



APPLICATION ACCEPTED: March 10,, 2008
BOARD OF ZONING APPEALS: June 3, 2008
TIME: 9:00 a.m.

County of Fairfax, Virginia

May 27, 2008

**STAFF REPORT
SPECIAL PERMIT APPLICATION NO. SP 2008-MV-022
MOUNT VERNON DISTRICT**

APPLICANT: Kenneth B. Pack

OWNERS: Kenneth B. and Barbara E. Pack

SUBDIVISION: Hallowing Point River Estates

STREET ADDRESS: 6036 River Dr.

TAX MAP REFERENCE: Tax Map 122-1 ((2)) 13A

LOT SIZE: 40,008 sq. ft.

ZONING DISTRICT: R-E

ZONING ORDINANCE PROVISIONS: 8-914 and 8-922

SPECIAL PERMIT PROPOSALS: To permit reduction of minimum yard requirements base on error in building location to permit deck to remain 38.5 feet from the front lot line of a corner lot and to permit reduction of certain yard requirements to permit addition 38.5 feet from front lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2008-MV-022 for the construction of the addition 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

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/

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 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

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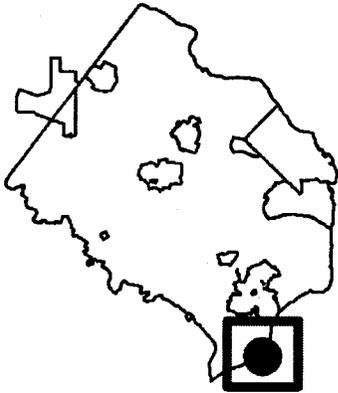


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

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Special Permit
SP 2008-MV-022

Applicant: KENNETH B. PACK
Accepted: 03/10/2008
Proposed: TO PERMIT REDUCTION OF MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DECK TO REMAIN 38.5 FT. FROM FRONT LOT LINE OF A CORNER LT AND TO PERMIT REDUCTION OF CERTAIN YARD REQUIRMENTS TO PERMIT ADDITION 38.5 FT. FROM FRONT LOT LINE



Area: 40,008 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 08-091408-922

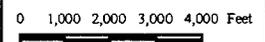
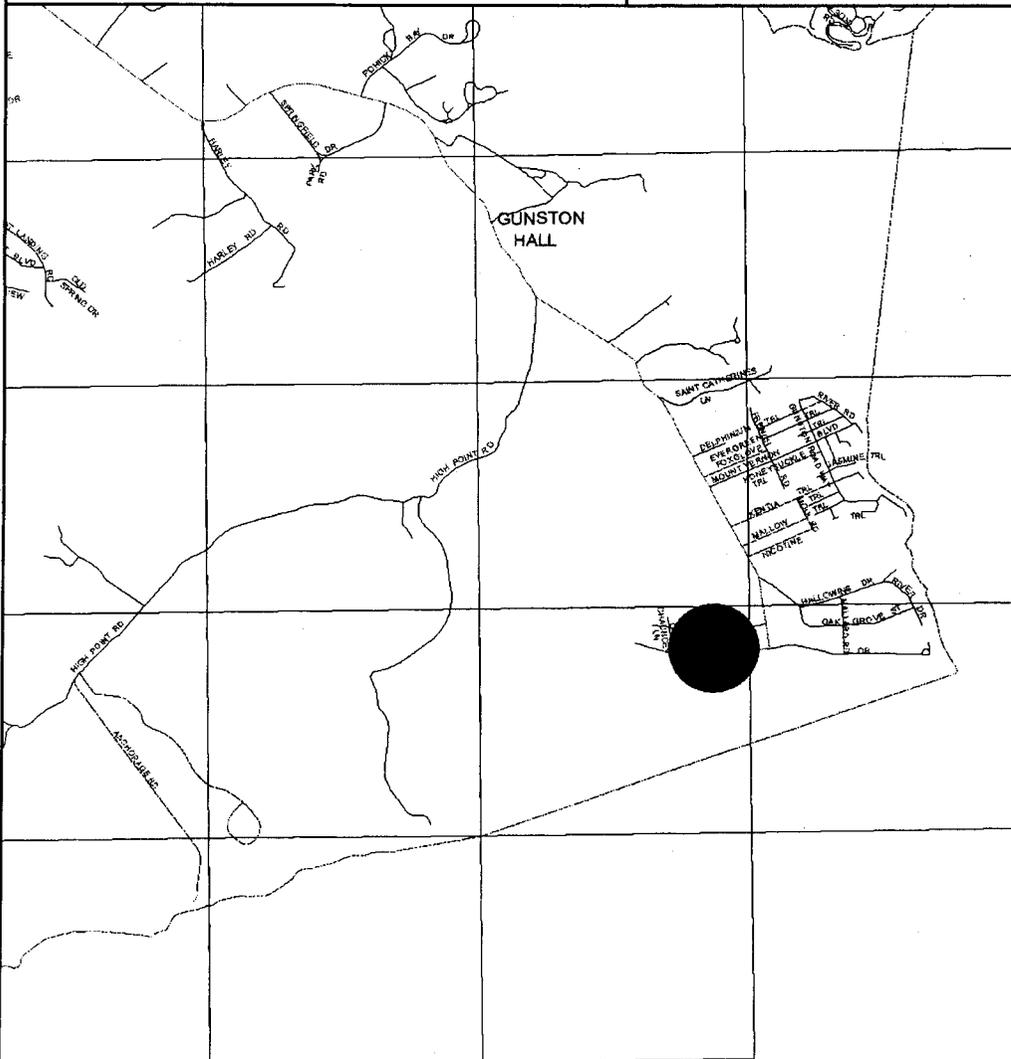
Art 8 Group and Use: 9-13 9-21

Located: 6036 RIVER DRIVE

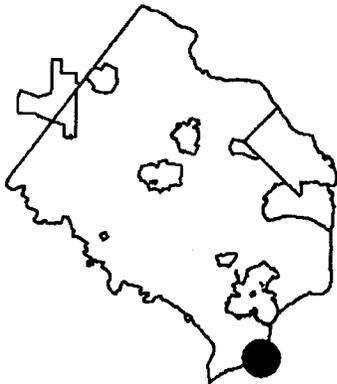
Zoning: R- E

Overlay Dist:

