



APPLICATION ACCEPTED: July 16, 2014
ADMINISTRATIVELY MOVED AT APPLICANTS' REQUEST
BOARD OF ZONING APPEALS: October 29, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

October 22, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-DR-145

DRANESVILLE DISTRICT

APPLICANTS/OWNERS: Keith Tetter
Agnes Tetter

STREET ADDRESS: 1653 Valley Ave., McLean, 22101

SUBDIVISION: Divine's Chesterbrook

TAX MAP REFERENCE: 31-3 ((9)) (3) 01A

LOT SIZE: 18,409 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISIONS: 8-914, 8-918, and 8-922

SPECIAL PERMIT PROPOSAL: To permit an accessory dwelling unit with reduction in certain yard requirements to permit addition 29.6 feet from front lot line and 13.0 feet from side lot line.

To permit a reduction in minimum yard requirements based on error in building location to permit dwelling to remain 7.4 feet from side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-DR-145 for the construction of an addition located 29.6 feet from a front lot line and 13.0 feet from a side lot line, and for the proposed accessory dwelling unit with the adoption of the proposed development conditions contained in Appendix 1.

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

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

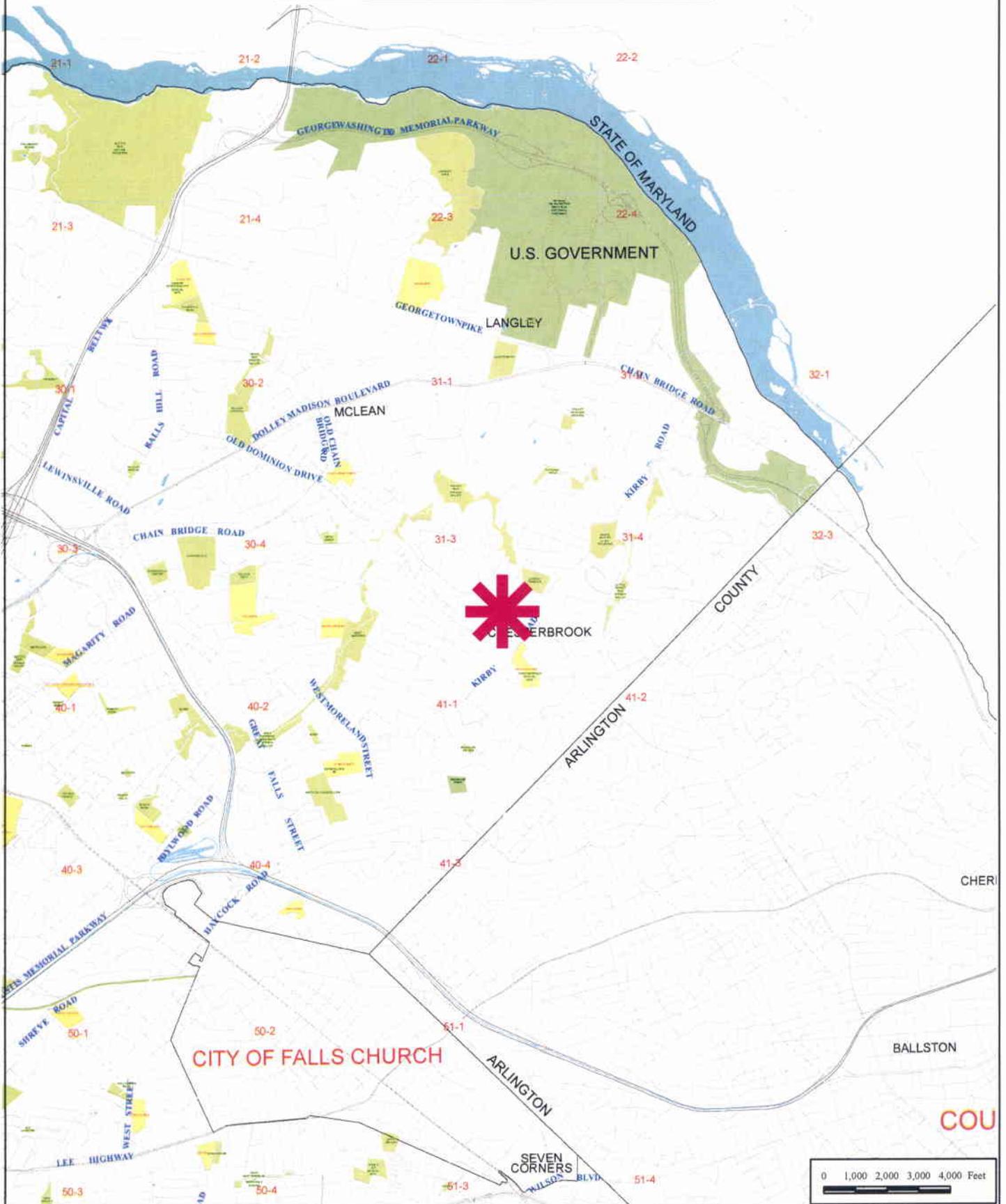
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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

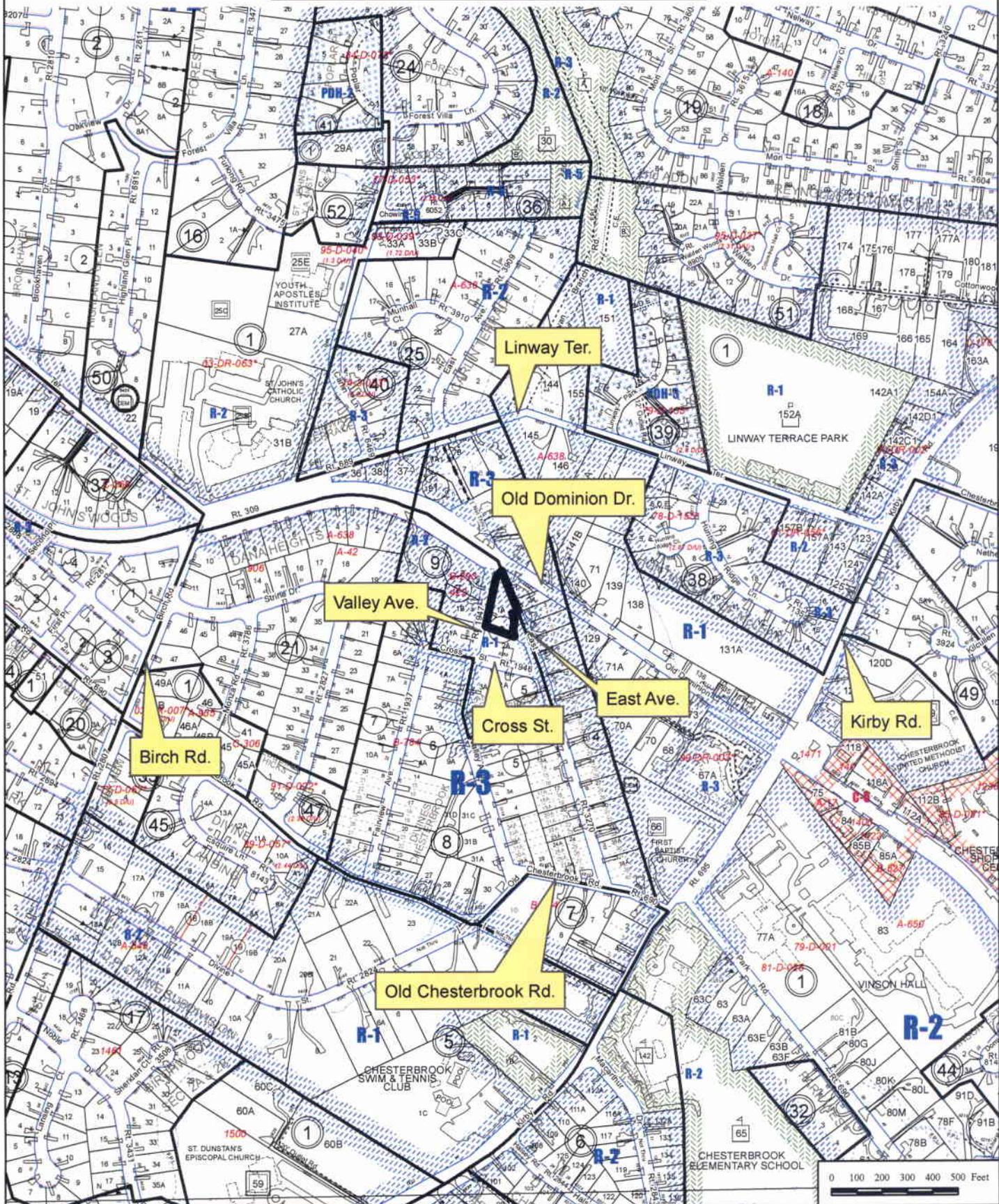


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

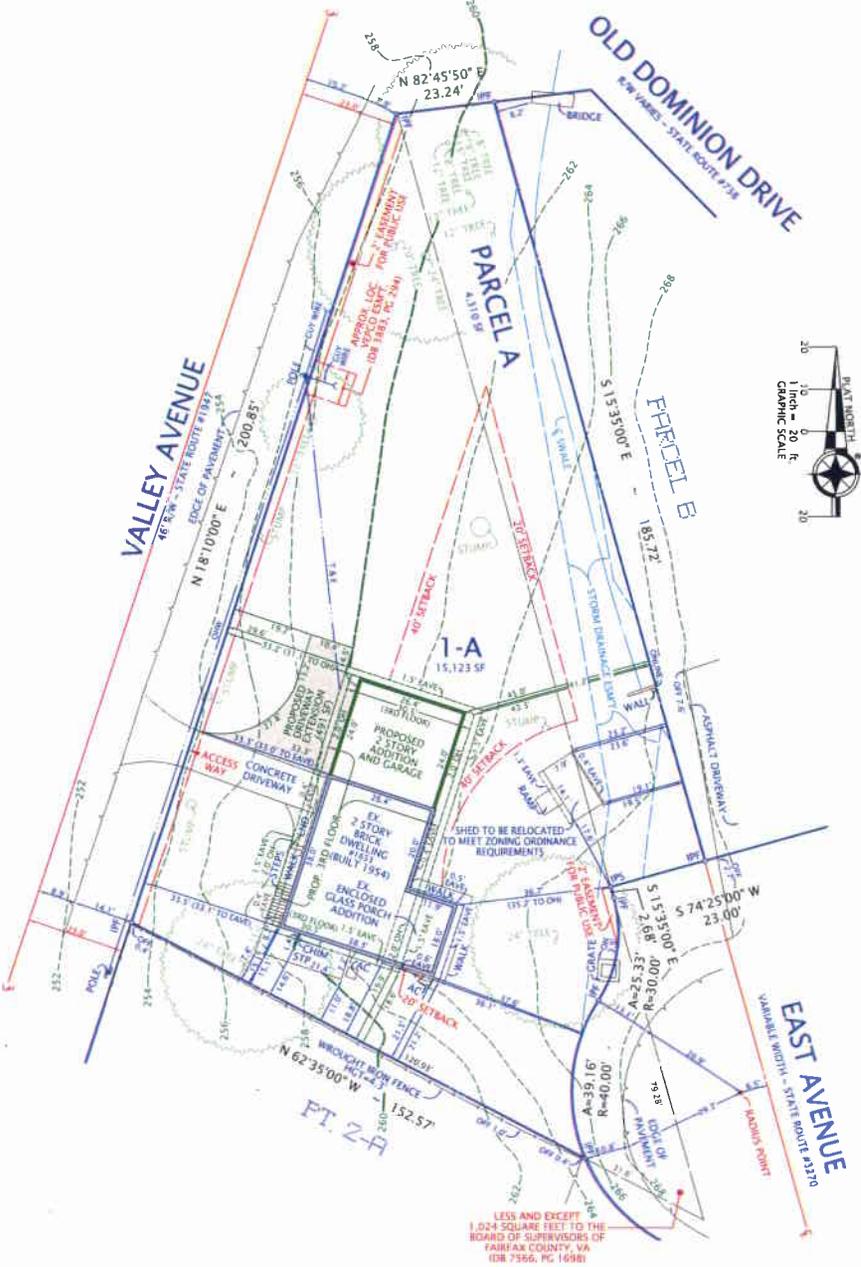
Special Permit
SP 2014-DR-145
KEITH & AGNES TETTER



