



County of Fairfax, Virginia

September 23, 2015

STAFF REPORT

SPECIAL PERMIT APPLICATION SP 2015-BR-092

BRADDOCK DISTRICT

APPLICANTS/OWNERS: Kiriazides, Jason

STREET ADDRESS: 4200 Kilbourne Drive, Fairfax, 22032

SUBDIVISION: Rutherford

TAX MAP REFERENCE: 69-2 ((6)) 233

LOT SIZE: 15,036 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction in certain yard requirements to permit construction of an addition 27.9 feet from the front lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-BR-092 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

Paul S. Yoon

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

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

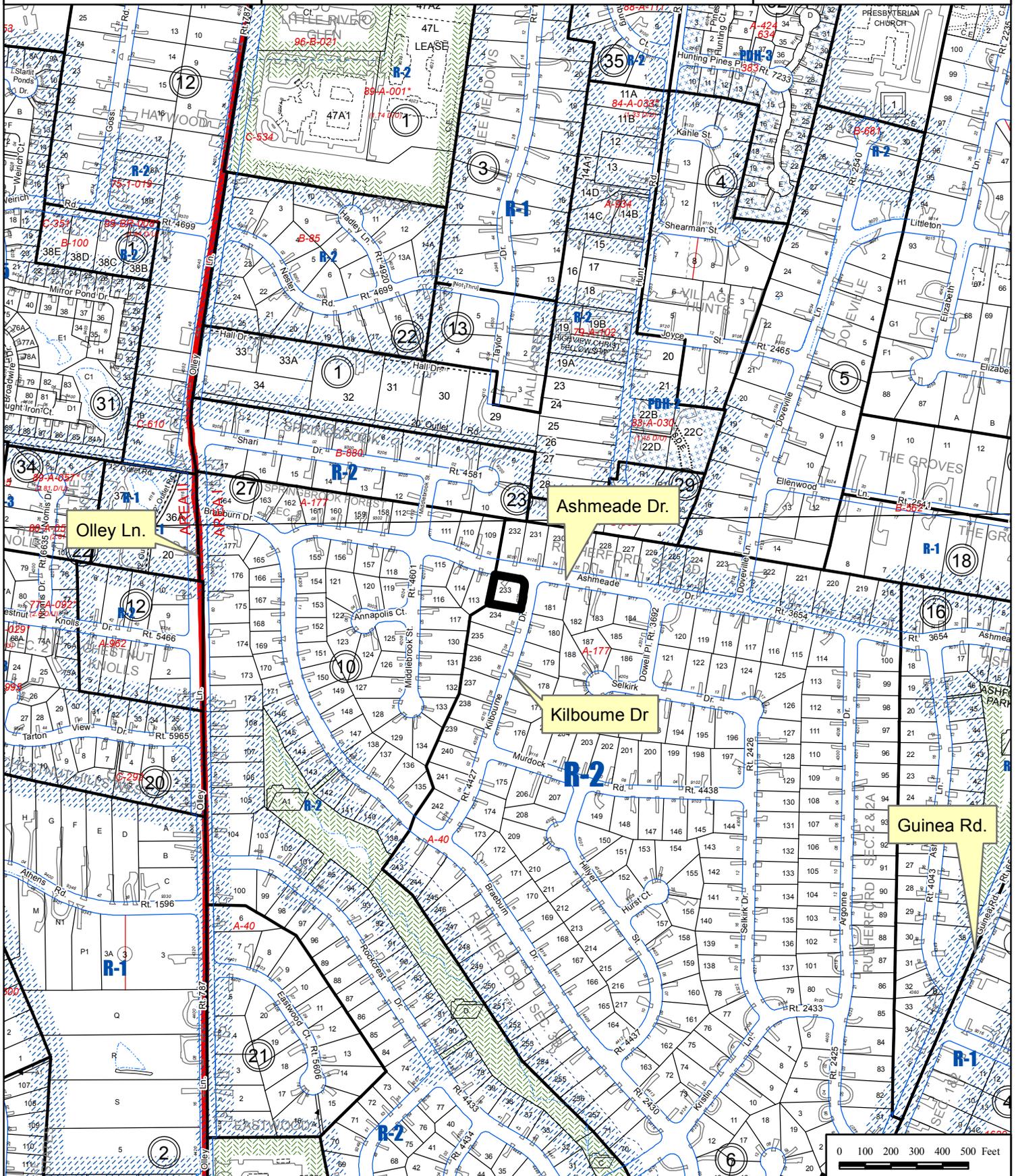
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



