



APPLICATION ACCEPTED: May 29, 2015  
BOARD OF ZONING APPEALS: September 30, 2015  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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September 15, 2015

## STAFF REPORT

SPECIAL PERMIT SP 2015-MA-089

### MASON DISTRICT

**APPLICANTS/OWNERS:** Strain, Virgil F.  
Strain, Shirley B.

**STREET ADDRESS:** 7207 Valleycrest Blvd., Annandale, VA 22003

**SUBDIVISION:** Broyhill Crest

**TAX MAP REFERENCE:** 60-3 ((21)) 61

**LOT SIZE:** 11,555 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction in certain yard requirements to permit construction of an addition 13.1 feet from a rear lot line.

### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-MA-089 for the addition with the 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.

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.

*Sharon E. Williams*



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**

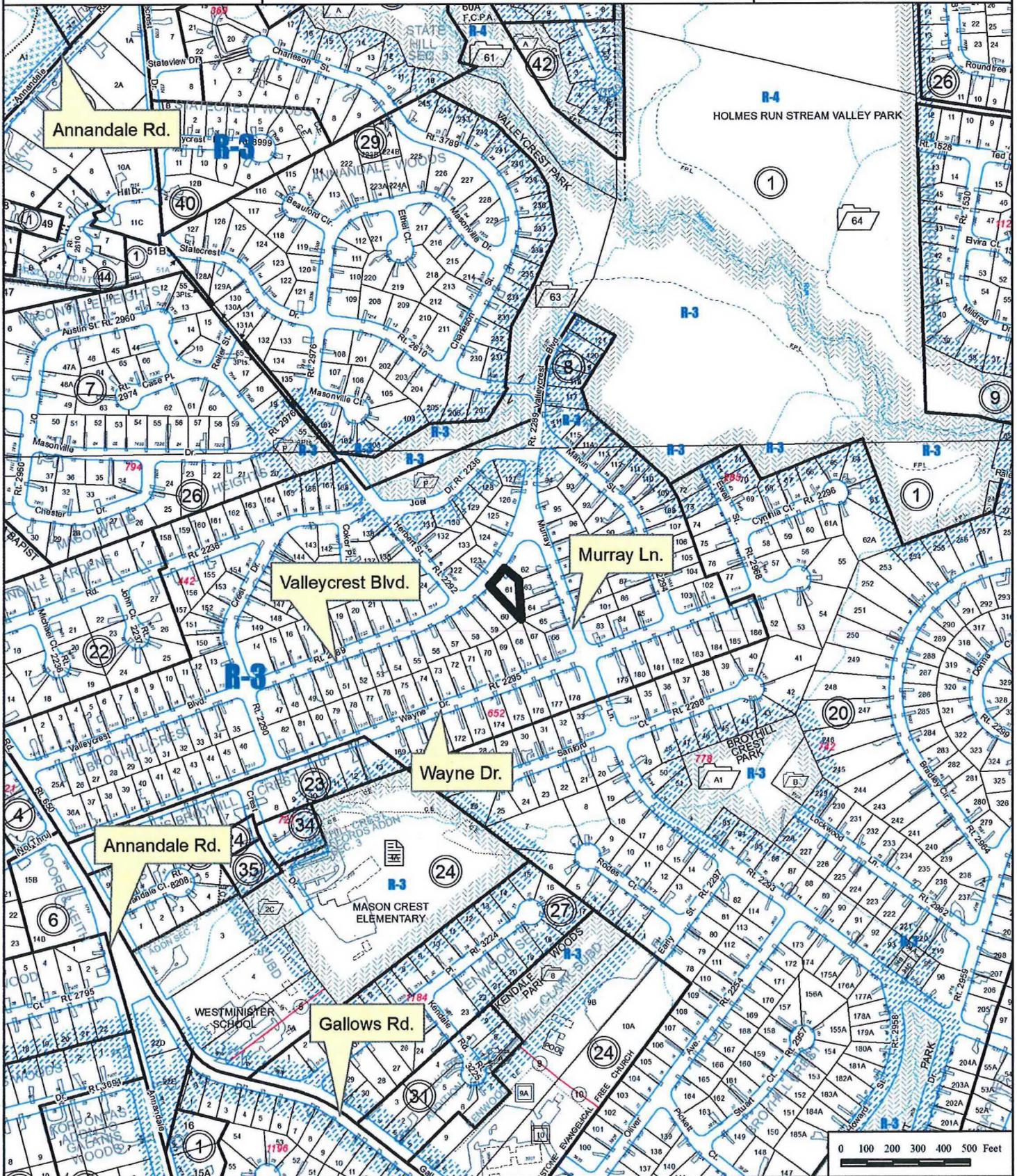


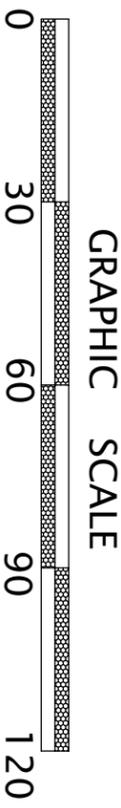
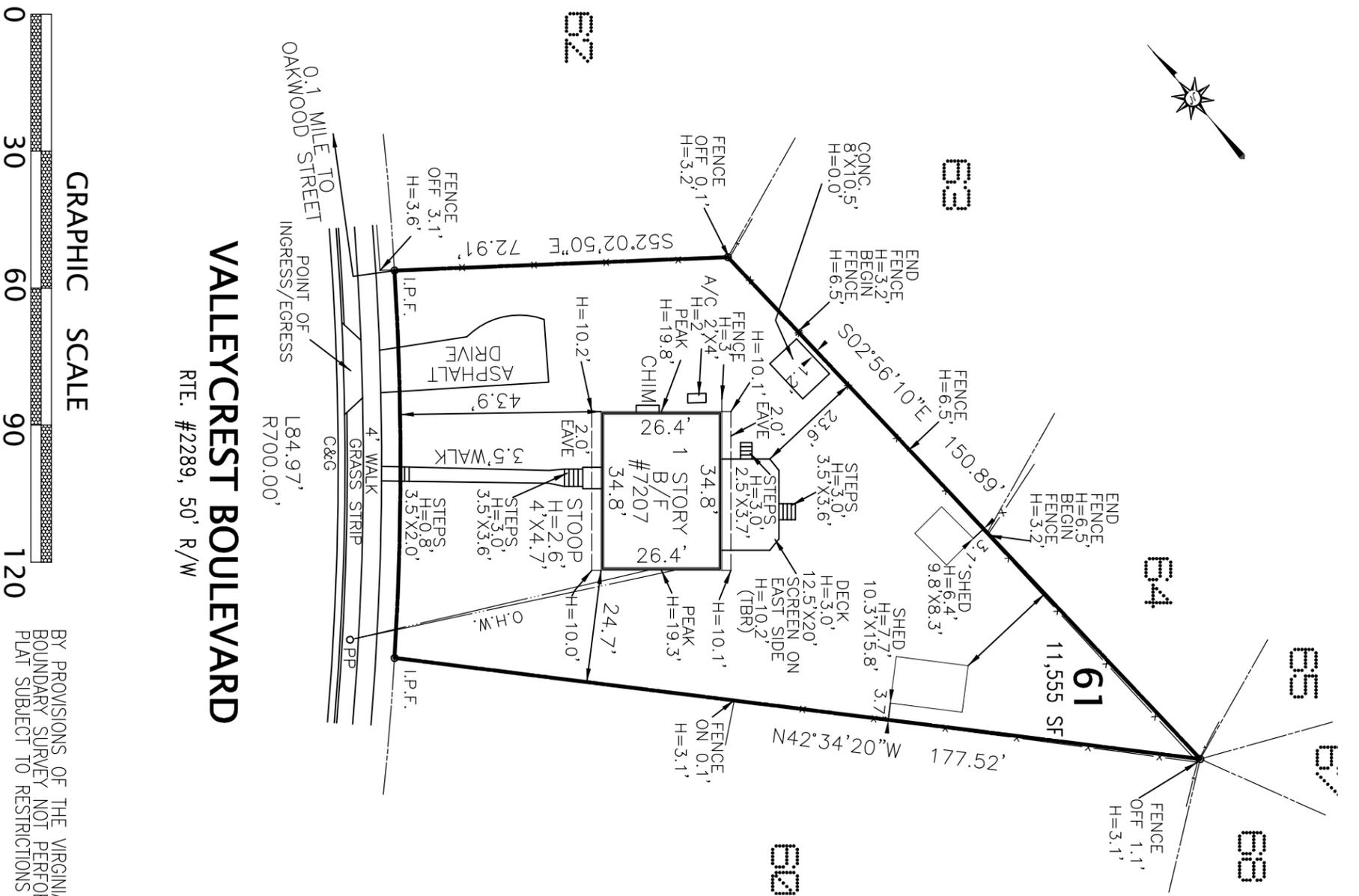
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



