



APPLICATION ACCEPTED: February 27, 2015
DATE OF PUBLIC HEARING: June 10, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

June 3, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-LE-036

LEE DISTRICT

APPLICANTS/OWNERS: Robin A. Simmons
Ruth A. Simmons

LOCATION: 6018 Mayfair Ln., Alexandria, 22310

SUBDIVISION: Arden Acres, Sec. 3

TAX MAP: 81-4 ((7)) 27

LOT SIZE: 16,703 square feet

ZONING: R-3, HC

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit an addition to remain 10.2 ft. from a side lot line.

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.

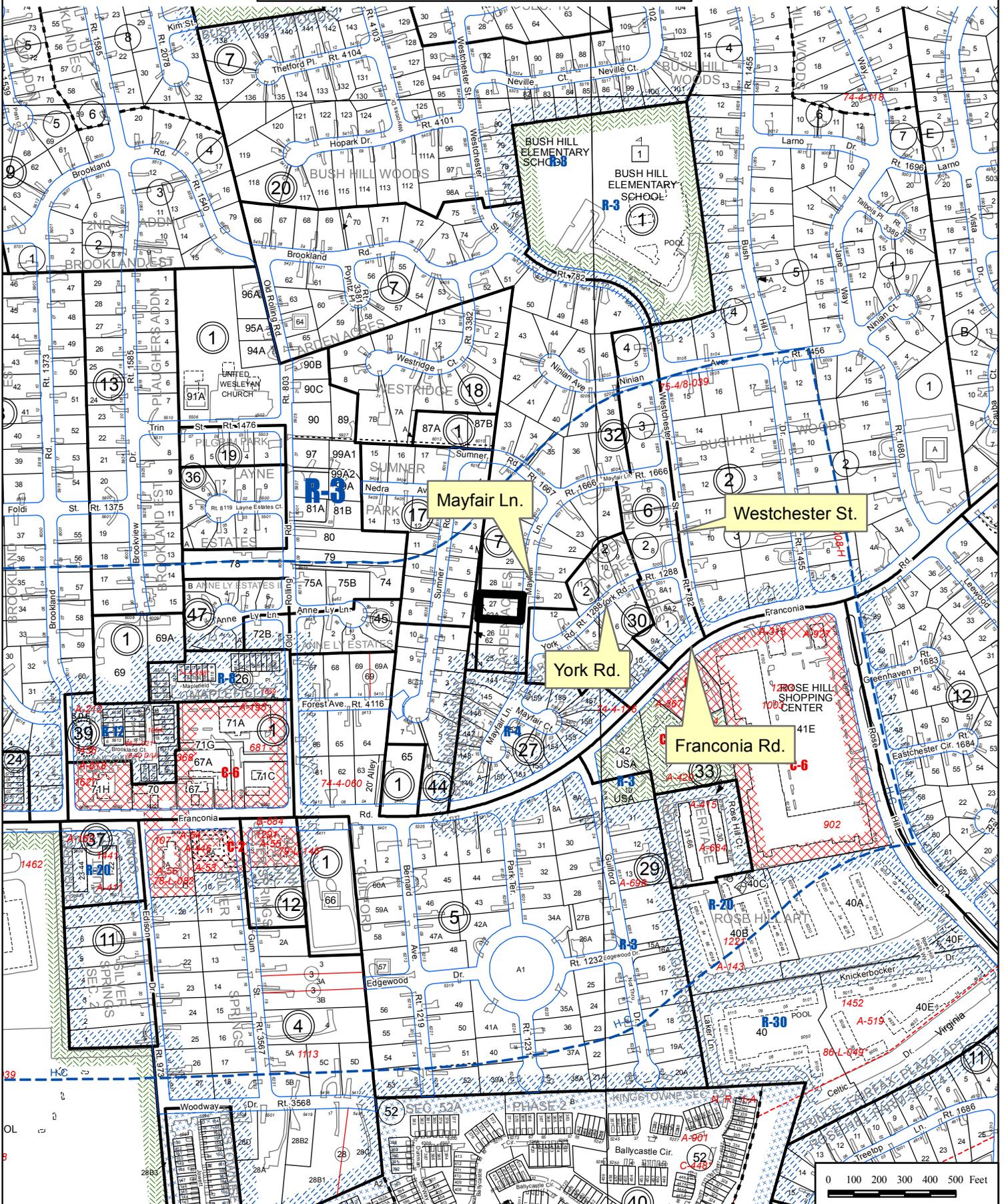
Casey V. Gresham

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-LE-036
ROBIN A. AND RUTH A. SIMMONS



