



APPLICATION ACCEPTED: September 9, 2014  
BOARD OF ZONING APPEALS: December 10, 2014  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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December 3, 2014

## STAFF REPORT

APPLICATION SP 2014-LE-204

### LEE DISTRICT

**APPLICANT:** Jerry Mowery

**OWNERS:** Jerry Mowery and Anam Mowery

**LOCATION:** 6008 Kathmoor Drive, Alexandria 22310

**SUBDIVISION:** Kathmoor

**PARCEL:** 81-4 ((2)) 9A

**LOT SIZE:** 22,351 square feet

**ZONING:** R-1

**ZONING ORDINANCE PROVISION:** 8-922 and 8-914

**PROPOSAL:** To permit reduction of certain yard requirements to permit construction of addition 14.0 ft. from the east side lot line and 16.7 ft. from the west side lot line, and to permit a reduction in minimum yard requirements based on error in building location to permit a carport to remain 3.1 ft. from the west side lot line

### STAFF RECOMMENDATIONS:

Staff recommends approval of SP 2014-LE-204 for the reduction of certain yard requirements to permit construction of an addition, subject to the proposed conditions set forth in Appendix 1.

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Carmen Bishop

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

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

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

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

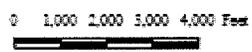
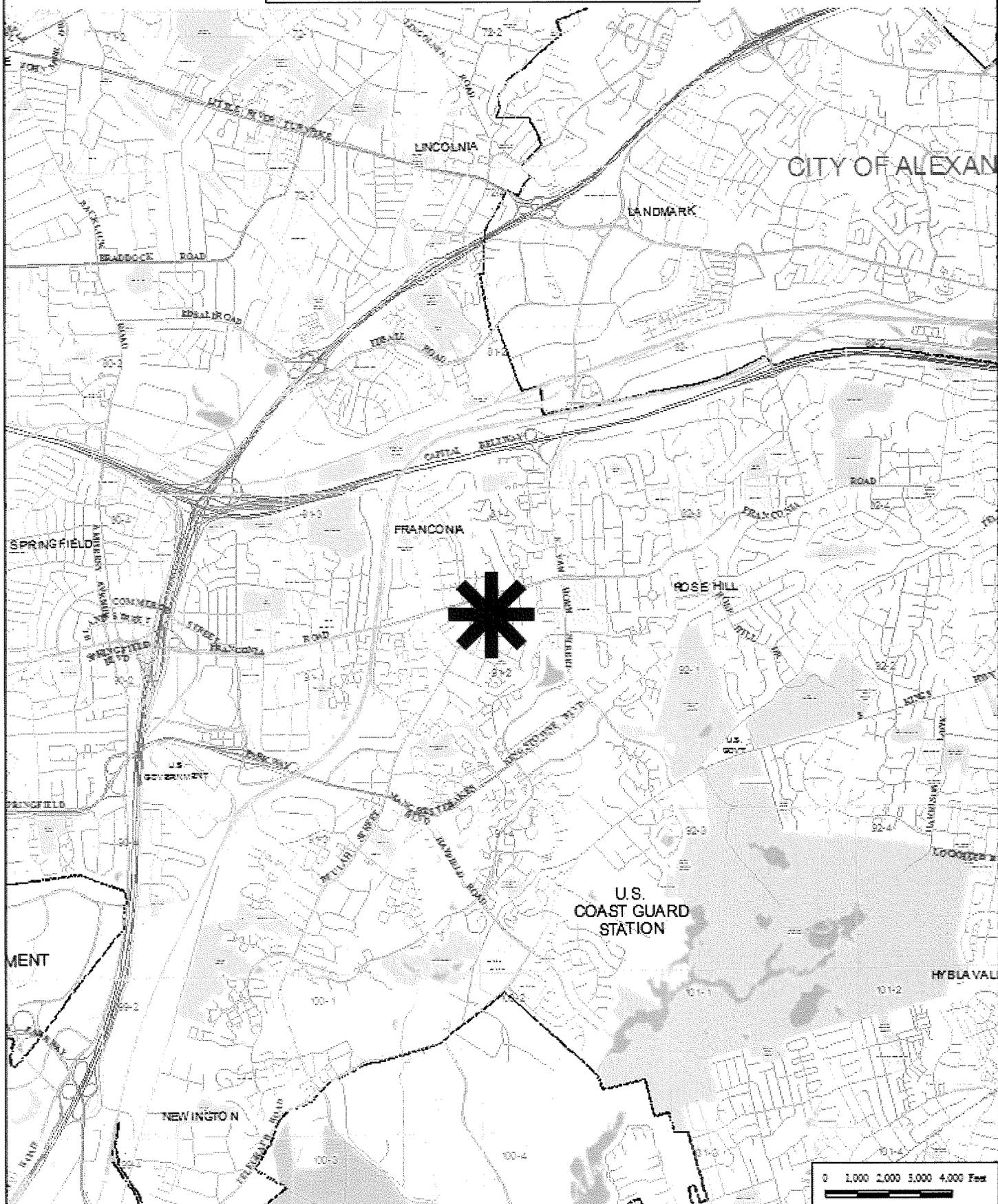


**Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).**

# Special Permit

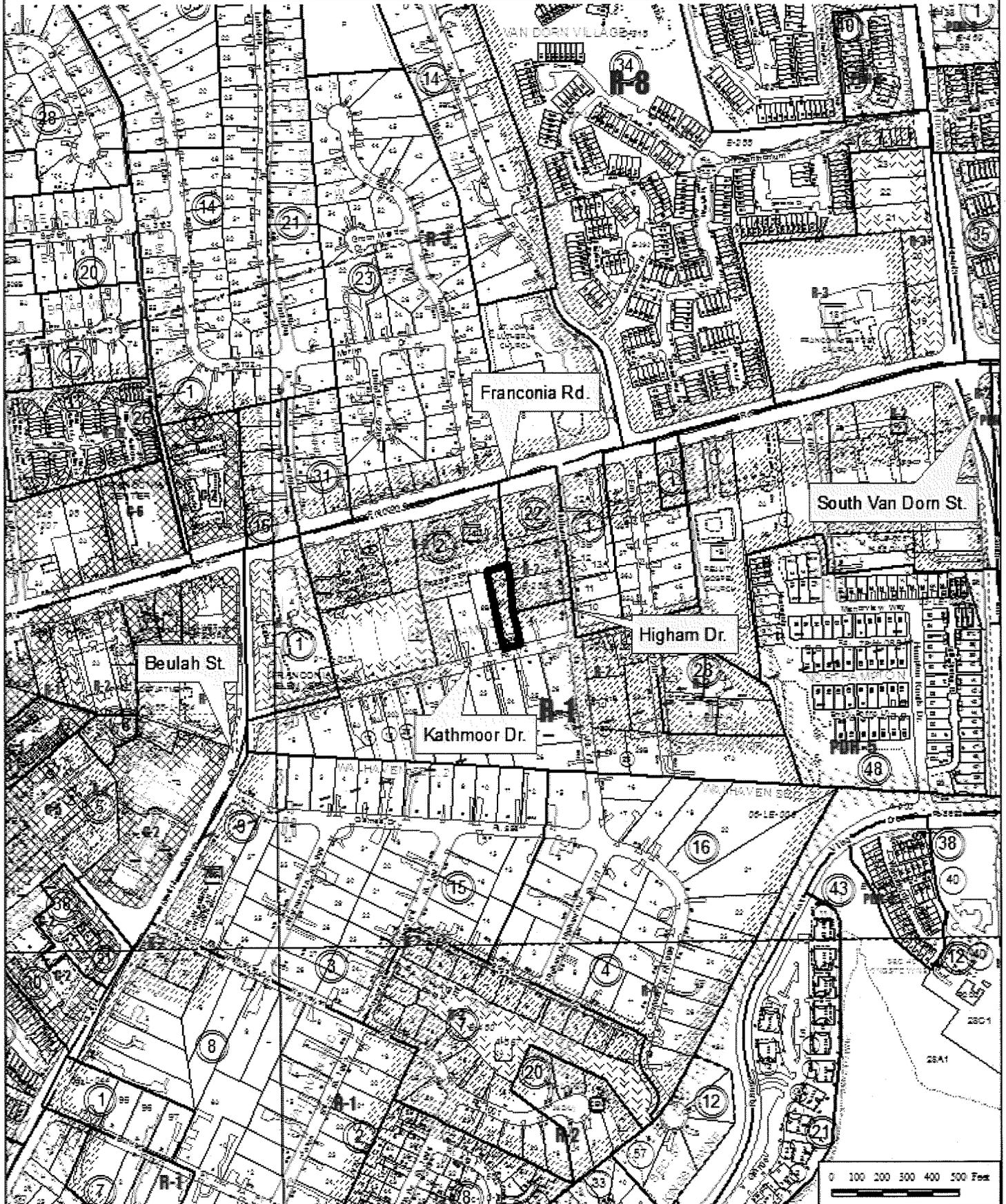
SP 2014-LE-204

JERRY MOWERY



# Special Permit

SP 2014-LE-204  
JERRY MOWERY



	HEIGHTS	DIMENSIONS	EAVES
EX. DWELLING	21.5		AS NOTED
EX. SHED (TBR)	10.2	4.2' X 10.2'	NO EAVES
EX. SHED B	06.0	6.0' X 27.2'	1.1' EAVE
PROPOSED ADDITION	21.5 (MATCH EX.)		
PROPOSED DECK	02.0		
EX. CAR PORT	16.2' (RIDGELINE)	13.5' X 23.8'	AS NOTED
EX. FENCES	AS NOTED		
EX. GARAGE	19.7' (RIDGELINE)	25.6' X 40.4'	AS NOTED
EX. TREE HOUSE	11.3' (RIDGELINE)	04.0' X 06.9'	0.5' EAVES
EX. 0.3' BRICK WALLS	00.5'		
EX. 2.0' BRICK PILLARS	02.5'	02.0' X 02.0'	
EX. 1.3' BRICK PILLARS	02.3'	01.3' X 01.3'	

