



APPLICATION ACCEPTED: December 19, 2008

DATE OF PUBLIC HEARING: March 10, 2009

TIME: 9:00 a.m.

County of Fairfax, Virginia

March 3, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2008-SU-112

SULLY DISTRICT

APPLICANTS & OWNERS: Anthony Jr. & Kathleen Esposito

ZONING: R-C & W-S

LOCATION: 6610 Smiths Trace

SUBDIVISION: Weltman Estates

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 64-1 ((5)) (6) 6

LOT SIZE: 25,030 Sq. Ft.

SP PROPOSAL: Reduction of certain yard requirements to permit construction of accessory structure 10 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2008-SU-112 for the accessory structure 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.

O:\Scaff2\Case Files\Special Permits\SP 2008-SU-112 ESPOSITO\esposito_Cover.doc

Shannon Caffee

It should be further noted that the content of this report reflects the analysis and

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
13055 Governor's Center Building, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



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.

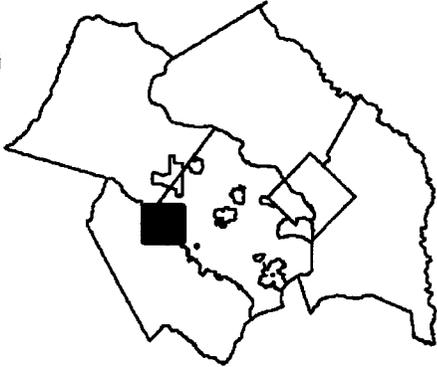
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



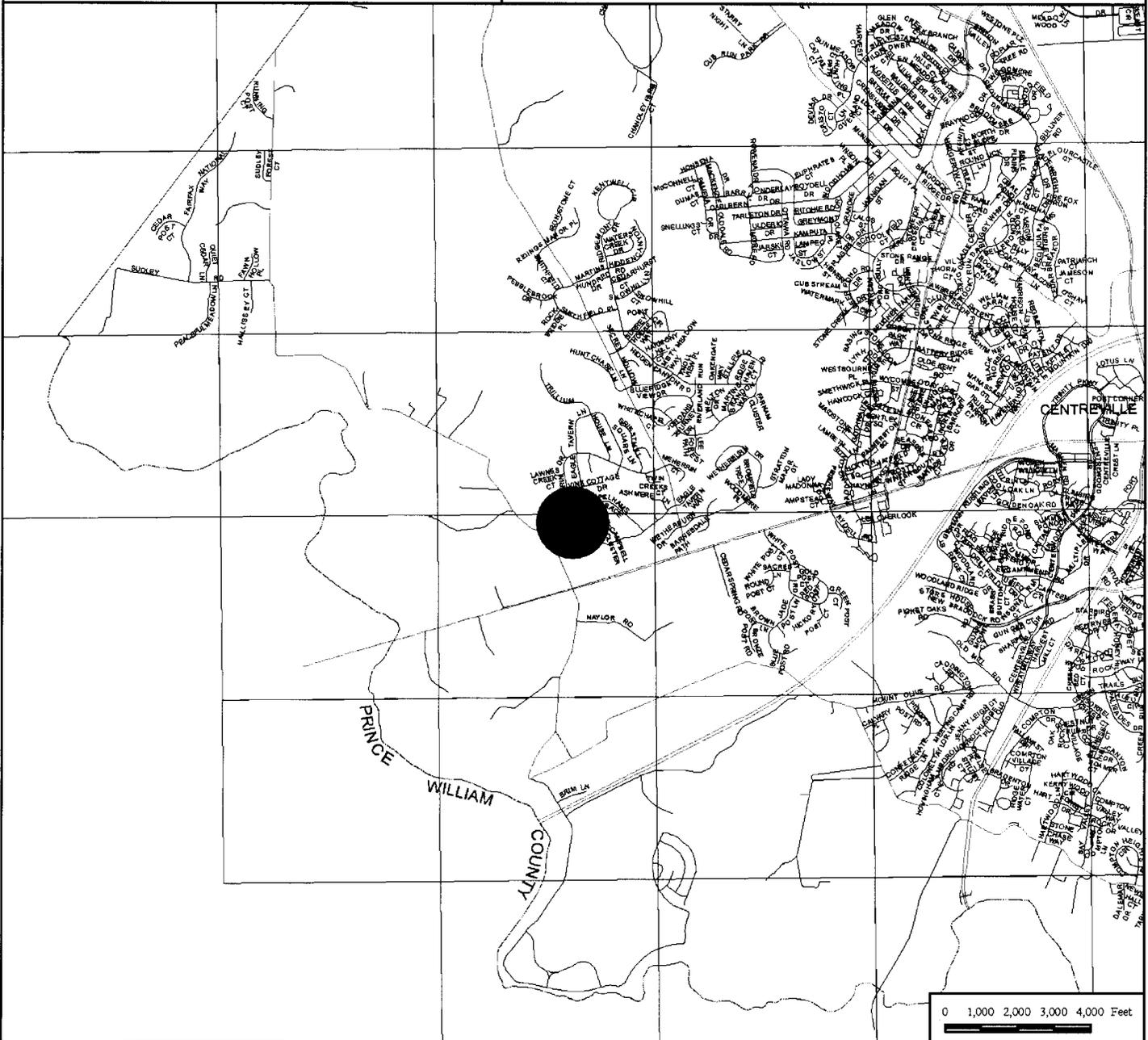
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2008-SU-112

Applicant: ANTHONY JR. & KATHLEEN ESPOSITO
Accepted: 12/19/2008
Proposed: REDUCTION OF CERTAIN YARD REQUIREMENTS
TO PERMIT ACCESSORY STRUCTURE 10.0
FEET FROM SIDE LOT LINE



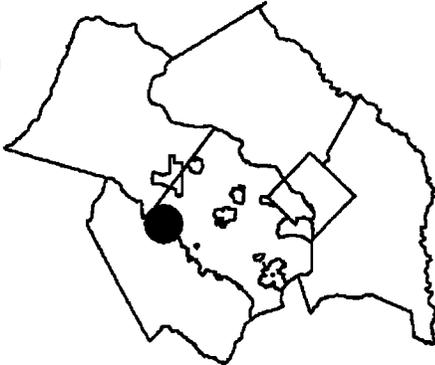
Area: 25,030 SF OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 08-922
Art 8 Group and Use: 9-21
Located: 6610 SMITHS TRACE
Zoning: R- C
Overlay Dist: WS
Map Ref Num: 064-1- /05/06/0006



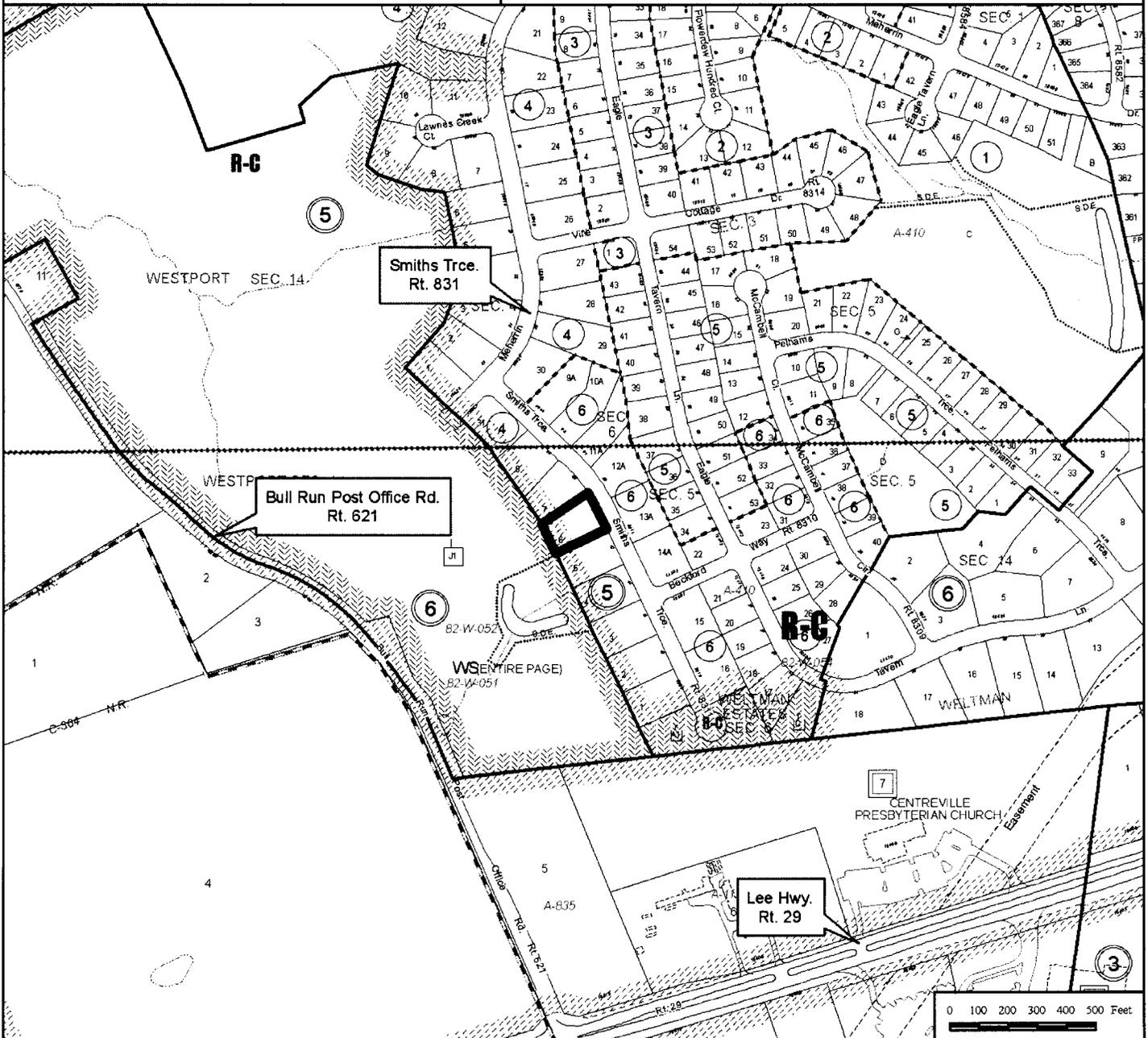
Special Permit

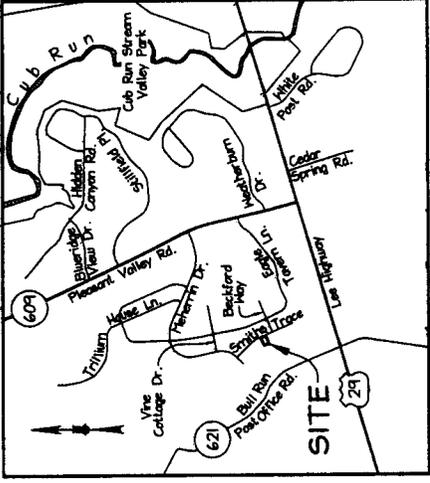
SP 2008-SU-112

Applicant: ANTHONY JR. & KATHLEEN ESPOSITO
Accepted: 12/19/2008
Proposed: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ACCESSORY STRUCTURE 10.0 FEET FROM SIDE LOT LINE



