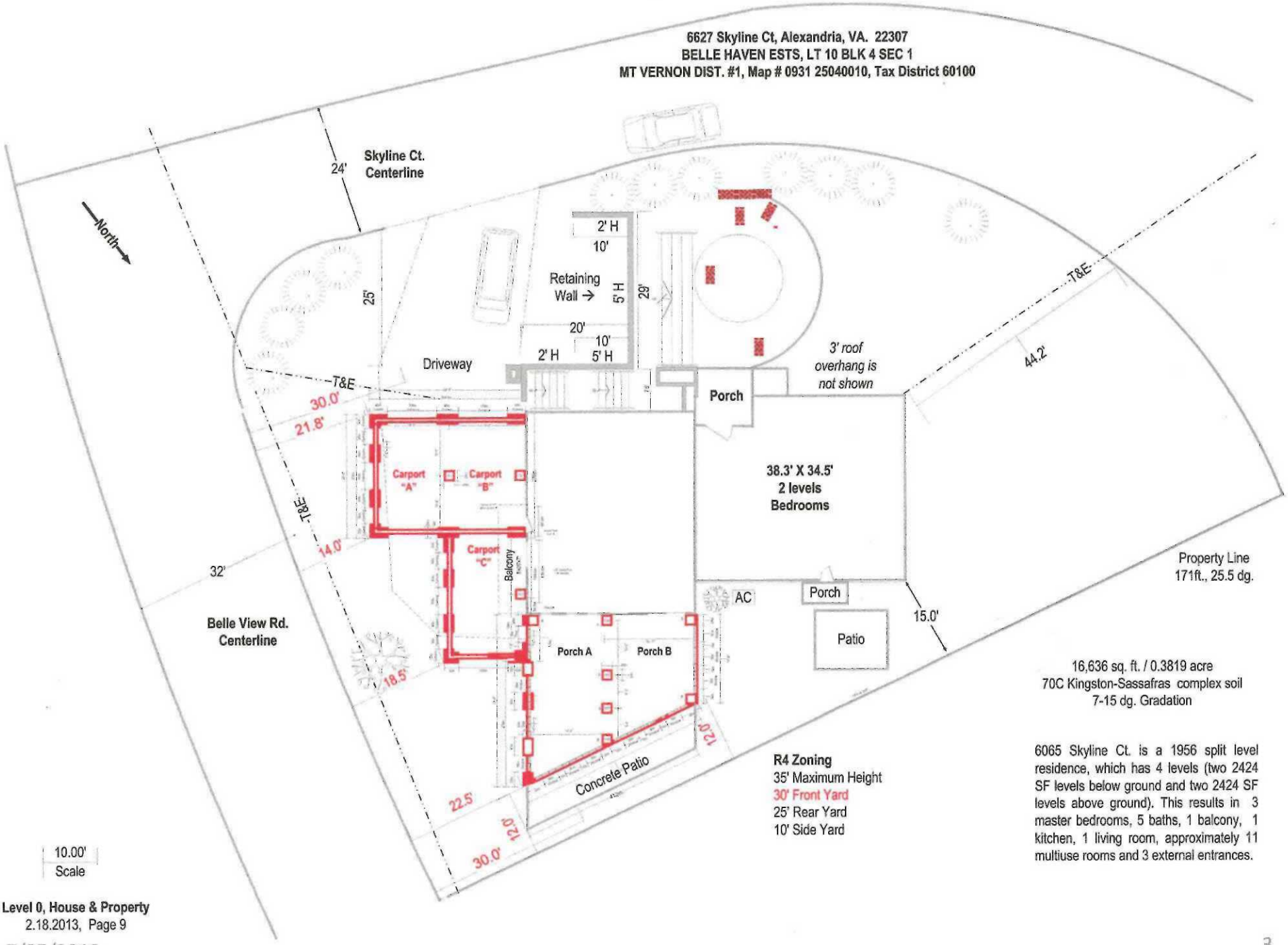
Department of Planning & Zoning
MAR 04 2014
Zoning Evaluation Division

- 2009 International Residential Code used for the design
- approximately 625 square feet porch
- Approximately 644 square feet per Carport Unit
- brick& cinder block wall construction
  - Following Fairfax County Typical Carport Enclosure Details
- flat "deck" roof
  - Following Fairfax County Typical Deck Details
- Foundation
  - Following Fairfax County, Virginia Typical Retaining Wall Details

ATTACHMENT 1


VA. STATE GRID NORTH
LOT 11
6' WOOD FENCE
I.P.F.
OFF 0.1'
171.70'
S 78° 02' 16" E
15.1'
0.7' WIDE BRICK WALL
4' x 8' CONC. PAD
CONC. PATIO
6' PLASTIC FENCE
Porch
11'-0"
11'-0"
21'-0"
19'-0"
14'-0"
22'-0"
35.4'
LOT 10
16,636 SQ. FT.
OR
0.3819 ACRE
SPLIT-LEVEL DWELLING # 6627
Carport C
Carport B
Carport A
39.9'
5.8'
31.3'
35.1'
37.9'
28.8'
6.0'
10.5'
8.4'
2.3'
29.2'
5.4'
PORCH
0.7' WIDE BRICK PLANTER WALL
CONC. WALK
DRIVEWAY
39.4'
RAD: 101.85'
ARC: 147.64'
CH: N 25° 21' 55" W
135.05'
N 66° 53' 34" W 55.09'
RAD: 25.00'
ARC: 40.96'
CH: S 66° 10' 06" W
36.53'
25'
CENTERLINE
POLE
CENTERLINES
SKYLINE COURT
(VARIABLE WIDTH)
BELLE VIEW BOULEVARD
(60' WIDE)
C1
54.70'
23.81'

6627 Skyline Ct, Alexandria, VA. 22307
BELLE HAVEN ESTS, LT 10 BLK 4 SEC 1
MT VERNON DIST. #1, Map # 0931 25040010, Tax District 60100



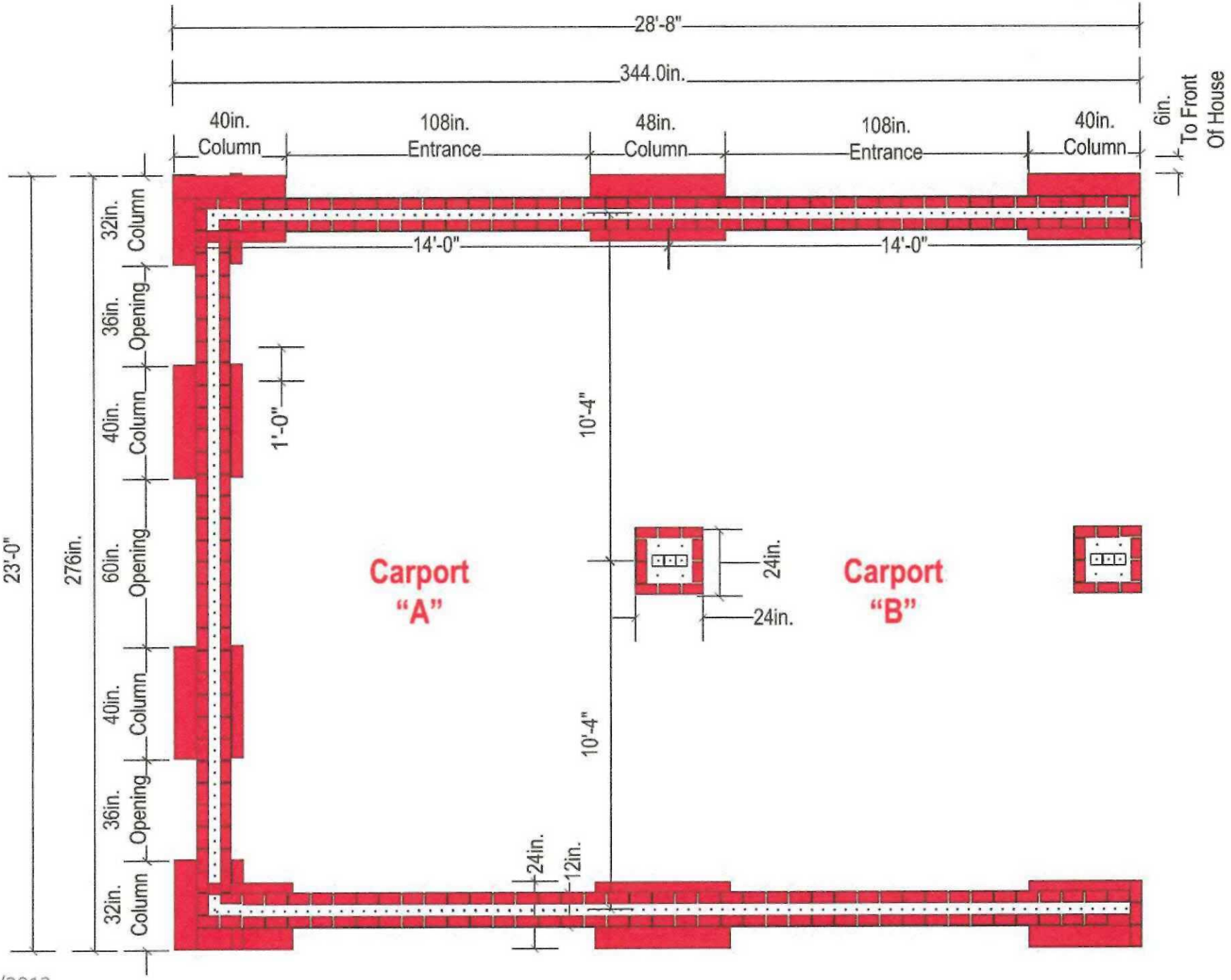
16,636 sq. ft. / 0.3819 acre
70C Kingston-Sassafras complex soil
7-15 dg. Gradation

