



# County of Fairfax, Virginia

July 29, 2008

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2008-HM-057

### HUNTER MILL DISTRICT

**APPLICANT/OWNER:** Margaret Leigh Banducci  
**SUBDIVISION:** Crippens Corner  
**STREET ADDRESS:** 1313 Gatesmeadow Way  
**TAX MAP REFERENCE:** 12-3 ((17)) 114  
**LOT SIZE:** 7,825 square feet  
**ZONING DISTRICT:** PDH-2  
**ZONING ORDINANCE PROVISION:** 8-922  
**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of addition 17.3 feet from the rear lot line and 4.1 feet from a side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2008-HM-057 subject to the proposed development conditions contained in Appendix 1.

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.

O:\gchase\150 %\Banducci\Banducci Staff Report.doc

Gregory Chase

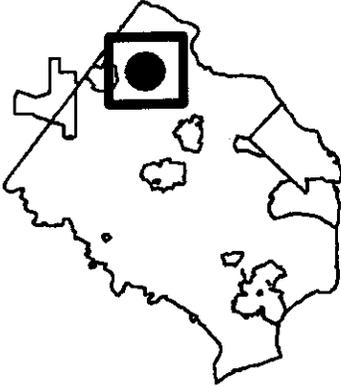
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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

**Special Permit**  
SP 2008-HM-057

**Applicant:** MARGARET LEIGH BANDUCCI  
**Accepted:** 06/02/2008  
**Proposed:** REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 17.3 FEET FROM REAR LOT LINE AND 4.1 FEET FROM SIDE LOT LINE



