APPLICATION ACCEPTED: May 14, 2015
BOARD OF ZONING APPEALS: November 4, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

October 28, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-LE-082
CONCURRENT WITH VARIANCE VC 2015-LE-004

LEE DISTRICT

APPLICANT/OWNER:	Randy H. Hadijski
SUBDIVISION:	Rose Hill Farm
STREET ADDRESS:	4522 Apple Tree Dr., Alexandria, 22310
TAX MAP REFERENCE:	82-3 ((15)) 48
LOT SIZE:	14,565 square feet
ZONING DISTRICT:	R-3
ZONING ORDINANCE PROVISIONS:	8-914, 8-922, 18-401
SPECIAL PERMIT PROPOSAL:	To permit a reduction in minimum yard requirements based on error in building location to permit an accessory storage structure (shed) to remain 1.6 ft. from a side lot line and 1.3 ft. from the rear lot line, and to permit a reduction in certain yard requirements to permit construction of an addition (enclosed carport) 11.3 ft. from a side lot line.
VARIANCE PROPOSAL:	To permit an accessory storage structure greater than 200 sq. ft. in size to remain.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-LE-082 for the construction of the addition with adoption of the proposed development conditions contained in Appendix 1.

Erin M. Haley

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/

Staff recommends denial of VC 2015-LE-004 for an accessory storage structure greater than 200 square feet in size. However, if it is the intent of the BZA to approve the Variance application, the BZA should condition its approval by requiring conformance with the proposed development conditions contained in Appendix 2.

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.

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

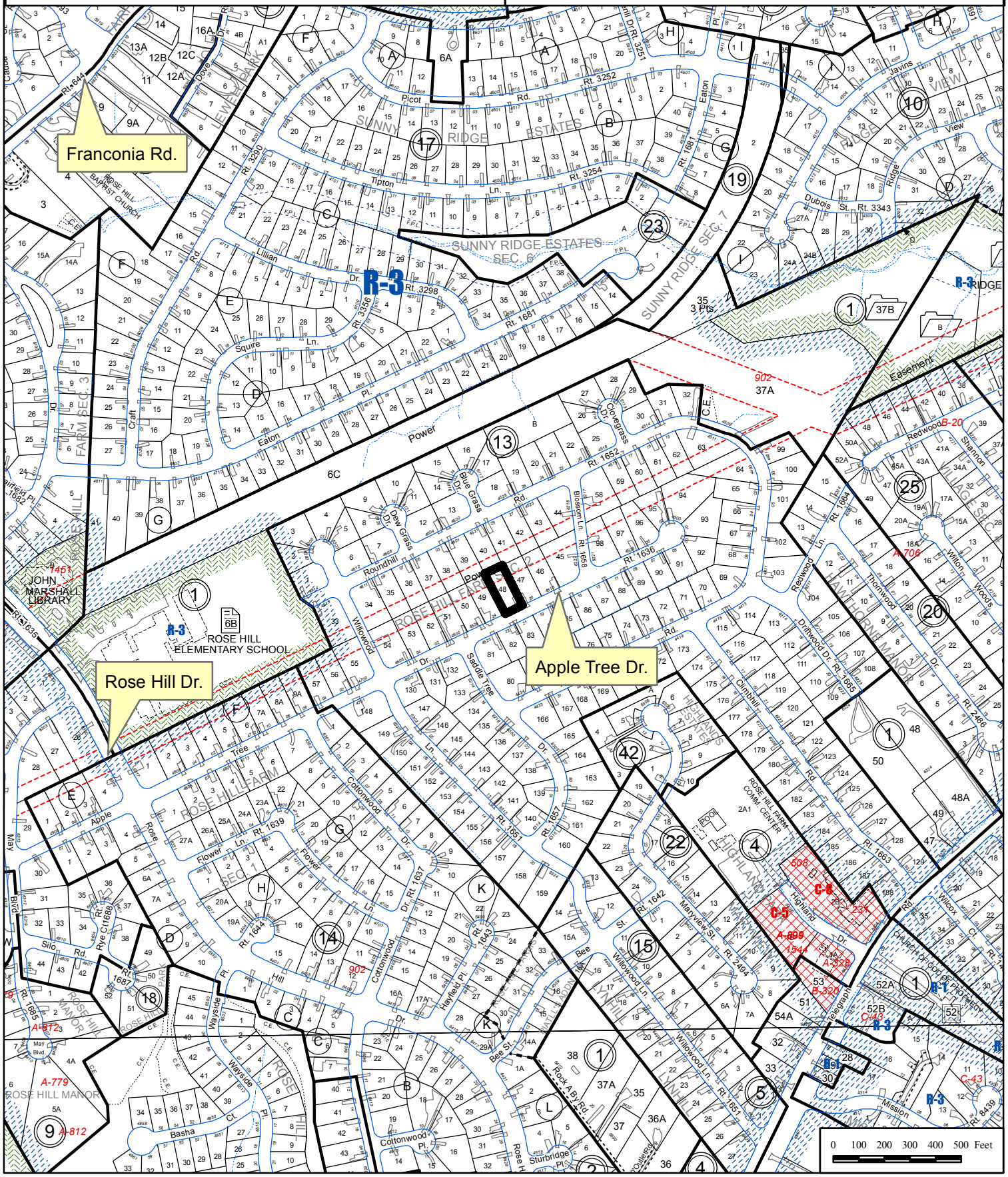
SP 2015-LE-082

RANDY H. HADIJSKI

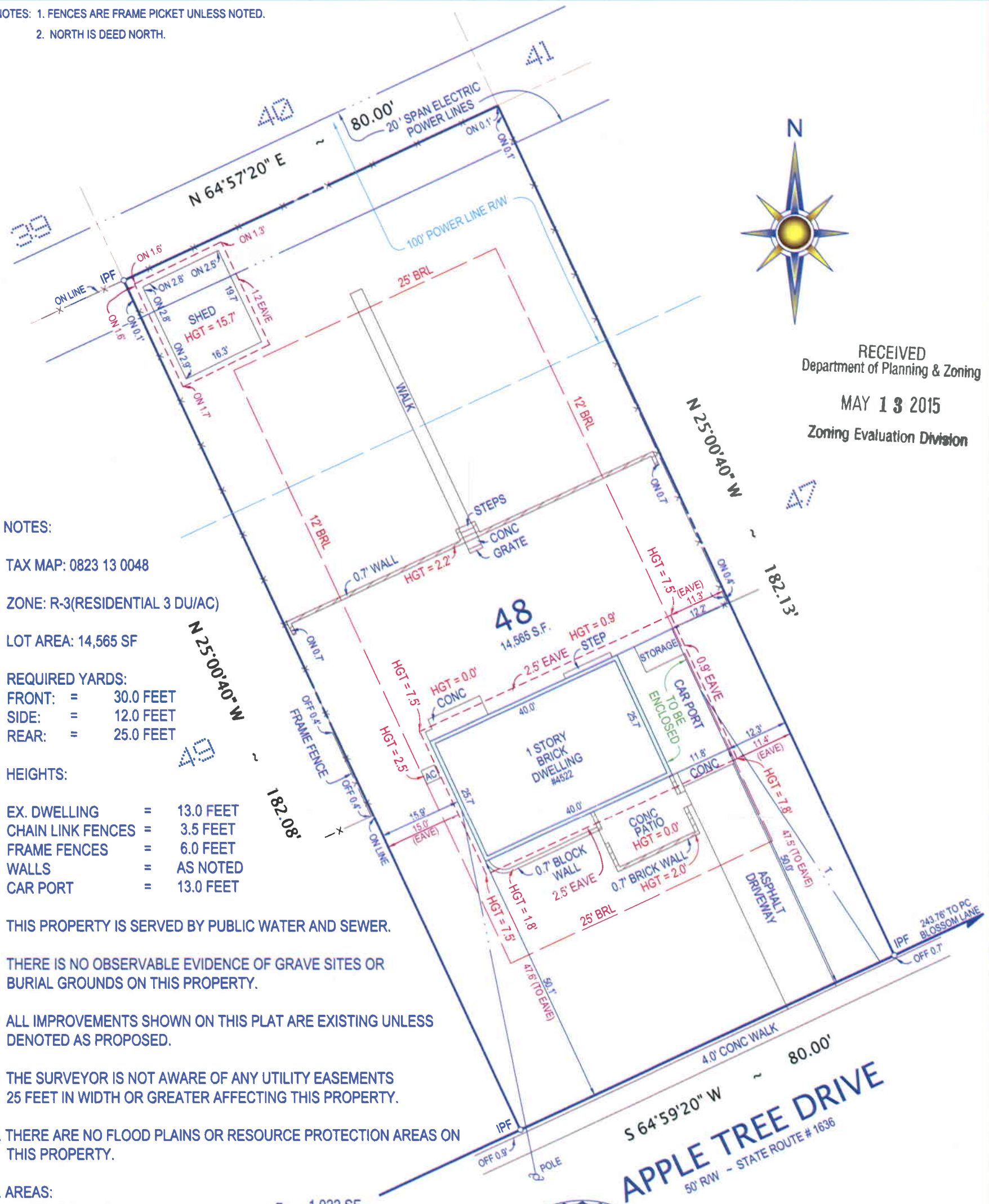
Variance Application

VC 2015-LE-004

RANDY H. HADIJSKI



NOTES: 1. FENCES ARE FRAME PICKET UNLESS NOTED.
2. NORTH IS DEED NORTH.



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Department of Planning & Zoning
MAY 13 2015
Zoning Evaluation Division

NOTES:

1. TAX MAP: 0823 13 0048
2. ZONE: R-3(RESIDENTIAL 3 DU/AC)
3. LOT AREA: 14,565 SF
4. REQUIRED YARDS:
   FRONT: = 30.0 FEET
   SIDE: = 12.0 FEET
   REAR: = 25.0 FEET
5. HEIGHTS:
   EX. DWELLING = 13.0 FEET
   CHAIN LINK FENCES = 3.5 FEET
   FRAME FENCES = 6.0 FEET
   WALLS = AS NOTED
   CAR PORT = 13.0 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
    EX. FIRST FLOOR = 1,022 SF
    GROSS FLOOR AREA = 1,022 SF

    EX. FLOOR AREA RATIO: EX. GFA (1,022)/LOT AREA (14,565) = 0.07

    EX. FIRST FLOOR = 1,022 SF
    PROPOSED CARPORT ENCLOSURE = 303 SF
    PROPOSED GROSS FLOOR AREA = 1,325 SF

    PROP FLOOR AREA RATIO: EX. GFA (1,325)/LOT AREA (14,565) = 0.09
13. FENCES ARE CHAIN LINK UNLESS NOTED.
14. UTILITIES ARE UNDERGROUND.
15. NO TRAILS ARE REQUIRED FOR THIS SITE PER THE ADOPTED COMPREHENSIVE PLAN.
16. ALL IMPROVEMENTS SHOWN ARE EXISTING.
17. THE ONLY PLANNED IMPROVEMENT IS ENCLOSING THE CARPORT AT THE SAME DIMENSIONS IT CURRENTLY OCCUPIES.

