VARIANCE ACCEPTED: January 8, 2016
BOARD OF ZONING APPEALS: March 16, 2016 @ 9:00 a.m.

County of Fairfax, Virginia

March 9, 2016

STAFF REPORT

VARIANCE APPLICATION NO. VC 2016-MV-001

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS:	Douglas S. Philippone
SUBDIVISION:	Belle Haven, Section 2, Block 7
STREET ADDRESS:	1806 Edgehill Drive, Alexandria 22307
TAX MAP REFERENCE:	83-3 ((14)) (7) 10
LOT SIZE:	17,000 square feet
ZONING DISTRICT:	R-4
ZONING ORDINANCE PROVISIONS:	18-401
VARIANCE PROPOSAL:	To permit an addition to an existing accessory structure (garage) that is 1.0 feet from the rear lot line and 9.8 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of VC 2016-MV-001, based on the findings contained in the staff report, subject to the Proposed Development Conditions contained in Appendix 1.

It should be 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.

Heath Eddy, AICP

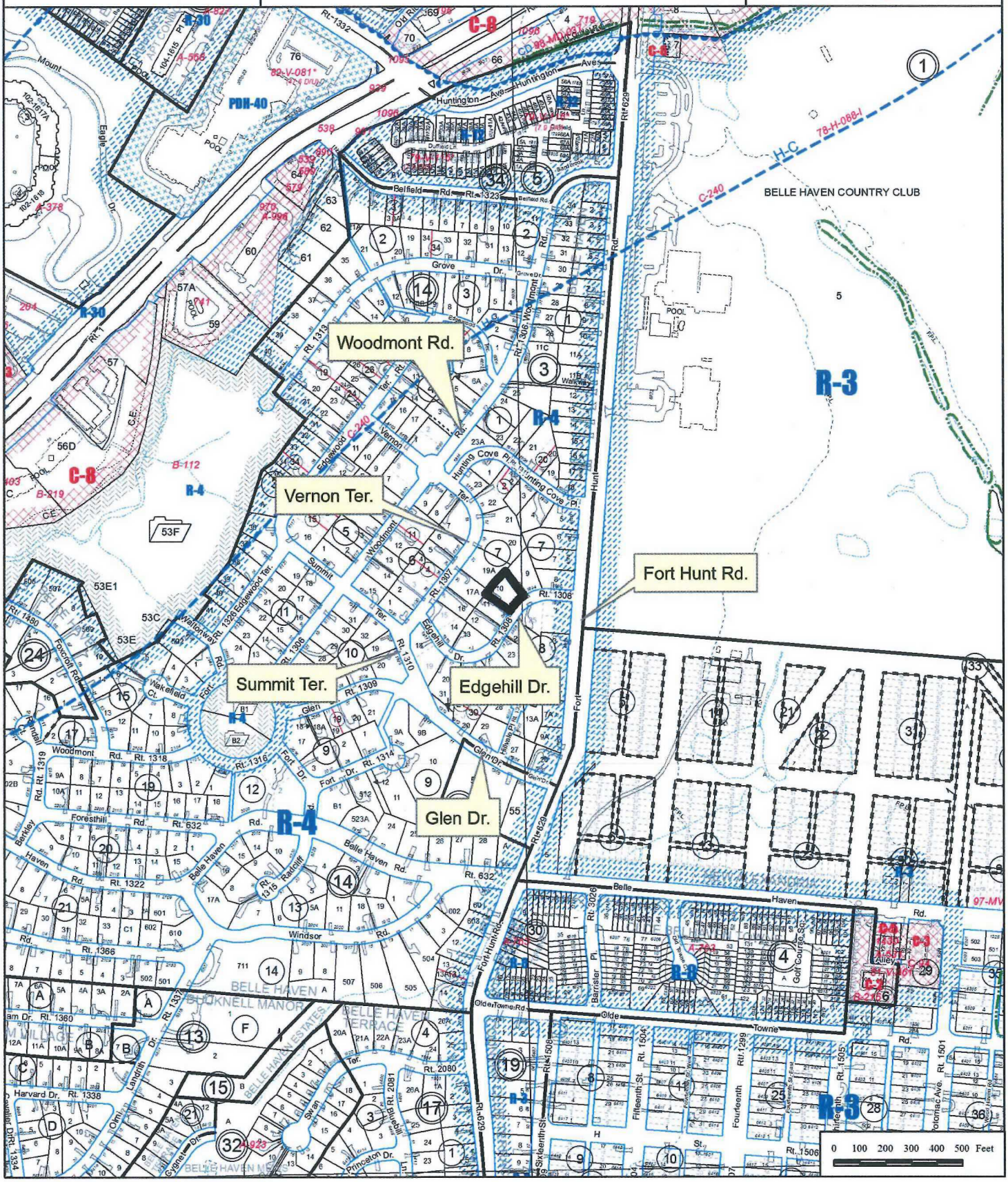
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/

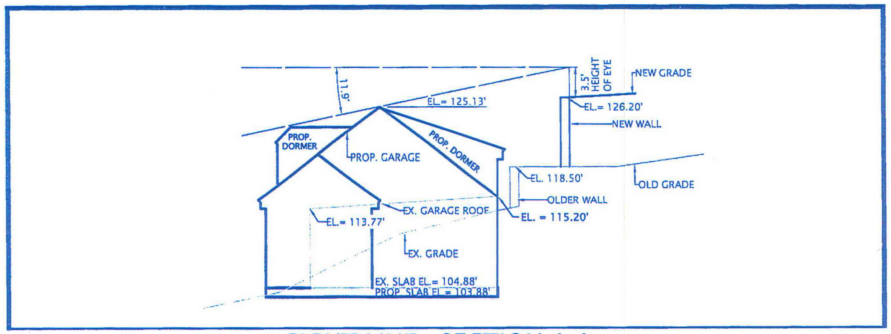
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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).

