



APPLICATION ACCEPTED: February 27, 2015

BOARD OF ZONING APPEALS: June 3, 2015

TIME: 9:00 a.m.

County of Fairfax, Virginia

May 27, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-BR-037

BRADDOCK DISTRICT

APPLICANTS/OWNERS: Robert Rutland-Brown
Grace Hipona

STREET ADDRESS: 5642 Ravenel Lane, Springfield, 22151

SUBDIVISION: Ravensworth

TAX MAP REFERENCE: 79-2 ((3)) (30) 14

LOT SIZE: 12,293 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of addition 9.0 feet from a side lot line and to permit reduction of minimum yard requirements based on error in building location to permit accessory storage structure to remain 2.1 feet from a side lot line and 8.2 feet from a rear lot line, and an accessory structure to remain 4.2 feet from a side lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-BR-037 for the addition with adoption of the proposed development conditions contained in Appendix 1.

Staff does not make recommendations on building in error applications. However, if it is the intention of the Board of Zoning Appeals to approve the request for a special permit for error in building location to allow the patio to remain, staff recommends that such approval be made subject to the development conditions contained in Appendix 1.

Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924

www.fairfaxcounty.gov/dpz/

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.**

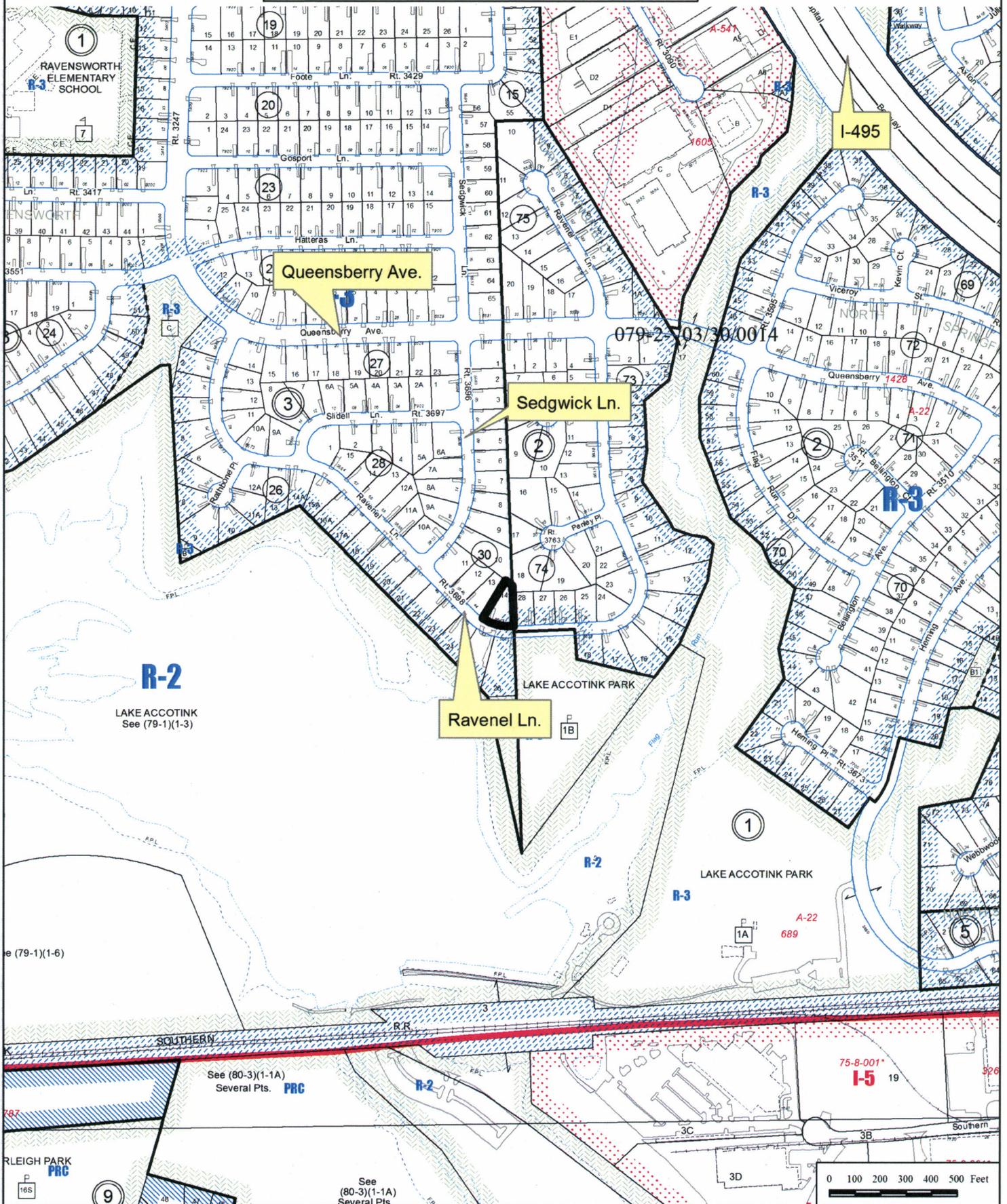


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2015-BR-037

ROBERT RUTLAND-BROWN AND GRACE HIPONA



FEB 25 2015

Zoning Evaluation Division

NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 0792 03 30 0014 AND IS PRESENTLY ZONED R-3 AS PER FAIRFAX COUNTY RECORDS.
2. R-3 B.R.L.'s: FRONT: 30'
SIDE: 12'
REAR: 25'
3. NO TITLE REPORT FURNISHED.
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.

