



County of Fairfax, Virginia

April 20, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-MV-010

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS: Marc Lavery
Catherine Lavery

STREET ADDRESS: 5913 Hallowing Drive, Lorton 22079

SUBDIVISION: Hallowing Point River Estates

TAX MAP REFERENCE: 122-2 ((2)) 95

LOT SIZE: 29,376 square feet

ZONING DISTRICT: R-E

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of accessory structure (detached garage) 10 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2016-MV-010 for the addition with adoption of the proposed development conditions contained in Appendix 1.

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

Erin M. Haley

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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

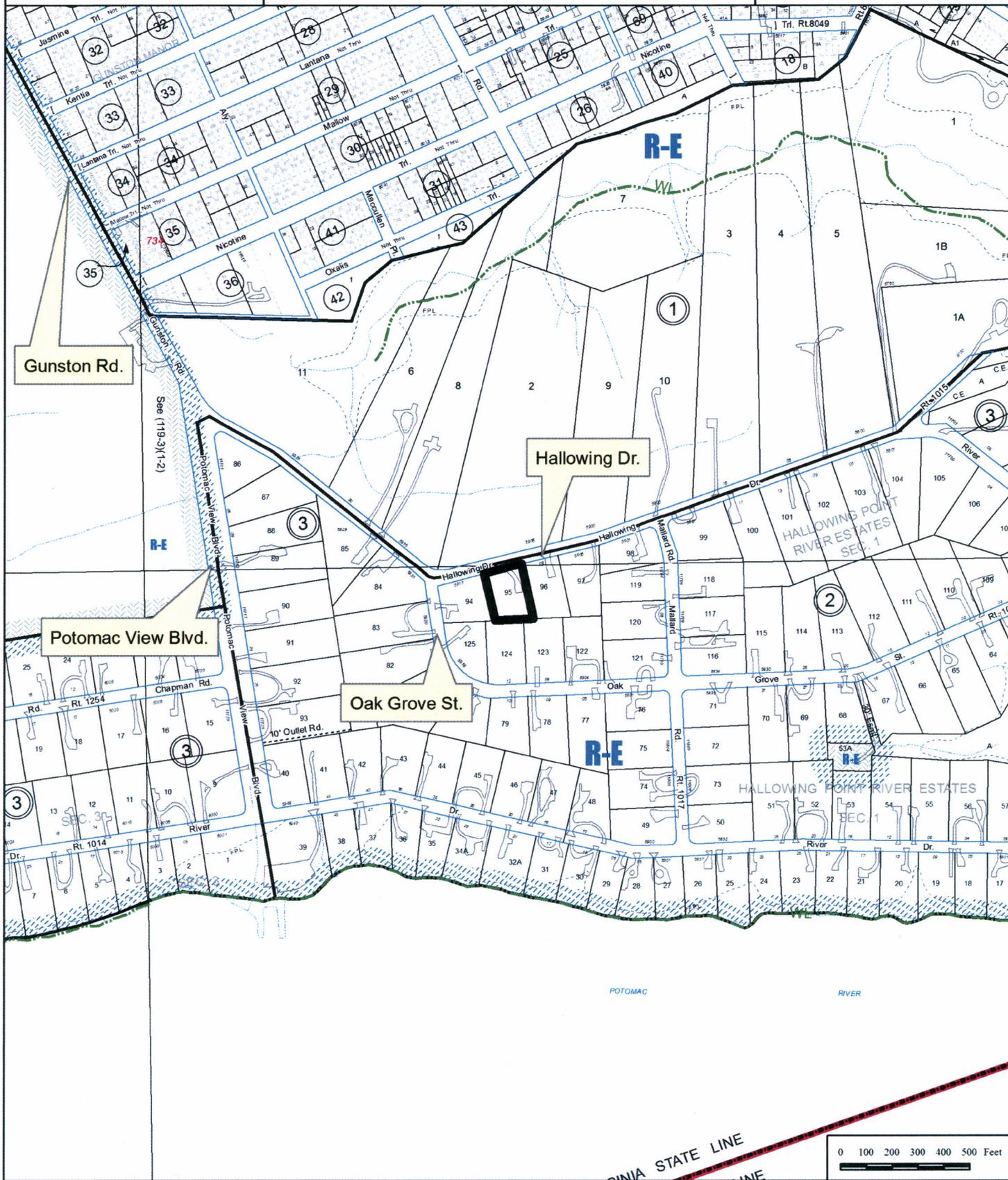
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



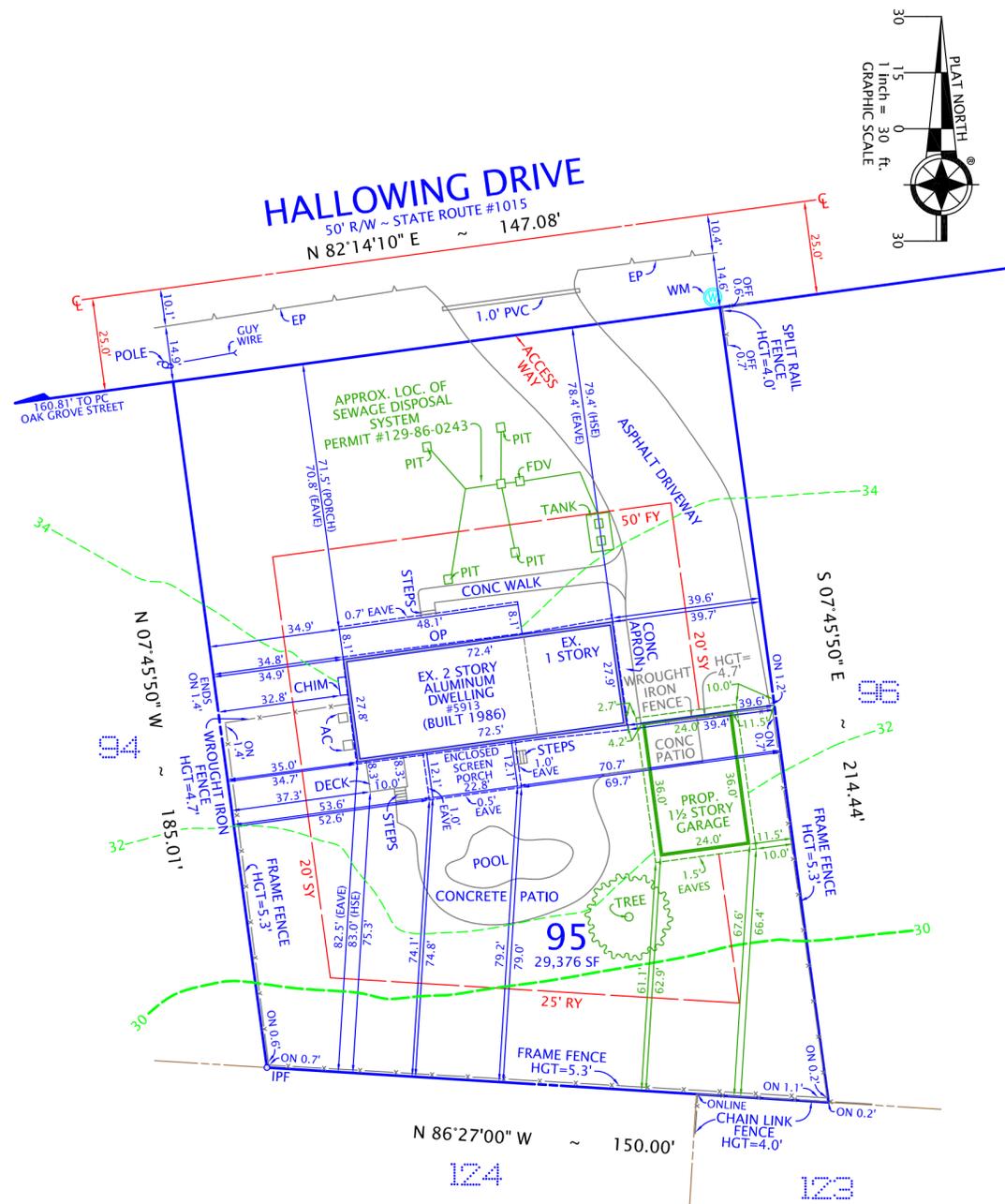
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