**Area:** 7,825 SF OF LAND; DISTRICT - HUNTER MILL

**Zoning Dist Sect:** 08-922

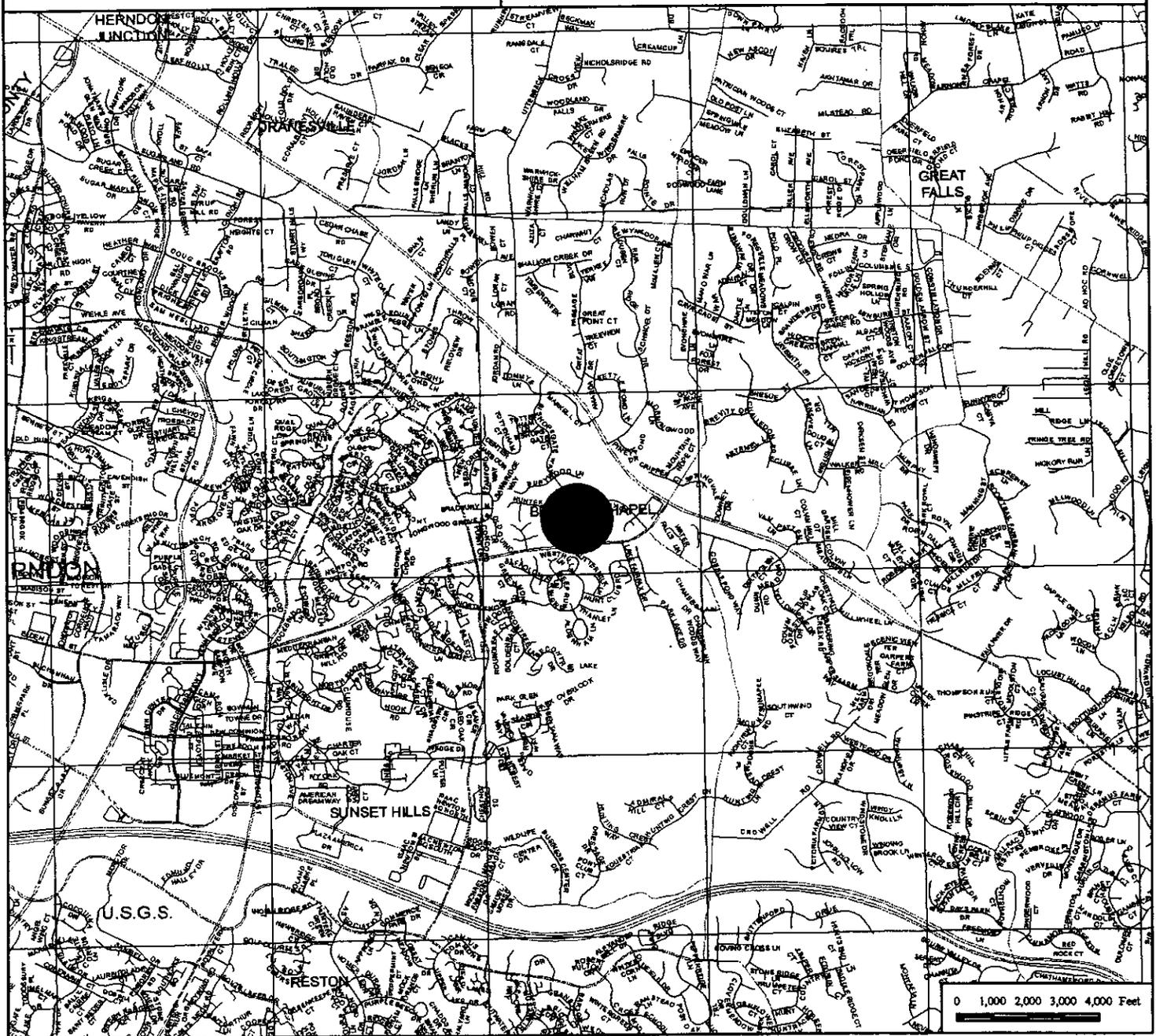
**Art 8 Group and Use:** 9-21

**Located:** 1313 GATESMEADOW WAY

**Zoning:** PDH- 2

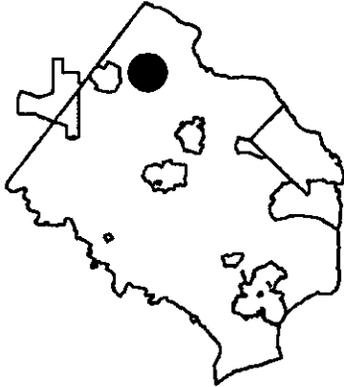
**Overlay Dist:**

**Map Ref Num:** 012-3- /17/ /0114



# Special Permit

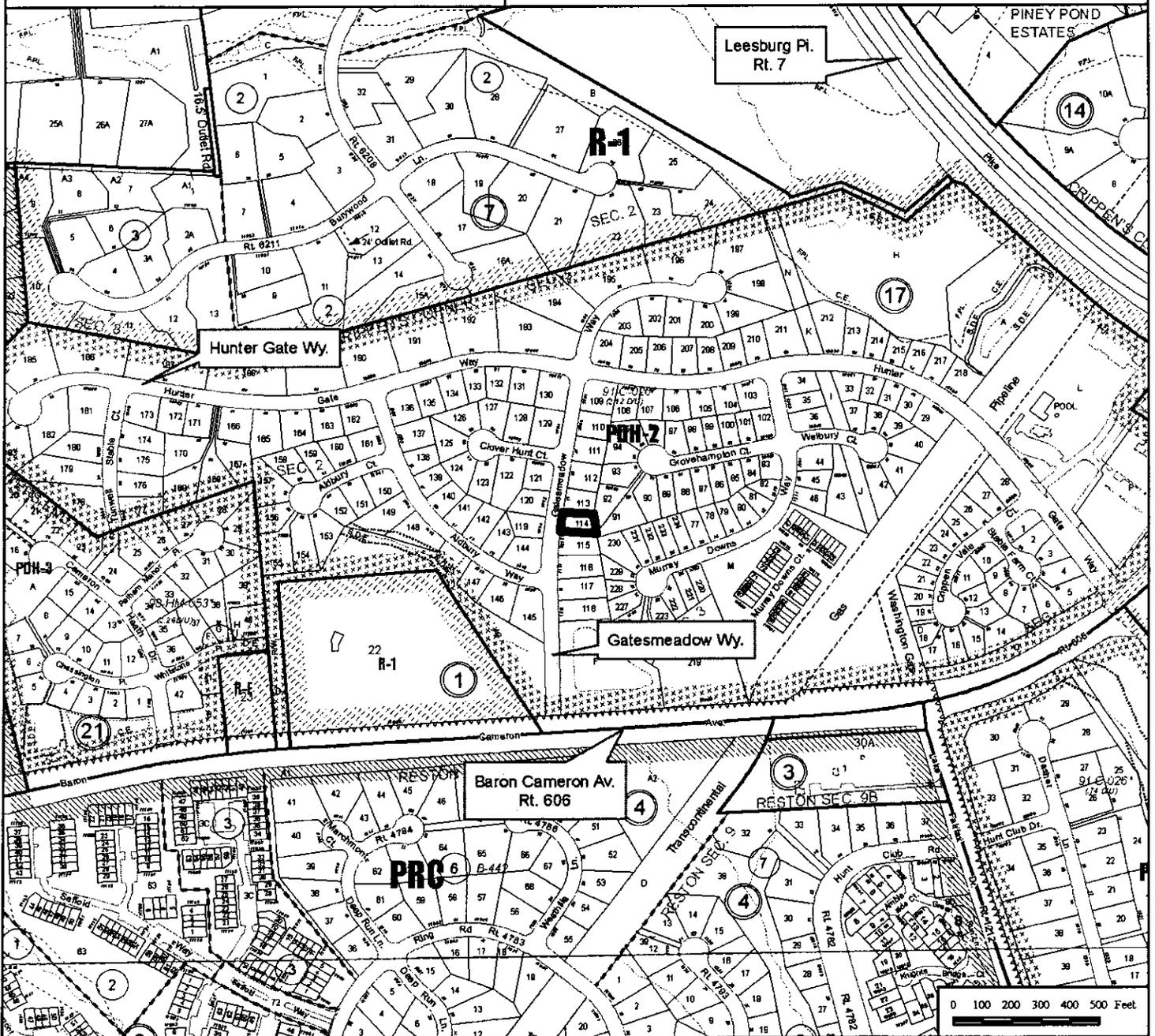
SP 2008-HM-057



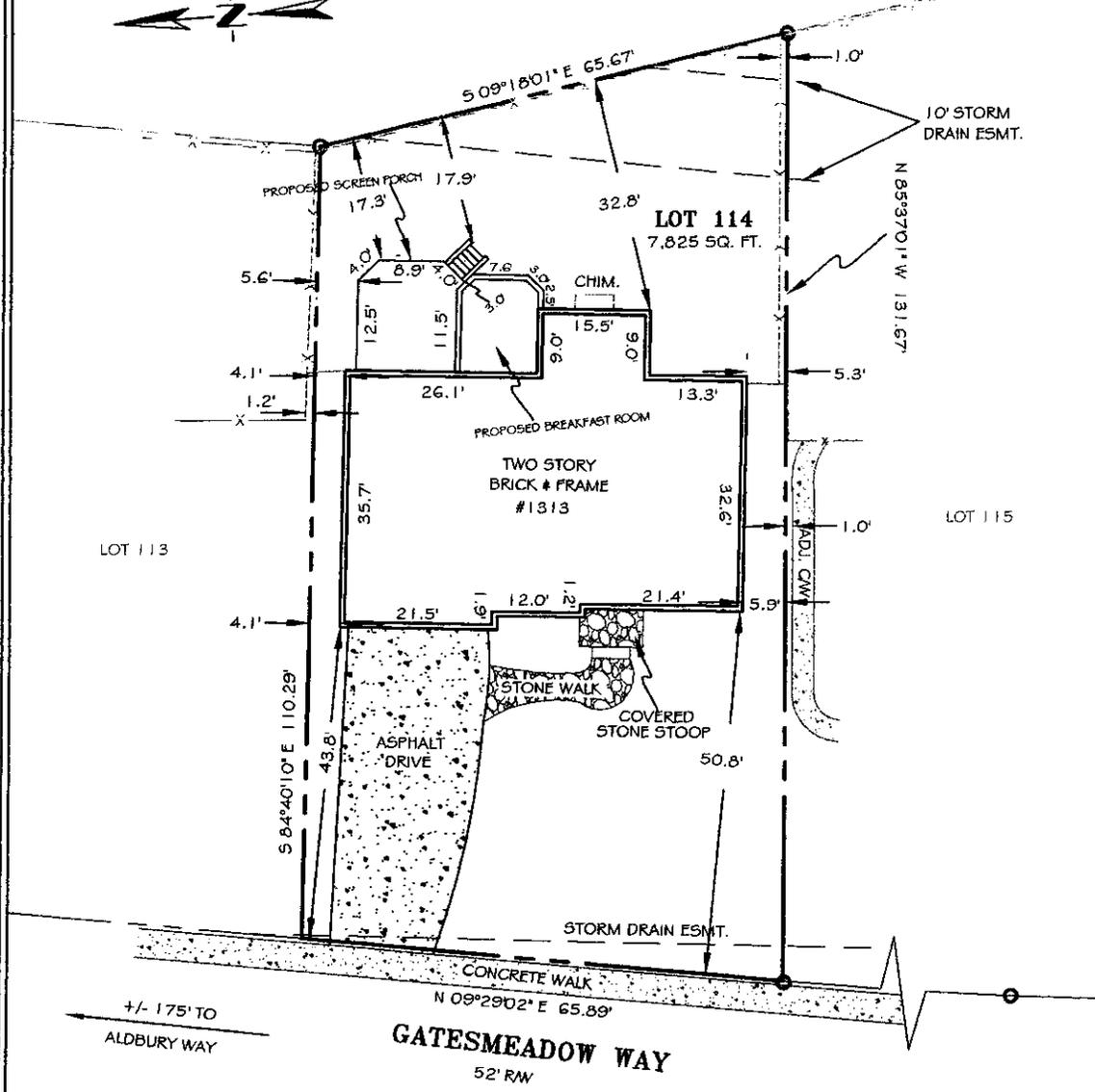
**Applicant:** MARGARET LEIGH BANDUCCI  
**Accepted:** 06/02/2008  
**Proposed:** REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 17.3 FEET FROM REAR LOT LINE AND 4.1 FEET FROM SIDE LOT LINE

