



County of Fairfax, Virginia

January 6, 2016

STAFF REPORT

SPECIAL PERMIT SP 2015-DR-140

DRANESVILLE DISTRICT

APPLICANTS/OWNERS: Audrey Rebecca Ann Kosmal a/k/a Ann Kosmal
Grzegorz Krzysztof Kosmal a/k/a/ Grzes Kosmal

STREET ADDRESS: 6646 Fisher Avenue, Falls Church

SUBDIVISION: Brilyn Park

TAX MAP REFERENCE: 40-4 ((5)) 89

LOT SIZE: 10,400 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction in certain yard requirements to permit construction of an addition 9.1 feet from a side lot line

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-DR-140 for the addition with the adoption of the proposed development conditions contained in Appendix 1.

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

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

Sharon E. Williams

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

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

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

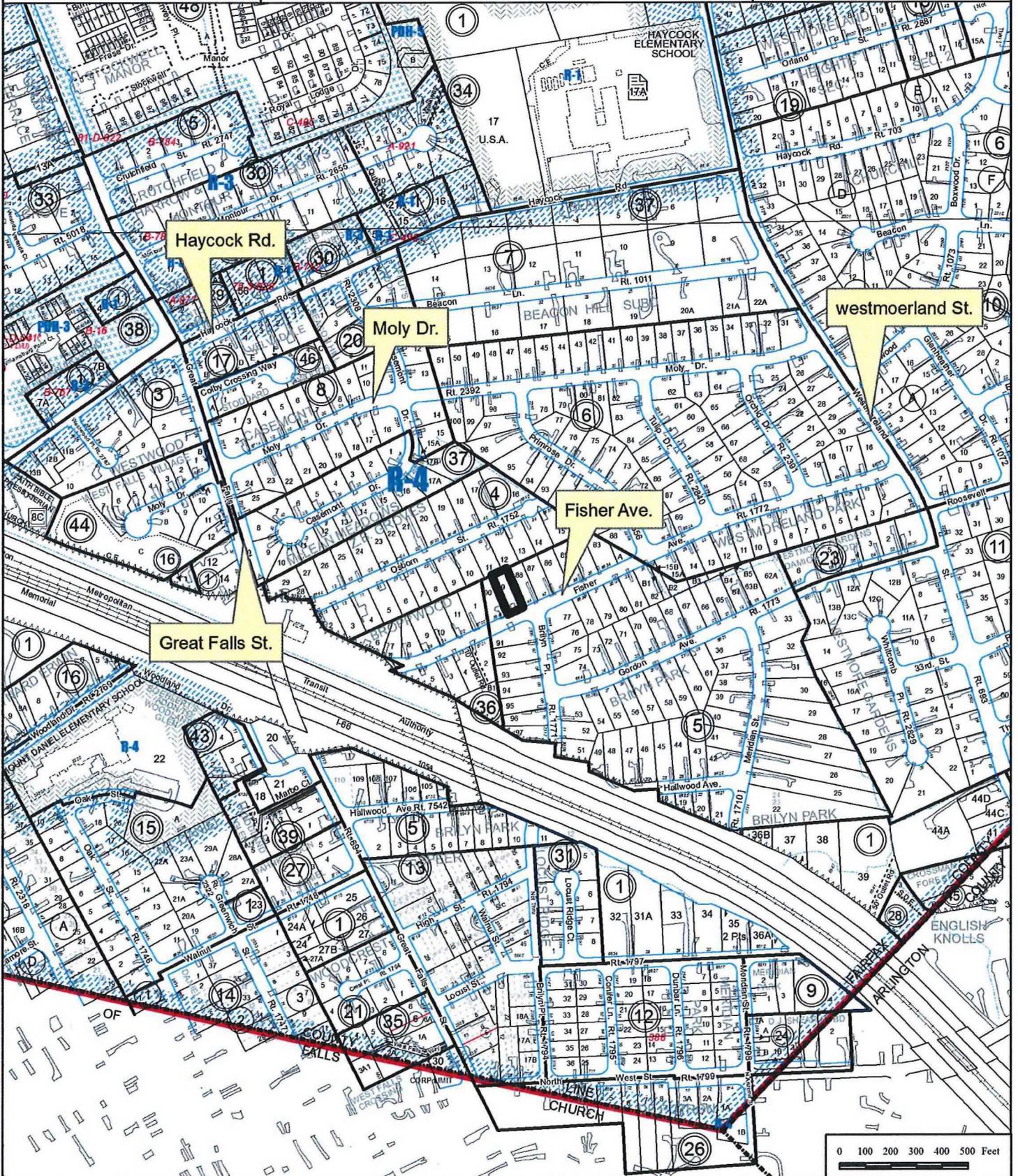


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



Special Permit SP 2015-DR-140

AUDREY REBECCA AN'S KOSMALAKA AN'S KOSMAL / GREGORZ KRZYSZTOF KOSMALAKA GRZES KOSMAL



OCT 07 2015

Zoning Evaluation Division

COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

NOTES:

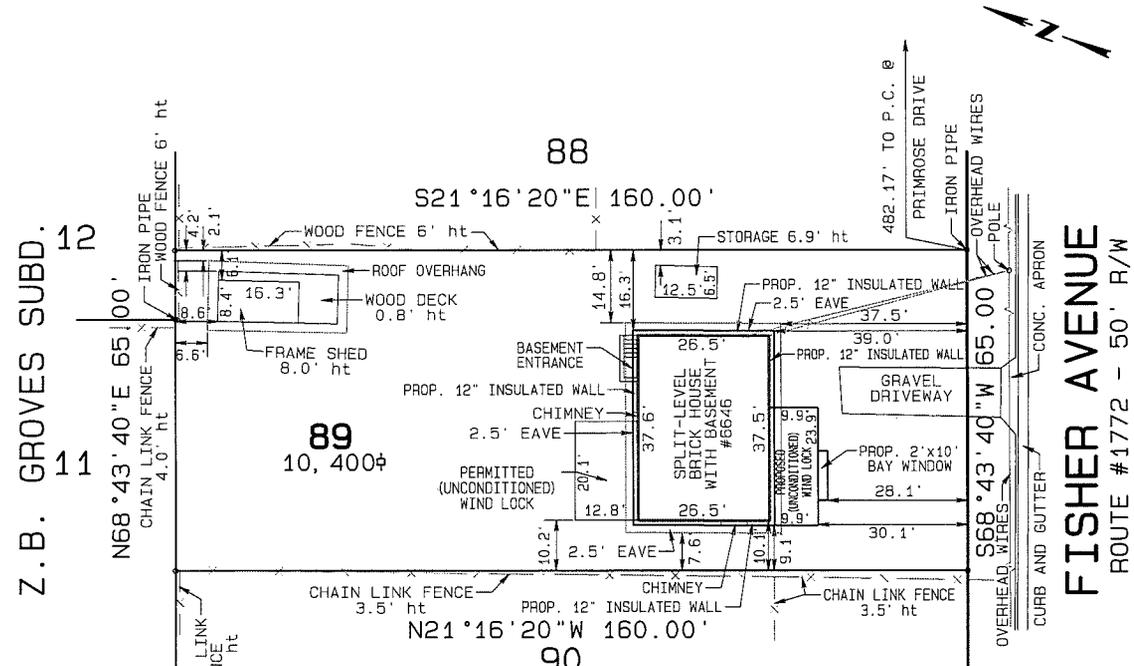
- TAX MAP 040-4-05-0089
- PROPERTY SHOWN HEREON IS ZONED: R-4 (RESIDENTIAL 4 DU/AC)
- MINIMUM YARD REQUIREMENTS IN ZONE R-4
FRONT YARD: 30'
SIDE YARD: 10'
REAR YARD: 25'

