



County of Fairfax, Virginia

June 15, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-MV-031

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS: Marcos A. and Katherine B. Araus

STREET ADDRESS: 1130 Cameron Road, Alexandria 22308

SUBDIVISION: Wellington Estates, Lot 39, part of Lot 38

TAX MAP REFERENCE: 102-2 ((12)) 39

LOT SIZE: 11,250 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISION: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit a reduction in minimum yard requirements based on errors in building location to permit a dwelling to remain 7.7 feet and deck (patio) to remain 4.0 feet from one side lot line and an accessory structure to remain 12.0 feet from the other side lot line, and to permit a reduction in certain yard requirements to permit construction of an addition 7.7 feet from the side lot line.

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

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

Heath Eddy, AICP

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

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

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

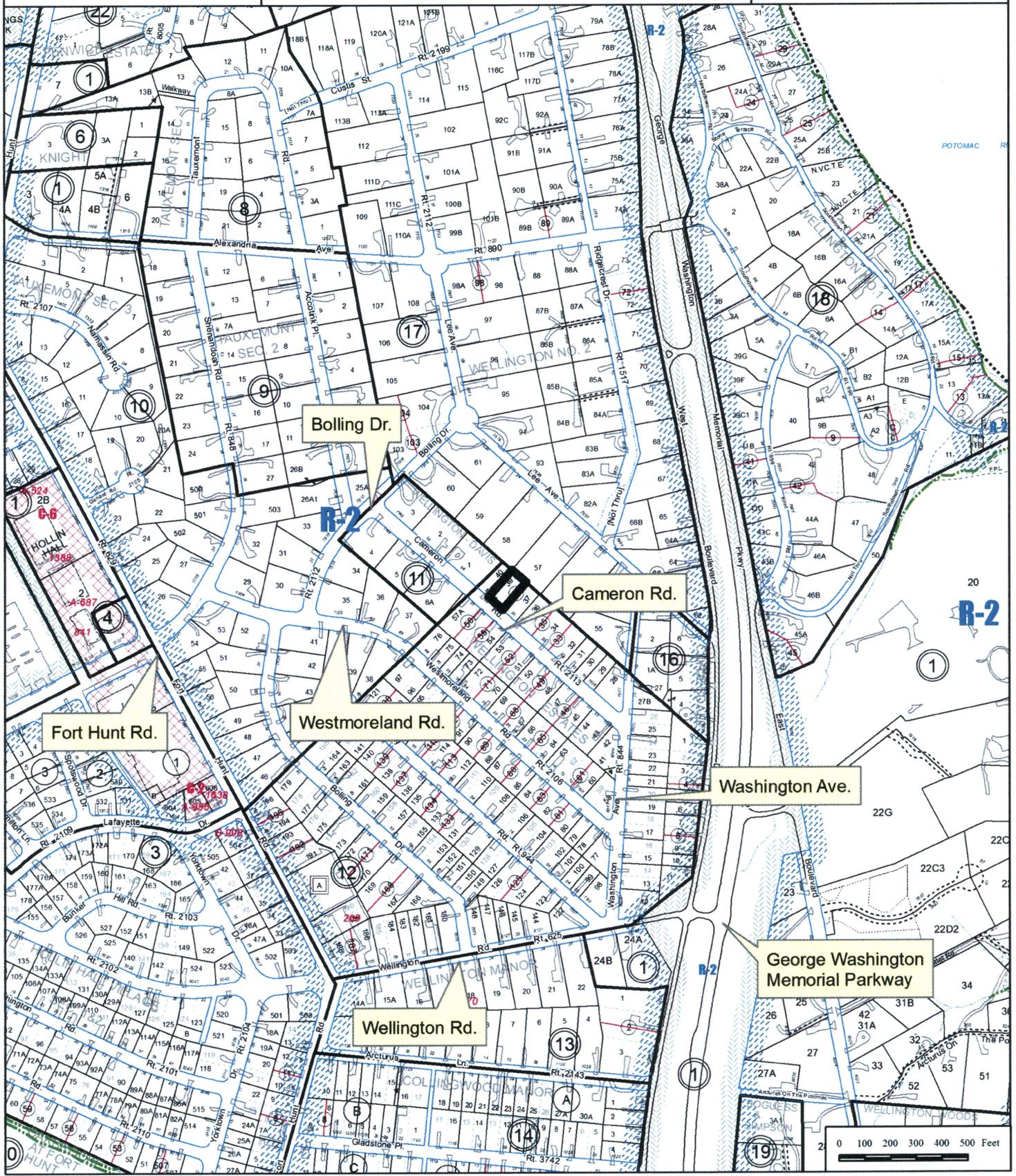


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



Special Permit SP 2016-MV-031

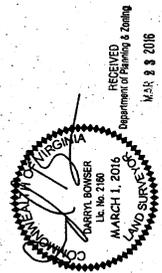
MARCOS A. ARAUS AND KATHERINE B. ARAUS



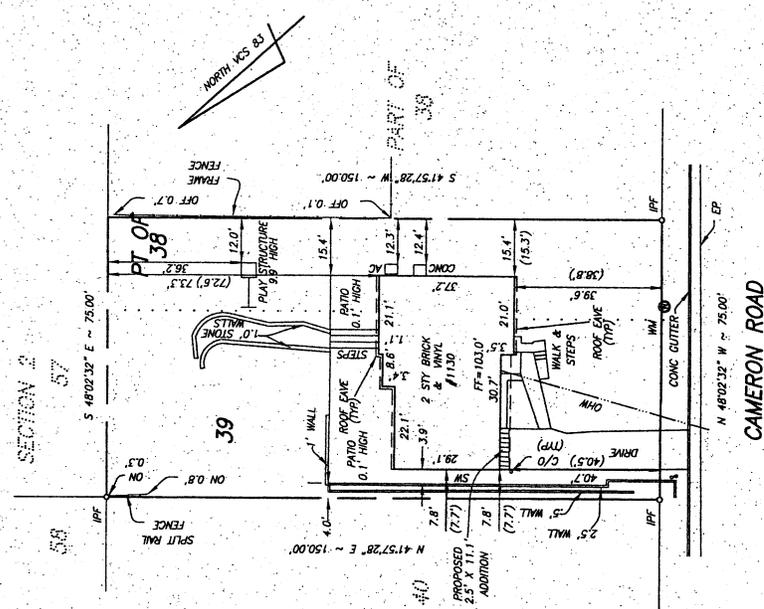
730 S. Washington Street Alexandria, Virginia 22314 (703) 549-6422
 ENGINEERING LAND SURVEYING PLANNING



- GENERAL NOTES:**
- TAX MAP: #102-02-12-0039
 - OWNER: KATHERINE B. ARAUS
 11111 WILSON DRIVE
 ALEXANDRIA, VA 22308
 DB: 22826, PG. 2023
 - TITLE REPORT NOT FURNISHED, THIS ALL EASEMENTS MAY NOT BE SHOWN.
 - PLAY SUBJECT TO RESTRICTIONS OF RECORD.
 - LOT AREA = 11,250 SQ. FT. OR 0.2583 AC.
 - THE POSITIONS OF THE IMPROVEMENTS SHOWN HEREON HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE MEASURING EQUIPMENT.
 - EXISTING MAX. BUILDING HEIGHT = 14.2 FEET
 PROPOSED MAXIMUM BUILDING HEIGHT = 14.2 FEET
 (TAKEN FROM MID-POINT OF PROPOSED ROOF TO AVERAGE FINISH FLOOR LEVEL AND ROUND UP TO THE NEXT WHOLE NUMBER ALLOWING BUILDING HEIGHT = 35 FEET)
 - REQUIRED SETBACKS PER R-2 ZONE:
 FRONT = 35 FEET
 REAR = 25 FEET
 SIDE = 10 FEET
 - PROPERTY SERVED BY PUBLIC WATER AND SANITARY SEWER.
 - ALL EXISTING STRUCTURES TO REMAIN.
 - THERE ARE NO MAJOR UTILITY EASEMENTS LOCATED ON THE PROPERTY. FURTHER, THERE ARE NO EASEMENTS 25' IN WIDTH OR GREATER ON THIS PROPERTY.
 - TIES TO BUILDING OVERHANGS SHOWN THUS - (XX.X)
 - EXISTING GROSS FLOOR AREA = 1,706 SQ. FT.
 PROPOSED ADDITION AREA = 28 SQ. FT.
 EXISTING GROSS FLOOR AREA = 17,34 SQ. FT.
 PROPOSED GROSS FLOOR AREA = 17,620 SQ. FT.
 PROPOSED ADDITION FLOOR AREA RATIO (GAR) = 28/11,250 OR 0.002
 PROPOSED FLOOR AREA RATIO (GAR) = 1734/11,250 OR 0.154
 PROPOSED ADDITION-28 SF/EX. GRA (1,706) = 0.016 OR 1.6%
 - THERE ARE NO PROPOSED CHANGES TO EXISTING LANDSCAPING, PORCHES OR FENCING.
 - THERE IS NO RPA OR FLOORPLAN ON THIS SITE BASED ON THE EXAMINATION OF THE OFFICIAL RECORDS. THE SUBMITTAL AREA WAS APPROVED BY THE BOARD OF SUPERVISORS ON JULY 7, 2003.
 - DISTANCES IN (XX.X) ARE TO ROOF EWES.