Area: 25,030 SF OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 08-922
Art 8 Group and Use: 9-21
Located: 6610 SMITHS TRACE
Zoning: R- C
Overlay Dist: WS
Map Ref Num: 064-1- /05/06/0006





VICINITY MAP
 SCALE: 1" = 2000'

NOTES

1. THE PROPERTY SHOWN HEREON IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP NO. 0641 05040006.
2. CURRENT OWNER: ANTHONY J. JR. AND KATHLEEN V. ESPOSITO, DEED BOOK 17811 AT PAGE 890.
3. NO TITLE REPORT FURNISHED.
4. TOTAL AREA = 25,090 SQ. FT. OR 0.57461 ACRES.
5. THIS PLAT IS BASED UPON A CURRENT FIELD SURVEY PERFORMED BY THIS FIRM ON OCTOBER 9, 2008.
6. THE PROPERTY METES AND BOUNDS AND NORTH MERIDIAN SHOWN ON THIS PLAT ARE BASED ON A DEED RECORDED IN DEED BOOK 6467 AT PAGE 172 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
7. THE PROPERTY SHOWN HEREON IS LOCATED ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR FAIRFAX COUNTY, VIRGINIA, COMMUNITY PANEL NUMBER 50525 0025 D, DATED MARCH 5, 1990, IN ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
8. THE PROPERTY IS SERVED BY PUBLIC GAS, SEWER, AND WATER UTILITIES.
9. THE GARAGE DIMENSIONS ARE 20' WIDE BY 24' DEEP. THE PROPOSED HEIGHT IS 18' WITH A 9/12 ROOF PITCH.
10. TOTAL FLOOR AREA OF PROPOSED GARAGE IS 480 SQUARE FEET.

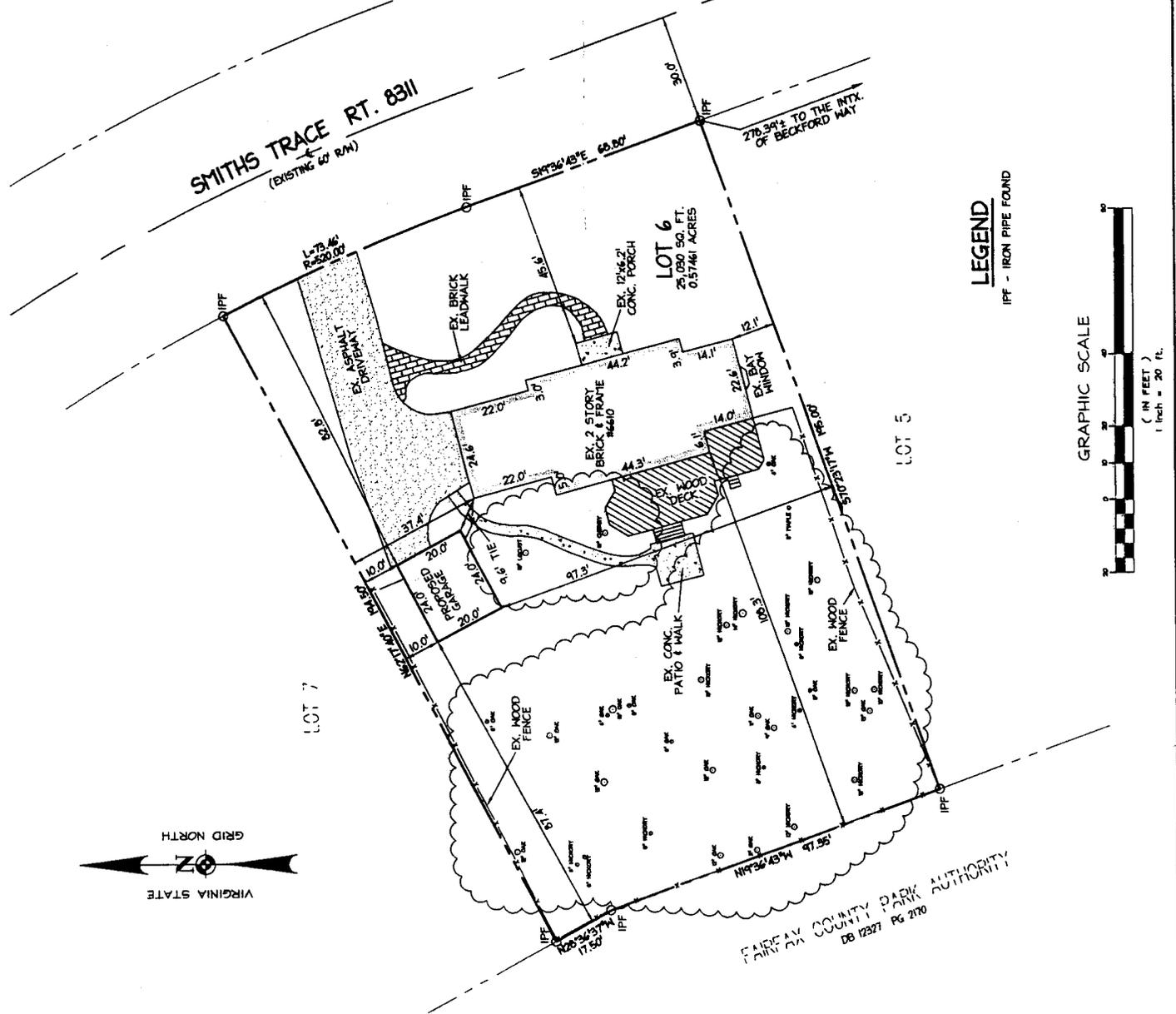
SURVEYOR'S CERTIFICATE

I, JEFFREY S. SMITH, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GIVEN UNDER MY HAND THIS
 5TH DAY OF NOVEMBER, 2008



