



County of Fairfax, Virginia

July 27, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-MA-046

MASON DISTRICT

APPLICANT/OWNER: Ginette Hemley

STREET ADDRESS: 3426 Mansfield Drive, Falls Church, 22041

SUBDIVISION: Lake Barcroft, Section 10

TAX MAP REFERENCE: 61-1 ((11)) 989

LOT SIZE: 17,674 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit a reduction in certain yard requirements for construction of an addition 9.6 feet from a side lot line and 17.6 feet from a front lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2016-MA-046 for the addition with adoption of the proposed development conditions 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.

Frances S. Dowd

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

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

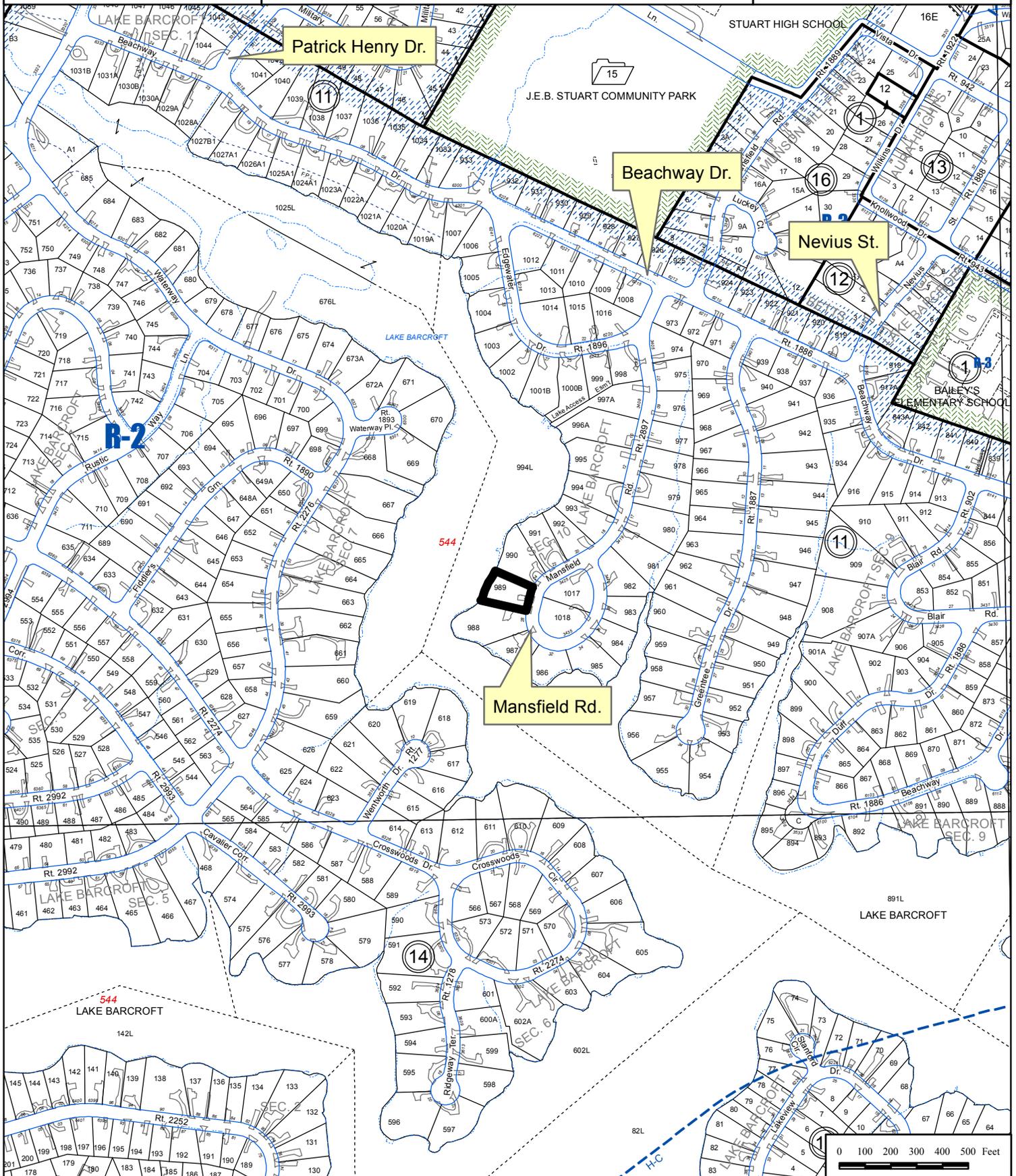
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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



Special Permit SP 2016-MA-046 HEMLEY GINETTE



NOTES:

