



APPLICATION ACCEPTED: November 21, 2014
BOARD OF ZONING APPEALS: March 11, 2015
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 4, 2015

STAFF REPORT

APPLICATION SP 2014-MA-249

MASON DISTRICT

APPLICANT: Abey Kassa

OWNERS: Abey Kassa and Menna Desta

LOCATION: 5618 Seminary Road, Alexandria 22311

SUBDIVISION: Sunset Manor

PARCEL: 62-3 ((3)) 81

LOT SIZE: 11,299 square feet

ZONING: R-3

ZONING ORDINANCE PROVISION: 8-922

PROPOSAL: To permit a reduction in certain yard requirements to permit construction of a two-story addition 6.2 ft. from the side lot line

STAFF RECOMMENDATIONS:

Staff recommends denial of SP 2014-MA-249 for the reduction of certain yard requirements to permit the construction of a two-story addition. If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-249, staff recommends the Board condition the approval, consistent with the proposed conditions set forth 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.

Carmen Bishop

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

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

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

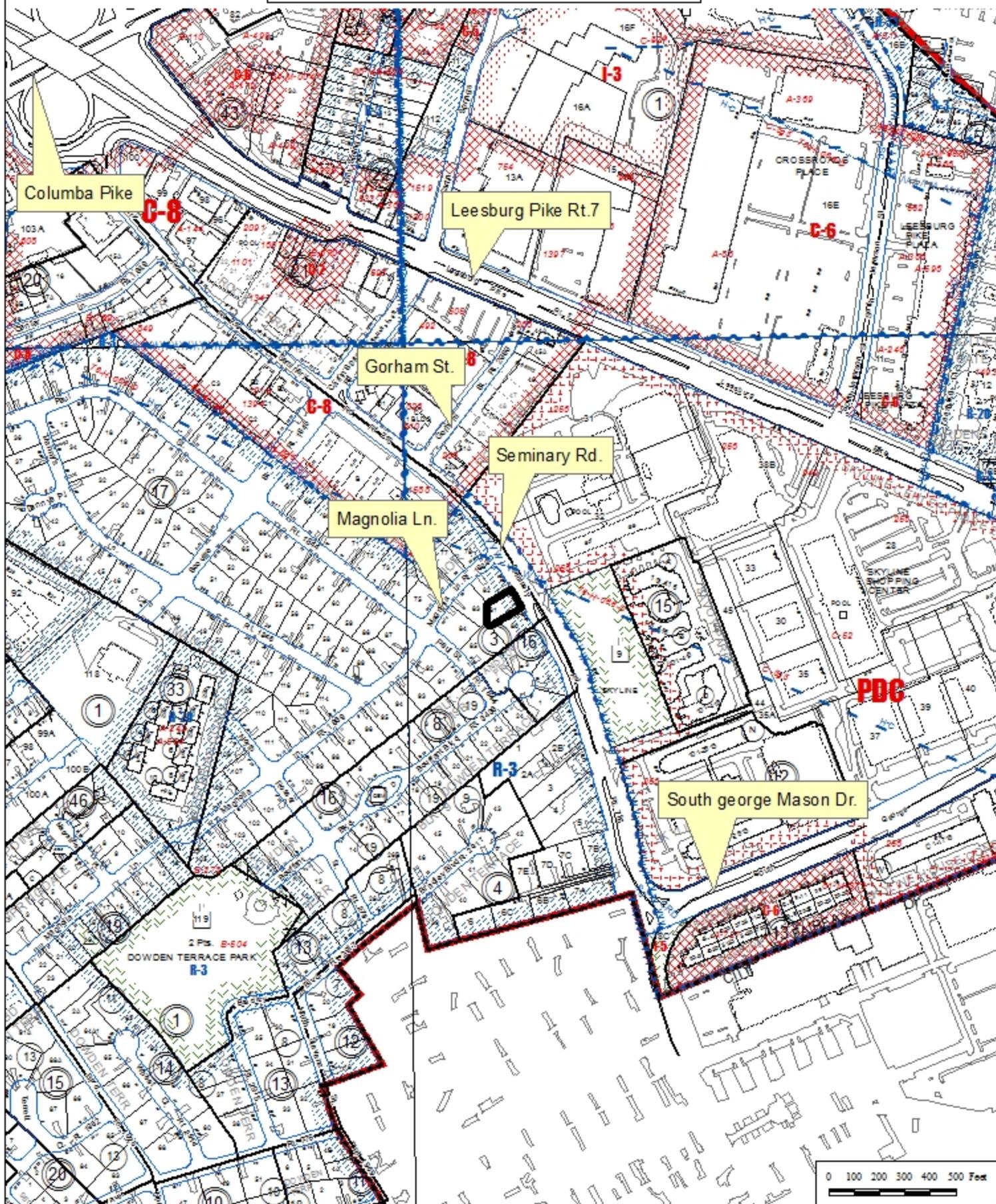


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

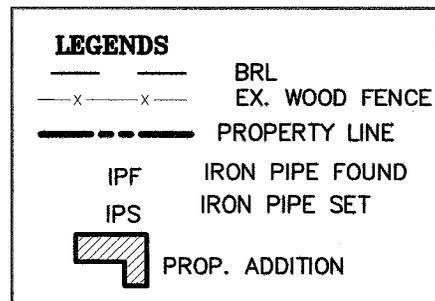
SP 2014-MA-249

ABEY KASSA



NOTES:

1. THE PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
2. THE SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES (INCLUDING FENCES).
3. THE LOCATION OF FENCES ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
4. THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX MAP # 62-3-((03))-81. PROPERTY CORNERS NOT SET.
5. NO KNOWN GRAVE SITE OR BURIAL SITE EXIST ON THE LOT.
6. THE PROPERTY IS SERVED BY PUBLIC WATER AND SANITARY SEWER SYSTEM.
7. THERE ARE NO KNOWN UTILITY EASEMENTS HAVING A WIDTH OF 25 FEET OR MORE ON SITE.
8. THERE ARE NO KNOWN MAJOR UTILITY EASEMENTS ON SITE.
9. NO KNOWN TOXIC OR HAZARDOUS SUBSTANCES EXIST ON SITE.
10. THE PROPOSED DEVELOPMENT CONFORMS TO PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS.
11. NO FLOOD PLAIN, RESOURCE PROTECTION OR MANAGEMENT AREAS EXIST ON SITE.



PROPERTY OWNER:

ABEY KASSA
5915 HALL STREET, SPRINGFIELD
VIRGINIA, 22152
PHONE: 703-306-8854

IMPERVIOUS AREA CALCULATIONS

HOUSE = 1,906 SF
PORCH/WALKWAY/STEPS = 249 SF
DRIVEWAY = 682 SF
TOTAL = 2,837 SF

% IMP. AREA = 25.11%

EXISTING GROSS FLOOR AREA = 1,235.51 SF
EXISTING FLOOR AREA RATIO = 0.11
BASEMENT LEVEL IS CONSIDERED AS CELLAR FOR THIS PROPERTY. MORE THAN 50% BASEMENT BELOW GRADE.