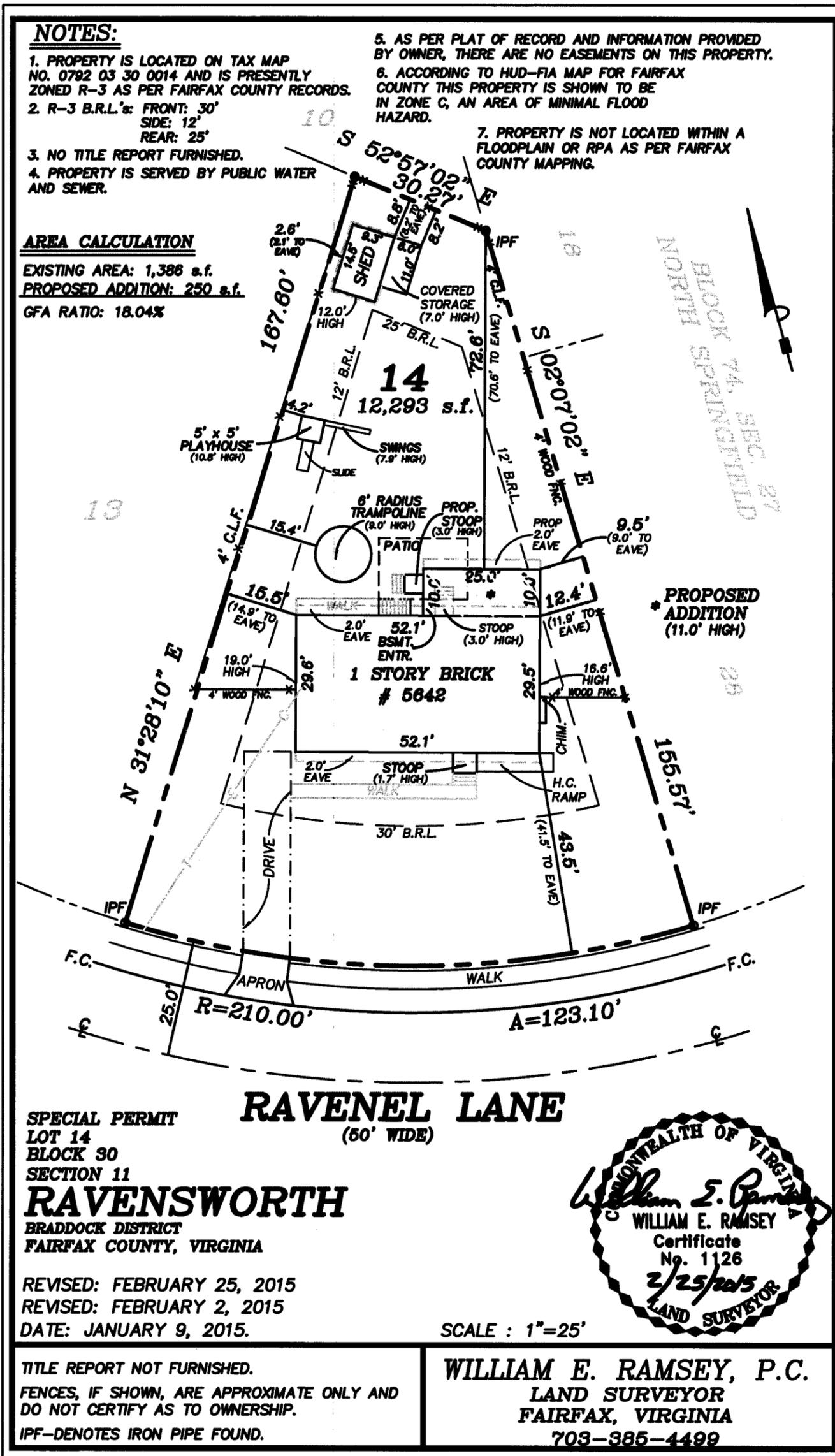
5. AS PER PLAT OF RECORD AND INFORMATION PROVIDED BY OWNER, THERE ARE NO EASEMENTS ON THIS PROPERTY.

6. ACCORDING TO HUD-FIA MAP FOR FAIRFAX COUNTY THIS PROPERTY IS SHOWN TO BE IN ZONE C, AN AREA OF MINIMAL FLOOD HAZARD.

7. PROPERTY IS NOT LOCATED WITHIN A FLOODPLAIN OR RPA AS PER FAIRFAX COUNTY MAPPING.

AREA CALCULATION

EXISTING AREA: 1,386 s.f.
PROPOSED ADDITION: 250 s.f.
GFA RATIO: 18.04%



SPECIAL PERMIT
LOT 14
BLOCK 30
SECTION 11

RAVENEL LANE
(50' WIDE)

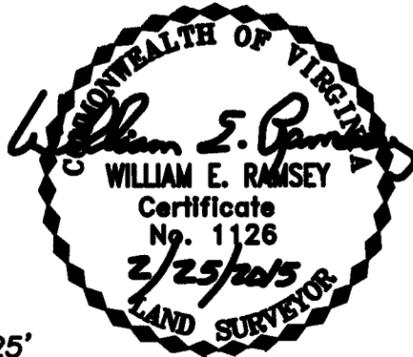
RAVENSWORTH
BRADDOCK DISTRICT
FAIRFAX COUNTY, VIRGINIA

REVISED: FEBRUARY 25, 2015
REVISED: FEBRUARY 2, 2015
DATE: JANUARY 9, 2015.

SCALE: 1"=25'

TITLE REPORT NOT FURNISHED.
FENCES, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
IPF-DENOTES IRON PIPE FOUND.

WILLIAM E. RAMSEY, P.C.
LAND SURVEYOR
FAIRFAX, VIRGINIA
703-385-4499



SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit to allow a reduction of certain yard requirements to permit construction of an addition 9.0 feet from a side lot line. The applicant also requests approval of a special permit to allow the reduction of minimum yard requirements based on an error in building location to permit an existing accessory storage structure (shed) to remain 2.1 feet from a side lot line and 8.2 feet from a rear lot line, and an accessory structure (playset) to remain 4.2 feet from a side lot line. 4.2 feet from a side lot line.

A copy of the special permit plat titled, "Special Permit, Lot 14, Block 30, Section 11, Ravensworth," prepared by William E. Ramsey, P.C., dated January 9, 2015, as revised through February 25, 2015, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

A copy of the proposed development conditions, statement of justification with select file photographs, and affidavit are contained in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 12,293 square foot corner lot contains a single story dwelling with a full basement, and is accessed via a concrete driveway from Ravenel Lane. A concrete walkway leads from the driveway to the front entrance of the dwelling. A brick patio is located at the rear of the dwelling. A shed with a covered storage area and a playset are located in the northwestern portion of the rear yard. The rear yard is enclosed by a 4 foot chain link and wood fence.

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



BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1964 and purchased by the applicants in 2008.

Since the adoption of the Zoning Ordinance, similar special permit and variance applications have been heard by the Board of Zoning Appeals for nearby properties. This information is included in Appendix 4.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction an addition. The addition, to be located 9.0 feet from the eastern side lot line, would be used as kitchen and dining space. In the R-3 zoning district, the required side yard is 12.0 feet. The applicant is requesting a reduction of 3.0 feet, or 25%.

In addition, the applicant requests approval of a special permit for a reduction of minimum yard requirements based on an error in building location to permit a shed to remain 2.1 feet from the western side lot line and 8.2 feet from the rear lot line. With a required rear yard of 25 feet, the applicants request a reduction of 9.9 feet, or 82.5% for the side yard and 16.8 feet, or 67.2% for the rear yard. The shed was constructed by the original owner of the property and not by the applicants. A playset, which was installed by the applicants, is located 4.2 feet from the western side lot line. Therefore, the applicants are requesting a reduction of 7.8 feet or 65%.

