



# County of Fairfax, Virginia

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June 22, 2016

## STAFF REPORT

### SPECIAL PERMIT SP 2016-MV-027

#### MOUNT VERNON DISTRICT

**APPLICANT:** Kyle A. Smith

**OWNER:** Kyle A. and April L. Smith

**STREET ADDRESS:** 5500 Old Mill Road, Alexandria 22309

**SUBDIVISION:** Mount Vernon Terrace, Section 3, Block H, Lot 1

**TAX MAP REFERENCE:** 110-1 ((16)) (H) 1

**LOT SIZE:** 21,783 square feet

**ZONING DISTRICT:** R-2

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit a reduction in certain side yard requirements to permit construction of a detached garage 7.5 feet from a side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2016-MV-027 for the detached garage, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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

Heath Eddy, AICP

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

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

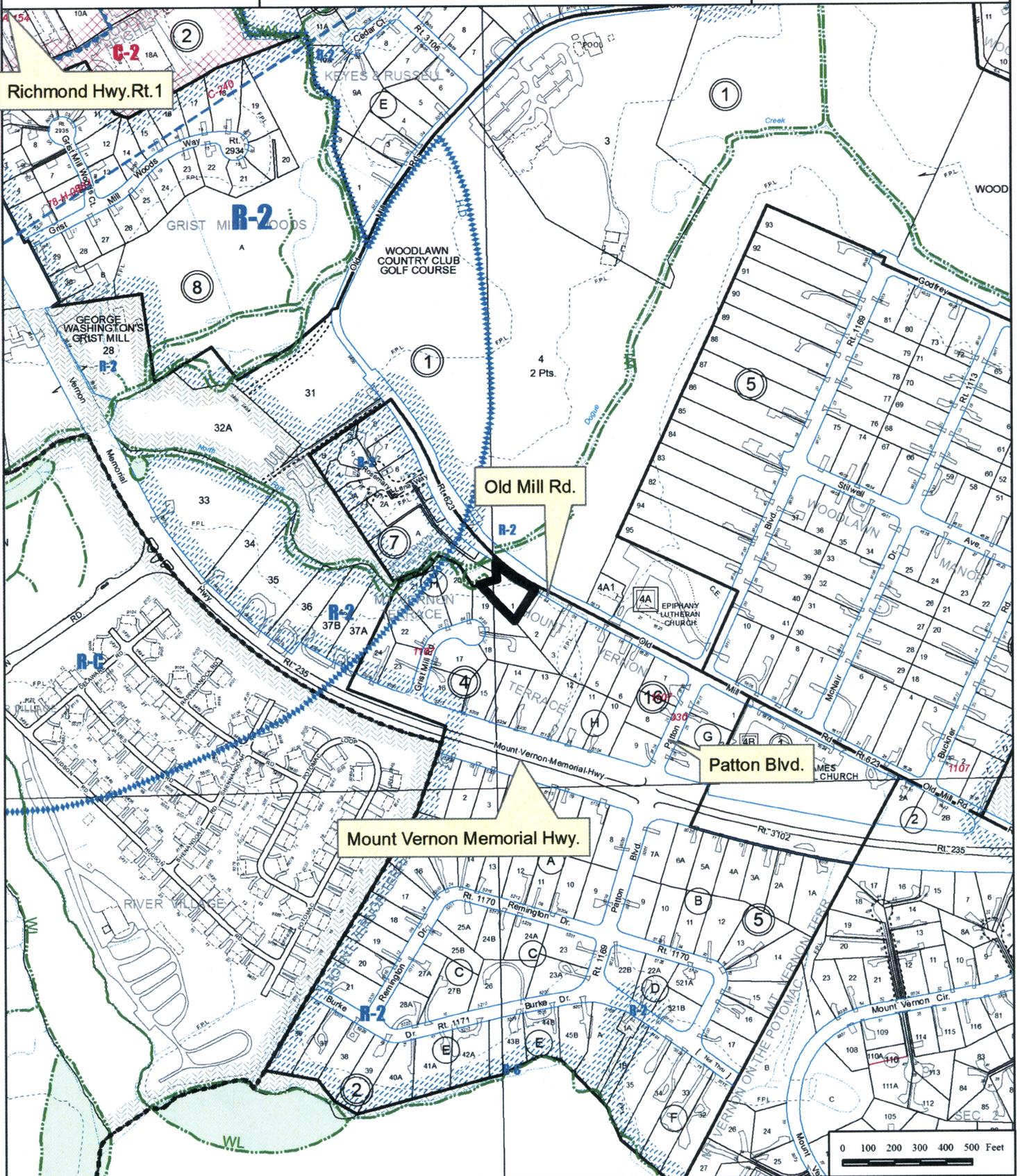
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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



# Special Permit SP 2016-MV-027 KYLE A SMITH



NOTES:

- TAX MAP 110-1-16H-0001
- PROPERTY SHOWN HEREON IS ZONED: R-2 (RESIDENTIAL 2 DU/AC)
- MINIMUM YARD REQUIREMENTS IN ZONE R-2  
FRONT YARD: 35'  
SIDE YARD: 15'  
REAR YARD: 25'
- PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE AE, SHADED "X" AND "X", AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 51059C0405E EFFECTIVE DATE, SEPTEMBER 17, 2010.
- THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
- THE PROPERTY IS LOCATED WITHIN A RESOURCE PROTECTION AREA (RPA), MANAGEMENT AREAS, FLOODPLAIN NOR ANY ENVIRONMENTAL QUALITY CORRIDOR.
- PURPOSE OF THIS SPECIAL PERMIT PLAT IS TO BUILD A GARAGE ADDITION IN THE REAR OF THE PROPERTY.

9. FLOOR AREA:  
 EXISTING GROSS FLOOR AREA HOUSE = 1,066 SQ. FT.  
 EXISTING GROSS FLOOR AREA OPEN PORCH = 224 SQ. FT.  
 EXISTING GROSS FLOOR AREA = 1,290 SQ. FT.

EXIST. FLOOR AREA RATIO: EX. GFA (1,290) / LOT AREA (21,783) = 0.059

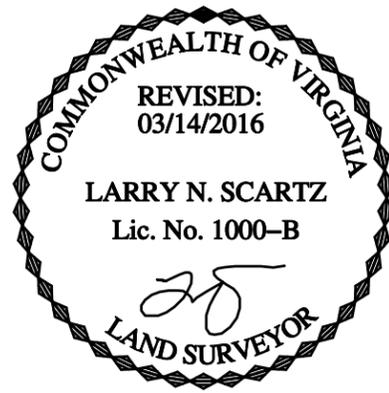
PROPOSED GARAGE = 576 SQ. FT. / EX. GFA (1,290) = 0.446

PROP. GROSS FLOOR AREA = EX. GFA (1,290) + PROP. ADDN. (576) = 1,866 SQ. FT.