Map Ref Num: 122-1- /02/ /0013A



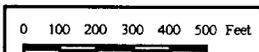
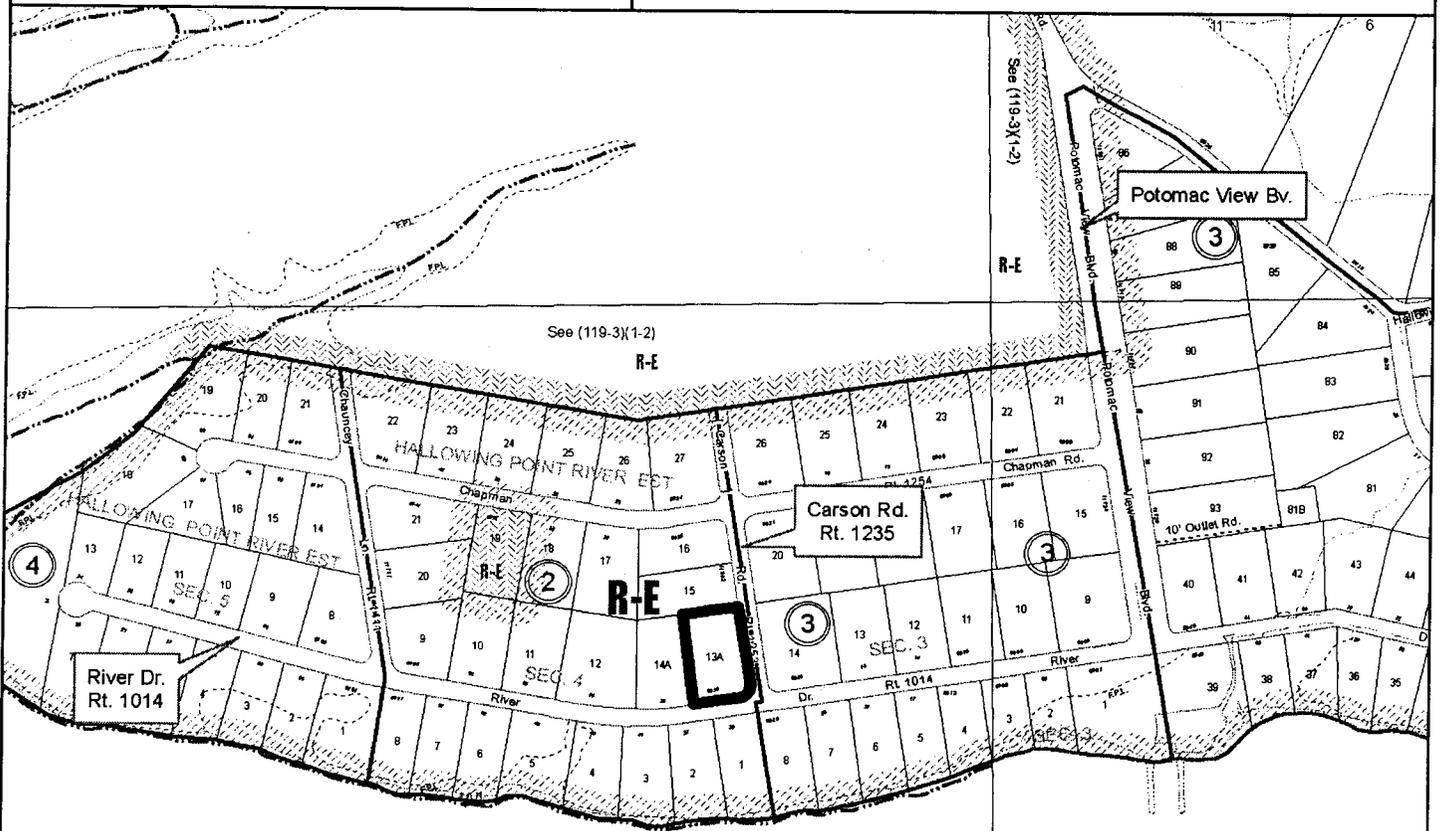
Special Permit
SP 2008-MV-022



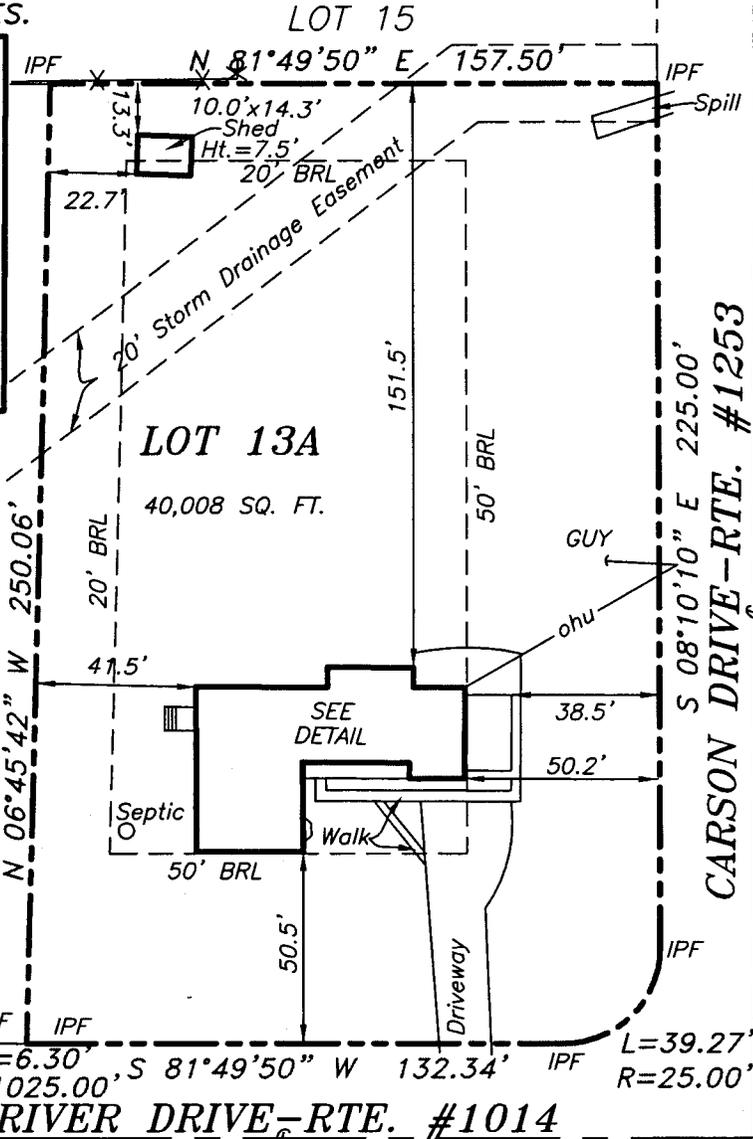
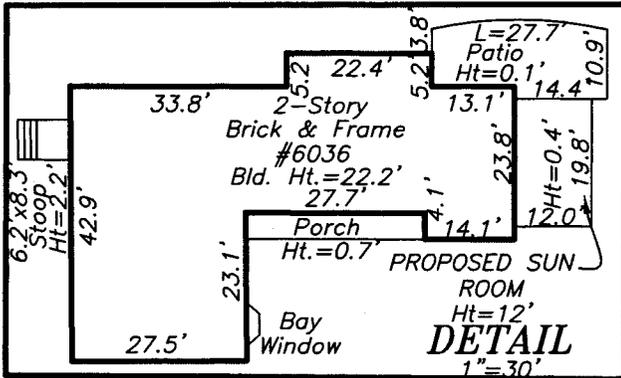
Applicant: KENNETH B. PACK
Accepted: 03/10/2008
Proposed: TO PERMIT REDUCTION OF MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DECK TO REMAIN 38.5 FT. FROM FRONT LOT LINE OF A CORNER LT AND TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 38.5 FT. FROM FRONT LOT LINE

Area: 40,008 SF OF LAND; DISTRICT - MOUNT VERNON

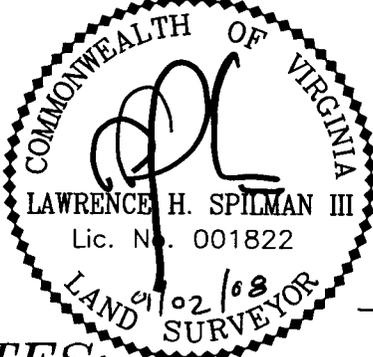
Zoning Dist Sect: 08-091408-922
Art 8 Group and Use: 9-13 9-21
Located: 6036 RIVER DRIVE
Zoning: R- E
Overlay Dist:
Map Ref Num: 122-1- /02/ /0013A



THIS HOUSE LOCATION SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES OR ANY OTHER IMPROVEMENTS. FENCES SHOWN HEREON ARE APPROXIMATE AND ARE NOT TO BE USED FOR DETERMINATION OF PROPERTY LINES.