COMMONWEALTH OF VIRGINIA
05/21/2014
THOMAS G. LUTKE
LICENSE NO. 3066
LAND SURVEYOR

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

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

A TITLE REPORT WAS NOT FURNISHED.

CORNER MARKERS WERE NOT SET.

SPECIAL PERMIT PLAT

SHOWING IMPROVEMENTS ON

LOT 48, SECTION 2

ROSE HILL

(DEED BOOK 1167, PAGE 455)

FAIRFAX COUNTY, VIRGINIA

LEE DISTRICT

SCALE: 1" = 20' MAY 21, 2014

0 20 40

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

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CASE NAME: DIMITRI HADIJSKI

#140522004

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit for a reduction in minimum yard requirements based on an error in building location to permit an accessory storage structure (shed) to remain 1.6 feet from a side lot line and 1.3 feet from the rear lot line. The applicant is also seeking a special permit for a reduction in certain yard requirements to permit construction of an addition (enclosed carport to create additional living area) 11.3 feet from a side lot line.

VARIANCE REQUEST

The applicant also requests the approval of a variance to permit the same accessory storage structure approximately 321 square feet in area to remain in the northwestern corner of the property. The Zoning Ordinance limits accessory storage structures that are accessory to a single family detached dwelling in the R-3 Zoning District to a maximum of 200 square feet in gross floor area.

A copy of the special permit plat titled, “Special Permit Plat, Showing Improvements On, Lot 48, Section 2, Rose Hill,” by Thomas G. Lutke, Land Surveyor, of NoVA Surveys, dated May 21, 2014, is included in the front of the staff report.

Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 4, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The application property is developed with a one story single-family detached dwelling. An asphalt driveway provides access from Apple Tree Drive. Concrete patios are located at the front and rear of the house. A carport is attached to the northeastern side o the house. A concrete grate is located in the middle of the rear yard with a walkway leading to an open area in the northern part of the yard. A shed 15.7 feet in height and approximately 321 square feet in size is located in the northwestern corner of the rear yard. A chain link fence 3.5 feet in height

Figure 1: House Location
For illustrative purposes only

encloses the rear yard. A 100 foot wide high-voltage transmission line right-of-way easement covers most of the rear yard of the property.

The subject property and surrounding properties are zoned R-3 and developed with single-family detached houses. The property is located east of Rose Hill Elementary School in the Rose Hill Farm subdivision.

BACKGROUND

Fairfax County Tax Records and building permit records indicate that the house was constructed in 1955 and purchased by the property owner in 2013.

Responding to an anonymous complaint, staff from the Department of Code Compliance inspected the property on March 25, 2014, and found outdoor storage in the carport that exceeded 100 square feet in area and was not screened from view, and an accessory storage structure exceeding 200 square feet in size and 8.5 feet in height located too close to the side and rear lot lines, which are violations of the Zoning Ordinance. A Notice of Violation was issued on March 28, 2014 (Appendix 5).

Records indicate that two other similar special permit or variance applications have been heard by the Board of Zoning Appeals (BZA) in the surrounding area. This information is included in Appenix 6.

DESCRIPTION OF THE PROPOSED USE

Errors in Building Location

The applicant requests a special permit for a reduction in yard requirements to allow her shed to remain 1.6 feet from the western side lot line and 1.3 feet from the rear lot line.

The applicant states in the statement of justification that the shed was constructed in the location of an existing, demolished shed. Additionally, the applicant says that the location of the shed was also influenced by the location of a tree stump and because the western half of the rear yard is prone to flooding,

Proposed Addition

The applicant also requests a special permit to allow construction of an addition 11.3 ft. from a side lot line where 12 feet is required. The project would enclose the existing carport to create additional living space; the applicant would use materials matching the existing house as depicted in the elevations provided by the applicant.

Variance

The applicant requests a variance to permit the accessory storage structure (shed) approximately 321 square feet in area and 15.7 feet in height to remain in the northwestern corner of the property. The Zoning Ordinance limits accessory storage structures to a single family detached dwelling in the R-3 Zoning District to a maximum of 200 square feet in gross floor area.

The applicant states that the large size of the shed is needed because she has a small house (1,022 square feet in size) and requires room for storage.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Rose Hill Planning District
Planning Sector: Wilton Woods Community Planning Sector (RH5)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-3)		
Standard	**Required**	**Provided**
Lot Size	10,500 sf.	14,565 sf.
Lot Width	Interior: 80 feet	80 ft.
Building Height	35 feet	13 ft.
Front Yard	30 feet	47.5 ft.
Side Yard	12 feet	Eastern: 11.3 ft. (after enclosure of carport) Western: 15.0 ft.

Zoning Ordinance Requirements (Appendix 7)

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

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-3 District allows a reduction in minimum required yards with special permit approval. The proposed addition to enclose the carpolrt is in harmony with the Comprehensive Plan and the general purpose and intent of the R-3 District.
Standard 3 *Adjacent Development*	In staff's opinion, the proposed addition will not hinder or discourage the use or development of neighboring properties or negatively affect value. Through testimony provided by the applicant and photographic research, staff has observed that several properties in the surrounding area have added on to their existing dwellings, or demolished structures and built larger dwellings.
Standard 4 *Pedestrian/ Vehicular Traffic*	No increase vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposal is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 *Landscaping/ Screening*	The proposed addition will enclose an existing carport. Existing mature landscaping currently provides screening to the eastern side of the property where the addition will be located. Staff believes there will be no adverse impact to any existing trees.
Standard 6 *Open Space*	There is no prescribed open space requirement in the R-3 District.
Standard 7 *Utilities, Drainage, Parking, and Loading*	There are no changes to the utilities or drainage of the property. The carport will be converted to living space, but the driveway provides adequate room for at least two parking spaces.
Standard 8 *Signs*	No signage is proposed.

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

Standard 1 *Lot Size and Bulk Regulations*	A modification of the minimum required side yard is requested with this special permit application. The property conforms to all other lot and bulk regulations.
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 would not disturb 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*	*A. Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet.* The proposed addition would be located 11.3 feet from the eastern side lot line; the required side yard in an R-3 district is 12 feet, resulting in a reduction of 0.7 feet or 6 percent.

	B. Pipestem lots- N/A C. Accessory structure locations – N/A D. Extensions into minimum required yards allowed by Sect. 2-412- N/A
Standard 2 *Not a Detached Structure in a Front Yard*	The special permit application does not propose a detached accessory structure.
Standard 3 *Principal Structure that Complied with Yard Requirements When Established*	The subject property contains a single family dwelling that is an existing principal structure. The existing structure was built as approved in 1955.
Standard 4 *Addition No More than 150% of Existing Gross Floor Area (GFA)*	The existing GFA of the primary structure is 1,022 square feet; the proposed addition is 303 square feet, resulting in an increase of 29.6 percent. The total square footage of the house with the proposed addition is 1,325 square feet. Therefore the application meets this provision.
Standard 5 *Accessory Structure Subordinate in Purpose, Scale, Use and Intent*	The addition is part of the principal structure. This standard is not applicable.
Standard 6 *Construction in Character with On-Site Development*	The proposed addition will be constructed in the location of an existing carport on the eastern side 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 additions on neighboring properties. The proposed addition would be screened by existing mature vegetation. Staff believes that the proposed addition would not affect neighboring properties in terms of location, height and bulk. The 0.7 foot encroachment is de minimis in nature and will not adversely impact the adjacent property.
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. In regards to stormwater, if the construction disturbs more than 2,500 square feet, the application is subject to the provisions of Article 17, Site Plans, and any anticipated stormwater issues would be addressed at that time.
Standard 9 *Represents the Minimum Amount of Reduction Necessary*	The proposed addition will be located entirely within the footprint of an existing carport. At about 303 square feet, it is modest in size and is only encroaching into the eastern side yard by 0.7 feet. Other issues of lot shape, yard determination, environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, easements and historic resources are not affected by the proposed addition.

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 in the applicant's statement of justification in Appendix 3 of this report and are also included as an attachment to the proposed development conditions in Appendix 1.

Variance Requirements (Appendix 8)

- Code of Virginia Sec. 15.2-2309, as amended

In addition to meeting the definition of variance, an application must satisfy a specific set of criteria in order for the Board to grant a variance. According to the recently amended Virginia State Code, Sec. 15.2-2309, a variance meeting the definition shall be granted if the following elements are met:

The evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance (Sect. 15.2-2309.2)

In staff's opinion, the request for a shed greater than 200 square feet in size is not driven by a physical characteristic of the property, nor does it unreasonably restrict the utilization of the lot. The property is 80 feet in width, 182 feet deep, rectangular in shape, and 14,565 square feet in size, which conforms to the standards of the R-3 district. The applicant states that she needs a large shed for storage because the existing house is small in size and building an addition to the house for storage purposes would be an undue financial hardship. Staff finds that the conditions of the property do not preclude the applicant from reducing the size of the accessory storage structure or installing multiple sheds that are 200 square feet in area or less within the required setbacks without unnecessary hardship. As a result, staff believes the situation or condition of the property does not present an extraordinary challenge to accommodating a conforming shed.

The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance (Sect. 15.2-2309.2(i))

Staff believes the property was acquired in good faith based on the information contained in the applicants' statement of justification. The hardship for which the variance is being requested was created by the applicants when they built the shed. Staff does not believe the applicants satisfy this standard.