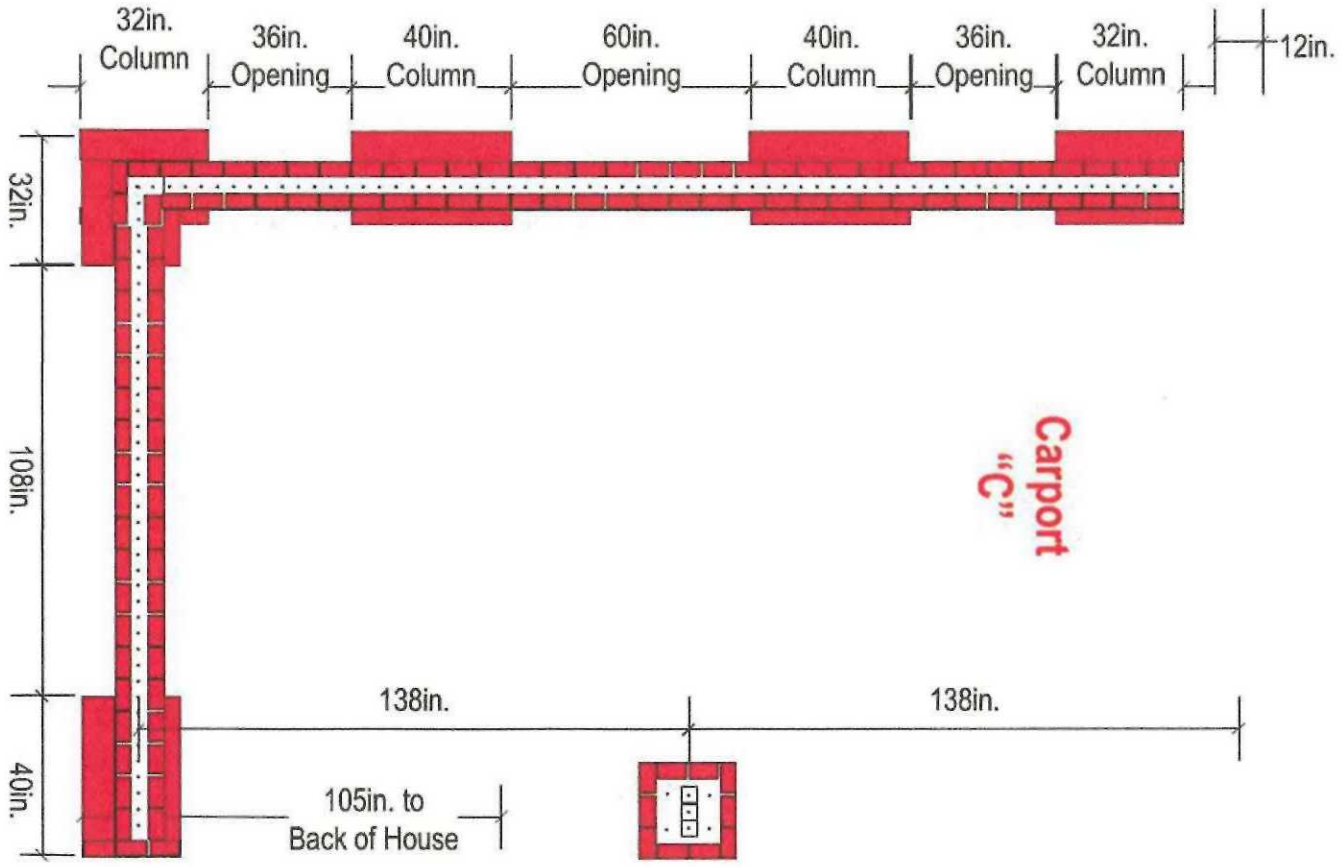
R4 Zoning
35' Maximum Height
30' Front Yard
25' Rear Yard
10' Side Yard

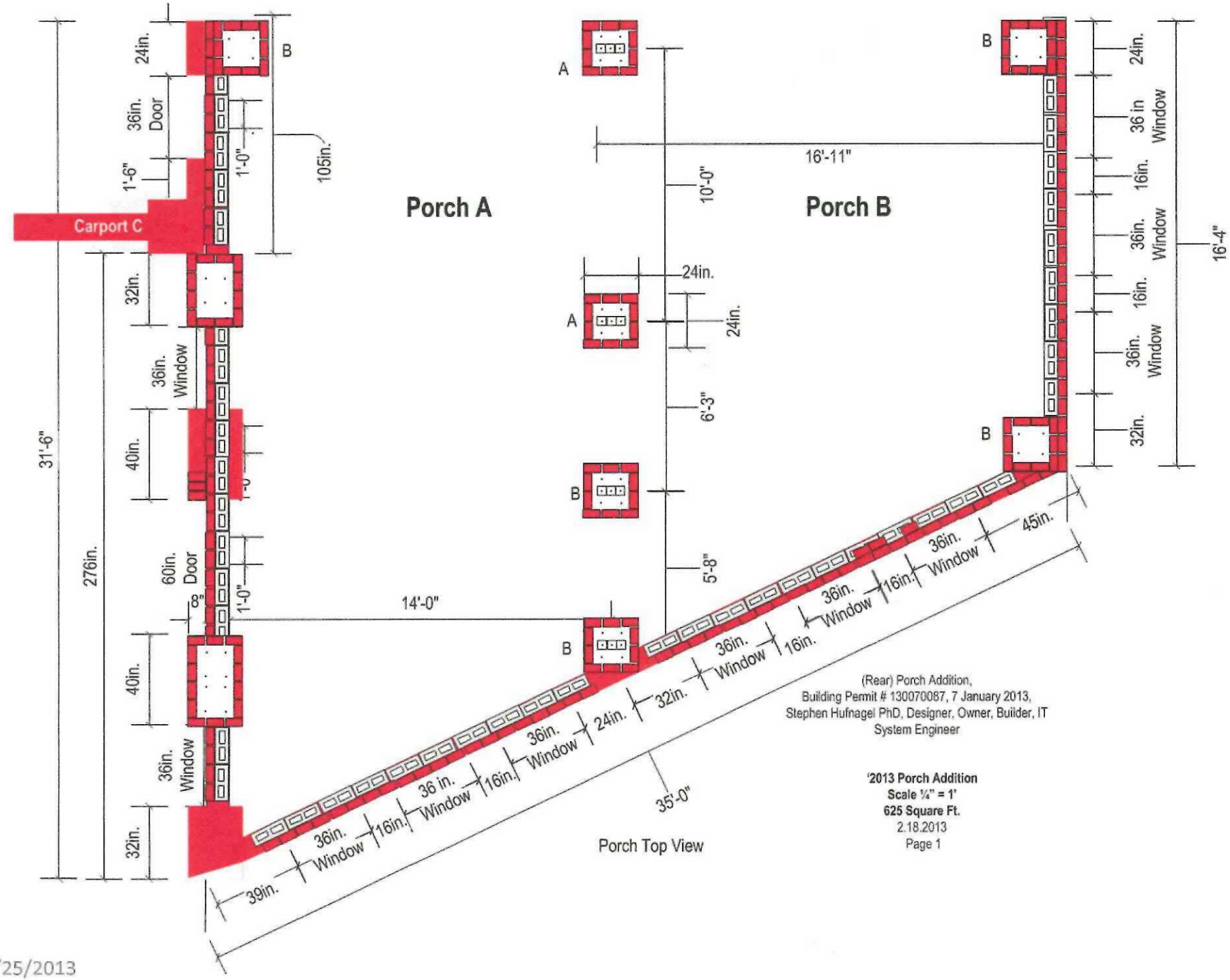
6065 Skyline Ct. is a 1956 split level residence, which has 4 levels (two 2424 SF levels below ground and two 2424 SF levels above ground). This results in 3 master bedrooms, 5 baths, 1 balcony, 1 kitchen, 1 living room, approximately 11 multiuse rooms and 3 external entrances.

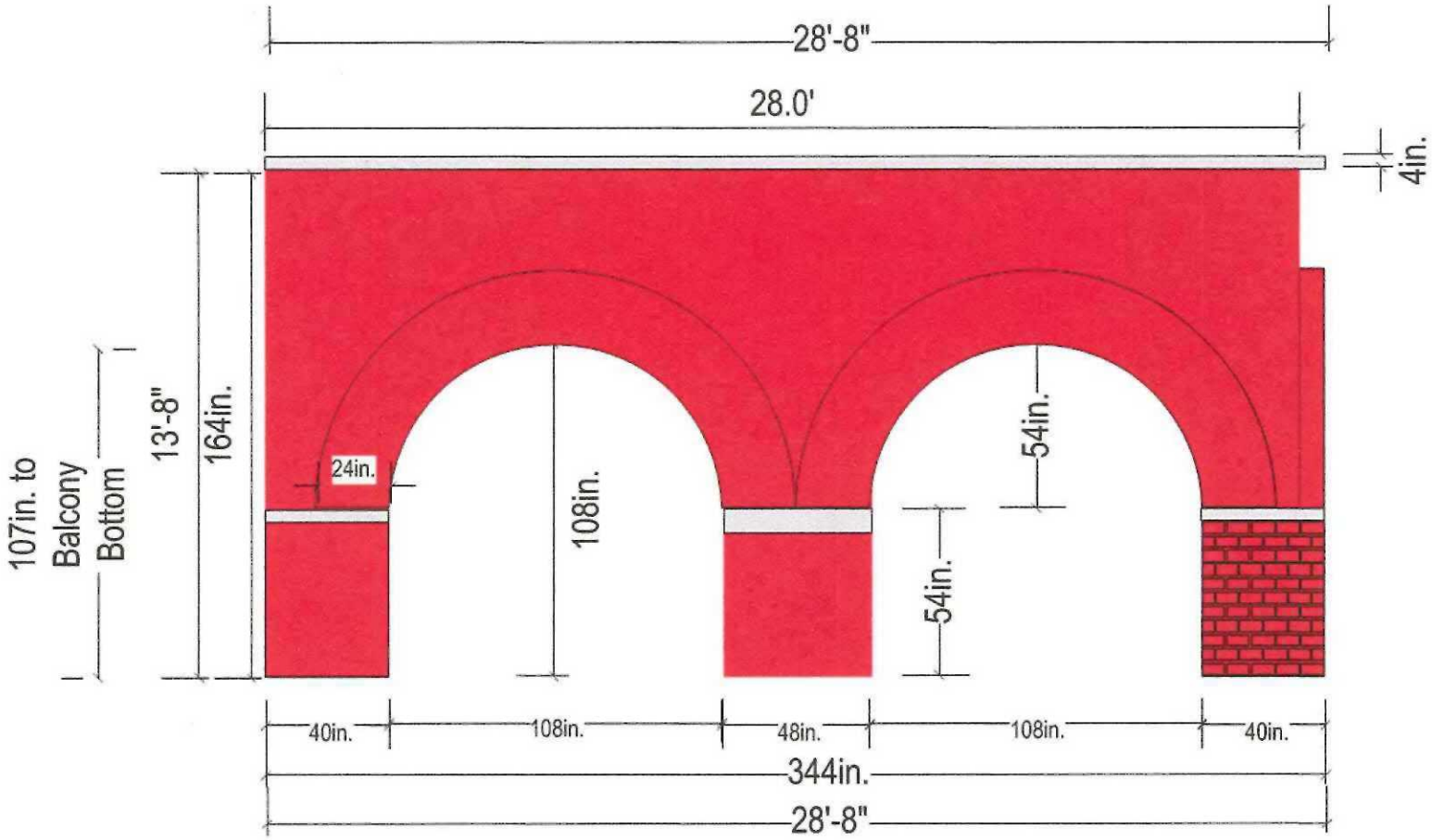
10.00'
Scale

Level 0, House & Property
2.18.2013, Page 9


28'-8"
344.0in.
40in. Column
108in. Entrance
48in. Column
108in. Entrance
40in. Column
6in. To Front Of House
14'-0"
14'-0"
32in. Column
36in. Opening
40in. Column
60in. Opening
40in. Column
36in. Opening
32in. Column
23'-0"
276in.
1'-0"
10'-4"
10'-4"
24in.
24in.
12in.
Carport "A"
Carport "B"