MAXIMUM BUILDING HEIGHT: 35'
- PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0170E 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 WITHIN ANY RESOURCE PROTECTION AREA (RPA), MANAGEMENT AREAS, FLOODPLAIN NOR ANY ENVIRONMENTAL QUALITY CORRIDOR.
- PURPOSE OF THIS SPECIAL PERMIT PLAT IS TO BUILD A SUNROOM ADDITION IN THE FRONT OF THE HOUSE AND TO ADD A 12" INSULATED WALL TO THE EXTERIOR OF THE EXISTING HOUSE.
- FLOOR AREA:
EXISTING GROSS FLOOR AREA HOUSE = 1,378 SQ. FT.
EXISTING GROSS FLOOR AREA REAR WIND LOCK = 253 SQ. FT.
EXISTING GROSS FLOOR AREA = 1,631 SQ. FT.

EXIST. FLOOR AREA RATIO: EX. GFA (1,631) / LOT AREA (10,400) = 0.15
PROPOSED WIND LOCK = 236 SQ. FT. / EX. GFA (1,631) = 0.14
PROP. GROSS FLOOR AREA = EX. GFA (1,631) + PROP. ADDN. (236) = 1,867 SQ. FT.
PROP. FLOOR AREA RATIO: PROP. GFA (1,867) / LOT AREA (10,400) = 0.17

HEIGHT TABLE

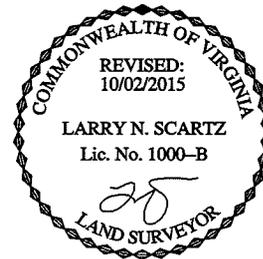
EXISTING HEIGHT OF HOUSE:	19.0'
PROPOSED HEIGHT OF SUNROOM:	19.0'
EXISTING HEIGHT OF SHED:	8.0'



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.

SCARTZ SURVEYS

LARRY N. SCARTZ LOCAL (703) 494-4181
CERTIFIED LAND SURVEYOR FAX (703) 494-3330
WOODBRIIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM



SPECIAL PERMIT PLAT

LOT 89

BRILYN PARK

DRANESVILLE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=25'

DATE: AUGUST 13, 2015

SPECIAL PERMIT REQUEST

The applicants request special permit approval to permit the construction of an unconditioned front entryway addition and to add a 12 inch-thick insulated wall around the periphery of the house located 9.1 feet from a side lot line. The front addition will measure 19.0 feet in height and would add 236 square feet in gross floor area.

A copy of the special permit plat, titled "Special Permit Plat Lot 89, Brilyn Park," prepared by Larry Scartz on August 13, 2015, as revised on October 2, 2015, is included in the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The application property consists of a split level single-family detached dwelling. A gravel driveway extends to Fisher Avenue, and a stoop provides access to the main entrance of the dwelling. There is an 8.0 foot tall frame shed located in the rear yard and a 6.9 foot tall storage area located in the side yard; both of these structures conform to the provisions of the Zoning Ordinance. There was an additional storage structure located to the northwest of the house in the side yard; however, that structure has since been removed. Existing mature vegetation is located on the northeastern and southwestern corners of the property, providing screening to the area.

The property is located northeast of Great Falls Street and southwest of Westmoreland Street. The subject property and surrounding properties are zoned R-4 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 1948 and purchased by the applicants in 1999.

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

1. On May 12, 1998 the BZA approved a reduction of certain yard requirements (VC 98-D-019), to permit an addition 3.5 feet from a side lot line located at 6647 Hallwood Avenue.
2. On February 5, 2008 the BZA approved a special permit (SP 2007-DR-137), to permit an addition 5.0 feet from a side lot line also located at 6647 Hallwood Avenue.

DESCRIPTION OF THE REQUEST

The applicants are undertaking an energy retrofit of their existing house and are requesting approval of a special permit for a reduction of certain yard requirements to permit construction of a front entryway addition located 9.1 feet from the side lot line. The applicants are also proposing to add insulation and cladding to the entire periphery of the house which will also encroach into the side yard and would be located 9.1 feet from the side lot line. In the R-4 district the required side yard is 10 feet; therefore, the applicants are requesting a reduction of 0.9 feet, or 9%.

Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Front Entryway and Insulated Wall	Side	10.0 feet	9.1	0.9 feet	9%

The addition would be a maximum of 19.0 feet in height, and it would add an additional 236 square feet in gross floor area. There will be a bay window on the front of the addition which will encroach 1.9 feet into the front yard setback; however, under the provisions of Sect. 2-412 of the Zoning Ordinance bay windows no more than ten feet in width, may extend three feet into any minimum required yard. The roofline of the proposed addition will match the height of the dwelling and it will be well within the height requirement.

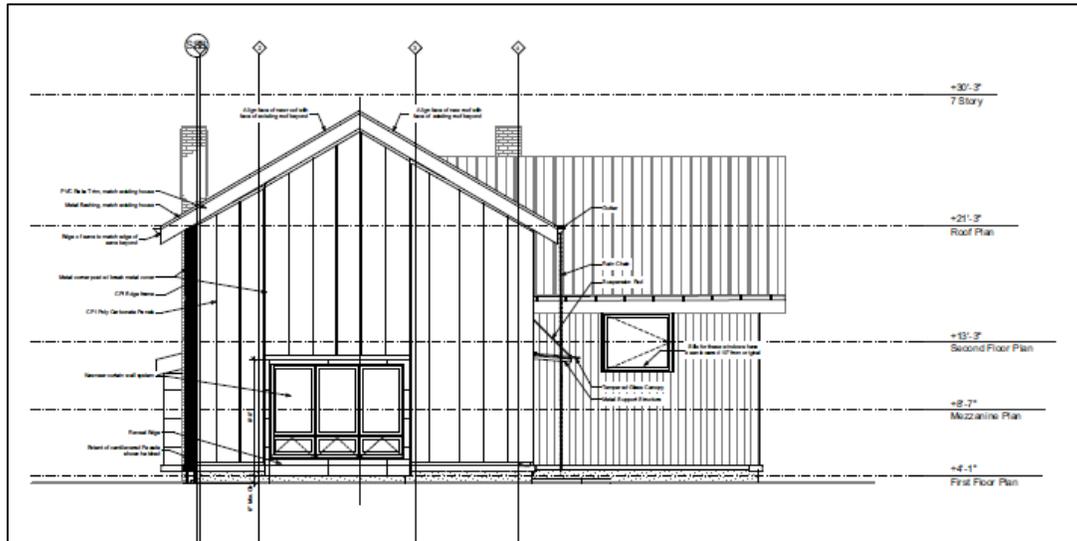


Figure 2: Proposed Elevation

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, McLean Planning District
Planning Sector: Kirby Community Planning Sector (M3)
Plan Map: Residential, 3-4 dwelling units per acre

Zoning District Standards

Bulk Standards (R-4)		
Standard	Required	Provided
Lot Size	8,400 sf.	10,400 sf.
Lot Width	Interior: 70 feet	65 feet
Building Height	35 feet max.	19.0 feet
Front Yard	Min. 30 feet	28.1 feet ¹
Side Yard	Min. 10 feet	9.1 feet ²
Rear Yard	Min. 25 feet	80

¹Sect. 2-412: Bay windows no more than ten (10) feet in width, may extend three (3) feet into any minimum required yard, but not closer than five (5) feet to any lot line.

²As permitted through the approval of this application

Urban Forestry Analysis (Appendix 5)

Should the application be approved, the Urban Forest Management Division (UFMD) recommends that the applicant take reasonable steps to maximize the preservation of existing vegetation by minimizing soil disturbance to only that necessary to access and construct the proposed improvements and by providing tree protection fencing along the proposed limits of disturbance to protect trees that may be impacted by these activities.

A development condition has been proposed to require these measures.

