



County of Fairfax, Virginia

June 8, 2016

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2016-DR-022

DRANESVILLE DISTRICT

APPLICANT/OWNER: Amy Gwinn

STREET ADDRESS: 1636 Evers Drive, McLean, 22101

SUBDIVISION: West Lewinsville Heights

TAX MAP REFERENCE: 30-3 ((10)) 30

LOT SIZE: 11,755 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit a reduction of certain yard requirements to permit construction of addition 6.0 feet from a side lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2016-DR-022 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.

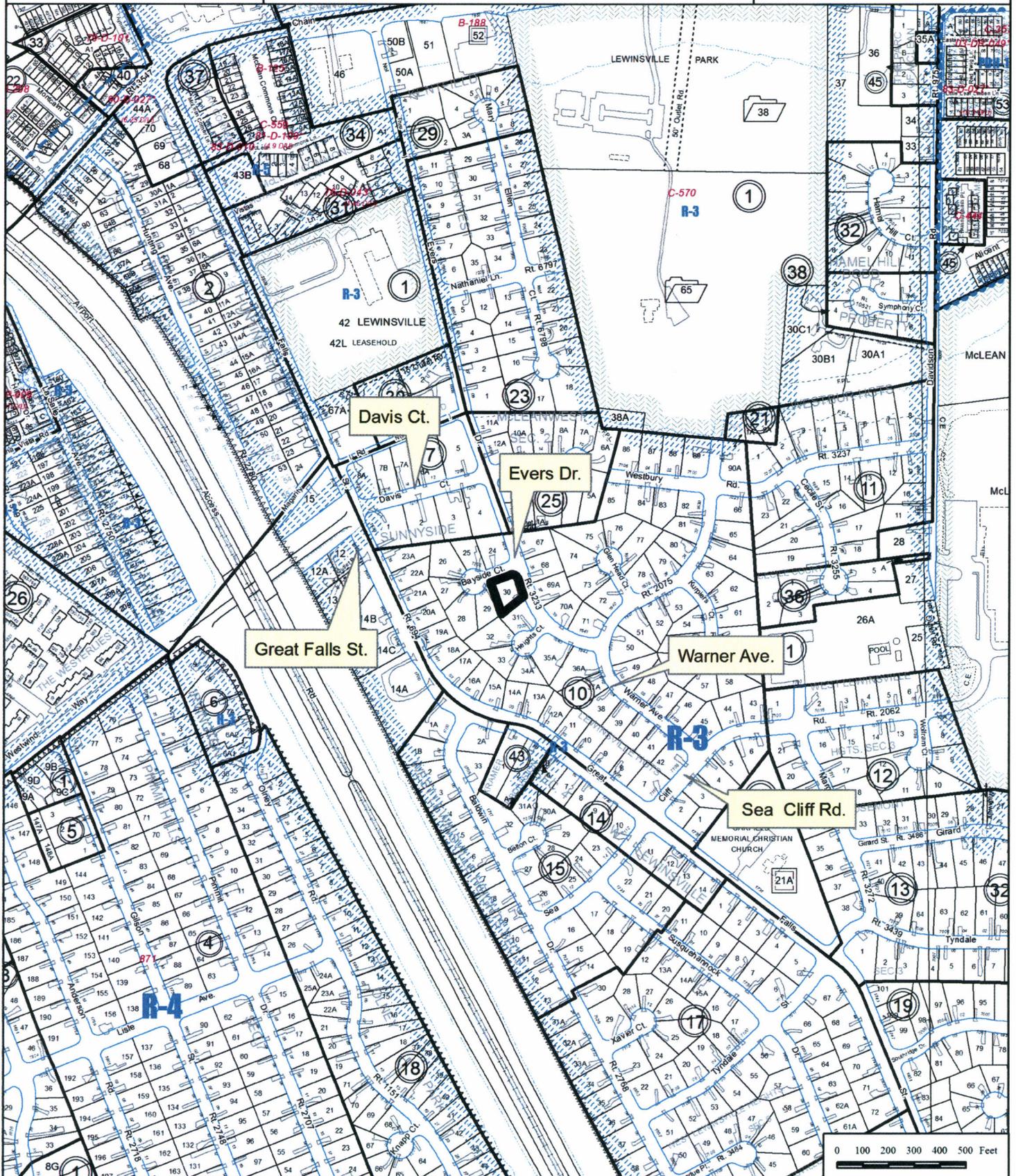
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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-DR-022 AMY GWINN



1636 EVERS DRIVE

PROVIDENCE DISTRICT - FAIRFAX COUNTY, VA

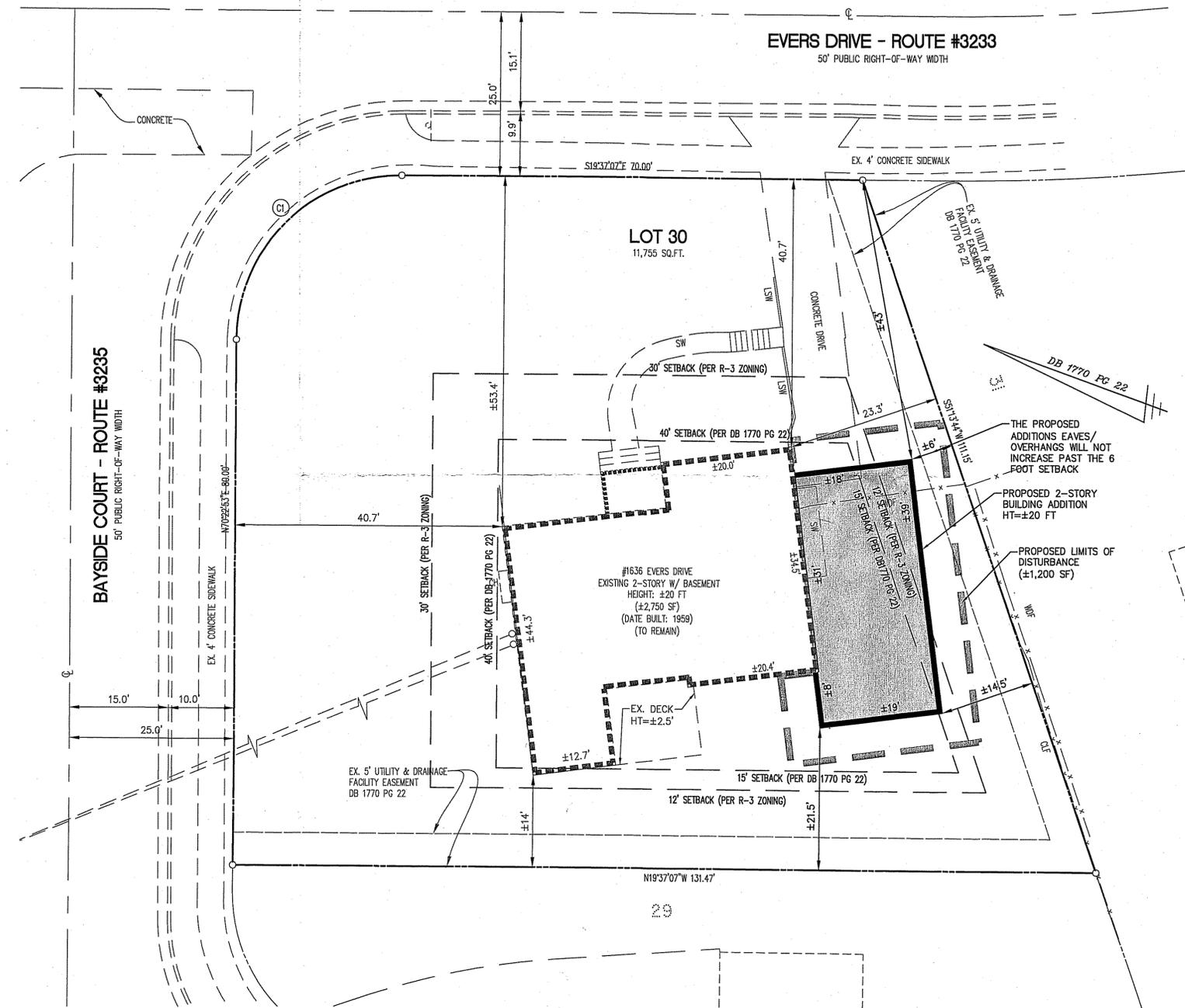
SPECIAL PERMIT PLAT

RECEIVED
Department of Planning & Zoning
MAR 16 2016
Zoning Evaluation Division

Engineers • Surveyors • Planners
Landscape Architects • Arborists
207 PARK AVENUE
FALLS CHURCH, VIRGINIA 22046
(703) 532-6163 Fax (703) 533-1301
www.WLPINC.com

WALTER L. PHILLIPS
INCORPORATED
ESTABLISHED 1945
SCALE: 1" = 10'
DATE: 3/10/16

NO.	DESCRIPTION	DATE	REV. BY	APPROVED



NOTES

- THE PROPERTY IS DESIGNATED BY FAIRFAX COUNTY, VIRGINIA, AS TAX ASSESSMENT MAP NUMBER 030-3-10-0030, AND IS ZONED R-3.
- THE PROPERTY IS SHOWN ON FAIRFAX COUNTY LAND RECORDS AS BEING OWNED BY AMY GWINN, LOCATED AT 1636 EVERS DRIVE, MCLEAN VA 22101. AMY GWINN IS ALSO THE APPLICANT.
- THIS APPLICATION IS TO REQUEST A SPECIAL PERMIT TO PERMIT A REDUCTION OF THE SIDE YARD REQUIREMENTS PER ZONING ORDINANCE SECTION 8-922. THE REQUIREMENT IN THE R-3 ZONING DISTRICT IS 12 FEET.
- THE R-3 ZONING REQUIRES A 12 FOOT SIDE YARD SETBACK. THIS PLAT PROPOSES AN APPROXIMATE 6 FOOT SIDE YARD SETBACK, WHICH IS A 50% REDUCTION REQUEST. THE PROPOSED REDUCTION IS THE MAXIMUM 50% PERMITTED REDUCTION.
- THIS PLAN AND THE SURVEY UPON WHICH IT IS BASED SHOWS ONLY THOSE IMPROVEMENTS THAT ARE OBSERVABLE AND CAN BE LOCATED USING NORMAL SURVEY METHODS. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, MISS UTILITY MARKINGS AND EXISTING RECORDS. THERE IS NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED; NOR THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE UNDERGROUND UTILITIES HAVE NOT BEEN PHYSICALLY LOCATED.
- TOTAL AREA OF THE PROPERTY IS 11,755 SQUARE FEET OR 0.2698 ACRES.
- THIS PLAN IS BASED ON A FIELD SURVEY BY THIS FIRM.
- THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR FAIRFAX COUNTY, VIRGINIA, COMMUNITY-PANEL NUMBER 5105900165E, REVISED DATE SEPTEMBER 17, 2010, DESIGNATES THE PROPERTY AS BEING IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
- THERE ARE NO KNOWN RESOURCE PROTECTION AREAS, RESOURCE MANAGEMENT AREAS OR ENVIRONMENTAL QUALITY CORRIDOR LOCATED ON THIS PROPERTY.
- THIS SURVEY DOES NOT NECESSARILY SHOW AND/OR NOTE ALL EASEMENTS, COVENANTS, CONDITIONS OR RESTRICTIONS THAT MAY EXIST IN THE CHAIN OF TITLE. NO TITLE REPORT FURNISHED.
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- TOTAL DISTURBED AREA WILL BE LESS THAN 2,500 SQUARE FEET; THEREFORE, AN EXISTING VEGETATION MAP, OUTFALL ANALYSIS, STORMWATER MANAGEMENT PLAN OR LOT GRADING PLAN ARE NOT REQUIRED.
- PARKING AS REQUIRED BY THE ORDINANCE IS EXISTING ON THE LOT.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO GRAVES LOCATED ON THE SITE.
- THERE ARE NO KNOWN UTILITY EASEMENTS ON THE PROPERTY HAVING A WIDTH OF 25 FEET OR MORE.
- TO THE BEST OF OUR KNOWLEDGE THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES ON THIS PROPERTY.
- EXCEPT AS NOTED, THE PROPOSED DEVELOPMENT CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS.
- THE ADJACENT PROPERTIES ARE SIMILAR IN ZONE AND USE TYPE; THEREFORE THE PROPOSED BUILDING ADDITION WILL NOT CAUSE ANY ADVERSE IMPACT TO THE ADJACENT PROPERTIES AND IS HARMONIOUS WITH THE SURROUNDING OFF-SITE USES AND STRUCTURES.

