



# County of Fairfax, Virginia

---

November 24, 2015

## STAFF REPORT

### SPECIAL PERMIT SP 2015-MV-123

#### MOUNT VERNON DISTRICT

**APPLICANTS/OWNERS:** Gardner, James A.  
Gardner, Sandra L.

**STREET ADDRESS:** 7808 New London Drive, Springfield, 22153

**SUBDIVISION:** Saratoga

**TAX MAP REFERENCE:** 98-2 ((6)) 367

**LOT SIZE:** 9,975 square feet

**ZONING DISTRICT:** R-3 Cluster

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction in certain yard requirements to permit construction of an addition 17.9 feet from a rear lot line

#### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-MV-123 for the addition with the adoption of the proposed development conditions contained in Appendix 1.

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

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

*Sharon E. Williams*

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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

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

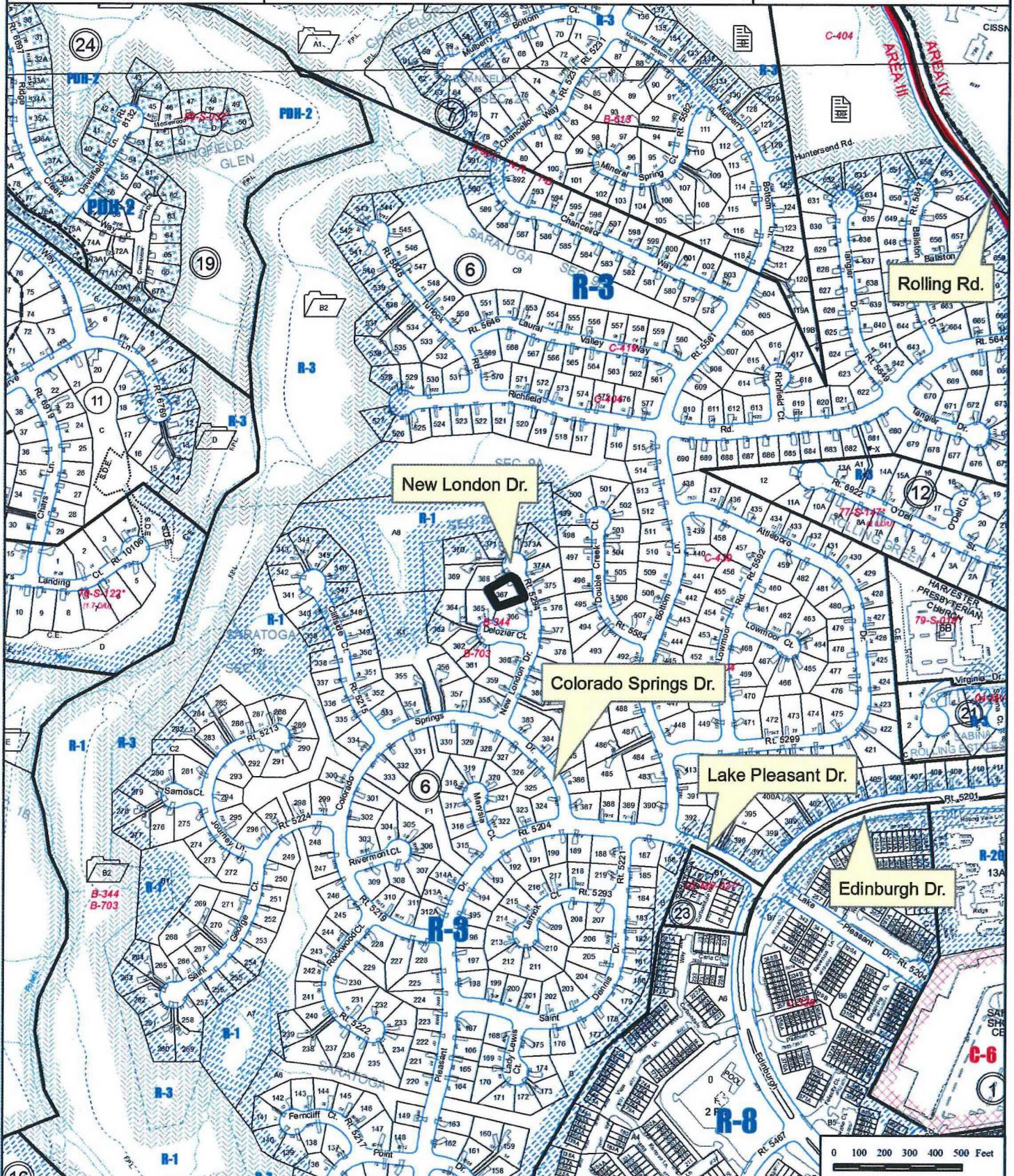


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

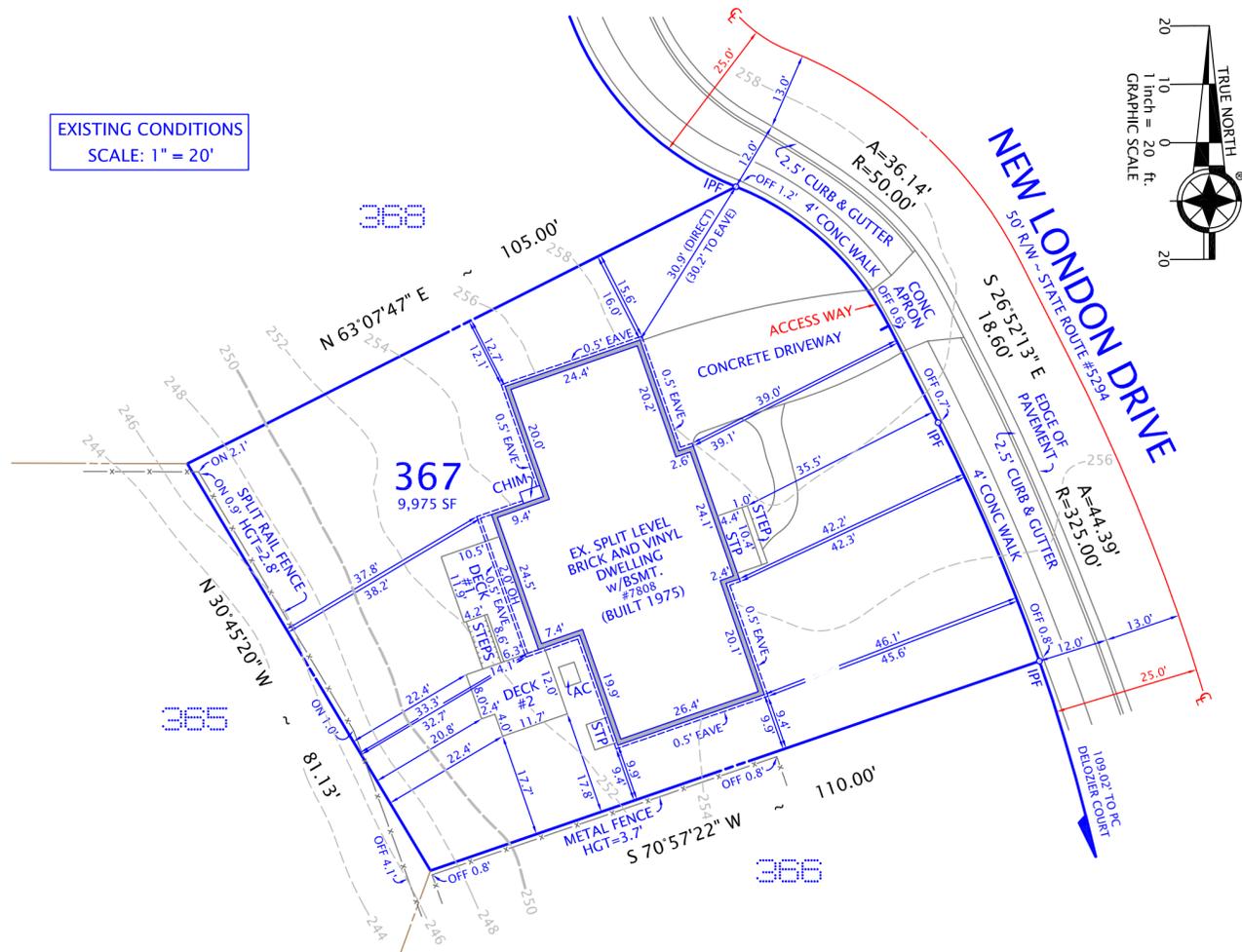


# Special Permit SP 2015-MV-123

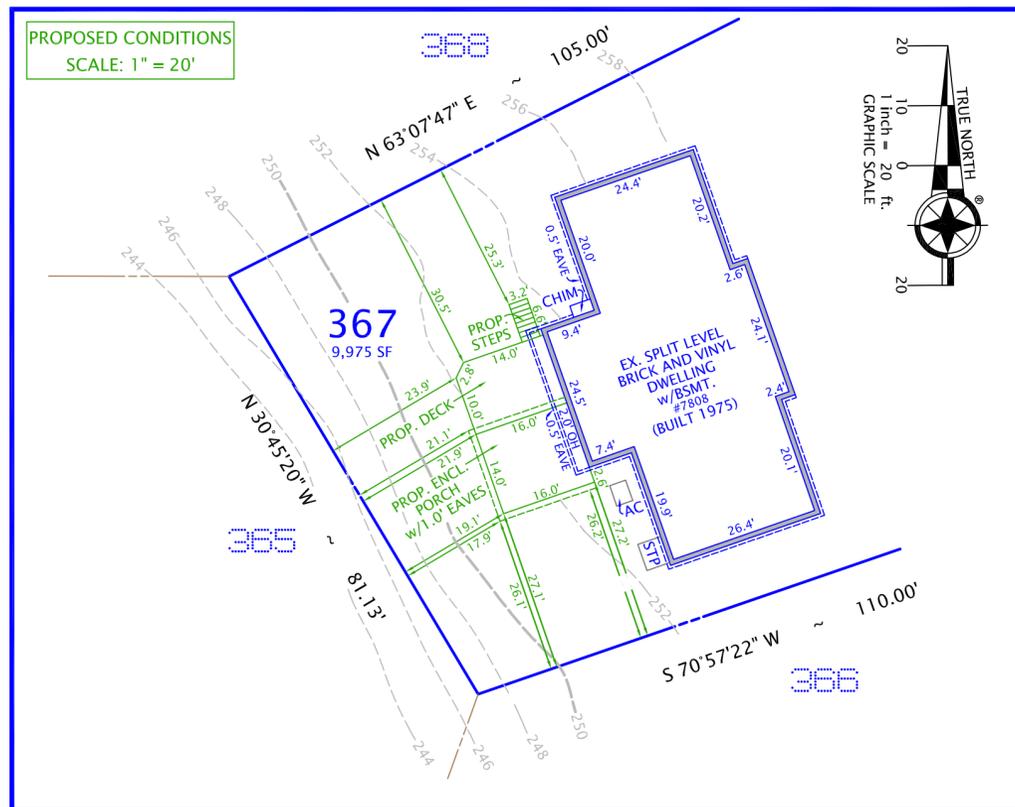
JAMES A. GARDNER / SANDRA L. GARDNER



EXISTING CONDITIONS  
SCALE: 1" = 20'



PROPOSED CONDITIONS  
SCALE: 1" = 20'



NOTES

1. TAX MAP: 98-2-06-0367
2. ZONE: R-3C (RESIDENTIAL w/CLUSTER DEV.)