Special Permit
SP 2014-DR-145
KEITH & AGNES TETTER



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HGT FROM GRADE TO THE EAVES ON THE FOUR CORNERS OF THE EXISTING DWELLING:
 16.5', 16.3', 10.3', & 10.9'
 AVG. HEIGHT = 54.0'/4 = 13.5'
 EAVELINE TO MIDLINE OF ROOF = 4.0'
 4.0' + 13.5' = 17.5'

ACCESSORY DWELLING UNIT = 874 SQUARE FEET
 ADU (874) / PROP. GFA (5879) = 0.149

- NOTES:
- TAX MAP: 31-3-09-03-001A
 - ZONE: R-1 (RESIDENTIAL 1 DU/AC)
 - LOT AREA: 15,123 SF (0.3472 ACRE)
 - REQUIRED YARDS:

FRONT:	=	40.0 FEET
SIDE:	=	20.0 FEET
 - HEIGHTS:

DWELLING	=	17.5 FEET
SHED	=	09.5 FEET
STP	=	07.7 FEET
FENCES	=	AS NOTED
PROP. ADDN.	=	34.3 FEET (MIDLINE)
 - THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 - THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
 - ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
 - THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
 - TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
 - THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
 - AREAS:

EX. BASEMENT	=	1,003 SF
EX. FIRST FLOOR	=	1,218 SF
EX. SECOND FLOOR	=	501 SF
GROSS FLOOR AREA	=	2,722 SF

EX. FLOOR AREA RATIO: GFA (2722) / LOT AREA (15123) = 0.18
 PROP. ADDN. = 3,157 SF PROP. 3157/EX. 2722 = 1.16
 PROP. GROSS FLOOR AREA: EX. GFA (2722) + (3157) = 5,879 SF.
 PROP. FLOOR AREA RATIO: PROP. GFA (5879) / LOT AREA (15123) = 0.389
 - THE 0.4' EAVES SHOWN IN GREY WILL BE REMOVED.
 - THE VEPCO R.O.W. RECORDED AT DB. 1229, PG. 468 WAS QUITCLAIMED TO THE OWNERS AT DB. 23419, PG. 2094.

PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 1-A, BLOCK 3
 OF LANE'S RESUBDIVISION OF
DIVINE'S CHESTERBROOK

(DEED BOOK 1087, PAGE 451)
 AND PARCEL "A"
 OF A VACATED PORTION
 OF EAST AVENUE
 (DEED BOOK 4014, PAGE 551)
 LESS AND EXCEPT 1,024 SQUARE FEET
 TO THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY
 (DEED BOOK 7566, PAGE 1698)
FAIRFAX COUNTY, VIRGINIA
 DRANESVILLE DISTRICT
 SCALE: 1" = 20'
 SEPTEMBER 04, 2013
 SEPTEMBER 04, 2014 (REVISED)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE.	09/04/2013 GEORGE M. O'DONNAN LICENSE NO. 2969 	ORDERED BY: FOR CONSTRUCTION 8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 703-478-6555 FAX: 703-798-6412
THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CONVEYANCE WARRANTS SET.		

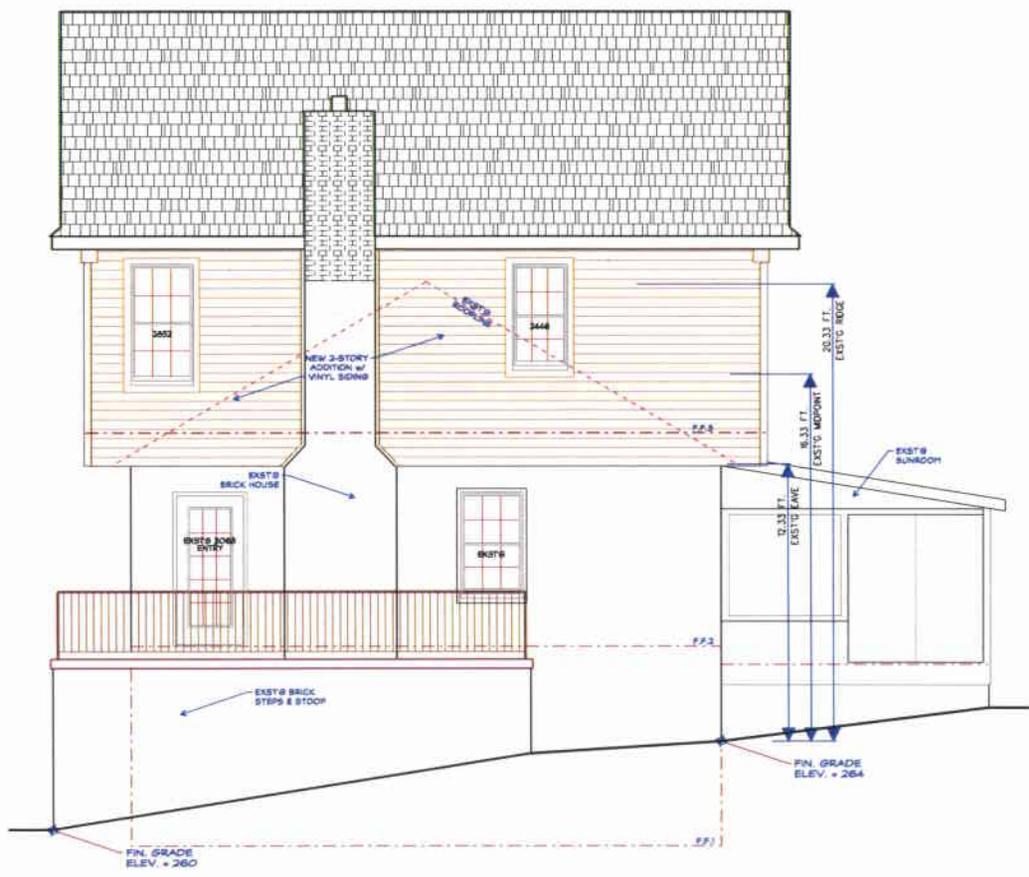


Front (West) Elevation 1
 Scale 3/16" = 1'-0" A1

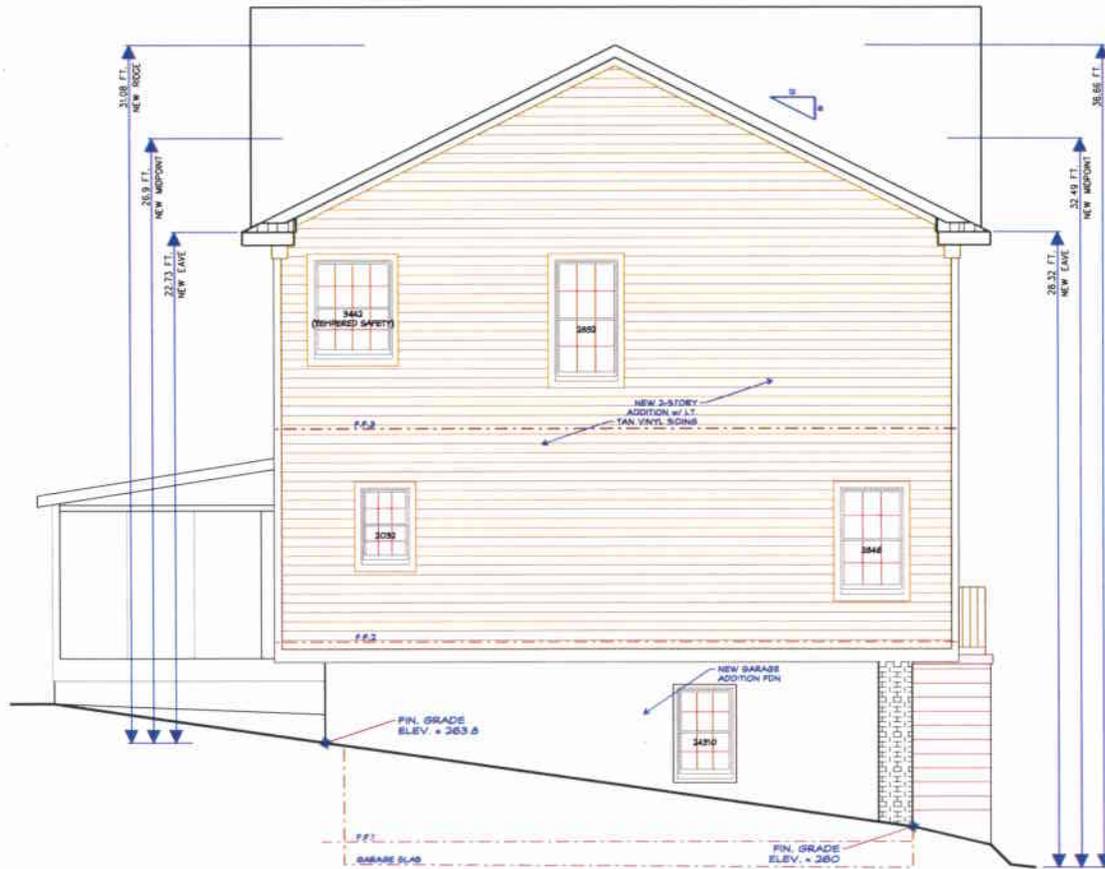
Building Height Calc.	
EXIST' BRICK HOUSE	26.45 FT.
NEW 2-STORY ADDITION	10.04 FT.
NEW GARAGE ADDITION	10.00 FT.
NEW ROOF	36.49 FT.
TOTAL	82.98 FT.

