



County of Fairfax, Virginia

December 2, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-MV-126

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS: Mark Christopher Compton
Maria Compton

STREET ADDRESS: 1805 Hackamore Lane, Alexandria, 22308

SUBDIVISION: Riverside Gardens

TAX MAP REFERENCE: 102-3 ((10)) (3) 24

LOT SIZE: 10,503 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 6.0 feet from one side lot line and a carport 6.0 feet from the other side lot line and to permit reduction of minimum yard requirements based on error in building location to permit an accessory storage structure to remain 2.7 feet from a side lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-MV-126 for the addition with adoption of the proposed development conditions contained in Appendix 1.

Staff does not make recommendations on building in error applications. However, if it is the intention of the Board of Zoning Appeals to approve the request for a special permit for error in building location to allow the patio to remain, staff recommends that such approval be made subject to the 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/

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. 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.**

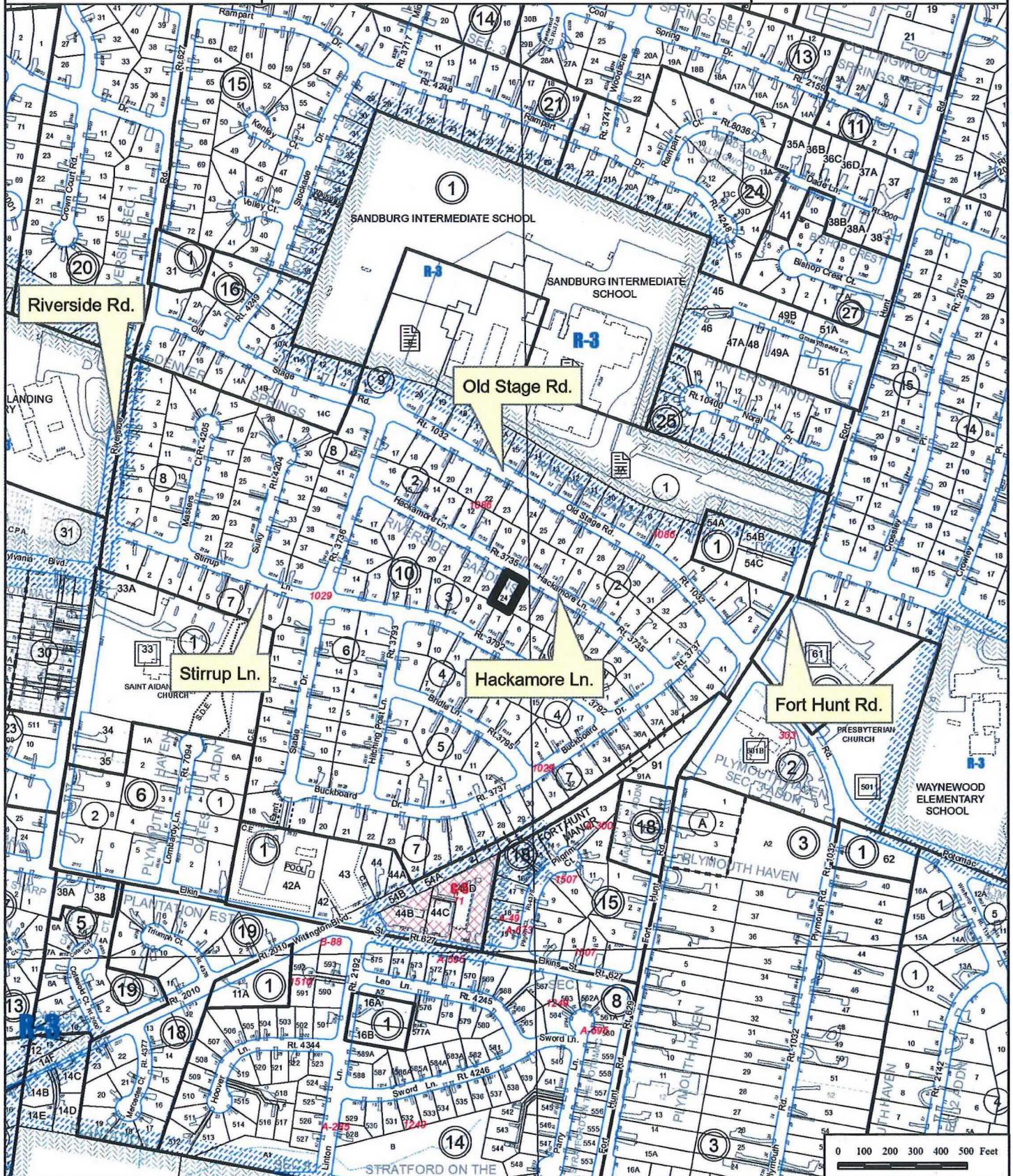


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



Special Permit SP 2015-MV-126

MARK CHRISTOPHER COMPTON / MARIA COMPTON



HEIGHT TABLE

HEIGHT OF EXISTING HOUSE:	16.4'
HEIGHT OF PROPOSED ADDITION:	15.5'
HEIGHT OF PROPOSED PORCH:	12.5'
HEIGHT OF PROPOSED CARPORT:	12.0'

- NOTES:
- TAX MAP 102-3-10-03-0024
 - PROPERTY SHOWN HEREON IS ZONED: R-3 (RESIDENTIAL 3 DU/AC)
 - MINIMUM YARD REQUIREMENTS IN ZONE R-3
FRONT: 30'
SIDE: 12'
REAR: 25'
 - PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 - THE PROPERTY SHOWN HERE IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0410E EFFECTIVE DATE, SEPTEMBER 17, 2010.
 - THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
 - THE PROPERTY IS NOT LOCATED IN A FLOODPLAIN NOR AN RPA (RESOURCE PROTECTION AREA).
 - FLOOR AREA:
EX. FIRST FLOOR 1,118 SQ. FT.
EX. SECOND FLOOR 520 SQ. FT.
EX. GROSS FLOOR AREA HOUSE 1,638 SQ. FT.
EX. FLOOR AREA RATIO: 1,638/10,503 = 0.15

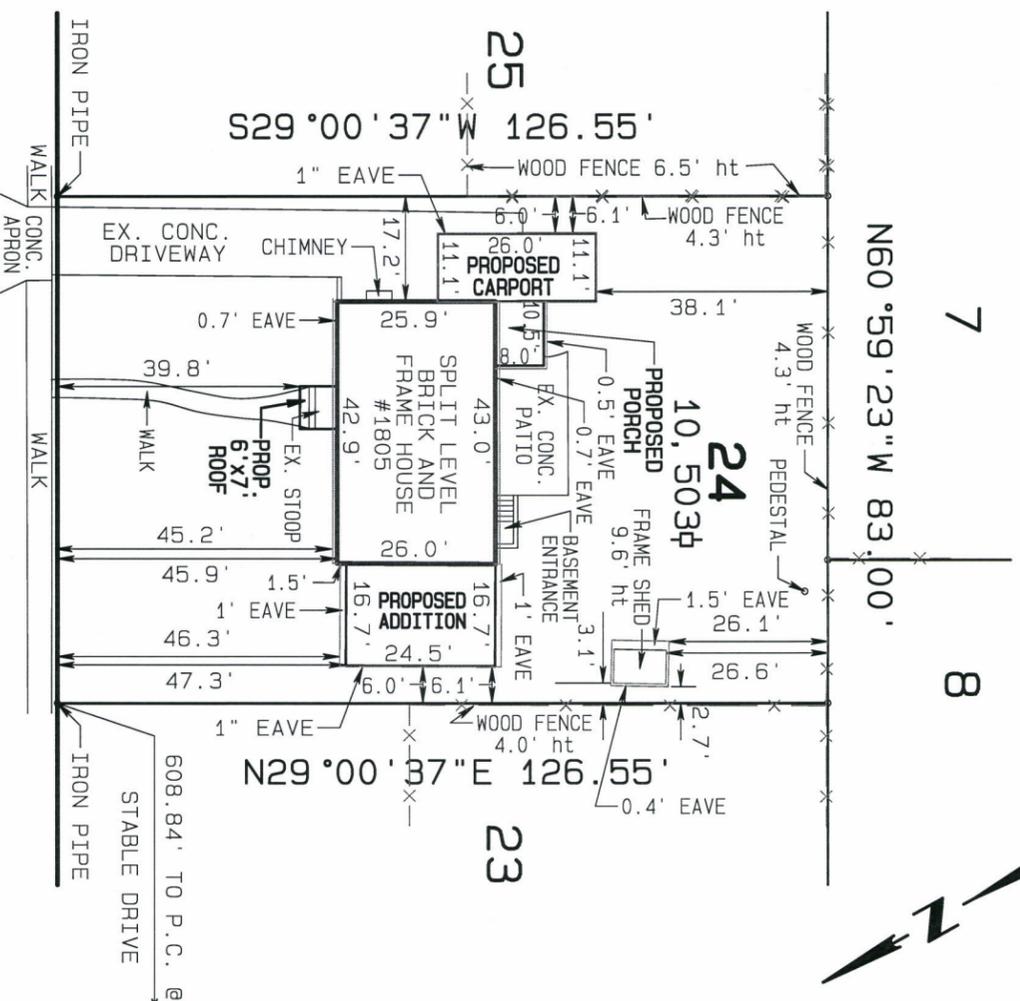
PERMITTED REAR PORCH ADDITION:
PROP. GROSS FLOOR AREA PORCH 84 SQ. FT.

