



County of Fairfax, Virginia

September 16, 2015

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2015-BR-084

BRADDOCK DISTRICT

APPLICANT/OWNER: Muath Alsufy

STREET ADDRESS: 4951 Regina Drive, Annandale, 22003

SUBDIVISION: Ravensworth Grove, Section 1

TAX MAP REFERENCE: 70-4 ((7)) 54

LOT SIZE: 10,501 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit a reduction of certain yard requirements to permit construction of addition 6.0 feet from a side lot line.

STAFF RECOMMENDATION:

Staff recommends denial of SP 2015-BR-084 for the addition.

However, if it is the intention of the Board of Zoning Appeals to approve SP 2015-BR-084, staff recommends that such approval be conditioned upon adoption of the proposed development conditions contained in Appendix 1.

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

Erin M. Haley

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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

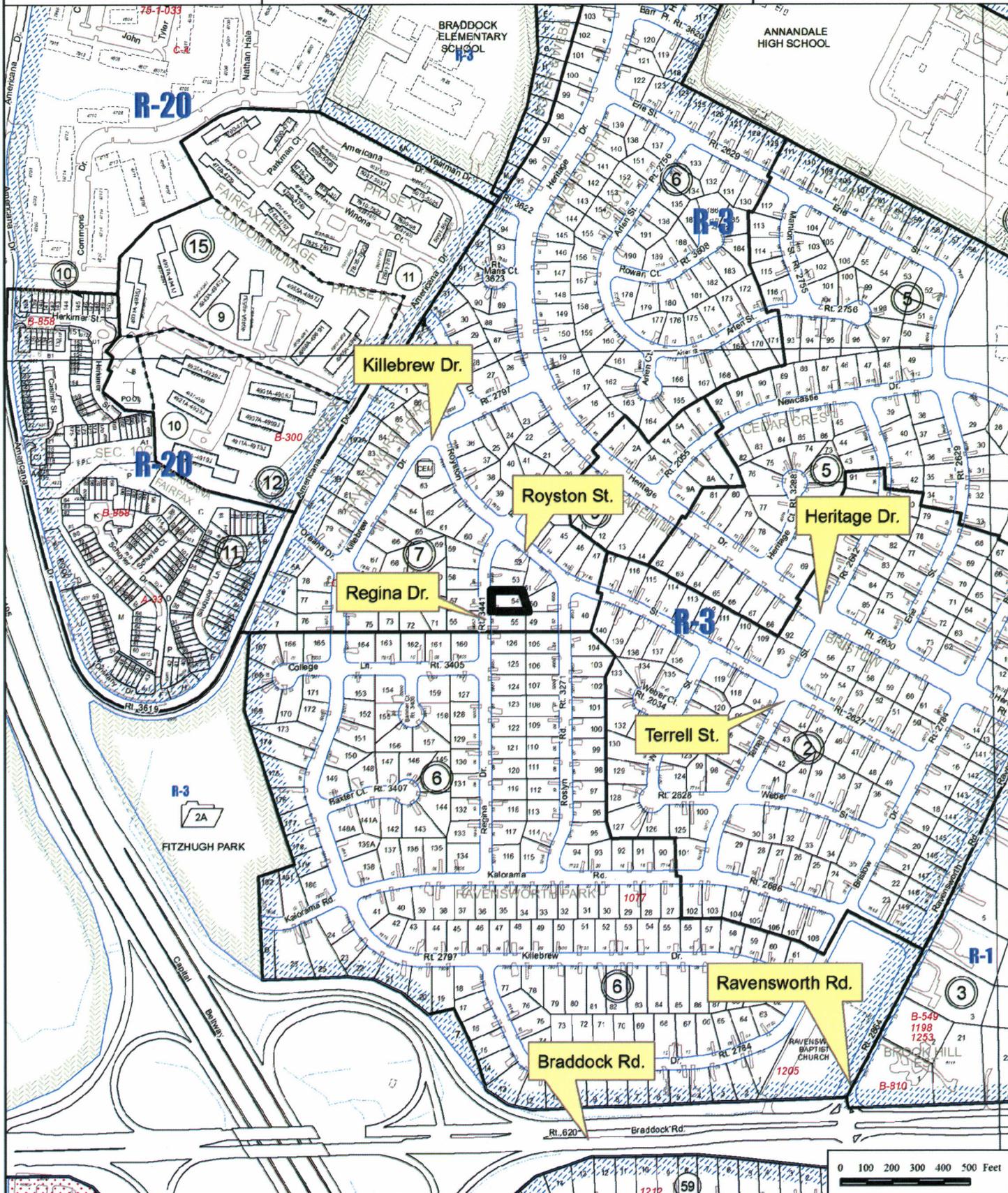
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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



