



APPLICATION ACCEPTED: September 5, 2014
BOARD OF ZONING APPEALS: November 19, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 12, 2014

STAFF REPORT

SPECIAL PERMIT SP 2014-BR-197

BRADDOCK DISTRICT

APPLICANTS/OWNERS: Angela Morris
Richard K. Morris, Jr.

STREET ADDRESS: 8012 Gosport Lane, Springfield 22151

SUBDIVISION: Ravensworth

TAX MAP REFERENCE: 79-2 ((3)) (18) 25

LOT SIZE: 11,475 square feet

ZONING DISTRICT: R-3

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit addition 6.0 ft. from side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-BR-197 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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 patio to remain, staff recommends that such approval be made subject to the 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.

Erin M. Haley

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



It should be 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.

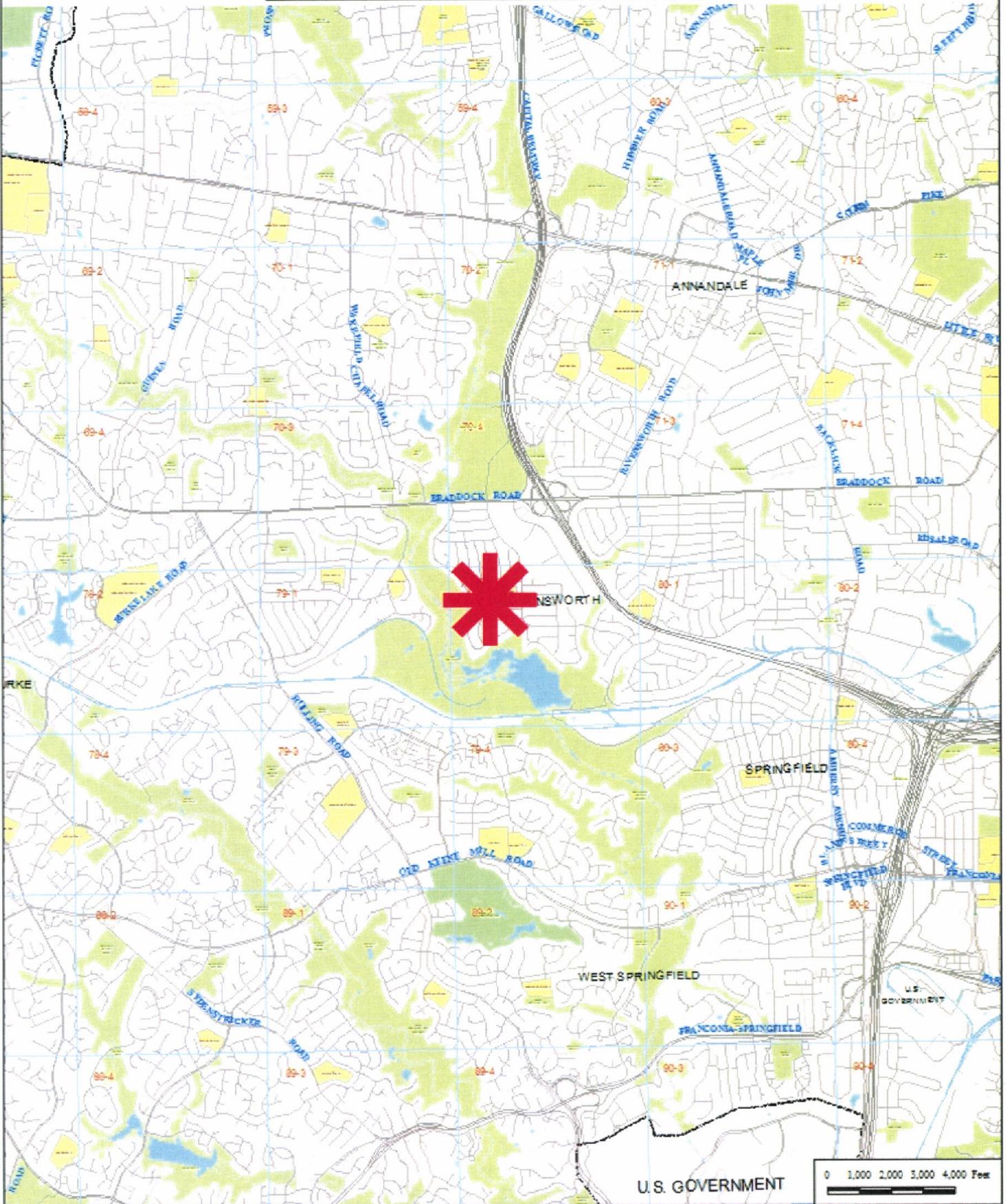
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

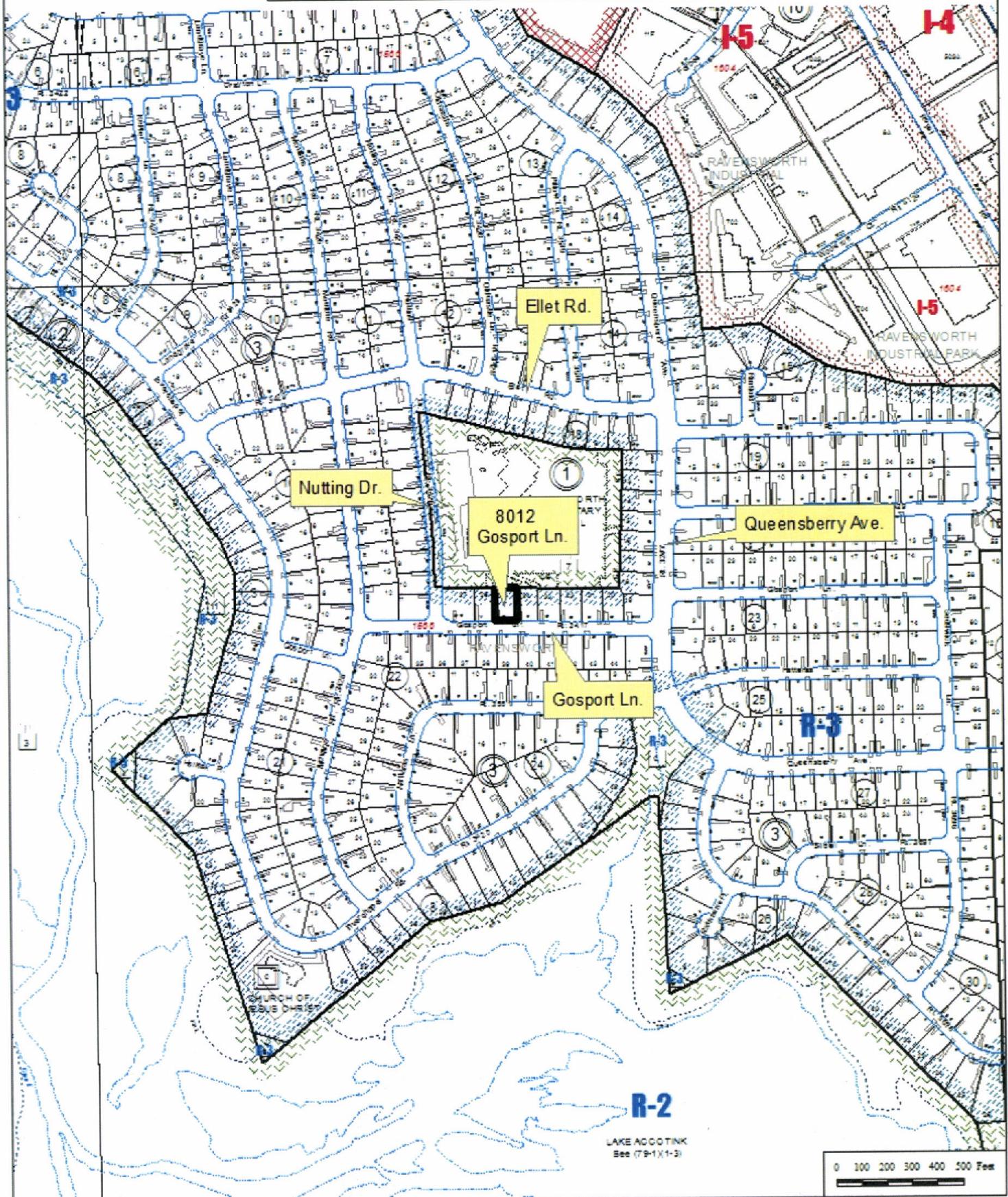
Special Permit

SP 2014-BR-197
ANGELA MORRIS

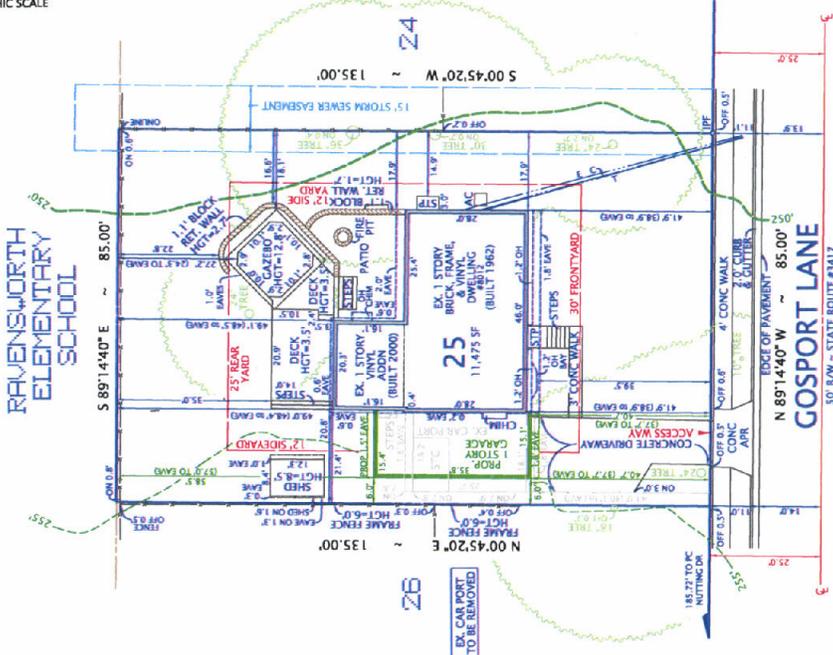
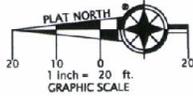


