



County of Fairfax, Virginia

July 6, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-PR-037

PROVIDENCE DISTRICT

APPLICANTS/OWNERS: Joyce Fay Nichols, TR

STREET ADDRESS: 10005 Fairoaks Road, Vienna 22181

SUBDIVISION: Oak Valley Estates

TAX MAP REFERENCE: 37- 4 ((3)) 19

LOT SIZE: 21,941 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISIONS: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit a reduction of certain yard requirements to permit the construction of a garage addition 29.8 feet from the front lot line and 19.5 feet from the side lot line and to permit a reduction in minimum yard requirements based on an error in building location to allow an accessory structure (playhouse – 48 square feet and deck – 126 square feet) to remain 3.4 feet from the rear lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2016-PR-037 for the garage addition with the adoption of the proposed development conditions contained in Appendix 1.

Wanda S. Suder

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

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner 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.

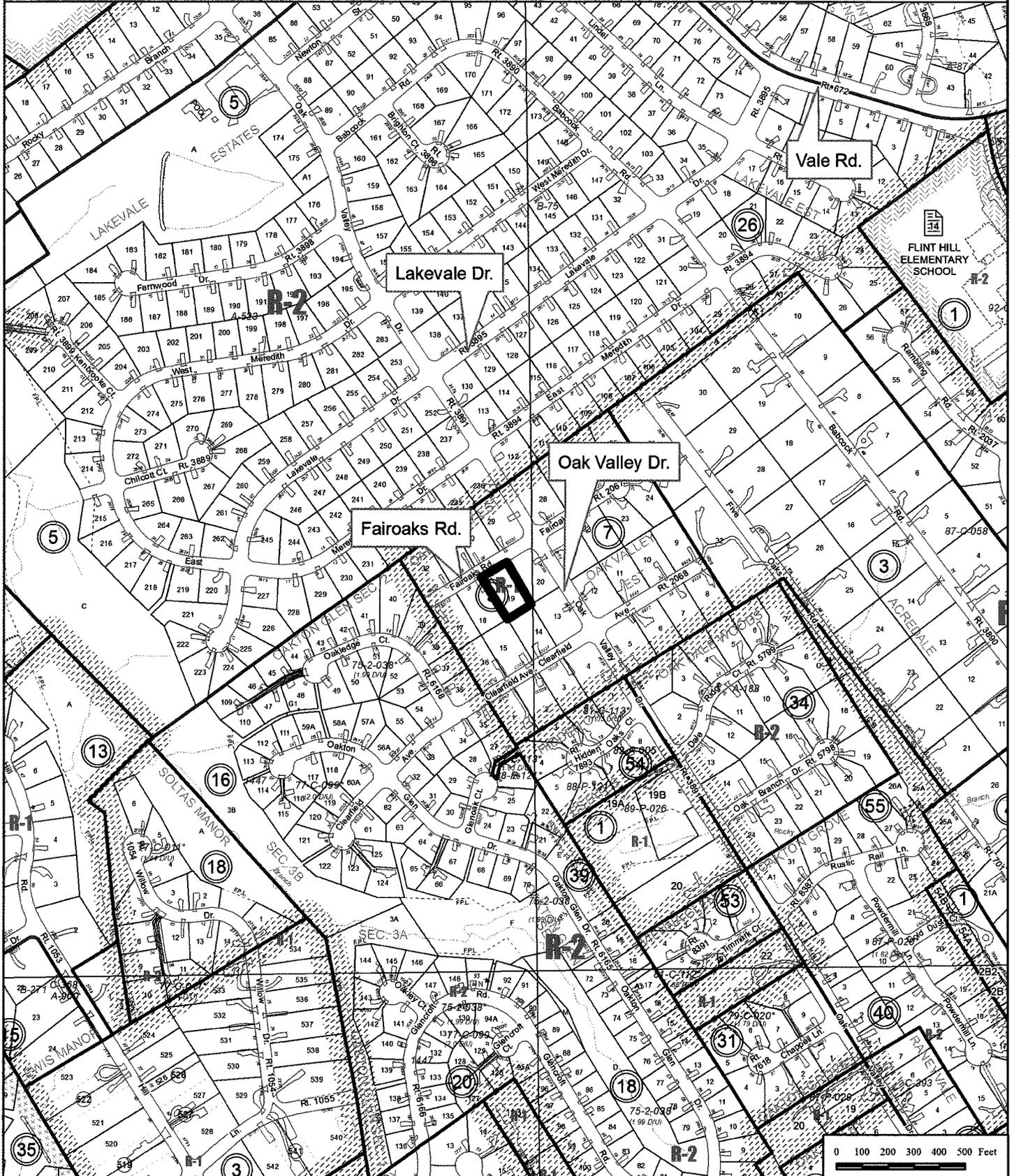
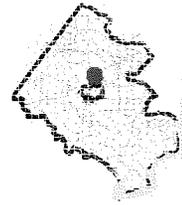
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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-PR-037
JOYCE FAY NICHOLS, TR



NOTES:

1. TAX MAP: 374 03 0019
2. R-1 (RESIDENTIAL 1 DU/AC)
3. LOT AREA: 21,941 S.F.

4. REQUIRED YARDS:
- FRONT: = 40.0 FEET
 - SIDE: = 20.0 FEET
 - REAR: = 25.0 FEET

6. THIS PROPERTY IS SERVED BY PUBLIC SEWER AND GAS AND A WELL.

7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.

8. UNLESS NOTED AS PROPOSED, 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. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.

