



County of Fairfax, Virginia

April 14, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-DR-009

DRANESVILLE DISTRICT

APPLICANT: Mark Price

OWNERS: Mark A. Price
Julie A. Price

STREET ADDRESS: 8338 Springhaven Garden Lane

SUBDIVISION: Sparger Street Property

TAX MAP REFERENCE: 20-3 ((1)) 24C and 24E

LOT SIZE: 37,157 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISION: 8-914 and 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit deck to remain 22.2 feet from the front lot line and to permit reduction of certain yard requirements to permit construction of an accessory structure 9.5 feet from the rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-DR-009 for the accessory structure subject to the proposed development conditions contained in Appendix 1.

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

O:\dhedri\Special Permits\4-21 SP 2009-DR-009 Price\SP 2009-DR-009 Price 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-009

Applicant: MARK PRICE
Accepted: 01/26/2009
Proposed: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ACCESSORY STRUCTURE 9.5 FEET FROM REAR LOT LINE AND REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DECK TO REMAIN 22.2 FEET FROM FRONT LOT LINE

Area: 37,157 SF OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 08-922 08-0914

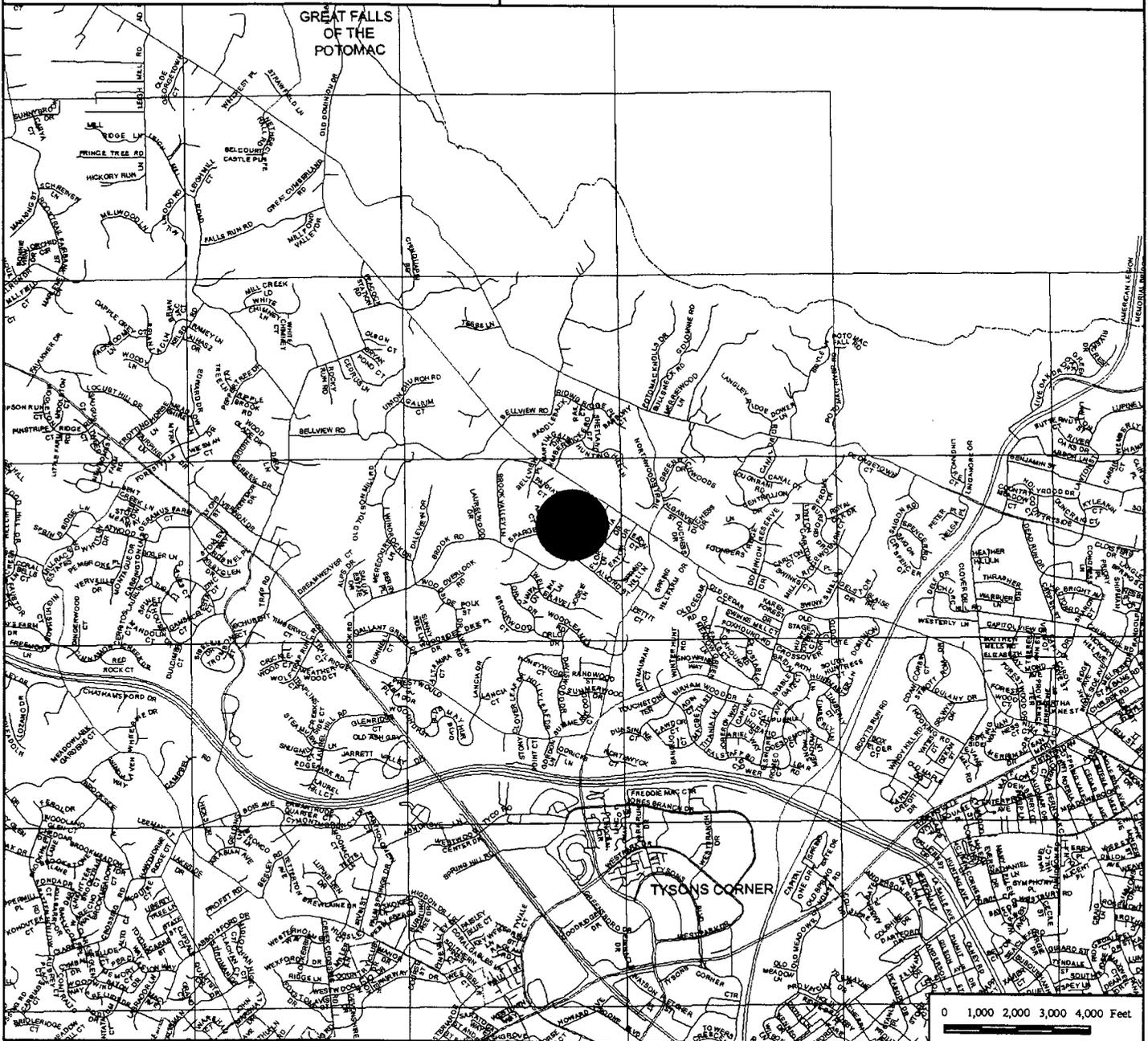
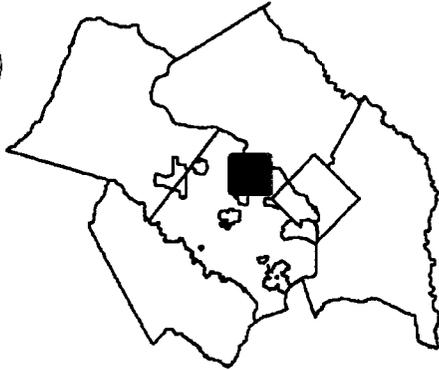
Art 8 Group and Use: 9-21 9-13

Located: 8338 SPRINGHAVEN GARDEN LANE

Zoning: R-1

Overlay Dist:

Map Ref Num: 020-3- /01/ /0024C /01/ /0024E

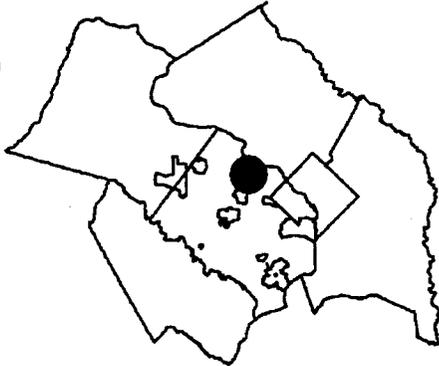


Special Permit

SP 2009-DR-009

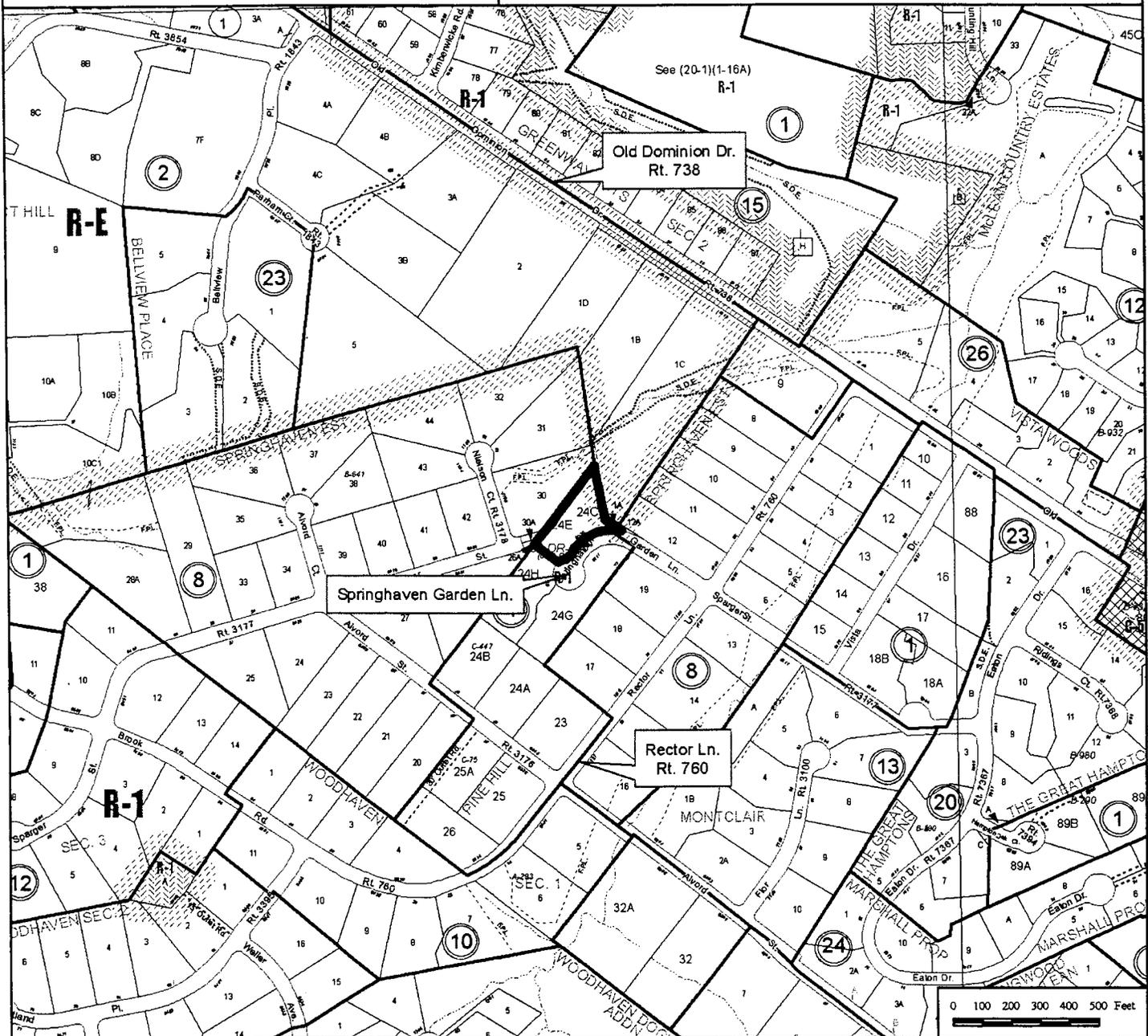
Applicant:
Accepted:
Proposed:

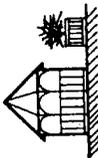
MARK PRICE
01/26/2009
REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ACCESSORY STRUCTURE 9.5 FEET FROM REAR LOT LINE AND REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DECK TO REMAIN 22.2 FEET FROM FRONT LOT LINE

