



APPLICATION ACCEPTED: November 14, 2008
DATE OF PUBLIC HEARING: February 3, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 27, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2008-HM-101

HUNTER MILL DISTRICT

APPLICANT: William Van Winkle

OWNERS: William and Nina Van Winkle

ZONING: R-2

LOCATION: 1911 Trumpet Ct.

SUBDIVISION: Symphony Hill West

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 28-3 ((8)) 31

LOT SIZE: 15,193 Sq. Ft.

SP PROPOSAL: To permit reduction of minimum yard requirements to permit construction of addition 10.8 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2008-HM-101 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 provisions of any applicable ordinances, regulations, or adopted standards.

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

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.

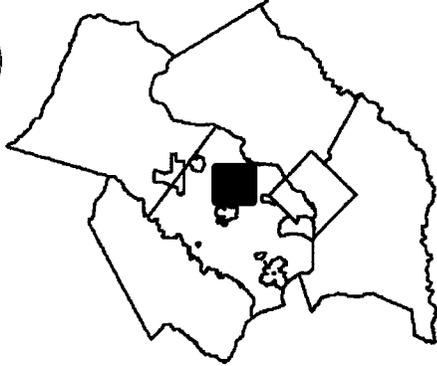
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center 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-HM-101

Applicant: WILLIAM VANWINKLE
Accepted: 11/14/2008
Proposed: REDUCTION OF CERTAIN YARD REQUIREMENTS
TO PERMIT ADDITION 10.8 FEET FROM
SIDE LOT LINE



Area: 15,193 SF OF LAND; DISTRICT - HUNTER MILL

Zoning Dist Sect: 08-922

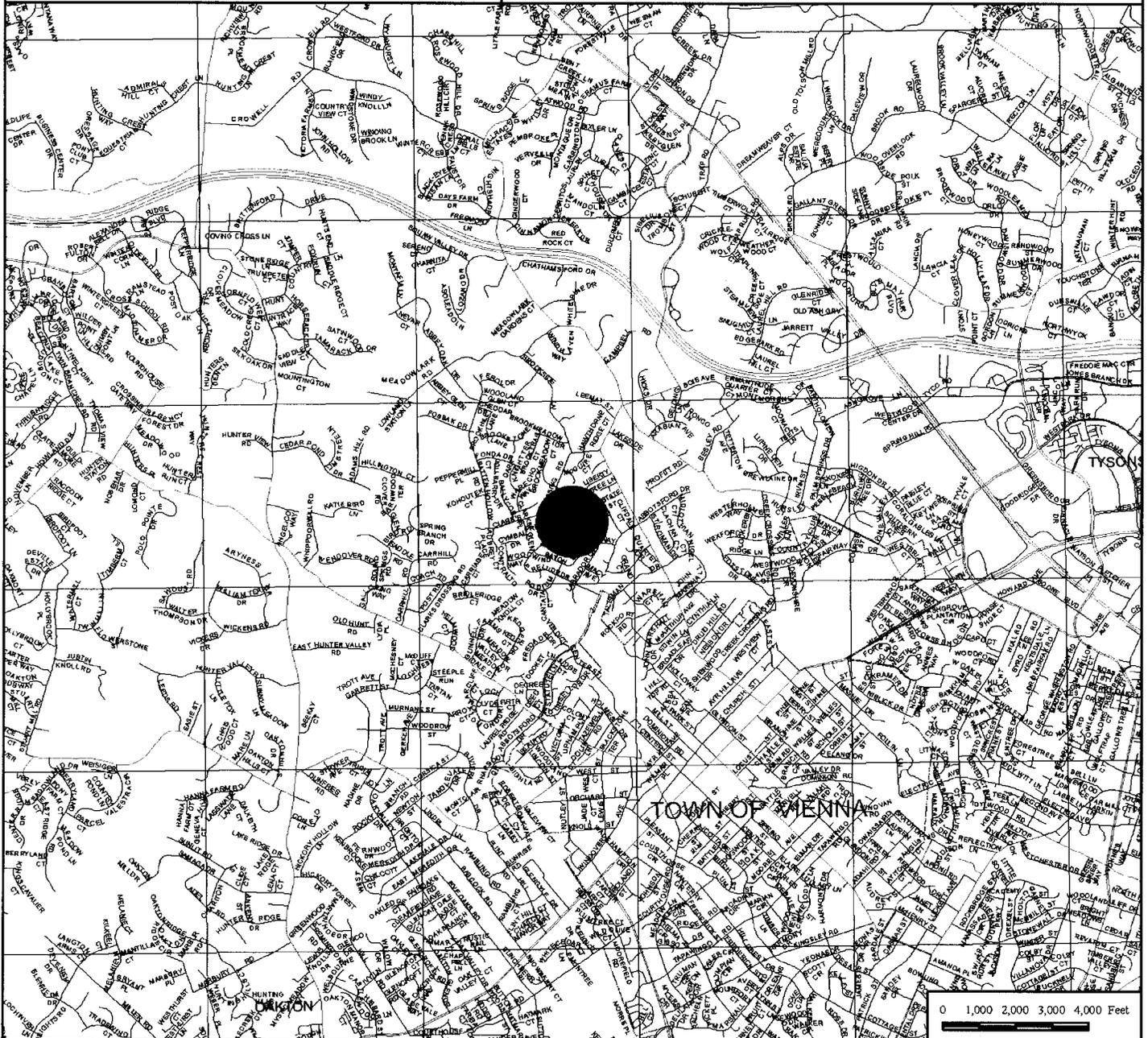
Art 8 Group and Use: 9-21

Located: 1911 TRUMPET COURT

Zoning: R- 2

Overlay Dist:

Map Ref Num: 028-3- /08/ /0031



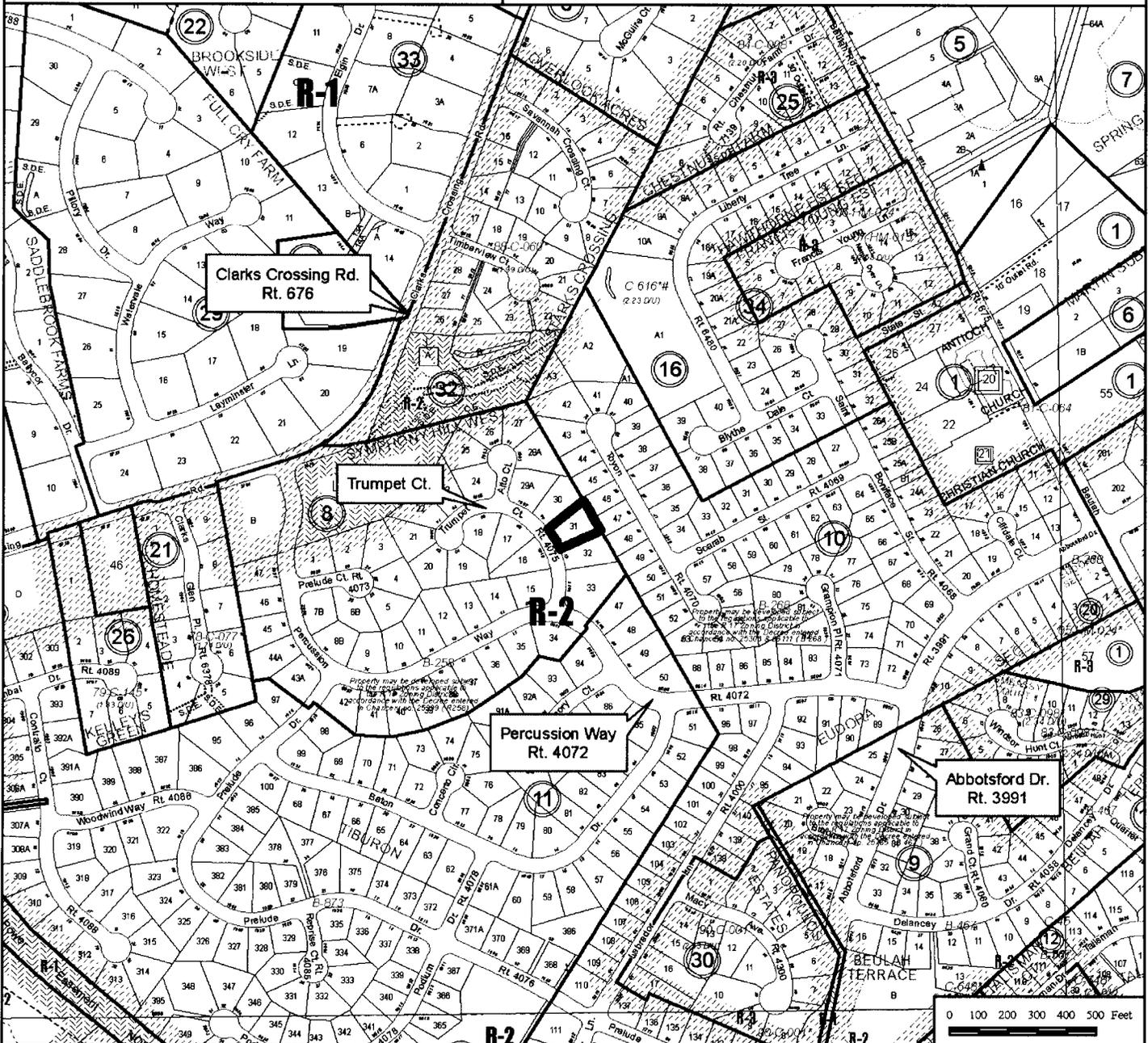
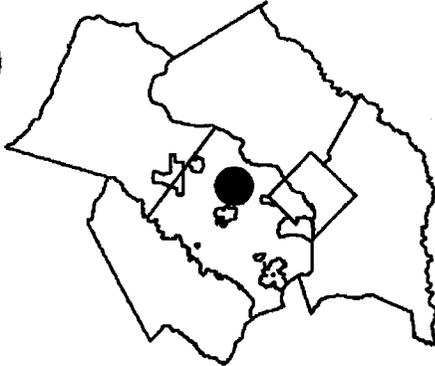
Special Permit

SP 2008-HM-101

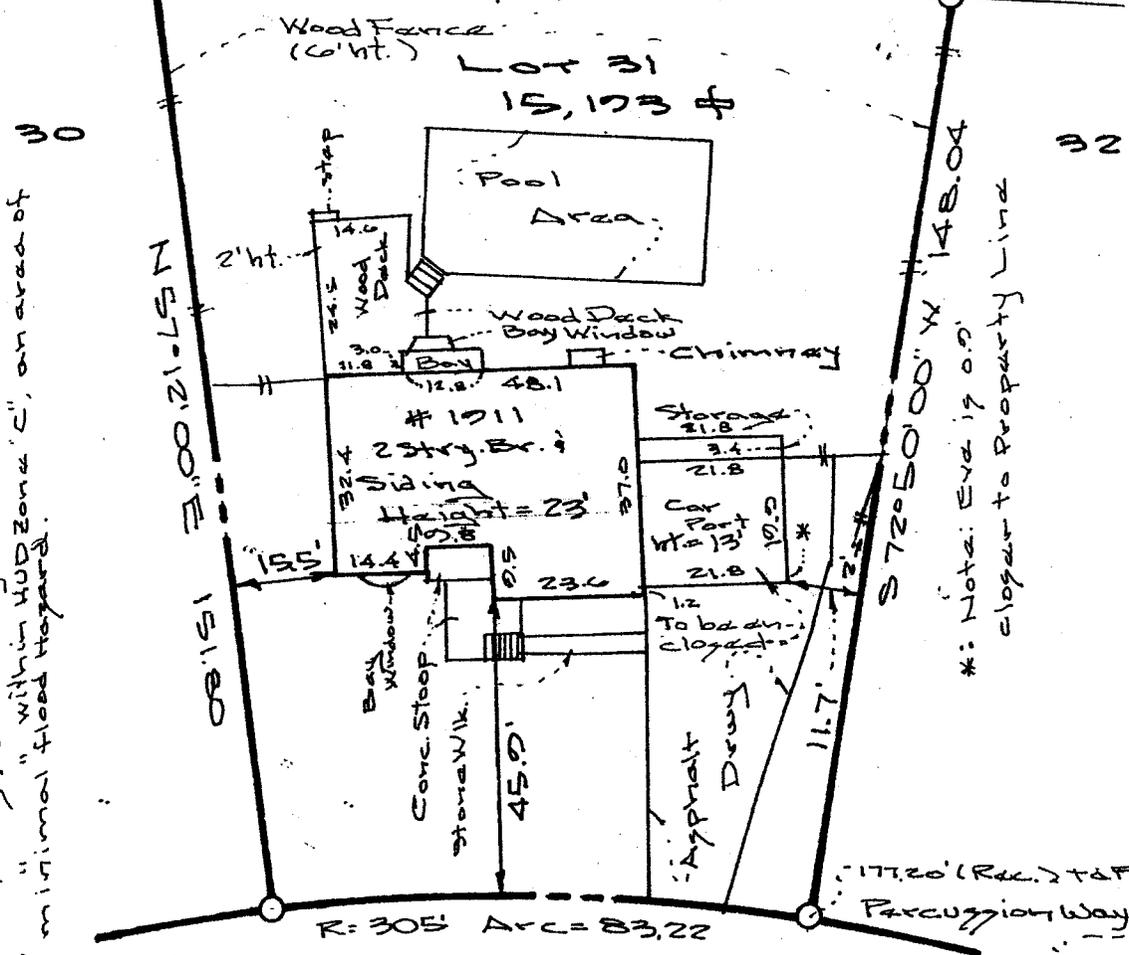
Applicant: WILLIAM VANWINKLE
Accepted: 11/14/2008
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Area: 15,193 SF OF LAND; DISTRICT - HUNTER MILL