# Special Permit SP 2015-MA-089

VIRGIL F. STRAIN / SHIRLEY B. STRAIN



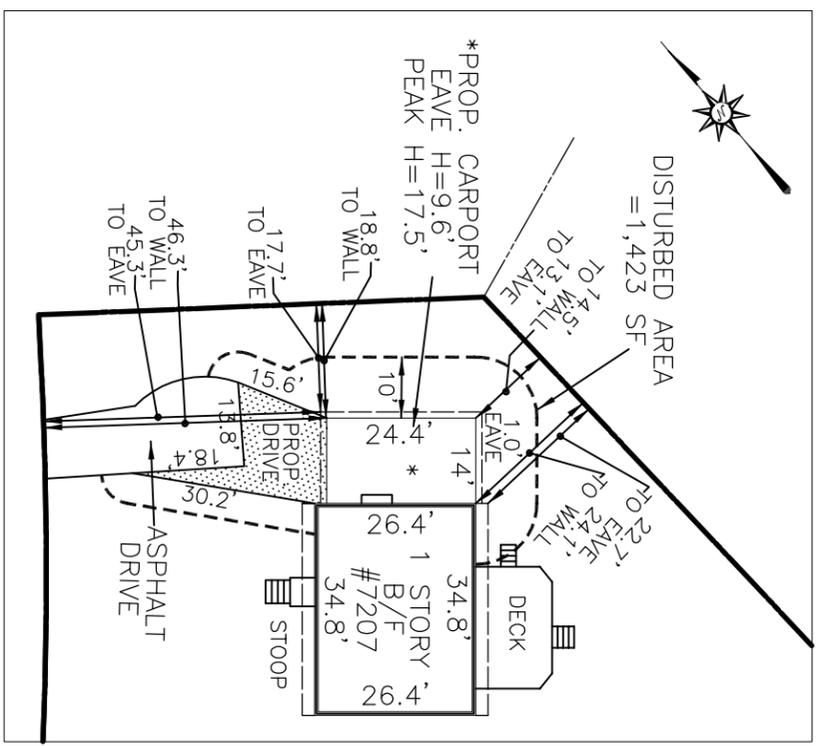


**VALLEYCREST BOULEVARD**  
 RTE. #2289, 50' R/W

0.1 MILE TO  
 OAKWOOD STREET  
 POINT OF  
 INGRESS/EGRESS  
 L84.97'  
 R700.00'

GRAPHIC SCALE

BY PROVISIONS OF THE VIRGINIA CODE: NO CORNER MARKERS SET.  
 BOUNDARY SURVEY NOT PERFORMED.  
 PLAT SUBJECT TO RESTRICTIONS OF RECORD, TITLE REPORT NOT FURNISHED.



PROPOSED CARPORT DETAIL  
 SCALE: 1"=30'



NOTES:

1. TM #060-3-21-0061.
2. ZONE: R-3
3. SETBACKS: FRONT = 30', SIDE = 12', REAR = 25'.
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. THERE ARE NO KNOWN GRAVES OR STRUCTURES MARKING A PLACE OF BURIAL ON THIS SITE.
6. THERE ARE NO MAJOR UNDERGROUND UTILITIES OR EASEMENTS FOR SUCH UTILITIES HAVING A WIDTH OF 25 FEET OR GREATER LOCATED ON THIS SITE.
7. THIS SITE DOES NOT CONTAIN 100-YEAR FLOOD PLAN OR RESOURCE PROTECTION AREA (RPA). SITE IS LOCATED ENTIRELY WITHIN THE RESOURCE MANAGEMENT AREA (RMA).
8. NO ADDITIONAL LANDSCAPING OR SCREENING IS PROPOSED WITH THIS PLAN.
9. FLOOR AREA CALCULATIONS: PER ZO SECTION 20-300 (DEFINITIONS)  
 (DWELLING FRAME CONSTRUCTION, 6 INCH EXTERIOR WALLS SHEDS FRAME CONSTRUCTION 4 INCH EXTERIOR WALLS)  
 E. LOT AREA = 11,555 SF  
 EX. MAIN BUILDING, 1 STORY = 847 SF  
 EX. SHEDS = 228 SF  
 EX. GROSS FLOOR AREA TOTAL = 1,075 SF  
 PROP. CARPORT = 342 SF  
 PROP. GROSS FLOOR AREA TOTAL = 1,432 SF  
 PERCENTAGE OF ADDITION TO MAIN MAIN BLDG. = 342 / 847 = 40.4%  
 EX. FAR (TOTAL) = 1,075 / 11,555 = 0.093  
 PROP. FAR (TOTAL) = 1,417 / 11,555 = 0.123

SPECIAL PERMIT PLAT  
 LOT 61 SECTION 1  
 BROYHILL CREST  
 MASON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE 1"=30'  
 DATE 05-12-15  
 REV. 05-28-15  
 REV. 08-17-15

**ALEXANDRIA SURVEYS, LLC**  
 1229 GARRISONVILLE ROAD SUITE 104 STAFFORD, VA 22556  
 TEL. NO. 703-636-1313 FAX NO. 703-736-4266

#S15-1183

## SPECIAL PERMIT REQUEST

The applicants request an approval to permit a reduction in certain yard requirements to permit construction of a carport 13.1 feet from the rear lot line. This carport addition would be located on the left side of the house and would measure 17.5 feet in height and 342 square feet in gross floor area.