SPECIAL PERMIT PLAT
LOT 13A
SECTION FOUR
HALLOWING POINT
RIVER ESTATES
 DEED BOOK 2988 PAGE 631
 MOUNT VERNON DISTRICT
 FAIRFAX COUNTY, VIRGINIA



NOTES:

1. CURRENT OWNER: KENNETH B. AND BARBARA E. PACK, D.B. 9042 PG. 1024.
2. THIS PROPERTY IS CLASSIFIED AS ZONE X, AN AREA OF MINIMAL FLOOD HAZARD IN ACCORDANCE WITH FLOOD HAZARD BOUNDARY MAP NO. 515525 0125 D.
3. BEARINGS BASED ON THE RECORD PLAT OF SECTION FOUR, HALLOWING POINT RIVER, ESTATES, D.B. 2988 PG. 631.
4. IPF: DENOTES IRON PIPE FOUND.
5. THIS SURVEY IS A GRAPHIC DEPICTION OF THE LOCATION OF IMPROVEMENTS ONLY. NO CORNER MARKERS SET.
6. BRL: DENOTES BUILDING RESTRICTION LINE PER R-E ZONE, FAIRFAX COUNTY, VIRGINIA.

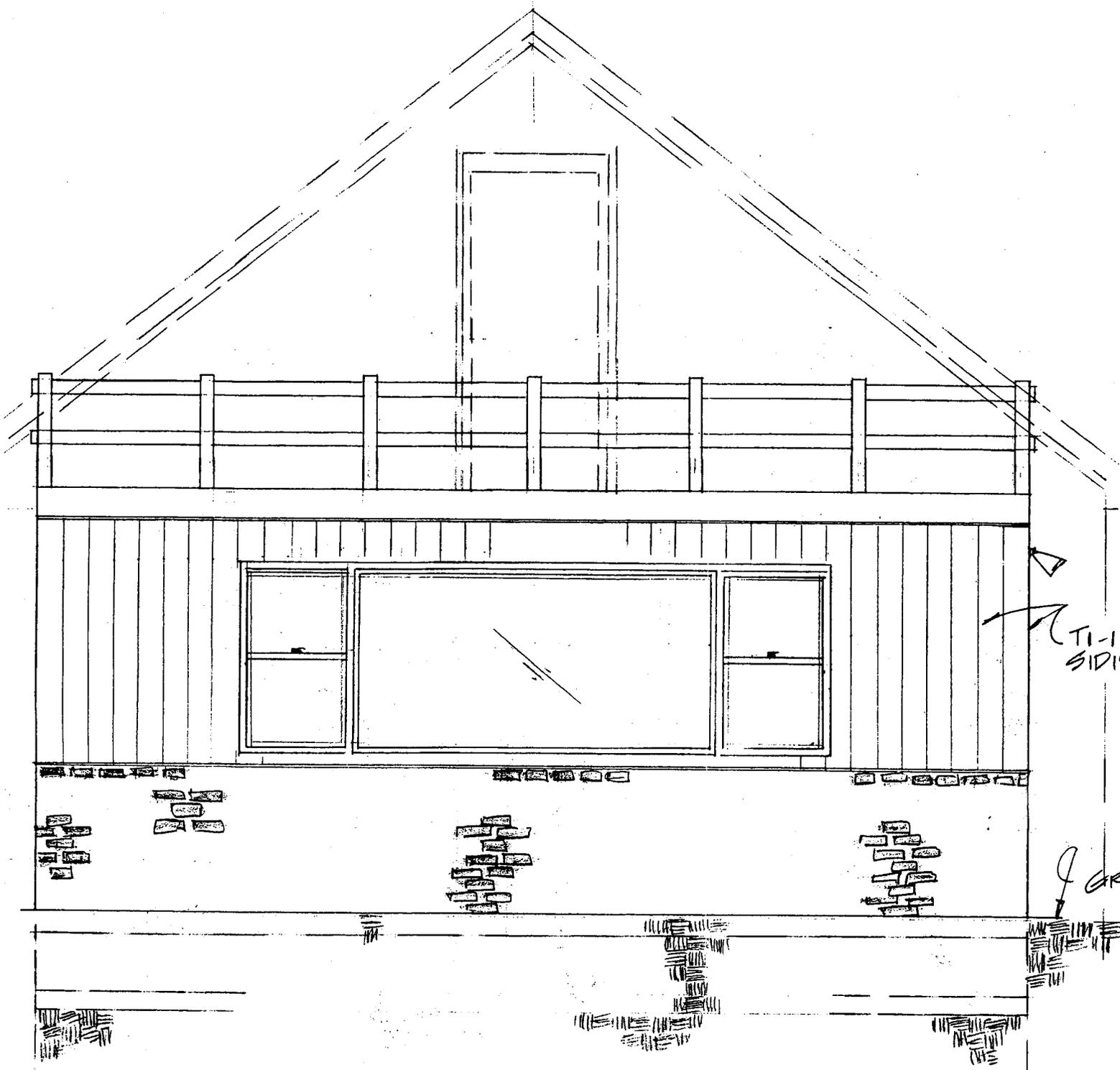
NOTES:

RESIDENTIAL USE - NO PARKING SPACES
 SITE SERVED BY ONSITE SEPTIC/DRAINFIELD.
 PUBLIC SEWER NOT AVAILABLE
 SITE SERVED BY PUBLIC WATER
 RESIDENTIAL USE - NO FAR
 THERE ARE NO UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE WIDTH ON SITE.
 PROPERTY NOT IN ANY OVERLAY DISTRICT.
 FENCE ARE 5' HIGH OTHERWISE SHOWN.
 CONSTRUCTION DATES UNKNOWN FOR EXISTING STRUCTURES SHOWN.

