



APPLICATION ACCEPTED: December 15, 2008
DATE OF PUBLIC HEARING: May 5, 2009
MOVED AT APPLICANT'S REQUEST
TIME: 9:00 a.m.

County of Fairfax, Virginia

April 28, 2009

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION No. SPA 2007-SU-024

SULLY DISTRICT

APPLICANTS & OWNERS: Tomothy T. Murray and Polly A. Murray

ZONING: R-5

LOCATION: 13603 Gladwyn Ct.

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 34-4 ((10)) 161A

LOT SIZE: 8,382 Sq. Feet

SP PROPOSAL: Amend special permit SP 2007-SU-024 to permit reduction of certain yard requirements to permit construction of an addition 7 feet from side and 14 feet from rear lot line and addition 5.9 feet from side and 10.2 feet from rear lot lines.

STAFF RECOMMENDATION: Staff recommends approval of SPA 2007-SU-024 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.

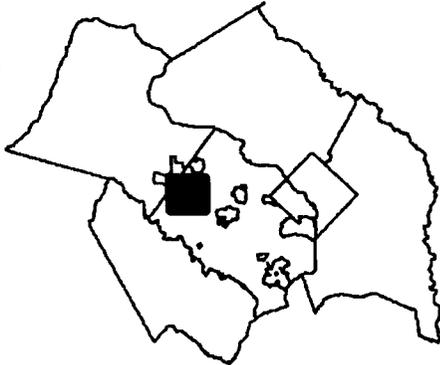
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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

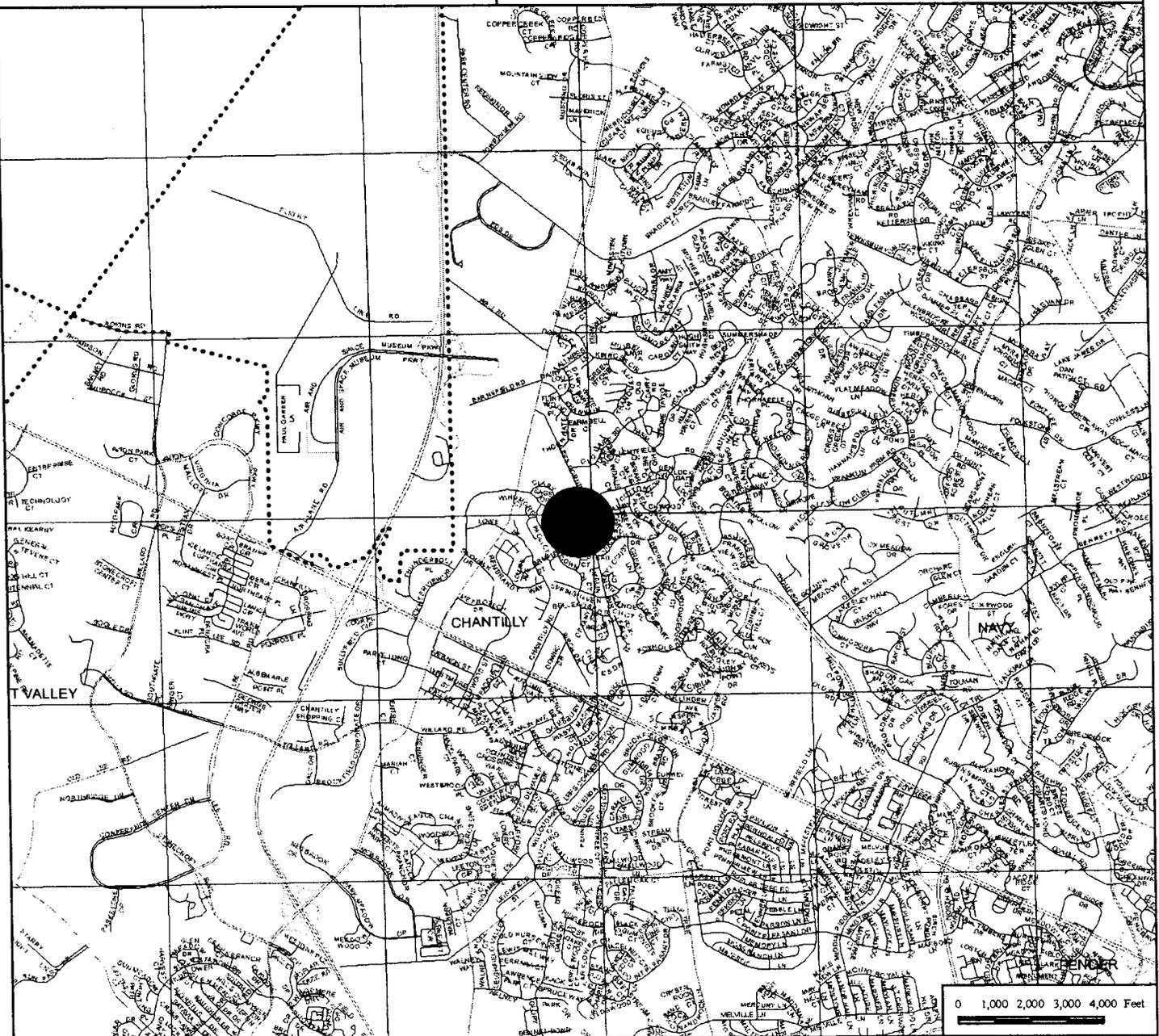
SPA 2007-SU-024



Applicant:
Accepted:
Proposed:

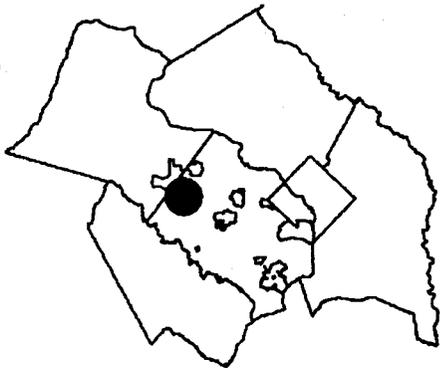
TIMOTHY T. MURRAY AND POLLY A. MURRAY
12/15/2008
TO AMEND SP 2007-SU-024 TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 7 FEET FROM SIDE AND 14 FEET FROM REAR LOT LINES AND ADDITION 5.9 FEET FROM SIDE AND 10.2 FEET FROM REAR LOT LINES.

Area: 8,382 SF OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 08-922
Art 8 Group and Use: 9-21
Located: 13603 GLADWYN COURT
Zoning: R-5
Overlay Dist:
Map Ref Num: 034-4 /10/ /0161A



Special Permit Amendment

SPA 2007-SU-024



Applicant:

TIMOTHY T. MURRAY AND POLLY A. MURRAY

Accepted:

12/15/2008

Proposed:

TO AMEND SP 2007-SU-024 TO PERMIT REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 7 FEET FROM SIDE AND 14 FEET FROM REAR LOT LINES AND ADDITION 5.9 FEET FROM SIDE AND 10.2 FEET FROM REAR LOT LINES.

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Zoning Dist Sect: 08-922

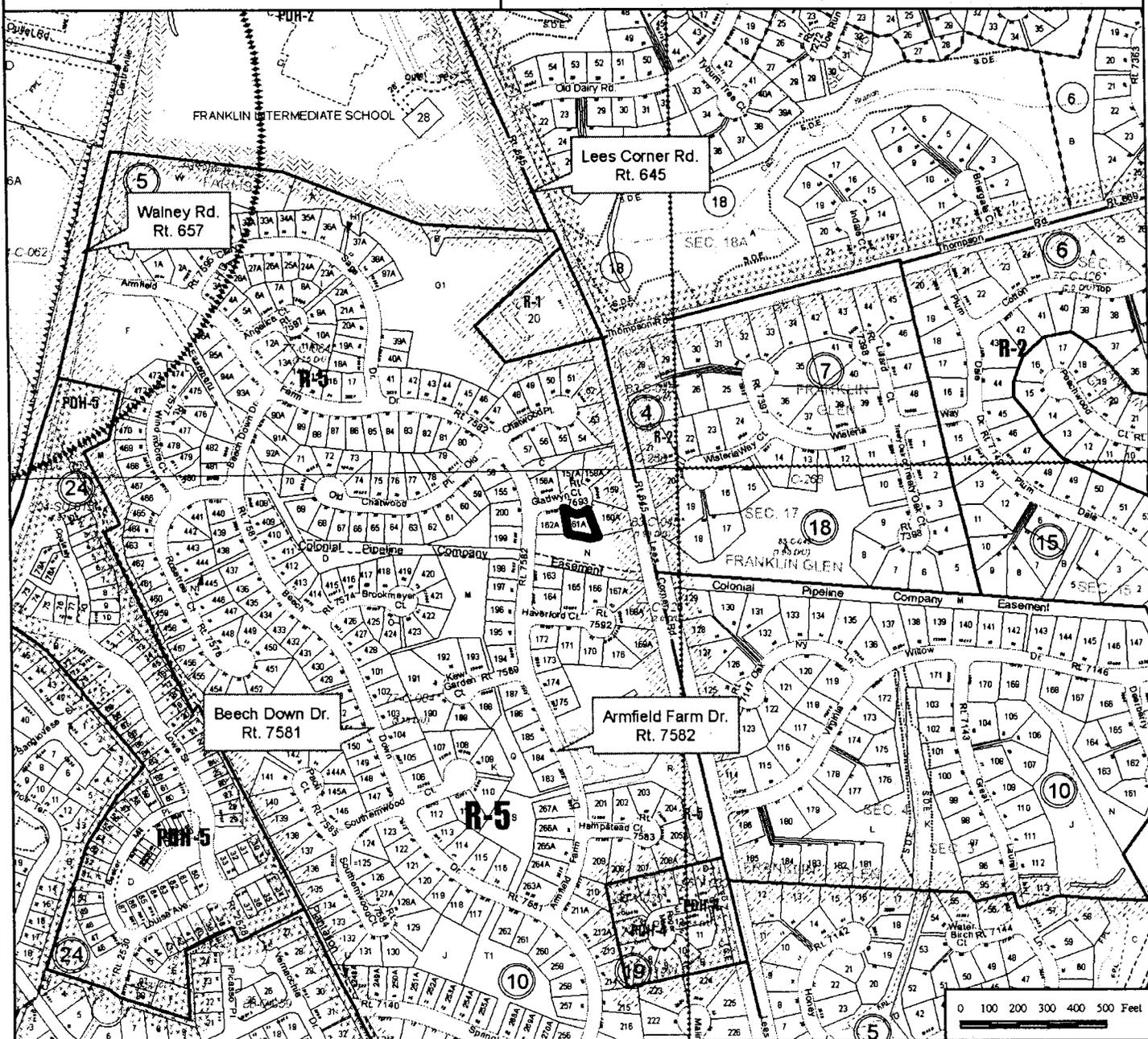
Art 8 Group and Use: 9-21

Located: 13603 GLADWYN COURT

Zoning: R-5

Overlay Dist:

