



County of Fairfax, Virginia

October 15, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-SU-153

SULLY DISTRICT

APPLICANTS: Soumya Sarkar

OWNERS: Soumya Sarkar
Sangeeta Sarkar

STREET ADDRESS: 13586 Cobra Drive, Herndon 20171

SUBDIVISION: Chantilly Highlands

TAX MAP REFERENCE: 25-3 ((4)) 932

LOT SIZE: 8,558 square feet

ZONING DISTRICT: R-3C

SPECIAL PERMIT PROPOSAL: To permit reduction of minimum yard requirements based on error in building location to permit accessory structure to remain 7.8 feet from rear lot line and a reduction of certain yard requirements to permit addition 14.6 feet from rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-SU-153 for the screened porch addition with adoption of the proposed development conditions contained in Appendix 1.

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

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

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

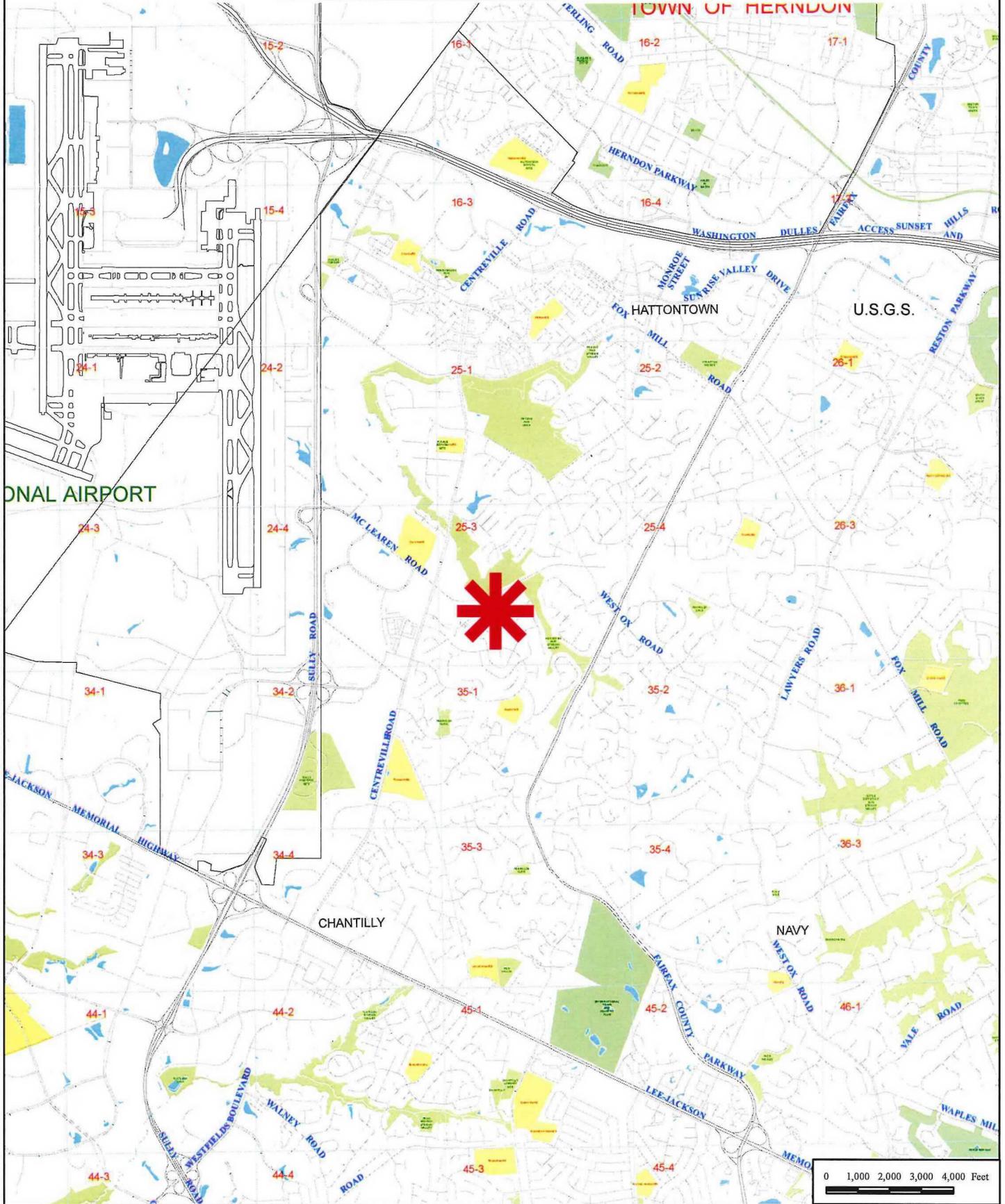


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

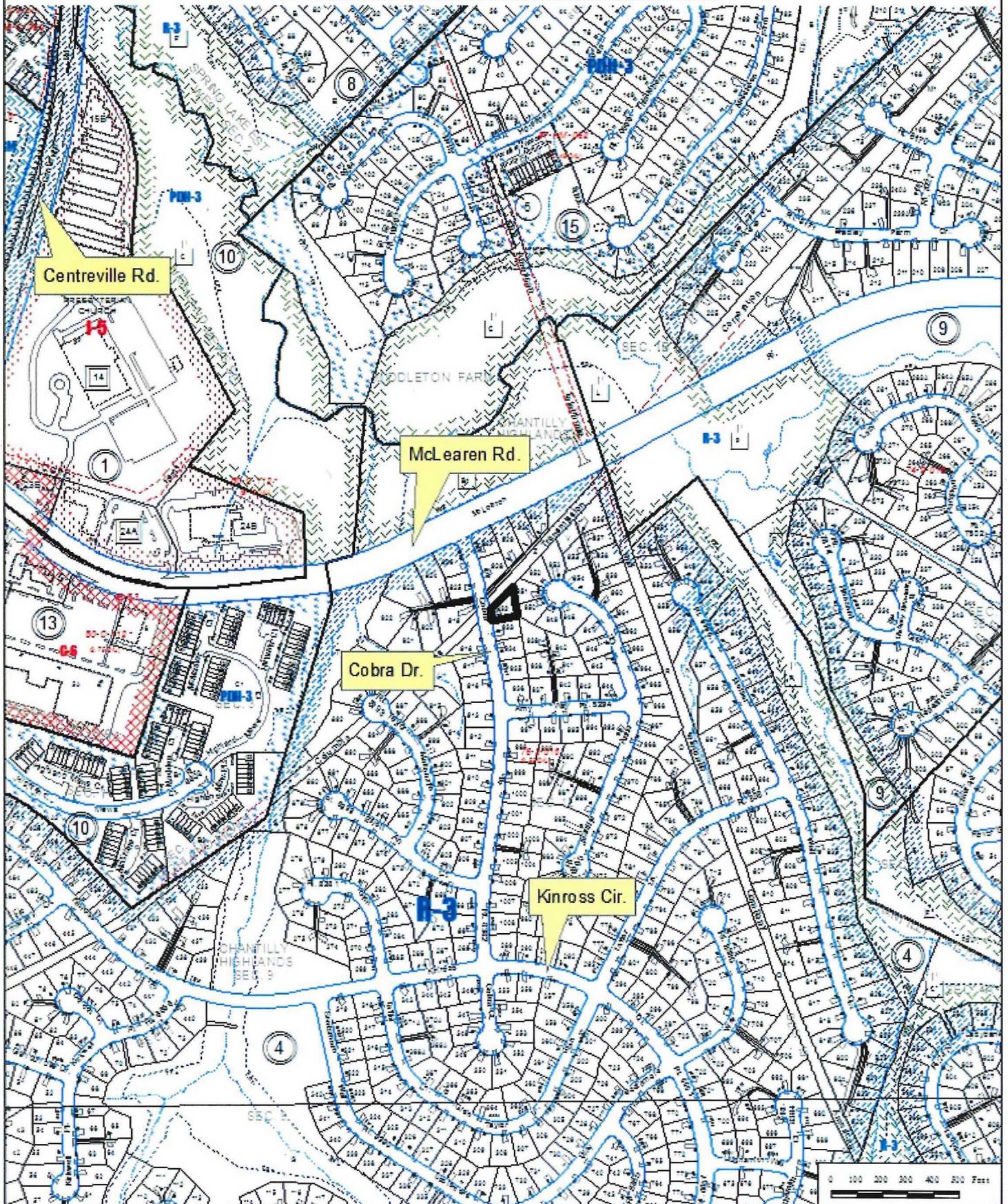
SP 2014-SU-153

SOUMYA SARKAR



Special Permit

SP 2014-SU-153
SOUMYA SARKAR



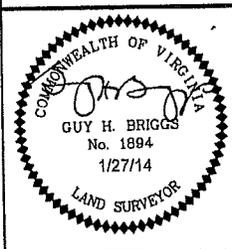
1. The property shown here on is located on Fairfax County tax map no. 0253 04 0932 and is zoned R-3C.
2. This property is serviced by public water.
3. There is an existing trail adjacent to the property.
4. There is a 40' Atlantic Seaboard easement adjacent to the site (as shown). There is no 25' or larger easement on this property, or major underground easements.
5. There is no flood plain or resource protection area in the vicinity.
6. There are no burial sites apparent on the property.
7. Proposed use is residential.
8. SWM plans will be submitted at such time as a grading plan is required.
9. Topography field shot. Elevations assumed.