SPECIAL PERMIT PLAT
 SHOWING
LOT 39 AND PART (25') OF LOT 38
WELLINGTON ESTATES
 (OF L-13, PG. 2023)
 WILSON DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 DATE: JAN. 22, 2016 SCALE: 1" = 20'
 REV. MARCH 1, 2016



CAMERON ROAD
 50' R/W

SPECIAL PERMIT REQUEST

The applicant requests special permit approval to permit a reduction in minimum yard requirements based on errors in building location to permit a dwelling to remain 7.7 feet and deck (patio) to remain 4.0 feet from one side lot line and an accessory structure to remain 12.0 feet from the other side lot line, and to permit a reduction in certain yard requirements to permit construction of an addition 7.7 feet from the side lot line.



Figure 1: Subject property, Source: Pictometry 2015.

A copy of the special permit plat, entitled “Special Permit Plat showing Lot 39 and Part (25’) of Lot 38, Wellington Estates,” prepared by Darryl Bowser, L.S., of RC Fields and Associates, Inc., dated March 1, 2016 and received March 23, 2016, consisting of one sheet is provided at the front of this staff report. A copy of the applicant’s statement of justification and relevant photographs, and architectural renderings, and the affidavit are provided in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 11,250-square foot subject property is located on Cameron Road in the Wellington States neighborhood that forms the area bordered by the George Washington Memorial Parkway on the east, Fort Hunt Road on the west, and Wellington Road on the south. Cameron Road is a small residential street of around 20 residences.

The property is developed with a 1,360-square foot 1 ½-story single family detached dwelling with an enclosed rear porch, a 1-car attached garage, front porch, and a 693 square foot patio. There is also a small child's playset (9.9 feet in height) located in the rear yard. Many of the houses along this street were originally constructed in the 1950s, and remain relatively unchanged today.

BACKGROUND AND HISTORY

County Records indicate that the existing single family dwelling was permitted for construction in 1956, and originally included an attached carport where the garage is currently. Sometime prior to the applicants' purchase of the property in February 2013, the carport had been converted to a garage without building permits. The applicant's statement of justification in Appendix 2 includes a written letter from the adjacent neighbor which indicated that it was 2-3 previous owners prior to the current applicants, which would place the conversion during the period of 2001-2008.

This is the first special permit or variance request for the subject property. County records indicate there have been several similar special permit/variance applications in the area, including the following:

- VC 88-V-067 approved by the BZA on July 26, 1988, located at 1134 Westmoreland Road, to permit the enclosure of a carport and screened porch 9 feet from the side lot line.
- VC 92-V-123, approved on December 10, 2002, located at 1117 Cameron Road, to permit the enclosure of a carport 11.5 feet from the side lot line.
- VC 95-V-056, approved on July 25, 1995, located at 1130 Westmoreland Road, to permit an addition 11.8 feet from the side lot line.
- VC 96-V-082/SP 96-V-021, approved September 10, 1996, located at 1120 Cameron Road, to permit a dwelling to remain 11.9 feet from the side lot line, and to permit additions located 7.9 feet, 8.9 feet, and 11.9 feet from the side lot line.
- VC 98-V-110, approved November 3, 1998, located at 7910 West Boulevard Drive, to allow an accessory structure to remain 14.7 feet from the front lot line on a lot less than 36,000 square feet and a fence higher than 4 feet to remain in a front yard.
- VC 2003-MV-025, approved April 22, 2003, located at 1108 Cameron Road, to permit an addition 25.1 feet from the front lot line on a corner lot.
- SP 2007-MV-020, approved May 15, 2007, located at 1117 Cameron Road, to permit an addition 11.6 feet from the side lot line.
- VC 2011-MV-002, approved March 16, 2011, located at 7824 West Boulevard Drive, to permit an accessory structure to remain in the front yard of a lot less than 36,000 square feet.

DESCRIPTION OF THE APPLICATION

The applicant's initial request was for the approval of the small addition to the front of the garage in order to change the existing side-by-side manual garage door with an overhead

automatic door. This requires a small addition of 2.5' x 11.1' (27.5 square feet) to the front of the residence. When the application was reviewed for acceptance, it was determined that the garage had previously been built as a 1-car carport, but at some point prior to the current owners, the carport had been converted to a garage without approvals or building permits. The existing enclosed porch is considered a vested structure but the garage is not, having been converted 8-15 years ago. Therefore, as the garage encroaches on the minimum side yard by 7.3 feet (15 feet minimum in the R-2 District), an error in building location approval is necessary to legalize this addition.

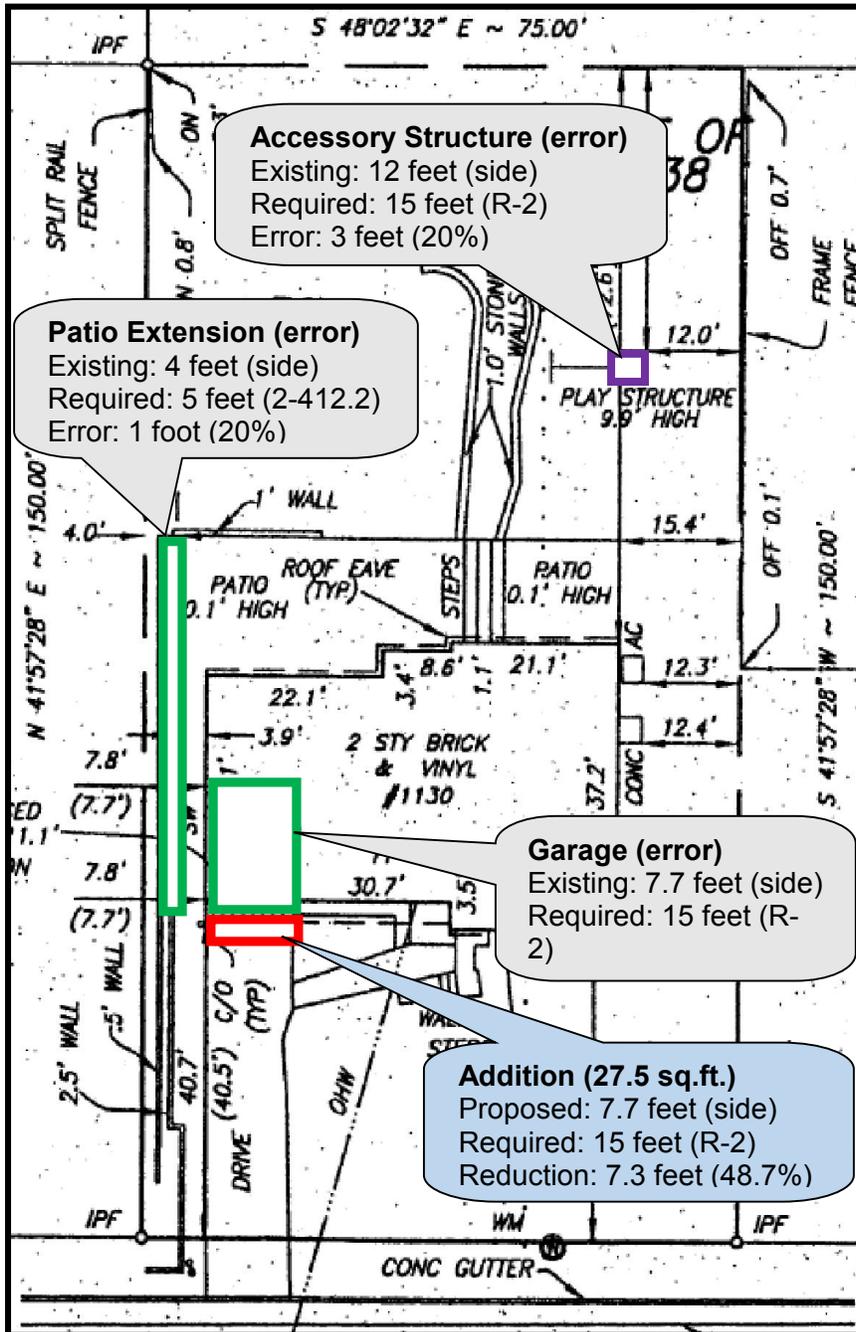


Figure 2: Special Permit plat, partial, showing the proposed addition and the areas proposed for errors in building location. Source: Applicant.

In addition, the review also determined that the patio as currently constructed did not comply with the minimum side yard requirement in Sect. 2-412.2 of the Zoning Ordinance. The minimum distance for a patio (at grade deck) is five (5) feet, and the patio is located four (4) feet from the side lot line. The walkway between the retaining wall and the side wall of the garage was also included in this error request, as it appears to be an essential part of the patio.

