



County of Fairfax, Virginia

March 24, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-DR-004

DRANESVILLE DISTRICT

APPLICANT: William Paxton

OWNERS: William D. Paxton
Laura D. Paxton

STREET ADDRESS: 9706 Locust Hill Drive

SUBDIVISION: Haver Hill

TAX MAP REFERENCE: 19-1 ((9)) 15

LOT SIZE: 21,000 square feet

ZONING DISTRICT: R-1 (Cluster)

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit dwelling to remain such that side yards total 36.5 feet.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-DR-004 subject to the proposed development conditions contained in Appendix 1.

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

*O:\dhedri\Special Permits\3-31) SP 2009-DR-004 Paxton\SP 2009-DR-004 Paxton staff report.doc
Deborah Hedrick*

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

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

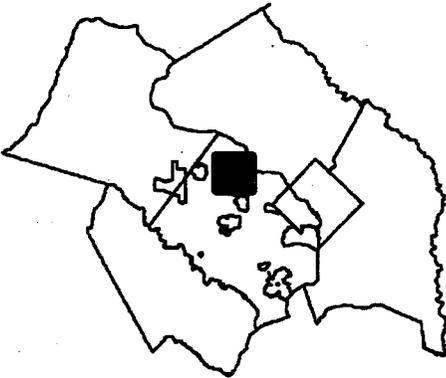
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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

Special Permit

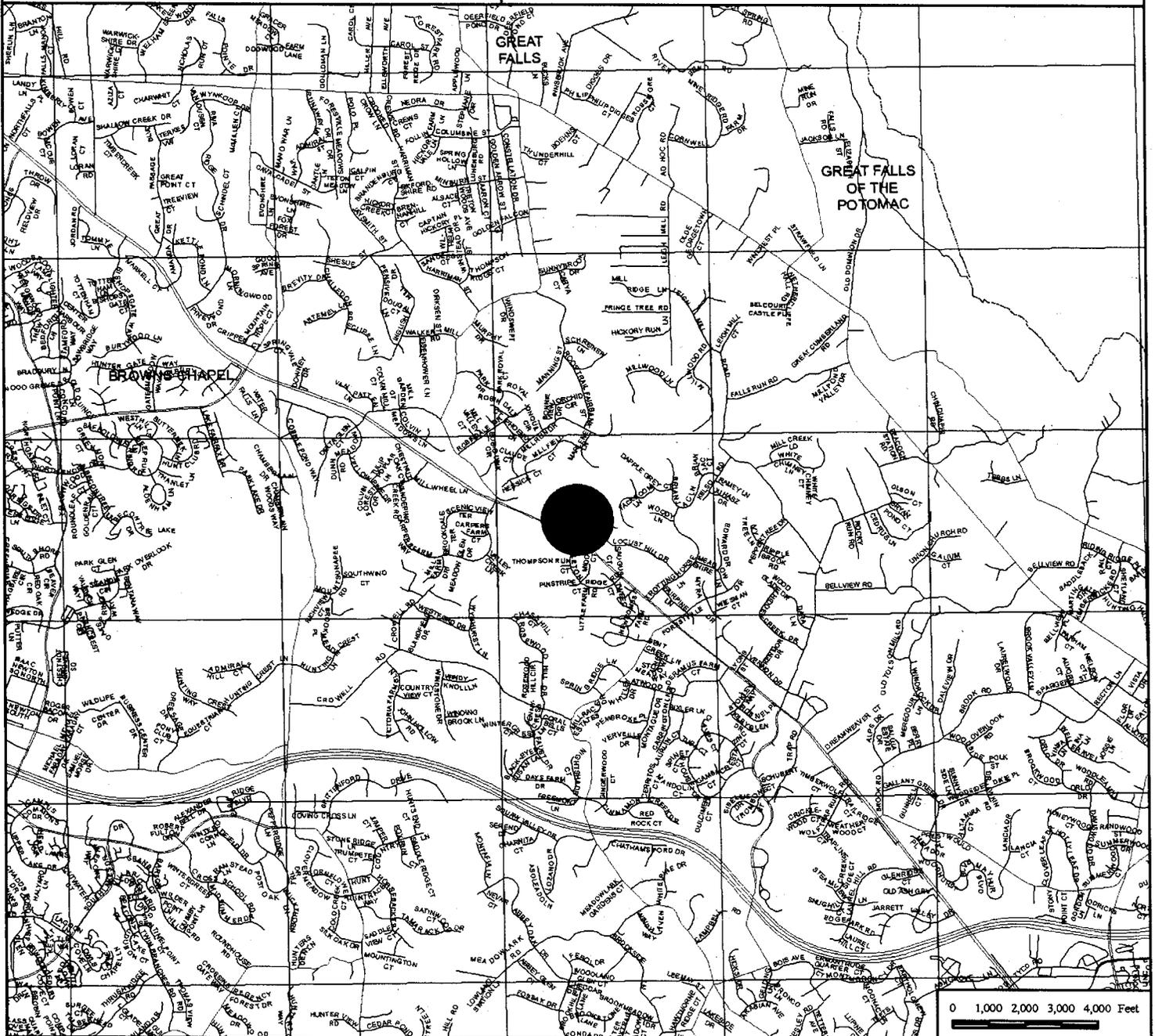
SP 2009-DR-004



Applicant: WILLIAM PAXTON
Accepted: 01/12/2009
Proposed: TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT DWELLING TO REMAIN SUCH THAT SIDE YARDS TOTAL 36.5 FEET

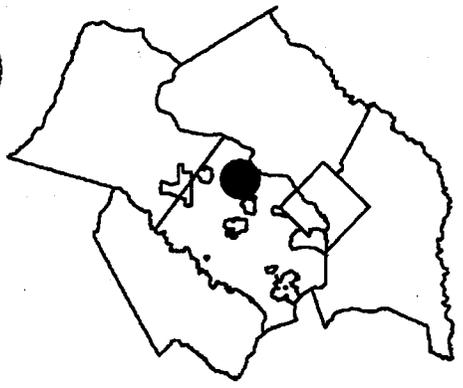
Area: 21,000 SF OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 08-922
Art 8 Group and Use: 9-21
Located: 9706 LOCUST HILL DRIVE
Zoning: R-1
Overlay Dist:
Map Ref Num: 019-1- /09/ /0015