SCALE: 1"=50'
 DATE: 01/02/07

DRAWN:
 JRM
 CHECKED:
 RMA

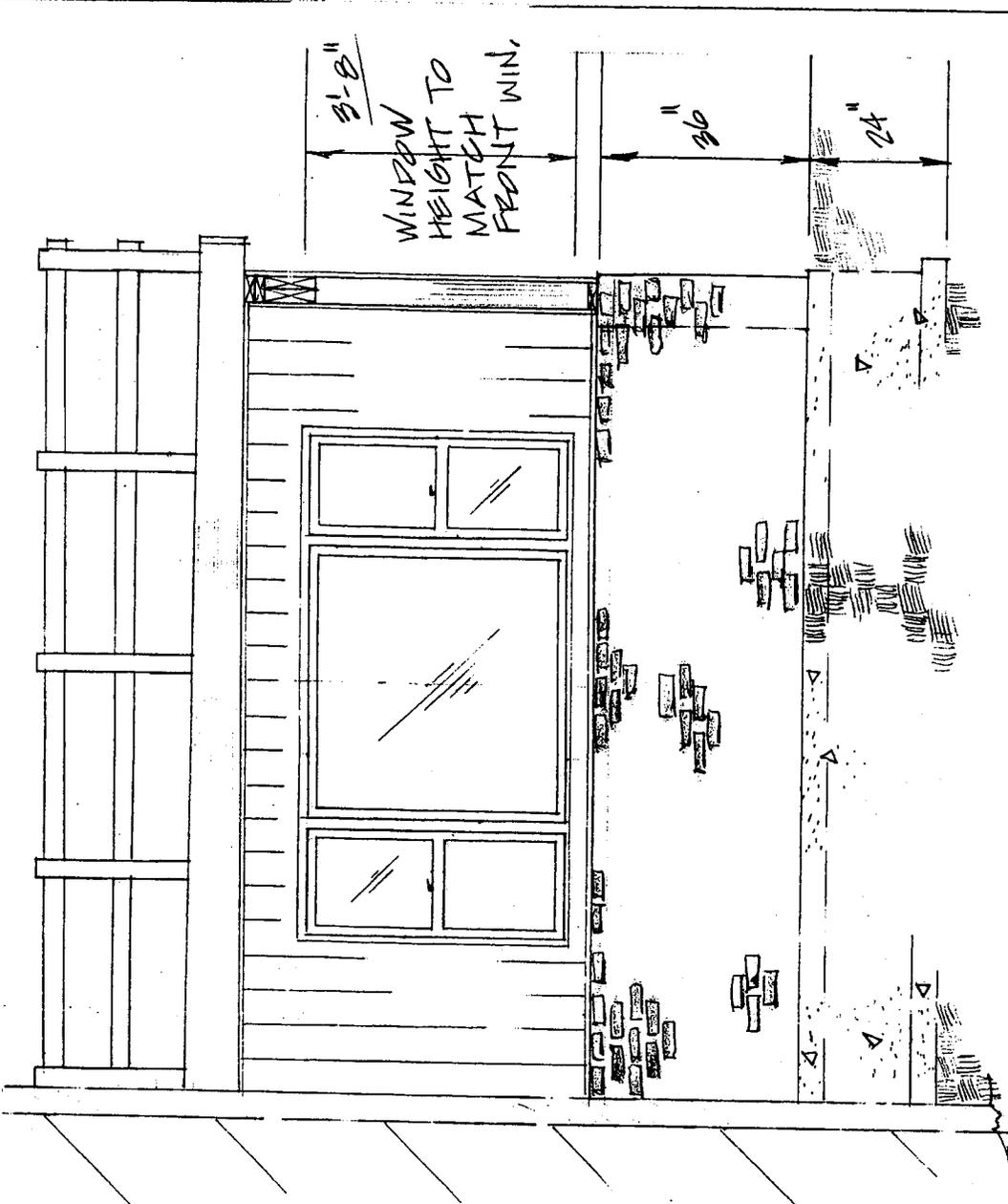
LAND SURVEYING SERVICES
 2890 EMMA LEE STREET SUITE 200
 FALLS CHURCH, VIRGINIA 22042
 703 • 241 • 5515 • FAX • 703 • 241 • 5516



SIDE ELEVATION (1/2" = 1'-0")

Construction Drawing
Services
6014 Carrindale Ct.
Burke, VA 22015

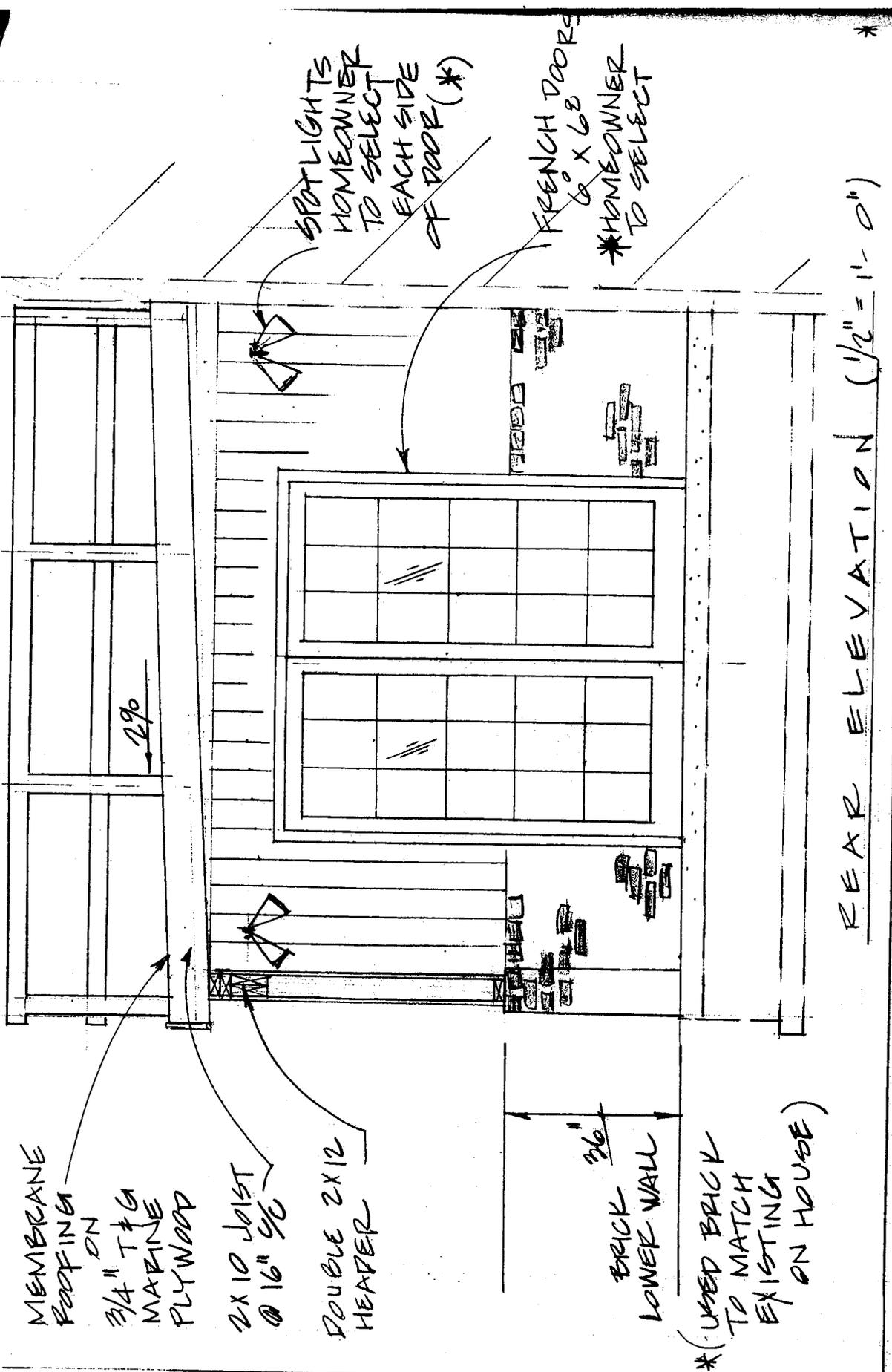
DRAWN BY: RON GARLAND
703-451-1078



FRONT ELEVATION (1/2" = 1'-0")