**Area:** 7,825 SF OF LAND; DISTRICT - HUNTER MILL

**Zoning Dist Sect:** 08-922  
**Art 8 Group and Use:** 9-21  
**Located:** 1313 GATESMEADOW WAY  
**Zoning:** PDH- 2  
**Overlay Dist:**  
**Map Ref Num:** 012-3- /17/ /0114



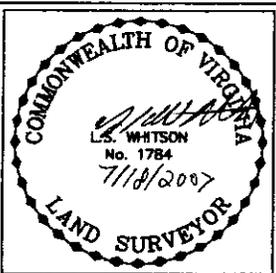
RECORD NORTH



**NOTES:**

1. THE PROPERTY DELINEATED ON THIS PLAT IS ZONED PDH2
2. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
3. THE MINIMUM SETBACK REQUIREMENTS FOR LOT 161 FROM FAIRFAX COUNTY, ZONING ORDINANCE ARE:  
 FRONT YARD - 25 FT.  
 SIDE YARD - MINIMUM 8 FT.  
 REAR YARD - 25 FT.
4. NO GRAVES ARE ON THIS SITE
5. THIS PLAT IS TO PERMIT THE CONSTRUCTION OF THE SCREEN PORCH AND BREAKFAST ROOM
6. EXISTING HOUSE IS 31.8' HIGH
7. HEIGHT OF PROPOSED CONSTRUCTION IS 16.5' HIGH
8. THERE WAS NO TITLE REPORT FURNISHED WITH THIS SURVEY; THERE ARE NO PUBLIC UTILITY EASEMENTS 25' OR MORE RECORDED ON THIS PROPERTY.
9. EXISTING GROSS FLOOR AREA = 4,641 SQ. FT.  
 PROPOSED GROSS FLOOR AREA = 331 SQ. FT.  
 NEW TOTAL GROSS FLOOR AREA = 4,972 SQ. FT.  
 EXISTING FAR = 0.59  
 PROPOSED FAR = 0.64
10. MINOR ADJUSTMENT TO THE STAIRS MAY BE NEEDED TO ACCOMMODATE EXISTING GRADES, BUT THEY WILL BE MORE THAN 12.5 FEET FROM REAR PROPERTY LINE

**SPECIAL PERMIT PLAT**  
**LOT 114 SECTION TWO**  
**CRIPPENS CORNER**  
 DEED BOOK 9793 PAGE 192B  
 FAIRFAX COUNTY, VIRGINIA  
 DATE: MAY 11, 2007  
 (REVISION SHOWING PROPOSED  
 SCREEN PORCH AND BREAKFAST ROOM)  
 DATE: JULY 18, 2007  
 SCALE: 1" = 20'  
 DRAWN BY: D.B.T.

