



County of Fairfax, Virginia

January 20, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2008-BR-091

BRADDOCK DISTRICT

APPLICANT: Linda C. Shoemaker

OWNERS: Linda C. Shoemaker
Edward Shoemaker

STREET ADDRESS: 9156 Bloom Court

SUBDIVISION: Dunleigh

TAX MAP REFERENCE: 69-4 ((14)) 58

LOT SIZE: 9,301 square feet

ZONING DISTRICT: R-3 (Cluster)

ZONING ORDINANCE PROVISION: 8-914 and 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit an accessory storage structure to remain 0.4 feet from the rear lot line and 0.0 feet from the side lot line and to permit reduction of certain yard requirements to permit construction of an addition 18.0 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2008-BR-091 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.

O:\dhedr\Special Permits\1-27) SP 2008-BR-091 Shoemaker\SP 2008-BR-091 Shoemaker staff report.doc

Deborah Hedrick

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

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 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.**

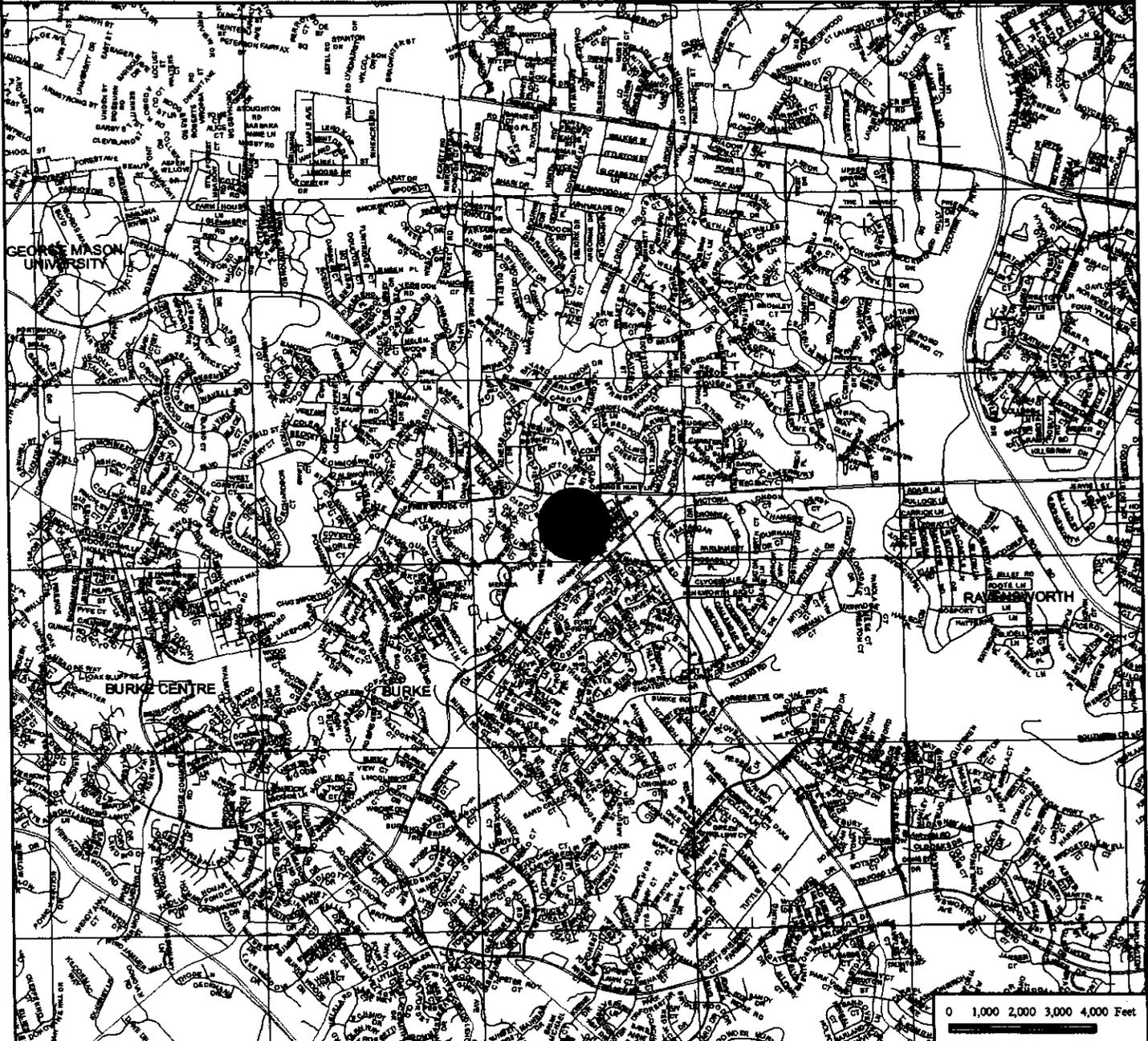
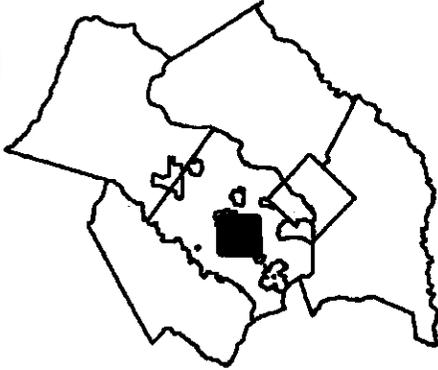


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2008-BR-091

Applicant: LINDA C SHOEMAKER
Accepted: 11/05/2008
Proposed: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 18.0 FEET FROM REAR LOT LINE AND REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 0.4 FEET FROM REAR LOT LINE AND 0.0 FEET FROM SIDE LOT LINE

Area: 9,301 SF OF LAND; DISTRICT - BRADDOCK
Zoning Dist Sect: 08-0914 08-922
Art 8 Group and Use: 9-13 9-21
Located: 9156 BLOOM COURT
Zoning: R- 3 (CLUSTER)
Overlay Dist:
Map Ref Num: 069-4 /14/ /0058

