



County of Fairfax, Virginia

September 28, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-LE-066

LEE DISTRICT

APPLICANTS: Daniel J. Kennelly, III

OWNERS: Daniel J., III and Carmela D. Kennelly

STREET ADDRESS: 5432 Broadmoor Street, Alexandria 22315

SUBDIVISION: Hayfield Farm, Section 6, Lot 515A

TAX MAP REFERENCE: 100-2 ((2)) 515A

LOT SIZE: 8,504 square feet

ZONING DISTRICT: R-3 (cluster provisions)

ZONING ORDINANCE PROVISION: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit a reduction in certain yard requirements to permit construction of an addition 5.8 feet from a side lot line, and reduction in minimum yard requirements based on an error in building location to permit an accessory storage structure to remain 2.4 feet from a rear lot line and 1.7 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

Heath Eddy, AICP

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

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

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

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



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

SPECIAL PERMIT REQUEST

The applicant requests special permit approval to permit a reduction in certain yard requirements to permit construction of an addition 5.8 feet from the side lot line, and to permit a reduction in minimum yard requirements based on an error in building location to permit an accessory storage structure to remain 2.4 feet from the rear lot line and 1.7 feet from the side lot line.



Figure 1: Subject property, Source: Pictometry 2015.

A copy of the special permit plat, entitled “Plat Showing the Improvements on Lot 515A of a Resubdivision of a Portion of Section 6 Hayfield Farm,” prepared by George O’Quinn, L.S., of Dominion Surveyors, Inc., dated April 11, 2016, last revised May 3, 2016 and received May 25, 2016, consisting of one sheet is provided at the front of this staff report. A copy of the applicant’s statement of justification and relevant photographs, and architectural renderings, and the affidavit are provided in Appendices 1-3, respectively.

CHARACTER OF THE SITE AND SURROUNDING AREA

The 8,504-square foot subject property is located on Broadmoor Street in the Hayfield Farm cluster development located just northeast of Fort Belvoir. The property is accessed from Telegraph Road to the west, and is near the Hayfield Elementary School. Broadmoor Street is one of the secondary entrances to the Hayfield Farm development.

The property is developed with a 2,598-square foot 2-story single family detached dwelling with a 296-square foot screened rear porch, a 40 square foot attached deck and concrete patio, and 124-square foot storage shed.

BACKGROUND AND HISTORY

County Records indicate that the existing single family dwelling and low wood deck (patio) was permitted for construction in 1968 and authorized for occupancy on August 6, 1968. The screened porch was permitted and constructed in 1994. The storage shed was added to the property sometime between the initial occupancy and the 1994 addition.

This is the first special permit or variance request for the subject property. County records indicate there have been two similar special permit/variance applications in the area:

- VC 85-L-101 approved by the BZA on November 26, 1985, located at 5735 Buckhaven Court, to permit the construction of a garage addition to the dwelling 6.2 feet from a side lot line.
- VC 89-L-155, approved on February 22, 1990, located at 5444 Broadmoor Street, to permit a carport extension to construct a 2-car garage and a second story addition 3.8 feet from the side lot line with a total minimum side yard of 25.9 feet.

DESCRIPTION OF THE APPLICATION

The applicant's request is for permission to construct an addition to the second story of the two-story split-level entrance residence to be located to within 5.8 feet of the side lot line, as measured to the eave. The area under the addition will be crawl space. The actual location of the request is 6.9 feet from the wall, as the eave will be higher than 10 feet above ground level and would be permitted to within five feet of the side lot line, pursuant to Sect. 2-412 of the Zoning Ordinance. The proposed addition encroaches on the minimum side yard in a triangular area 1.1 feet wide at the widest by 9 feet in length, or approximately 5 square feet of building area, out of a total expansion of 364 square feet. The maximum reduction to the wall is 1.1 feet, or 13.75 percent of the required side yard of 8 feet in the R-3 District using the cluster provisions.

It should be noted that, as is typical practice, the request for reduction under Sect. 8-922 was advertised using the eave measurement. Using that measurement, the request is for 5.8 feet from the side yard, a total reduction of 2.2 feet or 27.5 percent.

Staff notes that the request is for a portion of the addition. Measured at the eave, the reduction area is a triangle 2.2 feet at the widest by 20.5 feet long, or an area of 22.55 square feet. As noted above, measured to the wall, the reduction area is a triangle 1.1 feet by 9 feet, or an area of 4.95 square feet.

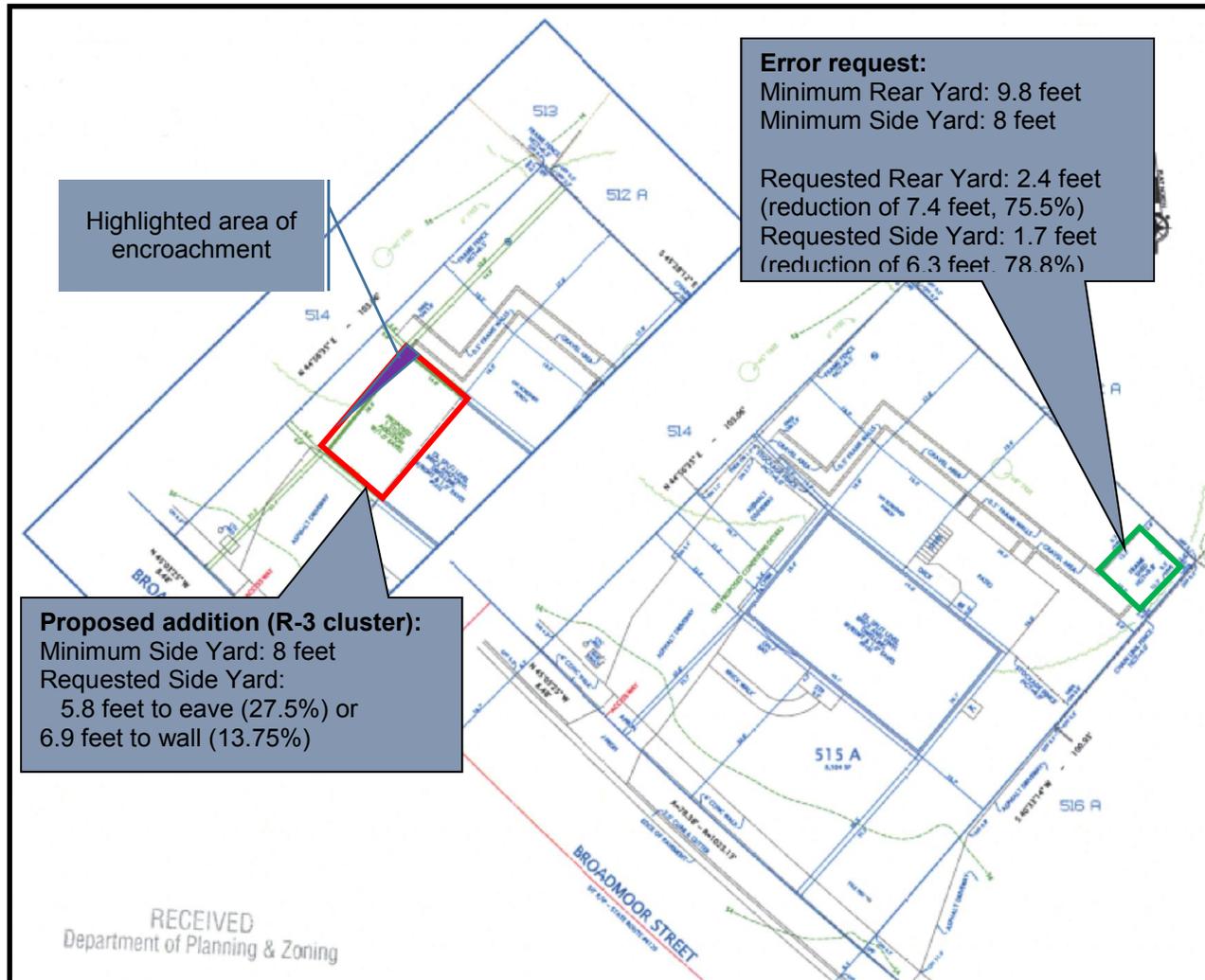


Figure 2: Special Permit plat, partial, showing the proposed addition and the shed proposed for errors in building location. Source: Applicant.

