APPLICATION ACCEPTED: June 17, 2015
DATE OF PUBLIC HEARING: September 23, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

September 16, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-SP-098

SPRINGFIELD DISTRICT

APPLICANT/OWNER:	Kerry C. Kachejian Alice B. Kachejian
LOCATION:	8119 Ridge Creek Way, Springfield, 22153
SUBDIVISION:	Springfield Glen
TAX MAP:	98-2 ((19)) 75A
LOT SIZE:	8,896 square feet
ZONING:	PDH-2
ZONING ORDINANCE PROVISION:	8-914
SPECIAL PERMIT PROPOSAL:	To permit reduction in minimum yard requirements based on error in building location to permit an enclosed screen porch addition to remain 16 feet from a rear 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.

Kelly M. Atkinson, AICP

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/

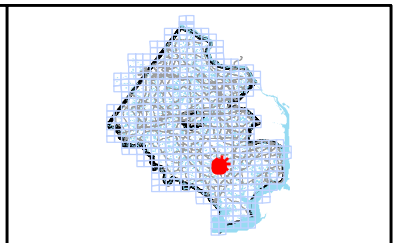
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

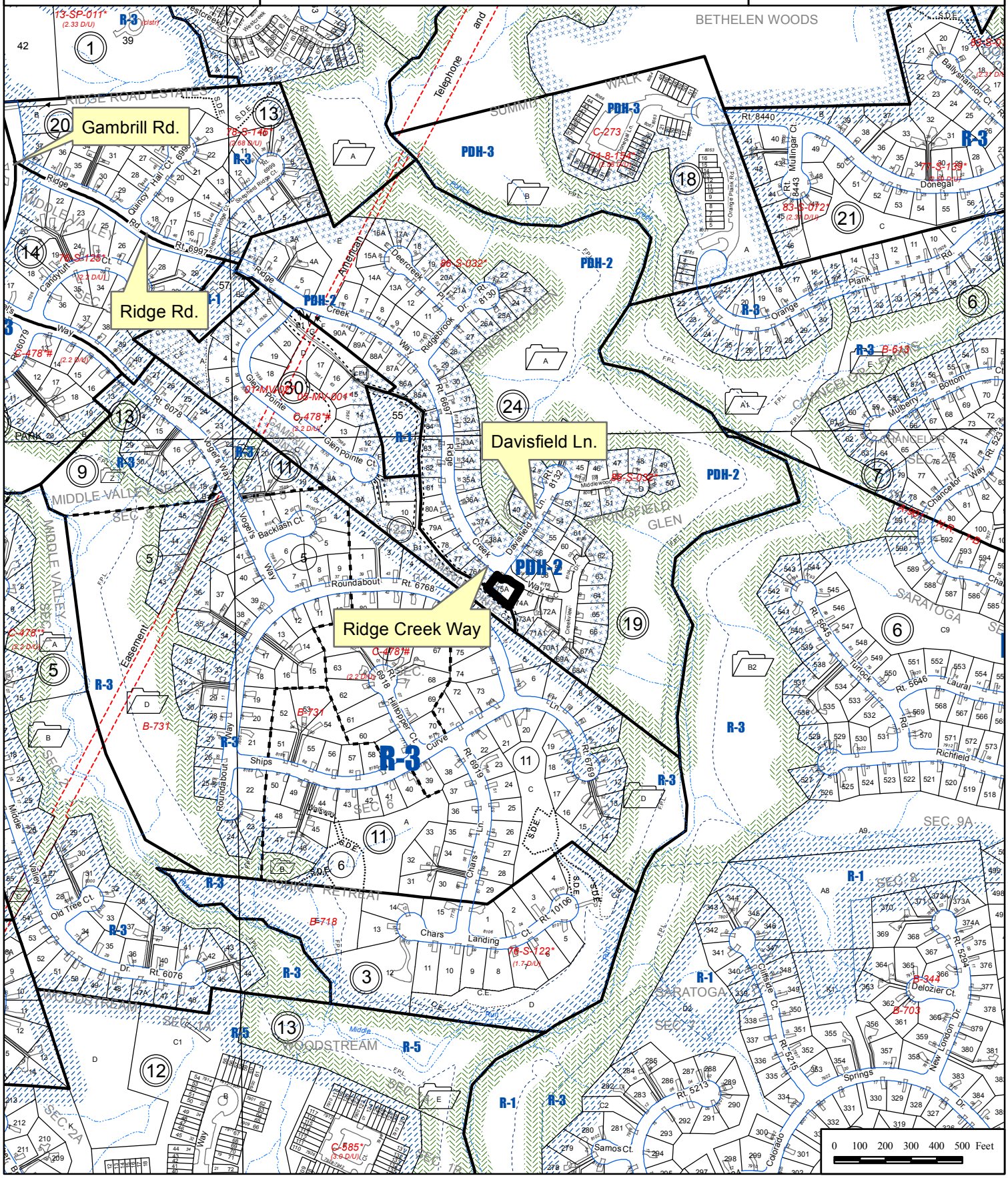
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2015-SP-098

KERRY C. KACHEJIAN AND ALICE B. KACHEJIAN





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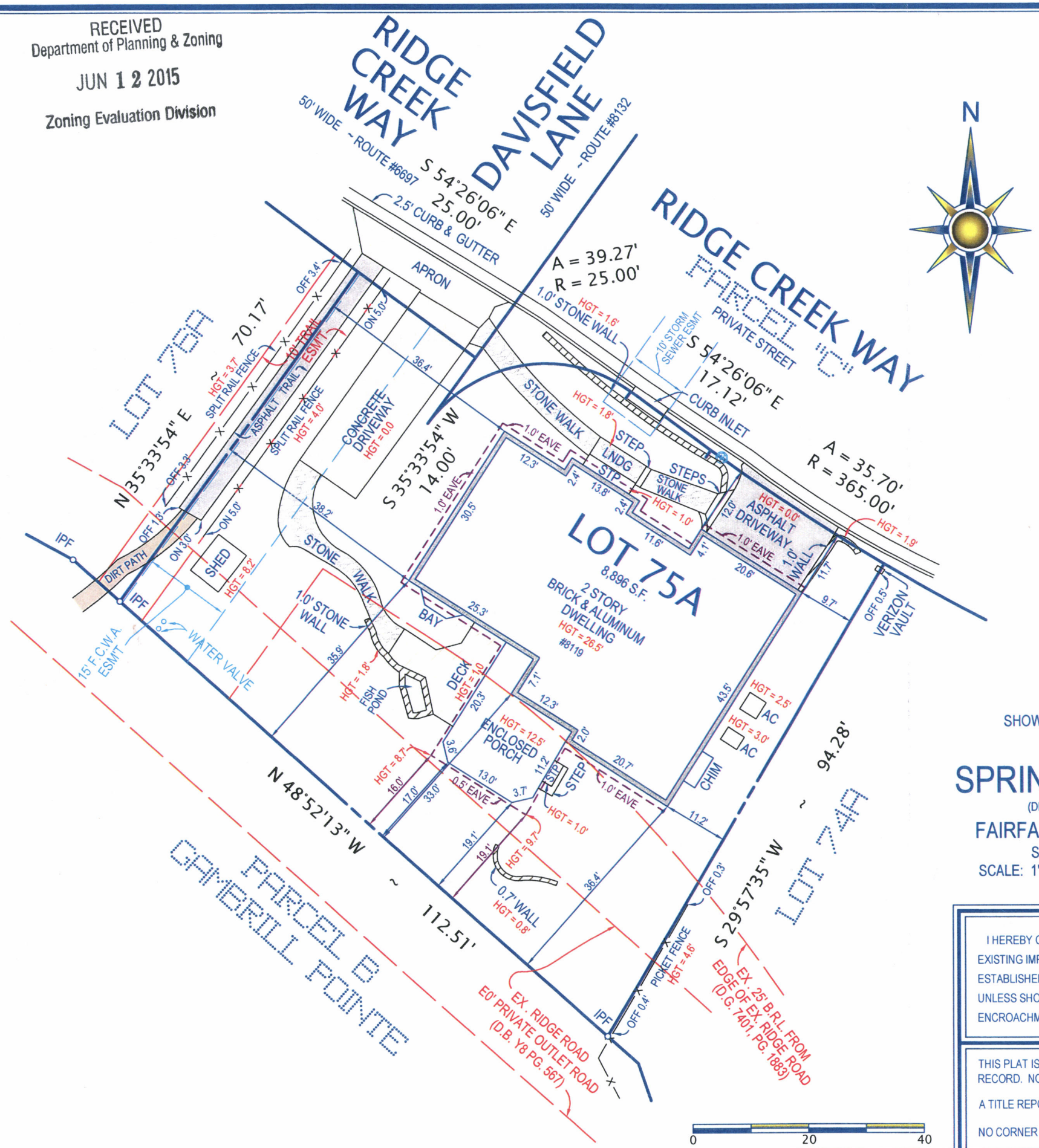

NOTES:

1. TAX MAP: 0982 19 0075A
2. PDH-2(RESIDENTIAL 2 DU/AC)
3. LOT AREA: 8,896 SF
4. REQUIRED YARDS:

FRONT:	=	25.0 FEET
SIDE:	=	8.0 FEET (TOTAL 24 FEET)
REAR:	=	25.0 FEET

6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:

EX. BASEMENT	=	827 SF
EX. FIRST FLOOR	=	1,266 SF
EX. SECOND FLOOR	=	1,066 SF
EX. ENCLOSED PORCH	=	315 SF
GROSS FLOOR AREA	=	3,474 SF

EX. FLOOR AREA RATIO: EX. GFA (3,474)/LOT AREA (8,996) = 0.38

13. UNLESS NOTED EAVE HEIGHTS ARE GREATER THAN 10.0 FEET.
14. UTILITIES ARE UNDERGROUND.
15. NO TRAILS ARE REQUIRED FOR THIS SITE PER THE ADOPTED COMPREHENSIVE PLAN.

PLAT

SHOWING IMPROVEMENTS ON

LOT 75A

SPRINGFIELD GLEN

(DEED BOOK 9894, PAGE 629)

FAIRFAX COUNTY, VIRGINIA

SPRINGFIELD DISTRICT

SCALE: 1" = 20' JANUARY 5, 2015

I HEREBY CERTIFY THAT THE LOCATIONS OF ALL EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. NORTH IS RECORD NORTH.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.

COMMONWEALTH OF VIRGINIA
01/05/2014
THOMAS G. LUTKE
LICENSE NO. 3066
LAND SURVEYOR

ORDERED BY:

KERRY KACHEJIAN

NoVA SURVEYS
6655 ROCKLEIGH WAY
ALEXANDRIA, VA 22315
703-688-4038
FAX: 703-649-6038

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CASE NAME: KACHEJIAN

#140521002

SPECIAL PERMIT REQUEST

The applicants are seeking approval of a special permit to allow a reduction in minimum yard requirements based on error in building location to permit an enclosed screen porch addition to remain 16 feet from a rear lot line. The applicant's 12.5 foot tall enclosed screen porch is used as an extension of the breakfast area. A more detailed description of the proposal is provided below.

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Enclosed Screen Porch	Rear	25.0 feet*	16.0 feet	9.0 feet	36%

*Minimum yard requirement per Paragraph 2A(2) of Section 3-207

A copy of the special permit plat titled "Plat Showing Improvements on Lot 75A, Springfield Glen" prepared by Thomas G. Lutke, L.S, dated January 5, 2014, is included in the front of the staff report.

A copy of the applicant's statement of justification, select file photos and affidavit are included in Appendices 2-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 8,896 square foot subject property is developed with a two story single family detached dwelling. An asphalt driveway on the east extends from an existing two car garage to Ridge Creek Way.

An additional concrete driveway is located on the west side of the property and also provides access to Ridge Creek Way.

