



APPLICATION ACCEPTED: January 26, 2009  
DATE OF PUBLIC HEARING: April 14, 2009  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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April 7, 2009

### STAFF REPORT

**SPECIAL PERMIT APPLICATION No. SP 2009-SU-006**

### SULLY DISTRICT

**APPLICANT:** Joseph Tahan

**APPLICANTS & OWNERS:** Joseph Tahan and Mahnaz Tahan

**ZONING:** R-1 & W-S

**LOCATION:** 12516 Thompson Rd.

**ZONING ORDINANCE PROVISION:** 8-922

**TAX MAP:** 35-4 ((1)) 78

**LOT SIZE:** 21,821 Sq. Feet

**SP PROPOSAL:** Reduction of certain yard requirements to permit construction of addition 16 feet from the side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2009-SU-006 for the addition subject to the proposed development conditions contained in Appendix 1.

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

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

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

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

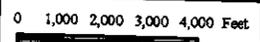
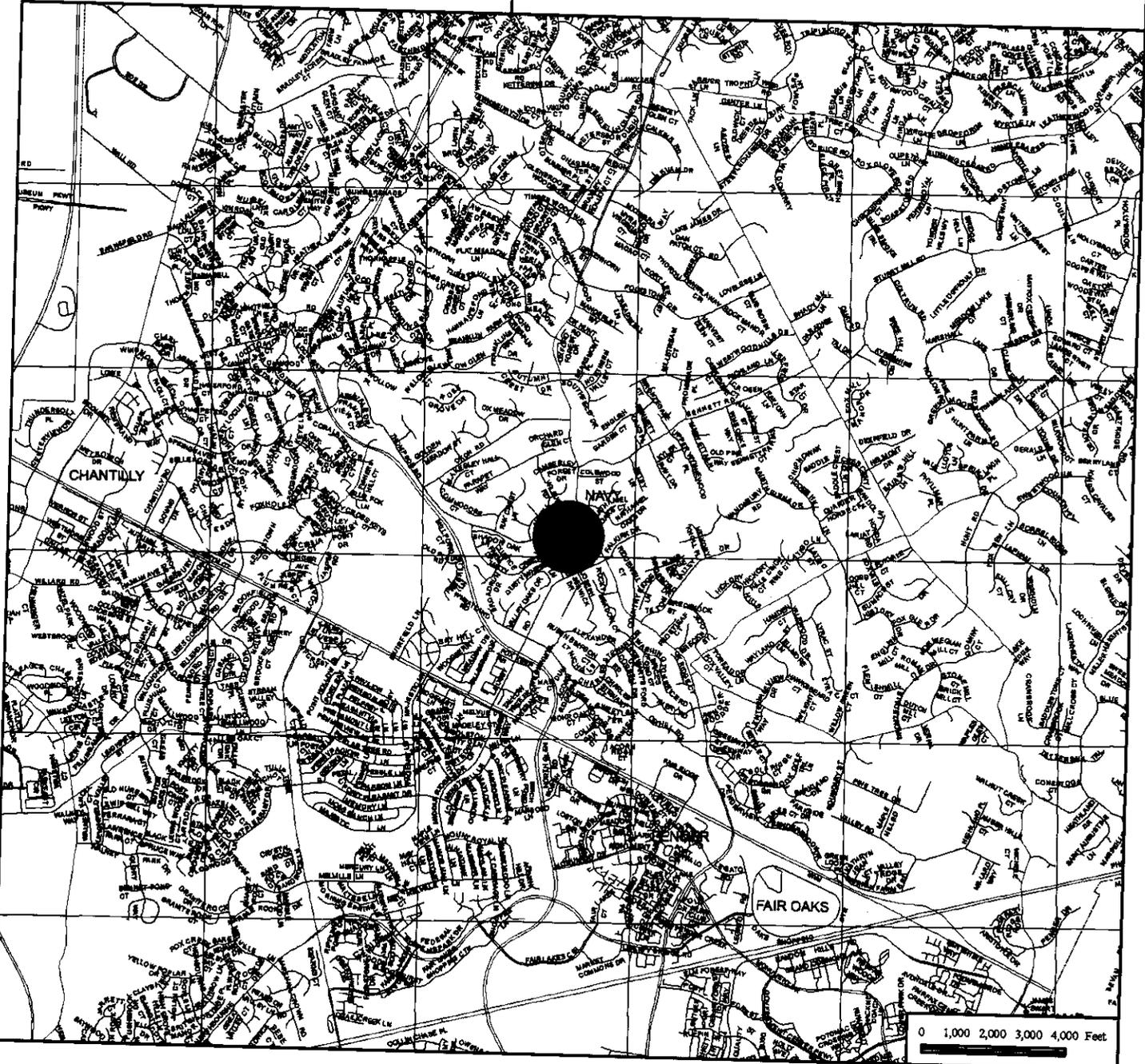
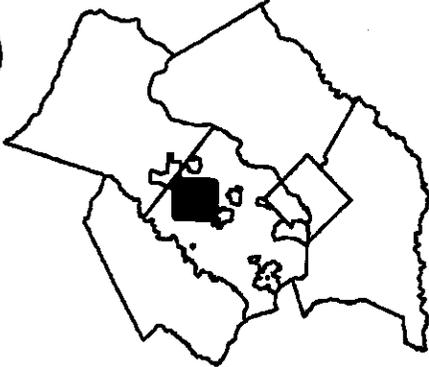


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2009-SU-006**

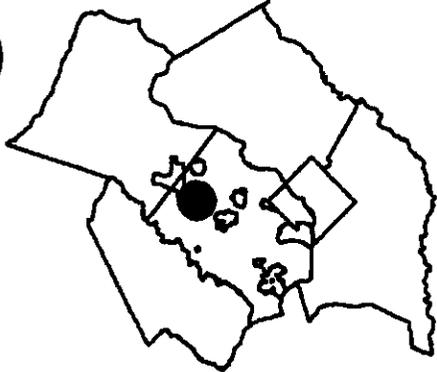
**Applicant:** JOSEPH TAHAN  
**Accepted:** 01/26/2009  
**Proposed:** REDUCTION OF CERTAIN YARD REQUIREMENTS  
TO PERMIT ADDITION 16.0 FEET FROM  
SIDE LOT LINE

**Area:** 21,821 SF OF LAND; DISTRICT - SULLY  
**Zoning Dist Sect:** 08-922  
**Art 8 Group and Use:** 9-21  
**Located:** 12516 THOMPSON ROAD  
**Zoning:** R-1  
**Overlay Dist:** WS  
**Map Ref Num:** 035-4 /01/ /0078