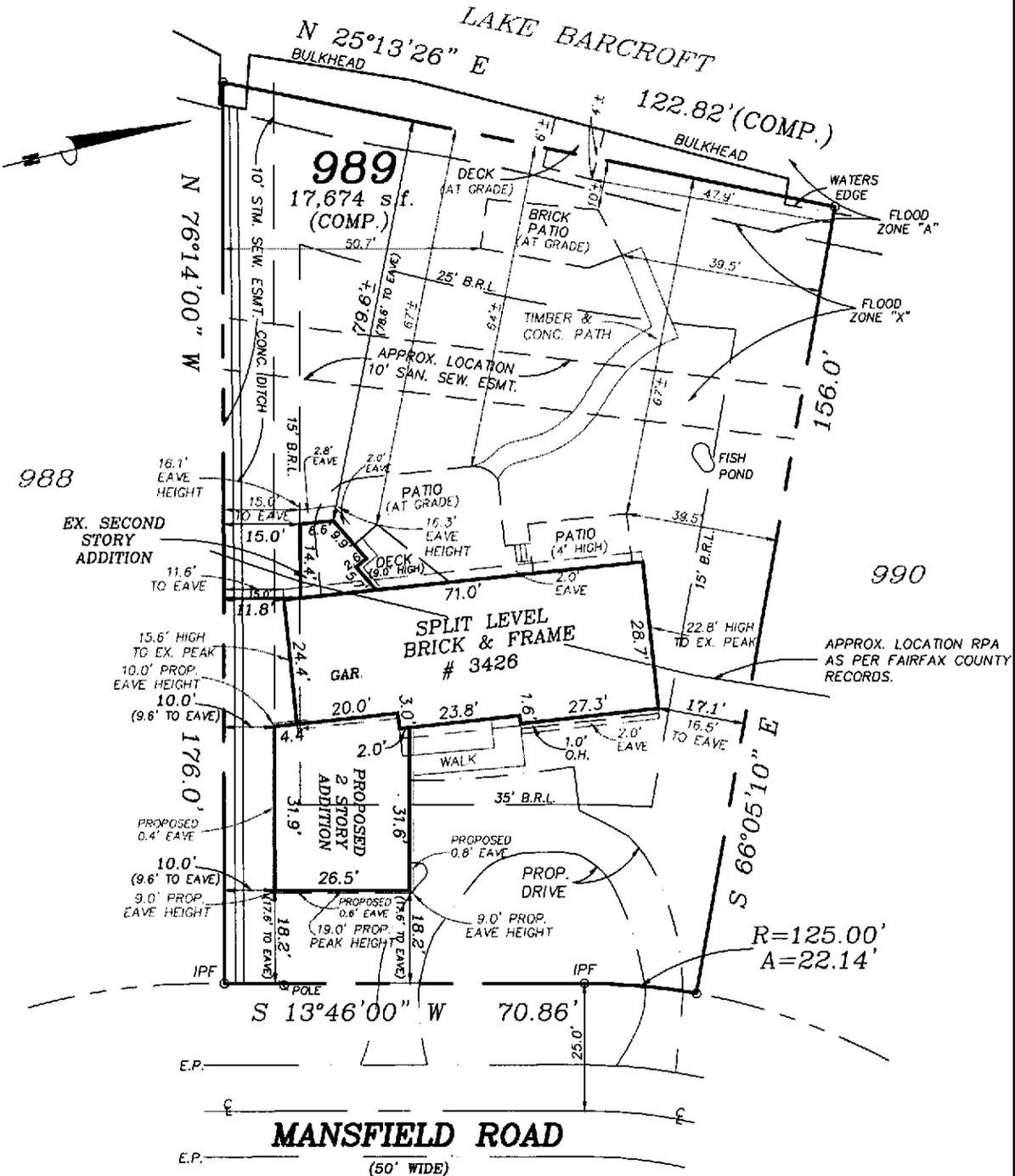
1. PROPERTY IS LOCATED ON TAX MAP NO. 81-1-11-989 AND IS PRESENTLY ZONED R-2.
2. R-2 B.R.L.'s: FRONT: 35' SIDE: 15' REAR: 25'
3. NO TITLE REPORT FURNISHED.
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.

5. THERE ARE NO EVIDENCE OF GRAVESITES ON THIS PROP.
6. ALL EASEMENTS SHOWN HEREON ARE RECORDED IN DEED BOOK 1312, PAGE 488.
7. AS PER PLAT OF RECORD AND INFORMATION PROVIDED BY OWNER, THERE ARE NO ADDITIONAL EASEMENTS, 25' IN WIDTH OR GREATER ON THIS LOT.

7. ACCORDING TO HUD-FIA MAP FOR FAIRFAX COUNTY, THIS DWELLING IS SHOWN TO BE IN ZONE X, AN AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

AREA CALCULATION

1. EXISTING FLOOR AREA @ LOWER LEVEL	1,790 s.f.
2. EXISTING FLOOR AREA @ UPPER LEVEL	2,133 s.f.
TOTAL EX. FLOOR AREA	3,923 s.f.
4. PROP. ENTRY AREA @ 1st LEVEL	195 s.f.
5. PROP. UPPER LEVEL OFFICE	533 s.f.
6. PROP. GARAGE	562 s.f.
TOTAL PROP. FLOOR AREA	1,290 s.f.
GFA RATIO	
1,290 s.f./ 3,923 s.f.	32.88%



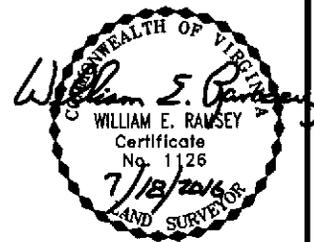
SPECIAL PERMIT
LOT 989
SECTION 10

LAKE BARCROFT

MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA
1"=20'

JANUARY 18, 2014
REVISED: MARCH 17, 2016
REVISED: MARCH 17, 2016
REVISED: APRIL 20, 2016
REVISED: JULY 18, 2016

WILLIAM E. RAMSEY, P.C.
LAND SURVEYOR
FAIRFAX, VIRGINIA
703-385-4499



SPECIAL PERMIT REQUEST

The applicant requests approval to permit a reduction in certain yard requirements for the construction of an addition (two car garage/office) 17.6 feet from a front lot line and 9.6 feet from a side lot line. The 1.5 story garage and office addition will be located in the left front corner of the lot and would be a maximum of 19 feet in height. The two car garage and office would add an additional 860 square feet in gross floor area.

A copy of the special permit plat entitled "Special Permit, Lot 989, Section 10, Lake Barcroft," prepared by William E. Ramsey, L.S., dated July 18, 2016, consists of one sheet and is provided at the front of this staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The 17,674 square foot waterfront property is developed with a single-family detached, split level dwelling with a walk-out basement. An asphalt driveway extends to Mansfield Road, and a stoop provides access to the main entrance of the dwelling. The rear yard contains an at grade patio as well as an adjacent patio that is 4 feet in height. A timber and concrete path leads to an at grade brick patio and deck along the rear property line that provide access to Lake Barcroft. A by-right addition with an attached 9 foot tall open deck at the rear of the home is currently under construction. The entire lot is heavily wooded and approximately half of the lot is within the RPA boundary associated with Lake Barcroft, including the entire rear yard and the rear portion of the house (the area shaded in green in Figure 1). The proposed addition is outside of the RPA.