SPECIAL PERMIT ADDITION:
PROPOSED GROSS FLOOR AREA 816 SQ. FT.

PROPOSED SPP ADDITION = 816 SQ. FT./1,638 SQ. FT. + 84 SQ. FT. = 0.47

PROP. GROSS FLOOR AREA: EX. GFA (1,638) + PROP. ADDNS. (900) = 2,538 SQ. FT.

PROPOSED FLOOR AREA RATIO: PROP. GFA (2,538)/LOT AREA (10,503) = 0.24



RECEIVED
Department of Planning & Zoning
01 2015

HACKAMORE LANE
ROUTE #3735 - 50' R/W

SPECIAL PERMIT PLAT

RIVERSIDE GARDENS

MOUNT VERNON MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=30' DATE: JUNE 16, 2015



SCARTZ SURVEYS

LARRY N. SCARTZ
LOCAL (703) 494-4181
FAX (703) 494-3330
LARRY.SCARTZ@SCARTZ.COM



NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY
AND DO NOT CERTIFY AS TO OWNERSHIP.

CASE NAME:
COMPTON

SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit to allow a reduction of certain yard requirements to permit construction of an addition 6.0 feet from one side lot line and a carport 6.0 feet from the other side lot line. The applicant also requests approval of a special permit to allow the reduction of minimum yard requirements based on an error in building location to permit an existing accessory storage structure (shed) to remain 2.7 feet from a side lot line.

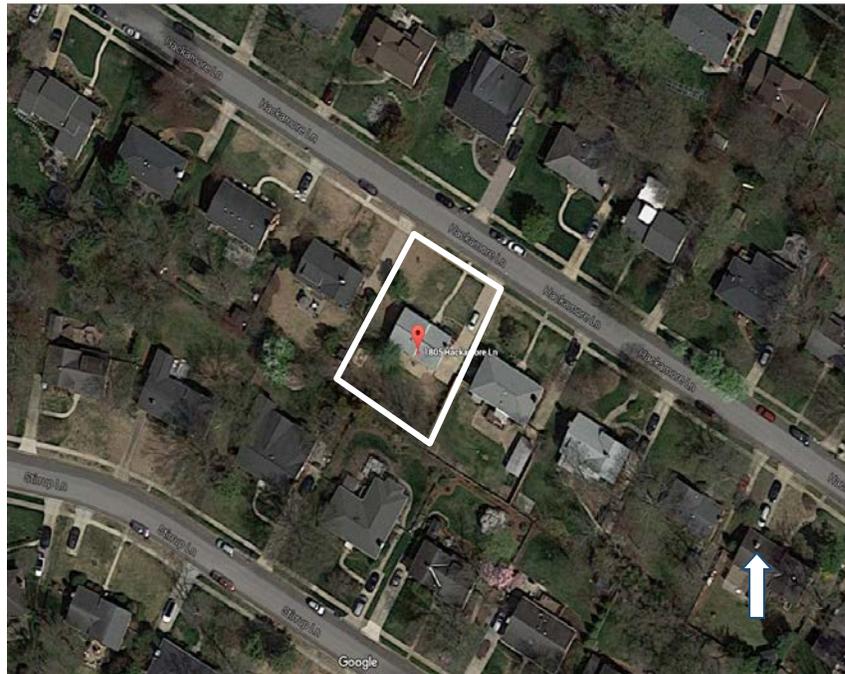
A copy of the special permit plat titled, "Special Permit Plat, Lot 24, Block 3, Riverside Gardens," prepared by Larry N. Scartz, L.S., dated June 16, 2015, as revised through August 25, 2015, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

A copy of the proposed development conditions, statement of justification with select file photographs, and affidavit are contained in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,503 square foot lot contains a split level dwelling with a full basement, and is accessed via a concrete driveway from Hackamore Lane. A concrete walkway leads from the sidewalk to the front stoop of the dwelling. A concrete patio and the walkout basement entrance are located at the rear of the dwelling. A shed 9.6 feet in height is located in the western portion of the rear yard. The rear yard is enclosed by a wood fence that varies in height from 4.0 feet to 4.3 feet.



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

Figure 1: House Location
For illustrative purposes only

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1964 and purchased by the applicants in February, 2015.

Since the adoption of the Zoning Ordinance, similar special permit and variance applications have been heard by the Board of Zoning Appeals for nearby properties in this subdivision. Some similar applications have included:

- VC 00-V-049: Approved to permit construction of an addition 5.0 feet from a side lot line at 1908 Stirrup Lane.
- VC 99-V-137: Approved to permit construction of a carport 3.0 feet from a side lot line at 85047 Stable Drive.
- VC 98-V-095: Approved to permit construction of an addition 3.5 feet from a side lot line at 8511 Hitching Post Lane.

More detailed information about similar applications is included in Appendix 4.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction an addition. The addition, to be located 6.0 feet from the western side lot line, would be used as a master bedroom extension over additional basement area. The applicant is also requesting a reduction of certain yard requirements to permit construction of a carport on the eastern side of the house. The carport would be set back towards the rear of the house and located 6.0 feet from the eastern side lot line. A carport built by right would be allowed to project 5.0 feet into the required side yard, so the request is to allow an additional 1.0 foot extension into the side yard. In the R-3 zoning district, the required side yard is 12.0 feet. The applicant is requesting a reduction of 6.0 feet, or 50%, into the eastern side yard and 1.0 foot, or 8.3% into the western side yard.

In addition, the applicants request approval of a special permit for a reduction of minimum yard requirements based on an error in building location to permit a shed 9.6 feet in height to remain 2.7 feet from the western side lot line. The applicants request a reduction of 9.3 feet, or 77.5% for the side yard. The shed was purchased from the Amish shed company and installed by the applicants in the location of a previous shed. It is primarily used for the storage of garden tools.

The special permit requests are summarized in the table below.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit (50%)	Addition	Side	12.0 feet	6.0 feet	6.0 feet	50%
Special Permit (50%)	Carport	Side	7.0 feet	6.0 feet	1.0 feet	8.3%
Special Permit (Error)	Shed	Side	12.0 feet	2.7 feet	9.3 feet	77.5%

The proposed addition to the western side of the house would be approximately 816 square feet in size and 15.5 feet in height. The roofline of the addition would be lower than the existing roofline of the home, and it would be within the maximum height requirements. The proposed materials would be consistent with the materials of the existing dwelling.



Figure 2. Proposed Front Elevation

On the eastern side of the house, the applicants propose to construct a carport that would be 11.1 feet in width, 26.0 feet in length and 12 feet in height. The carport would be set back approximately 16.0 feet from the front of the house.

Finally, the applicants are also constructing a by-right porch addition at the rear of the house and a by-right covered front stoop.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: IV, Mount Vernon Planning District
Planning Sector: Fort Hunt Community Planning Sector (MV6)
Plan Map: 2-3 dwelling units per acre

Zoning District Standards

Bulk Standards (R- 3)		
Standard	Required	Provided
Lot Size	10,500 sf.	10,503 sf.
Lot Width	Interior: 80 feet	83 feet
Building Height	35 feet	16.4 feet
Front Yard	30 feet	39.8 feet
Side Yard	12 feet	6 feet (western side yard) 6 feet (eastern side yard) - carport
Rear Yard	25 feet	38.1 feet

Urban Forestry Analysis (Appendix 5)

During a site visit, staff from the Urban Forestry Management Division observed a mature pecan tree that would potentially be impacted by construction of the carport. A second mature tree is located in the front yard near the area of the proposed addition. A development condition has been proposed to require that tree protection fencing be placed at the drip line of each tree’s crown to protect the critical root zone during all construction activities.