32in.
Column
36in.
Opening
40in.
Column
60in.
Opening
40in.
Column
36in.
Opening
32in.
Column
12in.
32in.
108in.
40in.
138in.
138in.
105in. to
Back of House
Carport
"C"


Carport C
Porch A
Porch B
24in.
36in. Door
1'-6"
1'-0"
105in.
32in.
36in. Window
40in.
60in. Door
8"
1'-0"
40in.
36in. Window
32in.
31'-6"
276in.
14'-0"
A
B
10'-0"
24in.
24in.
6'-3"
5'-8"
16'-11"
24in.
36 in Window
16in.
36in. Window
16in.
36in. Window
32in.
16'-4"
45in.
36in. Window
16in.
36in. Window
16in.
36in. Window
24in.
32in.
36 in. Window
16in.
36in. Window
39in.
35'-0"
Porch Top View
(Rear) Porch Addition,
Building Permit # 130070087, 7 January 2013,
Stephen Hufnagel PhD, Designer, Owner, Builder, IT
System Engineer
'2013 Porch Addition
Scale ¼" = 1'
625 Square Ft.
2.18.2013
Page 1

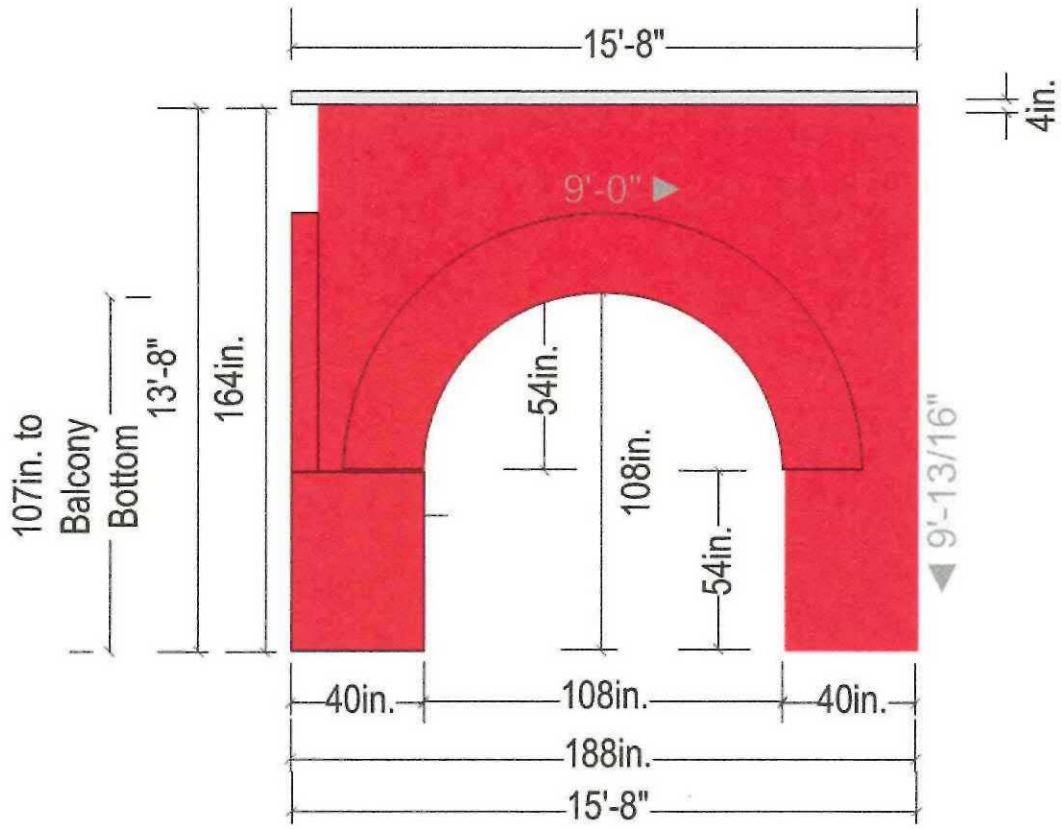


'2013 Carport Addition
Scale ¼" = 1' 0"
2.20.2013
Page 1

Carport A&B Front & Back View

Notes

- 108" Arch is 24" Thick
- 40" Arch is 12" Thick