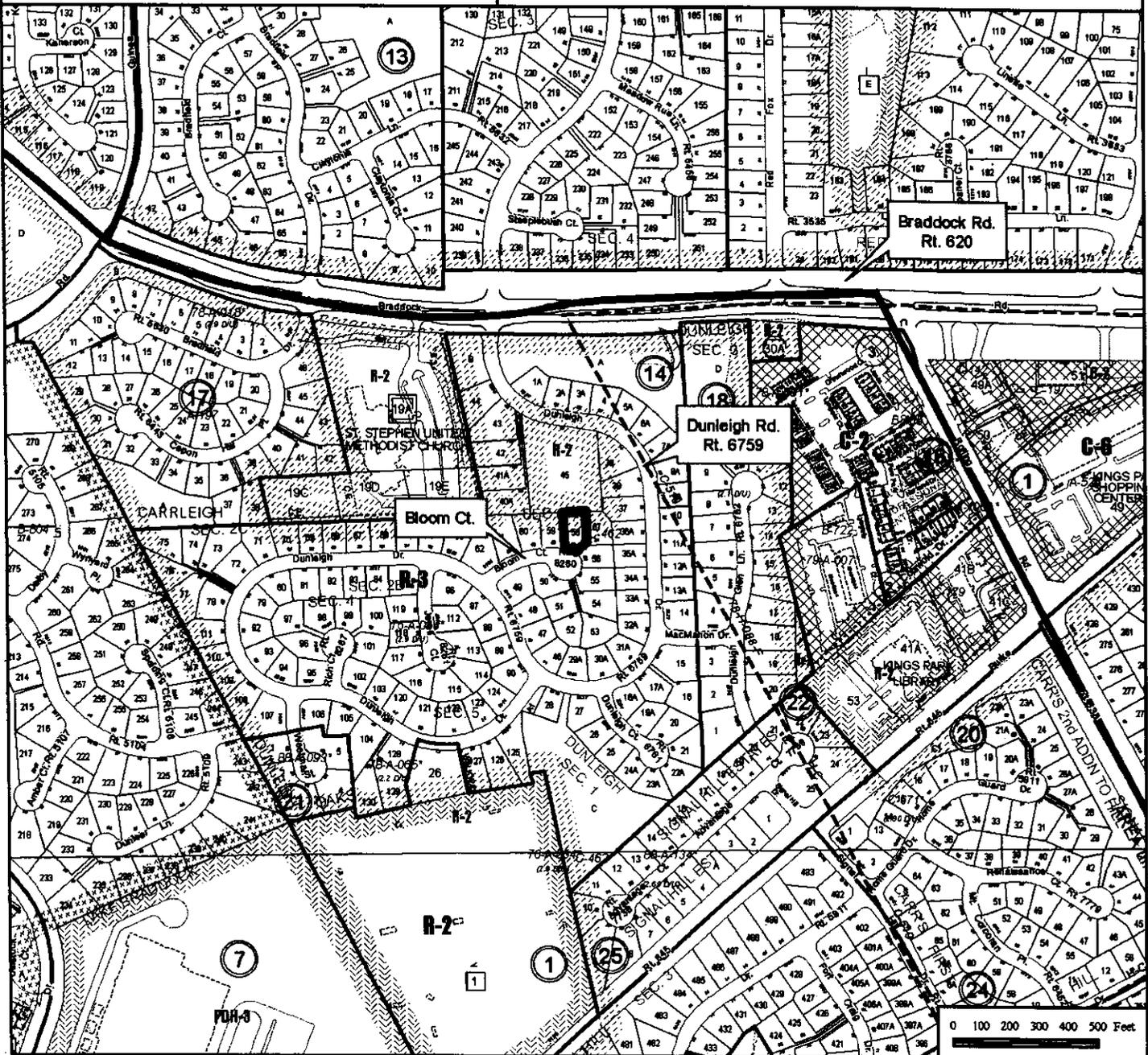


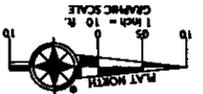
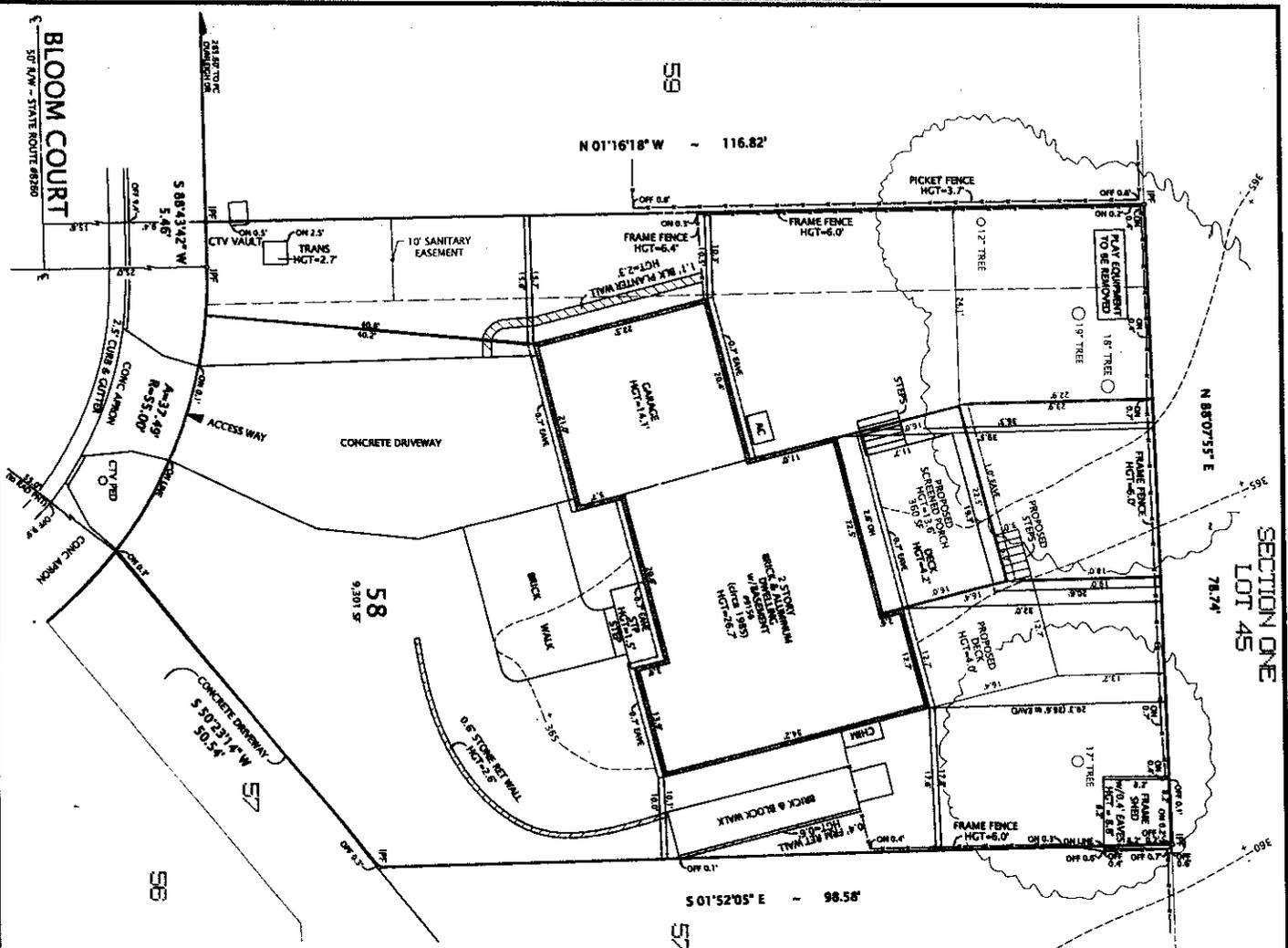
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Zoning: R-3 (CLUSTER)
Overlay Dist:
Map Ref Num: 069-4 /14/ /0058





NOTES

1. TAX MAP: 68-4-14-0058
2. ZONE: R-3 CLUSTER (RESIDENTIAL 3 DU/AC)
3. LOT AREA: 9,301 SQUARE FEET
4. REQUIRED YARDS:
 - FRONT: 20.0 FEET
 - SIDE: 08.0 FEET, BUT A TOTAL OF 20 FEET.
 - REAR: 25.0 FEET
5. HEIGHTS:
 - DWELLING: 26.7 FEET
 - GARAGE: 14.1 FEET
 - SHED: 08.8 FEET
 - PROP SCREENED PORCH: 13.6 FEET
 - PROP DECK: 04.0 FEET
 - DECK: 04.2 FEET
 - FENCES: AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER UTILITIES ARE UNDERGROUND.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS, 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOOD PLANS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.

12. AREAS:

BASEMENT	1,062 SF
1ST FLOOR	1,062 SF
2ND FLOOR	1,120 SF
GARAGE	459 SF
EX GROSS FLOOR AREA	3,703 SF
PROPOSED SCREENED PORCH	360 SF
PROPOSED GROSS FLOOR AREA	3,703 + 360 = 4,063 SF
EX FLOOR AREA RATIO	= EX GFA (3,703) / LOT AREA (9,301) = 0.40
PROP FLOOR AREA RATIO	= P GFA (4,063) / LOT AREA = (9,301) = 0.44

PROPOSED REAR YARD IMPERVIOUS COVER CALCULATION:
 PROP IMPERVIOUS COVER (235 SF) / REAR YARD (1972 SF) = 12 %

PLAT
 SHOWING THE IMPROVEMENTS ON
LOT 58, SECTION 2-A
DUNLEIGH

(CREED BOOK 5963, PAGE 776)
 FAIRFAX COUNTY, VIRGINIA
 BRADDOCK DISTRICT
 JULY 08, 2008
 SEPTEMBER 23, 2008 (REVISED)
 DECEMBER 04, 2008 (REVISED)
 SCALE: 1" = 10'

