



County of Fairfax, Virginia

February 4, 2015

STAFF REPORT

SPECIAL PERMIT SP 2014-PR-237

PROVIDENCE DISTRICT

APPLICANT: David Endres

OWNERS: David P Endres
Geraldine F Endres

STREET ADDRESS: 7326 Poplar Court, Falls Church, 22042

SUBDIVISION: Oak Knoll

TAX MAP REFERENCE: 50-3 ((13)) 31

LOT SIZE: 7,200 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 8-922, 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction in certain front yard requirements to permit construction of roofed deck (porch) 26.3 feet from the front lot line and to permit a reduction to minimum yard requirements based on error in building location to permit dwelling to remain 24.7 feet from the rear lot line

STAFF RECOMMENDATION:

Staff recommends approval of SP 2014-PR-237 for the roofed deck with the adoption of the proposed development conditions contained in Appendix 1.

Megan Duca

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

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

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

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



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).

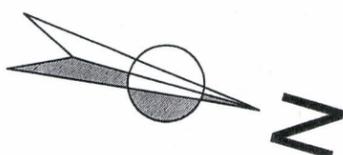
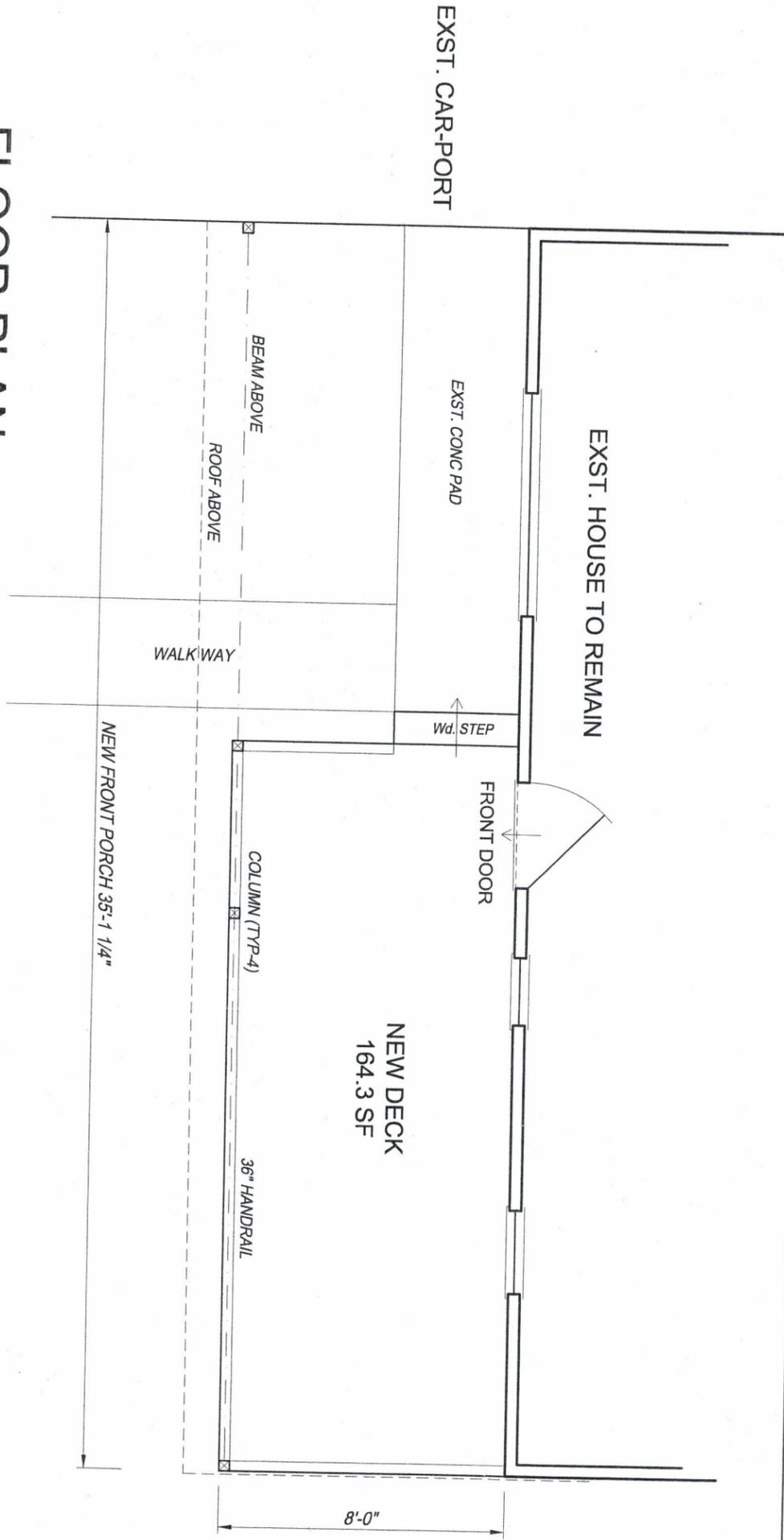
PROJECT: NEW FRONT PORCH

SFD 2 STORIES W/ BSMT & ATTIC

NEW PORCH: 35.1' x 8.0' = 280.8 SQ-F
 -PORCH DECK: 20.5' x 8.0' = 164.3 SQ-F

IRC 2009 DESIGN CRITERIA

Floor Live Load	30 spf	Ice Shield Underlayment	Yes, Required
Roof Dead Load	10 spf	Flood Hazard	July 2, 1979
Ground Snow Load	30 spf	Air Freezing Index	300
Wind Speed Exposure	90 mph	Mean Annual Temperature	55 F
Seismic Design	Category B	Framing Lumber	SPF #2
Weathering	Severe	E (MODULUS OF ELASTICITY):	1.3 MPsi
Frost Line Depth	24"	Fb (BENDING):	850 PSI
Termitic Area	Moderate to Heavy	Fv SHEAR (PARALLEL TO GRAIN):	150 PSI
Decay Area	Slight to Moderate	Fc COMPRESSION (PARALLEL TO GRAIN):	405 PSI
Winter Design Temperature	13 F		



