



County of Fairfax, Virginia

September 7, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-MV-054

MOUNT VERNON DISTRICT

APPLICANT/OWNER: James Tyson Currie

STREET ADDRESS: 7834 Midday Lane, Alexandria, 22306

SUBDIVISION: Hollin Brook Park

TAX MAP REFERENCE: 102-1 ((13)) 69

LOT SIZE: 11,200 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit a reduction of certain yard requirements to permit the construction of an addition 10.5 feet from a side lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2016-MV-054 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 applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

Sharon E. Williams

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

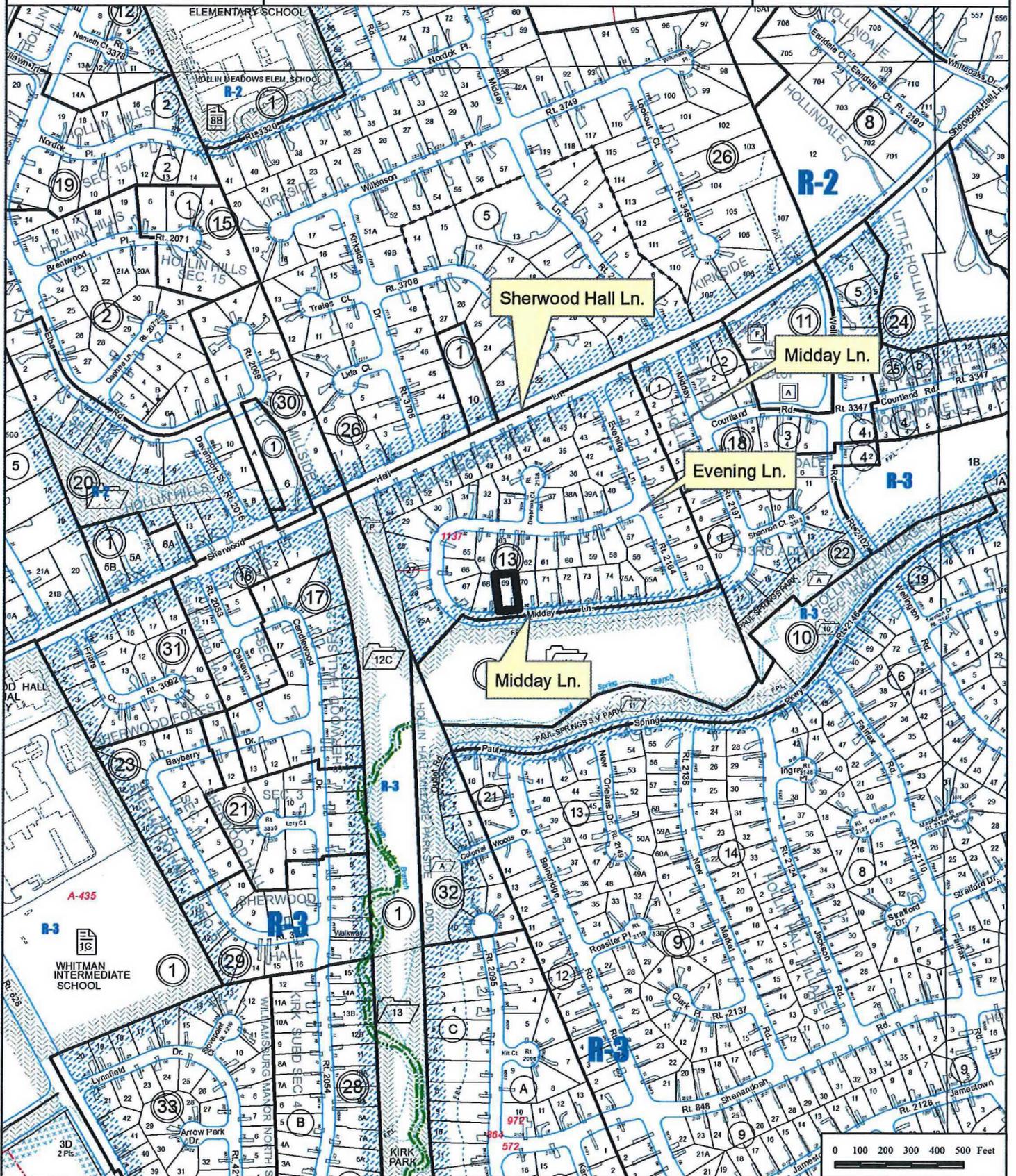
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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



Special Permit SP 2016-MV-054 JAMES T CURRIE



SPECIAL PERMIT REQUEST

The applicants are seeking a special permit to allow a reduction of certain yard requirements to permit the construction of an addition 10.5 feet from a side lot line. The applicants are proposing to build a second story addition over an existing garage. The addition will match the roofline of the dwelling and will add 308 square feet in gross floor area.

A copy of the special permit plat, titled "Plat Showing the Improvements on Lot 69," prepared by George M. O'Quinn on March 21, 2016, is included in the front of the staff report.

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

CHARACTER OF THE SITE AND SURROUNDING AREA

The 11,200 square foot application property consists of a two-story single-family detached dwelling. An asphalt driveway extends to Middy Lane, and a walkway leads to a covered porch which provides access to the main entrance of the dwelling. There is a slate patio attached to the northwestern corner of the dwelling. A fence of varying heights encloses the entire rear yard.

The property is located to the south of Sherwood Hall Lane, north of Paul Springs Park and west of the Whitman Intermediate School. The subject property and surrounding properties are zoned R-3 and are developed with single-family detached dwellings.



Figure 1: Aerial View

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1959 and purchased by the applicant in 1999.

On February 9, 2016, the applicant requested a ZAD determination to build a second story over the existing garage. Permitting records indicate that a building permit was approved on March 9, 1959 for a house with an attached garage located 10.7 feet from the right side lot line. At the time of building permit approval, the property was zoned Suburban Residential which required minimum side yards of 15 feet; however, there was a provision in the Zoning Ordinance that allowed both carports and garages to extend up to five (5) feet into minimum yard requirements. As such, ZAD determined that the attached garage is grandfathered because it met the requirements of the Zoning Ordinance at the time of construction but any enlargement of the garage must meet the current requirements of the Zoning Ordinance (Appendix 4). As a result, the applicant has filed a Special Permit to build the proposed second story addition over the existing garage.