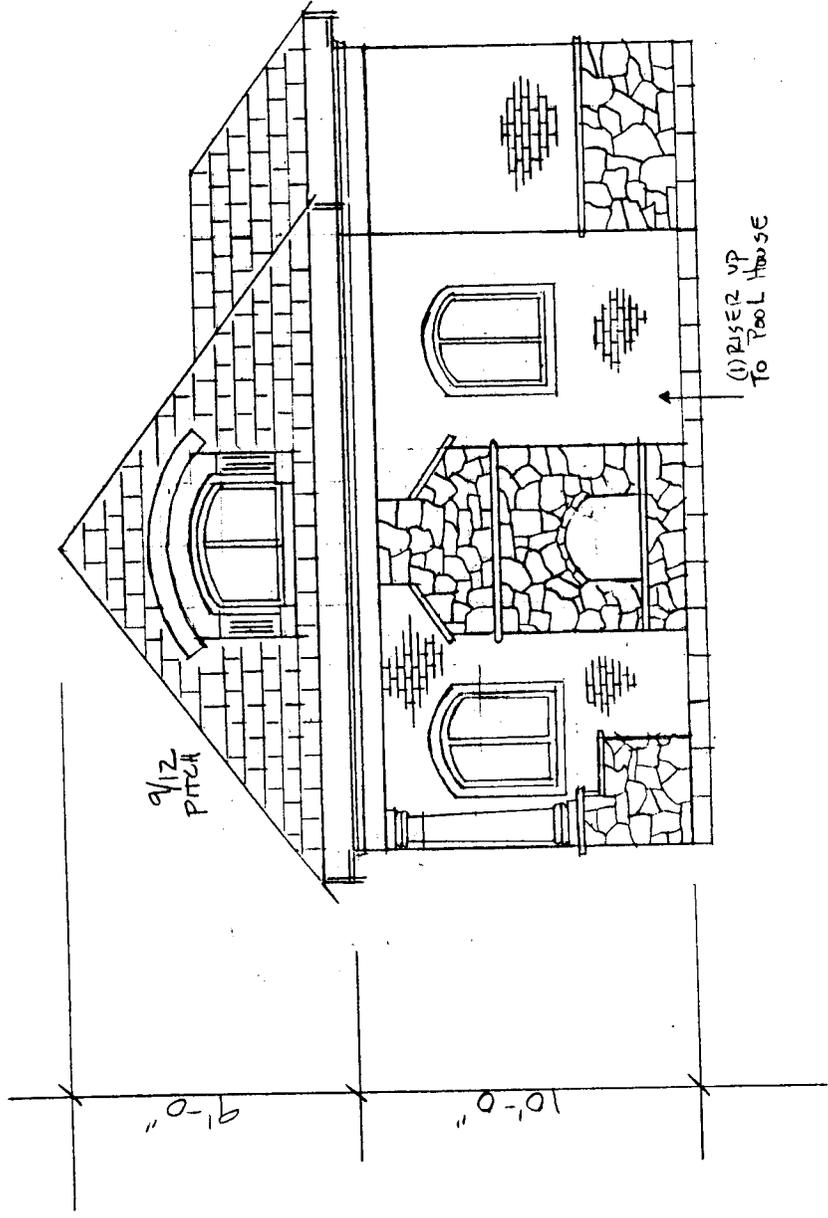


Area: 37,157 SF OF LAND; DISTRICT - DRANESVILLE

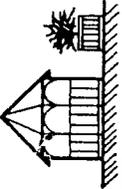
Zoning Dist Sect: 08-922 08-0914
Art 8 Group and Use: 9-21 9-13
Located: 8338 SPRINGHAVEN GARDEN LANE
Zoning: R-1
Overlay Dist:
Map Ref Num: 020-3- /01/ /0024C /01/ /0024E



	Craig Sundecks & Porches 690-5760	
	Date:	Drawing Number:
Square Footage:	Scale: 1/4"=10"	

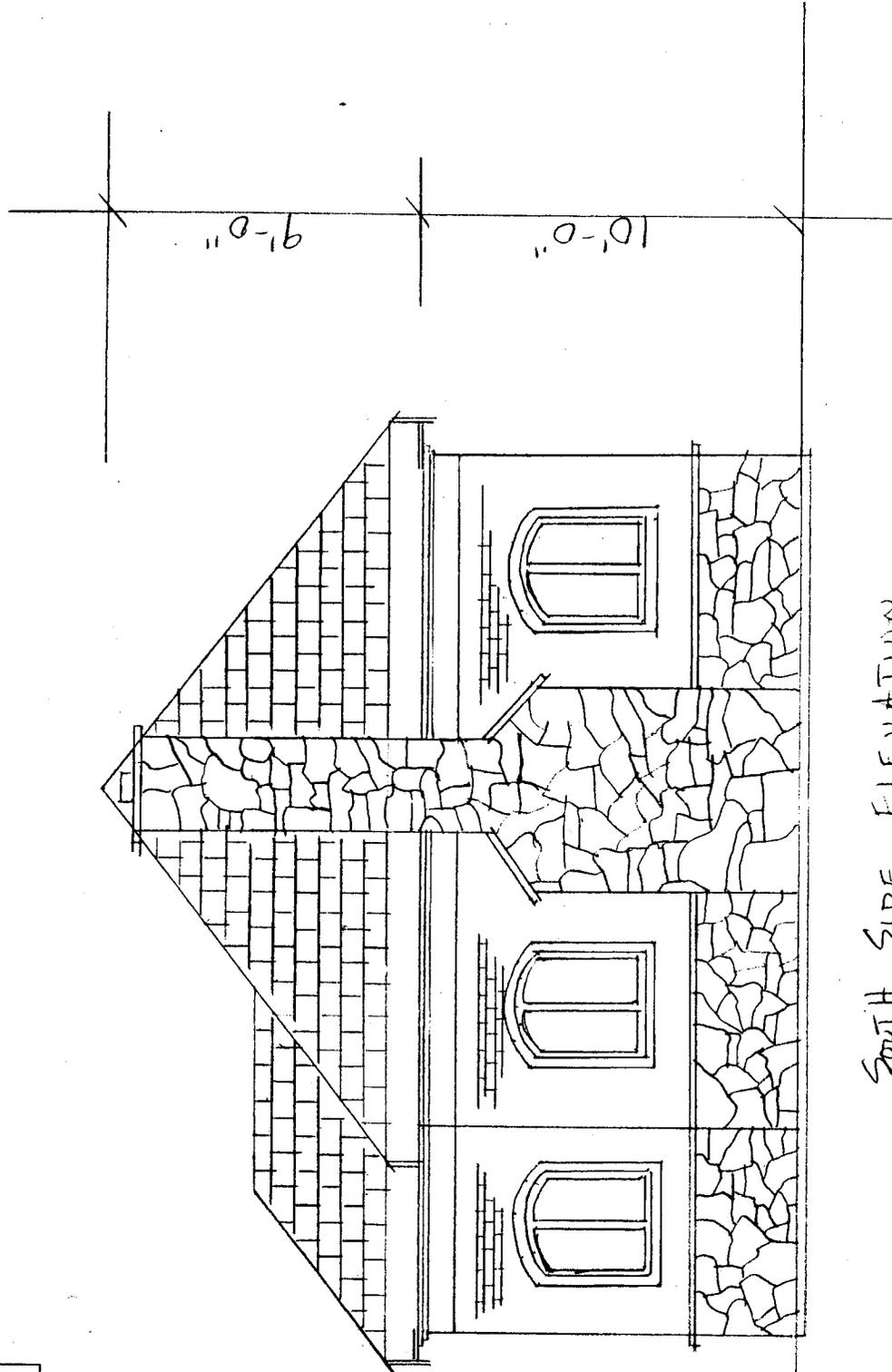


FRONT ELEVATION
NOTE: FRONT (A) ROUND
COLUMNS NOT SHOWN

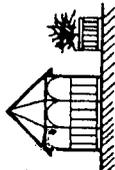


Craig
Sundecks
& Porches
690-5760

Date:	
Drawing Number:	
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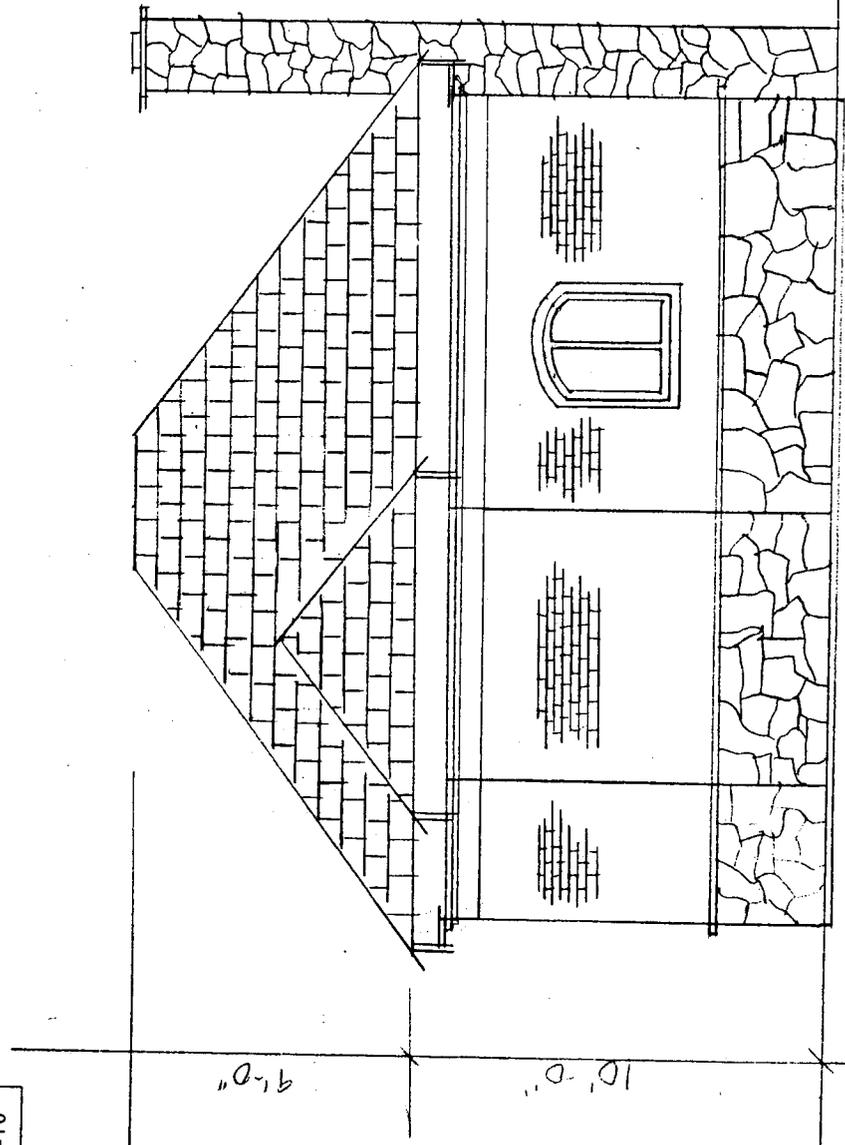


