



**APPLICATION ACCEPTED:** September 16, 2014  
**BOARD OF ZONING APPEALS:** January 7, 2014  
**TIME:** 9:00 a.m.

# County of Fairfax, Virginia

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**December 31, 2014**

## **STAFF REPORT**

### **SPECIAL PERMIT SP 2014-LE-211**

#### **LEE DISTRICT**

**APPLICANT:** Matthew Haskin

**OWNERS:** Matthew Haskin  
Kathryn Haskin

**STREET ADDRESS:** 6014 Dewey Drive, Alexandria, 22310

**SUBDIVISION:** Wilton Hall

**TAX MAP REFERENCE:** 82-4 ((26)) 28

**LOT SIZE:** 15,399 square feet

**ZONING DISTRICT:** R-4

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

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of addition 18.5 feet from front lot line and to permit reduction of minimum yard requirements based on error in building location to permit patio to remain 2.7 feet from side lot line.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of SP 2014-LE-211 for the addition with adoption of the proposed development conditions contained in Appendix 1.

Staff does not make recommendations on building in error applications. However, 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.

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*Casey V. Gresham*

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

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

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

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



# Special Permit

SP 2014-LE-211  
MATTHEW HASKIN

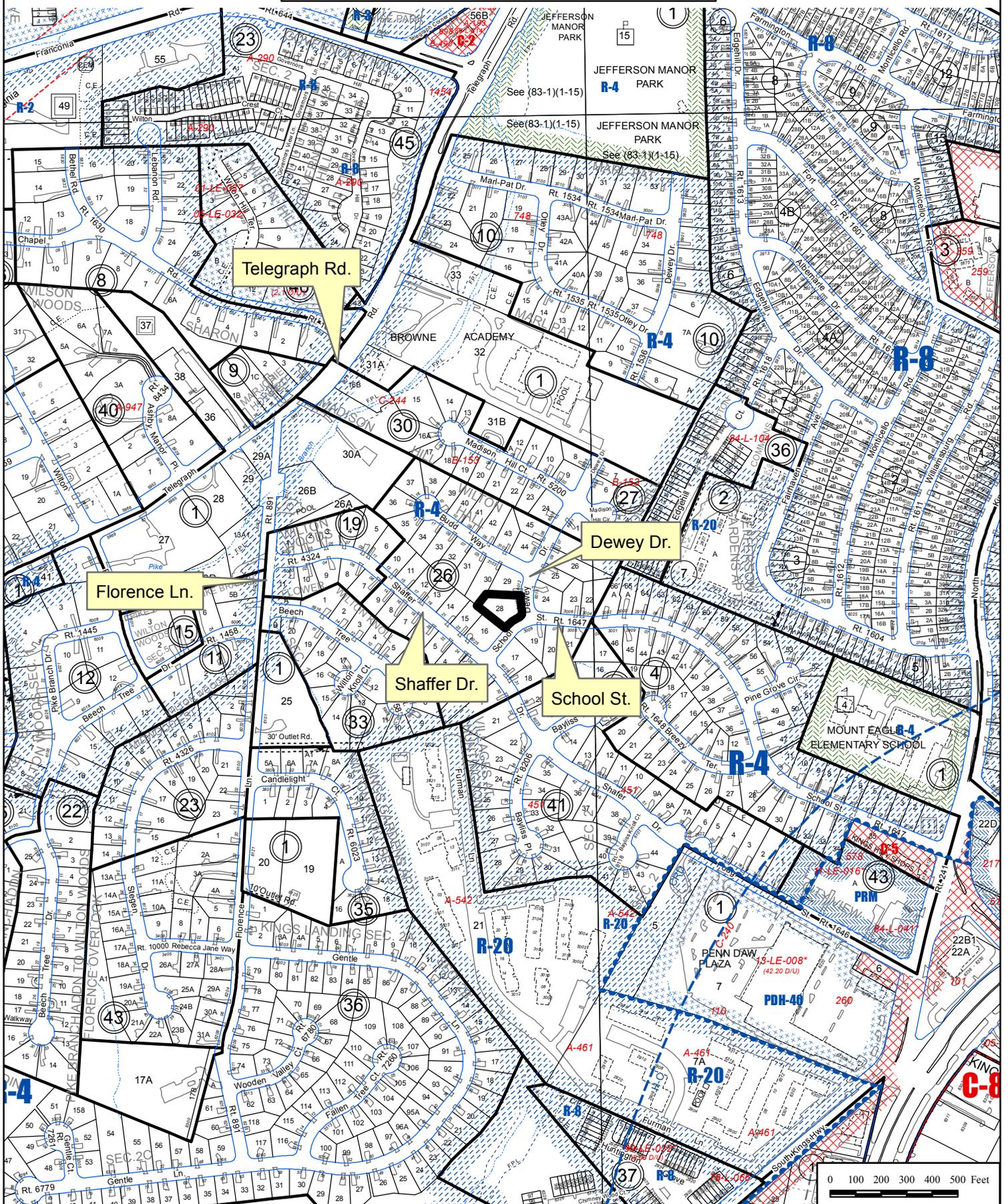
## CITY OF ALEXANDRIA



# Special Permit

SP 2014-LE-211

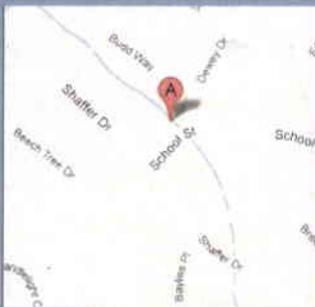
MATTHEW HASKIN



PREPARED BY:

# EXACTA

VIRGINIA SURVEYORS, INC.