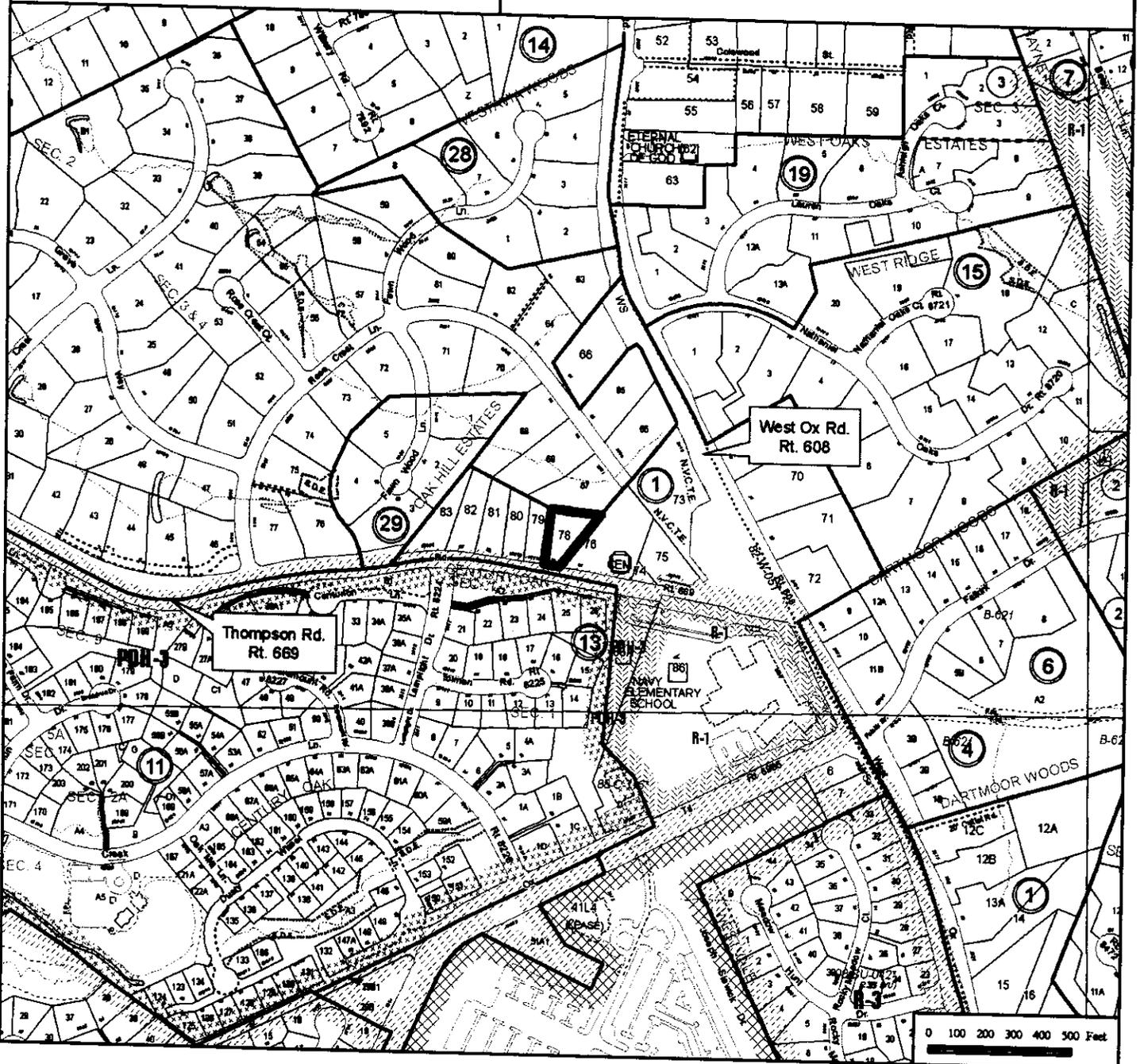


**Special Permit**  
**SP 2009-SU-006**

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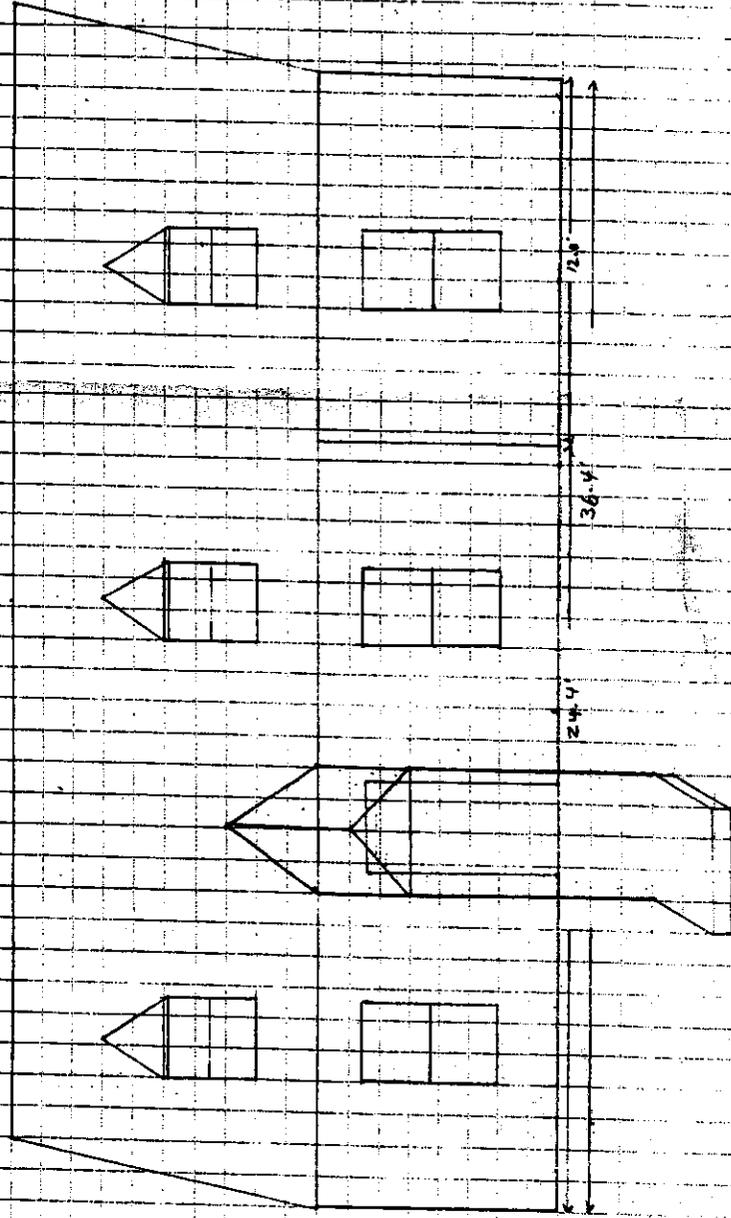


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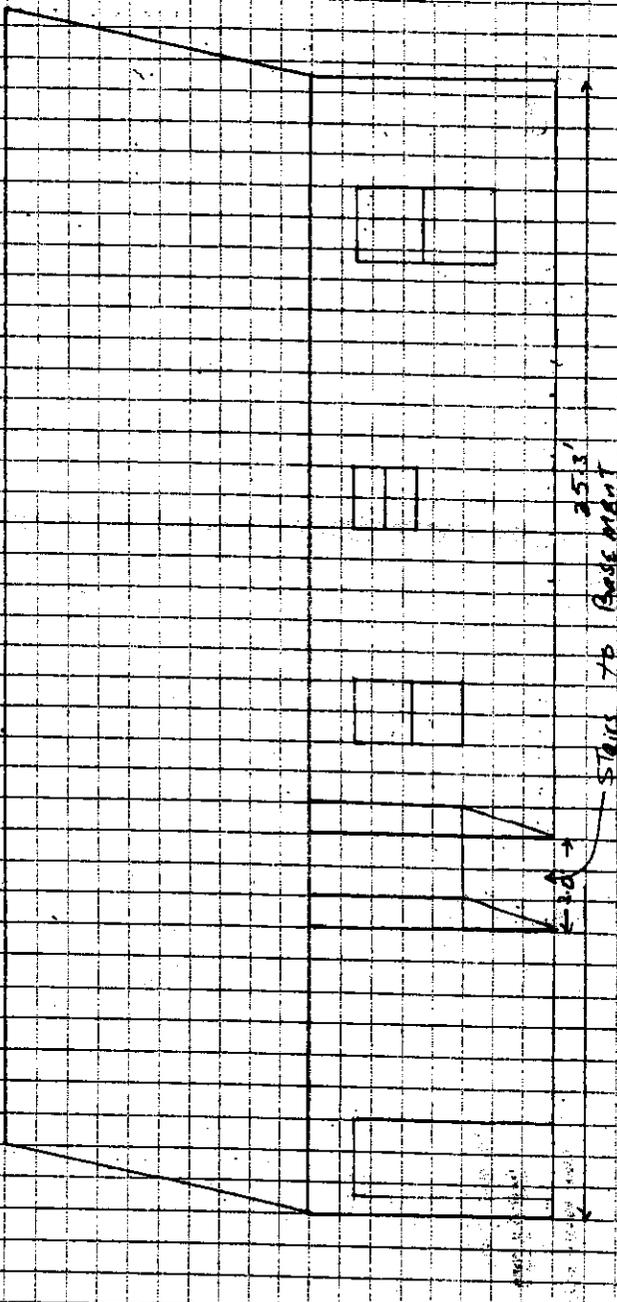
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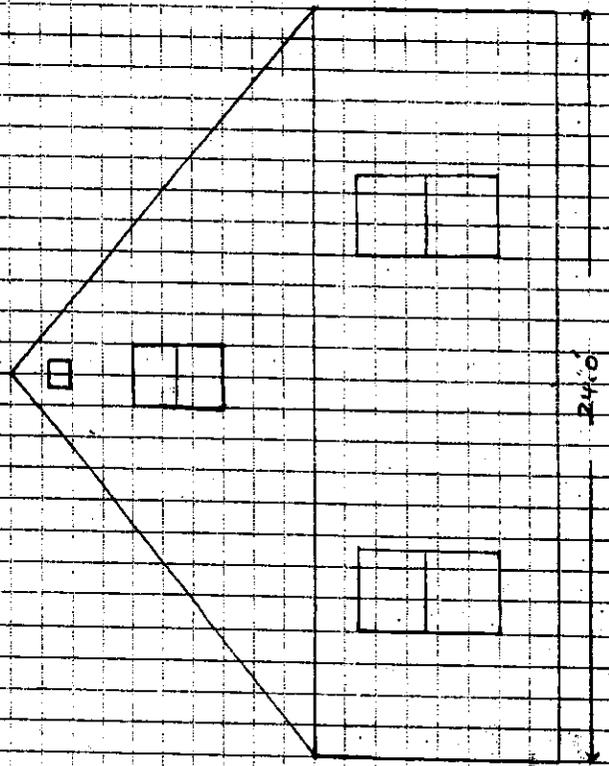
Front View