FLOOR PLAN

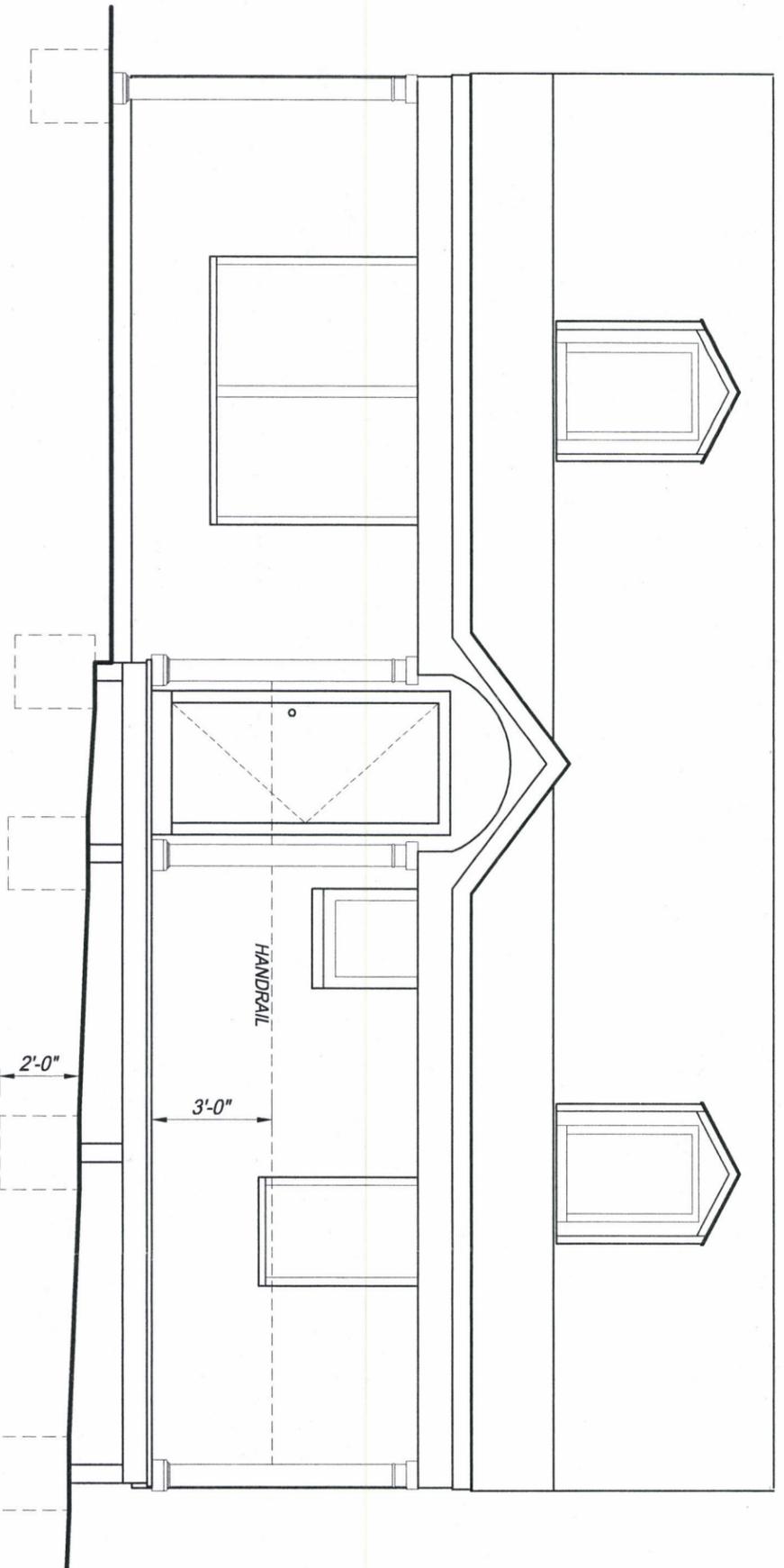
1/4" = 1'-0"

NOTES

- NO STRUCTURAL CHANGES @ HOUSE
- VERIFY DIMENTIONS & HEIGHTS ON THE FIELD

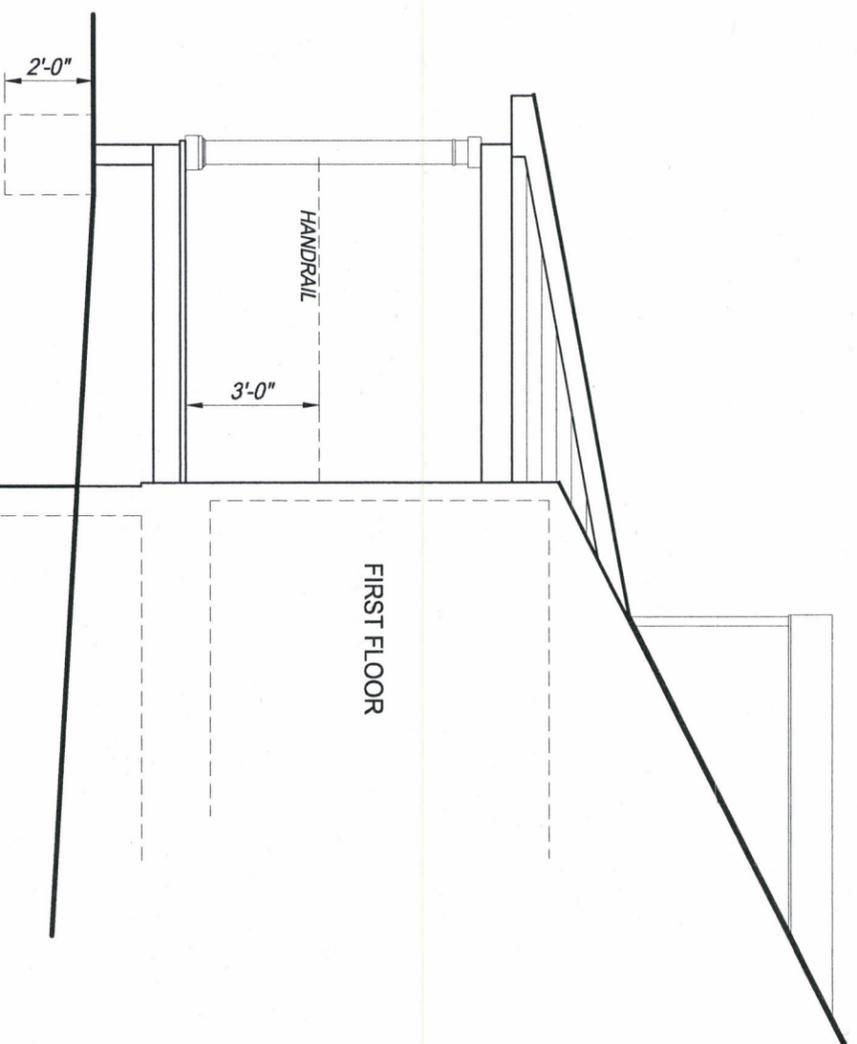
RECEIVED
 Department of Planning & Zoning
 SEP 04 2014
 Zoning Evaluation Division

<p>1 of 4</p>	<p>NEW PORCH FOR: Dave Endres Resid. 7326 Poplar Court Falls church VA 22042</p>
<p>07/16/14</p>	