Variance Application
VC 2016-MV-001
DOUGLAS S. PHILIPPONE





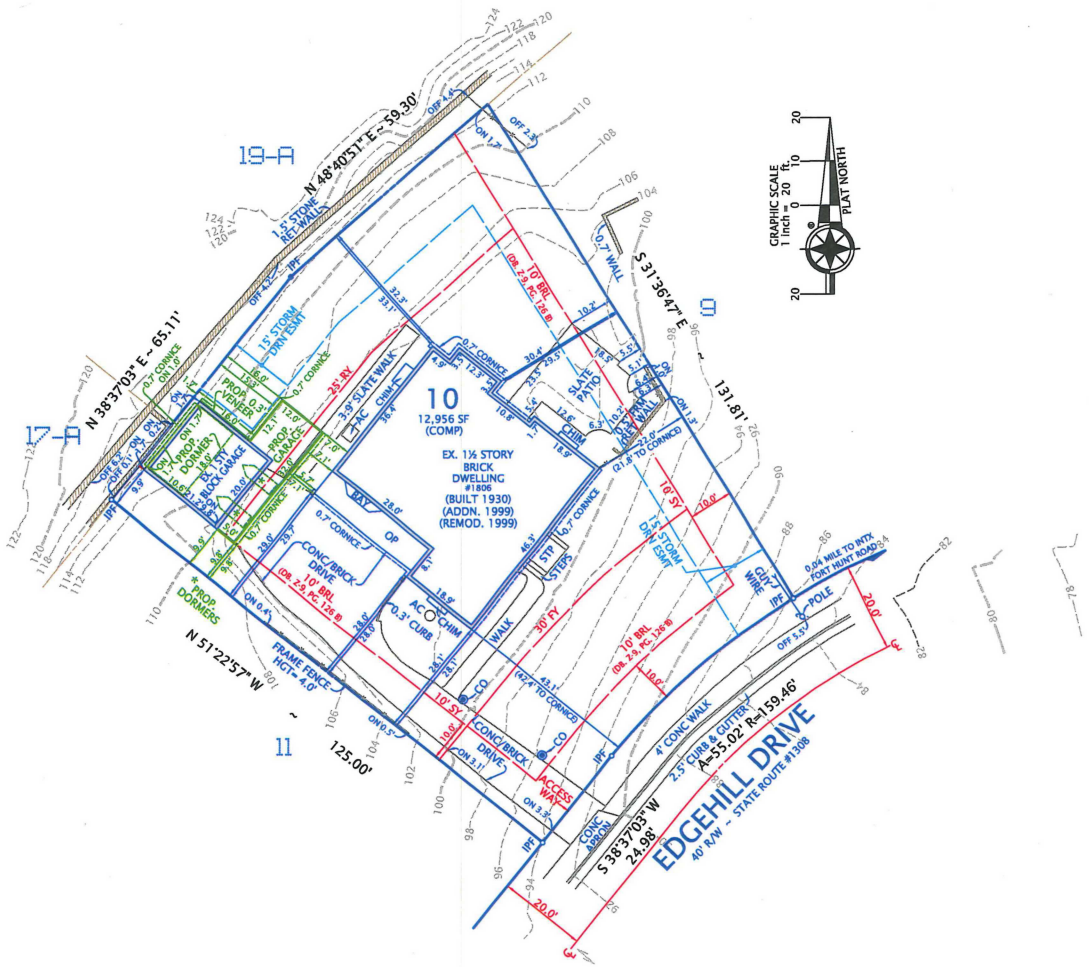
SIGHT LINE - SECTION A-A

SCALE: 1" = 10'

NOT TO SCALE

NOTES

1. TAX MAP: 83-3-14-07-0010
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 12,956 SF. 0.2974 ACRE (COMP)
   17,000 SF. 0.3903 ACRE (REC.)
4. REQUIRED YARDS:
   FRONT: = 30 FEET
   SIDE: = 10 FEET
   REAR: = 25 FEET
5. HEIGHTS:
   EX. DWELLING = 20.3 FEET (MIDLINE OF ROOF)
   EX. GARAGE = 10.0 FEET (RIDGELINE OF ROOF)
   PROP. GARAGE ADDN. = 21.1 FEET (RIDGELINE OF ROOF)
   16.2 FEET (MIDLINE OF ROOF)
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS FIELD RUN BY THIS FIRM IN 2005 AND IS SHOWN AT 2' INTERVALS.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.



RECEIVED
Department of Planning & Zoning
DEC 30 2015
Zoning Evaluation Division

PLAT
SHOWING THE IMPROVEMENTS ON
LOT 10, BLOCK 7, SECTION 2
BELLE HAVEN
(DEED BOOK Z-9, PAGE 125)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 20'
JULY 29, 2015
OCTOBER 28, 2015 (REV.)
DECEMBER 21, 2015 (REV.)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.

A TITLE REPORT WAS NOT FURNISHED.

NO CORNER MARKERS SET.

COMMONWEALTH OF VIRGINIA
07/29/2015
GEORGE M. O'QUINN
LICENSE NO. 2069
LAND SURVEYOR
George M. O'Quinn

ORDERED BY:
DOUG PHILIPPONE

DOMINION Surveyors Inc.
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

CASE NAME: PHILIPPONE

#141201005-3

COPYRIGHT BY DOMINION SURVEYORS, INC. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.

DESCRIPTION OF THE APPLICATION

The applicant is seeking a variance to permit an addition to a lawful nonconforming detached garage. The addition will increase the nonconformity of the existing garage and requires variance approval. The detached garage is located in the western corner of the lot as shown in Figure 1, below.

Figure 1: Subject property. Source: Pictometry, 2015.

The applicant is requesting a variance to construct an addition and substantially remodel the existing 2-car detached garage on the property to provide a more usable structure for the storage of his motor vehicles, and to provide a workshop/storage space for his bicycles. The proposed addition would increase the height of the garage from 10 feet to 21.3 feet, and would reduce the existing yards as follows:

	Existing Yard Distance	Proposed Yard Distance
Rear Yard of Garage	1.7 feet	1.0 feet
Side Yard of Garage	9.9 feet	9.8 feet

The proposed addition onto the top of the garage is intended to match the style and materials of the primary residence, which the garage currently does not do. The increased height will provide some loft storage space but otherwise no additional usable space, and a vaulted ceiling is proposed for the bulk of the structure.

The reduction in side yard is a minor change reflecting the existing angle of the garage wall to the side yard, whereas the reduction in rear yard is due to the overhang on the proposed rear dormer. The upward slope of the rear yard means that the overhang is less than 10’ above finished grade and therefore is reflected in the reduced rear yard measurement.