PROPOSED GFA FIRST FLOOR = 1805.1 SF
PROPOSED GFA SECOND FLOOR = 1,225.30 SF
TOTAL GROSS FLOOR AREA = 3,030.40 SF

ALLOWABLE ADDITIONAL GROSS FLOOR AREA 150%
= 1,235.51 X 150/100 = 1,853.26 SF

INCREASED IN FLOOR AREA = 1,794.89 SF

% OF INCREASED IN GROSS FLOOR AREA

= 1,794.89 / 1,235.51 x 100

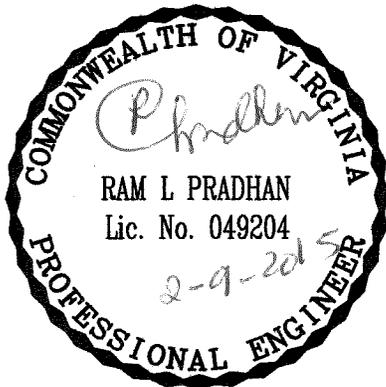
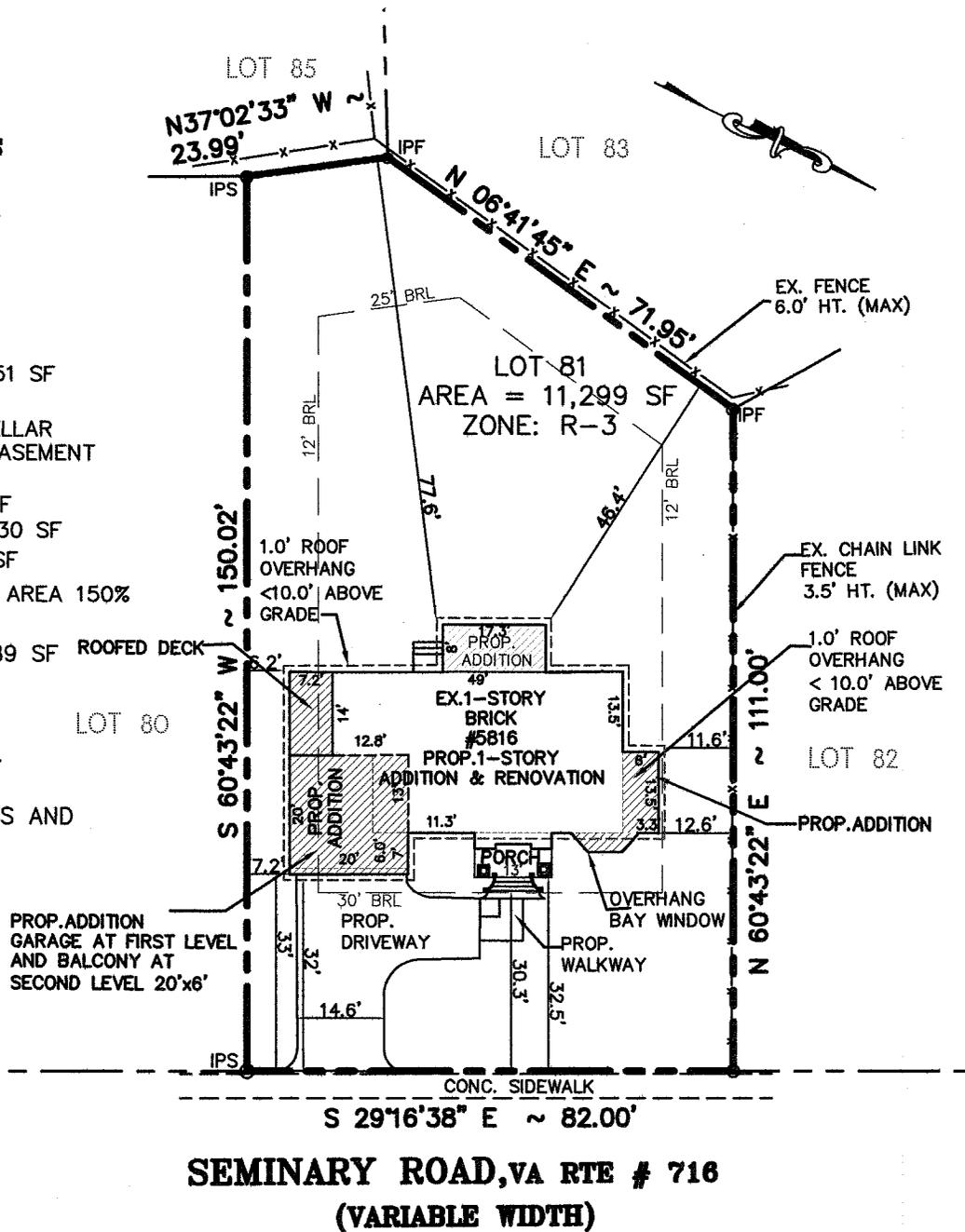
PERCENTAGE = 145.27% < 150%, OK.

FLOOR AREA RATIO = 0.2682

(REFER ARCHITECTURAL FLOOR PLANS AND ELEVATIONS FOR DETAILS)

FRONT YARD COVERAGE:

FRONT YARD AREA = 2,624.00 SF
FRONT YARD DRIVEWAY SURFACE AREA = 682.0 SF
% YARD COVERAGE = 25.99% < 30.0% OK



ZONING TABLE (R-3)

DESCRIPTIONS	EXISTING	PROPOSED
IMPERVIOUS AREA	15.24%	25.11%
GROSS FLOOR AREA	1,235.51 SF	3,030.40 SF
FLOOR AREA RATIO (FAR)	0.11	0.2682
BUILDING HEIGHT	< 20.0'	< 35.0'

SETBACK TABLE (ZONE R-3, INTERIOR LOT)