Zoning Ordinance Requirements (Appendix 6)

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

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

<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-4 District allows a reduction in minimum required yards with special permit approval.</p>
<p>Standard 3 Adjacent Development</p>	<p>In staff's opinion, the proposed use will not hinder or discourage the use or development of neighboring properties or negatively affect value. The proposed addition is located at the front of the house. Existing mature vegetation to the southwest of the home will help screen the it from the neighbor on lot 90.</p>
<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed addition and the extra 12 inches of insulation and cladding is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>Existing mature vegetation to the southwest of the home will help screen the proposed sunroom addition from the neighbor on lot 90.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement on individual lots in the R-4 District.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities, drainage, parking or loading of the site.</p>
<p>Standard 8 Signs</p>	<p>No signage is proposed.</p>

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

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>The bulk regulations for the minimum required side yard are requested to be modified with the 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>The construction is not disturbing 2,500 square feet; therefore, the application is not subject to the provisions of Article 17, Site Plans.</p>

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

<p>Standard 1 Yard Requirements Subject to Special Permit</p>	<p>A. <i>Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet:</i> The proposed sunroom addition would be located 9.1 feet from the side lot line. The proposed insulation and cladding would also be located 9.1 feet from the side lot line. The required side yard in an R-4 District is 10 feet, resulting in a reduction of 0.9 feet, or 9%.</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>
<p>Standard 2 Not a Detached Structure in a Front Yard</p>	<p>The application does not propose a detached accessory structure.</p>
<p>Standard 3 Principal Structure that Complied with yard Requirements When Established</p>	<p>When the existing structure was built in 1948 it conformed to the R-4 District regulations.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The addition is 236 square feet. The existing GFA of the primary structure is 1,378 square feet; therefore, the proposed addition will be 14% of the GFA.</p>
<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use, and Intent</p>	<p>The front entryway and additional wall, insulation and cladding is part of the principal structure, so this standard is not applicable.</p>
<p>Standard 6 Construction in Character with On-Site Development</p>	<p>The proposed addition will be constructed to the south of the existing dwelling. The insulation and cladding will wrap the entire building. The elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling.</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. As previously stated, the proposed addition is located in the front yard but will be well screened from lot 90 by mature vegetation located in the southwestern corner of the application property. Staff believes this addition will be harmonious with surrounding uses and meets this provision.</p>

<p align="center">Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed addition will not significantly affect the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, or safety since the proposed addition will be located behind a landscaped portion of the adjacent lot. DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes the addition will not significantly increase runoff or erosion.</p>
<p align="center">Standard 9 Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes the special permit application proposal is modest in nature and is the minimum amount of reduction necessary due to the placement of the dwelling on the lot. The dwelling is located off center; the lot has a narrow western side yard leaving little room for expansions or additions to the western side of the home.</p> <p>Other issues of yard determination, environmental characteristics, slopes, resource protection areas, floodplain easements, wells, and historic resources are not applicable to this site.</p>
<p align="center">Standard 10 BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p align="center">Standard 11 Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>
<p align="center">Standard 12 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 is in conformance with the applicable Zoning Ordinance provisions and is in harmony with the Comprehensive Plan. Staff recommends approval of SP 2015-DR-140 for the insulation and the addition with the adoption of the proposed development conditions contained in Appendix 1.

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

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-DR-140****January 6, 2016**