ZONING TABULATION

EXISTING ZONE: R-3, RESIDENTIAL (1 DWELLING UNIT PER ACRE)
SITE AREA: ±11,755 SF OR ±0.2698 AC

	REQUIRED	PROVIDED
MIN. LOT AREA:	10,500 SF	±11,755 SF
AVG. LOT AREA:	11,500 SF	±11,755 SF
MIN. LOT WIDTH:	80 FT (INT.)	N/A
	105 FT (COR.)	±105 FT
MAX. BLD. HT:	35 FT	±20 FT (EX. AND PROP.)
MIN. YARD REQUIREMENTS:		
FRONT	30 FT	±40.7 FT
SIDE	12 FT	±6 FT*
REAR	25 FT	N/A
MAX. DENSITY:	3 DU/AC	0.41 DU/AC

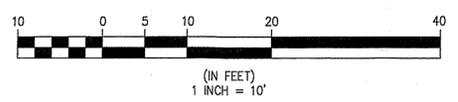
* A SPECIAL PERMIT IS REQUESTED FOR THE SIDE YARD REDUCTION

BUILDING AREA AND GFA CALCULATION

EXISTING BUILDING:	±2,731 SF *
PROPOSED BUILDING ADDITION:	±1,380 SF
TOTAL FLOOR AREA :	±4,111 SF

* INCLUDES BASEMENT

EX. FLOOR AREA RATIO: EX GFA (2,731 SF) / LOT AREA (11,755 SF) = 0.24
 PROPOSED ADDITION: PROP GFA (1,380 SF) / EX GFA (2,731) = 0.51
 PROPOSED GROSS FLOOR AREA: EX GFA (2,731 SF) + PROP GFA (1,380 SF) = 4,111 SF
 PROPOSED FLOOR AREA RATIO: TOTAL GFA (4,111 SF) / LOT AREA (11,755 SF) = 0.35



CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEARING
C1	25.00'	39.27'	90°00'00"	25.00'	35.36'	S64°37'07"E

SPECIAL PERMIT PLAT
1636 EVERS DRIVE
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SPECIAL PERMIT REQUEST

The applicant is requesting approval to permit a reduction in certain yard requirements to permit construction of an addition 6.0 feet from the southern side lot line. The proposed two story, one car garage addition will be 1,380 square feet in size and 20 feet in height. The addition would also be used for extending the second floor living area. The minimum required side yard specified by the R-3 district is 12 feet. Therefore, the applicant is requesting a reduction of 6.0 feet, or 50 percent.

A copy of the special permit plat titled, "Special Permit Plat, 1636 Evers Drive," prepared by Aaron M. Vinson, P.E., dated March 10, 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



Figure 1- Aerial View of Subject Property

The 11,755 square foot lot contains a split-level story single family detached dwelling with a full basement. The property is a corner lot with a concrete driveway providing access to the property from Evers Drive. There is no existing garage or carport. A walkway leads from the driveway to the front stoop. A deck 2.5 feet in height is located at the rear of the house. A utility and drainage facility easement 5 feet in width runs along the western side lot line.

The subject property is located east of the Dulles Airport Access Road on the southwestern corner of the intersection of Evers Drive and Bayside Court. The subject property and surrounding properties are zoned R-3 and developed with single family detached dwellings.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1959 and purchased by the applicant in 2015. In May 1959, the subdivision was established subject to Covenants and Restrictions. One of the restrictions required that no building was to be located nearer than 40 feet to a front lot line or nearer than 15 feet to an interior lot line. In March 1960, a Modification to the Restrictive Covenants was adopted in response to the recently updated Zoning Ordinance (Appendix 4). This modification reduced the requirement that no building be nearer than 15 feet from an interior lot line to a distance of 12 feet, which conforms to the Zoning Ordinance's minimum side yard requirement for the R-3 district. The applicant's special permit plat depicts both the R-3 zoning side yard setback of 12 feet as well as the original Restrictive Covenant requiring a 15 foot setback. The plat is therefore incorrect as the side yard setback requirement is now 12 feet under both the Zoning Ordinance and the subdivision's Restrictive Covenants. Staff notes that covenants and restrictions are a private agreement between property owners and that the Fairfax County Zoning Ordinance is the governing document for the review of this application.

Since the adoption of the Zoning Ordinance, similar applications were heard by the Board of Zoning Appeals on nearby properties to permit a reduction in a minimum required side yard. The most recent applications heard were located on Warner Avenue and Sea Cliff Road. The information on similar applications is contained in Appendix 5.

DESCRIPTION OF THE ADDITION

The applicant proposes to construct a two story addition on the southern side of the existing house. The addition would be approximately 20 feet in height and a total of 1,380 square feet in size with a footprint of 18 feet wide by 31 feet long. The addition would be located at the end of the existing driveway and would provide the property with a one car garage on the first floor and additional living area on the second floor. While the shape of the addition is a rectangle, the existing house is situated off-center to the property lines which results in only the southeastern corner of the proposed addition extending into the minimum required side yard.

The provided elevations of the addition depict it matching the existing house in height and materials with a stone veneer on the first story and siding on the second story.

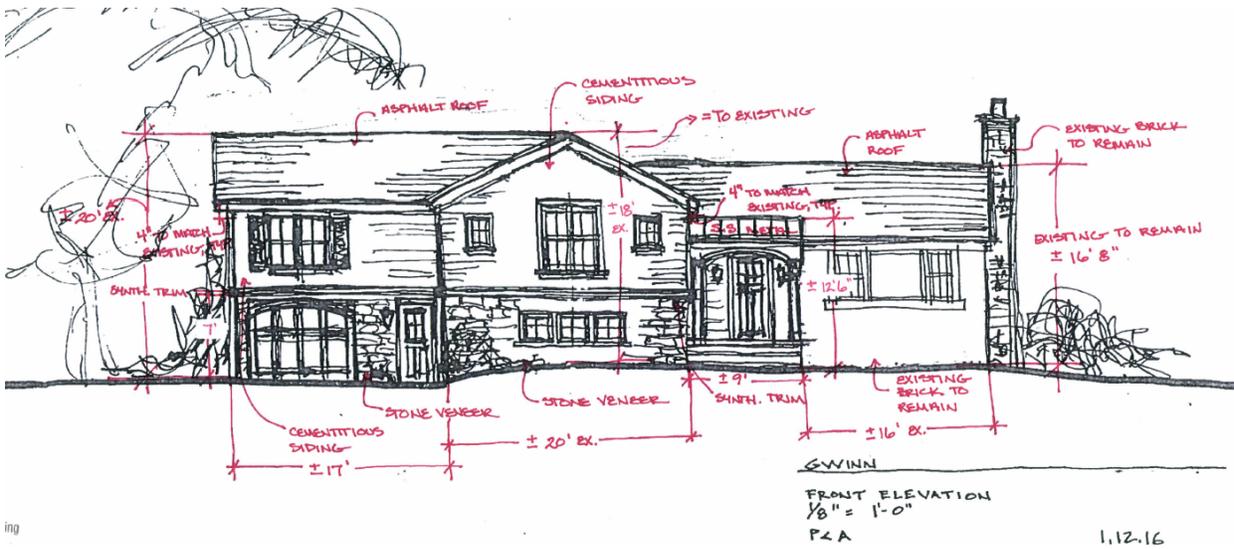


Figure 2- Proposed Front Elevation

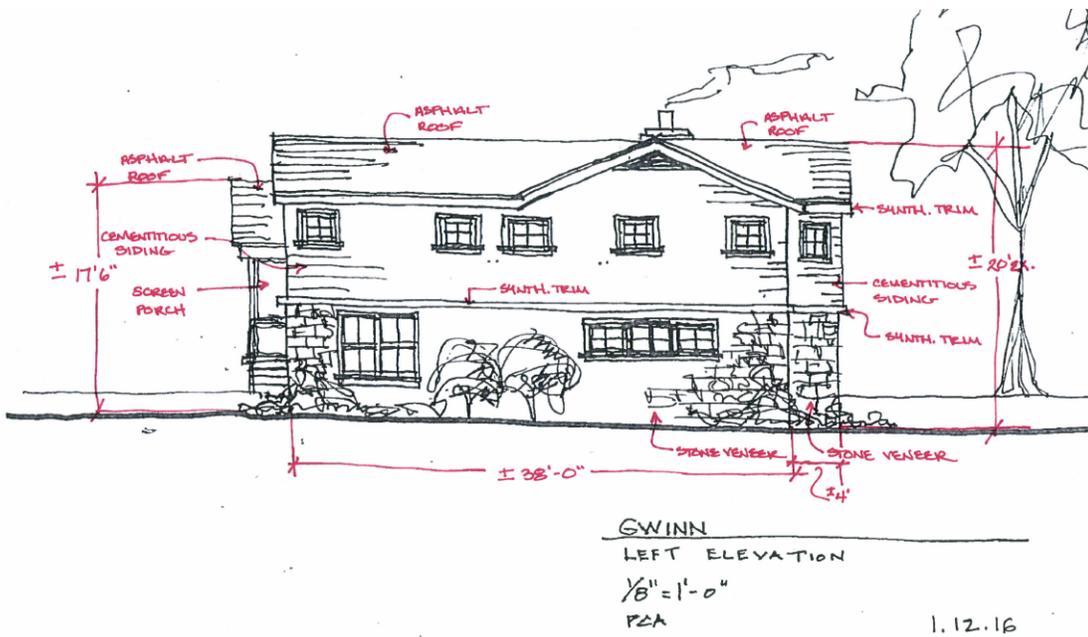


Figure 3- Proposed Side Elevation

ANALYSIS

Comprehensive Plan Provisions

Plan Area: II
Planning District: McLean
Planning Sector: Kirby Community Planning Sector (M3)
Recommendation: 2-3 dwelling units/acre

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	11,755 sf.
Lot Width	Corner: 105 feet	70 feet*
Building Height	35 feet	20 feet
Front Yard	30 feet	Eastern: 40.7 feet Northern: 40.7 feet
Side Yard	12 feet	Western: 14 feet Southern: Existing: 23.3 feet Proposed: 6.0 feet

* The subject parcel was created and developed prior to the adoption of the current Zoning Ordinance; therefore it is considered a legal, buildable lot under Sect. 2-405.1 of the Zoning Ordinance.

