



County of Fairfax, Virginia

May 4, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-PR-013

PROVIDENCE DISTRICT

APPLICANT/OWNER: Richard J. & Harriet Christy Bergemann, Trustees

STREET ADDRESS: 3217 Amberley Lane, Fairfax 22031

SUBDIVISION: Sutton Place, Lot 81

TAX MAP REFERENCE: 59-1 ((18)) 81

LOT SIZE: 36,012 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit a reduction in certain side yard requirements to permit a garage addition 7.6 feet from the side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2016-PR-013, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

Heath Eddy, AICP

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

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

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

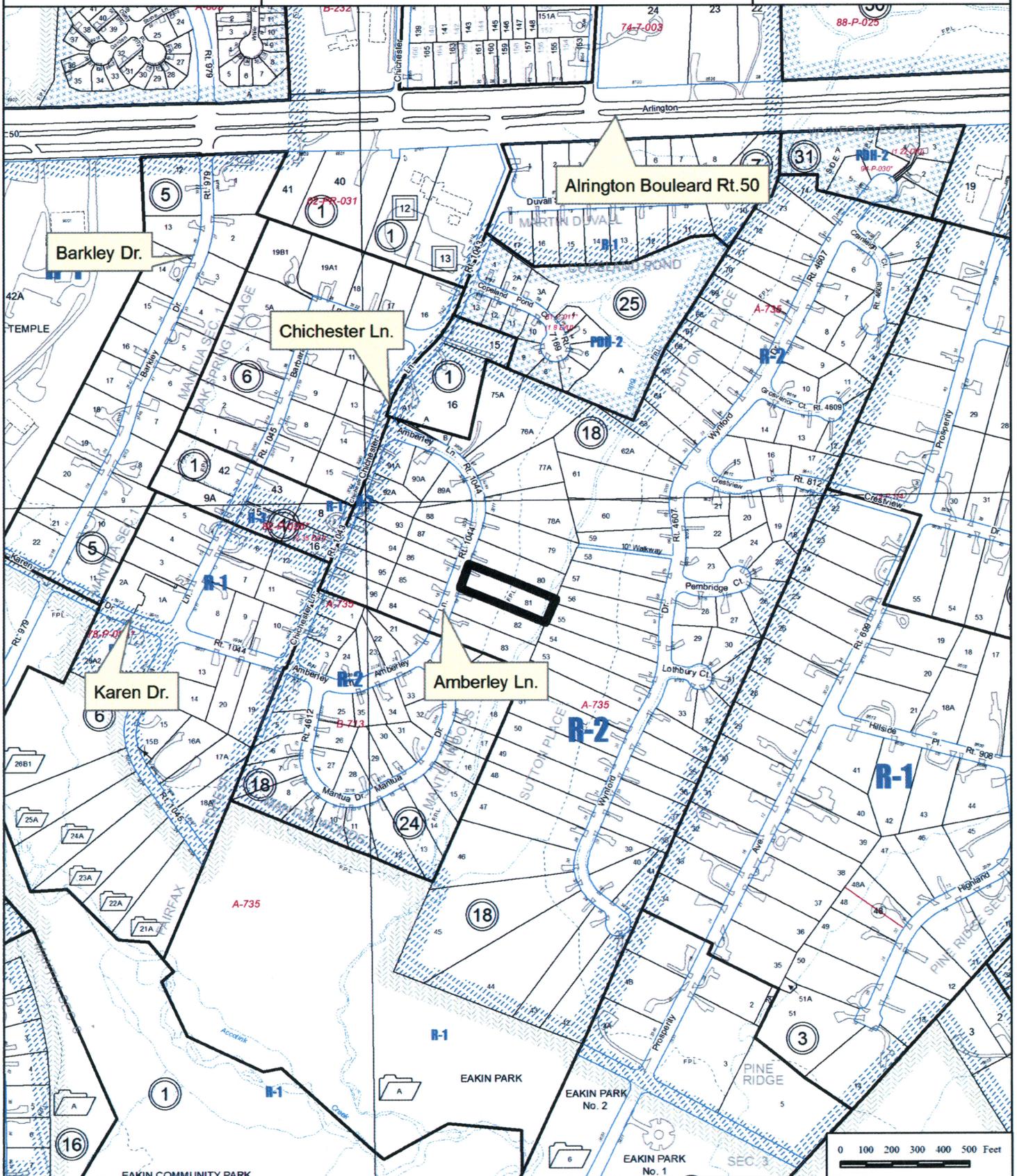


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



Special Permit SP 2016-PR-013

RICHARD J TR & HARRIET CHRISTY BERGEMANN TR



0 100 200 300 400 500 Feet

EAKIN COMMUNITY PARK

EAKIN PARK

EAKIN PARK No. 2

EAKIN PARK No. 1

PINE RIDGE

SEC. 3

SPECIAL PERMIT REQUEST

The applicant requests special permit approval to permit a reduction in the side yard requirement to allow construction of an addition to the existing residence. This is a request to construct a 2-car garage located on the northern end of the residence, replacing the existing 1-car carport and tool shed.



Figure 1: Subject property, Source: Pictometry 2015.

A copy of the special permit plat, entitled "Plat Showing the Improvements on Lot 81 Sutton Place," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated November 24, 2015 and received February 4, 2016, consisting of one sheet is provided at the front of this staff report. A copy of the applicant's statement of justification and relevant photographs, architectural renderings and proposed floor plans, and the affidavit are provided in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 36,012-square foot subject property is located on Amberley Drive in the Sutton Place development, just north and east of the Mantua neighborhood east of Fairfax City. The major arterial closest to the property is Arlington Boulevard, approximately $\frac{1}{4}$ mile to the north.

The property is developed with a 3,924-square foot 2-story single family detached dwelling which includes an open deck in the rear, the existing carport, and a tool shed physically attached to the carport. The property is environmentally constrained in the rear yard; approximately half of the property is located in designated floodplain. Another ¼ of the property is in RPA (mapped in 1993), with most of that area a steep slope starting about the midpoint of the residence and heading back to the east, toward the floodplain and the stream (Long Branch of Accotink Creek), which is also located along the extreme rear of the property. There are several trees and other vegetation found throughout the rear yard, and there are several large evergreen species in the front yard and near the side yard just in front of the existing carport. The lot is virtually flat from the street to the existing carport, and generally level with residences located on each side of the subject property.

The subject property and surrounding developable lots are zoned R-2 and developed with single family detached dwellings.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling on the subject property was constructed as a 1-story residence with carport in 1965, with the tool shed added in 1966. The second story was constructed in 1990, along with the rear deck.

This is the first special permit or variance request for the subject property. County records indicate there was one other similar case in the area, Special Permit Application SP 2008-PR-067, for 3133 Chichester Lane, which was a request for a reduction in the minimum side yard for an addition to be built 7.6 feet from the side lot line. This request was approved by the BZA on September 23, 2008.

DESCRIPTION OF THE APPLICATION

The applicants request special permit approval to permit a reduction in the minimum side yards to replace the existing 1-car carport and tool shed with a 2-car garage. The requested reduction is for a side yard of 7.6 feet (including the eave), which is a reduction of 7.4 feet or 49.3% from the required 15-foot side yard in the R-2 District.

The proposed garage is 572 square feet in area (22' x 22' in area, plus a 4' x 22' overhang porch to match the existing porch roofline), of which 484 square feet is counted as gross floor area (GFA). The existing carport is attached to the residence with a doorway and a covered front porch shared with the main residence. The proposed garage will also remove a 6-foot section of the existing rear deck, so the total area covered by the existing carport, tool shed, and portion of the deck is 288.46 square feet. Therefore the applicants are requesting a net increase of 283.54 square feet of building square footage, though the carport and deck would not count as GFA.

