



County of Fairfax, Virginia

September 7, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-PR-052

PROVIDENCE DISTRICT

APPLICANTS/OWNERS: Bruce T. Biggs
Helen J. Biggs

STREET ADDRESS: 2416 Jackson Parkway, Vienna, 22180

SUBDIVISION: Stonewall Manor

TAX MAP REFERENCE: 102-3 ((10)) (3) 24

LOT SIZE: 10,503 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISION: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 6.0 feet from a side lot line and to permit reduction of minimum yard requirements based on error in building location to permit an accessory storage structure to remain 2.4 feet from a side lot line and 3.3 feet from the rear lot line.

STAFF RECOMMENDATION:

Staff recommends denial of SP 2016-PR-52 for a reduction of the side yard requirement.

However, if it is the intention of the Board of Zoning Appeals to approve SP 2016-PR-052, staff recommends that such approval be conditioned upon 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

Erin M. Haley

for error in building location to allow the patio to remain, 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. 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.

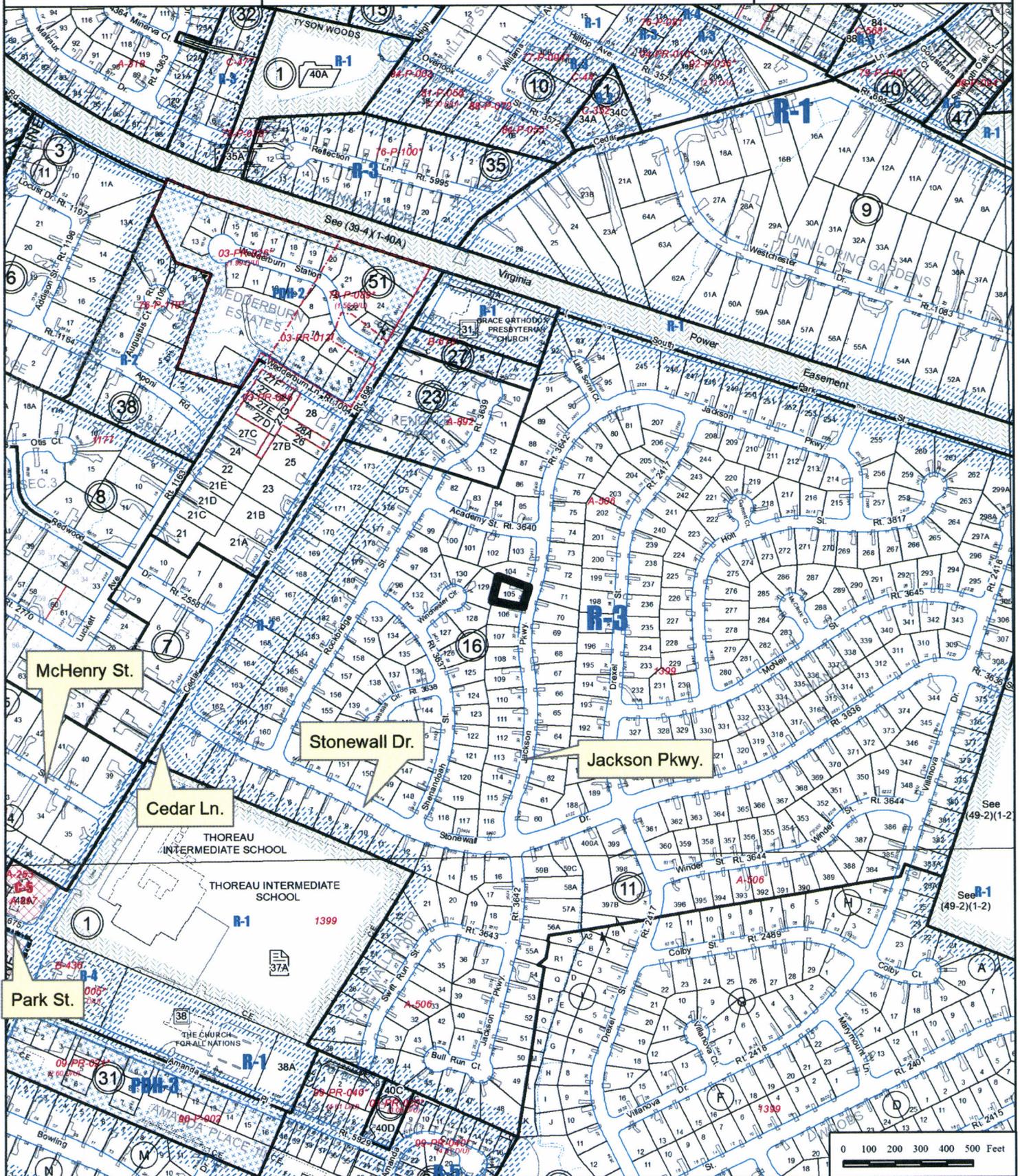
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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-052 BRUCE T. AND HELEN J. BIGGS



NOTES:

1. PROPERTY IS LOCATED ON TAX MAP NO. 39-3-16-0105 AND IS PRESENTLY ZONED R-3 AS PER FAIRFAX COUNTY RECORDS.
2. R-3 B.R.L.'s: FRONT: 30'
SIDE: 12'
REAR: 25'
3. NO TITLE REPORT FURNISHED.
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. AS PER PLAT OF RECORD AND INFORMATION PROVIDED BY OWNER, THERE ARE NO EASEMENTS ON THIS PROPERTY.
6. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
7. PLANT HANGERS AND FRONT STEPS ON EXISTING DECK TO BE REMOVED. ✕

8. ACCORDING TO HUD-FIA MAP FOR FAIRFAX COUNTY, THIS PROPERTY IS SHOWN TO BE IN ZONE "X", AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
9. 40' FRONT B.R.L. AS PER SUBDIVISION PLAT.

AREA CALCULATIONS

(AS PER INFORMATION PROVIDED BY CONTRACTOR)

EX. FIRST FLOOR: 1,078 s.f.
EX. SECOND FLOOR: 1,166 s.f.

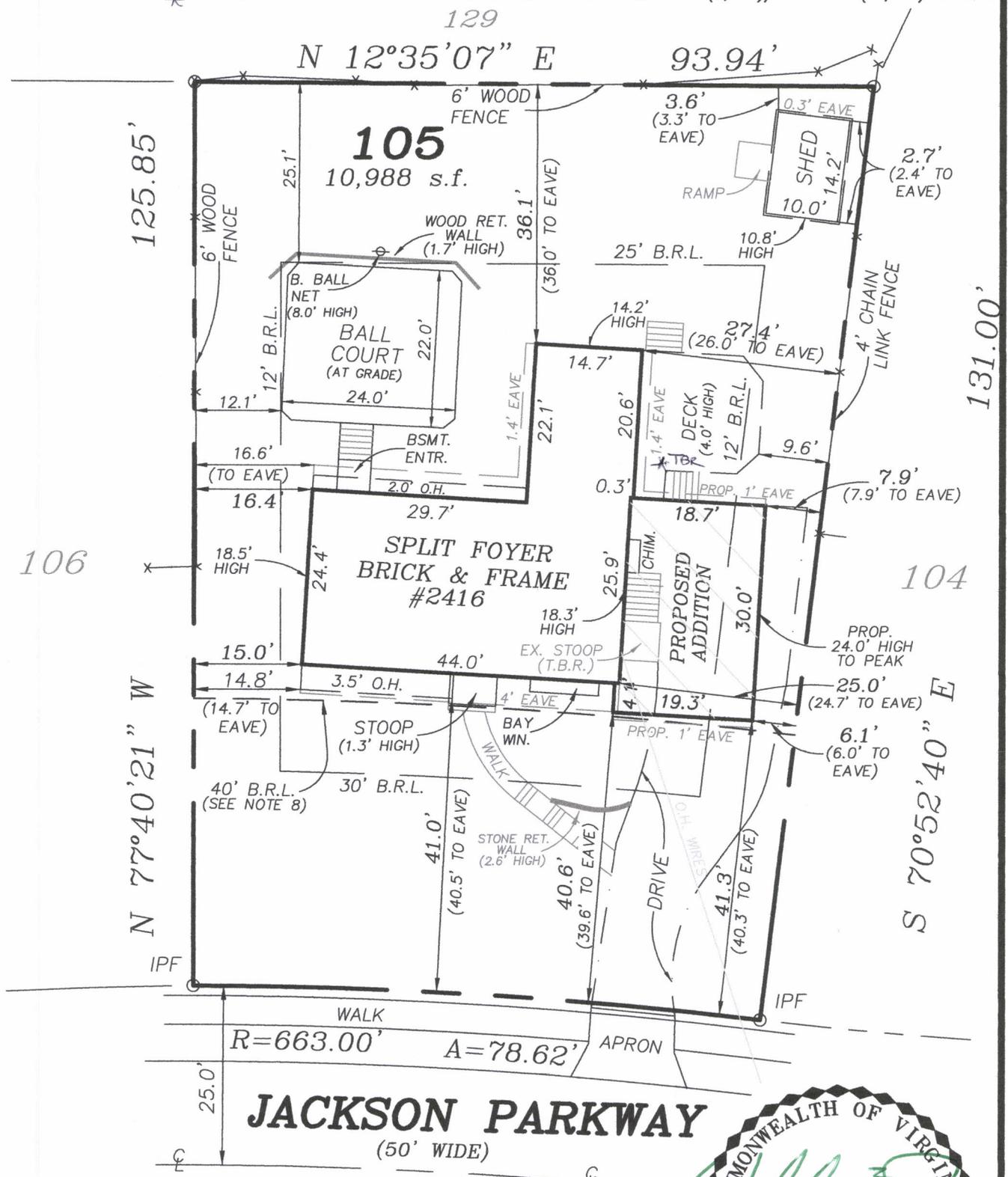
EX. GROSS FLOOR AREA: 2,244 s.f.