During application acceptance review it was found that the accessory storage shed located in the rear yard was too tall (9.8 feet) for the location of the shed, and an error in building location is requested as a result. The shed is located 2.4 feet from the rear lot line (9.8 feet is required) and 1.7 feet from the side lot line (8 feet is required under the cluster provisions in the R-3 District). This represents a reduction request of 7.4 feet (75.5%) for the rear yard and 6.3 feet (78.8%) for the side yard.

Figure 3, below, shows the proposed addition from the front and rear views.

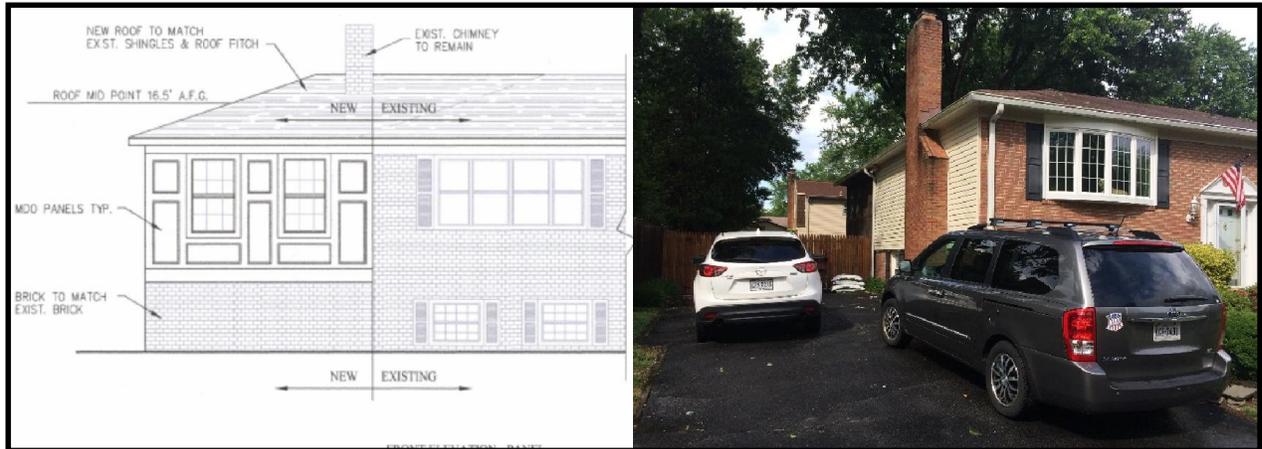


Figure 3: Front view of proposed addition with existing view on right. Source: Applicant.

Note that the proposed addition will match the height of the existing residence. Figure 4, below, shows the side view of the addition versus an image of the existing wall.

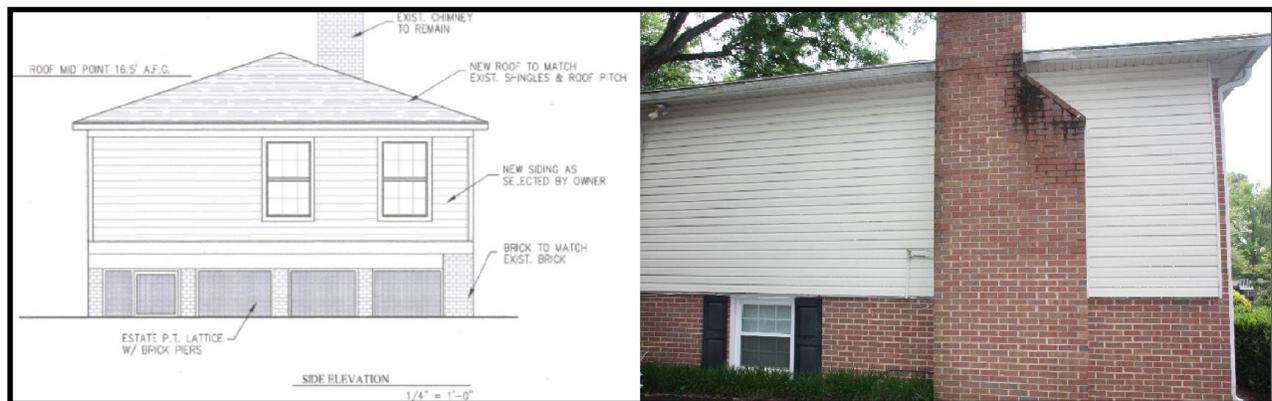


Figure 4: Side-view rendering of proposed addition with existing view on right. Source: Applicant.

The side view will be generally consistent with the existing side wall, and the design is intended to match the width of the existing residence. Figure 5, below shows the rear view of the area for the proposed addition.

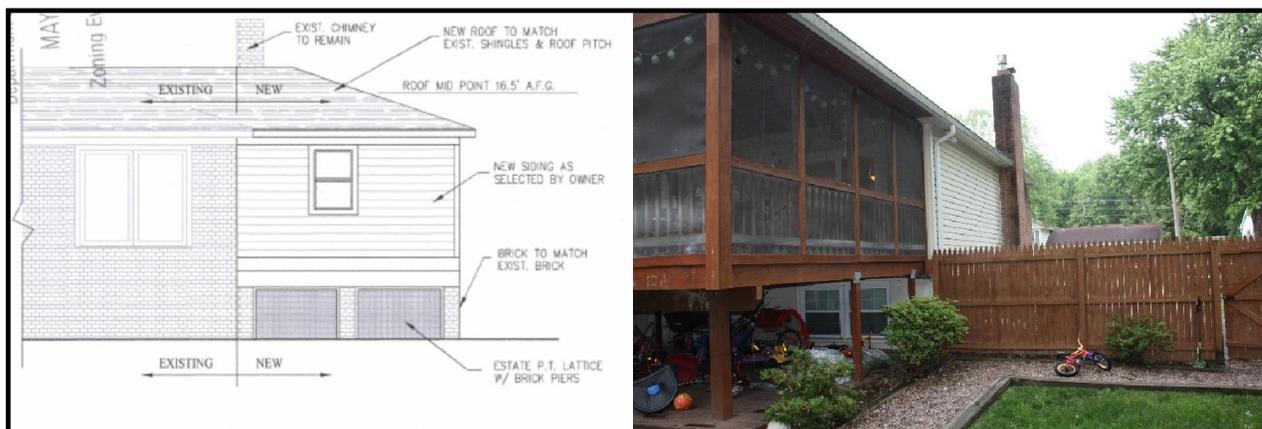


Figure 5: Rear view of proposed addition with existing view on right. Source: Applicant.

The rear view will be most similar to the existing rear wall, which is finished with siding.

Finally, the request for reduction due to an error for the shed is shown in Figure 6, below. The image shows the existing conditions surrounding the shed.



Figure 6: Image the shed located in error. Note the context. Source: Applicant.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: IV
Planning District: Rose Hill
Planning Sector: Huntley Meadows (RH7)
Plan Map: Residential

The Plan does not contain any specific recommendations for the subject property but does note that this area is planned for infill residential development in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

ZONING ORDINANCE REQUIREMENTS (Appendix 6)

The subject property is zoned R-3 with the cluster provisions, which has the following lot size and bulk regulations.

Bulk Standards (R-3, cluster)		
Standard	Required	Provided
Minimum Lot Size	8,500 sf.	8,504 sf.
Minimum Lot Width	NR	86.86 feet
Maximum Building Height	35 feet	16.6 feet
Minimum Front Yard	20 feet	33.7 feet
Minimum Side Yard	8 feet minimum, 20 feet combined	6.9 feet (proposed, wall)* 5.8 feet (proposed, eave)* 23.6 feet (combined)
Minimum Rear Yard	25 feet	73.3 feet

*As requested with this application.

Accessory Structures on Property – Error Requests		
Standard	Required	Requested
Accessory Storage Structure 8.5 feet or higher	Min. side yard 8 feet (R-3, cluster) Min. rear yard = height (9.8 feet)	1.7 feet to side lot line, 2.4 feet to rear lot line

This special permit application is subject to the following provisions of the Zoning Ordinance and are provided as Appendix 6. Subject to the development conditions, the special permit must meet these standards.

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

The following is staff’s analysis of the Zoning Ordinance provisions and the proposal to permit a reduction in the minimum side yard to 6.9 feet (5.8 feet to the eave) to allow construction of an addition into the side yard of the residence. As the BZA is aware, staff does not provide recommendations for cases involving Sect. 8-914.