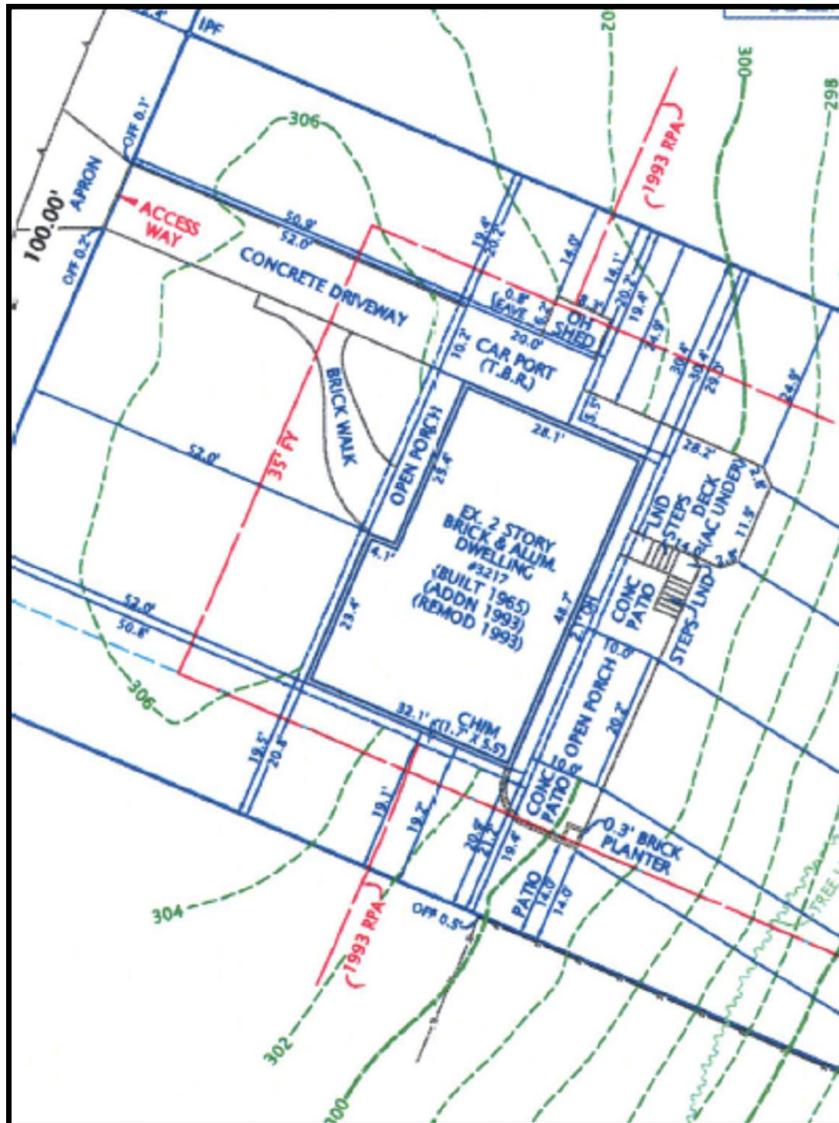


Figure 2: Special Permit Plat, partial, showing existing condition.
Source: Applicant.

Note that the existing residence, carport, and toolshed are located within the RPA boundary. These structures were constructed in 1965-66, preceding the existing RPA line by 27 years. As such, the structures are nonconforming with respect to the regulations related to the RPA. However, as shown in Figure 3, below, the garage will represent a net increase in encroachment into the RPA, and will require an application for an exception to the RPA for a minor addition. As proposed, the new garage would add 144.26 square feet of impervious coverage within the RPA. The requirement for an RPA exception is included as a proposed condition in the development conditions found in Appendix 1.

Finally it should be noted that based on image analysis, it appears existing vegetation and trees will be maintained. Staff notes that the Urban Forester’s recommendations for tree protection are incorporated in the Proposed Development Conditions.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: II
 Planning District: Fairfax
 Planning Sector: Mantua Community Planning Sector (F2)
 Plan Map: Residential 2 du/ac

The Comprehensive Plan does not provide a specific recommendation for the subject property but does note that this area is planned for infill residential development consistent with the surrounding neighborhoods at approximately 2 dwelling units/acre.

ZONING ORDINANCE REQUIREMENTS (Appendix 6)

The subject property is zoned R-2, which has the following lot size and bulk regulations.

Bulk Standards (R-2)		
Standard	Required	Provided
Lot Size	Min. 15,000 sf.	36,012 sf.
Lot Width	Min. 100 feet	100 feet
Building Height	Max. 35 feet	29.2 feet residence, 14.0 feet carport existing, 14.0 feet garage proposed
Front Yard	Min. 35 feet	50.9 feet
Side Yard	Min. 15 feet	19.5 feet (south side) 7.6 feet proposed (north side)
Rear Yard	Min. 25 feet	274+ feet

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

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

The following is staff’s analysis of the Zoning Ordinance provisions and the proposal to permit a reduction in the minimum side yard to 7.5 feet to allow construction of a 2-car garage on the northern side of the residence.

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

Standards 1 & 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2 District allows a reduction in minimum required yards with special permit approval.
Standard 3 Adjacent Development	The neighboring lots are a combination of carports and attached 1- and 2-car garages, which means the proposal would not cause a negative impact on the use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/ Vehicular Traffic	No increased vehicular or pedestrian traffic is expected with this application. In staff’s opinion, the proposed use does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/ Screening	There are mature tree species fairly close to the area anticipated for disturbance with the garage construction. The Urban Forester recommends that appropriate measures be taken to minimize soil disturbance to prevent damage to tree roots, including providing tree protection fencing prior to beginning construction, should the special permit be approved.
Standard 6 Open Space	There is no prescribed open space requirement on individual lots in the R-2 District.
Standard 7 Utilities, Drainage, Parking, and Loading	The proposed changes would not result in any impact on the public utilities, drainage patterns, or parking in the surrounding area.
Standard 8 Signs	No signage is proposed.

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

Standard 1 Lot Size and Bulk Regulations	The bulk regulation for the minimum required side yard is requested to be modified with the special permit application. The subject property conforms to all other lot size and bulk regulations in the R-2 District.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	The proposed construction will not disturb more than 2,500 square feet, therefore no additional site plan requirements are required.

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

<p>Standard 1 Yard Requirements Subject to Special Permit</p>	<p><i>A. Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet:</i> The proposed addition would be located 7.6 feet from the side lot line. The required side yards in an R-2 district is 15 feet, resulting in a reduction of 7.4 feet, or 49.3%. <i>B. Pipestem lots- N/A</i> <i>C. Accessory structure locations – N/A</i> <i>D. Extensions into minimum required yards allowed by Sect. 2-412: N/A</i></p>
<p>Standard 2 Not a Detached Structure in a Front Yard</p>	<p>The application does not propose a detached accessory structure.</p>
<p>Standard 3 Principal Structure that Complied with Yard Requirements When Established</p>	<p>At the time of its construction in 1965-66 as well as the 1990 second story addition, the principle structure met all setback requirements. When the carport was originally constructed, it complied with the allowed yard extensions as provided at the time of construction.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The proposed garage addition totals 484 square feet in area, of which 145.2 square feet would extend into the minimum required side yard. The net increase in GFA is about 12.3% of the existing GFA of 3,924 square feet.</p>
<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>N/A</p>
<p>Standard 6 Construction in Character with On-Site Development</p>	<p>The proposed garage would replace the existing carport, tool shed, and a small portion of the rear/side deck. The garage is designed to extend the 4-foot wide porch overhang and otherwise will be colored and roofed to match the existing residence.</p>
<p>Standard 7 Construction Harmonious with Off-Site Development</p>	<p>The neighborhood consists of single family detached dwellings with both carports and garages. This proposal is consistent with the character of the neighborhood.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>The proposed garage would be located approximately 35 feet from the neighbor’s residence to the north, which is a reduction of 11.8 feet from the existing carport and 6.5 feet to the existing tool shed. Staff does not anticipate significant increases in runoff, though measures should be taken to reduce runoff through appropriate downspouting and diversion to existing stormwater facilities. DPWES staff does not require additional stormwater planning for this proposal.</p>

<p>Standard 9 Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes this proposal represents the minimum amount of reduction necessary, and will result in an improvement more consistent with the character of the existing residence.</p> <p>The Resource Protection Area (RPA) line currently runs through the center of the residence, and the proposed garage in the proposed location will require a minor amendment to the RPA before construction can commence. The area of the proposed minor amendment is currently maintained as lawn and the proposed construction is designed to minimize grading.</p>
<p>Standard 10 BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p>Standard 11 Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>
<p>Standard 12 Architectural Elevations</p>	<p>Proposed elevation drawings are included as an attachment to the proposed development conditions in Appendix 1.</p>

CONCLUSION

Staff finds that the proposal to permit a reduction of certain yard requirements to permit construction of an addition 7.6 feet from the side lot line is in conformance with the applicable Zoning Ordinance provisions.