To mitigate the visual effect of the new addition on the property to the west, a development condition has been proposed to require a row of evergreen trees be planted along the western side property line for the length of the dwelling.

Zoning Ordinance Requirements

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

The following tables provide an overview of the standards reviewed in Sect. 8-006, Sect. 8-903, and Sect. 8-922 for the Reduction of Certain Yard requirements.

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

<p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-3 District allows a reduction in minimum required yards with a special permit approval. The proposed use is in harmony with the Comprehensive Plan and the general purpose and intent of the R-3 District.</p>
<p>Standard 3 Adjacent Development</p>	<p>In staff’s opinion, with the adoption of the proposed development conditions and the installation of a row of evergreen trees along the western side lot line, the proposed use will not hinder or discourage the use or development of neighboring properties or value.</p>
<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>No increased vehicular or pedestrian traffic is expected with this application. In staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>There is mature vegetation throughout the property including a large mature tree in the front yard that would provide some screening for the proposed addition on the western side of the house. Development conditions have been proposed to protect a tree that may be impacted by construction activity on the eastern side of the house. Staff has also proposed that additional vegetative screening in the form of a row of evergreen trees be planted along the length of the western side of the house where the addition would be constructed.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement for individual lots in the R-3 District.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>With the exception of the addition of a carport, there are no changes proposed to the utilities, drainage, parking, or loading on the site.</p>
<p>Standard 8 Signs</p>	<p>No signage is proposed.</p>

Standards for all Group 3 Uses (Sect. 8-903)

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>The lot exceeds the minimum area required in the Zoning Ordinance. The minimum required side yard setbacks will be modified with this special permit application.</p>
<p>Standard 2 Performance Standards</p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p>
<p>Standard 3 Site Plan</p>	<p>If the construction disturbs more than 2,500 square feet, the application is subject to the provisions of Article 17, Site Plans.</p>

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

<p>Standard 1 Yard Requirements Subject to Special Permit</p>	<p>A. Minimum Required Yards – Yes. The applicants request a special permit to allow reduction of the minimum required side yard from 12.0 feet to 6.0 feet to permit construction of an addition to the western side of the existing house. B. Pipestem lots- N/A C. Accessory Structure locations – No D. Extensions into minimum required yards- Yes. The proposed carport would be allowed to extend 5.0 feet into the side yard by-right. By proposing to locate the carport 6.0 feet into the required side yard, the applications are requesting a reduction of yard requirements to allow an additional 1.0 foot extension into the side yard.</p>
<p>Standard 2 Result in a Detached Structure in a Front Yard</p>	<p>Not applicable to the subject application.</p>
<p>Standard 3 Contain a Principal Structure</p>	<p>The subject property contains a single family dwelling, which is an existing principal structure. The structure complied with setbacks of the District when it was established.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The existing dwelling is 1,638 square feet in size. Therefore 150% of the total gross floor area could result in additions up to 2,457 square feet in size for a possible total square footage at build out of 4,095 square feet. The proposed additions (both by special permit and by-right) are a total of approximately 900 square feet, for a total square footage of the house with the addition of 2,538 square feet. Therefore the application meets this provision.</p>
<p>Standard 5 Construction of Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>There is no accessory structure proposed, so this standard is not applicable to this application.</p>
<p>Standard 6 Construction in Character with On-site Development</p>	<p>The statement of justification, elevation drawings, and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the dwelling. Staff believes that the application meets this provision.</p>

<p>Standard 7 Construction Harmonious with Off-site Development</p>	<p>Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the addition is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. Staff believes this addition will be harmonious with surrounding uses and meets this provision.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>The proposed addition to the western side of the house will be compatible with the principle structure in height and size. The carport on the eastern side of the house will be located towards the rear of the house and will be subordinate in size and height. Staff believes that with the adoption of the proposed development condition requiring the addition of vegetative buffering in the form of a row of evergreen trees along the western side property line, 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 will be addressed at that time.</p>
<p>Standard 9 Minimum Required Yards is the Minimum Amount of Reduction Necessary</p>	<p>The proposed carport would be located 6.0 feet into the minimum required side yard of 12.0 feet. A carport is allowed to extend 5.0 feet into a side yard by-right. Therefore the applicants request to extend 1.0 foot beyond what they could construct by-right, which staff believes is a modest request for a one-car carport.</p> <p>The addition on the western side of the house is to provide expanded bedroom space. Expanding to the rear of the house would be difficult due to the location of the walk-out basement entrance. In addition, while the additional space could be added by building higher, staff believes that increasing the height of the existing house would be out of character with other houses in the area and could create a more obtrusive structure than the applicants' proposed addition. The proposed addition is similar in size and appearance to several other homes in the neighborhood. Staff believes that this is a minor encroachment and is the minimum amount of reduction necessary to accommodate the addition.</p> <p>Other issues of lot shape, yard determination, environmental characteristics, wells, floodplains and/or Resource Protection Areas, and historic resources are not applicable to this site.</p>
<p>Standard 10 BZA May Impose Conditions</p>	<p>Staff has proposed development conditions in Appendix 1.</p>
<p>Standard 11 Submission Requirements</p>	<p>Satisfied at time of submittal.</p>
<p>Standard 12 Architectural Elevations</p>	<p>Elevations are provided and proposed to be incorporated as part of the development conditions.</p>

CONCLUSION

Staff believes that the request for a special permit for reduction in certain yard requirements to permit an addition and a carport is in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed development conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2015-MV-126 for the addition with adoption of the proposed development conditions contained in Appendix 1 of the staff report.

Staff does not make recommendations on building in error applications. However, if it is the intention of the Board of Zoning Appeals to approve the request for a special permit for error in building location to allow the shed to remain, staff recommends that such approval be made subject to the development conditions contained in Appendix 1.

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification and Select File Photos
3. Applicant's Affidavit
4. Similar Case History
5. Urban Forestry memo
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-MV-126****December 2, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-MV-126 located at Tax Map 102-3 ((10)) (3) 24 to permit reduction of certain yard requirements pursuant to Section 8-922 and to permit a shed to remain pursuant to Section 8-914 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 applicants 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 accessory storage structure (shed), the addition (816 square feet, 15.5 feet in height), and the carport (288.6 square feet, 12 feet in height) as shown on the plat titled, "Special Permit Plat, Lot 24, Block 3, Riverside Gardens," prepared by Larry N. Scartz, L.S., dated June 16, 2015, as revised through August 25, 2015, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,638 square feet existing + 2,457 square feet (150%) = 4,095 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. A row of evergreen trees such as holly, arborvitae, or cypress, a minimum of 6.0 feet in height at planting, shall be installed between the addition and the western side lot line. These trees shall be planted a maximum of 10.0 feet on center along the full length of the addition, parallel to the property line.
6. During all construction activities, tree protection fencing shall be provided for the mature pecan tree in the eastern portion of the rear yard and for the mature tree in the western portion of the front yard. The fencing shall be placed at the

drip line of the tree's crown, with the final verification of the fence location subject to review by the Urban Forestry Management Division, Department of Public Works and Environmental Services.

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

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

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.