- Wall is 24" Thick

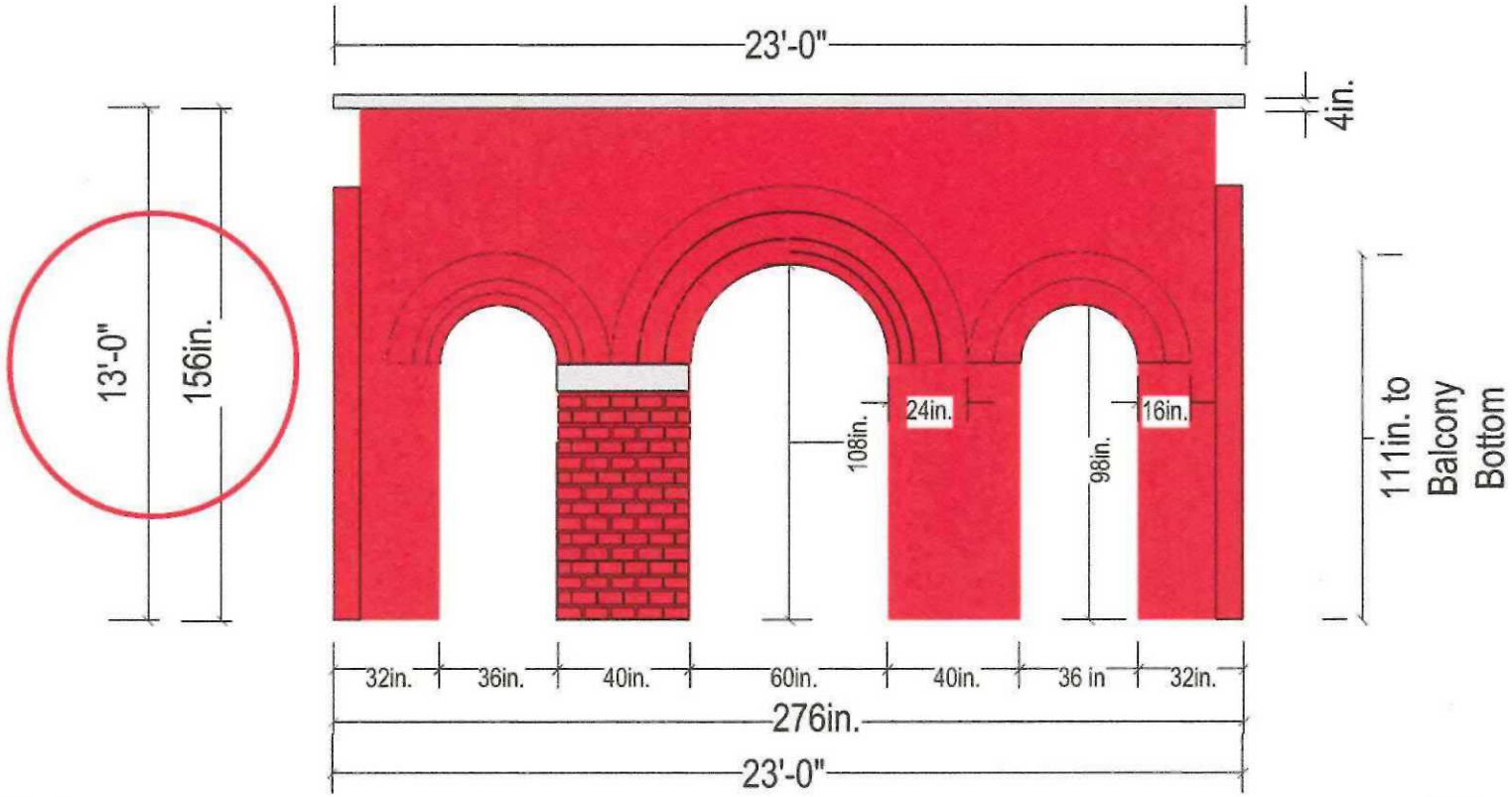


'2013 Carport Addition
Scale ¼" = 1' 0"
2.20.2013
Page 1

Carport C Front & Back View

Notes

- 108" Arch is 24" Thick
- 40" Arch is 12" Thick
- Wall is 24" Thick

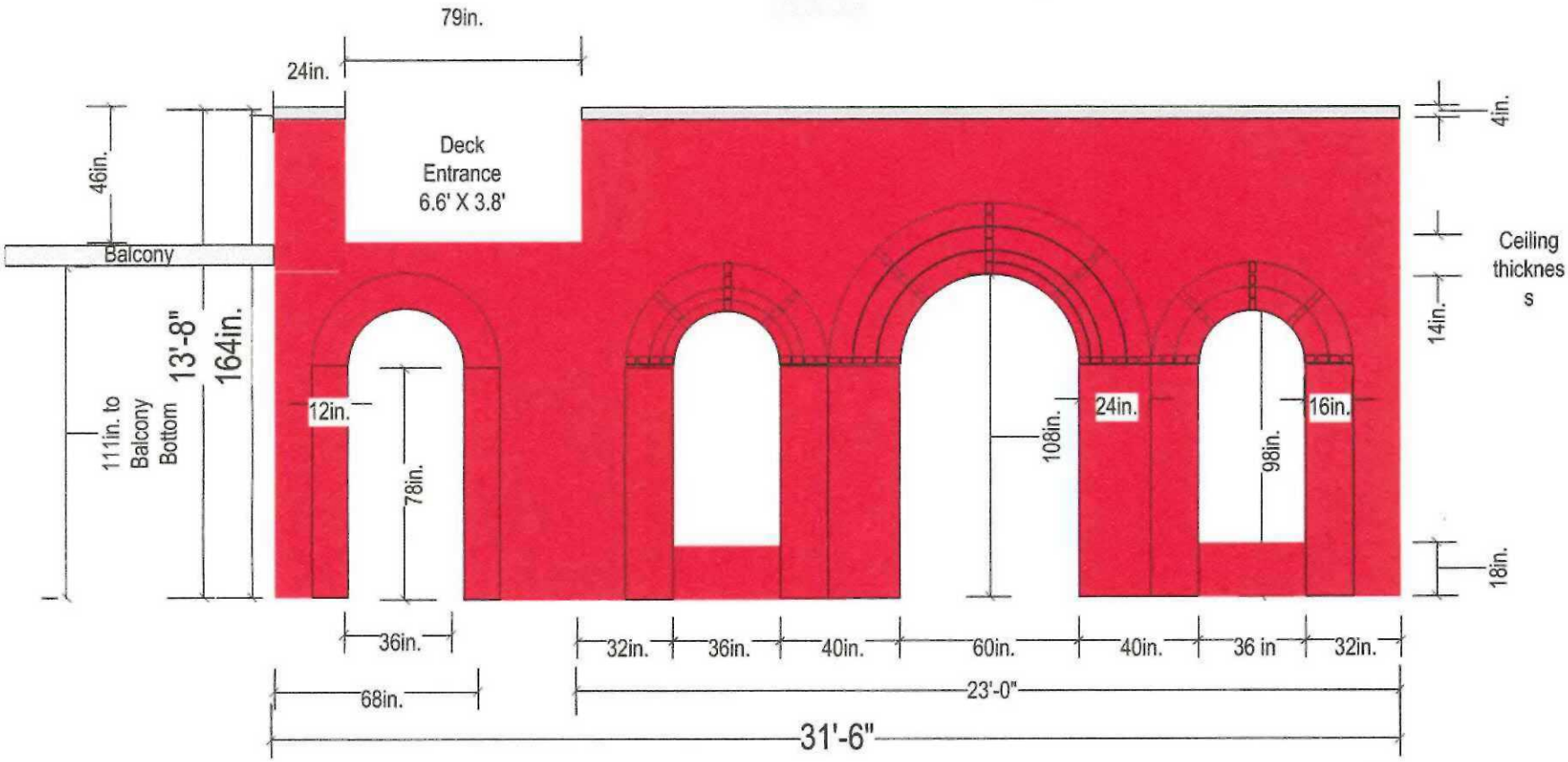


'2013 Carport Addition
Scale ¼" = 1' 0"
2.20.2013
Page 1

Carport A&C Side-View

Notes

- 60" Arch is 20" Thick
- 32" Arch is 12" Thick
- Wall is 24" Thick
- Brick size is 7.5" x 3.5" x 2.25"

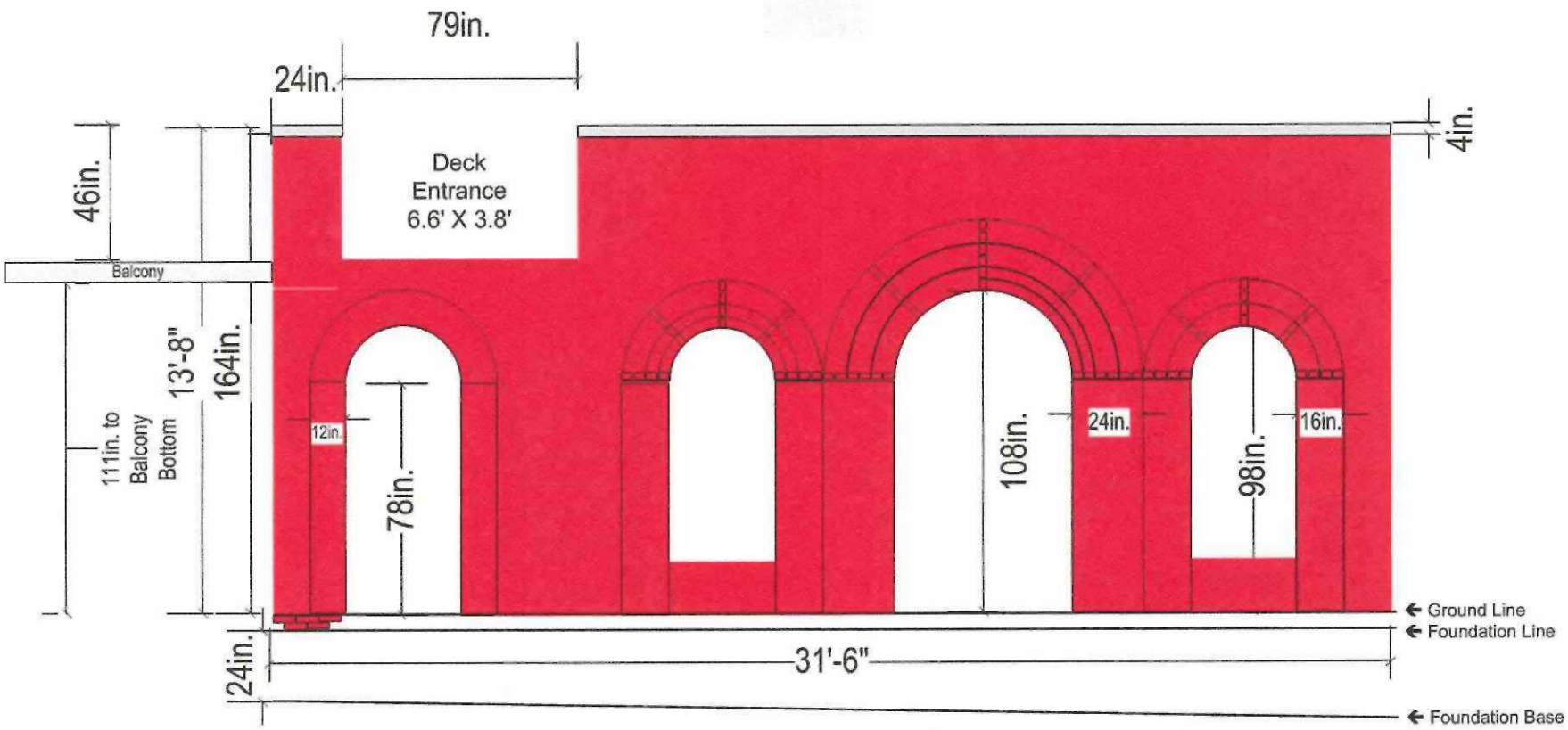


'2013 Porch
Scale ¼" = 1' 0"
2.20.2013
Page 1

Porch Driveway Side-View

Notes

- 60" Arch is 20" Thick
- 32" Arch is 12" Thick
- Wall is 24" Thick
- Brick size is 7.5" x 3.5" x 2.25"

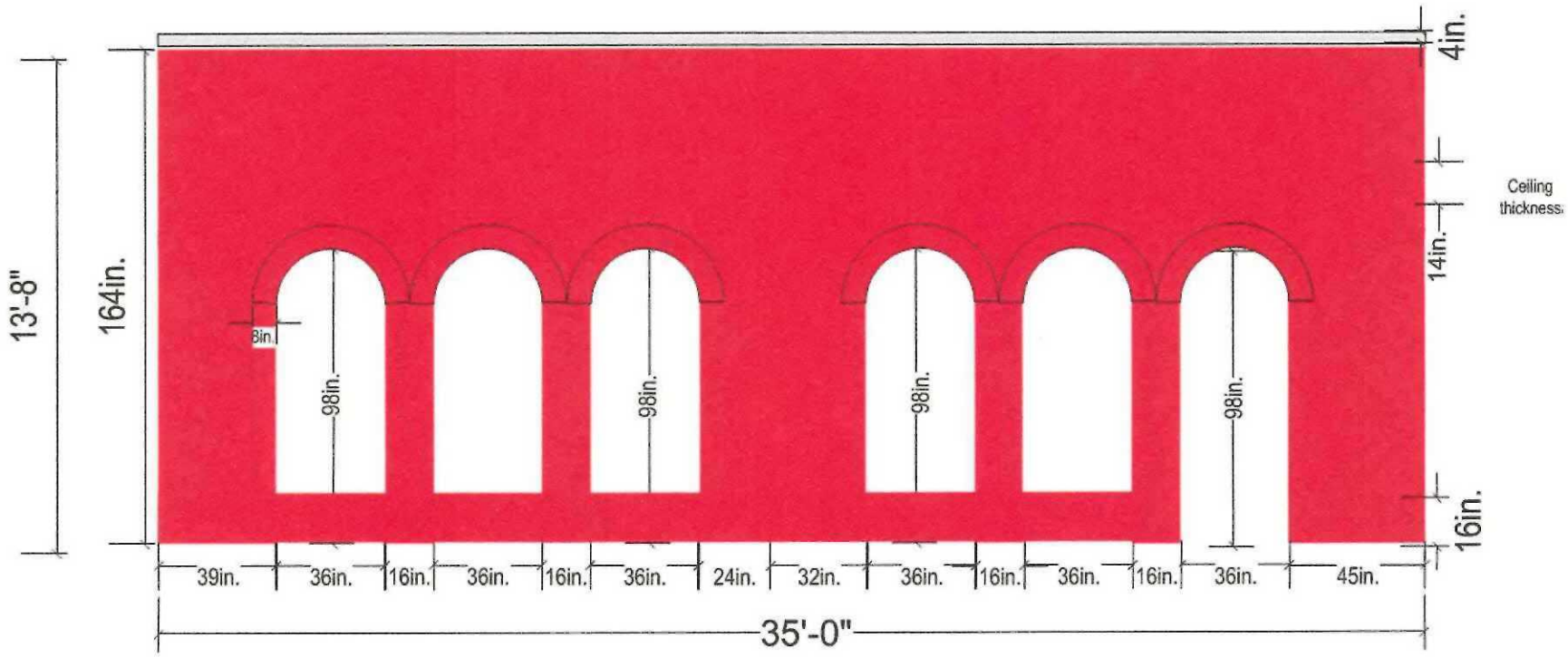


'2013 Porch
Scale ¼" = 1' 0"
1.13.2013
Page 1

Porch Driveway Side-View Showing Foundation Line

Notes

- 60" Arch is 20" Thick
- 32" Arch is 12" Thick
- Wall is 24" Thick
- Brick size is 7.5" x 3.5" x 2.25"