**COVERAGE NOTES:**

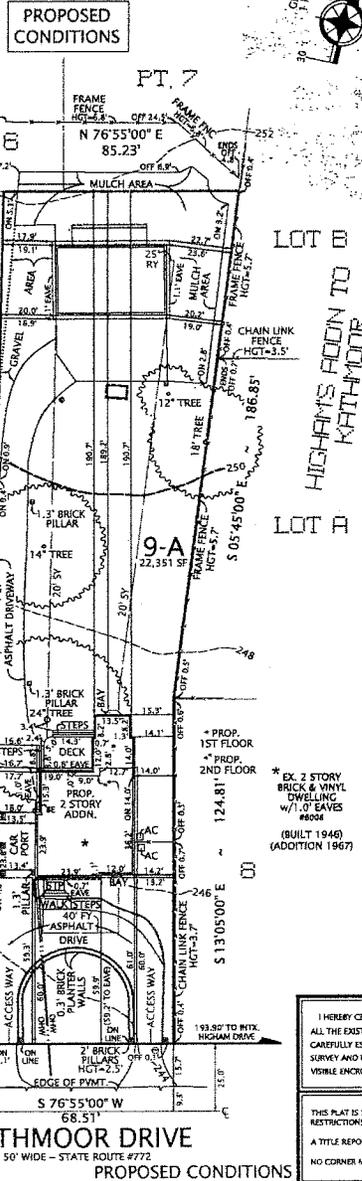
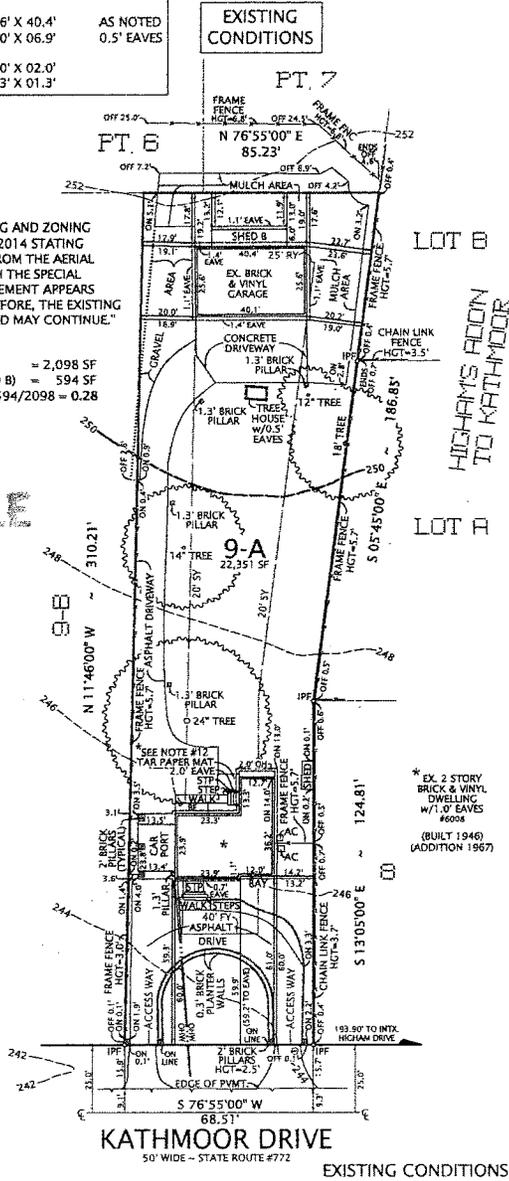
**1. FRONT YARD COVERAGE:**

THE FAIRFAX COUNTY DEPARTMENT OF PLANNING AND ZONING ADMINISTRATION ISSUED A LETTER ON JULY 24, 2014 STATING THAT "BASED ON THE INFORMATION WE HAVE FROM THE AERIAL PHOTOGRAPHS AND THE PLAT ASSOCIATED WITH THE SPECIAL PERMIT APPROVAL, THE EXISTING DRIVEWAY PAVEMENT APPEARS TO HAVE EXISTED PRIOR TO JUNE 4, 2002; THEREFORE, THE EXISTING DRIVEWAY IS CONSIDERED NONCONFORMING AND MAY CONTINUE."

**2. MINIMUM REQUIRED REAR YARD COVERAGE:**

MINIMUM REQUIRED REAR YARD COVERAGE (PT. GRAVEL AREA, PT. GARAGE, SHED B) = 2,098 SF  
 COVERAGE (PT. GRAVEL AREA, PT. GARAGE, SHED B) = 594 SF  
 594/2098 = 0.28

**NOT TO SCALE**



**NOTES:**

- TAX MAP: 81-4-02-0009A
- ZONE: R-1 (RESIDENTIAL DU/AC)
- LOT AREA: 22,351 SF (0.5131 ACRE)
- REQUIRED YARDS:  
 FRONT: = 40.0 FEET  
 SIDE: = 20.0 FEET  
 REAR: = 25.0 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 2' INTERVALS, AND IS AERIAL.
- THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- AREAS:  
 EX. BASEMENT = 557 SF  
 EX. FIRST FLOOR = 1,016 SF  
 EX. SECOND FLOOR = 1,041 SF  
 EX. GARAGE = 1,031 SF  
 EX. GROSS FLOOR AREA = 3,645 SF  
 EX. FLOOR AREA RATIO: EX. GFA (3645) / LOT AREA (22351) = 0.16  
 PROP. 2 STORY ADDN: 1,006 SF  
 PROP. ADDN. (1006) / EX. GFA (3645) = 0.28  
 EX. BASEMENT = 557 SF  
 PROP. FIRST FLOOR = 1,672 SF  
 PROP. SECOND FLOOR = 1,391 SF  
 EX. GARAGE = 1,031 SF  
 PROP. GROSS FLOOR AREA = 4,651 SF  
 PROP. FLOOR AREA RATIO: PROP. GFA (4651) / LOT AREA (22351) = 0.21
- THE EXISTING WALK, STEP, STP. 2' EAVE, AND TAR PAPER MAT ON THE REAR OF THE DWELLING WILL BE REMOVED PRIOR TO CONSTRUCTION OF THE PROPOSED ADDITION. 'SHED' WILL ALSO BE REMOVED.

**PLAT**  
 SHOWING THE IMPROVEMENTS ON  
 LOT 9-A  
 OF THE RESUBDIVISION OF LOT 9  
**KATHMOOR**  
 (DEED BOOK 486, PAGE 34)  
 FAIRFAX COUNTY, VIRGINIA  
 LEE DISTRICT  
 SCALE: 1" = 30'  
 JULY 25, 2013  
 APRIL 22, 2014 (REV.)  
 AUGUST 25, 2014 (REV.)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN OTHERWISE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE.

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.

COMMONWEALTH OF VIRGINIA  
 07/25/2013  
 GEORGE M. O'QUINN  
 LICENSE NO. 2069  
 Surveyor

CASE NAME:  
 JERRY L.R. MOWERY  
 ANNA MARIA MOWERY

**DOMINION** Surveyors Inc.  
 8808-H PEAR TREE VILLAGE COURT  
 ALEXANDRIA, VIRGINIA 22309  
 703-619-6555  
 FAX: 703-799-6412

## **SPECIAL PERMIT REQUESTS**

The applicant requests approval of a Special Permit to allow a reduction of certain yard requirements to permit construction of a 1,006-square foot addition to the rear of an existing single family detached dwelling, located 14.0 feet from east side lot line, and 16.7 feet from the west side lot line. The applicant also requests approval of a reduction of the minimum yard requirements based on errors in building location to permit a carport to remain 3.1 feet from the west side lot line.

### Reduction of certain yard requirements:

The proposed two-story addition to the rear of the dwelling would have 656 square feet on the first floor and 350 square feet on the second floor. The addition would be located 16.7 feet from the west side property line, and 14.0 feet from the east side property line (both measurements to the eaves). The minimum side yard for the R-1 District is 20 feet. Therefore, the applicant's request is for a 16.5 percent reduction on the west side and a 30 percent reduction on the east side. The proposed addition extends the entire present width of the dwelling which does not conform to the 20-foot minimum side yard. A portion of the proposed addition covers the same area as the addition that was approved in 1998, but was not constructed. Part of the area for the addition is presently an asphalt patio as shown in the photographs. The applicant also proposes to construct a deck on the rear of the addition. The deck, as shown, would be a permitted extension in accordance with Sect. 2-412 (2) (A) of the Zoning Ordinance, and does not require a special permit.

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

The carport on the west side of the dwelling was approved to be located 4.5 feet from the side lot line pursuant to VC 98-L-071. As shown on the plat, the carport is located 3.1 feet from the side lot line. The applicant indicates in his statement of justification that he did not realize that the final inspection for the carport had not been completed when it was constructed in 2001. A proposed condition is included requiring the final inspection to be completed within six months of special permit approval.

A reduced copy of the Special Permit Plat, titled "Plat Showing The Improvements On Lot 9-A Of The Resubdivision Of Lot 9" prepared by Dominion Surveyors Inc., dated July 25, 2013, and revised through August 25, 2014, is included at the front of this report.

## **LOCATION AND CHARACTER**

The 22,351-square foot subject property is located on Kathmoor Drive in the Kathmoor subdivision, south of Franconia Road. The property is zoned R-1. The surrounding area is zoned to the R-1, R-2 and R-3 Districts. Adjoining properties to the east, south and west are developed with single family detached dwellings. The property to the north is developed with a church.