EX. FLOOR AREA RATIO: EX. GFA (2,244)/LOT AREA (10,988)=20.42%

PROP. ADDITION: 1,128 s.f./EX. GFA (2,244)=50.27%

PROP. GFA: EX. GFA (2,244) + PROP. ADDITION (1,128)=3,372 s.f.

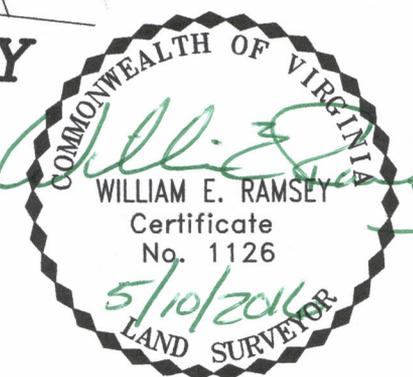
PROP. FLOOR AREA RATIO: PROP. GFA (3,372)/LOT AREA (10,988)=30.69%



SPECIAL PERMIT
LOT 105
SECTION ONE
STONEWALL MANOR
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"=20'
DATE: MARCH 28, 2016
REVISED: MAY 10, 2016

RECEIVED
Department of Planning & Zoning
MAY 11 2016

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



SPECIAL PERMIT REQUEST

The applicant requests approval of a special permit to allow a reduction of certain yard requirements to permit construction of an addition 6.0 feet from the northern side lot line. The applicant also requests approval of a special permit to allow the reduction of minimum yard requirements based on an error in building location to permit an existing accessory storage structure (shed) to remain 2.4 feet from the northern side lot line and 3.3 feet from the rear lot line.

A copy of the special permit plat titled, "Special Permit, Lot 105, Section One, Stonewall Manor," prepared by William E. Ramsey, L.S., dated March 28, 2016, as revised through May 10, 2016, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

A copy of the proposed development conditions, statement of justification with select file photographs, and affidavit are contained in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

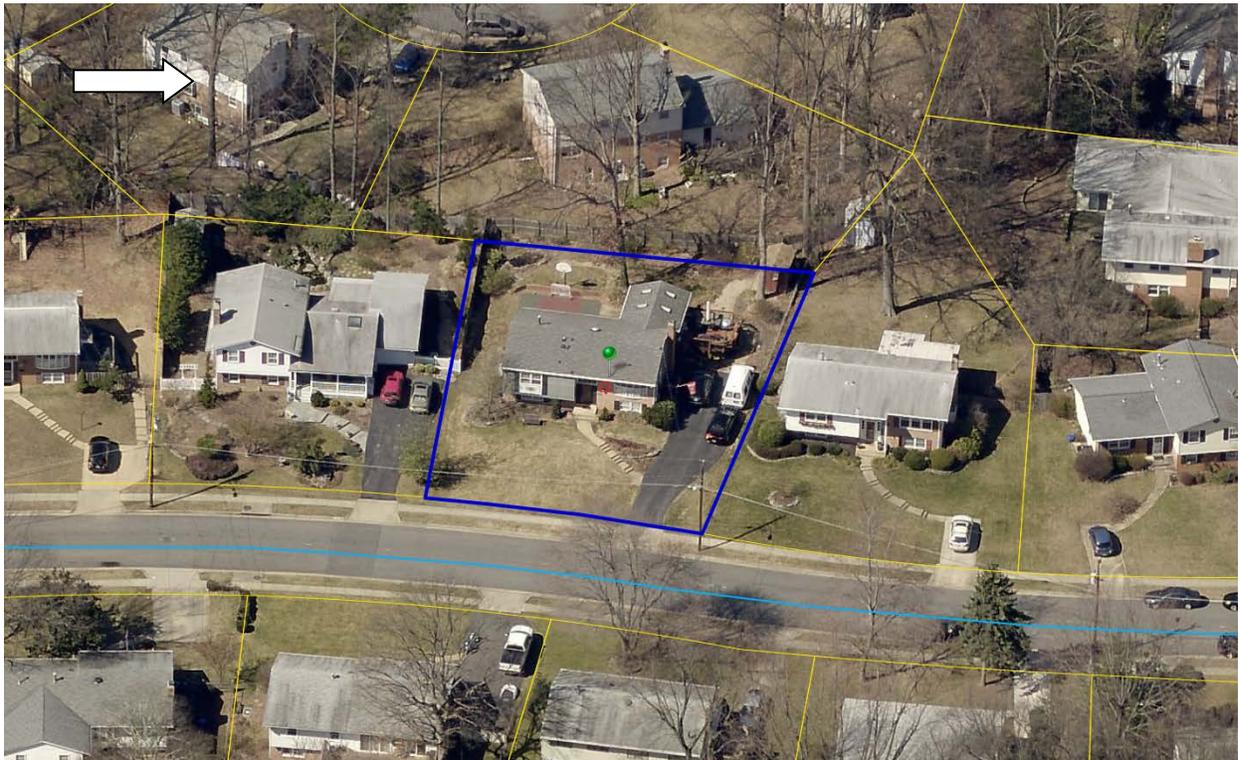


Figure 1: Aerial Image of the subject property, Pictometry, 2013

The 10,988 square foot lot contains a split level dwelling with a full basement, and is accessed via a concrete driveway from Jackson Parkway. A concrete walkway leads from

the driveway to the front stoop of the dwelling. The walkout basement entrance leads to an at-grade ball court at the rear of the dwelling. A wood deck 4 feet in height is located on the northern side of the house. A side door with a wooden stoop and stairs is located at the northeastern corner of the house. A shed 10.8 feet in height is located in the northwestern corner of the rear yard. A wood fence 6 feet in height runs along the southern and western property lines and a chain link fence 4 feet in height runs along the northern property line.

The property is located east of Cedar Lane and north of Stonewall Drive. The subject property and surrounding properties are zoned R-3 and developed with single family detached dwellings.

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1964 and purchased by the applicants in 1996.

Since the adoption of the Zoning Ordinance, similar special permit and variance applications have been heard by the Board of Zoning Appeals for nearby properties in this subdivision. Some similar applications have included:

- VC 2002-PR-028: Approved to permit construction of an addition 8.1 feet from a side lot line with eaves 5.6 feet from the side lot line at 2426 Jackson Parkway.
- SP 2012-PR-024: Approved to permit construction of an addition 6.6 feet from a side lot line at 8225 McNeil Street, approximately two blocks to the east.
- VC 99-P-048: Approved to permit construction of an addition 3 feet from a side lot line at 2429 Rockbridge Street, to the west.

More detailed information about similar applications is included in Appendix 4.

DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction an addition. The two-story addition, to be located 6.0 feet from the northern side lot line (a reduction of 50 percent), would be used as a two car garage on the lower level and a new kitchen on the upper level. The northern property line is angled away from the footprint of the house so the northeastern corner of the addition would be 6.0 feet from the property line and the northwestern corner would be 7.9 feet from the property line. In the R-3 zoning district, the required side yard is 12.0 feet. The applicant is requesting the maximum reduction allowed under Sect. 8-922 of the Zoning Ordinance of 6.0 feet, or 50 percent.

The addition would be 19.3 feet wide at the front, 18.7 feet wide at the rear, and 30.0 feet long. It would be 24.0 feet in height and contain 1,128 square feet of gross floor area. The applicant has provided elevations that depict the addition matching the existing

roofline as well as the materials and architectural features of the existing house.