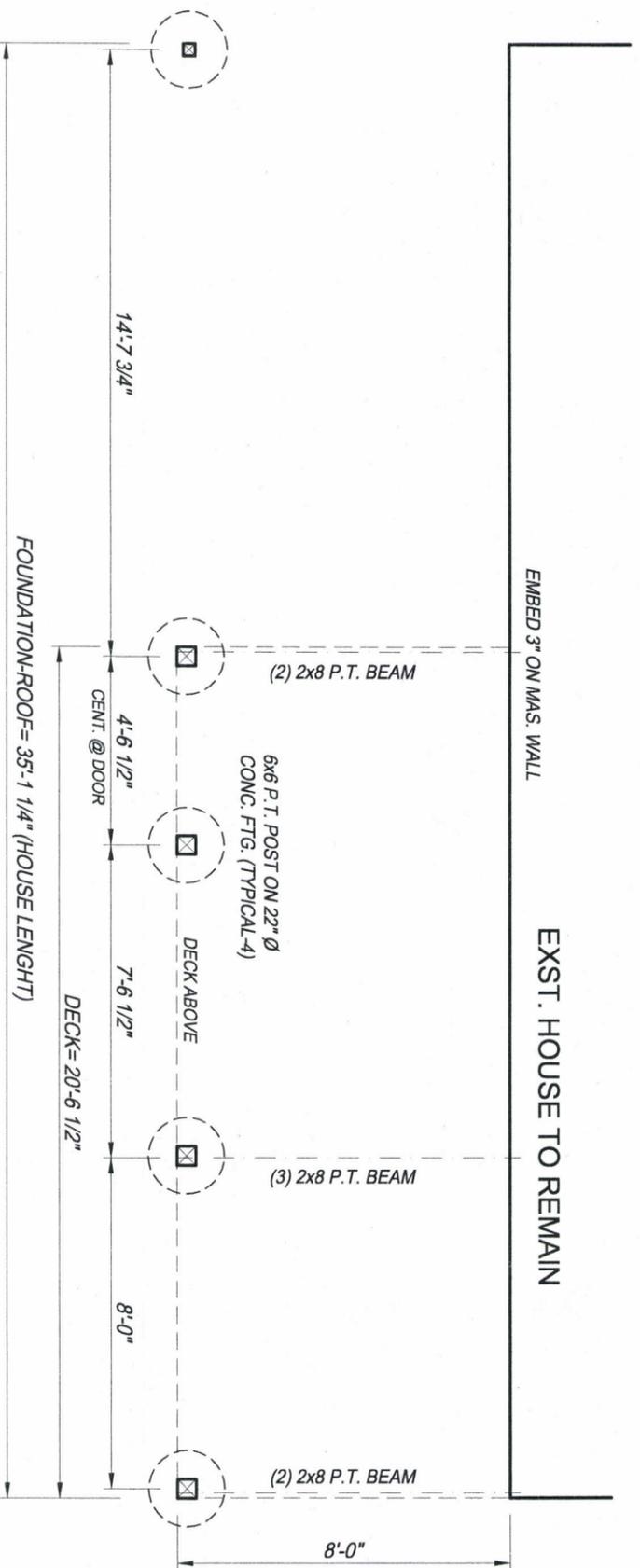
SOUTH ELEV.

1/4" = 1'-0"



EAST ELEV.

1/4" = 1'-0"



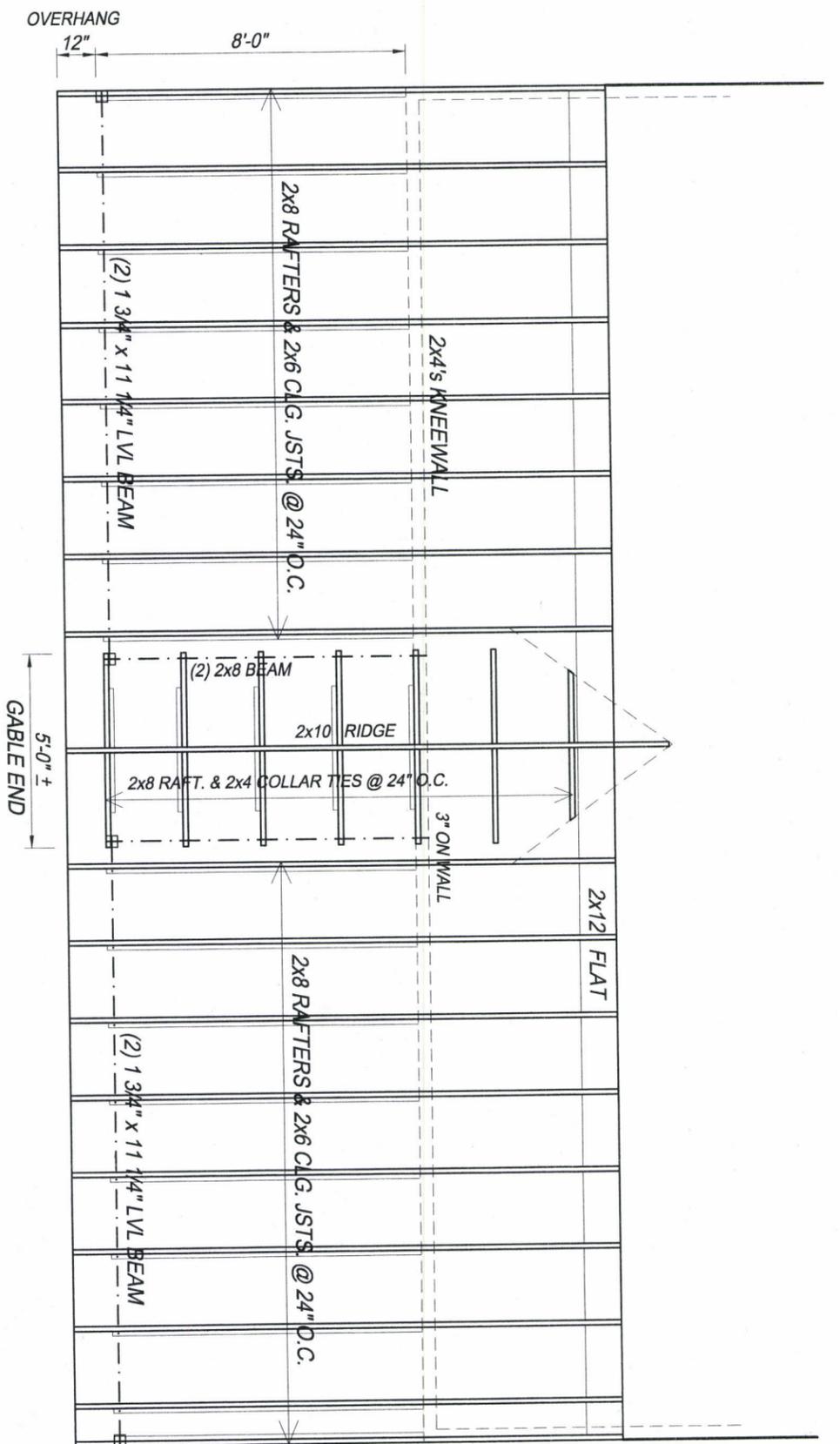
FOUNDATION

1/4" = 1'-0"

