



APPLICATION ACCEPTED: October 20, 2008
DATE OF PUBLIC HEARING: January 6, 2008
TIME: 9:00 a.m.

County of Fairfax, Virginia

December 30, 2008

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2008-SP-088

SPRINGFIELD DISTRICT

APPLICANTS & OWNERS: William C. Veale and Deborah C. Veale

ZONING: PDH-2

LOCATION: 9214 Bexleywood Ct.

SUBDIVISION: Barrington

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 97-2 ((8)) 246

LOT SIZE: 9,744 Sq. Ft.

SP PROPOSAL: Reduction of certain yard requirements to permit construction of an addition 23.0 feet from the rear lot line and an addition 22.8 feet from the rear lot line and 5 feet from a side lot line such that side yards total 15.8 feet.

STAFF RECOMMENDATION: Staff recommends approval in part for SP 2008-SP-088. Staff recommends approval for the addition that is 9.8 feet from the side lot line and 23 feet from the rear lot line. Staff recommends denial of the addition (deck with lattice below) that is 5 feet from the side lot line and 22.8 feet from the rear lot line.

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 provisions of any applicable ordinances, regulations, or adopted standards.

O:\Scaff2\Case Files\Special Permits\SP 2008-SP-088 VEALE

Shannon Caffee

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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

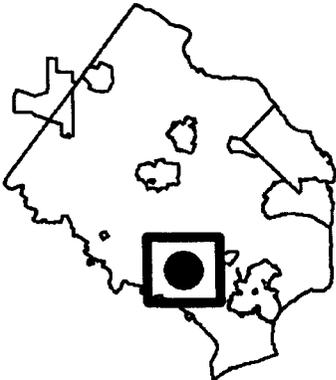
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



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

Special Permit

SP 2008-SP-088



Applicant: WILLIAM C. VEALE AND DEBORAH C. VEALE
Accepted: 10/20/2008
Proposed: TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITIONS 22.8 FT. AND 23.0 FT FROM REAR LOT LINE AND 5.0 FT. FROM SIDE LOT LINE SUCH THAT SIDE YARDS TOTAL 15.8 FT.

Area: 9,744 SF OF LAND; DISTRICT - SPRINGFIELD

Zoning Dist Sect: 08-922

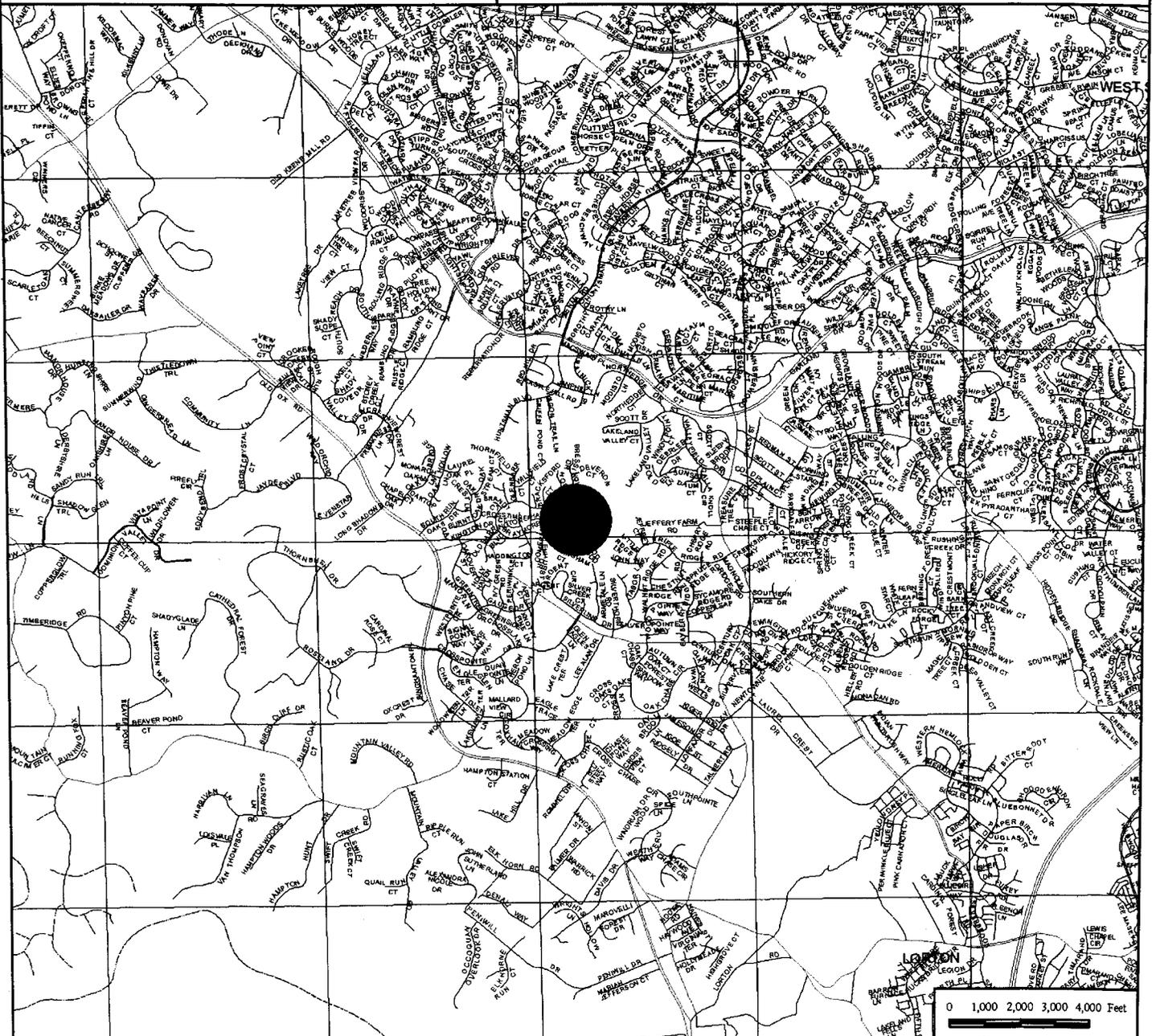
Art 8 Group and Use: 9-21

Located: 9214 BEXLEYWOOD COURT

Zoning: PDH- 2

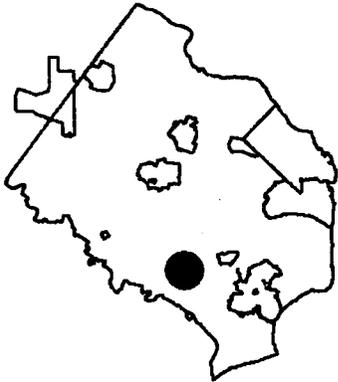
Overlay Dist:

