



APPLICATION ACCEPTED: March 5, 2014
ADMINISTRATIVELY MOVED AT APPL. REQUEST
BOARD OF ZONING APPEALS: January 28, 2015
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 21, 2015

STAFF REPORT

VARIANCE VC 2014-MV-015

MOUNT VERNON DISTRICT

APPLICANTS/ OWNERS: Jonelle M. Dilley
Michael A. Guerra

STREET ADDRESS: 9001 Greylock Street, Alexandria, 22308

SUBDIVISION: Stratford Landing, Section Two

TAX MAP REFERENCE: 111-1 ((3)) (6) 10

LOT SIZE: 12,154 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 18-401

VARIANCE PROPOSAL: To permit construction of an accessory structure in the front yard of a lot containing 36,000 square feet or less.

STAFF RECOMMENDATION:

Staff recommends denial of VC 2014-MV-015.

However, if it is the intention of the Board of Zoning Appeals to approve VC 2014-MV-015, staff recommends that such approval be conditioned upon adoption of the proposed development conditions contained in Appendix 1.

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

Laura Arseneau

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 (5) days after the decision becomes final.

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

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



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

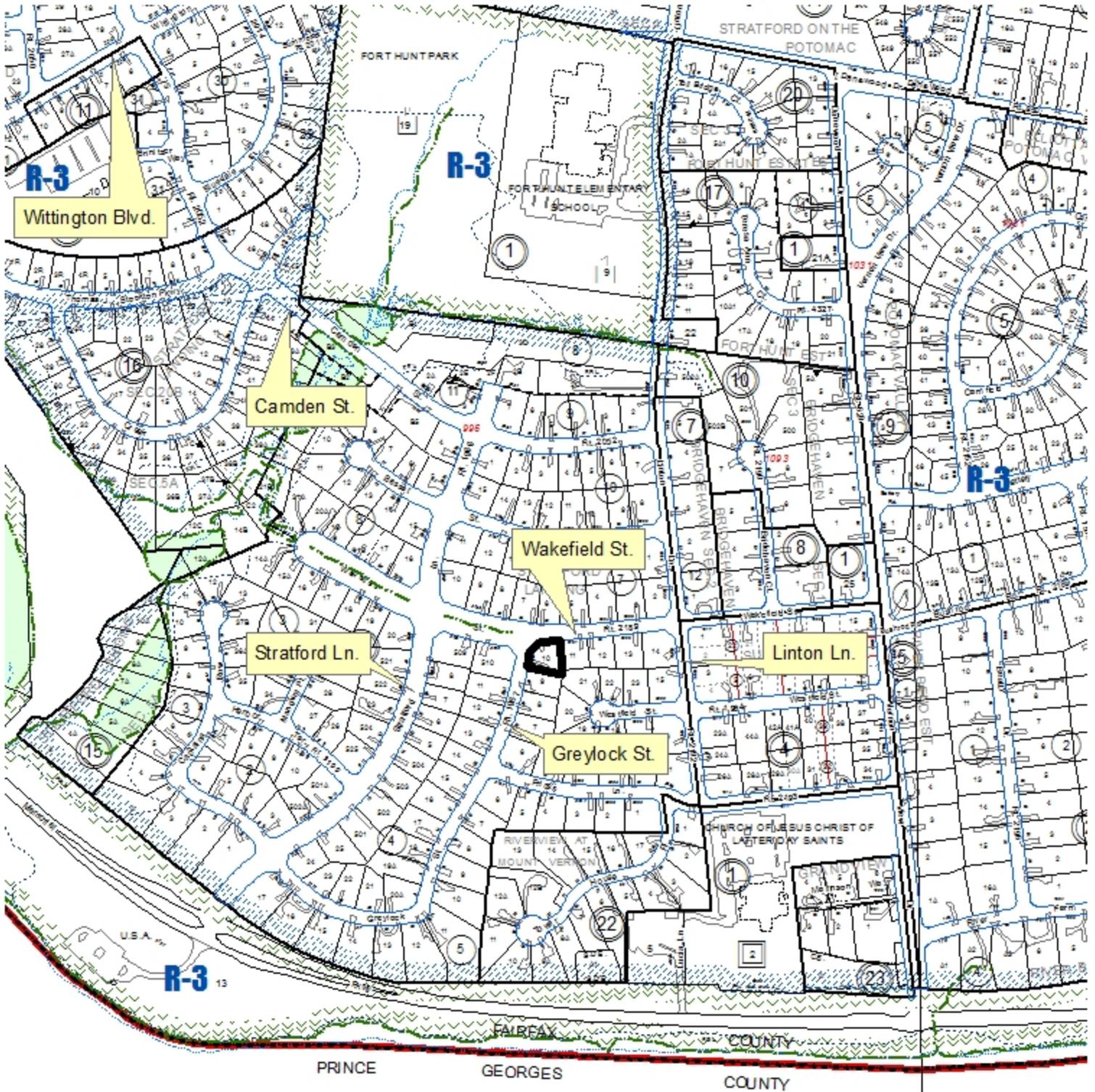
Variance Application

VC 2014-MV-015
JONELLE DILLEY AND MICHAEL GUERRA



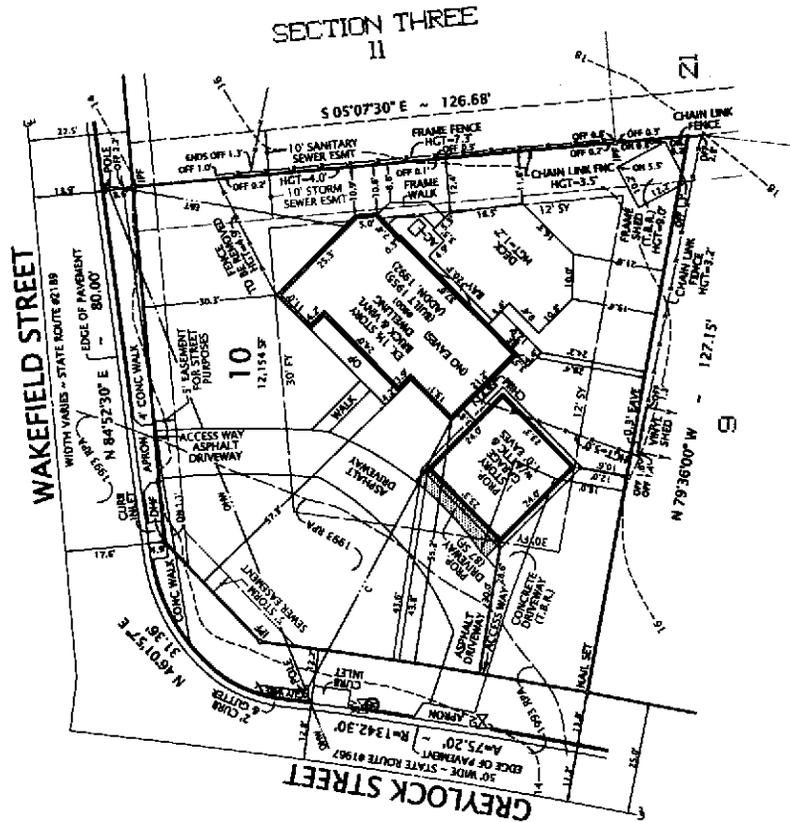
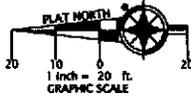
Variance Application

