



County of Fairfax, Virginia

February 3, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2008-PR-100

PROVIDENCE DISTRICT

APPLICANTS/OWNERS: Robert M. Yourshaw
Sheryl L. Yourshaw

STREET ADDRESS: 2800 Winchester Way

SUBDIVISION: Mason Terrace

TAX MAP REFERENCE: 50-2 ((6)) 396

LOT SIZE: 5,500 square feet

ZONING DISTRICT: R-4 and HC

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of a second story addition 8.6 feet from one side lot line and 8.9 feet from other side lot line, addition 27.4 feet from front lot line and roofed deck 23.9 feet from front lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2008-PR-100 for the additions subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

O:\dhedri\Special Permits\2-10\ SP 2008-PR-100 Yourshaw\SP 2008-PR-100 Yourshaw staff report.doc

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

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

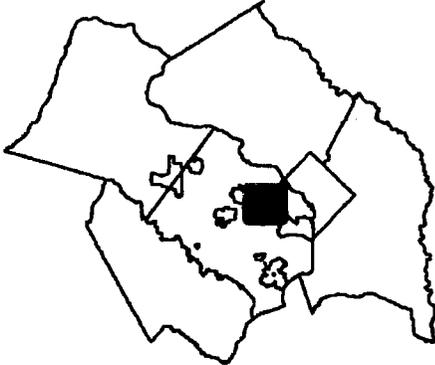


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2008-PR-100

Applicant:
Accepted:
Proposed:

ROBERT & SHERYL YOURSHAW
11/14/2008
REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT SECOND STORY ADDITION 8.6 FEET FROM ONE SIDE LOT LINE AND 8.9 FEET FROM OTHER SIDE LOT LINE, ADDITION 27.4 FEET FROM FRONT LOT LINE AND ROOFED DECK 23.9 FEET FROM THE FRONT LOT LINE



Area: 5,500 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 08-922

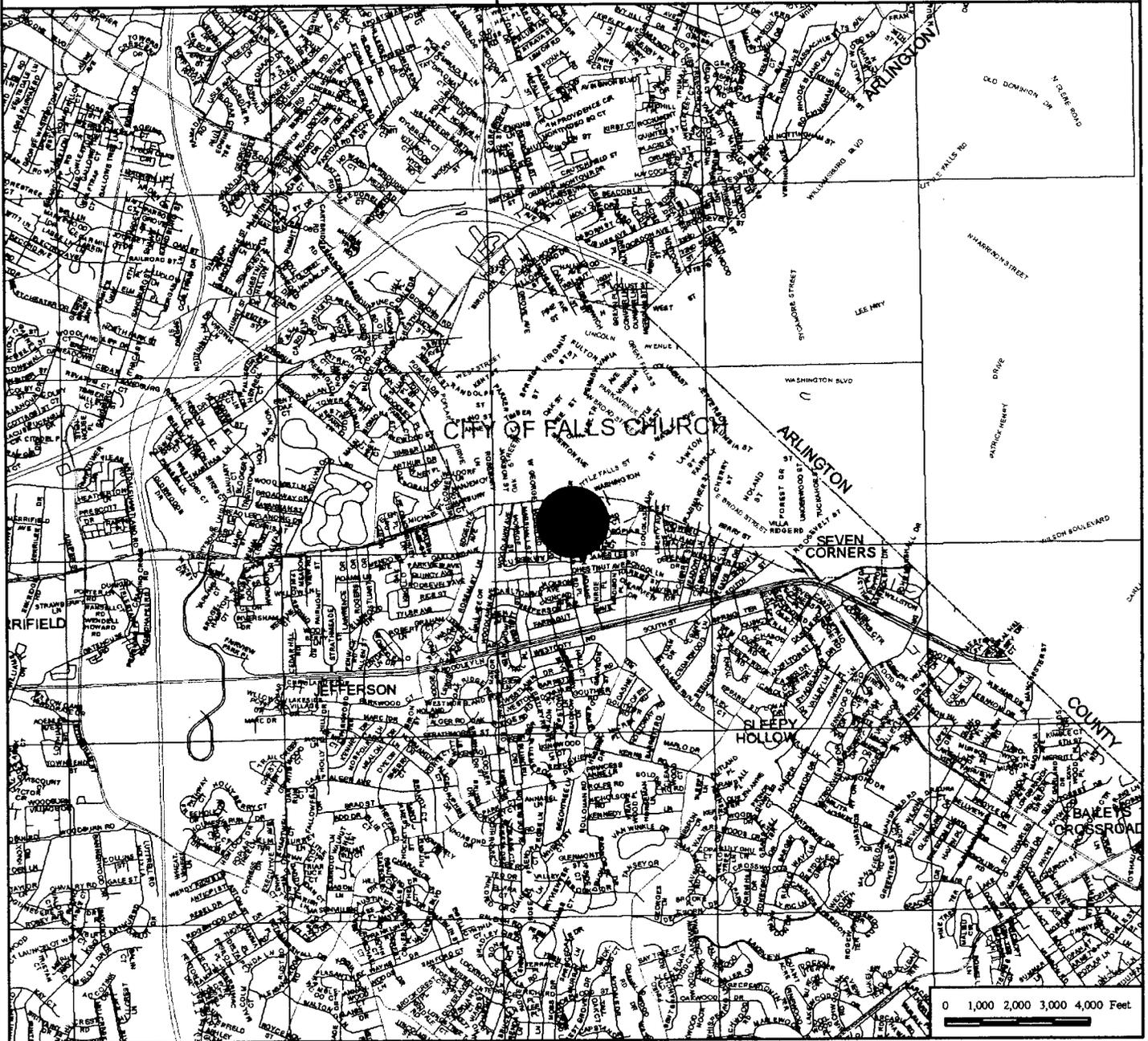
Art 8 Group and Use: 9-21

Located: 2800 WINCHESTER WAY

Zoning: R- 4

Overlay Dist: HC

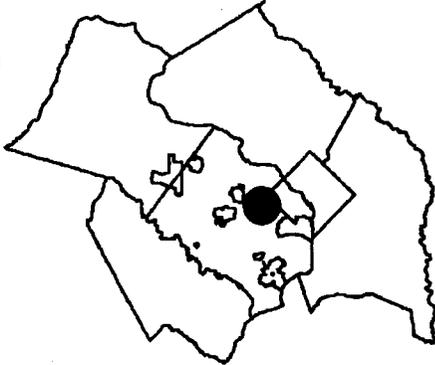
Map Ref Num: 050-2- /06/ /0396



Special Permit
SP 2008-PR-100

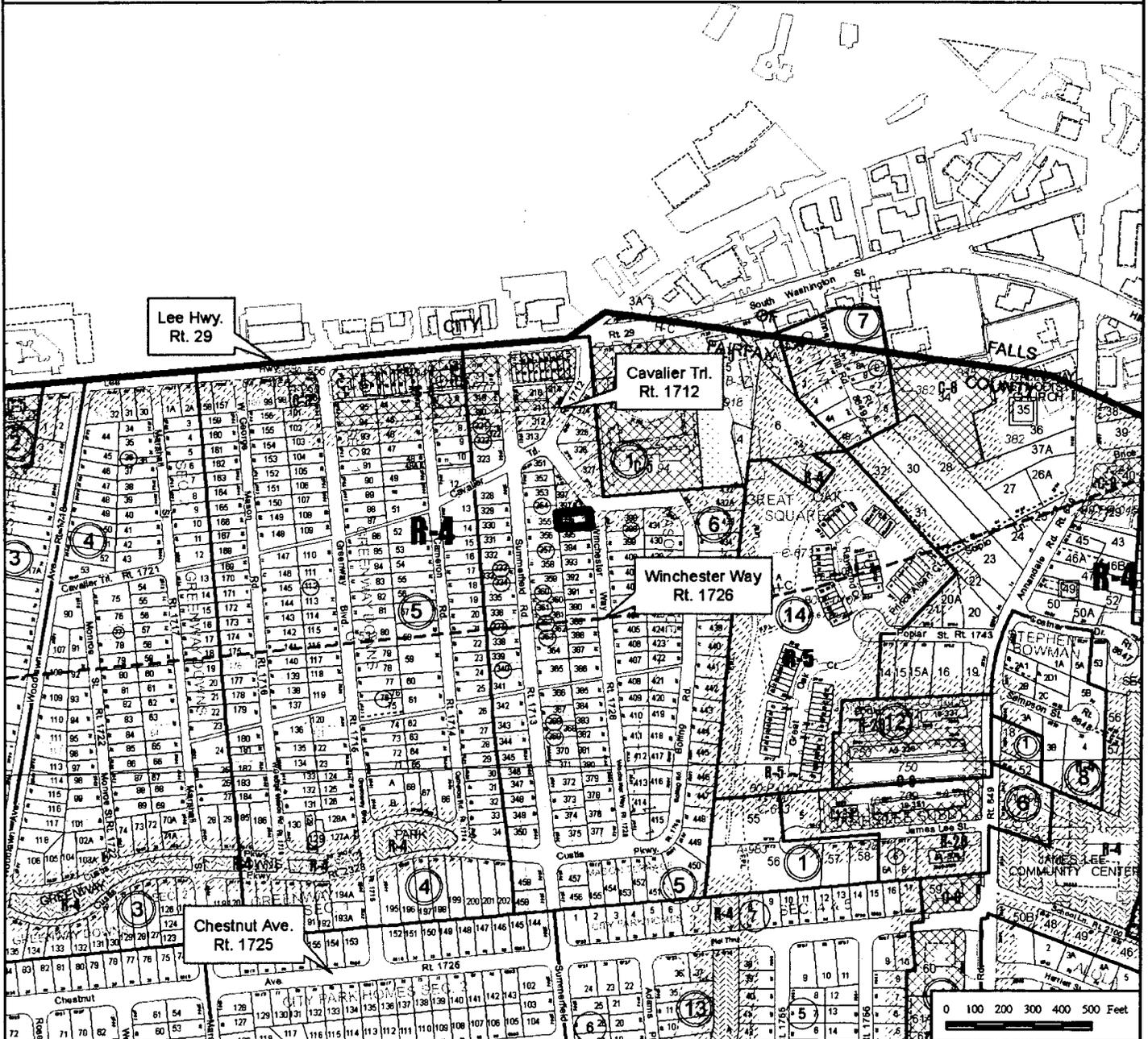
Applicant:
Accepted:
Proposed:

