APPLICATION ACCEPTED: June 21, 2016
BOARD OF ZONING APPEALS: October 19, 2016 @ 9:00 a.m.

County of Fairfax, Virginia

October 12, 2016

STAFF REPORT

SPECIAL PERMIT SP 2016-LE-062

LEE DISTRICT

APPLICANTS/OWNERS:	Kenneth Fagan
STREET ADDRESS:	6132 Valley View Drive, Alexandria 22310-1500
TAX MAP REFERENCE:	81-3 ((4)) 12A
LOT SIZE:	20,000 square feet
ZONING DISTRICT:	R-3
ZONING ORDINANCE PROVISION:	8-923, 8-914
SPECIAL PERMIT PROPOSAL:	To permit a reduction in minimum yard requirements based on an error in building location to permit a dwelling to remain 5.2 feet from a side lot line, and to permit a fence greater than 4.0 feet in height to remain in a front yard.

STAFF RECOMMENDATION: Staff recommends approval of the request to permit a fence 6 feet in height to remain in the front yard, subject to the Proposed Development Conditions in Appendix 1. Staff has no recommendation regarding the error in building location request, but should the Board choose to approve this request, staff recommends it do so subject to the Proposed Development Conditions 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.

Heath Eddy, AICP

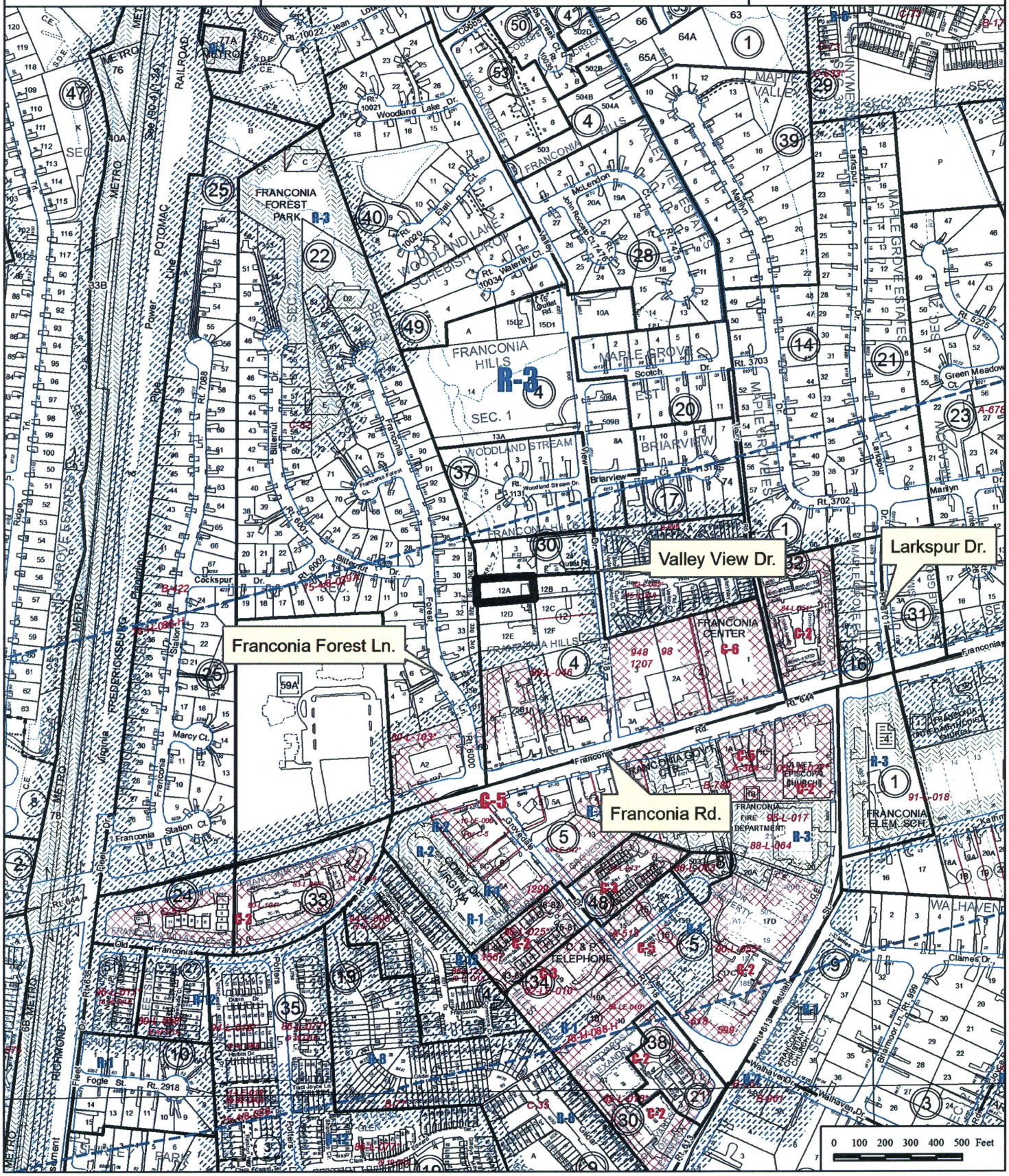
It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

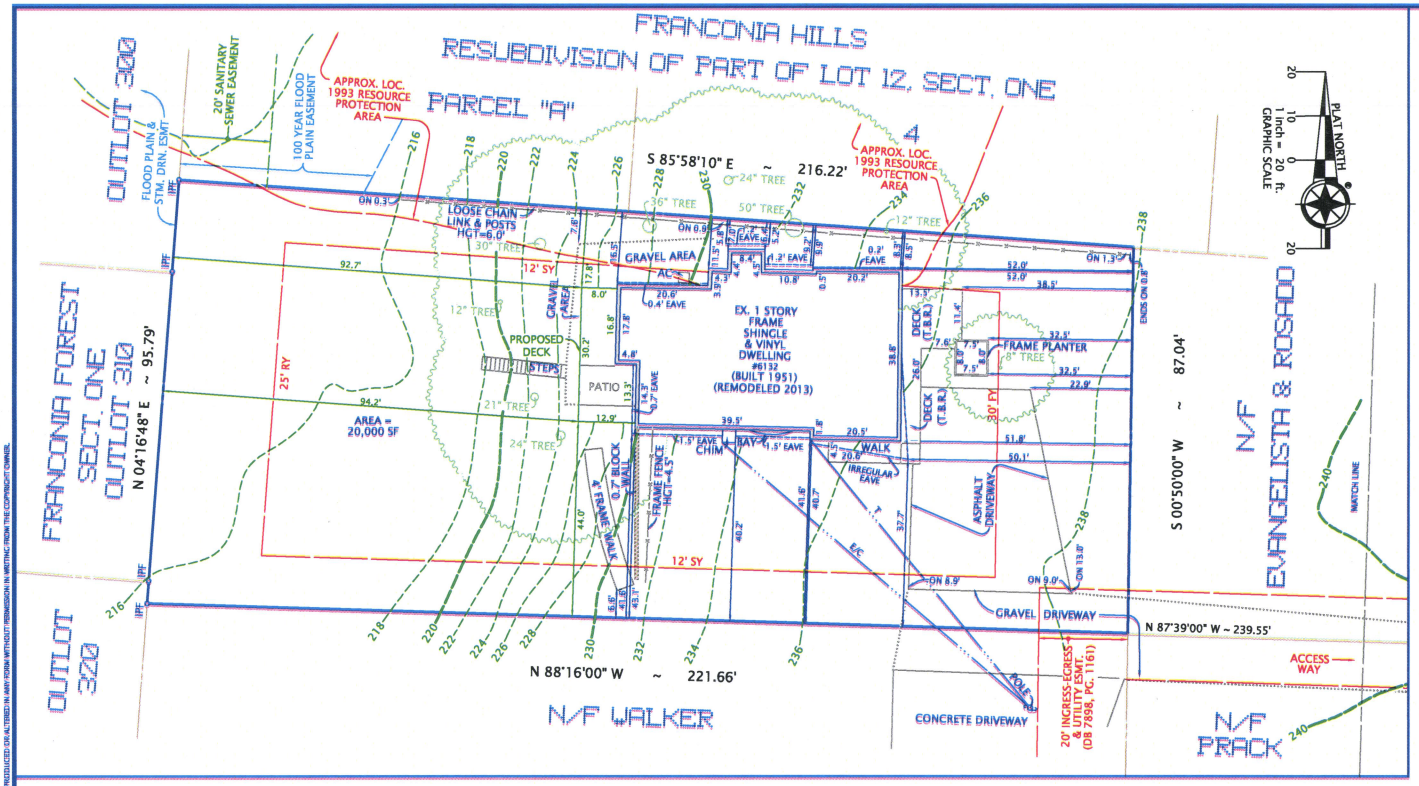
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

