



County of Fairfax, Virginia

September 16, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-MA-081

MASON DISTRICT

APPLICANT: Rebecca D. Radich

OWNERS: Christopher Radich
Rebecca Radich

SUBDIVISION: Sleepy Hollow Manor

STREET ADDRESS: 6312 Eppard Street, Falls Church, 22044

TAX MAP REFERENCE: 51-3 ((11)) 36

LOT SIZE: 12,051 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit a reduction in yard requirements to permit construction of addition 8.0 feet from a side lot line, and to permit reduction in yard requirements based on error in building location to permit a shed to remain 3.0 feet from a side lot line, and 3.3 feet from a rear lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-MA-081 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 applicant/owner 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.

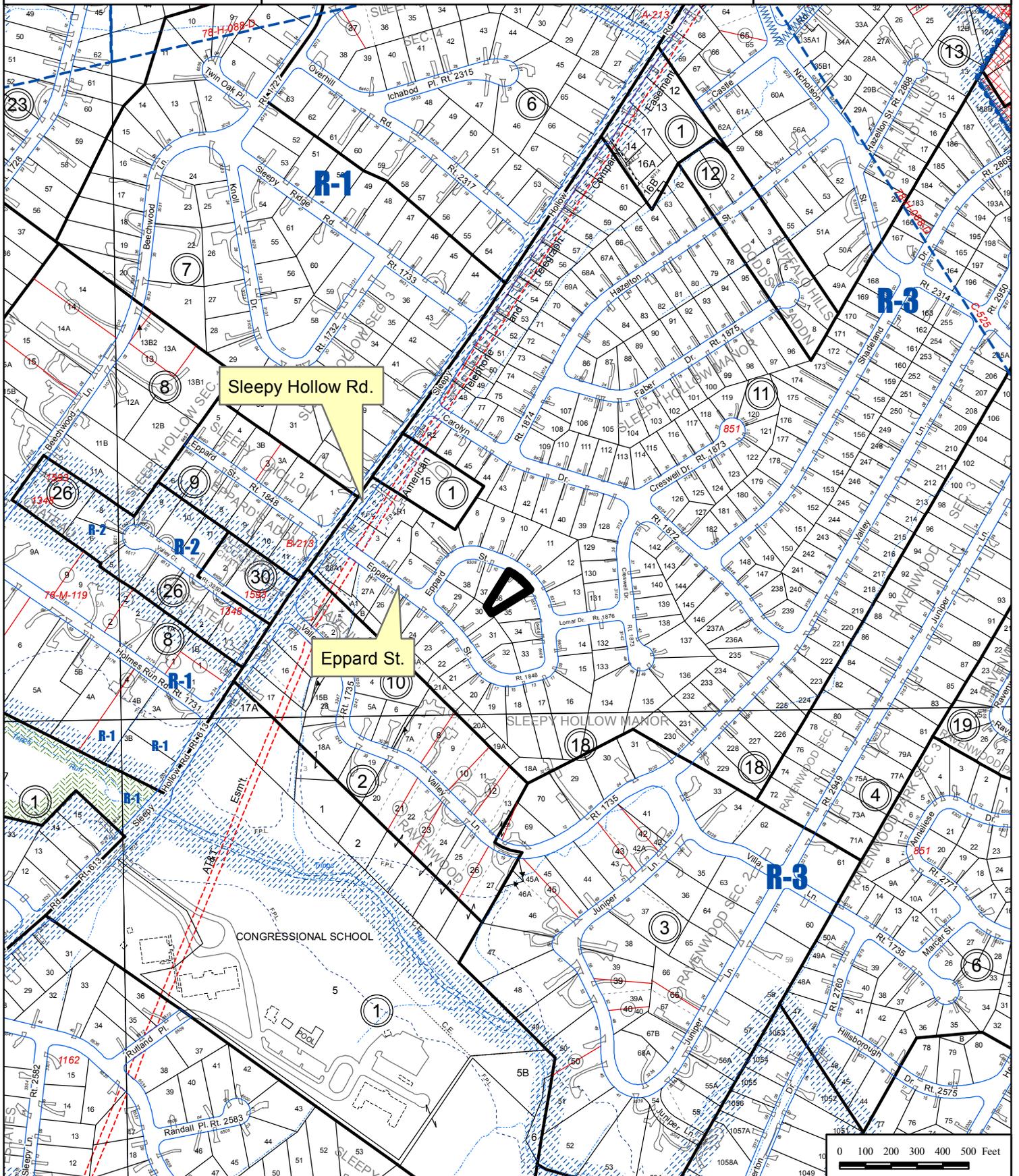
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