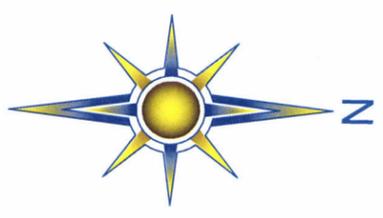
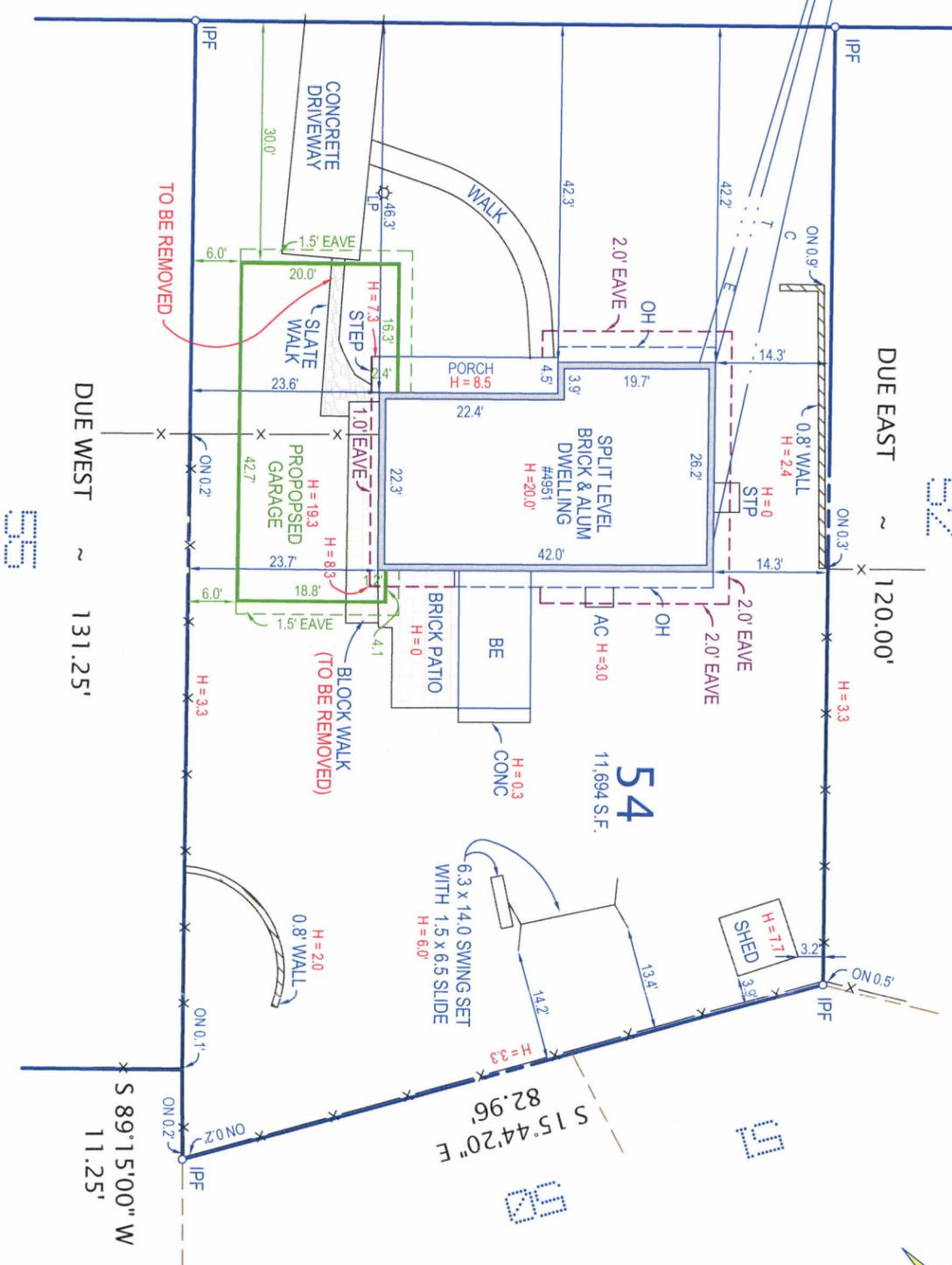
Special Permit SP 2015-BR-084 MUATH ALSUFY



REGINA DRIVE

50' R/W ~ ROUTE #3441

DUE NORTH ~ 80.00'