PROPERTY ADDRESS: 6014 DEWEY DRIVE

ALEXANDRIA, VIRGINIA 22310

SURVEY NUMBER: 1402.0879

FIELD WORK DATE: 8/14/2014

REVISION HISTORY: (REV 5 8/14/2014) (REV 5 8/13/2014) (REV 4 8/13/2014) (REV 3 6/20/2014) (REV 2 3/24/2014) (REV 1 3/23/2014)

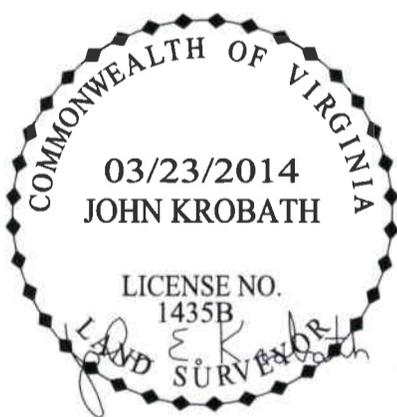
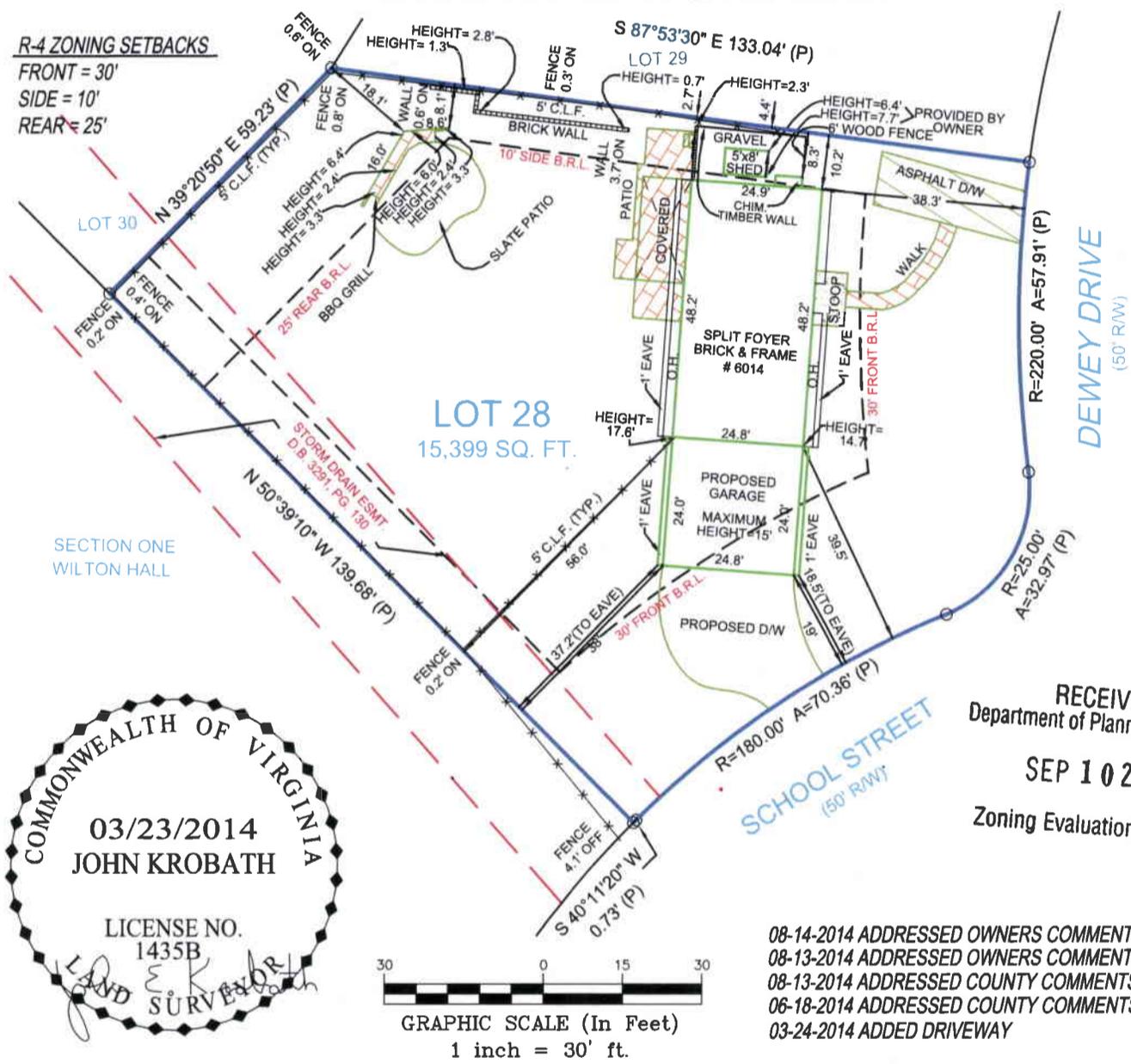
VA1402.0879  
SPECIAL PERMIT PLAT  
LOT 28  
SECTION 2, WILTON HALL  
FAIRFAX COUNTY, VIRGINIA  
08-13-2014 SCALE 1"=30'

**NOTES:**

1. THE PROPERTY IS ZONED R-4.
2. THE PROPERTY IS SERVED BY PUBLIC WATER & SEWER
3. THE FLOOR AREA OF THE ADDITION IS 592 SQ. FT.  
THE FLOOR AREA OF THE HOUSE IS 2541 SQ. FT.
4. THE PROPERTY IS LOCATED IN A F.E.M.A. FLOOD ZONE "X", AN AREA DETERMINED TO BE OUTSIDE THE 0.2% CHANCE FLOODPLAIN.