PACK RESIDENCE	
FRONT and SIDE ELEVATIONS 6036 RIVER DRIVE LORTON, VA 22079	
7-23-07	PG EL-1 01

RECEIVED
Department of Planning
JAN 31 2008
Zoning Evaluation



MEMBRANE ROOFING ON 3/4" T & G MARINE PLYWOOD

2x10 JOIST @ 16" $\frac{5}{8}$ "

DOUBLE 2x12 HEADER

3/8" BACK LOWER WALL

*(USED BACK TO MATCH EXISTING ON HOUSE)

SPOTLIGHTS HOMEOWNER TO SELECT EACH SIDE OF DOOR (*)

FRENCH DOORS 6" X 6" *HOMEOWNER TO SELECT

REAR ELEVATION (1/2" = 1'-0")

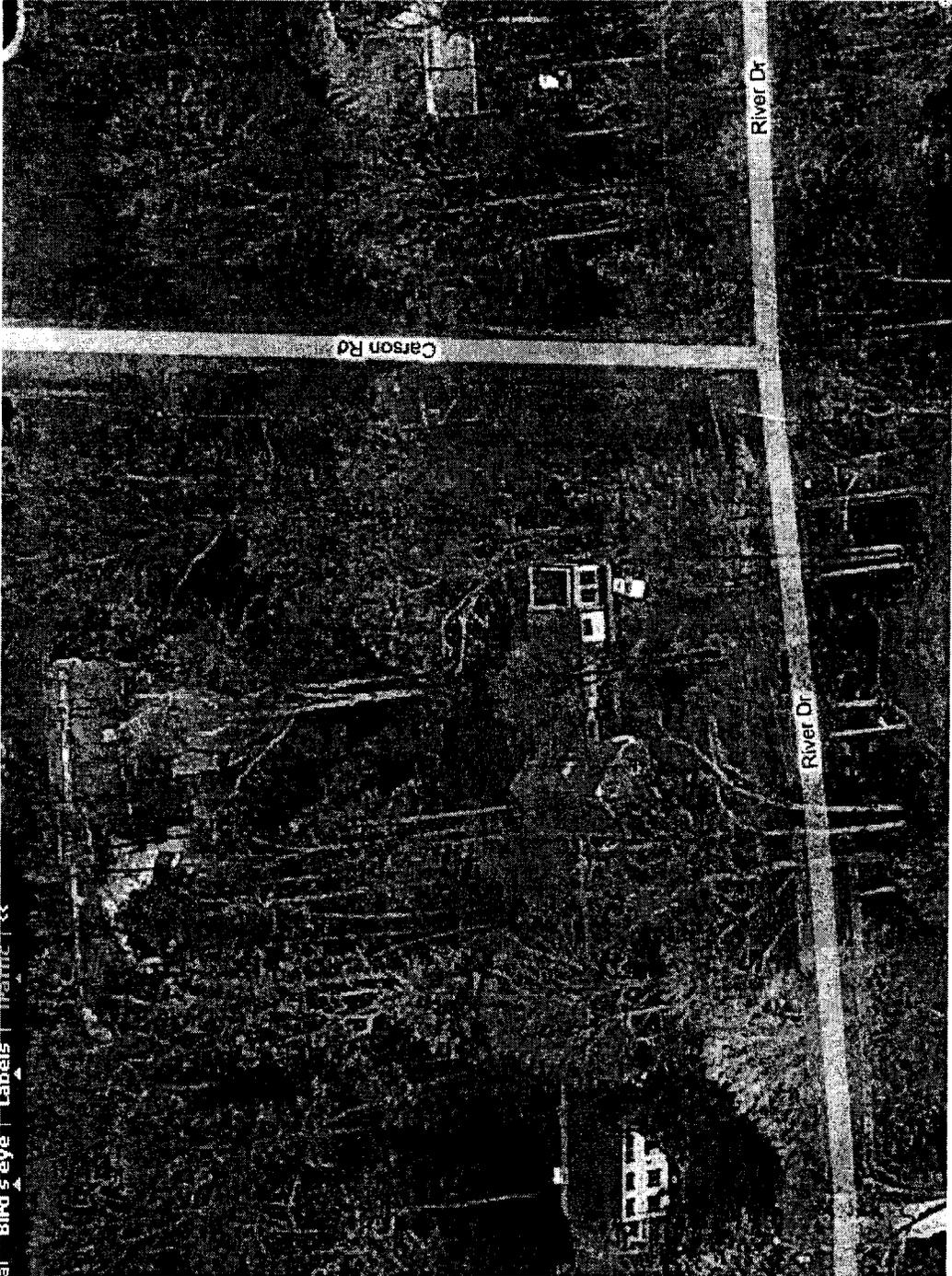
DOUBLE 2x12

2x10 JOIST









Bird's eye Labels

DESCRIPTION OF THE APPLICATION

This application includes two special permit requests. The first is to permit reduction to minimum yard requirements based on error in building location to permit an at-grade deck to remain 38.5 feet from the front lot line of a corner lot.

Description of Special Permit #1

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Deck	Front	50.0 feet	38.5 feet	11.5 feet	23%

* Minimum yard requirement per Section 3-E07

The second request is to permit reduction of certain yard requirements to permit construction of an addition with a deck above, 38.5 feet from front lot line.

Description of Special Permit #2

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #2	Addition	Front	50.0 feet	38.5 feet	11.5 feet	23%

*Minimum yard requirement per Section 3-E07

EXISTING SITE DESCRIPTION

The site is currently zoned R-E and is developed with a single family detached dwelling, built in 1962. The lot's elevation is flat. There is foundation vegetation along the periphery of the structure and vegetation along the periphery lot lines as well as several mature trees throughout the property. Access to the property is provided by a driveway which intersects River Drive on the southeastern side of the property.

The existing yards are as follows:

Yard	Required	Existing
Rear Yard (North)	25.0 feet	151.5 feet
Front Yard (River Drive)	50.0 feet	50.5 feet
Front Yard (Carson Drive)	50.0 feet	38.5 feet
Side Yard (West)	20.0 feet	41.5 feet

CHARACTER OF THE AREA

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

BACKGROUND

Records indicate that the house was constructed in 1962. The applicant purchased the property in 1994 at which time the sunroom was present. On April 16, 2007, a felled tree destroyed the sunroom. In the process of obtaining permits to rebuild the destroyed sunroom, the applicant was informed by his contractor that there were no county records indicating that there was a permit for the original construction of the sunroom and that it did not meet current minimum yard requirements.

ANALYSIS OF APPLICATIONS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Plat
 Lot 13A, Section 4, Hallowing Point River Estates

Prepared By: Land Surveying Services

Dated: January 2, 2008

Proposal:

The applicant proposes two special permit requests. The first is to permit a reduction to minimum yard requirements based on error in building permit an existing at grade deck to remain 38.5 feet from the front lot line of a corner lot.