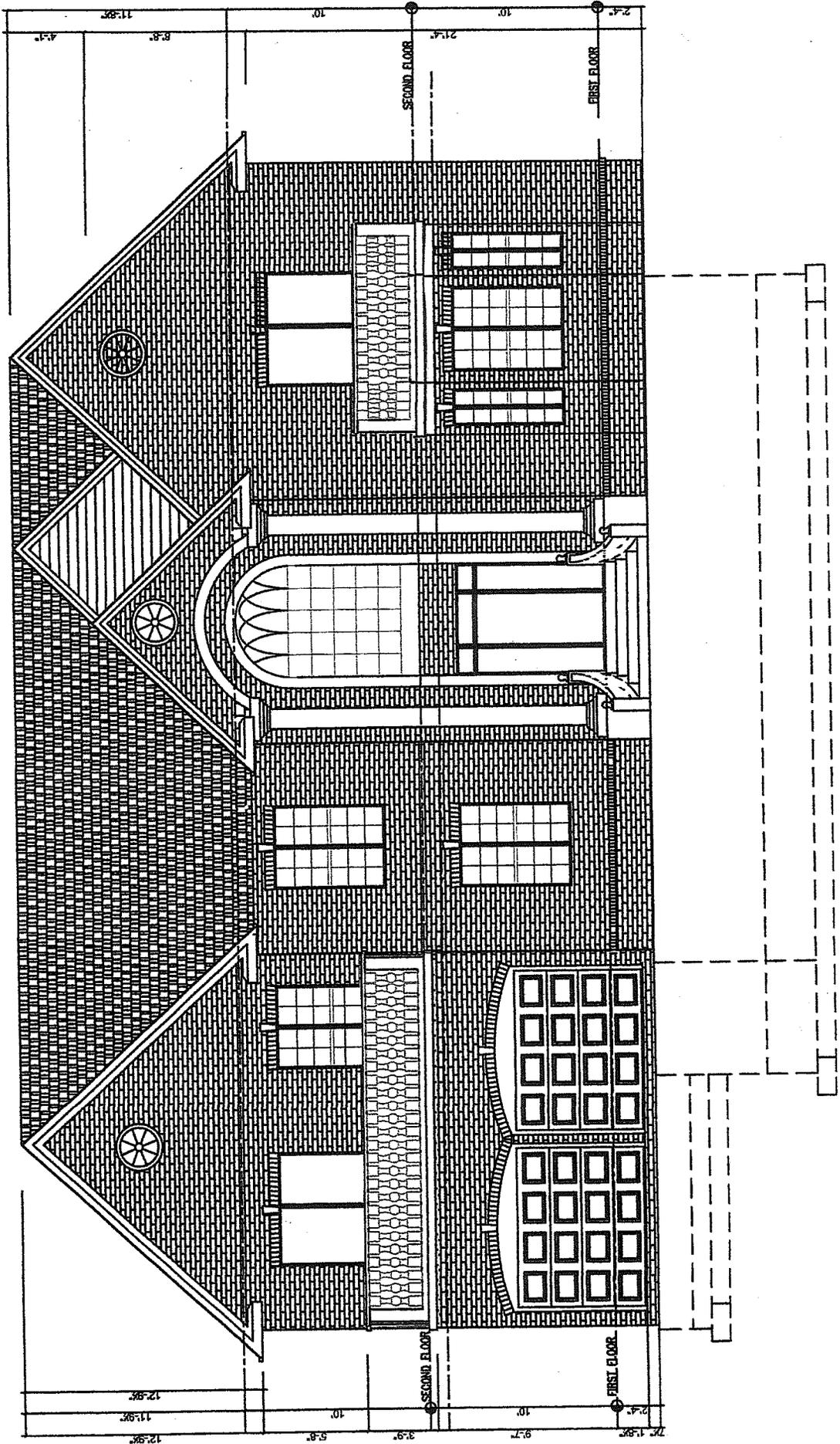
	REQUIRED	PROVIDED	
		OUTER WALL	ROOF EAVE
FRONT	30' (MIN.)	33.0' (MIN)	32.0'
SIDE	12' (MIN)	7.2' (MIN)	6.2' (LEFT)
SIDE	12' (MIN)	12.6' (MIN)	11.6' (RIGHT)
REAR	25' (MIN.)	44.6' (MIN)	74.7'

SPECIAL PERMIT PLAT

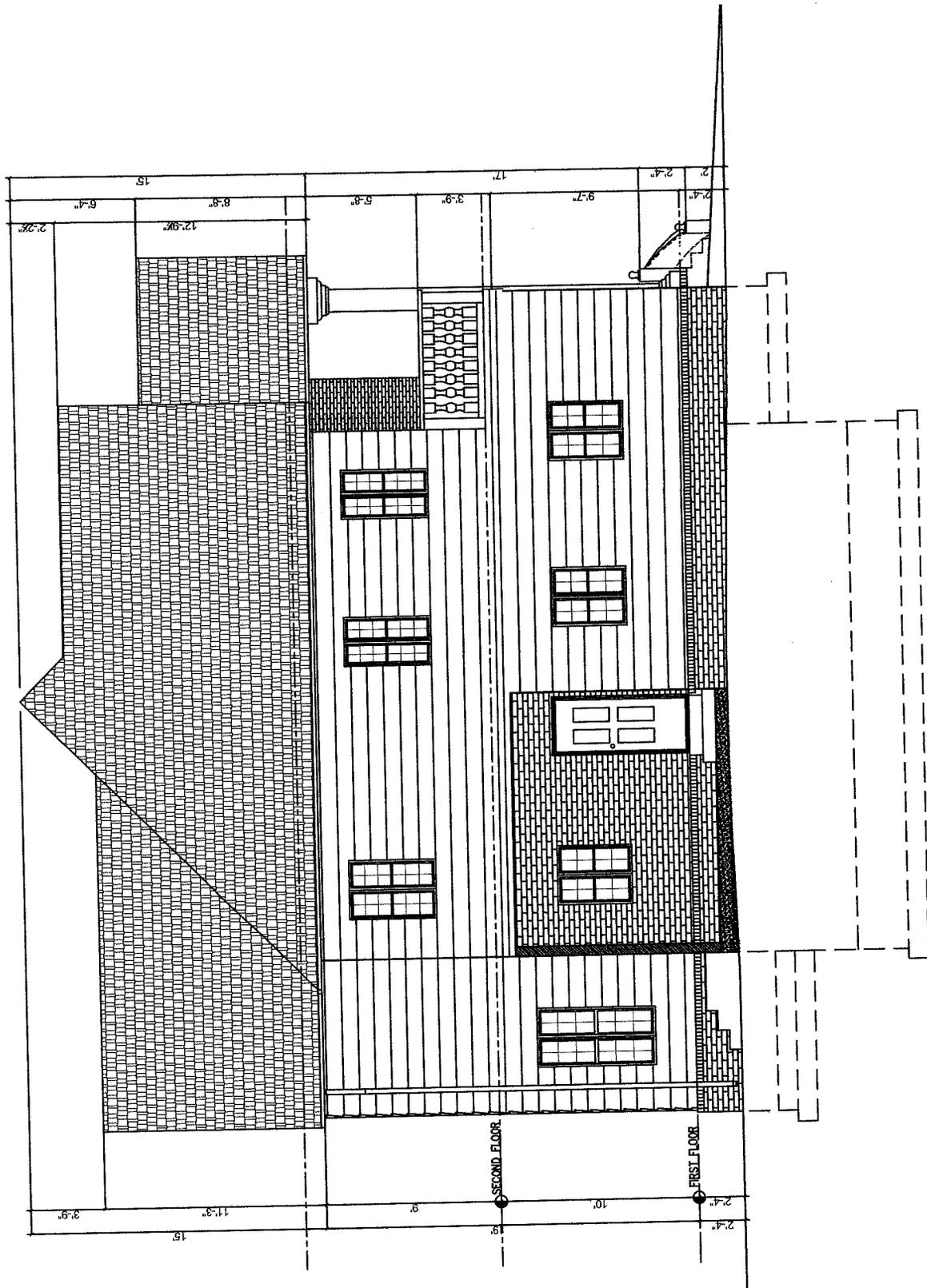
LOT 81, SUNSET MANOR
5618 SEMINARY ROAD, ALEXANDRIA
MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA 22041
SCALE : 1" = 30' DATE: FEB 05, 2015