SOUTH SIDE ELEVATION



Craig
Sundecks
& Porches
690-5760

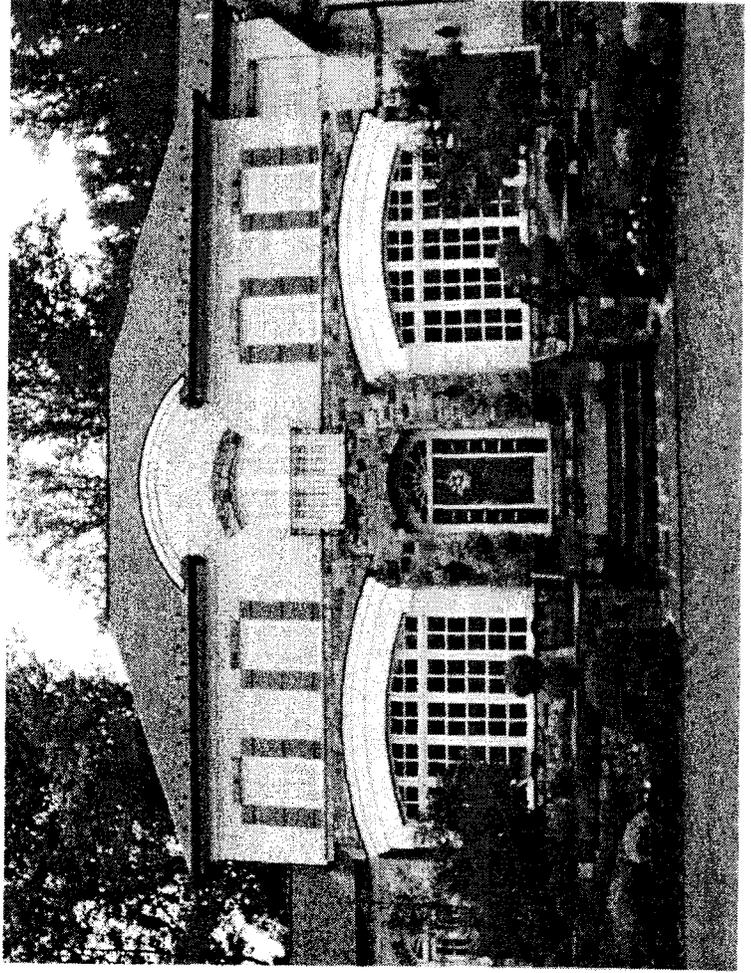
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WEST SIDE ELEVATION

Special Permit Application

**Board of Zoning Appeals Case for:
8338 Springhaven Garden Lane
McLean, VA 22102**



Mark Price
8338 Springhaven Garden Lane
McLean, VA 22102
(703) 847-0613

①



FROM REAR YARD OF BACK YARD

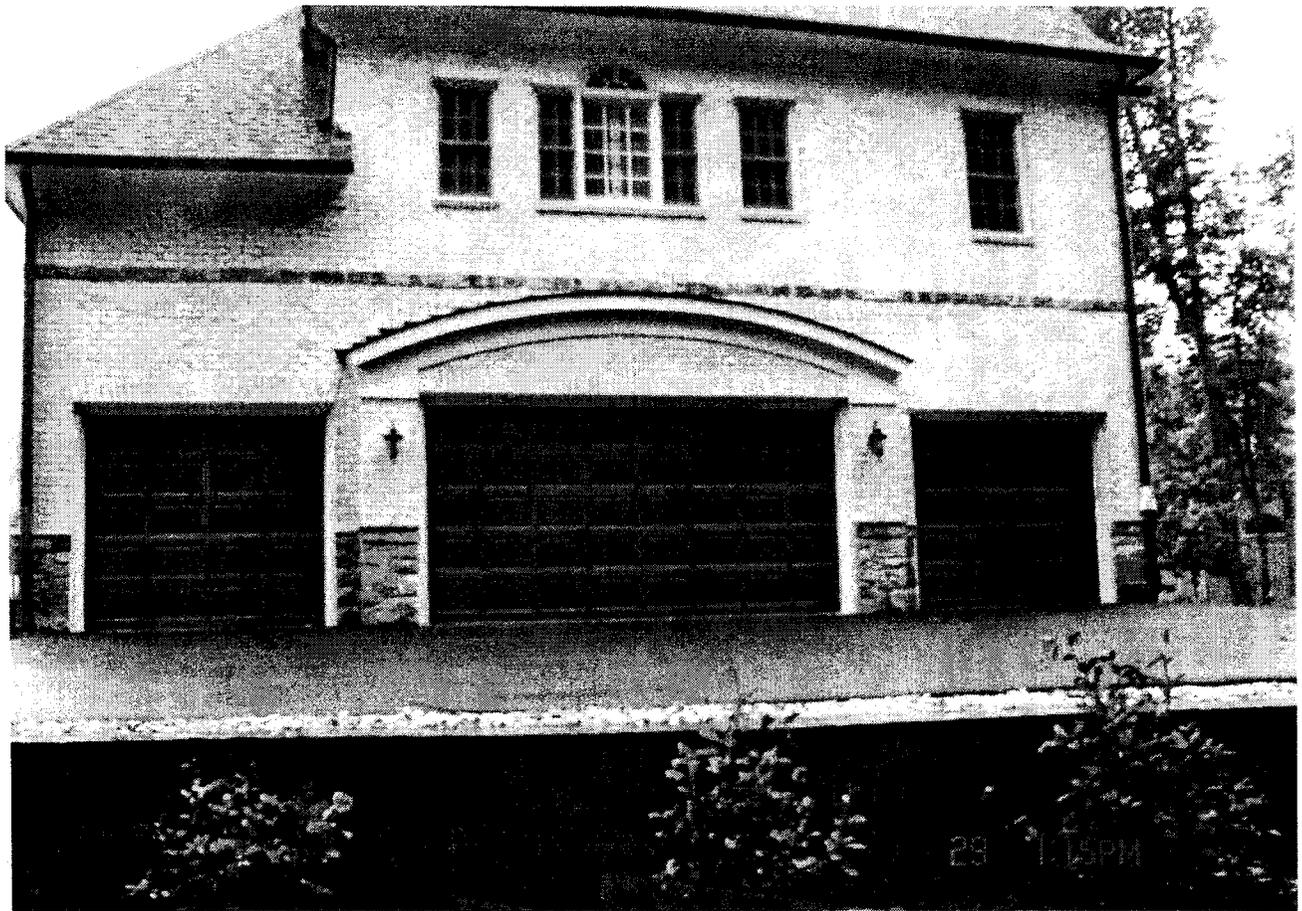
②



FROM SIDE YARD OF REAR YARD

8338 SPRINGHAVEN GARDEN LANE MELBEAN VA 22102 29-AUGUST 2008

3



FROM SIDE YARD EAST SIDE

4



FROM SIDE YARD FRONT YARD

(5)



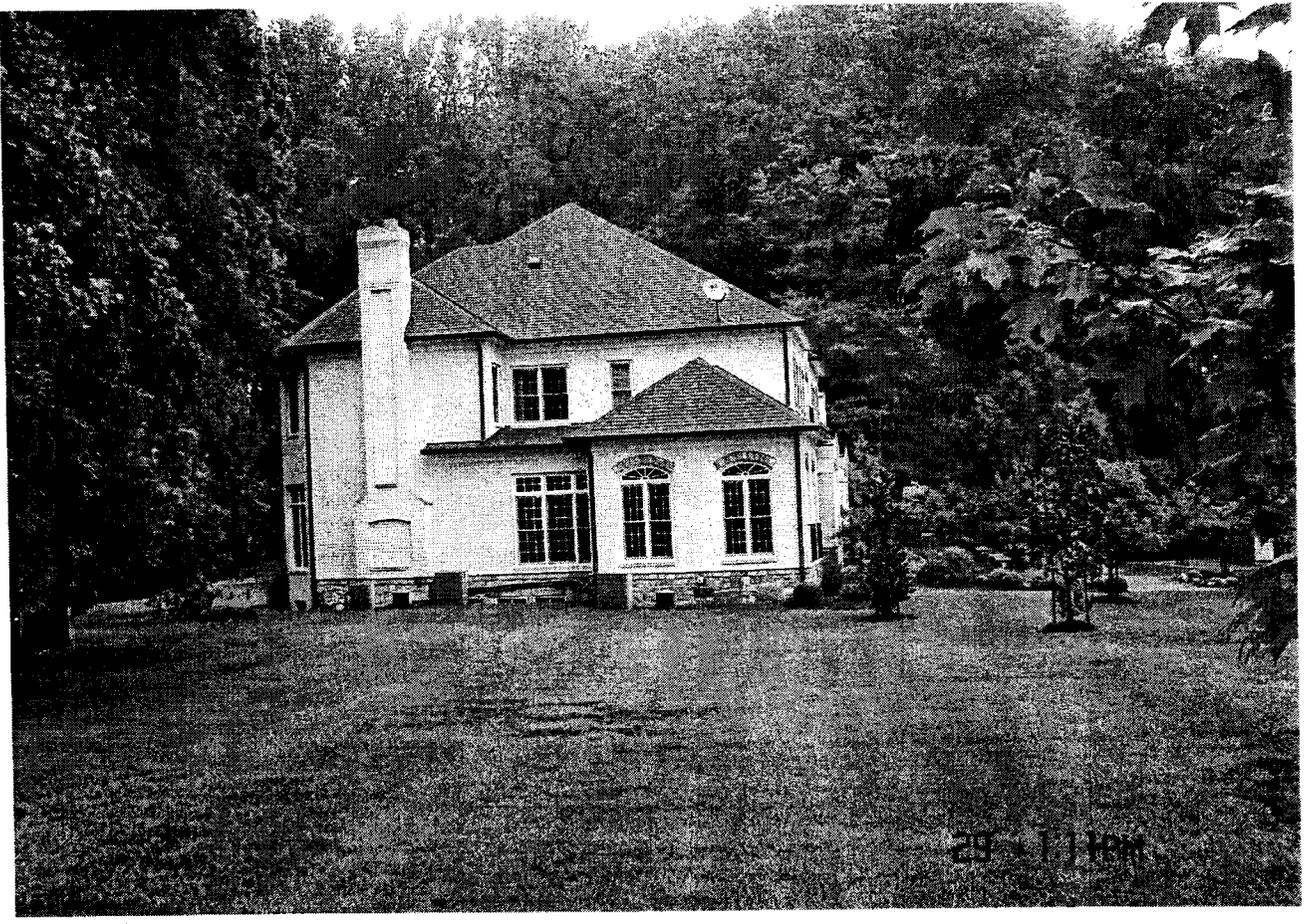
FROM FRONT YARD OF FRONT YARD

(6)