- 1 original living space 650 sq ft
  - 2 Additional Living space 187 sq ft
  - 3 Total living space 837 sq ft
  - 4 Addition will consist of bed, table and seating area extending the kitchen
  - 5 Building Architecture is a continuation of Car Grade Stone Floor and Roof Line
  - 6 House Covered with Vinyl Siding
  - 7 Roof Covered with Shingle (Black)
  - 8 The proposed development of purpose, scale, use and intent conforms to the principal structure on site
- 5199 The proposed development conforms to all applicable ordinances and regulations
- 5198 No known hazardous or toxic substances were identified and Certified Survey

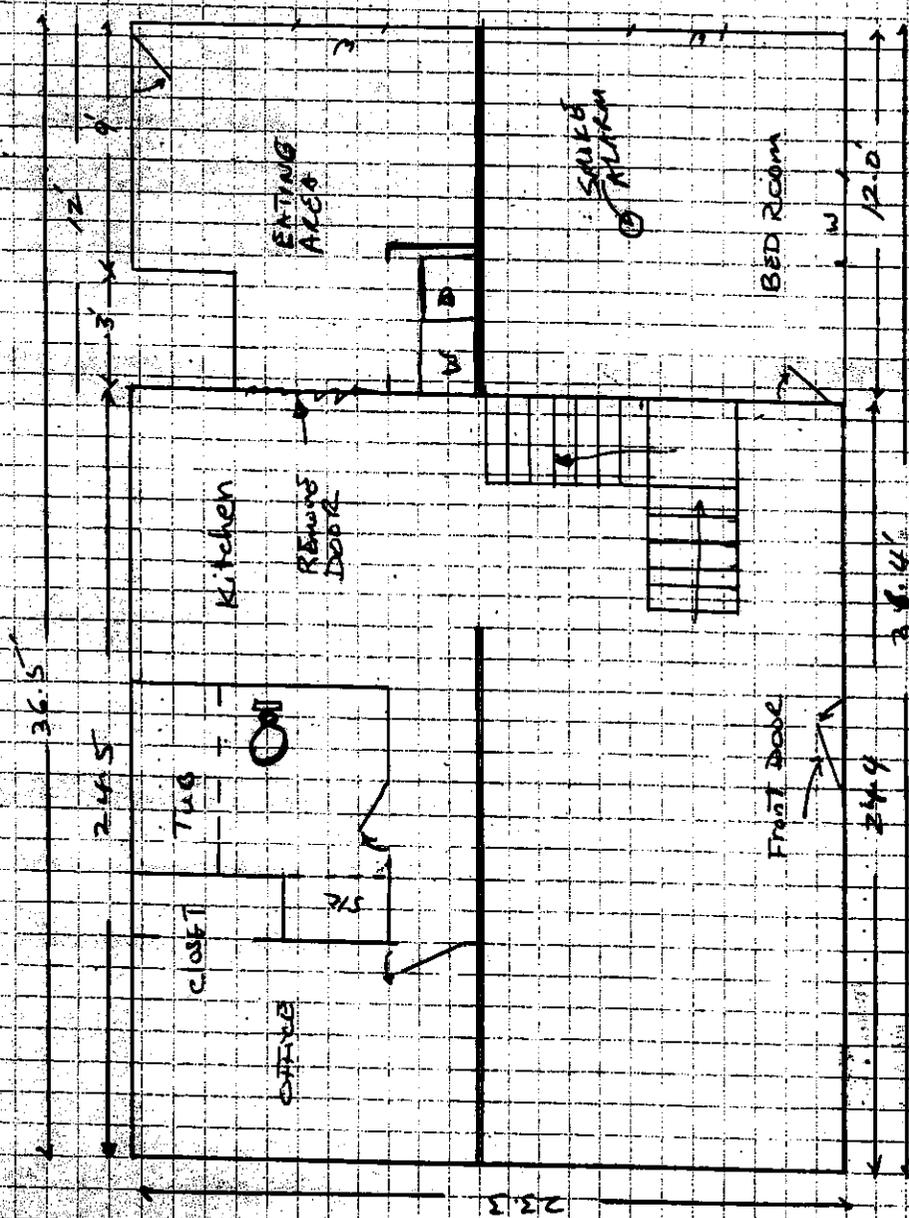
- 1 Roofing asphalt shingll
- 2 Vinyl siding - white



Back View



side view - SAME ON BOTH SIDES

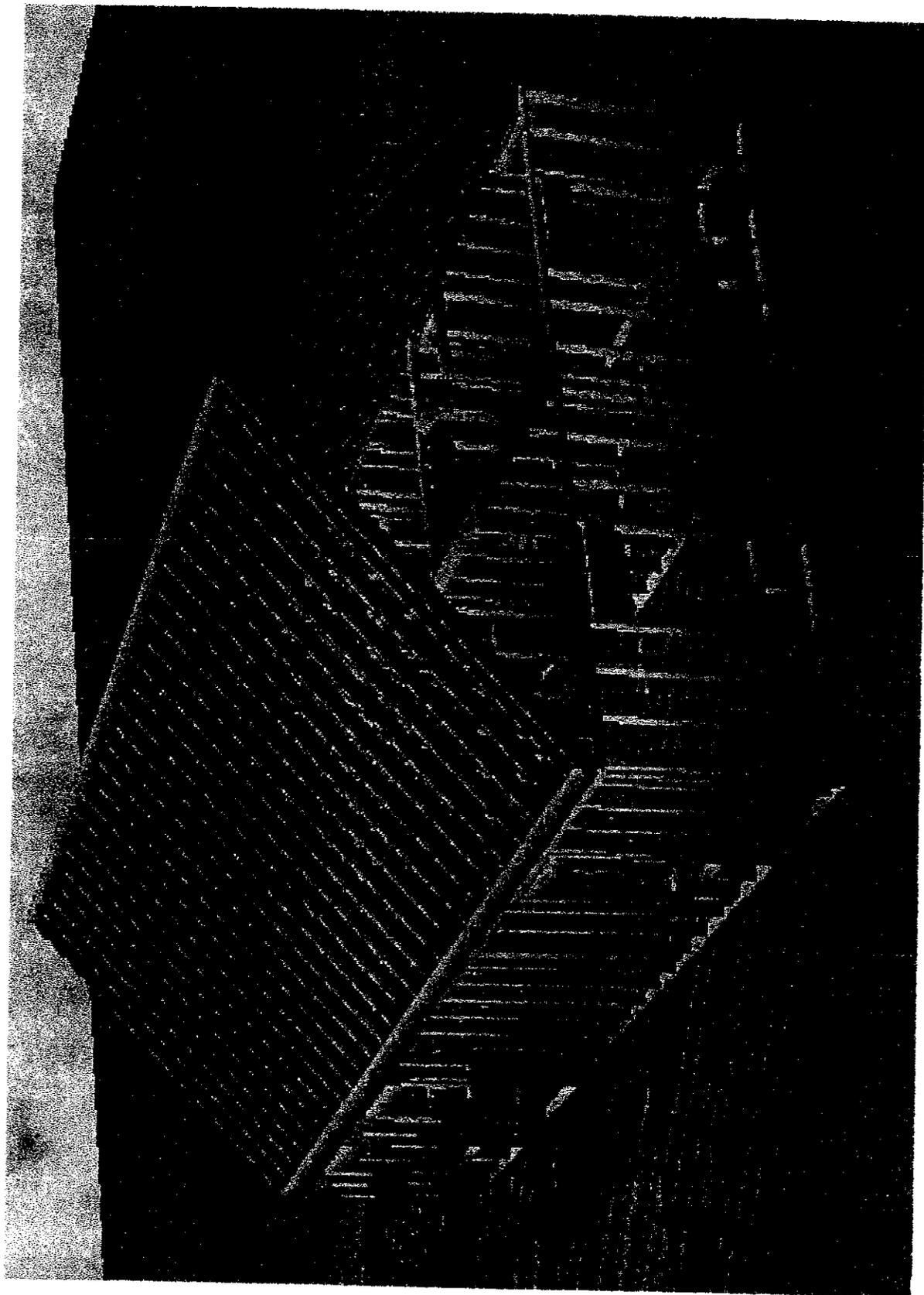


**Addition:**

- TOTAL AREA 288 sq ft
- ONE BED ROOM
- ONE EATING AREA
- SMOKE ALARM IN BED ROOM
- INSULATION OF NEW ADDITION PER V.R.O. 2006

**Building Designer**

JOSEPH THAMAN  
 OWNER  
 12516 THOMPSON RD  
 FAIRFAX VA 22033



125  
16 Thompson  
on Rd. Floor  
Plan -

01-DGC-2008  
12516 Thompson Rd



North  
Backyard  
view



Center  
Back yard  
view



South  
Back yard  
view

RECEIVED  
Department of Planning & Zoning  
JAN 05 2009  
Zoning Evaluation Division

01-DEC-2008

12516 Thompson Rd



Front  
center  
view



South  
front yard  
view



South  
front yard  
view

RECEIVED  
Department of Planning & Zoning  
JAN 05 2009  
Zoning Evaluation Division

01-DEC-2008

12516 THOMPSON RD



North

Corner  
Back yard  
View.