Special Permit
SP 2016-MV-010
MARC AND CATHERINE LAVERY



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NOTES

1. TAX MAP: 122-2-02-0095
2. ZONE: RE (RESIDENTIAL 1DU/2AC)
3. LOT AREA: 29,376 SQUARE FEET
4. REQUIRED YARDS:

FRONT:	=	50 FEET
SIDE:	=	20 FEET
REAR:	=	25 FEET
5. HEIGHTS:

EX. DWELLING	=	22.2 FEET (MIDLINE OF ROOF)
EX. DECK	=	3.4 FEET
EX. FENCES	=	AS NOTED
PROP. GARAGE	=	17.2 FEET (RIDGELINE OF ROOF) 12.6 FEET (MIDLINE OF ROOF)
6. THIS PROPERTY IS SERVED BY PUBLIC WATER.
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. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. AREAS:

EX. FIRST FLOOR	=	2,020 SF
EX. SECOND FLOOR	=	1,350 SF
EX. GROSS FLOOR AREA	=	3,370 SF

EX. FLOOR AREA RATIO: EX. GFA (3,370) / LOT AREA (29,376) = 0.115

PROP. DETACHED GARAGE:

PROP. FIRST FLOOR	=	864 SF
PROP. SECOND FLOOR	=	432 SF
PROP. GROSS FLOOR AREA	=	1,296 SF

PROP. GARAGE (1,296) / EX. GFA (3,370) = 0.385

PROP. GROSS FLOOR AREA: EX. GFA (3,370) + PROP. GFA (1,296) = 4,666 SF

PROP. FLOOR AREA RATIO: PROP. GFA (4,666) / LOT AREA (29,376) = 0.159
12. OWNER: MARC P. & CATHERINE LAVERY
5913 HALLOWING DRIVE
LORTON, VA 22079
(DB. 23608, PG. 693)
13. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.

PLAT
SHOWING THE IMPROVEMENTS ON
LOT 95, SECTION ONE
HALLOWING POINT RIVER ESTATES
(DEED BOOK 646, PAGE 224)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 30' JANUARY 21, 2016
APRIL 05, 2016 (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.		CASE NAME: MARC P. LAVERY CATHERINE LAVERY
		8808-H PEAR TREE VILLAGE COURT ALEXANDRIA, VIRGINIA 22309 703-619-6555 FAX: 703-799-6412

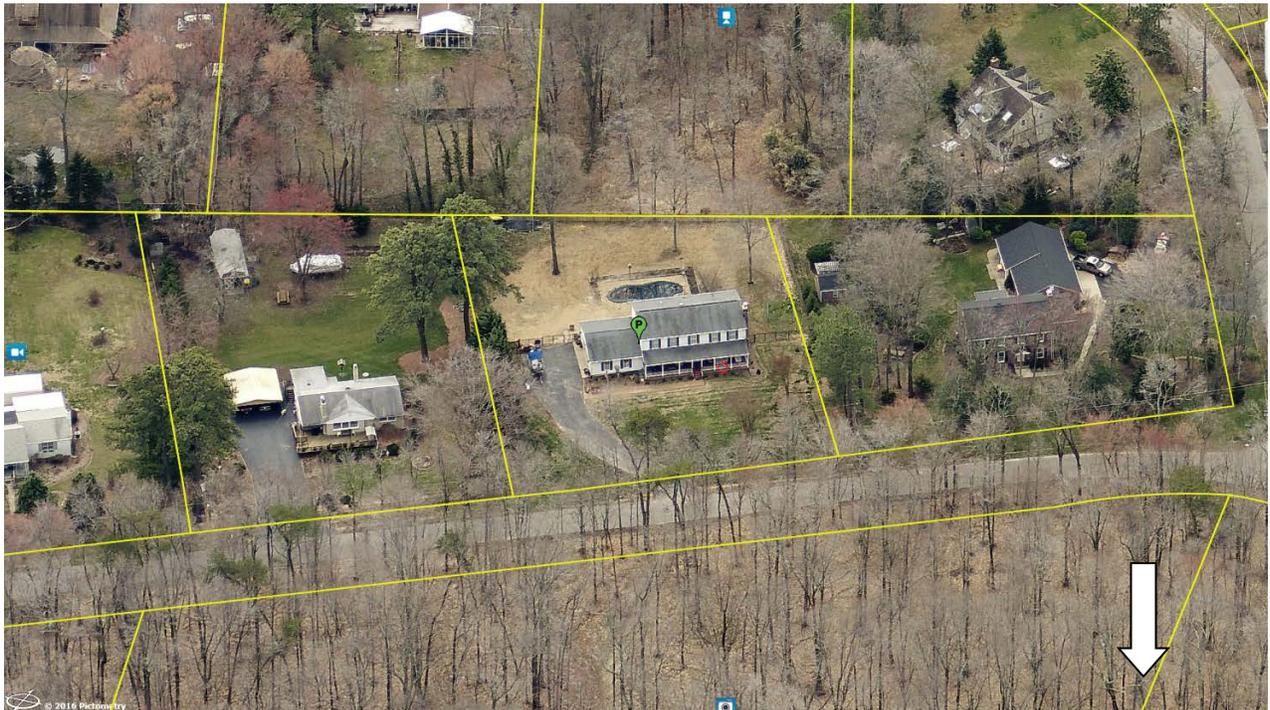
SPECIAL PERMIT REQUEST

The applicant is seeking approval of a special permit to allow a reduction of certain yard requirements to permit construction of an accessory structure (detached garage) 10 feet from a side lot line.

A copy of the special permit plat titled, "Plat, Showing the Improvements on, Lot 95, Section One, Hallowing Point River Estates," prepared by George M. O'Quinn, Land Surveyor, dated January 21, 2016, as revised through April 5, 2016, is included in the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA



The 29,376 square foot lot contains a two story dwelling on a lot with a width of 147 feet. The minimum lot size in an R-E district is 75,000 square feet with a minimum lot width of 200 feet; therefore this lot is undersized for the R-E zone with respect to area and width. An asphalt driveway provides access to the lot from Hallowing Drive. A concrete walkway leads from the driveway to the front porch. A septic system is located in the front yard. A swimming pool, concrete patio, screened porch, and a deck 3.4 feet in height are located to the rear of the house. A wrought iron fence 4.7 feet in height extends from the sides of the house and connects to a wood fence 5.3 feet in height that encloses the rear yard.

The subject property and surrounding properties are zoned R-E. The subject property and properties to the south, west and east are developed with single family detached dwellings on similarly sized lots. One of the properties to the south is undeveloped. The property to the north is a 10 acre parcel of vacant land.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1986 and purchased by the applicants in 2014. In 1988, a previous owner obtained a building permit to construct a two car attached garage on the eastern side of the house. The building permit information is included in Appendix 4.

