



County of Fairfax, Virginia

September 21, 2016

STAFF REPORT

SPECIAL PERMIT AMENDMENT SPA 83-S-021

SULLY DISTRICT

APPLICANTS/OWNERS: Jay Garant
Christine Garant

STREET ADDRESS: 4320 General Kearny Court, Chantilly, 20151

SUBDIVISION: Pleasant Valley

TAX MAP REFERENCE: 33-4 ((2)) 120

LOT SIZE: 10,500 square feet

ZONING DISTRICT: R-C, WS, AN

ZONING ORDINANCE PROVISIONS: 8-913

SPECIAL PERMIT PROPOSAL: To amend SP 83-S-021 previously approved for a modification to the minimum yard requirements for certain R-C lots to permit construction of an addition 9.2 feet from a side lot line.

STAFF RECOMMENDATION:

Staff recommends approval of SPA 83-S-021 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.

Erin M. Haley

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**

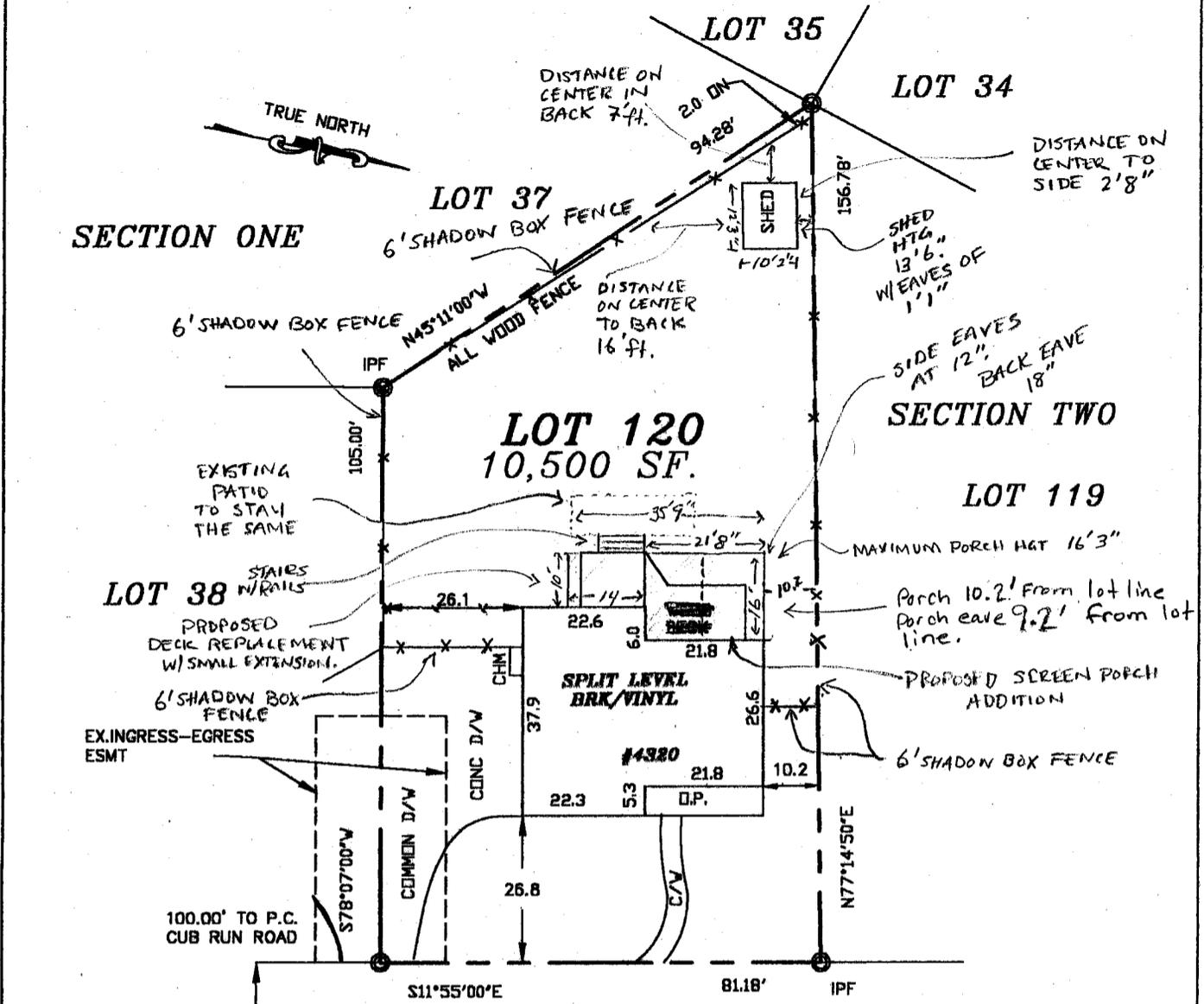


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

METROPOLITAN TITLE CASE#90160

1. NO TITLE REPORT FURNISHED.
 2. THIS PLAT IS NOT TO BE USED FOR THE CONSTRUCTION OF FENCES.
 3. BOUNDARY INFORMATION OBTAINED FROM AVAILABLE RECORDS.

4. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY OF LOT 120 ANY FENCES SHOWN ARE APPROXIMATE
 5. NO CORNER MARKERS SET.



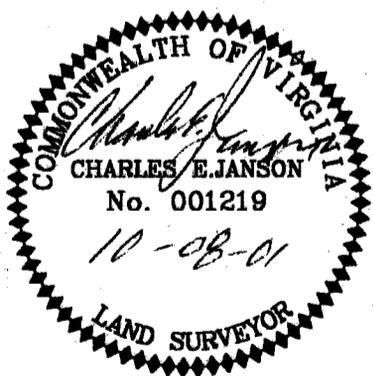
GENERAL KEARNY COURT

RECEIVED
 Department of Planning & Zoning

JUN 14 2016

Zoning Evaluation Division

(50' R/W)



COUNTY MAP SHOWS THIS PROPERTY IS NOT LOCATED IN A FLOOD ZONE OR RPA, CHESAPEAKE BAY MAP AND TAX GRID 33-4.
 6-13-2016

PLAT SHOWING
 HOUSE LOCATION SURVEY
 LOT 120
 SECTION TWO
 PLEASANT VALLEY
 SULLY DISTRICT
 FAIRFAX COUNTY, VIRGINIA

FLOOD ZONE: "X" COMMUNITY NO: 5155250025D	PANEL: 25D DATE: 3/5/90
DATE: 10/05/01	SCALE: 1"=30' CASE NAME: GARANT/MINAHAN
PLAT SUBJECT TO RESTRICTIONS OF RECORD	
SDE SUBURBAN DEVELOPMENT ENGINEERING	
I, HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS	
ENGINEERS • PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS • 7777 LEESBURG PIKE, SUITE # 405N FALLS CHURCH, VIRGINIA 22043 703-556-0800	
DRAWN BY: S. RANJBER	CHECKED BY: CHUCK J.

F#14985

© COPYRIGHT 2001 SDE, INC. ALL RIGHTS RESERVED

DWG

Handwritten signature and date: 6-14-2016

SPECIAL PERMIT AMENDMENT REQUEST

The applicant is requesting approval of a special permit to amend SP 83-S-021 previously approved for a modification to the minimum yard requirements for certain R-C lots to permit construction of an addition 9.2 feet from a side lot line. The previous special permit approval was to permit construction of a deck 13.43 from a side lot line. The proposed addition would require removing the existing deck and trellis to construct a screened porch 16.25 feet in height and 348.8 square feet in area. The applicants state that the existing deck is in disrepair and will be removed and partially replaced. The existing trellis will be removed completely.

RECEIVED
 Department of Planning & Zoning
 JUN 14 2016
 Evaluation Division

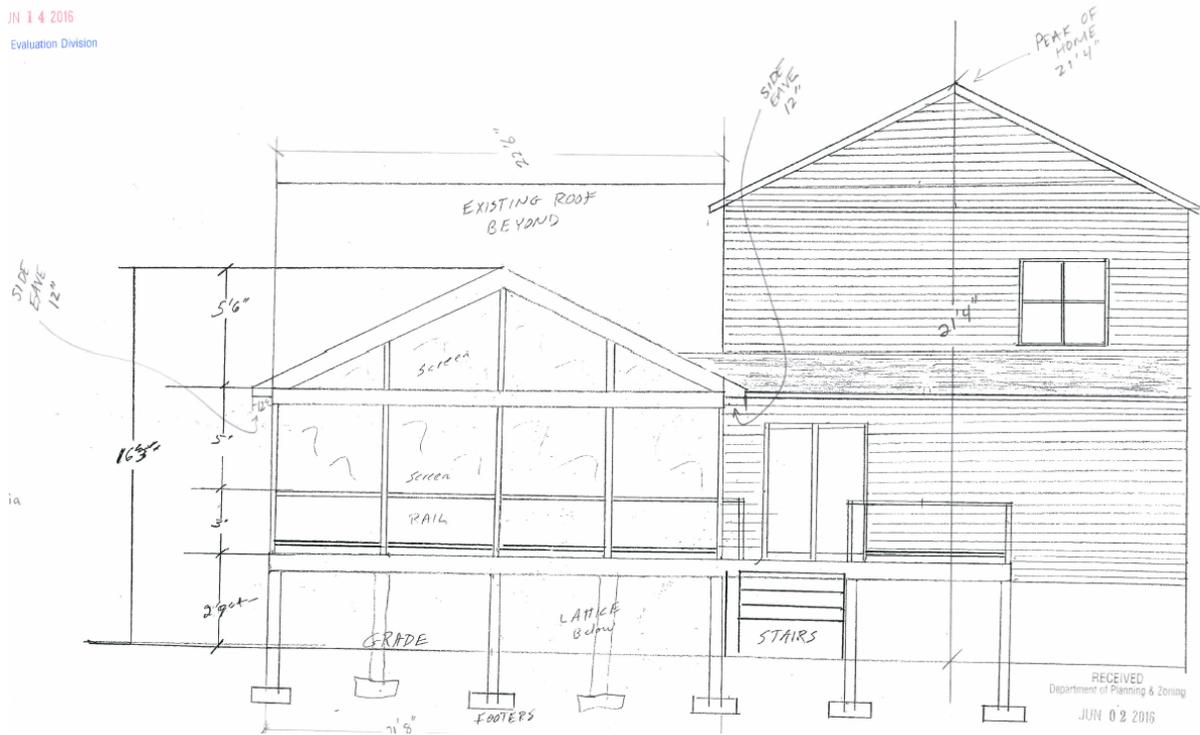


Figure 1: Proposed Screened Porch Elevation

A copy of the house location survey titled, "Plat Showing House Location Survey, Lot 120, Section Two, Pleasant Valley," prepared by Charles E. Janson on October 5, 2001, as revised by the applicant through June 14, 2016, is included in the front of the staff report. Please note this survey plat was the same survey provided to the applicants at the time they purchased the house in 2001, but is being reused for the purpose of this special permit application as permitted by the Zoning Ordinance in Sect. 8-913.4.