Zoning Ordinance Requirements (Appendix 6)

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

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-3 District allows a reduction in minimum required yards with special permit approval.
Standard 3 <i>Adjacent Development</i>	In staff’s opinion, the proposed use will not hinder or discourage use or development of neighboring properties or negatively affect value. Through photographic research, staff has observed that several properties in the surrounding area have added on to their existing dwellings, including for carports and garages. The proposed garage and addition is in character with the neighborhood.

<p>Standard 4 <i>Pedestrian/ Vehicular Traffic</i></p>	<p>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.</p>
<p>Standard 5 <i>Landscaping/ Screening</i></p>	<p>The proposed garage addition does not appear to impact any existing landscaping.</p>
<p>Standard 6 <i>Open Space</i></p>	<p>There is no prescribed open space requirement for individual lots in the R-3 District.</p>
<p>Standard 7 <i>Utilities, Drainage, Parking, and Loading</i></p>	<p>There are no changes to the utilities, drainage, or loading of the site. The property does not currently have either a garage or a carport.</p>
<p>Standard 8 <i>Signs</i></p>	<p>No signage is proposed.</p>

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

<p>Standard 1 <i>Lot Size and Bulk Regulations</i></p>	<p>The bulk regulations for minimum required yards are requested to be modified with the special permit application. The property conforms to all other lot and bulk regulations with the exception of lot width. However, the subject parcel was created and developed prior to the adoption of the current Zoning Ordinance; therefore it is considered a legal, buildable lot under Sect. 2-405.1 of the Zoning Ordinance</p>
<p>Standard 2 <i>Performance Standards</i></p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p>
<p>Standard 3 <i>Site Plan</i></p>	<p>The construction is not disturbing more than 2,500 square feet; therefore the application is not subject to the provisions of Article 17, Site Plans.</p>

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

<p>Standard 1 <i>Yard Requirements Subject to Special Permit</i></p>	<p>A. <i>Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet.</i> The proposed two story addition would be located 6.0 feet from the southern side lot line; the required side yard in a R-3 District is 12 feet, resulting in a reduction of 6.0 feet or 50%.</p> <p>B. Pipestem lots- N/A C. Accessory structure locations – N/A D. Extensions into minimum required yards allowed by Sect. 2-412- N/A</p>
<p>Standard 2 <i>Not a Detached Structure in a Front Yard</i></p>	<p>The application does not propose a detached accessory structure.</p>
<p>Standard 3 <i>Principal Structure that Complied with Yard Requirements When Established</i></p>	<p>When the existing dwelling was built in 1959 it complied with all zoning ordinance requirements.</p>

<p>Standard 4 <i>Addition No More than 150% of Existing Gross Floor Area (GFA)</i></p>	<p>The proposed addition will be approximately 1,380 square feet. The existing GFA of the primary structure is 2,731 square feet; Therefore 150% of the total gross floor area could result in additions up to 4,096.5 square feet in size for a possible total square footage at build out of 6,827.5 square feet. The total square footage of the house with the addition is 4,111 square feet. Therefore the application meets this provision.</p>
<p>Standard 5 <i>Accessory Structure Subordinate in Purpose, Scale, Use and Intent</i></p>	<p>There is no accessory structure proposed, therefore this Standard is not applicable.</p>
<p>Standard 6 <i>Construction in Character with On-Site Development</i></p>	<p>The elevation drawings and applicant's statement indicate that the materials, size and scale of the proposed addition 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 additions and garages on neighboring properties. The proposed addition would be the same height as the existing house and built at the end of the existing driveway, which staff believes is the logical location for a garage addition. Also, only the southeastern corner of the addition will extend into the required side yard with most of the structure able to be constructed by-right. Staff believes that the proposed addition would not affect neighboring properties.</p>
<p>Standard 8 <i>Construction Shall Not Adversely Impact Adjacent Properties</i></p>	<p>Staff believes that the proposed addition 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 which is not anticipated based on the current proposal, the application would be 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 proposed project is to construct a two story addition with a one car garage on the first floor and additional living area on the second floor. The southeastern corner of the addition would be located 6.0 feet from the southern side lot line with the rest of the structure located within the buildable envelope of the lot and able to be constructed by-right. Approval of the special permit will allow the applicant to square off the corner of the addition and provide a more normal-looking design. The garage addition is proposed to be located at the end of the existing driveway where no garage or carport currently exists.</p> <p>Staff believes that the proposal is the minimum request necessary for a usable one car garage.</p> <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.</p>
<p>Standard 10 <i>BZA May Impose Conditions</i></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 elevations are included in the beginning of this report and are also included as an attachment to the proposed development conditions in Appendix 1.</p>

CONCLUSION AND RECOMMENDATION

Staff recommends approval of SP 2016-DR-022 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. Release and Modification of Restrictive Covenant
5. Similar Case History
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-DR-022****June 8, 2016**

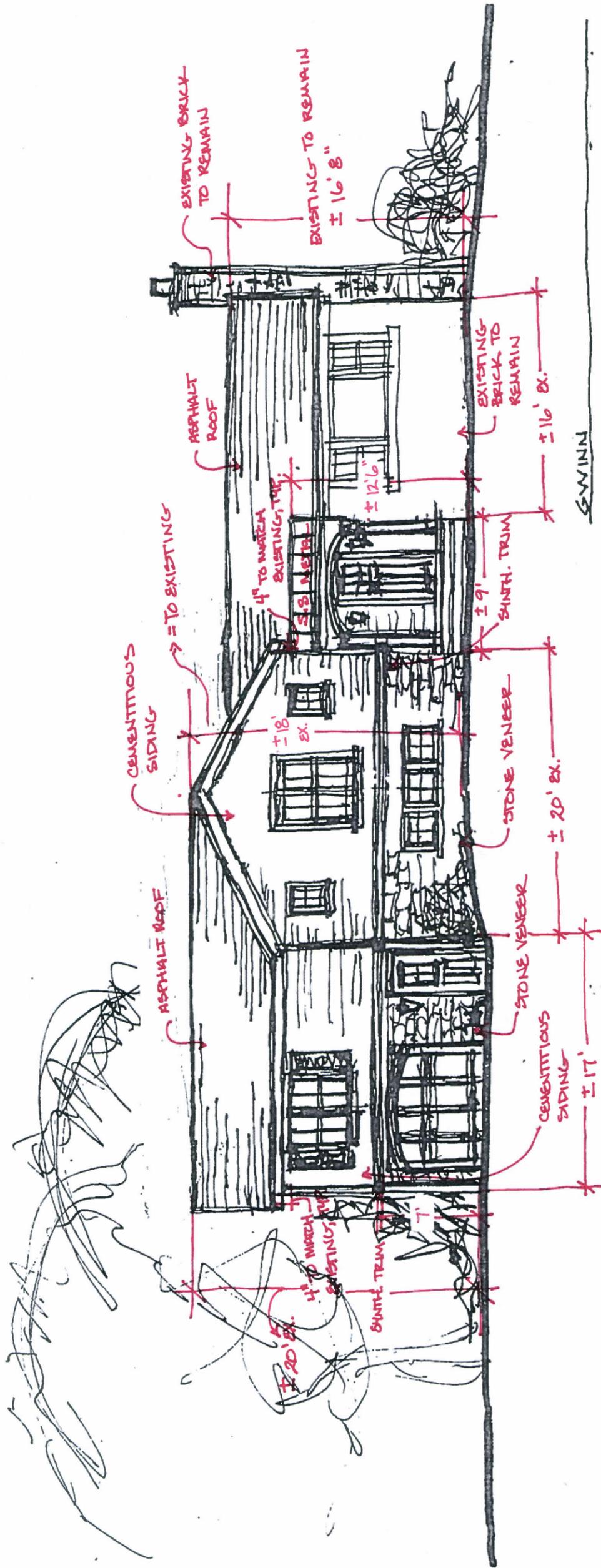
If it is the intent of the Board of Zoning Appeals to approve SP 2016-DR-022 located at Tax Map 30-3 ((10)) 30 to permit reduction of certain yard requirements to construct an addition pursuant to Sect.8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval 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 plat titled, "Special Permit Plat, 1636 Evers Drive," prepared by Aaron M. Vinson, P.E., dated March 10, 2016, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 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 2,731 square feet existing + 4,096.5 square feet (150%) = 6,827.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. The applicant shall obtain all final inspections for the building permits related to construction of the addition.