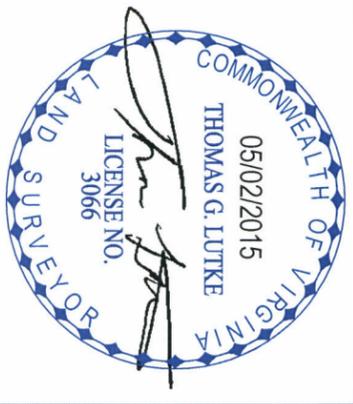
- NOTES:**
1. TAX MAP: 0704 07 0054
 2. R-3(RESIDENTIAL 4 DU/LC)
 3. LOT AREA: 10,501 S.F.
 4. REQUIRED YARDS:

FRONT:	=	30.0 FEET
SIDE:	=	12.0 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. FIRST FLOOR	=	1,116 SF
EX. BASEMENT	=	1,013 SF
GROSS FLOOR AREA	=	2,129 SF
 - EX. FLOOR AREA RATIO: EX. GFA (2,129)/LOT AREA (10,501) = 0.20
 - PROP GARAGE & 2ND FLOOR = 1,620 SF / EX. GFA 2,129 = 0.76
 - PROP GFA : EX GFA (2,129) + PROP GARAGE & 2ND FLOOR(1,620) = 3,749 SF
 - PROP FLOOR AREA RATIO: PR. GFA (3,749)/LOT AREA (10,501) = 0.36
 13. UNLESS NOTED OTHERWISE, ALL EAVES ARE HIGHER THAN 10 FEET TO EXISTING GRADE.
 14. UTILITIES ARE UNDERGROUND.
 15. NO TRAILS ARE REQUIRED FOR THIS SITE PER THE ADOPTED COMPREHENSIVE PLAN.
 16. ALL PROPOSED EAVES ARE PROPOSED HIGHER THAN 10 FEET TO EXISTING GRADE.
 17. UNLESS LABELED AS PROPOSED, ALL IMPROVEMENTS SHOWN ARE EXISTING.

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.



ORDERED BY:
ALSUFY

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

SPECIAL PERMIT PLAT
SHOWING IMPROVEMENTS ON
LOT 54, SECTION 1
RAVENSWORTH GROVE
(DEED BOOK 2022, PAGE 175)
FAIRFAX COUNTY, VIRGINIA
BRADDOCK DISTRICT
SCALE: 1" = 20'
MAY 2, 2015



RECEIVED
Department of Planning & Zoning
MAY 13 2015
Zoning Evaluation Division

SPECIAL PERMIT REQUEST

The applicant is requesting approval to permit a reduction in certain yard requirements to permit construction of an addition 6.0 feet from the southern side lot line. The proposed two story, two car garage addition will be 1,620 square feet in size and 19.3 feet in height. The addition would also be used for extending the living and dining rooms. The second story would be used for improving the bedroom area of the house.

A copy of the special permit plat titled "Special Permit Plat, Showing Improvements on Lot 54, Section 1, Ravensworth Grove," prepared by Thomas G. Lutke, L.S., on May 2, 2015, is included in the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,501 square foot lot contains a one and one-half story single family detached dwelling with a basement. Concrete driveway provides access to the property from Regina Drive. There is no existing garage or carport. A walkway leads from the driveway to the front porch. A brick patio and entrance to the basement are located at the rear of the house. A walkway leading from the driveway to the patio at the rear of the house is proposed to be removed when the addition is constructed. A swing set and a shed are located in the eastern portion of the rear yard. The rear yard is enclosed with a fence 3.3 feet in height.



Figure 1- Aerial View of Subject Property

The subject property is located southeast of the intersection of Royston Street and Regina Drive in the Ravensworth Grove neighborhood. The subject property and surrounding properties are zoned R-3 and developed with single family detached dwellings.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1962 and purchased by the applicant in 2010.

Since the adoption of the Zoning Ordinance, a similar application was approved on a nearby property to permit a reduction in a minimum required side yard by the Board of Zoning Appeals. The information on this application is contained in Appendix 4.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: I
Planning District: Annandale
Planning Sector: Masonville Community Planning Sector (A1)
Recommendation: 2-3 dwelling units/acre

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	10,501 sf.
Lot Width	Interior: 80 feet	80 feet
Building Height	35 feet	20 feet
Front Yard	30 feet	Existing: 42.2 feet Proposed: 30 feet
Side Yard	12 feet	Northern: 14.3 feet Southern: Existing: 23.7 feet Proposed: 6.0 feet
Rear Yard	25 feet	50 feet

Urban Forestry Analysis

An Urban Forester conducted a site visit and found no specific potential impacts as a result of the proposed construction. A recommendation was made to minimize soil disturbance to only that necessary for construction of the addition and to use tree protection on any trees that may be impacted by the construction activities.

It is staff’s opinion that there is insufficient screening and buffering between the area of the proposed addition and the adjacent property. Should the application be approved, staff has included a development condition that would require the applicant to install a row of evergreen trees along the length of the addition to provide visual screening and buffering.