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 10,500 square foot application property consists of a split-level single-family detached dwelling. Vehicular access to the dwelling is provided via a concrete driveway off General Kearny Court. The driveway is a common driveway shared with the neighboring property to the south and is covered by an ingress-egress easement. A brick walkway leads from the sidewalk to the front porch. A wood deck with a trellis is located at the rear of the house 13.43 feet from the northern side lot line. As stated, the location of the deck was approved by the Board of Zoning Appeals on May 10, 1983, under SP 83-S-021. The Resolution and approved special permit plat are included in Appendix 4. A shed 13.5 feet in height and approximately 126 square feet in size is located in the northwestern corner of the rear yard approximately 2.67 feet from the side lot line and 6 feet from the rear lot line. The Zoning Administrator examined real estate assessment records and found that the shed was constructed in 1979 and is therefore vested and can remain in the current location. The Vested Rights Determination is included in Appendix 5.

The property is located to the east of Pleasant Valley Road and north of Cub Run Road in Section 2 of the Pleasant Valley subdivision. The subject property and surrounding properties are zoned R-C and located in the Water Supply Protection Overlay District and the Airport Noise Overlay District.



Figure 2: Aerial View

BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1979 and purchased by the applicants in 2001.

The subject property is typical of the lots developed in the Pleasant Valley subdivision in the early 1980s. The development was created and built under the cluster provisions of the R-2 District, which permit a single family detached dwelling to be constructed with minimum yards of 25 foot front, 8 foot minimum/24 foot combined side, and 25 foot rear. The standard yards required in the R-C District are 40 foot front, 20 foot side, and 25 foot rear. However, because the Pleasant Valley subdivision was recorded on August 11, 1978, prior to the July 26, 1982 Occoquan downzoning, the developer retained the right to build according to the cluster provisions of the R-2 District for this development per Sect. 8-913.1 of the Zoning Ordinance.

According to County records, the most recent application for a special permit under Sect. 8-913 related to this specific development was SP 2016-SU-028, approved on June 22, 2016, to permit a deck 9.7 feet from a side lot line located at 15237 Louis Mill Drive. It is important to note that there have been a total of 43 special permit applications under Sect. 8-913 related to the Pleasant Valley subdivision which have all been approved by the BZA.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area III, Bull Run Planning District
Planning Sector: Upper Cub Run Community Planning Sector (BR2)
Plan Map: Residential, .1-.2 dwelling units per acre

Zoning District Standards

While the lots were developed based on R-2 cluster provisions, they are still in the R-C District. As such, any additions to existing residences must apply for a Special Permit approval under Sect. 8-913 of the Zoning Ordinance. The table below shows the standards of the R-C District against the existing bulk standards of the subject property, as well as the proposed change to the residence.

The table also includes the minimum bulk standards in the R-2 District using the cluster provisions, demonstrating the applicant's compliance with those standards as part of this application.

Bulk Standards (R-C)			R-2C
Standard	Required	Provided	Required
Lot Size	5 acres	10,500 sf. ¹	13,000 sf.

Bulk Standards (R-C)			R-2C
Standard	Required	Provided	Required
Lot Width	200 feet	81.18 feet	N/A
Building Height	35 feet max.	21.3 feet	35 feet max.
Front Yard	40 feet	26.8 feet	25 feet
Side Yard	20 feet	9.2 ² feet, combined total of 35.3 feet	8 feet min, combined total of 24 feet
Rear Yard	25 feet	Approx. 45 feet	25 feet

¹The 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

²As permitted through the approval of this application

Zoning Ordinance Requirements (Appendix 5)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 All Group 9 Uses
- Sect. 8-913 Provisions for Approval of Modifications to the Minimum Required Yard Requirement for Certain R-C Lots

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

Standards 1 and 2 Comprehensive Plan/ Zoning District	The development overall is inconsistent with the plan guidelines for the wider area, but as the subdivision was recorded prior to July 26, 1982, it pre-dates the establishment of the R-C District. This proposal requires special permit approval in lieu of compliance with the R-C District requirements.
Standard 3 Adjacent Development	The proposal is consistent with the character of the surrounding neighborhood, which was built under the cluster provisions of the R-2 District. The screened porch would be located at the rear of the house in the location of an existing wood deck and would have a height less than the existing roofline of the house.
Standard 4 Pedestrian/Vehicular Traffic	No increase in vehicular or pedestrian traffic is expected with this application. In staff’s opinion, the proposed use is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.
Standard 5 Landscaping/Screening	Mature vegetation provides adequate screening along all property lines.
Standard 6 Open Space	There is no prescribed open space requirement on individual lots in the R-C District.
Standard 7 Utilities, Drainage, Parking, and Loading	There are no changes to the utilities and drainage serving the property or use.

Standard 8 Signs	No signage is proposed.
----------------------------	-------------------------

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

Standard 1 Lot Size and Bulk Regulations	The bulk regulations for minimum required yards are requested to be modified with the special permit application.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	The construction is not disturbing 2,500 square feet; therefore, the application is not subject to the provisions of Article 17, Site Plans.

Standards for Modifications to the Minimum Yard Requirements (Sect. 8-913)

Standard 1 Property was comprehensively rezoned to R-C in 1982 and either part of final plat approval prior to adoption or part of consent decree approved by County Circuit Court in September 1985	The property was the subject of final plat approval prior to July 26, 1982. The subdivision was recorded on August 11, 1978
Standard 2 Modifications Shall Comply with Yard Required prior to R-C Rezoning	The applicant is proposing to build a screened porch located 9.2 feet from the northern side lot line. The combined total side yards equal 35.3 feet which complies with the cluster provisions in the R-2 District.
Standard 3 Resultant Development will be Harmonious with Existing Development, Not Adversely Impact	Staff believes that the proposed screened porch will not negatively impact the surrounding properties. It would be located over the area of the existing deck with a trellis approximately 13 feet in height. The deck is in disrepair and will be removed. The trellis is also to be removed. The 16.25 foot screened porch is shorter than the existing house and would not be visible from the front of the property. There is mature vegetation along all property lines which will also help to screen the proposed screened porch addition.

<p>Standard 4 Plat Submitted in Compliance with Requirements</p>	<p>The submitted plat meets the minimum standards for a residential project in the RC District and was accepted for review on March 21, 2016.</p>
---	---

CONCLUSION / RECOMMENDATION

The proposed screened porch addition would be located at the rear of the house over the location of an existing deck that is to be removed. The proposed addition is a modest request and would be well screened by existing mature vegetation. Staff believes that the request for a special permit for modifications to the minimum yard requirements for certain R-C lots is in conformance with the applicable Zoning Ordinance provisions. Staff recommends approval of SPA 83-S-021 for the screened porch 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, Elevations, Photos
3. Applicant's Affidavit
4. Resolution and Plat for SP 83-S-021
5. Vested Rights Determination
6. Applicable Zoning Ordinance Provision

PROPOSED DEVELOPMENT CONDITIONS**SPA 83-S-021****September 21, 2016**

If it is the intent of the Board of Zoning Appeals to approve SPA 83-S-021 located at Tax Map 33-4 ((2)) 120 to permit a modification to the minimum yard requirements for certain R-C lots pursuant to Section 8-913 to permit a screened porch addition 9.2 feet from a side lot line, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

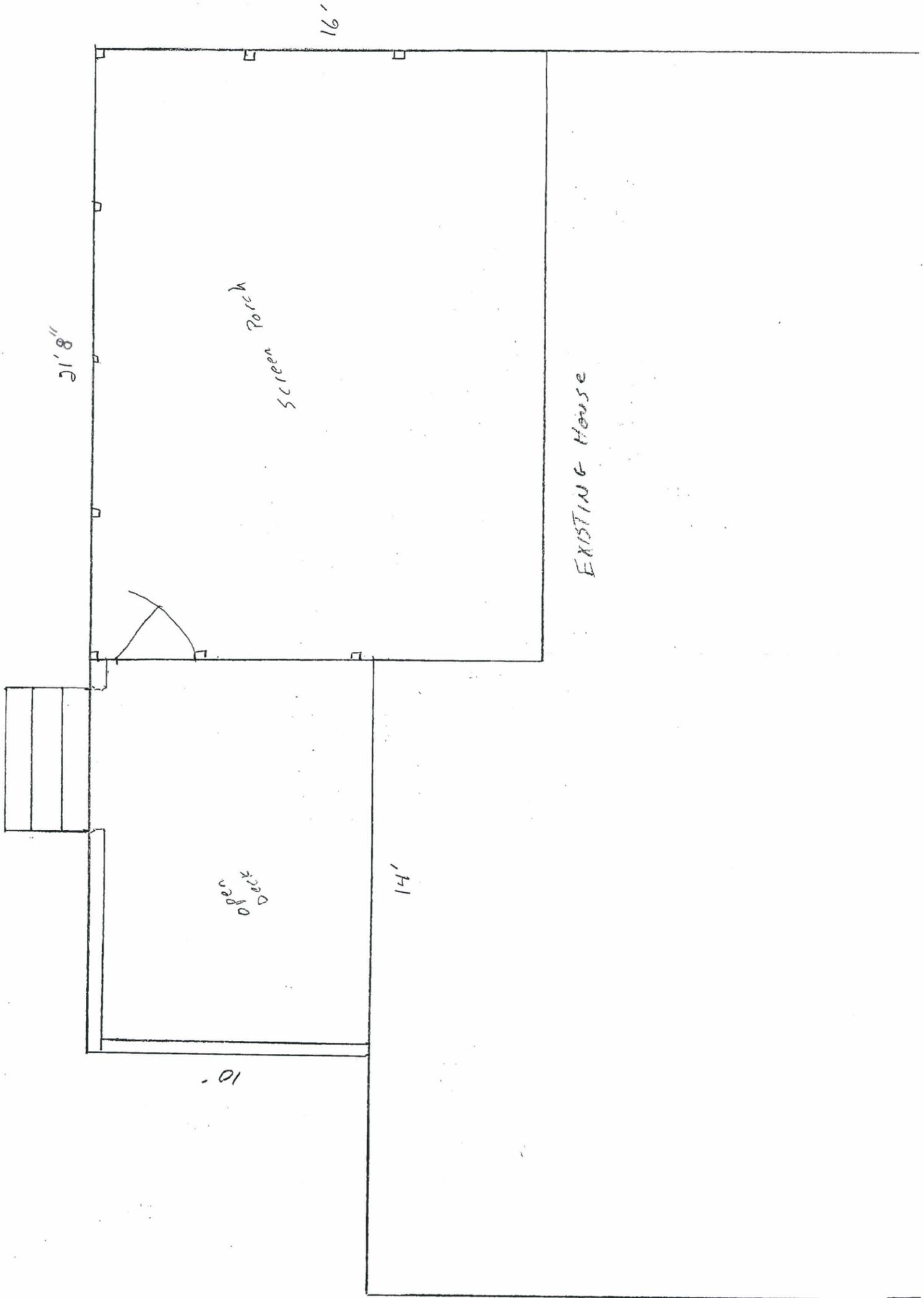
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the screened porch, as shown on the plat titled, "Plat Showing House Location Survey, Lot 120, Section Two, Pleasant Valley," prepared by Charles E. Janson on October 5, 2001, as revised by the applicant through June 14, 2016, as submitted with this application and is not transferable to other land.
3. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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.

