



County of Fairfax, Virginia

June 15, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-LE-029

LEE DISTRICT

APPLICANT/OWNER: Randy H. Hadijski

SUBDIVISION: Rose Hill Farm

STREET ADDRESS: 4522 Apple Tree Dr., Alexandria, 22310

TAX MAP REFERENCE: 82-3 ((15)) 48

LOT SIZE: 14,565 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-914

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on error in building location to permit an accessory storage structure (shed) to remain 1.6 ft. from a side lot line and 1.3 ft. from the rear lot line

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

Erin M. Haley

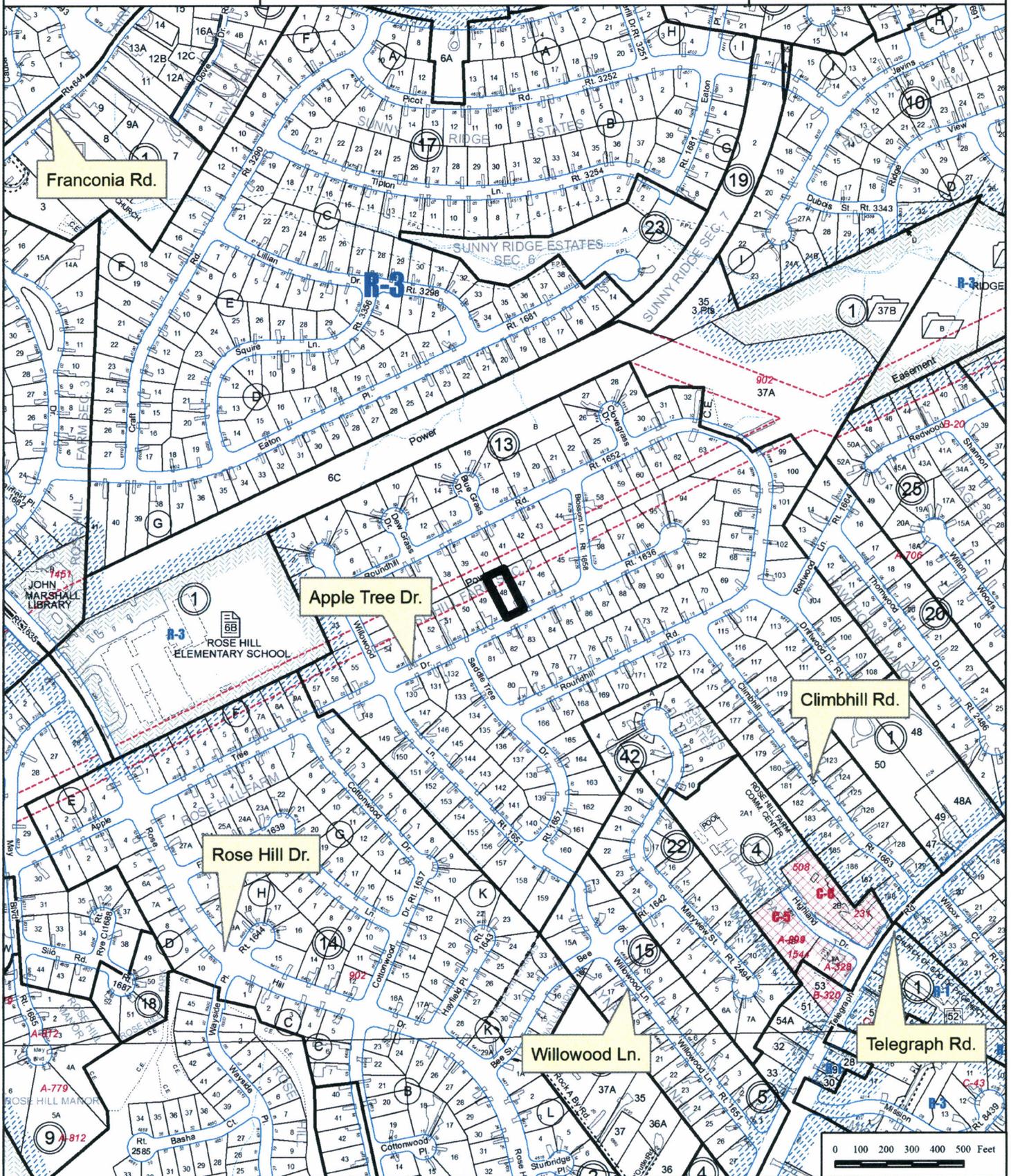
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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

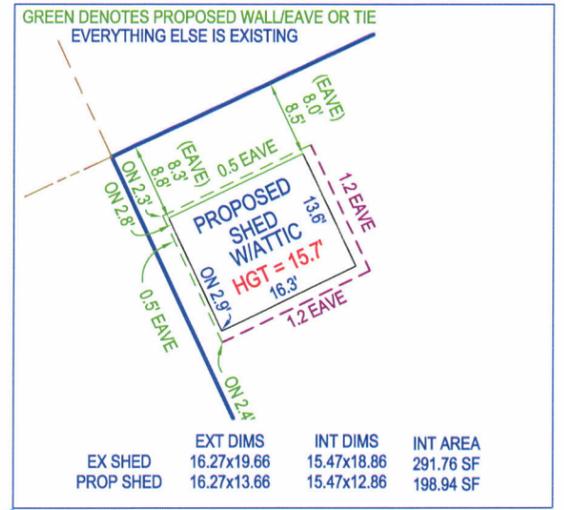


Special Permit SP 2016-LE-029 RANDY H. HADIJSKI



NOTES: 1. FENCES ARE FRAME PICKET UNLESS NOTED.
2. NORTH IS DEED NORTH.