EXISTING CONDITIONS

COBRA DRIVE
52' WIDE

PROPOSED ADDITION

COBRA DRIVE
52' WIDE



rev JANUARY 27, 2014
OCTOBER 8, 2013

APEX SURVEYS

7720 VICEROY STREET 703 866-1236
SPRINGFIELD, VIRGINIA 22151

SPECIAL PERMIT PLAT

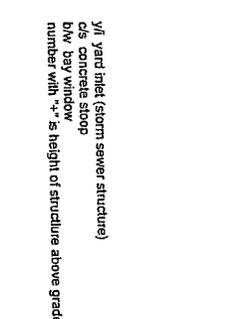
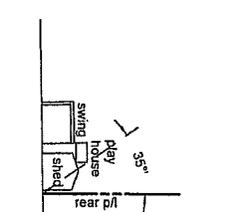
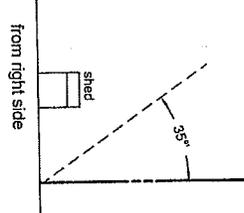
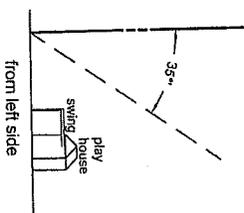
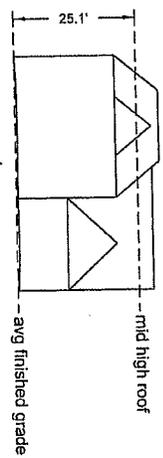
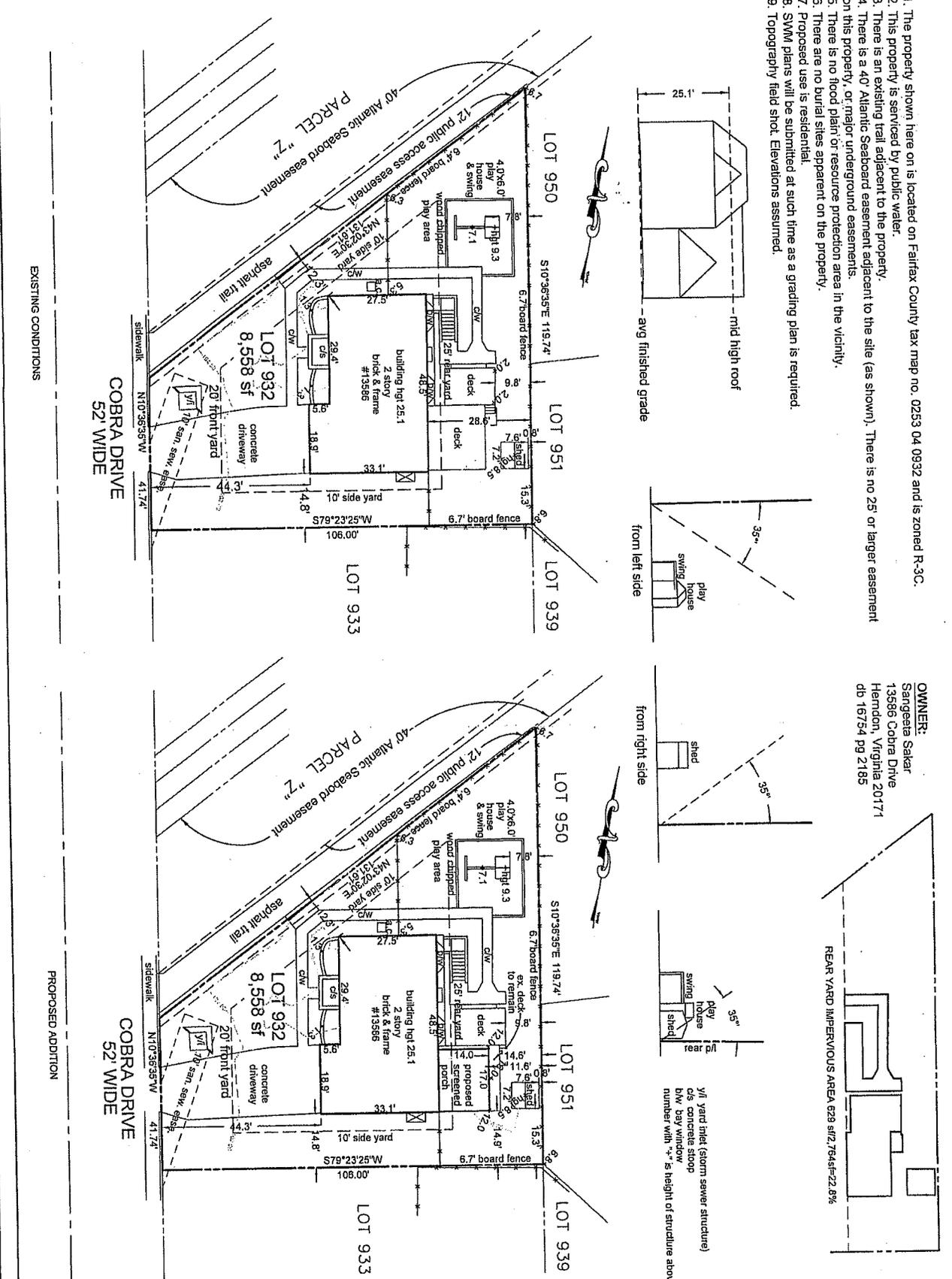
LOT 932, SECTION 12 CHANTILLY HIGHLANDS

SULLY DISTRICT

FAIRFAX COUNTY, VIRGINIA

OWNER:
Sangeeta Sakar
13586 Cobra Drive
Hemdon, Virginia 20171
db 16754 pg 2185

REAR YARD IMPERVIOUS AREA 629 sif2 764sf=22.8%



View of driveway ^{from} across the street.



View of driveway which can hold four cars

View of parking areas on both sides of street, from north side.



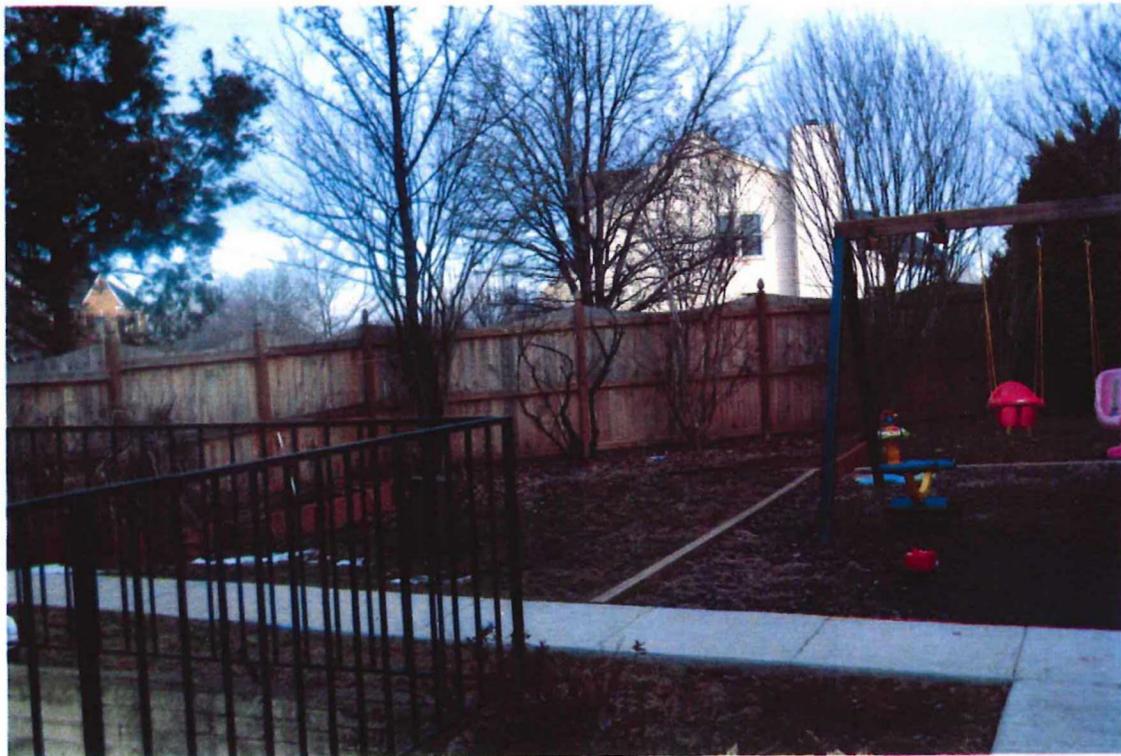
View of Parking areas on both sides of the street from South side.