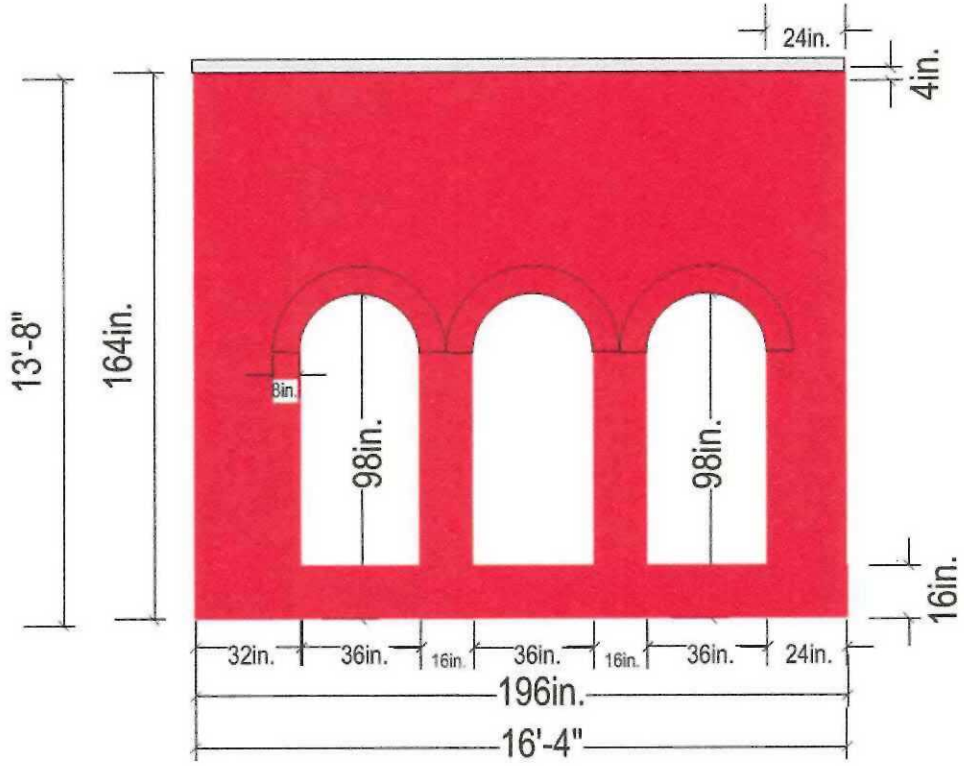


'2013 Porch
Scale ¼" = 1' 0"
1.13.2013
Page 1

Porch Back-View

Notes

- 32" Arch is 10" Thick
- Wall is 12" Thick



'2013 Porch Addition
Scale ¼" = 1' 0"
1.13.2013
Page 1

Porch Side-View (Back-Yard)

Notes

- 26" Arch is 10" Thick
- Wall is 12" Thick

PROPOSED DEVELOPMENT CONDITIONS

VC 2014-MV-006

July 30, 2014

1. This variance is approved to permit the addition, an enclosed carport, in the front yard of the property as shown on the plat "Variance Plat Lot 10, Section One, Belle Haven Estates," prepared by Timothy J. Farrell, Land Surveyor, of B.W. Smith and Associates, Inc., dated February 11, 2013, as revised through April 30, 2014, as submitted with this application and is not transferable to other land.

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 including requirements for building permits.

APPENDIX 3

Application No.(s): SP 2014-MV-071 & VC 2014-MV-006
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 26, 2013
(enter date affidavit is notarized)

I, Stephen Hufnagel, 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)
Stephen P. Hufnagel	6627 Skyline Ct., Alexandria, VA 22307	Applicant / Title Owner

(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: March 26, 2013
(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)
N/A

(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: March 26, 2013
(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**)

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 26, 2013
(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:
N/A

[✓] 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.)
N/A

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: March 26, 2013
(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.)
N/A 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: Stephen Hufnagel

(check one) [✓] Applicant [ ] Applicant's Authorized Agent

Stephen P. Hufnagel, applicant and title holder
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 26th day of March 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Erol Ertumen
Notary Public

My commission expires: 07/31/2013

EROL ENVER ERTUMEN
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JULY 31, 2013
COMMISSION # 7306341

APPENDIX 4

MAY 07 2014
Zoning Evaluation Division

Statements of Justification R4 Zoning Variance

3-407 Bulk Regulations, Corner Lot, Front Yard Width
8-914 Patio Location Too close to Property Line
8-922 Provisions for Reduction of Certain Yard Requirements
8-923 Increase of Wall Height in Front Yard

6627 Skyline Ct, Alexandria, VA. 22307
BELLE HAVEN ESTS, LT 10 BLK 4 SEC 1
MT VERNON DIST. #1, Map # 0931 25040010, Tax District 60100

FROM: Stephen Hufnagel, owner, 703-575-7912, hufnagel@acm.org
6627 Skyline Ct, Alexandria, VA. 22307

TO: County of Fairfax, Department of Planning and Zoning Evaluation Division
12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035

Attn: Fairfax County Board of Zoning Appeals (BZA), **Zoning Evaluation 703-324-1290**
Zoning Administration Division (ZAD), Department of Planning and Zoning,
12055 Government Center Parkway, Suite 807, Fairfax, Virginia 22035, 703-324-1314

File: VC 2013-0066 & SP 2014-0110, 30-Apr-2014

Figure 1: Satellite View of 6627 Skyline Ct., Alexandria, VA

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Department of Planning & Zoning
MAY 07 2014
Zoning Evaluation Division

Statement of Ownership & Interest in the Property.

I am the owner and resident of the 6627 Skyline Ct., Alexandria, VA 22307 property; where, I wish to add a carport and porch addition to the premises, which requires a reduction from 30' to 14' R4 Zoning offset variance for a *reduction of minimum yard width* on the Belle View Boulevard side of the property. Additionally, when applying for the building permit, several legacy issues were discovered, which are also addressed in this application,

Background

In October 2010, I purchased the 6627 Skyline Ct. North-East corner-residence as shown in Figure 1: Satellite View of 6627 Skyline Ct., Alexandria, VA; at that time, the house was vacant, had been a rental house for approximately ten years and was in a state of general disrepair. Since then, I have been improving the property with a retaining wall, decorative walls, sidewalks, patios and landscaping.

The house is the only one on Skyline Ct. without a garage and/or porch. To make safer-and-better use of the property, I wish to add a carport and porch. I am a senior and need to be particularly careful about falling; where, the carport and porch are designed for accessibility, to mitigate risk and to maximize my use of the premises. I appreciate the Skyline Ct. area because all the residents keep their homes and property in an excellent state; and with your help, I wish to meet or exceed the standard, which my neighbors have set.

3-407 Bulk Regulations apply; where, a corner lot is considered to have 2 front yards

3-407-2. Minimum yard requirements
3-407-2-A. Single family dwellings
3-407-2-A (1) Conventional subdivision lot
3-407-2-A (1) (a) Front yard: 30 feet
3-407-2-A (1) (b) Side yard: 10 feet
3-407-2-A (1) (c) Rear yard: 25 feet

As a part of the carport and porch building permit review process I was advised that I need variances to the following:

- 3-407 Bulk Regulations, Corner Lot, Front Yard Width (to 13.8 feet)
- 8-914 Patio Location Too close to side Property Line (1.7 feet and 2.8 feet)
- 8-922 Provisions for Reduction of Certain Yard Requirements
- 8-923 Increase of Wall Height in Front Yard over 4 feet

The proposed locations of the Carport and Porch are shown in Figure 2: 2010 Photo of Proposed Carport and Porch Site
and Figure 4 Survey Plat showing Proposed Carport, Porch and Driveway.

- The proposed porch replaces a decrepit open porch (see Figure 7 Side Yard, Showing Original Porch (Proposed for Replacement)); where the replacement will be an enclosed brick-structure, with Roman style arch entries and windows, to complement the brick house.
- The proposed open carport will be located on a portion of the existing driveway; where, the carport will be an open brick-structure, with Roman style arch entries and "windows" to complement the brick house.
- Both the carport and the porch structures will have a flat roof, serving as a deck.
- This is an R4 zoned corner lot; where, the side of the house is considered a "front yard", with a 30' offset requirement; rather than, a 10' normal side yard offset requirement. The proposed area where the carport and porch will be located is already level; however, Belle View Boulevard slopes down at over a 30 degree angle; where, the proposed addition is naturally isolated from the road as is shown in Figure 9 SE Distant View of Proposed Addition Site and is 13.8 feet from the road at its closest point.
- As shown on Figure 4 Survey Plat showing Proposed Carport, Porch and Driveway, The variance will allow the 1) corners of the carport to be approximately 22', 14' and 19' from Belle Haven Boulevard and 2) the corner of the porch to be approximately 21' from Belle Haven Boulevard. The reduced distance is mitigated; because, Bell Haven Blvd. has a steep slope and is substantially lower than the residence and proposed addition as is shown in Figure 9 SE Distant View of Proposed Addition Site .

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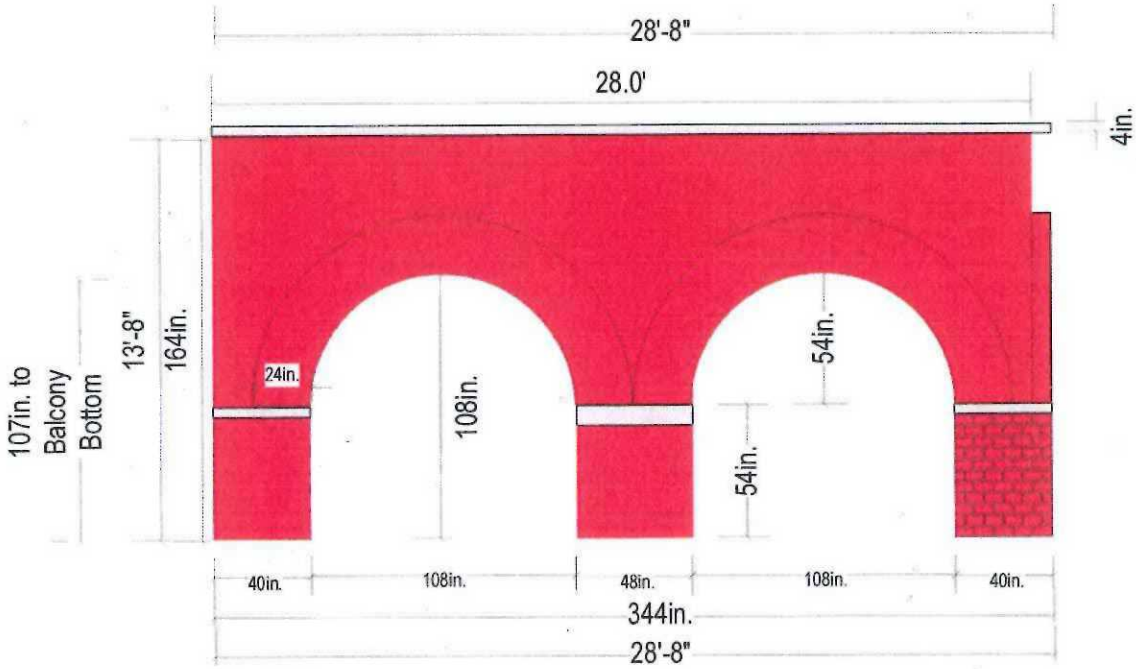
MAY 07 2014
Zoning Evaluation Division