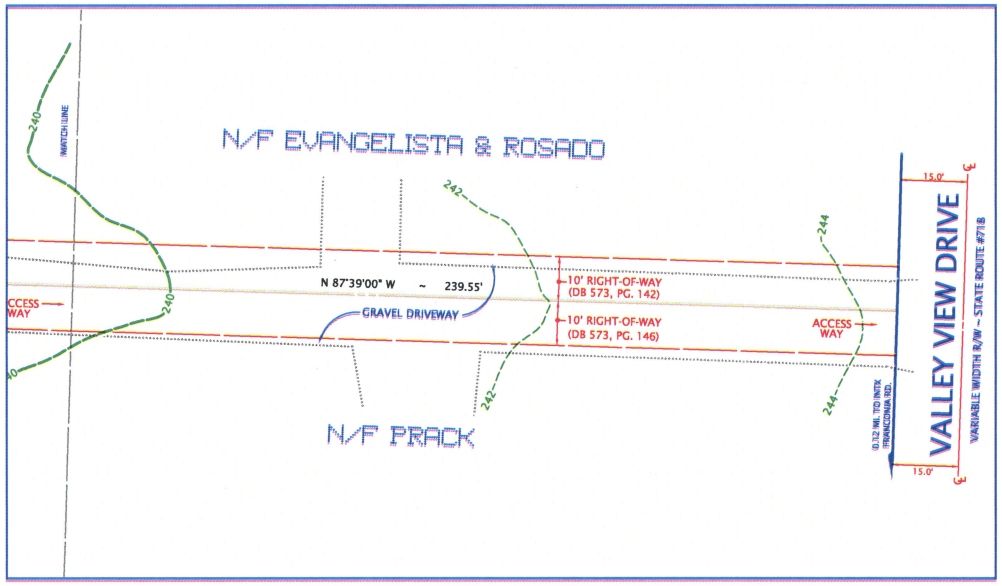
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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

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

Special Permit
SP 2016-LE-062
KENNETH FAGAN







NOTES

1. TAX MAP: 81-3-04-0012A
2. ZONE: R-3 (RESIDENTIAL 3 DU/AC)
3. LOT AREA: 20,000 SF (0.4591 AC)
4. REQUIRED YARDS:
   FRONT: = 30 FEET
   SIDE: = 12 FEET
   REAR: = 25 FEET
5. HEIGHTS:
   EX. DWELLING = 20.7 FEET (TOP OF ROOF)
   PROP. DECK = 09.0 FEET
   EX. WALL = VARIES 5.7 FEET TO 0.6 FEET
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 PLAT 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 AERIAL.
11. THERE IS A RESOURCE PROTECTION AREA ON THIS PROPERTY.
12. AREAS:
    EX. BASEMENT = 1,501 SF
    EX. FIRST FLOOR = 2,274 SF
    EX. GFA = 3,775 SF

    EX. FLOOR AREA RATIO: EX GFA (3,775) / LOT AREA (20,000) = 0.189
13. OWNER:
    KENNETH J. FAGAN
    6132 VALLEY VIEW DRIVE
    ALEXANDRIA, VA 22310
    (DB. 22222, PG. 1584)

RECEIVED
Department of Planning & Zoning
MAY 27 2016
Zoning Evaluation Division

PLAT
SHOWING THE IMPROVEMENTS ON
THE PROPERTY LOCATED AT
#6132 VALLEY VIEW DRIVE
(DEED BOOK 21729, PAGE 1995)
BEING A PART OF LOT 12
FRANCONIA HILLS
(DEED BOOK B-10, PAGE 55)
FAIRFAX COUNTY, VIRGINIA
LEE DISTRICT
SCALE: 1" = 20' APRIL 01, 2016
MAY 24, 2016 (REV.)

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.

COMMONWEALTH OF VIRGINIA
04/01/2016
GEORGE M. O'QUINN
LICENSE NO. 2069
LAND SURVEYOR
George M. O'Quinn

CASE NAME:
KENNETH J. FAGAN

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

#120313014-1

#30-16

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SPECIAL PERMIT REQUEST

The applicant requests approval of a reduction in minimum yard requirements based on an error in building location to permit a dwelling to remain 5.2 feet from the side lot line and approval for a fence greater than 4.0 feet in height to remain in the front yard.

Figure 1: Subject property, Source: Pictometry 2015.

A copy of the special permit plat, entitled "Plat Showing the Improvements on the Property Located at #6132 Valley View Drive," prepared by George M. O'Quinn, L.S., of Dominion Surveyors, Inc., dated April 1, 2016, last revised May 24, 2016 and received May 27, 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 20,000-square foot subject property is located at the end of a shared driveway accessing Valley View Drive, a variable width gravel drive with access shared by five residences. The area is generally flat in character up to Valley View Drive, with a significant drop off behind the residence on the subject property and adjacent lots into a narrow stream valley corridor with a wider RPA to the north of the subject property. There is a small portion of RPA on the subject property; however, all proposed improvements to the existing property are either internal remodeling or are located outside the RPA.

The site is developed with a 3,775-square foot 1-story single family detached dwelling with improved basement, part of which was constructed in 1951-52. An addition was constructed to the residence which has been in place at least since the mid-1970s. The subject property also has a fence located along a portion of the north side lot line. This fence is a loosely constructed chain link fence approximately 6 feet in height which runs to the northeast property corner. There are a few minor improvements including a frame fence, frame walk and steps leading into the lower end of the rear yard, and a frame planter in the front yard. The owner currently parks on an asphalt driveway in the front yard adjacent to the residence, which is suitable for at least two or three vehicles.

There are several mature trees and other vegetation located proximate to the residence, with additional trees and screening located along the rear lot line. The north side lot line is well screened and the growth appears to have overrun the existing fence.

BACKGROUND AND HISTORY

County Records indicate that the existing single family dwelling was constructed originally in 1951-52 pursuant to Building Permit #4817. The original construction was a 60' x 24' footprint, with a north side yard of 21 feet. Sometime after the original construction, an addition onto the north side of the residence was built, approximately 60' x 18' in size, resulting in the current footprint as shown on the Special Permit Plat. A vested rights determination in January 2016 found that this addition was built without a building permit, and Tax Administration records indicated that the addition had only been taxed since 2014.The fence currently located on the property line has been in place for many years based on the rusted condition and overgrown vegetation around it.

This is the first special permit/variance application for the subject property. County records indicate the following special permit/variance applications in the area of similar characteristics:

- VC 92-L-074, approved on August 4, 1992, to allow the enclosure of an existing patio located 13.2 feet from the front lot line at 6124 Franconia Road.
- VC 00-L-109, approved on October 10, 2000, to permit the construction of a dwelling 18.1 feet from the front lot line in an R-3 District, on property at 6200 Valley View Drive.

DESCRIPTION OF THE APPLICATION

The applicant is requesting a reduction in minimum yard requirements based on an error in building location to permit a dwelling to remain 5.2 feet from a side lot line, and a fence greater than 4.0 feet in height to remain in the front yard.

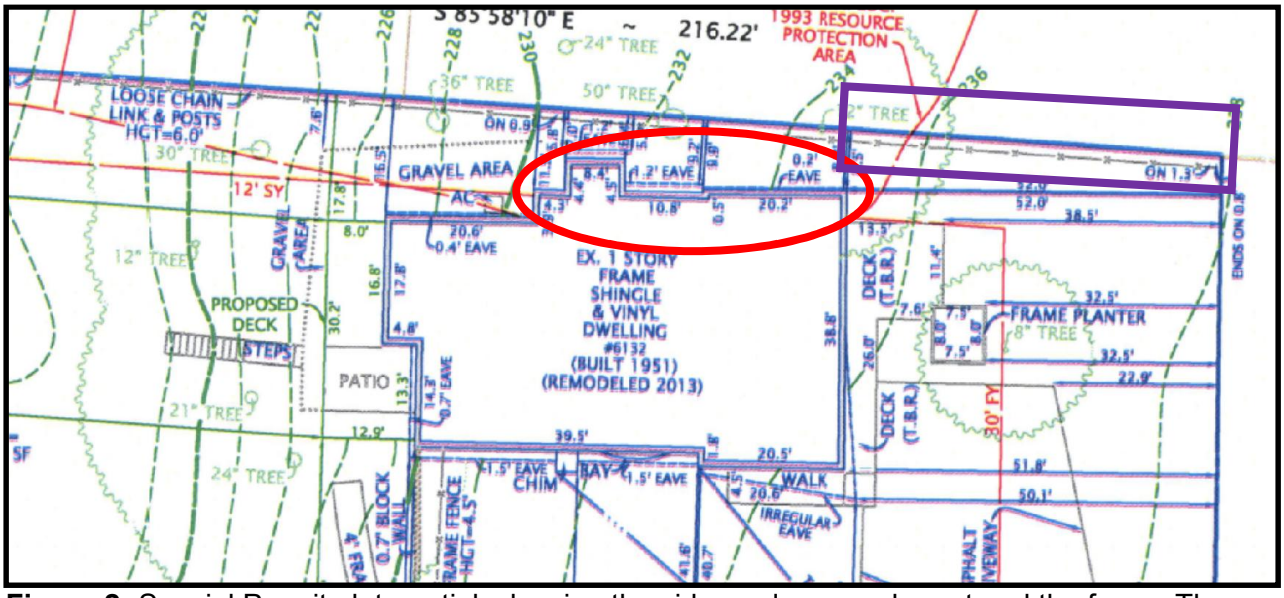


Figure 2: Special Permit plat, partial, showing the side yard encroachment and the fence. The circled area is the existing encroachment of the residence; the rectangle highlights the existing fence to remain. Source: Applicant.