DESCRIPTION OF THE REQUEST

The applicants are requesting approval of a special permit for a reduction in yard requirements to permit the construction of an addition, located 10.5 feet from a side lot line. In the R-3 District the required side yard is 12 feet; therefore the applicant is requesting a reduction of 1.5 feet, or 12.5%.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit (50%)	Enclosed Carport	Side	12.0 feet	10.5 feet	1.5 feet	12.5%

The second story addition would be approximately 308 square feet in size and the roofline of the addition will match the existing roofline at 21.4 feet in height, and it will be within the maximum height requirements. The existing garage door will be replaced by siding and the entrance will be relocated on the east side of the structure. The proposed vinyl siding material on the garage and second-story addition will match the existing vinyl materials on the sides and rear of the dwelling.

The proposed second-story addition will not extend further towards the side lot line than the existing garage.



Figure 2: Proposed Elevation

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Mount Vernon Planning District
Planning Sector: Fort Hunt Community Planning Sector (MV6)
Plan Map: Residential, 2-3 dwelling units per acre

Zoning District Standards

Bulk Standards (R-3)		
Standard	Required	Provided
Lot Size	10,500 sf.	11,200 sf.
Lot Width	Interior: 80 feet	80.0 feet
Building Height	35 feet max.	21.4 feet
Front Yard	Min. 30 feet	41.5 feet
Side Yard	Min. 12 feet	10.5 feet ¹
Rear Yard	Min. 25 feet	55.0 feet

¹The existing garage was built as approved in 1959; therefore it is vested.

Urban Forestry Analysis (Appendix 5)

The proposed construction on-site could affect an existing eastern red cedar tree located at the back corner of the existing garage. The Urban Forest Management Division (UFMD) recommends that the applicants should employ the services of a certified arborist to assess the current health of the tree, conduct any pruning deemed necessary to avoid potential conflicts with the proposed addition, and to utilize tree protection devices to prevent any damage during construction. If the tree must be removed, the applicant should replace the existing tree. A development condition has been added to address the UFMD recommendations.

Zoning Ordinance Requirements (Appendix 6)

- 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-3 District allows a reduction in minimum required yards with special permit approval.
Standard 3 Adjacent Development	In staff's opinion, the proposed second-story addition will not hinder or discourage use or development of neighboring properties or negatively affect value.
Standard 4 Pedestrian/Vehicular Traffic	No increase in vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposed second-story addition is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	Mature vegetation will help screen the proposed addition. However, if the mature eastern red cedar needs to be removed, a development condition is proposed requiring the applicant to replace it with an eight foot tall eastern red cedar.
Standard 6 Open Space	There is no prescribed open space requirement on individual lots in the R-3 District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use. The proposed second story addition will enlarge the current master bedroom suite.
Standard 8 Signs	No signage is proposed.

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

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>The bulk regulations for minimum required yards are requested to be modified for the second-story addition with the special permit application. Though the proposed addition will not extend further into the side yard than the existing garage, the applicant needs to obtain a Special Permit because he is proposing to add additional bulk with the currently required side yard setbacks.</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 addition would be located 10.5 feet from the side lot line. The required side yard in an R-3 District is 12 feet, resulting in a reduction of 1.5 feet, or 12.5%.</p> <p>B. <i>Pipestem lots:</i> This lot is not a pipestem lot therefore standard is not applicable.</p> <p>C. <i>Accessory structure locations:</i> The applicant is not proposing an accessory structure; this standard is not applicable</p> <p>D. <i>Extensions into minimum required yards allowed by Sect. 2-412:</i> This standard is not applicable.</p>
<p>Standard 2 Not a Detached Structure in a Front Yard</p>	<p>The application does not propose a detached accessory structure.</p>
<p>Standard 3 Principal Structure that Complied with yard Requirements When Established</p>	<p>When the existing structure was built in 1959, it conformed to all applicable requirements at that time, and included the attached garage located 10.5 feet from the side lot line.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The proposed second story addition is 308 square feet. The existing GFA of the primary structure is 4,542 square feet; therefore, the proposed addition will be 8.2% of the GFA.</p>
<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use, and Intent</p>	<p>The second story addition will be included as a part of the principal structure; this standard is not applicable.</p>

<p>Standard 6 Construction in Character with On-Site Development</p>	<p>The proposed addition will be constructed on the east side of the existing dwelling. The statement of justification and elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling. Vinyl siding material is proposed for the second-story addition which will match the existing vinyl material on the sides and rear of the dwelling.</p>
<p>Standard 7 Construction Harmonious with Off-Site Development</p>	<p>Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the addition is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. Staff believes this addition will be harmonious with surrounding uses and meets this provision.</p> <p>At least two other homes on Midday Lane have additions above their current or former garages. Additionally, the materials used on those two homes are similar to the materials proposed for the subject property.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed addition will not significantly affect the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, or safety. DPWES has indicated that there are no drainage complaints on file related to this property. As no additional impervious cover is proposed the addition will not 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 due to the fact that the applicant is not proposing to reduce the minimum side yard any further than the current garage is located. The existing garage is grandfathered in it's current location 10.5 feet from the side lot line since it was built under the provisions of a previous Ordinance. However, the applicant is adding additional bulk triggering the need for Special Permit approval.</p> <p>Other issues of yard determination, lot shape, environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas and historic resources are not applicable to this site.</p>
<p>Standard 10 BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p>Standard 11 Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>

Standard 12 Architectural Elevations	Proposed elevations are included as an attachment to the development conditions in Appendix 1.
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CONCLUSION / RECOMMENDATION

Staff believes that the request for a special permit for reduction in certain yard requirements to permit an 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-MV-054 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
3. Applicant's Affidavit
4. ZAD Determination and Applicant Determination Request
5. Urban Forestry Memo
6. Applicable Zoning Ordinance Provision

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-MV-054****September 7, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-MV-054 located at Tax Map 102-1 ((13)) 69 to permit a reduction of certain yard requirements pursuant to Section 8-922 to permit a residential addition (second story addition) 10.5 feet from the side lot line 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 second-story addition (308 square feet and 21.4 feet in height), as shown on the plat entitled "Plat Showing the Improvements on Lot 69," prepared by George M. O'Quinn on March 21, 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 (4,542 square feet existing + 6,813 square feet (150%) = 11,355 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 shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. The applicant should employ the services of a certified arborist to assess the current health of the eastern red cedar tree on the northwestern corner of the garage and conduct any pruning deemed necessary. If the tree must be removed, the applicant shall replace the existing tree with an eight (8) foot tall balled and burlapped eastern red cedar.

