



# County of Fairfax, Virginia

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October 12, 2016

## STAFF REPORT

### SPECIAL PERMIT SP 2016-MA-069

#### MASON DISTRICT

**APPLICANTS/OWNERS:** Melissa Mason  
David Mason

**STREET ADDRESS:** 6316 Aqua Terrace, Falls Church, 22041

**SUBDIVISION:** Lake Barcroft

**TAX MAP REFERENCE:** 61-3 ((14)) 17

**LOT SIZE:** 13,471 square feet

**ZONING DISTRICT:** R-2, HC

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit a reduction of certain yard requirements to permit the construction of an addition 11.0 feet from a side lot line.

#### STAFF RECOMMENDATION:

Staff recommends approval of SP 2016-MA-069 for the addition with the adoption of the proposed development conditions contained in Appendix 1.

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

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

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

*Sharon E. Williams*

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

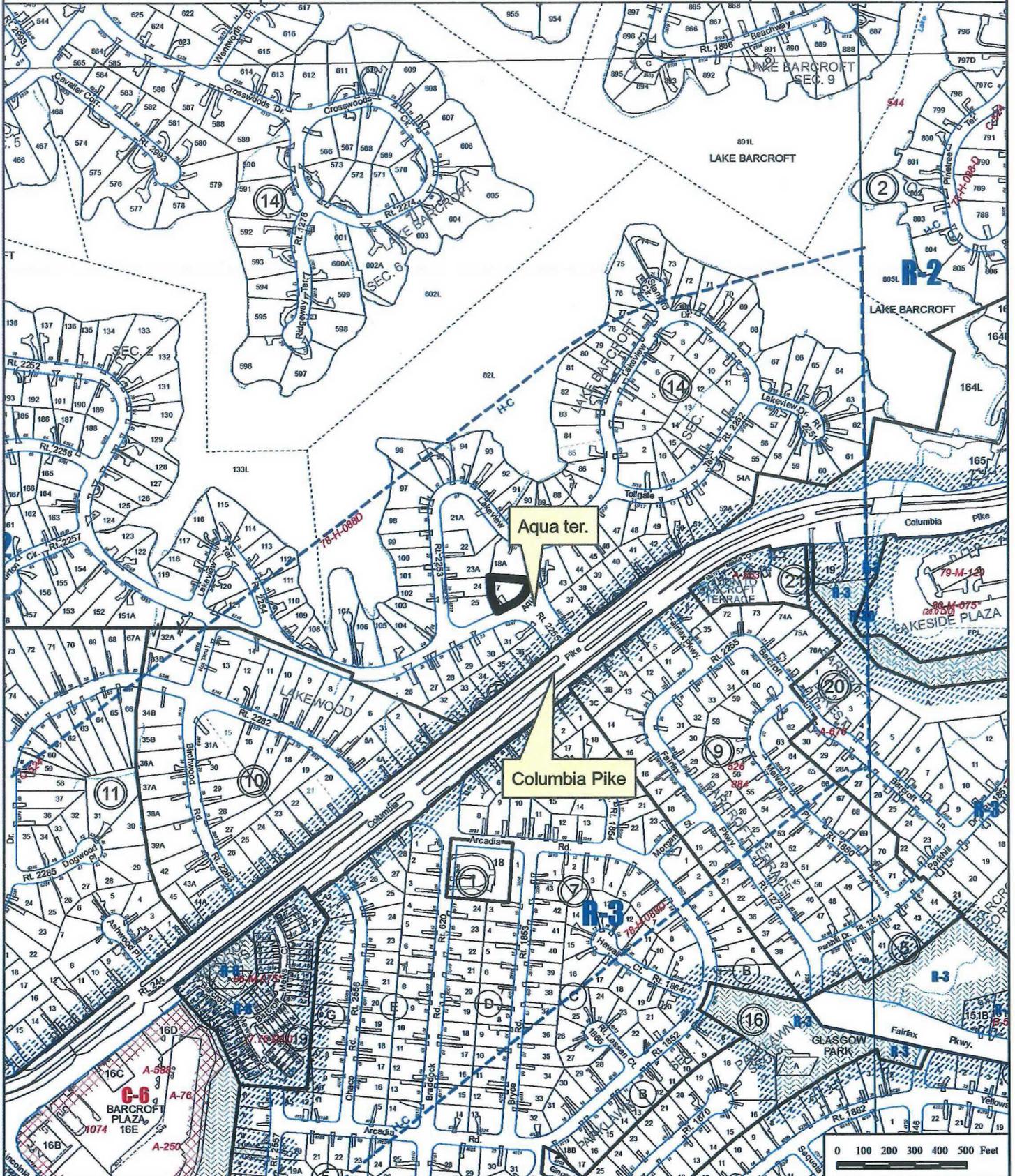
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