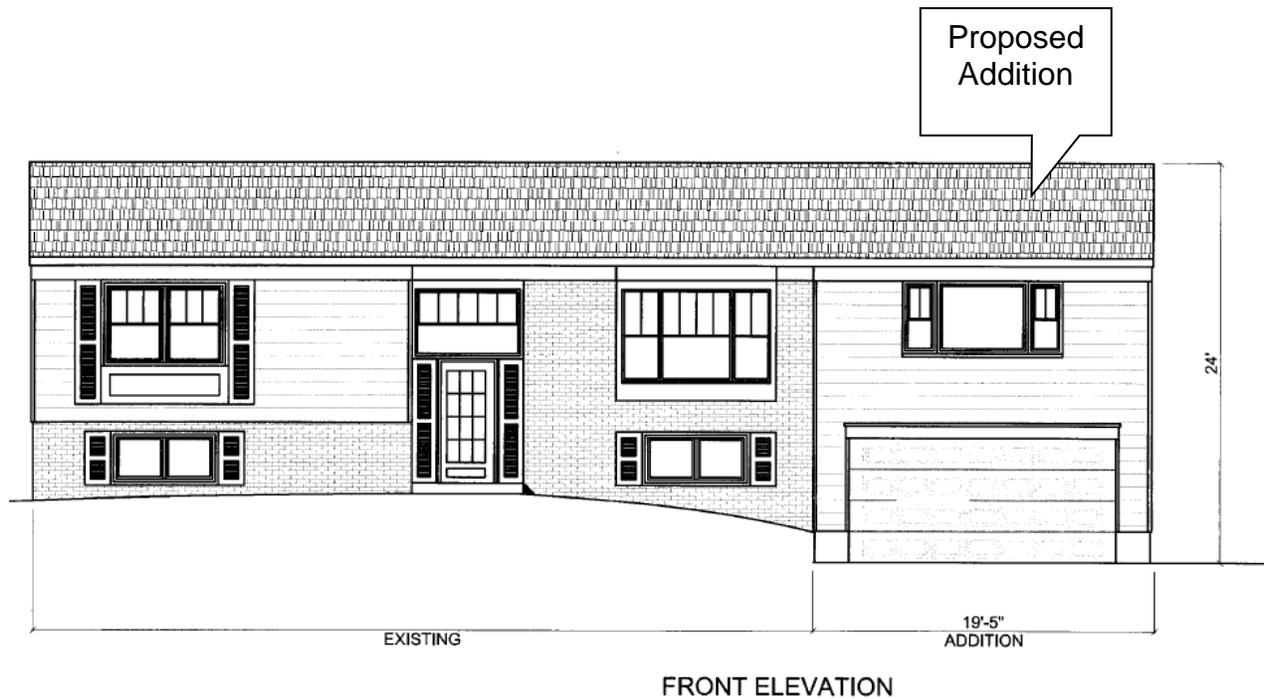


Figure 2. Proposed Front Elevation

In addition, the applicants request approval of a special permit for a reduction of minimum yard requirements based on an error in building location to permit a shed 10.8 feet in height to remain 2.4 feet from the northern side lot line and 3.3 feet from the rear lot line. The applicants request a reduction of 9.6 feet, or 80 percent for the side yard and 21.7 feet or 86.8 percent for the rear yard. The shed was purchased to replace an existing deteriorated shed and installed by the applicants in the same location as the previous shed.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: II, Vienna Planning District
Planning Sector: Cedar Community Planning Sector (V2)
Plan Map: 2-3 dwelling units per acre

Zoning District Standards

Bulk Standards (R- 3)		
Standard	Required	Provided
Lot Size	10,500 sf.	10,968 sf.
Lot Width	Interior: 80 feet	78.62 feet*
Building Height	35 feet	24 feet
Front Yard	30 feet	40.6 feet
Side Yard	12 feet	6 feet (northern side yard) 14.8 feet (southern side yard)
Rear Yard	25 feet	36 feet

* The subject parcel was legally created prior to the adoption of the current Zoning Ordinance; therefore it is considered a legal, buildable lot under Sect. 2-405.1 of the Zoning Ordinance

Zoning Ordinance Requirements

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- 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

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

The following tables provide an overview of the standards reviewed in Sect. 8-006, Sect. 8-903, and Sect. 8-922 for the Reduction of Certain Yard requirements.

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

<p>Standards 1 and 2 Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-3 District allows a reduction in minimum required yards with a special permit approval. However, staff believes that the proposed addition is too tall and places excess bulk within the required side yard thus making it appear out of scale with the existing dwelling. The proposed use is not in harmony with the Comprehensive Plan and the general purpose and intent of the R-3 District.</p>
<p>Standard 3 Adjacent Development</p>	<p>The proposed two-story addition would add 50 percent more square footage to the existing house. It would be located just 6 feet from the side lot line at its closest point and add significant bulk to the northern side of the house. Staff believes the addition would create a looming presence over the adjacent property. In staff’s opinion, the proposed use will hinder or discourage the use or development of neighboring properties or value.</p>

<p>Standard 4 Pedestrian/Vehicular Traffic</p>	<p>No increased vehicular or pedestrian traffic is expected with this application. The garage would be located at the end of the existing driveway. In staff's opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/Screening</p>	<p>There is currently no mature vegetation along the portion of the northern side lot line where the addition would be located and therefore no screening or buffering between the house and the adjacent property. Should the BZA vote to approve the addition, staff has proposed a development condition that additional vegetative screening in the form of a row of evergreen trees be planted along the length of the side of the house where the addition would be constructed.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement for individual lots in the R-3 District.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>With the exception of the two-story garage addition, there are no changes proposed to the utilities, drainage, parking, or loading on the site.</p>
<p>Standard 8 Signs</p>	<p>No signage is proposed.</p>

Standards for all Group 3 Uses (Sect. 8-903)

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>With the exception of lot width, which is just 1.38 feet below the R-3 Standards, the lot meets the size and bulk regulations required in the Zoning Ordinance. The subject parcel was created prior to the adoption of the current Zoning Ordinance; therefore it is considered a legal, buildable lot under Sect. 2-405.1 of the Zoning Ordinance. The minimum required side yard setbacks will 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>If the construction disturbs more than 2,500 square feet, the application is subject to the provisions of Article 17, Site Plans.</p>

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

<p>Standard 1 Yard Requirements Subject to Special Permit</p>	<p>A. Minimum Required Yards – Yes. The applicants request a special permit to allow reduction of the minimum required side yard from 12.0 feet to 6.0 feet to permit construction of an addition to the northern side of the existing house. B. Pipestem lots- N/A C. Accessory Structure locations – No D. Extensions into minimum required yards- No</p>
<p>Standard 2 Result in a Detached Structure in a Front Yard</p>	<p>Not applicable to the subject application.</p>
<p>Standard 3 Contain a Principal Structure</p>	<p>The subject property contains a single family dwelling, which is an existing principal structure. The structure complied with setbacks of the District when it was established.</p>

<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The existing dwelling is 2,244 square feet in size. Therefore 150% of the total gross floor area could result in additions up to 3,366 square feet in size for a possible total square footage at build out of 5,610 square feet. The proposed additions (both by special permit and by-right) are a total of approximately 1,128 square feet, for a total square footage of the house with the addition of 3,372 square feet. Therefore the application meets this provision.</p>
<p>Standard 5 Construction of Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>There is no accessory structure proposed, so this standard is not applicable to this application.</p>
<p>Standard 6 Construction in Character with On-site Development</p>	<p>The statement of justification, elevation drawings, and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the dwelling. However, the addition is proposed to be 50 percent the size of the existing structure and will end up 6 feet from the side lot line at its closest point. Though it will match the existing roof line, the addition would be 24 feet in height which is taller than the existing house at 17.8 feet in height. Staff believes the addition presents a tall, 30-foot long visual wall facing the adjacent property and is not in character with surrounding development.</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 though there have been other additions and carports in the nearby area, this addition is larger and taller than others nearby. Most of the other properties in the surrounding area are not developed with garages or carports. Staff does not believe that the proposed addition with a two car garage and large living area above is harmonious with off-site development. Staff believes it is not similar in nature to surrounding dwellings in terms of height, scale, and architecture and believes this addition will not be harmonious with surrounding uses.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>The proposed addition to the northern side of the house will be taller than the existing structure in height and add 50 percent more gross floor area. There is currently no vegetative buffer between the existing house and the adjacent lot to provide any screening, though staff has recommended a development condition if the BZA chooses to approve this request. Staff believes that the proposed addition will adversely impact the use and/or enjoyment of adjacent properties by obstructing light and creating looming presence over the house to the north. If the construction disturbs more than 2,500 square feet, the application is subject to the provisions of Article 17, Site Plans, and any anticipated stormwater issues will be addressed at that time.</p>
<p>Standard 9 Minimum Required Yards is the Minimum Amount of Reduction Necessary</p>	<p>Staff does not believe the special permit proposal is the minimum amount of reduction necessary. Most of the other properties in the surrounding area do not have a carport or a garage and meet their parking requirements by providing a driveway, as the existing property does now. The applicant has sufficient space on the northern side of the property to build a by-right addition that could provide additional living space and potentially provide an enclosed one car garage. Staff</p>

	<p>does not believe it is necessary to encroach the maximum allowed 50% into the side yard to provide both a two car garage with a large kitchen addition above.</p> <p>Other issues of lot shape, yard determination, environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, easements and historic resources are not applicable to this site.</p>
Standard 10 BZA May Impose Conditions	Staff has proposed development conditions in Appendix 1.
Standard 11 Submission Requirements	Satisfied at time of submittal.
Standard 12 Architectural Elevations	Elevations are provided and proposed to be incorporated as part of the development conditions.