The granting of the variance will not be of substantial detriment to the adjacent property and nearby properties in the proximity of that geographical area (Sect. 15.2-2309.2(ii))

The accessory storage structure currently exists on the property and the applicants have received a Notice of Violation for the structure. The location of the shed is in the northwest corner of the rear yard which abuts three adjacent properties. The rear yard is enclosed by a chain link fence 3.5 feet in height, which provides no visual screening. The shed is 15.7 feet in height and 321 square feet in size which is imposing in both height and size. The shed is also located only 1.6 feet from the western side lot line and 1.3 feet from the rear lot line. Also, the shed is significantly larger and taller than the two adjacent sheds on neighboring properties. Staff believes this provides a detrimental visual impact to adjacent properties.

The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general reduction to be adopted as an amendment to the ordinance (Sect. 15.2-2309.2(iii))

The residential lots in the vicinity of the subject property contain single family detached dwellings with accessory structures and are similar to the subject property in terms of area, width, depth, and shape. Staff finds that the condition or situation of the subject property is of a general and recurring nature. If the Board of Supervisors wants to permit larger sheds, the Zoning Ordinance could be amended to increase the maximum size allowed in residential districts.

The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property (Sect. 15.2-2309.2(iv))

Staff finds that variance request for a shed greater than 200 square feet in size would not result in a use that is otherwise permitted or cause a change in the zoning classification of the property.

The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application (Sect. 15.2-2309.2(v))

The variance application is the only mechanism to provide the relief requested.

CONCLUSION / RECOMMENDATION

Staff believes that the subject special permit application for the enclose of the carport that would encroach 0.7 feet into the required size yard is in conformance with the applicable Zoning Ordinance provisions. Staff recommends approval of SP 2015-LE-

082 for the proposed addition with adoption of the proposed development conditions contained in Appendix 1.

While staff does not make recommendations on errors in building location, if it is the intent of the BZA to approve the special permit application for an error in building location for the shed, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report.

Staff recommends denial of VC 2015-LE-004 for the shed greater than 200 square feet to remain. In staff's opinion, the applicants have not sufficiently justified the granting of a variance to allow a larger than normally permitted shed. The purpose of a variance is to provide a reasonable deviation from Zoning Ordinance standards when there is a certain exceptional or extraordinary characteristic of the property and the application of such standards would result in an unnecessary or unreasonable hardship to the property owner. Staff does not believe that such is the case with the subject application. Based on staff's review of the surrounding neighborhood, the subject property is similar to others in terms of shape, width, depth, and area. In addition, it would be possible for the applicants to install multiple accessory storage structures that comply with the maximum size limitation of 200 square feet on the property without the approval of the variance thereby achieving additional accessory storage. Staff believes that the financial hardship that the applicants may suffer to bring the structure into compliance or the fact that the applicants were unaware of the Zoning Ordinance requirements when they built the shed constitute an unnecessary or unreasonable hardship as required by the variance standards. In staff's opinion, the applicants have not sufficiently demonstrated that they meet all of the standards necessary to grant a variance.

However, if it is the intent of the BZA to approve the Variance application, the BZA should condition its approval by requiring conformance with the proposed development conditions contained in Appendix 2.

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 Special Permit Development Conditions
2. Proposed Variance Development Conditions
3. Applicant's Statement of Justification and Select File Photographs
4. Applicant's Affidavits
5. Notice of Violation

6. Similar Case History
7. Applicable Zoning Ordinance Provisions
8. Code of Virginia Sec. 15.2-2309, as amended

PROPOSED DEVELOPMENT CONDITIONS

SP 2015-LE-082

October 28, 2015

If it is the intent of the Board of Zoning Appeals to approve SP 2015-LE-082 located at Tax Map 82-3 ((13)) 48 to permit reductions of the minimum yard requirements based on an error in building location pursuant to Section 8-914, and to permit reductions in certain yard requirements to permit construction of an addition pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.

2. This special permit is granted only for the location of the accessory storage structure (shed), and the location and size of the addition (enclosed carport, 303 square feet, 13.0 feet in height, 11.3 feet from the eastern side lot line) as indicated on the plat titled, “Special Permit Plat, Showing Improvements On, Lot 48, Section 2, Rose Hill,” by Thomas G. Lutke, Land Surveyor, of NoVA Surveys, dated May 21, 2014, as submitted with this application and is not transferable to other land.

3. The Applicant recognizes and acknowledges that the shed that is the subject of this special permit application encroaches into an existing 100 foot wide Dominion high voltage transmission power line right-of-way easement. Accordingly, the Applicant shall indemnify, keep and save harmless the County, its agents, officials, employees, volunteers, and the Board of Zoning Appeals against claims of injuries, death, damage to property, or other suits, liabilities, judgments, cost and expenses which may otherwise accrue against the county in consequence of the granting of this special permit. The Applicant shall, at his or her own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment shall be rendered against the county and/or the Board of Zoning Appeals in any such action, the Applicant shall, at his or her own expense, satisfy and discharge the same.

4. 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 (1,022 square feet existing + 1,533 square feet (150%) = 2,555 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.

5. The addition shall be generally consistent with the architectural renderings as shown on Attachment 1 to these conditions. The materials used in constructing the addition should be architecturally compatible with the existing dwelling.

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 take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

