



County of Fairfax, Virginia

February 24, 2016

DRAFT STAFF REPORT

SPECIAL PERMIT SP 2015-PR-156

PROVIDENCE DISTRICT

APPLICANT: Mazen and Monique Baroudi

OWNER: Mazen and Monique Baroudi

STREET ADDRESS: 2834 Hunter Mill Road, Oakton 22124

SUBDIVISION: Oakton, Lot 11A

TAX MAP REFERENCE: 47-2 ((1)) 11A

LOT SIZE: 54,464 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on an error in building location to permit an accessory structure to remain 5.5 feet from a side lot line.

STAFF RECOMMENDATION: If the BZA chooses to approve this special permit application, then staff recommends that it do so subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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.

Heath Eddy, AICP

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 REQUEST

The applicant requests special permit approval to permit a reduction in the minimum side yard requirement based on an error in building location to permit an accessory structure, a 4-car garage, to remain 5.5 feet from the side lot line.



Figure 1: Subject property, showing the previous residence and detached garage. Source: Pictometry 2015.

A copy of the special permit plat, entitled “Special Permit Plat, 2834 Hunter Mill Road” prepared by Paul B. Johnson, P.E. of Charles P. Johnson & Associates, Inc. dated December 9, 2015, consisting of three sheets is provided at the front of this staff report. A copy of the applicant’s statement of justification, relevant photographs, and architectural renderings, and the affidavit are provided in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 54,464-square foot subject property is located off of Hunter Mill Road on a shared driveway that is used by 2 other residential properties and provides access to 2 other lots. The property is located just north of the Hunterbrooke development and about a quarter mile north of the Oakton Shopping Center. The property is a generally open lot with trees and hedgerows located along the periphery of the lot, with evergreens providing

screening along the property immediately north and a deciduous row of trees and shrubs intermixed along the south property line. The property previously contained an old farm house that the owners dedicated to Fairfax County for fire training purposes. The applicants/owners are currently constructing a new 2-story residence on the property in the location of the old house.

The property is similar in size and scale to the lots in the immediate vicinity.

BACKGROUND AND HISTORY

County Records indicate that the previous single family dwelling was constructed in 1952. The only building permit records for the property after that point are for a 1986 permit to enclose the existing porch.

According to the applicant, the daughter of the previous owners indicated that the garage was constructed around 1970. This construction was completed without a permit, but there is no record of any complaints related to the garage. The applicants purchased the property in 2014, which consisted of 3 deeded lots, and requested a Buildable Lot Determination. The Buildable Lot Determination found that a 54,011-square foot parcel (Lot 11B on the Location Map), was a buildable lot, as was a 1-acre parcel (shown as Parcel 1 on the Special Permit Plat). However, a third lot (shown as Parcel 3 on the Special Permit Plat) was determined to be an unbuildable outlot. The applicants have included both the Parcels 1 and 3 for the purposes of this application. The 54,011-square foot Lot 11B is a separate parcel and not included as part of this request.

In February 2015, the owners requested a Vested Rights Determination for the garage under Sect. 15.2-2307 of the Code of Virginia. The Zoning Administration Division reviewed the records and found that the garage was not vested, having been constructed without a permit and not having been taxed for 15 years or more. Based on this determination, the detached garage was not lawfully located and would either need to be moved to comply with the R-1 minimum yard requirements, or approval of a special permit under Sect. 8-914 of the Zoning Ordinance was required.

The owners applied for a building permit in 2015, with plans showing the removal and replacement of the existing garage with another detached garage that complied with the minimum side yard requirement in the R-1 District. This permit was issued in September 2015 as Building Permit #151550179. Subsequent to the building permit issuance, the owners decided to retain the garage and applied for this special permit request. Under this basis, if the Board approves this application, a building permit and inspections should be completed for the garage.

This is the first special permit or variance request for the subject property.

DESCRIPTION OF THE APPLICATION

The applicants request special permit approval for a reduction in the minimum side yard

requirement to allow the existing detached 4-car garage to remain 5.5 feet from the side lot line. The minimum required side yard in the R-1 District is 20 feet, and therefore the applicants request a reduction of about 73%.

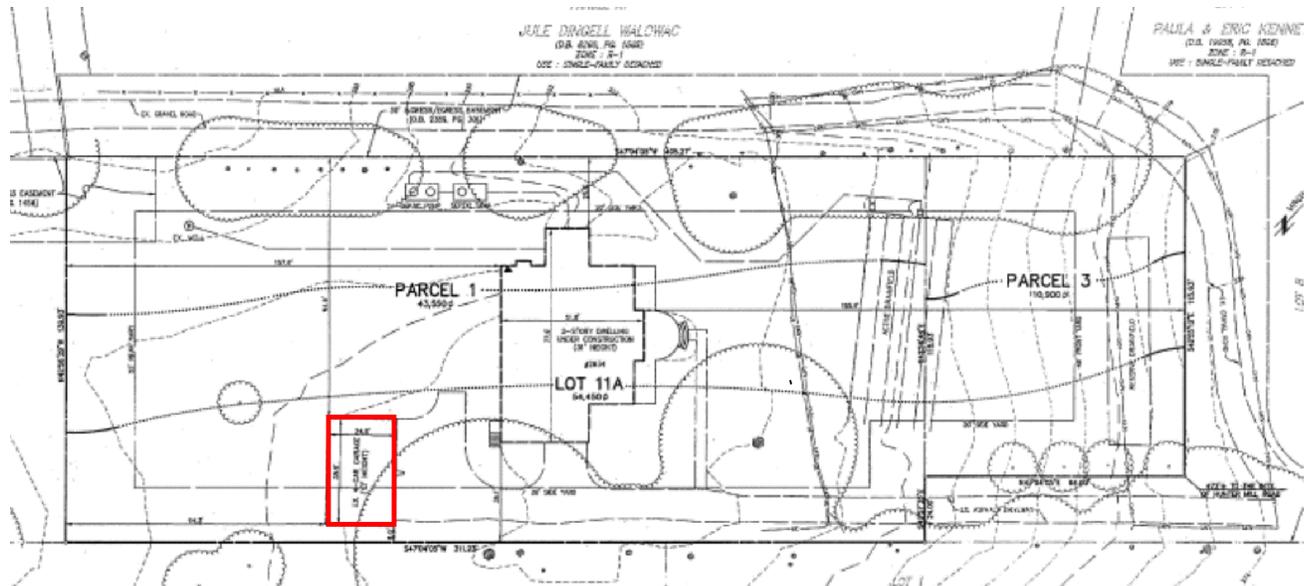


Figure 2: Special Permit Plat (partial), showing the existing garage in red. Source: Applicant.