VC 2014-MV-015
JONELLE DILLEY AND MICHAEL GUERRA



NOTES

1. TAX MAP: 111-1-03-06-0010
2. ZONE: R-3 (RESIDENTIAL 3 DU/AC)
3. LOT AREA: 12,154 SF (0.2790 AC)
4. REQUIRED YARDS: (CORNER LOT)
FRONT: 30.0 FEET
SIDE: 12.0 FEET
5. HEIGHTS:
EX. DWELLING = 26.0 FEET
EX. SHED = 09.0 FEET
PROP. DET. GARAGE = NOT TO EXCEED 20.5 FEET
EX. DECK = 01.2 FEET
EX. FENCES = AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
EX. BASEMENT = 893 SF
EX. FIRST FLOOR = 1,073 SF
EX. SECOND FLOOR = 447 SF
EX. GROSS FLOOR AREA = 2,413 SF
EX. FLOOR AREA RATIO: EX. GFA (2413) / LOT AREA (12154) = 0.20
PROP. DETACHED GARAGE 1ST FLOOR = 559 SF
PROP. DETACHED GARAGE ATTIC = 187 SF
TOTAL = 746 SF
PROP. DET. GARAGE (746) / EX. GFA (2413) = 0.31
PROP. GROSS FLOOR AREA: EX. GFA (2413) + PROP. DET. GAR. (746) = 3,159 SF
PROP. FLOOR AREA RATIO: PROP. GFA (3159) / LOT AREA (12154) = 0.26



PLAT
SHOWING THE IMPROVEMENTS ON
LOT 10, BLOCK 6, SECTION TWO
STRATFORD LANDING
(DEED BOOK 1392, PAGE 391)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 20'
DECEMBER 02, 2013
SEPTEMBER 23, 2014 (REV.)

<p>1. I HEREBY CERTIFY THAT THE PORTIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CORNER FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THE DATE.</p> <p>THIS PLAT IS SUBJECT TO INSTRUCTIONS OF RECORD.</p> <p>A TITLE REPORT WILL NOT FURNISH. NO CORNER MARKERS SET.</p>	<p>CASE NAME MICHAEL A. CURRAN JONELLE M. DULLY</p> <p>DOMINION Surveyors, Inc. 8800 N. BEASLEY BLVD. SUITE 200 ALEXANDRIA, VIRGINIA 22304 703.419.8555 FAX: 703.795.5412</p>
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NOT TO SCALE

RECEIVED
Department of Planning & Zoning
OCT 07 2014
Zoning Evaluation Division

VARIANCE REQUEST

The applicant requests approval of a variance to allow the construction of an accessory structure (detached garage) in the front yard of a lot containing 36,000 square feet or less. The proposed two-car garage would be 559 square feet of the first floor plus a 187 square foot attic. The garage would be 20.5 feet in height. The proposed location would be to the southwest of the dwelling.

A copy of the special permit plat titled, "Plat, Showing the Improvements on Lot 10, Block 6, Section Two, Stratford Landing," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated December 2, 2013, as revised through September 25, 2014, is included in the front of the staff report.

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 12,154 square foot lot contains a one and one half story dwelling. Vehicular access to the dwelling is provided by an asphalt driveway by entrances on Greylock Street and Wakefield Street. A walkway and open porch are located to the northwest of the dwelling. A five foot wide storm sewer easement is located in the northwest corner of the property. A deck, basement entrance and a shed (to be removed) are located to the southeast of the dwelling. A 10 foot wide stormwater easement is located to the east of the dwelling. A chimney is located on the southwest façade of the dwelling.



Figure 1. Lot location

The subject property and surrounding properties are zoned R-3 and developed with single family detached dwellings.

BACKGROUND

According to Fairfax County Tax Records, the dwelling on the property was constructed in 1955, with an addition constructed in 1992. The property was purchased by the applicant in March 2013.

On November 26, 1991, a building permit was finalized for the enclosure of a carport. The carport was proposed to be 290 square feet in size and located 12.0 feet from the eastern side property line (Appendix 4).

A complaint was issued against the applicant for an unpermitted addition on July 17, 2013 (Appendix 5). A Corrective Work Order was subsequently filed on the property on August 19, 2013, for an enclosed carport that was converted into habitable space without permits, inspections or final approvals (Appendix 6).

A final building inspection was obtained for the enclosed carport addition on October 8, 2013 (Appendix 4).

An Administrative Reduction for the eastern side yard was granted by the Zoning Administration Division (ZAD) on October 8, 2013 (Appendix 7). A minimum side yard reduction of 1.2 feet was permitted.

Since the adoption of the Zoning Ordinance, the Board of Zoning Appeals has not received any other variance requests for an accessory structure in the front yard of a property 36,000 square feet or less in the surrounding area.

ANALYSIS

This variance application must satisfy all of the nine (9) 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, which would afford relief as set forth in Sect. 18-405. A copy of these provisions is included in Appendix 9.

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

From staff's evaluation of the applicant's statement of justification and Fairfax County Department of Tax Administration records, staff believes that the 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;*

The width of the lot is approximately 113 feet which exceeds the 105 foot minimum required lot width within the R-3 District; therefore the lot is not exceptionally narrow.

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

The lot has a minimum depth of at least 102 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 of 12,154 square feet exceeds the required minimum lot area of 10,500 square feet; therefore the lot is not exceptionally small.

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

While the property is a corner lot, it is roughly square in shape, and can accommodate a single family dwelling.

E. Exceptional topographic conditions;

The site is relatively flat, and does not have exceptional topographic conditions.

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

The location of the existing dwelling does not present a challenge to the construction of a home, but it does present a challenge for placement of accessory structure. The Zoning Ordinance only allows accessory structures in front yards of lots that are over 36,000 square feet. Staff notes that the applicant converted their carport into living space and thus created the issue of no garage.

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, south east and west are developed with single family detached dwellings. 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.*

Properties with two front yards are provided some relief through the Zoning Ordinance by Sect. 10-104. This provision allows accessory storage structures on corner lots to take minimum required side yard setbacks for the minimum required rear yard setbacks. This allows the property owner additional space in the rear yard in which to place accessory storage structures.

The rear lot is determined to be opposite of Greylock Street and allowed to take side yard setbacks. The side lot is determined to be opposite of Wakefield Street.

Additionally a detached garage is deemed an “accessory structure” not an “accessory storage structure” which is typically a shed.

There are no provisions that allow the location of a detached accessory structure in a front yard.

