



APPLICATION ACCEPTED: June 19, 2008  
BOARD OF ZONING APPEALS: September 16, 2008  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

September 9, 2008

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2008-PR-064

### PROVIDENCE DISTRICT

**APPLICANTS/OWNERS:** Mirella A. Milanes-Berger  
Seth N. Berger

**SUBDIVISION:** Tysons Valley

**STREET ADDRESS:** 8508 Quaint Lane

**TAX MAP REFERENCE:** 39-1 ((15)) 17

**LOT SIZE:** 13,236 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an addition 8.3 feet from side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2008-PR-064 for 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 Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

*O:\dhedri\Special Permits\9-16) SP 2008-PR-064 Berger\SP 2008-PR-064 Berger staff report.doc*

*Deborah Hedrick*

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

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



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

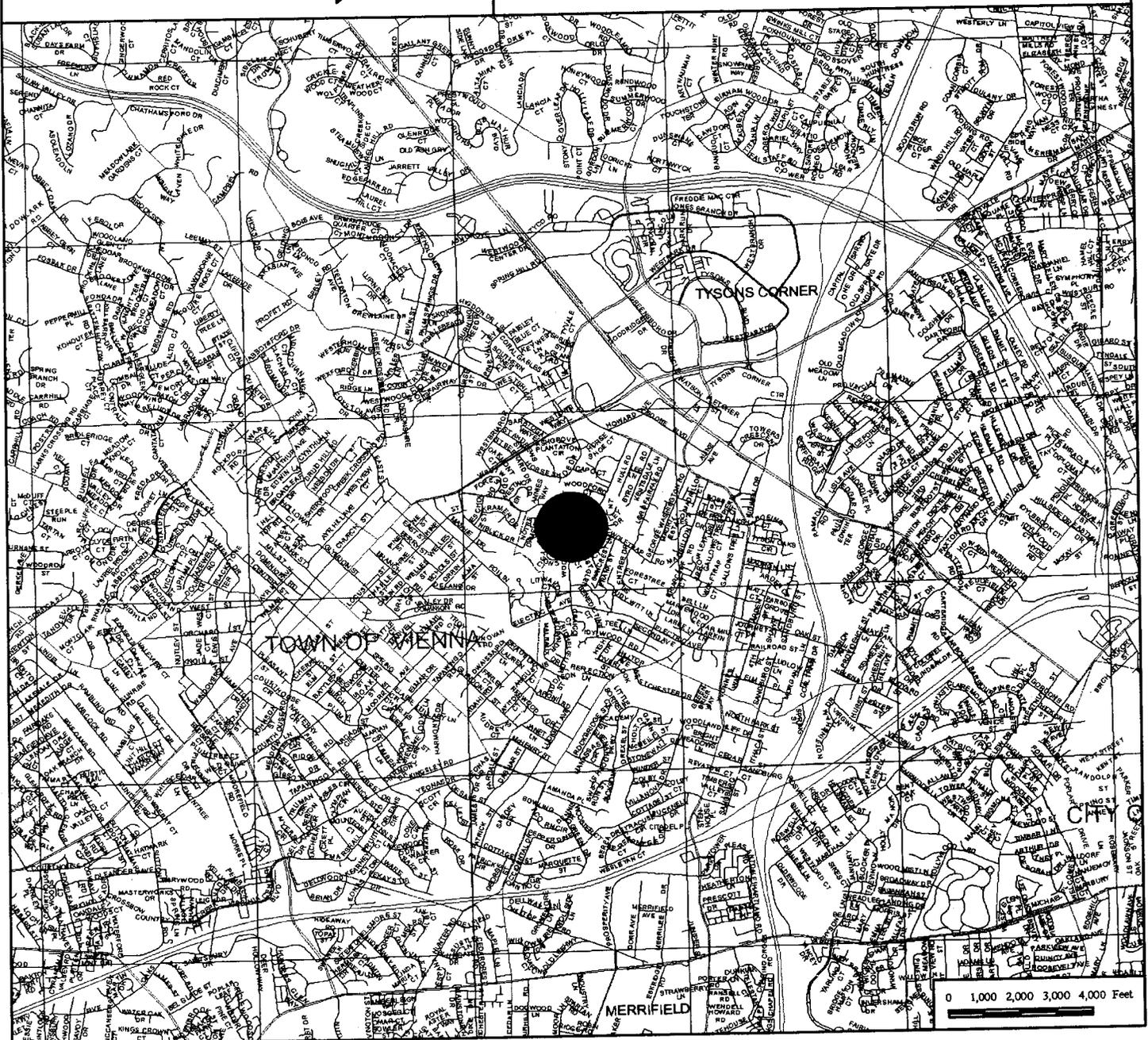
**Special Permit**  
**SP 2008-PR-064**



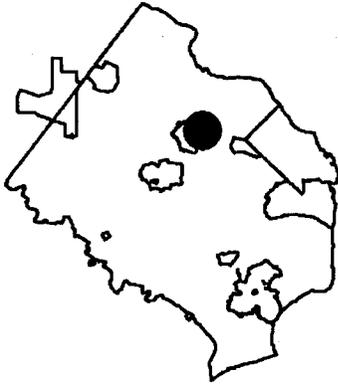
**Applicant:** MIRELLA AND SETH BERGER  
**Accepted:** 06/19/2008  
**Proposed:** REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 8.3 FEET FROM SIDE LOT LINE

**Area:** 13,236 SF OF LAND; DISTRICT - PROVIDENCE

**Zoning Dist Sect:** 08-922  
**Art 8 Group and Use:** 9-21  
**Located:** 8508 QUAIN T LANE  
**Zoning:** R- 3  
**Overlay Dist:**  
**Map Ref Num:** 039-1- /15/ /0017