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, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted.

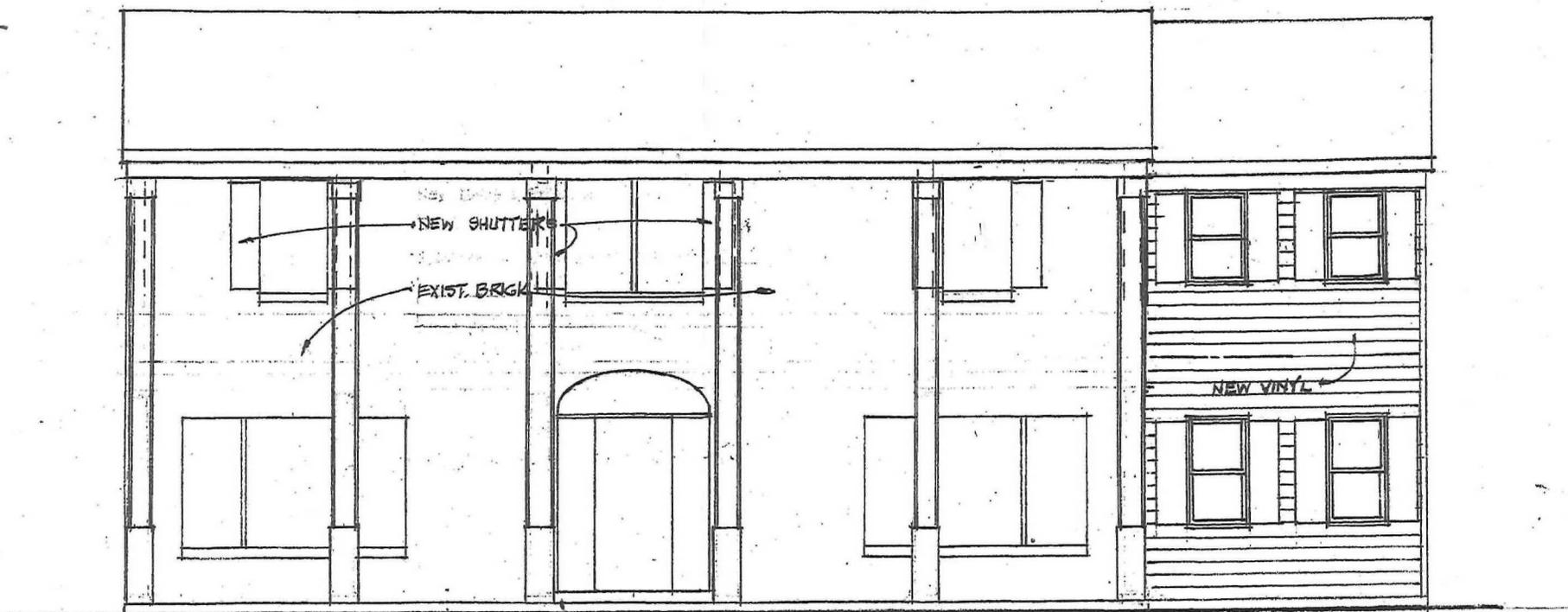
The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount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

RECEIVED
Department of Planning & Zoning

APR 12 2016

Zoning Evaluation Division

Encl. 1



FRONT ELEVATION

SCALE 1/4" = 1'-0"

Addition and Remodeling to Currie Residence
7834 Midday Lane, Alexandria, VA 22306