NOV 14 2008
 Zany's Production Design

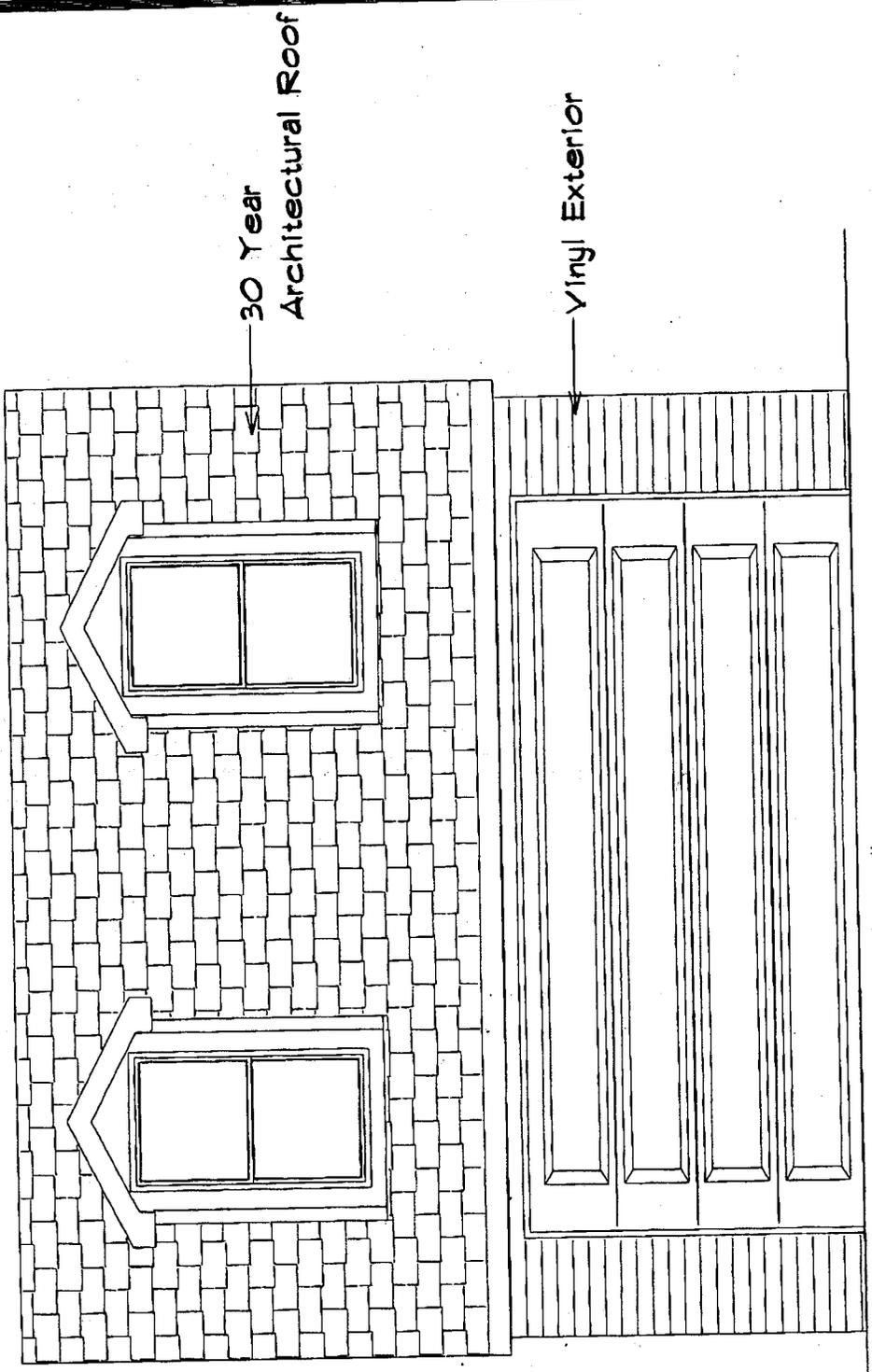


LEGEND

IPF - IRON PIPE FOUND



FAIRFAX COUNTY PARK AUTHORITY
 DB 12327 PG 2170



18' +/- Total Height

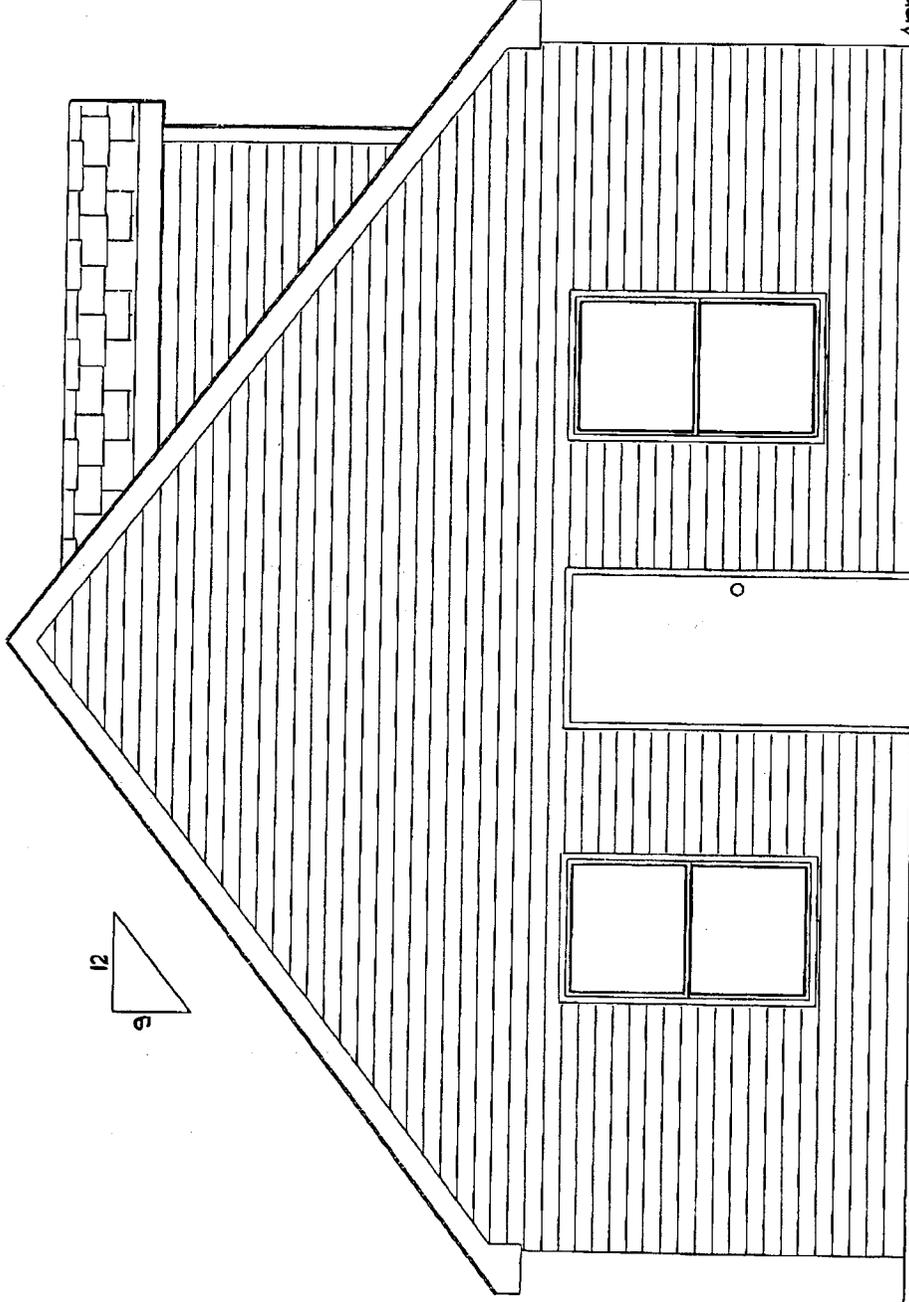
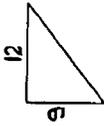
20' - 0" wide

Front Elevation

Scale: 1/4" = 1'

Horizon Structures
 5075 Lower Valley Road
 Atglen, PA 19310
 610-593-1110
 www.HorizonStructures.com





Approx. Grade

24' - 0" Deep

Left Elevation

Scale: 1/4" = 1'



Horizon Structures
5015 Lower Valley Road
Aurora, PA 15106
610-593-7110
www.HorizonStructures.com



File Name : IMG_0098.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/125
 Av (Aperture Value) : 2.8
 Exposure Compensation : 0
 ISO Speed : 80(Auto)
 Focal Length : 5.4 mm
 White Balance : Auto

Rear of House
From Lot line



File Name : IMG_0099.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/320
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 Focal Length : 5.4 mm
 White Balance : Auto

From Right corner
of rear yard



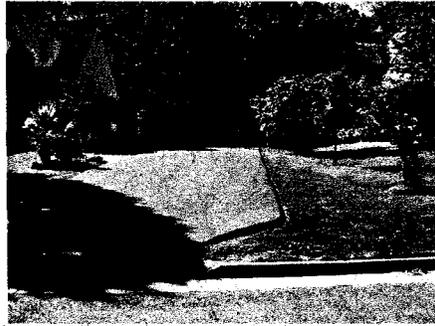
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 Tv (Shutter Speed) : 1/250
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 White Balance : Auto

Rear view from
Tree line



File Name : IMG_0101.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/500
 Av (Aperture Value) : 2.8
 Exposure Compensation : 0
 ISO Speed : 80(Auto)
 Focal Length : 5.4 mm
 White Balance : Auto

Front Look
From Street



File Name : IMG_0102.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/400
 Av (Aperture Value) : 2.8
 Exposure Compensation : 0
 ISO Speed : 80(Auto)
 Focal Length : 5.4 mm
 White Balance : Auto

Another Look
from Street



File Name : IMG_0103.JPG
 Shooting Mode : Auto
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 Av (Aperture Value) : 2.8
 Exposure Compensation : 0
 ISO Speed : 80(Auto)
 Focal Length : 5.4 mm
 White Balance : Auto



File Name : IMG_0104.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/100
 Av (Aperture Value) : 2.8
 Exposure Compensation : 0
 ISO Speed : 80(Auto)
 Focal Length : 5.4 mm
 White Balance : Auto

Look from
Right corner of
house



File Name : IMG_0105.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/200
 Av (Aperture Value) : 2.8
 Exposure Compensation : 0
 ISO Speed : 80(Auto)
 Focal Length : 5.4 mm
 White Balance : Auto

View from
Deck



File Name : IMG_0106.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/125
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 ISO Speed : 80(Auto)
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 White Balance : Auto