FROM FRONT YARD OF SIDE YARD

7



FROM SIDE YARD WESTERN SIDE

8



FROM SIDE YARD OF REAR SIDE YARD

(9)

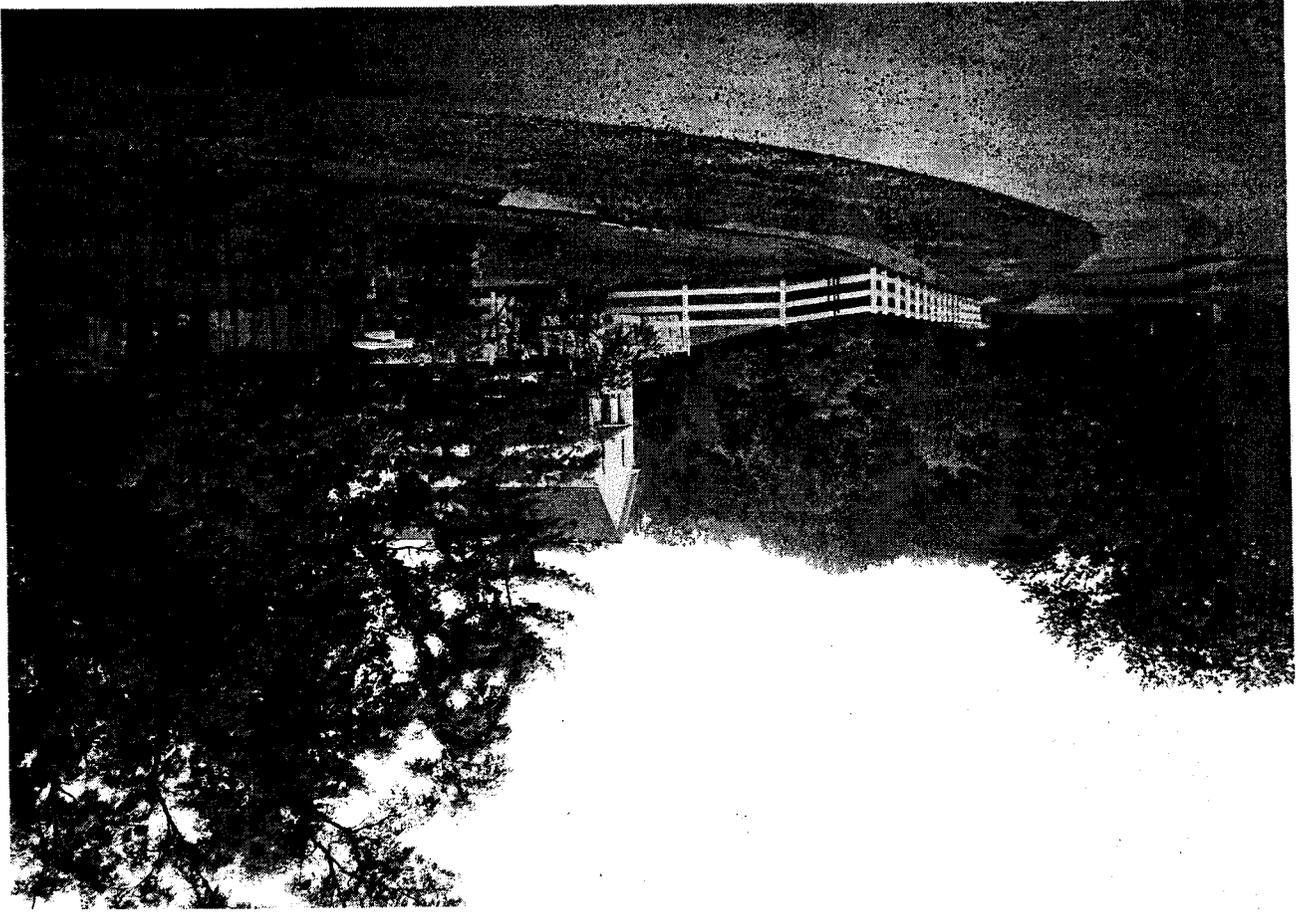


FROM REAR YARD TOWARD LOT

(10)

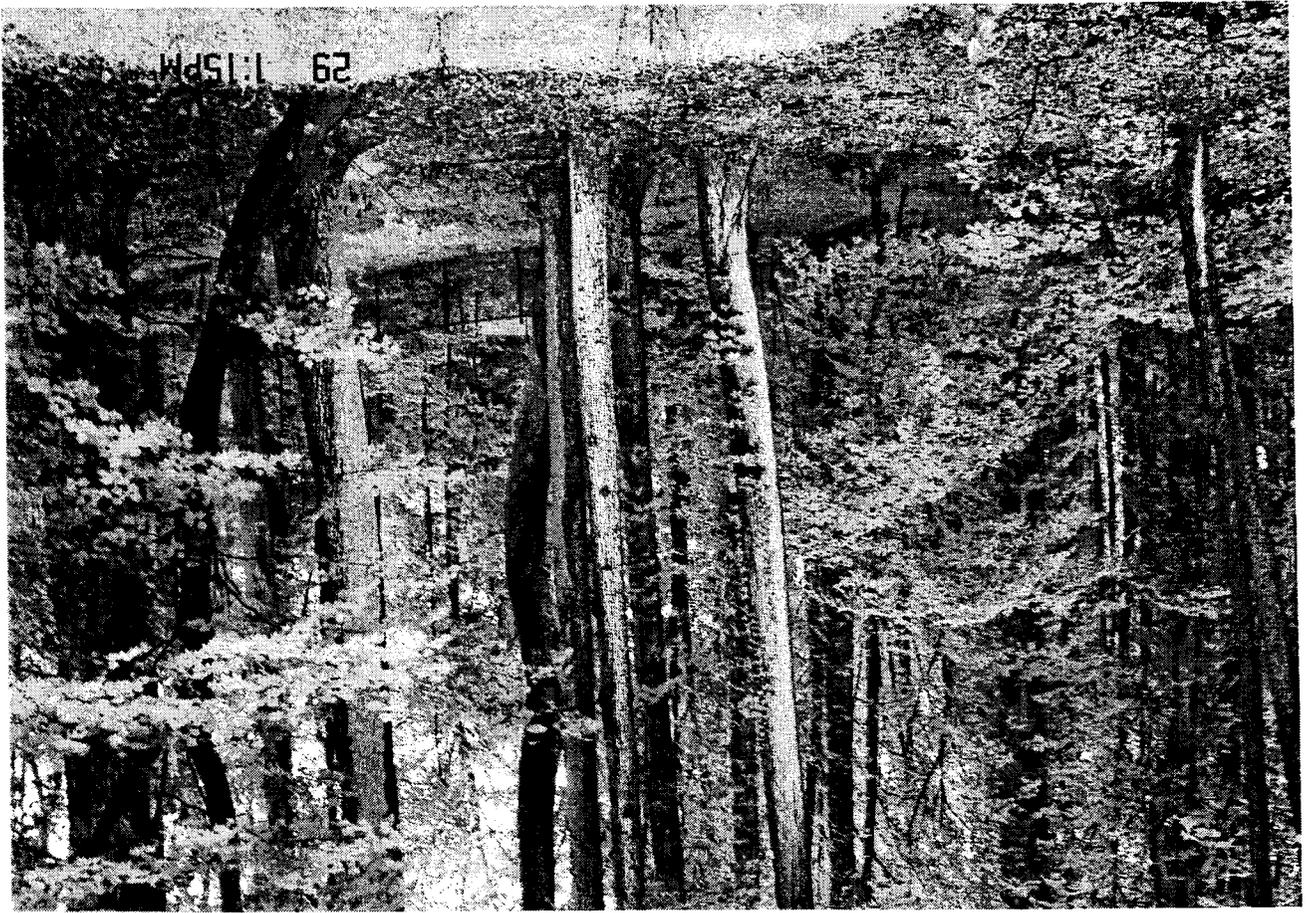


FROM SIDE YARD OF FRONT YARD EASTWARD TOWARD 1100 RECTOR ST.



12

FROM SIDE OF YARD TOWARD EASTERN SIDE TO 1068 RECTOR STREET



11

13



29 1:00 PM

FROM FRONT YARD TOWARD 8340 SPRINGHAVEN GARDEN LANE

14



8332 SPRINGHAVEN GARDEN LANE

15



FROM SIDE YARD WESTERLY SIDE TOWARDS 8339 SPRINGHAVEN GARDEN LANE

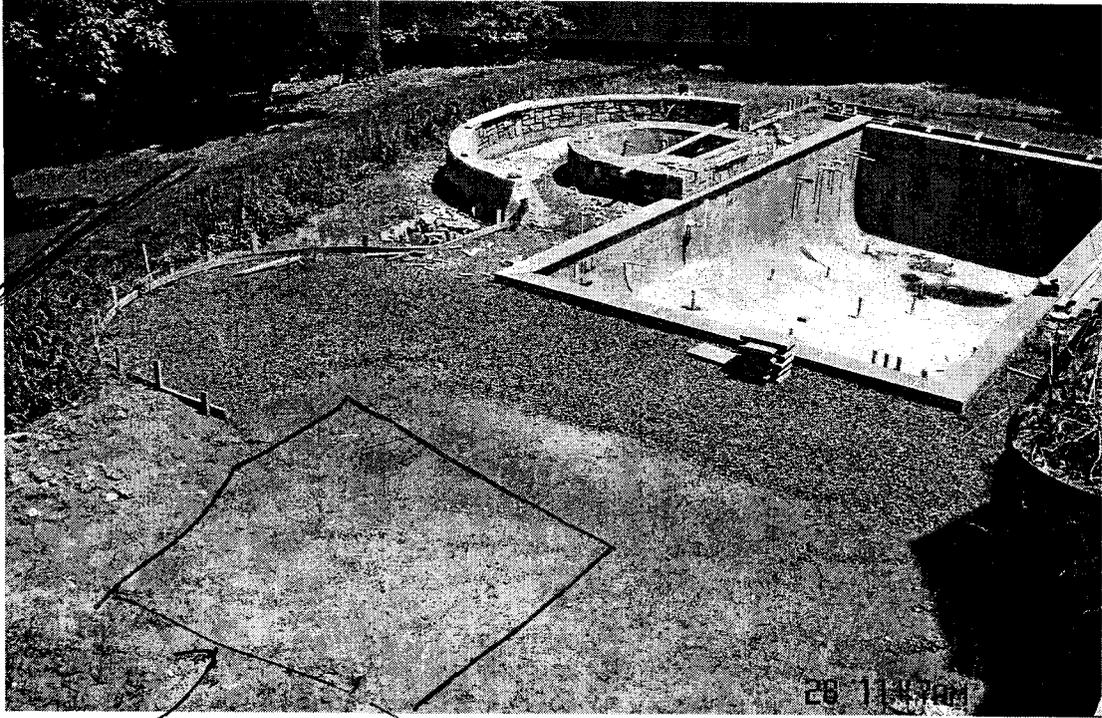
16



FROM REAR/SIDE YARD TOWARDS 8229 S.H. 6. L.