The applicants’ statement of justification indicates that the existing garage is a solidly built structure, and that the neighbors do not have any problems with the garage as currently located, as shown in the submitted support letter in Appendix 4.

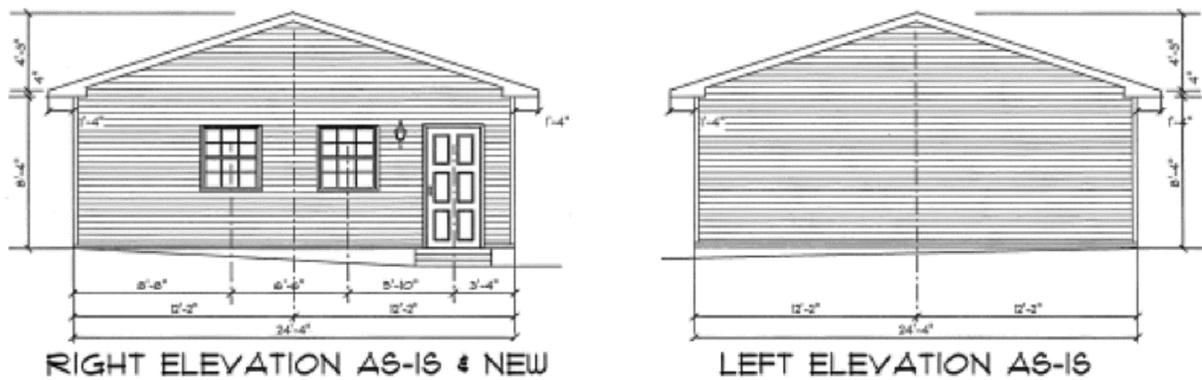


Figure 3: Side elevations, existing detached garage. Source: Applicant.

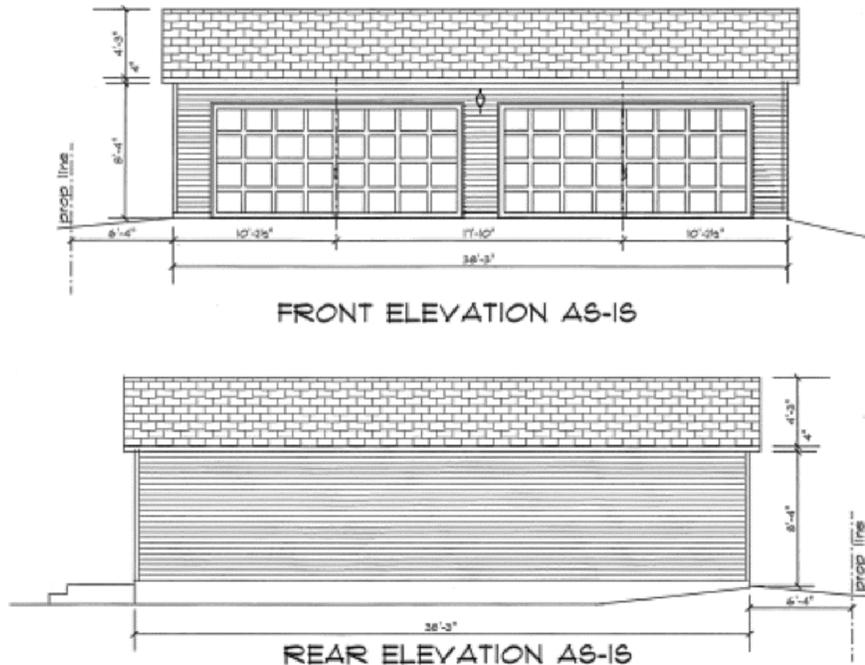


Figure 4: Front and rear (east and west) elevations of existing detached garage. Source: Applicant.

Views of the garage from various angles provide a physical context of the structure from various points of view, as provided in Figures 5 through 8, below.



Figure 5: View of the detached garage from the south. Source: Applicant.

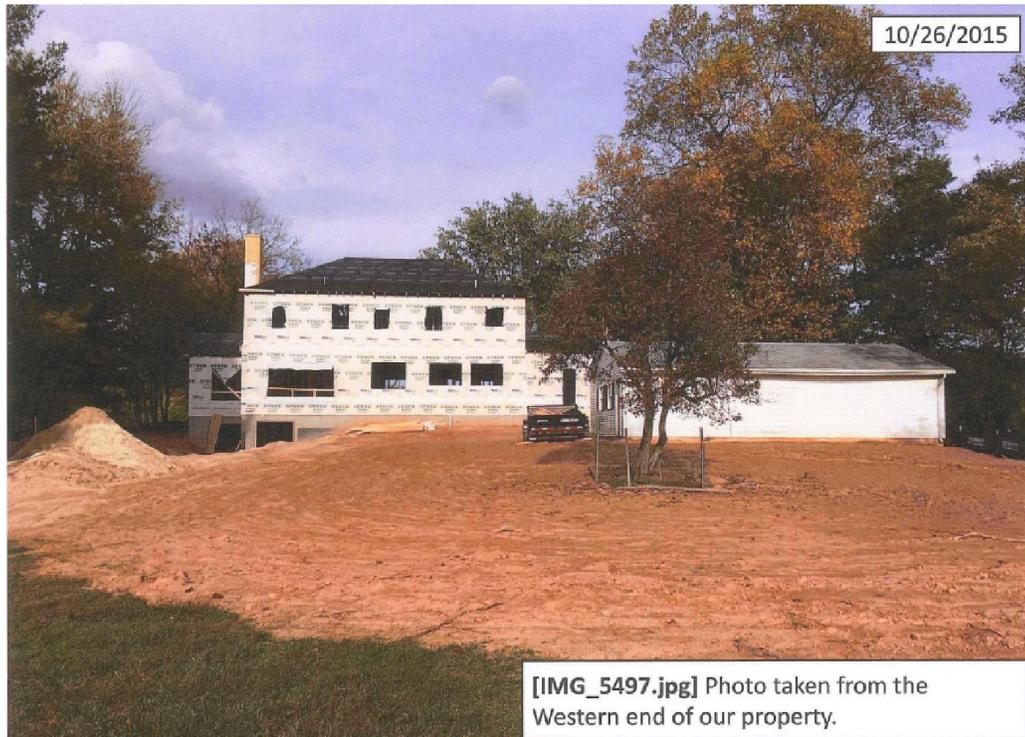


Figure 6: View of detached garage from west. Source: Applicant.