A copy of the special permit plat, titled "Special Permit Plat, Lot 61, Section 1, Broyhill Crest," prepared by Michael L. Flynn on May 12, 2015, as revised on August 17, 2015, is included in the front of the staff report.

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

## CHARACTER OF THE SITE AND SURROUNDING AREA

The application property consists of a one story single-family detached dwelling. A concrete driveway extends to Valleycrest Boulevard, and a stoop in the front provides access to the main entrance of the dwelling. A screened wooden deck is attached to the rear of the dwelling; however, the screen (lattice) will be removed upon construction of the proposed addition. Two sheds less than 8.5 feet in height are also located in the rear yard. Existing mature vegetation in the rear yard provides screening to the area.

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



Figure 1: Aerial View

**BACKGROUND AND HISTORY**

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1951 and purchased by the applicant in 1987.

**DESCRIPTION OF THE PROPOSED USE**

The applicants are requesting approval of a special permit for a reduction of certain yard requirements to permit construction of a carport. The addition, located 13.1 feet from the rear lot line, would be used as a carport. Carports are allowed to encroach into a side yard by up to 5 feet; however, in this case, due to the shape of the lot, the structure would be encroaching into the rear yard, where no such encroachment is permitted. Even if an encroachment was permitted, the carport is more than 5 feet into the rear yard. In the R-3 district the required rear yard is 25 feet; therefore, the applicants are requesting a reduction of 11.9 feet, or 47.6%.

Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Carport	Rear	25.0 feet	13.1 feet	11.9 feet	47.6%

The applicants propose to construct a carport. The addition would be a maximum of 17.5 feet in height, and it would add an additional 342 square feet in gross floor area. The roofline of the proposed carport would be lower than the existing roofline of the house and well within the height requirement.

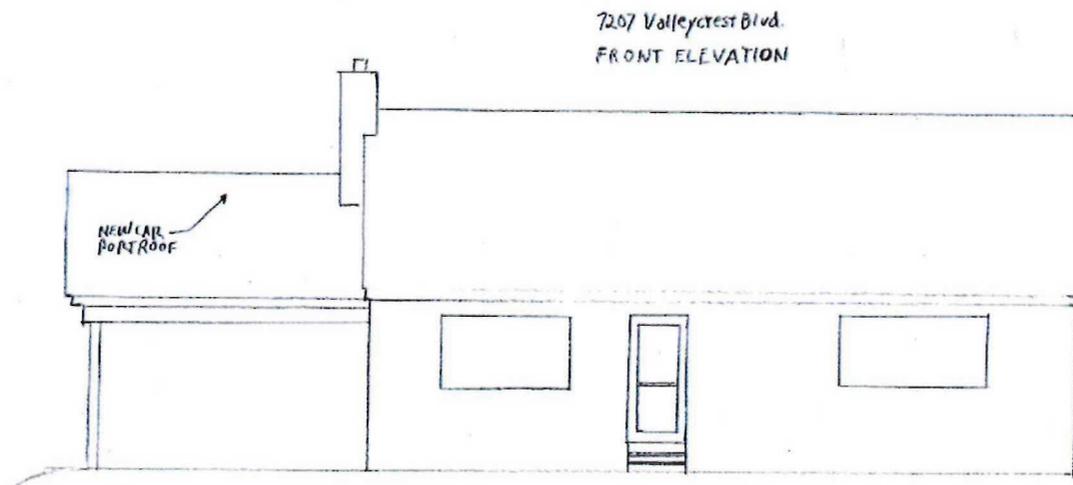


Figure 2: Proposed Elevation

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area I, Annandale Planning District  
**Planning Sector:** Masonville Community Planning Sector (A1)  
**Plan Map:** Residential, 2-3 dwelling units per acre

**Zoning District Standards**

<b>Bulk Standards (R-3)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	10,500 sf.	11,555 sf.
Lot Width	Interior: 80 feet	85 feet
Building Height	35 feet max.	19.3 feet
Front Yard	Min. 30 feet	43.9 feet
Side Yard	Min. 12 feet	24.7 feet
Rear Yard	Min. 25 feet	13.1 feet*

