



# County of Fairfax, Virginia

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January 6, 2016

## STAFF REPORT

### SPECIAL PERMIT SP 2015-PR-137

#### PROVIDENCE DISTRICT

**APPLICANTS/OWNERS:** Ni, Steve  
Ni, Melissa

**STREET ADDRESS:** 2528 Drexel Street, Vienna, 22180

**SUBDIVISION:** Dunn Loring Woods

**TAX MAP REFERENCE:** 49-1 ((9)) (I) 9 & I

**LOT SIZE:** 20,116 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-914, 8-922

**SPECIAL PERMIT PROPOSAL:** To permit a reduction of certain yard requirements to permit the construction of an addition 7.1 feet from a side lot line and to permit a reduction in minimum yard requirements based on an error in building location to permit a deck with stairs to remain 9.1 feet from a side lot line

#### STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-PR-137 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.

*Sharon E. Williams*

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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.

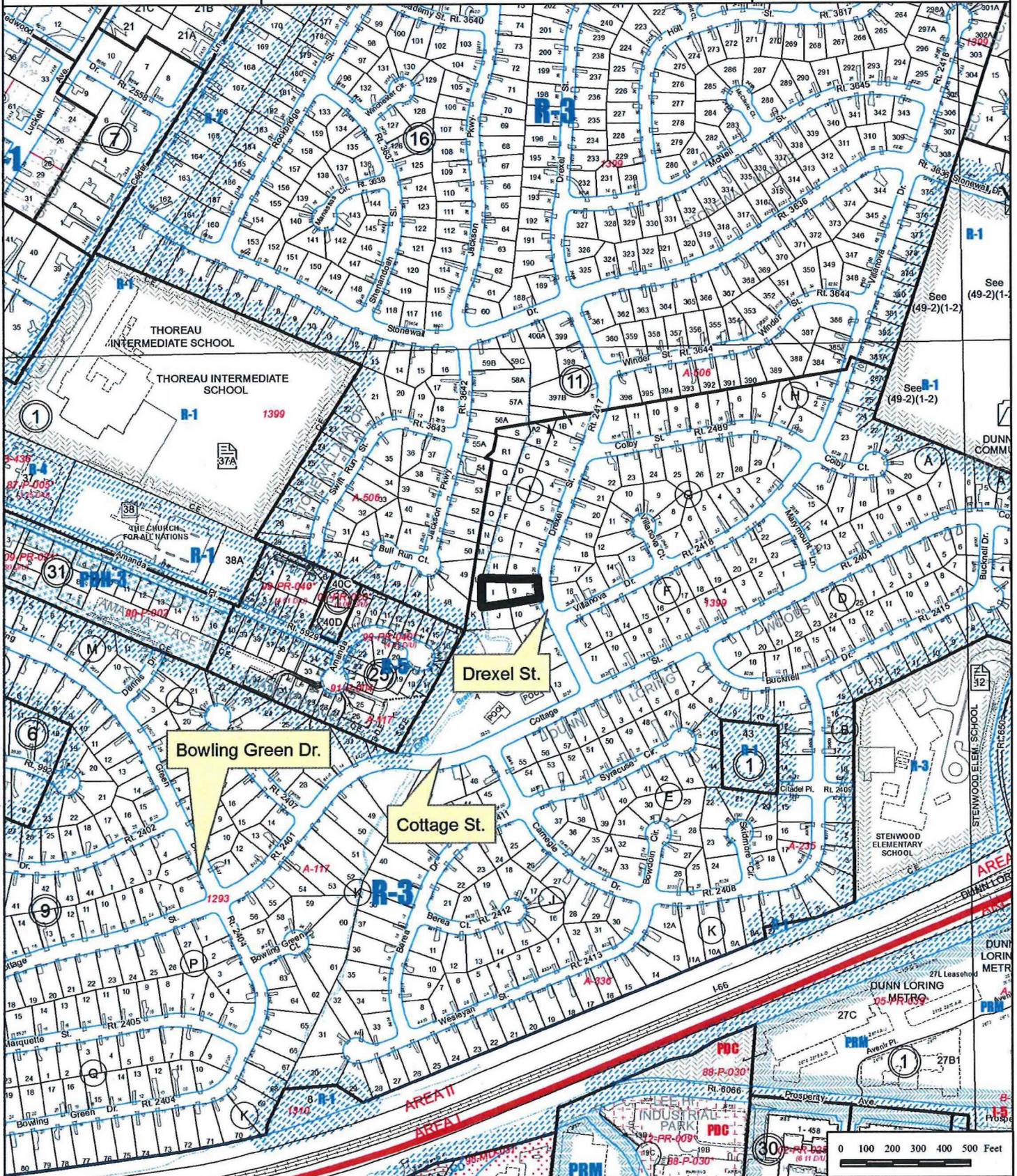
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