The special permit requests are summarized in the table below.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit (50%)	Addition	Side	12.0 feet	9.0 feet	3.0 feet	25%
Special Permit (Error)	Shed	Side	12.0 feet	2.1 feet	9.9 feet	82.5%
		Rear	25.0 feet	8.2 feet	16.8 feet	67.2%
Special Permit (Error)	Playset	Side	12.0 feet	4.2 feet	7.8 feet	65%

The addition would be approximately 250 square feet in size and 11.0 feet in height. It's proposed location is to the rear of the existing dwelling over a portion of the existing brick patio. The roofline of the addition would be lower than the existing roofline of the home, and it would be within the maximum height requirements. The proposed materials would be consistent with the materials of the existing dwelling.

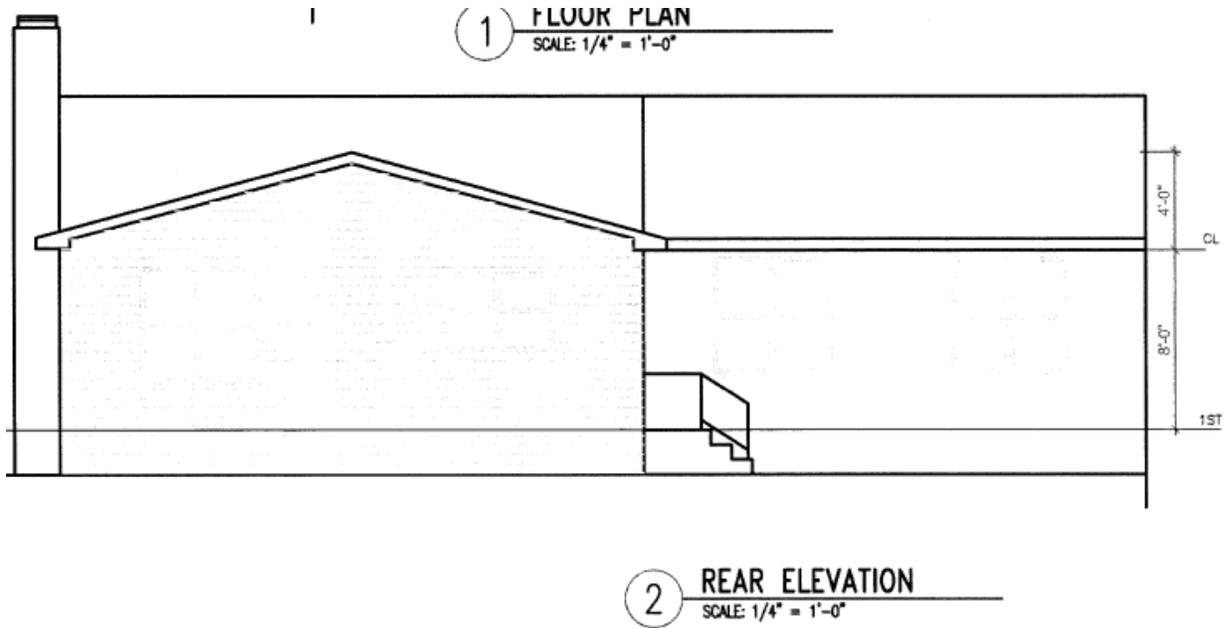


Figure 2. Proposed Elevation

ANALYSIS

Comprehensive Plan Provisions

Plan Area: I, Annandale Planning District
Planning Sector: Accotink Community Planning Sector (AN6)
Plan Map: 2-3 dwelling units per acre

Zoning District Standards

Bulk Standards (R- 3)		
Standard	Required	Provided
Lot Size	10,500 sf.	12,293 sf.
Lot Width	Interior: 80 feet	> 80 feet
Building Height	35 feet	19 feet
Front Yard	30 feet	43.5 feet
Side Yard	12 feet	2.1 feet (western side yard) 9 feet (eastern side yard)
Rear Yard	25 feet	8.2 feet

Zoning Ordinance Requirements

- 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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

The following tables provide an overview of the standards reviewed in Sect. 8-006, Sect. 8-903, and Sect. 8-922 for the 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 a special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-3 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. Adjacent neighbors have signed and submitted letters of support for the application.
Standard 4 Pedestrian/Vehicular Traffic	No increased 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 mature vegetation throughout the property, especially in the northwestern rear yard where the shed and playset are located.
Standard 6 Open Space	There is no open space requirement.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes proposed to the utilities, drainage, parking, or loading on the site.
Standard 8 Signs	No signage is proposed.

Standards for all Group 3 Uses (Sect. 8-903)

Standard 1 Lot Size and Bulk Regulations	The lot size for the subject property is compliant with the required zoning district 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	If the construction disturbs more than 2,500 square feet, the application is subject to the provisions of Article 17, Site Plans.

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

<p>Standard 1 Yard Requirements Subject to Special Permit</p>	<p>A. Minimum Required Yards - Yes B. Pipestem lots- N/A C. Accessory Structure locations – Yes D. Extensions into minimum required yards- Yes</p>
<p>Standard 2 Result in a Detached Structure in a Front Yard</p>	<p>Not applicable to the subject application.</p>
<p>Standard 3 Contain a Principal Structure</p>	<p>The subject property contains a single family dwelling, which is an existing principal structure. The structure complied with setbacks of the District when it was established.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The existing dwelling is 1,508 square feet in size. Therefore 150% of the total gross floor area could result in additions up to 2,662 square feet in size for a possible total square footage at build out of 3,770 square feet. The proposed addition is approximately 250 square feet, for a total square footage of the house with the addition of 1,758 square feet. Therefore the application meets this provision.</p>
<p>Standard 5 Construction of Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>There is no accessory structure proposed, so this standard is not applicable to this application.</p>
<p>Standard 6 Construction in Character with On-site Development</p>	<p>The statement of justification, elevation drawings, and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the dwelling. Staff believes that the application meets this provision.</p>
<p>Standard 7 Construction Harmonious with Off-site Development</p>	<p>Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the addition is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. Staff believes this addition will be harmonious with surrounding uses and meets this provision.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>The proposed addition is to be located at the rear of the dwelling and will be subordinate to the principle structure in height and size. Therefore, staff believes that the proposed addition will not significantly impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. In regards to stormwater, if the construction disturbs more than 2,500 square feet, the application is subject to the provisions of Article 17, Site Plans, and any anticipated stormwater issues will be addressed at that time.</p>
<p>Standard 9 Minimum Required Yards is the Minimum Amount of Reduction Necessary</p>	<p>The proposed addition would be located 9 feet from the eastern side lot line, which is 25% of a reduction of the required yards. The lot has a wedge shape that narrows at it approaches the rear lot line which limits the alternative locations for any additions on the property. Staff believes that this is a minor encroachment and is the minimum amount of reduction necessary to accommodate the addition.</p>

	Other issues of lot shape, yard determination, environmental characteristics, wells, floodplains and/or Resource Protection Areas, and historic resources are not applicable to this site.
Standard 10 BZA May Impose Conditions	Staff has proposed development conditions in Appendix 1.
Standard 11 Submission Requirements	Satisfied at time of submittal.
Standard 12 Architectural Elevations	Elevations are provided and proposed to be incorporated as part of the development conditions.

