



APPLICATION ACCEPTED: November 13, 2007
BOARD OF ZONING APPEALS: February 12, 2008
MOVED AT APPLICANTS REQUEST
TIME: 9:00 a.m.

County of Fairfax, Virginia

February 5, 2008

STAFF REPORT

SPECIAL PERMIT APPLICATION SP 2007-SU-139 VARIANCE APPLICATION VC 2007-SU-005

SULLY DISTRICT

APPLICANTS/OWNERS: Terry D. & Susan D. Boss

SUBDIVISION: Pleasant Hill

STREET ADDRESS: 15065 Stillfield Place

TAX MAP REFERENCE: 53-4 ((05)) (02) 32

LOT SIZE: 13,242 square feet

ZONING DISTRICT: R-C, WS

ZONING ORDINANCE PROVISION: 8-922, 18-401

SP PROPOSAL: Reduction of certain yard requirements to permit construction of an addition 15.2 feet from the rear lot line.

VC PROPOSAL: To permit greater than 30 percent minimum rear yard coverage.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2007-SU-139 for the addition with the adoption of 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

N:/varga/sp/boss/staffreport

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.

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

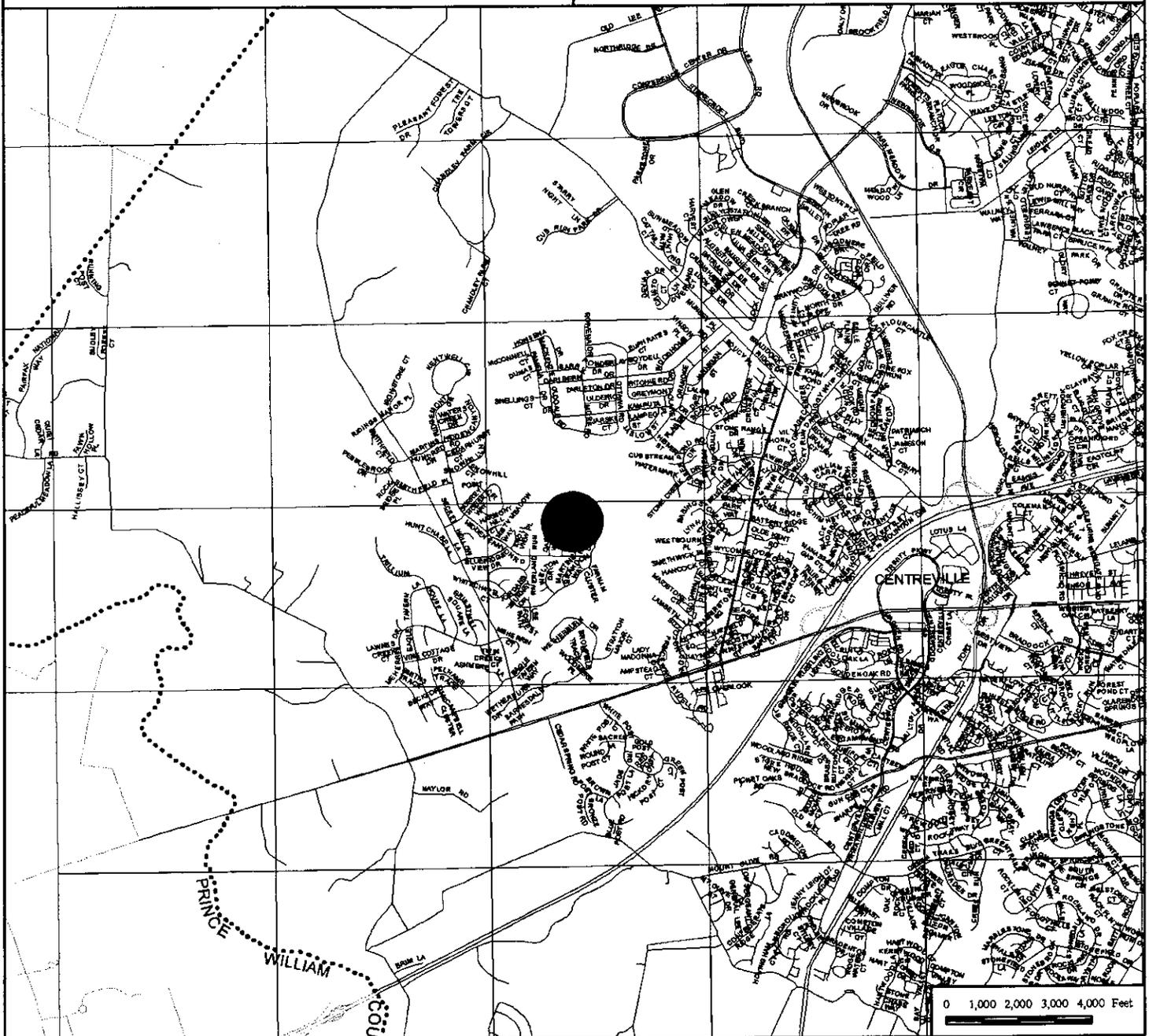
SP 2007-SU-139

Applicant: BOSS, TERRY D. & BOSS, SUSAN D.
 Accepted: 11/13/2007
 Proposed: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 12.6 FEET FROM REAR LOT LINE
 Area: 13,242 SF OF LAND; DISTRICT - SULLY
 Zoning Dist Sect: 08-922
 Art 8 Group and Use: 9-21
 Located: 15065 STILLFIELD PLACE
 Zoning: R- C
 Overlay Dist: WS
 Map Ref Num: 053-4- /05/02/0032

Variance Application

VC 2007-SU-005

Applicant: BOSS, TERRY D. & SUSAN D.
 Accepted: 11/13/2007
 Proposed: TO PERMIT GREATER THAN 30 PERCENT MINIMUM REAR YARD COVERAGE
 Area: 13,242 SF OF LAND; DISTRICT - SULLY
 Zoning Dist Sect: 18-0401 10-0103
 Paragraph: 1 03
 Located: 15065 STILLFIELD PLACE
 Zoning: R- C
 Overlay Dist: WS
 Map Ref Num: 053-4- /05/02/0032