Map Ref Num: 034-4- /10/ /0161A



Application for Special Permit

13603 Gladwyn Court, Chantilly, VA 20151

Overlay District: WS

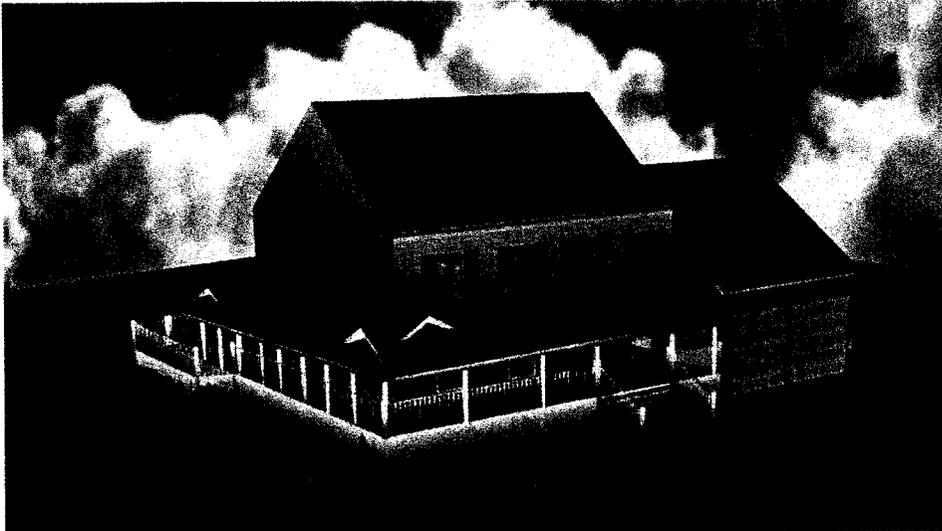
Tax Map: 034-4-10-0161-A

Proposed Rendering:

The following images are close approximations of the plans for the front and side covered deck, open deck, and enclosed covered deck. As indicated on the front page of this application, the color of the decking is brown and the railing is white.

Note: Please ignore the odd roof lines and the unattached columns – I had problems with the software.

Left Front View:



Right Front View:

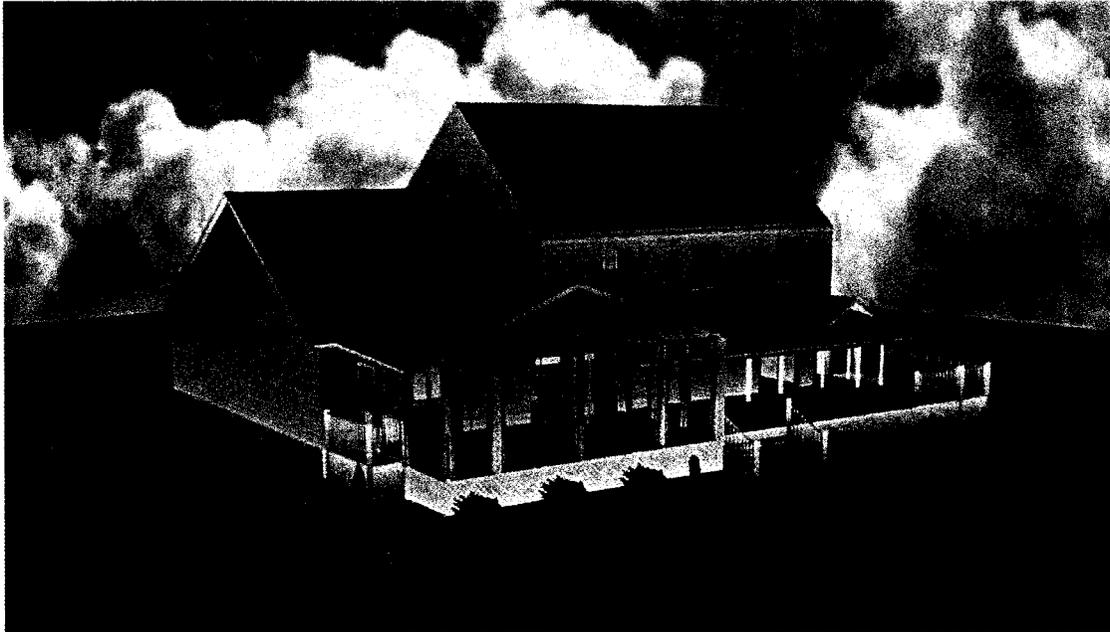


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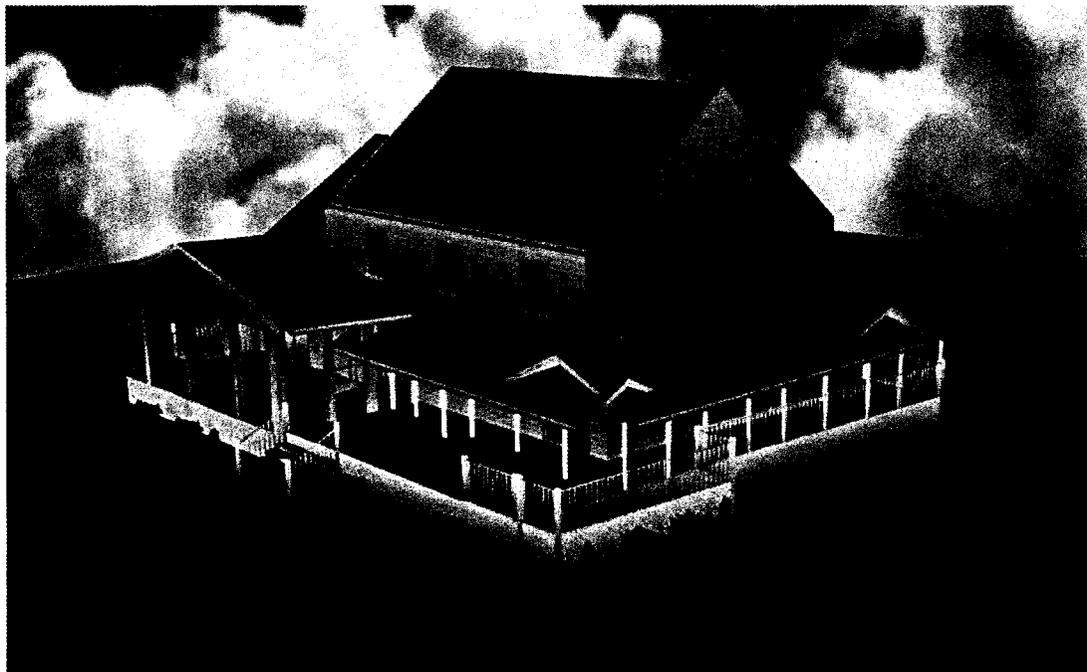
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Left Rear View:



Right Rear View:



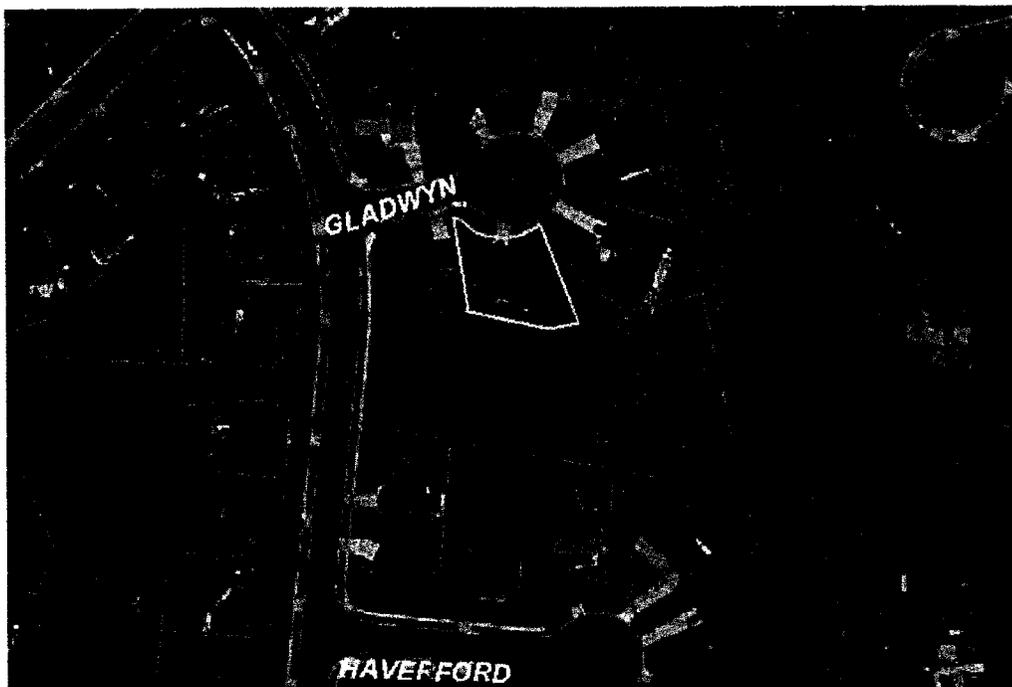
Application for Special Permit

13603 Gladwyn Court, Chantilly, VA 20151

Overlay District: WS

Tax Map: 034-4-10-0161-A

Aerial Photo:



Front Photo:



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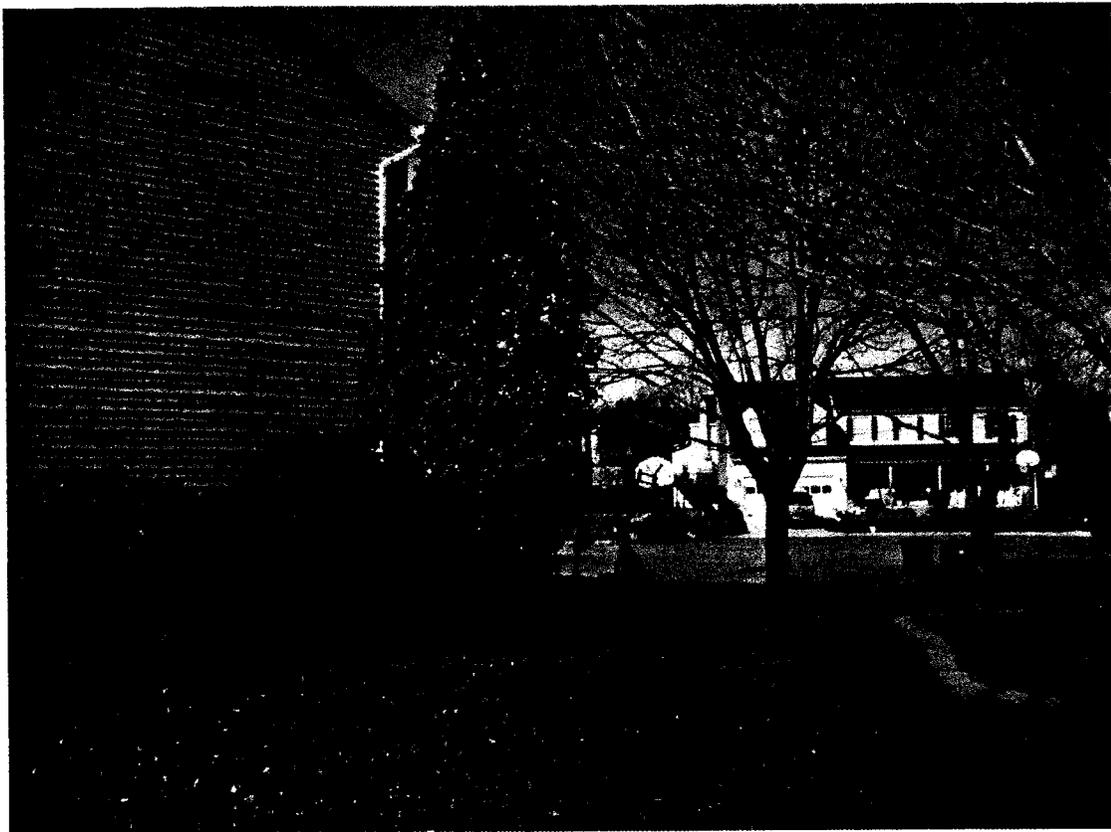
Left-Front Photo:



Front Left Photo:



Left Front:

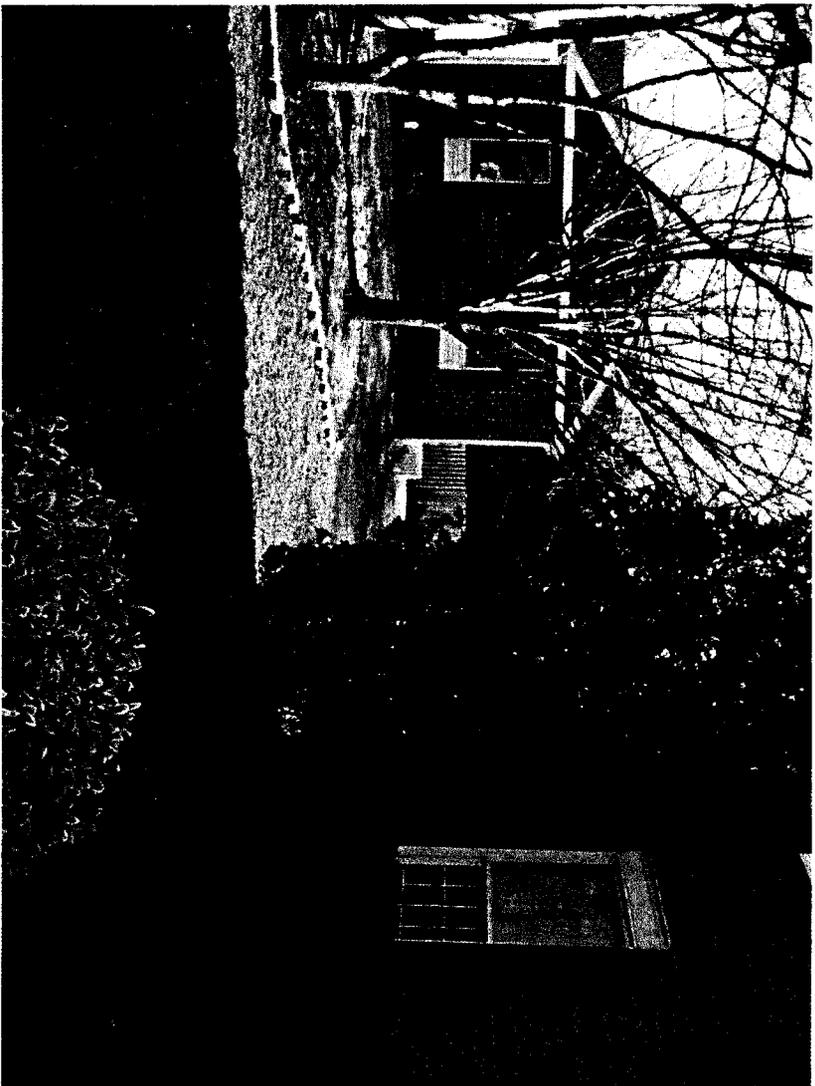


Left:

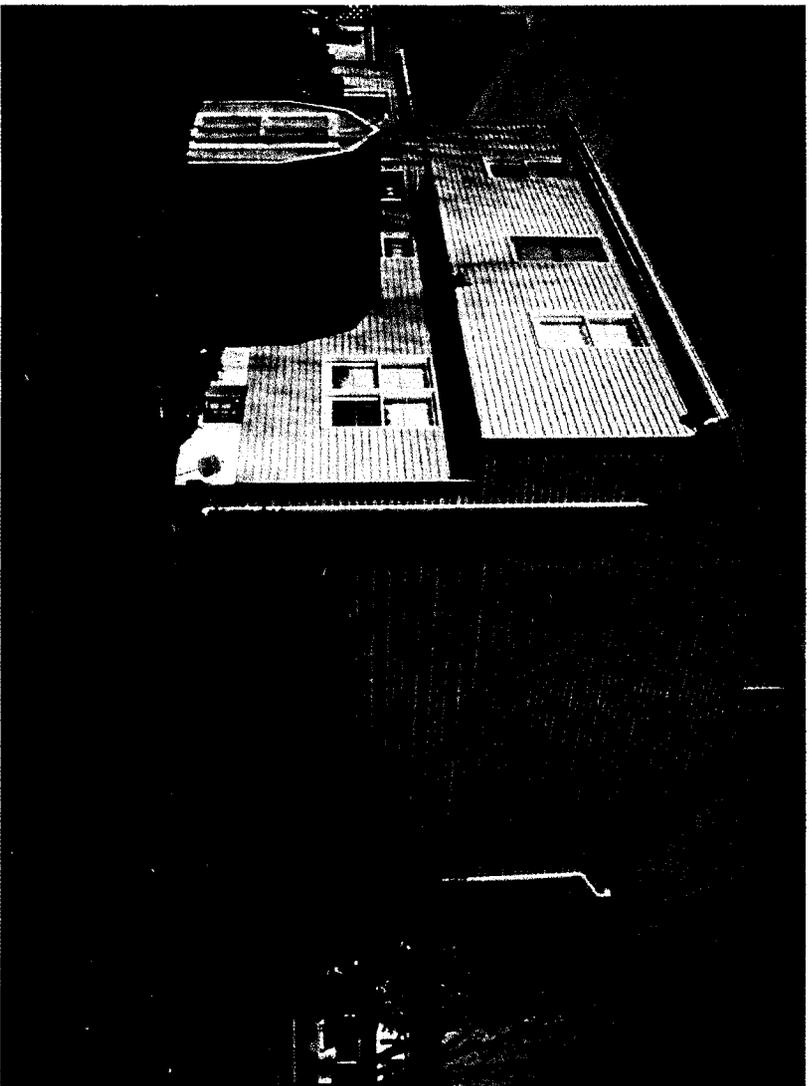


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Left Front:



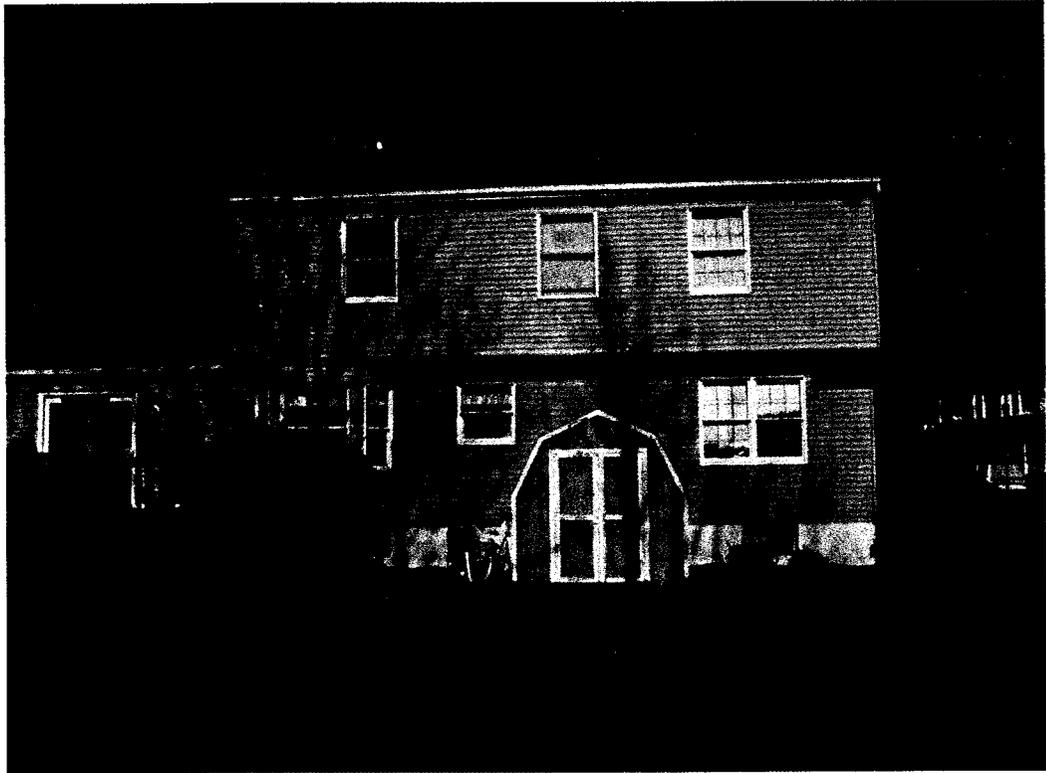
Left Rear:



Rear Photo



Rear Photo:



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Zoning Evaluation Division

Rear Photo:



Right Rear Photo



Right Rear Photo



Right Rear Photo



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View From Right-Rear:



View from Deck toward Backyard:



View from left rear:



View from Deck to Left:

(Shed will be removed. Corner of adjacent house is visible just above shed)



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Right Front:



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Zoning Evaluation Division

DESCRIPTION OF THE APPLICATION

The applicant seeks to amend special permit SP 2007-SU-024 for two structures, the first is to permit reduction of certain yard requirements to permit construction of a screen porch addition 7 feet from the eastern side lot line and 14 feet from rear lot line.