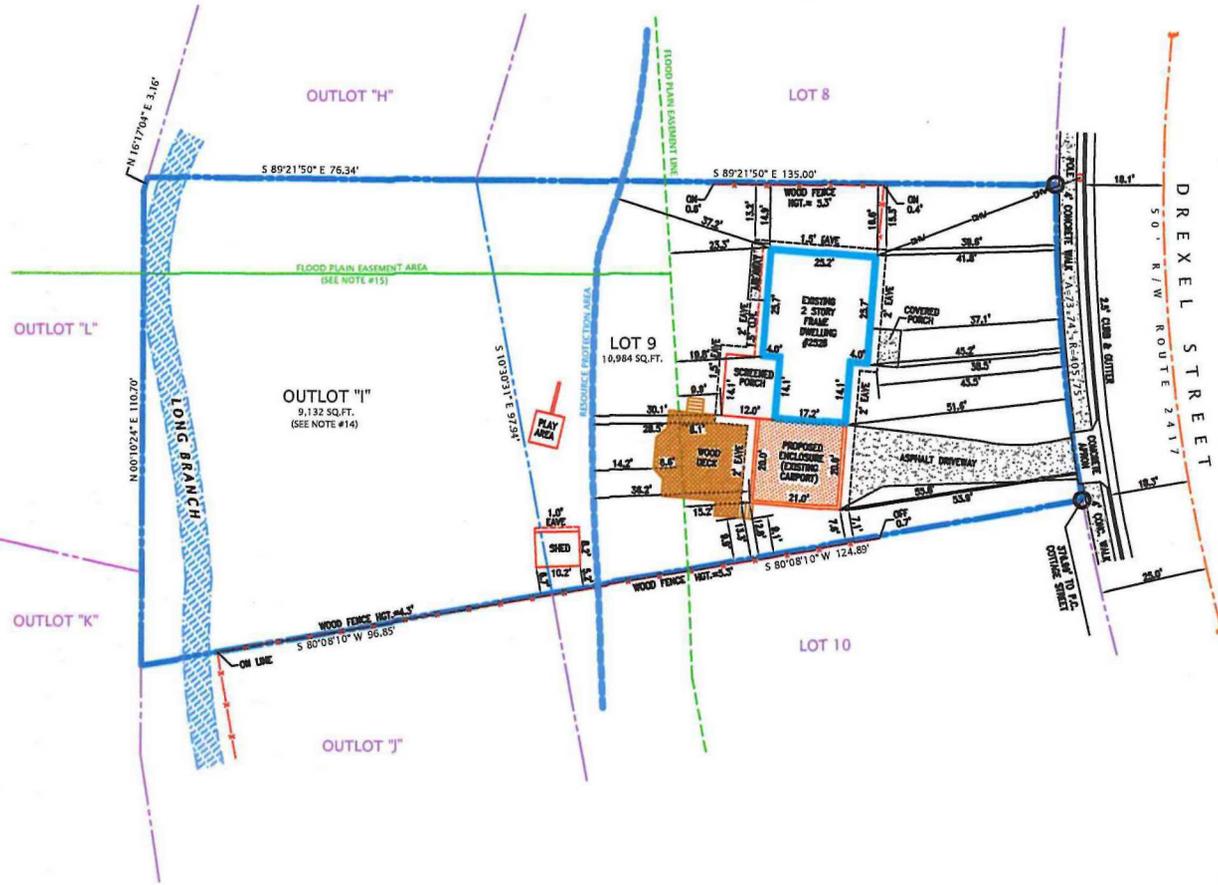
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



# Special Permit SP 2015-PR-137 STEVE NI AND MELISSA NI



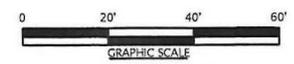
RECORD NORTH



NOTES:

1. THIS PROPERTY IS LOCATED IN TAX MAP: 049-1-009-01-9 & I AND IS ZONED R-3
2. PROPERTY OWNERS ARE STEVE & MELISSA NI AND RECORDED IN DEED BOOK 17545 AT PAGE 1964 OF THE FAIRFAX COUNTY LAND RECORDS.
3. THIS PROPERTY IS SERVICED BY PUBLIC SEWER AND WATER.
4. NO TITLE REPORT FURNISHED AND ALL EASEMENTS OF RECORD MAY NOT BE SHOWN.
5. ZONING YARD REQUIREMENTS FOR R-3  
FRONT = 30 FEET SIDE YARD = 12 FEET REAR = 25 FEET
6. HEIGHT REQUIREMENT: 35 FEET
7. AREAS:  
EXISTING FIRST FLOOR = 890 S.F.  
EXISTING SECOND FLOOR = 929 S.F.  
EXISTING GROSS FLOOR AREA = 1,819 S.F.  
EXISTING FLOOR AREA RATIO:  
EXISTING GFA (1819) / LOT AREA (10984) = 0.17  
PROPOSED ENCLOSURE = 422 S.F.  
PROPOSED ENCLOSURE (422) / EXISTING GFA (1819) = 0.23  
PROPOSED GROSS FLOOR AREA:  
EX. GFA (1819) + PROPOSED ENCLOSURE (422) = 2,241 S.F.  
PROPOSED FLOOR AREA RATIO:  
PROP. GFA (2241) / LOT AREA (10984) = 0.20
8. HEIGHTS  
EXISTING 2 STORY = 20.0 FEET  
SCREENED PORCH = 12.3 FEET  
COVERED PORCH = 8.2 FEET  
WOOD DECK = 5.3 FEET  
SHED = 8.0 FEET  
PLAY AREA = 12.1 FEET  
PROPOSED ENCLOSURE = 11.5 FEET  
WOOD FENCE = AS NOTED
9. THERE IS NO EVIDENCE OF A BURIAL SITE ON THIS PROPERTY.
10. THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES THAT AFFECTS THIS PROPERTY.
11. THIS PROPERTY IS IN ZONE "X" OF THE FEMA FIRM MAP S155240005D WITH AN EFFECTIVE DATE OF JUNE 2, 2006.
12. THIS PROPERTY IS LOCATED IN A RESOURCE PROTECTED AREA PER FAIRFAX COUNTY RESOURCE PROTECTION DESIGNATION MAP.
13. THERE ARE NO PROPOSED LANDSCAPING OR SCREENING ASSOCIATED WITH THIS PROJECT.
14. NO BUILDING PERMIT FOR A DWELLING WILL BE ISSUED FOR OUTLOT "I" AS THE SAME DO NOT MEET THE REQUIREMENTS OF THE SUBDIVISION AND ZONING ORDINANCES.
15. NO USE SHALL BE MADE OF NOR SHALL ANY IMPROVEMENTS BE MADE IN THIS EASEMENT WHICH WOULD INTERFERE WITH THE NATURAL DRAINAGE.
16. LOT 9, BLOCK I, SECTION 6 IS RECORDED IN DEED BOOK 2150 AT PAGE 604 AND OUTLOT "I", BLOCK "I", SECTION 6 IS RECORDED IN DEED BOOK 3705 AT PAGE 470 AS RECORDED IN FAIRFAX COUNTY LAND RECORDS.

RECEIVED  
 Department of Planning & Zoning  
 OCT 02 2015  
 Zoning Evaluation Division



OWNER: STEVE & MELISSA NI  
 W.O. #15-2815P

SPECIAL PERMIT PLAT  
 LOT 9, BLOCK I, SECTION 6  
 & OUTLOT I, BLOCK I, SECTION 6  
 DUNN LORING  
 PROVIDENCE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE: 1" = 20' DATE: JUNE 22, 2015  
 DATE: JULY 14, 2015 (REVISED)  
 DATE: SEPTEMBER 24, 2015 (REVISED)

SAM WHITSON LAND SURVEYING, INC.  
 7061 GATEWAY COURT SUITE 150 MANASSAS, VIRGINIA 20109  
 PHONE: (703)330-9622 FAX: (703)330-9778

## SPECIAL PERMIT REQUEST

The applicants are seeking a special permit to allow a reduction of certain yard requirements to permit the construction of an addition 7.1 feet from a side lot line. The applicants are proposing to enclose their carport located on the southern side of the house. The enclosed carport will remain 11.5 feet tall and the addition will add 422 square feet in gross floor area. The applicants are also requesting a special permit to allow an error in building location to permit a deck with stairs to remain 9.1 feet from a side lot line.