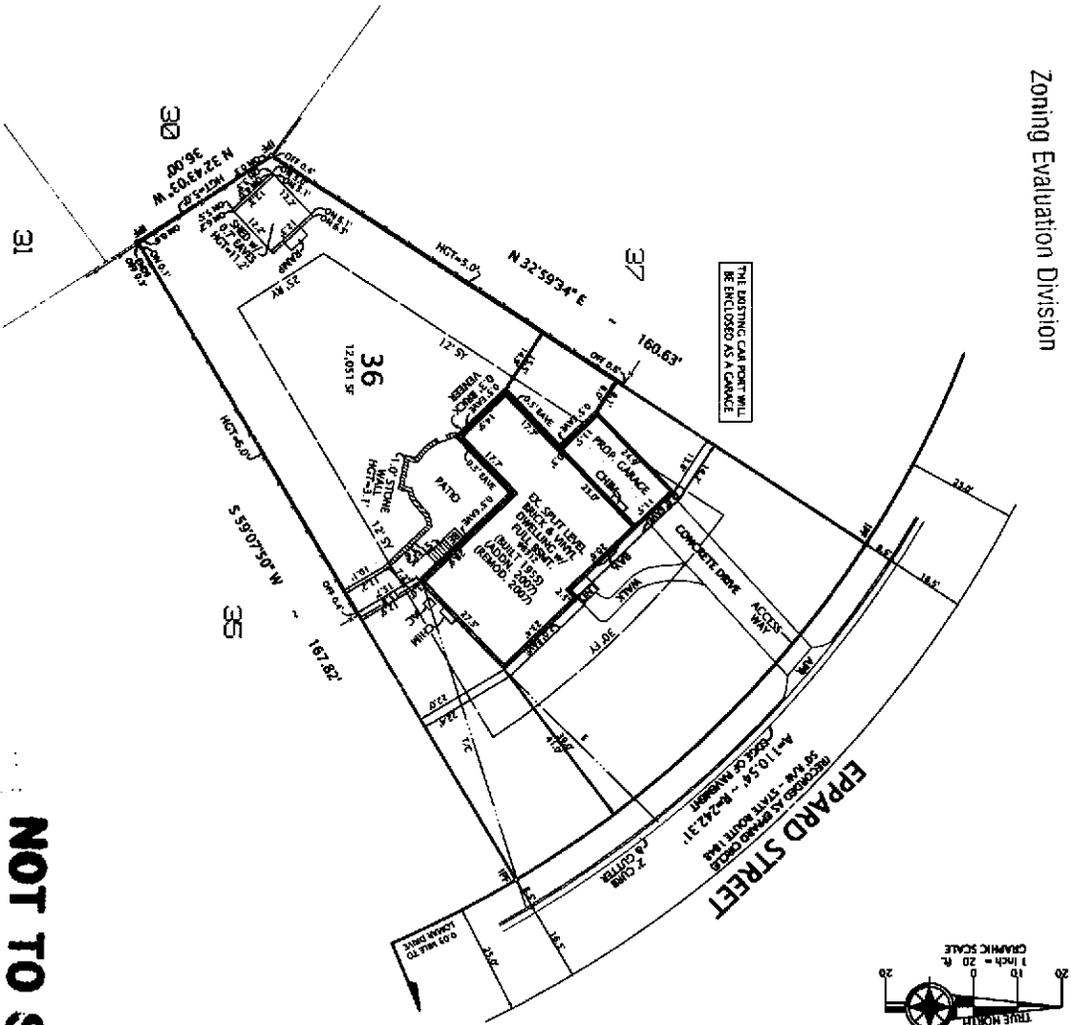


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

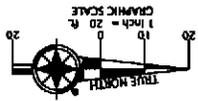


Special Permit
SP 2015-MA-081
REBECCA D. RADICH





NOT TO SCALE



NOTES

1. TAX MAP: 51-3-11-0036
2. ZONE: R-3 RESIDENTIAL 3 DU/AC
3. LOT AREA: 12,051 SF (0.2767 ACRE)
4. REQUIRED YARDS:
 - FRONT: 30 FEET
 - SIDE: 12 FEET
 - REAR: 25 FEET
5. HEIGHTS:
 - EX. DWELLING: 16.7 FEET (MIDLINE OF ROOF)
 - EX. SHED: 11.2 FEET (TOP OF ROOF)
 - EX. CARPORT: 14.0 FEET (RIDGELINE OF ROOF)
 - PROP. GARAGE: 14.0 FEET (RIDGELINE OF ROOF)
 - EX. STONE WALL: 03.1 FEET (MAXIMUM HEIGHT)
 - EX. FENCES: AS NOTED
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 UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. AREAS:
 - EX. BASEMENT = 644 SF
 - EX. FIRST FLOOR = 779 SF
 - EX. SECOND FLOOR = 644 SF
 - EX. GROSS FLOOR AREA = 2,067 SF
 - EX. FLOOR AREA RATIO: EX. GFA (2,067) / LOT AREA (12,051) = 0.172
 - PROP. GARAGE = 287 SF / EX. GFA (2,067) = 0.139
 - PROP. GROSS FLOOR AREA: EX. GFA (2,067) + PROP. GARAGE (287) = 2,354 SF
 - PROP. FLOOR AREA RATIO: PROP. GFA (2,354) / LOT AREA (12,051) = 0.195
12. FENCES ARE FRAME

PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 36, SECTION ONE
SLEEPY HOLLOW MANOR
 (USED BOOK 1720, PAGE 159)
 FAIRFAX COUNTY, VIRGINIA
 MASON DISTRICT
 MARCH 31, 2015

SCALE: 1" = 20'

I HEREBY CERTIFY THAT THE LOCATIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENTLY LICENSED SURVEYOR AND THAT THE SAME ARE IN ACCORDANCE WITH THE RELEVANT RECORDS AND ENCLOSURES AS OF THE DATE:

03/31/2015
 GEORGE N. DRONEN
 LICENSE NO. 2009

ORDERED BY: BECKY MARSH
 DOMINION SURVEYORS
 8800 N. PEASE TREE BLVD. SUITE 200
 ALEXANDRIA, VIRGINIA 22309
 FAX: 703-759-8412

SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit to allow a reduction of certain yard requirements to permit the construction of a garage 8.0 feet from a side lot line. The applicant also requests approval of a special permit to allow the reduction of minimum yard requirements based on an error in building location to permit an existing shed to remain 3.0 feet from a side lot line, and 3.3 feet from a rear lot line.