Special Permit

SP 2014-BR-197
ANGELA MORRIS



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 Department of Planning & Zoning
 JUL 01 2014
 Zoning Evaluation Division



NOTES

- TAX MAP: 79-2-03-18-0025
- ZONE: R-3 (RESIDENTIAL 3 DU/AC)
- LOT AREA: 11,475 SF (0.2635 ACRE)
- REQUIRED YARDS:
 - FRONT: 30.0 FEET
 - SIDE: 12.0 FEET
 - REAR: 25.0 FEET
- HEIGHTS:
 - EX. DWELLING: 17.0 FEET
 - EX. CARPORT: 11.8 FEET
 - PROPOSED GARAGE: 17.0 FEET
 - EX. DECK: 03.5 FEET
 - EX. CHAIN LINK FENCES: 06.0 FEET
 - EX. FRAME FENCES: 12.8 FEET
 - EX. GAZERO: 02.7 FEET
 - EX. FRONT STP: AS NOTED
 - EX. WALLS: AS NOTED
 - EX. SHED: 08.5 FEET
- 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 5' INTERVALS, AND IS AERIAL.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- AREAS:
 - EX. BASEMENT: 1,289 SF
 - EX. FIRST FLOOR: 1,616 SF
 - EX. GROSS FLOOR AREA: 2,905 SF
- FLOOR AREA RATIO: EX. GFA (2905)/LOT AREA (11475) = 0.25
- PROP. GARAGE = 533 SF/EX. GFA (2905) = 0.18
- EX. BASEMENT: 1,289 SF
- PROP. FIRST FLOOR: 2,149 SF
- PROP. GROSS FLOOR AREA: 3,438 SF
- PROP. FLOOR AREA RATIO: PROP. GFA (3438)/LOT AREA (11475) = 0.300
- FENCES ARE CHAIN LINK UNLESS NOTED.
- EX. IMPROVEMENTS AND EX. CAR PORT DRAWN IN GREY LINES TO BE REMOVED.

SHOWING THE IMPROVEMENTS ON
 LOT 25, BLOCK 18, SECTION 7
RAVENSWORTH
 (SEEDED BOOK 2109, PAGE 267)

FAIRFAX COUNTY, VIRGINIA
 BRADDOCK DISTRICT

SCALE: 1" = 20'
 NOVEMBER 26, 2012
 APRIL 24, 2014 (REV.)
 JUNE 26, 2014 (REV.)

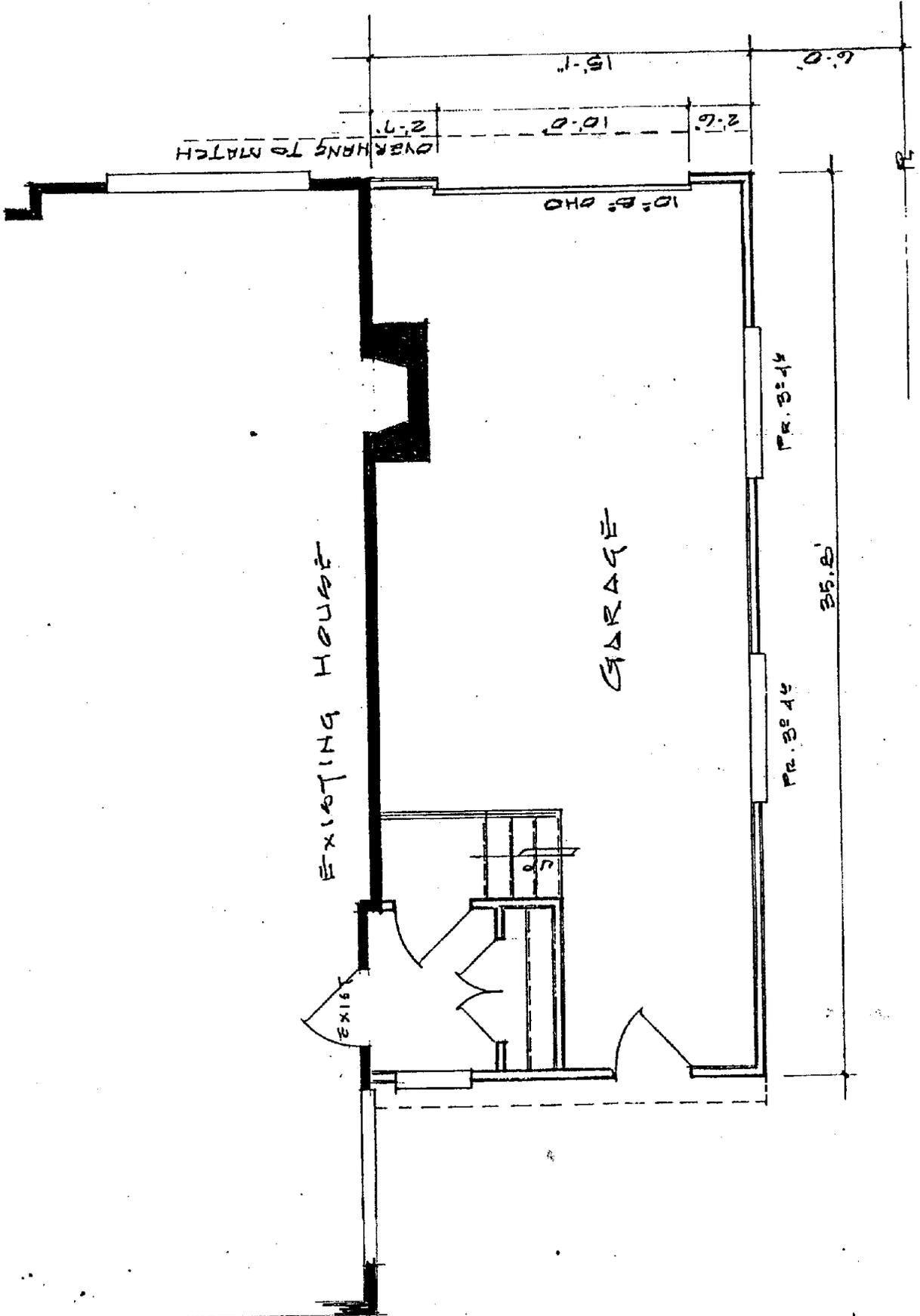


CASE NAME:
 MORRIS
 D.L. SERVICES

I HEREBY CERTIFY THAT THE PORTIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN SURVEYED AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKS SET.

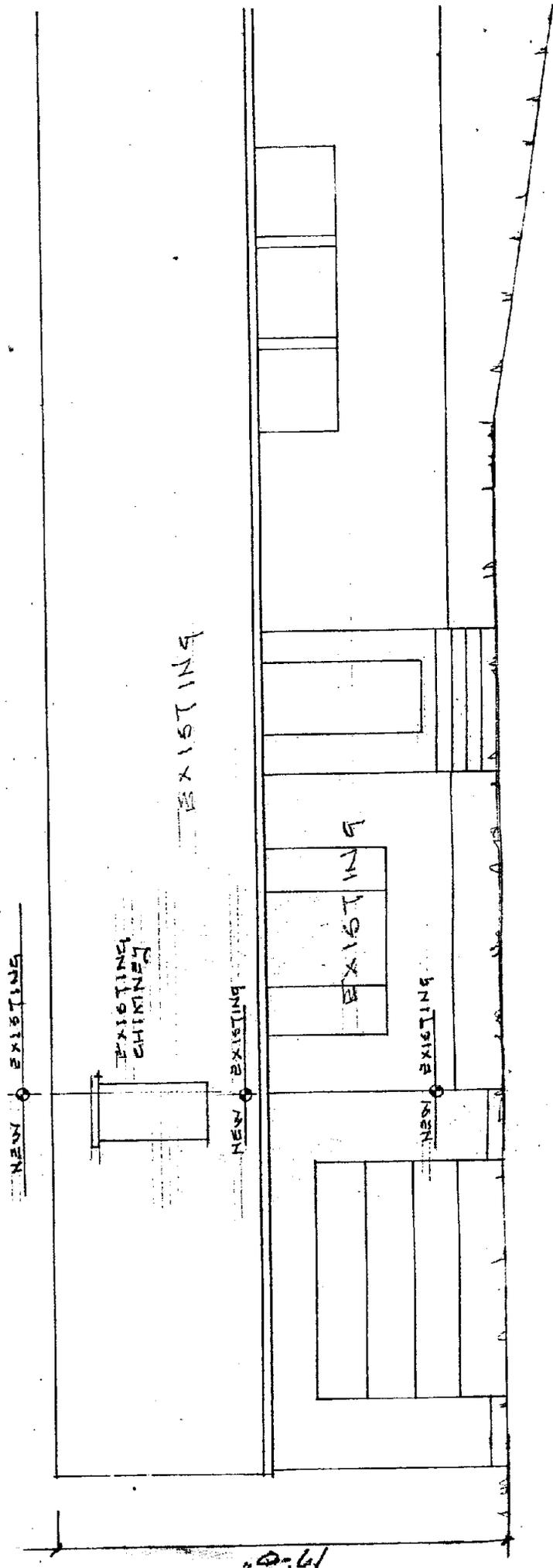
DOMINION Surveyors Inc.
 8808-H PEAR TREE VILLAGE COURT
 ALEXANDRIA, VA 22309
 FAX: 703-799-6412



8812 GOSPORT LANE GARAGE PLAN

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 Department of Planning & Zoning
 JUL 01 2014
 Zoning Evaluation Division

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Department of Planning & Zoning
JUL 01 2014
Zoning Evaluation Division