CONCLUSION AND RECOMMENDATION

In staff’s opinion, the applicants have not sufficiently justified the granting of this special permit to allow the construction of a two story, two car garage addition. Based on staff’s review of the application and the surrounding area. More significantly, the proposed addition is two stories tall and would be located only 6 feet from the adjacent property which in staff’s opinion would adversely impact that property by blocking light and towering over the one-story structure. In addition, it may be possible for the applicants to build a by-right addition with a one car garage or at least one that would not encroach so far into the side yard. Staff could support a smaller addition and is amenable to continuing to work with the applicant on a revised proposal.

However, based on the findings stated above, staff recommends denial of SP 2016-PR-052 as currently proposed. However, if it is the intent of the BZA to approve the Special Permit application, the BZA should condition its approval by requiring conformance with the conditions set forth 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 error in building location to allow the shed to remain, 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 File Photos
3. Applicant's Affidavit
4. Similar Case History
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-PR-052****September 7, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-PR-052 located at Tax Map 39-3 ((16)) 105 to permit reduction of certain yard requirements pursuant to Section 8-922 and to permit a shed to remain pursuant to Section 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicants 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 accessory storage structure (shed), and the addition 1,128 square feet, 24 feet in height), as shown on the plat titled, "Special Permit, Lot 105, Section One, Stonewall Manor," prepared by William E. Ramsey, L.S., dated March 28, 2016, as revised through May 10, 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 (2,244 square feet existing + 3,366 square feet (150%) = 5,610 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 1 to these conditions.
5. A row of evergreen species trees such as, but not limited to, holly, arborvitae, or cypress, a minimum of 6.0 feet in height at planting, shall be installed between the addition and the northern side lot line. These trees shall be planted a maximum of 10.0 feet on center along the full length of the addition, parallel to the property line.

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.



ANNA LEE HOPKINS ARCHITECTS, P.C.
1000 EAST MAIN STREET, SUITE 200
VIENNA, VA 22180

**ADDITION TO:
Mr. & Mrs. Biggs
RESIDENCE**

2416 Jackson Pkwy
Vienna, VA 22180

Date:
04-13-16

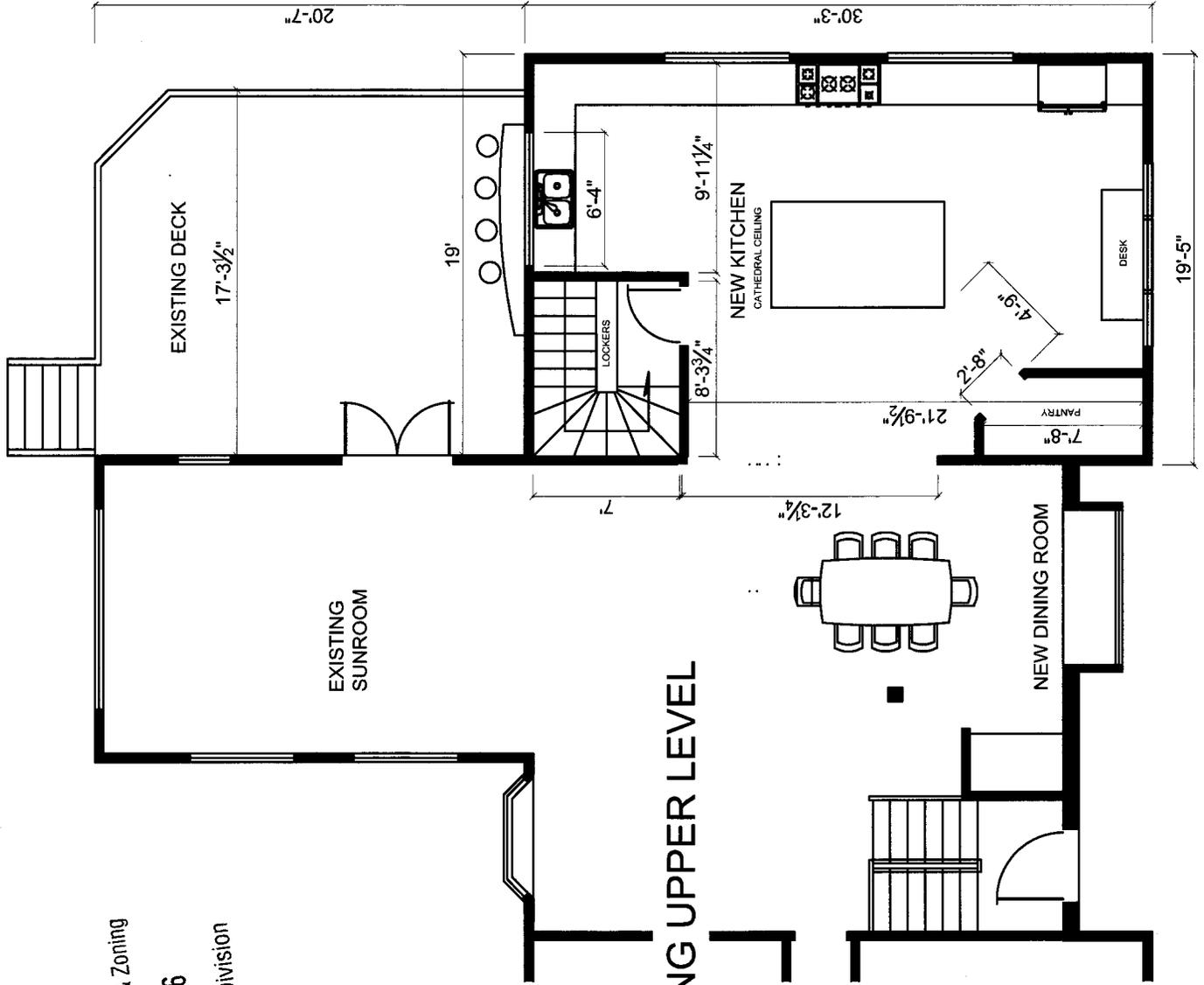
DISCLAIMER

Due to site conditions and existing improvements, measurements on initial architectural plans, renderings and shop drawings may sometimes vary from as-built improvements. Exact measurements are only possible after completion of framing.

Drawn by: Tigran Ghulyan
Checked by: Shawn Nazarian
Scale: 1/8" = 1'-0"