The Tetter Residence
 1653 Valley Ave Mclean Va 22101

A1

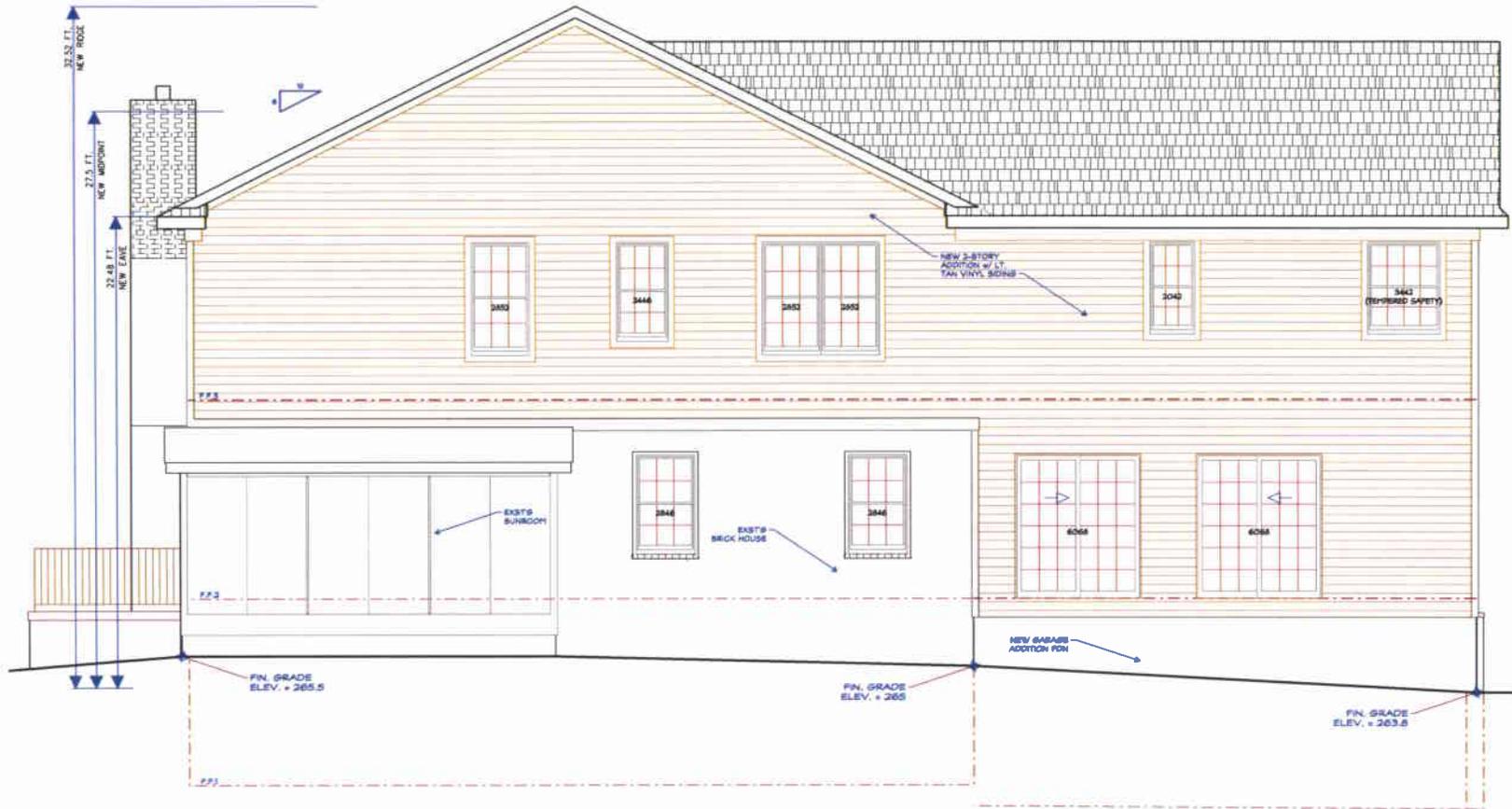


Right (South) Elevation 2
 Scale 3/16" = 1'-0" A1



Left (North) Elevation
 Scale 3/16" = 1'-0"

3
 A1



Rear (East) Elevation

Scale 3/16" = 1'-0"

4
A1

The Tetter Residence
1653 Valley Ave Mclean Va 22101

4/A1

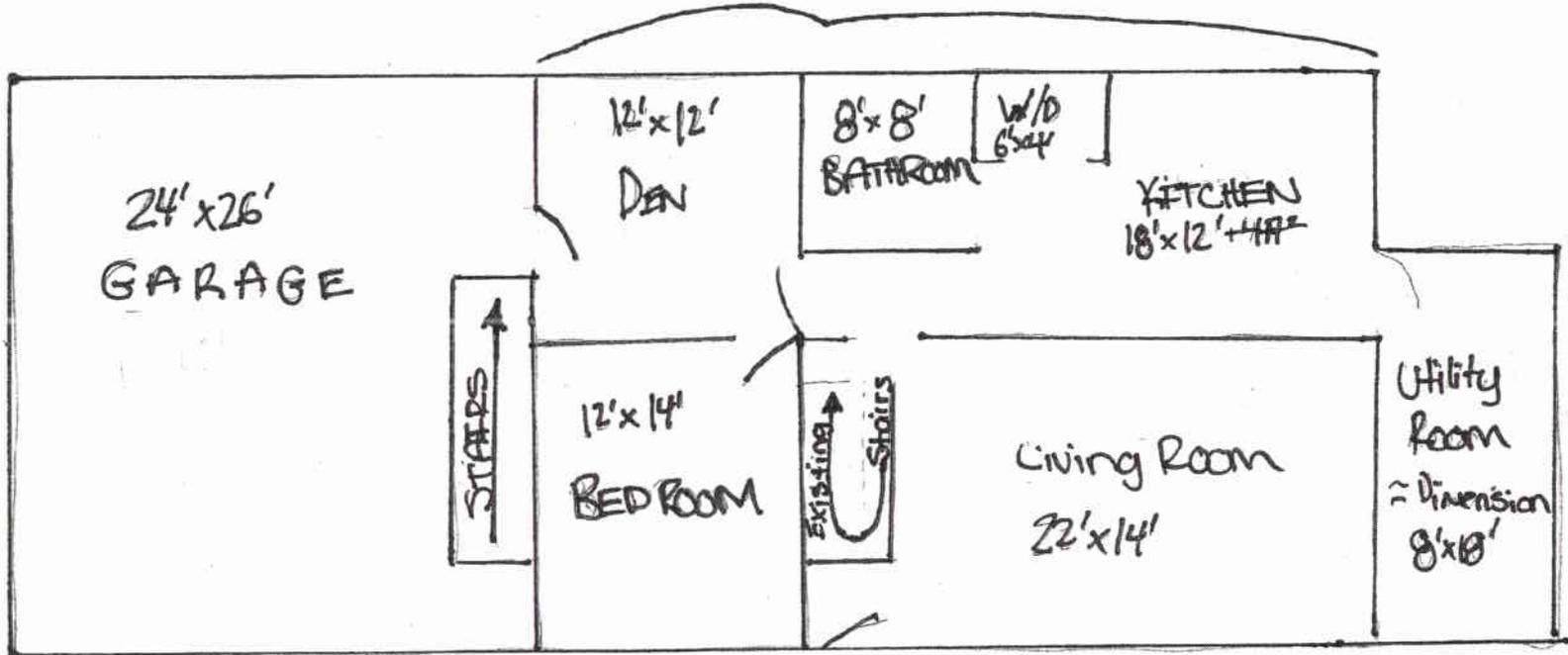
MR. & MRS. TETTER
1653 VALLEY AVENUE.
MCLEAN, VA 22101