CONCLUSION

Staff believes that the request for a special permit for reduction in certain yard requirements to permit an addition is in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed development conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2015-BR-037 for the addition with adoption of the proposed development conditions contained in Appendix 1 of the staff report.

Staff does not make recommendations on building in error applications. However, if it is the intention of the Board of Zoning Appeals to approve the request for a special permit for error in building location to allow the shed and playset to remain, staff recommends that such approval be made subject to the development conditions contained in Appendix 1.

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

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

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 Photos
3. Applicant's Affidavit
4. Similar Case History
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-BR-037****May 27, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-BR-037 located at Tax Map 79-2 ((3)) (30) 14 to permit reduction of certain yard requirements pursuant to Section 8-922 and to permit a shed and playset to remain pursuant to Section 8-914 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 applicants 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 accessory storage structure (shed), accessory structure (playset) and the addition (250 square feet, 11 feet in height), as shown on the plat titled, "Special Permit, Lot 14, Block 30, Section 11, Ravensworth," prepared by William E. Ramsey, P.C., dated January 9, 2015, as revised through February 25, 2015, 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 (1,508 square feet existing + 2,262 square feet (150%) = 3,770 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 addition 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.

RECEIVED
Department of Planning & Zoning

FEB 11 2015

Zoning Evaluation Division

February 5, 2015

To Whom It May Concern,

We are applying for a special permit to Fairfax County to expand the kitchen and dining room of our home at 5642 Ravenel Ln Springfield, VA 22151. This expansion will be in harmony with the county's adopted comprehensive plan as well as with the general purpose and intent of all applicable zoning district regulations. We are also requesting permission to leave the shed that existed on the property before we purchased it.

As our family has grown to two children, we are seeking to expand our small kitchen and dining room so that our family can have more common space for the family to gather, as well as to prepare and eat our meals. The GFA of the proposed addition is 18.04%. Our property has an unusual shape that narrows as it approaches the back property line. Any direct expansion into the backyard from our house therefore puts the house slightly closer to the side property line. Thus, there would be a significant hardship to expanding our kitchen and dining room directly into the backyard without infringing on the 12' minimum yard requirements of the county.

This expansion will not be detrimental to the use and enjoyment of other property in the immediate vicinity. On the contrary, we have discussed this proposed expansion with the neighbors at 5640 Ravenel Ln, whose property we will be slightly closer to, in addition to all other neighbors, and they are not only agreeable to this proposal, but pleased with the improvement it will add to our house. Support letters from each of these sets of neighbors are enclosed with this application, including: the Menzenworths (5640 Ravenel, neighbors to east most affected), John Peldo (5644 Ravenel, neighbor to west), Lien Nguyen (5619 Sedgwick, neighbor to north), and the Bagots (5641 Ravenel, neighbor directly across Ravenel to South).

This expansion will not create an unsafe condition to other properties or to the public street. The reduced distance to the property line will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations. There will be no toxic materials used in this house expansion. In addition, the design and texture of this addition will be harmonious with the rest of our house and surrounding houses and would have no adverse effects on the neighborhood.

This very basic expansion of our kitchen and dining area will be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and adopted comprehensive plan. The location, size and height of this addition will not hinder or discourage the appropriate development and use of adjacent or nearby land or building or impair their value.

This expanded kitchen and dining room off the back of our house will have no effect on pedestrian or vehicular traffic in the neighborhood. Any landscaping and screening will be in accordance with the provisions of Article 13, Landscaping and Screening, in the Zoning

Ordinance. In addition, open space will be provided in an amount equivalent to that specified for our zoning district.

This expansion will have adequate utility and drainage to serve its use. Any parking and loading will be in accordance to the provisions of Article 11, and signs will be regulated by the provisions of Article 12, Signs, in the Zoning Ordinance.

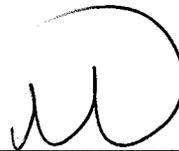
As for the shed, we do not know when it was built. There was only one owner of our house between the time it was constructed in the 60's to when we purchased it in 2008, and he presumably had it constructed sometime during that span. Permitting it to remain on the property will not be detrimental to the use and enjoyment of other properties in the immediate vicinity. It does not create an unsafe condition for our property, properties in the vicinity, or the public street. To force the minimum yardage requirements in regards to the shed would cause unreasonable hardship to us, as it would be expensive to remove or shorten. Allowing the shed to remain will not result in an increase of density or floor area ratio from that permitted by the applicable zoning regulations.

Thank you for your consideration of this request.