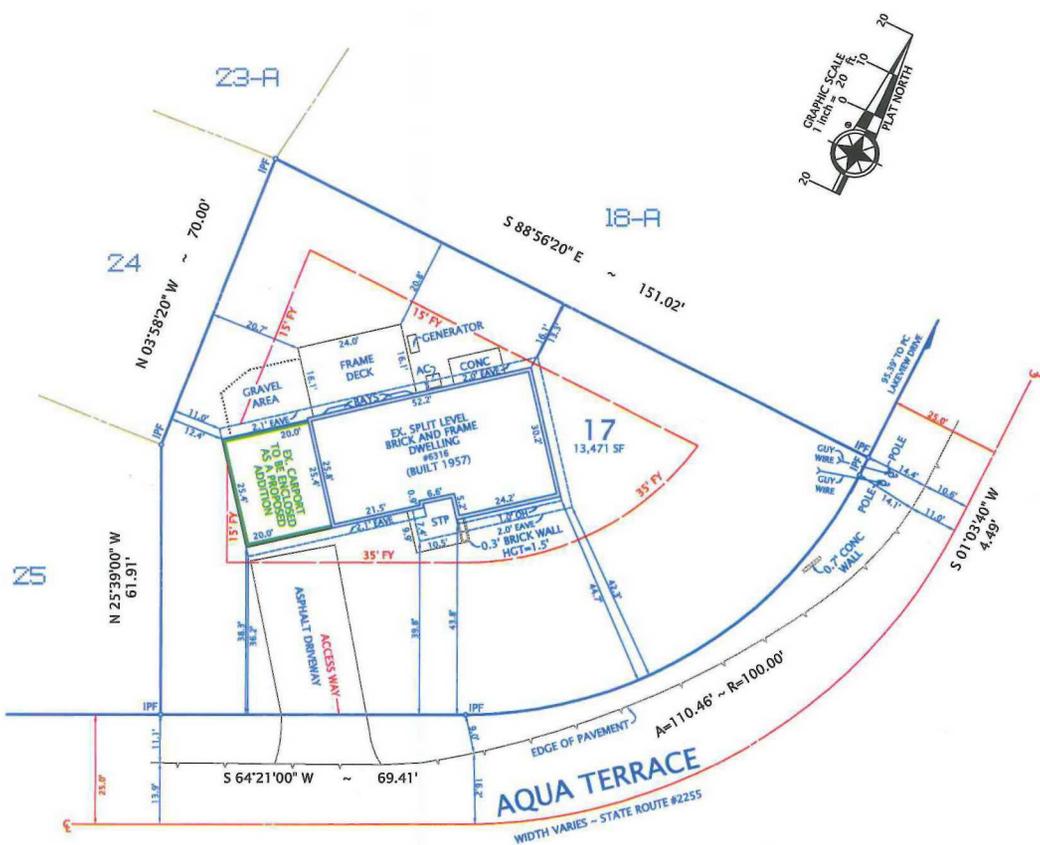


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).



# Special Permit SP 2016-MA-069 MELISSA AND DAVID MASON





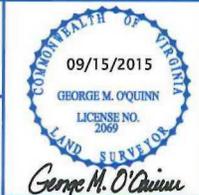
- NOTES:
- TAX MAP: 61-3-14-0017
  - ZONE: R-2 (RESIDENTIAL 2 DU/AC)
  - LOT AREA: 13,471 SF (0.3093 ACRE)
  - REQUIRED YARDS: (CORNER LOT)
    - FRONT: = 35 FEET
    - SIDE: = 15 FEET
    - REAR: = 25 FEET
  - HEIGHTS:
    - EX. DWELLING = 17.4 FEET (MIDLINE)
    - PROPOSED ADDITION = 17.4 FEET (MATCH EXISTING)
    - DECK = 04.3 FEET
    - 0.3' BRICK WALL = 01.5 FEET
  - THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
  - THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
  - ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
  - THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
  - THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
  - AREAS:
    - EX. BASEMENT = 732 SF
    - EX. FIRST FLOOR = 718 SF
    - EX. SECOND FLOOR = 732 SF
    - EX. GROSS FLOOR AREA = 2,182 SF
- EX. FLOOR AREA RATIO: EX. GFA (2,182) / LOT AREA (13,471) = 0.162  
 PROPOSED ADDITION = 509 SF. / EX. GFA (2,182) = 0.233  
 PROP. GFA: EX. GFA (2,182) + PROP. ADDN. (509) = 2,691 SF  
 PROP. FLOOR AREA RATIO: PROP. GFA (2,691) / LOT AREA (13,471) = 0.200
- UTILITIES ARE UNDERGROUND.
  - OWNERS: DAVID R. MASON AND MELISSA J. MASON  
 6316 AQUA TERRACE  
 FALLS CHURCH, VA 22041  
 (DB. 9800, PG. 312)

PLAT  
 SHOWING THE IMPROVEMENTS ON  
 LOT 17, SECTION ONE  
**LAKE BARCROFT**  
 (DEED BOOK 783, PAGE 217)  
 FAIRFAX COUNTY, VIRGINIA  
 MASON DISTRICT  
 SCALE: 1" = 20' SEPTEMBER 15, 2015

RECEIVED  
 Department of Planning & Zoning  
 FEB 16 2016  
 Zoning Evaluation Division

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

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



CASE NAME:  
 MASON

**DOMINION** Surveyors Inc.  
 8808-H PEAR TREE VILLAGE COURT  
 ALEXANDRIA, VIRGINIA 22309  
 703-619-6535  
 FAX: 703-799-6412

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## SPECIAL PERMIT REQUEST

The applicants are seeking a special permit to allow a reduction of certain yard requirements to permit the construction of an addition 11.0 feet from a side lot line. The applicants are proposing to enclose the existing carport and convert it to living space. The addition will maintain the existing roofline and will add 509 square feet in gross floor area.

A copy of the special permit plat, titled "Plat Showing the Improvements on Lot 17, Section one, Lake Barcroft" prepared by George M. O'Quinn on September 15, 2015, is included in the front of the staff report.

