



County of Fairfax, Virginia

September 9, 2015

STAFF REPORT

SPECIAL PERMIT APPLICATION SP 2015-HM-075

HUNTER MILL DISTRICT

APPLICANTS/OWNERS: Koenig, Joseph
Koenig, Sara

STREET ADDRESS: 1230 Bishopsgate Way, Reston, VA 20194

SUBDIVISION: Ascot

TAX MAP REFERENCE: 12-3 ((7)) (2) 14

LOT SIZE: 35,720 square feet

ZONING DISTRICT: R-1C

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction in certain yard requirements to permit construction of an addition 14.1 feet from the side lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-HM-075 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

Paul S. Yoon

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.

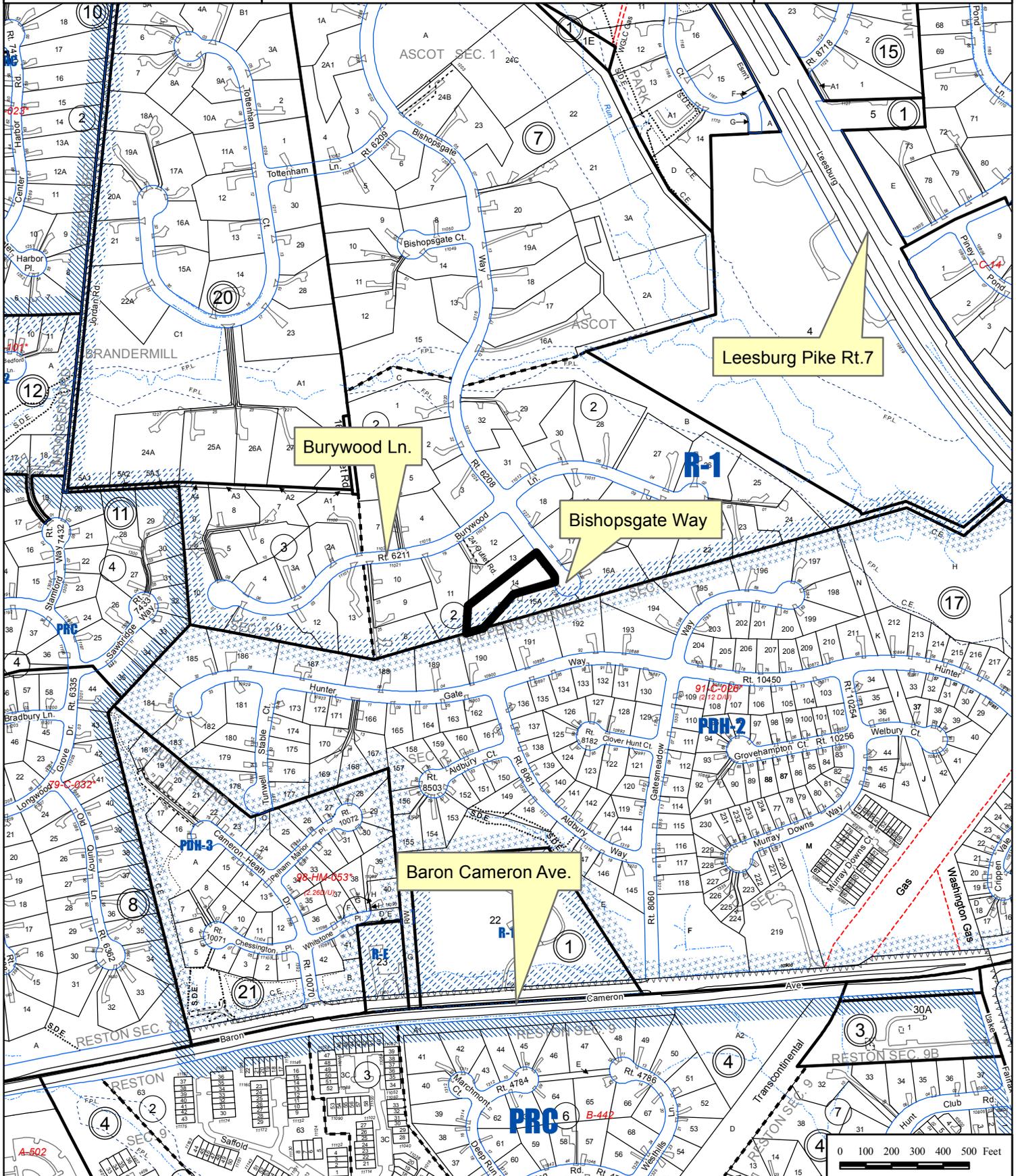
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