Special Permit

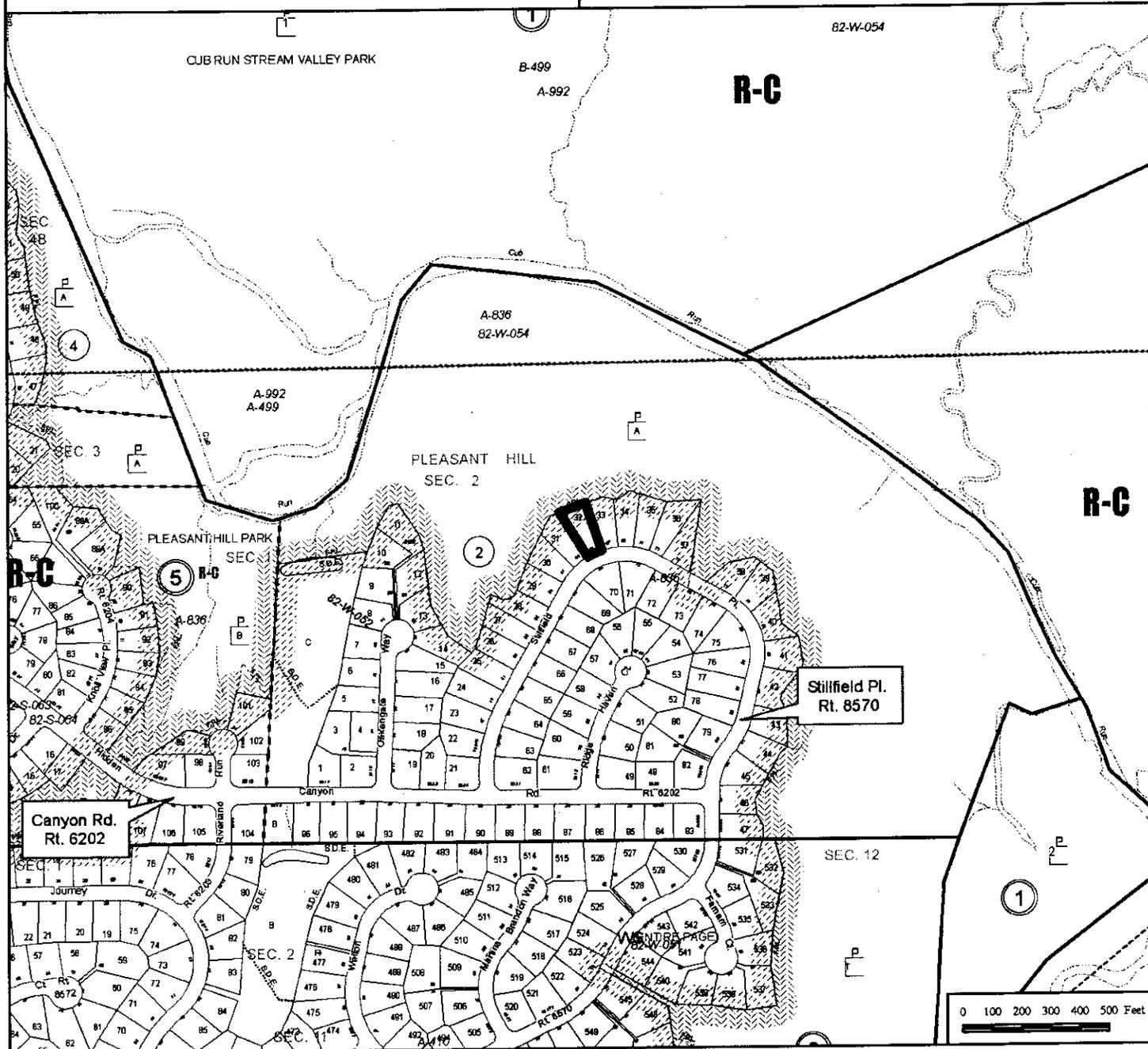
SP 2007-SU-139

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Zoning: R- C
Overlay Dist: WS
Map Ref Num: 053-4- /05/02/0032

