



APPLICATION ACCEPTED: November 20, 2014
BOARD OF ZONING APPEALS: February 4, 2015
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 28, 2015

STAFF REPORT

VARIANCE VC 2014-LE-016

LEE DISTRICT

APPLICANT/OWNER: Kazimierz Z. Kotlow

SUBDIVISION: Ridge View

STREET ADDRESS: 4114 Duvawn Street, Alexandria 22310

TAX MAP REFERENCE: 82-4 ((17)) (C) 13

LOT SIZE: 17,316 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 18-401

VARIANCE PROPOSAL: To permit construction of an addition (garage) 2.4 ft. from a side lot line.

STAFF RECOMMENDATION:

Staff recommends denial of VC 2014-LE-016.

However, if it is the intention of the Board of Zoning Appeals to approve VC 2014-LE-016, 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 applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Erin M. Haley

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

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

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



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

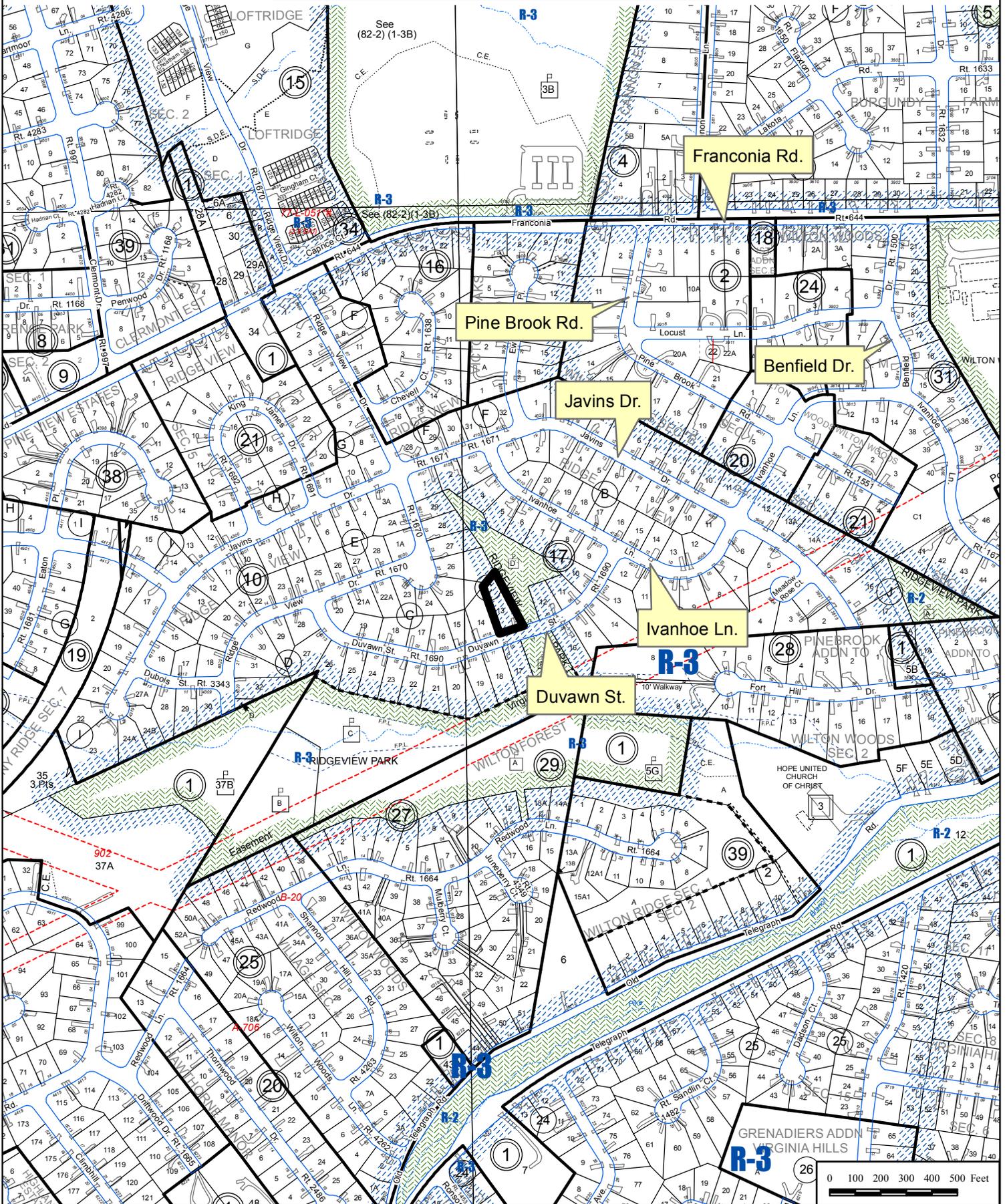
Variance Application

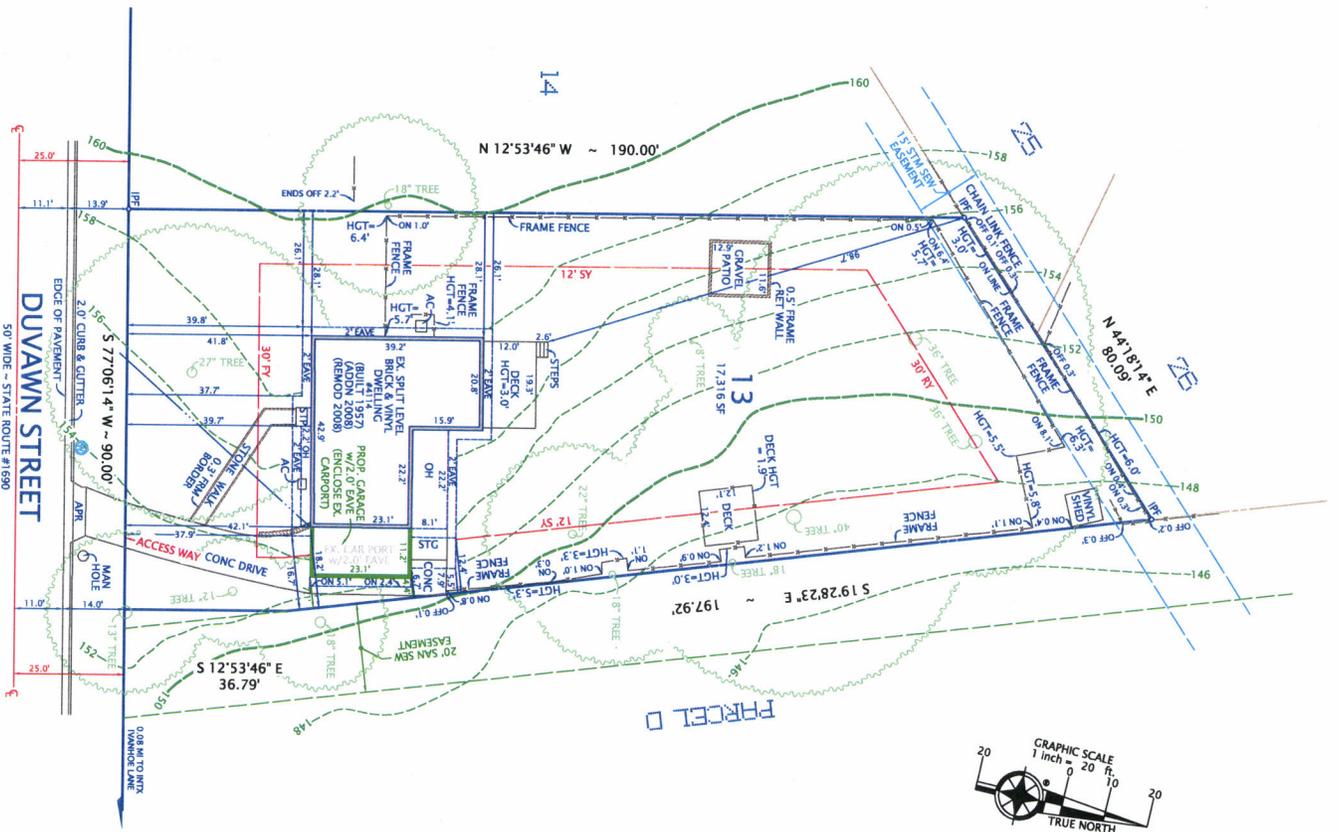
VC 2014-LE-016
KAZIMIERZ Z. KOTLOW



Variance Application

VC 2014-LE-016
KAZIMIERZ Z. KOTLOW





NOT TO SCALE

NOTES

1. TAX MAP: 82-4-17C-0013
2. ZONE: R-3 (RESIDENTIAL 3 DU/AC)
3. LOT AREA: 17,316 SF (0.3975 ACRE)
4. REQUIRED YARDS:
 - FRONT: = 30.0 FEET
 - SIDE: = 12.0 FEET
 - REAR: = 25.0 FEET
5. HEIGHTS:
 - EX. DWELLING = 18.2 FEET (MIDLINE OF ROOF)
 - EX. SHED = 07.2 FEET
 - EX. CAR PORT = 09.8 FEET (RIDGELINE OF ROOF)
 - PROPOSED GARAGE = 09.8 FEET (MATCH EXISTING)
 - EX. DECKS = AS NOTED
 - 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	=	513 SF
EX. FIRST FLOOR	=	815 SF
EX. SECOND FLOOR	=	582 SF
EX. GROSS FLOOR AREA	=	1,890 SF
- EX. FLOOR AREA RATIO: EX. GFA (1,890) / LOT AREA (17,316) = 0.11
- PROP. GARAGE = 259 SF / EX. GFA (1,890) = 0.14
- PROP. GFA: PROP. GARAGE (259) + EX. GFA (1,890) = 2,149 SF
- PROP. FLOOR AREA RATIO: PROP. GFA (2,149) / LOT AREA (17,316) = 0.12
13. WALLS ARE 1.0" STONE UNLESS NOTED.