ROBERT & SHERYL YOURSHAW
11/14/2008
REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT SECOND STORY ADDITION 8.6 FEET FROM ONE SIDE LOT LINE AND 8.9 FEET FROM OTHER SIDE LOT LINE, ADDITION 27.4 FEET FROM FRONT LOT LINE AND ROOFED DECK 23.9 FEET FROM THE FRONT LOT LINE



Area: 5,500 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 08-922
Art 8 Group and Use: 9-21
Located: 2800 WINCHESTER WAY
Zoning: R- 4
Overlay Dist: HC
Map Ref Num: 050-2- /06/ /0396



NOTES

1. TAX MAP: 50-2-06-0396
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 5,500 SQUARE FEET (0.1263 AC)

4. REQUIRED YARDS:

- FRONT: = 30.0 FEET
- SIDE: = 10.0 FEET
- REAR: = 25.0 FEET

5. HEIGHTS:

- DWELLING = 16.5 FEET
- SHED = 08.4 FEET
- PROPOSED 1st FLOOR ADDN = 10.0 FEET
- PROPOSED PORCH = 15.0 FEET
- PROPOSED 2nd FLOOR ADDN = 21.0 FEET
- FENCES = AS NOTED

6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.

7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.

8. ALL IMPROVEMENTS SHOWN ON THIS PLAN 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 FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.

- 12. AREAS:**
- BASEMENT = 742 SF
 - 1st FLOOR = 742 SF
 - 1/2 FLOOR = 371 SF
 - GROSS FLOOR AREA = 1855 SF

FLOOR AREA RATIO = GFA (1855) / LOT AREA (5500) = 0.34

- PROPOSED 1st FLOOR ADDN = 25 SF
- PROPOSED 2nd FLOOR = 742 SF
- PROPOSED AREA (767) / EX GFA (1855) = 41 %

PROPOSED AREA:

- BASEMENT = 742 SF
- 1st FLOOR = 767 SF
- 2nd FLOOR = 742 SF
- PROP GROSS FLOOR AREA = 2251 SF

PROP FAR = PROP GFA (2251) / LOT AREA (5550) = 0.41

PLAT

SHOWING THE IMPROVEMENTS ON

LOT 396

MASON TERRACE

(DEED BOOK U-14, PAGE 599)

FAIRFAX COUNTY, VIRGINIA

PROVIDENCE DISTRICT

SCALE: 1" = 10' JULY 16, 2008

OCTOBER 23, 2008 (REV)

CASE NAME:

SHERYL YOURSIAW

07/16/2008

GEORGE M. O'QUINN

LICENSE NO. 2069

DOMINION Surveyors Inc.

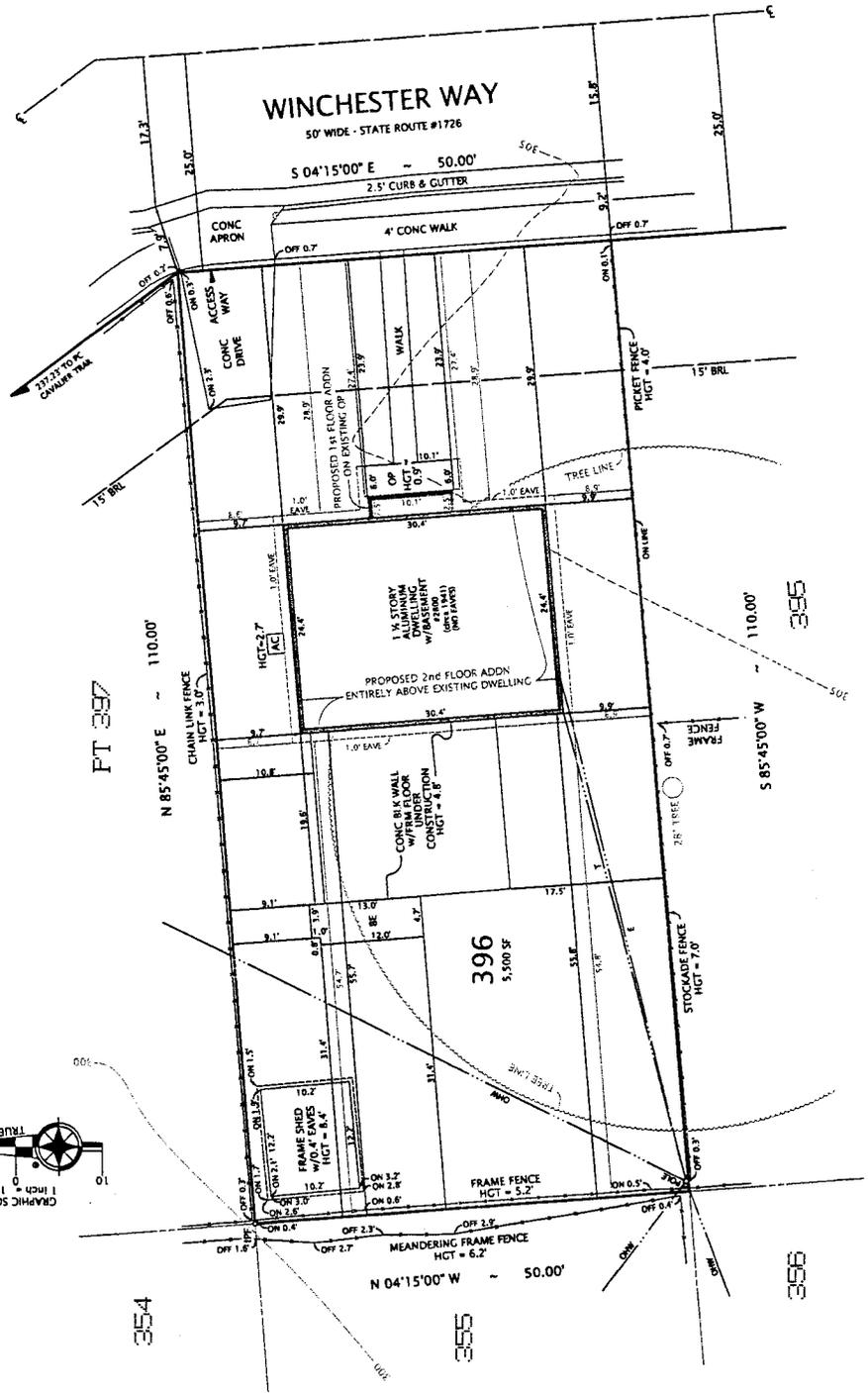
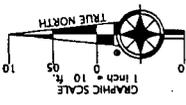
8808 H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
FAX: 703-799-8412

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN OTHERWISE, NO DOUBLE ENCUMBRANCES EXIST ON THIS DATE.

THIS MAP IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT HAS NOT BEEN OBTAINED. NO CORNER MARKERS SET.

PROPOSED ADDN NOTES:

- THE 1st FLOOR PORCH WILL BE 8" TO THE EAVELINE AND 12" TO THE ROOF RIDGELINE.
- THE 2nd FLOOR ADDN WILL BE 17" TO THE EAVELINE AND 25" TO THE ROOF RIDGELINE.
- THE PROPOSED COVERED PORCH WILL BE 15" TO THE ROOF RIDGELINE.



LEFT



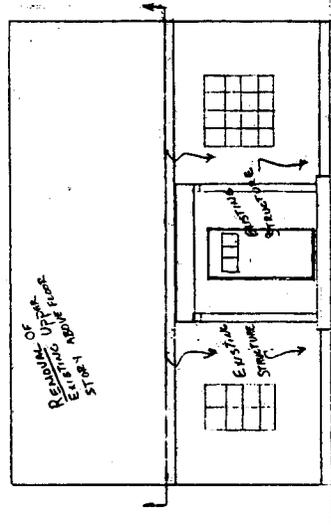
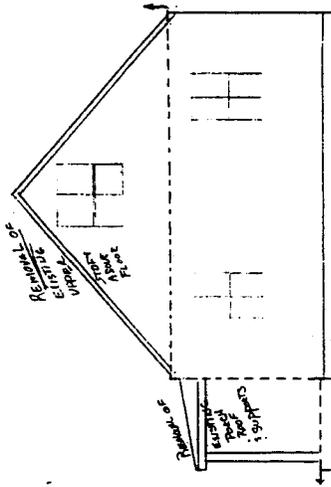
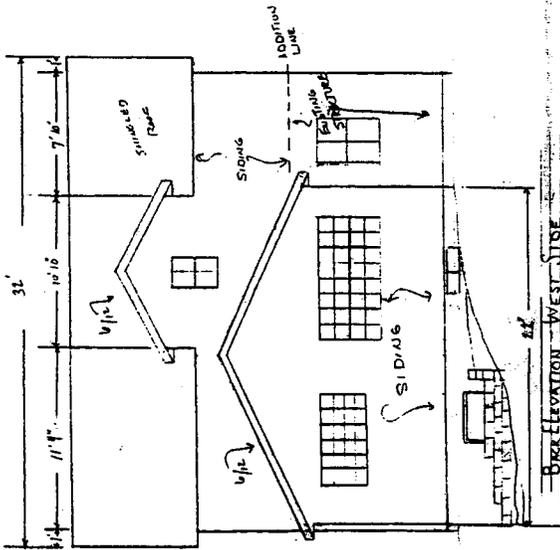
RIGHT