1/4" = 1'

TOP VIEW



RECEIVED
Department of Planning & Zoning

JUN 14 2016

Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning
JUN 02 2016
Zoning Evaluation Division

REAR ELEV
7/4"=1'

21'11" OF
PERMANENT
SIDE EAVE

SIDE
EAVE
12"

22'6"

EXISTING ROOF
BEYOND

SIDE
EAVE
12"

Wisteria

NOTE: EXISTING
TRELLIS
HGT 10'5"
+ 4' of Wisteria

GRADE

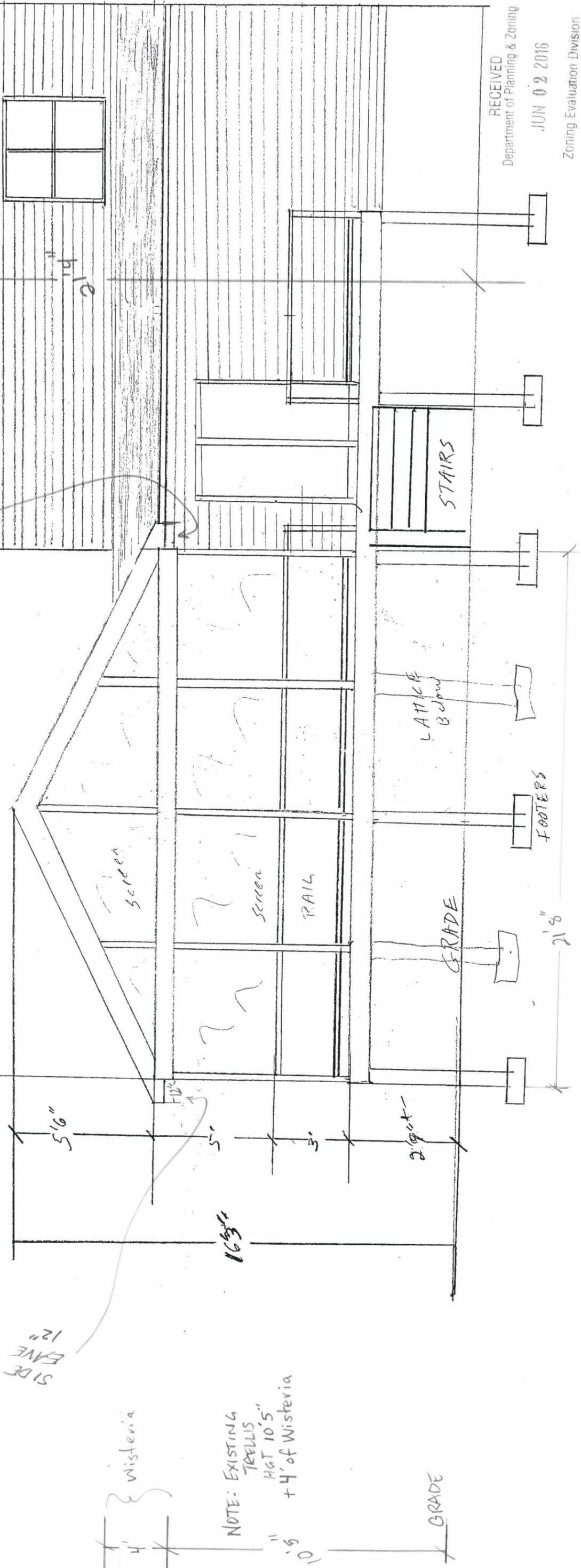
5'6"

5'

3'

2'9"

16'3"



RECEIVED
Department of Planning & Zoning

JUN 02 2016

Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning

JUN 14 2016

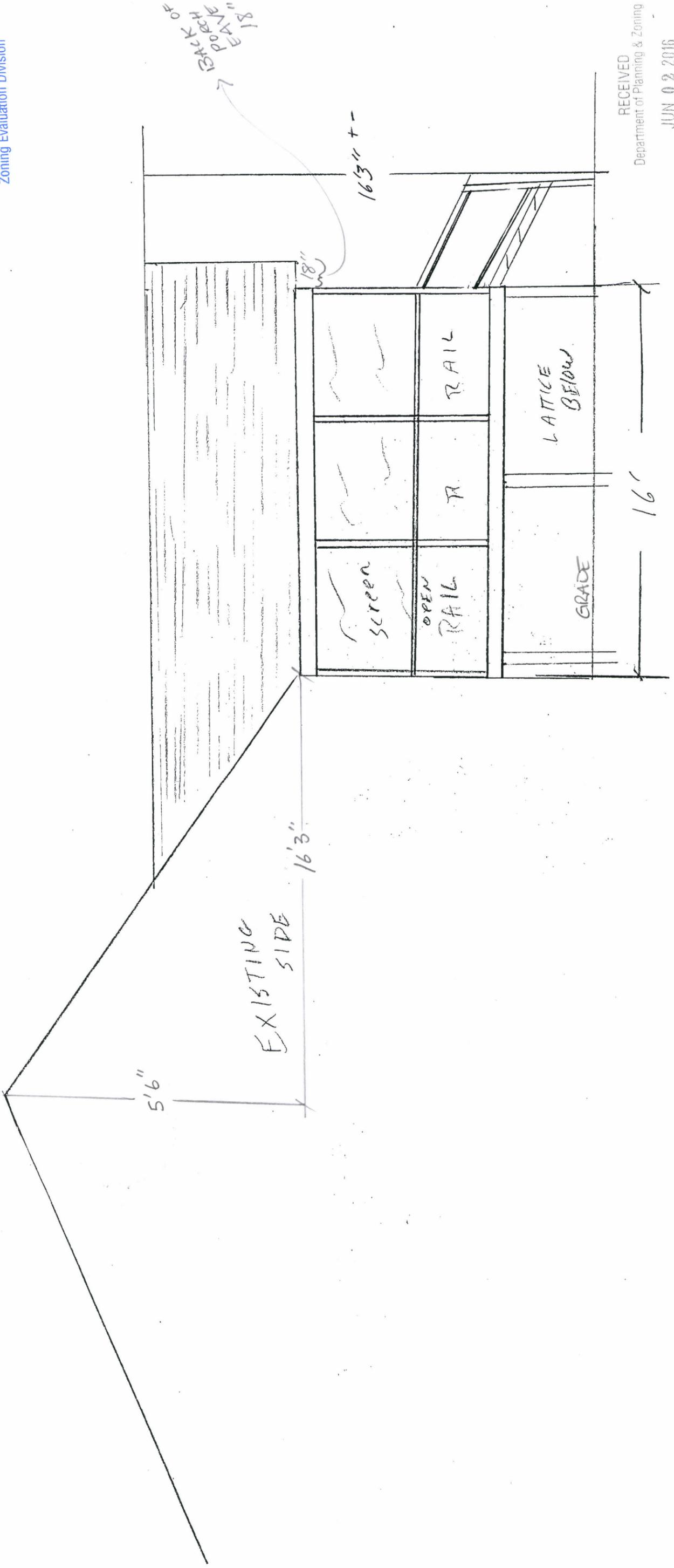
Zoning Evaluation Division

1/4" = 1'

RECEIVED
Department of Planning & Zoning

JUN 14 2016

Zoning Evaluation Division



RECEIVED
Department of Planning & Zoning
JUN 02 2016

Zoning Evaluation Division

Statement of Justification

4320 General Kearny Ct.
Chantilly, VA. 20151

The justifications for the addition of a screened porch and replacement deck are as follows:

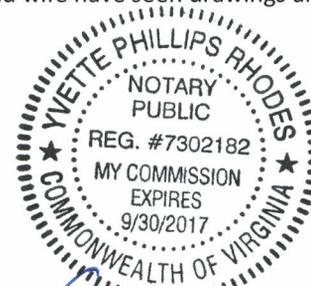
Screened Porch:

- Enjoy the outdoors free of bugs including potentially disease carrying mosquitos.
- To improve the seasonable livability of the home.
- To potentially increase the property value and the value of surrounding homes.
- To replace bulk-in-place deck.
- (Code) To add safety for residents and guests. (Existing deck, constructed prior to our purchase of home, does not meet today's standards. It is built on 4x4's.)
- (Rotting) To add safety for residents and guests. (Existing deck is rotting with numerous tripping hazards.)
- To replace existing and unwieldy wisteria canopy (bulk) over deck with a low roof-line porch. (Peak of new roof will be only 16'3" above grade, which is well below the homes existing highest peak and below the homes existing lowest peak.)
- The new porch will be no closer to neighbors than the existing home.
- We have spoken with the neighbor to the north (closest) and south, and husband and wife have seen drawings and have no issues with the addition. Initials below.

Replacement Deck:

- Enjoy the outdoors.
- To improve the seasonable livability of the home.
- The additional 1'6" to 2' on the side is to provide a safer place keep a grill
- To potentially increase the property value and the value of surrounding homes.
- To replace bulk-in-place deck.
- (Code) To add safety for residents and guests. (Existing deck, constructed prior to our purchase of home, does not meet today's standards. It is built on 4x4's. New stairs with a railing on both sides will be added.)
- (Rotting) To add safety for residents and guests. (Existing deck is rotting with numerous tripping hazards.)
- We have spoken with the neighbor to the north (closest) and husband and wife have seen drawings and have no issues with the addition. Initials below.