PROPOSED DEVELOPMENT CONDITIONS

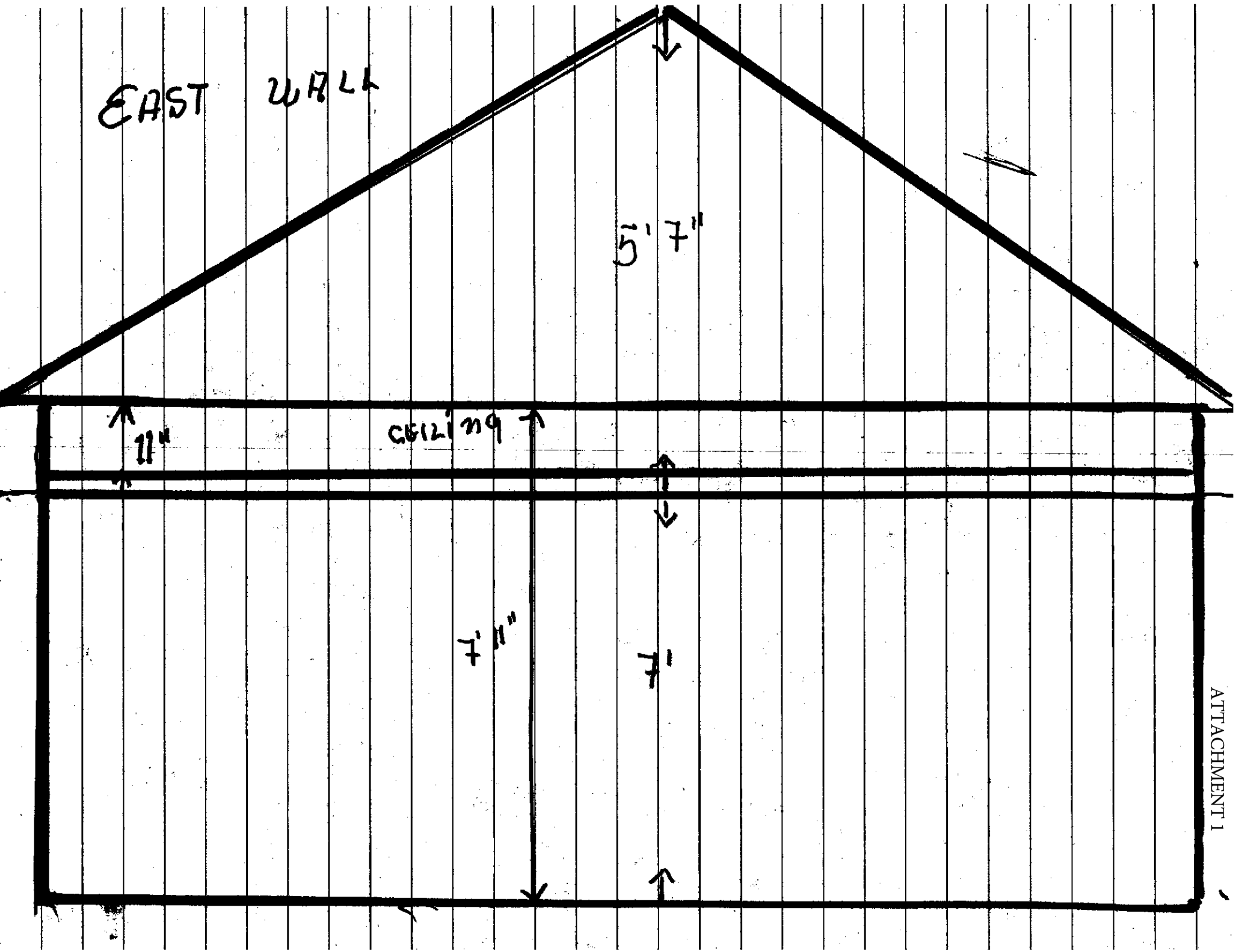
VC 2015-LE-004

October 28, 2015

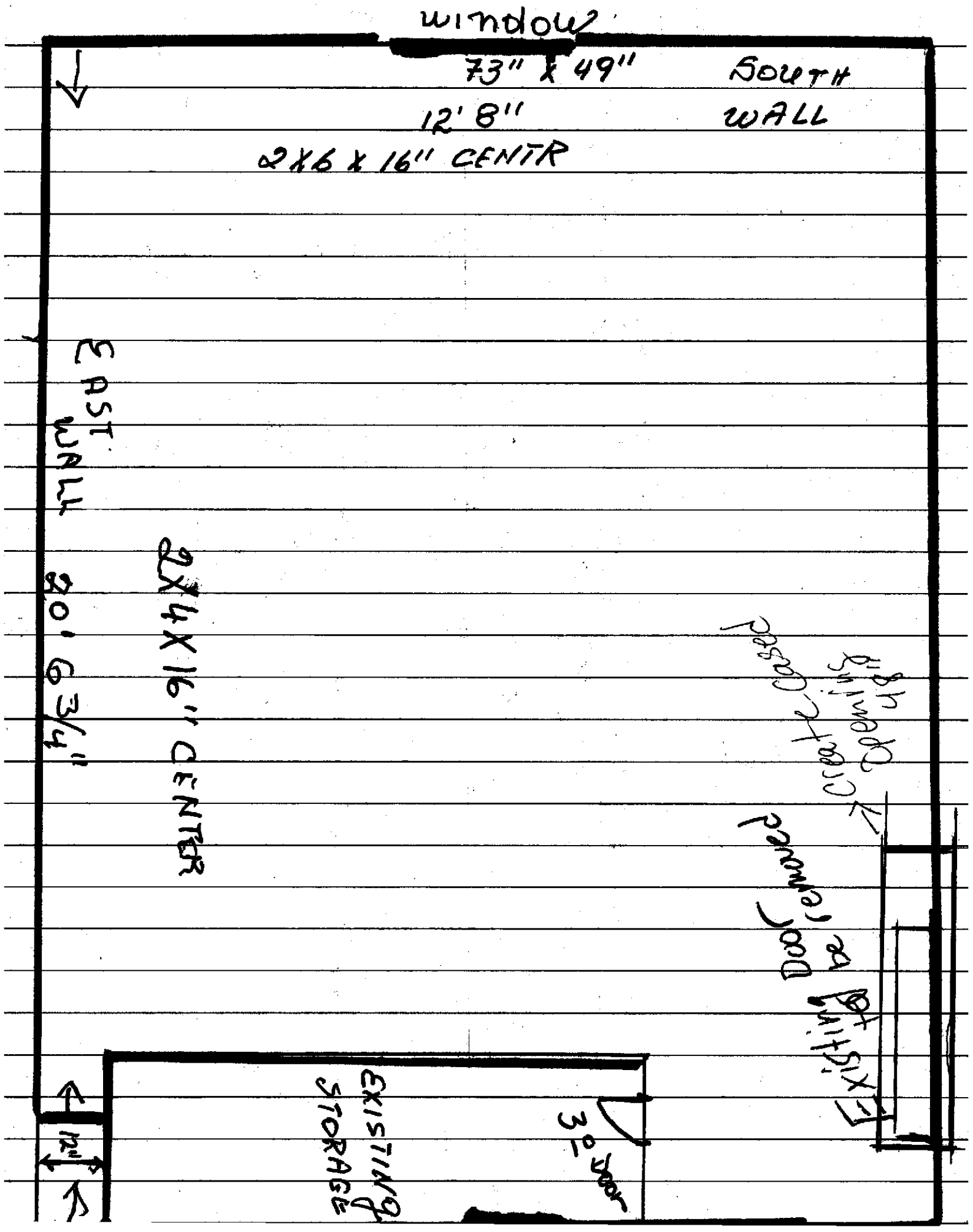
1. This variance is approved for the accessory storage structure greater than 200 square feet in size shown on the plat titled, “Special Permit Plat, Showing Improvements On, Lot 48, Section 2, Rose Hill,” by Thomas G. Lutke, Land Surveyor, of NoVA Surveys, dated May 21, 2014, as submitted with this application and is not transferable to other land.

2. All applicable building permits shall be obtained for the accessory storage structure within 90 days of the date of approval.

This approval, contingent upon the above-noted conditions, shall not relieve the applicants from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

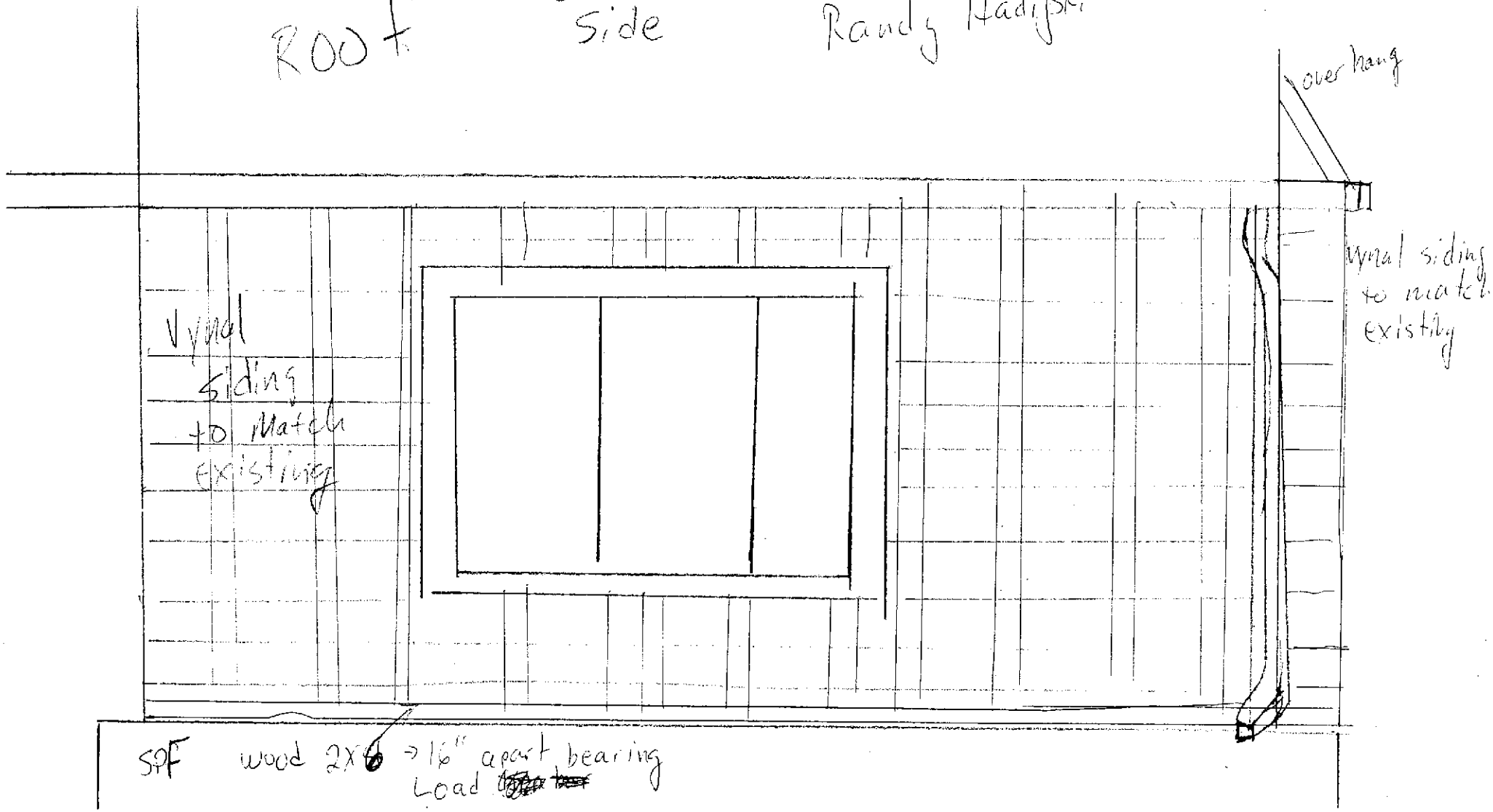


ATTACHMENT 1


window
73" x 49"
SOUTH
WALL
12' 8"
2X6 x 16" CENTR
EAST
WALL
20' 6 3/4"
2X4X16" CENTER
Create Cased Opening 48"
Existing Door to be removed
EXISTING STORAGE
3° Door
12"

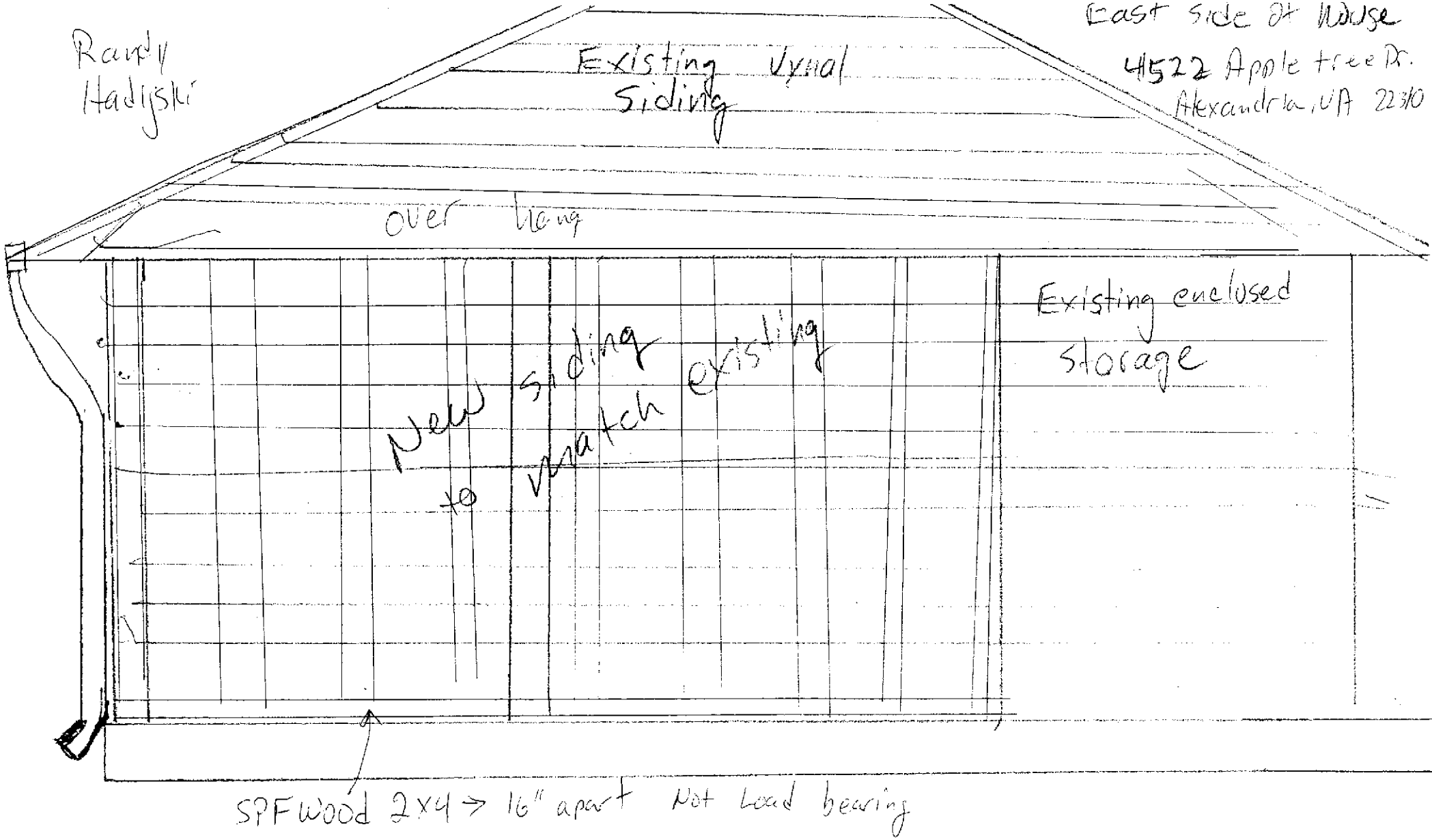
Front Street Side

4527 Apple tree Drive
Alexandria, VA 22310
Randy Hadijski



Randy Hadjski

East side of House
4522 Apple tree Dr.
Alexandria, VA 22310



APPENDIX 3

RECEIVED
Department of Planning & Zoning

JUL 11 2014

Zoning Evaluation Division

July 11, 2014

To Whom It May Concern:

As required by the Special Permit Application process, we are submitting a Statement of Justification pertaining to the structure in question located at 4522 Apple Tree Drive, Alexandria, VA 22310.