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

Standards 1 & 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.
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<p>Standard 3 Adjacent Development</p>	<p>Residences in the neighborhood are located at varying distances to the property line. The nearest neighboring residence would be located 29 feet from the proposed addition, and there have been a few other requests for reduction in the vicinity that were approved by the Board.</p>
<p>Standard 4 Pedestrian/ Vehicular Traffic</p>	<p>No increased vehicular or pedestrian traffic is expected with this application. In staff's opinion, the proposal does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p>Standard 5 Landscaping/ Screening</p>	<p>The adjacent property is fenced along the property line, and the reduction as requested is minimal. UFMD recommended planting four evergreens within the side yard adjacent the proposed addition.</p>
<p>Standard 6 Open Space</p>	<p>There is no prescribed open space requirement on individual lots in the R-3 District. The cluster provisions allow for collective open space which is located east of the subject property.</p>
<p>Standard 7 Utilities, Drainage, Parking, and Loading</p>	<p>The proposed changes would not result in any impact on the public utilities, drainage patterns, or parking in the surrounding area.</p>
<p>Standard 8 Signs</p>	<p>No signage is proposed.</p>

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

<p>Standard 1 Lot Size and Bulk Regulations</p>	<p>The bulk regulation for the minimum required side yard is requested to be modified with the special permit application. The subject property complies with standards of the cluster provisions in the R-3 District except for the error requested. It should be noted that the subject property is typical of other lots in the Hayfield Farm development.</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 proposed construction will not disturb more than 2,500 square feet, therefore no additional site plan requirements are required.</p>

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

<p>Standard 1 Yard Requirements Subject to Special Permit</p>	<p><i>A. Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet:</i> The proposed addition would be located 6.9 feet from the side lot line, measured to the wall, and 5.8 feet to the eave. The required side yard in an R-3 District under the cluster provisions is 8 feet, resulting in a reduction of 1.1 feet or 13.75 percent (2.2 feet and 27.5 percent from the eave). <i>B. Pipestem lots- N/A</i> <i>C. Accessory structure locations – N/A</i> <i>D. Extensions into minimum required yards allowed by Sect. 2-412: N/A</i></p>
<p>Standard 2 Not a Detached Structure in a Front Yard</p>	<p>The application does not propose a detached accessory structure.</p>
<p>Standard 3 Principal Structure that Complied with Yard Requirements When Established</p>	<p>At the time of its construction in 1968, the principal structure complied with all requirements then in existence. The deck and screened porch, constructed in 1994, are also in compliance with the yard requirements.</p>
<p>Standard 4 Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The proposed addition totals 364 square feet in area. The total increase in GFA is about 14% of the existing GFA of 2,598 square feet. The maximum total increase for the subject property is 3,894 square feet.</p>
<p>Standard 5 Accessory Structure Subordinate in Purpose, Scale, Use and Intent</p>	<p>N/A</p>
<p>Standard 6 Construction in Character with On-Site Development</p>	<p>The proposal would add 14 feet to the front wall, and create a slightly different pattern of design, though it appears the request is still in character with the existing residence.</p>
<p>Standard 7 Construction Harmonious with Off-Site Development</p>	<p>The neighborhood consists of residences of similar designs and variations on the suburban ranch and split level design. The request is a modest encroachment into the side yard and would be harmonious with the surroundings.</p>
<p>Standard 8 Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>The proposed addition would be located approximately 29 feet from the neighbor's residence to the west, the nearest point of any neighbor. The addition will replace existing driveway pavement and the outside finish will be consistent with the existing side wall of the residence. Therefore, staff believes that the addition will not negatively affect the adjacent neighbor.</p>

<p>Standard 9 Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes this proposal represents the minimum amount of reduction necessary, as the actual encroachment amounts to just under five square feet of building area. A conforming addition would need to be built in a triangular shape. The applicant states that the encroachment is needed to improve functionality of the proposed bathroom and closet.</p> <p>Other issues of environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas, easements 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>
<p>Standard 12 Architectural Elevations</p>	<p>Proposed elevation drawings are included as an attachment to the proposed development conditions in Appendix 1.</p>

CONCLUSION

Staff finds that the proposal to permit a reduction of certain yard requirements to permit construction of an addition 6.9 feet from the side lot line (5.8 feet to the eave) is in conformance with the applicable Zoning Ordinance provisions.

RECOMMENDATION

Staff recommends approval of SP 2016-LE-066 for the construction of the addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

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, Architectural Renderings, and Photographs
3. Applicant's Affidavit
4. Available Street File Information
5. Agency Comments Received
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2016-LE-066****September 28, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-LE-066 located at Tax Map 100-2 ((2)) 515A to permit a reduction in certain yard requirements to permit construction of an addition 6.9 feet from the side lot line, and a reduction in minimum yard requirements based on an error in building location to permit an accessory storage structure to remain 2.4 feet from the rear lot line and 1.7 feet from the side lot line, pursuant to Sects. 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

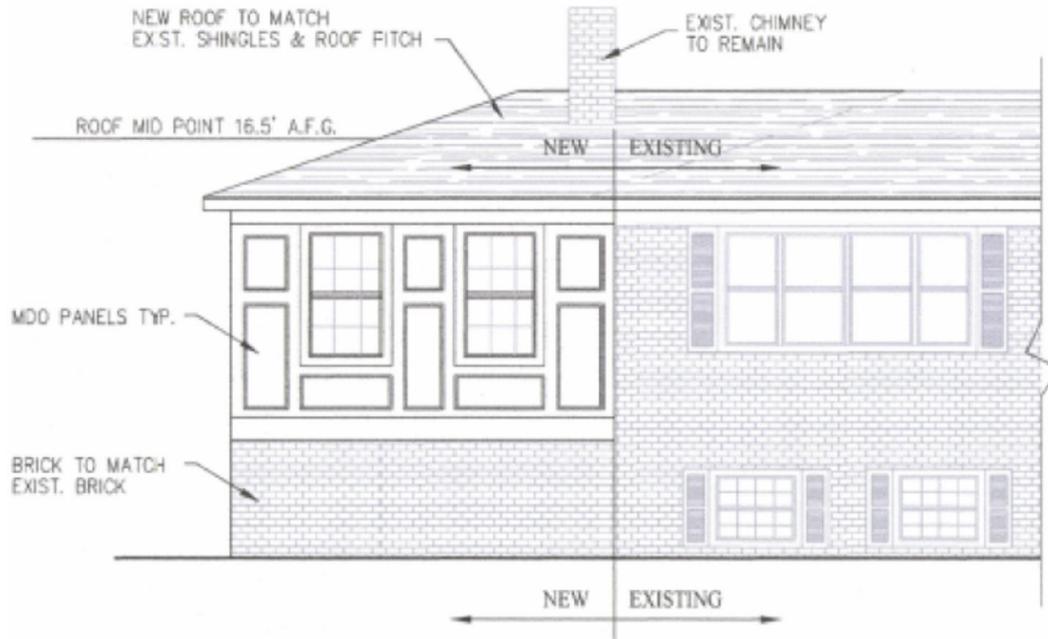
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the accessory storage structure located in error of the minimum side and rear yards, and for the addition as shown on the special permit plat, entitled "Plat Showing the Improvements on Lot 515A of a Resubdivision of a Portion of Section 6 Hayfield Farm," prepared by George O'Quinn, L.S., of Dominion Surveyors, Inc., dated April 11, 2016, last revised May 3, 2016 and received May 25, 2016, consisting of one sheet as submitted with this application and is not transferable to other land.
3. Pursuant to Par. 4 of Sect. 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,598 square feet existing + 3,894 square feet (150%) = 6,492 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the design of the architectural renderings as shown on Attachment 1 to these conditions.