Zoning Dist Sect: 08-922
Art 8 Group and Use: 9-21
Located: 1911 TRUMPET COURT
Zoning: R-2
Overlay Dist:
Map Ref Num: 028-3- /08/ /0031



N/F DYER ESTATES
 S 23° 15' 41" E 123.80



*: Note: Eave is 0.0' closer to Property Line

- NOTE
- 1.) There are no easement shown on the recorded plat of subdivision.
 - 2.) No landscaping proposed or to be removed.
 - 3.) Property is served by Public Water & Sewer.
 - 4.) "minimal" flood hazard.

TRUMPET COURT
 (50' WIDE)



RECEIVED
 Department of Planning & Zoning
 OCT 16 2008
 Zoning Evaluation Division

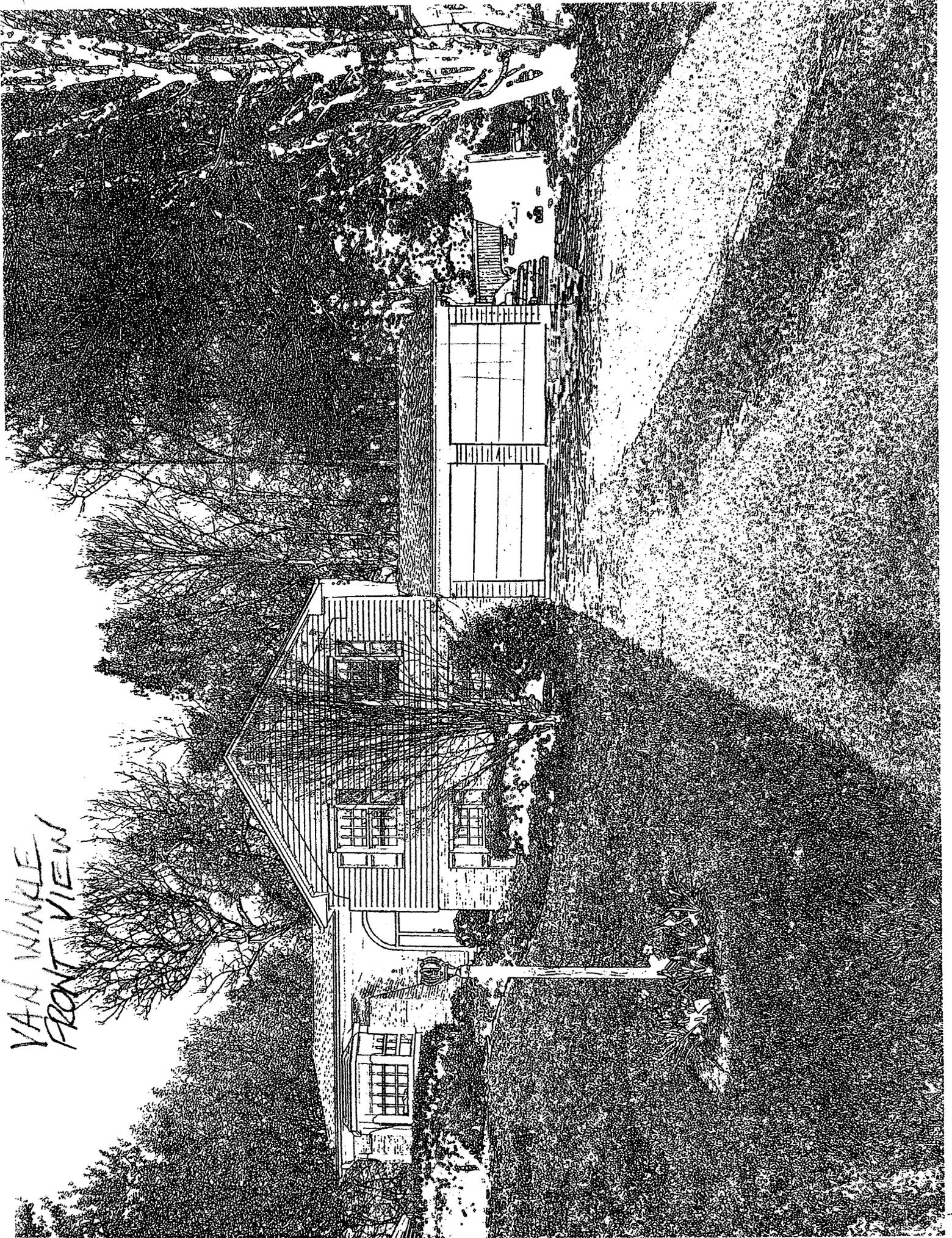
SPECIAL PERMIT
 LOT 31
 SECTION 1

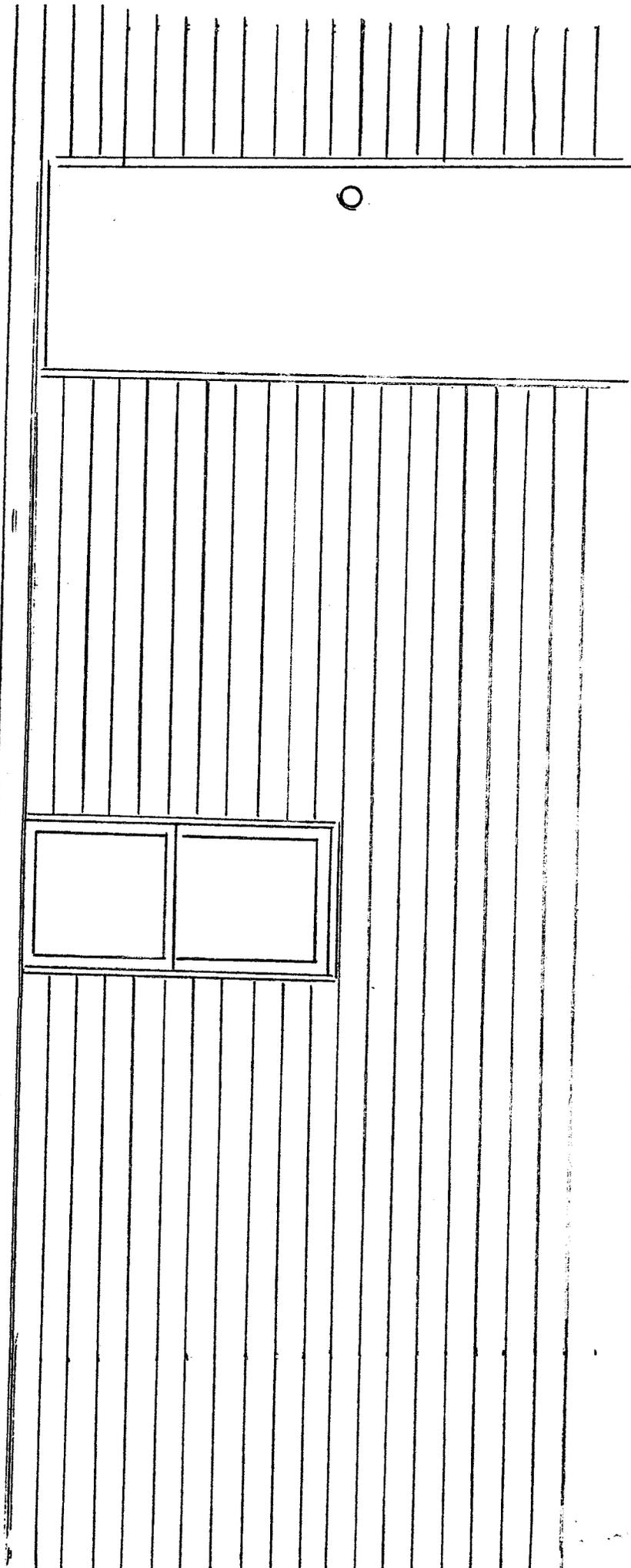
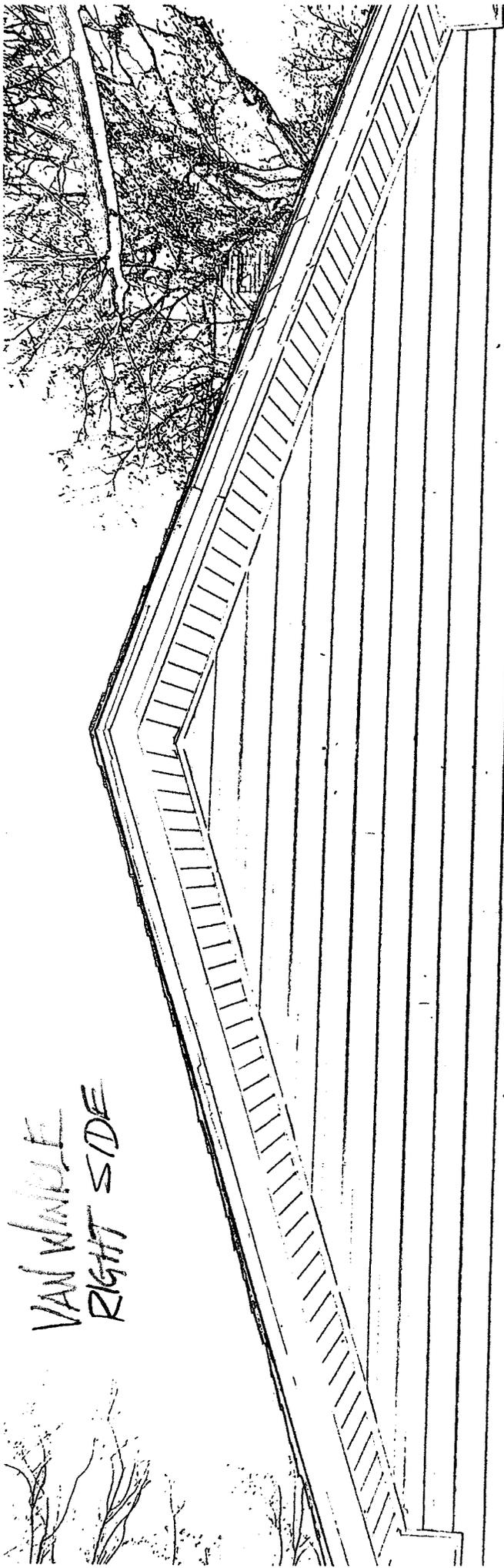
SYMPHONY HILL WEST

FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 30' AUGUST 22, 2007

PETER R. MORAN REV. 5/22/2008
 LAND SURVEYOR
 VIENNA, VIRGINIA

VAN WINKLE
FRONT VIEW

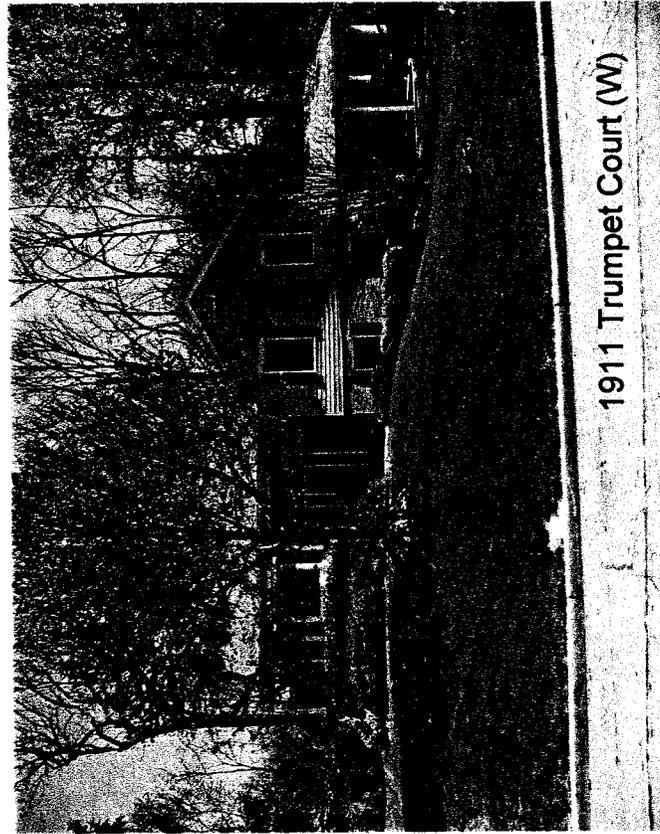




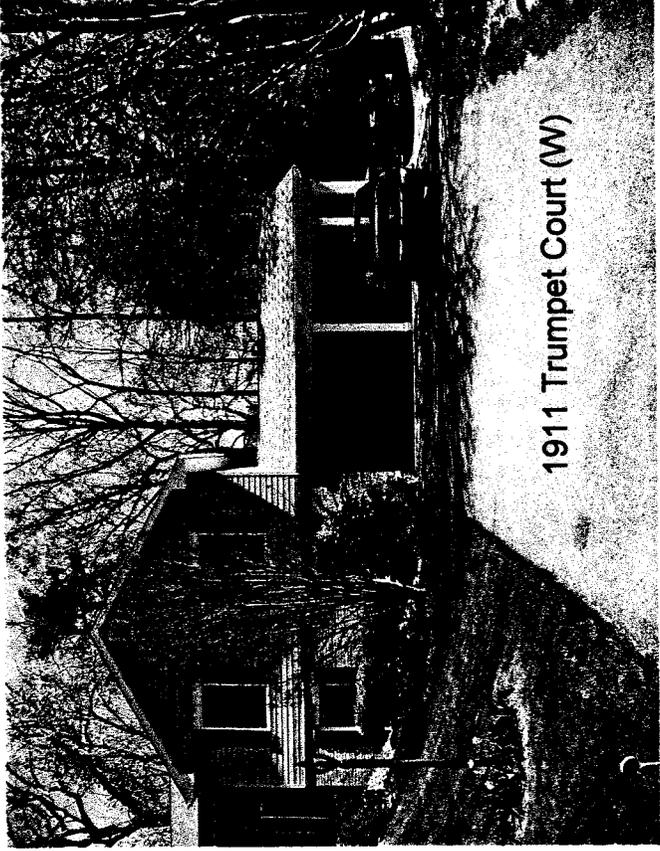
VAN WINKLE
RIGHT SIDE

Legend for information represented parenthetically

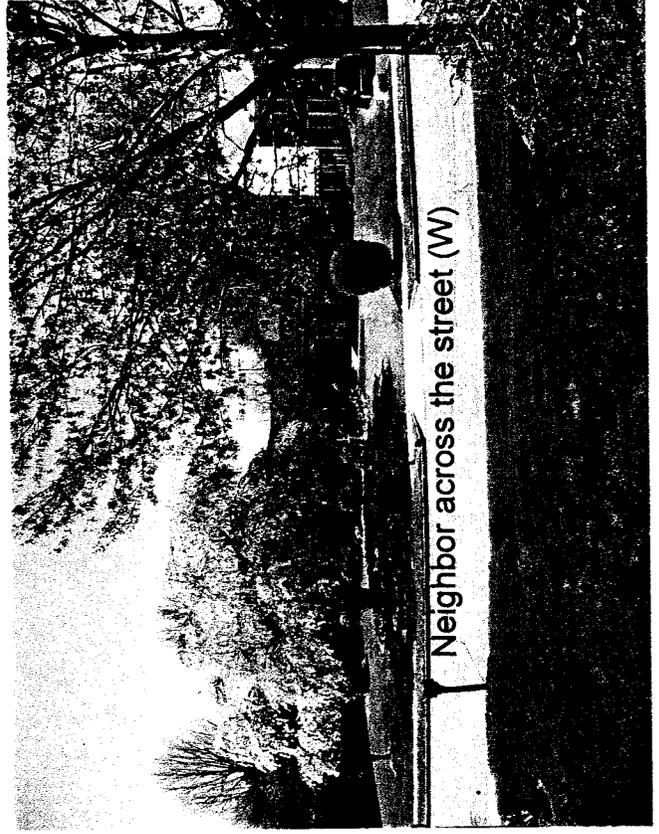
- **N** = viewed from north
- **S** = viewed from south
- **E** = viewed from east
- **W** = viewed from west
- **L30** = observation toward Lot 30 from L31
- **L31** = observation of Lot 31
- **L33** = observation toward L32 from L31
- **DE** = observation toward Dyer Estate from L31



1911 Trumpet Court (W)



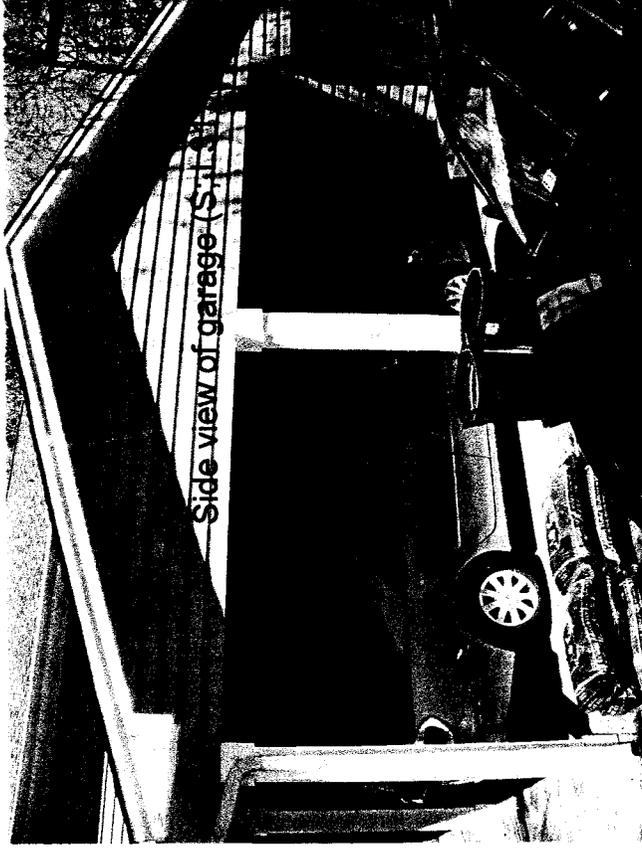
1911 Trumpet Court (W)

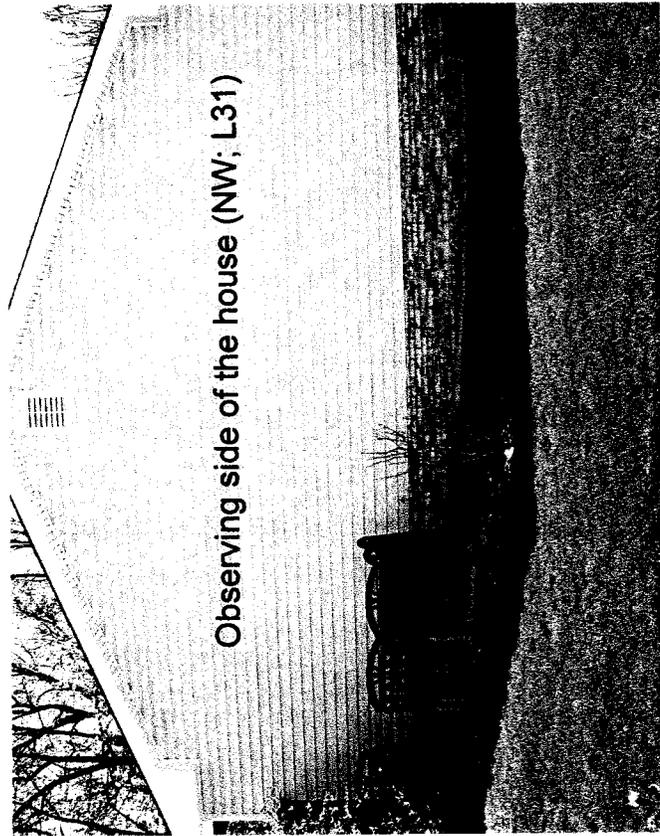


Neighbor across the street (W)

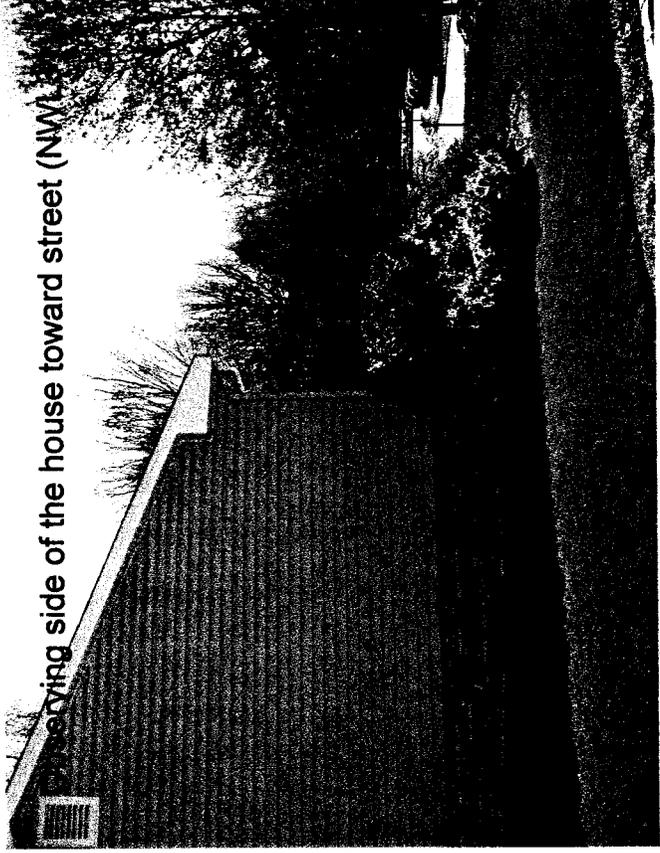


Street view (W)