Figure 2, above, shows the portions of the Special Permit Plat where the requested relief is located. These are described below:

1. **Error in Building Location for the Dwelling.** As noted above, the original residence was constructed approximately 21 feet from the side lot line, which was in compliance with the15-foot minimum side yard required in the Suburban Residence District. Sometime between the early 1950s and the mid-1970s an addition was built onto the residence which resulted in the current encroachment. As this construction was done without building permits, the property was not properly assessed until 2014, after the current applicant received building permits for some internal remodeling.

   The applicant has owned the property since 2012, so the current error in building location was in place well before he owned it. The applicant wants to make some building improvements on the exterior, including raising the height of the roof on the bump out located 5.2 feet from the side lot line, but cannot since the current location of the residence is not vested.

   Staff Analysis. The applicant has submitted a signed affidavit from the daughter of the former owner of the property dating back to the mid-1970s which states that the residence as currently configured has been in place for over 40 years.

   The applicant proposes external improvements including roofing and construction of a deck which would comply with the minimum yard requirements. However, the existing noncompliance prevents any external changes from being processed.

Figure 3: Existing side yard of subject property showing the unpermitted addition. Source: Applicant.

2. **Fence Height.** A request under Sect. 8-923 to allow a fence greater than 4.0 feet in height to remain in the front yard. The existing fence has been in place for years and is approximately 6.0 feet in height, and runs along the north side lot line (inside the property line on the applicant's side) all the way to the front lot line.

   Staff Analysis. The area identified as the front yard is an area that is adjacent to the shared driveway. The fence is not within any sight distance triangle, and in fact is located adjacent to the rear yard of the adjacent residence to the north. The fence is not in good condition, and is largely rusted, but is also overrun with vegetation and other foliage located on both sides of the property line, including a couple of trees that split on both sides of the fence.

Figure 4: The opposite view of the side yard, showing the fence more prominently. Note the trees in the image split along the fence line. Source: Applicant.

ANALYSIS

Comprehensive Plan Provisions

Plan Area:	IV
Planning District:	Rose Hill
Planning Sector:	RH1 Franconia
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 which should be of a compatible use, type and intensity 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, which has the following lot size and bulk regulations.

Bulk Standards (R-3)		
Standard	**Required**	**Provided**
Minimum Lot Size	10,500 sf.	20,000 sf.
Minimum Lot Width	80 feet	87.04 feet
Maximum Building Height	35 feet	20.7 feet
Minimum Front Yard	30 feet	51.8 feet
Minimum Side Yard	12 feet	41.6 feet (south side) 5.2 feet (north side)*
Minimum Rear Yard	25 feet	100.7 feet

*As requested for the error in building location

Accessory Structures on Property – Existing and Proposed		
Standard	**Required**	**Requested**
Fence Height in Front Yard	Max. 4 Feet	6 feet

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. 8-923* Provisions for Increase in Fence Height in Any Front Yard
- *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 to permit a fence greater than 4.0 feet in height to remain in a front yard. Provisions under Sect. 8-914 are included in Appendix 6, but are not analyzed here, as staff does not provide a recommendation for an error in building location request.

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 for an increase in fence height in a front yard with special permit approval.
Standard 3 Adjacent Development	The adjacent properties have similar sized residences, though the subject property has a residence with a distinct design character dating to the original construction. The nearest neighboring residence to the area affected by this application is 15 feet away, and was constructed in the 1980s.

Standard 4 Pedestrian/ Vehicular Traffic	No increased vehicular or pedestrian traffic is expected with this application. Staff anticipates no changes in the surrounding traffic pattern as a result of the requests proposed by the applicant.
Standard 5 Landscaping/ Screening	The existing property features several mature trees around the rear yard, and along the north side lot line. Several of these trees are currently split by the existing fence. The existing north side lot line appears to be well screened from the adjacent residence to the north.
Standard 6 Open Space	There is no prescribed open space requirement on individual lots in the R-3 District.
Standard 7 Utilities, Drainage, Parking, and Loading	The proposed changes would not result in any impact on the public utilities, drainage patterns, or parking in the area.
Standard 8 Signs	No signage is proposed.

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

Standard 1 Lot Size and Bulk Regulations	The subject property conforms to all lot size and bulk regulations in the R-3 District, with the exception of the error in building location for the dwelling.
Standard 2 Performance Standards	The use will comply with the performance standards set forth in Article 14 of the Zoning Ordinance.
Standard 3 Site Plan	The proposed construction will not disturb more than 2,500 square feet, therefore no additional site plan requirements are required.

Provisions for Increase in Fence Height in Any Front Yard (8-923)

Standard 1 Fence Shall Not Exceed 6 feet in Height	The existing fence is 6 feet tall measured to the tops of the metal posts, in compliance with the requirements of Sect. 10-104.3J of the Zoning Ordinance.
Standard 2 Meet Sight Distance Requirements	The property derives roadway access from a shared access easement, and has no street frontage. As such, the fence in the front yard has no impact on sight distance for the existing residence or any adjacent properties.
Standard 3 Proposed Fence Height is Warranted	The applicant states that the fence is warranted based on orientation of the property and nearby off-site structures. The adjacent residence is 15 feet away, so maintaining the existing fence line would be an effective screen, particularly given the existing foliage along the fence.
Standard 4 Fence is in Character with On-site and Off-site Uses	Adjacent properties have fences or landscaping that do not violate front yard requirements. The fence is older than other fencing in the vicinity, and is not in particularly good condition, but it is not out of character with the surrounding area.

Standard 5 Fence Will Not Adversely Impact Other Properties	The fence has been in place for many years and there have been no complaints or other issues with its location. In staff's opinion, requiring the removal or changes to the fence would impact the neighbors far more than leaving it in place.
Standard 6 BZA May Impose Conditions	Proposed development conditions are included in Appendix 1.
Standard 7 Meet Submission Requirements	A copy of the plat is included in the beginning of this report.
Standard 8 Architectural Depictions Provided	Renderings of the proposed fence have been included in Appendix 2.

CONCLUSION

Staff finds that the request to allow the 6-foot fence to remain in the front yard is warranted.

RECOMMENDATION

Staff recommends approval for the request to permit a fence greater than 4.0 feet in height to remain in the front yard, subject to 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, Photographs, and Architectural Renderings
3. Applicant's Affidavit
4. Applicable Street File Information
5. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2016-LE-062

October 12, 2016

If it is the intent of the Board of Zoning Appeals to approve SP 2016-LE-062, located at Tax Map 81-3 ((4)) 12A to permit a fence greater than 4 feet in height to remain in a front yard pursuant to Sect. 8-923 of the Zoning Ordinance, and to permit a reduction in minimum yard requirements based on an error in building location to permit a dwelling to remain 5.2 feet from a side lot line pursuant to Sect. 8-914 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is granted for the error in building location for the residence and the fence in the front yard as shown on the plat titled “Plat Showing the Improvements on the Property Located at #6132 Valley View Drive,” prepared by George M. O’Quinn, L.S., of Dominion Surveyors, Inc., dated April 1, 2016, last revised May 24, 2016 and received May 27, 2016, consisting of one sheet and approved with this application, as qualified by these development conditions.

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

Statement of Justification

Special Permit Statement of Justification

The proposed use of the special permit for the property in question (Tax Map #0813-04-0012A) is to complete exterior renovations; including raising one section of the roof by approximately 3 feet to align with the current height of the center roof section, installing a cement foundation wall within the current building footprint, adding an elevated wood deck at the back of the house, and replacing all siding, windows and doors. For further information, please see the attached building plans.

Zoning Evaluation Division
JUN 17 2016
Department of Planning & Zoning
RECEIVED

Other requested proposed use and pertinent data is as follows:

A. Type of operation(s):
   - Residential

B. Hours of operation:
   - None – Special permit is for the completion of exterior renovations to a residential property.