Variance Application

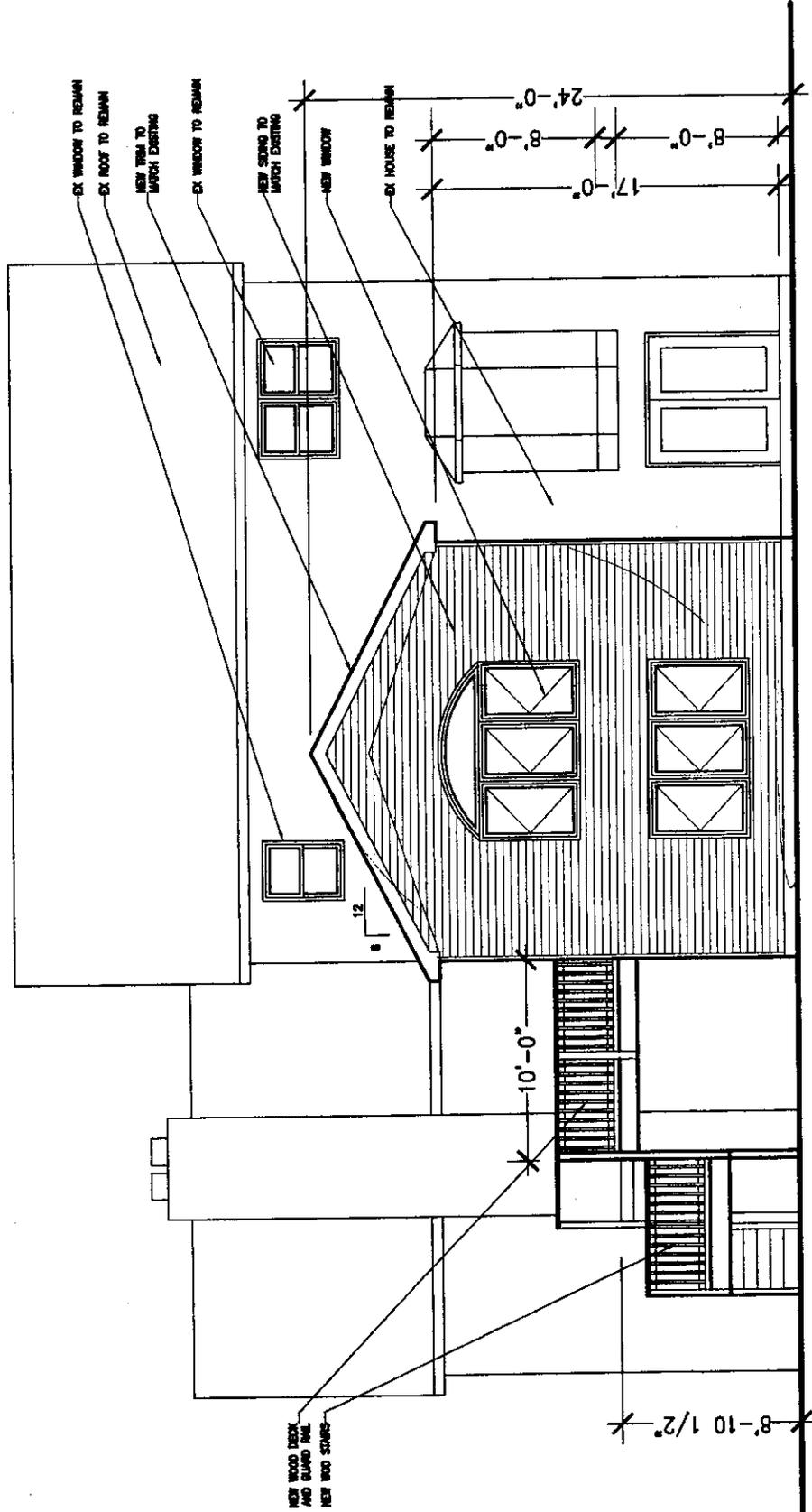
VC 2007-SU-005

Applicant: BOSS, TERRY D. & SUSAN D.
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MINIMUM REAR YARD COVERAGE
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Paragraph: 1 03
Located: 15065 STILLFIELD PLACE
Zoning: R- C
Overlay Dist: WS
Map Ref Num: 053-4- /05/02/0032



BOSS ADDITION

15065 STILLFIELD PLACE
 CENTERVILLE, VIRGINIA 22120

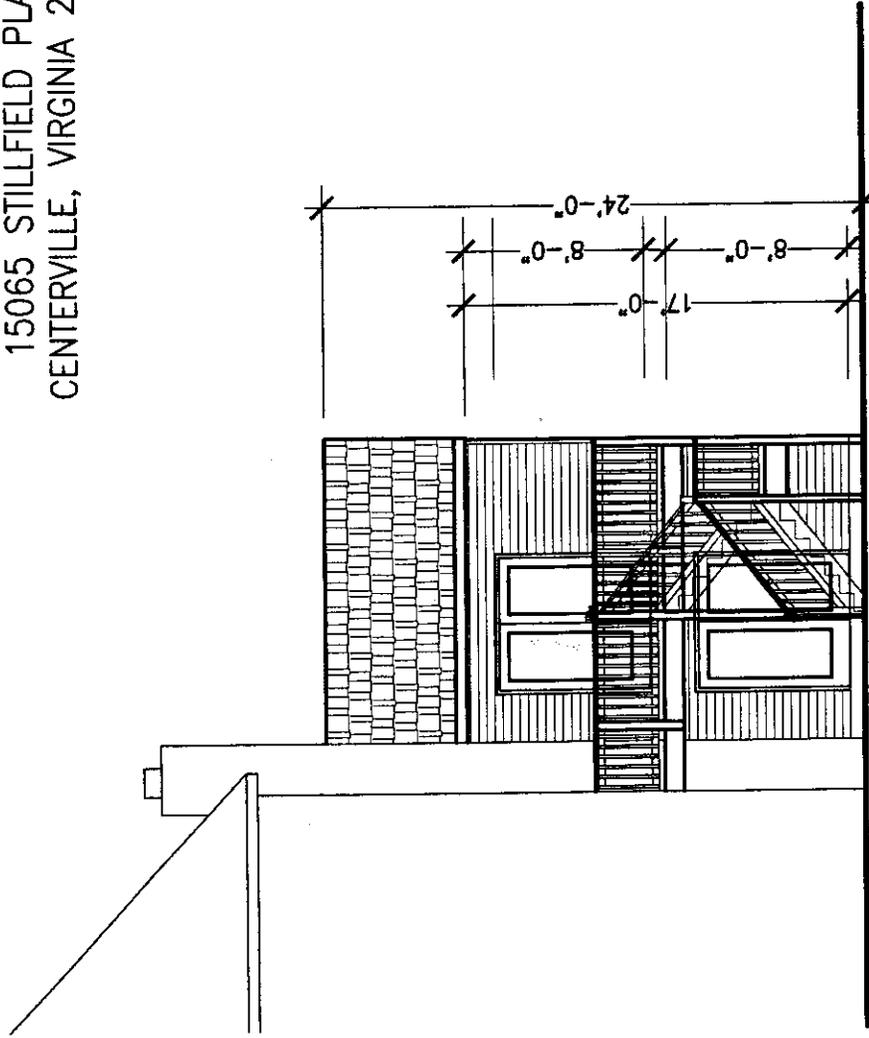


REAR ELEVATION

1/8" = 1'-0"

BOSS ADDITION

15065 STILLFIELD PLACE
CENTERVILLE, VIRGINIA 22120



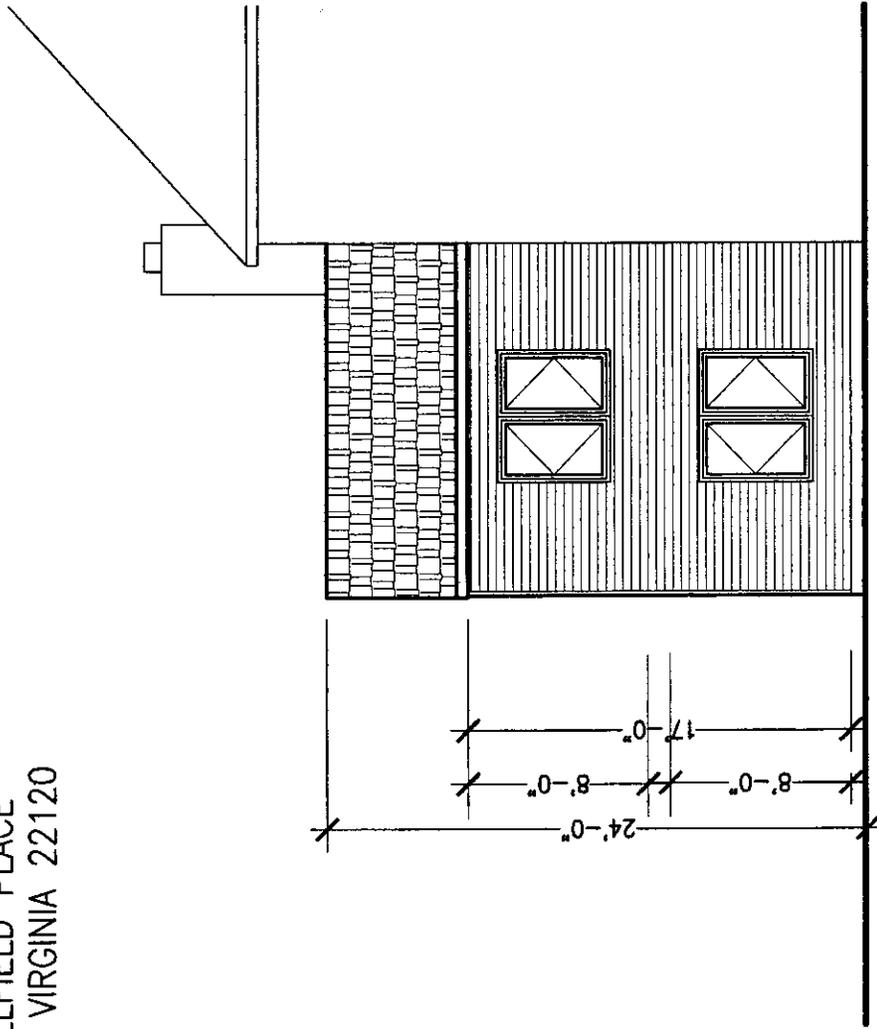
RIGHT SIDE ELEVATION



1/8" = 1'-0"