MISC. PICTURES OF CONSTRUCTION SITE

PROP
LINE



POOL
HOUSE
LOCATION



DESCRIPTION OF THE APPLICATIONS

The applicant is requesting approval of a special permit to permit 1) reduction to minimum yard requirements based on error in building location to permit a deck, an at-grade slate patio, to remain 22.2 feet from the front lot line; and, 2) to permit reduction of certain yard requirements to permit construction of an accessory structure, 19 foot tall pool house, to be located 9.5 feet from the rear lot line.

Description of Special Permits

	Structure	Yard	Minimum Yard Required *	Permitted Extension **	Minimum Yard Permitted	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #1	Deck / Patio	Front	40.0 feet	6.0 feet	34.0 feet	22.2 feet	11.8 feet	35%

*Minimum yard requirement per Section 3-107

**Permitted extension per Section 2-412

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit #2	Pool House	Rear	19.0 feet	9.5 feet	9.5 feet	50%

*Minimum yard requirement per Section 10-104

EXISTING SITE DESCRIPTION

The site is currently zoned R-1 and contains a two-story brick single family detached dwelling built in 2004. The lot consists of 37,157 square feet and is surrounded by single family detached dwellings on all lot lines. The lot is irregularly shaped and the dwelling is situated in the middle toward the front of the lot. The rear yard is flat with extensive mature vegetation along the rear lot line.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1	Single Family Detached Dwelling
East	R-E	Single Family Detached Dwelling
South	R-1	Single Family Detached Dwelling
West	R-1	Single Family Detached Dwelling

BACKGROUND

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

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** Special Permit Plat, Lot 3 and Parcel 2, Sparger Street Property
- **Prepared by:** Highlander Surveying Services P.C.
- **Dated:** September 4, 2008 as revised through February 17, 2009
- **Building Permits required:** No; however, the at-grade patio was constructed with the original construction of the dwelling in 2004 by the builder of the property.
- **Error Made by:** The error was made during the original construction of the dwelling by the builder.

Proposal:

The applicant proposes to construct a one-story accessory structure, a detached pool house, approximately 540 square feet in size, 19.0 feet in height, to be located 9.5 feet from the rear lot line. No kitchen or bedrooms are proposed within the accessory structure; however, there is a 48 square foot bathroom on the rear of the pool house. The applicant is also requesting to permit an existing at-grade slate patio located 22.2 feet from the front lot line to remain, which was constructed by the builder with the home.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-914 Provisions for Reduction of the Minimum Yard Requirements Based on an Error in Building Location
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application are General Standards 3 and 5.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of the accessory pool house would not adversely affect the use or development of neighboring properties, as several other homes in the neighborhood also have pools and pool houses. The subject lot and surrounding properties are ½ acre or larger in size and contain a variety of house types and accessory structures, so the uses are not necessarily out of character with the area.*

General Standard 5 requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The proposed accessory pool house will not require the removal of any existing vegetation. There is mature existing vegetation along the rear lot line and no vegetation is proposed to be removed to accommodate the new structure. Therefore staff does not believe any additional vegetation is required and 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 4 relates to gross floor area of a principal structure, 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 5, 6, 7, 8, and 9.

Standard 5 states that the resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site. The house is a total of 8,162 square feet in size. Staff believes that the proposed approximately 540 square foot accessory pool house would be clearly subordinate in purpose, use and intent to the principal structure on the site. Therefore, staff believes this standard has been met.

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 structure as proposed will complete current pool construction on site and will be constructed of the same materials and in the same architecture as the dwelling on site. The pool house will be a match of brick, rock, and shingles and will contain a dormer to match the dwelling. Staff believes that the proposed development will be in character with existing on-site development in terms of location, height, bulk and scale of structures on the lot and therefore this standard has been met.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The photographs submitted and elevation drawings indicate that the construction of the proposed pool house will not affect existing vegetation. The property to the rear of this contains extensive vegetation. In addition, the applicant has indicated that he has hired a landscape company to provide an extensive vegetation and landscape plan to further screen the structure from adjacent properties. 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 construction of an accessory pool house structure, at 540 total square feet, would have very little 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 proposed location of the

pool house appears to be the most logical place for the accessory structure since it will be located directly next to the existing swimming pool. The lot is irregularly shaped and the pool and proposed pool house are in the widest area remaining in the rear yard. A special permit would still be required for any other location in the rear yard or eastern side yard. The western side yard is encumbered by the septic drainfield. No existing vegetation is proposed to be removed for the construction of the pool house. Staff believes that the application meets this provision.

CONCLUSION

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

RECOMMENDATION

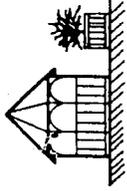
Staff recommends approval of SP 2009-DR-009 for the accessory structure subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

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

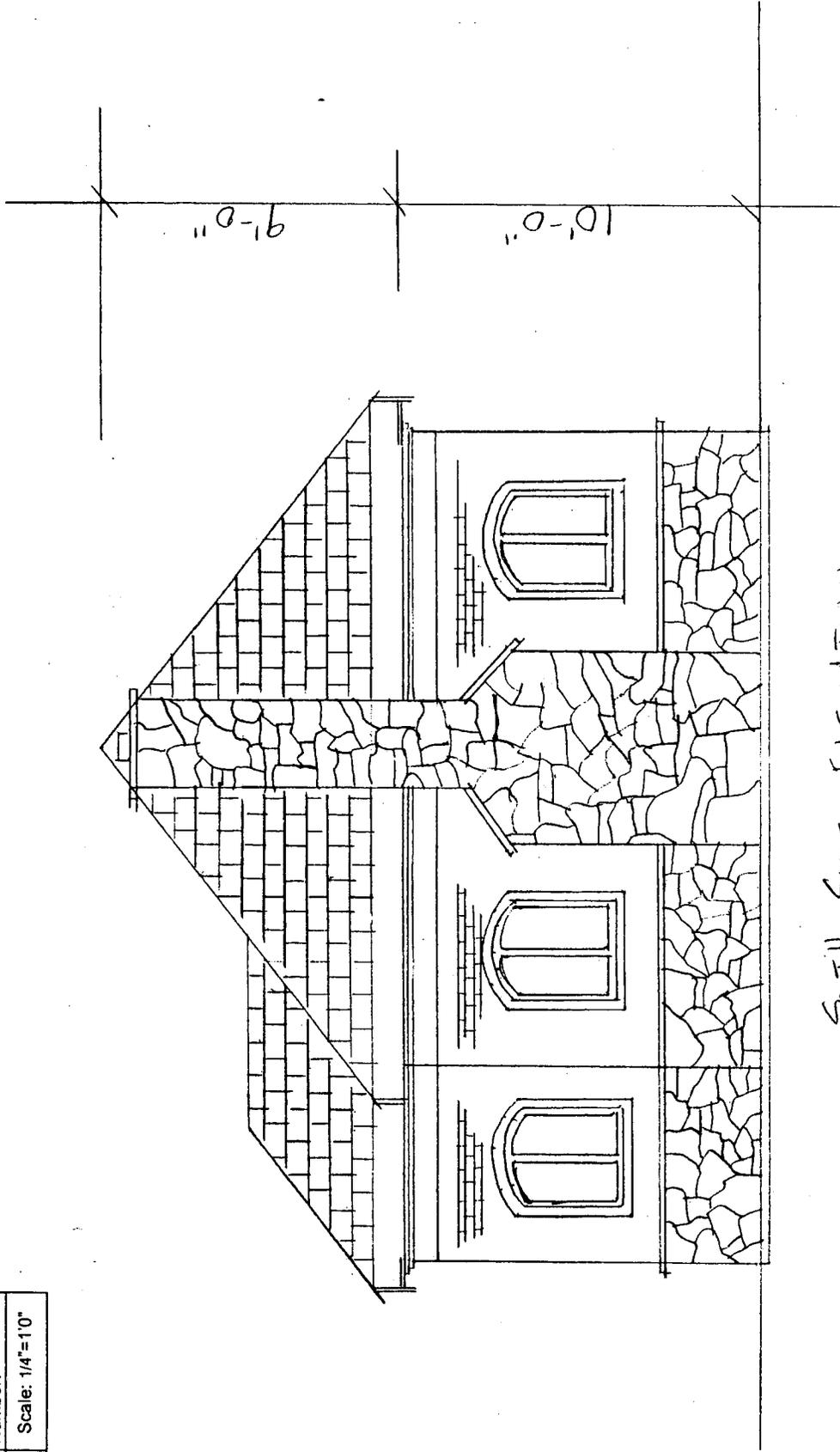
APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

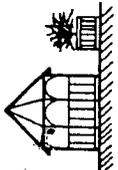


Craig
Sundecks
& Porches
690-5760

Date:	Drawing Number:
Square Footage:	Scale: 1/4"=10"