\*As permitted through the approval of this application

**Accessory Structures On-Site**

<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required</b>	<b>Location</b>
Deck	Rear	No closer than 5 feet to any lot line	23.6 feet
Shed #1	Side	No requirements (< 8.5 ft. in height)	3.7 feet
Shed #2	Rear	No requirements (< 8.5 ft. in height)	3.1 feet

**Urban Forestry Analysis (Appendix 4)**

The proposed improvements to this property extend into the critical root zone of a mature maple tree and two pine trees located on the neighboring property to the southeast. In order to protect the health of these trees, the Urban Forestry division recommends that tree protection measures should be installed and maintained throughout the duration of construction.

The existing 3.0 foot wood fence will serve as adequate tree protection fencing. However, in order to minimize soil compaction during construction and preserve the trees' root systems as much as possible, a layer of wood chips 12 inches in depth covered by a continuous layer of plywood should be put down and maintained between the existing fence and the Limits of Disturbance. This mulch layer should extend from the existing concrete pad found onsite at the point where fence height changes on the eastern boundary northward 10 feet past the intersection of the subject property and Lot 63. A development condition has been proposed to require these measures.

**Zoning Ordinance Requirements (Appendix 5)**

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

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

<p><b>Standards 1 and 2</b> 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.</p>
<p><b>Standard 3</b> Adjacent Development</p>	<p>In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or negatively affect value.</p>
<p><b>Standard 4</b> Pedestrian/Vehicular Traffic</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><b>Standard 5</b> Landscaping/Screening</p>	<p>Mature vegetation provides screening of the application property in the rear yard. With the adoption of the proposed development conditions which provide tree protection measures to a nearby mature maple tree and two pine trees, the existing landscaping and screening will not be disturbed during construction.</p>
<p><b>Standard 6</b> Open Space</p>	<p>There is no prescribed open space requirement on individual lots in the R-3 District.</p>
<p><b>Standard 7</b> Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property or use. The proposed carport addition will be used for parking.</p>
<p><b>Standard 8</b> Signs</p>	<p>No signage is proposed.</p>

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

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

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

<b>Standard 1</b> Yard Requirements Subject to Special Permit	<p>A. <i>Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet:</i> The proposed addition would be located 13.1 feet from the rear lot line. The required rear yard in an R-3 District is 25 feet, resulting in a reduction of 11.9 feet, or 47.6%.</p> <p>B. <i>Pipestem lots – N/A</i></p> <p>C. <i>Accessory structure locations – N/A</i></p> <p>D. <i>Extensions into minimum required yards allowed by Sect. 2-412: N/A</i></p>
<b>Standard 2</b> Not a Detached Structure in a Front Yard	The application does not propose a detached accessory structure.
<b>Standard 3</b> Principal Structure that Complied with yard Requirements When Established	When the existing structure was built in 1951, it conformed to all applicable requirements at that time.
<b>Standard 4</b> Addition No More than 150% of Existing Gross Floor Area (GFA)	The carport addition is 342 square feet. The existing GFA of the primary structure is 1,075 square feet; therefore, the proposed addition will be 40.4% of the GFA.
<b>Standard 5</b> Accessory Structure Subordinate in Purpose, Scale, Use, and Intent	The proposed construction is subordinate to the primary use as it will be a carport addition to the primary residential dwelling. The height of the existing dwelling is 19.3 feet. The height of the addition will be 17.5 feet.
<b>Standard 6</b> Construction in Character with On-Site Development	The proposed addition will be constructed to the west of the existing dwelling. The statement of justification and elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling.

<p><b>Standard 7</b> Construction Harmonious with Off-Site Development</p>	<p>Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the addition 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.</p>
<p><b>Standard 8</b> Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed addition will not significantly affect the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, or safety. DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes the addition will not significantly increase runoff or erosion.</p>
<p><b>Standard 9</b> Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes the special permit application proposal is modest in nature and is the minimum amount of reduction necessary due to the shape of the lot. The lot has a sharp diagonal rear lot line and a slightly angled side lot line, leaving little to no room for additions or expansion of the home. Other issues of yard determination, environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, easements and historic resources are not applicable to this site.</p>
<p><b>Standard 10</b> BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p><b>Standard 11</b> Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>
<p><b>Standard 12</b> Architectural Elevations</p>	<p>Proposed elevations are included as an attachment to the development conditions in Appendix 1.</p>

## CONCLUSION / RECOMMENDATION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions and is in harmony with the Comprehensive Plan. Staff recommends approval of SP 2015-MA-089 for the addition with the adoption of the proposed development conditions contained in Appendix 1.