Side Back Yard Entrance used on normal Days.



Main Entrance used on Snow Days.

Back Yard Entry gate from north^{west} side of house



Back Yard Pathway and Play Area

View of back yard play area

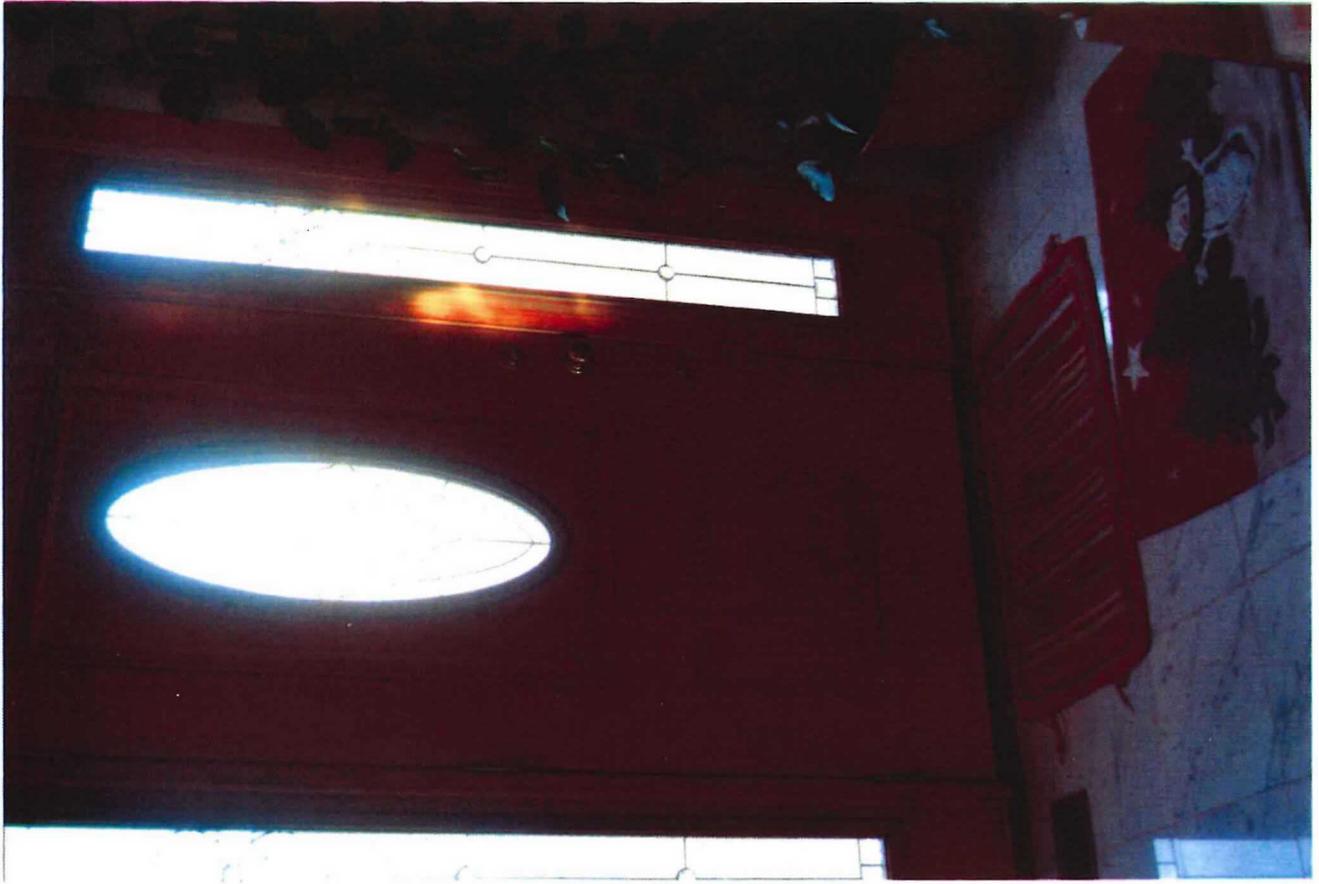


View of back yard play area

View of pipe stem adjacent to the house usable for additional temporary parking/turnaround



View of enclosed backyard from northwest side of house



Main Entrance used on some days



View of main level kitchen used for cooking meals



Looking North East from South West, across the street.



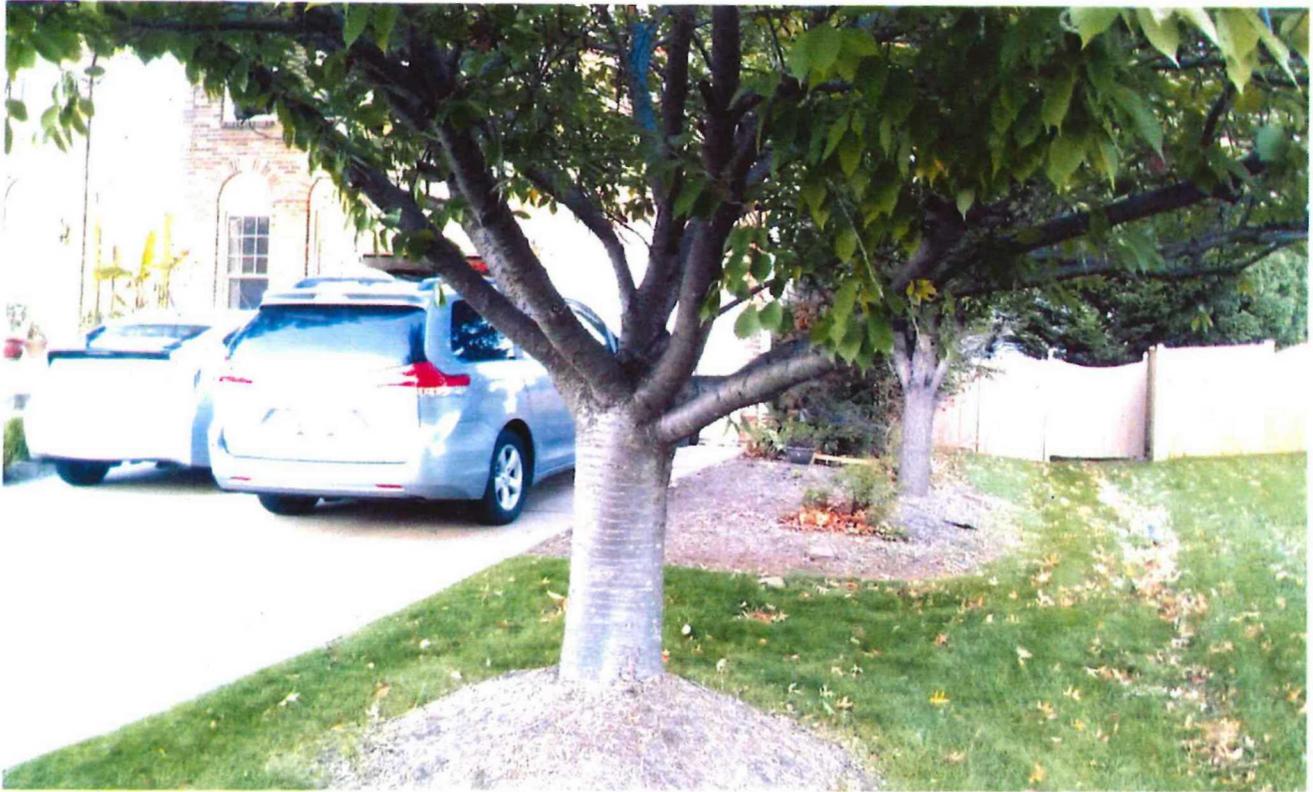
Looking East from West, from across the street.



Looking South from North Side, across the pipe stem & easement.



Looking South East from North West, across the street.