Figure 1. Aerial View with RPA Delineation

The subject property and surrounding properties to the north, south, and east are zoned R-2 and are developed with single-family detached dwellings. The property is located south of Beachway Drive, east of Patrick Henry Drive, and south of J.E.B. Stuart High School.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1957 and purchased by the applicant in 2015.

Similar cases for reductions in minimum yard requirements have been approved by the BZA on nearby properties, and these cases are listed in Appendix 4. In the immediate vicinity of the subject property, two applications have been approved for reductions in certain yard requirements, located at 3404 (addition 27.08 feet from a front lot line) and 3408 Mansfield Road (addition 8.83 feet from side lot line), with case numbers SP 2010-MA-014 and VC 97-M-094, respectively.

DESCRIPTION OF THE PROPOSED APPLICATIONS

The applicant is requesting approval of a special permit for a reduction in certain yard requirements to permit the construction of a 1.5 story garage and office addition 17.6 feet from a front lot line and 9.6 feet from a side lot line. The garage and office addition will be located to the left of the existing dwelling and attached to the existing garage, which is currently being converted into a kitchen. In the R-2 District the required front yard is 35 feet and the required side yard is 15 feet; therefore the applicant is requesting a 17.4 foot reduction of the minimum front yard and a 5.4 foot reduction of the minimum side yard, or 49.7% and 36% of the minimum required front and side yards, respectively.

Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Garage/Office Addition	Front	35 feet	17.6 feet	17.4 feet	49.7%
	Side	15 feet	7.6 feet	5.4 feet	36%

The 1.5 story two-car garage and office addition would be a maximum of 19.0 feet in height, adding an additional 1,290 square feet in gross floor area. The 19.0 foot tall roofline of the proposed addition would be similar in height to the roofline of the right side of the existing dwelling, at 22.8 feet in height.



Figure 2. Proposed Elevation, front view

The garage door will be positioned to face the right side of the property and will be accessed by a circular driveway to be located to the right of the proposed addition. The upper level office will be set back approximately three feet from the front wall of the lower level garage. The proposed addition will be built just outside of the 10 foot storm sewer easement that runs along the left side of the property.

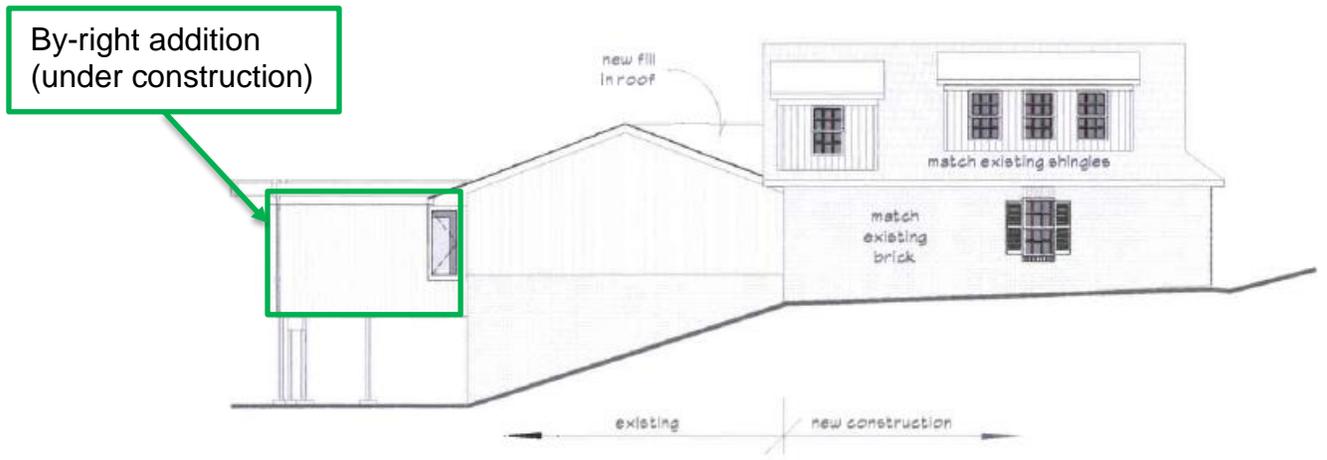


Figure 2. Proposed Elevation, side view

According to Fairfax County records, the existing dwelling was built with a carport, but the carport was converted to a 480 square foot garage without any record of a permit. However, the existing two-car garage has been vested according to Fairfax County tax records and has been converted into a kitchen (with permits) by the applicant. The determination letter, issued by the Zoning Administration Division, is included in Appendix 5.

The applicant is also in the process of constructing a 141 square foot by-right addition at the rear of the dwelling. Permits for this construction are included in Appendix 6.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Baileys Planning District
Planning Sector: Barcroft Community Planning Sector (BR6)
Plan Map: Residential, 2-3 dwelling units per acre

Zoning District Standards

Bulk Standards (R-2)		
Standard	Required	Provided
Lot Size	15,000 sf.	17,900 sf.
Lot Width	100 ft	67 ft ¹
Building Height	35 feet max.	22.5 ft
Front Yard	Min. 35 ft	17.6 ft ²
Side Yard	Min. 15 ft	9.6 ft ²
Rear Yard	Min 25.0 ft	78.6 ft

¹The subject parcel was created prior to the 1978 Zoning Ordinance (platted in 1955); therefore, although the parcel does not meet the Ordinance requirements, it is grandfathered as a legal, building lot under the provisions of Sect. 2-405 (Appendix 7)

²As permitted through the approval of this application

Zoning Ordinance Requirements (Appendix 7)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 All Group 9 Uses
- 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-2 District allows a reduction in minimum required yards with special permit approval.
Standard 3 Adjacent Development	In staff's opinion, the proposed addition will not hinder or discourage use or development of neighboring properties or negatively affect value as it will be screened with landscaping and the natural downward slope of the lot will help to mitigate the visual appearance from Mansfield Road. Furthermore, the addition will be designed to match existing structures on the lot.
Standard 4 Pedestrian/Vehicular Traffic	No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed addition is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	Mature vegetation provides adequate screening of the side of the proposed addition, to the left of the property. Additional landscaping will be provided to screen the front of the proposed addition.