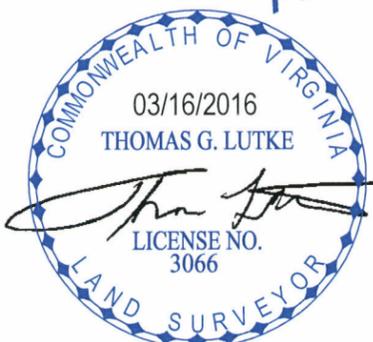
PROPOSED SHED DETAIL



NOTES:

- TAX MAP: 0823 13 0048
- ZONE: R-3(RESIDENTIAL 3 DU/AC)
- LOT AREA: 14,565 SF
- REQUIRED YARDS:
FRONT: = 30.0 FEET
SIDE: = 12.0 FEET
REAR: = 25.0 FEET
- HEIGHTS:
EX. DWELLING = 13.0 FEET
CHAIN LINK FENCES = 3.5 FEET
FRAME FENCES = 6.0 FEET
WALLS = AS NOTED
CAR PORT = 13.0 FEET
- THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
- ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
- THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
- THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
- AREAS:
EX. FIRST FLOOR = 1,022 SF
GROSS FLOOR AREA = 1,022 SF
EX. FLOOR AREA RATIO: EX. GFA (1,022)/LOT AREA (14,565) = 0.07
EX. FIRST FLOOR = 1,022 SF
PROPOSED CARPORT ENCLOSURE = 303 SF
PROPOSED GROSS FLOOR AREA = 1,325 SF
PROP FLOOR AREA RATIO: EX. GFA (1,325)/LOT AREA (14,565) = 0.09
- FENCES ARE CHAIN LINK UNLESS NOTED.
- UTILITIES ARE UNDERGROUND.
- NO TRAILS ARE REQUIRED FOR THIS SITE PER THE ADOPTED COMPREHENSIVE PLAN.
- ALL IMPROVEMENTS SHOWN ARE EXISTING.
- THE ONLY PLANNED IMPROVEMENT IS ENCLOSING THE CARPORT AT THE SAME DIMENSIONS IT CURRENTLY OCCUPIES.

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I HEREBY CERTIFY THAT THE LOCATIONS OF ALL EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. NORTH IS RECORD NORTH.
A TITLE REPORT WAS NOT FURNISHED.
CORNER MARKERS WERE NOT SET.

APPLE TREE DRIVE
50' RW ~ STATE ROUTE # 1636

RECEIVED
Department of Planning & Zoning
MAR 17 2016
Zoning Evaluation Division

SPECIAL PERMIT PLAT
SHOWING IMPROVEMENTS ON
LOT 48, SECTION 2
ROSE HILL
(DEED BOOK 1167, PAGE 455)
FAIRFAX COUNTY, VIRGINIA
LEE DISTRICT
SCALE: 1" = 20' MARCH 16, 2016

6655 ROCKLEIGH WAY
ALEXANDRIA, VA 22315
703-688-4038
FAX: 703-649-6038
WWW.NOVA-SURVEYS.COM

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit for a reduction in minimum yard requirements based on an error in building location to permit an accessory storage structure (shed) to remain 2.3 feet from a side lot line and 8.0 feet from the rear lot line.

A copy of the special permit plat titled, "Special Permit Plat Showing Improvements on Lot 48, Section 2, Rose Hill," prepared by Thomas G. Lutke, L.S., dated March 16, 2016, is included in the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA



Figure 1: Aerial photo of subject property

The application property is developed with a one story single-family detached dwelling. An asphalt driveway provides access from Apple Tree Drive. Concrete patios are located at the front and rear of the house. A carport is attached to the northeastern side of the house. A concrete grate is located in the middle of the rear yard with a walkway

leading to an open area in the northern part of the yard. A shed 15.7 feet in height and approximately 321 square feet in size is located in the northwestern corner of the rear yard. A chain link fence 3.5 feet in height encloses the rear yard. A 100 foot wide high-voltage transmission line right-of-way easement covers most of the rear yard of the property. The shed and walkway are located within the boundaries of the high-voltage easement.

The subject property and surrounding properties are zoned R-3 and developed with single-family detached houses. The property is located east of Rose Hill Elementary School in the Rose Hill Farm subdivision.

BACKGROUND

Fairfax County Tax Records and building permit records indicate that the house was constructed in 1955 and purchased by the property owner in 2013.

Responding to an anonymous complaint, staff from the Department of Code Compliance inspected the property on March 25, 2014, and found outdoor storage in the carport that exceeded 100 square feet in area and was not screened from view, and an accessory storage structure exceeding 200 square feet in size and 8.5 feet in height located too close to the side and rear lot lines, which are violations of the Zoning Ordinance. A Notice of Violation was issued on March 28, 2014 (Appendix 4).

The applicant subsequently submitted an application for a special permit for the shed to remain in its location, and to reduce certain yard requirements to permit construction of an addition which would enclose the carport. The applicant also requested a variance to allow a shed over 200 square feet in size to remain so the shed could remain its current size of 321 square feet. A public hearing was held before the Board of Zoning Appeals (BZA) on November 5, 2015 where the applicant's request to construct the addition was approved, but the special permit and the variance to allow the shed to remain were both denied. The Resolution from this hearing is included as Appendix 5. The applicant has since decided to reduce the size of the shed to under 200 square feet (198.94 square feet) and, after consulting with staff from the Zoning Evaluation Division and the Zoning Administration Division, to apply for this special permit to allow the altered structure to remain in its current location.

Records indicate that, with the exception of the applicant's previous special permit denial, no other special permit applications have been heard by the BZA in the surrounding area for errors in building location for sheds.

DESCRIPTION OF THE PROPOSED USE

The applicant requests a special permit for a reduction in yard requirements to allow the shed to remain 2.3 feet from the western side lot line and 8.0 feet from the rear lot line. The applicant proposes to reduce the size of the shed from 321 square feet to 198.94

square feet, and to keep the existing height of 15.7 feet.

The applicant states in the statement of justification that the shed was constructed in the location of an existing, demolished shed. Additionally, the applicant says that the shed is to be used for storage purposes only. The shed’s attic was intended to be used to dry food items but is also currently being used for storage.