PREPARED BY

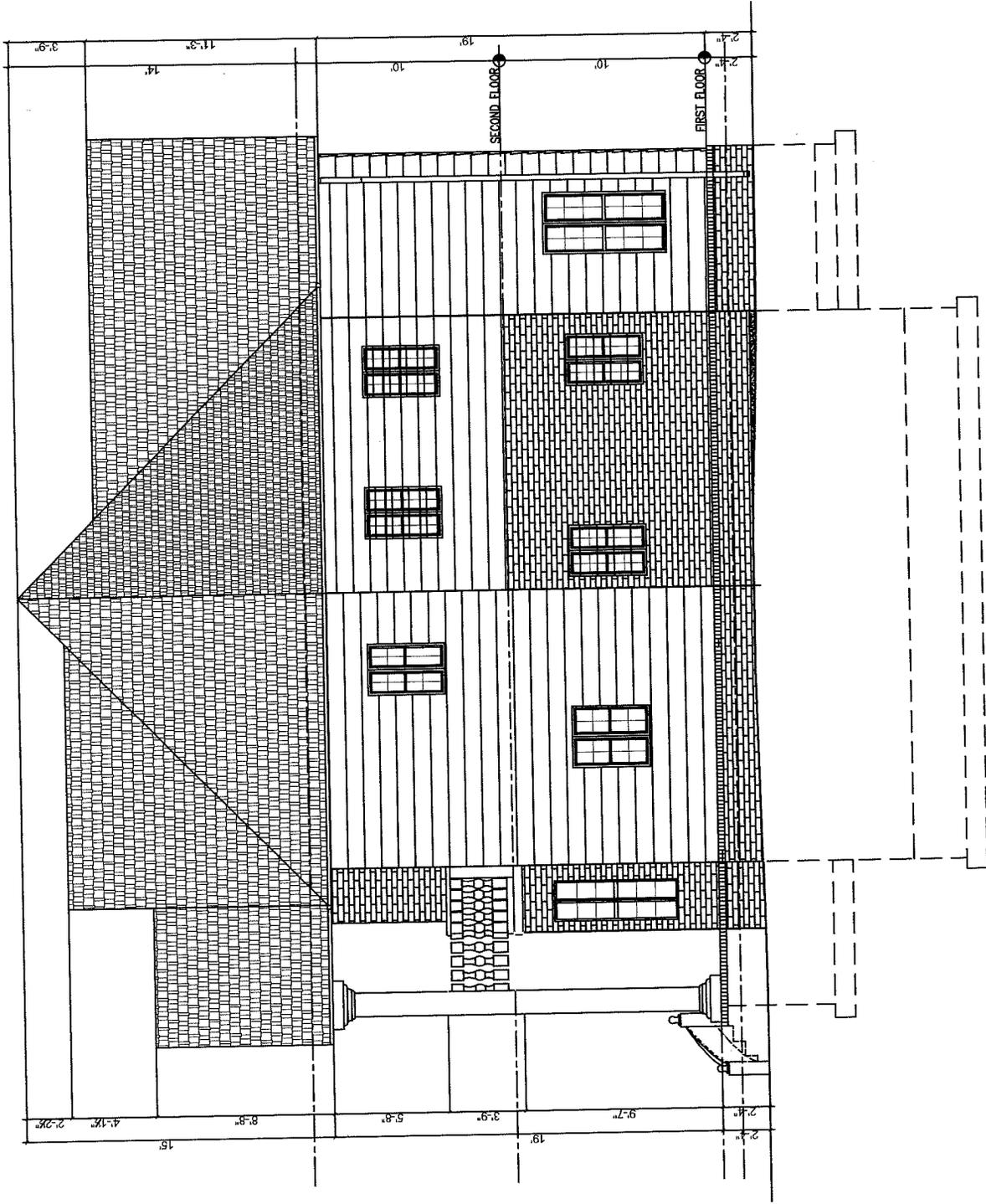
Inova Engineering Consultants, Inc
25209 LARKS TERRACE
SOUTH RIDING, VIRGINIA-20152
PHONE: (703) 655-3951
E-mail: inovaengineers @ yahoo.com



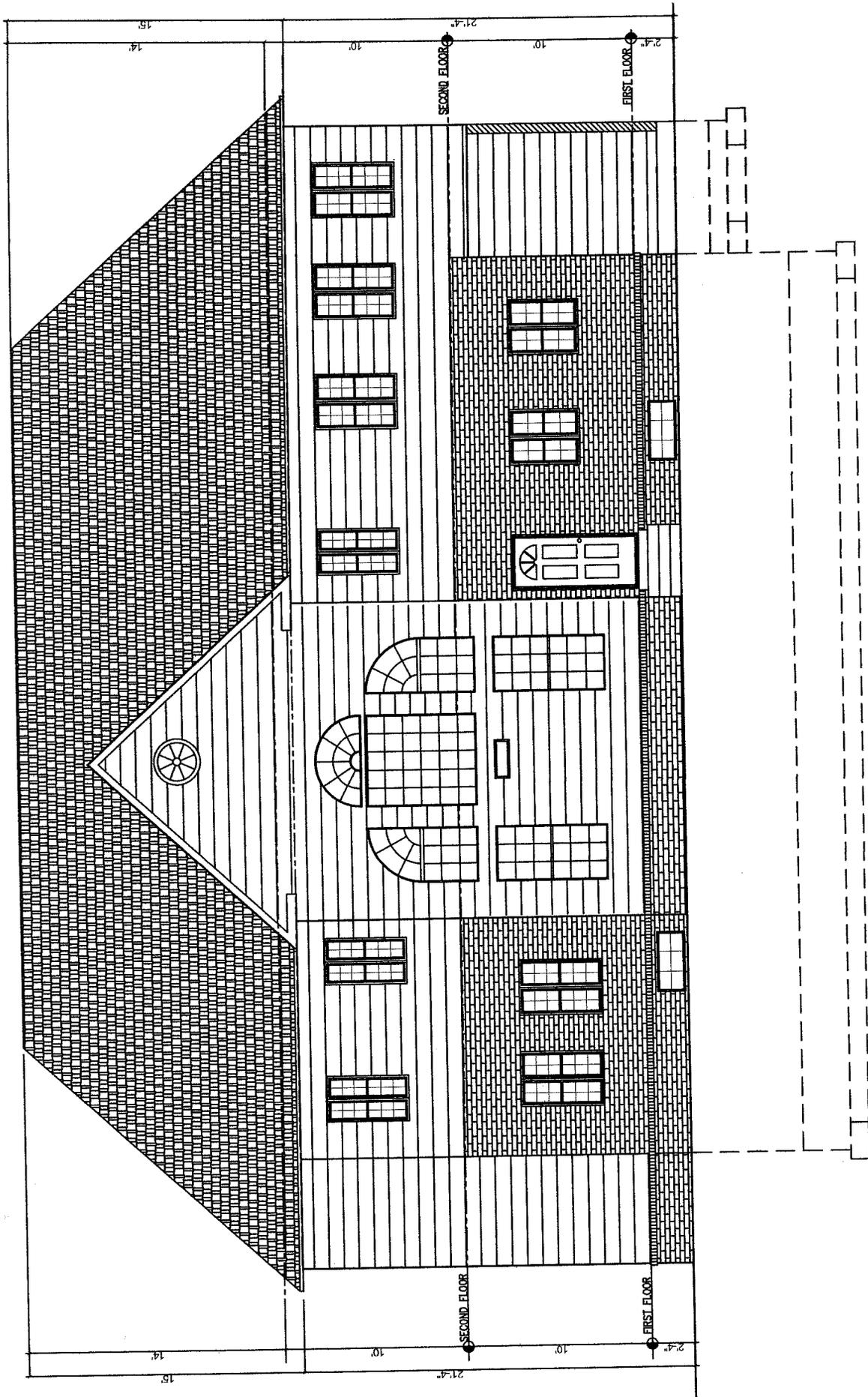
FRONT ELEVATION
SCALE: 1/8"=1'-0"