The subject property is developed with a two-story brick dwelling, an asphalt circular driveway in the front, and a driveway along the west side of the property to a three-car garage situated in the rear. The property is relatively flat and suitably landscaped with trees and shrubs. The accessory structures that appear in the photograph to the right which are located west of the garage and outside the rear property line are no longer present on the property, as reflected on the plat. Additionally, the area to the rear and east of the garage is mulched. Staff confirmed with the Zoning Administration Division that in this situation, the coverage is not contrary to Sect. 10-103 (3) of the Zoning Ordinance.

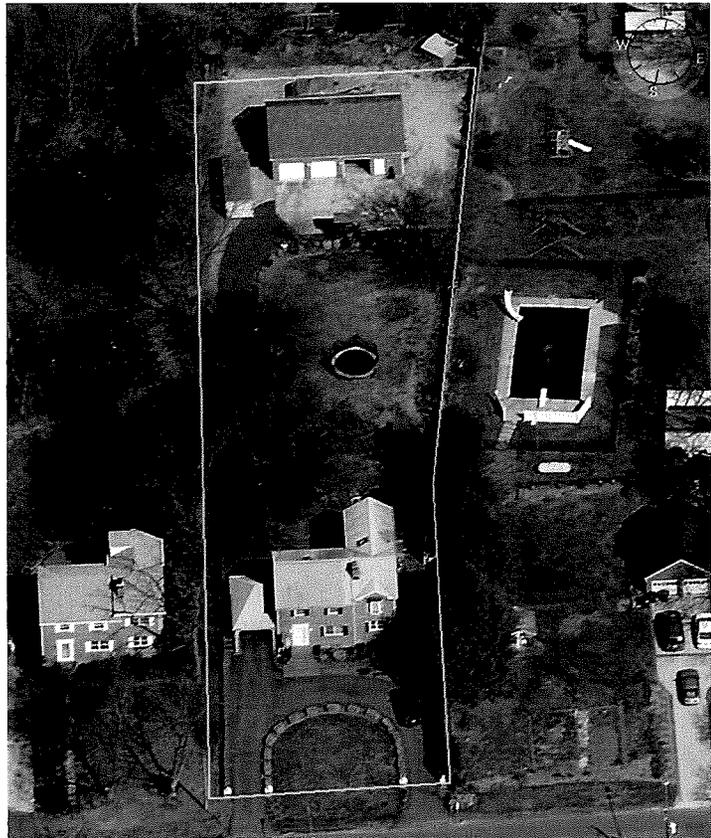


Figure 1: Subject Property, Source: Fairfax County GIS, 2013 Imagery

## BACKGROUND

The lot was created and a dwelling unit constructed on the property in 1946. An addition to the right side of the dwelling was permitted to be located 17 feet from the east side lot line in 1967. The applicant purchased the property in 1995. The 3-car garage in the rear of the property was constructed in 1996 with a building permit and all required inspections. On September 15, 1998, the BZA approved, in part, VC 98-L-071 for additions to the side and rear of the dwelling, an additional garage, and a carport. The garage was approved to be located 9.0 from the east side lot line. The additions were approved to be located 14.0 from the east side lot line and 16.2 feet from the west side lot line. The carport was approved to be located 4.5 feet from the west side lot line. The BZA concurrently approved SP 98-L-031 for an error in building location for the 1967 addition which is located 14 feet from the east side lot line, instead of the 17 feet as permitted. On November 17, 1998, the BZA approved the revised plat showing the deletion of the second story addition over the carport which had not been approved. The approved resolutions and plat are included in Appendix 4. The carport was permitted and constructed in 2001. Footing and framing inspections were conducted, but the final inspection did not take place. The second story addition to the east side of the dwelling was constructed in 2002-2003 with all necessary permits and inspections. The proposed garage and addition to the rear were not constructed.

No complaints have been filed with the Department of Code Compliance. The property is not subject to proffers. Information outlining similar requests in the vicinity of the applicant's property is included in Appendix 5.

**ANALYSIS**

**Comprehensive Plan Provisions**

Plan Area: Area IV, Rose Hill Planning District,  
 Lehigh Community Planning Sector  
 Plan Map: Residential, 1-2 du/ac  
 Text: No specific text

**Zoning Ordinance Requirements**

The application must meet the standards of the following sections of the Zoning Ordinance, which are included in Appendix 6:

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

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

**Sect. 8-006, General Special Permit Standards**

<p><b>Standards 1 and 2</b>  <i>Comprehensive Plan/                  Zoning District</i></p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The Zoning Ordinance allows a reduction in minimum yard requirements with special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-1 District.</p>
<p><b>Standard 3</b>  <i>Adjacent Development</i></p>	<p>In staff's opinion, the proposed use will not hinder or discourage the use or development of neighboring properties.</p>
<p><b>Standard 4</b>  <i>Pedestrian/Vehicular                  Traffic</i></p>	<p>The proposed addition will not impact vehicular or pedestrian traffic.</p>
<p><b>Standard 5</b>  <i>Landscaping/Screening</i></p>	<p>No additional landscaping or screening is required for the proposed addition to an existing single family dwelling pursuant to Article 13 of the Zoning Ordinance.</p>
<p><b>Standard 6</b>  <i>Open Space</i></p>	<p>There is no open space requirement for the R-1 District.</p>

<p><b>Standard 7</b> <i>Utilities, Drainage, Parking and Loading</i></p>	<p>Facilities are in place to serve the existing and proposed development.</p>
<p><b>Standard 8</b> <i>Signs</i></p>	<p>No signs are existing or proposed. All signage is required to be in conformance with Article 12 of the Zoning Ordinance.</p>

**Sect. 8-903, Group 9 Standards**

<p><b>Standard 1</b> <i>Lot Size and Bulk Regulations</i></p>	<p>The property was in conformance with the lot size and bulk regulations in effect in 1946 when the lot was created, and it has been the subject of previous special permit and variance approvals.</p>
<p><b>Standard 2</b> <i>Performance Standards</i></p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p>
<p><b>Standard 3</b> <i>Site Plan</i></p>	<p>The proposed addition is not subject to site plan review.</p>

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

<p><b>Standard 1</b> <i>Yard Requirements Subject to Special Permit</i></p>	<p>A. <i>Minimum Required Yards - Yard not less than 50% of the requirement and not less than 5 feet:</i></p> <p>The proposed addition will be located 16.7 ft. from west side lot line and 14.0 ft. from the east side lot line; the required side yard in an R-1 District is 20 ft., resulting in reductions of 16.5% and 30%.</p> <p>B. <i>Pipestem Lots:</i> N/A                  C. <i>Accessory Structure Locations:</i> N/A                  D. <i>Extensions into Minimum Required Yards:</i> N/A</p>
<p><b>Standard 2</b> <i>Not a Detached Structure in a Front Yard</i></p>	<p>The application does not propose a detached accessory structure.</p>
<p><b>Standard 3</b> <i>Principal Structure that Complied with Yard Requirements When Established</i></p>	<p>When the lot was created and the structure was built in 1946, it complied with the applicable requirements at the time. A variance and special permit have been obtained for the structure's location 14.0 ft. from east side lot line, and for the carport to be located 4.5 ft. from the west side lot line. This application includes a request for a reduction of the minimum yard requirements based on an error in building location for the carport.</p>

<p><b>Standard 4</b>  <i>Addition No More than 150% of the Gross Floor Area (GFA) at the Time of First Expansion Request</i></p>	<p>This is the first expansion request under this provision. The existing dwelling is approximately 2,057 square feet, not including the below-grade basement or detached garage. Therefore, 150 percent of the total GFA could result in additions up to 3,085.5 square feet for a possible total square footage at build out of 5,142.5 square feet. The proposed addition is 1,006 square feet, representing 49 percent of the GFA of the principal structure, and resulting in a total square footage of the house with the addition of 3,063 square feet. Therefore, this standard is met.</p>
<p><b>Standard 5</b>  <i>Accessory Structure 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>
<p><b>Standard 6</b>  <i>It is in Character with On-site Development</i></p>	<p>Based on the architectural drawings provided, staff believes that the character of the proposed addition to the rear of the dwelling will be compatible with the existing dwelling.</p>
<p><b>Standard 7</b>  <i>It is Harmonious with Off-site Development</i></p>	<p>Based on a site visit and review of aerial photographs, staff believes that the proposed addition would be in character with the surrounding area. The proposed addition would not affect neighboring properties in terms of topography, vegetation or existing trees.</p>
<p><b>Standard 8</b>  <i>It Shall Not Adversely Impact Adjacent Properties</i></p>	<p>Staff believes that the proposed addition of 1,006 square feet over a partially paved surface to the rear of an existing dwelling will not impact the use and/or enjoyment of any adjacent property.</p>
<p><b>Standard 9</b>  <i>Represents the Minimum Amount of Reduction Necessary</i></p>	<p>The long, narrow shape of the lot minimizes the ability to construct an addition in character with the existing dwelling without a reduction in side yard requirements. Other issues of well or septic fields, easements, and environmental and historic resources are not applicable to this site.</p>
<p><b>Standard 10</b>  <i>BZA May Impose Conditions</i></p>	<p>Staff has proposed development conditions.</p>
<p><b>Standard 11</b>  <i>Submission Requirements</i></p>	<p>Satisfied at the time of submittal.</p>
<p><b>Standard 12</b>  <i>Architectural Depictions</i></p>	<p>The applicant has provided architectural drawings depicting the proposed addition in relation to the existing home.</p>

**CONCLUSION**

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

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

## **RECOMMENDATION**

Staff recommends approval of SP 2014-LE-204 for the reduction of certain yard requirements to permit construction of an addition, subject to the proposed conditions set forth in Appendix 1. Staff does not make recommendations regarding applications for reduction of the minimum yard requirements based on errors in building location.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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