ANALYSIS

Comprehensive Plan Provisions

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

Zoning District Standards

| Bulk Standards (R-3) | | |
|-----------------------------|-------------------|---|
| Standard | Required | Provided |
| Lot Size | 10,500 sf. | 14,565 sf. |
| Lot Width | Interior: 80 feet | 80 ft. |
| Building Height | 35 feet | 13 ft. |
| Front Yard | 30 feet | 47.5 ft. |
| Side Yard | 12 feet | Eastern: 11.3 ft. (after enclosure of carport) Western: 15.0 ft. |

Zoning Ordinance Requirements (Appendix 6)

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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards

CONCLUSION

Staff does not make recommendations on building in error applications. However, if it is the intention of the Board of Zoning Appeals to approve the request for a special permit for error in building location to allow the shed to remain, staff recommends that such approval be made subject to the development conditions contained in Appendix 1.

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

APPENDICES

1. Proposed Special Permit Development Conditions
2. Applicant's Statement of Justification and Select File Photographs
3. Applicant's Affidavit
4. Notice of Violation
5. Resolution from November 5, 2015
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-LE-029****June 15, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-LE-029 located at Tax Map 82-3 ((13)) 48 to permit reductions of the minimum yard requirements based on an error in building location pursuant to Section 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is granted only for the location of the accessory storage structure (shed) as indicated on the plat titled, "Special Permit Plat Showing Improvements on Lot 48, Section 2, Rose Hill," prepared by Thomas G. Lutke, L.S., dated March 16, 2016, as submitted with this application and is not transferable to other land.
2. The Applicant recognizes and acknowledges that the shed that is the subject of this special permit application encroaches into an existing 100 foot wide Dominion high voltage transmission power line right-of-way easement. Accordingly, the Applicant, successors or assigns, shall indemnify, keep and save harmless the County, its agents, officials, employees, volunteers, and the Board of Zoning Appeals against claims of injuries, death, damage to property, or other suits, liabilities, judgments, cost and expenses which may otherwise accrue against the county in consequence of the granting of this special permit. The Applicant, successors or assigns, shall, at his or her own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgment shall be rendered against the county and/or the Board of Zoning Appeals in any such action, the Applicant shall, at his or her own expense, satisfy and discharge the same.

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 take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

03/28/2016

To Whom It May Concern:

We are requesting to keep a shed that has been built beyond the fairfax county code requirements of being 8 1/2 feet tall or less. The proposed modification of the shed to be within the limits of 200 square ft, or less will conform to county ordinances once approved in a special permit request SP 2016-0073. We hope to receive a waiver and, or an exception through SP 2016-0073 to leave the height of the shed at 15.7 ft tall. This is because it would cause financial hardship as it would require to hire professionals to bring the roof down safely. We have exhausted our cash stores in building this shed, causing this hardship. Addition hardship would be in reconstructing the shed. It would be extremely difficult to deduce the height of the roof due to the fact the wall header is at/over 8 ft. tall. To achieve this reduction, the shed would have to be torn down and rebuilt, which is why we are requesting this waiver. We are opening to any suggestions, recommendations in trying to resolve this issue as easy as possible.

As a first time home buyer, we are requesting lenience in regards to this violation and to keep the structure, with the proposed adjustments.

Should you have any questions or need any additional information to support our claim, please do not hesitate to contact us via any of the following means:

Cell: (703) 862-1096

E-mail: bomzer@gmail.com

Mail: 4522 Apple Tree Dr, Alexandria, VA 22310

Regards,

Mrs. Randy Heather Hadijski

Mr. Dimitri Hadijski

RECEIVED
Department of Planning & Zoning
MAR 29 2016
Zoning Evaluation Division

- 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

3/26/16
Date

RECEIVED
Department of Planning & Zoning
MAR 29 2016
Zoning Evaluation Division

March 08, 2016

MAR 17 2016

Zoning Evaluation Division

To Whom It May Concern:

As required by the Special Permit Application process, we are submitting a Statement of Justification pertaining to the structure in question located at 4522 Apple Tree Drive, Alexandria, VA 22310.

We are requesting to keep a shed that has been built beyond the Fairfax county code requirements of being 8 ½ feet tall or less. We request that the following stipulations be considered to help have this request approved. We propose to modify the shed to be within the limits of 200 square ft, or less. This will be done by reducing the rear of the shed by 5 feet 10 ½ inches and removing the roof overhang by 1 foot 4 inches. This will increase the rear easement from 1 foot 3 inches to 8 feet 5 ½ inches, which is just over half of the required setback. This will reduce the overall internal square footage to under 200 square ft. In addition, we propose to reduce the overhang of the roof on the south west side of the shed by six inches. This will increase the easement from 1 foot 6 inches to 2 feet 8 ½ inches. We are open to any ideas that will help get this request approved keeping in mind the limited budget we have for our family.

The purpose use of the shed is for storage only. No plumbing, electrical power have been installed in this structure. The visible windows serve no purpose other than to assist in ventilation and light into the structure. The bottom half of the shed is being used for storage purposes only. It will house lawn equipment and important household family items. These items are, but not limited to, excess furniture, replacement light fixtures, fish tank, fish tank supplies, clothes, pantry supplies, pots/pans, blenders, mixers, lawn mowers, weed whackers, chipper/shredder, tiller, snow blower, inherited family artifacts, paintings, computer hardware, grass seed, ladders, and tools, such as hammers, drills, saws, compressors, table saws, wrenches, levels, shovels, pick axes, axes, hoes, hoses, etc. The shed will also store a small amount of engine essentials and cleaning agents. The container sizes of these products will range from 50ml to 5 gallon gas cans. The top half of the shed is only an attic. The intended purpose of the top half of the shed was to dry homemade food items made from family recipes handed down through the family (Made for personal use only). Currently the top half of the shed is being used to store extra building material for the carport and excess baby items. Items consist of a boppy, bouncer, baby car seat, baby clothes, walker, strollers, inflatable pool, sand table, siding, studs, support beams, and any other material longer than 10 feet.