5. The Applicant shall plant four Category I evergreen trees between the addition and the west side lot line following completion of construction, or at the earliest point for suitable planting, at the recommendation of the Urban Forestry Management Division.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced on the screened porch addition and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

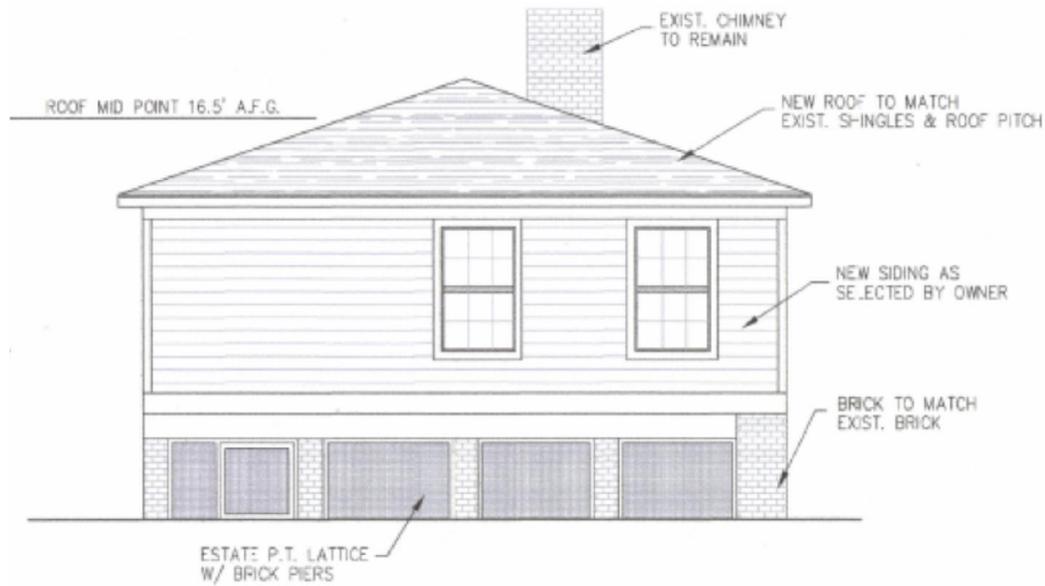
**ATTACHMENT 1: Architectural Renderings for Proposed Addition
Front Elevation**



FRONT ELEVATION - PANEL

1/4" = 1'-0"

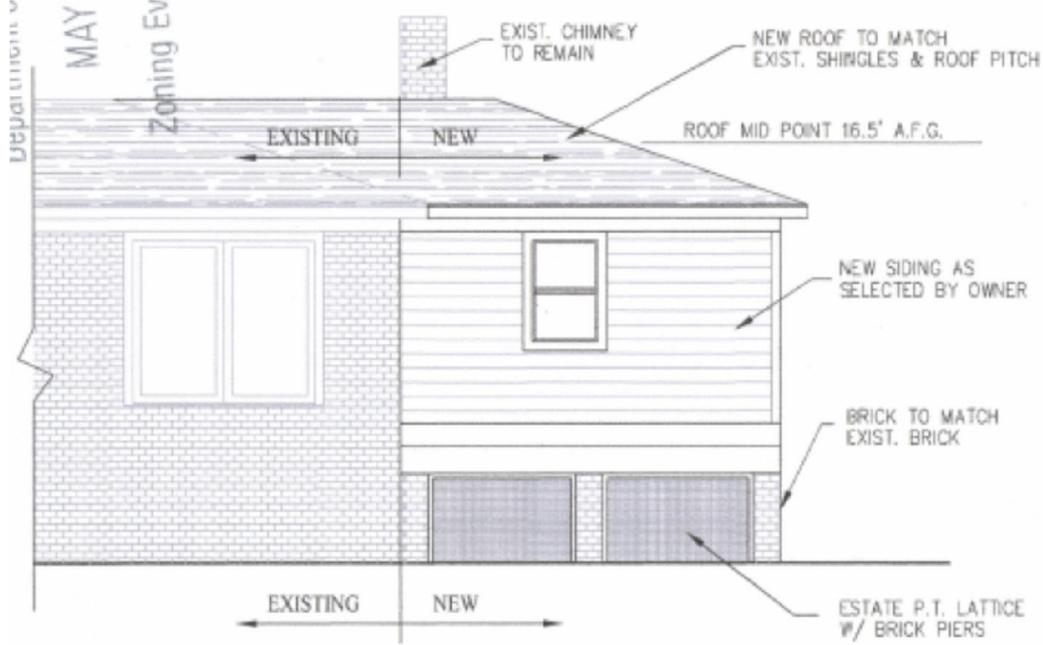
Side Elevation



SIDE ELEVATION

1/4" = 1'-0"

Rear Elevation

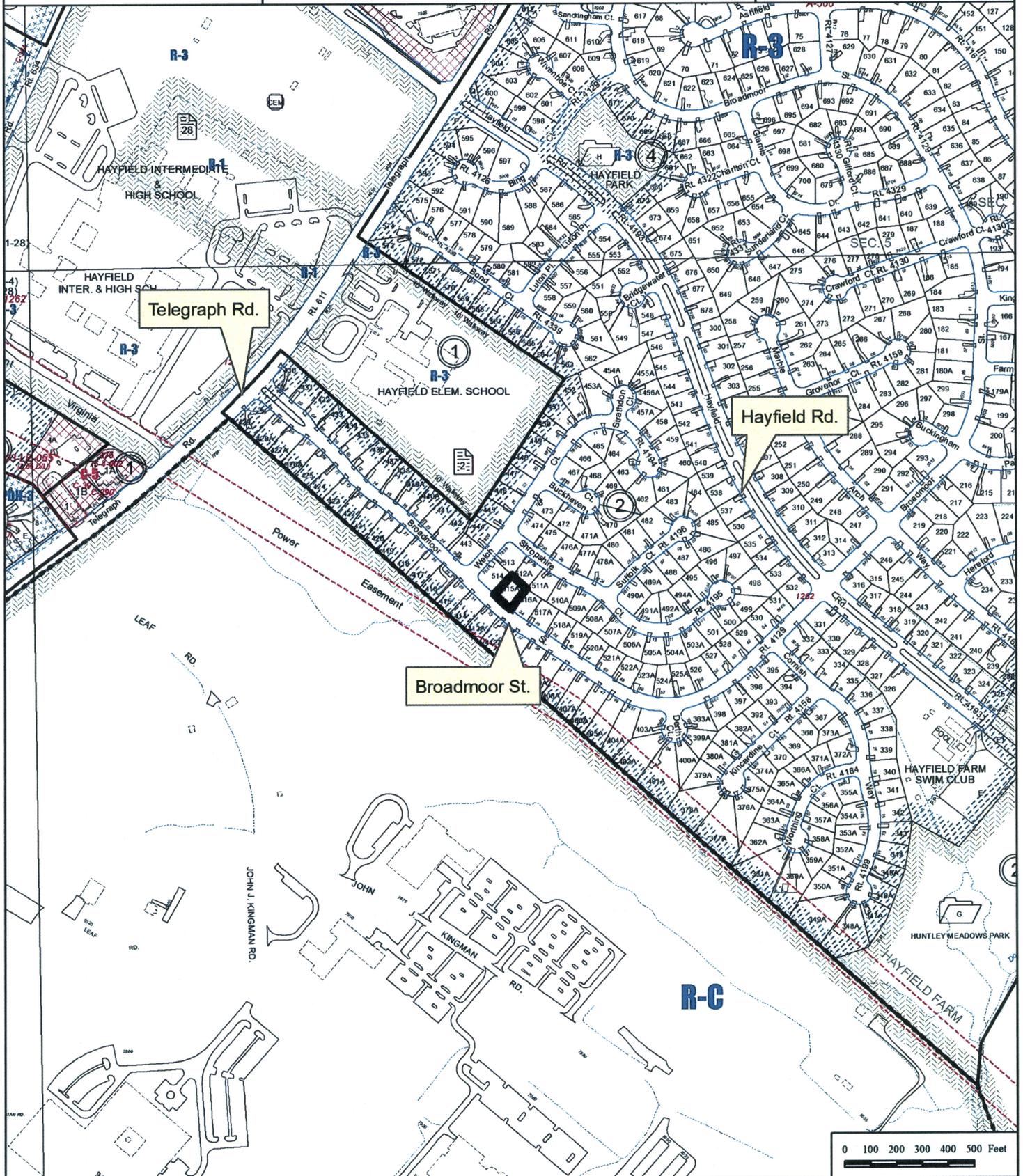


REAR ELEVATION

1/4" = 1'-0"