SCALE
(Each Square/Block)
is 2 Feet



FIRST LEVEL

ACCESSORY DWELLING

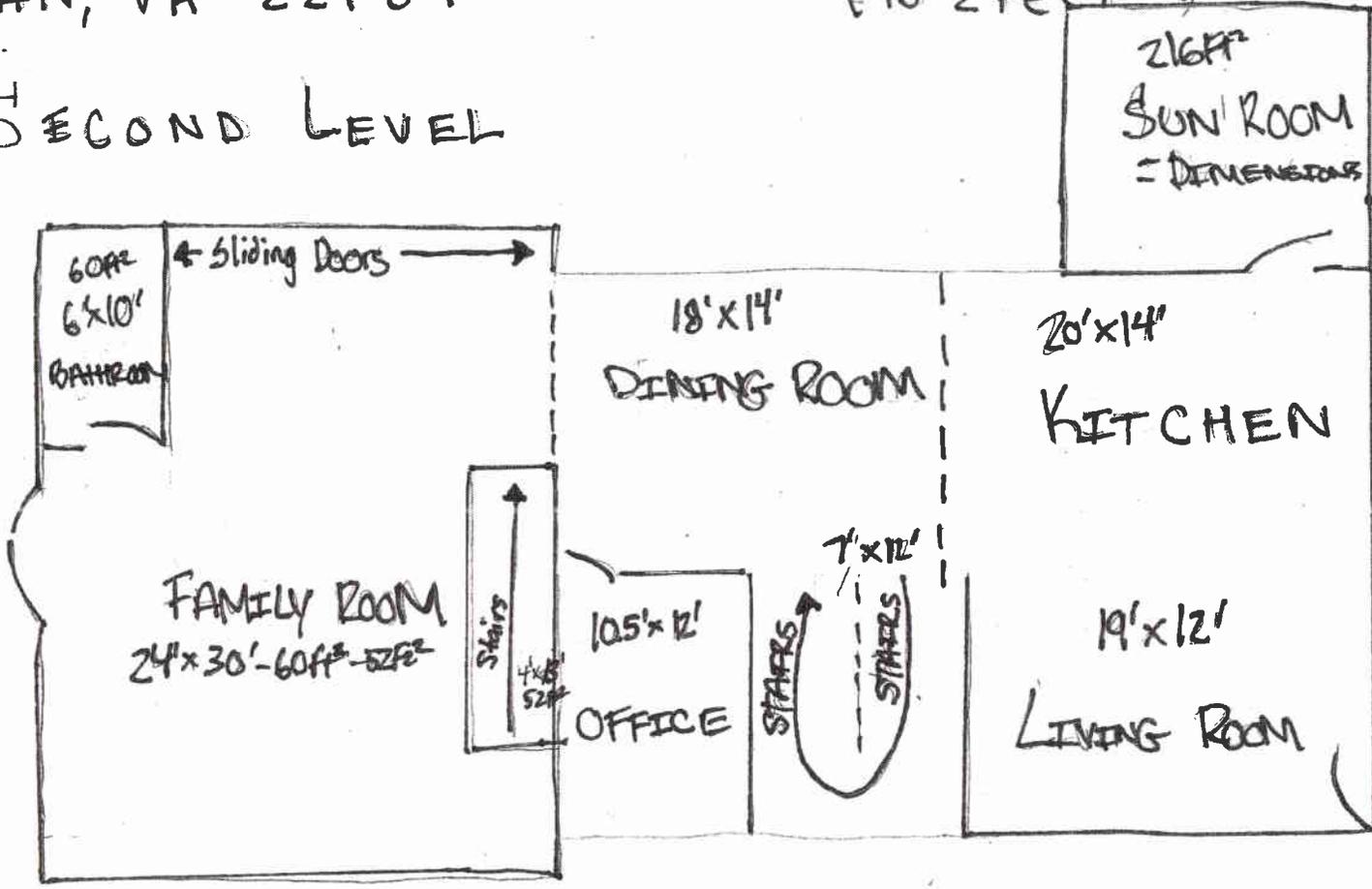


MR. & MRS. TETTER
1653 VALLEY AVENUE.
MCLEAN, VA 22101

SCALE
(Each square/Block)
is 2 FEET

2 FT
□ 2 FT

SECOND LEVEL

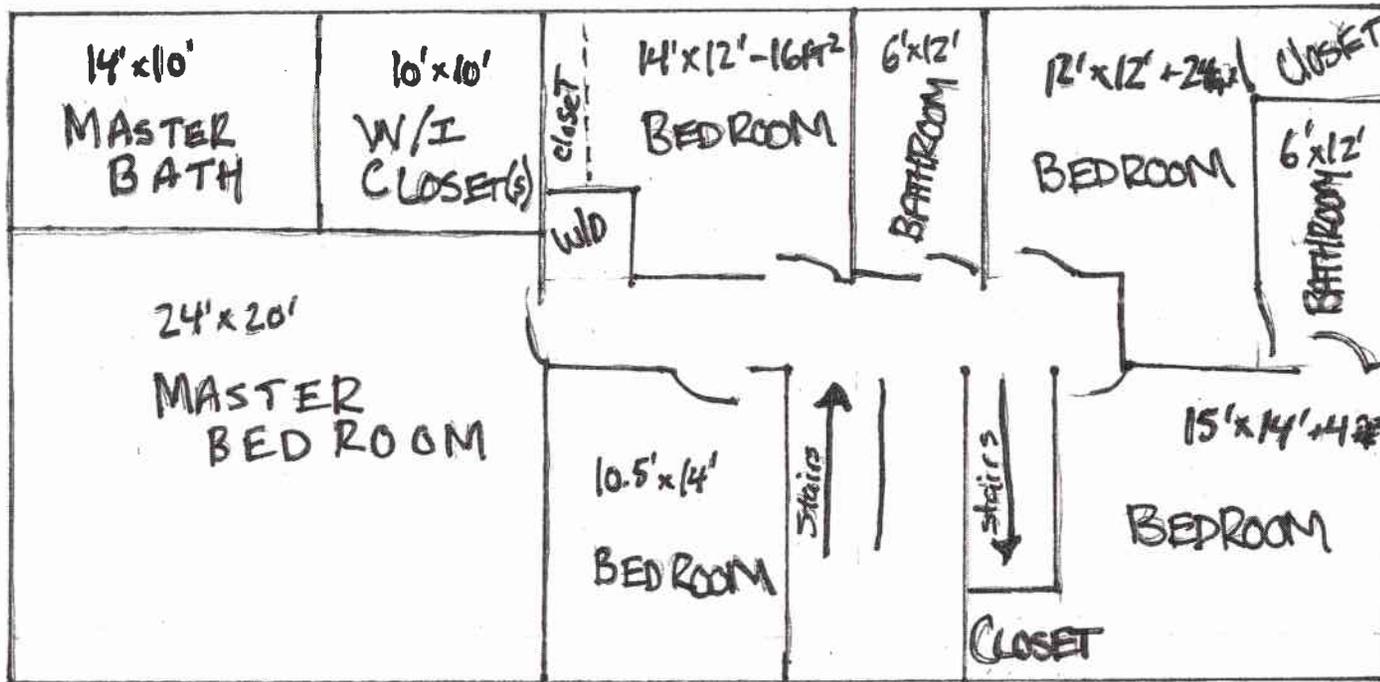


MR. & MRS TETTER
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MCLEAN, VA 22101

SCALE
(Each square/block)
is 2 Feet

2FT
2FT

THIRD LEVEL

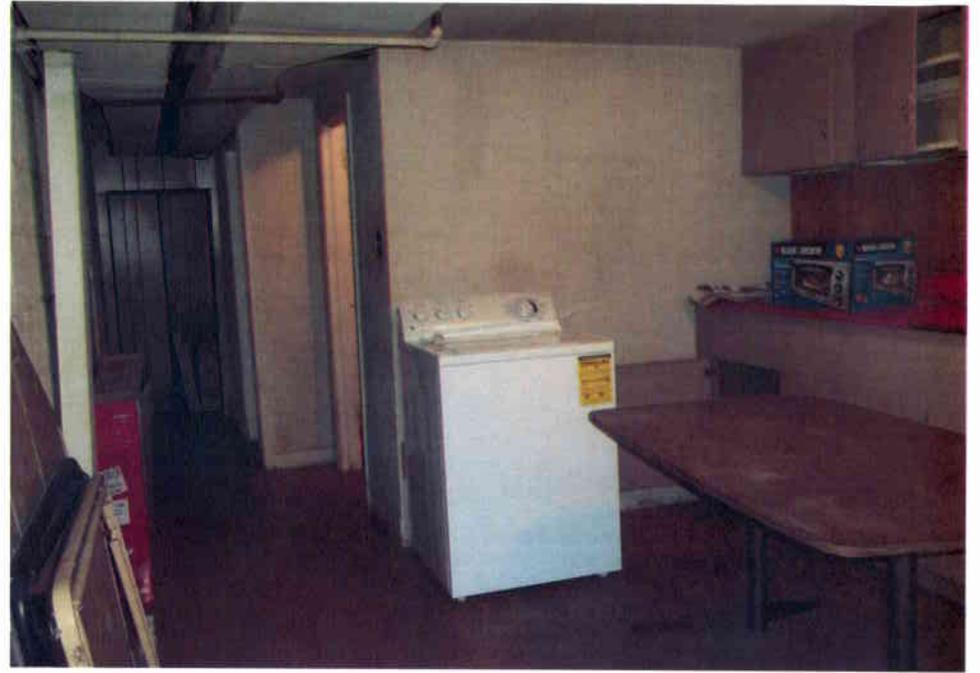












23. 7/13/2013 SW/Interior Kitchenette in Basement 24. 7/13/2013 S/Interior Kitchenette In Basement



25. 7/13/2013 SE/Interior Kitchenette in Basement 26. 7/13/2013 NE/Left of Existing Kitchenette



27. 7/13/2013 NE/Left of Existing Kitchenette





SPECIAL PERMIT REQUESTS

The applicant requests approval of three different special permit requests. The first request is to allow an accessory dwelling unit in the basement of an existing single family detached dwelling. The second request is to allow a reduction of minimum yard requirements to permit an addition 29.6 feet from the front lot line and 13.0 feet from the side lot line. The third request is to allow a reduction of minimum yard requirements based on error in building location to permit the dwelling to remain 33.3 feet from a front lot line and 7.4 feet from side lot line.

A copy of the special permit plat entitled "Plat Showing the Improvements on Lot 1-A, Block 3 of Lane's Resubdivision of Divine's Chesterbrook," prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated September 4, 2013, is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 18,409 square foot lot contains a two story brick single family dwelling. A grade-level entrance exists in the front of the dwelling that is accessed via a concrete pathway from the driveway, and an additional entrance connects to this walkway accessing the second floor of the dwelling from the south side of the dwelling. The concrete driveway provides vehicular access to Valley Avenue and leads to a one care garage attached to the dwelling. The lot is fairly flat, sloping slightly towards the rear of the yard, and it has a grassed lawn and mature trees in the front and rear yards. A small enclosed sunroom structure exists on the rear of the dwelling, and a shed is also located in the rear yard.

The subject property is south of Old Dominion Drive and North of Cross Street. The zoning and uses of surrounding properties are as follows:

	Zoning	Use
North	R-3	Single Family Detached Dwelling
East	R-3	Single Family Detached Dwelling
South	R-1	Single Family Detached Dwelling
West	R-1	Single Family Detached Dwelling



Figure 1. Lot location

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1954, and the property was purchased by the applicant in August, 2012.

In 1953, a portion of the lot was subject to a variance, which allowed a reduction in the minimum required front yard setback and the side yard setback. At some point after this, a portion of East Avenue Road was vacated and incorporated into this parcel. The property is now considered a through lot.

County records reflect that there are no similar cases in the vicinity.

DESCRIPTION OF THE APPLICATION

The applicant requests approval of a special permit for an accessory dwelling unit on the first floor of the existing split-level single family dwelling. The proposed accessory dwelling unit would be approximately 874 square feet, which is approximately 14.9% of the total proposed gross floor area of the dwelling (which is 5,879 square feet). The accessory dwelling unit would contain a bedroom, an office, a full kitchen, a laundry area, and a family room.

Upon approval of the special permit, the parents of the homeowners, both over the age of 55, would reside in the accessory dwelling unit.

The applicant is also requesting approval of a special permit for the existing dwelling to remain both 33.3 feet from the front lot line and 7.4 feet from the side lot line. The applicant purchased the home in this location and was unaware of this at the time they purchased the dwelling. These reductions would be a reduction of 7.7 feet and 13.6 feet, respectively.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit (50%)	Garage	Front	40.0 feet	29.6 feet	10.4 feet	26%
Special Permit (50%)	Proposed Third Floor	Side	20.0 feet	13.0 feet	7.0 feet	35%
Special Permit (Error)	Existing Staircase	Side	20.0 feet	7.4 feet	12.6 feet	63%
Special Permit (ADU)	Accessory Dwelling Unit	N/A	N/A	N/A	N/A	N/A

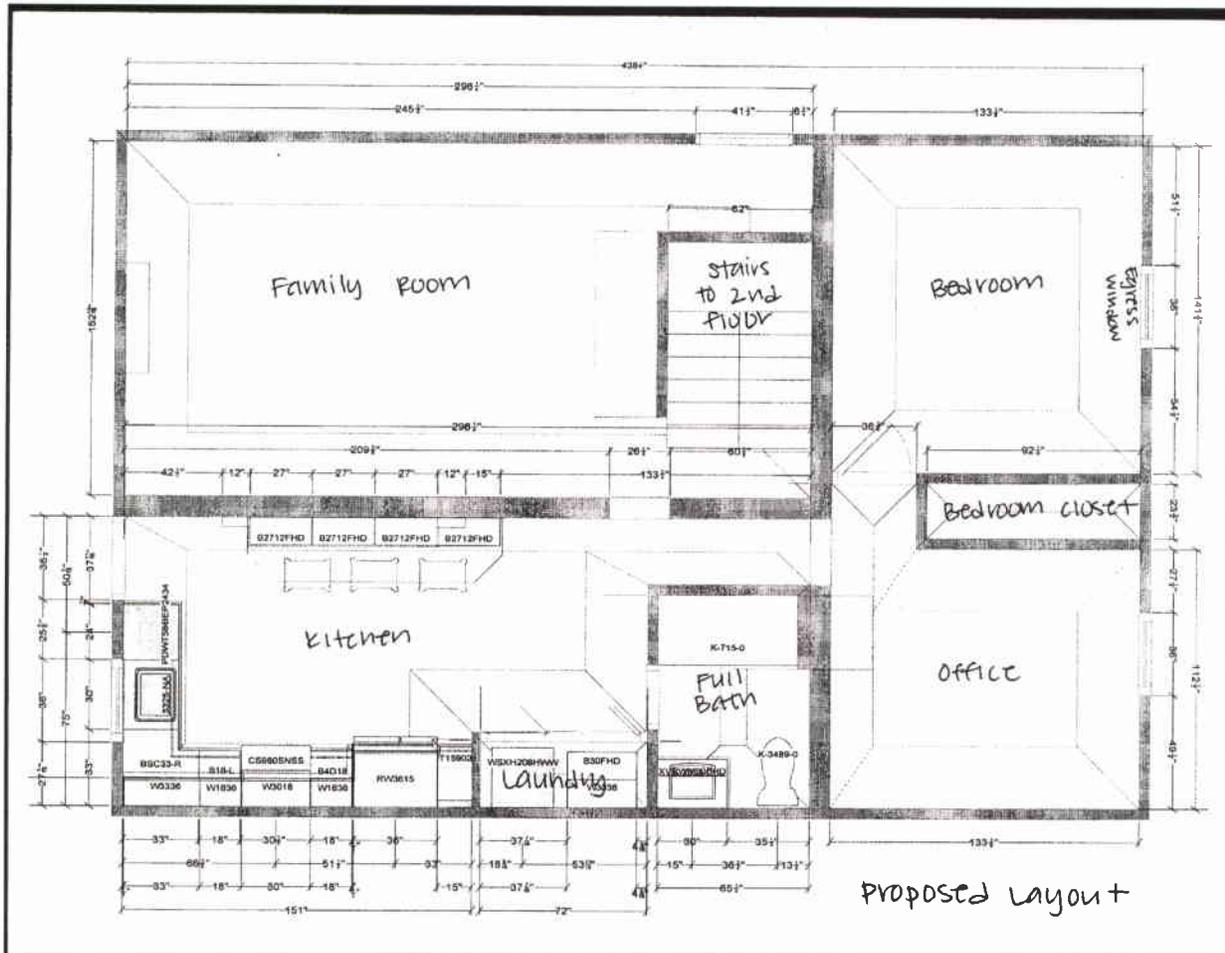


Figure 2. Floor plan layout of Accessory Dwelling Unit

ANALYSIS

Urban Forestry Analysis (Appendix 5)

The Urban Forestry Management Division (UFMD) has provided two comments on the applicants' Special Permit Plat. Based on the R-1 zoning of this site, the area is required to meet 30% or 4,537 square feet of tree canopy coverage. At the time of grading plan or building permit, the applicant shall provide a 10-year Tree Canopy Calculation as set forth in PFM 12-0511, outlining preserved and proposed landscaping. A condition has been included to address these requirements.