View from
Neighbors House on
Left



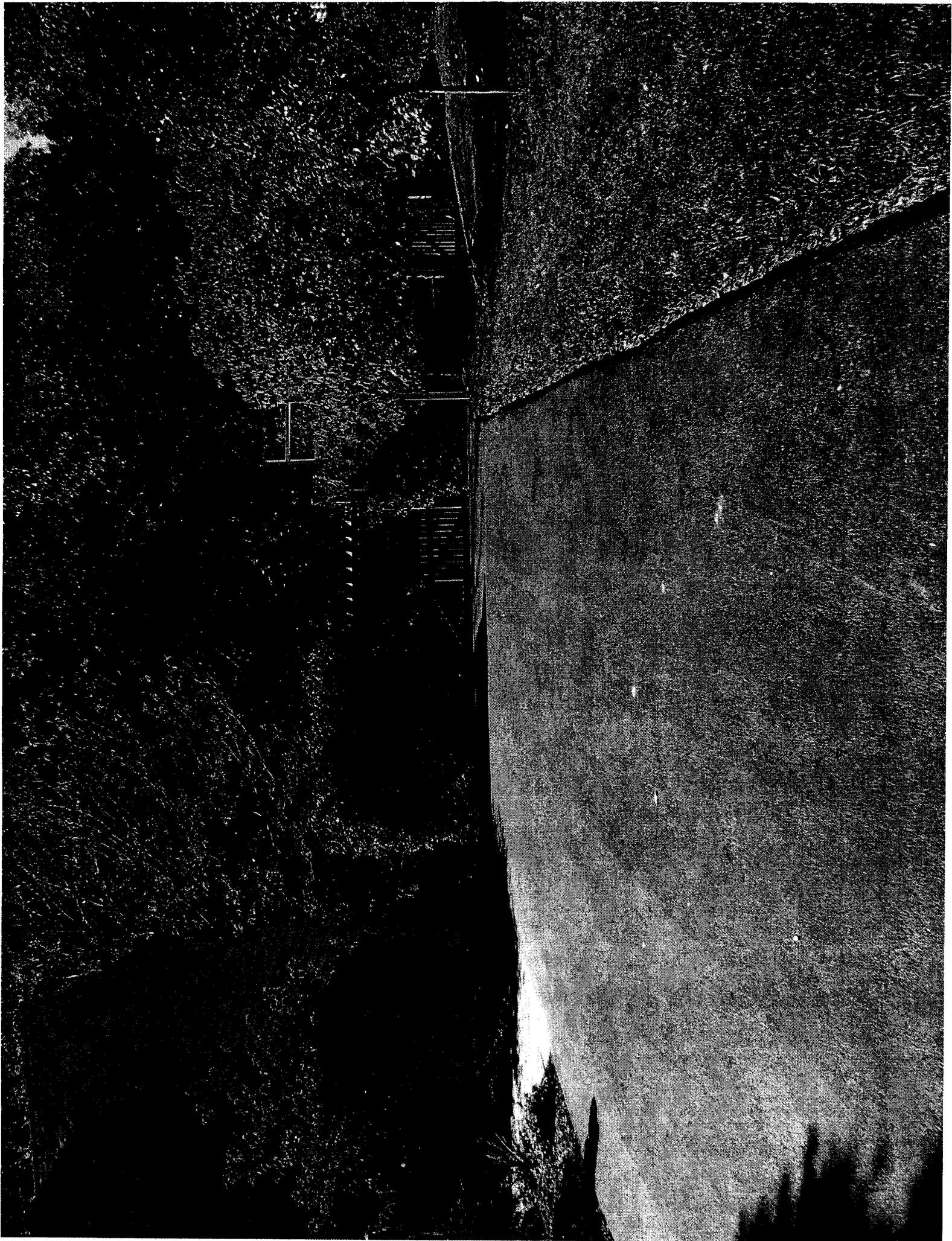
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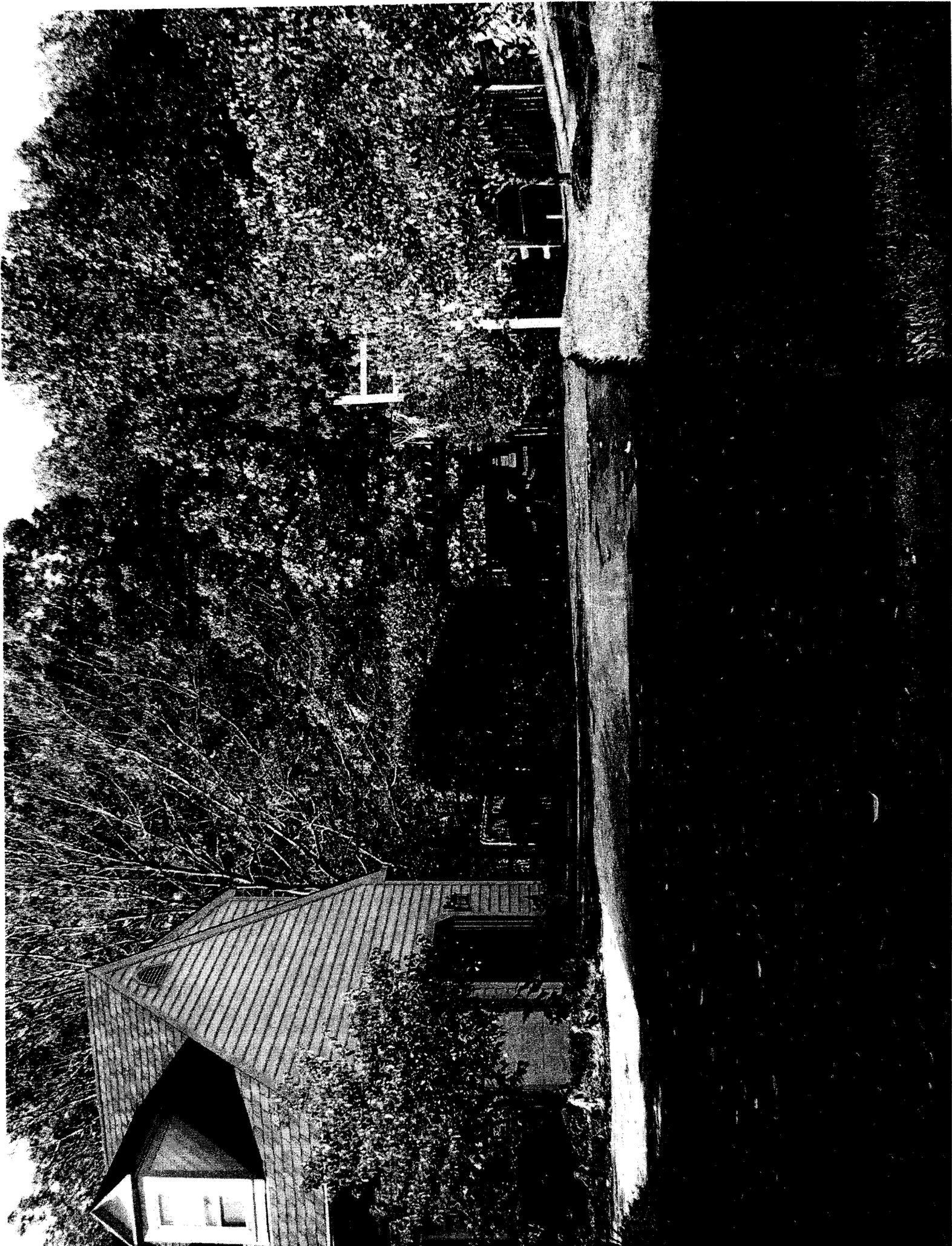
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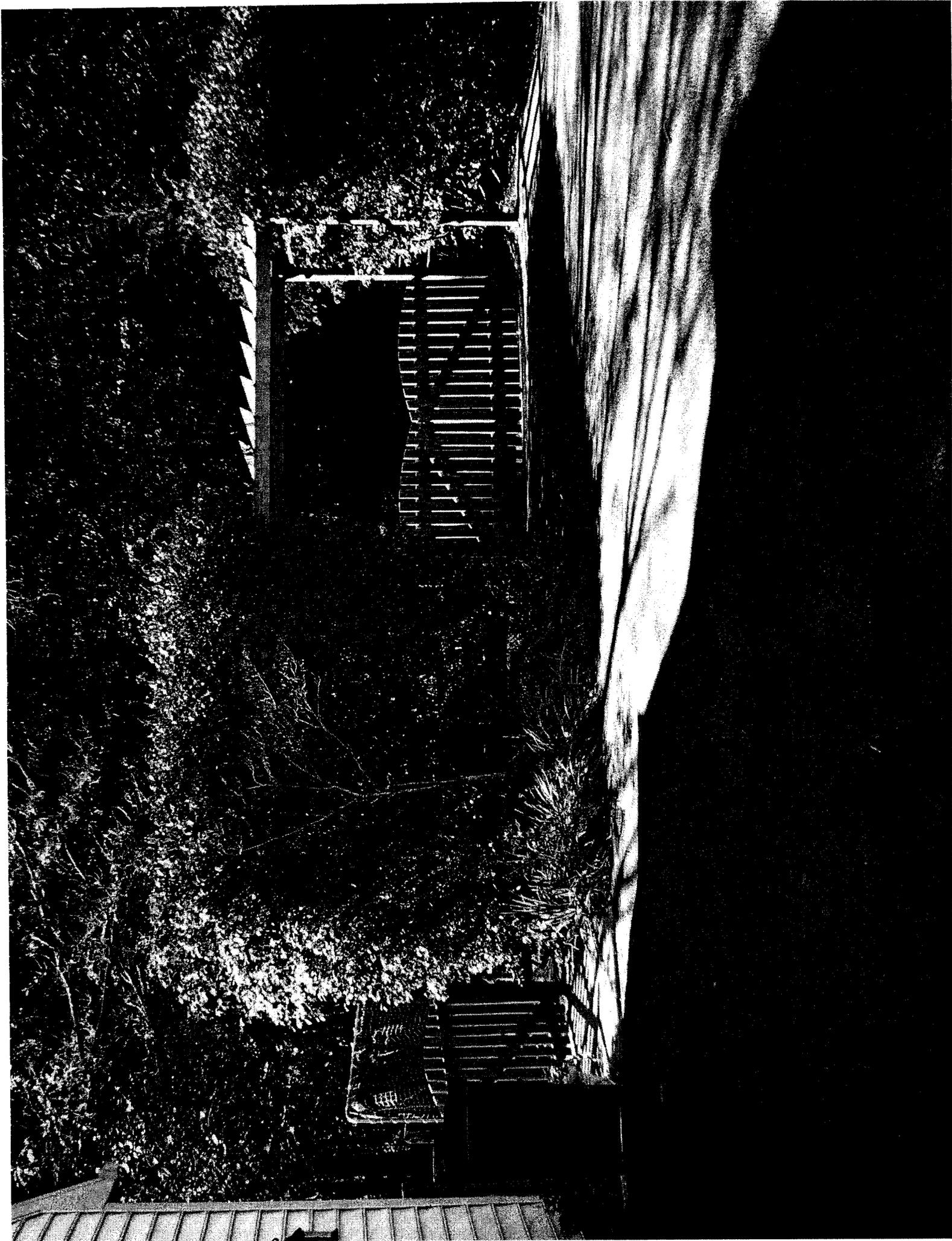
View from
Deck area

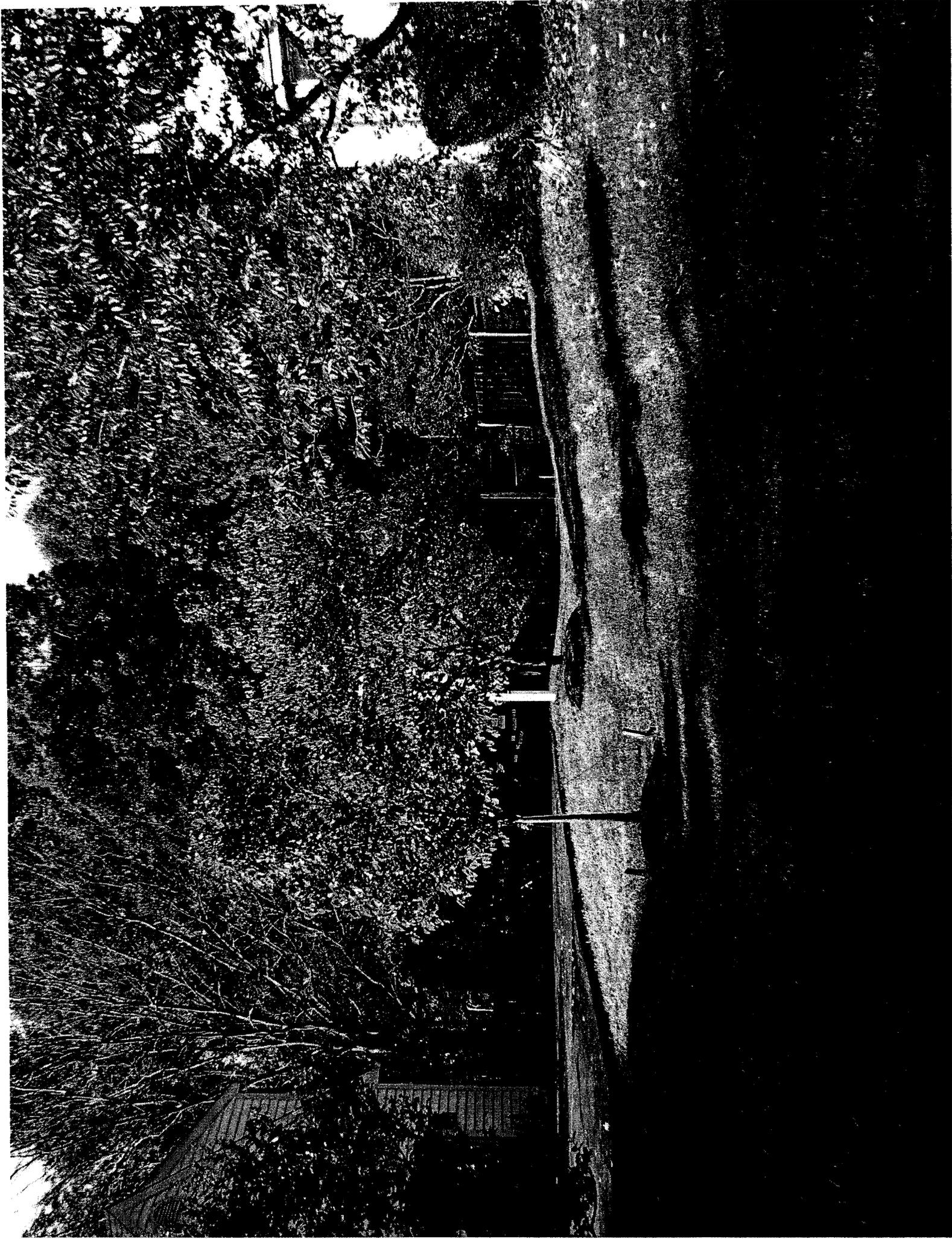
View from where
we would like to
build garage. Looking
to rear lot line.