**R-4 ZONING SETBACKS**  
FRONT = 30'  
SIDE = 10'  
REAR = 25'



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Department of Planning & Zoning  
SEP 10 2014  
Zoning Evaluation Division

- 08-14-2014 ADDRESSED OWNERS COMMENTS
- 08-13-2014 ADDRESSED OWNERS COMMENTS
- 08-13-2014 ADDRESSED COUNTY COMMENTS
- 06-18-2014 ADDRESSED COUNTY COMMENTS
- 03-24-2014 ADDED DRIVEWAY

POINTS OF INTEREST:  
NONE VISIBLE

CLIENT NUMBER: \_\_\_\_\_ DATE: 3/23/2014

BUYER: MATTHEW D. HASKIN & KATHRYN E. HASKIN

SELLER: MATTHEW HASKIN

CERTIFIED TO:  
MATTHEW D. HASKIN & KATHRYN E. HASKIN



**MARLENE PARDO**  
REALTOR®

M: 703-969-7425  
O: 703-556-8600  
MARLENE.PARDO@LONGANDFOSTER.COM



# EXACTA

Virginia Surveyors, Inc.

LB# 0407005699

www.exactaVA.com  
P 703.258.0630 • F 703.258.0361  
5494 Rodriguez Lane, Haymarket, VA 20169

## SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit to allow a reduction of certain yard requirements to permit construction of a garage addition 18.5 feet from a front lot line. The applicant also requests approval of a special permit to allow the reduction of minimum yard requirements based on an error in building location to permit an existing patio to remain 2.7 feet from a side lot line.

A copy of the special permit plat titled "Special Permit Plat, Lot 28, Section 2, Wilton Hall," prepared by Exacta Virginia Surveyors, Inc., dated March 23, 2014, as revised through August 14, 2014, is included in the front of the staff report.

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

A copy of the proposed development conditions, statement of justification with select file photographs, and affidavit are contained in Appendices 1-3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 15,399 square foot corner lot contains a split-level dwelling, which is accessed by an asphalt driveway on Dewey Drive. The dwelling is accessed through a front stoop entrance via a brick walkway. A covered brick patio and a slate patio exist in the western rear yard. The entirety of the functional rear yard is surrounded by a six foot chain link fence. A storm drain easement exists on the southwestern portion of the lot, and the existing fence is the only structure within the easement boundary lines.

The subject property and surrounding properties are zoned R-4 and developed with single family detached dwellings.



Figure 1. Lot location

## BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1970 and purchased by the applicant in February 2013.

Since the adoption of the Zoning Ordinance, no similar special permit and variance applications have been heard by the Board of Zoning Appeals for nearby properties.

## DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction a garage addition. The addition, located 18.5 feet from a front lot line, would be used as a two car garage. In an area zoned R-4, the required front yard is 30 feet. The applicant is requesting a reduction of 11.5 feet, or 38%.

In addition, the applicant requests approval of a special permit for a reduction of minimum yard requirements based on an error in building location to permit a patio to remain 2.7 feet from a side lot line. With a required side yard of 10 feet, the applicants request a reduction of 7.3 feet, or 73%. The special permit requests are summarized in the table below.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit (50%)</b>	Garage Addition	Front	30.0 feet	18.5 feet	11.5 feet	38%
<b>Special Permit (Error)</b>	Patio	Side	10.0 feet	2.7 feet	7.3 feet	73%

The two-car garage addition would be approximately 592 square feet in size and located in the front yard of the site. The roofline of garage would be lower than the existing roofline of the home, and it would be within the maximum height requirements. The proposed materials would include matching shingles and siding consistent with the materials of the existing dwelling.

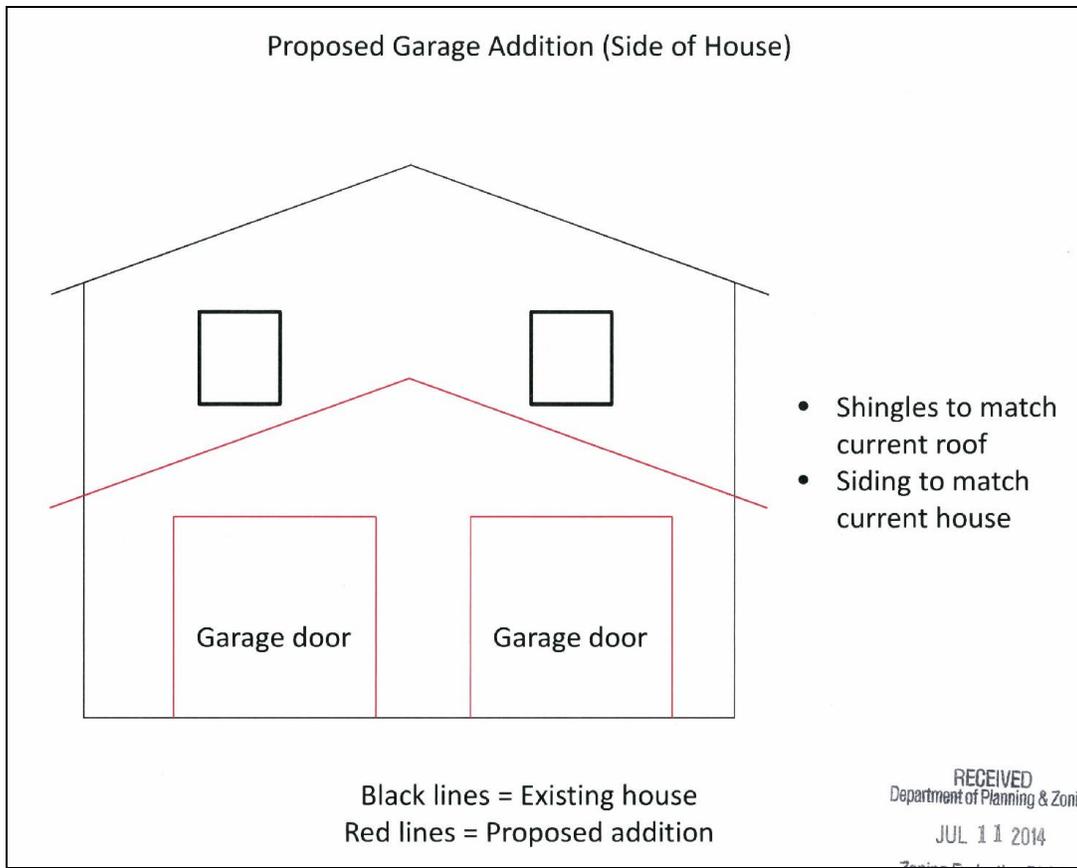


Figure 2. Proposed Elevation

## ANALYSIS

### Comprehensive Plan Provisions

**Plan Area:** IV  
**Planning Sector:** Huntington Community Planning Sector  
**Plan Map:** 3-4 dwelling units per acre

### Zoning Ordinance Requirements

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 4. Subject to development conditions, the special permit must meet these standards.