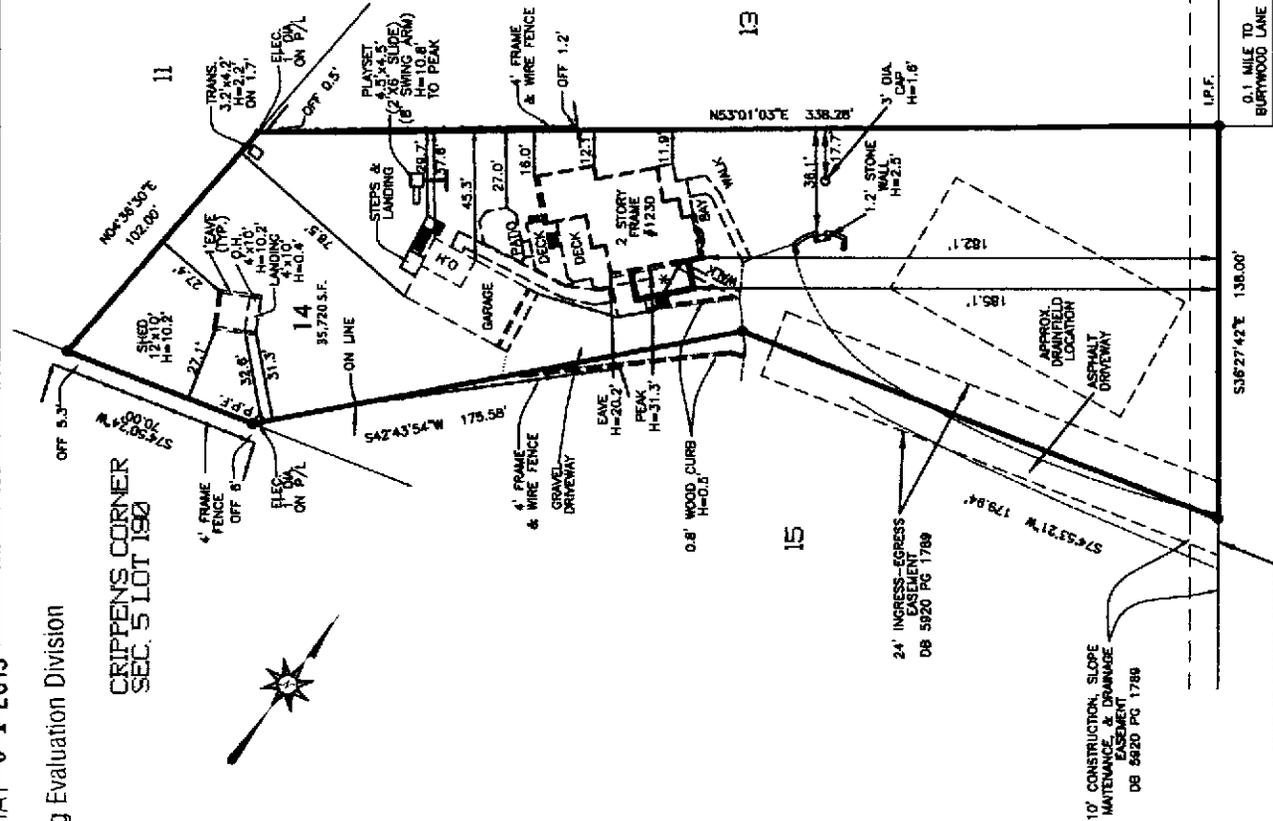
Special Permit SP 2015-HM-075 JOSEPH & SARA KOENIG



MAY 04 2015

Zoning Evaluation Division

CRIPPENS CORNER
SEC. 5 LOT 190



BISHOPSGATE WAY
RTE. #6208 57' R/W

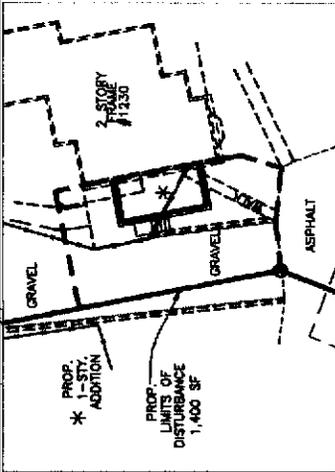


POINT OF INGRESS-EGRESS

536°27'42"E 138.00'