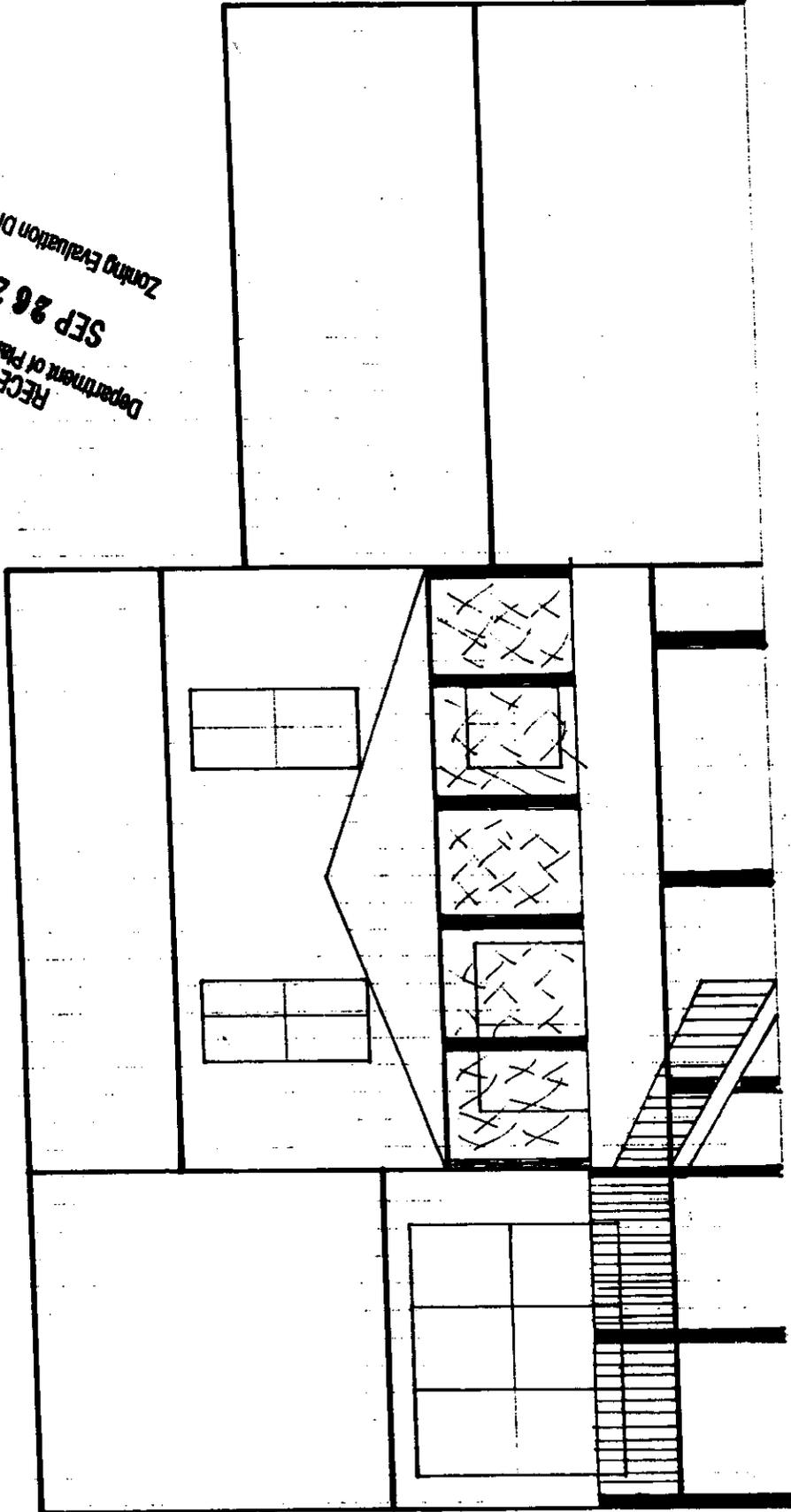
I HEREBY CERTIFY THAT THE CONTENTS OF ALL THE EXISTING IMPROVEMENTS SHOWN HEREON WERE EXAMINED BY ME OR A COMPETENT FIELD SURVEYOR AND I HAVE SHOWN THERE ARE NO UNLAWFUL ENCROACHMENTS AS OF THE DATE THIS PLAT IS SUBMITTED TO RECORD. A TITLE REPORT WAS NOT FURNISHED. NO COMMON NUMBERS SET.

LAND SURVEYORS OF VIRGINIA
 07/08/2008
 LICENSE NO. GEORGE M. QUINN
 Surveyor

DOMINION Surveyors
 EDWARD E. SHOWNAKERS
 8800 W. PINE TREE VALLEY COURT
 ALEXANDRIA, VA 22304
 TEL: 703-219-5555
 FAX: 703-795-6412

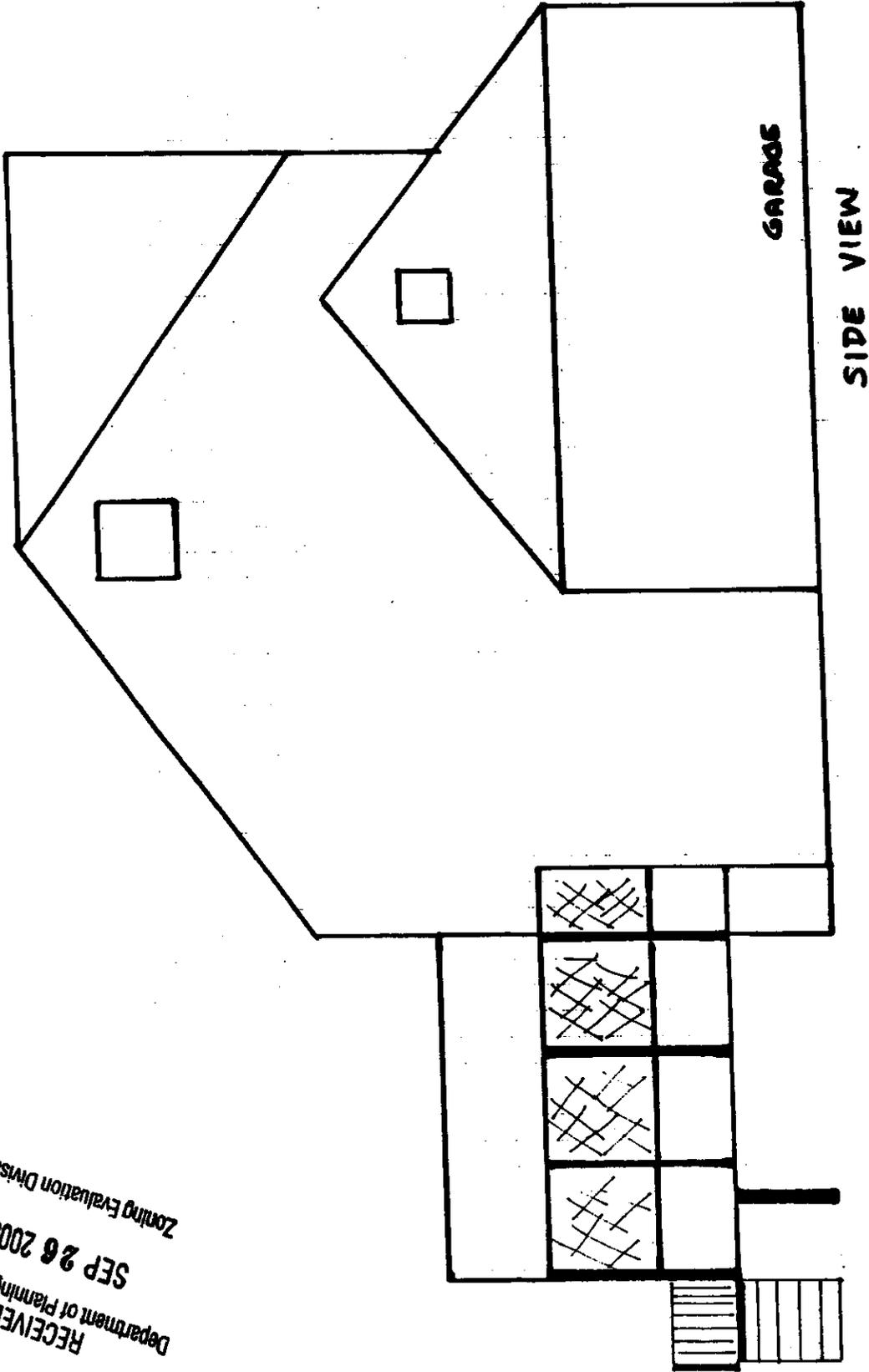
SHOEMAKER CT
9156 BLOOM CT
BURKE VA 22015