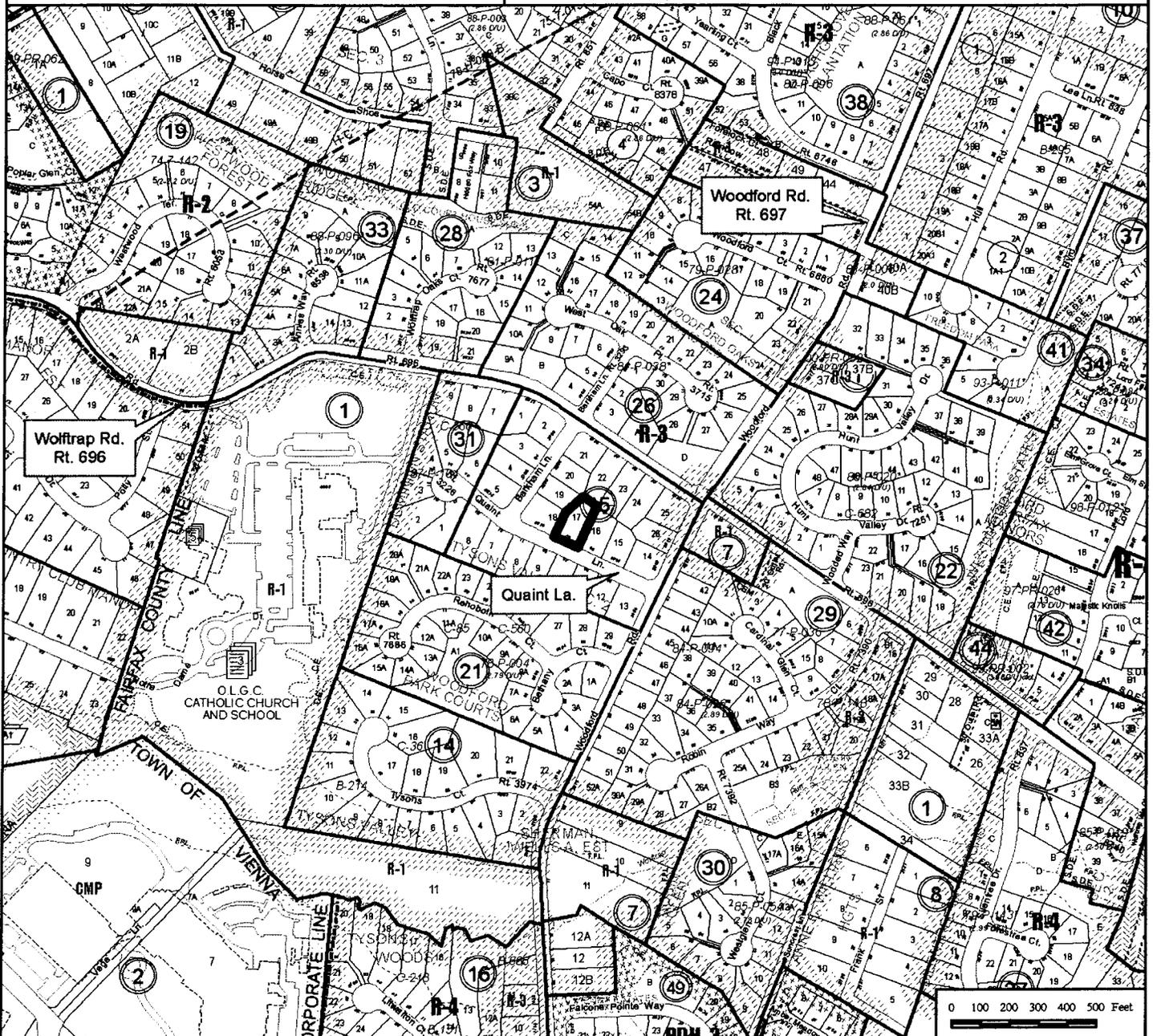
**Special Permit**  
**SP 2008-PR-064**



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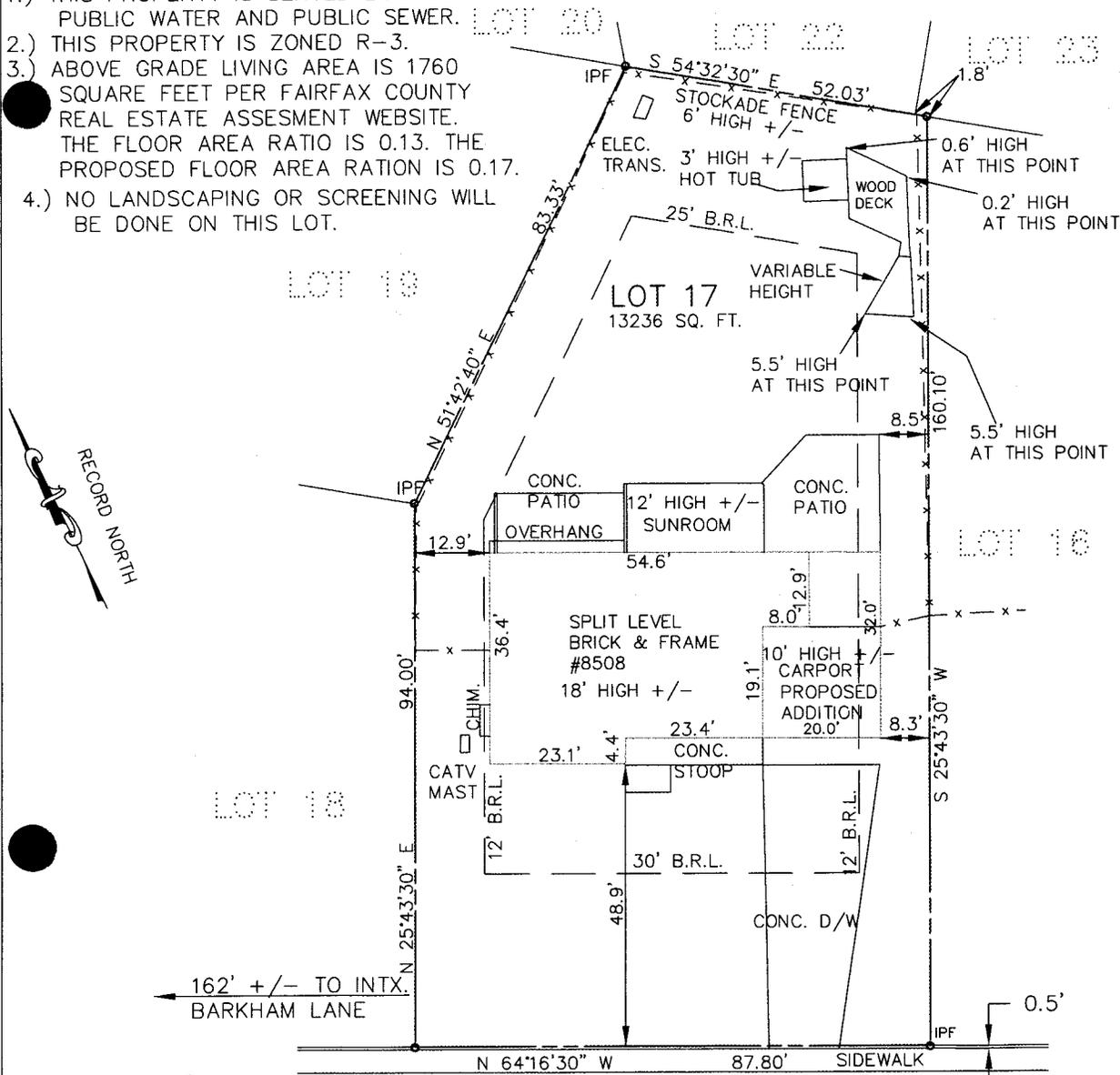
**Area:** 13,236 SF OF LAND; DISTRICT - PROVIDENCE

**Zoning Dist Sect:** 08-922  
**Art 8 Group and Use:** 9-21  
**Located:** 8508 QUAINT LANE  
**Zoning:** R- 3  
**Overlay Dist:**  
**Map Ref Num:** 039-1- /15/ /0017



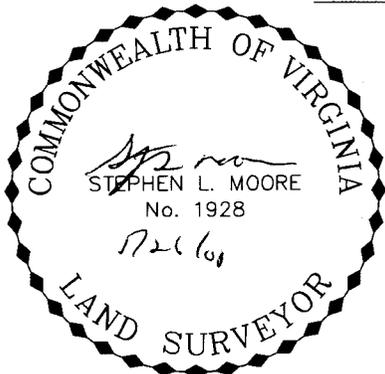
NOTES:

- 1.) THIS PROPERTY IS SERVED BY PUBLIC WATER AND PUBLIC SEWER.
- 2.) THIS PROPERTY IS ZONED R-3.
- 3.) ABOVE GRADE LIVING AREA IS 1760 SQUARE FEET PER FAIRFAX COUNTY REAL ESTATE ASSESMENT WEBSITE. THE FLOOR AREA RATION IS 0.13. THE PROPOSED FLOOR AREA RATION IS 0.17.
- 4.) NO LANDSCAPING OR SCREENING WILL BE DONE ON THIS LOT.



QUAINT LANE ROUTE 3226  
(50' R/W)

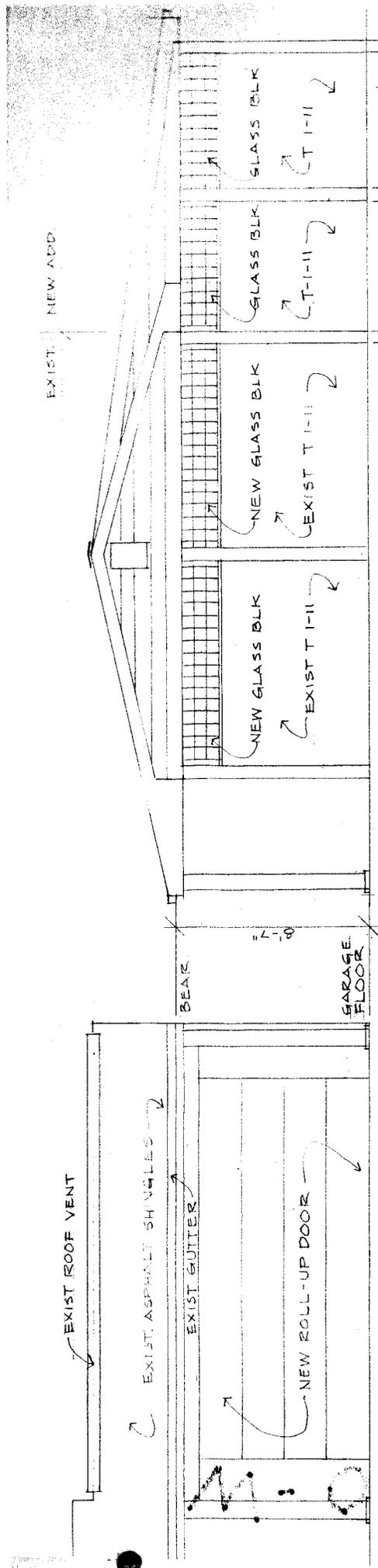
SPECIAL PERMIT PLAT  
LOT 17 SECTION 2  
TYSONS VALLEY  
DEED BOOK 3519 PAGE 60  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
DATE: MAY 26, 2008 SCALE 1" = 30'



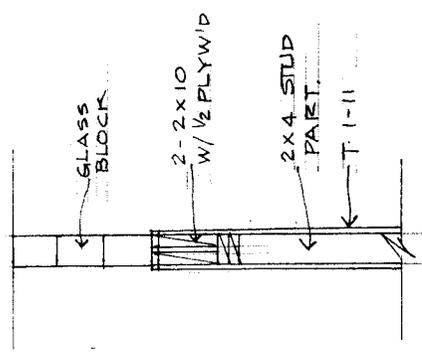
LOCATION OF ALL EXISTING IMPROVEMENTS ON THIS PROPERTY HAS BEEN ESTABLISHED BY TRANSIT AND TAPE SURVEY AND UNLESS OTHERWISE NOTED THERE ARE NO ENCROACHMENTS EITHER WAY. THIS SURVEY HAS BEEN PREPARED WITHOUT A TITLE REPORT, THEREFORE ALL ENCUMBRANCES MAY NOT BE SHOWN. FENCE LOCATIONS ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP. LOT CORNERS HAVE NOT BEEN STAKED UNLESS REQUESTED. IPF DENOTES IRON PIPE FOUND.