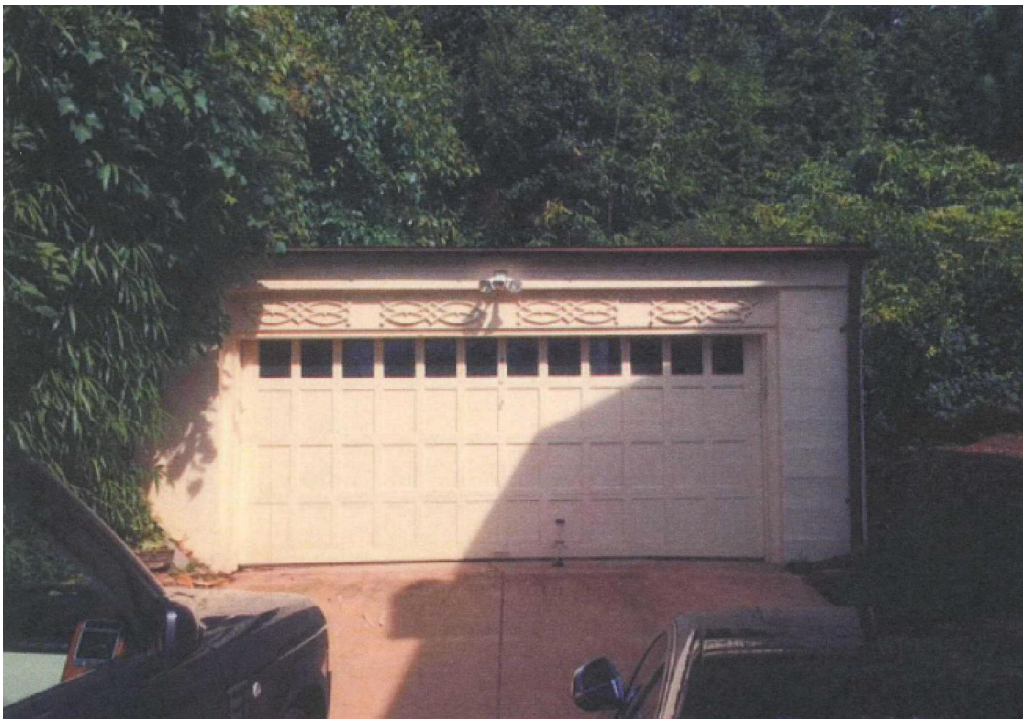


Figure 2: Existing garage, from driveway. Source: Applicant.

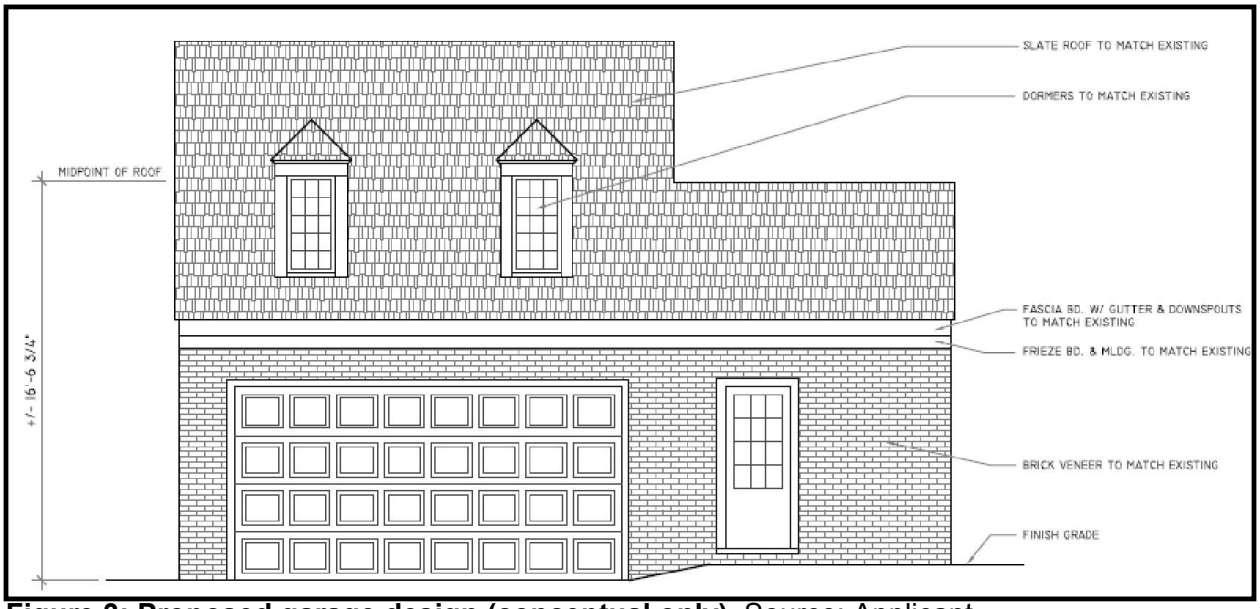


Figure 3: Proposed garage design (conceptual only). Source: Applicant.

The proposed workshop/storage space is 12’ x 12’ in area, and would extend off the northeast wall of the garage. This space would be located 15.3 feet from the rear lot line. This addition is designed around an existing 15-foot storm drainage easement

which runs northeast along the rear property line, then again along the northeastern side lot line. It should be noted that this space is not encroaching into the minimum required yards for accessory structures.

A copy of the variance plat titled “Plat Showing the Improvements on Lot 10, Block 7, Section 2 Belle Haven,” prepared by George M. O’Quinn, LS, of Dominion Surveyors, Inc., dated July 29, 2015, last revised December 21, 2015 and received December 30, 2015, is included in the front of the this staff report.