<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement on individual lots in the R-2 District.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property or use.</p>
<p>Standard 8 Signs</p>	<p>No signage is proposed.</p>

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

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>The bulk regulations for the minimum required front and side yards are requested to be modified with the special permit application.</p> <p>The existing lot is undersized for an R-2 zoning district. However, the parcel was platted in 1955 prior to the 1978 Zoning Ordinance, therefore it is grandfathered as a legal, building lot under provisions of Sect. 2-405.</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 is not disturbing 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 garage and office addition would be located 17.6 feet from a front lot line and 9.6 feet from a side lot line. In the R-2 District, the required front yard is 35.0 feet and the required side yard is 15.0 feet. Therefore, the applicant is requesting a 17.4 foot reduction of the required front yard and a 5.4 reduction of the required side yard, or 49.7% and 36% of the required front and side yards, respectively.</p> <p>B. <i>Pipestem lots – N/A</i></p> <p>C. <i>Accessory structure locations – N/A</i></p> <p>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 1957, it conformed to all applicable requirements at that time.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The proposed 1.5 story two-car garage and office addition is 1,290 square feet. The by-right addition, currently under construction, at the rear of the home is 141 square feet. The existing GFA of the primary structure is 3,923 square feet; therefore, the proposed addition as well as the by-right addition will be 36.5% of GFA.</p>
<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use, and Intent</p>	<p>The addition will be included as a part of the principal structure, so this standard is not applicable.</p>
<p>Standard 6 Construction in Character with On-Site Development</p>	<p>After reviewing the applicant's statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, in addition to a field visit, staff has determined that the proposed addition will be in character with current on-site development as the building materials to be used will match the brick façade and roofing of the existing dwelling.</p>
<p>Standard 7 Construction Harmonious with Off-Site Development</p>	<p>Based on the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant as well as a field visit, in staff's opinion the proposed additions would be in character with surrounding dwellings. Dwellings on Mansfield Road are predominantly waterfront homes and tend to be oriented towards the rear of their property, with additions built towards front lot lines to maintain waterfront views and avoid the RPA. In staff's opinion, this proposed addition is in keeping with that trend.</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. The front of the proposed addition will be screened with landscaping and constructed at a lower grade than the street due to the natural downward slope of the lot. As a result, the proposed addition will not be fully visible from Mansfield Road. 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.</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 for 1.5 story two car garage and office. According to the applicant's statement of justification, the</p>

	<p>proposed addition will be partially built over the existing driveway, minimizing the disturbance of new land and existing vegetation. Furthermore, due to the natural constraints of the waterfront lot, specifically the slope and the presence of an RPA that covers all of the rear portion of the lot, staff believes this is the only viable location for the proposed addition.</p> <p>Other issues of yard determination, wells, floodplain, 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 1.5 story garage/office 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-MA-046 for the addition with the adoption of 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 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 File Photos
3. Applicant's Affidavit
4. Similar Case History
5. ZAD Vested Rights Determination
6. Applicable Building Permits
7. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**July 27, 2016****SP 2016-MA-046**

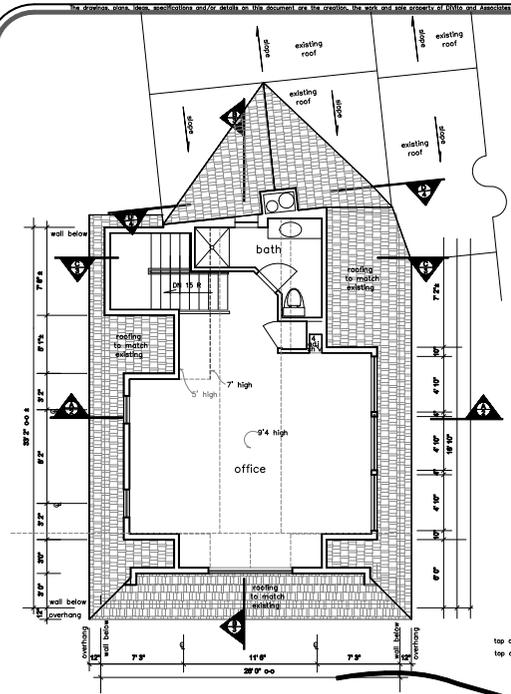
If it is the intent of the Board of Zoning Appeals to approve SP 2016-MA-046 located at Tax Map 61-1 ((11)) 989 to permit a reduction of certain yard requirements for a building addition pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval 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 garage and office addition (1,290 square feet in size and 19.0 feet in height) as shown on the plat titled "Special Permit, Lot 989, Section 10, Lake Barcroft," prepared by William E. Ramsey, L.S., on July 18, 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 (2,760 square feet existing + 4140 square feet (150%) = 6,900 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment A to these conditions.
5. Foundation plantings, specifically two 24-30 inch tall deciduous shrubs, shall be provided and maintained adjacent to the front of the proposed garage and office addition to visually soften the appearance of the structure from the property to the east.

