



APPLICATION ACCEPTED: January 5, 2016
BOARD OF ZONING APPEALS: March 16, 2016 @ 9:00 a.m.

County of Fairfax, Virginia

March 8, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-LE-001

LEE DISTRICT

APPLICANT/OWNER: Zahra Bassam

SUBDIVISION: Sunny Ridge Estates

STREET ADDRESS: 4602 Eaton Place, Alexandria, 22310

TAX MAP REFERENCE: 82-3 ((17)) (D) 22

LOT SIZE: 10,940 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-305

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on an error in building location to permit an addition (garage) to remain 8.9 feet from a side lot line.

STAFF RECOMMENDATION:

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.

Sharon Williams

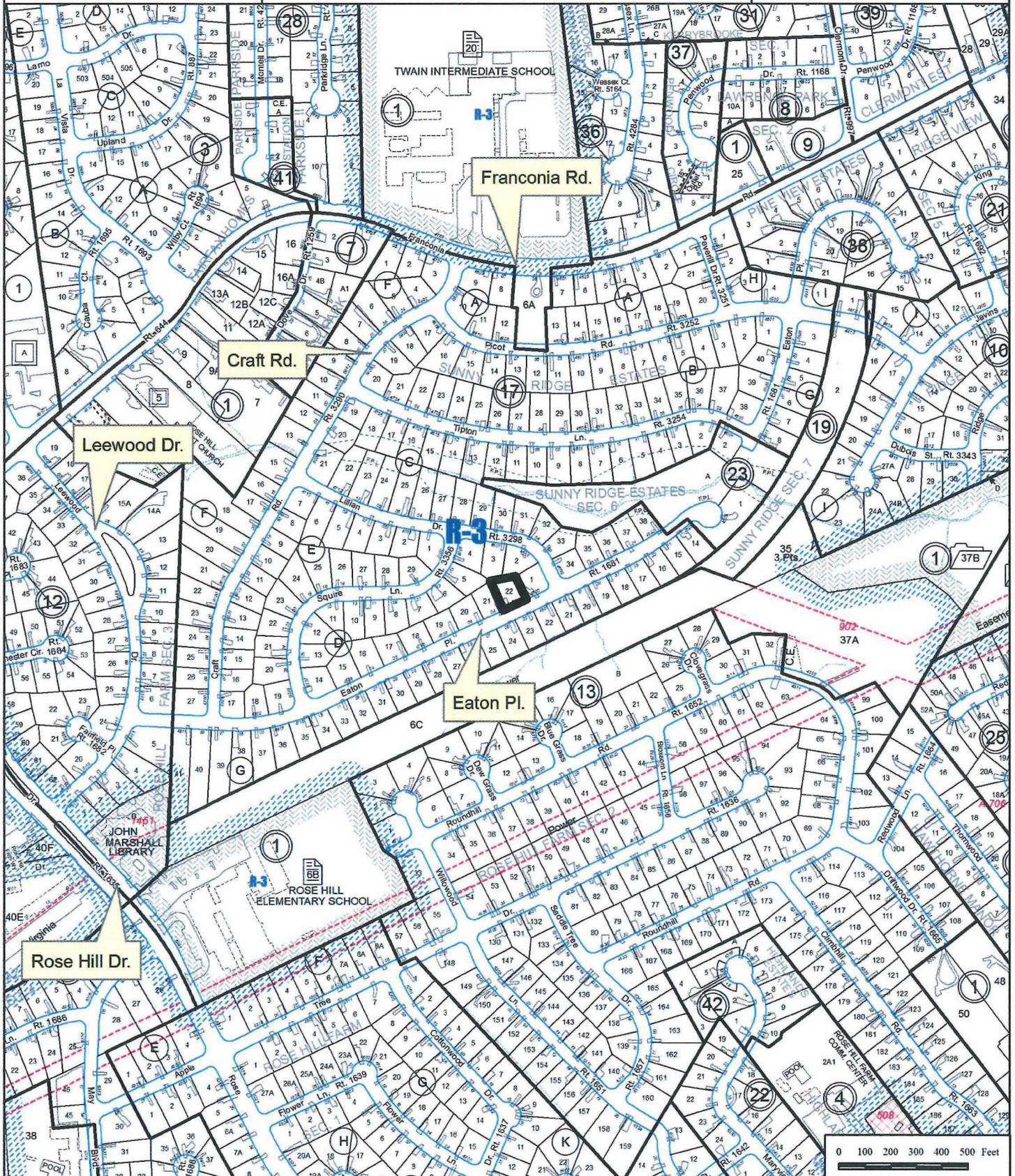
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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 2016-LE-001 ZAHRA BASSAM