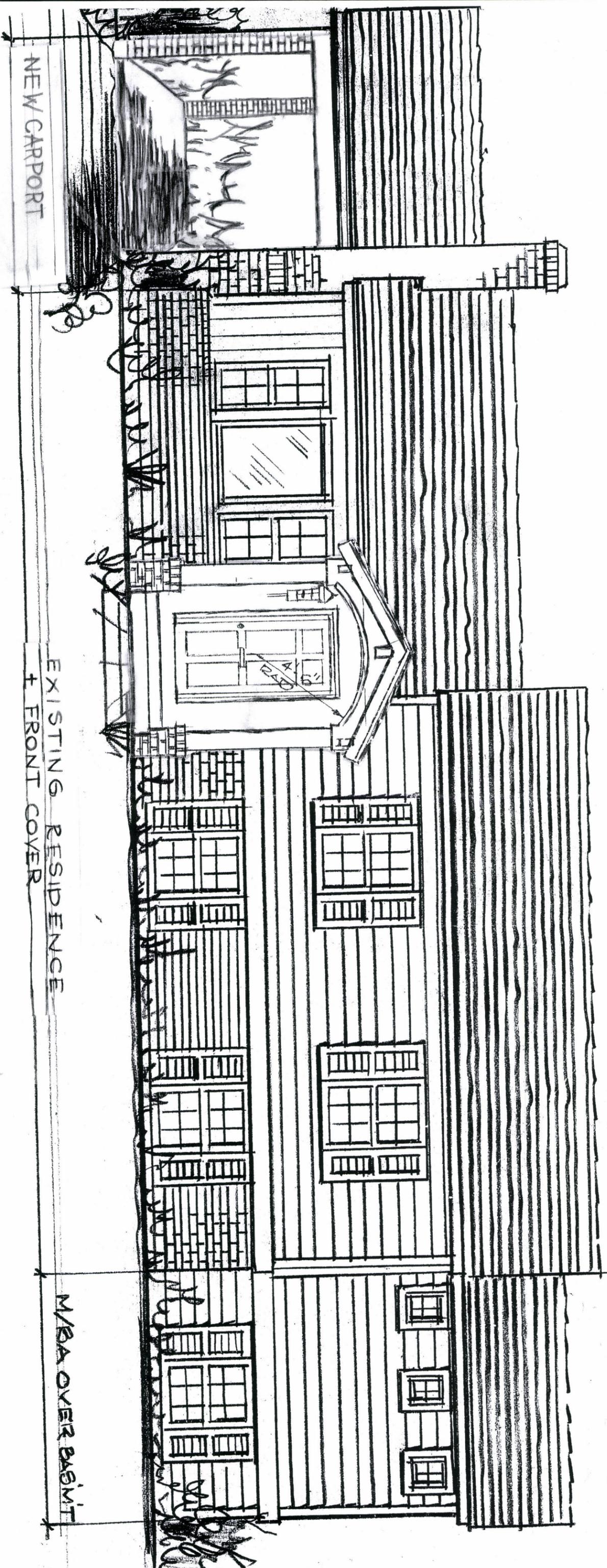
Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special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



