



APPLICATION ACCEPTED: September 9, 2014  
BOARD OF ZONING APPEALS: January 28, 2015  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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January 21, 2015

## STAFF REPORT

APPLICATION VC 2014-PR-012

### PROVIDENCE DISTRICT

**APPLICANT/OWNER:** Deyi Awadallah

**LOCATION:** 115 Tinner Hill Road, Falls Church 22046

**SUBDIVISION:** Charles H. Tinner Estate

**PARCEL:** 50-2 ((7)) 8

**LOT SIZE:** 4,209 square feet

**ZONING:** R-4, HC

**ZONING ORDINANCE PROVISION:** 18-401

**PROPOSAL:** To permit construction of a dwelling located 1.53 ft. from the north side lot line and 2.31 ft. from the south side lot line.

### STAFF RECOMMENDATIONS:

Staff recommends approval of VC 2014-PR-012 for the construction of a single family dwelling located 1.53 ft. from the north side lot line and 2.31 ft. from the south side lot line, subject to the proposed conditions set forth in Appendix 1.

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.

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Carmen Bishop

Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

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



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.

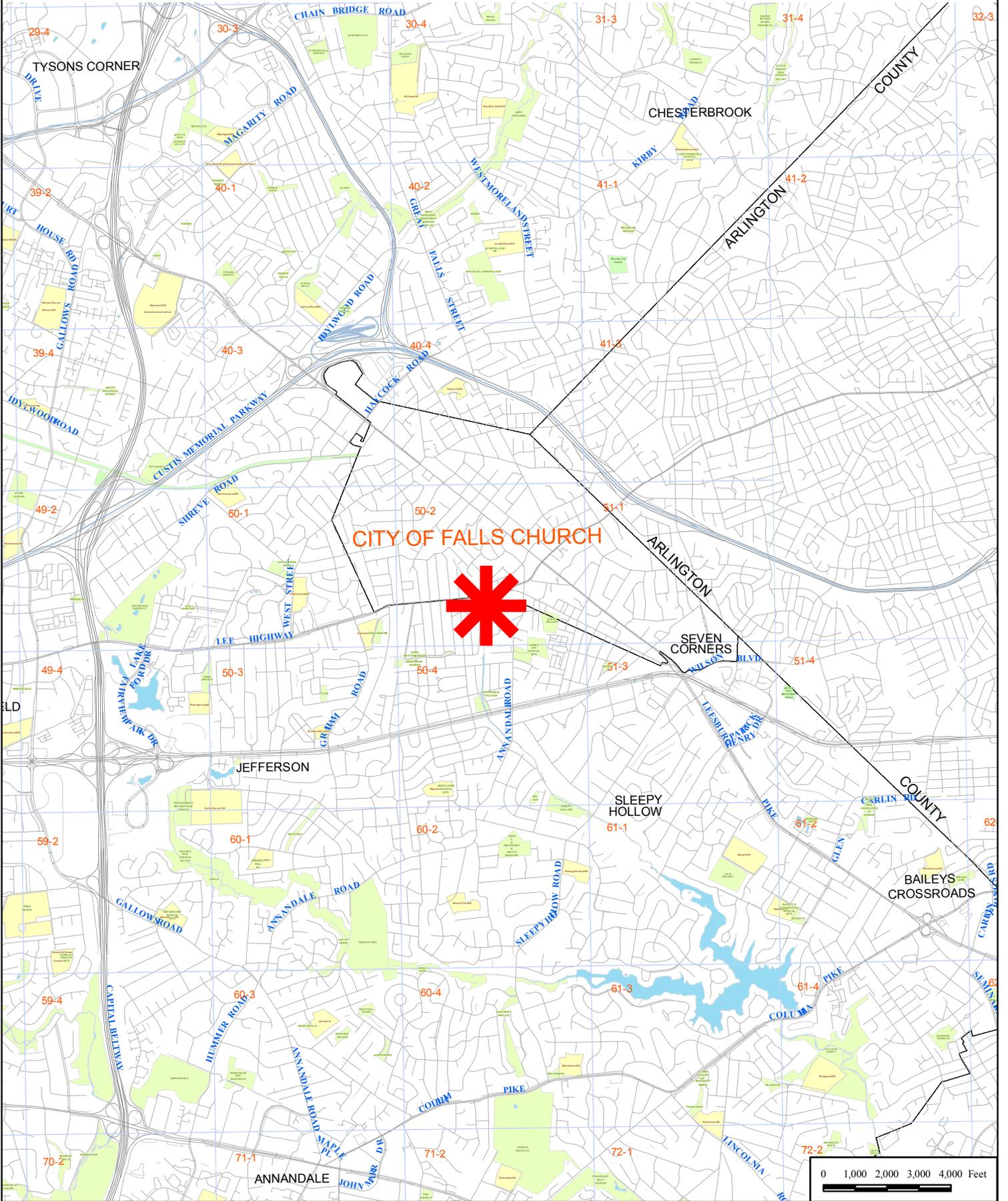
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290. **Board of Zoning Appeals meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

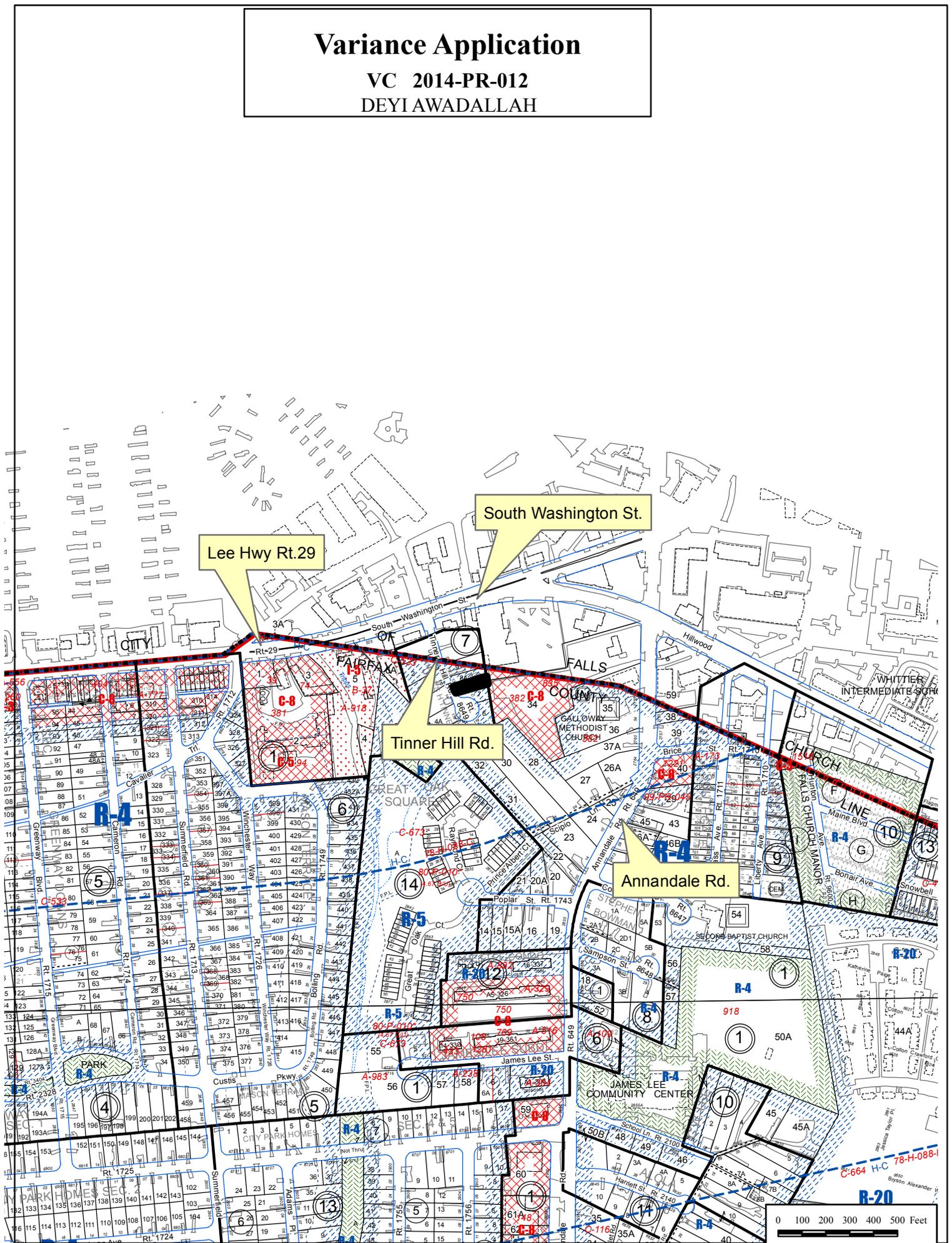
# Variance Application

VC 2014-PR-012  
DEYI AWADALLAH



# Variance Application

VC 2014-PR-012  
DEYI AWADALLAH





## DESCRIPTION OF THE APPLICATION

The applicant requests a variance for reduction of minimum side yards to permit construction of a new two-story single family detached dwelling with 2,174 square feet (3,261 square feet including the basement) on an existing lot. The lot is comprised of approximately 4,209 square feet and has a width of approximately 28 feet. The proposed dwelling would be located 1.53 feet from the north side lot line and 2.31 feet from the south side lot line, measured to the eaves. The dwelling includes a rear deck and stairs to the basement.