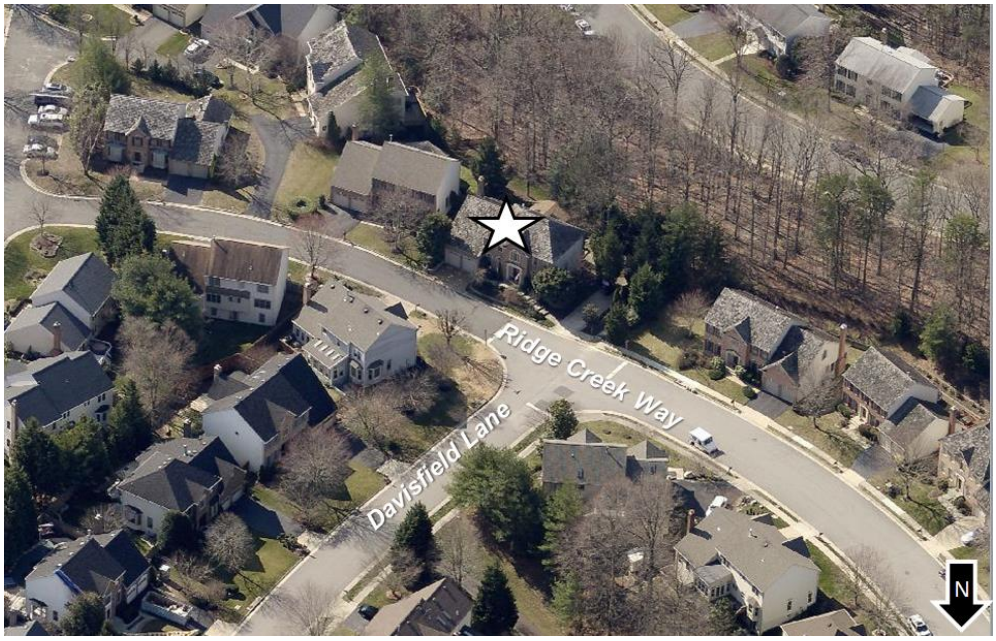

Figure 1: Aerial Map; Source: Fairfax County Pictometry

The deck and enclosed screen porch, that is the subject of this application, are located along the rear of the house. Portions of the side yards are enclosed by a 4.6-foot tall picket fence and a 4-foot tall split rail fence.

A 15-foot wide Fairfax County Water Authority (FCWA) easement is located in the western side yard and runs from the front to the rear yard of the property. There is currently an existing shed and portions of the concrete driveway located within this easement. Staff has included development conditions in Appendix 1, which addresses these encroachments. Additionally, portions of a 10-foot wide trail easement runs from the front to the rear yard along the western side yard and overlaps portions of the FCWA easement. Finally, portions of an existing 30-foot outlet road, Ridge Road, were previously located along the southern rear yard. This outlet road was vacated in Deed Book 17674, at Page 1267, in conjunction with the Gambrill Pointe Subdivision Development, which is under construction to the south.

The subject property and surrounding properties are zoned PDH-2 and developed with single family detached dwellings to the north, east and west and private open space to the south.

BACKGROUND (Appendix 4)

The subject property was rezoned to the PDH-2 District per RZ 86-S-032. The proffers and Conceptual/Final Development Plan (C/FDP) approved in conjunction with this subdivision do not specify a required minimum lot size, yard requirements or typical lot detail. Further, General Note #7 notes that the “dwelling shapes and sizes shown hereon are for illustrative purposes only. Final footprints may vary with siting of individual house.” As such, Staff does not believe any Conceptual/Final Development Plan Amendments are required.

The following is a history of the subject property:

- 1993 - Fairfax County Tax Records indicate the single family dwelling was constructed.
- 1996 - Fairfax County Tax Records indicate the single family dwelling was purchased by the applicants.
- June 3, 2008 - Fairfax County Board of Zoning Appeals (BZA) approved SP 2008-MV-023 on the subject property to permit a reduction of certain yard requirements to permit a screened porch addition 17-feet from the rear lot line.
- September 3, 2008 – A Building Permit (#82420090) was issued by Fairfax to construct the addition.
- October 14, 2008 - A final inspection from Fairfax County was obtained for the addition.
- October 21, 2010 – The applicants received a letter from the Zoning Administration Division (ZAD) that stated the County had no record that the applicants had obtained a Building Permit to construct the addition in accordance with the approved Special Permit.

- March 19, 2014 - The applicants received a letter from ZAD that again stated the applicants had not yet commenced construction of the addition.
- March 28, 2014 - The applicants provided documentation to ZAD showing the addition had been constructed in accordance with an issued Building Permit and received final inspection from Fairfax County.
- April 2, 2014 - ZAD requested the Zoning Inspections Branch (ZIB) inspect the subject property to confirm the enclosed porch was constructed in accordance with the approved Special Permit.
- April 25, 2014 - ZIB completed an inspection of the subject property. Per this inspection, the County found that the structure is in fact a screened porch. However based on the measurements taken of the screened porch, it was determined that the structure was expanded by approximately 138 square feet (per the current Special Permit plat, the structure was only expanded by 112 square feet) and located 16 feet from the rear lot line. As such, this structure is not in conformance with the size and location approved with the original Special Permit and it was determined that a new special permit for an error in building location is required.

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 immediate area; however there have been two similar cases within Tax Map 98-2 (Appendix 5).

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Pohick Planning District
Planning Sector: Main Branch Community Planning Sector (P2)
Plan Map: Residential uses, at 2-3 dwelling units/acre (du/ac)

Zoning District Standards

Bulk regulations for the PDH District are regulated under the provisions of Section 16-102 of the Zoning Ordinance. Design Standards are those which are approved by the Board of Supervisors on the final development plan for the subdivision. Subsequent additions, according to Section 16-403, must conform to that conventional zoning district which most closely characterizes the development under consideration provided, however, that the desired alteration is in substantial conformance with the approved final development plan. This subdivision is developed under the PDH-2 regulations but is most similar to the R-2 Cluster District.

Bulk Standards (PDH-2)* *Per Sections 3-206 & 3-207		
Standard	**Required**	**Provided**
Lot Size	13,000 sf.	8,896 sf.**
Lot Width	Interior: No Requirement	105 feet
Building Height	35 feet max.	26.5 feet
Front Yard	Min. 25 feet	10.7 feet**
Side Yard	Min. 8 feet, but a total of 24 feet	9.7 feet (east) 35.4 feet (west)
Rear Yard	Min. 25 feet	16 feet***

**Lot created via an approved record plat and subdivision plan.
***Application is to address this rear yard setback.

Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Existing Location
Shed #1 (8.2' height)	Side	8 feet	7 feet****
Shed #1 (8.2' height)	Rear	25 feet	12 feet****

****Per Paragraph 10(c) of Section 10-104 of the Zoning Ordinance, an accessory storage structure which does not exceed 8.5' in height may be located in any side or rear yard.

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 6. 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. Approved SP 2008-MV-023, Building Permit and Plat, Finalized Building Permit, Letters from Zoning Administration Division and Zoning Inspections Branch Report
5. Similar Case History
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2015-SP-098

September 16, 2015

If it is the intent of the Board of Zoning Appeals to approve SP 2015-SP-098, located at Tax Map 98-2 ((19)) 75A, 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 enclosed porch addition, as shown on the plat prepared titled, "Plat Showing Improvements on Lot 75A, Springfield Glen" prepared by Thomas G. Lutke, L.S, dated January 5, 2014, and approved with this application, as qualified by these development conditions.

2. The applicants recognize and acknowledge that a shed and driveway encroach into a 15-foot wide Fairfax County Water Authority (FCWA) easement. Accordingly, the applicants shall indemnify, keep and save harmless the County, its agents, officials, employees, volunteers, and the Board of Zoning Appeals against claims of injuries, death, damage to property, or other suits, liabilities, judgments, cost and expenses which may otherwise accrue against the county in consequence of the granting of this special permit. The applicants shall, at his or her own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment shall be rendered against the county and/or the Board of Zoning Appeals in any such action, the applicants shall, at his or her own expense, satisfy and discharge the same.

3. The applicants shall sign the County's Hold Harmless Agreement, and this signed document shall be recorded in the Land Records.

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.

Appendix 2

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Zoning Evaluation Division

STATEMENT OF JUSTIFICATION

Kerry C. Kachejian. and
Alice B. Kachejian
8119 Ridge Creek Way
Springfield, VA 22153
Tax ID 0982 19 0075A

NOTES:

- An explanation for how the building error occurred is contained in the Standards for 8-914 in Section 3 "Noncompliance"
- Supportive materials included: Site photographs, Building permit, approved plat, and a copy of the original contract.
- Additional materials: Letter from Fairfax County (2014 0319); Reply to Fairfax County (2014 0328)

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1. Subject property 8119 Ridge Creek Way (tax ID 0982 19 0075A) is classified in a PDH-2 Zone and will be converted to R-2C zone for setbacks. Per Fairfax County Zoning Ordinance Sec. 3-107 all lots classified as R-2C will have a minimum rear yard setback of twenty-five (25) feet, a minimum front setback of twenty (25) feet, and a minimum side setback of eight (8) feet with a total of twenty-four (24) feet. The location and orientation of the existing structure on the property unreasonably restricts the ability to build an addition on the southwest corner of the building that would conform to the architectural style of the dwelling as well as restrict the intended use of the proposed addition.
2. The minimal front and side yards and large public space behind the residence justifies the location of the proposed addition in the rear yard. A modified proposal of size, shape, or location would not conform to the zoning requirements, intended use, and architectural style of the property.
3. The proposed addition shape has considered the min. rear yard setback of twenty-five (25) feet, and has been designed to comply to the best of its ability and asks for a rear yard setback of sixteen (16) feet.
4. The proposed addition is designed as an extension of the breakfast area and a screened porch. For health reasons, the homeowners need an outdoor space that provides protection from the sun as well as mosquitoes and the breakfast area was built too small for its intended use.
5. The proposed addition would have little or no effect on abutting properties, given that the side yards will be in compliance to the current zoning minimum yard

requirements and the rear yard would be a minimum of sixteen (16) feet from the rear property line. The rear property line of the subject property abuts to a proposed roadway that was abandoned, leaving a permanent public space with a buffer of trees and vegetation separating the proposed addition from the adjacent neighbors view and property.

6. The proposed addition will use materials and methods of construction that conform to the aesthetic of the house. The proposed addition uses a shingle roof to maintain the aesthetic of the existing shingle roof.
7. The proposed addition will utilize a pier foundation, as well as a trim details and a roof similar to the existing structure.
8. Proposed addition data
    a. The proposed addition would be at the mid-level of the existing structure and will incorporate a new gable roof structure with shingles similar to the existing roof to minimize the aesthetic impact of the addition.
    b. The proposed addition would have a twenty (20) foot by twenty four (24) foot gable roof over the proposed addition and existing Breakfast area at the upper floor level that would not be visible from the front to minimize the possibility of view from adjoining properties.
    c. The proposed addition's 315 sq. ft. area will not increase the final gross floor area of the house past the 150% maximum (the existing principal structure's gross floor area is 3,159 sq. ft.)
    d. The proposed addition shall be clearly subordinate in purpose, scale, use and intent to the principal structure (315 sq. ft. vs. 3,159 sq. ft. and one story vs. three stories).
    e. The existing gross floor area is 3,159 sq. ft, plus the 315 sq. ft. addition for a proposed gross floor area of 3,474 sq. ft.
    f. The positioning of the proposed addition would not promote viewing of the addition from the neighbors on either side of the property.
    g. There is an existing deck improvement that is off the 1st floor area of the main structure that would be partially demolished and will comply to current zoning yard regulations without the need for a special permit. The height of the deck structure is at max. 2'-0" above grade.

Appendix 2

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Special Permit Standards
8-914 – Building Location Error
8-006 – General
8-922-Reduction of Certain Yard Requirements
SP 2015-0147

Kerry C. Kachejian. and
Alice B. Kachejian
8119 Ridge Creek Way
Springfield, VA 22153
Tax ID 0982 19 0075A

NOTE: This structure has been constructed and is located too close to the rear lot line. The original Special Permit (SP 2008-MV-023) included Standards (8-006, 8-922) that were previously addressed in a Staff Study. The owner has updated the discussion on 8-006 and 8-922 and added Standard 8-914 (error in building location) to support the new SP 2015-0147.