NEW CARPORT

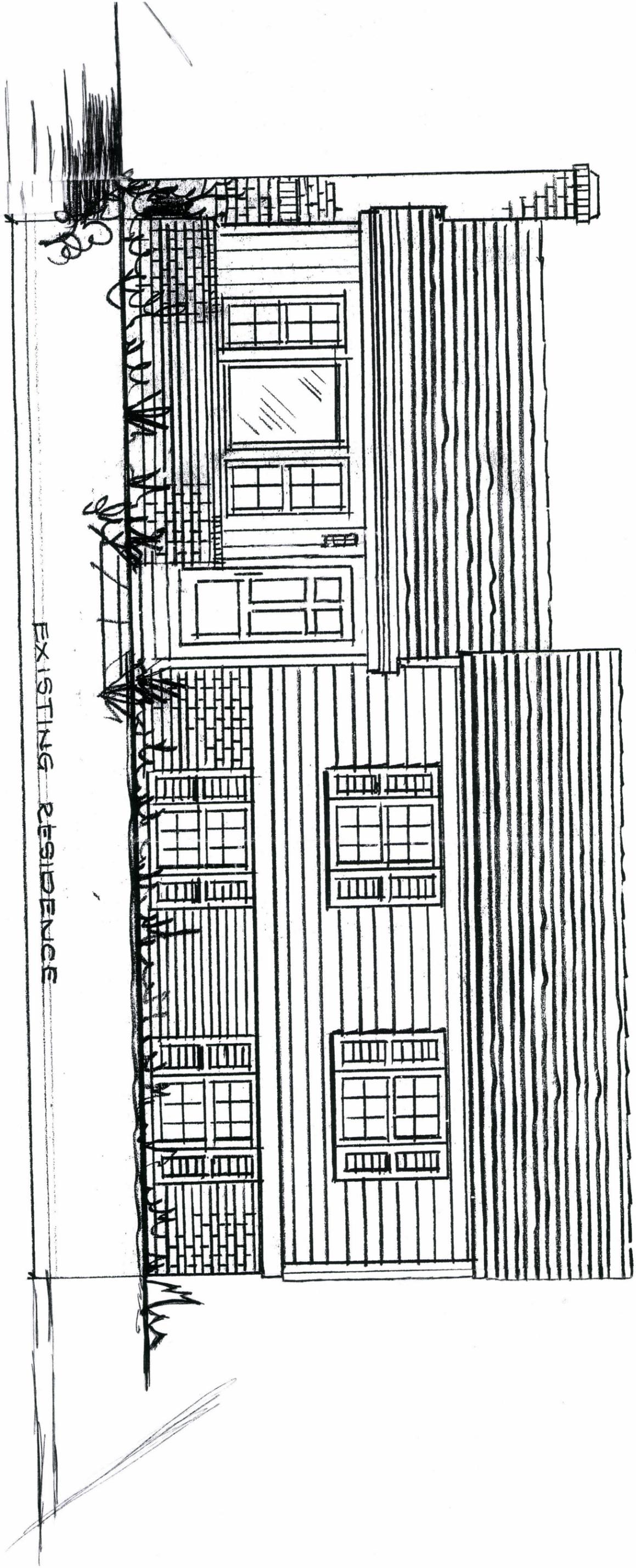
EXISTING RESIDENCE
+ FRONT COVER

M/R/OVER BASMT

RECEIVED
Department of Planning & Zoning

AUG 18 2015

Zoning Evaluation Division

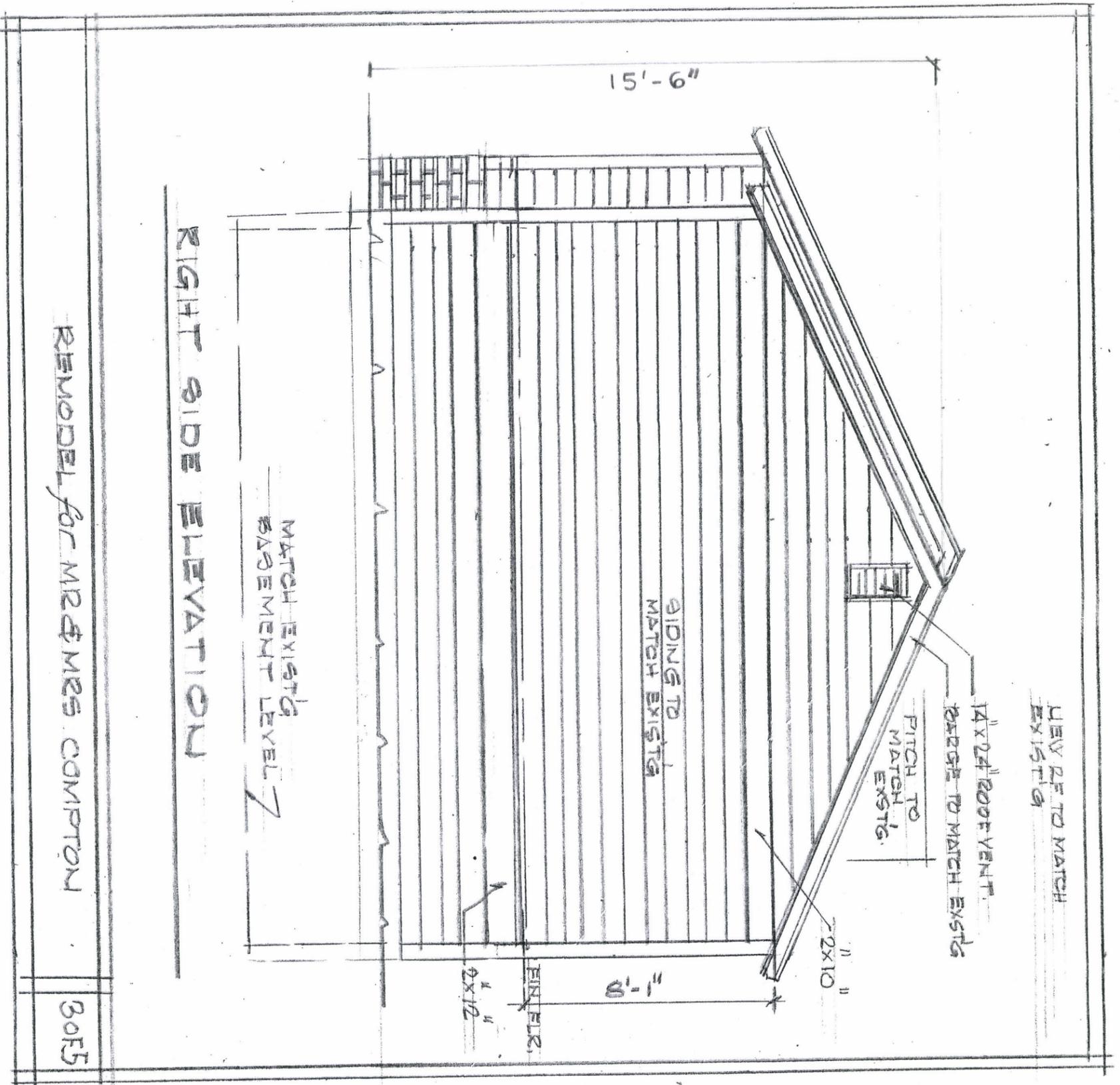


EXISTING RESIDENCE

RECEIVED
Department of Planning & Zoning

AUG 18 2015

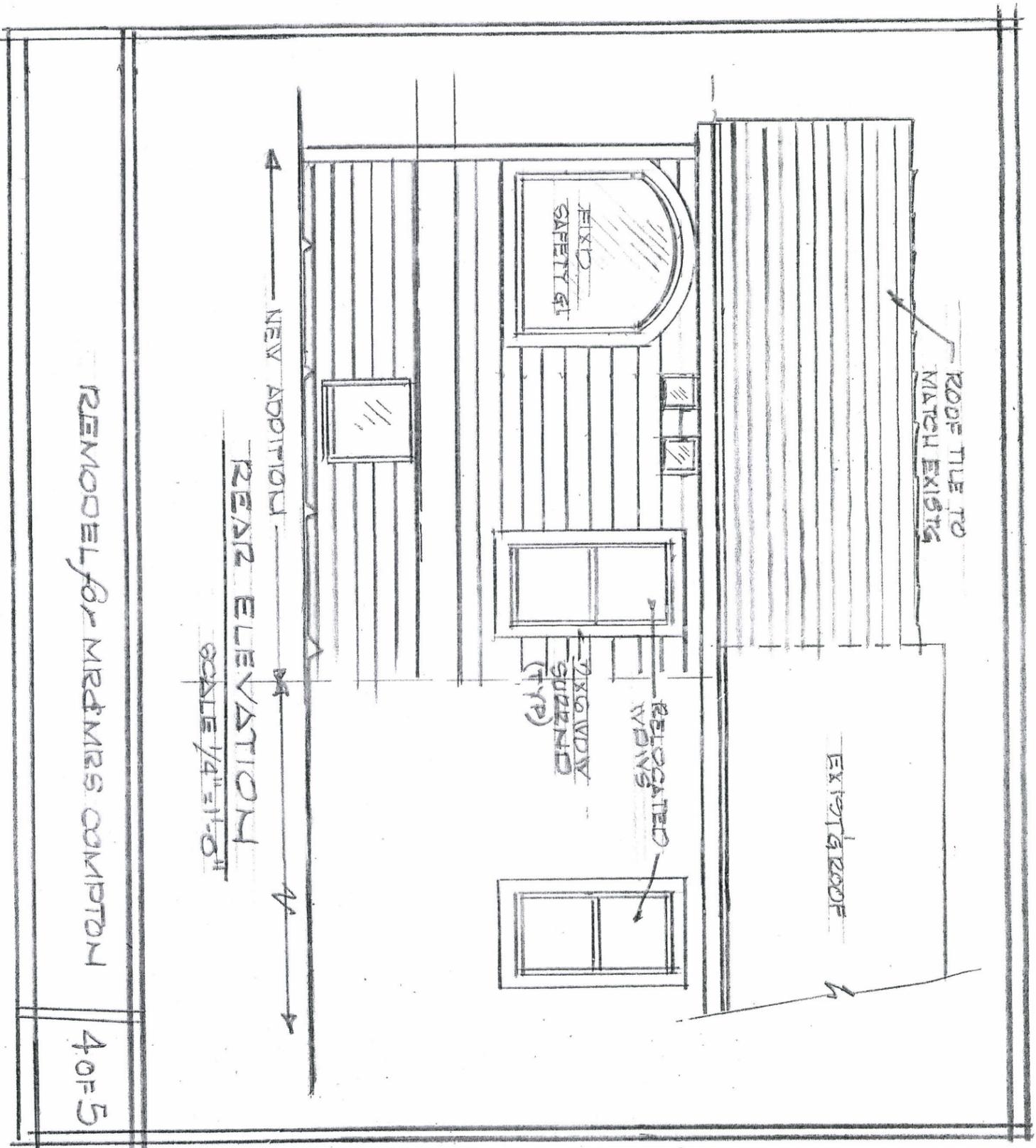
Zoning Evaluation Division



RECEIVED
 Department of Planning & Zoning

AUG 18 2015

Zoning & Planning Division



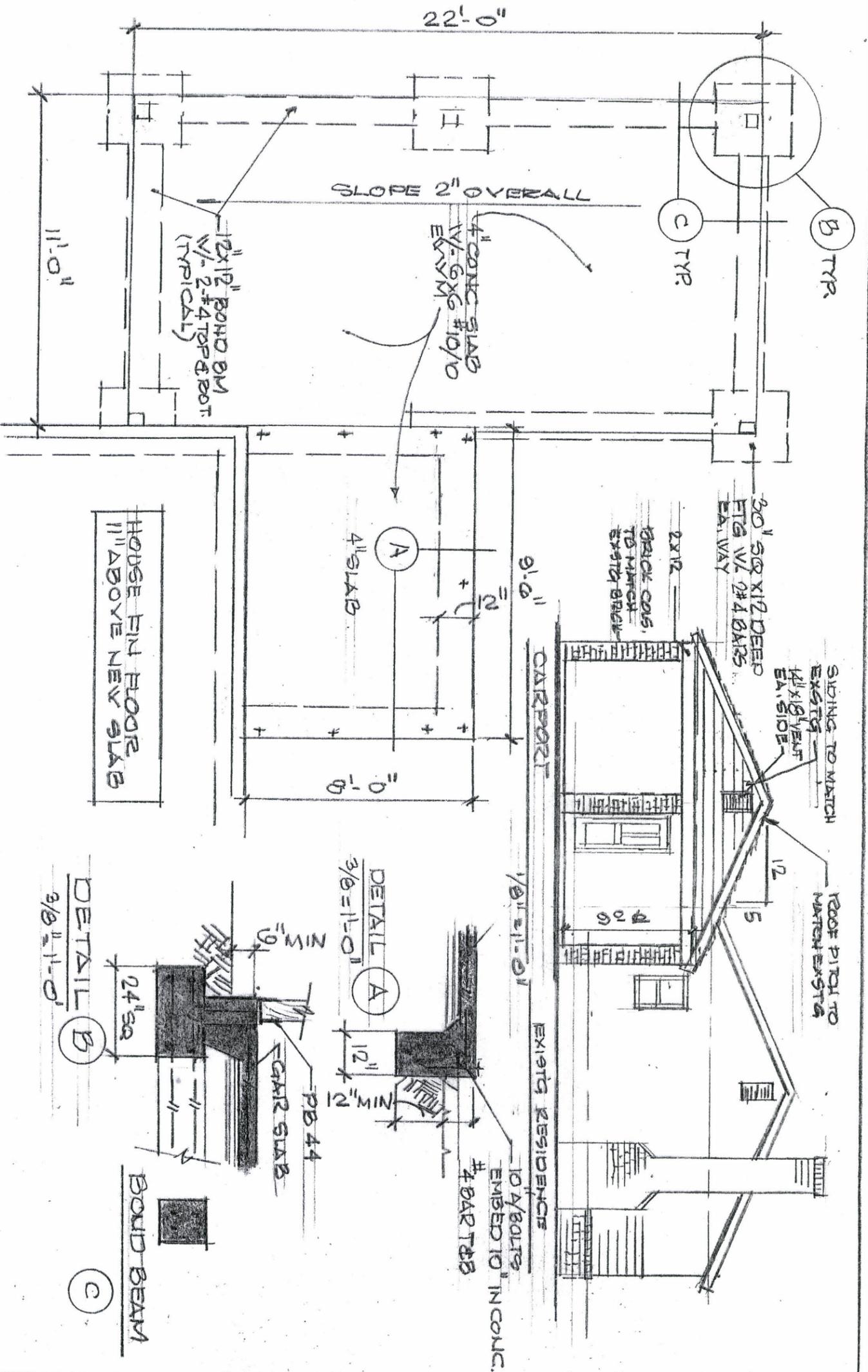
REMODEL for MR & MRS COMPTON

4.01-5

RECEIVED
Department of Planning & Zoning

AUG 18 2005

Zoning Education Division



SCALE 1/4" = 1'-0"

FOUNDATION PLAN & DETAILS

REMODEL

MRB MRS M. COMPTON

RECEIVED
Department of Planning & Zoning

APR 14 1988

Zoning & Planning Division

RECEIVED
Department of Planning & Zoning

01 2015

Zoning Evaluation Division

August 30th, 2015

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

Contents: The following data describe the proposed use, and other pertinent facts to justify the special permit at my family's home property. The following data reference zoning ordinances, each indicated by a bracketed ordinance number.