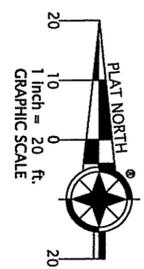
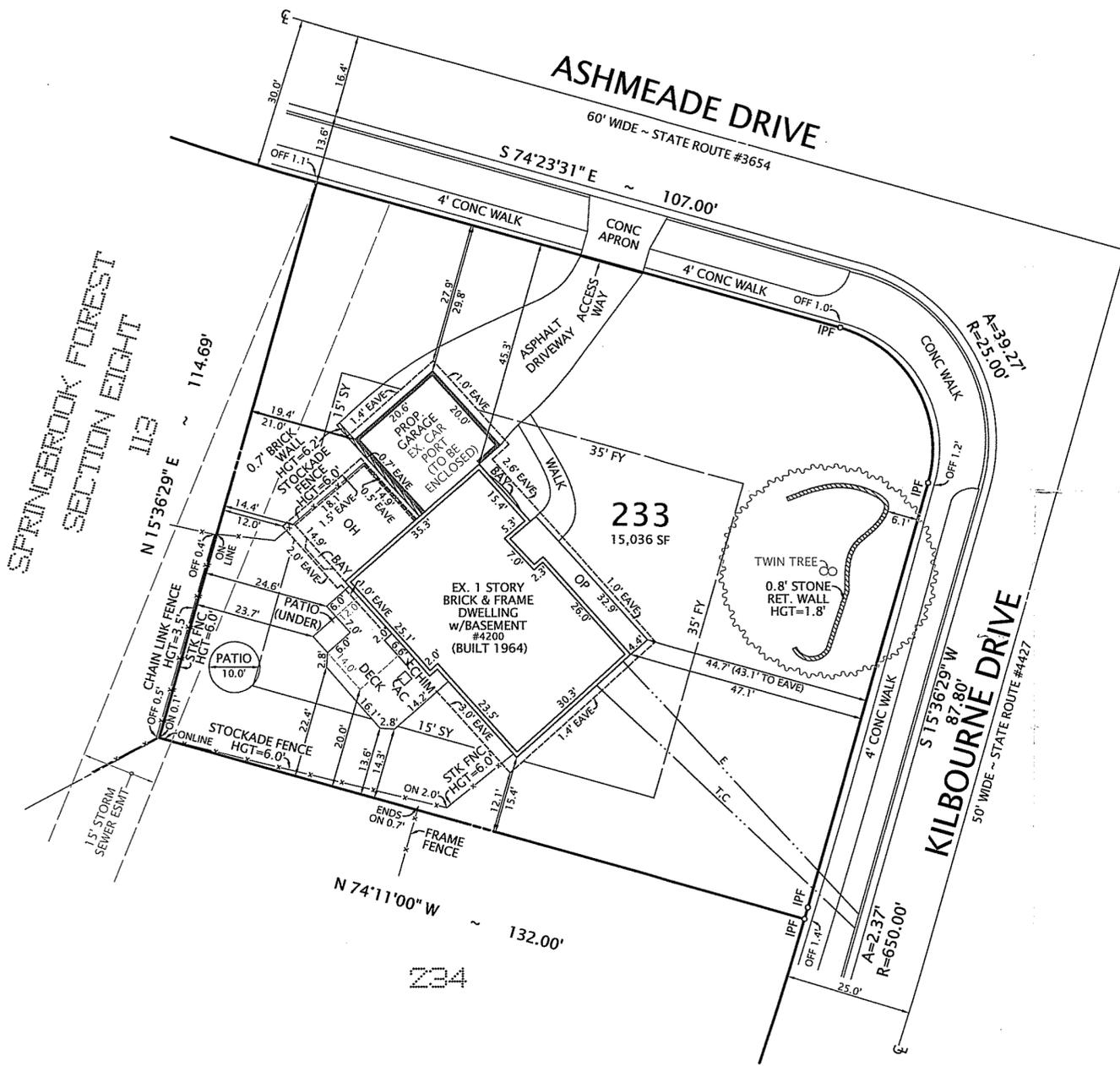
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



Special Permit SP 2015-BR-092 JASON KIRIAZIDES



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NOTES

1. TAX MAP: 69-2-06-0233
2. ZONE: R-2 (RESIDENTIAL 2 DU/AC)
3. LOT AREA: 15,036 SF. (0.3452 ACRE)
4. REQUIRED YARDS: (CORNER LOT)
 FRONT: = 35.0 FEET
 SIDE: = 15.0 FEET
5. HEIGHTS:
 EX. DWELLING = 18.9 FEET (MIDLINE OF ROOF)
 EX. CAR PORT = 09.3 FEET (MIDLINE OF ROOF)
 PROPOSED GARAGE = 09.3 FEET (MIDLINE OF ROOF)
 (MATCH EXISTING)
 DECK = 09.5 FEET
 FENCES = AS NOTED
 WALLS = AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED. THE PROPOSED GARAGE WILL ENCLOSE THE EXISTING CARPORT.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. AREAS:
 EX. BASEMENT 1,546 SF
 EX. FIRST FLOOR 1,816 SF
 EX. GROSS FLOOR AREA 3,362 SF
 EX. FLOOR AREA RATIO: EX. GFA (3,362) / LOT AREA (15,036) = 0.224
 PROP. GARAGE = 412 SF
 PROP. GARAGE (412) / EX. GFA (3,362) = 0.123
 PROP. GROSS FLOOR AREA: EX. GFA (3,362) + PROP. GARAGE (412) = 3,774 SF
 PROP. FLOOR AREA RATIO: PROP. GFA (3,774) / LOT AREA (15,036) = 0.251

PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 233, SECTION 3-D
RUTHERFORD
 (DEED BOOK 2350, PAGE 541)
 FAIRFAX COUNTY, VIRGINIA
 BRADDOCK DISTRICT
 SCALE: 1" = 20' MARCH 23, 2015

RECEIVED
 Department of Planning & Zoning
 APR 07 2015
 Zoning Evaluation Division

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:		ORDERED BY: CATHERINE MULHERN
THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.		
#140731016-1		8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 703-619-6555 FAX: 703-799-6412

SPECIAL PERMIT REQUEST

The applicant requests an approval to permit reduction in certain yard requirements to permit the enclosure of an existing carport for the construction of a garage 27.9 feet from the front lot line. This garage would be located on the right side of the house and would measure 9.3 feet in height and 412 square feet in gross floor area.