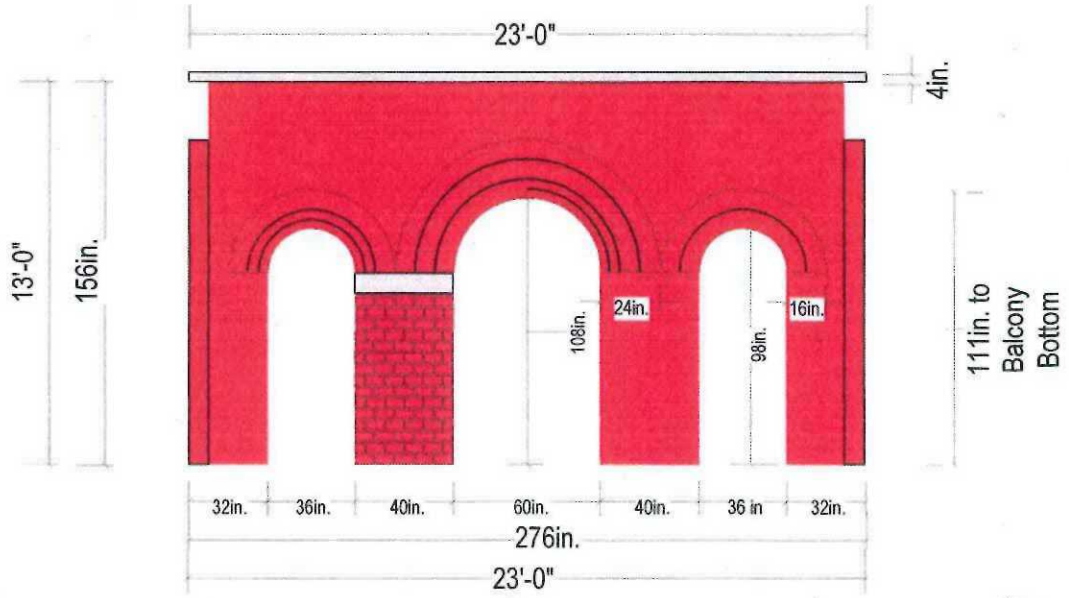
Figure 2: 2010 Photo of Proposed Carport and Porch Site



'2013 Carport Addition
Scale ¼" = 1' 0"
3.6.2013
Page 1

Carport Front & Back View

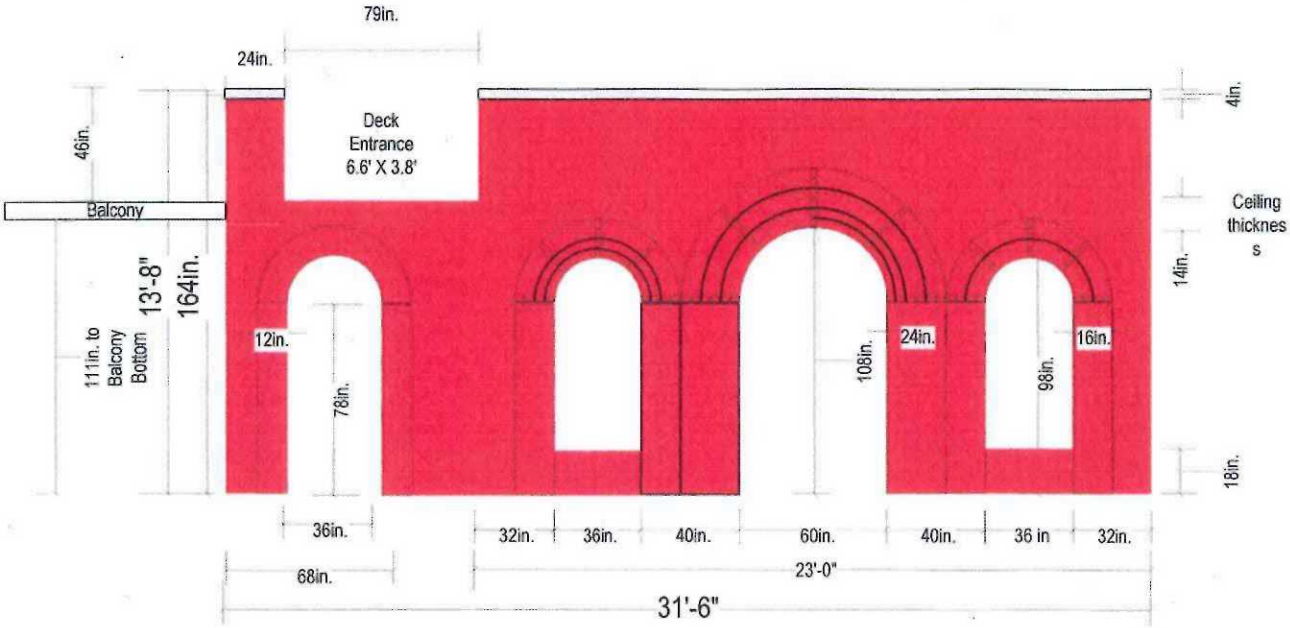
Notes
- 108" Arch is 24" Thick
- 40" Arch is 12" Thick
- Wall is 24" Thick



'2013 Carport Addition
Scale ¼" = 1' 0"
3.6.2013
Page 1

Carport Side-View

Notes
- 60" Arch is 20" Thick
- 32" Arch is 12" Thick
- Wall is 24" Thick
- Brick size is 7.5" x 3.5" x 2.25"



'2013 Porch
Scale ¼" = 1' 0"
3.4.2013
Page 1

Porch Driveway Side-View

Notes
- 60" Arch is 20" Thick
- 32" Arch is 12" Thick
- Wall is 24" Thick
- Brick size is 7.5" x 3.5" x 2.25"

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Department of Planning & Zoning

MAY 07 2014

Zoning Evaluation Division

Statement of Justification (3-407 Bulk Regulations-Yard Width)

In support of the request for a zoning variance[1] to 6627 Skyline Court, Alexandria, VA, the following provides a detailed explanation of how each of the variance requisite standards is met.

1. **The subject property was acquired in good faith.**

   Response:

   - The home was built in 1956, prior to the August 14, 1978 ordinance
   - The home was purchased in October 2010 and
   - The deed is registered with Fairfax County.

2. **The subject property has <u>at least one</u> of the following characteristics (note: "the effective date of the Ordinance" is August 14, 1978):**

   - **Exceptional narrowness at the time of the effective date of the Ordinance;**
     i. N/A
   - **Exceptional shallowness at the time of the effective date of the Ordinance;**
     i. N/A
   - **Exceptional size at the time of the effective date of the Ordinance;**
     i. **Response:** The lot is 16,636 or 0.3819 acres, which is larger than required by R4 zoning; thereby, it comfortably accommodates the addition.
   - **Exceptional shape at the time of the effective date of the Ordinance;**
     i. **Response:** The lot is 16,636 or 0.3819 acres; while, the approximately 35' x 70' house is set back approximately 40 feet from Skyline Blvd., making the location of a carport and porch challenging; except on the east (driveway) side of the residence.
   - **Exceptional topographic conditions;**

     Response:

     i. The property has an east-west slope of approximately 10 degrees
     ii. The property has a suitable plateau (flat area) on its east (driveway) side to accommodate the proposed addition as is shown in Figure 11 S Front View of Residence and Proposed Addition Site.
   - **An extraordinary situation or condition of the subject property; or**

     Response:

     i. The only suitable flat area, on this corner lot, for a carport and porch is a "plateau" (flat area) at the north-east (driveway) side,

[1] Pursuant to Section 18-404 of the Zoning Ordinance, in considering a variance, the Board of Zoning Appeals (BZA) makes specific findings based on the evidence before it.

which is adjacent to Belle Haven Boulevard as is shown in Figure 11 S Front View of Residence and Proposed Addition Site.

ii. When acquired, the property's rear yard was virtually unusable as is shown in Figure 7 Side Yard, Showing Original Porch (Proposed for Replacement) and Figure 8 NE View of Side Yard with Original Porch in the Background . The existing porch is unsafe to use, falling away from the house, and practically falling down. The cement patio is cracked and broken and the remaining yard around it was filled with rocks and roots so that it is hazardous to go into the backyard. After even a small amount of rain, the porch/patio area turns into a large puddle. The uneven terrain, broken and protruding roots and constant standing water makes the area useless. I wish to have the porch rebuilt and to level the porch/patio area and make it usable. With the addition; not only will I be able to use my backyard again, but it will be much more attractive for the surrounding properties as well.

- **An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.**

Response:

i. The property is bordered by Belle View Boulevard, which has a steep South → North slope exceeding 30 degrees as is shown in Figure 9 SE Distant View of Proposed Addition Site .

ii. Belle View Boulevard is approximately 20 feet below the property level at the North boundary; as a result, the proposed addition will be generally isolated from the road's view.

iii. We do not request a variance to the back/side yard with the adjacent homeowner.

3. **The condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.**

- The unusual sloping topology, extraordinary plateau condition and extraordinary situation of the unique house location and corner-lot adjacent to the steeply sloping Belle View Boulevard is not a repeated situation across the county.

4. **The strict application of this Ordinance would produce undue hardship.**

- Current zoning restrictions have a major impact on reasonable renovation plans for this 1956 property to make the residence consistent with modern safety and convenience standards for a carport and/or porch; while, the

requested variance has no detrimental impact on the public or on adjacent properties.

- Currently, the home has no garage or carport; thereby reducing home value, safety and convenience; considering that
    i. Currently, snow and rain make access to the home treacherous, due to the unusual sloping topology.
    ii. The home owner and relative (sister) are senior citizens, vulnerable to serious injury from falling.

5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.

- Generally, other homes on smaller Skyline Ct. lots, have attached garages, carports and/or porches to protect residents and their property from the hazards of bad weather.

6. Hardship

- **The strict application of the Zoning Ordinance would *effectively prohibit or unreasonably restrict all reasonable use* (emphasis added) of the subject property, or**

  Response:

    i. As the owner ages, protection of vehicles (e.g., windshields icing in winter) and protection of safe access to the home (e.g., without fear of slipping and falling, during inclement weather) becomes increasingly important to allow continued mobility.
    ii. Because of the unusual characteristic of the property, described above, and the owners advancing age (DOB 1946), a strict application of the 1978 zoning ordinance to the 1956 residence would result in a hardship so severe that it is almost the same as taking the property and threatening life and limb; In other words, it is becoming almost impossible or unreasonable to use the property without the variance.

- **The granting of a variance will alleviate a clearly demonstrable hardship *approaching confiscation* (emphasis added) as distinguished from a special privilege or convenience sought by the applicant.**

Response:

- The strict application of the Zoning Ordinance regulations would result in excessive or unreasonable hardship because there is no feasible way for the owners to include the carport and porch addition without encroaching into the setbacks due to the topology / slope of the property and location of the existing structure.

- Undue hardship will result if the zoning restricts the safe and convenient utilization of the property, as discussed above; and considering that, there is exceptional condition of size, shape and topography; and, the variance does not cause detriment to adjacent property; and, these size, shape and topography circumstances are not generally shared by other properties in the vicinity.