The aforementioned structure is a shed we constructed in our backyard. It was built atop a concrete slab, has a wood frame, 3 windows and vinyl siding. It measures 16 feet by 20 feet, totaling 320sq ft. This shed is for personal use only, to store household items, furniture and lawn equipment. In addition, the shed will have limited use as a workshop. The purpose of the workshop will be used for minor house repairs, lawn equipment repair and computer repair. For both lawn equipment and workshop needs, the shed will also store a small amount of gasoline, motor oil and cleaning agents (i.e. ammonia, bleach and turpentine). The container sizes of these products will range from 50ml to 5 gallon gas cans.

Being found in violation of Par. 10F of Sect. 10-104 of the Fairfax County Zoning Ordinance, we are requesting an exception. The structure was built without any fore knowledge of this ordinance. Upon purchasing the property, the existing, dilapidated shed was torn down and this new shed built in its place. The structure was built with the same distance from the rear and side lot lines as the previous shed. The size of the newly constructed shed also mirrors similarly large structures throughout our neighborhood, leading us to believe that no violation of ordinances would occur.

As a first time home buyer, we are requesting lenience in regards to this violation and to keep the structure, as is, on our property.

Should you have any questions or need any additional information to support our claim, please do not hesitate to contact us via any of the following means:

Cell: (703) 862-1096

E-mail: bomzer@gmail.com

Mail: 4522 Apple Tree Dr, Alexandria, VA 22310

Regards,

Mrs. Randy Heather Hadijski

Mr. Dimitri Hadijski

Pemberton, Debbie

From: dimitri <dimitrih7@yahoo.com>
Sent: Tuesday, April 28, 2015 11:13 AM
To: Pemberton, Debbie
Subject: Re: Standards

RECEIVED
Department of Planning & Zoning

APR 28 2015

Zoning Evaluation Division

Ms. Pemberton,

The resulting gross floor area of an addition to an existing principal structure does not exceed the 150 percent limit. Currently the structure is only 25% of the gross floor area of the existing principal. 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 on the lot. It will only enclose an existing structure. The enclosure will be created to match what is existing. The proposed development will be 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. No vegetation and or trees will be disturbed regarding this construction. The grade of the yard next to the structure will not be changed. The proposed development will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. The structure will not decrease the area of the yard. Because no change is made the enjoyment and stormwater runoff is not hindered and remains the same. Construction will be done during daylight hours and only natural materials will be used, preventing problems with noise, light, and air. The proposed reduction will represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot as the structure is to enclose only an existing structure. This structure does not change or imped any steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees; well and/or septic field; or preservation of historic resources.

Please let me know if there is anything else that is required for this application. Thank you for your assistance in this matter.

Dimitri

From: "Pemberton, Debbie" <Debbie.Pemberton@Fairfaxcounty.gov>
To: "dimitrih7@yahoo.com" <dimitrih7@yahoo.com>
Sent: Wednesday, April 22, 2015 11:27 AM
Subject: Standards

Mr. Hadijski

In addition to my previous email regarding the plat, as we discussed, please address these standards for 8-922 Reduction in Certain Yard Requirements, as the eave of the proposed carport enclosure does not exceed 10 feet in height, it would not be permitted to encroach into the minimum side yard setback of 12.0 ft and therefore we need to include the request as part of the special permit request for the location of the shed. I have made the correction to your application form. There is no additional fee. Please drop this item off, along with the rendering, when you come in to sign the application forms prepared for you.

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 expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.

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.

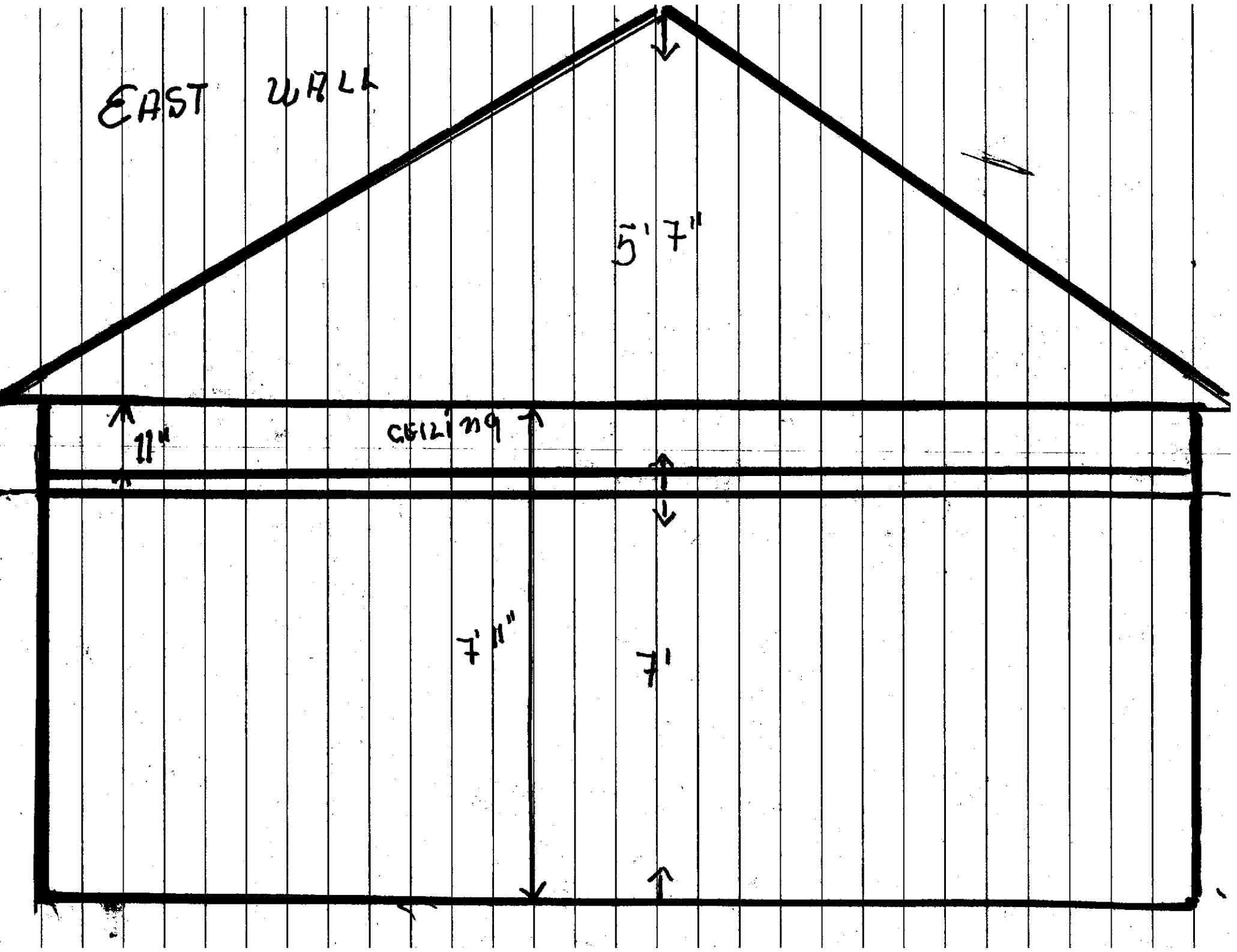
Please also provide this item

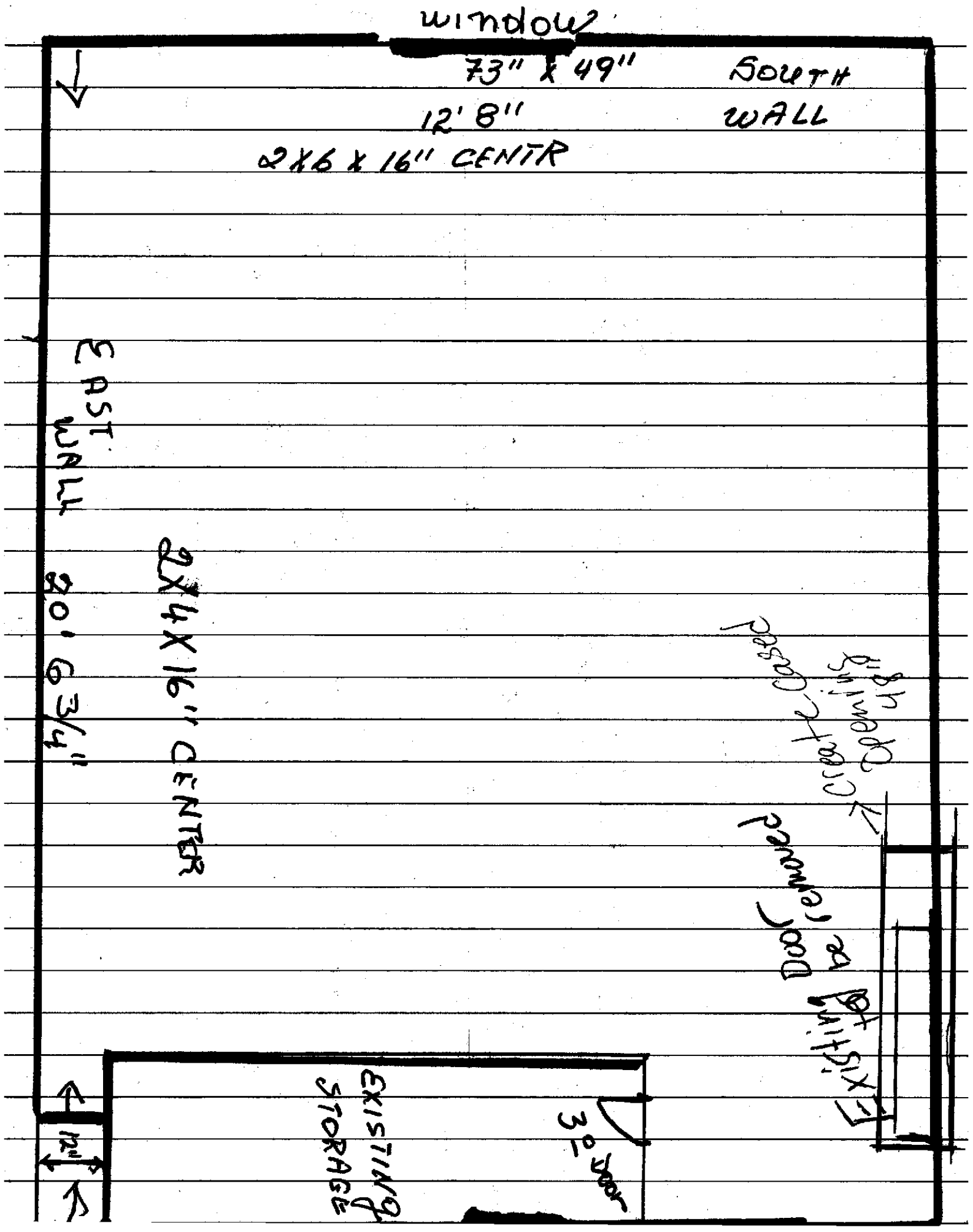
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.