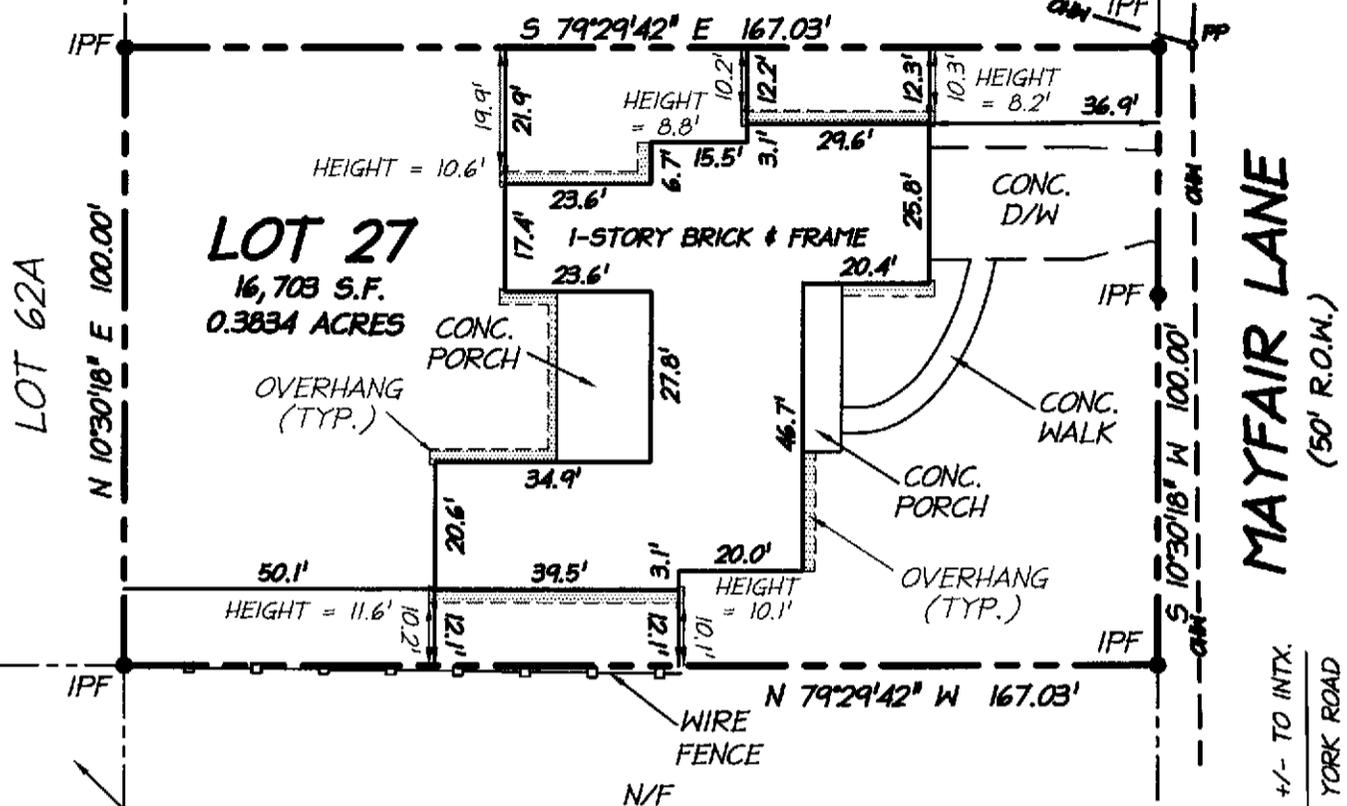
BUILDING RESTRICTION LINES:

FRONT = 30' SIDE = 12' REAR = 25'