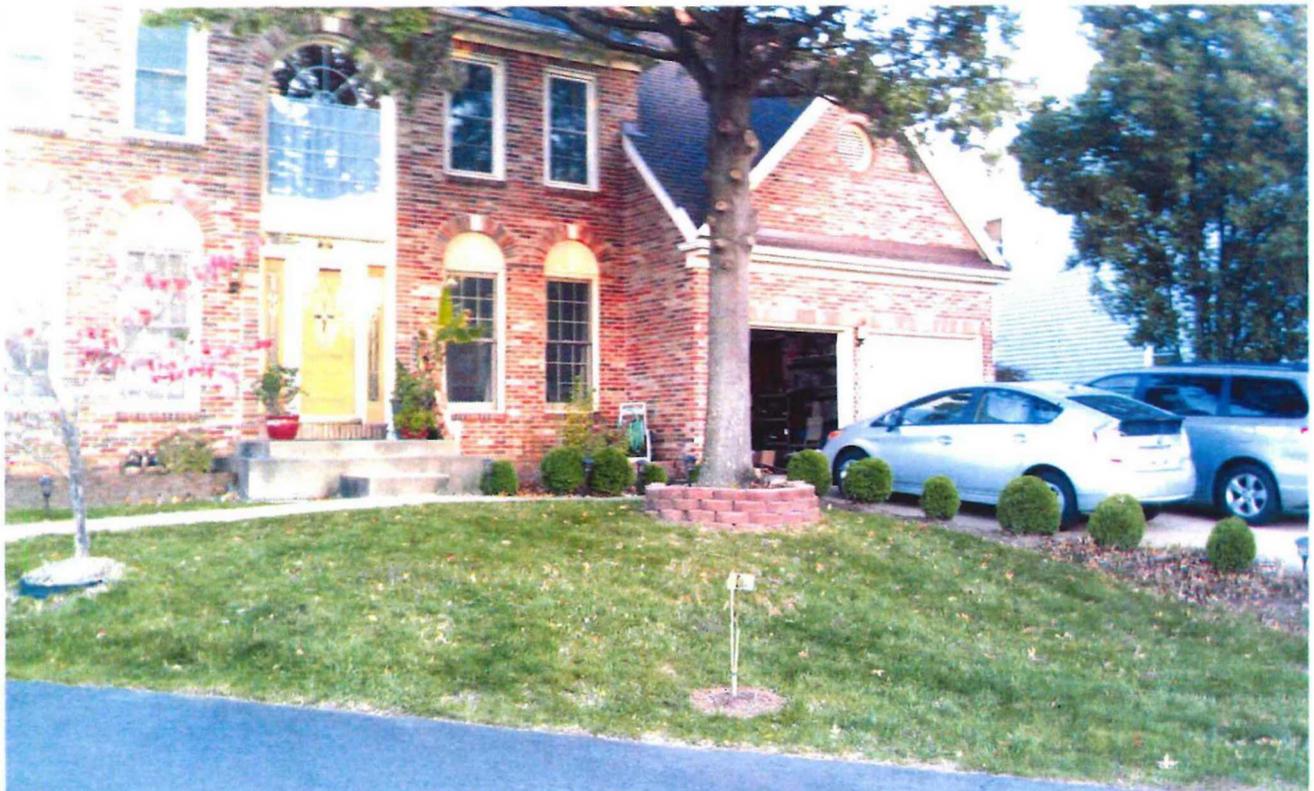
① View from South West Corner of Property facing East



② View from South West Corner of Property facing North East.



(3) View from sidewalk in front of neighbours from South West facing North East.



(4) View from North West corner of Property facing South East.



⑤ View from North West corner of property facing East.



⑥ View from Northern side of property facing South.



② View from Northern side of Existing deck facing South.



③ View from ~~the~~ Southern side of property facing North.



(9) View from North East Corner of Property facing South West.



(10) View from South East Corner of Property facing North West.



(11) View from Existing Deck towards South Side of Property.



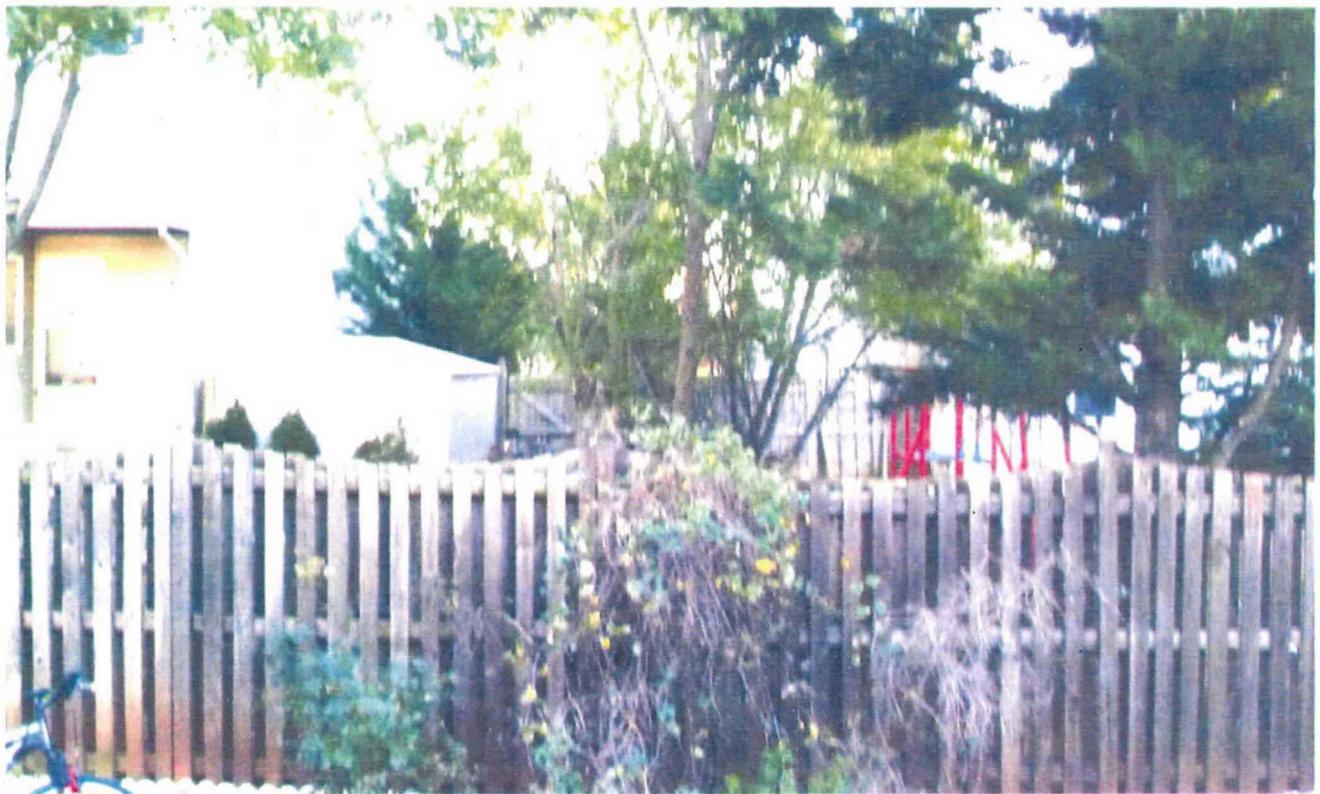
(12) View from Existing Deck towards North East Side of Property.



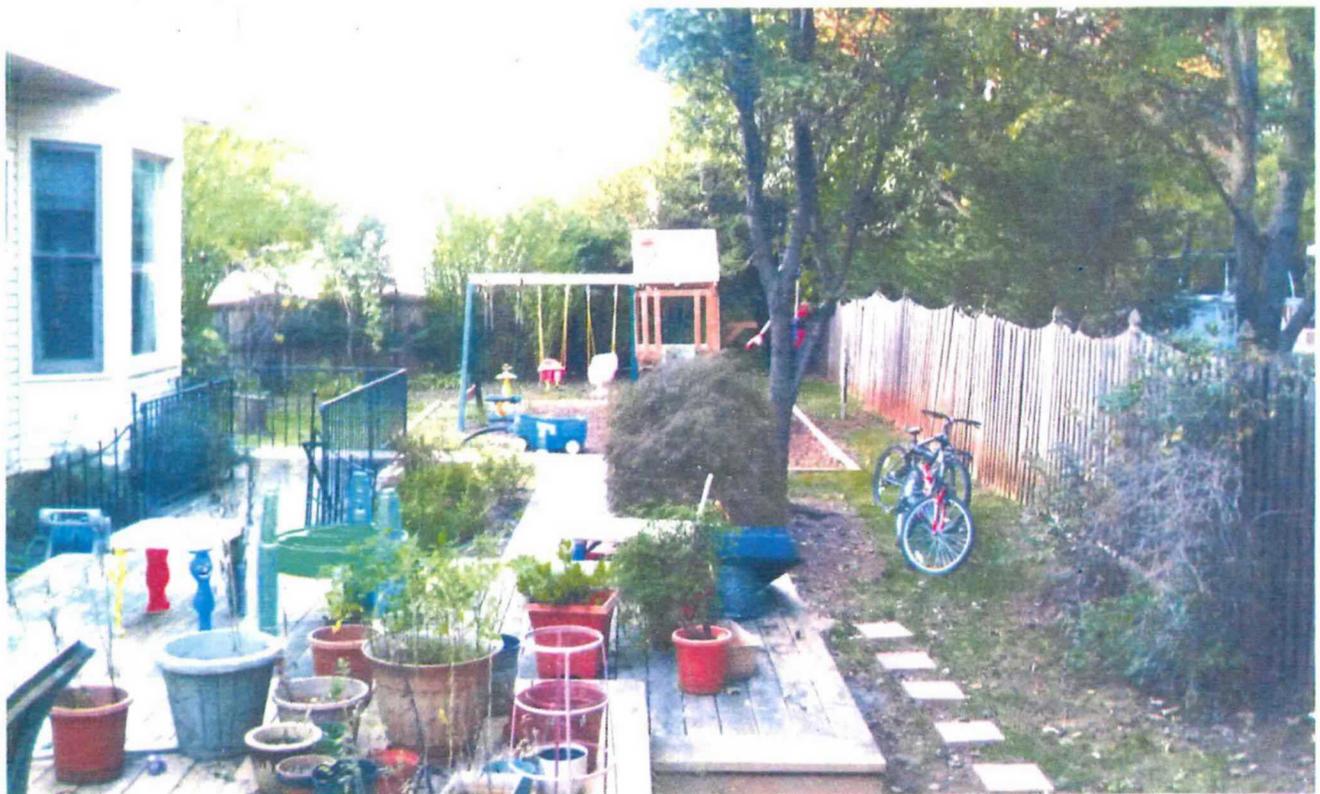
(13) View of deck from North Side of Deck, facing South East.