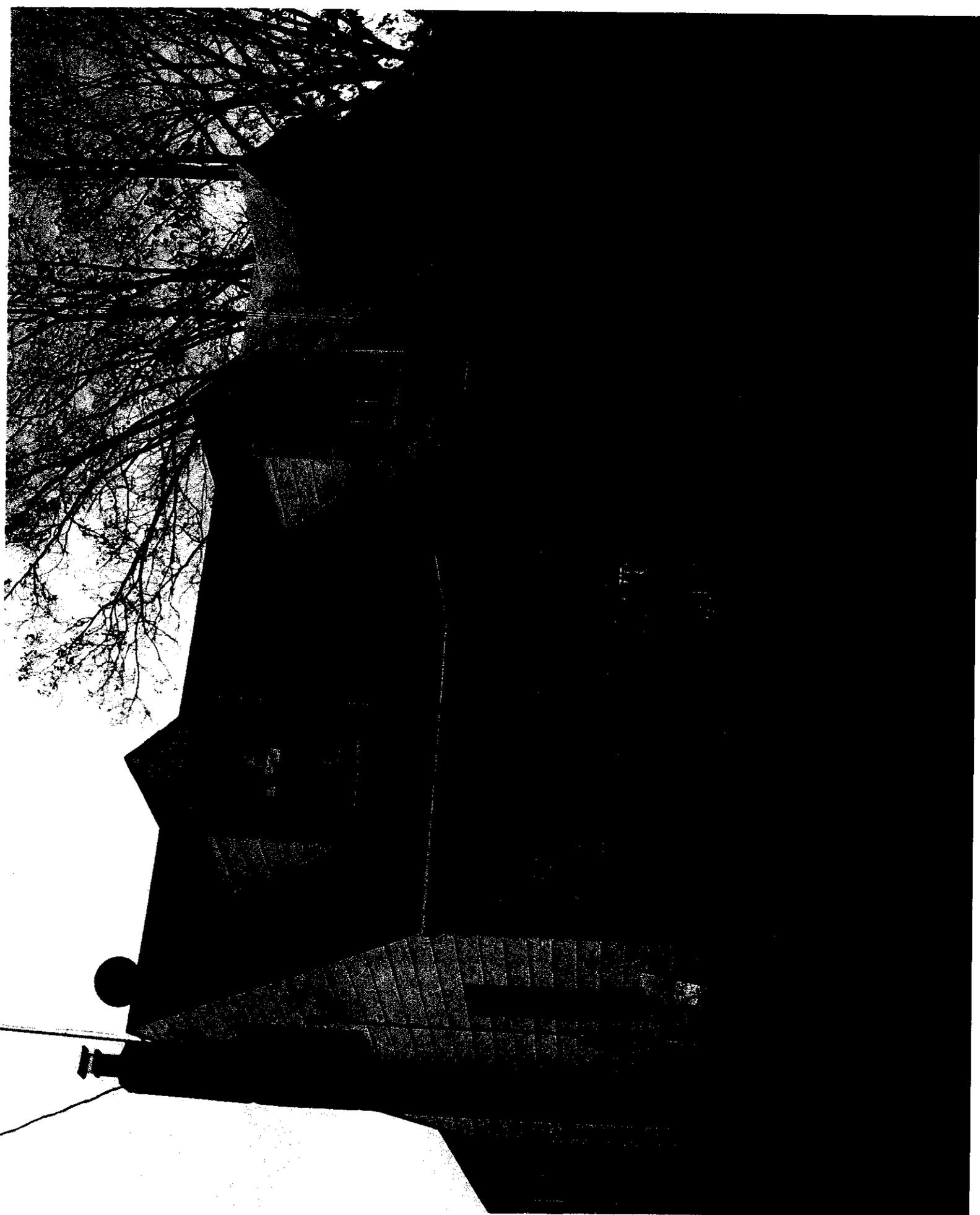
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Department of Planning  
JAN 05 2009  
Zoning Evaluation Division