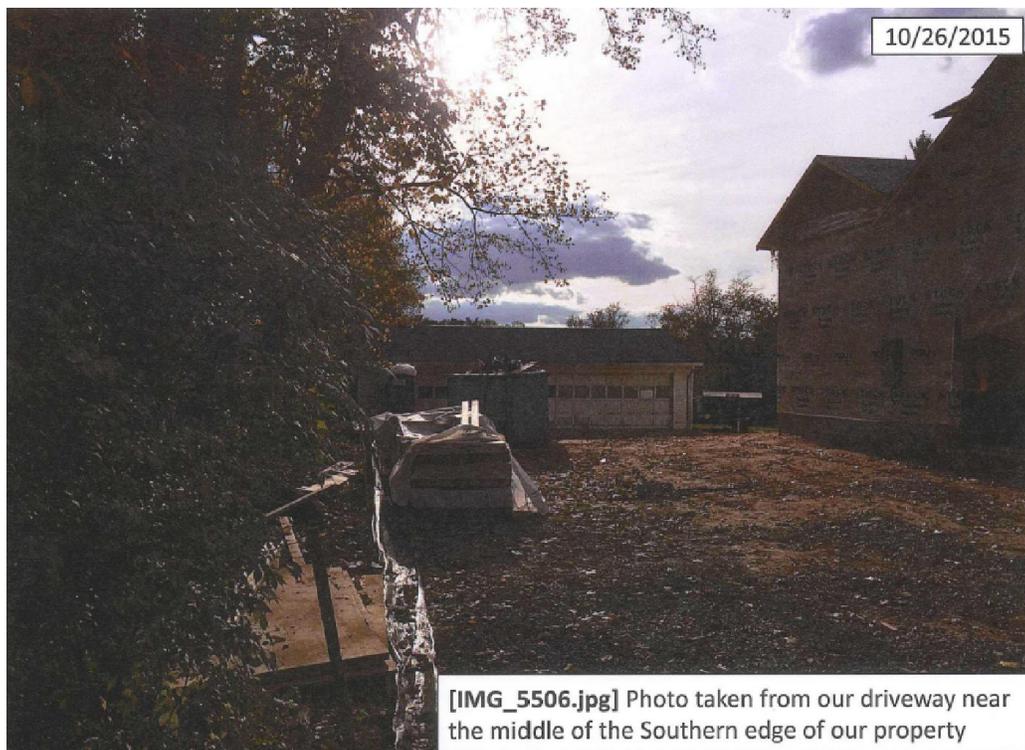


Figure 7: View of the detached garage from the east. Source: Applicant.



Figure 8: View of detached garage from north. Source: Applicant.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: II

Planning District: Fairfax

Planning Sector: Fox Lake Community Planning Sector (F4)

Plan Map: Residential

The Comprehensive Plan does not provide a specific recommendation for this area, other than recommending that any infill development be of a compatible use, type and intensity in accordance with Land Use Objectives 8 and 14 of the Policy Plan.

Zoning Ordinance Requirements (Appendix 6)

The subject property is zoned R-1, which has the following lot size and bulk regulations.

Bulk Standards (R-1)		
Standard	Required	Provided
Lot Size	Min. 36,000 sf.	54,464 sf.
Lot Width	Min. 150 feet	115.93 feet
Building Height	Max. 35 feet	13 feet (detached garage)
Front Yard	Min. 40 feet	195.9 feet (to residence)
Side Yard	Min. 20 feet	5.5 feet (to detached garage)
Rear Yard	Min. 25 feet	94.3 feet (to detached garage)

This special permit application is subject to the following provisions of the Zoning Ordinance and are provided as Appendix 6. Subject to the development conditions, the special permit must meet these standards.

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

CONCLUSION

If the Board chooses to approve this Special Permit application, staff recommends that it do so subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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, Architectural Rendering, and Photographs
3. Applicant's Affidavit

4. Letter of Support
5. Agency Review Comments
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-PR-156****February 24, 2016**