Stormwater Analysis (Appendix 6)

A review of the application by the Site Development and Inspections Division of the Department of Public Works and Environmental Services provided stormwater management comments on the received Special Permit Plat. As the floodplain has not been mapped for this property, if a site grading plan is required based on the planned disturbance, at that time the applicant will provide a floodplain analysis to determine the water table level. A condition has been included to address this.

Comprehensive Plan Provisions

Plan Area: Area II, Mclean Planning District
Planning Sector: Kirby Community Planning Sector (M3)
Plan Map: Residential uses at 1 dwelling unit/acre (du/ac)

Zoning Ordinance Requirements

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *Sect. 8-914* Provisions for Reduction of Minimum Yard Requirements Based on an Error in Building Location
- *Sect. 8-918* Additional Standards for Accessory Dwelling Units
- *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 5. Subject to development conditions, the special permit must meet these standards.

8-918 Standards	Provision met?	
	YES	NO
Only permitted in association with a single family detached dwelling unit, and no more than one accessory dwelling unit per single family detached dwelling.	X	
Located within the structure of a single family detached dwelling unit; any entrances shall be located on the side or rear.	X	
The gross floor area shall not exceed 35% of the total gross floor area of the principal unit.	X	
Shall not contain more than two bedrooms.	X	
Must meet the following: 1. One dwelling unit shall be owner occupied 2. One dwelling unit must be occupied by a person qualifying as elderly or disabled 3. The accessory dwelling unit may be occupied by no more than 2 people; the principal dwelling unit may be occupied by one family or a group of not more than 4 persons not necessarily related by blood or marriage	X	
Accessory dwelling units intended for a disabled person must provide reasonable access and mobility.	X	
Must provide sufficient parking, as determined by the BZA.	X	
Will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.	X	
Must meet applicable regulations for building, safety, health, and sanitation.	X	
Shall be recorded among Fairfax County land records upon approval.	Upon approval	
The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.	X	

Sect. 8-922 Standards	Provision met?	
	YES	NO
<p><i>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.</i></p> <p>The proposed reduction will result in an addition located 29.6 ft. from a front lot line and 13.0 ft. from a side lot line; the required front yard in an R-1 district is 40 ft. and the required side yard is 20 ft. With reductions of 26% and 35%, respectively, this application meets the required standard.</p>	X	
<p><i>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.</i></p> <p>With the proposed addition, no detached structures are planned on the property. The application meets this requirement.</p>	X	
<p><i>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.</i></p> <p>When the structure was built in 1954, it complied with the applicable requirements at the time of construction. A variance was obtained for the structure's location 33.0 ft. from a front lot line, and the stair located in error in a side yard were existing prior to the establishment of the Zoning Ordinance yard regulations. Therefore, this standard has been met.</p>	X	
<p><i>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.</i></p> <p>The proposed additional space would be 3,157 square feet in size. The existing home is 2,722 square feet, so the proposed addition would be 116% of the total GFA of the principal structure. This proposal meets the standard.</p>	X	
<p><i>5. The GFA of an accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use, and intent.</i></p> <p>As the proposed addition is not an accessory structure, this standard does not apply.</p>	N/A	

Sect. 8-922 Standards	Provision met?	
	YES	NO
<p><i>6. It is in character with the existing on-site development in terms of the location, height, bulk, and scale.</i></p> <p>Based on provided architectural, staff has determined that the proposal is similar in nature to the existing structure based on its location, its height, the bulk of the addition, and the scale.</p>	X	
<p><i>7. It is harmonious to the surrounding off-site uses and structures in terms of location, height, bulk, and scale.</i></p> <p>While there are a mix of architectural styles and sizes in regards to the homes surrounding the application property, staff has determined that the proposal is similar in nature to the surrounding homes, specifically the home located directly across Valley Avenue. It is staff's opinion that this standard has been achieved.</p>	X	
<p><i>8. It shall not adversely impact the use and or enjoyment of adjacent properties.</i></p> <p>Due to the large lot size and constrained nature of having two front yards surrounding the property, the addition would have a relatively minor impact on surrounding properties. Based on the proposed setbacks from any adjacent properties, staff feels this standard has been met.</p>	X	
<p><i>9. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot.</i></p> <p>In order to provide an increased area of living space and accommodate their aging in-laws in the proposed Accessory Dwelling Unit, the applicant has requested these reductions and has remained below the maximum 50% reduction amount allowable under these standards. Staff agrees that this proposed meets the standard.</p>	X	
<p><i>10. The BZA may impose conditions as it deems necessary to satisfy these criteria.</i></p>	Attached	
<p><i>11. It will meet all submission requirements.</i></p>	X	
<p><i>12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines.</i></p> <p>The applicant has provided architectural depicting all sides of the proposed addition in relation to the existing home. The proposal has met this standard.</p>	X	

CONCLUSION

Staff believes that the request meets the applicable standards for a reduction in certain yard requirements and for the accessory dwelling unit, with adoption of the proposed development conditions contained in Appendix 1.

RECOMMENDATION

Staff recommends approval of SP 2014-DR-145 for the accessory dwelling unit and reduction in certain yard requirements, with adoption of the proposed development conditions contained in Appendix 1.

If it is the intent of the Board of Zoning Appeals to approve the request for approval of the error in building location to allow the existing stairs to remain, staff recommends such approval to be subject to 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.

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. Urban Forestry Memorandum
5. Stormwater Memorandum
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-DR-145****October 22, 2014**

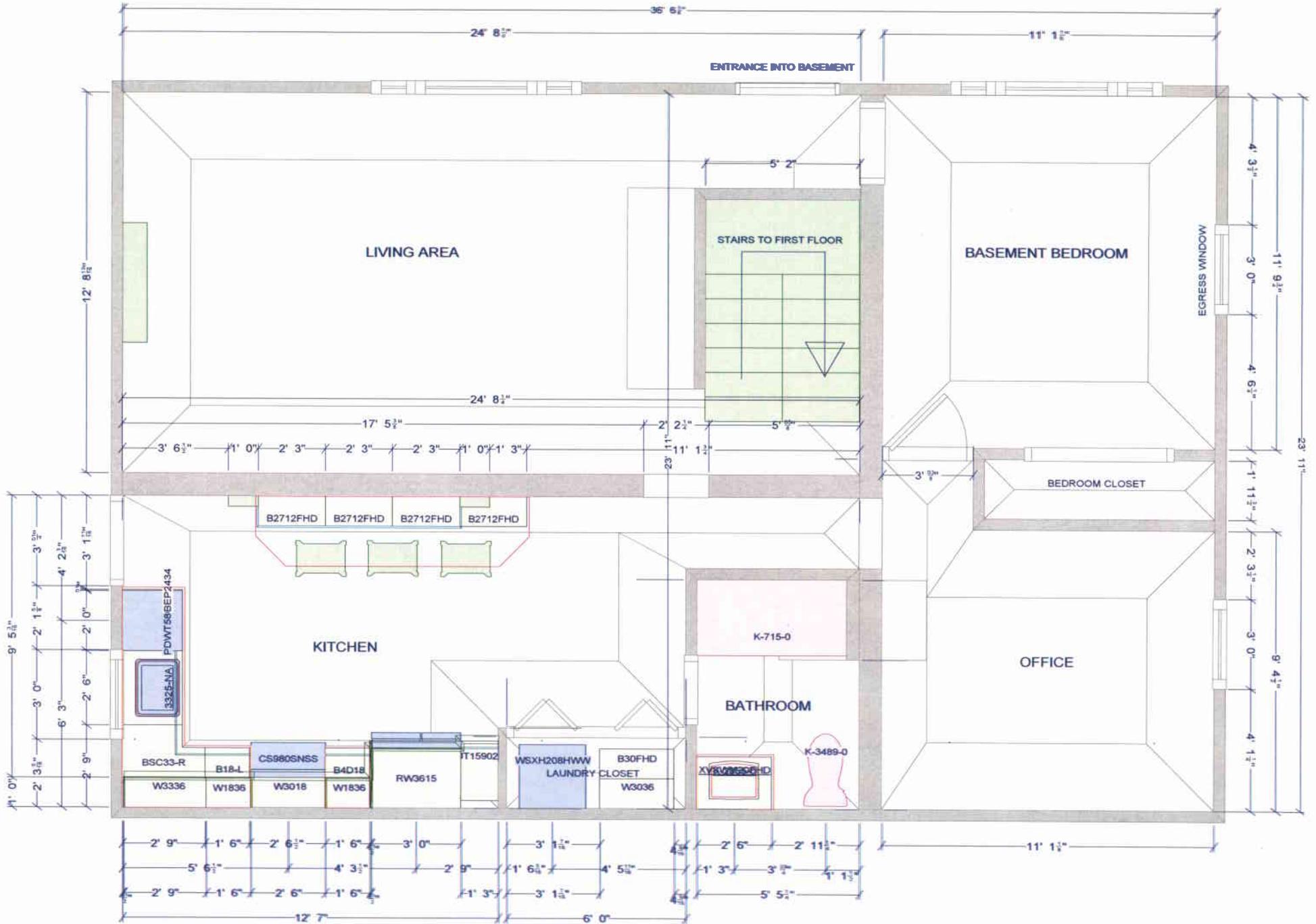
If it is the intent of the Board of Zoning Appeals to approve SP 2014-DR-145 located at Tax Map 31-3 ((9)) (3) 1A to permit an accessory dwelling unit, an addition, and the existing dwelling location under Section 8-914, Section 8-918, and Section 8-922 to the Fairfax County Zoning Ordinance, staff recommends 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 for the accessory dwelling unit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This approval is granted to the applicants only, Keith and Agnes Tetter, and is not transferable without further action of this Board, and is for the location indicated on the application, 1653 Valley Avenue, and is not transferable to other land.
3. This special permit is approved for the location of the dwelling and addition as shown on the plat titled "Plat Showing the Improvements on Lot 1-A, Block 3 of Lane's Resubdivision of Divine's Chesterbrook," prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated September 4, 2013, as submitted with this application and is not transferable to other land.
4. A copy of this special permit **SHALL BE POSTED IN A CONSPICUOUS PLACE IN THE ACCESSORY DWELLING UNIT** and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The occupants of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance which states in part that one of the dwelling units shall be occupied by a person or persons who qualify as elderly (55 years of age or older) and/or permanently and totally disabled.
6. The accessory dwelling unit shall contain a maximum of 874 square feet, and the layout shall be generally as depicted on the floor plan included as Attachment 1 to these conditions.

7. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice and the accessory dwelling unit shall meet the applicable regulation for building, safety, health and sanitation.
8. All applicable permits and final inspections shall be obtained for the kitchen components in the accessory dwelling unit.
9. The accessory dwelling unit shall be approved for a period of five years from the final approval date of the special permit and may be extended for five year periods with prior approval of the Zoning Administrator in accordance with Section 8-012 of the Zoning Ordinance.
10. If the use of the accessory dwelling unit ceases and/or the property is sold or otherwise conveyed, the accessory structure shall be converted to a use permitted by the Zoning Ordinance, or if the property is sold or conveyed, a special permit amendment may be submitted to permit the continued use of an accessory dwelling unit.
11. All parking shall be provided on site.
12. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 2 of these conditions.
13. At the time of building permits or grading plan, the applicant shall provide a 10-year Tree Canopy Calculation as set forth in PFM 12-0511, outlining preserved and proposed landscaping.
14. At the time of building permits or grading plan, if necessary, the applicant shall provide a floodplain analysis to determine the water table level for the unmapped floodplain.
15. The applicant shall remove and/or relocate the existing shed located in a front yard of the property to comply with the Zoning Ordinance location regulations.

This approval, contingent on 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, six (6) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use 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.



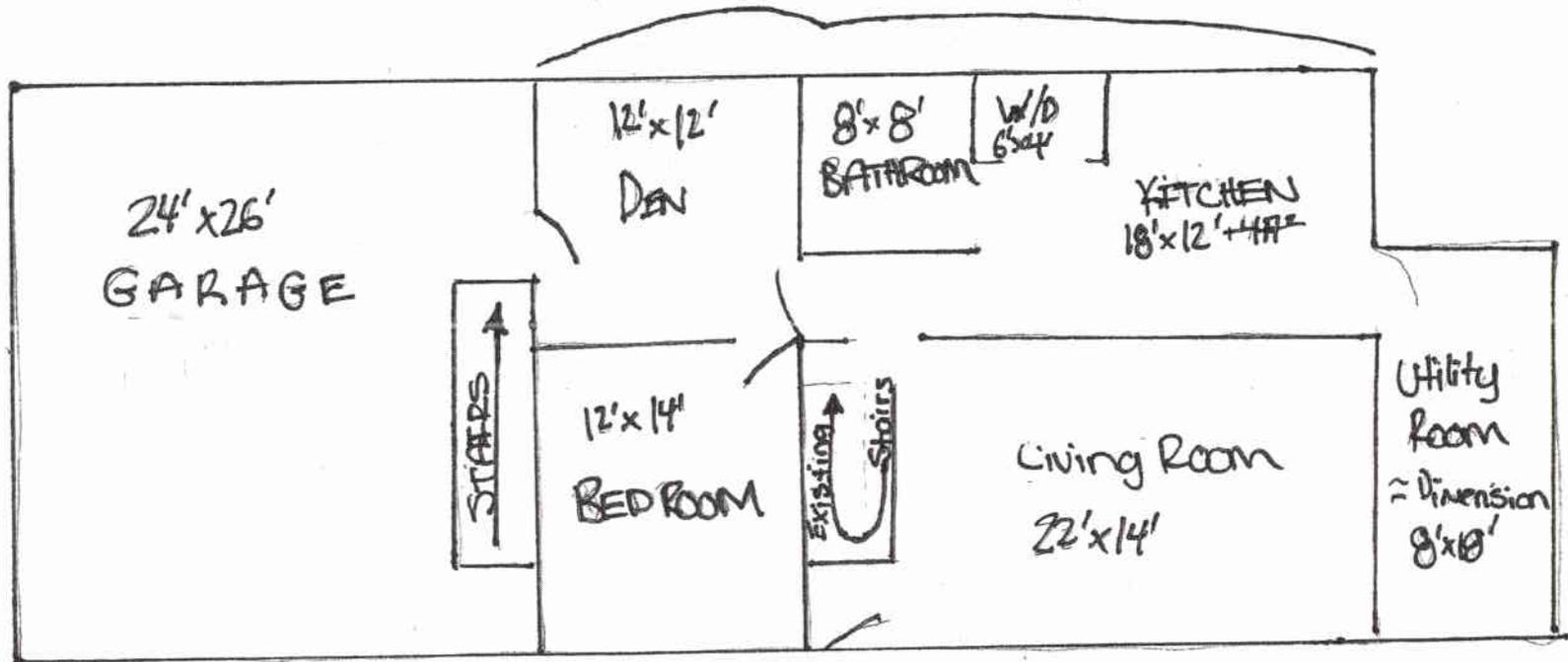
MR. & MRS. TETTER
1653 VALLEY AVENUE.
MCLEAN, VA 22101

SCALE
(Each Square/Block)
is 2 Feet



FIRST LEVEL

ACCESSORY DWELLING

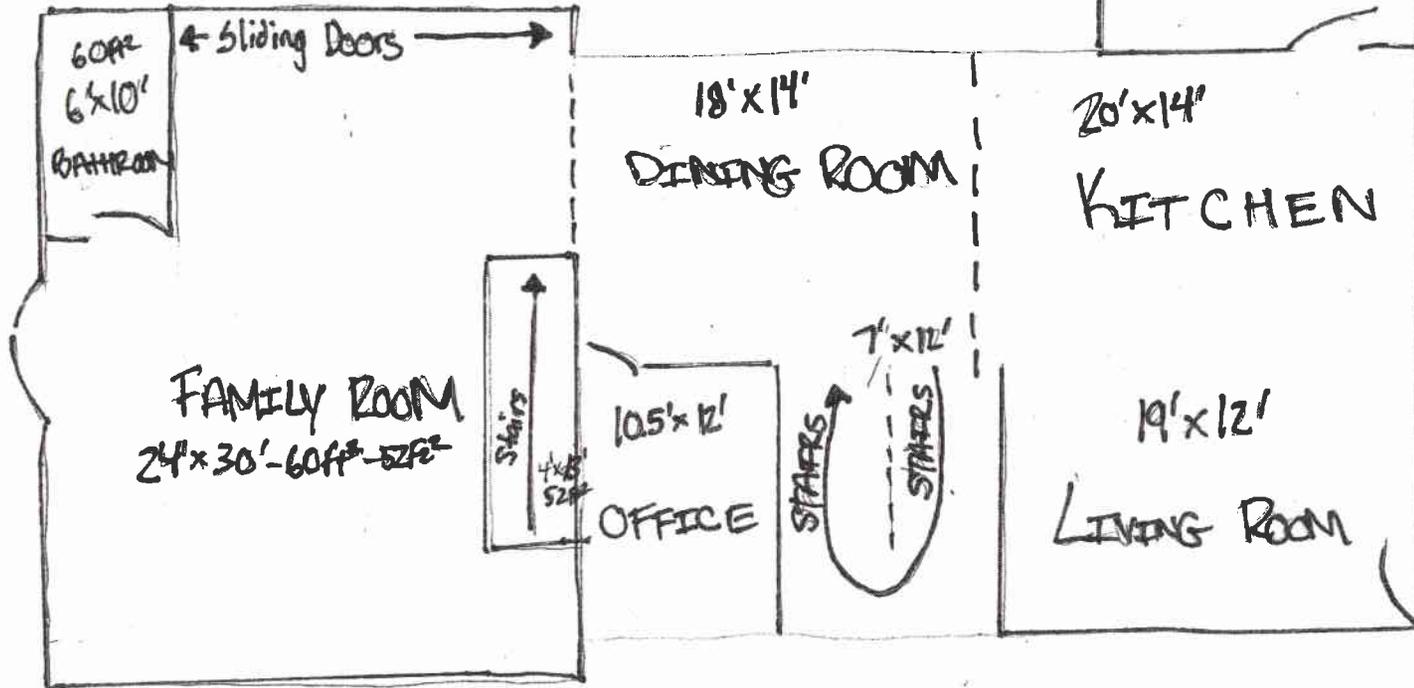


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SCALE
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2FT
□ 2FT

