



County of Fairfax, Virginia

June 22, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-MA-017

MASON DISTRICT

APPLICANTS/OWNERS: Jeffrey and Stephanie Stein

STREET ADDRESS: 3321 Hawthorne Lane, Falls Church 22042

TAX MAP REFERENCE: 60-2 ((1)) 24A

LOT SIZE: 1.26 acres

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISION: 8-917, 8-918, 8-923, 8-914

SPECIAL PERMIT PROPOSAL: To permit modifications to the limitation on the keeping of animals (chickens, goats), to permit an accessory dwelling unit, to permit an increase in fence height in a front yard, and to permit a a reduction in minimum yard requirements based on an error in building locations to permit an accessory storage structure to remain 10.8 feet from a rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of the request to permit modifications for the keeping of animals, subject to the Proposed Development Conditions contained in Appendix 1. For the requested increase in fence height, staff recommends approval, subject to the Proposed Development Conditions in Appendix 1. For the request to permit an accessory dwelling unit, staff recommends approval, subject to the Proposed Development Conditions in Appendix 1. Staff has no recommendation regarding the error in building location request.

Heath Eddy, AICP

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. 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.**

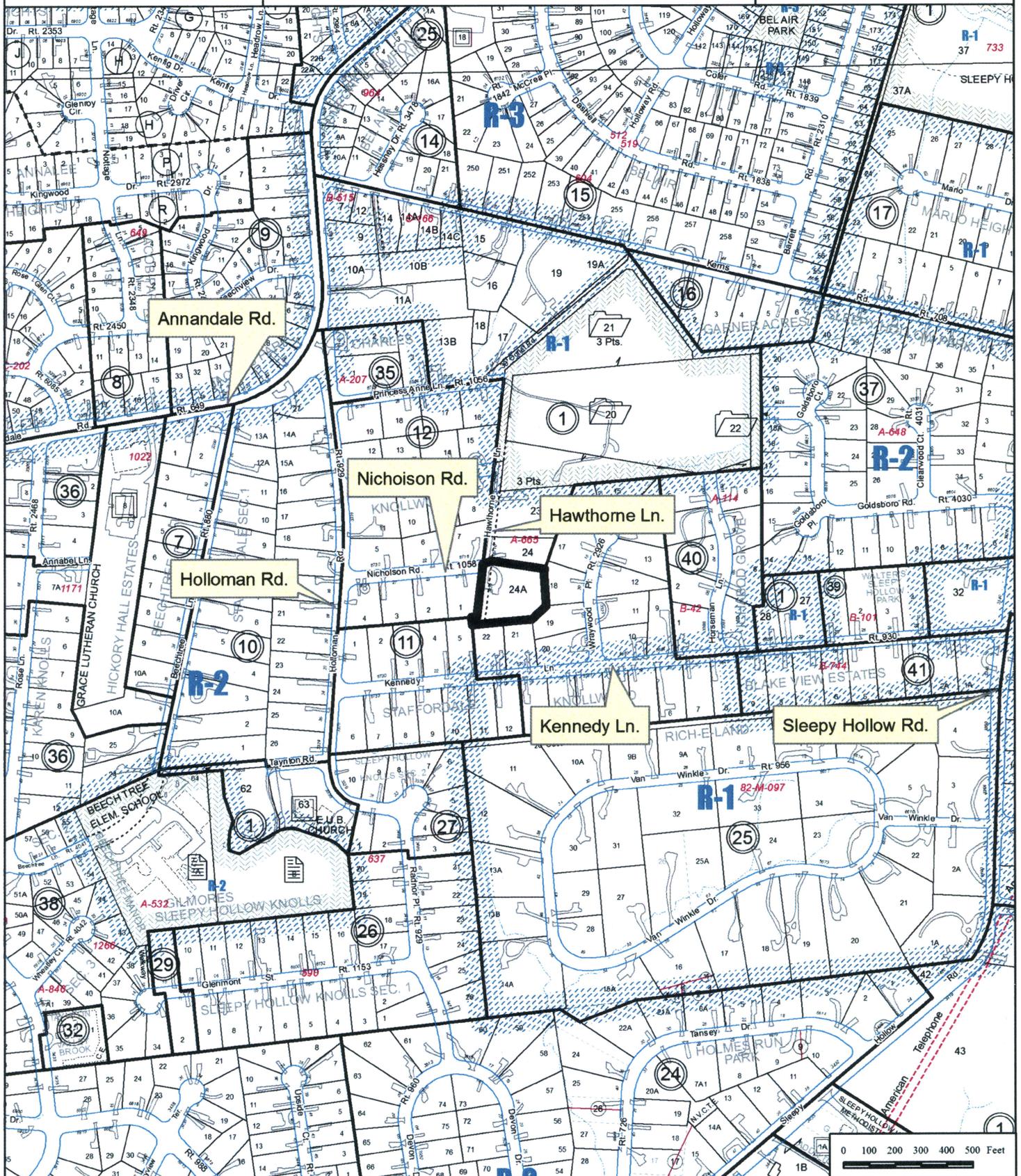


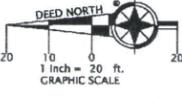
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



Special Permit SP 2016-MA-017

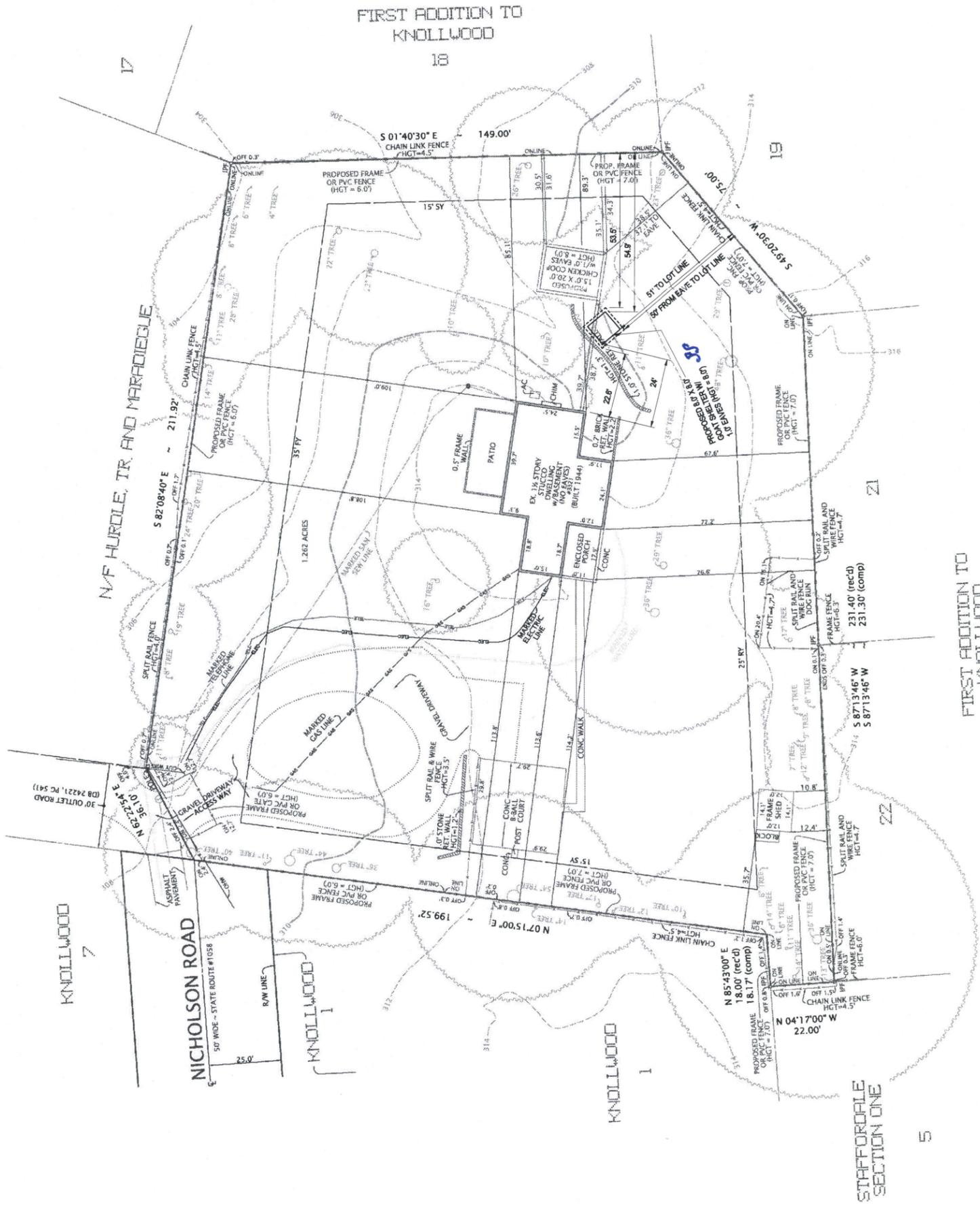
JEFFREY STEIN AND STEPHANIE STEIN





NOTES

1. TAX MAP: 60-2-01-0024A
2. ZONE: R-2 (RESIDENTIAL 2 DU/AC)
3. LOT AREA: 1.262 ACRES (54,994 SF)
4. REQUIRED YARDS:
 - FRONT: = 35 FEET
 - SIDE: = 15 FEET
 - REAR: = 25 FEET
5. HEIGHTS:
 - DWELLING = 22.8 FEET
 - SHED = 11.6 FEET
 - WALLS = AS NOTED
 - FENCES = AS NOTED
 - PROP. FENCES (FRAME OR PVC) = 6.0' FRONT YARD / 7.0' REAR YARD
 - PROP. CHICKEN COOP = 8.0 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
 - BASEMENT = 973 SF
 - FIRST FLOOR = 1,539 SF
 - SECOND FLOOR = 789 SF
 - GROSS FLOOR AREA = 3,281 SF
13. UTILITIES ARE UNDERGROUND.



PLAT
SHOWING THE IMPROVEMENTS ON
#3321 HAWTHORNE LANE
(DEED BOOK 24231, PAGE 541)
FAIRFAX COUNTY, VIRGINIA
MASON DISTRICT

SCALE: 1" = 20'
SEPTEMBER 30, 2015
NOVEMBER 05, 2015 (LOCATED ELEC & TELE LINES)
NOVEMBER 17, 2015 (REVISED)
DECEMBER 21, 2015 (REVISED)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND JANELS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE.

THE PLAT IS SUBJECT TO ABSTRACTS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.



CASE NAME: JEFF STEIN
SURVEYORS: DOMINION SURVEYORS
8808 H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
TEL: 703-799-5412
FAX: 703-799-5412

SPECIAL PERMIT REQUEST

The applicant requests approval of four special permit requests: a modification on the limitation of the keeping of animals (chickens); an accessory dwelling unit; an increase for fence height in a front yard; and an error in building location for an accessory storage structure (shed).

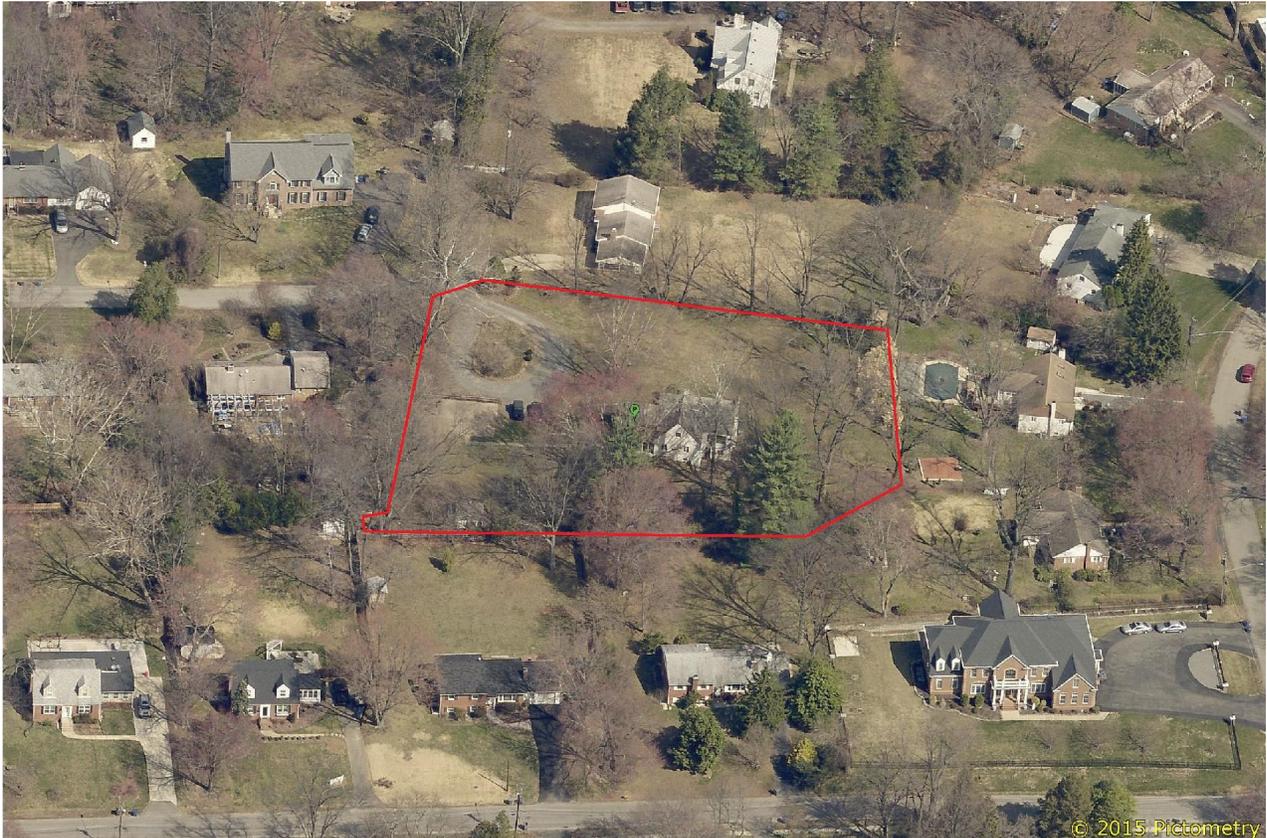


Figure 1: Subject property, Source: Pictometry 2015.