3. LOT AREA: 9,975 SF (0.2290 ACRE)
4. REQUIRED YARDS:
 

FRONT:	=	20 FEET
SIDE:	=	8 FEET MIN., BUT A TOTAL OF 20 FEET
REAR:	=	25 FEET
5. HEIGHTS:
 

EX. DWELLING	=	28.5 FEET (MIDLINE OF ROOF)
PROP. ENCL. PORCH	=	17.5 FEET (RIDGELINE OF ROOF)
PROP. DECK	=	06.5 FEET
EX. DECK #1	=	06.5 FEET
EX. DECK #2	=	01.4 FEET
FENCES	=	AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
 

EX. BASEMENT	=	1,414 SF
EX. FIRST FLOOR	=	1,904 SF
EX. SECOND FLOOR	=	932 SF
EX. GROSS FLOOR AREA	=	4,250 SF

EX. FLOOR AREA RATIO: EX. GFA (4,250) / LOT AREA (9,975) = 0.426

PROP. ENCLOSED PORCH = 224 SF. / EX. GFA (4,250) = 0.053

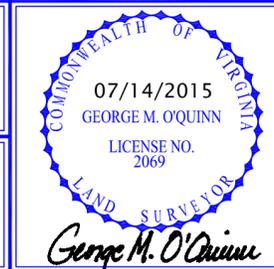
PROP. GROSS FLOOR AREA: EX. GFA (4,250) + 224 = 4,474 SF