REAR



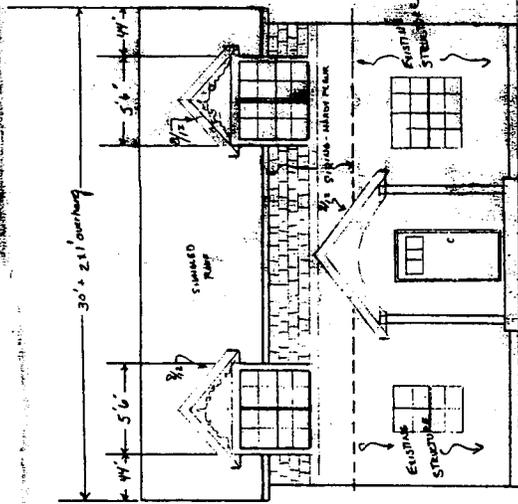
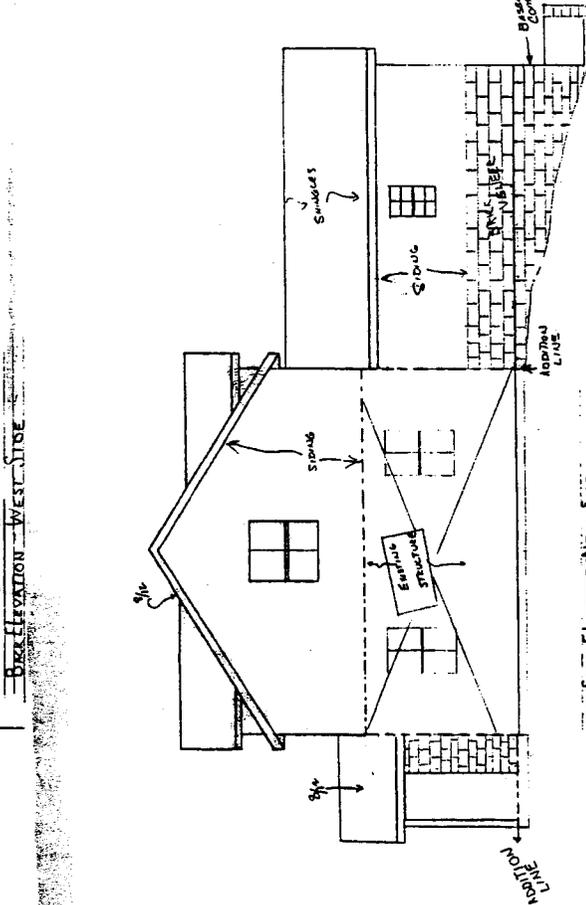
FRONT



SIDE ELEVATION - EXISTING STRUCTURE

BACK ELEVATION - WEST SIDE

FRONT ELEVATION - EXISTING STRUCTURE



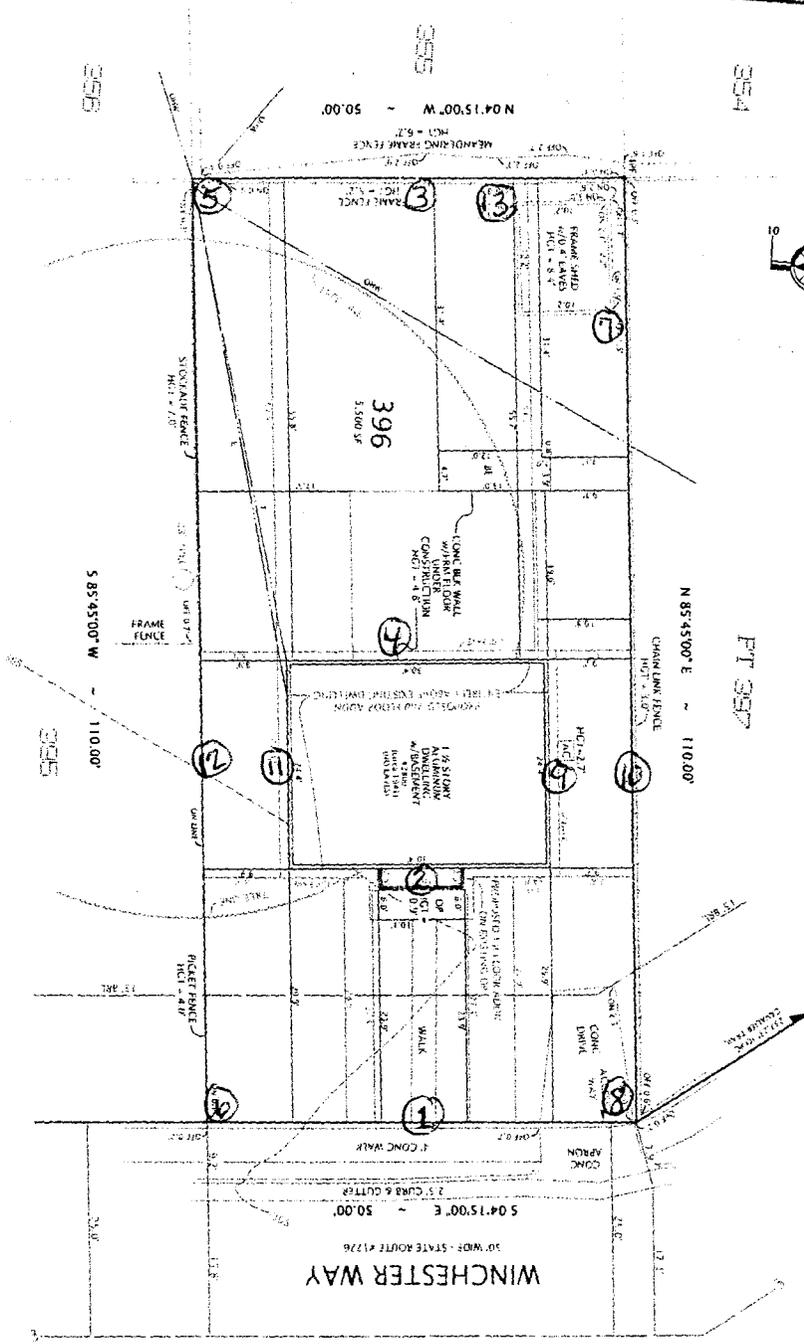
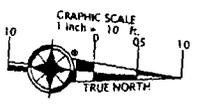
SIDE ELEVATION - NORTH SIDE

FRONT ELEVATION - PROPOSED

YOUSSEF ABOU TRAWA - ERO	
DATE: 11/11	SCALE: 1/8" = 1'-0"
DATE: 11/11	SCALE: 1/8" = 1'-0"
DRAWN BY: YOUSSEF ABOU TRAWA	
CHECKED BY: YOUSSEF ABOU TRAWA	

PROPOSED ADDRESS: 396

THE FLOOR PLAN SHALL BE 2' TO THE LANTERN AND 12' TO THE ROOF SLOPING
 THE FLOOR PLAN SHALL BE 12' TO THE EAST LINE AND 25' TO THE ROOF SLOPING



PT 397

N 85.4500° E ~ 110.00'

WINCHESTER WAY

50' WIDE STATE ROUTE #1276

5.04' 15'00" E ~ 50.00'

5.00' SETBACK

5.85' 45'00" W ~ 110.00'

5.00' SETBACK

NOTES

1. TAX MAP: 59-2-00-0336
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 5,500 SQUARE FEET (0.1263 AC)
4. REQUIRED YARDS:
 - FRONT: 5.00 FEET
 - SIDE: 5.00 FEET
 - REAR: 5.00 FEET
 - HEIGHTS: 25.0 FEET
5. DWELLING: 16.5 FEET
6. PROPOSED 1st FLOOR ADDN: 10.0 FEET
7. PROPOSED 2nd FLOOR ADDN: 21.0 FEET
8. FENCES: AS NOTED
9. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
10. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
11. ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE EXISTING, UNLESS DENOTED AS PROPOSED.
12. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASMENTS OR TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
13. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.

1.2 AREAS:

- BASEMENT -- 742 SF
- 1st FLOOR -- 742 SF
- 2nd FLOOR -- 742 SF
- CROSS FLOOR AREA -- 1855 SF

FLOOR AREA (ATIO) = GFA (1855) / LOT AREA (5500) = 0.34

PROPOSED 1st FLOOR ADDN = 25 SF

PROPOSED 2nd FLOOR ADDN = 742 SF

PROPOSED AREA (D57) / EX GFA (1855) = 0.16

PROPOSED AREA:

- BASEMENT -- 742 SF
- 1st FLOOR -- 742 SF
- 2nd FLOOR -- 742 SF
- PROP CROSS FLOOR AREA -- 2251 SF

PROP FAR = PROP GFA (2251) / LOT AREA (5500) = 0.41

PLAT

SHOWING THE IMPROVEMENTS ON
 LOT 396
MASON TERRACE
 CENTER BLOCK, C&G, PLOT 500
 FAIRFAX COUNTY, VIRGINIA
 PROVIDENCE DISTRICT
 SCALE: 1" = 10'
 JULY 16, 2008