PROP. FLOOR AREA RATIO: PROP. GFA (1,866) / LOT AREA (15,754) = 0.08

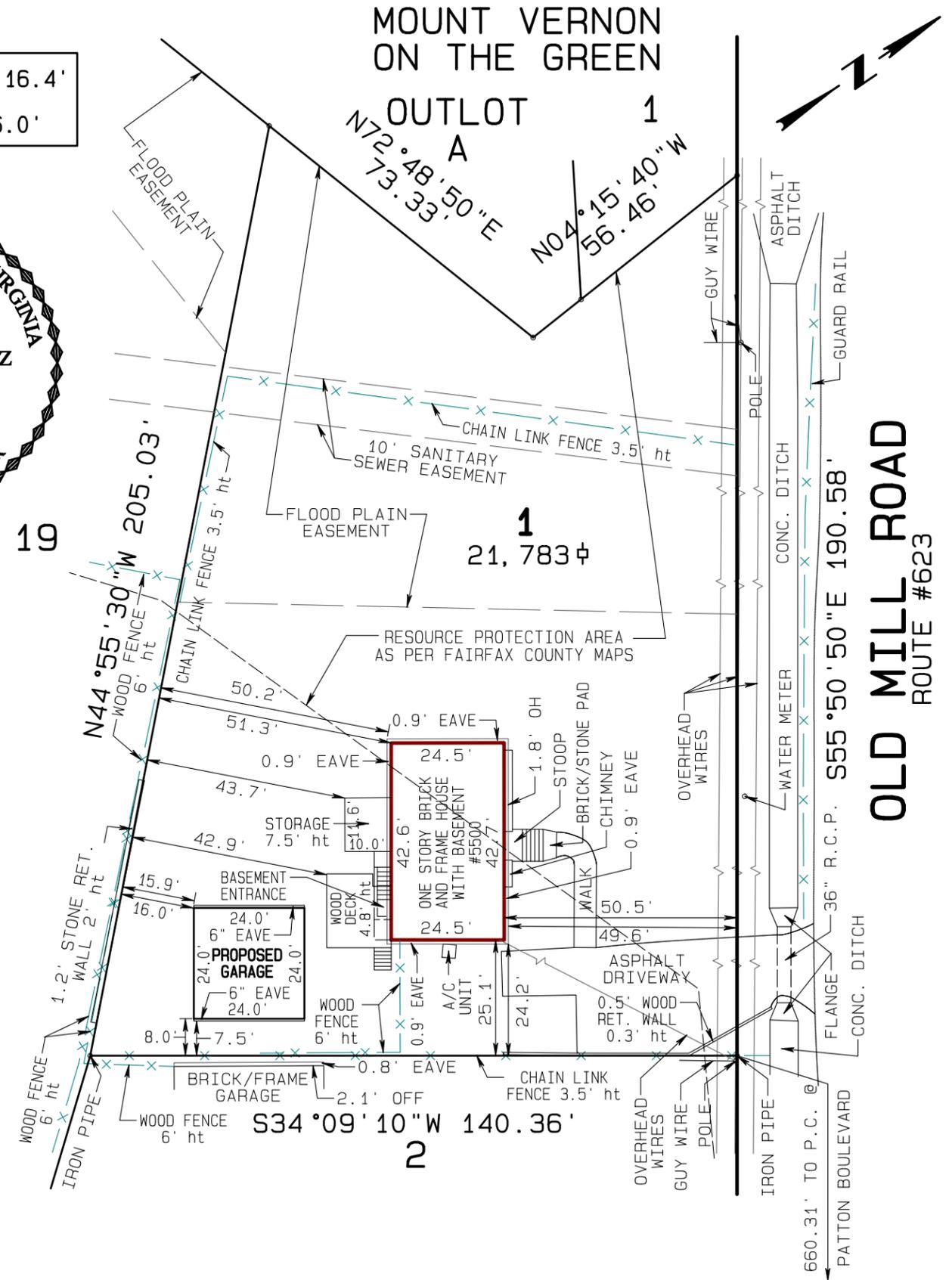
HEIGHT TABLE

HEIGHT OF EXISTING HOUSE: 16.4'  
 HEIGHT OF PROP. GARAGE: 16.0'



MOUNT VERNON ON THE GREEN

OUTLOT 1



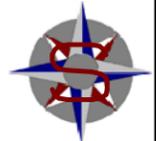
SPECIAL PERMIT PLAT  
 LOT 1, SECTION 3, BLOCK H  
**MOUNT VERNON TERRACE**

MOUNT VERNON MAGISTERIAL DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE: 1"=30' DATE: FEBRUARY 15, 2016

CASE NAME: SMITH  
 NO TITLE REPORT FURNISHED.  
 PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.  
 FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.

SCARTZ SURVEYS

LARRY N. SCARTZ LOCAL (703) 494-4181  
 CERTIFIED LAND SURVEYOR FAX (703) 494-3330  
 WOODBRIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM



## SPECIAL PERMIT REQUEST

The applicant requests special permit approval to permit a reduction in certain side yard requirements to allow construction of a detached 2-car garage in the rear yard of the property. The request is a reduction of the minimum side yard requirement for the property in the R-2 District.



**Figure 1: Subject property**, with floodplain and RPA shown. Source: Pictometry 2016.

A copy of the special permit plat titled “Special Permit Plat Lot 1, Section 3, Block H, Mount Vernon Terrace” prepared by Larry N. Scartz, LS, of Scartz Surveys, dated February 15, 2016, most recently updated March 14, 2016 and received March 16, 2016, consisting of one sheet and is provided at the front of this staff report. A copy of the applicant’s statement of justification, architectural rendering and photographs is included in Appendix 2, and the affidavit is provided in Appendix 3.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 21,783-square foot subject property is located on Old Mill Road just north of Mount Vernon Memorial Highway and just across from the Woodland Country Club golf course. The property is in the Mount Vernon Terrace subdivision, which was originally established in the 1950s. This block is part of the subdivision located in a triangular portion between Old Mill Road and Mount Vernon Memorial Highway. The site is developed with a 1,066-square foot split level single family detached dwelling with an asphalt driveway. The property also includes a 224-square foot attached open deck and a 10' by 11.6' attached shed. The property currently includes just the driveway, which is suitable for parking two vehicles, but no covered storage for vehicles.



**Figure 2:** Overhead view of property. Note proximate distance of adjacent accessory structures. Source: Pictometry 2016.

The property is severely constrained by the location of the floodplain for Dogue Creek on the northwestern half of the property, and the RPA boundary line extends still further in a diagonal line from the floodplain to the eastern corner of the property, including part of the existing residence. The property is generally open, and the house is designed and located to avoid any potential flooding issues from the nearby creek.

The subject property and surrounding lots are zoned R-2 and developed with single family detached dwellings, aside from the country club to the north.

**BACKGROUND AND HISTORY**

County Records indicate that the residence was constructed in 1959 and was remodeled in 2015. The attached deck was approved via building permit and constructed in 2014. The current owners purchased the property in late 2015. There are no current building permits or open complaints related to the property in Fairfax County files.