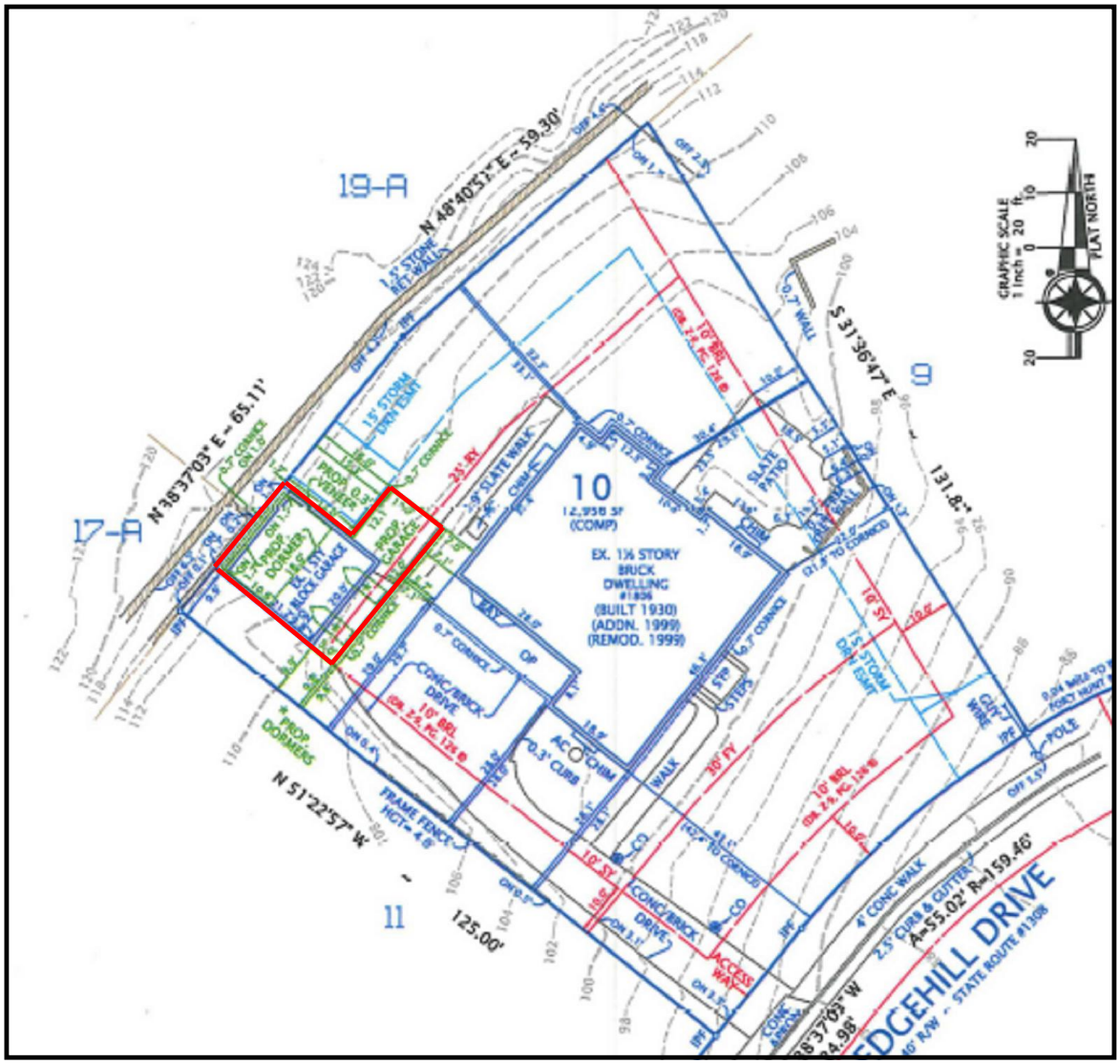


Figure 4: Variance Plat, partial. Area of proposed addition outlined in read.

CHARACTER OF THE SITE AND SURROUNDING AREA

The subject property is located in the Belle Haven subdivision in Alexandria. The property has a single driveway on Edgehill Drive, and is located approximately 300 feet west of the Belle Haven Country Club and about 1,000 feet south of Route 1.

The property consists of the primary residence, the concrete and brick driveway, the existing detached garage, and a slate patio. The property also has a significant upslope from Edgehill Drive, with a low end elevation of 86 feet in the southeast front corner to 114 feet in the western rear corner behind the garage. The garage itself is built into the rear yard, taking advantage of the 6-foot change in elevation from the front of the garage to the rear.

The development was originally established in the late 1920s and features a variety of architectural designs. All other properties in the neighborhood are single family detached dwellings, as shown on the area property map at the front of the staff report.

BACKGROUND

According to County records, the primary residence and detached garage were constructed in 1930. An addition and remodeling of the house were completed in 1999. The property also features a slate patio located in the eastern side yard. The only building permits on record are related to the addition and remodeling, as all other elements predated building permit requirements.

This is the first variance or special permit application for the subject property. Records indicate there were fourteen variance and special permit applications for various building additions and for existing structures to remain in locations that did not comply with minimum yard requirements within 500 feet of the subject property, all between 1992 and 2014. These cases are listed in Table 1, below. Note that this listing does not include the series of special permit amendments for the Belle Haven Country Club, as those applications are not single family use-related. The cases in Table 1, below, are similar in the types of structural changes to the request for the subject property.

Table 1: Variance and Special Permit Approvals in Vicinity

Case #	Address	Approval Date	Type of Approval
VC 92-V-128	6150 Fort Hunt Road	2/9/93	Allow addition 15.2’ from street line (corner lot)
VC 94-V-019	1803 Hunting Cove Place	6/2/94	Allow addition 15’ from rear lot line and 7.2’ from side lot line
VC 95-V-107	6108 Fort Hunt Road	12/5/95	Allow accessory structure 6.7’ from rear lot line and allow coverage over 30% in minimum required rear yard
VC 96-V-006	6111 Woodmont Road	3/26/96	Allow additions 5.1’ from side lot line and 6.9’ from other side lot line
VC 97-V-119	6108 Vernon Terrace	2/10/98	Allow addition 9.9’ from street line (corner lot)
VC 98-V-034	1927 Summit Terrace	6/16/98	Allow addition 5.2’ from side lot line and additions 5.1’ and 6.1’ from other side lot line [expired]
VC 99-V-020	1925 Summit Terrace	4/20/99	Permit an addition to remain 15.8’ from front lot line and 3.2’ from side lot line, and permit a fence over 4’ height to remain in the front yard and over 7’ height to remain in side and rear yard
VC 99-V-040	1801 Edgehill Drive	6/1/99	Allow additions 12.6’, 18.2’ and 16’ from street line (corner lot) and deck to remain 11.34’ from front lot line

Case #	Address	Approval Date	Type of Approval
VC 99-V-084	6202 Fort Hunt Road	9/14/99	Allow accessory structure 10.6' from rear lot line
VC 2002-MV-080	6120 Vernon Terrace	7/2/2002	Allow additions 8.9' and 8.8' from side lot lines and permit addition to remain 8.9' from side lot line
VCA 99-V-084	6202 Fort Hunt Road	7/29/03	Allow addition 12' from rear lot line
SP 2003-MV-018	6202 Fort Hunt Road	7/29/03	Error in building location for patio and accessory structure 0.2' from side lot line
VC 2013-MV-010	1804 Hunting Cove Place	9/25/13	Allow an accessory structure in the front yard of a lot less than 36,000 square feet in area
SP 2014-MV-108	1816 Edgehill Drive	12/10/14	Reduction in minimum yard requirements to permit addition 23.1' and roofed deck 22.6' with steps 20.8' from front lot line

ZONING ORDINANCE REQUIREMENTS (Appendix 4)

In addition to meeting the definition of a variance, an application must satisfy a specific set of criteria in order for the Board to grant a variance. According to the recently amended Code of Virginia, Sec. 15.2-2309, a variance meeting the definition shall be granted if the following elements are met:

1. The evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance (Sect. 15.2-2309.2)

In staff's opinion, the strict application of the minimum yard requirements would make the garage unusable. Other properties in the vicinity have similar nonconforming garage structures. The applicant's primary interest is in making the garage usable for storage of his motor vehicles. It is staff's opinion that an increase in height for that basis is justified. Furthermore, the proposed remodeling is intended to match the garage with the primary residence architecturally. Finally, the proposed workshop space is located such that were it to be detached it would be a permitted accessory storage structure under the Zoning Ordinance. Having that function combined with the garage improves the overall appearance of the subject property.

2. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance (Sect. 15.2-2309.2(i))

The garage was existing in its present location, size, and condition when the applicant purchased the property in 2014. The hardship pre-dated this applicant.

3. The granting of the variance will not be of substantial detriment to the adjacent property and nearby properties in the proximity of that geographical area (Sect. 15.2-2309.2(ii))

In staff's opinion, the location of the garage supports the granting of this proposal. The location is screened thoroughly from all angles, and the properties most affected by it will not see the proposed height difference. Furthermore, the applicant states that the proposal has been reviewed with neighboring residents and to date has received no negative comments about it.

4. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general reduction to be adopted as an amendment to the ordinance (Sect. 15.2-2309.2(iii))

The subject property has an existing configuration that would make moving the garage a physically difficult and less desirable alternative to the present location. The property has a topographic challenge in terms of slope and also in terms of the location of the primary residence. In staff's opinion, the existing garage is in the only logical location for the proposed remodeling and addition.

5. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property (Sect. 15.2-2309.2(iv))

The variance request is for a remodeling of and addition to an existing detached garage, which is typically associated with a residential use in the R-4 District.

6. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application (Sect. 15.2-2309.2(v))

The applicants have no other form of remedy under the Zoning Ordinance.

CONCLUSION

In staff's opinion, the limitations of the property in terms of topography and site layout contribute significantly to the challenges presented to the applicant. Furthermore, the existing garage location is the only logical location for the proposal as presented. Finally, the existing location provides specific means to mitigate any visual impacts of the proposed height change to the garage.

RECOMMENDATION

Staff recommends approval of VC 2016-MV-001, based on the findings in this staff report, subject to the Proposed Development Conditions included in Appendix 1.

APPENDICES

1. Proposed Development Conditions
2. Applicants' Statement of Justification and Photographs
3. Applicants' Affidavit
4. Applicable Code of Virginia Provisions

APPENDIX 1

PROPOSED DEVELOPMENT CONDITIONS

VC 2016-MV-001

March 9, 2016

If it is the intent of the Board of Zoning Appeals to approved VC 2016-MV-001, located at Tax Map 83-3 ((14)) (7) 10, to permit an addition to an existing accessory structure that is 1.0 feet from the rear lot line and 9.8 feet from a side lot line, the BZA should condition the approval by requiring conformance with the following development condition.

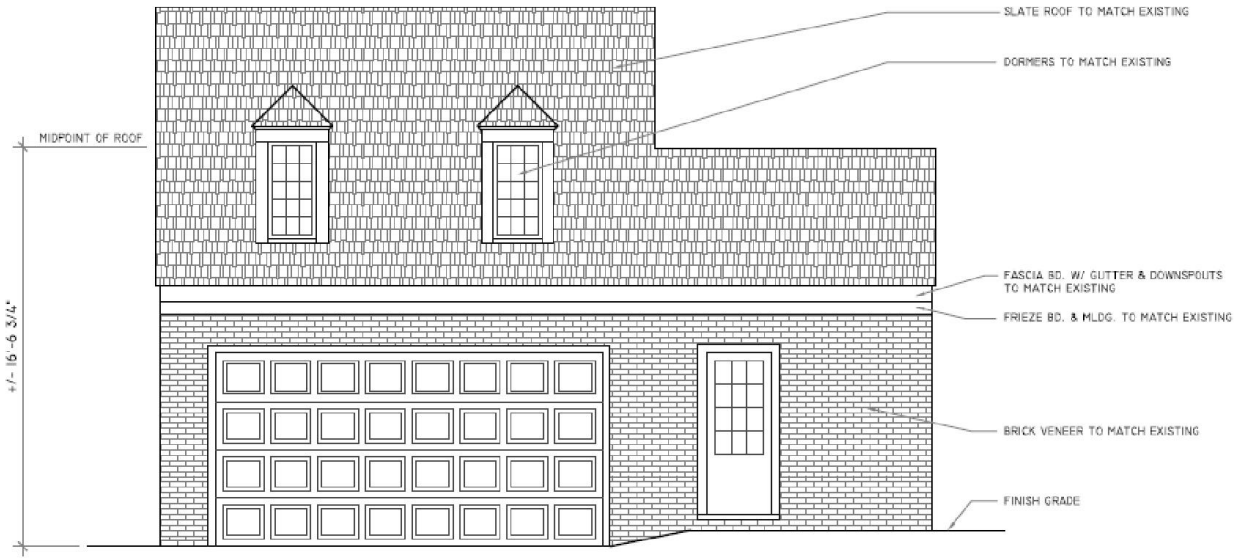
1. This variance is approved for the location and size of the existing and proposed detached garage structure as shown on the variance plat, entitled "Plat Showing the Improvements of Lot 10, Block 7, Section 2 Belle Haven", prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated July 29, 2015, last revised December 21, 2015, and received December 30, 2015, consisting of one sheet as submitted with this application and is not transferable to other land.

2. The proposed additions to the garage shall be generally consistent with the materials and design of the primary residence, as shown in Attachment 1 to these conditions, noting that the conceptual architecture as shown may be modified at time of building permit but not beyond what has been approved for minimum yard requirements of 1.0 feet to the rear property line, 9.8 feet to the side property line, and 21.3 feet in height to the peak of the garage roof.

This approval, contingent upon the above-noted condition, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. 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.

ATTACHMENT 1: Conceptual Garage Design



APPENDIX 2

WALSH COLUCCI
LUBELEY & WALSH PC

RECEIVED
Department of Planning & Zoning
OCT 13 2015
Zoning Evaluation Division

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@thelandlawyers.com

October 13, 2015

Via Hand Delivery

Barbara C. Berlin, Director
Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Application for Variance
Applicant: Douglas S. Philippone
Fairfax County Tax Map Reference: 83-3 ((14)) (7) 10

Dear Ms. Berlin:

Please accept this letter as a statement of justification for a variance on the property identified as Fairfax County tax map reference 83-3 ((14)) (7) 10 (the "Subject Property").

The Applicant is the owner of the Subject Property, which is located in the Mount Vernon Magisterial District on the northern side of Edgehill Drive (Route 1308) approximately 600 feet from its intersection with Vernon Terrace (Route 1307). Zoned to the R-4 District, the Subject Property consists of approximately 0.39 acres (17,000 square feet) and is part of the Belle Haven subdivision. The Subject Property is not subject to proffers or other development restrictions other than those limitations identified in the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

The Subject Property is located in the MV3 Belle Haven Community Planning Sector in the Mount Vernon Planning District of Area IV of the Fairfax County Comprehensive Plan (the "Plan"). There are no site-specific recommendations in the Plan concerning the Subject Property. The Fairfax County Comprehensive Land Use Plan Map recommends residential use on the Subject Property at three to four (3-4) dwelling units per acre.