Thomas Custom Builders
703-447-9080

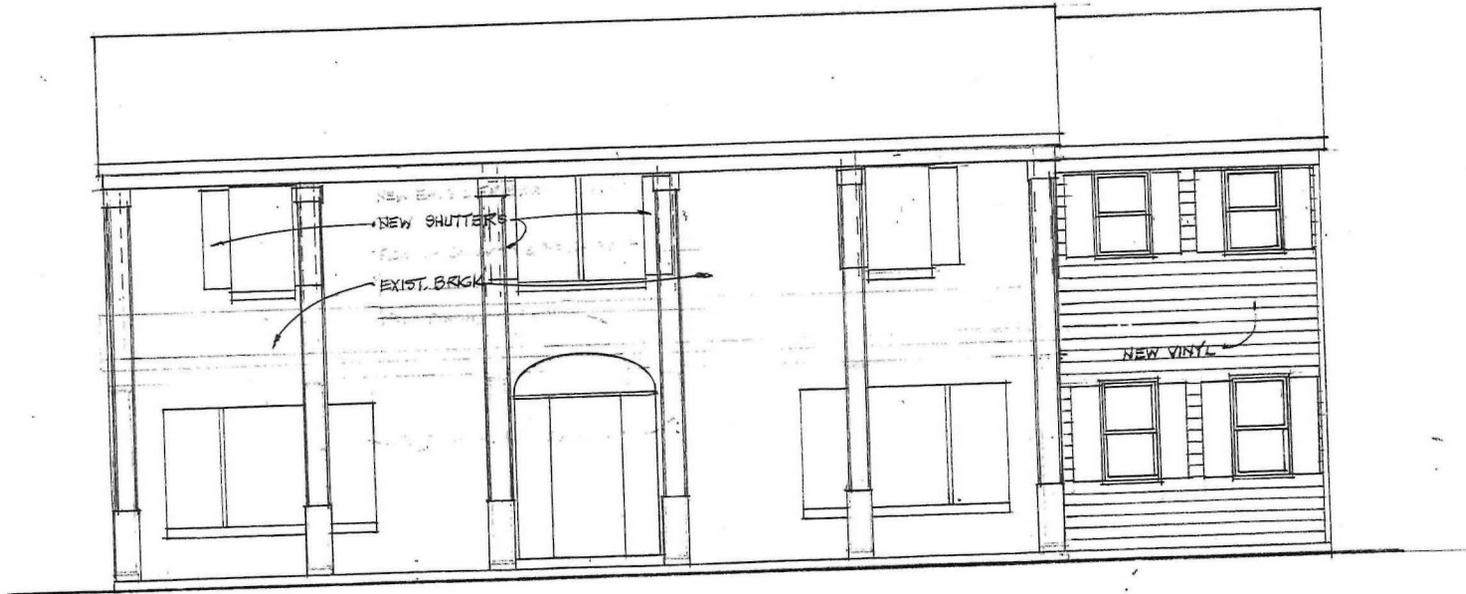
Date:
Sheet 4 of

Encl. 1

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Department of Planning & Zoning

APR 12 2016

Zoning Evaluation Division



FRONT ELEVATION

SCALE 1/4" = 1'-0"

Encl. F-1

Addition and Remodeling to Currie Residence
7834 Middy Lane, Alexandria, VA 22306

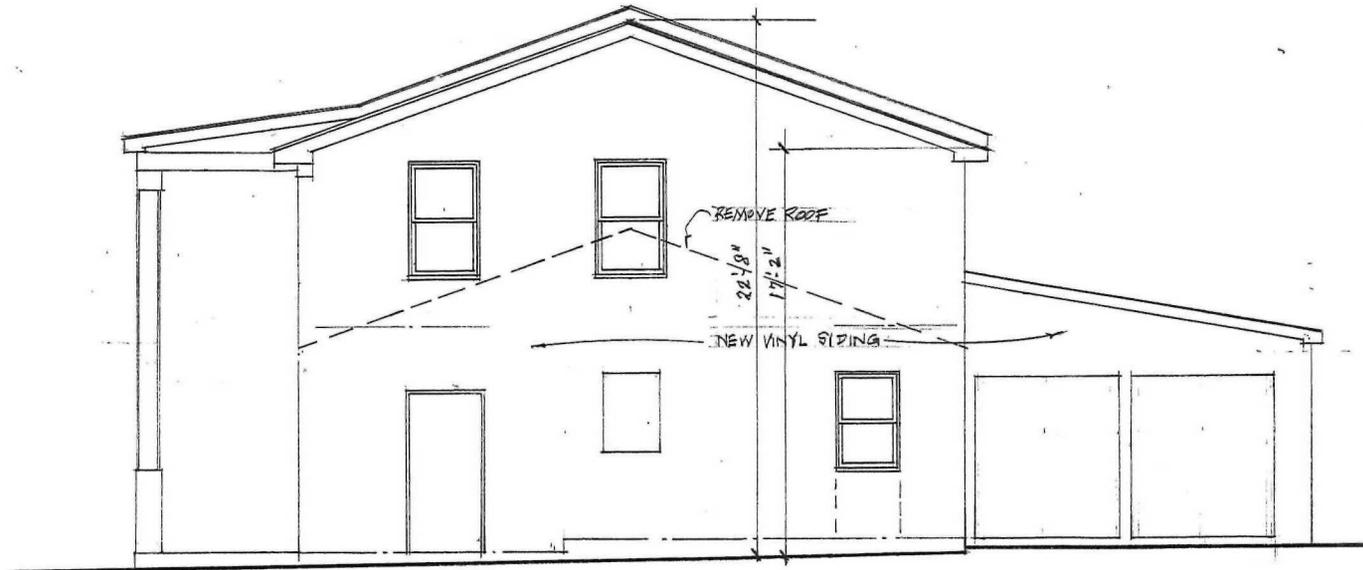
Thomas Custom Builders
703-447-9080

Date: 3/10/16
Sheet 3 of 8

RECEIVED
Department of Planning & Zoning

APR 12 2016

Zoning Evaluation Division



RIGHT SIDE ELEVATION

SCALE 1/4" = 1'-0"

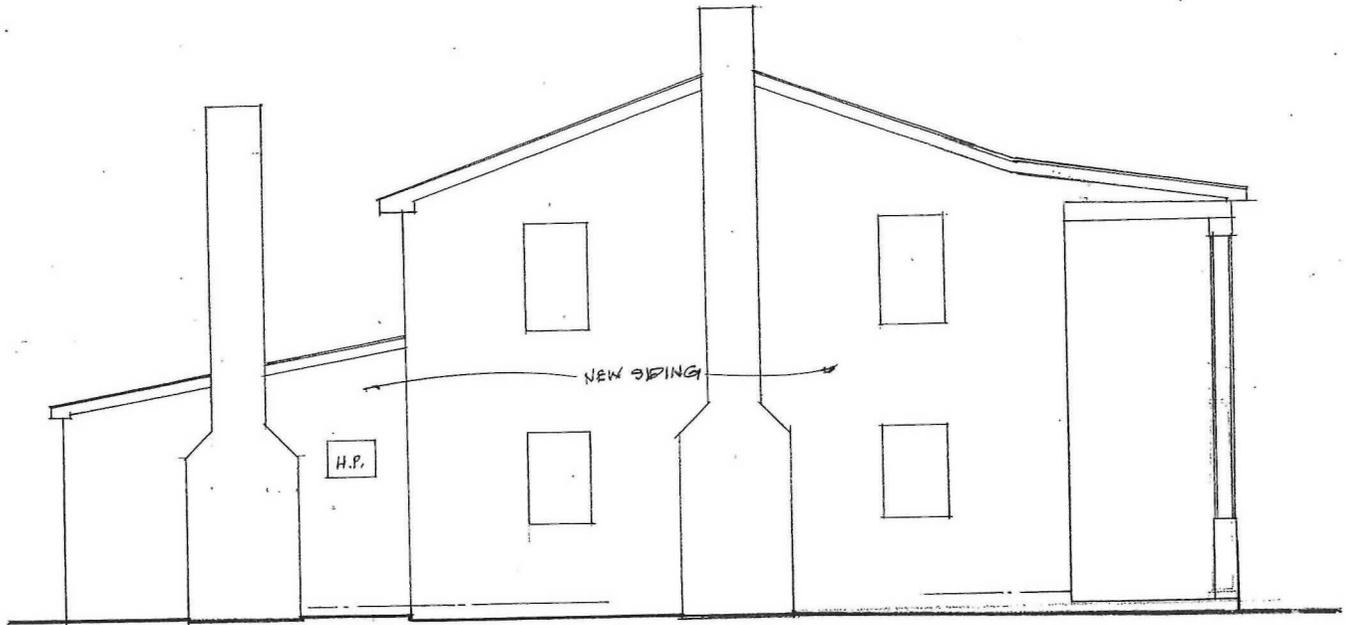
Addition and Remodeling to Currie Residence
7834 Midday Lane, Alexandria, VA 22306