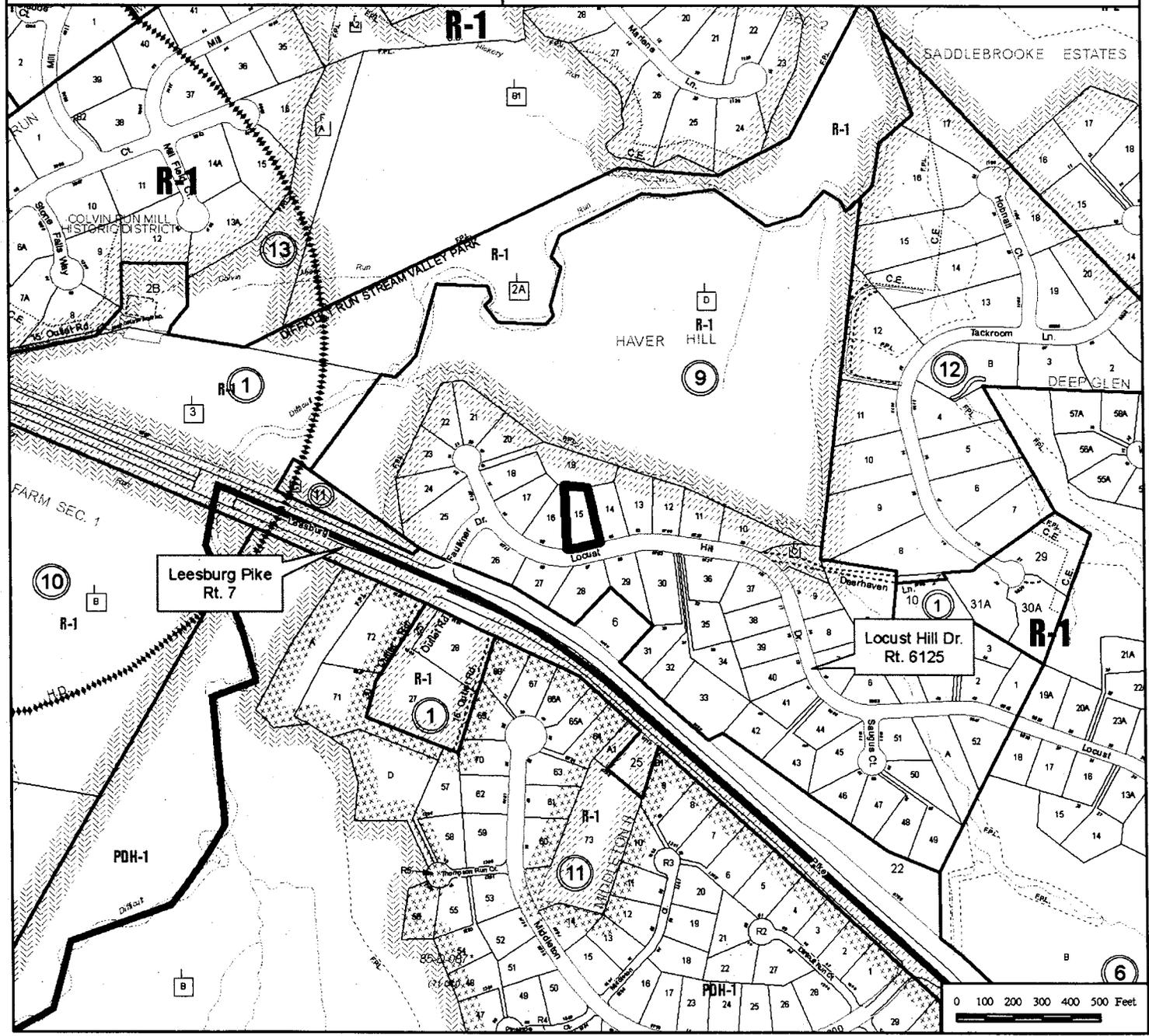
Special Permit
SP 2009-DR-004

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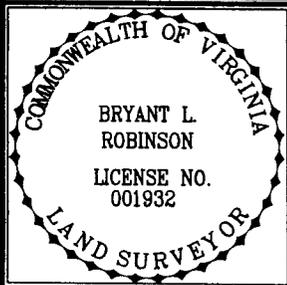
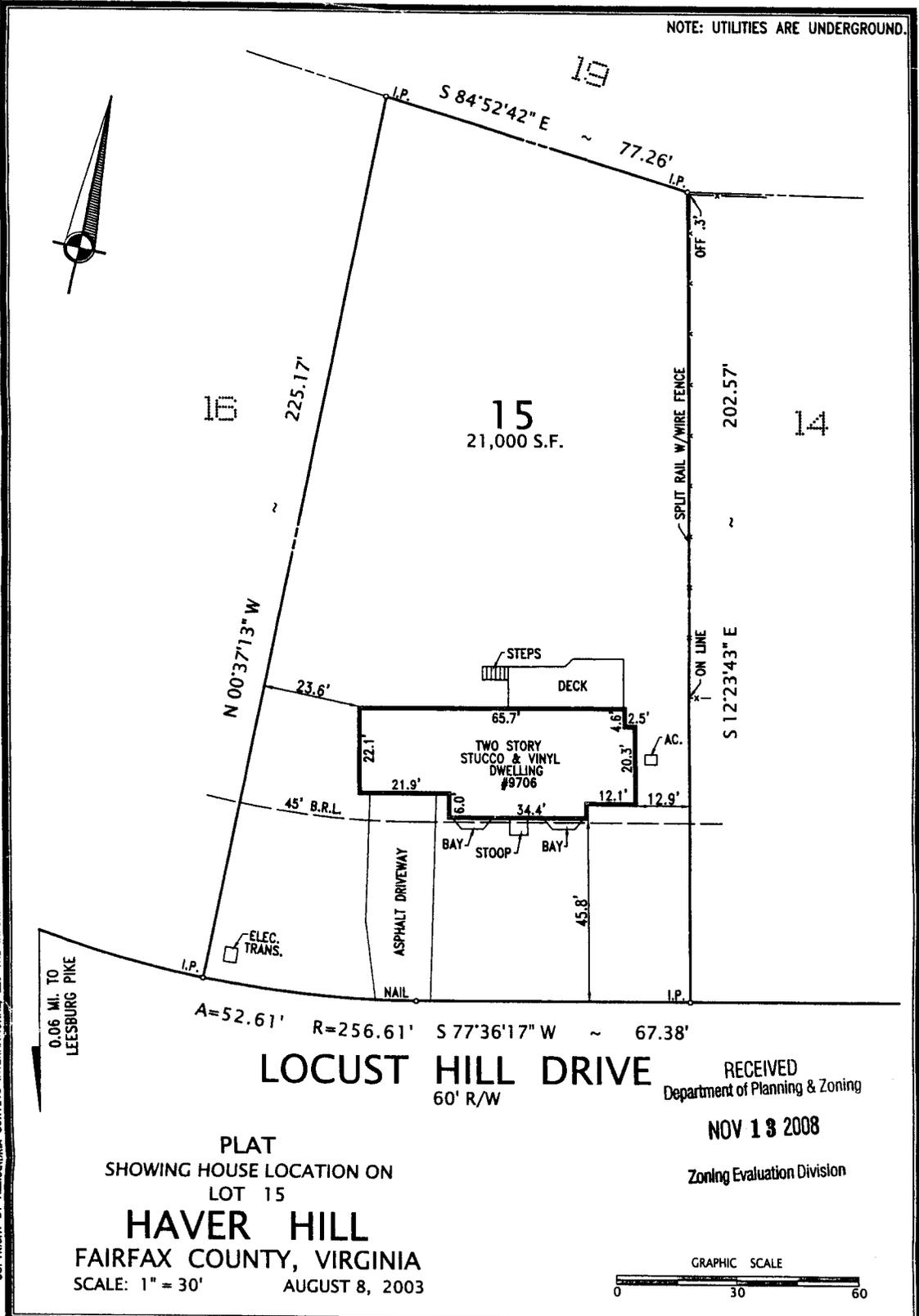
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NOTE: UTILITIES ARE UNDERGROUND.