## **APPENDICES**

1. Proposed Development Conditions
2. Statement of Justification and File Photographs
3. Affidavit
4. VC 98-L-071 and SP 98-L-031
5. Similar Case History
6. Applicable Zoning Ordinance Provisions

## Proposed Development Conditions

### SP 2014-LE-204

December 3, 2014

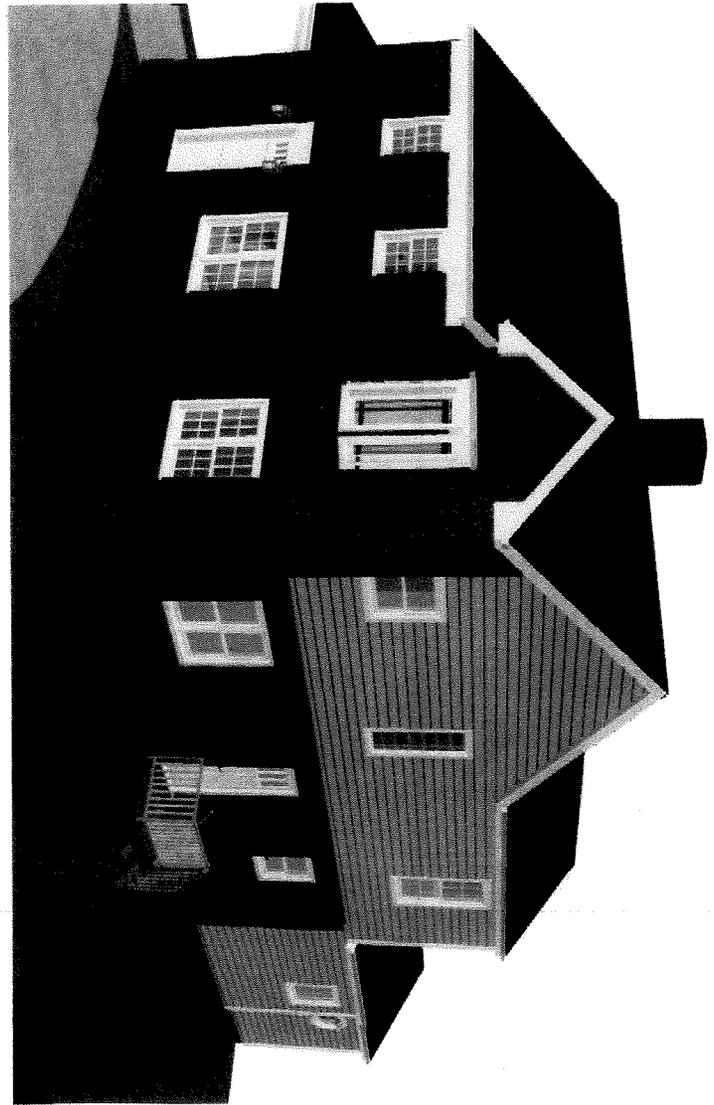
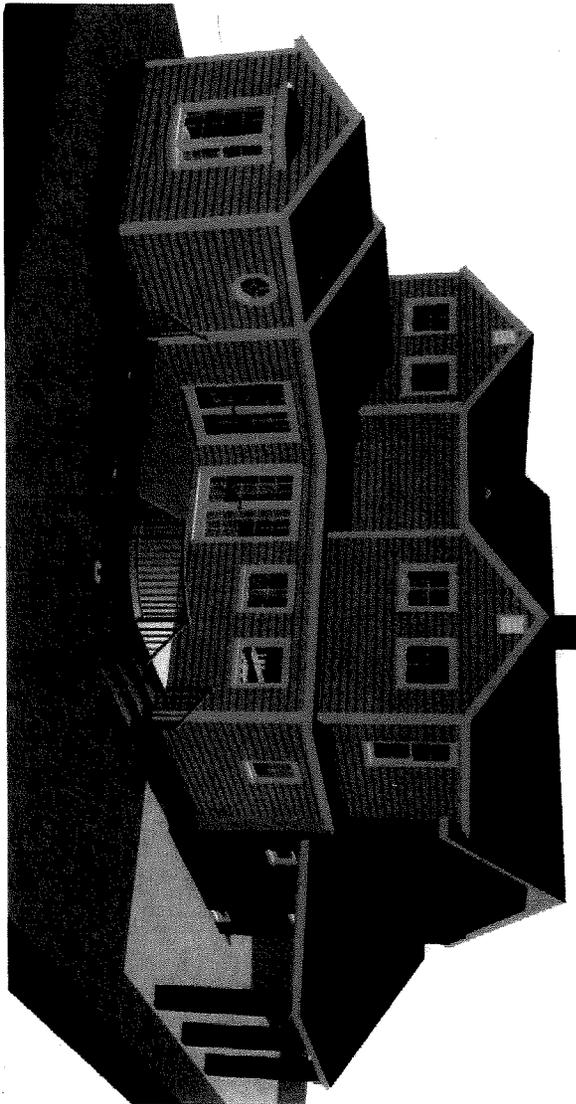
If it is the intent of the Board of Zoning Appeals to approve SP 2014-LE-204 located at 6008 Kathmoor Drive, Tax Map 81-4 ((2)) 9A, to permit reduction of certain yard requirements pursuant to Section 8-922, and reduction of the minimum yard requirements based on errors in building location pursuant to Section 8-914 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Permit is approved only for the addition as shown on the plat titled "Plat Showing The Improvements On Lot 9-A Of The Resubdivision Of Lot 9" prepared by Dominion Surveyors Inc., dated July 25, 2013, and revised through August 25, 2014, submitted with this application, and is not transferable to other land.
2. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion, regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Accordingly, the 2,057-square foot existing dwelling, shall not be increased by more than 3,085.5 square feet, for a total of 5,142.5 square feet. Subsequent additions that meet minimum yard requirements may be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural drawings as shown in Attachment 1 of these conditions.
5. All applicable permits and inspections for the carport shall be obtained within six months of this special permit approval.

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

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, thirty (30) months after the date of approval unless construction of the addition has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



CLIENT  
MOWERY

TITLE  
EXTERIOR

CONTRACTOR

A3

1/30/2013

## SPECIAL PERMIT STATEMENT OF JUSTIFICATION

Petitioner: **Jerry Mowery**

Property: **6008 Kathmoor Drive, Alexandria, VA 22310**

This is a request for a reduction of certain yard requirements pursuant to the requirements in Special Permit Application SP 98-L-031, Section 8-922 and 8-914. This request is to allow addition of a first floor bedroom and bath, kitchen expansion, remodeled existing bathroom, an attached deck on the first floor, an additional second floor bedroom over the expanded kitchen and to permit existing carport based on error in location, to remain 3.1 feet from the side lot line.

The residence was constructed in 1947 on a "pipe stem" lot that precludes reasonable, optimal use within the current yard size limitations. The proposed construction will retain the yard setbacks of the existing home. The new construction will not result in yard requirements that are less than 50% of the required twenty feet and will not result in any yard of less than 5 feet from the measured lot line to the closest structure.

Existing first floor is 1,016 SF. Proposed first floor construction includes a bedroom, bath, an expanded kitchen, and a deck off the kitchen, resulting in an additional 656 SF. Existing second floor is 1,041 SF. Proposed second floor construction includes an additional bedroom, and two walk-in closets, an additional 350 SF. Total new construction will add approximately 1,006 SF and will be well within the 150% total gross floor area limit for the dwelling.

This application also addresses the existing carport that was discovered to be located in error. It was constructed 16 years ago in accordance with Variance Application VC 98-L-071. All inspections were completed up to the final inspection, which was not accomplished because the builder left the county (to Puerto Rico) and I simply didn't know it was not completed.

Hours of operation do not apply. This is a private home with no other patron/clients/patients/pupils, etc. There are no proposed employees. There is, therefore, no impact on traffic.

The existing home is a two story, 67 year old, single family residence constructed of brick and vinyl siding. The additions will also be of brick and vinyl to match the original construction and will be in character with the existing on-site development in terms of the location, height, and scale of the existing structure on the lot. There are no hazardous materials present on this property and none are anticipated to be generated, used, or stored on the property during construction. Proposed use conforms to all applicable ordinances. No trees or vegetation will be removed in this construction. The small bushes shown in picture 13 will be relocated.

The property backs up to a large parking lot and is situated amongst other half-acre or larger heavily wooded lots. The neighborhood is rapidly improving, with older homes

being either significantly remodeled and expanded or torn down and replaced with much larger, modern homes. My project will not disturb the existing visual environment and will be consistent and harmonious with the surrounding homes. there will be no detached structures created during the project. the permit will apply to the lot (9-A) that contains the principle structure. The proposed construction will not adversely impact the use and/or enjoyment of any adjacent property with regard to noise, light, air, erosion or storm water runoff.