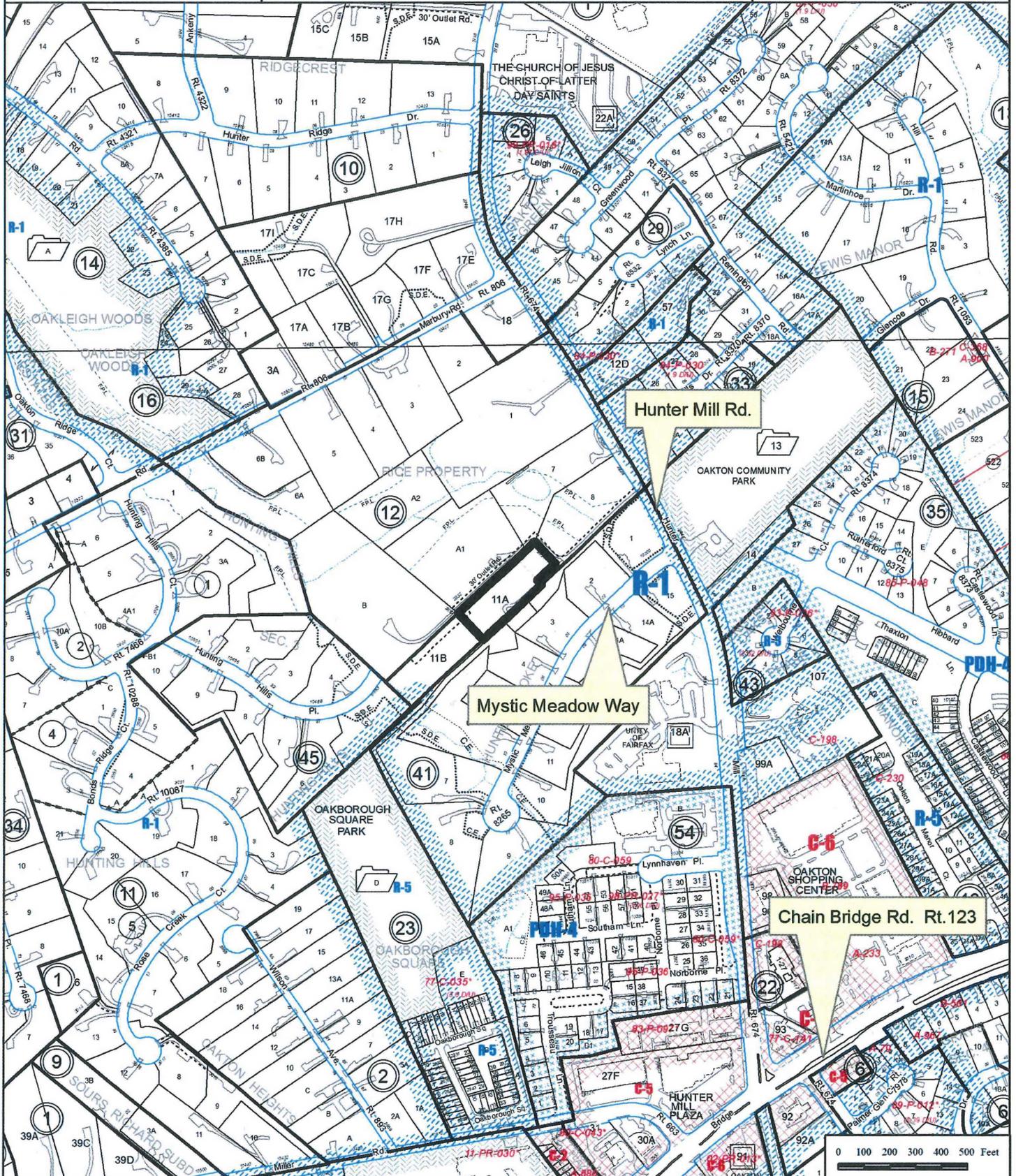
If it is the intent of the Board of Zoning Appeals to approve SP 2015-PR-156 located at Tax Map 47-2 ((1)) 11 to permit reduction of minimum yard requirements based on an error in building location pursuant to Section 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location and size of the detached garage as shown on the special permit plat, entitled "Special Permit Plat, 2834 Hunter Mill Road," prepared by Paul B. Johnson, P.E. of Charles P. Johnson & Associates, Inc., dated December 7, 2015, consisting of three sheets as submitted with this application and is not transferable to other land.
2. The applicants shall apply for and receive a building permit for the garage and complete all inspections as required within 180 days of the date of approval of this Special Permit.

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.



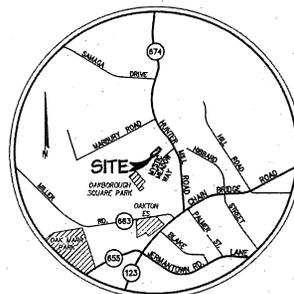
Special Permit SP 2015-PR-156 MAZEN AND MONIQUE BAROUDI



SPECIAL PERMIT PLAT

2834 HUNTER MILL ROAD

**PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA**



VICINITY MAP
SCALE: 1" = 2000'

SHEET INDEX

- 1 COVER SHEET
- 2 SPECIAL PERMIT PLAT
- 3 OUTFALL ANALYSIS

APPLICANT



FOLEY COMPANIES
FOLEY DEVELOPMENT GROUP, LLC
1831 WISLE AVENUE
SUITE 130
RESTON, VIRGINIA 20190
(703) 759-8880

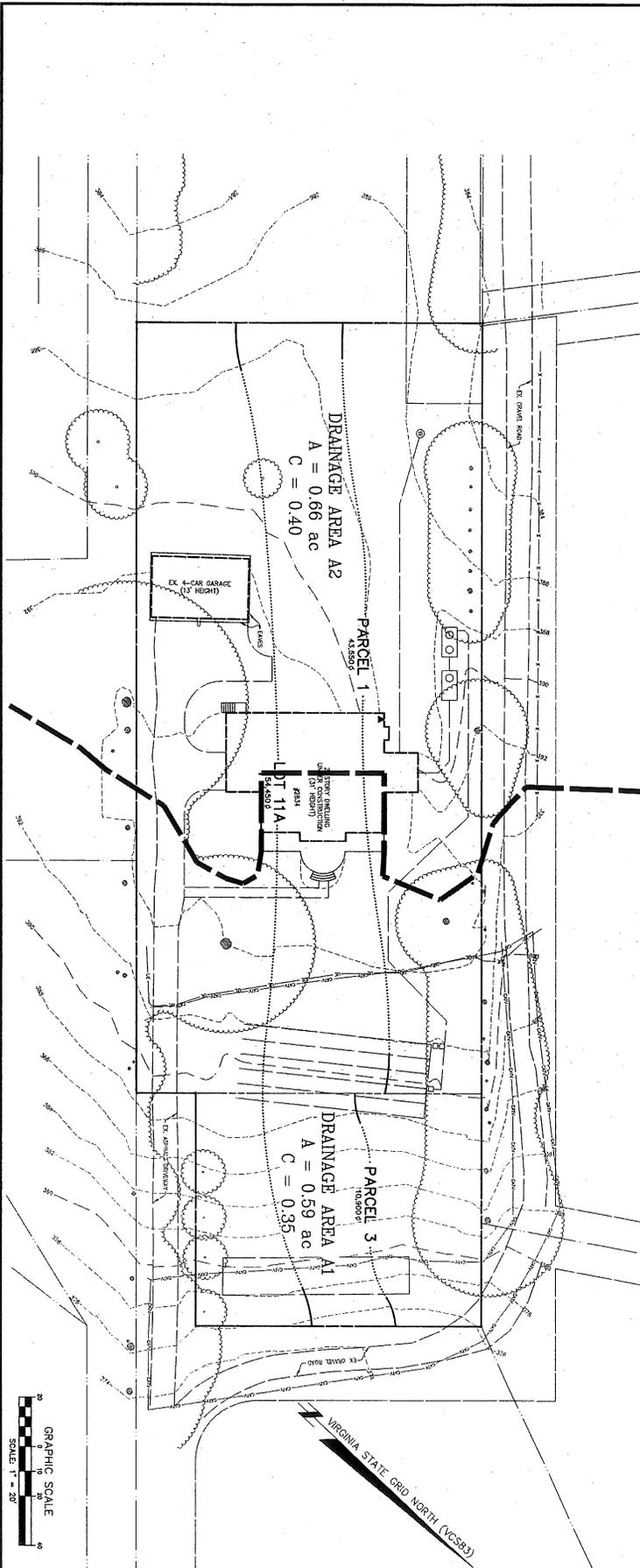
ENGINEER



Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscapers • Architects • Surveyors
3704 Hunters Hill, Ste. 210, Fairfax, VA 22030 703-326-7830 Fax: 703-326-8900
www.cpa-j.com • Silver Spring, MD • Germantown, MD • Annapolis, MD • College Park, MD • Fairfax, VA