BOSS ADDITION

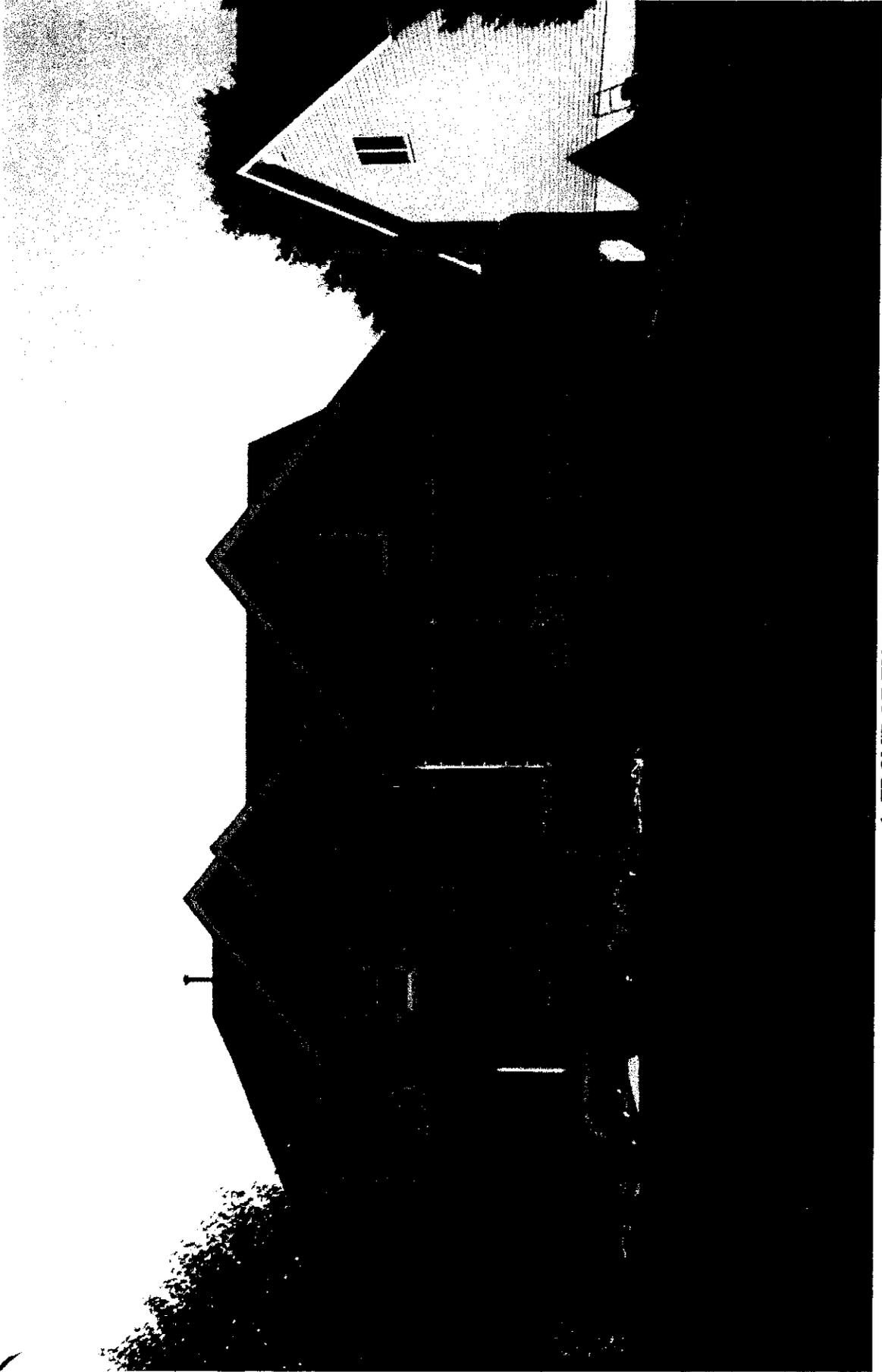
15065 STILLFIELD PLACE
CENTERVILLE, VIRGINIA 22120



