



APPLICATION ACCEPTED: August 20, 2007
BOARD OF ZONING APPEALS: November 6, 2007
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 30, 2007

**STAFF REPORT
SPECIAL PERMIT APPLICATION NO. SP 2007-DR-091
DRANESVILLE DISTRICT**

APPLICANT: Michael Thomas

OWNERS: Michael and Jennifer Thomas

SUBDIVISION: Meridian Park

STREET ADDRESS: 2357 Brilyn Park

TAX MAP REFERENCE: 40-4 ((12)) 36

LOT SIZE: 7,341 sq ft.

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of a second story addition 8.3 feet from the side lot line and a roofed deck 24.7 feet from the front lot line of a corner lot.

STAFF RECOMMENDATION: Staff recommends approval of SP 2007-DR-091 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 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 (5) days after the decision becomes final.

N:/varga/sp/thomas/staffreport

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

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 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 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit
SP 2007-DR-091**

Applicant: MICHAEL THOMAS
Accepted: 08/20/2007
Proposed: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT SECOND STORY ADDITION 8.3 FEET FROM SIDE LOT LINE AND ROOFED DECK 24.7 FEET FROM FRONT LOT LINE OF A CORNER LOT

Area: 7,341 SF OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 08-922

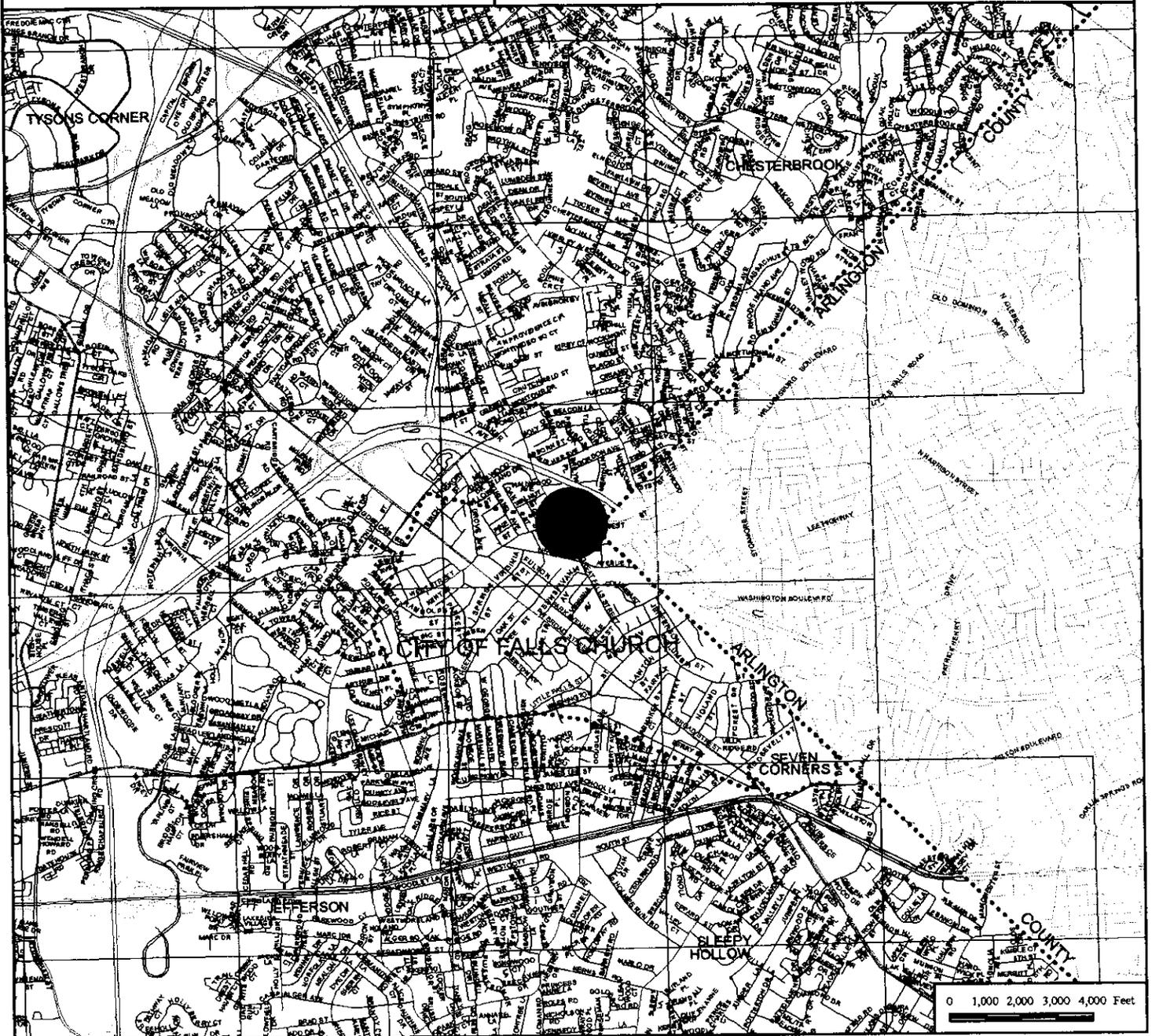
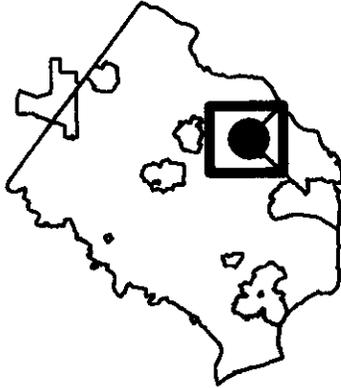
Art 8 Group and Use: 9-21

Located: 2357 BRILYN PLACE

Zoning: R- 4

Overlay Dist:

Map Ref Num: 040-4- /12/ /0036



Special Permit

SP 2007-DR-091



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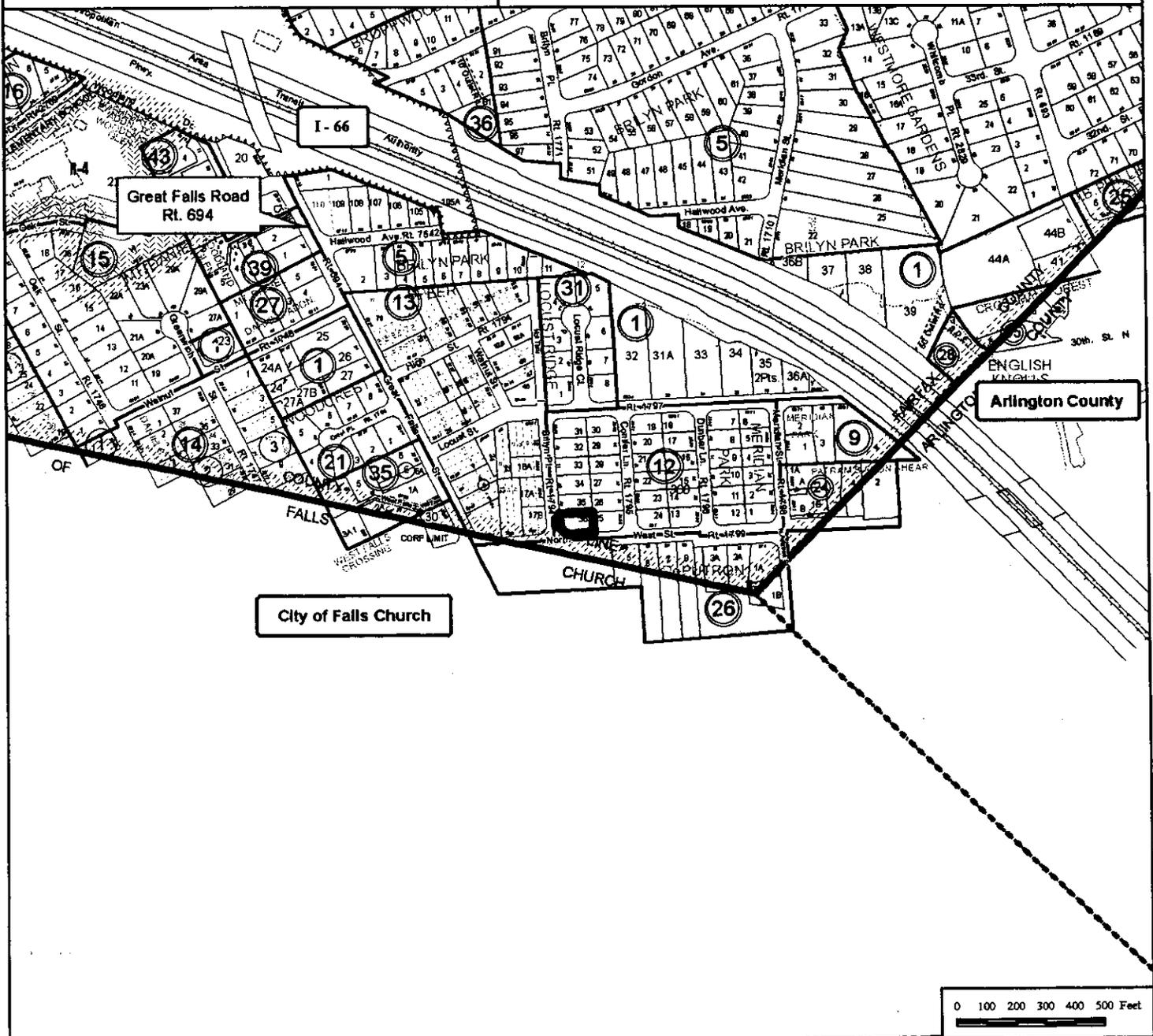
Art 8 Group and Use: 9-21

Located: 2357 BRILYN PLACE

Zoning: R- 4

Overlay Dist:

Map Ref Num: 040-4- /12/ /0036



NOTES

1. TAX MAP: 40-4-12-0036
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 7,341.39 SQUARE FEET

4. REQUIRED YARDS:

FRONT: - 30.0 FEET
 SIDE: - 10.0 FEET
 REAR: - 25.0 FEET

5. HEIGHTS:

DWELLING - 17.0 FEET
 SHED - 08.4 FEET
 PROPOSED ADDITION - 24.6 FEET
 CP - 15.3 FEET
 FENCES - AS NOTED

6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.

7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.

8. ALL IMPROVEMENTS SHOWN ON THIS 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 5' INTERVALS, AND IS AERIAL.

11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.

12. AREAS:

BASEMENT - 914 SF
 1ST FLOOR - 914 SF
 GROSS FLOOR AREA - 1,828 SF

EXIST FAR - GFA (1,828 SF)/LOT AREA (7,341.39 SF) = 25%.

GROSS FLOOR AREA - 1,828 SF
 PROPOSED FLOOR AREA - 914 SF
 TOTAL GROSS FLOOR AREA - 2,742 SF

PROPOSED FAR - GFA (2,742 SF)/LOT AREA (7,341.39 SF) = 37%.

EXISTING PORCH - 143 SF
 PROPOSED PORCH - 183 SF

PLAT

SHOWING THE IMPROVEMENTS ON
 LOT 36

MERIDIAN PARK

DEED BOOK 658, PAGE 389

FAIRFAX COUNTY, VIRGINIA

DIANESVILLE DISTRICT

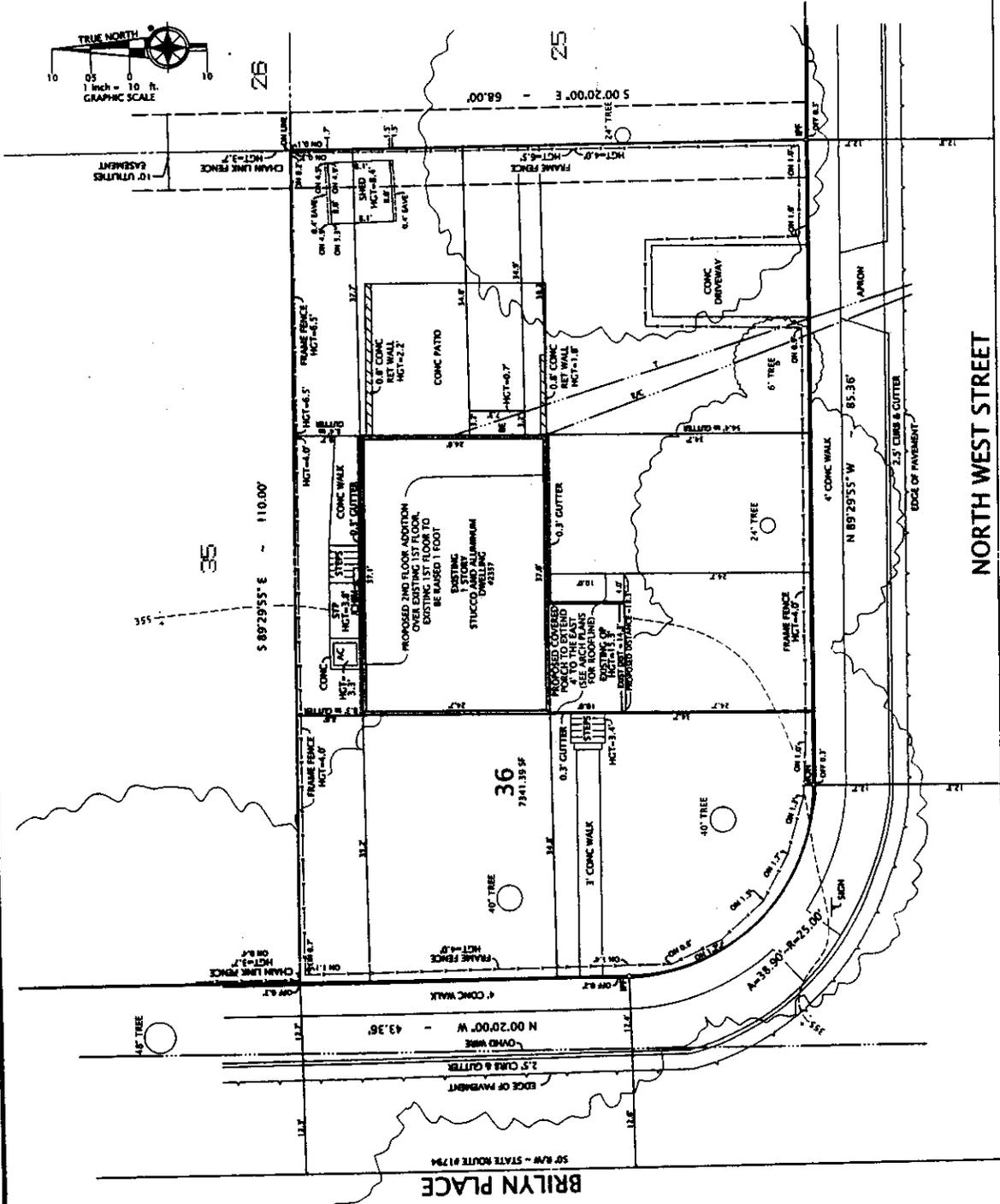
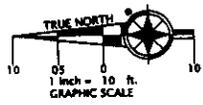
SCALE: 1" = 10' JULY 30, 2007