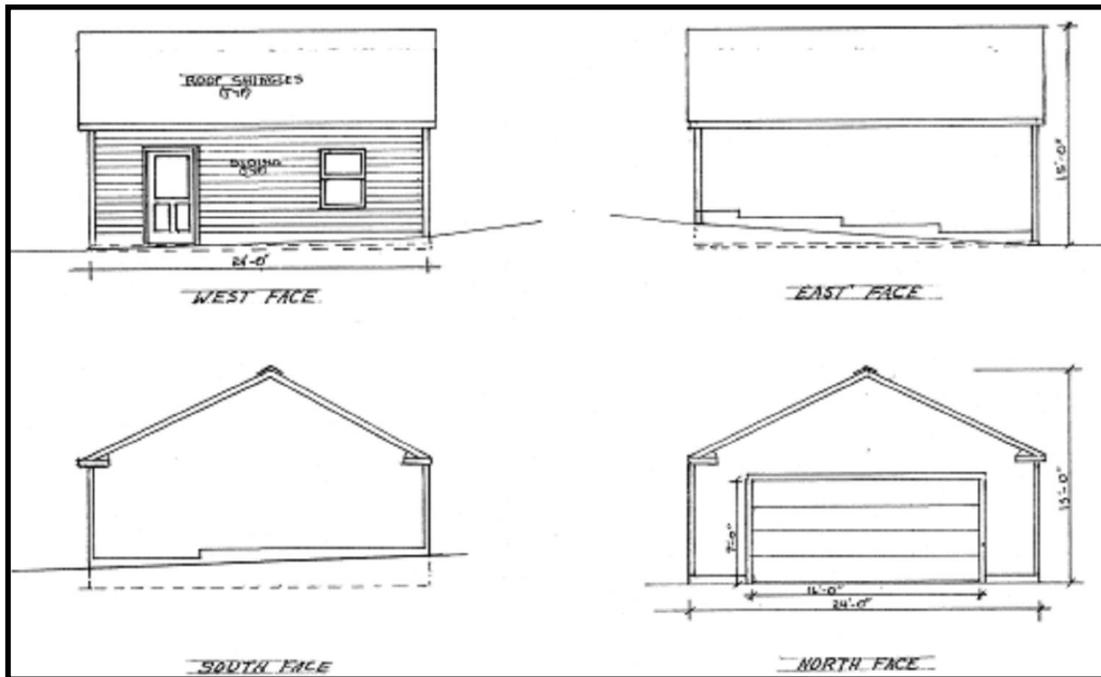
County records indicate that no special permits or variances related to a reduction in minimum required side or rear yards or the construction of an accessory structure are located on nearby properties.

**DESCRIPTION OF THE APPLICATION**

The applicant requests special permit approval to permit a reduction in the minimum side yard to 7.5 feet to allow construction of a 2-car detached garage behind the existing residence. The proposed garage is 24' x 24' in area (576 square feet) and is 15 feet in height to the peak, according to the rendering.

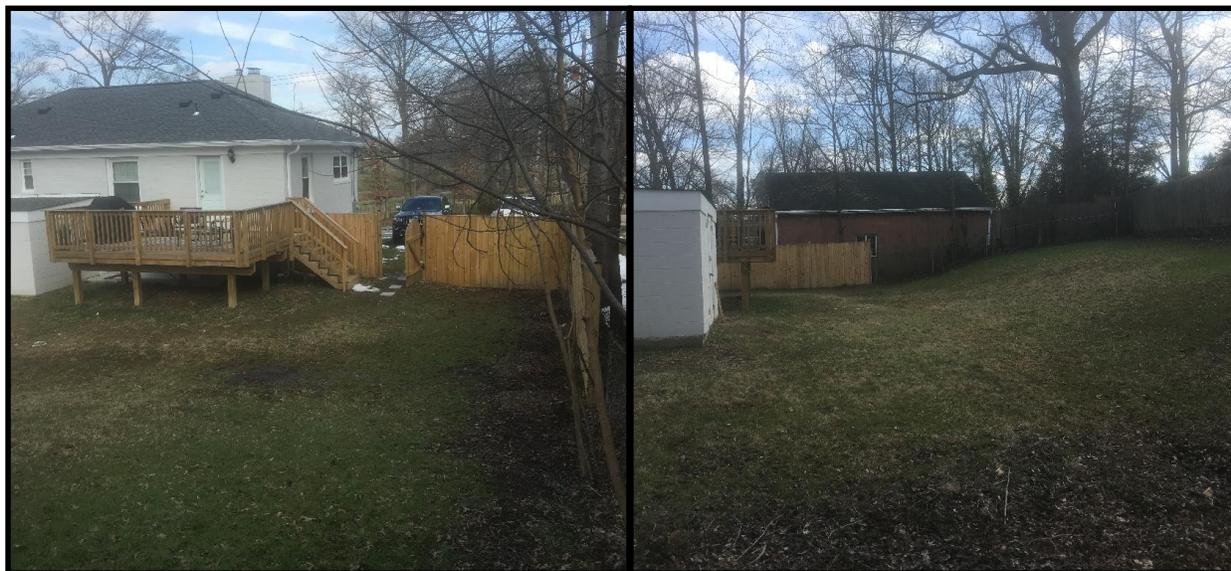
Pursuant to Sect. 10-104 of the Zoning Ordinance, a detached accessory structure that is seven (7) feet in height or taller is required to comply with the minimum side yard of the requisite zoning district (in this case, 15 feet in the R-2 District), and is required to be located a distance equal to the height of the structure from the rear lot line. The garage is proposed to be 16 feet from the rear lot line. The special permit request is for the side yard, in which the garage is proposed to be 7.5 feet from the side lot line, a reduction of 50 percent.





**Figure 3:** Architectural rendering of proposed garage. Source: Applicant

The proposed design of the garage is shown in Figure 3, above. Given the topography in the corner of the subject property, it will require some cut-and-fill during construction. This portion of the rear yard has no significant vegetation, so it should pose little impact on the surroundings. UFMD staff recommend checking for root structures of the adjacent large tree to make sure the construction minimizes any negative impact.



**Figures 4-5:** On left, view of proposed garage location from back corner; on right, side view of the rear yard, showing terrain of proposed garage location. Source: Applicant.

**ANALYSIS**

**Comprehensive Plan Provisions**

Plan Area: IV  
 Planning District: Mount Vernon  
 Planning Sector: Mount Vernon (MV7)  
 Plan Map: Residential

The Plan does not have specific recommendations with respect to the subject property. Infill development should be of a compatible use, type and intensity in accordance with 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.

<b>Bulk Standards (R-2)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Minimum Lot Size	15,000 sf.	21,783 sf.
Minimum Lot Width	100 feet	190.58 feet
Maximum Building Height	35 feet	16.4 feet
Minimum Front Yard	35 feet	49.6 feet
Minimum Side Yard	15 feet	25.1 feet
Minimum Rear Yard	25 feet	50.2 feet

<b>Extensions and Accessory Structures on Property – Existing and Proposed</b>		
<b>Standard</b>	<b>Required</b>	<b>Requested</b>
Storage Shed attached to residence	R-2 minimum rear and side yard requirements	43.7 feet to rear lot line (complies with minimum side yard)
Wood Deck 4.8 ft. in height	Permitted to extend 12 feet into rear yard; R-2 minimum side yard required	12 feet to side lot line (complies with min. side yard)
Fence 6 feet in height	Rear or side yard behind front façade	Compliant
Detached Garage (Proposed) – Accessory Structure 7 ft in height or taller	R-2 Minimum Side Yard (15 feet) Minimum Rear Yard = height of garage at peak	Proposed: 15.9 feet to rear lot line (compliant) <b>7.5 feet to side lot line*</b>

**\*Requested for approval with this application**

This special permit application is subject to the following provisions of the Zoning Ordinance and is provided as Appendix 5. Subject to the development conditions, the special permit must meet these standards.