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

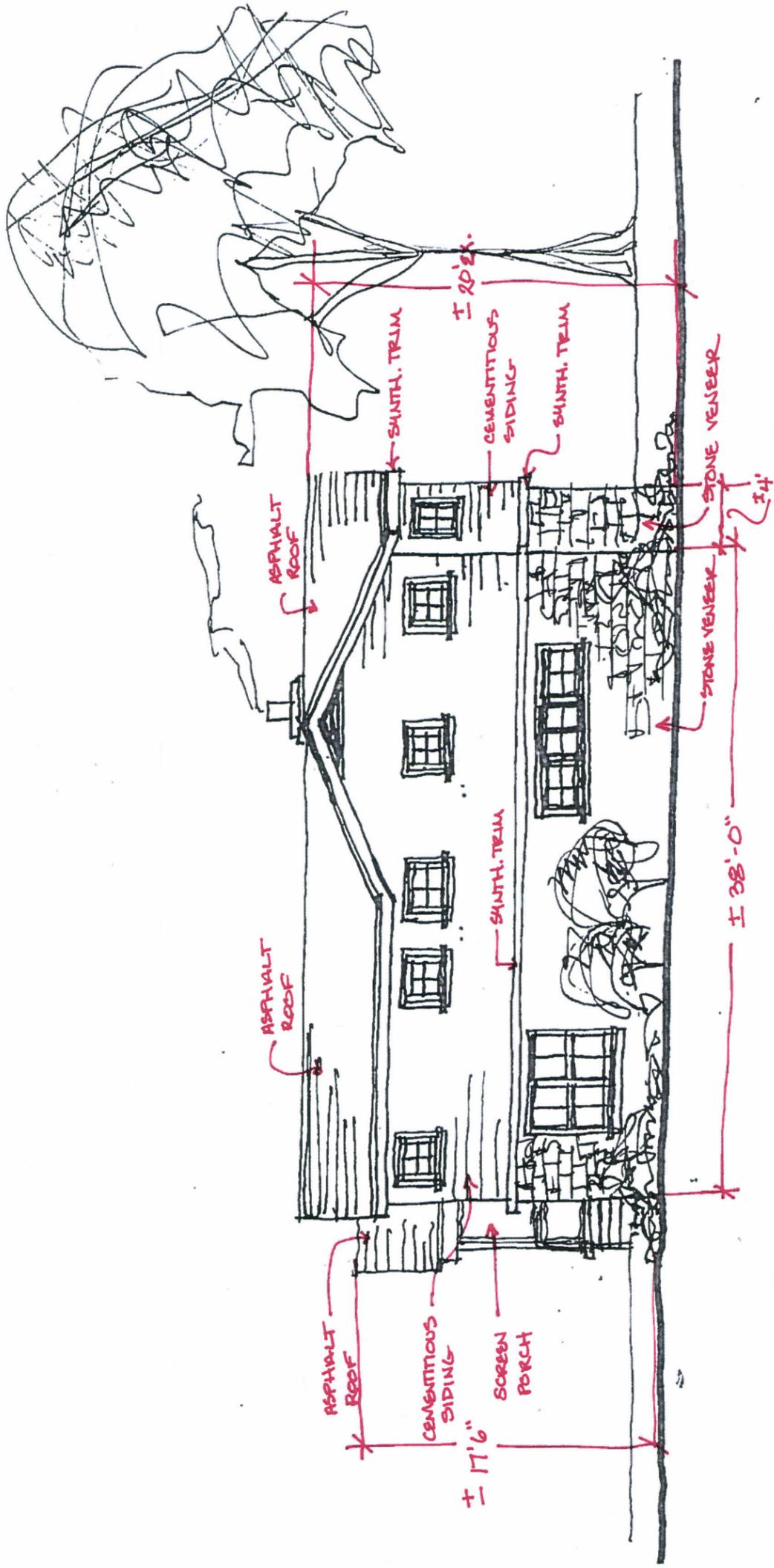
grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



SWINN
 FRONT ELEVATION
 1/8" = 1'-0"
 P.L.A.

1.12.16

RECEIVED
 Department of Planning & Zoning
 MAR 10 2016
 Zoning Evaluation Division