Initials, Mr. Gary Hall GH (North)
 Initials Ms. Christine Hall CH (North)
 Initials Mr. Christopher Bloche CB (South)
 Initials Ms. Winifred Bloche WB (South)
 Initials Mr. Randolph Odell RO (West)
 Initials Ms. Karen Odell KO (West)



Yvette Phillips Rhodes
5/20/16

The home at 4320 General Kearny Ct., Chantilly, VA. 20151, is owned by Jay and Christine Garant.

Jay Garant _____
 Christine Garant *Christine Garant*

JUN 02 2016

Zoning Evaluation Division

Porch Zoning Information

Owner	Address	Contact Information	Adjacent to 4320
Winifred Z Bloch Christopher Bloch	4322 General Kearny Ct Chantilly, VA 20151	703-793-1769	Side
Randolph Odell Karen Odell	4313 Cub Run Rd Chantilly, VA 20151	703-802-6093	Rear
Michael Lutfi Jessica Lutfi	4321 Silas Hutchinson DR Chantilly VA 20151	703-961-1078	Rear
Gary Hall Christine Hall	4318 General Kearny Ct Chantilly, VA 20151	703-378-0071	side
Peter Lenotti Karen Lenotti	4316 General Kearny Ct Chantilly, VA 20151- 1322	703-474-4401	
Daniel Craig Jennifer Craig	4314 General Kearny Ct Chantilly, VA 20151	703-408-6167	
John Kost Kimberly Kost	4310 General Kearny Ct Chantilly, VA 20151	703-609-5973	
Tracy Badger Gregg Badger	4308 General Kearny Ct Chantilly, VA 20151	703-378-2678	
Christina Prishack Andrew Prishack	4306 General Kearny Ct Chantilly, VA 20151	724-274-9346	
John Fleischauer Marie Fleischauer	4305 General Kearny Ct Chantilly, VA 20151	703- 378-4647	
Giovanni Talento Kathryn Talento	4319 General Kearny Ct Chantilly, VA 20151		
John Coon Veronica Coon	4314 Cub Run Rd. Chantilly, VA 20151	202-97-3827	

JUN 14 2016

June 13, 2016

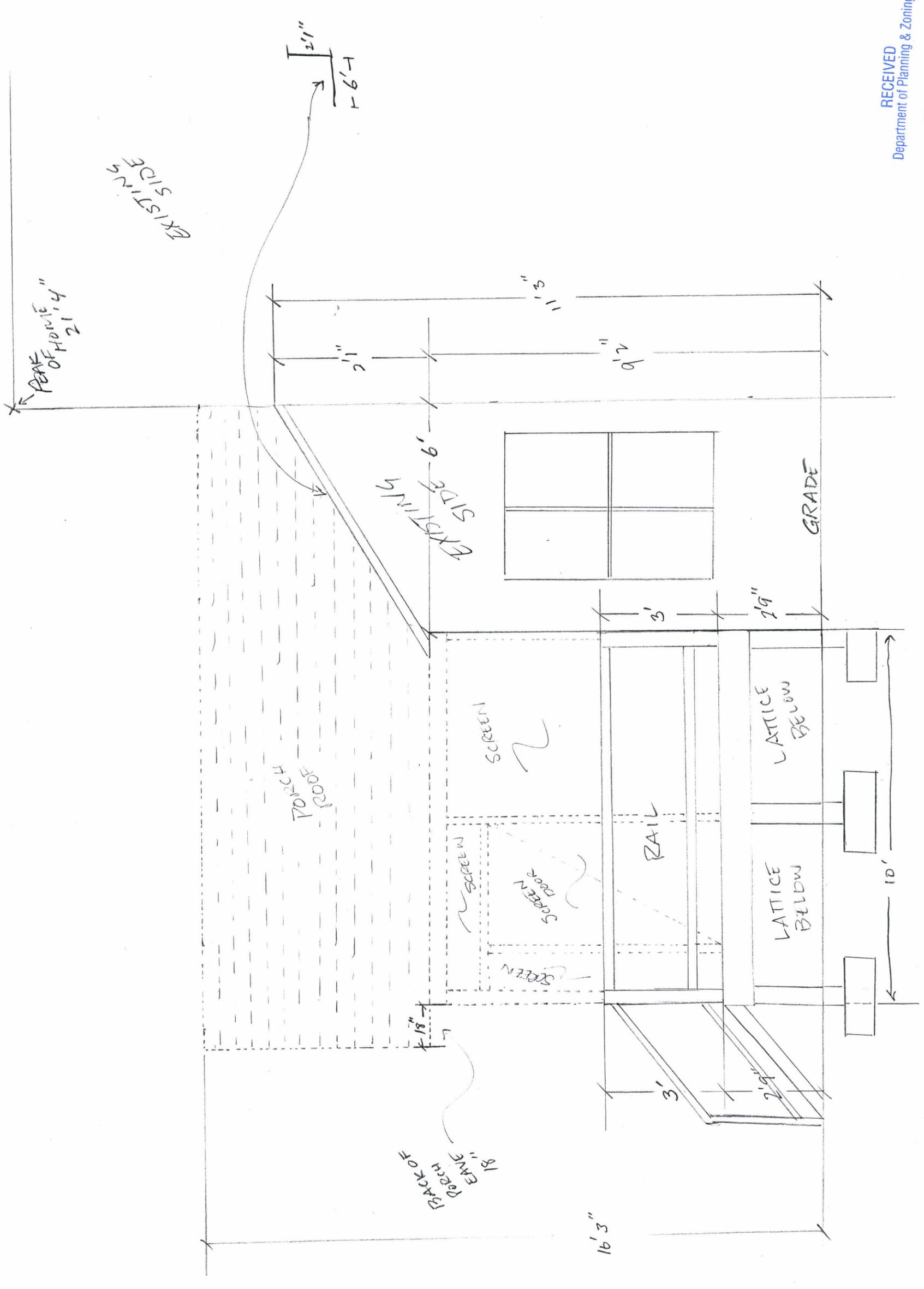
Zoning Evaluation Division

To Whom It May Concern,

The proposed screened porch is in accordance with the following provisions per the Provisions for Approval of Modifications to the Minimum Yard Requirements for Certain R-C Lots /Form 8-913. Additionally, the attached plat and screened porch/deck drawings provides information to support the minimum yard requirement.

- The proposed screened porch is on a lot, which was comprehensively rezoned to the R-C District as per the dates, stated on the 8-913 form. Zoning Map 33-4 indicates that this lot was rezoned to the R-C District.
- The proposed screened porch will not result in a yard that is less than the minimum yard requirement of the zoning district (applicable to the lot on July 25, 1982). See plat for yard measurements.
- The proposed screened porch is harmonious with existing development in the neighborhood. All adjacent property owners have approved the proposed screened porch and initialed documents to indicate such approval. The proposed screened porch will not adversely impact the public health, safety and welfare of the area.

Jay Garant
Christine Garant
4320 General Kearny Ct
Chantilly VA 20151
(703)961-8296



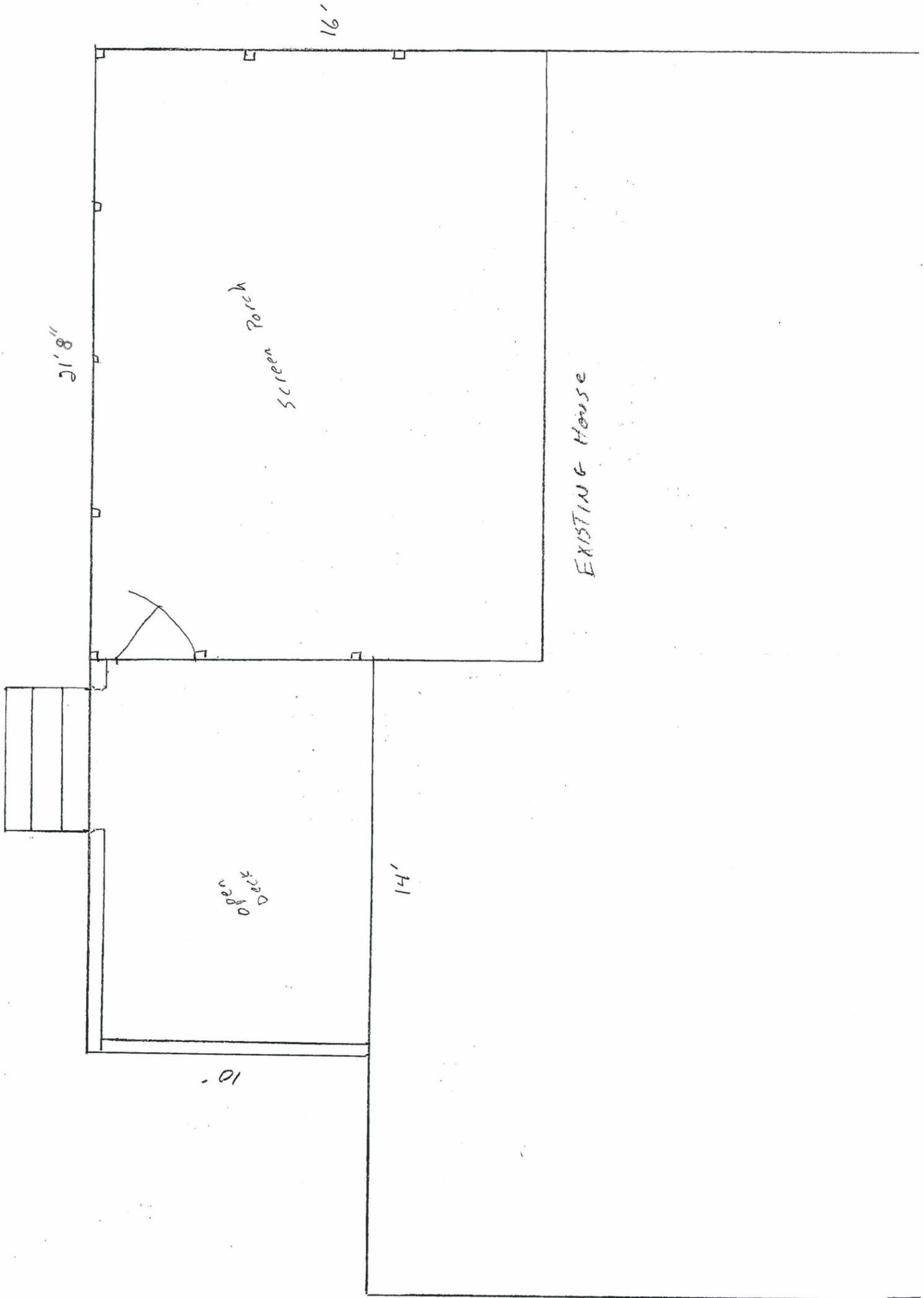
RECEIVED
 Department of Planning & Zoning