A copy of the special permit plat, titled "Special Permit Plat Lot 9, Block I, Section 6 & Outlot I, Block I, Section 6 Dunn Loring," prepared by L.S. Whitson on June 22, 2015, as revised on September 24, 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 20,116 square foot application property is comprised of two lots, Lot 9 and Outlot I, and it consists of a two-story single-family detached dwelling. An asphalt driveway extends to Drexel Street, and a covered porch in the front provides access to the main entrance of the dwelling. There is a 5.3 foot tall open, wood deck attached to the rear of the home. There is also a shed and a play structure in the rear yard located to the southwest of the dwelling; the shed is 8.0 feet in height and the play structure is 12.1 feet. A 5.3 foot tall wood fence surrounds the northwestern portion of the property. Resource Protection Area (RPA) and a floodplain easement cover the western portion of Lot 9 and the entirety of Outlot I. The floodplain on the property is a minor floodplain associated with the Long Branch of Accotink Creek and while there is an easement on site, the floodplain itself has not been delineated.

The property is located to the north of I-66 and east of Thoreau Intermediate School. The subject property and surrounding properties are zoned R-3 and are developed with single-family detached dwellings.



Figure 1:  
Aerial View

## BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1962 and purchased by the applicant in 2003.

County records indicate that the applicants obtained a building permit to build a deck with two sets of stairs in January of 2014. (Appendix 6) Permits for the deck were issued in January of 2014, however, the deck has not yet passed final inspection. A development condition has been proposed requiring the applicants to get final inspection approval for the deck.

Similar cases for reduction of minimum yard requirements have been approved by the BZA on nearby properties (Appendix 4):

1. On June 9, 1992 the BZA approved a reduction of certain yard requirements (VC 92-P-030), to permit the construction of an addition 5.1 feet from a side lot line located at 2514 Drexel Street. That property is adjacent to the subject property.
2. On July 28, 1993 the BZA approved a special permit (SP 93-P-030), to permit an addition to remain 6.84 feet from a side lot line located at 2532 Drexel Street. That property is adjacent to the subject property.

## DESCRIPTION OF THE REQUEST

The applicants are requesting approval of a special permit for a reduction in yard requirements to permit the construction of a garage addition (enclosed carport), located 7.1 feet from a side lot line. In the R-3 District the required side yard is 12 feet; therefore the applicant is requesting a reduction of 4.9 feet, or 40.8%.

In addition, the applicants are requesting approval of a special permit for a reduction of minimum yard requirements based on an error in building location to permit a deck with stairs to remain 9.1 feet from a side lot line. With a required side yard of 12 feet, the applicants request a reduction of 2.9 feet, or 24.2%.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
<b>Special Permit (50%)</b>	Enclosed Carport	Side	12.0 feet	7.1 feet	4.9 feet	40.8%
<b>Special Permit (Error)</b>	Deck with stairs	Side	12.0 feet	9.1 feet	2.9 feet	24.2%

The two-car garage addition would be approximately 422 square feet in size and located in the front yard of the property. The roofline of the proposed garage will match the existing roofline at 11.5 feet in height, and it will be within the maximum height requirements. The proposed materials include matching siding consistent with the materials of the existing dwelling.



Figure 2: Proposed Elevation

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area II, Vienna Planning District  
**Planning Sector:** Cedar Community Planning Sector (V2)  
**Plan Map:** Residential, 2-3 dwelling units per acre

**Zoning District Standards**

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	20,116 sf.
Lot Width	Interior: 80 feet	92.5 feet
Building Height	35 feet max.	20.0 feet
Front Yard	Min. 30 feet	37.1 feet

<b>Bulk Standards (R-3)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Side Yard	Min. 12 feet	7.1 feet <sup>1</sup>
Rear Yard	Min. 25 feet	121.5 feet

<sup>1</sup>As permitted through the approval of this application

### Urban Forestry Analysis (Appendix 5)

Although this application proposes no work that is likely to result in impacts to existing off-site trees or land disturbance in the RPA, the Urban Forest Management Division (UFMD) recommends that the applicants plant additional landscape plantings of large evergreen trees to the south side of the proposed enclosed carport area. However, given the limited impact of the proposed addition, staff has not included a development condition requiring any additional planting at this time.

### Zoning Ordinance Requirements (Appendix 6)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 All Group 9 Uses
- 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

### 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-3 District allows a reduction in minimum required yards with special permit approval.
<b>Standard 3</b> Adjacent Development	In staff's opinion, the proposed garage will not hinder or discourage use or development of neighboring properties or negatively affect value.
<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 garage is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
<b>Standard 5</b> Landscaping/Screening	A 5.3 foot tall wood fence is located on the northern and southern property boundaries. However, staff recommends that the applicants provide some additional landscaping to the south side of the proposed enclosed carport.
<b>Standard 6</b> Open Space	There is no prescribed open space requirement on individual lots in the R-3 District.
<b>Standard 7</b> Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. The proposed enclosed carport addition will be used for parking.