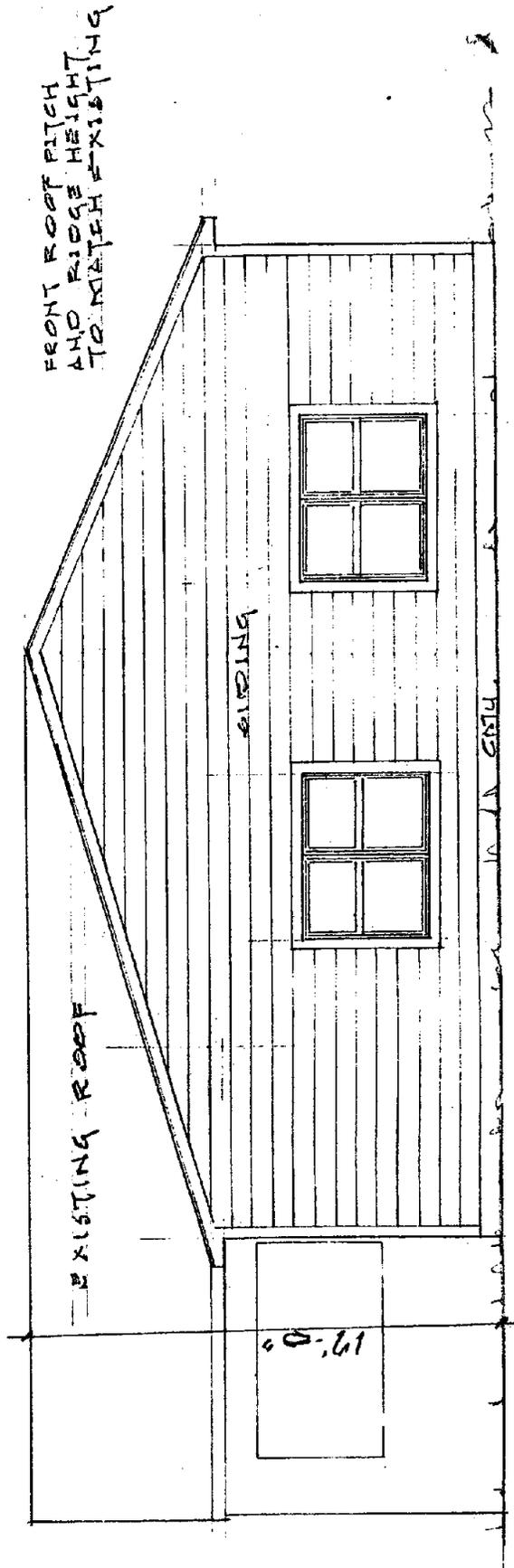
FRONT ELEVATION

8012 GOSPORT LANE

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JUL 01 2014

Zoning Evaluation Division



GARAGE SIDE ELEVATION

8012 GARAGE LANE

NEW ROOF HT.
TO MATCH EXISTING

EXIST NEW

EXIST NEW

EXISTING

EXISTING

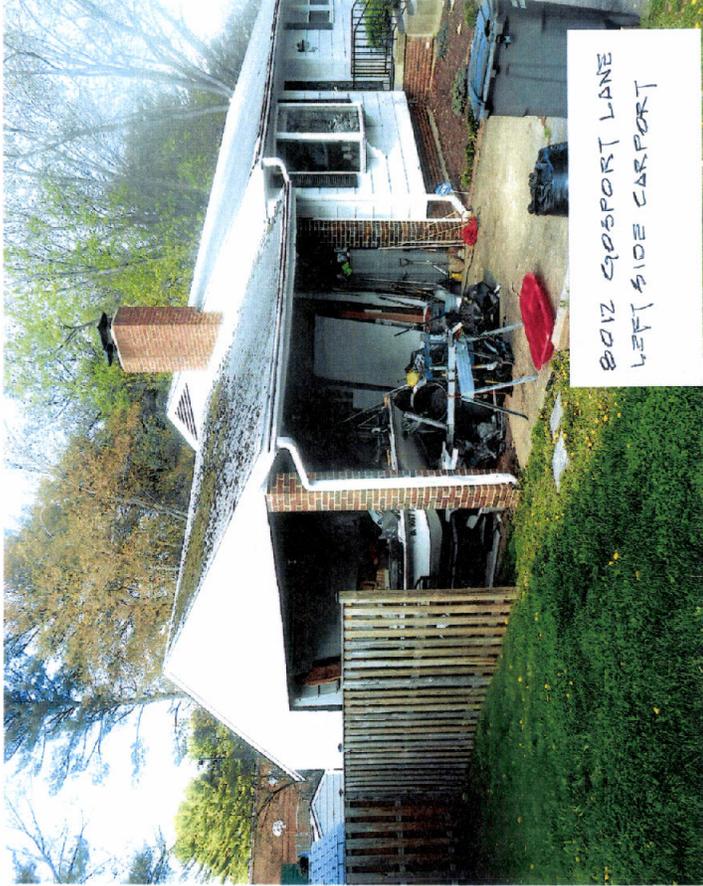
REAR ELEVATION

8012 GOSPORT LANE

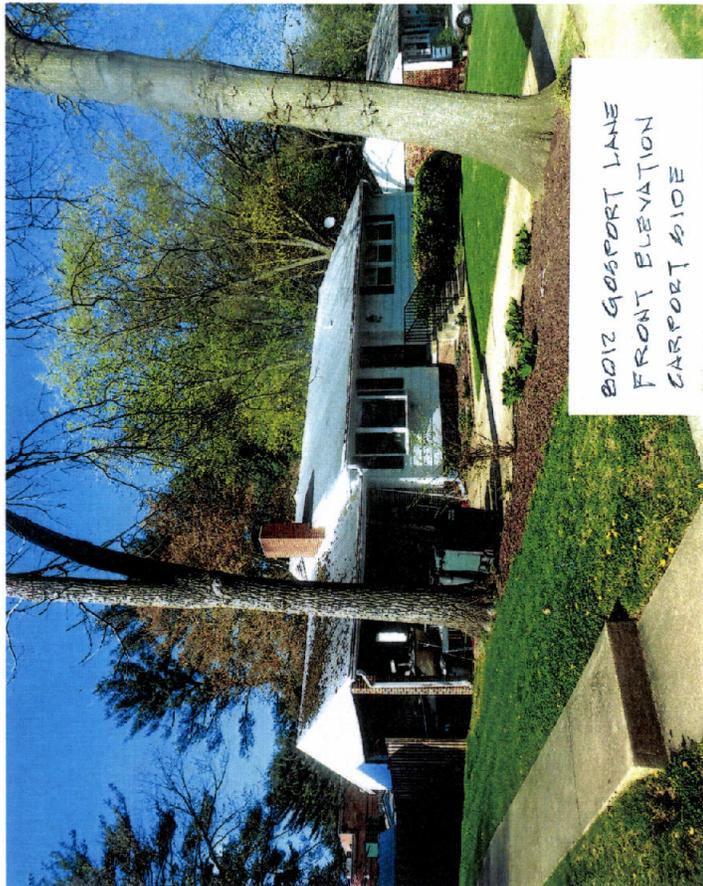
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SIDING

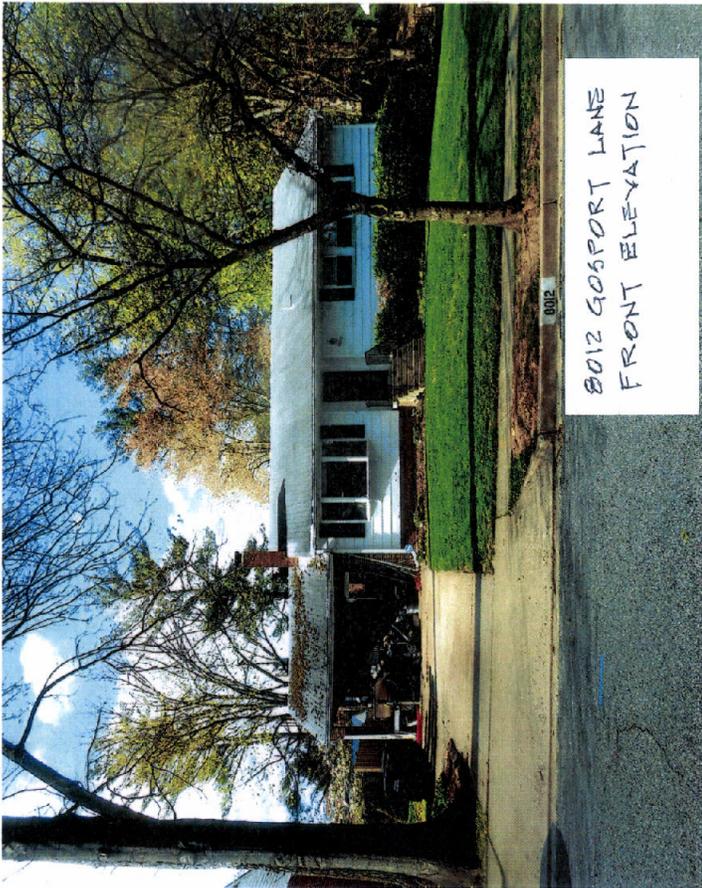
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Department of Planning & Zoning
JUL 01 2014
Zoning Evaluation Division