12. AREAS:
- EX. ENCLOSED PORCH = 148 SF
 - EX. FIRST FLOOR = 1,702 SF
 - EX. BASEMENT = 1,653 SF
 - GROSS FLOOR AREA = 3,503 SF

- EX. FLOOR AREA RATIO: EX. GFA (3,503)/LOT AREA (21,941) = 0.16
- PROP ADDITION = 633 SF / EX. GFA (3,503) = 0.18
- EX GROSS FLOOR AREA = 3,503 SF
- PROPOSED GARAGE = 633 SF
- PROPOSED GROSS FLOOR = 4,136 SF

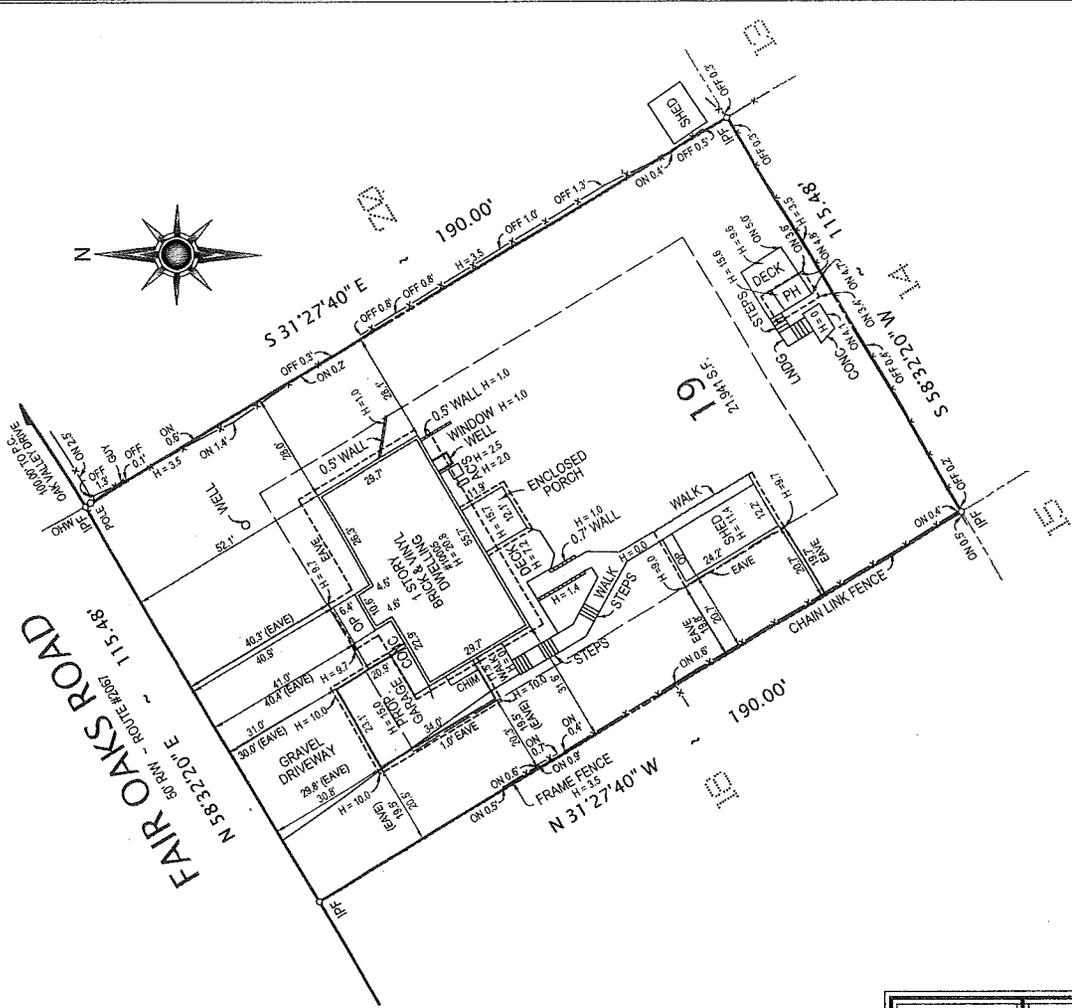
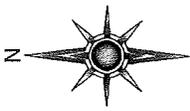
PROP FLOOR AREA RATIO: PR. GFA (4,136)/LOT AREA (21,941) = 0.19

13. NO TRAILS ARE REQUIRED FOR THIS SITE PER THE ADOPTED COMPREHENSIVE PLAN.

14. UTILITIES ARE UNDERGROUND.

15. PH DENOTES PLAY HOUSE ON DECK.

FAIR OAKS ROAD
N 58°32'20" E 80' RW - ROUTE #8039 115.48'



SPECIAL PERMIT / VARIANCE PLAT
SHOWING IMPROVEMENTS ON

LOT 19

OAK VALLEY ESTATES

(DEED BOOK 468, PAGE 51)

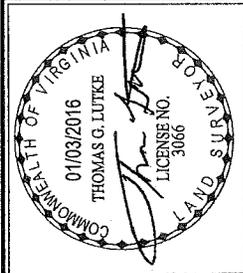
FAIRFAX COUNTY, VIRGINIA

PROVIDENCE DISTRICT

SCALE: 1" = 30' JANUARY 3, 2016



ORDERED BY: SHUMAKER	6656 ROCKLEIGH WAY ALEXANDRIA, VA 22315 703-688-4008 FAX: 703-649-6038



I HEREBY CERTIFY THAT THE LOCATIONS OF ALL EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.	THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD, NORTH IS RECORD NORTH. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.
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CASE NAME: NICHOLS

SPECIAL PERMIT REQUEST

The applicant seeks approval of a special permit to allow a reduction of certain yard requirements to construct a garage addition 29.8 feet from the front lot line and 19.5 feet from the western side lot line. The proposed garage encompasses approximately 633.0 square feet in gross floor area and stands 15 feet high. The applicant further requests a special permit to allow an error in building location to permit an accessory structure composed of a child's playhouse and a deck to remain 3.4 feet from the rear lot line. The child's playhouse structure is 48 square feet and 15.6 feet tall. Standing 9.6 feet tall to the top of the rail, the deck is 126 square feet.

