



APPLICATION ACCEPTED: November 20, 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 APPLICATION No. SP 2008-DR-102

DRAINESVILLE DISTRICT

APPLICANT & OWNER: Carole S. Jackson, Trustee

ZONING: R-4 & SC

LOCATION: 6817 Tennyson Drive

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 30-4 ((3)) 14

LOT SIZE: 12,500 Sq. Feet

SP PROPOSAL: Reduction of certain yard requirements to permit construction of addition 5 feet from the side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2008-DR-102 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.

O:\Scaff2\Case Files\Special Permits\SP 2008-DR-102 CAROLE JACKSON\jackson_Cover.doc

Shannon Caffee

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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/



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

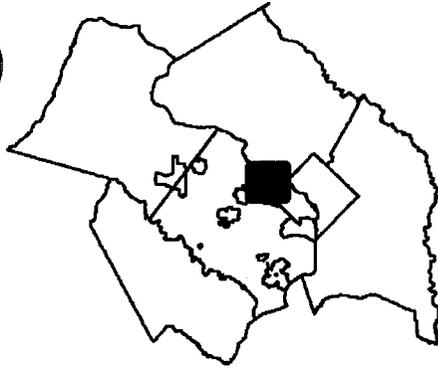
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



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

Special Permit
SP 2008-DR-102

Applicant: CAROLE S. JACKSON, TRUSTEE
Accepted: 11/20/2008
Proposed: REDUCTION OF CERTAIN YARD REQUIREMENTS
TO PERMIT ADDITION 5.0 FEET FROM SIDE
LOT LINE



Area: 12,500 SF OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 08-922

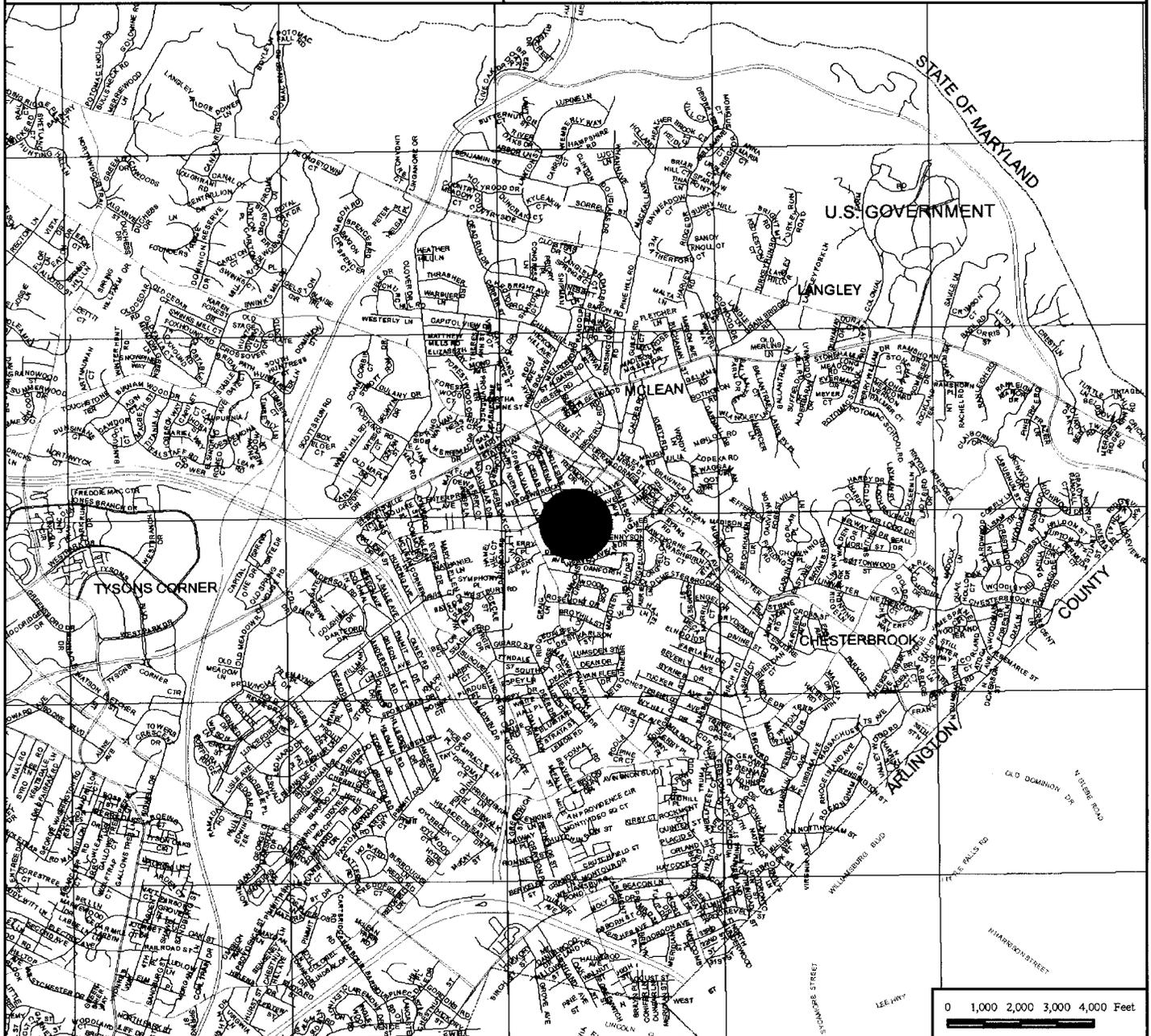
Art 8 Group and Use: 9-21

Located: 6817 TENNYSON DRIVE

Zoning: R- 4

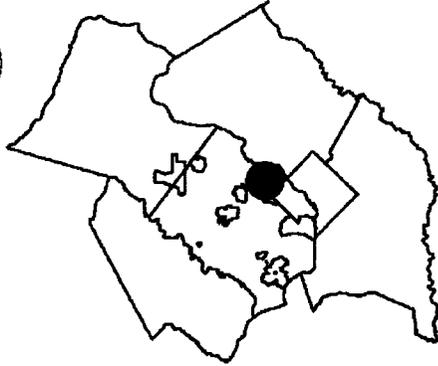
Overlay Dist: SC

Map Ref Num: 030-4- /03/ /0014



Special Permit
SP 2008-DR-102

Applicant: CAROLE S. JACKSON, TRUSTEE
Accepted: 11/20/2008
Proposed: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 5.0 FEET FROM SIDE LOT LINE