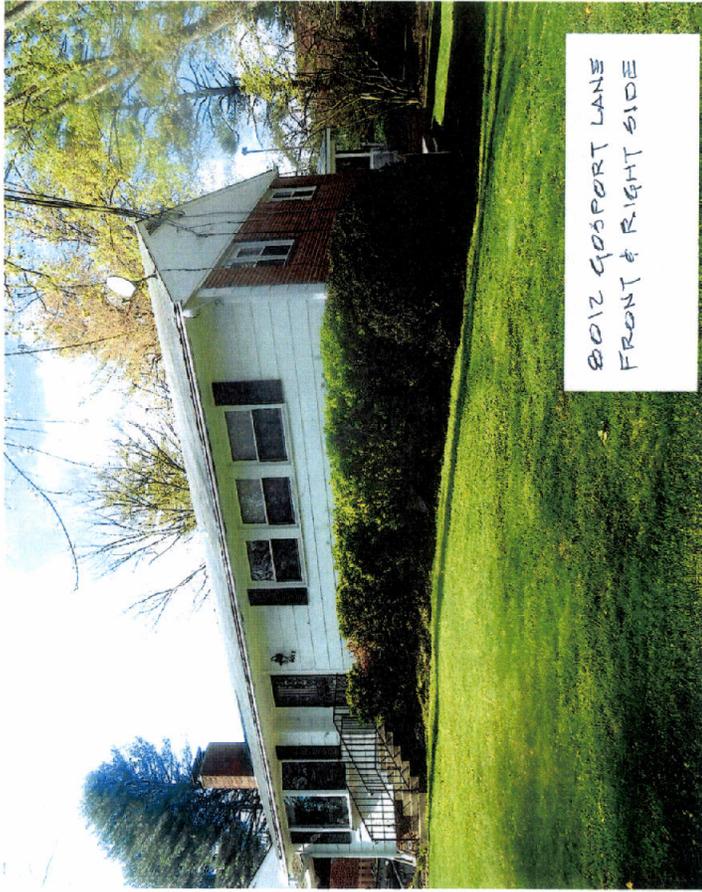
2012 GOSPORT LANE
LEFT SIDE CARPORT



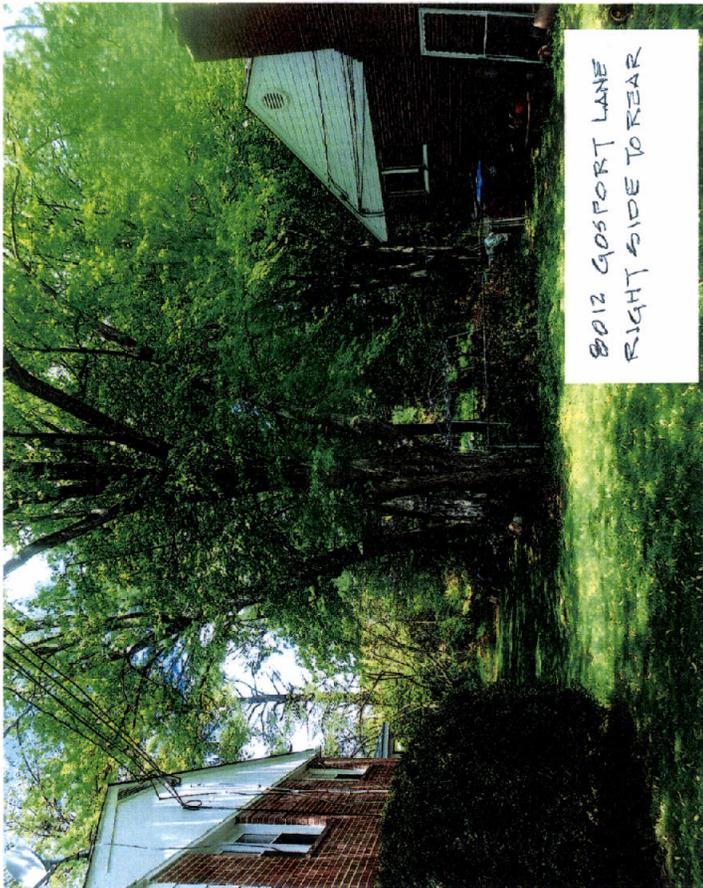
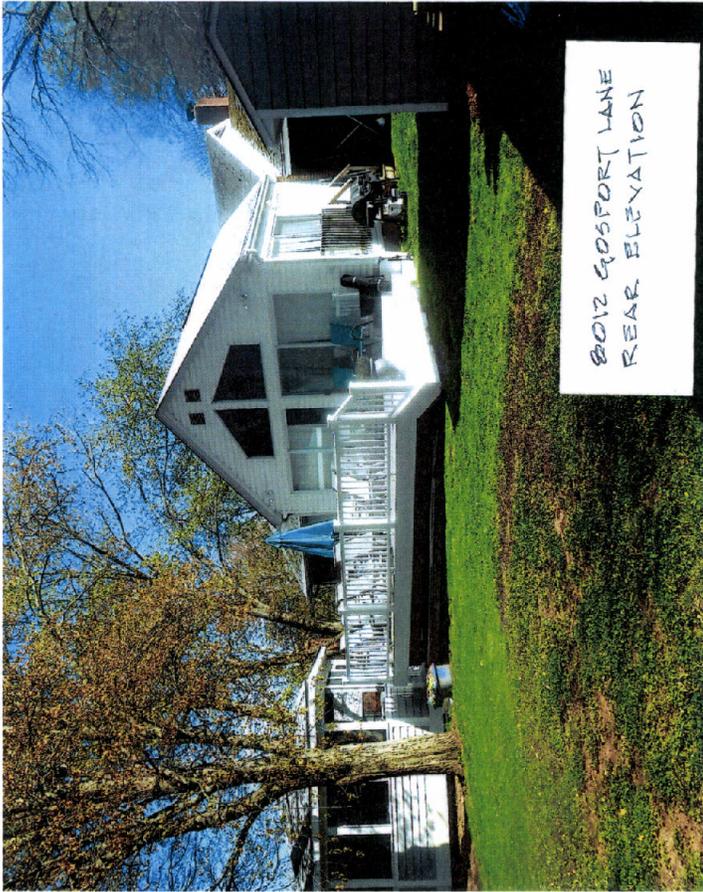
2012 GOSPORT LANE
FRONT ELEVATION
CARPORT SIDE