Thomas Custom Builders
703.447.9080

Date: 3/10/16
Sheet 21 of 2

Encl. K-2

Encl. P. 5



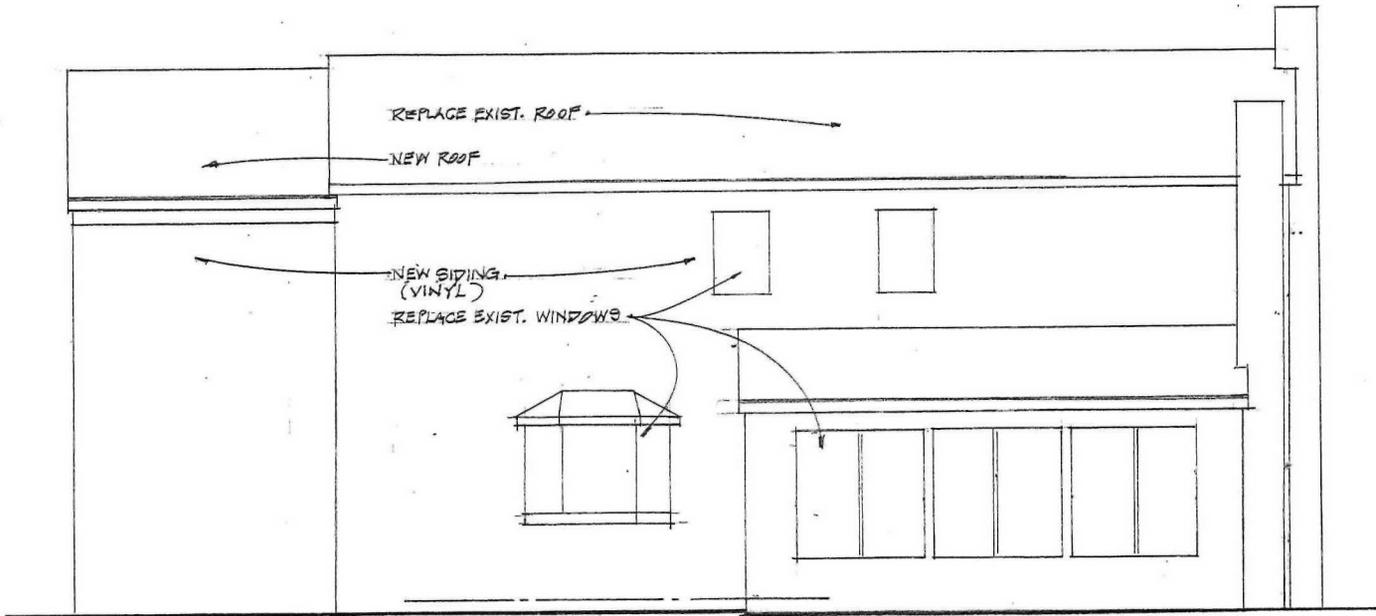
LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"

Addition and Remodeling to Currie Residence
7834 Midday Lane, Alexandria, VA 22306
Thomas Custom Builders
703-447-9080
Date: 3/16/16
Sheet 6 of 8

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REAR ELEVATION

SCALE 1/4" = 1'-0"

Sheet 4 of 4

Addition and Remodeling to Currie Residence
7834 Midday Lane, Alexandria, VA 22306

Thomas Custom Builders
703-447-9080

Date: 3/10/16
Sheet 5 of 8

Checklist Responses to Special Permit Application
James Tyson Currie
7834 Middy Lane
Alexandria, VA 22306

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MAY 12 2016
Zoning Evaluation Division

Item #1.00 Four copies of the application are enclosed

Item #3.00 Photographs of the property are enclosed, with direction shown

Item #5.00 Written statement from applicant describing the proposed use (attached)

Item #930.00 The increase in floor area that would result from this addition to the dwelling is 8.2%. The existing square footage is 3756, and we propose to add 308 square feet of new living space.

Item #930.02 The proposed addition to the dwelling is compatible with the existing structure. We have engaged a licensed architect to prepare the plans for the proposed addition, and he has ensured that the addition will be compatible with the existing structure. There will be no increase in the dwelling's footprint on the lot itself, as we propose to build straight up over the existing garage.

Item #930.03 There are eight houses on what is termed "old" Middy Lane that have already built over an existing side garage. I enclosed photos of these properties with an earlier submission, and I am enclosing copies of those photos, indicating on them the address of the property. All of these houses are on the same U-shaped block of Middy Lane on which our property is located.

Item #930.04 This addition to our property will be completely harmonious with the neighborhood and will not affect any of our neighbors adversely. It will, in fact, add to property values in the neighborhood, as we are proposing to spend \$250,000+ on the additions and improvements to the existing dwelling.