The following tables provide an overview of the standards reviewed in Sect. 8-006, Sect. 8-303, and Sect. 8-922 for the Reduction of Certain Yard requirements.

**General Standards for Special Permit Uses (Sect. 8-006)**

<p><b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-4 District allows a reduction in minimum required yards with a special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-4 District.</p>
<p><b>Standard 3</b> Adjacent Development</p>	<p>In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.</p>
<p><b>Standard 4</b> Pedestrian/Vehicular Traffic</p>	<p>No increased vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p><b>Standard 5</b> Landscaping/Screening</p>	<p>There is mature vegetation throughout the property, especially along the neighboring property on the southwestern rear lot line.</p>
<p><b>Standard 6</b> Open Space</p>	<p>There is no open space requirement.</p>
<p><b>Standard 7</b> Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities or drainage of the site. In regards to the proposed new driveway location, FCDOT has reviewed the application; as the driveway is proposed in an existing apron, FCDOT has no issues with the application or the new parking on-site.</p>
<p><b>Standard 8</b> Signs</p>	<p>No signage is proposed.</p>

**Standards for all Group 3 Uses (Sect. 8-303)**

<p><b>Standard 1</b> Lot Size and Bulk Regulations</p>	<p>The lot size for the subject property is satisfied with the existing development of the property. The bulk regulations for minimum required yards are requested to be modified with the special permit application.</p>
<p><b>Standard 2</b> Performance Standards</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> Site Plan</p>	<p>If the construction disturbs more than 2,500 square feet, the application is subject to the provisions of Article 17, Site Plans.</p>

**Standards for Reduction of Certain Yard Requirements (8-922)**

<p><b>Standard 1</b> Yard Requirements Subject to Special Permit</p>	<p>A. Minimum Required Yards - Yes B. Pipestem lots- N/A C. Accessory Structure locations – Yes D. Extensions into minimum required yards- Yes</p>
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<p><b>Standard 2</b> Result in a Detached Structure in a Front Yard</p>	<p>Not applicable to the subject application.</p>
<p><b>Standard 3</b> Contain a Principal Structure</p>	<p>The subject property contains a single family dwelling, which is an existing principal structure. The structure complied with setbacks of the District when it was established.</p>
<p><b>Standard 4</b> Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The proposed addition is 592 square feet, and the existing GFA of the primary structure is 2,541 square feet. Therefore the proposed addition will be approximately 23.3%, which is less than the maximum 150% expansion requirement.</p>
<p><b>Standard 5</b> Construction of Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>There is no accessory structure proposed, so this standard is not applicable to this application.</p>
<p><b>Standard 6</b> Construction in Character with On-site Development</p>	<p>The statement of justification, elevation drawings, and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the dwelling. Staff believes that the application meets this provision.</p>
<p><b>Standard 7</b> Construction Harmonious with Off-site Development</p>	<p>Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the addition is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. Staff believes this addition will be harmonious with surrounding uses and meets this provision.</p>
<p><b>Standard 8</b> Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>With existing vegetation screening the addition from adjacent property owners, staff believes that the proposed addition will not significantly impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. In regards to stormwater, if the construction disturbs more than 2,500 square feet, the application is subject to the provisions of Article 17, Site Plans, and any anticipated stormwater issues will be addressed at that time.</p>
<p><b>Standard 9</b> Minimum Required Yards is the Minimum Amount of Reduction Necessary</p>	<p>The proposed addition would be located 18.5 feet from the front lot line, which is 38% of a reduction of the required yards. The corner lot status of the property limits the alternative locations for any additions on the property. Staff believes that this is a minor encroachment and is the minimum amount of reduction necessary to accommodate the addition.</p> <p>Because the property is characterized by a steep slope and numerous mature trees in the southwestern rear yard, the applicant stated the proposed location is the most practical and feasible location on the property for this addition.</p> <p>The proposed addition would not interfere with the existing storm drainage easement located on the property.</p>

	Other issues of lot shape, yard determination, environmental characteristics, wells, floodplains and/or Resource Protection Areas, and historic resources are not applicable to this site.
<b>Standard 10</b> BZA May Impose Conditions	Staff has proposed development conditions in Appendix 1.
<b>Standard 11</b> Submission Requirements	Satisfied at time of submittal.
<b>Standard 12</b> Architectural Elevations	Elevations are provided and proposed to be incorporated as part of the development conditions.

**CONCLUSION**

Staff believes that the request for a special permit for reduction in certain yard requirements to permit an addition 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-LE-211 for the garage addition with adoption of the proposed development conditions contained in Appendix 1 of the staff report.

Staff does not make recommendations on building in error applications. However, 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.