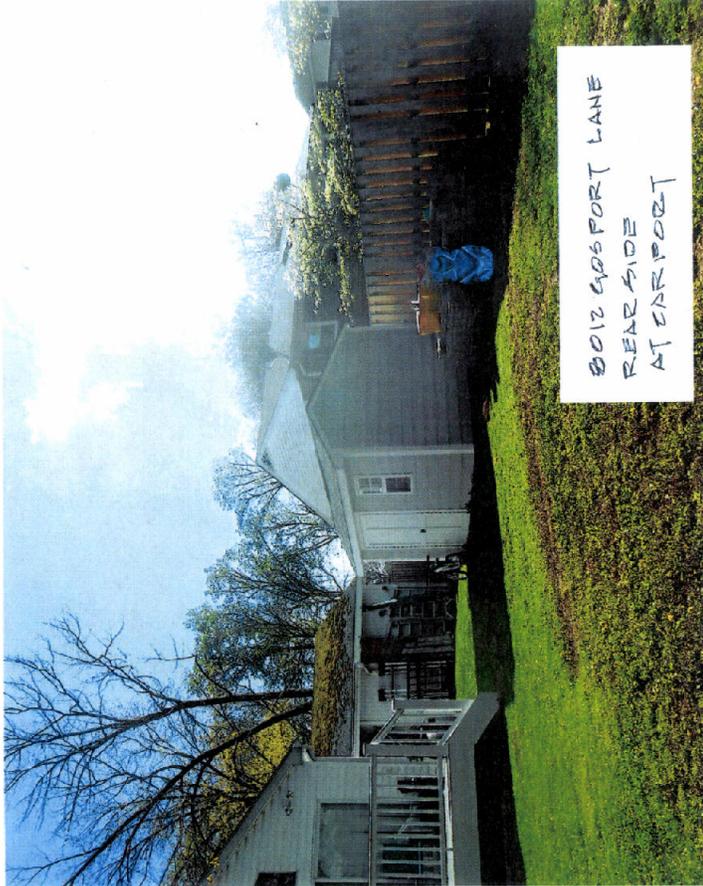


8012 GOSFORT LANE
FRONT ELEVATION

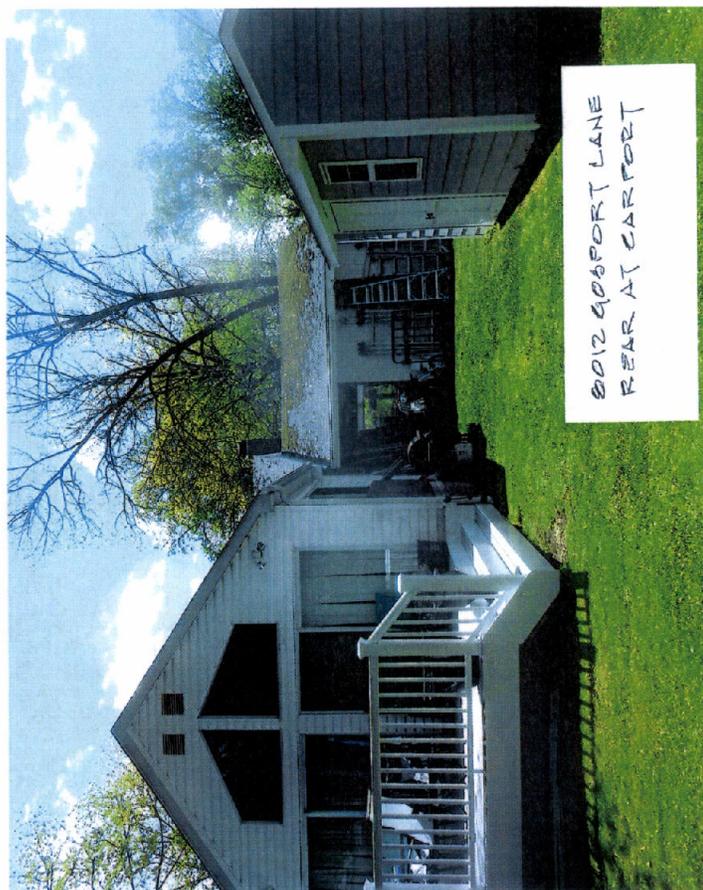


8012 GOSFORT LANE
FRONT & RIGHT SIDE

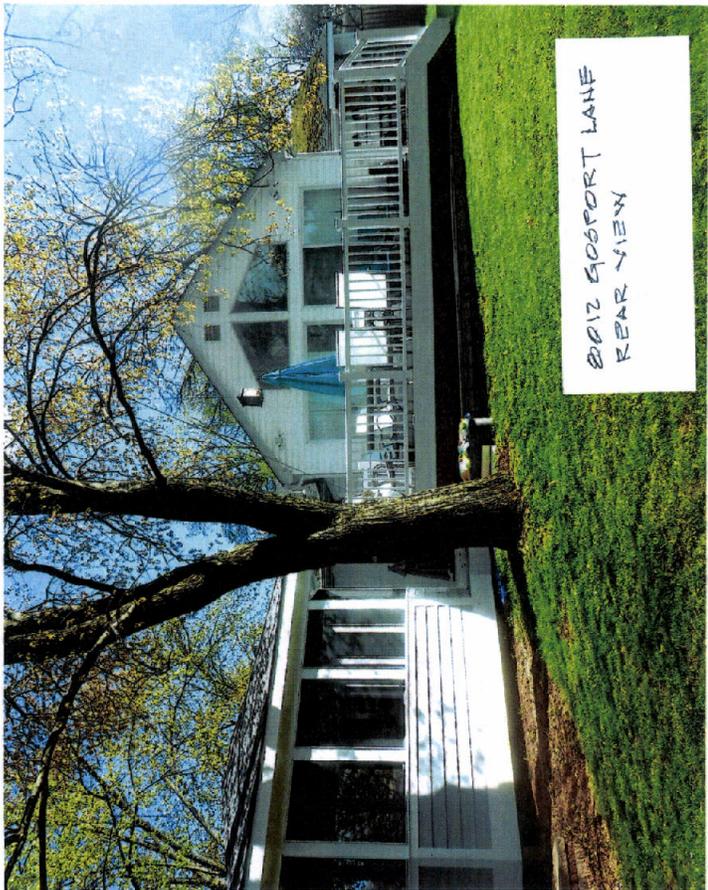
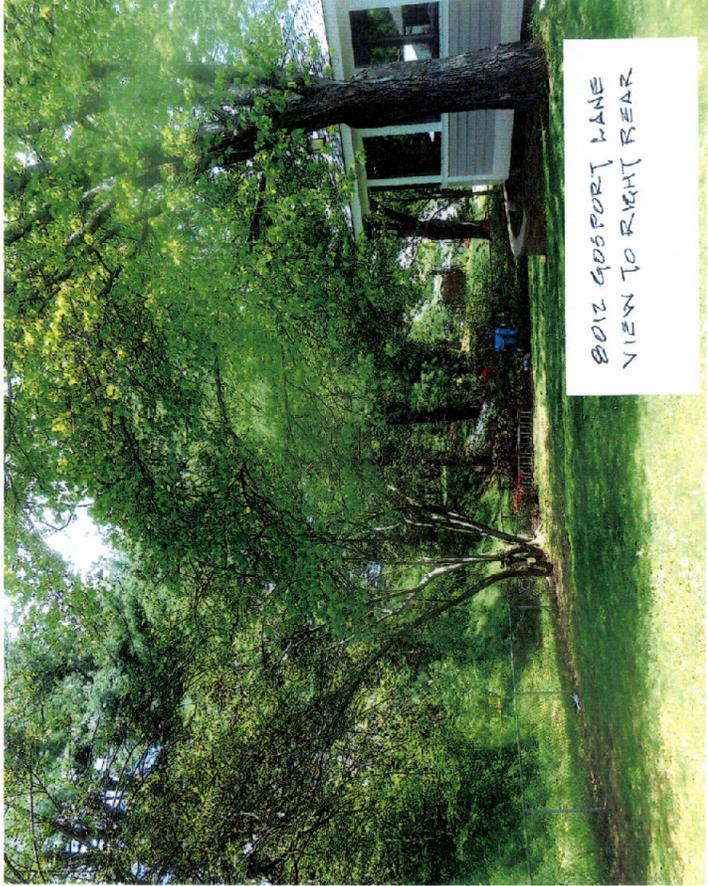