Since the adoption of the Zoning Ordinance, special permit and variance applications for a reduction in minimum side yard requirements have been heard by the Board of Zoning Appeals for properties located nearby on River Drive. Details of these applications are included in Appendix 5.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction of an accessory structure, a detached garage, 10 feet from the eastern side lot line. The required side yard specified by the R-E requirements is 20 feet. Therefore, the applicant is requesting a reduction of 10 feet, or 50 percent.

The applicant proposes to construct a 1.5 story detached garage approximately 17.2 feet in height and a total of 1,296 square feet in size. The footprint of the garage would be 24 feet wide by 36 feet long. The garage would be constructed to the rear of the existing dwelling in the eastern side yard and would have room for two vehicles with a storage space on the second floor. The garage will be subordinate in scale to the existing dwelling and have white hardiplank siding and windows and shutters that match the windows on the house.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: IV, Lower Potomac Planning District

Planning Sector: Mason Neck (LP3)

Plan Map: .1-.2 DU/AC

Zoning District Standards

Bulk Standards (R-E)		
Standard	Required	Provided*
Lot Size	75,000 sf.	29,376*
Lot Width	Interior: 200 feet	147.08 feet*
Building Height	35 feet	22.2 feet
Front Yard	50 feet	70.8 feet
Side Yard	20 feet	Western: 32.8 feet Eastern: 39.4 feet
Rear Yard	25 feet	74.1 feet

*The lot was subdivided in 1948, prior to the date of the Ordinance. Therefore, it is grandfathered as a legal buildable lot under the provisions of Sect. 2-405.1.

Urban Forestry Analysis (Appendix 6)

Disturbance related to construction of the proposed garage will likely extend into the critical root zone of an offsite pine tree located on the adjacent property to the east, as well as a mature oak tree in the rear yard of the subject property. In order to protect the health of these trees, staff believes that tree protection measures should be installed and maintained for the duration of construction activity. Development conditions have been proposed to mitigate any anticipated effects.

Zoning Ordinance Requirements

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. Subject to development conditions, the special permit must meet these standards.

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

Standards 1 & 2 <i>Comprehensive Plan/ Zoning District</i>	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-E District allows a reduction in minimum required yards with special permit approval. The proposed garage is in harmony with the Comprehensive Plan and the general purpose and intent of the R-E District.
Standard 3 <i>Adjacent Development</i>	In staff’s opinion, the proposed garage will not hinder or discourage the use or development of neighboring properties or negatively affect value. Through a search of land records and photographic research, staff has

	observed that several properties in the surrounding area have added on to their existing dwellings, as well as the construction of detached accessory structures. Surrounding properties are developed with houses in a variety of styles and materials and enclosed garages are consistent with the character of the neighborhood.
Standard 4 <i>Pedestrian/ Vehicular Traffic</i>	No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 <i>Landscaping/ Screening</i>	The detached garage will be located to the rear of the existing dwelling at the end of a long driveway and screened by existing mature trees from properties to the east, west, and south. With the implementation of tree protection measures, staff believes potential harm to trees on the subject property and adjacent property will be mitigated.
Standard 6 <i>Open Space</i>	There is no prescribed open space requirement for individual lots in the R-E District.
Standard 7 <i>Utilities, Drainage, Parking, and Loading</i>	There are no changes to the utilities, drainage, parking or loading of the site.
Standard 8 <i>Signs</i>	No signage is proposed.

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

Standard 1 <i>Lot Size and Bulk Regulations</i>	A modification of the minimum required side yard is requested with this special permit application. The lot was subdivided in 1948, prior to the date of the Ordinance and is undersized with respect to area and width. However, it is grandfathered as a legal buildable lot under the provisions of Sect. 2-405.1. It meets all other required bulk regulations.
Standard 2 <i>Performance Standards</i>	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 <i>Site Plan</i>	The construction is not disturbing more than 2,500 square feet of land; therefore the application is not subject to the provisions of Article 17, Site Plans.

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

Standard 1 <i>Yard Requirements Subject to Special Permit</i>	<p>A. Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet. – N/A</p> <p>B. Pipestem lots- N/A</p> <p>C. <i>Accessory structure locations</i> – Not less than 50% of the minimum requirement, and not less than 5 feet</p> <p>The proposed garage would be located 10 feet from the eastern side lot line; the required side yard in an R-E district is 20 feet, resulting in a reduction of 10 feet or 50 percent. This request is to modify the minimum yard requirements to allow the location of a new accessory structure in the eastern side yard.</p> <p>D. Extensions into minimum required yards allowed by Sect. 2-412- N/A</p>
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<p>Standard 2 <i>Not a Detached Structure in a Front Yard</i></p>	<p>The application does not propose a detached accessory structure in a front yard.</p>
<p>Standard 3 <i>Principal Structure that Complied with Yard Requirements When Established</i></p>	<p>The subject property contains a single family dwelling that is an existing principal structure. The existing structure was built as approved in 1986.</p>
<p>Standard 4 <i>Addition No More than 150% of Existing Gross Floor Area (GFA)</i></p>	<p>This application is proposing a detached accessory structure and not an addition. Therefore Standard 4 does not apply.</p>
<p>Standard 5 <i>Accessory Structure Subordinate in Purpose, Scale, Use and Intent</i></p>	<p>The existing dwelling is 3,370 square feet and 22.2 feet in height. The proposed accessory structure will be 1,296 square feet in size and 17.2 feet in height, which staff believes is subordinate in scale to the primary dwelling. The accessory structure will be a garage to serve the existing primary residence.</p>
<p>Standard 6 <i>Construction in Character with On-Site Development</i></p>	<p>The elevation drawings and statement by the applicant indicate that the materials, size and scale of the proposed garage would be compatible with the existing dwelling.</p>
<p>Standard 7 <i>Construction Harmonious with Off-Site Development</i></p>	<p>Through aerial photography, submitted photographs, and background research staff has confirmed that there are similar detached accessory structures and garages on neighboring properties, including the property immediately to the east that has a large barn-like structure in the rear yard. The proposed garage would be screened by existing mature vegetation. Staff believes that the proposed garage would not affect neighboring properties in terms of location, height and bulk.</p>
<p>Standard 8 <i>Construction Shall Not Adversely Impact Adjacent Properties</i></p>	<p>Staff believes that the proposed garage will not significantly impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. In regards to stormwater, if the construction disturbs more than 2,500 square feet, the application is subject to the provisions of Article 17, Site Plans, and any anticipated stormwater issues will be addressed at that time.</p>
<p>Standard 9 <i>Represents the Minimum Amount of Reduction Necessary</i></p>	<p>The proposal is to construct a detached garage which is be located 10.0 feet from the eastern side lot line. The garage is proposed to be located at the end of the existing driveway to the rear of the location of an existing attached garage. It would be difficult to find alternative locations for a garage without entirely relocating the driveway. The applicant states that the existing garage is primarily used for storage and workshop purposes and therefore desires additional garage space for vehicle storage. Staff believes that the proposal is the minimum amount of space needed to have a usable two car garage.</p> <p>The lot is undersized with respect to width by more than 50 feet. If it were conforming to the 200 foot width requirement of an R-E zoned lot, the applicant would likely have adequate room to locate the proposed structure without encroaching into the side yard.</p>

	Other issues of lot shape, yard determination, environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, easements and historic resources are not applicable to this site.
Standard 10 BZA May Impose Conditions	Proposed development conditions are included in Appendix 1.
Standard 11 Submission Requirements	A copy of the plat is included in the beginning of this report.
Standard 12 Architectural Elevations	Proposed elevations are included as an attachment to the proposed development conditions in Appendix 1.