STEPHEN L. MOORE LAND SURVEYING, INC.  
13554 MINNIEVILLE ROAD WOODBRIDGE, VA. 22192  
(703) 878-6515 FAX: (703) 878-4594

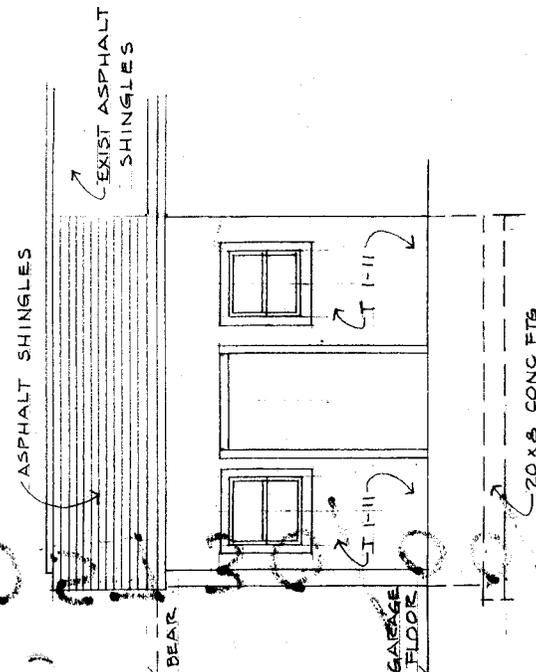
WORK #2008-0145



SIDE ELEVATION  
SCALE 1/4" = 1'-0"

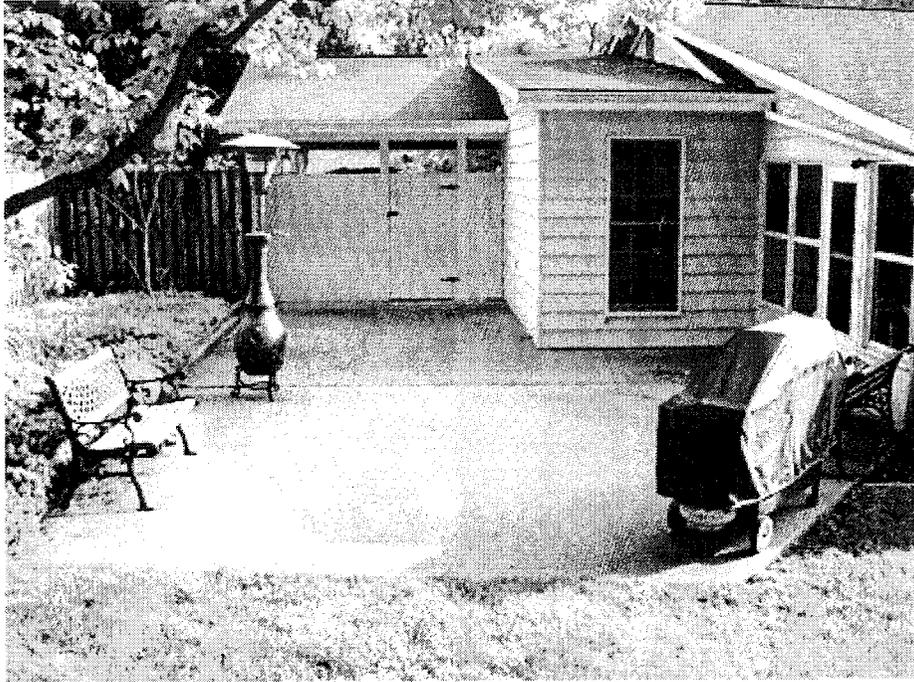


FRONT ELEVATION  
(EXIST. CARPORT)

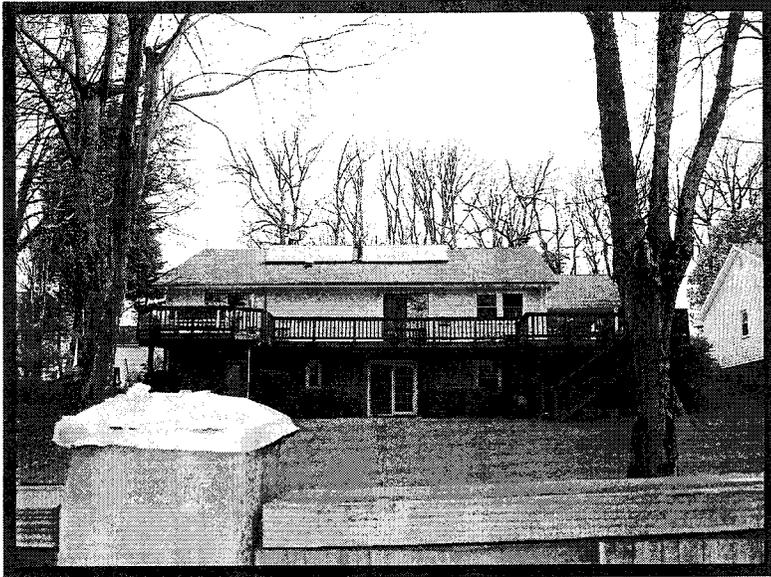


REAR ELEVATION  
SCALE 1/4" = 1'-0"

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JUN 4 2008  
Zoning Evaluation Division



Additional Photos showing rear patio



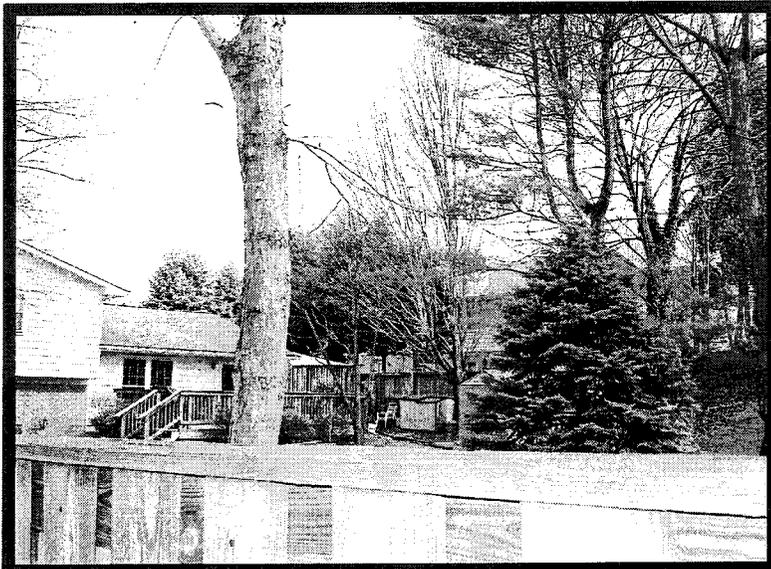
Center Rear neighbor  
from Rear property line

4/3/08



Right Rear view  
from property line

4/3/08



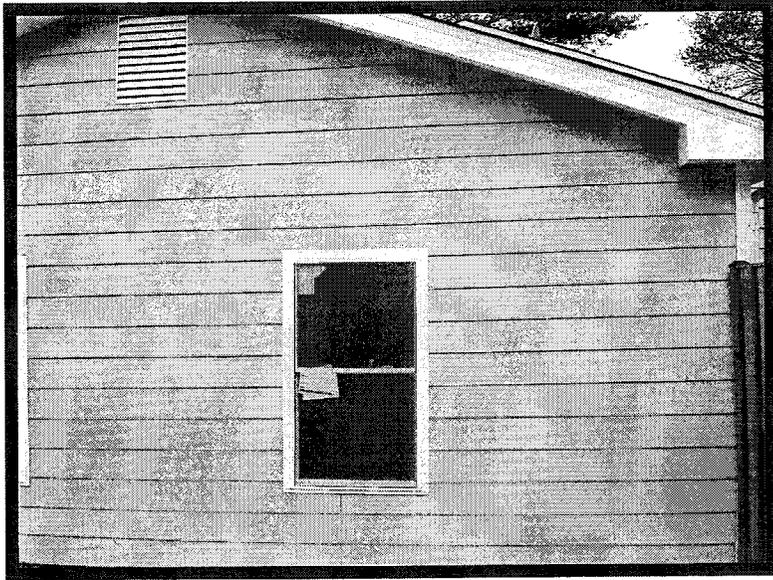
Left Rear view  
from Property line

4/3/08

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Department of Planning & Zoning