This can be prepared by the applicant

Thank you in advance

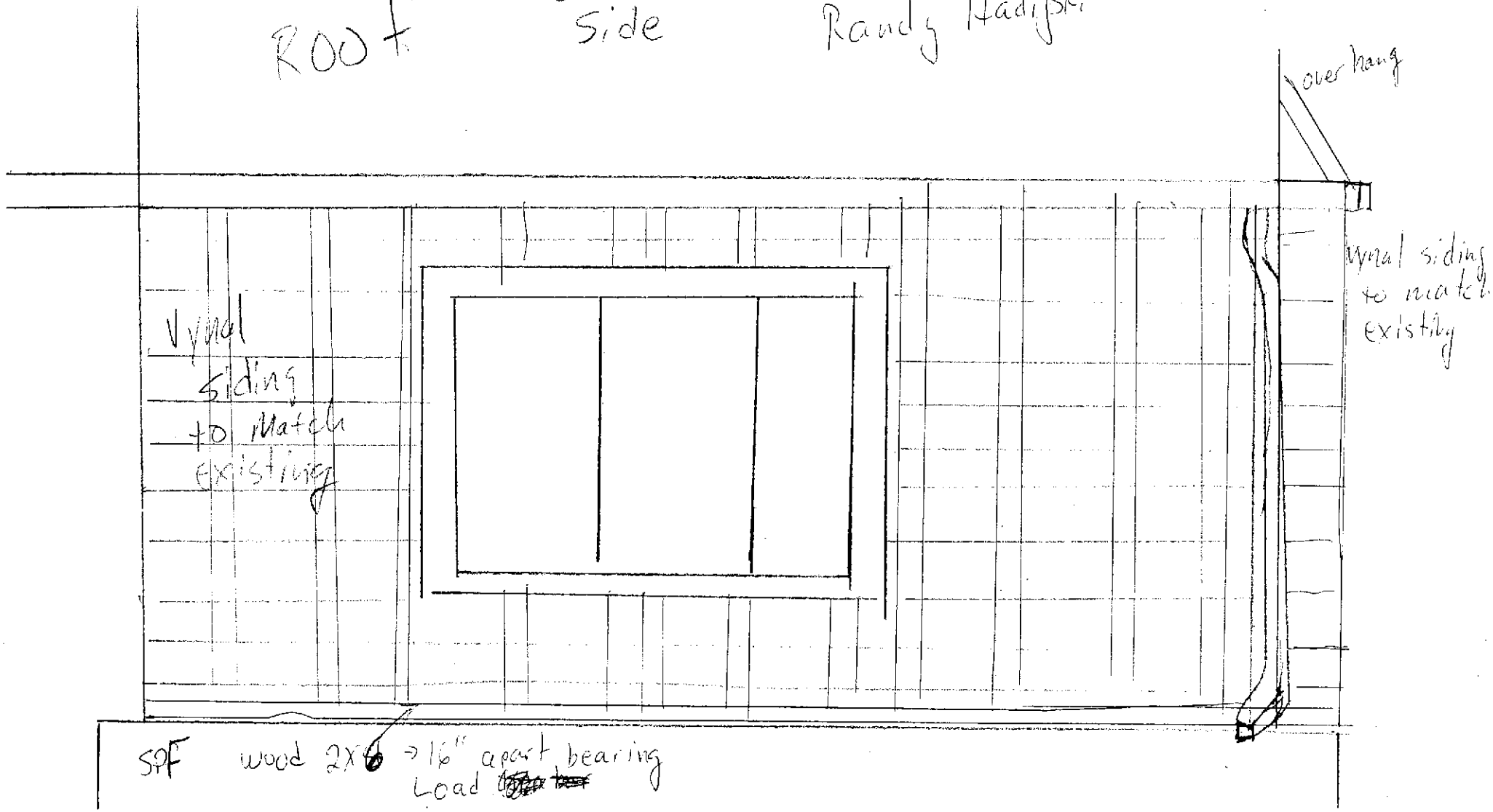
Deborah Lesko Pemberton
Senior Applications Acceptance Planner
Special Projects/Applications Management Branch, ZED


EAST WALL
5' 7"
11"
CEILING
7' 11"
7'


window
73" x 49"
SOUTH
WALL
12' 8"
2X6 x 16" CENTR
EAST
WALL
20' 6 3/4"
2X4X16" CENTER
Create Cased Opening 48"
Existing Door to be removed
EXISTING STORAGE
3° Door
12"

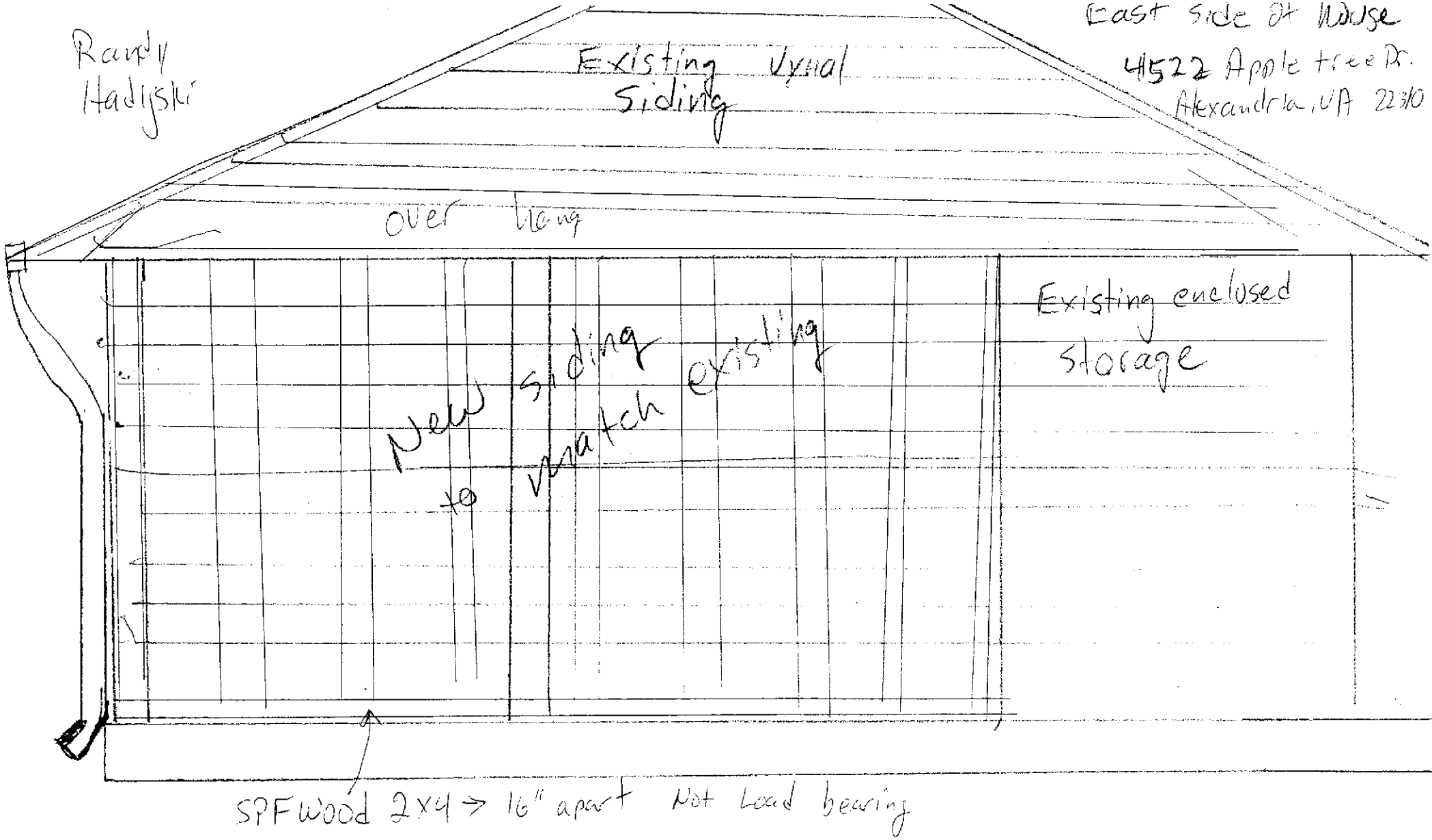
Front Street Side

4527 Apple tree Drive
Alexandria, VA 22310
Randy Hadijski



Randy Hadjski

East side of House
4522 Apple tree Dr.
Alexandria, VA 22310



4522 Apple Tree Drive
Alexandria, VA 22310

RECEIVED
Department of Planning & Zoning

JAN 21 2015

Zoning Evaluation Division

Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035

To Whom It May Concerns:

I am writing this letter to provide justification for the variance application that I am submitting. This application concerns a shed built on my property. Below I will address those justifications and explain them in detail. They consist of justifications for location, size, and precedents for building the shed.