7. Authorization of the variance will not be of substantial detriment to adjacent property.

Response:

- Approval of the addition will result in better use-of the property and better appearance of the premises than would otherwise be the case; where, the addition improves the house's appearance and does NOT infringe upon adjacent properties.
- The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated because the addition is occurring on the Belle View Boulevard side of the house, which is substantially elevated above the road and generally isolated from the road as is shown in Figure 9 SE Distant View of Proposed Addition Site .

8. The character of the zoning district will not be changed by the granting of the variance.

- **Response**: The lot is larger than required; such that, the residence plus addition remains consistent with the character of the zoning district.

9. The variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

Response:

- The lot is large enough that the addition is in harmony with the intended spirit and purposes of the ordinance and is consistent with the character of the zoning district; and in fact, the addition will result in a better overall appearance within the neighborhood.
- The granting of the variance of adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

Statement of Justification (8-914 Error in Patio Location to Property Line)

In support of the request for a zoning variance[2] to 6627 Skyline Court, Alexandria, VA, the following provides a detailed explanation of how each of the variance requisite standards is met. Figure 8 NE View of Side Yard with Original Porch in the Background is 2.8 feet adjacent to the property line and Figure 13 Close-up View of Side-Yard Patio is 1.7 feet adjacent to the property line.

"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."

A. The error exceeds ten (10) percent of the measurement involved, and

- The patios are within 2.8 and 1.7 feet of the lot line respectively.

B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and

- The porch patio is within 2.8 feet of the property line came with the house.
- As was discussed in the background section, the owner, in good faith, landscaped the grounds of the 2010 purchased house; where, the house and grounds had fallen into general disrepair, because the house had been rented without repairs for approximately ten years. The new owner was not aware that sidewalks, patios and decorative walls come under zoning regulations 8-914 and 8-923, until submitting building permit application # 130070087 on 7 January 2013 requesting to build a carport and porch.

C. Such reduction will not impair the purpose and intent of this Ordinance,

- This reduction is consistent with the intent of the R-4 District to provide for (4) single family detached dwellings per acre; considering that this property is one-third acre vs. the minimum of one fourth acre. The patio location continues to allow other uses which are compatible with the low density residential character of the district In conclusion; the current situation continues to implement the stated purpose and intent of the Ordinance.

[2] Pursuant to Section 18-404 of the Zoning Ordinance, in considering a variance, the Board of Zoning Appeals (BZA) makes specific findings based on the evidence before it.

D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and

- Only one yard is adjacent; where, this change has no impact on the adjacent yard nor on other property in the immediate vicinity, but rather, this change adds to the general beauty and enjoyment of the area.

E. It will not create an unsafe condition with respect to both other property and public streets, and

- The two side yard patios do not create an unsafe condition; but rather, they provides a level area to make house access safer, considering the yard slope.

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

- The patios are built with concrete and brick and it is impractical to move them; considering that they provide level areas, for safer house-entry access.

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

- The reduction has negligible to no impact in density or floor area ratio.

Statement of Justification (8-923 Increase of Wall Height in Front Yard)

In support of the request for a zoning variance[3] to 6627 Skyline Court, Alexandria, VA, the following provides a detailed explanation of how each of the variance requisite standards is met. Figure 9 through Figure 12 show the walls in question; where, the retaining wall was built and approved under building permit 120470022, issued 3/1/2012. The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3l of Sect. 10-104.

- Section 8-923 applies.

2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.

- The decorative walls do not block corner visibility and are not within the corner sight distance as specified in Section 2-505.

3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.

[3] Pursuant to Section 18-404 of the Zoning Ordinance, in considering a variance, the Board of Zoning Appeals (BZA) makes specific findings based on the evidence before it.

- The higher decorative wall height is warranted to compensate for the presence of multiple front yards and due to the lot being a corner sloping lot. The orientation and location of nearby structures makes them unaffected by the wall heights.

4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.

- As can be seen in Figure 9 through Figure 12, the decorative brick walls are consistent with the main brick residence and other properties' brick structures.

5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.

- The walls in question are facing the street and do not impact adjacent properties.

6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.

- No additional conditions have been recommended by the county staff.

STATEMENT OF JUSTIFICATION (SPECIAL PERMIT)

The proposed use is residential, as described in the introduction, including specifically:

A. Type of operation(s). **NA (residence)**

B. Hours of operation. **NA (residence)**

C. Estimated number of patrons/clients/patients/pupils/etc. **NA (residence)**

D. Proposed number of employees/attendants/teachers/etc. **NA (residence)**

E. Estimate 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. **NA (residence)**

F. Vicinity or general area to be served by the use. **NA (residence)**

G. Description of building facade and architecture of proposed new building or additions.

- See attached carport and porch plans **NA (residence)**

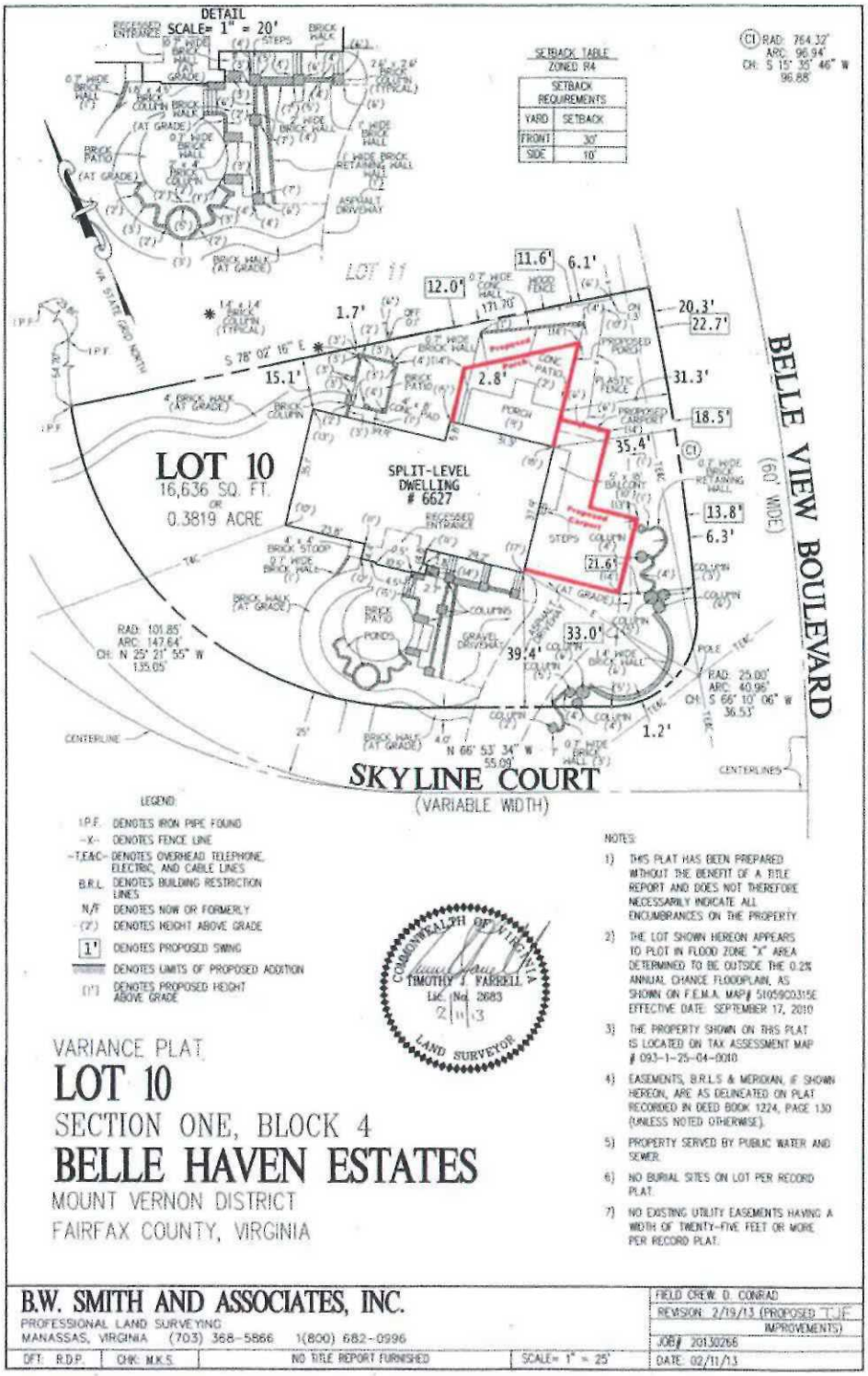
H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

- **Response: There are no records or indications of hazardous or toxic substances.**

I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

- Residential use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions; Except for the wavers requested herein.

223



224
225

Figure 3 2013 Survey indicating Proposed Carport and Porch

Similar Case History

Group: 83-V -134

VC 83-V -134

APPLICANT:	ARTHUR F. & DEBRA S. SCHOLL
STATUS:	APPLICATION DENIED
STATUS/DECISION DTE:	11/01/1983
ZONING DISTRICT:	R- 4
DESCRIPTION:	TO ALLOW CONSTRUCTION OF 13'6" HIGH DETACHED GARAGE TO3 FT. FROM SIDE AND REAR LOT LINES (10 FT. MIN. SIDE YARD AND 13.5 FT. MIN. REAR YARD REQ.)
LOCATION:	6925 QUANDER ROAD
TAX MAP #5:	0931 23070014

Group: 88-V -102

VC 88-V -102

APPLICANT:	MARKHAM, KEITH AND SANDERS, TRACY
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	10/05/1988
ZONING DISTRICT:	R- 4
DESCRIPTION:	ALLOW DETACHED GARAGE TO REMAIN IN A FRONT YARD ON A CORNER LOT AND 4.2 FT. FROM REAR LOT LINE (ACCESSORY STRUCTURE NOT PERMITTED IN ANY FRONT YARD AND REQ. TO HAVE10 FT. MIN. SIDE YARD) CHANGED TO VARIANCE ON 6/17/88
LOCATION:	6801 SWARTHMORE DRIVE
TAX MAP #5:	0931 23020014

Group: 2003-MV-027

VC 2003-MV-027

APPLICANT:	MARK A WOLVEN
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	05/07/2003
ZONING DISTRICT:	R- 4
DESCRIPTION:	TO PERMIT CONSTRUCTION OF ADDITION 7.9 FEET FROM SIDE LOT LINE
LOCATION:	7012 COLGATE DRIVE
TAX MAP #5:	0931 23140008