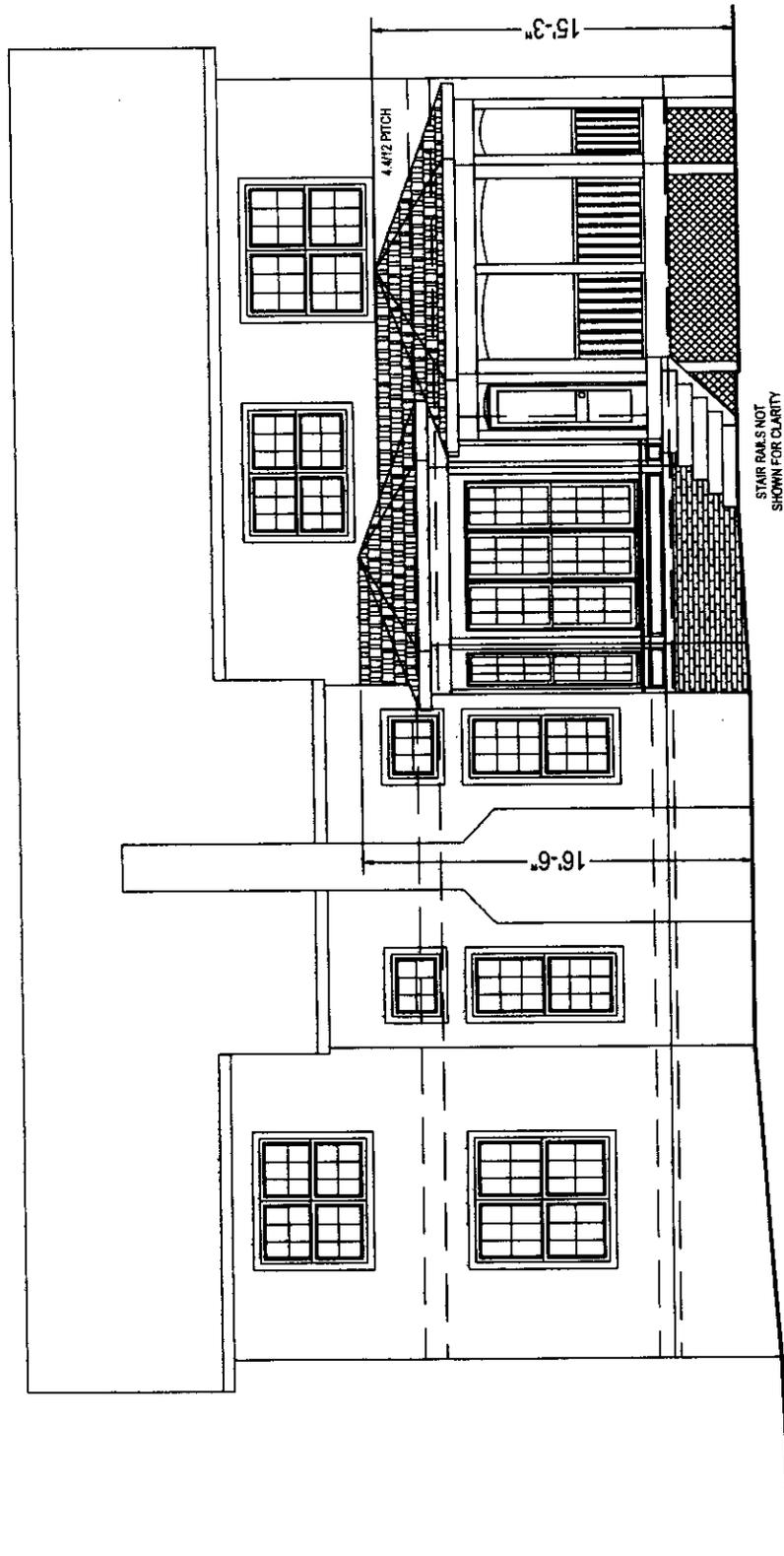


**LEGEND**

CW = CONC WALK	C/P = CONC PATIO
S/W = STONE WALK	R/E = RECESSED ENTRY
W/L = WOOD LANDING	CHIM = CHIMNEY
B/L = BRICK LANDING	O.H. = OVERHANG
W/D = WOOD DECK	BW = BAY WINDOW
C/S = CONC STOOP	OHW = OVERHEAD WIRE
M/S = METAL STOOP	AW = AREA WAY
C/C/S = COVERED CONC STOOP	● = IRON PIPE
	-x- = FENCE

**SAM WHITSON, L.S./LAND SURVEYING**  
 7061 GATEWAY COURT SUITE 150  
 MANASSAS, VIRGINIA 20109  
 (703)330-9622 FAX: (703)330-9778

WO # 07-1019



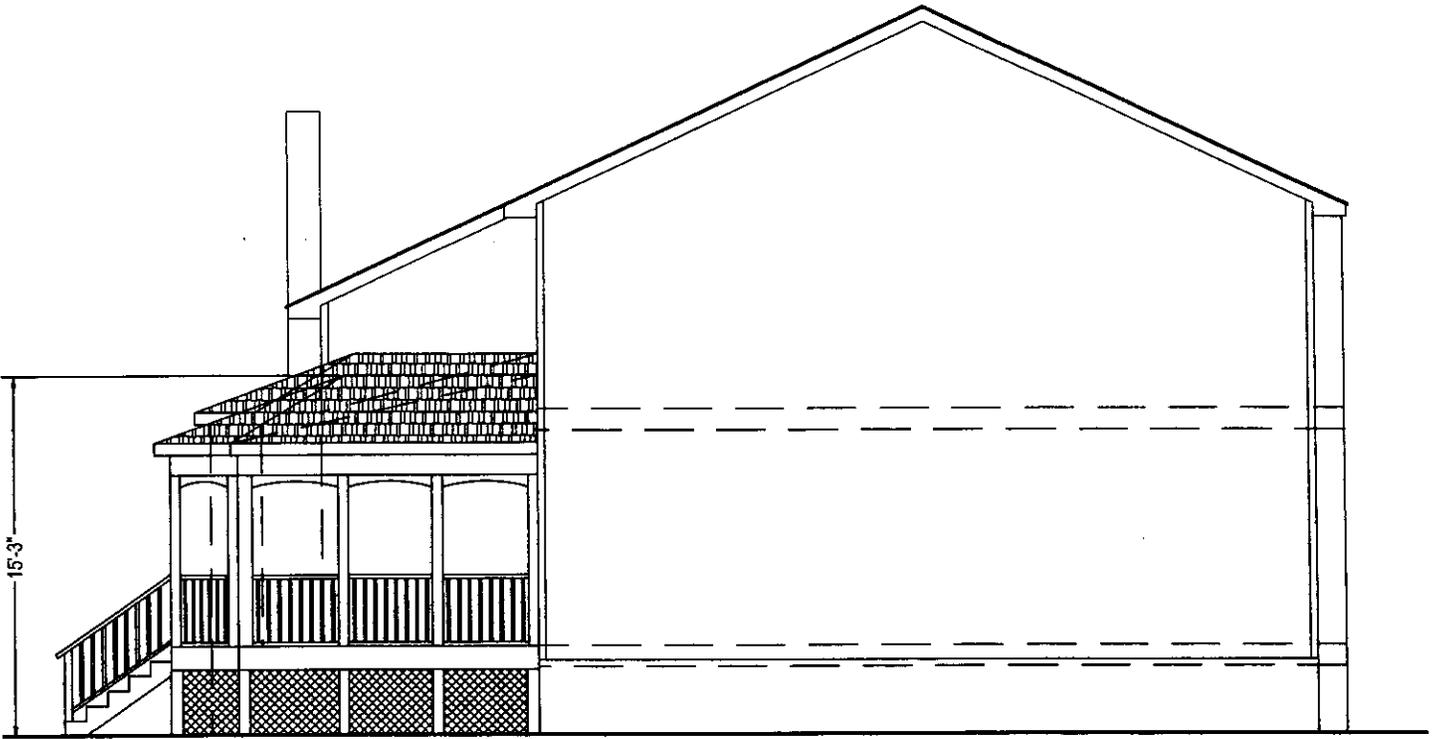
NEW REAR ELEVATION

SCALE: 1/8" = 1'-0"