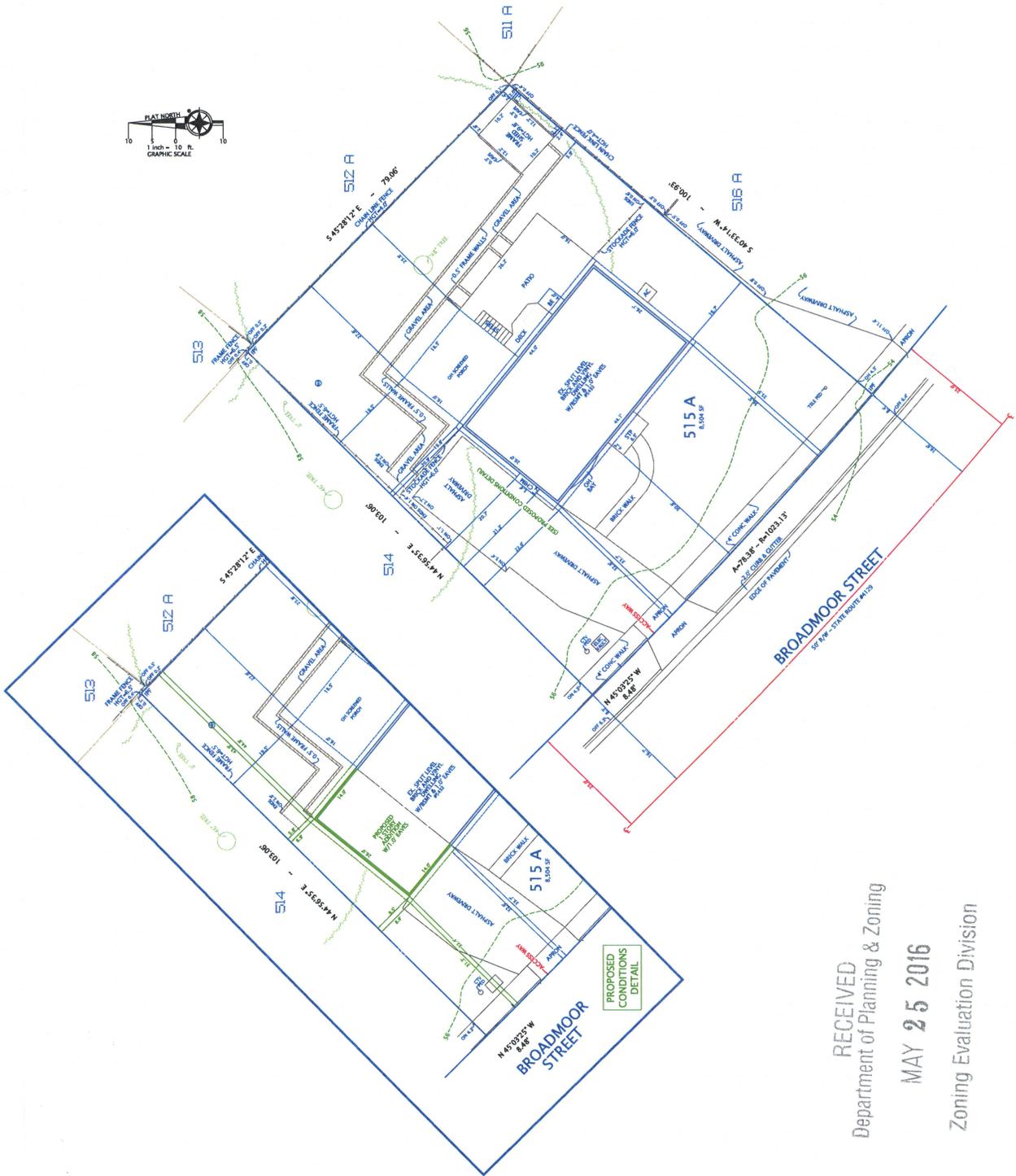
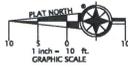


Special Permit SP 2016-LE-066 DANIEL J. KENNELLY III



NOTES

1. TAX MAP: 100-2-02-0515A
2. ZONE: R-3C (R-3 W/CLUSTER DEV)
3. LOT AREA: 8,504 SF (0.1952 ACRES)
4. REQUIRED YARDS:
 - FRONT: 20 FEET
 - REAR: 8 FEET BUT A TOTAL OF 20 FEET
 - SIDE: 25 FEET
5. HEIGHTS:
 - EX. DWELLING: 16.6 FEET (MIDLINE)
 - EX. DWELLING: 15.5 FEET (MIDLINE)
 - EX. SCREENED PORCH: 16.5 FEET (MIDLINE)
 - PROP. ADDITION: 16.5 FEET (MIDLINE)
 - EXISTING ROOFLINE: AS NOTED
 - EX. FENCES: AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS ASUAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
 - EX. FRONT YARD: 1,152 SF
 - EX. REAR YARD: 1,442 SF
 - EX. GROSS FLOOR AREA: 2,598 SF
 - EX. FLOOR AREA RATIO: EX. GFA (2,598) / LOT AREA (8,504) = 0.306
13. OWNERS: DANIEL J. KENNELLY, III
5432 BROADMOOR STREET
FAIRFAX COUNTY, VA 22035
DOB: 1/8/88; POB: 2/1/20



NOT TO SCALE

SHOWING THE IMPROVEMENTS ON
LOT 515 A
OF A REDEVELOPMENT OF A PORTION OF SECTION 6
HAYFIELD FARM
FAIRFAX COUNTY, VIRGINIA
LEE DISTRICT
SCALE: 1" = 10'
DATE: 04/11/2016 (REVISIONS)

<p>THE CLIENT CERTIFIES THAT THE PORTIONS OF ALL THE EXISTING INSTRUMENTS SHOWN HEREON HAVE BEEN RECORDED IN THE PUBLIC RECORDS OF THE COURTS OF THE COMMONWEALTH OF VIRGINIA AND THAT THE INSTRUMENTS SHOWN ARE TRUE AND CORRECT REPRESENTATIONS OF RECORD.</p> <p>A TITLE EXAMINER HAS NOT EXAMINED THIS INSTRUMENT AND DOES NOT WARRANT AS TO THE ACCURACY OF THE INFORMATION HEREON.</p>	<p>DATE: 04/11/2016 LIC. NO. 10000 EXPIRES: 04/11/2018</p> <p>George H. O'Connell Surveyor</p>	<p>CASE NAME: DANIEL J. KENNELLY, III</p>
<p>DOMINION ENGINEERING, INC. 10000 WOODBRIDGE BLVD., SUITE 200 FAIRFAX, VA 22033-4112 TEL: 703.799.6172</p>		

RECEIVED
Department of Planning & Zoning
MAY 25 2016
Zoning Evaluation Division

Statement of Justification

Special Permit Application

JUN 27 2016
Zoning Evaluation Division

Applicant: Daniel J. Kennelly III
Property: 5432 Broadmoor St.
Alexandria, VA 22315

Statement of Justification (8-922)**(Additional Information to correct deficiencies in original submission)**

Item 930.00 As noted on the certified plat, the proposed addition will increase the floor area 364 square feet, which represents a 14% increase over the existing gross floor area of 2,598 square feet.

Item 930.02 The proposed addition will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure. The addition will be to the left side of the house as you face the front. It will simply bump out the footprint of the house to the left, not extending beyond the front or back of the existing structure. The addition will maintain the same roofline as the existing structure. The addition will have a brick on the bottom and siding on the top, keeping in character with the existing left side of the house.

Item 930.03 The proposed addition will be 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 existing trees. The proposed addition is residential (bedroom/bathroom) as is the surrounding area. The addition will not increase the height of the house and will continue to fit in with the neighborhood. The style (brick bottom / siding on top) is common in the neighborhood. No existing vegetation or trees will be disturbed as the addition will be built on top of an existing driveway.

Item 930.04 The proposed addition shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, erosion and stormwater runoff. The addition is a modest bedroom/bathroom addition and will not affect the use/enjoyment of the adjacent property. As it will be built on an existing driveway, there should be no impact to the water runoff on the property. The adjacent neighbor's property includes trees and vegetation which will continue to separate the properties and provide privacy.

Item 930.05 The proposed addition represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. The backyard of the existing structure would not be suitable for the addition because it would necessitate tearing down a wood deck,

and would also block the existing screened porch which is in the backyard. The right side of the house would not be suitable either as it only has 16.7 feet of distance between the existing structure and the adjacent property, versus 20.9 feet of distance to the adjacent property on the left side of the house where the addition is being proposed.

Item 930.10 The certified plat indicates that the existing shed in the backyard is 9 feet 8 inches tall. I wish to add the shed to this Special Permit Application for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location (see Statement of Justification 8-914)

Special Permit Application

JUN 27 2016

Zoning Evaluation Division

Applicant: Daniel J. Kennelly III
Property: 5432 Broadmoor St.
Alexandria, VA 22315

Statement of Justification (8-914)

Per the certified plat submitted with my Special Permit Application, the existing shed in my backyard is 9 feet 8 inches tall, which is taller than the allowable 8 feet 5 inches tall per zoning ordinance regulations. This discrepancy was through no fault of me or my wife as the shed was already built and located on the property when we purchased our house in 2008. We have made no changes to the height of the shed or anything having to do with the shed structure. We wish to leave the shed in its current location instead of relocating it so as to minimize loss of backyard playarea space for our kids.