A reduced copy of the variance plat, titled "Variance Plat, Pt Lot 8, Charles H Tinner Estate, 115 Tinner Hill Road" prepared by Inova Engineering Consultants, Inc., dated December 7, 2014, and signed December 15, 2014, is included in the front of the staff report. Copies of the proposed development conditions, the applicant's statement of justification, and affidavit are included in Appendices 1, 2 and 3, respectively.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The property is located in the Tinner Hill neighborhood, a historically African-American community. According to the Department of Tax Administration (DTA), the existing two-story dwellings on the street were constructed between 1900 and 1938. The property is near the Tinner Hill Historic Site, a heritage resource park located partly in Fairfax County and partly in the City of Falls Church. The properties on Tinner Hill Road and surrounding residential communities are zoned R-4, and the adjacent commercial area is zoned to the C-8 District. The site is presently vacant and characterized by a mostly open lawn that is fairly level, sloping to the south. The adjacent lot to the north is developed with a single family dwelling constructed in 1915. The adjacent lot to the south is vacant. Other lots on Tinner Hill Road meet the minimum lot size requirement of 8,400 square feet, with the exception of the adjacent lots which contain 6,220 square feet (Lot 8A) and 6,604 square feet (Lot 7). Staff photographs below illustrate the character of the neighborhood.



The aerial photograph below depicts the subject property and surrounding area. The previously existing dwelling on the lot appears in the photograph.



Source: Fairfax County GIS, 2013, with added annotations

## BACKGROUND

As noted above, the property is part of the Tinner Hill neighborhood. According to the DTA, the original dwelling was constructed on the subject property in 1915. It is staff's understanding that this dwelling was destroyed in a fire and a new dwelling was constructed on the property, although the year of the fire and new construction is unknown. The dwelling was ultimately removed by the County in 2013 under a blight ordinance. A summary of the history of the site is provided below:

1915	A dwelling was constructed on the property according to DTA. This dwelling was damaged in a fire and replaced (year(s) unknown)
July 5, 1935	Lot 8 was subdivided into what are now Lots 8 and 8A.
Oct. 19, 1994	A building permit was issued for renovations to the dwelling. The renovations were not completed and no inspections were done.

Feb. 2006	Power was terminated to the property by Dominion Virginia Power.
March 5, 2009	A Notice of Violation was issued for a junk yard in a residential district.
July 31, 2012	The Board of Supervisors declared the property blighted.
Dec. 19, 2012	A suit was filed against the property owners for delinquent real estate taxes.
June 13, 2013	A building permit was issued to demolish the dwelling.
Aug. 6, 2013	A lien was placed on the property to include the cost of demolition.
Jan. 21, 2014	A letter was issued by the Zoning Administration Division to the applicant advising him that he could apply for a variance to the minimum yard requirements to construct a new dwelling.
May 30, 2014	The applicant purchased the property.
June 9, 2014	The lien on the property was released.

A Buildable Lot Determination was issued on December 5, 2014, and found that the subject lot is a valid lot under the Subdivision Ordinance. The Determination is included in Appendix 4. No similar case history exists in the immediate vicinity for the approval of a variance of this nature.

#### **LAND USE/HERITAGE RESOURCE ANALYSIS (Appendix 5)**

The previously existing dwelling had a footprint of approximately 21.5 feet by 43.5 feet and was located 1.1 feet from the north side lot line. The proposed dwelling has a footprint of 21 feet by 58 (including the front porch), with a north side yard of 3.08 feet to the wall and 1.53 feet to the eaves. The deck extends an additional 12 feet to the rear of the dwelling and stairs are provided to the basement.

The applicant has worked with staff to revise the proposed dwelling to be more in keeping with the character of the surrounding area. The applicant eliminated the front-loading attached garage, reduced the height of the dwelling, added shutters and simplified the architectural style. The applicant also shifted the proposed dwelling closer to the front lot line, while still maintaining two off-street parking spaces. Additionally, the applicant revised the driveway to provide two paved strips as recommended by the Heritage Resource staff. This revision eliminated the need for a variance for the front yard driveway surfacing.

The applicant has indicated that the exterior walls will have cementitious siding, which will closely resemble the wood siding of neighboring dwellings. This material is not noted on the plat, so a condition is proposed to require wood or cementitious siding.

In response to the recommendations of the Heritage Resource staff, the applicant submitted architectural elevations for the sides of the dwelling, included in Appendix 2 and as Attachment 1 to the proposed development conditions. If windows are not permitted due to proximity to the side lot lines, the applicant has agreed to provide faux windows in order to improve the appearance of the long facades. The applicant has

also provided, as recommended by Heritage Resource staff, an illustration of a low masonry wall to be constructed along the front property line. Proposed conditions are included to address these issues.

Standards for R-4 District					
Standard	Required	Previously Existing		Proposed	
Minimum lot area	8,400 sq. ft.	4,209 sq. ft.		4,209 sq. ft.	
Minimum lot width	70 ft.	28 ft. +/-		28 ft. +/-	
Front yard	30 ft.	24.48 ft.		35 ft. +/- (eave)	
Side yard	10 ft.	1.1 ft. (north)	3.15 ft. (south)	3.08 ft. (wall) 1.53 ft. (eave)	3.82 ft. (wall) 2.31 ft. (eave)
Rear yard	25 ft.	74.48 ft.		38.76 ft. (deck) 46.5 ft.+/- (eave)	
Max. building height	35 ft.	25 ft. +/- (measured with GIS)		25.25 ft. (measured to average height between eaves and ridge)	
Parking spaces	2	Unknown (parking in rear via adjacent driveway)		2	
Front yard driveway coverage (11-102(8))	30% <sup>1</sup>	None (driveway for Lot 8A partially on subject property)		approx. 16%	

The Buildable Lot Determination found that the property is subject to the grandfathering provisions of Sect. 2-405 of the Zoning Ordinance and, thus may be used for a permitted use in the zoning district even though the lot does not meet the minimum lot area and width of the district.

**ZONING ORDINANCE REQUIREMENTS**

This variance application must satisfy all of the nine enumerated requirements contained in Sect. 18-404, Required Standards for Variances. If the BZA determines that a variance can be justified, it must then decide the minimum variance that would afford relief as set forth in Sect. 18-405. A copy of these provisions is included as Appendix 8.

1. *That the subject property was acquired in good faith.*

The applicant acquired the property on May 30, 2014. Based on staff’s evaluation of the applicant’s statement of justification, staff believes that the property was acquired in good faith. The variance is requested in order to allow construction of a dwelling similar in size to the previously-existing dwelling, and is not sought to correct a violation.

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<sup>1</sup> Sect. 11-102 (8) provides that driveway surfacing in R-3 and R-4 shall not exceed 30%. The limitation may be exceeded for two side-by-side parking spaces as long as the surfaced area is not more than 25 feet long and 18 feet wide.

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;*

The 28-foot wide lot exhibits exceptional narrowness, as compared to the minimum required lot width of 70 feet for the R-4 District and other lots in the vicinity. The lot width has not been modified since 1935.

B. *Exceptional shallowness at the time of the effective date of the Ordinance;*

The lot has a minimum depth of 140.95 feet, which is sufficient to accommodate a single family dwelling; therefore, the lot is not exceptionally shallow.

C. *Exceptional size at the time of the effective date of the Ordinance;*

The total area of the lot is 4,209 square feet which is approximately 50 percent of the minimum required lot area of 8,400 square feet for the R-4 District. The subject property has the smallest lot size of the properties on Tinner Hill Road. Staff believes that the lot is exceptionally small in relationship to the district size.

D. *Exceptional shape at the time of the effective date of the Ordinance;*

The lot is a long, rectangular shape. Other than the narrowness, the lot does not exhibit an unusual shape.

E. *Exceptional topographic conditions;*

An exceptional slope condition does not exist on the lot.

F. *An extraordinary situation or condition of the subject property; or*

Other than the size and width of the lot, the property does not exhibit other characteristics which would affect the development of a single family detached dwelling.