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

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 13,471 square foot application property consists of a split-level, single-family detached dwelling. An asphalt driveway extends to Aqua Terrace and a 1.5 foot tall brick wall frames a landscaped area leading to a stoop which provides access to the main entrance of the dwelling. At the rear of the dwelling there is a gravel area directly behind the existing carport, which is proposed to be enclosed as part of this application. The gravel area connects to a 4.3 foot tall frame deck. There is also a generator located to the north of the frame deck. In addition, there is a concrete area attached to the northern corner of the dwelling.

The property is located to the north of Columbia Pike and south of Lakeview Drive and Lake Barcroft. The subject property and surrounding properties are located in the Highway Corridor Overlay District and are zoned R-2. The surrounding properties are developed with single-family detached dwellings.



Figure 1: Aerial View

## BACKGROUND AND HISTORY

Fairfax County Tax Records indicate that the single family dwelling was constructed in 1957 and purchased by the applicant in 1996.

Similar cases for reduction of minimum yard requirements have been approved by the BZA for nearby properties (Appendix 4):

1. On July 15, 2009 the BZA approved a special permit (SP 2009-MA-028), to permit the construction of an addition located 12.6 feet and 14.5 feet from the side lot lines and 12.5 feet and 13.1 feet from the rear lot line located at 6319 Lakeview Drive.

## DESCRIPTION OF THE REQUEST

The applicants are requesting approval of a special permit for a reduction in yard requirements to permit the construction of an addition, located 11.0 feet from a side lot line. In the R-2 District the required side yard is 15 feet; therefore the applicant is requesting a reduction of 4.0 feet, or 26.7%.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
<b>Special Permit (50%)</b>	Enclosed Carport	Side	15.0 feet	11.0 feet	4.0 feet	26.7%

The addition would be approximately 509 square feet in size. The existing roofline of the carport will be retained and will match the dwelling at 17.4 feet in height. The proposed addition will feature faux garage doors to preserve the character of the neighborhood. The proposed materials will match the existing style of the dwelling. The addition will be used for living space including a sunroom, half-bath, and pantry. The proposed addition will not extend any further into the side yard than the existing carport. Only the rear northwest corner of the proposed addition encroaches into the setback (roughly 20 square feet).



Figure 2: Proposed Elevation

**ANALYSIS**

**Comprehensive Plan Provisions**

**Plan Area:** Area I, Baileys Planning District  
**Planning Sector:** Barcroft Community Planning Sector (B5)  
**Plan Map:** Residential, 2-3 dwelling units per acre

**Zoning District Standards**

Bulk Standards (R-2)		
Standard	Required	Provided
Lot Size	15,000 sf.	13,471 sf. <sup>1</sup>
Lot Width	Interior: 125 feet	169.41 feet
Building Height	35 feet max.	17.4 feet
Front Yard	Min. 35 feet	36.2 feet
Side Yard	Min. 15 feet	11.0 feet <sup>2</sup>

<sup>1</sup>The subject parcel was legally created prior to the 1978 Zoning Ordinance; therefore, although the parcel does not meet the Ordinance requirements, it is grandfathered as a legal, buildable lot pursuant to Sect. 2-405 of the Zoning Ordinance

<sup>2</sup>As permitted through the approval of this application

**Urban Forestry Analysis (Appendix 5)**

The proposed construction on-site could affect tree resources and existing vegetation. The Urban Forest Management Division (UFMD) recommends that the applicants provide tree protection in the form of 14 gauge welded wire fencing. If any trees are to be removed then UFMD recommends replanting with similar species. All efforts to minimize construction impacts to trees on site and along adjoining properties should be taken; this includes keeping heavy equipment as far from trees as possible. A development condition has been added to address the UFMD recommendations.

**Zoning Ordinance Requirements (Appendix 6)**

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 All Group 9 Uses
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

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

<p><b>Standards 1 and 2</b> Comprehensive Plan/ Zoning District</p>	<p>The Comprehensive Plan recommends residential uses and the property is developed with a residential use. The R-2 District allows a reduction in minimum required yards with special permit approval.</p>
<p><b>Standard 3</b> Adjacent Development</p>	<p>In staff’s opinion, the proposed carport enclosure will not hinder or discourage the use or development of neighboring properties or negatively affect value.</p>
<p><b>Standard 4</b> Pedestrian/Vehicular Traffic</p>	<p>No increase in vehicular or pedestrian traffic is expected with this application. In staff’s opinion, the proposed addition is not hazardous and does not conflict with existing and anticipated traffic in the neighborhood.</p>
<p><b>Standard 5</b> Landscaping/Screening</p>	<p>Mature vegetation along the southwestern edge of the property will help screen the proposed addition. However, if any trees are to be removed, a development condition is proposed requiring the applicant to replace them with a similar species.</p>
<p><b>Standard 6</b> Open Space</p>	<p>There is no prescribed open space requirement on individual lots in the R-2 District.</p>
<p><b>Standard 7</b> Utilities, Drainage, Parking, and Loading</p>	<p>There are no changes to the utilities and drainage serving the property or use. The proposed addition will be used to expand the living space in the dwelling including a sunroom and pantry.</p>
<p><b>Standard 8</b> Signs</p>	<p>No signage is proposed.</p>