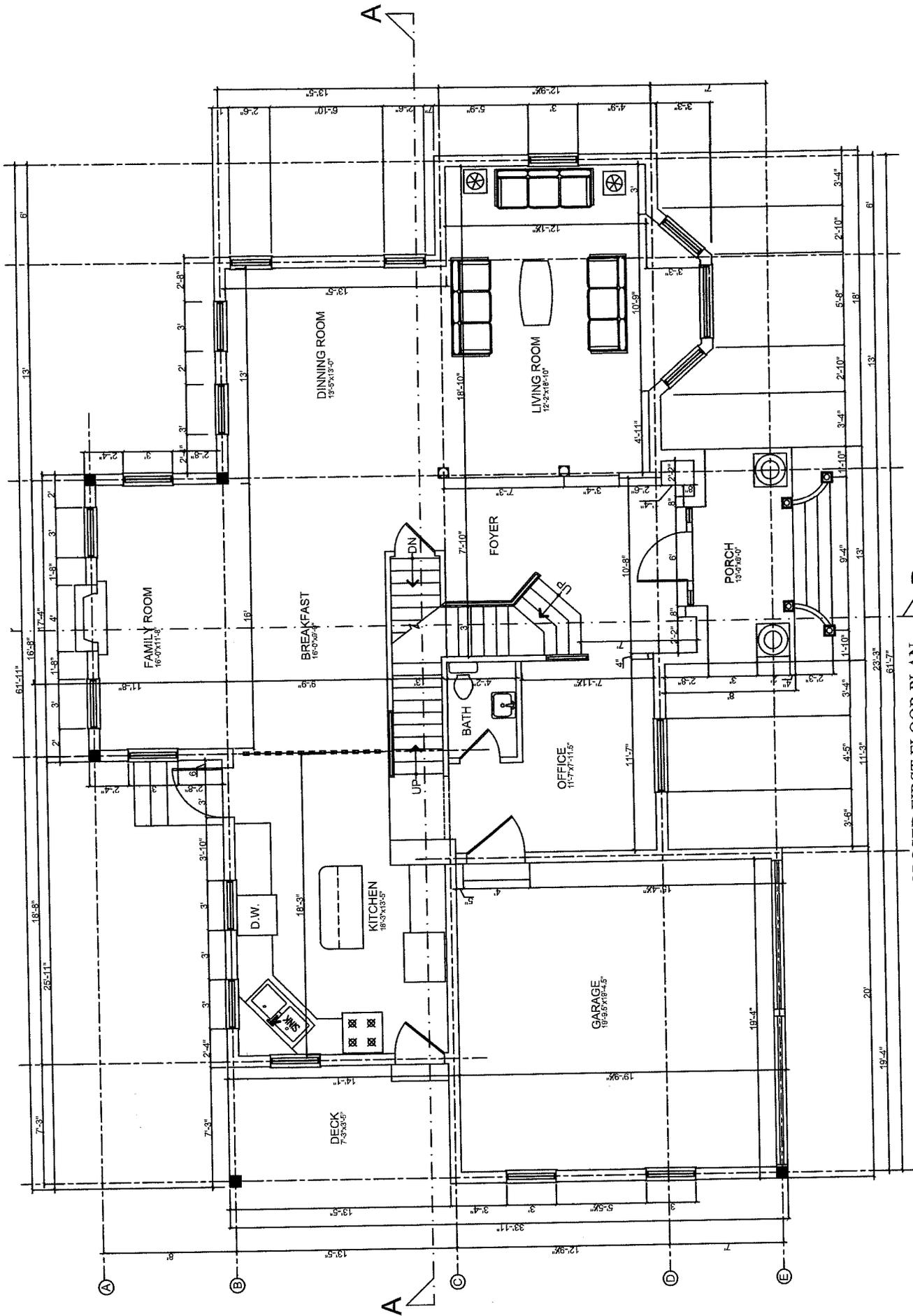
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



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

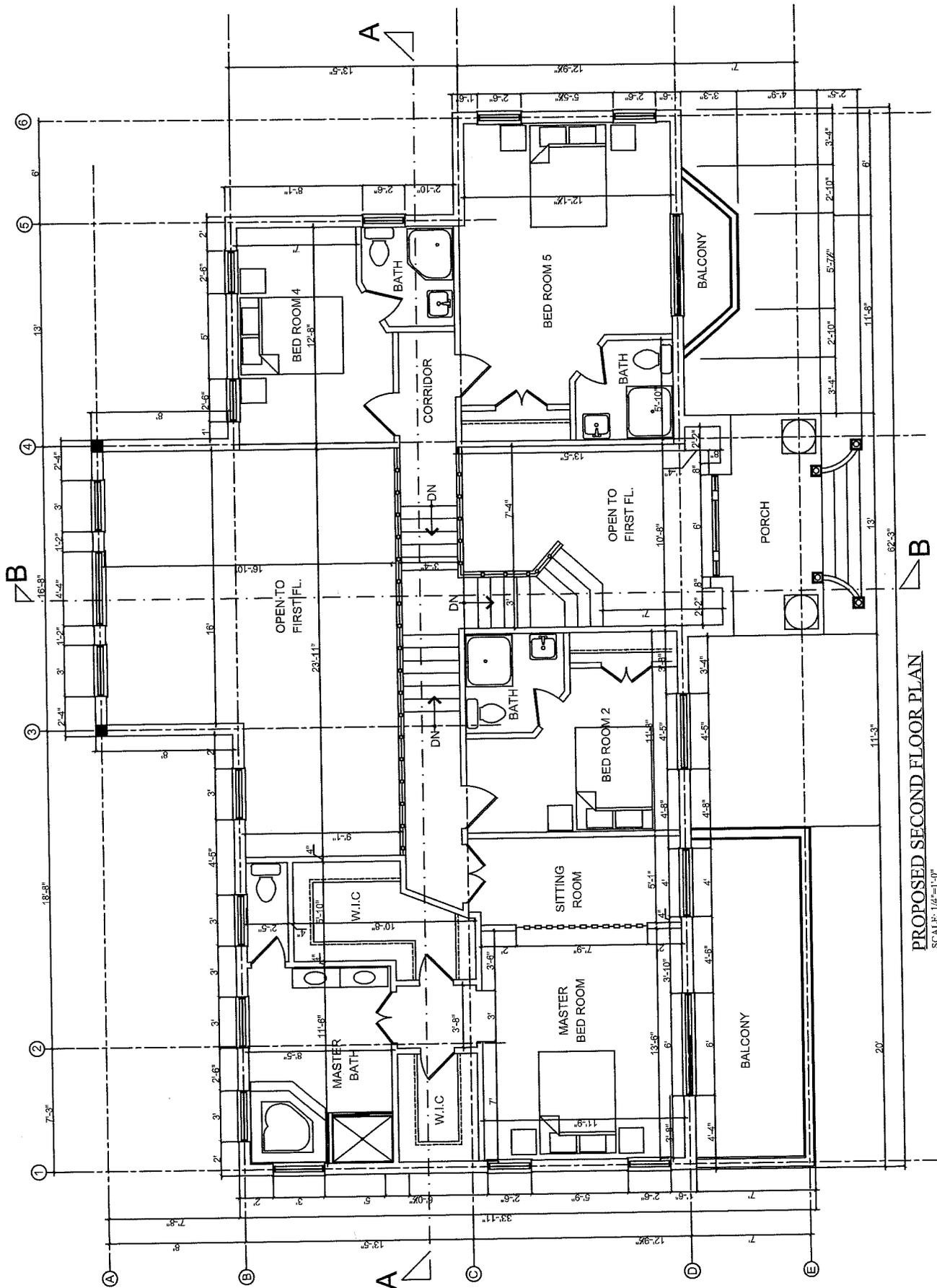


REAR ELEVATION
SCALE: 1/4"=1'-0"



PROPOSED FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



PROPOSED SECOND FLOOR PLAN
 SCALE: 1/4"=1'-0"

SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit to allow a reduction of certain yard requirements to permit construction of a two-story addition located 6.2 feet from the southern side lot line, as measured to the eaves. A more detailed description of the proposal is provided below under Description of the Application.