SECOND LEVEL

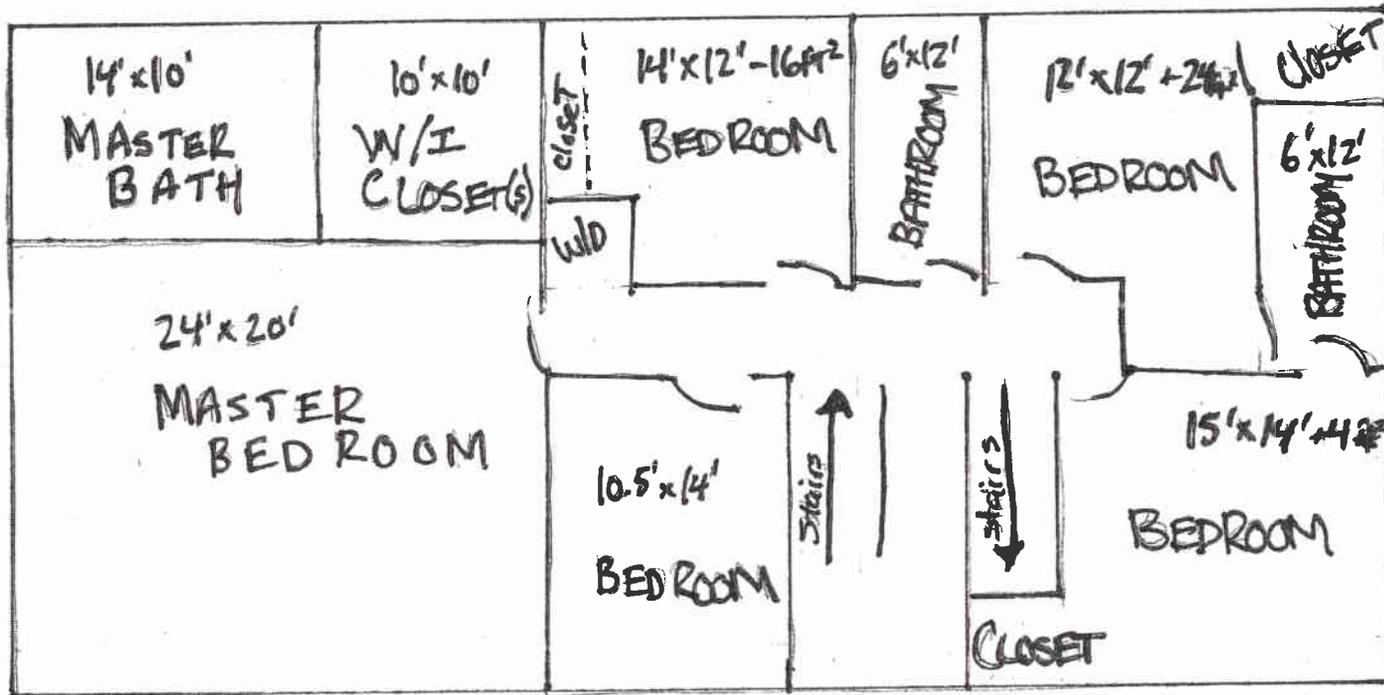


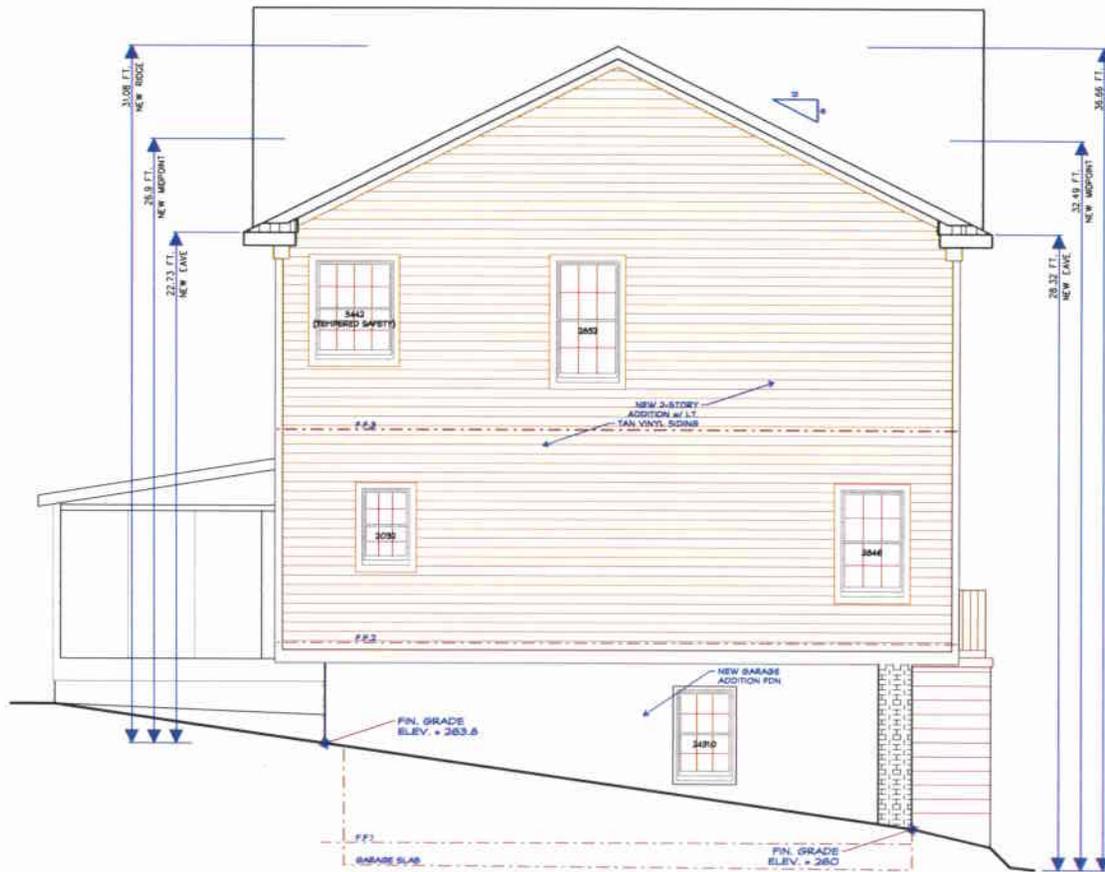
MR. & MRS TETTER
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MCLEAN, VA 22101

SCALE
(Each square/block)
is 2 Feet

2FT
2FT

THIRD LEVEL





Left (North) Elevation
 Scale 3/8" = 1'-0"

3
 A1

The Tetter Residence
 1653 Valley Ave Mclean Va 22101

3/A1



Rear (East) Elevation

Scale 3/16" = 1'-0"

4
A1

The Tetter Residence
1653 Valley Ave Mclean Va 22101

4/A1

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

123375

DATE: 12-26-13
 (enter date affidavit is notarized)

I, Robert J Kalmin, President, 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)
Keith TETER	1653 Valley Avenue, Mclean, Va 22101	Applicant/Title owner
Agnus TETER	1653 Valley Avenue, Mclean, Va 22101	Applicant/Title owner
RJK CONSTRUCTION Inc.	4010 UNIVERSITY DR. #104 Fairfax Va 22030	Agent
Robert J Kalmin (president)	4010 UNIVERSITY DR # 104 Fairfax Va 22030	Agent
Juzanne H Kalmin	4010 UNIVERSITY DR #104 Fairfax Va 22030	Agent
Kelly P Renaud (check if applicable)	4010 UNIVERSITY DR #104 Fairfax, Va 22030	Agent
<input type="checkbox"/> 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: 12-26-13
(enter date affidavit is notarized)

123375

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)

RJK Construction Inc. (703) 218-1809
4010 UNIVERSITY DRIVE Suite 104
Fairfax, Va 22030

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)

ROBERT J. Kalmin, President
Juzanne H. Kalmin, Vice President

(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: 12-26-13
(enter date affidavit is notarized)

123375

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

PARTNERSHIP INFORMATION

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

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

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

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)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

123375

DATE: 12-26-13
(enter date affidavit is notarized)

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

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

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

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

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

"None"

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

123375

DATE: 12-26-13
(enter date affidavit is notarized)

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

[] Applicant

[X] Applicant's Authorized Agent

ROBERT J. KACUN President
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12 day of 26, 2013, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 7554293

[Signature]
Notary Public

JEANY NOEMY ARGUETA
NOTARY PUBLIC
REGISTRATION # 7554293
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JULY 31, 2017

Special Permit Statement of Justification

- The first purpose of this special use permit is to gain permission to install a full secondary kitchen in the basement of the existing home. The space in which we wish to build this second kitchen already features a kitchenette, with sink, and cabinetry. We would be proposing to add a stove and microwave, refrigerator, remove and install new appliances, install all new cabinetry, and create a comfortable new space for two grandparents. The living room area would be updated to current code and better, and a single bedroom area would include a window with proper egress and closet. This space would allow this family to become closer, and aid the growth and development of the child. Also, we would remodel the existing basement bath to allow for a better quality of life.
- We are also asking to reduce the current setbacks on two sides of this home. The current setback on the front (East) of this property is 40'. We'd like to encroach on this area 10' making the new setback 30'. The current setback runs through the existing dwelling, and does not allow the owners to build a 3rd story on top of the existing home structure flush with their own house, which is what he desires and what would be harmonious with other homes the neighborhood.
- On the south side of the home, the current setback is 20'. We'd like to encroach on this setback by 6', making the new setback 14'. Again the current setback runs through the existing dwelling, and prohibits any updates on this homes appearance.
- If given permission to expand on the existing dwelling with the reduction of setbacks, we would like to enclose the current garage area, and incorporate the space into an in-law suite for this

family, complete with full kitchen in the basement. We'd also like to build a 20' x 24' garage on the north side of this home, with two stories above it, and continue the additional story on the existing portion of the home, which meets current setback requirements. This would transform this home from a two story home (including the basement), to a three story home (to include the basement), not exceeding 35' from average grade to the midpoint of the roof. We would like to construct the garage so that it is flush with the existing home, which meets current setback requirements, so that it would match the other newer homes in the area, creating a more aesthetically unified neighborhood. This home is identifiably the older home in the neighborhood, and updating the façade of this home would be conducive to the look and aesthetics of the other homes in the neighborhood, increasing community development.

- This is a residential address, and it will be kept a residential address, meant for private use of a family. As this is a residential address, there will be no business hours, employees, attendants, teachers, students, and will not generate any additional traffic in the neighborhood.
- This family includes two adults, a child, and in the future, 2 grandparents, and possibly more children, to be living in the in-law suite to be built in the basement.
 - There will be no known hazardous or toxic substances generated, utilized, stored, treated, or disposed of onsite, only the waste of a typical family. If and when lead paint is disturbed on interior walls during renovation, RJK Construction, Inc. will abide to the EPA's established RRP Regulations, and is a Lead Safe Certified Firm.

- The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based On Error in Building Location

We understand that:

- The error exceeds 10% of the measurement involved, or, the error is up to 10% 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 variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds 10% of the measurement involved.
- The noncompliance was 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.
- Such reduction or modification will not impair the purpose and intent of this Ordinance.
- It will not be detrimental to the use and enjoyment of other property in the immediate vicinity.
- It will not create an unsafe condition with respect to both other property and public streets.
- To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.

8-918 Additional Standards for Accessory Dwelling Units

- This accessory dwelling unit will be used for the family's in-laws to reside. The dwelling unit shall be located within the structure of a single family dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure. The accessory dwelling unit will not contain more than 2 bedrooms and it will be occupied by an elderly married couple who have a blood relationship with the homeowners.

8-922 Provisions for Reduction of Certain Yard Requirements

- The resulting gross floor area of the addition will be up to 150% of the total gross floor area of the principle structure that existed at the time of the first expansion request. The gross floor area of the existing floor plans are 873.70 square feet(438 3/8" x 287") as well as the proposed floor plans as the measurements will not change. The total square feet of the home, including our proposed addition, will be 4,951.4 square feet, making the accessory dwelling unit 18% of the gross floor area of the entire home.
- The resulting gross floor area of the existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
- The proposed development will not adversely impact the use and enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff.
- This addition will enhance the house to be harmonious with the rest of the neighborhood. We also intend to design the exterior of the home to match the character of the existing property. At the moment, this home is considerably smaller and dated compared to the neighboring homes.

- The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. We are requesting the setbacks to be reduced just enough so we may add an addition within the lines of an oddly shaped lot.



County of Fairfax, Virginia

MEMORANDUM

DATE: August 28, 2014

TO: Casey Gresham, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester III
Forest Conservation Branch, DPWES

SUBJECT: Pimmit Park, El Nido Lot 1A.SP 2014-DR-145

I have reviewed the above referenced Special Permit Application including a Statement of Justification and a Special Permit Plat of the subject property stamped as received, Department of Planning and Zoning, June 23, 2014, and July 16, 2014, respectively. The following comments and recommendations are based on this review. A site visit was conducted on August 20, 2014.

1. **Comment:** Upon a visual inspection of the site, it was observed that several of the trees identified on the Special Permit Plat have been removed from the site. The Special Permit Plat shall accurately depict the location of existing vegetation.

Recommendation: The Applicant should provide a revised Special Permit Plat with the exact locations of all existing vegetation including the location of the outer tree line of existing trees.

2. **Comment:** It is unclear if the site is in conformance with the Tree Conservation Ordinance and 10-year Tree Canopy Requirements. The site is zoned R-1 and will require 30% or 4,537 square feet of tree canopy based on the square footage of the lot.

Recommendation: The Applicant should provide 10-year Tree Canopy Calculations as set forth in PFM 12-0511. Table 12.10 shall be provided with all subsequent submissions and shall include the existing area of tree canopy to be preserved and what proposed landscaping will be provided to meet the 10-year Canopy Requirement of 30%.

Please feel free to contact me with any questions or concerns.

CSH/

UFMDID #: 194501

cc: DPZ File

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550
www.fairfaxcounty.gov/dpwes



12-0000 TREE CONSERVATION

12-0508 Tree Preservation Target

12-0508.1 Tree Preservation Target Definition. The percentage of the development site covered by all tree canopy (regardless of health or condition) at the time of plan submission shall equate to the minimum portion of the total 10-year tree canopy requirement of the Chapter 122 of the Code that should be met by means of tree preservation. This minimum portion shall be identified in Tree Conservation Plans as the "Tree Preservation Target."

12-0508.1A In order to meet or exceed the site's Tree Preservation Target level, all effort shall be made to design and construct development in a manner that is consistent with the preservation design standards provided in § 12-0402.

12-0508.1B Tree canopy that the Director determines does not or will not meet the pre- and post-development condition standards for trees and forested areas as provided in §§ 12-0403 and 12-0404 shall not be included in areas counting towards meeting the Tree Preservation Target.

12-0508.2 Tree Preservation Target Calculations and Statement. The calculations and statements shall be provided along with the 10-year tree canopy calculations as shown in Table 12.3.