0.1 MILE TO
BURYWOOD LANE

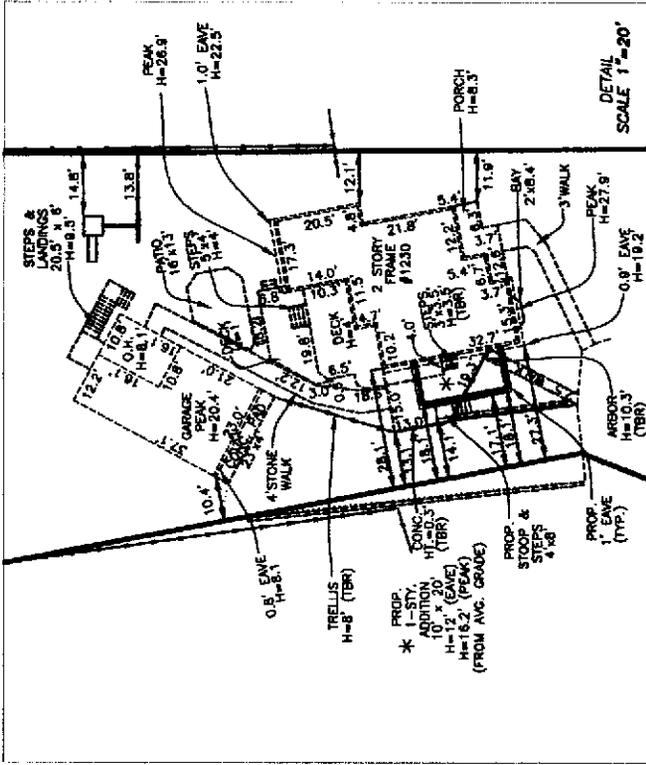
I.P.F.



LIMITS OF DISTURBANCE DETAIL
SCALE 1"=20'

NOTES:

1. TR #012-3-07-02-0014.
2. ZONE: R-1C
3. SETBACKS: FRONT = 30', SIDE = 12' TOTAL 40' MIN., REAR = 25'.
4. PROPERTY IS SERVED BY PUBLIC WATER AND ON-SITE SEPTIC.
5. THERE ARE NO KNOWN GRAVES OR STRUCTURES MARKING A PLACE OF BURIAL ON THIS SITE.
6. THERE ARE NO MAJOR UNDERGROUND UTILITIES OR EASEMENTS FOR SUCH UTILITIES HAVING A WIDTH OF 25 FEET OR GREATER LOCATED ON THIS SITE.
7. THIS SITE DOES NOT CONTAIN 100-YEAR FLOOD PLAN OR RESOURCE PROTECTION AREA (RPA). SITE IS LOCATED ENTIRELY WITHIN THE RESOURCE MANAGEMENT AREA (RMA).
8. NO ADDITIONAL LANDSCAPING OR SCREENING IS PROPOSED WITH THIS PLAN.
9. FLOOR AREA CALCULATIONS: PER ZD SECTION 20-300 (DEFINITIONS)
 - (FRAME CONSTRUCTION, 6 INCH EXTERIOR WALLS)
 - EX. LOT AREA = 35,720 SF
 - EX. MAIN BUILDING FLOOR AREA = 1,280 SF
 - EX. MAIN BUILDING SECOND FLOOR = 1,280 SF
 - EX. DETACHED GARAGE = 620 SF
 - EX. SHED = 100 SF
 - EX. GROSS FLOOR AREA TOTAL = 4,860 SF
 - PROP. ADDITION = 620 SF
 - PROP. GROSS FLOOR AREA TOTAL = 5,180 SF
 - PERCENTAGE OF ADDITION TO MAIN MAIN BLDG. = 620 / 3840 = 16.2%
 - EX. FAR (TOTAL) = 4,960 / 35,720 = 0.13
 - PROP. FAR (TOTAL) = 5,180 / 35,720 = 0.15



DETAIL
SCALE 1"=20'

SPECIAL PERMIT PLAT
LOT 14 SECTION 2
ASCOG



HUNTER HILL DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE 1"=30' DATE 01-20-15
REV. 02-28-15
REV. 04-22-16

ALEXANDRIA SURVEYS, LLC
1225 CARROLLVILLE ROAD SUITE 104 STAFFORD, VA 22516
TEL. NO. 703-596-1313 FAX NO. 703-736-4266

BY PROVISIONS OF THE VIRGINIA CODE, NO CORNER MARKERS SET.
FOR SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.