Our property backs to
Parkland.



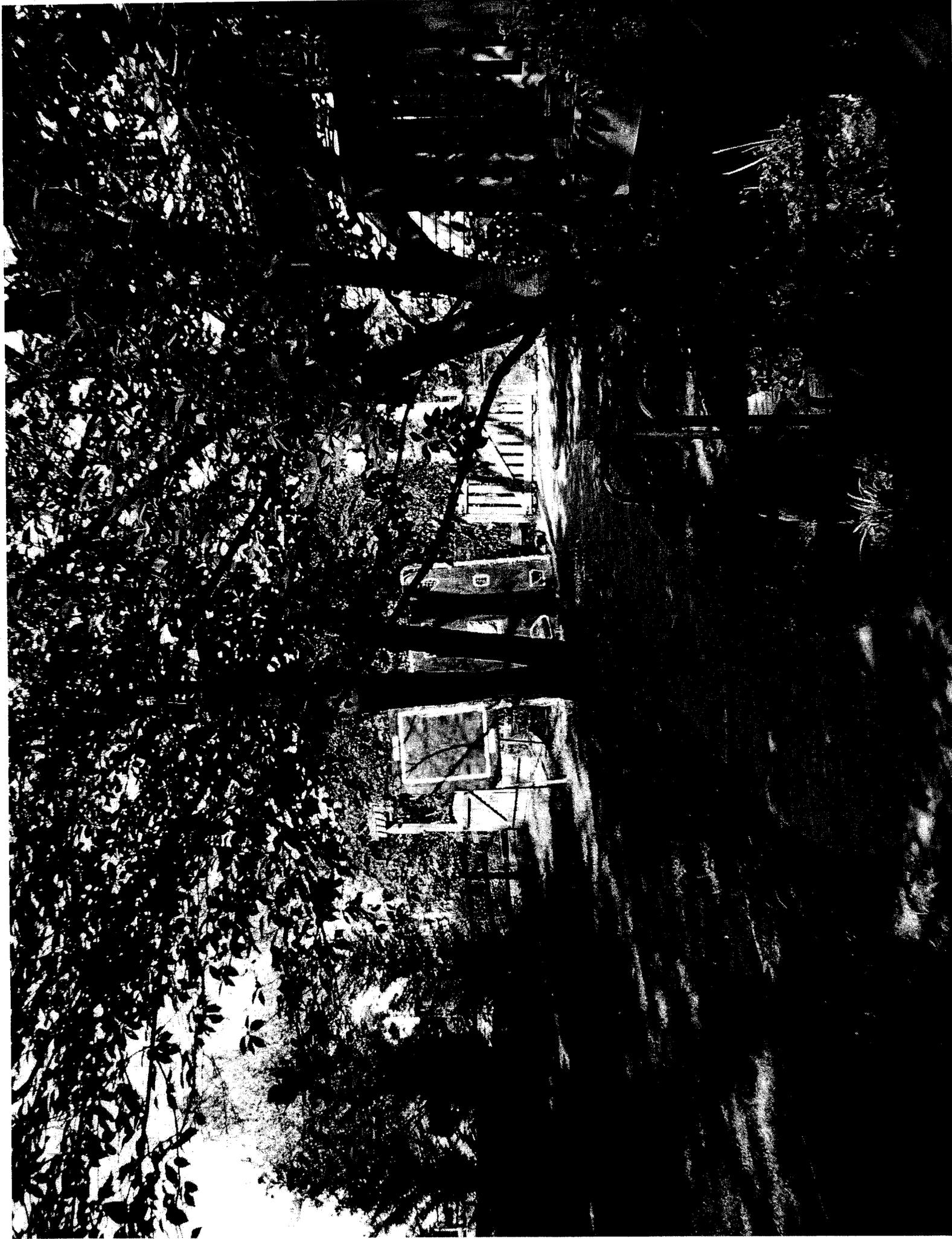




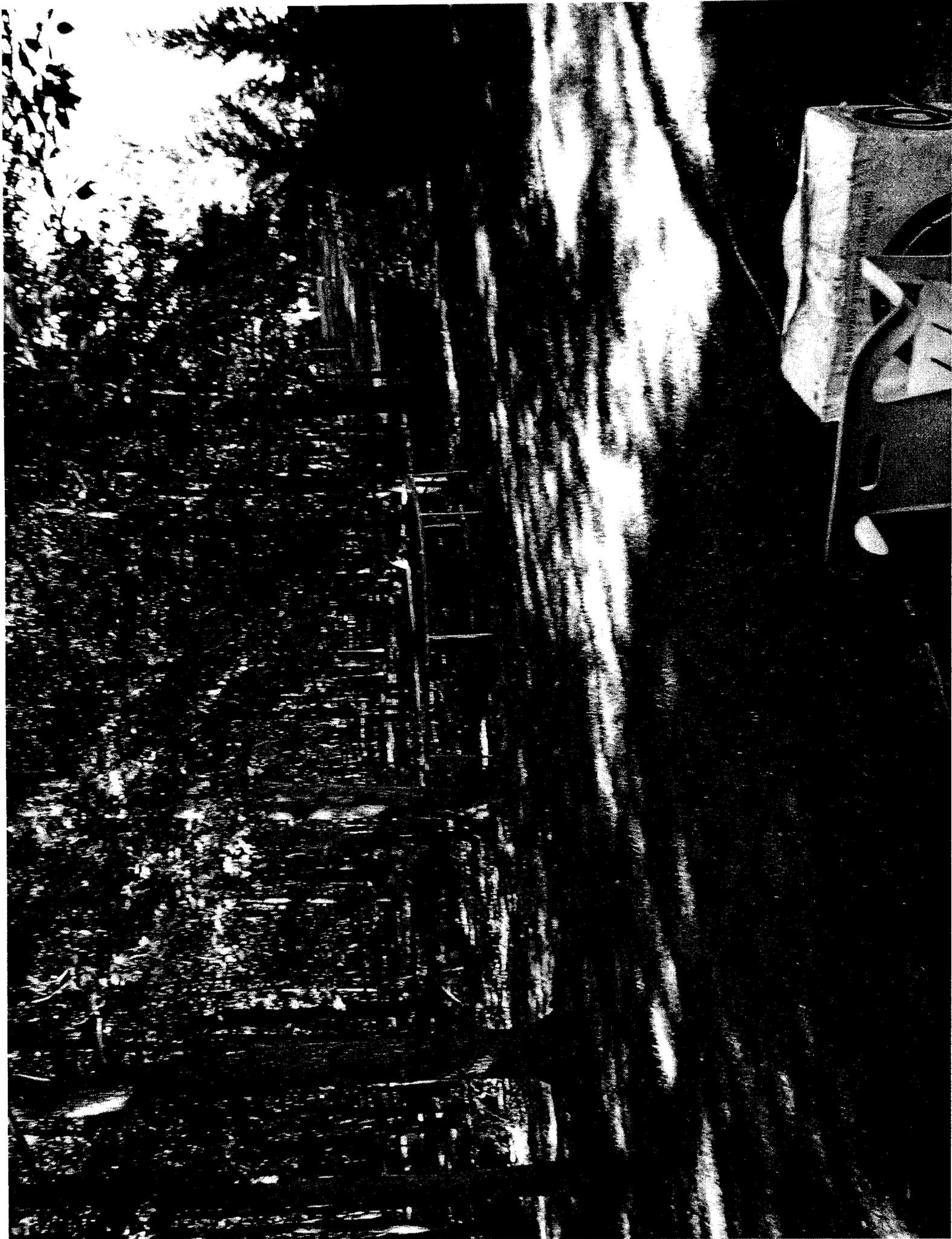




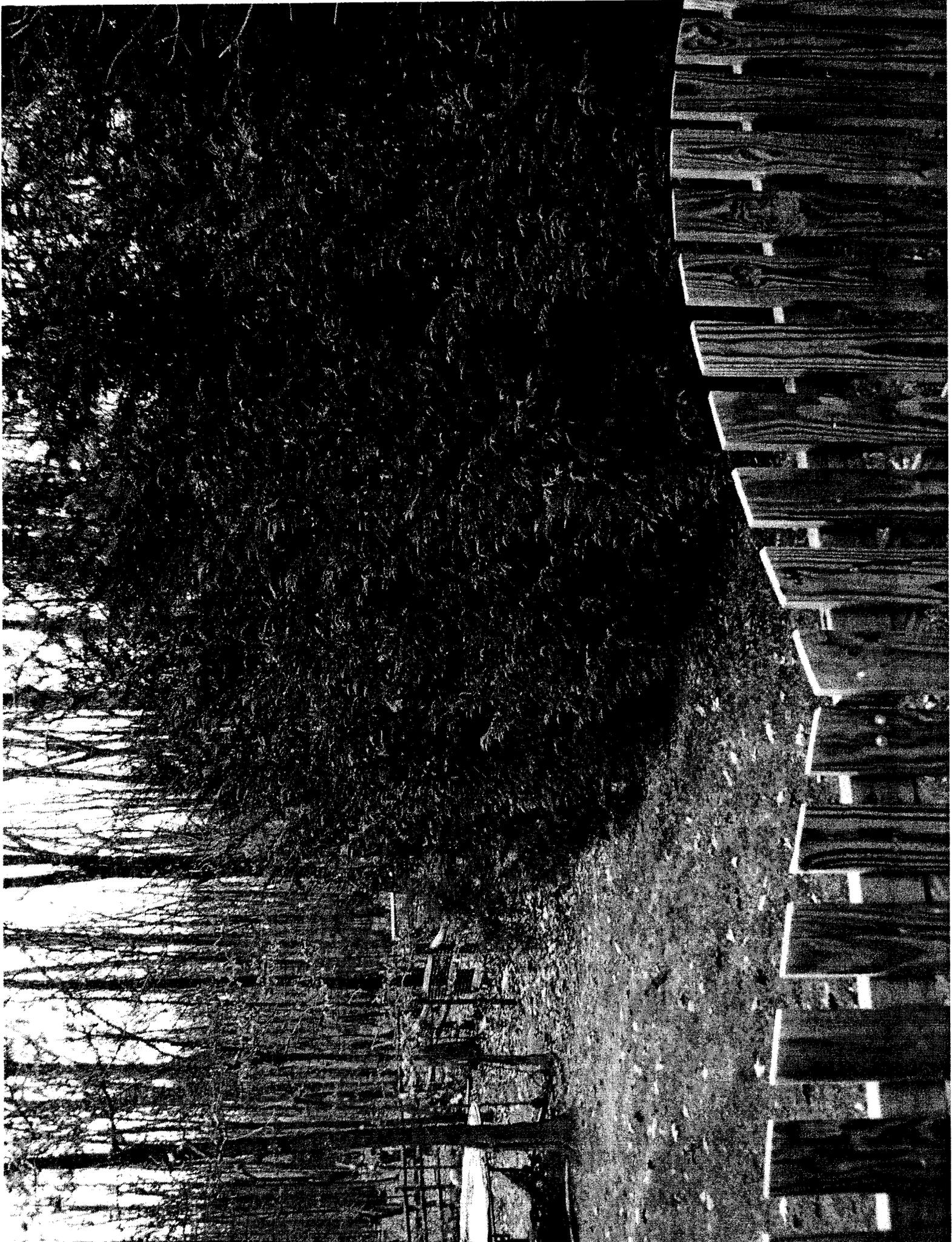








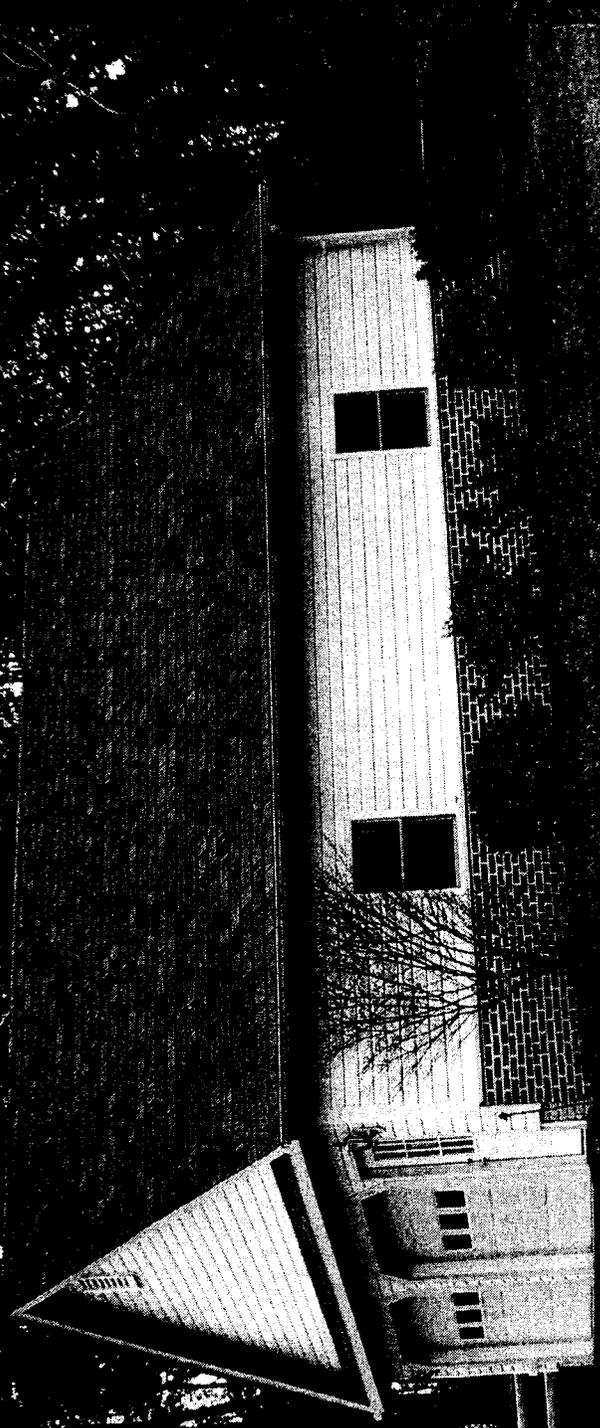




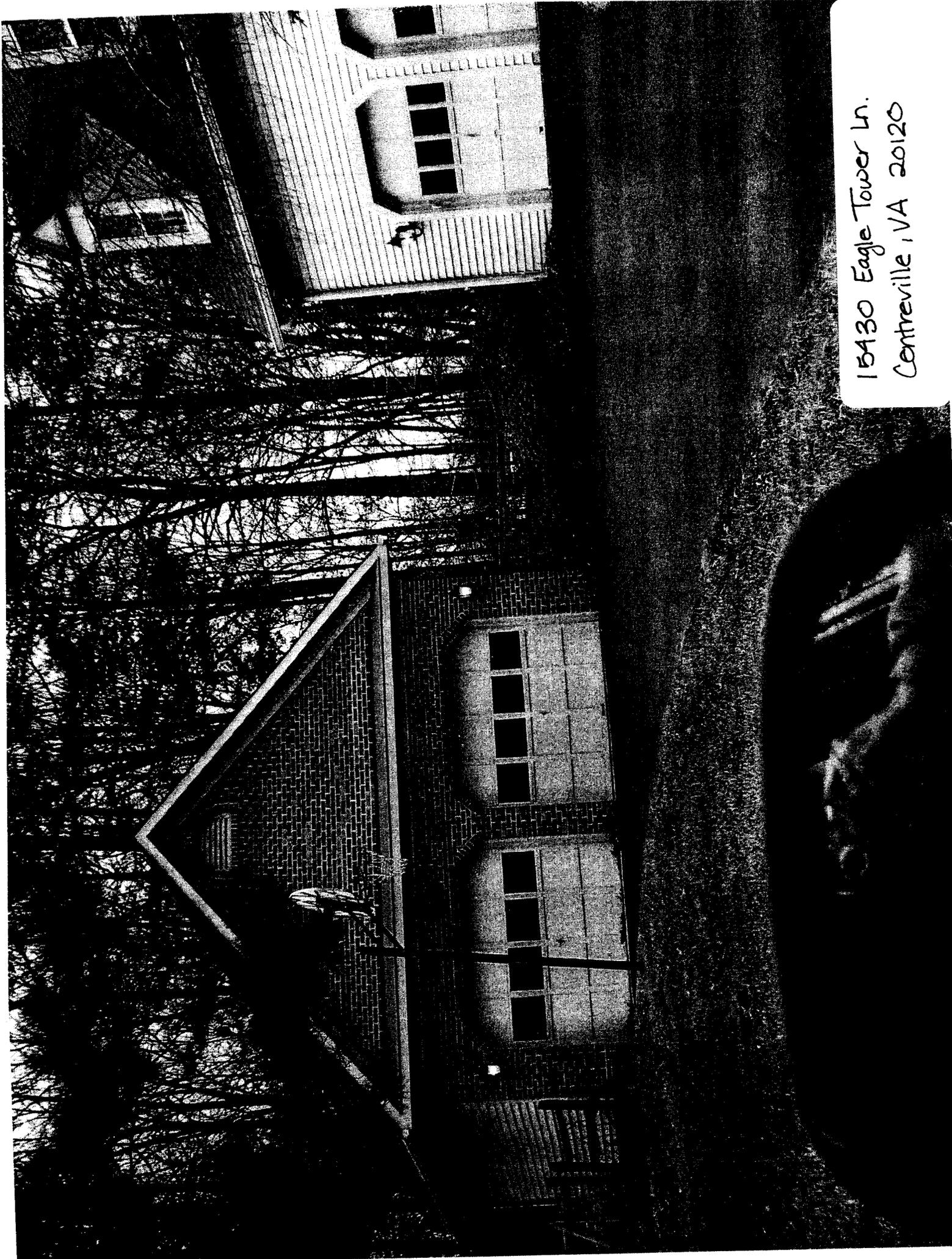




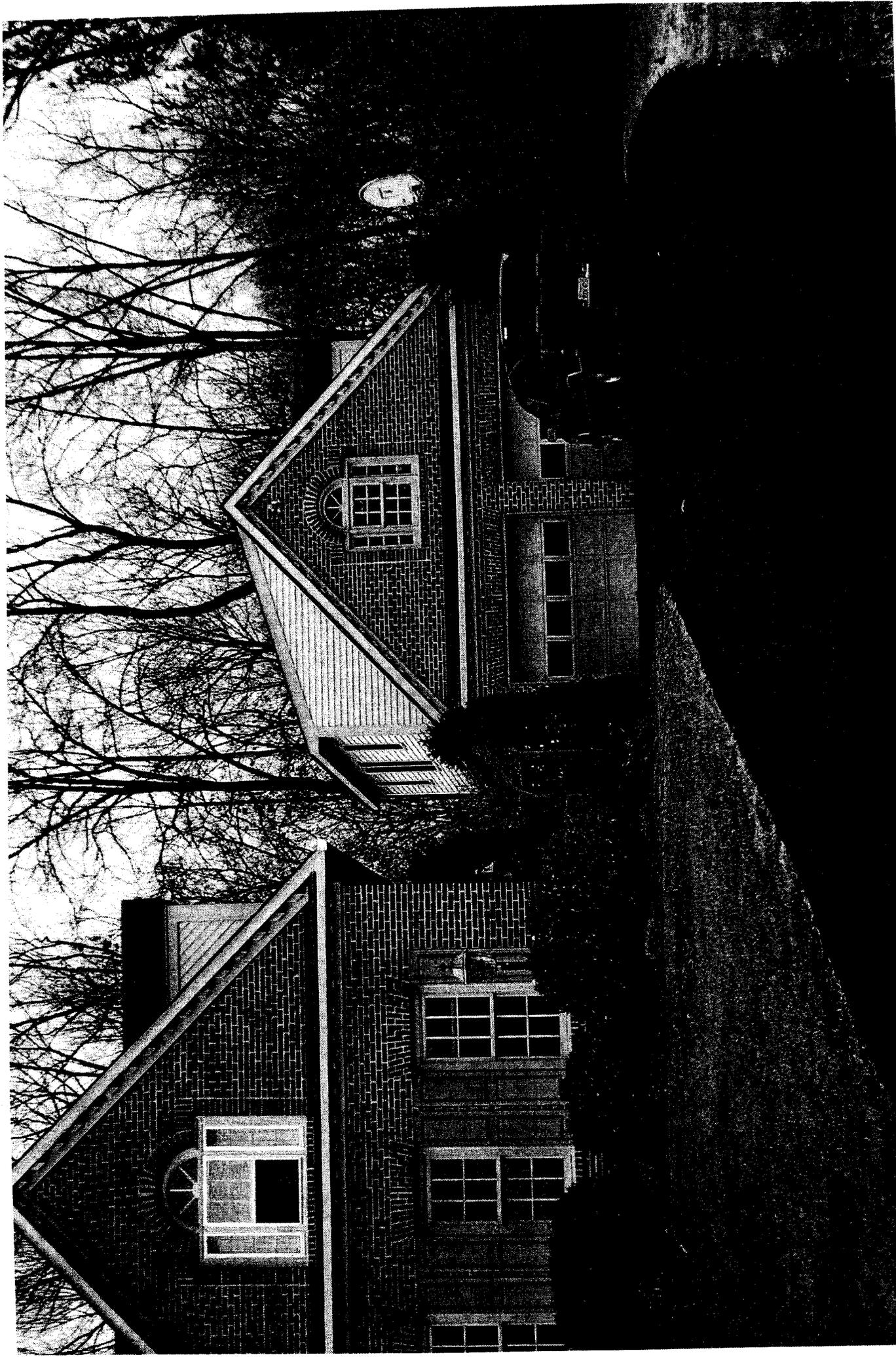
Neighboring properties with similar detached garage structures.



15431 Eagle Tower Ln.
Centreville, VA 20120



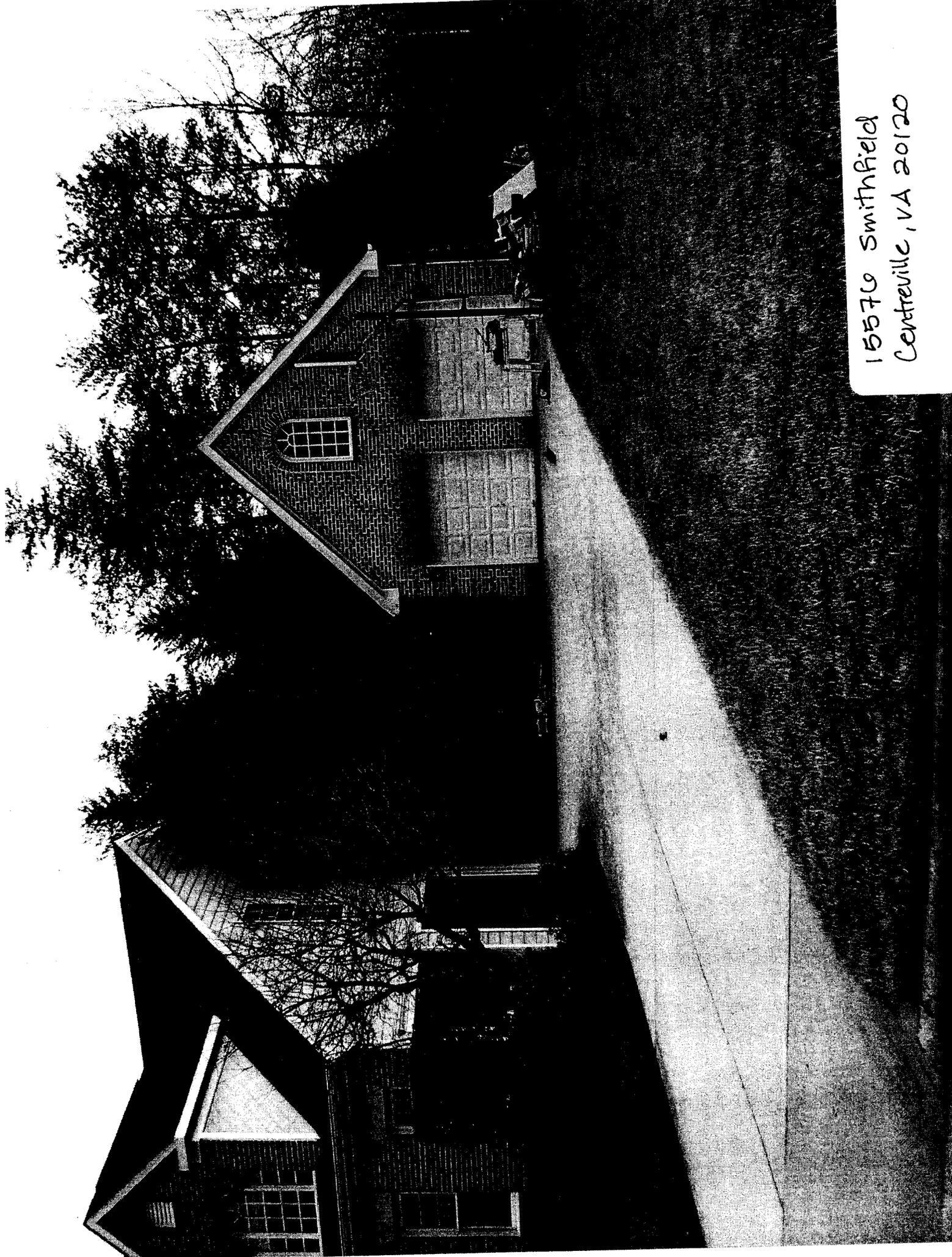
15430 Eagle Tower Ln.
Centreville, VA 20120



15602 Lawnes Creek
Centreville, VA 20120



6302 Rockbridge Pl.
Centreville, VA 20120



15576 Smithfield
Centreville, VA 20120



15421 Eagle Tavern Ln
Centreville, VA 20120



15027 Meherrin Dr.
Centreville, VA 20120

DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a detached garage 10 feet from the northern side lot line.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Accessory (detached garage)	Side	20 feet	10 feet	10 feet	50%

* Minimum yard requirement per Section 3-C07

CHARACTER OF THE AREA

	Zoning	Use
North	R-C	Single Family Detached Dwellings
South	R-C	Single Family Detached Dwellings, Open Space
East	R-C	Single Family Detached Dwellings
West	R-C	Open Space

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Certified Survey Plat, Lot 6, Section 6, Weltman Estates
- **Prepared By:** Jeffrey S. Smith, Christopher Consultants, dated October 9, 2008, revised through November 5, 2008

BACKGROUND