Sheet #

A-1



EXISTING UPPER LEVEL

UPPER LEVEL FLOOR PLAN

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



**ADDITION TO:
Mr. & Mrs. Biggs
RESIDENCE**

2416 Jackson Pkwy
Vienna, VA 22180

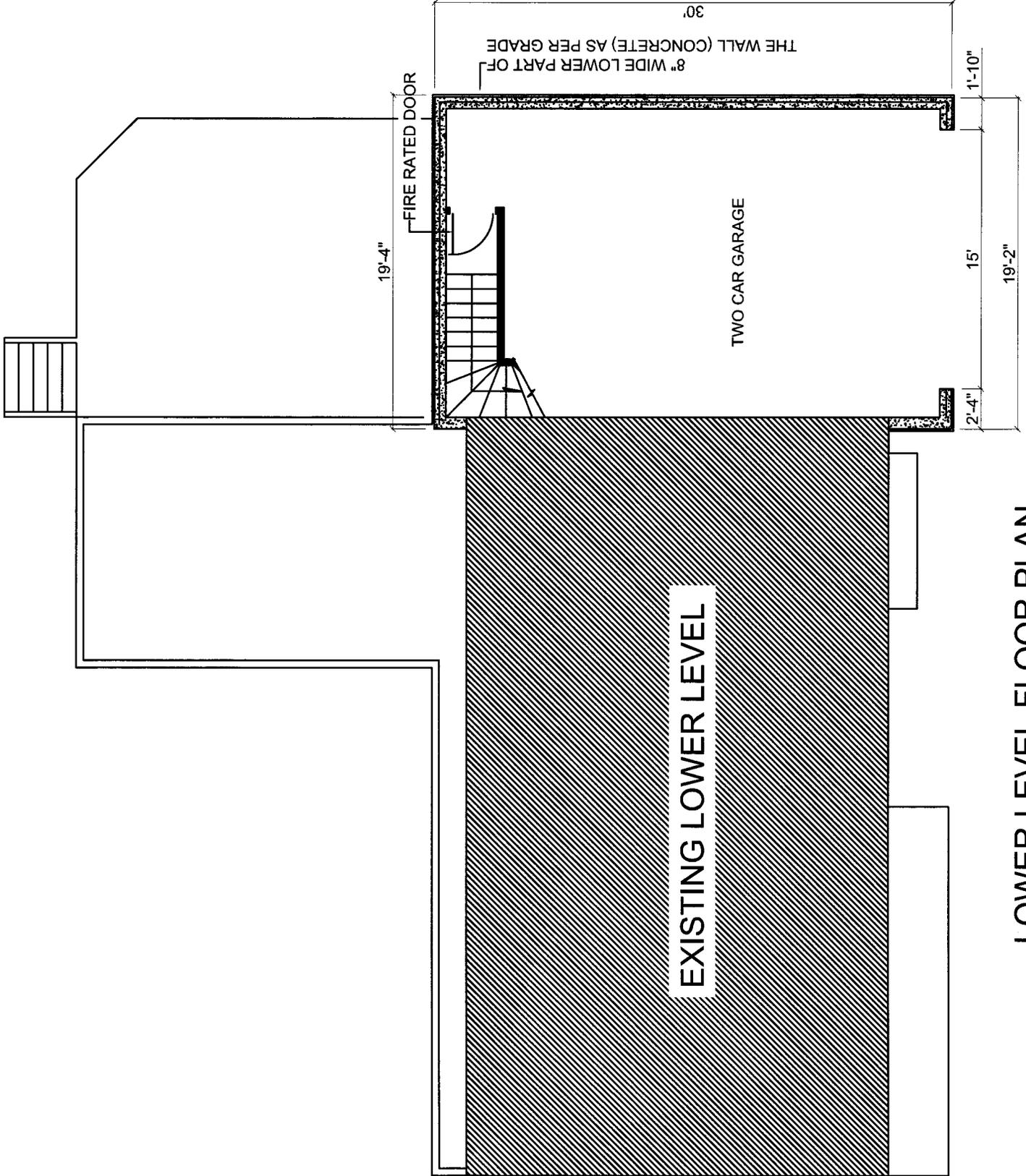
Date:
04-13-16

DISCLAIMER

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Drawn by: Tigran Ghulyan
Checked by: Shawn Nazerman
Scale: 1/8" = 1'-0"

Sheet #
A-2



LOWER LEVEL FLOOR PLAN



2004, 1100 WEST FAIRMOUNT AVENUE
VIENNA, VIRGINIA 22180
TEL: 703.241.1100

**ADDITION TO:
Mr. & Mrs. Biggs
RESIDENCE**

2416 Jackson Pkwy
Vienna, VA 22180

Date:
04-13-16

DISCLAIMER

Due to site conditions and existing improvements, measurements on initial architectural plans, renderings and shop drawings may sometimes vary from as-built improvements. Exact measurements are only possible after completion of framing.

Drawn by: Tigran Ghulyan
Checked by: Shawn Nazemian
Scale: 1/8" = 1' - 0"

Sheet #
A-3



FRONT ELEVATION



3045 LEE HWY, FARMERSVILLE, VA 22801
TEL: 540.421.0000 FAX: 540.421.0005

**ADDITION TO:
MR. & MRS. BIGGS
RESIDENCE**

2416 Jackson Pkwy
Vienna, VA 22180

Date:
04-13-16

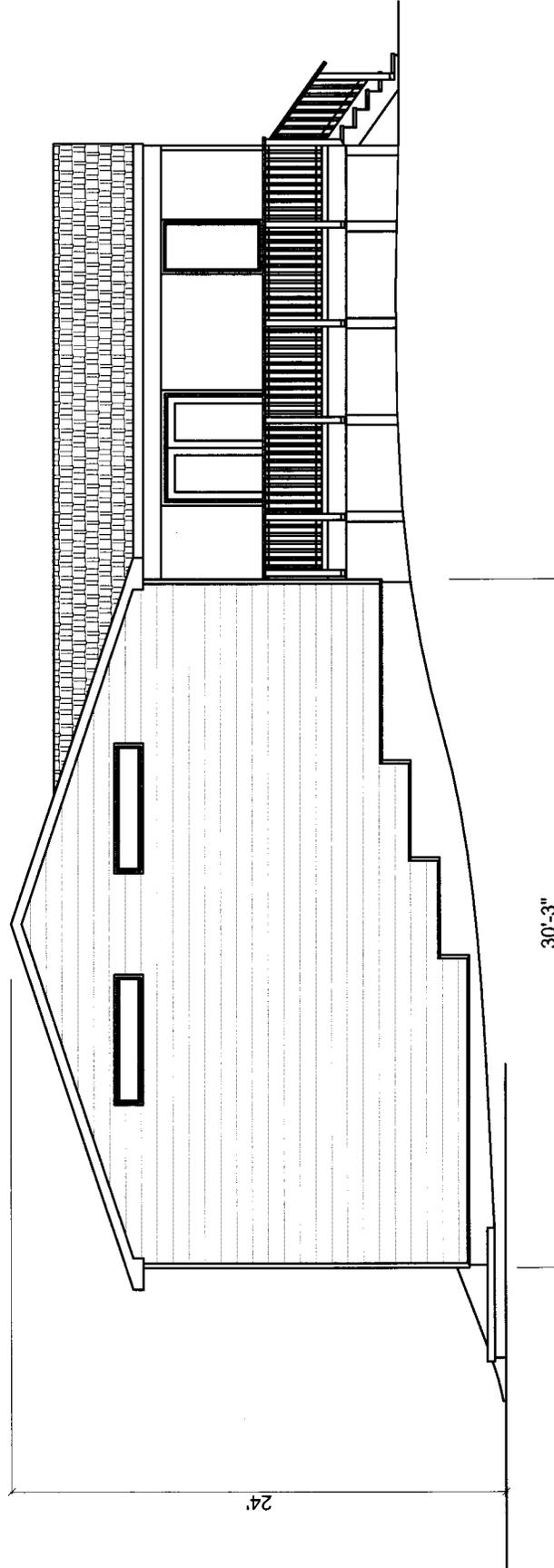
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Drawn by: Tigran Ghulyan
Checked by: Shawn Nazemian
Scale: 1/8" = 1' - 0"

Sheet #

A-4



SIDE ELEVATION



10000 W. 10th Street, Suite 100
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101

**ADDITION TO:
Mr. & Mrs. Biggs
RESIDENCE**

2416 Jackson Pkwy
Vienna, VA 22180

Date:
04-13-16

DISCLAIMER

Due to site conditions and existing improvements, measurements on initial architectural plans, renderings and shop drawings may sometimes vary from as-built improvements. Exact measurements are only possible after completion of framing.

Drawn by: Tigran Ghulyan
Checked by: Shawn Nazemian
Scale: 1/8" = 1'-0"

Sheet #
A-5



REAR ELEVATION

MAY 02 2016

County of Fairfax Virginia

Zoning Evaluation Division

Zoning Evaluation Division

Special Permit Statement of Justification

The project that is the subject of this special exemption is an addition of a garage with a kitchen above that. The addition will provide more living space for a family of 6 currently living in the home and improved facility for storing our cars particularly during the difficult winter months. Instead of moving to a larger home, we want to remain in our current neighborhood where we have grown to love our neighbors and location. Because of the size of the houses in the neighborhood many people have added on and improved their houses, which has added to the look and value of these homes. We would like to be a part of that neighborhood improvement.

1. The garage, when completed, will result in 6.5 feet of yard between the lot line and the garage.
2. The lot line distance from the closest point to the closest point as shown on plat (6.5 feet).
3. The garage addition, on the right side of the existing structure, will be 522 s.f (18X29)
4. The percentage increase as shown on the plat is approximately 50.2% GFA increase
5. The addition will be in character with the existing structure and surrounding homes. There are no homeowner association guidelines that would affect this addition.
6. The addition also conforms to the provision of all applicable ordinances, regulations and adopted standards. There are 3 identical houses within a couple blocks of ours that have done the exact same addition.
7. The owners of the adjacent neighboring properties have agreed that the addition will not adversely impact them or their property.
8. There are no known hazardous materials or toxic substances that will be generated, utilized, stored, treated and or disposed of on this site.
9. The proposed reduction is the minimum necessary to accommodate the proposed garage so that we can fit our 2 cars.
10. The location, right side of the home and location of the garage, along with the fact that we are only installing thin small transom windows that will not allow visual access to the neighbors house.
11. We are also requesting an 8-914 provision for approval of reduction to the minimum yard requirements based on error in building location. The shed was replaced several years ago when the old one had deteriorated. The new one was placed in the same location as the old one because it was already prepared for a structure and it is the least visually obtrusive to the adjacent neighbors. The shed dimensions are: 10x14x10. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity and will not create an unsafe condition with respect to both other property and public streets.