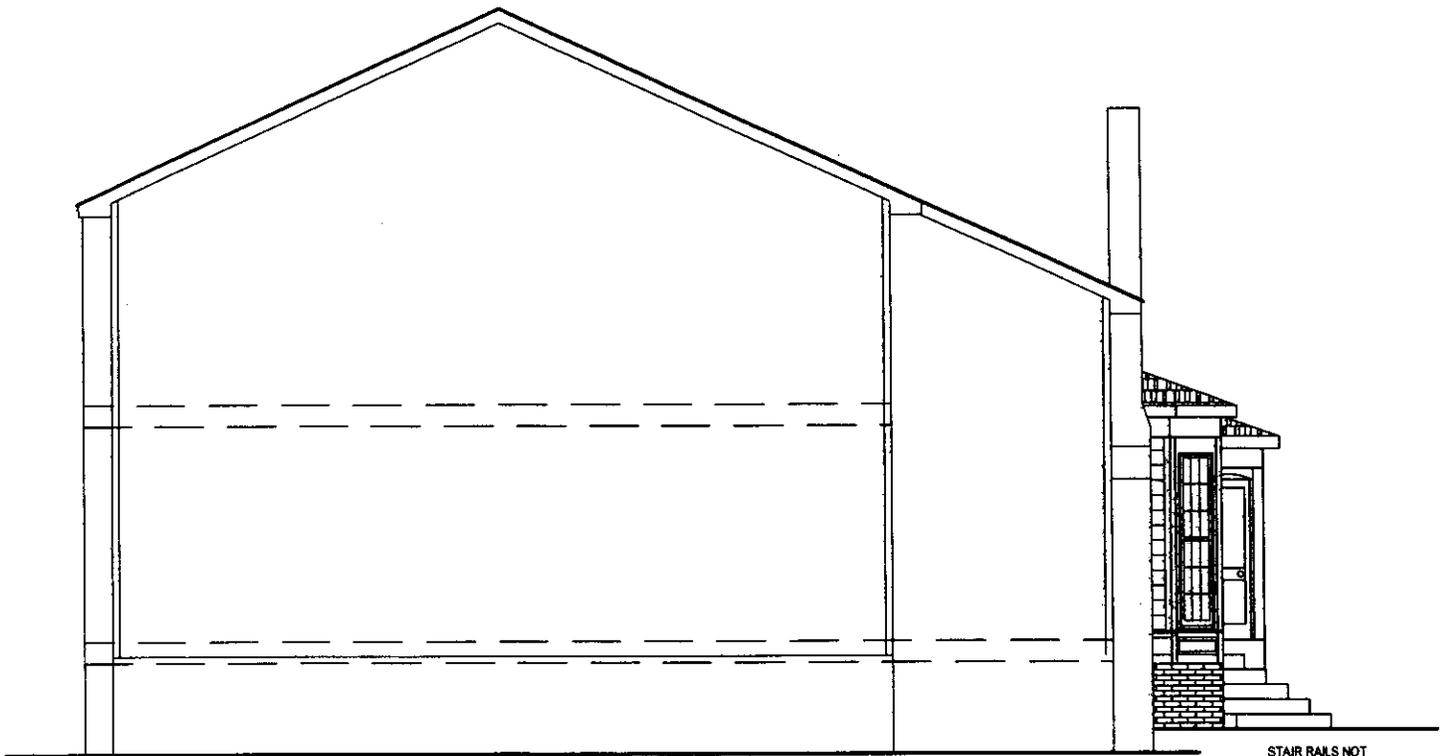
RECEIVED  
Department of Planning & Development

APR 09 2008

Zoning Evaluation Unit



NEW LEFT SIDE ELEVATION



STAIR RAILS NOT  
SHOWN FOR CLARITY

SCALE: 1/8" = 1'-0"

NEW RIGHT SIDE ELEVATION



**Property Photos, Taken February 21 and March 11, 2008  
1313 Gatesmeadow Way, Reston, VA 20194**



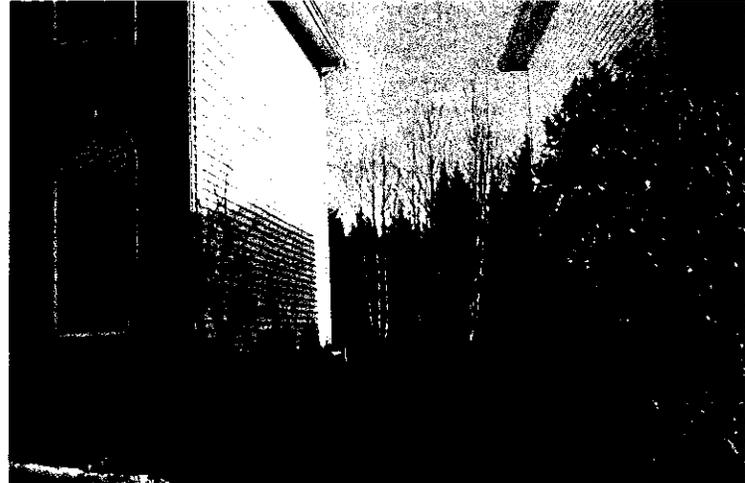
**1. Front of house from street**



**2. House to right from street**



**3. House to left from street**



**4. Right side of house from street**



**5. Left side of house from street**



**6. Right side of house from rear**

Property Photos, Taken February 21 and March 11, 2008  
1313 Gatesmeadow Way, Reston, VA 20194



7. Left side of house from rear



8. Rear of house showing existing deck



9. Additional rear view



10. View of backyard from deck



11. View of backyard of house to left



12. View of backyard of house to right

Property Photos, Taken February 21 and March 11, 2008  
1313 Gatesmeadow Way, Reston, VA 20194



13. View of property behind to left



14. View of property behind to left



15. View of property behind to center



16. View of property behind to center right



17. View of property behind to right

**DESCRIPTION OF THE APPLICATION**

The request is to permit reduction of certain yard requirements to permit construction of an addition (screen porch and breakfast room) 17.3 feet from the rear lot line and 4.1 feet from a side lot line.

**Description of Special Permit**

	<b>Structure</b>	<b>Yard</b>	<b>Yard Required</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	Addition	Rear	25.0 feet	17.3 feet	7.7 feet	31%
<b>Special Permit</b>	Addition	Side	8.0 feet	4.1 feet*	3.9 feet	49%

\* The existing house was built 4.1 feet from the north side property line. The proposed screen porch is to be located 5.6 feet from the north property line.

**EXISTING SITE DESCRIPTION**

The site is currently zoned PDH-2 and is developed with an approximately 4,621 square foot single family detached two story dwelling with basement built in 1999. On July 27, 1992 the Board of Supervisors approved RZ 91-C-026 which rezoned 169.49 acres from the RE-0.5 and R-1 districts to the PDH-1 and PDH-2. District bulk regulations for the PDH District are regulated under the provisions of Sect. 16-102 of the Zoning Ordinance. Design Standards are those which are approved by the Board of Supervisors on the final development plan for the subdivision. Subsequent additions, according to Sect. 16-403, must conform to that conventional zoning district which most closely characterizes the development under consideration provided; however, that the desired alteration is in substantial conformance with the approved final development plan. The single family dwelling is developed under PDH-2 regulations, but is most similar to the R-2 ADU District.

The lot slopes upward to the rear of the property from the frontage along Gatesmeadow Way. Shrubs and foundation plantings are located along the edges of the structure. An asphalt driveway accesses Gatesmeadow Way along the northwestern portion of the property.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	PDH-2	Single Family Detached Dwellings
<b>East</b>	PDH-2	Single Family Detached Dwellings
<b>South</b>	PDH-2	Single Family Detached Dwellings
<b>West</b>	PDH-2	Single Family Detached Dwellings

**ANALYSIS**

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

**Title of SP Plat:** Special Permit Plat, Lot 114, Section Two  
Crippens Corner, Sully District, Fairfax County, Virginia

**Prepared By:** Sam Whitson, L.S./Land Surveying

**Dated:** February 8, 2008, as revised through March 28, 2008

**Proposal:**

The applicant requests a reduction of certain yard requirements to permit construction of an addition (breakfast room and enclosed porch) approximately 331 square feet in size in the rear of the house behind the garage, 17.3 feet from the rear lot line and 4.1 feet from a side lot line. The addition is proposed to be constructed in the location of an existing deck.