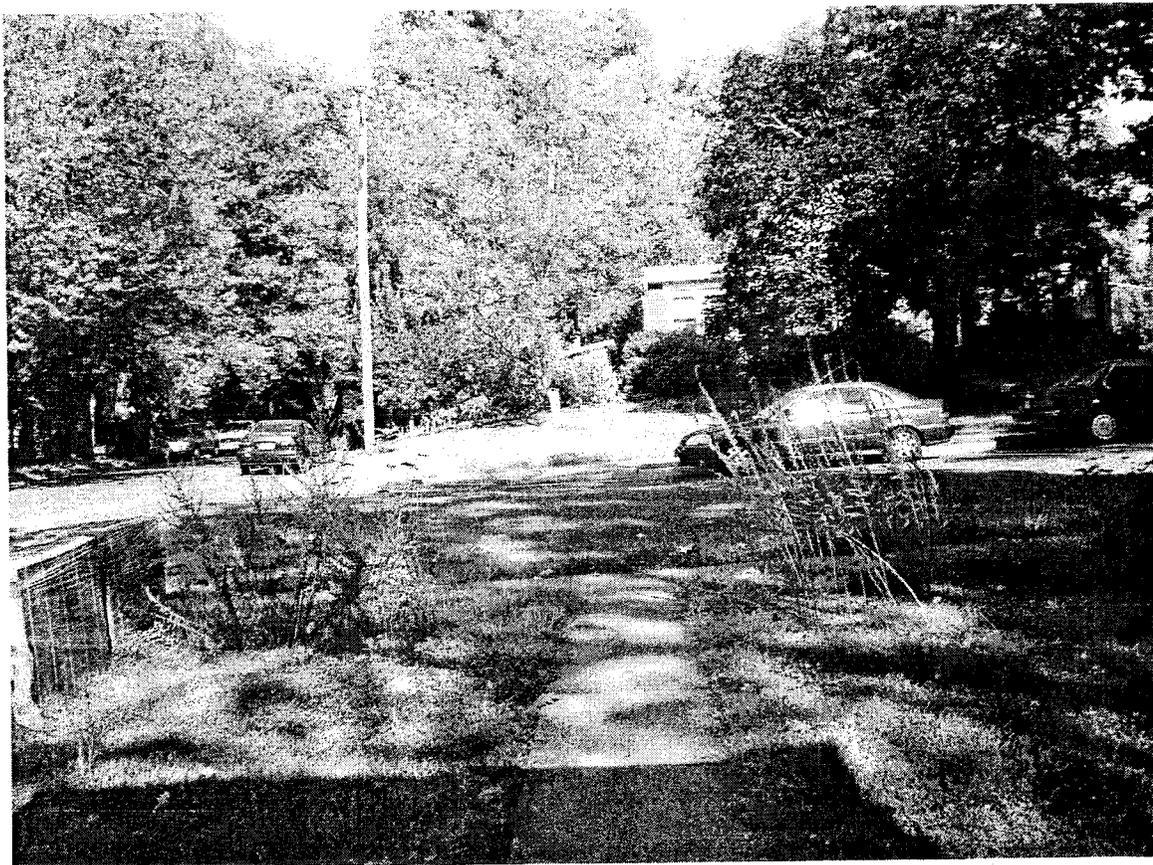
THESE NOTES SHALL BE READ IN CONJUNCTION WITH THE PLAT AND THE RECORD DRAWING. THE SURVEYOR'S OFFICE SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

07/16/2008
 GERRARD M. O'BRIEN
 LAND SURVEYOR
 1200 N. 19TH ST.
 SUITE 200
 ARLINGTON, VA 22209
 (703) 521-1111

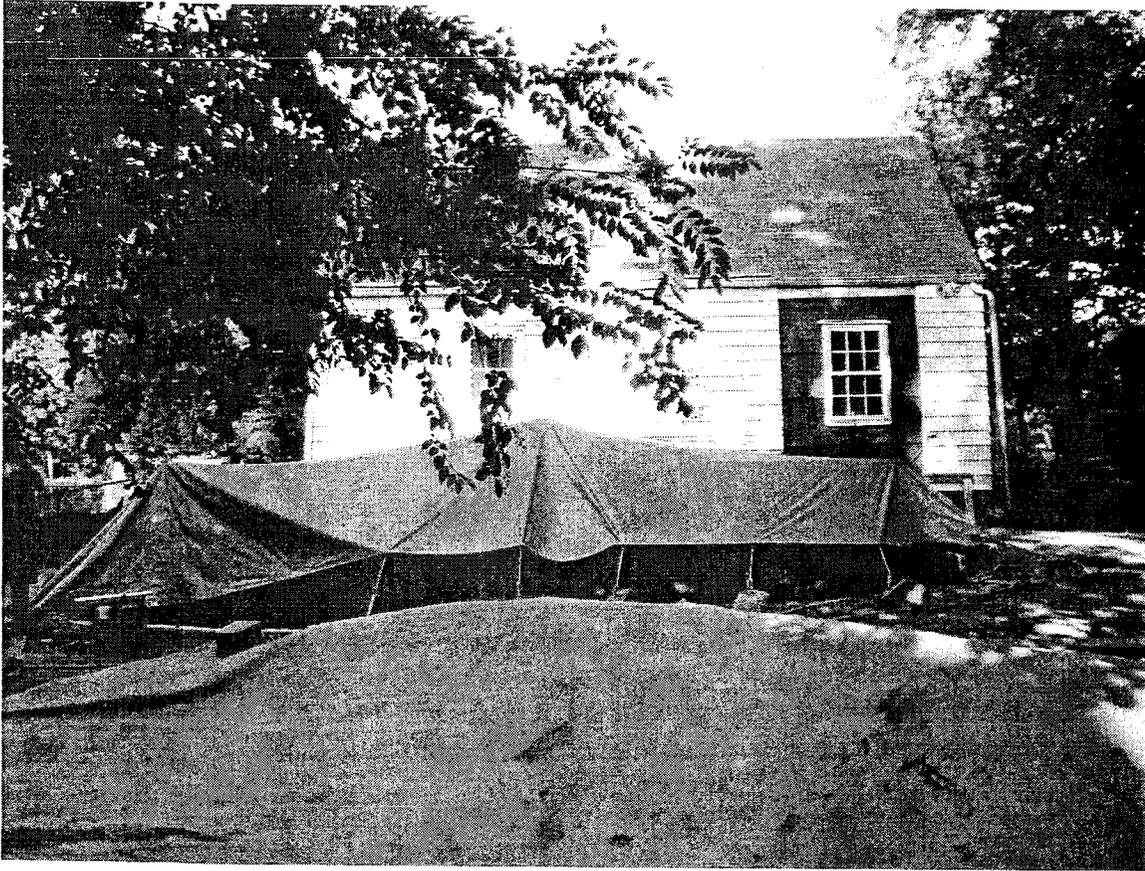
DOMINION ENERGY SERVICES
 800 HILLTOP DRIVE, SUITE 200
 ARLINGTON, VA 22209
 (703) 521-1111



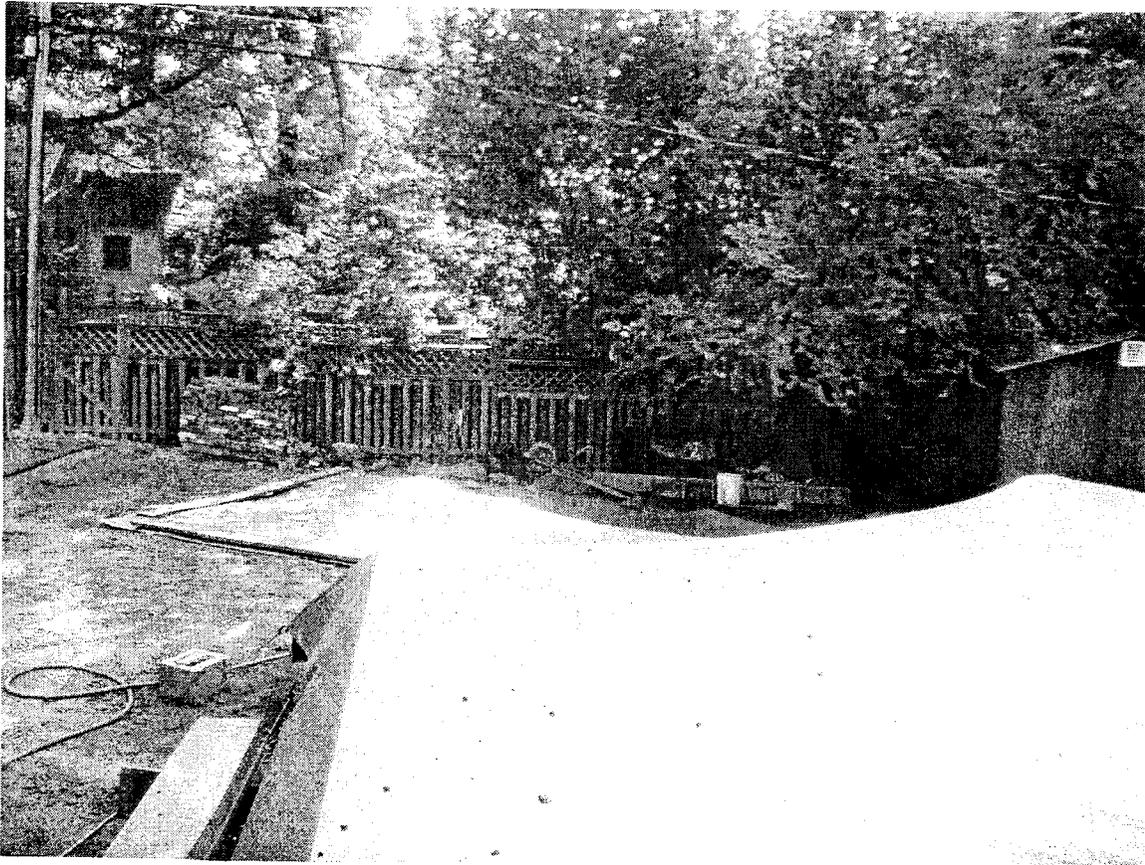
From Point 1. – looking West toward front of house (8/24/2008)