JUN 14 2016

Zoning Evaluation Division

1/4" = 1'

TOP VIEW



RECEIVED
Department of Planning & Zoning

JUN 14 2016

Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning
JUN 02 2016
Zoning Evaluation Division

REAR ELEV
7/4"=1'

21'11" OF
PERMANENT
SIDE EAVE

SIDE
EAVE
12"

22'6"

EXISTING ROOF
BEYOND

SIDE
EAVE
12"

Wisteria

NOTE: EXISTING
TRELLIS
HGT 10'5"
+ 4' of Wisteria

GRADE

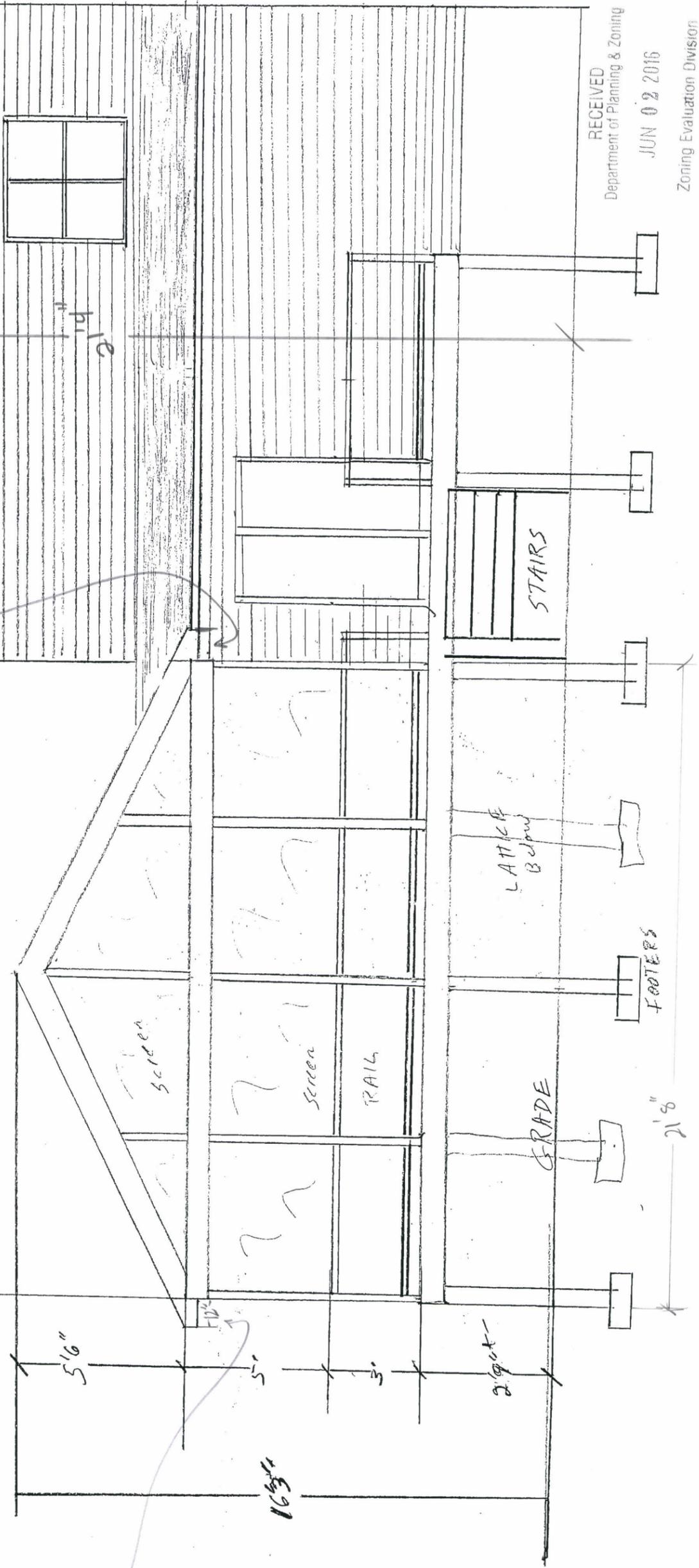
5'6"

5'

3'

2'9"

16'3"



RECEIVED
Department of Planning & Zoning

JUN 02 2016

Zoning Evaluation Division

RECEIVED
Department of Planning & Zoning

JUN 14 2016

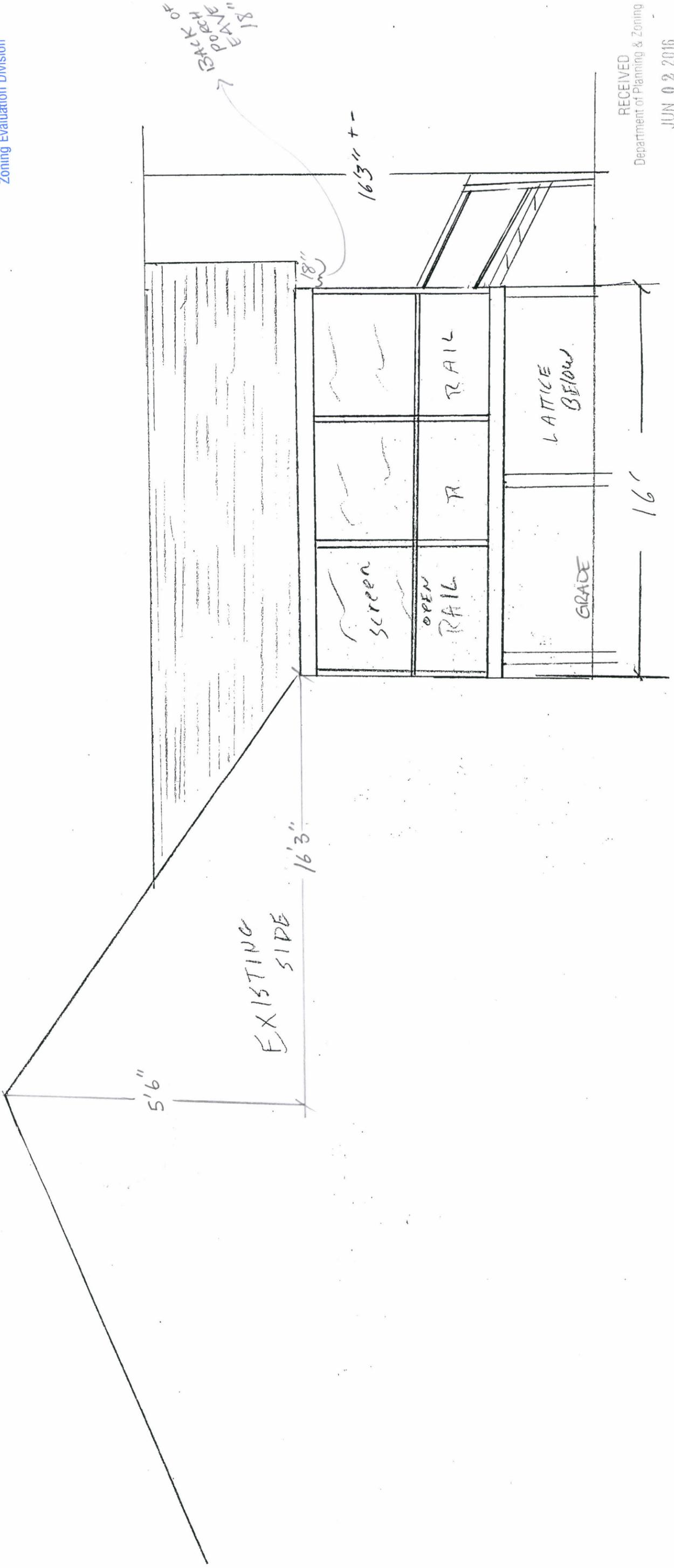
Zoning Evaluation Division

1/4" = 1'

RECEIVED
Department of Planning & Zoning

JUN 14 2016

Zoning Evaluation Division



BACK OF
EAVE
18"

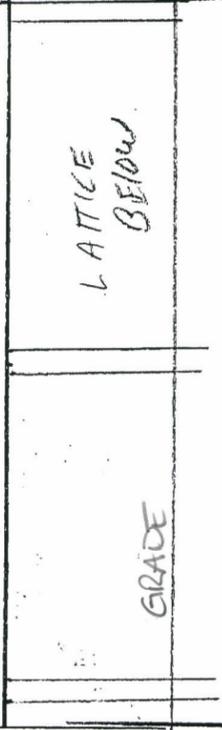
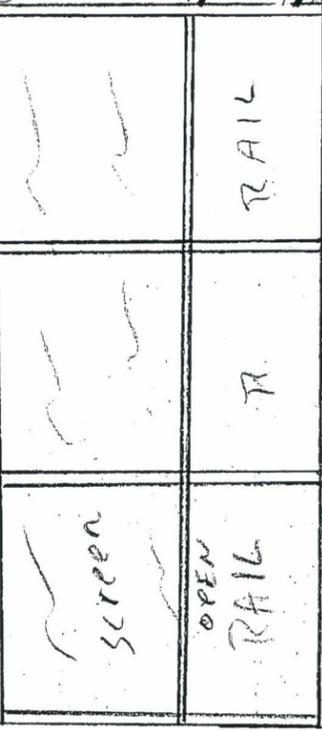
16'3"

EXISTING
SIDE

5'6"

18"