G. *An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.*

The adjacent properties to the north and west (across Tinner Hill Road) are developed with single family detached dwellings, and the property to the south is presently vacant. An automobile dealership/vehicle storage appears to be located to the east. Staff does not believe there is any extraordinary condition with these adjacent properties which would affect 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.*

The subject property is the smallest lot on Tinner Hill Road, and a review of the Fairfax County Land Development System did not identify any other similar applications in the vicinity. Therefore, staff believes that the situation is not so recurring as to necessitate a new general regulation as an amendment to the Zoning Ordinance.

4. *That the strict application of this Ordinance would produce undue hardship.*

The strict application of the Zoning Ordinance would produce undue hardship, as the building would be limited to approximately 8 to 11 feet wide.

5. *That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.*

Except for the adjoining lots, other properties on Tinner Hill Road meet the minimum lot size for the district.

6. *That:*

- A. *The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the utilization of the subject property, or*
- B. *The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.*

In staff's opinion, the strict application of the Zoning Ordinance would unreasonably restrict or prohibit utilization of the subject property as application of the minimum side yard requirements would preclude construction of a single family detached dwelling.

7. *That authorization of the variance will not be of substantial detriment to adjacent property.*

Although the proposed dwelling would be approximately 16 feet at the narrowest point from the adjacent dwelling on lot 8A, staff notes that a dwelling existed on the subject property from 1915 until 2013. The previous dwelling was located closer to the front of the lot and was approximately 14 feet from the adjacent dwelling. Although increasing the front yard is not in keeping with the other dwellings on the street, this accommodates 2 off-street parking spaces, and increases the distance to the adjacent dwelling. Overall, the height, size and architectural style of the proposed dwelling are generally compatible with the character of the historic area; therefore, staff believes that 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.*

As noted above, a dwelling has historically been located on the property, and considering that the proposed dwelling is generally compatible with the neighborhood, it is staff's belief that the granting of the variance would not change the general character of the zoning district.

9. *That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.*

Staff believes that the variance application is not contrary to the public interest. The variance would allow development of a single family dwelling on a lot zoned for residential use, and upon which a dwelling has been located. Compatibility with the historic character of the area is an important consideration in this instance, and staff believes that the proposed dwelling, subject to conditions, will not adversely impact the character of the area.

## **CONCLUSION AND RECOMMENDATION**

Based on the findings stated above, staff recommends approval of VC 2014-PR-012, subject to the proposed conditions set forth in Appendix 1.

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

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

## **APPENDICES**

1. Proposed Development Conditions
2. Statement of Justification
3. Affidavit
4. Buildable Lot Determination
5. Heritage Resource Review
6. Environment and Development Review Branch Review
7. Department of Housing and Community Development Review
8. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****VC 2014-PR-012****January 21, 2014**

If it is the intent of the Board of Zoning Appeals to approve VC 2014-PR-012 located at 115 Tinner Hill Road, Tax Map 50-2 ((7)) 8, for the construction of a single family dwelling located 1.53 ft. from the north side lot line and 2.31 ft. from the south side lot line, pursuant to Section 18-401 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This variance is approved for the single family dwelling as shown on the variance plat, titled "Variance Plat, Pt Lot 8, Charles H Tinner Estate, 115 Tinner Hill Road" prepared by Inova Engineering Consultants, Inc., dated December 15, 2014 as 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. All applicable building permits and final inspections shall be obtained for the single-family detached dwelling.
4. The architectural style shall be compatible with the front elevation depicted on the variance plat identified in Condition 1.
5. The architectural style of the side elevations shall be compatible with the illustrations in Attachment 1 to these conditions. If windows are not permitted on the sides of the structure, faux windows shall be utilized to achieve the same architectural style as in Attachment 1.
6. The exterior siding material shall be wood or cementitious siding.
7. The applicant shall demonstrate attainment of EarthCraft House or 2012 National Green Building Standard using the Energy Star Qualified Homes path for energy performance through documentation provided to the Environment and Development Review Branch of the Department of Planning and Zoning prior to issuance of a residential use permit.
8. A masonry wall, two to three feet in height, and consistent in style with Attachment 1 to these conditions, shall be constructed along or near the front property line.

9. Foundation plantings, similar to those shown on Attachment 1, shall be provided, at a minimum, along the front and south side of the dwelling.

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 including requirements for building permits.

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 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 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.

**Custom Home**  
 Lot #, Section

115 Tinner Hill Road, Falls Church, VA  
 Fairfax County, Virginia

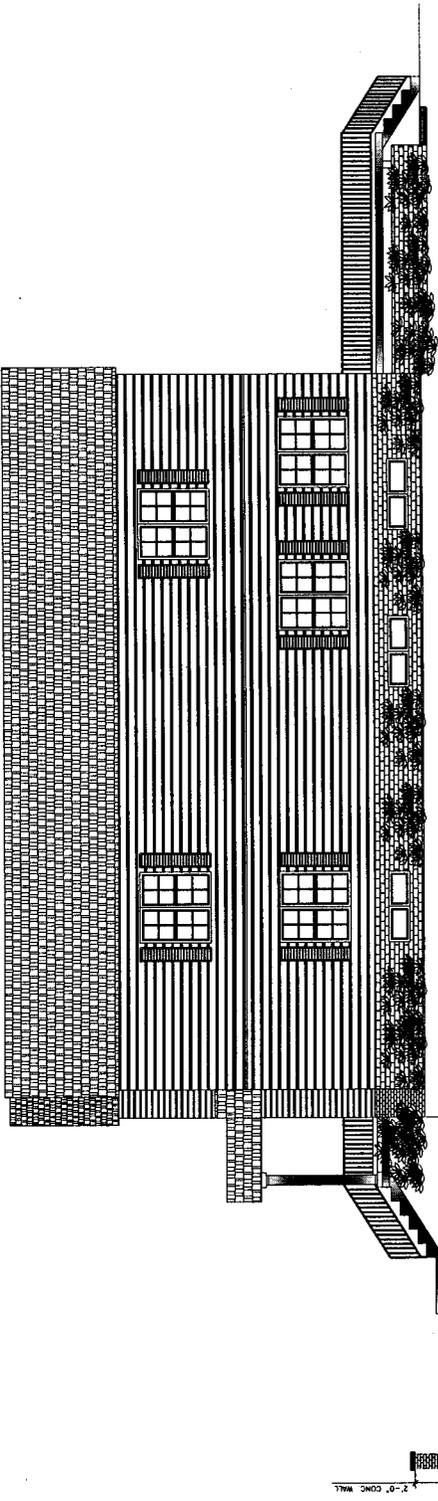
Date: Consulting Engineers  
 Consulting Engineers  
 11000 Arden Road, Suite 100  
 Fairfax, VA 22031  
 Tel: (703) 434-9071  
 Fax: (703) 434-9071  
 www.ce-engineers.com

Sheet No. **A-103**

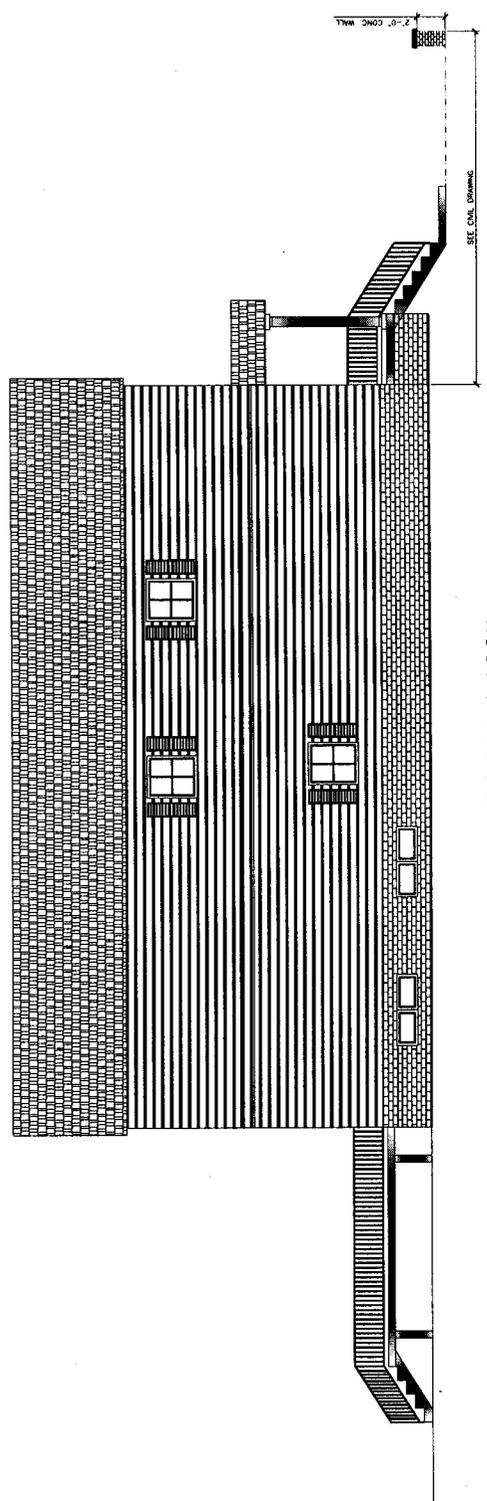
Scale: 1/4" = 1'-0"