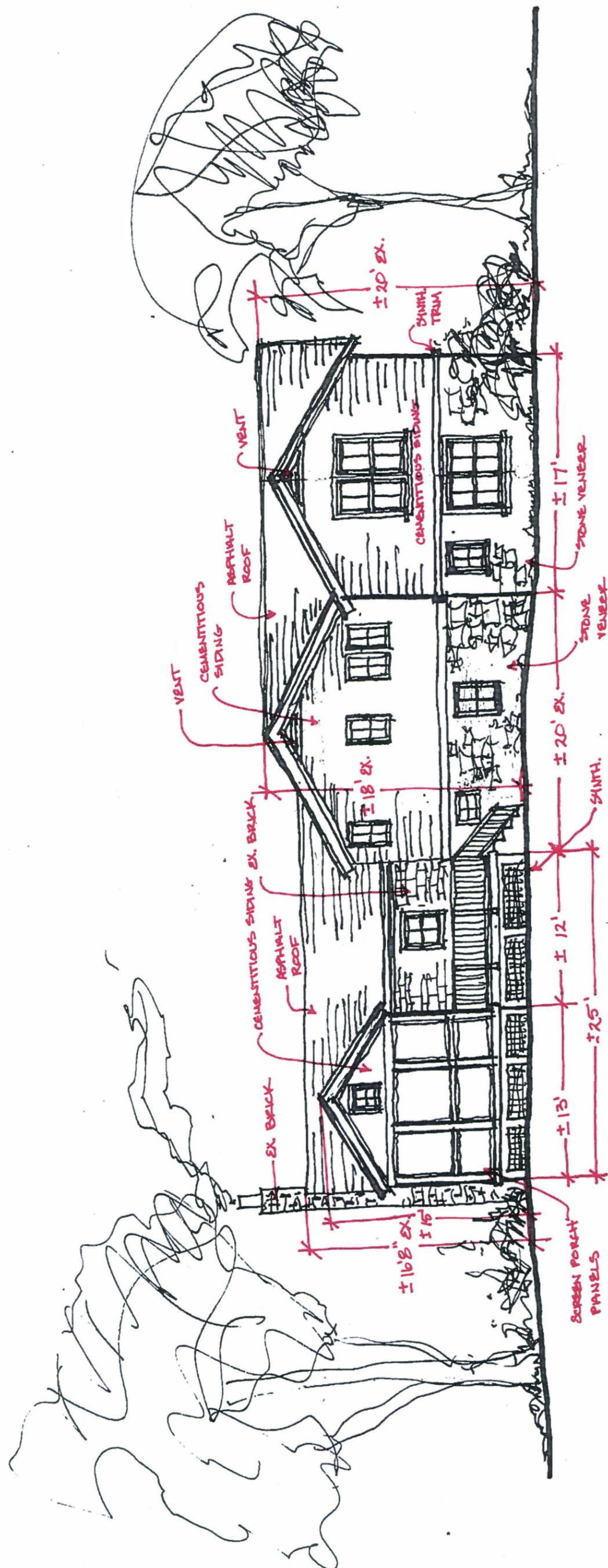


GWINN
LEFT ELEVATION

$\frac{1}{8}'' = 1'-0''$

P2A

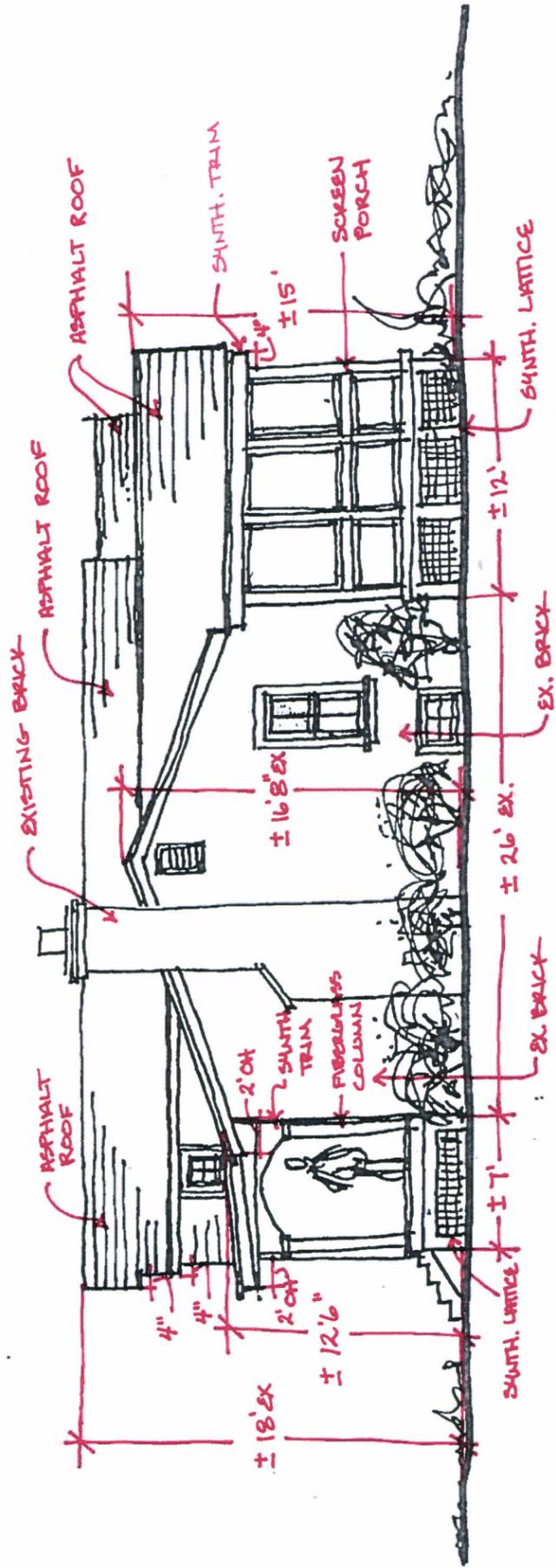
1.12.16



GWINN
 REAR ELEVATION

1/8" = 1'-0"
 P2A

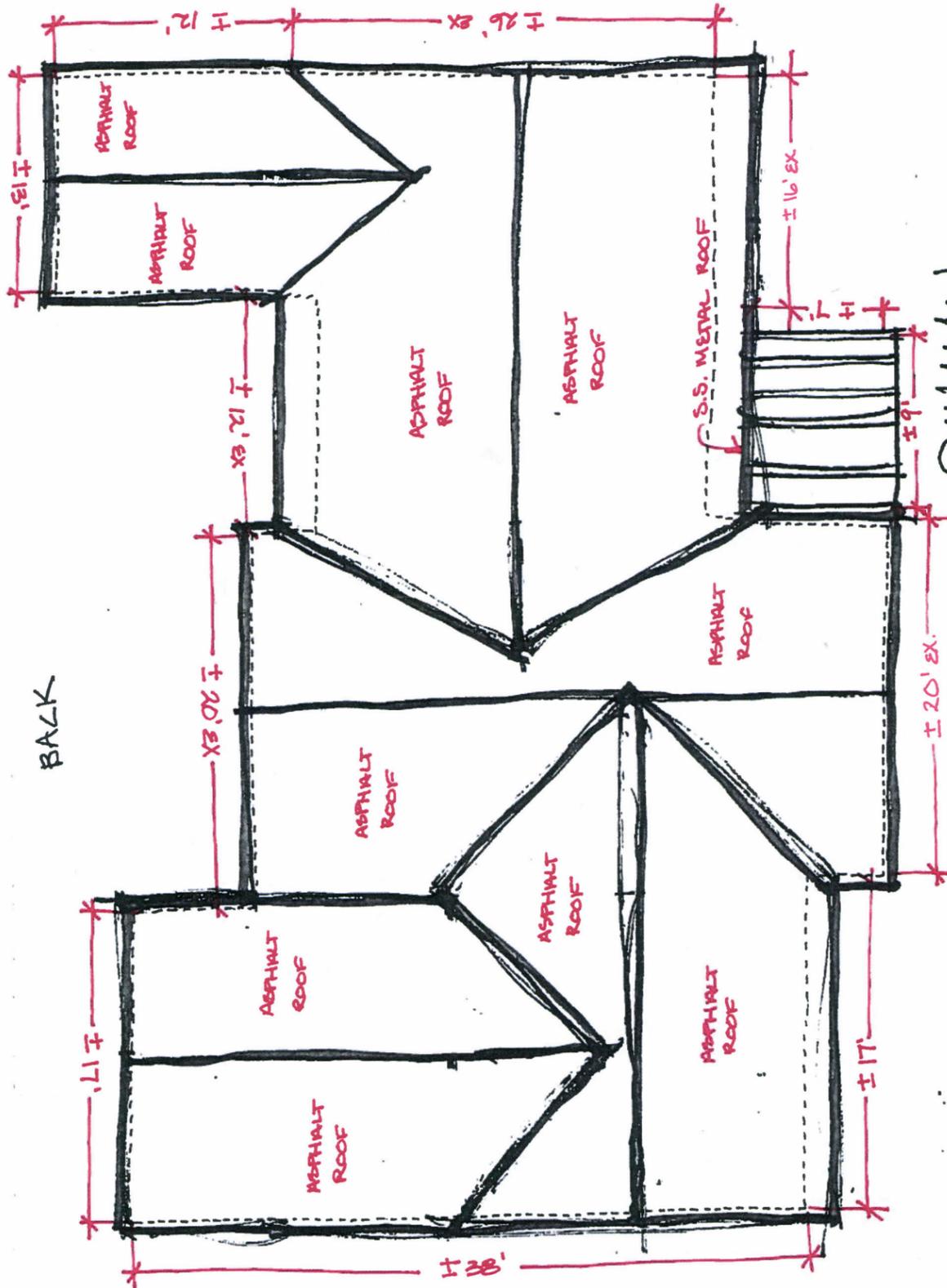
1.12.16



GWINN
RIGHT SIDE ELEVATION

$\frac{1}{8}'' = 1'-0''$

1.12.16



GWINN
 ROOF PLAN
 1/8" = 1'-0"



PURPLE CHERRY
architects

January 21, 2016

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

Re: Special Permit Application
1636 Evers Drive
McLean, VA 22101

RECEIVED
Department of Planning & Zoning

JAN 21 2016

Zoning Evaluation Division

I. Special Permit Statement of Justification:

This special permit application is to request a side yard setback reduction to accommodate an addition to the existing house located at 1636 Evers Drive in McLean. This house is a private and the owner is requesting this Special Permit to allow a garage addition to her split level home built in 1959. There will be no business activity or traffic impact in conjunction with this special permit request.

II. 8-922 Provisions for Reduction of Certain Yard Requirements:

APPROVAL OF A REDUCTION OF YARD REQUIREMENTS.... SHALL NOT RESULT IN ANY YARD THAT IS LESS THAN FIFTY PERCENT OF THE REQUIREMENT AND SHALL NOT RESULT IN ANY YARD OF LESS THAN FIVE FEET, AS MEASURED FROM THE LOT LINE TO THE CLOSEST POINT OF THE PROPOSED STRUCTURE.

The property is located in an R-3 zone, which requires a Side Yard of 12'-0", a Front Yard of 30'-0", and a Rear Yard of 25'-0". This lot is a corner lot; one yard is adjacent to Evers Drive, another is adjacent to Bayside Ct. Per §20-300 Front Yard Definition (pg. 20-54) "On a corner lot, the two (2) yards lying between the principal building and the intersecting streets shall both be deemed to be front yards," this lot has two Front Yards. The Rear Yard may also be reduced to a Side Yard per Illustration 3 on page A2-4 of Appendix 2, "For single family detached dwellings in the R-E through R-8 districts the minimum required rear yard on a corner lot may equal but shall not be less than the minimum side yard requirement for the district." The Owner is requesting a reduction of approximately 6'-0" from the Side Yard, or 50%. This is in keeping with the minimum acceptable yard requirements for a Special Permit.



PURPLE CHERRY
architects

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.

The proposed addition for the house at 1636 Evers Drive shall be attached to the southeast façade of the existing house. No detached accessory structure is being proposed.

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.

The existing house sits within the established Yard requirements set by the Zoning Department. The property is in an R-3 zone, and the structure is used as the primary and sole residence for the Owner. The existing property is in full compliance of use and yard requirements.

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.... 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.

The existing house is a split level home built in 1959. The existing house is 2,731 gross square feet (gsf). The proposed garage addition is two stories in alignment with those existing. The addition is 1,380 gsf or 50% of the existing gross square footage. This is well under the limit of 150%.

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.

There is no accessory structure on this property. The proposed addition is to the existing principal structure.



PURPLE CHERRY
architects

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.

The floor plates of the proposed addition will be in line with the existing floor plates. The addition will be no taller than the existing structure, which has a height of approximately 20'-0". The proposed addition shall become an integral part of the existing structure in both appearance and scale.

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 PERSERVATION OF SIGNIFICANT TREES AS DETERMINED BY THE DIRECTOR.

The existing house sits within a neighborhood development that was constructed in 1959 per the original covenants. There has been no addition or significant cosmetic change to the house since then. The property sits within an R-3 zone, and is used as a private residence by the Owner. The proposed addition shall be in keeping with the existing massing, scale and character of the surrounding neighborhood.

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.

The proposed reduction in Side Yard for the garage addition shall not impart any ill effects on the surrounding neighborhood

THE BZA SHALL DETERMINE THAT THE PROPOSED REDUCTION REPRESENTS THE MINIMUM AMOUNT OF REDUCTION NECESSARY TO ACCOMMODATE THE PROPOSED STRUCTURE ON THE LOT.

The existing house sits approximately 23'-3" from the property line. By subtracting the Side Yard regulation of 12'-0", the distance is reduced to 11'-3". It is not possible to create a one-car garage in 11'-3" of space. The Owner is requesting the minimum amount of reduction to the Side Yard in order to have enough room for a standard one-car garage.

Submitted by Katrina McRainey, LEED AP BD+C

on behalf of Amy Gwinn.

- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.