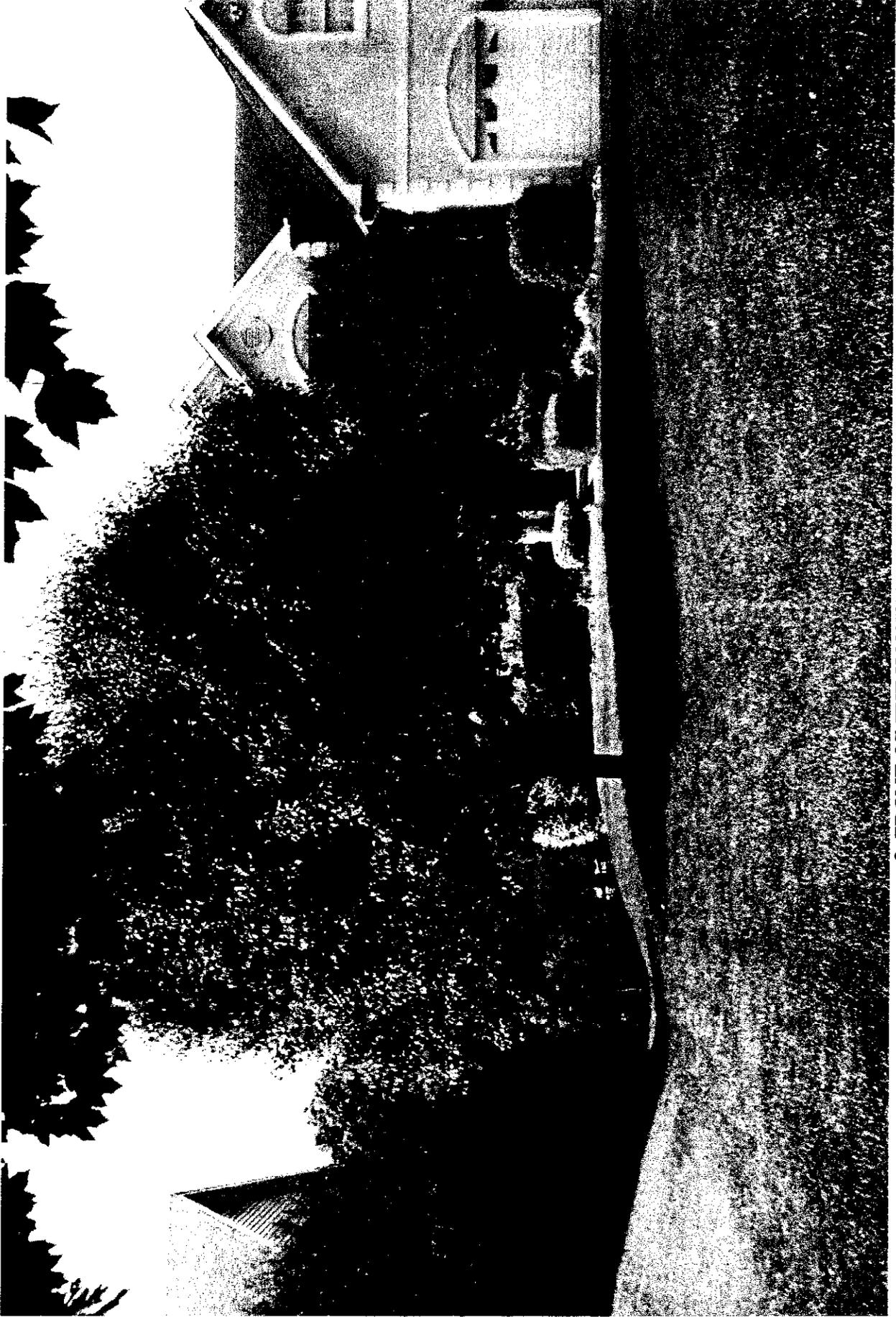
LEFT SIDE ELEVATION



1/8" = 1'-0"



1. FRONT OF THE HOUSE



2. FRONT OF THE HOUSE LEFT SIDE



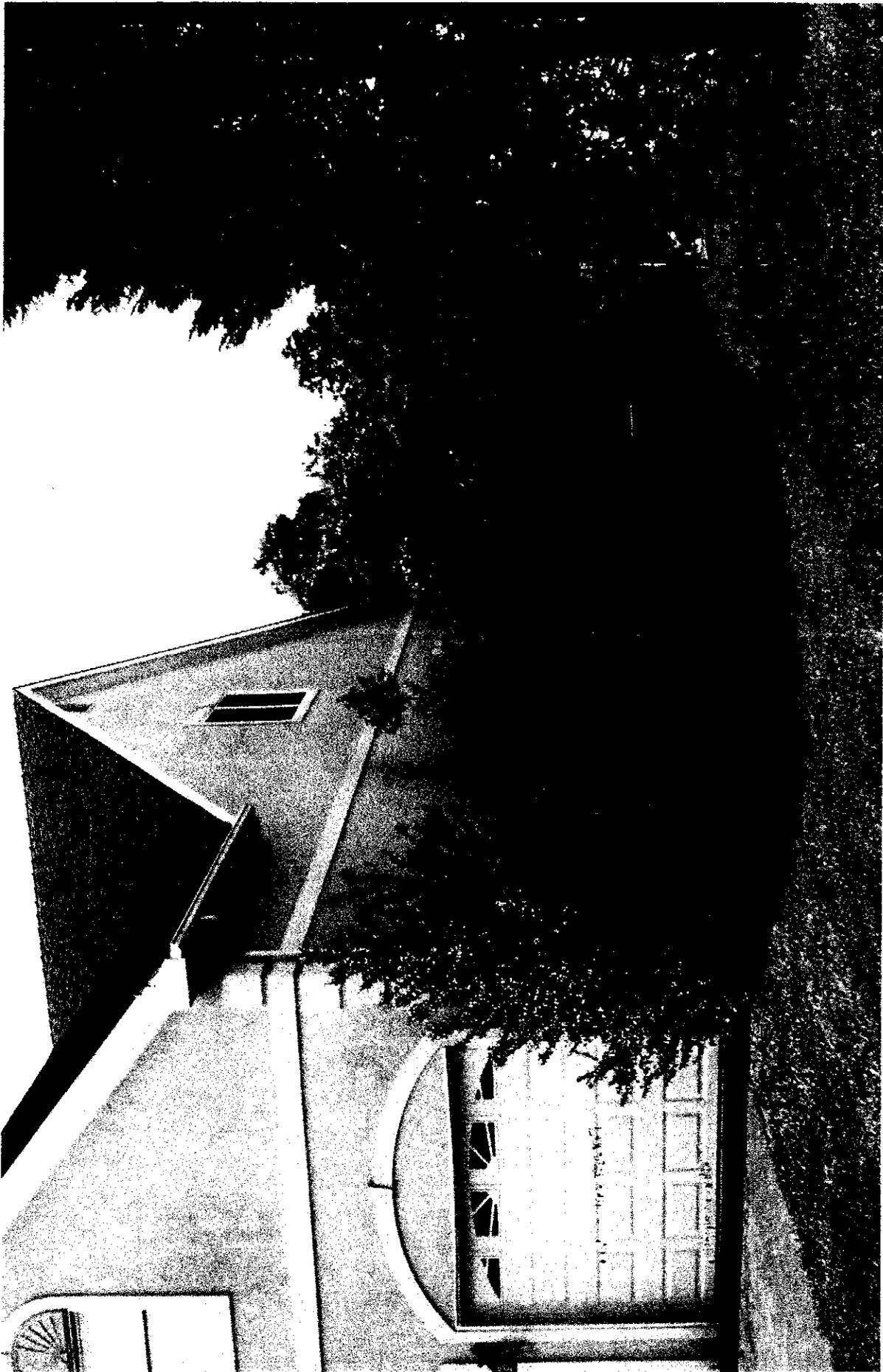
3. SIDE VIEW OF REAR FROM LEFT



4. REAR LEFT SIDE



6. REAR RIGHT SIDE



7. RIGHT SIDE



5. EXISTING SWIMMING POOL AND EXISTING DECK TO BE REMOVED

DESCRIPTION OF THE APPLICATION

Special Permit Request:

The applicant is seeking approval of a special permit for a reduction of certain yard requirements to permit construction of a two-story addition 15.2 feet from the rear lot line. The proposed 578 square foot addition will provide space for a recreation room and a kitchen.