The second request is to permit a reduction of certain yard requirements to permit construction of a addition with a deck above, 38.5 feet from a front lot line. The addition will replace a sunroom in the same location which was destroyed by a felled tree in 2007. The total square footage of the addition is 238 square feet. It is proposed to be constructed in the same location as the earlier sunroom and will occupy the same footprint.

ZONING ORDINANCE REQUIREMENTS

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. 8-914, Building in Error
- 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. Of particular note regarding this application are General Standards 3 and 5.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the proposed 1 story sunroom addition will not adversely affect the use or development of neighboring properties since the height of the proposed addition is compatible in size and height with other dwellings and sunrooms in the neighborhood. Staff believes that the request is minimal and is the most logical location for the sunroom addition on the property since it is being constructed in the same location as the previous sunroom.*

General Standard 5 requires that 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. *The proposed sunroom addition is to be constructed in the same location as the previous sunroom. Existing trees and vegetation along the side of the addition which fronts Carson Drive will remain intact and continue to buffer the existing dwelling from Carson Drive and adjacent properties. As such staff does not believe any additional vegetation is needed. Therefore this standard has been met.*

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 under Sect. 8-922 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 structure is 3,171 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 4,756.5 square feet in size for a possible total square footage at build out of 7,927.5 square feet. The proposed sunroom addition totals 238 square feet, for a total square footage of the house with the addition of 3,409 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 elevation drawings submitted indicate that the materials, size and scale of the proposed sunroom addition will be compatible with the existing structure. The proposed sunroom would not create any additional height to the overall existing structure as the addition is proposed to be the same as the previous sunroom, one story, which is lower than the height of the existing house. Therefore, 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. With review of the photographs submitted, staff believes that the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains homes with similar additions, both in size and height. Therefore, 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. 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. Staff believes that the addition will have very little impact on stormwater runoff, noise, light,

air, safety or erosion since the overall footprint of the addition will not add additional impervious area. 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 location of the sunroom addition on the southeast side of the existing dwelling will provide the applicants with seasonal living space which will replace a sunroom that existed in the same location. The proposed scale of the addition matches that of the existing house and is located in a logical location of the former sunroom. The sunroom maintains the architectural style of the existing dwelling, and is compatible with the subject property and surrounding dwellings and properties. No existing vegetation will be impacted and will continue to provide adequate buffer for adjacent properties. Therefore, staff does not believe that additional vegetation is warranted. Other issues of well and/or septic, easements, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. Staff believes that the application meets this provision.

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 2008-MV-022 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 and Architectural Rendering
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

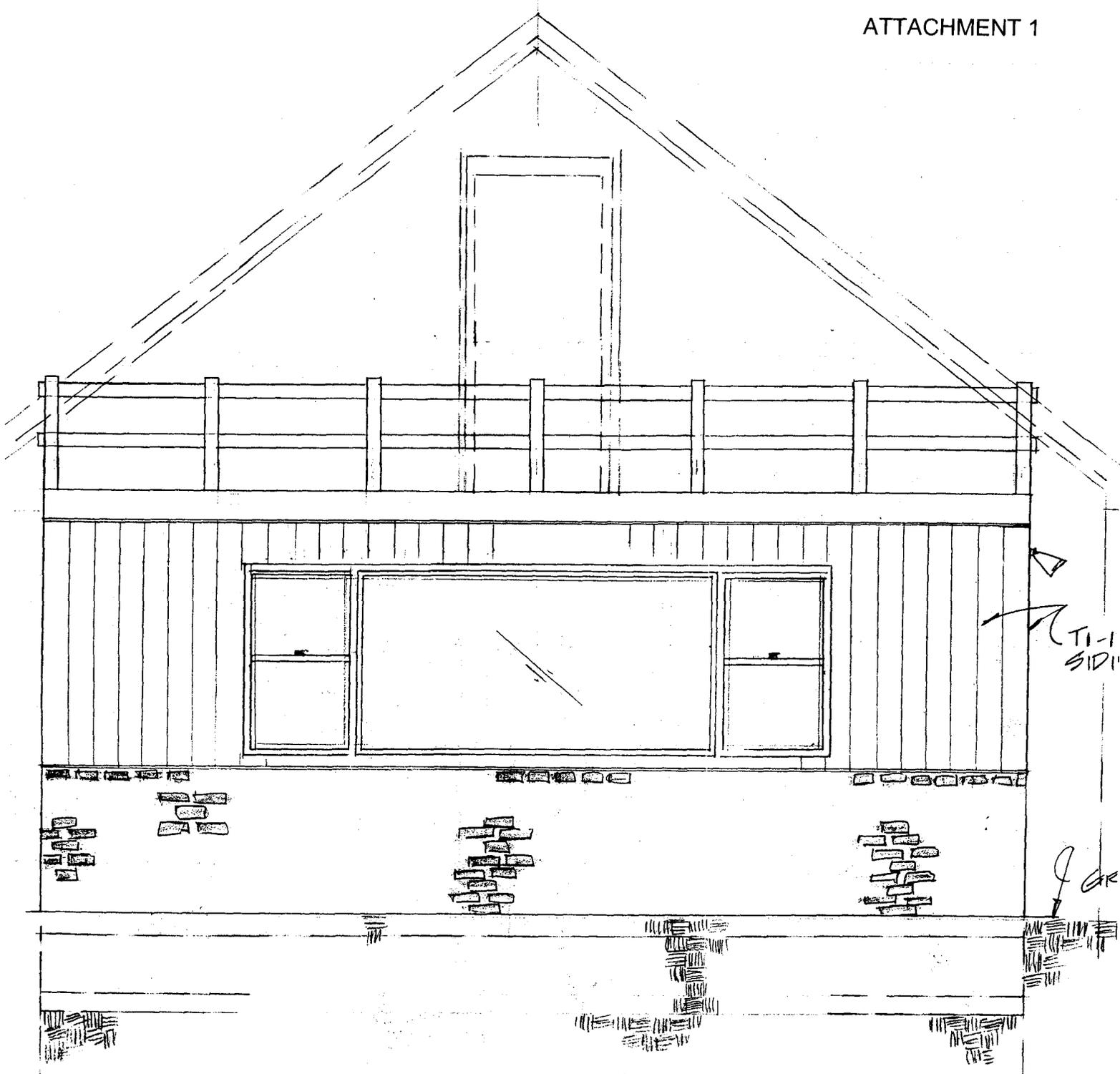
PROPOSED DEVELOPMENT CONDITIONS**SP 2008-MV-022****May 27, 2008**

If it is the intent of the Board of Zoning Appeals to approve SP 2008-MV-022 located at Tax Map 122-1 ((02)) 13A, to permit reduction to minimum yard requirements based on an error in building location and reduction to certain yard requirements pursuant to Sections 8-914 and 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the sunroom addition (a total of 238 square feet) and at-grade patio, as shown on the plat prepared by Land Surveying Services dated January 2, 2008, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,177 square feet existing + 4,756 square feet (150%) = 7,927 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be 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 commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



SIDE ELEVATION (1/2" = 1'-0")

Construction Drawing
Services
6014 Carrindale Ct.
Burke, VA 22015
DRAWN BY: RON GARLAND
703-451-1078