0814-1588

SPECIAL PERMIT REQUEST

The applicants request an approval to permit reduction in certain yard requirements to permit construction of an addition 14.1 feet from the side lot line. This mudroom, pantry and laundry area addition would be located on the left side of the house and would measure 16.2 feet in height and 200 square feet in gross floor area.

A copy of the special permit plat titled “Special Permit Plat, Lot 14 Section 2, Ascot, Hunter Mill District, Fairfax County, Virginia,” prepared by Michael L. Flynn, L.S., on January 20, 2015, as revised on April 22, 2015, is included in the front of the staff report.

Copies of the proposed development conditions, the statement of justification and select file photographs and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is a two story single-family detached dwelling. An asphalt driveway extends from Bishopsgate Way to an open porch that provides access to the main entrance of the dwelling. A gravel driveway extends beyond the asphalt driveway to a detached two-car garage behind the dwelling. A double-tiered deck and patio are attached to the rear of the dwelling. A shed 10.2 feet in height is also located in the rear yard, and the rear yard is enclosed by a frame and wire fence 4.0 feet in height. Existing mature vegetation in the rear yard provides screening to the area. The irregular nature of the lot creates a pinch point that severely limits the applicants’ ability to build additions.



Figure 1: House Location

The subject property and surrounding properties to the west, north, and east are zoned R-1 Cluster and developed with single-family detached dwellings, and an adjacent property to the south is zoned PDH-2 and developed with a single-family detached dwelling.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1984 and purchased by the applicant in 2002.

Records indicate that no other special permit applications relating to a reduction in minimum yard requirements have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE PROPOSED USE

The applicants are requesting approval of a special permit for a reduction of certain yard requirements to permit construction of an addition. The addition, located 14.1 feet from the side lot line, would be used as a mudroom, pantry and laundry area. In the R-1 district under the cluster provisions, the required minimum side yard is 12 feet (with 40 feet total side yard); therefore, the applicants are requesting a reduction of 14 feet from the total side yard requirements, or 35%.

| Structure | Yard | Minimum Yard Required | Proposed Location | Proposed Reduction | Percentage of Reduction Requested |
|---|------|--|--|-----------------------------|--|
| Mudroom, Pantry and Laundry Room Addition | Side | 12.0 feet (Combined total of 40.0 feet) | 14.1 feet (Combined total of 26.0 feet) | 14.0 feet combined total | 35% from combined total side yard requirements |

The addition would be a maximum of 16.2 feet in height, and it would add an additional 620 square feet in gross floor area. The roofline of the proposed addition would be lower than the existing roofline of the house and well within the maximum height requirement.