DEC 22 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:

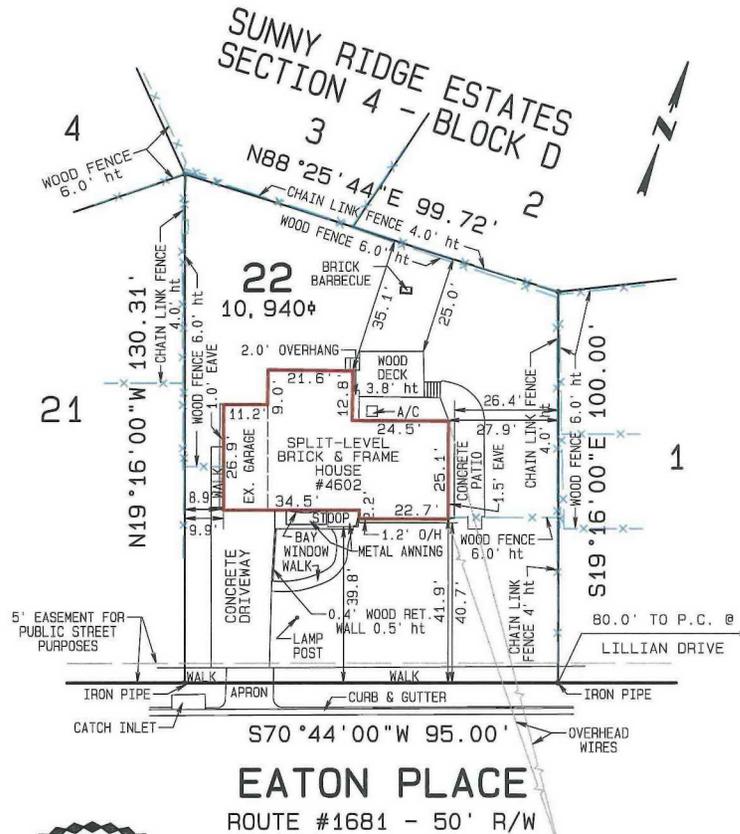
- TAX MAP 082-3-17D-0022
- PROPERTY SHOWN HEREON IS ZONED:
R-3 (RESIDENTIAL 3 DU/AC)
- MINIMUM YARD REQUIREMENTS IN ZONE R-3
FRONT: 30'
SIDE: 12'
REAR: 25'
- PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THE PROPERTY SHOWN HERE IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0315E EFFECTIVE DATE, SEPTEMBER 17, 2010.
- THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
- THE PROPERTY IS NOT LOCATED IN A FLOODPLAIN NOR AN RPA (RESOURCE PROTECTION AREA).
- FLOOR AREA:
EX. GROSS FLOOR AREA HOUSE 1,279 SQ. FT.
EX. GROSS FLOOR AREA WOOD DECK 192 SQ. FT.
EX. GROSS FLOOR AREA GARAGE 299 SQ. FT.

EX. GROSS FLOOR AREA 1,770 SQ. FT.

EX. FLOOR AREA RATIO: 1,770 S.F./10,940 S.F. = 0.16

HEIGHT TABLE

HEIGHT OF EXISTING HOUSE: 17.5'
HEIGHT OF ATTACHED GARAGE: 9.3'



EATON PLACE
ROUTE #1681 - 50' R/W

SPECIAL PERMIT PLAT
LOT 22, BLOCK D, SECTION 5

SUNNY RIDGE ESTATES

LEE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

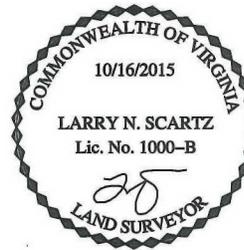
SCALE: 1"=30' DATE: OCTOBER 16, 2015

CASE NAME: BASSAM
SCHUYLER AHRENS

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) 494-4184
CERTIFIED LAND SURVEYOR FAX (703) 494-3330
WOODBRIIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM



SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a reduction in minimum yard requirements based on an error in building location to permit a garage to remain 8.9 feet from the side lot line.