CONCLUSION

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2016-MV-010 for the addition with adoption of 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
3. Applicant's Affidavit
4. Relevant Building Permit History
5. Similar Case History
6. Urban Forestry memo
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-MV-010****April 20, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-MV-010 located at Tax Map 122-2 ((2)) 95 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance to permit a detached accessory structure (garage), staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the accessory structure (detached garage 1,296 square feet in size, 17.2 feet in height), as shown on the titled, "Plat, Showing the Improvements on, Lot 95, Section One, Hallowing Point River Estates," prepared by George M. O'Quinn, Land Surveyor, dated January 21, 2016, as revised through April 5, 2016, as submitted with this application and is not transferable to other land.
3. The detached garage shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions with the exception of using hardiplank siding instead of board-on-board.
4. The accessory structure, a detached garage, shall only be used for the storage of vehicles and other items or as workshop space. The structure shall not be used as a dwelling.
5. The applicants shall provide tree protection measures which shall consist of at least the following elements:
 - a. Along the southern and western edges of the proposed garage, orange plastic fence and 6 foot wooden stakes shall be used as tree protection fencing establishing a limit of disturbance 10 feet from the walls of the proposed garage.
 - b. A layer of wood chips 8 inches in depth covered by a continuous layer of plywood shall be put down and maintained between the existing fence and the proposed garage along the eastern property boundary extending from the existing driveway and continuing around the back and along the western side of the proposed garage for a distance of 10 feet.

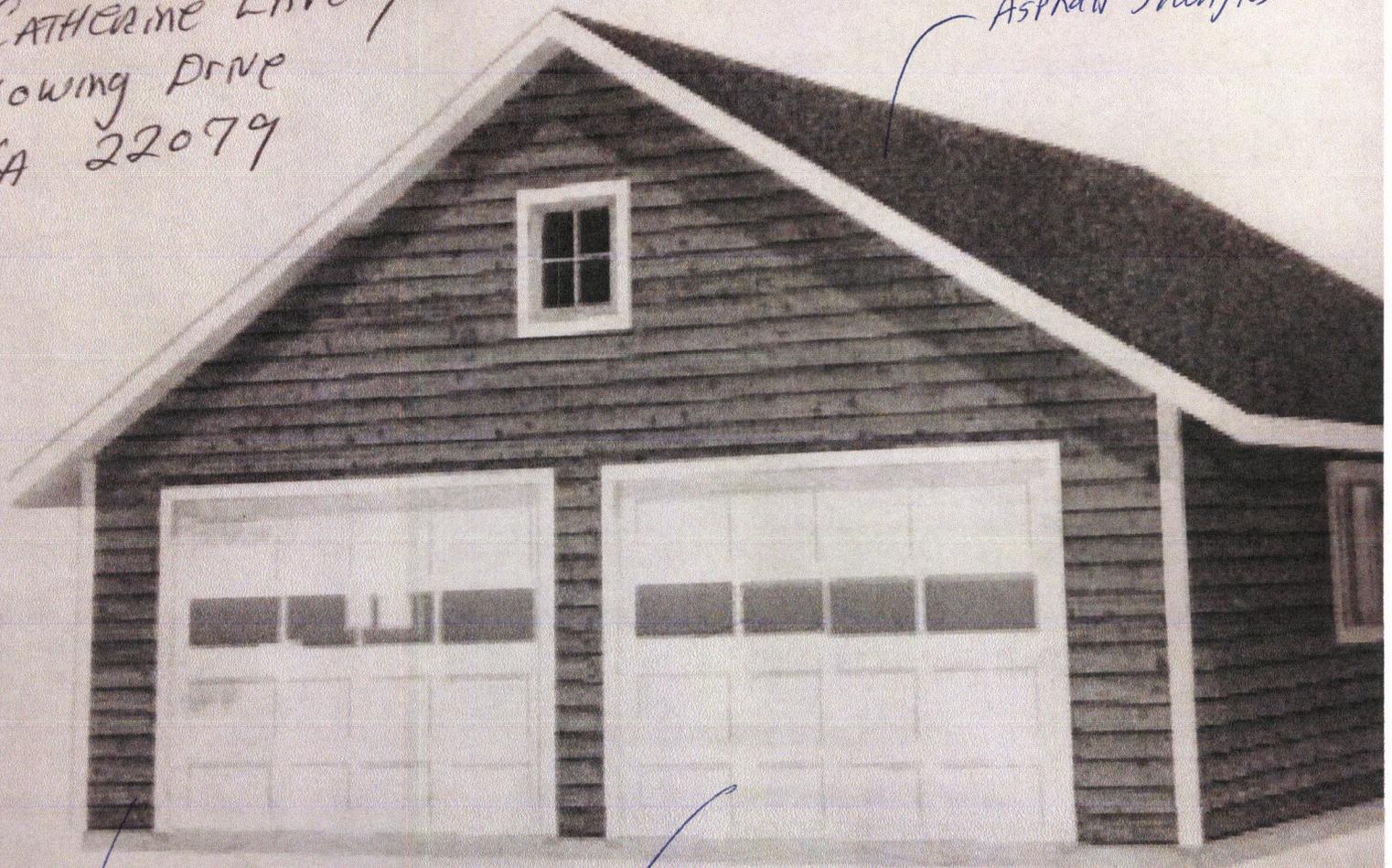
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 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 special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Item 930.20

CATHERINE LAVERY
CLOWING DRIVE
LA 22079

Asphalt shingles



Siding

Aluminum or wooden doors

GARAGE PLAN #864-5

(SHOWING OPTIONAL RIGHT SIDE GARAGE DOOR)

24' x 36'

Height 17'2"

Special Permit Statement of Justification

Item #930.00

The proposed detached building is approximately 864 sq ft is approximately 33% of the square footage of the main home that is 2,650 sq ft.

Item # 930.01

The detached building is clearly subordinate in purpose scale and use to the principal structure on the site.

Item #930.02

The proposed detached building will be in character with the existing on site development in terms of location, height and scale in reference to the existing structures on the lot.

Item # 930.03

The proposed building structure and location takes into account the existing topography vegetation and is specifically located for the preservation of nearby trees.

Item # 930.04

The proposed building structure will not adversely impact adjacent property use with regards to noise, light, air, erosion and storm water run off.

Item # 930.05

The proposed structure and its location have taken into account site conditions, site topography and other factors to have minimum impact on site.

Item # 930.10

Height of Existing Main Home: Approximately 28 Feet

Fence Height: 5 Feet

Tree Height: 75 Feet

Item # 930.11

As stated before there will be a 10 foot set back from side and rear lot lines.

Item # 930.14 - see attached

Septic System is marked on site plan as plastic vault lid

Located in front of main structure and has been previously approved by health department on 10-21-14.

Item #930.15

Proposed detached garage is 33% GFA in relation to SFA of main existing structure.

Item #930.16

All utility easements are located in front of home not in conflict of detached garage.

Item #930.17

Please see pictures presented on CD which show no additional landscaping is planned.