RECORD NORTH
D.B. 1294 PG. 387

N/F
DAVID AND PHYLLIS HOAG

T.M. #0814-07-0028
DEED BOOK 4078 PAGE 101



LOT 27

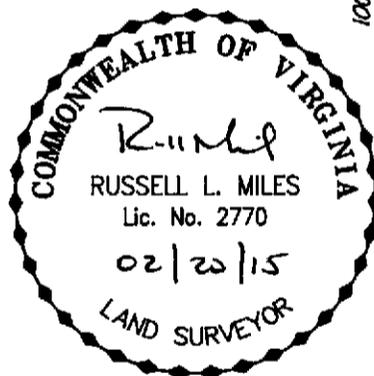
16,703 S.F.
0.3834 ACRES

N/F
KATHERINE A. MITCHELL

T.M. #0814-07-0026
DEED BOOK 11659 PAGE 848

N/F
KATHERINE A. MITCHELL

T.M. #0814-01-0062
DEED BOOK 11659 PAGE 848



NOTES:

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. EASEMENT'S, RIGHT-OF-WAYS, AND RESTRICTIVE COVENANTS OF RECORD MAY NOT NECESSARILY BE SHOWN. THIS PLAT DOES NOT CONSTITUTE A CURRENT BOUNDARY SURVEY.
2. THE PROPERTY SHOWN HEREON IS LOCATED ON THE FAIRFAX COUNTY TAX ASSESSMENT MAP AS NO. 0814-07-0027 AND IS CURRENTLY ZONED R-3 (RESIDENTIAL). THE MINIMUM BUILDING RESTRICTION LINES ARE AS FOLLOWS: FRONT = 30', SIDE = 12' & REAR = 25'.
3. THE PROPERTY SHOWN HEREON IS NOW OR FORMERLY IN THE NAME OF ROBIN A. AND RUTH A. SIMMONS, AS RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA IN DEED BOOK 23056 PAGE 876.
4. THIS PROPERTY IS CURRENTLY LISTED AS 6018 MAYFAIR LANE, ALEXANDRIA, VIRGINIA 22310.
5. THIS PLAT OF CERTIFICATION IS A RESULT OF A CURRENT FIELD SURVEY PERFORMED BY THIS FIRM ON 10/31/2014 & 01/05/2015 AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS HEREBY "CERTIFIED CORRECT".
6. THE PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER SERVICE.
7. IT APPEARS THAT THIS PROPERTY DOES NOT HAVE ANY EXISTING UTILITY EASEMENTS HAVING A WIDTH GREATER THAN TWENTY-FIVE FEET (25') OR ANY MAJOR UNDERGROUND UTILITY EASEMENTS OF ANY WIDTH.

MILES & COMPANY, INC.

Professional Land Surveying
& Land Planning Services

6316 Five Mile Center, Suite #300
Fredericksburg, Virginia 22407

Phone: 540-295-6404

Fax: 540-548-4647

Email: info@miles-company.com

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Department of Planning & Zoning

FEB 24 2015

Zoning Evaluation Division

LOT 27

ARDEN ACRES

SECTION 3

DEED BOOK 1294 PAGE 387

LEE MAGISTERIAL DISTRICT

FAIRFAX COUNTY, VIRGINIA

DATE: FEBRUARY 19, 2015 SCALE: 1" = 30'

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a reduction to minimum yard requirements based on error in building location to permit a garage addition to remain 10.2 feet from a side lot line.

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Garage	Side	12.0 feet	10.2 feet	1.8 feet	15%

A copy of the special permit plat titled “Special Permit Plat, Lot 27, Arden Acres,” prepared by Russell L. Miles, L.S, dated February 19, 2015, is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 16,703 square foot lot is developed with a one story single family detached dwelling. A concrete driveway extends from the garage and provides vehicular access to Mayfair Lane. A concrete walkway extending from the driveway provides access to the main entrance of the home. An at-grade concrete porch is located in the rear yard.



Figure 1: House Location

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

BACKGROUND

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1955 and purchased by the applicant in 2013.