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

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

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

<p><b>Standards 1 &amp; 2</b> Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2 District allows a reduction in minimum required yards with special permit approval.</p>
<p><b>Standard 3</b> Adjacent Development</p>	<p>In staff’s opinion, the proposed garage is consistent with the garage on the adjacent property in design and location, and would not hinder or discourage the use or development of neighboring properties or negatively affect value.</p>
<p><b>Standard 4</b> Pedestrian/ Vehicular Traffic</p>	<p>No increase vehicular or pedestrian traffic is expected with this application. In staff’s opinion, the proposed use is not hazardous to vehicular traffic consistent with a single family neighborhood and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p><b>Standard 5</b> Landscaping/ Screening</p>	<p>The subject property already has a 6-foot fence located along the side and rear lot lines. In addition, the proposed location is right next to a detached garage on the adjacent property, which should aid in screening the adjacent residence.</p>
<p><b>Standard 6</b> Open Space</p>	<p>There is no prescribed open space requirement on individual lots in the R-2 District.</p>
<p><b>Standard 7</b> Utilities, Drainage, Parking, and Loading</p>	<p>There are no proposed changes to utilities, drainage or other impacts. The garage is designed to provide covered parking and storage. DPWES will evaluate the structure and associated paving improvements for stormwater management changes.</p>
<p><b>Standard 8</b> Signs</p>	<p>No signage is proposed.</p>

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

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

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

<p><b>Standard 1</b> Yard Requirements Subject to Special Permit</p>	<p>A. <i>Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet: N/A</i>                  B. <i>Pipestem lots: N/A</i>                  C. <i>Accessory structure locations – The proposed accessory structure would be located 7.5 feet from the side lot line. The required side yard in an R-2 district is 15 feet, resulting in a reduction of 7.5 feet, or 50.0%.</i>                  D. <i>Extensions into minimum required yards allowed by Sect. 2-412: N/A</i></p>
<p><b>Standard 2</b> Not a Detached Structure in a Front Yard</p>	<p>The proposed detached garage is not located in the front yard.</p>
<p><b>Standard 3</b> Principal Structure that Complied with Yard Requirements When Established</p>	<p>At the time of its construction in 1959, the principle structure met all setback requirements. All other existing improvements currently comply with the R-2 District requirements.</p>
<p><b>Standard 4</b> Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The proposed detached garage totals 576 square feet in area. The net increase in GFA is about 44.6% of the existing GFA of 1,290 square feet.</p>
<p><b>Standard 5</b> Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>The proposed detached garage is smaller than the existing residence in terms of physical area, scale, and height. The garage is intended for parking and storage, and is not intended for more extensive use than is typical of a garage.</p>
<p><b>Standard 6</b> Construction in Character with On-Site Development</p>	<p>The proposed detached garage is located in the only location available for an accessory structure on the property. The garage is located to be compatible with the adjacent property, and will enable the continued use of the existing driveway for access.</p>

<b>Standard 7</b> Construction Harmonious with Off- Site Development	As designed, the proposed garage is consistent with other properties in the area.
<b>Standard 8</b> Construction Shall Not Adversely Impact Adjacent Properties	The proposed construction should disturb less than the threshold 2,500 square feet that would require stormwater management controls, though this will be reviewed by DPWES during building permit review. No other impacts are anticipated.
<b>Standard 9</b> Represents the Minimum Amount of Reduction Necessary	Staff believes the proposed garage represents the minimum amount of reduction in order to appropriately locate the garage where it results in the least reduction possible.  Furthermore, the location of the proposed garage will have no impact on the floodplain and Resource Protection Area located on the subject property, nor will it impact the sewer easement also located on-site.
<b>Standard 10</b> BZA May Impose Conditions	Proposed development conditions are included in Appendix 1.
<b>Standard 11</b> Submission Requirements	A copy of the plat is included in the beginning of this report.
<b>Standard 12</b> Architectural Elevations	Proposed elevations are included an attachment to the proposed development conditions in Appendix 1.

## CONCLUSION

Staff finds that the proposal to permit a reduction of certain yard requirements to permit construction of a 2-car detached garage 7.5 feet from the side lot line is in conformance with the applicable Zoning Ordinance provisions.

## RECOMMENDATION

Staff recommends approval of SP 2016-MV-027, subject to the Proposed Development Conditions contained in Appendix 1 of this staff report.

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

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

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

## **APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS****SP 2016-MV-027****June 22, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-MV-027 located at Tax Map 110-1 ((16)) (H) 1 to permit reduction of certain yard requirements pursuant to Sects. 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

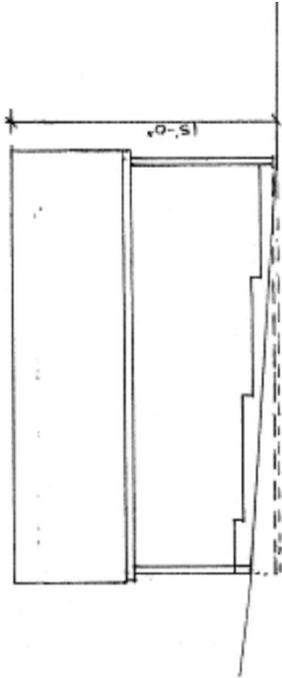
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the proposed detached garage as shown on the special permit plat titled, "Special Permit Plat Lot 1, Section 3, Block H, Mount Vernon Terrace" prepared by Larry N. Scartz, LS, of Scartz Surveys, dated February 15, 2016, most recently updated March 14, 2016 and received March 16, 2016, consisting of one sheet as submitted with this application and is not transferable to other land.
3. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
4. The applicant shall put down a layer of wood chips 8 inches in depth between the existing fence and the proposed garage along the southeastern property boundary, extending from the front corner of the proposed garage until 10 feet past the back corner of the eastern side of the proposed garage, and maintained during construction of the garage.

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

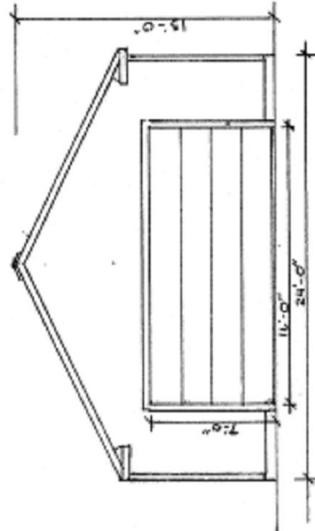
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if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

The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

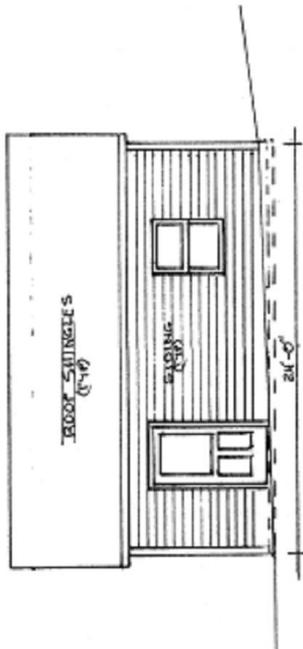
**ATTACHMENT 1: Architectural Rendering of Detached Garage**



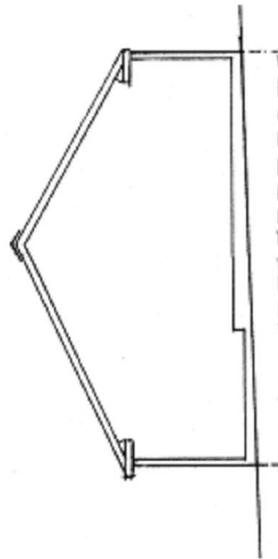
*EAST FACE*



*NORTH FACE*



*WEST FACE*



*SOUTH FACE*

OWNER	KYLE SMITH
ADDRESS	5500 OLD MILL ROAD

**Statement of Justification**

March 14, 2016

MAR 16 2016

Fairfax County Dept. of Planning and Zoning  
12055 Government Center Pkwy, Ste 801  
Fairfax, VA 22035  
Application number: TBD