**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. 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 uses 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 by submitted photographs that the existing single family detached dwelling and proposed addition are similar in size and scale to structures on adjacent properties, which are predominately two story dwellings sheathed in brick and vinyl siding as is the subject dwelling and proposed addition. Staff believes that the proposed addition which will not affect the use or development of neighboring properties. Therefore, this standard has been met.*

*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. *A six foot high wooden fence is located on the property line adjacent to Lot 113 to the north and Lot 97 to the east, which are closest to the proposed addition. There is very little vegetation adjacent to the fence in the area near the adjacent properties. Staff believes additional vegetation is needed to buffer the adjacent properties from the proposed addition. There is no existing vegetation or no variation in topography to mitigate impacts of the addition to the adjacent properties. Staff is proposing a development condition which requires the applicant to provide plantings adjacent to Lot 113 to the north and Lot 97 to the east to address this issue. Staff believes that this standard has been met with the imposition of this development condition.*

**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 structure is 4,641 square feet. Therefore 150% of the total gross floor area could result in an addition up to 6,961.5 square feet in size for a possible total square footage at build out of 11,602.5 square feet. The proposed addition is approximately 331 square feet for a total square footage of 4,972 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. An evaluation of the photographs and elevation drawings submitted indicate that the materials, size and scale of the proposed addition will be compatible with the existing structure. The addition will project from the main floor of the dwelling and will be constructed in a location where there is currently an existing deck. Vinyl siding will be installed which will match the existing sheathing on the house and windows on the side and rear walls which will match the existing windows in the house. In addition the composition roofing shingles will match the existing shingles. 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. An evaluation of the photographs submitted and elevation drawings indicate that the proposed improvements are compatible with the surrounding houses in the neighborhood. Most of the houses in the neighborhood are two stories in height and are sheathed in brick and vinyl or wood siding as is the subject dwelling and proposed addition. The addition is similar to several others in the neighborhood. 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. The addition will be approximately the same distance to the rear property line as is the existing deck. There is no existing vegetation or no variation in topography to mitigate impacts of the addition to the adjacent properties. Staff is proposing a development condition which would require the applicant to provide plantings adjacent to Lot 113 to the north and Lot 97 to the east to address this issue. It will continue to provide adequate light and air between the house and adjacent structures. Staff believes that this standard has been met with the imposition of the proposed development condition.*

*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 construction of the addition in the rear of the property off of the main living area is the logical location for the*

*addition. As noted earlier, staff is proposing a development condition which would require the applicant to provide plantings adjacent to Lot 113 to the north and Lot 97 to the east to provide screening between the addition and adjacent structures. Staff believes that this standard has been met with the imposition of the proposed development condition.*

## **CONCLUSION**

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

## **RECOMMENDATION**

Staff recommends approval of SP 2008-HM-057 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****SP 2008-HM-057****July 29, 2008**

If it is the intent of the Board of Zoning Appeals to approve SP 2008-HM-057 located at Map 12-3 ((17)) 114 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 (approximately 331 square feet) of the proposed addition as shown on the plat prepared by Sam Whitson, L.S./Land Surveying dated February 8, 2008, as revised through March 28, 2008, as submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (4,641 square feet existing + 6,961.5 square feet (150%) = 11,602.5 square feet) 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 yard requirements shall be permitted without an amendment to this special permit.
4. A row of evergreen trees, a minimum of seven (7) to eight (8) feet in height at the time of planting, spaced a maximum of twelve (12) feet apart, shall be planted along the fence parallel to the proposed addition adjacent to Lot 113 to the north and Lot 97 to the east.
5. The addition shall be consistent with the architectural renderings included Attachment 1 to these conditions.

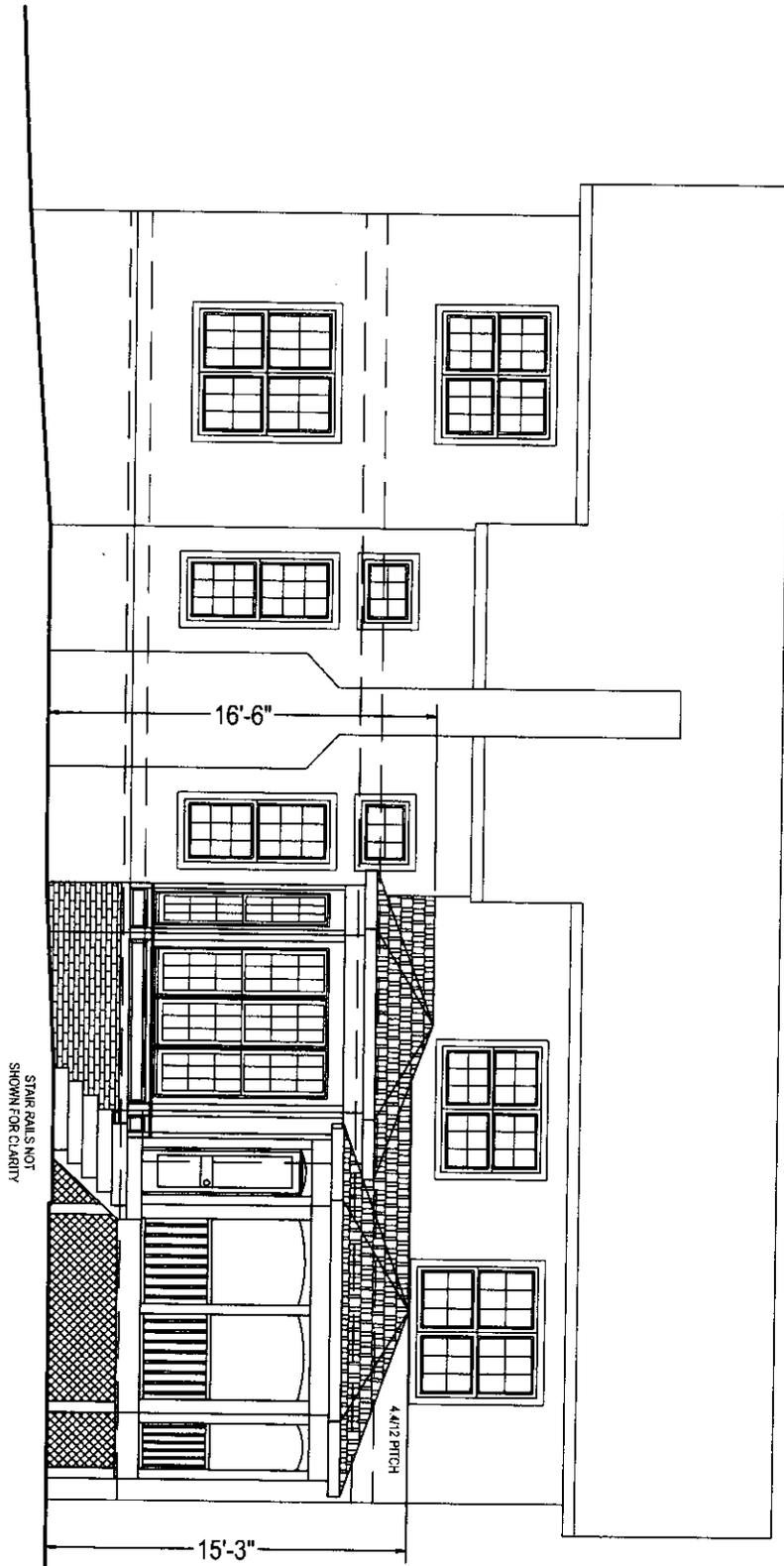
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