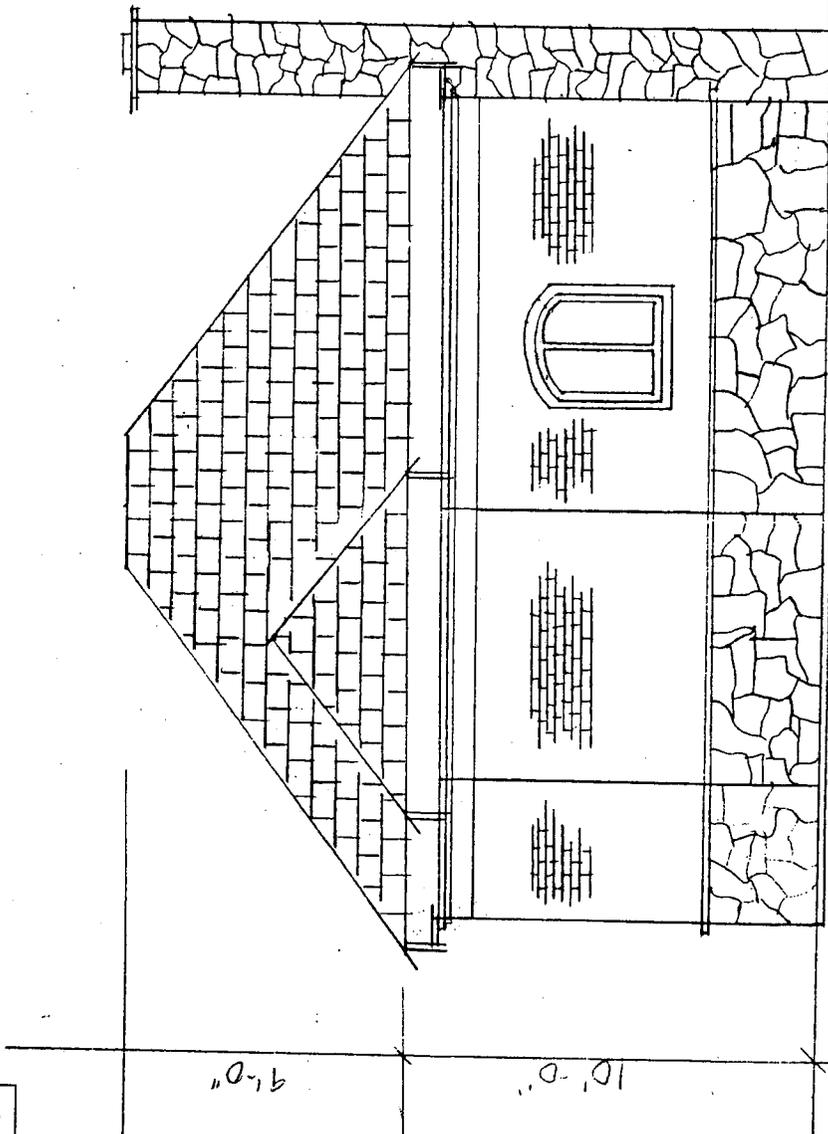


SOUTH SIDE ELEVATION



Craig
Sundecks
& Porches
690-5760

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WEST SIDE ELEVATION

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/1/08
(enter date affidavit is notarized)

I, MARK PRICE, 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 10164/a

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)
MARK A. PRICE	8338 SPRINGHAJEN GARDEN LANE MCLEAN, VA 22102	APPLICANT/TITLE OWNER
JULIE A. PRICE	8338 SPRINGHAJEN GARDEN LANE MCLEAN, VA 22102	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: 10/1/08
(enter date affidavit is notarized)

101641a

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: 10/1/08
(enter date affidavit is notarized)

10/6/08 a

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: 10/1/08
(enter date affidavit is notarized)

10164/a

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: 10/1/08
(enter date affidavit is notarized)

101641 a

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:

Mark Price

(check one)

Applicant

Applicant's Authorized Agent

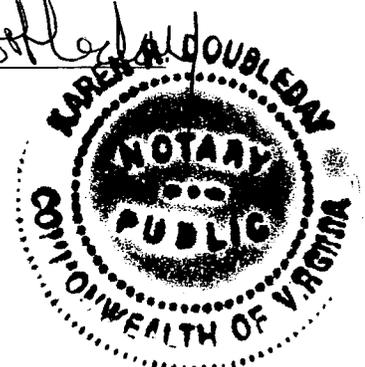
MARK PRICE

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

Subscribed and sworn to before me this 2nd day of October 2008, in the State/Comm. of Virginia, County/City of Arlington.

Karen A. Doubleday
Notary Public

My commission expires: Feb. 28, 2010
ID# 7040647



JAN 22 2009

Zoning Evaluation Division

Statement of Justifications

1. 8-922 for accessory structure rear yard
2. 8-914 for front slate patio building error

Mark Price
8338 Springhaven Garden Lane
McLean, VA 22102
(703) 847-0613

22-Jan-09

The following addresses statement of justification for standard 8-922 (parts 2 through 9) for request to permit reduction of certain yard requirements to permit accessory structure 9.5 feet from the rear lot line.

2. The detached accessory for this application is located in the rear yard and will not result in the placement of a detached accessory in the front yard.
3. This special permit does apply to a lot with a principal structure. The principal structure complied with minimum yard requirements when the structure was established.
 - a. Year house was built and existing setback dimensions
 - i. Home was built in 2003-2004
 - ii. Front set backs are 41.9'
 - iii. Side set back easterly is 32.1'
 - iv. Side set back westerly is 112.5'
 - v. Back setback is 33.8'
4. Existing versus new square footage: The structure under consideration is an accessory addition not an attached addition that modifies the existing principal structure square footage. The square footage of the accessory structure is 400 square feet. The gross floor area requirement of 150% for an addition to principal structure and the 50% gross floor areas removal structure do not apply to this application.
 - a. Additional information: Square footage subordination and percent changes
 - i. The exact principal structure square footage is not known but is estimated to be 8,500 square feet. Percent increase to principal structure is 0%.
 - ii. The accessory square footage is 400 and thus estimated to be 4.7% of principal structure
5. There is no existing accessory structure on site. The accessory structure requested for approval is clearly subordinate in purpose, scale, use and intent to the principal structure.
6. Structure compatibility with principal structure: The new accessory structure will be completely compatible with principal structure in terms of all exterior building materials. An exact match of brick, rock, shingles and other exterior details (including matching dormer compatible with front of house architecture) will be completely compatible with principal structure. Compatible match materials have been located and procured.
7. Structure compatibility with surrounding off-site uses: The new accessory structure is design for use as a pool / gazebo style house structure and has been architected to align with swimming pool that has already been constructed. The pool can not be completed until the accessory structure is approved and completed. The accessory structure is harmonious

with surrounding off-site uses and owner has received written approval from neighbor on direct rear lot line. This written and sign letter has been included as part of the application. The accessory structure is harmonious in terms of location, height, bulk and scale of surrounding structures, topography and existing vegetation as planned by an experienced architect / designer with vegetation and landscape planning input from a local reputable landscape architect company and nursery (Merrifield).

8. New structure will not create adverse impact.
 - a. The new accessory structure will frame 1 side of pool providing enclosure of the pool. Structure connects with aesthetically pleasing aluminum/iron fence that encloses remaining 3 sides of the pool.
 - b. A robust landscaping package has been designed by Merrifield Garden center landscape architects. This landscape package will significantly increase the aesthetics of the principal property in addition to the adjoining property located behind the principal property. Two renderings of landscape plans are included in this package in section 10 to show both topographic and direct accessory structure renderings.
 - c. Tom Kalinowski is owner for principal property located to the rear of subject property. His property is located at 1109 Nielson Ct, Mclean VA 22102. Mr. Kalinowski has reviewed all plans for pool structure, accessory structure and landscape package. We have enclosed a letter from Mr. Kalinowski which demonstrates his consent to proceed (see attached)
9. New structure creates minimum reduction
 - a. The current designed setback for the accessory structure is 10'. The max height of the accessory structure is 19'. Therefore, approval of the reduction of the yard requirements in 8-922 does not result in a structure that extends into the minimum required yard by more than 50%.
 - b. The accessory structure was planned for 20x20 dimensions to be compatible with a 20x40 pool structure. The initial accessory structure plan was reviewed and approved at time of pool plan and permit approval.

Additional information about the accessory structure project / application.

1. Description of what is being applied for with dimensions and materials of the structure
 - This application requests the BZA to approve an accessory structure with a 19' maximum height to have a 10' setback.
 - The accessory structure is to be utilized as a "pool house" with powder style bathroom and where furniture will be located for lounging.
 - The pool house architecture 100% matches the architecture of the principal structure. Fully compatible shingles, brick and stone have been procured to complete the project.
 - The accessory structure dimensions are 20x20
 - The accessory structure is location 10' from a 20x40 pool and thus designed to be 20' in width to align with pool dimensions (pool already built)
 - Roof design of the accessory structure is 4 hip style matching principal structure with compatible pitch. Front hip include rounded dormer that identically matches dormer style of principal structure.
 - The structure also includes a masonry style fireplace with chimney as detailed in permit application.

The following addresses statement of justification for standard 8-914 (items 2A through 2G) for request to permit reduction of in the minimum yard requirements based on error in building location to permit deck (slate patio) to remain 22.2 feet from the front lot line.

2A The error does not exceed 10% of the measurement involved

2B The noncompliance was done in good faith. The principal / home structure and accessory front slate patio were both built by WCI / Renaissance home in 2003-2004 as part of a new construction project. WCI custom built the home for a previous home / principal building owner (MW). The applicant (Mark Price) purchased the home / principal structure from MW in good faith that all principal and accessory structure minimum yard requirements were established in accordance with Fairfax County code. The plat for the purchase transaction submitted to the county revealed and has always displayed the front slate patio in error since inception of project. The noncompliance of this structure was done in good faith by WCI and Fairfax County.

2C The reduction will not impair the purpose and intent of this ordinance. The error has not resulted in any safety hazards being compromised nor has it resulted in an aesthetic detriment.

2D The error has been in place for nearly 4 years and has not resulted in a detriment to the use and enjoyment of other property in the immediate vicinity. To date, no other property owners have raised an issue with the error.

2E This error has not created an unsafe condition.

2F No unreasonable hardship exists. The homeowner has been living with the error unknowingly for over 3 years and accepts the error as is.

2G To the property owners knowledge, the error has not resulted in an increase in density or floor area ratio from that permitted by the by the applicable zoning district. In any case the error occurred in good faith.

Thomas Kalinowski
1109 Nielson Ct
Mc Lean, VA 22102-1742

26-June 2008

Mark Price
8338 Springhaven Garden Lane
McLean, VA 22102

Subject: Pool House Special Use Permit for 8338 Springhaven Garden Lane, McLean, VA 22102

Dear Mark,

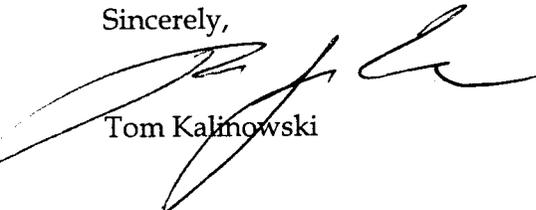
I am writing to follow-up on our discussion about the Fairfax County set-back code issue related to your pool house construction.

After speaking with you and reviewing your plans, my understanding is that code in our residential area requires that the proposed structure property line set-back be greater than or equal to the top elevation of the pool house structure. Further I understand that your current proposed pool house design has an elevation of 19' with a proposed set-back of 10'.

I am not in opposition to the approval of your plans or a special use permit being issued by Fairfax County to construct this pool house 10 feet from the rear of your property line.

Thank you for advising me of this issue and providing the opportunity to proactively be part of the decision making process. Best of luck getting your approval so you can move forward with your project.