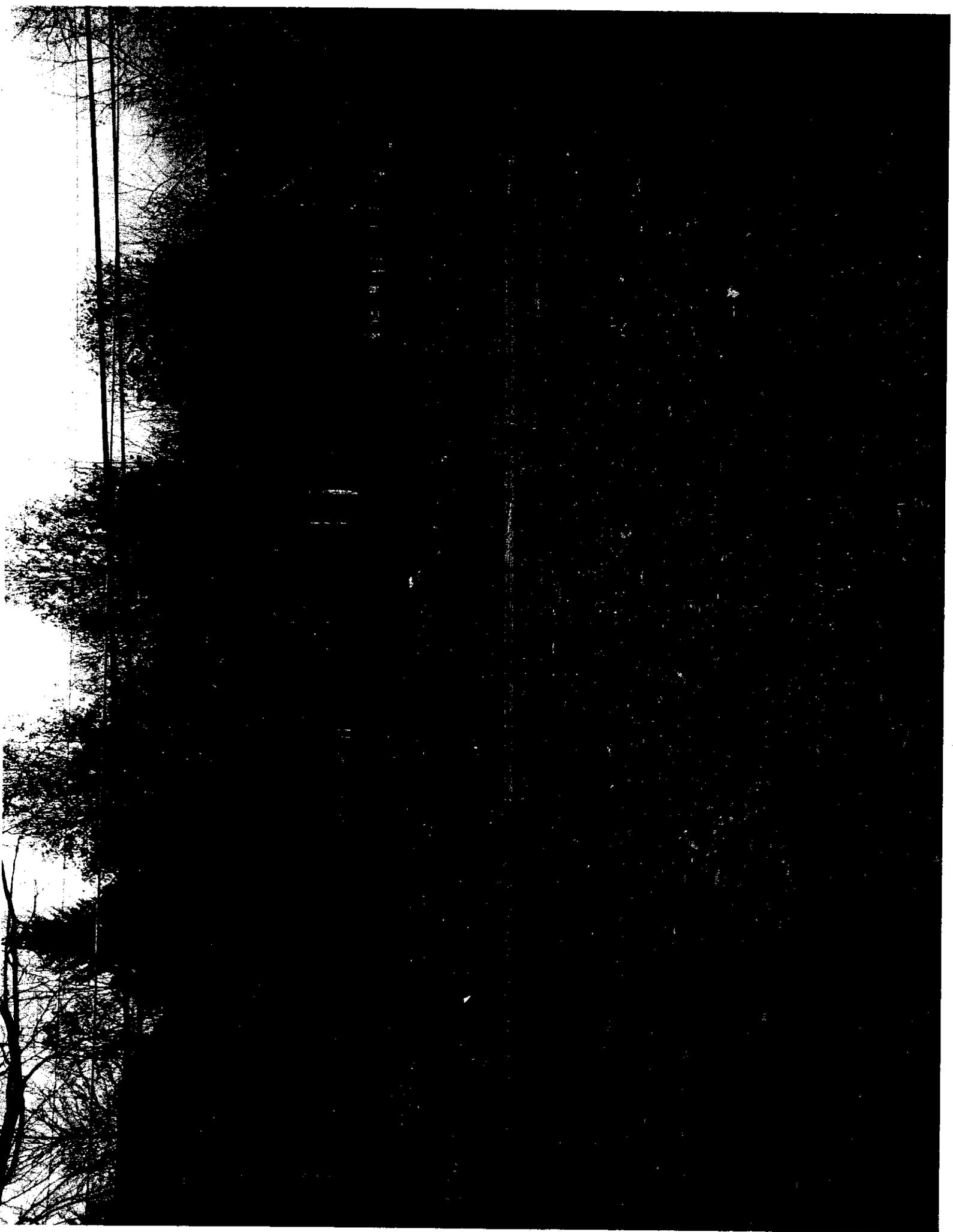
side

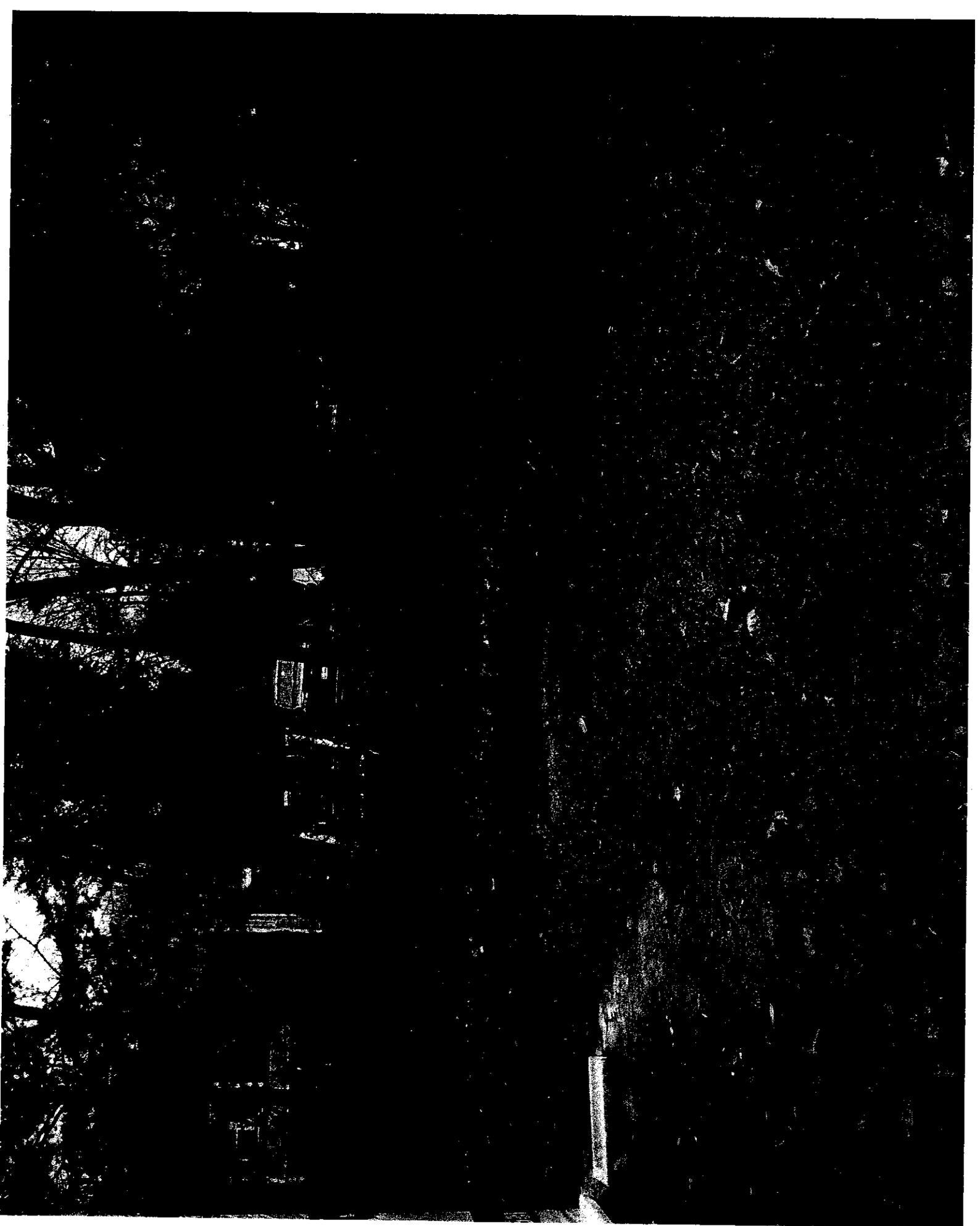


Front.