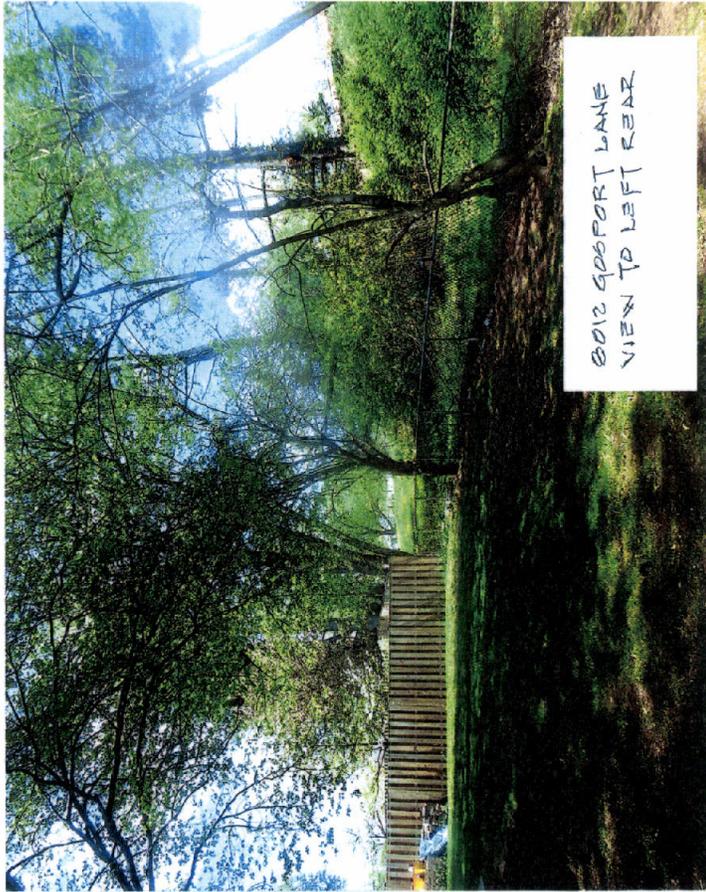


8012 GOSFORT LANE
REAR SIDE
AT CARPORT

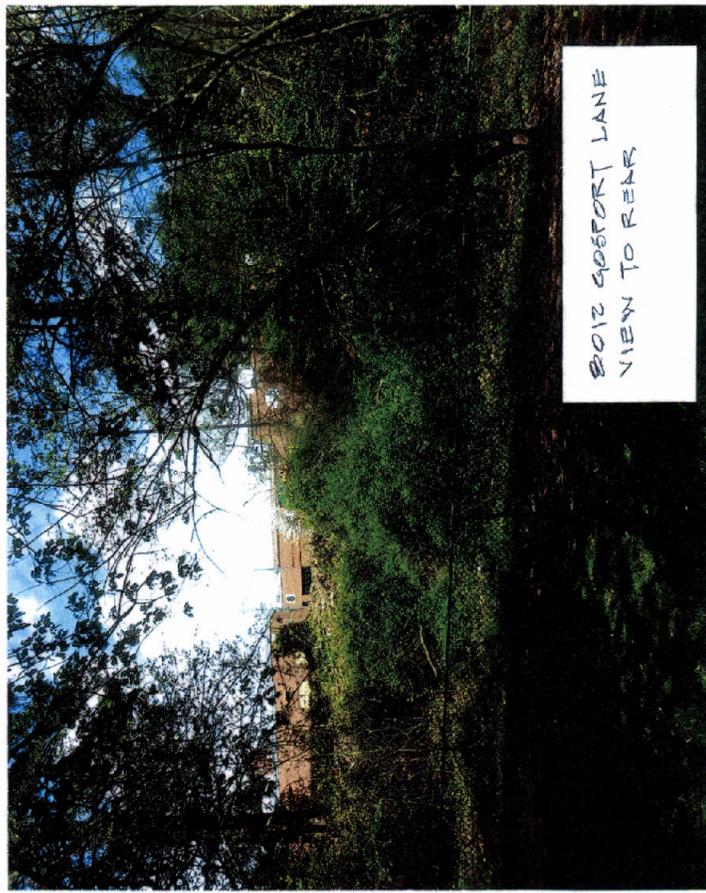


8012 GOSFORT LANE
REAR AT CARPORT





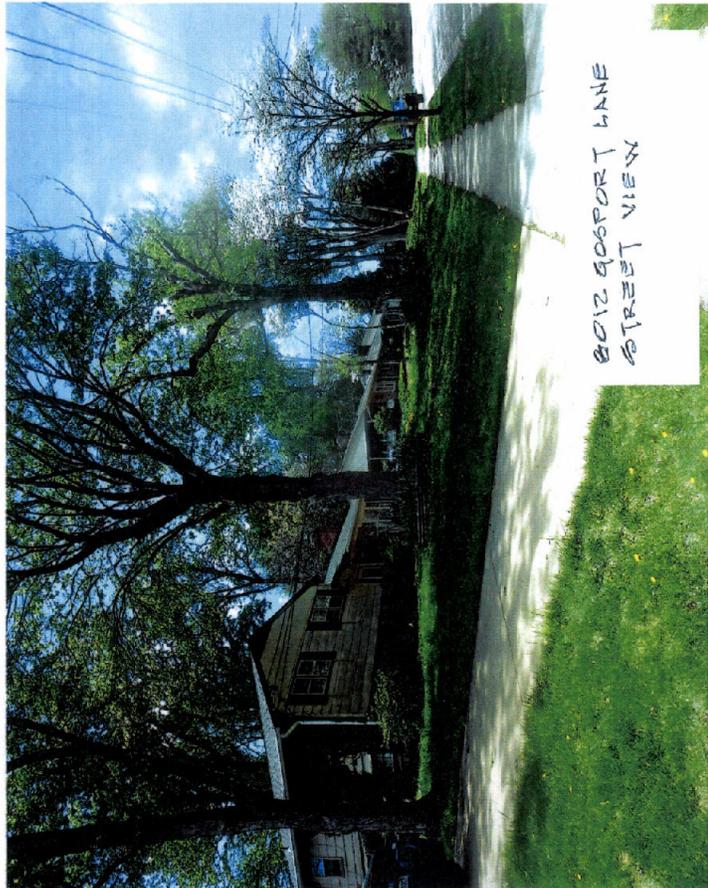
8012 GOSFORT LANE
VIEW TO LEFT REAR



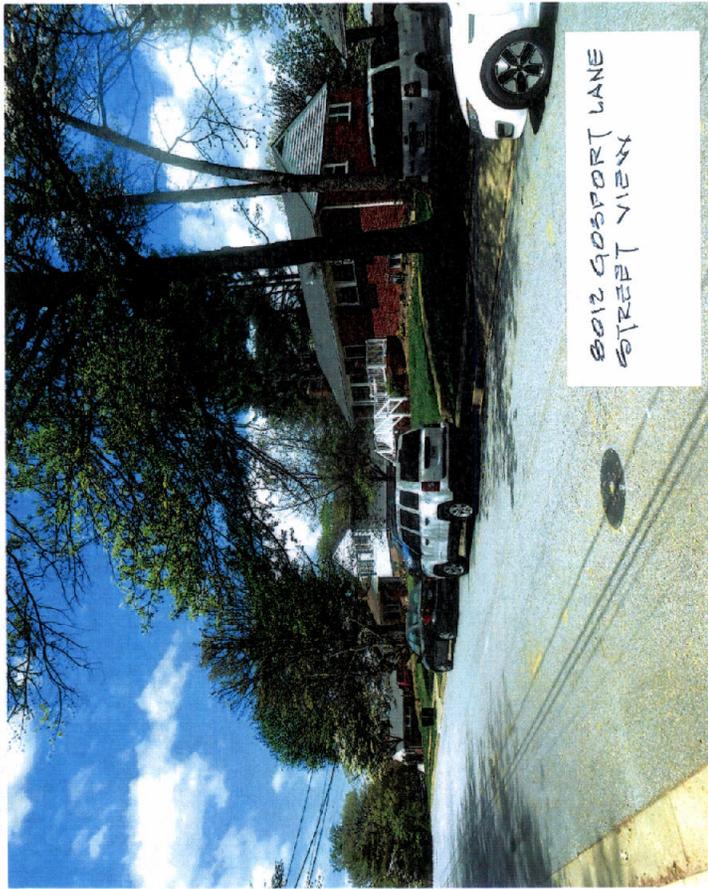
8012 GOSFORT LANE
VIEW TO REAR



8012 GOSFORD LANE
STREET VIEW



8012 GOSFORD LANE
STREET VIEW



SPECIAL PERMIT REQUEST

The applicants request approval of a special permit to allow a reduction in certain yard requirements to permit an addition 6.0 ft. from a side lot line.

A copy of the special permit plat titled "Plat, Showing the Improvements on Lot 25, Block 18, Section 7, Ravensworth," prepared by George M. O'Quinn, Land Surveyor, dated November 26, 2012 and revised through June 26, 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 11,475 square foot property contains a one-story brick dwelling, which is accessed by a concrete driveway from Gosport Lane. A walkway leads from the driveway to the front entryway of the home. A shed 8.5 feet in height, a deck 3.5 feet in height, and a gazebo 12.8 feet in height are located to the rear of the dwelling. A block retaining wall 1.1 feet in height wraps around the rear of the gazebo and encloses a patio with a fire pit between the dwelling and the gazebo. This rear yard area is enclosed on three sides by fencing. Along the west and north sides is a 6 foot frame fence and along the east side is a chain link fence approximately 3.5 feet in height. The property is landscaped with lawn, shrubs, and mature trees.

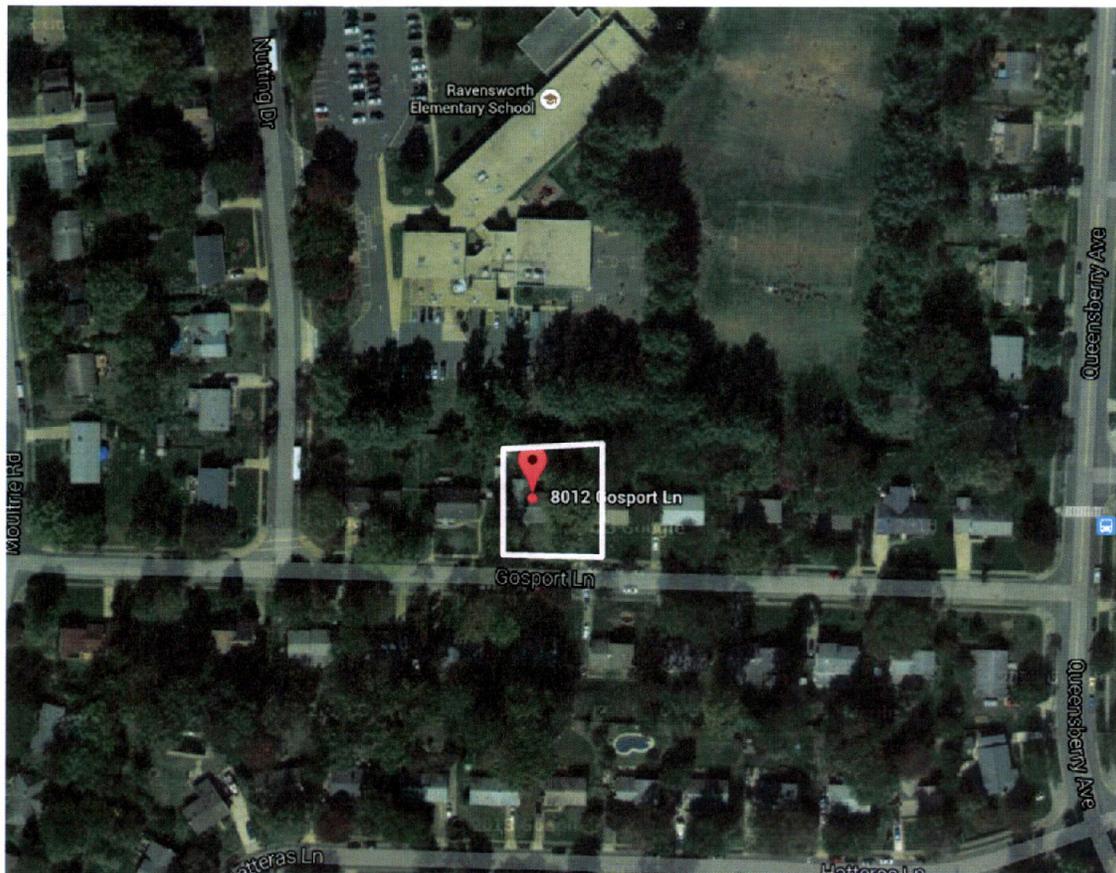


Figure 1. Lot location

The subject property and surrounding properties are zoned R-3. Properties to the east, west, and south are developed with single family detached dwellings, and the property to the north is Ravensworth Elementary School, as shown in the table below:

	Zoning	Use
North	R-3	Public Schools (Ravensworth Elementary School)
East	R-3	Single Family Detached Dwelling
South	R-3	Single Family Detached Dwelling
West	R-3	Single Family Detached Dwelling

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1962 and purchased by the applicant in June 2006. The existing carport was constructed without a building permit by a previous owner. The Board of Zoning Appeals granted a variance for the carport to remain in its location 2.9 feet from the side lot line and a building permit was subsequently obtained in January, 1983.

Since the adoption of the Zoning Ordinance, other applications for a reduction in side yard requirements have been heard by the Board of Zoning Appeals for nearby properties, as shown in Appendix 4.

DESCRIPTION OF THE APPLICATION

The applicants are requesting approval of a special permit for a reduction of certain yard requirements to permit construction of a garage addition 6.0 feet from the side lot line. The required side yard in the R-3 District is 12 feet; therefore, the applicants are requesting a reduction of 6.0 feet, or 50 percent.

The applicants propose to remove the existing carport and construct a single-car garage addition on the western side of the property. The garage would be approximately 533 square feet in size. The resulting gross floor area of the addition would not exceed 150% of the existing principle structure. The existing dwelling is 2,905 square feet, and with the proposed addition the area of the home would be 3,438 square feet.

As shown in the elevations provided, the garage would be similar in nature to the front of the dwelling. The roofline of the garage would match the existing dwelling at 17 feet in height.

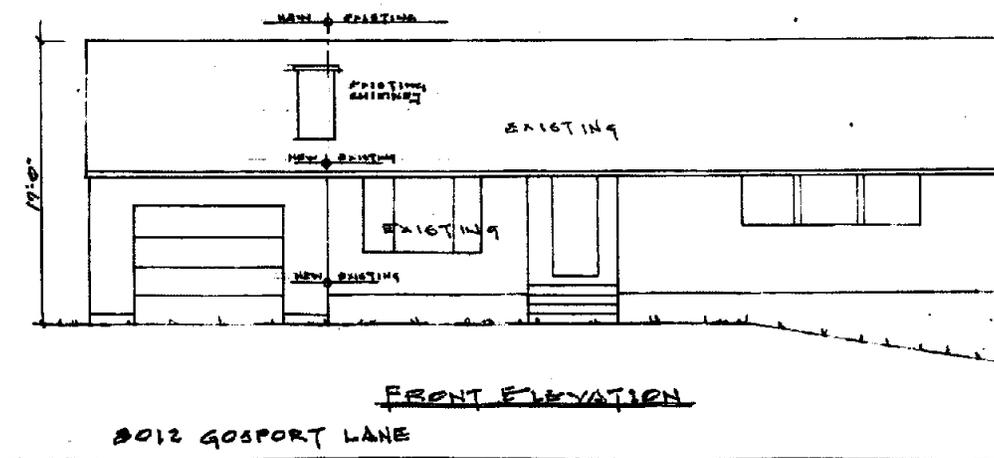


Figure 2. Proposed Elevation

ANALYSIS

Comprehensive Plan Provisions

Plan Area: I, Annandale Planning District

Planning Sector: Accotink Community Planning Sector, AN06

Plan Map: 2-3 dwelling units per acre

Urban Forestry Management Analysis (Appendix 5)

Staff conducted a site visit and observed that a large red maple tree is located close to the northwest corner of the proposed addition. This tree will require protection to ensure that damage is not incurred during construction. A development condition has been proposed to address this issue.

Zoning Ordinance Requirements

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

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

The following table on Pages 4 and 5 provides an overview of the standards reviewed in Sect. 8-922 for the Reduction of Certain Yard requirements.