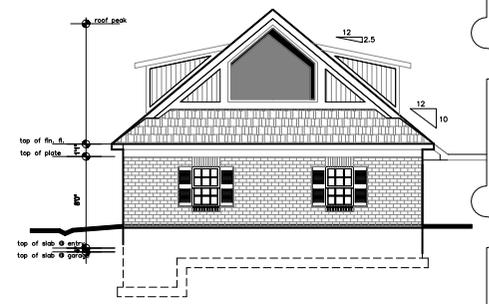
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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

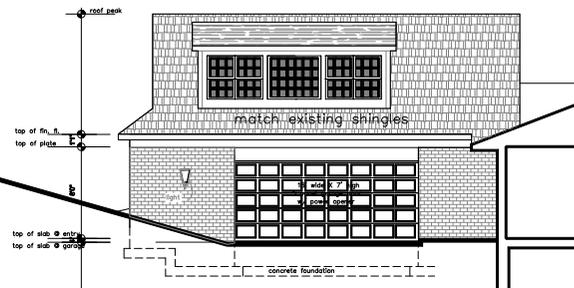
grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



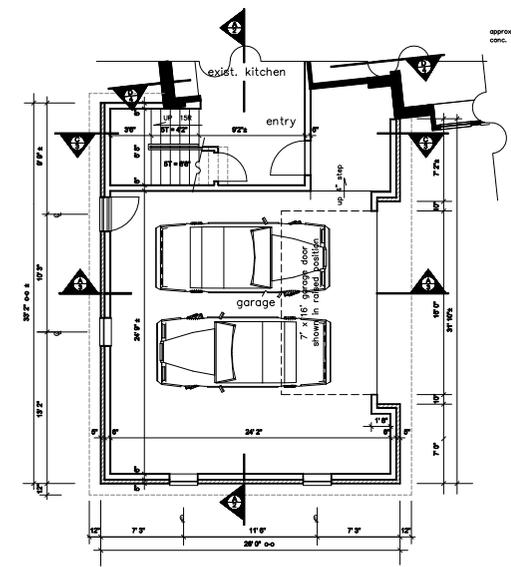
upper level plan



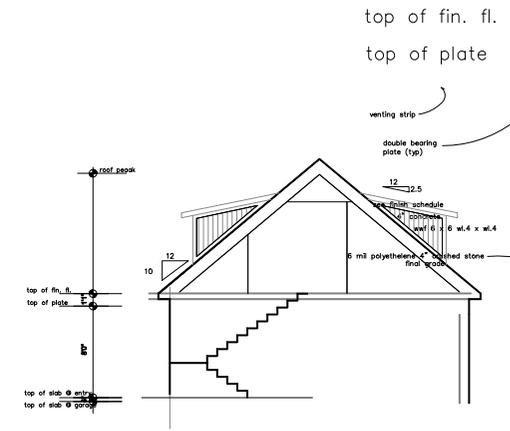
street elevation



garage entry elevation



entry level plan



building section A - A



Pemberton, Debbie

From: Larry Cirignano <larryvote@gmail.com>
Sent: Friday, May 06, 2016 1:13 PM
To: Pemberton, Debbie
Subject: 3426 Mansfield Rd

RECEIVED
Department of Planning & Zoning
MAY 06 2016
Zoning Evaluation Division

STATEMENT OF PROPOSED USE**Response to deficiencies in 5.00, 930.00**

5.00 *For decades, this property has been a single family residence and this request does not change that use. It conformed to the provisions of all applicable ordinances etc. and this request changes nothing except it's relationship to a side yard and a front yard set back line.*

930.00 *The gross floor area of the existing residence before any additions is 3,923 sq. ft. The total for the addition, including the entry area, the upper level office and the garage is 1,290 sq. ft. See Surveyor's Plan*

Thus the proposed floor area increase is 1,290 sf / 3,923 sf or 32.88%. No portion of the existing structure is being removed. The 32.88% increase is well below the allowable 150%.

Larry Cirignano
202-306-6863



STATEMENT OF JUSTIFICATION

Response to deficiencies in items 930.02 930.03 930.04 & 930.05

930.02 *The proposed addition to the residence has been architecturally designed to be in character with the existing on-site development (the residence) in terms of height, bulk and scale of the existing structure. It is a 1½ story addition in front of a substantially 2 story residence. . It is standard colonial in style. We have attached drawings to show how the addition will look.*

930.03 *The proposed addition is harmonious with the surrounding off-site uses and structure in terms of location, height, bulk and scale of surrounding structures.. Topography, existing vegetation and the preservation of existing trees are being addressed by the applicant.*

930.04 *The applicant has strived to minimize any impact on the use and/or enjoyment of any adjacent property with regard to issues such as oise, light, air, erosion and stormwater runoff.*

930.05 *This special permit request is to allow for a garage/office addition to be built within 7.6 feet of the side property line in lieu of the standard 15 foot side yard setback and within 17.6 feet of the front property line in lieu of the standard 35 foot front yard setback.. All in conformance with ordinances and regulations except for side and front yard setbacks. This is because the lot has some unusual conditions. It is on the waterfront of Lake Barcroft and the waterfront lots tend to be somewhat narrow. This lot also has a rather steep downward slope from the street to the lake and many mature trees. This combined with almost the entire rear of the property is within an RPA created by the Chesapeake Bay Ordinance leave only the front for such use as we seek here. (See drawings)*

The applicant has reviewed the site for alternate locations and given the limitations listed in the previous paragraph, has determined that there is only one viable location. The location requested in this application is outside of the RPA, disturbs the least vegetation, and disturbs no wells, septic fields or historic resources.

The applicant's proposal is modest for a two car garage which will afford the applicant the ability to not park cars on the street. It is also in keeping with the existing and neighborhood structures in terms of character in terms of height, bulk and scale.

STATEMENT OF PROPOSED USE

Response to deficiencies in 5.00, 930.00

5.00 *For decades, this property has been a single family residence and this request does not change that use. It conformed to the provisions of all applicable ordinances etc. and this request changes nothing except it's relationship to a side yard and a front yard set back line.*

930.00 *The gross floor area of the existing residence before any additions is 2,760 sq. ft. The addition to the rear added 141 sq. ft. and the proposed addition to the front is 860 sq. ft. Thus the total for additions, existing and proposed add to is 141 sq. ft + 860 sq. ft = 1,001 sq. ft.*

Thus the proposed floor area increase is $1001/2760$ or 36.23%. No portion of the existing structure is being removed. The 36.23% increase is well below the allowable 150%.