Existing improvements on the Subject Property consist of a one and a half (1 and ½) story detached single family residence and a one (1) story detached garage located in the rear of the Subject Property near its southwest corner. The residence and the garage were constructed in approximately 1930. Section 3-407 of the Zoning Ordinance requires that a property zoned to

the R-4 District have a minimum side yard of ten (10) feet and a minimum rear yard of twenty-five (25) feet. The existing garage is located approximately 1.7 feet from the rear lot line and approximately 9.9 feet from the side lot line of the Subject Property. Upon information and belief, the garage is a lawfully nonconforming structure.

The Applicant purchased the Subject Property in August 2014. Because of the size and design of the existing garage, an automobile cannot be parked inside it or even fit through the garage door opening. As a result, the Applicant cannot use the garage for its intended purpose. Therefore, Applicant proposes to modify the height and building footprint of the garage as shown on the accompanying plat prepared by Dominion Surveyors, Inc., dated July 29, 2015 (the "Plat"). The proposed garage will be a maximum of 21.1 feet tall at the ridgeline of the roof. An approximately five (5) foot extension will be added along the length of the front, or southeast side, of the garage to increase its usable area, and an approximately twelve-by-twelve (12' x 12') foot workshop and storage area is proposed on the northeast side of the garage. The Applicant is an avid cyclist and intends to use the proposed workshop and storage area for bicycle storage and repair. The garage will not be used for a commercial purpose or as a home professional office. The proposed garage will be designed and constructed to complement the architectural design of the existing residence on the Subject Property. The garage will have a slate roof, dormers with windows, and a brick veneer that will match the existing home.

To accommodate the proposed garage modification and to enable the garage to be used for its intended purpose, the Applicant is requesting a variance of the minimum yard requirements in Section 3-407 of the Zoning Ordinance pursuant to Zoning Ordinance Section 18-400, et seq.

In February of this year, as part of House Bill No. 1849, the General Assembly of Virginia revised the sections of the Code of Virginia concerning the standards for granting a variance. Under revised Code Section 15.2-2201, a variance is defined as "a reasonable deviation from those provisions regulating . . . the size, *height*, area, bulk, or location of a building or structure when the strict application of the ordinance would *unreasonably restrict the utilization of the property*, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance." (Emphasis added.)

The Applicant's proposal meets each of the elements of the newly revised definition. The Applicant is requesting a reasonable deviation of the side and rear yard requirements to increase the size, height and bulk of the existing garage. Without this reasonable deviation, the Applicant is prevented from using the existing garage for its intended purpose. The need for the variance is not shared by other properties because the location of the existing residence and the steep grade of the Subject Property, especially in the rear yard, prevents the existing garage from being relocated in a manner that complies with the R-4 District lot requirements. The proposed modifications will not result in a structure that encroaches any closer to the peripheral lot lines than the existing garage does today. The purpose of the side and rear yard requirements in the R-4 District is to provide an adequate buffer to neighboring properties. As shown in the accompanying pictures of the Subject Property, there is extensive landscaping and screening

along the side and rear lot lines, and the rear yard of the Subject Property has an extremely steep grade. Therefore, the proposed modification to the garage will not negatively impact the buffering and screening provided to the adjacent properties.

Under Code Section 15.2-2309, the standards required to obtain a variance were revised. The Applicant's proposal satisfies the new standards as described below. Responses to the new standards are provided in bold italics:

Standard: The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

Response: ***The Subject Property was acquired in good faith by Douglas S. Philippone on or about August 27, 2014, as evidenced by deed recorded among the Fairfax County land records in Deed Book 23778 at page 1106. The garage existed at the time the Subject Property was purchased by the Applicant, and the Applicant has not modified the existing garage in the time since the Subject Property was purchased. The proposed modifications will not result in a structure that encroaches any closer to the peripheral lot lines that the existing garage does today.***

Standard: The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

Response: ***The proposed modifications to the garage will not negatively impact the existing buffering and screening provided to adjacent properties. The owner of the property directly to the rear of the Subject Property is the beneficiary of a private scenic view easement over the Subject Property. The Applicant has worked with the owner to ensure that the proposed modifications will not impair the owner's view, and the owner has informed the Applicant that he is not opposed to the proposed modifications.***

Standard: The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

Response: ***The location of the existing residence and the steep topography of the Subject Property prevents the existing garage from being relocated in a manner that complies with all of the R-4 District lot requirements. These physical characteristics are not generally occurring within the Applicant's community or on other properties zoned to the R-4 District. Therefore, the need to modify the existing garage is not of so general or recurring a nature that it can be remedied with a general regulation or amendment to the Zoning Ordinance.***

Standard: The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

Response: ***The proposed variance will not result in a change of use or zoning classification on the Subject Property.***

Standard: The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance . . . or the process for modification of a zoning ordinance.

Response: ***To the best of the Applicant's knowledge there is no special exception or modification process that can provide the requested remedy. In addition, in May of this year, the Applicant reviewed the proposal with a representative of the Fairfax County Zoning Evaluation Division, and the Applicant was subsequently informed that a variance would be required to permit the proposed modification to the garage.***

To the best of the Applicant's knowledge the Subject Property contains no hazardous or toxic substances. Except as otherwise noted, the proposed use conforms to the provisions of all applicable ordinances, regulations and adopted standards.

I would appreciate the acceptance of this application and the scheduling of a public hearing before the Board of Zoning Appeals at your earliest convenience. Should you have any questions, or require additional information, please do not hesitate to contact me.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

Lynne J. Strobel

LJS/jrs

cc: Douglas S. Philippone
George M. O'Quinn
Derek Daniels
Jeffrey R. Sunderland

FRONT ELEVATION

SCALE: 1/4" = 1'-0"

This drawing is conceptual and is provided to visually illustrate the requested height of the garage structure that is specifically depicted on the Variance Plat. This drawing is not to be interpreted as a representation of final building design, nor is it to be interpreted as a commitment to specific building elements including, but not limited to, the roof-line, facade materials, and the number and placement of windows and doors. Final design will be determined at the time of building permit, and may be modified over time as permitted by the Variance approval.