Map Ref Num: 097-2- /08/ /0246



Special Permit

SP 2008-SP-088



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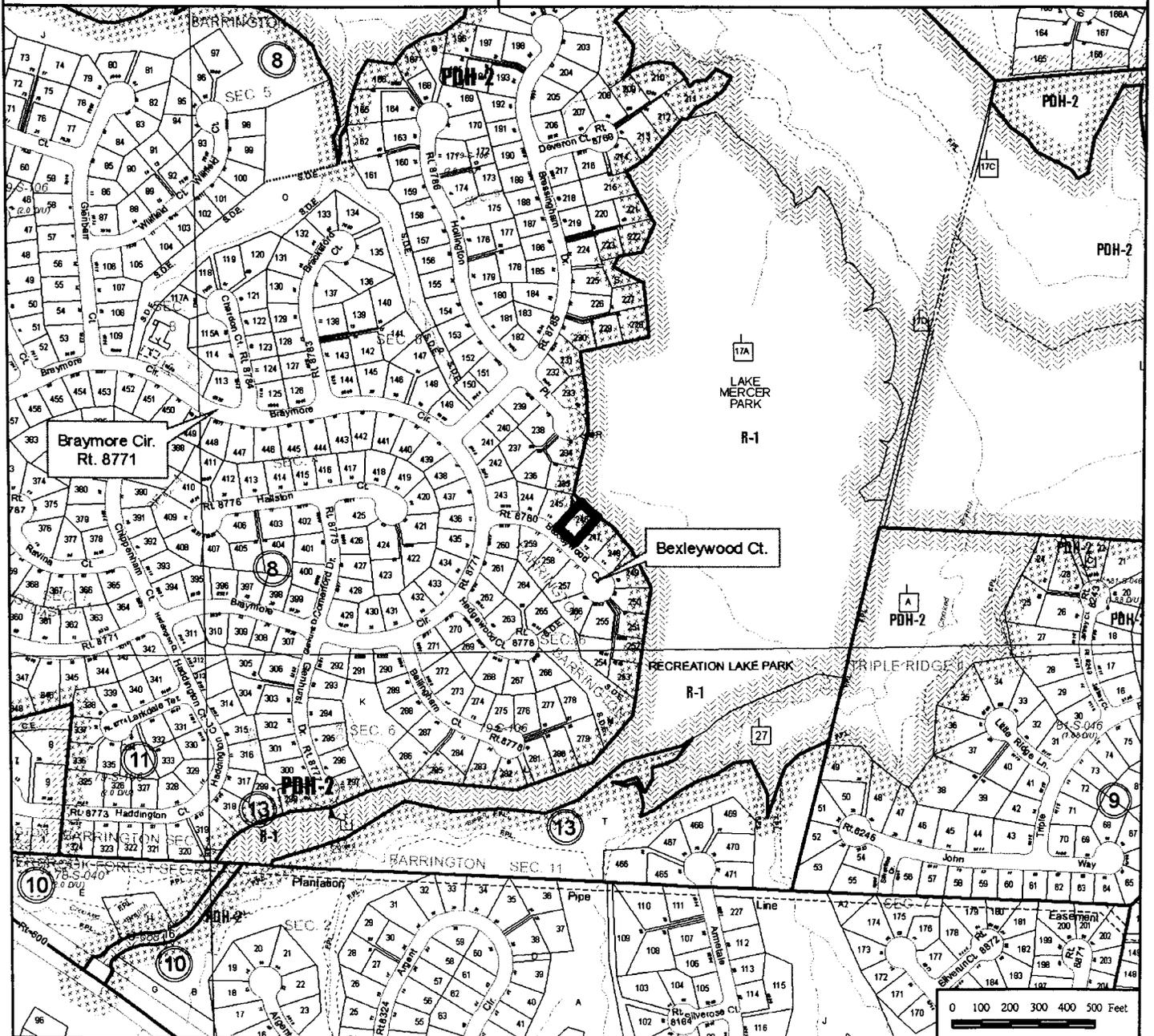
Art 8 Group and Use: 9-21

Located: 9214 BEXLEYWOOD COURT

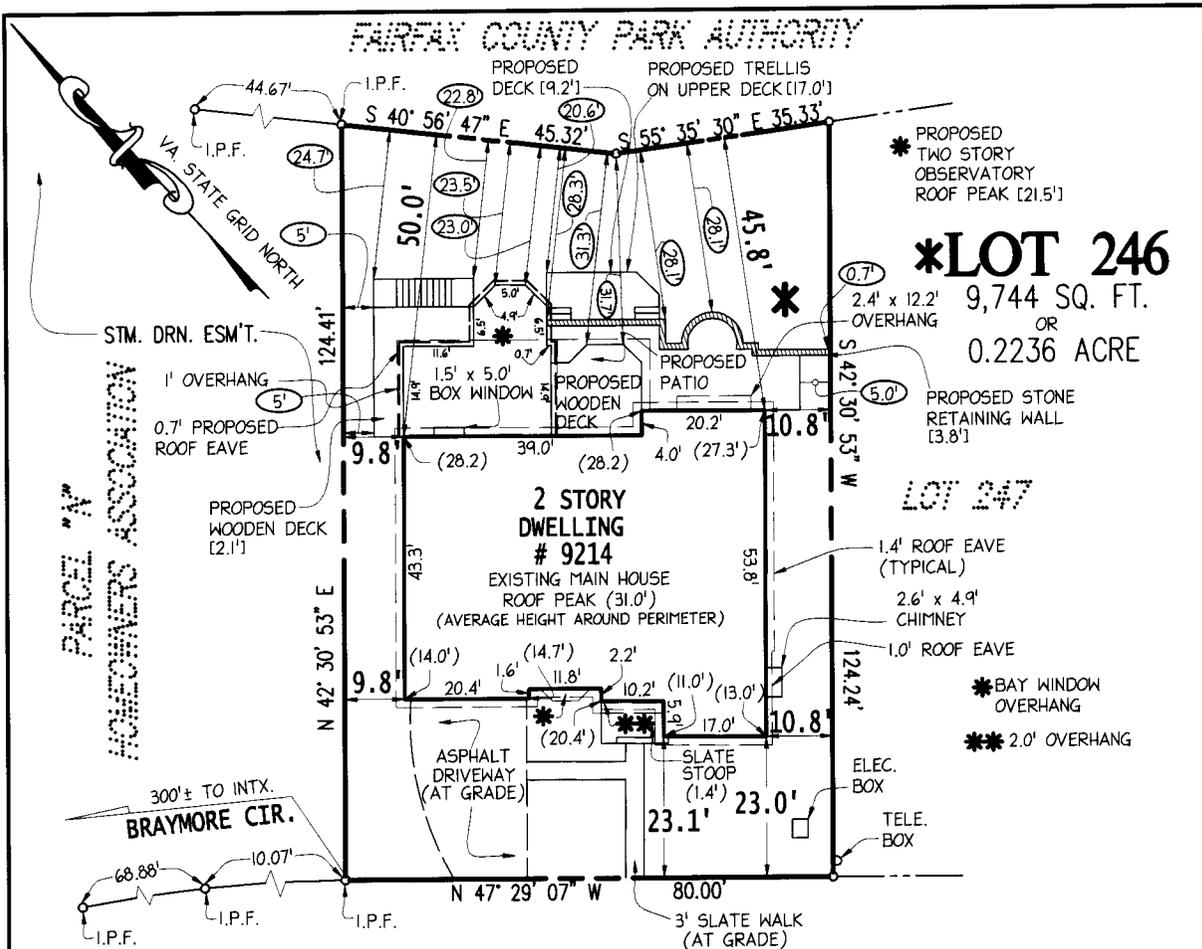
Zoning: PDH- 2

Overlay Dist:

Map Ref Num: 097-2- /08/ /0246



FAIRFAX COUNTY PARK AUTHORITY



***LOT 246**
9,744 SQ. FT.
OR
0.2236 ACRE

BEXLEYWOOD COURT

CENTERLINE (50' R/W)

NOTES:

- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP# 515525-0075-0 EFFECTIVE DATE: MARCH 5, 1990
- 3) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 097-2-08-0246 ZONED PDH-2
- 4) PROPERTY SERVED BY PUBLIC WATER AND SEWER.
- 5) NO BURIAL SITES ON LOT PER RECORD PLAT RECORDED IN DEED BOOK 7485, PAGE 830 AMONG THE RECORDS OF FAIRFAX COUNTY.
- 6) NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE FEET OR MORE PER RECORDED PLAT, RECORDED IN DEED BOOK 7485, PAGE 830.
- 7) TOTAL EXISTING LIVEABLE SPACE IS 6,187 SQ. FT., TOTAL IMPROVED LIVEABLE SPACE IS 1,314.6 SQ. FT. PER FAIRFAX COUNTY.
- 8) PERCENTAGE OF REAR YARD COVERAGE FOR 25' SETBACK IS 10.5% AND DOES NOT EXCEED 30% REAR YARD COVERAGE.

MINIMUM YARD TABLE
PDH-2 CONSERVATION
MINIMUM YARD REQUIREMENTS

| YARD | REQUIRED SETBACK | PROPOSED SETBACK |
|-------|------------------|------------------|
| FRONT | 25' | N/A |
| SIDE | 8' TO 24** | N/A |
| REAR | 25' | 12.5' |

*MUST BE 8' ON BUILDING SIDE OR ADD UP TO 24' TOTAL

LEGEND:

- I.P.F. DENOTES IRON PIPE FOUND
- X- DENOTES FENCE LINE
- (15.2') DENOTES HEIGHT FROM GRADE
- (11.7') DENOTES PROPOSED SWING
- [25.4'] DENOTES PROPOSED HEIGHT FROM GRADE



SPECIAL PERMIT PLAT
LOT 246
SECTION 6
BARRINGTON
SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA

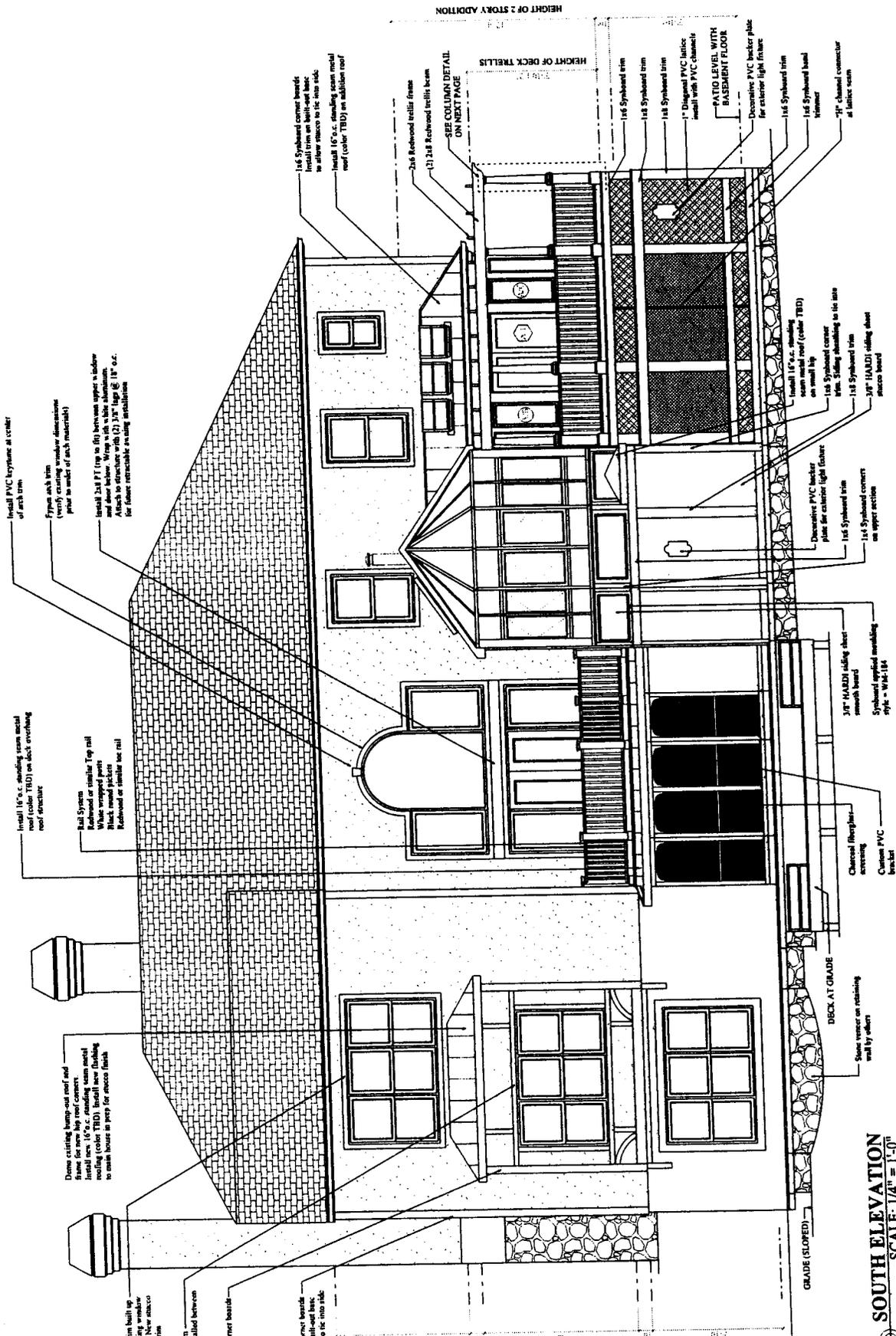
REVISION: 11/20/08 (PROPOSED PATIO & DECK)
REVISION: 12/18/08 (NOTE #7)

B.W. SMITH AND ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYING
MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996