First, I wanted to address similar structures in our area. The first structure deals with a neighbor that has a disconnected garage that was built next to his neighbor's property line. It is a two door garage that was built behind the house on the west side of the lawn. The second structure relates to another neighbor's shed that is very tall and built close to the property line. These are examples demonstrating prior large structures which have been built in our neighborhood. Please see the included pictures regarding these structures.

Second, I would like to address the location of the shed. My husband built the shed on the northwest side of the property. This location was selected for several reasons. The first reason is because all adjacent properties have placed their sheds in the same or similar location thus allowing the shed to be somewhat blocked from view. Second, the west half of the back lawn is prone to flooding thus creating a hardship situation for us to be able to comply with the county requirements. Water tends to sit for some time in the center of the lawn. The back side of the lawn is at a higher elevation and water flows from the back of the lawn towards the front of the lawn. Finally, other obstacles on the property are preventing us from constructing the shed in a compliant location thus further compounding our hardship for meeting county setback requirements. There is a tree stump that is currently in the way. My husband placed the shed behind this stump. We have attempted to remove the stump, but the roots appear to be too deep for it to be removed by hand. In addition, if the shed was moved more to the center of the property it would take up most of the usable backyard space. The backyard has been split and is on different levels due to a prior pool installation. Another reason for placing the shed at its current location is an additional tree in the backyard that is center northeast that would be in the way as well.

As for the size of the shed, there are three main reasons for it. First, the house that my husband and I were able to afford in the area is only 1000 square feet. As we have not been married for a long period and moved into one domicile for the first time, combining all our belongings into one location of this size proved to be a considerable challenge and would have come at considerable cost to store, which was not possible on our budget. We had considered enlarging the house with an addition, but the expense also was not in our budget. This was when building a shed was considered. The shed started out at a modest size, but as more of our stuff was brought into the house the larger the shed plan became. Second, I have recently become pregnant and additional space is going to be needed for the baby. This 1000 square foot house is causing more space concerns then we had expected when we first moved in. This was another reason for needing the additional space in the shed.

Finally, our budget has always been a factor regarding the decision to build this shed. With limited affordable options, the shed became the best choice for our family. This shed fits our storage needs and was in our budgetary limits. In addition to this, none of our neighbors or anyone from the county addressed us directly regarding this construction. The shed took some time to be built. The shed actually stood there, partially constructed, during winter of last year as it was too cold to do further work on it. We only found out that we were in violation when the county approached us almost a year later once the shed was practically complete. I have to say, being first time homeowners, we obviously learned quite a bit from this whole experience. I can guarantee that this will never happen again. Thank you for allowing me to provide the rationale and justification for circumventing the hardships associated with locating the shed in other locations on our property and I appreciate any assistance you can provide me in this matter.

Randy Hadijski

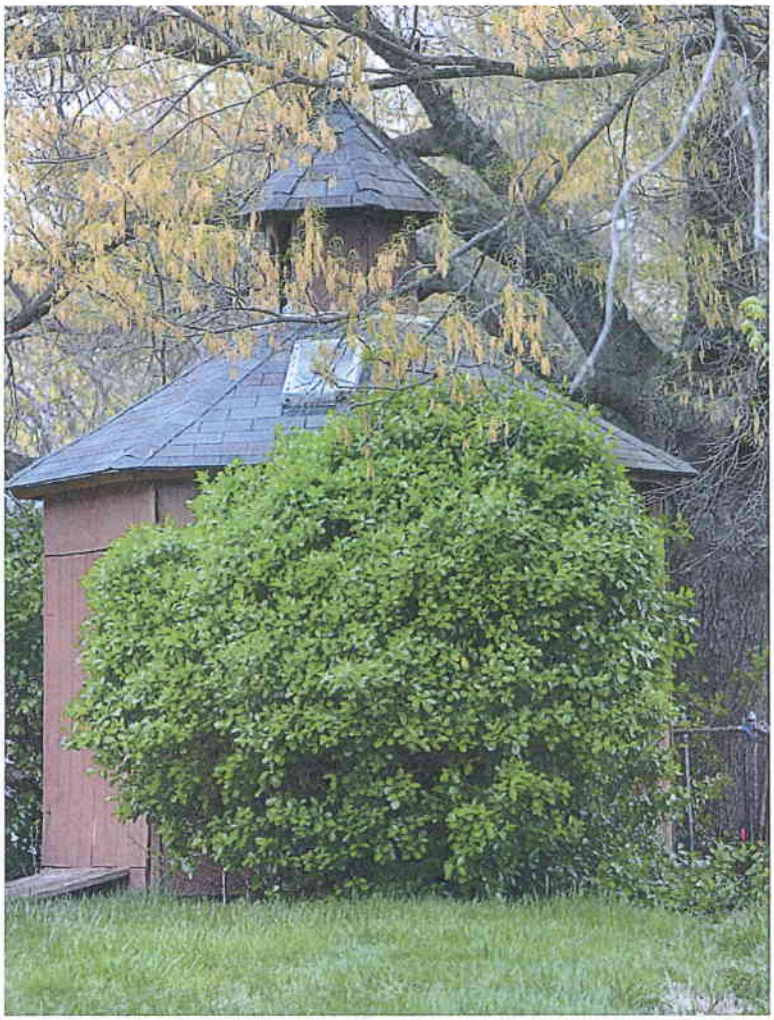
EasyGard

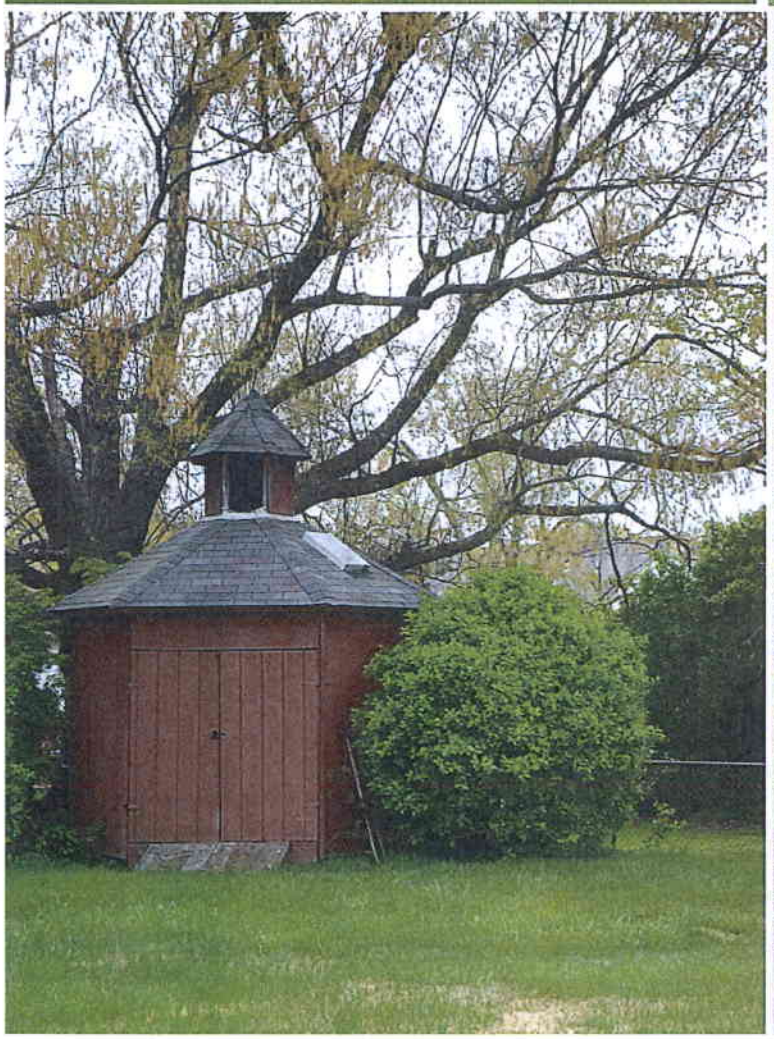
EasyGard

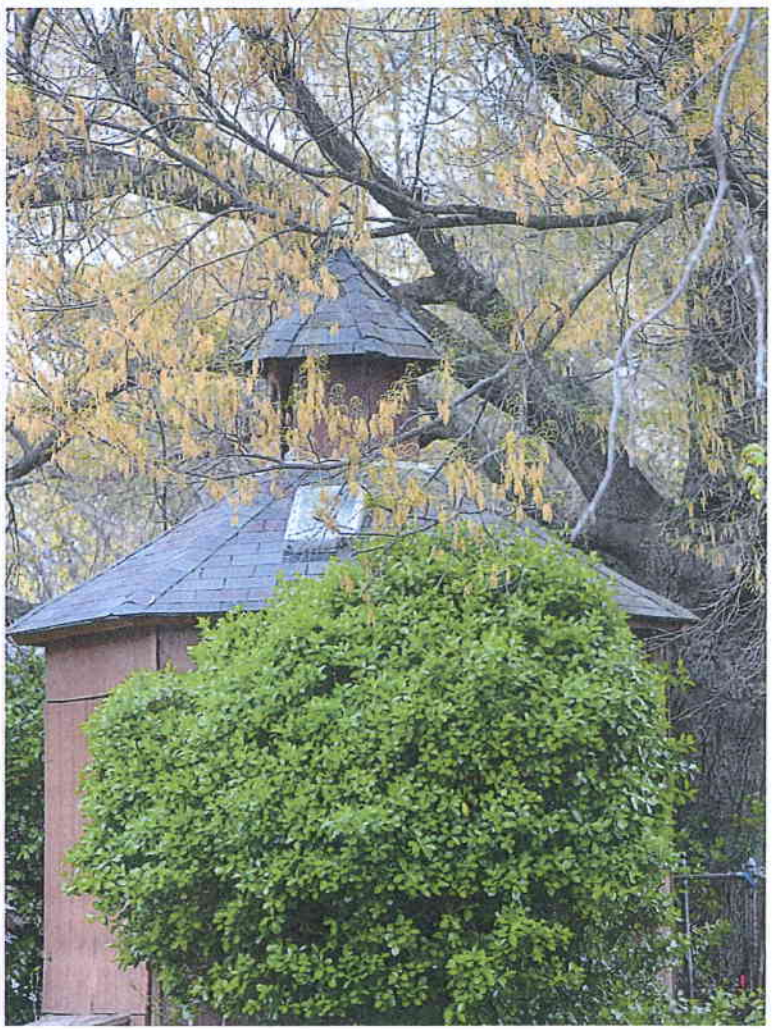
EasyGard

XCU-4895

JJZ-8782







Application No.(s): VC 2015-LE-004
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/20/15
(enter date affidavit is notarized)

I, Randy Heather Hadijski, do hereby state that I am an
(enter name of applicant or authorized agent)

129012

(check one) [X] 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)
Randy H. Hadijski	4522 Apple Tree Dr. Alexandria, VA 22310	Applicant/Title Owner
Dimitri Hadijski	4522 Apple Tree Dr. Alexandria, VA 22310	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: 4/20/15
(enter date affidavit is notarized)

12902

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)

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/20/15
(enter date affidavit is notarized)

129012

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) [X] The above-listed partnership has no limited partners.