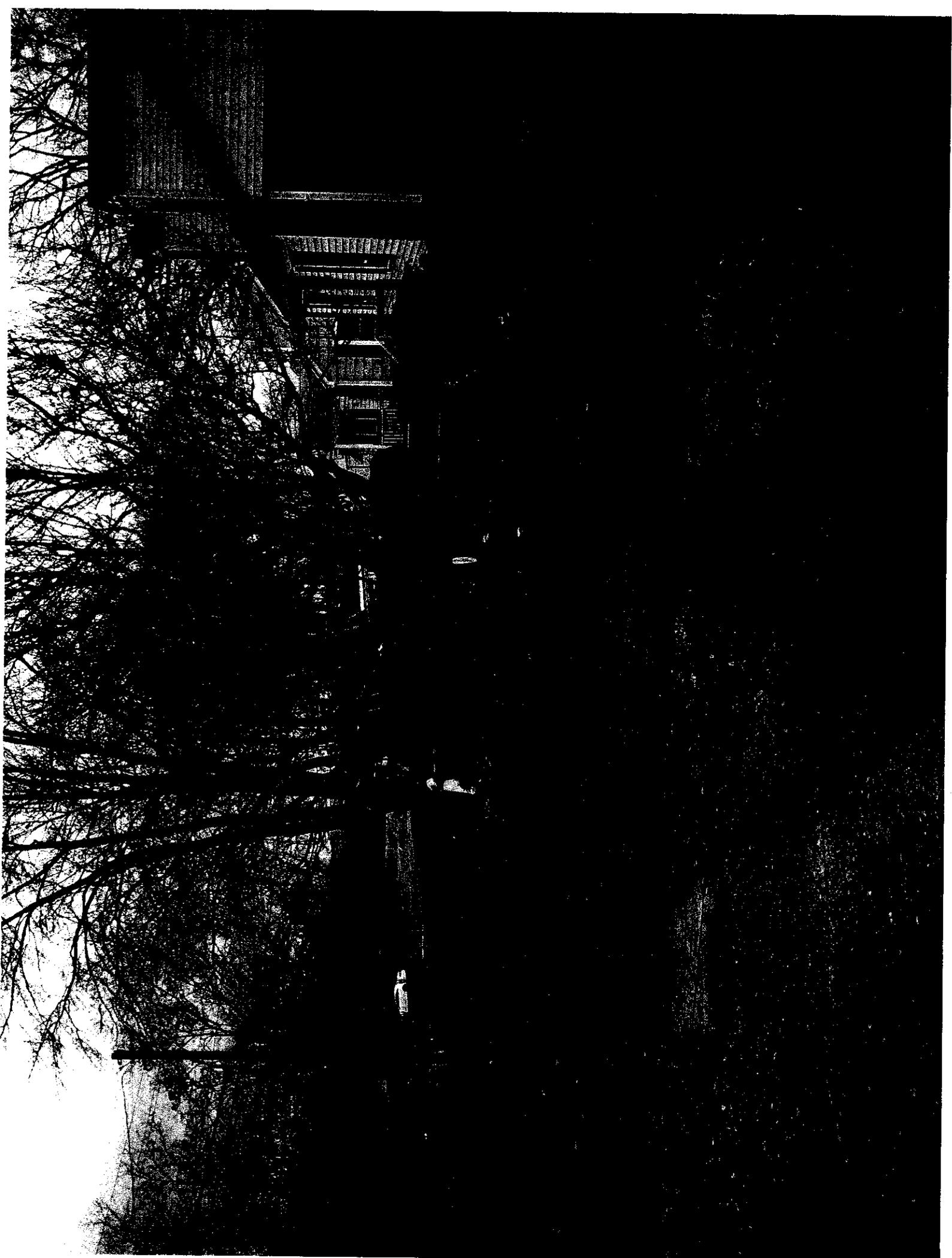


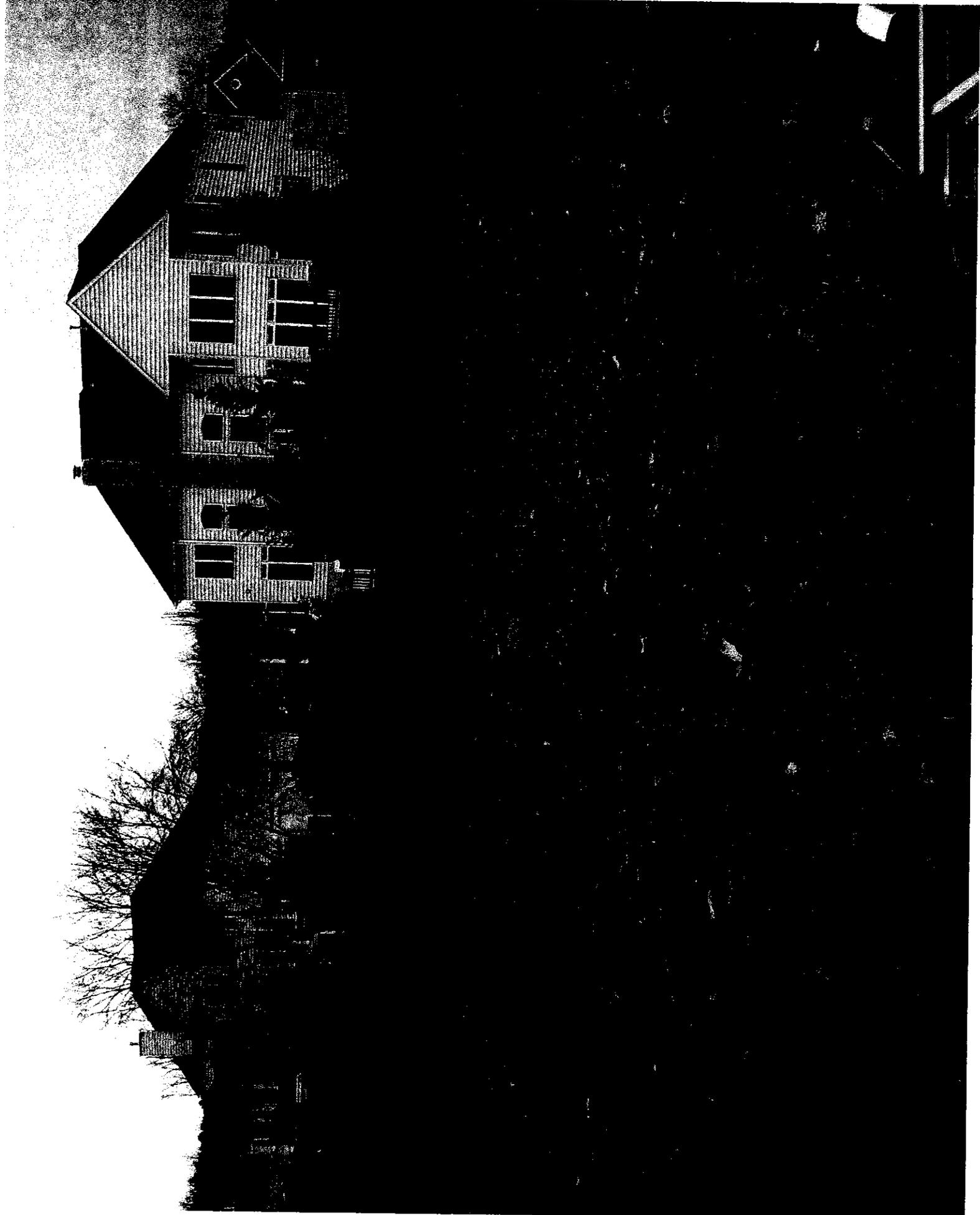
front



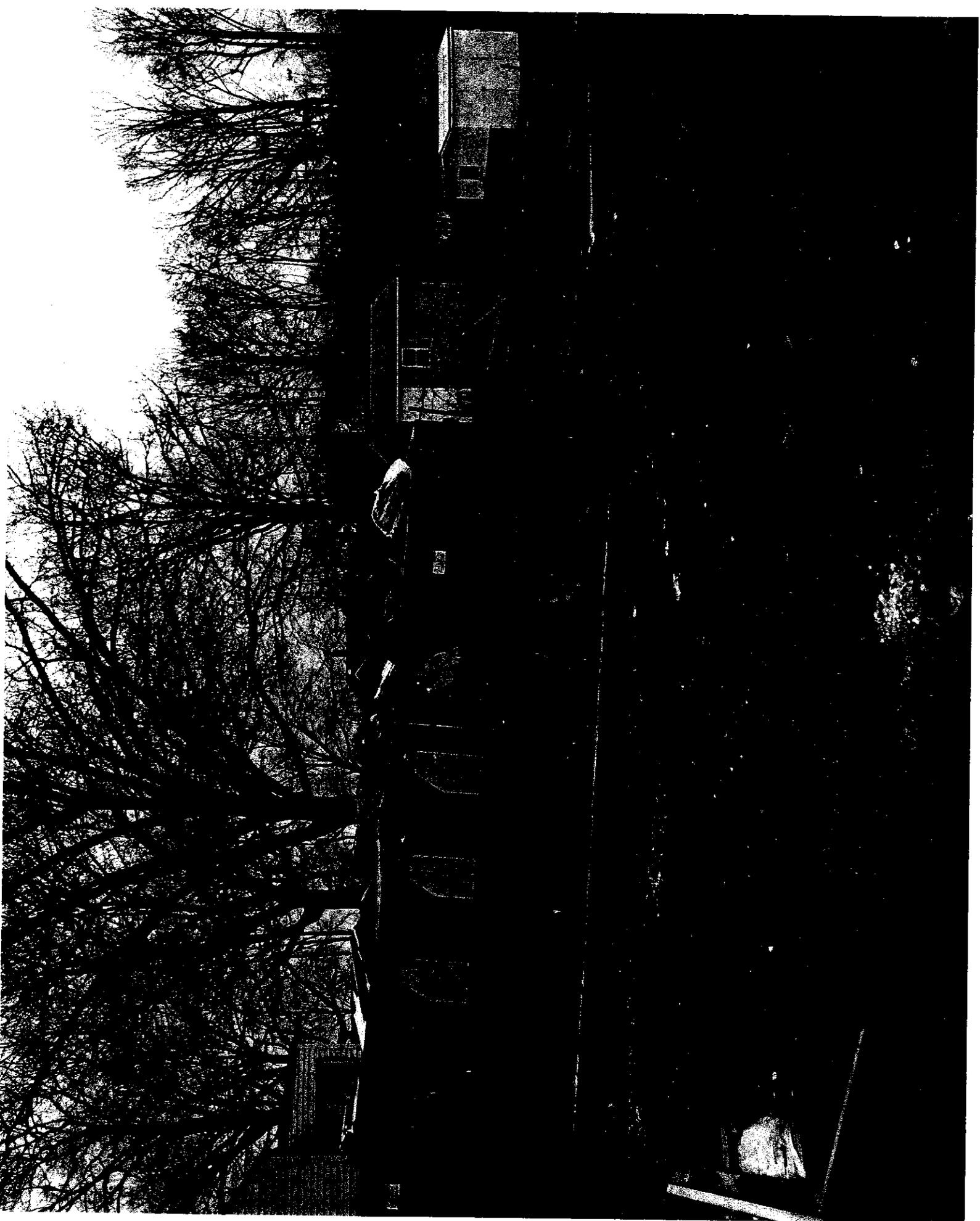


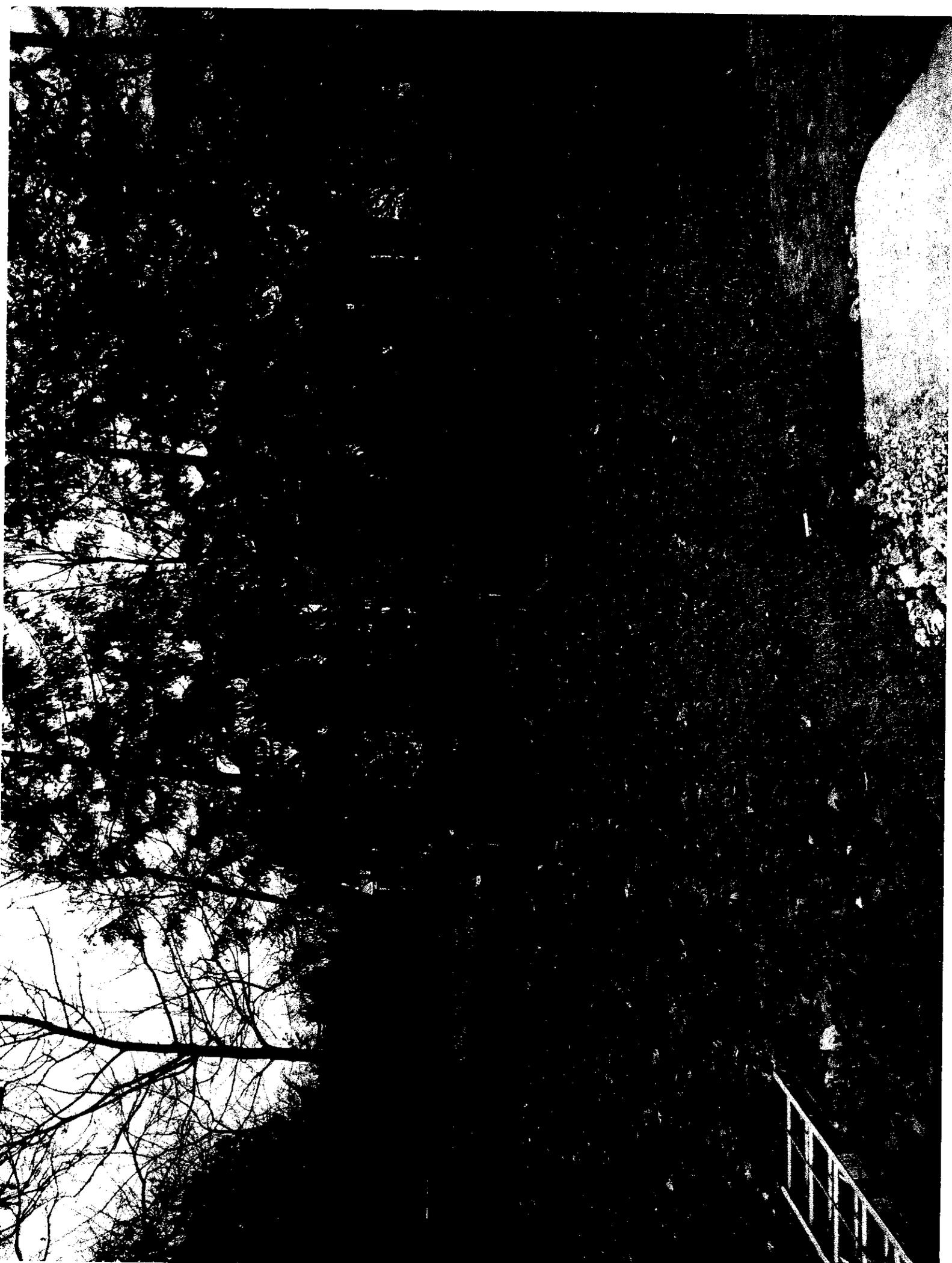
HOUSES





0404 2-03







Front  
view  
of  
Addn



Back

RECEIVED  
Department of Planning & Zoning  
NOV 26 2008  
Zoning Evaluation Division

**DESCRIPTION OF THE APPLICATION**

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of an addition 16 feet from the eastern side lot line.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Addition	side	20 feet	16 feet	4 feet	20 %

\* Minimum yard requirement per Section 3-307

**LOCATION AND CHARACTER**

**Existing Site Description**

The site is currently zoned R-1 and W-S and contains a two story single family detached dwelling which was built in 1944. The lot consists of 21,821 square feet where typically 36,000 square feet is required for the R-1 district. The lot shape is similar to a trapezoid, with the smallest portion of it being the front of the lot where the proposed addition will take place. The subject property is surrounded by single family detached homes on all sides. The lot is flat with trees and shrubs scattered throughout the property.