Special Permit Application

Zoning Evaluation Division

Applicant: Daniel J. Kennelly III
Property: 5432 Broadmoor St.
Alexandria, VA 22315

Statement of Justification

The purpose of this special permit application is to request a reduction of certain yard requirements. The applicant desires to build a bedroom/bathroom addition which will encroach approximately 1 foot 3 inches into the side yard requirement (northwest side of existing house, which is the left side yard as one faces the house), leaving a remaining side yard of 6 feet 9 inches at the closest point to neighbor's property.

- A. Type of operation - this addition will adjoin applicant's residence
 - B. Hours of operation - N/A
 - C. Estimated number of patrons/clients/patients/pupils etc. - N/A
 - D. Proposed number of employees/attendants/teachers/etc. - N/A
 - E. Estimate of traffic impact of proposed use - No impact on traffic
 - F. Vicinity or general area to be served by the use - N/A
 - G. Description of building façade and architecture of proposed new building or addition - Architectural drawings are attached which depict the façade of the new addition. It will be brick on the lower portion, and panel siding on the top as viewed from the front. As viewed from the side, the top, will be traditional siding instead of panels.
 - H. Listing of all hazardous or toxic substances/waste on site - N/A
 - I. Statement of how proposed use conforms to the provisions of all applicable ordinances/regulations/standards and conditions - This proposed use meets the general standards for a special permit pursuant to Section 8-006 of the Zoning Ordinance (page 3 of the Special Permit Application package). As such, the addition will be in harmony with the zoning district and neighboring properties. In addition, the addition will meet the standards as set forth in 8-922 (Provisions for Reduction of Certain Yard Requirements). As such, the yard reduction will not result in a yard less than 5 feet or a yard less than 50% of the requirement. Also, the extension shall not extend into the minimum required yard by more than 50%. Gross floor area standards, as well as other standards, are also satisfied. Lastly, please see attached for architectural drawings of the existing and proposed structure.
-

Architectural Renderings

MITCHELL
RESIDENTIAL
DESIGN

10441 MITCHELL DRIVE
ALEXANDRIA, VA 22304
703.717.1107

A ONE STORY ADDITION
FOR
MR. & MRS. KENNELLY
5432 BROADMOOR STREET
ALEXANDRIA, VIRGINIA

ELEVATIONS

DATE	5/11/2016
PROJECT NO.	16-001
CLIENT	MR. & MRS. KENNELLY
ARCHITECT	MITCHELL RESIDENTIAL DESIGN
SCALE	1/4" = 1'-0"

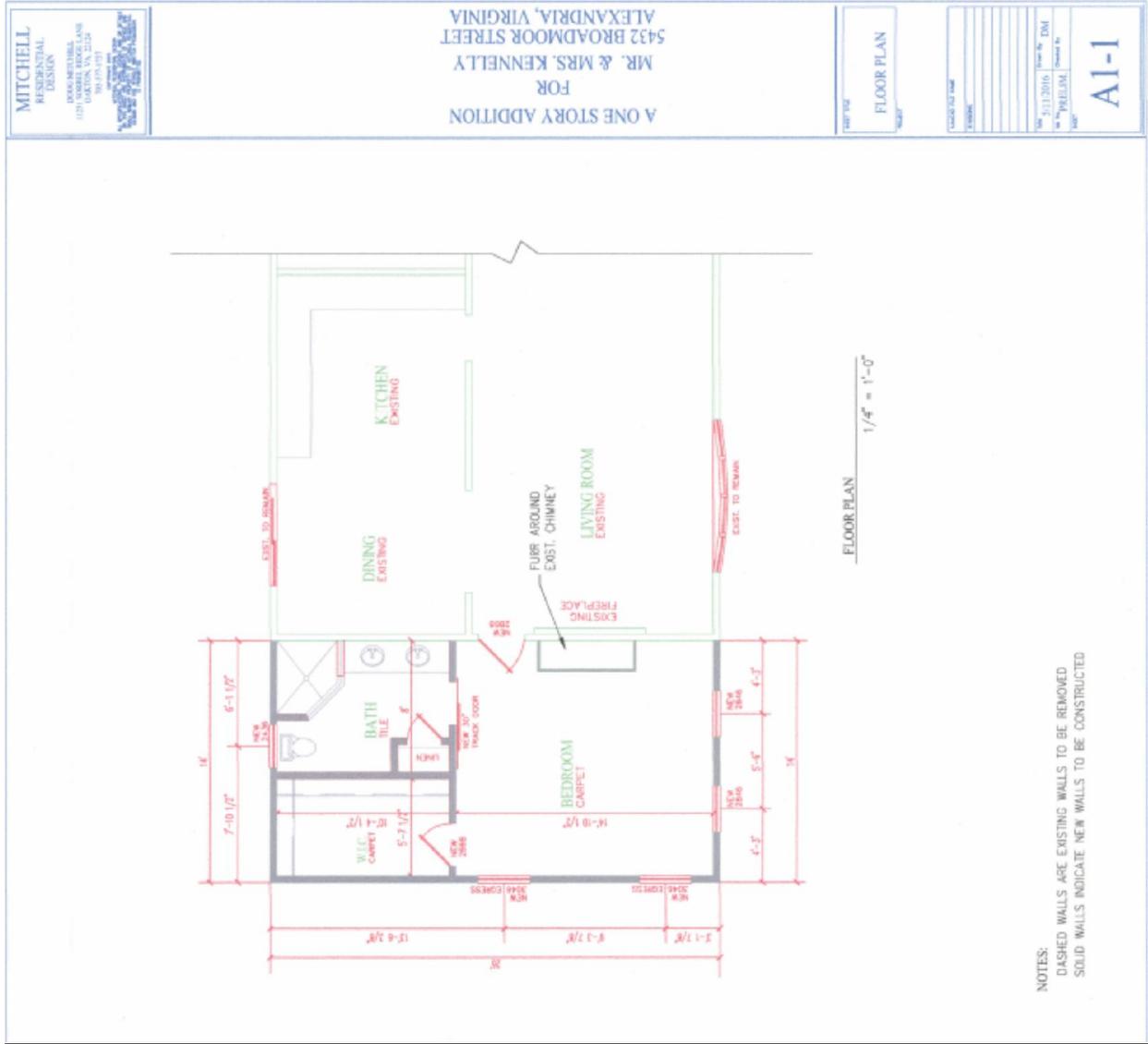
A1-2

REAR ELEVATION
1/4" = 1'-0"

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

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

Department of Planning
MAY 25 2016
Zoning Evaluation



Select Photographs



Image 1: Front of residence from Broadmoor Street



Image 2: Side location of proposed addition.



Image 3: Nearest neighbor to addition.



Image 4: View of location for addition from rear yard. Note addition will be same width as residence (not including screened porch)



Image 5: Rear screened porch and patio plus gravelled walkway to storage shed.



Image 6: View of small deck attached to screened porch and rear of residence. Note characteristic siding of rear wall, which addition will match.



Image 7: Wall of existing side to be replaced. Chimney will remain.



Image 8: Storage shed subject to request reduction due to error. Note relative location of neighbor's shed.



Image 9: Another view showing relative location of neighbor's residence.



Image 10: Neighbor's residence behind the subject property.



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
 Suite 549, 12000 Government Center Parkway
 Fairfax, Virginia 22035-0064
 Phone: (703) 324-2421; Fax: (703) 324-2665
 www.fairfaxcounty.gov

DATE: September 9, 2016

TO: Heath Eddy, Staff Coordinator
 Applications Acceptance Section
 Zoning Evaluation Division
 Department of Planning and Zoning

FROM: Sepideh Aflaki-Khosrowskahi, Paralegal
 Office of the County Attorney

SUBJECT: BZA Affidavit
 Temporary Application No. SP 2016-0146

REF.: 135107

Attached is a copy of an application and an original affidavit that has been approved by the Office of the County Attorney for the following case:

<u>Name of Applicant</u>	<u>Affidavit Date of Oath</u>
Daniel Kennelly	05/24/16

Attachment

135107



COUNTY OF FAIRFAX
 Department of Planning and Zoning
 Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 703-324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SP 2016-LE-066
 (Staff will assign)