RECEIVED
 Department of Planning & Zoning
 AUG 14 2007
 Zoning Enforcement Division



ORDERED BY:
 RONNIE THOMAS

DOMINION Surveyors, Inc.
 8904 PEAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 TEL: 703-945-5111
 FAX: 703-945-8412



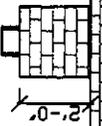
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#88-07

NEW ADDITION

EXISTING HOUSE

HARDIE PLANK LAP SIDING (BY CBI)



12
10

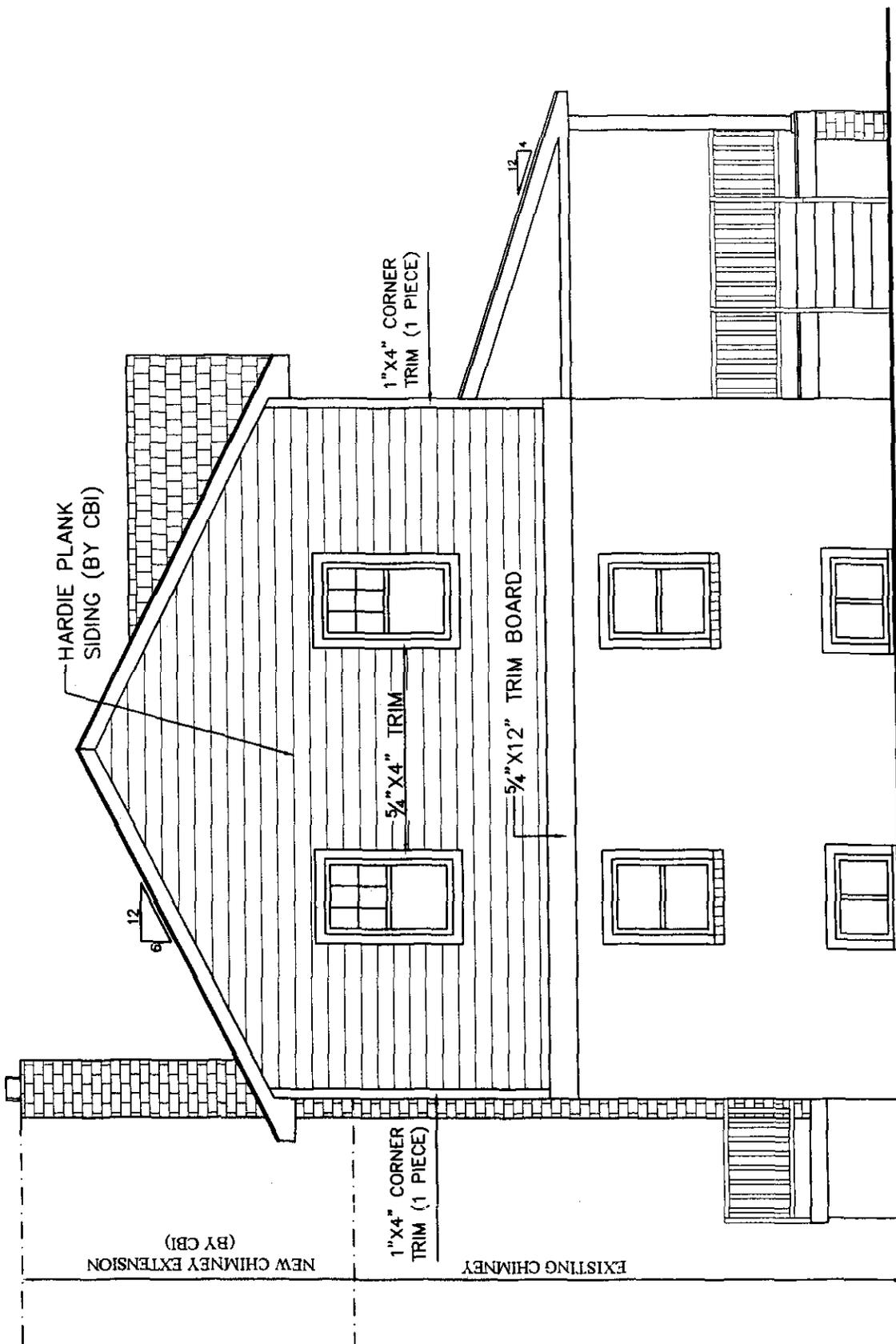


1"X4" CORNER TRIM (1 PIECE)

5/4"X4" TRIM

5/4"X12" TRIM BOARD

3/16" = 1'-0"