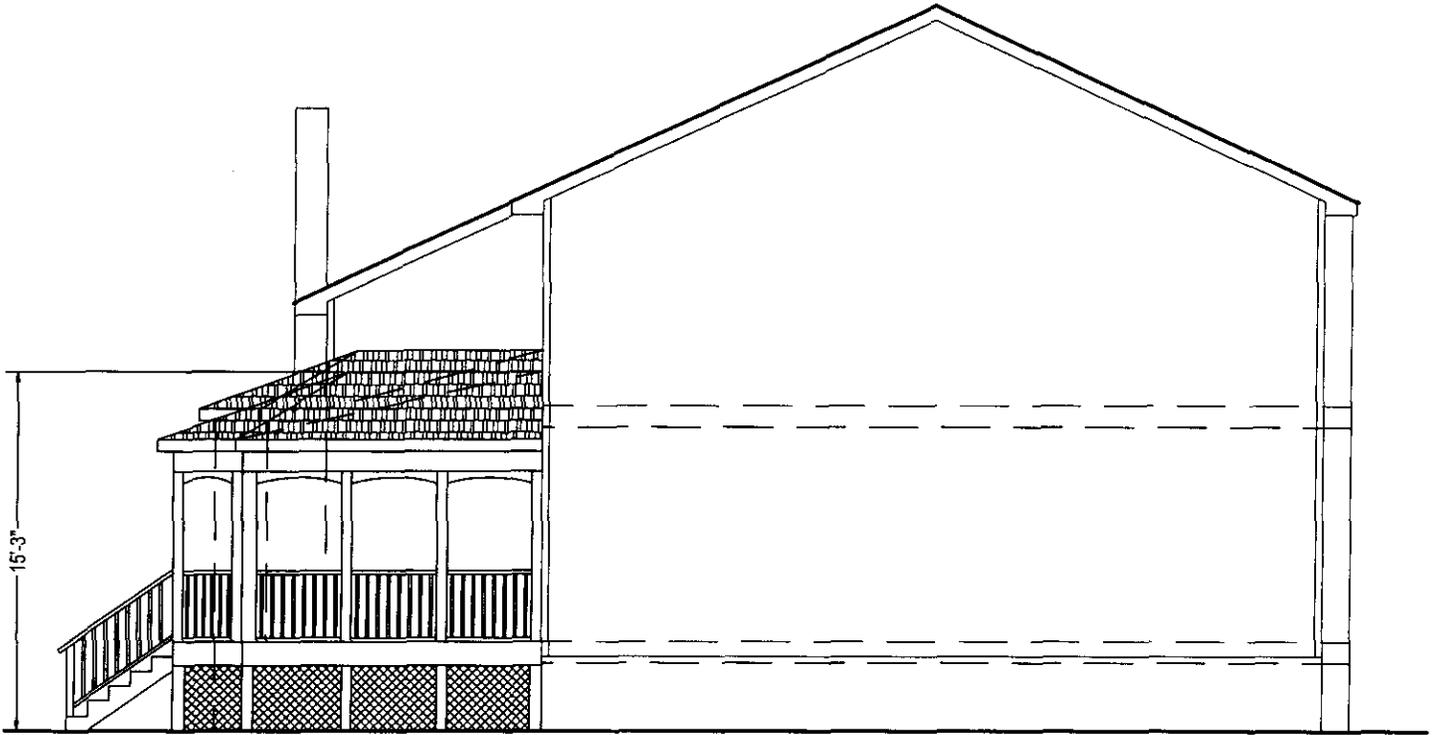
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction 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.

RECEIVED  
Department of Planning  
APR 09 2008  
Zoning Evaluation

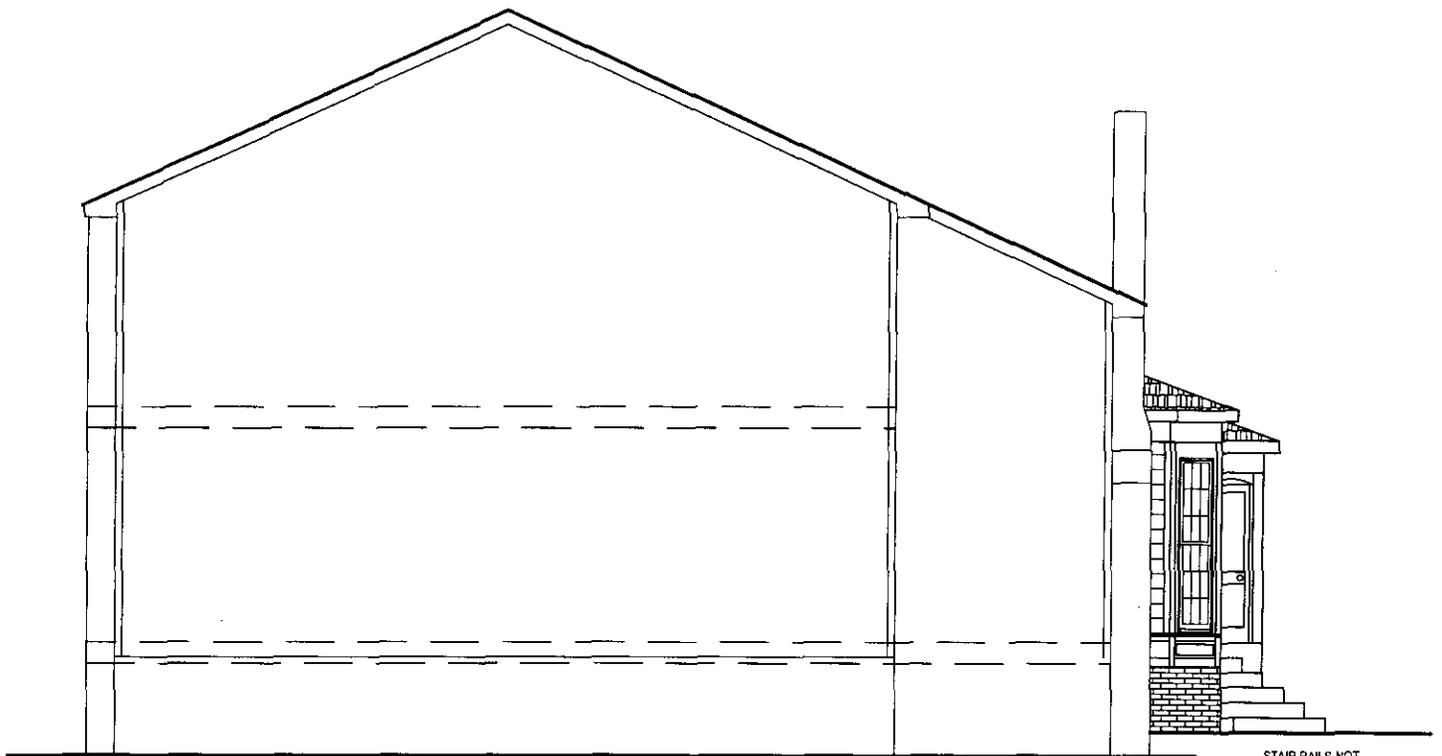
SCALE: 1/8" = 1'-0"