Records indicate that no other special permit applications relating to an error in building location have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

Following the purchase of the home, the applicants hired a designer and builder to complete interior and exterior renovations to the dwelling. One of these renovations included the expansion of the attached garage from one-car to two-car. The builder submitted plans to build the garage 12.2 feet from to the side lot line, but the plans did not include the eaves that encroach an additional 1.2 feet into the required minimum side yard setback. As the eaves do not exceed 10 feet in height, they cannot encroach into the required side yard. This Special Permit application was triggered by the setback certification at the final inspection point of the permitting process. This error exceeds ten percent of the measurement involved, therefore the remedy requires a special permit application to allow the garage to remain.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Rose Hill Planning District
Planning Sector: Bush Hill Community Planning Sector (RH2)
Plan Map: Residential uses, at 3-4 dwelling units/acre (du/ac)

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	15,000 sf.	16,703 sf.
Lot Width	Interior: 100 feet	100 feet
Building Height	35 feet max.	Figure not provided
Front Yard	Min. 35 feet	36.9 feet
Side Yard	Min. 15 feet	10.2 feet ¹

Bulk Standards (R-3)		
Standard	Required	Provided
Rear Yard	Min. 25 feet	50.1 feet

¹ Application is to address this side yard setback.

Zoning Ordinance Requirements

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

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.

CONCLUSION

Staff does not make recommendations on an error in building location. If it is the intent of the Board of Zoning Appeals to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photos
3. Applicant's Affidavit
4. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-LE-036****June 3, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-LE-036, located at Tax Map 81-4 ((7)) 27, to permit an reduction in minimum yard requirements based on error in building location pursuant to Sect. 8-914 of the Fairfax County Zoning Ordinance, the BZA should condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location of the garage, as shown on the plat prepared titled, "Special Permit Plat, Lot 27, Arden Acres," prepared by Russell L. Miles, L.S. , dated February 19, 2015, and approved with this application, as qualified by these development conditions.
2. All required permits and final inspections shall be obtained within 6 months of BZA approval.

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.

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

Petitioner: **Robin A and Ruth A Simmons**

Property: **6018 Mayfair Lane, Alexandria, VA 22310**

Reference: Setback Certification: Application Permit No. 132740380

This is a request for a reduction in the minimum yard requirements pursuant to our Special Permit Application, per Fairfax County Zoning Ordinance Section 8-914. This request is to allow the north wall of the two-car garage, based on an error in location, to remain as is 10.2 feet from the side lot line. The noncompliance was done in good faith and through no fault of the property owners. The reduced side yard will not impair the purpose and intent of the County Zoning Ordinance. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity. It will not create an unsafe condition with respect to both other property and public streets. It will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

After purchasing the residence in 2013, my wife and I hired a designer and a builder to renovate and expand the house during 2014, incorporating a number of accessibility features, such as wide doors and halls, that would allow us to age in place as long as possible. We also expanded the original one-car garage to a two-car garage, again providing extra space for the future possibility of someone with mobility limitations.

During the renovation, we endeavored to retain the character and aesthetic of the house and the neighborhood. When the residence was constructed in 1955, it was built with eaves of almost two feet on all sides. Not only did we keep the size of the eaves, but we also worked with our designer and builder to not increase the height of the building and to match the color of the existing brick.

Our designer and our builder submitted our plans to the County for review and approval. They erred, however, resulting in the north wall of our new two-car garage being too close to the property line.

After renovation, the north wall of the garage is 12.2 feet from the side property line. This does not comply with the County's 12-foot setback requirement however, because the height of the eaves on the garage is less than ten feet, which means the eaves must be taken into consideration when determining setback compliance. This results in the north side of the garage being 10.2 feet from the side of the property, which does not comply with the County ordinance.

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FEB 24 2015

Zoning Evaluation Division

The error exceeds ten percent (1.2 feet) of the measurement involved (12 feet). To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship to the owners.

A review of the Special Permit Plat, dated 19 February 2015, indicates that all other sides of the renovated house comply with the County setback requirements. When our builder submitted a house location survey last fall as construction was ending, the survey also indicated that the eave on the southern side of the house was only 9.9 feet from the ground, thus resulting in a similar setback failure as the north wall of the garage. However, the ground beneath the southern eave has settled sufficiently since then, such that the eave is now 10.1 feet above the ground. This indicates that the south wall of our house, at 12.1 feet from the side property line, now complies with the County setback requirement.

Other considerations, such as Hours of Operation and Traffic Impact do not apply. This is a private home with no non-residential use. No hazardous materials will be generated, used, or stored on the property. Proposed use conforms to all applicable ordinances. During renovation, the driveway was not changed where it connects to the street.

Thank you for considering our request.