CASE NAME: HONARVAR - PAXTON

PLAT SUBJECT TO RESTRICTIONS OF RECORD. TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

Bryant L. Robinson
BRYANT L. ROBINSON, L.S.

REQUESTED BY:
NOVA LAND TITLE, CO.

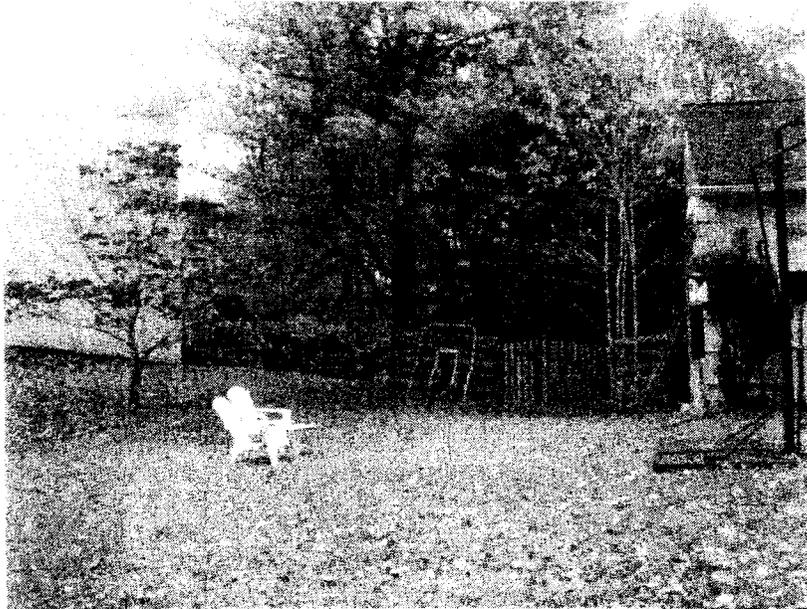
ALEXANDRIA SURVEYS
INTERNATIONAL, LLC
6343 SOUTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA 22306
TEL. NO. 703-660-6615 FAX NO. 703-768-7764

MSB

#30801018

9706 Locust Hill Dr

11/5/08



LEFT SIDE OF HOUSE & YARD
(FRONT)