A copy of the special permit plat titled "Plat Showing the Improvements on Lot 233, Section 3-D, Rutherford, Fairfax County, Virginia, Braddock District," prepared by George M. O'Quinn, L.S., on March 23, 2015, is included in the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is a single story single-family detached dwelling located on a corner lot. An asphalt driveway extends from Ashmeade Drive to an existing carport that provides access to the dwelling. A brick walkway extends from the driveway to a covered porch and the front entry of the dwelling. A deck and patio are attached to the rear of the dwelling, and another patio is located toward the rear corner of the lot; although the deck encroaches upon the side yard setback, staff has determined it is vested because it has existed since 1984 and was constructed with a proper building permit. The rear yard is enclosed by a wooden fence 6.0 feet in height. Since the lot is a corner lot and the house was constructed at an angle facing the corner, the applicant's ability to build any additions is severely limited. The Board of Zoning Appeals previously approved a variance for the construction of a carport and an addition in 1982 (Appendix 4).



Figure 1: House Location

The subject property and surrounding properties are zoned R-2 and developed with single-family detached dwellings.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1964 and purchased by the applicant in 2014.

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

DESCRIPTION OF THE PROPOSED USE

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit the enclosure of an existing carport for the construction of a garage located 27.9 feet from the front lot line. In the R-2 district, the required minimum front yard is 35 feet; therefore, the applicants are requesting a reduction of 7.1 feet from the front yard requirements, or 20%.

Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Garage	Front	35.0 feet	27.9 feet	7.1 feet	20%

The garage would be a maximum of 9.3 feet in height, and it would add an additional 412 square feet in gross floor area. The roofline of the proposed addition would be lower than the existing roofline of the house and well within the maximum height requirement.

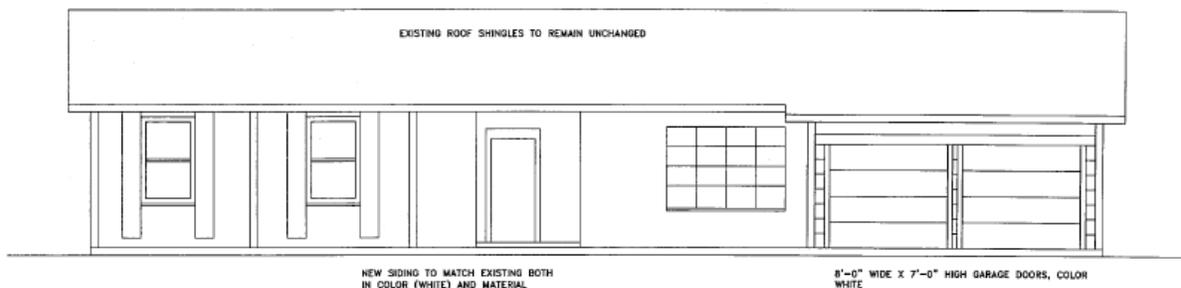


Figure 2: Proposed Elevation

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I, Annandale Planning District
Planning Sector: Wakefield Chapel Planning Sector (A7)
Plan Map: Residential, 2-3 dwelling units per acre

Zoning District Standards

Bulk Standards (R-2)		
Standard	Required	Provided
Lot Size	15,000 sf.	15,036 sf.
Lot Width	100 feet	115 feet
Building Height	35 feet max.	18.9 feet
Front Yard	Min. 35 feet	27.9 feet ¹
Side Yard	Min. 15 feet	12.0 feet ²
Rear Yard	Min. 15 feet*	12.0 feet*

¹As permitted through the approval of this application.

²As approved by the Board of Zoning Appeals for a 1982 variance.

*The subject property is a corner lot with two side yards in place of a rear yard.

Zoning Ordinance Requirements

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

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

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

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

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

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

Standard 1 Yard Requirements Subject to Special Permit	<p><i>A. Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet:</i> The proposed addition would be located 27.9 feet from the front lot line. The required front yard in an R-2 district is 35.0 feet, resulting in a reduction of 7.1 feet or 20%.</p> <p><i>B. Pipestem lots- N/A</i></p> <p><i>C. Accessory structure locations – N/A</i></p> <p><i>D. Extensions into minimum required yards allowed by Sect. 2-412 – N/A</i></p>
Standard 2 Not a Detached	The application does not propose a detached accessory structure.

Structure in a Front Yard	
Standard 3 Principal Structure that Complied with Yard Requirements When Established	When the existing structure was built in 1964, it conformed to all applicable requirements at the time.
Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)	The addition is 412 square feet. The existing GFA of the primary structure is 3,362 square feet; therefore the proposed addition will be 12.3% of the GFA.
Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use and Intent	The proposed construction is subordinate to the primary use as it will be a garage serving the primary residential dwelling. The height of the existing dwelling is 18.9 feet. The proposed garage will be 9.3 feet in height.
Standard 6 Construction in Character with On-Site Development	The proposed addition will be constructed to the north of the existing dwelling. The elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling.
Standard 7 Construction Harmonious with Off-Site Development	Through aerial photography, submitted photographs, and background research staff has confirmed that there are similar garage additions on neighboring properties. The proposed garage would not affect neighboring properties in terms of location, height and bulk.
Standard 8 Construction Shall Not Adversely Impact Adjacent Properties	Staff believes that the proposed addition will not significantly impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes the garage will not significantly increase runoff or erosion as it would be constructed on the footprint of an existing carport.
Standard 9 Represents the Minimum Amount of Reduction Necessary	Staff believes the special permit application proposal is modest in nature and is the minimum amount of reduction necessary as the building footprint is not being expanded. In addition to this being a corner lot, which results in a smaller building envelope, the garage can only be located at the site of the current carport and driveway. There is no other space on the lot where a garage can be situated.