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

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

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

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Statement of Justification
3. Applicant's Affidavit
4. Urban Forestry memo, dated July 20, 2015
5. Applicable Zoning Ordinance Provision

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-MA-089****September 15, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MA-089 located at Tax Map 60-3 ((21)) 61 to permit a reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance to permit a residential addition 13.1 feet from the rear lot line, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

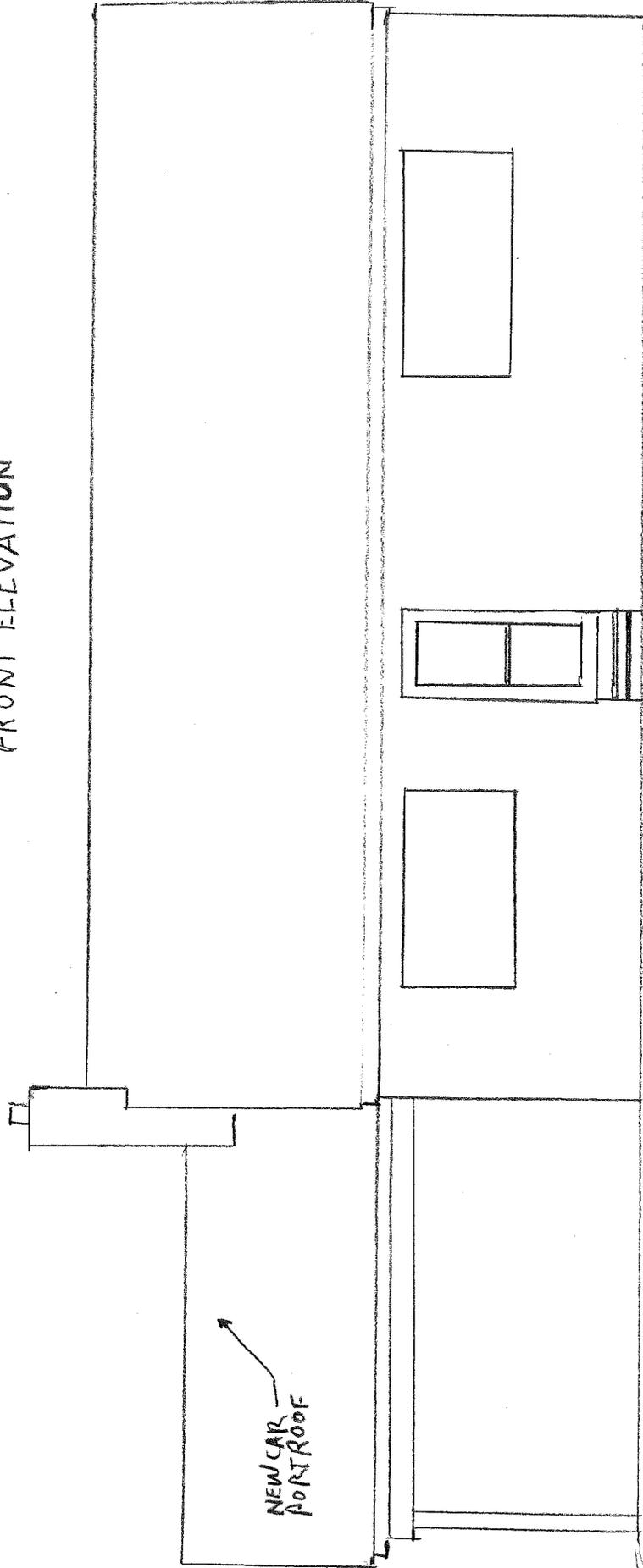
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the addition (342 square feet and 17.5 feet in height), as shown on the plat entitled "Special Permit Plat, Lot 61, Section 1, Broyhill Crest," prepared by Michael L. Flynn, on May 12, 2015, as revised on August 17, 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 (1,075 square feet existing + 1612.5 square feet (150%) = 2,688 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 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. In consultation with the Urban Forestry Management Division, the applicant shall demonstrate how existing trees in the vicinity of the proposed construction, including the off-site maple and pine trees on adjacent lot 63, shall be protected from construction impacts.

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.