C. Estimated number of patrons/clients/patients/pupils/etc.:
   - None

D. Proposed number of employees/attendants/teachers/etc.:
   - None

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:
   - None – Special permit is for the completion of exterior renovations to a residential property.

F. Vicinity or general area to be served by the use:
   - None – Special permit is for the completion of exterior renovations to a residential property.

G. Description of the building façade and architecture of proposed new building or additions:
   - Elevated wood deck at the back of current residential property.
   - 3 ft. raised roof line on one section of the roof.

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; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; 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:
   - None

I. A waiver, exception or variance is being sought by the applicant/owner from zoning ordinance sections:

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

The error in building location exceeds ten (10) percent of the twelve (12) feet of allowable setback measurement and the noncompliance was done through no fault of the applicant/owner.

The applicant/owner did not acquire the subject property until March 2012 and the current footprint of the subject property has not changed since the mid-1970s as supported by an attached affidavit from the original owner's daughter. At that time, the residential property next door (Tax Map #0813-30-0004) did not exist and was not constructed until the 1986.

The applicant/owner asserts that a waiver, exception, or variance to zoning ordinance section 8-914:

- Will not impair the purpose and intent of this Ordinance;
- Will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
- Will not create an unsafe condition with respect to both other property and public streets; and
- Will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

To force compliance with the minimum yard requirements or location regulations would cause an unreasonable hardship upon the applicant/owner.

Given the period of time that the applicant's residential property has existed with its current footprint, a waiver, exception or variance is being requested from zoning ordinance section 8-914 to allow the dwelling to remain in its current location.

8-923: Provisions for Increase in Fence and/or Wall Height in Any Front Yard

The subject fence in the applicant/owner's front yard is a six (6) foot chain link fence providing separation with the side and backyard of 6124 Valley View Drive. The applicant/owner did not acquire the subject property until March 2012 and the current fence appears to have been in place for an extended period of time

(estimated mid-1970s) based on the fence's rusted condition and amount of vegetation overgrowth on the fence.

The applicant/owner asserts the following for a waiver, exception, or variance to zoning ordinance section 8-923:

- The existing fence does not exceed the six (6) foot maximum fence and/or wall height and such fence and/or wall shall not be eligible for an increase in fence and/or wall height pursuant to Par. 31 of Sec. 10-104;
- The fence and/or wall meets the sight distance requirements contained in Sect. 2-505;
- The existing fence is warranted based upon the orientation and location of the principal structure on the lot, the orientation and location of nearby off-site structures, and topography of the lot;
- The existing fence is in character with the existing on-site development and is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, and scale.
- Will not be adversely impact the use and/or enjoyment of other properties in the immediate vicinity.

Given the period of time that the applicant's residential property has existed with its current chain link fencing, a waiver, exception or variance is being requested from zoning ordinance section 8-923 to allow the fence to remain in its current location.

Statement of Ownership

I, Kenneth J. Fagan, am the owner of the subject property at 6132 Valley View Dr., Alexandria, VA (Tax Map #0813-04-0012A).

My interest as the special permit applicant/owner of the subject property is to complete exterior renovations; including raising one section of the roof by approximately 3 feet to align with the current height of the center roof section, installing a cement foundation wall within the current building footprint, adding an elevated wood deck at the back of the house, and replacing all siding, windows and doors.

Kenneth J. Fagan

5/7/2016.

Date

Affidavit in Support of Applicant

Affidavit

I, Kristina Prack, do hereby state that I am the surviving daughter of the original homeowner, Conway F. Apperson, of the subject property at 6132 Valley View Dr, Alexandria, VA and that, to the best of my knowledge and belief, the following is true:

1. I resided at the subject property and am aware of renovations that were made during my time and afterwards at the residence.

2. The current building configuration and footprint was established during the mid-1970s and has not changed since that time.

Kristina Prack 5/10/16

Kristina Prack (nee Apperson) Date

Witnessed by:

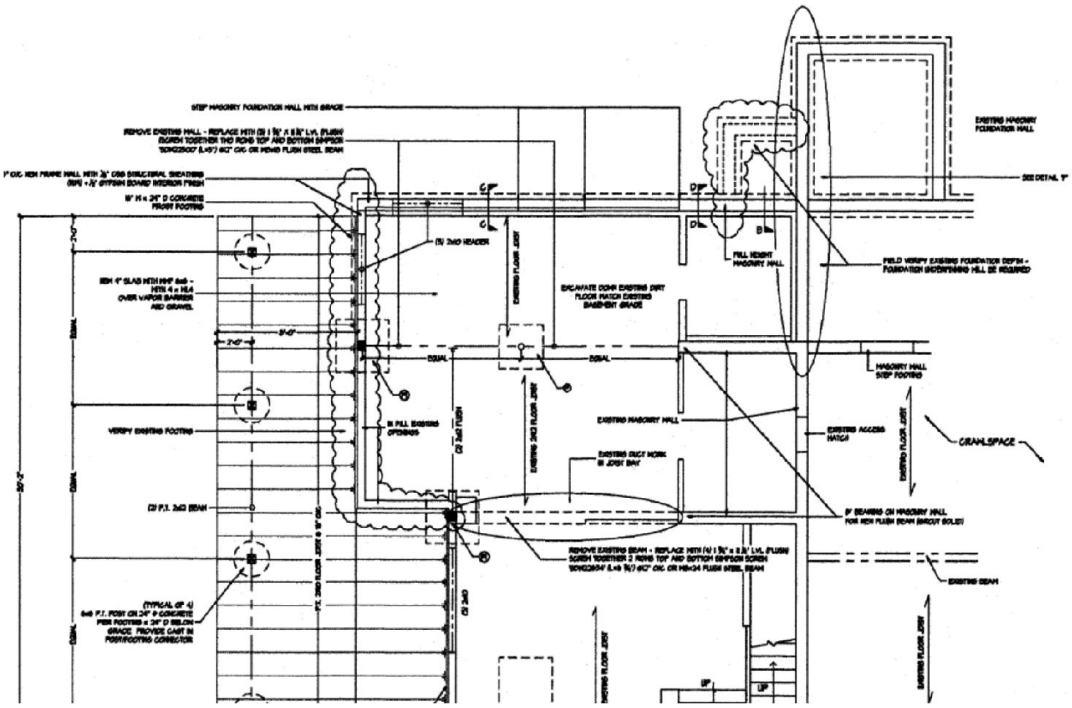
5-10-16

Date

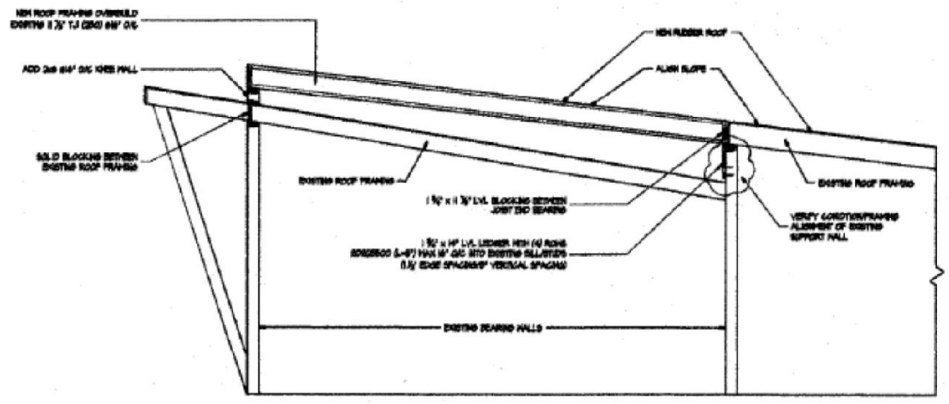
DAVID PRACK

Printed Name

Submitted Architectural Plans

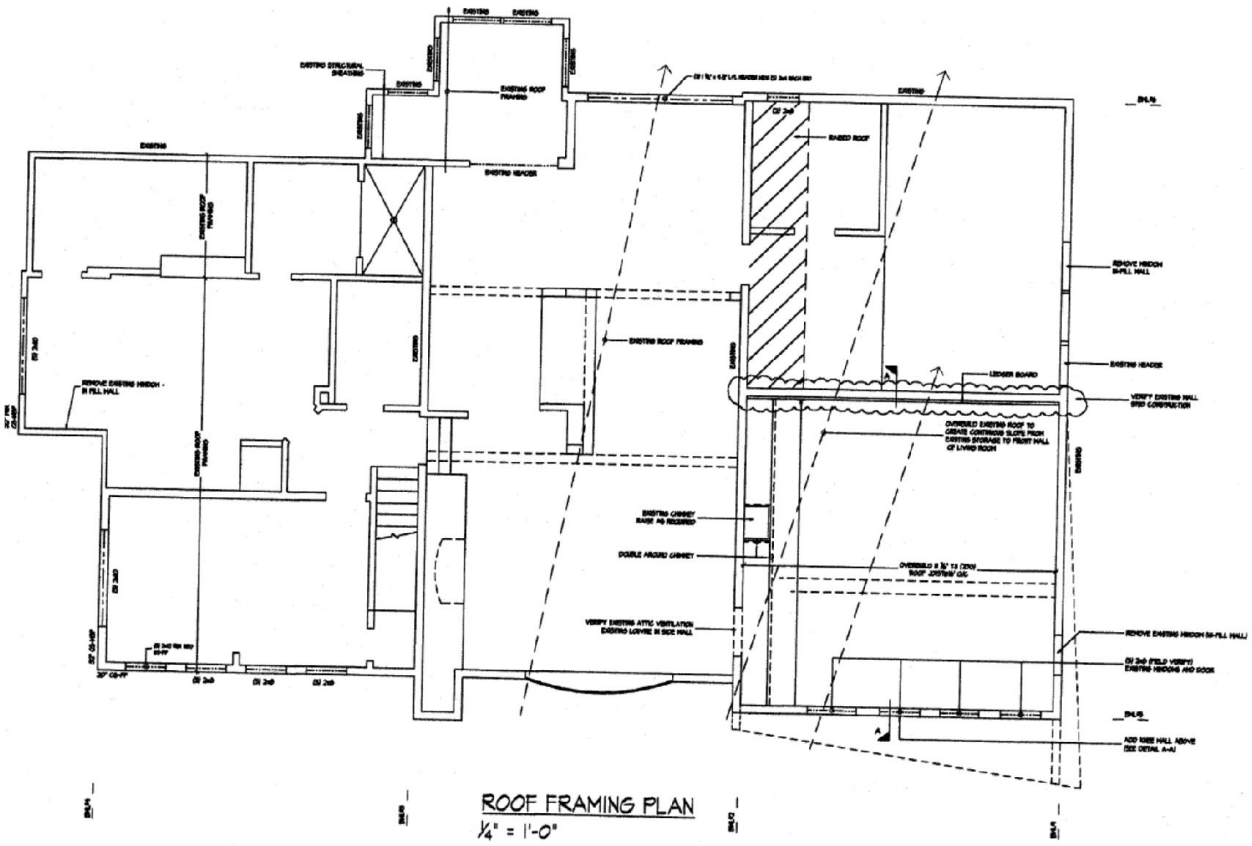


The applicant is proposing to do extensive remodeling inside the residence including basement excavation, flooring, and replacing some existing walls with more solid foundation structures. This primarily addresses parts of the residence subject to the error in location.



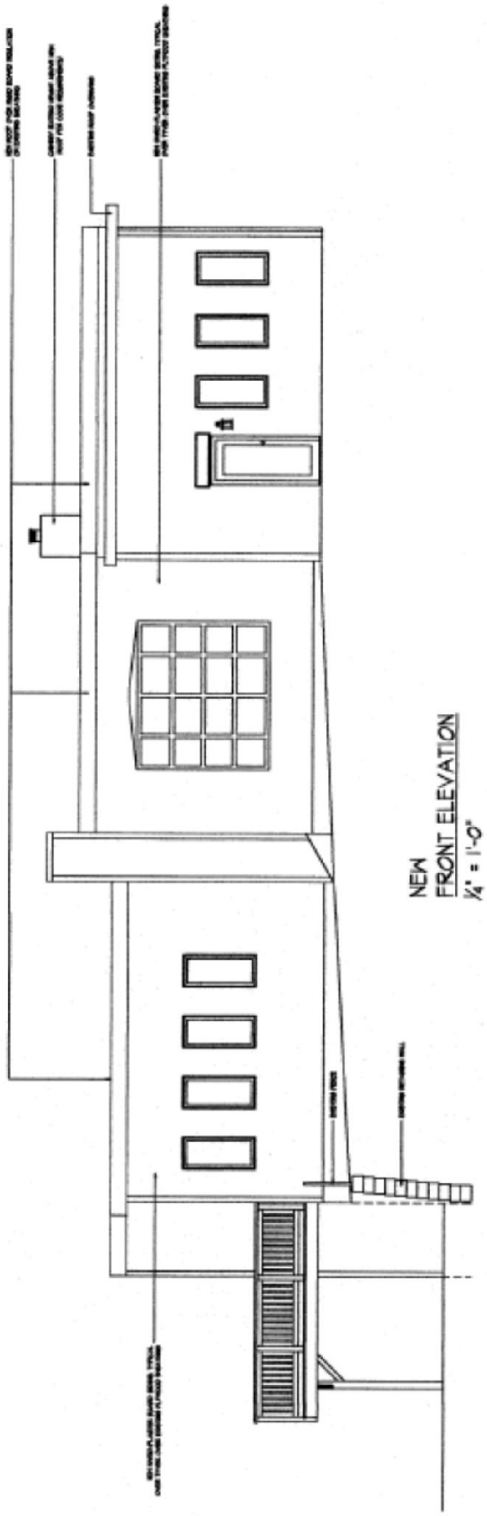
SECTION A-A
NTS

The applicant proposes to create a new roofline above the pantry, which is the point closest to the side lot line.

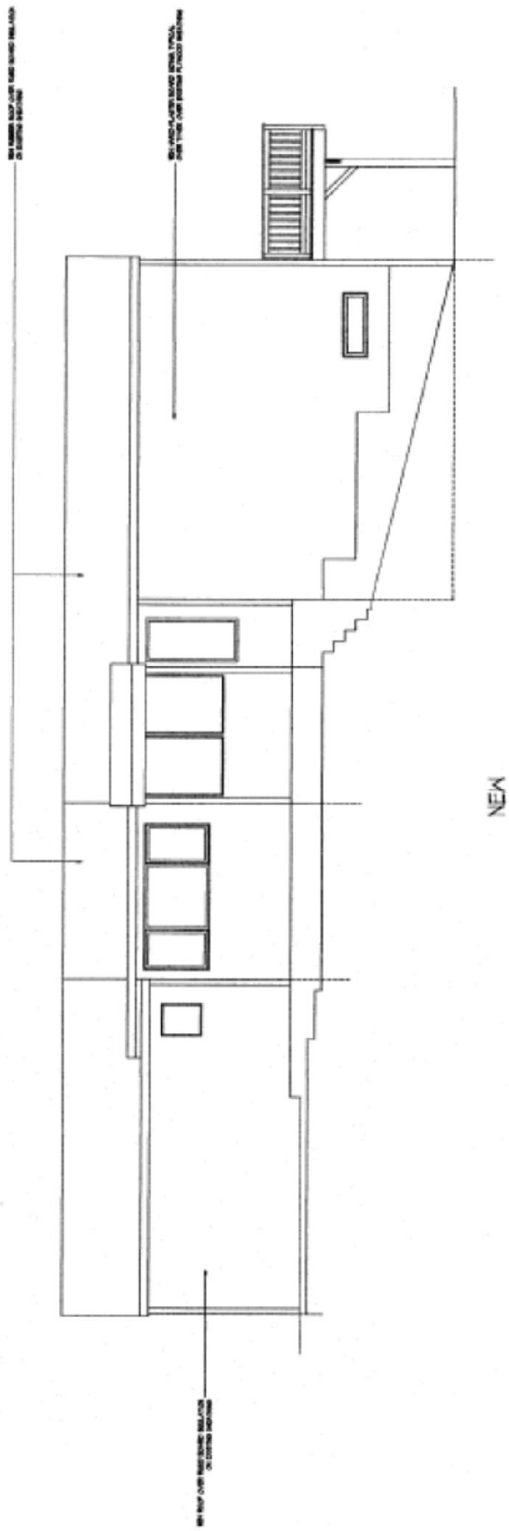


The applicant is also trying to create a more uniform roofing system that is easier to maintain.