Finally, the small playset located in the rear yard is 9.9 feet in height and located 12 feet from the side lot line. Under Sect. 10-104.12 of the Zoning Ordinance, any accessory structure seven (7) feet in height or taller must comply with the minimum side yard requirement of the district, which in this case is 15 feet.

Therefore the applicants are requesting approval of the following:

1. Under Sect. 8-922, permission for a 2.5' x 11.1' addition to the front of the existing garage located 7.7 feet from the side lot line, a reduction of 7.3 feet or 48.7%;
2. Under Sect. 8-914, approval of reductions in minimum yards based on errors in building location for the following:
 - a. An open patio to remain 4 feet from the side lot line, a reduction of 1 foot or 20%;
 - b. An attached garage to remain 7.7 feet from the side lot line, a reduction of 7.3 feet or 48.7%; and
 - c. A 9.9-foot tall accessory structure (playset) to remain 12 feet from the side lot line, a reduction of 3 feet or 20%.

Figure 3, below, shows side by side the existing manual side-by-side garage door and the proposed new automatic overhead door.

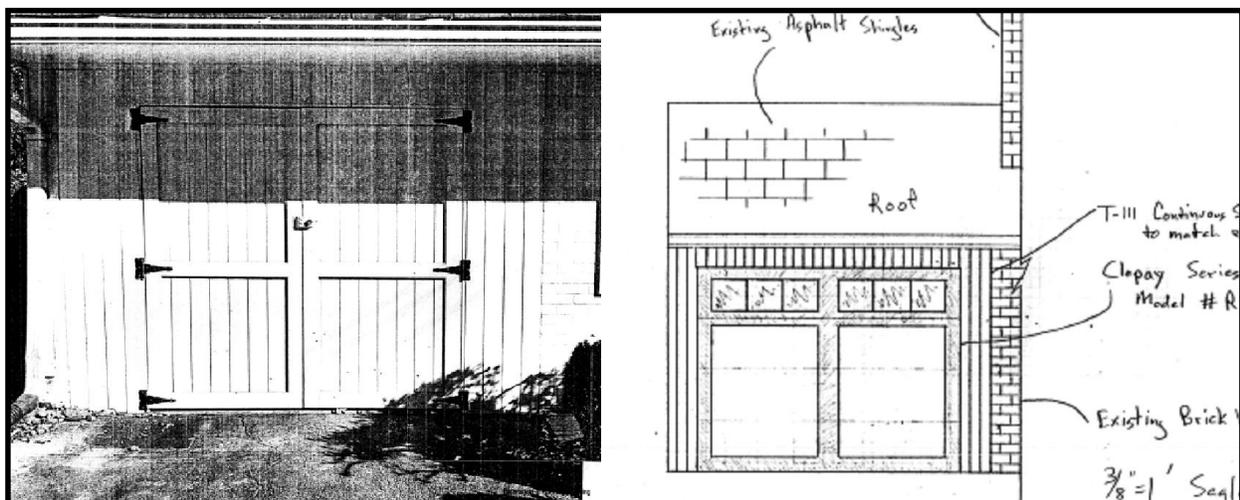


Figure 3: Image of existing garage door and proposed new overhead door design. Source: Applicant.

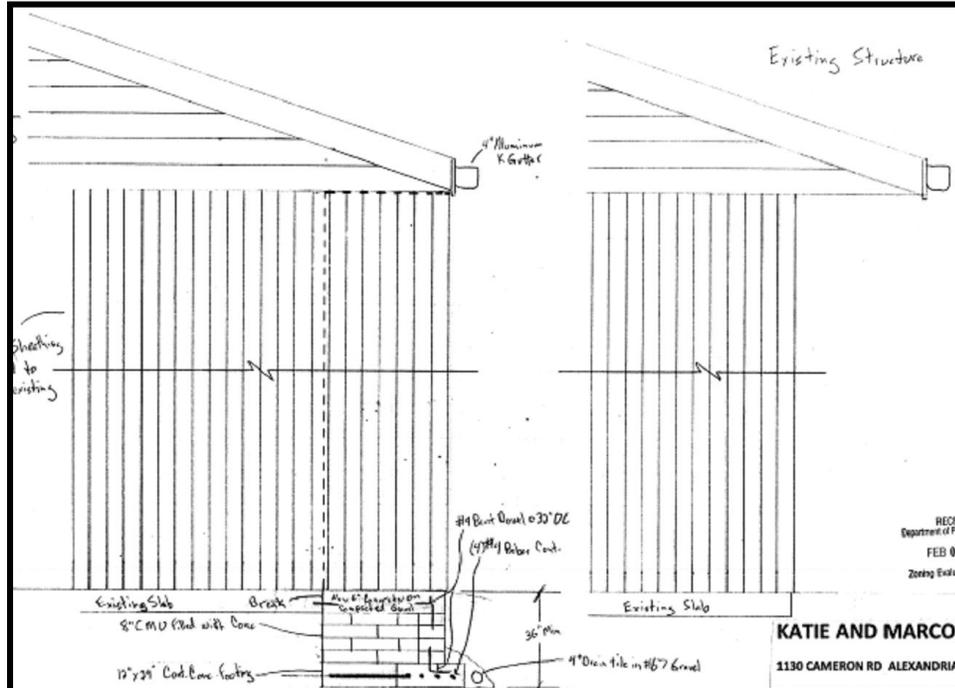


Figure 4: Side-view rendering of proposed addition to front of garage. Source: Applicant.

Figure 4 depicts the proposed change to the side wall of the existing garage. The applicants provided images showing the existing patio and location relative to the retaining walls, which are permitted in the side yard.



Figure 5: Side view showing the retaining wall and patio from the front, also showing the existing garage. Source: Applicant.



Figure 6: Image showing the extent of the rear patio. On the right side the part of the patio that is located in error is shown. Source: Applicant.



Figure 7: The children's playset, also located in error. Source: Applicant.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: IV
 Planning District: Mt. Vernon
 Planning Sector: Wellington (MV4)
 Plan Map: Residential

The Plan does not contain any specific recommendations for the subject property but does note that this area is planned for infill residential development in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

ZONING ORDINANCE REQUIREMENTS (Appendix 6)

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

Bulk Standards (R-2)		
Standard	Required	Provided
Minimum Lot Size	15,000 sf.	11,250 sf.*
Minimum Lot Width	100 feet	75 feet*
Maximum Building Height	35 feet	14.2 feet
Minimum Front Yard	35 feet	39.6 feet
Minimum Side Yard	15 feet	15.4 feet (west side) 7.7 feet (east side)**
Minimum Rear Yard	25 feet	73.3 feet

*The property was subdivided in the early 1950s and based on Sect. 2-405.1 of the Zoning Ordinance is considered a legal buildable lot.

**As requested with this application, and also with respect to existing error in building location.

Extensions and Accessory Structures on Property – Error Requests		
Standard	Required	Requested
Patio/Deck in Side Yard	Min. side yard 5 feet	4 feet to side lot line
Accessory Structure 7 feet or higher	Min. side yard 15 feet (R-2 District) Min. rear yard = height (9.9 feet)	12 feet to side lot line (complies with min. rear yard)

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

special permit must meet these standards.

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *Sect. 8-922* Provisions for Reduction of Certain Yard Requirements
- *Sect. 8-914* Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The following is staff’s analysis of the Zoning Ordinance provisions and the proposal to permit a reduction in the minimum side yard to 7.7 feet to allow construction of an addition into the side yard of the residence. As the BZA is aware, staff does not provide recommendations for cases involving Sect. 8-914.