APR 08 2008

Zoning Evaluation Unit



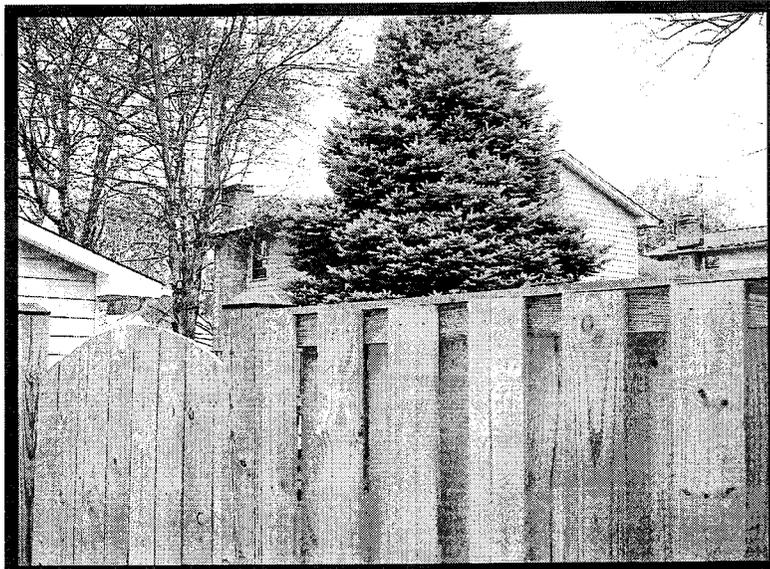
Left side neighbor  
view from left  
side property line

4/3/08



Left front view  
of neighbor from  
left side property line

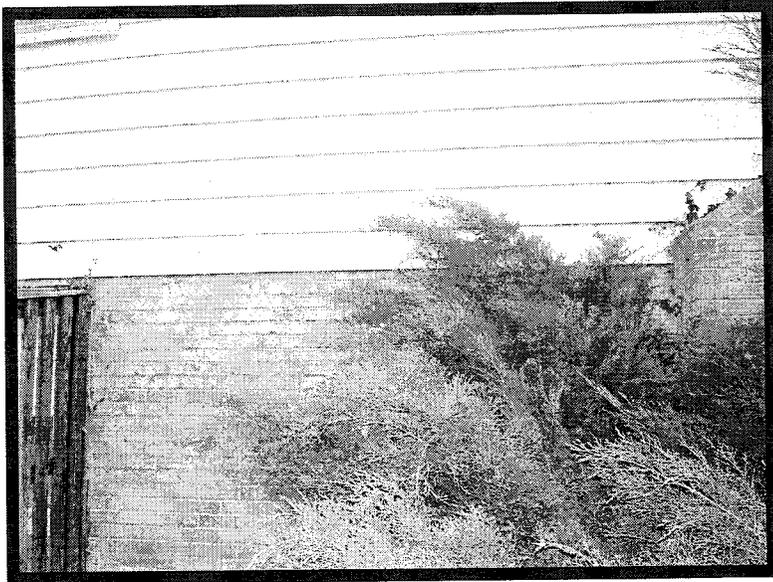
4/3/08



Left Rear view  
of neighbors from  
left side property line

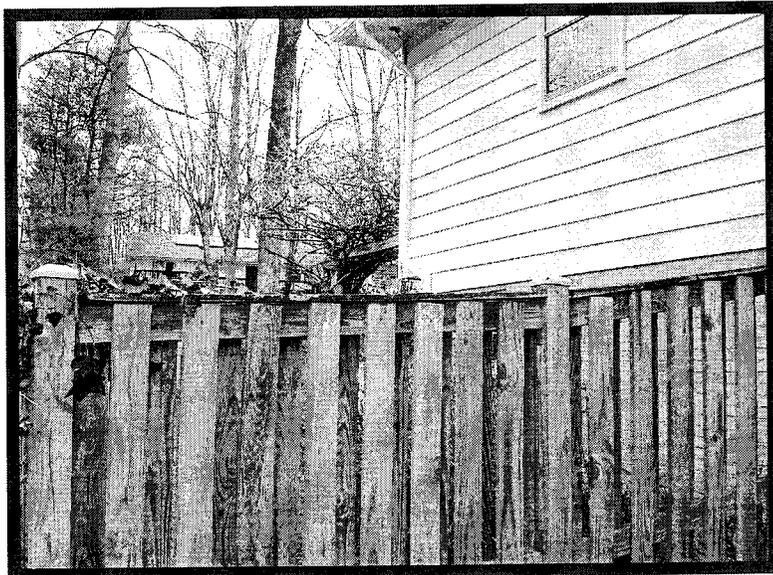
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Department of Planning & Zo  
APR 08 2008  
Zoning Evaluation Division



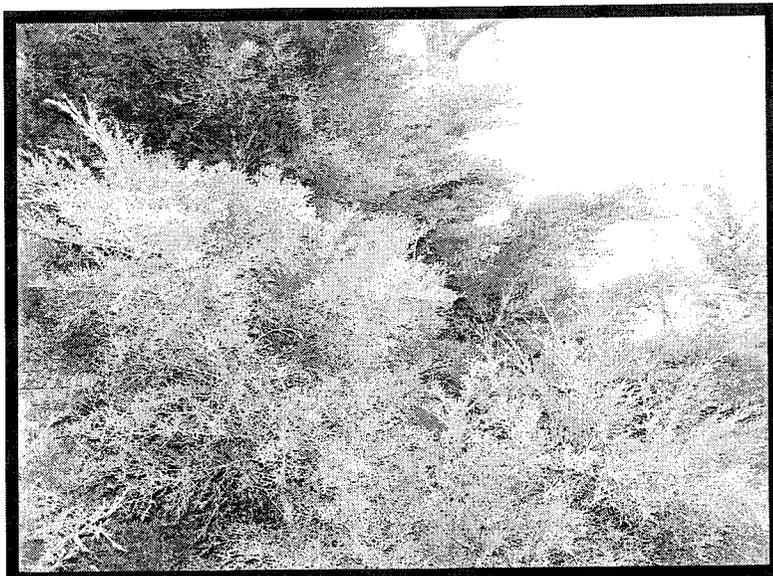
Left side view  
of 8508 Quaint Ln.  
from property line

4/3/08



Left Rear view of  
8508 Quaint Ln.  
from Property Line

4/3/08



Left Front view of  
8508 Quaint Ln.  
from Property Line

4/3/08

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Zoning Evaluation Division



Looking At Front  
of house from  
Property Line on  
Quaint Ln.

4/3/08



Looking at Front  
Lft side house and  
Neighbors house from  
Property Line on  
Quaint Ln.

4/3/08



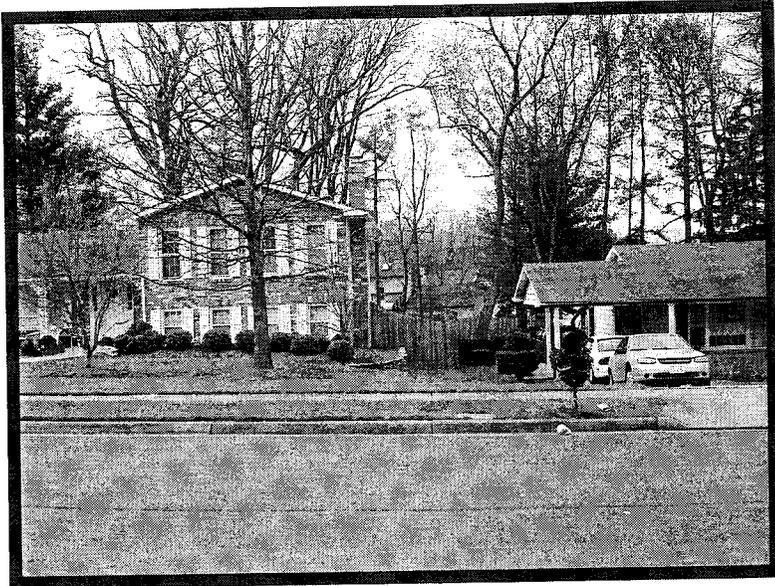
Looking at Front  
Right side of house  
and neighbors house  
from Property Line  
on Quaint Ln.