Group: 2003-MV-084

VC 2003-MV-084 STAFF REPORT

APPLICANT:	PETER C. SLEIGHT
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	07/30/2003
ZONING DISTRICT:	R-4
DESCRIPTION:	TO PERMIT CONSTRUCTION OF ADDITION 9.6 FEET FROM SIDE LOT LINE
LOCATION:	6732 SWARTHMORE DRIVE
TAX MAP #S:	0931 23030021

Group: 2009-MV-025

SP 2009-MV-025 STAFF REPORT LOCATOR MAP

APPLICANT:	KEVIN L. MURRAY
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	06/30/2009
ZONING DISTRICT:	R-8
DESCRIPTION:	REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STRUCTURE TO REMAIN 2.3 FEET FROM THE SIDE LOT LINE AND 3.2 FEET FROMTHE REAR LOT LINE
LOCATION:	2216 DARTMOUTH DRIVE
TAX MAP #S:	0931 23050019B

Group: 2009-MV-059

SP 2009-MV-059 STAFF REPORT LOCATOR MAP

APPLICANT:	STEPHEN N. SMITH (STEPHEN & DEBORAH M SMITH)
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	09/29/2009
ZONING DISTRICT:	R-8
DESCRIPTION:	REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 5.8 FEET FROM SIDE LOT LINE
LOCATION:	6927 DUKE DRIVE
TAX MAP #S:	0931 23090024

Group: 2011-MV-077

SP 2011-MV-077 STAFF REPORT LOCATOR MAP

APPLICANT:	JAMES E. FORTMULLER AND JULIA A. TROTTER
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	10/26/2011
ZONING DISTRICT:	R-4
DESCRIPTION:	REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 7.0 FEET FROM SIDE LOT LINE AND REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT SHED TO REMAIN 2.9 FEET FROMSIDE LOT LINE
LOCATION:	6915 QUANDER ROAD
TAX MAP #S:	0931 23070009

Group: 2012-MV-057

SP 2012-MV-057 STAFF REPORT LOCATOR MAP

APPLICANT:	THOMAS A. LOVE & LORA L. LOVE
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	11/28/2012
ZONING DISTRICT:	R-4
DESCRIPTION:	PERMIT FENCE GREATER THAN 4 FEET IN HEIGHT TO REMAIN IN FRONT YARD OF A CORNER LOT
LOCATION:	1901 ROLLINS DRIVE, ALEXANDRIA, VA 22307
TAX MAP #S:	0931 23130019

Group: 2013-MV-066

SP 2013-MV-066 STAFF REPORT

APPLICANT:	AIMEE GRINNAN
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	11/20/2013
ZONING DISTRICT:	R-4
DESCRIPTION:	REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 5.0 FEET FROM SIDE LOT LINE
LOCATION:	6804 DUKE DRIVE, ALEXANDRIA, VA, 22307
TAX MAP #S:	0931 23050007

Fairfax County Government
12055 Government Center Parkway
Fairfax, VA 22035

Building Permit Zoning Review

This document does not reflect the final Building Permit approval.

2/16/12 9:43:27AM

Bldg Permit #: 120470022 **RETAINING WALL**

Address: 6627 Skyline Ct Alexandria VA 22307-1351
Bldg: N/A **Floor:** **Suite:** N/A

Subdiv: Belle Haven Estates Lt 10 Blk 4 Sec 1 **Sub Census:** 151.03 **Lot Size:** 16,636.00
Tax Map: 0931 25040010
Owner: Hufnagel Stephen P
Phone Day: (703)575-7912 x **Evening:**

Contractor:
OWNER IS CONTRACTOR
(999) 999-9999

Type of Work: RETAINING WALL LESS THAN 5 FT
Description of Work: retaining wall under 5'/ per case #201108385 per plans

ZPRB Review

Date		Status
2/16/12	ALANGH	Approved

Zoning Details Review Fees

Zoning Dist.	Height	Proffer
R-4	5.00	

Zoning Use
SFD

DETAILS COMMENTS:
retaining wall

12047 0022

NOTE: THIS PLAT IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES UNLESS CORNER MONUMENTS ARE INDICATED.

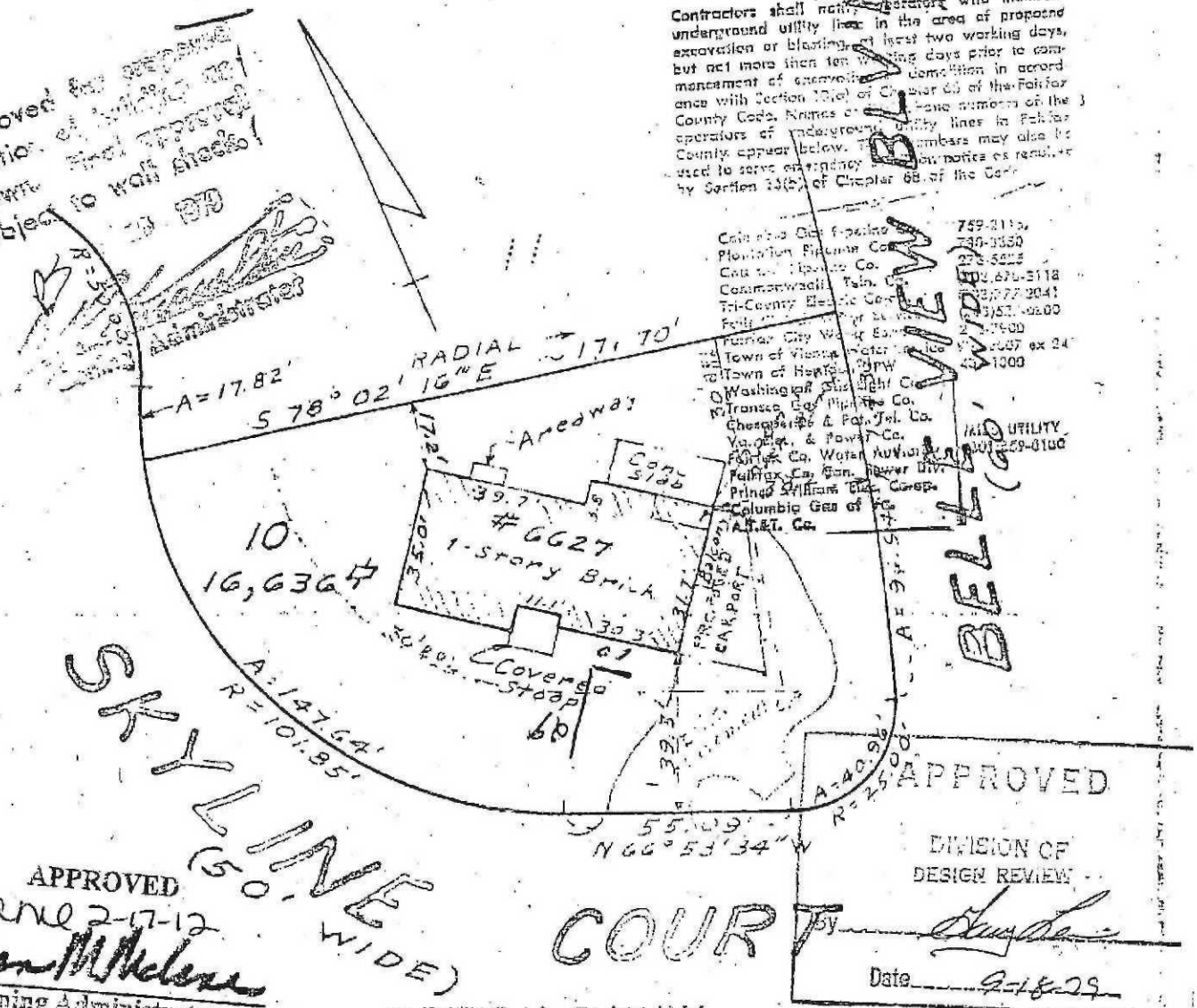
NOTICE REQUIRED

Contractors shall notify operators who maintain underground utility lines in the area of proposed excavation or blasting at least two working days, but not more than ten working days prior to commencement of excavation or demolition in accordance with Section 13(a) of Chapter 68 of the Fairfax County Code. Names of operators of underground utility lines in Fairfax County appear below. The numbers may also be used to serve emergency notice as required by Section 13(b) of Chapter 68 of the Code.

Columbia Gas Pipeline Co. 759-2115
Plantation Pipeline Co. 780-3850
Cable Television Co. 273-5525
Commonwealth Tele. Co. 670-3118
Tri-County Electric Coop. 777-2041
Fairfax County Water Authority 553-2600
Fairfax City Water Dept. 273-7600
Town of Vienna Water Dept. 938-5087 ex 24
Town of Herndon DPW 437-1000
Washington Gas Light Co.
Transco Gas Pipeline Co.
Chesapeake & Pot. Tel. Co.
Va. Elec. & Power Co.
Fairfax Co. Water Authority
Fairfax Co. Sanitary Sewer Div.
Prince William Elec. Coop.
Columbia Gas of Va.
A.T.&T. Co.

MISS UTILITY 800-552-7001

Approved for [illegible] location of [illegible] shown. Final approval subject to wall check!
[illegible] Administrator



APPROVED
DIVISION OF DESIGN REVIEW
By
Date 9-18-29

APPROVED
Date 2-17-12
Zoning Administrator
Retaining wall

PHYSICAL SURVEY
LOT 10 BLOCK 4 SECTION 1

BELLE HAVEN ESTATES

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 40'

Nov. 20, 1972

PURCHASER Mallick
T-16025-(72-26)

SCHULTZ & ASSOCIATES
PLANNERS SURVEYORS
MARYLAND & VIRGINIA

CERTIFIED CORRECT
ARLINGTON, VIRGINIA

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.

8-923 ***Provisions for Increase in Fence and/or Wall Height in Any Front Yard***

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.

2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.

3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.

4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.

5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.

6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.

7. 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 or structure, to include existing or proposed fences and/or walls.

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 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. If applicable, existing 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.

8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
   A. Exceptional narrowness at the time of the effective date of the Ordinance;
   B. Exceptional shallowness at the time of the effective date of the Ordinance;
   C. Exceptional size at the time of the effective date of the Ordinance;
   D. Exceptional shape at the time of the effective date of the Ordinance;
   E. Exceptional topographic conditions;
   F. An extraordinary situation or condition of the subject property; or
   G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
   A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or
   B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.

18-405 Conditions

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall

then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.

APPENDIX 8

Haley, Erin M.

From: Kraucunas, Paul J. (VDOT), P.E. <Paul.Kraucunas@VDOT.Virginia.gov>
Sent: Monday, July 14, 2014 1:53 PM
To: Haley, Erin M.
Subject: SP 2014-MV-072, Stephen P. Hufnagel

Erin,
VDOT has reviewed this application.
The brick pier located at the east side of the driveway should be moved outside of the ROW as it is a fixed object within the clear zone.
Please contact me if you have any questions.
Thank you,
Paul