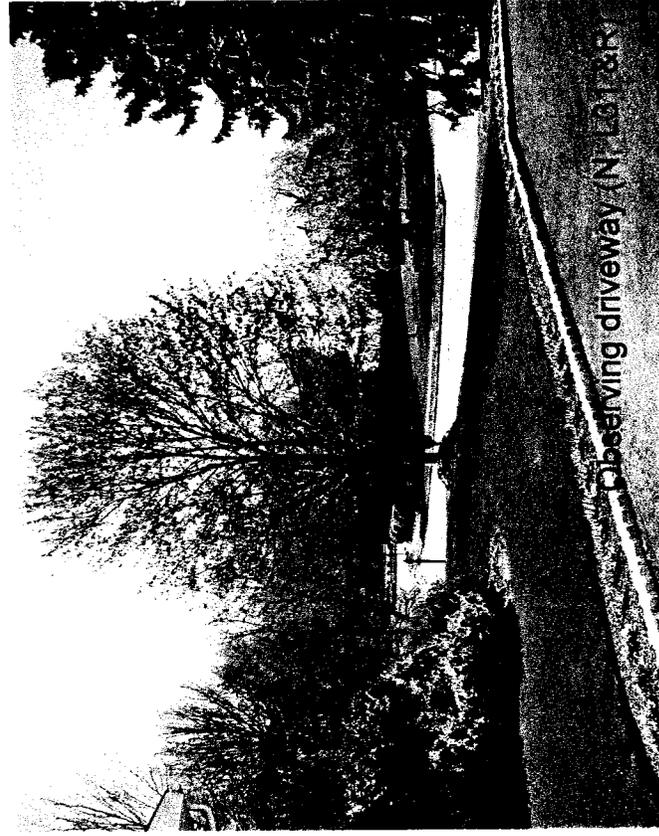




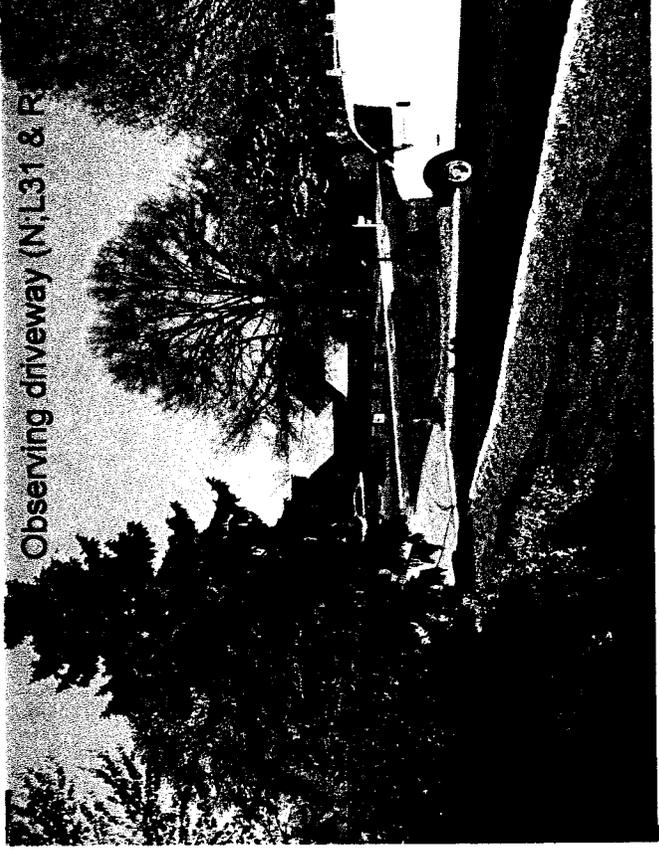
Observing side of the house (NW; L31)



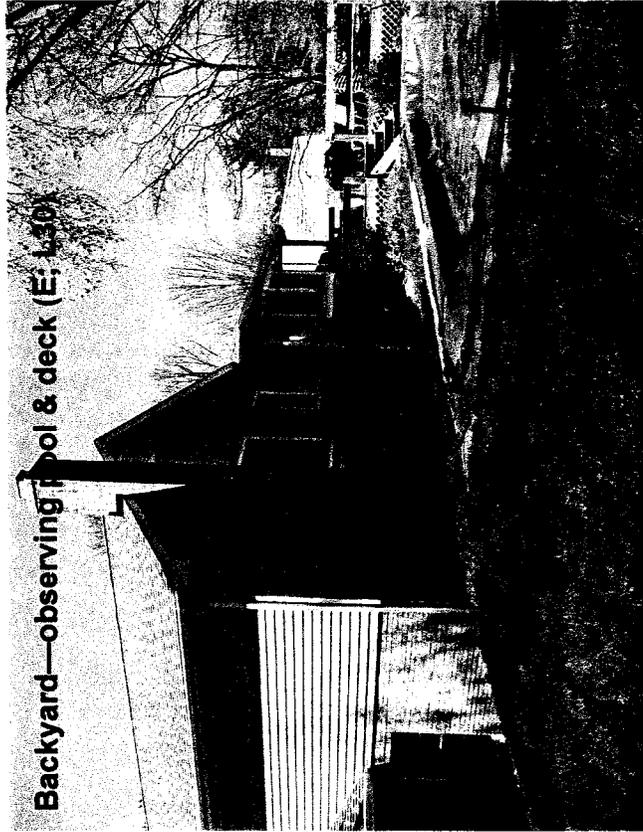
Observing side of the house toward street (NW)



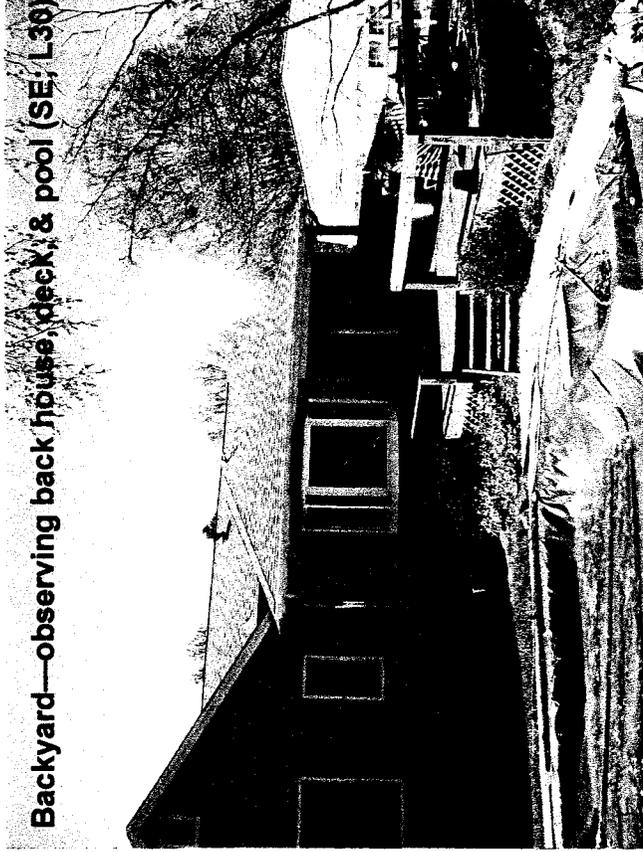
Observing driveway (N; L31 & R)



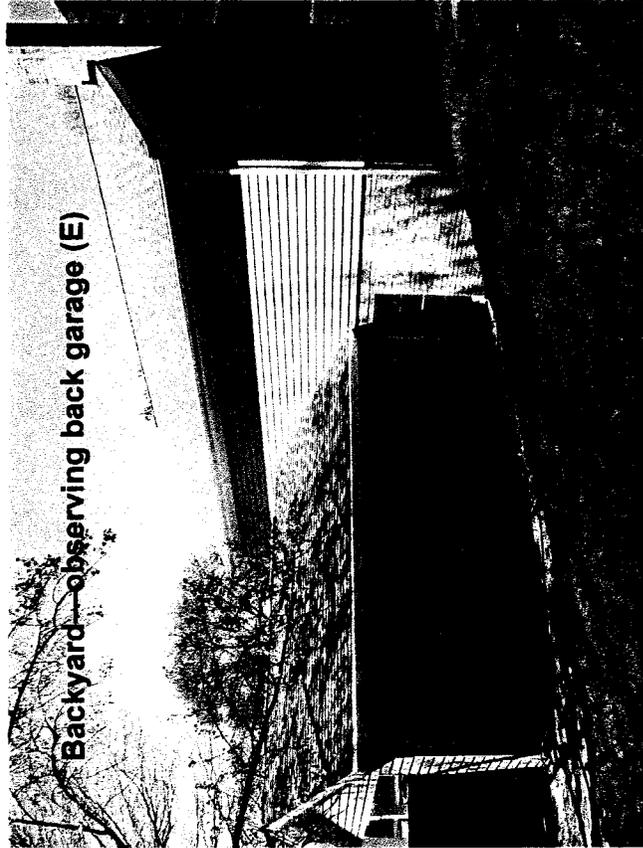
Observing driveway (N; L31 & R)



Backyard—observing pool & deck (E; L30)

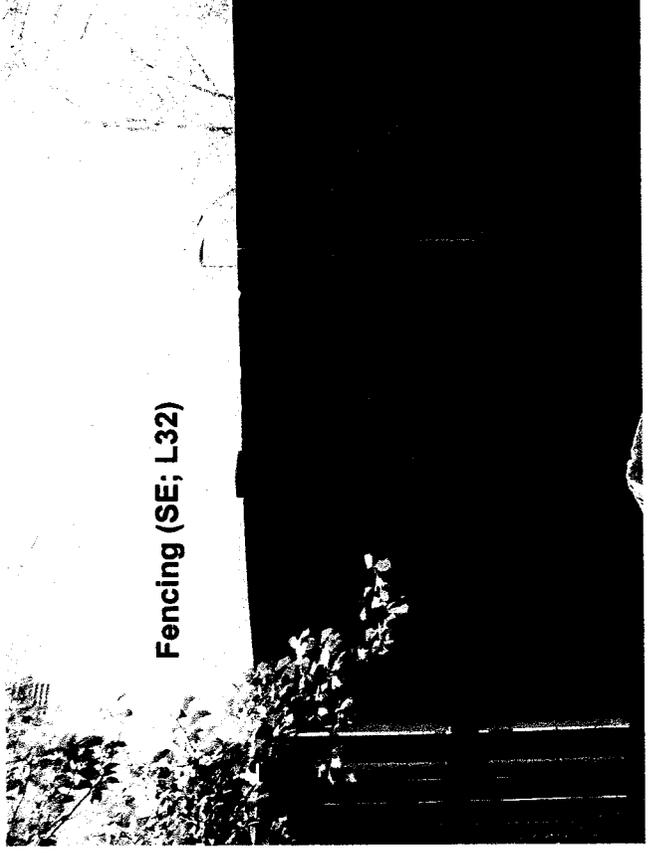
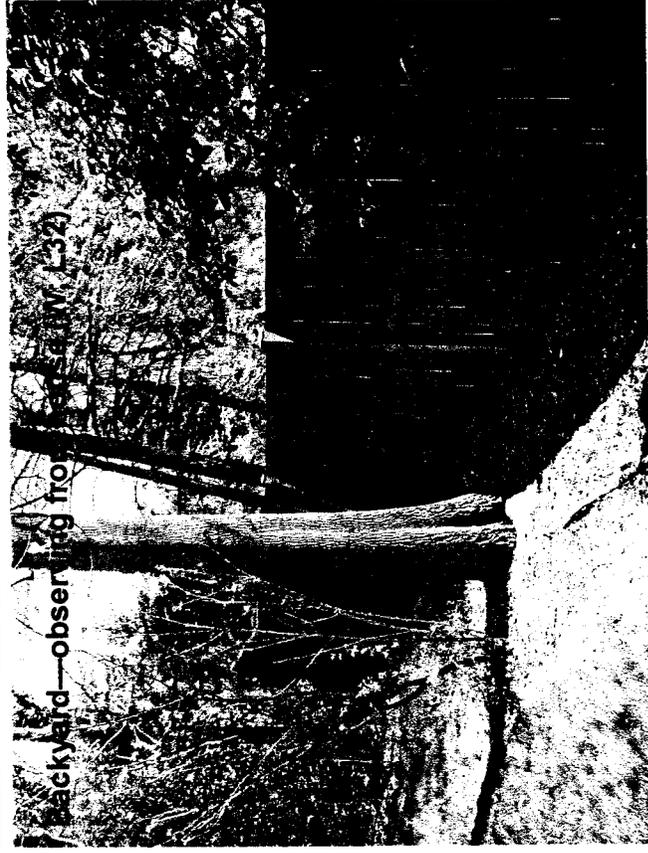


Backyard—observing back house, deck, & pool (SE; L30)



Backyard—observing back garage (E)