Applicant's Signature

7/8/2015
Date

- I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

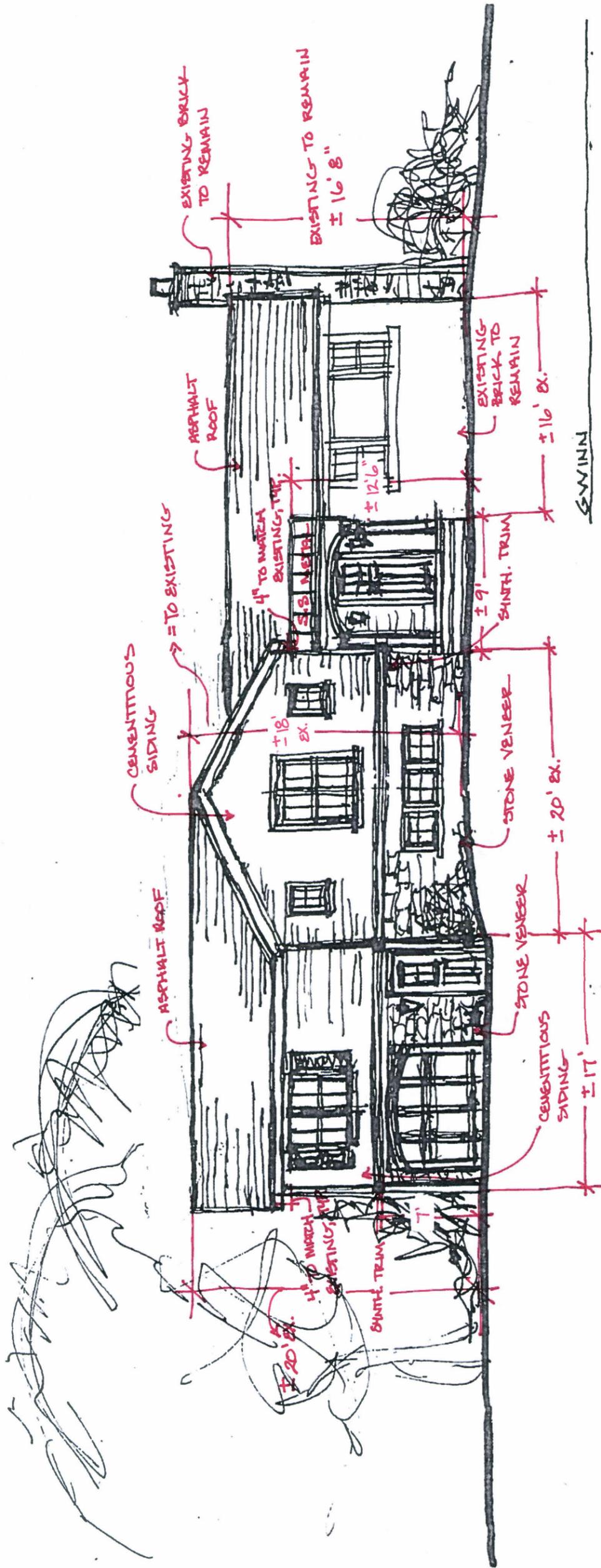

Applicant's Signature

7/8/2015
Date

RECEIVED
Department of Planning & Zoning

JUL 16 2015

Zoning Evaluation Division



SWINN

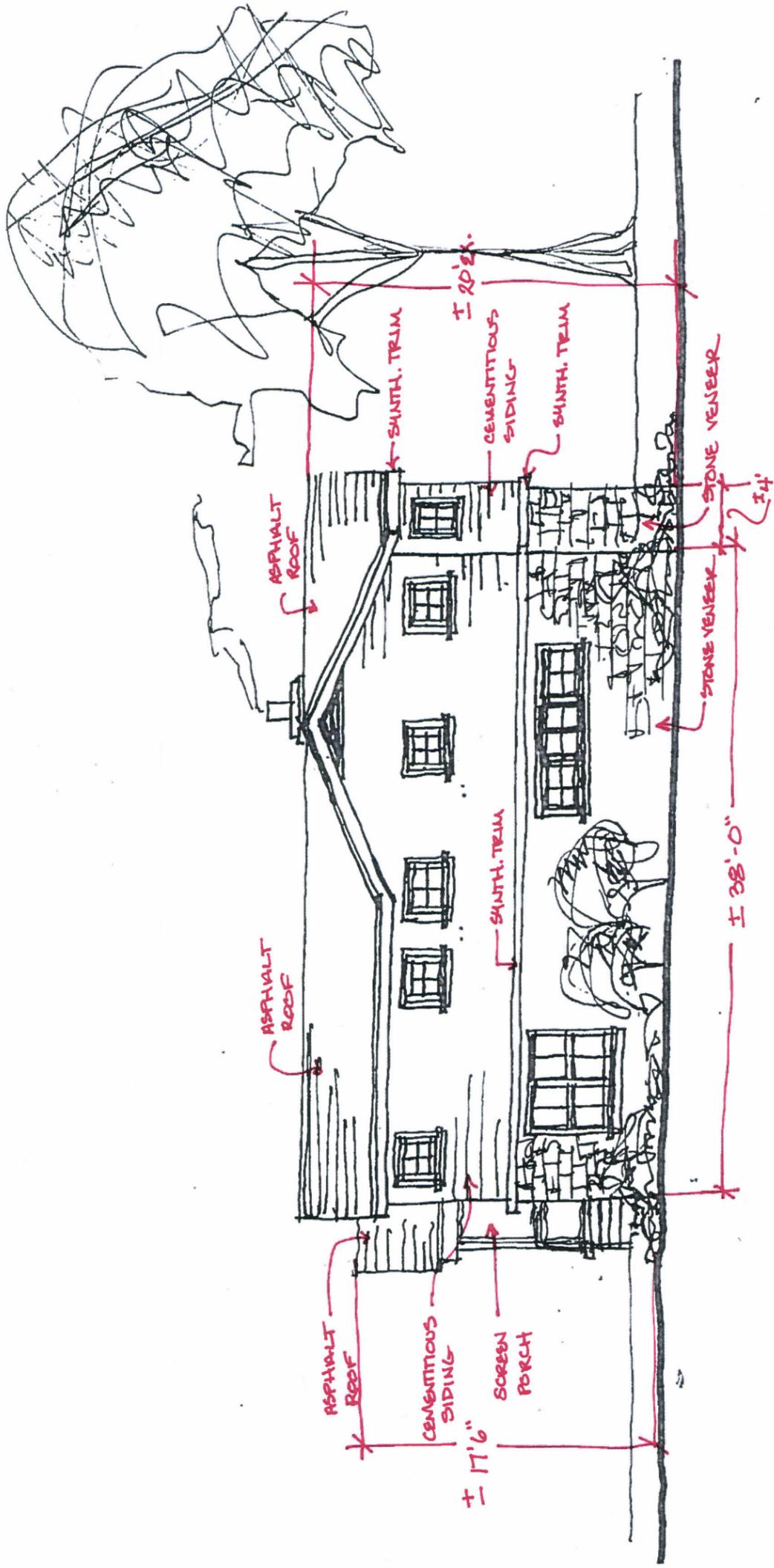
FRONT ELEVATION
 1/8" = 1'-0"
 P.L.A

1.12.16

RECEIVED
 Department of Planning & Zoning

MAR 10 2016

Zoning Evaluation Division

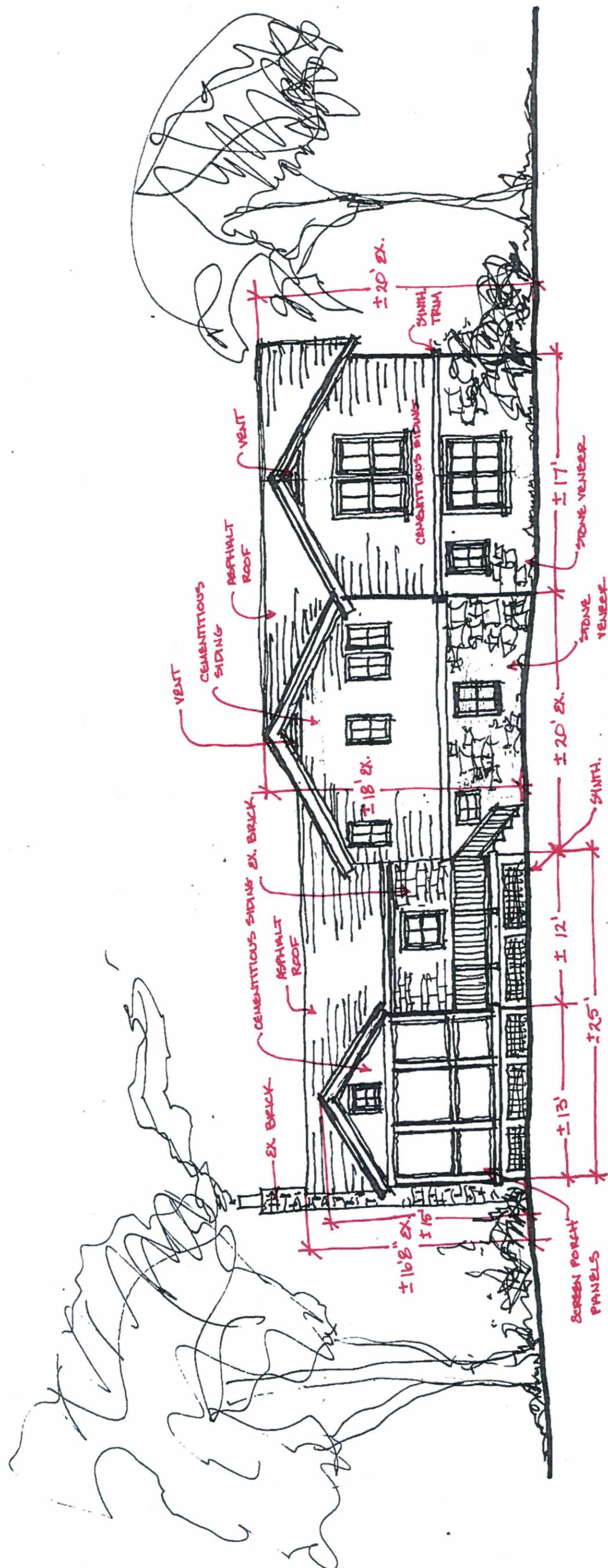


GWINN
LEFT ELEVATION

$\frac{1}{8}'' = 1'-0''$

P2A

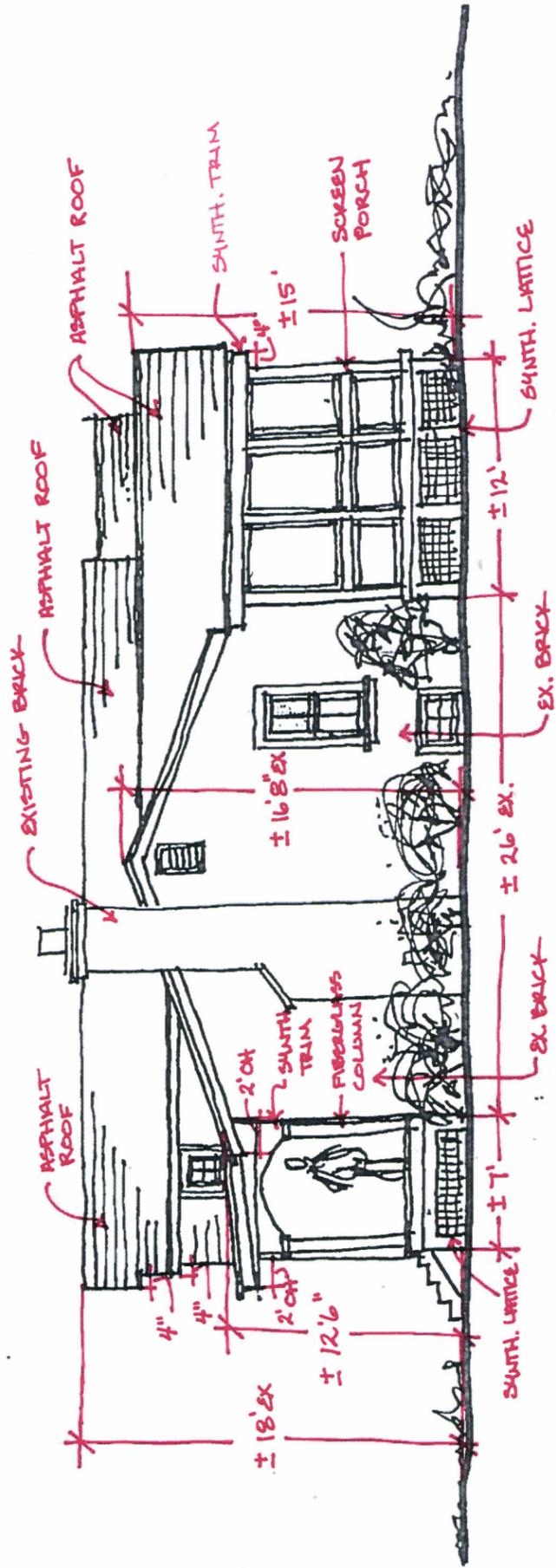
1.12.16



GWINN
 REAR ELEVATION

1/8" = 1'-0"
 P2A