DATE: 02/15/14  
 DRAWN BY: JLD  
 CHECKED BY: JLD  
 APPROVED BY: JLD

RELEASE DATE: 02/15/14  
 42897 Leesville Drive  
 South Riding, VA 20153  
 Tel: (703) 907-1053  
**R-J Design & Graphics**



**RIGHT SIDE ELEVATION**  
 Scale: 1/4" = 1'-0"



**LEFT SIDE ELEVATION**  
 Scale: 1/4" = 1'-0"

JUN 24 2014

Zoning Evaluation Division

**June 16, 2014**

Department Planning and Zoning  
Zoning Evaluation Department  
12055 Government Center Parkway  
Fairfax, Virginia 22035

Re: **Proposed Variance Plat pursuant to section 18-404 of the zoning ordinance**

**Property Address: 115 Tinner Hill Road, Falls church, Va 22046**  
**Tax Map: 50-2-((07))-08**

This site is eligible for requesting variance under the section 18-404 of the zoning ordinance and this application satisfies all the following enumerated requirements.

1. That the subject property was acquired in good faith.
2. The subject property has the following characteristics (note: the effective date of ordinance" is August 14, 1978).
  - a. The lot was created and building was built before the effective zoning ordinance.
  - b. This lot is substandard lot exceptional narrowness, shape and size at the time of effective date of the ordinance.
3. That the condition or situation of the subject property or 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. A. That the strict application of the zoning ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or  
  
B. That the granting of variance will alleviate a clearly demonstrate from special privilege or convenience south by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.

- 8. That 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 purposes of this ordinance and will not be contrary to the public interest.

The property was improved with a single family detached dwelling constructed before zoning ordinance was effective. This site located residential area of Falls Church. The site contains 4,209 sf (0.0966 ac) of land and is zoned R-4. Obviously the lot does not meet current setbacks or zoning requirements for R-4. IN the variance plat, the existing footprint of the house was depicted based on GIS map. The site is currently vacant. We would like to request you for granting variance pursuant to section 18-404 for meeting front and sides setbacks requirements for construction a single family dwelling on the subject property. If you have further questions please call us at 703-501-5252.



Sincerely,

Deyi Awadallah  
115 Tinner Hill Road  
Falls church, Va 22046

## **Pemberton, Debbie**

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**From:** dsaproperties@gmail.com on behalf of Deyi Awadallah <dawadallah@mrisc.com>  
**Sent:** Wednesday, August 06, 2014 1:40 PM  
**To:** Pemberton, Debbie  
**Subject:** 115 tinner hill rd addendum to application.

Deborah Lesko,

I wanted to add an explanation to my application in an effort to clarify my need for seeking a variance. I had the subject property under contract for some time. The owners of the subject property had a dispute with the county over the tax lien and late fees, as well who had true ownership. This dragged on for months.

It turned out the county had been sending the sellers notices of the county's intention to raze the property if safety concerns regarding the property's condition were not addressed. The sellers advised they never received the notices, however the county razed the property, adding an additional lien to the property for demolition fees. This created a situation for me that changed having the property under contract with a house on it to now just land.

I came in and spoke to a few people on the 8th floor on both sides. Because of the narrow lot and today's set backs, I would only be allowed to build a house no wider than 5 feet. I was advised by the county reps to apply for a variance, and as long as I was requesting the footprint of what the previously existing house use to be, I would be allowed. The plan is to rebuild a home with a footprint identical to that of the original house that previously existed. I have attached a copy of the plate with the footprint of the razed house in my application. Please advise if anything else is needed. Thanks

Deyi Awadallah  
Principal Broker/Owner  
D.S.A Properties & Investments, LLC.