Item # 930.18

Not applicable

Item #930.19

Site plat was provided in a sealed envelop by Sam Whitney a certified engineer with 23 copies. (10-21-14)

Special Permit Statement of Justification

- A) Type of Operation: Residential Use for a detached Garage**
- B) Hours of Operation: Between the hours of 9 am – 7:00 pm**
- C) Estimated Number of patrons: None**
- D) Proposed number of employees: 0**
- E) Estimate of traffic proposed use: None**
- F) Vicinity: The detached garage will be placed in the back yard left side corner of lot. The back and side of garage will be 8 feet from property line. We are limited due to a Mature Oak Tree which is marked on site plan**
- G) Building façade: The garage will be built using board on board with a cedar stain. The front will have 2 window trimmed with white and have dark green shutters. The garage door will be a carriage door style with windows. The sides of garage will have 2 windows and 1 door. The roof will be done with black architectural shingles.**
- H) Listing of Hazardous Materials: None**
- I) Statement: We are very limited putting garage in back left corner 8 feet from perimeter due to a mature oak tree and pool which is located in middle of yard.**

RECEIVED
Department of Planning & Zoning

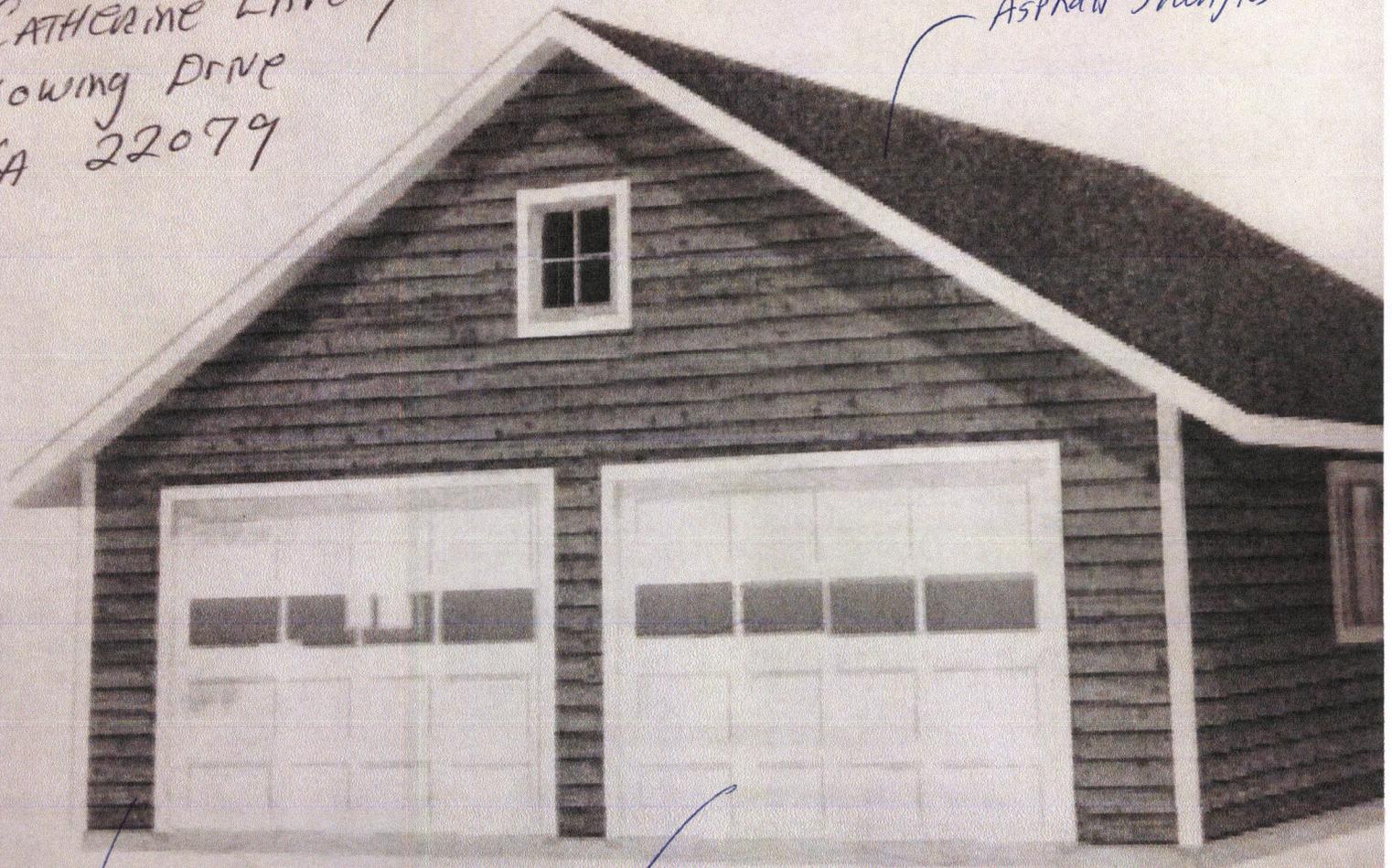
OCT 22 2014

Zoning Evaluation Division

Item 930.20

CATHERINE LAVERY
CLOWING DRIVE
LA 22079

Asphalt shingles



Siding

Aluminum or wooden doors

GARAGE PLAN #864-5

(SHOWING OPTIONAL RIGHT SIDE GARAGE DOOR)

24' x 36'

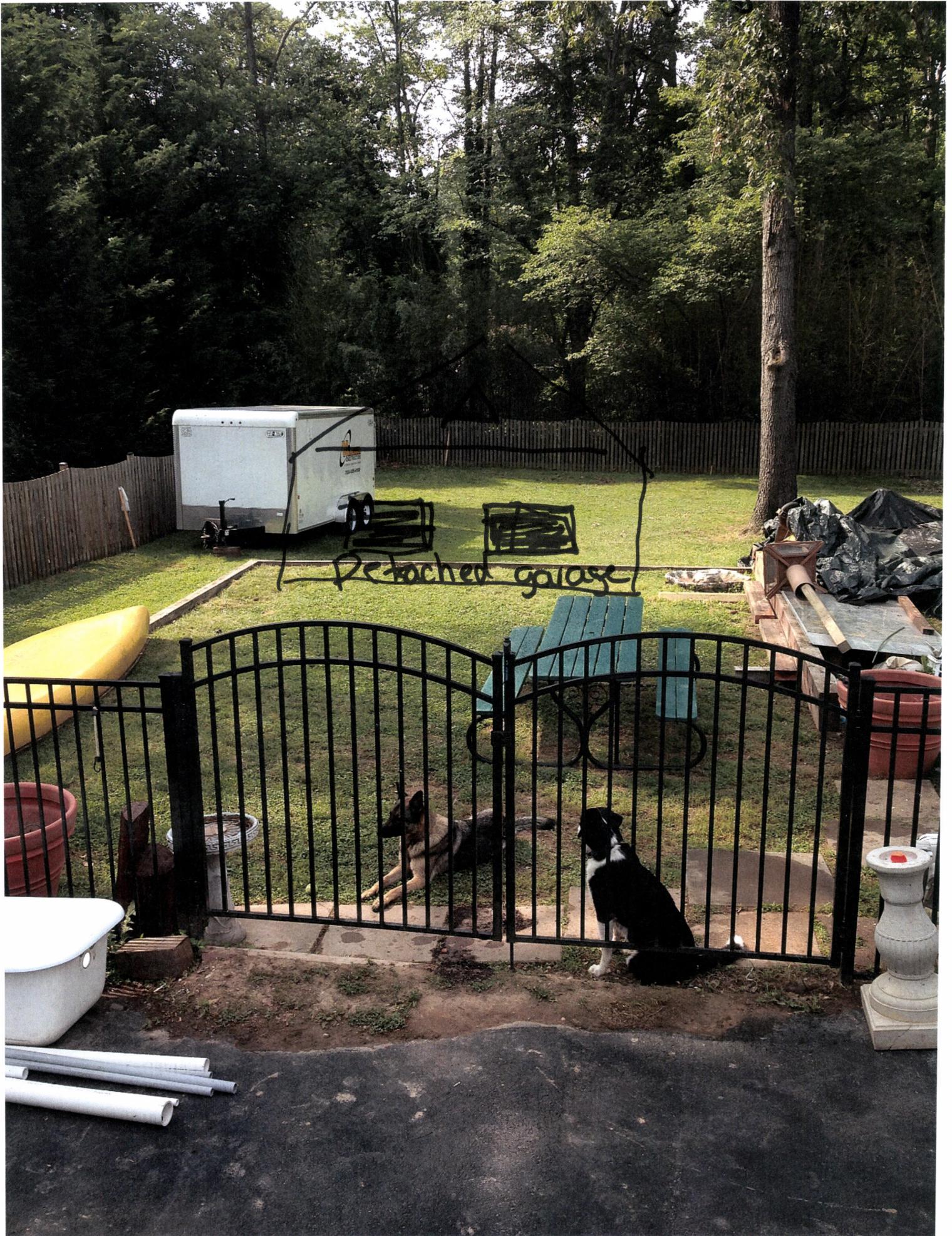
Height 17'2"