A	Pre-development area of existing tree canopy (from Existing Vegetation Map) =	3439
B	Percentage of gross site area covered by existing tree canopy =	18.7
C	Percentage of 10-year tree canopy required for site (see Table 12.4) =	30%
D	Percentage of the 10-year tree canopy requirement that should be met through tree preservation =	30%
E	Proposed percentage of canopy requirement that will be met through tree preservation =	30%
F	Has the Tree Preservation Target minimum been met?	Provide <input checked="" type="radio"/> Yes or No
G	If No for line F, then a request to deviate from the Tree Preservation Target shall be provided on the plan that states one or more of the justifications listed in § 12-0508.3 along with a narrative that provides a site-specific explanation of why the Tree Preservation Target cannot be met. Provide sheet number where deviation request is located.	
H	If step G requires a narrative, it shall be prepared in accordance with § 12-0508.4	
I	Place this information prior to the 10-year Tree Canopy Calculations as per instructions in Table 12.10.	

12-0000 TREE CONSERVATION

Table 12.10 10-year Tree Canopy Calculation Worksheet			
Step		Totals	Reference
A. Tree Preservation Target and Statement			
A 1	Place the Tree Preservation Target calculations and statement here preceding the 10-year tree canopy calculations		see § 12-0508.2 for list of required elements and worksheet
B. Tree Canopy Requirement			
B1	Identify gross site area =	18,409	§ 12-0511.1A
B2	Subtract area dedicated to parks, road frontage, and	402	§ 12-0511.1B
B3	Subtract area of exemptions =	0	§ 12-0511.1C(1) through § 12-0511.1C(6)
B4	Adjusted gross site area (B1 – B2) =	18,007	
B5	Identify site's zoning and/or use	R-1	
B6	Percentage of 10-year tree canopy required =	30%	§ 12-0510.1 and Table 12.4
B7	Area of 10-year tree canopy required (B4 x B6) =	5402	
B8	Modification of 10-year Tree Canopy Requirements requested?	No	Yes or No
B9	If B8 is yes, then list plan sheet where modification request is located		Sheet number
C. Tree Preservation			
C1	Tree Preservation Target Area =	3439	
C2	Total canopy area meeting standards of § 12-0400 =	3439	
C3	C2 x 1.25 =	4299	§ 12-0510.3B
C4	Total canopy area provided by unique or valuable forest or woodland communities =	0	
C5	C4 x 1.5 =		§ 12-0510.3B(1)
C6	Total of canopy area provided by "Heritage," "Memorial," "Specimen," or "Street" trees =	0	
C7	C6 x 1.5 to 3.0 =		§ 12-0510.3B(2)
C8	Canopy area of trees within Resource Protection Areas and 100-year floodplains =	0	
C9	C8 x 1.0 =		§ 12-0510.3C(1)
C10	Total of C3, C5, C7 and C9 =	4299	If area of C10 is less than B7 then remainder of requirement must be met through tree planting - go to D
D. Tree Planting			
D1	Area of canopy to be met through tree planting (B7-C10) =	1103	
D2	Area of canopy planted for air quality benefits =	0	
D3	x 1.5 =		§ 12-0510.4B(1)
D4	Area of canopy planted for energy conservation =	0	

12-0000 TREE CONSERVATION

D5	x 1.5 =		§ 12-0510.4B(2)
D6	Area of canopy planted for water quality benefits =	0	
D7	x 1.25 =		§ 12-0510.4B(3)
D8	Area of canopy planted for wildlife benefits =	750	10 fruit trees
D9	x 1.5 =	1125	§ 12-0510.4B(4)
D10	Area of canopy provided by native trees =	0	
D11	x 1.5 =		§ 12-0510.4B(5)
D12	Area of canopy provided by improved cultivars and varieties =	0	
D13	x 1.25		§ 12-0510.4B(6)
D14	Area of canopy provided through tree seedlings =	0	
	x 1.0		§ 12-0510.4D(1)
D15	Area of canopy provided through native shrubs =	0	
	x1.0		§ 12-0510.4D(1)
D16	Percentage of D14 represented by D15=	0	Must not exceed 33% of D14
D17	Total of canopy area provided through tree planting =	1125	
D18	Is an off-site planting relief requested?		Yes or No
D19	Tree Bank or Tree Fund?	No	§ 12-0512
D20	Canopy area requested to be provided through off-site banking or tree fund	0	
D21	Amount to be deposited into the Tree Preservation and Planting Fund	0	
E. Total of 10-year Tree Canopy Provided			
E1	Total of canopy area provided through tree preservation (C10) =	4299	
E2	Total of canopy area provided through tree planting (D17) =	1125	
E3	Total of canopy area provided through off-site mechanism (D19) =	0	
E4	Total of 10-year Tree Canopy Provided = (E1+E2+E3)	5424	Total of E1 through E3. Area should meet or exceed area required by B7



County of Fairfax, Virginia

MEMORANDUM

DATE: August 21, 2014

TO: Debbie Pemberton, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Camylyn Lewis, Stormwater Engineer
Site Development and Inspections Division
Department of Public Works and Environmental Services

SUBJECT: Rezoning Application #SP 2014-DR-145, Pimmit Park El Nido, Lot 1A and PCL A Block 3, 1653 Valley Avenue, McLean, Special Permit Application dated June 23 2014, LDS Project #024916-ZONA-001-1, Tax Map #031-3-09-03-0001A, Dranesville District

We have reviewed the subject application and offer the following stormwater management comments.

The applicant has not provided a Stormwater Information Sheet (LTI 06-06).

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site. However, the applicant should either provide information to demonstrate that the proposed development is exempt per Chapter 124-1-7(3) below, or provide water quality controls per Chapter 124-4-2.

Chapter 124-1-7(3)

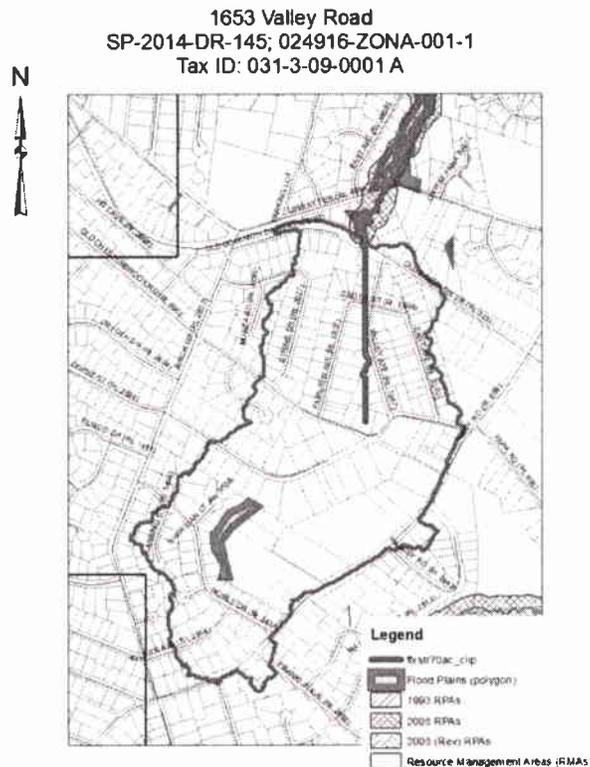
- (3) Single-family dwellings separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including: additions to existing single-family detached dwellings; accessory structures to single-family detached dwellings; and demolitions of single-family detached dwellings or accessory structures all subject to the following:
 - (i) Control measures are not required to address a specific WLA for a pollutant that has been established in a TMDL and assigned to stormwater discharges from construction activities within the watershed; and



- (ii) The proposed construction meets one of the following conditions:
- a. Total imperviousness on the lot will be less than 2,500 square feet or 18% of the lot area, whichever is greater; or
 - b. The total lot area is one-half acre or less and no more than 500 square feet of new impervious area will be added; or
 - c. Water quality controls meeting requirements in effect at the time were provided with the original subdivision construction and are currently in place; or
 - d. The property is served by an existing regional stormwater management facility providing water quality control.

Floodplain

The floodplain has not been mapped on this property. However, the drainage area is greater than 70 acres (See the drainage area map below). The end of the red line coincides with a drainage area of roughly 70 acres. Our estimate of the drainage area is approximately 115 acres. The applicant should provide a computation to provide the approximate flood extent and elevation to demonstrate that the floodplain does not extend on to the property. If the floodplain extends on to the property the flood elevation should be established in accordance with PFM Section 6-1401.1.



PFM Section 6-0704.2 requires that the lowest part of the lowest floor level of any proposed residential structure must be located at least 18 inches above the 100-year water surface elevation and a minimum horizontal distance of 15 feet must be provided between the 100-year water surface and the structure proper.

Downstream Drainage Complaints

There is a drainage complain dated 5-23-2010 regarding standing water. More information on this complaint is available from the Maintenance & Stormwater Management Division (703-877-2800).

Stormwater Detention

PFM 6-0202.6; The owner or developer may continue to discharge stormwater which has not been concentrated (i.e., sheet flow) into a lower lying property if:

6-0202.6A; The peak rate after development does not exceed the pre-development peak rate; or

6-0202.6B(1); The increase in peak rate or volume caused by the development will not have any adverse impact (e.g., soil erosion, sedimentation, duration of ponding water, inadequate overland relief) on the lower lying property as determined by the Director; and

6-0202.6B(2); The increase in peak rate or volume caused by the development will not aggravate any existing drainage problem or cause a new drainage problem on the downstream property.

For concentrated flows, the applicant is required to address PFM 6-0301.2. Stormwater management facilities must be provided in all storm drainage plans for proposed development in the County submitted for review and approval unless exempt or waived by the Director in accordance with Chapter 124 of the County Code.

Site Outfall

The applicant is required to address the outfall; an outfall narrative has not been provided. PFM 6-0203.1; The downstream drainage system shall be analyzed to demonstrate the adequacy of the system (§ 6-0203.3), or it shall be shown that there is no adverse impact to the downstream system as well as an improvement of the pre-development conditions (§ 6-0203.4 and § 6-0203.5).

Stormwater Planning Comments

This case is located in the Pimmit Run Watershed. There are no additional comments at this time from Stormwater Planning.

Dam Breach

Not applicable

Debbie Pemberton, Staff Coordinator
Rezoning Application #SP 2014-DR-145, Pimmit Park El Nido, Lot 1A and PCL A Block 3
June 23, 2014
Page 4 of 4

Miscellaneous

If not exempt from chapter 124-1-7, the stormwater management plan is to be prepared at final design and submitted to the County for review and ultimate VSMP permit approval, must address all of the items listed in SWMO 124-2-7.B.

The latest BMP specifications provided on the Virginia Stormwater BMP Clearinghouse website must be used for final design. The design engineer is also referred to LTI 14-13 with regard to selection of the appropriate BMP specifications.

These comments are based on the 2011 version of the Public Facilities Manual (PFM) and, Chapter 124 of the County code.

Please contact me at 703-324-1808, if you have any questions or require additional information.

CML/

cc: Donald Demetrius, Chief, Watersheds Evaluation Branch, Stormwater Planning Division,
DPWES
Shahab Baig, Chief, North Branch, SDID, DPWES
Zoning Application File

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.

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.

8-918 Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.
3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
 - A. One of the dwelling units shall be owner occupied.
 - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
 - (1) Any person fifty-five (55) years of age or over and/or
 - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the

Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

- C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single family dwelling unit may be occupied by not more than one (1) of the following:
 - (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
 - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
 - A. Uninterrupted access to one (1) entrance; and
 - B. Accessibility and usability of one (1) toilet room.
7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.
8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.

9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.
12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.

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.

8-922 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:

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 - 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.
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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.

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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:
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 - 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.