RECEIVED
Department of Planning & Zoning

APR 08 2016

Zoning Evaluation Division

DEC 10 2015

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION

- A. **Type of operation** *Not applicable*
- B. **Hours of operation** *Not applicable*
- C. **Estimated number of patrons/clients/patients/etc.** *Not applicable*
- D. **Proposed number of employees/attendants/teachers/etc** *Not applicable*
- E. **Estimate of traffic impact.....** *None or not applicable*
- F. **Vicinity or general area to be served by the use** *Not applicable*
- G. **Description of building façade and architecture of proposed new building or addition.**

The addition is in keeping with the architecture of the existing house. It is standard colonial in style. We have attached drawings to show what the addition will be.

- H. **A listing, if known of all hazardous** *None or not applicable*
- I. **A Statement of how the proposed use conforms to the provisions of all applicable ordinances, regulation, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.**

This special permit request is to allow for a garage/office addition to be built within 7.9 feet of the side property line in lieu of the standard 15 foot side yard setback and within 17.9 feet of the front property line in lieu of the standard 35 foot front yard setback.. All in conformance with ordinances and regulations except for side and front yard setbacks. This is because the lot has some unusual conditions. It is on the waterfront of Lake Barcroft and the waterfront lots tend to be somewhat narrow. This lot also has a rather steep downward slope from the street to the lake and many mature trees. This combined with almost the entire rear of the property is within an RPA created by the Chesapeake Bay Ordinance leave only the front for such use as we seek here. (See drawings)

8015

H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

Hazardous or Toxic Substances. There are no known hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and/or disposed of onsite.

Amesbury
Applicant's Signature

12/26/15
Date

5.09

I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations, and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification.

Amesbury
Applicant's Signature

12/26/15
Date

8015

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Department of Planning & Zoning
APR 08 2016
Zoning Evaluation Division



Front of House



Street view



Left side rear by-right addition



Right side of rear by-right addition and open deck



View of cement culvert in stormwater sewer easement

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/30/2016 132905
 (enter date affidavit is notarized)

I, Ginette Hemley Applicant/Title Owner, 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)
Ginette Hemley	3426 Mansfield Rd, Falls Church, VA 22041	Applicant/ Title Owner
Lawrence D. Cirignano (Larry)	3426 Mansfield Rd, Falls Church, Va 22041	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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/30/2016
(enter date affidavit is notarized)

132903

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)

NONE

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/30/2016
(enter date affidavit is notarized)

132903

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)

NONE

(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): _____
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 4/30/2016
(enter date affidavit is notarized)

132903

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:

NONE

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: 4/30/2016
(enter date affidavit is notarized)

132903

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.

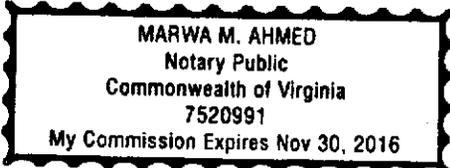
WITNESS the following signature:

(check one) Ginette Hemley
 Applicant [] Applicant's Authorized Agent
Ginette Hemley Applicant, Title Owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30 day of April 2016, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 11/30/2016



Similar Case History

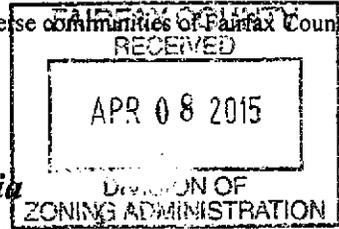
ZAPS - SP - SP 2007-MA-007	Application Desc ...: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 7.5 FEET FROM SIDE LOT LINE	APPLICATION APPROVED
ZAPS - SP - SP 2014-MA-158	Application Desc ...: TO PERMIT REDUCTION IN CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 7.6 FT FROM SIDE LOT LINE	APPLICATION APPROVED
ZAPS - SP - SP 2013-MA-101	Application Desc ...: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 7.7 FEET FROM SIDE LOT LINE AND 12.7 FEET FROM REAR LOT LINE	APPLICATION APPROVED
ZAPS - VC - VC 97-M -094	Application Desc ...: PERMIT CONSTRUCTION OF ADDITION 8.83 FT. FROM SIDE LOT LINE	APPLICATION APPROVED
ZAPS - SP - SP 2010-MA-014	Application Desc ...: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 27.08 FEET FROM FRONT LOT LINE	APPLICATION APPROVED



County of Fairfax, Virginia

ATQ

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



Vested Rights Determination (or "2307") Pursuant to §15.2-2307 of the Code of Virginia

Property Tax Map Number:	61-1 ((11)) 989
Property Address:	3426 Mansfield Road Falls Church, VA 22041
Requestor's Name:	Ginette Hemley
Requestors Address: (if different than above)	Same as above
Requestor's Phone Number:	703-402-0085
Current Zoning:	R-2
Magisterial District:	Mason
Subdivision Name/Section/Block/Lot No.:	Lake Barcroft Sec. 10 Lt. 989

Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia

This is in response to your submission of a vested rights determination for a garage located 11.7 feet from the property line. The property is zoned R-2 and is developed with a single family dwelling with a garage. The property is subject to a minimum 35 foot front yard requirement, a minimum 15 foot side yard requirement, and a minimum 25 foot rear yard requirement. You submitted a house location survey of the property entitled "Lot 989 Section 10 Lake Barcroft, Fairfax County, Virginia," which was prepared by Stephen L. Moore of Dove & Associates and is dated May 14, 1976.

The survey shows the garage to be 11.7 feet from the left side property line, which in an encroachment of 3.3 feet into the minimum required side yard. You are seeking a determination as to whether the garage is vested based on information available in Fairfax County records.

Building Permit #19893 was approved on July 22, 1957, to construct a dwelling measuring 71 feet in front by 71 feet in the rear by 24 feet to 29.5 feet deep (corresponding to the left and right sides of the structure). The approved house location plat attached to the Building Permit shows that the house was actually built with a depth of 28.8 feet on the right side. The plat also shows a storm sewer easement measuring 10 feet across extending along the left side property line from the front lot line to the rear lot line. The distance between the left lot line and the dwelling is shown as 11.65 feet.