RECEIVED
 Department of Planning & Zoning

MAY 25 2016

Zoning Evaluation Division

APPLICATION FOR A SPECIAL PERMIT / SPECIAL PERMIT AMENDMENT
 (PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	APPLICANT NAME	DANIEL J. KENNELLY III	
	BUSINESS NAME (if applicable) <small>(e.g., d/b/a; aka; LLC; trading as, etc.)</small>	N/A	
	MAILING ADDRESS	5432 BROADMOOR ST. ALEXANDRIA VA 22315	
	PHONE HOME (703) 971-1693	WORK (312) 961-4267	
	PHONE MOBILE (312) 961-4267	EMAIL: dkennelly99@gmail.com	
PROPERTY INFORMATION	PROPERTY ADDRESS	5432 BROADMOOR ST. ALEXANDRIA VA 22315	
	TAX MAP NO.	1002 02 0515A	SIZE (ACRES/SQ FT) 8504 SQ FT
	ZONING DISTRICT	R-3C (R-3 w/ Cluster Dev)	MAGISTERIAL DISTRICT LEE
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:	N/A - NOT SEEKING REZONING	
SPECIAL PERMIT REQUEST INFORMATION	ZONING ORDINANCE SECTION	8-922	
	PROPOSED USE	Requesting a reduction of certain yard requirement. Proposed structure (bedroom/bathroom addition) will encroach 1 foot 3 inches into the side yard requirement (NW side of house; left side yard as you face the house) leaving a remaining side yard of feet inches at the closest point.	
AGENT/CONTACT INFORMATION	NAME	N/A - NO AGENT, SEE APPLICANT INFO ABOVE	
	MAILING ADDRESS	N/A - NO AGENT, SEE APPLICANT INFO ABOVE	
	PHONE NUMBER	HOME	WORK
	PHONE NUMBER	MOBILE	
MAILING	Send all correspondence to (check one):	<input checked="" type="checkbox"/> Applicant -or- <input type="checkbox"/> Agent/Contact	
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p>			
<p>DANIEL J. KENNELLY III TYPE/PRINT NAME OF APPLICANT/AGENT</p>		<p><i>Daniel J. Kennelly III</i> SIGNATURE OF APPLICANT/AGENT</p>	

DO NOT WRITE IN THIS SPACE

SP 2016-0146

Date Application accepted: _____ Application Fee Paid: \$ _____

Application No.(s): SP 2016-LE-066
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/24/2016
(enter date affidavit is notarized)

135107

I, DANIEL J. KENNELLY III, 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)
DANIEL J. KENNELLY III	5432 BROADMOOR ST. ALEXANDRIA VA 22315	Applicant Title Owner
CARMELA D. KENNELLY	5432 BROADMOOR ST ALEXANDRIA VA 22315	Applicants Spouse 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): SP 2016-LE-066
(county-assigned application number(s), to be entered by County Staff)

Page Two
N/A

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/24/2016
(enter date affidavit is notarized)

135107

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): SP 2016-LE-066
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/24/2016
(enter date affidavit is notarized)

N/A
135107

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): SF 2016-LE-066
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/24/2016
(enter date affidavit is notarized)

135107

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): SP 2016-LE-066
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 05/24/2016 135107
(enter date affidavit is notarized)

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:

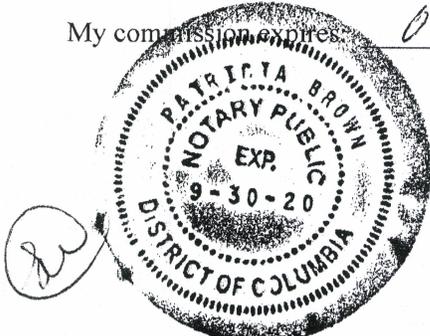
(check one) Applicant Daniel J. Kennelly III Applicant's Authorized Agent

Daniel J. Kennelly III
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 24th day of May 20 16, in the State/Comm. of Washington, County/City of DC

Patricia Brown
Notary Public

My commission expires 09/30/2020



PATRICIA BROWN
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 30, 2020

OWNER CONSENT / AGENT AUTHORIZATION STATEMENT

To Whom It May Concern:

I/We, CARMELA D. KENNELLY, the undersigned applicant and/or title owner(s) of the property identified below, do hereby authorize DANIEL J. KENNELLY III to act as agent(s) in the furtherance of an application for a special permit on my/our property located at: 5432 BROADMOOR ST. ALEXANDRIA VA 22315 Tax Map No. 1002 02 0515A.

Thank you in advance for your cooperation.

APPLICANT/TITLE OWNER

Date: 8/3/16 By: Carmela D Kennelly

COMMONWEALTH/STATE OF: Washington, DC
CITY/COUNTY OF: _____ NOT WIT:

The foregoing instrument was acknowledged before me this 3rd day of August, 2016.
by Carmela D. Kennelly
(Signor)

Patricia Brown
Notary Public (Signature)
Notary Registration No. _____
My Commission Expires: 9/30/2020



/STAMP

PATRICIA BROWN
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 30, 2020

OWNERS MUST SIGN IN PRESENCE OF NOTARY. IF THERE IS MORE THAN ONE OWNER, SIGNATURES MAY CONTINUE ON NEXT PAGE.

FORM ZA

COUNTY OF FAIRFAX, VIRGINIA
OFFICE OF THE ZONING ADMINISTRATOR

SEWER

APPLICATION FOR CERTIFICATE OF OCCUPANCY

FOR USE IN CONNECTION WITH A NEW BUILDING OR FOR CHANGE IN THE
EXTERIOR OUTLINE OF AN EXISTING BUILDING

(WRITE WITH INK)

DATE: 8/6/68

Name of Proposed Occupant or Trade Name

Applicant Wills & Van Metre Inc.

Address 1200 Prince Street, Alexandria, Virginia

Lot Number 515 A Block _____ Section 6

Subdivision or
Acreage Description Havfield Farm

To be used as one family dwelling

Last used as new

Non-Conforming Use _____

Material of Building _____

No. of Stories High _____

Which floor do you propose to
use: _____

Owner of Building (or agent)

Address _____

TO BE FILLED IN BY CLERK	
ZONE	<u>R-12.5 cluster</u>
HEIGHT	_____
FIRE ZONE	_____
BUILDING PERMIT NO.	<u>51940</u>
DATE	<u>8/6/68 rc</u>
INITIALS	
<u>5432 Broadman St</u>	

This Application Constitutes a Written Request for a Certificate of Occupancy upon Compliance by the Applicant with Provisions of Section 30-9.4.4 of the Code.

It is understood that the Certificate of Occupancy does not take the place of any license that may be required by law and also that it does not confer the right to erect or maintain any kind of signs.