RECOMMENDATION

Staff recommends approval of SP 2016-PR-013 for the construction of the addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification, Photographs, and Architectural Renderings
3. Applicant's Affidavit
4. Applicable Building Permit Information
5. Agency Review Comments
6. RPA Minor Amendment Application Process
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-PR-013****May 4, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-PR-013 located at Tax Map 59-1 ((18)) 81 to permit reduction of certain yard requirements pursuant to Sects. 8-922 of the Fairfax County Zoning Ordinance, 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 addition as shown on the special permit plat, entitled "Plat Showing the Improvements on Lot 81 Sutton Place," prepared by George M. O'Quinn, L.S., of Dominion Surveyors Inc., dated November 24, 2015 and received February 4, 2016, consisting of one sheet, as submitted with this application and is not transferable to other land.
3. The applicant is required to gain approval of an exception for a minor addition in a Resource Protection Area, as specified by the Chesapeake Bay Preservation Ordinance, prior to building permit issuance.
4. Pursuant to Par. 4 of Sect. 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,924 square feet existing + 5,886 square feet (150%) = 9,810 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additional that meet minimum yard requirements shall be permitted without an amendment to this special permit.
5. The addition shall be generally consistent with the design and materials of the existing house and the rendering as shown on Attachment 1 to these conditions.

6. The applicant shall install tree protection fencing adjacent to the area of construction prior to commencing site work, and maintain tree protection fencing over the duration of construction.

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.

ATTACHMENT 1: Architectural Renderings for Proposed Garage Addition

SCOTT W. STERL, AIA PLLC 2021 MAGARITY CT. FALLS CHURCH, VA 22043 703-734-6246	MOSS BUILDING & DESIGN 4265-D BROOKFIELD CORPORATE DR. CHANTILLY, VA 20151 703-961-7707	ADDITION & REMODEL FOR: RICH & CHRISTY BERGEMANN 3217 AMBERTY LANE FAIRFAX, VA 22031	12/08/15 3 OF 4
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<p>RECEIVED Department of Planning & FEB 04 2016 Zoning Evaluation Div</p>	<p>PROPOSED WEST ELEVATION SCALE: 1/4"=1'-0"</p>	<p>PROPOSED NORTH ELEVATION SCALE: 1/4"=1'-0"</p>	<p>PROPOSED EAST ELEVATION SCALE: 1/4"=1'-0"</p>
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Statement of Justification, Architectural Renderings, and Selected Photographs**8-922 Provisions for Reduction of Certain Yard Requirements Written Statements**

4. Existing floor area = 2998 square feet. Addition of 484 square foot garage (16% of the total gross floor area of the principle structure). Existing carport and shed to be removed totaling 255 square feet (8.5% of total gross floor area of principle structure)
5. The existing 1 car carport will be removed and a 2 car garage will be added. The new 2 car garage will be the same height, expanding in width by 12 linear feet and depth by 2 linear feet.
6. The new 2 car garage is to be built in the same location as the existing carport. The height will remain the same. The bulk and scale of the new 2 car garage will be in proportion to the existing home.
7. The proposed new 2 car garage does not conflict with any surrounding uses and structures.
8. The proposed new 2 car garage does not adversely impact the use and or enjoyment of the adjacent properties. Noise, light, air, safety, erosion and storm water runoff will not substantially change from the current condition.
9. There is not alternate location for the new 2 car garage based on the layout of the existing driveway and home. The orientation of the new 2 car garage will remain the same as the existing carport. The closest overall structure will not be any closer to the flood plain or Resource Protection Area.
10. Maximum gross floor area, floor area ratio, lot coverage, landscaping and screening do not hinder the construction of the new 2 car garage.

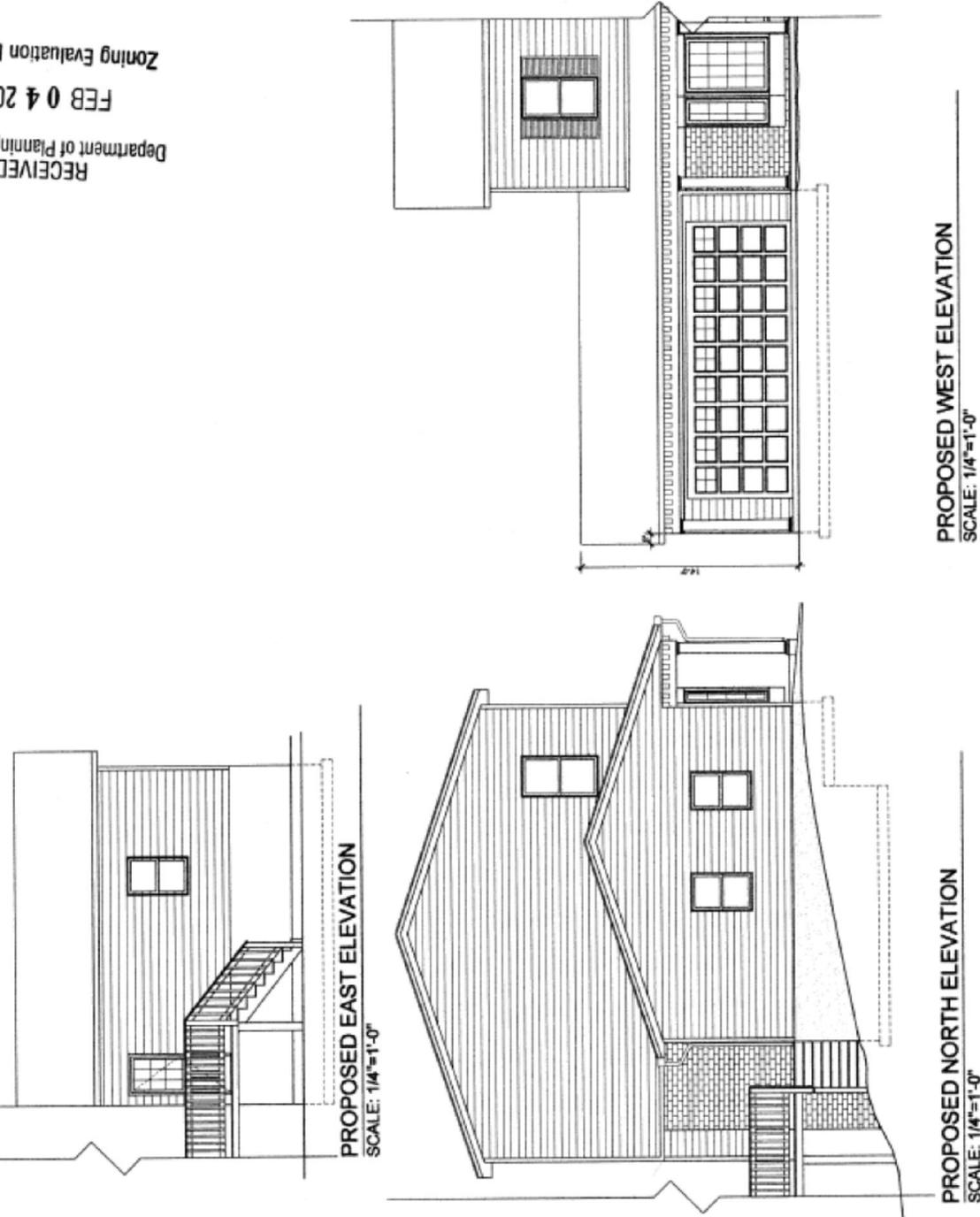
Staff's Note: Provisions 1-3 in Sect. 8-922 are not referenced above.