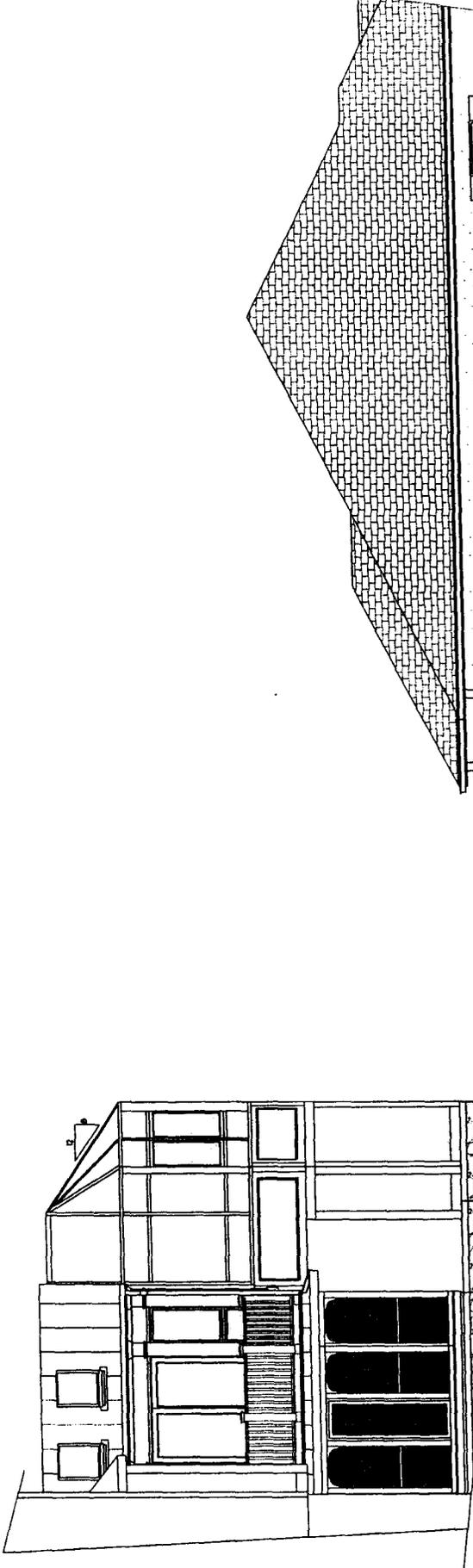
| |
|--------------------------------------|
| FIELD CREW: D. ARMSTRONG |
| REVISION: 7/23/08 (PROPOSED HEIGHTS) |
| REVISION: 9/15/08 (PROPOSED HEIGHTS) |
| JOB# 20080871 |
| DATE: 4/1/08 |

DFT: B.G.T. CHK: T.J.F. NO TITLE REPORT FURNISHED SCALE= 1" = 25'



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

| | | | | | |
|---|-------------------------|--------------------------------|---|---|--|
| PAGE TITLE: ELEVATION | PROJECT NO: J8689.01 | DESIGNER: JEREMY V. FLEMING | CLIENT INFO: | | WILLIAM C. AND DEBORAH C. VEALE 9214 BEXLEYWOOD COURT FAIRFAX STATION, VA. 22039 |
| | | | REVISION RECORD 18.11.18 08.23.18 | REVISION RECORD 18.11.18 08.23.18 | |
| PLANNING AND DESIGN: SUN DESIGN 39 WILSON ROAD, SUITE 101 NEW FARMER, VA 22089 | | | PLAN DATE: 11.26.08 | DRAWING NO: 08.23.18 | |
| 5795 B Burke Center Parkway Burke, VA 22015 (703) 425-5388 (F) 703.239.2168 info@sun-design.com | | | SUN DESIGN 39 WILSON ROAD, SUITE 101 NEW FARMER, VA 22089 | | |



WEST ELEVATION
SCALE: 1/4" = 1'-0"



HEIGHT OF 2 STORY ADDITION
HEIGHT OF DECK TRELLIS

Custom die built 6.0 x 6.0
PVC posts with
Lattice insert

4" x 4" Arch top
aluminum post (black)

EXISTING ELECTRICAL METER
EXISTING CONDENSER (1)
EXISTING DISCONNECT (2)

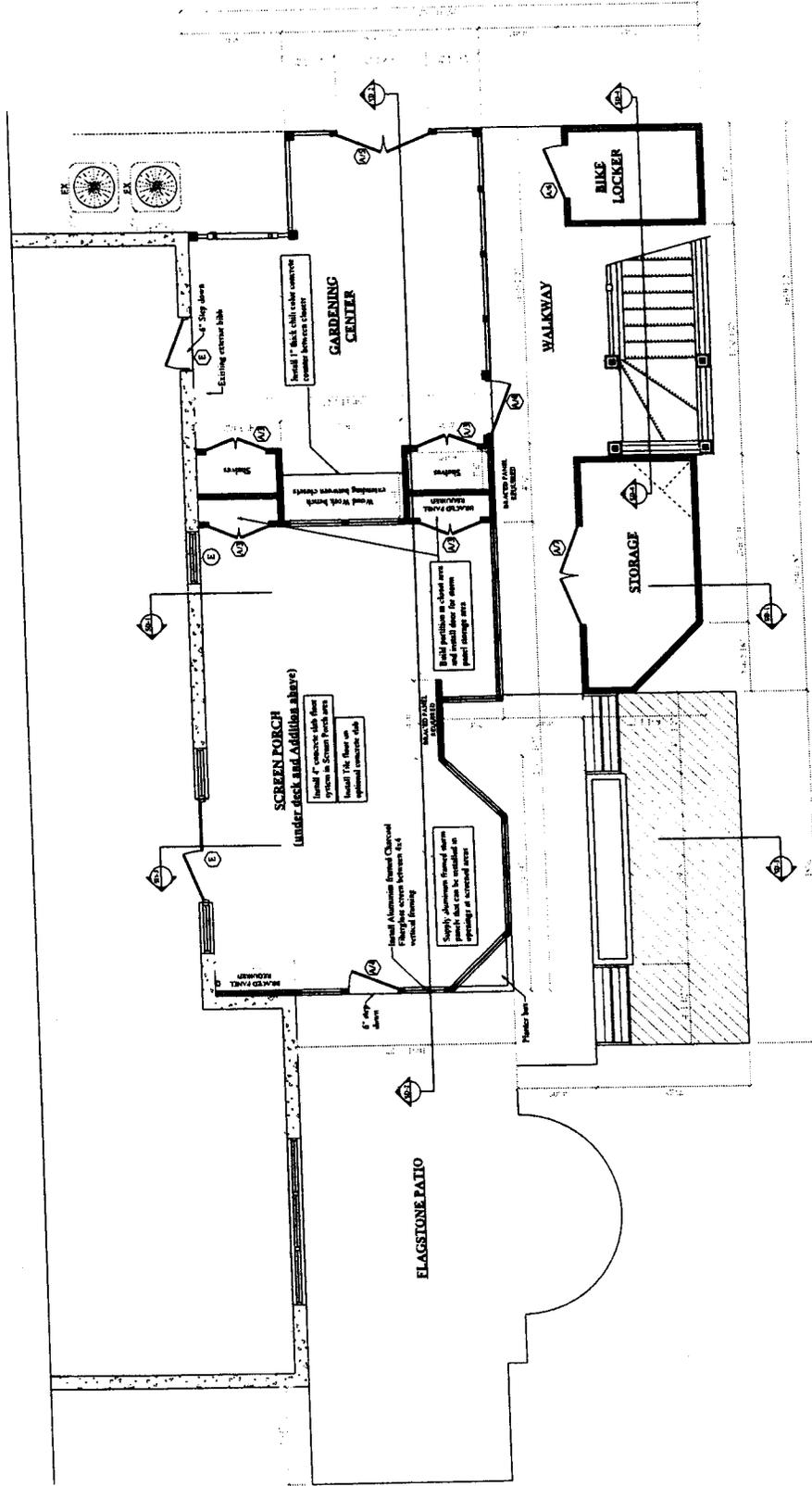
EXISTING BASEMENT WINDOW
EXISTING DRAIN PIPE