Area: 12,500 SF OF LAND; DISTRICT - DRANESVILLE

Zoning Dist Sect: 08-922

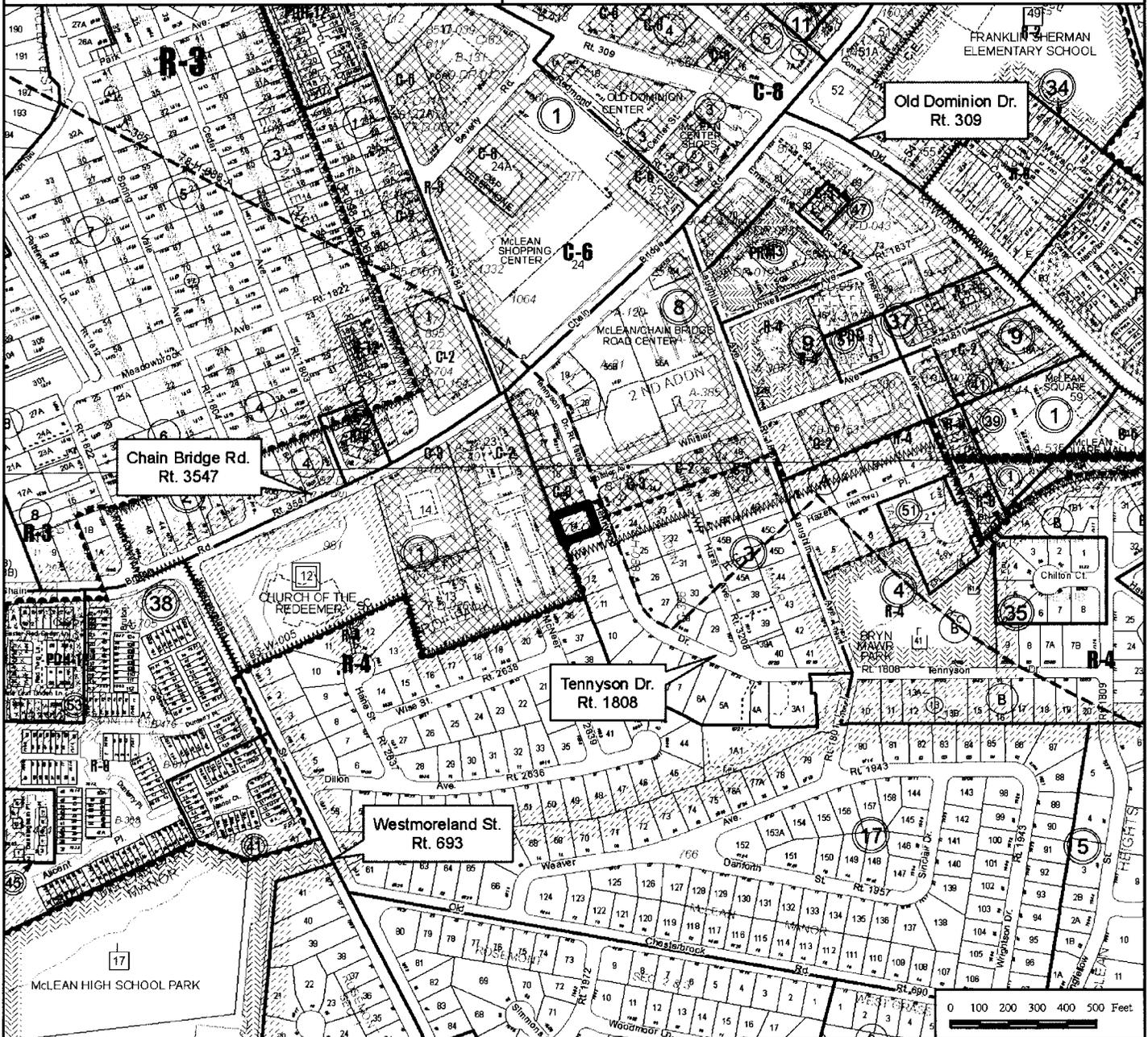
Art 8 Group and Use: 9-21

Located: 6817 TENNYSON DRIVE

Zoning: R- 4

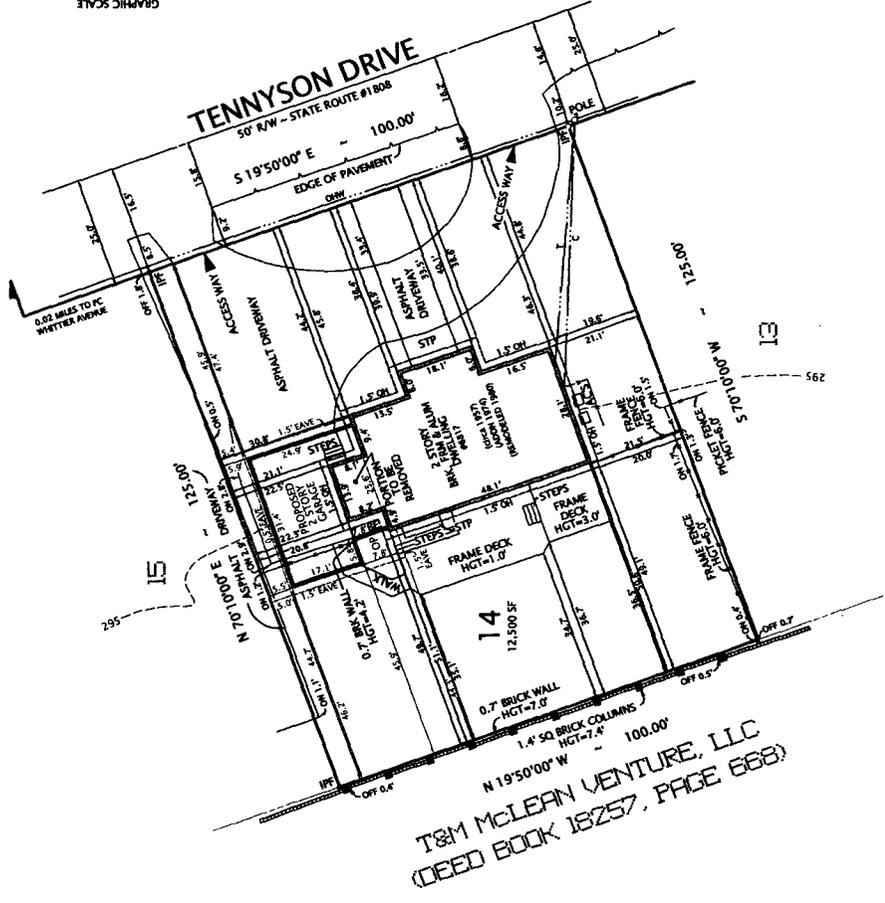
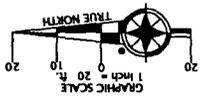
Overlay Dist: SC

Map Ref Num: 030-4- /03/ /0014



NOTES

1. TAX MAP: 30-4-03-0014
2. ZONE: R-4 (RESIDENTIAL 4 DU/AC)
3. LOT AREA: 12,500 SQUARE FEET
4. REQUIRED YARDS:
 - FRONT: 30.0 FEET
 - SIDE: 10.0 FEET
 - REAR: 25.0 FEET
5. HEIGHTS:
 - DWELLING: 20.8 FEET
 - PROPOSED GARAGE: 17.3 FEET
 - PROPOSED OPEN PORCH: 9.0 FEET
 - WALL HEIGHTS: AS NOTED
 - DECKS: AS NOTED
 - FENCES: AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAN ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. EXISTING AREAS:
 - BASEMENT = 1352 SF
 - FIRST FLOOR = 1573 SF
 - PROP 2 STY GARAGE = 1474 SF
 - EXISTING GROSS FLOOR AREA = 4277 SF
 - EXISTING FLOOR AREA RATIO EX GFA (4277) / LOT AREA (12,500) = 0.34
- PROPOSED AREAS:
 - BASEMENT = 1352 SF
 - FIRST FLOOR = 1460 SF
 - PROP 2 STY GARAGE = 1474 SF
 - SECOND FLOOR = 1352 SF
 - PROPOSED GROSS FLOOR AREA = 5638 SF
 - PROPOSED FLOOR AREA RATIO PROP GFA (5638) / LOT AREA (12,500) = 0.45
- FRONT YARD TOTAL SPACE = 3,840 SF
- IMPERVIOUS COVER = 2,223 SF
- PERCENTAGE OPEN SPACE = 0.42



T&M McLEAN VENTURE, LLC
 (DEED BOOK 18257, PAGE 668)

PLAT
 SHOWING THE IMPROVEMENTS ON
 LOT 14

SECOND ADDITION
BRYN MAWR
 (DEED BOOK 581, PAGE 319)
 FAIRFAX COUNTY, VIRGINIA
 DRANESVILLE DISTRICT
 NOVEMBER 30, 2007
 SCALE: 1" = 20'
 OCTOBER 08, 2008 (PROP GARAGE)

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY DETERMINED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THE DATE.