Sincerely,

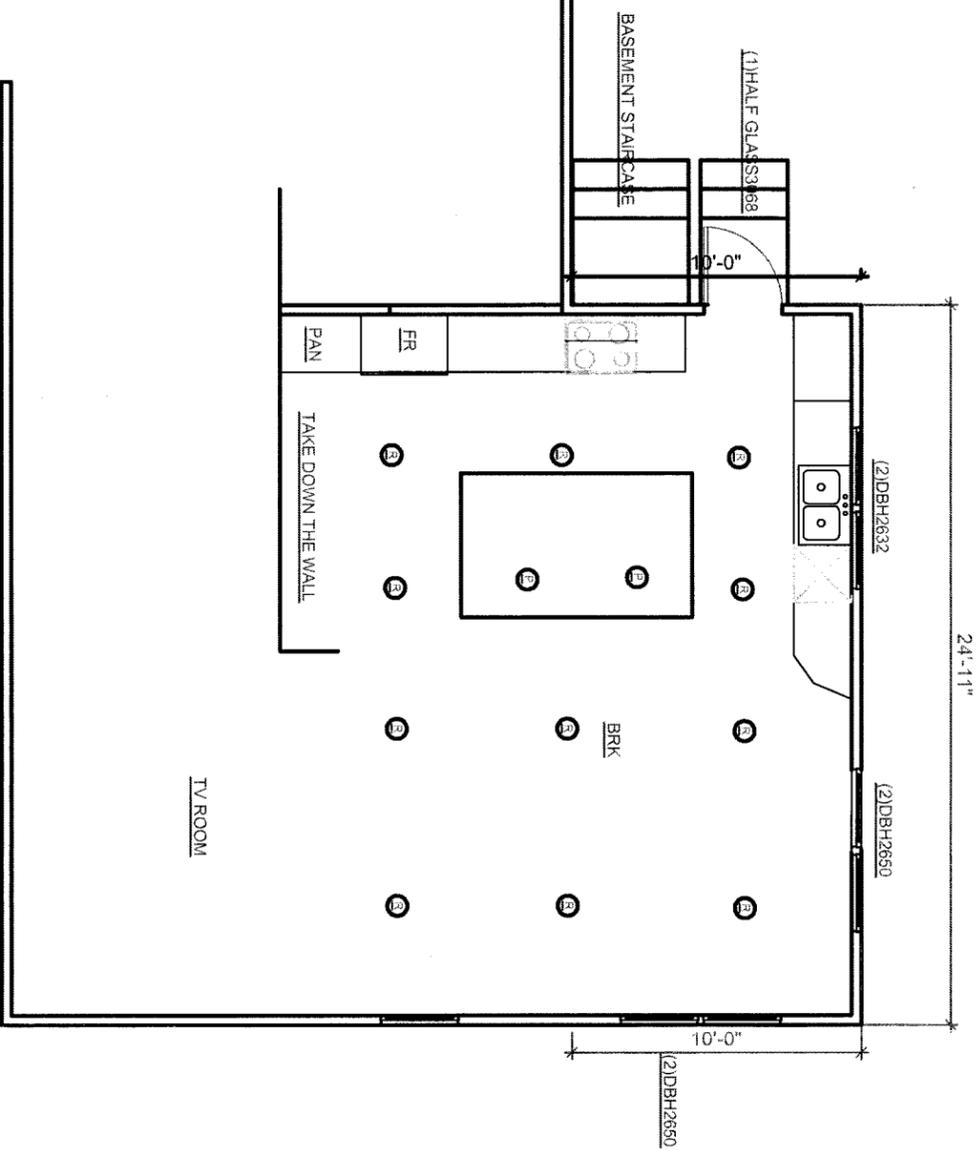


Rob Rutland-Brown

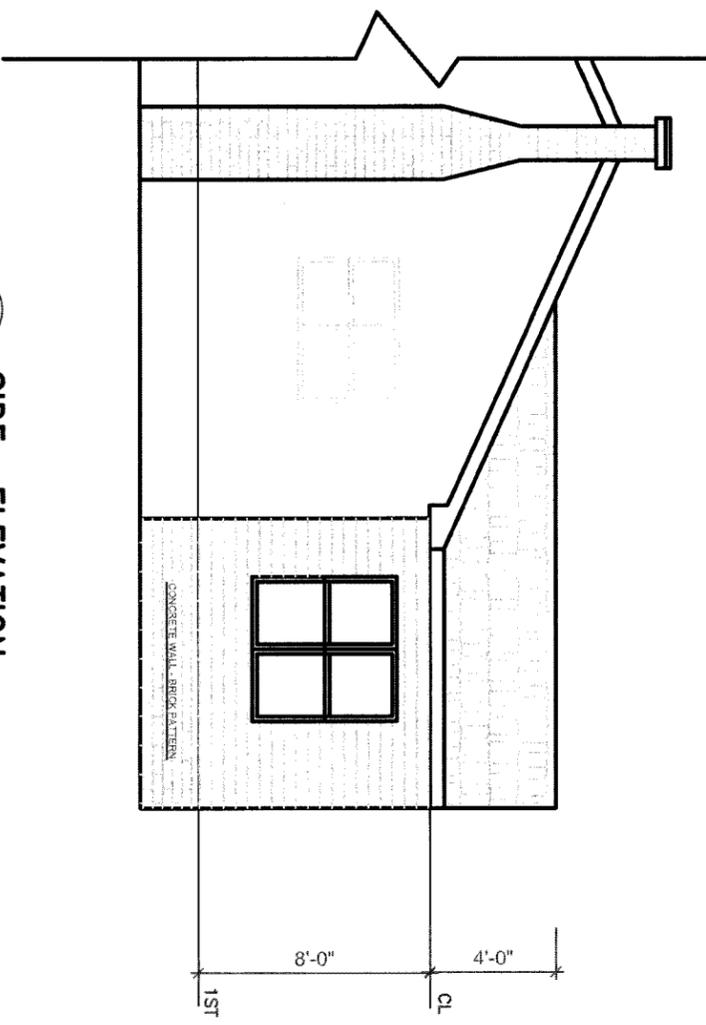


Grace Hipona

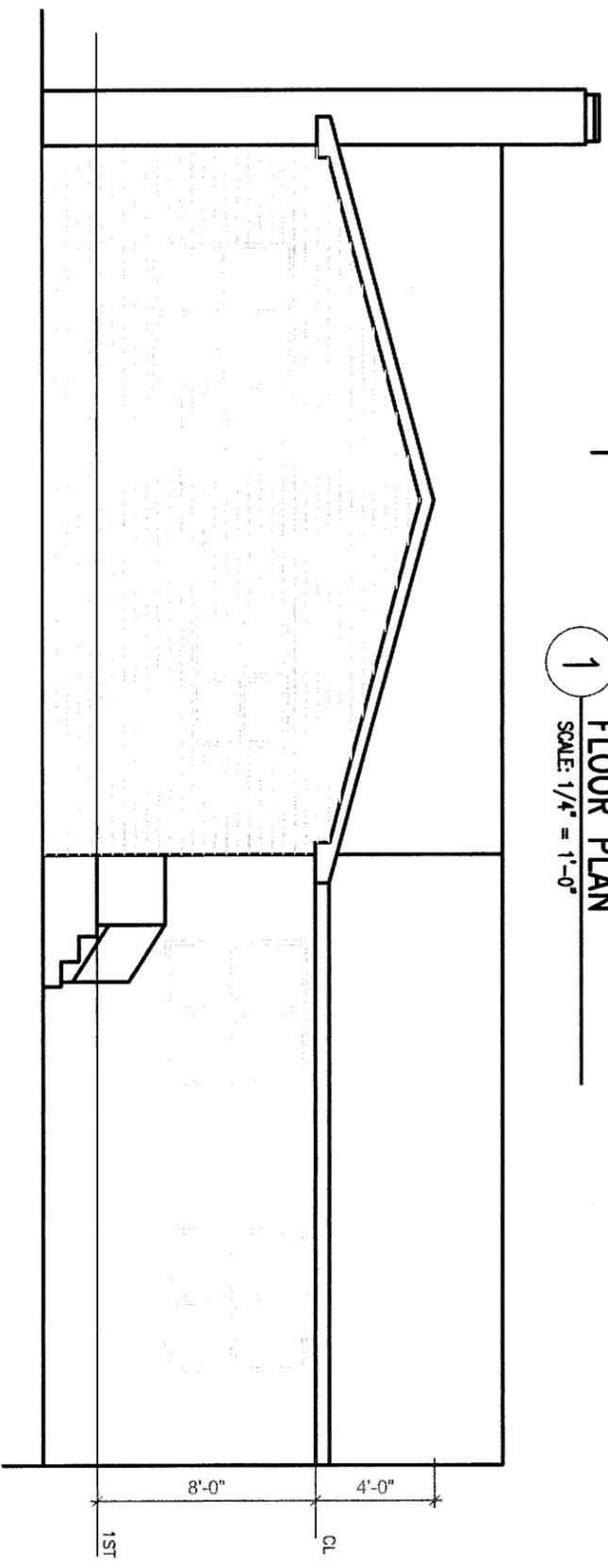
RECEIVED
 Department of Planning & Zoning
 FEB 04 2015
 Zoning Evaluation Division