<b>Standard 8</b> Signs	No signage is proposed.
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**Standards for all Group 9 Uses (Sect. 8-903)**

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

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

<b>Standard 1</b> Yard Requirements Subject to Special Permit	<p>A. <i>Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet:</i> The proposed addition would be located 7.1 feet from the side lot line. The required side yard in an R-3 District is 12 feet, resulting in a reduction of 4.9 feet, or 40.8%.</p> <p>B. <i>Pipestem lots – N/A</i></p> <p>C. <i>Accessory structure locations – N/A</i></p> <p>D. <i>Extensions into minimum required yards allowed by Sect. 2-412: N/A</i></p>
<b>Standard 2</b> Not a Detached Structure in a Front Yard	The application does not propose a detached accessory structure.
<b>Standard 3</b> Principal Structure that Complied with yard Requirements When Established	When the existing structure was built in 1962, it conformed to all applicable requirements at that time.
<b>Standard 4</b> Addition No More than 150% of Existing Gross Floor Area (GFA)	The enclosed carport addition is 422 square feet. The existing GFA of the primary structure is 1,819 square feet; therefore, the proposed addition will be 23% of the GFA.
<b>Standard 5</b> Accessory Structure Subordinate in Purpose, Scale, Use, and Intent	The enclosed garage will be included as a part of the principle structure, so this standard is not applicable.

<p><b>Standard 6</b> Construction in Character with On-Site Development</p>	<p>The proposed addition will be constructed to the south of the existing dwelling. The statement of justification and elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling.</p>
<p><b>Standard 7</b> Construction Harmonious with Off-Site Development</p>	<p>Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the addition is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. Staff believes this addition will be harmonious with surrounding uses and meets this provision.</p>
<p><b>Standard 8</b> Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed addition will not significantly affect the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, or safety. DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes the addition will not significantly increase runoff or erosion.</p>
<p><b>Standard 9</b> Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes the special permit application proposal is modest in nature and is the minimum amount of reduction necessary due to the shape of the lot. The property is rectangular in shape but it is more narrow towards Drexel Street, leaving little room for additions or expansions to either side of the home. The lot also has RPA located to the west of the dwelling in addition to a floodplain easement, also located to the west of the dwelling.</p> <p>Other issues of yard environmental characteristics, slopes, wells, and historic resources are not applicable to this site.</p>
<p><b>Standard 10</b> BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p><b>Standard 11</b> Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>
<p><b>Standard 12</b> Architectural Elevations</p>	<p>Proposed elevations are included as an attachment to the development conditions in Appendix 1.</p>

## CONCLUSION / RECOMMENDATION

Staff believes that the request for a special permit for reduction in certain yard requirements to permit an addition 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. Staff recommends approval of SP 2015-PR-137 for the addition with the 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 an error in building location to allow the deck with stairs to remain 9.1 feet from the side lot line, 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
3. Applicant's Affidavit
4. Similar Case History
5. Urban Forestry Memo
6. Building Permit (Deck with stairs)
7. Applicable Zoning Ordinance Provision

**PROPOSED DEVELOPMENT CONDITIONS****SP 2015-PR-137****January 6, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-PR-137 located at Tax Map 49-1 ((9)) (I) 9 & I to permit a reduction of certain yard requirements pursuant to Section 8-922 to permit a residential addition (enclosed carport) 7.1 feet from the side lot line and to permit a deck with stairs 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 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 deck with stairs and the enclosed carport (422 square feet and 11.5 feet in height), as shown on the plat entitled "Special Permit Plat Lot 9, Block I, Section 6 & Outlot I, Block I, Section 6 Dunn Loring," prepared by L.S. Whitson on June 22, 2015, as revised on September 24, 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 (1,819 square feet existing + 2,728.5 square feet (150%) = 4547.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. The applicants shall obtain final inspection approval for the wood deck with stairs within 90 days of BZA decision.
6. The applicant shall obtain a determination by the Director of DPWES that the continued use of an open deck with stairs is permitted in a floodplain; pursuant to Sect. 2-903 of the Zoning Ordinance.

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.