THIS PLAN IS SUBJECT TO ALL CITY, COUNTY AND STATE REGULATIONS AND ORDINANCES AND TO ALL ORDINANCES AND ORDINANCES OF RECORD.

A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.

CASE NAME: MIKE MAWRCOU

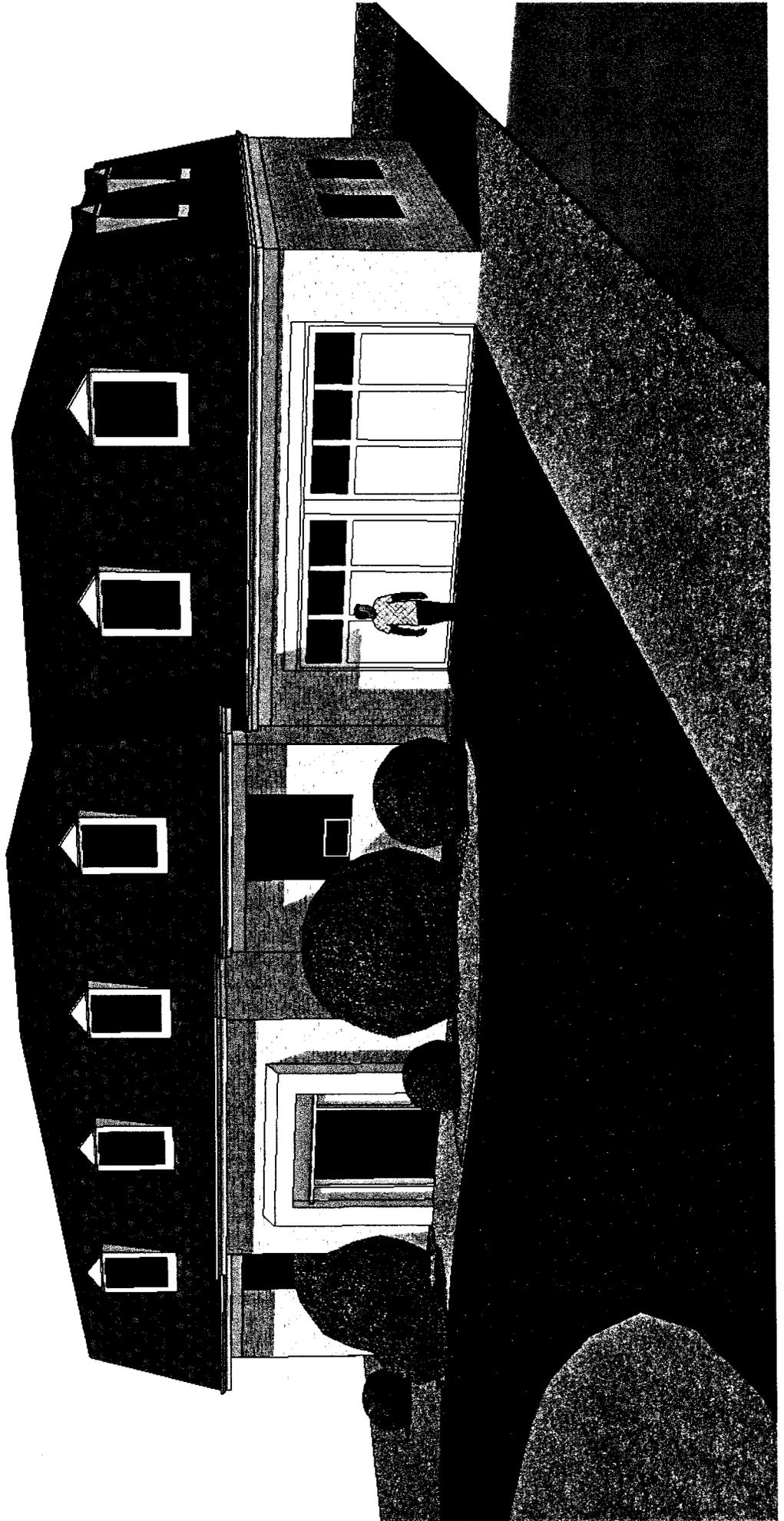
DOMINION SURVEYING, INC.
 8808-H PEAR TREE VILLAGE COURT
 ALEXANDRIA, VIRGINIA 22309
 703.819.4833
 FAX: 703.799-8612