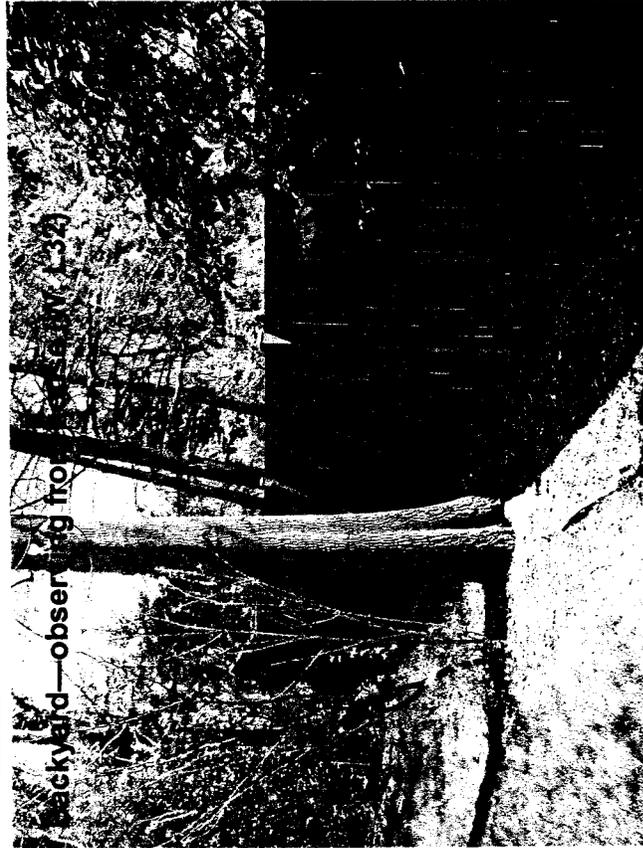




Backyard—observing from house (SW, DE)



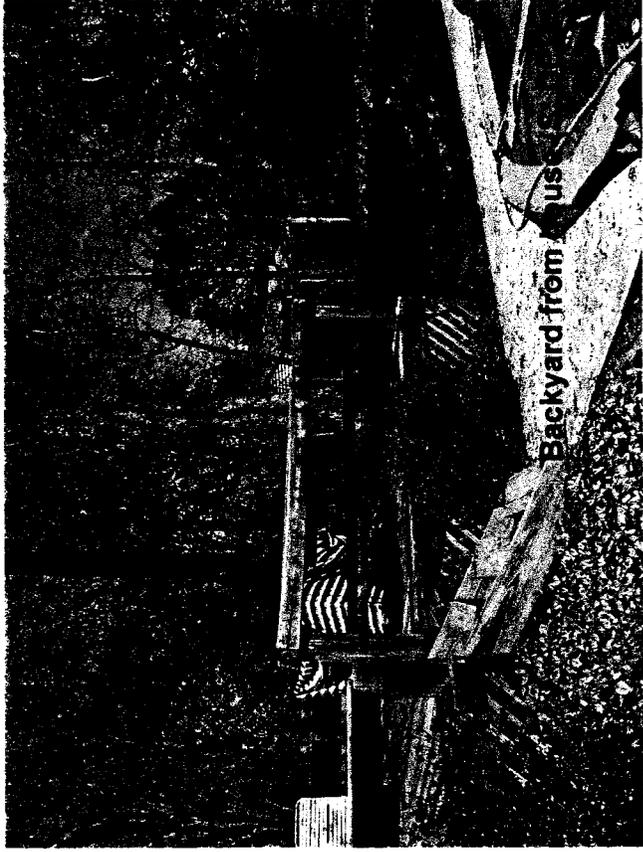
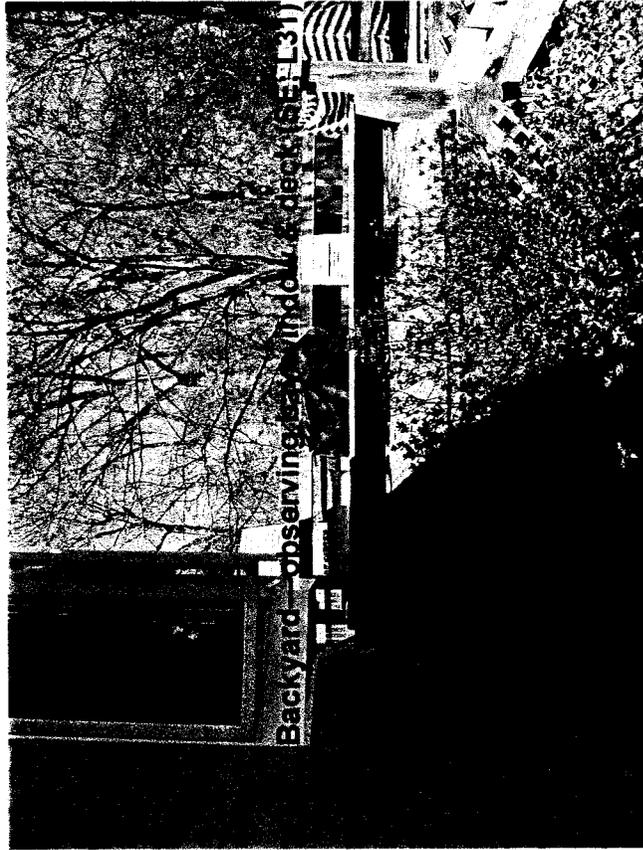
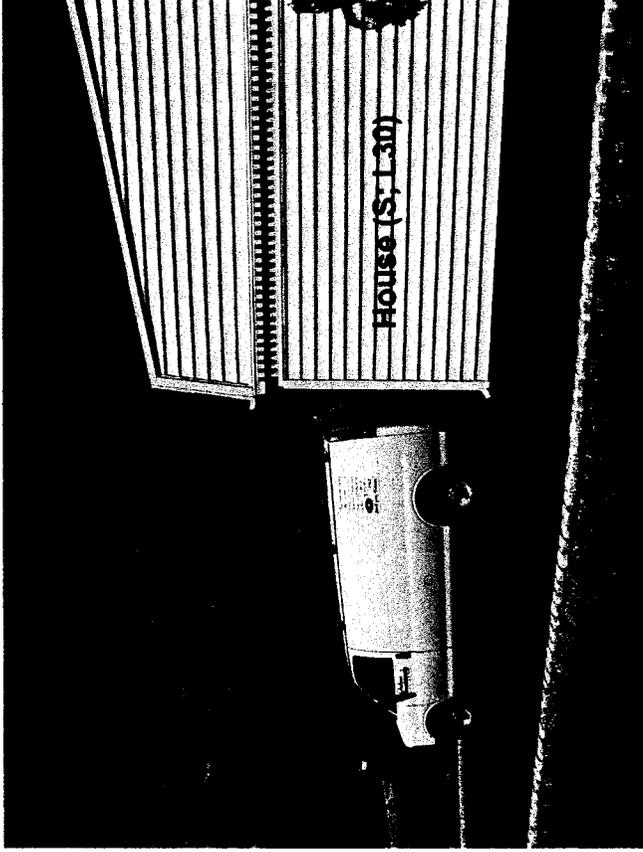
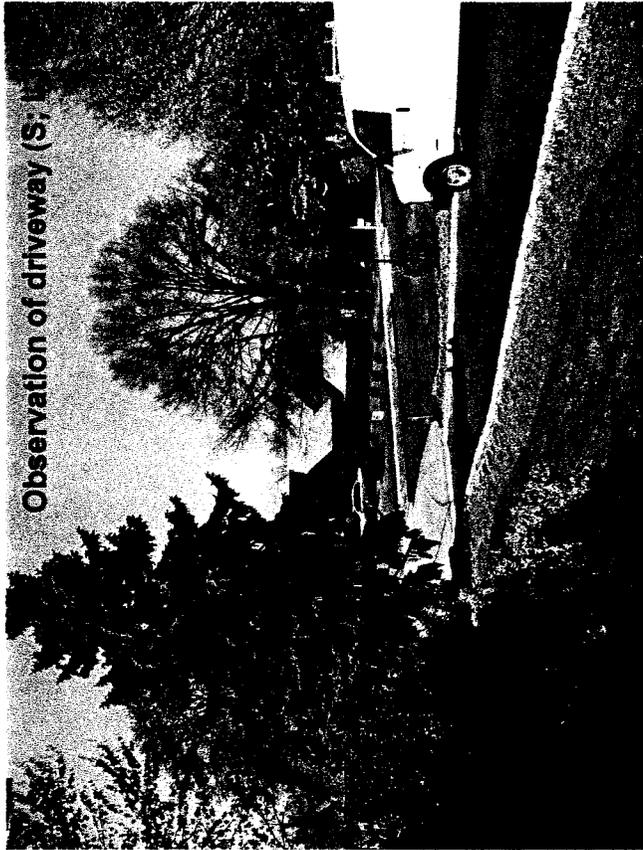
Backyard—observing from house (SW, DE)