(14) View of deck from North Side of Deck facing South



(15) View from deck of East Side of Property



(16) View from Deck of North Side of Property

SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit to allow a reduction in minimum yard requirements based on an error in building location to permit an accessory structure (play house) to remain 7.8 feet from a rear lot line and a reduction in certain yard requirements to permit an addition (a screened porch) 14.6 feet from a rear lot line.

A copy of the special permit plat titled "Special Permit Plat, Lot 932, Section 12, Chantilly Highlands," prepared by Guy H. Briggs, Land Surveyor, dated October 8, 2013 and revised through January 27, 2014, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 8,558 square foot property contains a two story aluminum and brick dwelling, which is accessed by a concrete driveway from Cobra Drive. A walkway leads from the driveway to the front entryway of the home, as well as to the rear yard and existing deck. A 6 foot board fence surrounds the rear yard of the property, which includes a play house and swing, a wood chipped play area, a deck, and a shed. The front of the yard is well manicured with landscaping including trees and shrubbery, and the rear yard is well screened from the adjacent properties with mature trees.



Figure 1. Lot location

The subject property and surrounding properties are zoned R-3 and developed under the provisions of a cluster subdivision with single family detached dwellings.

| | Zoning | Use |
|--------------|---------------|---------------------------------|
| North | R-3C | Single Family Detached Dwelling |
| East | R-3C | Single Family Detached Dwelling |
| South | R-3C | Single Family Detached Dwelling |
| West | R-3C | Single Family Detached Dwelling |

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1992 and purchased by the applicant in November 2004. Building permits were obtained for the single family home in June of 1990, and a permit was also obtained for the construction of a deck in July of 2002. These permits are included as Appendix 4.

Since the adoption of the Zoning Ordinance, special permit and variance applications have been heard by the Board of Zoning Appeals for nearby properties as shown in Appendix 5.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction of an addition (a screened porch) 14.6 feet from the rear lot line. The required rear yard on an area zoned R-3 Cluster is 25 feet; therefore, the applicant is requesting a reduction of 10.4 feet, or 41.6 percent.

The applicant is also requesting approval of a special permit for a reduction of minimum yard requirements based on an error in building location to permit an accessory structure (a play house and swing) to remain 7.8 feet from a rear lot line. Based on the height of the accessory structure, it can be located no closer than 9.3 feet to a rear lot line. It is currently located 7.8 feet from the rear lot line; therefore, the applicant requests a reduction of 1.5 feet, or 16.1 percent.

| | Structure | Yard | Minimum Yard Required | Proposed Location | Proposed Reduction | Percentage of Reduction Requested |
|-------------------------------|-------------------|------|-----------------------|-------------------|--------------------|-----------------------------------|
| Special Permit (50%) | Screen Porch | Rear | 25.0 feet | 14.6 feet | 10.4 feet | 41.6% |
| Special Permit (Error) | Play House/ Swing | Rear | 9.3 feet | 7.8 feet | 1.5 feet | 16.1% |

The applicant has proposed to construct a rectangular screened porch in the rear of the dwelling approximately 14.0 feet by 17.0 feet, or 238 square feet in size. As shown in the elevations provided, the proposed screened porch is modest in size and is similar in nature to the sunrooms and screened porches of adjacent properties. The roofline would be 16 feet in height, which is below the existing roofline of the dwelling. The enclosed porch would replace a portion of the existing deck, and no removal of existing trees or shrubs would occur.

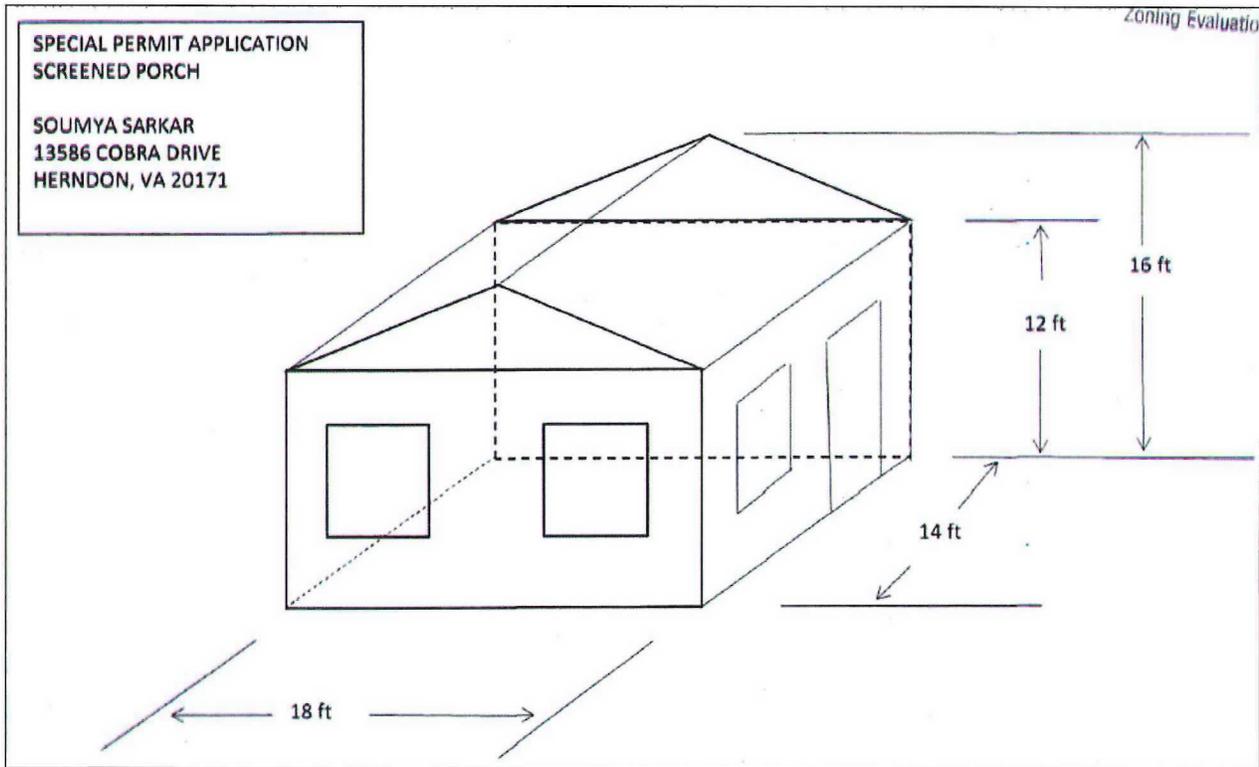


Figure 2. Proposed Elevation

ANALYSIS

Comprehensive Plan Provisions

Plan Area: III, Upper Potomac Planning District

Planning Sector: West Ox Community Planning Sector, UP7

Plan Map: 3 dwelling units per acre

Zoning Ordinance Requirements

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

| Sect. 8-922 Standards | Provision met? | |
|---|----------------|----|
| | YES | NO |
| 1. Approval shall not result in any yard that is less than fifty (50) percent of the requirement and any yard less than five (5) feet as measured from the lot line to the closest point of the proposed structure. | X | |
| 2. This 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. | X | |
| 3. 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. | X | |
| 4. The resulting GFA of the addition may be up to 150 percent of the total GFA of the principal structure at the time of the first request. If a portion of a single family detached home is to be removed, no more than fifty (50) percent of the GFA of the existing dwelling at the time of the first yard reduction shall be removed. | X | |
| 5. The GFA of an accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use, and intent. | X | |
| 6. It is in character with the existing on-site development in terms of the location, height, bulk, and scale. | X | |
| 7. It is harmonious to the surrounding off-site uses and structures in terms of location, height, bulk, and scale. | X | |
| 8. It shall not adversely impact the use and or enjoyment of adjacent properties. | X | |
| 9. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. | X | |
| 10. The BZA may impose conditions as it deems necessary to satisfy these criteria. | Attached | |
| 11. It will meet all submission requirements. | X | |
| 12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines. | X | |

CONCLUSION

Staff believes that the request for a special permit for reduction in certain yard requirements to permit an addition (screened porch) in accordance with the provisions of Sect. 8-922 of the Zoning Ordinance is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2014-SU-153 for the screened porch addition 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.