The plat further shows that the dwelling was originally built with a carport, on the left side of the dwelling, measuring 20 feet by 24 feet. However, street view photography indicates that the carport has been converted into a garage. There is no evidence that a Building Permit was issued to convert the carport into a garage. Under current Zoning Ordinance provisions, a carport may

Department of Planning and Zoning
Zoning Administration Division
Ordinance Administration Branch
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5505
Phone 703-324-1314 FAX 703-803-6372
www.fairfaxcounty.gov/dpz/



extend five (5) feet into any minimum required side yard, but not closer than five (5) to any lot line. As originally constructed, the carport would be allowed to encroach 3.3 feet into the minimum required side yard by right. There are no by-right provisions for the encroachment of a garage into the minimum required side yard. According to the real estate assessment records, the dwelling with a 480 square foot garage has been on the tax records for more than 15 years; therefore, the structure may remain but may not be replaced or enlarged unless the replacement or expansion complies with all regulations of the district in which located.

Background Summary (check all that are applicable):

- A Building Permit has been issued.
- No evidence of a Building Permit having been issued for the conversion of the carport into a garage.
- A Non-Residential Use Permit/Residential Use Permit has been issued or, when a Non-RUP/RUP is not required, evidence that the structure(s) has passed final inspection.
- Department of Tax Administration records indicate that the structure(s) has been taxed for at least 15 years.
- Department of Tax Administration records do not indicate that the structure(s) has been taxed for at least 15 years.

Staff Determination:

- §15.2-2307 of the Code of Virginia is applicable for the dwelling and garage and it may remain. The structure may not be replaced or enlarged unless the replacement or expansion complies with all regulations of the district in which located.
- §15.2-2307 of the Code of Virginia is applicable for the structure and the structure(s) may remain; however, §15.2-2307 is not applicable for the use of the structure. A separate letter explaining the status and use of the structure(s) will be issued.
- §15.2-2307 of the Code of Virginia is not applicable. A separate letter explaining the status of the structure(s) will be issued.

Reviewer's Signature:



Date: 4/7/15

Zoning Administration Division
Department of Planning and Zoning

cc: Tim Shirocky, Director, Real Estate Division, DTA
Leslie B. Johnson, Zoning Administrator
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch

**Building Permit
 Zoning Review**

Bldg Permit #: **152230110** **RESIDENTIAL ADDITION**

Address: 3426 MANSFIELD RD
 FALLS CHURCH VA 22041-1427
 Bldg: N/A Floor: Suite: N/A

Tax Map: 0611 11 0989

Subdiv: LAKE BARCROFT LT 989 SEC 10 7,600.00

Owner: HEMLEY GINETTE
 3426 MANSFIELD RD FALLS CHURCH VA 22041

Phone Day: (202)306-6963 x **Evening:** _____

Contractor:
 OWNER IS CONTRACTOR
 (999) 999-9999

Type of Work: ADDITIONAL STORIES

Description of Work: ONE STORY ADDITION WITH DECK

Specific Description of Work:

<u>1 Story</u> Ground	<u>1 Story</u> Crawl	<u>1 Story</u> Bsmt Below	<u>2 Story</u> Ground	<u>2 Story</u> Crawl	<u>2 Story Bsmt</u> below	<u>2nd Story Addn</u> Over Exist Structure
Y	N	N	N	N	N	N

ZPRB Review:

Date		Status
08/11/2015	AM00R4	Approved

Zoning Detail Review TAB:

Zoning Dist.	Cluster Subdiv	Use	Wet Bar	2nd Kitchen	ADU Subdiv	Proffer	Setback			
R-2	N	SFD	N	N	N	N	Y			
Yard/Setbacks:						Dimensions:				
Structure	Front (A)	Front (B)	Front (C)	Left	Right	Rear	Structure Dimension	Height	Structure Type	
1	0.00	0.00	0.00	15.00	0.00	81.00	1	14 x 6	18.60	ONE STORY
2	0.00	0.00	0.00	0.00	0.00	75.00	2	16 x 17	10.00	OPEN
USE_GRP	CNST_TYPE		BLDGAREA							
R5	VB		1,399.00							

DETAILS COMMENTS:
 1 14 x 6 one stry addn 2 16 x 17 open deck needs setback cert for addn left side lot line

SCANNED

MANSFIELD RD.
(56' WIDE)

PELEE RD.

APPROVED
8-11-15

Shirley B. Johnson
Zoning Administrator
R20A
15223010

A SETBACK CERTIFICATION BASED
ON FIELD SURVEY IS REQUIRED
PRIOR TO RUP ISSUANCE OR
FINAL INSPECTION

needed
for left side
lot line

This Plat depicts the location,
height and distances of all
existing and proposed structures
to respective lot lines.