Zoning Ordinance Requirements (Appendix 5)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

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

<p>Standards 1 & 2 <i>Comprehensive Plan/ Zoning District</i></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.</p>
<p>Standard 3 <i>Adjacent Development</i></p>	<p>In staff’s opinion, the proposed use could hinder and/or discourage use and/or development of neighboring properties and negatively affect value. The existing house is currently located 23.6 feet from the southern side lot line. The addition is proposed to be located 6.0 feet from the lot line, which is an increased encroachment of approximately 75%. There is very little screening between the area of the addition and the adjacent property. The house on the adjacent property is located approximately 10 feet from the lot line so the proposed addition would then be located approximately 16 feet from the existing structure with windows on each structure facing each other.</p>
<p>Standard 4 <i>Pedestrian/ Vehicular Traffic</i></p>	<p>No increase in vehicular or pedestrian traffic is expected with this application. In staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 <i>Landscaping/ Screening</i></p>	<p>The proposed garage addition does not appear to impact any existing landscaping.</p>
<p>Standard 6 <i>Open Space</i></p>	<p>There is no prescribed open space requirement in the R-3 District.</p>
<p>Standard 7 <i>Utilities, Drainage, Parking, and Loading</i></p>	<p>There are no changes to the utilities, drainage, or loading of the site. The property does not currently have either a garage or a carport.</p>
<p>Standard 8 <i>Signs</i></p>	<p>No signage is proposed.</p>

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

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

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

<p>Standard 1 <i>Yard Requirements Subject to Special Permit</i></p>	<p>A. <i>Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet.</i> The proposed two story addition would be located 6.0 feet from the southern side lot line; the required side yard in a R-3 District is 12 feet, resulting in a reduction of 6.0 feet or 50%.</p> <p>B. Pipestem lots- N/A C. Accessory structure locations – N/A D. Extensions into minimum required yards allowed by Sect. 2-412- N/A</p>
<p>Standard 2 <i>Not a Detached Structure in a Front Yard</i></p>	<p>The application does not propose a detached accessory structure.</p>
<p>Standard 3 <i>Principal Structure that Complied with Yard Requirements When Established</i></p>	<p>When the existing dwelling was built in 1962 it complied with all zoning ordinance requirements.</p>
<p>Standard 4 <i>Addition No More than 150% of Existing Gross Floor Area (GFA)</i></p>	<p>The proposed addition will be approximately 1,620 square feet. The existing GFA of the primary structure is 2,129 square feet; Therefore 150% of the total gross floor area could result in additions up to 3,193.5 square feet in size for a possible total square footage at build out of 5,322.5 square feet. The total square footage of the house with the addition is 3,749 square feet. Therefore the application meets this provision.</p>
<p>Standard 5 <i>Accessory Structure Subordinate in Purpose, Scale, Use and Intent</i></p>	<p>The existing structure is 2,129 square feet and the proposed addition is 1,620, which is 76% the size of the existing structure. From elevations provided by the applicant, the addition appears to be taller than the existing structure. In staff's opinion, the addition does not appear to be subordinate in scale to the existing structure.</p>
<p>Standard 6 <i>Construction in Character with On-Site Development</i></p>	<p>The proposed addition will be constructed in the front yard and side yards of the existing dwelling. The elevation drawings indicate that the materials of the proposed addition would be compatible with the existing dwelling. However, the addition is large and appears to be taller than the existing structure. Staff does not believe that the proposed addition is in character with on-site development.</p>
<p>Standard 7 <i>Construction Harmonious with Off-Site Development</i></p>	<p>Most of the other properties in the surrounding area are not developed with garages or carports. Staff does not believe that the proposed large two story addition with a two car garage is harmonious with off-site development.</p>
<p>Standard 8 <i>Construction Shall Not Adversely Impact Adjacent Properties</i></p>	<p>Staff believes that the proposed addition will adversely impact the use and/or enjoyment of adjacent properties with regard to issues such as noise, light, and air. Construction of a tall addition so close to the lot line could negatively impact the adjacent property to the south. DPWES has indicated that there are no drainage complaints on file related to this property.</p>
<p>Standard 9 <i>Represents the</i></p>	<p>Staff does not believe the special permit proposal is the minimum amount of reduction necessary. Most of the other properties in the</p>