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

<p>Standards 1 & 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2 District allows a reduction in minimum required yards with special permit approval.</p>
<p>Standard 3 Adjacent Development</p>	<p>Residences in the neighborhood feature a mixture of attached carports, garages, as well as no overhead shelter for vehicles. The proposed addition is located the same distance from the side lot line as the existing garage. The neighbor most directly impacted has seen the existing residence and roofline in place for years (originally constructed in place in 1956) and there is no record of complaints.</p>
<p>Standard 4 Pedestrian/ Vehicular Traffic</p>	<p>No increased vehicular or pedestrian traffic is expected with this application. In staff’s opinion, the proposed use does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/ Screening</p>	<p>There is some screening, though the subject property is below the most directly impacted neighbor, so the direct line of sight is the existing roofline. The proposed addition should have no impact.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement on individual lots in the R-2 District.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>The proposed changes would not result in any impact on the public utilities, drainage patterns, or parking in the surrounding area.</p>
<p>Standard 8 Signs</p>	<p>No signage is proposed.</p>

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

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>The bulk regulation for the minimum required side yard is requested to be modified with the special permit application. The subject property is substandard with respect to minimum lot size and width in the R-2 District, but otherwise complies with other standards of the district except for the errors as requested. It should be noted that the subject property is typical of other lots in the Wellington Estates subdivision.</p>
<p>Standard 2 Performance Standards</p>	<p>The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.</p>
<p>Standard 3 Site Plan</p>	<p>The proposed construction will not disturb more than 2,500 square feet, therefore no additional site plan requirements are required.</p>

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

<p>Standard 1 Yard Requirements Subject to Special Permit</p>	<p><i>A. Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet:</i> The proposed addition would be located 7.7 feet from the side lot line. The required side yard in an R-2 district is 15 feet, resulting in a reduction of 7.3 feet, or 48.7%. <i>B. Pipestem lots- N/A</i> <i>C. Accessory structure locations – N/A</i> <i>D. Extensions into minimum required yards allowed by Sect. 2-412: N/A</i></p>
<p>Standard 2 Not a Detached Structure in a Front Yard</p>	<p>The application does not propose a detached accessory structure.</p>
<p>Standard 3 Principal Structure that Complied with Yard Requirements When Established</p>	<p>At the time of its construction in 1956, the principal structure complied with all requirements then in existence. The original carport was converted to the existing garage 10-15 years ago without building permits and would need to meet building code compliance with the proposed addition.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The proposed addition totals 27.5 square feet in area. The total increase in GFA is about 1.6% of the existing GFA of 1,706 square feet. The maximum total increase for the subject property is 2,559 square feet.</p>
<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>N/A</p>
<p>Standard 6 Construction in Character with On-Site Development</p>	<p>The proposal would increase the depth of the garage by 2.5 feet and enlarge the door opening in order to replace the existing doors with an automatic overhead door. This modification is in character with the existing residence.</p>

<p>Standard 7 Construction Harmonious with Off- Site Development</p>	<p>The neighborhood consists of residences of varying vintages included modern designs and more colonial designs. The proposal is a minor modification to the existing garage and would be harmonious with the surroundings.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>The proposed addition would be located approximately 18 feet from the neighbor's residence to the northwest, the nearest point of any neighbor. The addition will replace existing driveway pavement and the outside finish will be consistent with the existing side wall of the residence, so no adverse impact is anticipated.</p>
<p>Standard 9 Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes this proposal represents the minimum amount of reduction necessary, as the addition is to an existing garage but at a distance from the side lot line equal to the existing footprint.</p> <p>Other issues of environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, easements and historic resources are not applicable to this site.</p>
<p>Standard 10 BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p>Standard 11 Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>
<p>Standard 12 Architectural Elevations</p>	<p>Proposed elevation drawings are included as an attachment to the proposed development conditions in Appendix 1.</p>

CONCLUSION

Staff finds that the proposal to permit a reduction of certain yard requirements to permit construction of an addition 7.7 feet from the side lot line is in conformance with the applicable Zoning Ordinance provisions.

RECOMMENDATION

Staff recommends approval of SP 2016-MV-031 for the construction of the addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Statement of Justification, Architectural Renderings, and Photographs
3. Applicant's Affidavit
4. Available Street File Information
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-MV-031****June 15, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-MV-031 located at Tax Map 102-2 ((12)) 39 to permit a reduction in minimum yard requirements based on errors in building location to permit a dwelling to remain 7.7 feet and deck (patio) to remain 4.0 feet from one side lot line and an accessory structure to remain 12.0 feet from the other side lot line, and to permit a reduction in certain yard requirements to permit construction of an addition 7.7 feet from the side lot line, permit reduction of certain yard requirements pursuant to Sects. 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

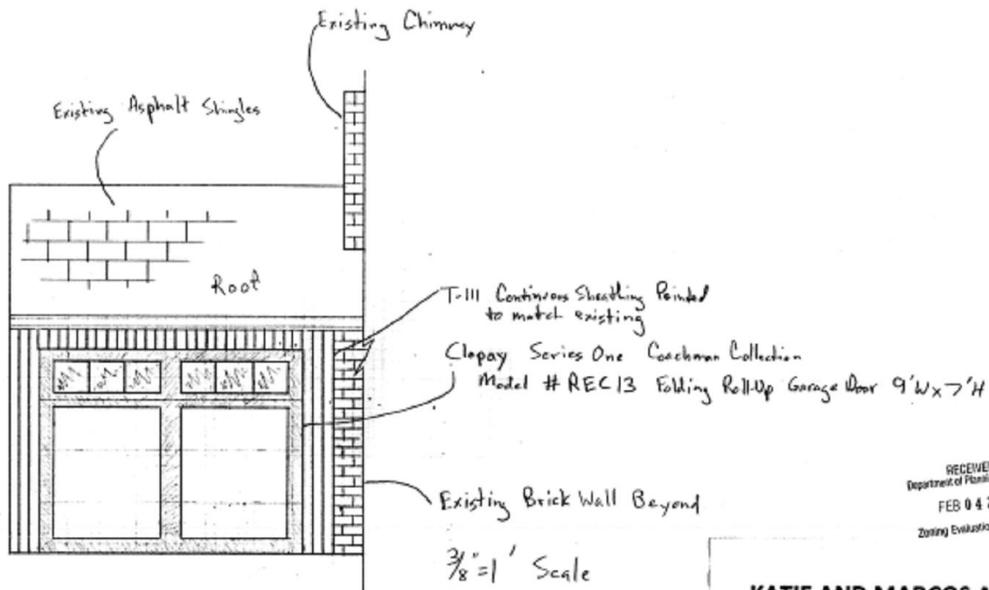
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of all improvements located in error of the minimum side yard requirement, and for the addition as shown on the special permit plat, entitled "Special Permit Plat showing Lot 39 and Part (25') of Lot 38, Wellington Estates," prepared by Darryl Bowser, L.S., of RC Fields and Associates, Inc., dated March 1, 2016 and received March 23, 2016, consisting of one sheet as submitted with this application and is not transferable to other land.
3. Pursuant to Par. 4 of Sect. 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,706 square feet existing + 2,559 square feet (150%) = 4,265 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent 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 design of the architectural renderings as shown on Attachment 1 to these conditions.

5. The Applicant shall obtain all applicable building permits and pass inspections for the existing garage concurrent with the approved 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 on the screened porch addition and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

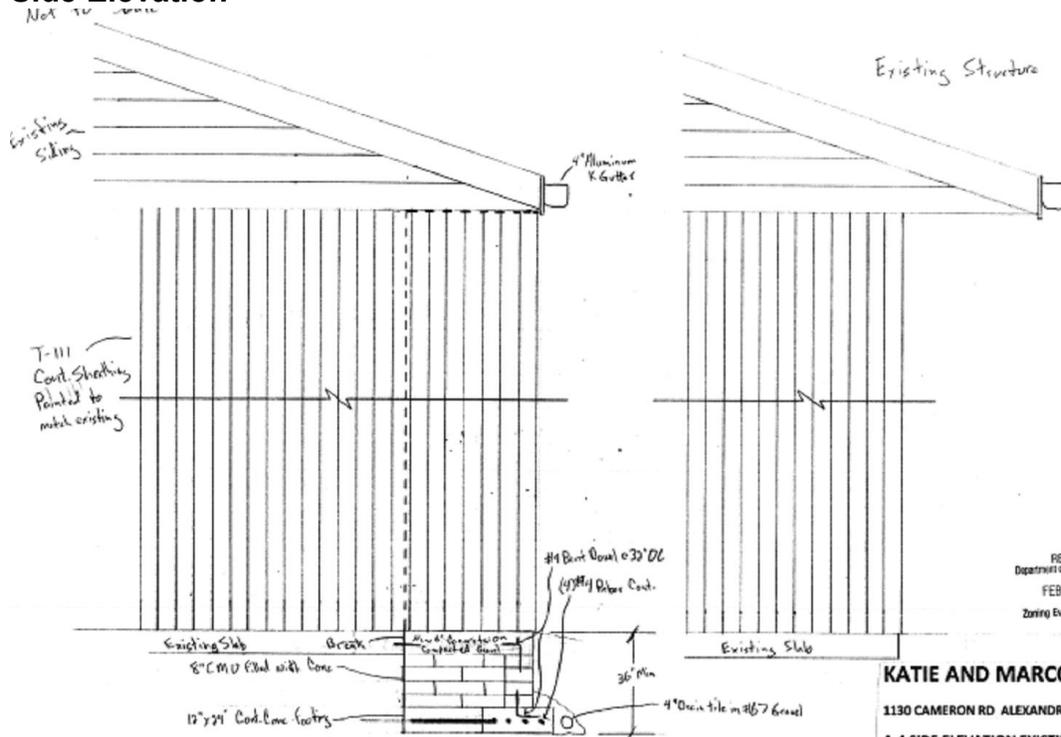
ATTACHMENT 1: Architectural Renderings for Proposed Addition Front Elevation



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

KATIE AND MARCOS ARAUS
1130 CAMERON RD ALEXANDRIA Va. 22308
A-3 FRONT ELEVATION NEW

Side Elevation



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

KATIE AND MARCOS ARAUS
1130 CAMERON RD ALEXANDRIA Va. 22308
A-4 SIDE ELEVATION EXISTING AND NEW

Statement of Justification and Responses to Acceptance Inquiries

Special Permit Statement of Justification

Property Address: 1130 Cameron Rd.
Alexandria, VA 122308

RECEIVED
Department of Planning & Zoning
DEC 18 2015
Zoning Evaluation Division

A request for a Special Permit is being made for the property located at 1130 Cameron Rd. in Alexandria, VA. The original house layout, per copy of plat supplied by the Zoning Office, indicates a porch and carport on the West side of the property. At some time previous, walls were installed to the outside perimeter of the porch and carport, creating an enclosed structure. The homeowners are seeking reduction of the minimum yard requirements, so as to keep the structure enclosed.