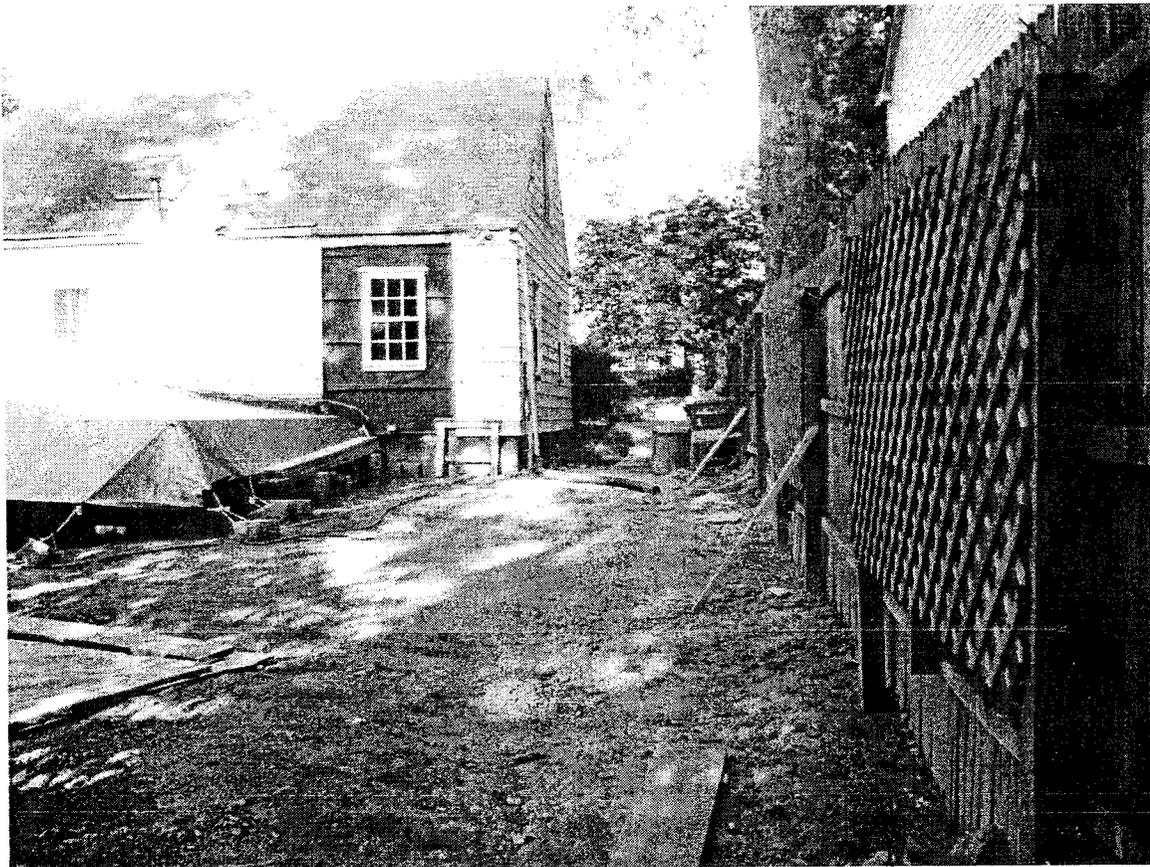
From Point 2. – looking East from front of house (8/24/2008)



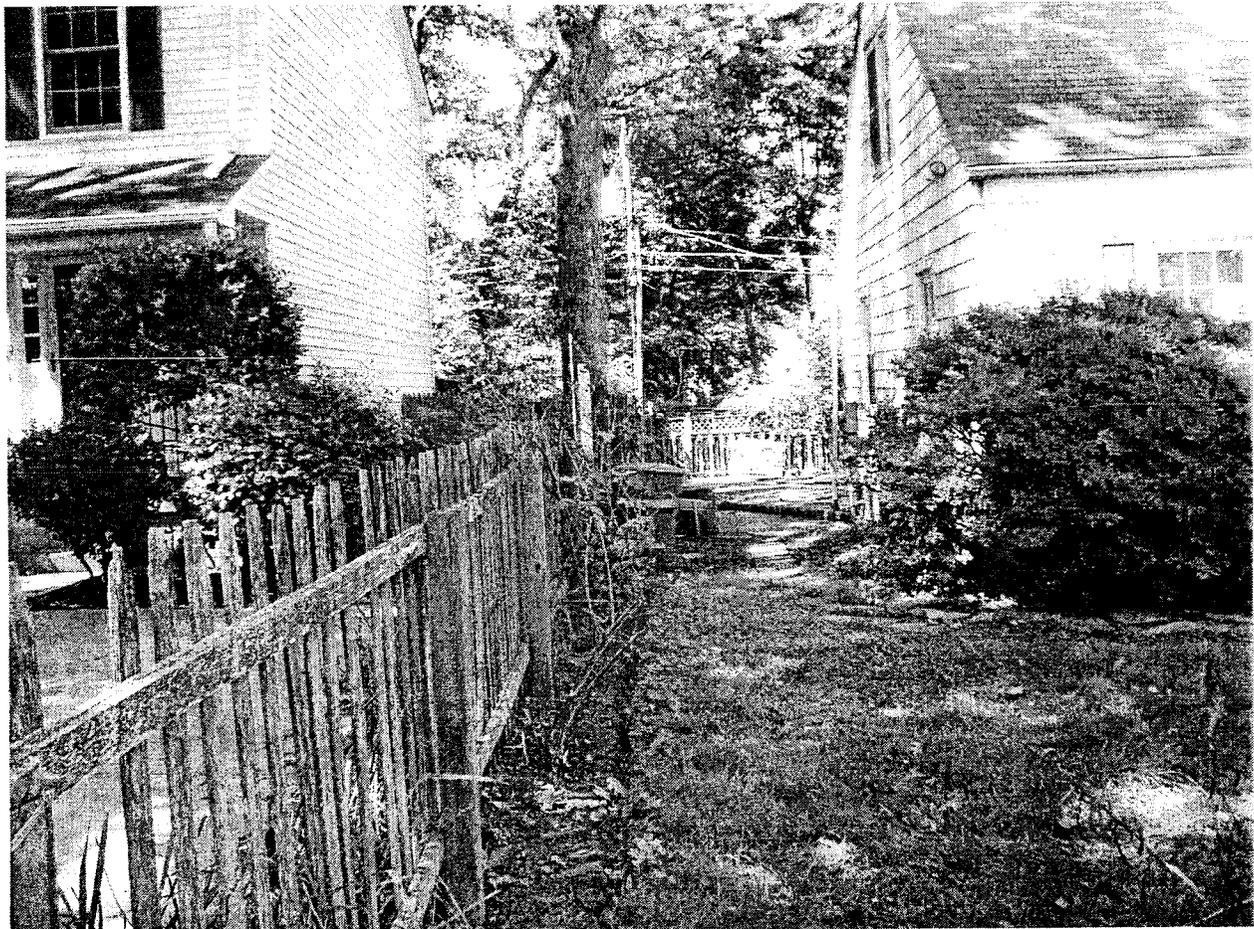
From Point 3. – looking East toward back of house (8/24/2008)



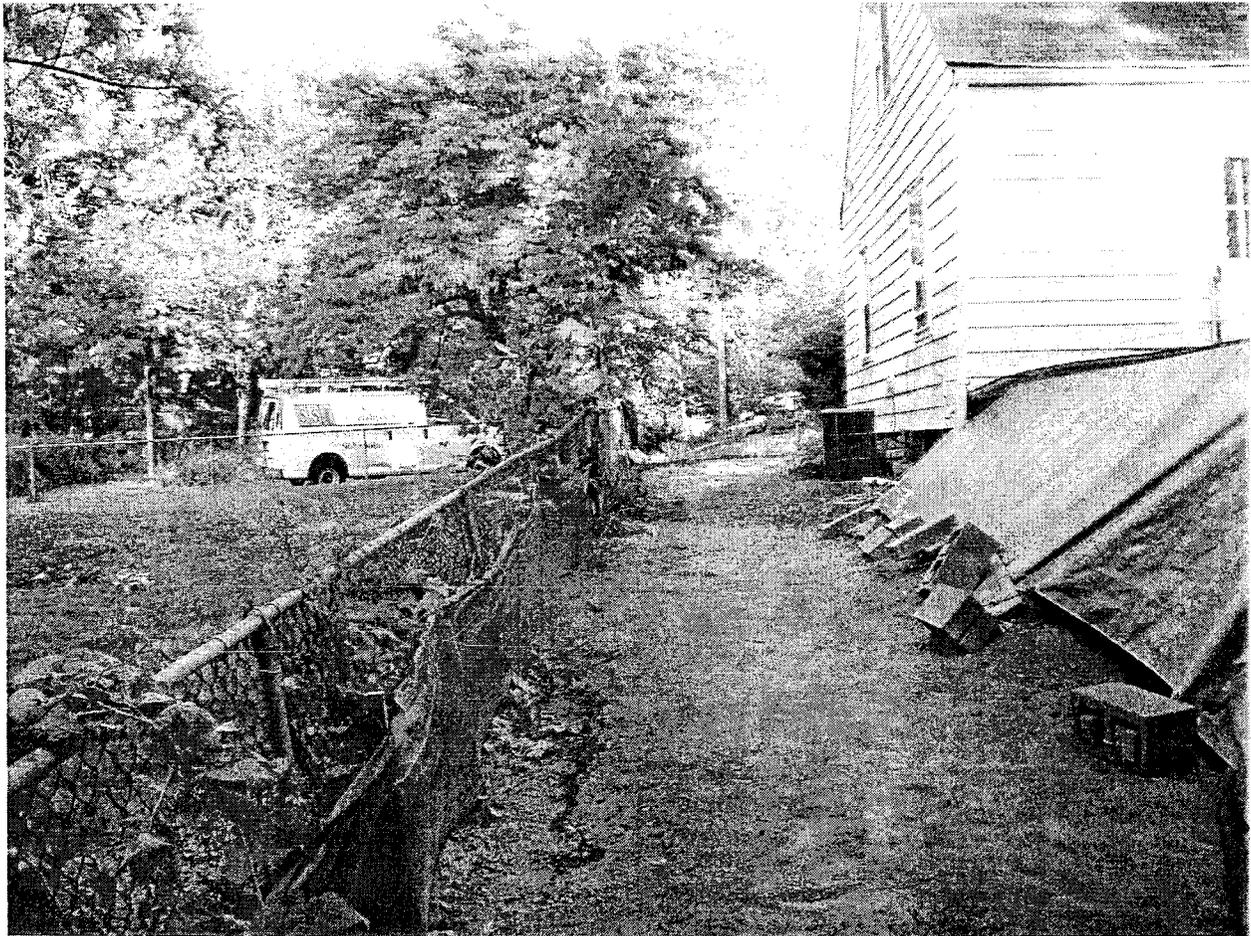
From Point 4. – looking West from back of house (8/24/2008)