4/3/08

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Zoning Evaluation Division



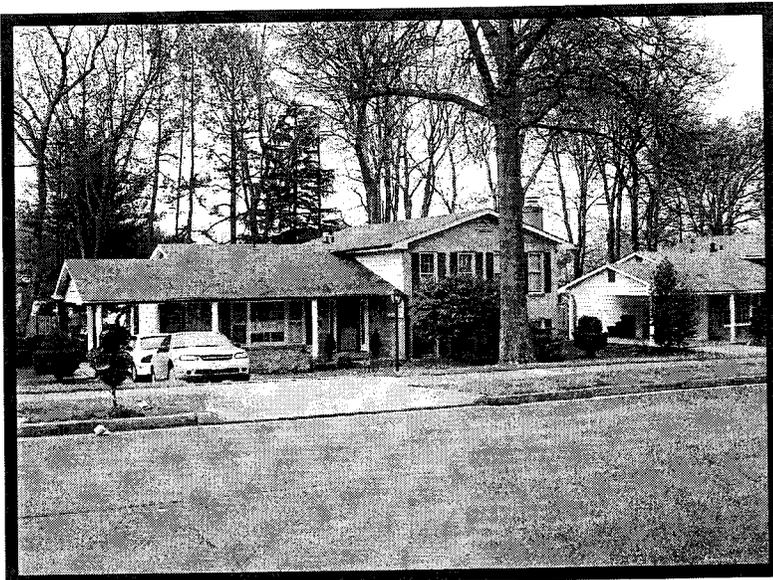
Looking Center  
from 8508 Quaint Ln.  
across street.

4/3/08



Looking Left from  
8508 Quaint Ln.  
across street.

4/3/08



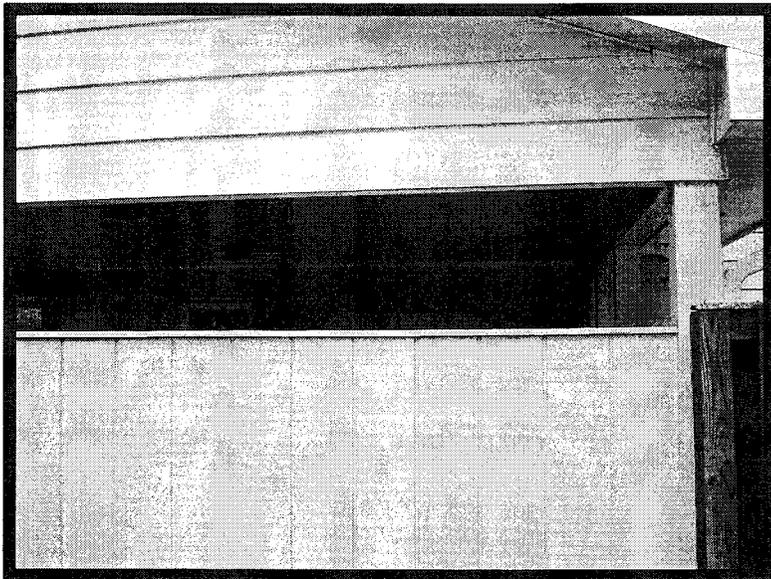
Looking Right from  
8508 Quaint Ln.  
across street.

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Department of Planning & Zoning

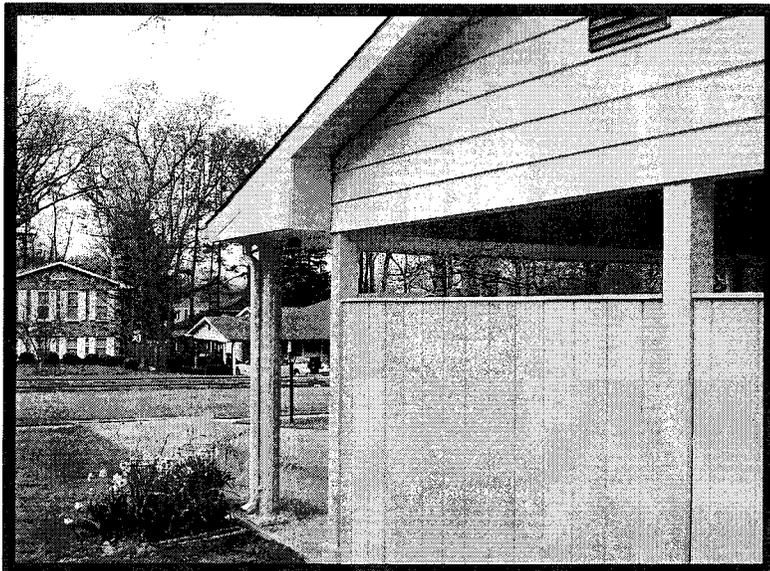
APR 08 2008

Zoning Evaluation (REVISED)



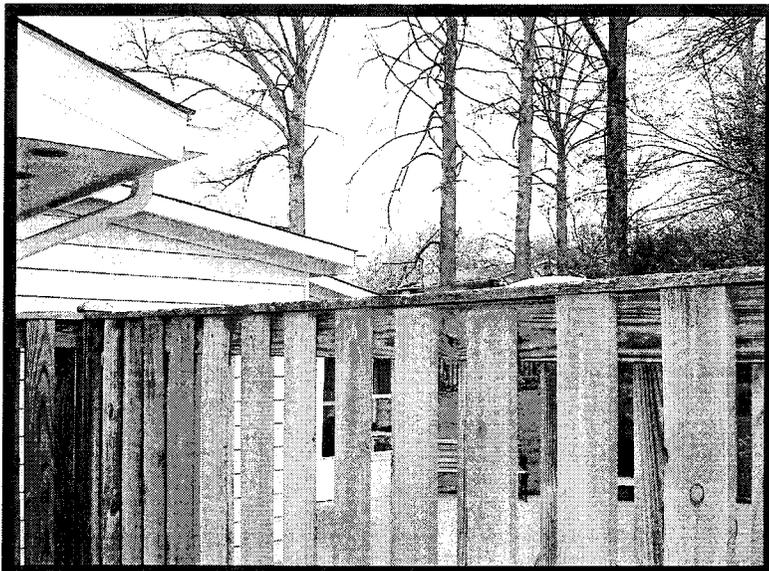
Right side of  
8508 Quaint Ln.  
from side property  
line

4/3/08



Right front of  
8508 Quaint Ln.  
from side property line.

4/3/08



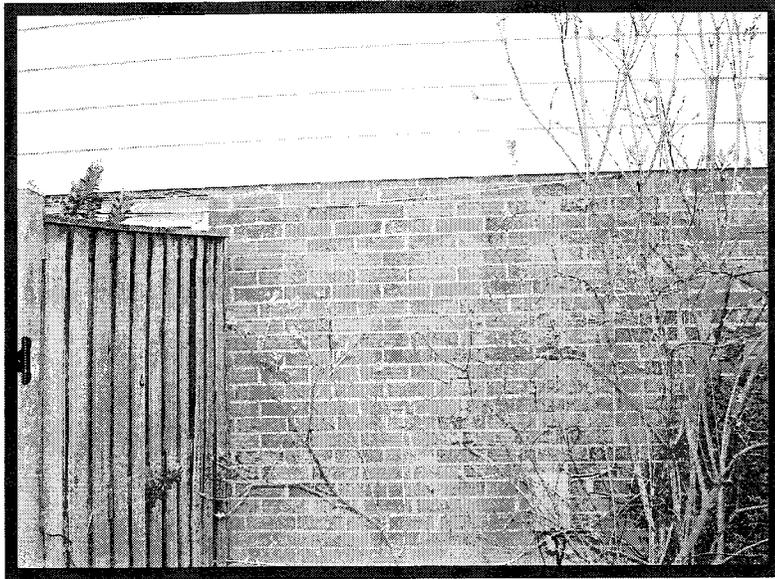
Right Rear  
of 8508 Quaint Ln.  
from side property line

4/3/08

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Department of Planning & Zoning