DATE : DECEMBER 7, 2015



Overall Development Conditions

Site	1.25%	0.25%	0.40%	1.00%	1.00%	1.00%
AT Stormwater Runoff	0.25%	0.25%	0.40%	1.00%	1.00%	1.00%
AT Stormwater Runoff	0.25%	0.25%	0.40%	1.00%	1.00%	1.00%
AT Stormwater Runoff	0.25%	0.25%	0.40%	1.00%	1.00%	1.00%
AT Stormwater Runoff	0.25%	0.25%	0.40%	1.00%	1.00%	1.00%
AT Stormwater Runoff	0.25%	0.25%	0.40%	1.00%	1.00%	1.00%

SW-10 CERTIFICATION
 THE SITE DESIGNER HAS (A) A DESIGN LICENSE IN THE STATE OF VIRGINIA AND (B) HAS BEEN TRAINED IN THE DESIGN OF SW-10 DEVELOPMENTS AS REQUIRED FOR THIS CERTIFICATION.

DRAINAGE SUMMARY AND OUTFALL NARRATIVE
 THE DESIGNER HAS CONDUCTED A DRAINAGE ANALYSIS OF THE PROPOSED DEVELOPMENT AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT CAUSE ANY ADVERSE IMPACTS ON THE SURROUNDING ENVIRONMENT. THE PROPOSED DEVELOPMENT WILL BE DESIGNED TO MAINTAIN THE EXISTING DRAINAGE PATTERNS AND TO PREVENT ANY UNDESIRABLE CHANGES TO THE DRAINAGE SYSTEM. THE PROPOSED DEVELOPMENT WILL BE DESIGNED TO MAINTAIN THE EXISTING DRAINAGE PATTERNS AND TO PREVENT ANY UNDESIRABLE CHANGES TO THE DRAINAGE SYSTEM. THE PROPOSED DEVELOPMENT WILL BE DESIGNED TO MAINTAIN THE EXISTING DRAINAGE PATTERNS AND TO PREVENT ANY UNDESIRABLE CHANGES TO THE DRAINAGE SYSTEM.

- MINIMUM STORMWATER INFORMATION FOR REZONING, SPECIAL EXCEPTION, SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS**
1. Fig. 1 is a minimum scale of 1"=50' (unless it is specified on one sheet with a minimum scale of 1"=100').
 2. A graphic depicting the stormwater management facility(ies) and limits of clearing and grading, including the stormwater management facility(ies), storm drainage pipe systems and outlet protection, shown on Sheet ____.
 3. Provide Sheet ____ Overall area, Drainage, Footprint, Storage (If used, give Type & No., served (Goway), served (Goway) one (Goway) one (W) Volume (G) Height (H) N/A N/A N/A N/A N/A N/A N/A
 4. Outlet drainage, outlet, and pipe systems are shown on Sheet ____.
 5. Stormwater management facility(ies) are shown on Sheet ____.
 6. Landscaping and tree preservation shown in and near the stormwater management facility is shown on Sheet ____.
 7. A stormwater management inventory which contains a description of how detention and best management practices requirements will be met is provided on Sheet ____.
 8. A description of how the outlet requirements, including storm drainage to participating drainage areas (the "outlet area"), will be met is provided on Sheet ____.
 9. A description of how the outlet requirements, including storm drainage to participating drainage areas (the "outlet area"), will be met is provided on Sheet ____.
 10. Stormwater management is provided on Sheet ____.
 11. A watershed vector is required for ____ N/A.
 12. Stormwater management is not required because ____ SW-10(2)(3)(b).

DESIGN	DRAFT	DATE	DEC. 2015
APPROVED	DATE	DEC. 2015	
SCALE	HORIZ: 1" = 20'	VERT: 1" = 20'	
REVISIONS			
NO.	DESCRIPTION	BY	DATE

OUTFALL ANALYSIS
2834 HUNTER MILL ROAD
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

CPJ Associates
 Charles P. Johnson & Associates, Inc.
 Civil and Environmental Engineers • Planners • Landscapers • Architects • Surveyors
 3909 Pender Dr., Ste. 210 Fairfax, VA 22030 703-345-7555 Fax: 703-373-6095
 www.cpj.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • College Park, MD • Frederick, MD • Fairfax, VA

Statement of Justification

Mazen & Monique Baroudi
2834 Hunter Mill Road
Oakton, VA 22124

December 11, 2015

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

RE: Special Permit Statement of Justification

To Whom It May Concern,

We, Mazen and Monique Baroudi, bought the land at 2834 Hunter Mill Road in September of 2014. We were very excited about this really unique piece of property. It used to be part of an old farm and has the feeling of being in the country while still being less than half a mile from our current home with all the conveniences provided by living close to shopping centers, a library, and local public schools.

Although the existing house was in disrepair, we considered keeping the foundation of the existing house but ultimately decided it would be better to remove the existing house and rebuild. We also intended to update the existing detached garage and re-use it. It gave us a bit of heartache to tear down the old house, even though we knew it made sense to do it. Deciding to make the best use of the old house, we donated it to the Fairfax County Fire Department Acquired Structures Program for live fire training. It was a fabulous experience for the 50+ firefighters who got to practice that day, but also for our 40+ family and friends who came to take part in the experience and learn about the Fairfax County Fire Department and what they do. It made us feel better that the existing structure did not go to waste.

The old garage on the property has a bit of history as well and we would be disappointed to see it go to waste. The daughter of the original owner, Christine, told us that the house originally had a garage attached to it but it was below ground and flooded frequently. As her Dad, Wayne, was a car enthusiast, he sealed off the attached garage making it part of the basement, and built the external garage. In the concrete floor of the external garage you can see where he signed his work, with the date 1973, and Chris and her brother Greg also signed their names at the entrance. When we bought the property we told Chris we wanted to find a few ways to incorporate the old with the new and we've found a few ways to do that. One thing we discussed was keeping the detached garage in place and she seemed pleased that a part of her childhood would remain. Since the garage is old, but is still in very

usable condition, we are asking permission for it to remain.