-FRAMING DIMENTIONS

<p>2 of 4</p>	<p>NEW PORCH FOR: Dave Endres Resid. 7326 Poplar Court Falls church VA 22042</p>
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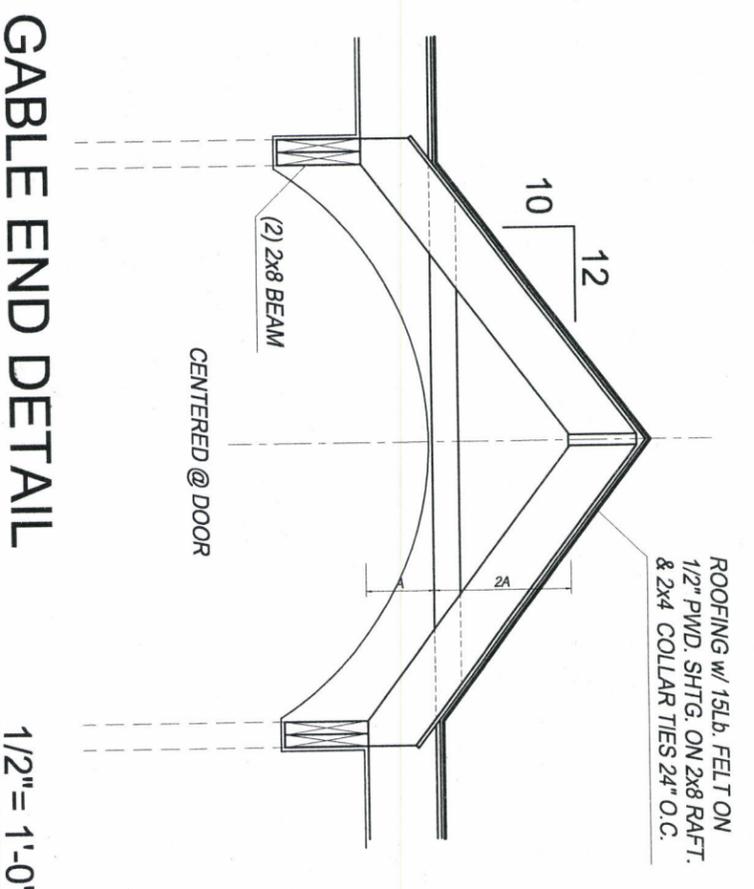
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ROOF FRAMING

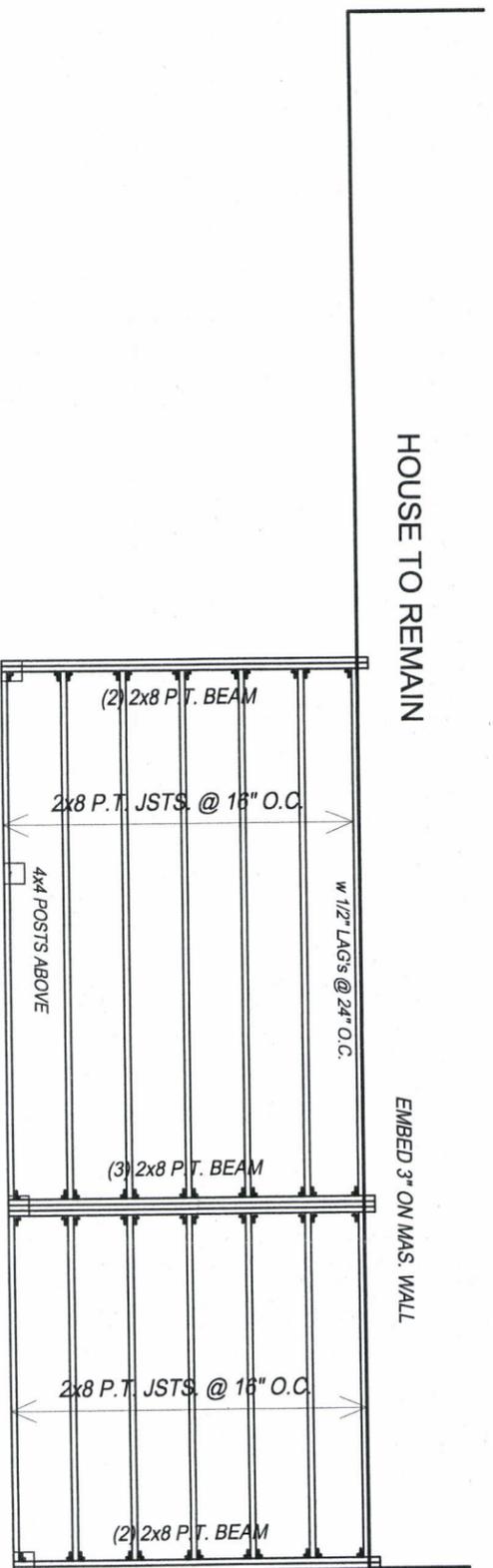
-FRAMING DIMENTIONS

1/4" = 1'-0"



GABLE END DETAIL

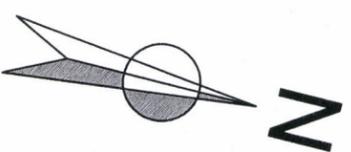
1/2" = 1'-0"



FLOOR FRAMING

-FRAMING DIMENTIONS

1/4" = 1'-0"