<p><i>Minimum Amount of Reduction Necessary</i></p>	<p>surrounding area do not have either a carport or a garage and meet their parking requirements by providing a driveway, as the existing property does now. Building a large two story, two car garage addition is not necessary for the use and enjoyment of the property. The applicant has sufficient space on the southern side of the property to build a by-right addition that could provide additional living space and potentially provide an enclosed one car garage. Staff does not believe it is necessary to encroach the maximum allowed 50% into the side yard.</p> <p>Other issues of lot shape, yard determination, environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, easements and historic resources are not applicable to this site.</p>
<p>Standard 10 BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p>Standard 11 Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>
<p>Standard 12 Architectural Elevations</p>	<p>Proposed elevations are included in the beginning of this report and are also included as an attachment to the proposed development conditions in Appendix 1.</p>

CONCLUSION AND RECOMMENDATION

In staff’s opinion, the applicants have not sufficiently justified the granting of this special permit to allow the construction of a two story, two car garage addition. Based on staff’s review of the application and the surrounding area, the proposed addition is out of character with development on nearby properties as most of the properties in the surrounding area do not have garages. The proposed addition is large and would be located close to the house on the adjacent property which could adversely impact that property. In addition, it would be possible for the applicants to build a by-right addition to their home or one that would not encroach so far into the side yard. Staff could support a smaller addition and is amenable to continuing to work with the applicant on a revised proposal.

However, based on the findings stated above, staff recommends denial of SP 2015-BR-084. However, if it is the intent of the BZA to approve the Special Permit application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1.

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification
3. Applicant's Affidavit
4. Similar Case History
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-BR-084****September 16, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-BR-084 located at Tax Map 70-4 ((7)) 54 to permit reduction of certain yard requirements to construct an addition pursuant to Sect.8-922 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 applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the roofed deck as shown on the plat titled "Special Permit Plat, Showing Improvements on Lot 54, Section 1, Ravensworth Grove," prepared by Thomas G. Lutke, L.S., on May 2, 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 2,129 square feet existing + 3,193.5 square feet (150%) = 5,322.5 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.
5. The applicant shall obtain all final inspections for the building permits related to construction of the addition.
6. A row of evergreen trees such as holly, arborvitae, or cypress, a minimum of six feet in height at planting, shall be installed along the length of the addition between the addition and the southern side lot line. These trees shall be planted a maximum of ten feet on center.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations

or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

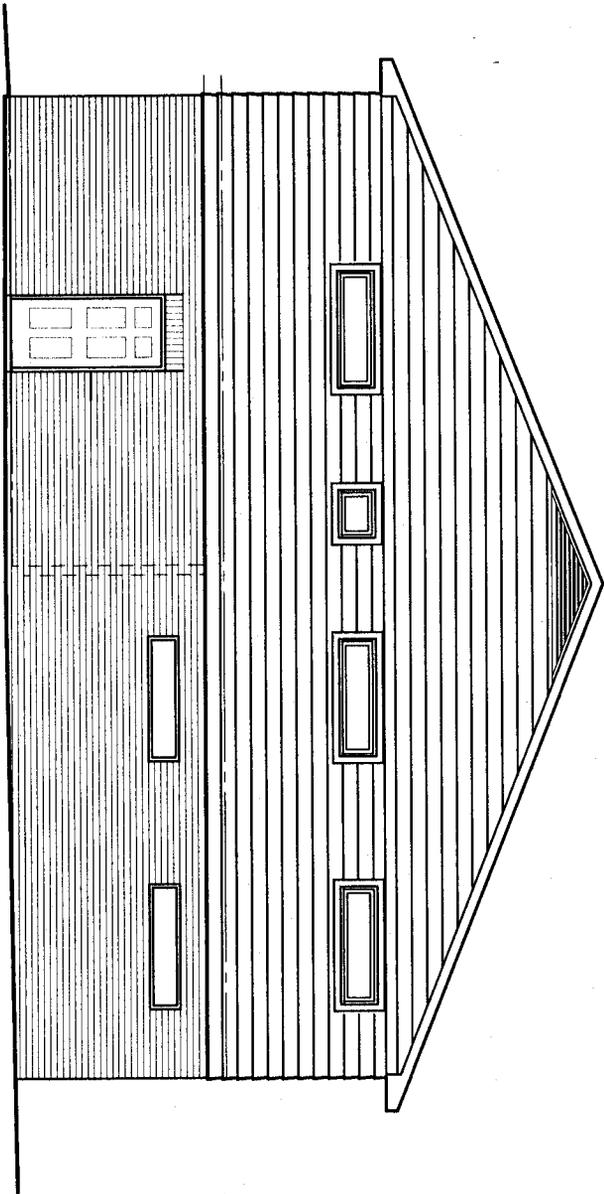
RECEIVED
Department of Planning & Zoning
MAR 24 2015
Zoning Evaluation Division



FRONT ELEVATION

SCALE 1/8" = 1'-0"

RECEIVED
Department of Planning & Zoning
MAR 24 2015
Zoning Evaluation Division



SIDE ELEVATION

SCALE 1/8" = 1'-0"