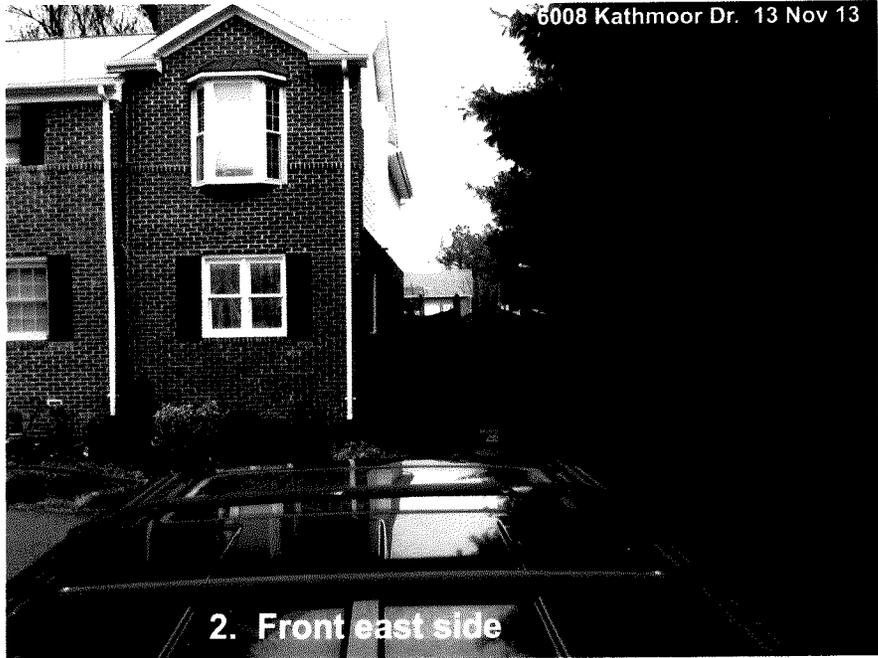
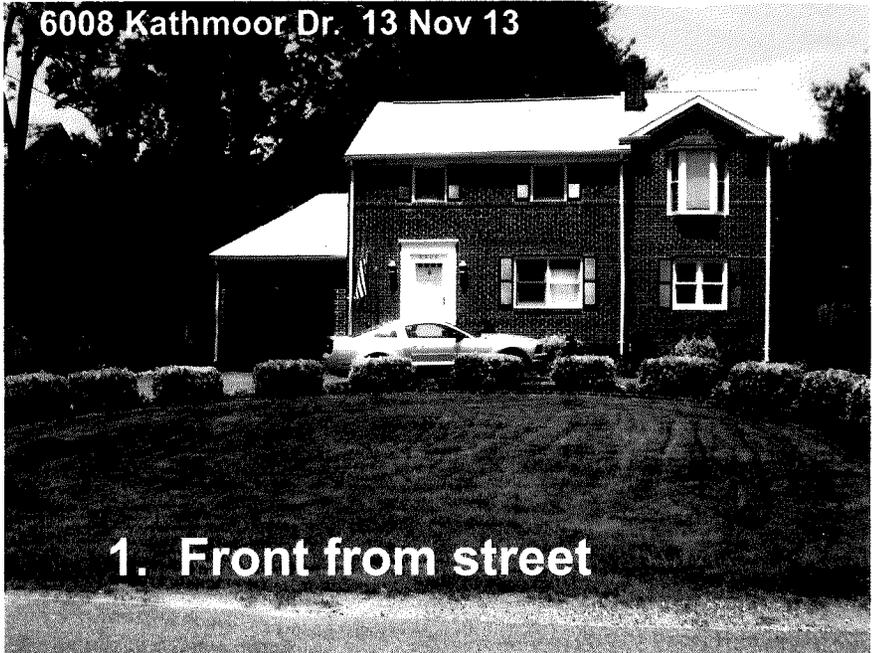
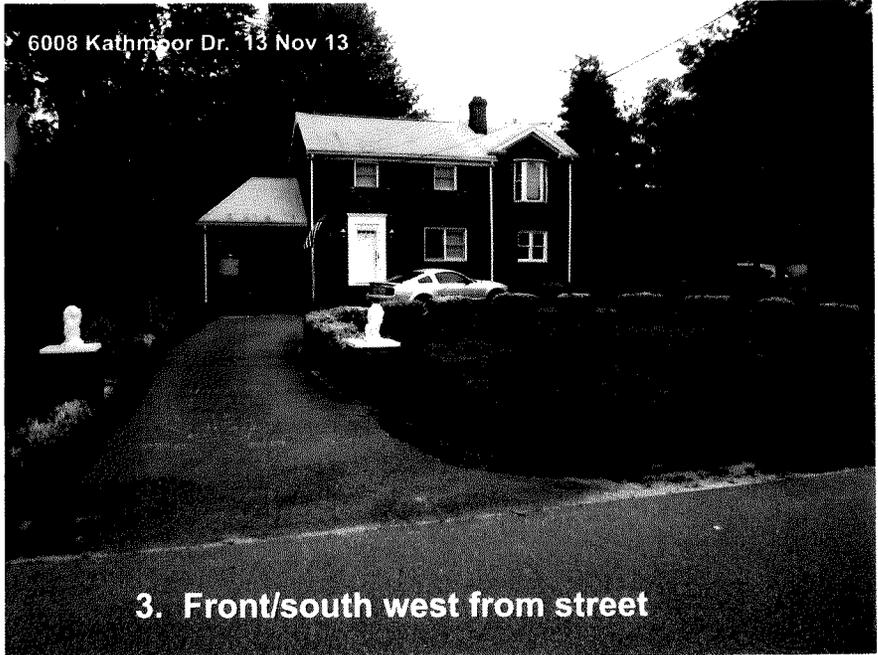
Notes have been added to the plat as requested to address lot coverage of rear and front yards. The rear yard is within the required minimum 30%. The front yard is determined by the Department of Planning and Zoning (letter attached) to be "non-conforming and may continue".

Additional photographs are provided showing that the tree house is correctly located on the plat, in front of the garage.

My wife and I purchased this home in 1995, and plan to live here for the rest of our lives. We both have mobility issues and need the first floor addition to accommodate our limited ability to navigate stairs. We also have two high school age daughters and a granddaughter living in our home and need the additional living/bedroom space. This addition will accommodate our need for additional living space as well as allow our girls to continue attending their much loved Fairfax County schools.

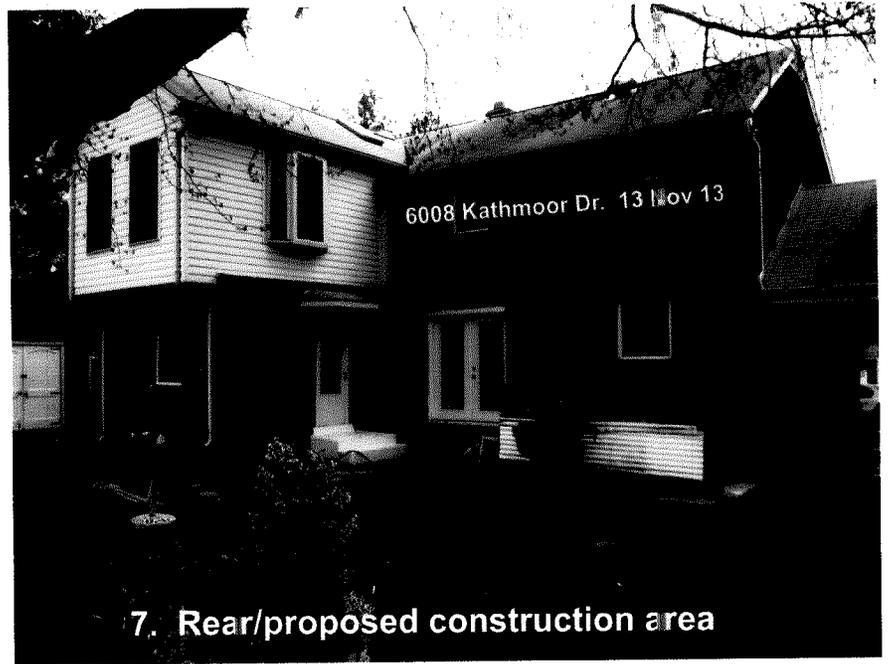
Thank you for considering this request.

Jerry L.R. Mowery  
Anam Mowery





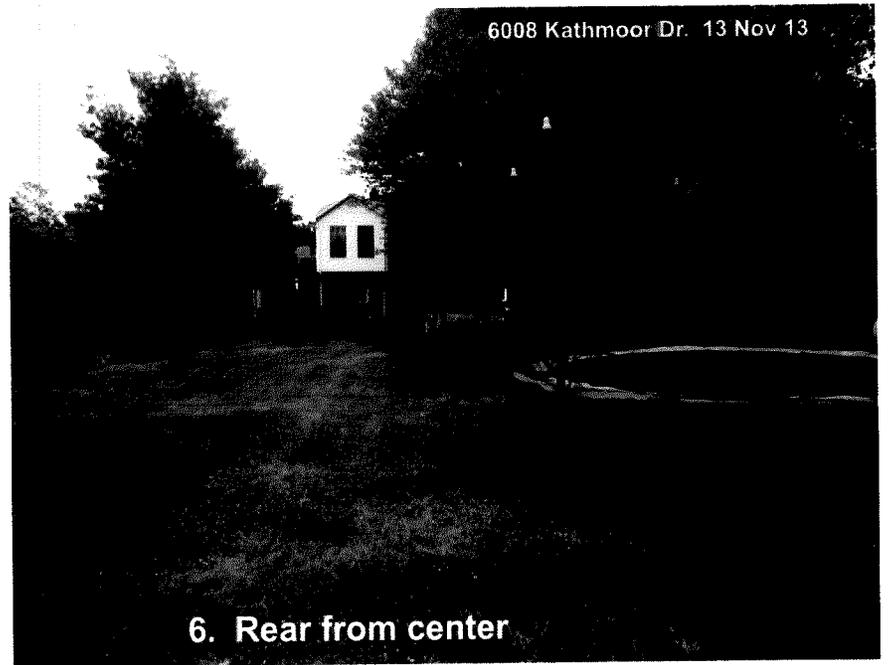
8. Rear/proposed construction area from west