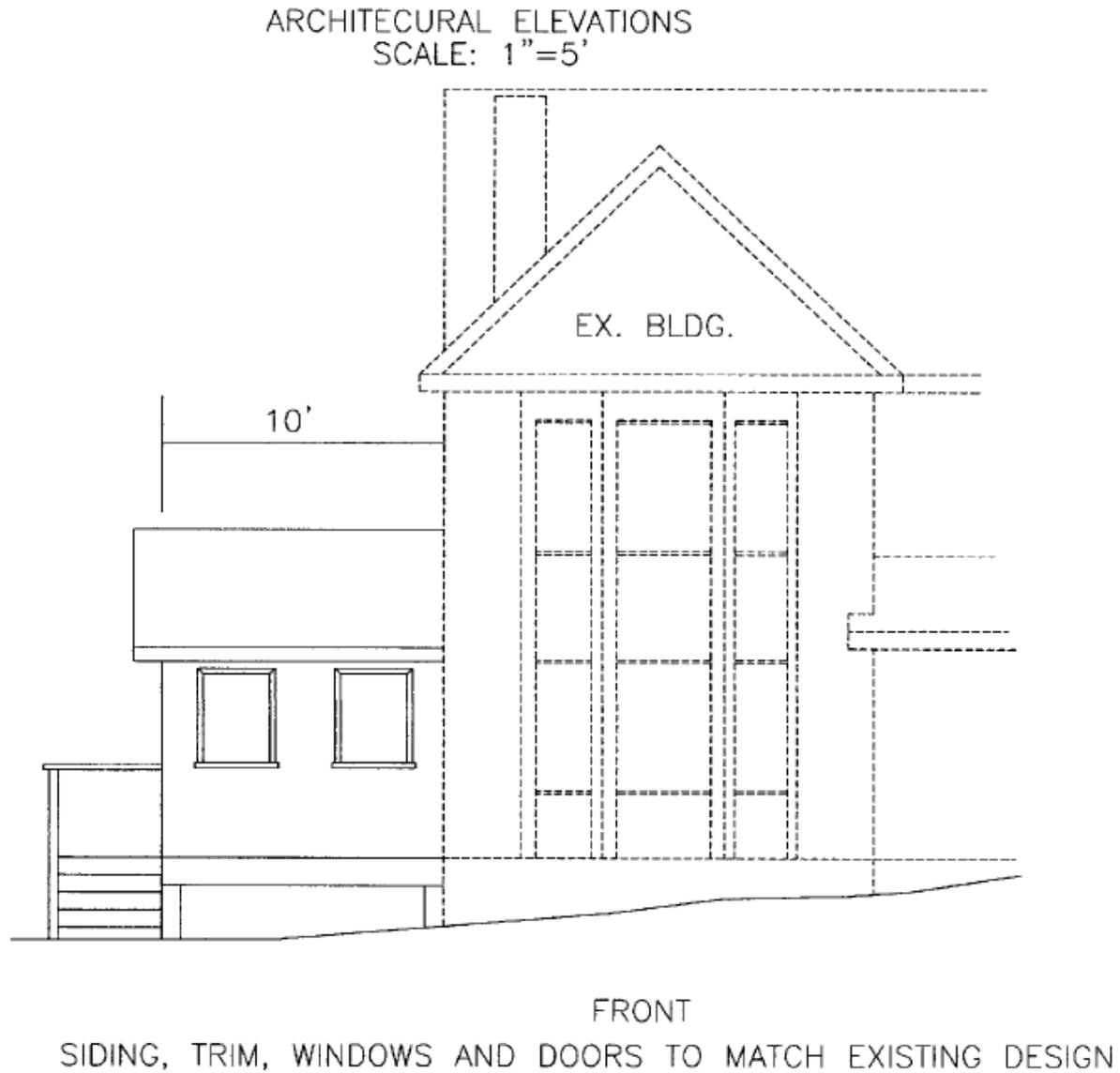


Figure 2: Proposed Elevation

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Upper Potomac Planning District
Planning Sector: Reston Planning Sector (UP5)
Plan Map: Residential, 0.5-1.0 dwelling units per acre

Zoning District Standards

| Bulk Standards (R-1C) | | |
|------------------------------|--|--------------------------------------|
| Standard | Required | Provided |
| Lot Size | 25,000 sf. | 35,720 sf. |
| Lot Width | No requirement | 71 feet |
| Building Height | 35 feet max. | 31 feet |
| Front Yard | Min. 30 feet | 182.1 feet |
| Side Yard | Min. 12 feet (total side yard 40 feet) | 14.1 feet (total side yard 26 feet)* |
| Rear Yard | Min. 25 feet | 36.6 feet |

*As permitted through the approval of this application

Accessory Structures On-Site

| Structure | Yard | Minimum Yard Required | Existing Location | Existing Height |
|------------------|-------------|--|--------------------------|------------------------|
| Shed | Side | Min. 12 feet (total side yard 40 feet) | 27.1 feet | 10.2 feet |
| | Rear | 10.2 feet* | 27.4 feet | 10.2 feet |

*Section 10-104 states accessory storage structure which exceeds 8 ½ feet in height shall not be located closer to a distance equal to its height to the rear lot line.

Zoning Ordinance Requirements

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- 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.

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

| | |
|---|--|
| Standards 1 & 2 Comprehensive Plan/ Zoning District | The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-1C District allows a reduction in minimum required yards with special permit approval. |
| Standard 3 Adjacent Development | In staff's opinion, the proposed use will neither hinder nor discourage use or development of neighboring properties or negatively affect value. |
| Standard 4 Pedestrian/ Vehicular Traffic | No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood. |
| Standard 5 Landscaping/ Screening | Mature vegetation provides screening of the application property in the rear yard. |
| Standard 6 Open Space | There is no prescribed open space requirement on individual lots in the R-1C District. |
| Standard 7 Utilities, Drainage, Parking, and Loading | There are no changes to the utilities, drainage, parking or loading of the site. |
| Standard 8 Signs | No signage is proposed. |