Error Location and Reduction Requested

	Structure	Yard	Minimum Yard Required	Existing Location	Existing Reduction	Percentage of Reduction Requested
Special Permit	Garage	Side	12.0 feet	8.9 feet	3.1 feet	26%

A copy of the special permit plat, titled "Special Permit Plat, Lot 22, Block D, Section 5, Sunny Ridge Estates," prepared by Larry N. Scartz on October 16, 2015, is included in the front of the staff report. Copies of the proposed development conditions, the statement of justification with select file photographs, and the affidavit are contained in Appendices 1 through 3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 10,940 square foot site is developed with a split-level single-family detached dwelling. A concrete driveway extends from Eaton Place to a one-car garage. A concrete walkway extends from the driveway to the stoop and main entrance in the front of the home. On the eastern side of the dwelling a concrete patio wraps around the northeastern portion of the dwelling and connects to a 3.8 foot tall wooden deck. A brick barbeque sits in the middle of the rear yard. The rear yard is enclosed by a 6 foot tall wood privacy fence.



Figure 1: Aerial View

The property is located east of Rose Hill Drive and south of Franconia Road. The subject property and surrounding properties are zoned R-3 and are developed with single-family detached dwellings.

BACKGROUND

Fairfax County Tax Records indicate that the dwelling was constructed in 1962 and purchased by the applicant in 2001.

According to the applicant's statement of justification, the applicant built the garage when she first bought the property almost 15 years ago; however, Fairfax County Tax Records indicate that she has only been paying taxes on the structure since 2011. She was unaware that the contractor that she hired did not obtain building permits for the garage.

On December 23, 2015 while seeking a building permit for a one-story addition and an open deck, the applicant discovered that their garage was built in error and had not been permitted. As a result, the applicants are seeking to remedy the error with a special permit. A copy of the building permit is included in Appendix 4.

Similar cases for reductions in minimum yard requirements based on an error in building location have been approved by the BZA on nearby properties (Appendix 5):

- A. On September 23, 2015 the BZA approved a home child care and a reduction in minimum yard requirements based on an error in building location to permit a deck to remain 8.4 feet from a side lot line at 4604 Eaton Place. That property is adjacent to the subject property.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Rose Hill Planning District
Planning Sector: Wilton Woods Community Planning Sector (RH5)
Plan Map: Residential, 2-3 du/ac

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf	10,940 sf
Lot Width	80 feet	95 feet
Building Height	35 feet max.	17.5 feet
Front Yard	30 feet	40.7 feet

Bulk Standards (R-3)		
Standard	Required	Provided
Side Yard	12 feet	8.9* feet

*As permitted through the approval of this application

Zoning Ordinance Requirements (Appendix 8)

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

CONCLUSION / RECOMMENDATION

Staff does not make recommendations on an error in building location. If it is the intent of the Board of Zoning Appeals to approve this application, staff recommends that the BZA condition its approval on the adoption of the development conditions set forth in Appendix 1.

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. Applicable Building Permits
5. Similar Case History
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-LE-001****March 8, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-LE-001 located at Tax Map 82-3 ((17)) (D) 22 to permit a reduction in minimum yard requirements based on an error in building location pursuant to Sect. 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 granted only for the attached garage indicated on the plat entitled, "Special Permit Plat, Lot 22, Block D, Section 5, Sunny Ridge Estates," prepared by Larry N. Scartz on October 16, 2015, and approved with this application, as qualified by these development conditions.
2. All applicable building permits shall be obtained within 90 days of BZA approval. The garage shall pass any required inspections within six (6) months of BZA approval.

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 Statement of Justification

Re: Zahra Bassam
4602 Eaton Place
Alexandria VA, 22310
Existing Side Attached Garage

RECEIVED
Department of Planning & Zoning

DEC 22 2015

Zoning Evaluation Division

- A. The error made on the property exceeds ten (10) percent of the measurement involved.
- B. The noncompliance was done in good faith. The homeowner is not native to the United States and was not familiar with local codes and ordinances at the time. The owner was also unaware that the contractor she hired, did not pull the appropriate permits for the attached garage.
- C. Such reductions will not impair the purpose and intent of this ordinance. The current structure has been standing in its current location for about 15 years and is used to store a vehicle, lawn care items, household items, tools, along with the washer and dryer. This structure will not to be used for any commercial purposes.
- D. The attached garage will not be detrimental to the use and/or enjoyment of other properties in the immediate vicinity. Most neighbors in the surrounding properties support the structure remaining in its current form and location.
- E. The garage will not create any unsafe conditions with respect to all other properties and public streets.
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner. The owner bought this property 20 years ago with the intent to live there for many years, and to use the garage as she has for many years. Over the years the owner has used the garage to house her vehicle and for storage and laundry room purposes. The garage was constructed with matching brick and essentially matches the primary structure. To demolish this structure would not only be difficult, expensive and diminishing to the use of the dwelling, but it would also cause the outside façade to appear unattractive to members of the community as well.
- G. The reduction will not result in an increase in density or floor area ratio from that of permitted by the applicable zoning district regulation. The current floor area ratio is 0.16 percent.
- H. No hazardous or toxic substances will be generated, utilized, stored, treated, and/or disposed of at this residence and the size and contents of any existing or proposed storage tanks or containers. The garage is used for vehicle and household storage and laundry use.