We had no idea there would be a problem with keeping the old external garage until we went to the county to learn about applying for a permit to change the doors and windows and update the siding. At this point we learned that the garage was built too close to the property line and did not meet today's setback requirements. When the ability to apply for vested rights was explained to us we were excited that it might be an avenue for us to retain the garage. Unfortunately, we were disappointed to learn that the County records did not show the garage and that it was not eligible for vested rights. We were told that the only remaining avenue was for us to apply for a special exception so we can keep the existing garage. All of the neighbors bordering the new property, two to the left and two to the right, fully support our plan to keep the existing garage. We have included a signed letter from the neighbors demonstrating their support of our plan.

We genuinely believe that allowing us to keep the existing garage is in harmony with the intended spirit and purposes of the existing Fairfax County Building code and is not contrary to the public interest. If permitted, we intend to update the siding, roofing, windows and doors to make it look nicer, but will make no other changes as this garage has been a part of the landscape for more than 40 years - and we hope that you will allow it to remain.

Statement of Justification:

- A. **Types of operations:** This permit is to allow us to keep the existing detached 4-car garage that was on the property when we purchased it. It will be used solely as a residential garage, for the storage of cars and bicycles.
- B. **Hours of operation:** The garage will be used daily, as a residential garage.
- C. **Estimated number of patrons/clients/patients/pupils/ etc.:** We will not have any patrons, clients, patients, or pupils. Our garage is strictly residential and will only be used by our family.
- D. **Proposed number of employees/attendants/teachers/etc.:** We will not have any employees, attendants, or teachers. Our garage is strictly residential and will only be used by our family.
- 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.** As this is an existing 4-car garage there will be no additional traffic impact. This garage will remain for strictly residential use and will not increase the number of cars for our family. Our family currently owns two cars. We may someday buy a third when our sons reach driving age.

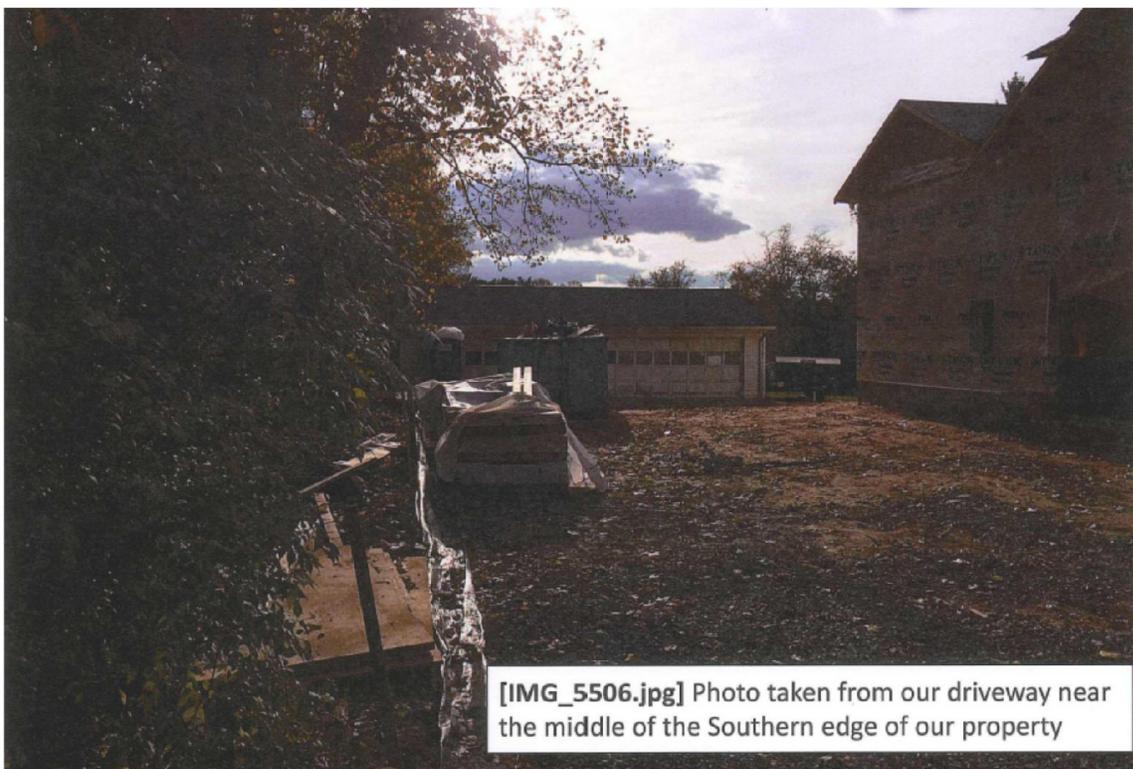
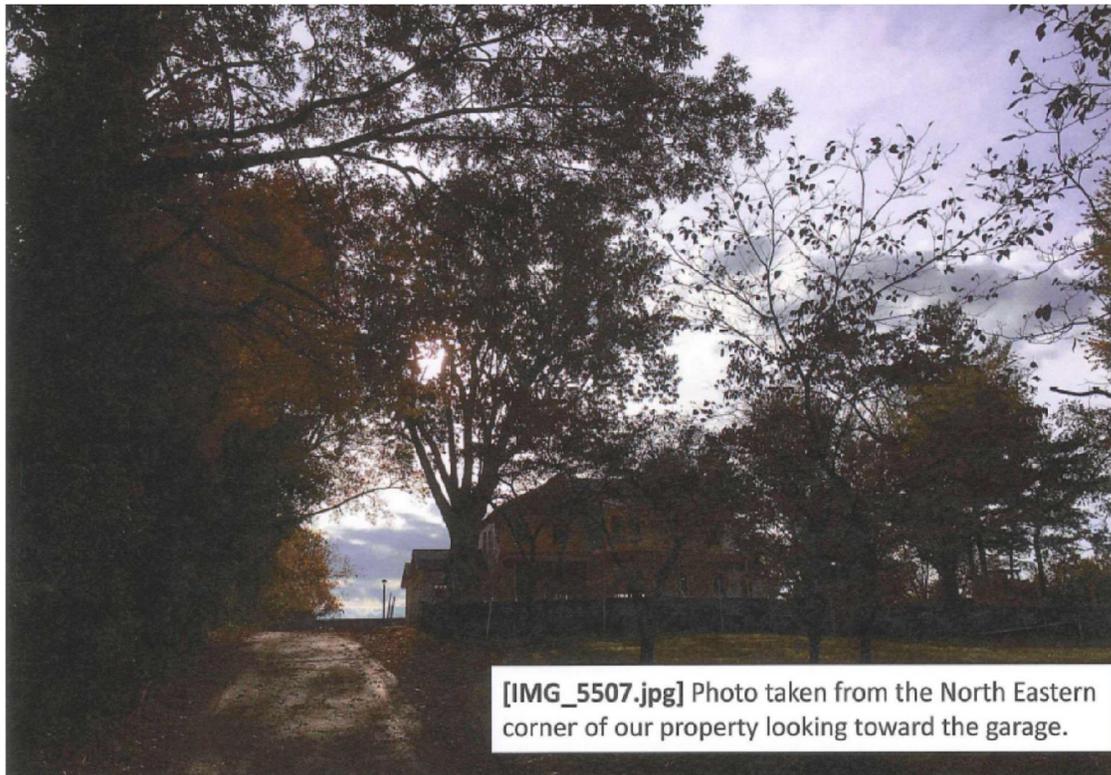
- F. **Vicinity or general area to be served by the use:** This existing garage will solely serve the home on the property.
- G. **Description of building façade and architecture of proposed new building or additions:** The existing garage has white wooden siding, a black roof, and white doors and windows. It is not a new building or addition, it was built in 1973, and we are simply requesting permission to keep it in place.
- 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 tanks or containers:**
We will not be generating, utilizing, storing, treating or disposing of any hazardous materials. We will only be storing our family cars and bicycles in this residential garage.
- I. **A statement of how the proposed property 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, regulation, standards and conditions, such shall be specifically noted with the justification for any such modification.**
The garage conforms to all the applicable ordinances and is on our property, the only issue being that it was built in 1973 and does not conform with today's setback requirements.