#1 is the limitation of the Sect. with respect to requests. This application complies with that limitation.

#2 applies to accessory structures. This application is not for an accessory structure.

#3 review indicates that the residence complied with the minimum requirements of the RE-2.5 District in effect at the time of establishment.

12/08/15 OF 4 3	ADDITION & REMODEL FOR: RICH & CHRISTY BERGEMANN 3217 AMBERTY LANE FAIRFAX, VA 22031	MOSS BUILDING & DESIGN 4265-D BROOKFIELD CORPORATE DR. CHANTILLY, VA 20151 703-961-7707	SCOTT W. STERL, AIA PLLC 2021 MAGARITY CT. FALLS CHURCH, VA 22043 703-734-6246
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PROPOSED WEST ELEVATION
SCALE: 1/4"=1'-0"

PROPOSED NORTH ELEVATION
SCALE: 1/4"=1'-0"

PROPOSED EAST ELEVATION
SCALE: 1/4"=1'-0"

RECEIVED
Department of Planning & Zon
FEB 04 2016
Zoning Evaluation Division

12/08/15	ADDN & REMODEL FOR: RICH & CHRISTY BERGEMANN 3217 AMBERLY LANE FAIRFAX, VA 22031	MOSS BUILDING & DESIGN 4265-D BROOKFIELD CORPORATE DR. CHANTILLY, VA 20151 703-961-7707	SCOTT W. STERL, AIA PLLC 2021 MAGARITY CT. FALLS CHURCH, VA 22043 703-734-6246
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ROOF FRAMING
SCALE: 1/4"=1'-0"

RECEIVED
Department of Planning & Zoning
FEB 04 2016
Zoning Evaluation Division



Image 1: House view from rear yard



Image 2: View of shed from rear yard



Image 3: North side view from rear yard, showing shed and partial carport area



Image 4: North side view of carport with view of street



Image 5: View of north side yard and location of proposed garage, which will extend past the existing deck stairway and six feet out from the existing tool shed



Image 6: Approximate edge of proposed garage addition



County of Fairfax, Virginia

MEMORANDUM

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

DATE: March 4, 2016

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. SP 2016-0028

REF.: 133445

RECEIVED
 Department of Planning & Zoning

MAR 07 2016

Zoning Evaluation Division

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

Name of Applicant

Affidavit Date of Oath

Richard J. and Harriet Christy Bergemann

2/29/16

Attachment



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

APPLICATION No: SP 2016-PR-013
 (Staff will assign)

RECEIVED
 Department of Planning & Zoning

FEB 22 2016

Zoning Evaluation Division

APPLICATION FOR A SPECIAL PERMIT

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Richard J TR & Harriet Christy Bergemann TR
	MAILING ADDRESS 3217 Amberley Lane Fairfax, VA 22031
	PHONE HOME (703) 573-9114 WORK (703) 983-5845
	PHONE MOBILE (571) 426-2088
PROPERTY INFORMATION	PROPERTY ADDRESS 3217 Amberley Lane Fairfax, VA 22031
	TAX MAP NO. 0591 18 0081 SIZE (ACRES/SQ FT) 36,012 sq ft
	ZONING DISTRICT R-2 MAGISTERIAL DISTRICT Providence
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL PERMIT REQUEST INFORMATION	ZONING ORDINANCE SECTION 8-922
	PROPOSED USE Reduction in minimum yard requirements to permit addition 7.6 feet from a side lot line
AGENT/CONTACT INFORMATION	NAME Same as Applicant
	MAILING ADDRESS
	PHONE HOME () WORK ()
	PHONE MOBILE ()
MAILING	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant -or- <input type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Richard J. Bergemann TR/Harriet Christy Bergemann TR</p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT</p>	
<p><i>Harriet Christy Bergemann TR</i> <i>Richard J Bergemann TR</i></p> <p>SIGNATURE OF APPLICANT/AGENT</p>	

DO NOT WRITE IN THIS SPACE

Deborah J. Suber

SP2016-0028

Date Application accepted: 2/24/2016 *re* Application Fee Paid: \$ 910.00

Application No.(s): SF 2016-PR-013
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 29, 2016
(enter date affidavit is notarized)

133445

I, Richard J. Bergemann, TR, 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)
Richard J. Bergemann, TR	3217 Amberley Lane, Fairfax, VA 22031	Applicant/Title Owner
Harriet C. Bergemann, TR	3217 Amberley Lane, Fairfax, VA 22031	Applicant/Title Owner
Bergemann Family Trust Beneficiaries: Richard J. Bergemann Harriet C. Bergemann	3217 Amberley Lane, Fairfax, VA 22031	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): SP 2016-PR-013
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 29, 2016
(enter date affidavit is notarized)

133445

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)

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)

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

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

Application No(s): SP 2016-PR-013
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 29, 2016
(enter date affidavit is notarized)

133445

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): SP 2016-PR-013
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 29, 2016
(enter date affidavit is notarized)

133445

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

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

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SP 2016-PL-013
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 29, 2016
(enter date affidavit is notarized)

133445

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) Richard J Bergemann, TR
 Applicant [] Applicant's Authorized Agent

Richard J. Bergemann, TR
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29th day of February 2016, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: May 31st, 2016

ABIAN T FARHADI
NOTARY PUBLIC
REGISTRATION # 7301790
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
MAY 31, 2017

20

Sever

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE ZONING ADMINISTRATOR

APPLICATION FOR CERTIFICATE OF OCCUPANCY

FOR USE IN CONNECTION WITH A NEW BUILDING OR FOR CHANGE IN THE
EXTERIOR OUTLINE OF AN EXISTING BUILDING

(WRITE WITH INK)

DATE June 10, 1965

Name of Proposed Occupant or Trade Name

Applicant Yeonas Development Corp.

Premises number _____

Lot number 81 Block - Section 1

Subdivision or

Acreage Description Sutton Place

To be used as One family Dwelling

Last used as New

Non Conforming Use _____

Material of Building _____

No. of stories high _____

Which floor do you propose to use: _____

Owner of Building (or agent) _____

Address _____

TO BE FILLED IN BY CLERK

ZONE RE 0.5

HEIGHT _____

FIRE ZONE _____

BUILDING PERMIT NO. P-29104

DATE _____

INITIALS

3217 Amberley Lane

This Application Constitutes A Written Request For a Certificate of Occupancy Upon Compliance By the Applicant With Provisions of Section 30-20 (d) of the Code.

It is understood that the Certificate of Occupancy does not take the place of any license that may be required by law, and also that it does not confer the right to erect or maintain any kind of signs.