Item #930.05 We do not propose to extend the addition to the existing structure either taller or wider than is already there. The addition over the garage will not be as tall as the existing roof peak, nor will it extend further into either the front, back, or east side yards than does the current dwelling. There is no appropriate alternative for accomplishing what we want to do to improve this property except to build in an 18 inch setback for the second story as measured from the east side property line. Such a setback would be strange in appearance, would detract from the overall appearance, and would distinguish this property in an adverse manner from the eight other properties on our street (Middy Lane) that have already built over existing side garages. Vegetation will not be disturbed by this proposed addition except that certain tree limbs on the existing cedar tree on the east side of the lot may have to be trimmed slightly. There is no well or septic field to be disturbed. There are no historical structures or resources on the lot. (I am a historian myself and would be particularly vigilant about this). We are applying for this Special Permit because in a letter dated March 4, 2016, Matthew Mertz, Assistant to the Zoning Administrator, advised us that we could not build the addition we are planning without receiving a Special Permit. The reason for this is that the required set-back from the property line changed from 10.5 feet, which is what it was in 1959 when our house was built, to 12 feet in 1978. Our existing structure is "grandfathered," but we are not allowed to improve our property by building on top of the existing one-story garage.

Item #930.06 The certified special permit plats have been submitted. The surveyor (Dominion Surveyors) assures us that these plats meet Fairfax County standards.

Item #930.12 There is an existing driveway which will continue to be the means of ingress and egress to the property. It is shown on the furnished photos of the front elevation of the house. Access to the property is via the driveway off of Middy Lane.

Item #930.13 Not applicable, as this is a residential property

Item #930.14 Not applicable. There is no well and/or septic field on the property

Item #930.15 The current dwelling consists of approximately 3756 square feet of living space. Our proposed addition would add 308 square feet, or 8.2% to the existing structure.

Item #930.16 Not applicable

Item #930.17 The attached photos show the existing landscaping. There is no plan to change these.

Item # 930.18 This property is not located in a federal flood plain.

8-922
James T. Currie
7834 Middy Lane
Alexandria, VA 22306

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Department of Planning & Zoning
MAY 12 2016
Zoning Evaluation Division

BZA Regulations:

1. The proposed addition to the existing structure will not result in any reduction in the distance of the structure from the lot line, as the proposed construction is vertical, not horizontal. It does not extend any further into the yard than does the existing structure, which is 10.5 feet from the east property line.
2. There is no structure in the front yard.
3. The existing structure complied with minimum yard requirements at the time it was constructed (1959).
4. The proposed addition will add approximately 8.2% to the square footage of the existing dwelling.
5. N/A. There is no accessory structure.
6. The resulting dwelling will be in character with the existing structure. It will simply add a second floor on top of an existing one-story garage without increasing the footprint of the current dwelling.
7. The structure with its addition will be harmonious with its surroundings. Passersby will not be able to determine at a glance whether the addition was original to the structure or not, as it will be encased in the same siding. The existing garage door will be replaced by siding, and the entrance to what remains of the garage will be on the east side of the structure.
8. The proposed structure will be a full 21 feet from the next house to its east. It will not block either air or sun from the neighboring dwelling. There are no run-off issues or erosion issues, as the footprint of the existing structure will not change in any manner whatsoever.
9. For the BZA to determine based upon facts submitted.
10. The required certified plat, prepared by Dominion Surveyors, has already been submitted in 15 copies.
11. Architectural drawings have been submitted previously.

MAY 12 2016

Zoning Evaluation Division

Checklist Requirement #5.00
James T. Currie
7834 Middy Lane
Alexandria, VA 22306

The Special Permit will allow the joint owners of this property to expand its living area and make certain improvements in the kitchen, laundry room, and two bathrooms in order to make the property more livable and suited to the needs and lives of the property owners. Such improvements will include fitting the property with certain devices (e.g., bath handrails) that will allow the property owners to age in place and not be forced to relocate as they get older.

Specific improvements include enlarging the current master bedroom and the addition of a larger closet to be used by both of the primary occupants of the dwelling. The third occupant is the property owners' son, who is away in graduate school most of the time.

As is indicated on the attached checklist report, most of the questions are no applicable. The exception is 5.08, a listing of hazardous or toxic substances. The required affidavit is attached.

Item #5.09 Applicable statement is signed and attached.







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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 15 August 2016 134566
(enter date affidavit is notarized)

I, James Tyson Currie, 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)
James R. Currie	7834 Midway Ln Alexandria, VA 22306	co-title owner
James T. Currie	7834 Midway Ln Alexandria, VA 22306	Applicant/ co-title owner

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

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

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



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 15 August 2016
(enter date affidavit is notarized) 134546

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 N/A

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 15 August 2016
(enter date affidavit is notarized)

134564

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 N/A

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

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

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

There is no partnership.

(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: 15 August 2016
(enter date affidavit is notarized)

134564

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: 15 August 2016
(enter date affidavit is notarized)

134566

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)

James Tyson Currie
 Applicant [] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 15th day of August 2016, in the State/Comm. of Maryland, County/City of Charles.

Donna M Sparrow
Notary Public

My commission expires: 10/9/18



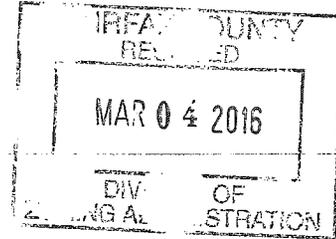


To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Sent via U.S. Mail and Email (jamestysoncurrie@gmail.com)

March 4, 2016

Col. James T. Currie
7834 Midday Lane
Alexandria, Virginia 22306



RE: Determination for Second Floor Addition
7834 Midday Lane
Hollin Brook Park, Lot 69
Tax Map Ref.: 102-1 ((13)) 69
Zoning District: R-3

Dear Col. Currie:

This letter is in response to your letter dated February 16, 2016, requesting approval to build a second floor addition over the attached garage of the existing dwelling at the referenced property, which is your residence. Provided with your request was a picture showing the front of your residence and a plat showing, in relevant part, that the attached garage is located 10.5 feet from the right side lot line. You stated that you are seeking permission to build the second story addition overtop the entire attached garage, though it is your understanding that the current minimum side yard requirement is greater than 10.5 feet.