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

CONCLUSION / RECOMMENDATION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions and is in harmony with the Comprehensive Plan. Staff recommends approval of SP 2015-BR-092 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-BR-092****September 30, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-BR-092 located at Tax Map 69-2 ((6)) 233 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance to permit a residential addition 27.9 feet from the front 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 (412 square feet and 9.3 feet in height), as shown on the plat entitled "Plat Showing the Improvements on Lot 233, Section 3-D, Rutherford, Fairfax County, Virginia, Braddock District," prepared by George M. O'Quinn, L.S., on March 23, 2015, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,362 square feet existing + 5,043 square feet (150%) = 8,405 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

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

RECEIVED
Department of Planning & Zoning

MAY 29 2015

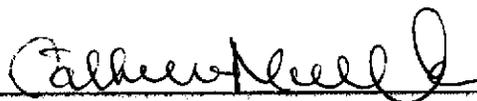
Zoning Evaluation Division

Statement of Justification

To whom it may concern,

The following paragraph below is to represent the revised Statement of Justification in that items listed #4 and #6-#9 on the standards of 8-922 will be fully addressed:

Our existing car port on our home is to be converted into a enclosed garage structure. The resulting gross floor area of the addition to the existing principle structure is 12% as listed on the plat included. The proposed development will be in character with the existing on-site development in terms of location, height, bulk and scale of existing structure in that any new structure will be directly below pre-existing roof structure. The proposed development will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structure, topography, existing vegetation and the preservation of significant trees as any of the afore mentioned will not be effected by the new proposed development. The proposed development shall not adversely impact the use and or enjoyment of any adjacent property with regards to issues such as noise, light, air, safety, erosion and storm water runoff due to the position of the existing structure as well as the proposed development in relation to adjacent propertles. The proposed reduction represents the minimum amount necessary to accommodate the proposed structure as there is minimal impact to surrounding site.





02 December 2014

As co-owners and residents of the property located at 4200 Kilbourne Drive, Fairfax, Virginia, we seek approval to enclose an existing carport structure on our property for the following reasons:

- 1) To continuously improve and increase the value of our home in a manner consistent with improvements and modifications made by neighbors and residents in the same neighborhood.
- 2) To protect our vehicles, yard equipment, and outdoor tools from inclement weather and theft.
- 3) To provide an additional layer of insulation to the Northwest corner of our home, which is primarily constructed of brick and creates an interior corner of the home that is substantially colder in the winter.

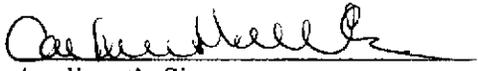
Your consideration in this matter is appreciated. Please feel free to contact us at (585) 261-9482 for further discussion, if necessary.

Respectfully,

Jason Kiriazides & Catherine Mulhern
4200 Kilbourne Drive
Fairfax, VA 22032

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

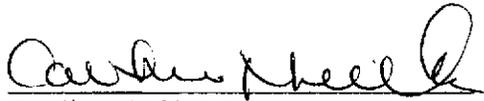
Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.