MAY 13 2015

Zoning Evaluation Division

May 13, 15

Chairman and members of the Board of Zoning Appeals,

My name is Muath Alsufy and I'm the owner of the small single-family home at 4951 Regina Drive in Annandale with around 1100 square foot of living space in addition to a basement. I'm the head of a household of 4; a wife and two small children. We have plans to grow our family and have more children and are in need of more living space to accommodate our family. We also work from home and in need of an office space. The house is small and was designed in a very conservative manner which barely accommodates our present needs. The rooms are all very small, designed for a different time. As you are aware, selling this home and buying another is a very expensive process that we have investigated, but a favorable outcome was not found and we like our location very much. A house that would accommodate our needs and meet our budget would create a long commute and not provide a good family situation. Thus, after a thorough review of our options, it appears that a home addition will offer us far greater benefits and keep us in an area that we all like.

We are planning a two-story addition totaling around 1,620 square footage (proposed), which includes a two-car garage; an extension of the living and dining rooms and a second floor above (please see new plat for exact GFA calculations, including proposed). This addition will allow us to combine two existing small bedrooms into one bedroom. The addition will require reducing the side yard to 6 feet from the 12 feet required by the zoning ordinance, and about 4 feet from front of the driveway to accommodate a minimum two car garage of 20' long along house by 20' wide on the front of the house (please see new plat for exact calculations). I am requesting this reduction of certain yard requirements in accordance with Section 8-922 of the Fairfax County Zoning Ordinance.

We not only need the additional living space but the garage is important too. Parking in a garage offers personal and property security and the convenience of not having to remove ice and snow. On street, parking is at a premium and our area has had incidents of car break-in.

The building will be designed to blend in with the neighborhood using the same or similar materials and construction techniques of the existing house. Please see proposed plat plan, front and side elevations for the overall dimensions of the proposed addition.

I appreciate your consideration of this request.

Muath Alsufy, Owner
4951 Regina Dr
Annandale VA 22003



(p1 of 2)

Date: Apr 22, 2015
Amendment to special permit no. 2015-0056 addressing list of deficiencies
Applicant: Muath Alsufy
Property address: 4951 Regina Dr, Annandale VA 22003

RECEIVED
Department of Planning & Zoning
APR 22 2015
Zoning Evaluation Division

Notes by site engineer, Mr. Thomas G Lutke:

- 930.06 == basically 15 prints and a reduction
- 930.07 == zoning is noted in notes
- 930.08 == area is noted in notes
- 930.09 == scale is supplied .. North points straight up
- 930.10 == buildings and deck located
- 930.11 == Required minimum yards are listed in notes.
- 930.12 == they just want to see your driveway—no idea why they listed this
- 930.13 =- non residential
- 930.14 = no well
- 930.15 = noted GFA
- 930.16 = noted not easements of 25' width or greater
- 930.17 = not applicable
- 930.18 = noted no flood plains
- 930.19 = sealed and signed
- 930.20 = not part of plat

Applicant's notes:

- 1.00 see new copy of application
- 3.00 added new photos
- 5.00 see notes below
- 5.08 - There are no known hazardous or toxic substance as set forth in title 40, code of federal regulations parts 116.4, 302.4, and 355.
- 5.09 - The proposed development (home addition) will conform to the provisions of all applicable ordinances, regulations and adopted standards, or if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.
- 930.00 - see new site survey
- 930.1 - This is n/a; there will be no accessory structure

930.02:

The proposed home addition project will match existing character of the existing structure of the house. It'll blend in naturally with the rest of building materials such as facade, bricks, windows, doors, roofing, etc., which will also be similar to existing general characters of houses found in the neighborhood. The height of the house will not be more than an average two-story home, which is a common feature of many of the houses here that range from one story, to two-story, and even three-story house on the same neighborhood. Please refer to new drawings showing that height.

930.03:

The proposed development will be in harmony with all off-site uses and structures. There will be no trees to cut down or significant changes to the topography and existing vegetation. In fact, the proposed site of the project that is adjacent to the house is completely vacant and there are no trees involved.

930.04:

The proposed development will not adversely impact the use and/or enjoyment of any adjacent property. In fact (as shown in the drawings), we're considering raised, narrow windows for extra privacy. There will be no traffic on that side of the house (proposed site) adjacent to neighbor, or social activities being held. There will be no deck, no lights, no air vents, or any other activities that'll adversely impact the neighbors on the side of the proposed development site. Furthermore, all construction work will be done during regular business hours. And given the steep nature of the existing property lot, erosion and stormwater runoff will be none issue. Rain water from roof will be taken care of thru a gutter system with a downspout heading to the public road via my own property without impacting any neighbors. This is not to mention that the property of my neighbor adjacent to the proposed site of development sits about 5'-7' higher than mine.