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

| | |
|--|---|
| Standard 1 Lot Size and Bulk Regulations | The bulk regulations for minimum required yards are requested to be modified with the special permit application. |
| Standard 2 Performance Standards | The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance. |
| Standard 3 Site Plan | The construction is not disturbing more than 2,500 square feet; therefore the application is not subject to the provisions of Article 17, Site Plans. |

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

| | |
|--|--|
| Standard 1 Yard Requirements Subject to Special Permit | <p><i>A. Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet:</i> The proposed addition would be located 26.0 feet from the side lot line. The required side yard in an R-1C district is 40.0 feet, resulting in a reduction of 14.0 feet or 35%.</p> <p><i>B. Pipestem lots- N/A</i></p> <p><i>C. Accessory structure locations – N/A</i></p> <p><i>D. Extensions into minimum required yards allowed by Sect. 2-412 – N/A</i></p> |
| Standard 2 Not a Detached | The application does not propose a detached accessory structure. |

| | |
|--|--|
| Structure in a Front Yard | |
| Standard 3 Principal Structure that Complied with Yard Requirements When Established | When the existing structure was built in 1984, it conformed to all applicable requirements at the time. |
| Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA) | The addition is 620 square feet. The existing GFA of the primary structure is 3,840 square feet; therefore the proposed addition will be 16.2% of the GFA. |
| Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use and Intent | The proposed construction is subordinate to the primary use as it will be a mudroom, pantry and laundry area addition to the primary residential dwelling. The height of the existing dwelling is 31.3 feet. The height of the proposed addition will be 16.2 feet. |
| Standard 6 Construction in Character with On-Site Development | The proposed addition will be constructed to the south of the existing dwelling. The elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling. |
| Standard 7 Construction Harmonious with Off-Site Development | Through aerial photography, submitted photographs, and background research staff has confirmed that there are similar additions on neighboring properties. The proposed addition would not affect neighboring properties in terms of location, height and bulk. |
| Standard 8 Construction Shall Not Adversely Impact Adjacent Properties | 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. DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes the addition will not significantly increase runoff or erosion as it would be constructed on the footprint of an existing patio. |
| Standard 9 Represents the Minimum Amount of Reduction Necessary | Staff believes the special permit application proposal is modest in nature and is the minimum amount of reduction necessary due to the irregular shape of the lot. In addition to the irregular shape of the lot, which creates a pinch point, a large portion of the front yard is comprised of a drainfield, and the rear yard is limited by the existence of the detached two-car garage. There is no other space on the lot where an addition can be located. |

| | |
|--|---|
| Standard 10 BZA May Impose Conditions | Proposed development conditions are included in Appendix 1. |
| Standard 11 Submission Requirements | A copy of the plat is included in the beginning of this report. |
| Standard 12 Architectural Elevations | Proposed elevations are included as an attachment to the proposed development conditions in Appendix 1. |

CONCLUSION / RECOMMENDATION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions and is in harmony with the Comprehensive Plan. Staff recommends approval of SP 2015-HM-075 for the addition with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the 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
3. Applicant's Affidavit
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-HM-075****September 9, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-HM-075 located at Tax Map 12-3 ((7)) (2) 14 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance to permit a residential addition 14.1 feet from the side lot line, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the addition (620 square feet and 16.2 feet in height), as shown on the plat entitled "Special Permit Plat, Lot 14 Section 2, Ascot, Hunter Mill District, Fairfax County, Virginia," prepared by Michael L. Flynn, L.S., on January 20, 2015, as revised on April 22, 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 (3,840 square feet existing + 5,760 square feet (150%) = 9,600 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.

PROPOSED DEVELOPMENT CONDITIONS

SP 2015-HM-075

September 9, 2015

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ARCHITECTURAL ELEVATIONS
SCALE: 1"=5'