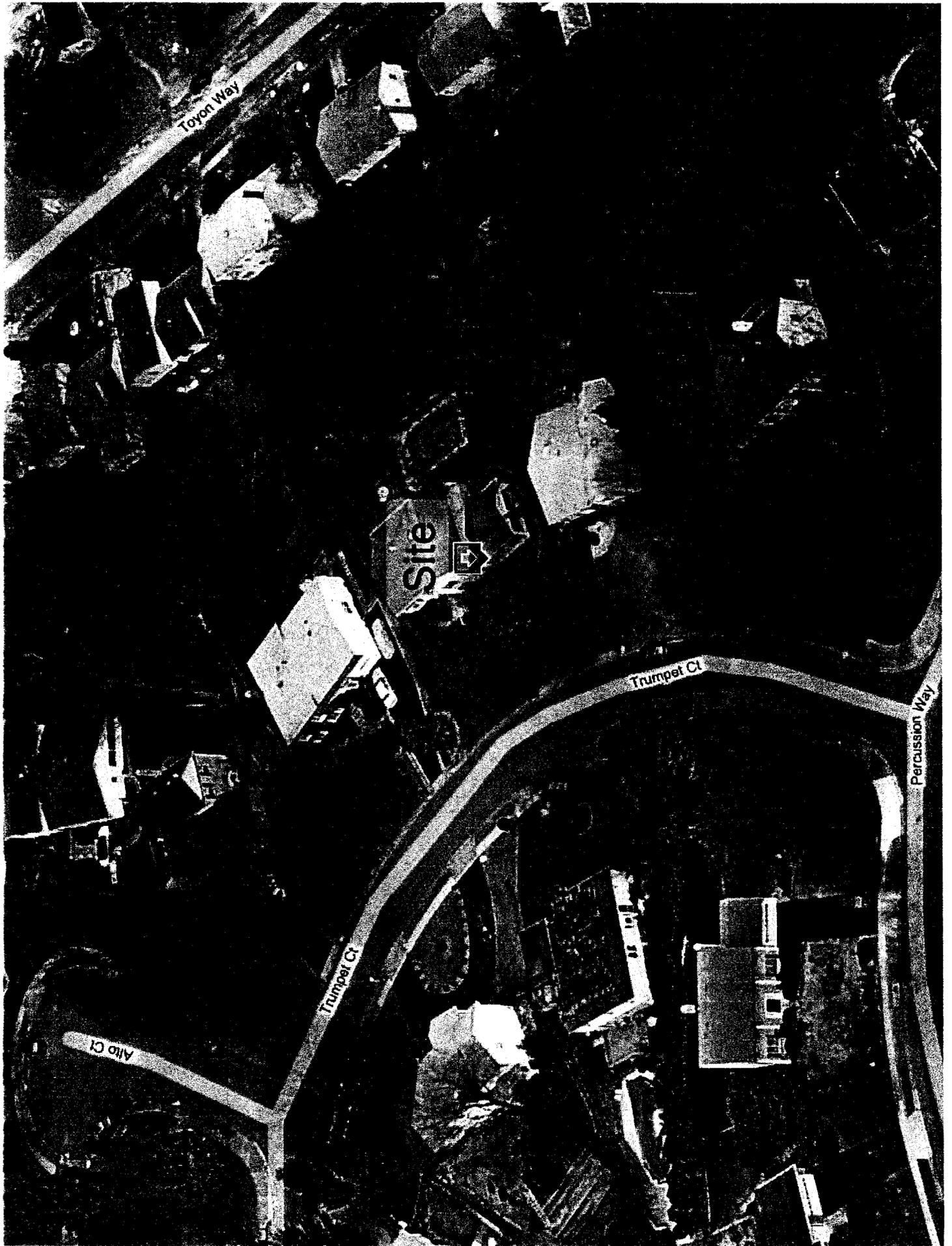


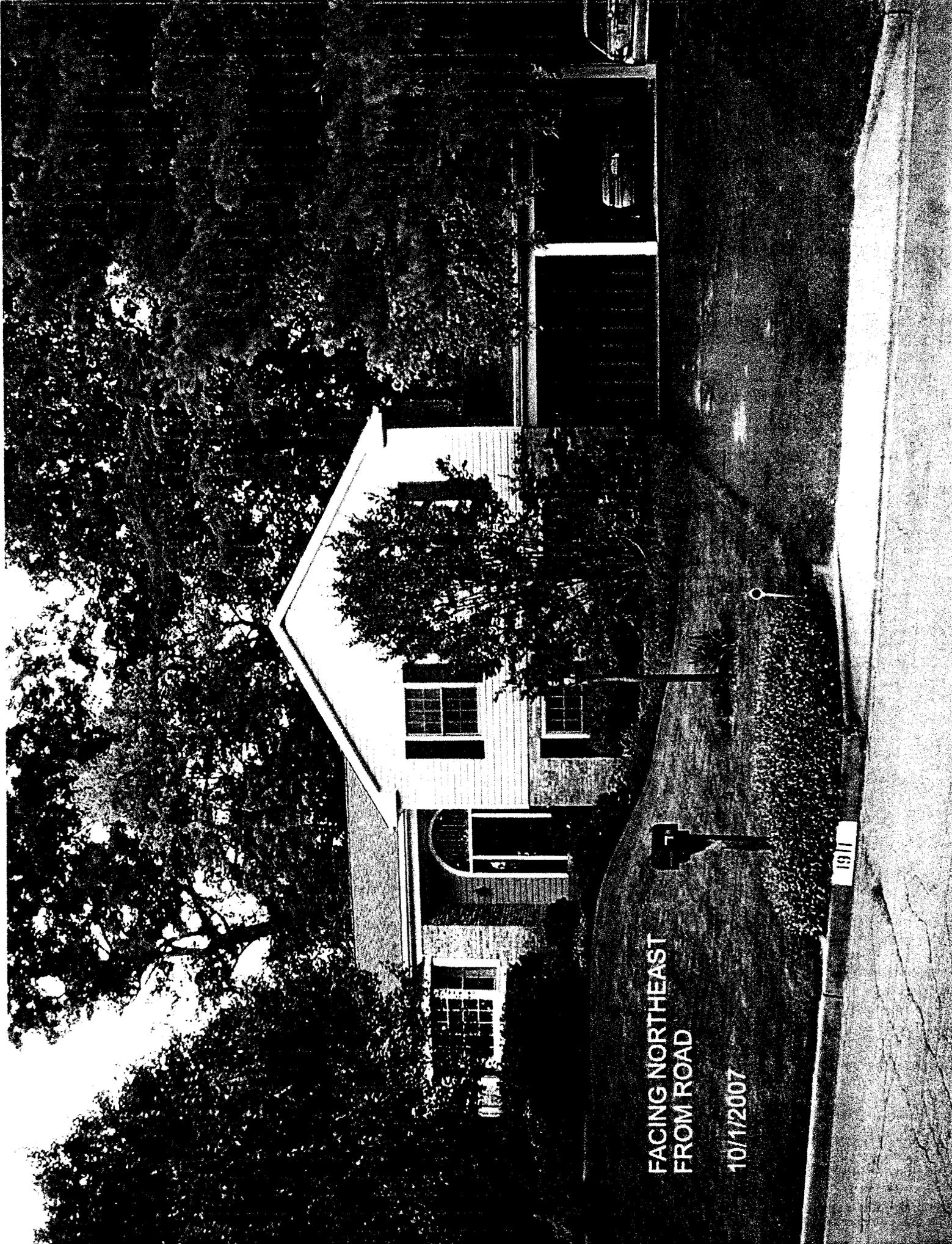
Backyard—observing from house (SW, DE)



Fencing (SE; L32)