A reduced copy of the special permit plat, titled "Special Permit Plat Lot 81, Sunset Manor" prepared by Inova Engineering Consultants, Inc., dated February 5, 2015, and signed February 9, 2015, and architectural drawings provided by the applicant are included at the front of this report.

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

LOCATION, CHARACTER and BACKGROUND

The 11,299-square foot subject property is located on Seminary Road in the Sunset Manor subdivision to the east of Bailey's Crossroads. The area is characterized by a mix of commercial and residential uses. The property is across Seminary Road from Skyline Towers, and Seminary Road is heavily traveled by both vehicles and pedestrians. A crosswalk and bus stop are located in front of the property. Nevertheless, the Sunset Manor neighborhood, located to the south and west of Seminary Road, is generally characterized by modest, one-story single family detached dwellings originally built in the mid-1950s. The subject property and immediate vicinity are zoned R-3. The area to the north and east across Seminary Road is zoned to the PDC District.

The applicant has provided photographs, included in Appendix 2, of other homes of a similar size to the proposed dwelling located in the general vicinity. Three of the dwellings in the photographs are located in the cul-de-sac of Bouffant Boulevard and can be seen in the aerial photograph below. The dwellings range from 3,240 to 5,548 square feet, on lots of 12,649 to 19,132 square feet. None of the dwellings highlighted by the applicant were the subject of a special permit for reduction in yard requirements.

Nonetheless, staff believes that the Sunset Manor neighborhood, including the dwellings immediately adjacent to the subject property, remains primarily developed with smaller, single-story dwellings. The subject property is one of the smallest lots in the subdivision. Adjoining lots range from 12,587 to 16,352 square feet, and are developed with dwellings that range from 1,232 to 2,416 square feet. A review of similar requests in the vicinity of the applicant's property (Appendix 4) reveals no other applications pursuant to Sect. 8-922 of the Zoning Ordinance. One application for reduction of minimum yard requirements based on error in building location was approved September 10, 2014, one application was denied on March 12, 1997, and a variance to allow enclosure of a carport 10 feet from a side lot line was approved on December 7, 1988. The application which was denied, SP 96-M-53, was found to be not in harmony with the surrounding neighborhood. An

application for an accessory dwelling unit was approved for adjoining Lot 80 on October 6, 2010.



Source: Fairfax County GIS, 2013 Imagery, with added annotations

According to the Department of Tax Administration, the dwelling on the subject property was constructed in 1956, and the applicant purchased the property on March 25, 2014. An interior demolition permit was issued on May 2, 2014, and that work appears to be complete. The property is relatively flat, sloping gently to the rear, and includes an approximately 9.5-foot wide driveway, expanded with gravel to the left, grass, and several trees.

No complaints have been filed with the Department of Code Compliance, and the property is not subject to proffers or development conditions.

DESCRIPTION OF THE APPLICATION

The applicant proposes significant additions and renovations to an existing one-story brick dwelling. According to the plat, the existing dwelling consists of 1,236 square feet, plus cellar space. Proposed additions include a second story, a two-car garage on the left side of the dwelling, a roofed deck behind the garage, a front porch, and two-story additions on the right side and rear of the dwelling. According to the plat, the additions total approximately 1,795 square feet, for a total of 3,030.4 square feet. This total does not include the areas of the second floor that are open to below. The cellar space is more than 50 percent below grade, and therefore, is not included in the square footage. The

existing dwelling is approximately 15 feet in height; the proposed dwelling is 30 feet in height. The proposed architectural elevations depict brick and siding, balconies and two-story entry columns. A 14.6-foot wide driveway is provided with a turn-around.

Sect. 3-307 of the Zoning Ordinance requires a minimum side yard of 12.0 feet. The plat depicts a proposed addition on the left, or southern side, of the dwelling that would extend to 6.2 feet from the side lot line. The addition in this area consists of a two-car garage with a roofed deck behind, and second story living space. The applicant had initially requested a reduction of yard requirements on the north, or right, side of the dwelling, as well as on the south side; however, the revised plat observes the 12-foot minimum side yard requirement on the north side, with an extension of the eave as permitted by Sect. 2-412 of the Zoning Ordinance.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percent Reduction Requested
Special Permit	Addition	Side	12.0 feet	6.2 feet	5.8 feet	48%

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Baileys Planning District,
Planning Sector: Glasgow Community Planning Sector (B4)
Plan Map: Residential, 2-3 du/ac

Zoning Ordinance Requirements

The application must meet the standards of the following sections of the Zoning Ordinance, which are included in Appendix 6:

- Sect. 8-006, General Special Permit Standards
- Sect. 8-903, Group 9 Standards
- 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-3 District allows a reduction in minimum required yards with special permit approval. In staff’s opinion, the proposed bulk and scale of the dwelling is not in harmony with the stable, low density, single-family subdivision of Sunset Manor as identified in the Comprehensive Plan.
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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	The Urban Forest Management Division reviewed the application (Appendix 5) and identified that several large trees have been removed. The UFMD recommended that the applicant install one evergreen and one deciduous tree to replace the canopy. A proposed condition is included to address this recommendation.
Standard 6 Open Space	There is no open space requirement for the R-3 District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the on-site utilities or drainage. The driveway entrance is proposed to remain in the same location, but the driveway would be widened and a 2-car garage would be provided. The driveway includes a turn-around which is beneficial considering the heavy traffic along Seminary Road. In addition, there presently is gravel to the left of the driveway. A condition is proposed for the removal of the gravel to reduce front yard impervious surface.
Standard 8 Signs	No signage is proposed. All signage is required to be in conformance with Article 12 of the Zoning Ordinance.

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

Standard 1 Lot Size and Bulk Regulations	The subject property meets the lot size and width requirements for the R-3 District. The bulk regulations for the minimum required side yards are requested to be modified with this 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.