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SEP 26 2008
Zoning Evaluation Division



REAR VIEW

SHOEMAKER
9166 BLOOM CJ
BURKE, VA 23015



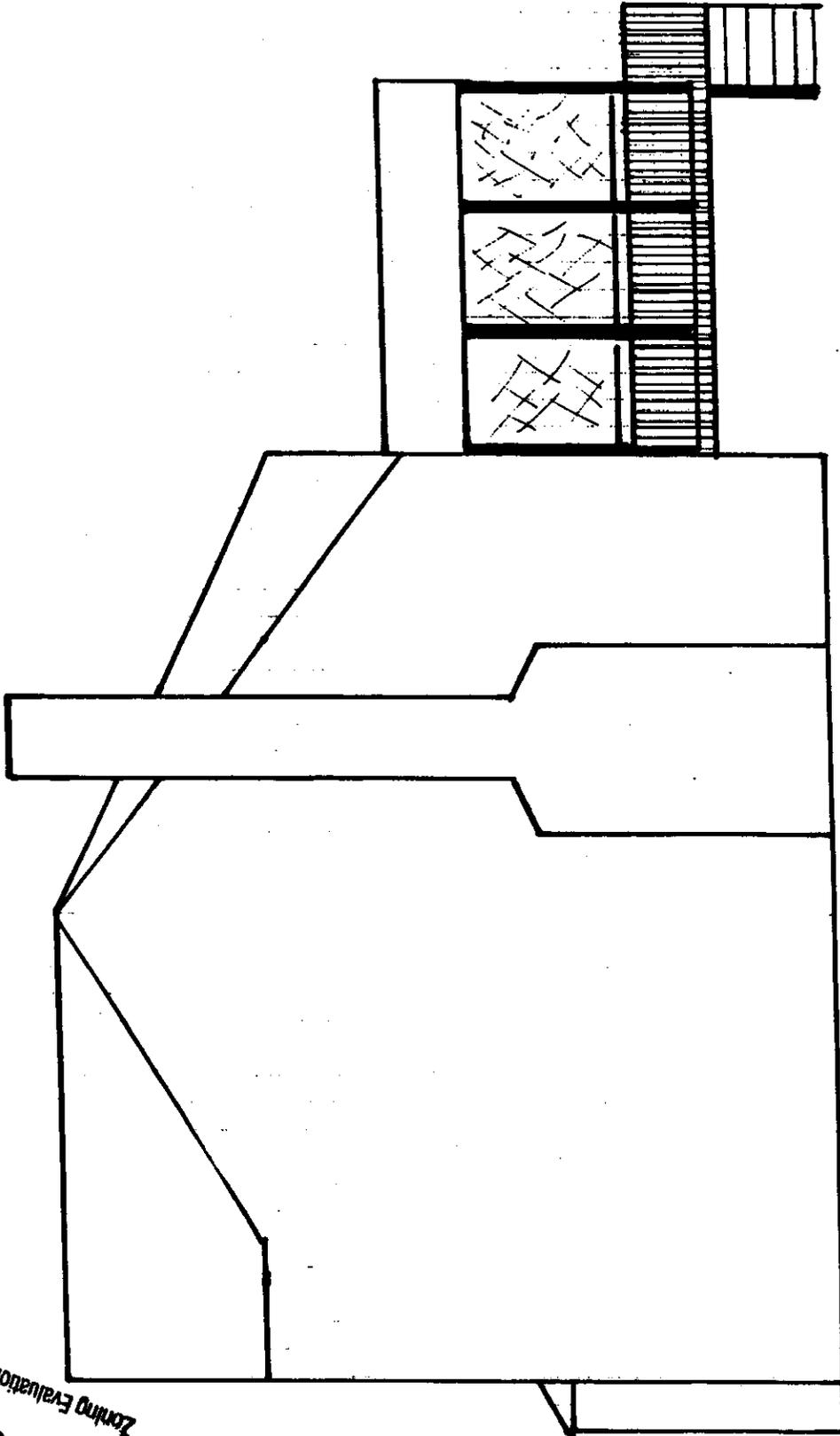
FRONT

SIDE VIEW

REAR

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Zoning Evaluation Division

SHOEMAKER
9156 BLOOM CT
BURKE, VA 22015



REAR

SIDE VIEW

FRONT

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Zoning Evaluation Division

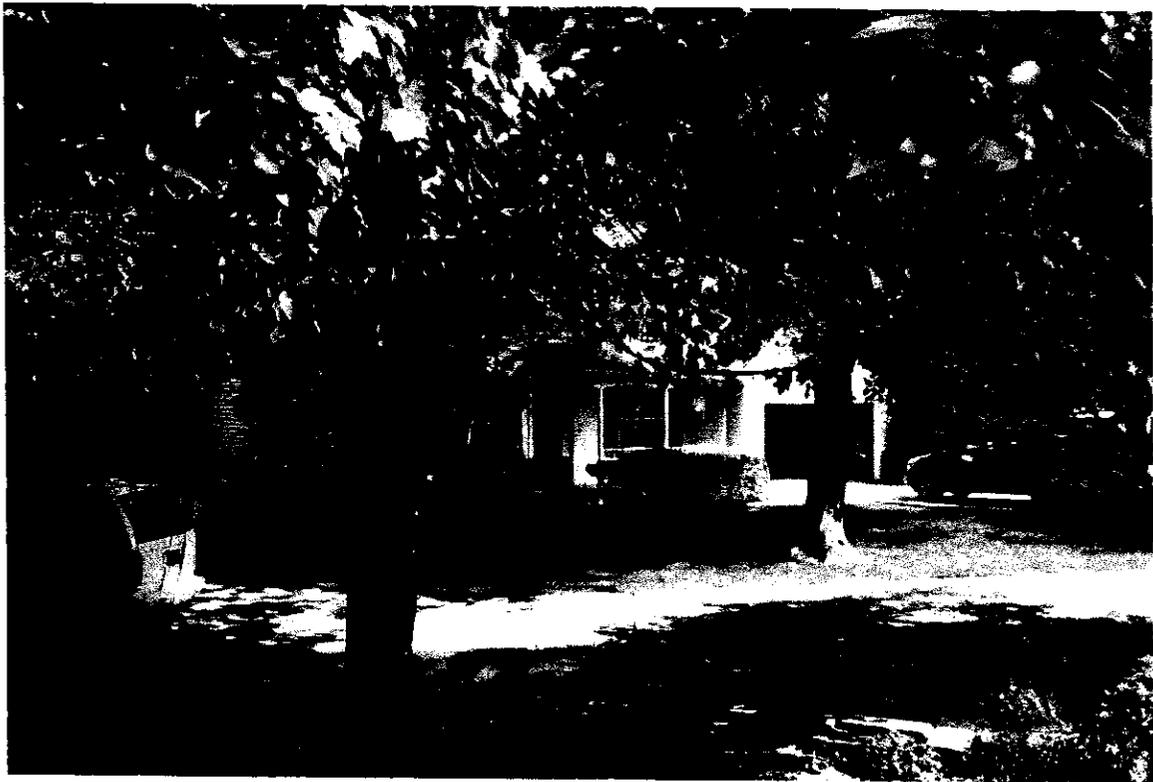




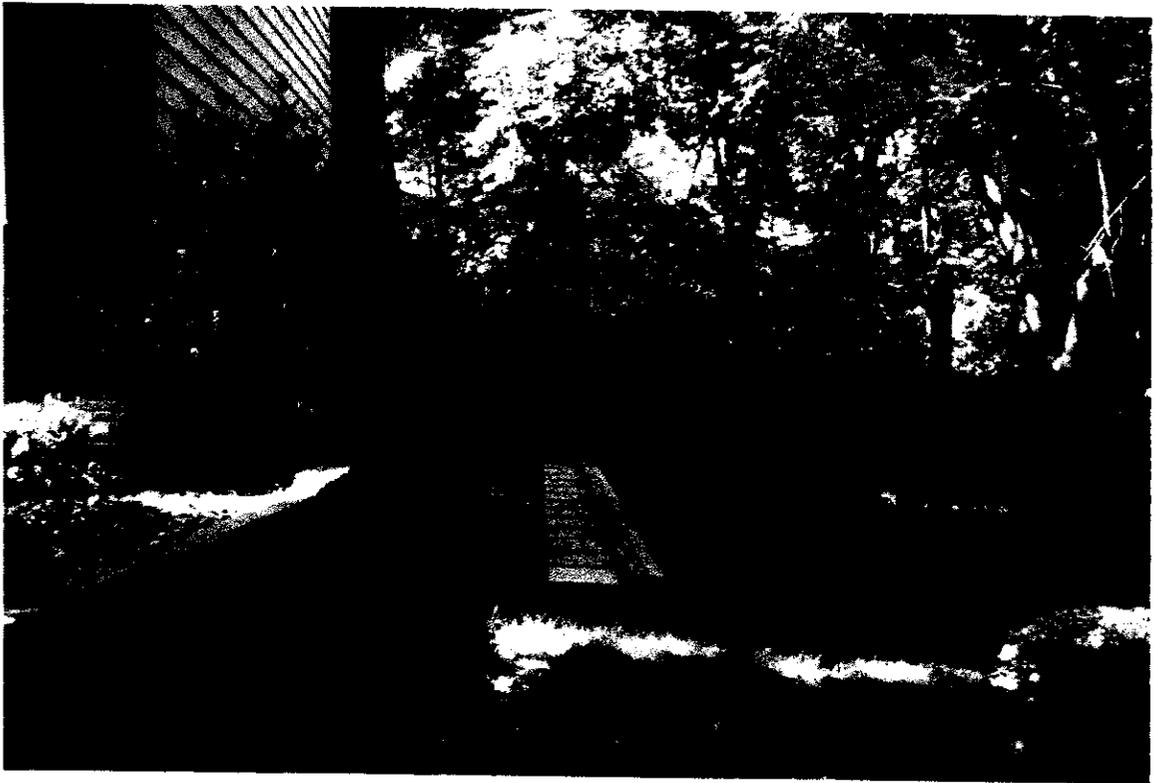


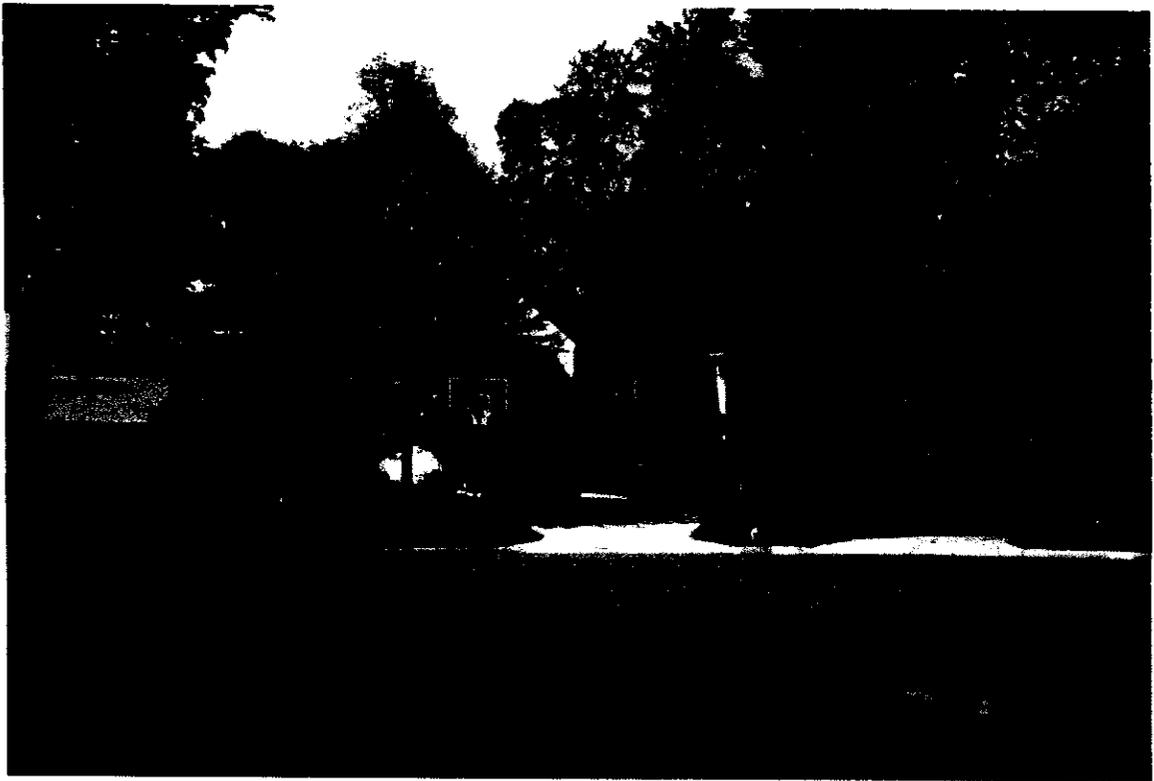


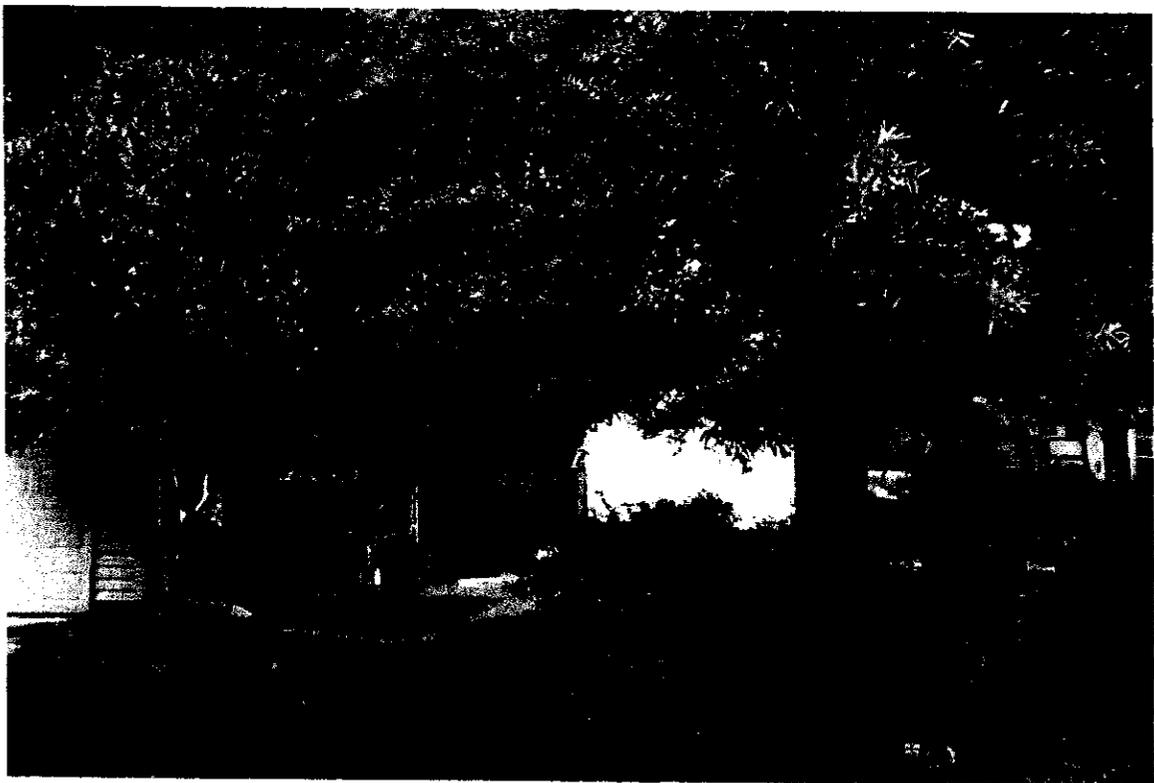


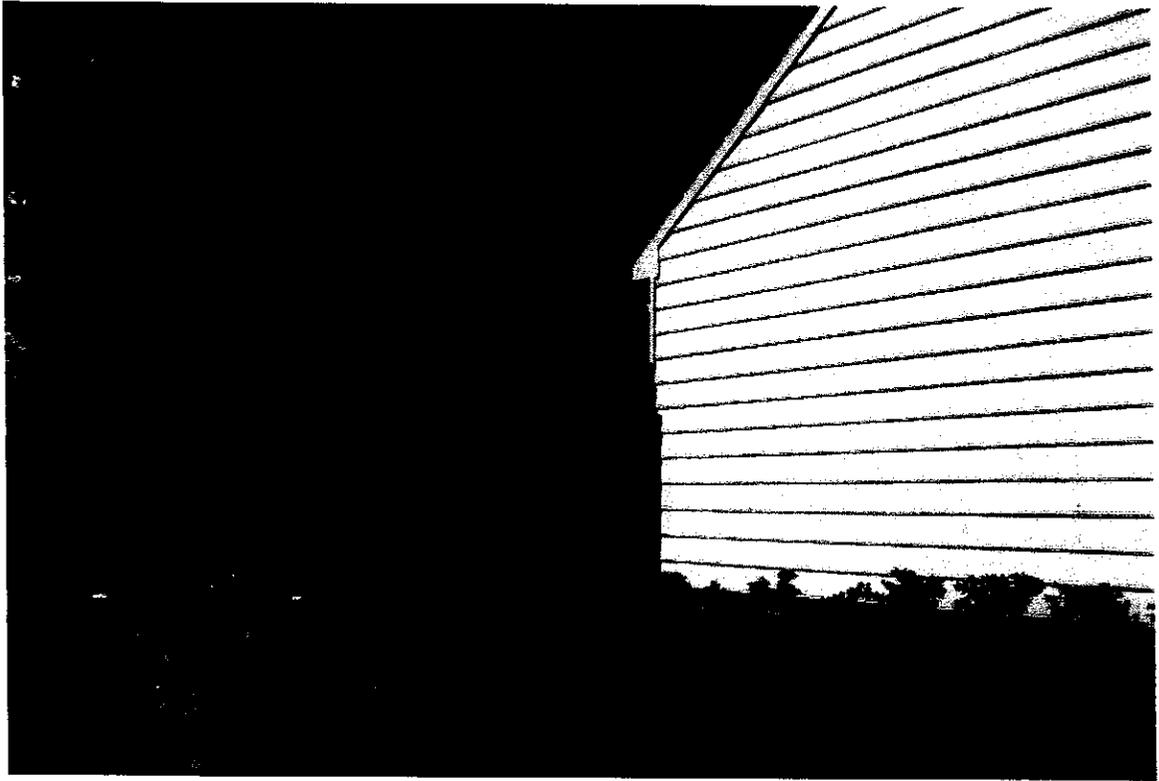












DESCRIPTION OF THE APPLICATIONS

The applicant requests a special permit to permit reduction to minimum yard requirements based on error in building location to permit an accessory storage structure (frame shed) which measures 8.8 feet in height to remain 0.4 feet from the rear lot line and 0.0 feet from the eastern side lot line.

Description of Error

	Structure	Yard	Min. Yard Req.*	Min. Allowed	Structure Location	Amount of Error	Percent of Error
Special Permit	Frame Shed	Eastern Side	8.0 feet	8.0 feet	0.0 feet	8.0 feet	100%
Special Permit	Frame Shed	Rear	8.8 feet	8.8 feet	0.4 feet	8.4 feet	95%

*Minimum yard requirement per Section 10-104

The applicant also requests a special permit to permit reduction of certain yard requirements to permit construction of a screened porch addition 18.0 feet from the rear lot line.

Description of Reduction

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Rear	25.0 feet	18.0 feet	7.0 feet	28%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The site is currently zoned R-3, developed under the Cluster regulations, and contains a single family detached dwelling built in 1985. The lot consists of 9,301 square feet and is surrounded by single family detached dwellings on all lot lines. The dwelling is situated toward the rear of the lot, which has mature vegetation along the rear lot line.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single Family Detached Dwelling
East	R-3 Cluster	Single Family Detached Dwelling
South	R-3 Cluster	Single Family Detached Dwelling
West	R-3 Cluster	Single Family Detached Dwelling

BACKGROUND

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

- *Variance VC 2002-BR-049* was approved on June 26, 2002 for Tax Map 6904 ((14)) 26, zoned R-3, at 5302 Dunleigh Court, to permit construction of addition 23.0 feet from rear lot line in a R-3 cluster subdivision.