Custom PVC Bracket

EAST ELEVATION
SCALE: 1/4" = 1'-0"



| | | | | | |
|--|---|---|---|-----------------------|--|
| PAGE TITLE: ELEVATION PROJECT NO. J8689.01 DESIGNER: JEREMY V. FLEMING | CLIENT INFO: WILLIAM C. AND DEBORAH C. VEALE 9214 BEXLEYWOOD COURT FAIRFAX STATION, VA 22039 | REVISION RECORD 1st Draft 2nd Draft 3rd Draft 4th Draft | REVISION RECORD 1st Draft 2nd Draft 3rd Draft 4th Draft | PLAN DATE 11.26.08 | SUN DESIGN ARCHITECTURE & INTERIORS, INC. JAMES BURKE OF FARMERSBURG, VA |
| | 5795 B Burke Center Parkway Burke, VA 22015 (703) 425-5588 (703) 239-2168 info@sundesigninc.com | 11/26/08 | 11/26/08 | 11/26/08 | 11/26/08 |



LOWER LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

SUN DESIGN
ARCHITECTURAL SPECIFICATIONS, INC.
Sun Design of Rembrandt

PLAN DATE
11.26.08

Designer shall remain the property of the firm and shall not be used for any other projects without the written consent of the firm. Changes or modifications to any drawings shall be indicated on the drawings by a change bar and shall be the responsibility of the designer.

REVISION RECORD

| NO. | DATE | DESCRIPTION |
|-----------|----------|-------------------|
| 1st Draft | | Contract Plan Set |
| 2nd Draft | | |
| 3rd Draft | | |
| 4th Draft | 06.28.08 | DA Plan Set |

WILLIAM C. AND DEBORAH C. VEALE
9214 BEXLEYWOOD COURT
FAIRFAX STATION, VA 22039

5795 B Burke Center Parkway, Burke, VA 22015 (703) 475-5588 (F)703.239.2168 info@sundesigninc.com

CLIENT INFO:

FLOOR PLAN

J8689.01

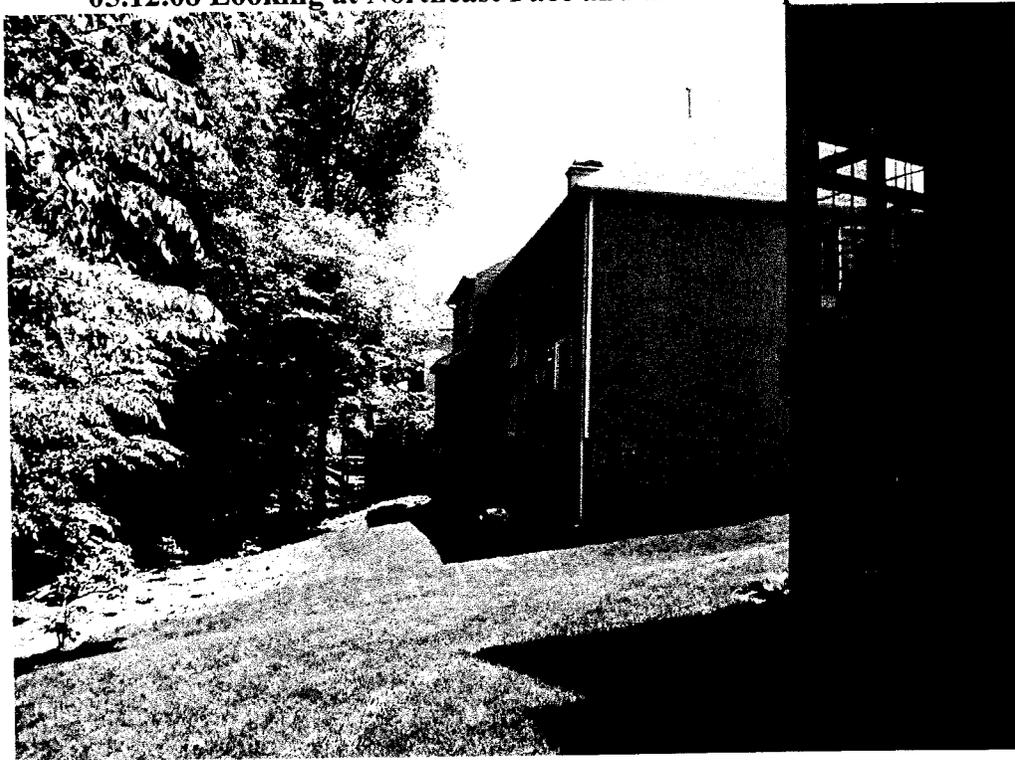
DESIGNER:

JEREMY V. FLEMING

VEALE PROPERTY
9214 BEXLEYWOOD COURT



05.12.08 Looking at Northeast Face and area of improvement



05.12.08 Looking at area of improvement from adjacent property to north

VEALE PROPERTY
9214 BEXLEYWOOD COURT



05.12.08 Looking between subject property (left) and adjacent northern house



05.12.08 Looking northeast from rear of subject property

VEALE PROPERTY
9214 BEXLEYWOOD COURT



05.12.08 Looking Southeast from subject property

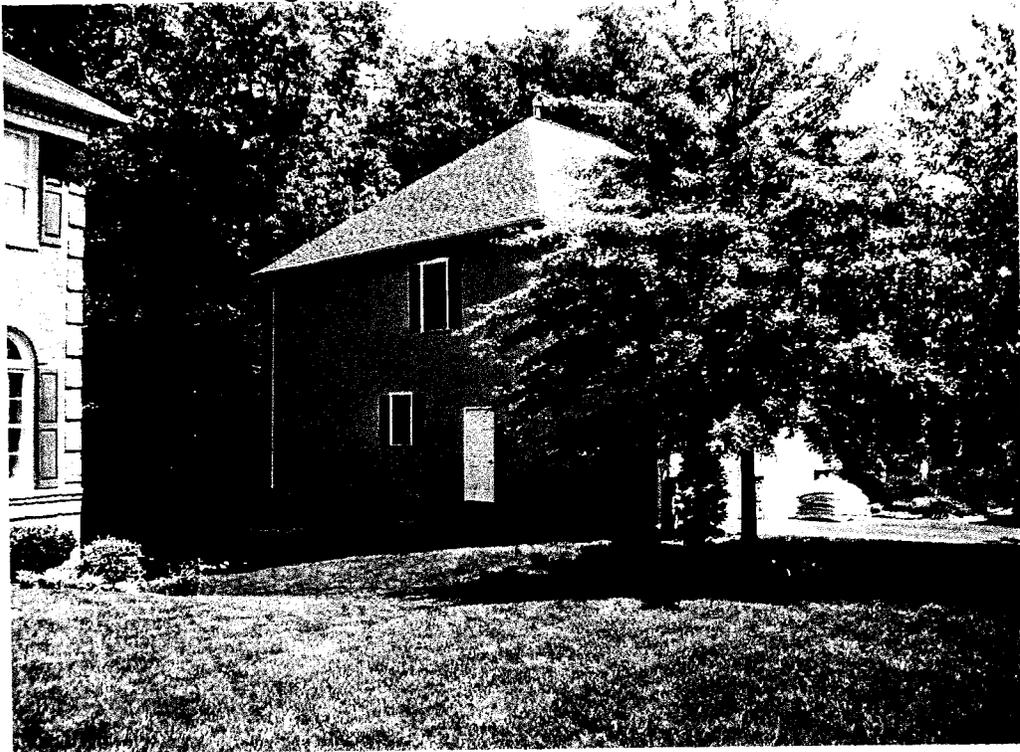


05.12.08 Looking toward northeast from Subject property (right)

VEALE PROPERTY
9214 BEXLEYWOOD COURT



05.12.08 Looking Southwest from subject property northern side



05.12.08 Looking at Subject property West corner from sidewalk

VEALE PROPERTY
9214 BEXLEYWOOD COURT



05.12.08 Looking east on Bexleywood Court (subject property left) from sidewalk



05.12.08 Looking west from subject property front stoop

VEALE PROPERTY
9214 BEXLEYWOOD COURT



05.12.08 Looking South from subject property front stoop



05.12.08 Looking East from subject property front stoop

VEALE PROPERTY
9214 BEXLEYWOOD COURT



05.12.08 Looking at subject property West corner from across Bexleywood court



05.12.08 Looking at subject property South corner from across Bexleywood court

VEALE PROPERTY
9214 BEXLEYWOOD COURT



05.12.08 Looking at subject property South corner from eastern adjacent property driveway



05.12.08 Looking between subject property (left) and East adjacent property

VEALE PROPERTY
9214 BEXLEYWOOD COURT



05.12.08 Looking at East corner of subject property from adjacent property yard



05.12.08 Looking at Southeast side of subject property from back yard

DESCRIPTION OF THE APPLICATION

The applicant seeks approval of two special permits. The first special permit is for a reduction of certain yard requirements to permit construction of a two-story addition, with living space on the upper level including a conservancy and a “garden center/storage area” on the lower level, 23.0 feet from the rear lot line. The second request is to permit construction of an addition, an upper level deck with lattice screening and storage below and a trellis above, 5.0 feet from the northern side lot line and 22.8 feet from the rear lot line. Due to the steep drop in grade from the front of the property to the rear of the property, the basement level is completely exposed at the rear of the house. The upper level of both additions will match up with the first floor of the existing dwelling and the lower levels will match up with the basement.

| | Structure | Yard | Min. Yard Required * | Proposed Location | Proposed Reduction | Percent of Reduction Requested |
|-------------------------|-------------------------|-------------|--|--|---------------------------|---------------------------------------|
| Special Permit 1 | Two Story Addition | Rear | 25 feet | 23 feet | 2 feet | 8 % |
| Special Permit 2 | Deck w. lattice/trellis | Side | 8 feet with a total minimum of 24 feet | 5 feet with a total minimum of 15.8 feet | 8.2 feet | 34 % |
| Special Permit 2 | One Story Addition | Rear | 25 feet | 22.8 feet | 2.2 feet | 8.8 % |

EXISTING SITE DESCRIPTION

The site is currently zoned PDH-2 and is developed with a two story single family detached dwelling. On October 27, 1980 the Board of Supervisors approved RZ 76-S-106 which rezoned 289.58 acres from R-1 to PDH-2 with a density of 2 dwelling units per acre (du/ac.). *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 alterations is in substantial conformance with the approved final development plan. The single family dwelling is

developed under PDH-2 regulations, but is most closely similar to the R-2 Cluster District.

CHARACTER OF THE AREA

| | Zoning | Use |
|-------|--------|----------------------------------|
| North | PDH-2 | Single Family Detached Dwellings |
| South | PDH-2 | Single Family Detached Dwellings |
| East | R-1 | Public Uses & Open Space |
| West | PDH-2 | Single Family Detached Dwellings |

BACKGROUND

The Board of Zoning Appeals (BZA) heard the following applications in the neighborhood:

- Variance VC 97-S-056, granted on September 9, 1997, on Tax Map Number 97-2 ((8)) 183, on 7911 Bracksford Court, zoned PDH-2, northwest of the subject property to permit construction of addition 10.0 ft. from rear lot line.
- Variance VC 98-S-101, granted on November 10, 1998, on Tax Map Number 97-2 ((8)) 193, on 7864 Bessingham Drive, zoned PDH-2, north of the subject property to permit construction of addition 17.3 ft. from rear lot line and six foot high fence in front yard.
- Special Permit SP 2008-SP-051, granted on July 22, 2008, on Tax Map Number 97-2 ((8)) 132, on 7904 Bracksford Court, zoned PDH-2, northwest of the subject property to permit reduction of certain yard requirements to permit construction of addition 19.5 ft. from rear lot line and to permit construction of roofed stoop such that side yards total 20.8 feet.

PROPOSAL

The applicant wishes to construct a number of structures on the subject property. Many of the proposed structures depicted on the special permit plat are permitted by right with the exception of two additions that require a special permit.

The first special permit request is for a two-story addition, with living space including a conservancy on the upper level and a "garden center/storage area" on the lower level.

The second addition serves as a deck on the 2nd level and will have lattice skirting to provide screening for storage below and will have a trellis above. This addition will

protrude beyond the existing plane of the house and be 5 feet from the northern side lot line. The deck portion above will wrap around the proposed two story addition. Though shown as two separate additions, the lower garden center/storage area is one continuous area under the proposed additions.

The applicant also proposes a number of by-right structures on the subject property. The first by-right structure proposed is a 313.3 square foot screen porch addition at the basement level adjacent to the garden center/storage area. On top of this proposed screen porch will be a deck. An at-grade patio and deck is also proposed with the patio 5.0 feet from the southern side lot line.

ZONING ORDINANCE REQUIREMENTS (See Appendix 5)

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application does not meet all of the 8 General Special Permit Standards with notes regarding standard 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 that the special permit application for the deck addition with lattice below does not meet this Standard since the addition is to extend beyond the existing plane of the house and be as close as 5 feet to the northern side lot line. It appears no other homes in the area have additions this close to the side lot lines. The minimum side yards on the original development as depicted on site plans are approximately 10 feet; therefore most homes in the development are only 20 feet apart. A modification this great will not be in character or harmonious with neighboring properties.*

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

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 6,187 square feet in size. 150% of the total gross floor area could result in an addition up to 9,280.5 square feet in size for a possible total square footage at build out of 15,467.5. The applicant proposes to add 313.3 square feet of by-right construction with a screen porch addition. If calculated post by-right construction, the gross floor area could result in an addition up to 9750.5 square feet in size, 150% of this gross floor area could result in a possible total square footage at build out of 16,250.5. Calculating the existing dwelling and all

additions, the house will be 7,519.3 square feet in size at completion. 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 applicant is proposing to construct approximately 1314.6 square feet of additions. This calculation, along with the 150% calculation, does not take into consideration all the proposed patio and decking on the southeastern portion of the lot. While the proposed lower-level decking and patio will be constructed by-right, they will encroach into the southeastern side yard as close as 5.0 feet. Staff believes that the proposed upper level deck with storage below coupled with this proposed by-right expansion on the southeastern end will add considerable mass and bulk to the existing house and at almost 70 feet in length, will add 10 feet of width to the existing dwelling. Staff believes this will be out of character with existing on site development.