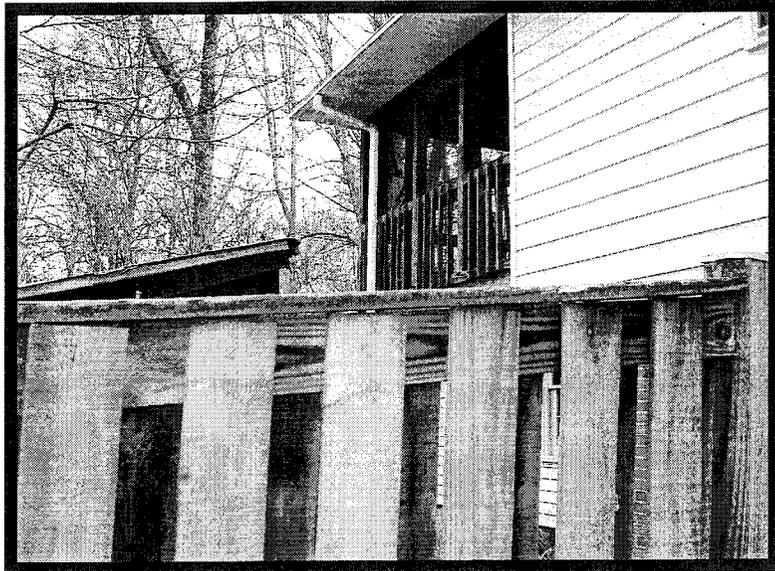
APR 08 2008

Zoning Evaluation Division



Right side neighbor  
view from side property  
line

4/3/08



Right Rear view of  
neighbor from side  
property line

4/3/08



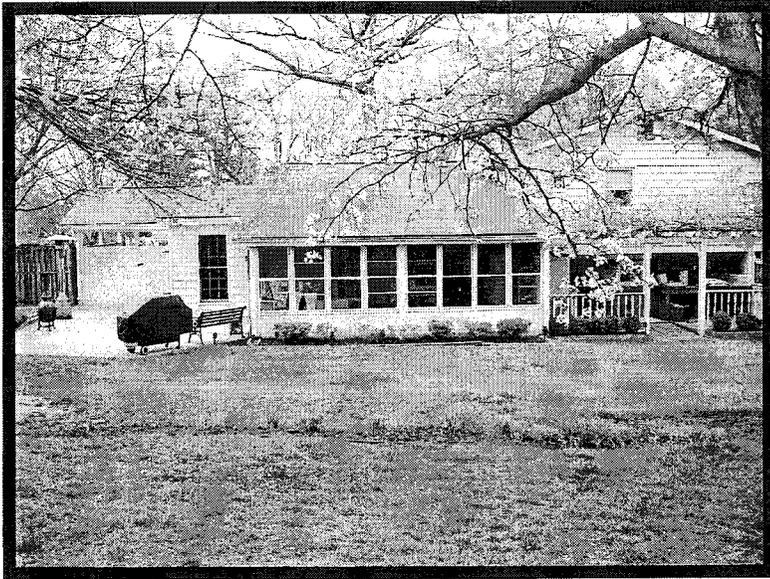
Right Front view  
of neighbor from  
side property line

4/3/08

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Department of Planning & Zoning

APR 08 2008

Zoning Evaluation Division



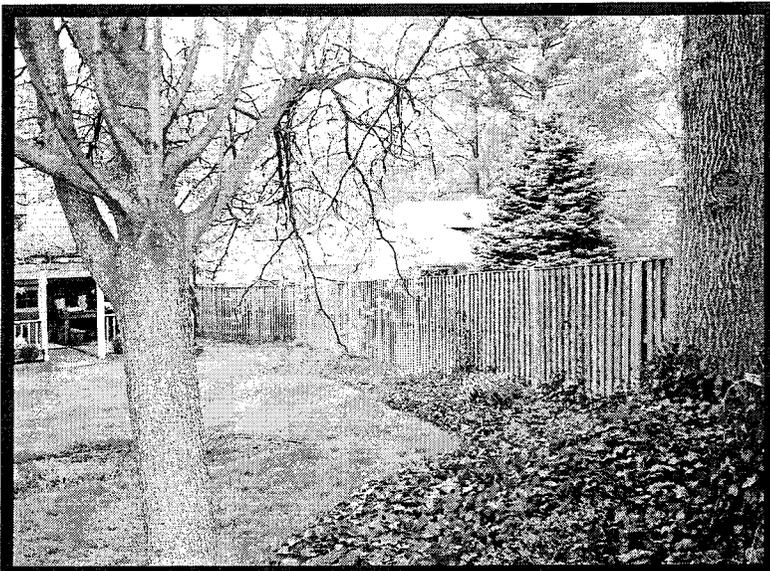
Looking at Rear of  
8508 Quaint Ln.  
from Rear property line

4/3/08



Rear Left view of  
8508 Quaint Ln.  
from Rear property line

4/3/08



Rear Right view of  
8508 Quaint Ln.  
from Rear property line

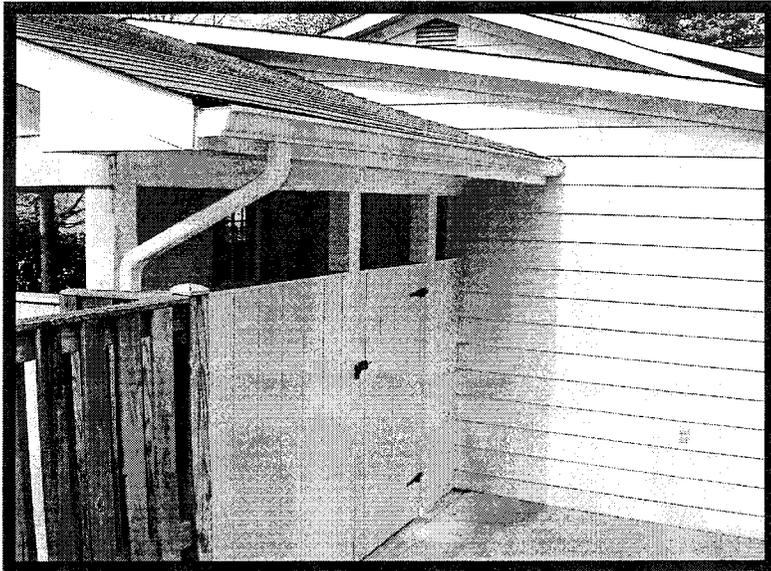
4/3/08

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Department of Planning & Zoning  
APR 08 2008  
Zoning Evaluation Division



Rear of existing  
CARport of  
8508 Quaint Ln.  
Locations of proposed  
Shed additions

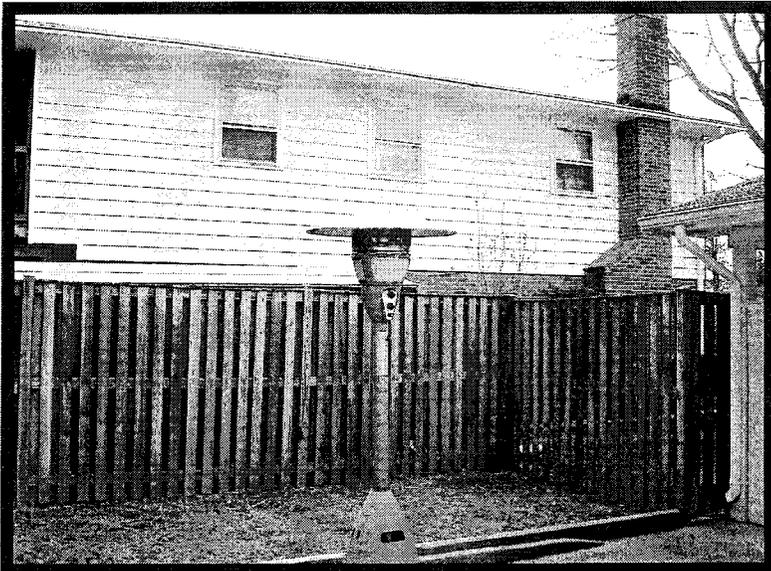
4/3/08



existing CARport

8508 Quaint Ln.

4/3/08



Looking Left from

Rear patio

8508 Quaint Ln.

4/3/08

RECEIVED  
Department of Planning & Zoning

APR 08 2008

Zoning Evaluation Division

**DESCRIPTION OF THE APPLICATION**

To permit reduction of certain yard requirements to permit construction of a garage addition to be located 8.3 feet from a side lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	<b>Addition</b>	Side (east)	12.0 feet	8.3 feet	3.7 feet	31%

\*Minimum yard requirement per Section 3-307

**EXISTING SITE DESCRIPTION**

The site is currently zoned R-3 and is developed with a 3,018 square foot single family detached dwelling, built in 1972. The existing front yard is approximately 49 feet, where 30 feet is required. The existing rear yard is approximately 80 feet where 25 feet is required and the existing western side yard is approximately 12.9 feet where 12 feet is required in the R-3 District.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3	Single Family Detached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings
<b>South</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single Family Detached Dwellings

**BACKGROUND**

Following the adoption of the current Ordinance, the BZA has heard the following similar special permits or variances in the vicinity of the application parcel:

Variance VC 83-P-054 was approved on June 28, 1983 for Tax Map 39-1 ((14)) 4, zoned R-3, at 8505 Tysons Court, to allow extension of enclosure of existing carport to attached garage 8.8 feet from side lot line.

## ANALYSIS

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

- **Title of Plat:** Special Permit Plat, Lot 17, Section 2, Tysons Valley
- **Prepared by:** Stephen L. Moore Land Surveying, Inc.,
- **Dated:** May 26, 2008

### Proposal:

The applicant is requesting a special permit for the construction of a two car garage and storage addition 8.3 feet from the side lot line. The 380 square foot garage addition is proposed to replace an existing carport. An additional 144 square feet of storage space is proposed to the rear of the garage on an existing concrete pad, for a total addition size of 524 square feet.