FRONT

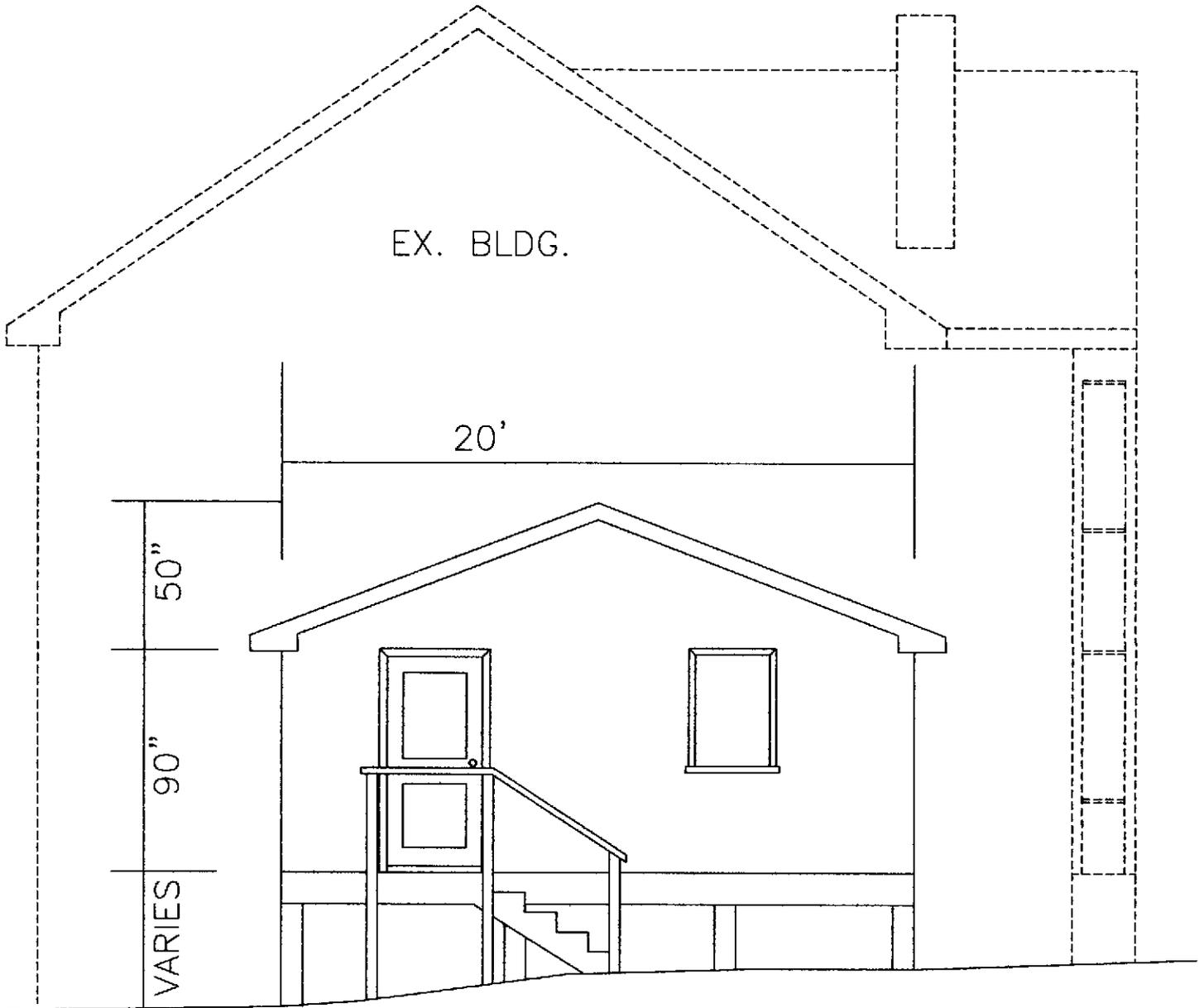
SIDING, TRIM, WINDOWS AND DOORS TO MATCH EXISTING DESIGN

RECEIVED
Department of Planning & Zoning

APR 27 2015

Zoning Evaluation Division

ARCHITECTURAL ELEVATIONS
SCALE: 1"=5'



SIDE

SIDING, TRIM, WINDOWS AND DOORS TO MATCH EXISTING DESIGN

RECEIVED
Department of Planning & Zoning

APR 13 2015

Zoning Evaluation Division

Statement of Justification

Special Permit

1230 Bishopsgate Way, Reston Va. 20194

The following is a statement of justification for the Special Permit on the project stated above. The Special Permit is being requested to allow a proposed addition to an existing dwelling be located 18.1 feet from a side lot line within the R-1C (Cluster Zone). The existing dwelling has side yards of 28.1' and 11.9' (with a total of 40 feet). The required setback for a side yard within the R-1C Zone is a minimum 12 feet with a total of 40 feet. The proposed addition will have a total of side yard setbacks equaling 30 feet, where 40 feet is required. Below is the justification keyed to list provided within the Special Permit Application Package (page 15):