Zoning Section
No. <u>D-18456</u>
Issued <u>apt</u>
Date <u>6-27-66</u>

P

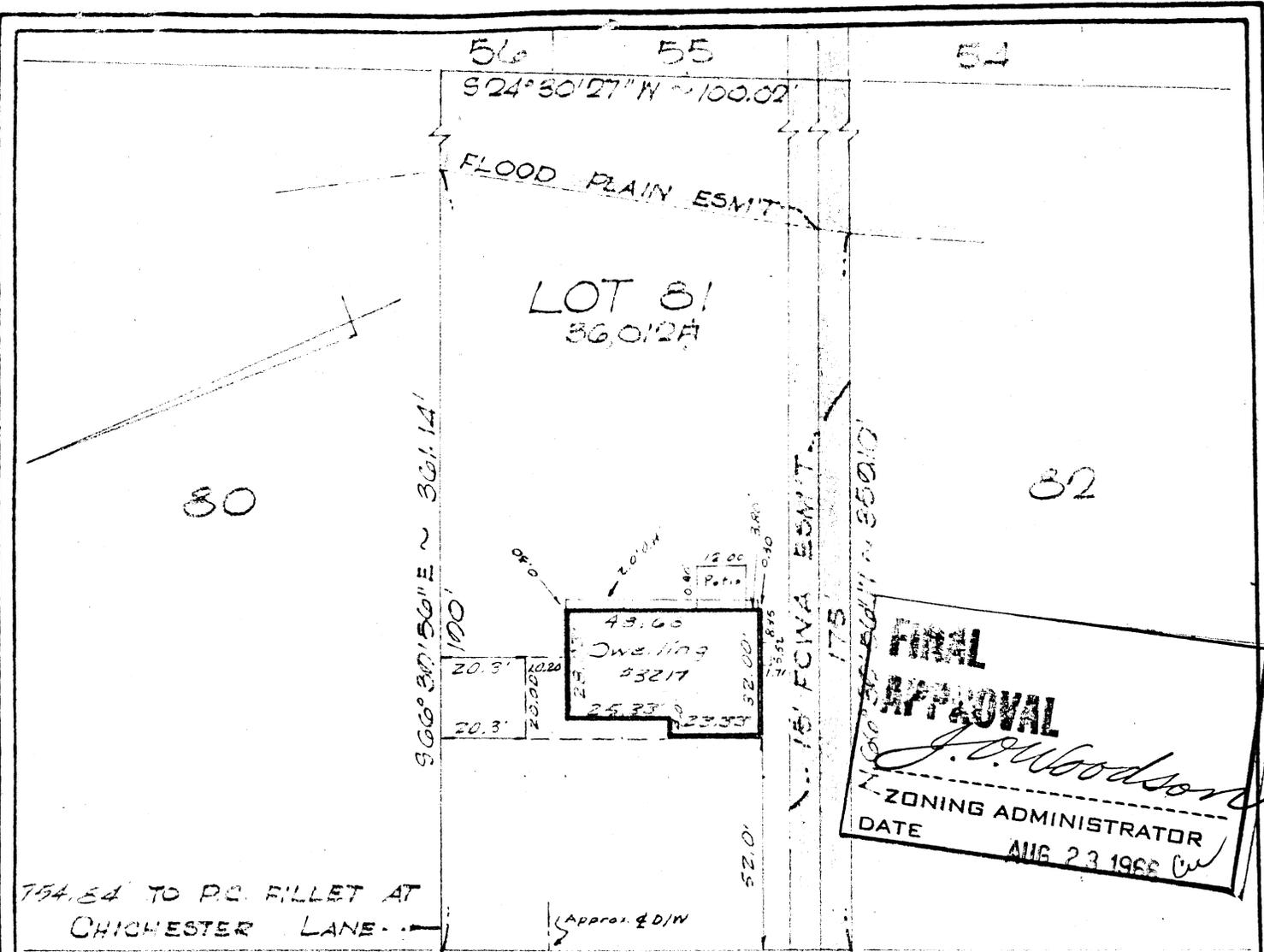
Signature of Proposed Occupant or

Applicant A. G. McKay

Address 226 Maple Avenue, West

Vienna, Virginia

Telephone number _____



754.64 TO PG. FILLET AT
CHICHESTER LANE

N 23° 20' 04" E ~ 1000'

AMBERLEY LANE
(30' R/W)

HOUSE LOCATION
LOT 81

SUTTON PLACE

PROVIDENCE MAGIS. DISTRICT
FAIRFAX COUNTY, VIRGINIA

WALL CR. 8-2-65

SCALE: 1" = 40' DATE: FINAL CR. 10-26-65

GREENHORNE, O'MARA, DEWBERRY & NEALON
Civil Engineers - Land Surveyors
4610 Lee Highway, Arlington, Virginia. JA 5-0713

Certified Correct:

Reference: Drawn by: E.B.G.L.
DB 2440 PG 003 Checked by: R.S.

James H. Deaton

Imp. ok. V. Long. 1-3-67

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE BUILDING INSPECTOR
Application for Building Permit

MAP REFERENCE			
Plot Number	Subd. Des.	Blk. or Sec.	Parcel or lot
59 11	12		81

APPLICATION NO.	D8097
DATE	19 66
PERMIT NO.	P37824

To: BUILD ALTER OR REPAIR ADD TO DEMOLISH MOVE

JOB LOCATION
Street: 3217 Amberly Ln.
Lot No. 82 81
Subdivision Sutton Place

OWNER
Corp. Name _____
Name Jack L. Burford, Jr.
(Reg. Agent)
Address 3217 Amberly Ln.
City Fairfax 560-8168
Telephone Number

ARCHITECT ENGINEER
Name _____
Address _____
City _____ State Reg. No. _____

CONTRACTOR
Name OWNER
Address _____
City _____
County Reg. # _____ State Reg. # _____

DESCRIPTION
For: Tool House

No. of Bldgs. _____ Est. Const. Cost \$ 400.00
No. of Units _____ No. of Stories _____
No. of Kitchens _____ Penthouse _____
No. of Baths _____ Ht. of Bldg. _____ ft.
No. of Rooms _____ Bldg. Area _____ sq. ft.
(Exclude Kit. & Bath)
Basement Slab Crawl Soil: Solid Fill

Ftg: Concrete Pile Caisson
Ext. Walls: Wood Metal Brick
Int. Walls: Plast Drywall Panel
Roof: Flat Pitch Shed
Roofing: Built-up Shingle Roll

Heat: Oil Gas Electric
Equipment: Boiler Furnace Heat Pump. Air Cond.

Sewage: Public Community Septic Tank None
Water: Public Individual Well None

Remarks: _____

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

560-8168 10/24/66 Jack L. Burford, Jr.
Phone No. Date Signature of Owner or Auth. Agent

APPLICANT: DO NOT WRITE BELOW THIS LINE

PLAN APPROVAL
Use Group of Building M Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____
Type of Construction 1-B @ _____ \$ _____
Fire District _____ @ _____ \$ _____
Date Checked 10-24 1966 By J.E.S. TOTAL FEE \$ 5.00
Approved by Building Inspector Charles H. Smith

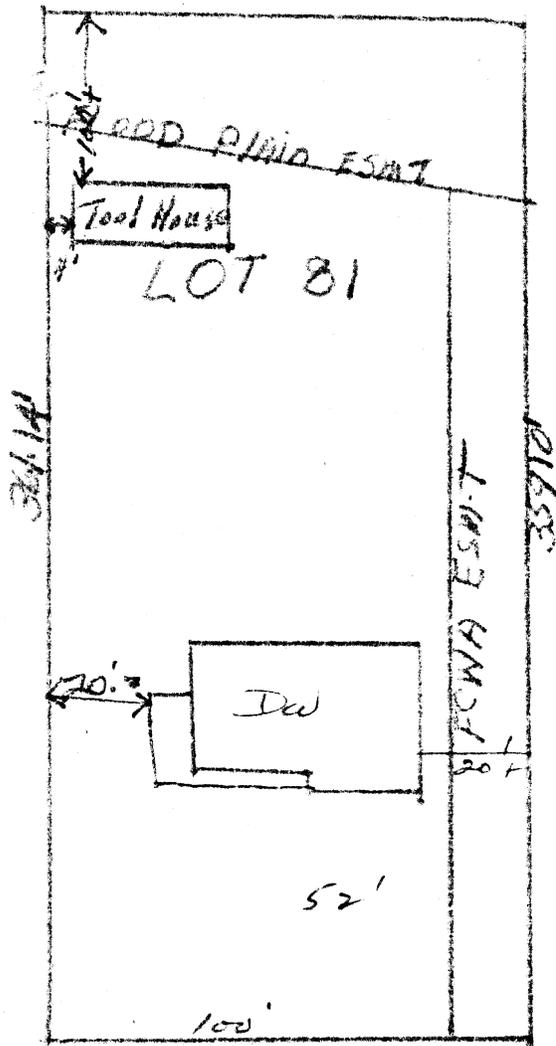
ROUTING	OFFICE	Rm. No.	DATE	BY	OFFICE	Rm. No.	DATE	BY
	<input checked="" type="checkbox"/>	Land Office	112	10-24-66	L.E.	Fire Marshall		
<input checked="" type="checkbox"/>	Zoning Administrator	210	10-24-66	PJ	Streets & Drainage		10/24/66	Jewell
	Sanitary Engineer				Housing & License	32	10-24-66	W. J.
	Health Officer	Rt. 237						

CERTIFICATION
I hereby certify to the following statement:
1. All materials used for performing under this permit will be paid directly to the supplier by the property owner.
2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.
Date 10/14 19 66 Jack L. Burford, Jr. By _____
Property Owner Authorized Agent

Supervisor of Assessments _____
Property is listed in name of Jack L. Burford, Jr.
Magisterial District Providence Deed Book Reference 2698-285
Supervisor: John W. Ferguson (L.E.)