Robin A and Ruth A Simmons
6018 Mayfair Lane
Alexandria, Virginia

Revised 24 February 2015

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Department of Planning & Zoning
FEB 24 2015
Zoning Evaluation Division

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

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Department of Planning & Zoning
JAN 23 2015
Zoning Evaluation Division

Petitioner: **Robin A Simmons**

Property: **6018 Mayfair Lane, Alexandria, VA 22310**

Reference: Setback Certification: Application Permit No. 132740380

This is a request for a reduction in the minimum yard requirements pursuant to our Special Permit Application, per Fairfax County Zoning Ordinance Section 8-914. This request is to allow the north wall of the two-car garage, based on an error in location, to remain as is 10.2 feet from the side lot line. Doing so should not adversely affect the proper use of the surrounding property.

After purchasing the residence in 2013, my wife and I hired a designer and a builder to renovate and expand the house during 2014, incorporating a number of accessibility features, such as wide doors and halls, that would allow us to age in place as long as possible. We also expanded the original one-car garage to a two-car garage, again providing extra space for the future possibility of someone with mobility limitations.

During the renovation, we endeavored to retain the character and aesthetic of the house and the neighborhood. When the residence was constructed in 1955, it was built with eaves of almost two feet on all sides. Not only did we keep the size of the eaves, but we also worked with our designer and builder to not increase the height of the building and to match the color of the existing brick.

Our designer and our builder submitted our plans to the County for review and approval. They erred, however, resulting in the north wall of our new two-car garage being too close to the property line.

After renovation, the north wall of the garage is 12.2 feet from the side property line. This does not comply with the County's 12-foot setback requirement however, because the height of the eaves on the garage is less than ten feet, which means the eaves must be taken into consideration when determining setback compliance. This results in the north side of the garage being 10.2 feet from the side of the property, which does not comply with the County ordinance.

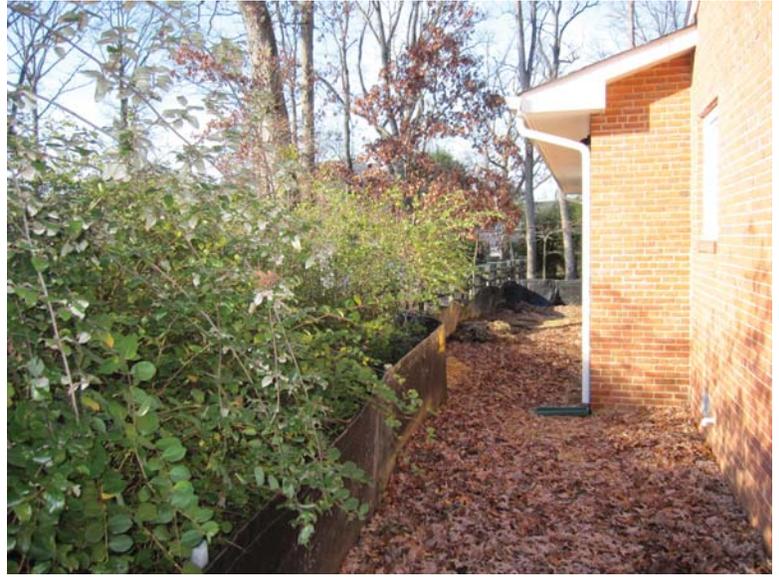
A review of the most recent House Location Survey, dated 6 January 2015, indicates that all other sides of the renovated house comply with the County setback requirements. When our builder submitted a house location survey last fall as construction was ending, the survey also indicated that the eave on the southern side of the house was only 9.9 feet from the ground, thus resulting in a similar setback failure as the north wall of the garage. However, the ground