PROP. FLOOR AREA RATIO: PROP. GFA (4,474) / LOT AREA (9,975) = 0.449
13. OWNER - SANDRA L. AND JAMES A. GARDNER  
7808 NEW LONDON DRIVE  
SPRINGFIELD, VA 22153  
(DB. 6219, PG. 1912)

PLAT  
SHOWING THE IMPROVEMENTS ON  
LOT 367, SECTION EIGHT  
**SARATOGA**  
(DEED BOOK 3809, PAGE 1111)  
FAIRFAX COUNTY, VIRGINIA  
MOUNT VERNON DISTRICT  
SCALE: 1" = 20'      JULY 14, 2015  
NOVEMBER 2, 2015 (REVISED NOTES)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.  
A TITLE REPORT WAS NOT FURNISHED.  
NO CORNER MARKERS SET.



CASE NAME:  
JAMES A. GARDNER  
SANDRA L. GARDNER

**DOMINION** Surveyors Inc.  
8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
703-619-6555  
FAX: 703-799-6412

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## SPECIAL PERMIT REQUEST

The applicants request an approval to permit a reduction in certain yard requirements to permit construction of a screened porch and deck addition 17.9 feet from a rear lot line. The screened porch would measure 17.5 feet in height and the open deck would match the existing deck at a height of 6.5 feet. The total addition would add 224 square feet in gross floor area.

A copy of the special permit plat, titled "Plat showing The Improvements On Lot 367, Section Eight," prepared by George M. O'Quinn on July 14, 2015, as revised on November 2, 2015, is included in the front of the staff report.

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

## CHARACTER OF THE SITE AND SURROUNDING AREA

The application property consists of a split level single-family detached dwelling. A concrete driveway extends to New London Drive, and a stoop provides access to the main entrance of the dwelling. A 6.5 foot tall wooden deck (Deck #1) and a 1.4 foot tall deck (Deck #2), which are attached to the rear of the dwelling, will be demolished and replaced with the proposed screened porch and open deck. Existing mature vegetation surrounds the rear of the property, providing screening to the area.