Sect 8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location
Owner believes that the special permit application meets all Standards outlined in Section 8-914. An updated plat with all required information has been submitted with this application. Specific comments follow:

A/B. Ten Percent Error
The original approved special permit (SP2008-MV-023) authorized construction to within 17 feet from the real lot line. The actual setback (as built) is 16 feet from the rear lot line (refer to updated plat). The screened porch is also about six feet wider than originally planned, but this does not impact the minimum yard setback. The overall change in setback is less than 10% error, but the total floor space of the screened porch is larger than 10%. (203 vs 315 ft2)

C. Noncompliance (How the building error occurred)
The building error occurred subsequent to the issuance of the original special permit.

The original contractor, Sun Design, served as the owner's duly authorized agent to apply for the original special permit. (When discussions commenced in 2007, the owner had been on Active Duty military and had overseas travel to Iraq and Afghanistan.) The owner paid Sun Design a fee to submit the special permit application ($3200) and for the design of the structure ($3500).

While the special permit application was being staffed/approved, the owners were negotiating the construction contract with Sun Design. The contractor's initial verbal bid was considered unreasonable ($80-90k), and was later reduced to $68k ($354/ft2). The owners were aware their adjacent neighbor had paid about $40k ($150/ft2) for a similar screened porch. The cost difference was a significant concern.

After approval of the special permit (June 2008), the owner entertained bids from alternative companies to construct the screened porch. The owners selected Northcraft Builders for the construction. Northcraft Builders recommended some design changes that reduced overall costs while offering to make the screened porch somewhat larger (mostly width). The owners signed a contract for $44,920 in August 2008, and they commenced construction. It was not believed that the design change proposed by the second builder was significant or impacted the approved special permit.

Northcraft Builders completed the construction in October 2008 and a final building inspection was conducted and approved by Fairfax County. The owners were thoroughly satisfied with the final structure.

The owners received a letter from Fairfax County (Ms. Williams) in March 2014 indicating that the county had no evidence that construction had commenced on the screened porch. This letter was not accurate as construction was complete, so the owners replied. Both letters are included in this application.

The following month, the owners were called by and met with Mr. Chuck Cohenour, Senior Zoning Inspector, in the Dept of Planning & Zoning. Mr. Cohenour noted the final structure deviated from the original special permit, and we would need to file an amendment to the Special Permit. After receiving further guidance from the Planner of the Day, the owner's understood they needed to obtain a new special plat and apply for a special permit due to a building error.

D. Purpose and Intent of the Ordinance

The owner believes the deviation from the original Special Permit is minor and the additional reduction in yard requirement does not impair the purpose or and intent of the Ordinance.

E. Use and Enjoyment

By physical inspection and observation of the neighborhood through submitted photographs, the construction of the screened porch addition has been in keeping with the surrounding properties and has not adversely affected the use and enjoyment of neighboring properties. The owners, their neighbors and guests have all enjoyed the use of the structure for the past six years.

F. Unsafe Conditions

By physical inspection and observation of the neighborhood through submitted photographs, the construction has not created any unsafe conditions with respect to other properties or public streets. There have been no safety impacts in six years of use.

G. Unreasonable Hardship

The construction was completed a significant expense including permitting, design and construction. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owners.

H. Density / Floor Area Ratio

The resulting gross floor area of an addition to an existing principle structure may be up to 150 percent of the total gross floor area of the principle structure that existed at the time of the first yard reduction request. The existing structure is 3,159 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 4,738 square feet in size for a possible total square footage at build out of 7,897. The proposed addition is 315 square feet, for a total square footage of the house with the addition of 3,474 square feet. Therefore the application meets this provision.

==========

Sect 8-006 General Special Permit Standards

Owner (and previous staff study) believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application are general Standards 3 and 5.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan.

UPDATE (May 2015): By physical inspection and observation of the neighborhood through submitted photographs, the construction of the screened porch addition has been in keeping with the surrounding properties and has not adversely affected the use or development of neighboring properties. The project has converted an existing small breakfast room into a larger addition to be used for the same purpose and backs to a wooded area therefore not adversely affecting the use or development of neighboring properties. The owner believes this standard has been met.

ORIGINAL STUDY (SP 2008-MV-023): Staff believes by observation of the neighborhood through submitted photographs and aerial photographs that the construction of the addition will be in keeping with the surrounding properties and will not adversely affect the use or development of neighboring properties. The addition would be to convert an existing small breakfast room addition into a larger addition to be used for the same purpose and backs to a wooded area therefore not adversely affecting the use or development of neighboring properties. Staff believes this standard has been met.

General Standard 5 requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BSA shall require landscaping and screening in accordance with the Provisions of Article 13.

UPDATE (May 2015): The proposed addition has been constructed in the same place, only slightly larger than then original planned design. There is ample mature vegetation at the rear of the lot and no trees were removed for the construction. Therefore the owner does not believe any additional vegetation is required.

ORIGINAL STUDY (SP 2008-MV-023): The proposed addition will be in the same place, only slightly larger, than an existing breakfast room and there is ample mature vegetation at the rear of the lot and no trees are proposed to be removed for the construction. Therefore staff does not believe any additional vegetation is required.

Section 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Section 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all the remaining standards, specifically Standards, 4, 6, 7, 8 and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principle structure may be up to 150 percent of the total gross floor area of the principle structure that existed at the time of the first yard reduction request. In such instance, if a portion of the existing principle structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principle structure at the time of the first yard reduction shall be removed.

UPDATE (May 2015): For this discussion, updated dimensions were obtained from the updated Special Permit plat (completed 5 Jan 2015). The existing structure is 3,159 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 4,738 square feet in size for a possible total square footage at build out of 7,897. The proposed addition is 315 square feet, for a total square footage of the house with the addition of 3,474 square feet. Therefore the application meets this provision.

ORIGINAL STUDY (SP 2008-MV-023): The existing structure is 3,576 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 5,364 square feet in size for a possible total square footage at build out of 8,940. The proposed addition is 203 square feet, for a total square footage of the house with the addition of 3,779 square feet. Therefore the application meets this provision.

Standard 6 states that 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.

UPDATE (May 2015): The updated plat and pictures submitted indicate that the materials, size and scale of the proposed one story addition are compatible with the footprint of the existing house on the lot. The proposed addition consists of a screened porch, attached to an existing small breakfast area. It has minimal overall impact and minimal additional bulk to the property. Therefore, the owner believes that the application meets the provision.

ORIGINAL STUDY (SP 2008-MV-023): The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed one story addition will be compatible with the footprint of the existing house on the lot. The proposed addition consists of a small enlargement of an existing breakfast area and the addition of a screened porch, creating minimal overall impact and minimal additional bulk to the property. Therefore, staff believes that the application meets the provision.

Standard 7 states that 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.

UPDATE (May 2015): The updated plat and pictures submitted indicate that the proposed addition is compatible with the surrounding houses in the neighborhood. Some other homes in the immediate area have created sunroom additions to their homes. The addition to the rear has had no significant negative impact to the property most affected since it is vacant land and heavily wooded. Therefore, the owner believes that the application meets this provision.

ORIGINAL STUDY (SP 2008-MV-023): The photographs submitted and elevation drawings indicate that the proposed addition will be compatible with the surrounding houses in the neighborhood. Some other homes in the immediate area have created sunroom additions to their homes. The addition to the rear would have no significant negative impact to the property most affected since it is vacant land and heavily wooded. Therefore, staff believes that the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regards to issues such as noise, light, air, safety, erosion, and stormwater runoff.

UPDATE (May 2015): There are no drainage issues associated with this property. Owner believes that the application meets the stormwater and runoff portion of the standards since the Department of Public Works and Environmental Serves (DPWES) has indicated that there are no drainage complaints on file related to this property. The addition has not adversely affected stormwater runoff, noise, light, air, safety or erosion,

since the majority of the addition is within the footprint of the existing breakfast room and decking. Owner believes that the application meets this provision.

ORIGINAL STUDY (SP 2008-MV-023): Staff believes that the application meets the stormwater and runoff portion of the standards since the Department of Public Works and Environmental Serves (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition would not adversely affect stormwater runoff, noise, light, air, safety or erosion, since the majority of the proposal will be within the footprint of the existing breakfast room and decking. Staff believes that the application meets this provision.

Standard 9 states that 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.

UPDATE (May 2015): Since the proposal created a modest size screened porch predominantly from existing decking, while only creating 315 square feet of bulk to the home, owner believes that the request is minimal. Other issues of well, easements, floodplains and/or Resource Protection Areas are not applicable to this site. Owner believes that the application meets this provision.

ORIGINAL STUDY (SP 2008-MV-023): Since the proposal is to create a modest enlargement of an existing breakfast area, as well as creating a screened porch from existing decking, while only creating 203 square feet of bulk to the home, staff believes that the request is minimal. Other issues of well, easements, floodplains and/or Resource Protection Areas are not applicable to this site. Staff believes that the application meets this provision.

Appendix 2

RECEIVED
Department of Planning & Zoning
JUN 12 2015
Zoning Evaluation Division

Property Photos

Kerry C. Kachejian. and
Alice B. Kachejian
8119 Ridge Creek Way
Springfield, VA 22153
Tax ID 0982 19 0075A

All photos taken April 19, 2015

01 View from Ridge Creek Way facing East corner and driveway (April 19, 2015)

RECEIVED
Department of Planning & Zoning
JUN 12 2015
Zoning Evaluation Division

Appendix 2

02 From Ridge Creek Way facing east corner (April 19, 2015)

03 Southwest elevation facing porch from neighbor's yard (April 19, 2015)

RECEIVED
Department of Planning & Zoning
JUN 1 2 2015
Zoning Evaluation Division

04 South edge of yard facing porch (April 19, 2015)

05 View from porch to neighbor's yard (April 19, 2015)

RECEIVED
Department of Planning & Zoning
JUN 1 2 2015
Zoning Evaluation Division

06 View from Southeast corner of house to porch (April 19, 2015)

07 View from rear of yard to porch (April 19, 2015)

Appendix 2

RECEIVED
Department of Planning & Zoning
JUN 12 2015
Zoning Evaluation Division

08 View from koi pond toward porch (April 19, 2015)

09 View from inside porch toward pond (April 19, 2015)

Appendix 2

RECEIVED
Department of Planning & Zoning
JUN 1 2 2015
Zoning Evaluation Division

10 View from inside porch toward rear of yard (April 19, 2015)

11 View from inside porch toward neighbor's (April 19, 2015)

RECEIVED
Department of Planning & Zoning
JUN 12 2015
Zoning Evaluation Division

12 View from neighbor's toward porch (April 19, 2015)

13 View from roof toward back yard (April 19, 2015)

RECEIVED
Department of Planning & Zoning
JUN 12 2015
Zoning Evaluation Division

14 View from Ridge Creek Way facing house (April 19, 2015)

15 View of property from the nearest neighbor to rear property line (April 19, 2015)

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

Reset All Fields

WARNING! Cannot Undo

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 6, 2015
(enter date affidavit is notarized)

129584

I, Kerry C. Kachejian, 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)
Kerry C. Kachejian	8119 Ridge Creek Way Springfield, VA 22153	Applicant/Title Owner
Alice B. Kachejian	8119 Ridge Creek Way Springfield, VA 22153	Applicant/Title Owner
NoVA Surveys, Inc (Thomas G. Lutke)	6655 Rockleigh Way Alexandria, VA 22315	Plat maker
NorthCraft Builders, Inc (Jeff Kelley)	4405 North Dittmar Rd Arlington VA22207 formerly 2800 Juniper Street, Fairfax, VA22031-0000	Builder

(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: June 6, 2015 129584
(enter date affidavit is notarized)

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)
NOVA Surveys, Inc
6655 Rockleigh Way
Alexandria, VA 23151

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)
Thomas G. Lutke

(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 Attachment to Par. 1(b)

DATE: June 6, 2015
(enter date affidavit is notarized)

1291584

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
NorthCraft Builders, Inc
4405 North Dittmar Rd.
Arlington, VA 22207

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Jeff Kelley

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 6, 2015
(enter date affidavit is notarized)

129584

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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 6, 2015
(enter date affidavit is notarized)

129584

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: June 6, 2015
(enter date affidavit is notarized)

129584

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: Kerry C Kachejian

(check one) [✓] Applicant [ ] Applicant's Authorized Agent

Kerry C. Kachejian - Title Owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 6th day of June 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Sajid Jamil
Notary Public

My commission expires: 09/30/2017

SAJID JAMIL
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
COMMISSION #7302961
COMMISSION EXPIRES 09/30/2017

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

June 9, 2008

Patrick G. Tomlinson
5795-B Burke Centre Parkway
Burke, Virginia 22015

Re: Special Permit Application SP 2008-MV-023
Kerry C. and Alice B. Kachejian

Dear Mr. Tomlinson:

At its June 3, 2008 meeting, the Board of Zoning Appeals took action to **APPROVE** the above-referenced application. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 703-222-0801.