RECEIVED
Department of Planning & Zoning

APR 18 2016

Zoning Evaluation Division

April 6, 2015

Robin Hoilman
2414 Jackson Pkwy
Vienna, VA 22180

To whom it may concern,

As a next door neighbor to the Biggs at 2416 Jackson Pkwy, we support the proposed addition to their house.

Sincerely,

A handwritten signature in cursive script that reads "Robin Hoilman". The signature is written in dark ink and is positioned above the printed name.

Robin Hoilman

April 6, 2015

Seth Crippen

2419 Jackson Pkwy

Vienna, VA 22180

To whom it may concern,

As a next door neighbor to the Biggs at 2416 Jackson Pkwy, we support the proposed addition to their house.

Sincerely,

A handwritten signature in cursive script that reads "Seth Crippen". The signature is written in black ink and includes a long horizontal flourish at the end.

Seth Crippen

RECEIVED
Department of Planning & Zoning

APR 18 2016

Zoning Evaluation Division

April 5, 2015

Robin Atsaves

2419 Jackson Pkwy

Vienna, VA 22180

To whom it may concern,

As a direct neighbor to the Biggs at 2416 Jackson Pkwy, we support the addition of a garage to their house.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Atsaves". The signature is stylized with a large initial "R" and a long horizontal stroke at the end.

Robin Atsaves

RECEIVED
Department of Planning & Zoning

APR 18 2016

Zoning Evaluation Division

April 5, 2015

Lisa Crippen

2418 Jackson Pkwy

Vienna, VA 22180

To whom it may concern,

As a direct neighbor to the Biggs at 2416 Jackson Pkwy, we support the addition of a garage to their house.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Crippen", written in a cursive style.

Lisa Crippen



ANNA LEE HAYES ARCHITECTS, P.C.
1000 COMMONWEALTH BLVD., SUITE 100
VIENNA, VA 22180

**ADDITION TO:
Mr. & Mrs. Biggs
RESIDENCE**

2416 Jackson Pkwy
Vienna, VA 22180

Date:
04-13-16

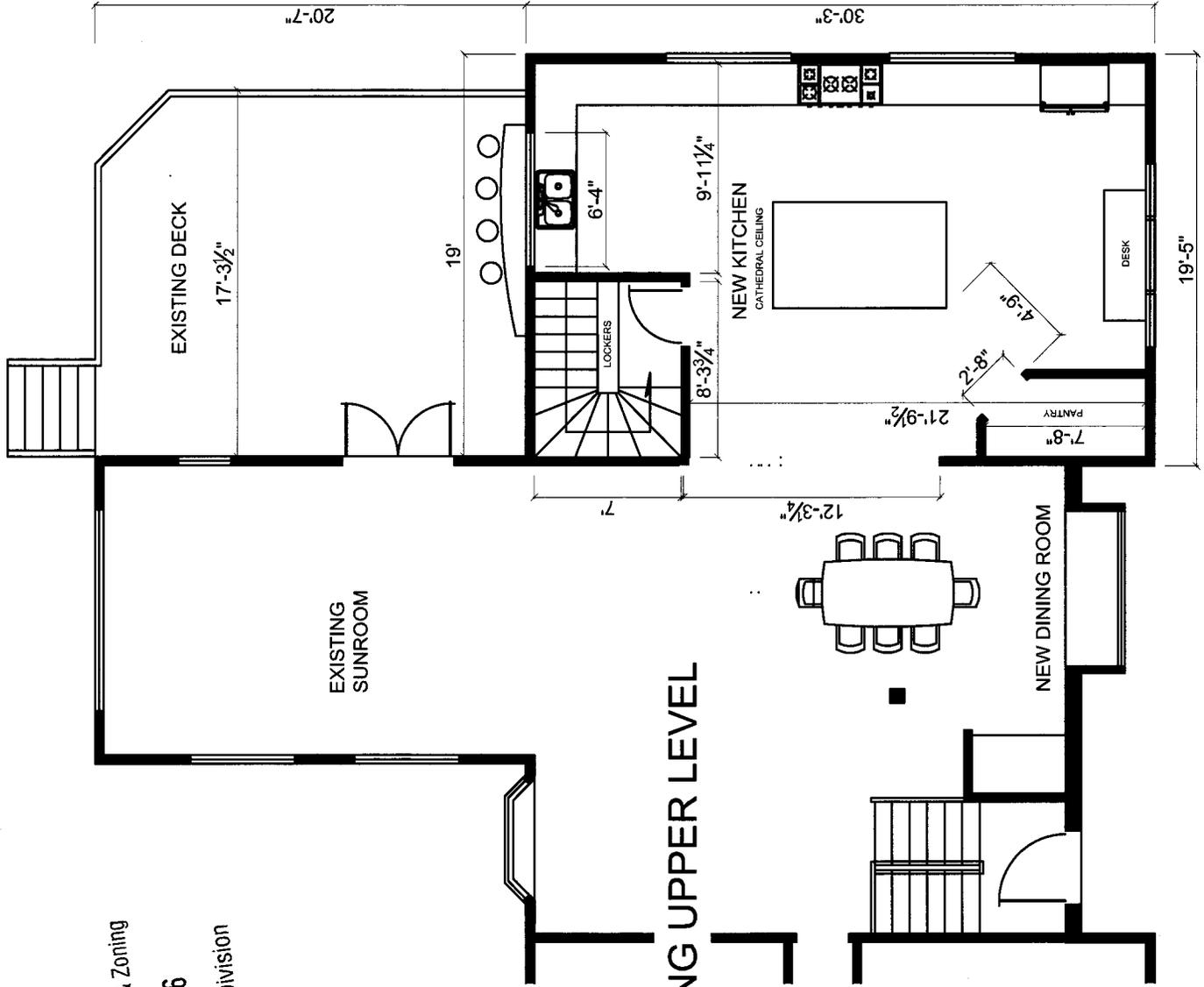
DISCLAIMER

Due to site conditions and existing improvements, measurements on initial architectural plans, renderings and shop drawings may sometimes vary from as-built improvements. Exact measurements are only possible after completion of framing.

Drawn by: Tigran Ghulyan
Checked by: Shawn Nazemian
Scale: 1/8" = 1'-0"