- *Variance VC 00-B-099* was approved on October 3, 2000 for Tax Map 69-4 ((14)) 76, zoned R-3, at 5276 Dunleigh Drive, to permit construction of an addition 15.9 feet from the rear lot line.
- *Variance VC 83-A-195* was approved on February 14, 1984 for Tax Map 69-4 ((14)) 23A, zoned R-3, at 5308 Dunleigh Court, to permit construction of solarium addition to dwelling 17.4 feet from rear lot line.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** Plat, Showing the Improvements on Lot 58, Section 2-A, Dunleigh
- **Prepared by:** Dominion Surveyors Inc.
- **Dated:** July 8, 2008 as revised through December 4, 2008
- **Building Permit required:** No. A building permit is not required for the 69 square foot shed.
- **Error Made by:** Applicant.

Proposal:

The applicant proposes to construct a screened porch addition, 360 square feet in size, to be located 18.0 feet from the rear lot line. As shown on the plat, the applicant will also be constructing a deck which will meet minimum yard requirements. The applicant also proposes to permit an existing storage structure to remain 0.4 feet from the rear lot line and 0.0 feet from the side lot line.

ZONING ORDINANCE REQUIREMENTS

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

The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 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 the screened porch addition will be in keeping with the surrounding properties and will not adversely affect the use or development of neighboring properties. Some of the homes in the neighborhood have constructed similar additions, with approval of variances; therefore, staff does not believe the addition would adversely affect the use or development of neighboring properties and 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 consist of a screened porch to be placed in the location of an existing deck. There is ample mature existing vegetation along the rear lot line and no vegetation is proposed to be removed to accommodate the new structure. 