A copy of the special permit plat, titled "Plat Showing the Improvements on Lot 36, Section One, Sleepy Hollow Manor," prepared by George M. O'Quinn, L.S., dated March 31, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 12,051 square foot lot contains a split-level dwelling, which is accessed by a concrete driveway from Eppard Street. The dwelling is accessed through a front entrance via a stone walkway. A slate patio is located at the rear of the dwelling. A shed is located in the southwestern portion of the rear yard.



Figure 1: House location

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

BACKGROUND

Fairfax County Tax Records indicate that the house was constructed in 1955 and purchased by the applicants in 2011.

Records indicate that no other similar special permit applications have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit the enclosure of an existing carport for the construction of a garage located 8.0 feet from the western side lot line. In the R-3 zoning district, the required side yard is 12.0 feet. The applicant is requesting a reduction of 4.0 feet, or 33.3%.

In addition, the applicant requests approval of a special permit for a reduction of minimum yard requirements based on an error in building location to permit a shed to remain 3.0 feet from the western side lot line and 3.3 feet from the rear lot line in lieu of the 12.0 feet and 25.0 feet required, respectively, based on the 11.2 foot height of the structure. The shed was constructed by the original owner of the property and not by the applicants.

The special permit requests are summarized in the table below.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit (50%)	Garage Addition	Side	12.0 feet	8.0 feet	4.0 feet	33%
Special Permit (Error)	Shed	Side Rear	12.0 feet 25.0 feet	3.0 feet 3.3 feet	9.0 feet 21.7 feet	75% 87%

The garage would measure approximately 287 square feet in size and is 14.0 feet in height. The roofline of the garage will be unchanged from existing conditions. The proposed materials would be consistent with the materials of the existing dwelling, which consist of brick and siding.



ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Baileys Planning District
Planning Sector: Barcroft Community Planning Sector (B5)
Plan Map: 2-3 dwelling units per acre

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	12,051 sf.
Lot Width	80.0 feet	96.8 feet
Building Height	35.0 feet max.	16.7 feet
Front Yard	Min. 30.0 feet	39.0 feet
Side Yard	Min. 12.0 feet	8.0* and 12.9 feet
Rear Yard	Min. 25.0 feet	74.0 feet

* Subject of special permit request with this application.

Zoning Ordinance Requirements (Appendix 4)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 All Group 9 Standards
- Sect. 8-914 Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

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

<p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-3 district allows a reduction in minimum required yards with special permit approval. The proposed garage is in harmony with the Comprehensive Plan and the general purpose and intent of the R-3 District, as evidenced by similar garages in neighboring homes.</p>
<p>Standard 3 Adjacent Development</p>	<p>In staff's opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value, especially because the garage does not alter the roofline or footprint of the existing home, and similar garages are evident in neighboring homes.</p>
<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>No increased vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>There is mature vegetation where the shed is located, and the proposed garage does not require additional screening.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement in the R-3 district.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes proposed to the utilities, drainage, parking, or loading serving the property.</p>
<p>Standard 8 Signs</p>	<p>No signage is proposed.</p>

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

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>The lot size for the subject property is compliant with the required zoning district regulations. The bulk regulations for minimum required yards are requested to be modified with the special permit application.</p>
<p>Standard 2 Performance Standards</p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zonign Ordinance.</p>
<p>Standard 3 Site Plan</p>	<p>If the construction disturbs more than 2,500 square feet, the application is subject to the provisions of Article 17, Site Plans.</p>

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

Standard 1 Yard Requirements Subject to Special Permit	A. Minimum Required Yards – Yes B. Pipestem lots – N/A C. Accessory Structure locations – Yes D. Extensions into minimum required yards – Yes
Standard 2 Result in a Detached Structure in a Front Yard	Not applicable to the subject application.
Standard 3 Contain a Principal Structure	The subject property contains a single family dwelling, which is an existing principal structure. The structure complied with setbacks of the District when it was established.
Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)	The proposed addition is 287 square feet, and the existing GFA of the primary structure is 2,067 square feet. Therefore the proposed addition will be approximately 13.9%, which is less than the maximum 150% expansion requirement.
Standard 5 Construction of Accessory Structure Subordinate in Purpose, Scale, Use and Intent	There is no accessory structure proposed, so this standard is not applicable to this application.
Standard 6 Construction in Character with On-site Development	The statement of justification, elevation drawings, and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the dwelling. Staff believes that the application meets this provision.
Standard 7 Construction Harmonious with Off-site Development	Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the proposed garage is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. Staff believes this addition will be harmonious with surrounding uses and meets this provision.
Standard 8 Construction Shall Not Adversely Impact Adjacent Properties	With the proposed garage not altering the roofline or footprint of the existing carport and home, staff believes that the garage will not significantly impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. In regards to stormwater, if the construction disturbs more than 2,500 square feet, the application is subject to the provisions of Article 17, Site Plans, and any anticipated stormwater issues will be addressed at that time.
Standard 9 Minimum Required Yards is the	The proposed garage would be located 8.0 feet from the side lot line, which is a 33% reduction of the required yard. In addition to considering the current location of the driveway and existing

Minimum Amount of Reduction Necessary	carport, the lot's wedge shape narrows as it approaches the rear lot line, thus limiting alternative locations for any garage additions on the property. Staff believes that this is a minor encroachment and is the minimum amount of reduction necessary to accommodate the garage. Other issues of lot shape, yard determination, environmental characteristics, wells, floodplains and/or Resource Protection Areas, and historic resources are not applicable to this site.
Standard 10 BZA May Impose Conditions	Staff has proposed development conditions in Appendix 1.
Standard 11 Submission Requirements	Satisfied at time of submittal.
Standard 12 Architectural Elevations	Elevations are provided and proposed to be incorporated as part of the development conditions.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of SP 2015-MA-081 for the garage addition with adoption of the proposed development conditions contained in Appendix 1 of the staff report.