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/20/15
(enter date affidavit is notarized)

129012

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:

[X] 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: 4/20/15 12 9012
(enter date affidavit is notarized)

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) [X] Applicant [ ] Applicant's Authorized Agent

Randy H. Hadijski
(type or print first name, middle initial, last name, and title of signee)

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

_____
Notary Public

My commission expires: 04/30/2018

HUGO ANTONIO LOPEZ HERNANDEZ
Notary Public
Commonwealth of Virginia
361905
My Commission Expires Apr 30, 2018

FORM SP/VC-1 Updated (7/1/06)

Application No.(s): SP 2015-LE-082
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/23/15
(enter date affidavit is notarized)

126460

I, Randy Heather Hadijski, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [X] 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)
Randy H. Hadijski	4522 Apple Tree Dr. Alexandria, VA 22310	Applicant and Title Owner
Dimitri Hadijski	4522 Apple Tree Dr. Alexandria, VA 22310	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).

FORM SP/VC-1 Updated (7/1/06)

DW

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/23/15
(enter date affidavit is notarized)

126460

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)

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/23/15
(enter date affidavit is notarized)

126460

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) [X] The above-listed partnership has no limited partners.

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/23/15
(enter date affidavit is notarized)

126460

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:

[X] 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: 2/23/15 126460
(enter date affidavit is notarized)

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) [X] Applicant [ ] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 23rd day of February 20 15, in the State/Comm. of Fairfax, Virginia County/City of Alexandria.

_____
Notary Public

My commission expires: 04/30/2018

HUGO ANTONIO LOPEZ HERNANDEZ
Notary Public
Commonwealth of Virginia
361905
My Commission Expires Apr 30 2018

DCC Return Copy

APPENDIX 5

County of Fairfax, Virginia

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

NOTICE OF VIOLATION
Fairfax County Zoning Ordinance

DATE OF ISSUANCE: March 28, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Randy H. Hadijski
ADDRESS: 4522 Apple Tree Dr
Alexandria, VA 22310

LOCATION OF VIOLATION: 4522 Apple Tree Dr
Alexandria, Virginia 22310-2904
TAX MAP REF: 0823 13 0048
ZONING DISTRICT: R- 3

CASE #: 201401582 **SR #:** 102956

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE
§ 18-903(1):

Zoning Violation	First Offense	Each Subsequent Offense
§10.102.24	$ 200.00	$ 500.00
§10.104.10E	$ 200.00	$ 500.00
§10.102.25	$ 200.00	$ 500.00
TOTAL:	$ 600.00	$ 1500.00

Dear Responsible Party:

An inspection of the above referenced property on March 25, 2014 revealed the following violation(s) of the Fairfax County Zoning Ordinance:

§ 10-102 (24) Outdoor Storage
§ 2-302 (6) Accessory Use must comply with Article 10:

An inspection has determined that you are allowing storage under the carport at the address listed above. These items consist of, but are not limited to, the following:

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-324-9346
www.fairfaxcounty.gov/code

A Refrigerator, a cabinet, building materials and other miscellaneous junk and debris.

This outdoor storage:

Exceeds 100 square feet in area, and

Is not located in the rear half of the lot, and

Is not screened from view from the first story window of any neighboring dwelling.

This outdoor storage is violation of Par. 24 of Sect. 10-102 of the Fairfax County Zoning Ordinance that states in part:

> Storage, outdoor in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet.

Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance that states:

> No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by the following:

- Removing all outdoor storage from this lot; or
- Relocation of the outdoor storage to the rear half of the lot, and
- Screening it from the view from the first story window of any neighboring dwelling, and
- Limiting it to a total area not exceeding 100 square feet.

---

§ 10-104 (10E) Accessory Storage Structure Location
§ 2-302 (6) Accessory Use must comply with Article 10:

The investigations revealed the presence of an accessory storage structure which measured approximately eighteen (18') feet in height, is approximately three hundred twenty (320) square feet in area and is located approximately two (2) feet from the rear lot line and three (3) feet from the side lot line.

The Fairfax County Zoning Ordinance permits accessory storage structures to be located in

minimum required rear or side yards; however, if the structure exceeds eight and one-half (8½) feet in height, it must be located on the lot so as to comply with Par. 10F of Sect. 10-104 of the Zoning Ordinance which states:

> An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

The minimum yard requirements for the R-3 District are delineated in Par. 2, (A), 1, (b) and (c) of Sect. 3-307 of the Zoning Ordinance are:

Minimum yard requirements:

A. Single family dwellings
(1) Conventional subdivision lot

(a)	Front yard:	30 feet
(b)	Side yard:	12 feet
(c)	Rear yard:	25 feet

Therefore, as this accessory storage structure exceeds eight and one-half (8 ½) feet in height and is not located in accordance with the provisions of Par. 10F of Sect. 10-104 above, it is in violation of Par. 10F of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

> No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; r or,
- Reducing the height of the structure to eight and one-half (8 ½) feet or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the rear and side lot lines in accordance with Par. 10F of Sect. 10-104 of the Zoning Ordinance as outlined above.

---

§ 10-102 (25) Accessory Storage Structure exceeding 200 square feet in GFA
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory storage structure which measured approximately three hundred and twenty (320) square feet in area on this property which is zoned R-3. The Fairfax County Zoning Ordinance permits accessory storage structures so long as they conform to Par. 25 of Sect. 10-102 of the Zoning Ordinance is which permits:

> Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.

Therefore, as this accessory storage structure exceeds 200 square feet in area in the R-3 District, you are in violation of Par. 25 of Sect. 10-102 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

> No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or
- Reducing the square footage of this accessory storage structure so it does not exceed 200 square feet in area.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of $200.00 for each violation of the Zoning Ordinance cited herein for the first violation and $500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and

unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a $600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703)324-1314
Information and forms can also be obtained at http://www.fairfaxcounty.gov/dpz/bza/appeals/.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1348. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:

Signature

Charles D. Forshee
Code Compliance Investigator III
(703)324-1348

☐ PERSONAL SERVICE _____
☐ Being unable to make personal service a copy was delivered in the following manner:
- ☐ Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

_____
_____
_____

- ☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).

☐ Served on a Secretary of the Commonwealth.
☐ Not found.

S.S. Gonsalves
SERVING OFFICER
_____ for _____
DATE 3-28-14

Stacey A. Kincaid, Sheriff
Fairfax County, VA

☐ PERSONAL SERVICE _____
☐ Being unable to make personal service a copy was delivered in the following manner:
- ☐ Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
- ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

_____
_____
_____

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☐ Served on a Secretary of the Commonwealth.
☐ Not found.

_____
SERVING OFFICER
_____ for _____.
DATE

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_____
_____
_____

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☐ Served on a Secretary of the Commonwealth.
☐ Not found.

_____
SERVING OFFICER
_____ for _____.
DATE

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- ☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

_____
_____
_____

- ☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).

☐ Served on a Secretary of the Commonwealth.
☐ Not found.

_____
SERVING OFFICER
_____ for _____.
DATE

Similar Case History

Group: 92-L -126

VC 92-L -126

APPLICANT:	WEBER, DONALD E & NINA M
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	02/10/1993
ZONING DISTRICT:	R- 3
DESCRIPTION:	ALLOW CONSTRUCTION OF ADDITION 17.5 FT. FROM REAR LOT LINE (25 FT. MIN. REAR YARD REQ.)
LOCATION:	6120 DEW GRASS DRIVE
TAX MAP #S:	0823 13 0008

Group: 2012-LE-008

SP 2012-LE-008

APPLICANT:	JAMES E. KANDUL
STATUS:	APPLICATION APPROVED
STATUS/DECISION DTE:	04/25/2012
ZONING DISTRICT:	R- 3
DESCRIPTION:	REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITIONS 15.0 FEET AND 22.5 FEET FROM FRONT LOT LINE OF A CORNER LOT AND TO PERMIT FENCE GREATER THAN 4.0 FEET IN HEIGHT TO REMAIN IN A FRONT YARD.
LOCATION:	6218 BLOSSOM LANE
TAX MAP #S:	0823 13 0044

8-006 General Standards

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

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

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

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

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

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

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

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

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

8-903 Standards For All Group 9 Uses

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

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

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

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

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

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:

   A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.

   B. Total area of the property and of each zoning district in square feet or acres.

   C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

   D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.

   E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.

   F. Means of ingress and egress to the property from a public street(s).

   G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

   H. If applicable, the location of well and/or septic field.

   I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.

   J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

   K. Seal and signature of professional person certifying the plat.

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

2. The BZA determines that:

A. The error exceeds ten (10) percent of the measurement involved, or

B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and

C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and

D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and

E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and

F. It will not create an unsafe condition with respect to both other property and public streets, and

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

H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

1. Only the following yard requirements shall be subject to such special permit:

   A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.

   B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.

   C. Accessory structure location requirements set forth in Sect. 10-104.

   D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

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

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

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

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.

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

5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.

7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.

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

9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

    A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.

    B. Total area of the property and of each zoning district in square feet or acres.

    C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

    D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.

    E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.

    F. Means of ingress and egress to the property from a public street(s).

    G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

    H. If applicable, the location of a well and/or septic field.

    I. Existing and proposed gross floor area and floor area ratio.

    J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

K. The location, type and height of any existing and proposed landscaping and screening.

L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

M. Seal and signature of professional person certifying the plat.

12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.