**Character of the Area**

	Zoning	Use
North	R-1	Single Family Detached Dwellings
South	PDH-3	Single Family Detached Dwellings
East	R-3	Single Family Detached Dwellings
West	R-3	Single Family Detached Dwellings

**BACKGROUND**

Construction for the proposed addition has already commenced; however, on December 1, 2008, permit #83250056 for an addition was failed in the Zoning Permit Review Branch because it encroached into the minimum required side yard and would need a special permit. There is no copy of the building permit application available

because the permit was not processed; however, this information was obtained using Fairfax Inspections Database Online (FIDO).

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

## **ANALYSIS OF SPECIAL PERMIT APPLICATION**

- **Title of SP Plat:** Variance Plat on the Property of Joseph Tahan
- **Prepared By:** David T. Currin, Tri-Tek Engineering, dated December 5, 2008, signed through December 8, 2008

### **Proposal**

The applicant proposes to complete construction of the two story addition to expand an existing kitchen and add another bedroom on the first floor and storage/attic space on the second floor. The addition will be constructed to match the existing dwelling both in shape, size and height. The proposed addition will be 15.4 feet in height and a total of 266 square feet. The roofline of the proposed addition will match the existing dwelling and the structure will continue the Cape Cod appearance.

### **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 this is a minimal request and the existing dwelling is considerably smaller in size compared with the surrounding homes in the neighborhood. Homes in the area vary considerably in size and type.*

### **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 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 758 square feet. Therefore 150% of the total gross floor area could result in an addition up to 1,024 square feet; which makes a combined total of 1,895 square feet. The proposed addition will be 266 square feet for a total of 1,024 square feet for the existing house and addition. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The proposed addition will be 15.4 feet in height and only 266 square feet. The existing single family detached dwelling is two stories and 15.4 feet in height and 758 square feet. While there is a second floor, it is currently 184 square feet and utilized as storage/attic space. The addition will be constructed with materials and an appearance similar to the existing dwelling. Staff believes the proposed addition 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 addition will not adversely affect the neighboring properties due to its small size and scope. Very little land disturbance shall take place due to its small size; therefore there will be no harm to existing vegetation or significant trees on the subject property or the neighboring property.*

*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 little increase of impervious area due to the small size of the proposed addition. It is also important to note that the proposed addition has already been partially constructed. Therefore, staff believes that the proposed addition shall 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 addition could not have been constructed on the western side of the existing house due to it's proximity to the side lot line and the existing asphalt driveway which extends beyond the house into the rear yard. There are also lot shape and size restrictions on the subject property. The lot is smaller than a typical R-1 lot and is shaped such that when approaching from the rear, the lot lines come inwards towards the existing dwelling making a narrower front.*

## **CONCLUSION**

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

## **RECOMMENDATION**

Staff recommends approval of special permit application SP 2009-SU-006 for the addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

If it is the intent of the BZA to approve this application, Staff recommends the BZA 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 2009-SU-006****April 7, 2009**

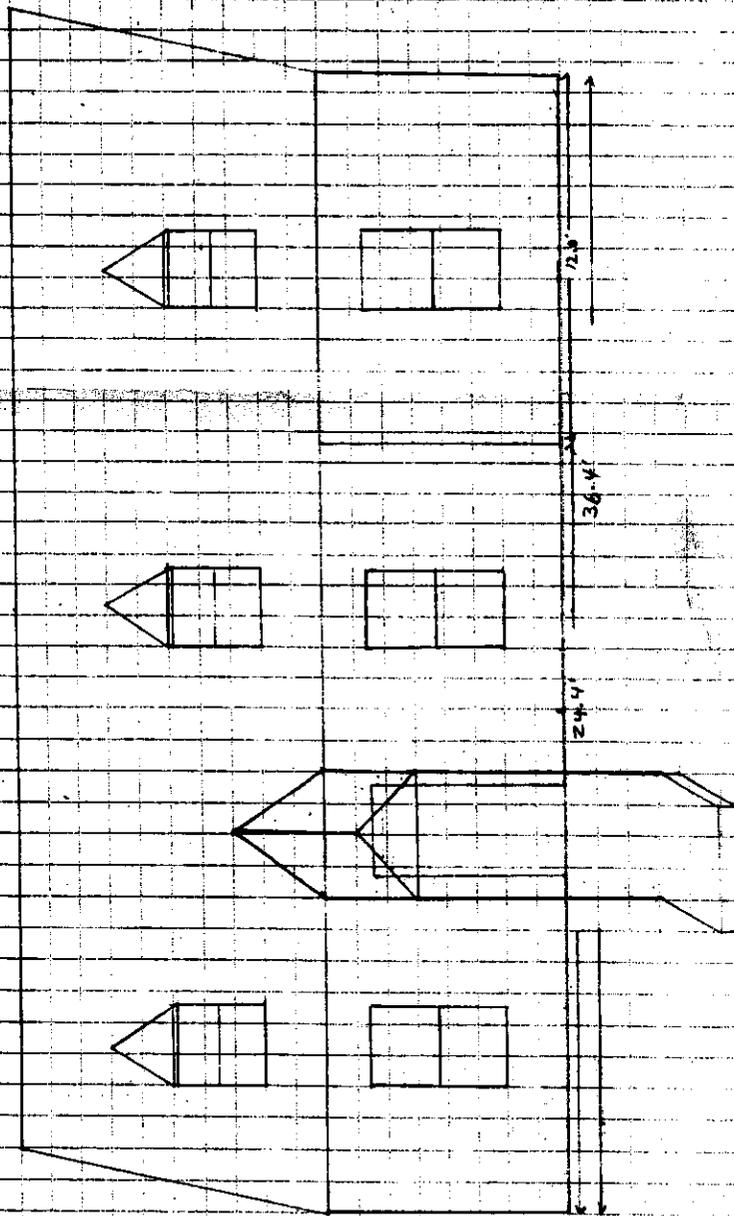
If it is the intent of the Board of Zoning Appeals to approve SP 2009-SU-006 located at Tax Map Number 35-4 ((1)) 78 (12516 Thompson Rd.), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land record of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a proposed addition as shown on the plat prepared by David T. Currin, Tri-Tek Engineering, dated December 5, 2008, signed through December 8, 2008, submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principle structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (758 square feet existing + 1,137 (150%) = 1,895 permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction, special permit or variance. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials depicted on the plat and included in Attachment 1 to these conditions.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless 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.

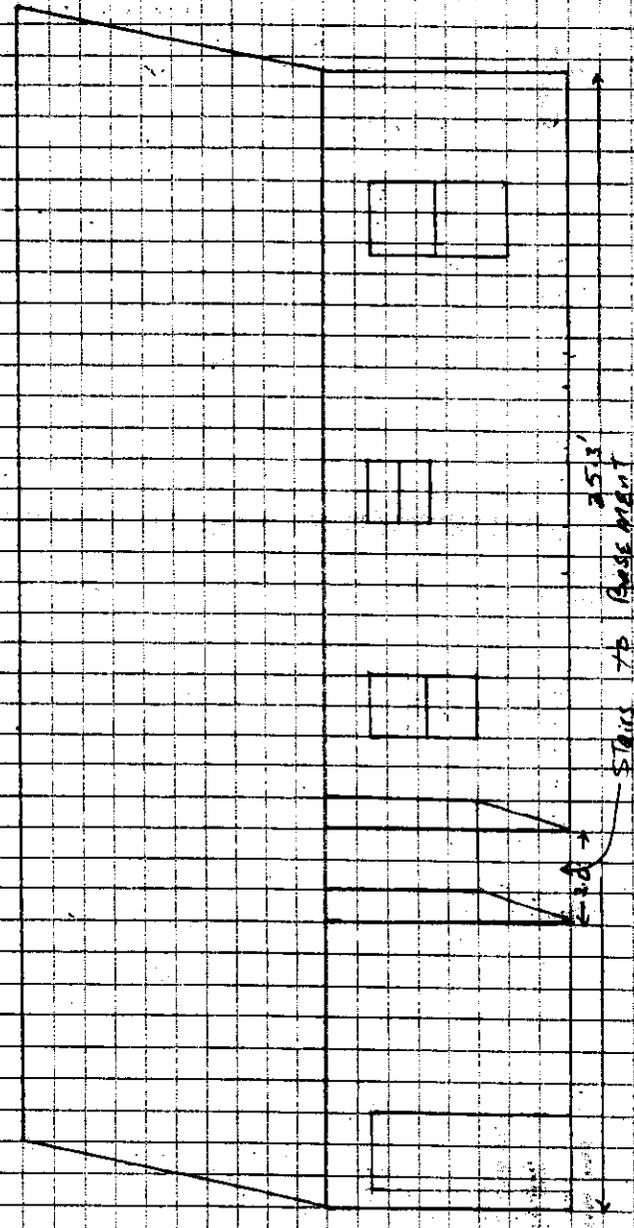
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Front View