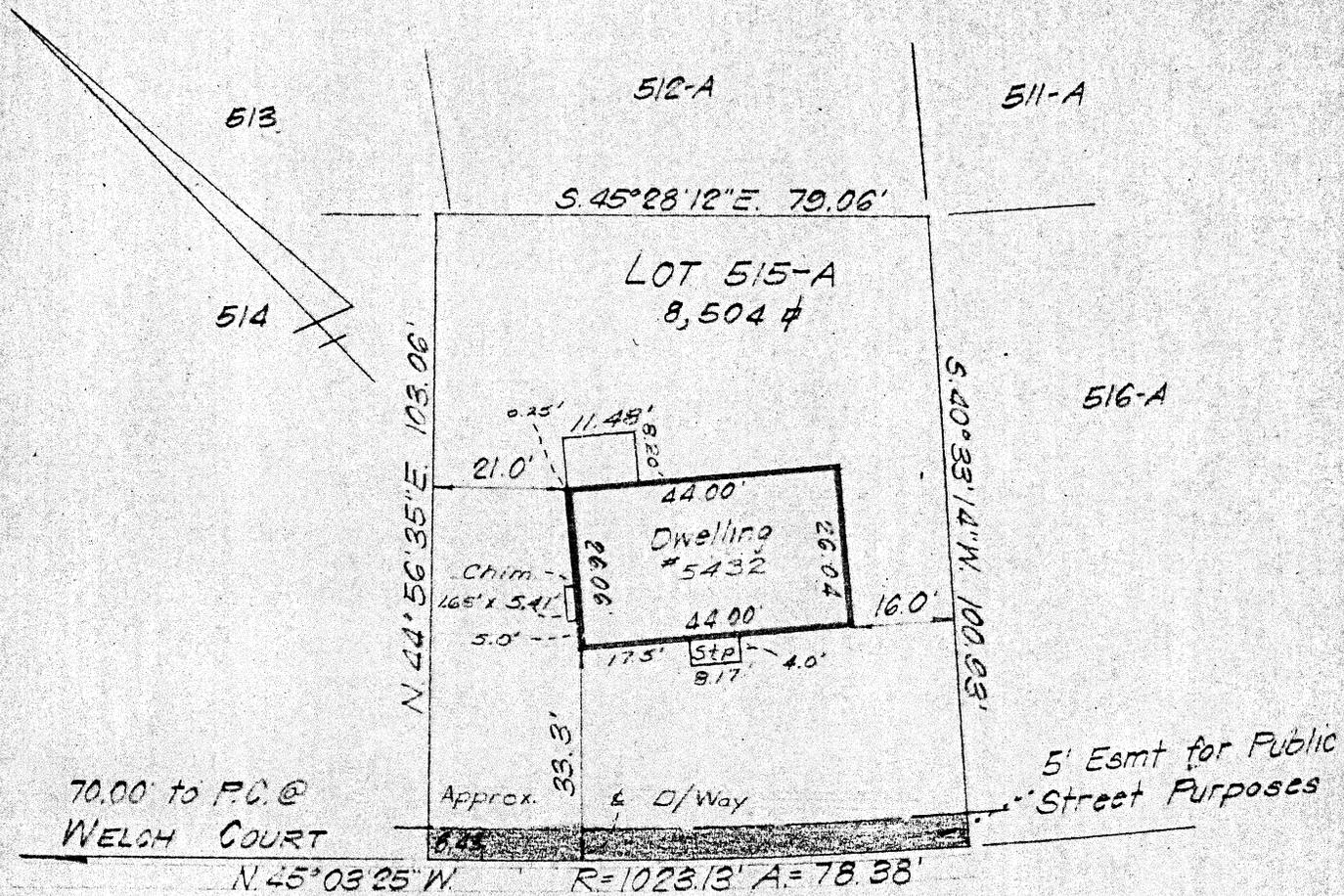
Signature of Proposed Occupant or

Applicant WILLS & VAN METRE, INC.

Address 1200 Prince Street
Alexandria, Virginia

Telephone Number 765 7800

Zoning Section	
No.	<u>D-26083</u>
Issued	<u>[Signature]</u>
Date	<u>JUN 9 1969</u>



BROADMOOR STREET
50' R/W

FINAL APPROVAL
J. Woodson
 ZONING ADMINISTRATOR
 DATE: 12-23-68
 1959
 of the Zoning Administrator

HOUSE LOCATION
LOT 515A SEC. 6

HAYFIELD FARM

LEE SERVICE DISTRICT, FAIRFAX COUNTY, VIRGINIA

Scale: 1" = 30' Date: Wall Check: 10-4-68
Final Check: 12-23-68

DEWBERRY, NEALON & DAVIS

ENGINEERS · PLANNERS · SURVEYORS

8411 ARLINGTON BOULEVARD, FAIRFAX, VIRGINIA

I hereby certify the position of all existing improvements on the above described property have been carefully established by a transit-tape survey and that unless otherwise shown there are no encroachments either way across the property line

TITLE REPORT NOT FURNISHED

Reference: Drawn by: RLT

D B 3015 Pg 544 Checked by: CB.

CERTIFIED CORRECT

Richard W. Davis

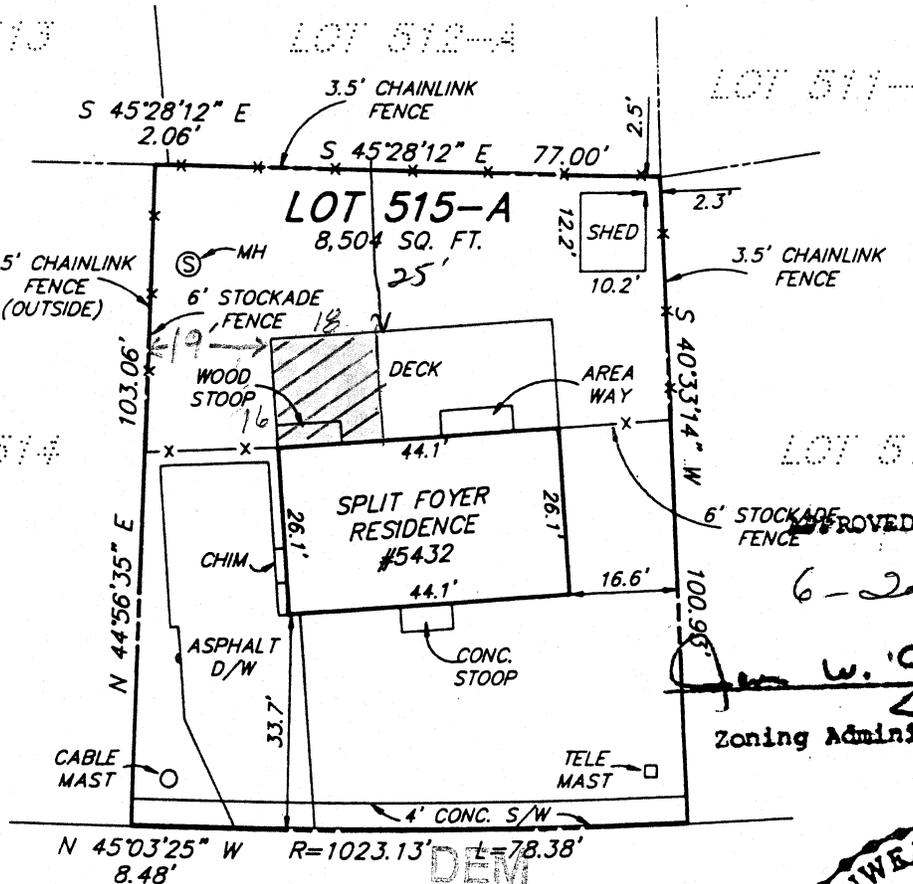
LOT 513

LOT 512-A

LOT 511-A

LOT 514

LOT 516-A



6-24-94

[Signature]
Zoning Administrator

N 45°03'25" W 8.48' R=1023.13' L=78.38'

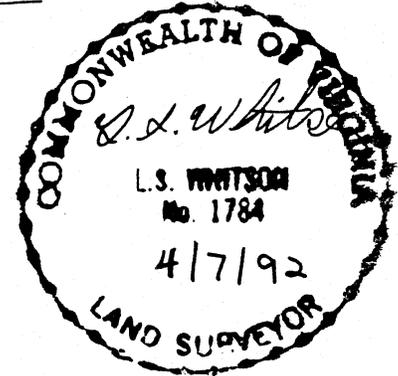
BROADMOOR STREET

50' R/W

Approved for

PORCH

By Bl
Date 6/20/94



HOUSE LOCATION SURVEY
LOT 515-A SECTION 6
HAYFIELD FARM
LEE DISTRICT
FAIRFAX COUNTY, VIRGINIA

This plat has been prepared without benefit of a title report and does not therefore necessarily indicate all encumbrances on the property. Fence locations are approximate only and do not certify as to ownership. This survey is not to be used for the construction of fences or any other improvements.

FLOOD ZONE: C PANEL: 29
COMMUNITY NO: 515525C DATE: 5-14-76

DATE: APRIL 7, 1992 SCALE: 1" = 30' JOB NO: 92-04-0480

PURCHASER: REFINANCE SELLER: JONES/BRANNIGAN





County of Fairfax, Virginia

MEMORAN

DATE: August 16, 2016

TO: Casey Gresham, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Tom French, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Hayfield Farm Lot 515A SP 2016-LE-066

I have reviewed the above referenced Special Permit application including a Statement of Justification and a Special Permit plat of the subject property, stamped as received by the Zoning Evaluation Division on May 25, 2016. The following comments and recommendations are based on this review. An investigation of the lot was conducted on August 12, 2016.

Comment: In order to insure compliance with zoning ordinance, screening is recommended along the southeastern property line to shield the proposed addition from the neighboring property.

Recommendation: UFM recommends the installation of 3 to 4 Category I evergreen trees between the proposed addition and the west side property line.

If there are any questions, please contact me at (703)324-1770.

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



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.

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

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

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

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

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

- 2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, or
 - B. The error is up to ten (10) percent of the measurement involved and such reduction or modification is requested in conjunction with the approval of a special permit for another use or application for a variance on the property, or is in conjunction with another special permit for an error in building location on the property that exceeds ten (10) percent of the measurement involved, and
 - C. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - D. Such reduction or modification will not impair the purpose and intent of this Ordinance, and

- E. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - F. It will not create an unsafe condition with respect to both other property and public streets, and
 - G. To force compliance with the minimum yard requirements or location regulations would cause unreasonable hardship upon the owner.
 - H. The reduction or modification will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
- 3. In granting such a reduction or modification under the provisions of this Section, the BZA shall allow only a reduction or modification necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
 - 4. Upon the granting of a reduction or modification for a particular building or structure in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
 - 5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.

7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.

- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, 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.