1130 Cameron Rd.

Zoning Evaluation Division

Deficiency Report Submission

Property Address: 1130 Cameron Rd.
Alexandria, VA 22308

Item 5.00:

A request for a Special Permit is being made for the property located at 1130 Cameron Rd. in Alexandria, VA. This is a request for the reduction of the minimum yard requirements, to retain an existing structure. This is also a request to add a small addition to the front of an existing enclosed garage.

The original house layout, per copy of plat supplied by the Zoning Office, indicates a porch and carport on the Northwest side of the property. The porch and carport was open to the outside on three sides. It included a roof that is in line with the roof over the main house. The entire roof was built at the same time, per existing framing. On the Northwest side of the structure is a gable roof section, covered with painted lap siding.

At some time in the past, a previous title owner enclosed the porch and carport to create a garage and an additional multi season room. The garage is to the front of the enclosure, and the multi season room is to the rear. The space was enclosed with 2x4 framed walls on the three sides of the area, with the exterior covered with a painted T-111 plywood siding. This enclosure covers the entire perimeter of the space. Installed on the front of the garage is a pair of painted carriage doors. These doors were produced with the same T-111 painted siding, and 1x6 lumber. At the rear of the multi season room is an entry door, and three [3] windows. On the side of the multi season room are five [5] windows identical to the rear windows.

The homeowner is also proposing to expand the front portion of the current garage structure. An addition of 11'1" wide by 2'6" deep will be added to the front of the current garage. This proposed addition will be finished with painted T-111 siding to match the existing finishes. A new 8' wide roll up garage door will be installed. It is important to note that all existing roof dimensions will not change. The addition will be completely contained under the existing roof.

The proposed addition to the front of the garage will be constructed and finished to match the existing walls. The proposed addition will include T-111 siding painted to match, and a new roll up garage door.

The proposed addition to the garage will be harmonious with the existing structure, will be constructed to match the existing walls, and will extend 2'6" beyond the current front wall, yet will still be contained under the roof line. The proposed addition will extend over what is currently an asphalt driveway.

The proposed addition to the garage will in no way affect any neighboring properties. The house to the west of the property is elevated above the proposed addition. No sight lines will be obscured, light and air will not be affected, and no additional erosion or storm water run off issues will be caused by the addition.

The proposed addition will be located at the furthest point from the property line as necessary for the most minimal amount of side yard reduction. It will follow the existing outside garage side wall line (along the property line to the northwest), and will be completely contained within all roof lines along the property line and at the front of the garage. The proposed addition will capture a small portion of the asphalt driveway at the front of the garage, and no additional aspects will be affected.

Item 5.07:

The architectural style of the house is Mid Century Modern Split Level. The main portion of the house is a mix of exposed brick masonry walls, and wood framed walls finished with lap siding. All brick, siding, and any wood trim components are painted white.

The enclosed garage and multi season room were produced with wood framing, with the exterior covered with painted T-111 plywood siding.

The proposed addition to the front of the carport will be finished as the existing walls, including a roll up garage door.

Item 912.00

There is no explanation for how the building violation occurred. The title owner spoke to the neighbor to the west to inquire about when the carport and porch were enclosed to create a garage and multi season room. The neighbor thought that it was either the second or third previous title owner of the property.

Item 930.00

The existing gross floor area of the house is 1,706 square feet. The proposed addition to the front of the garage will increase the gross floor area by 28 square feet, to a total of 1,734 square feet. The proposed addition will increase the total gross floor area by 1.6%.

Item 930.02

Statement included in Item 5.0

Item 930.03

Statement included in Item 5.0

Item 930.04

Statement included in Item 5.0

Item 930.05

Statement included in Item 5.0

Items 930.07, 930.08, 930.09, 930.10, and 930.11

Each of these items has been captured and represented in the new Plat.

March 9, 2016

To Whom It May Concern:

In February 2013, we purchased our home at 1130 Cameron Road, Alexandria, Virginia 22308. We plan to remodel our existing kitchen, sunroom and garage space. Our contractor for the project is Gayland French, Inc.

We understand that Fairfax County inquired about our knowledge of previous owners enclosing the existing sunroom and carport. We purchased the home with the carport and sunroom enclosed. We did not enclose the carport or the sunroom.

The publicly available Redfin listing of the property from 2013 shows the enclosed carport and sunroom:

<https://www.redfin.com/VA/Alexandria/1130-Cameron-Rd-22308/home/9818165>

Also, enclosed is a March 8, 2016 letter from our neighbor at 1132 Cameron Road, Yates Dowell. Mr Dowell states that to the best of his recollection the carport and sunroom were enclosed in the 1980s.

In sum, we did not enclose the carport or the sunroom. Understanding that this is a busy time of year for issuing permits, we remain hopeful that Fairfax county will approve the permits for our remodel project without further delay.

Regards,



Marcos A. Araus, Esq.



Katherine Brouwer Araus, Esq.

RECEIVED
Department of Planning & Zoning

MAR 11 2016

Zoning Evaluation Division

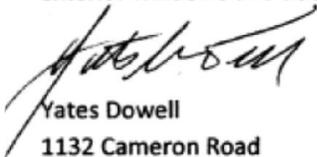
Attachment

March 8, 2016

1130 Cameron Road carport and side porch changes

I have been a resident and owner at 1132 Cameron Road since about 1980.

To the best of my recollection, the carport at 1130 Cameron was divided into two sections when I moved in. The front half was an open carport; the back half was an enclosed porch with cement floor, aluminum storm windows and an aluminum exterior storm door. Approximately 8 years ago, the owners enclosed the front half to form a closed carport or garage with doors and sidewalls all within the original outside dimensions for the carport and improved the back half by adding tile to the porch floor. They may have moved the interior porch wall somewhat closer to the street so the carport was made somewhat smaller. More recently, about 5 years ago, the siding on the porch and garage as well as the exterior windows and doors were improved, all within the original dimensions of the porch and garage.



Yates Dowell
1132 Cameron Road
Alexandria, VA 22308

703 660 9275

RECEIVED
Department of Planning & Zoning
MAR 11 2016
Zoning Evaluation Division

April 5, 2016

Ms. Deborah Lesko Pemberton
Senior Applications Acceptance Planner
Department of Planning and Zoning
12055 Government Center Pkwy, Suite 801
Fairfax, Virginia 22035

RECEIVED
Department of Planning & Zoning

APR 06 2016

Zoning Evaluation Division

Re: File SP 2015-0392

Dear Ms. Lesko Pemberton:

This letter responds to your March 18, 2016 correspondence informing us of continued deficiencies in the application for a special permit referenced above. We contacted Daniel Creed of your office on March 29, 2016 to seek guidance. Mr. Creed was very helpful and advised that we address the Board Standards for each of these issues as referenced on the last page of your March 18 letter: (1) playset; (2) patio; and (3) carport enclosure.

(1) Playset:

- A. Mr. Creed informed me that the playset measurement (approximately 12 feet from the property line) exceeds 10% of the measurement involved.
- B. Not applicable.
- C. The noncompliance was done in good faith. A professional installer from the Rainbow playset company selected the location and installed the playset in the spring of 2014. The installer determined that the current location was the safest in the yard, based on the grade and proximity to the patio.
- D. To the best of our knowledge, the modification would not impair the purpose or intent of the ordinance.
- E. To the best of our knowledge, the playset will not affect the neighbors. There have been no complaints from our neighbors.
- F. To the best of our knowledge, the playset will not create an unsafe condition with respect to both other property and public streets.
- G. To the best of our knowledge the playset cannot be safely reinstalled in another location in the yard.
- H. Not applicable.

(2) Patio:

- A. The "patio", which runs alongside the west wall of the home is less than 4 feet wide.. It is a walkway that extends to the back of the home. The patio is within 5 feet of the property line. It may exceed 10% of the measurement involved.
- B. Not applicable.