PLAT
SHOWING THE IMPROVEMENTS ON
LOT 13, BLOCK "C", SECTION 3
RIDGE VIEW
(DEED BOOK 1511, PAGE 21)
FAIRFAX COUNTY, VIRGINIA
LEE DISTRICT
JULY 29, 2014
SCALE: 1" = 20'

I HEREBY CERTIFY THAT THE PORTIONS 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 OBTAINED. NO CORNER MARKERS SET.



CASE NAME: KOTLOW #79-14

ORDERED BY:
KAZIMIERZ Z. KOTLOW
MELANIE ROBINSON

DOMINION Surveyors Inc.
8808 H PEAR TREE VILLAGE COURT
ALEXANDRIA, VA 22309
TEL: 703.499.5555
FAX: 703.799.6412

DESCRIPTION OF THE APPLICATION

The applicant requests a variance to permit construction of an addition for a one-car garage 2.4 feet from a side lot line. A minimum side yard of 12 feet is required in the R-3 District; therefore a variance of 9.6 feet is requested for the addition.

A copy of the variance plat titled, "Plat, Showing the Improvements on Lot 13, Block C, Section 3, Ridge View," dated July 29, 2014, prepared by George M. O'Quinn, Land Surveyor, Dominion Surveyors Inc., 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 17,316 square foot application property is developed with a split level single family detached dwelling. A concrete driveway provides access to the property from Duvawn Street. A stone walkway leads from the driveway to the front stoop. A wood deck 3.0 feet in height is attached at the rear of the dwelling. The rear yard contains a detached deck 1.9 feet in height, a gravel patio, and a vinyl shed 7.2 feet in height. A frame fence ranging in height from 3.0 feet to 6.4 feet in height encloses the rear yard. A 9.8 foot high carport with a storage area is located on the east side of the dwelling. The carport is proposed to be removed to permit the addition for the garage. The property is landscaped with mature trees and vegetation.



Figure 1. Aerial View

The subject property and surrounding properties are zoned R-3. Properties to the north, south, and west are developed with single family detached dwellings. The property to the east is part of Ridge View Park

BACKGROUND

According to Fairfax County Tax Records, the dwelling was built in 1957, and purchased by the applicant in April 2014.

In 1998, a building permit was obtained to construct the deck located at the rear of the dwelling. The plat submitted with the deck building permit shows that the dimensions of the carport were 14.9 feet by 23.2 feet and the carport structure was located 0.8 feet from the side lot line. Also, a corner of the storage area at the rear of the carport encroached into the sanitary sewer easement located on the adjacent property. The relevant building permit history is included in Appendix 4.

In 2007, a building permit was obtained to construct an addition at the rear of the dwelling. At that time, it was determined that the carport must be altered to meet setback requirements. The carport was reduced in size and altered so that it was located 7.0 feet from the side lot line. The Zoning Ordinance allows carports to extend 5.0 feet into a side yard; therefore the new location met Zoning Ordinance requirements. The storage area was reduced in size so that it was located 15.0 feet from the side lot line. The relevant building permit history is included in Appendix 4.

Since the adoption of the Zoning Ordinance, the Board of Zoning Appeals has heard one other similar variance request in the surrounding area. The information on this request is included in Appendix 5. Staff observed that several other homes in the area have appeared to convert carports into either garages or living space.

ZONING ORDINANCE REQUIREMENTS (Appendix 7)

- Sect. 18-404 Required Standards for Variances

ANALYSIS

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 7.

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 90 feet which exceeds the 80 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 190 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 17,316 square feet exceeds the required minimum lot area of 10,500 square feet for the R-3 Zoning District; therefore the lot is not exceptionally small.

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

The lot is roughly rectangular in shape, and can accommodate a single family dwelling; therefore the application property does not have an exceptional shape.

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

In his statement of justification, the applicant states that the existing carport already extends into the side yard setback but does not have enclosed walls. Staff notes, however, that the existing carport meets Zoning Ordinance requirements in its current location and that this is not an extraordinary situation or condition related to the property specifically. Further, staff finds that the conditions of the property do not preclude the applicant from having sufficient parking facilities for a residential dwelling. As a result, staff believes the situation or condition of the property does not present an extraordinary challenge

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

The applicant is proposing to convert an existing carport into an attached garage. The existing carport meets Zoning Ordinance requirements in its current location.