Sincerely,

Suzanne L. Frazier, Deputy Clerk
Board of Zoning Appeals

Enclosure: As stated

Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1280
FAX 703 324-1207
www.fairfaxcounty.gov/dpz/

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

KERRY C. AND ALICE B. KACHEJIAN, SP 2008-MV-023 Appl. under Sect. 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 17.0 ft. from rear lot line. Located at 8119 Ridge Creek Way on approx. 8,896 sq. ft. of land zoned PDH-2. Mt. Vernon District. Tax Map 98-2 ((19)) 75A. Ms. Gibb moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on June 3, 2008; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. The staff recommends approval.
3. The Board has determined that the applicant has met the standards 1 through 6.
4. Based on the agent's testimony, there will not be any significant impact on the neighboring property.
5. The addition will be built with the same materials as the property, so it will be compatible with the house and the surrounding properties.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect. 8-922 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

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 (203 square feet) of an addition, as shown on the plat prepared by B.W. Smith and Associates, dated January 28, 2008, 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 (3,576 square feet existing + 5,364 square feet (150%) = 8,940 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. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.

4. The addition shall be 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, thirty (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.

Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Beard was absent from the meeting.

A Copy Teste:

Suzanne L. Frazier

Suzanne L. Frazier, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

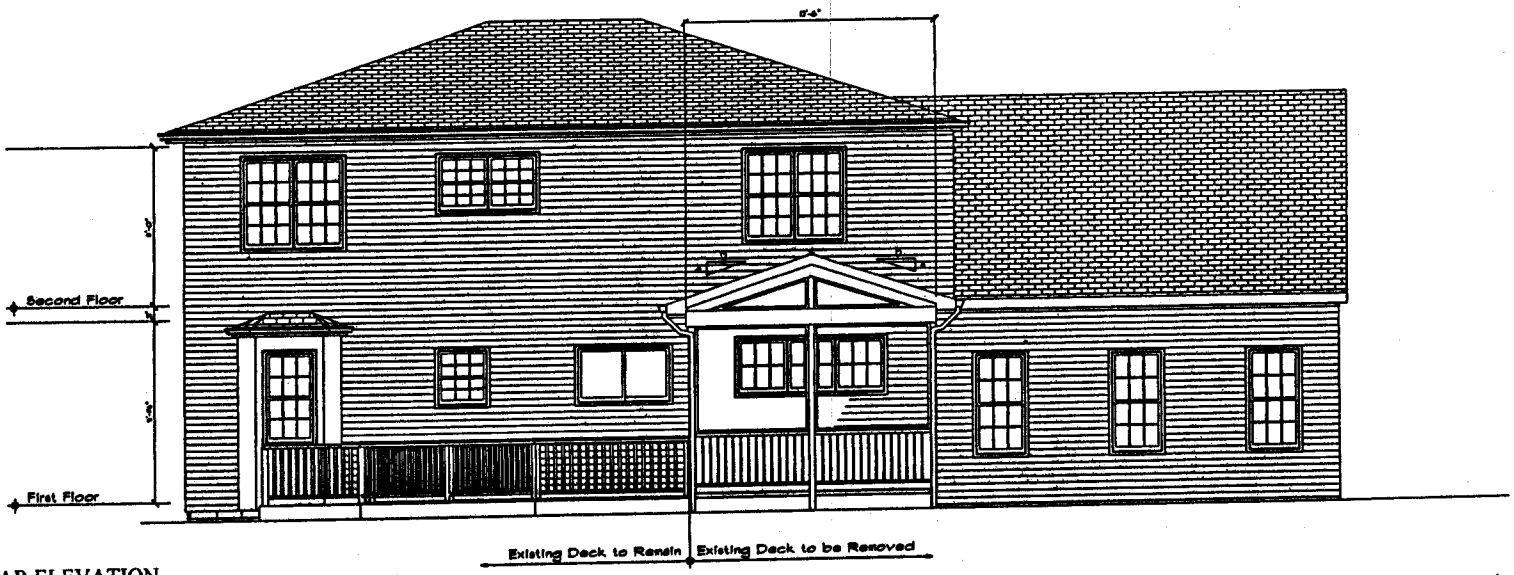
County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 9th day of June, 2008.

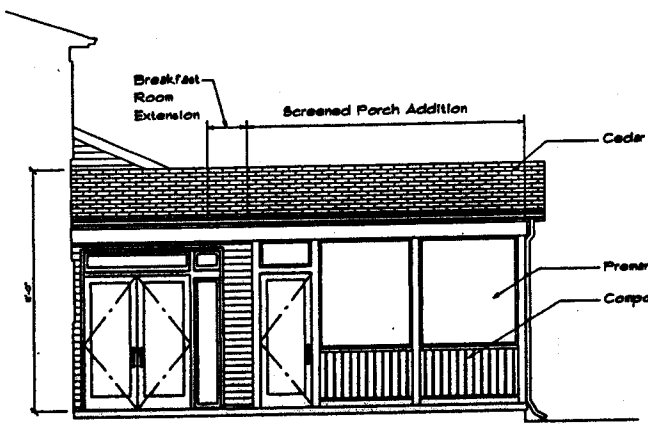
Sharon E. Johnson #362733

Notary Public

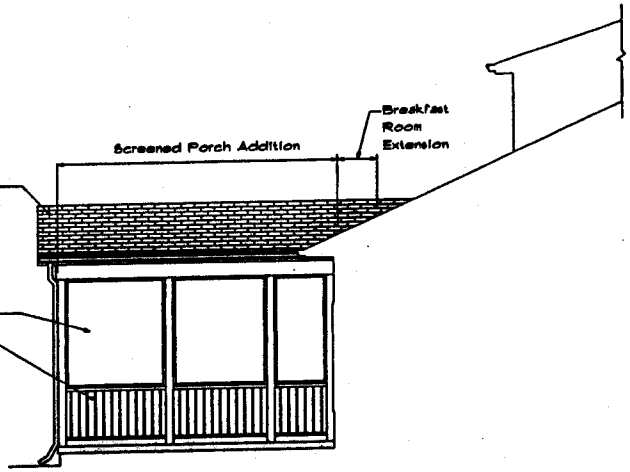
My commission expires: July 31, 2009



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

EXTERIOR ELEVATIONS	Kerry & Alice Kachejian 8119 Ridge Creek Way Springfield, VA 22153	ISSUE RECORD		PROJECT TEAM		REVISION RECORD	PROJECT RECORD
JB664		Production		Sales	George Demetrios	1st Draft 11.06.07	Trade Walk
Design by: Patrick Tomlinson		Structure		Project Supervisor	Craig Dowsche	2nd Draft	Contract Plans
		Plumbing				3rd Draft	Huddle
		Mechanical					Permit

Drawings shall remain the property of the designer and shall not be used for any other projects without the written consent of the designer. These documents are not to be changed or reproduced in any form. Distribution to a third party for any reason is strictly forbidden without the written consent of the designer.

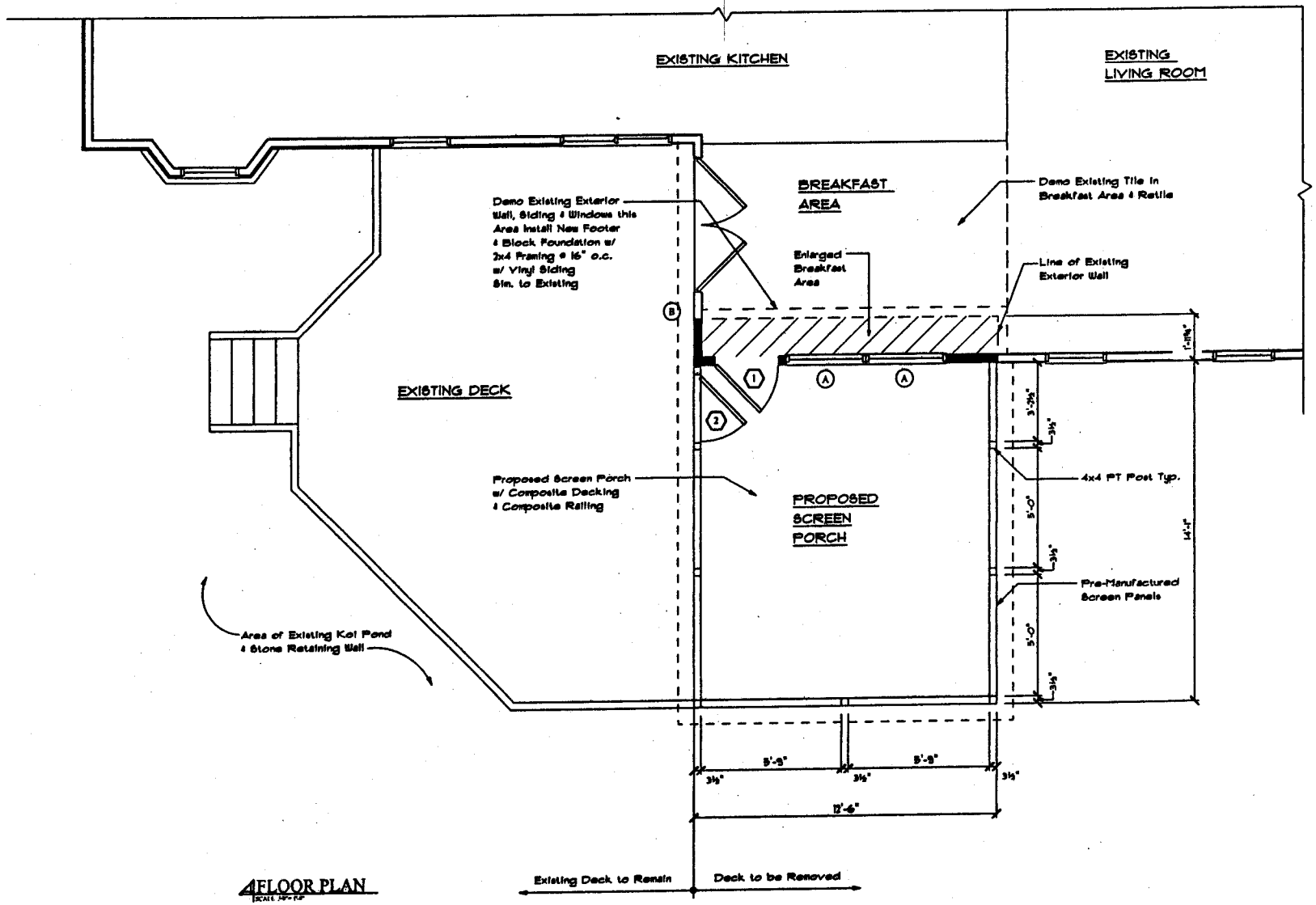
PLAN DATE: 2.8.08

SHEET NO. 1 of 2

SUN DESIGN

5795 B Burke Center Parkway Burke, VA 22015 (O)703.425.5588 (F)703.239.2168 info@sundesigninc.com

ATTACHMENT 1
Appendix 4



FLOOR PLAN

FLOOR PLAN	Kerry & Alice Kachejian 8119 Ridge Creek Way Springfield, VA 22153	ISSUE RECORD		PROJECT TEAM		REVISION RECORD	
J8664		Production		Sales	George Demetrius	1st Draft	11.06.99
Design by: Patrick Tomlinson		Specifications		Project Supervisor	Cindy Dunsdo	2nd Draft	
		Plumbing				3rd Draft	
		Mechanical					