Applicant's Signature

1 MAY 15
Date

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

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


Applicant's Signature

1 MAY 15
Date

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

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


Applicant's Signature

MAY 22, 2015
Date

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

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


Applicant's Signature

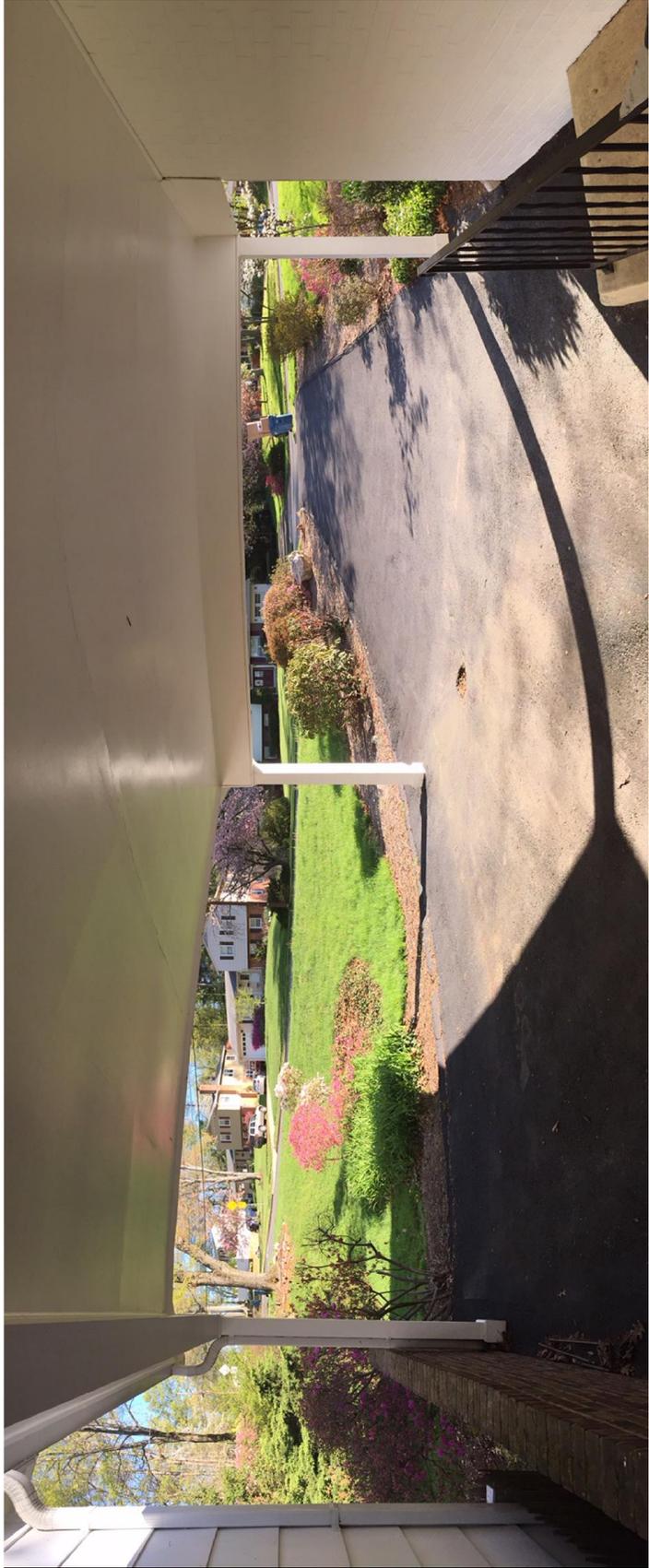
MAY 22, 2015
Date

RECEIVED
Department of Planning & Zoning
MAY 20 2015
Zoning Evaluation Division











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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: MAY 20, 2015
 (enter date affidavit is notarized)

130027

I, DAVID B. KUHNS, 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)
JASON P. KIRIAZIDES	4200 KILBOURNE DR FAIRFAX, VA 22032	APPLICANT/TITLE OWNER
CATHERINE M. MULHERN	4200 KILBOURNE DR FAIRFAX, VA 22032	TITLE OWNER
DAVID B. KUHNS	16108 EDGEWOOD DRIVE MONTCLAIR, VA 22025	AGENT

(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: MAY 20, 2015
(enter date affidavit is notarized)

130027

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.

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: MAY 20, 2015
(enter date affidavit is notarized)

130027

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)

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: MAY 20, 2015
(enter date affidavit is notarized)

130027

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 20, 2015
(enter date affidavit is notarized)

130027

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.

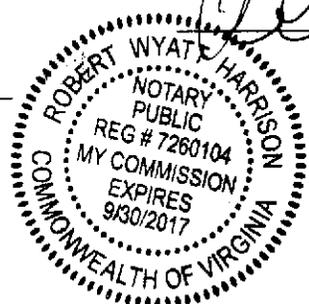
WITNESS the following signature: [Signature]
(check one) Applicant Applicant's Authorized Agent

DAVID B. KUHNS AGENT
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20 day of May, 2015, in the State/Comm. of Virginia, County/City of Fairfax

[Signature]
Notary Public

My commission expires: 9-30-2017



[Signature]



Land Development Information History: ISIS - Building Permit - 84152B1050

Permit Information

Permit Id:	84152B1050
Type Work:	Exterior Addition (A02)
Job Address:	004200 KILBOURNE DR
Permit Status:	Initial/Approved (IA)
Work Description:	BUILD DECK AND SLIDING GLASS DOOR

Rutherford
3rd
233
Room of the Massey Building on Tuesday, October 19, 1982. The Following Board Members were present: Daniel Smith, Chairman; Ann Day, Gerald Hyland, John Ribble, and Paul Hammack. John DiGiulian was absent.

The Chairman opened the meeting at 10:15 A.M. and Mrs. Day led the prayer.

The Chairman called the scheduled 10 o'clock case of:

10:00 A.M. ALBERT L. & CHARLOTTE C. RAITHEL, JR. appl. under Sect. 18-401 & 18-406 of the Ord. to allow construction of carport addition to dwelling to 28.7 ft. from a street line of a corner lot (35 ft. min. front yard req. by Sect. 3-207) and to allow dining room addition to remain 14.3 ft. from side lot line (15 ft. min. side yard req. by Sect. 3-207), located 4200 Kilbourne Dr., Rutherford Subd., R-2, Annandale Dist., 69-2((6))233, 15,036 sq. ft., V-82-A-153.

Albert Raithel, presented his application. He stated that the lot was a corner lot with double front yard requirements. The dwelling was placed on the lot at an angle making it difficult to build any additions to the house. Mr. Raithel stated that his request for a variance the previous year had been denied, and he had tried to find another location for the carport addition, but had been unable to do so. A portion of the area which would be covered by the proposed carport was unusable for parking due to the location of the concrete stoop outside the rear door of the dwelling. With regard to the .7 foot mistake on the location of the dining room addition, Mr. Raithel stated that when he had the property re-surveyed, the error was noticed. His contractor, Bob Williams, was present to speak to the Board and explain the mistake.