While the location of the dwelling presents a challenge to enclosing the carport to provide an attached garage that would meet Zoning Ordinance requirements, there appears to be sufficient space to remove the carport, extend the driveway, and construct a detached garage in the rear yard; therefore the condition of the property does not justify the request.

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.*

Staff observed that several other homes in the area appeared to have converted carport space into enclosed garages or living space. Other homes continue to utilize carports or exist without a covered parking area. Staff believes that the situation of the subject property does not rise to the level of requiring an amendment to the Zoning Ordinance.

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

The applicant has an existing single family dwelling and an existing carport. The strict application of the Ordinance would not preclude the construction of reasonable garage and parking facilities on the lot. There is the potential for a detached garage to be located in the rear yard of the property. Additionally, sufficient parking facilities for a residential dwelling currently exist on the property without altering the existing carport; therefore an undue hardship does not exist.

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

Staff does not believe there is an undue hardship demonstrated with the request. Furthermore, as previously stated, the size, shape, and topography of the property are similar to that of adjacent properties.

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.*

The strict application of the Zoning Ordinance would not unreasonably restrict or prohibit utilization of the subject property since there is an existing dwelling with a

carport and there appears to be sufficient area on the lot to construct a detached garage. In addition, the Zoning Ordinance does not require a garage, only that two parking spaces are available on-site for the single family dwelling. It is staff's position that the granting of a variance for this case constitutes a convenience rather than alleviate a hardship.

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

The applicant proposes construction of a structure only 2.4 feet from a side lot line. Although existing vegetation located on the adjacent park property might shield the view of the structure from the park in the summer months, the structure would be visible during the winter and could be visually disruptive to park users.

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

Other dwellings in the area do have attached garages. However, only one other variance request has been granted to construct an attached garage and that request was to locate the garage 7.0 feet from a side lot line. Staff believes the applicant's request to locate an addition 2.4 feet from a side lot line is out of character with the surrounding properties.

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 in this instance the variance application was intended as a convenience, and is contrary to the intended spirit and purposes of the Ordinance.

Urban Forestry Management Division Analysis (Appendix 6)

On January 12, 2015, 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 that tree protection fencing during construction activity be provided. A development condition has been included in Appendix 1 to address this concern.

CONCLUSION

Staff believes that the proposed addition of an attached garage in a side yard is not in conformance with the Zoning Ordinance. Based on the availability of 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-LE-016.

However, if it is the intent of the BZA to approve this application, staff recommends that such approval be conditioned upon adoption of the proposed development conditions contained 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 Variance Development Conditions
2. Applicant's Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. Building Permit History
5. Similar Case History
6. Urban Forestry Management Division Memo
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**VC 2014-LE-016****January 28, 2015**

If it is the intent of the Board of Zoning Appeals to approve VC 2014-LE-016 located at Tax Map 82-4 ((17)) (C) 13, to permit construction of an addition 2.4 feet from a 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 location of an addition (garage), as shown on the plat titled, "Plat, Showing the Improvements on, Lot 13, Block C, Section 3, Ridge View," dated July 29, 2014, prepared by George M. O'Quinn, Land Surveyor, Dominion Surveyors Inc., as submitted with this application and is not transferable to other land.
2. All applicable building permits and final inspections shall be obtained for the proposed addition (garage).
3. During all construction activity of the addition (garage), tree protection fencing shall be used to restrict activity to a minimum of 8.0 feet from nearby tree's trunks. Tree protection fence should consist of 4.0 foot high, 14-gauge welded wire attached to 6.0 foot steel posts driving 18 inches into the ground adjacent to the proposed construction.
4. The addition (garage) shall be similar in appearance and materials to the existing 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.

Zoning Ordinance Variance Statement of Justification

1. The subject property was purchased while I was on active duty serving as Colonel in the United States Army. With the assistance of my Realtor, I purchased this single-family residence sight-unseen (except pictures), as I was not stationed in the area. This property serves as my primary residence.
2. The subject property has an existing carport where the roofline and foundation extend into the side-yard setback by six feet; however it does not have an enclosed wall.
3. It is my desire to enclose the carport into a garage like many of the existing homes have done in this neighborhood.
4. During my free time I enjoy owning and working on my antique vehicle. Due to insurance requirements, this vehicle must be garage kept. A carport is not sufficient and I will loose my insurance without abiding with this strict requirement. If this variance were denied, then it would prohibit me from enjoying the use of my vehicle at the property.
5. As previously stated, several of the surrounding homeowners in this subdivision have already modified their carports into garages.
6. The granting of a variance will alleviate my possible loss of insurance for not having a garage to park my vehicle.
7. Authorization of the variance will not be of substantial detriment to the adjacent property, which is Ridgeview Park. There are several trees buffering the adjoining property.
8. Several other homes in this community have already modified their carports into garages; therefore, the granting of the variance will not change the character of the zoning district.
9. I believe 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.