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. Staff does not believe that the proposed deck addition will be harmonious with the surrounding neighborhood since it does not appear any other homes within the neighborhood have encroachments into their side yards as close as 5 feet. Given that the subdivision was constructed in accordance with the Final Development Plan as part of rezoning application RZ 79-S-106, the neighboring properties along with the subject property, have (approximately) 10 foot side yards. It should be further noted that there have been only three cases heard by the BZA on lots surrounding the subject property, none of which proposed to encroach and create a 5 foot side yard. Therefore, staff believes that the proposed special permit request for the deck would not be in substantial conformance with the surrounding neighborhood. There is a storm drainage easement adjacent to the proposed expansion, however the easement is only approximately 10 feet in width at this point; therefore, the proposed expansion will still have an adverse impact on adjacent property owners. The rear yard currently has no impervious area. The proposed expansions (both by-right and by special permit) will impact the amount of impervious area within the side and rear yard. In terms of the rear yard, the subject backs up to Fairfax County Park Authority property and no vegetation or significant trees are proposed to be removed. The proposed intrusions into the rear yard are fairly minimal and staff does not object to those, particularly since there is open space beyond the rear yard. However, a 50% intrusion for a two-story addition in the side yard is out of character for the neighborhood.

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. No downstream complaints have been indicated by DPWES; however, given the amount of proposed structures, the amount of impervious area will increase significantly. There are no adverse impacts in the way of light or noise since the proposed structure will be a deck which is screened below.

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. *Since the property backs up to Fairfax County Park Authority open space, staff suggested that the proposed deck addition be redesigned in such a way as to not encroach beyond the plane of the existing dwelling in the side yard, but to encroach slightly more in the minimum required rear yard. There would be less of an adverse impact on the adjacent residential properties and the addition would be more in character with other houses in the neighborhood. The subject lot is rectangular in shape, so there is nothing unusual to cause the need for the intrusion into the side yard. In fact, the subject lot is more regularly shaped than many other lots in the neighborhood.*

CONCLUSION

Staff believes that the subject application for the deck addition with storage below is not in conformance with the applicable Zoning Ordinance provisions as outlined above. Staff does support approval of the two story addition with living space on the second level and storage below as long as the storage area is no closer to the lot line than the existing house.

RECOMMENDATION

Staff recommends approval in part of SP 2008-PR-067. Staff recommends approval for the two story addition with conservancy and storage below and denial of the deck addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2008-SP-088****December 30, 2008**

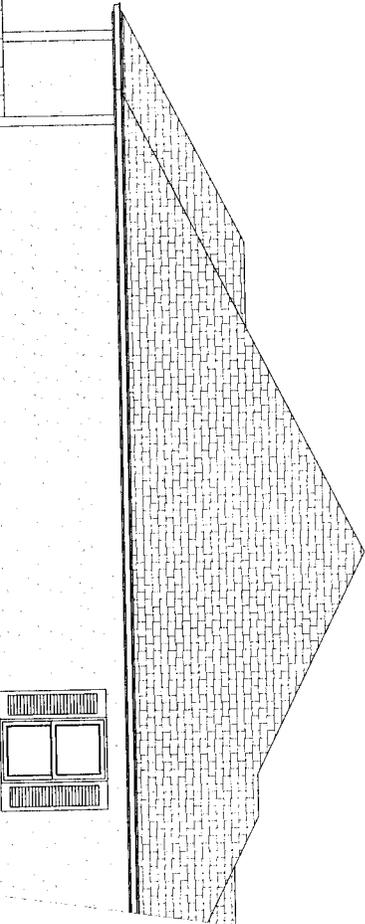
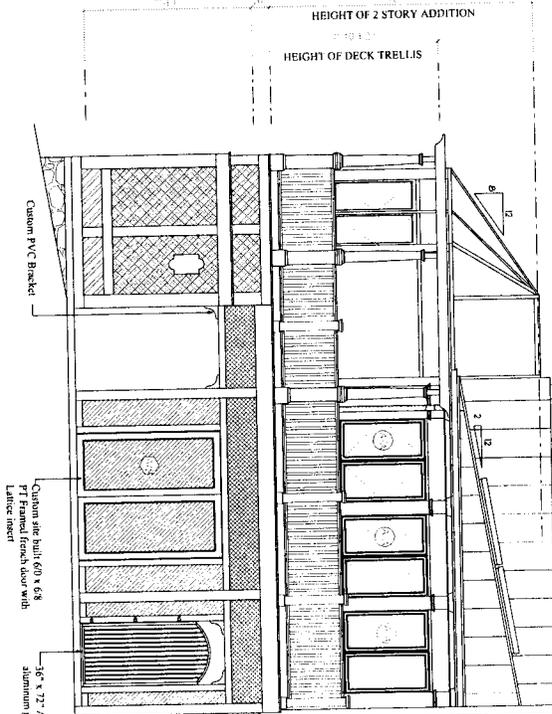
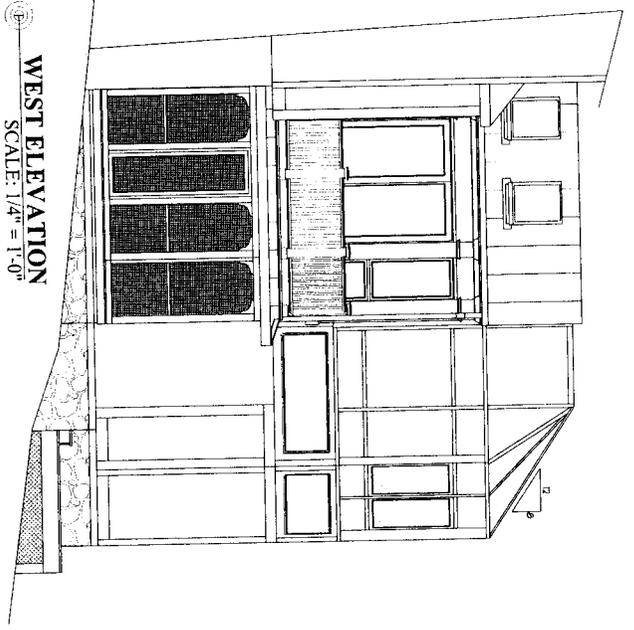
If it is the intent of the Board of Zoning Appeals to approve SP 2008-SP-088 located at Tax Map Number 97-2 ((8)) 246 (9214 Bexleywood Ct.), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land record 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 of the proposed two story addition (conservancy with storage below) as shown on the plat prepared Timothy D. Farrell, B.W. Smith and Associates, inc., dated April 4, 2008, revised through December 18, 2008 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 principle structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion 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. The addition shall be consistent with the architectural renderings and materials included in 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 the use has been established or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use or 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.