A copy of the special permit plat, titled "Special Permit/Variance Plat Showing Improvements on Lot 19 of Oak Valley Estates," prepared by Thomas G. Lutke dated January 3, 2016 is included in the front of this staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The subject property consists of a 21,941 square foot lot improved with a one-story single-family detached dwelling unit, with a basement, constructed in 1959. A deck, measuring approximately 7.2 feet in height, and an enclosed porch, measuring approximately 15.7 feet in height, are found along the rear wall of the single-family detached dwelling (deck and enclosed porch: final inspection – October 9, 2012). Vehicular access to the dwelling is provided via a concrete driveway from Fair Oaks Road. From the driveway, a walkway and stoop provide access to the front of the home. A separate walkway connects from the rear of the proposed garage addition to the workshop, as well as to the deck. Retaining walls are found on either side of the walkway leading to the deck, 1.0 foot tall on the east side and 1.4 feet tall on the west side of the walkway.

On October 26, 2011, the County issued a final inspection/approval for a freestanding workshop. The accessory structure, measuring approximately 290 square feet in area, is located along the western property boundary. This structure has an overhanging eave which extends 0.3 feet into the required 20 foot side yard. An administrative reduction was granted for this accessory structure pursuant to Section 2-419 of the Zoning Ordinance on May 2, 2016 (See Appendix 4).

A second accessory structure composed of a child's playhouse and deck, subject of this application, is located at the rear of the property, approximately 3.4 feet from the rear property line.

The subject property is generally located to the northwest of Route 123 and east of Hunter Mill Road in Vienna. The subject property and surrounding properties are zoned R-1 and are developed with single-family detached dwellings.



FIGURE 1: AERIAL

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the subdivision, Oak Valley Estates, was approved in 1956. The single family detached dwelling was constructed in 1959 and purchased by the applicant in 1982.

According to the applicant's statement of justification, the applicant wishes to construct a garage addition similar to the existing garage on Lot 18 at 10009 Fair Oaks Road, immediately to the west of the subject property. Further, the applicant requests approval of an error in building location for an accessory structure consisting of a child's playhouse and deck constructed in the late 1980's by the applicant's husband, who, unaware of the setback requirements, placed it in the required rear yard setback.

Similar cases for reduction of certain minimum yard requirements have been approved by the BZA on nearby properties (Appendix 5):

1. On October 3, 1995, the BZA approved a reduction of certain yard requirements (VC 95-P-086), to permit the construction of a garage addition 7.0 feet from a side lot line

located at 10009 Fairoaks Road, Lot 18 (immediately to the west of the subject property).

DESCRIPTION OF THE REQUEST

The applicant requests approval of a special permit for a reduction in certain yard requirements to permit the construction of a garage addition with an eave being located 29.8 feet from the front lot line and 19.5 feet from the western side lot line. In the R-1 District, the required front yard is 40 feet and the required side yard is 20 feet, therefore the applicant requests a reduction of 10.2 feet, or 25.5% of the total minimum front yard, and a reduction of 0.5 feet, or 2.5% of the total minimum side yard.

The proposed garage addition is an integral part of a larger project to upgrade and modernize the single-family detached dwelling unit. Earlier this year, the applicant rebuilt the roof to change the pitch and constructed a front porch. The garage addition is the next component of the project. Located in the front yard and western side yard, the proposed garage addition would be approximately 633 square feet in size. The roofline of the proposed garage is 15 feet high and will be slightly lower than the existing roofline of the house, as shown in Figure 4, below, and in Attachment 1 of the proposed development conditions found in Appendix 1. The roofline will be within the maximum height requirements. The proposed materials are asphalt shingles for the garage roof which match the asphalt roof shingles of the house; the exterior wall materials will be siding to match the front porch; and the garage door will be of aluminum.



Figure 2: Front elevation from northeastern corner Source: Applicant

In addition, the applicant requests approval of a special permit for a reduction of minimum yard requirements based on an error in building location to permit an accessory structure consisting of a child's playhouse and deck to remain approximately 3.4 feet from a rear lot line. With a required rear yard of 25 feet, the applicant requests a reduction of the rear yard by 21.6 feet, or 86.4% of the total. Located approximately 7 feet off the ground, the existing accessory structure consists of a 48 foot square child's playhouse and 126 square foot deck.



Figure 3: Child's playhouse and deck Source: County staff

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit (50%)	Garage	Front	40 feet	29.8 feet (eave)	10.2 feet	25.5%
	Garage	Side	20 feet	19.5 feet	0.5 feet	2.5%
Special Permit (Error)	Child's Play Structure	Rear	25 feet	3.4 feet	21.6 feet	86.4%
	Deck	Rear	25 feet	4.8 feet	20.2 feet	80.8%