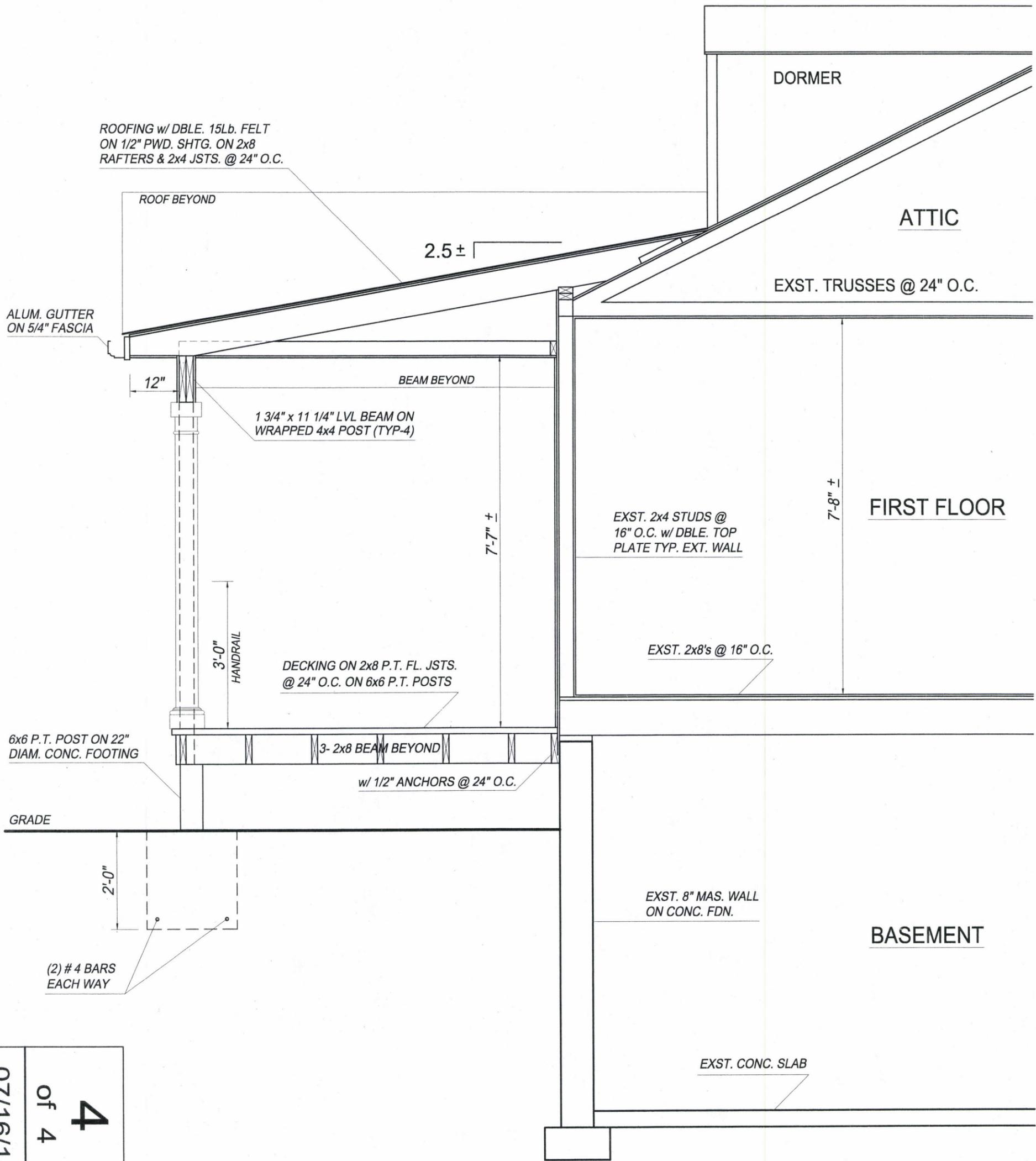


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<p>3 of 4</p>	<p>NEW PORCH FOR: Dave Endres Resid. 7326 Poplar Court Falls church VA 22042</p>
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ROOFING w/ DBLE. 15Lb. FELT
ON 1/2" PWD. SHTG. ON 2x8
RAFTERS & 2x4 JSTS. @ 24" O.C.

ROOF BEYOND

DORMER

ATTIC

2.5 ±

EXST. TRUSSES @ 24" O.C.

ALUM. GUTTER
ON 5/4" FASCIA

12"

BEAM BEYOND

1 3/4" x 11 1/4" LVL BEAM ON
WRAPPED 4x4 POST (TYP-4)

FIRST FLOOR

± 8'-7"

EXST. 2x4 STUDS @
16" O.C. w/ DBLE. TOP
PLATE TYP. EXT. WALL

3'-0"
HANDRAIL

DECKING ON 2x8 P.T. FL. JSTS.
@ 24" O.C. ON 6x6 P.T. POSTS

EXST. 2x8's @ 16" O.C.

6x6 P.T. POST ON 22"
DIAM. CONC. FOOTING

3- 2x8 BEAM BEYOND

w/ 1/2" ANCHORS @ 24" O.C.

GRADE

EXST. 8" MAS. WALL
ON CONC. FDN.

BASEMENT

2'-0"

(2) # 4 BARS
EACH WAY

EXST. CONC. SLAB

SECTION

1/2" = 1'-0"

RECEIVED
Department of Planning & Zoning

SEP 04 2014

Zoning Evaluation Division

<p>4 of 4</p>	<p>NEW PORCH FOR: Dave Endres Resid. 7326 Poplar Court Falls church VA 22042</p>
<p>07/16/14</p>	

SPECIAL PERMIT REQUESTS

The applicant is requesting approval of a special permit for a reduction in certain front yard requirements to permit construction of a roofed deck (porch) 26.3 feet from the front lot line. The proposed roofed deck will be 9.5 feet in height and contain a total of 280 square feet. The front yard setback for properties zoned R-4 is 30 feet; therefore, the applicant is requesting a reduction of 3.7 feet, or 12.3 percent. The applicant also requests the approval of a special permit to allow a reduction to the minimum yard requirements based on error in building location to permit the existing dwelling to remain 24.7 feet from the rear lot line instead of the required 25 feet. A permit for an addition located 25 feet from the rear property line was approved in 1964. The applicant has added this to their special permit request to ensure compliance with the setback requirements. Section 8-914.2(B) allows the Board of Zoning Appeals to approve an application for an error in building location that is up to 10% of the measurement involved in conjunction with the approval of a special permit for another use.

A copy of the special permit plat titled, "Special Permit Plat, Lot 31, Oak Knoll" prepared by James D. Thurber, L.S., of Thurber Engineering & Land Surveying, dated October 13, 2014, as revised through October 26, 2014, is included in the front of the staff report.

The proposed development conditions, applicant's statement of justification with photographs, and affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 18,914 square foot lot is located south of Lee Highway and north of Arlington Boulevard in the Oak Knoll subdivision. The subject property contains a single family detached dwelling. A concrete driveway from Poplar Court provides access to the property. A porch and adjacent walkway are located at the front of the dwelling, and a carport is attached on the eastern side of the dwelling. A concrete patio is located on the eastern side of the dwelling toward the rear of the property. Two sheds are located on the property: one in the southwestern corner of the



Source: Fairfax County GIS

property and the other along the eastern property line. Both sheds are less than 8.5 feet in height and meet the setback requirements. A six-foot high stockade fence is located along the side and rear property lines.

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

BACKGROUND AND HISTORY

Fairfax County tax records indicate that the single family dwelling was constructed in 1950 and purchased by the applicant in 2013.

On June 3, 1964, a permit for an addition to the rear of the dwelling was approved. As shown on the approved plat, the addition was located 25 feet from the rear lot line and the existing carport was located 22.6 feet from the front lot line. A copy of the plat is contained in Appendix 4.

There are no complaints related to the property in Fairfax County files.

Since the adoption of the Zoning Ordinance, similar applications have been heard by the Board of Zoning Appeals for nearby properties as shown in Appendix 5.

DESCRIPTION OF THE REQUESTS

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction of a roofed deck (porch) 26.3 feet from the front lot line. The applicant proposes to construct a porch at the front of the dwelling in the area where an existing stoop is located. The porch that would be constructed would contain approximately 164 square feet, and the roof would also extend over the existing walkways located to the east of the proposed porch. The total square footage of the porch would be 280 square feet including the new porch and the area under the existing walkways that would be covered. The porch would be approximately 9.5 feet in height.

Special Permit Request #1

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Roofed Deck (Porch)	Front	30.0 feet	26.3 feet	3.7 feet	12.3%

*Minimum yard requirement pursuant to Section 3-407

The applicant also requests the approval of a special permit to allow a reduction to the

minimum yard requirements based on error in building location to permit the existing dwelling to remain 24.7 feet from the rear lot line instead of the required 25 feet. A permit for an addition located 25 feet from the rear property line was approved in 1964. The applicant has added this as an additional special permit request pursuant to Sect. 8-915.2(B) of the Zoning Ordinance to ensure compliance with the Zoning Ordinance.