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

In staff’s opinion, the strict application of the Ordinance would not result in an undue hardship to the applicant. Under the regulations of the Zoning Ordinance the construction of a detached garage or an attached garage is feasible.

A proposed smaller detached garage structure could be allowed by-right to the southwest of the structure. Additionally, the detached garage structure could be considered an addition with the attachment of a breezeway or a covered walkway between the two structures. These options were discussed with the applicant and the applicant ultimately decided to keep the current placement, size and design of the proposed structure due to the extensive costs of these additional requirements.

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

Corner lots are a common occurrence in the neighborhood of the subject property, as approximately 17 corner lots are located within a two block radius.

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 not effectively prohibit or unreasonably restrict utilization of the subject property. The property is zoned residential and a 2,413 square foot dwelling exists on the property. As previously stated a detached or attached garage could be constructed. Staff has determined that the location of the proposed two car garage would be a special privilege or convenience, as there are other suitable methods, in compliance with the zoning ordinance, in which a similar garage structure could exist on the lot.

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

In staff's opinion the proposed garage would be of substantial detriment to the adjacent properties because of the change in the character of the neighborhood by allowing a detached structure in a front yard.

8. *That the character of the zoning district will not be changed by the granting of the variance.*

It is staff's belief that the granting of the variance would change the general character of the zoning district in the neighborhood. Surrounding properties do contain garages; however none of them appear to be detached from the primary dwelling and/or located in a front yard.

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 does not believe the variance application is in harmony with the intended purposes of this Ordinance and would be contrary to public interest. A detached accessory structure in a front yard would alter the character and setbacks of the existing structures in the neighborhood.

Urban Forestry Management Division Analysis (Appendix 8)

On December 5, 2014, the Urban Forestry Management Division provided comments and recommendations regarding the reduction of construction impacts on several mature trees on site and on the neighboring site. Staff recommended a tree preservation plan be provided. A development condition has been included in Appendix 1 to address these concerns.

CONCLUSION

Staff believes that the proposed detached structure in the front yard is not in conformance with the Zoning Ordinance. Based on the number of available alternative designs that comply with the provisions of the zoning ordinance and the potential negative impact on the character of the neighborhood, staff cannot support an approval recommendation.

RECOMMENDATION

Staff recommends denial of VC 2014-MV-015.

However, if it is the intention of the Board of Zoning Appeals to approve VC 2014-MV-015, staff recommends that such approval be conditioned upon adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the

provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Photographs
3. Applicant's Affidavit
4. Building Permit History
5. Complaint History
6. Corrective Work Order dated August 19, 2013
7. Administrative Reduction dated October 8, 2013
8. Urban Forestry Management Division Memo dated December 5, 2014
9. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**VC 2014-MV-015****January 21, 2015**

If it is the intent of the Board of Zoning Appeals to approve VC 2014-MV-015 located at Tax Map 111-1 ((3)) (6) 10, to permit construction of an accessory structure in the front yard of a lot containing 36,000 square feet or less, 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 to permit the accessory structure (detached garage 746 square feet and 20.5 feet in height) in the front yard of the property as shown on the plat titled "Plat, Showing the Improvements on Lot 10, Block 6, Section Two, Stratford Landing," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated December 2, 2013 as revised through September 25, 2014, as submitted with this application and is not transferable to other land.
2. The applicant shall consult with a certified arborist or a register consulting arborist on specific methods to further reduce construction impacts. Such methods may include the use of a supersonic air tool to locate and avoid large structural roots, tying back limbs so materials may be lifted onto the building without damaging the canopy and prescriptive treatments to improve their health. Additionally, a tree preservation plan with a narrative describing the specific activities that will be implemented to preserve and improve the survivability of these trees shall be provided to the Urban Forestry Management Division for review and approval.
3. The applicant shall remove the accessory storage structure (shed) located on the southeast corner of the property or relocate on the lot to meet the minimum setback required by the Zoning Ordinance.

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.

County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning
MAR 05 2014
Zoning Evaluation Division

January 18, 2013

Re: Justification Statement for Variance Application for 9001 Greylock Street, Alexandria 22308

Dear Sir,

Please find below the written justification to support the application for a variance the above listed property.

Item 1: This property was acquired in good faith by the applicants, Michael Guerra and Jonelle Dilley, who are the owners of record for the above listed property.

Item 2: Characteristics:

We are seeking a variance to permit an unattached garage that will extend a minor amount in front yard violating the ordinance that prohibits accessory buildings in front yards. Our property has characteristics described in subpoints D and F of Section 18-404 of the Zoning Ordinance that makes it an undue hardship for us to either (1) attach the garage to the home to avoid violating this ordinance or (2) place an unattached garage in a location that meets yard setback requirements without extending slightly into the front yard.

D. This property has an exceptional shape: Our property is a corner lot of unusual shape for which the available space for construction of the home and any accessory structures is severely limited when all zoning setback restrictions are applied. The only place for adding a garage without violating yard restrictions is on the south side (right side when facing front of home) of the lot. Because the home was placed in the back half of the corner lot, it is impossible to build a garage without extending slightly in front of the home as built.

F. This property has an extraordinary situation or condition. Due to the extraordinary lot shape and design of the property, our garage cannot be connected to the home in a way that would allow an access doorway from the garage to the home without facing unreasonable and extraordinary costs. I invite you to please refer to our plot map to understand the following explanation.

First, as you can see on the plot, on the north side of the home (left side when facing front of home), there is no room to meet the yard restrictions for building a garage. In 1991, well before our purchase in 2013, previous home owners converted the covered carport into permanent living space.

Second, there is an existing doorway on the east (backside) of the home that descends by a stairway into the basement. (See area on plat indicated as BE to see location of basement access door.) Due to yard setbacks, we cannot attach a garage to the back of the home to utilize this existing stairway and home access.

Third, on the south side of the home (right side when facing front of home) there is room within the yard setbacks to build a garage and we hired a contract to design our garage to fit into all required setbacks. However, we determined that connecting the garage in a way to access the home would be unduly expensive. First, special construction methods would be required due to the fireplace on the adjoining wall. The fireplace would then extend into the garage. We would then be required to remove all of the windows on the connecting side of the home. Next, this side of the home is a split level, with no ground-level floor. To connect the garage on the south/right side of the home would require construction of a stairway and a new doorway into the home, either into the living room or into the refinished portion of our basement. The basement already has a stairway and door on the backside of the home, so we would either have two doors and stairways in this small refinished basement room, or pay to remove the back stairway/door in favor of the new garage access. To build another entry way ascending to the livingroom would require addition of a door to the living room that would open right next to the fireplace. This would be costly and awkward entrypoint to the home. Therefore, due to these extraordinary situations of the original design of the property, we believe it is undesirable and cost prohibitive for us to attach a garage to our home. Our only reasonable option is to seek a variance to allow the unattached garage to extend slightly into the front yard.