- C. The noncompliance was done in good faith, through no fault of the property owner. The patio in its current form predates our purchase of the home in 2013. The publicly available Redfin listing of the property from 2013 shows the patio:
<https://www.redfin.com/VA/Alexandria/1130-Cameron-Rd-22308/home/9818165>
- D. To the best of our knowledge, the modification would not impair the purpose or intent of the ordinance.
- E. To the best of our knowledge, the patio in its current location will not affect the neighbors. There have been no complaints from our neighbors.
- F. To the best of our knowledge, the patio will not create an unsafe condition to neighboring property and public streets.
- G. To move the patio and walkway would cause undue hardship and likely result in water damage to the west side of the house and lower levels of the house. The walkway aids in moving rainwater to the street, coming from neighboring property located uphill and west of our home.
- H. Not applicable.

(3) Carport:

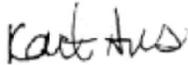
- A. The carport, runs alongside the west wall of the home. The carport is within 5 feet of the property line. It may exceed 10% of the measurement involved.
- B. Not applicable.
- C. As stated in a March 9, 2016 letter with our neighbor's written statement, the noncompliance was done in good faith, through no fault of the property owner. The carport in its current form predates our purchase of the home in 2013 and was likely enclosed in the 1980s, according to our neighbor's written statement. The publicly available Redfin listing of the property from 2013 shows the carport:
<https://www.redfin.com/VA/Alexandria/1130-Cameron-Rd-22308/home/9818165>
- D. To the best of our knowledge, the modification would not impair the purpose or intent of the ordinance.
- E. To the best of our knowledge, the carport does not bother the neighbors.
- F. To the best of our knowledge, the carport does not create an unsafe condition to neighboring property and public streets.
- G. To open the carport would cause undue hardship and likely result in water damage to the west side of the house and lower levels of the house because of water coming from neighboring property located uphill and west of our home. The carport is currently used to store equipment and we plan to use it as a single car garage if we obtain a special permit.
- H. Not applicable.

We hope that this summary addresses the remaining deficiencies in our application for a special permit. To the extent that items (1) Playset and (2) Patio should be added to the Special Permit Application, we request that this be done for the application to be accepted. Please let us know if you have any further questions.

Regards,



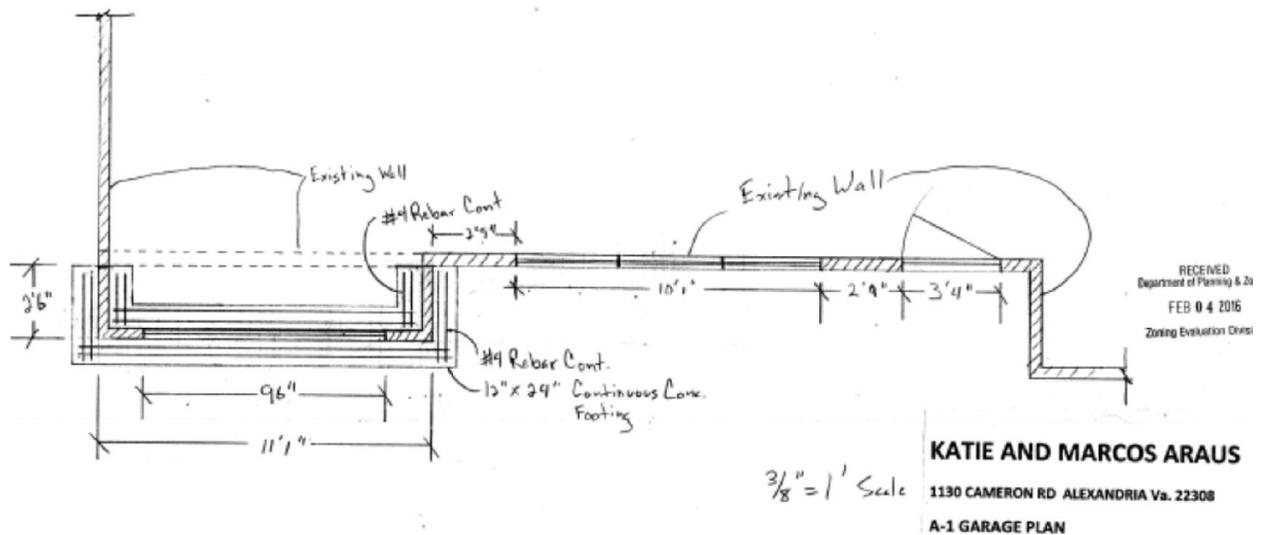
Marcos A. Araus, Esq.

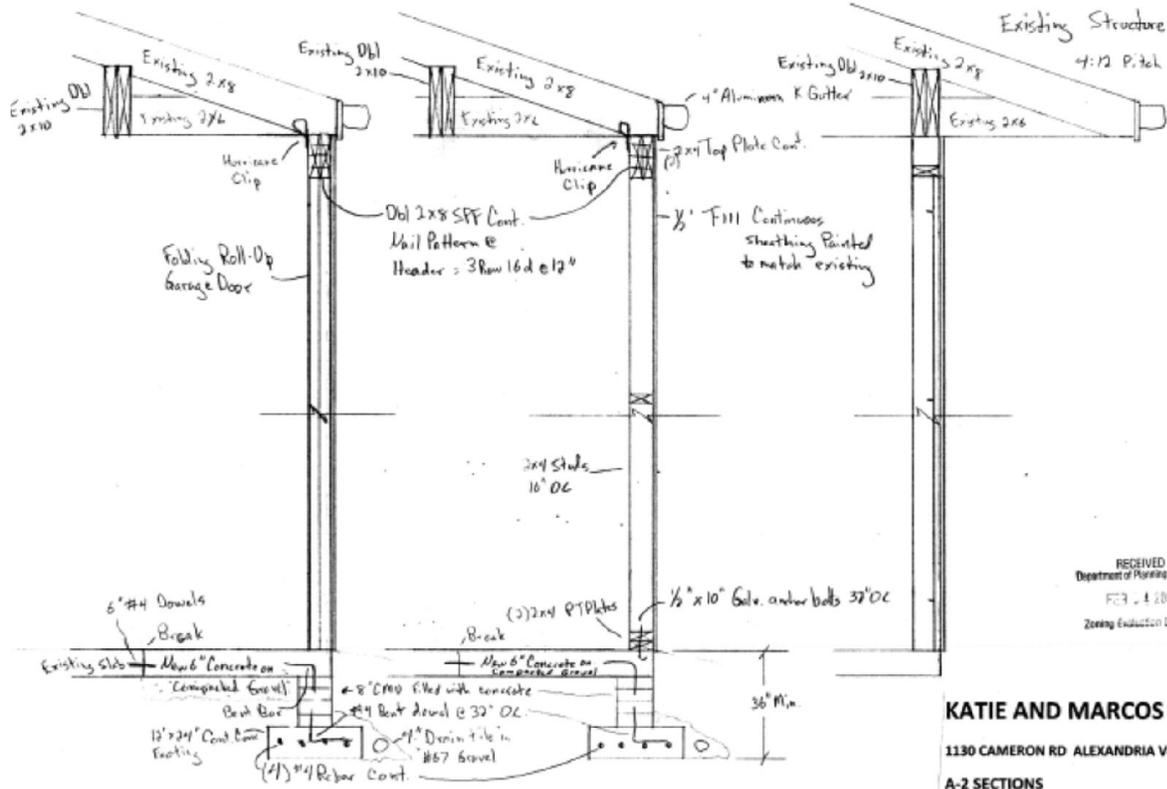


Katherine Brouwer Araus, Esq.