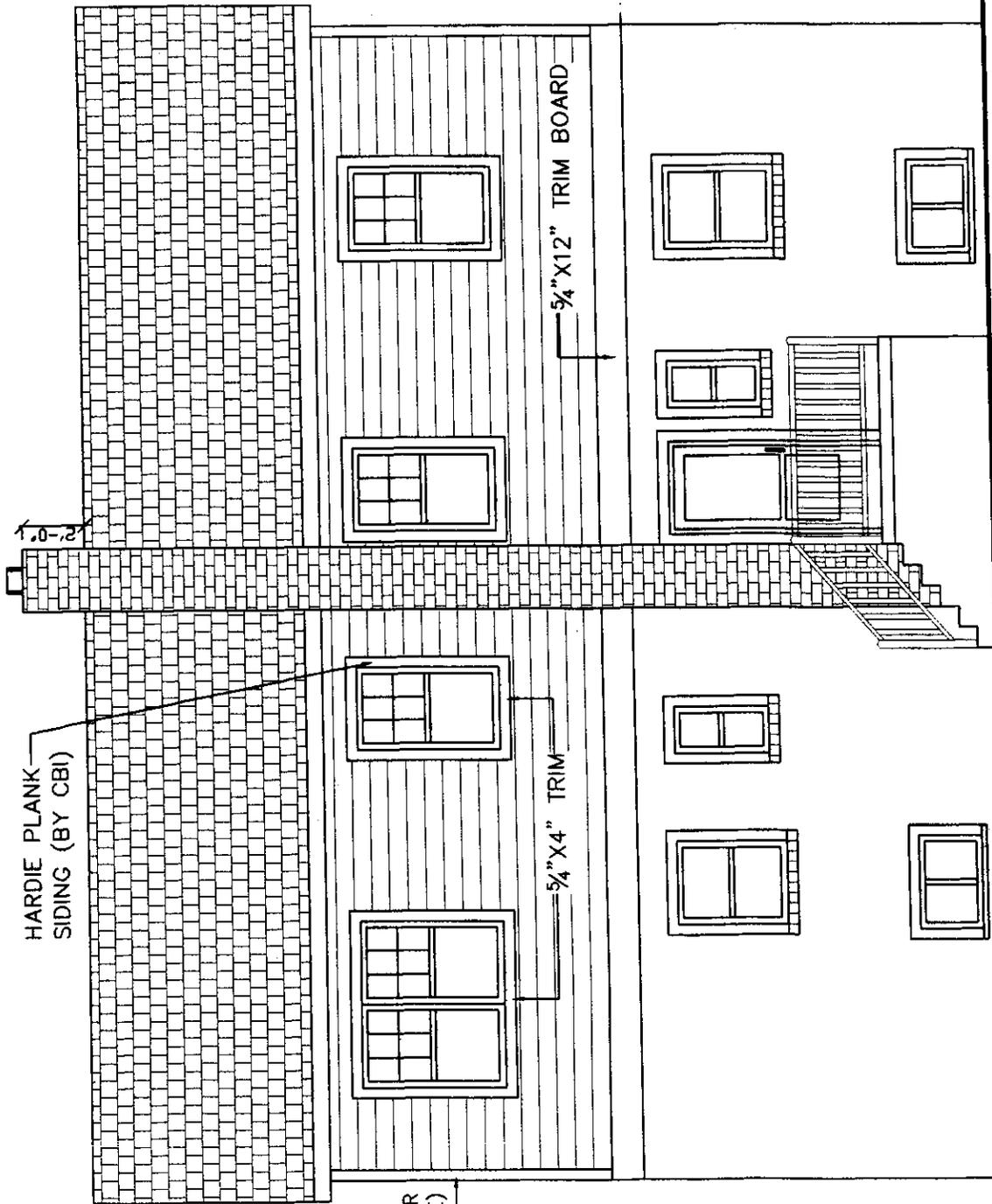


LEGEND

3/16" = 1'-0"

NEW ADDITION

EXISTING HOUSE



HARDIE PLANK
SIDING (BY CBI)

5/4" X 12" TRIM BOARD

5/4" X 4" TRIM

1" X 4" CORNER
TRIM (1 PIECE)