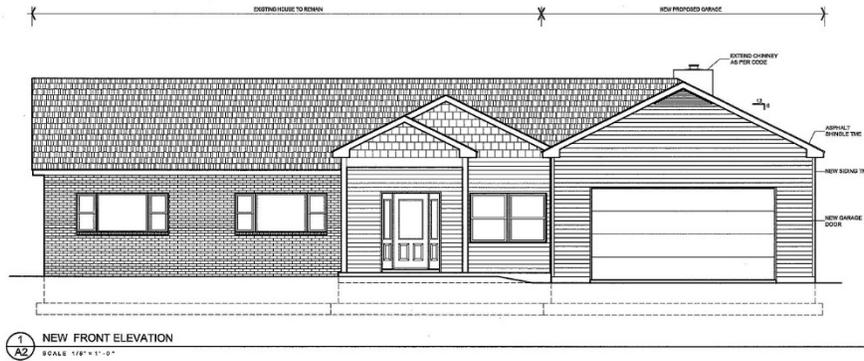


FIGURE 4: PROPOSED FRONT ELEVATION SOURCE: APPLICANT

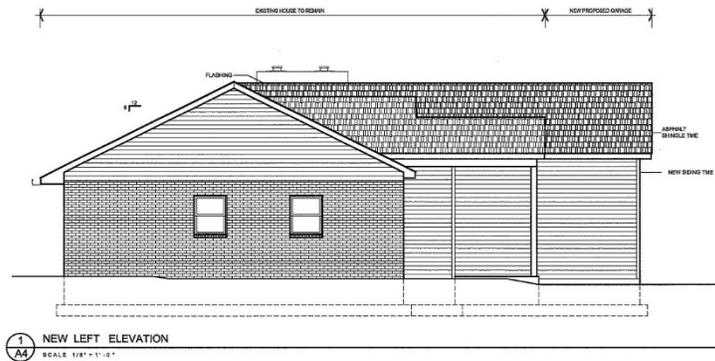


FIGURE 5: PROPOSED EASTERN ELEVATION SOURCE: APPLICANT

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Vienna Planning District
Planning Sector: Piney Branch Planning Sector
Plan Map: Suburban Neighborhood, 1 - 2 dwelling units per acre

Zoning District Standards

Bulk Standards (R-1)		
Standard	Required	Provided
Lot Size	36,000 sf.	21,941 sf. ¹
Lot Width	Interior 150 feet	115 feet ¹

Bulk Standards (R-1)		
Standard	Required	Provided
Building Height	35 feet max.	29.7 feet
Front Yard	Min. 40 feet	29.8 feet ²
Side Yard	Min. 20 feet	19.5 feet ²
Rear Yard	Min. 25 feet	110 feet

¹In conformance with Section 2-405.1 of the Zoning Ordinance.

²As permitted through approval of this application.

Zoning Ordinance Requirements (Appendix 6)

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

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

Standards 1 and 2 Comprehensive Plan/ Zoning District	The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-1 District allows a reduction in minimum required yards with special permit approval.
Standard 3 Adjacent Development	In staff’s opinion, the proposed garage addition will not hinder or discourage use or development of neighboring properties or negatively affect value. The proposed garage addition is located adjacent to the garage addition on the lot immediately to the west which was approved by the BZA pursuant to VC 95-P-086 (Appendix 5).
Standard 4 Pedestrian/Vehicular Traffic	No increase in vehicular or pedestrian traffic is expected with this application. In staff’s opinion, the proposed garage addition is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	There is no required transitional screening/barriers between single-family dwelling units pursuant to Zoning Ordinance Section 13-302.
Standard 6 Open Space	There is no prescribed open space requirement on individual lots in the R-1 District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. The proposed garage addition will be used for parking.

<p>Standard 8 Signs</p>	<p>No signage is proposed.</p>
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Standards for all Group 9 Uses (Sect. 8-903)

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>The bulk regulations for minimum required yards are requested to be modified with this special permit application.</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 construction of the garage is disturbing less than 2,500 square feet; therefore, the application is not subject to the provisions of Article 17, Site Plans.</p>

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

<p>Standard 1 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:</i> The proposed addition would be located 29.8 feet from the front lot line, instead of the required 40 feet. Additionally, the proposed garage would be 19.5 feet from required side lot line, instead of the required 20 feet. B. <i>Pipestem lots – N/A</i> C. <i>Accessory structure locations – N/A</i> D. <i>Extensions into minimum required yards allowed by Sect. 2-412: N/A</i></p>
<p>Standard 2 Not a Detached Structure in a Front Yard</p>	<p>Not applicable to the subject application.</p>
<p>Standard 3 Principal Structure that Complied with yard Requirements When Established</p>	<p>When the existing structure was built in 1959, it conformed to all applicable requirements.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The proposed garage addition is 633 square feet. The existing GFA of the primary structure is 3,503 square feet; therefore, the proposed addition will be 18% of the GFA.</p>

<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use, and Intent</p>	<p>The proposed garage will be included as a part of the principle structure, so this standard is not applicable.</p>
<p>Standard 6 Construction in Character with On-Site Development</p>	<p>The proposed garage addition is to be constructed along the western side of the existing dwelling. The statement of justification and elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling.</p>
<p>Standard 7 Construction Harmonious with Off- Site Development</p>	<p>Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the proposed garage is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. Staff believes this addition will be harmonious with surrounding uses and meets this provision.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed addition will not significantly affect the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, or safety. DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes the addition will not significantly increase runoff or erosion. The proposed addition is closer to the street than the addition on Lot 18, immediately to the west at 10009 Fair Oaks Road, however the grade and existing improvements to the subject property limit the area available for building the addition</p>
<p>Standard 9 Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes the special permit application proposal is modest in nature and is the minimum amount of reduction necessary due to the size of the lot. The lot was created under the 1959 Zoning Ordinance which included a minimum lot size of 21,741 square feet (currently 36,000 square feet) and a minimum lot width of only 100 feet (currently 150 feet). Additionally, the land slopes to the rear of the subject property starting behind the rear of the proposed addition, thus impacting the location of the proposed addition.</p> <p>Other issues of yard determination, environmental characteristics, wells, floodplain and/or Resource Protection Areas and historic resources are not applicable to this site.</p>

Standard 10 BZA May Impose Conditions	Proposed development conditions are included in Appendix 1.
Standard 11 Submission Requirements	A copy of the plat is included in the beginning of this report.
Standard 12 Architectural Elevations	Proposed elevations are included as an attachment to the development conditions in Appendix 1.