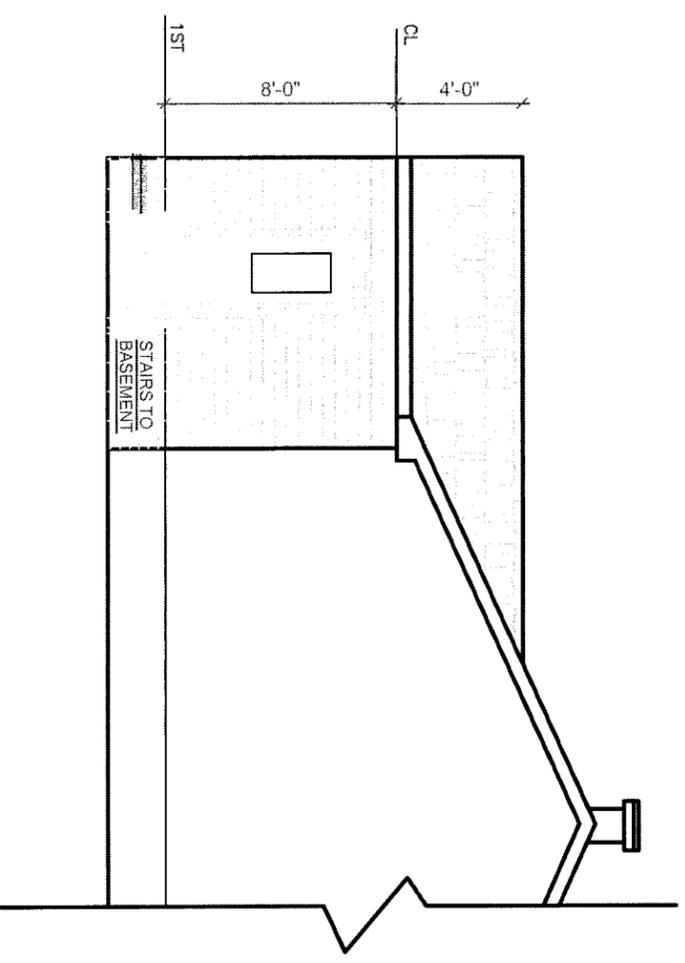
1 FLOOR PLAN
 SCALE: 1/4" = 1'-0"



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



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



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



HOME ADDITION
 : RUTLAND
 RESIDENCE

5642 Ravenel Lane,
 Springfield, VA 22151

Job # 07010
 Date: Issue:

Drawn: _____ Checked: _____
 Scale: _____
 Sheet Title: _____
 Sheet #: _____























REAR ELEVATION



BACKYARD VIEW



BACKYARD Looking To
RIGHT NEIGHBOR



0642

FRONT ELEVATION



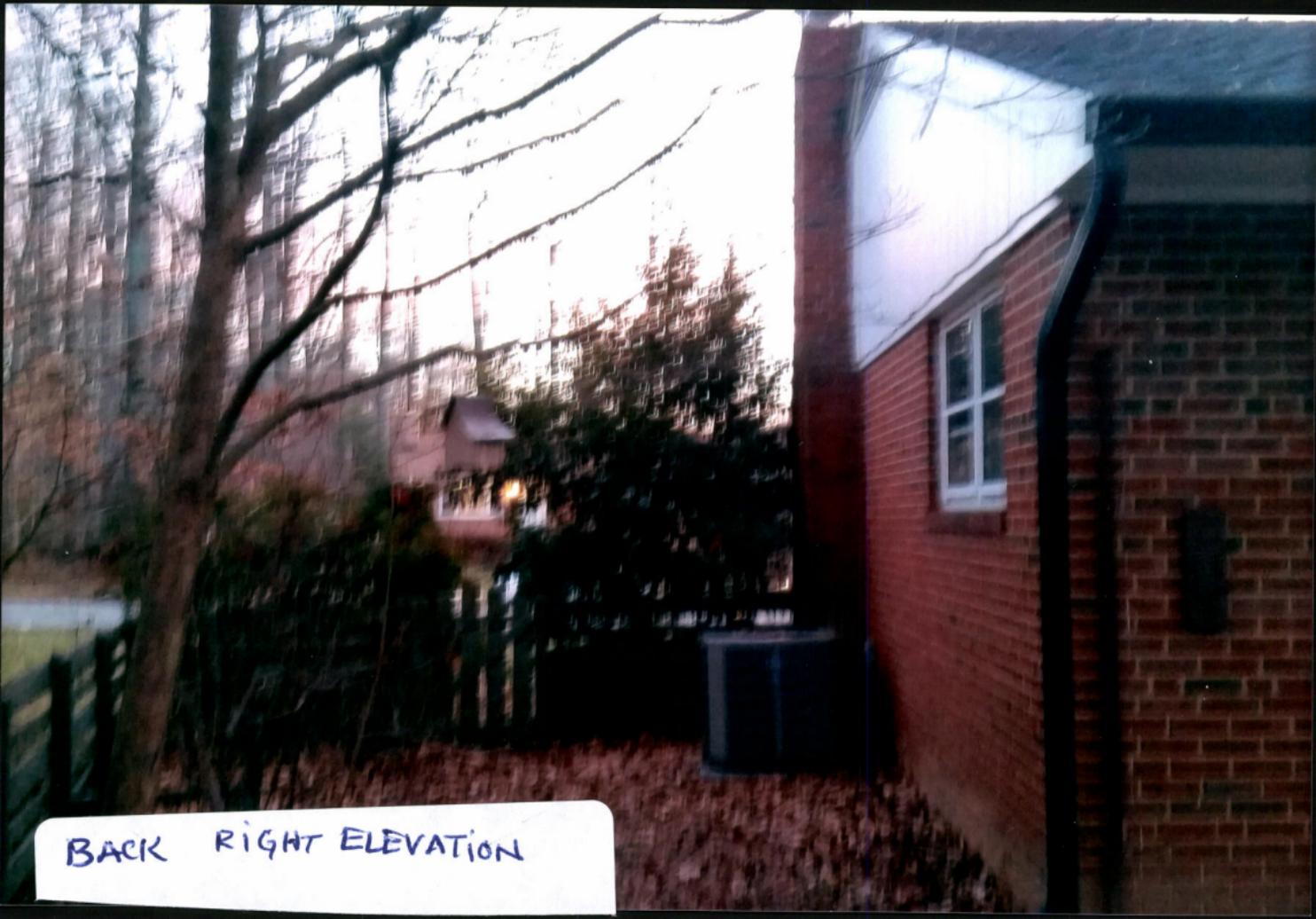
RIGHT SIDE NEIGHBOR



REAR RIGHT SIDE ELEVATION



BACK ELEVATION



BACK RIGHT ELEVATION



RIGHT ELEVATION

Back Riagt elevation









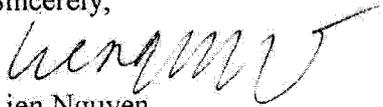


January 17, 2015

To Whom It May Concern,

I am writing in support of the home expansion of Rob Rutland-Brown and Grace Hipona at 5642 Ravenel Ln Springfield, VA 22151. I live in and own the home whose property abuts their property throughout its backyard. My address is 5619 Sedgewick Ln. I have reviewed the plat and the dimensions of the proposed additions and feel that this addition would have no negative consequences on my home or property. I am happy to have this project proceed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lien Nguyen', written in a cursive style.

Lien Nguyen
5619 Sedgewick Ln

January 17, 2015

To Whom It May Concern,

We are writing in support of the home expansion of Rob Rutland-Brown and Grace Hipona at 5642 Ravenel Ln Springfield, VA 22151. We live in and own the home across from them at 5641 Ravenel Ln. We don't see any negative impact for us, and we believe this structure would remain harmonious with the look and feel of our own house and the neighborhood. We are happy to have this project proceed.

Sincerely,

William A Bagot & Kathleen Bagot

Bill and Kathy Bagot
5641 Ravenel Ln

A large, stylized handwritten signature or scribble, possibly reading 'KAB', is located in the lower right quadrant of the page. It consists of several overlapping loops and lines.

January 17, 2015

To Whom It May Concern,

We are writing in support of the home expansion of Rob Rutland-Brown and Grace Hipona at 5642 Ravenel Ln Springfield, VA 22151. We live in and own the home directly east of them at 5640 Ravenel Ln. It is our property that would be most affected by this proposal, as the proximity of the addition would be 9'5" from our property line rather than its current 12'4". However, we have reviewed the plat and the dimensions of the proposed additions and are happy to have this project proceed. We don't see any negative impact for us, and we believe this structure would remain harmonious with the look and feel of our own house and the neighborhood.

Sincerely,



Edwin and Mary Alice Menzenworth

Edwin and Mary Alice Menzenworth
5640 Ravenel Ln

January 17, 2015

To Whom It May Concern,

I am writing in support of the home expansion of Rob Rutland-Brown and Grace Hipona at 5642 Ravenel Ln Springfield, VA 22151. I live in and own the home directly west of them at 5644 Ravenel Ln. I have reviewed the plat and the dimensions of the proposed additions and feel that this addition would have no negative consequences on my home or property. I am happy to have this project proceed.

Sincerely,

A handwritten signature in cursive script that reads "John Peldo".

John Peldo

5644 Ravenel Ln

Application No.(s): SP 2015-BR-037
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/21/15
 (enter date affidavit is notarized)

128415

I, Rob Rutland-Brown/Grace Hipona, do hereby state that I am an
 (enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Robert Rutland-Brown	5642 Ravenel Ln Springfield, VA 22151	Applicant, Owner
Grace G. Hipona	5642 Ravenel Ln Springfield, VA 22151	Applicant, Owner
Shawn Nazemian	8630-A Lee Hwy. Fairfax VA 22031	Agent
Michael Nash Custom Kitchens, Inc. doing business as Michael Nash	8630-A Lee Hwy. Fairfax VA 22031	Agent

(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)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/21/15
(enter date affidavit is notarized)

128415

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)

MICHAEL NASH CUSTOM KITCHENS, INC.
8630-A LEE HWY. FAIRFAX, VA 22031

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)

SONNY NAZEMIAN 100 % SHAREHOLDER

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/21/15
(enter date affidavit is notarized)

128415

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/21/15
(enter date affidavit is notarized)

128415

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: 1/21/15
(enter date affidavit is notarized)

128415

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

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

None

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

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

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

WITNESS the following signature:

(check one)

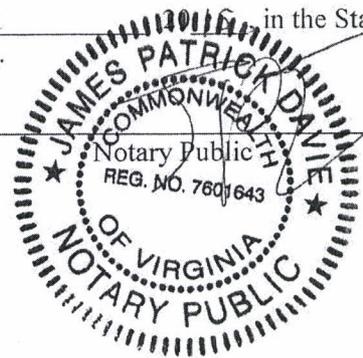
Applicant

Applicant's Authorized Agent

Robert Rutland Brown / Grace Hipona, Shawn Nazimian, Authorized agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 21 day of Jan
of Virginia, County/City of Fairfax.

My commission expires: 9/30/18



Handwritten initials in a circle.

Similar Case History

Group: 83-A -016

VC 83-A -016

APPLICANT: CLAYTON I. LEGG
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 04/26/1983
ZONING DISTRICT: R-3
DESCRIPTION: TO ALLOW CONSTRUCTION OF A CARPORT ADDITION TO DWELLING TO 0.8 FT. FROM SIDE LOT LINE (7 FT. MIN. SIDE YARD REQ.)
LOCATION: 5319 QUEENSBERRY AVENUE
TAX MAP #5:
 0792 03150026

Group: 83-A -095

VC 83-A -095

APPLICANT: HOBART B. PILLSBURY
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 09/06/1983
ZONING DISTRICT: R-3
DESCRIPTION: TO ALLOW CONSTRUCTION OF GARAGE ADDITION TO DWELLING TO 5.7 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 5633 INVERCHAPEL ROAD
TAX MAP #5:
 0792 03240007

Group: 83-M -105

VC 83-M -105

APPLICANT: PAUL L & ROSEMARY B MACHALEK
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 09/13/1983
ZONING DISTRICT: R-3
DESCRIPTION: TO ALLOW CONSTRUCTION OF CARPORT/PORCH ADDITION TO DWELLING TO 16 FT. FROM REAR LOT LINE (25 FT. MIN. REAR YARD REQ.)
LOCATION: 7624 LONG PINE DRIVE
TAX MAP #5:
 0792 02 0010F