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

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

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-MA-081****September 16, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MA-081 located at Tax Map 51-3 ((11)) 36 to permit reduction of certain yard requirements pursuant to Section 8-922 and to permit a shed to remain pursuant to Section 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicants among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the accessory storage structure (shed) and the addition (287 square feet, 14.0 feet in height), as shown on the plat titled, "Plat Showing the Improvements on Lot 36, Section One, Sleepy Hollow Manor," prepared by George M. O'Quinn, L.S., dated March 31, 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 (2,067 square feet existing + 3,100 square feet (150%) = 5,167 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.

Special Permit Application
Statement Of Justification
6312 Eppard Street, Falls Church, VA 22044 - Radich

We would like to close in our existing carport structure to create a garage for security as well as storage for our home. After having a baby in November of 2013, we have a growing need for more secure space to store our cars, toys, bicycles, tools and lawn equipment. Because the garage would have four walls it will provide us complete protection from sun, hail, rain and wind. Plus, it keeps animals out, like chipmunks and our neighbor's outdoor cat. The closed in garage will also help keep the house temperature regulated when we come and go.

In order to close in the carport and create the garage, I am applying for a special permit as per provision 8-922 for "Reduction of Certain Yard Requirements". The building of the garage is planned to be inline with the requirements outlined below:

The resulting gross floor area of the existing principal structure is less than 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request.

The resulting gross floor area of the 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. The purpose of inclosing the carport to make a garage is provide our family added security for our home and our belongings.

The proposed garage will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure on the lot. The garage will have matching white siding and windows to the existing home as well as a white garage door that compliments the style of the home nicely. The style of our proposed garage is similar to our neighbors at 6314 Eppard Street and a few other homes on our street.

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. Landscaping and curb appeal is very important to me and I will make sure the garage adds to the appeal of our home.

The proposed development will 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. I have spoken with our neighbors on both sides and across the street and they all welcome the creation of a garage on our property.

The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. The lot line is 8 feet away instead of the standard 12 feet. The reduction is the minimum amount necessary and is less than the minimum 50% reduction.

Special Permit Application
Statement Of Justification **Continued**
6312 Eppard Street, Falls Church, VA 22044 - Radich

I understand that 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.

We feel the proposed garage will not only meet our family's needs of security and storage but will also enhance the look of our home and add to the appeal and value of Eppard Street and neighborhood.

Thank you for your consideration.

Becky Radich

Special Permit Application – Statement Of Ownership
6312 Eppard Street, Falls Church, VA 22044 - Radich

I hereby confirm Rebecca D. Radich and Christopher L. Radich are the sole owners of the subject property 6312 Eppard Street, Falls Church, VA 22044.

Tax Map No: 0513110036

Zoning District: R-3

Magisterial District: Mason



Rebecca D. Radich 4/2/2015



Christopher L. Radich 4/2/2015

Provision for Approval of Reduction to the Minimum Yard Requirements
Based on Error in Building Location
Statement Of Justification
6312 Eppard Street, Falls Church, VA 22044 - Radich

We would like to receive approval to allow for a reduction to the minimum yard requirements for the shed in our back yard. The error in building location occurred before we were the homeowners at 6312 Eppard Street and we were not aware of its error upon purchasing the house.

The error exceeds ten (10) percent of the measurement involved. The noncompliance was done through no fault of the property owner and the modification will not impair the purpose and intent of the Ordinance.

The shed placement is not detrimental to the use and enjoyment of other property owners in the immediate vicinity and it does not create unsafe conditions with respect to both other property and public streets.

To force compliance with the minimum yard requirements and location regulations would cause unreasonable hardship on the owners. The back yard is not a flat surface so there are no other viable locations that the shed could fit on the lot. 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.

Thank you for your consideration.

Becky Radich

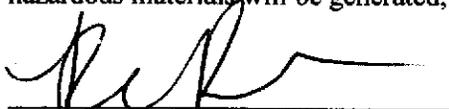
RECEIVED
Department of Planning & Zoning

MAY 08 2015

Zoning Evaluation Division

- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.