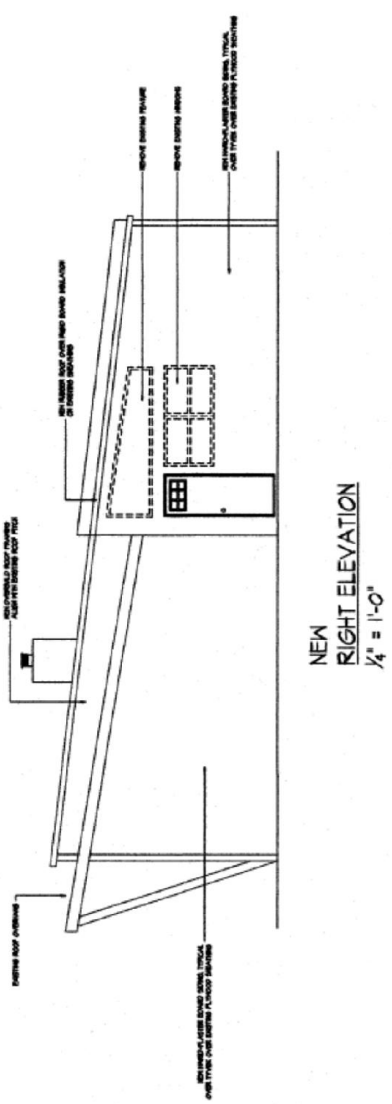
Front and rear elevations, below, depict the applicant's proposed external improvements. The applicant will provide a new roof over the top of the existing roof to provide better insulation and more uniformity. The applicant also proposes to replace the existing siding with new hard-plaster board siding. The applicant further proposes construction of a new deck from the main level. This deck will comply with the minimum side and rear yard requirements in the R-3 District, and was not part of this review.

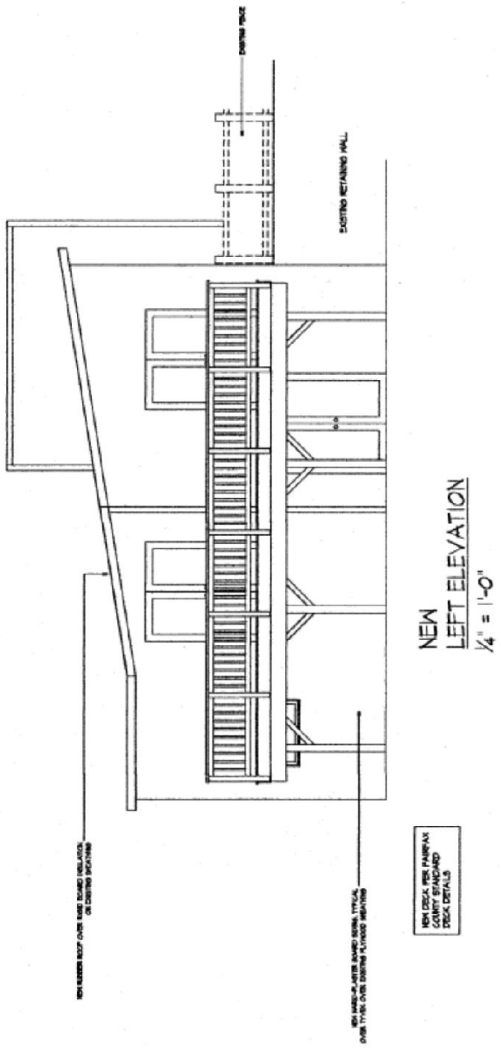


NEW
FRONT ELEVATION
¼" = 1'-0"



NEW
REAR ELEVATION
¼" = 1'-0"





These elevations provide a better context for the new roof configuration and removal of existing features.

Select Photographs

Image 1: View of the existing residence from the shared driveway.

Image 2: Front elevation.

Image 3: Existing side elevation showing retaining wall and fence, which will remain.

Image 4: View of the side of the residence from the rear yard.

Image 5: View of side yard from rear corner. Note the existing tree cover along the side.

Image 6: North side yard showing the existing extent. Lot line fence on right.

Image 7: View of front yard near side property line.

APPENDIX 3

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 26, 2016

RECEIVED
Department of Planning & Zoning
SEP 27 2016
Zoning Evaluation Division

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

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

SUBJECT: BZA Affidavit
Temporary Application No. SP 2016-0136

REF.: 136871

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:

Name of Applicant	Affidavit Date of Oath
Kenneth Fagan	5/7/16

Attachment

\\s17PROLAWPGC01\Documents\136871\SAK\Affidavits\837549.doc

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-062
(Staff will assign)

RECEIVED
Department of Planning & Zoning
MAY 12 2016
Zoning Evaluation Division

APPLICATION FOR A SPECIAL PERMIT

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	**NAME** Kenneth Fagan
	MAILING ADDRESS 6132 Valley View Dr., Alexandria, VA 22310-1500
	PHONE HOME ( ) 703 399-6036 **WORK ( )** 703 931-5600
	PHONE MOBILE ( ) 703 399-6036
PROPERTY INFORMATION	**PROPERTY ADDRESS** 6132 Valley View Dr., Alexandria, VA 22310-1500
	TAX MAP NO. 0813-04-0012A **SIZE (ACRES/SQ FT)** 19,994 SQ FT
	ZONING DISTRICT R-3, H-C **MAGISTERIAL DISTRICT** Lee
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL PERMIT REQUEST INFORMATION	**ZONING ORDINANCE SECTION** ~~Code of Virginia §15.2-2307~~ 8-914 + 8-923 dlp 5/31/16 6/2/16 dlp
	PROPOSED USE Approval for a reduction to the minimum required yards based on an error in building location to allow the dwelling to remain 5.2 ft from a side lot line + fence greater than 4 ft in height to remain in a front yard. 6/2/16 dlp
AGENT/CONTACT INFORMATION	**NAME**
	MAILING ADDRESS
	PHONE NUMBER **HOME** **WORK**
	PHONE NUMBER **MOBILE**
MAILING	**Send all correspondence to (check one):** ☑ **Applicant** –or- ☐ **Agent/Contact**

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.

Kenneth Fagan
TYPE/PRINT NAME OF APPLICANT/AGENT

SIGNATURE OF APPLICANT/AGENT

SP 2016-0136

DO NOT WRITE IN THIS SPACE Debra Leslie Fenderson

Date Application accepted: 6/21/2016 RE Application Fee Paid: $ 910.00

Application No.(s): _____

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 7, 2016

(enter date affidavit is notarized)

136871

I, Kenneth J. Fagan, 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)
Kenneth J. Fagan	6132 Valley View Dr., Alexandria, VA 22310	Applicant / 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).

FORM SP/VC-1 Updated (7/1/06)

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 7, 2016
(enter date affidavit is notarized)

136 871

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)

Not Applicable

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)

Not Applicable

(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: May 7, 2016

(enter date affidavit is notarized)

136871

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)

Not Applicable

(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)**

Not Applicable

(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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 7, 2016
(enter date affidavit is notarized)

13687

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: May 7, 2016

(enter date affidavit is notarized)

136871

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

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

NONE

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

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

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

WITNESS the following signature:

(check one) [✓] Applicant [ ] Applicant's Authorized Agent

Kenneth J. Fagan Applicant/Title Owner

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

Subscribed and sworn to before me this 7th day of May 2016, in the State/Comm. of Virginia, County/City of Fairfax.

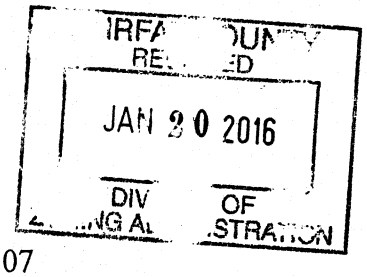
Notary Public

My commission expires: 08/31/2018

JUSTIN R. MARVIN
Notary Public
Commonwealth of Virginia
My Commission Expires August 31, 2018
Registration 7283364

County of Fairfax, Virginia

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



January 20, 2016

Mr. Ryan Reph
1461 Kingstream Drive
Herndon, VA 20170

RE: Vested Rights Determination for Dwelling Pursuant to §15.2-2307
6132 Valley View Drive
Franconia Hills, Section 1, Pt Lot 12
Tax Map Ref.: 81-3 ((4)) 12A
Zoning District: R-3, H-C

Dear Mr. Reph:

This letter is in response to your request received on December 22, 2015 regarding a vested rights determination for the northern side of the existing single family detached dwelling located on the referenced property. Submitted with your request is a plat dated March 22, 2012, which depicts the northern side of the dwelling located 6.4 feet from the side property line at its closest point.

The referenced property is zoned R-3 (Residential District, Three Dwelling Units/Acre). The R-3 District requires a minimum front yard of 30 feet, minimum side yards of 12 feet, and a minimum rear yard of 25 feet. According to our records, Building Permit #4817 was finalized on September 19, 1951 for a 60-foot by 24-foot single family detached dwelling with a garage on the property. The plat attached to this permit depicts the dwelling located approximately 21 feet from the northern side lot line. Our records indicate that the property was zoned to the Suburban Residence District at that time, which required a minimum side yard of 15 feet. The plat submitted with your request depicts an expanded dwelling on the property with approximate dimensions of 60 feet by 38 feet located 6.4 feet from the northern property line, which does not meet the current minimum side yard requirement of the R-3 District.