A copy of the special permit plat, entitled “Plat Showing the Improvements on #3321 Hawthorne Lane,” prepared by George M. O’Quinn, L.S., of Dominion Surveyors, Inc., dated September 30, 2015, last revised December 21, 2015 and received January 20, 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 1.26 acre subject property is located on at the end of Nicholson Road, a small, narrow public street that provides access to a total of nine residences. The address of the property is listed as Hawthorne Lane, which is a partially improved gravel-surfaced private outlet road running north from the northwest corner of the subject property.

The site is developed with a 3,281-square foot 1 1/2-story single family detached dwelling that dates to 1944 with a partially improved basement, a driveway with turnaround, half basketball court, a shed, a patio, and a couple of short retaining walls. The property pre-dates most of the development in the area, and is essentially a large central lot in the middle of more recently subdivided parcels that are consistent with R-2 zoning.

There are several mature trees and other vegetation spread around the property, with a larger concentration located south of the existing residence. Many of the property boundaries are fenced by the neighbors, though many of those fences are split rail or other fencing which is largely open or decorative in nature.

BACKGROUND AND HISTORY

County Records indicate that the existing single family dwelling was constructed originally in 1944, and a modification for the screened porch into a full-year addition that was approved via building permit in 1983. The applicant submitted an assessment report with his statement of justification that lists all the improvements made to the property, which is included in Appendix 2.

County records indicate there was one special permit/variance application in the area, which was Variance Application VC 98-M-059, approved by the BZA on July 28, 1998 for 6655 Kennedy Lane in the Knollwood development. That application was approved to permit a residential addition 14 feet from a side lot line, and to permit accessory structures to remain in a front yard of a lot less than 36,000 square feet in area.

DESCRIPTION OF THE APPLICATION

The applicant has four requests as part of this special permit application. Staff's analysis is provided under each request.

1. **Keeping of Animals.** A request under Sect. 8-917 to authorize the keeping of 26 chickens and 2 goats on the property, which is 1.26 acres in size. Pursuant to Sect. 2-512.3, a property is required to be a minimum of 2 acres to keep chickens or livestock as an accessory use at a ratio of 32 chickens per acre or 5 goats per acre. The applicant proposes to keep 26 chickens (hens only) in a 15' x 20' coop, 8 feet in height, east of the residence, approximately 30.5 feet from the side property line. The applicant proposed to provide a goat shelter 8' x 8' in size, 8 feet in height, in an area just above an existing retaining wall just southeast of the residence, at a location 50 feet from the side lot line. The applicant indicated to staff that the breed of goat would be pygmy goats, which are about the size of a poodle. The applicant also proposes to construct a 7-foot high stockade fence in the side yard as a buffer. Pursuant to Sect. 10-104.9B, a structure used for the confined and sheltering of chickens shall be located at least 50 feet from any lot line. However, the BZA can modify both the minimum lot requirement and the structure setback by special permit approval.

Staff analysis. The applicant describes the chicken coop as a wood structure that is partially enclosed on one end and has an opening with chicken wire on the other portion to allow for outside air access while maintaining containment. Under the structure of the regulations, this coop would have to be maintained in one location. Staff reviewed the locations available for the proposed coop and found that there is at least one other location, south of the walkway between the house and basketball court, that would be suitable for the coop, and would comply with the distance required under Sect. 10-104.9B. Staff visited the site and the proposed location of the coop may be problematic due to slopes and visibility from the neighboring property; the area is just above a grassy swale that runs to the northeast corner, as seen in Figure 2, below. Staff discussed other potential locations with the applicant but the applicant would prefer the proposed location.

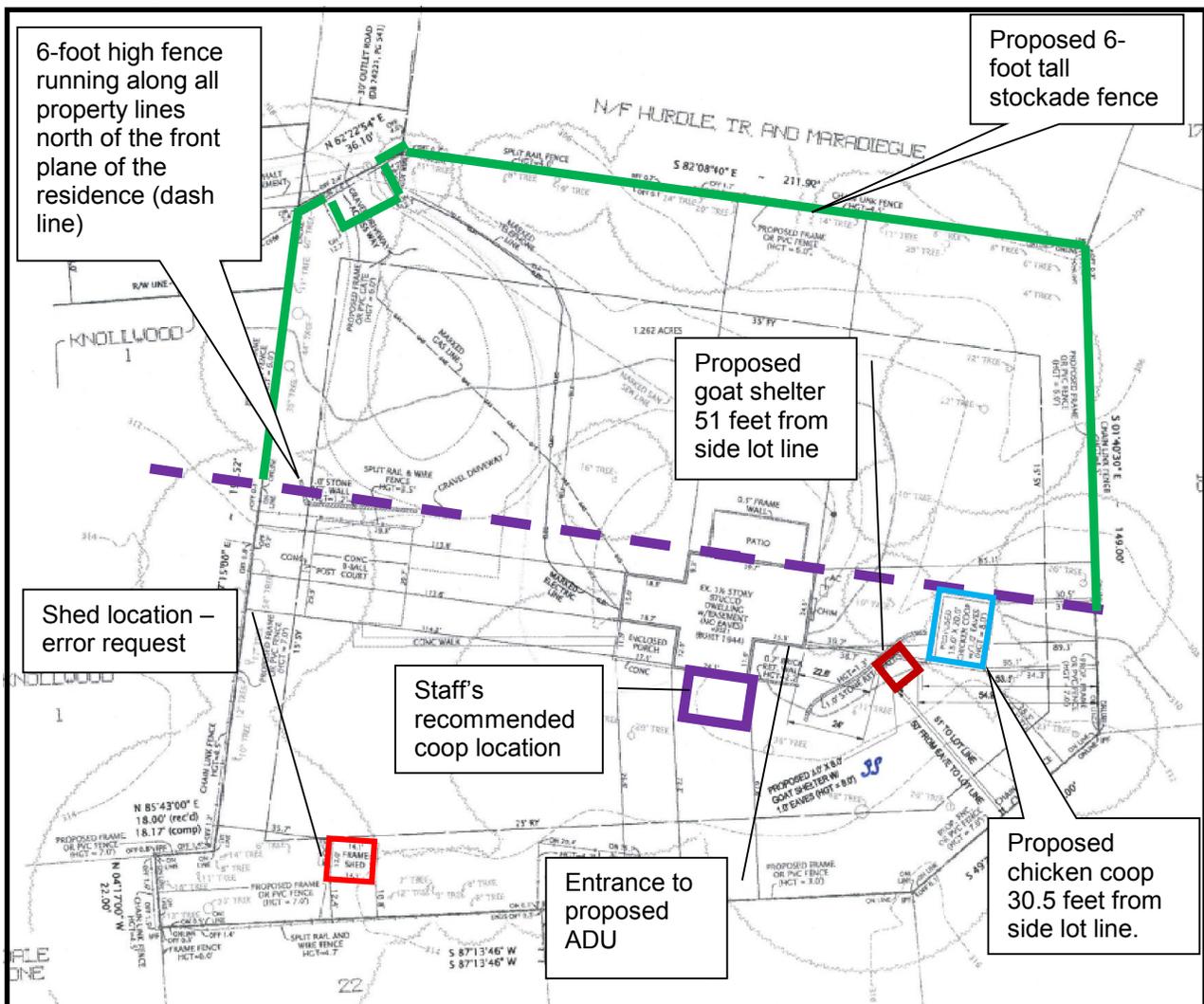


Figure 2: Special Permit plat, partial, showing all of the improvements as requested (front yard is everything above the purple dashed line). Source: Applicant.

Figure 3 shows the approximate location of the proposed coop. Note that this

perspective is taken while standing in the bottom of the grassy swale looking up toward the applicant, who appears to be standing behind the coop location.



Figure 3: Approximate proposed location of chicken coop. Source: Staff.

The goat shelter would be located just to the right in Figure 3, above. It would be within a wooded section of the property with a lesser slope issue due to a retaining wall just below it. The goat shelter would have to be constructed with a floor due to the particular needs of goats, which do not like to sleep on bare ground or wet surfaces.

On staff's site visit, the applicant indicated that the goats would be pygmy or similar in size. Staff's recommendation is to require that the goats be pygmy, since they are small in size (23" in height at maturity) and would be a reasonable first choice given the location of the property.

- 2. Accessory Dwelling Unit.** A request under Sect. 8-918 to convert a portion of the applicant's unfinished basement into an accessory dwelling unit. The total area of the accessory dwelling unit is 935 square feet, or 28.5% of the existing residence. This complies with the standard in Sect. 8-918. The applicant is less than 55 years of age and stated to staff that he intended the ADU for use by his 90-year old grandmother.

Staff Analysis: The applicant submitted an architectural design for the ADU, which is shown below in Figure 3. The access to the ADU is around the east side of the residence and would require construction of a new set of stairs to navigate down to the existing stone patio and full access to the basement level, as shown in Figure 3 below. The entrance area is labeled in Figure 2, above.

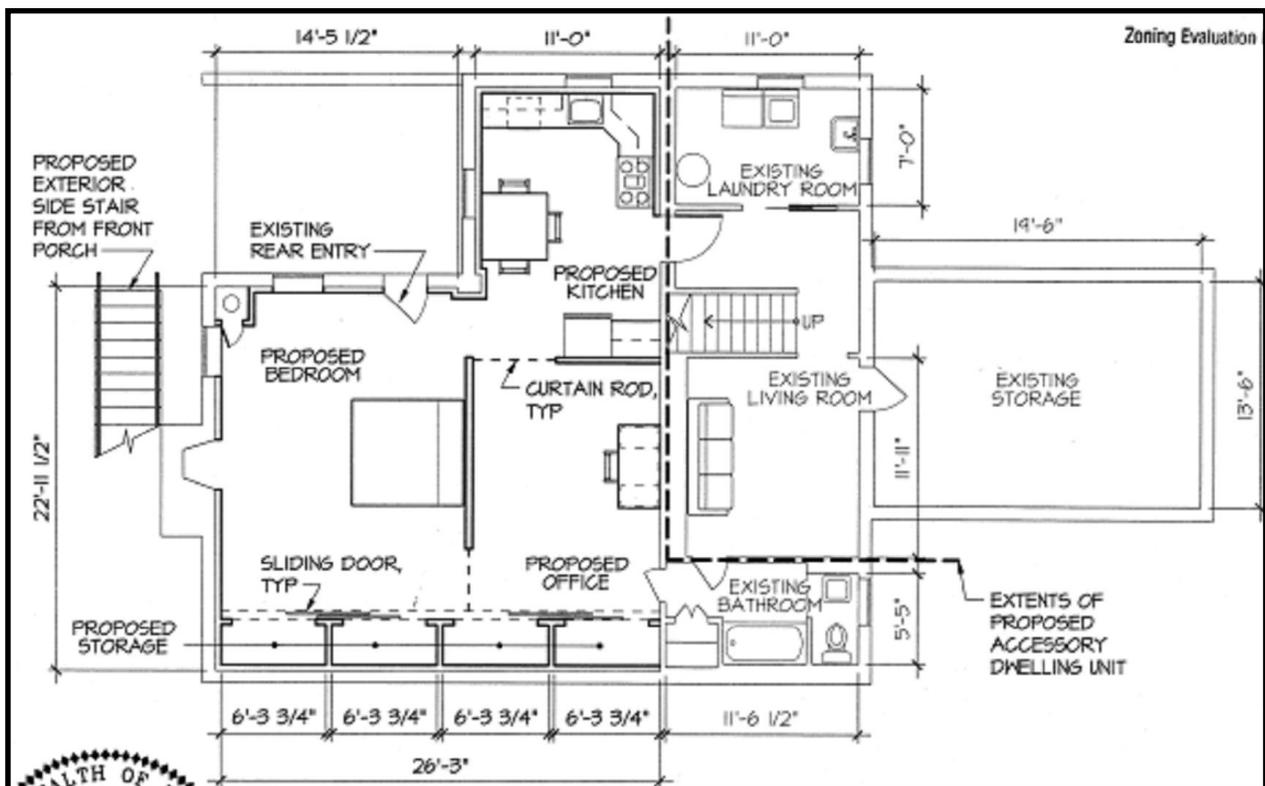


Figure 3: Layout for proposed ADU. Source: Applicant.

Note that the existing character of the proposed ADU area is a storage space, and images provided by the applicant make it clear that this portion of the basement is unfinished space in this part of the basement, save for the existing bathroom, which will be provided as part of the ADU. The applicant stated during staff's site visit that the walkway may be rerouted to come in from the opposite side, which would extend around the rear of the property from the rear patio entrance. In staff's opinion, that route would probably be easier to implement due to less slope and perhaps fewer

stairs to navigate.