3. We are not aware of the situation of our property is usual or recurring enough to make it reasonably practicable to formulate a general regulation or amendment to be adopted that would address our situation.

4. The strict application of this Ordinance would produce an undue hardship because it would require us to attach the garage to our home when the costs would be prohibitively expensive compared with the exception of allowing the accessory garage to extend a minor distance into our front yard.

5. We cannot find another similarly shaped corner plot with a similar split level home design in our neighborhood. The similar home designs in our neighborhood are all on typical lots which would allow construction of a garage.

6. A. The strict application of this Ordinance effectively prohibit or unreasonably restrict all reasonable use of the property because it would require us to attach the garage to our home when the costs would be prohibitively expensive compared with the exception of allowing the accessory garage to extend a minor distance into our front yard.

B. The granting of a variance will alleviate our clearly demonstrable hardship approaching confiscation (as distinguished from a special privilege or convenience sought by the

applicant) because it would prohibit the reasonable use of building a reasonably sized garage on our property without facing excessive costs.

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

8. The character of the residential zoning district will not be changed by granting the variance, as we are seeking the addition of a garage that is of typical character and design to other garages in the residential neighborhood.

9. The variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest because the variance would allow us to add a residential garage to our property that extends a minor amount into the front yard. The zoning violation is very minor in comparison with the excessive costs that we would have to incur attempting to attach the garage to the home.

We thank you for considering our request for a variance from the zoning ordinance in question.

Sincerely,



Jonelle Dilley, Home Owner



Michael Guerra, Home Owner



















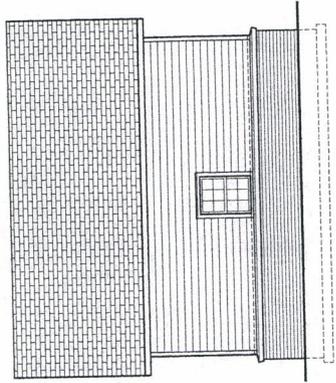


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Department of Planning & Zoning

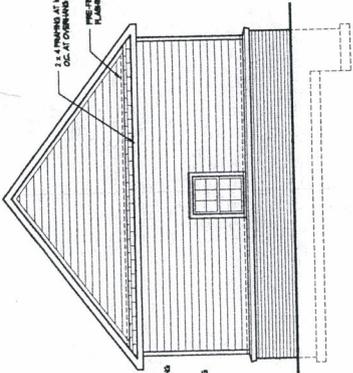
OCT 07 2014

Zoning Evaluation Division

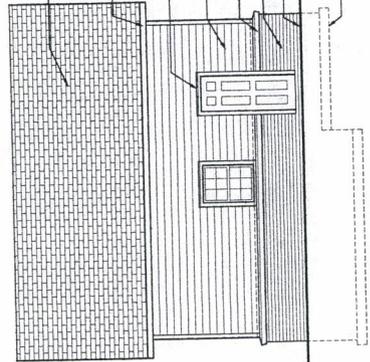
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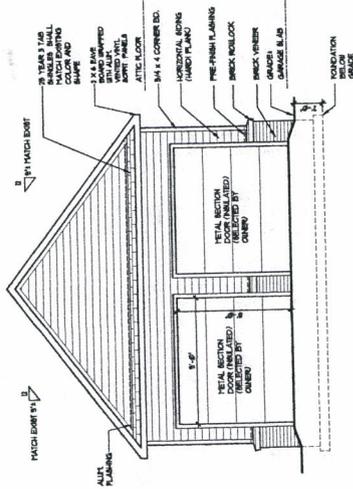
RIGHT SIDE ELEVATION