The subdivision was rezoned from the R-2 Cluster to the R-C district under a comprehensive down-zoning as part of RZ 82-W-054 on July 26, 1982. However, the existing single family detached dwelling was constructed in 1988 after this down-zoning and the R-C regulations are applicable. This parcel does not fall under the provisions of 8-913 of the Zoning Ordinance.

The Board of Zoning Appeals (BZA) has not heard any similar applications in the neighborhood

PROPOSAL

The applicant proposes to construct a detached two-car garage on the subject property 10 feet from the northern side lot line and 18 feet in height. The proposed structure will have a two car garage on the lower level and will utilize the upper area for storage only. The garage will be constructed using vinyl siding and a shingle roof to be in conformance with the existing single family detached dwelling.

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 the fact that there are other similar detached garages in the neighborhood and the proposed structure will be placed in conjunction with an existing driveway.*

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 4 relates to additional square footage, which does not apply to this application. Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 5, 6, 7, 8, and 9.

Standard 5 states that 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. The proposed detached garage will be 480 square feet and 18 feet in height. The existing dwelling is 4,500 square feet and two stories; therefore staff believes that 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 detached garage will abut an existing driveway and will only be 18 feet in height. The existing dwelling is two stories and the detached garage will have storage area in the upper area; however, will

not be taller than the existing dwelling. Staff believes the proposed detached garage will not be out of character with existing on-site development.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. The proposed detached garage will not adversely affect the neighboring properties due to the small size and scope. There will be no harm to significant trees on the subject property or the neighboring property. Per the pictures submitted by the applicant, there are other detached garages in the neighborhood similar to the proposed structure.

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 is a minimal increase of impervious area due to the proposed garage being constructed adjacent to an existing driveway. Therefore, staff believes that the proposed structure 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. The proposed location of the detached garage is the most logical given that there is an existing driveway which runs directly to it. To encroach further within the rear yard could potentially harm significant trees due to the existing dense vegetation. There are no floodplains or Resource Protection Areas on the subject property.