Zoning Evaluation Divis

Attn: Zoning Evaluation Division

**STATEMENT OF  
JUSTIFICATION**

To Whom it May Concern:

This will serve as my official request to construct a two car garage within the counties required easements. A quick look at my property survey indicates there is plenty of land to construct a garage; however, a closer look at the survey shows a large portion of my property is within a flood plain easement. If you are looking at my front door from the roadway, the driveway is situated on the left side of my property; therefore, placement of a two car garage would only make sense at the end of the already constructed driveway. The right side of my property is not conducive to construct a garage due to the natural slope of my property and the fact that most of the property to the right is considered a flood plain easement and protection resource area (reference my plat). Additionally, I cannot relocate my driveway since there is a drainage culvert and a road guardrail barrier running the length of my property line along the roadway. We would request that the garage sits 7 ½' from the left of our property and 16' from the rear to help keep most of the existing deck intact. A general contractor will be used to ensure the garage meets all additional county codes and requirements.

The proposed garage will be a masonry and wood framed structure built 24' by 24' feet, totaling 576 square feet, which will be in scale with my residence. The garage will be constructed with white hardy siding and will have black roofing shingles; consistent and in character with my residence. The roof will be an "A" frame structure with a maximum height of 16' and the roof will contain a 6" eave on the left and right sides of the garage. This garage will not have an impact on the area or disturb either of my two neighbors. The garage will not impact drainage in the area.

This proposed garage would also bring functionality. My wife and I own two vehicles and a two car garage would help to provide safety from inclement weather and security for both cars. The garage would also allow visitors to park at my residence since the busy street in front of my house affords no parking availability. Additionally, the garage would provide much needed storage of lawn equipment, bicycles, and tools. In lieu of storing these items in a small overflowing shed or outside in the elements, a two car garage would alleviate issues surrounding the storage concerns.

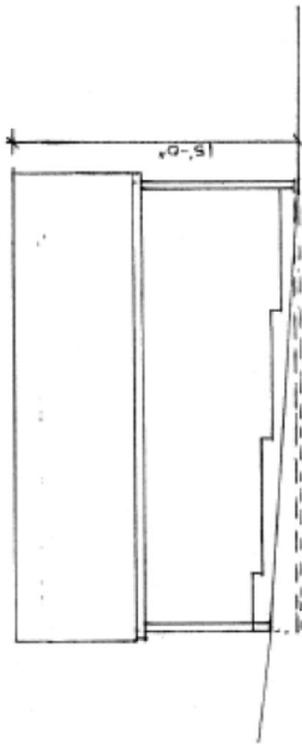
Your consideration in this matter is greatly appreciated. Questions or concerns may be directed to Kyle Smith at 314-323-1661 or [pd366344@gmail.com](mailto:pd366344@gmail.com).

Respectfully,

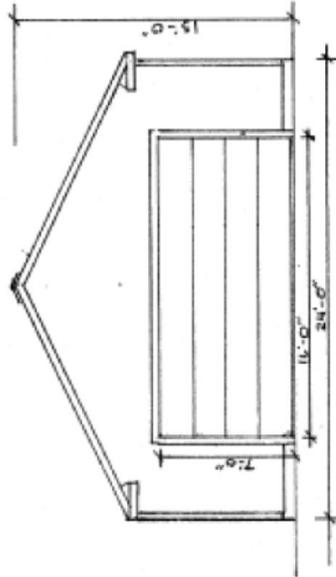


Kyle A. Smith  
Applicant/Owner  
5500 Old Mill Road  
Alexandria, VA 22309

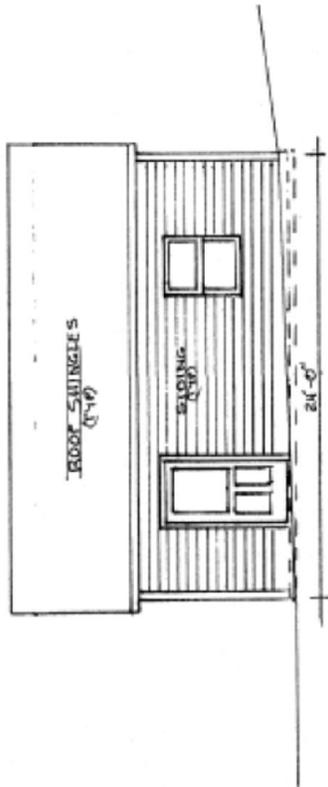
Architectural Rendering of Proposed Garage



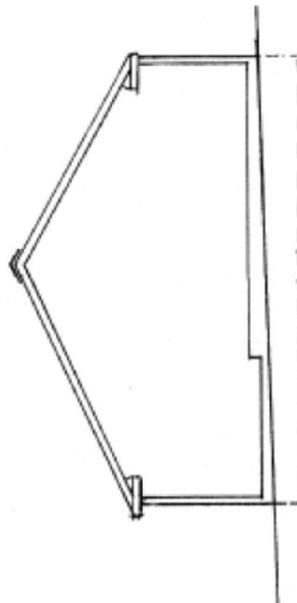
EAST FACE



NORTH FACE



WEST FACE



SOUTH FACE

OWNER	KYLE SMITH
ADDRESS	5500 OLD MILL ROAD

**Selected Photographs of Subject Property**



**Image 1:** Front of subject property, showing existing driveway and parking.



**Images 2-3:** View showing area where driveway would be extended. On right, note proximity of adjacent garage.



**Images 4-5:** Views of front and west side yard, showing areas in floodplain and RPA.



**Images 6:** View of rear yard toward location of proposed garage.



**Image 7:** View of rear yard looking toward the floodplain/RPA. The proposed garage is located just to the right of the dog.



**Figure 8:** Location of garage through existing gated fence. Driveway will run through this area.



**Figure 9:** Proposed garage location from the rear corner of the subject property.



# County of Fairfax, Virginia

## MEMORANDUM

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

**DATE:** March 31, 2016

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

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

**SUBJECT:** BZA Affidavit  
 Temporary Application No. SP 2016-0045

**REF.:** 134157

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

Name of Applicant

Affidavit Date of Oath

Kyle A. Smith

3/28/16

Attachment

OWNER CONSENT STATEMENT

To Whom It May Concern:

I, April Smith, the undersigned title owner of the property identified below, do hereby authorize Kyle Smith to apply for a special permit on my property located at: 5500 Old Mill Road Alexandria, VA 22309  
Tax Map No. 1101 14th 0001.

Thank you in advance for your cooperation.