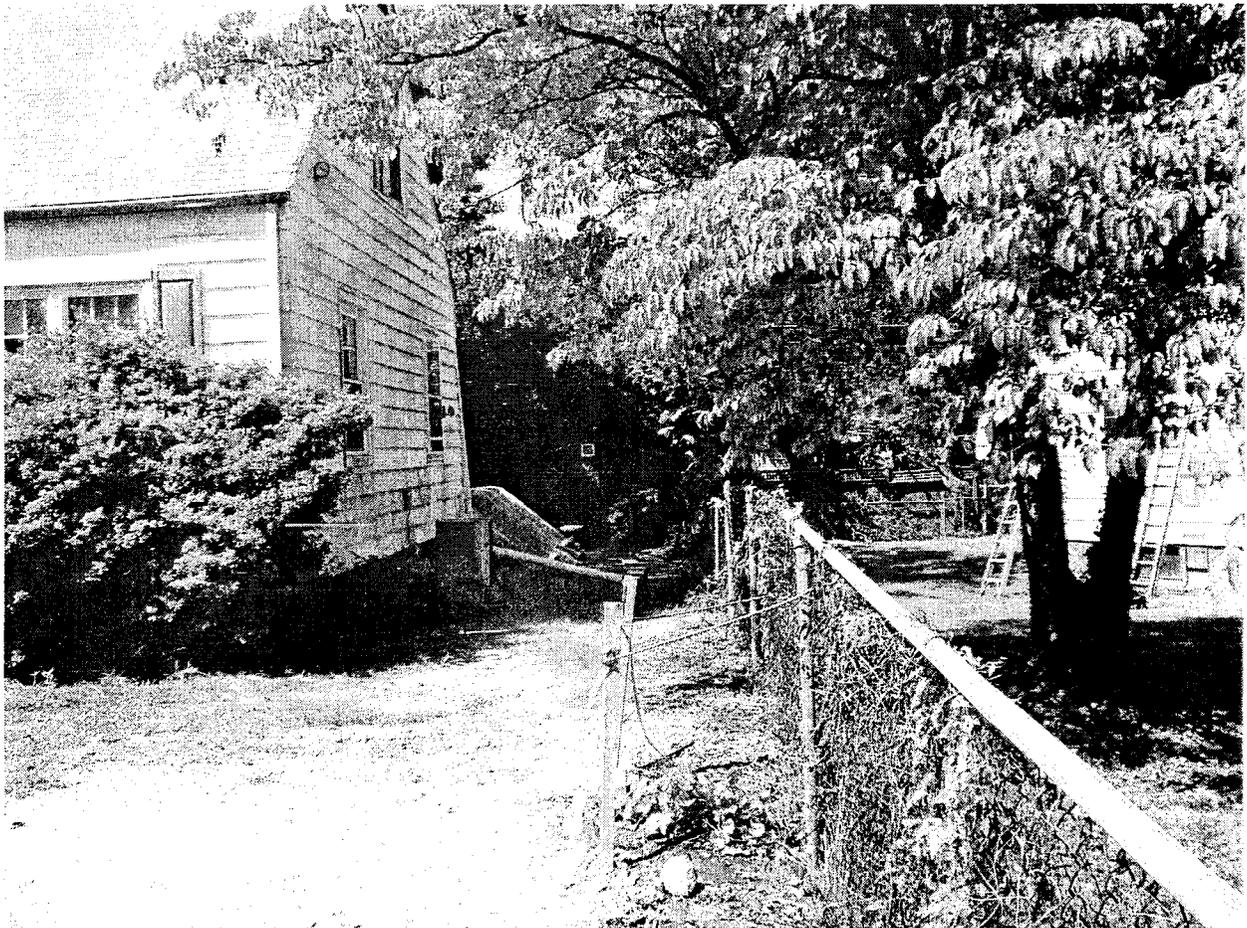
From Point 5. – looking East along south side of house (8/24/2008)



From Point 6. – looking West along south side of house (8/24/2008)



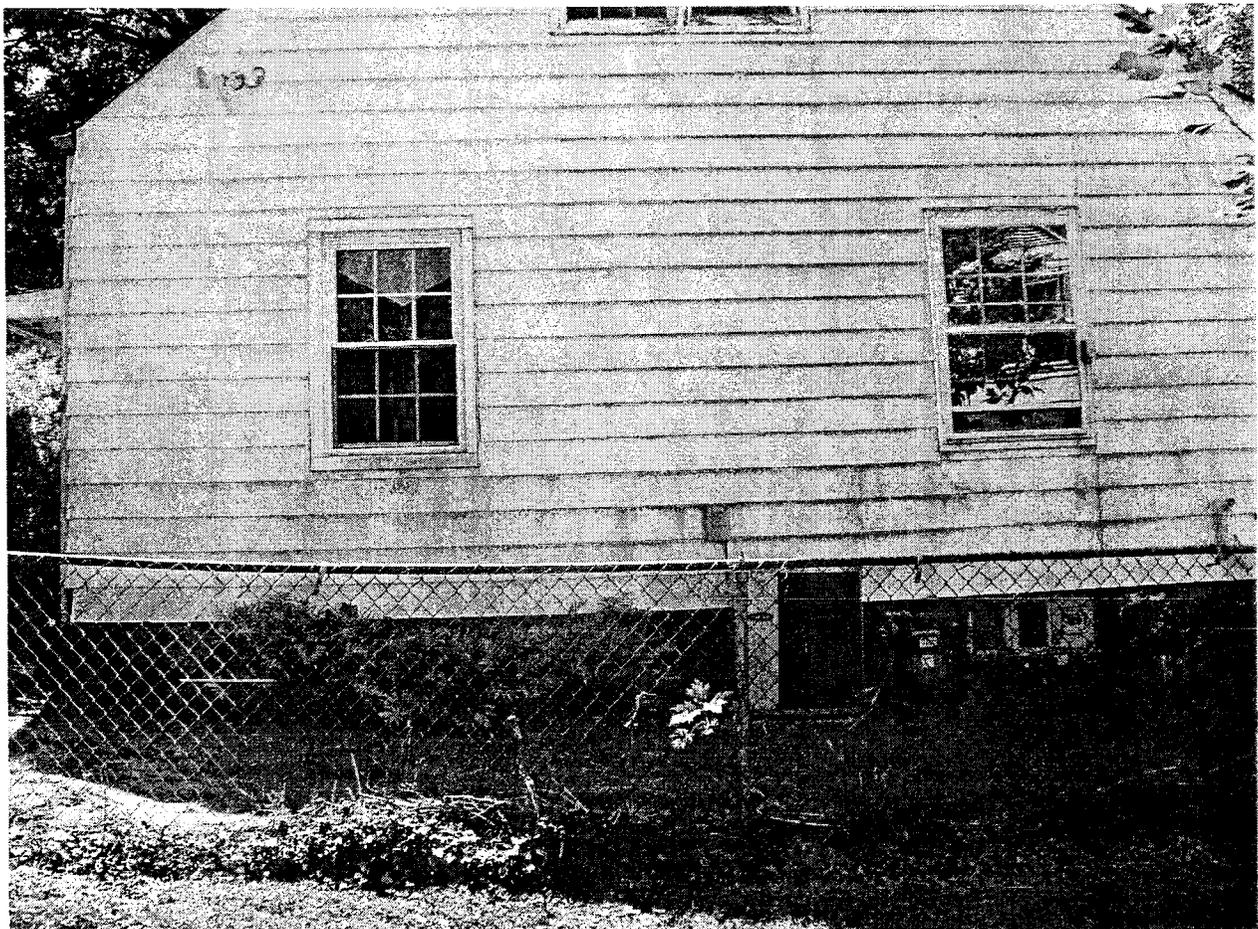
From Point 7. – looking East along North side of house (8/24/2008)



From Point 8. – looking West along North side of house (8/24/2008)



From Point 9. – looking North from North side of house (8/24/2008)