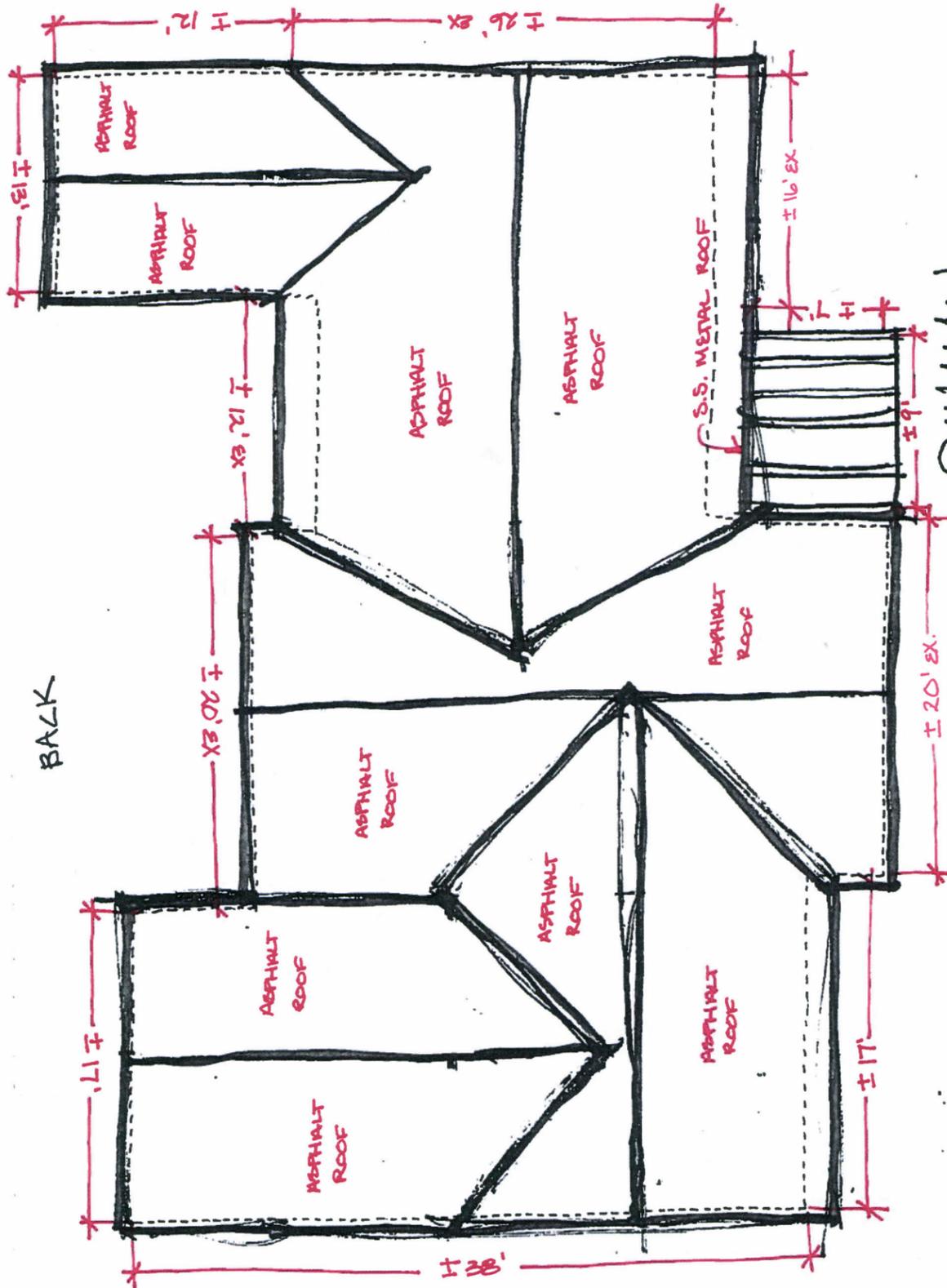
1.12.16



GWINN
RIGHT SIDE ELEVATION

$\frac{1}{8}'' = 1'-0''$

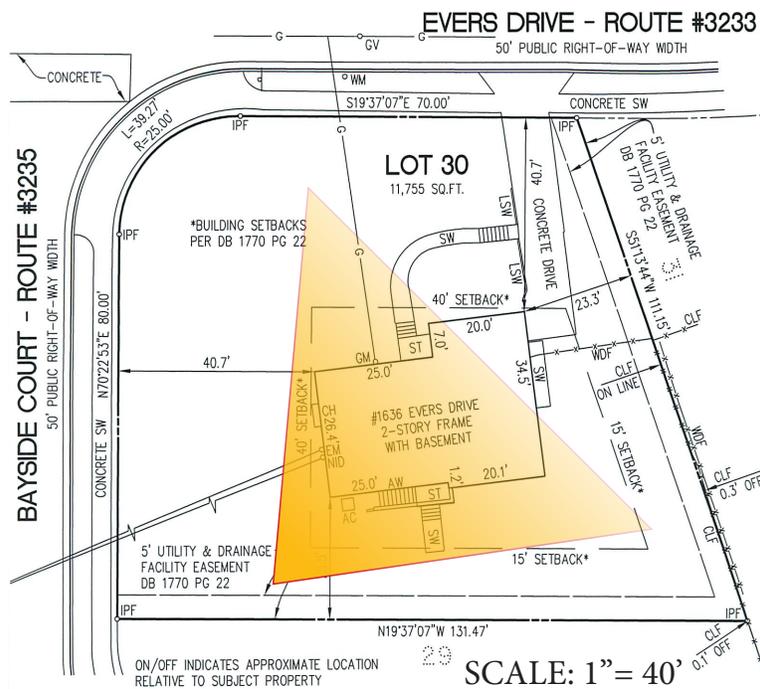
1.12.16



GWINN
 ROOF PLAN
 $\frac{1}{8}'' = 1'-0''$

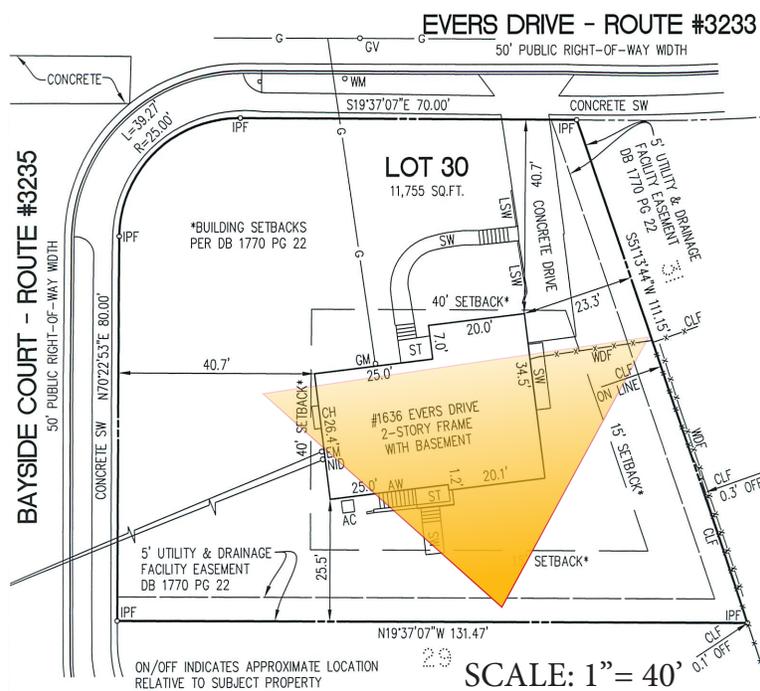


MAY 13, 2015



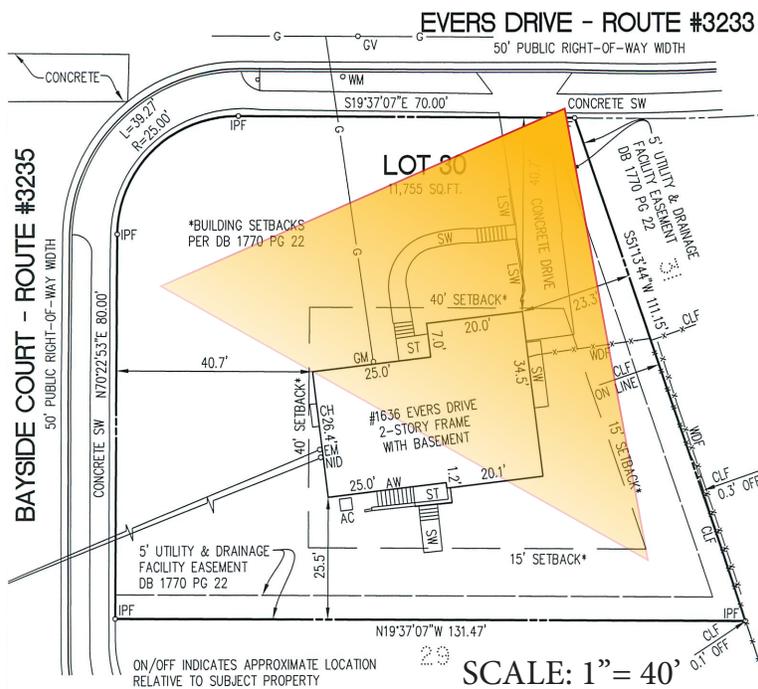


MAY 13, 2015



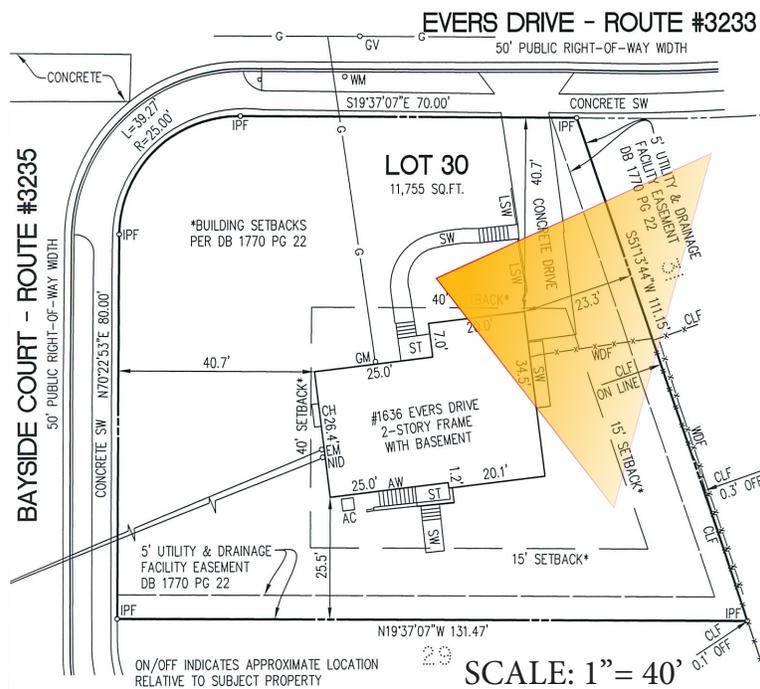


MAY 13, 2015



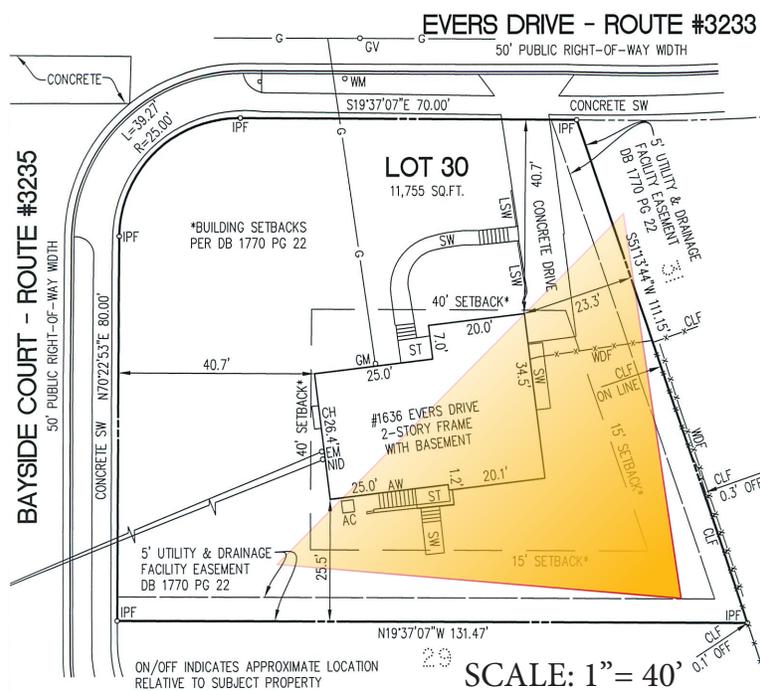


MAY 13, 2015



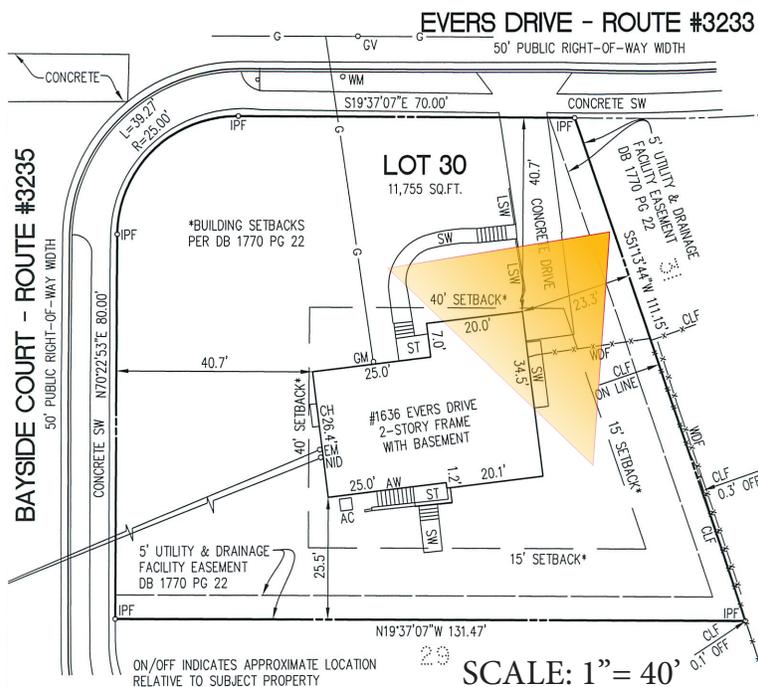


MAY 13, 2015





MAY 13, 2015



Application No.(s): SP 2016-DR-022
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/4/16 130396
(enter date affidavit is notarized)