FACING NORTHEAST
FROM ROAD

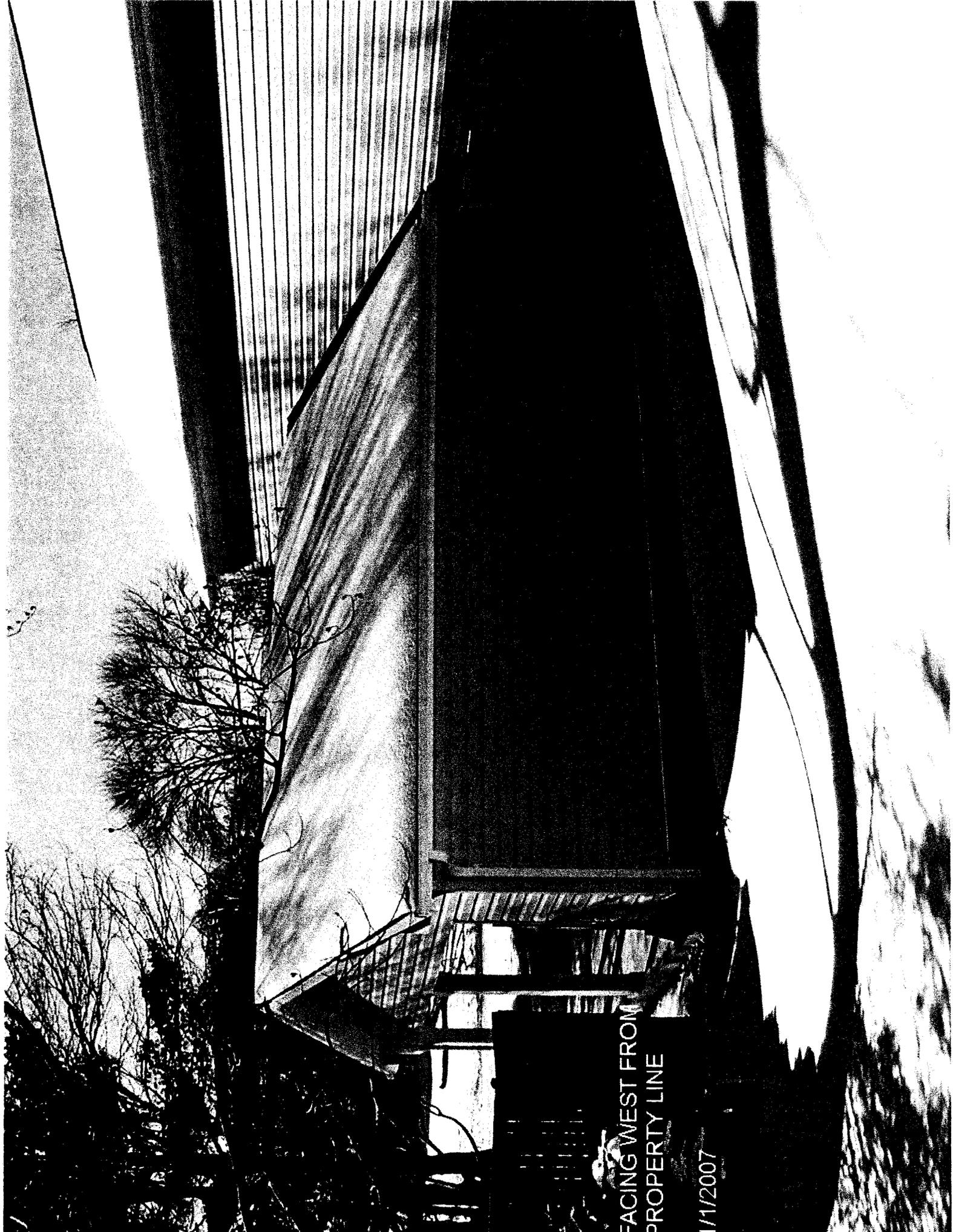
10/1/2007

1911

FACING NORTH FROM
PROPERTY LINE

1/1/2007



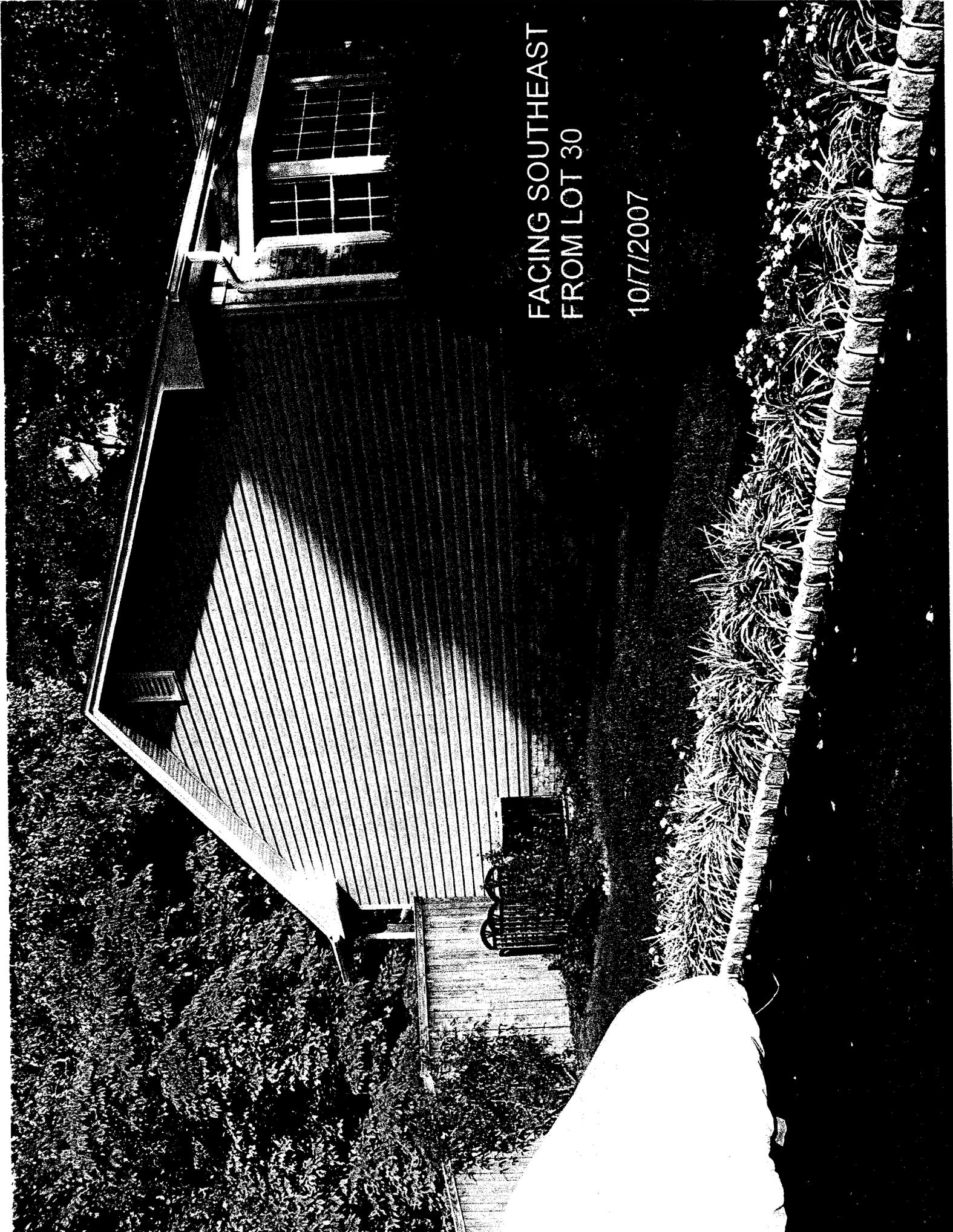


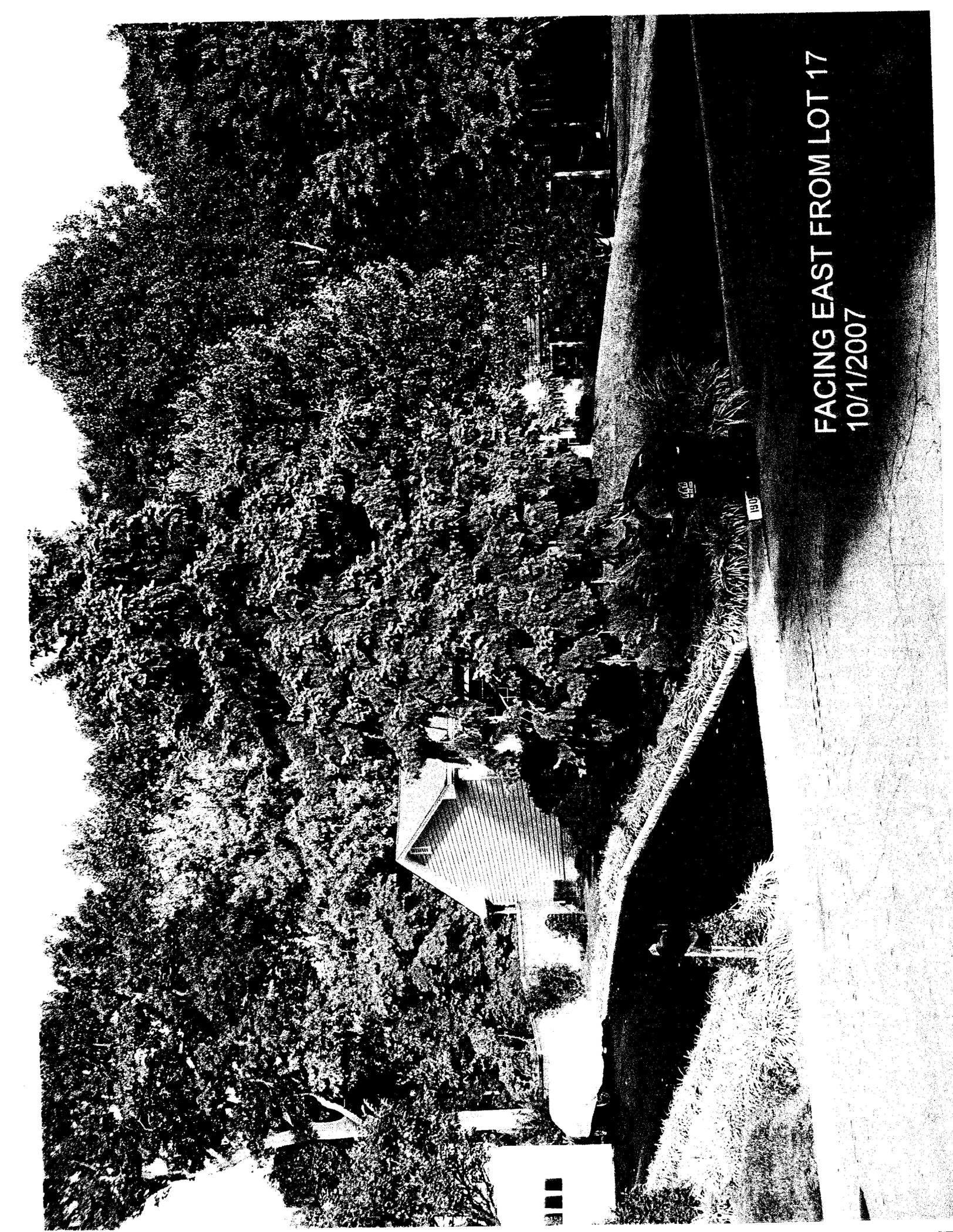
FACING WEST FROM
PROPERTY LINE

1/11/2007

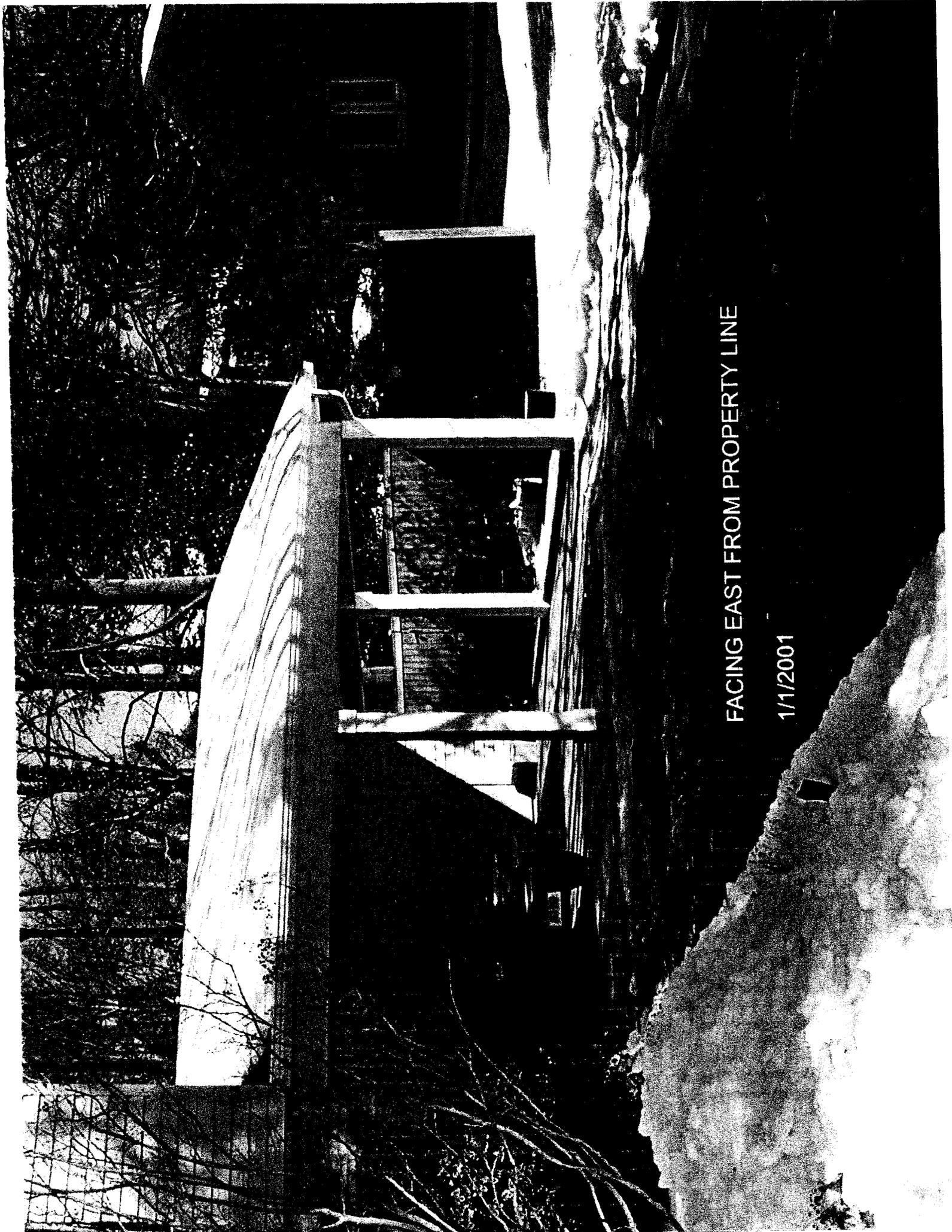
FACING SOUTHEAST
FROM LOT 30

10/7/2007





FACING EAST FROM LOT 17
10/11/2007



FACING EAST FROM PROPERTY LINE

1/1/2001

DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a garage addition 10.8 feet from the side lot line in place of an existing carport. The plat depicts a dimension of 11.7 feet to the addition; however, there will be an eave which is noted on the plat that will encroach .9 feet further into the setback. This results in the special permit request for a 10.8 foot side yard.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Addition	Side	15 feet	10.8 feet	4.2 feet	28 %

* Minimum yard requirement per Section 3-400

CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single Family Detached Dwellings
South	R-2	Single Family Detached Dwellings
East	R-2	Single Family Detached Dwellings
West	R-1	Single Family Detached Dwellings

BACKGROUND

The existing single family detached dwelling was constructed in 1969 with an existing one-car carport which was later expanded in 2003 to a two-car carport. The proposed garage addition will have a storage area in the rear as well as windows and a door for outside access.

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

- Variance VC 88-C-009, granted on April 27, 1988, on Tax Map Number 28-3 ((11)) 62, on 9606 Podium Drive, zoned R-2, south of the subject property to permit construction of garage addition to dwelling 5.3 feet from rear lot line of a corner lot.

- Variance VC 91-C-041, denied on June 12, 1991, on Tax Map Number 28-3 ((8)) 30, on 1909 Trumpet Court, zoned R-2, adjacent of the subject property to the north to permit construction of garage addition 4 feet from side lot line.
- Variance VC 93-C-066, granted on December 8, 1993, on Tax Map Number 28-3 ((11)) 78, on 1920 Baton Drive, zoned R-2, south of the subject property to permit construction of addition 10.3 feet from side lot line.
- Special Permit SP 2007-HM-112, granted on December 11, 2007, on Tax Map Number 28-3 ((11)) 66, on 1931 Baton Drive, zoned R-2, south of the subject property to permit reduction of certain yard requirements to permit addition 10.6 feet from side lot line.

PROPOSAL

The applicant wishes to enclose their existing carport so that they may have a two car garage. The proposed addition will be one story and constructed with materials similar to that of the existing house.

ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

- 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 meets all of the 8 General Special Permit Standards with notes regarding standard 3.

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 satisfies this condition based on pictures submitted by the applicant as well as a site visit which confirms that there are other two-car garages throughout the neighborhood; several approved by variance to be closer to the side lot line than this proposal.*

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 2,079 square feet; therefore 150% of the total gross floor area could result in an addition up to 3,118.5 square feet; which makes a combined total of 5,197.5 square feet. The proposed addition will be 433 square feet for a total of 2,512 square feet for the existing house and addition. 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 proposed addition will be an expansion of an existing carport to create a two-car garage. The garage addition will be one story and 13 feet in height. The existing house is currently 23 feet; therefore, the height will be in character with the existing on-site development. The size of the proposed addition is 433 square feet and the existing house is 2,079 square feet; therefore staff believes that application meets this provision in terms of location, height, bulk and scale.

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 proposed addition will be harmonious with the surrounding neighborhood since many of the other homes within the neighborhood have existing two-car garages, some approved by Variance. There will be no change in impervious surfaces due to the existing driveway accommodating the current two-car carport. Therefore, staff believes 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. No downstream complaints have been indicated by DPWES and there will be no increase of impervious area due to the proposed addition enclosing an existing carport. Light and noise impacts will be mitigated since the applicant will be able to park their vehicles within the proposed garage. Staff believes that the proposed addition will not have any adverse impact on neighboring properties.