Special Permit Request #2

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Dwelling	Rear	25.0 feet	24.7 feet	0.3 feet	1.2%

*Minimum yard requirement pursuant to Section 3-407

ANALYSIS

Comprehensive Plan Provisions

Plan Area: I
Planning District: Jefferson
Planning Sector: Pine Spring Community Planning Sector (J7)
Plan Map: Residential 3-4 du/ac

Zoning Ordinance Requirements (Appendix 6)

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

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

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-4 District allows a reduction in minimum required yards with special permit approval. Staff believes the proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-4 District.
Standard 3 Adjacent Development	In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or value.

Standard 4 Pedestrian/ Vehicular Traffic	No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/ Screening	There is no transitional screening or barrier requirement for the subject property.
Standard 6 Open Space	There is no open space requirement.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities, drainage, parking or loading of the site.
Standard 8 Signs	No signage is proposed.

Standards for all Group 9 Uses (Sect. 8-903)

Standard 1 Lot Size and Bulk Regulations	The bulk regulations for minimum required yards are requested to be modified with the special permit application.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	The application is not subject to the provisions of Article 17, Site Plans.

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

Standard 1 Yard Requirements Subject to Special Permit	<i>A. Minimum Required Yards - Yard not less than 50% of the requirement and not less than 5 feet:</i> The proposed porch will be located 26.3 feet from the front lot line. The required front yard in an R-4 District is 30 feet, resulting in a reduction 12.3%. <i>B. Pipestem Lots:</i> N/A <i>C. Accessory Structure Locations:</i> N/A <i>D. Extensions into Minimum Required Yards:</i> N/A
Standard 2 Not a Detached Structure in a Front Yard	The application does not propose a detached accessory structure.
Standard 3 Principal Structure that Complied with Yard Requirements When Established	The subject property contains a single family dwelling, which is an existing principal structure.

<p>Standard 4 Addition No More than 150% of the Gross Floor Area (GFA) at the Time of First Expansion Request</p>	<p>The proposed porch is approximately 280 square feet in area. The existing GFA of the primary structure is 1,554 square feet; therefore, the proposal will be 18% of the GFA.</p>
<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>As the proposed porch is not an accessory structure, this standard does not apply.</p>
<p>Standard 6 Construction in Character with On-Site Development</p>	<p>The proposed porch is being constructed at the front of the dwelling where an existing stoop is located. The elevation drawings indicate that the size and scale of the proposed porch would be compatible with the existing dwelling.</p>
<p>Standard 7 Construction Harmonious with Off-Site Development</p>	<p>Based on a review of aerial imagery and the submitted photographs, staff believes that the proposed porch would not affect neighboring properties in terms of location, height and bulk, and vegetation.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed porch will not significantly impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. Staff believes the porch will not significantly increase runoff or erosion, as the new porch will not create a large amount of land disturbance.</p>
<p>Standard 9 Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes the request to build the porch is a modest request as it is only 280 square feet in total, which includes the area over the existing walkways. In addition, the roof of the existing carport already extends closer to the front lot line than the proposed roof would according to the SP Plat. Other issues of wells, floodplains and/or Resource Protection Areas, and historic resources are not applicable to this site. Staff believes the application meets this provision.</p>
<p>Standard 10 BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p>Standard 11 Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>
<p>Standard 12 Architectural Elevations</p>	<p>Proposed elevations are included in the beginning of this report and are also included as an attachment to the development conditions.</p>

CONCLUSION / RECOMMENDATION

Staff believes that the request for the roofed deck (porch) is in conformance with the applicable Zoning Ordinance provisions.

Staff recommends approval of SP 2014-PR-237 for the reduction of certain yard requirements to permit construction of a roofed deck, subject to the proposed conditions set forth in Appendix 1. Staff does not make recommendations on error in building location applications.

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. Building Permit History
5. Similar Case History
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-PR-237****February 4, 2015**

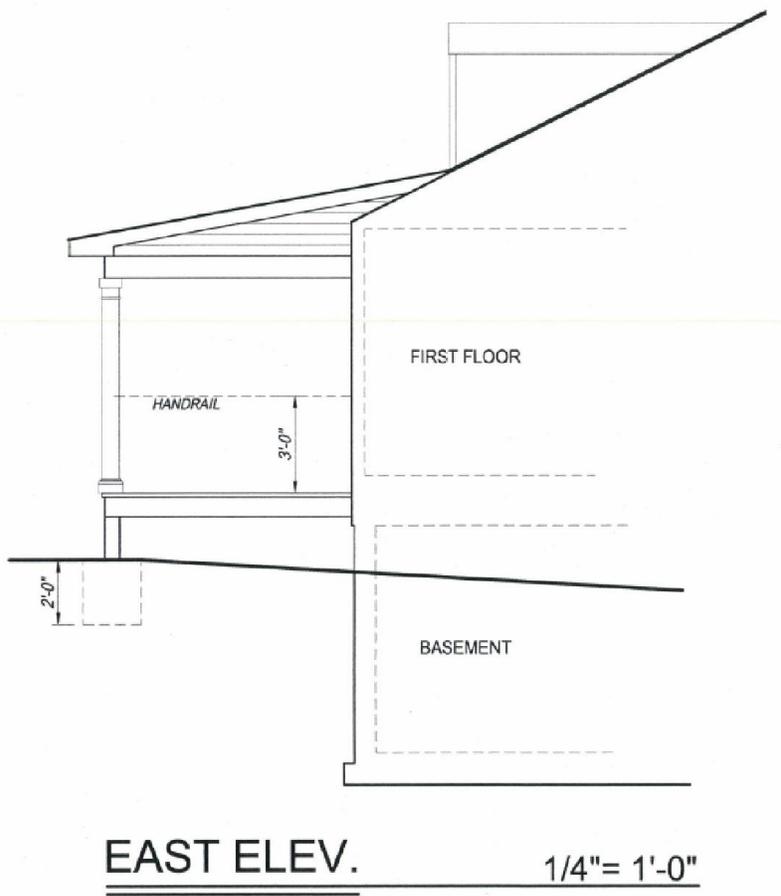
If it is the intent of the Board of Zoning Appeals to approve SP 2014-PR-237 located at Tax Map 50-3 ((13)) 31 to permit reduction of minimum and certain yard requirements pursuant to Sections 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