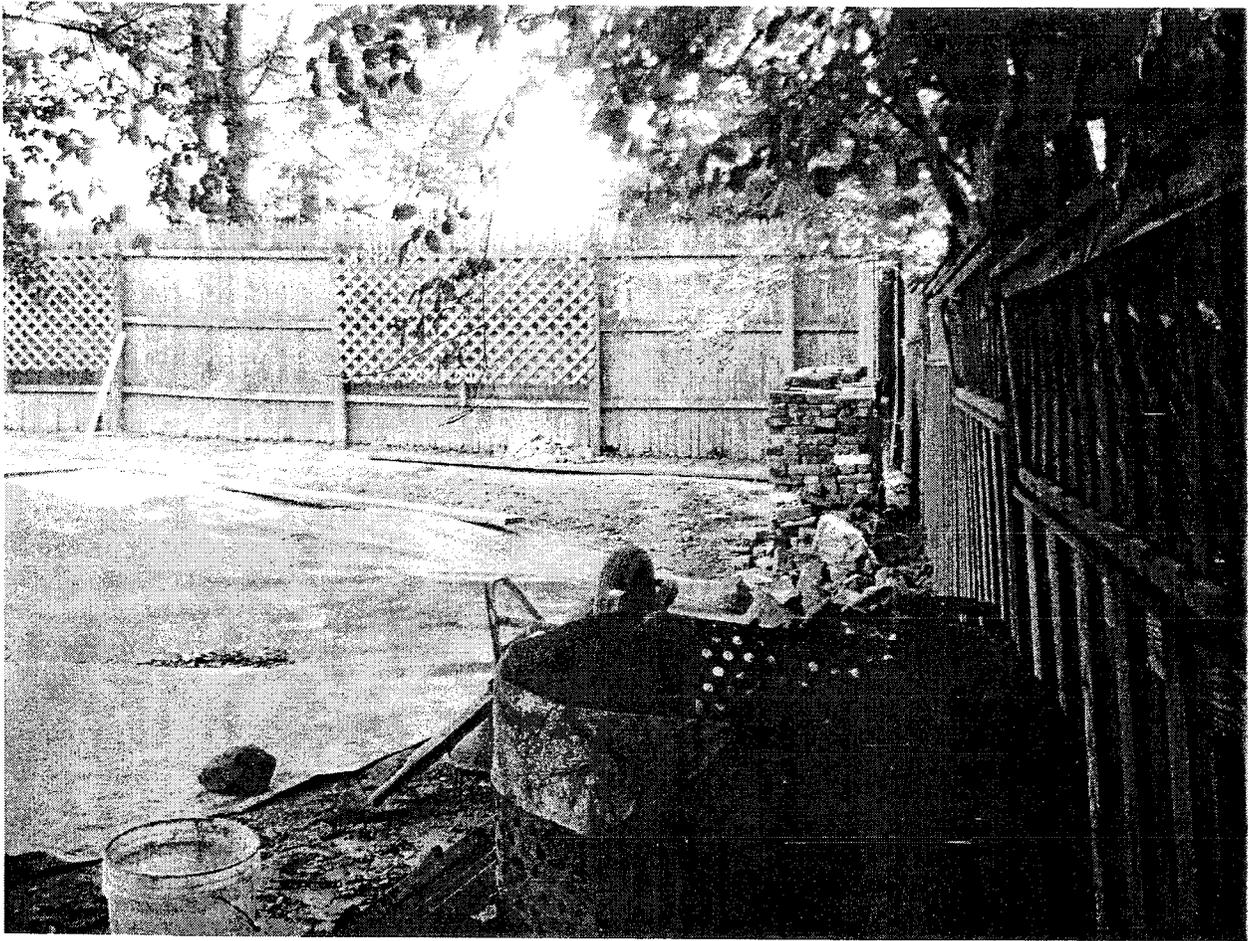
From 15' North of Point 10. – looking South at North side of house (9/3/2008)



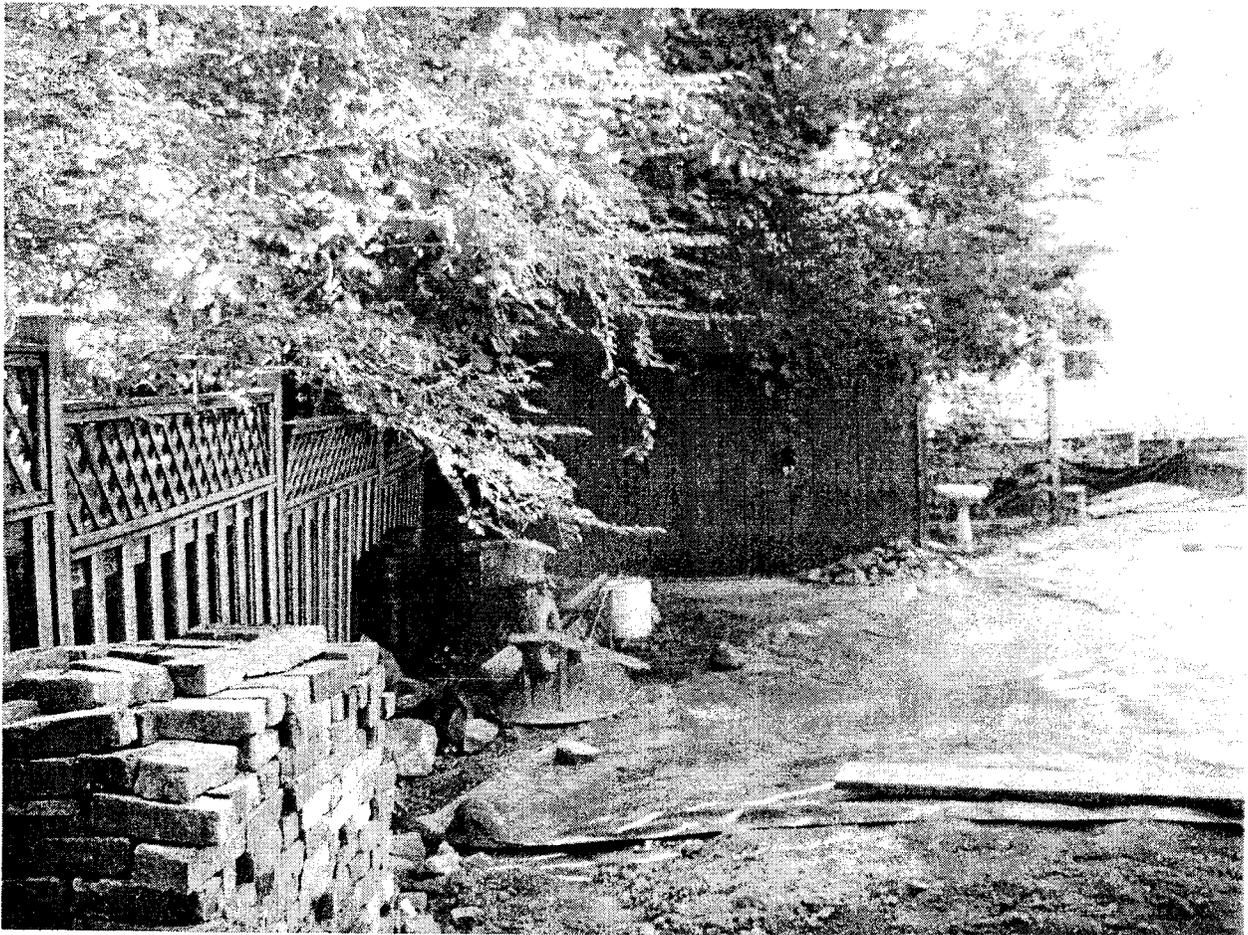
From Point 11. – looking South from South side of house (9/3/2008)



From Point 12. – looking North at South side of house (9/3/2008)



From Point 13. – looking South along West lot line (8/24/2008)



From Point 14 – looking North along West lot line (8/24/2008)



From Road, looking west at house on North side of lot. (7/27/2008)



From Road, looking west at house on South side of lot. (7/27/2008)

DESCRIPTION OF THE APPLICATION

To permit reduction of certain yard requirements to permit construction of **1)** a second story addition to be located 8.6 feet from one side lot line and 8.9 feet from the other side lot line; **2)** a one story addition to be located 27.4 feet from the front lot line; and, **3)** a roofed deck (covered entryway) to be located 23.9 feet from the front lot line.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #1	Second Story Addition	Northern Side	10.0 feet	8.6 feet	1.4 feet	14%
Special Permit #1	Second Story Addition	Southern Side	10.0 feet	8.9 feet	1.1 feet	11%
Special Permit #2	One Story Addition	Front	30.0 feet	27.4 feet	2.6 feet	9%
Special Permit #3	Roofed Deck	Front	30.0 feet	23.9 feet	6.1 feet	23%

*Minimum yard requirement per Section 3-407

EXISTING SITE DESCRIPTION

The site is currently zoned R-4 and is within a Highway Corridor Overlay District and contains a single family detached dwelling, built in 1941, with renovations taking place in 2006. The lot consists of 5,500 square feet and is surrounded by single family detached homes on all lot lines. The lot is a flat lot with sparse vegetation. Current by-right construction of an addition on the rear of the dwelling is taking place.

CHARACTER OF THE AREA

	Zoning	Use
North	R-4 and HC	Single Family Detached Dwelling
East	R-4 and HC	Single Family Detached Dwelling
South	R-4 and HC	Single Family Detached Dwelling
West	R-4 and HC	Single Family Detached Dwelling

BACKGROUND

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** Plat, Showing the Improvements on Lot 396, Mason Terrace
- **Prepared by:** Dominion Surveyors Inc.
- **Dated:** July 16, 2008 as revised through October 23, 2008

Proposal:

The applicant proposes to construct a second story addition, which will be located entirely above the existing one story dwelling, to be located 8.6 feet from the northern side lot line and 8.9 feet from the southern side lot line, to create additional living space within the current one and one-half story dwelling. A one-story addition, which will replace an existing open porch, is proposed 27.4 feet from the front lot line, which will create an enclosed entryway into the dwelling. A roofed deck (covered entryway) is proposed 23.9 feet from the front 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 a second story addition will be in keeping with the surrounding properties and will not adversely affect the use or development of neighboring properties. Many of the homes in this 1940's neighborhood have undergone extensive renovations and are two stories in height. The addition of the one-story structure will provide an enclosed entryway into the dwelling and replace an existing open. Staff does not believe the addition would adversely affect the use or development of neighboring properties.*

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 additions will consist of a second story over the existing dwelling, a one story addition in the current location of the open front porch and a covered entryway into the dwelling, not requiring the removal of significant vegetation. There is ample mature existing vegetation around the property on the adjoining lot lines as well as several types of fencing around the subject property. Therefore staff does not believe any additional vegetation is required.*