The referenced property is zoned R-3 Residential District, Three Dwelling Units/Acre and is developed with a single family detached dwelling. The R-3 District requires a minimum 30 foot front yard, minimum 12 foot side yards and a minimum 25 foot rear yard. As mentioned, the plat provided shows the attached garage located 10.5 feet from the right side lot line. The current Zoning Ordinance, which became effective on August 14, 1978, allows carports to extend five (5) feet into the minimum side yard requirement, but requires attached garages to meet the same minimum yard requirements as the dwelling. As such, the attached garage encroaches 1.5 feet into the minimum 12 foot required side yard. Our records indicate that Building Permit #26013 was approved on March 9, 1959 for a house with an attached garage located 10.7 feet from the right side lot line, similar to the current 10.5 foot distance shown on the plat provided. At the time of Building Permit approval, the property was zoned Suburban Residence District, which required minimum side yards of 15 feet. However, there was a provision of the Zoning Ordinance that allowed both carports and garages to extend five (5) feet into minimum yard requirements. As such, the attached garage met the Zoning Ordinance requirements in effect at that time, as it was permitted as close as ten (10) feet from the side lot line.



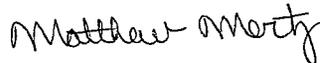
Pursuant to Par. 1 of Sect. 15-101 of the Zoning Ordinance, a structure shall not be deemed nonconforming if it complied with the zoning regulations in effect at the time of its construction and meets all other provisions of the current Zoning Ordinance, except for the minimum yard requirements. Since the attached garage met the requirements in effect at the time of construction, the attached garage is legal and may remain. However, any enlargement of the garage must meet the current requirements of the Zoning Ordinance. As such, building a second story addition ~~directly overtop the entire existing garage is not permitted, as the current minimum side yard requirement in the R-3 District is 12 feet and the garage is located only 10.5 feet from the right side lot line.~~

As an alternative to building the second story addition 12 feet from the side lot line, it is possible to pursue Board of Zoning Appeals (BZA) approval of a special permit for reduction of certain yard requirements. A special permit requires an application, a filing fee, notification of adjacent property owners and a public hearing before the BZA. For additional questions regarding the special permit process, please contact the Zoning Evaluation Division at 703-324-1290.

This determination is based upon the facts presented in your letter and the applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.

I trust that this letter satisfactorily responds to your request. Should you have any questions, please feel free to contact me at (703) 324-1314.

Sincerely,

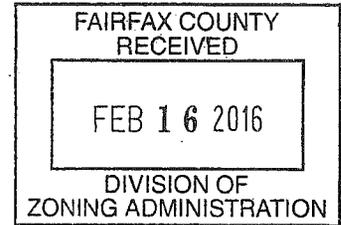


Matthew Mertz
Assistant to the Zoning Administrator

cc: Daniel G. Storck, Supervisor, Mount Vernon District
✓ Leslie B. Johnson, Zoning Administrator
✓ Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch

Col. James T. Currie, USA (ret.)
7834 Midday Lane
Alexandria, VA
22306

jamestysoncurrie@gmail.com
February 9, 2016



2016-0216

Zoning Administration Division, Fairfax County
Suite 807
12055 Government Center Parkway
Fairfax, VA 22035

Dear Zoning Administrators:

My family and I are residents of Fairfax County living at the above address. We have been at this address since 1999 and plan to stay there. We have been working with a design/build firm as we consider making improvements to our house, which was built in 1959.

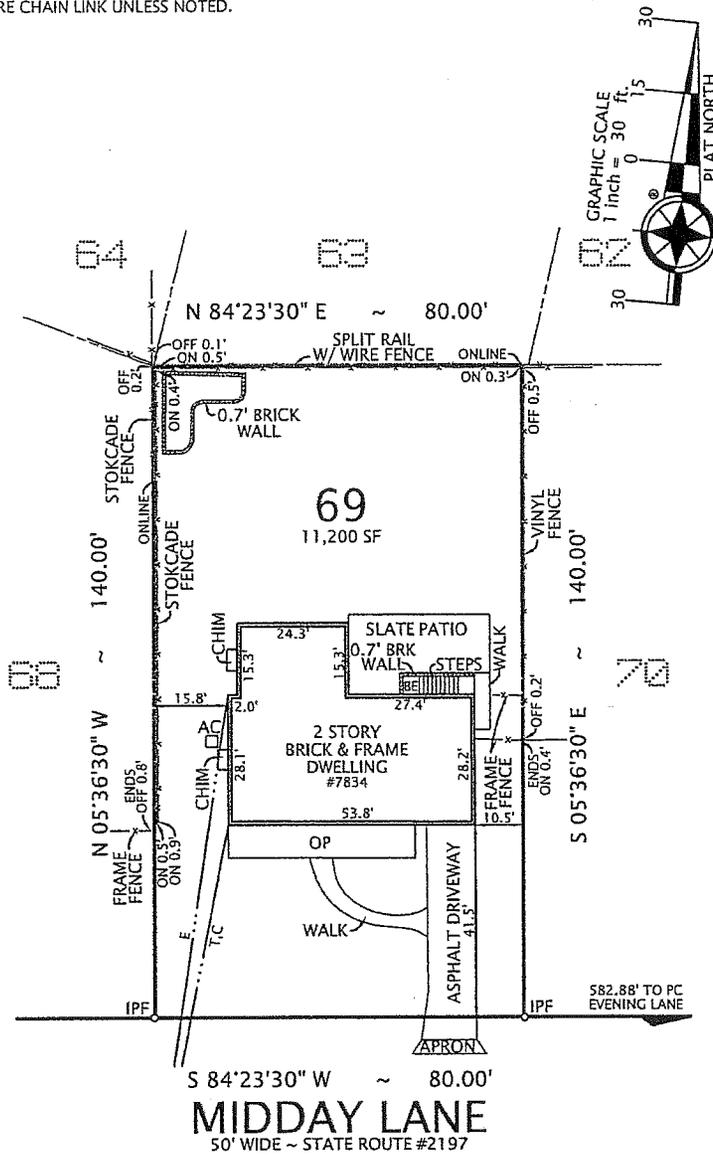
As you can see from the enclosed architect's drawing (Encl. 1), we propose to add a second-story addition to the house by building straight up over the existing garage. The problem we have encountered (as revealed on the attached recent survey, Encl. 2) is that the existing garage is 10.5 feet from the line that divides our property from that of our neighbor. As we understand it, current zoning requires that any addition can come no closer to the property line than 12 feet, meaning that without any accommodation, we would have to have a setback of 18 inches for the second floor addition. This, we think, would look really strange and would detract from the property, rather than adding to it. The enclosed photos (Encl. 3 and Enc. 4) show the property as it currently exists, and as you can readily see, it does not sit cheek-by-jowl with our neighbor's house.