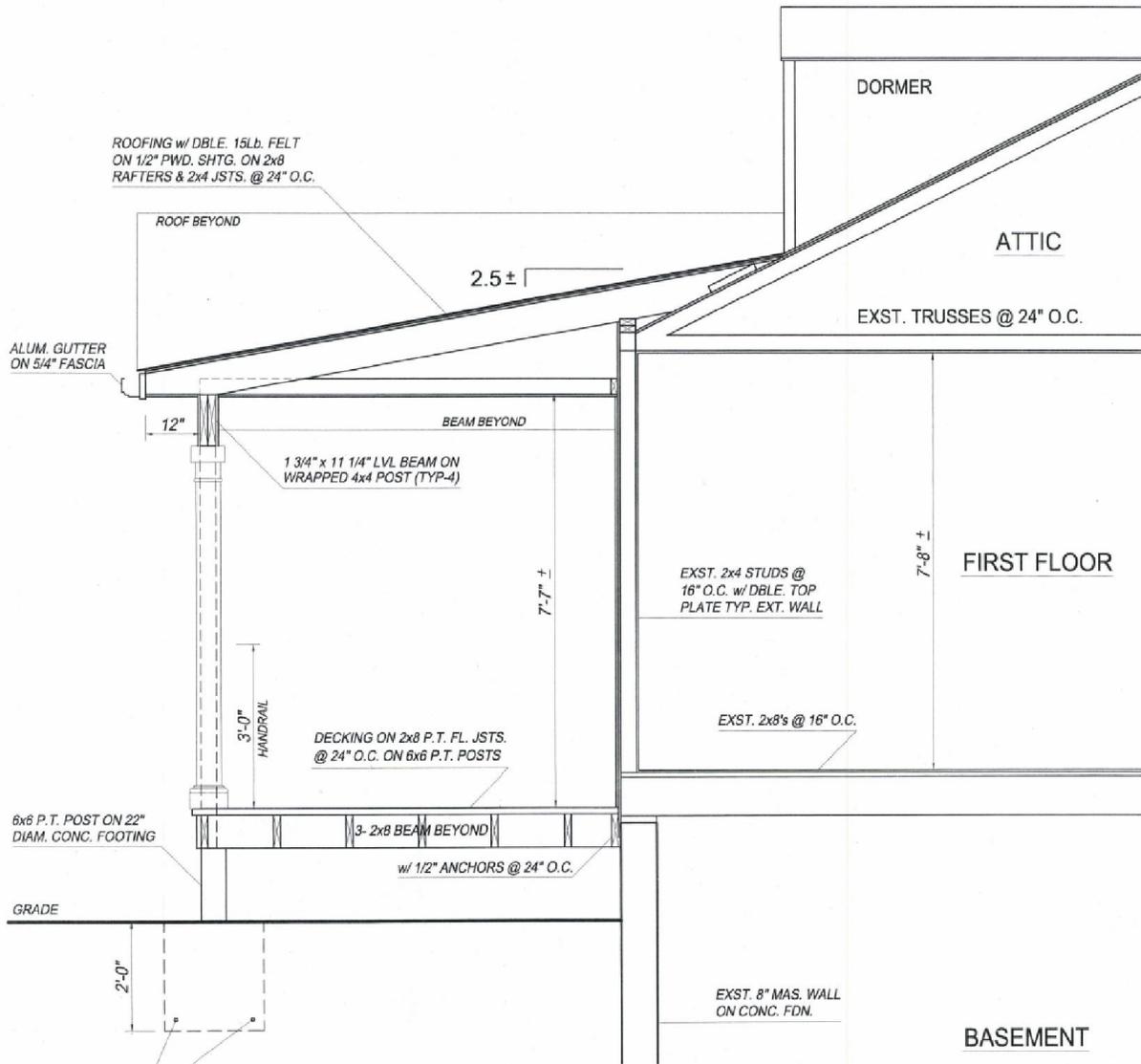
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the roofed deck (porch) and dwelling as shown on the plat titled, "Special Permit Plat, Lot 31, Oak Knoll," prepared by James D. Thurber, L.S., of Thurber Engineering & Land Surveying, dated October 13, 2014, as revised through October 26, 2014, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,554 square feet existing + 2,331 square feet (150%) = 3,885 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The roofed deck (porch) shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit.

The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.





SEP 04 2014
Zoning Evaluation Division

September 3, 2014

To Whom It May Concern:

The undersigned are the sole owners of record of the property at 7326 Poplar Court and as such would like to apply for a special permit/variance pertaining to zoning ordinance 8-922. -Provisions for Reduction of Certain Yard Requirements for the property at 7326 Poplar Court, Falls Church VA 22042 (Lot 133).

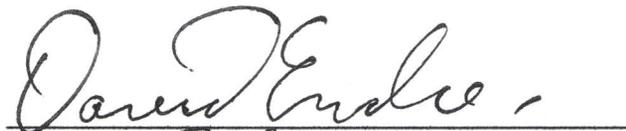
The purpose of this permit is to reduce the front yard setback from 30 feet to 27 feet thereby allowing the addition of a 8' by 20.5' rectangular front porch covered by modifying and extending the existing front roof eaves. The roof modifications will be in character with and enhance the existing design by the addition of a central dormer section.

The porch addition and roof modifications will not require the removal of any shrubs or trees. The development will be harmonious with the surrounding uses and structures, topography and vegetation in the local area.

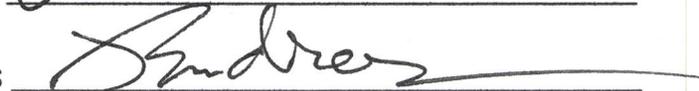
The porch addition and the extended roof eaves will be supported by 6X6 support posts on 22" diameter concrete footers as per the accompanying engineering design drawings.

The addition will enhance the look of the house and be totally in character with the neighborhood. The addition will not affect adjacent properties with regard to light, noise, air, safety erosion and/or storm water runoff. The addition will not affect any historic sites. We will also be conforming to the provisions of all applicable ordinances as pertaining to zoning ordinance 8-922, of the regulations and adopted standards or, if any waiver, exception or variance is sought by us will be specifically noted with the justification of the modification. We appreciate your consideration in this matter.

David Endres



Geraldine Endres



Megan Brady Duca
Senior Staff Coordinator
Fairfax County Dept. of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035
(703) 324-1290

Megan,

Please note the following comments on each of the items noted:

The BZA determines that:

A. The error exceeds ten (10) percent of the measurement involved, or
(The error noted does not exceed 10 percent of the measurement involved)

B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
(The error does not exceed 10 percent and is not requested in conjunction with another building location error)

C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and

(The noncompliance was done through no fault of the present property owner having occurred during initial construction 50 years ago)

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

(The minor mislocation has no meaningful effect on the purpose and intent of the regulation)

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

(The minor mislocation has no effect on other properties in the immediate vicinity)

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

(The minor mislocation does not create any unsafe conditions on other properties or on the public streets)

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

(Forcing compliance with the yard requirement would be a extreme hardship on the owner)

H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

(The modification will have no effect on density or floor area ratio permitted by the applicable zoning district regulations.)

David Endres

7626 Poplar Court

Falls Church VA 22042

703-899-4035











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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/4/2014
(enter date affidavit is notarized)

I, David Endres, 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

126872

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)
David P Endres	7326 Poplar Court Falls Church, VA 22042	Owner Spouse
Geraldine F Endres	7326 Poplar Court Falls Church, VA 22042	Owner Spouse

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/4/2014
(enter date affidavit is notarized)

126872

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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/4/2014
(enter date affidavit is notarized)

126872

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.