RECEIVED
Department of Planning & Zoning

OCT 06 2014

Zoning Evaluation Division











**AN AFFIDAVIT FOR THIS CASE
HAS NOT BEEN APPROVED BY THE
OFFICE OF THE COUNTY ATTORNEY
AT THE TIME OF PUBLISHING**

To JoEllen
10/6/14

Application No.(s): VC 2014-L2-016
(County-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

I, Kazimierz Z. Kotlow, 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)
Kazimierz Z. Kotlow	4114 Duvawn Street, Alexandria, VA 22310	Self

(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

DATE: _____
(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)

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

N/A

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

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

N/A

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(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:

N/A

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.)

N/A

(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.

BUILDING PERMIT APPLICATION

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 FAIRFAX COUNTY, VIRGINIA
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 (703) 222-0801

PERMIT # 9818/B0130

FOR INSPECTIONS CALL: (703) 222-0455

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION:

ADDRESS 4114 DUVANA ST.
 LOT # 13 BUILDING Ridge View
 FLOOR _____ SUITE _____
 SUBDIVISION See-3
 TENANT'S NAME owner BR-C

OWNER INFORMATION:

OWNER TENANT
 NAME John Anderson / Stacey
 ADDRESS 4114 DUVANA ST.
 CITY Alexandria STATE VA ZIP 22310
 TELEPHONE 703-329-6726

CONTRACTOR INFORMATION:

CHECK IF SAME AS OWNER
 COMPANY NAME The Deck Company
 ADDRESS P.O. Box 1467
 CITY Stafford STATE VA ZIP 22555
 TELEPHONE 703-690-7075
 LOCAL CONTRACTOR LICENSE # 5331
 STATE CONTRACTORS LICENSE # 68073
 COUNTY BUSINESS ACCOUNT # 207879
 APPLICANT Joyce M. Lyons

DESCRIPTION OF WORK

12x20 Deck to county
Detail NO - enclosures

HOUSE TYPE

S.F.D.

ESTIMATED COST OF CONSTRUCTION 3,240.00
 BLDG AREA (SQ FT OF FOOTPRINT) 240
 USE GROUP OF BUILDING B4
 TYPE OF CONSTRUCTION 5B

SEWER SERVICE: PUBLIC SEPTIC OTHER
 WATER SERVICE: PUBLIC WELL OTHER

OTHER PLEASE SPECIFY _____

DESIGNATED MECHANICS' LIEN AGENT:
 (Residential Construction Only)

NAME: N/A
 ADDRESS: _____

NONE DESIGNATED: PHONE: _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS:

# KITCHENS _____	EXTER. WALLS _____
# BATHS _____	INTER. WALLS _____
# HALF BATHS _____	ROOF MATERIAL _____
# BEDROOMS _____	FLOOR MATERIAL _____
# OF ROOMS _____	FIN. BASEMENT _____ %
# STORIES <u>Deck 9'</u>	HEATING FUEL _____
BUILDING HEIGHT <u>9'</u>	HEATING SYSTEM _____
BUILDING AREA <u>240</u>	# FIREPLACES _____
BASEMENT _____	

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # N-98-09995
 TAX MAP # 082-4117/C/0013
 ROUTING _____ DATE _____ APPROVED BY: _____
 ZONING _____
 SITE PERMITS _____
 SANITATION _____
 HEALTH DEPT. _____
 FIRE MARSHAL _____
 BUILDING REVIEW _____
 LICENSING 6/30/98 DS
 ASBESTOS _____

FEE \$ _____
 FILING FEE \$ _____
 AMOUNT DUE \$ 56.00

BUILDING PLAN REVIEW

REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC: J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT

BY [Signature] DATE [Date]

ZONING REVIEW: ZONING CLASS R-3

USE 57
 ZONING CASE # _____

GROSS FLOOR AREA OF TENANT SPACE

YARDS: _____ GARAGE: 1 2 3
 FRONT NO OPTIONS: YES NO
 FRONT NO REMARKS: Deck (No
 L SIDE NO enclosures) on rear
 R SIDE NO of dwg. 9' off grade
 REAR 128'

GRADING AND DRAINAGE REVIEW

SOILS: # _____ A B C
 HISTORICAL DISTRICT _____
 AREA TO BE DISTURBED (TOTAL SQ FT) _____
 ADD'L IMPERVIOUS AREA (ADDED SQ FT) _____
 PROFFERS _____
 PLAN # _____ APPR. DATE _____