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 proposed addition is an enclosure of an existing carport and based on the lot size and current orientation of existing structures on the lot there are no alternate locations for the proposed addition. There are no floodplains or Resource Protection Areas on the subject property. There will be no harm to significant trees or existing vegetation.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of Special Permit application SP 2008-HM-101 for the 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

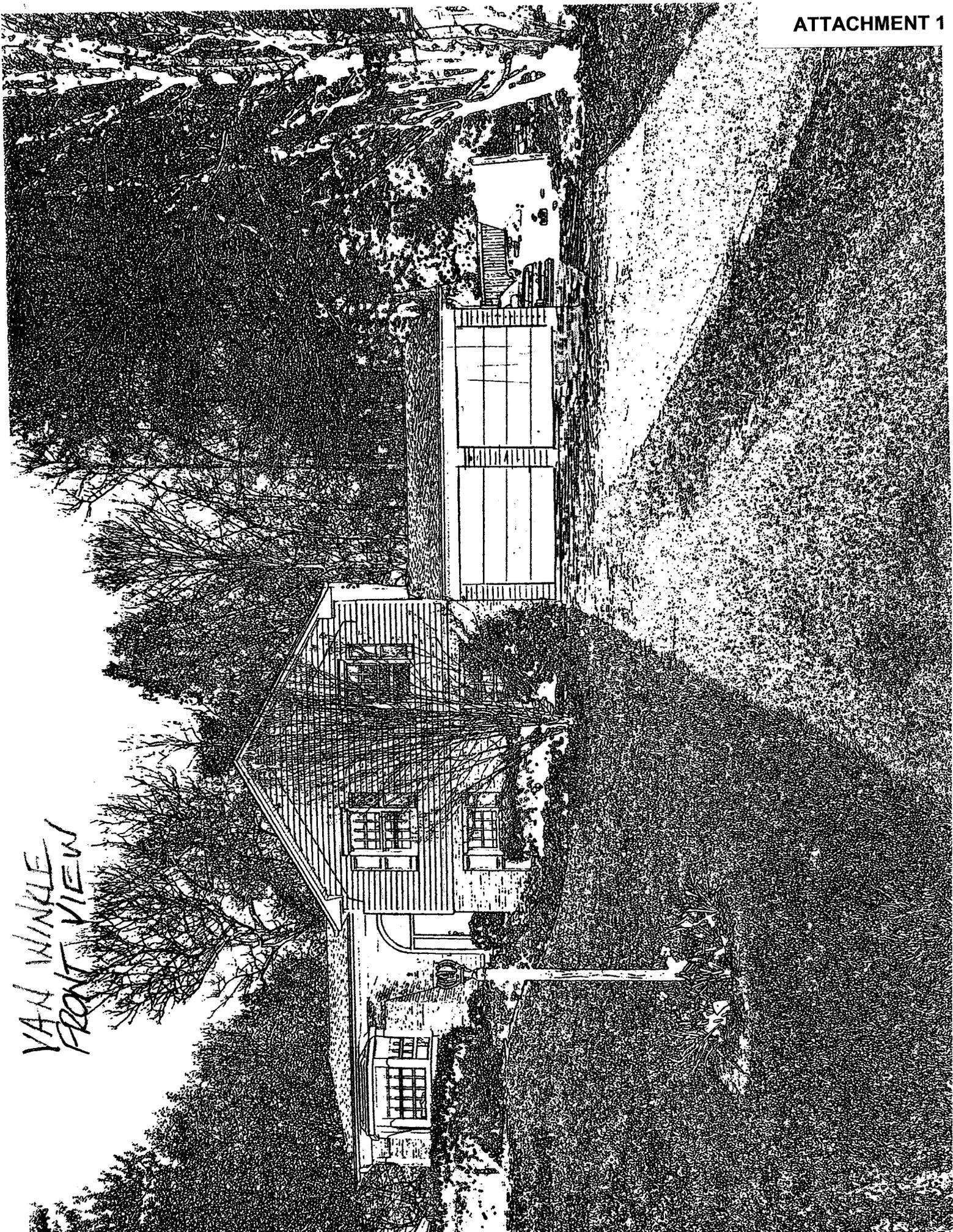
PROPOSED DEVELOPMENT CONDITIONS**SP 2008-HM-101****January 27, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2008-HM-101 located at Tax Map Number 28-3 ((8)) 31 (1911 Trumpet 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 a proposed addition as shown on the plat prepared by Peter R. Moran, Land Surveyor, dated August 22, 2007, revised through May 28, 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 (2,079 square feet existing + 3,118.5 (150%) = 5,197.5 permitted) 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.

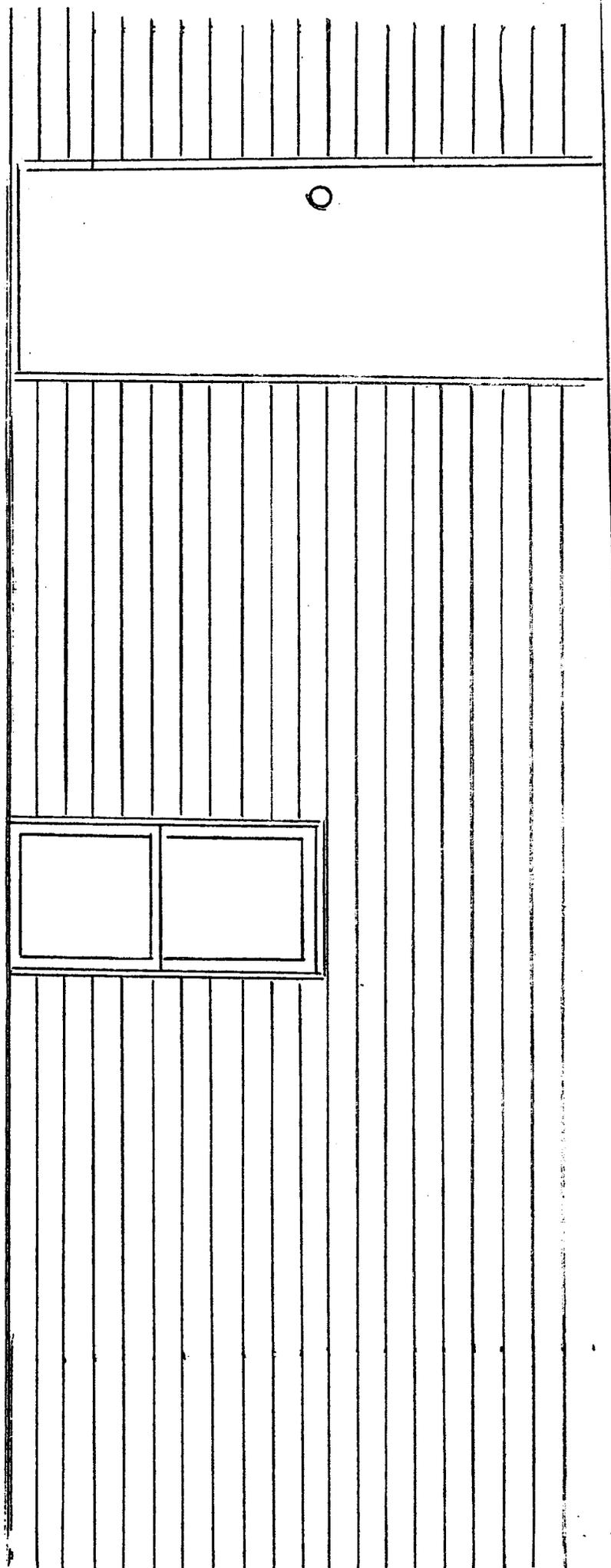
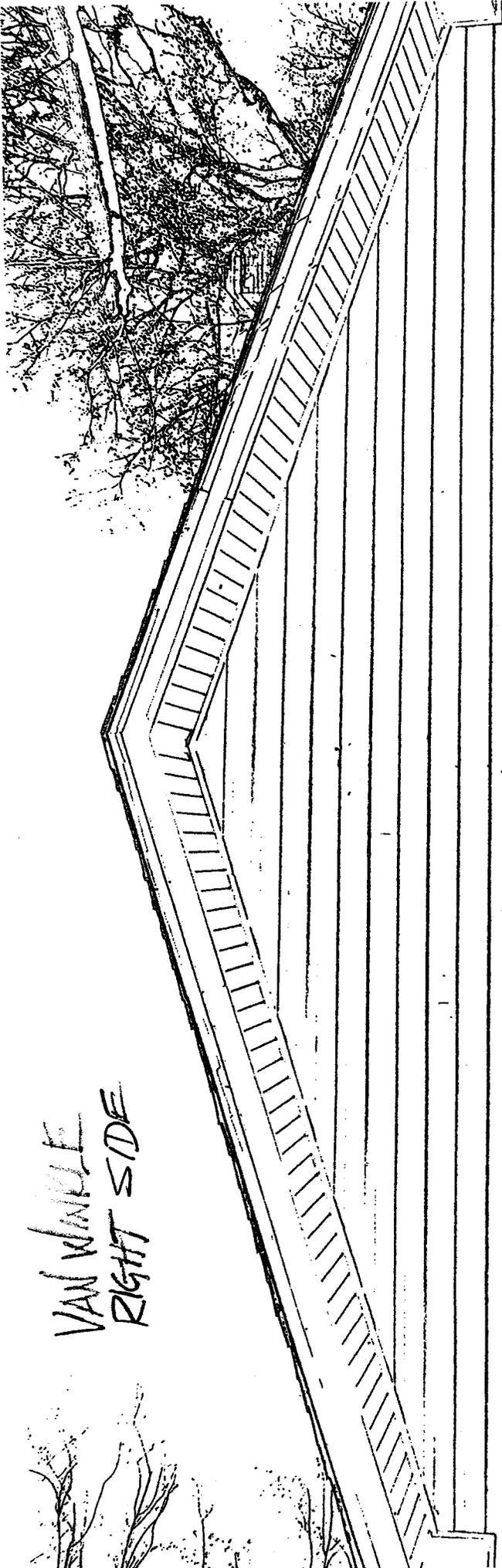
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.



YAN WINKLE
FRONT VIEW

VAN WINKLE
RIGHT SIDE



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11.11.2008
 (enter date affidavit is notarized)

I, William Channing Blackwell, 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 *98702c*

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 J. VanWinkle, III	1911 Trumpet Ct. Vienna, VA 22182	Applicant/Title Owner
Nina J. VanWinkle	1911 Trumpet Ct. Vienna, VA 22182	Title Owner
William Channing Blackwell	8751 Bucklan Mill Rd. Gainesville, VA 20155	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).

[Handwritten signature]

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11.11.2008
(enter date affidavit is notarized)

98702c

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)

William Channing Blackwell, P.E.
Self-employed
8751 Buckland Mill Road
Gainesville, VA 20155

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11.11.2008
(enter date affidavit is notarized)

98702c

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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11.11.2008
(enter date affidavit is notarized)

98702c

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: 11.11.2008
(enter date affidavit is notarized)

98702c

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:

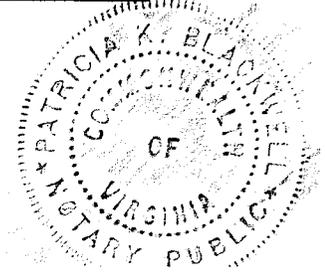
(check one) [] Applicant [x] Applicant's Authorized Agent

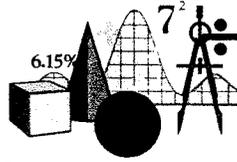
William Channing Blackwell, P.E.
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 11 day of November 2008, in the State/Comm. of Virginia, County/City of Prince William.

Patricia K Blackwell
Notary Public

My commission expires: 8.13/2012
13 06 75





WILLIAM A. BLACKWELL, P.E.
8751 BUCKLAND MILL RD.
GAINESVILLE, VA. 20155-2015
703 754 8702

FAX 703 753 0939

RECEIVED
 Department of Planning & Zoning

OCT 16 2008

Zoning Evaluation Division

Date: 10.15.2008

Job No: 07-21

Re: Special Permit Application—William Van Winkle

8-922 Response Statement

Review of the house floor plan reveals the house to occupy approximately 2,079 square feet, with the proposed enclosed garage occupying approximately 433 square feet. Results of calculations indicate that the proposed enclosed garage would cover less than 25% of the existing principal structure.

Regarding specific yard requirements:

- a) a special permit plat being used;
- b) the property is not a pipe stem lot or contiguous to pipe stem driveway;
- c) no accessory structure is being proposed; and
- d) the yard will not be reduced by less than 50% of the requirement; however, we are requesting a side-yard reduction to 11.7 feet for the enclosed garage on the south side of the property.

There will be no addition of accessory structure(s) in the front yard. The lot contains a principal structure and minimum yard requirements are met. Specifically, the backyard will not have coverage exceeding 30%. In this case, calculations show the backyard total area to be approximately 7,500 sq. feet, with coverage (i.e., pool and pool decking) at approximately 12%. If the wood deck, attached to the back of the house, were included into the coverage calculations total coverage would be approximately 22% of total backyard area.

The proposed enclosed garage will increase safety and structural integrity during rain, snow, and ice event, while maintaining the character of the existing on-site development in terms of location, height, bulk, and scale, while remaining harmonious with surroundings and improving the overall aesthetics of the principal structure.

No negative influence will be experienced by the owners of the adjacent properties with regard to noise, light, air, safety, erosion, and storm water runoff, with the minimum amount of necessary footprint to accommodate the proposed structure on the lot.

15 copies of plat have been submitted, drawn to 1" = 30' scale. The plat is certified by a professional surveyor and contains the information required in 8-922. Additionally, architectural depictions of the proposed garage enclosure should be found in the application packet.

Professionally yours,

A handwritten signature in cursive script, reading "W. Channing Blackwell", written over a horizontal line.

William Channing Blackwell, P.E.

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.