Back of House

ition



addition

Back view

9706 Locust Hill Drive

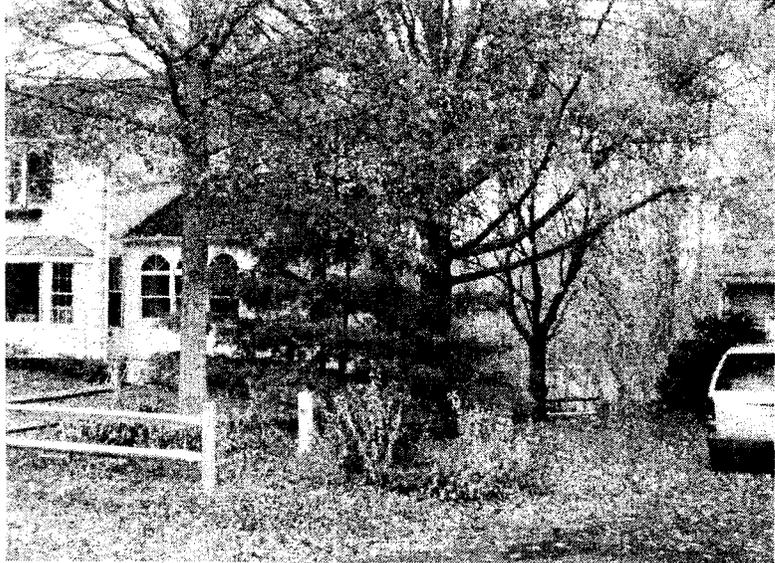
11/5/08



BACK YARD From Deck



BACK YARD
From Deck





9706 Locust Hill Dr.

11/5/08



Front view

← Addition



Front view

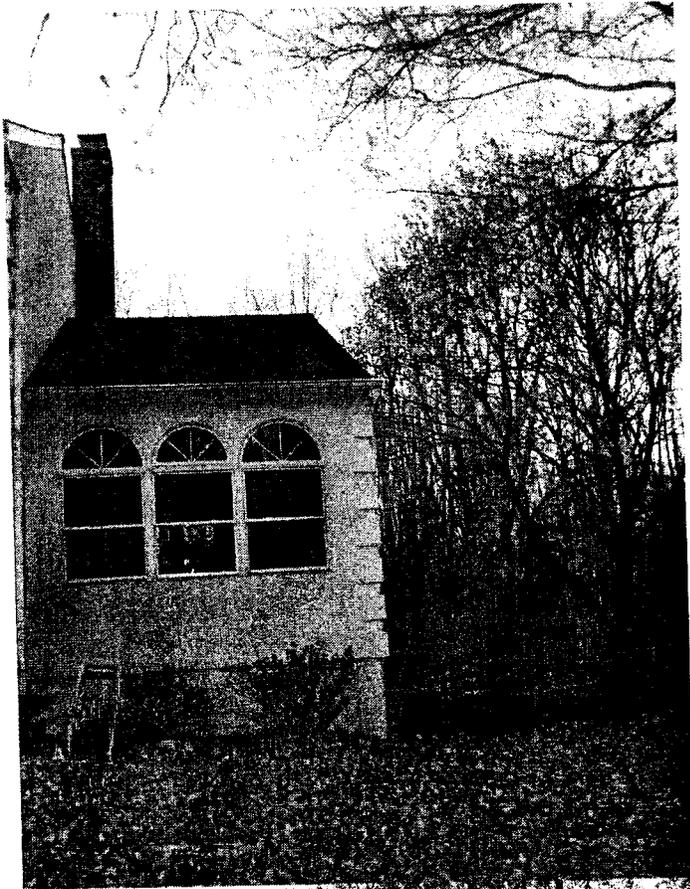
← Addition



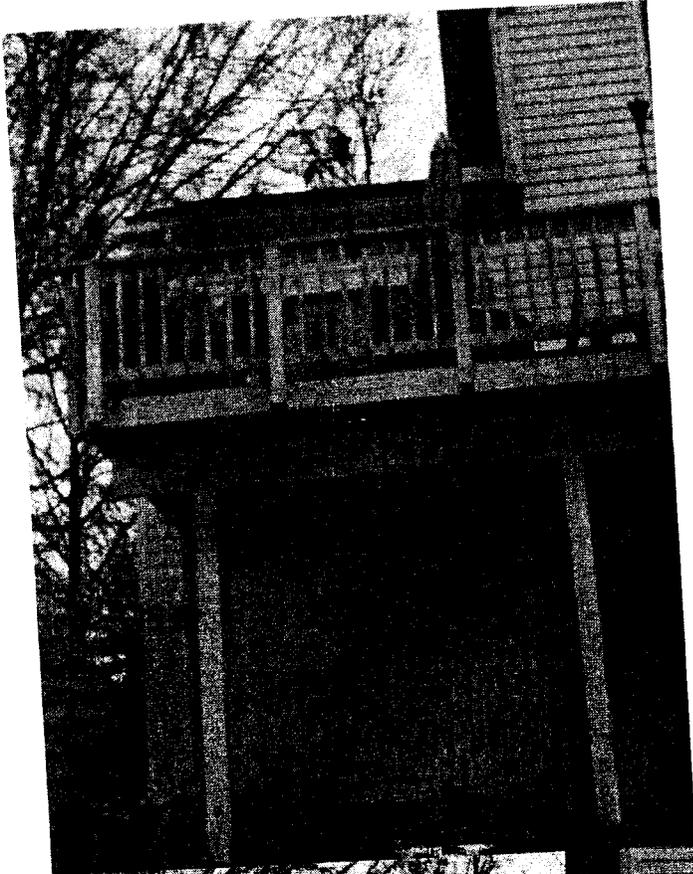
Front view

← Neighbors

←
dition







DESCRIPTION OF THE APPLICATION

To permit reduction of certain yard requirements to permit existing dwelling to remain 12.9 feet from the eastern side lot line such that side yards total 36.5 feet. The addition meets the minimum side yard requirement of 12.0 feet in this district; however, does not meet the total side yard requirement of 40.0 feet.

	Structure	Yard	Minimum Allowed	Proposed Yards	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Total Side Yards	40.0 foot total	36.5 feet Total Side Yards	3.5 feet	9%

*Minimum yard requirement per Section 3-107

EXISTING SITE DESCRIPTION

The site is currently zoned R-1, developed under the Cluster regulations, and contains a single family detached dwelling built in 1979. The lot consists of 21,000 square feet and is surrounded by single family detached homes on all lot lines. The lot is relatively flat with several mature trees scattered throughout the yard.

CHARACTER OF THE AREA

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

BACKGROUND

Records indicate the dwelling was originally constructed in the 1979. On August 21, 2001, the Board of Zoning Appeals approved variance VC 01-D-093 to permit the construction of an addition 13.75 feet from the side lot line such that side yards total 37.25 feet; however, the addition was constructed 12.9 feet from the side lot line, affecting the overall total side yards. The variance was granted to, and the addition was built by, a previous homeowner. The approved Resolution and Plat are attached as Appendix 4. The approved building permit is attached as Appendix 5.

In an attempt to obtain a building permit for a proposed by-right addition on the property, it was brought to the applicants attention that the location of an existing addition was subject to an approved variance and was in fact constructed closer to the side lot line than was approved, which affects the total side yards. Therefore, the applicant was required to file this special permit to correct the error. An application under Sect. 8-914, Error in Building Location, could not be filed because the error is less than 10%; however, an administrative reduction can not be granted because the yard in question was set via approval of the variance.

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

- Variance VC 01-D-093 was approved on August 21, 2001 for Tax Map 19-1 ((9)) 15, zoned R-1, at 9706 Locust Hill Drive, to permit construction of addition 13.75 feet from the side lot line such that side yards total 37.25 feet.
- Variance VC 89-D-010 was approved on May 26, 1989 for Tax Map 19-1 ((9)) 34, zoned R-1, at 9625 Locust Hill Drive, to allow construction of garage addition to dwelling to 9 feet from a side lot line such that side yards total 30 feet.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** Plat, Showing House Location on Lot 15, Haver Hill
- **Prepared by:** Alexandria Surveys International, LLC
- **Dated:** August 3, 2008

Proposal:

The applicant is requesting a special permit to permit an addition to the dwelling to remain 12.9 feet from the eastern side lot line such that side yards total 36.5 feet. The addition was originally approved in 2001 to be located 13.75 feet from the side lot line such that side yards total 37.25 feet.