3. **Fence Height.** A request under Sect. 8-923 to increase the height of the fence in the front yard to 6 feet in height. The applicant proposes a stockade style fence all around the subject property boundary. In the front yard, a fence is permitted only to a height of 4 feet, so the applicant is requesting to increase the height to 6 feet. The remainder of the fence around the side and rear yards is proposed for 7 feet.

Staff Analysis. The area identified as a “front yard” is the portion of the property north of the plane of the front façade, as shown in Figure 2, above. The proposed fence would run along the entire driveway of the subject property. Staff has serious concerns about the sight distance of the adjacent properties near the Nicholson Road entrance. Otherwise the majority of the requested height increase is along property lines that are considered side or rear lot lines of the adjacent lots. The applicant justifies the height request due to headlight glare from the property adjacent to the west. It should be noted that the potential impact on the adjacent neighbors will be minimal. A 22-foot long section of proposed fence along the western property line actually fronts onto Nicholson Road right-of-way, which means the only fence that will exist in this area would be located on the applicant’s property. This area is shown in Figure 4, below.



Figure 4: The front entrance off Nicholson Road. The fence would extend along the area on the right. The tree in the center of the image (arrow pointing to it) is at the corner of the applicant’s property. Note the cartway at that point is approximately 12 feet wide. Source: Staff.

4. **Error in Building Location.** A request under Sect. 8-914 to retain an existing accessory storage structure (shed) in a location 10.8 feet from the rear lot line. The shed is 11.6 feet in height, therefore the request is for a reduction of 0.8 feet from the minimum required rear yard.

Staff Analysis. The request for modification to the minimum rear yard based on an error in building location is for the existing shed, which is 11.6 feet in height but 10.8 feet from the rear property line. A shed was originally constructed in this location in 1986, and was replaced with the current shed in 1994. The applicant states that the shed is built in place and can't be moved.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area I
 Planning District: Jefferson
 Planning Sector: J2 Sleepy Hollow Community Planning Sector
 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 which should be of a compatible use, type and intensity 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.	54,994 sf.
Minimum Lot Width	100 feet	248.02 feet
Maximum Building Height	35 feet	22.8 feet (residence)
Minimum Front Yard	35 feet	108.8 feet
Minimum Side Yard	15 feet	113.6 feet (west side) 85.1 feet (east side)
Minimum Rear Yard	25 feet	67.6 feet (residence)

Accessory Structures on Property – Existing and Proposed		
Standard	Required	Requested
Fence Height in Front Yard	Max. 4 Feet	6 feet
Height of Proposed Accessory Structures, non-Fence	Less than height of main residence	11.6 feet (shed, existing) 8 feet (coop – proposed)
Minimum Side Yard, Shed Taller than 8.5 feet	15 feet	36.7 feet
Minimum Rear Yard, Shed Taller than 8.5 feet	11.6 feet	10.8 feet (existing and requested)
Minimum Yard, Chicken Coop	50 feet	30.5 feet (requested)

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. 8-917* Provisions for Modifications to the Limitations on the Keeping of Animals
- *Sect. 8-918* Additional Standards for Accessory Dwelling Units
- *Sect. 8-923* Provisions for Increase in Fence Height in Any Front Yard
- *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 modification to the limitation on the keeping of animals; to permit an accessory dwelling unit; and to permit an increase in the height of a fence in the front yard. Provisions under Sect. 8-914 are included in Appendix 6, but are not analyzed here, as staff does not provide a recommendation for an error in building location request.

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 for modifications to the limitations on the keeping of animals, accessory dwelling units, and an increase in fence height in a front yard with special permit approval.</p>
<p>Standard 3 Adjacent Development</p>	<p>Several of the adjacent lots have similar sized or larger residences. The chicken coop as proposed is 30.5 feet away from the property line, and a proposed fence in the side/rear yard will buffer the view from the adjacent properties. The proposed goat shelter would be located over 50 feet away from property lines, in compliance with the standards for animal sheltering. With respect to the requested fence height, other neighbors around the subject property boundary have fences of varying types and sizes, though none is at the maximum height allowed in a side or rear yard. The subject property also has several prominent mature trees located around the side and rear yards which should help to mitigate any potential negative impacts around the east, south, and west yards.</p>
<p>Standard 4 Pedestrian/ Vehicular Traffic</p>	<p>No increased vehicular or pedestrian traffic is expected with this application. Staff does not anticipate changes in the surrounding traffic pattern as a result of the requests proposed by the applicant.</p>
<p>Standard 5 Landscaping/ Screening</p>	<p>There are mature tree species around the east, south and west yards of the subject property that should buffer potential visual impacts from chickens on the property. The applicant's proposal also indicates that a 7-foot fence will be constructed along those property lines and this would further buffer any impacts.</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 area. Staff has concerns about how the applicant will specifically address waste from the chicken coop, and how climate control for the chicken coop will be addressed.</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 minimum required yard adjacent to the chicken coop is requested to be modified with the special permit application. The subject property conforms to all lot size and bulk regulations in the R-2 District, with the exception of the error in building location for the shed as described earlier.</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>
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Provisions for Modifications to the Limitations on the Keeping of Animals (8-917)

<p>Standard 1 Kinds, Numbers, Management Techniques, and Location</p>	<p>The applicant has proposed no more than 26 hen chickens, which is below the standard applied in Sect. 2-512 for properties larger than 2 acres (32 chickens/acre). There will be no roosters located on the property. In the applicant’s statement of justification, he has provided proper management techniques to mitigate the impact of chickens on the property, including removal and composting of the waste, raking of bedding to eliminate compaction, and periodic thorough cleaning of the coop. Development conditions have been included to enforce these management techniques. In regards to the location of the coop, due to the screening provided by existing vegetation and a proposed fence, and with the relatively small size of the enclosure, staff has no objections with the current location of the chicken coop. In staff’s opinion, the large size of the lot is suitable to accommodate this number of chickens.</p> <p>With respect to the request for 2 goats, staff has conducted research on the housing and keeping of goats, and generally speaking the applicant proposes a suitable capacity for having 2 goats. The request is well below the standard in Sect. 2-512 (5 goats/acre) though in combination with the requested chickens, appears to have met the allowable number of animal units. Staff believes that in the interest of population control, the Board should condition approval to limit the applicant to 2 female goats. In addition, staff further recommends that, to address potential conflicts with neighbors, that the proposed fencing should be constructed and completed prior to bringing goats to the subject property.</p>
<p>Standard 2 Harmonious and Compatible</p>	<p>With the adoption of proposed development conditions, staff believes the potential impacts on adjacent properties would be mitigated. Regular maintenance is required by the conditions, and the inclusion of hens only will limit noise disturbance. The allowance for 2 goats only should reduce the level of noise from the goats.</p>
<p>Standard 3 Plat Requirements</p>	<p>The applicant has met all plat submission requirements for the modification to the limitations on the keeping of animals.</p>

Additional Standards for Accessory Dwelling Units (Sect. 8-918)

<p>Standard 1 Only One ADU per Single Family Detached Dwelling</p>	<p>The application requests approval of one ADU on a property occupied by a single family detached dwelling; this standard is met.</p>
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Standard 2 Structure Shall be Located Within Single Family Dwelling	The proposed ADU would have a separate entrance on the rear façade, as the front façade is at grade. The applicant is proposing a new set of stairs to gain access to the rear entrance from the front walkway, or an alternate access around the rear of the residence from the side walkway. Staff recommends the alternate access as a more secure option.
Standard 3 GFA Shall Not Exceed 35%	The ADU structure represents approximately 29% of the total GFA. This standard is met.
Standard 4 Max. 2 Bedrooms	The application indicates that the ADU includes one bedroom. This standard is met.
Standard 5 Occupancy Standards	The applicants, who currently reside in the primary residence, own the property. The ADU occupant would have to meet the definition of “elderly” as defined in the Zoning Ordinance, and the applicant has identified the proposed occupant as his 90-year old grandmother.
Standard 6 Reasonable Access for a Disabled Person	The applicant has indicated that the grandmother, or any other occupant, is not disabled.
Standard 7 Sufficient Parking	The property includes ample parking in the driveway.
Standard 8 Will Not Modify or Disrupt Character of Neighborhood	Staff believes that the use of the ADU, as proposed, along with adequate screening of the separate ADU entrance, would not constitute sufficient change to modify or disrupt the predominant character of the neighborhood.
Standard 9 Regulations for Safety, Health, Sanitation	This standard requires any ADU to meet applicable regulations for building, safety, health, and sanitation. A development condition is proposed to this effect.
Standard 10 Recorded	A condition is proposed requiring the approval to be recorded among the Fairfax County land records.
Standard 11 Inspection	A condition is proposed requiring the owner to allow inspections of the property by County personnel during reasonable hours upon prior notice.
Standard 12 Approved for 5 Years	A condition is proposed addressing this standard.
Standard 13 Approval Prior to July 27, 1987	This standard is not applicable.

Provisions for Increase in Fence Height in Any Front Yard (8-923)

Standard 1 Fence Shall Not Exceed 6 feet in Height	The proposed fence will be 6 feet tall, with the exception of the posts, which are proposed for a maximum of 6 feet 9 inches, in compliance with the requirements of Sect. 10-104.3J of the Zoning Ordinance.
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<p>Standard 2 Meet Sight Distance Requirements</p>	<p>The property is configured so that the primary driveway entrance is at the end of Nicholson Road. The applicant proposes a fence along the entire driveway entrance area similar to what is depicted in Appendix 2, with a gate inset into the driveway by 10 feet. The interface with the adjacent property driveway at the end of Nicholson Road is such that vehicles driving toward the other property would have ample opportunity to see any vehicle exiting the subject property.</p>
<p>Standard 3 Proposed Fence Height is Warranted</p>	<p>The applicant states that a fence 6 feet in height is required to mitigate view of lights on the adjacent property to the west. This argument would also apply to the property to the north that accesses the Hawthorne Lane easement as well, which drives straight toward the applicant's property before turning onto Nicholson Road. In staff's opinion, given the odd configuration of the right-of-way and easement access at the driveway and along the roadway, the proposed fence height is warranted.</p>
<p>Standard 4 Fence is in Character with On-site and Off-site Uses</p>	<p>Adjacent properties have fences or landscaping that do not violate front yard requirements. Fencing on adjacent properties is either cyclone or split rail in design. While the proposed fence is somewhat out of character with the existing fences on adjacent properties, if the Board approves the goats and chickens requested by the applicant, a taller fence of such design would be more attractive and provide a better screen.</p>
<p>Standard 5 Fence Will Not Adversely Impact Other Properties</p>	<p>Following a site visit, staff's opinion is that the proposed fence would not adversely impact the physical character of adjacent properties. Most of the proposed fence is located along other property's side or rear lot lines, where such fencing could be 7 feet in height by right. In addition, the proposed fencing to the north would mitigate impacts from any animal requests approved by the Board.</p>
<p>Standard 6 BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p>Standard 7 Meet Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>
<p>Standard 8 Architectural Depictions Provided</p>	<p>Renderings of the proposed fence have been included in Appendix 2.</p>

CONCLUSION

Staff finds that the proposal for a modification to the limitations on the keeping of animals (chickens and goats), is in conformance with the applicable Zoning Ordinance provisions. Staff finds that the request for an accessory dwelling unit is in conformance. Staff finds that the requested fence height increase in the front yard is warranted.

RECOMMENDATION

Staff has the following recommendations.

1. For the requested increase in fence height, staff recommends approval, subject to the Proposed Development Conditions in Appendix 1.
2. For the request to permit modifications for the keeping of animals, staff recommends approval of the requested 26 chickens and 2 goats, subject to the Proposed Development Conditions contained in Appendix 1.
3. For the request to permit an accessory dwelling unit, staff recommends approval, subject to the Proposed Development Conditions in Appendix 1.
4. Staff has no recommendation regarding the error in building location request

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

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-MA-017****June 22, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-MA-017, located at Tax Map 60-2 ((1)) 24A to permit modifications to the limitation on the keeping of animals pursuant to Sect. 8-917 of the Zoning Ordinance; to permit an accessory dwelling unit pursuant to Sect. 8-918 of the Zoning Ordinance; to permit an increase in fence height in a front yard pursuant to Sect. 8-923 of the Zoning Ordinance; and to permit a a reduction in minimum yard requirements based on an error in building location to permit an accessory storage structure to remain 10.8 feet from a rear lot line pursuant to Sect. 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 approval is granted to the applicant, Jeffrey and Stephanie Stein only, and is not transferable without further action of the Board, and is for the location indicated on the application, 3321 Hawthorne Lane, and is not transferable to other land.
2. This special permit is granted for specified requests as shown on the plat titled "Plat Showing the Improvements on #3321 Hawthorne Lane," prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated September 30, 2015, last revised by the applicant on May 18, 2016 and received May 22, 2016, consisting of one sheet and approved with this application, as qualified by these development conditions.
3. A copy of this special permit shall be made available to all departments of the County of Fairfax upon request.

Pursuant to Sect. 8-917 (Modification on Keeping of Animals):

4. This approval shall be for a maximum of twenty-six (26) hen chickens and 2 pygmy goats. No roosters are permitted. Both goats shall be female only.
5. All chicken waste shall be thoroughly composted before use or distribution, or removed from the site.
6. The composting site shall be covered to prevent leaching of pollutants.
7. The chickens shall remain in a fenced area at all times.