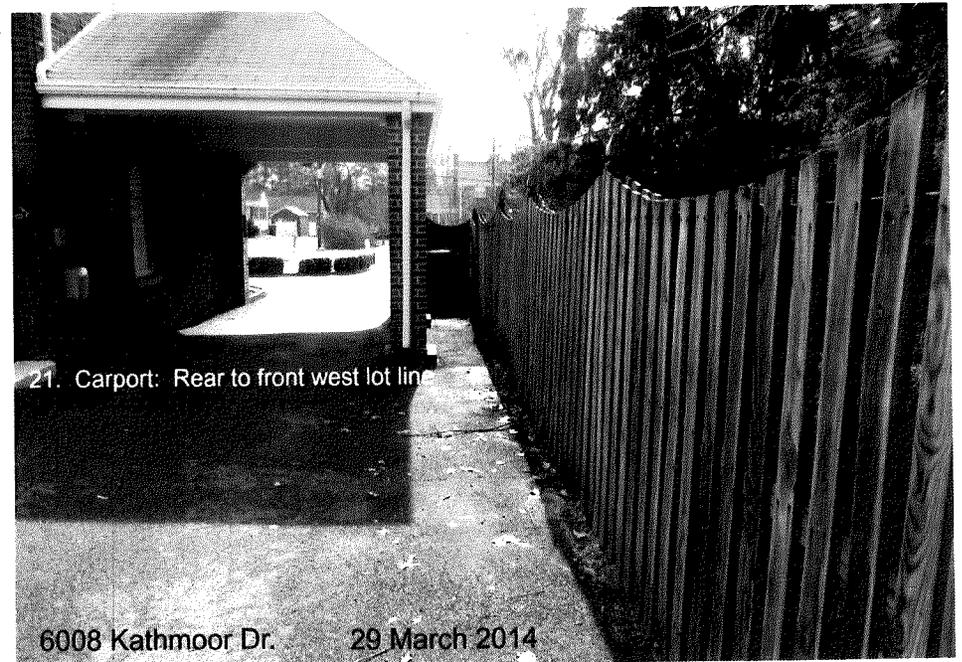
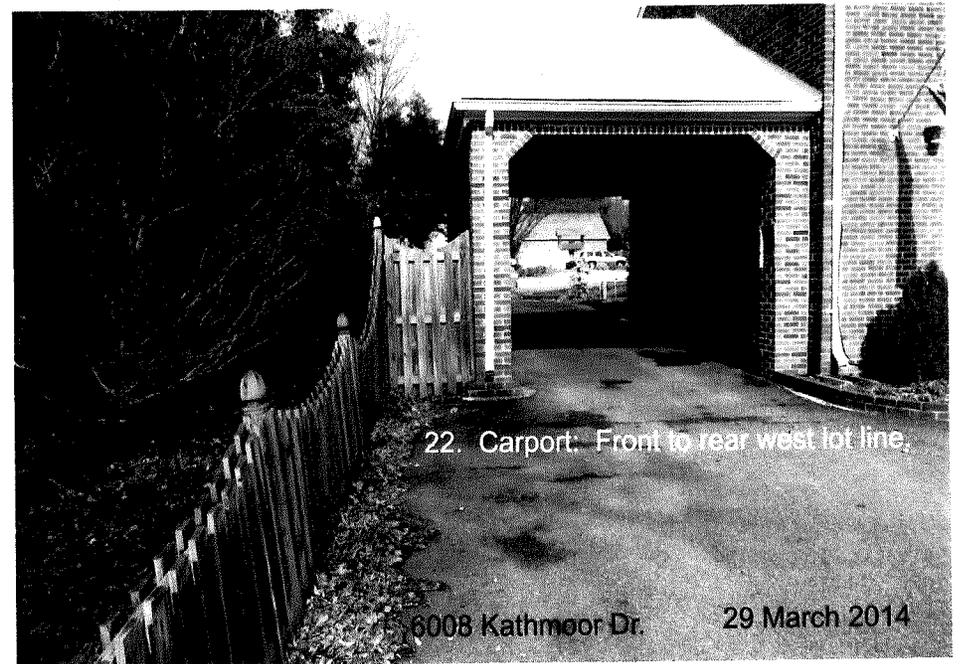
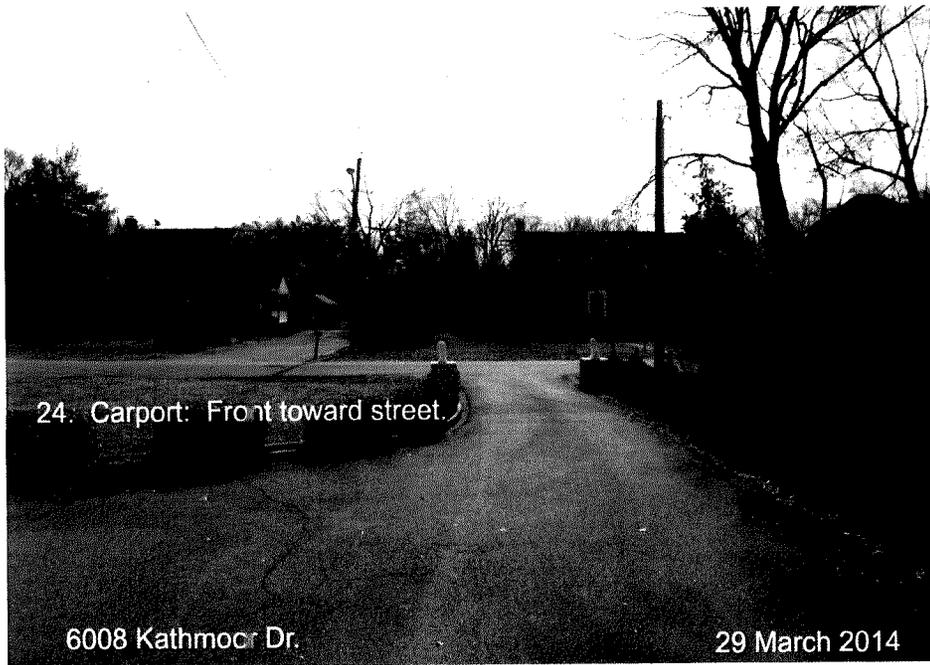
7. Rear/proposed construction area