SITE FOR Detached garage







Shed
24 x 34



Concrete
Driveway

Neighbor's trees
will block view of shed



Bella

Angus

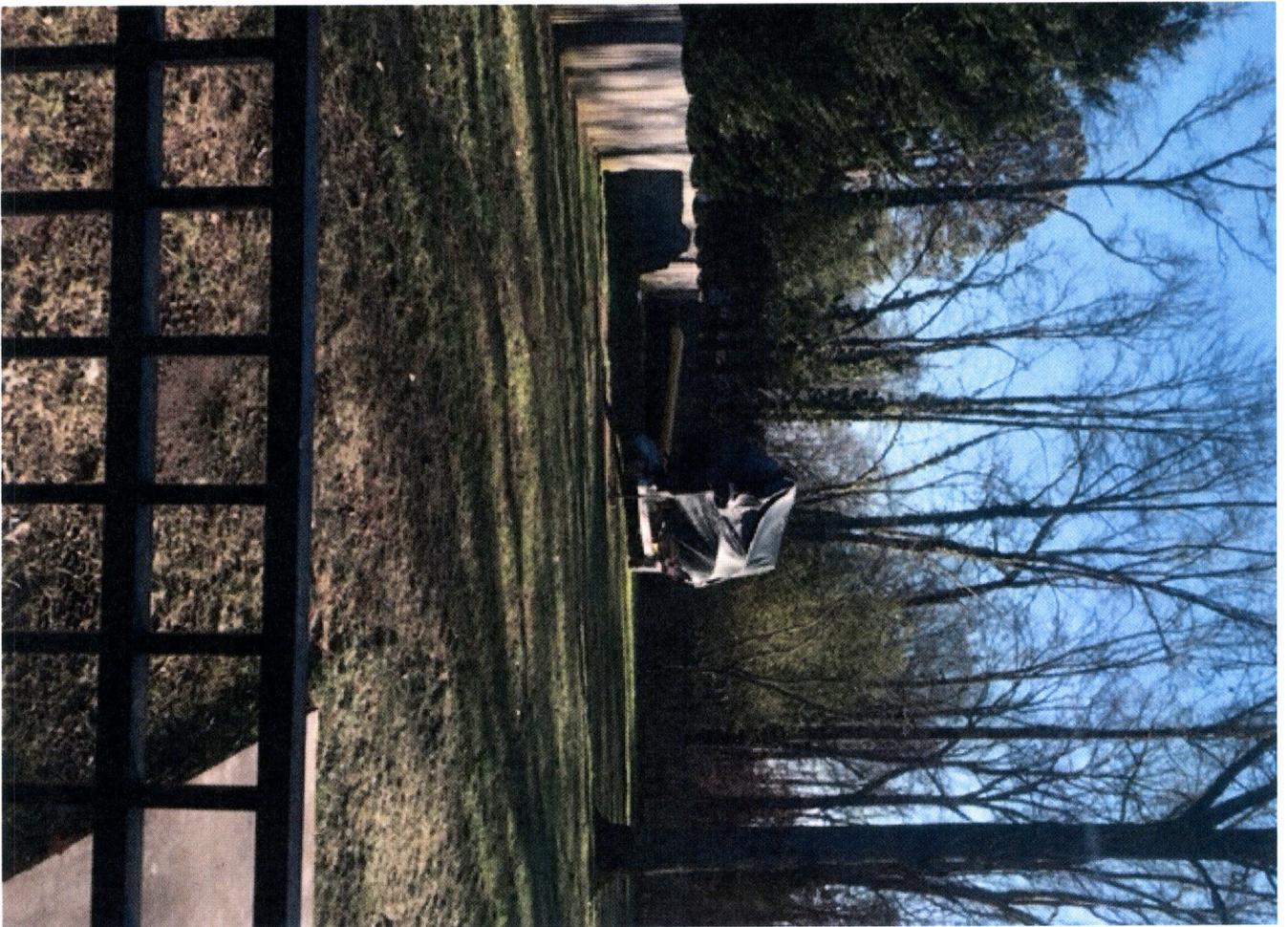


Gate

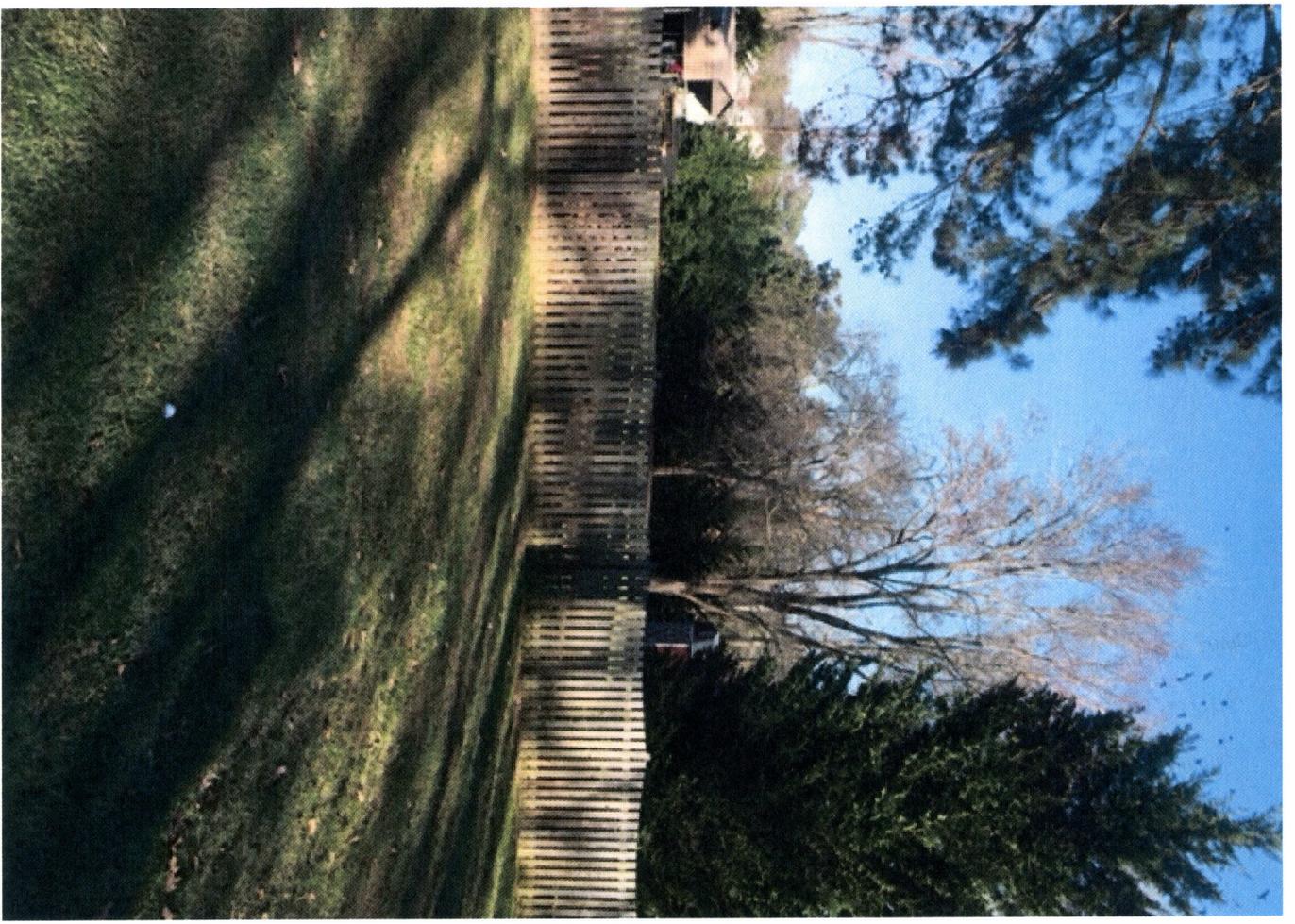
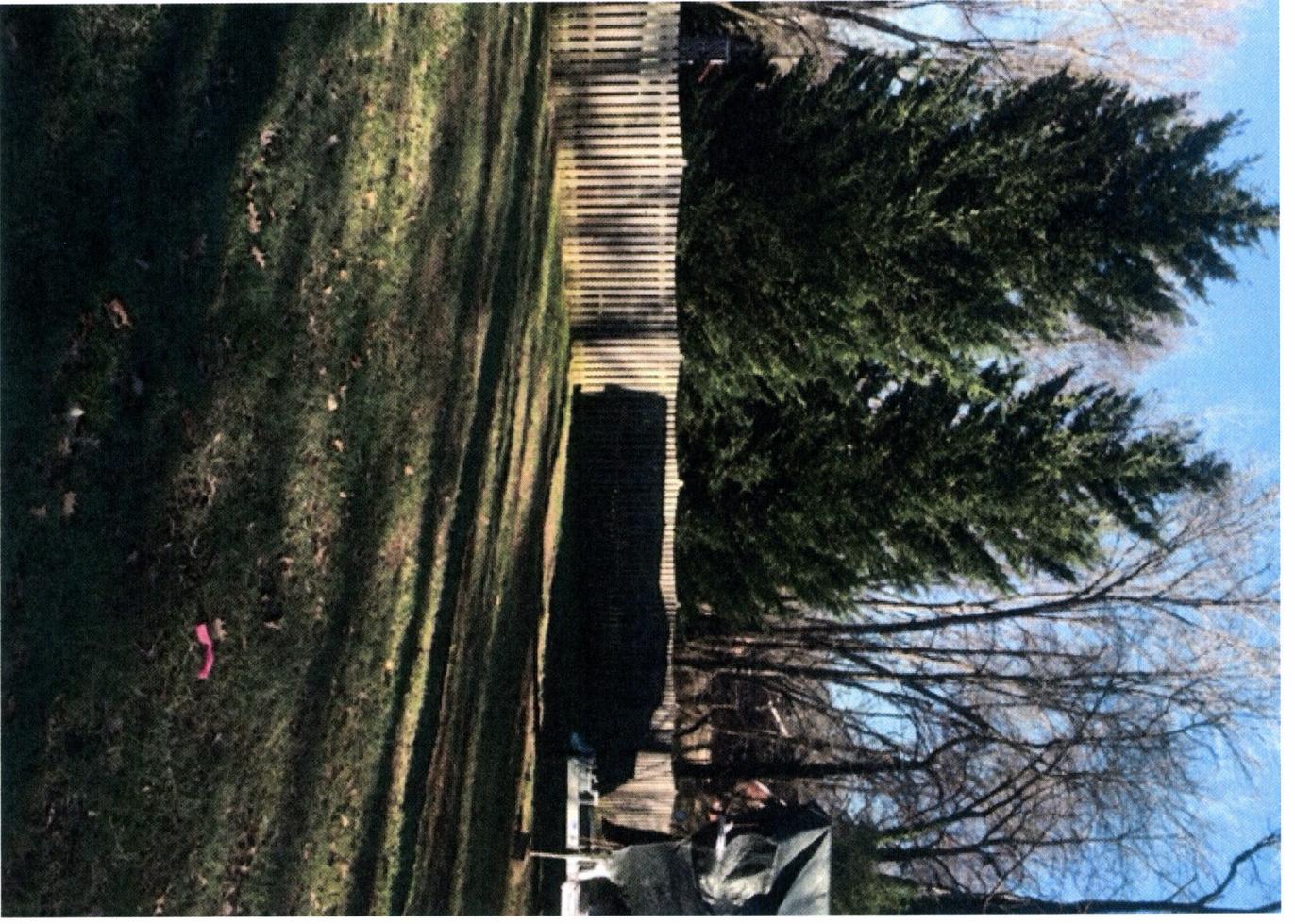
Pool

concrete
driveway to
shed











Application No.(s): 127397 SP 2016-MV-010
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/15/2015
(enter date affidavit is notarized)

127397

I, Catherine Lavery/Marc Lavery, 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)
Catherine D Lavery	5913 Hallowing Dr Lorton Va 22079	Applicant/ Title Owner
Marc P Lavery	5913 Hallowing Dr Lorton Va 22079	Co-Title Owner

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

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

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

Application No.(s): 127397
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/15/2015
(enter date affidavit is notarized)

127397

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

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

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

N/A

(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): 127 397
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/15/2015
(enter date affidavit is notarized)

127397

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**)

NA

(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:

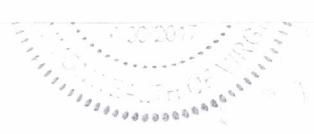
Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