Robert Williams, 4101 Majestic Lane, a contractor from Williams & Sons, spoke to the Board. He stated that he was plotting the foundation with a string, & because of the angle of the room, he made a mistake in measuring. He stated that it was not done intentionally.

Randolph Emtea, 4205 Kilbourne Drive, and Peter Andrikos, 4202 Kilbourne Drive, spoke in support of the application. They both felt that the expansion and improvement of the home would be an asset to the neighborhood.

There was no one else to speak.

Page 193, October 19, 1982

Board of Zoning Appeals

ALBERT L. & CHARLOTTE C. RAITHEL, JR.

R E S O L U T I O N

In Application No. V-82-A-153 by ALBERT L. & CHARLOTTE C. RAITHEL, JR. under Section 18-401 and 18-406 of the Zoning Ordinance to allow construction of carport addition to dwelling to 28.7 ft. from a street line of a corner lot (35 ft. min. front yard req. by Sect. 3-207), and to allow dining room addition to remain 14.3 ft. from side lot line (15 ft. min. side yard req. by Sect. 3-207), on property located at 4200 Kilbourne Drive, tax map reference 69-2((6))233, County of Fairfax, Virginia, Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 19, 1982; and

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

1. That the owner of the subject property is the applicant.
2. The present zoning is R-2.
3. The area of the lot is 15,036 sq. ft.
4. That the applicants property has an unusual condition in the location of the existing buildings on the subject property. The house is positioned at a cady-cornered angle on the property which makes double front yard requirements applicable.

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

That the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of the reasonable use of the land and/or buildings involved.

That non-compliance was the result of an error in the location of the building subsequent to the issuance of a building permit and non-compliance was no fault of the applicant.

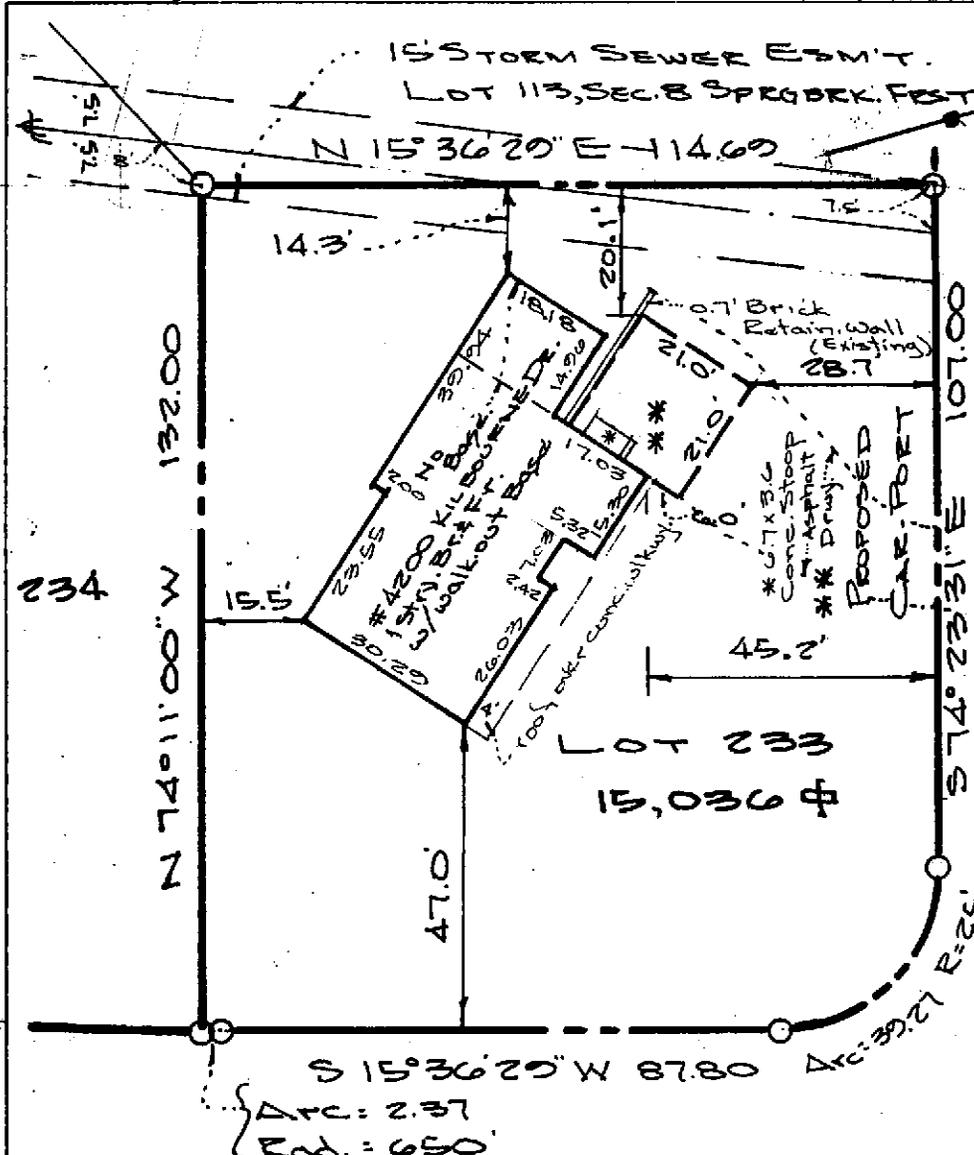
That the granting of this variance will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

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

1. This approval is granted for the location and the specific structure indicated in the plats included with this application only, and is not transferable to other land or to other structures on the same land.
2. This variance shall expire eighteen (18) months from this date unless construction has started and is diligently pursued or unless renewed by action of this Board prior to any expiration. A request for an extension shall be filed in writing thirty (30) days before the expiration date and the variance shall remain valid until the extension is acted upon by the BZA.