930.06: see new lot survey provided

930.07- .19 - shown in new lot survey provided

930.12 F. Means of ingress and egress to the property from a public street will be via the existing driveway

930.13 G. no change at all - nonresidential uses - park by curb on public street as always been. The home addition project will not impact that.

930.14 H. n/a there is no well or septic field on this property.

930.15 I. See note in new lot survey

930.16 J. There is no utility easements; especially, involving the proposed site of the home addition project (architect must make notes on plat, per BZA).

930.17 K. The property has an existing fence that is about 3'. There will be no proposed or changes in landscaping and screening at all.

930.18 L. Property is located in a non-flood zone area. So, this is inapplicable.

930.19 M. See new plat included herein.

A handwritten signature in black ink, appearing to read "Muel" followed by a stylized flourish.

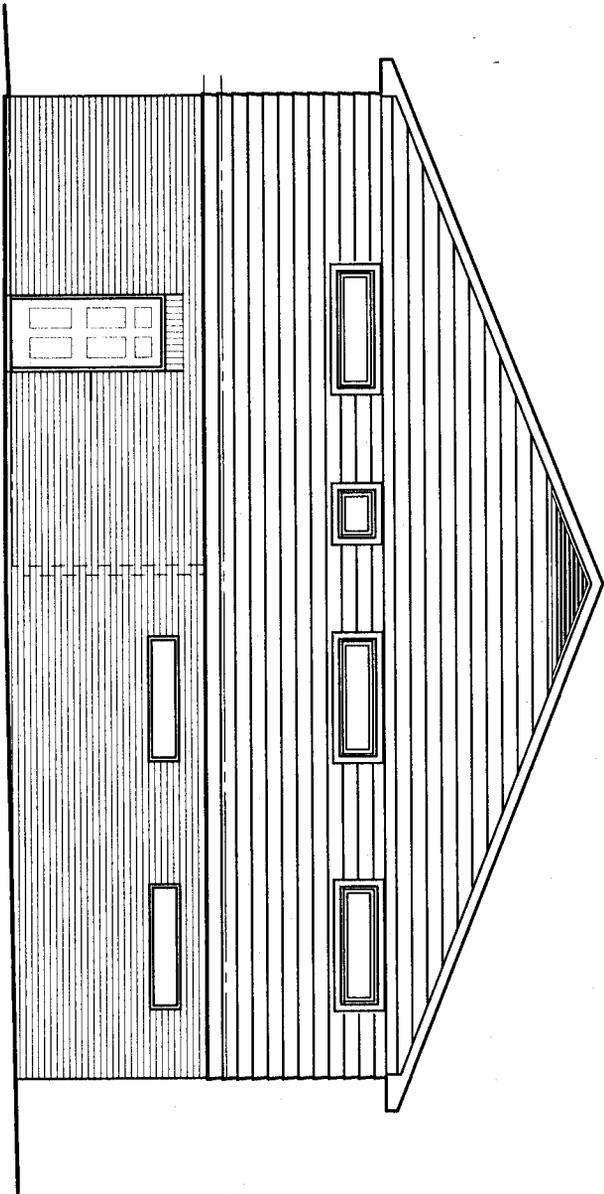
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FRONT ELEVATION

SCALE 1/8" = 1'-0"

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Department of Planning & Zoning
MAR 24 2015
Zoning Evaluation Division



SIDE ELEVATION

SCALE 1/8" = 1'-0"