703.501.5252 Cell  
703.562.6999 Fax  
[Dawadallah@mrisc.com](mailto:Dawadallah@mrisc.com)

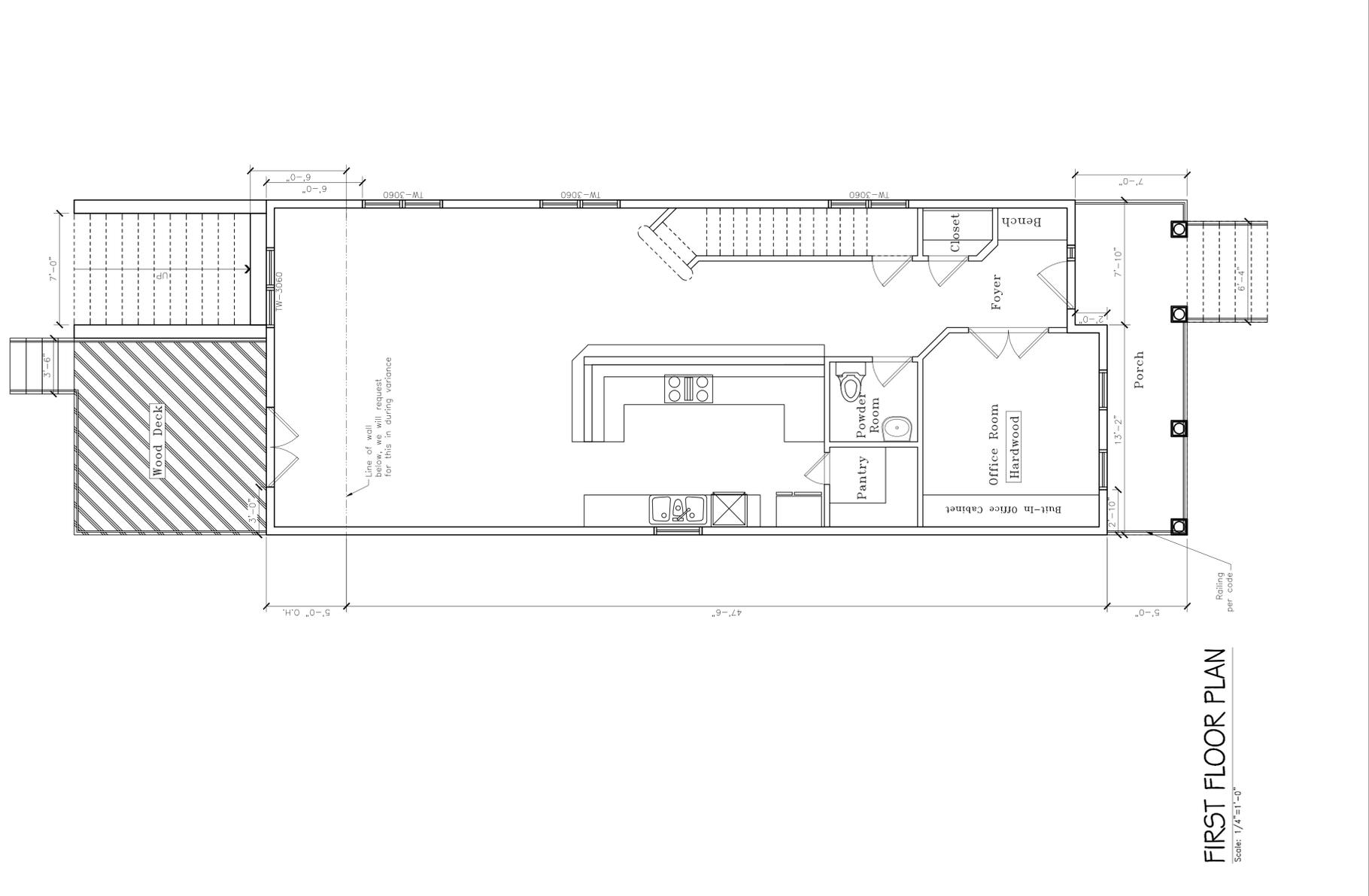




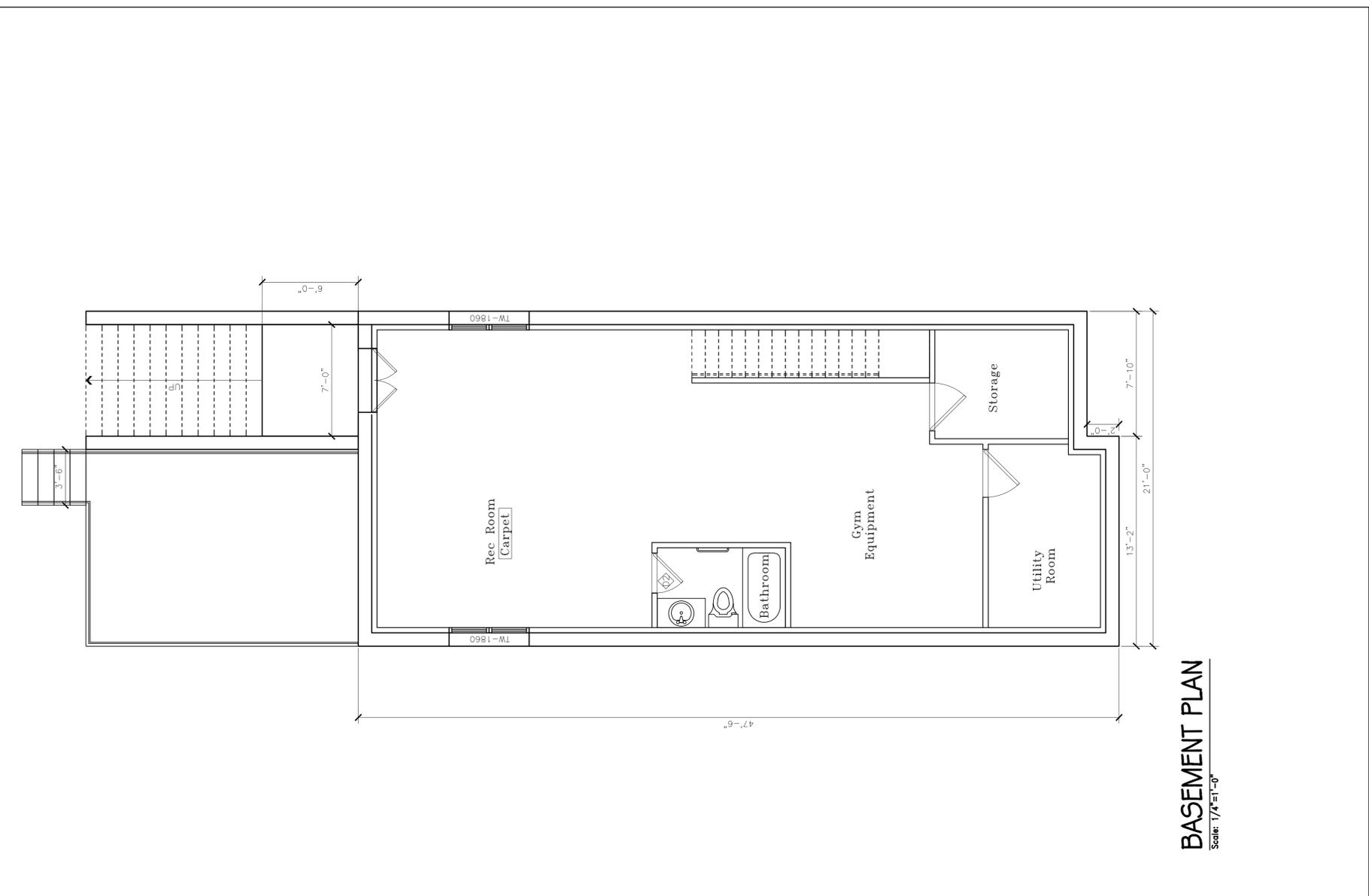
○	RELEASE DATE:	○
04/19/2014	First Draft	
xx/xx/2014	Owner Approval	
xx/xx/14	For Permit	

**Custom Home**  
Lot #, Section

Dahal Consulting Engineers  
Consulting Structural Engineer  
12801 Avenue Court  
Herndon, VA 20171  
Tel. [703] 620-0971  
e-mail: shashidahal@yahoo.com



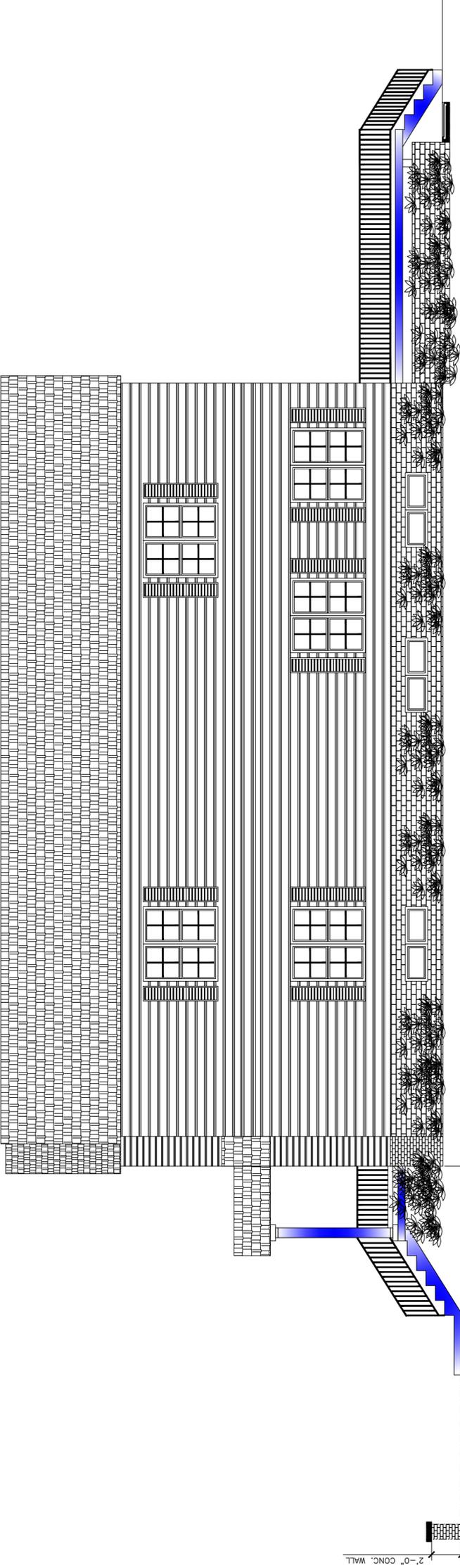
**FIRST FLOOR PLAN**  
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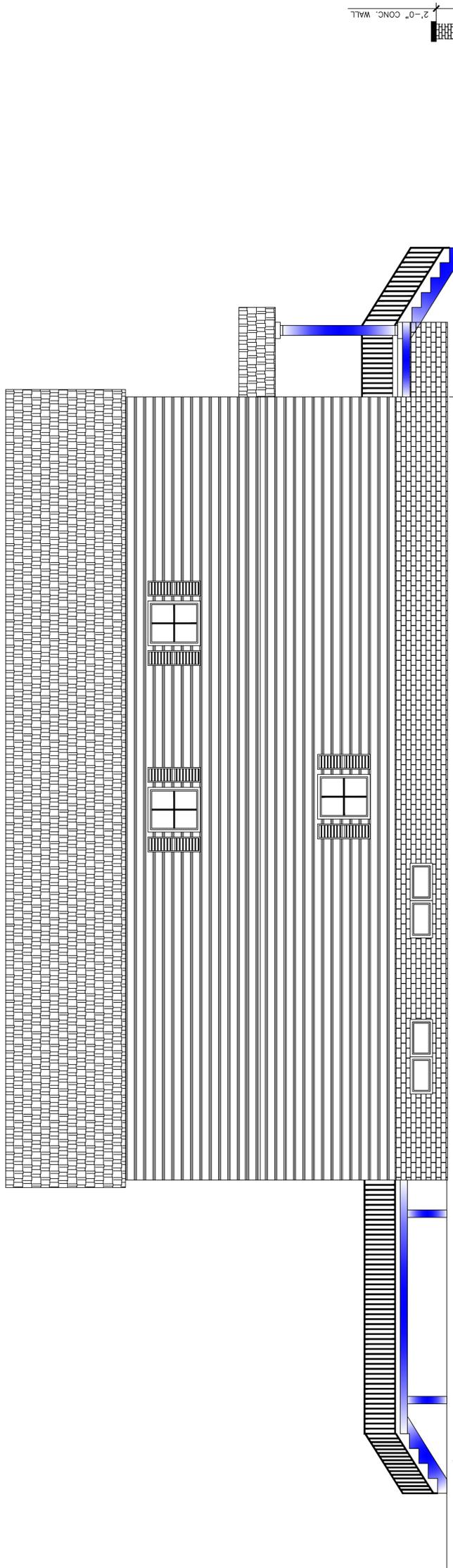
**BASEMENT PLAN**  
Scale: 1/4"=1'-0"

○ RELEASE DATE: ○

06/13/2014	First Draft
xx/xx/2014	Owner Approval
xx/xx/14	For Permit



**RIGHT SIDE ELEVATION**  
 Scale: 1/4"=1'-0"



**LEFT SIDE ELEVATION**  
 Scale: 1/4"=1'-0"

Application No.(s): VC 2014-PR-012  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11-20--2014  
 (enter date affidavit is notarized)

I, Deyi Awadallah, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)  applicant 126573  
 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)
Deyi Awadallah	3201 Magnolia Ave falls church VA 22041	<b>Applicant/Owner</b>
Inova Engineering Consultants, Inc Agent: Ram Pradhan, P.E	25209 Larks Terrace South Riding VA 20152	<b>Engineer/Agent</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): VC 2014-PR-012  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11-20-2014  
(enter date affidavit is notarized)

126573

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)  
Inova Engineering Consultants, Inc  
25209 Larks Terrace South Riding VA 20152

**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)

Ram Pradhan .P.E

(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): VC 2014-PR-012  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11-20-2014  
(enter date affidavit is notarized)

126573

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.