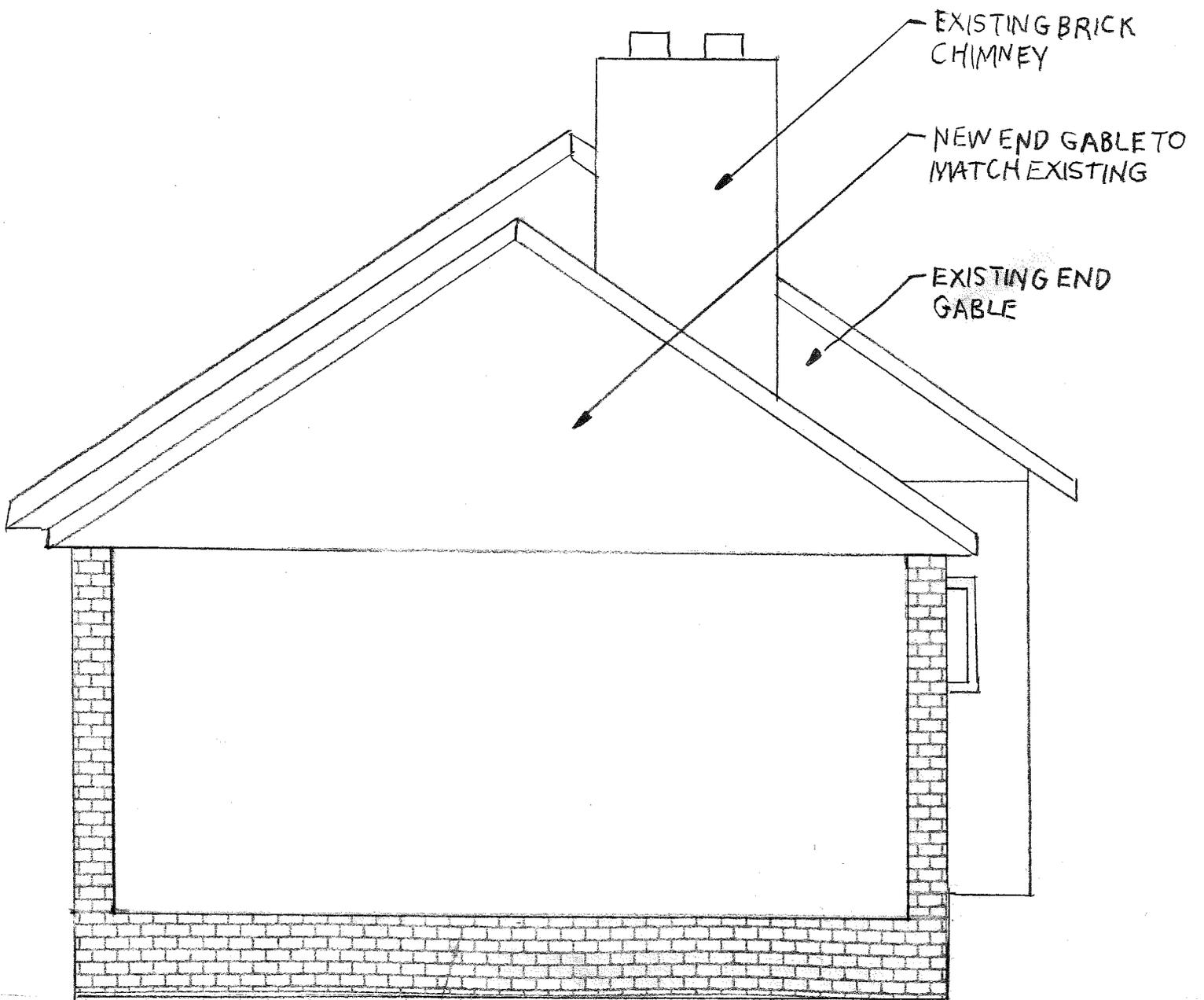
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been

established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use 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.

7207 Valleycrest Blvd.  
FRONT ELEVATION



LEFT SIDE ELEVATION



## Statement of Justification

For addition to 7207 Valleycrest Blvd., Annandale, VA 22003

The applicants have lived in Fairfax County for over 40 years and are nearing retirement. As they age, they are beginning to find the Northern Virginia winters more challenging and realize that the addition of a small carport to their home will provide them with added comfort and safety.

Applicants	Virgil F. and Shirley B. Strain
Relationship to Property	Owners
Type of Structure	Single Family Dwelling
Proposed Addition	Carport

The proposed addition will comply with all elements of the Fairfax County Zoning Ordinance, Section 8-922. The applicants have determined that the proposed reduction in yard requirements is the minimum amount of reduction necessary to accommodate the proposed addition and that there are no suitable alternate locations on the property that will comply with Subparagraphs 6, 7, and 8 of the ordinance.