2357 Brilyn Place, Falls Church
North view from West Street
2357BrilynPl_Thomas_p1.jpg



2357 Brilyn Place, Falls Church
North-East view from corner of Brilyn Place
and West Street
2357BrilynPl_Thomas_p2.jpg



2357 Brielyn Place, Falls Church
East view from Brielyn Place
2357BrielynPl_Thomas_p3.jpg



2357 Brielyn Place, Falls Church
East view from Brielyn Place
2357BrielynPl_Thomas_p4.jpg



Thomas: 2357 Brielyn Place,
Falls Church, VA 22046

2357 Brilyn Place, Falls Church
South view from neighbor's yard
2357BrilynPI_Thomas_p6.jpg

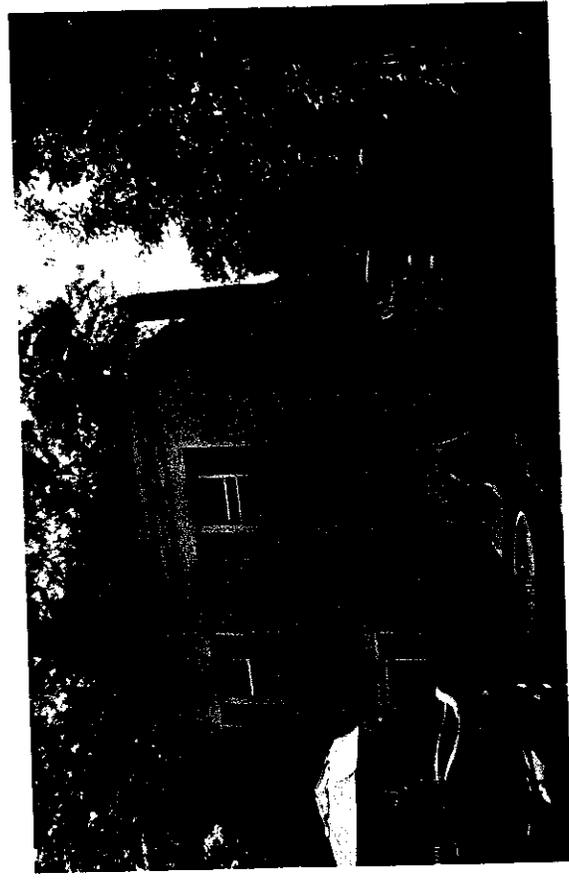


2357 Brilyn Place, Falls Church
East view from Brilyn Place
2357BrilynPI_Thomas_p5.jpg



Thomas: 2357 Brilyn Place,
Falls Church, VA 22046

2357 Brilyn Place, Falls Church
West view of side yard from back
2357BrilynPI_Thomas_p8.jpg

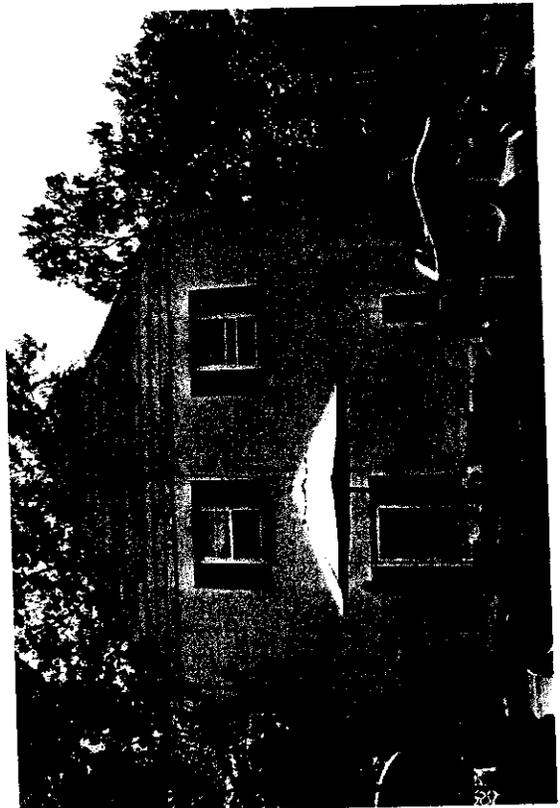


2357 Brilyn Place, Falls Church
West view of side yard from back
2357BrilynPI_Thomas_p7.jpg



Thomas: 2357 Brilyn Place,
Falls Church, VA 22046

2357 Brilyn Place, Falls Church
West view from back yard
2357BrilynPI_Thomas_p9.jpg



2357 Brilyn Place, Falls Church
North-West view from West Street
2357BrilynPI_Thomas_p10.jpg



Thomas: 2357 Brilyn Place,
Falls Church, VA 22046

2357 Brilyn Place, Falls Church
North view from West Street
2357BrilynPl_Thomas_p11.jpg



Thomas: 2357 Brilyn Place,
Falls Church, VA 22046

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of a second story addition 8.3 feet from the side lot line and a roofed deck 24.7 feet from the front lot line of a corner lot. The second story addition will add a full second story to the dwelling, resulting in an increase of 914 square feet. The proposed roofed deck is 183 square feet in size and will face the North West Street front yard. A 143 square foot porch exists in the proposed roofed deck location.

Description of Special Permit

	Structure	Yard	Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Second story addition	Side	10.0 feet	8.3 feet	1.7 feet	17.0%
Special Permit	Roofed deck	Front	30.0 feet	24.7 feet	5.3 feet	17.7%

EXISTING SITE DESCRIPTION

The site is currently zoned R-4 and is developed with a 1,828 sq ft. single family detached dwelling with full basement on a corner lot.

YARD REQUIREMENTS

	Existing Yard	Yard Required
Front (Brilyn Pl.)	34.8 feet	30.0 feet
Front (North West St.)	24.7 feet	30.0 feet
Side	8.6* feet	10.0 feet
Rear	12.0 feet	10.0 feet**

*The subject property is a corner lot; under Zoning Ordinance provisions, a rear yard may take a side yard setback

**Building Permit No. 1139, indicates that the Board of Zoning Appeals approved permission of a side yard setback of 8'4" for the subject property on November 19, 1948.

The property contains a lawn with several large deciduous trees. Bushes surround the

perimeter of the dwelling. An approximately 143 square foot covered deck (porch) is located in the front yard toward North West Street. A frame fence surrounds the property; the fence is 4.0 foot high along both front yard lines, and winds around the northern side lot line and rear yard where it becomes 6.5 foot high. A 20 foot long driveway leads out to North West Street. A large concrete patio exists in the year yard, and an 8.4 foot high shed exists in the northeast part of the property.

CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single Family Detached Dwellings
East	R-4	Single Family Detached Dwellings
South	R-4	Church
West	R-4	Single Family Detached Dwellings

BACKGROUND

Building permits on file indicate the dwelling was constructed in 1951.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Plat Showing the Improvements on Lot 36, Meridian Park

Prepared By: George M. O'Quinn

Dated: July 30, 2007

Proposal:

The applicant is seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of a second story addition 8.3 feet from the side lot line and a roofed deck 24.7 feet from the front lot line of a corner lot.

The second story addition will add a full second story to the dwelling, resulting in an increase of 914 square feet. The second story addition will be not result in a further encroachment into the side yard than the current dwelling. The proposed development will be covered with Hardie Plank siding, which resembles wood siding. Further, the addition will match the color of the existing dwelling. The shingles of the addition will be dark in color, as are the existing shingles, of which some will remain. The height of the

dwelling will rise from 17 feet to 24.6 feet.

The proposed roofed deck is 183 square feet in size and will face the North West Street front yard. A 143 square foot roofed deck is existing and the applicant proposes to add 40 square feet to its eastern side. It will feature wood planks, and will match the color of the existing deck when completed. The shingles on the roofed deck will match those on the rest of the dwelling.

ZONING ORDINANCE REQUIREMENTS (Appendix 6)

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application meets all of the following standards, copies of which are attached as Appendix 4:

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards.

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that 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. The existing dwelling is 1,828 square feet. Therefore 150% of the total gross floor area could result in an addition up to 2,742 square feet in size for a possible total square footage at build out of 4,570 square feet. The proposed addition comprises 914 net square feet. Upon completion, the dwelling will comprise a total square footage of 2,742 square feet. Therefore the application meets this provision.

Standard 6 states that 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. The second story addition will add 914 square feet to the existing dwelling, and will not increase the footprint of impervious surfacing. The proposed height of the addition is 24.6 feet, which is well below the 35 foot maximum. The bulk and scale of the addition is relatively large compared to the existing dwelling, but will complement it well, as evidenced by the architectural drawings provided at the front of the staff report. The proposed roofed deck, at 183 square feet is in keeping with the size and scale of the existing and proposed dwelling. The roofed deck is one story in height as shown in the elevation drawings at the front of the staff report. The roofed deck will architecturally complement the proposed dwelling in that it will feature the colors and shingles as the dwelling. Staff believes that the application meets this provision.

Standard 7 states that 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. The second story addition will increase the height, bulk, and scale of the existing dwelling, but these increases are in keeping with other dwelling additions in the immediate area, and will not detract from the harmony of the neighborhood. No existing vegetation is proposed to be removed during construction of the second story addition, including any significant trees. The size and scale of the proposed 183 square foot roofed deck is in keeping with the size and scale of other porches in the neighborhood. No significant trees will be impacted by the construction of the roofed deck. Shrubs and bushes will be removed during the expansion of the deck area, but will be replanted upon completion. Surrounding properties will be minimally impacted by the second story addition and expansion of the deck area in that the northern side lot line is well screened by trees, and that addition itself will increase the height of the existing dwelling by 7.5 feet. Staff believes that the application meets this provision. Urban Forestry Management (UFM) suggests that overhanging branches from surrounding trees on the applicant's property be pruned by a certified arborist in order to raise the crown of this tree above the height of the proposed new addition. Further, the Urban Forester warns that critical root structures could be damaged by the storage of construction materials within their driplines.

Standard 8 states that 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. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. The closest adjacent dwelling to the proposed roofed deck is located approximately 30 feet from the edge of the proposed second story addition in the lot located to the north of the subject property. The second story addition will not negatively affect issues related to noise, light, and air in that the second story addition will increase the height of the existing dwelling by 7.5 feet, which is not a significant increase in light of the deciduous trees which run along the perimeter this lot line. The roofed deck will serve essentially

the same function as the existing porch, and is not located within the vicinity of any neighbors. Further, it will match the color and style of the existing dwelling. Staff believes that the application meets this provision.

Standard 9 states that 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. The applicant is proposing to construct a second story addition over the existing dwelling location. No issues regarding steep slopes prevent the construction of the addition, and no trees will be removed during the construction of the addition. Issues of well and/or septic, easements, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. The roofed deck will not be affected by the existence of any steep slopes, or large trees either. Staff believes that the application meets this provision.