Application No.(s): VC 2014-PR-012  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11-20-2014  
(enter date affidavit is notarized)

126573

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): VC 2014 - PR - 012  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11-20-2014  
(enter date affidavit is notarized)

126573

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)

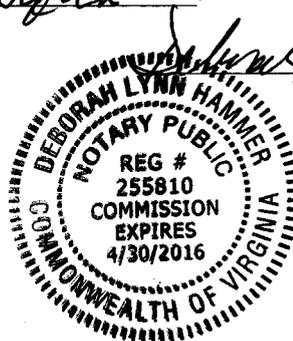
Applicant

Applicant's Authorized Agent

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

Subscribed and sworn to before me this 20<sup>th</sup> day of November 2014, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 4/30/2016



Notary Public



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

## Buildable Lot Determination

**Lot Validation Number**      **9709 - LV - 0 0 1 - 1**

**Property Tax Map Number:**      **0502-07-0008**  
**Property Address:**              **115 Tinner Hill Road**  
**Applicant's Name:**              **Deyi Awadallah**  
**Applicant's Address:**          **3201 Magnolia Ave, Falls Church, VA 22041**  
**Applicant's Email:**              **dawadallah@mris.com**  
**Applicant's Phone Number:**    **703-801-9777**  
**Current Zoning:**                  **R-4 (Residential 4DU/AC)**  
**Magisterial District:**          **Providence**  
**Subdivision Name:**              **Charles H Tinner Estates**

The Department of Public Works and Environmental Services have reviewed the subject lot for compliance with the Fairfax County Subdivision Ordinance. Based on a search of the pertinent deed information associated with this lot, it appears that the subject lot was created and recorded on 7/15/1935 in Liber VII, Page 389. From a subdivision perspective, this action is described as one of the following:

- X    SLS/06/03/2014    Recordation of a metes and bounds description or plat prior to September 1, 1947.  
Initials/Date
- \_\_\_\_\_    Recordation of a deed and plat in compliance with the Subdivision Ordinance in effect at the time.  
Initials/Date
- XXXXX    Recordation of a metes and bounds description or plat after September 1, 1947 and at least on March 25, 2003, or thereafter the subject lot has been included on the Fairfax County Real Property Identification Map as a separate lot and has been taxed as a separate lot.  
Initials/Date
- \_\_\_\_\_    None of the above. See below.

The Zoning Administration Division, Department of Planning and Zoning (DPZ) have reviewed the subject lot for compliance with the applicable requirements of the Fairfax County Zoning Ordinance. The subject lot is currently zoned R-4 which district requires a minimum lot area of 10,500 sq. ft. and a minimum lot width of 80 feet. The subject lot has a lot area of 4,722 sq.ft. and a lot width of 28 feet.

—    The subject lot meets the current Zoning Ordinance requirements for lot area and lot width.

**Department of Public Works and Environmental Services**  
**Capital Facilities, Utilities Design and Construction Division, Land Survey Branch**  
12000 Government Center Parkway, Suite 147  
Fairfax, VA 22035-0088  
Ph. 703-324-5151, TTY 1-800-828-1120, Fax 703-324-5575  
www.fairfaxcounty.gov

X The subject lot does not meet the current Zoning Ordinance requirements for lot area and/or lot width. However, the grandfathering provision of Sect. 2-405 of the Zoning Ordinance is applicable based on DPZ research that indicates that the lot met the applicable Zoning Ordinance requirements, with regard to lot area and lot width, when created/recorded or such creation/recordation predated the first Zoning Ordinance (March 1, 1941).

\_\_\_ The subject lot does not meet the current Zoning Ordinance requirements for lot area and/or lot width and did not meet such requirements at the time it was created. However, the grandfathering provision of Section 2-405 of the Zoning Ordinance is applicable based on DPZ research that indicates that the lot contained a principal structure on March 9, 2004, that was occupied or had been occupied at any time between March 9, 1999 and March 9, 2004, or is under construction pursuant to a building permit and that a Residential or Non-Residential Use Permit will be issued within 12 months after March 9, 2004.

\_\_\_ The subject lot does not meet the current Zoning Ordinance requirements and did not meet the applicable lot area and/or lot width requirements when the lot was created or any time thereafter. A separate letter from the DPZ, explaining this noncompliance will be subsequently issued.

Reviewing Authority: Getachew A. Tadesse 12/05/14  
Zoning Administration Division Date  
Department of Planning and Zoning

Based on the foregoing the following is applicable to the subject lot:

X The subject lot is considered a valid lot under the Subdivision Ordinance and a building permit may be issued for the development of a use permitted by right, by special permit or by special exception on the lot, provided all County and applicable Zoning Ordinance regulations, including minimum yard requirements, are met.

\_\_\_ The subject lot is an **outlot** under the Subdivision Ordinance and does not constitute a buildable lot.

Approving Authority: Jack W. Weyant, P.E., Director, SDID  12-5-14  
Land Development Services Date  
Department of Public Works and Environmental Services

cc: Real Estate Division, Department of Tax Administration  
Shahana Khan, GIS and Mapping Services Branch, Department of Information Technology  
Ordinance Administration Branch, Department of Planning and Zoning  
Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch  
Site Records, Land Development Services, Department of Public Works and Environmental Services

9709-LV-001-1

THIS DEED made this twenty-fifth day of June, Nineteen Hundred and thirty-five between Katrina Hine Echols, widow, of the first part and Frederick W. Herbst and Elwon Frost, parties of the second part,

7-17-35  
mailed to  
J W Herbst south  
85-11-16 ch. of yr.  
Chandler

WITNESSETH that for the sum of One Hundred Dollars, receipt of which is hereby acknowledged and for other valuable considerations, the party of the first part hereby grants, sells and conveys, with GENERAL WARRANTY unto the parties of the second part a certain tract of land in the town of Vienna, Virginia, bounded and described as follows;

BEGINNING at a point on the southeast side of Ustanali Road, which is forty feet wide, the said point being N. 50° 00' E. 58.5 feet from the north-east side of Glyndon Street, which is fifty feet wide; thence with the said side of Ustanali Road N. 50° 00' E. 422.3 feet to the southerly side of Ninovan Road; thence with said side of Ninovan Road parallel to and thirty feet from Southern boundary of the right of way of the Washington and Virginia Railway S. 67° 44' E. 420.65 feet; thence S. 50° 00' W. 618.05 feet to the corner of a one half acre lot; this point being 58.5 feet from the northeast side of Glyndon Street, thence with the line of said lot from this point N. 40° 00' W. 372.32 feet to the beginning. Containing be the same more or less 4.446 acres.

This is a part of that land conveyed to Katrina Hine Echols by Douglas H. Gordon and wife, dated July 10, 1914 recorded in Liber T. No 7 p. 518 of the deed books of Fairfax County.

Witness the following signature and seal

Katrina Hine Echols (SEAL)

STATE OF VIRGINIA,  
COUNTY OF FAIRFAX, to wit:

I, Herman Kadan, a Notary Public in and for the Stat and County aforesaid, whose Commission expires March 22, 1938, do hereby certify that this day personally appeared before me, Katrina Hine Echols, widow, whose name is signed to the foregoing and hereto annexed deed and acknowledged the same, this appearance being made in my said county.

Given under my hand this 25<sup>th</sup> day of June 1935.

Herman Kadan  
Notary Public.

In the Clerk's Office of the Circuit Court of Fairfax County, Virginia,

July 15, 1935, at 1:15 o'clock, P. M.

This deed was received, and with the certificate annexed, admitted to record.

(Stamped \$1.00 U. S. S. & G.)