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.



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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/15/2015
(enter date affidavit is notarized)

127397

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) Catherine D Lavery Applicant Applicant's Authorized Agent

Catherine D Lavery
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 15th day of April 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Patricia HK
Notary Public

My commission expires: 6/30/17



BUILDING PERMIT APPLICATION

APPLICATION NO

19

Date

JOB LOCATION

Street 5913 HALLOWING DR. LORTON, VA
 Building _____ Floor _____ Suite _____
 Subdivision HALLOWING PT RIVER ESTATE
 Tenants Name _____

DO NOT WRITE IN THIS SPACE

Permit No. 8813750700
 Map Reference _____
 Building Permit No. 122-2-02-0095 Control No. _____
 Std. _____ Mag. _____ Plan _____ Census _____

OWNER

Name DEBRA D. ALTMAN
 Address (Mailing) 5913 HALLOWING DR.
 City LORTON State VA Zip 22079
 Telephone 339-6869

CONTRACTOR

Company Name SELF
 Master _____
 Address _____
 City _____ State _____ Zip _____
 Telephone _____ License No. _____
 State Contractors License No. _____
 County Business Account No. _____

For 24'x24' ATTACHED ALUMINUM SIDING GARAGE
BUILD GARAGE
STD

ROUTING

	Date	Approved By:
(2) Health Review	5/16/88	[Signature]
Site Review (3)	5/16/88	[Signature]
(1) Zoning Review	5-16-88	[Signature]
Sanitation Review		
(4) Building Review	5-16-88	[Signature]
Fire Review		