Attachment

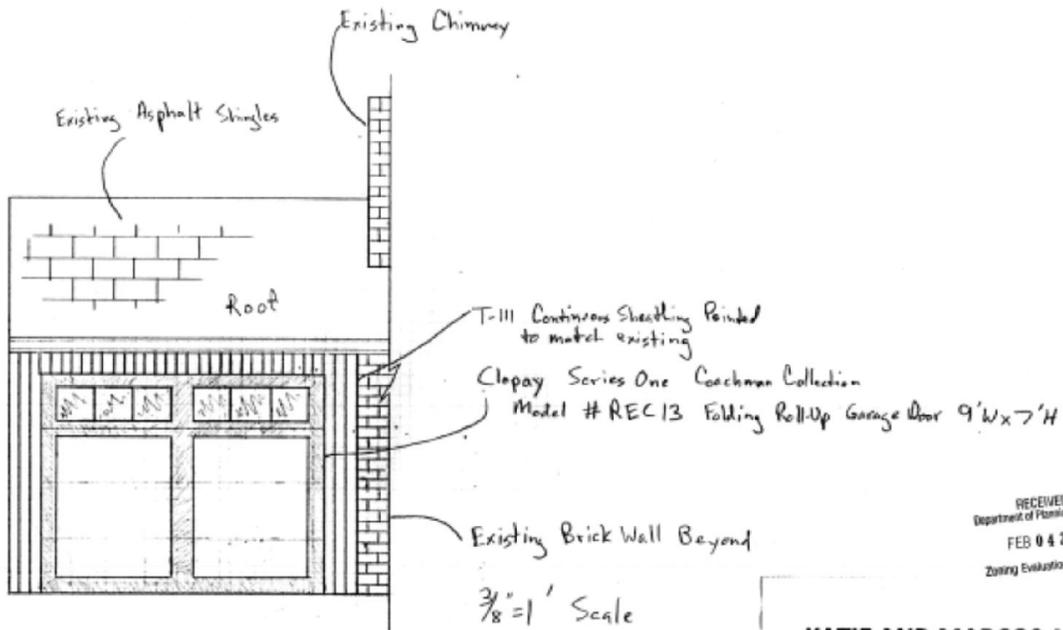
Architectural Renderings and Plans





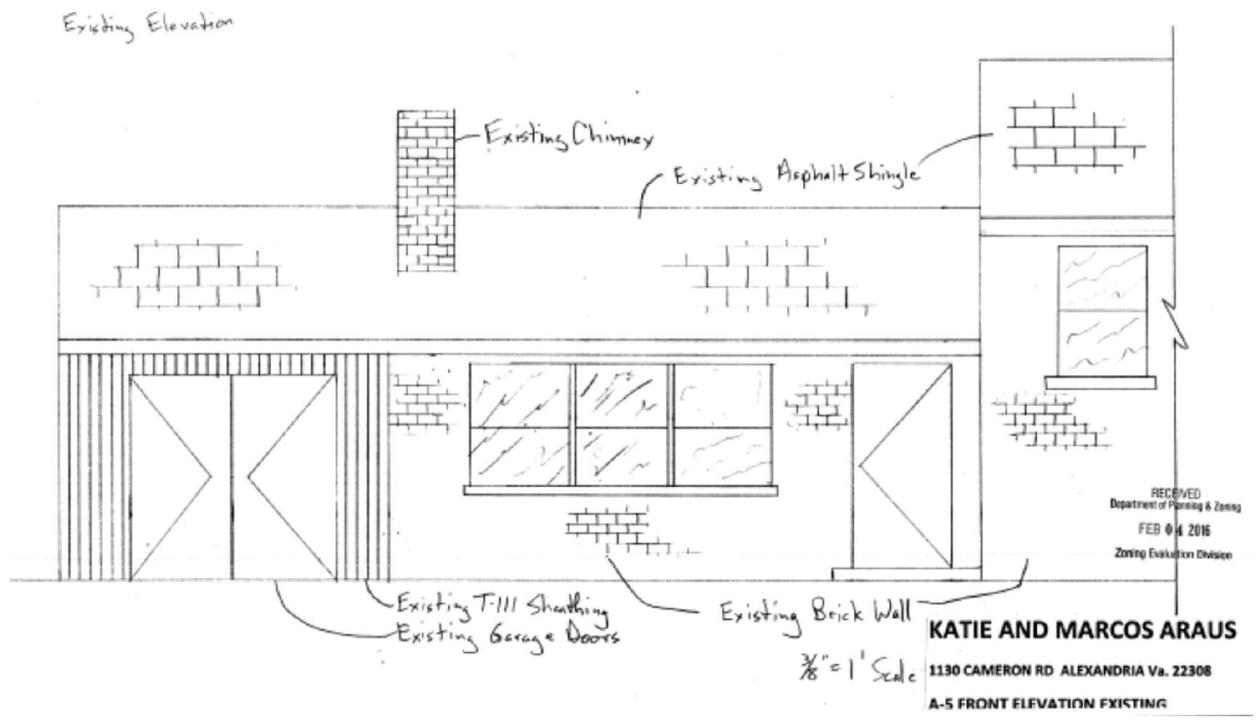
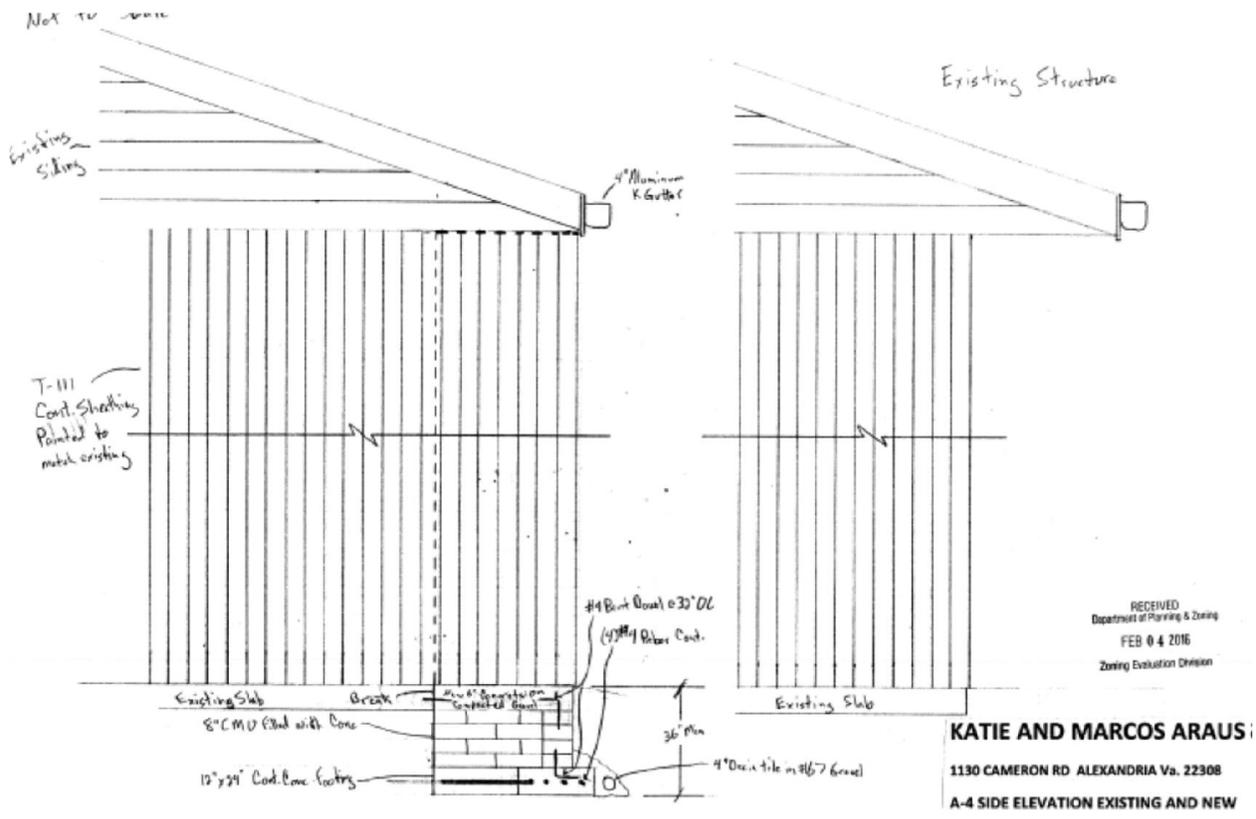
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FEB 04 2016
Zoning Evaluation Division

KATIE AND MARCOS ARAUS
1130 CAMERON RD ALEXANDRIA Va. 22308
A-2 SECTIONS



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

KATIE AND MARCOS ARAUS
1130 CAMERON RD ALEXANDRIA Va. 22308
A-3 FRONT ELEVATION NEW



Selected Photographs Provided by Applicant



Image 1: Front view of subject property.



Image 2: Side lot line behind residence showing the existing playset.



Image 3: Front view showing relative location of adjacent property and the shared side lot line.



Image 4: Opposite perspective of the same lot line, showing the rear patio area and enclosed porch.



Image 5: View of the existing garage doorway, proposed for replacement by this application. Also shown is the tiled porch accessway and retaining wall.



Image 6: This is a more prominent view of the walkway leading to patio in the rear.



Image 7: View of the side wall of the existing garage/enclosed porch. The neighbor states that around 2008 the open carport was enclosed by the then-owner.