What we are asking is that you all provide for us a zoning determination that would allow us to build straight up from the existing right-side wall of the garage, not encroaching any more on our neighbor than is already the case. We can, I believe, secure our neighbor's agreement to our proposal if such were required. We would very much appreciate your consideration of our request. We like living in Fairfax County and plan to spend the rest of our lives here, in a refurbished and improved dwelling.

Sincerely,

James T. Currie

NOTES: 1. FENCES ARE CHAIN LINK UNLESS NOTED.

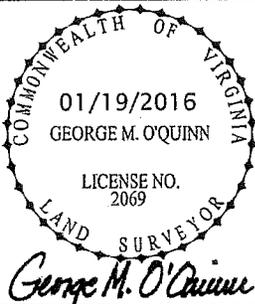


PLAT
SHOWING HOUSE LOCATION ON
LOT 69
HOLLIN BROOK PARK
(DEED BOOK 1575, PAGE 439)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 30' JANUARY 19, 2016

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

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



CASE NAME:
CURRIE
THOMAS CUSTOM HOMES

DOMINION Surveyors Inc.®
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

CASE NAME: CURRIE

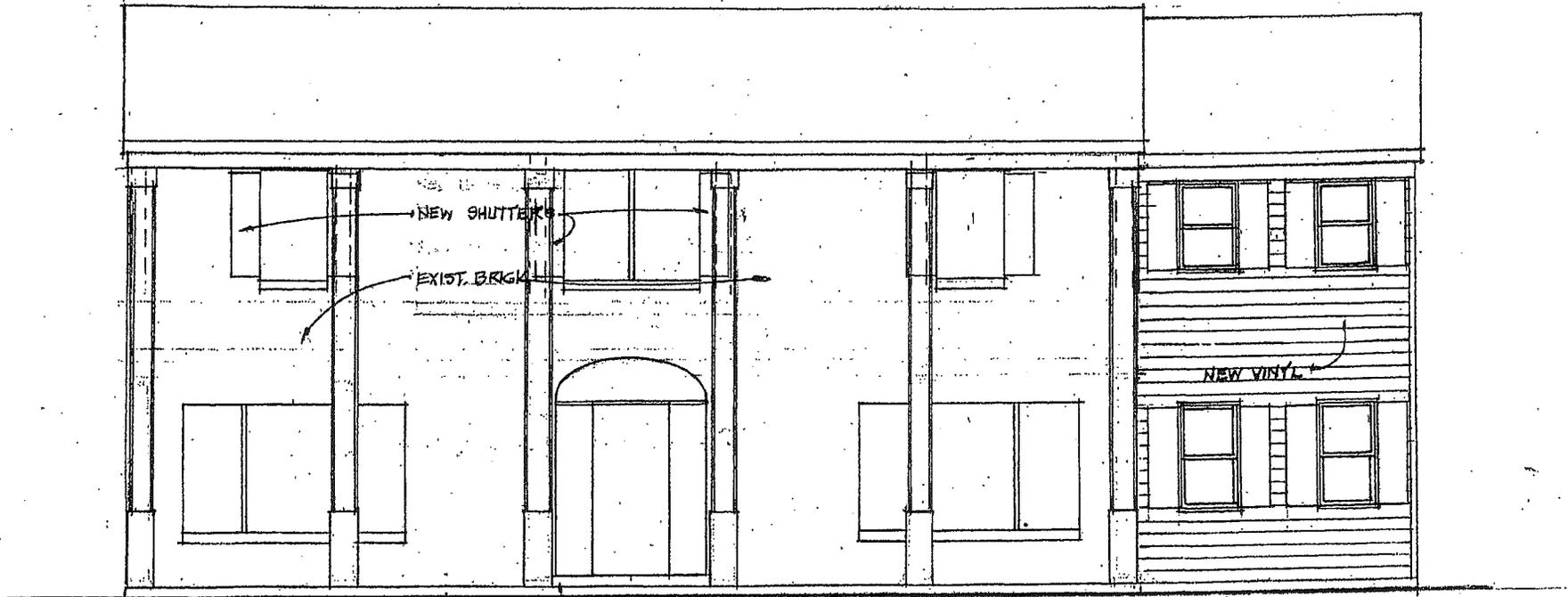
#160111015

Evel, Z



7834 Midway Ln
Front elevation

Encl. 3



FRONT ELEVATION
SCALE 1/4" = 1'-0"

Addition and Remodeling to Currie Residence
7834 Midday Lane, Alexandria, VA 22306
Thomas Custom Builders
703-447-9080

Date:
Sheet 4 of

3/22/11



County of Fairfax, Virginia

MEMORANDUM

DATE: July 14, 2016

TO: Sharon Williams, Staff Coordinator
Zoning Evaluation Division, DPZ

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

SUBJECT: Hollin Brook Park Lot 69.SP 2016-MV-054

This review is based upon the Special Permit Application, SP 2016-MV-054 stamped “Received, Department of Planning and Zoning, April 12, 2016” and the Special Permit Plat stamped “Received, Department of Planning and Zoning, April 19, 2016.”

Comment: It appears that construction proposed onsite will impact an existing eastern red cedar tree located at the back corner of the existing garage, as noted in the applicant’s application. The applicant proposes minor pruning in order to avoid conflicts between the addition and the tree.

Recommendation: The applicant should employ the services of a certified arborist to assess the current health of the tree, conduct any pruning deemed necessary to avoid potential conflicts with the proposed additions, and to recommend tree protection devices to prevent any damage to the tree during construction. If it is deemed that the tree must be removed, or if the tree’s health declines significantly as a result of construction activities (as compared to the initial health assessment by the certified arborist before construction begins), the applicant should replace the existing tree with an eight foot tall replacement ball and burlap eastern red cedar.

rh/

UFMDID #: 217602

cc: DPZ File

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



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

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