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

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

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

<p><b>Standard 1</b> Yard Requirements Subject to Special Permit</p>	<p>A. <i>Minimum required yards – Yards not less than 50% of the requirement and not less than 5 feet:</i> The proposed addition would be located 11.0 feet from the side lot line. The required side yard in an R-2 District is 15 feet, resulting in a reduction of 4.0 feet, or 26.7%. The northwest rear corner of the proposed addition is the only portion that is encroaching into the setback.</p> <p>B. <i>Pipestem lots:</i> This lot is not a pipestem lot therefore standard is not applicable.</p> <p>C. <i>Accessory structure locations:</i> The applicant is not proposing an accessory structure; this standard is not applicable</p> <p>D. <i>Extensions into minimum required yards allowed by Sect. 2-412:</i> This standard is not applicable.</p>
<p><b>Standard 2</b> Not a Detached Structure in a Front Yard</p>	<p>The application does not propose a detached accessory structure.</p>
<p><b>Standard 3</b> Principal Structure that Complied with yard Requirements When Established</p>	<p>When the existing structure was built in 1957, it conformed to all applicable requirements at that time.</p>
<p><b>Standard 4</b> Addition No More than 150% of Existing Gross Floor Area (GFA)</p>	<p>The proposed addition is 509 square feet. The existing GFA of the primary structure is 2,182 square feet; therefore, the proposed addition will be 23.3% of the GFA.</p>
<p><b>Standard 5</b> Accessory Structure Subordinate in Purpose, Scale, Use, and Intent</p>	<p>The carport enclosure will be included as a part of the principal structure; this standard is not applicable.</p>
<p><b>Standard 6</b> Construction in Character with On-Site Development</p>	<p>The proposed addition will be constructed on the southwestern side of the existing dwelling. The applicants are proposing to enclose the existing carport. The statement of justification and elevation drawings indicate that the materials, size and scale of the proposed addition would be compatible with the existing dwelling.</p>

<p><b>Standard 7</b> Construction Harmonious with Off-Site Development</p>	<p>Through the statement of justification, aerial photography, photos and architectural elevations submitted by the applicant, staff has determined that the addition is similar in nature to surrounding dwellings in the neighborhood in terms of height, scale, and architecture. Staff believes this addition will be harmonious with surrounding uses and meets this provision.</p>
<p><b>Standard 8</b> Construction Shall Not Adversely Impact Adjacent Properties</p>	<p>Staff believes that the proposed addition will not significantly affect the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, or safety. DPWES has indicated that there are no drainage complaints on file related to this property. As no additional impervious cover is proposed the addition will not increase runoff or erosion.</p>
<p><b>Standard 9</b> Represents the Minimum Amount of Reduction Necessary</p>	<p>Staff believes the special permit application proposal is modest in nature and is the minimum amount of reduction necessary due to the fact that the applicant is not proposing to reduce the minimum side yard any further than the current carport is located. Additionally, there is only a small portion of the proposed enclosure (roughly 20 square feet) that extends into the side yard setback; the majority of the proposed structure will be within the setbacks. The oddly shaped lot leaves little room for additions or expansions to the home.</p> <p>Other issues of yard determination, environmental characteristics, slopes, wells, floodplains and/or Resource Protection Areas and historic resources are not applicable to this site.</p>
<p><b>Standard 10</b> BZA May Impose Conditions</p>	<p>Proposed development conditions are included in Appendix 1.</p>
<p><b>Standard 11</b> Submission Requirements</p>	<p>A copy of the plat is included in the beginning of this report.</p>
<p><b>Standard 12</b> Architectural Elevations</p>	<p>Proposed elevations are included as an attachment to the development conditions in Appendix 1.</p>

## CONCLUSION / RECOMMENDATION

Staff believes that the request for a special permit for reduction in certain yard requirements to permit an addition is in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed development conditions contained in Appendix 1 of the staff report. Staff recommends approval of SP 2016-MA-069 for the addition with the adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the

provisions of any applicable ordinances, regulations, or adopted standards.

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

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

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Statement of Justification
3. Applicant's Affidavit
4. Similar Case History
5. Urban Forestry Memo
6. Applicable Zoning Ordinance Provision

**PROPOSED DEVELOPMENT CONDITIONS****SP 2016-MA-069****October 12, 2016**

If it is the intent of the Board of Zoning Appeals to approve SP 2016-MA-069 located at Tax Map 61-3 ((14)) 17 to permit a reduction of certain yard requirements pursuant to Section 8-922 to permit a residential addition 11.0 feet from the side lot line pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