Group: 87-A -092**SP 87-A -092**

APPLICANT: HOFFMAN, RICHARD R. & KERRY L.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 03/16/1988
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW 13 FT. 5 IN. HIGH SHED TO REMAIN 3 1/2 INCHES FROM SIDE LOT LINE AND 8 FT. 6 IN. FROM REAR LOT LINE (12 FT. MIN SIDE, 13 FT. 5 IN. MIN. REAR YARD)
LOCATION: 5520 QUEENSBERRY AVENUE
TAX MAP #S:
 0792 03270018

Group: 90-A -029**SP 90-A -029**

APPLICANT: PAMELA A WATSON
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 07/18/1990
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW DETACHED GARAGE (9 FT. INHT.) TO REMAIN 0.3 FT. FROM REAR LOT LINE AND 3.4 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD, 9 FT. MIN. REAR YARD REQ.)
LOCATION: 5603 SEDGWICK LANE
TAX MAP #S:
 0792 03300002

Group: 90-A -063**SP 90-A -063**

APPLICANT: HAROLD KRIVELL, JR.
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 12/05/1990
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW A SHED TO REMAIN 6.1 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 5623 RAVENEL LANE
TAX MAP #S:
 0792 02730013

Group: 90-A -071**SP 90-A -071**

APPLICANT: CLAUDE H. & JACQUELINE T. CREGER
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 12/20/1990
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW STRUCTURES TO REMAIN 8.1 FT. FROM SIDE LOT LINE
LOCATION: 7909 HATTERAS LANE
TAX MAP #S:
 0792 03250018

Group: 91-B-032**SP 91-B-032**

APPLICANT: JONGBLOED, YUN FANG
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 10/09/1991
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW SHED TO REMAIN 5.6 FT. FROM REAR LOT LINE AND 6.6 FT. FROM SIDE LOT LINE
LOCATION: 5314 NUTTING DRIVE
TAX MAP #S:
 0792 03110012

Group: 92-B-007**SP 92-B-007**

APPLICANT: CREGER, CLAUDE H. & JACQUELINE T.
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 05/13/1992
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW STRUCTURE TO REMAIN 8.1 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 7909 HATTERAS LANE
TAX MAP #S:
 0792 03250018

Group: 92-B-021**VC 92-B-021**

APPLICANT: CREGER, CLAUDE H. & JACQUELINE T.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 05/13/1992
ZONING DISTRICT: R-3
DESCRIPTION: ALLOW ENCLOSURE OF STRUCTURE 8.2 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 7909 HATTERAS LANE
TAX MAP #S:
 0792 03250018

Group: 92-B-060**SP 92-B-060**

APPLICANT: BURNHAM, THOMAS
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 01/13/1993
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO ALLOW WORKSHOP TO REMAIN 3.1 FT. FROM SIDE LOT LINE AND SHED TO REMAIN 1.2 FT. FROM REAR LOT LINE (12 FT. MIN. SIDE YARD REQ., 11.6 FT. MIN. REAR YARD REQ.)
LOCATION: 7523 AXTON STREET
TAX MAP #S:
 0792 02450009C

Group: 95-B -117**VC 95-B -117**

APPLICANT: WHITE, JOAN & JACK JR
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 01/24/1996
ZONING DISTRICT: R- 3
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 10.0 FT. FROM SIDE LOT LINE
LOCATION: 7726 VICEROY STREET
TAX MAP #S:
 0792 02690030

Group: 96-B -044**SP 96-B -044**

APPLICANT: GERALD J RUELLE
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 01/15/1997
ZONING DISTRICT: R- 3
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STRUCTURE TO REMAIN 4.4 FT. FROM SIDE LOT LINE
LOCATION: 5410 INVERCHAPEL ROAD
TAX MAP #S:
 0792 03030001

Group: 97-B -066**VC 97-B -066**

APPLICANT: MCCracken, EARL L & BERTHA L
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 09/30/1997
ZONING DISTRICT: R- 3
DESCRIPTION: PERMIT CONSTRUCTION OF CARPORT 3.8 FT. FROM SIDE LOT LINE
LOCATION: 5526 QUEENSBERRY AVENUE
TAX MAP #S:
 0792 03270021

Group: 2004-BR-018**VC 2004-BR-018**[STAFF REPORT](#)

APPLICANT: KAREN LYNNE WILSON
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 05/04/2004
ZONING DISTRICT: R- 3
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 14.9 FEET WITH EAVE 13.9 FEET FROM REAR LOT LINE
LOCATION: 5633 RAVENEL LANE
TAX MAP #S:
 0792 02730018

Group: 2004-BR-064**VC 2004-BR-064**[STAFF REPORT](#)

APPLICANT: BRUCE AND BARBARA STALCUP
STATUS: DISMISSED
STATUS/DECISION DTE: 03/06/2006
ZONING DISTRICT: R-3
DESCRIPTION: TO PERMIT CONSTRUCTION OF CARPORT 14.3 FEET FROM FRONTLOT LINE OF A CORNER LOT
LOCATION: 5620 HEMING AVENUE
TAX MAP #S:
 0792 02700001A

Group: 2005-BR-031**SP 2005-BR-031**[STAFF REPORT](#)

APPLICANT: ROBIN AND EILEEN MARCOE
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 03/14/2006
ZONING DISTRICT: R-3
DESCRIPTION: TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASEDON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 4.1 FEET WITH EAVE 3.4 FEET FROM REAR LOT LINE AND 3.2 FEET WITH EAVE 2.4 FEET FROM SIDE LOT LINE
LOCATION: 5646 INVERCHAPEL ROAD
TAX MAP #S:
 0792 03030049

Group: 2014-BR-132**SP 2014-BR-132**[STAFF REPORT](#)

APPLICANT: STEVEN R. DECKER
STATUS: BZA DECISION
STATUS/DECISION DTE: 09/24/2014
ZONING DISTRICT: R-3
DESCRIPTION: TO PERMIT REDUCTION IN MINIMUM YARD REQUIREMENTS BASEDON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 8.4 FT. FROM SIDE LOT LINE
LOCATION: 5316 PILLOW LANE, SPRINGFIELD, VA 22151
TAX MAP #S:
 0792 03140014

Group: 2014-BR-197**SP 2014-BR-197**[STAFF REPORT](#)

APPLICANT: ANGELA MORRIS
STATUS: BZA DECISION
STATUS/DECISION DTE: 11/19/2014
ZONING DISTRICT: R-3
DESCRIPTION: TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 6.0 FEET FROM SIDE LOT LINE
LOCATION: 8012 GOSPORT LANE, SPRINGFIELD, VA 22151
TAX MAP #S:
 0792 03180025

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 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, or
 - 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
 - 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
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon 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.
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

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.