Variance Request:

The applicant is seeking approval of a variance to permit greater than 30 percent minimum rear yard coverage. Currently 52% of the minimum rear yard is covered with structures. With approval of the addition, coverage would increase to 57%.

Description of Special Permit

	Structure	Yard	Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Dwelling addition	Rear	25.0 feet	15.2 feet	9.8 feet	30%

EXISTING SITE DESCRIPTION

The site is currently zoned R-C and WS and is developed with a 5,744 square foot, two story, and single family detached dwelling. The existing front yard is 92.2 feet where 40 feet is required in the R-C District; the existing rear yard is 26.9 feet where 25 feet is required; the existing side yard to the east is 8.2 feet where 20 feet is required*, and the existing west side yard is 18.5 feet*. The property contains a lawn with several bushes planted around the perimeter of the dwelling. The rear yard contains a swimming pool with concrete deck, and a second story wooden deck with stairwell. A split rail and wire fence measuring four feet in height encloses the rear yard. There are no easements located on site.

**The property was zoned R-2 Cluster at the time of construction of the dwelling.*

CHARACTER OF THE AREA

	Zoning	Use
North	R-C	Cub Run Stream Valley Park
East	R-C	Single Family Detached Dwelling
South	R-C	Single Family Detached Dwellings
West	R-C	Single Family Detached Dwelling

BACKGROUND

County tax records indicate the dwelling was constructed in 1995 under R-2 Cluster provisions.

ANALYSIS**Special Permit Plat** (Copy at front of staff report)

Title of SP Plat: Plat Showing the Improvements and Proposed Additions on Lot 32, Section 2, Pleasant Hill

Prepared By: David L. Mayne

Dated: August 16, 2007, as revised through November 9, 2007

Proposal:

The applicant is seeking approval of a special permit for a reduction of certain yard requirements to permit construction of a two story addition 15.2 feet from the rear lot line. The proposed 578 square foot addition will provide space for a recreation room and a kitchen. The applicant also proposes to remove the existing second story wooden deck and stairwell and replace it with a new second story wooden deck and stairwell, located 15.3 feet from the rear lot line.

The applicant is also requesting approval of a variance to permit minimum rear yard coverage greater than 30%. Sect. 10-103.3 of the Zoning Ordinance limits minimum rear yard coverage to a maximum of 30%. With construction of the addition the rear yard coverage will be 57%.

ZONING ORDINANCE REQUIREMENTS (Appendix 4)

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

The application must meet 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. 18-404, Required Standards for Variances

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards due to the limited impact on neighbors and lack of alternate locations of the proposed 578 square foot dwelling addition.

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 5,744 square feet. Therefore 150% of the total gross floor area could result in an addition up to 8,616 square feet in size for a possible total square footage at build out of 14,360 square feet. The proposed addition comprises 578 net square feet. Upon completion, the dwelling will comprise a total square footage of 6,322 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 proposed addition at 578 square feet will provide space for a recreation room and new kitchen. The dwelling addition is two stories in height as shown in the elevation drawings at the front of the staff report and will match the existing dwelling's size and scale. The addition will feature neutral-colored siding construction which will match the existing dwelling's siding. The applicant

also proposes to remove the existing second story wooden deck with stairwell and replace it with a new second story wooden deck with stairwell. In this way, the applicant is constructing the majority of the addition in an area which was already developed by right. 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 size and scale of the dwelling after the addition will be comparable to other dwellings in the Pleasant Hill neighborhood, which are also two stories in height. The subject property abuts the Cub Run Stream Valley Park along its north lot line. The addition is proposed to be constructed to the rear of the dwelling, and will only be noticeable to the two adjoining neighbors. The applicant has stated that neither neighbor is opposed to the proposed addition. Staff believes that the application meets this provision.

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. The subject property is located within a Water Supply Protection District (WS). 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 property abuts Cub Run Stream Valley Park which contains a 100-year floodplain and storm drainage easement which begins directly across from the applicant's rear lot line. The location of the addition will meet the minimum 15 foot distance required from a floodplain. The closest adjacent dwelling to the proposed garage addition is located at least 35 feet from the edge of the proposed addition. The 578 square feet addition will not negatively affect issues related to noise, light, and air in that the dwelling addition will replace a second story wooden deck with stairwell. 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 dwelling addition containing a recreation room and new kitchen. A review of the subject property by staff reveals that the addition could not be located in any other place onsite due to the limited size of the rear yard. Further, the rear yard affords no area for the addition to be located which would be within the permissible building envelope by right. Lastly, the subject property was developed under R-2Custer provisions of the Zoning Ordinance, but rezoned to the R-C District. This rezoning makes it especially difficult to conform to current standards. The addition will result in

an increase to the impervious surface on site, and the applicant also proposes to remove the existing second story wooden deck with stairwell and replace it with a new second story wooden deck with stairwell. No issues regarding steep slopes prevent the construction of the dwelling 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 on this site. Staff believes that the application meets this provision.

Sect. 18-404, Variance Standards

The applicant is also seeking approval of a variance to permit greater than 30 percent minimum rear yard coverage. As represented in the applicant's statement of justification and special permit plat, the improvements on site will constitute an increase in the rear yard coverage from 52 percent to 57 percent. The application must meet all of the variance standards, a copy of which is attached at Appendix 4. Even without approval of the addition, more than 30% of the minimum required rear yard is covered with structures. If the variance is not approved, a portion or all of the lower wood deck, pool decking and/or pool will have to be removed to meet the Zoning Ordinance requirement.

CONCLUSION

Staff believes that the subject application for the addition is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2007-SU-139 for the addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the 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. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

February 5, 2008

If it is the intent of the Board of Zoning Appeals to approve SP 2007-SU-139 located at Tax Map 53-4 ((05)) (02) 32, 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 (578 square foot dwelling addition) as shown on the plat prepared by David L. Mayne and dated August 16, 2007 as revised through November 9, 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 (5,744 square 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.