Front
Due North

Due East ↗

Due North ↓





proposed site

Front Drive way - Due North



Front +
Due north

Looking
outo Driveway
Due North





Back yard

Due South



Due North - looking into street



Proposed site
Due West



Back yard

Back yard



proposed site

Back yard

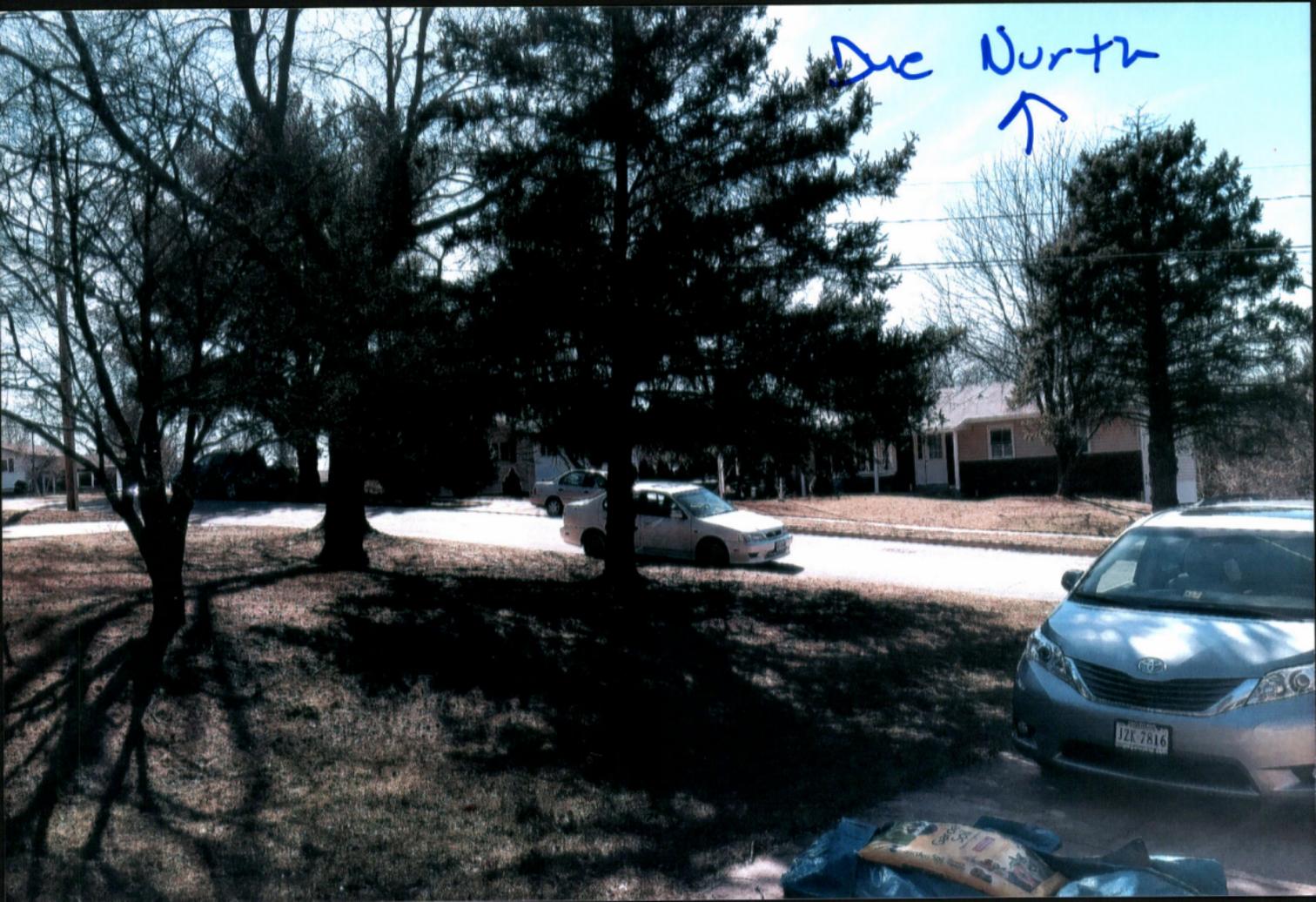


Due West - proposed site



←
Duc East

Die Nurtz
↑



Duc West





Neighbor Due West

Neighbor
Due West





Neighbor Due East ↗



Regina Dr Due NE



Backyard

Due South
↑



Back yard ↓

Due East ↗



Backyard

Due East ↑

Due West
↑



Application No.(s): SP 2015-BR-084
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 02/25/2015
 (enter date affidavit is notarized)

128547

I, Muath Alsufy, 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)
Muath M Alsufy	4951 Regina Dr, Annandale VA 22003	Applicant/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: 02/25/2015
(enter date affidavit is notarized)

120 847

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)
n/a

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)
n/a

(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.

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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)

n/a

(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.

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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: 02/25/2015
(enter date affidavit is notarized)

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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:

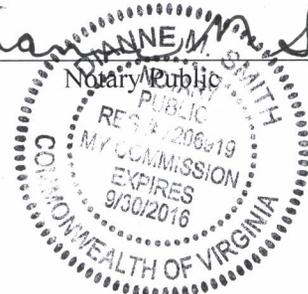
(check one)

Muath Alsufy
[] Applicant [] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 25th day of February 2015, in the State/Comm. of Fairfax County/City of Fairfax, Virginia.

My commission expires: 9-30-16



Similar Case History

Group: 2009-BR-004

VC 2009-BR-004

APPLICANT: TSION TESFAYE
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 12/08/2009
ZONING DISTRICT: R-3
DESCRIPTION: CONSTRUCTION OF AN ACCESSORY STRUCTURE 2.0 FEET FROM SIDE LOT LINE
LOCATION: 7724 HERITAGE DRIVE
TAX MAP #S:
0704 09 0001

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

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

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.