16'3" ±

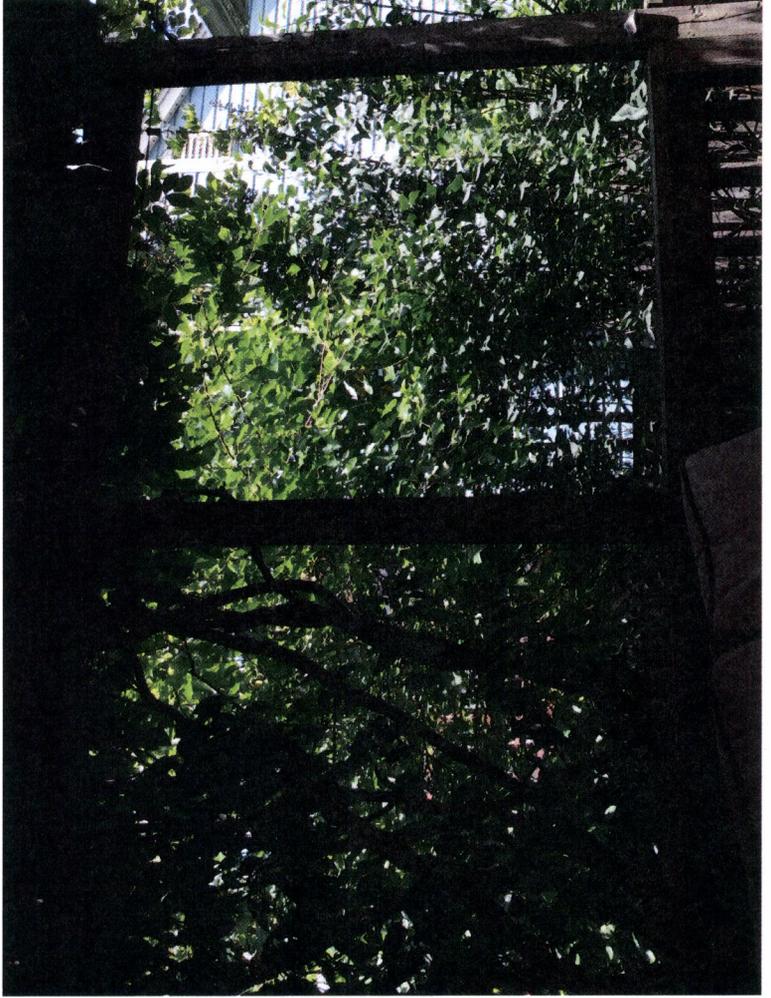


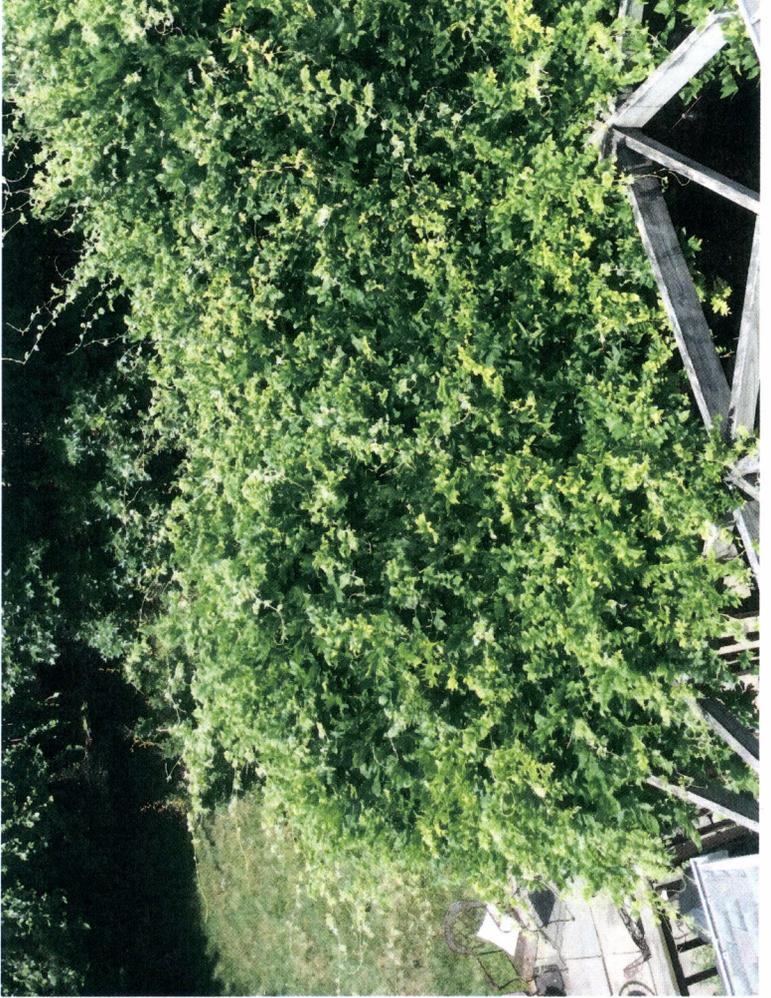
16'

RECEIVED
Department of Planning & Zoning

JUN 02 2016

Zoning Evaluation Division







4320 General Kearny Ct.
Chantilly, VA. 20151

Zoned RC
Permit 8-913 Applies

Front of Home
(Photo taken May 16, 2016
from the East Property Line)

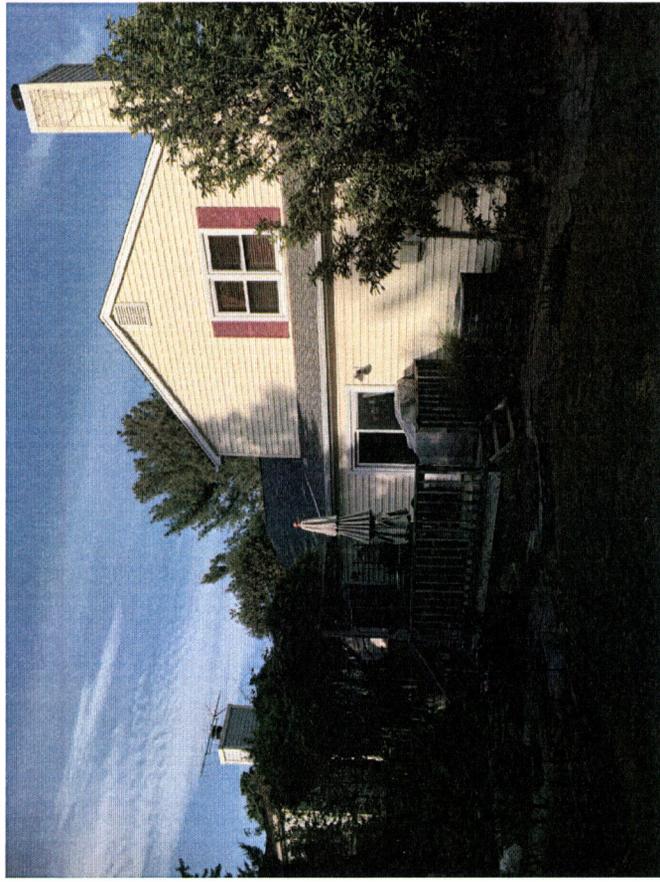


RECEIVED
Department of Planning & Zoning

JUN 02 2016

Zoning Evaluation Division

Back of Home
(Photo taken May 16, 2016
from the South Property Line)



Back of home
(Photo taken May 16, 2016
from the West Property Line -
Existing Deck with wisteria canopy to be
removed.)



RECEIVED
Department of Planning & Zoning

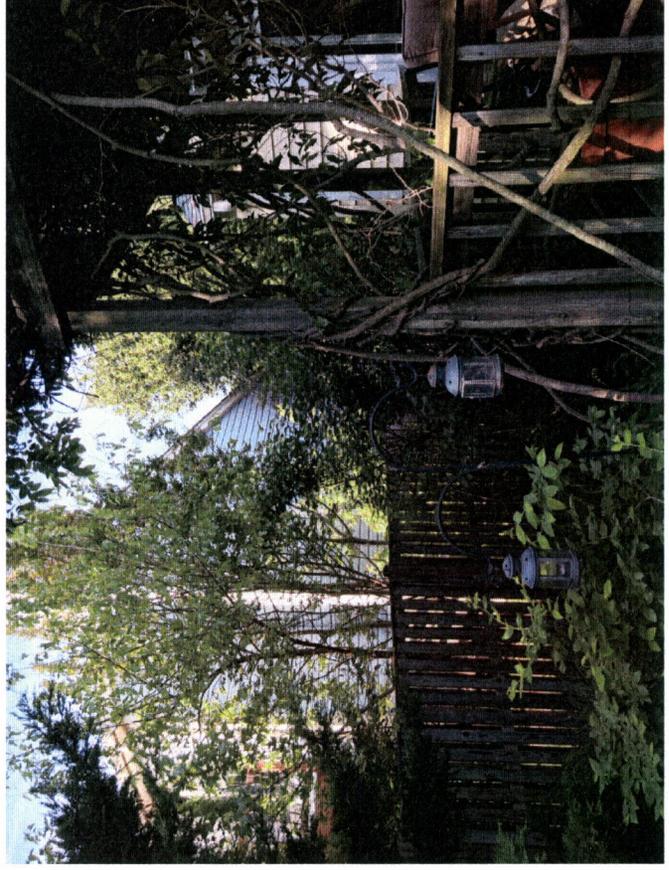
JUN 02 2016

Zoning Evaluation Division

Back and North Side of Home
(Photo taken May 16, 2016
Near North Property Line –
Existing Deck with wisteria canopy to
be removed.).



Back of Home Facing North
(Photo taken May 16, 2016
from center of property –
6 Ft. Shadowbox fence and trees,
some evergreen dividing the properties.)



RECEIVED
Department of Planning & Zoning

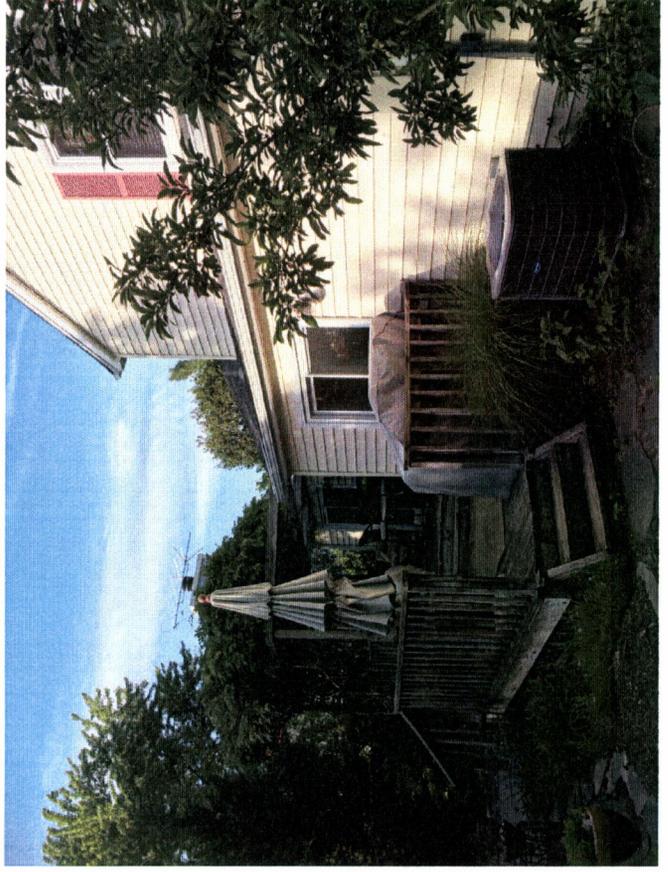
JUN 02 2016

Zoning Evaluation Division

Back of Home
(Photo taken May 16, 2016
from center of property –
View from deck looking north.)