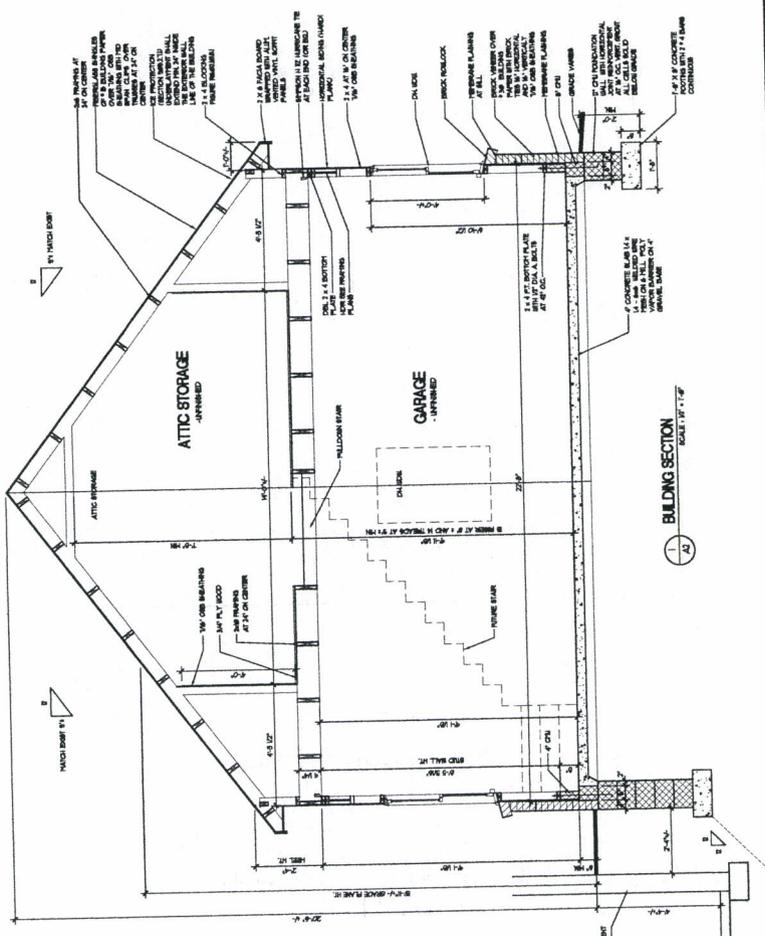
REAR ELEVATION



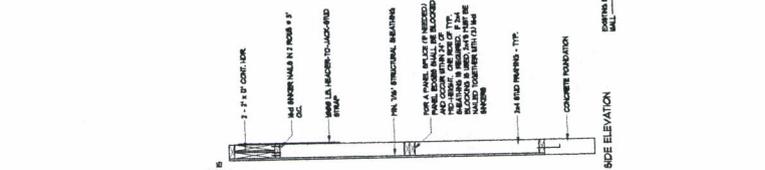
LEFT SIDE ELEVATION



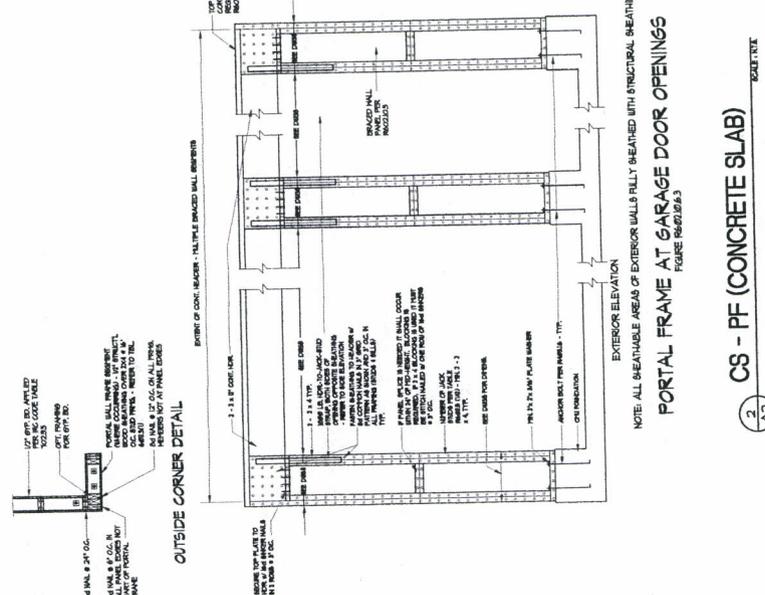
FRONT ELEVATION



BUILDING SECTION
 SCALE: 1/4" = 1'-0"



SIDE ELEVATION



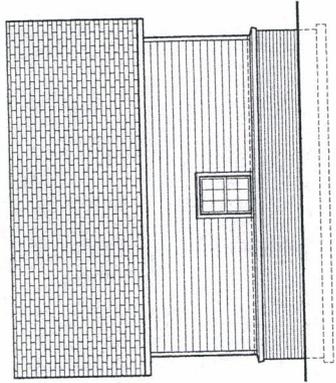
OUTSIDE CORNER DETAIL

EXTERIOR ELEVATION

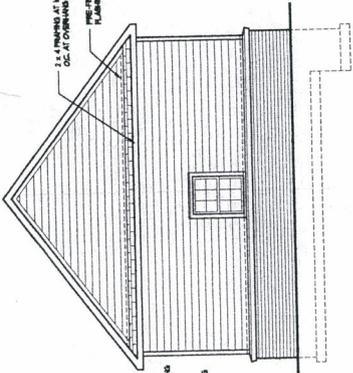
NOTE: ALL BEARABLE AREAS OF EXTERIOR WALLS FULLY BEARING WITH STRUCTURAL BEARING PORTAL FRAME AT GARAGE DOOR OPENINGS
 FIGURE 9047.01/02/03

CS - PF (CONCRETE SLAB)

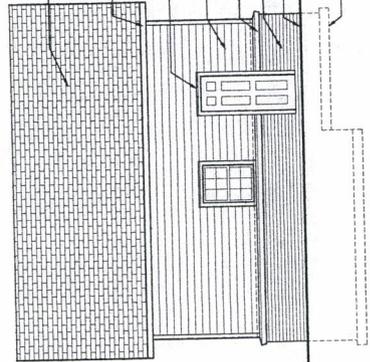
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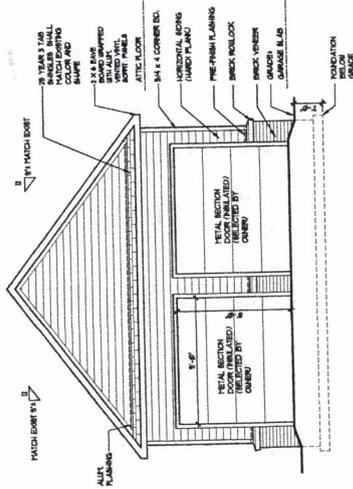
RIGHT SIDE ELEVATION