Scope: We are requesting the special permit for three sections of our family home: a proposed bedroom addition on the east side of the house, a proposed carport on the west side of the house, and an existing shed at the southeast rear of the house.

A. Type of operation(s):

This is my wife and my home – it is our residence – the remodel will expand our living space. The accessory shed is for the storage of garden tools. The carport is for covered shelter getting from the car to the home during inclement weather.

B. Hours of operation:

N/A – It is not an operating business; it is our home and we work elsewhere.

C. Estimated number of patrons/clients/patients/pupils/etc.

N/A – My family will live here: my wife, our children, and myself.

D. Proposed number of employees/attendants/teachers/etc.

N/A

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:

It will have no impact on traffic.

F. Vicinity or general area to be served by the use:

This is a home addition and will serve as a residence to my family only.

G. Description of building facade and architecture of proposed new building or additions:

The addition will match the style of architecture of the existing home and neighborhood. It will be consistent with the split-level, half-basement, form of the existing home, with a brick and siding facade. The height of the addition will be approximately the same as of the existing on-site split-level single-family house. The addition is set back one foot from the existing house, and the roof apex will be 10" lower. The addition will match the same architectural design as the existing on-site structures (930-02). The accessory storage shed is an Amish built shed, matching similar neighborhood sheds.

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

None of the above referred to substances or products are to

be generated, utilized, stored, treated, and/or disposed of on site.

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

BEDROOM ADDITION

I am requesting an exception to the side yard requirement of 12 feet from structure to property line. I am requesting a side yard of 6 feet from the structure's eave to the side property line (zoning has told me this is allowable up to 50% of the original side yard, which equates to 6 feet (8-922 Section 1). This request of variance on side yard is consistent with homes within the neighborhood. The six neighborhood homes listed below reach into the 12-foot side yard and/or are similar additions to my proposed addition, yet each maintains neighborhood aesthetic quality.

1908 Stirrup Lane, Alexandria VA 22308

1705 Old Stage Road, Alexandria VA 22308

1903 Hackamore Lane, Alexandria VA 22308

2005 Old Stage Road, Alexandria VA 22308

2001 Old Stage Road, Alexandria VA 22308

1913 Stirrup Lane, Alexandria VA 22308

My house is currently one of the few smallest floor plans in the neighborhood development of Riverside Gardens. I am seeking to expand the size of my home to be comfortable for a family of four – raising the square-footage from 1,722 to 2,538 square feet. This is an increase of 47% (8-922 section 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 proposed use is for the residence of my family. The proposed remodel is in harmony with the local comprehensive plan and neighborhood development. It will match the character and architectural style of the neighborhood development location and offsite uses and structures, it will be of a similar height, bulk and scale as the surrounding single-family houses (8-922 section 6 & 7). The remodel will be in harmony with existing vegetation: no trees will be removed or damaged during the construction process. (8-922 section 7).

The addition will not cause any excessive light, will not have an adverse effect on the quality of air, will not cause erosion or storm water runoff on the adjacent property, or otherwise adversely affect the adjacent property (8-922 Section 8).

An award-winning architect has designed the addition, this design will maintain the high aesthetic standard within the neighborhood and maintain residential harmony. The architect evaluated alternative additions considering lot size, shape, yard designs, and environmental characteristics: alternatives would be significantly more costly (therefore prohibitive), and would impact neighborhood architectural consistency. The proposed side yard reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot (8-922 Section 9).

ACCESSORY STORAGE SHED

The accessory storage shed stands in the same position of the prior shed. This is an aesthetic Amish hand-built shed. The shed is 2.7' at the closest point, and 3.1' at the furthest point, from the property line (8-922 Section 1 & 7).

Regarding ordinance 8-914 paragraph 2, items A-H:

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

The shed that has been built on the property is 9.6 FT in height. This is just more than 10% higher than the measurement of the ordinance.

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 an other special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and

The shed that has been built on the property is 9.6 FT in height. This is just more than 10% higher than the measurement of the ordinance (8'6" x 110% = 9'4.2"). The shed is also closer than 12' to the property line. The shed cannot be reduced in size or removed from the property without great cost or excessive loss of utility, therefore I am submitting it with the special permit as an error in building location.

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

The current shed brings value and utility to the property. It increases storage space, and improves the esthetical image of the back yard – containing windows and flower planters all around. The current shed replaced an old and rusty shed that the neighbors were very happy to have removed, and did not provide sufficient storage for garden tools. The shed came in the standard size built by the Amish shed company. It matches the height of many neighborhood sheds, and their locations.

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

this Ordinance, and

The height does not impair the purpose and intent of this Ordinance. The shed's location is safe and the aesthetics of the neighborhood are improved by it.

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

Our neighbors are very happy with the new replacement shed. We selected a design that architecturally matches the design of the surrounding structures. It does not hinder the enjoyment of other property. It is an Amish built shed, newly painted, with decorative windows and flower planters.

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

The shed is located far away from other houses, constructions and public streets. It doesn't create any unsafe conditions.

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

It would cause considerable financial and other hardship to reduce the shed's size or to relocate it. The she is used to store necessary garden tools. It is in full use.

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.

The reduction in standards to height limitations does not increase the floor area ratio from that permitted.

CARPORT

The proposed carport addition joins the existing home structure and will serve to shelter our home entry in inclement weather. The proposed carport will be 6' from the property line. A carport by right may extend 5' into the minimum required side yard of 12', which would not be closer than 7' from the property line. If approved through the special permit, the side yard may be at 6' from the property line. Per 8-922 *"Approval of a reduction of yard requirements ...shall not result in any yard that is less than fifty (50) percent of the requirement ... as measured from the lot line to the closest point of the proposed structure."* Section 8-001 of the Zoning Ordinance states that *"...there are times when standards and regulations specified for certain uses allowed within a given zoning district should be allowed to be modified, within limitations, in the interest of sound development."*

In summary for the above special permit requests, I believe these home modifications are sound development and, supported by the data and reasons above, I request that you allow the regulations to be modified for my home addition.

Thank you,
Mark Compton

mcc2132@nyu.edu
919-450-7292

1

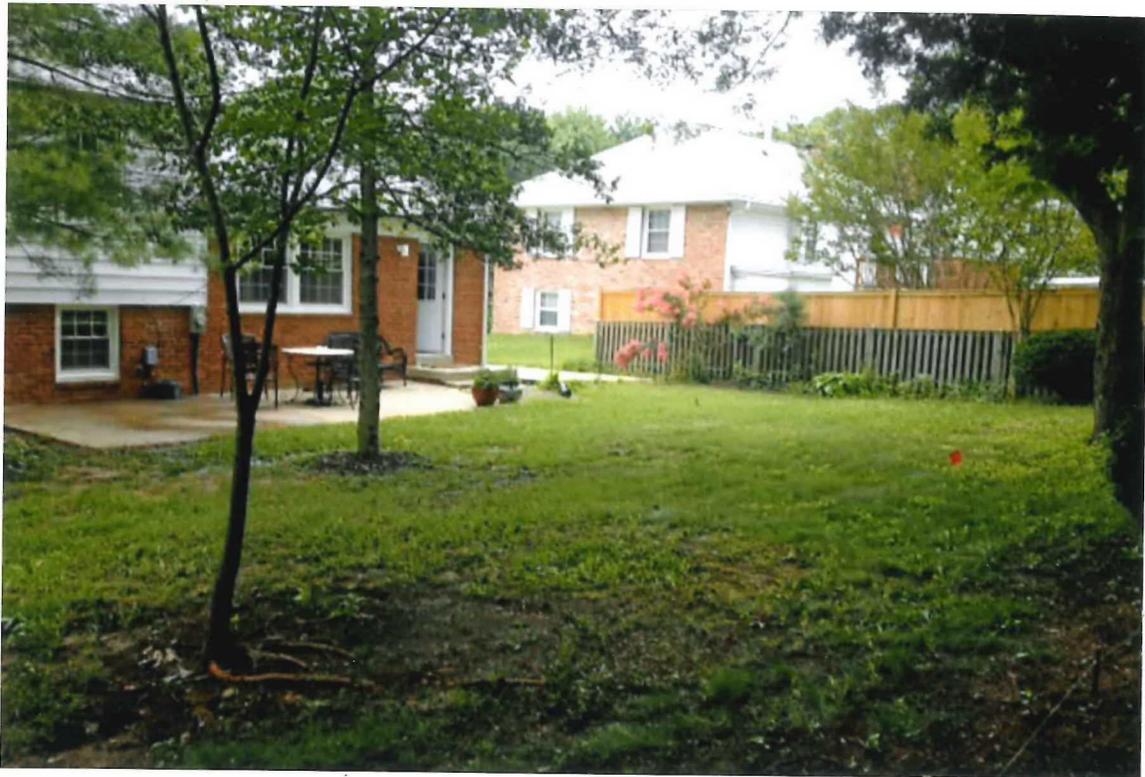
A handwritten signature in black ink, appearing to read "Mark Compton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.