CONCLUSION / RECOMMENDATION

Staff believes that the request for a special permit for reduction in certain yard requirements to permit a garage addition is in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed development conditions contained in Appendix 1 of the staff report. Staff recommends approval of SP 2016-PR-037 for the garage addition with the adoption of the proposed development conditions contained in Appendix 1.

Staff does not make recommendations on building in error applications. However, if it is the intention of the Board of Zoning Appeals to approve the request for a special permit for an error in building location to allow the accessory structure composed of a child's playhouse and deck to remain 3.4 feet from the rear lot line, staff recommends that such approval be made subject to the development conditions contained in Appendix 1.

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

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 select photos
3. Applicant's Affidavit
4. Administrative Reduction Plat
5. Similar Case History
6. Applicable Zoning Ordinance Provision

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-PR-037****July 6, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-PR-037 located at Tax Map 37-4 ((3)) 19 to permit a reduction of certain yard requirements pursuant to Section 8-922 to permit construction of an addition such that the front yard measures 29.8 feet and the western side yard measures 19.5 feet and to permit an accessory structure consisting of a child's playhouse and a deck to remain pursuant to Section 8-914 of the 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 addition, and for the location and size of all improvements located in error of the minimum rear yard requirement, as shown on the plat entitled "Special Permit/Variance Plat Showing Improvements on Lot 19 of Oak Valley Estates," prepared by Thomas G. Lutke and dated January 3, 2016, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion [3,503 square feet (existing) + 5,254.5 square feet (150%) = 8,757.5 square feet maximum permitted on lot] regardless of whether such addition complies with the minimum yard requirement or is the subject of subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Zoning 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 an attached garage. Subsequent additions that meet minimum yard shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. The applicant shall obtain all applicable building permits and pass inspections, including final inspection, for the proposed garage addition.

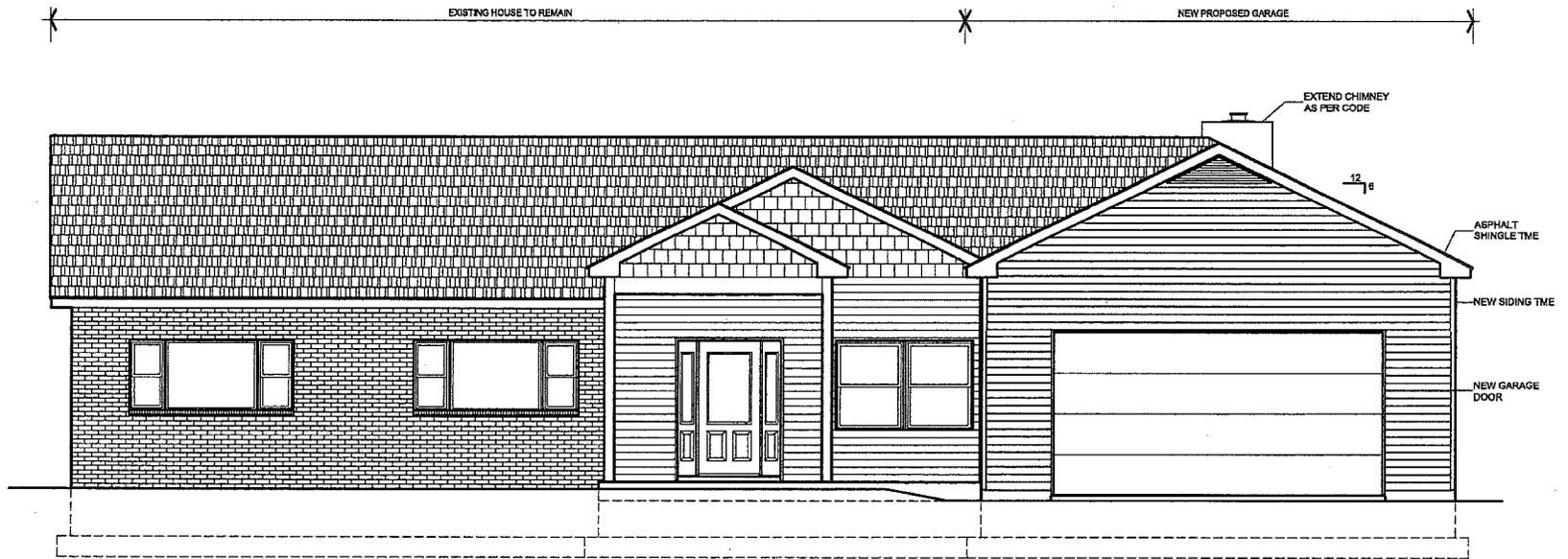
This approval, contingent upon the above-noted development conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Section 8-015 of the Zoning Ordinance, the special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced on the garage addition and has been diligently pursued. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of the 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.