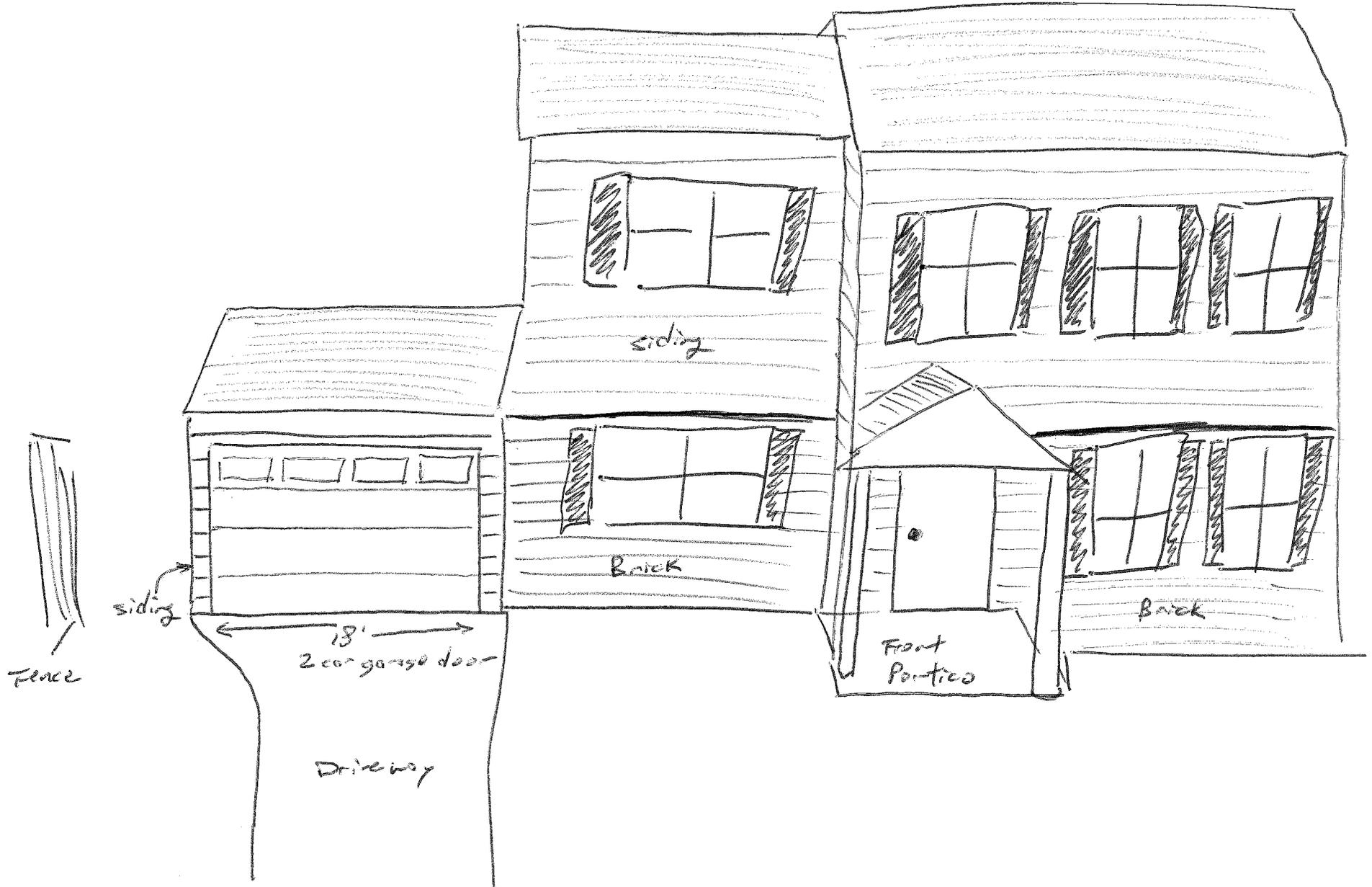
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request 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.

RECEIVED  
Department of Planning & Zoning  
JUN 04 2015  
Zoning Evaluation Division

ATTACHMENT 1

2528 Drexel St

Front Elevation



JUN 04 2015

Zoning Evaluation Division

**SPECIAL PERMIT STATEMENT OF JUSTIFICATION****Applicant(s):** Steve Ni and Melissa Ni, owners**Address of Property:** 2528 Drexel St., Vienna, VA 22180**Justification and Proposed Use:**

This special permit application is for the Reduction of Side Yard Requirement (Special Permit, Section 8-922) to enclose an existing residential two-car carport into a residential two-car garage.

The carport does not meet the Fairfax County Zoning R-3 Ordinance 3-307 Side Yard Setback Requirements of 12 feet. The carport is 7.6 feet as surveyed to the side yard property line.

The proposed enclosed garage will meet all eight General Standards as defined in Special Permits, Section 8-006, and will be used as a residential garage. The existing concrete foundation, steel posts and beams, roof trusses, and roof will remain. Walls will be erected to include an egress door from the residence to the garage; an egress door from the garage to the deck in the rear; and a two-car garage door at the front of the garage.