Back of Home
(Photo taken May 16, 2016
near South Property Line - View
facing north. Again, considerable
green between homes.)



RECEIVED
Department of Planning & Zoning

JUN 02 2016

Zoning Evaluation Division



Northern Side of Home
(Photo taken May 16, 2016
from the North Property Line
looking West (from front of house -
Note 6' Shadowbox fence diving
Property and frontage.)



Northern Side of Home
(Photo taken May 16, 2016
from the North Property Line (midpoint) –
Notice considerable foliage
between homes)

RECEIVED
Department of Planning & Zoning

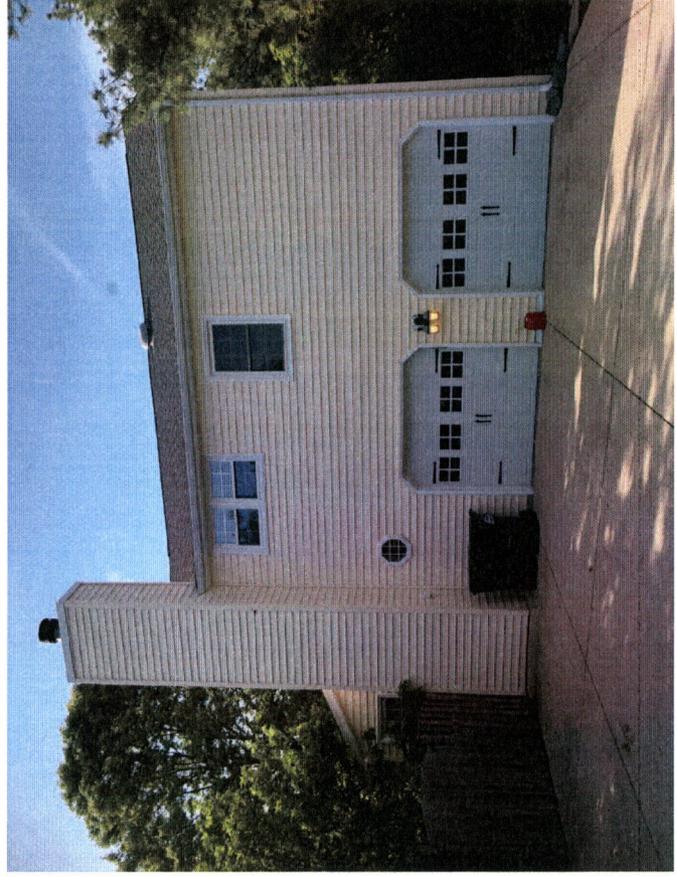
JUN 02 2016

Zoning Evaluation Division

Back of Home
(Photo taken May 16, 2016
Near South Property Line –
Facing North)



Southern Side of Home
(Photo taken May 16, 2016
from the South Property Line –
Side of home)



RECEIVED
Department of Planning & Zoning

JUN 02 2016

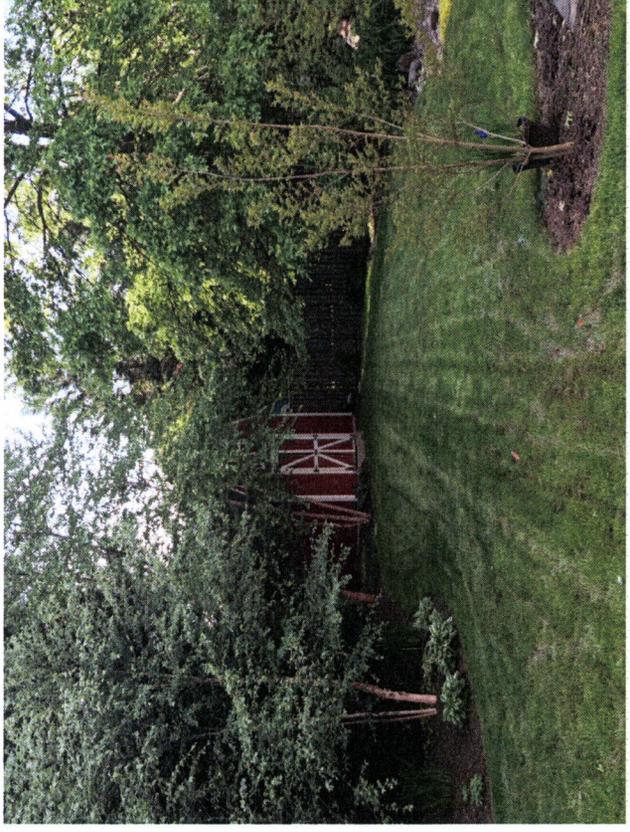
Zoning Evaluation Division

Shed
(Photo taken May 16, 2016
from center of property looking Northwest)



Note that it is tucked amongst
foliage and surrounded on
two sides by a 6' shadowbox fence.

Shed
(Photo taken May 16, 2016
from center of property looking Northwest)



RECEIVED
Department of Planning & Zoning

JUN 02 2016

Zoning Evaluation Division

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-26-16 (enter date affidavit is notarized)

135179

I, Jay Garant, do hereby state that I am an (enter name of applicant or authorized agent)

(check one) [X] 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.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Rows include Jay P. Garant and Christine J. Garant with their respective addresses and relationships.

(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).

Handwritten signature in a red circle.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-26-16
(enter date affidavit is notarized)

135179

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

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

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-26-16
(enter date affidavit is notarized)

139179

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

PARTNERSHIP INFORMATION

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-26-16
(enter date affidavit is notarized)

135179

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5-26-16
(enter date affidavit is notarized)

135179

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

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

None

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

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

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

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

Jay P. Garant

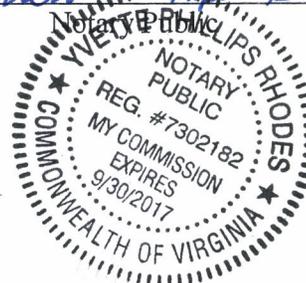
Christine J. Garant

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

Subscribed and sworn to before me this 26th day of MAY, 20 16, in the State/Comm. of FAIRFAX, County/City of VA.

My commission expires: 9/30/2017

Quetta Phillips Rhodes



SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

Pleasant Valley,
Sec. 2, Lot 120

APPENDIX 4

Ms. Thonen made the following motion:

WHEREAS, Application No. SP 83-S-021 by DOUGLAS E. ROBINSON under Section 3-C03 of the Fairfax County Zoning Ordinance for modification of minimum yard requirements for an R-C lot, to allow deck addition to existing dwelling, located at 4320 General Kearny Court, tax map reference 33-4((2))120, County of Fairfax, Virginia, has been properly filed in accordance with all applicable requirements; and

WHEREAS, following proper notice to the public and a public hearing by the Board of Zoning Appeals held on May 10, 1983; and

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

1. That the property was the subject of final plat approval prior to July 26, 1982. The subdivision was recorded on August 11, 1978.
2. That the property was comprehensively rezoned to the R-C District on July 26, 1982.
3. The requested modification in the yard requirements will result in a yard not less than the minimum yard requirement of the zoning district that was applicable to the lot on July 25, 1982. Prior to July 26, 1982, the property was zoned R-2 Cluster. The R-2 District requires a side yard of 8 feet with a total minimum of 24 feet for a cluster subdivision lot.
4. It appears that the resultant development will be harmonious with the existing development in the neighborhood and will not adversely impact the public health, safety and welfare of the area.

AND, WHEREAS, the Board has reached the following conclusion that the applicant has met the provisions for the approval of modifications to the minimum yard requirement for certain R-C lots as contained in Section 8-913 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is GRANTED in accordance with the following development conditions:

1. This approval is for the location and the specific structure indicated on the plat included with this application prepared by Paciulli, Simmons & Associates, Ltd., and is not transferable to other land or to other structures on the same land.

2. A Building permit shall be obtained prior to the start of construction.

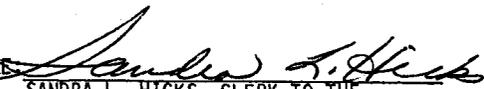
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Permit shall not be valid until this has been accomplished.

Under Sect. 8-015 of the Zoning Ordinance, this Special Permit shall automatically expire, without notice, eighteen (18) months after the approval date of the Special Permit unless construction has commenced, or unless additional time is approved by the Board of Zoning Appeals because of the occurrence of conditions unforeseen at the time of the approval of this Special Permit. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator thirty (30) days prior to the expiration date.

Mr. DiGiulian seconded the motion.

The motion passed by a vote of 5 to 0 (Messrs. Hyland & Hammack being absent).

A COPY TESTE


SANDRA L. HICKS, CLERK TO THE
BOARD OF ZONING APPEALS

NOTICE REQUIRED
 24
 Contractors shall notify operators who maintain underground utility lines in the work of proposed excavation or boring operations in writing days, but not more than ten working days, prior to commencement of excavation or installation in accordance with Section 63 of Chapter 63 of the Fairfax County Code. Names and telephone numbers of the operators of underground utility lines in the vicinity shall be obtained. These numbers may also be used to permit an emergency connection, as required by Section 115 of Chapter 63 of the Code.

- Columbia Gas Pipeline Co. 753-2775
- Plantation Electric Co. 753-0000
- Deland Electric Co. 273-5225
- Chatham Electric Co. 753-010-3116
- Tidewater Electric Co. 753-010-2041
- Fairfax Water Service 753-1532-0300
- Fairfax City Waste Service 273-9300
- Fairfax Water Service 753-4707 or 241-1000
- Chesapeake & Potomac Electric Power Co. MISS UTILITY (301) 652-2100
- Chesapeake & Potomac Electric Power Co.
- A.T.&T. Co.

Approved for proposed location of building as shown. Final approval subject to well check.