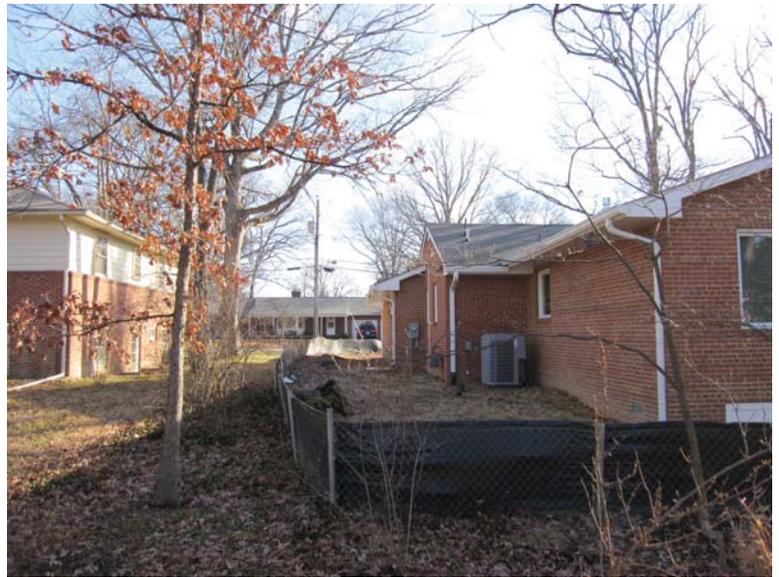
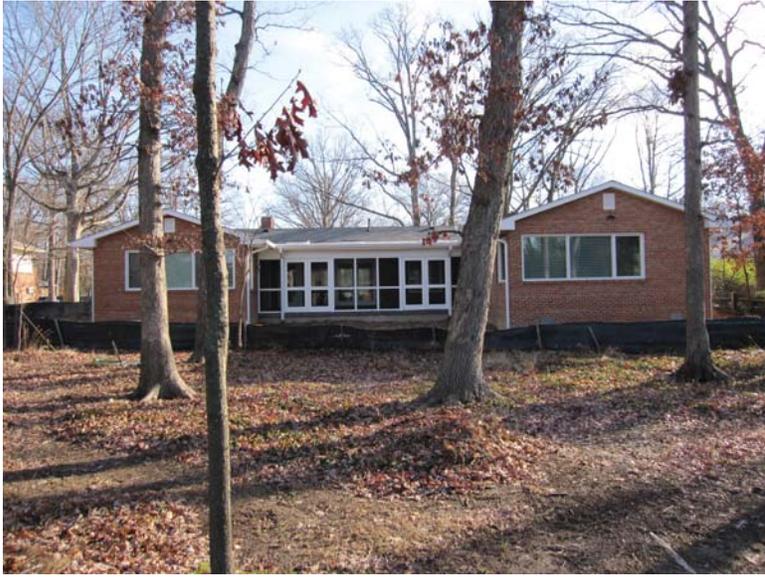
beneath the southern eave has settled sufficiently since then, such that the eave is now 10.1 feet above the ground. This indicates that the south wall of our house, at 12.1 feet from the side property line, now complies with the County setback requirement.

Other considerations, such as Hours of Operation and Traffic Impact do not apply. This is a private home with no non-residential use. No hazardous materials will be generated, used, or stored on the property. Proposed use conforms to all applicable ordinances. During renovation, the driveway was not changed where it connects to the street.

Thank you for considering our request.

Robin A and Ruth A Simmons
6018 Mayfair Lane
Alexandria, Virginia







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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 20 January 2015
 (enter date affidavit is notarized)

128 288

I, Robin A. Simmons, 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)
Robin A. Simmons	6018 Mayfair Lane, Alexandria, VA 22310	Applicant, Title Owner, Trustee, Beneficiary Trustee for Simmons Family Trust dated March 20, 2012
Ruth A. Simmons	6018 Mayfair Lane, Alexandria, VA 22310	Applicant, Title Owner, Trustee, Beneficiary Trustee for Simmons Family Trust dated March 20, 2012

(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).

FORM SP/VCA Updated (7/1/06)


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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 20 January 2015
(enter date affidavit is notarized)

128288

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)

NONE

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)

NONE

(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: 20 January 2015
(enter date affidavit is notarized)

128288

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)

NONE

(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**)

NONE

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

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

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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 20 January 2015
(enter date affidavit is notarized)

128288

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: 20 January 2015
(enter date affidavit is notarized)

128228

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:

Robin A. Simmons

(check one)

Applicant

Applicant's Authorized Agent

Robin A. Simmons, Trustee

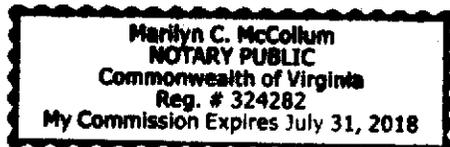
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of January, 2015, in the State/Comm. of Virginia, County/City of McLean.

Marilyn C. McCollum
Notary Public

My commission expires: July 31, 2018

[Signature]



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.

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.