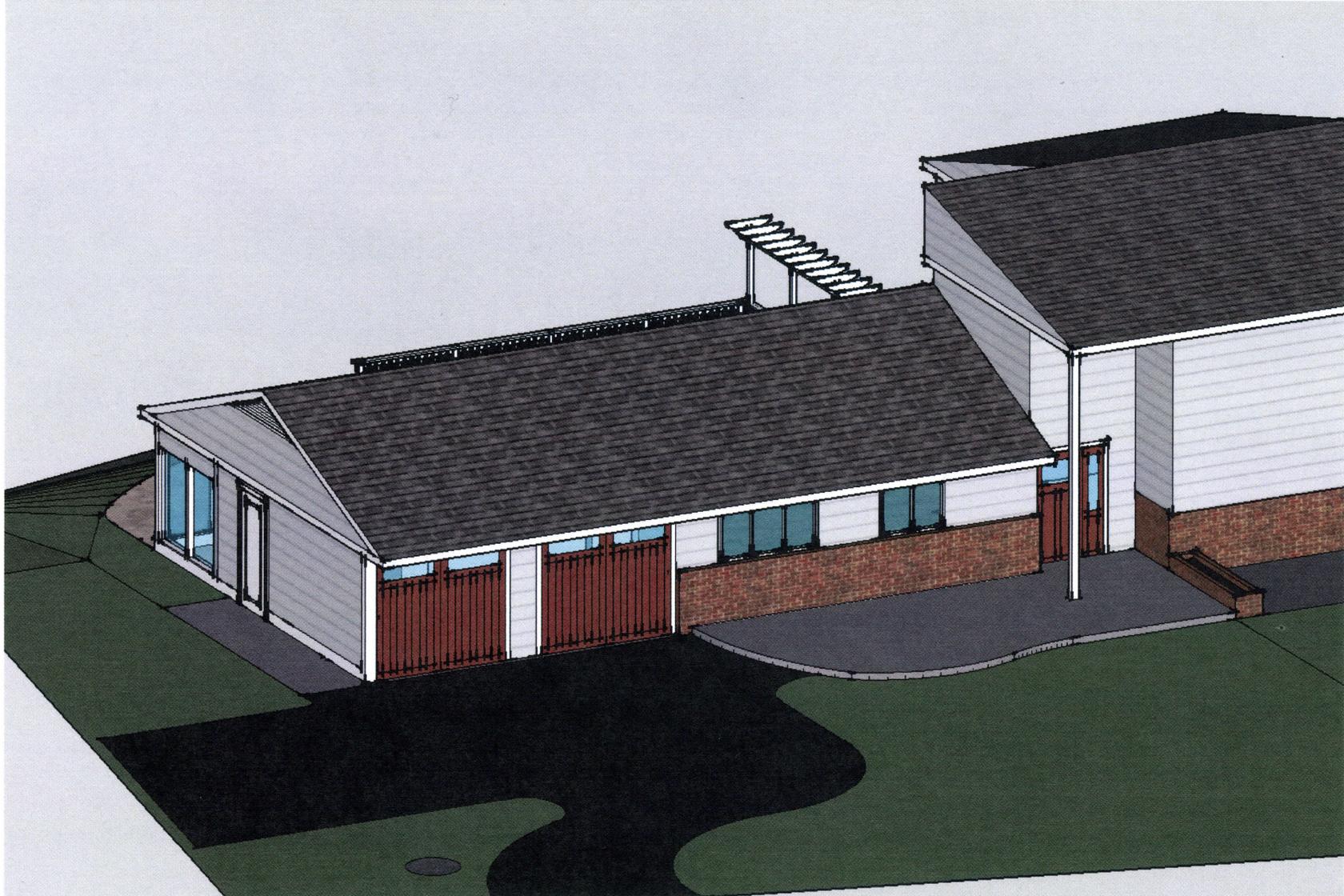
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the addition (509 square feet and 17.4 feet in height), as shown on the plat entitled "Plat Showing the Improvements on Lot 17, Section one, Lake Barcroft" prepared by George M. O'Quinn on September 15, 2015, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,182 square feet existing + 3,273 square feet (150%) = 5,455 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. The applicant shall provide tree protection in the form of 14 gauge welded wire fencing. If any trees are to be removed the applicant shall replant with a similar species. Trees being removed shall be removed by hand with a chainsaw and the stump ground.

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.



AHE, Inc.

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Department of Planning & Zoning