CONCLUSION

Staff believes that the subject application for the detached garage 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-SU-112 for the detached garage 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

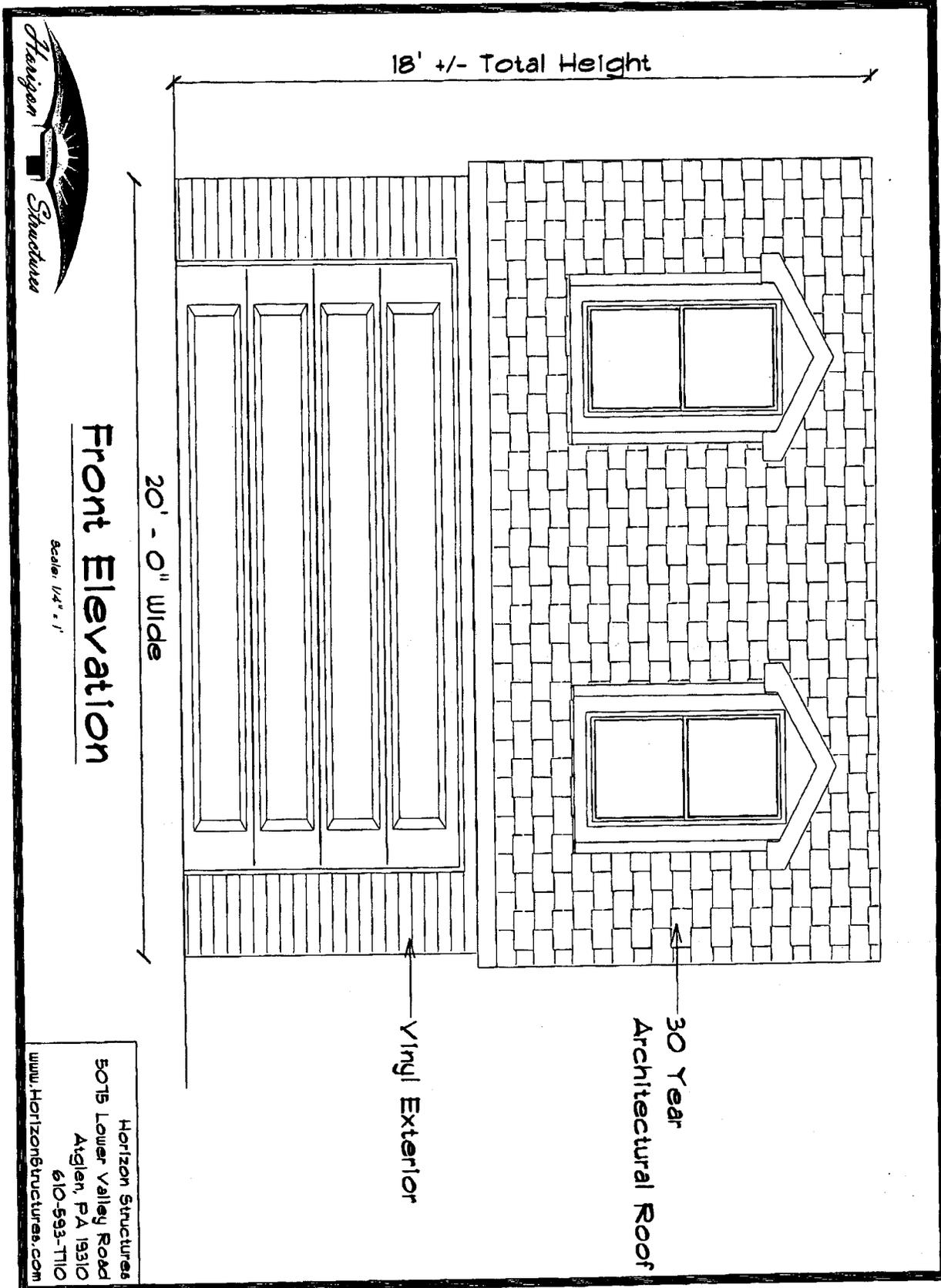
PROPOSED DEVELOPMENT CONDITIONS**SP 2008-SU-112****March 3, 2009**

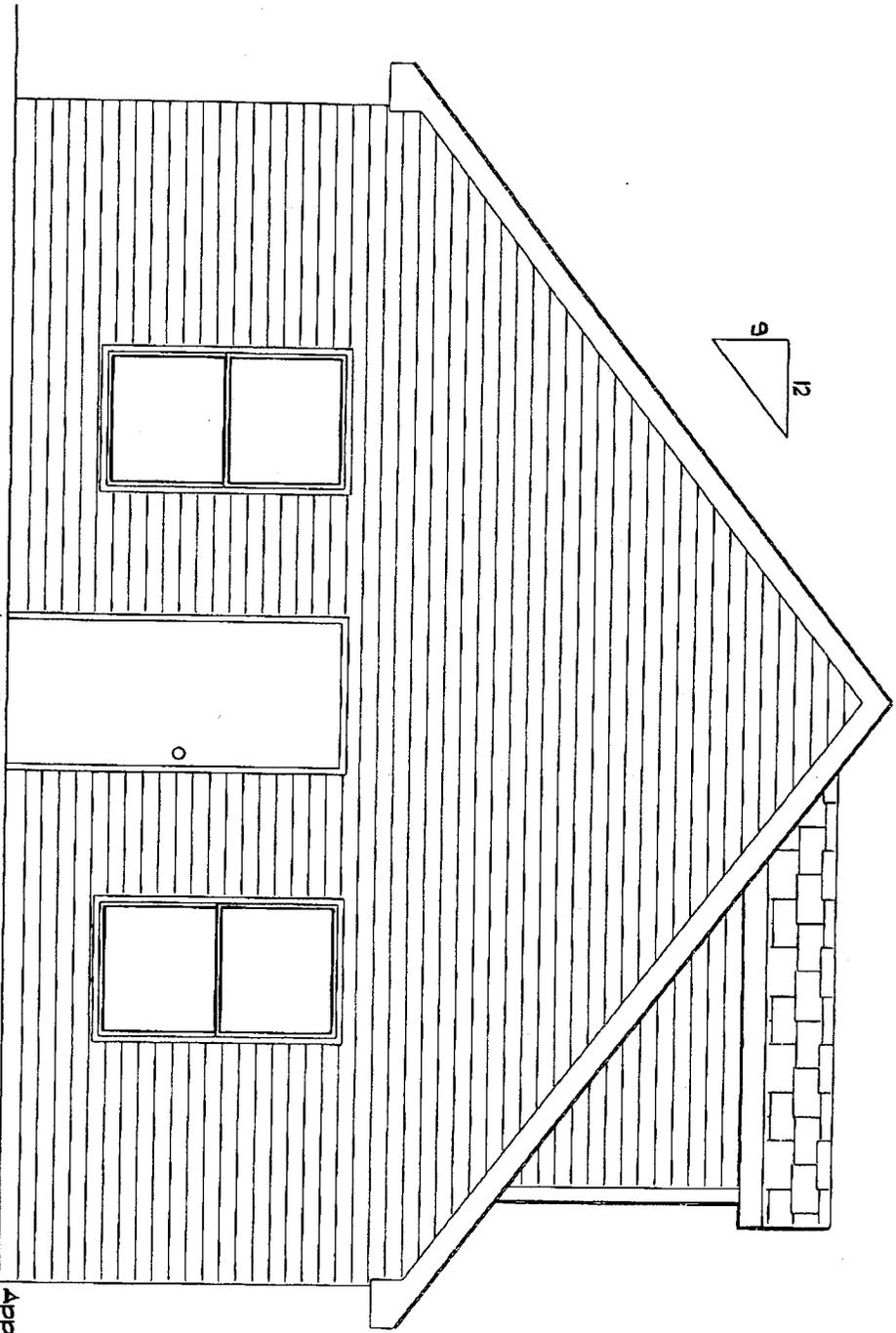
If it is the intent of the Board of Zoning Appeals to approve SP 2008-SU-112 located at Tax Map Number 64-1 ((5)) (6) 6 (6610 Smiths Trace), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. This special permit is approved for the location and size of a proposed detached garage as shown on the plat prepared by Jeffrey S. Smith, Christopher Consultants, dated October 9, 2008, revised through November 5, 2008 submitted with this application and is not transferable to other land.
2. The structure shall be consistent with the architectural renderings and materials included in Attachment 1 to these conditions.
3. Building permits and final inspections for the detached accessory structure (garage) shall be diligently pursued and obtained within 180 days of final approval of this application.

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 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.





Left Elevation

24' - 0" Deep

Scale: 1/4" = 1'

Approx. Grade

Horizon Structures
5075 Lower Valley Road
Aurora, PA 15310
610-553-1110
www.HorizonStructures.com

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-5-08
(enter date affidavit is notarized)

I, Anthony J. Esposito Jr. Kathleen V. Esposito, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant 10261a
 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)
Anthony J. Esposito Jr.	6610 Smiths Trace Centreville Va 20120	Applicant Owner
Kathleen V. Esposito	6610 Smiths Trace Centreville Va 20120	Applicant 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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-5-08
(enter date affidavit is notarized)

102611a

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)

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: 11-5-08
(enter date affidavit is notarized)

102611a

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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-5-08
(enter date affidavit is notarized)

102611a

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:

NA

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: 11/05/08
(enter date affidavit is notarized)

102611a

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)

Anthony J. Esposito Jr
 Applicant

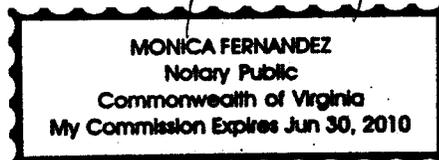
Applicant's Authorized Agent

Anthony J Esposito Jr Kathleen V Esposito
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 5 day of November 2008, in the State/Comm. of Virginia, County/City of Fairfax.

Monica Fernandez
Notary Public

My commission expires: Jun 30, 2010



#4595468

Reference: Special Permit Application

Statement of Justification

Property Homeowners: Anthony J. Esposito Jr. and Kathleen V. Esposito

Address: 6610 Smiths Trace, Centreville, Va 20120

RECEIVED
Department of Planning & Zoning

DEC 10 2008

Zoning Evaluation Division

Proposed use: Garage to park vehicles and store personal property.

Structure will be constructed with exterior matching current home. There are a number of homes within our community that have detached garages. Our homeowners association will not allow us to construct a shed on our property.

The existing gross floor area of existing structure remains at 4500 sq. ft. as proposed garage is not attached to dwelling. The proposed garage will be 480 sq. ft.

The resulting gross floor area of the proposed garage shall be clearly subordinate in purpose, scale, use and intent to the principle structure on the site.

The proposed garage will be in character with the existing on-site development in terms of location, height, bulk and scale of the existing structures on the lot.

The proposed garage will be 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 garage 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 storm water runoff. It does not impact neighbor's view as there is currently a row of Leyland Cypress trees that separate both properties and these will obscure the view of the garage.

The proposed reduction of 10' represents the minimum amount of reduction necessary to accommodate the proposed garage on the lot.

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.

#2 Structure not in front yard

(AJE)

12-10-08

#3 Single Family Dwelling only
adding a garage.

(AJE) 12-10-08

New Garage Eaves Run Front + Back No side overhang
And closet point is 10' to rear lot line.

(AJE)

12-10-08

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.