If it is the intention of the Board of Zoning Appeals to approve the request for a special permit for error in building location to allow the playhouse and swing set to remain, staff recommends that such approval be made subject to the development conditions contained in Appendix 1.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-SU-153****October 15, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SU-153 located at Tax Map 25-3 ((4)) 932 to permit reduction of certain yard requirements pursuant to Section 8-922 and to permit a playset to remain pursuant to Section 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the screened porch addition (238 square feet, 16 feet in height) and the play house and swing, as shown on the plat prepared titled "Special Permit Plat, Lot 932, Section 12, Chantilly Highlands," prepared by Guy H. Briggs, Land Surveyor, dated October 8, 2013 and revised through January 27, 2014, as submitted with this application and is not transferable to other land.
3. The screened porch addition shall be generally consistent with the architectural renderings and materials- as shown on Attachment 1 to these conditions.

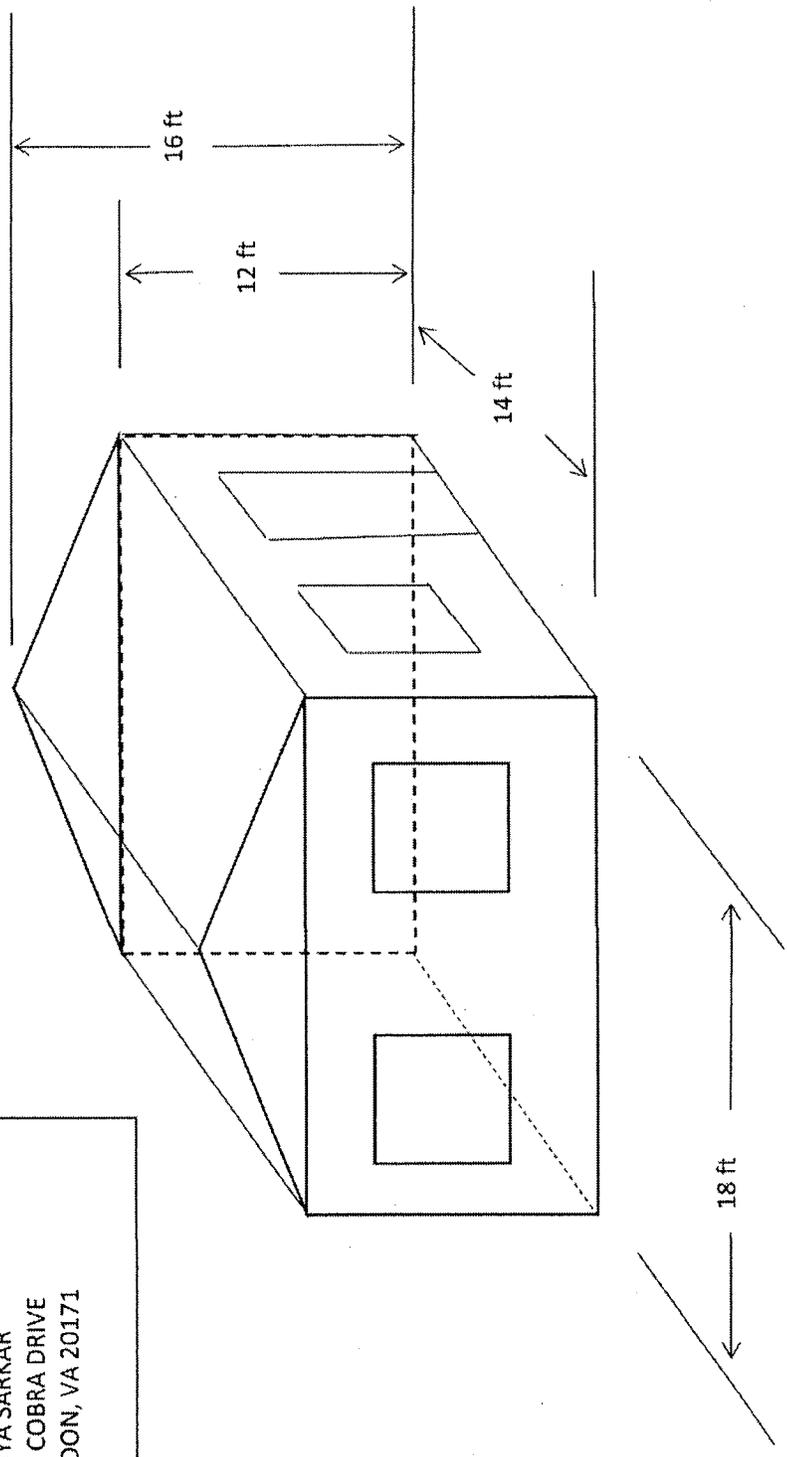
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit 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.

FEB 12 2014

Zoning Evaluation Division

SPECIAL PERMIT APPLICATION
SCREENED PORCH
SOUMYA SARKAR
13586 COBRA DRIVE
HERNDON, VA 20171



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/28/2013
 (enter date affidavit is notarized)

123098

I, SOUMYA SARKAR, 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) |
|---|--|---|
| SOUMYA SARKAR | 13506 COBRA DR., HERNDON, VA 20171 | APPLICANT, TITLE OWNER |
| SANGEETA SARKAR | 13506 COBRA DR., HERNDON, VA 20171 | CO-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)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/28/2013
(enter date affidavit is notarized)

123098

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:

NOT APPLICABLE

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/28/2013
(enter date affidavit is notarized)

123098

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

NOT APPLICABLE

PARTNERSHIP INFORMATION

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

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/28/2013
(enter date affidavit is notarized)

123098

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

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

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

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

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/28/2013
(enter date affidavit is notarized)

123098

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

NONE

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

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

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

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

SOURMYA SARKAR

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

Subscribed and sworn to before me this 28th day of October 2013, in the State/Comm. of Virginia, County/City of Fairfax.

Pablo Enriquez
Notary Public

My commission expires: 09/30/2016

PABLO ENRIQUEZ
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPT. 30, 2016
COMMISSION # 7525043

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

(for Application by Soumya Sarkar for Addition of Screened Porch for Property
13586 Cobra Drive, Herndon, VA)

- A. Type of Operation. RESIDENCE - SINGLE FAMILY HOME
- B. Hours Of Operation. Home - Not Applicable.
- C. Estimated number of Patrons/clients/etc. Home - Not Applicable.
- D. Proposed number of employees/attendants/etc. Home - Not Applicable.
- E. Estimate of traffic impact of the proposed use, including max expected trip generation and distribution of such trips by mode and time of day: Home - Not Applicable.
- F. Vicinity or general area to be served by the use. Home - Not Applicable.
- G. Description of building façade and architecture of proposed new building or additions.
 - a. Screened Porch, at the back of the house as per diagram attached.
- H. A listing of hazardous or toxic substances etc. Home - Not Applicable.
- I. Statement of how 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.

The proposed screened porch addition conforms to all applicable ordinances, regulations, adopted standards. This special permit application is being submitted, as per 8-922, Provision of Certain Yard requirements, paragraph A, to request reduction of yard requirements from **25.0 ft.** to **14.6 ft.**, reduction by **41.6%** resulting in **58.4%** of the yard requirement at the back of the property.

As per zoning ordinance section 8-914: Error in building location to permit accessory structure (for playhouse) to remain 7.8 feet (7 feet 9.6 inches) from the rear lot line. Statement addressing 8-914 Additional Standards, Paragraph 2, items A-G (for playhouse):

- A. The error exceeds ten (10) percent of the measurement involved, and
- B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
- C. Such reduction will not impair the purpose and intent of this Ordinance, and
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- E. It will not create an unsafe condition with respect to both other property and public streets, and
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Checklist Items 930.00-930.05 – Provide statements addressing 8-922 Additional Standards, Items 4-10 (for Screened Porch) :

- 4. Gross Floor Area (GFA) of existing principal structure is 3052 Square feet.
[$3052 = 3 \times (29.4 \times 27.5) + (19 \times 33.1)$].
GFA of addition is 252 square feet. [$18 \times 14 = 252$ square feet.] [8.3% of existing]
Addition GFA is less than 10% of principal structure GFA.
- 5. GFA of addition (screened porch) is clearly subordinate to the purpose of the principal structure (single family home) GFA.
- 6. The proposed development (screened porch) is in character with existing on-site development. Location is on existing deck. Height is 12 feet to 16 feet from floor of the existing deck, with ceiling height in scale to existing adjacent living room of the home.