- I. A waiver is requested for the existing side garage- encroaching into the side lot property line in an R-3 zone. The existing garage is 8.9' from the existing eave to the side lot property line. We are asking for the garage to remain 3.1' into the required setback.**

- J. The garage is harmonious with other offsite neighboring structures, built on neighboring properties. Many neighbors have similar structures that are similar in size on their properties, and in similar locations. While we do not object to their accessory structures in any way, we simply wish to keep this garage in its current location, with the current size and look.**



1.

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Department of Planning & Zoning
DEC 22 2015
Zoning Evaluation Division



#2.

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Department of Planning & Zoning

DEC 22 2015

Zoning Evaluation Division



#3.

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Department of Planning & Zoning
DEC 22 2015
Zoning Evaluation Division



4.

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Department of Planning & Zoning

DEC 22 2015

Zoning Evaluation Division



#15.

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Department of Planning & Zoning

DEC 22 2015

Zoning Evaluation Division

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/22/16
 (enter date affidavit is notarized)

133201

I, Schuyler P. Ahrens, 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)
Zahra Bassam	4602 Eaton Place Alexandria VA, 22310	Title Owner/Applicant
Schuyler P. Ahrens DBA Ez Plan & Consulting LLC	4393 Kevin Walker Dr. #156 Damfries VA, 22025	Applicant's 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).



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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/22/16
(enter date affidavit is notarized)

133201

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)

Schuyler P. Ahrens DBA Ez Plan & Consulting LLC
4393 Kevin Walker Dr. #156 Dumfries VA, 22025

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)

Schuyler P. Ahrens, Sole Proprietor

(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: 2/22/16
(enter date affidavit is notarized)

133201

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

PARTNERSHIP INFORMATION

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

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/22/16
(enter date affidavit is notarized)

173201

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: 2/22/14
(enter date affidavit is notarized)

135201

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

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

None

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

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

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

WITNESS the following signature:

(check one)

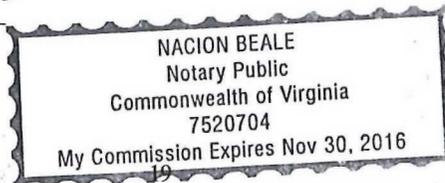
Applicant Applicant's Authorized Agent

Schuyler P. Ahrens - Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22nd day of Feb, 2014, in the State/Comm. of Virginia, County/City of Prince William.

[Signature]
Notary Public

My commission expires: NOV 30 2016



[Handwritten mark]

**Building Permit
 Zoning Review**

*This document does not reflect the final
 Building Permit approval.*

Bldg Permit #: **153560195**

RESIDENTIAL ADDITION

Address: 4602 EATON PL
 ALEXANDRIA VA 22310-2003
 Bldg: N/A Floor: Suite: N/A

Tax Map: 0823 17D 0022

Subdiv: **SUNNY RIDGE ESTS LT 22 BLK D SEC 5** 0,940.00

Owner: BASSAM ZAHRA
 4602 EATON PL ALEXANDRIA VA 22310

Phone Day: (703)822-0433 Evening:

Contractor: OWNER IS CONTRACTOR
 (999) 999-9999

Type of Work: ADDITIONAL STORIES

Description of Work: BUILD ONE STORY ADDITION AS PER PLANS AND DECK W/STEP AS PER CO DETAILS

Specific Description of Work:

<u>1 Story Ground</u>	<u>1 Story Crawl</u>	<u>1 Story Bsmt Below</u>	<u>2 Story Ground</u>	<u>2 Story Crawl</u>	<u>2 Story Bsmt below</u>	<u>2nd Story Addn Over Exist Structure</u>
Y	N	N	N	N	N	N

ZPRB Review:

Date		Status
12/23/2015	RJOH25	Approved
12/23/2015	RJOH25	Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback
R-3	N	SFD	N	N	N	N	N

Yard/Setbacks:

Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type
addition	0.00	0.00	0.00	21.00	0.00	37.00	addition 14 x 25	10.00	ONE STORY
deck	0.00	0.00	0.00	0.00	0.00	23.00	deck 28 x 12	3.50	OPEN

USE GRP: R5 CNST TYPE: VB BLDGAREA: 762.00

DETAILS COMMENTS:
 Build one story addition, 14' x 25' x 10' height, and open deck with stairs, 28' x 12' x 3.5' height. ZED received application for Special Permit for error in bldg. location for the garage drawn in on plat on left side of house. The drawn-in garage is not part of this application. OK per Roger 12/23/15.