Pursuant to §15.2-2307 of the *Code of Virginia*, if (i) the local government has issued a building permit, the structure was constructed in accordance with the building permit, and a certificate of occupancy was issued, or (ii) the owner of the structure has paid taxes for the structure for more than 15 years, it is legal and can remain. Our files do not contain any records of building permits that permitted the expansion of the dwelling beyond what was approved with the initial building permit referenced above. The Department of Tax Administration's records for the property from 2000 to 2013 depict a dwelling with a gross floor area of approximately 1,500 square feet. The dimensions of the dwelling shown on these records appear to be generally consistent with that shown on the initial building permit for the dwelling, but with the addition of one bump-out

cc: Jeff C. McKay, Supervisor, Lee District
Leslie B. Johnson, Zoning Administrator
Diane Johnson-Quinn, Deputy Zoning Administrator, for Zoning Permit Review Branch
Kenneth J. Fagan; 6132 Valley View Drive; Alexandria, VA 22310 (owner)

FAIRFAX COUNTY
RECEIVED
DEC 22 2015
DIVISION OF
ZONING ADMINISTRATION

Vested Rights Determination (or "2307") Request
(Pursuant to §15.2-2307 of the *Code of Virginia*)

2015-1763

Property Address and/or Tax Map #: 6132 Valley View Dr. Alexandria, VA 22310		
Requestor's Name: Ryan Reph		
Requestor's Address: 1461 Kingstream Drive, Herndon VA 20170		
Requestor's Phone Number and/or Email: 703-606-3819 or Ryan@RyanRephRemodeling.com		
Description of Structure(s) in Question to include the date of construction if known (i.e. carport enclosure in 1974): Right side of structure is too close to property line		
Does the structure(s) in question have a building permit?:	**YES**	**NO**
If currently applying for a building permit, please provide the building permit number: Permit #1535101 44 - This permit does NOT include work to ~~Existing~~ zoning issue portion of structure.		
Is there a current zoning violation on the property?	**YES**	**(NO)**

REQUIRED SUBMISSION MATERIALS:

☐*If building permit application has been submitted, copy of the submitted plat.

☐*Or, a plat of the property, to scale, which shows the location of all existing structures, distance of structures from all property lines and the height of any detached accessory structures (garages, sheds, etc.).

☐*Photographs of the interior and exterior of the structure in question.

SUBMIT TO:

Department of Planning & Zoning
Zoning Administration Division
Attn: Leslie Johnson, Zoning Administrator
12055 Government Center Pkwy, Suite 807
Fairfax, Virginia 22035

#10 Please Expedite.

04/14

FRANCONIA FOREST
SECT. ONE

OUTLOT 320

OUTLOT 310

OUTLOT 300

N 04°16'48" E ~ 95.79'

IPF IPF IPF IPF

FLOOD PLAIN & STM. DRN. ESMT

20' SANITARY SEWER EASEMENT

100 YEAR FLOOD PLAIN EASEMENT

GRAPHIC SCALE
1 inch = 30 ft.
30 0 15 30

PLAT NORTH

AREA =
20,001 SF (COMP)

LOOSE CHAIN LINK & POSTS ON 0.3'

PARCEL "D" RESUBDIVISION OF LOT 12 FRANCONIA HILLS

S 85°58'10" E ~ 216.22'

N/F LUCK

N 88°16'00" W ~ 221.66'

STEPS

PATIO

GRAVEL AREA

STEPS

14.3' 4.8' 17.8' 20.6'

STEPS ON 0.9'

CHIM

BAY

1 STORY FRAME SHINGLE & VINYL DWELLING #6132

39.5'

3.9' 4.3' 4.4' 8.4' 4.5' 6.4'

10.8'

DECK ON 3.3'

DECK

20.2'

0.5'

41.6'

1.8'

E/C

T

WALK 20.5'

38.8'

WALK

STEPS ON 0.8'

8.5'

CONC DRIVEWAY

POLE

ASPHALT DRIVEWAY

51.8'

DECK

GRAVEL DRIVEWAY

20' INGRESS-EGRESS & UTILITY ESMT. (DB 7898, PG. 1151)

ON 1.3'

ENDS ON 0.8'

S 00°50'00" W ~ 87.04'

N/F PRACK

N/F CHAPELLE

match line match line

match line match line

N/F PRACK

GRAVEL DRIVEWAY

10' RIGHT-OF-WAY (DB 573, PG. 146)

10' RIGHT-OF-WAY (DB 573, PG. 142)

N 87°39'00" W ~ 239.55'

N/F CHAPELLE

0.12 MI. TO INTX FRANCONIA RD.

VALLEY VIEW DRIVE

VARIABLE WIDTH R/W ~ STATE ROUTE #718

PLAT

SHOWING HOUSE LOCATION ON
THE PROPERTY LOCATED AT

#6132 VALLEY VIEW DRIVE

(DEED BOOK 21729, PAGE 1995)
BEING A PART OF LOT 12

FRANCONIA HILLS

(DEED BOOK B-10, PAGE 55)

FAIRFAX COUNTY, VIRGINIA

LEE DISTRICT

SCALE: 1" = 30' MARCH 22, 2012

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.

COMMONWEALTH OF VIRGINIA
03/22/2012
GEORGE M. O'QUINN
LICENSE NO. 2069
LAND SURVEYOR

George M. O'Quinn

Ordered by:

Monarch TITLE, INC.

205 Van Buren Street
Suite 215
Herndon, Virginia 20170
703-890-0820

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

COPYRIGHT BY DOMINION SURVEYORS, INC. THE INFORMATION CONTAINED ON THIS DOCUMENT MAY NOT BE COPIED, REPRODUCED OR ALTERED IN ANY FORM WITHOUT PERMISSION IN WRITING FROM THE COPYRIGHT OWNER.

CASE NAME: NEWBURY PLACE REO III; LLC ~ FAGAN

CASE NO: DU-12-3543

#120313014

(12-A)

Inspect 9/13

County of Fairfax, Virginia

OFFICE OF ZONING ADMINISTRATOR

APPLICATION FOR ZONING APPROVAL

Magisterial District: Mt. Vern — Building Permit No. 4817

Name of Owner: C. F. Apperson — Address: 31 E. Maple St.

Name of Builder: — Address: Alex

Subdivision: Franconia Hills — Lot No. 12 — Block: — Section: 1

Use of Building: dwellings 60 X 24 + garage

No. of Families or Housekeeping Units: ONE — Plans: — Cost: 7500

Size of Lot: Width 87.04 ft. Depth 216.22 ft. Area 20,000 acres sq. ft.

Height of building, at front center to highest point of roof ft.

Set back from side line of street 50 — Width of street ft. (right of way)

Name (No.) of street 20 R/W to Valley View Dr. — Paving of street

Side yard ft. Side yard ft. Rear yard ft.

Are water and/or sewer available — Zone: Suburban Res.

Plat property to scale, showing ALL buildings and ALL distances to property lines, if plat is required, and attach hereto. When this is done preliminary (foundation) zoning permit shall be issued provided the requirements of the Fairfax County Zoning Ordinance are met.

I, the undersigned hereby certify that I understand the foregoing requirement and procedure. I understand that building construction cannot exceed the height of first floor joists until after Final Zoning Approval is issued. I understand that I am required to either furnish the Zoning Administrator with 2 copies of a certified surveyor's plat showing the exact location of the walls in relation to the property and street lines, or to notify him when foundation is ready for inspection before Final Zoning Approval may be obtained. I further certify that I have the authority to make this application, that the information given is correct, and that the use and construction, if permit is issued shall conform to the County Health Regulations, the Building and Zoning Ordinances and private deed restrictions if any, which may be imposed on the property.

Alex 3739
Telephone No.

C F Apperson
Applicant

Address

7/11/51
Date

PRELIMINARY (FOUNDATION) PERMIT

Construction cannot exceed the height of 1st floor joists until final zoning approval is issued. Before Final Zoning Approval of building permit shall be issued the applicant is required to either furnish the Zoning Administrator with 2 copies of a certified surveyor's plat showing the exact location of the walls in relation to the property and street lines or to notify him when the foundation is ready for inspection.

Preliminary (Foundation) Permit issued based on attached plat. Final approval subject to above.

Date 7/11/51

H. F. Schumann Jr.
Zoning Administrator

INSPECTOR'S REPORT

Foundation location inspected and approved as being in conformance with the requirements of the Fairfax County Zoning Ordinance.

Date 9-18-51

E. R. White
Inspector

FINAL ZONING APPROVAL

In compliance with the Zoning Ordinance, effective as of this date, and by authority vested in me as Zoning Administrator by the Board of Supervisors, I hereby issue Final Zoning Approval for the above described use and building construction based on attached surveyor's plat or foundation inspection made as indicated by above inspector's report.