TITLE OWNER

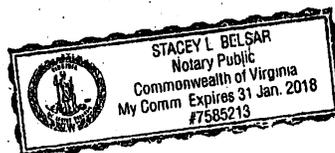
Date: 3/15/16 By: April Smith  
(Signor)

COMMONWEALTH/STATE OF: Virginia  
CITY/COUNTY OF: Alexandria, TO WIT:

The foregoing instrument was acknowledged before me this 15 day of March, 2016,  
by April Smith  
(Signor)

Stacy Belar  
Notary Public (Signature)  
Notary Registration No. 7585213  
My Commission Expires: 01/31/2018

AFFIX NOTARY SEAL/STAMP



134157



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](http://www.fairfaxcounty.gov/dpz/zoning/applications)

APPLICATION No: SP 2016-MV-027  
(Staff will assign)

RECEIVED  
Department of Planning & Zoning

FEB 17 2016

Zoning Evaluation Division

**APPLICATION FOR A SPECIAL PERMIT**

(PLEASE TYPE or PRINT IN BLACK INK)

<b>APPLICANT</b>	<b>NAME</b> Kyle A. Smith
	<b>MAILING ADDRESS</b> 5500 Old Mill Road Alexandria, VA 22309
	<b>PHONE HOME</b> ( 314 ) 323-1661 <b>WORK</b> ( 832 ) 226-7042
	<b>PHONE MOBILE</b> ( 314 ) 323-1661
<b>PROPERTY INFORMATION</b>	<b>PROPERTY ADDRESS</b> 5500 Old Mill Road Alexandria, VA
	<b>TAX MAP NO.</b> 1101 16H 0001
	<b>SIZE (ACRES/SQ FT)</b> 21,783 Sq Ft
	<b>ZONING DISTRICT</b> R-2 <b>MAGISTERIAL DISTRICT</b> Mt Vernon
<b>SPECIAL PERMIT REQUEST INFORMATION</b>	<b>PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:</b> N/A
	<b>ZONING ORDINANCE SECTION</b> 8-922
<b>AGENT/CONTACT INFORMATION</b>	<b>PROPOSED USE</b> Two Car Garage within the minimum yard requirements
	<b>NAME</b> N/A
	<b>MAILING ADDRESS</b>
	<b>PHONE HOME</b> (     ) <b>WORK</b> (     )
<b>MAILING</b>	<b>PHONE MOBILE</b> (     )
	Send all correspondence to (check one): <input checked="" type="checkbox"/> Applicant -or- <input type="checkbox"/> Agent/Contact
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.	
Kyle A. Smith	
<b>TYPE/PRINT NAME OF APPLICANT/AGENT</b>	<b>SIGNATURE OF APPLICANT/AGENT</b>

DO NOT WRITE IN THIS SPACE

SP 2016-0045

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

Application No.(s): SP 2016-MV-027  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/28/16 134157  
(enter date affidavit is notarized)

I, Kyle A. Smith, 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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Kyle A. Smith	5500 Old Mill Road, Alexandria, VA 22309	Applicant / Owner
April L. Smith	5500 Old Mill Road, Alexandria, VA 22309	Owner

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

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

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

Application No.(s): SP 2016-MV-027  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/28/16  
(enter date affidavit is notarized)

134157

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

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

**CORPORATION INFORMATION**

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

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

None

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

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

Application No.(s): SP 2016-MV-027  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/28/16  
(enter date affidavit is notarized)

134157

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

**PARTNERSHIP INFORMATION**

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

N/A

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

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

None

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

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

Application No.(s): SP 2016-MV-027  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/28/16  
(enter date affidavit is notarized)

134157

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

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

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

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

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

None

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

Application No.(s): SP 2016-MV-027  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 03/28/16  
(enter date affidavit is notarized)

134157

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:

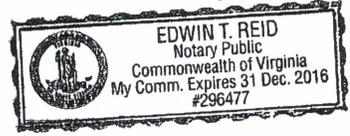
(check one)  Applicant  Applicant's Authorized Agent  
Kyle A. Smith

Kyle A. Smith  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 28 day of MAR, 2016, in the State/Comm. of VA, County/City of FAIRFAX.

[Signature]  
Notary Public

My commission expires: 31 Dec 2016



COUNTY OF FAIRFAX, VIRGINIA

OFFICE OF THE BUILDING INSPECTOR

Application for Building Permit

MAP REFERENCE			
PLAT NUMBER	Subd. Des.	Bk. of Sec.	PARCEL OR LOT
109 C		H	142

CENSUS TRACT	DATE	PERMIT NO.
	5/27 1959	27282

To: BUILD  Alter or Repair  Add to  Demolish  Move

JOB LOCATION	DIRECTIONS Route <u>Route # 623</u> Street <u>Roberts Road</u> Lot No. <u>H 3</u> Subdivision <u>Mt Vernon Terrace</u>	DESCRIPTION For: Residential <input checked="" type="checkbox"/> Institutional <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> No. of Bldgs. <u>2</u> Type <u>Rambler</u> No. of Units <u>2</u> Est. Const. Cost <u>\$15000.00</u> No. of Kitchens <u>1</u> No. of Stories <u>1</u> No. of Baths <u>1 1/2</u> Ht. of Building <u>15</u> Ft. No. of Rooms <u>4</u> Total Area <u>1032</u> (Exclude Kit. & Bath) Basement <input checked="" type="checkbox"/> Slab <input type="checkbox"/> Crawl <input type="checkbox"/> FILL <input type="checkbox"/> Soil <input checked="" type="checkbox"/> SOLID Footing Size <u>12x24</u> Depth from Finish Grade <u>Varies</u> Ft. Material of Exterior Walls Basement <u>C.B.</u> 1st Floor <u>Br. + C.B.</u> 2nd Floor _____ Other _____ Material of Interior Walls <u>Dry wall on frame</u> HEAT: Gas <input type="checkbox"/> Oil <input checked="" type="checkbox"/> Hot Air <input checked="" type="checkbox"/> Hot Water <input type="checkbox"/> Boiler <input type="checkbox"/> Air Conditioner <input type="checkbox"/> Sprinkler <input type="checkbox"/> ROOF: Flat <input type="checkbox"/> Pitch <input checked="" type="checkbox"/> Shed <input type="checkbox"/> SEWAGE: Public <input checked="" type="checkbox"/> Community <input type="checkbox"/> Septic Tank <input type="checkbox"/> Pit Privy <input type="checkbox"/> None <input type="checkbox"/> WATER: Public <input checked="" type="checkbox"/> Individual Well <input type="checkbox"/> None <input type="checkbox"/> Remarks: _____
	OWNER Name <u>Malcolm Matheson, Inc</u> Address <u>515 Wg the St Alex Va</u> City <u>0130971</u> Tel. No. _____	
ARCHITECT ENGINEER Name <u>Louis Moss</u> Address <u>Edsall Rd.</u> City <u>Alex Va.</u> State Reg. No. _____		
CONTRACTOR Name <u>Owner</u> Address _____ City _____ State Reg. No. _____		

Plans moved up from 26388

**CERTIFIED LOCATION**  
**5/28/59**  
Mark W. Shepherd  
Signature of Owner or Auth. Agent

**AUTHORIZATION**  
I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.  
0130971 Phone No. 5/28/59 Date

**PLAN APPROVAL**  
Use Group of Building L-3 Area of Bldg. 31900 @ 1007 per Sq. Ft. \$ 122.00  
Type of Construction 3-C Area of Bldg. 2 dwell @ 122.00 per Sq. Ft. \$ \_\_\_\_\_  
Fire District \_\_\_\_\_ Total Each Bldg. \$ \_\_\_\_\_  
Date Checked 5/27, 1959 By aw TOTAL FEE \$ 4400  
Approved by Building Inspector Henry J. Gray