Teste:

East

J. W. Richardson Clerk.

THIS DEED OF TRUST, made this 5th day of July, 1935, by and between CHARLES L. TINNER and IDA TINNER, his wife, parties of the first part, CHARLES PICKETT, TRUSTEE, party of the second part and CHANDLER HUTCHISON, party of the third part;

7-17-35  
sent to Pickett  
Chandler  
in my copy

WITNESSETH: That for and in consideration of the sum of \$10.00, cash in

Satisfied and paid in full and the lien of this trust is hereby released and discharged of record

*B. J. Lillard*  
Assignee and holder of deed

Attest: And I Certify that the ~~trust~~ bond secured by this trust ~~was~~ this day presented to me marked paid and cancelled.

Given under my hand this ~~15th~~ day of ~~March~~,  
*W. C. [Signature]*  
Deputy Clerk of the Circuit Court of Fairfax County, Va.

hand paid by the party of the second part to the parties of the first part, receipt whereof is hereby acknowledged, the parties of the first part do grant, bargain, sell and convey unto the party of the second part, with general warranty, all that certain lot or parcel of land situated in Falls Church Magisterial District, Fairfax County, Virginia, known and designated as Lot No. 8 as shown on a certain plat attached to a deed dated June 28th, 1935, between the said Charles L. Tinner and others, which deed is to be recorded among the land records of said county simultaneously herewith, less and except, however, a parcel containing 4722 square feet, conveyed by the said parties of the first part to BUFORD YOUNG and MATTIE YOUNG, his wife, by deed bearing even date herewith, and to be recorded simultaneously with this deed of trust.

Reference is hereby made to said plat and deeds for a further and more particular description of the land hereby conveyed.

IN TRUST, to secure the payment to the party of the third part of the sum of \$750.00, and interest, evidenced by the bond of the parties of the first part for said sum of \$750.00, dated April 15th, 1935, payable to the order of the party of the third part, three years after date, with interest from date at the rate of six per cent per annum, payable semi-annually. Said bond is identified by signature of trustee, exemptions waived, subject to all upon default, renewal or extension permitted, insurance required at least \$1000.00.

THIS DEED OF TRUST is made, executed and delivered pursuant to and is to be construed in accordance with the provisions of Section 5167 of the Code of Virginia, as amended.

IN THE EVENT of default in the performance of any of the covenants contained herein or imposed by the provisions of Section 5167 of the Code of Virginia, the party of the second part shall proceed to sell as a whole the above described land for cash at public auction, in front of the Court House at Fairfax, Virginia, after advertising the said sale by four weekly insertions thereof in the Fairfax Herald, a newspaper published in said county in the four issues of the said newspaper next preceding the day of sale, and should the Fairfax Herald not be in existence at the time of such default the sale shall be advertised in a similar manner in any other newspaper published or circulated in said county.

In the event the property hereby conveyed should be advertised for sale under this trust and sale not made for any reason the party of the second part shall be entitled to receive one-half of the regular commissions calculated upon the principal of the indebtedness hereby secured and remaining unpaid.

IN THE EVENT of the resignation, death, incapacity, disability, removal or absence from the state of the party of the second part the holders of a majority in amount of the indebtedness hereby secured shall have the right to appoint a substituted trustee or trustees in accordance with the provisions of the Statute in such cases made and provided.

In event of sale bidder's deposit of not more than 10% of his bid may be required.

WITNESS the following signatures and seals:

Charles L. Tinner (SEAL)  
Ida Tinner (SEAL)



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** 22 December 2014

**TO:** Carmen Bishop, Staff Coordinator, Zoning Evaluation Division

**FROM:** Linda Cornish Blank, Historic Preservation Planner *LCB*

**SUBJECT:** VC 2014-PR-012; 115 Tinner Hill Rd., Parcel tax map # 50-2 ((7)) 8. Request for side yard variances to construct a single family residence, 2-story over basement. The lot varies in width; ranging from approximately 28' to 32'. The lot area is approximately 4,209 sf. The previously existing house had a footprint of approximately 935 sf; the proposed footprint of the new dwelling is 1,087 sf, excluding the front porch.

**Planning Location:** Fairfax County Comprehensive Plan, 2013 Edition, Area I, Jefferson Planning District; Amended through 4-29-2014, Overview, pp. 7 and 11.

Jefferson Planning District, Overview:

“Heritage Resources

The Jefferson Planning District contains both known and potential heritage resources. . . . The Inventory is open-ended and continues to grow. . . . Identified heritage resources include:

- James E. Lee Negro Elementary School – This 1940s school served African-American students in the Falls Church area. . . .

The county Inventory of Historic Sites includes properties which meet certain eligibility criteria and are officially designated by the County's History Commission. In addition to historic, architectural or archaeological significance, property that serves as a focus of community identity and pride may also be recognized. The benefits of designation include public recognition of the structure's significance and enhanced support for preservation. . . . “

Heritage Resource Review:

The subject property is located in the Tinner Hill neighborhood; a historically African-American neighborhood. The Tinner Hill Foundation has been actively involved in creating a heritage resource park in the community. The heritage resource park is located on a two-parcel site, partially in Fairfax County and partially in the city of Falls Church, one block from the subject property. Interpretative elements are currently being installed at the park.

Staff does not believe that the neighborhood has ever been evaluated for listing in the county Inventory of Historic Sites. However, the neighborhood appears to meet eligibility criteria for listing in the Inventory. Staff is investigating the possibility of working with the community to prepare a historic inventory district nomination for Tinner Hill.

Department of Planning and Zoning  
 Planning Division  
 12055 Government Center Parkway, Suite 730  
 Fairfax, Virginia 22035-5509  
 Phone 703-324-1380  
 Fax 703-324-3056  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



Excellence \* Innovation \* Stewardship  
 Integrity \* Teamwork \* Public Service

**Heritage Resource Staff findings and comment:**

1. Because Tinner Hill appears to meet the eligibility criteria for listing in the county Inventory of Historic Sites, infill construction in the neighborhood should be compatible with the existing dwellings to protect its character. The proposed dwelling should be compatible in size, scale, materials and architectural design to the existing dwellings on Tinner Hill Road.
2. The 1935 plat, attached to the recorded deed shows parcels 6-11, east side of Tinner Hill Road, as part of the estate of Charles H. Tinner and indicates that part of the estate was located in the town of Falls Church. The 1937 aerial of Tinner Hill shows buildings on and along the property lines of what are currently identified as parcels 7 and 8; the same parcel numbers as shown on the 1935 plat. (Parcel 8 is the subject property of this application.) See attached 1937 aerial.
3. The existing single family residential dwellings in the 100 block of Tinner Hill Road are primarily frame construction with various types of siding, full or wrap-around front porches, front and side facing gable roofs, and several with wide eaves. The proposed architectural design has elements common to the other dwellings on the street; a full front porch, gable end facing the street and frame construction with façade material of wood/hardi-board siding. The proposed 1 ½' wide eave helps give definition to the façade and is in-keeping with wide eaves found on several of the existing dwellings.
4. This is a deep narrow lot representative of urban layouts in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Carriage houses and garages were often built as free standing structures at the rear of the property with a drive path at the side. While this layout would be preferred to a driveway in the front yard, it is understood that this creates further side yard setback concerns. The proposed driveway of two concrete strips with grass in between is appropriate as there will be less paving in the front yard than with a fully paved asphalt driveway. In addition, it presents a more pedestrian-friendly appearance at the street than a fully paved asphalt driveway.
5. The proposed footprint is 15% larger than that of the demolished house which previously occupied the site. (As stated in the staff report, it is staff's understanding that this is not the original dwelling constructed on the site.) The proposed dwelling's total square foot above grade living area is 2,174. This is in-keeping with the existing dwellings which tax records indicate range from 852 to 2,333 square feet. While the proposed footprint is not substantially larger, it will create a long side wall expanse. Because the adjacent lot to the south, parcel 7 is vacant as are parcels 6 and 4B also to the south of the subject property, the south side façade will be highly visible. This makes the design treatment on the façade significant. The variance plat, along with floor plans submitted by the applicant, indicates three window openings on the first floor and two on the second floor. Staff has concern that building code requirements may impact the number and type of openings allowed because the dwelling is proposed to be 3.82' from the south side lot line, measured to the wall. Staff requests that the applicant submit illustratives for the side elevation so that the proposed design treatment can be evaluated. And if openings are prohibited, that the applicant work with staff to identify alternative design treatments, such as closed shutters covering faux openings, to break-up the long wall expanse.
6. The house that was demolished was approximately 25' in height; other houses on the street measure 23'-25' in height using the height tool with Pictometry. The proposed height for the new dwelling is 29.5'. Although taller than the existing dwellings, the location of the proposed dwelling on the downhill near the bottom of the hill will mitigate the effect of the new dwelling's height on the existing houses.