Applicant's Signature

4/23/15
Date

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

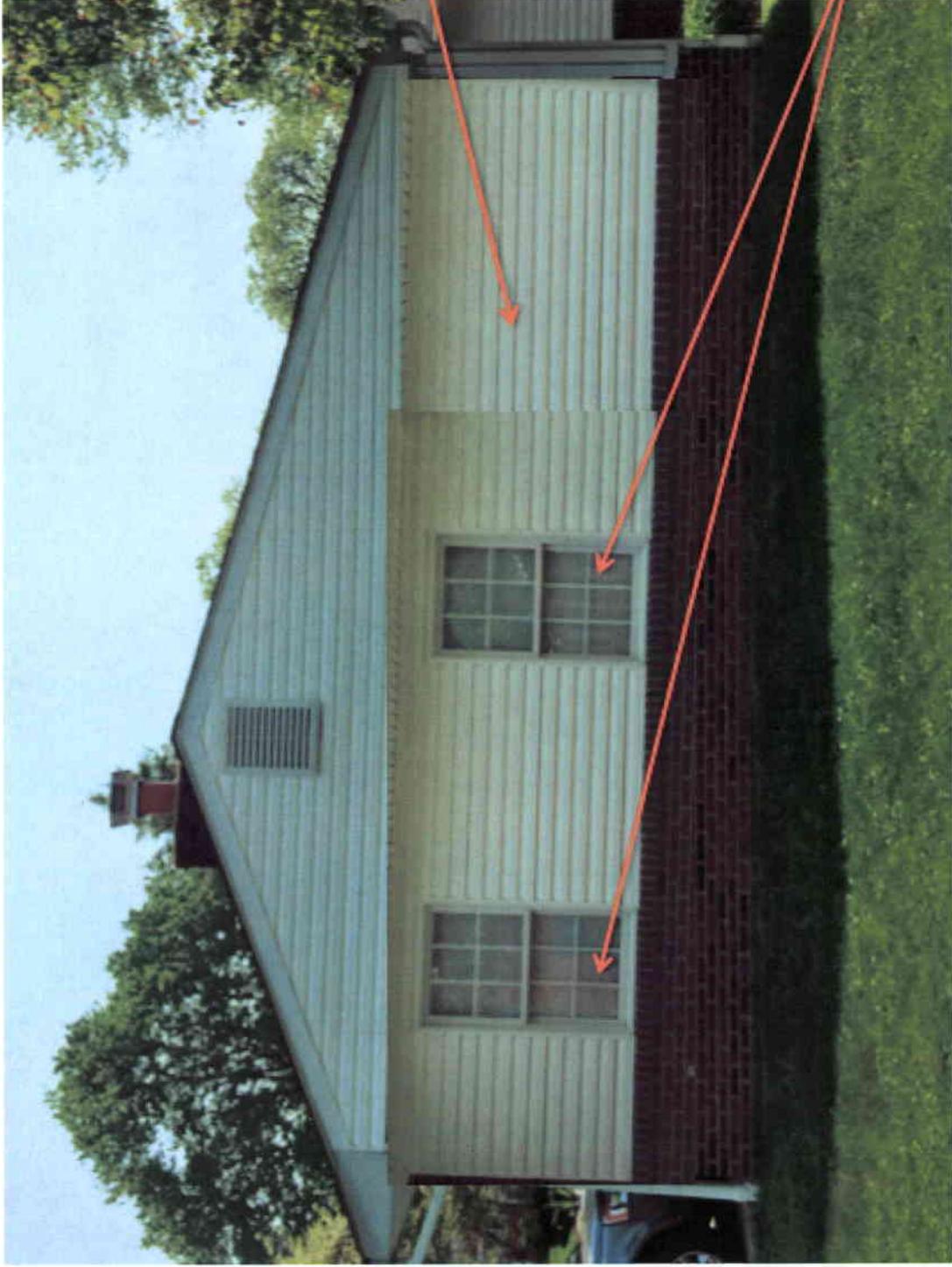
Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.


Applicant's Signature

4/23/15
Date







Vinyl siding to match the addition and the siding on the roof.

Two windows to allow in sunlight. The windows are the same as the additions.