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 Statement of Justification and Select File Photos
3. Applicant's Affidavit
4. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-LE-211****December 31, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-LE-211 located at Tax Map 82-4 ((26)) 28 to permit reduction of certain yard requirements pursuant to Section 8-922 and to permit a patio to remain pursuant to Section 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

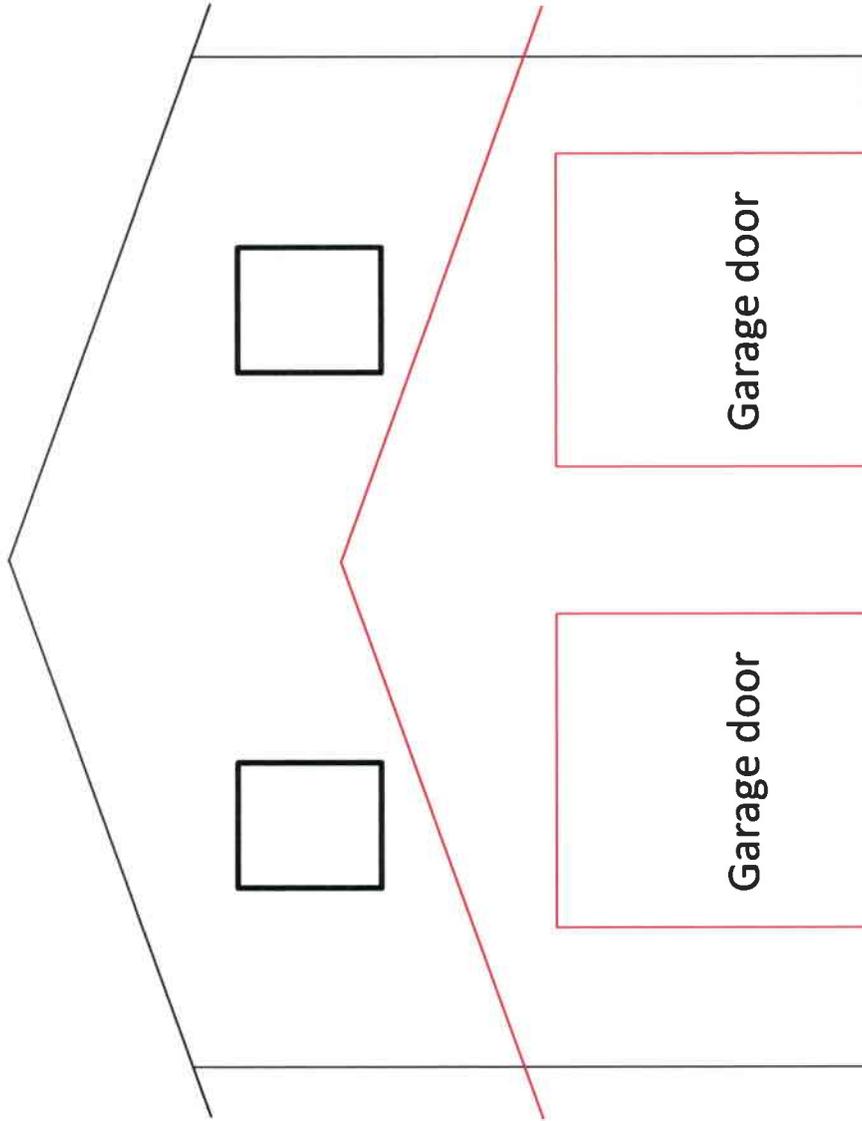
1. These conditions shall be recorded by the applicants among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the patio and the addition (592 square feet, 15 feet in height), as shown on the plat titled "Special Permit Plat, Lot 28, Section 2, Wilton Hall," prepared by Exacta Virginia Surveyors, Inc., dated March 23, 2014, as revised through August 14, 2014, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,541 square feet existing + 3,811.5 square feet (150%) = 6,352.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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.

Proposed Garage Addition (Side of House)