ZONING ORDINANCE REQUIREMENTS (Appendix 6)

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 6:

- 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 for construction of the addition. 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 that the existence of a 301 square foot addition will not adversely affect the use or development of neighboring properties. Therefore, staff believes the request is minimal and this standard has been met.*

General Standard 5 requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The request to permit an existing addition to the dwelling to remain in its current location would not require the removal of landscaping and is sufficiently screened from the neighboring property. Therefore staff believes this standard has been met.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing structure is 3,672 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 5,508 square feet in size for a possible total square footage at build out of 9,180. The existing addition to the dwelling is 301 square feet, for a total square footage of the house with the addition of 3,973 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 pictures submitted indicate that the materials, size and scale of the existing addition is compatible with the existing structure 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 indicate that the existing addition is compatible with the surrounding houses in the neighborhood. No new construction is proposed with this application. The application is merely to retain an existing addition to the dwelling approved via a variance, which was constructed closer to the side lot line than permitted by the variance. 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 to the side of the existing dwelling has existed since 2001 and has had no impact on stormwater runoff, noise, light, air, safety or erosion. 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 application is merely to retain an existing addition to the dwelling which was constructed in 2001 too close to the side lot line, which affects the total side yards. Staff believes that the application meets this provision.*

CONCLUSION

Staff believes that the request to permit dwelling to remain such that side yards total 36.5 feet 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 2009-DR-004 for the existing dwelling to remain 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. Approved Variance VC 01-D-093 Resolution and Plat
5. Approved Building Permit
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-DR-004****March 24, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-DR-004 located at Tax Map 19-1 ((9)) 15 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 and a certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning within three (3) months of approval of the special permit
2. This special permit is approved for the location and size (301 total square feet) of an existing addition to the eastern side of the existing dwelling, as shown on the plat prepared by Alexandria Surveys International, LLC, Ltd., dated August 8, 2003, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,672 square feet existing + 5,508 square feet (150%) = 9,180 square feet permitted) 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.

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.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/7/08
 (enter date affidavit is notarized)

I, William D. Paxton, 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 102613

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
William D. Paxton	9706 Locust Hill Dr Great Falls, VA 22066	Applicant/ title owner
LAURA D PAXTON	9706 Locust Hill Dr Great Falls, VA 22066	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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/7/08
(enter date affidavit is notarized)

102613

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)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11 | 7 | 08
(enter date affidavit is notarized)

102613

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)

(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: 11/7/08
(enter date affidavit is notarized)

102613

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

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

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

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

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

None

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/7/08
(enter date affidavit is notarized)

102613

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:

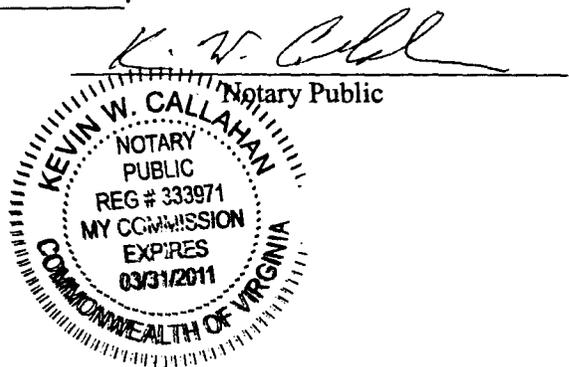
(check one)

[X] Applicant [] Applicant's Authorized Agent

William D. Paxton
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 7 day of November 2008, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: 3/31/2011



Special Permit Request

Statement of Justification for Fairfax County Zoning Ordinance

Legal Description: Lot 15, Haver Hill, Fairfax County Virginia

Postal Address: 9706 Locust Hill Drive, Great Falls VA 22066

Owner(s): William & Laura Paxton

Applicant(s): William & Laura Paxton

In accordance to 8-922 Provisions for Reductions of Certain Yard Requirements, the following justifications are addressed below. Specifically # 2, A-G; The BZA determines that:

2-A.) The error exceeds ten (10) percent of the measurement involved and; the property in which the structure in question exists is approximately 21,000 square feet. The total square footage of the addition structure in question is approximately 301 square feet. The square footage of the original dwelling on three levels including an attached two (2) car garage is approximately 3672 square feet. The result in gross floor area in the addition in question is far less than the 150 percent maximum allowable square footage.

2-B.) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to issuance of the Building Permit, if such was required and the addition in question was built prior to the ownership to the existing property owner. The applicant and property owner's desire to have the existing structure in question approved for a Special Permit. The previous property owner requested and was granted a Variance to build an approximately 20'x12' one (1) story A-Frame addition with crawl space on August 30, 2001 by the Division Zoning Administration of Fairfax County, Virginia. The addition was not to exceed 13.75' distance from the right side property line. The actual structure in question lies approximately 12'9" from the right side property line leaving a difference of approximately 10.5" in violation of the 40' total side set back. The structure in question does not exceed the minimum of 12' requirement. The structure in question is completely in character with the existing house structure in height, bulk and scale; and has matching roofing, gutters, trim, siding and windows (pictures provided).

2-C.) Such reduction will not impair the purpose and the intent of this Ordinance and the structure in question is harmonious and in character with the other homes in the neighborhood. Structure is well landscaped and there is ample tree coverage on the property close to the structure in question (pictures provided).

2-D.) It is not detrimental to the use and enjoyment of other property in the immediate vicinity, and the structure in question is an enclosed one story sunroom that does not pose any issues such as noise, light, air or safety hazards. The grounds around the structure in question have been well graded, and have no drainage issues (pictures provided).

2-E.) It will not create an unsafe condition with respect to both other property and public streets, and the structure in question is harmonious and in character with the other homes in the neighborhood. Structure is well landscaped and there is ample tree coverage on the property close to the structure in question (pictures provided).