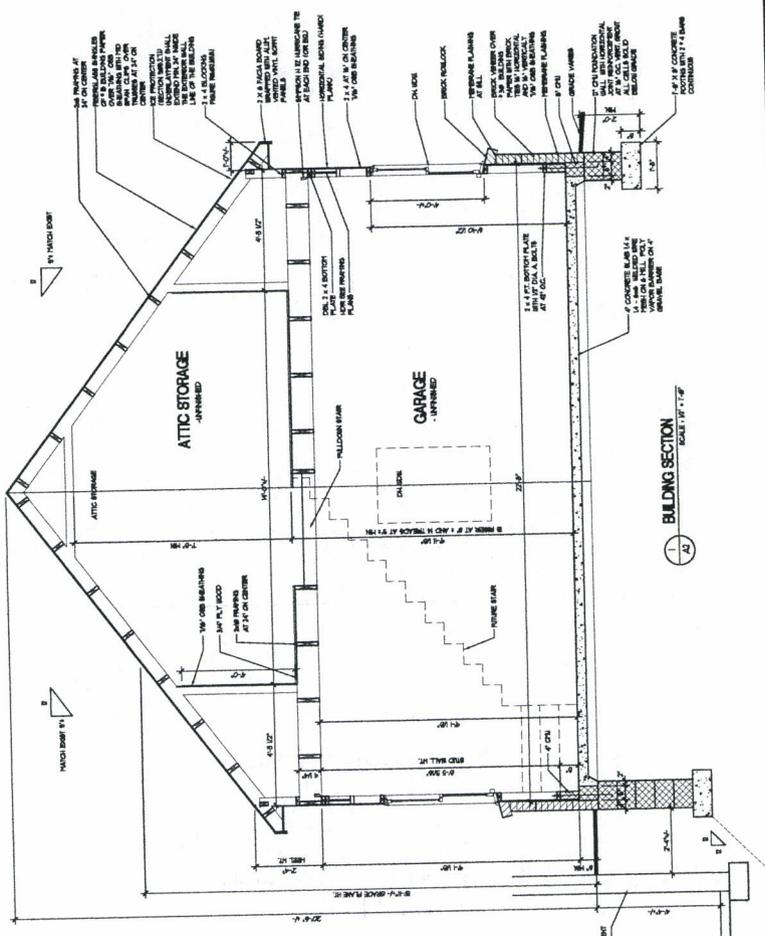
REAR ELEVATION



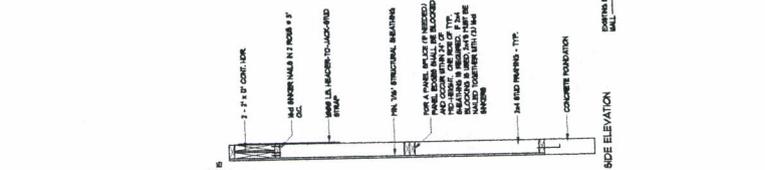
LEFT SIDE ELEVATION



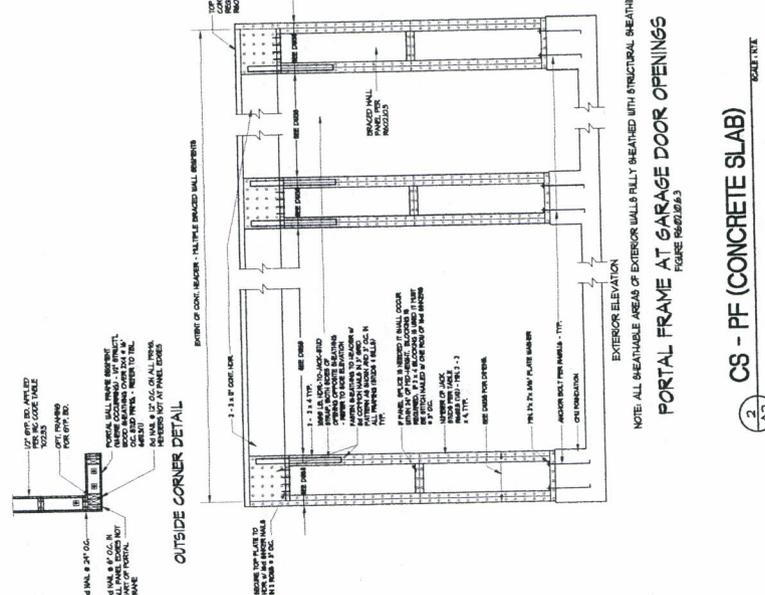
FRONT ELEVATION



BUILDING SECTION



SIDE ELEVATION



OUTSIDE CORNER DETAIL

EXTERIOR ELEVATION

PORTAL FRAME AT GARAGE DOOR OPENINGS

CS - PF (CONCRETE SLAB)

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

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

NOTE: ALL BEARABLE AREAS OF EXTERIOR WALLS FULLY BEARING WITH STRUCTURAL BEARING

FIGURE 98-07.03

Application No.(s): VC 2014-MV-015
 (County-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 18, 2014
 (enter date affidavit is notarized)

124617

I, Jonelle Dilley and Michael Guerra, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one)] applicant
] applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE***, each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Jonelle M Dilley	9001 Greylock St, Alexandria, VA 22308	Owner
Michael A Guerra	9001 Greylock St, Alexandria, VA 22308	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.

* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No(s):

(County-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

12467

DATE: January 18, 2014
(enter date affidavit is notarized)

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)

NA

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)

NA

(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-MV-015
(County-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 18, 2014
(enter date affidavit is notarized)

12467

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)

NA

(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**)

NA

(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-MV-015
(County-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124617

DATE: January 18, 2014
(enter date affidavit is notarized)

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

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

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

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

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

NONE

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

VC 2014-MV-015

Application No.(s):

(County-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

124617

DATE: January 18, 2014
(enter date affidavit is notarized)

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

Applicant J. Dilley Applicant's Authorized Agent [Signature]

Jonelle M Dilley Michael A Guerra

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

Subscribed and sworn to before me this 18 day of January, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 08/31/2016

KYLE KENNEDY
NOTARY PUBLIC
REG # 7516972
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 08/31/2016

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FAIRFAX COUNTY, VIRGINIA
PERMIT APPLICATION CENTER
4050 LEGATO ROAD, 2ND FLOOR
FAIRFAX, VA. 22033 246-1550
FOR INSPECTIONS CALL: 352-0970

BUILDING -
PERMIT APPLICATION

APPLICATION NO

19

Date

Street 9001 Graylock St.
Building _____ Floor _____ Suite _____
Subdivision _____
Tenants Name _____

DO NOT WRITE IN THIS SPACE
Permit No. 91330B0330
Map Reference 11-1-03-06-0010
Building Permit No. _____ Control No. _____
Std. _____ Mag. _____ Plan _____ Census _____

OWNER
Name Don Cook
Address (Mailing) 9001 Graylock St.
City Alex State VA Zip 22308
Telephone 755-6783

CONTRACTOR
Company Name Mayer, O'Brien & Scarby Inc
Master _____
Address 4218 Dolphin Lane
City Alex State VA Zip 22304
Telephone 755-7700 License No. _____
State Contractors License No. 037578
County Business Account No. 31-9127

For Enclose Carpet
Description _____

Model/Use _____
Sewage: Public Community Septic Tank None
WATER: Public Individual Well None
 N-New D-Demolish
 R-Alter or Repair M-Move
 A-Add To O-Other

REMARKS:

BUILDING DESCRIPTION QUANTITY
Units _____
Stories _____
Rooms _____
Bedrooms _____
To be Added _____
Baths _____
Half Baths _____
Kitchens _____
Fireplaces _____
Basement _____
% Basements to Finish _____

BUILDING DIMENSIONS

No. Stories	Width	Depth	Sq. Ft.
<u>2</u>	<u>24</u>	<u>10</u>	<u>290</u>

YARDS LEFT Front 30' RIGHT Front N/C Left Side 12' Right Side N/C Rear n/a

REMARKS Enclose Carpet 290 sq ft on left side of dwelling.

Stratford Landing, Sec. 2, Block 6, Lot 8 (04-55)

FOR COUNTY USE ONLY:

Date 11/26/91 By R...
Approved for Issuance of Building Permit

Fee _____
Filing Fee _____
Amount Due 56.00

The request for and use of personal information on this form is subject to the provisions of the Privacy Protection Act of 1976 and the Freedom of Information Act.
I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that if a permit is issued the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations including private building restrictions, if any, which relate to the property. He/She and the company or organization named and represented herein is duly registered or exempt from registration in accord with the provisions of Chapter 7 of the Code of Virginia.
Signature of Owner or Agent [Signature] Date 11/26/91
Notary Signature _____ Date _____

**Building Permit
 Zoning Review**

*This document does not reflect the final
 Building Permit approval.*

10/8/13 9:49:25AM

Bldg Permit #: **132490066** **RESIDENTIAL ADDITION**

Address: 9001 GREYLOCK ST
 ALEXANDRIA VA 22308-2725
 Bldg: N/A Floor: Suite: N/A

Tax Map: 1111 03060010

Subdiv: **STRATFORD LANDING LT 10 BLK 6 SEC 2** 2,154.00

Owner: GUERRA MICHAEL A
 9001 GREYLOCK ST ALEXANDRIA VA 22308

Phone Day: (703) - x **Evening:**

Contractor:
 OWNER IS CONTRACTOR
 (999) 999-9999

Type of Work: CARPORT

Description of Work: enclose carport to sunroom per county details//to include final inspection only for permit #913303659 //change owner and contractor//build carport with new slab (original permit description)

Specific Description of Work:

1 Story Ground	1 Story Crawl	1 Story Bsmt Below	2 Story Ground	2 Story Crawl	2 Story Bsmt below	2nd Story Addn Over Exist Structure
Y	N	N	N	N	N	N

ZPRB Review:

Date	ALANGH	Status
09/17/2013		Failed
Problem Recorded: 9/17/13 Problem Resolved		
Need plat to scale. Also need to provide height and dimensions of sunroom.		
10/08/2013	RGOOD3	Failed
Problem Recorded: 10/8/13 Problem Resolved		
Building Permit 91330B0330 approved by ZPRB on 11/26/91 to enclose the existing carport. Enclosed structure was to be 12' from the rear lot line. Plat dated 3/15/13 shows the enclosed structure is only 10.8' from the rear lot line. Permit and background information given to Roger Marcy to see if administrative variance can be approved. This new building permit is for inspection purposes only for the new owner. Ok to approve per DCC. See signed referral sheet dated 10/4/13.		
Problem Recorded: 9/17/13 Problem Resolved 10/8/13		
Need plat to scale. Also need to provide height and dimensions of sunroom. Plat dated 3/15/13 provided by applicant.		
10/08/2013	RGOOD3	Approved
Problem Recorded: 10/8/13 Problem Resolved 10/8/13		
Building Permit 91330B0330 approved by ZPRB on 11/26/91 to enclose the existing carport. Enclosed structure was to be 12' from the rear lot line. Plat dated 3/15/13 shows the enclosed structure is only 10.8' from the rear lot line. Permit and background information given to Roger Marcy to see if administrative variance can be approved. This new building permit is for inspection purposes only for the new owner. Ok to approve per DCC. See signed referral sheet dated 10/4/13. Administrative reduction approved on 10/8/13 by Roger Marcy.		
Problem Recorded: 9/17/13 Problem Resolved 10/8/13		
Need plat to scale. Also need to provide height and dimensions of sunroom. Plat dated 3/15/13 provided by applicant.		

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-3	N	SFD	N	N	N	N	Y

Bldg Permit #:

132490066

RESIDENTIAL ADDITION

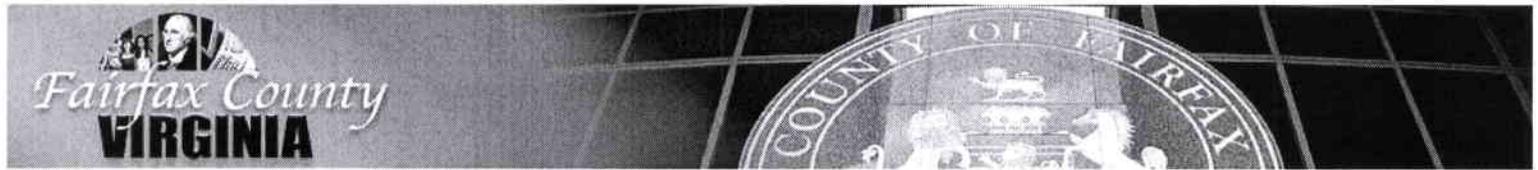
Yard/Setbacks:

Dimensions:

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type
addition	0.00	0.00	30.30	0.00	0.00	10.80	addition 28 x 11	13.00	OTHER
<u>USE GRP</u>	<u>CNST TYPE</u>		<u>BLDGAREA</u>						
R5	VB		520.00						

DETAILS COMMENTS:

This is a corner lot.



Land Development Information History: FIDO - DCC - Complaint 96911

Complaint Details

Complaint #	96911
Street Address	009001 GREYLOCK ST
Magisterial District	Mount Vernon
Complaint Description	Unpermitted Addition
Agency	DCC
Status	Closed
Opened Date	2013-07-17
Closed Date	2013-10-24
Disposition	Compliance
Inspector Assigned	Jack Blair
Notice of Violation and/or Corrective Work Order	Yes
Litigation	No

Contact Us: [General \(Office of Public Affairs\)](#) | [Technical \(Web Administrator\)](#) | [Directed Inquiries \(County Agencies\)](#)
Phone: [County Main Number - 703-FAIRFAX \(703-324-7329\)](#), TTY 711 | [County Phone Listing](#)

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Return Copy



County of Fairfax, Virginia

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

CORRECTIVE WORK ORDER Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: August 19, 2013

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Michael A. Guerra
Jonelle M. Dilley

ADDRESS: 9001 Greylock Street
Alexandria, Virginia 22308-2725

LOCATION OF VIOLATION: 9001 Greylock Street
Alexandria, Virginia 22308-2725

TAX MAP REF: 111-1 (3) (6) 10

CASE #: 201305077 **SR#:** 96911

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on July 25, 2013 revealed a violation or violations as listed below at the referenced location. The cited violations must be corrected within ten (10) calendar days from receipt of this notice unless otherwise indicated.

Explanation: On July 25, 2013, County staff inspected the above referenced premises and discovered that an enclosed carport has been converted into habitable space which included: 1) Electrical wiring, fusing, branch circuits, receptacle and lighting outlets; 2) Mechanical supply and return system; 3) Plumbing water supply lines, drainage and venting system; 4) Wood framing, fireblocking, emergency escape and rescue openings windows for a bedroom and smoke detectors. All the work performed to create the existing habitable space was performed without the issuance of the required permit or permits, inspections, and approvals.

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permit or permits, inspections and approvals for the work described above or demolition of same at the above referenced address.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

Michael A. Guerra
Jonelle M. Dilley
August 19, 2013
SR 96911
Page 2

Corrective Action Required: Apply for and obtain all necessary County permits for the work described above within ten (10) calendar days from the date you receive this Order, or obtain a County permit to demolish the work described above within the same timeframe.

1. Schedule and pass the required County inspections for the work described above within ten (10) calendar days from the date you are issued the required permit or permits for construction or demolition.
2. Contact me at (703) 324-9326 within the timeframe established to confirm the violations have been abated.
3. Call (703) 222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201305077.

Note:

*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

*When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit. If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703) 324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.

*Additional fees for unpermitted work may apply.

You are directed to notify James Watson by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703) 324-9326 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.

Michael A. Guerra
Jonelle M. Dilley
August 19, 2013
SR 96911
Page 3

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703) 324-9326 or the main office at (703) 324-1300.

Notice Issued By:


Signature

James Watson
(703) 324-9326
Technical Assistant to the Building Official
Department of Code Compliance

CC: Case File
Chuck O'Donnell, Residential Inspections Branch Chief

PERSONAL SERVICE

Being unable to make personal service a copy was delivered in the following manner:

- Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).

Served on a Secretary of the Commonwealth.

Not found.

S.S. Gonzalez
SERVING OFFICER

for Mark W. Sites, Sheriff

DATE 8-19-13

PERSONAL SERVICE

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Served on a Secretary of the Commonwealth.

Not found.

SERVING OFFICER _____

for _____

DATE _____

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Served on a Secretary of the Commonwealth.