SEC. ONE

OFFICIAL PLAT

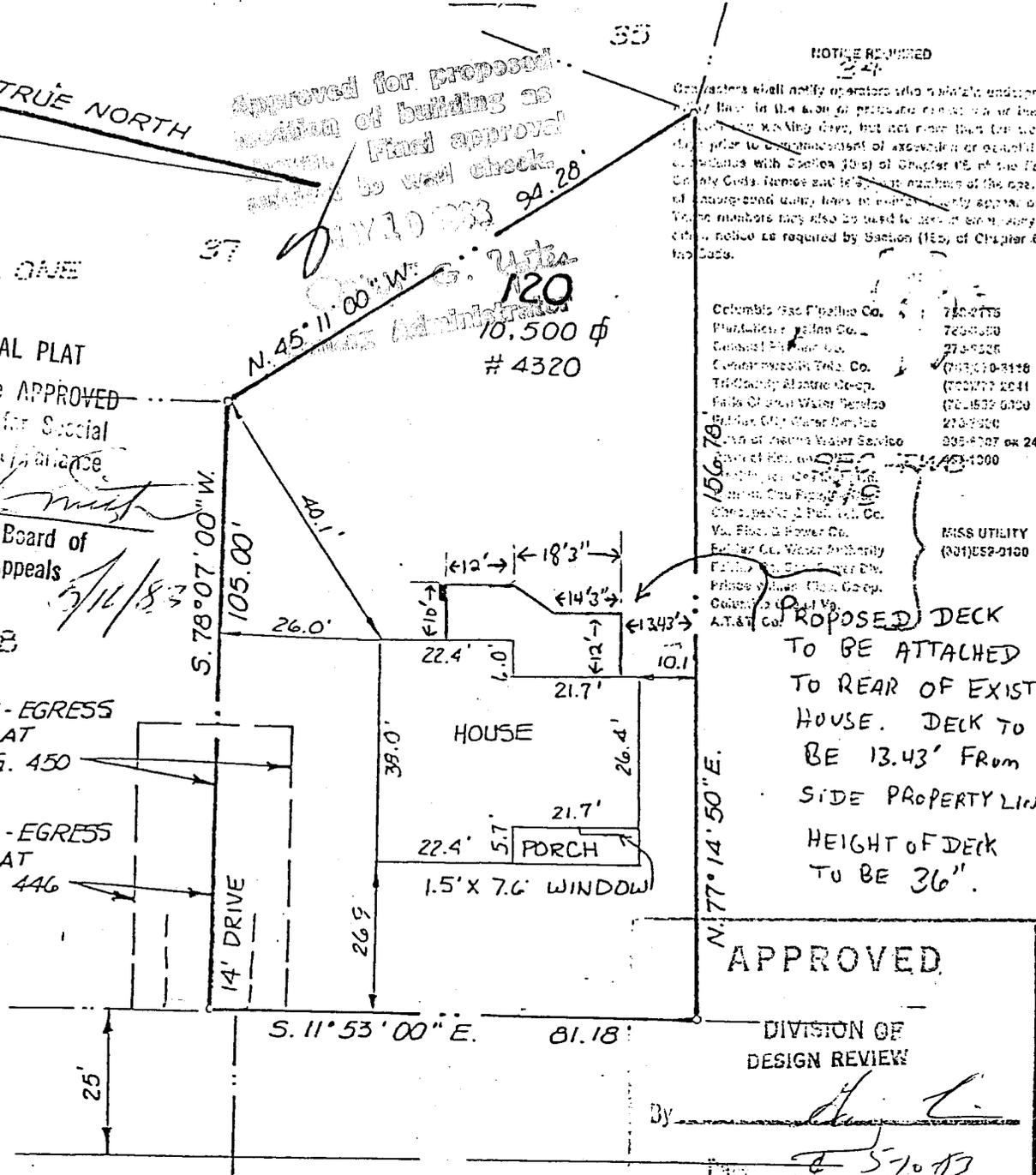
This is the APPROVED plat/plan for Special Use Permit/Variance

Chairman, Board of Zoning Appeals

3/14/83

EX. INGRESS - EGRESS ESMT REC. AT DB 5178 PG. 450

EX. INGRESS - EGRESS ESMT REC. AT DB 5178 PG. 446



PROPOSED DECK TO BE ATTACHED TO REAR OF EXISTING HOUSE. DECK TO BE 13.43' FROM SIDE PROPERTY LINE. HEIGHT OF DECK TO BE 36\"/>

APPROVED

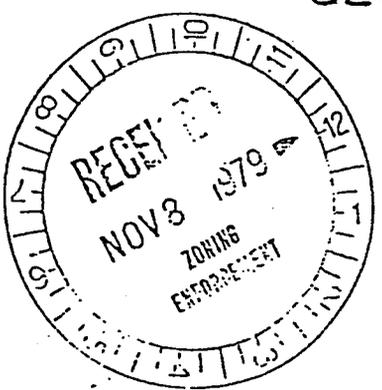
DIVISION OF DESIGN REVIEW

By: [Signature]
 Date: 8-5-79

GENERAL KEARNY COURT
 50' R/W

FINAL APPROVAL

NOV 9 1979



HOUSE LOCATION SURVEY LOT 120

PLEASANT VALLEY SECTION TWO

RECORDED @ DB 4956, PG. 43
 SPRINGFIELD DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 30' DATE: AUGUST 2, 1979
 FINAL: 11-6-79

[Signature]

By: [Signature]
 Zoning Administrator

CERTIFIED CORRECT
 NO TITLE REPORT FURNISHED



County of Fairfax, Virginia

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

RECEIVED
Department of Planning & Zoning

JUN 14 2016

Zoning Evaluation Division

Vested Rights Determination under §15.2-2307 of the *Code of Virginia*

Property Tax Map Number:	33-4 ((2)) 120
Property Address:	4320 General Kearny Court
Requestor's Name:	Debbie Pemberton, Zoning Evaluation Division, DPZ
Requestor's Phone Number:	
Current Zoning:	RC – Residential Conservation District
Magisterial District:	Sully
Subdivision Name/Section/Block/Lot No.:	Pleasant Valley, Section 2, Lot 120

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

This is in response to your request received on June 13, 2016 regarding a vested rights determination for an existing detached storage-shed located on the referenced property. The property is zoned to the Residential-Conservation (RC) Zoning District and is developed with a single family detached dwelling with a deck and a detached accessory storage structure, specifically a storage shed. Included with your request is a plat of the property entitled, "Plat Showing House Location Survey, Lot 120, Section Two, Pleasant Valley," which was prepared by Suburban Development Engineering and is date stamped October 8, 2001. According to this plat, the storage shed is in question measures approximately 10 feet by 12 feet, and is located in the western rear corner of the property, approximately 3 feet from the north side lot line and approximately 6 feet from the western, rear lot line. Based on photographic documentation provided in your request, the shed appears to exceed 8.5 feet in height. Pursuant to the location regulations for accessory storage structures set forth in Par. 10.E. of Section 10-104 of the Fairfax County Zoning Ordinance, any such structure that exceeds 8.5 feet in height shall not be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line. The minimum side yard requirement for the RC District is 20 feet and the shed is an excess of 8.5 feet in height; therefore, the storage she does not meet the required setbacks from the north side or western rear lot lines.

However, pursuant to §15.2-2307 of the *Code of Virginia*, if (i) the local government has issued a building permit, the structure was constructed in accordance with the building permit, and a certificate of occupancy was issued, or (ii) the owner of the structure has paid taxes for the structure for more than 15 years, it is legal and can remain. Our files do not contain any record of a building permit for the storage shed, as none was likely required given its size. However, a review of the real estate assessment records includes a description of a shed measuring 10 feet by 12 feet, and identifies its construction date as 1979. Given this information, the storage shed is vested and can remain in

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



its current location. However, any future replacement or enlargement of the storage shed must comply with all regulations of the district in which located.

Background Summary (check all that are applicable):

- A Building Permit has been issued.
- No evidence of a Building Permit having been issued.
- Department of Tax Administration records indicate that the storage shed has been taxed for at least 15 years.
- Department of Tax Administration records do not indicate that the structure(s) has been taxed for at least 15 years.

Staff Determination:

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

Reviewer's Signature:



Date: 6/14/2016

Andrew Hushour, Deputy Zoning Administrator
Zoning Administration Division
Department of Planning and Zoning

cc: Howard Goodie, Director, Real Estate Division, DTA
Diane Johnson-Quinn, Deputy Zoning Administrator for Zoning Permit Review Branch

Zoning Ordinance Provisions

8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

8-913 Provisions for Approval of Modifications to the Minimum Yard Requirements for Certain R-C Lots

The BZA shall approve a special permit to allow a modification to the minimum yard requirements of the R-C District, but only in accordance with the following provisions:

1. The proposed dwelling or addition thereto is on a lot which was comprehensively rezoned to the R-C District on July 26, 1982 or August 2, 1982 and such lot was: (a) the subject of final plat approval prior to July 26, 1982, or (b) recorded in accordance with a final consent decree entered in Chancery No. 78451 by the Fairfax County Circuit Court on September 17, 1985, or (c) recorded in accordance with a final consent decree entered in Chancery Nos. 78425, 78452, 78454, 78461, 78462 and 78465 by the Fairfax County Circuit Court on September 17, 1985, as amended by a final consent decree entered on November 25, 1991 by the Fairfax County Circuit Court in Chancery No. 123887.
2. Such modification shall result in a yard not less than the minimum yard requirement of the zoning district which was applicable to the lot on July 25, 1982.
3. Such a modification shall be approved if it is established that the resultant development will be harmonious with existing development in the neighborhood and will not adversely impact the public health, safety and welfare of the area.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat. Such plat shall be prepared by a certified land surveyor or registered engineer except plats submitted for

APPENDIX 6

additions to existing single family dwellings or accessory structures related to existing single family dwellings may be prepared by the applicant. Such plat shall contain the following information:

- A. The dimensions of the lot or parcel, the lot lines thereof, and the area of land contained therein.
- B. The location, dimensions 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 and for accessory structures, the height of the highest point of the structure from finished ground level.
- C. The distance from all property lines to the proposed building, structure or addition, shown to the nearest one-tenth of a foot.
- D. The existing and intended use of each building or structure or part thereof, including the number of dwelling units within a dwelling.
- E. The location and configuration of any existing or proposed off-street parking space(s), the number of spaces proposed to be provided, and information as to the proposed surfacing of such areas.
- F. The delineation of any Resource Protection Area and Resource Management Area.
- G. The signature and certification number, if applicable, of the person preparing the plat.