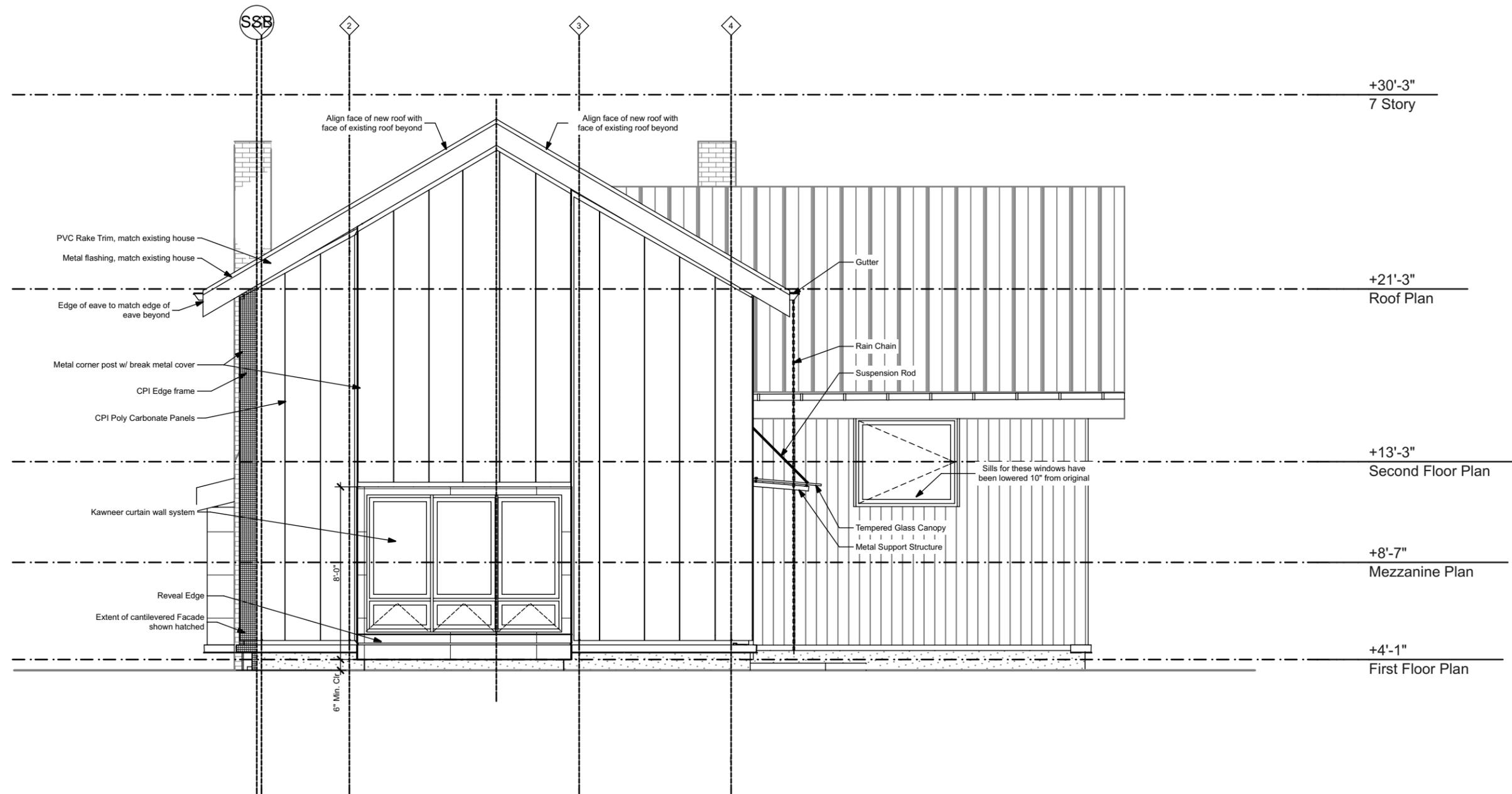
If it is the intent of the Board of Zoning Appeals to approve SP 2015-DR-140 located at Tax Map 40-4 ((5)) 89 to permit a reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance to permit a residential addition (front entryway, cladding and insulation) 9.1feet from the side lot line, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the front entryway and additional wall, insulation, and cladding (236 square feet and 19.0 feet in height), as shown on the plat entitled "Special Permit Plat Lot 89, Brilyn Park," prepared by Larry Scartz on August 13, 2015, as revised on October 2, 2015, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,378 square feet existing + 2,067 square feet (150%) = 3,445 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings as shown on Attachment 1 to these conditions.
5. Tree preservation fencing shall be provided along the proposed limits of disturbance to protect trees that may be impacted by the construction of the addition.

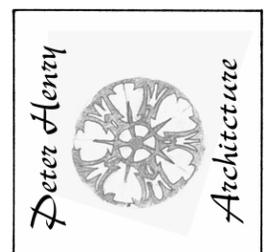
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.