- A. Type of Operation: Existing Residential Dwelling with enclosed carport.
- B. Hours of Operation: N/A, non-commercial use, private residence only.
- C. Estimated number of patrons / clients/ patients/ pupils etc.: N/A (only those associated with a single family residential use)
- D. Proposed number of employees / attendants / teachers etc.: N/A
- E. Estimate of traffic impact of the proposed use: There is no proposed change or increase in use or any estimated impact on traffic.
- F. Vicinity or general area to be served by the use: The proposed addition is on the southeast side of the existing structure.
- G. Description of building façade and architecture of proposed buildings or additions: Addition shall be of design and material to match the existing dwelling. Stick frame construction, One story addition on a crawl space (no basement).
- H. A listing, if known of all hazardous or toxic substances: N/A (no hazardous substances are currently used or proposed to be used on this site. Only those substances which are normally associated with a residential use, such as standard cleaning products, shall be used on-site and those are not considered hazardous. No commercial venture is existing or proposed on this site.)
- I. A statement of how the proposed use conforms to the provisions of all applicable ordinances: The proposed addition is to be a residential use. The proposed structure shall meet the minimum required setback (12 feet) but shall not meet the "total" setback required (40 feet). We are asking for a reduction of 10 feet in the total setback requirement of the R-1C Zone. The proposed addition is being added as a mudroom / pantry and laundry area. The addition is proposed to be 10 feet by 20 feet. The placement of the addition is designed to work with the existing architecture of the current dwelling. The existing lot is oddly shaped with a pinch point in the middle of the lot (like an hour glass). The existing dwelling is built right at this pinch point and set at minimum total setbacks when originally built in 1984. No other waivers, modifications or exceptions are being requested other than the reduction in the total minimum side yard setback requirements. The proposed addition shall meet all zoning requirements for height and front and rear setbacks. The proposed disturbed area for the construction of the addition is 1,400 square feet. The addition shall be placed in an area where it replaces an existing deck, walk and trellis. The deck, walk and trellis to be removed have a surface area of approximately 300 square feet, whereas the proposed addition is 200 square feet in surface area. Floor area calculations are provided on the attached plat which show compliance with the maximum size of the addition in relation to the main dwelling does not exceed 50% of the gross floor area. The proposed addition shall have similar architectural design to the main house and shall be

harmonious with surrounding structures, as most have main dwellings with one-story additions and multi-level roof lines. No major vegetation is proposed to be removed or impacted by the construction of the addition.

Since the site has an odd shape and the existing dwelling is placed at the most restrictive point in the lot our options are limited for placement of the addition. The addition proposed is modest (one story, 200 square feet) and is placed to work with the architecture of the existing dwelling by being placed next to the kitchen area. The placement of the addition will have no impact on site drainage. The proposed addition will still be greater than 6 feet from the minimum setback and shall have no negative impact on adjacent parcels. It is our wish that since our proposed addition will have not harm adjacent parcels and the fact that we have an odd shaped lot with limited options for placement of the addition that the proposed special permit shall be allowed and that the above stated information be sufficient justification to allow it's use.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/20/15
(enter date affidavit is notarized)

128401

I, JOSEPH KOENIG & SARA KOENIG, 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) |
|--|--|---|
| JOSEPH F. KOENIG & SARA N. KOENIG | 1230 BISHOPSGATE WAY RESTON VA . 20194 | OWNER |
| ALEXANDRIA SURVEYS, LLC (MICHAEL L. FLYNN) (ROGER K. BOHR) | 1229 GARRISONVILLE RD #104 STAFFORD VA . 22556 | |

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

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

Application No.(s):

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/31/15
(enter date affidavit is notarized)

128401

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)

ALEXANDRIA SURVEYS, LLC
1229 GARRISONVILLE RD #104
STAFFORD VA. 22556

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)

MICHAEL L. FLYNN
SHARON R. HOOFNAGLE

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

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

Application No.(s):

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/30/15
(enter/date affidavit is notarized)

128401

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

PARTNERSHIP INFORMATION

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

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/30/15
(enter date affidavit is notarized)

128401

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

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

N/A

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

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

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

NONE

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

Application No.(s):

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/30/15
(enter date affidavit is notarized)

128401

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)

[X] Applicant [] Applicant's Authorized Agent

Joseph F. Koenig, Sara N. Koenig - HOMEOWNERS
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30 day of January, 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: 9/30/2018

VIVAK KUMAR
NOTARY PUBLIC 7344740
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 09/30/2018

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

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

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first 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.