8. Any electrical service to the coop shall be permitted and inspected prior to the coop being used.
9. The coop shall be located at least 50 feet from the property line, and secured from access by predators.
10. The goat shelter shall be located as shown on the special permit plat, and shall be constructed with wooden or similar flooring and protected to provide security from predators.

Pursuant to Sect. 8-918 (Accessory Dwelling Unit):

11. The occupant(s) of the principal dwelling and the accessory dwelling unit shall be in accordance with Par. 5 of Sect. 8-918 of the Zoning Ordinance.
12. The layout of the ADU shall be consistent with the depiction in Attachment 1 to these conditions. The applicant may increase the number of bedrooms to two, but shall comply with all standards in Sect. 8-918 of the Zoning Ordinance.
13. Parking for the ADU shall be accommodated on site.
14. Provisions shall be made for the inspection of the property by County personnel during reasonable hours upon prior notice, and the accessory dwelling unit shall meet applicable regulation for building safety, health and sanitation.
15. The accessory dwelling unit shall be approved for a period of five (5) years from the final approval date of the special permit and may be extended for five (5) years periods with prior approval of the Zoning Administrator in accordance with Sect. 8-012 of the Zoning Ordinance.

Pursuant to Sect. 8-923 (Fence Height in a Front Yard):

16. The fence shall be no taller than six (6) feet in height.
17. The materials and design of the fence shall be generally consistent with the depiction in Attachment 1 to these conditions.
18. Construction of the fence shall minimize impact on surrounding vegetation to the greatest extent practicable, including keeping heavy equipment away from trees as far as possible, and using tree protection fencing during construction.

19. Pursuant to Sect. 8-015 of the Zoning Ordinance, the special permit approval shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

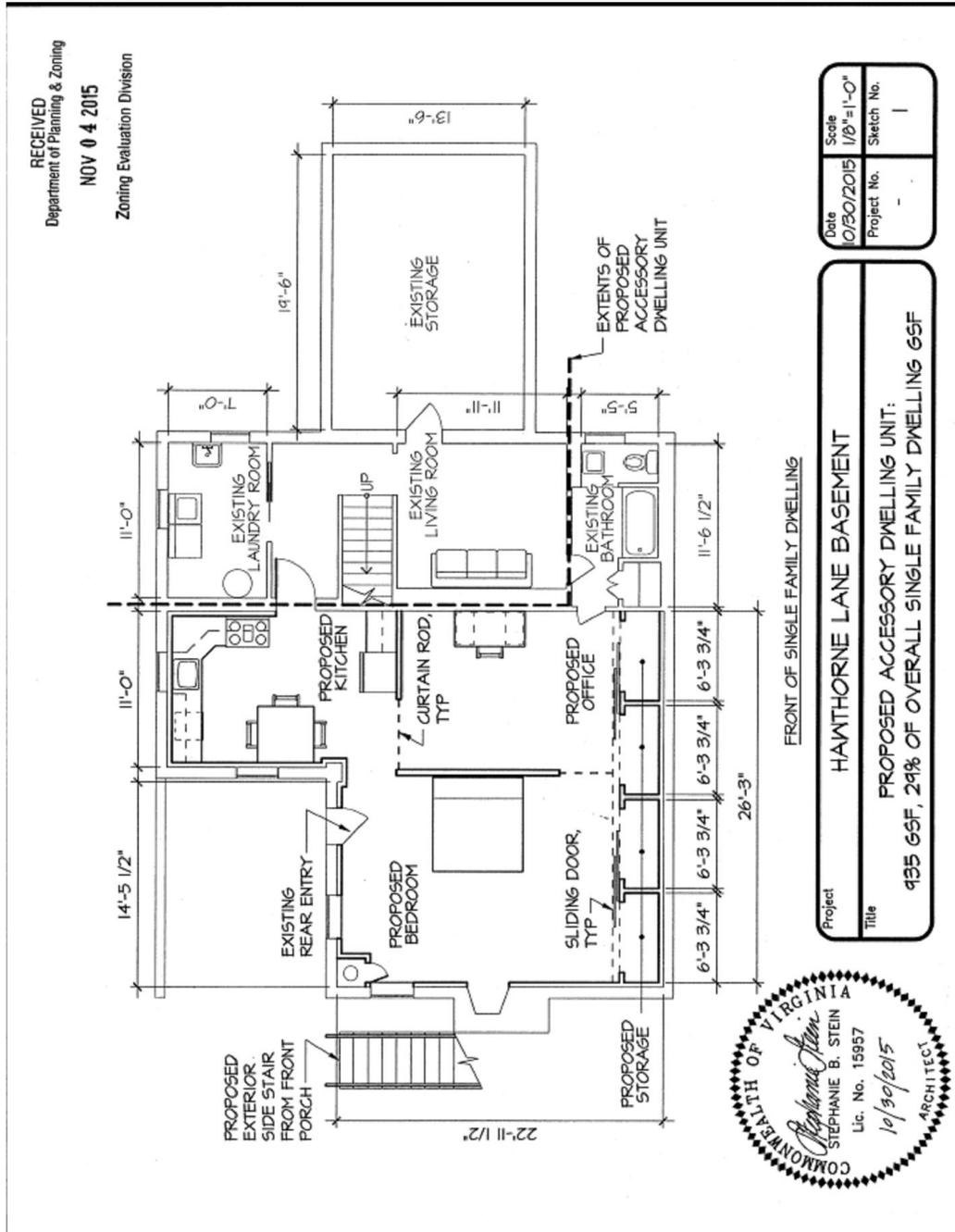
Pursuant to Sect. 8-914 (Error in Building Location):

20. This special permit is approved for the location and size of the accessory storage structure as shown on the special permit plat, entitled "Plat Showing the Improvements on #3321 Hawthorne Lane," prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated September 30, 2015, last revised by the applicant on May 18, 2016 and received May 22, 2016, consisting of one sheet as submitted with this application.

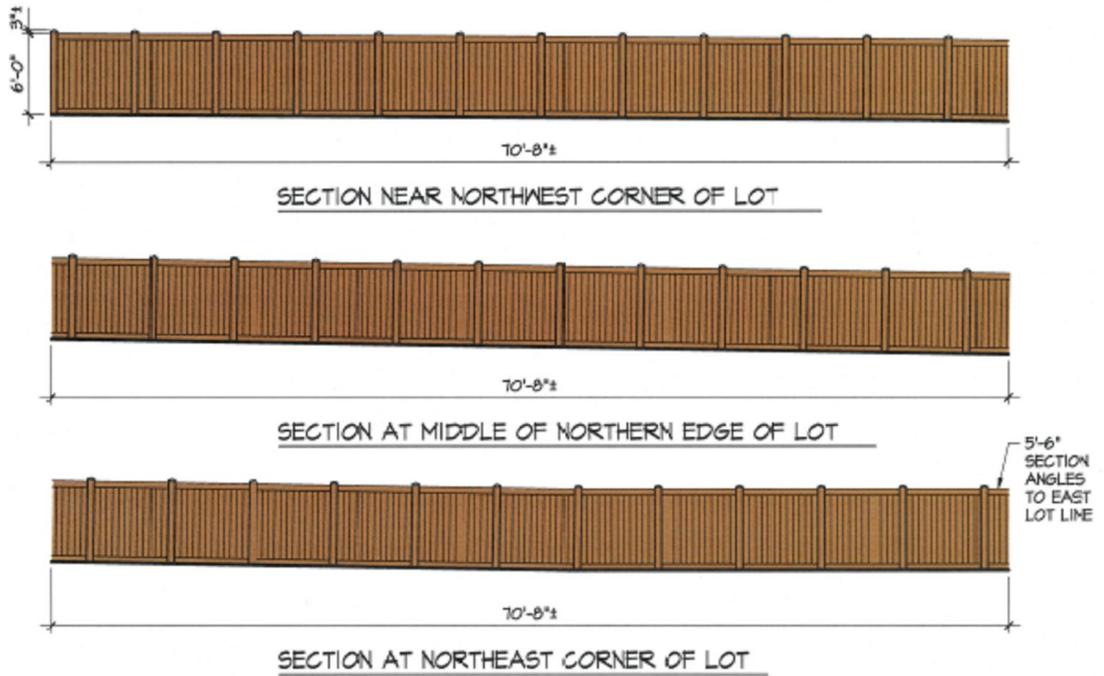
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

ATTACHMENT 1:

1) Layout of Accessory Dwelling Unit



2) Proposed Fence Design



Project	HAWTHORNE LANE
Title	RENDERING OF PROPOSED FENCE AT FRONT LOT LINE

Date	11/17/15	Scale	1/8" = 1'-0"
Project No.	-	Sketch No.	SK-1

Statement of Justification, Renderings and Photographs

Statement of Justification

UNIVERSITY OF VIRGINIA
Zoning Evaluation Division

Jeffrey Stein & Stephanie Stein
3321 Hawthorne Lane
Falls Church, VA 22042

1/19/15

APPLICATION QUESTIONS

- A. Type of operations**
- Keeping of animals
- B. Hours of Operations**
- 24 hours a day
- C. Estimated number of patrons/clients/patients/teachers/etc.**
- None
- D. Proposed number of employees/attendants/teachers/etc.**
- None. Occasionally a helper may be needed when occupants are away.
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.**
- None.
- F. Vicinity or general area to be served by the use.**
- Immediate premises.
- G. Description of building façade and architecture of proposed new building or additions.**
- It is anticipated that the chicken coop will be constructed of a wood frame with wood exterior finish. Half of the coop is to be finished with a simple full height wood frame infilled with chicken wire in order to allow the chickens access to fresh air and sunlight during the daylight hours while remaining confined. The entire chicken coop will be covered with a shingled gable roof.
 - New fence to be constructed of wood or PVC in a natural tone that compliments the adjacent trees and other vegetation.
- H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.**

– None known

- I. **A statement of how 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.**

8-917 KEEPING OF ANIMALS

Per Section 2-512, domestic fowl are typically only allowed on any lot of two (2) acres or more in size. We are requesting a waiver to allow domestic fowl to be kept on our 1.262 acre lot. In accordance with the code, we would like to keep no more than 1 and 1/4 bird unit, equivalent to 40 chickens, on our property.

In addition, we are requesting an exception be made to the normal distance required by Section 10-104 for a structure confining or sheltering domestic fowl. Typically, this structure is required to be located no closer than fifty (50) feet to any lot line. Given that our preferred location for the domestic fowl structure would be located at the far corner of our lot and far corner of applicable adjacent lots, we would like to place the structure approximately 31.6 feet from the side of our property's eastern lot line. Since we are placing this shelter closer than desired by the code, we are willing to build a 7'-0" high wood or PVC fence in order to conceal the structure as required. A 7'-0" high wood or PVC fence would also help to dispel any noise that the domestic fowl may produce. By proposing the previously described location for the shelter, we are attempting to minimize any disturbance to the quality of life that our neighbors currently enjoy.

The management techniques of the domestic fowl will also help to curb odors. We intend to respect our chickens by maintaining a clean environment in the shelter. In addition to a thorough cleaning that is performed once or twice a year, we intend to continuously remove and replace wet and/or soiled bedding (most likely sand or pine shavings) to prevent odor and to ensure the health of our chickens. Removed bedding will be composted to neutralize any contaminants that may appear in chicken excretions. Bedding will also be continuously raked to prevent compaction, as this enhances its insulation value in the winter to maintain a comfortable environment for the chickens.

The regular production of quality eggs is dependent on a well balanced diet, so the chickens will be properly fed on a daily basis and fresh water will always be available.

We would hope that any interested neighbors or parties will feel welcome to visit the chickens and/or assist with maintenance, as we feel it is important for the community to learn about where our food originates and to be educated as to the process required to raise and harbor domestic animals. In this same regard, we hope to share the eggs produced by our chickens with the surrounding community as our gift, as it is estimated that the chickens will produce more than enough eggs for our personal use.

8-918 ACCESSORY DWELLING UNIT

As our lot is only 1.26 acres, the proposed accessory dwelling unit shall be located in the structure of the single family detached dwelling unit (basement). The proposed accessory dwelling unit is a total of 935 GSF, which is 29% of the overall single family detached dwelling unit gross square footage. For reference, the overall gross square footage of the single family detached dwelling unit is 3,281 SF. At 29%, the proposed ADU does not exceed the maximum 35% of the total gross floor area of the principal dwelling unit.

There is an existing entry to the proposed ADU in the rear of the structure. It is impossible to enter the ADU directly from the front of the structure, as this portion of the basement is beneath grade.

The proposed ADU contains 1 bedroom, which does not exceed the maximum 2 bedroom requirement.

The principal dwelling unit shall be owner occupied. It will be occupied by 1 family with two persons related by marriage and with children.

The ADU may be occupied by a person or persons who qualify as elderly. As the ADU is not established for a disabled person, uninterrupted access to one entry and the accessibility and usability of one toilet room are not required.

There should be ample room for additional parking along the existing gravel driveway circle on the property.

8-923 INCREASE IN FENCE HEIGHT

In accordance with section 8-923, we are applying for the ability to increase fence height in our front yard to 6'-0". As the fence in our front yard constitutes a large portion of the side yard for the property to the north and the rear yard for the property to the east, we do not feel that this request will adversely impact the use and/or enjoyment of other properties in the immediate vicinity. Per section 10-104, these properties have the right to extend their fence height to 7'-0" in both their side and rear yards.

As for the property to the west, the proposed increase in fence height will help to decrease light exchange from cars entering our property on the existing gravel driveway circle.