VIEW - SOUTH

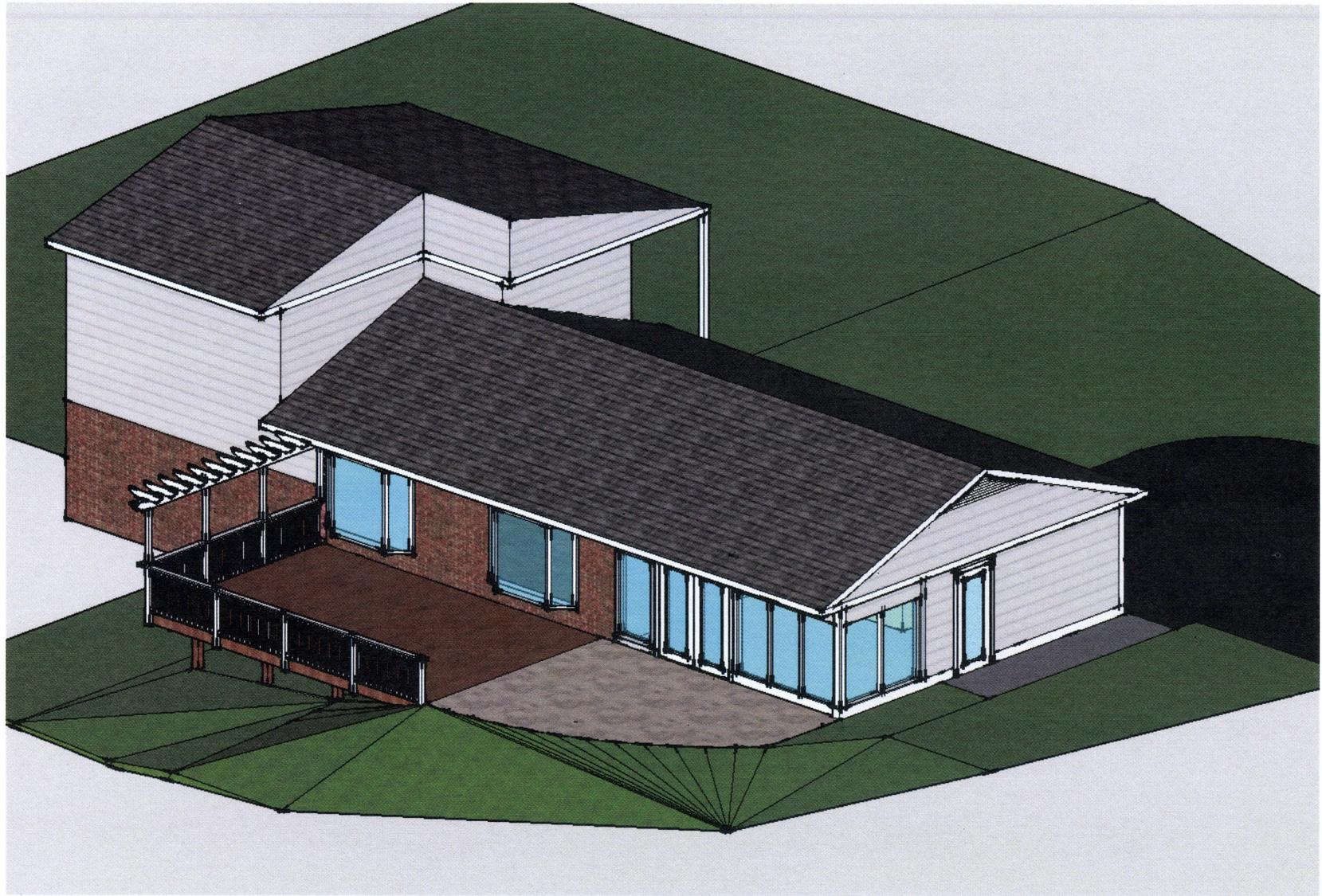
May 20, 2016

6316 AQUA TERRACE, FALLS CHURCH, VA 22041 | MASON SUNROOM

A 01

JUN 06 2016

Zoning Evaluation Division



VIEW - WEST

FEB 16 2016

Zoning Evaluation Division

Melissa and David Mason  
6316 Aqua Terrace, Falls Church, Virginia 22041

5. A written statement of justification describing the proposed use and other pertinent data which complies with Section 8-011, including specifically

- |   |  |
|---|--|
| A. Type of operation(s):  | Residential use only.  |
| B. Hours of operation:  | Not Applicable   |
| C. Estimated number of patrons/clients/etc:   | Not Applicable   |
| D. Proposed number of employees/etc:  | Not Applicable   |
| E. Estimate of traffic impact of the proposed Use, including the maximum expected trip Generation/etc:  | Not Applicable   |
| F. Vicinity or general area to be served by the use:  | Lake Barcroft Community in Falls Church  |
| G. Description of building façade and architecture of proposed new building or additions:   | Enclose existing carport. The enclosure will have will have faux garage doors in keeping with the appearance of the residential community. New construction will be similar in style and character to the existing house and the neighborhood. |
| H. A listing, if known of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355;   | Not Applicable   |
| all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations;  | Not Applicable   |
| and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280;   | Not Applicable   |
| to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers:   | Not Applicable   |
| I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification. |  |

The proposal is for an existing carport to be enclosed to be used as part of the residence, and therefore conforms to residential use consistent with the zoning description. The enclosure will include a sunroom, half bath, pantry and closet area. The proposed new construction would be entirely within the existing carport area. Due to the unfortunate wedge-shaped nature of the property and the orientation of the existing structure, the rear corner of the enclosure will encroach 2.6 feet into the 15 foot side setback-even though the front corner is 19 feet from the property line. The total area of encroachment is 14 square feet. The corner of the existing carport at issue was, until recently, closed with sheds, as can be seen from the picture at Attachment 1. The carport and existing roof line are part of the original construction of the house which was built in 1957. The plan is to use the existing structure and roof line, rather than to build a new addition to the house that would otherwise bulk-up the residential property.

FEB 16 2016

Zoning Evaluation Division

*Melissa and David Mason  
6316 Aqua Terrace  
Falls Church, Virginia 22041*

7. **A statement which confirms ownership** of the subject property and the nature of the applicant's interest in the property. If the applicant is not the owner of the property, evidence must be submitted showing that the applicant will have the right to use the property as proposed.

We, Melissa and David Mason, confirm that we are the owners of the subject residential property, identified in this application as 6316 Aqua Terrace, Falls Church, VA 22041, Lot 17. We purchased the property in 1996 as our residence, and continue to hold ownership in, and continue to reside at, the subject property.

**The following deficiencies identified by letter dated February 24, 2016 are addressed in the following pages:**

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Department of Planning & Zoning

MAY 09 2016

Zoning Evaluation Division

**A. Deficiencies Identified:**

**Item 1.00**

1. Provide the original signed application.
2. Update Zoning District: R-2, HC.
3. Update Zoning Ordinance Section: 8-922
4. Proposed Use: Reduction in Certain Yard Requirements to Permit Addition 11.0 feet from a side lot line.

**Item 3.00**

1. Provide Photos as Outlined in Submission Requirement.
2. Include all yards, structures as well as street view photos of surrounding properties.
3. If possible provide digital copies on disk.

**Item 4.00**

1. Provide original notarized agent authorization from both applicants.

**Item 5.00**

1. Address standards of 8-922 (comments 930.0 – 930.05).

**Item 5.07**

1. Provide Architectural Renderings.

**B. Deficiencies Addressed**

**Item 1.00:** We are sending the original signed application, instead of a copy which was originally filed. We have also added the term “HC” to the Zoning District, which now reads: Zoning District: R-2, HC. We have updated the Zoning Ordinance Section 8-922 below. We have also discussed the proposed use, which is a reduction in certain yard requirements to permit the addition 11.9 feet from a side lot line.