MEMBRANE ROOFING ON 3/4" T&G MARINE PLYWOOD

2x10 JOIST @ 16" $\frac{5}{8}$ "

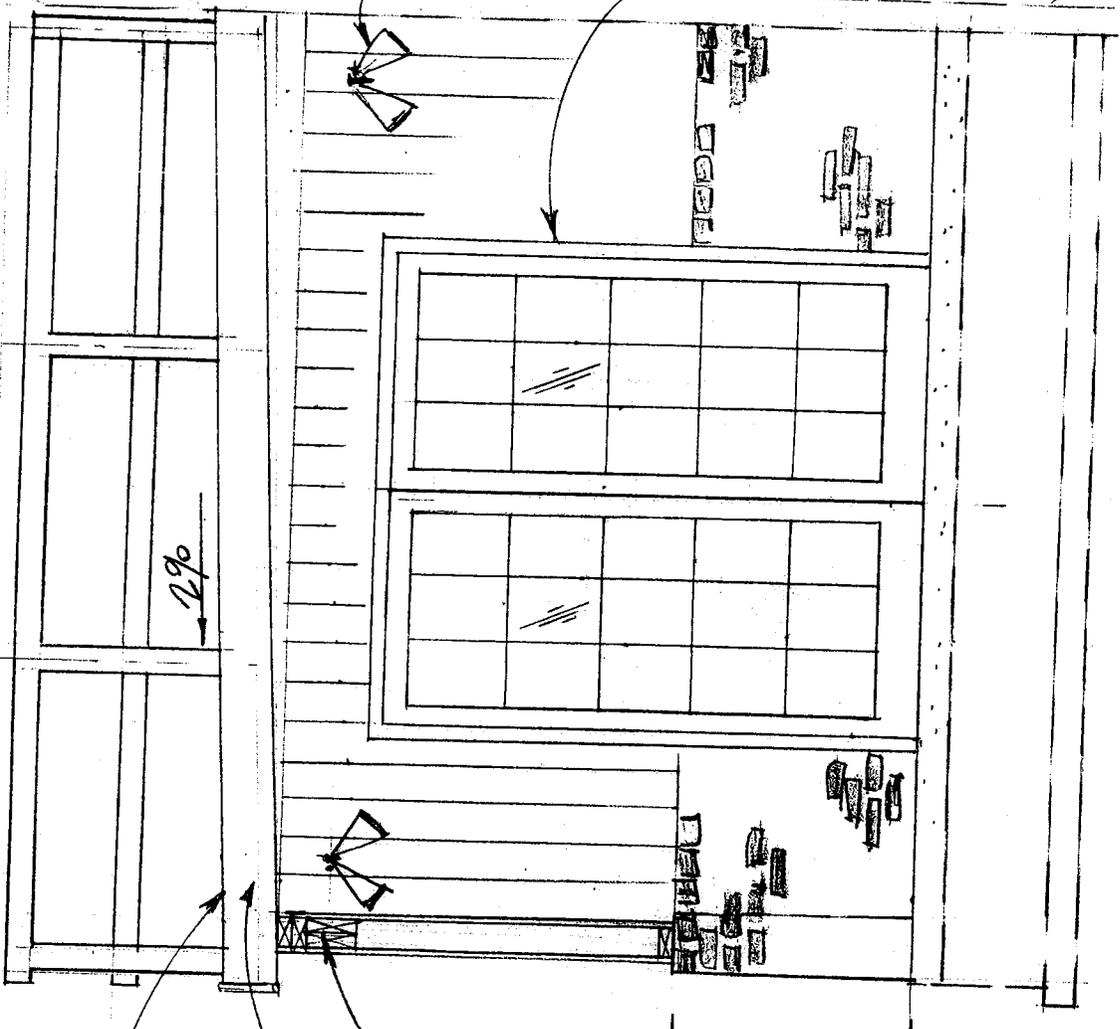
DOUBLE 2x12 HEADER

36" BRICK LOWER WALL

*(USED BRICK TO MATCH EXISTING ON HOUSE)

SPOT LIGHTS HOMEOWNER TO SELECT EACH SIDE OF DOOR (*)

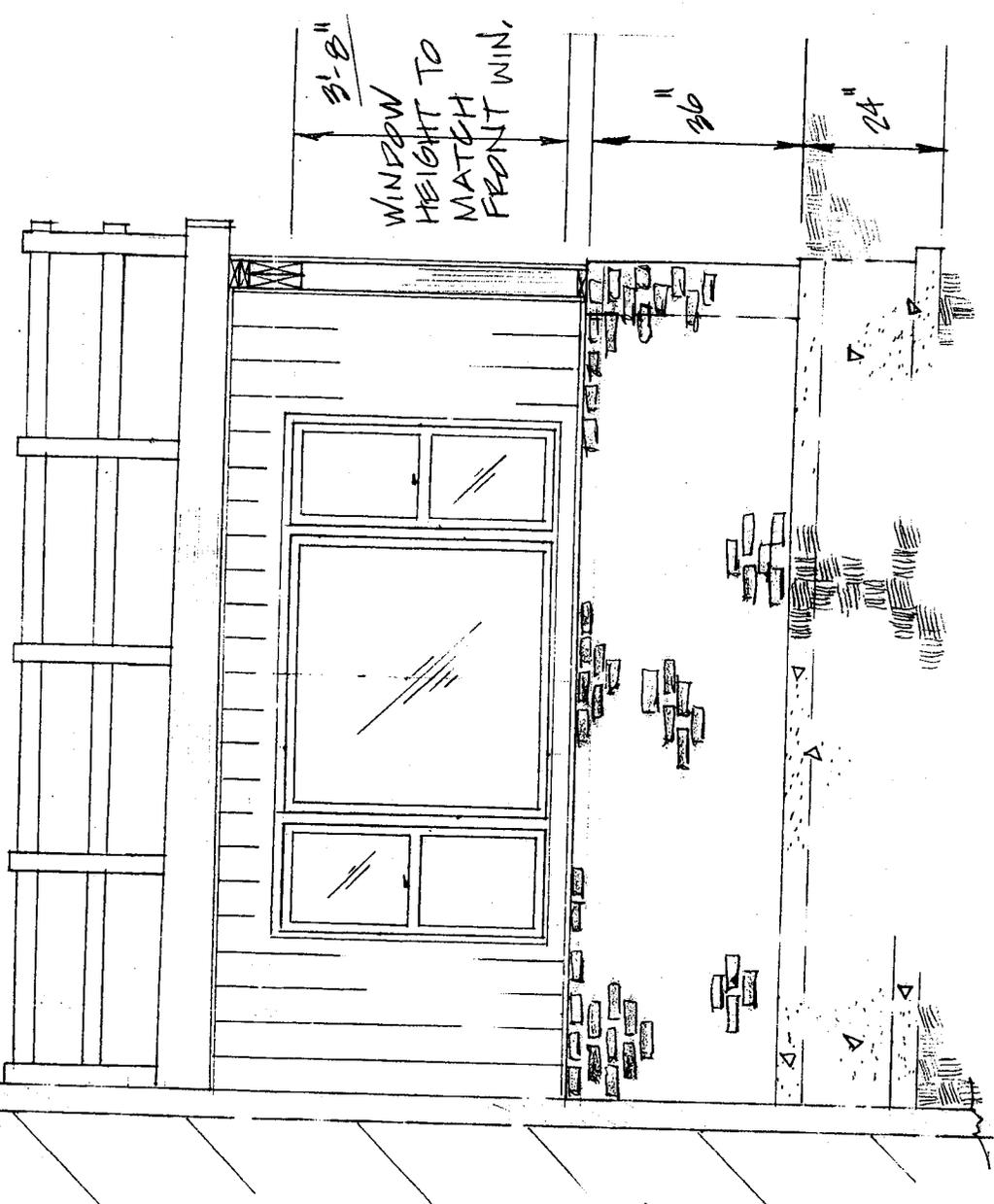
FRENCH DOORS 6" X 6" HOMEOWNER TO SELECT



REAR ELEVATION (1/2" = 1'-0")

DOUBLE 2x10

2x10 JOIST



3'-8"
 WINDOW
 HEIGHT TO
 MATCH
 FRONT WIN.