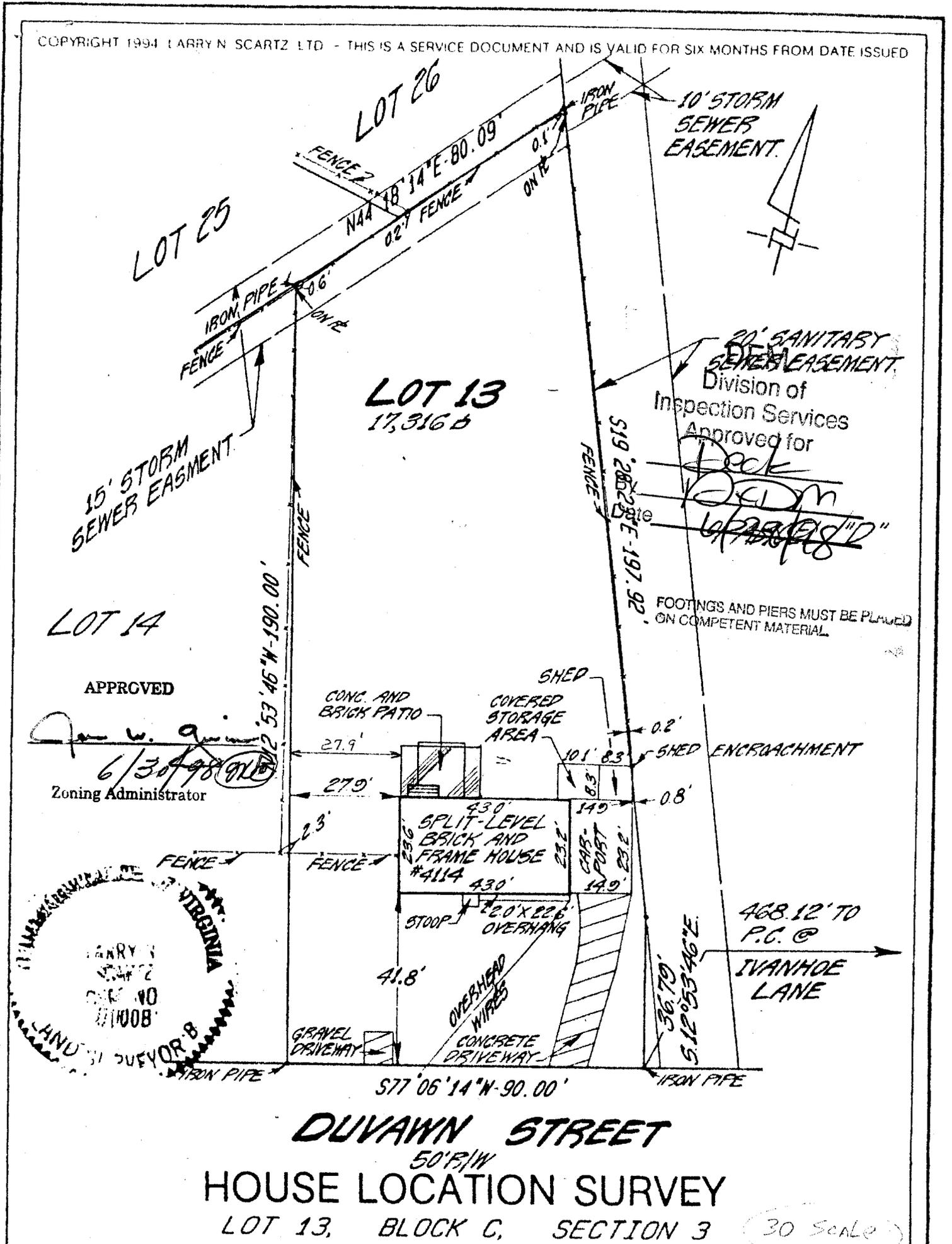
STAMPS:
FFCOVER
 (See reverse side of application)

REMARKS:

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Joyce M. Lyons 6/28/98
 Signature of Owner or Agent Date
Joyce M. Lyons Agent
 Printed Name and Title

Notary Signature _____ Date _____
 (Notarization required if owner not present at time of application)



15' STORM SEWER EASMENT

10' STORM SEWER EASMENT

20' SANITARY SEWER EASMENT

LOT 13
17,316 B

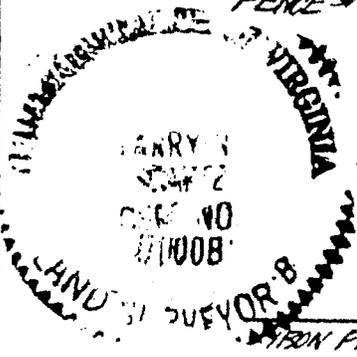
Division of Inspection Services
Approved for

Deck
Deck
10' x 18' x 8" D

FOOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

APPROVED

Jan W. Quinn
6/30/98
Zoning Administrator



468.12' TO P.C. @
IVANHOE LANE

DUVAWN STREET

50' W

HOUSE LOCATION SURVEY

LOT 13, BLOCK C, SECTION 3

30 SCALE

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

73540050

PERMIT # 72820259
 FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/isisnet/inspection_sched.asp