It is our intention to construct the fence of either wood or PVC in a natural brown tone that compliments the surrounding vegetation. As dictated by section 10-104, the 6"x6" posts will be no more than 6'-0" on center and will not extend more than 9" above the 6'-0" fence height.

Regarding the visibility requirements established by section 2-505, preserving visibility to the dwelling on our property is maintained due to the higher elevation at which our dwelling is sited on the property. Since the dwelling is situated at an elevation of 314

and the street intersection is situated at an elevation of 308 at the entry to the property, the dwelling sits 6 feet above street level.

Statement of Justification for SHED

Jeffrey Stein & Stephanie Stein
3321 Hawthorne Lane
Falls Church, VA 22042

RECEIVED
Department of Planning & Zoning

MAR 8 2016

Zoning Evaluation Division

3/1/16

To Whom It May Concern,

On February 23rd we received a notice that the shed built on our property does not comply with the current Fairfax County Zoning Ordinance. In light of this information we are requesting the approval of a special permit from the Board of Zoning Appeals (BZA) that will allow the structure to remain as is. We purchased the property less than a year ago in July of 2015. The previous owners of the property have kindly furnished documentation regarding the history of the shed on the property. We have provided a summary of the history below for your reference:

1. *Multiple Listing Service (MLS) Northern Virginia Board of Realtors (NVBR) Property Listing*, dated September of 1986: A storage shed is included on the listing for the property.
2. *Boundary Survey*, dated 12/06/1986: A shed 14'-0" in length is depicted.
3. *Uniform Residential Appraisal Report by the Naumann Company, Inc.*, dated 10/21/1998: The shed in its current state appears under a list of "Capital Improvements" as a "new equipment bldg./shed" constructed in April of 1994 at a cost of \$4,448.

Per the documentation (listed above) provided by the former owners, it is our impression that a shed has been located on the property since 1986 and that the shed was replaced in April of 1994. Thus the current shed has been on the property for 22 years. Discussions with the previous owners indicate that the grandson of the original farmland owner, Steven Kennedy of 6708 Rolfs Rd., Falls Church, VA 22042, was contracted to construct the current shed.

Please view our responses below to items A through H from Section 8-914 (Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location), #2:

- A. The current plat of the property indicates that the shed is 11.6 feet high, thus the southeast corner of the shed does not comply with the current zoning ordinance at 10.8 feet from the property line. Per the zoning code this corner should be a minimum of 11.6 feet from the property line. Since this corner is only off by 10 inches or 7.2% of the required setback distance, the error does not exceed ten (10) percent of the measurement involved.
- B. As the error is less than ten (10) percent of the measurement involved, a reduction or modification is requested in conjunction with another special permit for another use.
- C. Per the descriptions of the construction of the shed above, the noncompliance was done through no fault of the former property owners since Steven Kennedy was contracted to do the work.

- D. Such reduction or modification will not impair the purpose and intent of this Ordinance since the error is minimal [below ten (10) percent of the measurement involved], and the shed has been in its current location for 22 years.
- E. Since the shed is located at the rear of the property and the rear of the adjacent property, it will not be detrimental to the use and enjoyment of the other property.
- F. To our knowledge, the shed has not created an unsafe condition with respect to the other property for 22 years.
- G. Since the cost to construct the shed was \$4,448 in 1994, the cost to relocate the shed would cause unreasonable hardship upon the current owner in order to move the shed 10 inches at the southeast corner to force compliance with the location regulations. The shed is also part of the family history, as the current owner's parents were the former owners who contracted to have the shed constructed.
- 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 as the total square footage of the shed at 168 square feet does not exceed the 200 square feet gross floor area permitted for storage structures in Section 10-102, Permitted Accessory Uses.

Thank you for your attention to this matter. Please do not hesitate to contact us personally with any questions or concerns.

Sincerely,

Jeffrey and Stephanie Stein

Attachments:

1. Page from a *Multiple Listing Service (MLS) Northern Virginia Board of Realtors (NVBR) Property Listing*, dated September of 1986
2. *Boundary Survey*, dated 12/06/1986
3. Pages from a *Uniform Residential Appraisal Report by the Naumann Company, Inc.*, dated 10/21/1998

THIS IS PRC (4- 2) INTR 9/DC/86

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ENTER FUNCTION CODE
T:645780

#645780 T&C 4	3321 HAWTHORNE LA	6-2	\$179,500	A /SFDT
PS:060-2 SD-01	0024A CY:FFX	ZP:22042	MC:15J 9	YB:1944
LG:060-21-01	TM:0024A		AC:1	
LS:54,973	ES:BEECHTRE	MS:GLASGOW	HS:J STUART	
HD:	MN:CAPE C	NL:3	LR:23X15/MNH	
DR:16X12/MNH	1B:15X14/MNZ	2B:12X13/MNH	3B:14X13/U1H	4B:20X15/U1H
KT:11X12/MNH	RR:	FR:	DN:	UR:
LN:	IB:	IW:	IC:	
FE:	TT:\$1,781	TY:86		
1T:\$13,000	1P:	1I:6.0%	1R:\$374	10:15/DC/71
1L:UNITED SAV	2T:\$25,000	DT:\$.00	CA:\$179,500	
LA:LOU GEERY	AP:356-9245	CS:3%	<u>BP:522-7474</u>	
DN:POLLIN	PH:534-4398	LD:CATHERINE R POLLIN		
	DA:	EQ:\$141,500		

RTS 50&7:7 CORNERS,SLEEPY HOLLOW RD,R KENNEDY LA,R HOLLOMAN R NICHOLS
-SON R INTO PVT. DR./DR ANNANDALE RD INTO HOLLOMAN,COUNTRY LIVING IN CITY

LG CAPE COD ON 1.26 AC.SPACIOUS RMS.LGHT&BRITE,BEAUTIFL H'WD FLRS.GT.
STG.FANTASTIC LOT MANY /BIS W/ATTIC OFF UPPER BR HOOK-UPS TO WATER&SEW
LR DRAPES STAY.OIL FOR PAST YR \$35 MD.ELECS72 BUDGET ATTIC FAN.FURN MTR
RECENT.WASHER,DRYER,REFG(IN BSMT)AS-IS.NEW SUMP-PUMP, DRAIN TILE.ZON.1/2 A

CAPE COD	FEE SIMPLE	4 BEDROOMS	2.5 BATHROOMS	LOCKBOX
CALL 1ST-DC/DWN	POSS-NEGOTIABLE	CONCRETE BLOCK	STUCCO	MN EN-FOYER
FULL BASEMENT	WALK OUT BASEMN	BSMT-SPC FOR RM	ESIK-TABLE	SEP DINING ROOM
DRIVEWAY PARKNG	HEAT-OIL	RADI/RDTR HEAT	COOL-ELECTRIC	CENTRAL AC
ATTIC FAN-COOL	H/WTR OIL	H/WTR SUMMER/WN	STORM DOOR(S)	WELL WATER
SEPTIC=BEDROOM	PUB WATR HU AVL	PUB SEWR HU AVL	HARDWOOD FLOORS	FENCE
STORAGE SHED	PATIO	2+ FIREPLACE	FIREPLACE-LIV R	FIREPLACE-BASEM
1+ ACRES	LEVEL LOT	IRREGULAR LOT	CORNER/END LOT	PARTIALLY FENCD
TAKE PHOTO	PRIVATE ROAD	SUMP PUMP	GLASS ENC RM/PR	RANGE W/OVEN
REFRIGERATOR	DISHWASHER	WASHER	DRYER	ELEC AIR FILTER
MB=CONVENTIONAL	MB=2ND TRUST	MB=RESTRICTIONS	MB=QUALIFY	NEW-CONVENTIONA
1+.5 BTH MN LVL	1 BTH UPPR LVL	.5 BTH LOWR LVL		
T COMPLETE	9/DC/86	12:27 PM		

ENTER FUNCTION CODE
LINE HUNG UP,PLS RE-DIAL IF NECESSARY

The Naumann Company, Inc.

UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. 88100010

Property Description

Project Address: 3321 HANDBORNE LANE, FALLS CHURCH, VA 22042

Local Description: METERS & BOUNDS, TAX MAP# 60-2-1-24A

Assessor's Parcel No. 60-2-1-24A

Year 1998, A.S. Taxes 1.3, 034

Owner: STEVEN L. STEIN

Project Type: PUD

Neighborhood: NEAR FALLS CHURCH

Map Reference: ADC: 15-29

Parcel No. 10220 CEDAR POND DR., VIENNA, VA 22182

Location: Urban, Suburban, Rural

Price \$1000: 200, Lot Area: 25, Vacant Land: 5

Neighborhood boundaries and characteristics: THE SUBJECT IS BOUNDED BY RT#7 & CITY OF FALLS CHURCH TO THE NORTH, BAINES CROSSLANDS TO THE EAST, RT# 236 & ANNANDALE TO THE SOUTH, RT#1-496 TO THE WEST.

Market conditions in the subject neighborhood including support for the above conclusions related to the trend of property values, demand/supply, and marketing time... THE PRESENT MARKET FOR THIS STYLE HOME IN THE NEIGHBORHOOD IS CONSIDERED AVERAGE. POINTS 6/OR CLOSING COST PAID IN THE FINANCING OF THE COMP SALES REPRESENT TYPICAL MARKET CONDITIONS UNLESS OTHERWISE NOTED. NEIGHBORHOOD BUYERS TYPICALLY PAY 0-3 POINTS OR AN EQUAL AMOUNT IN CLOSING COST. RANGE, KITCHEN EQUIPMENT, FIXTURES & APPLIANCES INCLUDED IN THE VALUE ARE BUILT-IN. NO PERSONAL PROPERTY IS INCLUDED IN THE VALUATION.

Site: SEE ATTACHED SURVEY

Topography: GENTLY ROLLING

Size: LARGE FOR AREA

Shape: IRREGULAR

Drainage: ADEQUATE

View: RESIDENTIAL - AVERAGE

Utilities: Public, Other

Electricity: X

Gas: X

Water: X

Sanitary Sewer: X

Storm Sewer: X

Off-site Improvements: Street: GRAVEL, Curb/Gutter: GRASS SHOULDERS, Sidewalk: NONE, Street Lights: NONE, Alley: NONE

FEMA Special Flood Hazard Area: X

FEMA Zone: X

FEMA Map No.: 51522-0087-D

General Description: No. of Units: 1, No. of Stories: 1.5-BASE, Type/Det./Alt.: DETACHED, Design (Style): CAPS CODE, Emergency: EXISTING, Age (Yrs.): 54 YEARS, Manufacture Year: 10-12 YRS

Exterior Description: Foundation: MASONRY, Exterior Walls: STUCCO, Roof Surface: COMP SHI, Gutters & Downspouts: METAL, Window Type: WOOD D/R, Storm/Screen: YES/YES, Insulation: NONE NOTED

Foundation: Slab: NO, Craw Space: NO, Basement: YES/FULL, Sump Pump: YES, Dampness: NONE NOTED, Settlement: NORMAL, Outside Entry: YES

Basement: Area Sq. Ft.: 1533.0, % Finished: 10%, Ceiling: DRYWALL, Walls: YES, Floor: DRYWALL, None, Outside Entry: YES

Rooms: Foyer, Living, Dining, Kitchen, Den, Family Rm., Rec. Rm., Bedrooms, # Baths, Laundry, Other, Area Sq. Ft.

Level 1: ENTRY, 1, 1, 1, 1, 1, 1, 1.5, UT RM, 1533.0

Level 2: 2, 1, 732.7

0.0

Finished area above grade contains: 6 Rooms, 3 Bedroom(s), 2.5 Bath(s), 2,286 Square Feet of Gross Living Area

Interior: Materials/Condition, HEATING: RADIATOR, KITCHEN EQUIP.: Range/Oven, ATTIC: None, AMENITIES: Fireplace(s) #2-YP, CAR STORAGE: None

Floors: CARPET GD, Type: RADIATOR, Fuel: GAS, Range/Oven: X, Stairs: X, Patio: BRICK, Garage: # of Cars

Walls: DRYWALL, AVG, Fuel: GAS, Grout: AVE, Disposal: X, Drop Stair: X, Deck: X, Attached

Trim/Finish: WOOD, AVG, Grout: AVE, Dishwasher: X, Soutile: X, Porch: JAL. PORCH, Detached

Bath Floor: CT, GD, Central: YES, Fan/Hood: X, Floor: X, Fence: X, Built-in

Bath W/Cess: CT, GD, Central: YES, Fan/Hood: X, Floor: X, Pool: X, Carpet

Doors: WOOD, AVG, Other: NONE, Microwave: X, Heated: X, Pool: X, Carpet

Kitchen: FL VYEL, AVG, Condition: GD, Washer/Dryer: X, Finished: X, BASKETBALL PAD, X, Driveway: YES

Additional features: JALOUSIE PORCH OFF KITCHEN, CEILING FANS, CROWN MOLDING & CHAIR RAILING, SOLID RAISED PANEL WOOD DOORS, CERAMIC TILE IN ENTRANCE FOYER, WHIRLPOOL TUB.

Condition of the improvements, description of physical, functional, and external, repairs needed, quality of construction, remodeling/additions, etc.: THE HOME HAS BEEN WELL MAINTAINED AND NO FUNCTIONAL, ECONOMIC OR NEGATIVE PHYSICAL INADEQUACIES WERE NOTED. MORE RECENT APPARENT UPDATES & UPDATES NOTED INCLUDE NEWER CAC, NEWER ENTRANCE FOYER CERAMIC TILE, UPDATED BATHROOMS, SOME REPLACEMENT INSULATED WINDOWS. (SEE ATTACHED LIST).