COMMONWEALTH OF VIRGINIA
 11/30/2007
 GEORGE M. O'QUINN
 LICENSE NO. 2009

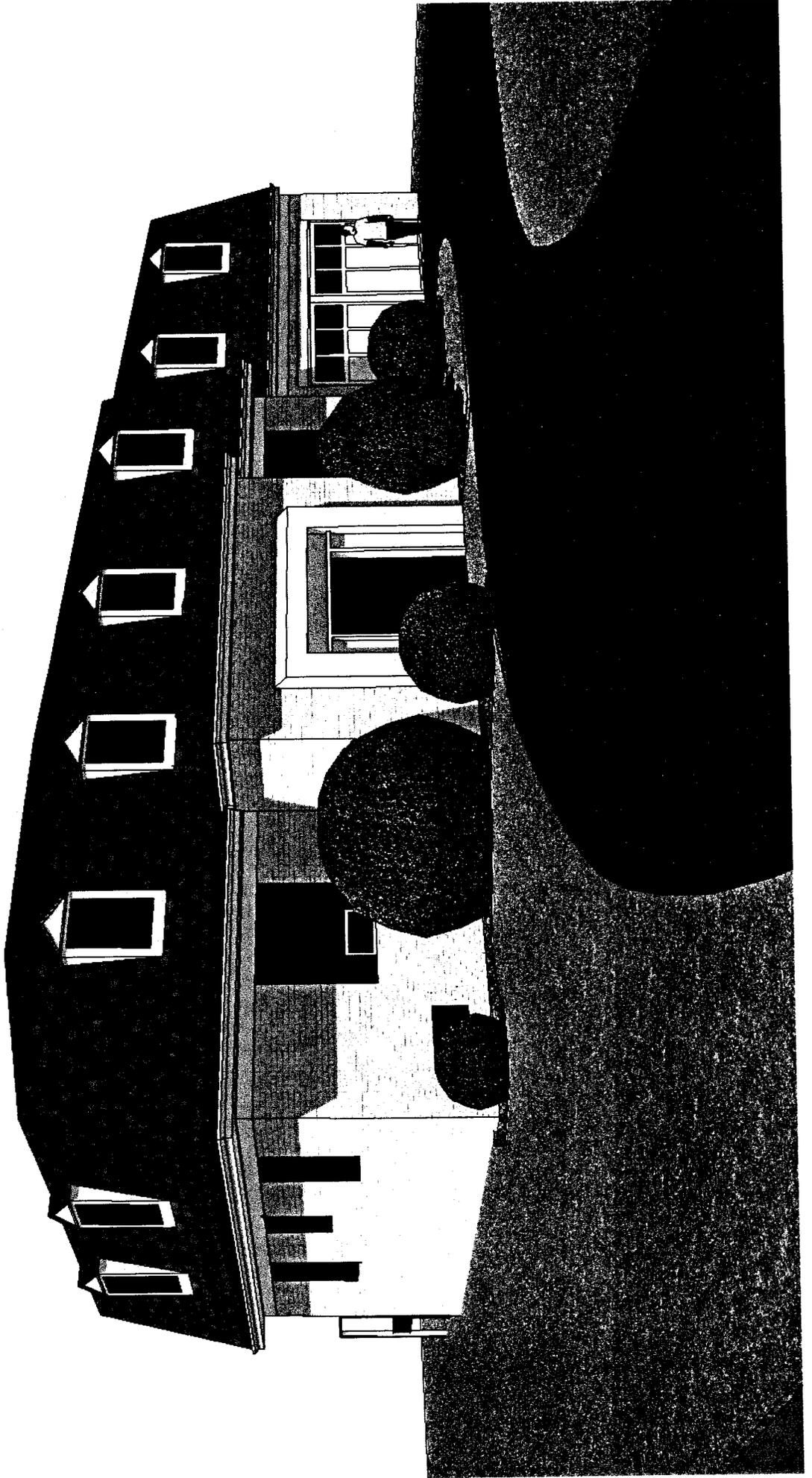
George M. O'Quinn



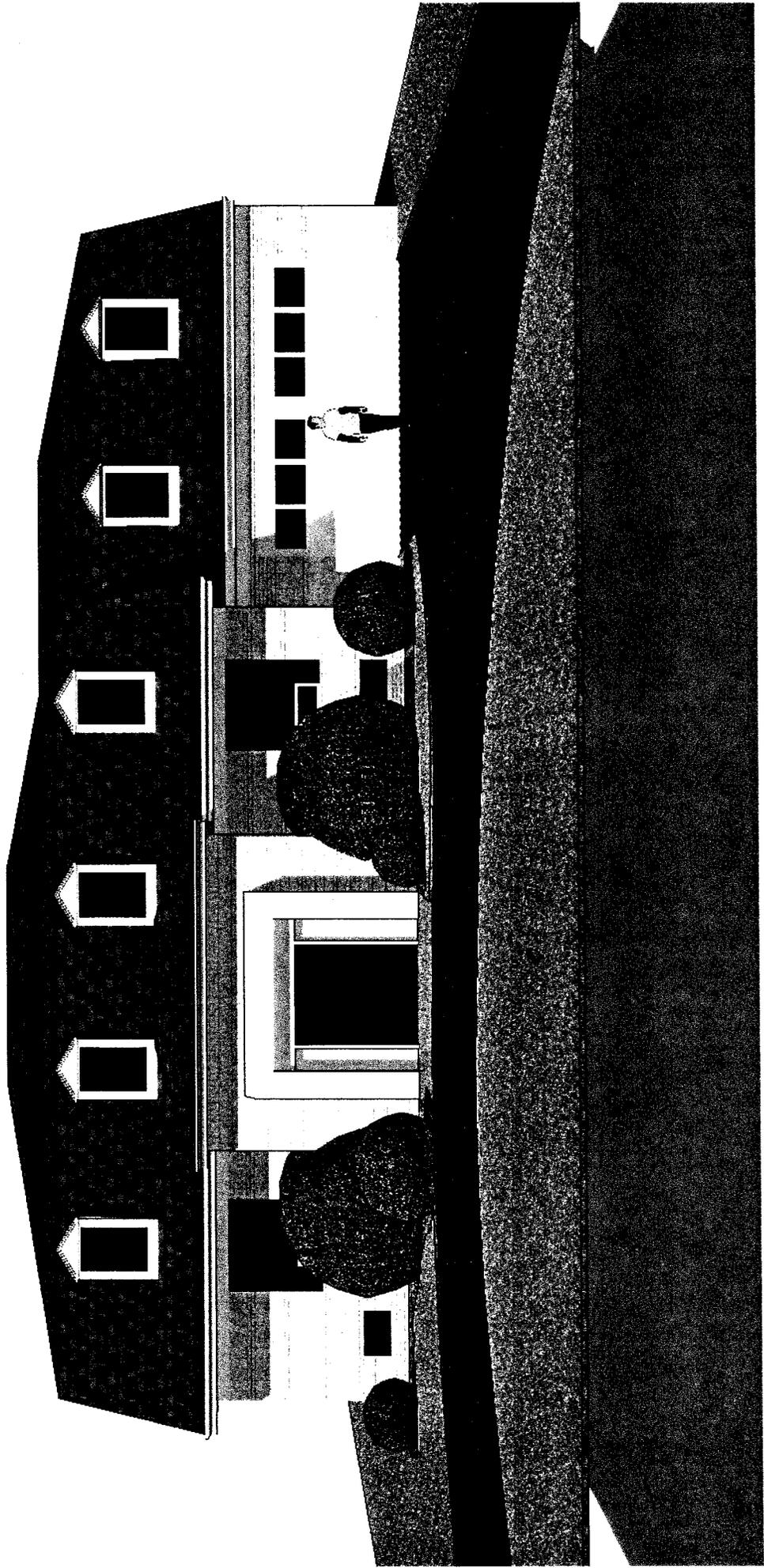
NOTE: ELECTRIC SERVICE IS UNDERGROUND.