JARVIS BUILDERS, INC.
10808 HARLEY ROAD
LORTON, VA 22079
(703) 550-9199

DETACHED GARAGE RENOVATION
1806 EDGEHILL DRIVE

FRONT ELEVATION

DATE: 11-25-14

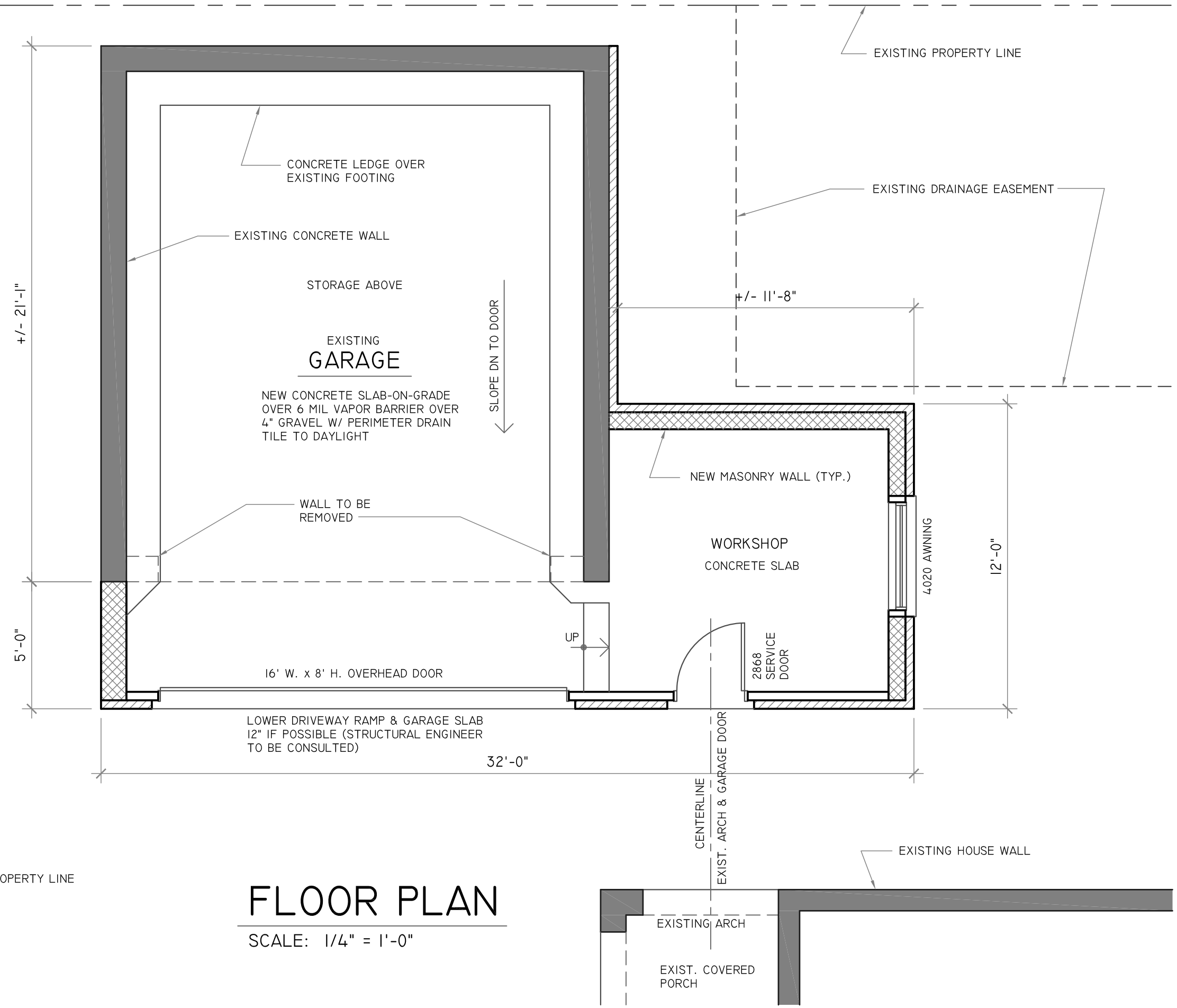
SCALE:

DRAWN: GMZ

JOB:

SHEET No. A-2 OF 4

This drawing is conceptual and is provided to visually illustrate the floor plan of the garage structure that is specifically depicted on the Variance Plat. This drawing is not to be interpreted as a representation of final building design or internal layout, nor is it to be interpreted as a commitment to specific building elements including, but not limited to, the number and placement of windows, awnings, and doors. Final design will be determined at the time of building permit, and may be modified over time as permitted by the Variance approval.



FLOOR PLAN

SCALE: 1/4" = 1'-0"

JARVIS BUILDERS, INC.
10808 HARLEY ROAD
LORTON, VA 22079
(703) 550-9199

DETACHED GARAGE RENOVATION
1806 EDGEHILL DRIVE

FLOOR PLAN

DATE: 11-25-14

SCALE:

DRAWN: GMZ

JOB:

SHEET No. A-1 OF 4

Selected Photographs of the Subject Property

Photo 1 – Looking southwest at the front of the property from Edgehill Drive (Route 1308) near the northeast corner of the property.

Photo 5 – Looking west along the southern property line from Edgehill Drive (Route 1308) near the southeast corner of the property.

Photo 8 – Looking west towards the detached garage and the western property line from the property's driveway along the southern property line.

Photo 13 – Looking west towards the detached garage and the western property line from the property's driveway along the southern property line.

Photo 15 – Looking southwest towards the southern property line and the neighboring single family residence to the south from the property's driveway near the detached garage.

Photo 19 – Looking north along the stone walk along the rear of the home from near the detached garage and the southwest corner of the home.

Photo 18 – Looking northwest towards the western property line and the neighboring single family residence to the rear from the property's driveway near the detached garage and the southwest corner of the home.

Photo 26 – Looking south along the rear yard and western property line towards the detached garage and the southern property line in the distance from near the northwest corner of the property.

APPENDIX 3

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

RECEIVED
Department of Planning & Zoning
NOV 23 2015
Zoning Evaluation Division

DATE: November 20, 2015

TO: Deborah Pemberton, Planner III
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. VC 2015 0315

REF.: 132236

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
Douglas S. Philoppone	10/13/15

Attachment

\\s17PROLAWPGC01\Documents\132236\SAK\Affidavits\748590.doc

132236

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 (VA Relay)

APPLICATION No: VC 2016-MV-001
(Staff will assign)