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 1,855 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 2,782.5 square feet in size for a possible total square footage at build out of 4,637.5. The proposed additions will result in 767 square feet, for a total square footage of the house with the addition of 2,622 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 second story addition above the existing dwelling, the one story addition to the front of the dwelling and the covered entryway will all be compatible with the architecture of the existing house on the lot. 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 second story addition will be compatible with the surrounding houses in the neighborhood. Some other homes in the immediate area have created the same affect by expanding their existing 1940's single family homes. Also, the one story addition to the front of the property would have no significant negative impact to the properties immediately adjacent to the proposed structure since the request is minimal by adding only an addition 25 square feet in additional bulk, while replacing an existing open porch. The addition of the covered entryway will merely enhance the front entrance to the existing dwelling creating no additional bulk on the property. There is no significant vegetation on the property yet there is existing fencing and significant vegetation along the property lines on adjacent lots. 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 a second story structure to 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 742 square feet to the lot. The one story addition to the front of the dwelling will replace an existing area of impervious surface. 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 majority of the proposal is to create a second story addition which will consist of additional living space. The intrusion into the side yards will not exceed the existing footprint of the dwelling and are minimal requests at only 11% and 14% respectively. Given the small size of the lot, and the placement of the existing dwelling on the lot, there is very little opportunity to add to the house except as proposed. Other issues of well, easements, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. Staff believes that the application meets this provision.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of SP 2008-PR-100 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-PR-100****February 3, 2009**

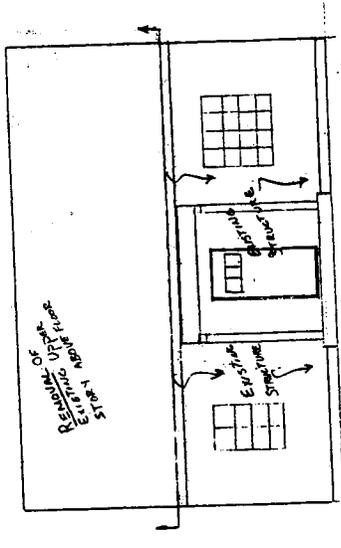
If it is the intent of the Board of Zoning Appeals to approve SP 2008-PR-100 located at Tax Map 50-2 ((6)) 396 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance 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 the additions (767 square feet), as shown on the plat prepared by Dominion Surveyors Inc. dated July 16, 2008 as revised through October 23, 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 (1,855 square feet existing + 2,782.5 square feet (150%) = 4,637.5 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 addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

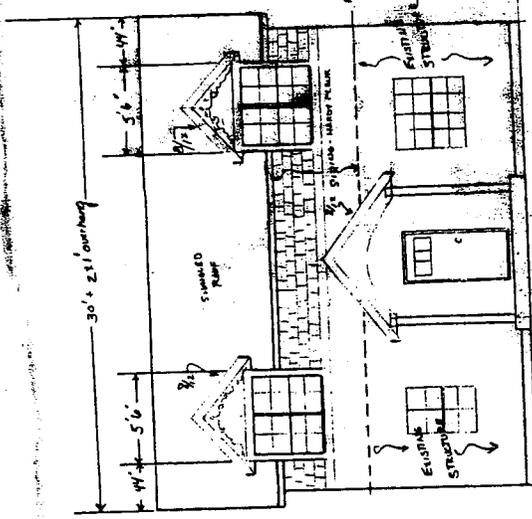
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

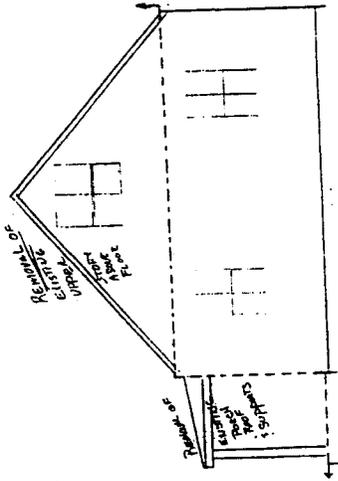
YOUSSEF ADRIZE	
SCALE: 1/8" = 1'-0"	DATE: 11/11/11
DRAWN BY: KAREL VOJSEK	
CHECKED BY: KAREL VOJSEK	



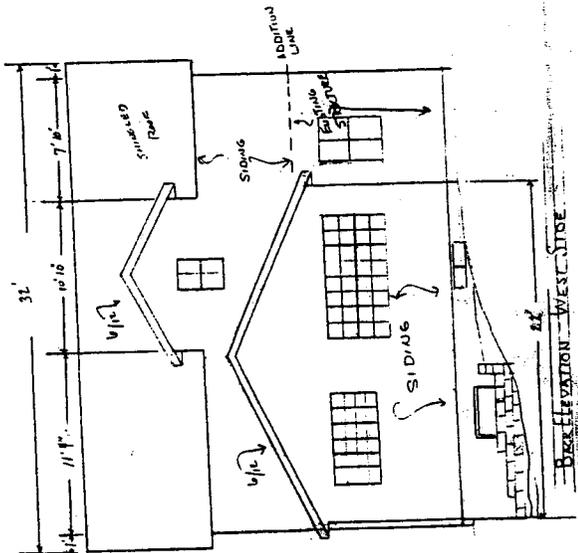
FRONT ELEVATION - EXISTING STRUCTURE



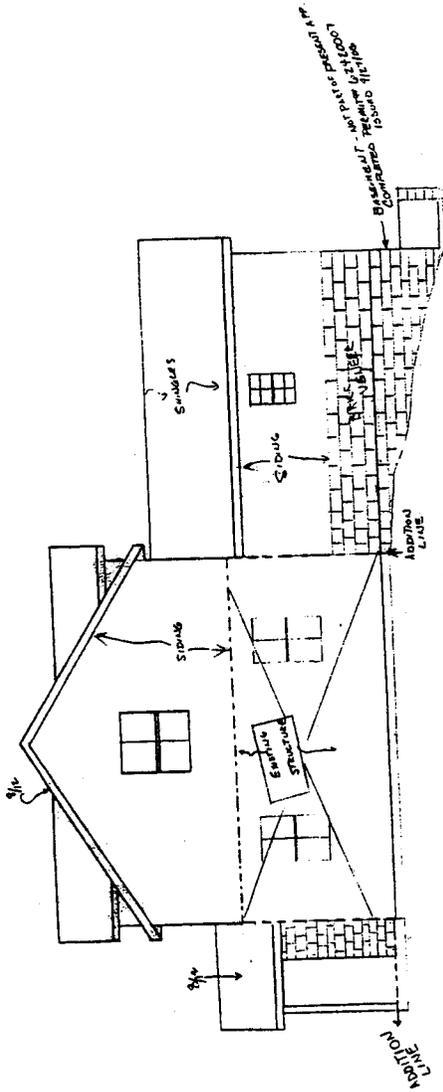
FRONT ELEVATION - Proposed



SIDE ELEVATION - EXISTING STRUCTURE



BACK ELEVATION - EXISTING STRUCTURE



SIDE ELEVATION - Proposed

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: SEPT 9 2008
(enter date affidavit is notarized)

I, Sheryl L. Yourshaw, 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

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)
Sheryl L. Yourshaw	2800 Winchester Way Falls Church, VA 22042	Applicant/Title Owner
Robert M. Yourshaw	same	Applicant/Title Owner

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

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

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

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: SEPT 9, 2008
(enter date affidavit is notarized)

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)

NA

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)

NA

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

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

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: SEPT 9, 2008
(enter date affidavit is notarized)

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

PARTNERSHIP INFORMATION

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

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

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

NA

(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: SEPT 9 2008
(enter date affidavit is notarized)

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: SEPT 9 2008
(enter date affidavit is notarized)

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.)

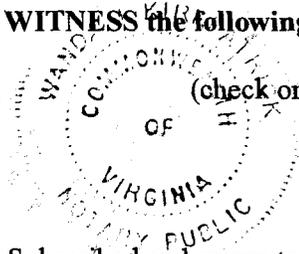
NONE

(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:



Sheryl L. Yourshaw APPLICANT/TITLE OWNER
 Applicant [] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 9th day of September 2008, in the State/Comm. of Virginia, County/City of Fairfax.

Wandalee K. Irick
Notary Public
4084398

My commission expires: 1/30/10

Justification for Reduction of Certain Yard Requirements

Per section 8-922 of Fairfax County Zoning Ordinance

2. The proposed yard reduction will not result in the placement of a detached accessory structure in the front yard.
3. The applicants purchased, in good faith, the lot and home for which the yard reduction is requested. Upon investigating the requirements for building a second-story addition, the existing house was found to exceed the set backs in both side yards and front yard by a few inches. It was also discovered that the existing porch had not been properly permitted. It is for that reason that they are applying for a special permit.

A permit was obtained in 2006 to add a full second floor to the existing house which would meet the side yard and front yard setbacks. However, following the approved plans, to inset the outside walls, would require more complicated construction and is likely to result in an awkward appearance. Also, the existing porch roof is poorly built and unattractive. The proposed changes to the porch and addition would relieve unnecessarily complicated construction and beautify the home as well as providing a more comfortable living space.
4. The resulting gross floor space will be increased from 1855 to 2251 square feet which is well below the permitted 2782.5 square feet, or 150% of existing gross floor area of the principal structure. The portion of the existing structure to be removed, 371 square foot second story half floor, comprises only 20% of the total gross floor area. Furthermore the floor area does not include any structure other than the main living area.
5. The gross floor space of the existing accessory structure (shed) will not be changed or affected in any way by the intended changes to the principal structure on the site.
6. The character of the proposed addition is not out of character with the existing location, height, bulk, or scale of the principal structure on the site.
7. The proposed addition indeed is very harmonious with the surrounding structures in terms of location, height, bulk and scale. Surrounding trees and vegetation will not be in any way affected.
8. A reduction in the minimum yard requirements will not be detrimental to the use and enjoyment of other properties in the immediate vicinity. It will not affect the noise, light, air, safety, or erosion of the existing or adjacent properties.
9. The proposed addition only minimally exceeds current set backs and therefore will impose a very small yard reduction. These changes, while modest, greatly enhance the existing structure is its current orientation. Considering the size and shape of the lot, alternative locations or orientation are not feasible. There are no environmental features, whether naturally occurring or as the result of human involvement (well, septic, or easements) adversely affected by the proposed changes.

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.