Sheet #

A-1



EXISTING UPPER LEVEL

UPPER LEVEL FLOOR PLAN

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



**ADDITION TO:
Mr. & Mrs. Biggs
RESIDENCE**

2416 Jackson Pkwy
Vienna, VA 22180

Date:
04-13-16

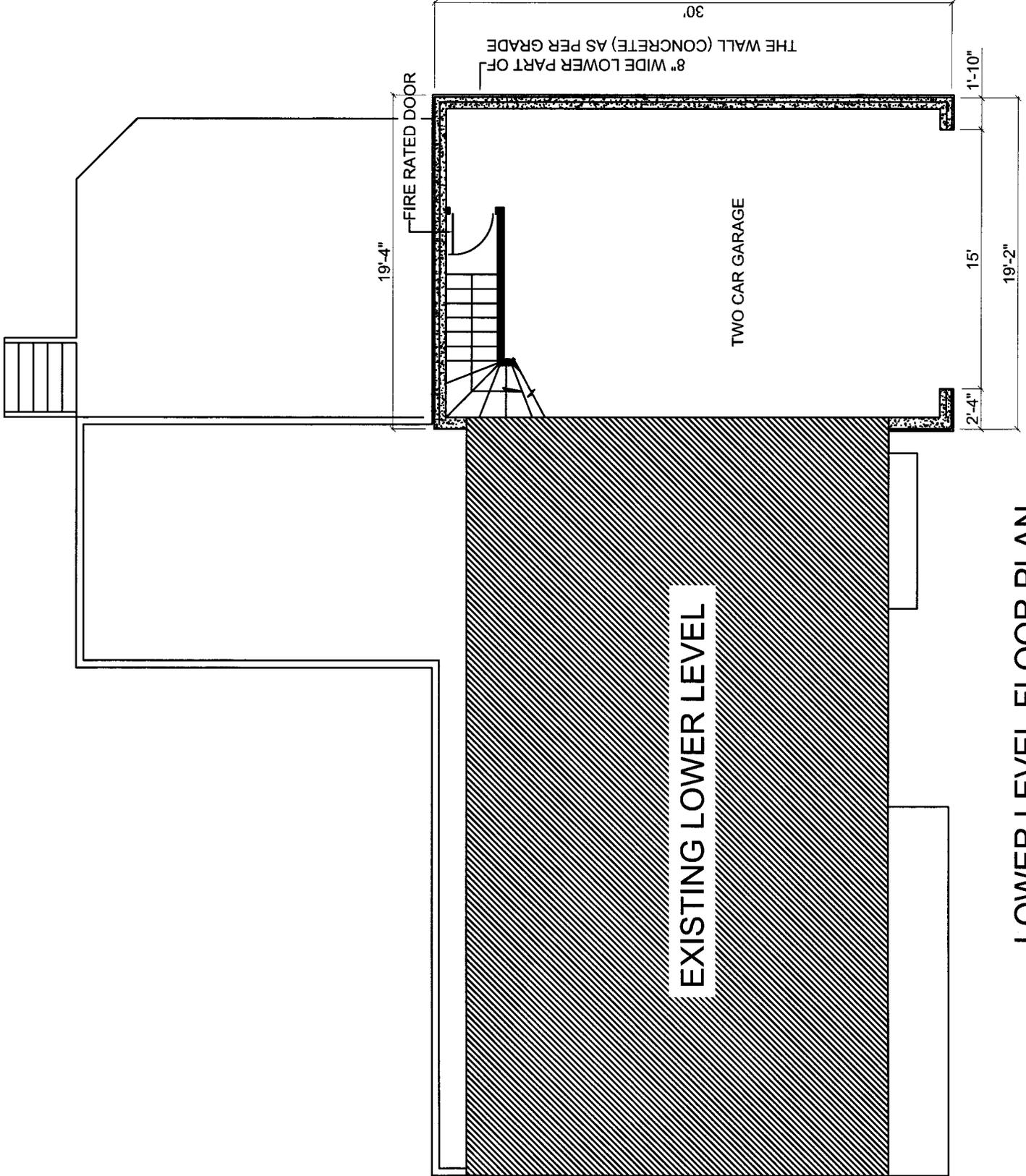
DISCLAIMER

Due to site conditions and existing improvements, measurements on initial architectural plans, renderings and shop drawings may sometimes vary from as-built improvements. Exact measurements are only possible after completion of framing.

Drawn by: Tigran Ghulyan
Checked by: Shawn Nazerman
Scale: 1/8" = 1'-0"

Sheet #

A-2



LOWER LEVEL FLOOR PLAN



2004, 1100 WEST FAIRMOUNT AVENUE
VIENNA, VIRGINIA 22180
TEL: 703.241.1100

**ADDITION TO:
Mr. & Mrs. Biggs
RESIDENCE**

2416 Jackson Pkwy
Vienna, VA 22180

Date:
04-13-16

DISCLAIMER

Due to site conditions and existing improvements, measurements on initial architectural plans, renderings and shop drawings may sometimes vary from as-built improvements. Exact measurements are only possible after completion of framing.

Drawn by: Tigran Ghulyan
Checked by: Shawn Nazemian
Scale: 1/8" = 1' - 0"

Sheet #

A-3



FRONT ELEVATION



3045 LEE HWY, FARMERSVILLE, VA 22801
TEL: 540.421.0000 FAX: 540.421.0005

**ADDITION TO:
MR. & MRS. BIGGS
RESIDENCE**

2416 Jackson Pkwy
Vienna, VA 22180

Date:
04-13-16

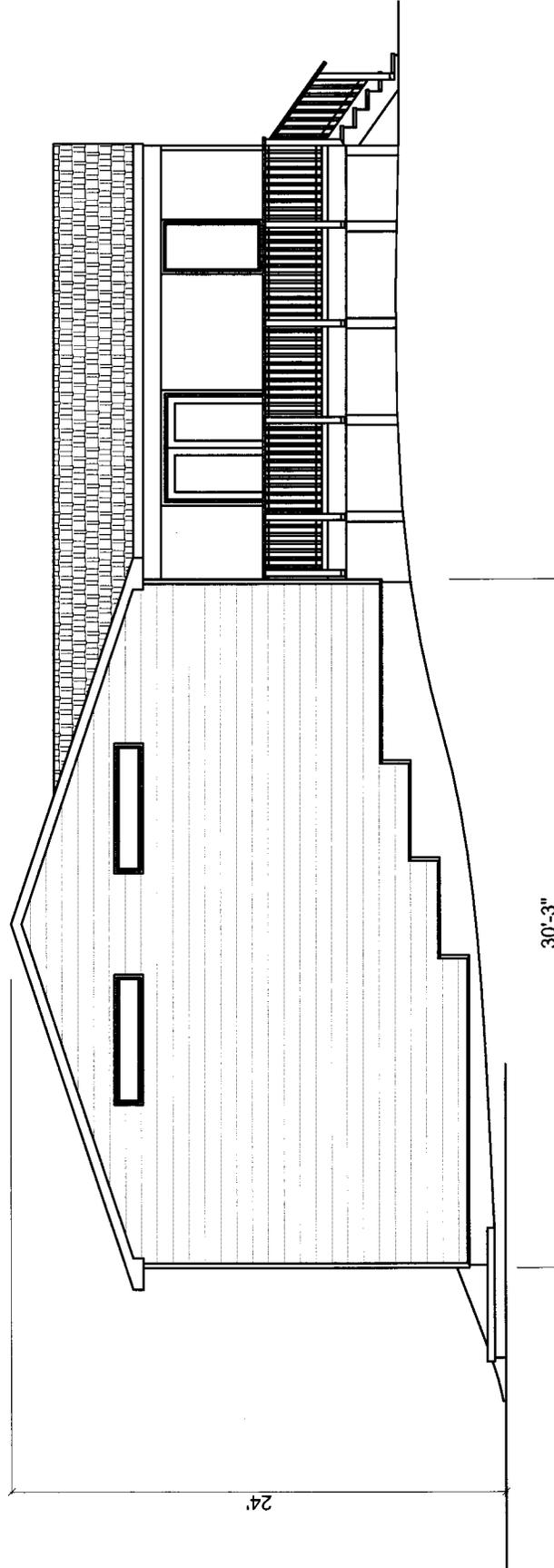
DISCLAIMER

Due to site conditions and existing improvements, measurements on initial architectural plans, renderings and shop drawings may sometimes vary from as-built improvements. Exact measurements are only possible after completion of framing.

Drawn by: Tigran Ghulyan
Checked by: Shawn Nazemian
Scale: 1/8" = 1' - 0"

Sheet #

A-4



SIDE ELEVATION



10000 W. 10th Street, Suite 100
Denver, CO 80202
Tel: 303.733.1100
Fax: 303.733.1101

**ADDITION TO:
Mr. & Mrs. Biggs
RESIDENCE**

2416 Jackson Pkwy
Vienna, VA 22180

Date:
04-13-16

DISCLAIMER

Due to site conditions and existing improvements, measurements on initial architectural plans, renderings and shop drawings may sometimes vary from as-built improvements. Exact measurements are only possible after completion of framing.

Drawn by: Tigran Ghulyan
Checked by: Shawn Nazemian
Scale: 1/8" = 1'-0"