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Department of Planning & Zoning

MAY 08 2015

Zoning Evaluation Division

Side View

Photo of addition for reference of siding, brick color and windows:



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Department of Planning & Zoning
MAY 08 2015
Zoning Evaluation Division

White insulated garage door with four windows.

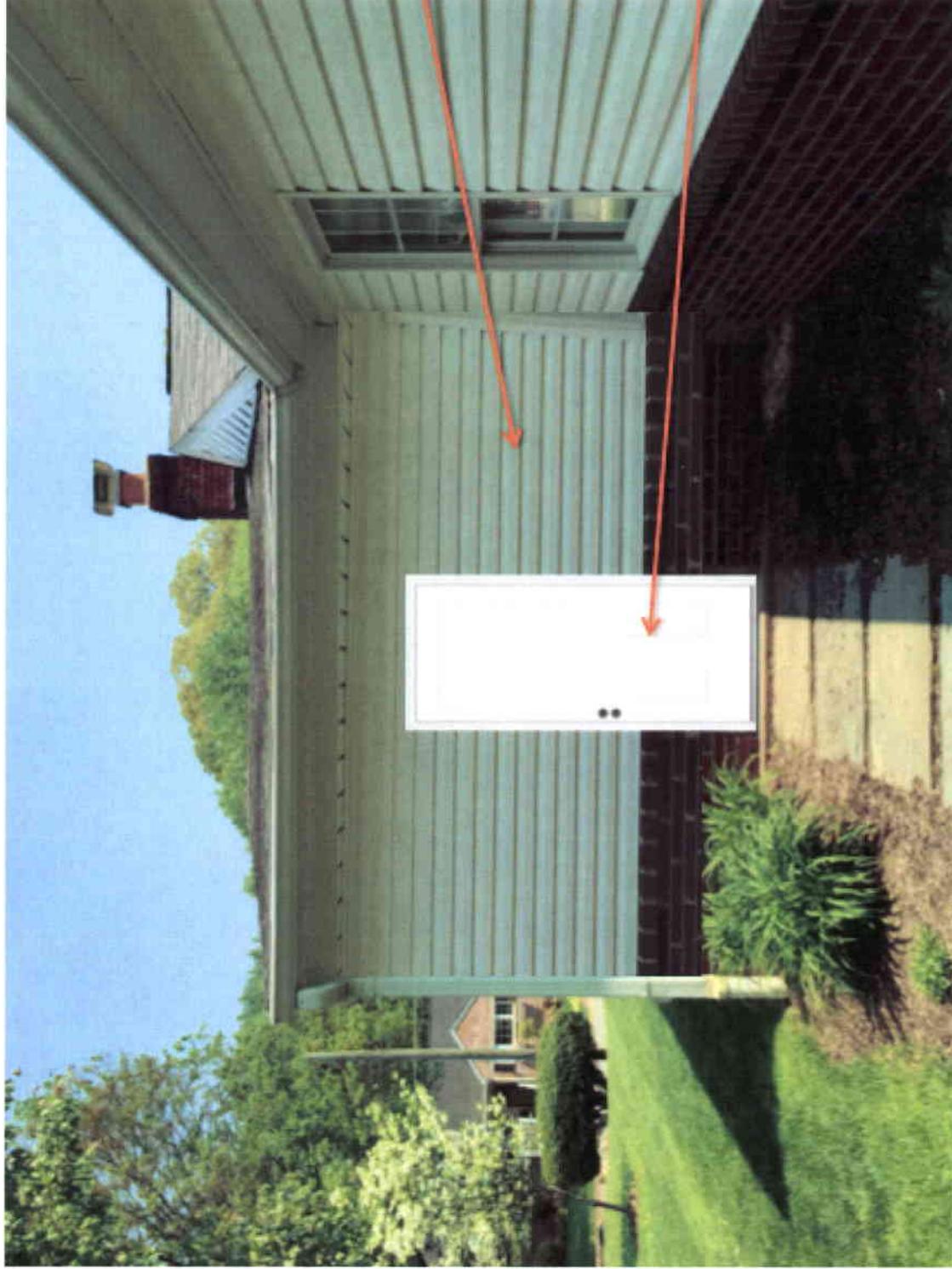
Vinyl siding to match the addition.