PROJECT RECORD	
Trade Walk	
Contract Plans	
Permits	

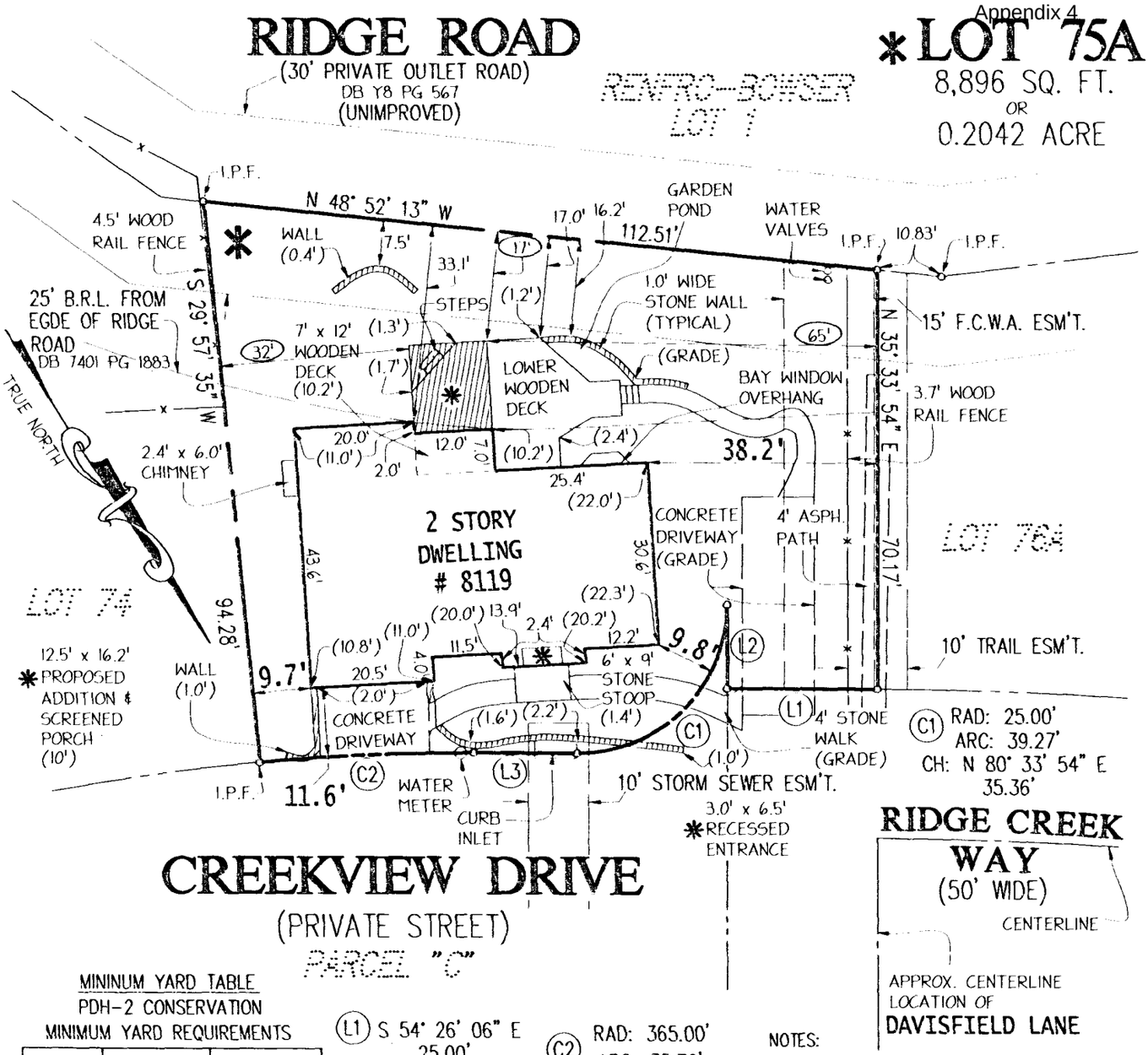
Drawings shall remain the property of the designer and shall not be used for any other purpose without the written consent of the designer. These documents are not to be changed or reproduced in any form. Distribution to a third party for any reason is strictly forbidden without the written consent of the designer.

PLAN DATE: 2.3.00

SHEET NO. 2 of 2

SUN DESIGN

5795 B Burke Center Parkway Burke, VA 22015 (O)703.425.5588 (F)703.239.2168 info@sundesigninc.com



MINIMUM YARD TABLE
PDH-2 CONSERVATION
MINIMUM YARD REQUIREMENTS

YARD	REQUIRED SETBACK	PROPOSED SETBACK
FRONT	25'	N/A
SIDE	8' TO 24'*	N/A
REAR	25'	17'

*MUST BE 8' ON BUILDING SIDE THEN 16' ON THE OTHER

L1 S 54° 26' 06" E 25.00'

L2 S 35° 33' 54" W 14.00'

L3 S 54° 26' 06" E 17.12'

C2 RAD: 365.00'
ARC: 35.70'
CH: S 57° 14' 13" E 35.69'

LEGEND:

I.P.F. DENOTES IRON PIPE FOUND
-X- DENOTES FENCE LINE
B.R.L. DENOTES BUILDING RESTRICTION LINES
(11.0') DENOTES BUILDING ELEVATIONS FROM GRADE
⬭ DENOTES PROPOSED SWING

COMMONWEALTH OF VIRGINIA
TIMOTHY J. FARRELL
Lic. No. 2683
1/28/08
LAND SURVEYOR

NOTES:

1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMRANCES ON THE PROPERTY.
2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP# 515525-0125-D EFFECTIVE DATE: MARCH 5, 1990
3) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 098-2-19-0075A, ZONED PDH-2
4) PROPERTY SERVED BY PUBLIC WATER, SEWER, AND GAS.
5) NO BURIAL SITES ON LOT PER RECORD PLAT RECORDED IN DEED BOOK 9889 PAGE 1387 AMONG THE RECORDS OF FAIRFAX COUNTY.
6) NO EXISTING UTILITY EASEMNETS HAVING WIDTH OF TWENTY-FIVE FEET OR MORE PER RECORDED PLAT RECORDED IN DEED BOOK 9889, PAGE 1387
7) GROSS FIRST FLOOR AREA FOR EXISTING AREA IS 2,597 SQ. FT. WITH RATIO AT 0.29, WITH THE PROPOSED GROSS FIRST FLOOR AREA AT 2,619 SQ. FT. WITH GROSS RATIO OF 0.29.
8) PERCENTAGE OF REAR YARD COVERAGE FOR 25' SETBACK IS 18% AND DOES NOT EXCEED 30% REAR YARD COVERAGE

SPECIAL PERMIT PLAT

LOT 75A
SPRINGFIELD GLEN

MT. VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA

Application No. SP 2008-MV-023
Approved
Chairman, Board of Zoning Appeals

B.W. SMITH AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYING
MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

FIELD CREW: D. CONRAD
REVISION: 4/29/08 (PROPOSED SETBACK)
JOB# 20080161

DFT: B.G.T.	CHK: T.J.F.	NO TITLE REPORT FURNISHED	SCALE= 1" = 25'	DATE: 1/28/08

Department of Public Works and Environmental Services
Permit Application Center
12055 Government Center Parkway
Fairfax, Virginia 22035-5504

Appendix 4

RESIDENTIAL ADDITION

PERMIT

Permit Number: 82420090

Issue Date: 09/03/2008
Tax Map ID: 098-2 / 19 / / 0075A

Job Address: 8119 Ridge Creek Wy
Springfield, VA22153-1934

Plan No: W-08-5360

Issued To:

KACHEJIAN KERRY C
8119 Ridge Creek Wy
Springfield, Va 22153
(703)451-0394

Contractor:

NORTH CRAFT BUILDERS INCORPORA
2800 Juniper Street
Office #1
Fairfax, Va 22031-0000
(703) 560-3325

Mechanic's Lien Agent: None Designated
Structure: SINGLE FAMILY DWELLING
GROUP: R5

Code: (USBC 2006) : IRC 2006
Type of Construction: VB

HAS PERMISSION, ACCORDING TO APPROVED PLANS, APPLICATION AND RESTRICTIONS OF RECORD TO: BUILD DECK WITH STAIRS AND NO HOT TUB/BUILD COVERED PORCH OVER PARTIAL DECK

Zoning Related Approval Conditions and Alerts

OPEN DECK APPROVED: No Privacy Screening, Lattice, Plant Hanger, Trellis or Arbor. Nothing above the rail and nothing below the deck floring.

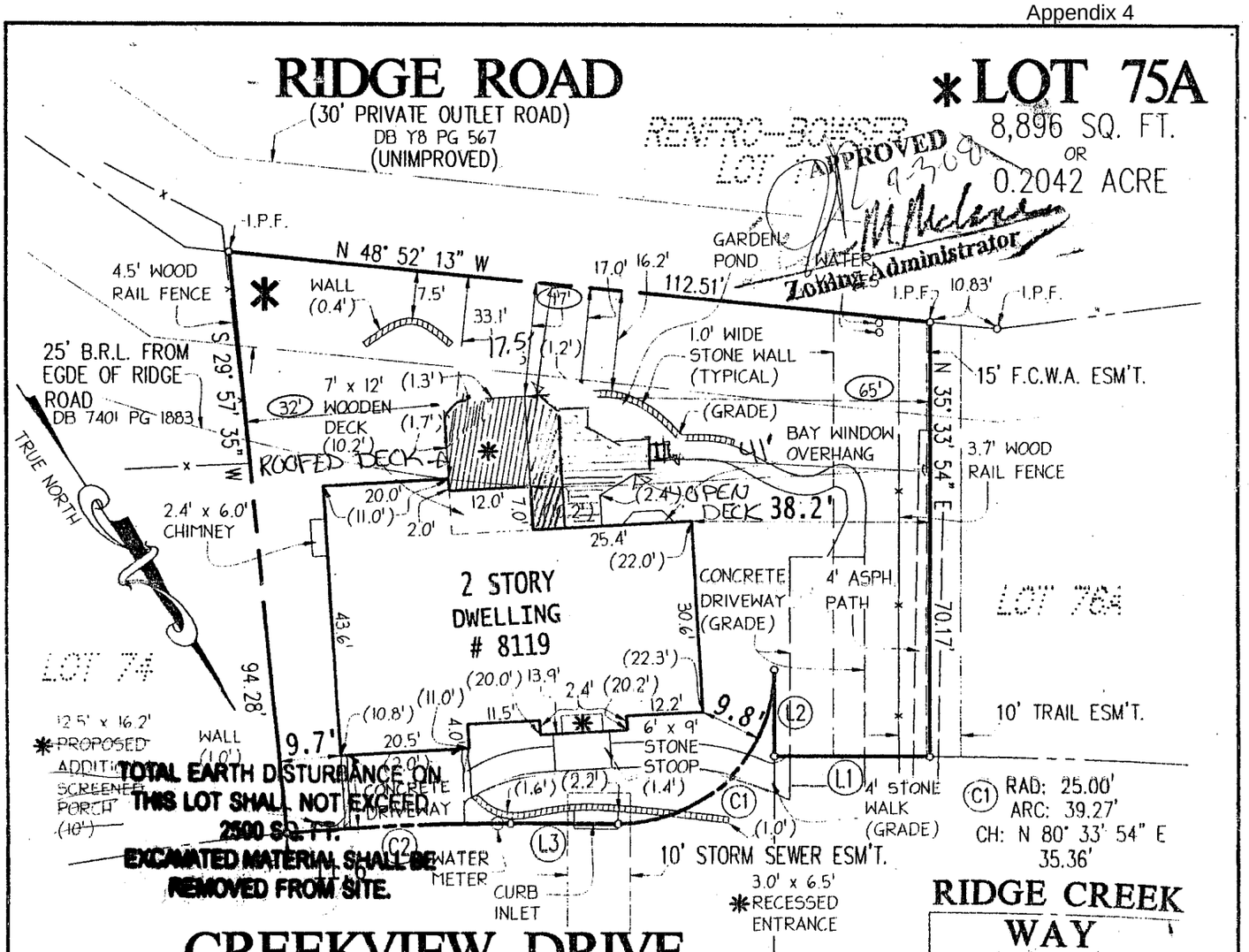
82420090
098 - 2

Note to Property Owner: In accordance with Chapter 102 of the Code of the County of Fairfax, the property address must be displayed on the property in such a manner as to be visible from the public right of way. A copy of the building permit shall be posted on the construction site for public inspection until the work is completed.
Prior to beginning construction, contact your Homeowners' Association regarding any restrictive covenants governing property improvements. Sometimes, covenants may be more restrictive than the Fairfax County Code. Furthermore, requirements of covenants are not addressed by the issuance of your building permit.