CONCLUSION

Staff believes that the subject application 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.

RECOMMENDATION

Staff recommends approval of SP 2007-DR-091 subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the 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.

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 Affidavit
3. Applicant's Statement of Justification
4. Urban Forestry Management Memorandum
5. Department of Transportation Memorandum
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2007-DR-091****November 30, 2007**

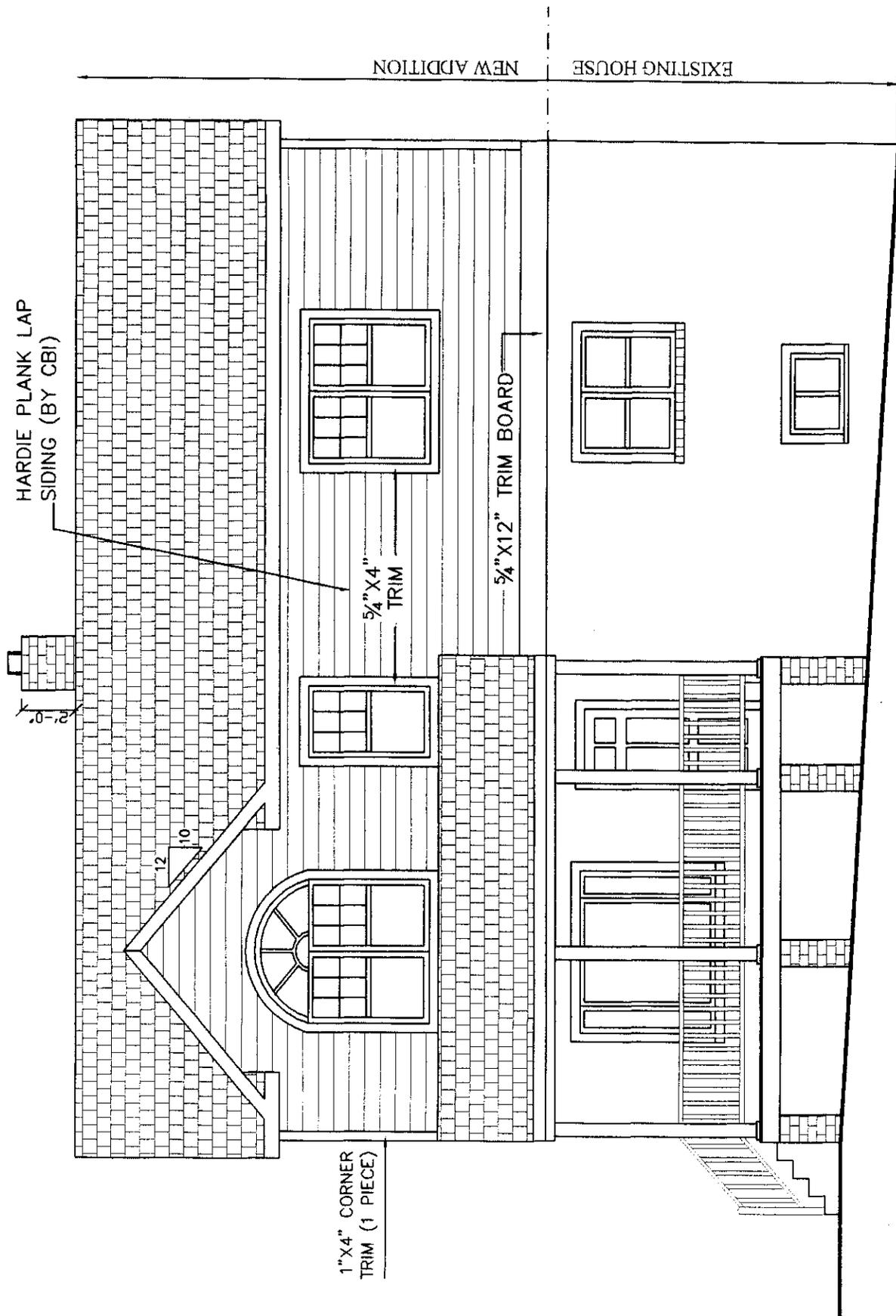
If it is the intent of the Board of Zoning Appeals to approve SP 2007-DR-091 located at Tax Map 40-4 ((13)) 36, to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

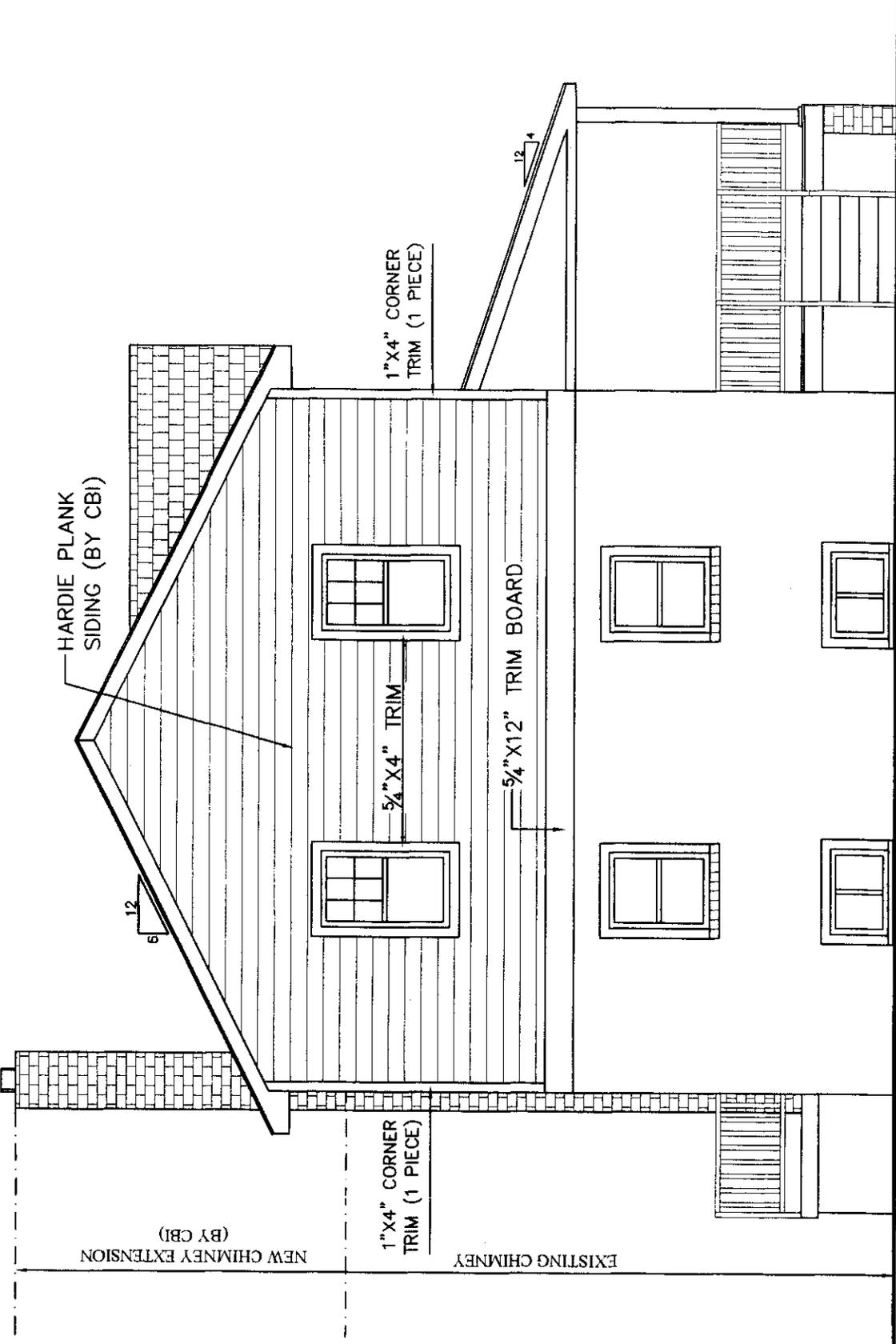
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (914 square foot second story addition and 183 square foot roofed deck) as shown on the plat prepared by George M. O'Quinn, dated July 30, 2007, 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 any addition(s) to the existing principal structure may be up to 150 percent of the total gross floor area of the dwelling (1,828 feet) that existed at the time of the first expansion request regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit or variance. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically

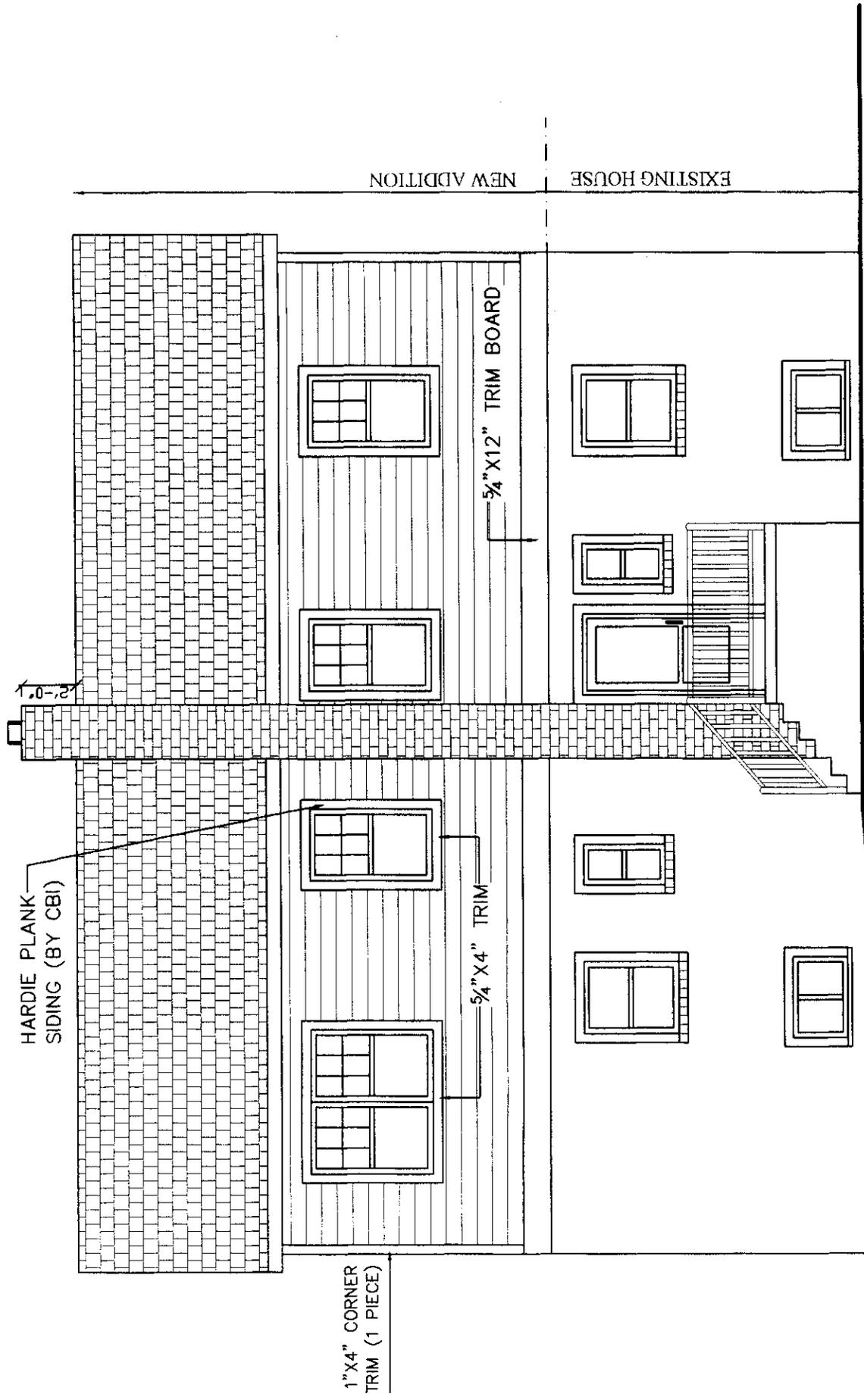
expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior 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.







 3/16" = 1'-0"



NEW ADDITION

EXISTING HOUSE

HARDIE PLANK
SIDING (BY CBI)

1" X 4" CORNER
TRIM (1 PIECE)

5/4" X 4" TRIM

5/4" X 12" TRIM BOARD



3/16" = 1'-0"

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8-3-2007
(enter date affidavit is notarized)

Michael P. Thomas, 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

97029

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)
Michael P. Thomas	2357 Brilyn Place Falls Church, VA 22046	Applicant/Title Owner
Jennifer T. Thomas	2357 Brilyn Place Falls Church, VA 22046	Title Owner

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8-3-2007
(enter date affidavit is notarized)

97029

(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)

N/A

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)

N/A

(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: 8-3-2007
(enter date affidavit is notarized)

97029

(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)

N/A

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8-3-2007
(enter date affidavit is notarized)

97029

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: 8-3-2007
(enter date affidavit is notarized)

97029

1. 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

Michael P. Thomas, owner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 3 day of August 2007 in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: 9-30-2011



Special Permit Application
Michael Thomas
2357 Brilyn Place
Falls Church, VA 22046
703-533-9696
mikepthomas@yahoo.com

ITEM #5: A written statement of justification describing the proposed use and other pertinent data. (to answer questions 2-9)

Summary of proposed project:

- **Second story addition over existing house (built in 1951):** We purchased the house in June 1999, and the side yard is 8'6" from the house to the property line (8'3" from gutter to the property line.) This is the original house built in 1951. The issue is that the current zoning requires a 10' setback. Since the proposed second story addition will go over the existing house, a special permit is required, and we are requesting a minimal reduction. The 8'3" is within the 5' minimum requirement.
- **4' x 10' (40 SF) extension of existing covered, open porch:** There is an existing covered, open porch in the front yard (facing West Street). As part of the addition, we would like to move the front door towards the center of the house. This would require adding a 4' x 10' extension of the front porch. The base of the existing porch (14'3" x 10') will remain the same; 4' x 10' is what we'd like to add. The proposed porch will have a new roof over the existing base plus the 4'x10' extension. The roof material will be architectural shingles, same as current porch, and same as proposed new roof. See architectural diagrams for visual. We believe we need a special permit for this extension as well due to ordinance pertaining to covered porches; the existing porch and proposed extension of porch is 24.7" from the property line. The current front porch is 143 SF; with the 4' x 10' extension, the total SF of the renovated porch would be 183' SF.