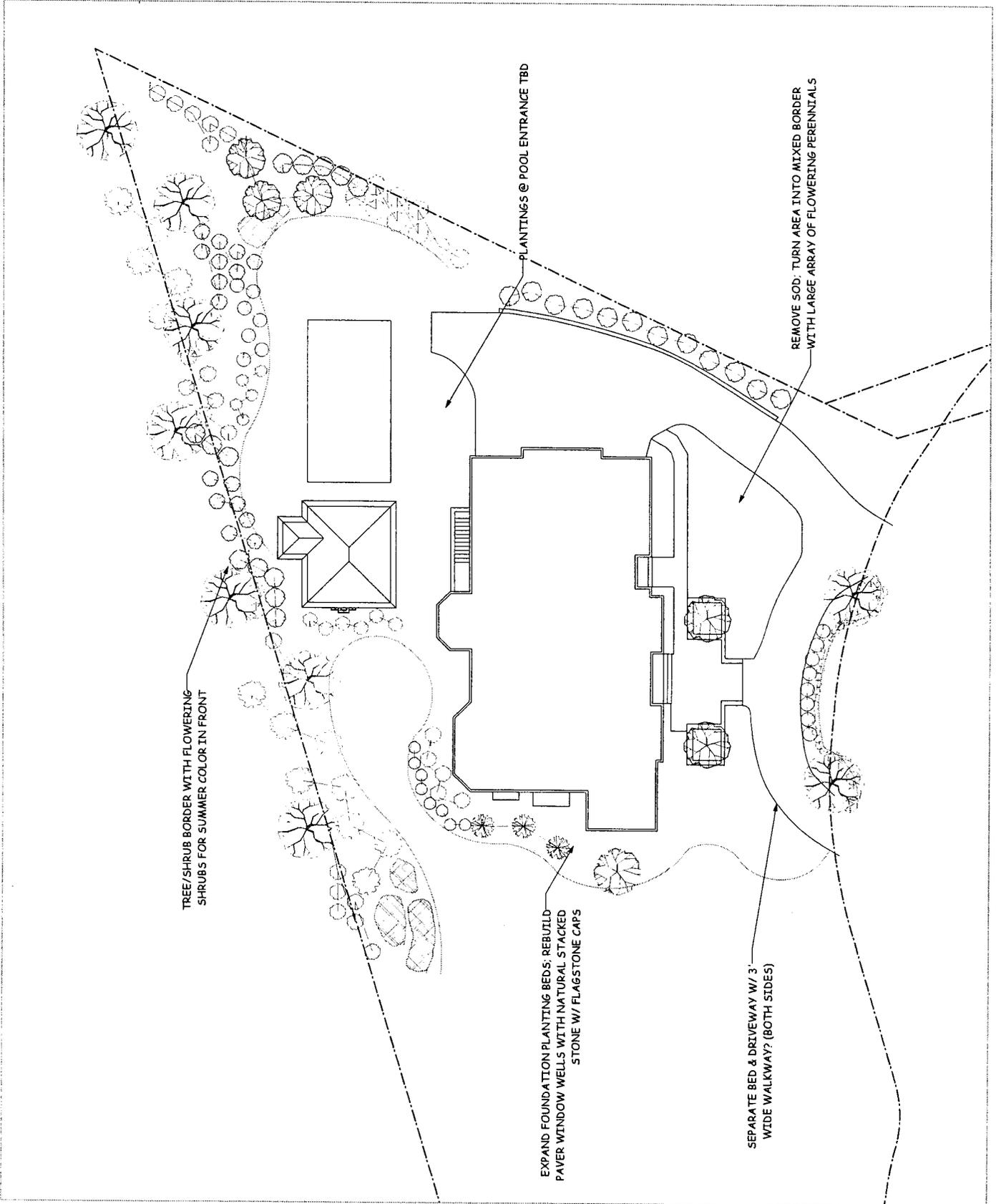
Sincerely,


Tom Kalinowski

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Department of Planning & Zoning

SEP 10 2008

Zoning Evaluation Division



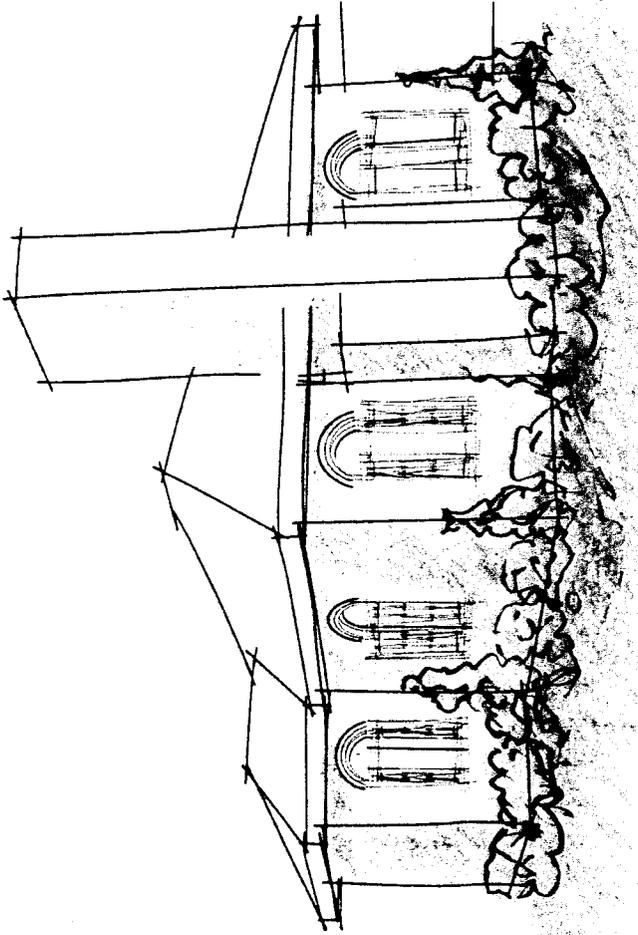
TREE/SHRUB BORDER WITH FLOWERING SHRUBS FOR SUMMER COLOR IN FRONT

PLANTINGS @ POOL ENTRANCE TBD

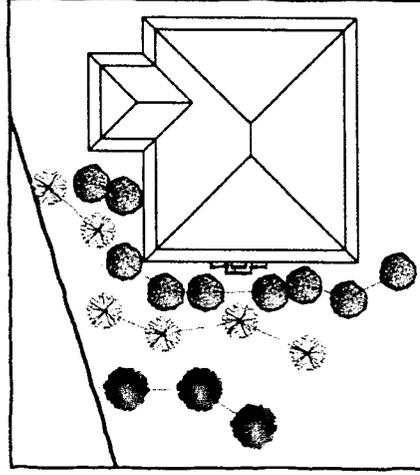
REMOVE SOD. TURN AREA INTO MIXED BORDER WITH LARGE ARRAY OF FLOWERING PERENNIALS

EXPAND FOUNDATION PLANTING BEDS. REBUILD PAVER WINDOW WELLS WITH NATURAL STACKED STONE W/ FLAGSTONE CAPS

SEPARATE BED & DRIVEWAY W/ 3' WIDE WALKWAY? (BOTH SIDES)



POOL HOUSE - REAR PERSPECTIVE VIEW

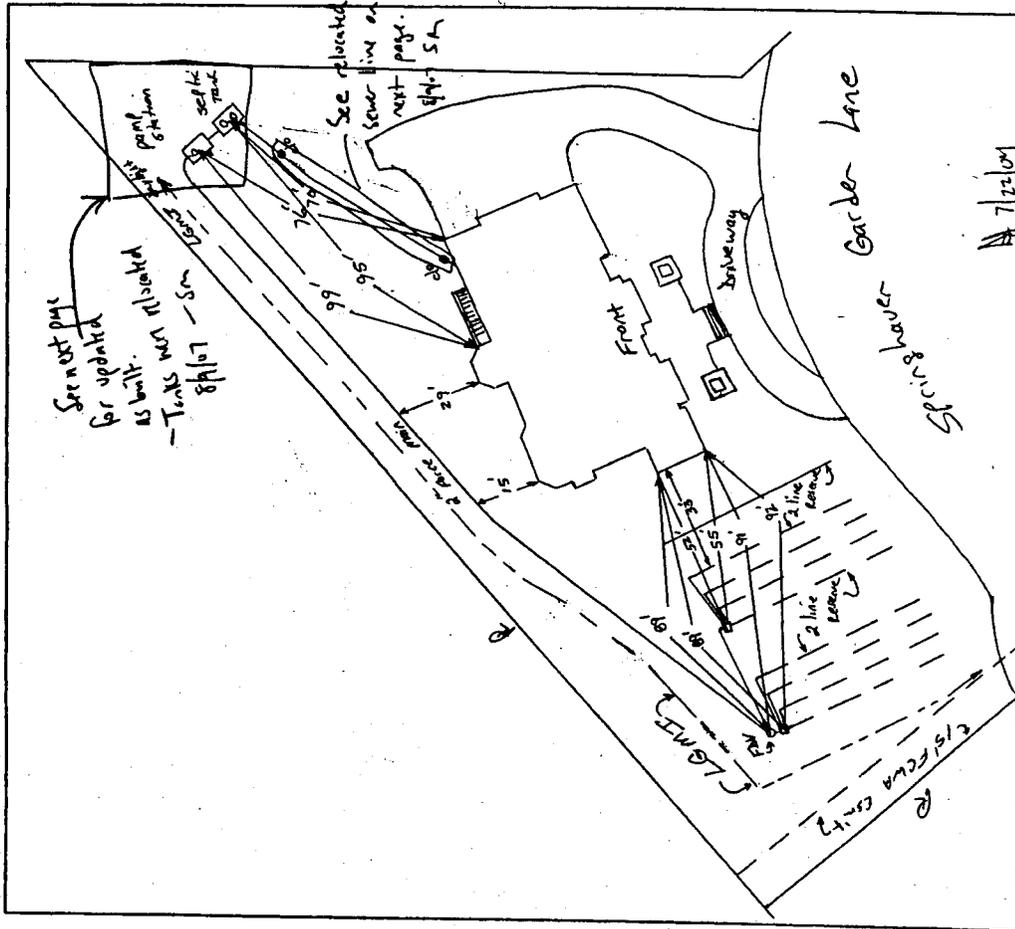


POOL HOUSE - SCHEMATIC PLAN VIEW

PRICE RESIDENCE - MCLEAN, VIRGINIA
POOL HOUSE PLANTING CONCEPT
JULY, 2008
ROBERT P WILKINSON, DESIGNER
MERRIFIELD GARDEN CENTER