FRONT PERSPECTIVE

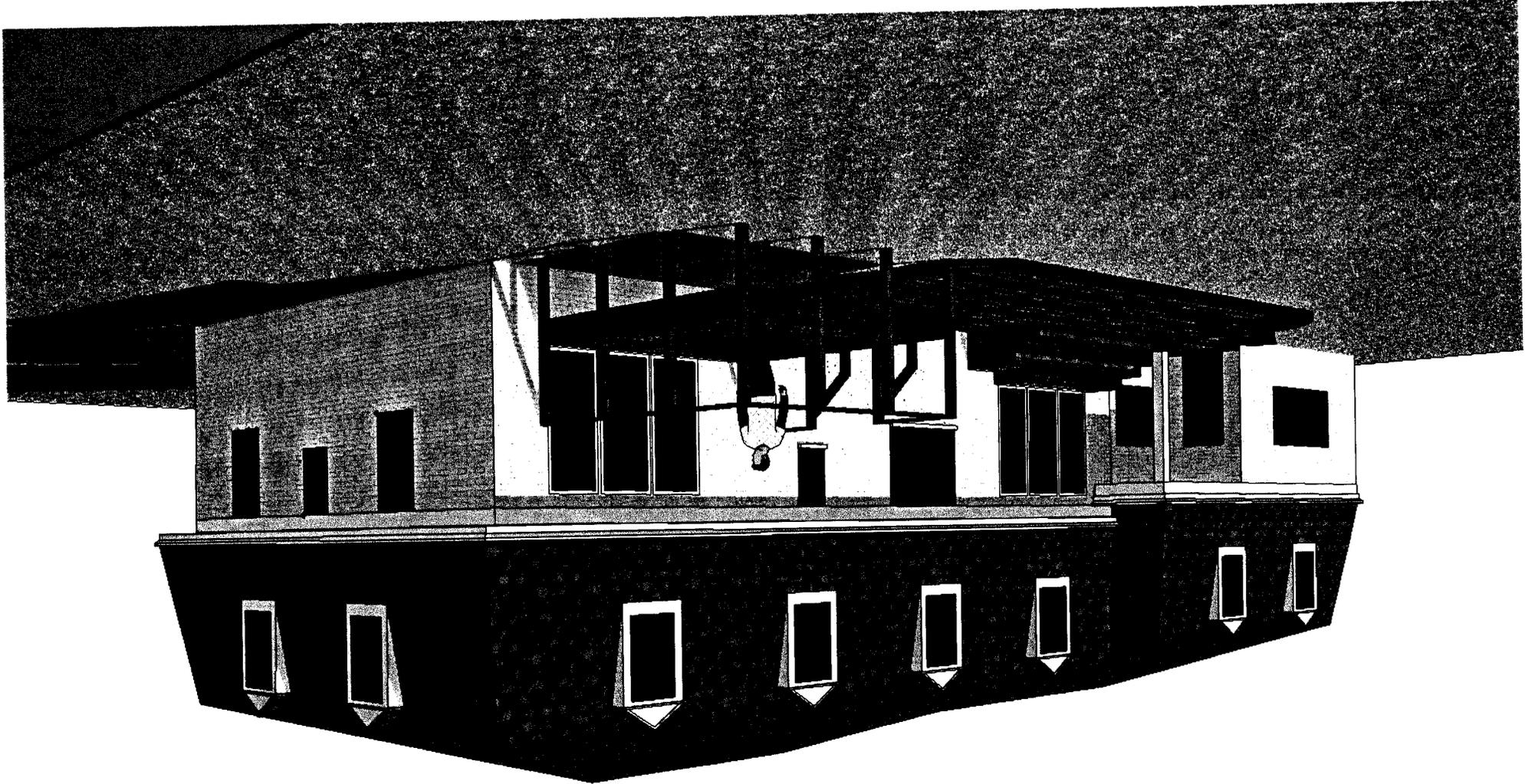


FRONT PERSPECTIVE

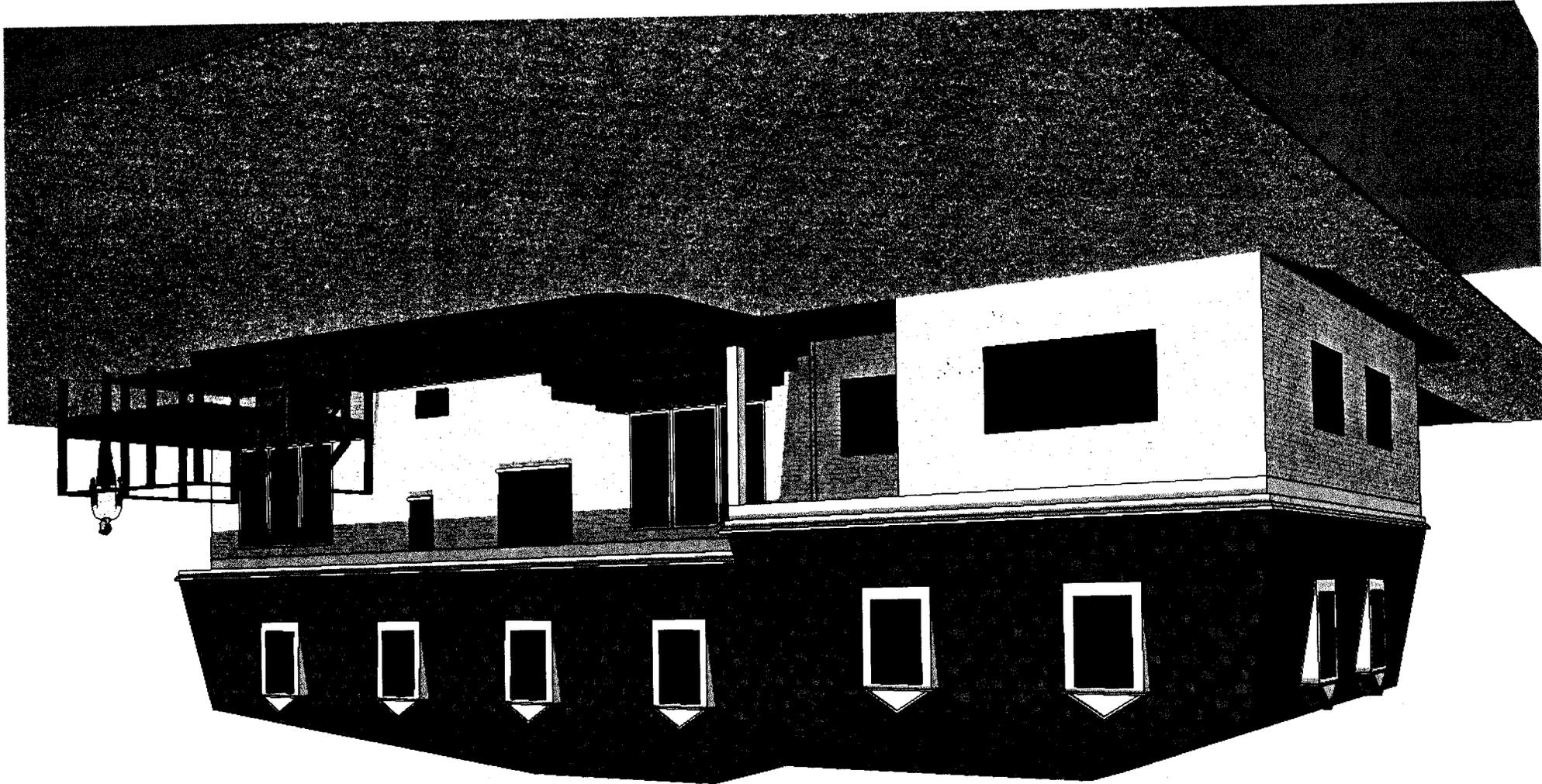


FRONT VIEW

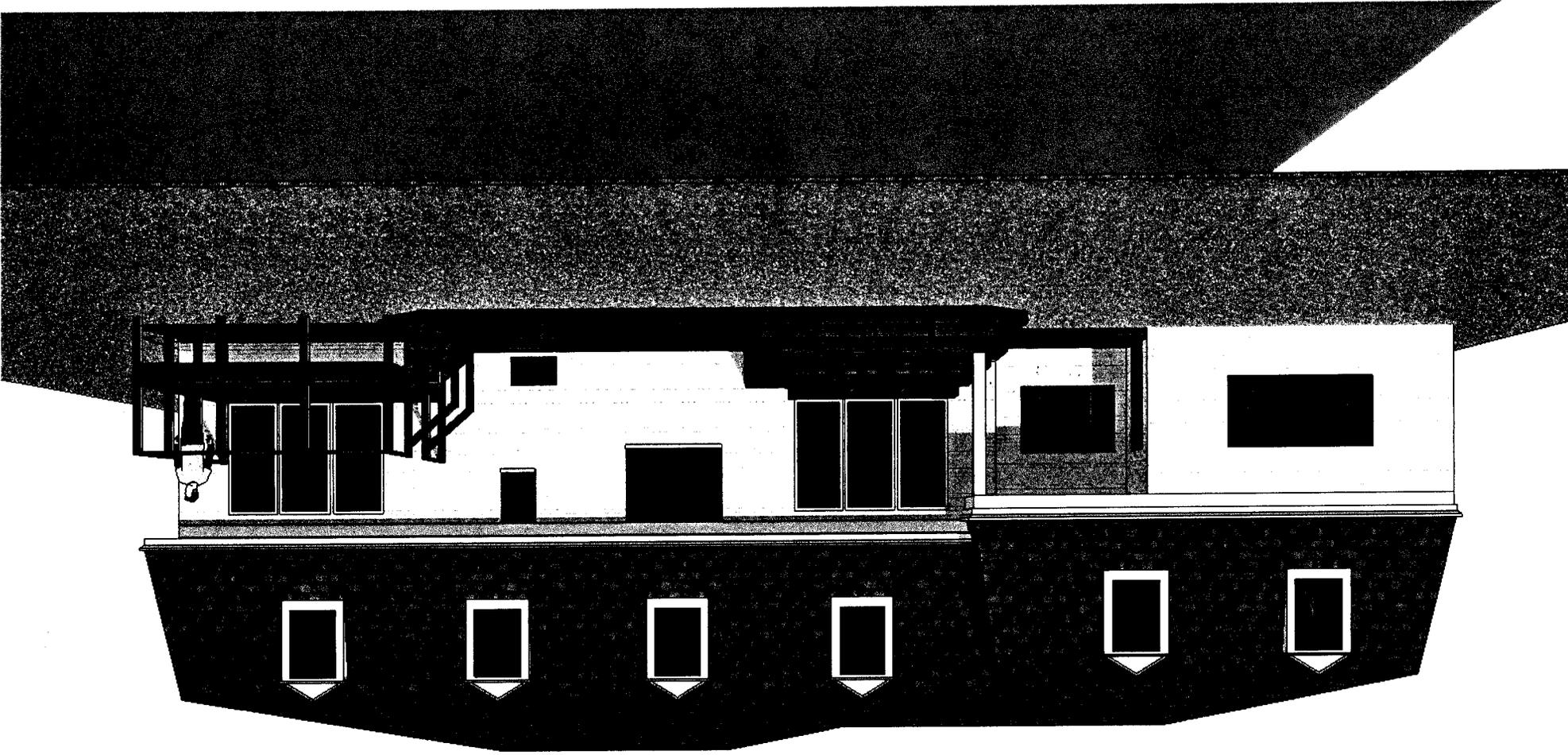