Sheet #
A-5



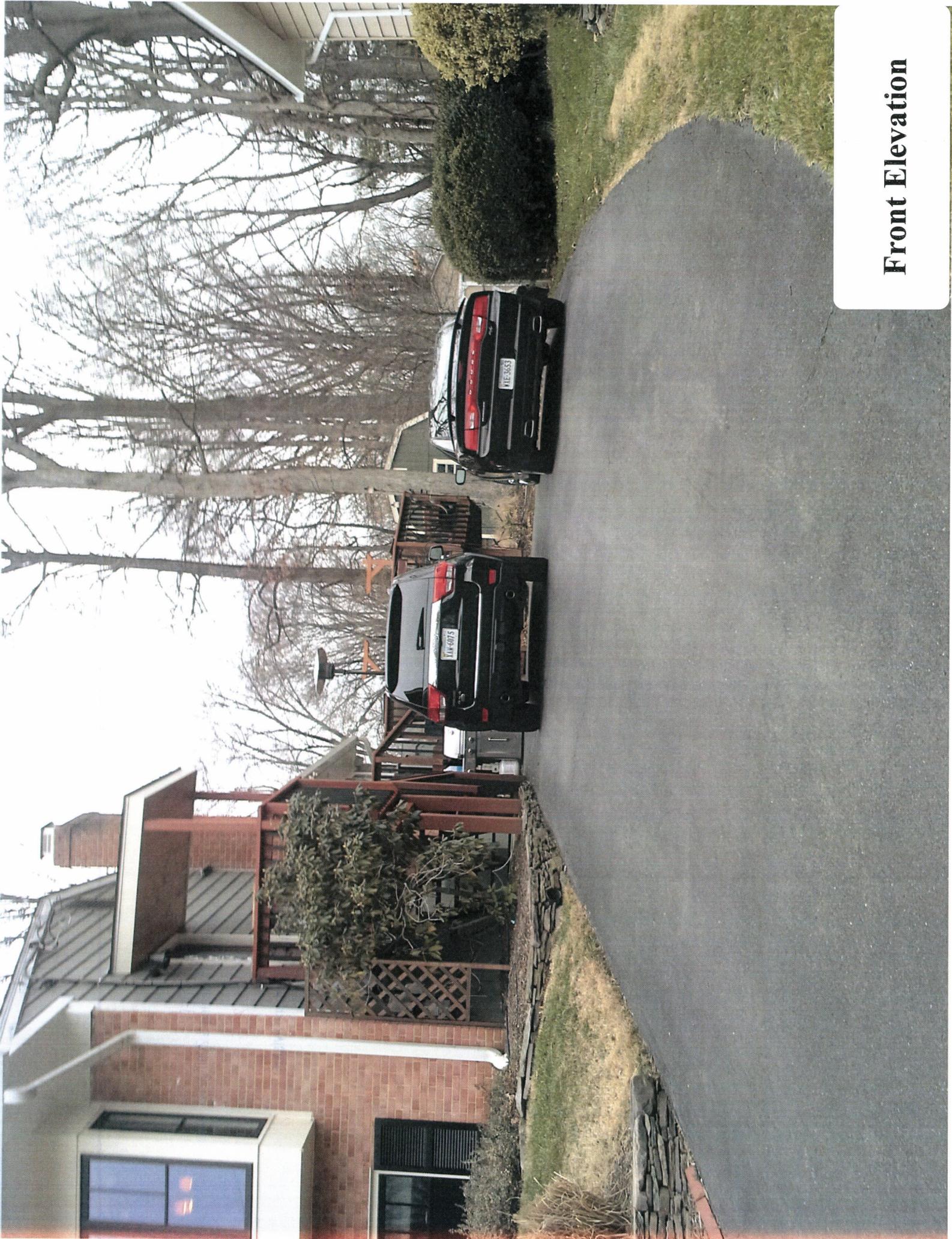
REAR ELEVATION



Front Elevation



Front Elevation



Front Elevation



Left Shed



Back



Right back



Back Elevation



Shed



Back Right



Right Deck View

Application No.(s): SP 2016-PR-052
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/14/2016
 (enter date affidavit is notarized)

134515

I, Shawn Nazemian, 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:

I(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)
Bruce T. Biggs, & Helen J. Biggs,	2416 Jackson Pkwy. Vienna, VA 22180	Applicant / Title owners
Beneficiaries:	Bruce T. Biggs & Helen J. Biggs	
Michael Nash Custom Kitchens Inc. Doing business as "Michael Nash"	8630 - A Lee Hwy. Fairfax, VA 22031	Agent
Shawn Nazemian	8630 - A Lee Hwy. Fairfax, VA 22031	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)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/14/2016
(enter date affidavit is notarized)

1321515

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

PARTNERSHIP INFORMATION

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

N/A

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 04/14/2016
(enter date affidavit is notarized)

134515

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: 04/14/2016
(enter date affidavit is notarized)

104515

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

NONE

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

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[] Applicant

[x] Applicant's Authorized Agent

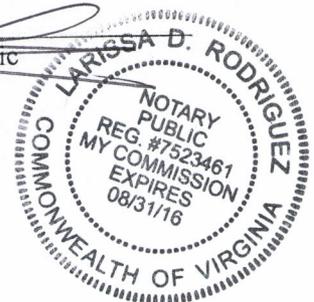
Shawn Nazemian, Authorized Agent

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

Subscribed and sworn to before me this 15th day of APRIL, 2016, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 8-31-2016

Notary Public



Similar Case History

VC 00-P -129

APPLICANT: TAYLOR, ROBERT G & CATHERINE M
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 12/06/2000
ZONING DISTRICT: R- 3
DESCRIPTION: TO PERMIT THE CONSTRUCTION OF CARPORT 5.2 FT. FROM SIDE LOT LINE
LOCATION: 2405 DREXEL STREET
TAX MAP #S:
 0393 16 0243

VC 00-P -150

APPLICANT: REINHOLTZ, RICHARD S & LUCINDA A
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 01/31/2001
ZONING DISTRICT: R- 3
DESCRIPTION: TO PERMIT THE CONSTRUCTION OF ADDITION 9.4 FT FROM SIDE LOT LINE
LOCATION: 2433 SHENANDOAH ST. VIENNA, VA 22180
TAX MAP #S:
 0393 16 0126

VC 01-P -081

APPLICANT: ANGERMEIER, GLENN V. & MARGARET B.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 08/22/2001
ZONING DISTRICT: R- 3
DESCRIPTION: TO PERMIT THE CONSTRUCTION OF ADDITION 6.4 FEET FROM SIDE LOT LINE
LOCATION: 8311 MCNEIL STREET, VIENNA, VA 22180
TAX MAP #S:
 0393 16 0331

VC 01-P -180

APPLICANT: ESKELAND, PHILIP & LAURA
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 01/16/2002
ZONING DISTRICT: R- 3
DESCRIPTION: PERMIT CONSTRUCTION OF AN ADDITION 2.1 FEET FROM SIDE LOT LINE **12 MONTH WAITING PERIOD FOR REFILING WAIVED
LOCATION: 2426 JACKSON PARKWAY, VIENNA, VA 22180
TAX MAP #S:
 0393 16 0110

VC 83-P -192

APPLICANT: RICHARD L PARKS
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 02/14/1984
ZONING DISTRICT: R- 3
DESCRIPTION: TO ALLOW ENCLOSURE OF EXISTING SCREENED PORCH 9.68 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 2414 DREXEL STREET
TAX MAP #S:
 0393 16 0200

VC 90-P -048

APPLICANT: TARAK N BHAR
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 07/18/1990
ZONING DISTRICT: R- 3
DESCRIPTION: ALLOW CONSTRUCTION OF GARAGE ADDITION TO DWELLING TO 5.4 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 2430 DREXEL STREET
TAX MAP #S:
 0393 16 0192

VC 91-P -100

APPLICANT: GATES, KIRBY K. & CATHERINE B.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 11/20/1991
ZONING DISTRICT: R- 3
DESCRIPTION: ALLOW CONSTRUCTION OF ADDITION 3 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 2414 ROCKBRIDGE ST.
TAX MAP #S:
 0393 16 0174

VC 92-P -063

APPLICANT: JERNIGAN, EDWARD G. & BERNADINE A.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 07/31/1992
ZONING DISTRICT: R- 3
DESCRIPTION: ALLOW CONSTRUCTION OF CARPORT 2.1 FT. FROM SIDE LOT LINE (7 FT. MIN. SIDE YARD REQ.)
LOCATION: 2431 ROCKBRIDGE STREET
TAX MAP #S:
 0393 16 0159

VC 93-P-060

APPLICANT: COLLAMER, HAROLD W. & SHIRLEY A.
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 09/22/1993
ZONING DISTRICT: R-3
DESCRIPTION: PERMIT CONSTRUCTION OF ADDITION 2.3 FT. FROM SIDE LOT LINE (12 FT. MIN. SIDE YARD REQ.)
LOCATION: 8232 MCNEIL STREET
TAX MAP #S:
 0393 16 0289

VC 99-P-048

APPLICANT: QUINN, GERARD AND ANN
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 07/13/1999
ZONING DISTRICT: R-3
DESCRIPTION: TO PERMIT THE CONSTRUCTION OF ADDITION 3.0 FT. FROM SIDE LOT LINE
LOCATION: 2429 ROCKBRIDGE STREET, VIENNA, VIRGINIA 22180
TAX MAP #S:
 0393 16 0133

VC 2002-PR-028

APPLICANT: PHILIP AND LAURA ESKELAND
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 05/15/2002
ZONING DISTRICT: R-3
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 8.1 FEET FROM SIDE LOT LINE WITH EAVES 5.6 FEET FROM SIDE LOT LINE
LOCATION: 2426 JACKSON PARKWAY, VIENNA, VA 22180
TAX MAP #S:
 0393 16 0110

VC 2004-PR-033[STAFF REPORT](#)

APPLICANT: FRANCIS AND ROBIN SAILER
STATUS: APPLICATION DENIED
STATUS/DECISION DTE: 07/21/2004
ZONING DISTRICT: R-3
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITIONS 5.5 FEET WITH EAVE 4.5 FEET AND 7.6 FEET WITH EAVE 6.6 FEET FROM SIDE LOTLINE
LOCATION: 8423 STONEWALL DRIVE
TAX MAP #S:
 0393 16 0005

SP 2012-PR-024

APPLICANT: ROBERT D. AND LYDIA M. HACKETT
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 07/18/2012
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 6.6 FEET FROM SIDE LOT LINE
LOCATION: 8225 MCNEIL STREET, VIENNA, VA 22180
TAX MAP #5:
0393 16 0341

SP 2014-PR-144

APPLICANT: CAROL H. NYCE & CHRISTOPHER W. NYCE
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 10/08/2014
ZONING DISTRICT: R-3
DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 7.8 FEET FROM SIDE LOT LINE
LOCATION: 8236 WINDER STREET, VIENNA, VA 22180
TAX MAP #5:
0393 16 0351

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 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.