The permittee is required to notify all utilities before commencing any underground construction and must receive the proper clearances from the utilities as prescribed in the Code of the County of Fairfax. (Miss Utility - 1-800-257-7777)

BUILDING OFFICIAL

To Schedule an Inspection: Internet - www.fairfaxcounty.gov/fido
Call Center - 703-222-0455
AIRS - 703-222-2474
TTY, VA Relay - 711



PARCEL "C"

DPWES
LAND DEVELOPMENT SERVICES
SITE PERMITS SERVICE CENTER
APPROVED FOR

(L1) S 54° 26' 06" E 25.00'

(C2) RAD: 365.00'
ARC: 35.70'
CH: S 57° 14' 13" E 35.69'

(L2) S 35° 33' 54" W 14.00'

(L3) S 54° 26' 06" E 17.12'

Screen Porch & Deck

BY

DATE 8/29/08

MINIMUM YARD TABLE

PDH-2 CONSERVATION

MINIMUM YARD REQUIREMENTS

YARD	REQUIRED SETBACK	PROPOSED SETBACK
FRONT	25'	N/A
SIDE	8' TO 24'*	N/A
REAR	25'	17'

*MUST BE 8' ON BUILDING SIDE THEN 16' ON THE OTHER

LEGEND:

I.P.F. DENOTES IRON PIPE FOUND

-X- DENOTES FENCE LINE

B.R.L. DENOTES BUILDING RESTRICTION LINES

(11.0') DENOTES BUILDING ELEVATIONS FROM GRADE

DENOTES PROPOSED SWING

COMMONWEALTH OF VIRGINIA
TIMOTHY J. FARRELL
Lic. No. 2683
1/28/08
LAND SURVEYOR

NOTES:

1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMRANCES ON THE PROPERTY.

2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP# 515525-0125-D EFFECTIVE DATE: MARCH 5, 1990

3) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 098-2-19-0075A, ZONED PDH-2

4) PROPERTY SERVED BY PUBLIC WATER, SEWER, AND GAS.

5) NO BURIAL SITES ON LOT PER RECORD PLAT RECORDED IN DEED BOOK 9889 PAGE 1387 AMONG THE RECORDS OF FAIRFAX COUNTY.

6) NO EXISTING UTILITY EASEMNETS HAVING WIDTH OF TWENTY-FIVE FEET OR MORE PER RECORDED PLAT, RECORDED IN DEED BOOK 9889, PAGE 1387

7) GROSS FIRST FLOOR AREA FOR EXISTING AREA IS 2,597 SQ. FT. WITH RATIO AT 0.29, WITH THE PROPOSED GROSS FIRST FLOOR AREA AT 2,619 SQ. FT. WITH GROSS RATIO OF 0.29.

8) PERCENTAGE OF REAR YARD COVERAGE FOR 25' SETBACK IS 18% AND DOES NOT EXCEED 30% REAR YARD COVERAGE

SPECIAL PERMIT PLAT

LOT 75A

SPRINGFIELD GLEN

MT. VERNON DISTRICT

FAIRFAX COUNTY, VIRGINIA

Application No. SP 2008-MV-023

APPROVED

T.H.

Chairman, Board of Zoning Appeals

B.W. SMITH AND ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYING

MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

FIELD CREW: D. CONRAD

REVISION: 4/29/08 (PROPOSED SETBACK)

JOB# 20080161

DATE: 1/28/08

DFT: B.G.T.	CHK: T.J.F.	NO TITLE REPORT FURNISHED	SCALE= 1" = 25'

Links

< Back to Search
My Neighborhood
Real Estate Assessment
Related Records:
82420090

Life Cycle

Processed:	2008-08-29
Issued:	2008-09-03

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Land Development Information History: FIDO - ADDITION R - 82420090

Welcome DHEDRI | logout Printer Friendly Text Size Text Only

Permit Information

Permit Number:	82420090	Application Date:	
Permit Type:	RESIDENTIAL ADDITION	Tax Map:	098-2 ((19)) 0075A
Job Address:	008119 RIDGE CREEK WY	Permit Status:	Finalized
	SPRINGFIELD , VA 22153-1934	Bldg:	Floor: Suite:
Location:		Permit Fee:	
Subdivision:	SPRINGFIELD GLEN		
Magisterial District:	SPRINGFIELD		
Subcensus Tract:			
AP (Tenant) Name:			
Work Description:	build deck with stairs and no hot tub/build COVERED porch over partial deck		
Type of Work:	ADDITIONAL STORIES		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	IR06 - IRC 2006		
Plan Number:	W-08-5360		
Parent Permit:			
ISIS Permit:			
Type of Const:	VB		
Use Group:	R5		
Comments:			

Link to FIDO record : 82420090

Owner Information

Owner:	KACHEJIAN KERRY C
Address:	8119 RIDGE CREEK WY
City:	SPRINGFIELD State: VA Zip: 22153
Phone:	(703)451-0394 x

Contractor Information

Name:	NORTH CRAFT BUILDERS INCORPORA	BPOL License:	
		State License:	
Address:	2800 JUNIPER STREET	Trade Reg.:	
City:	FAIRFAX State: VA Zip: 22031-0000		
Phone:	(703)560-3325 x		
Trade Name:			

Applicant Information

Applicant:	PRINS
Address:	2304 GALLOWS RD

City: DUNN LORING State: VA Zip: 22024

Phone: (703)560-3325 x

Other Contact Information

Contact:

Address:

City: State: Zip:

Phone:

Inspections

Inspection - R FINAL - FINAL INSPECTION - 4035281

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2008-10-14	DONALD BOLT	N	Passed	NO	

Inspection - R FOOTING - FOOTING INSPECTION - 3991896

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FOOTING	2008-09-16	DONALD BOLT	N	Passed	NO	12 HOLES

Inspection - R FRAMING - FRAMING INSPECTION - 3991897

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING	2008-09-22	DONALD BOLT	Y	Passed	NO	DECK ONLY

Reviews

Review - ZONING - (ZONING REVIEW) - 1762733

Review Type	Review Date	Reviewer	Started	Status
ZONING	2008-09-03	JAMIE DULAK	Y	Approved

Review - ZONING - (ZONING REVIEW) - 1762177

Review Type	Review Date	Reviewer	Started	Status
ZONING	2008-08-29	TAMMY MILLER	Y	Failed

Review - SITEPERMIT - (SITE PERMITS REVIEW) - 1762178

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT	2008-08-29	JOSEFA MAVES	Y	Approved

Review - BUILDING - (BUILDING REVIEW) - 1762179

Review Type	Review Date	Reviewer	Started	Status
BUILDING	2008-09-03	NORM CARLSON	Y	Approved

Review - ZONING - (ZONING REVIEW) - 1762240

Review Type	Review Date	Reviewer	Started	Status
ZONING	2008-09-02	JAMIE DULAK	Y	Failed

Contact Fairfax County: Phone, Email or Twitter | **Main Address:** 12000 Government Center Parkway, Fairfax, VA 22035
Technical Questions: Web Administrator

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Website Survey Language Translations

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

October 21, 2010

Kerry C. and Alice B. Kachejian
8119 Ridge Creek Way
Springfield, VA 22153

Re: Special Permit SP 2008-MV-023 – Kerry C. and Alice B. Kachejian
8119 Ridge Creek Way, Springfield Glen
Tax Map Ref: 98-2 ((19)) 75A
Zoning District: PDH-2

Dear Mr. and Ms. Kachejian:

A review of the above-referenced special permit indicates that the Board of Zoning Appeals (BZA) adopted SP 2008-MV-023 to construct a screen porch 17 feet from the rear lot line. Our records find that building permit #82420090 was issued for a roofed and an open deck. Further, we find no evidence of building permit issuance to construct a screen porch. In accordance with Sect. 8-015 of the Zoning Ordinance, the above-referenced special permit was to expire, without notice, thirty (30) months after the date of approval unless construction had commenced and been diligently prosecuted on the addition. Based on the approval date of June 3, 2008 by the BZA, the special permit was due to expire, without notice, on December 3, 2010.

Please be advised that on March 27, 2009 the Virginia General Assembly adopted House Bill 2077 which added a new § 15.2-2209.1 to the *Code of Virginia* which states, in pertinent part, the following:

> [F]or any valid special exception, special use permit, or conditional use permit outstanding as of January 1, 2009, and related to new residential or commercial development, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project with a certain time, shall be extended until July 1, 2014.

Given that SP 2008-MV-023 was valid and outstanding on January 1, 2009 and the special permit pertains to new residential development, § 15.2-2209.1 is applicable. As such, the applicant has until July 1, 2014 in which to commence construction or establish the uses on the property. Therefore, at this time, no additional action is required by the BZA.

Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508
Phone 703-324-1359 FAX 703-324-2301
www.fairfaxcounty.gov/dpz/

If you have any questions, please feel free to contact me or Winnie Williams at 703-324-1359.

Sincerely,

Diane Johnson-Quinn
Deputy Zoning Administrator for
Zoning Permit Review Branch

cc: Gerald W. Hyland, Supervisor, Mt. Vernon District
Eileen M. McLane, Zoning Administrator
Regina Coyle, Director, Zoning Evaluation Division
Hoa Huynh, Administrative Assistant, Zoning Evaluation Division

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

March 19, 2014

Kerry C. and Alice B. Kachejian
8119 Ridge Creek Way
Springfield, VA 22153

Re: Special Permit SP 2008-MV-023 – Kerry C. and Alice B. Kachejian
8119 Ridge Creek Way, Springfield Glen
Tax Map Ref #: 098-2 ((19)) 75A
Zoning District: PDH-2

Dear Mr. and Ms. Kachejian:

The above-referenced special permit was approved by the Board of Zoning Appeals (BZA) on June 3, 2008 to construct a screen porch 17 feet from the rear lot line. To date, we find no evidence that construction has commenced or use established for the screen porch. On October 21, 2010 we notified you that as a result of the Virginia General Assembly adopting House Bill 2077 on March 27, 2009 which added a new § 15.2-2209.1 to the *Code of Virginia* granting those special permits and special exceptions outstanding as of January 1, 2009 and related to new commercial or residential development an extension to July 1, 2014 in order to commence construction or establish the use.

Please be advised that the 2012 Virginia General Assembly adopted House Bill 571 which amended § 15.2-2209.1 of the *Code of Virginia* to read, in pertinent part, the following:

> [F]or any valid special exception, special use permit, or conditional use permit outstanding as of January 1, 2011, and related to new residential or commercial development, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project with a certain time, shall be extended until July 1, 2017.