Provisions for Reduction of Certain Yard Requirements (Sect. 8-922)

Standard 1 Yard Requirements Subject to Special Permit	<p>A. Minimum Required Yards/Yard not less than 50% of the requirement – The proposed addition will be located 6.2 feet from the side lot line. The required side yard in an R-3 District is 12 feet, resulting in a reduction of 48%.</p> <p>B. Pipestem lots – N/A</p> <p>C. Accessory structure locations – N/A</p> <p>D. Extensions into minimum required yards – N/A</p>
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<p>Standard 2 Not a Detached Structure in a Front Yard</p>	<p>No accessory structure is proposed in the front yard.</p>
<p>Standard 3 Principal Structure that Complied with Yard Requirements When Established</p>	<p>The subject property contains an existing single family dwelling that complies with the minimum yard requirements.</p>
<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 addition is 1,795 square feet, and the existing GFA of the dwelling is 1,236 square feet; therefore, the proposed addition would be 145% of the GFA.</p> <p>Although the calculation of GFA may exclude those areas of a second floor that are open to below, such as a two-story foyer and family room, those areas are still part of the overall bulk of the structure. If the areas that are open to below were included in the calculation of GFA, the proposed addition would exceed 150% of the GFA. Staff believes that although the areas open to be below may be excluded for consideration under this standard, the issues of bulk, scale and character, should be evaluated in regard to Standards 6 and 7, below.</p>
<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>N/A – This application does not pertain to an accessory structure.</p>
<p>Standard 6 Construction in Character with On-Site Development</p>	<p>The proposed additions represent a major expansion and renovation of an existing dwelling. The elevation drawings indicate that the height, bulk and scale of the proposed addition will not be in character with the existing dwelling.</p>
<p>Standard 7 Construction Harmonious with Off-Site Development</p>	<p>Based on a site visit and review of aerial imagery and the submitted photographs, staff believes that the proposed addition would not be harmonious with surrounding off-site development in terms of location, height, bulk and scale, particularly with regards to the Sunset Manor neighborhood.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed additions will not significantly impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. DPWES has indicated that stormwater management will not be required because the additional land disturbance is less than 2,500 square feet. The applicant will be required to comply with the standards of the Public Facilities Manual at the time of development.</p>

<p>Standard 9 Represents the Minimum Amount of Reduction Necessary</p>	<p>Considering the location of the driveway, a reduction in minimum yard requirements may be needed in order to construct a front-loading garage on the subject property. However, staff does not believe that the proposed application represents the minimum reduction necessary. The front of the existing dwelling is located approximately 21 feet from the side lot line, which would allow for an addition of 9 feet without a reduction in yard requirements. As proposed, the two-car garage area will consume approximately 87 square feet of existing living space. Options to increase the proposed side yard would include providing a one-car garage, shifting the garage further away from the side lot line, or relocating the garage to the rear of the lot. Other issues of lot shape, yard determination, environmental characteristics, slopes, wells, easements and historic resources are not applicable to this site.</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>The applicant met the submission requirements. 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.</p>

CONCLUSION

Staff believes that the request for a reduction in the side yard requirement is not in conformance with the applicable Zoning Ordinance provisions, specifically General Standard 1 under Sect. 8-006, and Standards 6, 7 and 9 under Sect. 8-922 of the Zoning Ordinance, as noted above. The applicant is encouraged to revise the proposed addition to better meet the intent of the Zoning Ordinance, as described above under the analysis for Standard 9 of Sect. 8-922 of the Zoning Ordinance.

RECOMMENDATION

Staff recommends denial of SP 2014-MA-249 for the reduction of certain yard requirements to permit the construction of a two-story addition located 6.2 feet from the southern side lot line. However, if it is the intent of the BZA to approve the application, staff recommends it be subject to the proposed conditions set forth 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. 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 this application.

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

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification and File Photographs
3. Affidavit
4. Similar Case History
5. Forest Conservation Branch Review
6. Applicable Zoning Ordinance Provisions

Proposed Development Conditions

SP 2014-MA-249

March 4, 2015

If it is the intent of the Board of Zoning Appeals to approve SP 2014-MA-249 located at 5618 Seminary Road, Tax Map 62-3 ((3)) 81, to permit reduction of certain yard requirements pursuant to Section 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. This special permit is approved only for the location and size of the additions as shown on the plat titled "Special Permit Plat Lot 81, Sunset Manor" prepared by Inova Engineering Consultants, Inc., dated February 5, 2015, submitted with this application, and is not transferable to other land.
2. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
3. One (1) evergreen (six to eight-foot category III, such as eastern redcedar, or American holly), and one (1) deciduous tree (two-inch caliper category IV, such as white oak, swamp white oak, or willow oak) shall be planted within one year of special permit approval. The trees shall be planted in accordance with the Virginia Cooperative Extension Service, "Tree and Shrub Planting Guidelines," publication 530-295.
4. All gravel in the front yard shall be removed prior to issuance of the Residential Use Permit (RUP).
5. 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, regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Accordingly, the 1,236-square foot existing dwelling shall not be increased by more than 1,854 square feet, for a total of 3,090 square feet. Subsequent additions that meet minimum yard requirements may be permitted without an amendment to this special permit.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Zoning Appeals unless and until adopted by the Board.

This approval, contingent on 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, thirty (30) months after the date of approval unless construction of the addition 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.

RECEIVED
Department of Planning & Zoning
JAN 22 2015
Zoning Evaluation Division

JANUARY 15, 2015

Deborah Lesko Pemberton
Senior Applications Acceptance Planner
Special Projects/ Applications Management Branch
Department Planning and Zoning
Zoning Evaluation Department
12055 Government Center Parkway
Fairfax, Virginia 22035

Re: Proposed Special Permit Application
Applicant: Abey Kassa

County case Number: SP 2014-0321

Dear Ms. Deborah:

Please accept the following as statement of justification for special permit on property identified among Fairfax county tax map records as 62-3-((03))-81 (the "subject property").

The property is located at Alexandria, Virginia 22041. The property is under zoning district R-3 and contains 11,299 SF. The site is developed with 1-story single family dwelling. The existing dwelling was built in 1959. The existing gross floor area is 1,236 sf and the proposed gross floor addition is 1,794.89 SF (145.27%) that is less than allowable 150%. The proposed additions include 2-story addition on right side and 2 story additions with garage on left and 2 story additions on rear side of the existing dwelling and 1 story addition on the top of the existing dwelling. The proposed additions work meet setbacks requirements in the front and rear lot lines, however in the right and left sides the setbacks requirements do not meet. Under section 8-922 of zoning ordinance, I would like to request 50% reduction in setbacks requirements that is 6.0 feet from each side lot line to closest point (eave). In our case, the minimum setbacks to side lot lines are 6.2' (left) and 11.6' (right) to the eave. The proposed additions work will be constructed in accordance to county PFM, zoning ordinance and general engineering practices. The construction works will be in harmony with the neighboring properties.

In accordance with requirements of section 8-922 of the zoning ordinance, please accept the following information regarding the proposed special permit application for reduction certain yard requirements.

- The resulting increase in gross floor area due to proposed additions work will be

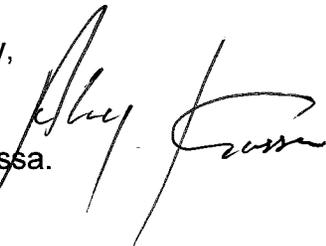
1,794.89 Sf that is 145.27 % of the existing gross floor area and it is less than acceptable 150%.