RECEIVED
Department of Planning & Zoning

APR 20 2016

Zoning Evaluation Division

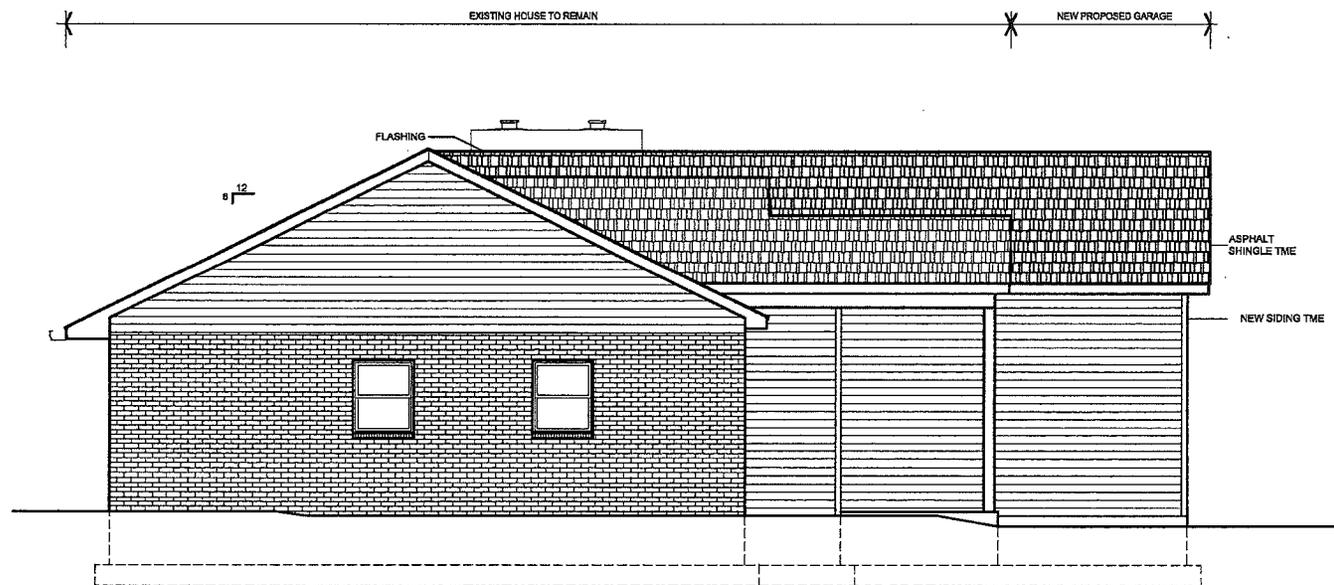


1 NEW FRONT ELEVATION
A2 SCALE 1/8" = 1'-0"

RECEIVED
Department of Planning & Zoning

APR 20 2016

Zoning Evaluation Division



1 NEW LEFT ELEVATION
A4 SCALE 1/8" = 1'-0"

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Department of Planning & Zoning

APR 21 2016

Zoning Evaluation Division

SPECIAL PERMIT STATEMENT OF JUSTIFIATION

Applicant: Joyce Fay Nichols, -TR

Address: 10005 Fair Oaks rd. Vienna, VA-20191

I am applying for a special permit to allow to build the addition of a 2 car garage (proposed use) attached to the existing residence on the right side to the home. The new garage is access from Fair Oaks Rd. by means of the existing concrete driveway. The existing front setback is 40'-0" and Side setback is 20'-0". In order to be able to build the above mentioned 2 car garage we need to encroach into the Front setback 9'-0" (means a reduction approximately of 22.5% of the existing requirement) No encroachment is required on the side setback to build the garage other than the roof eave.

The location of the closest distance from the front property line to the attached garage is 30.8' for Front Setback of original 40'-0". The eave which is 9'-0" above grade, is located at 29.8' from Front Setback and 19.0' from Side Setback. The Right side of the building other than eave does not enter setback.

In consideration standards 8-922 Provisions for Reduction of Certain Yard Requirements

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.

** The existing gross floor area is 3,503 sf giving us up to 5,254.5 sf. For expansion up to 150 percent.

The addition of the new garage gross floor area required is 633 sf, resulting in an expansion of 0.18 of the allow 150% in this First expansion request.

Prop. Addition = $633 \text{ sf} / \text{Ex. GFA } 3,503 = 0.18$

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.

** Referred to the included Plat.

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 on the lot.

** The new addition of the 2 car garage will complement the location, height, bulk and scale of the existing residence.

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.

** This project complies. This property is harmonious with the off-site uses by being scaled and designed in accordance with the existing home. It complements the size and bulk of the existing home. Topographic location is standard with existing driveway no unusual location. All vegetation and trees are existing and there will be no changes due to the addition of garage.

8. The BZA shall determine that the proposed development shall not adversely impact the use/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.

** This project complies. The addition to the home is a simple two car garage. There will be no grading changes or storm runoff issues. All the grading is currently stabilized and is existing. This addition will be just like the neighbors two car garage and be used to park vehicles out of weather. There will be no noise issues.

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 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.

** This project complies. This property does have a well is located in the front yard on the left side which is opposite of the new garage side. The residence have city sewer.

Statement of Justification for the Accessory structure (child's playhouse and deck) in the back yard of the property.

The structure (child's playhouse and deck) is a playhouse that was constructed in the early 1990's by my deceased husband for our son. The particulars are all defined on the certified property survey. It is now enjoyed and used on a regular basis by my grandchildren.

This structure (child's playhouse and deck) was built in a time frame that knowledge of exact placement was not detailed. It has no safety issues and is not in any interference with neighbors.

The structure (child's playhouse and deck) has no effect on utilities or any accessibility to or from street.

As noted above the scale, location, and north arrow are addressed on the certified and sealed plat.