1 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



The design and specifications of this project are the property of Peter Henry. Reproducing this plan or implementing the design without the permission of Peter Henry is a violation of the ownership rights of these drawings.

Kosmal Addition
6646 Fisher Ave. Falls Church, VA 22046

SCALE: 3/16" = 1'-0"
DATE: 9/24/15
DRAWN: PGH
REVISIONS:
① ② ③ ④ ⑤ ⑥

1135 Columbus Street
Suite 100
Alexandria, VA 22314
peterhenryarch.com
571-278-5548

South Elevation
03.5
Design Development
Design Development

RECEIVED
Department of Planning & Zoning

AUG 18 2015

Zoning Evaluation Division

A.R. Ann Kosmal

6646 Fisher Ave. Falls Church, VA 22046

1 703 533 8459

Ann.kosmal@gsa.govg.kosmal@interiorarchitects.com,arakigkk@gmail.comann.kosmal@gsa.gov

August 14, 2015

Fairfax County Zoning Evaluation Division- Appeals**Fairfax County Department of Planning and Zoning****12055 Government Center Parkway, Suite 801****Fairfax, VA 22035**Dear **Board of Zoning Appeals**:

This justification is part of the application for Special Permit for modifications to our home at 6646 Fisher Avenue, Falls Church, VA 22046.

Sensitive to the existing context of the our 1949 neighborhood and the need for advancing energy efficient existing homes in Fairfax County, we are seeking a Special Permit for per Zoning Ordinance Section 8-922 Provisions For Reduction of Certain Yard Set Backs so that we can conduct a deep energy retrofit of our existing 1949 masonry home. This will not only help lower the demand on the electrical and natural gas utilities but also provide greater comfort and durability with added insulation and the addition of an unconditioned wind lock at the front the house.

Please see annotated photographs and plans provided on the disc. We intend to add a layer of 8-12 inches of insulation and a new "cool" (low heat gain) cladding to the outside of the existing structure and provide an unconditioned wind lock at the front of the structure. The insulation is being added at the exterior of the structure as it achieves the "perfect wall retrofit" condition recommended by the Building Sciences Corporation for durability and thermal performance over time for masonry assemblies- See BSI-079 Deep Dish Retrofits by Dr. Joseph Lstiburek, P.E. at buildingscience.com/documents/insights/bsi079-deep-dish-retrofits . This wall assembly places the water control layer, air control layer, insulation, and new cladding to the outside of the existing masonry.

The challenge and need for Special Permit is at the West side of the structure. The face of the existing masonry to the property line is at 10.1 feet. The new insulation and cladding layers this would change the clear space to 9.1 feet. The insulation would infringe into this setback as well as the aligned face and footing of the new unconditioned windsock. The front of the unconditioned wind lock would comply with existing setbacks and projections allowed into the set back.

We look forward to the Board's approval for a more durable and resilient existing masonry structure in Fairfax County.

Sincerely,

**A.R. Ann Kosmal, A.I.A., LEED AP BD+C, CPHC, PDC**

AUG 18 2015

Zoning Evaluation Division

A.R. Ann Kosmal

6646 Fisher Ave. Falls Church, VA 22046

1 703 533 8459

Ann.kosmal@gsa.gov

g.kosmal@interiorarchitects.com,

arakigkk@gmail.com

ann.kosmal@gsa.gov

August 14, 2015

Fairfax County Zoning Evaluation Division- Appeals

Fairfax County Department of Planning and Zoning

12055 Government Center Parkway, Suite 801

Fairfax , VA 22035

Dear **Board of Zoning Appeals** :

This statement of ownership is part of the application for Special Permit for modifications to our home.

We- myself and my husband Grzegorz Krzysztof Kosmal own the property and the title is clear.