The aforementioned structure is a shed we constructed in our backyard. It was built atop a concrete slab, has a wood frame, three windows and vinyl siding. It measures 15 feet 5 ½ inches by 18 feet 10 ½ inches, totaling 290 sq ft internally.

As a first time home owner, the structure was built without any knowledge of this ordinance. Upon purchasing the property, the existing, dilapidated shed was torn down and this new shed built in its place. The structure was built with the same distance from the rear and side lot lines as the previous shed. The size of the newly constructed shed also mirrors similarly large structures throughout our neighborhood, leading us to logically conclude the existence of such structures was consistent with county regulations. There are two similar structures in our area that I would like to reference.

The first structure deals with a neighbor that has a disconnected garage that was built next to his neighbor's property line, which would appear to infringe on the side yard setback requirement. It is a two door garage that was built behind the house on the southwest side of the lawn. The second structure relates to another neighbor's shed that is very tall and built close to the property line. These are examples demonstrating prior large structures which have been built in our neighborhood. Please see the included pictures regarding these structures.

As for the size of the shed, there are three main reasons for it. First, the house that my husband and I were able to afford in the area is only 1000 square feet. As we have not been married for a long period and moved into one domicile for the first time, combining all our belongings into one location of this size proved to be a considerable challenge and would have come at considerable cost to store, which was not possible on our budget. Second, I have recently had a baby and additional space was going to be needed for the additional baby items. This 1000 square foot house is causing more space concerns than we had expected when we first moved in. This was another reason for needing the additional space in the shed.

In addition to this, none of our neighbors nor anyone from the county addressed us directly regarding this construction. The shed took substantial time to be built. The shed actually stood there, partially constructed, during winter of last year as it was too cold to do further work on it. We only found out we were in violation when the county approached us almost a year later once the shed was practically complete. I have to say, being first time homeowners, we obviously learned quite a bit from this whole experience, and I can guarantee this will never happen again, but I am requesting a one-time relief in these circumstances to avoid substantial hardship and cost to my family.

Sincerely,

Randy and Dimitri Hadijski

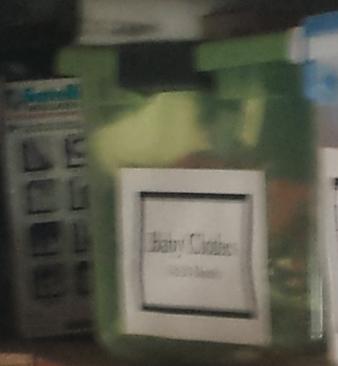
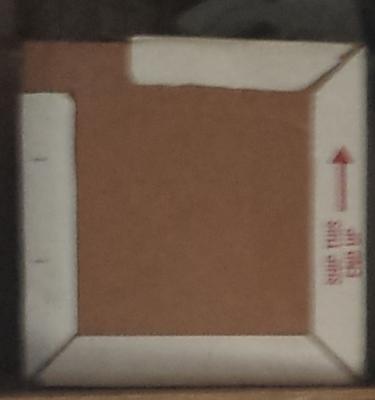
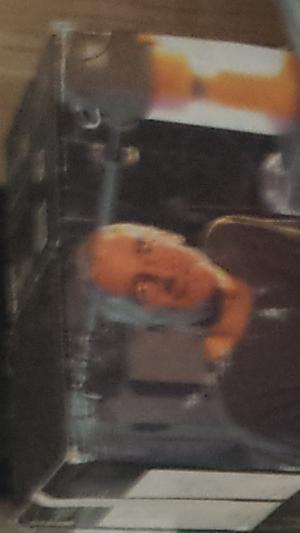




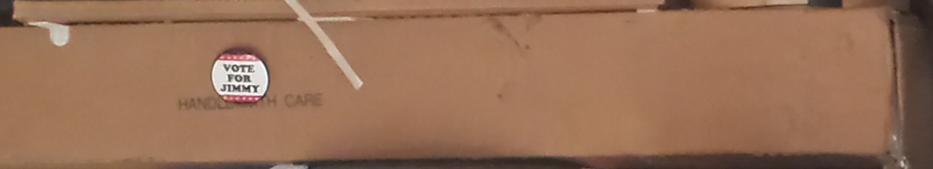




BRONX
CO. INC.
100-1000000



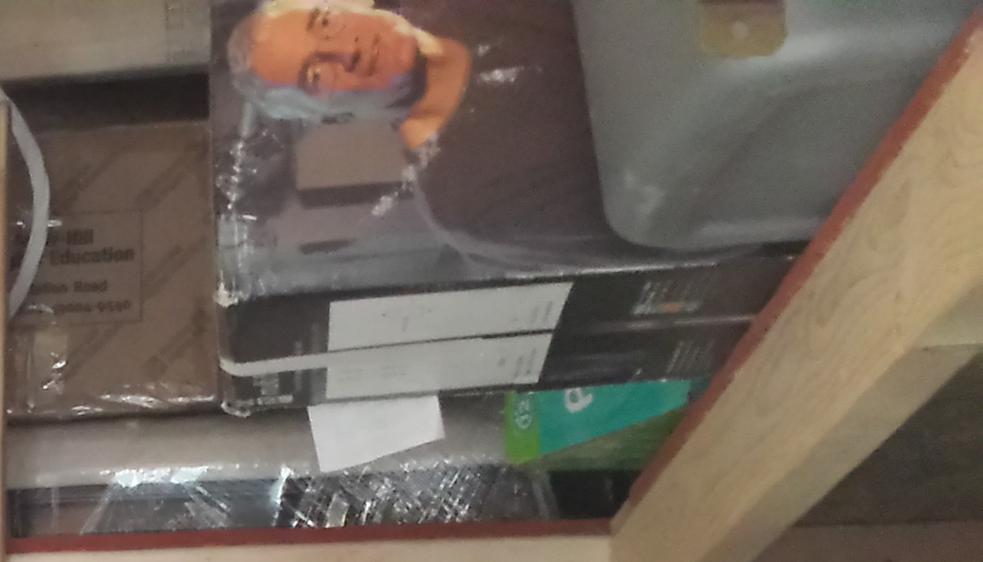
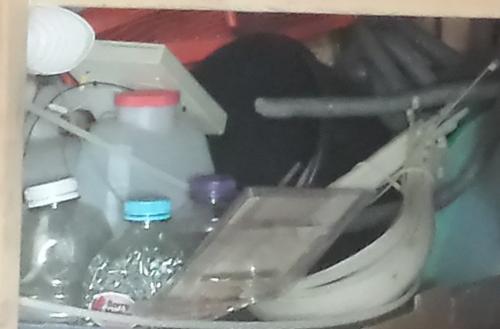
23



COMPRESSOR PARTS



FISH



BLUEBERRIES

BLEUETS

Product of USA
Product of the
Product of Oregon



BLEUETS

BLUEBERRIES

G.H.B.