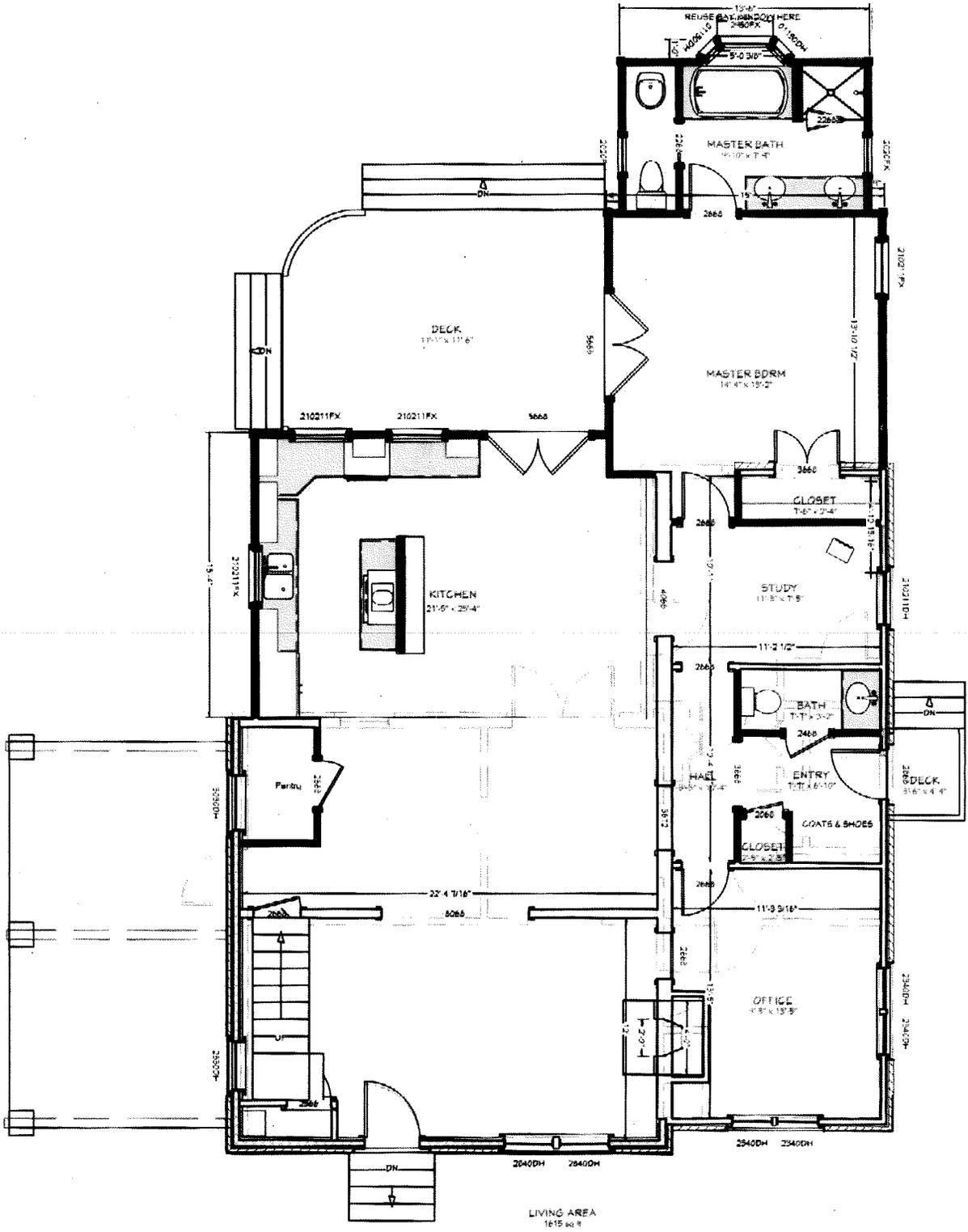


5. Rear/northeast corner



6. Rear from center





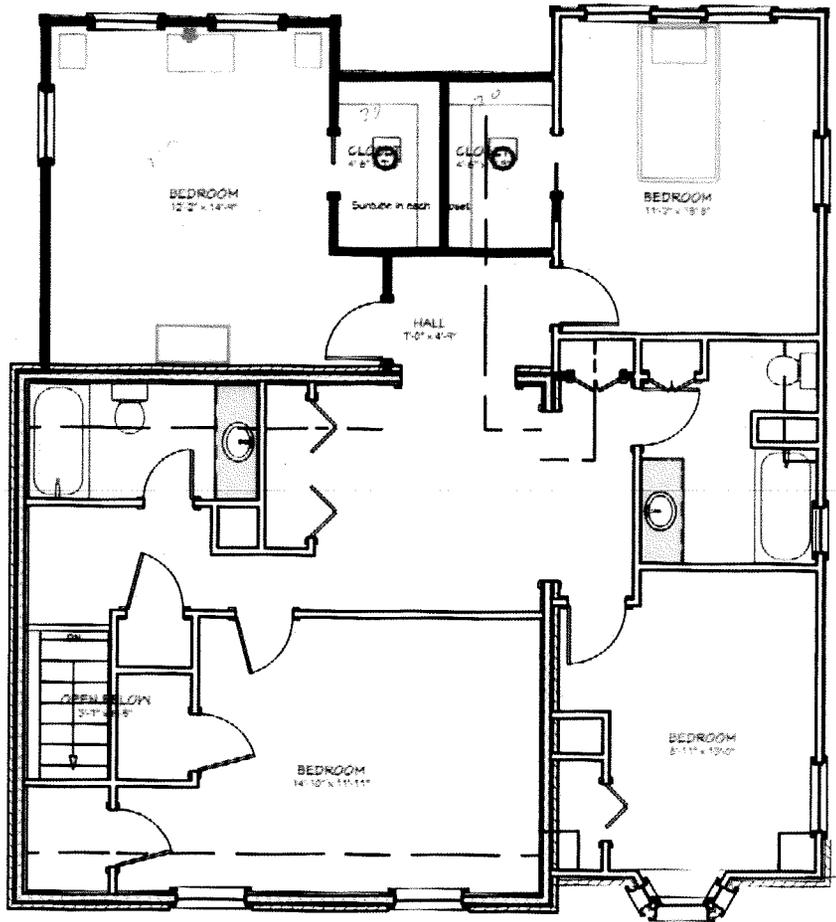
CLIENT  
MOWERY

TITLE  
FIRST FLOOR

CONTRACTOR

A1

10/12/15



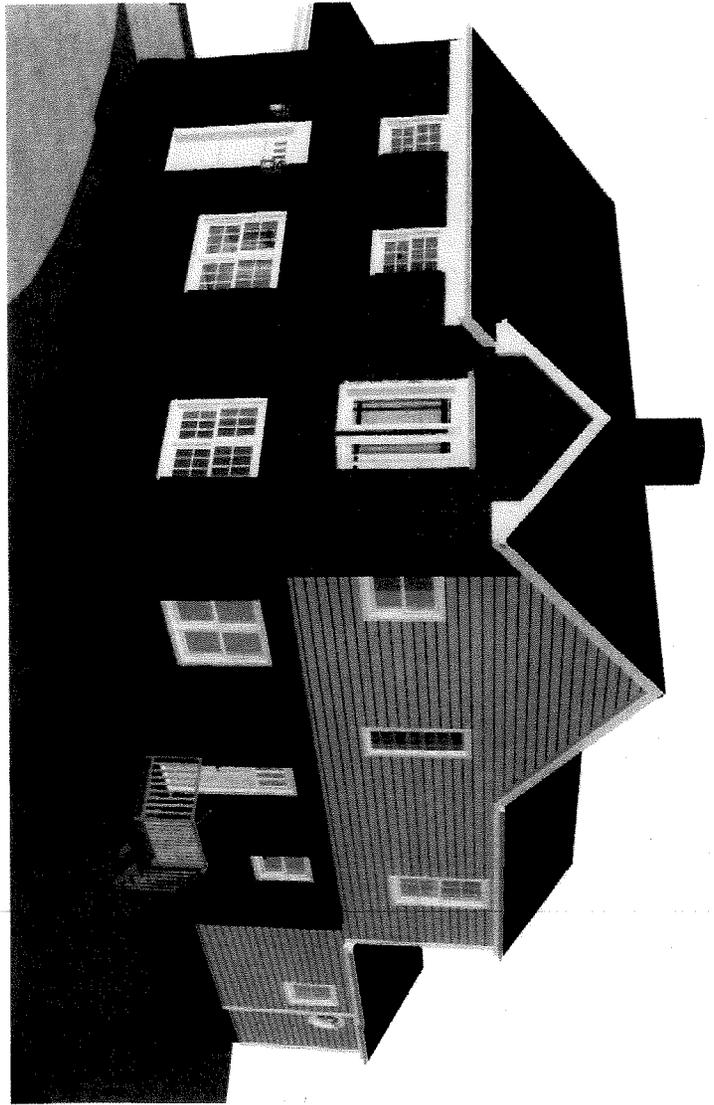
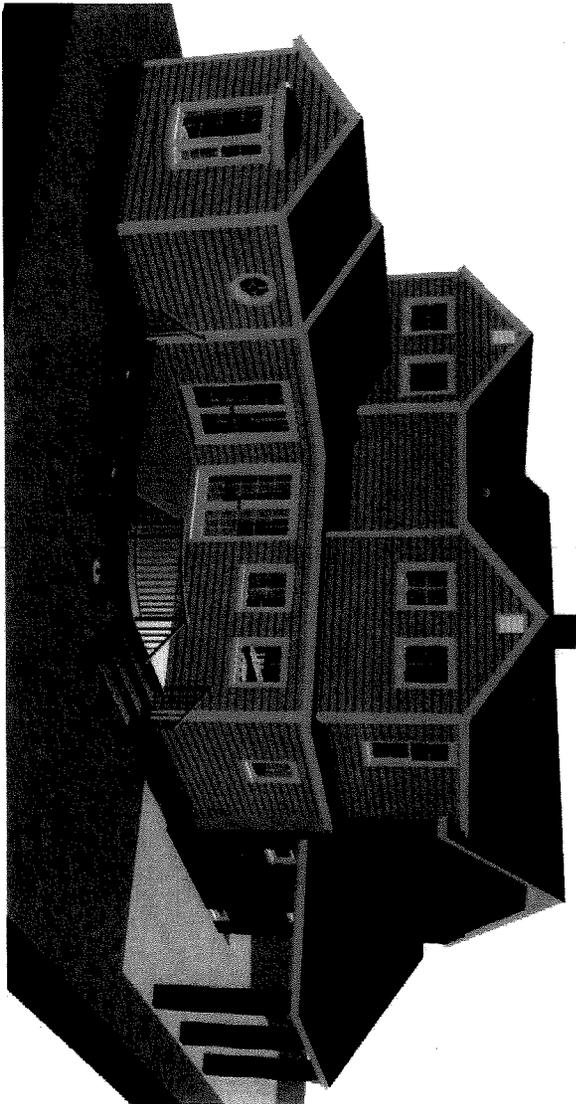
CLIENT  
MOWERY