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

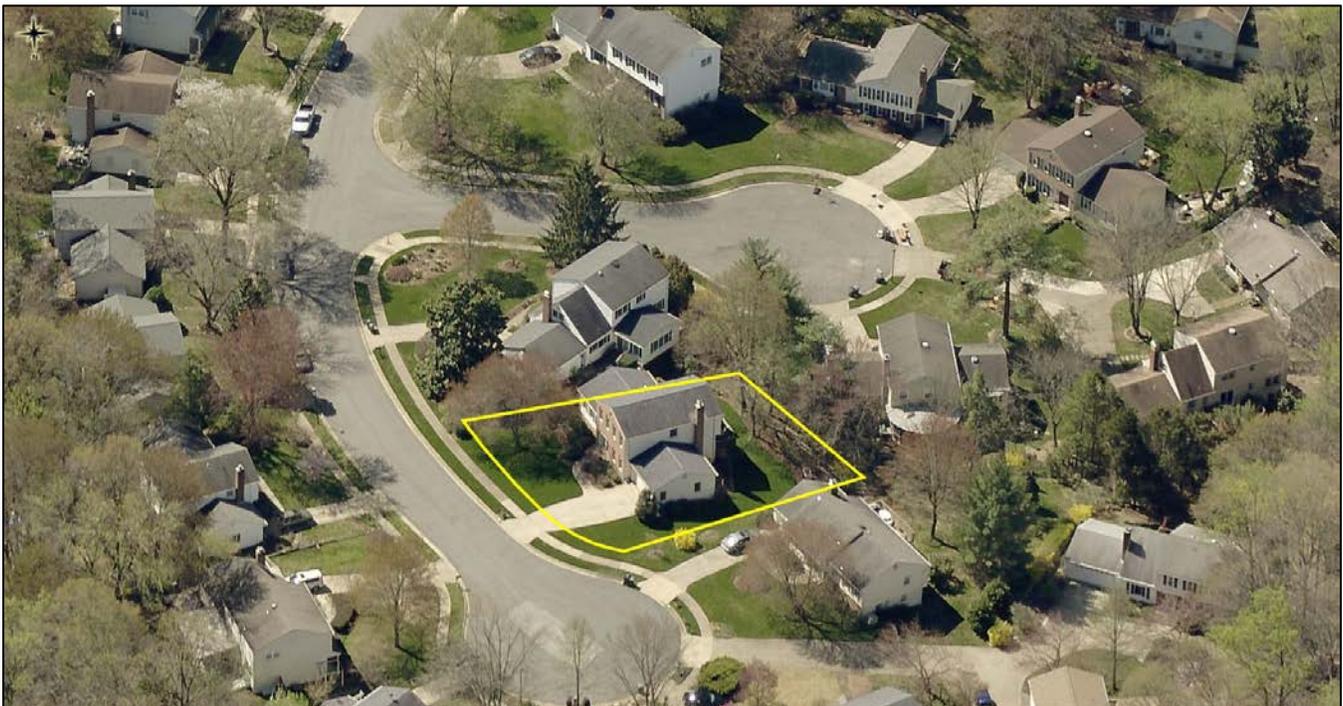


Figure 1: Aerial View

## BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1975 and purchased by the applicant in 1985.

## DESCRIPTION OF THE REQUEST

As discussed, the applicants are requesting approval of a special permit for a reduction of certain yard requirements to permit construction of an addition. The addition, located 17.9 feet from the rear lot line, would be used as a screened porch with an exterior open deck. In the R-3 cluster district the required rear yard is 25 feet; therefore, the applicants are requesting a reduction of 7.1 feet, or 28.4%.

Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Screened Porch	Rear	25.0 feet	17.9 feet	7.1 feet	28.4%
Open Deck	Rear	Up to 12; but no closer than 5 feet	23.9 feet	N/A*	N/A*

\*Sect. 2-412: Any open deck with any part of its floor higher than four (4) feet above finished ground level may extend into minimum required rear yards up to 12 feet, but not closer than 5 feet to any rear lot line and not closer than a distance equal to the minimum required side yard to the side lot line.

The applicants propose to construct a screened porch and an open deck with stairs. The addition would be a maximum of 17.5 feet in height, and it would add an additional 224 square feet in gross floor area. The roofline of the proposed screened porch would be lower than the existing roofline of the house and well within the height requirement.

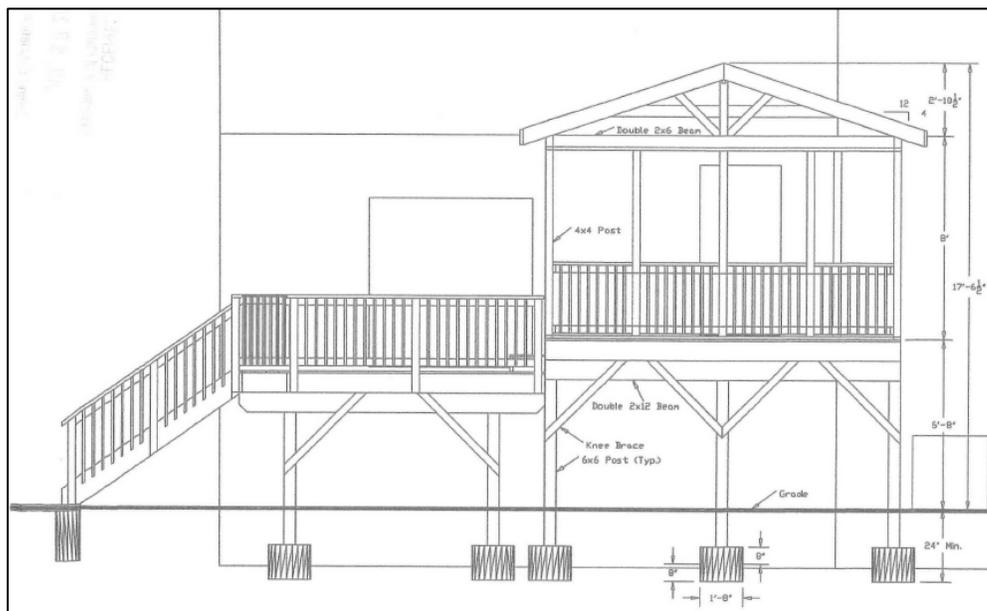


Figure 2: Proposed Elevation

## ANALYSIS

### Comprehensive Plan Provisions

**Plan Area:** Area III, Pohick Planning District  
**Planning Sector:** Main Branch Community Planning Sector (P2)  
**Plan Map:** Residential, 2-3 dwelling units per acre