ROUTING	OFFICE	Rm. No.	DATE	APPROVAL	REMARKS
<input checked="" type="checkbox"/>	Land Office	112	5-27-59	MH	
<input checked="" type="checkbox"/>	Zoning Administrator	210			
<input checked="" type="checkbox"/>	Health Officer	Rt. 237			Health and Welfare Bldg. on Rt. 237
<input checked="" type="checkbox"/>	Sanitary Engineer	Bsmt			
<input checked="" type="checkbox"/>	Finance Office	120			
<input checked="" type="checkbox"/>	Building Inspector	203			Return to secure Bldg. Permit

**CERTIFICATION**  
Supervisor of Assessments  
Property is listed in name of Malcolm Matheson, Jr.  
Magisterial District Mt Vernon Deed Book Reference 1499-186  
Authorization: John W. Ferguson MH  
Subdivision Mt Vernon Terrace Lot No. 1+2 Block 2 Section 3 Zone Rural R-1  
No. Acres or Sq. Ft. \_\_\_\_\_  
Front Address \_\_\_\_\_  
E: Front 2 dwellings Right Side \_\_\_\_\_ Left Side \_\_\_\_\_ Rear \_\_\_\_\_  
Bldg. Use after Alteration \_\_\_\_\_ No. Families 2  
Front 50' Rt. Side 20' Left Side 20' Rear 25' Authorization \_\_\_\_\_

PLAT

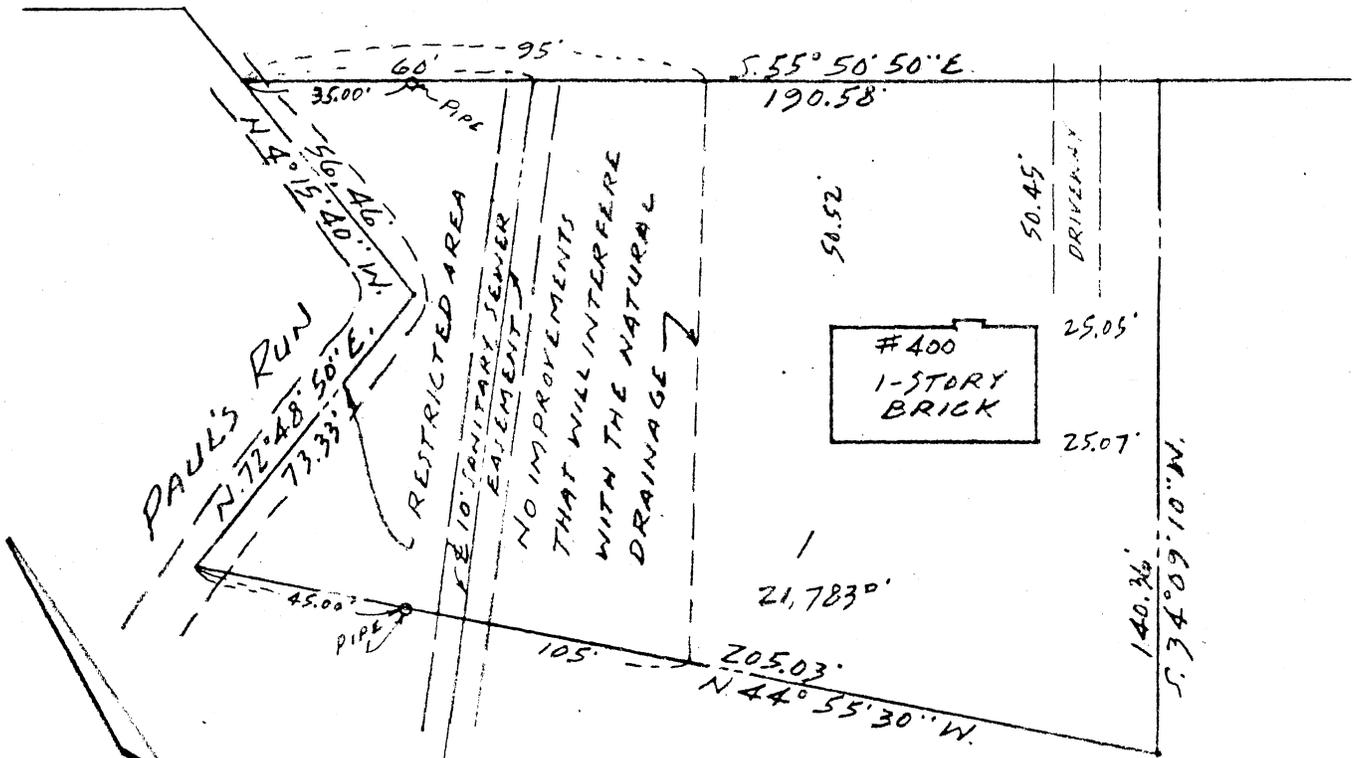
HOUSE LOCATION SURVEY

LOT 1, BLOCK "H", SECTION 3,  
MOUNT VERNON TERRACE  
FAIRFAX COUNTY VIRGINIA

*MORELAND*

APPROVED  
*[Signature]*  
ZONING ADMINISTRATOR  
DATE NOV 13 1959

ROBERTS ROAD ROUTE #623



CROSS & GHENT  
CECIL J. CROSS VICTOR H. GHENT  
CERTIFIED PROFESSIONAL ENGINEERS  
& LAND SURVEYORS

FILE	SURVEY RECHECKED:	<i>[Signature]</i> CECIL J. CROSS CERTIFIED SURVEYOR ALEXANDRIA, VA.	DATE: Nov. 6, 1959
301 H 1	DATE:		SCALE 1" = 40'
	C. S.		REFERENCE
			FIELD NOTES 1424-S-57

ment  
ter Parkway

**Building Permit  
Zoning Review**

*This document does not reflect the final  
Building Permit approval.*

6/24/15 10:18:47AM

**151740137**

**DECK**

00 OLD MILL RD

ALEXANDRIA VA 22309-3330

Bldg: N/A Floor: Suite: N/A

1101 16H 0001

**MOUNT VERNON TERRACE LT 1 BLK H SEC 3**

1,783.00

POTOMAC RELOCATION SERVICES LLC

11345 RIVER RD LORTON VA 22079

Day: (703)608-3900 x

Evening:

**Contractor:**

OWNER IS CONTRACTOR

(999) 999-9999

**Type of Work:**

DECK

**Description of Work:**

BUILD DECK 16X14 PER COUNTY DETAILS WITH STAIRS, NO HOT TUB

**Specific Description of Work:**

**Stairs:**

Y

**Hot Tub:**

N

**Multi level**

N

**Single Span:**

Y

**ZPRB Review:**

**Date**

**Status**

06/23/2015

RGOOD3

Failed

**Problem Recorded:** 6/23/15

**Problem Resolved**

Plat has been reduced. Need plat to scale.

06/24/2015

RGOOD3

Approved

**Problem Recorded:** 6/23/15

**Problem Resolved**

6/24/15

Plat has been reduced. Need plat to scale.