Northwest Pears

Halloween
Costumes

Baby Clothes
& Diapers

Halloween

Box #2



Dole
BANANAS





PLEASE OPEN AND INSPECT IMMEDIATELY

Ohio Table Pad Company

OPEN IMMEDIATELY

Handmade in U.S.A.

2-33

Gala Apples

LOCK



Application No.(s): SP 2016-LE-029
(county-assigned application number(s), to be entered by County Staff)

134295

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/24/16
(enter date affidavit is notarized)

I, Randy H. Hadijski, 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) |
|--|---|--|
| Randy H. Hadijski | 4522 Apple Tree Drive Alexandria, VA 22310 | Applicant/Title Owner |
| Dimitri Hadijski | 4522 Apple Tree Drive Alexandria, VA 22310 | Agent |

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

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

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

Application No.(s): SP 2016-LE-029
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

134259

DATE: 2/4/16
(enter date affidavit is notarized)

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

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

CORPORATION INFORMATION

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

N/A

DESCRIPTION OF CORPORATION: (check one statement)

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

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

(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-LE-029
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/4/16
(enter date affidavit is notarized)

134259

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): SP2016-LE-029
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

134259

DATE: 2/4/16
(enter date affidavit is notarized)

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

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

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

2. That no member of the Fairfax County Board of 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-LE-029

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

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

134259

DATE:

2/4/16

(enter date affidavit is notarized)

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)

[X] Applicant

[] Applicant's Authorized Agent

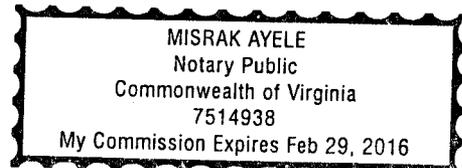
Randy H Hadijski

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

Subscribed and sworn to before me this 4th day of February 2016, in the State/Comm. of Virginia, County/City of Fairfax.

Misrak Ayele
Notary Public

My commission expires: Feb 29, 2016





County of Fairfax, Virginia

APPENDIX 4

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE: March 28, 2014

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Randy H. Hadijski
ADDRESS: 4522 Apple Tree Dr
Alexandria, VA 22310

LOCATION OF VIOLATION: 4522 Apple Tree Dr
Alexandria, Virginia 22310-2904

TAX MAP REF: 0823 13 0048

ZONING DISTRICT: R- 3

CASE #: 201401582 **SR #:** 102956

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

| § 18-903(1): | Zoning Violation | First Offense | Each Subsequent Offense |
|--------------|------------------|------------------|-------------------------|
| | §10.102.24 | \$ 200.00 | \$ 500.00 |
| | §10.104.10E | \$ 200.00 | \$ 500.00 |
| | §10.102.25 | \$ 200.00 | \$ 500.00 |
| | TOTAL: | \$ 600.00 | \$ 1500.00 |

Dear Responsible Party:

An inspection of the above referenced property on March 25, 2014 revealed the following violation(s) of the Fairfax County Zoning Ordinance:

- § 10-102 (24) **Outdoor Storage**
- § 2-302 (6) **Accessory Use must comply with Article 10:**

An inspection has determined that you are allowing storage under the carport at the address listed above. These items consist of, but are not limited to, the following:

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-324-9346
www.fairfaxcounty.gov/code

A Refrigerator, a cabinet, building materials and other miscellaneous junk and debris.

This outdoor storage:

- Exceeds 100 square feet in area, and
- Is not located in the rear half of the lot, and
- Is not screened from view from the first story window of any neighboring dwelling.

This outdoor storage is violation of Par. 24 of Sect. 10-102 of the Fairfax County Zoning Ordinance that states in part:

Storage, outdoor in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet.

Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance that states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by the following:

- Removing all outdoor storage from this lot; or
- Relocation of the outdoor storage to the rear half of the lot, and
- Screening it from the view from the first story window of any neighboring dwelling, and
- Limiting it to a total area not exceeding 100 square feet.

§ 10-104 (10E) Accessory Storage Structure Location
§ 2-302 (6) Accessory Use must comply with Article 10:

The investigations revealed the presence of an accessory storage structure which measured approximately eighteen (18') feet in height, is approximately three hundred twenty (320) square feet in area and is located approximately two (2) feet from the rear lot line and three (3) feet from the side lot line.

The Fairfax County Zoning Ordinance permits accessory storage structures to be located in

minimum required rear or side yards; however, if the structure exceeds eight and one-half (8½) feet in height, it must be located on the lot so as to comply with Par. 10F of Sect. 10-104 of the Zoning Ordinance which states:

An accessory storage structure which exceeds eight and one-half (8 ½) feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.

The minimum yard requirements for the R-3 District are delineated in Par. 2, (A), 1, (b) and (c) of Sect. 3-307 of the Zoning Ordinance are:

Minimum yard requirements:

- A. Single family dwellings
(1) Conventional subdivision lot
- | | | |
|-----|-------------|---------|
| (a) | Front yard: | 30 feet |
| (b) | Side yard: | 12 feet |
| (c) | Rear yard: | 25 feet |

Therefore, as this accessory storage structure exceeds eight and one-half (8 ½) feet in height and is not located in accordance with the provisions of Par. 10F of Sect. 10-104 above, it is in violation of Par. 10F of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or,
- Reducing the height of the structure to eight and one-half (8 ½) feet or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the rear and side lot lines in accordance with Par. 10F of Sect. 10-104 of the Zoning Ordinance as outlined above.