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION
 ADDRESS 4114 DUVALL ST.
 LOT # 13 BUILDING _____
 FLOOR _____ SUITE B1KC
 SUBDIVISION Ridge View Sec 3
 TENANT'S NAME BRIAN MORRINO
 EMAIL _____
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME BRIAN MORRINO
 ADDRESS 4114 DUVALL ST.
 CITY ALEXANDRIA STATE VA ZIP 22310
 TELEPHONE _____
 EMAIL _____
 CONTACT ID _____

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME D.W. Dively Construction Services
 ADDRESS 2107 MT. VERNON AVE.
 CITY ALEXANDRIA STATE VA ZIP 22301
 TELEPHONE 703-291-5121
 EMAIL dw@dwconstruction.com
 STATE CONTRACTORS LICENSE # 2705-054327A
 COUNTY BPOL # 0720473
 CONTACT ID 299369

APPLICANT
 NAME DOUGLAS Dively
 ADDRESS 2107 MT. VERNON AVE.
 CITY ALEXANDRIA STATE VA ZIP 22301
 TELEPHONE 703-291-8979
 EMAIL dw@dwconstruction.com
 CONTACT ID AC 3079609

DESCRIPTION OF WORK
REVISION APPROVED PER PLAN 73540050
PER PERMIT 72820259

HOUSE TYPE S.F.D.
 ESTIMATED COST OF CONSTRUCTION _____
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION R5
UB
 DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

DO NOT WRITE IN GRAY SPACES (COUNTY USE ONLY)

PLAN #	<u>W-07-15010</u>	
TAX MAP #		
ROUTING	DATE	APPROVED BY
LICENSING		
ZONING <u>2</u>	<u>12/20/07</u>	<u>[Signature]</u>
SITE PERMITS		
HEALTH DEPT		
BUILDING REVIEW	<u>12/20/07</u>	<u>[Signature]</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ _____
 FILING FEE \$ _____
 AMOUNT DUE = \$ _____

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC. T R

APPROVED FOR ISSUANCE OF BUILDING PERMIT
 (LOG OUT)
 BY [Signature] DATE 12/20/07

ZONING REVIEW
 USE SFD
 ZONING DISTRICT R-3 HISTORICAL DISTRICT _____
 ZONING CASE # _____
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS:	GARAGE	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
FRONT _____	OPTIONS	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
FRONT <u>n/c</u>	REMARKS			
L SIDE <u>28'</u>	<u>Amend original</u>			
R SIDE <u>15'</u>	<u>permit for</u>			
REAR <u>n/c</u>	<u>addition</u>			

REMARKS
(changing framing
structure for addition, not
adding to footprint)
*No wet bar / No 2nd kitchen.
43' x 16' ht = 12'
*Not changing anything else
from the original approved permit.

*Not in PFX Esmt

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent [Signature] Date 12-20-07
 DOUGLAS Dively
 Printed Name and Title
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

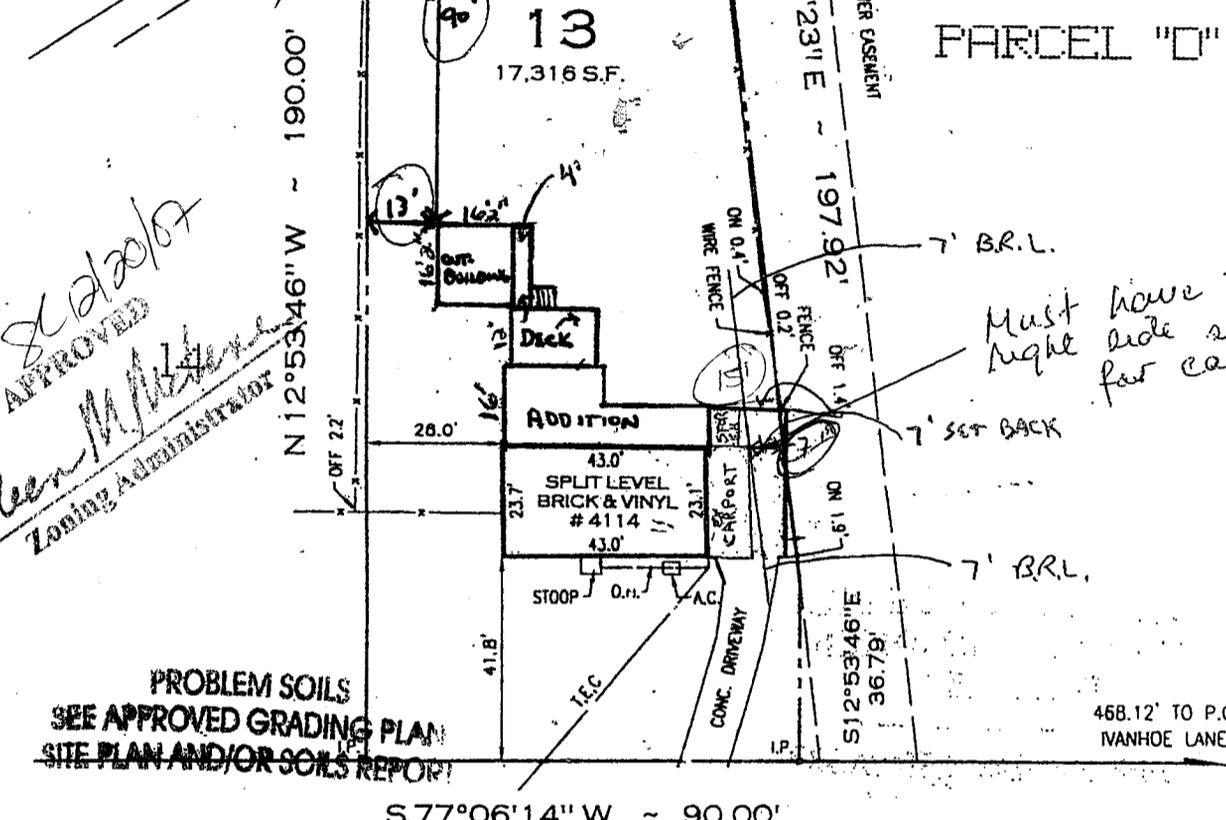
NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit: I, _____
 Notary Public in the State and County aforesaid, do certify that
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____
 My commission expires the _____ day of _____, 20____
 (Notary Signature)