From northeast corner looking west Source: Applicant



From the northwestern corner looking east Source: Applicant



From deck looking toward rear *Source: Applicant*



Child's playhouse and deck *Source: County staff*

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/10/2016
(enter date affidavit is notarized)

134040

I, JOYCE FAY NICHOLS, TR, 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)
JOYCE FAY NICHOLS, TR	10005 FAIROAKS RD. VIENNA, VA-22181	APPLICANT, TITLE OWNER
MARC ANTHONY NICHOLS	5465 WHITNEY BLVD. ROCKIN, CA-95677	BENEFICIARY
PHILIP JAMES NICHOLS	708 PAYTON DR. FREDERICKSBURG, VA-22405	BENEFICIARY
SAMANTHA JANE NICHOLS	2843 CHABLIS CIRCLE, WOODBIDGE, VA-22192	BENEFICIARY
SEBASTIAN ESTEVE	11733 LEDURA CT. APT. T8 RESTON, VA-20191	AGENT
JAMES SHUMAKER	6533 ARLINGTON BLVD. SUITE A, FALLS CHURCH, VA-22042	AGENT

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

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

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

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/10/2016
(enter date affidavit is notarized)

134040

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): _____
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DATE: 3/10/2016
(enter date affidavit is notarized)

134040

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: 3/10/2016
(enter date affidavit is notarized)

134040

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: 3/10/2016
(enter date affidavit is notarized)

134040

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) Joyce Fay Nichols TR Applicant Applicant's Authorized Agent

JOYCE FAY NICHOLS, TR / APPLICANT, TITLE OWNER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 31st day of March 2016, in the State/Comm. of Virginia, County/City of Fairfax.

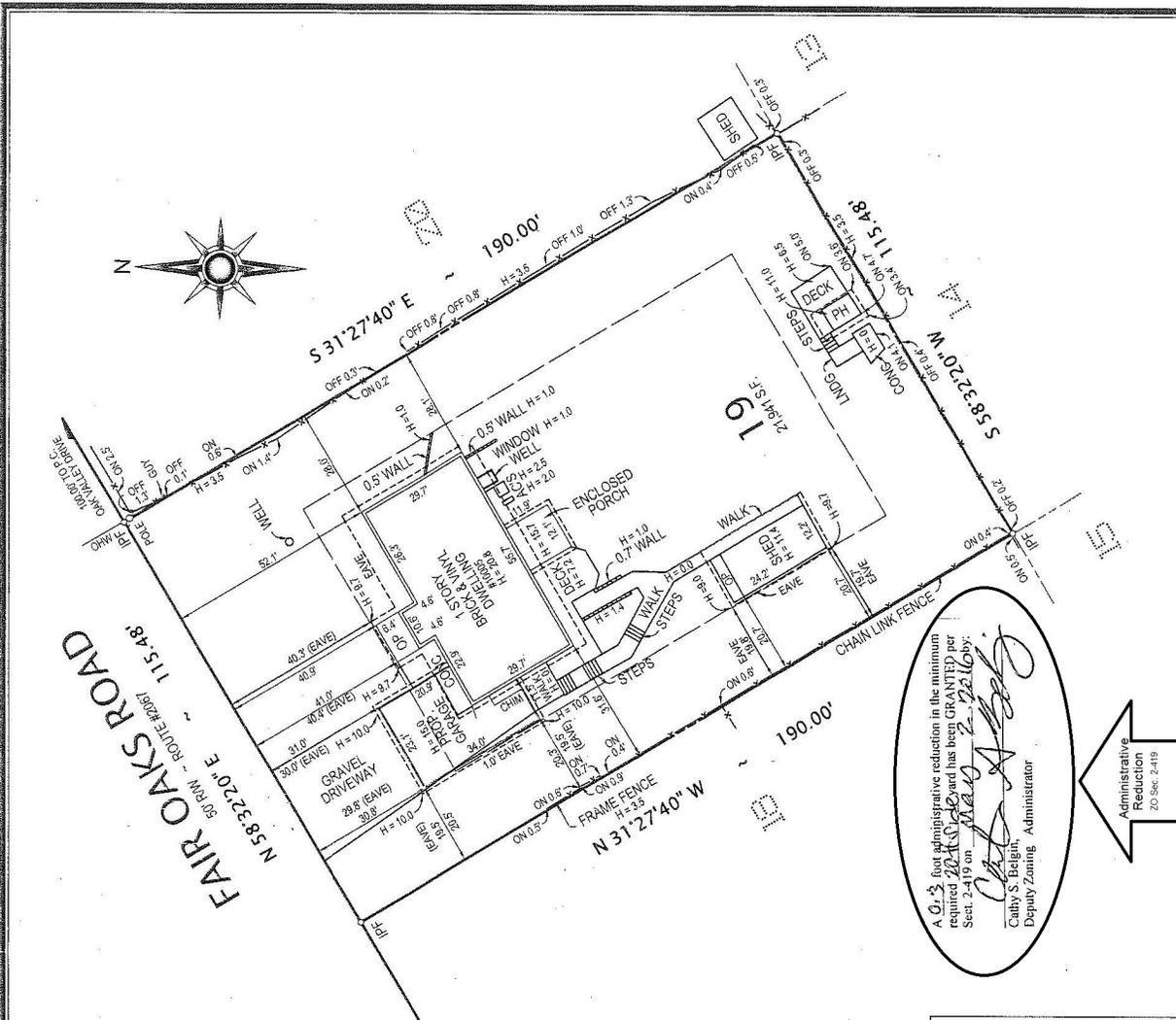
[Signature]
Notary Public

My commission expires: 10-31-2016

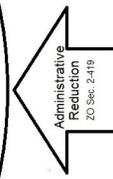
SANA KHAN
NOTARY PUBLIC
COMMONWEALTH OF VA.
REG. NO. 365838
MY COMMISSION EXPIRES
OCTOBER 31, 2016



#15092001



A 0.3 foot administrative reduction in the minimum required 20.0 foot yard has been GRANTED per Sect. 2-419 on 2/22/16 by:
Cathy S. Beljart
 Cathy S. Beljart, Deputy Zoning Administrator



- 14. UTILITIES ARE UNDERGROUND.
- 15. PH DENOTES PLAY HOUSE.