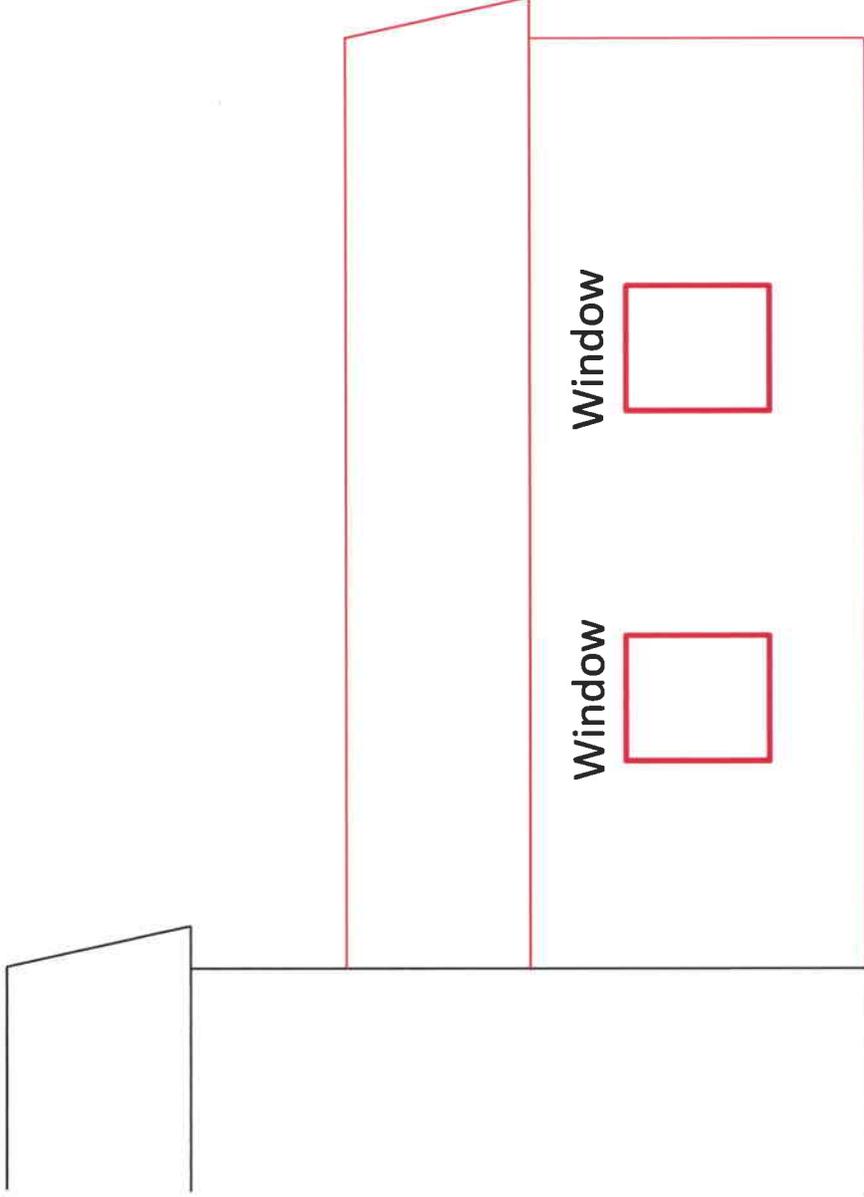


- Shingles to match current roof
- Siding to match current house

Black lines = Existing house  
Red lines = Proposed addition

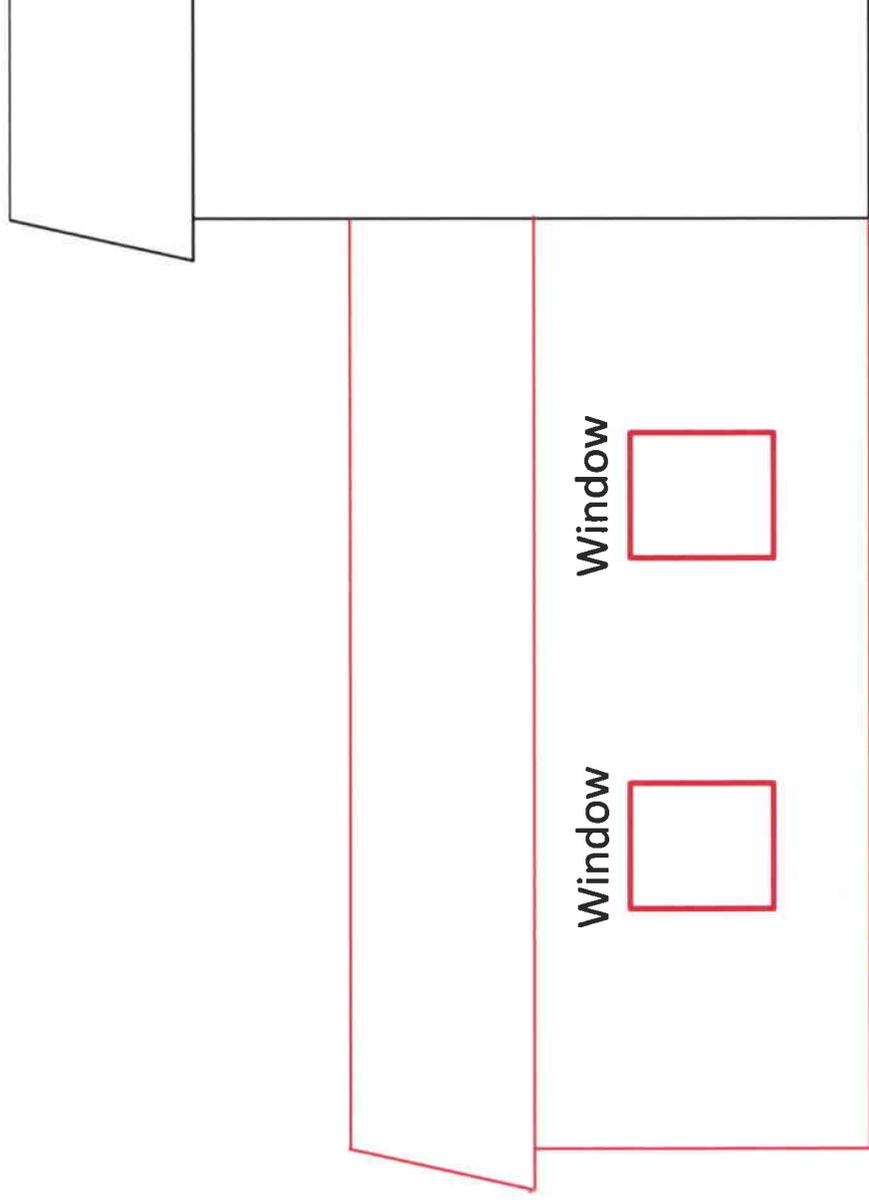
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Department of Planning & Zoning  
JUL 11 2014  
Zoning Evaluation Division

# Proposed Garage Addition (Rear of House)



Black lines = Existing house  
Red lines = Proposed addition

Proposed Garage Addition (Front of House)



Black lines = Existing house  
Red lines = Proposed addition

## 8-914 Standards

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Department of Planning & Zoning

SEP 16 2014

Zoning Evaluation Division

The following justifications are for use of the BZA as indicated in 8-914 item 2.

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

*The existing patio is 2.7 ft from the side lot line. The required distance is 5 ft. This is more than a 10% error.*

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

*N/A. The error exceeds 10%.*

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

*The patio was in place when I purchased the property in 2013. I did not realize there was a noncompliance at the time of purchase.*

D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and

*The requested reduction will not impair the purpose and intent of this Ordinance.*

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

*The patio is not detrimental to the use and enjoyment of other property in the immediate vicinity. A letter has been provided from Gary Lynn, owner of 6012 Dewey Dr, stating that he does not consider the patio detrimental to the use and enjoyment of his property. The patio is not adjacent to any other property.*

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

*The patio is separated from both 6012 Dewey Dr and the street by a fence. It does not create an unsafe condition.*

G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.

*Forcing removal of the patio incurs an expense and would cause no foreseeable benefit to any property. It would cause my property to become less attractive which would be undesirable both to me and to my neighbors which can see into my property.*

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.