	Structure	Yard	Min. Yard Required *	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit 1	Addition (Screen Porch)	West Side	8 feet	7 feet	1 foot	12.5 %
Special Permit 1	Addition (Screen Porch)	Rear	25 feet	14 feet	11 feet	44 %

* Minimum yard requirement per Section 3-507

The second amendment request is to permit construction of an addition (roofed deck with lattice) 5.9 feet from the eastern side lot line and 10.2 feet from rear lot line.

	Structure	Yard	Min. Yard Required *	Permitted Extension **	Min. Yard Permitted After Extension	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit 2	Addition (Roofed deck with Lattice)	East Side	8 feet	None	8 feet	5.9 feet	2.1 feet	26.3 %
Special Permit 2	Addition (Roofed deck with Lattice)	Rear	25 feet	None	25 feet	15.2 feet	9.8 feet	39.2 %
Special Permit 2	Uncovered Stairs	Rear	25 feet	5 feet	20 feet	10.2 feet	9.8 feet	49 %

* Minimum yard requirement per Section 3-507

** Permitted extensions into Minimum Yard Requirements per Section 2-412

LOCATION AND CHARACTER

Existing Site Description

The site is currently zoned R-5, developed with a single family detached dwelling which was built in 1986 and the lot is 8,382 square feet in size. The subject property is surrounded by single family detached homes to the north, east and west, and abuts homeowners' association open space to the south. The lot is pie-shaped and flat, with several trees and shrubs scattered throughout.

Character of the Area

	Zoning	Use
North	R-5	Single Family Detached Dwellings
South	R-5	Armfield Homeowners Association
East	R-5	Single Family Detached Dwellings
West	R-5	Single Family Detached Dwellings

BACKGROUND

On May 15, 2007, the BZA took action to approve SP 2007-SU-024 on the subject property for a reduction of certain yard requirements to permit construction of addition 5.0 feet from side lot line and 12.6 feet from rear lot line and roofed deck 5.2 feet from side lot line. A copy of the approved resolution and special permit plat can be found in appendix 4.

The applicant obtained building permit #71910036 on July 10, 2007 for the proposed structures permitted by SP 2007-SU-024. However, the applicant decided to amend the approved building permit through amendment permit # 72070058 and the proposed changes were subsequently deemed to not be in conformance with the approved special permit per a letter of interpretation. Copies of the building permit and letter of interpretation can be found in appendix 5.

The Board of Zoning Appeals (BZA) has heard the following similar applications in the neighborhood.

- Variance VC 2002-SU-145, granted on February 4, 2003, on Tax Map 3404 ((10)) 422, on 13601 Brockmeyer Court, zoned R-5, southwest of the subject property to permit construction of an addition 16 feet from rear lot line.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** The Murray Residence, #13603 Gladwyn Court, Lot 161-A
- **Prepared By:** Daniel L. Washob, Wachob & Wachob, Inc. , dated November 20, 2006, revised through February 8, 2009 and signed through March 11, 2009

Proposal

The applicant proposes to amend their previously approved special permit for minor changes to the structures. First, the applicant proposes to construct a roofed deck with lattice below 5.9 feet from the eastern side lot line, compared to the previously approved 5.2 feet. The stairs coming off the proposed roofed deck with lattice are being relocated from the eastern side of the structure into the minimum required rear yard. The stairs will be 10.2 feet from the rear lot line and the roofed deck with lattice below will be 15.2 feet from the rear lot line. The original special permit granted approval of 12.6 feet from the rear lot line. The screened porch will be 14 feet from the rear lot line as opposed to the previously approved 12.6 feet. The screened porch will also be set back further at 7 feet as opposed to the previously approved 5 feet. The roofed deck with lattice will be 831.1 square feet and 14 feet in height. The screen porch will be 354.2 square feet and 18 feet in height. Overall the structures will similar to what was previously approved under SP 2007-SU-024, however they have been slightly reconfigured.

ZONING ORDINANCE REQUIREMENTS (See Appendix 6)

- 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 and 5.

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 by observation of the neighborhood through submitted photographs and through discussion with the applicant that the proposed additions (porch and roofed deck with lattice) will not adversely affect the use or development of neighboring properties mainly due to the fact that there are several properties within the neighborhood which currently have the same type of wrap around porch and enclosed decks that the applicant is requesting. Therefore, staff believes this standard has been met.*

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing structure is 3,193.6 square feet. Therefore 150% of the total gross floor area could result in an addition up to 4,790.4 square feet; which makes a combined total of 7,984 square feet. The proposed addition will be 1,185.3 square feet for a total of 4,378.9 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 elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed additions will be compatible with the existing structure. The location of the proposed enclosed deck on the rear of the home will replace an existing deck and the footprint of that enclosed deck will remain the same as the existing deck. Therefore, staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. The photographs submitted and elevation drawings indicate that the proposed improvements are compatible with the surrounding houses in the neighborhood. Several homes in the neighborhood currently have wrap around decking and enclosed porches, therefore, the subject dwelling and deck additions are not out of character of the neighborhood. These additions will be open in character, so they don't add significant bulk. Therefore, staff believes that the application meets this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that adding decking and an enclosed porch in place of an existing deck will

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 location of the deck additions to the existing dwelling is proposed to provide the applicant with more outdoor living space and is the logical place for the expansions. Only one portion, on the rear of the home, will include an enclosed deck, which is the current location of an existing deck. The applicant has indicated that the bushes around the home will be replaced and more vegetation is planned to be added as well; therefore, staff does not believe that additional vegetation is warranted. Other issues of well and/or septic, easements, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. Staff believes that the application meets this provision.

CONCLUSION

Staff believes that the subject application for the additions are 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 SPA 2007-SU-024 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 and Attachment
4. SP 2007-SU-024 Resolution and Approved Special Permit Plat
5. Building Permits and Letter of Substantial Conformance Interpretation
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SPA 2007-SU-024****April 28, 2009**

If it is the intent of the Board of Zoning Appeals to approve SPA 2007-SU-024 located at Tax Map Number 34-4 ((10)) 161A (13603 Gladwyn Court), to permit reduction of certain yard requirements pursuant to Sect. 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 records 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 Daniel L. Washob, Wachob & Wachob, Inc., dated November 20, 2006, signed through March 11, 2009, 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 principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,193.6 square feet existing + 4,790.4 (150%) = 7,984 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.

Application for Special Permit

13603 Gladwyn Court, Chantilly, VA 20151

Overlay District: WS

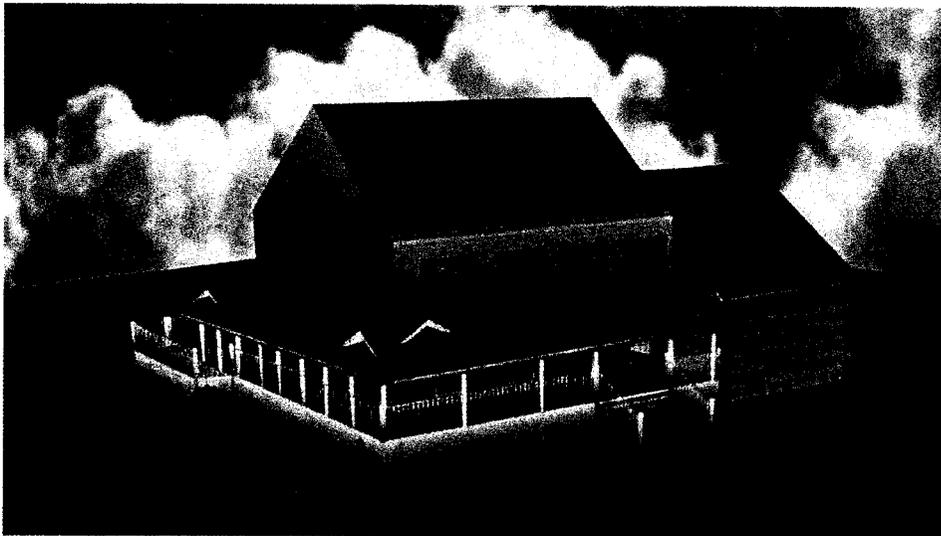
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Right Front View:

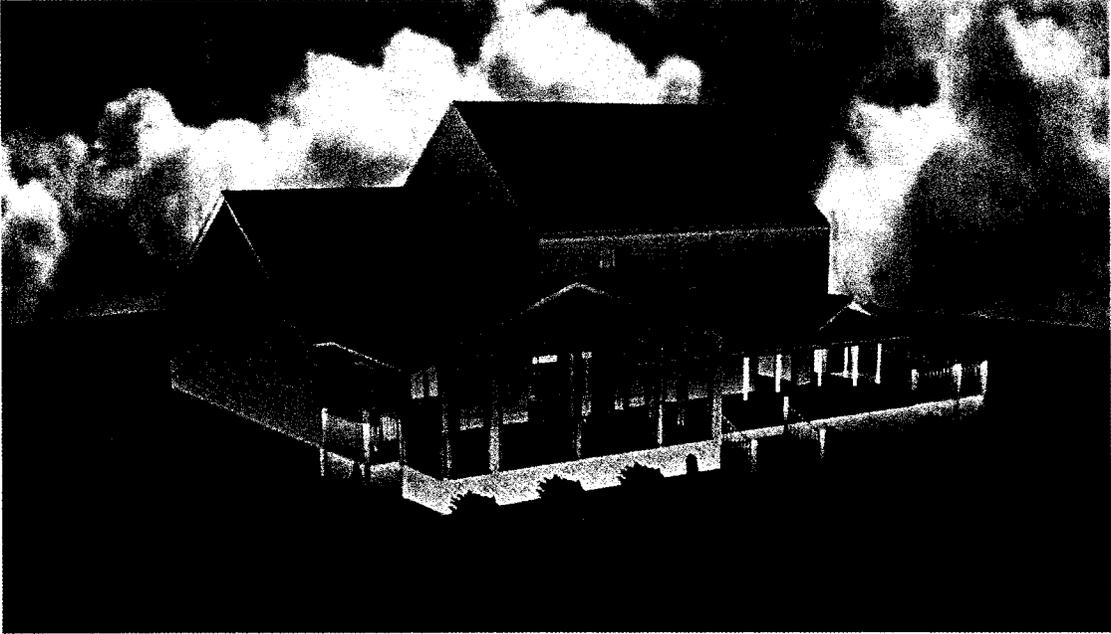


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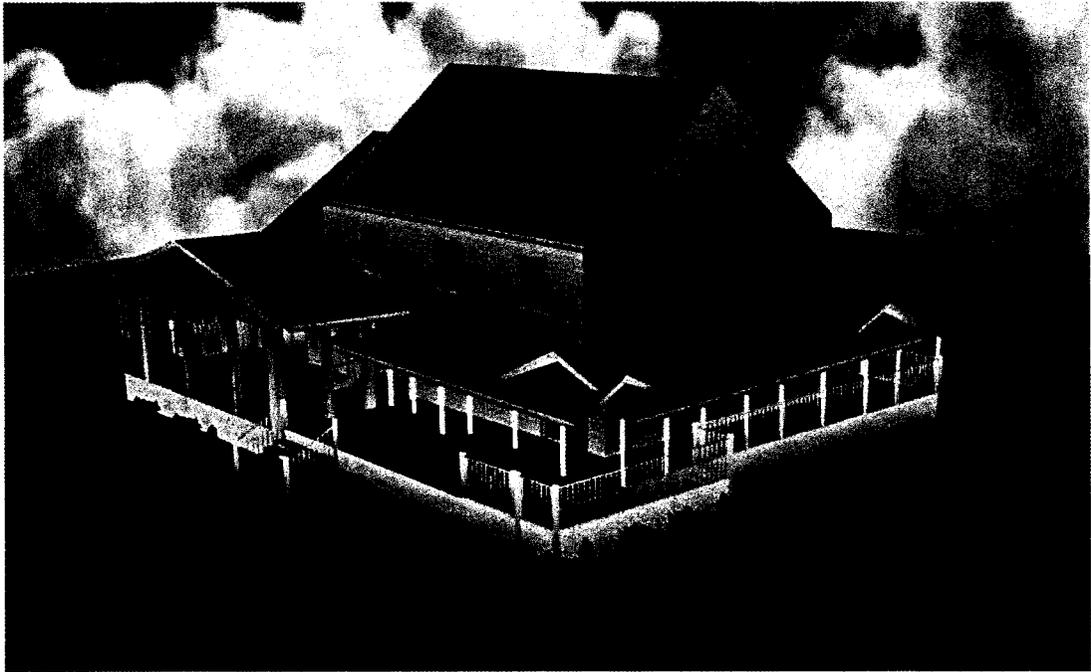
APR 07 2008

Zoning Evaluation Division

Left Rear View:



Right Rear View:



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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 7, 2008
 (enter date affidavit is notarized)

I, Timothy T. Murray, 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 99637

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)
Timothy T. Murray	13603 Gladwyn Ct., Chantilly, VA 20151	Applicant/Title Owner
Polly A. Murray	13603 Gladwyn Ct., Chantilly, VA 20151	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)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 7, 2008
(enter date affidavit is notarized)

99637

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.

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 7, 2008
(enter date affidavit is notarized)

99637

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.

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Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

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99637

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)

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(enter date affidavit is notarized)

99637

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)

[Signature]
 Applicant [] Applicant's Authorized Agent

Timothy T. Murray
(type or print first name, middle initial, last name, and title of signee)

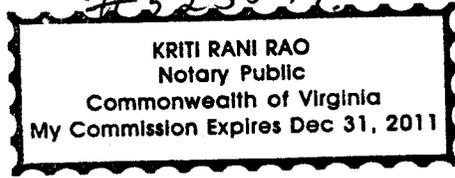
Subscribed and sworn to before me this 7th day of April, 2008, in the State/Comm. of Virginia, County/City of Fairfax.

KRITI RANI RAO

Notary Public

My commission expires: 12/31/2011

#325349



Special Permit Statement of Justifications

for

Front and Rear Porch Additions for 13603 Gladwyn Court, Chantilly, VA 20151

Description of Building Façade and Architecture of Proposed Additions:

As shown on the attached renderings, proposed construction includes a covered front porch wrapping around the left side of the house to an enclosed screened porch on the back right of house. The decking material will be made of Fiberon wood composite. The decking color will be redish-brown while the railings will be white. The new roofing will be the same material as the rest of the house.

Reason for Special Permit:

Our (my wife, 3 children, and myself) personal enjoyment of the improvements is the obvious reason for the construction of these improvements, however, we are planning for the possibility that my now 85 year old mother will either be spending a considerable amount of time here as she ages. Having these improvements will increase the usable area of our home and make it more comfortable for all.

Additionally, since the backyard of our home faces directly south, the sun in the summer months makes the current deck too hot to use. The covered deck and enclosed porch will provide much needed shade.

As the most recent former President of my community's homeowners association, I oversaw multiple approvals of front porches and rear screened enclosed porches throughout our community. It was my belief that additions such as these that were built conforming to our community and county standards not only provided more enjoyment for the homeowners, but also added value to their home, and indirectly, the entire community. In fact, three of the homes on my cul-de-sac have either front porches or screened-in enclosed porches.

The layout of my lot lines has partially created the need for this special permit. As shown on the house location survey, the front of my home is perpendicular to a radial line from the center of the cul-de-sac. The side lot lines are parallel to each other, but skewed at a different angle – not parallel with the sides of the house. This has resulted in lot lines that converge on the back right and the front left of the house. With the rear-yard requirement notwithstanding, if the house had been built rotated counter-clockwise 20 degrees or so from its current location, there would not be a need for this application. Many homes in Armfield Farm have front and enclosed porches without the need for a special permit because they are on rectangular lots with sufficient rear yards.

Additionally, as can be seen from the photos provided, there are no houses close to us in the rear and few will be visually affected by the proposed improvements. Other than the houses adjacent to the left and right, no other homeowners will have a clear view of the proposed improvements due to the wooded common area immediately behind our lot.

Your consideration of this special permit is greatly appreciated.

RECEIVED
Department of Planning & Zoning
APR 07 2008
Zoning Evaluation Division

Addendum to Special Permit Application

Applicant: Timothy T. Murray

Address: 13603 Gladwyn Ct., Chantilly, VA 20151

Zoning Ordinance: 930.00 & 930.01

Gross Floor Area of the proposed open decking, roofed deck, and enclosed roofed decks.

Front Roofed Deck	39.8 x 7.5	= 298.5 sq ft.
Side Roofed Deck:	26.0 x 6.0	= 156.0 sq. ft.
Back Roofed Deck:	30.7 x 7.2	= 221.0 sq. ft.
Open rear deck	3.9 x 8.7 +	
	10.0 x 6.8 + 6.8 x 7.9	= 155.6 sq. ft.
Enclosed Roofed Deck:	14.0 x 25.3	= 354.2 sq. ft.
Total:		1,185.3 sq. ft.

Basement: 33.8'x26'=878.8 sq ft + 19.9' x14'=278.6 sq ft. for a total of 1,157.40 sq ft

1st Floor: same as basement, 1,157.40 sq ft.

2nd Floor: same as 1st floor, minus family room behind the garage, 878.8 sq. ft.

Total House GFA: 3,193.60 sq. ft.

The Floor Area Ratio (FAR) of the entire enclosed roof and open deck project compared to the GFA of the home is 1,185.3/3,193.6 or **37.1%**.

The Floor Area Ratio (FAR) of the enclosed roofed deck compared to the GFA of the home is 354.2/3,193.6 or **11.0%**.

The Floor Area Ratio (FAR) of the roofed deck and enclosed roofed deck compared to the GFA of the home is 1,029.7/3,193.6 or **32.2%**.

Zoning Ordinance: 930.02

Many homes in Armfield Farm and surrounding subdivisions have front roofed decks that wrap-around the house as well as enclosed roofed decks, to include 3 homes within subject property's own cul-de-sac.

Zoning Ordinance: 930.04

The proposed improvements will conform to Fairfax County Zoning ordinances and regulations.

Zoning Ordinance: 930.10

- The existing home has a maximum height of 29 feet above grade. The first floor is 3.5 feet above grade.
- The proposed enclosed roofed deck will have decking 3.8 feet above grade and will have a total maximum height of 18 feet above grade.
- The proposed covered deck will have decking 3.5 feet above grade.
- The remaining open deck will have decking 3.5 feet above grade.



CAPITOL
PROPERTY MANAGEMENT

January 8, 2007

Tim & Polly Murray
13603 Gladwyn Court
Chantilly, VA 20151

RE: Architectural Review Board Application: front, side & rear porch, rear screened-in deck.

Dear Mr. & Mrs. Murray,

I am contacting you on behalf of the Armfield Farm Homeowners Association Architectural Review Board.

Please find attached a copy of your submitted Architectural Review Board Application Form. The ARB has reviewed your application and has given it conditional approval, contingent on county approval and submission of detailed plans to the ARB.

Should you have any questions, do not hesitate to contact me at 703-707-6404.

Regards,



Dan Gordon
Capitol Property Management,
Managing Agent - Armfield Farm Homeowners Association

RECEIVED
Department of Planning & Zoning
APR 07 2008
Zoning Evaluation Division

ARMFIELD FARM HOMEOWNERS ASSOCIATION
Architectural Review Board
Approval Form

KC
 PD
 Murray - ora - email

Owner Name: Timothy & Polly Murray	Tel (W): 703-810-8424
Address: 13603 Gladwyn Ct.	Tel (H): 703-925-9244
Section & Lot Number: Sect 4, Lot 161A	Email: TimothyTMurray@cox.net

STEP 1: Description

Provide a detailed description and purpose of the proposed alteration below. Include type and color of materials to be used, and a copy of the recorded plat showing the location of the improvements (s). For decks, gazebos, porches, or other additions or structural alterations, provide plan(s) and elevation views of the improvements(s) showing relationship to the existing house and structures. For fences, provide detailed design information showing the style, height, materials and finish. Please refer to the Architectural Design and Maintenance Standards for all other application requirements.