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126872

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

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

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

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

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

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

Application No.(s): _____

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/4/2014
(enter date affidavit is notarized)

126872

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: David R. Ewres
(check one) Applicant Applicant's Authorized Agent

DAVID R. EWRES
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 4 day of September 2014, in the State/Comm. of Virginia, County/City of Fairfax

Robert Wyatt Harrison
Notary Public

My commission expires: 9-30-2017



Department of Public Works
Fairfax County, Virginia
Application Number C-2463

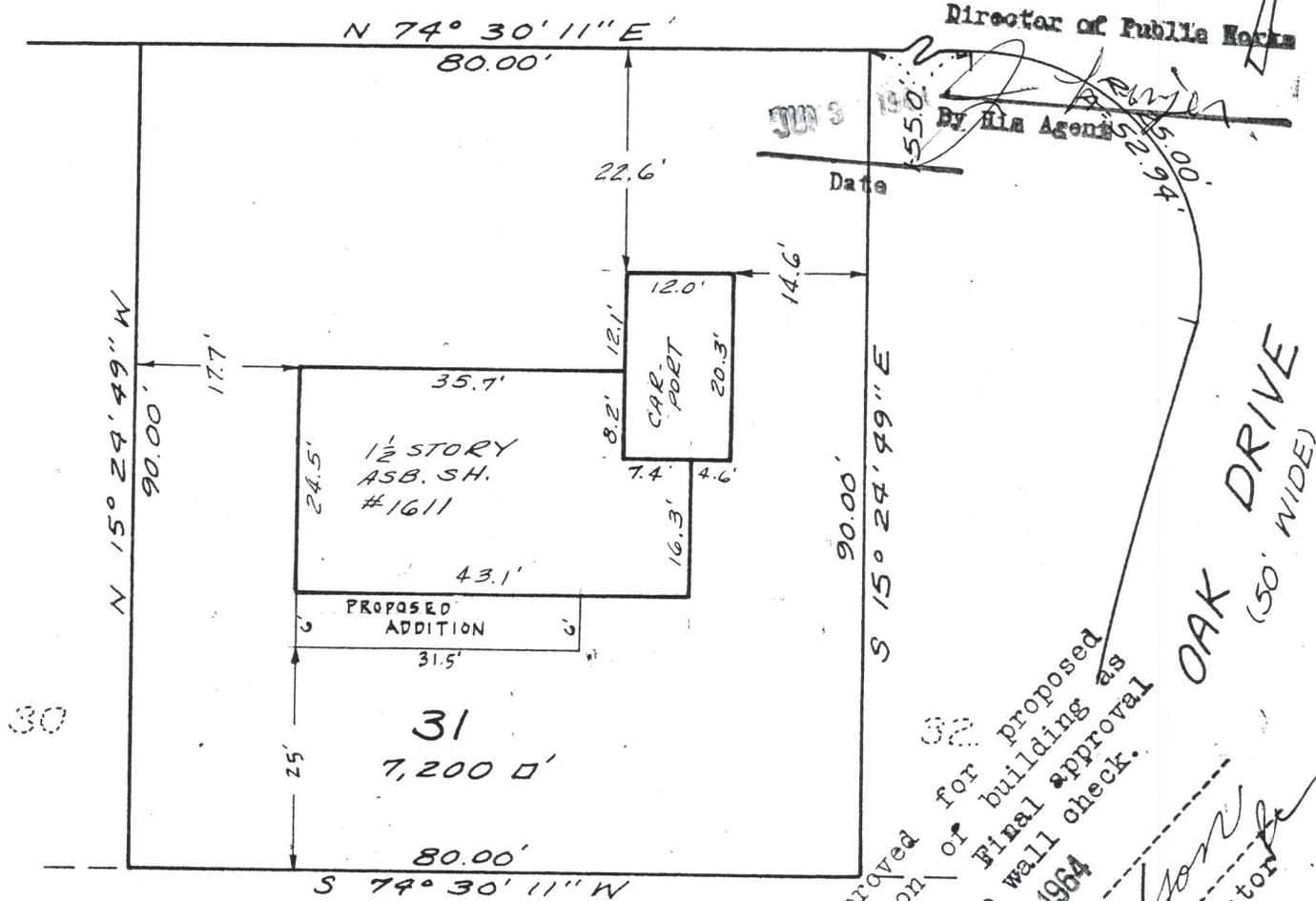
I hereby certify that this plot plan and structure shown hereon conform to the requirements of Section 113.10 of The Fairfax County, Virginia Building Code.

POPLAR DRIVE
(50' WIDE)

Director of Public Works

By file Agent *[Signature]*

JUN 3 1964
Date



Approved for proposed location of building as shown. Final approval subject to wall check.
Date JUN 3 1964

[Signature]
Zoning Administrator

PROPOSED ADDITION ADDED
MAY 18, 1964 FOR
HERBERT G. GEISLER
1611 POPLAR DRIVE
FALLS CHURCH, VA.
REV. MAY 28, 1964.

PLAT
SHOWING HOUSE LOCATION ON
LOT 31

OAK KNOLL

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 20' JAN. 11, 1957
B. CALVIN BURNS - CERTIFIED LAND SURVEYOR
ARLINGTON COUNTY, VIRGINIA

CERTIFIED CORRECT: *[Signature]*

Group: 96-P -019

SP 96-P -019

APPLICANT: DE LEON, PEDRO
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 11/08/1996
ZONING DISTRICT: R- 4
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT SHED TO REMAIN 2.0 FT. FROM REAR LOT LINE AND 2.7 FT. FROM SIDE LOT LINE
LOCATION: 2858 GRAHAM ROAD
TAX MAP #:
0503 09 0123

Group: 99-P -006

SP 99-P -006

APPLICANT: OSCAR SAHONERO
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 04/28/1999
ZONING DISTRICT: R- 4
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 5.0 FT. FROM SIDE LOT LINE AND COVERED PORCH 26.8 FT FROM FRONT LOT LINE
LOCATION: 2916 JOHNSON ROAD
TAX MAP #:
0503 09 0195

Group: 2011-PR-029

SP 2011-PR-029

[STAFF REPORT](#)

[LOCATOR MAP](#)

APPLICANT: RUBEN JORDAN ROSALES
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 06/29/2011
ZONING DISTRICT: R- 4
DESCRIPTION: REDUCTION IN MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 2.2 FEET FROM SIDE LOT LINE
LOCATION: 7208 QUINCY AVENUE
TAX MAP #:
0503 09 0168

Group: 2011-PR-085

SP 2011-PR-085

[STAFF REPORT](#)

[LOCATOR MAP](#)

APPLICANT: JOHAN CARDENAS LANCHIPA AND CARLOTA LANCHIPA
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 12/07/2011
ZONING DISTRICT: R-4
DESCRIPTION: PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITIONS TO REMAIN 6.0 FEET AND 7.0 FEET FROM SIDE LOT LINE
LOCATION: 2922 JOHNSON ROAD
TAX MAP #:
0503 09 0192

Group: 2013-PR-009

SP 2013-PR-009

[STAFF REPORT](#)

APPLICANT: SANTOS G. AMAYA
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 04/24/2013
ZONING DISTRICT: R-4
DESCRIPTION: REDUCTION IN MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 6.8 FEET FROM SIDE LOT LINE
LOCATION: 7212 TYLER AVENUE, FALLS CHURCH, VA 22042
TAX MAP #:
0503 09 0018

8-006 General Standards

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

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

8-903 Standards For All Group 9 Uses

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

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

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

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

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

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

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

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

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

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