2-F.) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owners the applicant and property owner's desire to have the existing structure in question approved for a Special Permit. The previous property owner requested and was granted a Variance to build an approximately 20'x12' one (1) story A-Frame addition with crawl space on August 30, 2001 by the Division Zoning Administration of Fairfax County, Virginia. The addition was not to exceed 13.75' distance from the right side property line. The actual structure in question lies approximately 12'9" from the right side property line leaving a difference of approximately 10.5" in violation of the 40' total side set back. The structure in question does not exceed the minimum of 12' requirement. The structure in question is completely in character with the existing house structure in height, bulk and scale; and has matching roofing, gutters, trim, siding and windows (pictures provided).

2-G) The reduction will not result in an increase in density or floor ration from that permitted by the applicable zoning district the total square footage of the addition structure in question is approximately 301 square feet. The square footage of the original dwelling on three levels including an attached two (2) car garage is approximately 3672 square feet. The result in gross floor area in the addition in question is far less than the 150 percent maximum allowable square footage.

Thank you,
William Paxton

Request for Modification for Submissions Requirements

I, William Paxton; Property Owner of 9706 Locust Hill Drive, Great Falls VA 22066 am requesting a Modification for Submission Request to use the property survey showing the house location in stead of a special permit survey.

I would like to also request to use photographs taken of the structure in question, instead of Architectural Plans because the structure already exists.

Thank you for your time.


William Paxton

RECEIVED
Department of Planning & Zoning

NOV 13 2008

Zoning Evaluation Division

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

ALI HONARVAR, VC 01-D-093 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of addition 13.75 ft. from side lot line such that side yards total 37.25 ft. Located at 9706 Locust Hill Dr. on approx. 21,000 sq. ft. of land zoned R-1 (Cluster). Dranesville District. Tax Map 19-1 ((9)) 15. Ms. Gibb moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

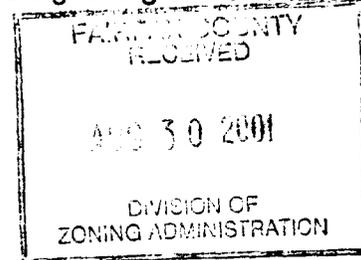
WHEREAS, following proper notice to the public, a public hearing was held by the Board on August 21, 2001; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The applicant presented testimony indicating compliance with the required standards for the granting of a variance.
3. The lot has an unusual shape, which narrows toward the back.
4. The variance of 2.75 feet is a modest request.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.



9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

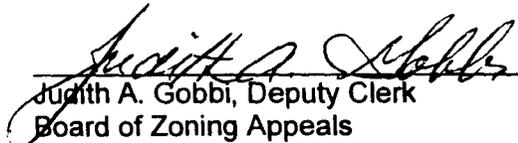
1. This variance is approved for the location of an addition as shown on the plat prepared by Rafik Bazikan, dated April 12, 2001, submitted with this application and is not transferable to other land.
2. A building permit shall be obtained prior to any construction and approval of final inspections shall be obtained.
3. The addition shall be architecturally compatible with the existing dwelling.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance 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 variance. 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.

Mr. Pammel seconded the motion which carried by a vote of 6-0. Mr. Pammel moved to waive the 8-day waiting period. Mr. Ribble seconded the motion which carried by a vote of 5-0. Mr. Hammack recused himself from the hearing. Mr. Kelley was absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on August 21, 2001. This date shall be deemed to be the final approval date of this variance.

A Copy Teste:


Judith A. Gobbi, Deputy Clerk
Board of Zoning Appeals



SITE TABULATION

- 1) ZONING: R-1 Residential District, Cluster, One Dwelling Per Acre
- Permitted uses: dwellings, single family detached
- Lot size requirements: minimum lot area cluster subdivision 26000 sq. ft.
- Bulk regulations: maximum building height 35 ft.
minimum yard requirements cluster subdivision lot
Front Yard 30 ft.
Side Yard 12 ft., but a total minimum of 40 ft.
Rear Yard 25 ft.
maximum floor area ratio 0.15

Maximum density: One Dwelling unit per acre
Open space: In cluster development, 20% of gross area shall be open space.

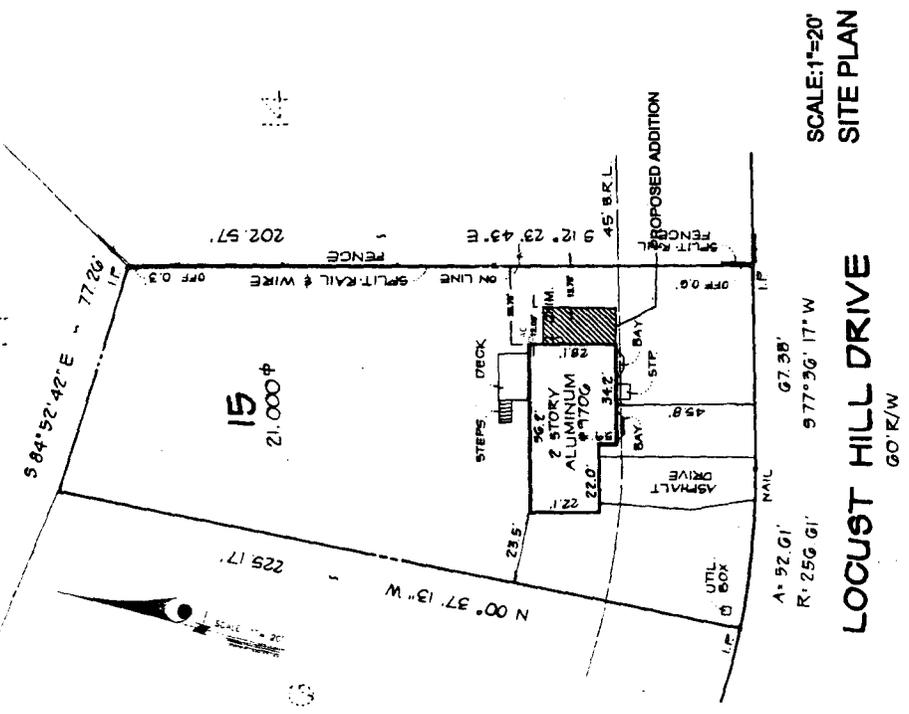
Tax Map No. 18-1-09-0015
() THE EXISTING BUILDING IS SHIPPED BY AIR-LIFT METHOD FROM*

VARIANCE REQUEST:

Bulk regulations: Minimum yard requirements cluster subdivision lot
Side Yard 12 ft., but a total minimum of 40 ft.