Brick base at the same height as the existing brick in the carport and a matching red color.



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Department of Planning & Zoning
MAY 08 2015
Zoning Evaluation Division

Street View



Vinyl siding to match the addition.

White door with windows to allow in sunlight.

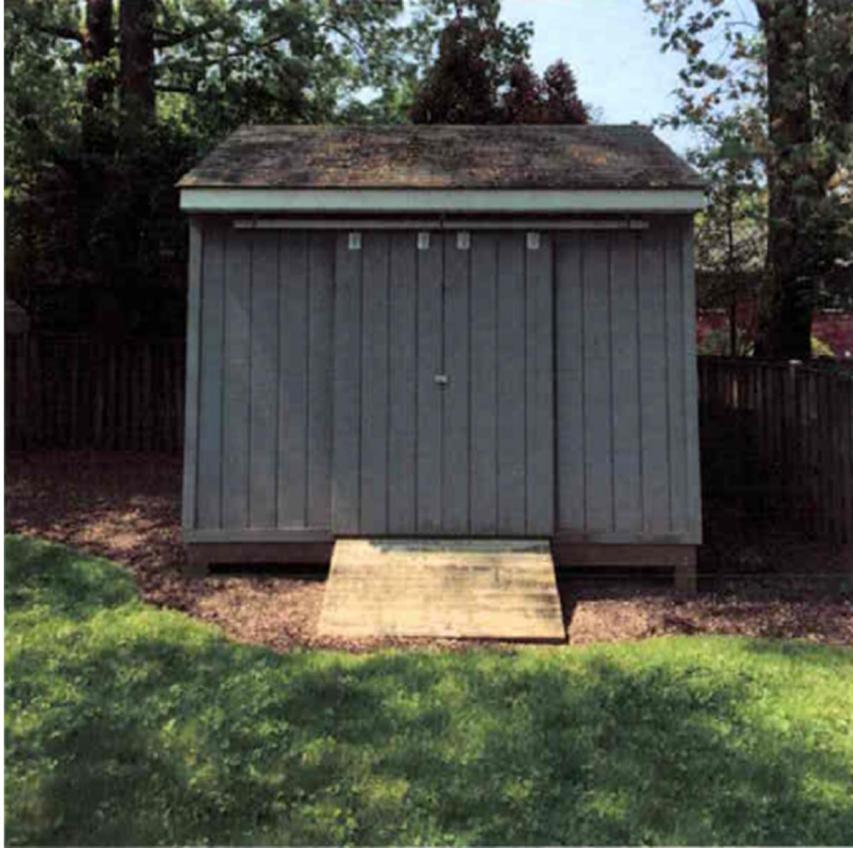
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Department of Planning & Zoning

MAY 08 2015

Zoning Evaluation Division

Rear View





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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6.29.2015
(enter date affidavit is notarized)

129279

I, Rebecca D. Radich, 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)
Rebecca D. Radich	6312 Eppard Street, Falls Church VA 22044	Owner/Applicant
Christopher L. Radich	6312 Eppard Street, Falls Church VA 22044	Owner

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6.29.2015
(enter date affidavit is notarized)

129279

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

(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: 6.29.2015
(enter date affidavit is notarized)

129279

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6.29.2015
(enter date affidavit is notarized)

129279

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6.29.2015
(enter date affidavit is notarized)

129279

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

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

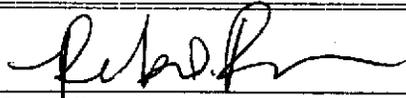
NONE

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

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

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

WITNESS the following signature:



(check one)

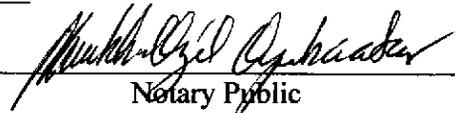
Applicant

Applicant's Authorized Agent

Rebecca D. Radich

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

Subscribed and sworn to before me this 29 day of June 2015, in the State/Comm. of Virginia, County/City of Fairfax.


Notary Public

My commission expires: 01/31/2018



MUNKH-ORGIL OYUBAATAR
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JAN. 31, 2018
COMMISSION # 7333847

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 existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, or
 - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
 - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.

5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-922 Provisions for Reduction of Certain Yard Requirements

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.