## 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 5:

- 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 for the addition 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 construction of a 524 square foot garage and storage addition will not adversely affect the use or development of neighboring properties since there currently exists a carport and this request is to merely enclose the carport and add a storage area to the rear, on an existing concrete pad. Therefore, staff believes the request is minimal and believes 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. *The proposed addition will be located in an area which requires no removal of any existing landscaping. It will replace an existing carport and be constructed on an existing impervious surface. Staff from the Forest Conservation Branch, DPWES, memorandum attached as Appendix 4, have indicated a tree save area should be provided at the eastern portion of the site to protect the existing off-site trees on Lot 16 from construction activities as well as at the southern portion of the subject property to protect the existing red oak and dogwood trees from construction activities. Staff has included a development condition to address this concern. Therefore staff does not believe any additional vegetation is required and 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 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 3,018 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 4,527 square feet in size for a possible total square footage at build out of 7,545. The proposed addition is 524 square feet, for a total square footage of the house with the addition of 3,542 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 and pictures submitted indicate that the materials, size and scale of the proposed garage and storage addition will be compatible with the existing dwelling. The roofline of the proposed addition will not change from the existing carport; therefore, the height will not be affected. The additional bulk will be minimal since the proposed addition will merely enclose an existing carport and add storage space to the rear of the garage, while utilizing the wall of the dwelling and an existing concrete pad to accommodate the storage area. 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. Given that the proposed garage and storage area will replace an existing carport and concrete pad and there will not be any removal of existing vegetation, 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 to the side of the existing dwelling will not increase run-off significantly since the addition is proposed to enclose an existing carport. 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 addition to the side of the dwelling is the most logical location since it will utilize an existing carport structure as well as enclosing an existing concrete pad area to the rear of the garage to create storage space. The proposed garage will utilize an existing driveway so no new impervious surface will be created. A development condition is included with measures to preserve both on-site and off-site trees so that staff believes that the preservation of existing vegetation has been addressed. Other issues of well, 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 request to add a garage and storage 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-PR-064 for the addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification and Attachments
4. Memorandum dated July 22, 2008, from the Forest Conservation Branch, DPWES
5. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2008-PR-064****September 9, 2008**

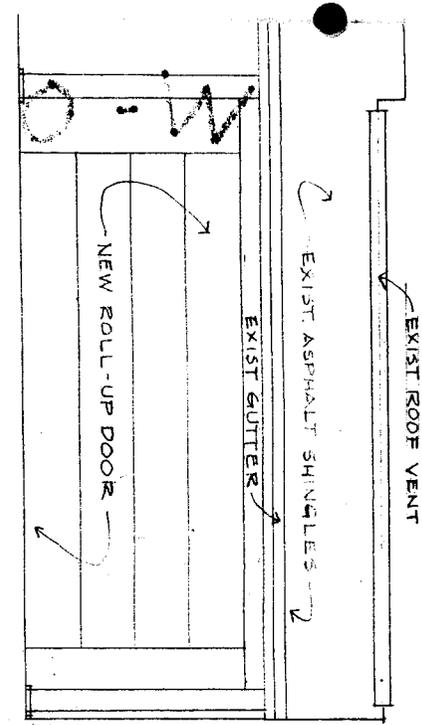
If it is the intent of the Board of Zoning Appeals to approve SP 2008-PR-064 located at Tax Map 39-1 (((15)) 17 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance 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 (approximately 524 square feet) of the proposed garage and storage addition, as shown on the plat prepared by Stephen L. Moore Land Surveying, Inc., dated May 26, 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 (3,018 square feet existing + 4,527 square feet (150%) = 7,545 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.
5. Tree protection fencing shall be installed prior to demolition/construction of the addition to protect trees on Lot 16 and the 26" oak and 8" dogwood on the subject property. The protective fencing shall be located between the addition and the eastern lot line, a minimum of 3 feet from the lot line, and at the

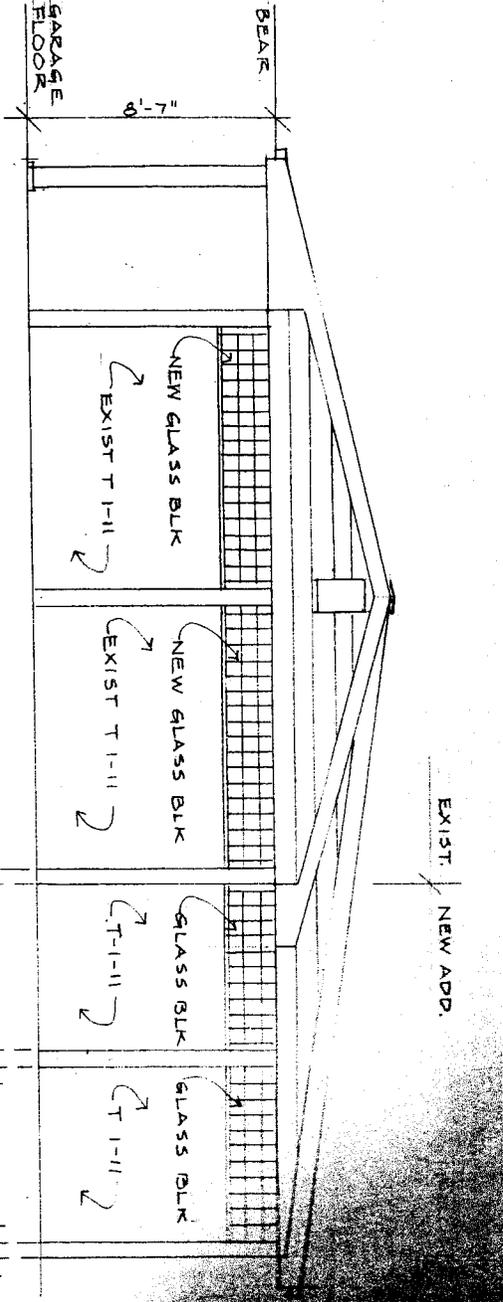
dripline of the oak/dogwood trees. The fencing shall remain in place until all construction and final grading is complete.

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.

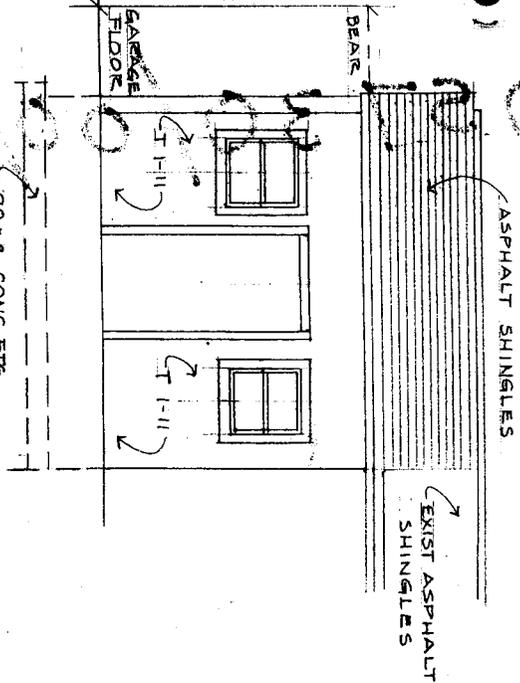
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



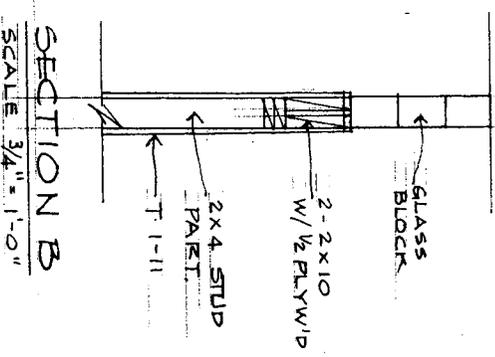
FRONT ELEVATION  
 (EXIST. CARPORT)



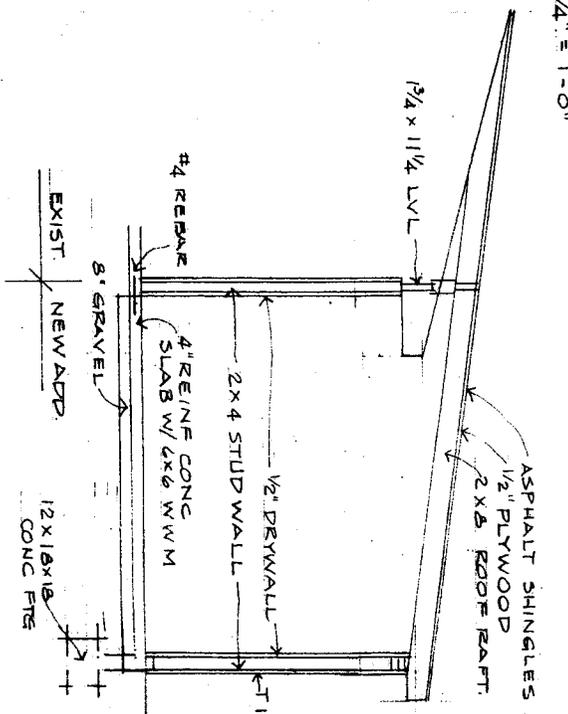
SIDE ELEVATION  
 SCALE 1/4" = 1'-0"



REAR ELEVATION  
 SCALE 1/4" = 1'-0"



SECTION B  
 SCALE 3/4" = 1'-0"



SECTION A  
 SCALE 1/4" = 1'-0"

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/1/08  
 (enter date affidavit is notarized)

I, Timothy John Mullen, 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      99716a

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 <b>BOLD</b> above)
Mirella A. Milanes - Berger	8508 Quaint Ln. Vienna, VA 22182	<b>Applicant/Title owner</b>
Seth N. Berger	8508 Quaint Ln. Vienna, VA 22182	<b>Co-Applicant</b>
Tim J. Mullen	C/O Tobin Construction, INC. P.O. Box 768 (3015 Twisting Ln) Bowie MD. 20718	<b>Agent</b>

(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)

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/1/08  
(enter date affidavit is notarized)

99716a

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)

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

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

N.A.