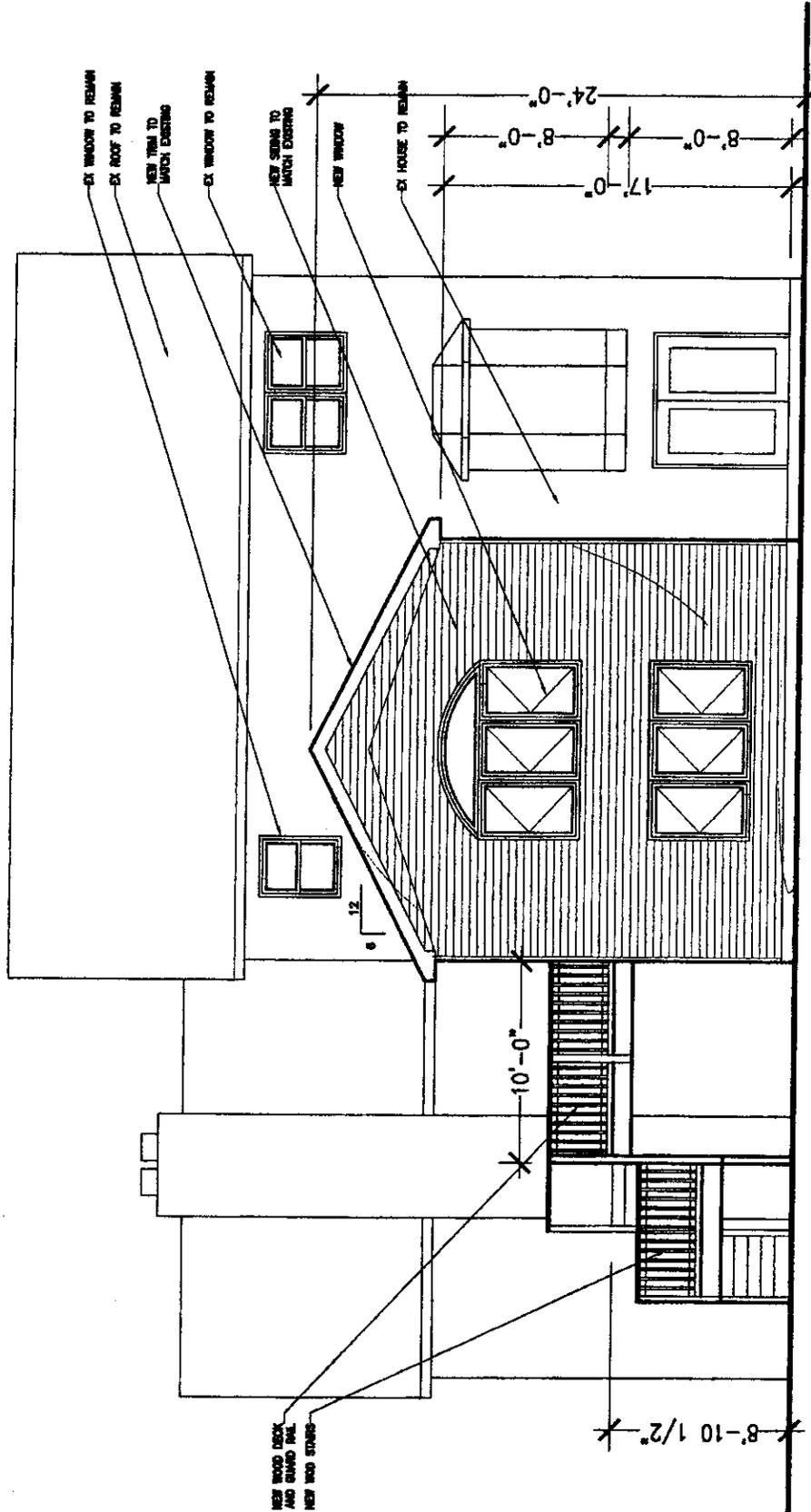
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.

BOSS ADDITION

15065 STILLFIELD PLACE
CENTERVILLE, VIRGINIA 22120



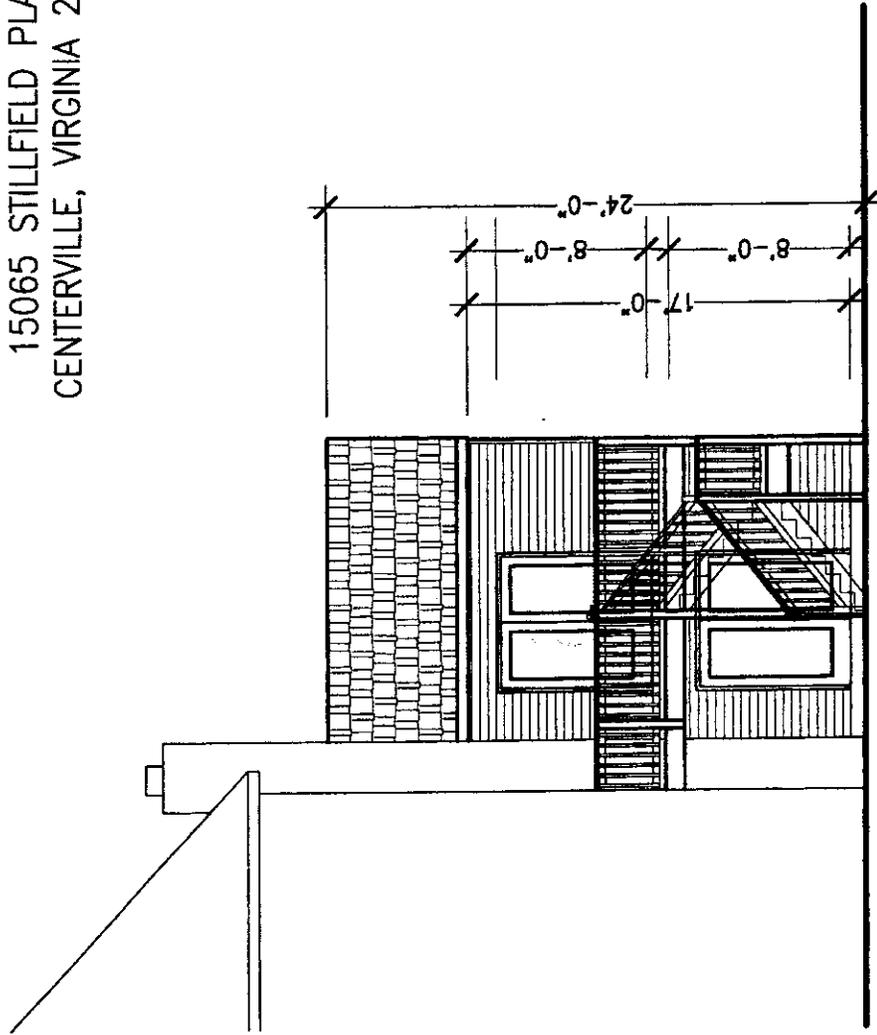
REAR ELEVATION



1/8" = 1'-0"