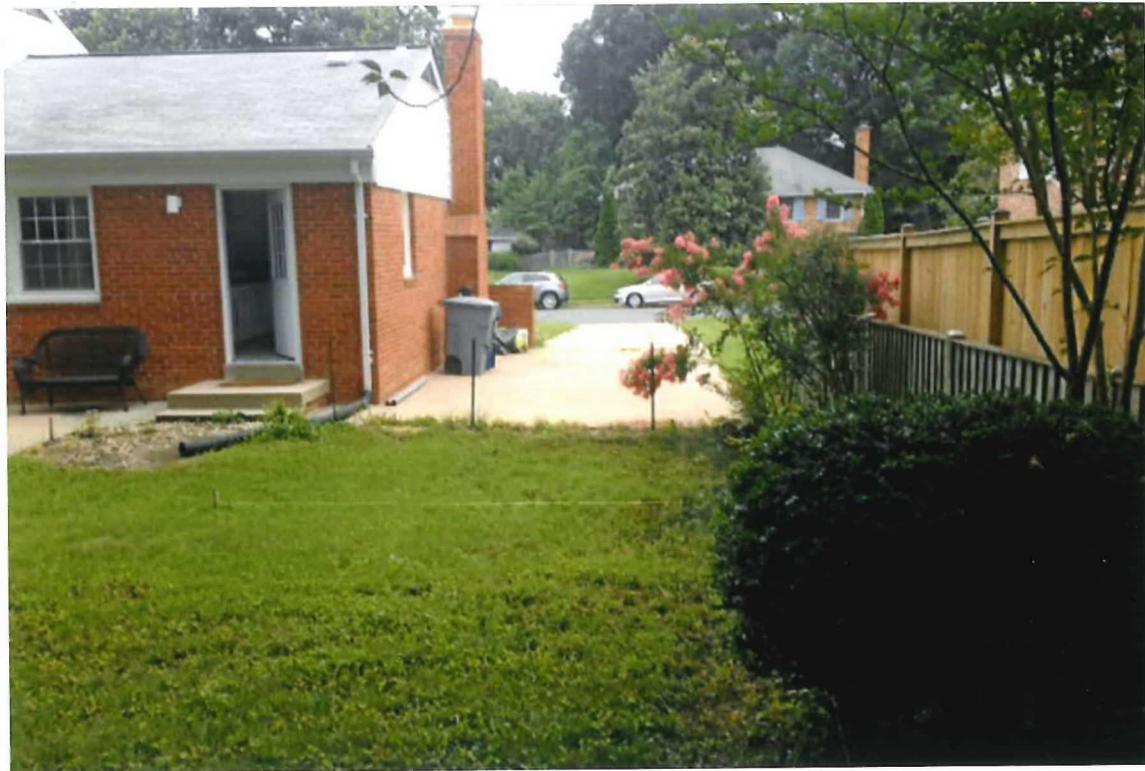


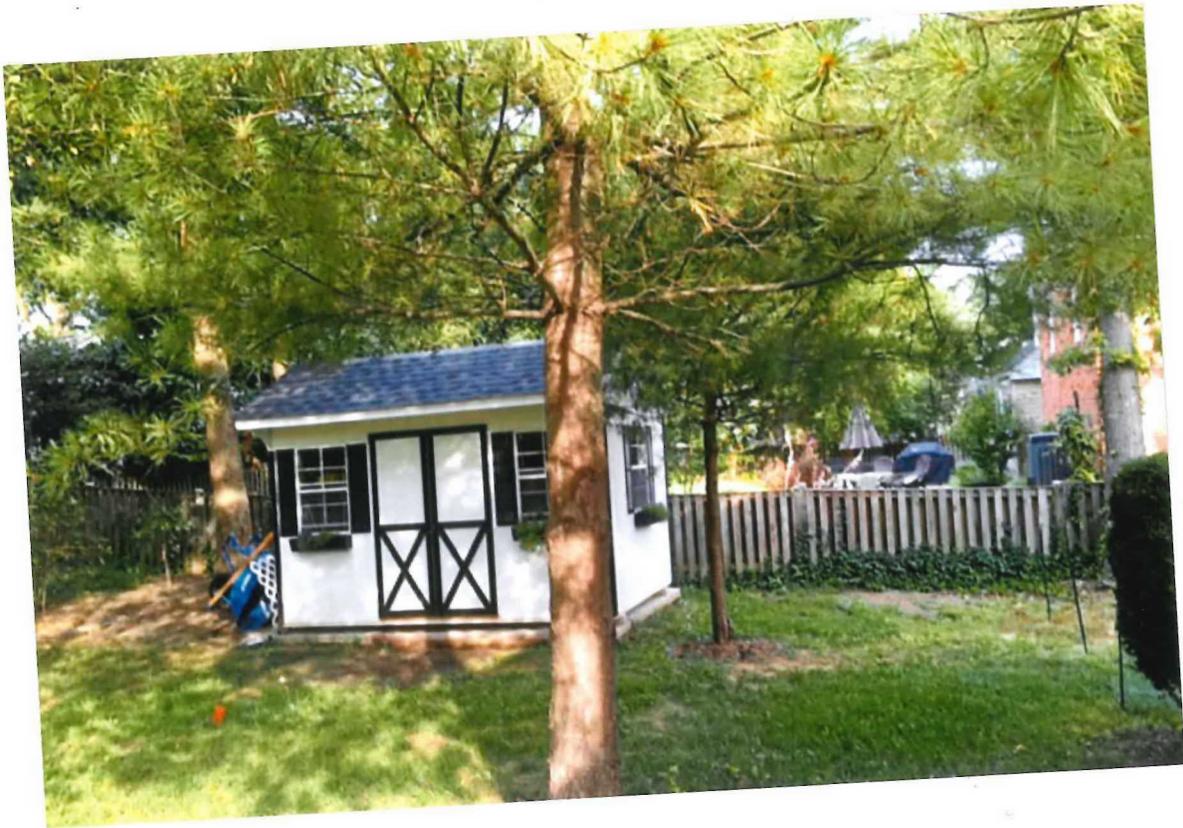










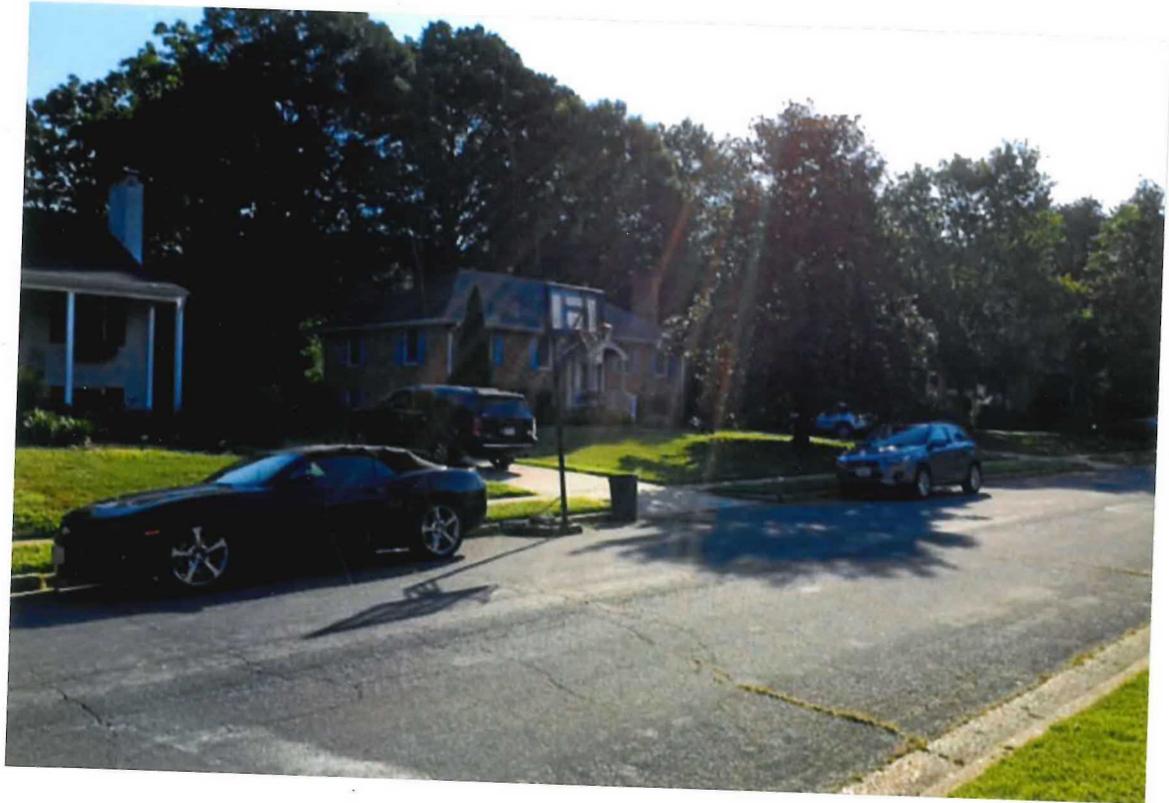






















Application No.(s): SP 2015-MV-126
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 12, 2015
(enter date affidavit is notarized)

130932

I, Mark C. Compton, do hereby state that I am an
(enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Mark C. Compton	1805 Hackamore Lane, Alexandria, VA 22308	Applicant/Title owner
Maria Compton	1805 Hackamore Lane, Alexandria, VA 22308	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: July 12, 2015
(enter date affidavit is notarized)

130932

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 12, 2015
(enter date affidavit is notarized)

130932

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

PARTNERSHIP INFORMATION

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

N/A

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

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

N/A

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 12, 2015
(enter date affidavit is notarized)

130932

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

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

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

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

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: July 12, 2015
(enter date affidavit is notarized)

130932

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

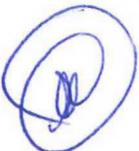
Mark C. Compton (Title Owner)

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

Subscribed and sworn to before me this 15 day of July, 2015, in the State/Comm. of _____, County/City of _____.

My commission expires: 2/28/19

Notary Public



Similar Case History

Group: 00-V -049

VC 00-V -049

APPLICANT: RICHARD H RICE JR
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 07/19/2000
ZONING DISTRICT: R-3
TAX MAP #S: [1023-10](#)
DESCRIPTION: TO PERMIT THE CONSTRUCTION OF ADDITION 5.0 FT. FROM SIDE LOT LINE
LOCATION: 1908 STIRRUP LANE, ALEXANDRIA, VA 22308

Group: 90-V -070

VC 90-V -070

APPLICANT: CLARENCE B. & RUTH B. WARREN
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 09/28/1990
ZONING DISTRICT: R-3
TAX MAP #S: [1023-10](#)
DESCRIPTION: ALLOW CONSTRUCTION OF GARAGE ADDITION TO 19 FT. FROM REAR LOT LINE (25 FT. MIN. REAR YARD REQ.)
LOCATION: 8616 BUCKBOARD DRIVE

Group: 91-V -007

VC 91-V -007

APPLICANT: WARREN, CLARENCE B & RUTH B
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 04/10/1991
ZONING DISTRICT: R-3
TAX MAP #S: [1023-10](#)
DESCRIPTION: ALLOW CONSTRUCTION OF GARAGE ADDITION 19 FEET FROM REAR LOT LINE (25 FT. MIN. REAR YARD REQ.)
LOCATION: 8616 BUCKBOARD DRIVE

Group: 94-V -156

VC 94-V -156

APPLICANT: CURRIN, ROGER A. & CAROLINE P.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 02/22/1995
ZONING DISTRICT: R-3
TAX MAP #S: [1023-10](#)
DESCRIPTION: PERMIT CONSTRUCTION OF CARPORT 2.4 FT. FROM SIDE LOT LINE
LOCATION: 8428 STABLE DRIVE

Group: 98-V-036**VC 98-V-036**

APPLICANT: PURVIS, WILLIAM L & GAIL H
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 07/01/1998
ZONING DISTRICT: R-3
TAX MAP #5: [1023-10](#)