26"

24"

FRONT ELEVATION (1/2" = 1'-0")

PACK RESIDENCE

FRONT and SIDE
 ELEVATIONS
 6036 RIVER DRIVE
 LORTON, VA 22079

7-23-07

PG EL-1

01

RECEIVED
 Department of Planning

JAN 31 2008

Zoning Evaluation

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 1/29/08
 (enter date affidavit is notarized)

I, Kenneth B. Pack, 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 98907

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Kenneth B. Pack	6036 River Drive Lorton, VA 22079	Applicant/Title Owner
Barbara E. Pack	6036 River Drive Lorton, VA 22079	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: 1/29/08
(enter date affidavit is notarized)

98907

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.)

Not applicable.

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment I(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: 1/29/08
(enter date affidavit is notarized)

98907

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

PARTNERSHIP INFORMATION

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

Not applicable

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

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

(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: 1/29/07
(enter date affidavit is notarized)

98907

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: 1/29/07
(enter date affidavit is notarized)

98907

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:

Kenneth B. Pack

(check one)

Applicant

Applicant's Authorized Agent

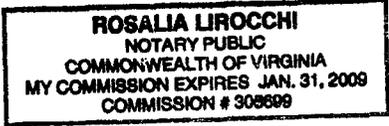
Kenneth B. Pack

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

Subscribed and sworn to before me this 29th day of JANUARY 2007, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

Rosalia Lirocchi
Notary Public

My commission expires: Jan 31, 2009



MAR 10 2008

**Special Permit Application -- Proposed Use Statement (Item #6)
PACK -- 6036 River Drive, Lorton, VA 22079
Hallowing Point River Estates, Section 4, 13A**

Zoning Evaluation Division

As required by Article 8 (Special Permits), Section 8-011 (Submission Requirements) of the Fairfax County Zoning Ordinance, set forth below is the required statement concerning the applicant's proposed use of the property that is the subject of the special permit request. The response is keyed to the requirements outlined in Item #6, Section 8-011.

Background

The applicant, Kenneth B. Pack and his wife, Barbara E. Pack, owners of the subject property of the Special Permit Application, propose to rebuild the sunroom of their home that was completely destroyed by a felled tree on April 16, 2007 following a day of saturating rain and heavy winds. The Packs purchased the home in March 1994 and at the time of purchase the dwelling included the sunroom, evidently built by the previous owner sometime during the 20 years they owned the property. When the general contractor hired by the Packs to rebuild the sunroom applied for construction permits with Fairfax County, he was advised by the County that the rebuild, even though the same size and configuration of the destroyed structure, would not be in compliance with existing County zoning ordinance residential minimum yard requirements. Further inquiry into this matter revealed that there are no County records of the previous owner of the home having applied for County construction permits to build the sunroom. The date of the original construction of the sunroom by the previous owner is unknown; therefore, it cannot be easily determined whether its construction complied with the County zoning ordinance in force at the time of the construction. **Consequently, the Packs are requesting a reduction in the minimum residential yard requirements, as per Section 8-922 of the Fairfax County Zoning Ordinance**, in order to rebuild their home's sunroom. A reduction of approximately 12 feet is requested.

Proposed Use Statement Requirements

- A. Type of operation: **Residential; the sunroom is used by the applicant/owners for indoor recreation and relaxation. Applicants/owners do not run a business or commercial enterprise from their residence.**
- B. Hours of operation: **24/7; at the discretion of the applicant/owners.**
- C. Estimated number of patrons/clients/patients/pupils, etc.: **Residential, non-commercial use limited to the three occupants of the home and their guests.**
- D. Proposed number of employees/attendants/teachers/etc.: **Not applicable.**
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day: **Not applicable.**

F. Vicinity or general area to be served by the use: **Not applicable.**

G. Description of building facade and architecture of proposed new building or additions: **The rebuild of the sunroom will be to its *previous size* and configuration, 12'W x 19' 8"L x 12' H, totaling approximately 238 square feet. This represents a floor area ratio of less than one (1) percent (238 square feet divided by 40,008 square feet equals 0.005988 percent) of the subject property total square footage. Construction will be consistent with the existing structure; brick and frame with 3' high brick knee walls and large picture windows on two of the three sides of the structure (River Drive and Carson Drive sides) and sliding glass/french door at rear leading to patio. Flat, membrane roof with rail (to County code) around perimeter of the roof. Roof leads to existing outdoor attic entrance. Roof is not intended for deck use. For additional details, see copy of building plans included with this application.**

H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environment Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers: **Not applicable.**

I. A statement that the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception of variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification. **The proposed use of the rebuilt sunroom is for residential use only and conforms to existing, applicable ordinances, regulations, adopted standards and any applicable conditions. No waiver, exception or variance is sought by the applicant/owners.**

March 4, 2008

Virginia H. Ruffner, Planner III
Application Acceptance Section
Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, VA 22035-5509

RECEIVED
Department of Planning and Zoning
MAR 10 2008
Zoning Evaluation Section

File reference: SP 2008-0030

Dear Ms. Ruffner:

Please refer to our telephone conversation of March 4, 2008 discussing deficiencies in my Special Permit Application noted in your February 12, 2008 correspondence. This letter serves to provide information missing from the application required for its acceptance and continued processing.

To that end, please find enclosed a revised Proposed Use Statement incorporating the missing information concerning the existing and proposed gross floor area and floor area ratio. Please see page 2, item G, for the required information that is identifiable in bold italicized font. In sum, both the former and proposed sunroom are both approximately 238 square feet. The area of the reduction in the minimum residential yard requirement request is less than one (1) percent of the total square footage of the subject property. I believe this information satisfies the application requirement. Please see the revised Proposed Use Statement for further details.

As we also discussed, please note the original and revised Proposed Use Statement also address your concern about the use of the proposed sunroom's roof as a deck. Neither the destroyed sunroom's or the proposed sunroom's roof is intended for use as a deck.

If you require additional information or have any questions, please do not hesitate to contact me. You can reach me during normal business hours at (202) 324-3944. I thank you in advance for your assistance in processing my application.

Sincerely,


Kenneth B. Pack

KP:kp

Enclosures - 1

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.

NA

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.
- NA* 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.

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

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

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

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

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.