Address environmental conditions (such as, but not limited to, hazardous wastes, toxic substances, etc.) present in the improvements, on the site, or in the immediate vicinity of the subject property: NO ADVERSE ENVIRONMENTAL CONDITIONS WERE NOTED. HOWEVER, THE APPRAISER IS NOT AN EXPERT IN THIS FIELD AND AN INSPECTION BY A QUALIFIED ENVIRONMENTAL SPECIALIST IS RECOMMENDED.

The Naumann Company, Inc.
UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. 88100010

Form containing appraisal details: ESTIMATED SITE VALUE, ESTIMATED REPRODUCTION COST-NEW OF IMPROVEMENTS, SALES COMPARISON ANALYSIS, RECONCILIATION, and signature block.

COST APPROACH

SALES COMPARISON ANALYSIS

RECONCILIATION

Table with columns: ITEM, SUBJECT, COMPARABLE NO. 1, COMPARABLE NO. 2, COMPARABLE NO. 3. Includes rows for subject property and comparables.

Comments on Cost Approach (such as source of cost estimates, site value, square foot calculation and for HUD, VA, and FmHA, the estimated remaining economic life of the property): THE ESTIMATED REMAINING ECONOMIC LIFE IS 45 YEARS FOR HUD, VA, AND FMA USERS.

Main comparison table with columns: ITEM, SUBJECT, COMPARABLE NO. 1, COMPARABLE NO. 2, COMPARABLE NO. 3. Rows include: Address, Property to Subject, Sales Price, Price/Sq. Ft. Area, Date and/or Inspection, Valuation Source, Value Adjustments, Sales or Financing, Date of Sale/Time, Location, Land/Improvement, Size, View, Depth and Aspect, Quality of Construction, Age, Condition, Acreage, Room Count, Super/Living Area, Basement & Finished, Rooms Below Grade, Functional Utility, Heating/Cooling, Energy Efficient Items, Garage/Carport, Porch, Patio, Deck, Fencing, etc., Kitchen, and Adjusted Sales Price of Comparable.

Comments on Sales Comparison including the subject property's desirability in the neighborhood, etc.: COMP#1 IS ON A SMALLER LOT, LESS BATHS, 2-CAR GARAGE, SCREEN PORCH. COMP#2 IS IN VERY PRESTIGIOUS SLEEPY HOLLOW, SMALLER LOT, SMALLER HOUSE, NO BASEMENT BATH, 2-CAR GARAGE, DECK. COMP#3 IS ALSO IN SLEEPY HOLLOW, MORE BATHS, NO BASEMENT BATH, 2-CAR GARAGE. COMP#4 IS IN MORE DESIRABLE BARGROFF WOODS, SMALLER LOT, NEWER HOUSE, UNFINISHED BASEMENT, SCREEN PORCH VS JAL PORCH. COMP#5 IS CURRENTLY UNDER CONTRACT, HAS MORE LAND, HAS BEEN RESTORED & CARE FOR BY CURRENT OWNERS FOR 39 YEARS, UNFINISHED BASEMENT,***

Table with columns: ITEM, SUBJECT, COMPARABLE NO. 1, COMPARABLE NO. 2, COMPARABLE NO. 3. Rows include: Date, Price and Date, Source for prior sales, and Tax Records.

Analysis of any current agreement of sale, option, or listing of the subject property and analysis of any prior sales of subject and comparables within one year of the date of appraisal: THE SUBJECT IS CURRENTLY NOT UNDER CONTRACT AND IS NOT LISTED IN MULTIPLE LISTING. THE COMPARABLES HAVE NOT BEEN LISTED FOR SALE IN THE PAST 30 DAYS.

INDICATED VALUE BY SALES COMPARISON APPROACH \$ 355,000
INDICATED VALUE BY INCOME APPROACH (if Applicable) Estimated Market Rent 12,500 Mo. x Gross Rent Multiplier 140 = \$ 350,000

The appraiser is making "as is" subject to the repairs, alterations, inspections or conditions listed below subject to completion per plans and specifications. Conditions of Appraisal: APPRAISAL IS MADE (AS IS) AS OF THE APPRAISAL DATE. NO UNUSUAL SALES OR FINANCING CONCESSIONS ARE PRESENT IN THE COMPARABLE SALES.

Final Reconciliation: FOR PURPOSES OF THIS REPORT, MOST CONSIDERATION IS GIVEN THE SALES COMPARISON APPROACH. BRACKETING THE FIVE COMPARABLE SALES WOULD INDICATE A REASONABLE VALUE OF \$355,000 FOR THE SUBJECT.

The purpose of this appraisal is to estimate the market value of the real property described in the subject report, based on the above conditions and the certificate, contingents and listing conditions, and other facts and definitions that are stated in the report. This report is prepared in accordance with the Uniform Residential Appraisal Report, based on the Uniform Single-Family Residential Appraisal Form 630 (Fannie Mae Form 1004B) Revised 5/93.

THIS IS A COMPLETE SUMMARY APPRAISAL REPORT. I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE REAL PROPERTY THAT IS THE SUBJECT OF THIS REPORT, AS OF 10/21/98 (WHICH IS THE DATE OF THE APPRAISAL) TO BE \$ 355,000. Signature: David H. Naumann, Sr. PA, Certified General Real Estate Appraiser. Date Report Signed: 10/21/98. State Certification #4001-000198 (GENERAL).

The Naumann Company, Inc.
SALES COMPARISON ANALYSIS

File No. 88100010

The undersigned has reviewed three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	SUBJECT	COMPARABLE NO. 4	COMPARABLE NO. 5	COMPARABLE NO.
Address	3321 HAWTHORNE LN FALLS CHURCH, VA	3603 BENT BRANCH CT FALLS CHURCH, VA	3109 SLEEPY HOLLOW RD FALLS CHURCH, VA	
Property is Subject		12 BLOCKS SOUTH	15 BLOCKS NE	
Sales Price	N/A	\$327,000	\$415,000	
Price/Sq. Ft. Area	0	\$126.36	\$177.35	
Date and/or Inspection	INSPECTION	CO. REC./MLS/VISUAL	CO. REC./MLS/VISUAL	
Verification Source	CMV RECORDS			
VALUE ADJUSTMENTS	DESCRIPTION	+/- Adjustment	DESCRIPTION	+/- Adjustment
Style or Financing Concessions	CONV		CONV	
Date of Sale/Time	\$1600-DM279		7 PFS-DMS87	
Location	3/98- 5/98	-20,000	9/98-UC/98	
Location/View Points	AVE-GOOD		AVE-GOOD	
Size	54,973 SF	+50,000	69,152 SF	-50,000
View	AVERAGE		AVERAGE	
Depth and Aspect	1.5 STORY/AVG		2-STORY/AVG	0
Quality of Construction	AVERAGE		AVERAGE	
Age	54 YEARS	-5,000	107 YRS (REST)	0
Condition	AVE-GD		AVE-GD	
Basement & Finished Areas Below Grade	FULL BASEMT RR, LBA	+5,000	FULL BASEMT UNFINISH	+5,000
Functional Utility	AVERAGE		AVERAGE	
Neighborhood	FHA/CAC		HNBS/NONB	+5,000
Special Features	STANDARD/AVG		STANDARD/AVG	
Decor/Carpet	OSP		OSP	
Porch, Patio, Deck, Fireplaces, etc.	PATIO 2-PP		PATSPOL&GRNH 2-PP	-15,000
Screen, Pool, etc.	JAL. PORCH	+1,000	SCREEN PORCH	+1,000
KITCHEN	MODERN		MODERN	
Net Adj. Total		31,000	-54,000	
Adjusted Sales Price of Comparable		358,000	361,000	
Date, Price and Date Source for price sales within year of appraisal	TAX RECORDS NONE	TAX RECORDS NONE	TAX RECORDS NONE	
<p>Additional Comments</p> <p>*** NO CAC, HAS AN IN-GROUND POOL, GREENHOUSE & A SCREEN PORCH. THIS SALE MAY BE MOTIVATED BY POSSIBLE SUBDIVISION USE & MAY NOT BE SOLELY FOR HOME OWNERSHIP.</p> <p>SPECIAL NOTE TO REVIEW APPRAISER: MAJOR APPRAISAL CHALLENGES ENCOUNTERED IN DOING THIS APPRAISAL INCLUDED: 1- UNUSUALLY LARGE LOT FOR INSIDE THE BELTWAY. 2- NO GARAGE 3- RELATIVELY SMALL HOUSE, UNDER-SAY 2,700 SQ FT. COMPARABLES CHOSEN ARE ALL RELATIVELY CLOSE-BY & ARE ON AS LARGE A LOT AS I COULD FIND WITHIN THE SUBJECT MARKETING AREA. ALL COMP'S ARE FAIRLY CLOSE IN HOUSE SIZE & ARE SIMILAR OLDER HOMES. LARGE ADJUSTMENT ARE THEREFORE UNAVOIDABLE.</p>				

CAPITAL IMPROVEMENTS

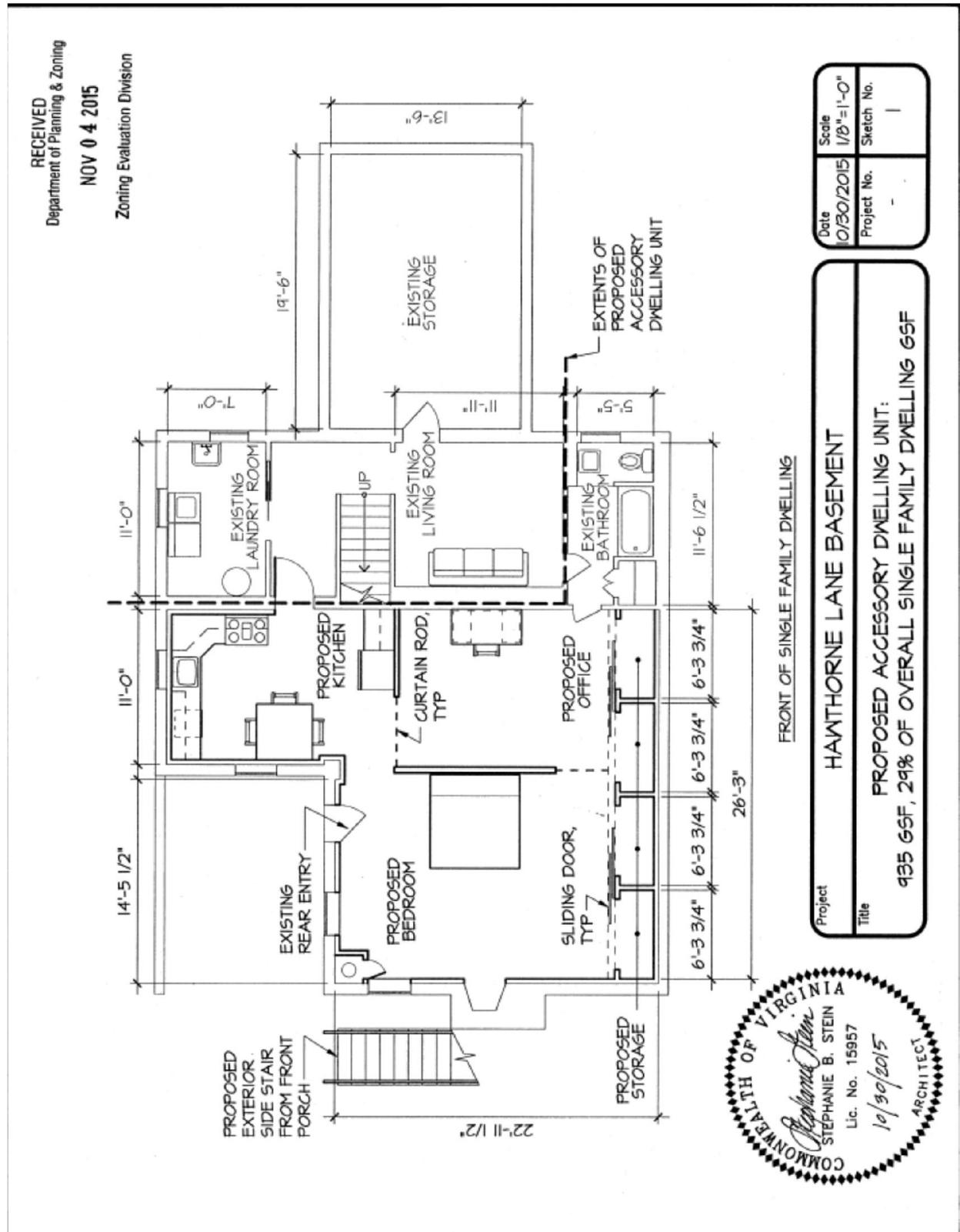
3321 HAWTHORNE LANE, FALLS CHURCH, VA 22042