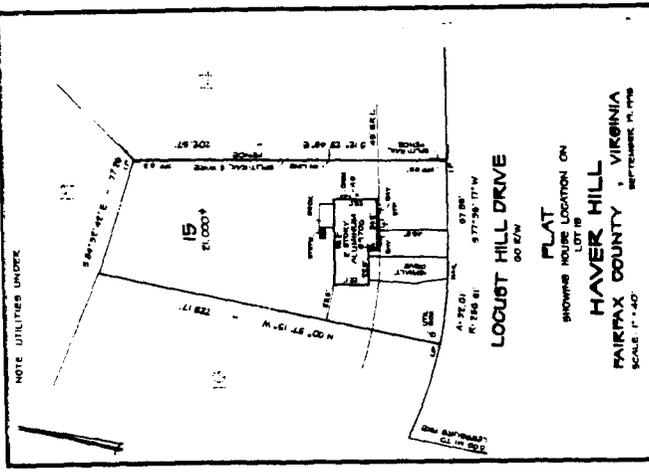
The minimum side yard available after addition is 12 ft., however, the total side yard available becomes 37.25 ft., which is 2.75 ft. less than required 40 ft.

() THE PROPOSED ADDITION DIMENSIONS ARE WIDTH 20' HEIGHT 15'*



SCALE: 1"=20'
SITE PLAN

LOCUST HILL DRIVE
60' R/W



PLAT COPY

NOTE UTILITIES UNDER

LOCUST HILL DRIVE

PLAT

SHOWS HOUSE LOCATION ON LOT 15

HAVER HILL
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=40'

DATE: 11/12/01

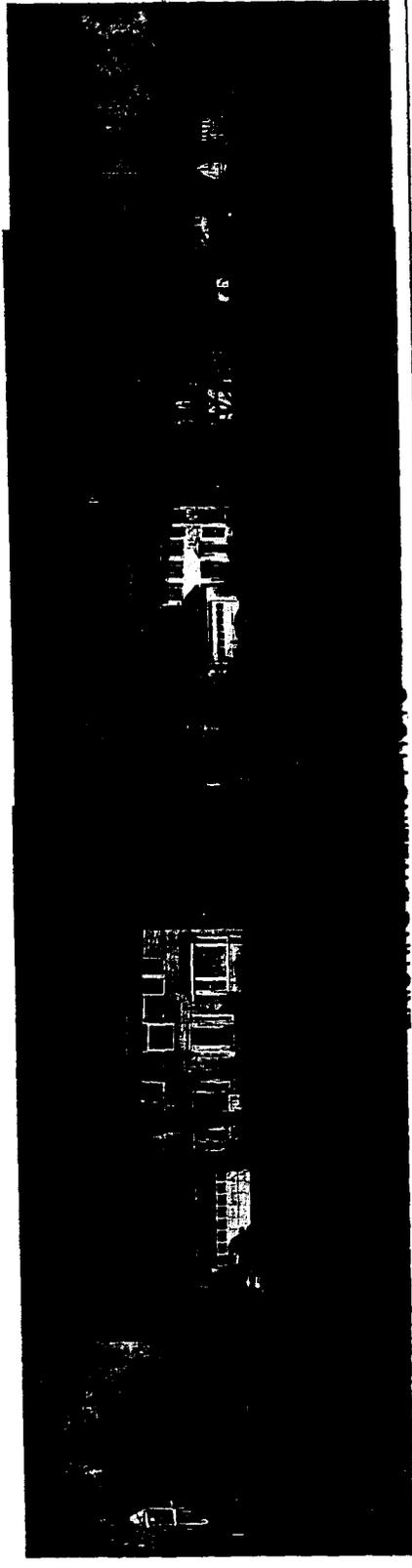
PREPARED BY: KENNETH H. HARRIS, INC.

1100 W. MARKET STREET, SUITE 100
FALLS CHURCH, VA 22046
TEL: 703.766.1100

APPROVED BY: [Signature]

RECEIVED
FAIRFAX COUNTY
NOV 13 2001

(*) REVISED 6-5-01
VC 01-D-093
APPROVED
BY BZA
RECEIVED
NOV 13 2001
KHH



BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web Site: http://www.co.fairfax.va.us/dpwcs

PERMIT # _____
 FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY
 PLAN # _____
 TAX MAP # _____

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	10-24-01	[Signature]
SITE PERMITS	10-24-01	[Signature]
HEALTH DEPT.		
BUILDING REVIEW	11-1-01	[Signature]
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$ _____
 FILING FEE - \$ _____
 AMOUNT DUE = \$ _____

BUILDING PLAN REVIEW
 REVIEWER _____ # OF HOURS _____
 REVISION FEES \$ _____
 FIRE MARSHAL FEES \$ _____
 FIXTURE UNITS _____ PLAN LOC: J R

APPROVED FOR ISSUANCE OF BUILDING PERMIT (LOG OUT)
 BY _____ DATE 11/1/01

ZONING REVIEW
 USE 5D-1979
 ZONING DISTRICT R-1C HISTORICAL DISTRICT _____
 ZONING CASE # VC-01-D-093 August 2001
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS: GARAGE 1 2 3
 FRONT OPTIONS YES NO
 FRONT NC REMARKS Build 1 story
 L SIDE NC additional variances
 R SIDE 19.75 Approved
 REAR 130'

GRADING AND DRAINAGE REVIEW
 SOILS # 55 A B C
 AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) _____
 IMPVIOUS AREA (TOTAL SQ FT THIS PERMIT) _____
 PLAN # _____ APPR. DATE _____

STAMPS FT, 2500, EX MAIL (Stamp)
 (See reverse side of application)

REMARKS

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
 (PLEASE PRINT OR TYPE)

JOB LOCATION
 ADDRESS 7700 Belmont Hill Dr. 22001
 LOT # 15 BUILDING _____
 FLOOR _____ SUITE _____
 SUBDIVISION Hinner Hill
 TENANT'S NAME _____

OWNER INFORMATION OWNER TENANT
 NAME Al. Honorable
 ADDRESS 7700 Belmont Hill Dr.
 CITY Great Falls STATE VA ZIP 22066
 TELEPHONE 703 757-0309