Proposed improvements include:

1. The removal of the existing deck.
2. The construction includes: a front porch that wraps around the left side of the house to a back deck which connects to an enclosed screened in porch on the back right of house.

Construction materials for the decking and railings will be similar to Trex and GeoDeck. The decking will be brown and the railing and trim will be white, with the exception of the interior railings of the screened-in porch, which will be brown (see photo example). Trim on the porch will match existing trim on the house (which will be white when siding and trim are replaced – that application will be forthcoming in the spring). Shingles for the porches will match the shingles on the main structure of the house. Mesh screening will be used on the upper portion of the outside wall of screened-in porch at the triangle section near the peak of roof (see photo example).

See attached plat and photos. The final design will not be completed until the county has approved the special permit.

The current deck is 20 years old – and it is showing its age. The proposed improvements will greatly improve the house's aesthetics and are in keeping with many houses in Armfield Farm that currently have front porches and screened-in back porches – to include three on my street, Gladwyn Court.

Your consideration of this application is greatly appreciated. County approval takes a minimum of 90 days. Consequently, construction is not likely to commence until late spring – which will push completion well beyond your 120 day requirement. A waiver of this requirement is also requested.

RECEIVED
 Department of Planning & Zoning

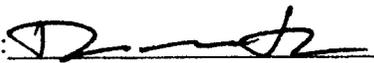
APR 07 2008

Zoning Evaluation Division

STEP 2: Planned Date of Installation: Spring 2007

STEP 3: Acknowledgment of Adjacent Property Owners

Note: The signatures contained below indicate an awareness of intent but do not constitute or indicate approval or disapproval of the change. Concerned neighbors may contact the ARB or Capitol Property Management to express their views

Signature:  Print Name: Daniel K. How

Address: 13601 Gladwyn Ct, Chantilly VA Phone: 703 437 5360

Signature: Acknowledged via email Print Name: Leslie Kiemer: Ann Kraft

Address: 13605 Gladwyn Ct. Chantilly, VA Phone: 703-435-4968

Signature: _____ Print Name: _____

Address: _____ Phone: _____

Signature: _____ Print Name: _____

Address: _____ Phone: _____

STEP 4: Owner's Acknowledgment

I understand that:

1. The building ordinances of Fairfax County may require the filing of plans with the County. Homeowners are solely responsible for complying with all County, State, and Federal ordinances and laws relating to the construction, installation, or modification of the change requested. Approval by the ARB does not constitute a waiver of any of these requirements.
2. This application shall be reviewed at the Boards monthly meeting. If a more expeditious review is required, the owner shall so indicate and include justification.
3. A copy of this application shall be returned upon completion of the review indicating approval or disapproval.
4. Construction and installation must be completed within 120 days of the date of approval by the Board.
5. In cases where there is disagreement with the Board determination, a written appeal may be submitted to the Board within ten days of receipt of the Board's decision.
6. I understand that no work on this request shall commence until written approval by the ARB has been received.

Homeowner Signature:  Date: 12/13/06

RECEIVED
Department of Planning & Zoning
APR 07 2008
Zoning Evaluation Division

STEP 5: Submit Application Form

Return this form by mail or fax to:

Capitol Property Management
3914 Centreville Rd. Suite 300
Chantilly, VA 20151
Tel: 703.707.6404 Fax: 703.707.6401

STEP 6: AFHOA ARB Review

- Approval as requested
- Approval subject to the following conditions/modifications (See comments)
- Disapproved for the following reasons (See comments)

Comments:

Conditional approval, contingent on County approval and submission of detailed plans to the ARB.

Charles A. Dutton 1/5/07
Chairman, Architectural Review Board Date

Office Use Only:

Date Received by Management: _____

Date Received by ARB: _____

Date Received from ARB: _____

Date Approval/Disapproval Letter Sent to Homeowner: _____

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TIMOTHY T. MURRAY & POLLY A. MURRAY, SP 2007-SU-024 Appl. under Sect(s). 8-922 of the Zoning Ordinance to permit reduction of certain yard requirements to permit construction of addition 5.0 ft. from one side lot line and 12.6 ft. from rear lot line and roofed deck 5.2 ft. from other side lot line. Located at 13603 Gladwyn Ct. on approx. 8,382 sq. ft. of land zoned R-5 . Sully District. Tax Map 34-4 ((10)) 161A. Ms. Gibb moved that the Board of Zoning Appeals adopt the following resolution:

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

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 15, 2007; and

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

1. The applicants are the owners of the land.
2. The motion is based on the applicant's testimony and the favorable staff report recommending approval.
3. The staff report is adopted, which stated that the applicant has met the required standards for a special permit under Sect. 8-922, which says that the applicant has met Standards 1 through 6.

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

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 8-922 of the Zoning Ordinance.

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

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the locations and sizes (enclosed deck 392 square feet; front porch 270.4 square feet; side porch 272 square feet; back porch 259.2 square feet and open rear deck 194.4 square feet for a total of 1,388 square feet) of additions, as shown on the plat prepared by Wachob & Wachob, Inc., dated November 20, 2006 as revised through February 26, 2007, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,193 square feet) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross

floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.

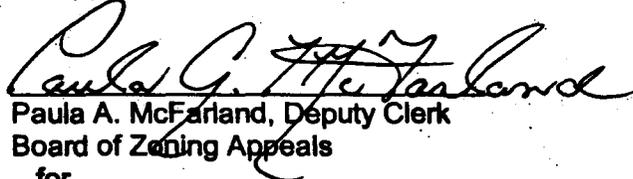
- 4. The addition and roofed deck shall be consistent with the architectural renderings and materials shown on Attachment 1 to these conditions except that the northeast corner shall be as shown on the plat.

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

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

Mr. Hart seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Hammack were absent from the meeting.

A Copy Teste:



Paula A. McFarland, Deputy Clerk
Board of Zoning Appeals
for

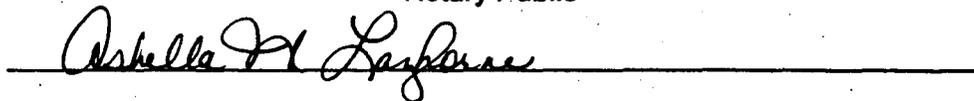
Shannon M. Keane, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

Commonwealth of Virginia
County of Fairfax

Subscribed before me this 24th day of May, 2007.

Notary Public



My commission expires on: June 30, 2008

Application for Special Permit

13603 Gladwyn Court, Chantilly, VA 20151

Overlay District: WS

* Tax Map: 034-4-10-0161-A

Proposed Rendering:

The following images are close approximations of the plans for the front porch, back deck, and screened enclosed porch. As indicated on the front page of this application, the color of the decking is brown and the railing is white. The bottom half of the walls of the enclosed porch will be open railings with screens, not solid as shown on these renderings. Also, please ignore the odd roof lines and the unattached columns – software issues.

Right Front View:

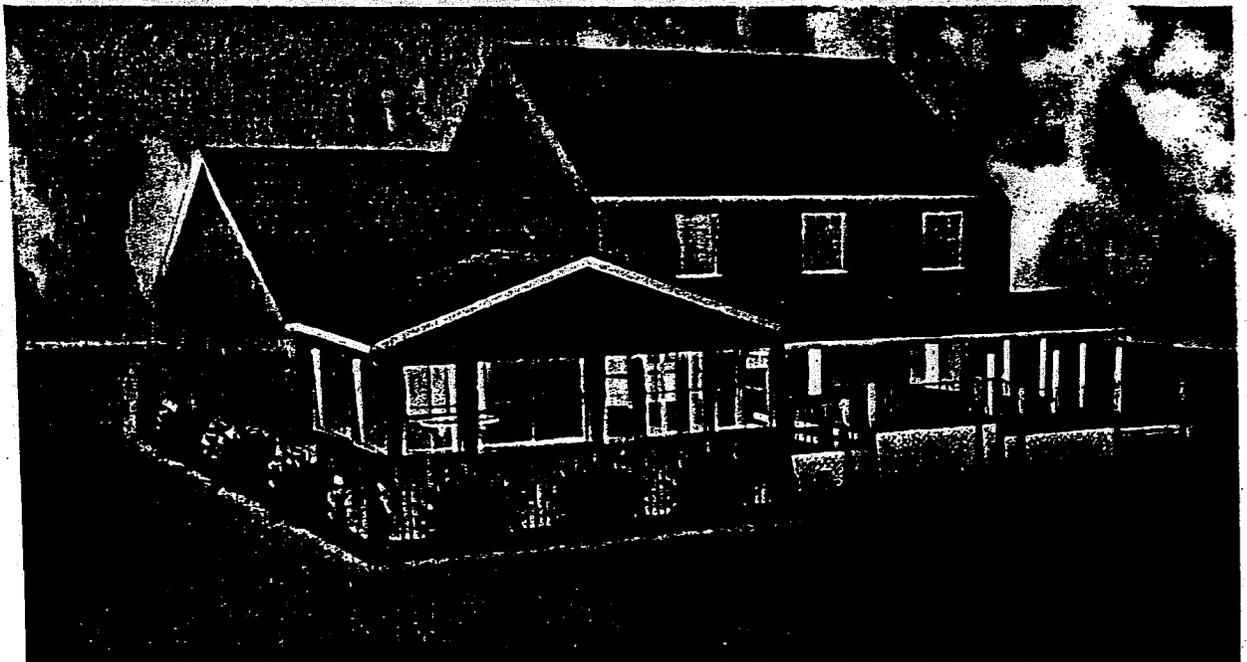
(railings and lattice below porch floor will be white)



Left Rear View:

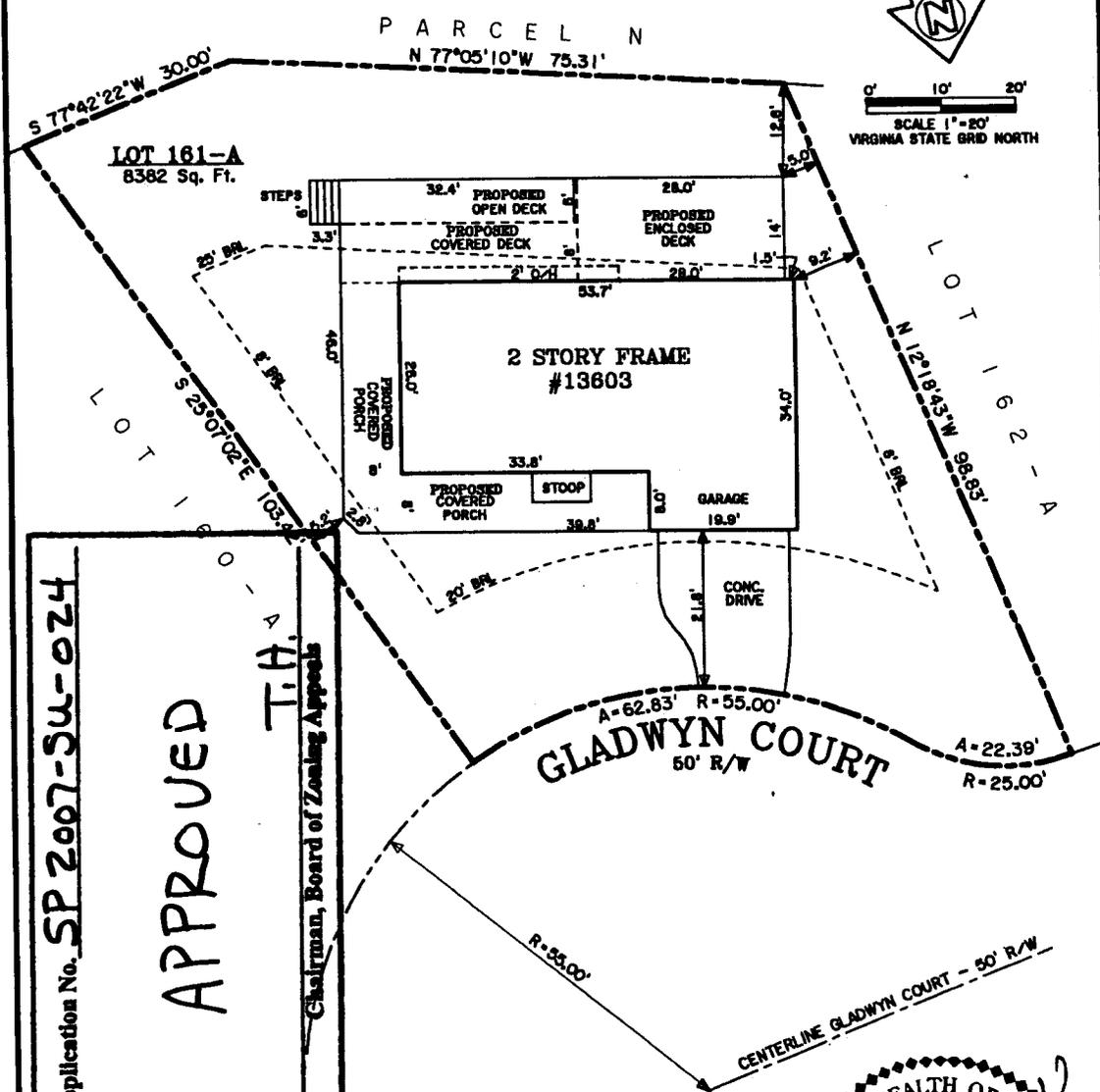


Right Rear View:
(lower portion of porch will have railings – not solid. White lattice below)



THE MURRAY RESIDENCE

H13603 GLADWYN COURT - LOT 161-A
 ARMFIELD FARMS - SECTION 4
 SULLY DISTRICT #2 - FAIRFAX COUNTY, VIRGINIA

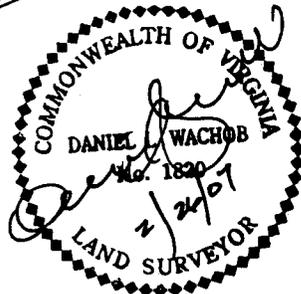


Application No. **SP 2007-SU-024**

APPROVED

T.H.A.
 Chairman, Board of Zoning Appeals

TAX MAP #054-4-10-0161A
 AREA = 8382 SQUARE FEET
 ZONING = R-5
 PUBLIC WATER
 PUBLIC SEWER
 HEIGHT OF EXISTING STRUCTURE = 29 FEET
 MINIMUM YARD: 8' SIDE, 20' FRONT, 25' REAR.
 THERE ARE NO UTILITY EASEMENTS WITHIN 25' OF PROPERTY
 THERE IS NO FLOODPLAIN DESIGNATED BY ANY AGENCY
 FOR THIS PROPERTY.



1st FLOOR ELEVATION AVERAGES 3.5' ABOVE LOT GRADE.

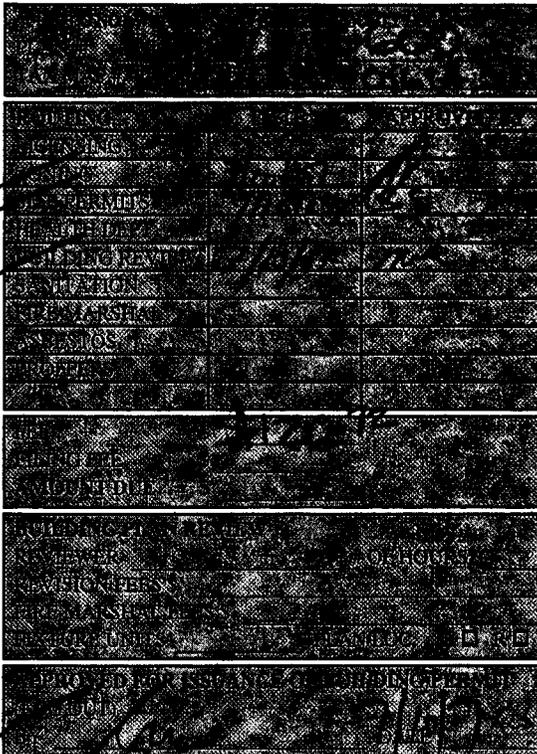
WACHOB & WACHOB, INC.	
PROFESSIONAL LAND SURVEYORS	
P.O. BOX 19378	719-676-3888
COLORADO CITY, COLORADO 81619	
SCALE: 1" = 20'	REV: 2/20/07
DATE: 11/20/06	
JN. MURRAY-06	SHEET 1 OF 1

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY GOVERNMENT
 PERMIT APPLICATION CENTER
 12055 Government Center Parkway, 2nd Floor
 Fairfax, Virginia 22035-5504
 Telephone: 703-222-0801
 Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 71910036

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
 OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/inspect/inspection_sched.asp



ZONING REVIEW
 USE SD
 ZONING DISTRICT R-5 HISTORICAL DISTRICT _____
 ZONING CASE # SP 2007 564 024
 GROSS FLOOR AREA OF TENANT SPACE _____

YARDS: GARAGE 1 2 3
 FRONT 20' OPTIONS YES NO
 FRONT _____ REMARKS btw lawn
 L SIDE 5.2 ground screen porch
 R SIDE 5 back porch
 REAR 12.6

REMARKS old screen porch + wrap
around porch (wood deck) w/ stairs + gate
back of stairs
14-501

height - screen porch - 14.7
height - wooden deck - 11'
height - ground deck 3.5'

NOTARIZATION (if required)
 State (or territory or district) of _____
 County (or city) of _____, to wit: I,

 Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
 Given under my hand this _____ day of _____, 20____.
 My commission expires the _____ day of _____, 20____.

 (Notary Signature)

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

JOB LOCATION
 ADDRESS 13603 GLADWIN CT
 LOT # 161-A BUILDING _____
 FLOOR _____ SUITE C64
 SUBDIVISION ARMFIELD FARMS
 TENANT'S NAME TIM MURRAY
 EMAIL KMCGORTY@VERIZON.NET
 CONTACT ID _____

OWNER INFORMATION OWNER TENANT
 NAME TIM MURRAY
 ADDRESS 13603 GLADWIN CT
 CITY FAIRFAX STATE VA ZIP _____
 TELEPHONE 703 925-9244
 EMAIL TIM.OTHYTMURRAY@COX.NET
 CONTACT ID _____

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

APPLICANT
 NAME KEVIN MCGORTY
 ADDRESS 13507 WILSTERIA WAY
 CITY FAIRFAX STATE VA ZIP 22033
 TELEPHONE 703 742 0592
 EMAIL KMCGORTY@VERIZON.NET
 CONTACT ID _____

DESCRIPTION OF WORK
WRAP AROUND PORCH, DECK,
SCREENED PORCH (14x32)
5' (2x3 1/2) (6x24) FRONT (SIDE)
26'8x14
 HOUSE TYPE SINGLE FAMILY
 ESTIMATED COST OF CONSTRUCTION \$29,000
 USE GROUP OF BUILDING _____
 TYPE OF CONSTRUCTION _____
 DESIGNATED MECHANICS' LIEN AGENT
 (Residential Construction Only)
 NAME _____
 ADDRESS _____
 NONE DESIGNATED PHONE _____

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

Kevin McGorty 7-10-07
 Signature of Owner or Agent Date
KEVIN MCGORTY
 Printed Name and Title