FAIRFAX COUNTY HEALTH DEPARTMENT
SEWAGE DISPOSAL SYSTEM/WELL WATER SUPPLY AS-BUILT

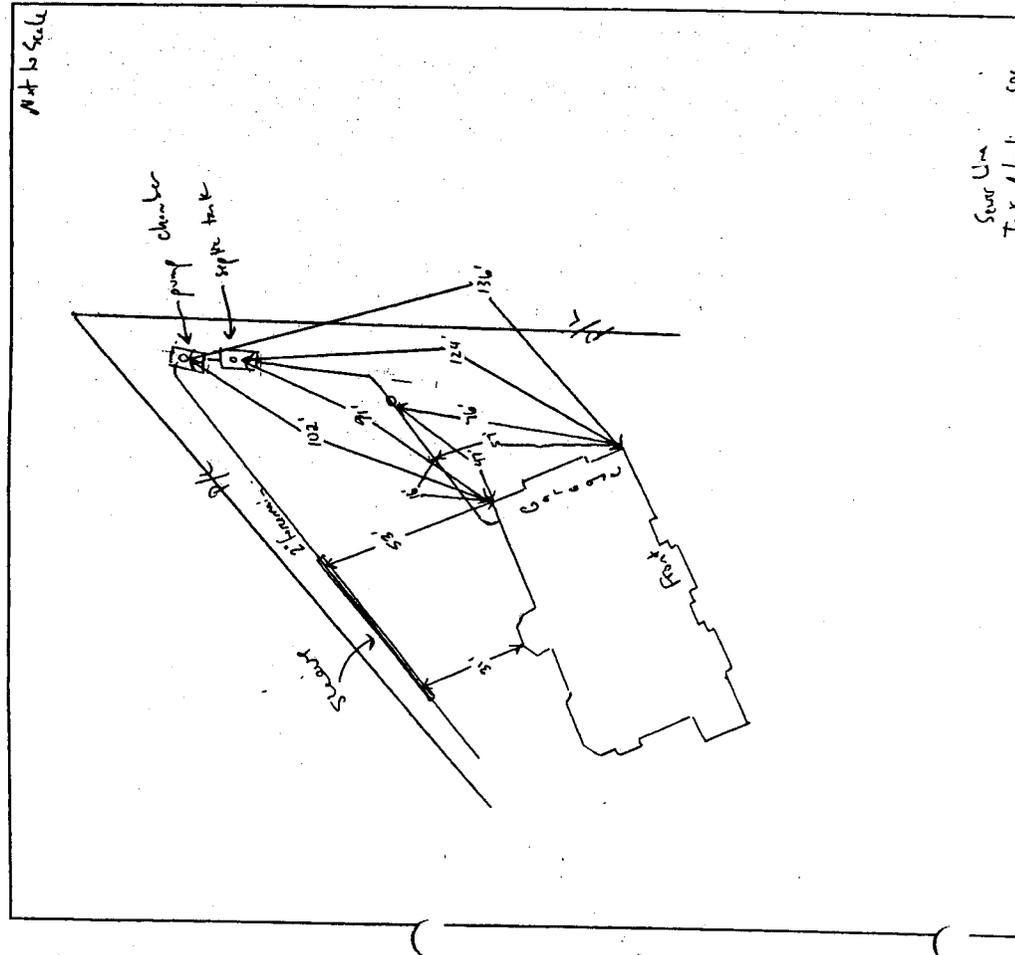
Tax Map ID: 20-3-001-24E
Street Address: 8338 Springhorne Garden Lane
Subdivision: M/P
City, State, Zip: McLean VA 22102



FHD-EH-7 REV. 12/92

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Street Address: 8338 Springhorne Garden Lane
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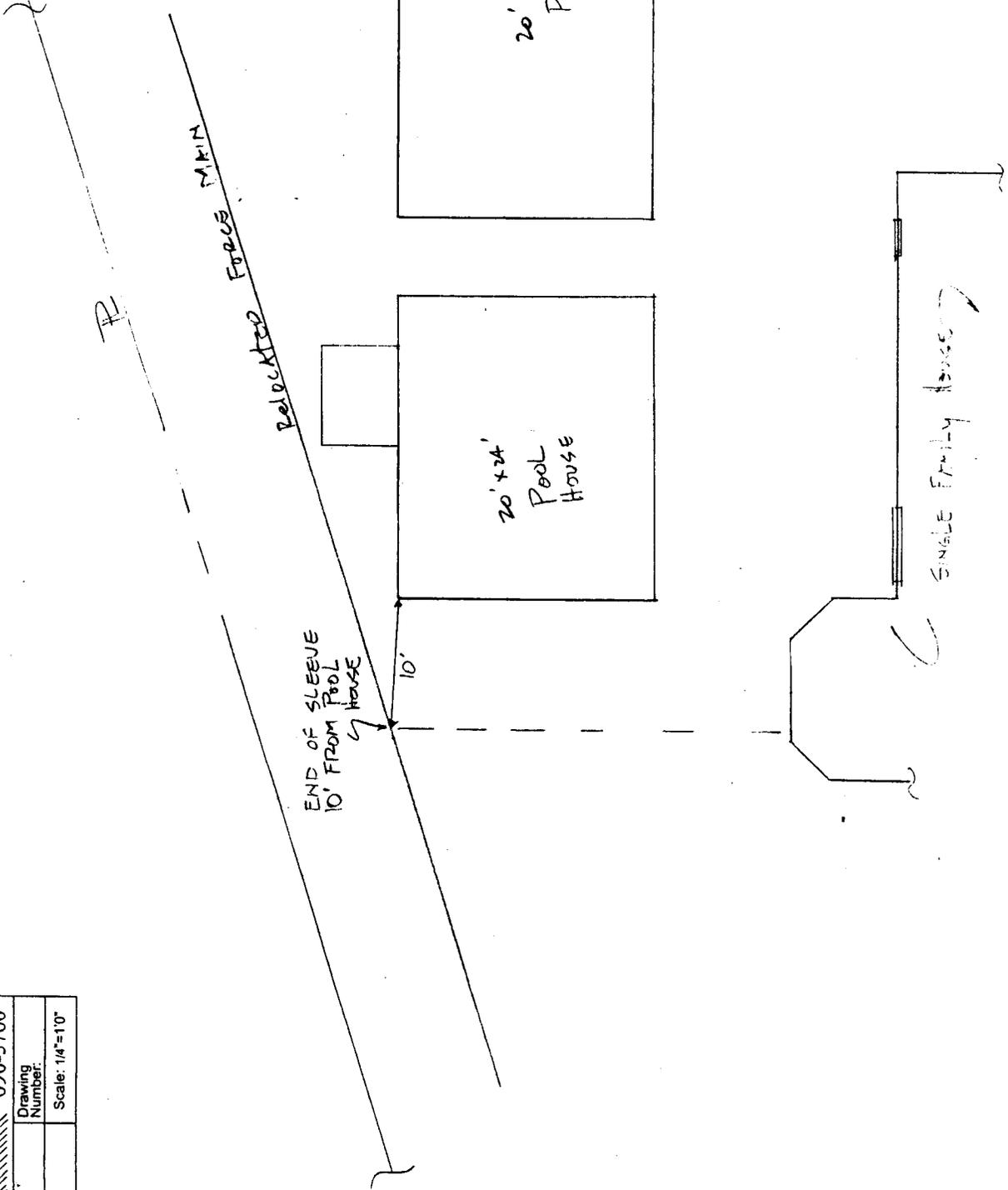
FHD-EH-7 REV. 12/92

Sever Um
Tank Allocation - SDS
See 9/16/07

HEALTH DEPT

Craig
Sundecks
& Porches
690-5760

Date:	Drawing Number:
Square Footage:	Scale: 1/4"=1'0"



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Department of Planning & Zoning
SEP 10 2008
Zoning Evaluation Division

Statement of Justification

Mark Price
8338 Springhaven Garden Lane
McLean, VA 22102
(703) 847-0613

RECEIVED
Department of Planning & Zoning

SEP 10 2008

Zoning Evaluation Division

29-Aug-08

1. Description of what is being applied for with dimensions and materials of the structure
 - This application requests the BZA to approve an accessory structure with a 19' maximum height to have a 10' setback.
 - The accessory structure is to be utilized as a "pool house" with powder style bathroom and where furniture will be located for lounging.
 - The pool house architecture 100% matches the architecture of the principal structure. Fully compatible shingles, brick and stone have been procured to complete the project.
 - The accessory structure dimensions are 20x20
 - The accessory structure is location 10' from a 20x40 pool and thus designed to be 20' in width to align with pool dimensions (pool already built)
 - Roof design of the accessory structure is 4 hip style matching principal structure with compatible pitch. Front hip include rounded dormer that identically matches dormer style of principal structure.
 - The structure also includes a masonry style fireplace with chimney as detailed in permit application
2. Front yard structure
 - Does not apply
3. Year house was built and existing setback dimensions
 - Home was built in 2003-2004
 - Front set backs are 41.9'
 - Side set back easterly is 32.1'
 - Side set back westerly is 112.5'
 - Back setback is 33.8'
4. Existing versus new square footage
 - The structure under consideration is an accessory addition not an attached addition that modifies the existing principal structure square footage. The square footage of the accessory structure is 400 feet
5. Square footage subordination and percent changes
 - The accessory structure is not subordinate to the principal
 - The exact principal structure square footage if not known but is estimated to be 8,500 square feet. Percent increase to principal structure is 0%.
 - The accessory square footage is 400 and thus estimated to be 4.7% of principal structure
6. Structure compatibility with principal structure
 - New accessory structure will be completely compatible with principal structure in terms of all exterior building materials. An exact match of brick, rock, shingles and other

exterior details will be completely compatible with principal structure. Compatible match materials have been located and procured.

7. Structure compatibility with surrounding off-site uses
 - New accessory structure is design for use as a pool / gazebo style house structure and has been architected to align with swimming pool that has already been constructed but waiting finishing.
8. New structure will not create adverse impact
 - The new accessory structure will frame 1 side of pool providing enclosure of the pool. Structure connects with aesthetically pleasing aluminum/iron fence that encloses remaining 3 sides of the pool.
 - A robust landscaping package has been designed by Merrifield Garden center landscape architects. This landscape package will significantly increase the aesthetics of the principal property in addition to the adjoining property located behind the principal property. Two renderings of landscape plans are included in this package in section 10 to show both topographic and direct accessory structure renderings.
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 - The current designed setback for the accessory structure is 10'. The max height of the accessory structure is 19'. Therefore, approval of the reduction of the yard requirements in 8-922 does not result in a structure that extends into the minimum required yard by more than 50%.

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.

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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.
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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.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) 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 and 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. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing 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 well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - 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. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - 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 the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.