Given that SP 2008-MV-023 was valid and outstanding on January 1, 2011 and relates to new residential development, § 15.2-2209.1 is applicable. As such, SP 2008-MV-023 has until July 1, 2017 in which to commence construction or establish the use on the property. Therefore, a request to the BZA for approval of additional time is not required at this time.

Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508
Phone 703-324-1359 FAX 703-324-2301
www.fairfaxcounty.gov/dpz/

If you have any questions, please feel free to contact me at 703-324-1359.

Sincerely,

Winnie Williams
Planning Technician
Zoning Permit Review Branch

cc: Gerald W. Hyland, Supervisor, Mt. Vernon District
Leslie B. Johnson, Zoning Administrator
Barbara C. Berlin, Director, Zoning Evaluation Division
Kevin Guinaw, Chief, Special Project/Applications Management Branch, ZED
Hoa Huynh, Administrative Assistant, Zoning Evaluation Division

Appendix 4

FAIRFAX COUNTY
RECEIVED
APR 01 2014
ZONING ADMINISTRATION

March 28, 2014

Ms. Winnie Williams
Planning Technician
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508

Subject: Special Permit SP 2008-MV-023 – Kerry C. and Alice B. Kachejian

Dear Ms. Williams:

I received your letter dated March 19th, 2014 regarding the construction of a screen porch. I am a bit confused. Your letter states that you "find no evidence that the construction has commenced." This information is in error.

The construction was completed in 2008 by NorthCraft Builders, Inc. I contacted NorthCraft Builders (POC: Lilly Singh, PH: 703-560-3325) who confirmed our permit was #82420090.

I went to the Fairfax County inspection website and found the construction was documented: http://fido.fairfaxcounty.gov/DP1/Metroplex/FairfaxCounty/permit/WIZ_INSPSELECT.asp The final inspection was conducted and passed by Donald Bolt on 10/14/2008.

My wife and I are very pleased with the recent improvement. It has significantly improved our quality of life. We'd like to thank Fairfax County for their support in making this possible.

I hope this additional information resolves the issue. Please let us know if you need anything further.

Respectfully,

Kerry C Kachejian

Kerry C. Kachejian
8119 Ridge Creek Way
Springfield, VA 22153

County of Fairfax, Virginia

MEMORANDUM

REQUEST FOR ZIB FIELD INSPECTION

DATE: April 2, 2014

TO: Joe Bakos, Chief Zoning Inspector
Zoning Inspections Branch

FROM: Winnie Williams, Planning Technician
Zoning Permit Review Branch

SUBJECT: SP 2008-MV-023 – Kerry C. and Alice B. Kachejian
8119 Ridge Creek Way, Tax Map #098-2 ((19)) 75A

RETURN BY: ASAP

Please take the following action(s):

___ Check for compliance with conditions

___ Check for commencement or completion

___ Notify applicant of the requirement to obtain a Non-Residential Use Permit

___ Inform applicant of pending expiration is use is not commenced by _____

✓ Other: the subject special permit was approved on June 3, 2008 to permit a screened porch 17' from the rear lot line. Building permit #82420090 was issued on 9/3/2008 and received a final inspection on 10/14/2008. The permit work description states "COVERED porch over partial deck" – not screened porch. Further, in the Details Comments tab of Zoning Review, the tech noted, "building permit has been revised to change the description of work from screen porch to roofed deck – no screens or windows." That said, you'll note in the Problems tab that the applicant, North Craft Builders, had requested an expanded screen porch but was directed to ZED for a determination.

This office sent in 2010 and on March19, 2014 warning letters to the applicant indicating that the use had not been implemented as delineated in the special permit. We received a call and letter dated 3/28/14 from the applicant stating that they believe the work to have been established as defined under SP 2008-MV-028. Aerials and the applicant's letter indicate that a screen porch was built and, based on the plat for permit #82420090, was expanded. The expansion would, of course, not be permitted as it was not approved under the special permit. Any expansion of the approved work would constitute a violation of the ZO.

We have determined that it would best serve Zoning and the customer if an inspector visited the site to determine if a screened porch had been erected. I have included the referenced documents for your review.

Let me know what you find – thanks.

Department of Planning and Zoning
Zoning Administration Division
Zoning Permit Review Branch
12055 Government Center Parkway, Suite 250
Fairfax, Virginia 22035-5508
Phone 703-324-1359 FAX 703-324-2301
www.fairfaxcounty.gov/dpz/

2014-0070

County of Fairfax, Virginia

MEMORANDUM

DATE: April 28, 2014

TO: Winnie Williams, Planning Technician III
Fairfax County Department of Planning and Zoning
Zoning Permit Review Branch

FAIRFAX COUNTY
RECEIVED
APR 28 2014
ZONING ADMINISTRATION

FROM: Chuck Cohenour
Senior Zoning Inspector
Zoning Inspections Branch

SUBJECT: Compliance Inspection SP 2008-MV-023

REFERENCE: Kerry C. and Alice B. Kachejian
8119 Ridge Creek Way
Springfield Glen, Lot 75A 9889-1832
Tax Map Ref. #: 98-2 (19)) 75A
Zoning District: PDH-2
Mail Log Assignment: 2014-MV-0070

On April 25, 2014, an inspection of 8119 Ridge Creek Way, Springfield, Virginia 22153 was conducted to determine if structure that had been established by SP 2008-MV-023 was a roofed open deck or a screen porch.

On June 3, 2008, the Board of Zoning Appeals approved SP 2008-MV-023 for a reduction in yard requirements to construct a one story addition with an attached screen porch, extend the kitchen and sunroom that would be located 17 feet from the rear lot line. The addition that was approved was to be 12' 6" in width and 14' 1" in length. The total square footage for the entire addition was to be 203 square feet in area, as shown on the plat prepared by B. W. Smith and Associates, dated January 28, 2008 and approved by the BZA.

On August 28, 2008, Dee Prins, Agent for North Craft Builders, submitted Building Permit Number 82420090 that described the construction as a, "17' x 15' 5" roofed deck; height to floor = 2 ½ height; to upens = 16; open deck 14' x 19' = 1.5". The building plan that was submitted with the Building Permit was the SP Plan with an altered rendering of the addition that noted the build was to be an open deck. The plat indicated that the addition would be approximate 6 feet wider than what was approved by the Special Permit.

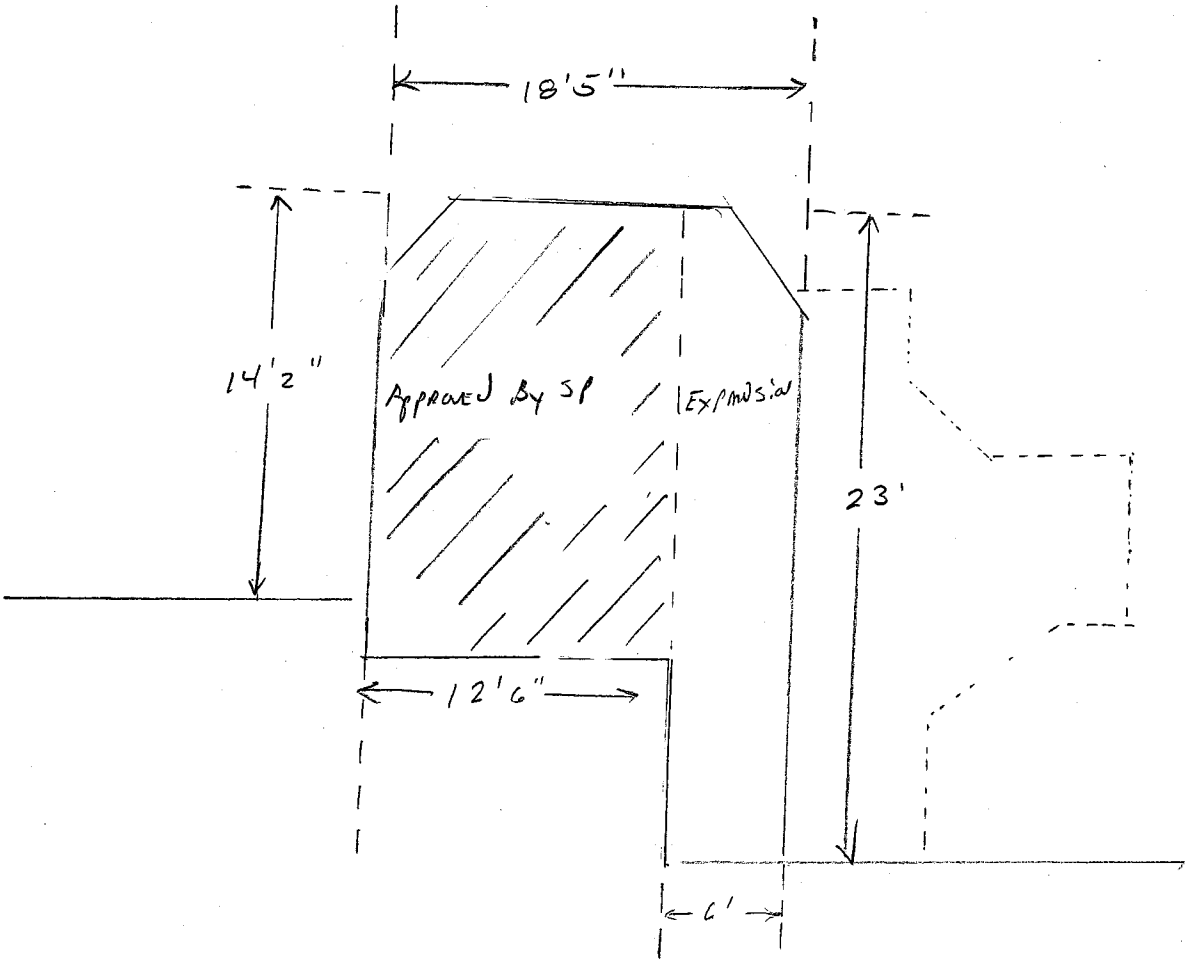
Today's inspection finds that the structure that currently exists on the property is a screen porch. The structure was determined to be approximately 14' 2" on the left side of the screen porch, 18' 5" across the rear and 23' on the right side of the screened porch. These dimensions

indicate that the screen porch was expanded by approximately 138 square feet and as such is not in accordance with the approved Special Permit.

Mr. Kachejian was advised to contact the Zoning Evaluation Branch to apply for an Amendment to the Special Permit and the need to refile for a building permit with the correct information.