County of Fairfax, Virginia

MEMORANDUM

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

DATE: February 12, 2016

TO: Deborah Pemberton, Planner III
 Applications Acceptance Section
 Zoning Evaluation Division
 Department of Planning and Zoning

FROM: Sepideh Aflaki-Khosrowshahi, Paralegal
 Office of the County Attorney

SUBJECT: BZA Affidavit
 Temporary Application No. SP 2015-0392

REF.: 133203

RECEIVED
 Department of Planning & Zoning

FEB 18 2016

Zoning Evaluation Division

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

Name of Applicant

Affidavit Date of Oath

Marcos & Katherine Arous

2/2/16

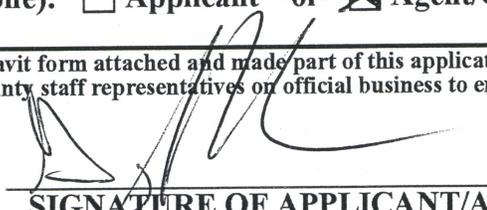
Attachment



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

APPLICATION No: SP 2016-MV-031
 (Staff will assign)
 RECEIVED
 Department of Planning & Zoning
 FEB 04 2016
 Zoning Evaluation Division

APPLICATION FOR A SPECIAL PERMIT
 (PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Marcos A. Aravs Katherine B. Aravs
	MAILING ADDRESS 1130 Cameron Rd. Alexandria, VA 22308
	PHONE HOME () WORK ()
	PHONE MOBILE ()
PROPERTY INFORMATION	PROPERTY ADDRESS 1130 Cameron Rd. Alexandria, VA 22308
	TAX MAP NO. 1022 12 0039 SIZE (ACRES/SQ FT) 11,255 SQ.FT.
	ZONING DISTRICT R-2 MAGISTERIAL DISTRICT Mt. Vernon District #1
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: No Change
SPECIAL PERMIT REQUEST INFORMATION	ZONING ORDINANCE SECTION 8-922
	PROPOSED USE Reduction of minimum yard requirements.
AGENT/CONTACT INFORMATION	NAME Gayland French, Inc
	MAILING ADDRESS 7905 Bolling Dr. Alexandria, VA 22308
	PHONE NUMBER HOME WORK 703-517-7589
	PHONE NUMBER MOBILE
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p>	
<u>Gayland French</u> TYPE/PRINT NAME OF APPLICANT/AGENT	 SIGNATURE OF APPLICANT/AGENT

SP 2015-0392

DO NOT WRITE IN THIS SPACE

Date Application accepted: _____ Application Fee Paid: \$ _____

We, Marcos Araus and Katherine Araus, the owners and title holders of the property located at 1130 Cameron Rd, Alexandria, VA 22308, do grant Gayland French, owner of Gayland French, Inc., located at 7905 Bolling Dr, Alexandria, VA 22308, permission to act as our agent in the process of applying for a Special Permit in Fairfax County.

Property Address: 1130 Cameron Rd. Alexandria, VA 22308

[Signature]
Applicant and Title Holder

Karl Ara
Applicant and Title Holder

[Signature]
General Contractor, Owner of Gayland French, Inc.

Subscribed and sworn to before me this 11th day of December 2015.

in the State/Comm. of _____, County/City of District of Columbia.



Barbara Barb
Notary Public

My commission expires: _____

BARBARA BARB
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 31, 2019

Application No.(s): SP 2016-MV-031
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

133203

I, Gayland French, 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)
Gayland French, Inc	7905 Bolling Dr. Alexandria, VA 22308	General Contractor / Agent
Marcos A. Arous	1130 Cameron Rd.	Title Owners /
Katherine B. Arous	Alexandria, VA 22308	Applicants

(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).

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

133203

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)

Gayland French, Inc
7905 Bolling Dr.
Alexandria, VA 22308

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)

Gayland L. French

(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-MV-031

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

2/2/16

(enter date affidavit is notarized)

133203

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)

N/A

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

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

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

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

Application No.(s): SP 2016-MV-031
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/21/16
(enter date affidavit is notarized)

133203

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-MV-031
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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

133203

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

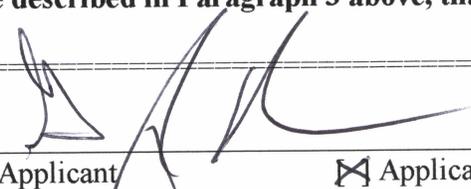
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(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.

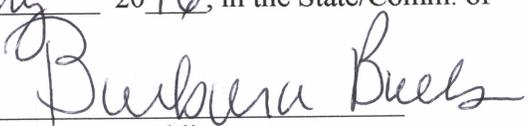
WITNESS the following signature:

(check one)

Applicant  Applicant's Authorized Agent

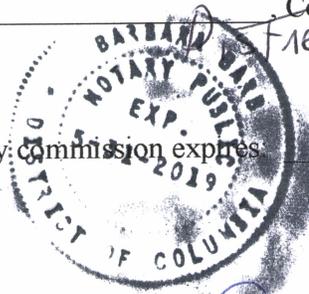
Gayland L. French, President
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 2nd day of February, 2016, in the State/Comm. of Frederick of Columbia County/City of Frederick of Columbia


Notary Public

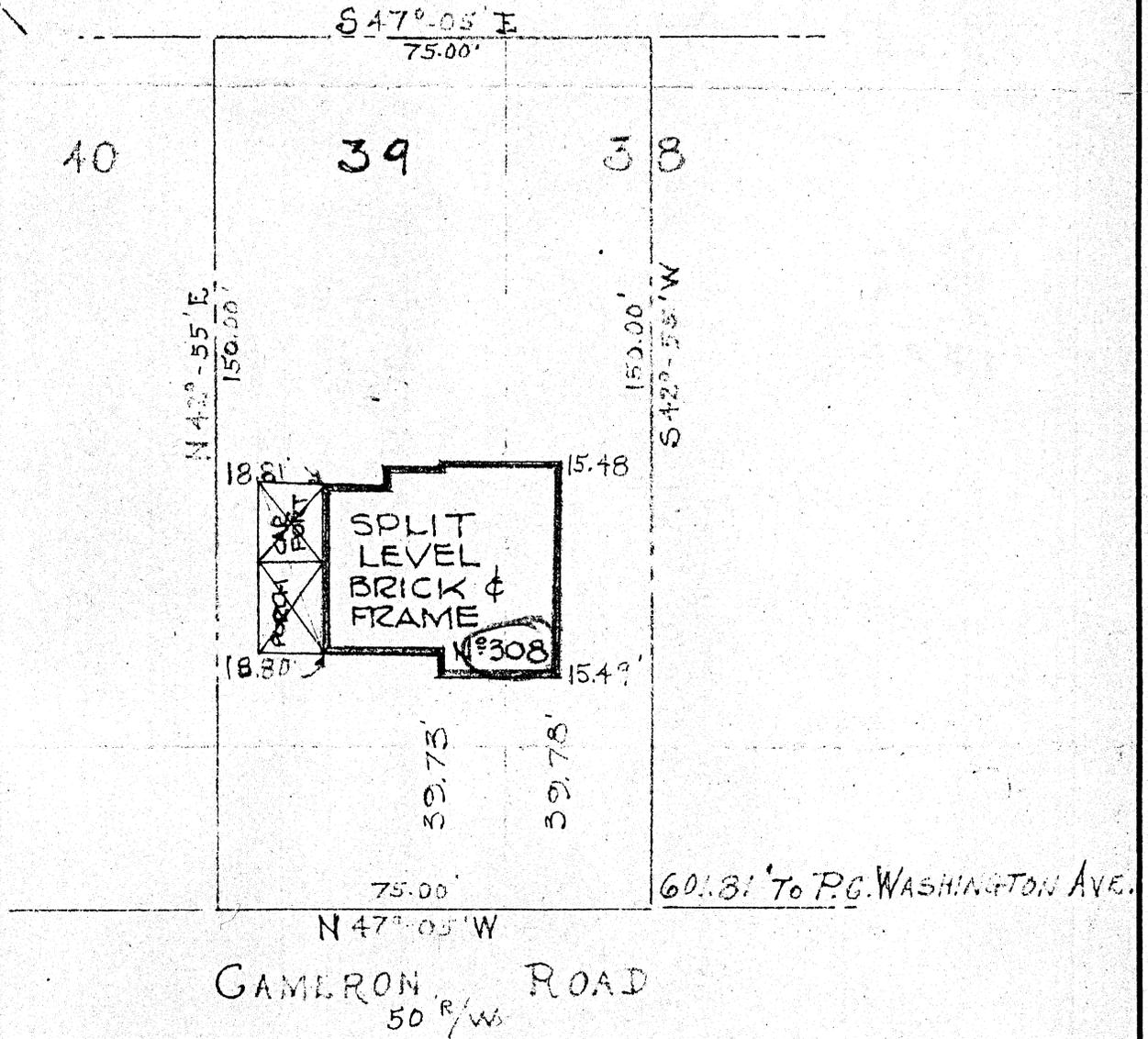
My Commission expires

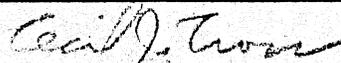
BARBARA BARB
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires May 31, 2019



PLAT
HOUSE LOCATION SURVEY

LOT 39 & NW 25' OF LOT 38
WELLINGTON ESTATES
FAIRFAX COUNTY, VIRGINIA



FILE 85-13	SURVEY RECHECKED: DATE:	 CECIL J. CROSS CERTIFIED SURVEYOR ALEXANDRIA, VA.	DATE: AUGUST 15, 1986	REFERENCE
			CASE NO.	FIELD NOTES 1475-11

C. S.

Zoning Ordinance Provisions

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

8-914 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 or a modification to the location regulations of any freestanding accessory structure existing or partially constructed which does not comply with such requirements applicable at the time such building or structure 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 or modification under the provisions of this Section, the BZA shall allow only a reduction or modification 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 or modification for a particular building or structure 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.

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.

7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.

- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.