RECEIVED
 Department of Planning & Zoning
 APR 18 2016
 Zoning Evaluation Division

SPECIAL PERMIT / VARIANCE PLAT
 SHOWING IMPROVEMENTS ON
 LOT 19
OAK VALLEY ESTATES
 (DEED BOOK 1466, PAGE 51)
 FAIRFAX COUNTY, VIRGINIA
 PROVIDENCE DISTRICT
 SCALE: 1" = 30'
 JANUARY 3, 2016

ORDERED BY: SHUMAKER	6655 ROCKLEIGH WAY ALEXANDRIA, VA 22315 703-688-4038 FAX: 703-669-0038

COMMONWEALTH OF VIRGINIA
 01/03/2016
 THOMAS G. LUTKE
 LICENSE NO. 3066
 LAND SURVEYOR

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

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. NORTH IS RECORD NORTH.
 A TITLE REPORT WAS NOT FURNISHED.
 NO CORNER MARKERS SET.

- NOTES:
1. TAX MAP: 374 03 0019
 2. R-1 (RESIDENTIAL 1 DU/AC)
 3. LOT AREA: 21,941 S.F.
 4. REQUIRED YARDS:
 - FRONT: = 40.0 FEET
 - SIDE: = 20.0 FEET
 - REAR: = 25.0 FEET
 6. THIS PROPERTY IS SERVED BY PUBLIC SEWER AND GAS AND A WELL..
 7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
 8. UNLESS NOTED AS PROPOSED, 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. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
 12. AREAS:
 - = 148 SF
 - EX. ENCLOSED PORCH = 1,702 SF
 - EX. FIRST FLOOR = 1,653 SF
 - EX. BASEMENT = 3,503 SF
 - GROSS FLOOR AREA
 - EX. FLOOR AREA RATIO: EX. GFA (3,503)/LOT AREA (21,941) = 0.16
 - PROP ADDITION = 633 SF / EX. GFA (3,503) = 0.18
 - EX GROSS FLOOR AREA = 3,503 SF
 - PROPOSED GARAGE = 633 SF
 - PROPOSED GROSS FLOOR = 4,136 SF
 - PROP FLOOR AREA RATIO: PR. GFA (4,136)/LOT AREA (21,941) = 0.19
 13. NO TRAILS ARE REQUIRED FOR THIS SITE PER THE ADOPTED COMPREHENSIVE PLAN.

CASE NAME: NICHOLS



FAIRFAX
COUNTY

APPENDIX 5
OFFICE OF COMPREHENSIVE PLANNING
Zoning Evaluation Division
Special Permit and Variance Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

V I R G I N I A

(703) 324-1280

Fax (703) 324-3924

February 6, 1996

Paul E. Schmitt
10009 Fairoaks Road
Vienna, VA 22181

Re: Variance Application VC 95-P-086
PAUL E. SCHMITT

Dear Mr. Schmitt:

At its meeting, the Board of Zoning Appeals took action to **GRANT** the above-referenced application. The final approval date is October 17, 1995, the date the Board approved the revised plat. It has come to my attention that you may not have received a copy of the Resolution; therefore, a copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 324-1550.

Sincerely,

Geri B. Bepko, Substitute Clerk
Board of Zoning Appeals

Enclosure: As stated

cc: Jennifer Young

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

In Variance Application VC 95-P-086 by PAUL E. SCHMITT, under Section 18-401 of the Zoning Ordinance to permit construction of addition 7.0 feet (**THE BOARD ALLOWED 10.0 FEET**) from side lot line, on property located at 10009 Fair Oaks Road, Tax Map Reference 37-4((3))18, Mr. Pammel moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on October 3, 1995; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-1.
3. The area of the lot is approximately 21,941 square feet.
4. The lot is very narrow and, although zoned R-1, it meets the standards of the R-2 District in terms of minimal lot size; it would, therefore, be considered a non-conforming lot.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.

9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

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

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

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

1. This variance is approved for the location of the specific addition shown on the plat prepared by Gallifant, Hawes & Jeffers dated October 5, 1995, and revised June 28, 1995, submitted with this application and is not transferable to other land.
2. A Building Permit shall be obtained prior to any construction and final inspections shall be approved.
3. The addition shall be architecturally compatible with the existing dwelling.
4. A revised plat is required, reflecting the modification made by the Board to permit construction of the **addition 10.0 feet from the side lot line** instead of the 7.0 feet requested, and must be submitted within 30 days of the date of the hearing or the variance shall be considered null and void.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (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 variance. 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.

Mr. Hammack seconded the motion which carried by a vote of 6-0. Mr. Kelley was not present for the vote.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on October 17, 1995, the date the revised plat was approved by the Board. This date shall be deemed to be the final approval date of this variance.

A Copy Teste:



Geri B. Bepko, Substitute Clerk
Board of Zoning Appeals

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

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

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

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.

- F. Means of ingress and egress to the property from a public street(s).
- G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
- H. If applicable, the location of well and/or septic field.
- I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. Seal and signature of professional person certifying the plat.

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

- 2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved,
or

- B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
 - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and
 - E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
 4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
 5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose 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 1/2" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1"= 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.

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