Sect. 8-922 Standards	Provision met?	
	YES	NO
<p>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>The structure will be 6 feet from the side lot line, which is a reduction of 50%.</i></p>	X	
<p>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>The structure is an attached garage addition located to the west side of the existing structure.</i></p>	X	
<p>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>Staff believes that the proposed 533 square foot addition is subordinate to the existing 2,905 square foot principle dwelling.</i></p>	X	
<p>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>The existing dwelling is 2,905 square feet in size. Therefore 150% of the total gross floor area could result in additions up to 4,357.5 square feet in size for a possible total square footage at build out of 7,262.5 square feet. The proposed addition that is the subject of the special permit is approximately 533 square feet, for a total square footage of the house with the addition of 3,438 square feet. Therefore the application meets this provision.</i></p>	X	
<p>5. The GFA of an accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use, and intent. <i>There is no accessory structure proposed, so this standard is not applicable to this application.</i></p>	N/A	
<p>6. It is in character with the existing on-site development in terms of the location, height, bulk, and scale. <i>As shown in the architectural renderings, the proposed garage addition is similar in size, nature, and scale. Staff believes the addition is in conformance with this standard.</i></p>	X	

Sect. 8-922 Standards	Provision met?	
	YES	NO
<p>7. It is harmonious to the surrounding off-site uses and structures in terms of location, height, bulk, and scale.</p> <p><i>With regard to surrounding dwellings, this proposal is consistent if not smaller in nature to many surrounding homes. It continues to be in harmony with its surroundings and is generally consistent with other homes throughout the neighborhood.</i></p>	X	
<p>8. It shall not adversely impact the use and or enjoyment of adjacent properties.</p> <p><i>As the garage proposal remains six feet away from the property and is well below the maximum building height, staff believes that this addition would not adversely impact the use and/or enjoyment of any adjacent properties.</i></p>	X	
<p>9. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot.</p> <p><i>Considering the constrained nature of the lot, staff believes that this addition is modest in size and conforms to this standard.</i></p>	X	
<p>10. The BZA may impose conditions as it deems necessary to satisfy these criteria</p>	X	
<p>11. It will meet all submission requirements.</p>	X	
<p>12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines.</p>	X	

CONCLUSION

Staff believes that the request for a special of a special permit to allow a reduction in certain yard requirements to permit an addition 6.0 ft. from a side lot line 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-BR-197 for the 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.

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. Similar Case History
5. Urban Forestry Memo
6. Applicable Zoning Ordinance Provisions

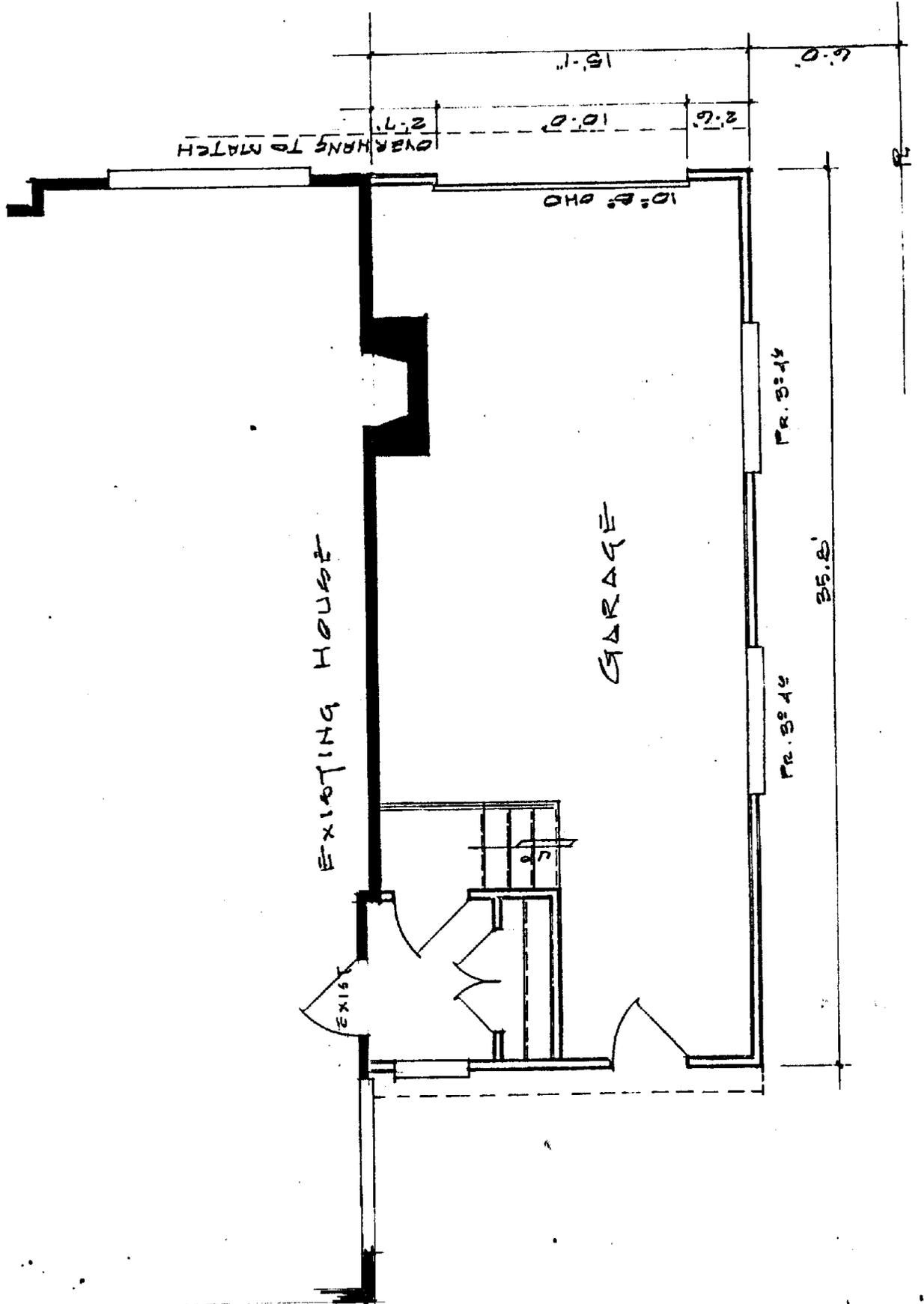
PROPOSED DEVELOPMENT CONDITIONS**SP 2014-BR-197****November 12, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-BR-197 located at Tax Map 79-2 ((3)) (18) 25 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the garage addition (533 square feet) as shown on the plat titled titled "Plat, Showing the Improvements on Lot 25, Block 18, Section 7, Ravensworth," prepared by George M. O'Quinn, Land Surveyor, dated November 26, 2012 and revised through June 26, 2014, as submitted with this application and is not transferable to other land.
3. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
4. During construction of the addition, a tree protection fence shall be placed so as to restrict construction activity within 8 feet of the large red maple located close to the northwest corner of the proposed addition. The tree protection fence should consist of 4-foot high, 14-gauge welded wire attached to 6-foot steel posts driven 18 inches into the ground.

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.

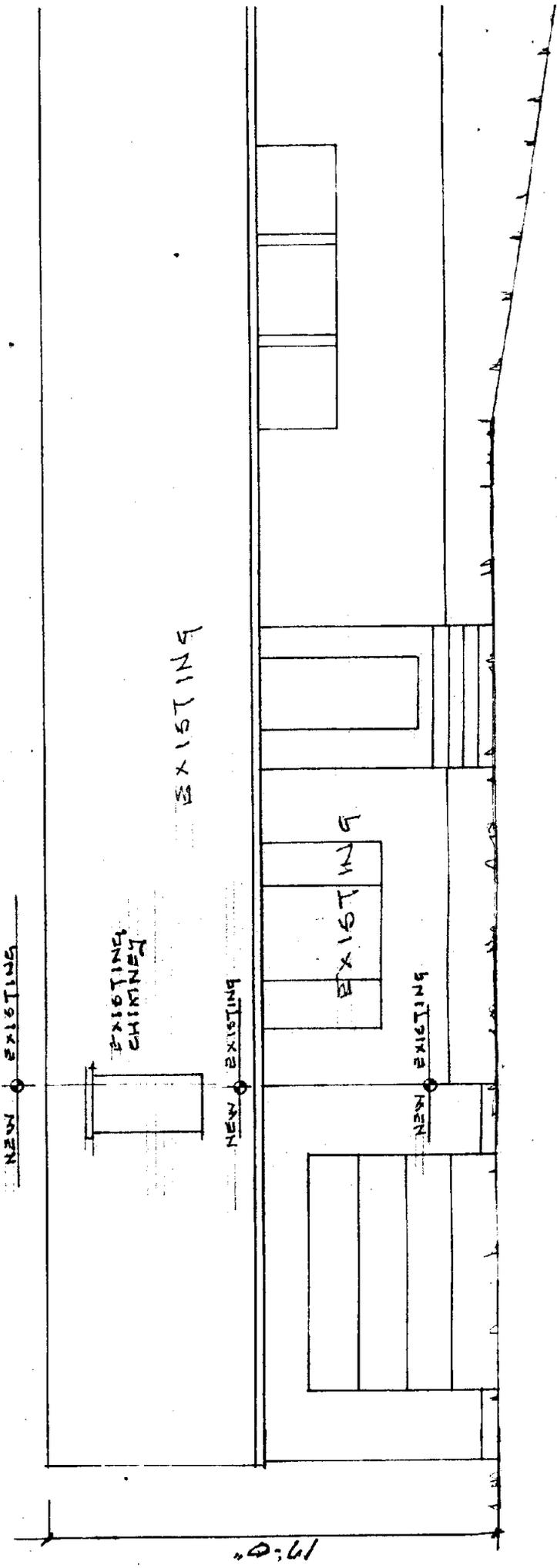
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if 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.