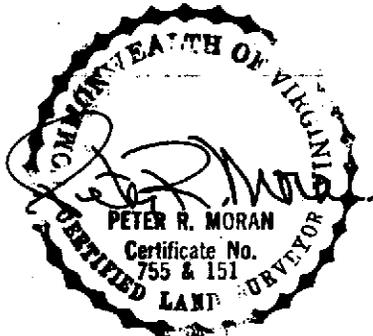
Mr. Ribble seconded the motion.

The motion passed by a vote of 4 - 1. (Mr. Smith) (Mr. DiGiulian being absent)



ASHMEAD DRIVE
(60' WIDE)

NOTE:
 1) 14' from ground to roof eaves
 2) Public water & sewer service
 3) This plot is not intended to be used for construction purposes.



KILBOURNE DRIVE
(50' WIDE)

PROPOSED CAR-PORT &
 HOUSE LOCATION
 LOT 233
 SECTION 3-D
RUTHERFORD
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 30' AUG. 17, 1982
 PETER R. MORAN
 CERTIFIED LAND SURVEYOR
 FAIRFAX, VIRGINIA

CERTIFIED TO RAITHEL Note: No title report was furnished. 69-2

Page 140, October 6, 1981, Continuation of Discussion on the Albert L. & Charlotte C. Raithel, Jr. variance:

Mr. DiGiulian moved that the Board allow the absent Board member, Mr. Hyland, to review the case and participate in the vote on the application. Mr. Yaremchuk seconded the motion. The motion failed by a vote of 2 to 2 (Mr. Smith & Mrs. Day).

Mr. DiGiulian informed the Chairman that he wanted to withdraw his second to the original motion as it had been for discussion purposed only. Chairman Smith stated that it was too late for that now as a vote had already been taken. However, he advised Mr. DiGiulian that under parliamentary procedures, the Board could offer a resolution to reconsider at the next meeting unless they wanted to do it immediately. Mr. DiGiulian stated that it would not do much good to offer a resolution to reconsider today as it would end up in another 2 to 2 vote which would not accomplish anything.

Chairman Smith informed Mr. Raithel that the Board would give him an opportunity to reconsider but that at this point the requested variance was denied.

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Page 176, October 21, 1981, After Agenda Items

Albert L. Raithel, Jr., V-81-A-162: The Board was in receipt of a request from Mr. Albert L. Raithel, Jr. for a reconsideration of his variance which was denied by the Board on October 6, 1981. It had been denied by a 2 to 2 vote. Chairman Smith inquired if Mr. Hyland was familiar with this case. Mr. Hyland stated that he had read the staff report and all of the letters in the package. Chairman Smith stated that there had been a motion made to grant-in-part which cut down the dimensions of the proposed carport and dining room. Chairman Smith stated that the Board had cut the dimensions because it was for more than a minimal variance. That motion had been defeated by a vote of 2 to 2. Chairman Smith stated that he felt the Board had been very reasonable but there were two Board members who didn't feel that way.

Page 404, March 9, 1982, After Agenda Items

Reconsideration of denied variances of Albert Raithel and Batal Builders, Inc: Mr. Yaremchuk stated that he felt the BZA had the right to reconsider the applications. He stated that he knew the Board of Supervisors did that. Mr. DiGiulian stated that in the past the BZA had reconsidered applications, sometimes at the request of the Board of Supervisors. Chairman Smith stated that he did not deny that the BZA had reconsidered applications previously but the memorandum from the County Attorney's Office indicated that they had no right to do it. Mr. Hyland stated that he wanted an opportunity to talk to the County Attorney's Office on this matter.

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Page 405, March 9, 1982, Executive Session

At 4:50 P.M., the Board convened into an Executive Session to discuss the memorandum from the County Attorney regarding reconsideration of denied cases. At 5:55 P.M., the Board reconvened into public session.