### Zoning District Standards

Bulk Standards (R-3C)		
Standard	Required	Provided
Lot Size	8,500 sf.	9,975 sf.
Lot Width	Interior: 80 feet	98.09 feet
Building Height	35 feet max.	28.5 feet
Front Yard	Min. 20 feet	165 feet
Side Yard	Min. 8 (20) feet	9.4 (21.5) feet
Rear Yard	Min. 25 feet	17.9 feet*

\*As permitted through the approval of this application

### Accessory Structures On-Site

Structure	Yard	Minimum Yard Required	Location
Deck	Rear	No closer than 5 feet to any lot line	23.9 feet

### Zoning Ordinance Requirements (Appendix 4)

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

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

<b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-3C District allows a reduction in minimum required yards with special permit approval.
<b>Standard 3</b> Adjacent Development	In staff's opinion, the proposed use will not hinder or discourage use or development of neighboring properties or negatively affect value. The proposed addition abuts mature trees located on a portion of the adjacent lot 365. The house on that lot is located southwest of the proposed addition.

<b>Standard 4</b> Pedestrian/Vehicular Traffic	No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed porch is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 5</b> Landscaping/Screening	Mature vegetation provides screening of the rear yard of the application property.
<b>Standard 6</b> Open Space	There is no prescribed open space requirement on individual lots in the R-3C District.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	There are no changes to the utilities, drainage, parking or loading of the site.
<b>Standard 8</b> Signs	No signage is proposed.

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

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

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

<b>Standard 1</b> Yard Requirements Subject to Special Permit	<p><i>A. Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet:</i> The proposed screened porch addition would be located 17.9 feet from the rear lot line. The required rear yard in an R-3C District is 25 feet, resulting in a reduction of 7.1 feet, or 28.4%.</p> <p><i>B. Pipestem lots – N/A</i></p> <p><i>C. Accessory structure locations – N/A</i></p> <p><i>D. Extensions into minimum required yards allowed by Sect. 2-412 – N/A</i></p>
<b>Standard 2</b> Not a Detached Structure in a Front Yard	The application does not propose a detached accessory structure.
<b>Standard 3</b> Principal Structure that Complied with yard Requirements When Established	When the existing structure was built in 1975, it conformed to all applicable requirements at that time.

<p><b>Standard 4</b> Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The screened porch addition is 224 square feet. The existing GFA of the primary structure is 4,250 square feet; therefore, the proposed addition will be 5.3% of the GFA.</p>
<p><b>Standard 5</b> Accessory Structure Subordinate in Purpose, Scale, Use, and Intent</p>	<p>The proposed construction of the open deck addition is subordinate to the primary use. The height of the existing dwelling is 28.5 feet. The height of the open deck will match the existing deck at 6.5 feet. The screened porch will be included as a part of the principle structure, so this standard is not applicable for that portion of the addition.</p>
<p><b>Standard 6</b> Construction in Character with On-Site Development</p>	<p>The proposed addition will be constructed to the west 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.</p>
<p><b>Standard 7</b> Construction Harmonious with Off-Site Development</p>	<p>Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the addition is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. As previously stated, the proposed addition abuts a heavily landscaped portion of the adjacent lot 365. Staff believes this addition will be harmonious with surrounding uses and meets this provision.</p>
<p><b>Standard 8</b> Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed addition will not significantly affect the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, or safety since the proposed addition will be located behind a landscaped portion of the adjacent lot. DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes the addition will not significantly increase runoff or erosion.</p>
<p><b>Standard 9</b> Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes the special permit application proposal is modest in nature and is the minimum amount of reduction necessary due to the placement of the dwelling on the lot. The lot is rectangular in shape; however, the dwelling is placed nearly twice as far back on the lot as required, leaving little to no room for additions or expansion of the home.</p> <p>Other issues of lot shape, yard determination, environmental characteristics, slopes, wells, floodplains, and/or Resource Protection Areas, and historic resources are not applicable to this site.</p>
<p><b>Standard 10</b> BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p><b>Standard 11</b> Submission</p>	<p>A copy of the plat is included in the beginning of this report.</p>

Requirements	
<b>Standard 12</b> Architectural Elevations	Proposed elevations are included as an attachment to the development conditions in Appendix 1.

## **CONCLUSION / RECOMMENDATION**

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions and is in harmony with the Comprehensive Plan. Staff recommends approval of SP 2015-MV-123 for the addition with the adoption of the proposed development conditions contained in Appendix 1.