Hand sketch of porch with measurements
Photographs

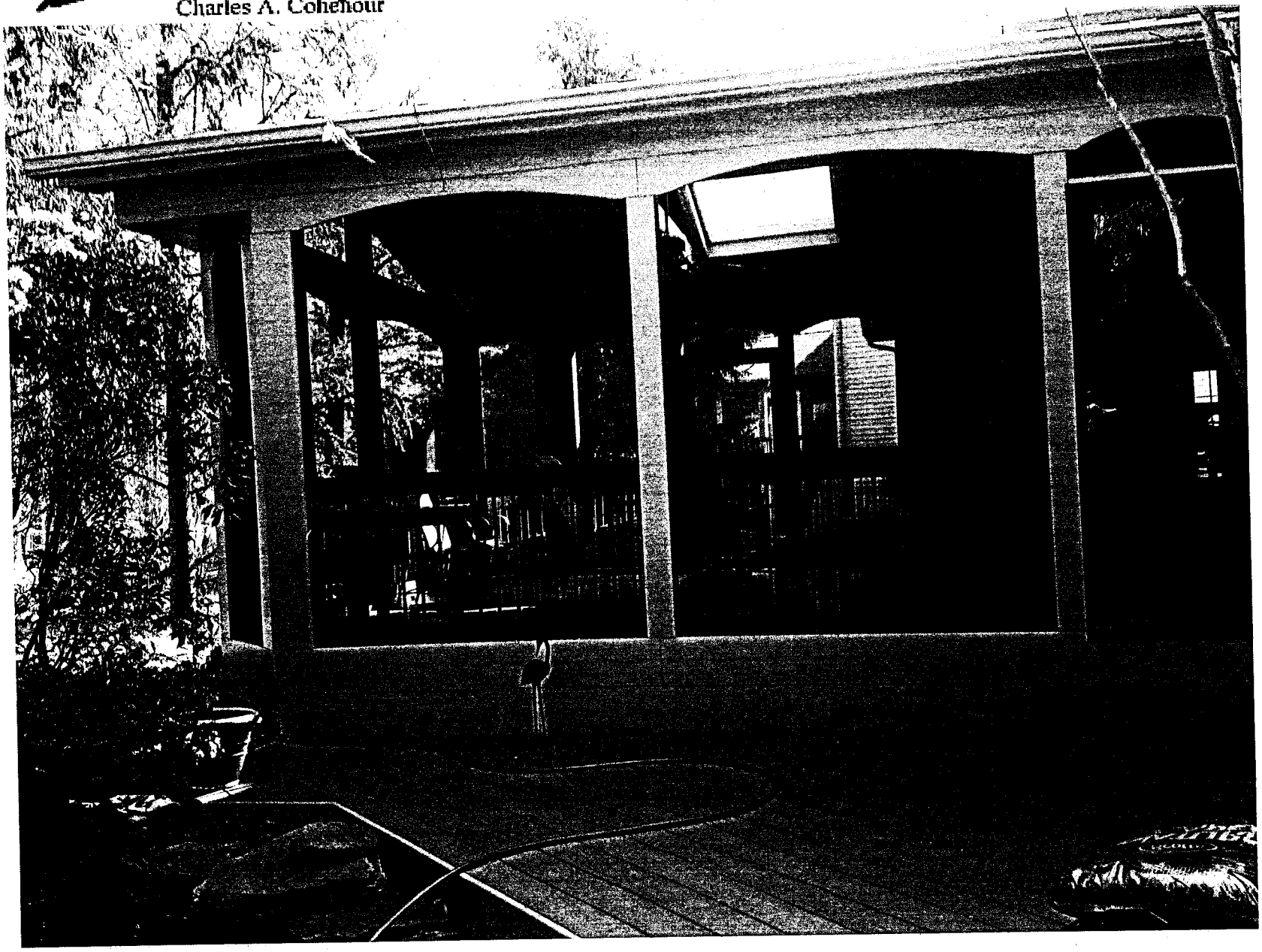
SP Allowed 203
Expanded 138
TOTAL 341 SF



Date: April 25, 2014 **me:** 9:00 a.m. **Address:** 8119 Ridge Creek Way

SP 2008-MV-023

Photographer: Charles A. Cohenour



Appendix 4

Date: April 25, 2014 **me:** 9:00 a.m. **Address:** 8119 Ridge Creek Way

SP 2008-MV-023

Photographer: [redacted]
Charles A. Cohenour

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Date: April 25, 2014 **me:** 9:00 a.m. **Address:** 8119 Ridge Creek Way

SP 2008-MV-023

Photographer: [redacted]
Charles A. Cohenour

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SP 2008-MV-023

Photographer: [redacted]
Charles A. Cohenour

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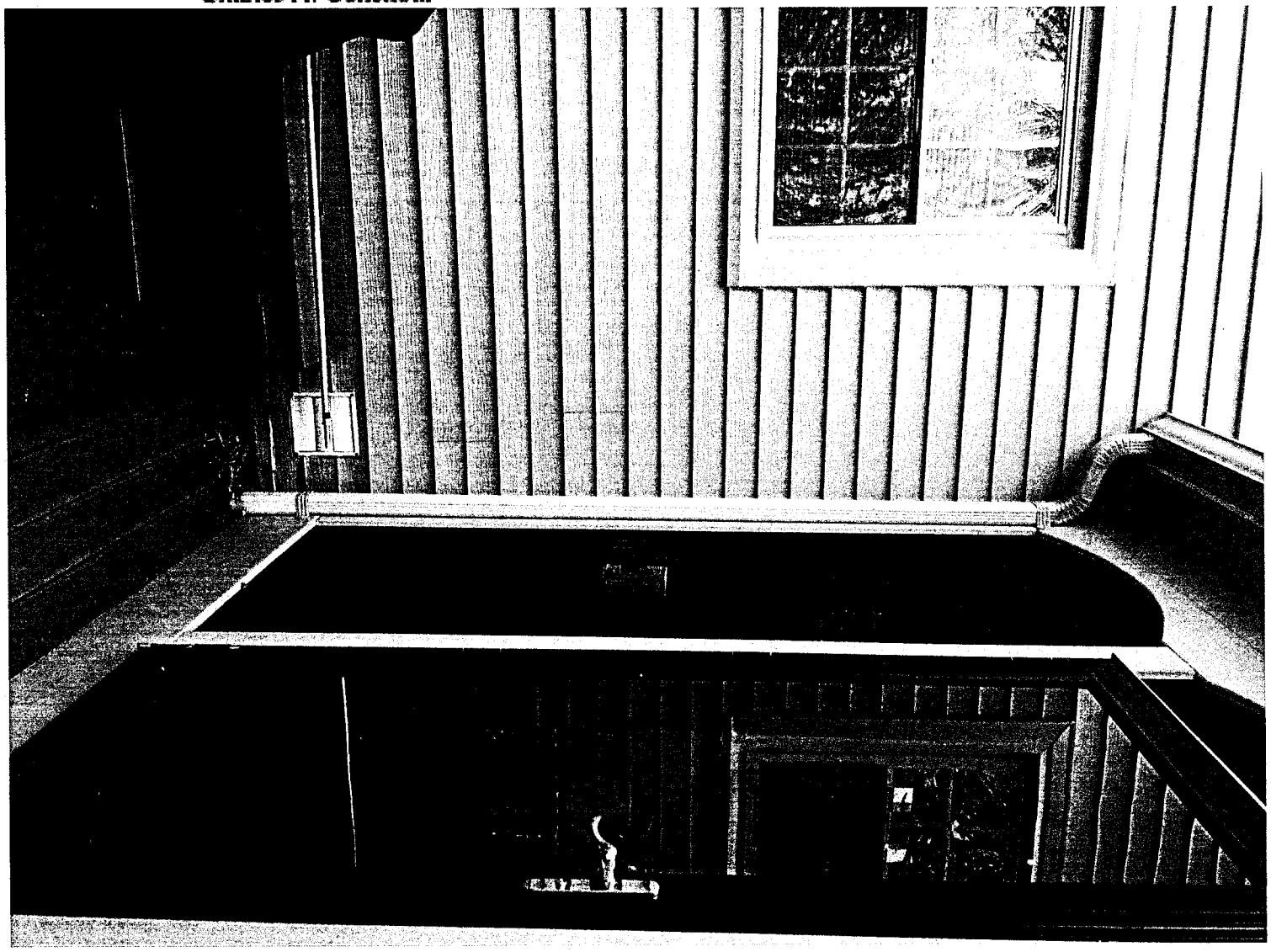

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Date: April 25, 2014 **me:** 9:00 a.m. **Address:** 8119 Ridge Creek Way

SP 2008-MV-023

Photographer: [redacted]
Charles A. Cohenour

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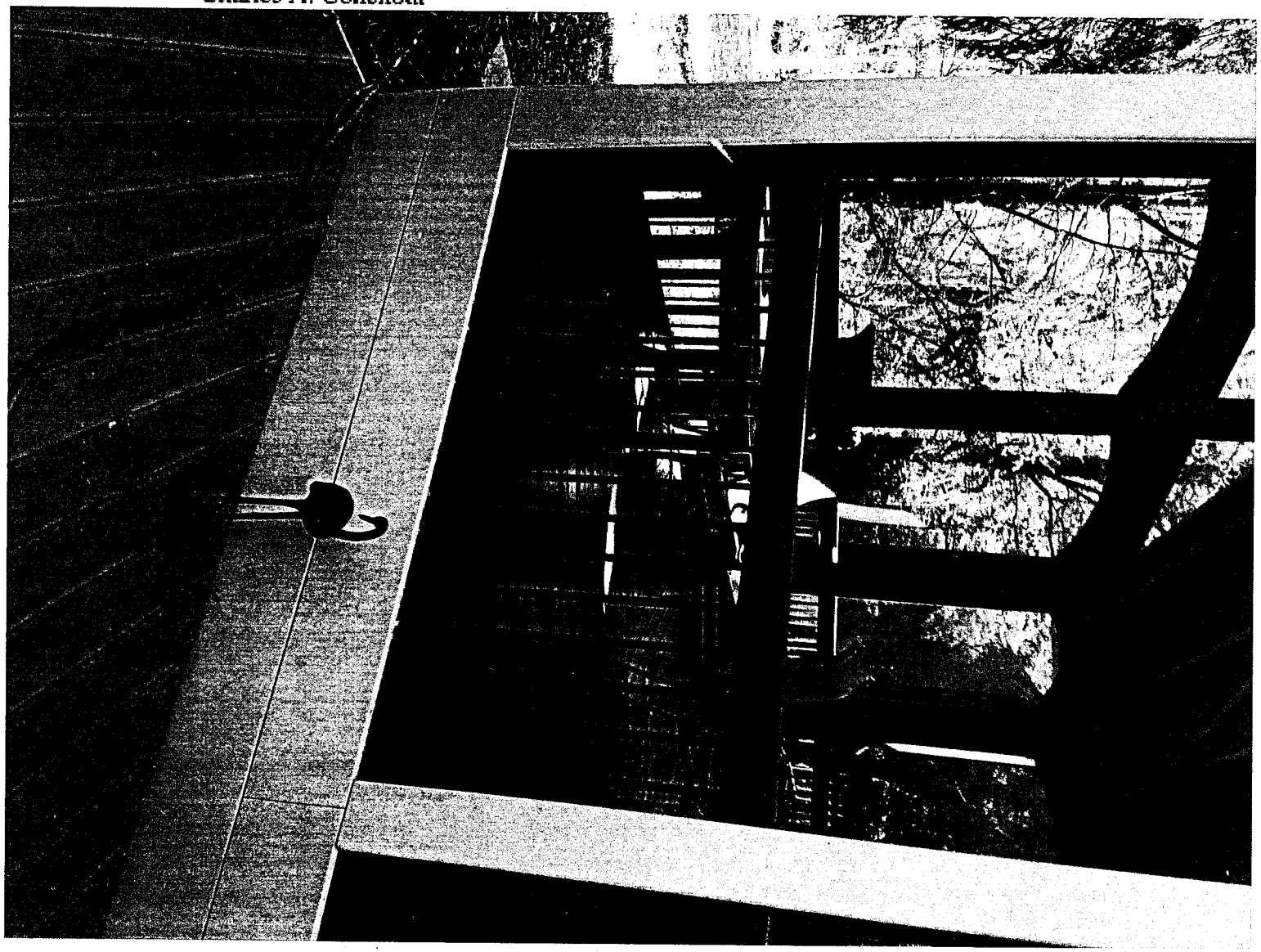
Date: April 25, 2014 **me:** 9:00 a.m. **Address:** 8119 Ridge Creek Way

SP 2008-MV-023

Photographer: Charles A. Cohenour



Appendix 4

Similar Case History

1. SP 98-S-035: Reduction to minimum yard requirements based on error in building location to permit addition to remain 4.9 feet from side lot line and accessory structure to remain 0.2 feet from side lot line. (Tax Map 98-2 ((6)) 31A)
2. SP 01-S-032: Reduction to minimum yard requirements based on error in building location to permit addition to remain 5.0 feet from side lot line. (Tax Map 98-2 ((6)) 46)

8-006 General Standards

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

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for all Group 9 Uses

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

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.

2. All uses shall comply with the performance standards specified for the zoning district in which located.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

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

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building or a modification to the location regulations of any freestanding accessory structure existing or partially constructed which does not comply with such requirements applicable at the time such building or structure 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

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

M. 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 or modification under the provisions of this Section, the BZA shall allow only a reduction or modification 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 or modification for a particular building or structure 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.