Sincerely,



A.R. Ann Kosmal



NEIGHBOR'S FENCE

VIEW AT SIDE YARD EASTWARD FROM NEIGHBORING PROPERTY
 SPECIAL PERMIT REQUEST – SECTION 8-922 PROVISION FOR REDUCTION OF CERTAIN YARD REQUIREMENTS
 6646 FISHER AVE. FALLS CHURCH, VA 22046 PHOTO TAKEN 8/14/2015



SIDE OF NEW INSULATION, CLADDING

FRONT ELEVATION (SOUTH) - FROM STREET
 SPECIAL PERMIT REQUEST – SECTION 8-922 PROVISION FOR REDUCTION OF CERTAIN YARD REQUIREMENTS
 6646 FISHER AVE. FALLS CHURCH, VA 22046 PHOTO TAKEN 8/14/2015



NEIGHBOR DRIVEWAY

VIEW FROM STREET NORTHWARD

NEIGHBOR'S FENCE LINE

SPECIAL PERMIT REQUEST – SECTION 8-922 PROVISION FOR REDUCTION OF CERTAIN YARD REQUIREMENTS
6646 FISHER AVE. FALLS CHURCH, VA 22046 PHOTO TAKEN 8/14/2015

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/4/15
 (enter date affidavit is notarized)

131396

I, ANN KOSMAL & GRZEGORZ KOSMAL, 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)
Audrey Rebecca Ann Kosmal	6646 Fisher Ave. Falls Church, VA 22046	Applicant / TITLE, OWNER
GRZEGORZ KRZYSZTOF KOSMAL MIKA GRZES KOSMAL	6646 FISHER AVE FALLS CHURCH, VA 22046	Applicant / CO-TITLE / OWNER

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/4/15
(enter date affidavit is notarized)

131396

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)

NONE

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)

NONE

(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: 9/4/15
(enter date affidavit is notarized)

151396

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)

NONE

(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**)

NONE

(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: 9/4/15
(enter date affidavit is notarized)

131596

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: 9/4/2015
(enter date affidavit is notarized)

131-396

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.)

(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:

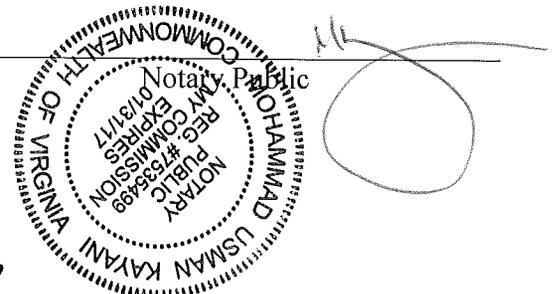
(check one) Audrey Rebecca Ann Kosmal
 Applicant [] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 4 day of SEPTEMBER 20 15, in the State/Comm. of VA, County/City of ARLINGTON.

My commission expires: 01-31-2017

X [Signature]
2nd Authorized in case of hearing



Similar Case History

ZAPS - SP - SP 2007-DR-137

Application Desc ...: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 5.0 FEET FROM SIDE LOT LINE

APPLICATION APPROVED

BOS Hearing: 0001-01-01

ZAPS - VC - VC 98-D -019

Application Desc ...: PERMIT CONSTRUCTION OF ADDITION 3.5 FT. FROM SIDE LOT LINE

APPLICATION APPROVED

BOS Hearing: 0001-01-01



County of Fairfax, Virginia

MEMORANDUM

DATE: November 25, 2015

TO: Sharon Williams, Staff Coordinator
Department of Planning and Zoning

FROM: Samantha Wangsgard, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Brilyn Park Lot 89.SP 2015-DR-140

The Urban Forest Management Division (UFMD) has completed its review of the Application for a Special Permit, SP 2015-DR-140 and Statement of Justification for the subject property, both date stamped as received by the Department of Planning and Zoning on September 29, 2015.

Based on this review the UFMD has no specific comments. Should the construction of the proposed cladding to the outside of the existing structure be approved, the UFMD recommends that the applicant take reasonable steps to maximize the preservation of existing vegetation by minimizing soil disturbance to only that necessary to access and construct the cladding and by providing the tree protection fencing along the proposed limits of disturbance to protect trees that may be impacted by these activities.

Please contact me should you have any questions.

SW/tw

UFMDID #: 205362

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.

8-922 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.