RECEIVED
Department of Planning & Zoning
OCT 13 2015
Zoning Evaluation Division

APPLICATION FOR A VARIANCE

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Douglas S. Philippone
	MAILING ADDRESS 1806 Edgehill Drive, Alexandria, VA 22307
	PHONE HOME ( ) WORK ( )
PROPERTY INFORMATION	PROPERTY ADDRESS 1806 Edgehill Drive, Alexandria, VA 22307
	TAX MAP NO. 83-3 ((14)) (7) 10 SIZE (ACRES/SQ FT) Approx. 0.3903 ac./17,000 sq. ft.
	ZONING DISTRICT R-4 MAGISTERIAL DISTRICT Mount Vernon
VARIANCE REQUEST INFORMATION	ZONING ORDINANCE SECTION (staff will fill this out)
	NATURE OF REQUEST [circle the item(s) and fill in as appropriate]
	A. To permit construction of [circle the appropriate item(s)]: ____ story dwelling, addition, deck, roofed deck, (accessory storage structure), accessory structure, 9.8 feet from the: front, (side), rear lot line and 1.7 feet from the (rear) lot line.
	B. To permit the subdivision of ___ lot(s) into ___ lot(s) with proposed lot(s) #_____ _____ having a lot width of _____ feet _____
	C. To permit the construction of a fence greater than ___ ft. in height in the [circle the appropriate item(s)]: front yard, side yard or rear yard.
	D. Other _____
AGENT/CONTACT INFORMATION	NAME Lynne J. Strobel, Attorney/Agent
	MAILING ADDRESS Walsh, Colucci, Lubeley & Walsh, P.C. 2200 Clarendon Blvd., Ste. 1300, Arlington, VA 22201
	PHONE HOME ( ) WORK (703) 528-4700
MAILING	Send all correspondence to (check one): ☐ Applicant -- or -- ☒ Agent/Contact

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 onto the subject property as necessary to process the application.

Lynne J. Strobel, Attorney/Agent
TYPE/PRINT NAME OF APPLICANT/AGENT

Lynne J. Strobel
SIGNATURE OF APPLICANT/AGENT

DO NOT WRITE IN THIS SPACE

VC 2015-0315

Date application received: _____ Date application accepted: _____ Application Fee Paid: $_____

September 16, 2015

Barbara C. Berlin, Director
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

Re: Authorization to File Application for Variance
Subject Property: Tax Map 83-3 ((14)) (7) 10
Applicant: Douglas S. Philippone

Dear Ms. Berlin:

I hereby authorize Walsh, Colucci, Lubeley & Walsh, P.C. including Martin D. Walsh, Lynne J. Strobel, M. Catharine Puskar, Sara V. Mariska, G. Evan Pritchard, Andrew A. Painter, Matthew J. Allman, Jeffrey R. Sunderland, Elizabeth D. Baker, Inda E. Stagg and Amy E. Friedlander to act as agent on my behalf for the filing of a Variance Application, and any related applications, on the Subject Property.

Very truly yours,

STATE OF Virginia :
COUNTY OF Fairfax : to-wit

The foregoing instrument was acknowledged before me this 21 day of September, 2015, by Carolyn, Rice of Penske Automotive.

Notary Public

My Commission Expires: 6/30/17
Registration #: 7267811

CAROLYN LEELA RICE
NOTARY PUBLIC
REG # 7267811
COMMISSION EXPIRES 6/30/2017
COMMONWEALTH OF VIRGINIA

Application No.(s): VC 2016-MV-001
(county-assigned application number(s), to be entered by County staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 13, 2015
(enter date affidavit is notarized)

1322 36

I, Lynne J. Strobel, attorney/agent, 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 information 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 are to 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)
Douglas S. Philippone	1806 Edgehill Drive Alexandria, VA 22307	Applicant/Title Owner of Tax Map 83-3 ((14)) (7) 10
Dominion Surveyors, Inc. Agents: George M. O'Quinn J. Derek Daniels	8808-H Pear Tree Village Alexandria, Virginia 22309	Architect/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): VC 2016-MV-001
(county-assigned application number(s), to be entered by County staff)

Special Permit/Variance Attachment to Par. 1(a)

132236

DATE: October 13, 2015
(enter date affidavit is notarized)

(**NOTE**: All relationships to the application are to 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)
Walsh, Colucci, Lubeley & Walsh, P.C.	2200 Clarendon Boulevard, Suite 1300 Arlington, VA 22201	Attorneys/Agents
Agents: Martin D. Walsh		Attorney/Agent
Lynne J. Strobel		Attorney/Agent
M. Catharine Puskar		Attorney/Agent
Sara V. Mariska		Attorney/Agent
G. Evan Pritchard		Attorney/Agent
Andrew A. Painter		Attorney/Agent
Matthew J. Allman		Attorney/Agent
Jeffrey R. Sunderland		Attorney*/Agent
Elizabeth D. Baker		Planner/Agent
Inda E. Stagg		Planner/Agent
Amy E. Friedlander		Planner/Agent
		*Admitted in New York and California. Admission to Virginia Bar pending.

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

Application No.(s): VC 2016-MV-001
(county-assigned application number(s), to be entered by County staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 13, 2015 132236
(enter date affidavit is notarized)

==========

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 and number, street, city, state, and zip code)
Dominion Surveyors, Inc.
8808-H Pear Tree Village
Alexandria, Virginia 22309

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)
George M. O'Quinn
Michael A. Clark

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Affidavit 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): VC 2016-MV-001
(county-assigned application number(s), to be entered by County staff)

Special Permit/Variance Attachment to Par. 1(b)

DATE: October 13, 2015
(enter date affidavit is notarized)

132236

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Wendy A. Alexander	Jay du Von	J. Randall Minchew	Lynne J. Strobel
David J. Bomgardner	William A. Fogarty	Andrew A. Painter	Garth M. Wainman
E. Andrew Burcher	John H. Foote	G. Evan Pritchard	Nan E. Walsh
Thomas J. Colucci	H. Mark Goetzman	M. Catharine Puskar	
Michael J. Coughlin	Bryan H. Guidash	John E. Rinaldi	
Peter M. Dolan, Jr.	Michael J. Kalish	Kathleen H. Smith	

==========

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

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 THE SHAREHOLDERS: (enter first name, middle initial, and last name)

==========

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

Application No.(s): VC 2016-MV-001
(county-assigned application number(s), to be entered by County staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 13, 2015
(enter date affidavit is notarized)

132236

==========

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, and 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**)

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Affidavit 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): VC 2016-MV-001
(county-assigned application number(s), to be entered by County staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 13, 2015 B22236
(enter date affidavit is notarized)

==========

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 Supervisors, 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): VC 2016-MV-001
(county-assigned application number(s), to be entered by County staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 13, 2015
(enter date affidavit is notarized)

132236

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, 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:

Lynne J. Strobel

(check one) [ ] Applicant [✓] Applicant's Authorized Agent

Lynne J. Strobel, attorney/agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 13 day of October 2015, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K Follin
Notary Public

My commission expires: 11/30/2015

KIMBERLY K. FOLLIN
Registration # 283945
Notary Public
COMMONWEALTH OF VIRGINIA

Code of Virginia Provisions for Variances
(effective July 1, 2015)

The following are derived from the Code of Virginia, §§ 15.2-2201 and 15.2-2309(2).

From § 15.2-2201

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

From §15.2-2309

2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.

No variance shall be considered except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.