**Item 3.00:** We are sending photos as outlined in the submission requirement, which includes all yards, structures as well as street view photos of surrounding properties. We have also provided digital copies on disk.

**Item 4.00:** We are also sending an original notarized agent authorization from both applicants.

**Item 5.00:** We address the deficiencies identified in meeting the standards of 8-922 (comments 930.0 – 930.05). See below.

**Item 5.07:** We are sending the architectural renderings.

**Item 930.00:** The Gross Floor Area of the addition to the existing principal structure is 23.3 percent, as shown on the submitted plat.

**Item 930.02:** The proposed development was designed to be in complete character with the existing on-site development in terms of the location, height, bulk, and scale of the existing residence/structure currently on the lot. The proposed new construction is designed to be located entirely within the existing carport area. The plan is to use the existing structure and roof line, and to specifically avoid any bulk-up to the residential property.

**Item 930.03:** The proposed development is designed to fit harmoniously 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. The proposed development will not stand out from other properties in the neighborhood, and is instead consistent in scale and design with neighboring residences. The proposed development includes faux garage doors in keeping with the appearance of the residential community. In addition, the proposed development will not impact any vegetation or trees, significant or otherwise, located on the property or in the neighborhood.

**Item 930.04:** The modest proposal will not adversely impact the use and/or enjoyment of any adjacent property in terms of such issues as noise, light, erosion or stormwater runoff. The proposed development is limited to the existing carport with the existing roofline and therefore is not an impervious area that will create any additional runoff or impact erosion. By maintaining the existing roofline, the new development will also not impact adjacent properties in terms of sunlight.

**Item 930.05:** The proposed development represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. By using the existing structure, which is the existing carport, and maintaining the existing roofline over the carport, the proposed development is designed to use the minimum amount of reduction necessary to accommodate the new development on the lot. The proposed new construction is designed to be entirely within the existing carport area. A corner of the existing carport is inside the setback and is 11.91 feet from the property line. The proposed sunroom would therefore also cover, in small part, an area inside the setback. The corner of the existing carport at issue was, until recently, enclosed with sheds at the back of the carport, as can be seen from the picture at Attachment X. The carport and existing roof line were part of the original construction of the house, which was built in 1957. The property is a corner lot, making the lot wedge-shaped. The existing structure is set back on the wedge-shaped lot, which limits the available space to accommodate additional construction. Due to the lot's wedge-shaped nature, and the existing structure's location or position on the lot, there are significant limitations to accommodating the proposed development elsewhere on the lot. Given the existing carport structure, the proposed development to use that structure represents the minimum amount of reduction.

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Department of Planning & Zoning