Standards of 8-914, part two paragraphs A-H

- A. The error does exceed 10 percent of the measurement involved. As we did not build this detached garage, the error existing prior to our ownership.
- B. Accepting this error in building location is the only special permit/exception we are applying for. Having a detached garage is allowed by right for our zoning category.
- C. The error was done by the previous owner a very long time ago. From what we understand this was pretty common practice back then. It is with good faith that we would like to keep this detached garage. Before applying for it we even went around to every neighbor it affects (on that property line) and asked if they were okay with the garage. All of them were okay with the existing garage staying and signed a letter (attached) stating so.

- D. According to our developer/agent, it is of his opinion that the purpose of the ordinance is to prevent overdeveloping "open land" so as to change the character of the area and to avoid crowding neighbors so that they have full use of their property. Given the size of our lot we are not over developing and the same size structure could be built a few feet away. Given that the neighboring property are small strips of septic fields and that no home or structure can be built there we are not impacting the use of our neighbors land in any way.
 - E. Given what is stated above and the signed letters from our neighbors, this garage remaining in place will not be detrimental in any way to the use of our neighbor's property.
 - F. No unsafe condition exists because of this garage.
 - G. By forcing us to shrink the size of the garage we would be forced to convert the existing garage into a two car garage, this would cause great loss in use and value of the property. To remodel the garage to comply with setbacks will also cost over \$40,000 (quote from our developer). In essence we would have to spend \$40,000 to lose value to our property when we were not even aware of the current violation when we purchased the property.
 - H. There will be no reduction in density or floor area ration.
3. As shown on the civil plan and in the pictures. The detached garage is already heavily screened from the neighbors with existing vegetation. We don't believe any more is required but are willing to do so if the County deems is necessary.

Selected Photographs of Subject Property





[IMG_5498.jpg] Photo taken from the back of the Somech property.



[IMG_5497.jpg] Photo taken from the Western end of our property.





County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
 Suite 549, 12000 Government Center Parkway
 Fairfax, Virginia 22035-0064
 Phone: (703) 324-2421; Fax: (703) 324-2665
 www.fairfaxcounty.gov

DATE: December 29, 2015

TO: Heath Eddy, Staff Coordinator
 Applications Acceptance Section
 Zoning Evaluation Division
 Department of Planning and Zoning

FROM: Sepideh Aflaki-Khosrowshahi, Paralegal
 Office of the County Attorney

SUBJECT: BZA Affidavit
 Temporary Application No. SP 2015-0372

REF.: 132596

RECEIVED
 Department of Planning & Zoning

DEC 31 2015

Zoning Evaluation Division

Attached is a copy of an application and an original affidavit that has been approved by the Office of the County Attorney for the following case:

Name of Applicant

Affidavit Date of Oath

Mazen and Monique Baroudi

11/12/15

Attachment

OWNER CONSENT / AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, Mazen and Monique Baroudi, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize Kyle Foley of Foley Development Group, LLC to act as agent(s) in the furtherance of an application for a special permit on my/our property located at: 2834 Hunter Mill Road, Oakton, VA
Tax Map No. 47-2(C1))11A.

Thank you in advance for your cooperation.

APPLICANT/TITLE OWNER

Date: 12/14/15

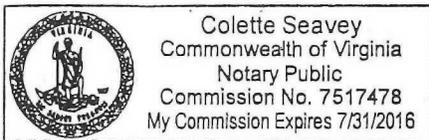
By: Monique Baroudi
MONIQUE BAROUDI

COMMONWEALTH/STATE OF: Virginia
CITY/COUNTY OF: Fairfax, TO WIT:

The foregoing instrument was acknowledged before me this 14th day of December 20 15
by Monique Baroudi
(Signor)

Colette Seavey
Notary Public (Signature)
Notary Registration No. 7517478
My Commission Expires: 7/31/2016

AFFIX NOTARY SEAL/STAMP

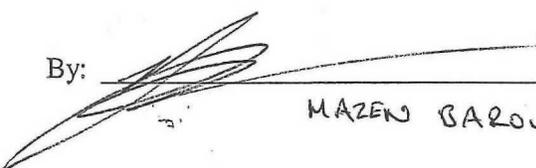


ALL TITLE OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

Owner Consent / Agent Authorization Statement
Page 2 of 2

CO-TITLE OWNER

Date: 12/14/15

By: 
MAZEN BAROUD,

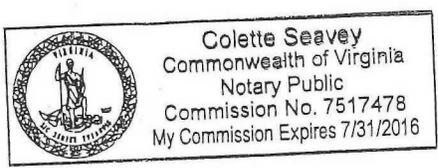
COMMONWEALTH/STATE OF: Virginia

CITY/COUNTY OF: Fairfax, TO WIT:

The foregoing instrument was acknowledged before me this 14th day of Dec, 2015,
by Monique Baroud
(Signor)

Colette Seavey
Notary Public (Signature)
Notary Registration No. 7517478
My Commission Expires: 7/31/2016

AFFIX NOTARY SEAL/STAMP



RECEIVED
NOTARY PUBLIC
DEC 18 2015



COUNTY OF FAIRFAX
 Department of Planning and Zoning
 Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SF-2015-PR-156

(Staff will assign)

RECEIVED
 Department of Planning & Zoning

NOV 19 2015

Zoning Evaluation Division

APPLICATION FOR A SPECIAL PERMIT

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Mazen and Monique Baroudi	
	MAILING ADDRESS 2834 Norborne Pl, Oakton, VA 22124	
	PHONE HOME (703) 345-9654 WORK ()	
	PHONE MOBILE (703) 3713498	
PROPERTY INFORMATION	PROPERTY ADDRESS 2834 Hunter Mill Road, Oakton, VA 22124	
	TAX MAP NO. 47-2((1))11A	SIZE (ACRES/SQ FT) 1.250 Acres
	ZONING DISTRICT R-1 <input type="checkbox"/>	MAGISTERIAL DISTRICT Providence <input type="checkbox"/>
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:	
SPECIAL PERMIT REQUEST INFORMATION	ZONING ORDINANCE SECTION 8-914 Approval for reduction to the minimum yard requirements based on error in building location	
	PROPOSED USE REDUCTION IN MINIMUM YARD REQUIREMENTS BASED ON AN ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STRUCTURE TO REMAIN 5.5 FEET FROM A SIDE LOT LINE	
AGENT/CONTACT INFORMATION	NAME Kyle Foley, Foley Development Group, LLC	
	MAILING ADDRESS 1861 Wiehle Ave, suite 130, Reston, VA 20190	
	PHONE HOME () WORK (703) 7596880	
	PHONE MOBILE (703) 9309897	
MAILING	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant -or- <input type="checkbox"/> Agent/Contact	
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Monique Baroudi</p> <p><u>TYPE/PRINT NAME OF APPLICANT/AGENT</u> <u>SIGNATURE OF APPLICANT/AGENT</u></p>		

DO NOT WRITE IN THIS SPACE

Debra Desha Kubert

Date Application accepted: 12/16/2015 Application Fee Paid: \$ 910.00

Application No.(s): SP 2015-SP-156
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/12/2015
(enter date affidavit is notarized)

132596

I, Monique Baroudi, 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)
Monique L. Baroudi	2834 Norborne Pl, Oakton, VA 22124	Applicant/Title Owner
Mazen G. Baroudi	2834 Norborne Pl, Oakton, VA 22124	Applicant/Title Owner
Agent: Foley Development Group, LLC Kyle P. Foley Wayne M.Foley	1861 Wiehle Ave, suite 130, Reston, VA 20190	Agent

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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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)
Foley Development Group, LLC
(703) 759-6880
1861 Wiehle Ave, suite 130
Reston, VA 20190

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)
Kyle P. Foley, Managing Member
Wayne M. Foley, Member

(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): SP 2015-SP-156
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(enter date affidavit is notarized)

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132 ~~132~~

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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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): SP 2015-SP-156
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/12/2015
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3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

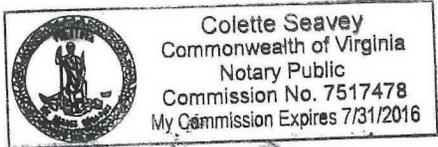
(check one) Applicant Monique Baroud Applicant's Authorized Agent

MONIQUE L. BAROUD
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12 day of NOVEMBER 2015, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Colette Seavey
Notary Public

My commission expires: July 31, 2016



RECEIVED
Department of Planning & Zoning

NOV 19 2015
Zoning Evaluation Division

Mazen and Monique Baroudi
2834 Hunter Mill Road
Oakton, VA 22124

October 25, 2015

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

Proposal to Keep Existing 43-year Old Garage

To Whom It May Concern:

We are the neighbors of Mazen and Monique Baroudi who are building a new home at 2834 Hunter Mill Rd. When they bought the property in September of 2014, there was an old house and a detached garage on the property. It was later discovered that the existing garage, which was built in 1973, does not meet current side setback requirements.

The Baroudis have shared with us their desire to keep the detached garage. We believe that the Baroudi's plans are consistent with the charm of the area. Therefore, we have no issue with the garage as it stands today and we are fully supportive of their plans to keep the existing detached garage.

Thank you for considering this approval for the Baroudi family's desire to retain the existing garage.

Sincerely,

Dennis A. Sorned
Name

[Signature]
Signature

10306 Mystic Meadow Way 10/25/15
Address Date

Frances del Toro

[Signature]

10306 Mystic Meadow Way 10/26/15

Abdol R. Chenari
Name

[Signature]
Signature

10304 Mystic Meadow Way 10/25/15
Address Date
OAKTON VA 22124

JULIE D WALOWAC JULIE WALOWAC 2832 HUNTER 10/25/15
Name Signature Address MILL RD Date

Daryl Tinder DARYL TINDER 2830 HUNTER MILL 10/25/2015
Name Signature Address RD Date

Kelcy Ferguson Kelcy Ferguson 2830 Hunter Mills 10/25/2015



County of Fairfax, Virginia

MEMORANDUM

DATE: December 8, 2015

TO: Heath Eddy, Staff Coordinator
Department of Planning and Zoning

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

SUBJECT: Stratford on the Potomac Section 3, Block 1, Lot 4.SP 2015-MV-145

The Urban Forest Management Division (UFMD) has completed its review of the Application for a Special Permit, SP 2015-MV-145 and Statement of Justification for the subject property, both date stamped as received by the Department of Planning and Zoning on November 5, 2015.

Based on this review the UFMD has no specific comments. Should any improvements of the existing garden shed, patio, and walkway be required, 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 addition 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 #: 206580

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



Zoning Ordinance Provisions

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 or a modification to the location regulations of any freestanding accessory structure existing or partially constructed which does not comply with such requirements applicable at the time such building or structure 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 or modification under the provisions of this Section, the BZA shall allow only a reduction or modification 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 or modification for a particular building or structure 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.