ZONING
Subdivision Sutton Place Lot No. 81 Block _____ Section _____ Zone Res. 100
Street Address 3217
Use of Bldg. Tool Shed Use after Alteration _____ No. Families _____
BZA _____ SITE PLAN _____
Set Back: Front 100+ Rt. Side 20+ Left Side 4' Rear 100+ Zoning Administrator

RETURN THIS COMPLETED APPLICATION TO THE BUILDING INSPECTOR'S OFFICE FOR ISSUANCE OF BUILDING PERMIT.



Lot - 81
Sutton Place

Amberley Lane

D-8087

Department of Public Works
Fairfax County, Virginia
Application Number E.C.T.

I hereby certify that this plot plan and structure shown hereon conform to the requirements of Section 113.10 of The Fairfax County, Virginia Building Code.

Director of Public Works

James White
By the Agent

OCT 24 1966

Date

Approved for proposed location of building as shown: Final approval subject to wall check.

Date OCT 24 1966

J. Wood
 zoning Administrator

Clifton

BJ

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE BUILDING INSPECTOR
Application for Building Permit

MAP REFERENCE			
Plot Number	Subd. Des.	Blk. or Sec.	Parcel or lot

APPLICATION NO. 2101
73333
DATE _____ 19____ PERMIT NO. _____

To: BUILD ALTER OR REPAIR ADD TO DEMOLISH MOVE

JOB LOCATION
Street 3217 Amberley Ln
Lot No. 71
Subdivision Sutton Place Block _____ Section _____

OWNER
Corp. Name Myron Roth
Name (Reg. Agent) Same as above
Address _____
City Fairfax Telephone Number 560-1904

ARCHITECT ENGINEER
Name _____
Address _____
City _____ State Reg. No. _____

CONTRACTOR
Name Sear's
Address Landmark
City _____
County Reg. # _____ State Reg. # _____

DESCRIPTION
For: Alum Patio Cover

No. of Bldgs. _____ Est. Const. Cost \$ 706.80
No. of Units _____ No. of Stories _____
No. of Kitchens _____ Penthouse _____
No. of Baths _____ Ht. of Bldg. _____ ft.
No. of Rooms _____ Bldg. Area _____ sq. ft.
(Exclude Kit. & Bath)
Basement Slab Crawl Soil: Solid Fill

Ftg: Concrete Pile Caisson
Ext. Walls: Wood Metal Brick
Int. Walls: Plast Drywall Panel
Roof: Flat Pitch Shed
Roofing: Built-up Shingle Roll

Heat: Oil Gas Electric
Equipment: Boiler Furnace Heat Pump Air Cond.

Sewage: Public Community Septic Tank None
Water: Public Individual Well None

Remarks: _____

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

Ja 78175

4-7-71

C.P. Cronin

Phone No. _____ Date _____ Signature of Owner or Auth. Agent _____

APPLICANT: DO NOT WRITE BELOW THIS LINE

PLAN APPROVAL
Use Group of Building FA Area of Bldg. _____ @ _____ per Sq. Ft. \$ _____
Type of Construction _____ @ _____ \$ _____
Fire District 4/8 @ _____ \$ _____
Date Checked 4/8 19____ By Jack P. Burch TOTAL FEE \$ 5.00
Approved by Building Inspector _____

ROUTING	OFFICE	FLOOR	DATE	APPROVED BY	OFFICE	FLOOR	DATE	APPROVED BY
	<input checked="" type="checkbox"/>	Land Office	4th	4-5-71	<i>[Signature]</i>	Fire Marshall	B Level	
<input checked="" type="checkbox"/>	Zoning Administrator	6th	4/7/71	<i>[Signature]</i>	Design Review	7th	4-8-71	<i>[Signature]</i>
<input checked="" type="checkbox"/>	Sanitation	8th			Housing & License	6th	4-7-71	<i>[Signature]</i>
<input type="checkbox"/>	Health Dept.	Annex						

CERTIFICATION
I hereby certify to the following statement:
1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner.
2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.
Date _____ 19____ By _____
Property Owner _____ Authorized Agent _____

Supervisor of Assessments
Property is listed in name of Roth, Myron W
Magisterial District Prov. Deed Book Reference 2180-229
Supervisor: John W. Ferguson

ZONING
Subdivision Sutton Place Lot No. 71 Block _____ Section _____ Zone R-1.5
Street Address 3217 Amberley Ln
Use of Bldg. Alum Patio Cover Use after Alteration Plat attached No. Families _____
BZA _____ SITE PLAN _____
Set Back: Front 40 Rt. Side 40 Left Side 40 Rear 25
Zoning Administrator *[Signature]*

59-1 (18)

5'24" 50'27" W ~ 100.02'

P-73333

Department of County Development
Fairfax County, Virginia
Application Number H-3101

FLOOD PLAIN ESMIT

Zoning Administrator

I hereby certify that this plot plan and structure shown hereon conform to the requirements of Section 113.10 of The Fairfax County, Virginia Building Code.

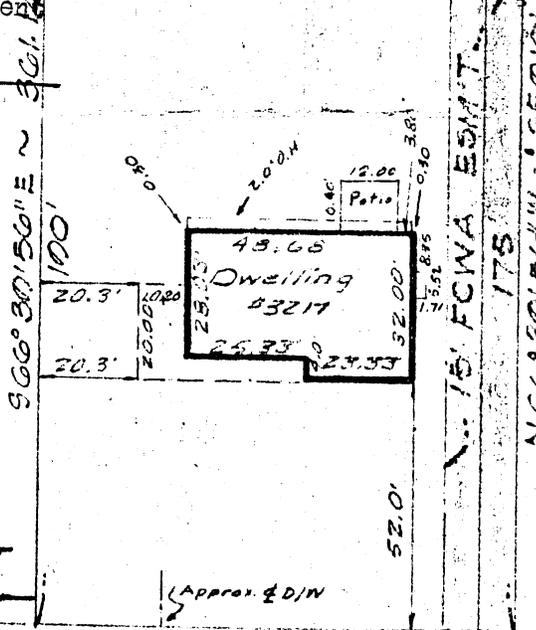
LOT 81
36,012A

APR 8 1971
APPROVED FOR PROPOSED LOCATION OF BUILDING
FINAL APPROVAL SUBJECT TO WALL CHECK

Director of County Development

By His Agent

4-8-71
Date



754.84 TO P.C. FILLET AT CHICHESTER LANE

N 28° 20' 04" E ~ 1000'

AMBERLEY LANE (BORNY)