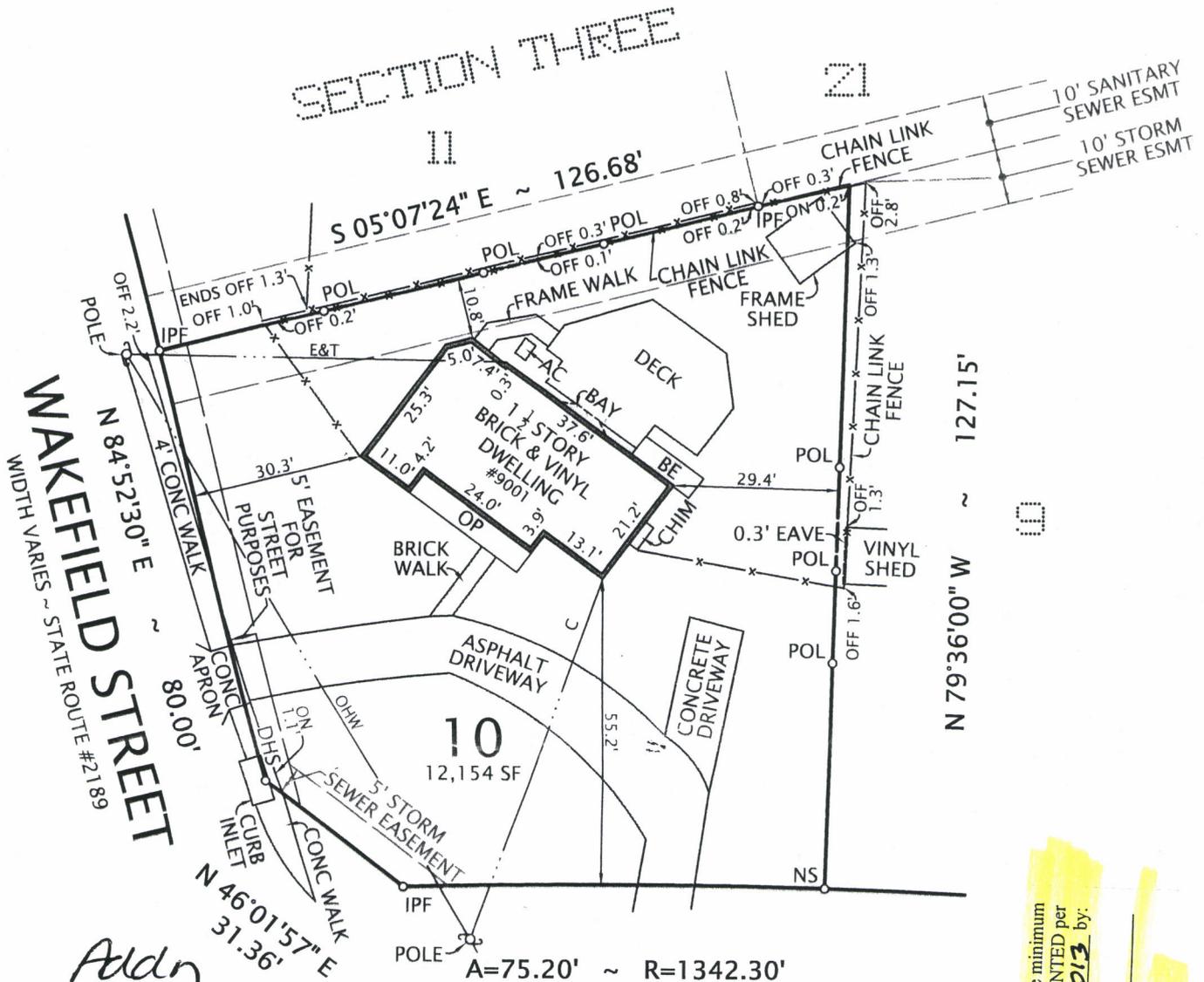
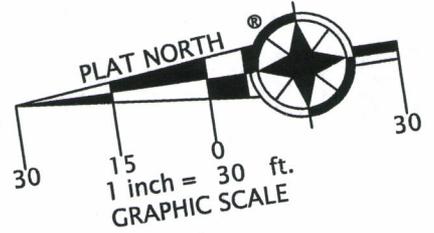
Not found.

SERVING OFFICER _____

for _____

DATE _____

- NOTES: 1. FENCES ARE FRAME UNLESS NOTED.
 2. IPF DENOTES IRON PIPE FOUND.
 3. DHS DENOTES DRILL HOLE SET.
 4. NS DENOTES NAIL SET.
 5. POL DENOTES POINT ON LINE.



Addn
 APPROVED
 10-8-13
Jessie B. Johnson
 Zoning Administrator

GREYLOCK STREET
 50' WIDE ~ STATE ROUTE #1967

PLAT
 SHOWING HOUSE LOCATION ON
 LOT 10, BLOCK 6, SECTION TWO
STRATFORD LANDING

(DEED BOOK 1302, PAGE 391)
 FAIRFAX COUNTY, VIRGINIA
 MOUNT VERNON DISTRICT

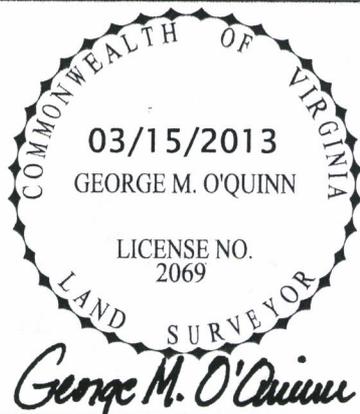
SCALE: 1" = 30' MARCH 15, 2013
 JULY 18, 2013 (STAKED PER OWNER)

A 1.2 foot administrative reduction in the minimum required side yard has been GRANTED per Sect. 2-419 on October 8, 2013 by:
Royce H. Marcy
 Roger H. Marcy,
 Assistant Branch Chief

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

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
 A TITLE REPORT WAS NOT FURNISHED.



ORDERED BY:
 MICHAEL GUERRA

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



County of Fairfax, Virginia

MEMORANDUM

DATE: December 5, 2014

TO: Laura Arseneau, Staff Coordinator
Zoning Evaluation Division, DPZ

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

SUBJECT: Stratford Landing, Section 2, Block 6, Lot 10, VC 2014-MV-015

I have reviewed the above referenced Variance application and Plat stamped "Received, Department of Planning and Zoning, October 7, 2014; and a Statement of Justification stamped "Received, Department of Planning and Zoning, March 5, 2014. The following comments are based on this review and a site visit was conducted on December 5, 2014.

1. **Comment:** Several mature trees on site are located in close proximity to the proposed construction of the 1-story garage. Additionally, a 15" diameter maple tree is located on the adjoining property to the south that is also in close proximity to the proposed garage. These trees are in good condition and both their roots and canopy could be impacted by the construction. The on-site trees are a 34" willow oak; a 22" cedar; and a 24" maple.

Recommendation: The applicant should consult with a certified arborist or a registered consulting arborist on specific methods to further reduce construction impacts. Such methods may include the use of a supersonic air tool to locate and avoid large structural roots, tying back limbs so materials may be lifted onto the building without damaging the canopy and prescriptive treatments to improve their health. Additionally, a tree preservation plan with a narrative describing the specific activities that will be implemented to preserve and improve the survivability of these trees should be provided.

If you have any questions, please feel free to contact me at 703-324-1770.

JSB/

UFMDID #: 197883

cc: DPZ File

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



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.