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

THE MURRAY RESIDENCE

H13603 GLADWYN COURT - LOT 161-A

ARMFIELD FARMS - SECTION 4

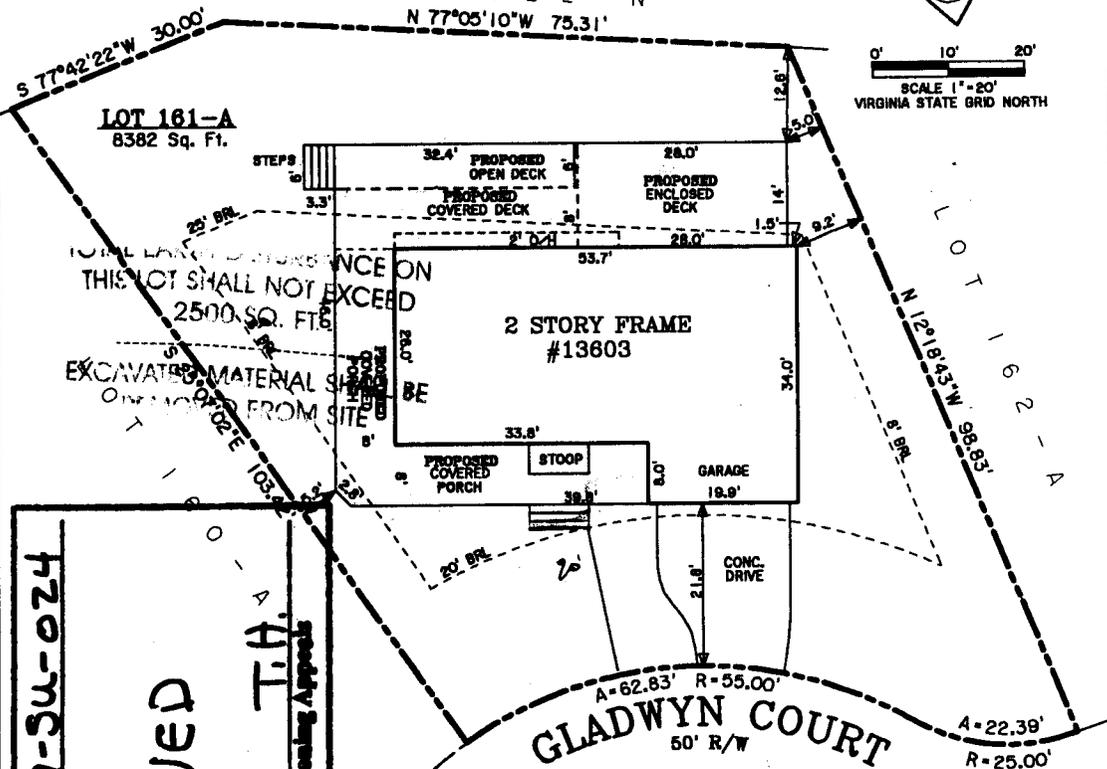
SULLY DISTRICT #2 - FAIRFAX COUNTY, VIRGINIA

FOOTINGS AND PIERS MUST BE PLACED ON COMPETENT MATERIAL

PARCEL N

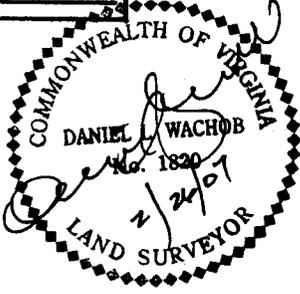


SCALE 1" = 20'
VIRGINIA STATE GRID NORTH



Application No. SP 2007-Su-024
APPROVED
 T.H.A.
 Chairman, Board of Zoning Appeals

DPW&S
 LAND DEVELOPMENT SERVICES
 SITE PERMITS & ADDRESSING CENTER
 APPROVED FOR
R-55, conc. wrap porch + Deck
 BY SS
 DATE 7/10/07



TAX MAP #034-4-10-0161A
 AREA = 8382 SQUARE FEET
 ZONING = R-5
 PUBLIC WATER
 PUBLIC SEWER
 HEIGHT OF EXISTING STRUCTURE = 29 FEET
 MINIMUM YARD: 8' SIDE, 20' FRONT, 25' REAR.
 THERE ARE NO UTILITY EASEMENTS WITHIN 25' OF PROPERTY
 THERE IS NO FLOODPLAIN DESIGNATED BY ANY AGENCY FOR THIS PROPERTY.

1st FLOOR ELEVATION AVERAGES 3.5' ABOVE LOT GRADE.

WACHOB & WACHOB, INC.	
PROFESSIONAL LAND SURVEYORS	
P.O. BOX 18378	719-878-3666
COLORADO CITY, COLORADO 81019	
SCALE: 1" = 20'	REV: 2/20/07
DATE: 11/20/06	
JN. MURRAY-06	SHEET 1 OF 1

AMEND 71910036

BUILDING PERMIT APPLICATION
FAIRFAX COUNTY GOVERNMENT
PERMIT APPLICATION CENTER
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035-5504
Telephone: 703-222-0801
Web site: <http://www.fairfaxcounty.gov/dpwes>

PERMIT # 72070058
FOR INSPECTIONS CALL 703-222-0455 (see back for more information)
OR VISIT US ON THE WEB AT
http://www.fairfaxcounty.gov/dpwes/inspection_sched.asp

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

JOB LOCATION
ADDRESS 13603 GLADWYN CT
LOT # _____ BUILDING _____
FLOOR _____ SUITE _____
SUBDIVISION ARMFIELD FARMS
TENANT'S NAME TIM MURRAY
EMAIL _____
CONTACT ID _____

OWNER INFORMATION OWNER TENANT
NAME TIM MURRAY
ADDRESS 13603 GLADWYN CT.
CITY CHANTILLY STATE VA ZIP _____
TELEPHONE _____
EMAIL _____
CONTACT ID _____

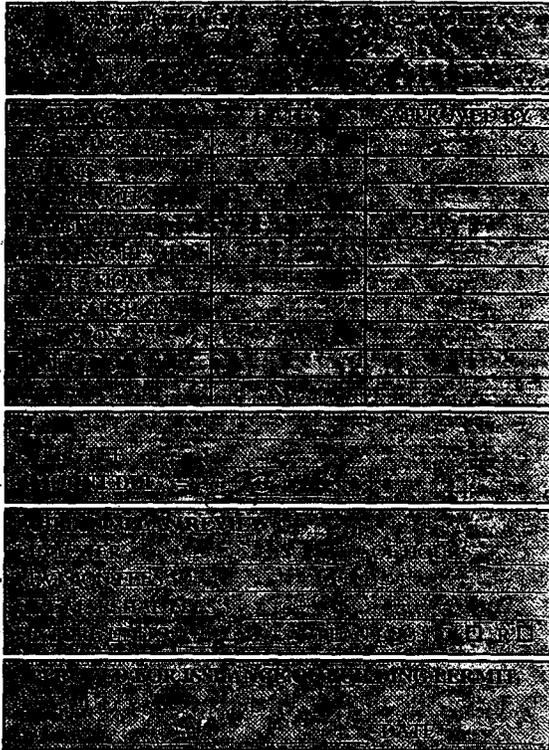
CONTRACTOR INFORMATION SAME AS OWNER
CONTRACTORS MUST PROVIDE THE FOLLOWING:
COMPANY NAME _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
TELEPHONE _____
EMAIL _____
STATE CONTRACTORS LICENSE # _____
COUNTY BPOL # _____
CONTACT ID _____

APPLICANT
NAME KEVIN MCCORTY
ADDRESS 13507 WISTERIA WAY
CITY FAIRFAX STATE VA ZIP 22033
TELEPHONE 703 742-0592
EMAIL KMCCORTY@VERIZON.NET
CONTACT ID _____

DESCRIPTION OF WORK
CHANGE DECK/PORCH PLANS

HOUSE TYPE SINGLE FAMILY
ESTIMATED COST OF CONSTRUCTION 15,000
USE GROUP OF BUILDING _____
TYPE OF CONSTRUCTION _____

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



ZONING REVIEW
USE SFD
ZONING DISTRICT R-5 HISTORICAL DISTRICT _____
ZONING CASE # SP 2007-54-024
GROSS FLOOR AREA OF TENANT SPACE _____

YARDS: GARAGE 1 2 3
FRONT _____ OPTIONS YES NO
FRONT _____ REMARKS Amend 71910036
L SIDE _____ Changing plans for deck
R SIDE _____ and porch.
REAR _____

REMARKS
Needs to get approval from ZED first.

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

 7-26-07
Signature of Owner or Agent Date

KEVIN F. MCCORTY
Printed Name and Title
(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

NOTARIZATION (if required)
State (or territory or district) of _____
County (or city) of _____, to wit: I, _____
Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit.
Given under my hand this _____ day of _____, 20_____.
My commission expires the _____ day of _____, 20_____.

(Notary Signature)



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

November 7, 2007

Timothy T. Murray and
Polly A. Murray
13603 Gladwyn Court
Chantilly, Virginia 20151

Re: Interpretation for SP 2007-SU-024, Tax Map 34-4 ((10)) 161A, SPI 0708 031

Dear Mr. and Mrs. Murray:

This is in response to your letter of July 27, 2007, (attached) requesting an interpretation of the Special Permit (SP) plat and development conditions approved by the Board of Zoning Appeals in conjunction with SP 2007-SU-024. As I understand it, the question is whether proposed modifications to the approved porch and deck would be in substantial conformance with the SP plat and development conditions. This determination is based on the exhibit attached to your letter, entitled "The Murray Residence, #13603 Gladwyn Court- Lot 161A," prepared by Wachob & Wachob, Inc., which is stamped approved by the Chairman of the Board of Zoning Appeals and DPWES, and date stamped by Land Surveyor Daniel Wachob on 2/26/07, and which is annotated and highlighted with your proposed changes.

You state that the proposed changes to your porch/deck include the following: steps to the front porch that were inadvertently left off the original SP plat have been added, the right rear corner of the deck has been reduced in dimension, a portion of the open deck area to the rear has been removed, the width of the wrap around deck has been reduced along the left side of the house, and the steps on the left rear of the porch would be replaced with an additional 2 foot by 10 foot portion of decking. Development Condition 2 states, in part: *"This special permit is approved for the locations and sizes (enclosed deck 392 square feet; front porch 270.4 square feet; side porch 272 square feet; back porch 259.2 square feet and open rear deck 194.4 square feet for a total of 1,388 square feet) of additions, as shown on the plat..."*

Although the net change you are requesting results in a total reduction of square footage of the porch and deck, and a lessening of encroachment into the side and rear yards, there are portions of the deck which would now exceed the specific dimensions outlined in Development Condition 2. It is my determination, therefore, that the proposed modifications to your approved porch and deck would not be in substantial conformance with the SP plat and development conditions. In order to allow the proposed changes, the submission and approval of a Special Permit Amendment application to the Board of Zoning Appeals would be required.

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

Mr. Timothy T. Murray
Page 2

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding these requirements, please feel free to contact Cathy Belgin at (703) 324-1290.

Sincerely,



Regina Coyle, Director
Zoning Evaluation Division, DPZ

RCC/O:\CBELG\SPI SP 2007-SU-024 MURRAY.DOC

Attachments: A/S

cc: Members, Board of Zoning Appeals
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Plan Control, Land Development Services, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: SP 2007-SU-024, SPI 0708 031, Imaging, Reading File

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.