Sewage: Public Community Septic Tank None
 WATER: Public Individual Well None
 N-New D-Demolish
 R-Alter or Repair M-Move
 A-Add To O-Other

REMARKS:

BUILDING DESCRIPTION	QUANTITY
# Units	_____
# Stories	_____
# Rooms	_____
# Bedrooms	_____
# To be Added	_____
# Baths	_____
# Half Baths	_____
# Kitchens	_____
# Fireplaces	_____
Basement	_____
% Basements to Finish	_____

Use Group of Building Garage R3
 Type of Construction FRAME SB
 Building Area 24'x24'
 Estimated Const. Cost \$7,500

ZONING REVIEW
 Zoning Proffers Building _____
 Zoning Class RE
 Zoning Case # _____

BUILDING CHARACTERISTICS
 Building Height _____
 Exterior Walls _____
 Interior Walls _____
 Roofing Material _____
 Flooring Material _____
 Heating Fuel _____
 Heating System _____

GRADING AND DRAINAGE REVIEW
 Soils _____
 Historical _____
 Plan # _____
 Retaining Wall _____

YARDS	Front	Front	Left Side	Right Side	Rear
		<u>NC</u>	<u>39.9'</u>	<u>NC</u>	<u>NC</u>

REMARKS _____

FOR COUNTY USE ONLY:

Date 5/16/88 By [Signature]
 Approved for Issuance of Building Permit

Fee _____
 Filing Fee 36
 Amount Due 80

The request for and use of personal information on this form is subject to the provisions of the Privacy Protection Act of 1976 and the Freedom of Information Act.

I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that if a permit is issued the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations including private building restrictions, if any, which relate to the property. He/She and the company or organization named and represented herein is duly registered or exempt from registration in accord with the provisions of Chapter 7 of the Code of Virginia.

Signature of Owner or Agent [Signature] Date 5/16/88
 Notary Signature _____ Date _____

FAIRFAX COUNTY, VIRGINIA

SUBJECT: Request for Amendment of Existing Building Permit DATE: 6/1/88
REFERENCE: Building Permit Number 88137B0700/701
Address 5913 Hallowing DR., LORTON, VA
Owner DEBRA ALTMAN
Subdivision Hal Pt River Est. Grid

AMENDMENT REQUESTED:

Change house type from Model _____ to Model _____
House relocated _____ Deck or Porch added _____
Garage added _____ Garage deleted _____
Carport added _____ Carport deleted _____
Walkout Basement added _____ Walkout Basement deleted _____

X Other. Specify: CHANGE FROM 24'X24' ATTACHED ALUMINUM SIDING GARAGE TO 24'X28' ATTACHED ALUMINUM SIDING GARAGE

SUPPORTING DOCUMENTATION SUBMITTED:

Revised Plat _____ X Revised Site Plan _____
X Revised Construction Plans _____ Revised Grading Plan _____

SIGNATURE OF OWNER OR AGENT Debra D. Altman Phone: 339-6869
Current mailing address/ZIP 5913 HALLOWING DR.
LORTON, VA

meet the setbacks
BELOW FOR COUNTY USE ONLY RE
PLAT No. _____ Subd Des _____ Blk/Sec 7 Pcl/Lot 95
AMENDMENT APPROVED: 22 DESIGN REVIEW [Signature] (DATE) 6-1-88
Hal Pt Riv Ests 11 ZONING [Signature] (DATE) 6-1-88
Sec 1 34 HEALTH DEPT [Signature] (DATE) 6-1-88
Lot 95 43 CONSTR PLANS REVIEW [Signature] (DATE) 6-1-88
ADDITIONAL BUILDING PERMIT FEE TO BE PAID \$ 13.5 Fee Code _____

Distribution: White - Permit Jacket Canary - Zoning
Pink - Real Estate Goldenrod - Applicant

Similar Case History

Group: 85-V-068

VC 85-V-068

APPLICANT: MR. & MRS. GEORGE E MONROE
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 11/07/1985
ZONING DISTRICT: R- E
TAX MAP #5: [1222-02](#)
DESCRIPTION: CONSTRUCTION OF ADDITION TO DWELLING TO 3 FEET FROM SIDE LOT LINE (20 FEET MINIMUM REQUIRED)
LOCATION: 11801 RIVER DRIVE

Group: 88-V-179

VC 88-V-179

APPLICANT: DR. & MRS. M. SOBHANY
STATUS: WITHDRAWN
STATUS/DECISION DTE: 03/21/1989
ZONING DISTRICT: R- E
TAX MAP #5: [1222-02](#)
DESCRIPTION: ALLOW CONSTRUCTION OF DWELLING 15 FT. FROM A SIDE LOT LINE AND 45 FT. FROM THE FRONT LOT LINE (20 FT. MIN. SIDE AND 50 FT. MIN. FRONT YARDS REQ.)
LOCATION: 11809 RIVER DRIVE

Group: 89-V-009

VC 89-V-009

APPLICANT: LYNCH, EDWIN W. & MOLLY C.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 05/09/1989
ZONING DISTRICT: R- E
TAX MAP #5: [1222-02](#)
DESCRIPTION: ALLOW CONSTRUCTION OF ADDITION TO DWELLING TO 16.5 FT. FROM SIDE LOT LINE (20 FT. MIN. SIDE YARD REQ.)
LOCATION: 5909 RIVER DRIVE

Group: 90-V-133

VC 90-V-133

APPLICANT: DONALD J. PARKS
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 02/20/1991
ZONING DISTRICT: R- E
TAX MAP #5: [1222-02](#)
DESCRIPTION: ALLOW CONSTRUCTION OF ADDITION (GARAGE) 10.5 FT. FROM SIDE LOT LINE (20 FT. MIN. SIDE YARD REQ.)
LOCATION: 5833 RIVER DRIVE



County of Fairfax, Virginia

MEMORANDUM

DATE: April 5, 2016

TO: Erin M. Haley, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Rachel Habig-Myers, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Hallowing Point River Estates Section 1, Lot 95.SP 2016-MV-010

This review is based upon the Special Permit Application, SP 2016-MV-010 stamped "Received, Department of Planning and Zoning, October 22, 2014" and the Special Permit Plat stamped "Received, Department of Planning and Zoning, February 9, 2016." A second plat was provided digitally on April 5, 2016.

1. **Comment:** Disturbance related to construction of the proposed garage will likely extend into the critical root zone of an offsite pine tree originating on neighboring property "Lot 96", as well as a mature oak tree located behind the proposed garage. In order to protect the health of these trees during construction, tree protection measures should be installed and maintained throughout the duration of construction.

Recommendation: The existing wood fence will serve as adequate tree protection fencing along the eastern boundary. Along the southern and western edges of the proposed garage, orange plastic fence and 6 foot wooden stakes should be used as tree protection fencing, essentially establishing a "limits of disturbance" 10 feet from the walls of the proposed garage. In order to minimize soil compaction during construction and preserve the trees' root systems as much as possible, a layer of wood chips 8 inches in depth covered by a continuous layer of plywood should be put down and maintained between the existing fence and the proposed garage depicted on the Special Permit Plat along the eastern property boundary. This mulch layer should extend from the existing driveway down the eastern side of the proposed garage. The mulch and plywood layer should continue around the back and along the western side of the proposed garage for a distance of 10 feet.

RHM/

UFMDID #: 211640

cc: DPZ File

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



8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 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. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.