SCANNED

153560195

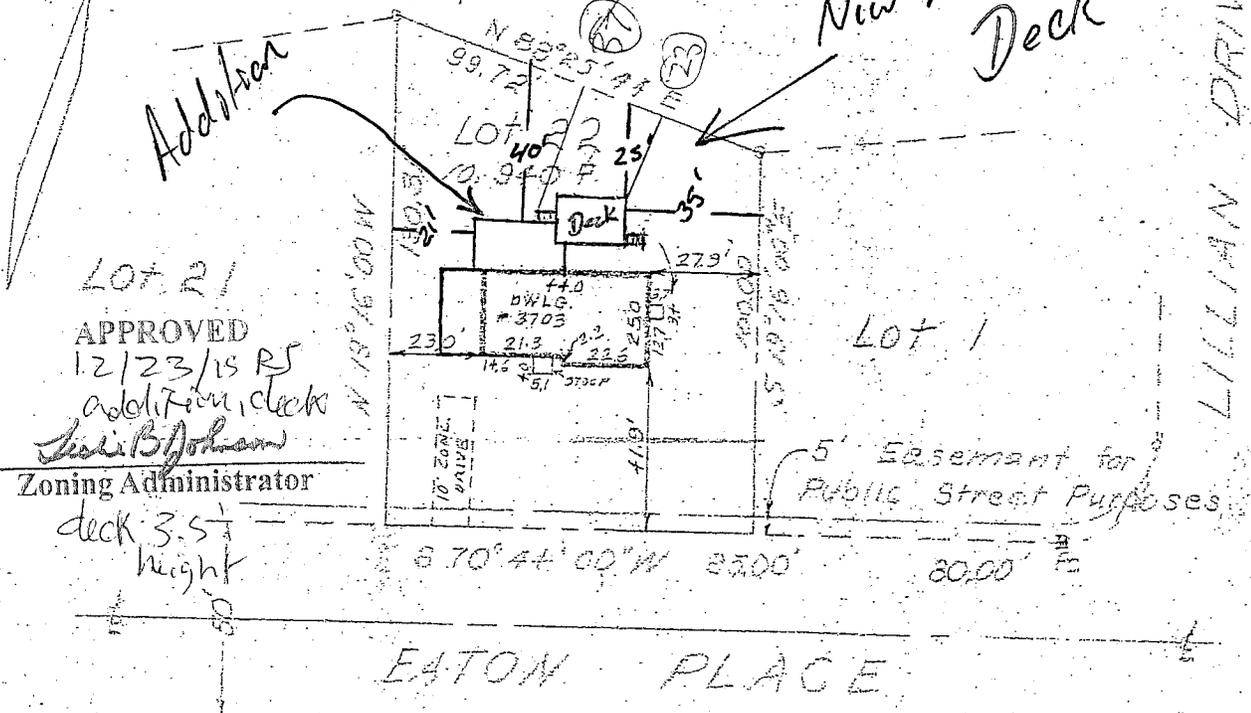
SUNNY RIDGE ESTATES SECTION 5

FINAL APPROVAL
ZONING ADMINISTRATOR
DATE DEC 21 1982

OPEN DECK APPROVED
NO Privacy screening Lattice, plant hanger, trellis, or arbor (Nothing above the rail and nothing below the deck flooring)

New As-Built Addition & Deck

Addition



Lot 21
APPROVED
12/23/15 RS
addition, deck
Julie Bjorkman
Zoning Administrator

deck 3.5' height

EATON PLACE

We Hereby Certify That The Recorded Easements Do Not Extend Into Subject Property, Except As Shown, More Than 10' From The Property Line & Do Not Interfere With Any Improvements

HOUSE LOCATION SURVEY

Lot 22, BLOCK D, Section Five
SUNNY RIDGE ESTATES

LEE MAGISTERIAL DISTRICT

Fairfax County, Virginia

Scale: 1" = 50'

Date: 11-9-82

Potter & Kelly
Fairfax, Virginia

Certified Correct:

George E. Ford

Similar Case History

1 ZAPS - SP - SP 2014-LE-101

Application Desc ...: HOME CHILD CARE FACILITY AND REDUCTION IN MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DECK TO REMAIN 8.4 FEET FROM A SIDE LOT LINE

APPLICATION
APPROVED

BOS Hearing: 0001-01-
01

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, or
 - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
 - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.