CONTRACTOR INFORMATION SAME AS OWNER
 CONTRACTORS MUST PROVIDE THE FOLLOWING:
 COMPANY NAME _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 TELEPHONE _____
 STATE CONTRACTORS LICENSE # _____
 COUNTY BPOL # _____

APPLICANT Al. Honorable

DESCRIPTION OF WORK
 Add an addition, one room.
 12 x 24
 15'

HOUSE TYPE _____
 ESTIMATED COST OF CONSTRUCTION 20,000
 BLDG AREA (SQ FT OF FOOTPRINT) 441.6
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____
 SEWER SERVICE PUBLIC SEPTIC OTHER
 WATER SERVICE PUBLIC WELL OTHER
 OTHER PLEASE SPECIFY _____

DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS	EXTER. WALLS
# BATHS	INTER. WALLS
# HALF BATHS	ROOF MATERIAL
# BEDROOMS	FLOOR MATERIAL
# OF ROOMS	FIN. BASEMENT %
# STORIES	HEATING FUEL
BUILDING HEIGHT 15'	HEATING SYSTEM
BUILDING AREA	# FIREPLACES
BASEMENT	

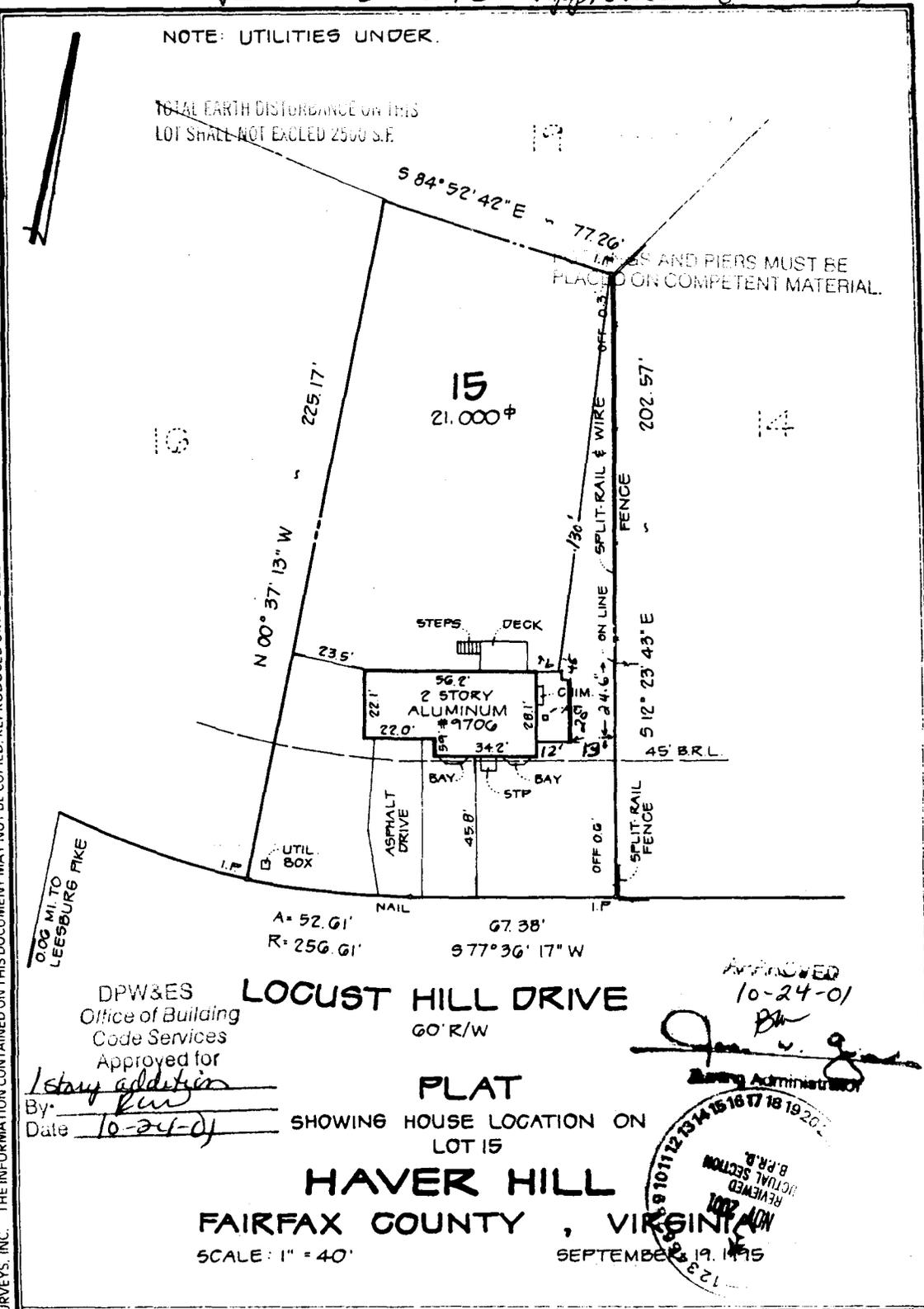
Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent _____ Date _____
 Printed Name and Title _____
 (Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit:
 I, _____
 a Notary Public in the State and County aforesaid, do certify that
 whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____
 My commission expires the _____ day of _____, 20____
 (Notary Signature)

- VC-01-D-093 approved 8-21-01

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THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.

PLAT SUBJECT TO RESTRICTIONS OF RECORD.

TITLE REPORT NOT FURNISHED

NOV 2001
RENEWED

I HEREBY CERTIFY THAT THE STRIP SHOWN ON THIS PLAT IS A CORRECTION TO A PREVIOUSLY FILED PLAT AND THAT ALL THE EXISTING IMPROVEMENTS SHOWN ON THIS PLAT HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN THERE ARE NO VISIBLE ENCUMBRANCES.

Kenneth W. White
KENNETH W. WHITE L.S.

COMMONWEALTH OF VIRGINIA

KENNETH W. WHITE

LICENSE NO. 1277 B

LAND SURVEYOR

CASE NAME:
O'DONNELL - HONARVAR
GORDON, ESTABROOK
& PESNER

ALEXANDRIA SURVEYS, INC.
6343 SOUTH KINGS HIGHWAY
ALEXANDRIA, VIRGINIA 22306
703-660-6615
FAX 703-768-7764

19950914022

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.