IMPROVEMENT	MO/YR	EST. \$ COST
Convert septic & well to county utilities	01/87	\$ 6,350.
Convert oil boiler to new gas boiler heat	05/87	4,095.
Addition: new master bedroom bath	01/88	23,900.
New roof	08/89	4,109.
Replace casement windows with new dbl pane	08/90	2,700.
Remodel entry hall, add powder room	08/90	10,415.
Convert elec fuse box to breakers (heavy-up)	08/90	2,293.
Landscaping	various	5,700.
New dishwasher	11/91	800.
Remodel upstairs (2nd floor) bath	11/91	1,000.
New carpet (upstairs)	11/91	1,300.
Construct new equipment bldg/shed	04/94	4,448.
Finish off part of basement	12/94	5,145.
Install split rail dog pen (30'x20')	06/97	2,250.
Install split rail fence along rear boundary	06/97	1,950.
Install new tub liner in upstairs hall bath	07/97	580.
Install full bath in basement	07/97	3,500.
Install new concrete pad (30'x30')	10/97	4,800.
Installed new a/c (inside & outside units)	08/98	3,300.
Install stone retaining wall and garden	09/98	1,950.
Replace casement windows in lg BR 2 nd floor	09/98	850.
Misc (interior & exterior - approximate)	01/87-10/98	4,000.
		<u>\$95,235.</u>

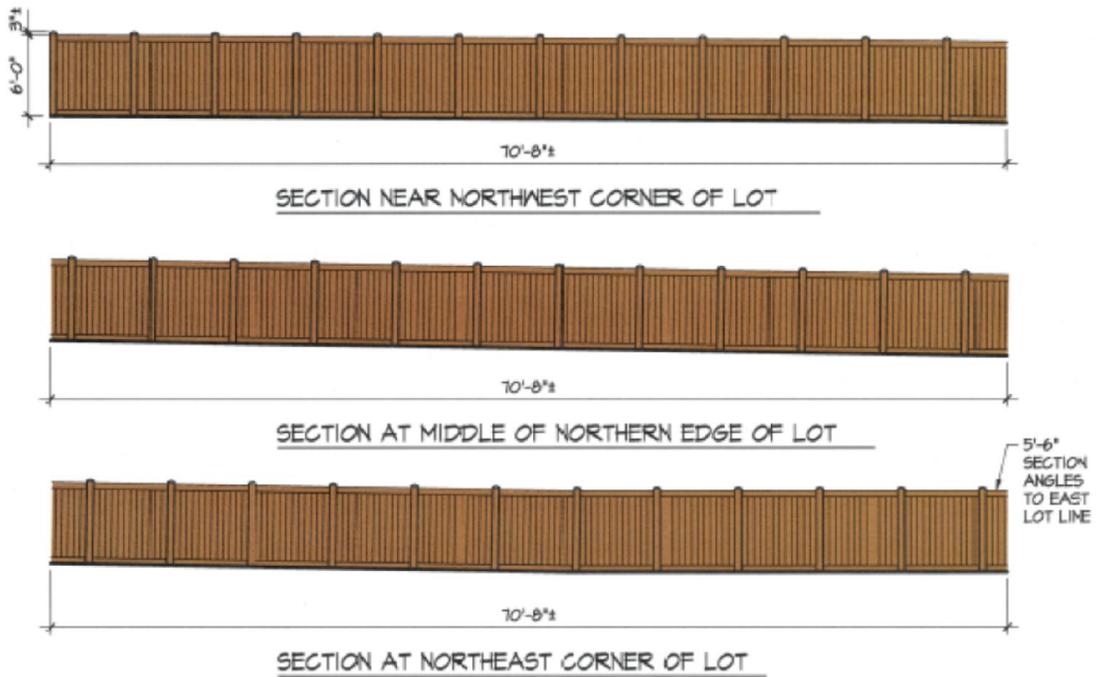
The above improvements only reflect out of pocket outlay, they do not reflect the tremendous savings enjoyed by owner acting as general contractor, discount purchasing power through commercial vendor accounts, nor "sweat equity" derived by owner labor contributions.

10/98

Proposed Layout for Accessory Dwelling Unit



Rendering of Proposed Front Yard Fence



Project	HAWTHORNE LANE
Title	RENDERING OF PROPOSED FENCE AT FRONT LOT LINE

Date	11.17.15	Scale	1/8"=1'-0"
Project No.	-	Sketch No.	SK-1

Select Photographs of the Property and Surroundings



IMAGE A:
ENTRY TO PROPERTY,
TAKEN 6-12-15

Image 1: Taken from approximate location of proposed front yard fence.



IMAGE B:
PARTIAL VIEW OF LOT 7
(NORTHEAST), TAKEN 9-7-15

Image 2: Looking north toward the driveway entrance onto Nicholson Road.



IMAGE C:
FRONT OF HOUSE (NORTH),
TAKEN 9-7-15

Image 3: The walkway for the accessory dwelling unit would extend beyond this façade and around the corner on the left.



IMAGE D:
VIEW OF PROPERTY TO THE
NORTH, TAKEN 9-7-15

Image 4: The proposed front yard fence would run along this property line.



IMAGE E:
VIEW OF LOT 18 (EAST),
TAKEN 9-7-15

Image 5: The proposed chicken coop would be located closest to this property, based on the special permit plat. This property is still within the subject property's "front" yard location and would also have a 6-foot fence along this property line as proposed.



IMAGE F:
PARTIAL VIEW OF LOT 19
(SOUTHEAST), TAKEN 9-7-15

Image 6: This view will be obscured by a 7-foot fence as permitted. This is southeast of the proposed chicken coop and the entrance to the proposed accessory dwelling unit.



IMAGE G:
VIEW OF STONE RETAINING
WALL, TAKEN 6-12-15

Image 7: The walkway and stairs for the accessory dwelling unit would run through this area.

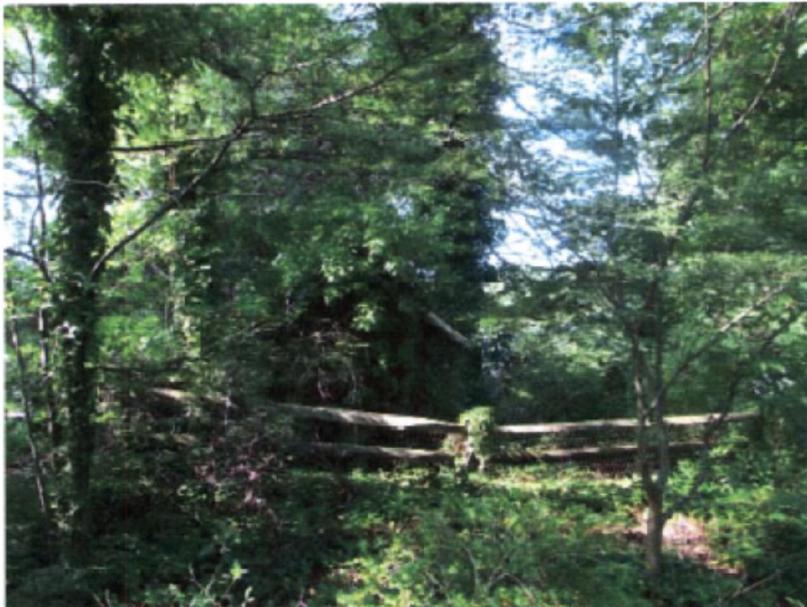


IMAGE H:
BRICK RETAINING WALL,
TAKEN 9-7-15

Image 8: The landing area/patio for the accessory dwelling unit. Entrance is to the right.



Image 9: Alternate view of the entrance for the accessory dwelling unit. This image shows the doorway and the area where the stairway would be constructed to access from around the front walkway.



Zoning Evaluation Division

IMAGE 1:
PARTIAL VIEW OF LOT 21,
TAKEN 6-12-15

Image 10: View to the south showing the current fence on the neighbor's property.



IMAGE L:
PARTIAL VIEW OF LOT 22,
TAKEN 9-7-15

Image 11: View from the existing shed toward the property to the south, showing the existing fence on the neighbor's property.



IMAGE N:
VIEW OF SHED (SOUTH),
TAKEN 9-7-15

Image 12: View of the shed, and the rear lot line in context.



IMAGE 1:
PARTIAL VIEW OF PROPOSED
KITCHEN, TAKEN 9-21-15

Image 13: Location of proposed kitchen for accessory dwelling unit.



IMAGE 5:
PARTIAL VIEW OF PROPOSED
BEDROOM, TAKEN 9-21-15

Image 14: Location of proposed bedroom. The main entrance is the door on the right wall.



IMAGE 6:
PARTIAL VIEW OF PROPOSED
BEDROOM, TAKEN 9-21-15

Image 15: View looking north, closets are proposed for the wall at back of this view.



IMAGE 7:
VIEW OF EXISTING EXTERIOR
DOOR, TAKEN 9-21-15

Image 16: View looking south, through the proposed bedroom to the main entrance.



IMAGE 9:
PARTIAL VIEW OF EXISTING
BATHROOM, TAKEN 9-21-15

Image 17: Existing bathroom, proposed for primary use by accessory dwelling unit.



IMAGE 10:
PARTIAL VIEW OF EXISTING
BATHROOM, TAKEN 9-21-15

Image 18: View of primary access to bathroom from accessory dwelling unit.



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: September 21, 2015

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 2015-0238

REF.: 131094

RECEIVED
 Department of Planning & Zoning
 SEP 21 2015
 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

Jeffrey Stein & Stephanie Stein

Affidavit Date of Oath

9/8/15

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: _____
 (Staff will assign)
RECEIVED
 Department of Planning & Zoning

SEP 14 2015

Zoning Evaluation Division

APPLICATION FOR A SPECIAL PERMIT

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Jeffrey Stein, Stephanie Stein
	MAILING ADDRESS 3321 Hawthorne Lane, Falls Church, VA 22042
	PHONE HOME () WORK ()
	PHONE MOBILE (703) 973-6787
PROPERTY INFORMATION	PROPERTY ADDRESS 3321 Hawthorne Lane, Falls Church, VA 22042
	TAX MAP NO. 0602 01 0024A SIZE (ACRES/SQ FT) 1.262 Acres
	ZONING DISTRICT R-2 MAGISTERIAL DISTRICT Mason District
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL PERMIT REQUEST INFORMATION	ZONING ORDINANCE SECTION
	PROPOSED USE
AGENT/CONTACT INFORMATION	NAME
	MAILING ADDRESS
	PHONE NUMBER HOME WORK
	PHONE NUMBER MOBILE
MAILING	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant -or- <input type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p>	
Jeffrey Stein + Stephanie Stein	<i>[Signature]</i> / Stephanie Stein
TYPE/PRINT NAME OF APPLICANT/AGENT	SIGNATURE OF APPLICANT/AGENT

SP 2015-0236

DO NOT WRITE IN THIS SPACE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/8/15
(enter date affidavit is notarized)

13094

I, JEFFREY STEIN & STEPHANIE STEIN, 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)
JEFFREY A. STEIN	3321 HAWTHORNE LANE FALLS CHURCH, VA 22042	APPLICANT/TITLE OWNER
STEPHANIE B. STEIN	3321 HAWTHORNE LANE FALLS CHURCH, VA 22042	APPLICANT/"CO-TITLE" OWNER

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/8/15
(enter date affidavit is notarized)

131094

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/8/15
(enter date affidavit is notarized)

131094

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/8/15
(enter date affidavit is notarized)

131094

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/8/15
(enter date affidavit is notarized)

1310 94

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)

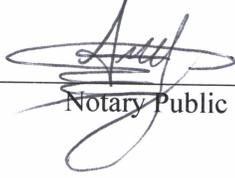
Applicant

Applicant's Authorized Agent

JEFFREY A. STEIN, TITLE OWNER

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

Subscribed and sworn to before me this 08 day of September, 2015, in the State/Comm. of Virginia, County/City of Arlington.


Notary Public

My commission expires: 12/31/18

Luis Fernando Velasquez
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
County of Arlington
My commission expires: 12/31/18
Registration # 7589970

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 09/08/2015
(enter date affidavit is notarized)

131094

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:

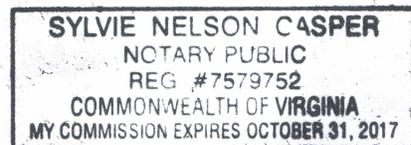
(check one) Stephanie Stein
 Applicant [] Applicant's Authorized Agent

STEPHANIE B. STEIN, CO-TITLE OWNER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 8th day of September 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Sylvie Nelson Casper
Notary Public

My commission expires: 10/31/17



[Handwritten signature]

**BUILDING
 PERMIT APPLICATION**

APPLICATION NO
 9/30 1983
 Date

JOB LOCATION
 Street 3321 Hawthorne Lane
 Building _____ Floor _____ Suite _____
 Subdivision _____
 Tenants Name Pollin

DO NOT WRITE IN THIS SPACE
 Permit No. 202115002J
 Map Reference MC-01-00244
 Building Permit No. _____ Control No. _____
 Std. MA Mag. MA Plan JE Census _____

OWNER
 Name Mrs C.R. Pollin
 Address (Mailing) 3321 Hawthorne LA.
 City F.C. State VA Zip 22042
 Telephone 534-4398

CONTRACTOR
 Company Name YARD PAINT CONTRACTORS
 Master _____
 Address 8408 Crown Pt
 City Alex State VA Zip 22308
 Telephone 360-9562 License No. _____
 State Contractors License No. 19343A
 County Business Account No. 01514

For Adding Jalousies to existing screened porch
 Description _____
 Model/Use _____

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

REMARKS:

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

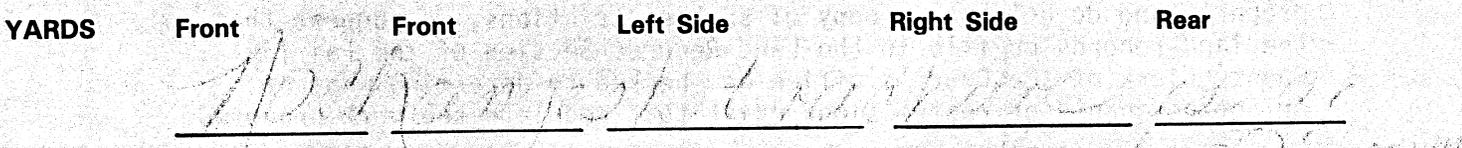
BUILDING DIMENSIONS			
No. Stories	Width	Depth	Sq. Ft.
	X	=	
	X	=	
	X	=	
	X	=	

ROUTING		Date	Approved By:
Health Review			
Site Review			
Zoning Review		<u>11/30/83</u>	<u>[Signature]</u>
Sanitation Review			
Building Review		<u>9/30/83</u>	<u>[Signature]</u>
Fire Review			

Use Group of Building _____
 Type of Construction _____
 Building Area _____
 Estimated Const. Cost _____
ZONING REVIEW
 Zoning Proffers Building _____
 Zoning Class _____
 Zoning Case # _____

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

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



REMARKS _____

3321 Hawthorne Lane

FOR COUNTY USE ONLY:

Date 9/30/83 By [Signature]
 Approved for Issuance of Building Permit

Fee _____
 Filing Fee _____
 Amount Due _____

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

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

Signature of Owner or Agent _____ Date _____ Notary Signature _____ Date _____



County of Fairfax, Virginia

MEMORANDUM

DATE: April 7, 2016

TO: Heath Eddy, Staff Coordinator
Department of Planning and Zoning

FROM: Samantha Wangsgard, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: 3321 Hawthorne Lane; SP 2016-MA-017

The Urban Forest Management Division (UFMD) has completed its review of the Application for a Special Permit, SP 2016-MA-017 and Statement of Justification for the subject property, date stamped as received by the Department of Planning and Zoning on January 28, 2016.