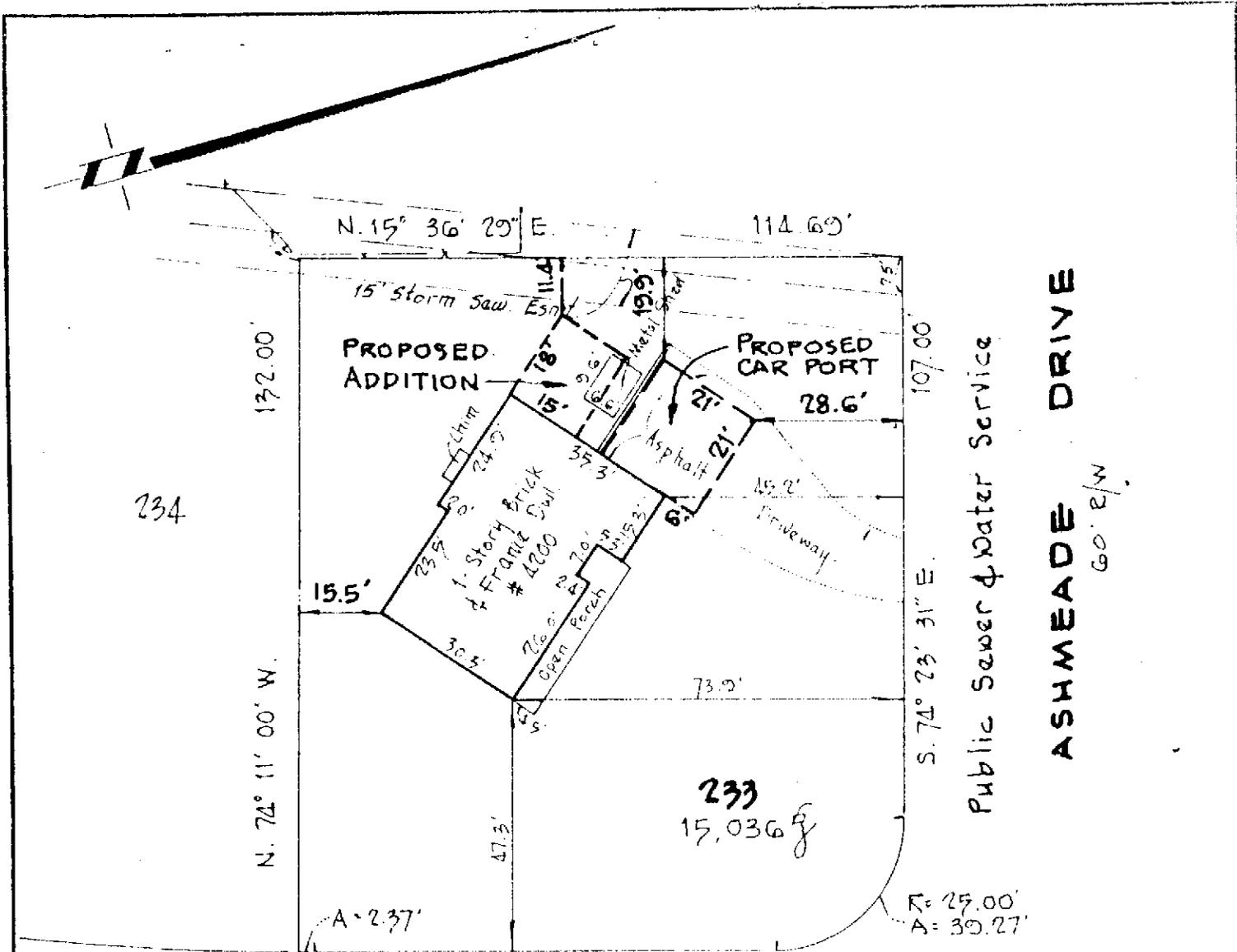
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Page 405, March 9, 1982, After Agenda Items

Reconsideration of Albert Raithel and Batal Builders, Inc.: Chairman Smith suggested that the Board move to deny the requests. He stated that he agreed with the County Attorney's memorandum and felt that the Board should take the position of denying the request for reconsideration based on the opinion of the County Attorney.

Mrs. Day stated that with respect to the letters requesting reconsideration of the variances which were denied on October 6, 1981, she moved that the Board not reconsider the denial for the reason that the Board had heard all of the testimony and made its decision and also because of the opinion of the County Attorney. Mrs. Day stated that she did not think any further hearing was necessary. Mr. Hyland seconded the motion for discussion purposes only. He stated that the applicants had requested reconsideration but based on the County Attorney's memorandum, the applicant did not have that right unless twelve months had expired. Mrs. Day stated that the bottom line was that the BZA heard the cases and had made its decision. The vote on the motion to deny reconsideration passed by a vote of 3 to 2 (Messrs. DiGiulian and Yaremchuk).

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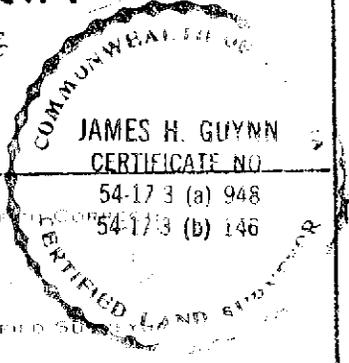
KILBOURNE DRIVE
 90' R/W
 R. 650.00 S. 15° 36' 29" W. 37.20'

PLAT REVISED
 TO SHOW PROPOSED
 ADDITION & CAR PORT
 FOR VARIANCE
 PURPOSES.
 August 5, 1981

HOUSE LOCATION
 Lot 233, Section 3D

RUTHERFORD
FAIRFAX COUNTY, VIRGINIA
 Scale: 1" = 30' May 23, 1978

NOTE:
 THIS PLAT IS NOT INTENDED TO BE USED
 FOR CONSTRUCTION PURPOSES.



SURVEY FOR:
 Harris & Gendron, Atty's
 RE: A. L. Raithe
 CASE NO. 2180-G

JAMES H. GYNN
 CERTIFIED LAND SURVEYOR
 ARLINGTON, VIRGINIA

CERTIFICATE NO.
 54-173 (a) 948
 54-173 (b) 146

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.