**Zoning Detail Review TAB:**

**Zoning Cluster**

Dist. Subdiv Use

ADU  
Subdiv

Proffer

R-2 N SFD

N

N

**Yard/Setbacks:**

**Dimensions:**

**Structure**

Front (A)

Front (B)

Front (C)

Left

Right

Rear

Structure Dimension

Height

Structure  
Type

deck

0.00

0.00

0.00

18.00

0.00

43.00

deck 14x16

5.00

OPEN

Is Deck Attached? YES

**USE GRP**

**CNST TYPE**

**BLDGAREA**

R5

VB

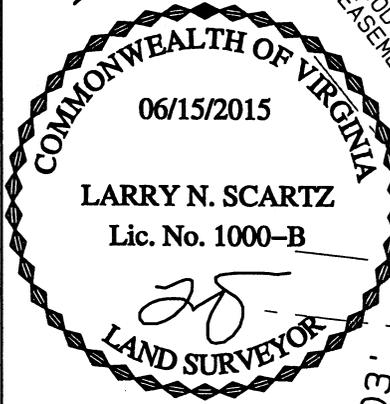
224.00

**DETAILS COMMENTS:**

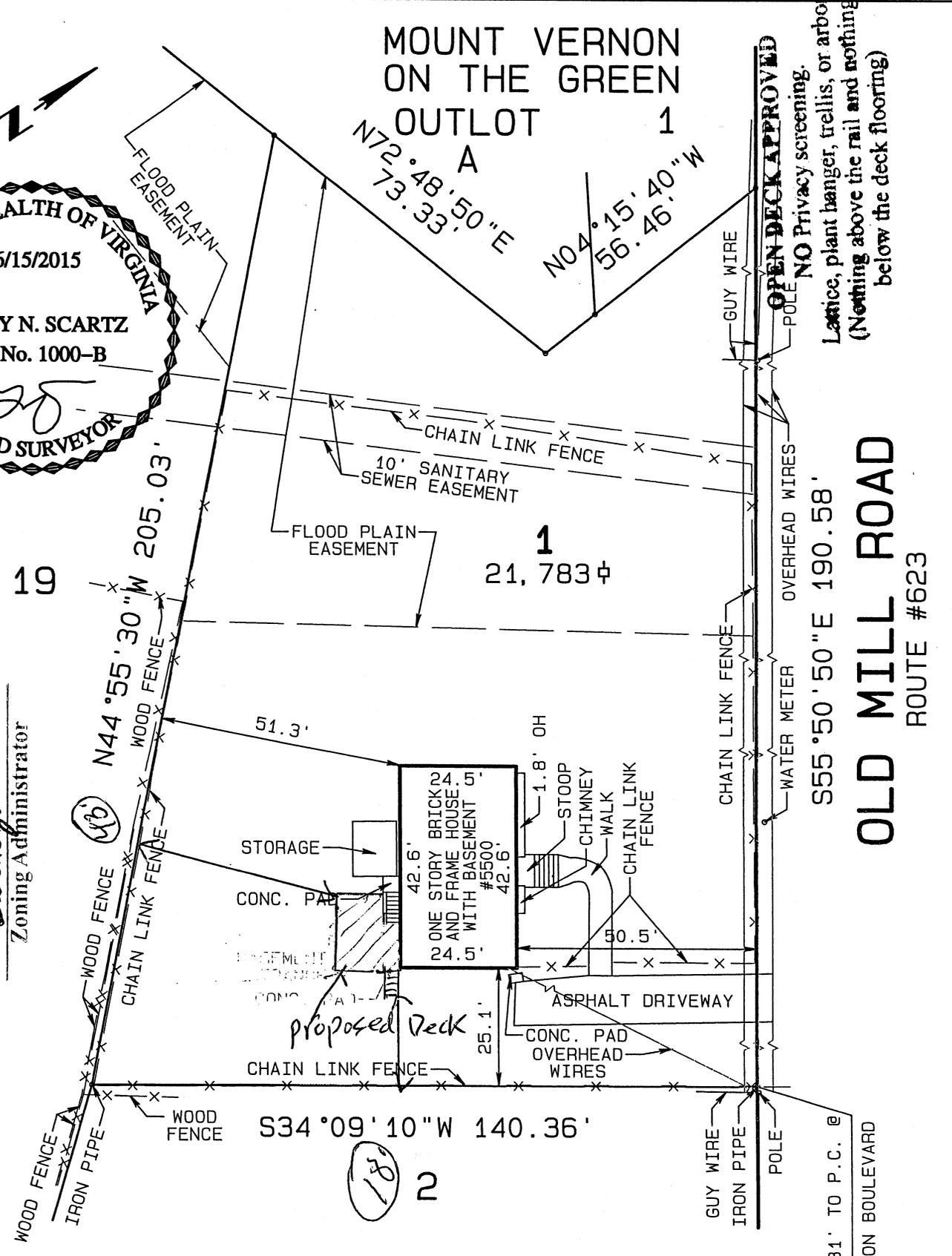
**SCANNED**

151740137

COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED. THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.



*Deck APPROVED 6-24-15*  
*Joni B. Johnson*  
Zoning Administrator



**OPEN DECK APPROVED**  
NO Privacy screening.  
Lattice, plant banger, trellis, or arbor  
(Nothing above the rail and nothing below the deck flooring)

**OLD MILL ROAD**  
ROUTE #623

### PHYSICAL IMPROVEMENTS SURVEY

LOT 1, SECTION 3, BLOCK H

# MOUNT VERNON TERRACE

MOUNT VERNON MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30'      DATE: JUNE 15, 2015

POTOMAC RELOCATION SERVICES

NO TITLE REPORT FURNISHED.  
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.  
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.

## SCARTZ SURVEYS

LARRY N. SCARTZ      LOCAL (703) 494-4181  
CERTIFIED LAND SURVEYOR      FAX (703) 494-3330  
WOODBRIIDGE, VIRGINIA      LARRY.SCARTZ@SCARTZ.COM





# County of Fairfax, Virginia

APPENDIX 5

## MEMORANDUM

**DATE:** May 20, 2016

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

**FROM:** Rachel Habig-Myers, Urban Forester II  
Forest Conservation Branch, UFMD

**SUBJECT:** Mount Vernon Terrace Section 2, Block H, Lot 1.SP 2016-MV-027

This review is based upon the Special Permit Application, SP 2016-MV-027 stamped “Received, Department of Planning and Zoning, February 17, 2016” and the Special Permit Plat stamped “Received, Department of Planning and Zoning, March 16, 2016.”

1. **Comment:** Disturbance related to construction of the proposed garage will likely extend into the critical root zone of an offsite sycamore tree originating on neighboring property “Lot 2”. In order to protect the health of this tree during construction, tree protection measures should be installed and maintained throughout the duration of construction.

**Recommendation:** In order to minimize soil compaction during construction and preserve the tree’s root system as much as possible, a layer of wood chips 8 inches in depth should be put down and maintained between the existing fence and the proposed garage along the southeastern property boundary. This tree protection should extend from the front corner of the proposed garage until 10 feet past the back corner of the eastern side of the proposed garage, or further if any mechanized equipment is to be used in an area beyond this along the southeastern property boundary.

RHM/

UFMDID #: 214260

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](http://www.fairfaxcounty.gov/dpwes)



## Zoning Ordinance Provisions

### 8-006 General Standards

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

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

**8-903 Standards for All Group 9 Uses**

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

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

**8-922 Provisions for Reduction of Certain Yard Requirements**

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

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

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

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in

- Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.
2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
  3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
  4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.
  5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
  6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
  7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
  8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
  9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on

- the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
  11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
    - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
    - B. Total area of the property and of each zoning district in square feet or acres.
    - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
    - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
    - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
    - F. Means of ingress and egress to the property from a public street(s).
    - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
    - H. If applicable, the location of a well and/or septic field.

- I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.