§ 10-102 (25) Accessory Storage Structure exceeding 200 square feet in GFA
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory storage structure which measured approximately three hundred and twenty (320) square feet in area on this property which is zoned R-3. The Fairfax County Zoning Ordinance permits accessory storage structures so long as they conform to Par. 25 of Sect. 10-102 of the Zoning Ordinance which permits:

Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.

Therefore, as this accessory storage structure exceeds 200 square feet in area in the R-3 District, you are in violation of Par. 25 of Sect. 10-102 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or
- Reducing the square footage of this accessory storage structure so it does not exceed 200 square feet in area.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and

Randy H. Hadijski
March 28, 2014
SR 102956
Page 5

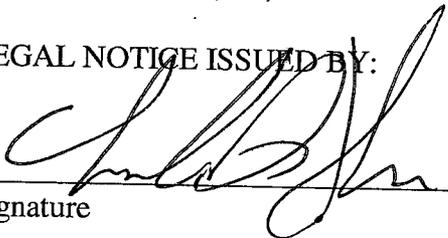
unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035
Office: (703)324-1314

Information and forms can also be obtained at <http://www.fairfaxcounty.gov/dpz/bza/appeals/>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1348. For any other questions, contact our main office at (703)324-1300.

LEGAL NOTICE ISSUED BY:



Signature

Charles D. Forshee
Code Compliance Investigator III
(703)324-1348

PERSONAL SERVICE _____
 Being unable to make personal service a copy was delivered in the following manner:
 Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

 Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).
 Served on a Secretary of the Commonwealth.
 Not found.

SS. Constable
SERVING OFFICER _____
for **Stacey A. Kincaid, Sheriff**
Fairfax County, VA

DATE **3-28-14**

PERSONAL SERVICE _____
 Being unable to make personal service a copy was delivered in the following manner:
 Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

 Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).
 Served on a Secretary of the Commonwealth.
 Not found.

SERVING OFFICER _____
for _____

DATE _____

PERSONAL SERVICE _____
 Being unable to make personal service a copy was delivered in the following manner:
 Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.
 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

 Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).
 Served on a Secretary of the Commonwealth.
 Not found.

SERVING OFFICER _____
for _____

DATE _____

PERSONAL SERVICE _____
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 Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode or party named above after giving information its purport. List name, age of recipient, and relation of recipient to party named above.

 Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above (Other authorized recipient not found).
 Served on a Secretary of the Commonwealth.
 Not found.

SERVING OFFICER _____
for _____

DATE _____

COUNTY OF FAIRFAX, VIRGINIA**SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS**

RANDY H. HADIJSKI, SP 2015-LE-082 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit a reduction in the minimum yard requirements based on an error in building location to permit an accessory storage structure to remain 1.3 ft. from a rear lot line and 1.6 ft. from a side lot line; and to permit a reduction in certain yard requirements to permit construction of an addition 11.3 ft. from a side lot line. Located at 4522 Apple Tree Dr., Alexandria, 22310, on approx. 14,565 sq. ft. of land zoned R-3. Lee District. Tax Map 82-3 ((13)) 48. (Concurrent with VC 2015-LE-004.) Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on November 4, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. With respect to the addition, there is a favorable staff recommendation, and the Board adopts the rationale in the staff report. This is an older home from the 1950 s with very limited storage. The carport is already there. The enclosure of the carport does not create a significant negative impact on anybody, and in fact it would help with concealment of outdoor storage. They will be using it for living space, but it will be more attractive enclosed then open.
3. The shed is too tall and too prominent. This shed has windows at both levels emphasizing the height. The applicant's justification for retaining the shed would fit more easily with a mistake in building location then it would with a variance.
4. The Board does not support the error request for the shed.
5. The applicant has read, understands, and agrees with the proposed development conditions for the addition.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance with respect to the addition.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED-IN-PART** with the following limitations:

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 granted only for the location and size of the addition (enclosed carport, 303 square feet, 13.0 feet in height, 11.3 feet from the eastern side lot line) as indicated on the plat titled, "Special Permit Plat, Showing Improvements On, Lot 48, Section 2, Rose Hill," by Thomas G. Lutke, Land Surveyor, of NoVA Surveys, dated May 21, 2014, as submitted with this application and is not transferable to other land. The error in building location request for the shed is denied.
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 (1,022 square feet existing + 1,533 square feet (150%) = 2,555 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 as shown on Attachment 1 to these conditions. The materials used in constructing the addition should be architecturally compatible with the existing dwelling.

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 take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

Mr. Beard seconded the motion, which carried by a vote of 4-0. Ms. Theodore was not present for the vote. Mr. Byers and Mr. Smith were absent from the meeting.

A Copy Teste:

Mary D. Padrutt

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals

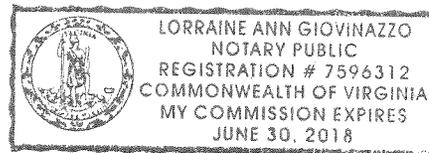
ACKNOWLEDGEMENT

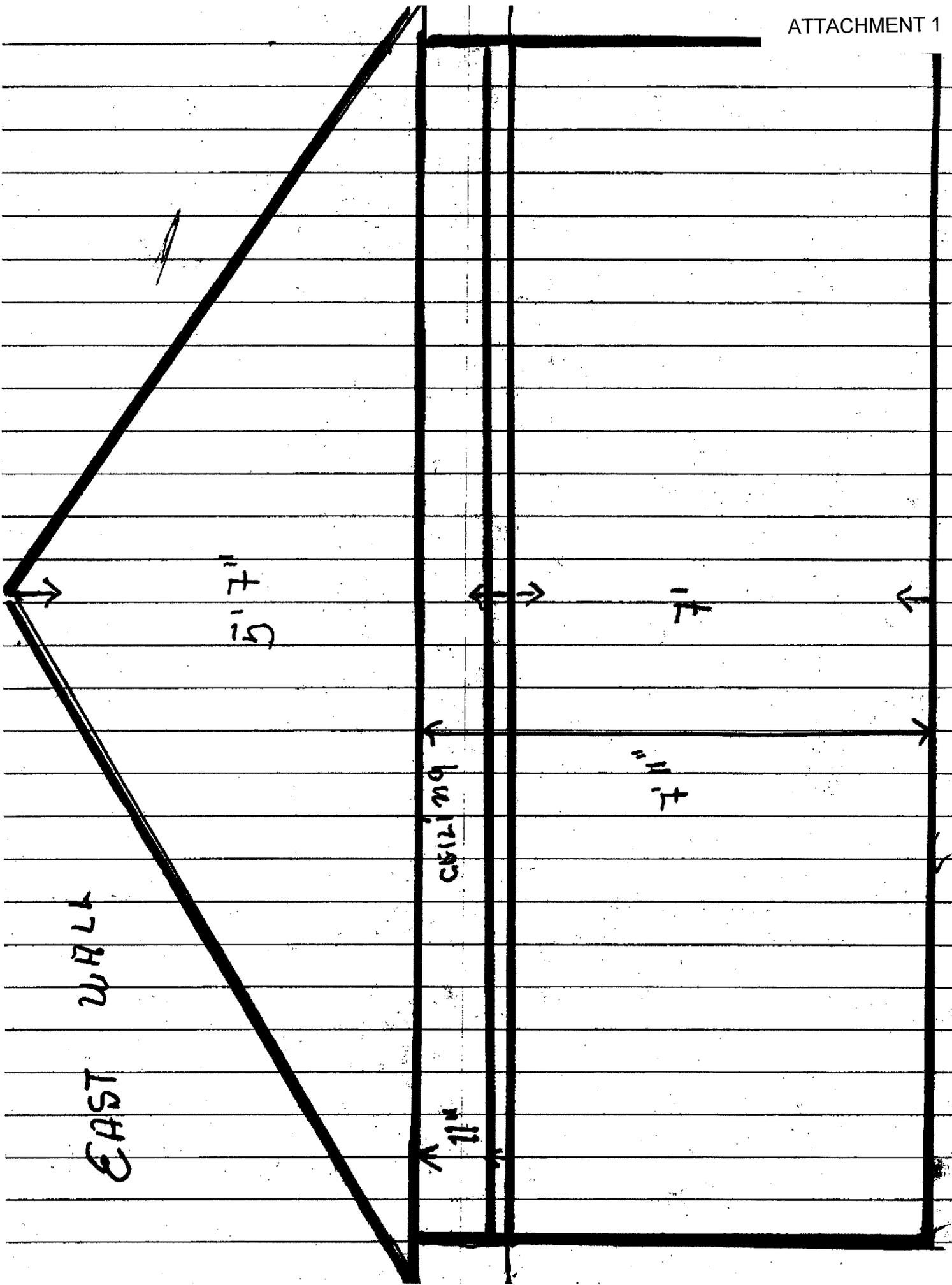
County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 10th day of
November, 2015.

Lorraine A. Giovinazzo
Notary Public

My commission expires: 6/30/18





EAST WALL

building

5'7"

11'

11'7"

Window

73" x 49"

SOUTH

12' 8"

WALL

2x6 x 16" CENTER



EAST

WALL

20' 6 3/4"

2x4 x 16" CENTER

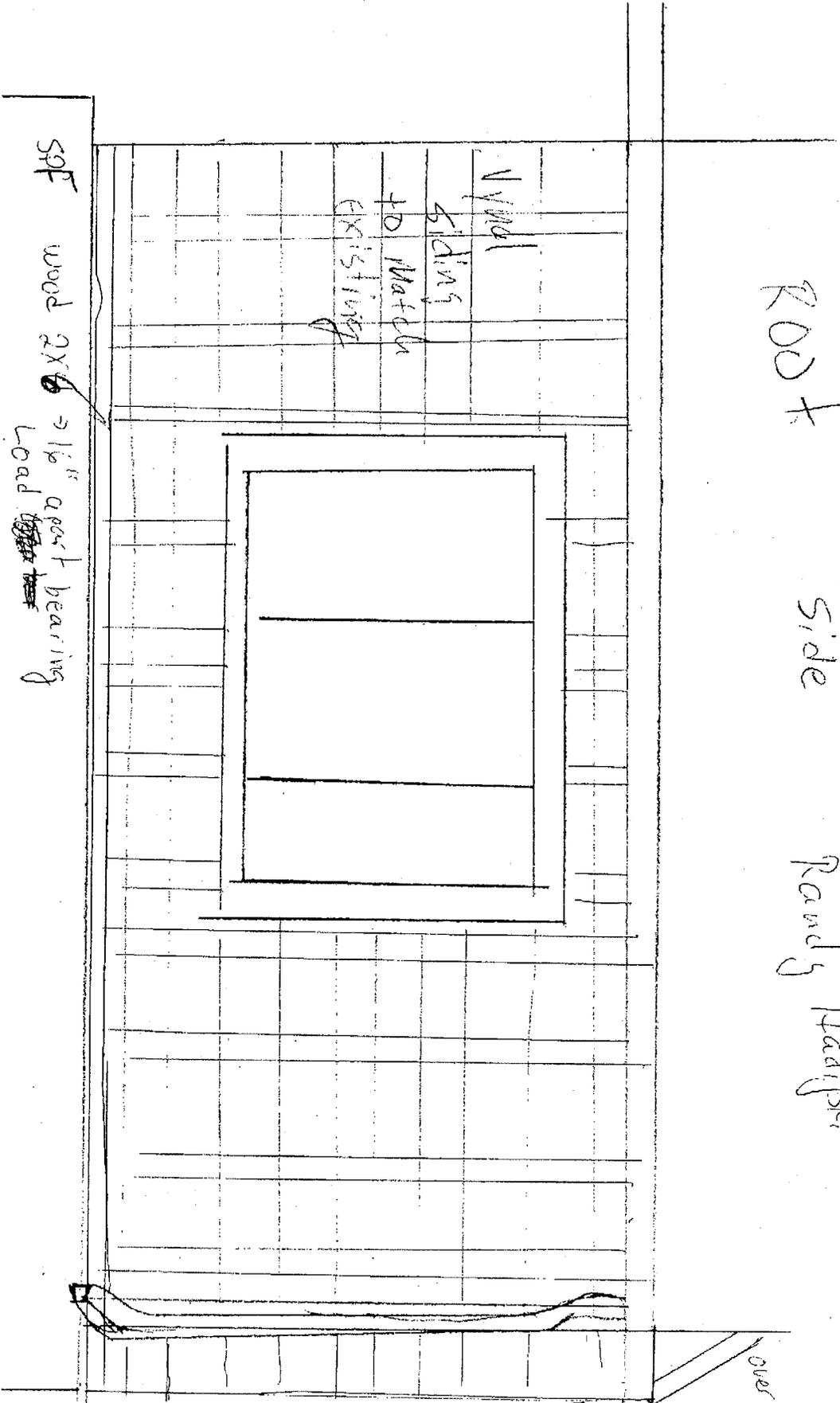
Existing Door removed
Create Caser
Opening