*N/A*

SEP 10 2014

Zoning Evaluation Division

To whom it may concern:

I, Matthew Haskin, and my wife, Kathryn Haskin, are the sole owners of 6014 Dewey Dr in Alexandria, VA 22310. I am requesting a reduction in the minimum yard requirements based on error in building location to permit patio to remain 2.7 ft from side lot line. This is an addition to the requested reduction of the minimum setback to build a garage in SP 2014-0270.

The patio was present in its current location when we purchased the home in 2013. We were not informed at the time that it was in a non-allowable location. A vested rights determination was completed, however, the investigation was unable to determine when the patio was installed. I do not have the contact information for the previous owner to ask precisely when it was put in or how the error occurred.

A. Type of operation(s).

*The structure is a patio extending from the rear of the house.*

B. Hours of operation.

*The patio is available for use 24 hours a day.*

C. Estimated number of patrons/clients/patients/pupils/etc.

*N/A*

D. Proposed number of employees/attendants/teachers/etc.

*N/A*

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

*None*

F. Vicinity or general area to be served by the use.

*N/A*

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

*The patio is largely brick and is shown in the attached photo.*

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

and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

*There are no known hazardous or toxic substances, hazardous waste, or petroleum products to be generated, utilized, stored, treated, and/or disposed of on site nor any existing or proposed storage tanks or containers.*

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

*The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions with the exception of the minimum yard requirement which is necessary to be reduced from 5 ft to 2.7 ft in order to accommodate the existing placement of the patio.*

Thank you,

A handwritten signature in black ink, appearing to read "Matthew Haskin". The signature is written in a cursive, flowing style.

Matthew Haskin

6014 Dewey Dr

Alexandria, VA 22310

## 8-922 Standards

Item 930.00– The total gross floor area of the house at 6014 Dewey Dr Alexandria, VA 22310 is 2,541 sq ft. The total gross floor area of the proposed garage is 592 sq ft which is approximately 23% of the total gross floor area of the principal structure (which is less than the 150% allowed).

Item 930.01 - The resulting gross floor area of the addition is clearly subordinate in purpose, scale, use and intent to the principal structure on the site. The proposed addition is a two car garage attached to a single family home.

Item 930.02 - 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 on the lot. The proposed addition will be a one story garage attached to the present two-story single family home.

Item 930.03 - 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. The proposed addition will be built in a section of yard which does not include any current vegetation or trees.

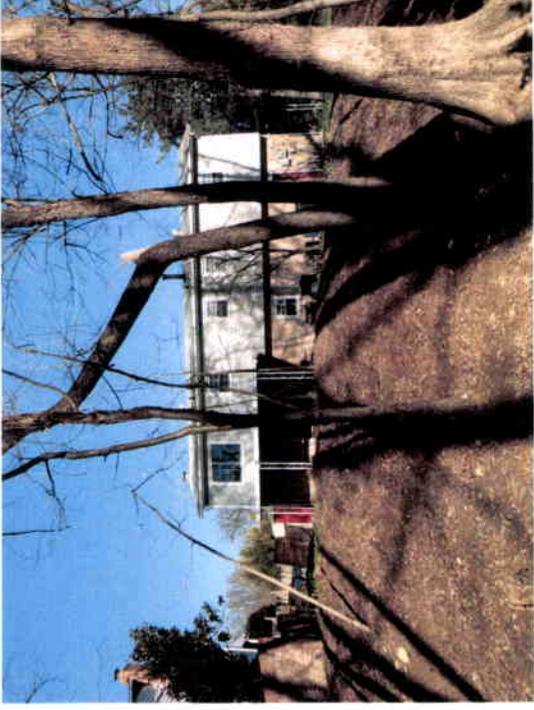
Item 930.04 - The proposed development will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.

Item 930.05 - The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Factors which were considered include 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; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Due to the presence of a relatively steep slope and numerous trees in the backyard, it is impractical and undesirable to place the proposed garage in any position other than the one proposed.

**RECEIVED**  
**Department of Planning & Zoning**  
**JUL 11 2014**  
**Zoning Evaluation Division**



6025 Shaffer Dr as seen from rear corner of lot  
(picture taken on School St) (8-14-14)



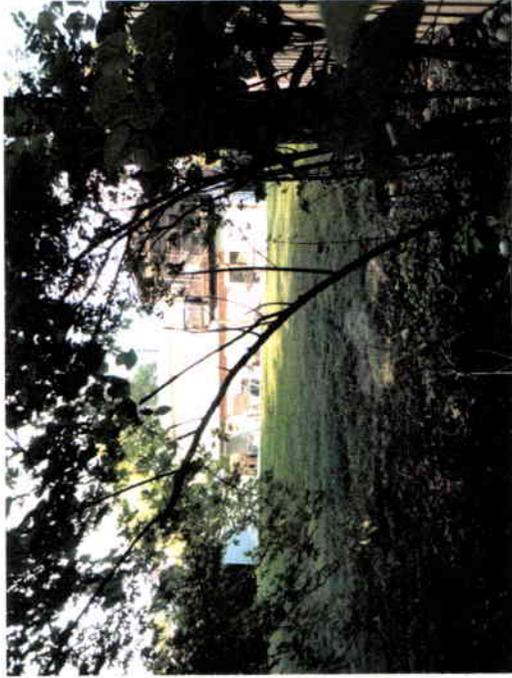
Rear of house from rear property line  
(4-1-14)