MAY 09 2016

Zoning Evaluation Division

FEB 16 2016

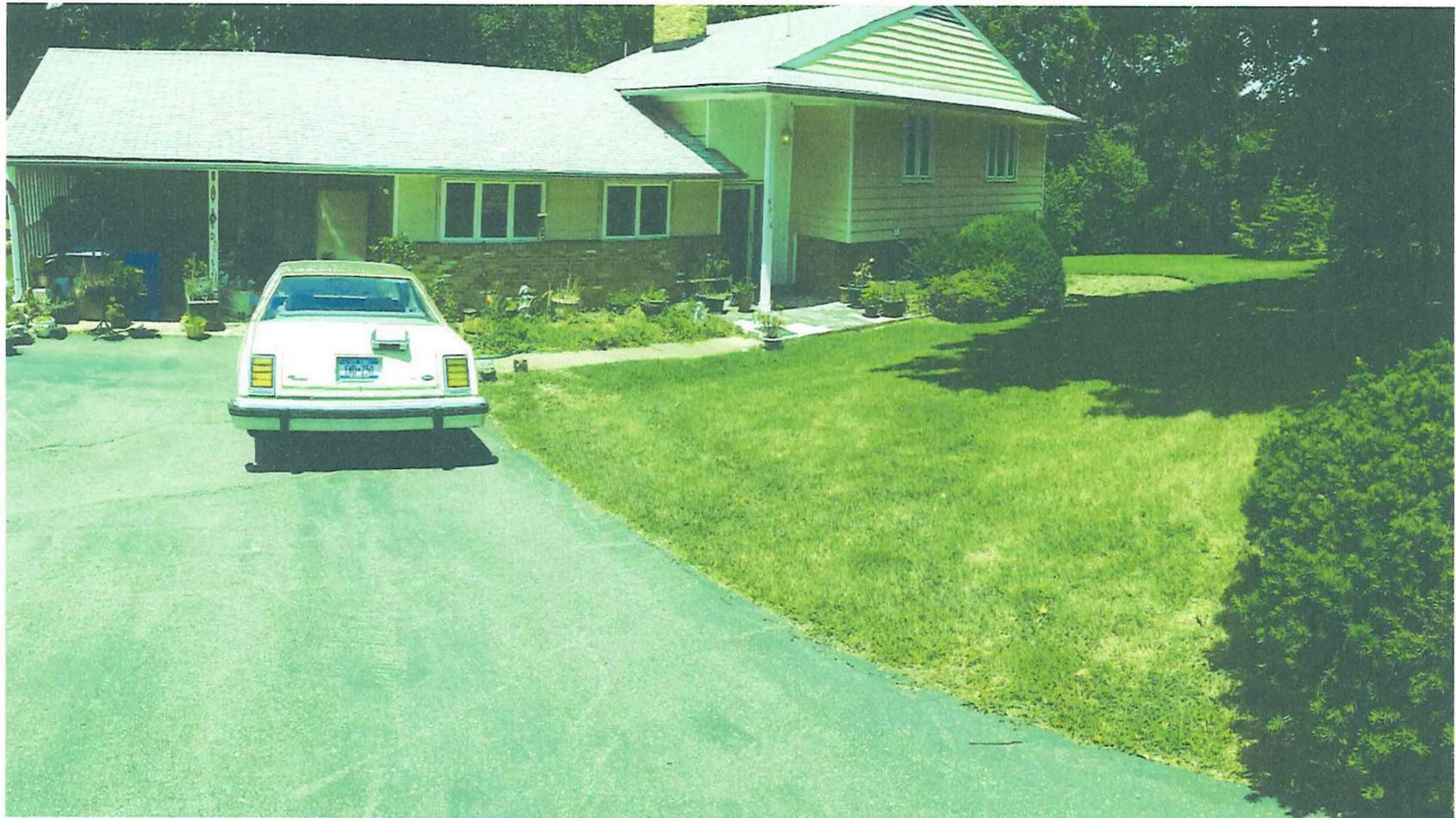
Zoning Evaluation Division



**Picture 1:** East view, SE wall (front) of the carport.  
6316 Aqua Terrace, Falls Church, VA 22041

FEB 16 2016

Zoning Evaluation Division



**Picture 2:** South-East view, SE wall (front) of the carport.  
6316 Aqua Terrace, Falls Church, VA 22041

FEB 16 2016

Zoning Evaluation Division



**Picture 3:** South view, S corner of the carport.  
6316 Aqua Terrace, Falls Church, VA 22041

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Department of Planning & Zoning  
FEB 16 2016  
Zoning Evaluation Division



**Picture 4:** South-West view, SW wall of the carport.  
6316 Aqua Terrace, Falls Church, VA 22041

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: JUNE 18 2016 13362  
 (enter date affidavit is notarized)

I, DAVID R. MASON JR. / MELISSA SKINNER MASON, 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 <b>BOLD</b> above)
DAVID R. MASON, JR	6316 AQUA TERRACE Falls Church, VA 22041	Title Owner/Applicant
Melissa Skinner Mason	6316 AQUA TERRACE Falls Church, VA 22041	Title Owner/Applicant
Aivar Kelt Angel Home Enterprise, Inc.	P.O. Box 668/11 New Rd. Round Hill, VA 20142	Agent

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
 \*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 18, 2016  
(enter date affidavit is notarized)

133621

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)

Aivar Kelt Angel Home Enterprise, Inc.  
11 Newcot Rd, Round Hill, VA

**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)

Aivar Kelt

(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: June 18, 2016  
(enter date affidavit is notarized) **13362**

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)

NA

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

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

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

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: June 18, 2016  
(enter date affidavit is notarized)

13362

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

None.

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: JUNE 18, 2016 133621  
(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:**

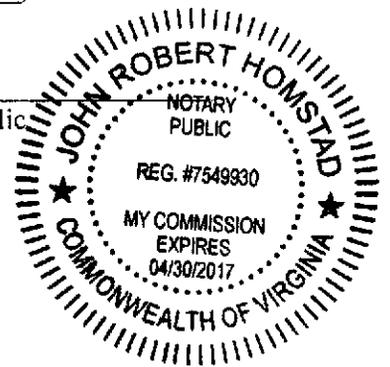
(check one) David R. Mason Jr Melissa Skinner Mason  
 Applicant  Applicant's Authorized Agent

DAVID R. MASON JR. Melissa Skinner Mason  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18 day of June, 2016, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 4/30/2017

[Signature]  
Notary Public



## Similar Case History

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ZAPS - SP - SP 2009-MA-028

Application Desc ...: TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION  
12.6 FT. AND 14.5 FT. FROM SIDE LOT LINES AND 12.5 FT. AND 13.1 FT. FROM REAR LOT LINE.

APPLICATION  
APPROVED

BOS Hearing: 0001-01-01



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 16, 2016

**TO:** Frances Dowd, Staff Coordinator  
Department of Planning and Zoning

**FROM:** Ian Fuze, Urban Forester II  
Forest Conservation Branch, DPWES

**SUBJECT:** Lake Barcroft Lot 17, Section 1-6326 Aqua Terrace. SP 2016-MA-069

The following comments are based on a review of the Application for a Special Permit, SP 2016-MA-069 and Statement of Justification for the subject property, date stamped as received by the Department of Planning and Zoning on February 16, 2016.

Comment:

1. It is unclear if trees resources and existing vegetation will be impacted. The Urban Forest Management Division (UFMD) Recommends the following:
  - The applicant should provide tree protection in the form of 14 gauge welded wire fencing.
  - If any trees are to be removed then UFMD recommends replanting with similar species.
  - Trees being removed shall be removed by hand with a chainsaw and stump ground.
  - All efforts to minimize construction impacts to trees on site and along adjoining properties should be taken. This includes keeping heavy equipment as far from trees as possible.

Please contact me should you have any questions.

IF/tw

UFMDID #: 218500

cc: DPZ File

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



### **8-006 General Standards**

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

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

### **8-903 Standards for All Group 9 Uses**

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

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

## 8-922 Provisions for Reduction of Certain Yard Requirements

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

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

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

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