**General Standards, Section 8-006:**

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan. – **Yes, will be used as a residential garage.**
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. – **Yes, will be used as a residential garage.**
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. – **Yes, no change to the height, size, footprint of the existing carport.**
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. – **Yes, the enclosed garage will not change pedestrian and vehicular traffic.**
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. - **Compliant**

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. – **Yes, no change to footprint of building structure.**
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. – **Yes, no change to footprint of structure and intended use as a residential garage.**
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. – **No signage planned for use as a residential garage.**

Other pertinent data, as specified in the Special Permit Application Package:

- A. **Type of operation(s)** – Residential garage use
- B. **Hours of operation** – Residential use
- C. **Estimated number of patrons/clients/patients/pupils/etc.** – N/A, use by residents of the single family home
- D. **Proposed number of employees/attendants/teachers/etc.** – N/A, use by residents of the single family home
- 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.** – No change in traffic impact
- F. **Vicinity or general area to be served by the use.** – Residential use
- G. **Description of building facade and architecture of proposed new building or additions.** – Residential 18 ft wide garage door facing the street; residential siding on the exterior of the garage
- 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

- 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.** – Construction will meet the Virginia Uniform Statewide Building Code (USBC), the Statewide Fire Prevention Code (SFPC), and the 2012 Virginia Residential Construction Codes

**SPECIAL PERMIT (SP 2015-0168)**

**Items to Address From the Special Permit Application Notice of Deficiencies**

Date: September 29, 2015

RECEIVED  
Department of Planning & Zoning  
OCT 02 2015  
Zoning Evaluation Division

Updated copies of plat submitted with this document.

***Section 930.11***

Adding an error in building location to this application due to the deck stairs encroaching on the side yard setback, in accordance with 8-914.

**Section 8-914 Provisions**

1. Plat submission requirements of this provision are included in the plat.

Justification Statement: The contractor who submitted and built the deck in early 2014 completed the permit submission and documentation on my behalf, the homeowner. It was explained to me by the contractor that the side stairs were placed in a location that would not require a side yard setback approval, as it would be considered an accessory. This information was not correct, and as a result the stair-landing platform encroaches on the 12' setback requirement. The distance from the side yard to the closest point of the deck stairs platform is 9'9", greater than the distance requested in this application to enclose the carport, 7'1".

2. I left the specific location of the deck side stairs up to the contractor to place that would conform to county permit requirements. As a result, I was not expecting to find out that it would indeed not conform to the side yard setback. The structure is already built, is a component in the safety of its use, and is not detrimental to the use and enjoyment of other property in the immediate vicinity. The location of the deck stairs does not create an unsafe condition to the property and public streets.

Steve Ni  
703-608-0249



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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 26, 2015  
 (enter date affidavit is notarized)

130630

I, STEVE NI, 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)
STEVE J. NI	2528 DREXEL ST VIENNA, VA 22180	OWNER/APPLICANT
MELISSA J. NI	2528 DREXEL ST. VIENNA, VA 22180	CO-TITLE OWNER/ CO-APPLICANT

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 26, 2015  
(enter date affidavit is notarized)

130030

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

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

**CORPORATION INFORMATION**

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

N/A

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

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

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

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 26, 2015  
(enter date affidavit is notarized)

130030

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

**PARTNERSHIP INFORMATION**

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

N/A

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

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

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 26, 2015  
(enter date affidavit is notarized)

130030

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: June 26, 2015  
(enter date affidavit is notarized)

130030

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)

[Signature]  
 Applicant [ ] Applicant's Authorized Agent

Steve Ni, Owner/Applicant  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 26 day of June 2015, in the State/Comm. of Virginia, County/City of Fairfax County.

[Signature] 239381  
Notary Public

My commission expires: 2/29/2015

[Signature]

# Similar Case History

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Record		Status
ZAPS - SP - SP 93-P -030	Application Desc .... REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 6.84 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)	APPLICATION APPROVED
ZAPS - VC - VC 92-P -030	Application Desc .... ALLOW CONSTRUCTION OF ADDITION 5.1 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)	APPLICATION APPROVED



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** November 12, 2015

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

**FROM:** Linda Barfield, Urban Forester II  
Forest Conservation Branch, DPWES 

**SUBJECT:** Dunn Loring Woods-Section 6, Block 1, Outlot "I" & Lot 9-SP 2015-PR-137  
Tax Map: 0491 09I 0009

I have reviewed the above referenced Special Permit Application and a Written Statement of Justification stamped "Received, Department of Planning and Zoning, June 26, 2015; and a Special Permit Plat Plan stamped "Received, Department of Planning and Zoning, October 2, 2015. The following comment and recommendation is based on this review of the site located at 2528 Drexel Street in Vienna:

**Comment:** This application proposes no work that is likely to result in impacts to existing off-site trees or land disturbance in the Resource Protection Area (RPA). Additional landscape plantings of large evergreen trees are recommended to the south and east sides of the shed, the south side of the proposed enclosed carport area and the north side of the play area to screen the views along the front and side yards adjacent to lot 10, outlot J, lot 8, and outlot H.