- The proposed development will be in character with the existing development of the single family dwellings in terms of location, the proposed height will be less than allowable 35.0 feet and will not increase scale of dwelling or density. The façade of proposed addition will match in color and texture with neighbor properties.
- The existing topography and vegetation remains the same, and proposed development will honor the existing drainage pattern.
- The proposed development will provide 2 car parking garage on left .That is minimum requirement for single family residential dwelling.
- The proposed development will not adversely impact on adjacent property with regard to issues such as noise, light, air, safety, erosion and stormwater runoff.
- The proposed reduction in side yards requirements is within the 50% reduction of the required side yard 12 feet, besides that the proposed development will meet all zoning requirement for R-3 residential district. The proposed reduction is minimum amount of reduction necessary to accommodate proposed addition on the existing structures on the lot.

I would like to request you for granting special use permit for approval of reduction to minimum yard requirements under section 8-922 of zoning ordinance. Should you have any questions regarding the above, or require additional information, please do not hesitate to give me a call at 202-306-8854. As always, I appreciate your cooperation and assistance.

Sincerely,

Abey Kassa.

A handwritten signature in black ink, appearing to read 'Abey Kassa', written over the typed name.

Photographs provided by applicant; labeled by staff



Front of subject property



Rear of subject property



View of adjoining Lot 80 to south



View of rear of subject property facing north

View of adjoining Lot 82 facing west





5508 Seminary Road



5509 Bouffant Blvd



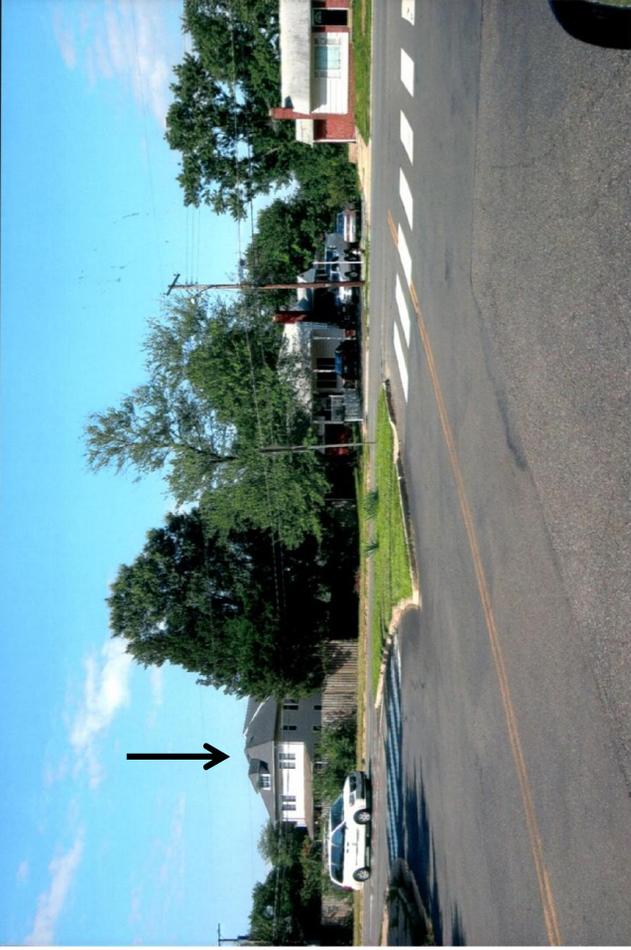
5506 Magnolia Lane



5506 Magnolia Lane



5507 Bouffant Blvd



5508 Bouffant Blvd



5507 Bouffant Blvd (rear)



5447 Calhoun Ave., City of Alexandria

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10-15-2014
(enter date affidavit is notarized)

I, ABEY KASSA, 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:

126584

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)
ABEY KASSA	5915 HALL ST SPRINGFIELD VA 22152	APPLICANT OWNER
MENNA DESTIA	" " " " " "	CO-OWNER

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

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

CAS

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10-15-2014
(enter date affidavit is notarized)

126584

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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: 10-15-2014
(enter date affidavit is notarized)

126584

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

PARTNERSHIP INFORMATION

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

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

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

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): _____
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DATE: 10-15-2014
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126584

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.)

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: 10-15-2014
(enter date affidavit is notarized)

126584

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

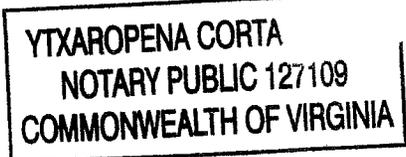
Applicant [Signature] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 16th day of October, 2014; in the State/Comm. of Fairfax, County/City of _____.

[Signature]
Notary Public

My commission expires: 3/31/2017



CAB

Similar Case History

Group: 2010-MA-047

SP 2010-MA-047

[STAFF REPORT](#)
[LOCATOR MAP](#)

APPLICANT: DANIEL E. LOPEZ, BERTA LOPEZ, & PATRICIA MORALES
STATUS: APPLICATION APPROVED
STATUS/DECISION 10/06/2010
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: ACCESSORY DWELLING UNIT
LOCATION: 5616 SEMINARY ROAD
TAX MAP #S:
 0623 03 0080

Group: 88-M -148

VC 88-M -148

APPLICANT: RICHARD A & ROBERTA D KING
STATUS: APPLICATION APPROVED
STATUS/DECISION 12/07/1988
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: ALLOW ENCLOSURE OF EXISTING CARPORT 10 FT. FROM A SIDELOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 3524 PAUL STREET
TAX MAP #S:
 0614 17 0023

Group: 96-M -053

SP 96-M -053

APPLICANT: ASHRAS MAHMOUD MASOUD
STATUS: APPLICATION DENIED
STATUS/DECISION 03/12/1997
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 6 FEET 10 INCHES FROM SIDE LOT LINE
LOCATION: 5604 MAGNOLIA LANE
TAX MAP #S:
 0614 17 0088

Group: 2014-MA-102

SP 2014-MA-102

[STAFF REPORT](#)

APPLICANT: JACOB PETRANEK
STATUS: BZA DECISION
STATUS/DECISION DTE: 09/10/2014
ZONING DISTRICT: R- 3
DESCRIPTION: REDUCTION OF MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 10.2 FEET FROM SIDE LOT LINE
LOCATION: 5704 SCOVILLE STREET, ALEXANDRIA, VA 22311
TAX MAP #S:
0614 17 0026



County of Fairfax, Virginia

MEMORANDUM

DATE: January 26, 2015

TO: Carmen Bishop, Planner II
Zoning Evaluation Division, DPZ

FROM: Nicholas J. Drunasky, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Sunset Manor Section 3, Lot 81.SP 2014-MA-249

I have reviewed the above referenced Special Permit application including a Statement of Justification and a Special Permit plat of the subject property, stamped as received by the Zoning Evaluation Division on January 22, 2015. The following comments and recommendations are based on this review. A site visit was conducted on January 26, 2015.

Comment: It was observed through aerial photography that several large trees existed on site prior to submittal of the Special Permit application. Following a site visit conducted January 26, 2015, it was observed that these trees had since been removed.

Recommendation: UFMD recommends one, six to eight foot category III evergreen (eastern redcedar, American holly) and one, two inch caliper, category IV deciduous tree (white oak, swamp white oak, willow oak) should be planted to replace the canopy removed, which would have been removed during construction.

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

NJD/

UFMDID #: 198541

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



ZONING ORDINANCE PROVISIONS

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.

8-922 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 expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.
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 Emergency Management Agency, 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.