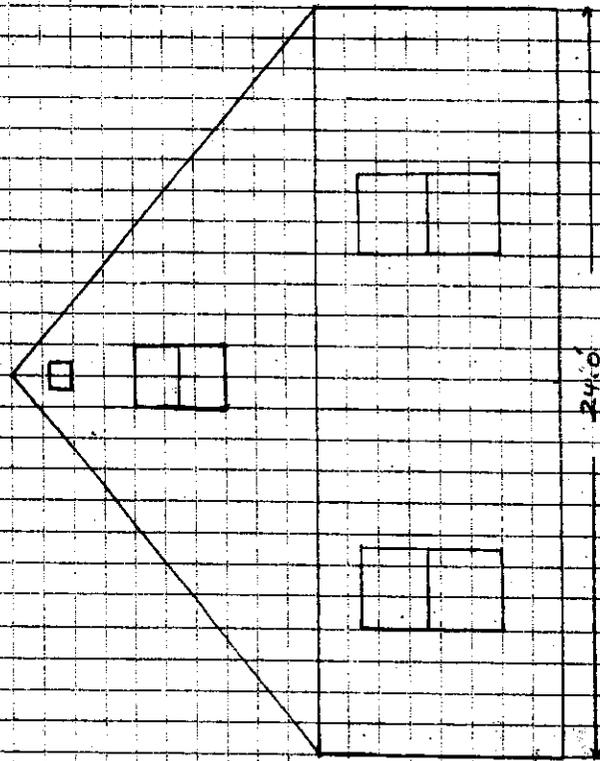
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- 930.21 7 Roof covering Shingle (Class)
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- 5.07 The proposed development conform to all applicable ordinances and regulations
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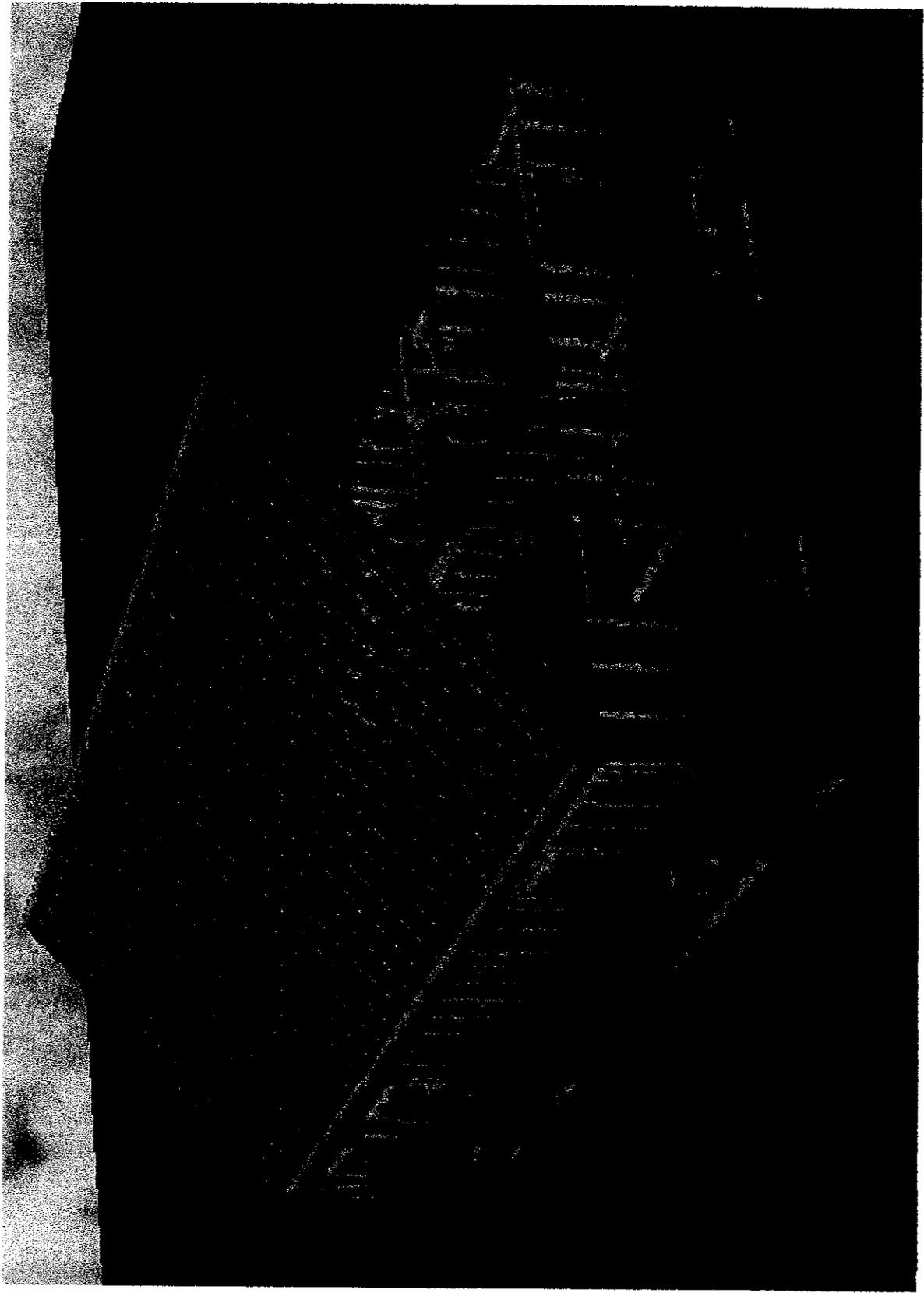


STAIRS TO BASEMENT

Back View



side view - SAME ON BOTH SIDES



125  
16  
Tho  
mps  
on  
Rd.  
Flo  
or  
Pla  
n -

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 9-Jan-2009  
 (enter date affidavit is notarized)

I, JOSEPH TAHAN, 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

102864a

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 <b>BOLD</b> above)
JOSEPH TAHAN	12516 THOMPSON Rd Fairfax Va. 22033	OWNER/APPLICANT
MAHNAZ TAHAN	12516 THOMPSON Rd Fairfax Va. 22033	CO-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)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 1/9/09  
(enter date affidavit is notarized)

102864

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: 1/9/09  
(enter date affidavit is notarized)

102864a

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): \_\_\_\_\_  
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Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 1/9/09  
(enter date affidavit is notarized)

102864a

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: 1/9/09  
(enter date affidavit is notarized)

10284a

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

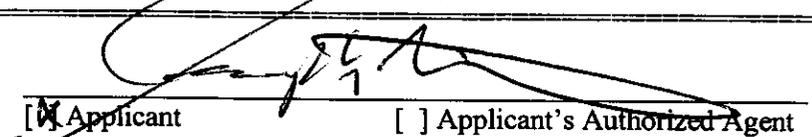
(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(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

JOSEPH TAHAN  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 9 day of January 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Homaira Amin  
Notary Public

My commission expires: 07/31/2012

**Item #5 – Statement of Justification:**

The proposed structure/extension to 12516 Thompson Rd will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure on the lot.

The proposed development is harmonious with the surrounding off-site uses and structures in terms of locations, height, bulk and scale of the surrounding structure, topography, existing vegetation and the preservation of significant trees.

The proposed development shall not adversely impact the use and /or enjoyment of any adjacent property with regard to issues such noise, light, air, safety, erosion, and storm water runoff.

The proposed development rebuilds two existing structures within the house; a room and an enclosed porch extension, combining these extensions into one unified structure and continuing the front and back wall lines and the roof line. The single extension will maintain the original Cape Cod architecture creating curb appeal and cute appearance.

As to the functionality of the extension, it provides a functional bed room (12 X 11) and an eating area in the kitchen to make the house more suitable for living.

The floor space of the original structure is: 574sq ft and will add 123sq ft the addition is 21% of the original floor space

RECEIVED  
Department of Planning & Zoning  
DEC 09 2008  
Zoning Evaluation Division

**8-006****General Standards**

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

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

**8-903****Standards for all Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

#### **8-922 Provisions for Reduction of Certain Yard Requirements**

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first 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.