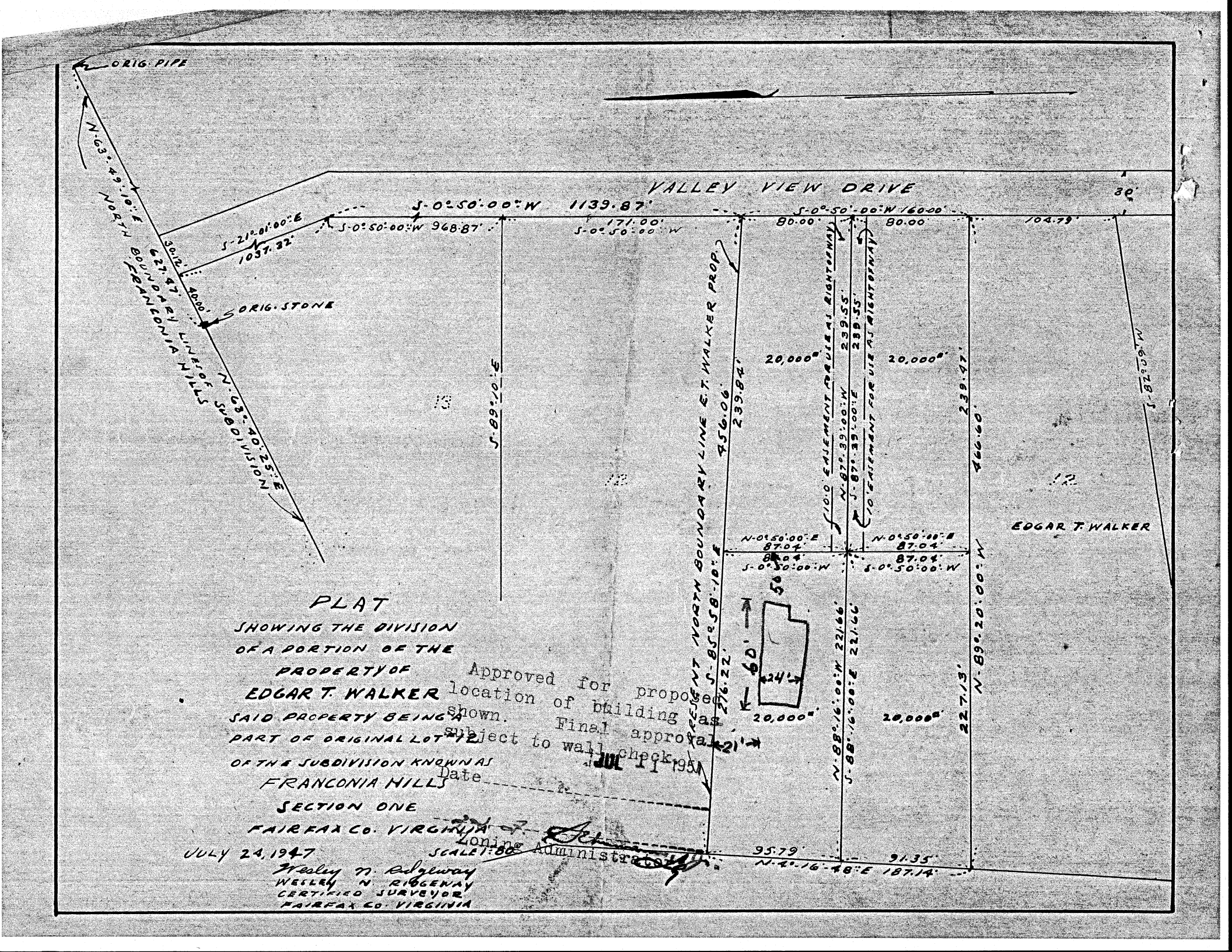
Property description: Lot 12 Franconia Hills

SEP 19 1951

Date

Type of building: Dwg & garage 60 X 24

H. F. Schumann Jr.
Zoning Administrator



PLAT

SHOWING THE DIVISION OF A PORTION OF THE PROPERTY OF EDGAR T. WALKER SAID PROPERTY BEING A PART OF ORIGINAL LOT 12 OF THE SUBDIVISION KNOWN AS FRANCONIA HILLS SECTION ONE FAIRFAX CO. VIRGINIA

JULY 24, 1947 SCALE 1:80

Wesley N. Ridgeway
WESLEY N RIDGEWAY
CERTIFIED SURVEYOR
FAIRFAX CO. VIRGINIA

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

JUL 11 1947

Date

Zoning Administrator

BUILDING PERMIT APPLICATION

PERMIT # 01011B0410

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
PERMIT APPLICATION CENTER
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035-5504
Telephone: 703-222-0801
Web site: http://www.co.fairfax.va.us/dpwes

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY
PLAN # W-01-00172
TAX MAP # 81-3-/04/ /00120

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
(PLEASE PRINT OR TYPE)

JOB LOCATION
ADDRESS 6132 VALLEY VIEW DR.
LOT # Pt. 2 & 12 BUILDING
FLOOR SUITE
SUBDIVISION Franconia Hills Sec. 1
TENANT'S NAME

OWNER INFORMATION OWNER ☐ TENANT ☐
NAME CONWAY APPERSON
ADDRESS 6132 VALLEY VIEW
CITY ALEX STATE VA ZIP 22310
TELEPHONE 703-971-6132

CONTRACTOR INFORMATION SAME AS OWNER ☐
CONTRACTORS MUST PROVIDE THE FOLLOWING:
COMPANY NAME Paul Davis Sys. of Sub VA
ADDRESS 7620 Little River TP
CITY Annandale STATE VA ZIP 22003
TELEPHONE 703-916-9600
STATE CONTRACTORS LICENSE # 041382A
COUNTY BPOL # 03-0282

APPLICANT Linda V.

DESCRIPTION OF WORK
Repair Damage to Home caused by Vehicle

HOUSE TYPE
ESTIMATED COST OF CONSTRUCTION $3500.
BLDG AREA (SQ FT OF FOOTPRINT)
USE GROUP OF BUILDING
TYPE OF CONSTRUCTION
SEWER SERVICE PUBLIC ☑ SEPTIC ☐ OTHER ☐
WATER SERVICE PUBLIC ☑ WELL ☐ OTHER ☐
OTHER PLEASE SPECIFY

DESIGNATED MECHANICS' LIEN AGENT
(Residential Construction Only)
NAME
ADDRESS

NONE DESIGNATED ☑ PHONE

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS		EXTER. WALLS	
# BATHS		INTER. WALLS	
# HALF BATHS		ROOF MATERIAL	
# BEDROOMS		FLOOR MATERIAL	
# OF ROOMS		FIN. BASEMENT	%
# STORIES		HEATING FUEL	
BUILDING HEIGHT		HEATING SYSTEM	
BUILDING AREA		# FIREPLACES	
BASEMENT			

ROUTING	DATE	APPROVED BY
LICENSING	1/11/01	
ZONING	1/11/01	[illegible]
SITE PERMITS		
HEALTH DEPT.		
BUILDING REVIEW	1-22-01	[illegible]
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE $
FILING FEE $ DSC - 4969
AMOUNT DUE = $ 56.00

BUILDING PLAN REVIEW
REVIEWER # OF HOURS
REVISION FEES $
FIRE MARSHAL FEES $
FIXTURE UNITS PLAN LOC: J ☐ R ☐

APPROVED FOR ISSUANCE OF BUILDING PERMIT
(LOG OUT)
BY GSF DATE 1-22-01

ZONING REVIEW ZONING CLASS R-3
USE SFD-51
ZONING CASE #
GROSS FLOOR AREA OF TENANT SPACE

YARDS:
FRONT
FRONT
L SIDE
R SIDE
REAR

GARAGE 1 ☐ 2 ☐ 3 ☐
OPTIONS YES ☐ NO ☐
REMARKS
Repair House to like condition no change to footprint

GRADING AND DRAINAGE REVIEW
SOILS # A ☐ B ☐ C ☐
HISTORICAL DISTRICT
AREA TO BE DISTURBED (TOTAL SQ FT)
ADD'L IMPERVIOUS AREA (ADDED SQ FT)
PLAN # APPR. DATE

STAMPS
(See reverse side of application)

REMARKS
Plats Attached

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Linda Van Schagen 1-11-01
Signature of Owner or Agent **Date**

LINDA VAN SCHAGEN - Agent
Printed Name and Title
(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)
State (or territory or district) of _____,
County (or city) of _____, **to wit:**
I, _____,
a Notary Public in the State and County aforesaid, do certify that
_____
whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
Given under my hand this _____ **day of** _____, **20**_____.
My commission expires the _____ **day of** _____, **20**_____.

_____
(Notary Signature)

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.