6012 Dewey Dr as seen from front corner of lot  
(8-14-14)



6025 Shaffer Dr as seen from back yard (8-14-14)



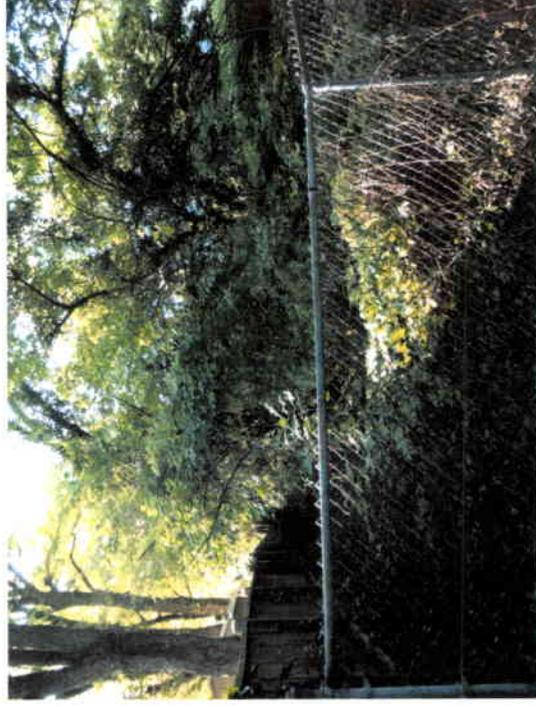
3103 Budd Way as seen at property intersection of  
6014 Dewey Dr / 3103 Budd Way / 6012 Dewey Dr  
(8-14-14)



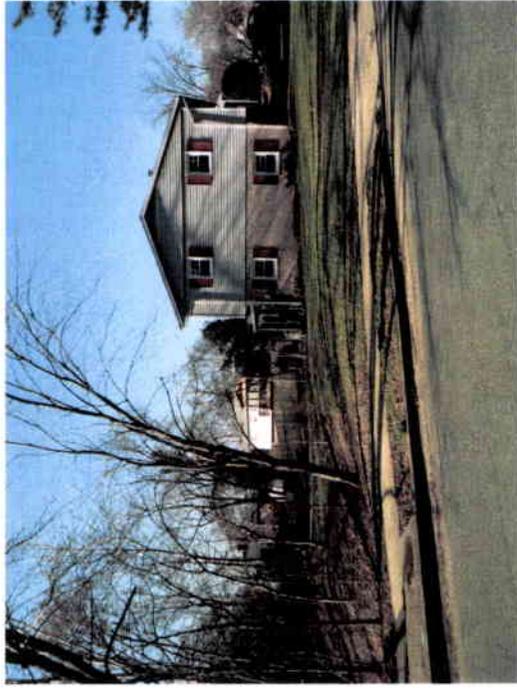
6023 Shaffer Dr as seen from back yard (8-14-14)



6012 Dewey Dr as seen at property intersection of  
6014 Dewey Dr / 3103 Budd Way / 6012 Dewey Dr  
(8-14-14)



3103 Budd Way as seen from rear corner of lot  
(8-14-14)



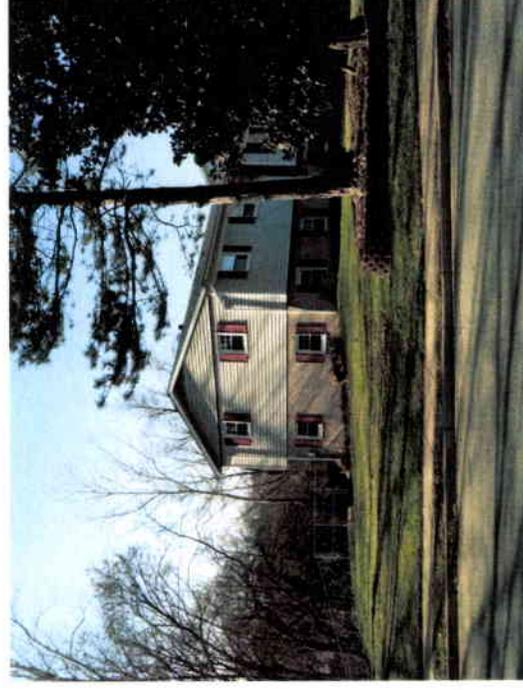
Side of house from across School St at rear edge of property (showing proposed garage site) (4-1-14)



Existing patio in the back yard of 6014 Dewey Dr (7-24-14)



Front of house from across Dewey Dr (4-1-14)



Side of house from across School St at front edge of property (showing proposed garage site) (4-1-14)



Looking towards School St from front  
corner of property (4-1-14)

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

125076

DATE: 3-28-14  
 (enter date affidavit is notarized)

I, Matthew Haskin, 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)
Matthew D Haskin	6014 Dewey Dr Alexandria VA 22300	Applicant / Title owner
Kathryn E Haskin	6014 Dewey Dr Alexandria VA 22300	Title Owner

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

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

Application No.(s): \_\_\_\_\_  
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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

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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)

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

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

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

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

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

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

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

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

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

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

NONE

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 3-28-14  
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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.

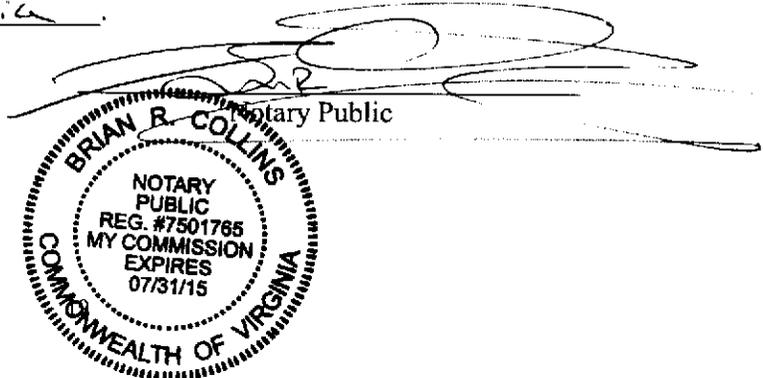
WITNESS the following signature:

(check one) Matthew Haskin  
 Applicant [ ] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 28 day of March 2014, in the State/Comm. of Alexandria VA, County/City of Alexandria.

My commission expires: 7-31-15



## **8-006 General Standards**

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

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

### **8-903 Standards For All Group 9 Uses**

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

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

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

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
  - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of well and/or septic field.
  - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

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

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

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

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

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

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

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross

floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.

- L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.