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 3.5 FT. FROM SIDE LOTLINE
LOCATION: 8511 HITCHING POST LANE

Group: 98-V-095**VC 98-V-095**

APPLICANT: PURVIS, WILLIAM L & GAIL H
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 11/04/1998
ZONING DISTRICT: R-3
TAX MAP #5: [1023-10](#)
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 3.5 FT. FROM SIDE LOTLINE
LOCATION: 8511 HITCHING POST LANE

Group: 99-V-137**VC 99-V-137**

APPLICANT: BOHLIN, J. DAVID & JEANNE A.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 12/22/1999
ZONING DISTRICT: R-3
TAX MAP #5: [1023-10](#)
DESCRIPTION: TO PERMIT CONSTRUCTION OF CARPORT 3.0 FT FROM SIDE LOT LINE
LOCATION: 8504 STABLE DRIVE, ALEXANDRIA, VA 22308

Group: 2008-MV-060**SP 2008-MV-060**

APPLICANT: BILL AND WENDY TURENNE
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 09/16/2008
ZONING DISTRICT: R-3
TAX MAP #5: [1023-10](#)
DESCRIPTION: REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STRUCTURE TO REMAIN 2.1 FEET FROM REAR LOT LINE
LOCATION: 8507 HITCHING POST LANE

Group: 83-V-124**VC 83-V-124**

APPLICANT: RALPH E & LUCY V ANDERSON
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 12/13/1983
ZONING DISTRICT: R-3
TAX MAP #5: [1024-12](#)
DESCRIPTION: TO ALLOW CONSTRUCTION OF CARPORT ADDITION TO DWELLING TO 3.23 FT. FROM SIDE LOT LINE (7 FT. MIN. SIDE YARD REQ.)
LOCATION: 8607 BUCKBOARD DRIVE

Group: 87-V-124**VC 87-V-124**

APPLICANT: PAUL D PITTS
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 12/15/1987
ZONING DISTRICT: R-3
TAX MAP #5: [1024-12](#)
DESCRIPTION: ALLOW CONSTRUCTION OF GARAGE ADDITION TO DWELLING TO 7.96 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 1705 OLD STAGE ROAD

Group: 2004-MV-108**VC 2004-MV-108**

APPLICANT: SHAWN AND CATHLEEN BASSETT
STATUS: DISMISSED
STATUS/DECISION DTE: 05/08/2007
ZONING DISTRICT: R-3
TAX MAP #5: [1024-12](#)
DESCRIPTION: TO PERMIT CONSTRUCTION OF SECOND STORY ADDITION 22.6 FEET WITH EAVE 21.5 FEET, ROOFED DECK 20.9 FEET WITH EAVE 19.8 FEET AND SECOND STORY ADDITION 23.4 FEET FROM REAR LOT LINE
LOCATION: 1606 OLD STAGE ROAD



County of Fairfax, Virginia

MEMORANDUM

DATE: November 2, 2015

TO: Erin M. Haley, Staff Coordinator
Zoning Evaluation Division, DPZ

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

SUBJECT: Riverside Gardens Block 3, Lot 24.SP 2015-MV-126

TO: Heath Eddy, Staff Coordinator
Zoning Evaluation Division, DPZ

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

SUBJECT: Newington Forest Section 6, Lot 541.VC 2015-MV-009

This review is based upon the Special Permit Application SP 2015-MV-126 stamped "Received, Department of Planning and Zoning, July 16, 2015" and the Special Permit Plat stamped "Received Department of Planning and Zoning, September 1, 2015".

1. **Comment:** A mature pecan tree was observed to be in good condition in the back yard and could potentially be impacted by construction of the carport.
Recommendation: Care should be taken to preserve this tree during construction. The Urban Forest Management Division recommends that tree protection fencing be placed at the drip line of the tree's crown to protect the critical root zone.

RHM/

UFMDID #: 204521

cc: DPZ File

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



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.