NEW REAR ELEVATION





NEW LEFT SIDE ELEVATION



STAIR RAILS NOT SHOWN FOR CLARITY

SCALE: 1/8" = 1'-0"

NEW RIGHT SIDE ELEVATION

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: February 21, 2008  
 (enter date affidavit is notarized)

I, Margaret L. Banducci, 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      99676

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.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Patrick K. Banducci	1313 Gatesmeadow Way Reston, VA 20194	Co-owner/occupant of residence/applicant
Margaret L. Banducci	1313 Gatesmeadow Way Reston, VA 20194	Co-owner/occupant of residence/applicant

(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: February 21, 2008  
(enter date affidavit is notarized)

99576

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

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

NOT APPLICABLE

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

(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: February 21, 2008  
(enter date affidavit is notarized)

99676

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: February 21, 2008  
(enter date affidavit is notarized)

99676

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

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

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

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

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

NONE

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: February 21, 2008  
(enter date affidavit is notarized)

99676

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:

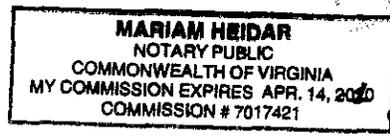
(check one) Margaret L. Banducci  
 Applicant [ ] Applicant's Authorized Agent

Margaret L. Banducci  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 21st day of February 2008, in the State/Comm. of Virginia, County/City of Fairfax

Mariam Heidar  
Notary Public

My commission expires: 4/14/2010



**8-922 Provision for Reduction of Certain Yard Requirements**

APR 09 2008

Zoning Evaluation Division

In accordance with Fairfax County Zoning Ordinance 8-922 (Provisions for Reduction of Certain Yard Requirements) and page 14 of the Special Permit Application Information packet, we hereby request that the Fairfax County Board of Zoning Appeals grant us a Special Permit for an addition (screen porch and breakfast room) on our single family home at 1313 Gatesmeadow Way, Reston, VA 20194.

Based on the enclosed site plat, we are requesting a Special Permit for the approval of the addition, which will be located not closer than 5.6 feet from the left side lot line and 17.3 feet from the rear lot line.

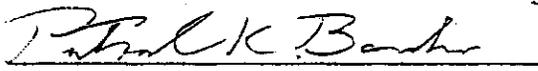
This request is supported by the following:

- Our house was approved and built in 1999 as part of the Crippens Corner subdivision under PDH-2 zoning. As such, the existing house was built only 4.1 feet from the left side property line (with a total of 9.4 feet on both sides combined) and the existing deck is only 20 feet from the rear property line. At the time of the purchase, the builder gave us the option of adding a sunroom of similar size and scale to the property which would have met the PDH-2 zoning requirements. Our lot is 7,825 square feet – less than one-quarter acre. It is our understanding that our request is now being evaluated under R-2ADU zoning, not PDH-2.
- We believe approval of this request will not be detrimental to the use and enjoyment of other properties in the immediate vicinity since the addition will be further from the left side property line than the location of the original house. In addition, the neighbors' home to the rear of the proposed addition is buffered by a tall fence and large expanse of lawn with trees and shrubs.
- We believe the proposed addition is in harmony with the adopted comprehensive plan and zoning district regulations and that the proposed structure is harmonious with the use and development of neighboring properties since the size, location and materials are consistent with the existing home and other neighboring screen porches and other additions.
- In reference to Fairfax County Zoning Ordinance 8-922 Provisions for Reduction of Certain Yard Requirements, items 1 through 12, we believe our Special Permit application and accompanying architectural drawings, affidavits, site plats, photographs from all relevant angles and this Statement of Justification fully address all applicable items under this ordinance and support our request for this Special Permit as follows:
  1. Our proposal may be subject to item 1, subsection A.
  2. Our reduction does not result in the placement of a detached structure in a front yard. Our proposal is for an addition in our back yard.
  3. Our lot contains a principal structure (our house) and use that complies with minimum yard requirements in effect when built.
  4. The resulting gross floor area of our house after the addition will be far less than 150% of the principal structure before the addition,

SPECIAL PERMIT STATEMENT OF JUSTIFICATION

5. Our addition of a screened porch and breakfast room will be clearly subordinate to the principal structure.
  6. Our proposed addition is in character with the existing on-site development in terms of location, height, bulk and scale of the existing structure.
  7. As noted above, our proposed addition is harmonious with all surrounding off-site uses and structures.
  8. Our proposed addition will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion or stormwater runoff.
  9. All care was taken to ensure that our proposed addition represents the minimum amount of reduction necessary to accommodate a suitable and useful screened porch and breakfast room.
  10. It is noted that the BZA may impose conditions to satisfy the criteria above.
  11. We have enclosed over 15 copies of the requested plat that meets all of the requirements noted in items A through M.
  12. We have enclosed architectural depictions and photographs from all lot lines and street lines showing building materials in use, roof type, window treatment and any associated landscaping that may be applicable.
- In reference to Page 14, items a through i (Special Permit Statement of Justification) of the Special Permit Application, our answers are as follows:
    - a. Addition of a screen porch and breakfast room to the back of our existing house
    - b. Not applicable
    - c. Not applicable
    - d. Not applicable
    - e. Not applicable
    - f. The proposed addition will be in our existing backyard
    - g. A description, plat and architectural drawings of the proposed addition are provided in this application
    - h. Not applicable; there are no known hazardous or toxic substances on the site of our residence
    - i. Our statement of conformity is provided above and within this application.

Respectfully Submitted:

  
Patrick K. Banducci, Homeowner

  
Margaret L. Banducci, Homeowner/Applicant

April 6, 2008

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

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

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

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

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

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

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

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

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

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

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

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

structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

✓ 10. The BZA may impose 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.