BOSS ADDITION

15065 STILLFIELD PLACE
CENTERVILLE, VIRGINIA 22120



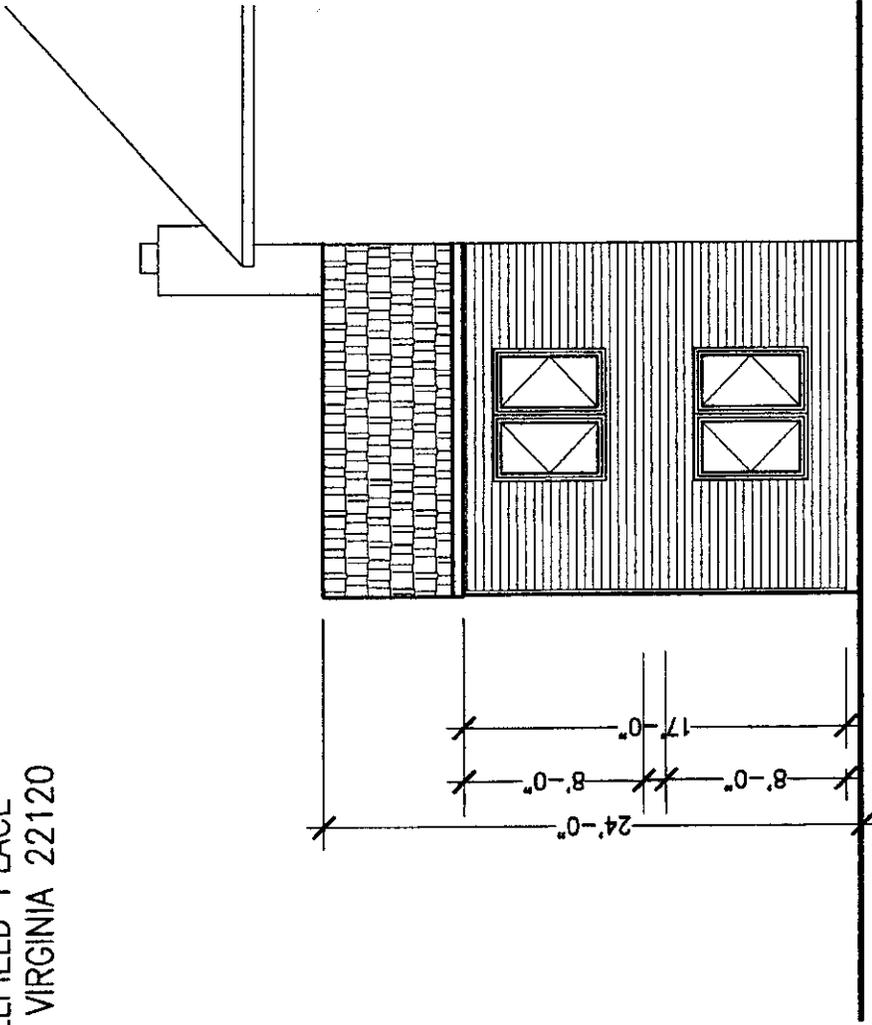
RIGHT SIDE ELEVATION



1/8" = 1'-0"

BOSS ADDITION

15065 STILLFIELD PLACE
CENTERVILLE, VIRGINIA 22120



LEFT SIDE ELEVATION



1/8" = 1'-0"

PROPOSED DEVELOPMENT CONDITIONS

February 5, 2008

1. This variance is approved for the rear yard coverage, as shown on the plat prepared by David L. Mayne, dated August 16, 2007 as revised through November 9, 2007.

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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: SEPTEMBER 10, 2007
(enter date affidavit is notarized)

I, ARIF HODZIC, AIA, 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)
* BOSS TERRY, D AND BOSS SUSAN, D	15065 STILLFIELD PL. CENTERVILLE, VA-20120	APPLICANTS/TITLE OWNERS
* ARIF H. HODZIC HODZIC ARCHITECTS, PC	1003 SNAPPER COVE LN. PASADENA, MD. 21122	AGENT/ARCHITECT

(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: SEPTEMBER 10, 2007
(enter date affidavit is notarized)

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)

HODZIC ARCHITECTS, PC
1003 SNAPPER COVE LANE
PASADENA, MD. 21122

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)

ARIF H. HODZIC 100% OWNER

(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)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: SEPTEMBER 10, 2007
(enter date affidavit is notarized)

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)

NONE

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: SEPTEMBER 10, 2007
(enter date affidavit is notarized)

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

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

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

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

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

NONE

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: SEPTEMBER 10, 2007
(enter date affidavit is notarized)

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

[] Applicant

[X] Applicant's Authorized Agent

ARIF H. HODZIC, AGENT

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

Subscribed and sworn to before me this 10 day of September 2007, in the State/Comm. of Maryland, County/City of Anne Arundel

Kevin Watts
Notary Public

My commission expires: 12-18-10



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RECEIVED
Department of Planning & Zoning
NOV 13 2007
Zoning Evaluation Division

Re: Variance Application
Boss House Addition
15065 Stillfield Place
Centerville, Virginia 20120

Statement of Justification

September 27, 2007
Revised November 12, 2007

The original house was built close to the back property line, because lot is narrow and long and is of irregular shape on curved road.

With this application we would like to obtain a permit to construct an addition, one story with walk out basement, encroaching into rear set back by 12 feet. This would reduce rear set back to 15 feet.

We would also like to construct 111.8 x16 feet wood deck 9'-0" above ground, with steps to the ground. Wood deck will be 15.2 feet from the rear property line. This would reduce rear set back. Side yard set back requirement is 20'-0" and we will encroach into it by 7.1 feet. Deck will set back 12.7' from side lot line.

This addition will not be seen from the street and it will be hardly noticeable from the sides. There is a park adjacent to the rear property line. There is flood plain exactly on rear property line and we are proposing our addition and the deck to be 15 feet away.

Presently rear yard setback is covered with existing: deck, swimming pool, patio and pool equipment by 52%. We propose to increase that coverage up to 57%. See plot plan for details.

The house is used by the owners as a primary residence and will continue to be used as such.

Existing wood deck will be demolished in order to build this addition.

There are no accessory structures on the site.

There is a swimming pool, see plot plan for location.

Proposed addition is in character of the house and the structures in the
Neighborhood.

Proposed development will be in harmony the surrounding structures.

There will be no additional impact on the adjacent properties, such as noise, light, air,
erosion and storm water runoff.

Existing and proposed floor areas and floor are ratios are shown on plot plan.

We would appreciate if you approve this Variance, because it would allow better living
space in the house.

If you have any questions please give me a call.

Prepared by



Arif H. Hodzic, AIA
Agent for the Owner

RECEIVED
Department of Planning & Zoning
NOV 18 2007
Zoning Evaluation Division

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.

N/A

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.

18-404 Required Standards for Variances

To grant a variance the BZA shall make specific findings based on the evidence before it that the application satisfies all of the following enumerated requirements:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property; or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purposes of this Ordinance and will not be contrary to the public interest.