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 3,703 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 5,554.5 square feet in size for a possible total square footage at build out of 9,257.5. The proposed addition is 360 square feet, for a total square footage of the house with the addition of 4,063 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 screened porch addition will be compatible with the architecture of the existing house on the lot. The height of the new structure will not exceed the height of the existing house, which is 26.7 feet high. The screened porch addition is proposed to be 13.6 feet high. Since the addition will replace an existing wood deck, staff does not believe it will create the appearance of additional bulk to the property. 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. The photographs submitted and elevation drawings indicate that the proposed screened porch addition will be compatible with the surrounding houses in the neighborhood. The addition to the rear of the dwelling would have no significant negative impact to the property immediately to the rear lot line, since there is ample vegetation existing, and no vegetation is proposed to be removed to accommodate the new structure. The dwelling is situated toward the rear of the lot leaving no other location for placing the structure, which will replace an existing wood deck. Therefore, staff believes that the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of the screened porch to the rear of the existing dwelling would have very little impact on stormwater runoff, noise, light, air, safety or erosion, since it is a minimal request by adding a mere 360 square feet to the lot, in place of an existing wood deck. 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 request to construct a 360 square foot screened porch, which will replace an area in which there is currently a wood deck, appears to be the most logical location for such an addition. Along with the fact that the dwelling is situated toward the rear of the lot at an angle, and the existence of a 10 foot sanitary sewer easement along the entire western side lot line leaves no other reasonable location to accommodate the request on the lot. Given the small size of the lot, and the placement of the existing dwelling on the lot, there is very little opportunity to add this type of request except as proposed. The entire rear lot line of the property has ample vegetation and no vegetation is proposed to be removed to accommodate the structure. Other issues of well, 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 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-BR-091 for a screened porch addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