REAR PERSPECTIVE



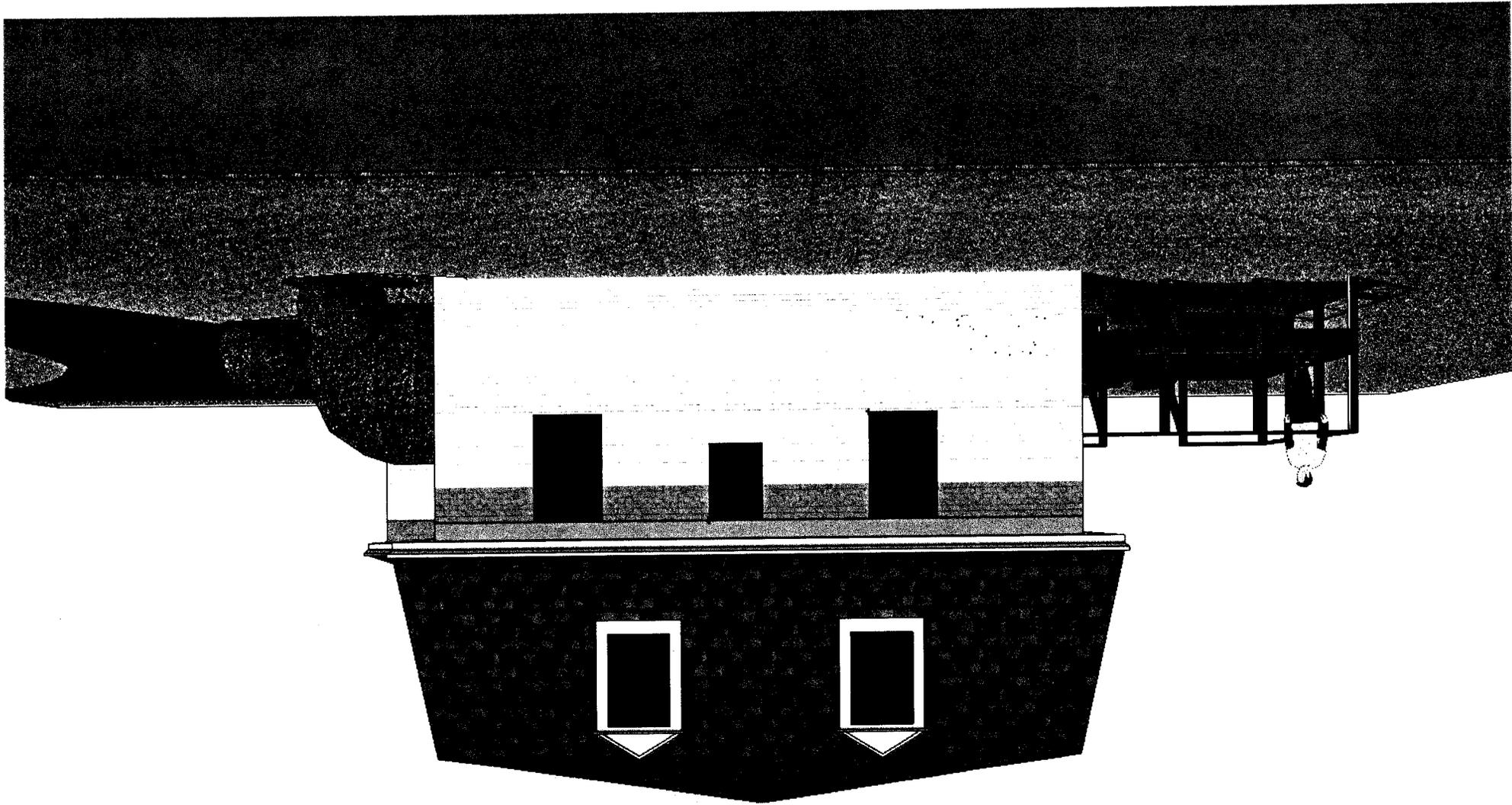
REAR PERSPECTIVE



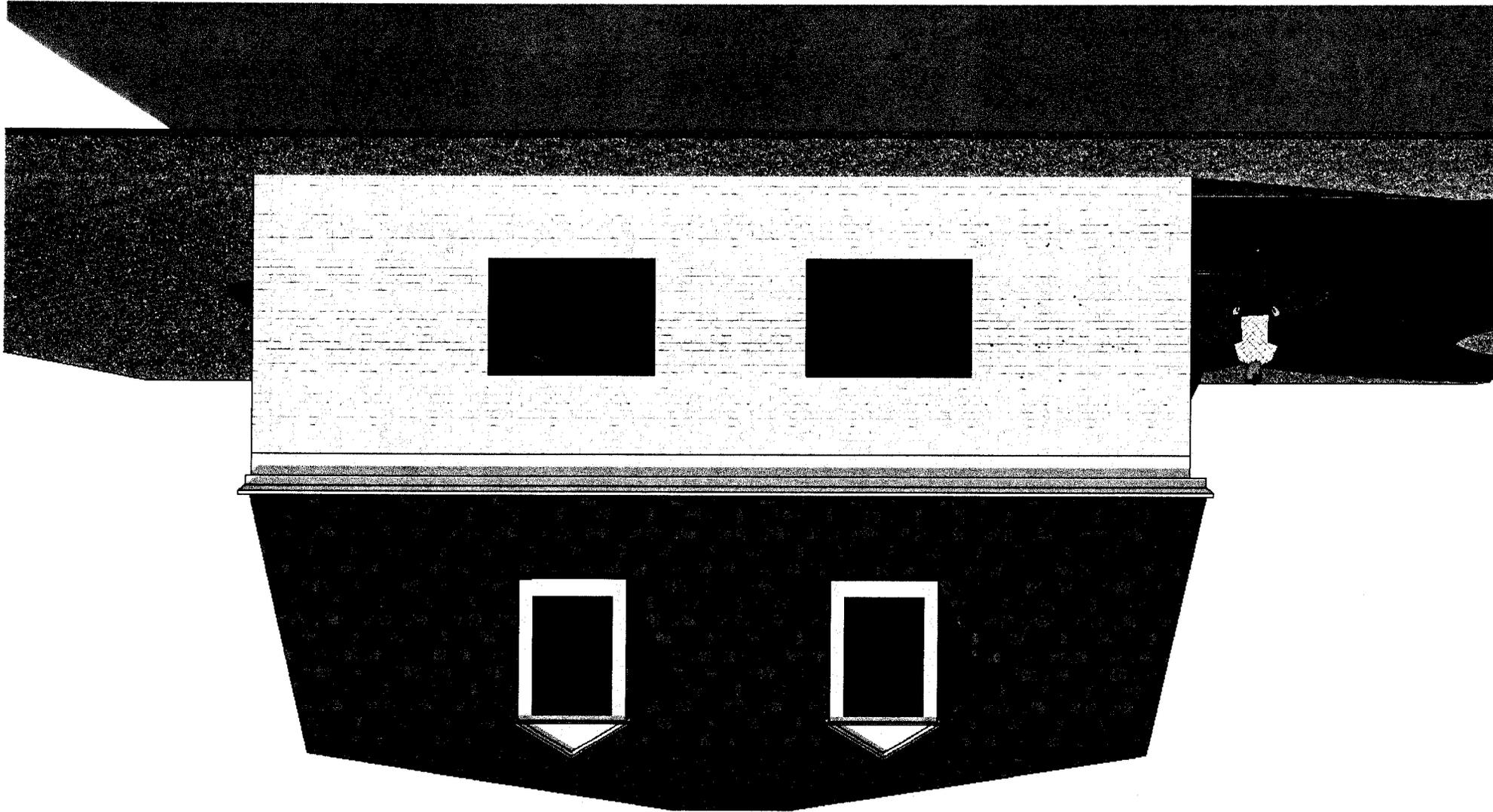
REAR VIEW



EXISTING SIDE VIEW



GARAGE SIDE VIEW



LARGER PHOTOS