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

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

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

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Statement of Justification
3. Applicant's Affidavit
4. Applicable Zoning Ordinance Provision

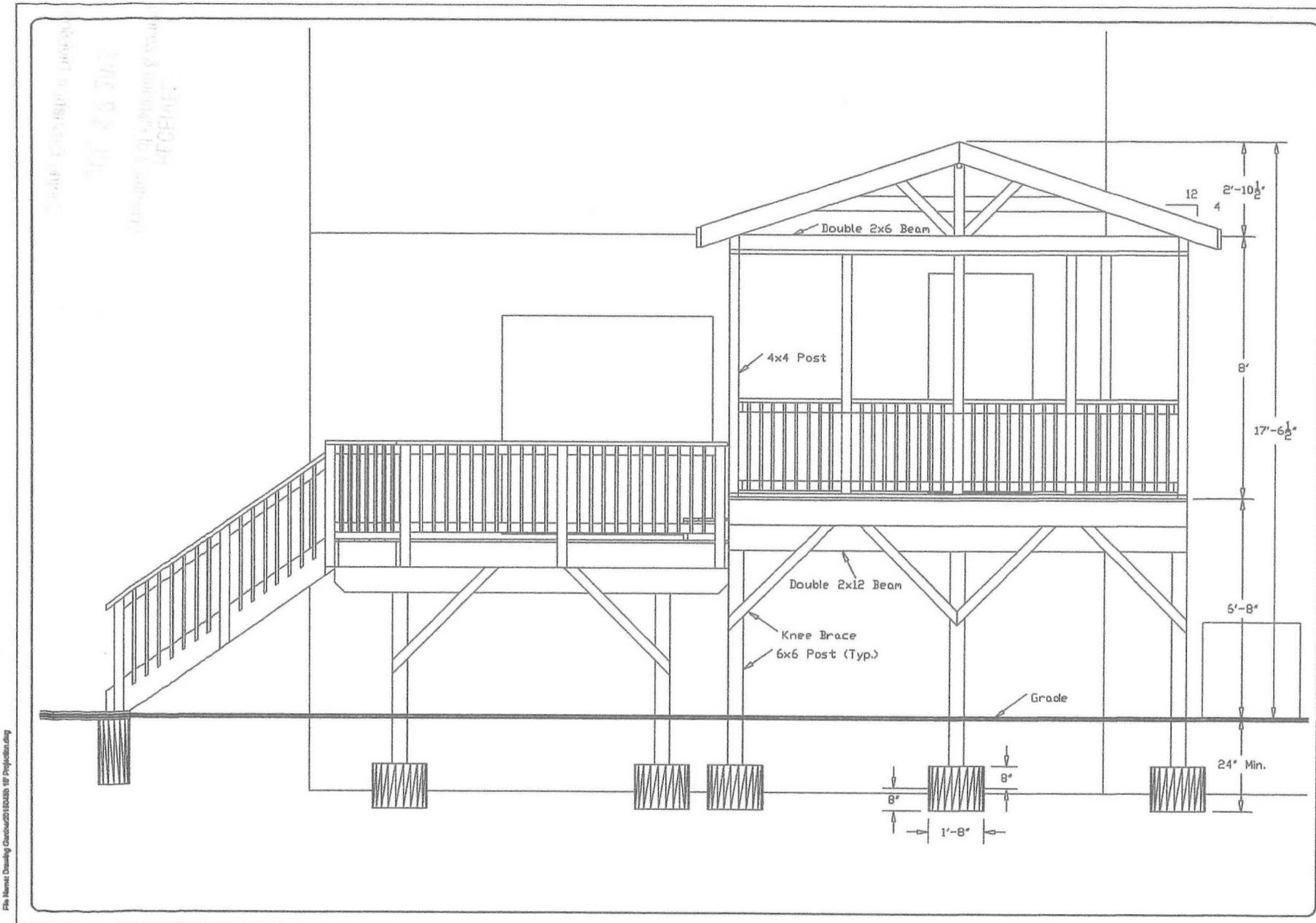
**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-MV-123****November 24, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MV-123 located at Tax Map 98-2 ((6)) 367 to permit a reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance to permit a residential addition (screened porch) 17.9 feet from the rear lot line, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the screened porch (224 square feet and 17.5 feet in height) and open deck, as shown on the plat entitled "Plat Showing the Improvements On Lot 367, Section Eight," prepared by George M. O'Quinn, on July 14, 2015, as revised on November 2, 2015, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (4,250 square feet existing + 6,375 square feet (150%) = 10,625 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings as shown on Attachment 1 to these conditions.