A survey, performed by a professional land surveyor, confirms that the resulting gross floor area of the proposed addition is just 42.2% of the total gross floor area of the existing principal structure. Furthermore, the proposed addition will be in character with the existing principal structure and will blend into the surrounding neighborhood.

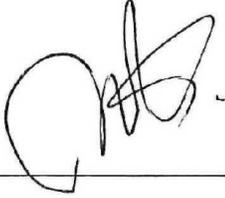
Most importantly, from a good neighbor perspective, the proposed addition will not adversely impact adjacent properties. No hazardous materials will be stored in the proposed addition and the proposed addition will not adversely impact noise, light, air, safety, erosion, or storm water runoff.

Attached is a statement from the adjacent property owner most affected by the proposed addition to 7207 Valleycrest Blvd. His statement indicates that he has no objection to the proposed addition. Also attached are front and side elevations of the proposed addition.

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

My neighbor, Virgil Strain, residing at 7207 Valleycrest Blvd., Annandale, VA has shown me draft plans to have a carport constructed on his property. The planned new construction will be approximately 14 feet from our shared property line.

I have no objections to the planned new construction.

A handwritten signature in black ink, appearing to be 'MS', written over a horizontal line.

Date: 04/26/2015

7213 Murray Lane  
Annandale, VA 22003

- 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.

Virgil F. Strain / Shirley B. Strain 05/18/2015  
Applicant's Signature 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.

Virgil F. Strain / Shirley B. Strain 05/18/2015  
Applicant's Signature Date

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

7207 Valleycrest Blvd., Annandale, VA 22003 - Subject of Special Permit Application for proposed new carport



7207 Valleycrest Front View (Northwest)



7207 Valleycrest Left Side View (Northeast)



7207 Valleycrest Rear View (Southeast)



7207 Valleycrest Right Side View (Southwest)



7207 Valleycrest Carport Site - Front View (Northwest)



7207 Valleycrest Carport Site - Rear View (Southeast)



7207 Valleycrest Shed #1



7207 Valleycrest Shed #2

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

129812

DATE: May 18, 2015  
(enter date affidavit is notarized)

I, Virgil F. Strain / Shirley B. Strain, 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 <b>BOLD</b> above)
Virgil F. Strain	7207 Valleycrest Blvd., Annandale, VA 22003	<b>APPLICANT / Title Owner</b>
Shirley B. Strain	7207 Valleycrest Blvd., Annandale, VA 22003	<b>APPLICANT / Title Owner</b>

(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)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 18, 2015  
(enter date affidavit is notarized)

129012

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)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 18, 2015  
(enter date affidavit is notarized)

129812

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)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 18, 2015  
(enter date affidavit is notarized)

129812

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: May 18, 2015  
(enter date affidavit is notarized)

128912

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)

Virgil F. Strain / Shirley B. Strain  
[  ] Applicant [ ] Applicant's Authorized Agent

Virgil F. Strain / Shirley B. Strain, Applicant / Title Own  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18 day of MAY, 2015, in the State/Comm. of Virginia, County/City of Fairfax

Rachael A. Locke  
Notary Public

My commission expires: 6/30/15





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** July 20, 2015

**TO:** Sharon Williams, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Rachel Habig Myers, Urban Forester II  
Forest Conservation Branch, DPWES

**SUBJECT:** Broyhill Crest, Section 5, Lot 61A: SP 2015-MA-089

This review is based upon the Special Permit Application, SP 2015-MA-089 stamped "Received, Department of Planning and Zoning, May 22, 2015" and the Special Permit Plat stamped "Received, Department of Planning and Zoning, May 28, 2015." A site visit was conducted on July 20, 2015 as part of this review.

1. **Comment:** The Limits of Disturbance of the proposed improvements to this property extend into the critical root zone of a mature maple and two pine trees originating directly adjacent to the fence on neighboring property "Lot 63" (7213 Murray Lane). In order to protect the health of these trees during construction, tree protection measures should be installed and maintained throughout the duration of construction.

**Recommendation:** The existing 3 foot wood fence will serve as adequate tree protection fencing, and no signage is necessary. In order to minimize soil compaction during construction and preserve the trees' root systems as much as possible, a layer of wood chips 12 inches in depth covered by a continuous layer of plywood should be put down and maintained between the existing fence and the Limits of Disturbance depicted on the Special Permit Plat along the eastern property boundary. This mulch layer should extend from the existing concrete pad found onsite at the point where fence height changes on the eastern boundary northward 10 feet past the intersection of Lots 62 and 63.

Please feel free to contact me with any further questions or concerns.

rh/

UFMDID #: 202021

cc: DPZ File

Department of Public Works and Environmental Services  
Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)



### **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 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 1/2" 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.