Carde S. Jackson

6817 Tennyson Dr.

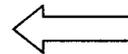
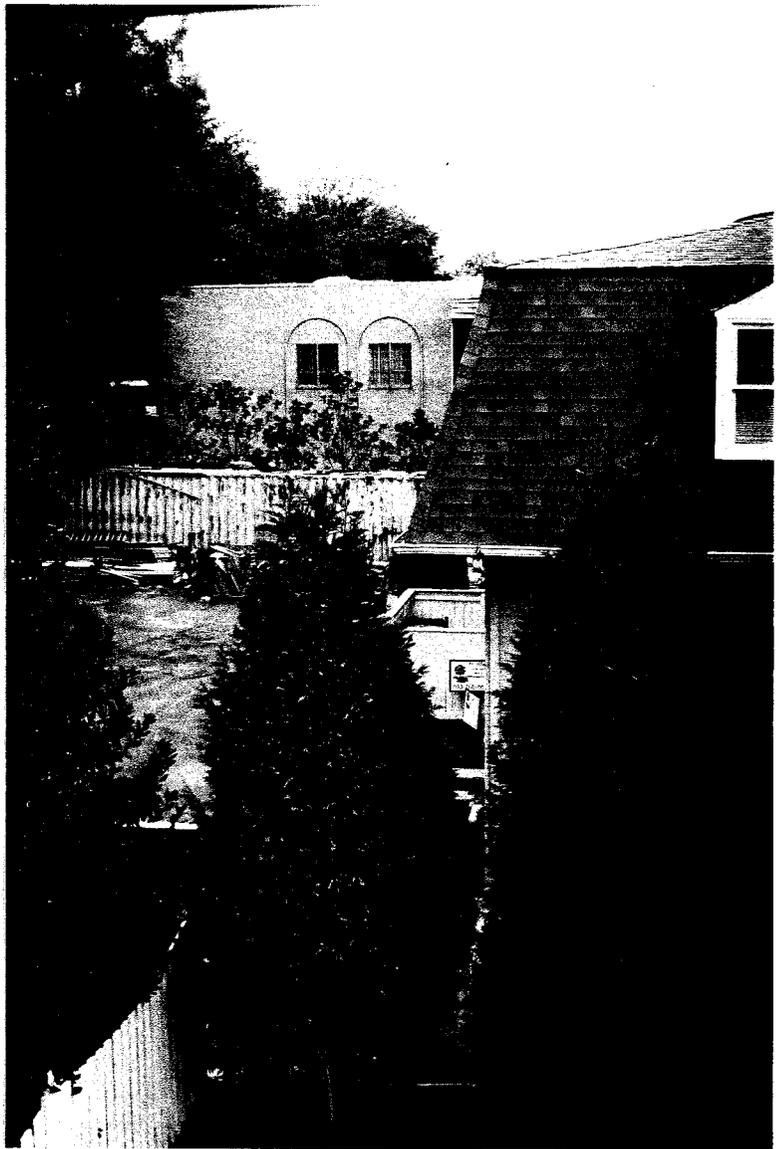
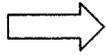
McLean VA 22101