WEST ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"

PAGE TITLE: ELEVATION
PROJECT NO: J8689 01
DESIGNER: JEREMY V. FLEMING

CLIENT INFO:
WILLIAM C. AND DEBORAH C. VEALE
9214 BEXLEYWOOD COURT
FAIRFAX STATION, VA 22039

REVISION RECORD

| REV | DATE | DESCRIPTION |
|-----------|------|----------------|
| 1st Draft | | Initial Design |
| 2nd Draft | | Revised Design |
| 3rd Draft | | Final Design |

REVISION RECORD

| REV | DATE | DESCRIPTION |
|-----------|------|----------------|
| 1st Draft | | Initial Design |
| 2nd Draft | | Revised Design |
| 3rd Draft | | Final Design |

PLAN DATE: 11.26.08
SUN DESIGN
ARCHITECTS, INC.
10000 WOODBURN ROAD
FAIRFAX, VA 22033

5795 B Burke Center Parkway Burke, VA 22015 (O) 703.425.5588 (F) 703.239.2168 info@sundesign.com

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 06.04.08
 (enter date affidavit is notarized)

I, Jeremy V. Fleming, 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 100073 a

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

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

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

| NAME (enter first name, middle initial, and last name) | ADDRESS (enter number, street, city, state, and zip code) | RELATIONSHIP(S) (enter applicable relationships listed in BOLD above) |
|--|---|--|
| William C. Veale | 9214 Bexleywood Court Fairfax Station, VA 22039 | Applicant/ Title Owner |
| Deborah C. Veale | 9214 Bexleywood Court Fairfax Station, VA 22039 | Applicant/ Title Owner |
| Sun Design Remodeling Specialists, Inc. | 5795-B Burke Center Parkway Burke, VA 22015 | Agent |
| Jeremy V. Fleming | 5795-B Burke Center Parkway Burke, VA 22015 | Agent |

(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).

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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)

Sun Design Remodeling Specialists, Inc.
5795-B Burke Center Parkway
Burke, VA 22015

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)

Craig C. Durosko
Robert M. Gallagher

(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.

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

PARTNERSHIP INFORMATION

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

NONE

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

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

NONE

(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.

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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: 06.04.08
(enter date affidavit is notarized)

100 073 a

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

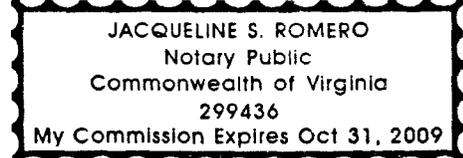
[x] Applicant's Authorized Agent

Jeremy V. Fenwick
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 4 day of June 2008, in the State/Comm. of Virginia, County/City of FAIRFAX.

My commission expires: Oct 31, 2009

Jacqueline S. Romero
Notary Public



STATEMENT OF JUSTIFICATION

RECEIVED
Department of Planning & Zoning
OCT 08 2008
Zoning Evaluation Division

William C. Veale and
Deborah C. Veale
9214 Bexleywood Court
Fairfax Station, VA 22039
Tax ID 0972 08 0246

1. Subject property 9214 Bexleywood Court (tax ID 0972 08 0246) is classified in a PDH-2 Zone and will be converted to R-2C zone for setbacks. Per Fairfax County Zoning Ordinance Sec. 3-107 all lots classified as R-2C will have a minimum rear yard setback of twenty-five (25) feet, a minimum front setback of twenty-five (25) feet, and a minimum side setback of eight (8) feet with a total of twenty-four (24) feet.
2. The location of the driveway and garage entry, the front entrance of the dwelling, and patio improvements existing on the site justifies the location of the proposed addition in the rear/ side yard. A modified proposal of size, shape, or location would not conform to the zoning requirements, intended use, and architectural style of the property and its existing improvements.
3. The proposed addition shape has considered the minimum rear yard setback of twenty-five (25) feet, and has been designed to comply to the best of it's ability and asks for a rear yard setback of twenty-three (23) feet, and a side yard setback of four and eight tenths (4.8) feet.
4. The proposed addition is designed as a multi-use space to include a family room, eating area, screen porch, three separate deck areas, two storage areas, gardening center, masonry paved patios, retaining walls, a connection to rear yard improvements from garage side door, and a gazebo on wood platform, to be used only by the owners, their family, and their guests for many uses that will improve the quality of life of the above mentioned.
5. The proposed addition would have little or no effect on abutting properties to the rear (Northeast) as there is a large wooded area of land owned by the Fairfax County Park Authority. The design has taken into consideration the impact to the abutting property on the north side by using materials and methods of construction that will remain true to the architectural style of the existing structure and aesthetics to gain approval from the abutting property owner as well as the current Home Owners Association Architectural Review Board. The abutting property on the south side will have little to no visual impact due to the majority of the proposed work being on the north side as well as existing vegetation and

the orientation of the structures. The deck and patio improvements on the proposed addition less the area of deck covered by trellis are within the allowable areas permitted by the current zoning regulations. The property on the north side and side that is most impacted by the proposed improvements is oriented at an angle away from the house that does not promote a direct view of the proposed improvements.

6. The proposed addition will use materials and methods of construction that are already used on the existing dwelling to conform to the architectural style of the existing improvements and property.
7. The proposed addition will utilize a continuous masonry foundation with concrete slab, wood framed walls and roof, similar window style to existing, and similar trim details found throughout the existing structure.
8. New flagstone patio will be separated from main building by 2'-0"
9. Proposed addition data
 - a. The proposed addition would be at the ground and mid-level of the existing structure and will tie into the flat vertical walls existing on the structure.
 - b. At ground level the proposed improvements would have a twenty four (24) foot by fifteen (15) foot screen porch with an open rail deck above and partial extension under the family room addition also above, a twenty (20) foot by fifteen (15) foot gardening center area with concrete floor with the family room addition above and partial extension under the northern most deck area, a twenty eight (28) foot by six (6) foot stamped concrete walkway that travels below the family room addition and northern deck as a connection from the yard on both sides as well as from the stairs from the deck area above, a seven (7) foot by five (5) foot bicycle storage area with winder steps positioned above, a six (6) foot by twelve (12) foot storage area with a conservatorie appendage to the family room addition above, an eighteen (18) foot by eight seven (7) foot eight (8) inch wood deck, an eleven (11) foot wood octagonal gazebo on a wood framed platform, and a grade level patio with retaining walls as required by existing site topography.
 - c. At mid-level the proposed improvements would have a twenty four (24) foot four (4) inch family room addition with a twelve (12) foot by twelve (12) foot glass conservatorie bump-out appendage, a fifteen (15) foot by fifteen (15) foot open rail deck, a seventeen (17) foot by six (6) foot six (6) inch deck with stairs down and a wood trellis, and a five (5) foot by thirty

five (35) foot wood deck walkway to connect rear yard improvements to door located on side (north) wall of existing garage.

- d. The proposed improvements combined additional interior liveable spaces of 983 sq. ft. will not increase the final gross floor area of the house past the 150% maximum (the existing principal structure's gross floor area is 6378 sq. ft. which includes 1500 in finished basement area) No portion of the existing principal structure is to be removed.
- e. The proposed addition shall be clearly subordinate in purpose, scale, use and intent to the principal structure (983 sq. ft. vs. 6378 sq. ft. and two story vs. three stories).
- f. The existing gross floor area is 6378 sq. ft, plus the 983 sq. ft. addition for a proposed gross floor area of 7361 sq. ft.
- g. The positioning of the proposed addition would not promote viewing of the addition from the neighbors on one side of the property.

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 expansion request. The resulting gross

floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this 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.

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.