Marken
3/27/14

7. The proposed development (screened porch) is harmonious with surrounding area home back yards. Adjacent homes on the North East side and South East side of the house have existing sun rooms of similar structure.
 8. The proposed development (screened porch) does not adversely impact any surrounding area home back yards. This is in place of an existing deck and when it is completed, it will reduce the noise and light impact compared to that of an ordinary deck.
 9. The proposed reduction of 41.6% represents the minimum reduction of the required yards, to accommodate a decent screened porch with a seating area for accommodating about 8 to 12 family dinner guests.
 10. The proposed development (screened porch) has only a 8.3% increase of the existing GFA of the single family home. 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.
-

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

(for Application by ^{Soumya Sarkar} Sangeeta Sarkar for Addition of Screened Porch for Property
13586 Cobra Drive, Herndon, VA)

- A. Type of Operation. RESIDENCE - SINGLE FAMILY HOME
- B. Hours Of Operation. Home - Not Applicable.
- C. Estimated number of Patrons/clients/etc. Home - Not Applicable.
- D. Proposed number of employees/attendants/etc. Home - Not Applicable.
- E. Estimate of traffic impact of the proposed use, including max expected trip generation and distribution of such trips by mode and time of day: Home - Not Applicable.
- F. Vicinity or general area to be served by the use. Home - Not Applicable.
- G. Description of building façade and architecture of proposed new building or additions.
 - a. Screened Porch, at the back of the house as per diagram attached.
- H. A listing of hazardous or toxic substances etc. Home - Not Applicable.
- I. Statement of how 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.

The proposed screened porch addition conforms to all applicable ordinances, regulations, adopted standards. This special permit application is being submitted, as per 8-922, Provision of Certain Yard requirements, paragraph A, to request reduction of yard requirements from **25.0 ft.** to **14.6 ft.**, reduction by **41.6%** resulting in **58.4%** of the yard requirement at the back of the property.

RECEIVED
Department of Planning & Zoning

OCT 29 2013

Zoning Evaluation Division

Similar Case History

| | |
|----------------------------|--|
| ZAPS - VC - VC 91-C -045 | Application Desc ...: ALLOW CONSTRUCTION OF ADDITION (SCREENED PORCH) 15.9 FT. FROM REAR LOT LINE (25 FT. MIN. REAR YARD REQ.) |
| ZAPS - VC - VC 01-Y -137 | Application Desc ...: VARIANCE TO PERMIT CONSTRUCTION OF A SCREEN PORCH 14.0 FEET FROM THE REAR LOT LINE |
| ZAPS - SP - SP 2007-SU-157 | Application Desc ...: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 18.0 FEET FROM REAR LOT LINE |
| ZAPS - VC - VC 99-Y -115 | Application Desc ...: PERMIT CONSTRUCTION OF ADDITION 9.18 FT. FROM REAR LOT LINE |
| ZAPS - SP - SP 2006-SU-060 | Application Desc ...: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 19.7 FEET FROM REAR LOT LINE |
| ZAPS - VC - VC 2002-SU-074 | Application Desc ...: TO PERMIT CONSTRUCTION OF ADDITION 18.3 FEET FROM REAR LOT LINE |



Land Development Information History: ISIS - Building Permit - 90178B0650

Permit Information

| | | | |
|--------------------|--|-------------------|---------------------------|
| Permit Id: | 90178B0650 | Application Date: | 1990-06-27 Time: 09:36:31 |
| Job Address: | 013586 COBRA DR | Tax Map: | 025-3 ((04)) 0932 |
| Subdivision: | CHANTILLY HIGHLANDS, SEC 012 | Permit Status: | Extended/Approved (EA) |
| Trade Name: | NA | Subobj: | 181 R/C: R |
| Applicant Name: | SUSAN WILSON | Bldg: | NA Floor: NA Suite: NA |
| Work Description: | SFD/BUILD TYPE 633 | | |
| Type Work: | Build New Structure (N01) | | |
| Building Use: | Single-Family, Detached Or Semi-Detached (010) | | |
| Standard: | 0286 | | |
| Plan Number: | Use Group: R4 Bldg Permit: NA | | |
| Permit Hold Date: | By: QNO: R-90-03609 POF: | | |
| Hold Release Date: | By: Proffer: Pre-Const Meeting: Date: | | |
| Comments: | PROB SLS SEE APVPD GP | | |

Permit Status Summary

| | | | |
|------------------|------------------------|-------------------|--------------------------|
| Permit Status: | Extended/Approved (EA) | Real Estate: | 1990-06-27 RSLT: APP BY: |
| Applied Date: | 1990-06-27 | | SS |
| Issued Date: | 1990-12-13 | Building Plan | 1990-12-12 RSLT: APP BY: |
| Paid Date: | 1990-12-13 | Review: | JAT |
| Expiry Date: | 1991-12-13 | Zoning: | 1990-12-12 RSLT: APP BY: |
| Inspection Date: | 1992-03-12 | | BM |
| | | Grading / | 1990-12-12 RSLT: APP BY: |
| | | Drainage: | LCC |
| | | Public Works: | 1990-12-12 RSLT: APP BY: |
| | | | DHL |
| | | Final Inspection: | 1992-03-12 RSLT: A BY: |
| | | | PCR |

Owner Information

| | | | |
|----------|----------------------------|-----------------|---------------|
| Leasee: | | Corp: | |
| Owner: | CENTEX REAL ESTATE CORP | Job Magisterial | Centreville |
| Address: | 14014F SULLYFIELD CI | Dist: | |
| City: | CHANTILLY State: VA Zip: | Planning Dist: | Upper Potomac |
| | 22021 | Subcensus | 818.02 |
| Phone: | | Tract: | |

Contractor Information

| | | | |
|----------|---------------|----------------|---|
| Name: | OWNER | Master: | |
| Address: | 00000 | BPOL Licnese: | 0 |
| City: | State: Zip: 0 | State License: | 0 |
| Phone: | | Trade Reg.: | 0 |

Building Permit

Building Plan Review

Estimated Cost: 90000 Sewer Water 1
 Use Group: (01) R4 Code:
 Type Const: (01) Combustible/Unprotected Sewer Shed: A1
 (5B)
 Model Group: 633
 Plan Received: 1990-06-27 Review Time: 00:00:00
 Review Started: 1990-06-27 Results: APP
 Review 1990-12-12 Engineer: JAT
 Completed:
 Comments:

Totals Fee Area

| Type of Construction | Fee | Fee Rate |
|------------------------------|------|----------|
| Combustible/Unprotected (5B) | 4678 | 0.054 |

| | |
|-------------|--------|
| Total | 4678 |
| Filing Fee | 126.30 |
| Total Fee | 252.61 |
| Amount paid | 252.61 |

Real Estate Review

Building
 Units: 1 Basement: BF
 Kitchens: 1001 Ext Walls: BR
 Baths: 1003 Int Walls: DW
 Half Baths: 1001 Roofing: AS
 Bedrooms: 1004 Flooring: CP
 Rooms: 1009 Base Fin: OT
 Stories: 02 Fuel/Heat: GG
 Building Height: 29 Fuel System: HA
 Building Area: 2909 Fireplace: 3

Owner of Record: CENTEX REAL ESTATE CORP

Review Data
 Date To: 1990-06-27
 Date From: 1990-06-27
 Results: APP
 Reviewer: SS
 Comments:

Zoning Review

Review Data
 Date To: 1990-12-12
 Date From: 1990-12-12
 Results: APP
 Reviewer: BM
 Comments:

Grading / Drainage Review

Review Data
 Date To: 1990-12-12
 Date From: 1990-12-12

Results: APP
 Reviewer: LCC
 Comments: SEE APGE 1

Public Works Review

Review Data

Date To: 1990-12-12
 Date From: 1990-12-12
 Results: APP
 Reviewer: DHL
 Comments:

Inspections

Inspection - FTGH - 999997

Req Taken: Phone:
 Time: Floor:
 Sched For: Suite/Area:
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovrdr:
 Rpt Br: 4

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| FTGH | | 1991-11-11 | XXX | C | A | N | | | | 0021132 | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

Inspection - WAL - 999998

Req Taken: 1991-11-13 Phone:
 Time: 14:23:49 Floor: NA
 Sched For: 1991-11-14 Suite/Area:
 Assigned To: A04 Comments:
 Branch: Req Taken By: JB
 Requested By: THOM Ovrdr:
 Rpt Br: 4

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| WAL | | 1991-11-14 | MJH | C | A | N | | | | | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

Inspection - WPF - 999996

Req Taken: Phone:
 Time: Floor:
 Sched For: Suite/Area:
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovrdr:
 Rpt Br: 4

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| WPF | | 1991-11-19 | XXX | C | A | N | | | | 0021132 | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

Inspection - SLBB - 999994

Req Taken:
Time:
Sched For:
Assigned To:
Branch:
Requested By:

Phone:
Floor:
Suite/Area:
Comments:
Req Taken By:
Ovrd:
Rpt Br: 4

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| SLBB | | 1991-11-26 | XXX | C | A | N | | | | 0021132 | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

Inspection - SLBB - 999995

Req Taken:
Time:
Sched For:
Assigned To:
Branch:
Requested By:

Phone:
Floor:
Suite/Area:
Comments:
Req Taken By:
Ovrd:
Rpt Br: 4

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| SLBB | | 1991-11-26 | XXX | C | A | N | | | | 0021132 | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

Inspection - SLBB - 999992

Req Taken:
Time:
Sched For:
Assigned To:
Branch:
Requested By:

Phone:
Floor:
Suite/Area:
Comments:
Req Taken By:
Ovrd:
Rpt Br: 4

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| SLBB | | 1991-12-18 | XXX | C | A | N | | | | 0021132 | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

Inspection - FRM - 999993

Req Taken: 1991-12-27
Time: 09:11:44
Sched For: 1991-12-30
Assigned To: A04
Branch:
Requested By: ANDY

Phone:
Floor: NA
Suite/Area: NA
Comments:
Req Taken By: MK
Ovrd:
Rpt Br: 4

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| FRM | | 1991-12-30 | JWM | C | A | N | | | | | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

Inspection - SLBB - 999991

| | |
|---------------|---------------|
| Req Taken: | Phone: |
| Time: | Floor: |
| Sched For: | Suite/Area: |
| Assigned To: | Comments: |
| Branch: | Req Taken By: |
| Requested By: | Ovrd: |
| | Rpt Br: 4 |

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| SLBB | | 1992-01-15 | XXX | C | A | N | | | | 0021132 | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

Inspection - FINB - 999990

| | | | |
|---------------|------------|---------------|----|
| Req Taken: | 1992-03-11 | Phone: | |
| Time: | 09:15:44 | Floor: | NA |
| Sched For: | 1992-03-12 | Suite/Area: | NA |
| Assigned To: | A04 | Comments: | |
| Branch: | | Req Taken By: | UK |
| Requested By: | ANDY | Ovrd: | |
| | | Rpt Br: | 4 |

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| FINB | | 1992-03-12 | PCR | C | A | N | | | | | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

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Land Development Information History: ISIS - Building Permit - 02199B1560

Permit Information

| | | | |
|--------------------|--|-------------------|---------------------------|
| Permit Id: | 02199B1560 | Application Date: | 2002-07-18 Time: 12:58:01 |
| Job Address: | 013586 COBRA DR | Tax Map: | 025-3 ((04)) 0932 |
| Subdivision: | CHANTILLY HIGHLANDS, SEC 012 | Permit Status: | Initial/Approved (IA) |
| Trade Name: | NA | Subobj: | 181 R/C: R |
| Applicant Name: | ARAMIS GOMEZ | Bldg: | NA Floor: NA Suite: NA |
| Work Description: | SFD/BUILD MULTI LEVEL DECK PER PLAN N STAIRS | | |
| Type Work: | Deck Only-Residential (A33) | | |
| Building Use: | Single-Family, Detached Or Semi-Detached (010) | | |
| Standard: | 0295 | | |
| Plan Number: | Use Group: R4 Bldg Permit: NA | | |
| Permit Hold Date: | By: QNO: W-02-04484 POF: J | | |
| Hold Release Date: | By: Proffer: Pre-Const Meeting: Date: | | |
| Comments: | PERMIT AUTHORIZATION REQUIRED BY LOGOUT NO HOT TUB//TA | | |

Permit Status Summary

| | | | |
|------------------|-----------------------|-------------------|--------------------------|
| Permit Status: | Initial/Approved (IA) | Building Plan | 2002-07-18 RSLT: APP BY: |
| Applied Date: | 2002-07-18 | Review: | THC |
| Issued Date: | 2002-07-18 | Real Estate: | 2002-07-18 RSLT: APP BY: |
| Paid Date: | 2002-07-18 | | TA |
| Expiry Date: | 2003-01-18 | Zoning: | 2002-07-18 RSLT: APP BY: |
| Inspection Date: | 2004-02-09 | | AP |
| | | Grading / | 2002-07-18 RSLT: APP BY: |
| | | Drainage: | VTN |
| | | Final Inspection: | 2003-04-30 RSLT: R BY: |
| | | | GWK |
| | | Final Inspection: | 2004-02-09 RSLT: A BY: |
| | | | XJW |

Owner Information

| | | | |
|----------|------------------------|-----------------|---------------|
| Leasee: | | Corp: | |
| Owner: | TIZON GERMAN E | Job Magisterial | Centreville |
| Address: | 13586 COBRA DR | Dist: | |
| City: | HERNDON State: VA Zip: | Planning Dist: | Upper Potomac |
| | 20171 | Subcensus | 825.02 |
| Phone: | | Tract: | |

Contractor Information

| | | | |
|----------|---------------|----------------|---|
| Name: | OWNER | Master: | |
| Address: | 00000 | BPOL License: | 0 |
| City: | State: Zip: 0 | State License: | 0 |
| Phone: | | Trade Reg.: | 0 |

Building Permit

Building Plan Review

Estimated Cost: 1500 Sewer Water 1
 Use Group: (01) R4 Code:
 Type Const: (01) Combustible/Unprotected Sewer Shed: A1
 (5B)
 Model Group:
 Plan Received: 2002-07-18 Review Time: 00:00:00
 Review Started: 2002-07-18 Results: APP
 Review 2002-07-18 Engineer: THC
 Completed:
 Comments:

Totals Fee Area

| Type of Construction | Fee | Fee Rate |
|------------------------------|-----|----------|
| Combustible/Unprotected (5B) | 444 | 0.054 |

| | |
|-------------|-------|
| Total | 444 |
| Filing Fee | 56.00 |
| Total Fee | 56.00 |
| Amount paid | 56.00 |

Real Estate Review

Building
 Units: 0
 Kitchens: 0
 Baths: 0
 Half Baths: 0
 Bedrooms: 0
 Rooms: 0
 Stories:
 Building Height: 0
 Building Area: 0

Basement:
 Ext Walls:
 Int Walls:
 Roofing:
 Flooring:
 Base Fin:
 Fuel/Heat:
 Fuel System:
 Fireplace: 0

Owner of Record: TIZON GERMAN E

Review Data
 Date To: 2002-07-18
 Date From: 2002-07-18
 Results: APP
 Reviewer: TA
 Comments:

Zoning Review

Review Data
 Date To: 2002-07-18
 Date From: 2002-07-18
 Results: APP
 Reviewer: AP
 Comments:

Grading / Drainage Review

Review Data
 Date To: 2002-07-18
 Date From: 2002-07-18

Results: APP
 Reviewer: VTN
 Comments:

Inspections

Inspection - FTGD - 999998

Req Taken: 2002-07-23 Phone:
 Time: 11:01:42 Floor: NA
 Sched For: 2002-07-24 Suite/Area: NA
 Assigned To: A41 Comments:
 Branch: 4 Req Taken By: UK
 Requested By: ARAMIS Ovrdr:
 Rpt Br: 4

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| FTGD | | 2002-07-24 | HWM | C | A | N | | | | | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

Inspection - FRM - 999997

Req Taken: 2002-08-07 Phone:
 Time: 15:39:56 Floor: NA
 Sched For: 2002-08-08 Suite/Area: NA
 Assigned To: A41 Comments:
 Branch: 4 Req Taken By: MK
 Requested By: RAMESH Ovrdr:
 Rpt Br: 4

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| FRM | | 2002-08-08 | HWM | C | A | N | | | | | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

Inspection - FINB - 999996

Req Taken: 2003-04-29 Phone:
 Time: 14:10:39 Floor: NA
 Sched For: 2003-04-30 Suite/Area: NA
 Assigned To: A41 Comments:
 Branch: 4 Req Taken By: CAS
 Requested By: GOMECE Ovrdr:
 Rpt Br: 4

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| FINB | | 2003-04-30 | GWK | C | R | N | | | | | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

Inspection - FINB - 999995

Req Taken: Phone:
 Time: Floor: NA
 Sched For: Suite/Area: NA
 Assigned To: Comments:
 Branch: Req Taken By:
 Requested By: Ovrdr:
 Rpt Br: 4

| Insp Type | Mech Ind | Insp Date | Insp Init | P/C | Result | Re-Fee | Elev Type | Crit Stru | Stru Type | Cert Eng | Visit Arrive | Visit Depart | Insp Time | Units |
|-----------|----------|------------|-----------|-----|--------|--------|-----------|-----------|-----------|----------|--------------|--------------|-----------|-------|
| FINB | | 2004-02-09 | XJW | C | A | N | | N | | | 00:00:00 | 00:00:00 | 00:00:00 | 1 |

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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

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

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.