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

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



File Name: Drawing: Deck/20150526 10' Projection.dwg

**Whitmer Decks**  
 6705F Burke Center Pkwy, #102  
 Burke, VA, 22015  
 (703) 455-0624 (3355)  
 www.WhitmerDecks.com

County typical deck details to be followed, unless otherwise noted.

**Gardner Deck**  
 7800 New Location Drive  
 Springfield, VA, 22153  
 (703) 455-0624  
 www.gardnerdeck.com

Sheet Name: Front  
 Date: May 26, 2015 6:26 PM  
 Drawn By: Cliff Whitmer  
 Scale: 3/8" = 1'  
 Job No.: 2015048

**A-3**

AUG 20 2015

Zoning Evaluation Division

2 July 2015

## SPECIAL PERMIT STATEMENT OF JUSTIFICATION

JAMES GARDNER  
7808 New London Dr  
Springfield, Va 22153  
M# 0982 06 0367  
Book 06219  
Pg: 1412  
Magistrate District: Mount Vernon  
Zoning Description: R-3C

Our current deck is over 25 years old and in need of replacement. Both my wife and I enjoy sitting on our deck and felt that having an enclosed screened in porch would increase our use and enjoyment of this area of our home. Article 3 Part 3-307 Bulk Regulation paragraph 2.(c) indicates a 25 foot minimum yard requirement. The screened in porch we desire to would replace the current open deck structure and would be a little larger. Based on the architects drawings the corner of porch we desire would encroach on the 25 foot minimum requirement. We do not feel the design we have chosen will have a negative impact on the neighbors or the neighborhood. The design is tasteful and fits well with the overall look and feel of the neighborhood and the homes immediately surrounding our home.

## IAW 8-922

- The current gross floor area for he structure is 4,250 SF. The proposed enclosed porch is 224 SF. The proposed enclosed porch is 5.3% of the current principle gross floor area so it is well below the 150% as specified in 8-922.
- The proposed structure are subordinate in purpose, scale, use and intent to the principal structure on the site.
- It is believed that the proposed enclosed porch is 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.
- We have review all pertinent zoning articles and believe that proposed enclosed porch is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation. No trees will be impacted by this addition.
- It is believed that the proposed enclosed porch does 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.
- We have examined multiple construction options an believe that the proposed plan determine represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot

## Additionally,

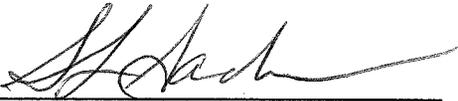
- A. Type of Operation: Porch addition to dwelling
- B. Hours of Operation: residential property
- C. Estimated number of employees/attendants/teachers: N/A

- D. Proposed number of employees: N/A
- E. Estimated Traffic impact: None
- F. Vicinity or general area to be served by the use: N/A
- G. Description of building: wooden screened in porch
- H. Hazardous or toxic material: N/A
- I. Conformance: Project conforms to the comprehensive plan and is in harmony with the general purpose and intent of the applicable zoning district regulations.



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James Gardner



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Sandra L Gardner



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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/17/15 131093  
(enter date affidavit is notarized)

I, JAMES GARDNER, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)       applicant  
                          applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)**

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
JAMES A. GARDNER	7808 NEW LONDON DR Springfield, VA 22153	Applicant/ co-TITLE OWNER
SANDRA L GARDNER	" "	CO-TITLE OWNER

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/17/15  
(enter date affidavit is notarized)

131093

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

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

**CORPORATION INFORMATION**

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/17/15  
(enter date affidavit is notarized)

131093

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

**PARTNERSHIP INFORMATION**

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

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

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

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

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

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/17/15  
(enter date affidavit is notarized)

131093

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

NONE

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

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

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/17/15  
(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)

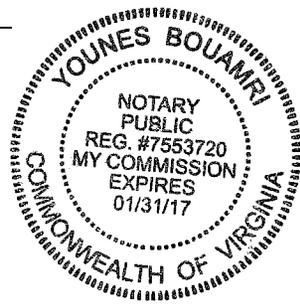
Applicant  Applicant's Authorized Agent

JAMES A GARDNER SANDRA L. Gardner  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17<sup>th</sup> day of August 2015, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]  
Notary Public

My commission expires: 01/31/2017



## **8-006 General Standards**

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

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

### **8-903 Standards for All Group 9 Uses**

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

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

## 8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

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

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

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

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