8012 GOSPORT LANE GARAGE PLAN

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 Zoning Evaluation Division

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Zoning Evaluation Division



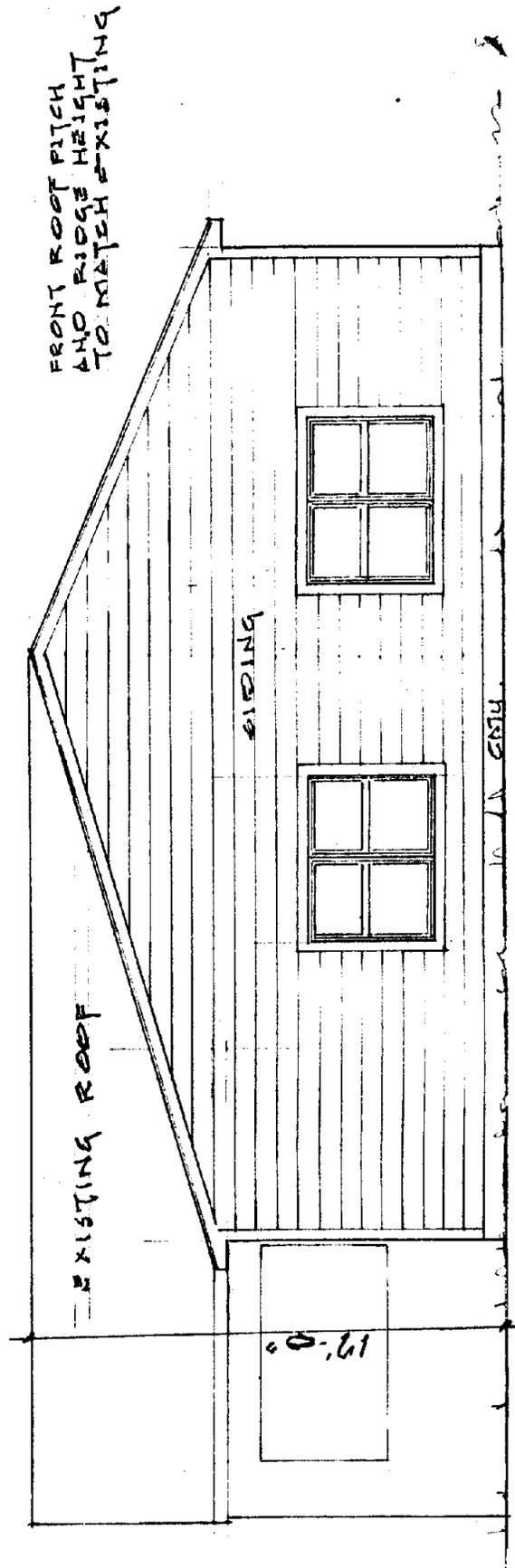
FRONT ELEVATION

2012 GOSPORT LANE

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JUL 01 2014

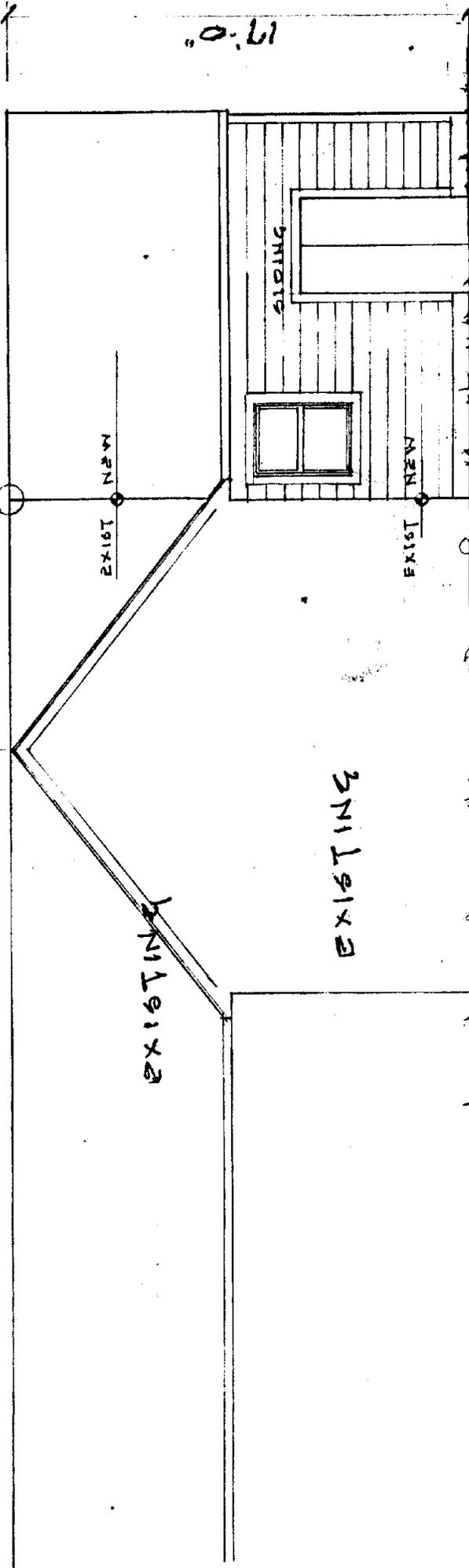
Zoning Evaluation Division



GARAGE SIDE ELEVATION

2102 GARROBT LANE

NEW ROOF HT.
TO MATCH EXISTING



REAR ELEVATION

8012 GOSPORT LANE

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Department of Planning & Zoning
JUL 01 2014
Zoning Evaluation Division

Application No.(s): SP 2014-BR-197
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 09/06/14
 (enter date affidavit is notarized)

I, David A. Issac, 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 126156

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)
Angela M. Morris	8012 Gosport Lane, Springfield, VA 22151	Applicant/Title Owner
Richard K. Morris Jr.	8012 Gosport Lane, Springfield, VA 22151	Applicant/Title Owner
D.I. Services, L.L.C. Agent: David A. Issac	3033 Silent Valley Drive, Fairfax, VA	Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP 2014-BR-197
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 09/06/14
(enter date affidavit is notarized)

126156

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)
D.I Service, L.L.C.

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)
David A. Issac

(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): SP 2014-BR-197
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 09/06/14
(enter date affidavit is notarized)

126156

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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126156

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): SP 2014-BR-197
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/06/14
(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: Richard Morris Jr Angela Morris
(check one) [] Applicant [x] Applicant's Authorized Agent

Richard Morris Jr Angela Morris
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 6 day of September 20 14, in the State/Comm. of VIRGINIA, County/City of Fairfax.

My commission expires: 9/30/18

[Signature]
(Notary Public)



6/1/2014

1 **Statement of justification to replace carport with a new garage at 8012 Gosport Lane**

The owner of the house at 8012 Gosport Lane wishes to remove an existing carport with a 2.8' side yard setback. The new structure will be a garage with a 6.0' side yard setback.

The carport was existing when the current owner purchased the house. The 2.8' setback was BZA approved.

The architecture of this House (built in 1962) is a one story ranch with a first floor elevation 3 feet or greater above existing grade.

The roofline of the garage will match the existing roof in scope. The new roof ridge will match the existing ridge at 17' above grade. The purpose of the garage conversion is to provide a concealed space for the owner's possessions and to provide enclosed access to the house.

The conversion of the carport to garage will add 110 square foot to gross floor area making it subordinate to the principal structure.

No planting, trees or foliage will be destroyed by the garage construction.

The proposal does not adversely impact adjoin properties. It is in scale to the house. Its use is appropriate to established norms of the surrounding community and homes. It's footprint and use does not impact the enjoyment of any adjacent property with regard to grading, storm water runoff, noise, light, line of sight or vegetation.

There are no hazardous or toxic substances or waste to be generated, utilized, stored, treated and/or disposed on site. No hazardous or toxic substances currently exist or are stored on this residential site.

The proposed structures will not approach utility easements or in any way alter storm water flow upon or around the existing property.

The design, style and material of the garage will be in character to existing house and will conform to the neighborhood standards.

RECEIVED
Department of Planning & Zoning
JUL 01 2014
Zoning Evaluation Division

Similar Case History

Group: 83-A -016
VC 83-A -016

APPLICANT: CLAYTON I. LEGG
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 04/26/1983
ZONING DISTRICT: R-3
DESCRIPTION: TO ALLOW CONSTRUCTION OF A CARPORT ADDITION TO DWELLING TO 0.8 FT. FROM SIDE LOT LINE (7 FT. MIN. SIDE YARD REQ.)
LOCATION: 5319 QUEENSBERRY AVENUE
TAX MAP #S:
 0792 03150026

Group: 83-A -095
VC 83-A -095

APPLICANT: HOBART B. PILLSBURY
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 09/06/1983
ZONING DISTRICT: R-3
DESCRIPTION: TO ALLOW CONSTRUCTION OF GARAGE ADDITION TO DWELLING TO 5.7 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 5633 INVERCHAPEL ROAD
TAX MAP #S:
 0792 03240007

Group: 92-B -021
VC 92-B -021

APPLICANT: CREGER, CLAUDE H. & JACQUELINE T.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 05/13/1992
ZONING DISTRICT: R-3
DESCRIPTION: ALLOW ENCLOSURE OF STRUCTURE 8.2 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 7909 HATTERAS LANE
TAX MAP #S:
 0792 03250018

Group: 95-B-117**VC 95-B-117**

APPLICANT: WHITE, JOAN & JACK JR
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 01/24/1996
ZONING DISTRICT: R-3
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 10.0 FT. FROM SIDE LOT LINE
LOCATION: 7726 VICEROY STREET
TAX MAP #S:
0792 02690030

Group: 97-B-066**VC 97-B-066**

APPLICANT: MCCracken, EARL L & BERTHA L
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 09/30/1997
ZONING DISTRICT: R-3
DESCRIPTION: PERMIT CONSTRUCTION OF CARPORT 3.8 FT. FROM SIDE LOT LINE
LOCATION: 5526 QUEENSBERRY AVENUE
TAX MAP #S:
0792 03270021



County of Fairfax, Virginia

MEMORANDUM

DATE: October 9, 2014

TO: Erin M. Haley, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Jay Banks, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Calvert Park, Section 1, Block 2, Lot 2, SP 2014-MV-196

I have reviewed the above referenced Special Permit application stamped "Received, Department of Planning and Zoning, July 10, 2014; a Physical Improvements Survey of the subject property with a revised date of September 5, 2014; and a Statement of Justification, stamped "Received, Department of Planning and Zoning, September 2, 2014". The following comment and recommendation are based on this review and a site visit conducted October 3, 2014.

Comment: A large red maple exists close to the northwest corner of the proposed addition. This tree will require tree protection to ensure that damage is not incurred during construction.

Recommendation: Require tree protection fence to restrict construction activity within eight feet of the tree. Tree protection fence should consist of 4-foot high, 14-gauge welded wire attached to 6-ft. steel posts driven 18 inches into the ground.

If there are any questions, please contact me at (703)324-1770.

JB/

UFMDID #: 196702

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



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.

8-922 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.