I, Katrina McRaney, 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)
Amy Gwinn	1636 Evers Drive McLean, VA 22101	Applicant/ Title Owner
Purple Cherry Architects; LLC: Cathy Cherry Katrina McRaney Alan Cook	1 Melvin Avenue Annapolis, MD 21401	Architect/Agent Architect/Agent Architect/Agent
Walter L. Phillips, Inc: Monica R. Westgate Jeffrey J. Stuchel Aaron M. Vinson	207 Park Avenue Falls Church, VA 22046	Planner Engineer Engineer

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/4/16
(enter date affidavit is notarized)

1303916

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)

Purple Cherry Architects LLC., 1 Melvin Avenue, Annapolis, MD 21401

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)

NONE - Cathy Cherry sole owner/principal

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

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

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

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

DATE: 4/4/16
(enter date affidavit is notarized)

130394

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

Walter L. Phillips, Inc., 207 Park Avenue, Falls Church, VA 22046

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Jeffrey J. Stuchel
Brian G. Baillargeon
Aaron M. Vinson
Karen L.S. White

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/4/16
(enter date affidavit is notarized)

130396

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)

NONE

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

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

NONE

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/4/16
(enter date affidavit is notarized)

130396

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/4/16
(enter date affidavit is notarized)

130396

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

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

NONE

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

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

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

WITNESS the following signature:

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

Katrina J. McRainey
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 4th day of April 2016, in the State/Comm. of Maryland, County/City of Queen Annes.

[Signature]
Notary Public

My commission expires: 10/30/2019

RACHAEL E MURPHY
NOTARY PUBLIC - MARYLAND
QUEEN ANNE'S COUNTY
MY COMMISSION EXPIRES

RELEASE AND MODIFICATION OF RESTRICTIVE COVENANT

THIS RELEASE and MODIFICATION OF RESTRICTIVE COVENANT made and entered into this 14th day of March, 1960, by L. R. BROYHILL, ETHEL B. BROYHILL and LINCOLN J. BROYHILL;

WITNESSETH THAT WHEREAS certain restrictive covenants were set forth in Deed of Dedication dated May 9, 1959, recorded May 11, 1959, in Deed Book 1770, page 22, among the land records of Fairfax County, Virginia, affecting all Lots in Section Two, West Lewinsville Heights Sudivision, as the same is duly dedicated, platted and recorded in Deed Book 1770, page 22, among the said land records, among them being the following restriction:

"4. No building shall be located on any lot nearer than 40 feet to the front lot line or nearer than 40 feet to any side street line. No building shall be located nearer than 15 feet to an interior lot line; except that no side yards shall be required for a garage or other permitted accessory building except such as may be required by the Fairfax County zoning ordinance on the date of recording of this instrument. No dwelling shall be located on any interior lot nearer than 25 feet to the rear lot line. For the purposes of this covenant, eaves, steps, and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon any other lot; provided, however, that the architectural control committee referred to in paragraph numbered 9, reserves the right to make any reasonable variance in the setbacks required under this covenant on any lot or lots, and this reservation shall remain in full force and effect so long as these covenants and restrictions shall remain in effect as provided in paragraph numbered 11, infra."

AND WHEREAS, in connection with said restrictive covenants an architectural control committee was established consisting of L. R. Broyhill, Ethel B. Broyhill and Lincoln J. Broyhill, which committee was authorized to make reasonable variations in the setbacks required by said restrictive covenants; and

WHEREAS, Lots 12, 13 and 34 of said Section Two, West Lewinsville Heights Subdivision, were resubdivided by Deed of Resubdivision recorded in Deed Book 1810, page 564 of the said land records; and

March 23, 1960-returned to:
Sibson & Co., attys.

WHEREAS, Lots 69 and 70 of said Section Two, West Lewinsville Heights Subdivision, were resubdivided by Deed of Resubdivision recorded March 11, 1960, under Instrument No. 6102, among the said land records; and

WHEREAS Lots 14 thru 23, inclusive, of said Section Two, West Lewinsville Heights Subdivision, were resubdivided by Deed of Resubdivision recorded March 11, 1960, under Instrument No. 6101, among the said land records; and

WHEREAS since the establishment of said restrictive covenants the County of Fairfax has amended their Zoning Regulations to permit the construction of buildings on said Lots within 12 feet of an interior lot line; and

** Reduces side yard from 15' to 12'*

WHEREAS, said architectural control committee is of the unanimous opinion that that part of the above quoted restriction which provides that no building shall be located nearer than 15 feet to an interior lot line, is excessive and should be reduced to 12 feet:

NOW THEREFORE, THIS RELEASE and MODIFICATION FURTHER WITNESSETH, That for and in consideration of the premises hereinbefore stated, the said L. R. Broyhill, Ethel B. Broyhill and Lincoln J. Broyhill, being all of the Members of the aforesaid Architectural Control Committee do hereby release Lots 8 thru 32, inclusive, 40, 41, 46, 53, 54, 65, 66, 67, 68, 69, 70, 72, 78, 79, 80, 81, 82, 83, 84, 86 and 88, Section Two, West Lewinsville Heights Subdivision, as the same is duly dedicated, platted and recorded in Deed Book 1770, page 22, among the land records of Fairfax County, Virginia, from the effect, force and operation of that part of the above quoted restriction which prohibits the location of a building nearer than 15 feet to an interior lot line, and do hereby impose and designate in lieu thereof the following restriction on Lots 8, 9, 10, 11, 24, 25, 26, 27, 28, 29, 30, 31, 32, 40, 41, 46, 53, 54, 65, 66, 67, 68, 72, 78, 79, 80, 81, 82, 83, 84, 86 and 88, Section Two, West Lewinsville Heights Subdivision, as the same is duly dedicated, platted and recorded in Deed Book 1770, page 22,

among the land records of Fairfax County, Virginia, Lots 12-A, 13-A and 34-A, of a Resubdivision of Lots 12, 13 and 34 thru 37, Section Two, West Lewinsville Heights, as the same is duly dedicated, platted and recorded in Deed Book 1810, page 564, among the land records of Fairfax County, Va., and Lots 69-A and 70-A, of a Resubdivision of Lots 69 and 70, Section Two, West Lewinsville Heights, as the same is duly dedicated, platted and recorded March 11, 1960, under Instrument No. 6102, among the land records of Fairfax County, Virginia, and Lots 14-A, 15-A, 16-A, 17-A, 18-A, 19-A, 20-A, 21-A, 22-A and 23-A, of a Resubdivision of Lots 14 thru 23, Section Two, West Lewinsville Heights, as the same is duly dedicated, platted and recorded March 11, 1960, under Instrument No. 6101, among the land records of Fairfax County, Virginia:

New Restriction

No building shall be located on the above lots nearer than 12 feet to an interior lot line; except that no side yards shall be required for a garage or other permitted accessory building except such as may be required by the Fairfax County zoning ordinance on the date of recording of this instrument.

WITNESS THE FOLLOWING SIGNATURES AND SEALS on this the date hereinbefore set forth:

L. R. Broyhill (SEAL)
Ethel B. Broyhill (SEAL)
[Redacted Signature] (SEAL)
Lincoln J. Broyhill (SEAL)

STATE OF VIRGINIA,
COUNTY OF FAIRFAX, TO-WIT:

I, Julia Whelpley, a Notary Public in and for the State and County aforesaid, whose commission as such expires on the 3rd day of June, 1961, do hereby certify that this day personally appeared before me in my said State and County, L. R. Broyhill, Ethel B. Broyhill and Lincoln J. Broyhill, whose names are signed to the foregoing Release and Modification, dated March 14, 1960, and acknowledged the same.

Given under my hand this 14th day of March, 1960.

Julia Whelpley
Notary Public as aforesaid

In the Clerk's Office of the Circuit Court of Fairfax County, Virginia MAR 15 1960 at 2:17 PM.
This instrument was received and, with the certificate annexed, admitted to record

Teste:

Thomas A. Chapman, Jr. Clerk

Similar Case History

Group: 96-D-135

VC 96-D-135

APPLICANT: GEOFFREY L ROBSON
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 02/04/1997
ZONING DISTRICT: R-3
DESCRIPTION: PERMIT CONSTRUCTION OF CARPORT 2.7 FT. FROM SIDE LOT LINE
LOCATION: 1711 GREAT FALLS STREET
TAX MAP #S:
 0303 10 0013A

Group: 2010-DR-065

SP 2010-DR-065

APPLICANT: MICHAEL A. SILVERSTEIN & ROBERTA L. GARTSIDE
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 02/02/2011
ZONING DISTRICT: R-3
DESCRIPTION: TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CARPORT 5.1. FEET FROM SIDE LOT LINE
LOCATION: 1708 WARNER AVENUE
TAX MAP #S:
 0303 10 0040

Group: 2013-DR-006

SP 2013-DR-006

APPLICANT: HEMAMALINI PARAVASTU
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 05/01/2013
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 6.1 FEET FROM SIDE LOT LINE
LOCATION: 7109 SEA CLIFF ROAD, MCKEAN, VA 22101
TAX MAP #S:
 0303 10 0003

Group: 2003-DR-170

VC 2003-DR-170

[STAFF REPORT](#)

APPLICANT: FORREST STIEG
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 02/11/2004
ZONING DISTRICT: R-3
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 6.7 FEET FROM SIDE LOT LINE AND LESS THAN 200 FEET FROM DULLES AIRPORT ACCESS ROAD
LOCATION: 1720 BALDWIN DRIVE
TAX MAP #S:
 0303 15 0010

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.