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.

RESPONSE: N/A

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.

RESPONSE: The home was built in 1951. When we purchased the home in June 1999, we purchased it in good faith to believe that it was within compliance of zoning. The house is the original structure, and no additions have been made to it since we purchased it in June 1999. It is on a corner lot, and the setbacks are the same today as when we purchased it in June 1999: Front 1: 34.8", Front 2: 34'7" (with covered porch, 24'7"), Side: 8'3" (from gutters), Side/Rear" 37'7".

RECEIVED
 Department of Planning & Zoning
 AUG 14 2007
 Zoning Evaluation Division

Special Permit Application
Michael Thomas
2357 Brilyn Place
Falls Church, VA 22046
703-533-9696
mikepthomas@yahoo.com

PAGE 2 of Item #5: A written statement of justification

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 reduction request.

RESPONSE: Current house:

Main level of the house= 914 SF

Basement = 914 SF

Total existing= 1828 SF

Proposed floor area of 2nd story addition over existing house = 914 SF

Total Gross Floor area including proposed second story addition= 2742 SF

Total Allowable Gross Floor Area = 1828 SF + 150% (2742) = 4570 SF

2752/4570 = 60% -- well within the 150% allowance

Porch:

Existing Porch = 143 SF (keeping existing base; new roof to go over existing base plus extension)

Proposed extension = 4' (x10'), 40 SF

New Porch Total = 183 SF

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.

RESPONSE: N/A

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, built and scale of the existing structure(s) on the lot.

RESPONSE: The proposed development will be in character with existing on-site development. The existing house is stucco, and the proposed second story addition will be covered with HardiePlank siding. The whole house will be painted the same color, which will be in good character. The windows in the addition will be white vinyl windows, which are similar in look and character to the existing white wood windows that are part of original house. The new roof shingles will be architectural roof shingles, darker in color but still in character with the home. The height of the overall house, with the proposed addition will be 24'6", within the 35' maximum requirement. As for the extension of the porch, the base will be 4" x 10' wood planks, same as the existing base, and will be painted all the same color when finished. The new roof for the porch will be the same architectural shingles that will be used on the roof of the house, in character with the existing house.

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PAGE 3 of Item #5: A written statement of justification

7. The BZA shall determine that the proposed development in harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures...

RESPONSE: The proposed addition and extension of porch will be in character with surrounding homes in the neighborhood. Many homes in our neighborhood have been renovated to include second story additions and covered front porches, or have been rebuilt as 3-4 story single family homes. Many of these homes are using the same HardiePlank siding (or vinyl siding) and white vinyl windows. Most of the homes use architectural roof shingles, as proposed in our plans. Many of the homes in our neighborhood have covered front porches. This proposed addition will be in character with the many changing homes in our well established neighborhood, and will be average in size---many of the new and renovated homes are much larger than our proposed addition; some of the original homes in our neighborhood will be smaller.

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.

RESPONSE: There should be no adverse impacts to any adjacent properties. The second story addition will have the same roof line as the current structure, and we plan to have new gutters installed in the same location on the new second story addition and on the extension of the front porch as the current gutters, so we don't foresee any issues with 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...

RESPONSE: We are requesting a minimal reduction. Our second story addition will be over the existing structure that was built in 1951. The existing house is 8'3" from the gutters to the property line in the side yard, and the current zoning is 10'. The proposed addition will not change the footprint of the house. As for the front porch, the base of the existing front porch will remain the same; we hope to extend the front porch 4'x10', and put a new roof over the existing and new base.



County of Fairfax, Virginia

MEMORANDUM

September 17, 2007

TO: Stephen F. Varga, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Heather Finch, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Meridian Park Lot 36 2357 Brilyn Place, SP 2007-DR-091

This review is based on the Application for a special permit stamped "Received, Department of Planning and Zoning, August 14, 2007." A site visit was conducted on September 17, 2007.

Site Description: This is a 7341.39 SF lot on which an 1828 SF single family home is located. There are three existing mature trees in the yard of the property that may be impacted by construction activities.

- 1. Comment:** Three trees may be impacted by the construction of the second story and addition to the front porch. There is a 30 inch diameter silver maple located in the northwest portion of the lot. There is a four-trunk 40 inch diameter silver maple in the southwest portion of the lot. In addition, there is a twin-trunk 24 inch diameter Norway maple in the southern portion of the lot. It appears that several branches of each of these trees may be impacted by the construction of the second story and pruning may be required. In addition, heavy equipment, storage of materials and general construction traffic associated with the construction of the second story and addition to the porch may impact the critical root zones of these trees if care is not taken to protect these areas.

Recommendation: If the applicant wishes to preserve these trees, please note that professional advice should be obtained to ensure that any necessary pruning is carried out in a way that will not cause damage to the trees. In addition, care should be taken to avoid damaging the critical root zones of these trees by keeping construction traffic and materials storage outside of the driplines of these trees.

Please contact me at 703-324-1770 if you have any further questions.

HAF/
UFMID #: 129841

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes





County of Fairfax, Virginia

MEMORANDUM

TO: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief *AKR by CAA*
Site Analysis Section
Department of Transportation

FILE: 3-6 (SP 2007-Dr-091)

REFERENCE: SP 2007-DR-091; Michael Thomas
Land Identification Map: 40-4 ((12)) 36

DATE: September 4, 2007

Transmitted herewith are the comments of the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this department dated July 30, 2007.

The proposed application for reduction of certain yard requirements would not create any significant additional impacts on the surrounding public street system. Therefore, this department would not object to the approval of the subject application

AKR/kb

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.
- N/A 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 such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

- A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
- B. Total area of the property and of each zoning district in square feet or acres.
- C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.

- F. Means of ingress and egress to the property from a public street(s).
- G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
- H. If applicable, the location of a well and/or septic field.
- I. Existing and proposed gross floor area and floor area ratio.
- J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
- K. The location, type and height of any existing and proposed landscaping and screening.
- L. Approximate delineation of any floodplain designated by the Federal 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.