Existing Door removed

30" Door

EXISTING
STORAGE





ROOF

Front Street Side

4522 Apple tree Drive
Alexandria, VA 22310
Randy Hadiski

SPF wood 2x6 @ 16" apart bearing Load

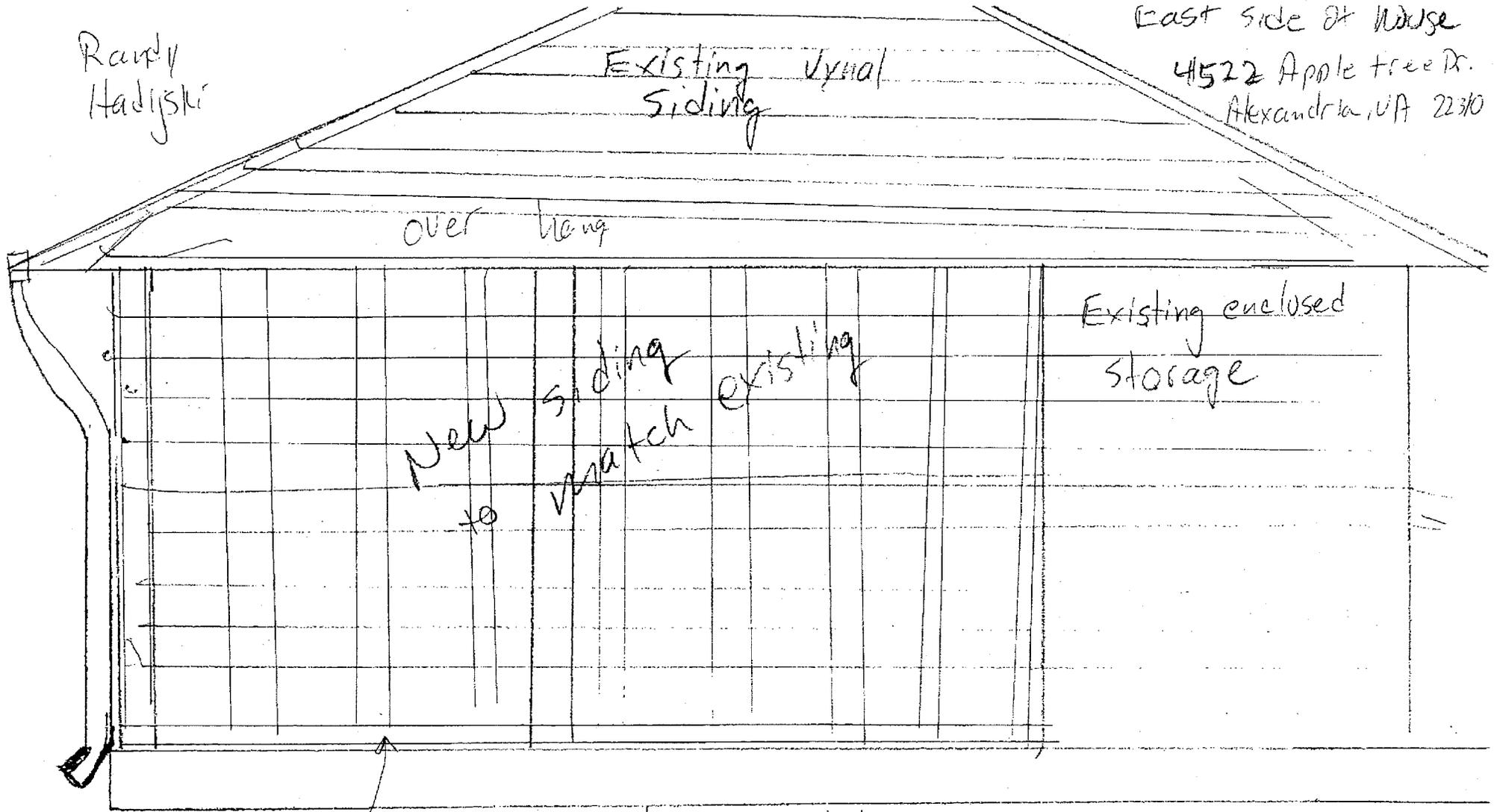
Vinyl siding to match existing

Vinyl siding to match existing

overhang

Randy
Hadiski

East side of house
4522 Apple tree Dr.
Alexandria, VA 22310



overhang

Existing vinyl
Siding

New siding
to match existing

Existing enclosed
storage

SPF wood 2x4 → 16" apart Not load bearing

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

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

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

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

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

2. The BZA determines that:

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

3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.

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