HOUSE LOCATION LOT 81

Zone
R-0.5

SUTTON PLACE

PROVIDENCE MAGIS DISTRICT
FAIRFAX COUNTY, VIRGINIA

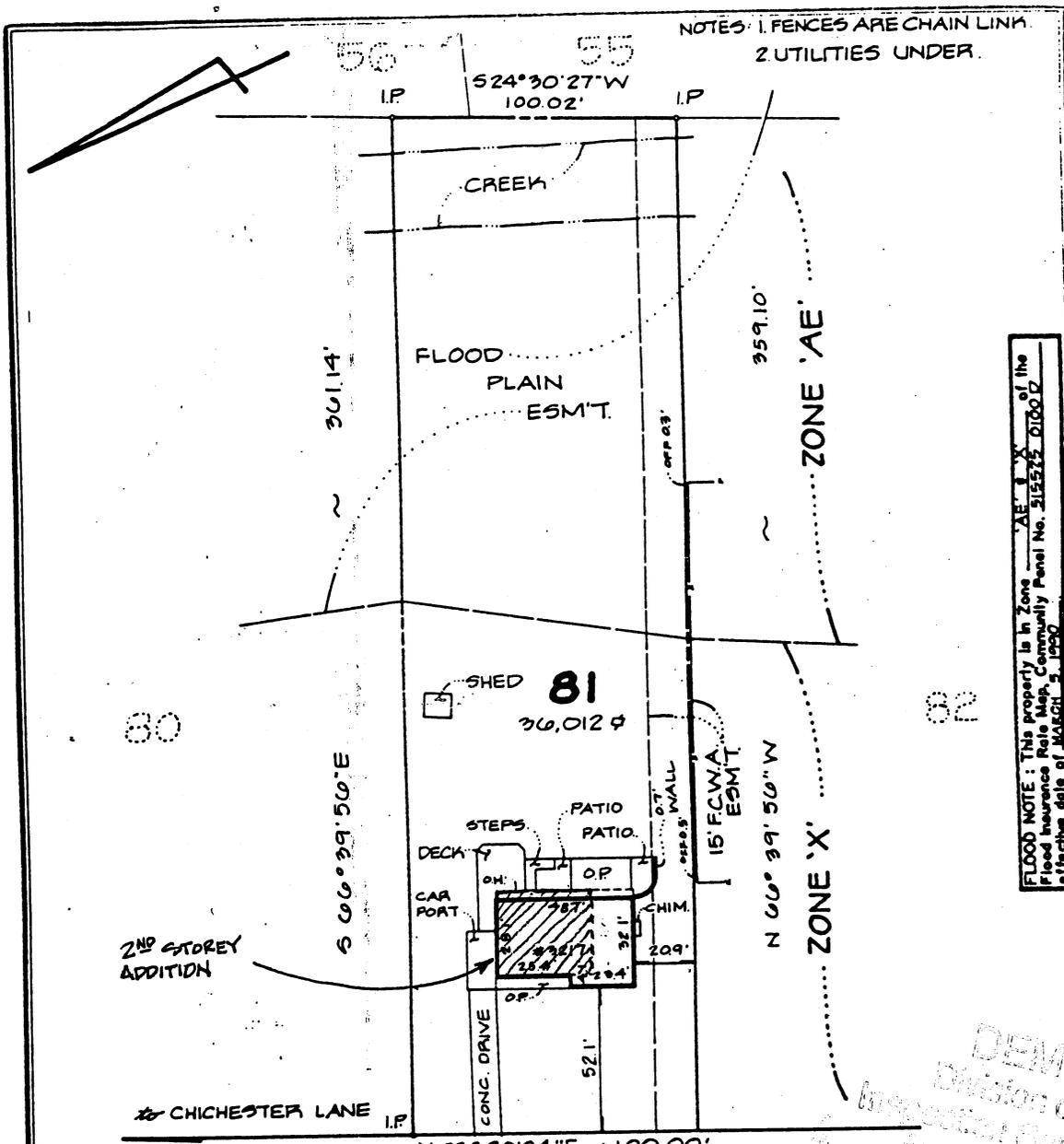
WALL CR: 8-2-65

SCALE: 1"=40' DATE: FINAL CR: 10-26-65
GREENHORNE, O'MARA, DEWBERRY & NEALON
Civil Engineers - Land Surveyors
4610 Lee Highway, Arlington, Virginia. JA 8-0719

Certified Correct:

Reference: DB 2240 P0603
Drawn by: E.B. G.
Checked by: R.S.

James H. Nealon



FLOOD NOTE: This property is in Zone 'AE' of the Flood Insurance Rate Map, Community Panel No. 51557E-0180-D effective date of March 3, 1990

AMBERLEY LANE 2 story Addition
50' R/W

PLAT
SHOWING HOUSE LOCATION ON
LOT 81
SUTTON PLACE
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 0' JUNE 2, 1993

DEM
Division of
Inspection
Approved for
The
6-11-93

THIS DWELLING IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
PLAT SUBJECT TO RESTRICTIONS OF RECORD.
TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE



CASE NAME:
BERGEMANN REF.
FIRST AMERICAN TITLE INSURANCE CO.
ALEXANDRIA SURVEYS, INC

APPROVED
6-11-93
James W. Quinn
Zoning Administrator



County of Fairfax, Virginia

MEMORANDUM

DATE: March 31, 2016

TO: Heath Eddy, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Jay Banks, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Sutton Place, Lot 81, SP 2016-PR-013

I have reviewed the above referenced Special Permit Application stamped "Received, Department of Planning and Zoning, February 22, 2016"; and a Written Statements and Plat stamped "Received, Department of Planning and Zoning, February 4, 2016". A site visit was conducted on March 29, 2016. The following comments and recommendations are based on this review.

1. **Comment:** The attached Written Statements only lists items 4-10, 1-3 were not provided for review.

Recommendation: Statements 1-3 should be provided for review and comment.

2. **Comment:** Statement 10 states that "landscaping and screening do not hinder the construction of the new 2 car garage". The statement is unclear since the existing trees greater than 12" in diameter have not been located on the provided Plat. Further, no limits of disturbance have been provided to help determine the impact to the surrounding trees.

Recommendation: The Plat should provide the location of the existing trees and the limits of disturbance for the construction of the project so that the impact to existing trees may be evaluated.

3. **Comment:** There are 2 existing trees just east of the existing carport that are located within the Resource Protection Area (RPA). It is unclear if these trees will be impacted by the proposed construction and would require their removal. If they are to be removed from the RPA than a tree replanting plan may be necessary.

Recommendation: See comment 2 above.

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



Sutton Place, Lot 81
SP 2016-PR-013
March 31, 2016
Page 2 of 2

4. **Comment:** There is an existing 22" diameter Norway spruce located to the north side of the existing driveway. It is unclear if this tree will be impacted by the construction of the new garage. Further, it is not clear if building debris and the storage of construction materials and vehicles will impact this tree.

Recommendation: If the spruce will remain during construction then tree preservation measures should be considered. These should include, but not be limited to, tree protection fencing, removing/tying limbs out of the way of construction equipment.

If you have any further questions, please feel free to contact me at 703-234-1770.

JSB/

UFMDID #: 212200

cc: DPZ File

REQUIREMENTS FOR MINOR ADDITIONS IN RESOURCE PROTECTION AREAS

The attached form is for use by property owners in Fairfax County proposing an encroachment into a Resource Protection Area (RPA) for construction of a minor addition to an existing home that will result in no more than 2,500 sq. ft. of land disturbance.

RPAs are the corridors of environmentally sensitive land that lie alongside or near the shorelines of streams, rivers, and other waterways. In their natural condition, RPAs protect water quality. RPAs filter pollutants out of stormwater runoff, reduce the volume of stormwater runoff, prevent erosion, and perform other important biological and ecological functions. RPAs help to safeguard the quality of our rivers and streams and contribute to the health of the Chesapeake Bay. RPAs were established under the county's Chesapeake Bay Preservation Ordinance which was adopted in response to state regulations. Under the current ordinance, RPAs are required to be designated around all water bodies with perennial flow. Perennial flow means that water flows in the stream or other water body year-round during a year of normal precipitation. It is important to note that RPAs must be designated regardless of the presence of existing uses, encroachments, and prior vegetation clearing. RPAs are identified as 1993 RPAs or 2003 RPAs depending on the time that ordinance provisions first required their designation.