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

PROPOSED DEVELOPMENT CONDITIONS**SP 2008-BR-091****January 20, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2008-BR-091 located at Tax Map 69-4 ((14)) 58 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 of a screened porch addition (360 square feet), and a frame shed, as shown on the plat prepared by Dominion Surveyors Inc., dated July 8, 2008 as revised through December 4, 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 (3,703 square feet existing + 5,554.5 square feet (150%) = 9,257.5 square feet maximum permitted on lot) 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 screened porch addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

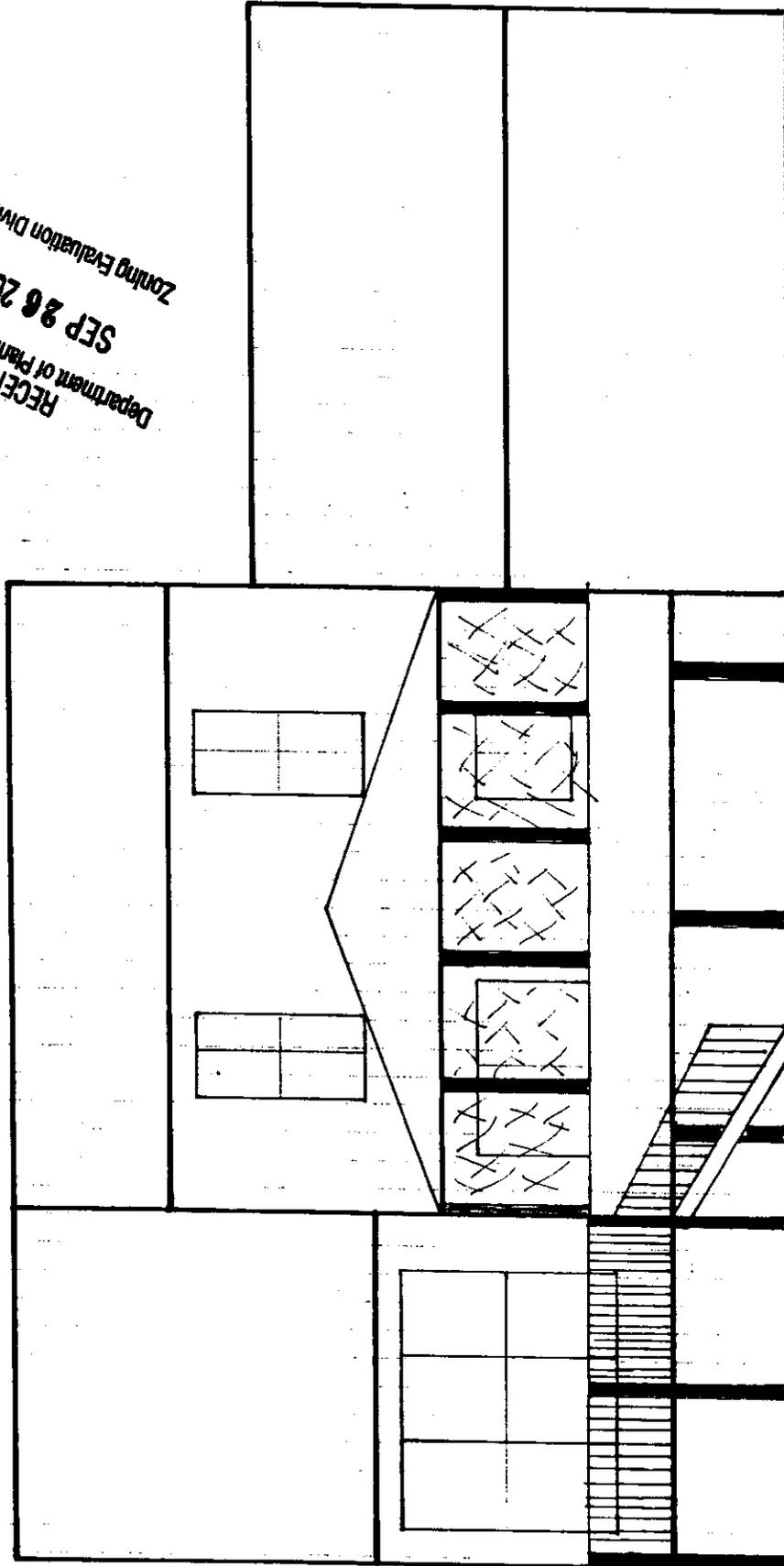
5. All structures shall be in accordance with Section 10-101 of the Zoning Ordinance, which states that accessory uses and structures shall be located on the same lot with a principal use or structure which is permitted within such district.
6. Prior to final building inspection for the addition, the applicant shall remove the play equipment, as depicted on the plat, so that it is outside the area of the sanitary sewer easement, and in conformance with applicable Zoning Ordinance provisions.

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.

SHOE MAKER
9156 BLOOM CT
BURKE VA 22015

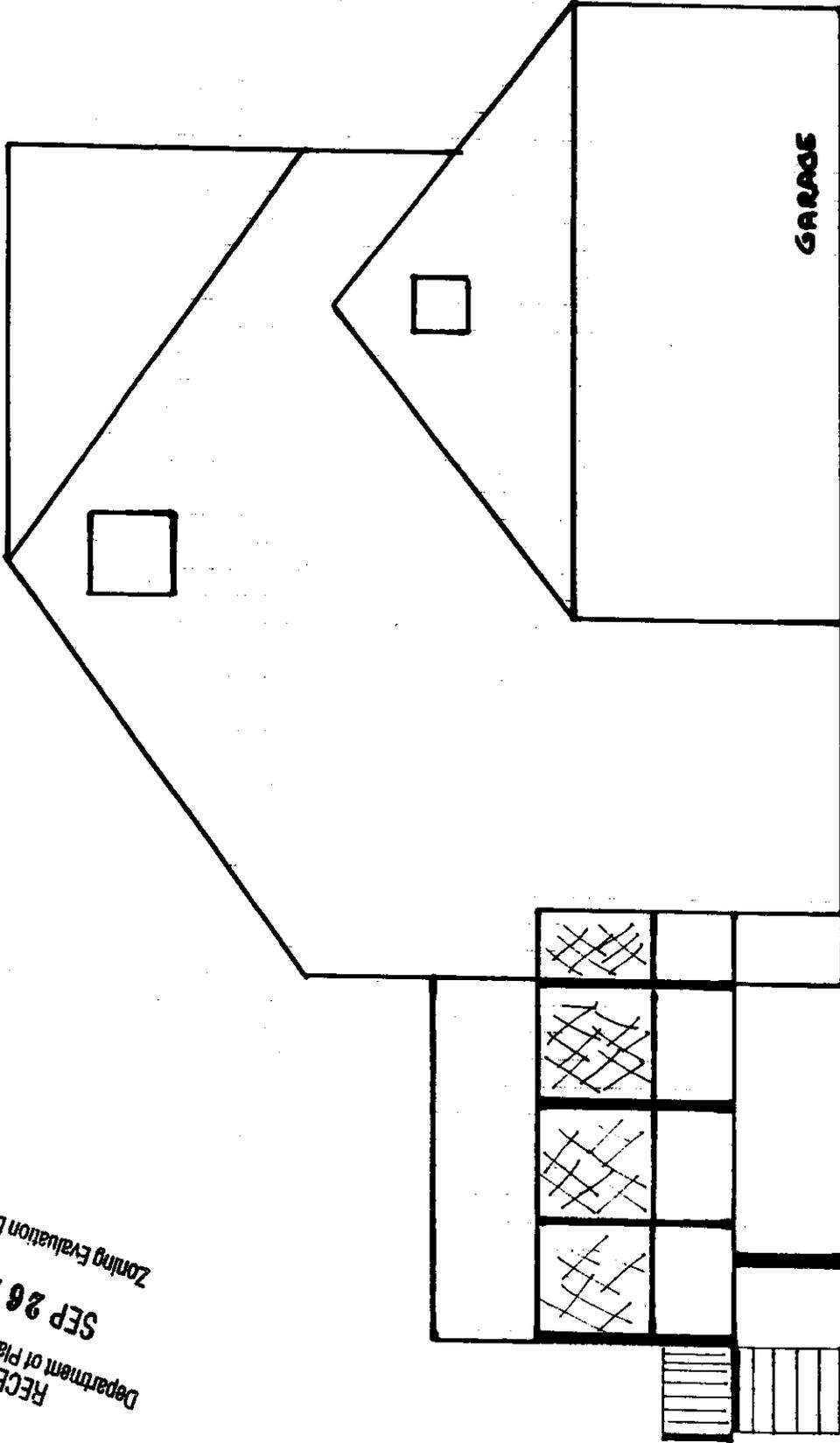
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Zoning Evaluation Division