1. Comment: It is unclear how tree resources and existing vegetation will be impacted by the construction of the proposed accessory dwelling unit/chicken coop and the construction of the proposed frame/PVC fence.

Recommendation: The applicant should provide tree protection in the form of 14 gauge welded wire fence as well as adhere to the following:

- If any trees are to be removed these trees should be replanted with similar species.
- Trees being removed should be removed by hand with no heavy equipment.
- All efforts to minimize construction impacts to trees should be taken. This includes keeping heavy equipment as far from trees as possible.
- Tree located adjacent to the proposed PVC fences and accessory dwelling/chicken coop shall be protected with tree protection fencing.

Please contact me should you have any questions.

SW/tw

UFMDID #: 212080

cc: DPZ File

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



Zoning Ordinance Provisions

2-512 Limitations on the Keeping of Animals

1. The keeping of commonly accepted pets shall be allowed as an accessory use on any lot, provided such pets are for personal use and enjoyment, and not for any commercial purpose. Dogs shall be subject to the provisions of Par. 2 below.
2. The keeping of dogs, except a kennel as permitted by the provisions of Part 6 of Article 8, shall be allowed as an accessory use on any lot in accordance with the following:
 - A. The number of dogs permitted shall be in accordance with the following schedule, except that, in determining the number of dogs allowed, only those dogs six (6) months or older in age shall be counted.

<i>Number of Dogs</i>	<i>Minimum Lot Size</i>
1 to 2	No requirement
3 to 4	12,500 square feet
5 to 6	20,000 square feet
7 or more	25,000 square feet plus 5,000 square feet for each additional dog above 7

- B. Notwithstanding the above, dogs in numbers greater than those set forth above may be kept on a lot when it can be demonstrated that:
 - (1) Such dogs were kept on the lot prior to October 11, 1977 and have continued to be kept on such lot; or
 - (2) Three (3) dogs were kept on a lot of less than 12,500 square feet in size, or five (5) dogs were kept on a lot of 12,500 to 19,999 square feet in size, prior to February 25, 1985.

The provisions of this Paragraph B shall apply only to existing dogs when evidence is submitted which specifically identifies each animal and documents that such animal was present on the lot in accordance with the applicable time frames set forth above.

Nothing in this Ordinance shall be construed to determine the type of license required for dogs under the provisions of Chapter 41 of The Code.

3. The keeping of livestock or domestic fowl shall be allowed as an accessory use on any lot of two (2) acres or more in size. The keeping of such livestock or domestic fowl shall be in accordance with the following:

- A. The number of livestock kept on a given lot shall not exceed the ratio of one (1) animal unit per one (1) acre, with an animal unit identified as follows:

2 head of cattle	= 1 animal unit
5 sheep	= 1 animal unit
3 horses	= 1 animal unit
5 swine	= 1 animal unit
5 goats	= 1 animal unit
5 llamas	= 1 animal unit
5 alpacas	= 1 animal unit

Horses shall include ponies, mules, burros and donkeys. In determining the number of livestock permitted, only horses six (6) months or older in age and cattle, sheep, goats, and swine one (1) year or older in age shall be counted. In addition, in determining the number of livestock permitted, combinations of animals are allowed, provided that the ratio of one (1) animal unit per one (1) acre is maintained.

- B. The number of domestic fowl kept on a given lot shall not exceed the ratio of one (1) bird unit per one (1) acre, with a bird unit identified as follows:

32 chickens	= 1 bird unit
16 ducks	= 1 bird unit
8 turkeys	= 1 bird unit
8 geese	= 1 bird unit

In determining the number of domestic fowl permitted, only fowl six (6) months or older in age shall be counted.

4. The keeping of honeybees in four (4) beehives or less shall be allowed as an accessory use on any lot. On any lot of 10,000 square feet in size or larger, more than four (4) beehives may be kept, provided there is an additional lot area of 2500 square feet for each hive. In all instances, there shall be one (1) adequate and accessible water source provided on site and located within fifty (50) feet of the beehive(s). In addition, if the landing platform of a hive faces and is within ten (10) feet of any lot line, there shall be a flight path barrier, consisting of a fence, structure or plantings not less than six (6) feet in height, located in front of the hive.
5. The keeping of racing, homing, or exhibition (fancy) pigeons shall be allowed as an accessory use on any lot 10,000 square feet or more in size.

6. All accessory structures associated with the keeping or housing of animals shall be located in accordance with the provisions of Part 1 of Article 10.
7. The BZA may approve a special permit to modify the provisions of Paragraphs 1 through 6 above, but only in accordance with Part 9 of Article 8; provided, however, that a kennel, animal shelter or riding or boarding stable shall be subject to the provisions of Part 6 of Article 8.
8. The keeping of wild, exotic, or vicious animals shall not be allowed except as may be permitted by Chapter 41 of The Code.

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.

8-917 Provisions for Modifications to the Limitations on the Keeping of Animals

The BZA may approve a special permit to allow the keeping of animals that are not commonly accepted pets, to allow the keeping of animals in numbers greater and/or on lots smaller than permitted by Sect. 2-512, or to allow modifications to the location regulations of Par. 9 of Sect. 10-104, but only in accordance with the following:

1. In reviewing an application, the BZA shall consider the kinds and numbers of animals proposed to be kept, the characteristics thereof, the proposed management techniques, and the location that such animals will be kept on the lot. The BZA may impose such conditions, to include screening and minimum yards, as may be necessary to ensure that there will be no adverse impact on adjacent property and no emission of noise and/or odor detrimental to other property in the area.
2. Such modification may be approved if it is established that the resultant use will be harmonious and compatible with the adjacent area.
3. Notwithstanding the requirements set forth in Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat, which may be prepared by the applicant and shall contain the following information:
 - A. The dimensions of the lot or parcel, the boundary lines thereof, and the area of land contained therein.
 - B. The dimensions, height and distance to all lot lines of any existing or proposed building, structure or addition where such animals are to be kept.
 - C. The delineation of any Resource Protection Area and Resource Management Area.
 - D. The signature and certification number, if applicable, of the person preparing the plat.

8-918 Additional Standards for Accessory Dwelling Units

As established by the Fairfax County Board of Supervisors' Policy on Accessory Dwelling Units (Appendix 5), the BZA may approve a special permit for the establishment of an accessory dwelling unit with a single family detached dwelling unit but only in accordance with the following conditions:

1. Accessory dwelling units shall only be permitted in association with a single family detached dwelling unit and there shall be no more than one accessory dwelling unit per single family detached dwelling unit.
2. Except on lots two (2) acres or larger, an accessory dwelling unit shall be located within the structure of a single family detached dwelling unit. Any added external entrances for the accessory dwelling unit shall be located on the side or rear of the structure.

On lots two (2) acres or greater in area, an accessory dwelling unit may be located within the structure of a single family detached dwelling unit or within a freestanding accessory structure.

3. The gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the total gross floor area of the principal dwelling unit. When the accessory dwelling unit is located in a freestanding accessory structure, the gross floor area of the accessory dwelling unit shall not exceed thirty-five (35) percent of the gross floor area of the accessory freestanding structure and the principal dwelling unit.
4. The accessory dwelling unit shall contain not more than two (2) bedrooms.
5. The occupancy of the accessory dwelling unit and the principal dwelling unit shall be in accordance with the following:
 - A. One of the dwelling units shall be owner occupied.
 - B. One of the dwelling units shall be occupied by a person or persons who qualify as elderly and/or disabled as specified below:
 - (1) Any person fifty-five (55) years of age or over and/or
 - (2) Any person permanently and totally disabled. If the application is made in reference to a person because of permanent and total disability, the application shall be accompanied by a certification by the Social Security Administration, the Veterans Administration or the Railroad Retirement Board. If such person is not eligible for certification by any of these agencies, there shall be submitted a written declaration signed by two (2) medical doctors licensed to practice medicine, to the effect that such person is permanently and totally disabled. The written statement of at least one of the doctors shall be based upon a physical examination of the person by the doctor. One of the doctors may submit a written statement based upon medical information contained in the records of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

For purposes of this Section, a person shall be considered permanently and totally disabled if such person is certified as required by this Section as unable to engage in any substantial gainful activity by reasons of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.
 - C. The accessory dwelling unit may be occupied by not more than two (2) persons not necessarily related by blood or marriage. The principal single

family dwelling unit may be occupied by not more than one (1) of the following:

- (1) One (1) family, which consists of one (1) person or two (2) or more persons related by blood or marriage and with any number of natural children, foster children, step children or adopted children.
 - (2) A group of not more than four (4) persons not necessarily related by blood or marriage.
6. Any accessory dwelling unit established for occupancy by a disabled person shall provide for reasonable access and mobility as required for the disabled person. The measures for reasonable access and mobility shall be specified in the application for special permit. Generally, reasonable access and mobility for physically disabled persons shall include:
 - A. Uninterrupted access to one (1) entrance; and
 - B. Accessibility and usability of one (1) toilet room.
 7. The BZA shall review all existing and/or proposed parking to determine if such parking is sufficient to meet the needs of the principal and accessory dwelling units. If it is determined that such parking is insufficient, the BZA may require the provision of one (1) or more off-street parking spaces. Such parking shall be in addition to the requirements specified in Article 11 for a single family dwelling unit.
 8. The BZA shall determine that the proposed accessory dwelling unit together with any other accessory dwelling unit(s) within the area will not constitute sufficient change to modify or disrupt the predominant character of the neighborhood. In no instance shall the approval of a special permit for an accessory dwelling unit be deemed a subdivision of the principal dwelling unit or lot.
 9. Any accessory dwelling unit shall meet the applicable regulations for building, safety, health and sanitation.
 10. Upon the approval of a special permit, the Clerk to the Board of Zoning Appeals shall cause to be recorded among the land records of Fairfax County a copy of the BZA's approval, including all accompanying conditions. Said resolution shall contain a description of the subject property and shall be indexed in the Grantor Index in the name of the property owners.
 11. The owner shall make provisions to allow inspections of the property by County personnel during reasonable hours upon prior notice.

12. Special permits for accessory dwelling units shall be approved for a period not to exceed five (5) years from the date of approval; provided, however, that such special permits may be extended for succeeding five (5) year periods in accordance with the provisions of Sect. 012 above.
13. Notwithstanding Par. 5 of Sect. 9-012, any accessory dwelling unit approved prior to July 27, 1987 and currently valid may be extended in accordance with the provisions of this Section and Sect. 012 above.

8-923 Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The BZA may approve a special permit to allow an increase in fence and/or wall height in any front yard subject to all of the following:

1. The maximum fence and/or wall height shall not exceed six (6) feet and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 3I of Sect. 10-104.
2. The fence and/or wall shall meet the sight distance requirements contained in Sect. 2-505.
3. The BZA shall determine that the proposed fence and/or wall height increase is warranted based upon such factors to include, but not limited to, the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, topography of the lot, presence of multiple front yards, and concerns related to safety and/or noise.
4. The BZA shall determine that the proposed fence and/or wall height increase will be in character with the existing on-site development and will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, scale and any historic designations.
5. The BZA shall determine that the proposed fence and/or wall height increase shall not adversely impact the use and/or enjoyment of other properties in the immediate vicinity.
6. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including but not limited to imposition of landscaping or fence and/or wall design requirements.
7. 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 or structure, to include existing or proposed fences and/or walls.
- 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 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. If applicable, existing gross floor area and floor area ratio.
- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. The location, type and height of any existing and proposed landscaping and screening.
- L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

- M. Seal and signature of professional person certifying the plat.
- 8. Architectural depictions of the proposed fence and/or wall to include height, building materials and any associated landscaping shall be provided.