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

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

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

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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 5/1/08  
(enter date affidavit is notarized)

99716a

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: 5/1/08  
(enter date affidavit is notarized)

99716a

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

[ ] Applicant

[x] Applicant's Authorized Agent

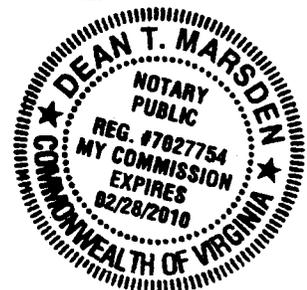
Tim J. Mullen

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

Subscribed and sworn to before me this 1<sup>st</sup> day of May, 2008, in the State/Comm. of Virginia, County/City of Falls Church.

[Signature]  
Notary Public

My commission expires: 2/28/10



June 2, 2008

Department of Planning & Zoning  
JUN 04 2008  
Zoning Evaluation Div.

RE: REVISED Special Permit Statement of Justification

Dear Board of Zoning Appeals,

I am writing to request a special permit in order to enclose an existing carport into a garage and add a small room behind the enclosed garage for storage. We are requesting approval to reduce the side yard setback from 12 feet to 8.3 feet. The remodel would consist of converting our semi-enclosed carport into a fully enclosed garage. In addition, during the remodel of the carport we would build out an addition behind the carport that would become a storage space. The proposed development will be in character with the existing development in terms of the location, height, bulk, and scale of the existing structure(s) on the lot.

There will be no changes to the location, type, and height of any existing landscaping and screening, as well as no proposed changes to landscaping or screening. Existing vegetation and preservation of trees will be maintained since no changes to landscaping will take place. The proposed carport enclosure and storage space addition behind the carport will be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk, and scale of surrounding structures. The proposed development will not impact the use and/or enjoyment of the adjacent property with regard to issues such as noise, light, air, erosion, and storm water runoff.

The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. With regard to the layout of the existing structure, currently the existing carport has a roof and is partially enclosed on three sides, except for the front which is where the garage door would be placed. The only change would be to make it fully enclosed and add the garage door to it. In regard to the layout of the back area where the storage room would be built, the foundation already exists for the addition of this space since the carport in the backyard extends beyond the area we will be building upon.

In regard to orientation of the structure(s) on the lot, no change in orientation would be involved for the full enclosure of the garage. For the proposed storage room, only two additional sides and a roof extension need to be added since the siding of the existing house will form one side and the back of the garage will form the other side. It is by far the best location on the property for the proposed storage room. Lastly, there would be no impact on the following items:

- shape of the lot and the associated yard designations on the lot
- environmental considerations related to the site, including presence of steep slopes, floodplains and/or resource protection areas
- no wells or septic field to consider
- no easements and/or preservation of historic resources to consider

One purpose of this renovation is to increase our living and storage space. On September 6, 2008 my husband and I are expecting to have our second child. This has created an increased need for living and storage space. The room that will be our second child's bedroom is currently being used as my office. As I work out of my home, I will now need to move my existing office to the basement area which is currently being used for storage purposes. The design of the space behind the enclosed garage is to move items out of the basement so that we can make room for the office.

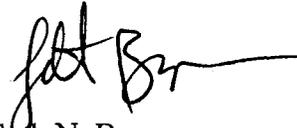
Secondly, we are requesting the conversion of the existing carport into a garage for security reasons. The original design of our home includes an access door to our attic space through the open carport. My husband, who is currently a manager for a national security company, believes this to be a security threat since anyone can easily enter the attic of our home through the open carport and gain entry to the inside of our home from there. As we are currently using some of the attic space for storage, the simple expedient of boarding up the access door is not feasible. Additionally, there have been reported incidents of cars being burglarized in our neighborhood, and securing them in a garage would reduce our vehicle's vulnerability.

Your consideration and support in approving both the carport enclosure and small shed expansion would be greatly appreciated.

Respectfully yours,



Mirella A. Berger  
8508 Quaint Lane  
Vienna, VA 22182  
703-448-1688



Seth N. Berger  
8508 Quaint Lane  
Vienna, VA 22182  
703-448-1688

Mirella & Seth Berger  
8508 Quaint Lane  
Vienna, VA 22182

RE: Property Square Footage (Split Level Home)

Top Floor

Guest Bedroom #1	- 129.25 sq	
Guest Bedroom #2	- 110 sq	
Master Bedroom	- 204 sq	
Master Closet	- 104 sq	
Master Bath	- 82.34sq	
Hallway	- 58.25 sq	
Hallway Closet	- 29.03 sq	
Guest Bathroom	- 39.277sq	
Sub Total		756.14 square feet

Main Level

Kitchen	- 214.79 sq	
Dining room	-215.56 sq	
Living room	-169.52 sq	
Foyer	-150.41 sq	
Closet	-10.52 sq	
Sub Total		760.8 square feet

Family Level

Family room	-374.65 sq	
Half bath	-19.16 sq	
Hallway	-12.25 sq	
Laundry room	-69.55 sq	
Hallway	-21.88 sq	
Guest Bedroom#3	-105.55 sq	
Guest Bath	-42.31 sq	
Sub Total		645.3 square feet

Basement 591.25 square feet

Enclosed Porch 264.48 square feet

Total	3,017.97 square feet
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Proposed New Work

Enclose existing CARPORT - 380 SFT.

STORAGE ADDITION -

144 SFT.  
524 TOTAL

RECEIVED  
Department of Planning & Zoning  
JUN 04 2008  
Zoning Evaluation Division



# County of Fairfax, Virginia

## MEMORANDUM

July 22, 2008

**TO:** Debbie Hedrick, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Todd Nelson, Urban Forester II  
Forest Conservation Branch, DPWES



**SUBJECT:** Tysons Valley Section 2 Lot 17 (8508 Quaint Lane); SP 2008-PR-064

**RE:** Request for assistance dated July 3, 2008

This review is based on the Special Permit application SP 2008-PR-064 and the special permit plat for "Lot 17 Section 2 Tysons Valley" stamped "Received, Department of Planning and Zoning, June 4, 2008." A site visit was conducted on July 9, 2008.

**Site Description:** This site is developed with an existing split level brick and frame single family detached dwelling with an attached concrete patio, sunroom, and carport. There is an existing concrete driveway at the southeast corner of the site and a wood deck at the northeast corner of the site. Existing vegetation on this site in the vicinity of the proposed addition consists of a 26-inch diameter red oak tree and an 8-inch diameter dogwood tree located at the southern portion of the site in the front yard. There is existing vegetation on off-site parcel 16 along the eastern property boundary consisting of a 20-inch diameter Norway maple and a 14-inch diameter Norway maple. These trees appear to be in fair condition and should be considered for preservation.

- 1. Comment:** There is existing vegetation on off-site parcel 16 along the eastern property boundary consisting of a 20-inch diameter Norway maple and a 14-inch diameter Norway maple. These off-site trees appear to be in fair condition and should be considered for preservation.

**Recommendation:** A tree save area should be provided at the eastern portion of the site to protect the existing off-site trees from construction activities.

- 2. Comment:** There is an existing 26-inch diameter red oak and an 8-inch diameter dogwood located at the southern portion of the site in the front yard. These trees appear to be in fair condition and should be considered for preservation.

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



Tysons Valley Section 2 Lot 17  
SP 2008-PR-064  
July 22, 2008  
Page 2 of 2

**Recommendation:** A tree save area should be provided at the southern portion of the site to protect the existing red oak and dogwood trees from construction activities.

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

TLN/  
UFMID #: 138340

cc: RA File  
DPZ File

### 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.