REAR VIEW

SHOEMAKER
9156 BLOOM CT
BURNS, VA 22015

FRONT



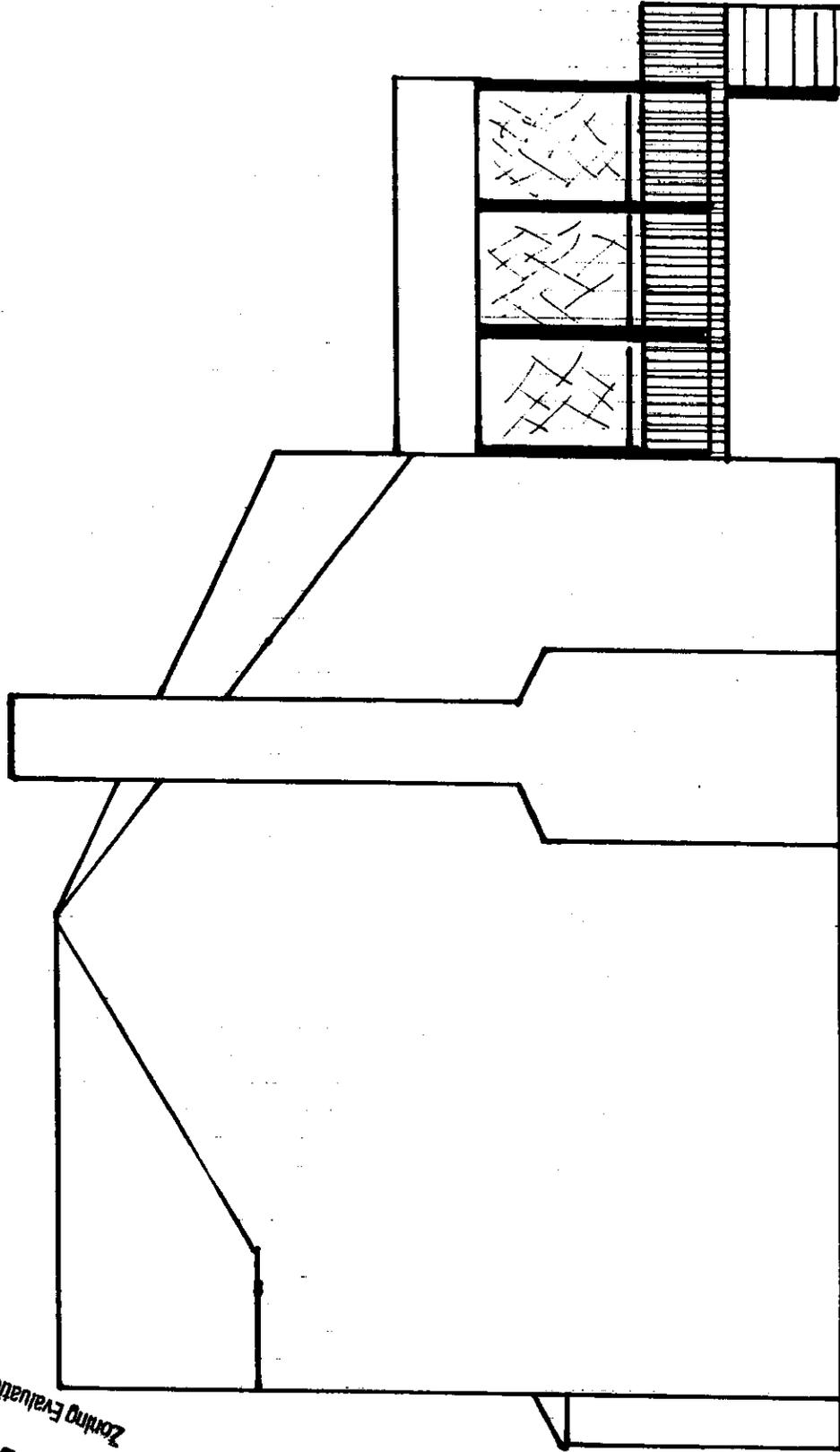
GARAGE

SIDE VIEW

REAR

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4156 BLOOM CT
BURKE, VA 22015



REAR

SIDE VIEW

FRONT

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Department of Planning & Zoning
SEP 26 2008
Zoning Evaluation Division

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/19/08
(enter date affidavit is notarized)

I, EDWARD SHOEMAKER, 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 10/481a

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)
LINDA C. SHOEMAKER	9156 BLOOM CT BURKE, VA 22015	APPLICANT/OWNER
EDWARD SHOEMAKER	''	AGENT/CO-APPLICANT

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/19/08
(enter date affidavit is notarized)

101481 a

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.)

N/A

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

N/A

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/19/08
(enter date affidavit is notarized)

101481a

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)

N/A

(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)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 9/19/08
(enter date affidavit is notarized)

101481a

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

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

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

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

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

NONE

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: _____
(enter date affidavit is notarized)

10/48/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)

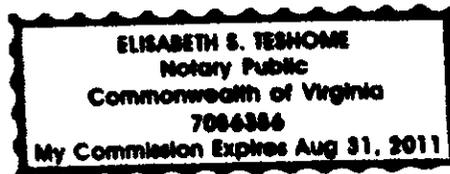
Edward H. Shoemaker
[] Applicant [] Applicant's Authorized Agent

EDWARD H. SHOEMAKER
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19 day of 09 2008, in the State/Comm. of Virginia, County/City of Fairfax.

Elisabeth Elisabeth Teshome
Notary Public

My commission expires: Aug 31, 2011



Proposed Use: Personal use by the residents of the dwelling and family/friends on an occasional basis.

- A. Type of Operation: There are no operations to be conducted.
- B. Hours of Operation: There are no operations to be conducted.
- C. Estimated number of patrons/clients/patients/pupils/etc.: Non Applicable
- D. Proposed number of employees/attendants/teachers/etc.: Non Applicable
- E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day: Family/Friends that visit will average about 4-5 trips per month during the afternoon or evening and about one-half of trips will be by auto.
- F. Vicinity or general area to be served by the use: Limited to the screened porch and deck at the rear of the residence.
- G. Description of building façade and architecture of proposed new building or additions: The screened porch will be constructed of Pressure-Treated Pine and will have a three foot high knee wall and the remainder of the sides will be screened. The roof will be asphalt shingle to match the house. The deck will have a three foot high wooden railing system and the decking will be of a composite material..
- H. A listing, if known of all hazardous substances set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers: None Known
- I. The proposed use of the screened porch and deck by the residents and family/friends conforms with the provisions of all applicable ordinances with the exception of the requirement to have a twenty-five foot (25') set back in the rear yard. This requirement is the reason for this request for a special permit. As far as can be reasonably determined by the owners, the proposed use conforms to all remaining regulations, adopted standards and any applicable conditions.
- J. The proposed screened porch and deck will be in character with the existing subdivision in terms of the location, height, bulk, and scale of the existing structure on the lot.
- K. The proposed screened porch and deck are 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.
- L. The proposed screened porch and deck will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, erosion, or storm water runoff.
- M. The proposed screened porch and deck represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. The design and location have taken into consideration factors including: the layout of the existing structure, availability of alternate locations for the addition, orientation of the structure on the lot, shape of the lot and the associated yard designations on the lot, environmental characteristics of the site to include floodplains and resource protection areas, preservation of existing vegetation and significant trees, and the location of easements. There are no wells, septic fields, or historic resources located on the lot.

RECEIVED
Department of Planning & Zoning

AUG 22 2008

Zoning Evaluation Division

8-006 General Standards

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

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

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.

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

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

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

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

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