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NOTE: FENCES ARE FRAME UNLES NOTED.

DPW&S
LAND DEVELOPMENT SERVICES
SITE PERMITS & ADDRESSING CENTER
APPROVED FOR
25
BY _____
DATE 10/12/07

APPROVED
10-10-07
Gileen M. McInerney
Zoning Administrator



8/22/07
APPROVED
Gileen M. McInerney
Zoning Administrator

Must have 7 ft. right side setback for carport

ENGINEERED FOUNDATION DESIGN REQUIRED
DIVANNE STREET
50' R/W

NOTE:
NO Construction
Shall Encroach Into
County Easements
(Ground or Air Space)

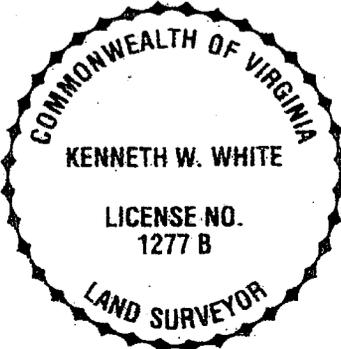
PLAT SHOWING HOUSE LOCATION ON LOT 12, BLOCK "C", SECTION 3

RIDGE VIEW

FAIRFAX COUNTY, VIRGINIA

NOVEMBER 23, 1998
SCALE: 1" = 40'

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
PLAT SUBJECT TO RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED.



I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

Kenneth W. White
KENNETH W. WHITE L.S.

CASE NAME:
ANDERSON - COPENHAGEN/POWERS
SEGAN, MASON & MASON, P.C.

ALEXANDRIA SURVEYS, INC.
6343 SOUTH KINGS HIGHWAY
ALEXANDRIA, VIRGINIA 22306
703-660-8615
FAX 703-768-7764

Similar Case History

Group: 88-L -154

VC 88-L -154

APPLICANT:	JAMES T. & ELSIE P. KINCANNON
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	12/28/1988
ZONING DISTRICT:	R-3
DESCRIPTION:	ALLOW CONSTRUCTION OF GARAGE ADDITION TO DWELLING TO 7.0 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION:	4009 IVANHOE LANE
TAX MAP #S:	
0824 17D 0010	



County of Fairfax, Virginia

MEMORANDUM

DATE: January 12, 2015

TO: Erin M. Haley, Planner II
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester II *CSH*
Forest Conservation Branch, DPWES

SUBJECT: Ridge View Section 3, Block C, Lot 13.VC 2014-LE-016

The Urban Forest Management Division (UFMD) has reviewed the above referenced Variance application including a Variance plat of the subject property and a Statement of Justification, stamped as received by the Zoning Evaluation Division on November 19, 2014. The following comments and recommendations are based on this review and 2014 aerial images.

Comment: It is unclear how trees along the driveway and adjacent to the existing carport will be protected during the construction activities associated with the enclosure of the existing carport.

Recommendation: UFMD recommends tree protection fencing to restrict construction activity to a minimum of eight feet from the tree's trunks. Tree protection fence should consist of 4-foot high, 14-gauge welded wire attached to 6-ft. steel posts driven 18 inches into the ground adjacent to the proposed construction.

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

CSH/

UFMDID #: 198544

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.