Jan O'Connell
Owner/Agent

8/11/15
Date

PLAT

SHOWING HOUSE LOCATION ON
LOT 989 - SECTION 10

LAKE BARCROFT

FAIRFAX COUNTY, VIRGINIA

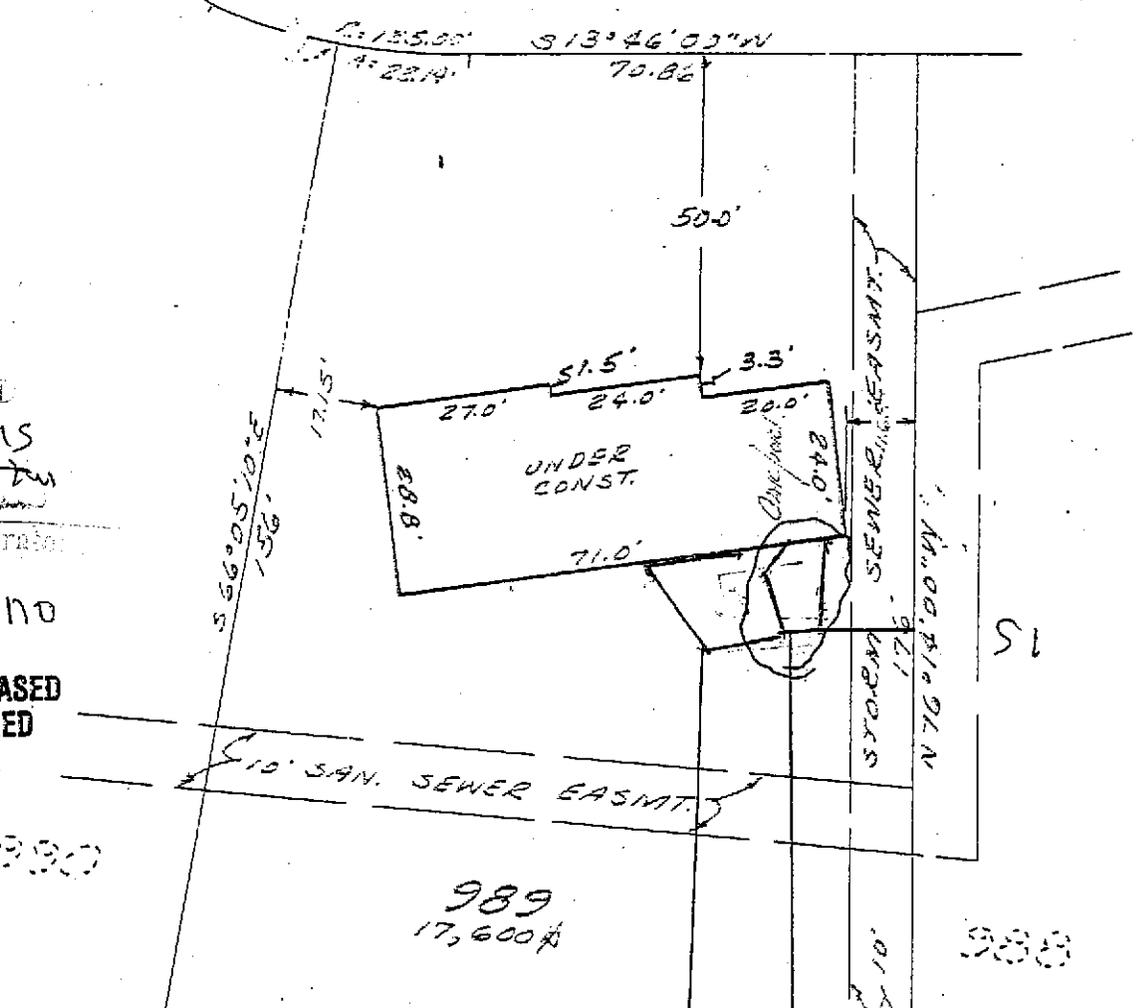
SCALE: 1"=30' AUGUST 13, 1957

B. CALVIN BURNS - CERTIFIED LAND SURVEYOR
ARLINGTON COUNTY, VIRGINIA

PERMIT #
19593

CERTIFIED CORRECT: *B. Calvin Burns*

APPROVED
ZONING ADMINISTRATOR
DATE



2-405 Permitted Reduction in Lot Size Requirements for Certain Existing Lots

1. If a lot was recorded prior to March 1, 1941, or if a lot was recorded prior to the effective date of this Ordinance, and said lot met the requirements of the Zoning Ordinance in effect at the time of recordation, then such lot, either as a single lot or in combination with other such lots pursuant to a Building Permit, may be used for any use permitted in the zoning district in which located under this Ordinance even though the lot(s) does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided all other regulations of this Ordinance can be satisfied.

This provision shall not apply to any such lot which, subsequent to the effective date of this Ordinance, is rezoned at the request of the owner or his agent or is subdivided by the owner or his agent, except for:

- A. A subdivision resulting from a voluntary dedication by the owner or a condemnation or acquisition of a portion thereof for public purposes by any governmental agency; or
 - B. A subdivision for a minor adjustment of lot lines, which may be permitted by the Director in accordance with Chapter 101 of The Code and the following:
 - (1) Such subdivision shall only be to consolidate land area of contiguous lots, or to rearrange lot lines in order to reallocate land area between contiguous lots such that the reconfigured lots contain either the same lot area as existed prior to the adjustment of the lot lines or a greater area than existed prior to the adjustment of the lot lines which results in a reduced number of lots; and
 - (2) There shall be no additional lots or outlots created, no increase in the maximum density and the resultant lot lines shall not create any new or aggravate any existing noncompliance with regard to minimum lot area, lot width, shape factor or minimum yard requirements.
2. A lot that did not meet the requirements of the Zoning Ordinance in effect at the time of recordation may be used for any use permitted in the zoning district in which located under this Ordinance, even though such lot does not meet the minimum district size, lot area, lot width and/or shape factor requirements of the district, provided that:

- A. The lot is described or depicted in a metes and bounds description or on a subdivision plat not approved by the County, which description or plat was recorded among the land records of Fairfax County prior to March 25, 2003; and
- B. The lot described in the metes and bounds description or on the unapproved plat was identified as a separate lot on the Fairfax County Real Property Identification Map and was taxed as a separate parcel on or before March 25, 2003; and
- C. The lot contained a principal structure on March 9, 2004 that was:
 - (1) Occupied or had been occupied at any time within five (5) years prior to March 9, 2004; or
 - (2) Under construction pursuant to a Building Permit and a Residential or Non-Residential Use Permit is issued within twelve (12) months after March 9, 2004 and
- D. Except for the minimum district size, lot area, lot width and shape factor requirements of the district, all other regulations of this Ordinance shall be satisfied, including but not limited to the bulk and permitted use regulations of the zoning district in which located.

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 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 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 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.