TITLE  
SECOND FLOOR

CONTRACTOR

A2

1/30/2013



CLIENT

MOWERY

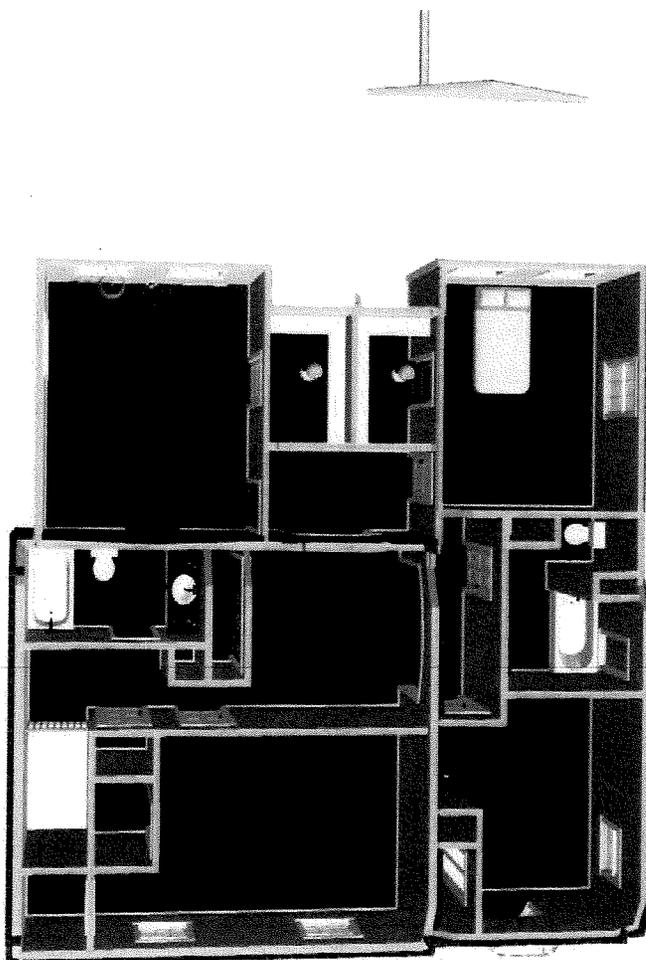
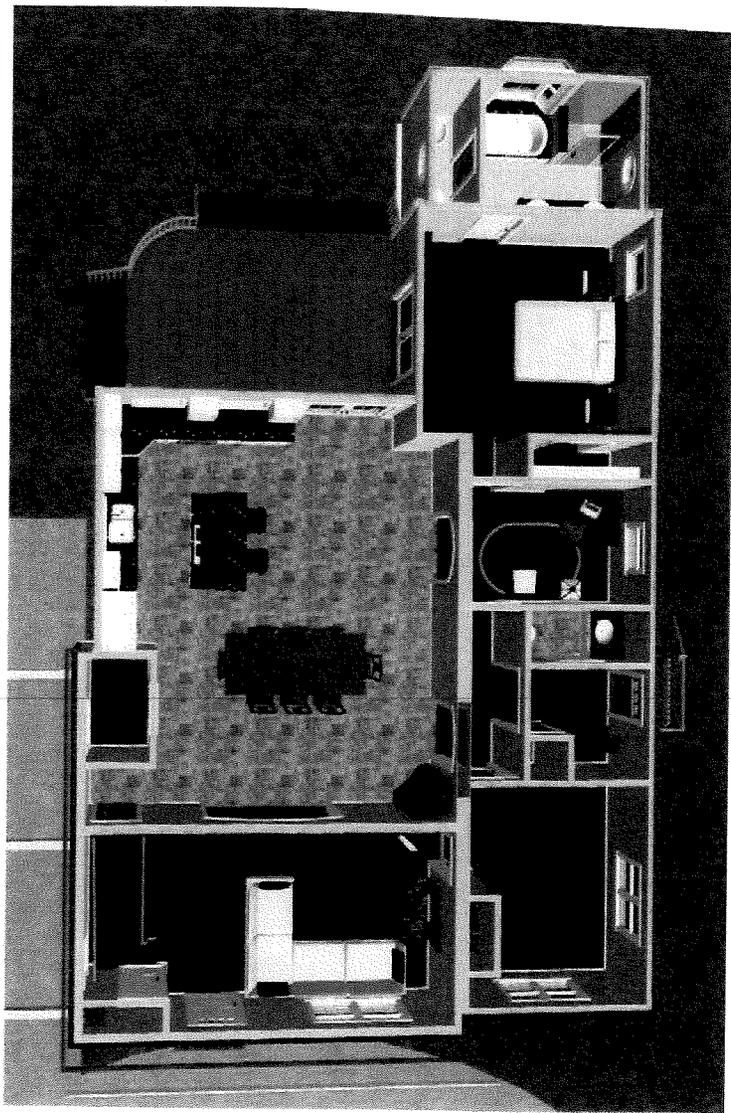
TITLE

EXTERIOR

CONTRACTOR

A3

1/20/2013



**A4**

15.02.2015

CLIENT  
MOWERY

TITLE  
DOLLHOUSE  
RENDERINGS

CONTRACTOR

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

123374

DATE: 11 | 19 | 13  
(enter date affidavit is notarized)

I, JERRY MOWERY, 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 <b>BOLD</b> above)
JERRY L. MOWERY	6008 KATHMOOR DR. ALEXANDRIA VA 22310	<b>APPLICANT/TITLE OWNER</b>
ANAM MOWERY	6008 KATHMOOR DR. ALEXANDRIA VA 22310	<b>TITLE OWNER</b>

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

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

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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/19/13  
(enter date affidavit is notarized)

123374

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

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

**CORPORATION INFORMATION**

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

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

N/A

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

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

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

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/19/13  
(enter date affidavit is notarized)

123374

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

**PARTNERSHIP INFORMATION**

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

N/A

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

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

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

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

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/19/13  
(enter date affidavit is notarized)

123374

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.

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4/19/13  
(enter date affidavit is notarized)

123374

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

[ ] Applicant

[ ] Applicant's Authorized Agent

Serey Mowery  
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 19 day of November 2013, in the State/Comm. of Virginia, County/City of Fairfax

Robert Wyatt Harrison  
Notary Public

My commission expires: 9-30-2017





FAIRFAX  
COUNTY

APPENDIX 4  
DEPARTMENT OF PLANNING AND ZONING  
Zoning Evaluation Division  
Special Permit and Variance Branch  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5510

V I R G I N I A

(703) 324-1280

Fax (703) 324-3924

November 25, 1998

Jerry L.R. Mowery &  
Ana Maria Mowery  
6008 Kathmoor Drive  
Alexandria, Virginia 22310

RE: Variance Application VC 98-L-071  
Jerry and Ana Maria Mowery

Dear Mr. and Mrs. Mowery:

At its November 17, 1998 meeting, the Board of Zoning Appeals took action to **APPROVE** the revised plat which shows the deletion of the second story addition above the carport. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 222-0801.

Sincerely,

Regina Thorn, Clerk  
Board of Zoning Appeals

Enclosure: As stated



COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

JERRY AND ANA MARIA MOWERY, VC 98-L-071 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of additions 16.2 ft., 14.0 ft. and 9.0 ft from side lot lines and carport and addition 4.5 ft. from side lot line. Located at 6008 Kathmoor Dr. on approx. 22,351 sq. ft. of land zoned R-1 and HC. Lee District. Tax Map 81-4 ((2)) 9A. (Concurrent with SP 98-L-031). Mr. Pammel moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 15, 1998; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. The applicant met the required standards for the granting of a variance.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

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

and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

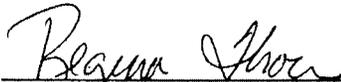
1. This Variance is approved for the location of additions shown on the plat prepared by Jerry A. LaGarde, dated January 9, 1998 and revised October 13, 1998, submitted with this application and is not transferable to other land.
2. A Building Permit shall be obtained prior to any construction and final inspections shall be approved.
3. The additions shall be architecturally compatible with the existing dwelling.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval\* unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant addition 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 variance. 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. Dively seconded the motion which carried by a vote of 5 aye, 1 nay and 1 abstention.

\*This decision was officially filed in the office of the Board of Zoning Appeals and became final on November 17, 1998. This date shall be deemed to be the final approval date of this variance.

A Copy Teste:

  
\_\_\_\_\_  
Regina Thorn, Clerk  
Board of Zoning Appeals



**Group: 93-L -094**

**VC 93-L -094**

**APPLICANT:** WOLFTEICH, JULIE AND PAUL  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION** 11/03/1993  
**DTE:** R- 1  
**ZONING DISTRICT:**  
**DESCRIPTION:** PERMIT CONSTRUCTION OF ADDITION 12.67 FT. FROM SIDE LOT LINE (20 FT. MIN. SIDE YARD REQ.)  
**LOCATION:** 6230 HIGHAM DRIVE  
**TAX MAP #S:**  
0814 02 0008

**Group: 93-L -101**

**VC 93-L -101**

**APPLICANT:** FITZGERALD, LYNNWOOD S.  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION** 11/03/1993  
**DTE:** R- 1  
**ZONING DISTRICT:**  
R- 2  
**DESCRIPTION:** PERMIT CONSTRUCTION OF ADDITION 32 FT. FROM STREET LINE OF A CORNER LOT (35 FT. MIN. FRONT YARD REQ.)  
**LOCATION:** 5951 FRANCONIA ROAD  
**TAX MAP #S:**  
0814 02 0040 0814 02 0039

**Group: 98-L -031**

**SP 98-L -031**

**APPLICANT:** MOWERY, JERRY AND ANA MARIA  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION** 09/15/1998  
**DTE:** R- 1  
**ZONING DISTRICT:**  
**DESCRIPTION:** REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DWELLING TO REMAIN 14.0 FT. FROM SIDE LOT LINE  
**LOCATION:** 6008 KATHMOOR DRIVE  
**TAX MAP #S:**  
0814 02 0009A

**Group: 98-L -071**

**VC 98-L -071**

**APPLICANT:** MOWERY, JERRY LR AND ANA MARIA  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION** 11/17/1998  
**DTE:** R- 1  
**ZONING DISTRICT:**  
**DESCRIPTION:** PERMIT CONSTRUCTION OF ADDITIONS 16.2 FT., 14.0 FT. AND 9.0 FT. FROM SIDE LOT LINES AND CARPORT AND ADDITION 4.5 FT. FROM SIDE LOT LINE  
**LOCATION:** 6008 KATHMOOR DRIVE  
**TAX MAP #S:**  
0814 02 0009A

**Group: 99-L -190**

**VC 99-L -190**

**APPLICANT:** BURGESS, DIANE G.

**STATUS:** APPLICATION APPROVED

**STATUS/DECISION** 06/28/2000

**DTE:** R- 2

**ZONING DISTRICT:**

**DESCRIPTION:** PERMIT SUBDIVISION OF TWO LOTS INTO THREE LOTS WITH PROPOSED LOT 2 HAVING A LOT WIDTH OF 124.59 FT. AND PERMIT EXISTING SIX FOOT HIGH FENCE TO REMAIN IN THE FRONT YARD OF A CORNER LOT

**LOCATION:** 5955 KATHMOOR DRIVE

**TAX MAP #S:**

0814 02 0032A

0814 02 0031A

**ZONING ORDINANCE PROVISIONS****8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

### **8-903 Standards for all Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

### **8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location, Par 2 and 3**

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

3. In granting such a reduction or modification under the provisions of this Section, the BZA shall allow only a reduction or modification necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

### **8-922 Provisions for Reduction of Certain Yard Requirements**

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.

4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

- A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
- B. Total area of the property and of each zoning district in square feet or acres.
- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level
- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
- F. Means of ingress and egress to the property from a public street(s).
- G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
- H. If applicable, the location of a well and/or septic field.
- I. Existing and proposed gross floor area and floor area ratio.
- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. The location, type and height of any existing and proposed landscaping and screening.
- L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any

existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

M. Seal and signature of professional person certifying the plat.

12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.