**Recommendation:** Revise or eliminate note #13 on the plat plan and submit a landscape plan to UFMD for review prior to planting.

**Comment:** The RPA delineation appears to be within the rear yard of the lot and there is an opportunity to establish a buffer area where currently does not exist due to mowing of the lawn in the RPA area.

**Recommendation:** The applicant should delineate the RPA boundary as shown on the plat plan and reestablish with native vegetation that will more effectively retard runoff, prevent erosion, and filter nonpoint source pollution draining into Long Branch.

lb/

UFMDID #: 204766

cc: DPZ File

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





### Land Development Information History: FIDO - DECK - 140160030

#### Permit Information

Permit Number:	140160030	Application Date:	
Permit Type:	DECK	Tax Map:	049-1 ((09)) (I) 0009
Job Address:	002528 DREXEL ST VIENNA , VA 22180-6905	Permit Status:	Permit Issued
Location:		Bldg:	Floor: Suite:
Subdivision:	DUNN LORING WOODS	Permit Fee:	
Magisterial District:	PROVIDENCE		
Subcensus Tract:			
AP (Tenant) Name:			
Work Description:	BUILD DECK WITH 2 SETS OF STAIRS AND NO HOT TUB PER COUNTY DETAILS		
Type of Work:	DECK		
Building Use:	SFD - SINGLE FAMILY DWELLING		
Standard:	IR09 - IRC 2009		
Plan Number:	N-14-1199		
Parent Permit:			
ISIS Permit:			
Type of Const:	VB		
Use Group:	R5		
Comments:			

Link to FIDO record : [140160030](#)

#### Owner Information

Owner: NI STEVE  
 Address: 2528 DREXEL ST  
 City: VIENNA State: VA Zip: 22180

#### Contractor Information

Name:	JOSHUA VAN PLANTE	BPOL License:	
Address:	8306 COLBY ST	State License:	
City:	VIENNA State: VA	Trade Reg.:	
	VA Zip: 22180-0000		
Trade Name:			

#### Applicant Information

Applicant: PLANTE  
 Address: 8306 COLBY STREET  
 City: VIENNA State: VA Zip: 22180

## Other Contact Information

Contact:  
 Address:  
 City: State: Zip:

## Inspections

## Inspection - R FINAL - FINAL INSPECTION

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL			N	None	NO	

## Inspection - R FINAL - FINAL INSPECTION - 6253507

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FINAL	2014-04-28	GEORGE FORD	N	Failed	NO	not per cnty detail/ not per your own plan[ double joists to carry overhang]/ cnty detail for single span deck / stair risers exceed 8.25" max height/ expose footers or slab that supports stairs / see guard post attachment cnty detail

## Inspection - R FOOTING - FOOTING INSPECTION - 6273722

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FOOTING			N	None	NO	

## Inspection - R FOOTING - FOOTING INSPECTION - 6253508

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FOOTING	2014-02-11	GEORGE FORD	Y	Passed	NO	9 piers bearing ok/ note; 2 60 lb. bags placed by each pier piers must be poured 8" deep this will take 6 to 7 bags each pier

## Inspection - R FRAMING - FRAMING INSPECTION - 6253509

Insp Type	Insp Date	Insp Name	Partial?	Insp Result	Re-Fee	Comments
R FRAMING			N	None	NO	

## Reviews

## Review - BUILDING - (BUILDING REVIEW) - 2321609

Review Type	Review Date	Reviewer	Started	Status
BUILDING			N	Incomplete

## Review - SITEPERMIT - (SITE PERMITS REVIEW) - 2295144

Review Type	Review Date	Reviewer	Started	Status
SITEPERMIT	2014-01-16	CRYSTAL HAMRICK	Y	Approved

## Review - ZONING - (ZONING REVIEW) - 2295143

Review Type	Review Date	Reviewer	Started	Status
ZONING	2014-01-16	MARIE LANGHORNE	Y	Approved

## **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 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.