7. The proposed setback is not in-keeping with the siting of the existing dwellings on Tinner Hill Road and creates a different private vs public space relationship along the street frontage. However, in this instance staff believes there is a benefit. The dwelling is proposed to be placed in a location where it will not be highly visible when entering the neighborhood from the north thus reducing its immediate impact. Staff finds that having some immediate street presence and providing private vs public space relationship along the street frontage for the site desirable. Staff recommends that a 2'-3' high masonry wall paralleling the street along the front property line be considered.
8. The proposed dwelling appears compatible to existing dwellings in the neighborhood provided that the concern with the south façade and street presence be addressed. Staff would encourage the applicant to continue with a simple architectural design and details as shown in the applicant's illustrative of the front façade. That includes using earth tones, tan or brown siding with green accent door and shutters and white trim. Similar earth tones of tan or brown should also be used for the low wall at the street. These colors are characteristic of those used in the early decades of the 20<sup>th</sup> century when the Tinner Hill neighborhood was developing.

**Heritage Resource Staff recommendation:**

1. The applicant submit illustratives for the south side elevation as indicated on the variance plat showing three window openings on the first floor and two on the second floor for evaluation of the proposed design treatment by the Board of Zoning Appeals (BZA). If the number and type of openings proposed are prohibited on that elevation due to building code requirements in regard to the dwelling's proximity to the south lot line, then staff recommends that the BZA direct the applicant to work with staff to identify alternative design treatments, such as closed shutters covering faux openings, to break-up the long wall expanse of this highly visible facade.
2. The applicant agree to construct a 2'-3' high masonry wall paralleling the street along the front property line to give some street presence and provide a private vs public space relationship along the street frontage. The applicant submit an illustrative of the wall to the BZA for evaluation.

Attachment 1937 aerial showing Tinner Hill

# Tinner Hill

1937 Aerial Photograph

1937 Aerial -  
Tinner Hill Road  
with Current Parcel  
Overlay Line

OF  
FAIRFAX

FALLS  
COUNTY

FPI





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** November 7, 2014

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

**FROM:** Pamela G. Nee, Chief  
Environment and Development Review Branch, DPZ

**SUBJECT: Environmental Assessment: VC 2014-PR-012, Awadallah**

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject variance. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are in harmony with Plan policies.

### COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

The Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, page 7-8 states:

**“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County's streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation. . . .
- Encourage cluster development when designed to maximize protection of ecologically valuable land. . . .
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements.
- Where appropriate, use protective easements in areas outside of private residential lots as a mechanism to protect wooded areas and steep slopes. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements.”

The Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Environment section as amended through July 1, 2014, page 10 states:

**“Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .”

The Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Environment, as amended through July 1, 2014, page 19-21 states:

**Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.**

Policy a. In consideration of other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices may include, but are not limited to:

- Environmentally-sensitive siting and construction of development;
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*);
- Optimization of energy performance of structures/energy-efficient design;
- Use of renewable energy resources;
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products;
- Application of best practices for water conservation, such as water efficient landscaping and innovative wastewater technologies, that can serve to reduce the use of potable water and/or reduce stormwater runoff volumes;
- Reuse of existing building materials for redevelopment projects;
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris;
- Use of recycled and rapidly renewable building materials;
- Use of building materials and products that originate from nearby sources;
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials;
- Reuse, preservation and conservation of existing buildings, including

historic structures;

- Retrofitting of other green building practices within existing structures to be preserved, conserved and reused;
- Energy and water usage data collection and performance monitoring;
- Solid waste and recycling management practices; and
- Natural lighting for occupants.

Encourage commitments to implementation of green building practices through certification under established green building rating systems for individual buildings (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design for New Construction [LEED-NC<sup>®</sup>] or the U.S. Green Building Council's Leadership in Energy and Environmental Design for Core and Shell [LEED-CS<sup>®</sup>] program or other equivalent programs with third party certification). An equivalent program is one that is independent, third-party verified, and has regional or national recognition or one that otherwise includes multiple green building concepts and overall levels of green building performance that are at least similar in scope to the applicable LEED rating system. Encourage commitments to the attainment of the ENERGY STAR<sup>®</sup> rating where available. Encourage certification of new homes through an established residential green building rating system that incorporates multiple green building concepts and has a level of energy performance that is comparable to or exceeds ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. . . .

Policy c. Ensure that zoning proposals for residential development that are not otherwise addressed in Policy b above will incorporate green building practices sufficient to attain certification under an established residential green building rating system that incorporates multiple green building concepts and that includes an ENERGY STAR Qualified Homes designation or a comparable level of energy performance. Where such zoning proposals seek development at or above the mid-point of the Plan density range, ensure that county expectations regarding the incorporation of green building practices are exceeded in two or more of the following measurable categories: energy efficiency; water conservation; reusable and recycled building materials; pedestrian orientation and alternative transportation strategies; healthier indoor air quality; open space and habitat conservation and restoration; and greenhouse gas emission reduction. As intensity or density increases, the expectations for achievement in the area of green building practices would commensurately increase.”

## ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the county's remaining natural amenities. This application seeks to construct a one single-family detached dwelling; variances are needed for lot area, lot width, minimum side yards and front yard coverage.

**Water Quality Best Management Practices:** The subject property is located within the Cameron Run watershed. This application proposes a single-family home on the 4,209 square foot lot which is slightly less than 50% impervious surface coverage. The variance plat does not include any information which describes how the applicant proposes to meet water quality and water quantity control requirements. The applicant should demonstrate how water quality and water quantity control requirements will be addressed. The adequacy of stormwater management/best management practice (SWM/BMP) facilities and outfall adequacy will be subject to review and approval by the Department of Public Works and Environmental Services (DPWES).

On May 24, 2011, the Virginia Soil and Water Conservation Board adopted Final Stormwater Regulations, which became effective September 13, 2011. The regulations require all local governments in Virginia to adopt and enforce new stormwater management requirements; these new requirements must be effective on July 1, 2014. In support of this legislation, the Fairfax County Board of Supervisors adopted the Stormwater Management Ordinance as an amendment to the Code of Fairfax County on January 28, 2014.

[http://www.fairfaxcounty.gov/dpwes/stormwaterordinance/chapter\\_124.pdf](http://www.fairfaxcounty.gov/dpwes/stormwaterordinance/chapter_124.pdf)

Staff from the DPWES administers the stormwater management ordinance, which became effective July 1, 2014.

### **Green Building:**

The Policy Plan recommends residential development incorporate green building practices sufficient to attain certification under an established residential green building rating system that incorporates multiple green building concepts. To be in conformance with this green building policy, the applicant should commit to demonstrating attainment of Earthcraft House or 2012 National Green Building Standard using the Energy Star Qualified Homes path for energy performance prior to issuance of a residential use permit. This issue remains outstanding.

PGN/MAW



# County of Fairfax, Virginia

## MEMORANDUM

DATE: January 20, 2015

**TO:** Carmen Bishop, AICP  
Staff Coordinator  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning

**FROM:** Robert Fields  
Real Estate and Finance Division, Department of Housing and Community  
Development

**SUBJECT:** Review of Application VC 2014-PR-012, Deyi Awadallah

Good morning Carmen;

I have reviewed Application VC 2014-PR-012, by Mr. Deyi Awadallah to construct a single family house at 115 Tinner Hill Road, Falls Church, Virginia. This property is located within the James Lee/Falls Church Conservation Plan area. Under the terms of this plan, the Department of Housing and Community Development may comment on zoning application for properties, located within the Conservation Area.

Review of the application indicates that the lot in question, while now vacant, has been declared a buildable lot by Fairfax County authorities. The lot is 28 feet wide and contains 4,209 SF. The current owner desires to construct single family house of 3,216 SF, including a basement; however the building lot does not meet the side yard setback requirements of the Zoning Ordinance. The owner requests a variance to the property to permit side yard setback of 1.53 feet from the north lot line and 2.31 feet from the south lot line.

The application further describes that the owner has followed correct Fairfax County and DPZ procedures in purchasing the lot and seeking permission to build. I also find in the application that the owner has proposed construction details to insure that the proposed dwelling unit will blend in with the existing community.

While I do not normally encourage building housing units in such small land spaces, I support this application for development in because the property has supported a previous dwelling unit and that the owner has put a good faith effort to construct a dwelling unit that will uphold the community housing style.

Best regards,

Robert C. Fields  
REF& GM Division

Department of Housing and Community Development

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[www.fairfaxcounty.gov/rha](http://www.fairfaxcounty.gov/rha)

**18-404 Required Standards for Variances**

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

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 the utilization of the subject property, or
  - B. The granting of a variance will alleviate a clearly demonstrable hardship 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 purposes of this Ordinance and will not be contrary to the public interest.

**18-405      Conditions**

Upon a determination by the BZA that the applicant has satisfied the requirements for a variance as set forth in Sect. 404 above, the BZA shall then determine the minimum variance that would afford relief. In authorizing such variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be met.