RPAs generally are areas into which development may not encroach. For those lots that have areas of RPA on them, the ordinance provides relief from the full effects of the RPA restrictions through the administrative exception provisions that allow minor additions to be added to existing homes that were constructed prior to adoption of the ordinance. This relief is provided to the current owners of these homes because the regulations were not in effect at the time the homes were built and the original builders did not have the opportunity to plan the location of these homes to avoid future conflicts with the RPA. At the same time, the county is required to ensure that any encroachment is the minimum necessary and that steps are taken to reduce the impacts of the encroachment on water quality. This is accomplished through the submission of a Water Quality Impact Assessment and the pro rata share payment, based on the increase in impervious area, which goes towards the construction of off-site drainage improvements identified in the county's drainage improvement plan.

A minor addition is an addition that has a footprint no larger than 1,000 sq. ft. or 2% of the lot area up to a maximum of 2,500 sq. ft. whichever is greater. The above are cumulative totals for the new impervious area that may be added to the lot under all minor addition exceptions. To be eligible to add a minor addition that encroaches into a 1993 RPA, the home must have been constructed prior to July 1, 1993. To be eligible to add a minor addition that encroaches into a 2003 RPA, the home must have been constructed prior to November 18, 2003. In determining eligibility, the date of construction of the home is the date that the Residential Use Permit (RUP) for the home was issued.

The state regulations on which the county's ordinance is based do not permit patios or detached structures such as detached garages, gazebos, or swimming pools to be treated as minor additions. The construction, in RPAs, of detached structures and additions that do not meet the eligibility requirements is still possible, but would be subject to an exception process requiring a public hearing. In addition, under certain limited circumstances, administrative approval of new decks for existing homes constructed in RPAs under the ordinance's loss of buildable area provisions may be granted.

Use the attached form to apply for an exception to permit construction of a qualifying minor addition to an existing home that will result in no more than 2,500 sq. ft. of land disturbance. It incorporates both an exception request and a Water Quality Impact Assessment. If your proposed addition qualifies as a minor addition but results in a disturbed area greater than 2,500 sq. ft., a grading plan will be required and you will follow a different submission process for your exception request and Water Quality Impact Assessment.

For further information, contact a stormwater engineer in Site Development and Inspections Division (SDID), Herrity Building - 5th floor, 12055 Government Center Parkway, Fairfax, VA 22035, telephone: 703- 324-1720, TTY 711.

If you are unsure whether your property contains an RPA, RPA maps may be viewed on the county's web site at www.fairfaxcounty.gov/dpwes/environmental/cbay/. You will also find additional information on ordinance requirements and the RPA mapping process on this site.

**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REQUEST FORM AND WATER QUALITY IMPACT ASSESSMENT FOR
MINOR ADDITIONS**

Building Permit #: _____ Exception #: _____
Tax Map #: _____ District: _____
Owner Name(s): _____
Property Street Address: _____

Project Information:

- Attach copy of house location plat showing proposed construction
- Description of work (e.g. build deck over existing lawn area; build 2 story additions with garage...)

- Resource Protection Area (RPA) boundary and date of house construction (select one below)
- 1993 RPA 2003 RPA Year Built: _____
- House constructed prior to July 1, 1993 (1993 RPA or 2003 RPA) [§118-5-5(a)]
- House constructed between July 1, 1993 and November 17, 2003 (2003 RPA) [§118-5-5(b)]

- Has an exception for a minor addition been granted at any time in the past for this property?
- No
- Yes, Exception # / date _____

- Cumulative impervious area in RPA for all for minor addition exceptions < than 1,000 sq. ft. or 2 % of lot area up to 2,500 sq. ft.?

Lot Area (sq. ft.) _____ Lot Area (sq. ft.) x 0.02 = _____

- Area of new attached deck: sq. ft. _____ Pervious Impervious
[Count as impervious area if water cannot pass through the deck to a pervious surface (e.g. lawn).]

- Area of new addition (sq. ft.) = sum all impervious areas:

_____ Area of new addition
_____ Area of new attached deck (impervious)
_____ Area added under prior exception (Exception # _____)
_____ Subtotal
_____ Subtract the area of any existing impervious surfaces to be removed and replaced with
pervious surfaces and any existing impervious surfaces over which the new addition or
impervious deck is placed (include in description of work)
_____ **Net cumulative impervious area in RPA**

Is the proposed project eligible for a "Minor Additions" exception?

- Yes (continue) No (STOP)

The proposed project is not eligible for a "Minor Additions" exception if:

- The project is located in a 1993 RPA and the house was constructed after June 30, 1993;
- The project is located in a 2003 RPA and the house was constructed after November 17, 2003; or
- The proposed addition creates a total cumulative impervious area for all minor additions that is greater than the larger of 1,000 sq. ft. or 2% of the lot area (up to a maximum of 2,500 sq. ft.).

For further information, contact a stormwater engineer in Site Development and Inspections Division, Herry Building - 5th floor, 12055 Government Center Parkway, Fairfax, VA 22035, or by phone: 703-324-1720, TTY 711.

Water Quality Impact Assessment:

(a) Display the boundaries of the RPA (check one):

- RPA boundary shown on house location plat CBPA map attached with lot identified

Other Map (describe) _____

(b) Display and describe the location and nature of the proposed encroachment into and/or impacts to the RPA, including any clearing, grading, impervious surfaces, structures, utilities, and sewage disposal systems.

Copy of house location plat showing proposed construction attached Yes No

Is any clearing or grading proposed other than removal of existing lawn, patio, or maintained landscaping?

Yes No

If the answer is yes, describe the vegetation to be removed (e.g. number, size, and type of trees or area of woods). _____

Disturbed Area - In determining the disturbed area, add a 10 foot perimeter to the footprint of the addition on the sides that do not touch the existing house. Also include a 10 foot wide access path from the disturbed area of the addition to the street or driveway.

Proposed Work	Disturbed Area in RPA (sq. ft.)	Disturbed Area Outside of RPA (sq. ft.)	Total Disturbed Area (sq. ft.)
Addition			
Construction Access			
New Drainfield (if required)			
New Utility Connections (if required)			
Totals			

*Is the total of all disturbed areas > 2,500 sq. ft.?

Yes (STOP – a grading plan is required) No (continue)

(c) Provide justification for the proposed encroachment into and/or impacts to the RPA.

Can you reasonably avoid locating the addition in the RPA?

Yes (STOP) No (continue)

If no, briefly describe why it is not practical to locate the proposed encroachment outside of the RPA. (e.g. entire lot located in RPA, house has RPA on all sides, location outside of RPA would not meet minimum yard setbacks, existing utility easements constrain location, etc.) _____

(d) Describe the extent and nature of any proposed disturbance or disruption of wetlands. _____

I hereby certify that the information provided above is true and correct to the best of my knowledge and request an exception to the requirements of the Chesapeake Bay Preservation Ordinance under Section 118-5-5, Minor Additions, to be allowed to construct the addition shown on the attached plat/grading plan.

Applicant Name (Print): _____ Owner Contractor Other

Signature: _____ Date: _____ Phone: _____

Pro-Rata Share Computation and Approval Information -- For County Use Only

New Impervious Area _____ (ft²) / 43,560 ft²/ac. x Rate _____ (\$ per acre) = \$ _____

(Pro-Rata Share is not required for attached decks constructed over existing maintained areas where rainfall is allowed to pass through the deck and no additional impervious area is created.)

Exception No. _____ § 118-5-5(a) § 118-5-5(b)

[Include exception no. and code reference on Building Permit application.]

No review fee required for exception or WQIA

Recommended for approval by:

WQIA Reviewer – SDID (Print name) (Signature) Date: _____

Approved by: _____ Date: _____

Customer and Technical Support Center

Zoning Ordinance Provisions

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

8-922 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 expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.
 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 Emergency Management Agency, 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.