703-821-2344

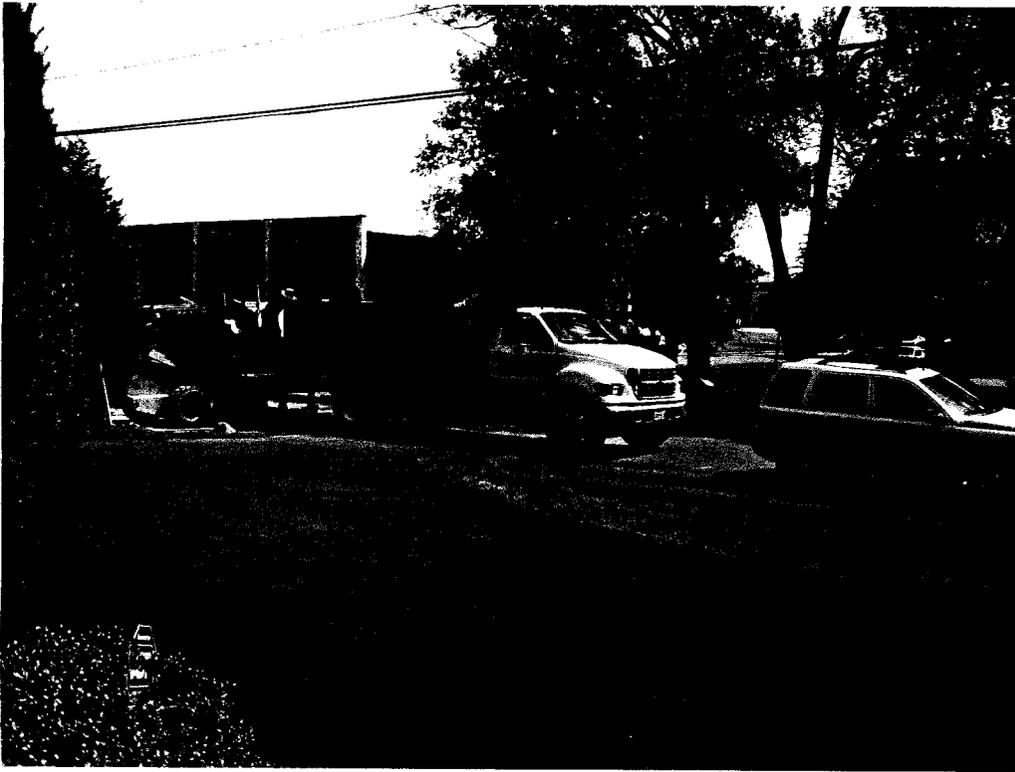
703-628-9222 mobile

CarcoBr@aol.com

View of commercial property
rear parking lot as seen
from upstairs bedrooms of
Subject Property



The upstairs offices
of the Commercial
Property look directly
into the upstairs
bedrooms on north
side of Subject
Property. An attached
garage would provide
privacy.



Front yard and circular driveway of Subject Property. Large trucks go in and out of Commercial Property (McHale Landscape) driveway during the work day.



Front yard of Commercial Property. Subject Property is adjacent on the south side.

There is a need for greater definition between the commercial zone and Subject Property, which is the first residential house on the west side of Tennyson Drive, McLean.

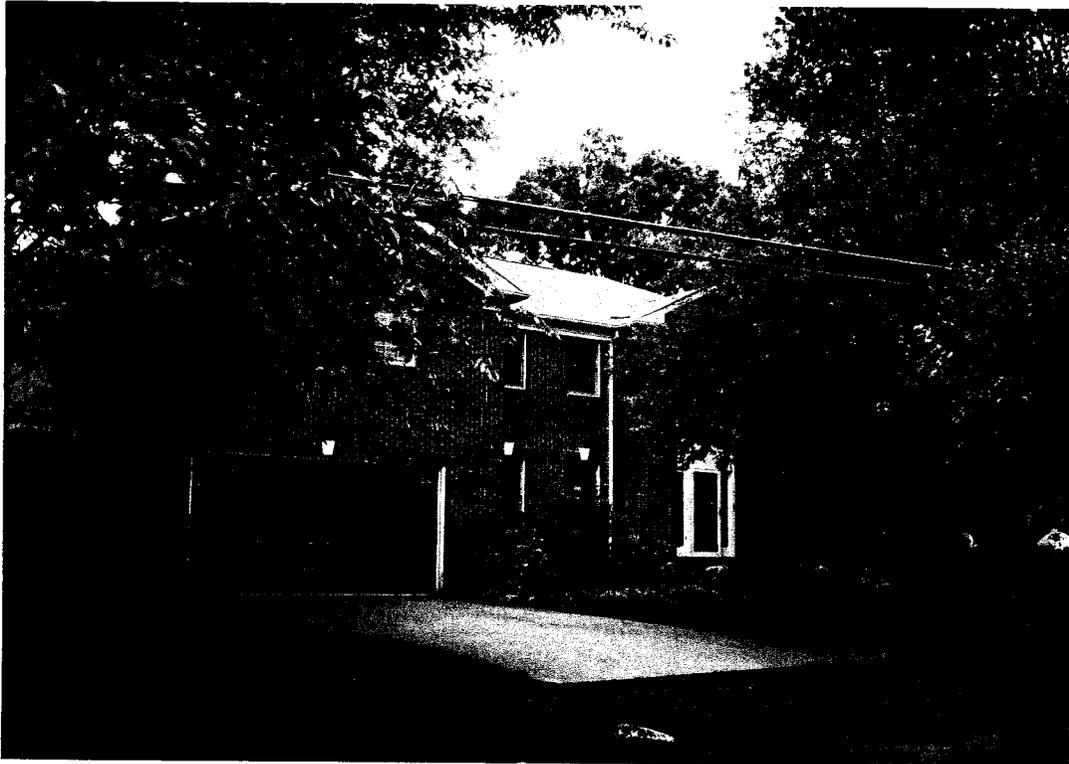


Vulnerable entrances to the house.

Door 1

Door 2

**6817 Tennyson Dr.
Subject Property**



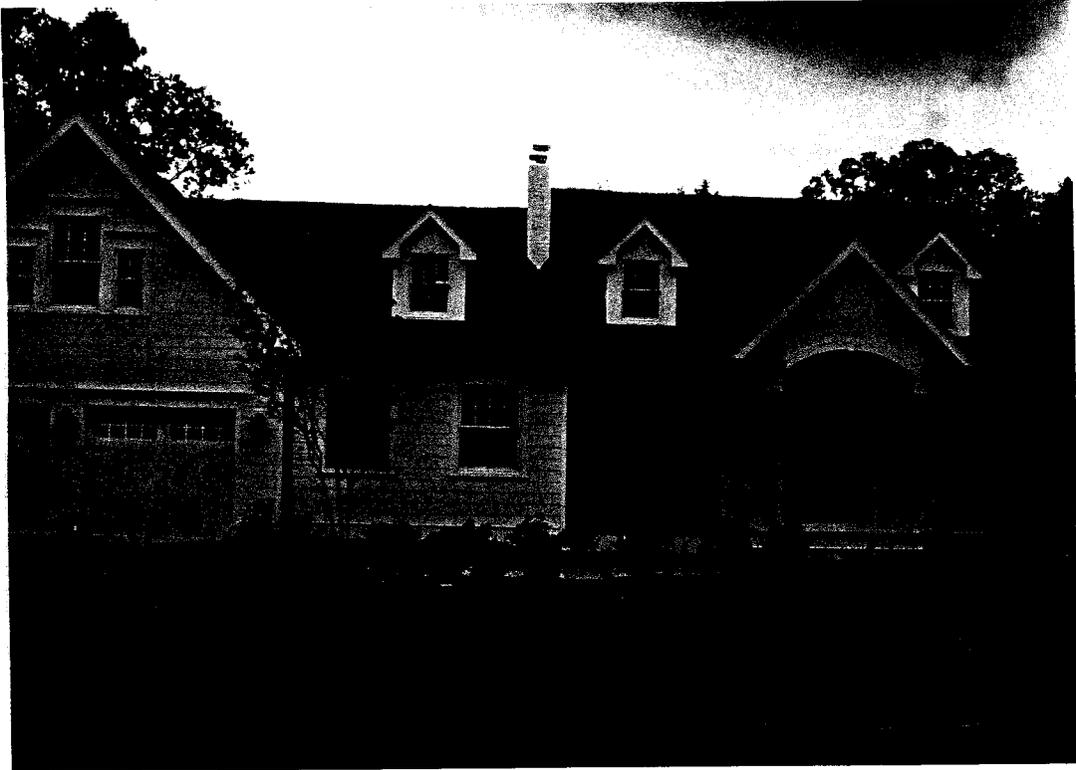
**6815 Tennyson Dr.
tear-down/ built new in approx 1995**



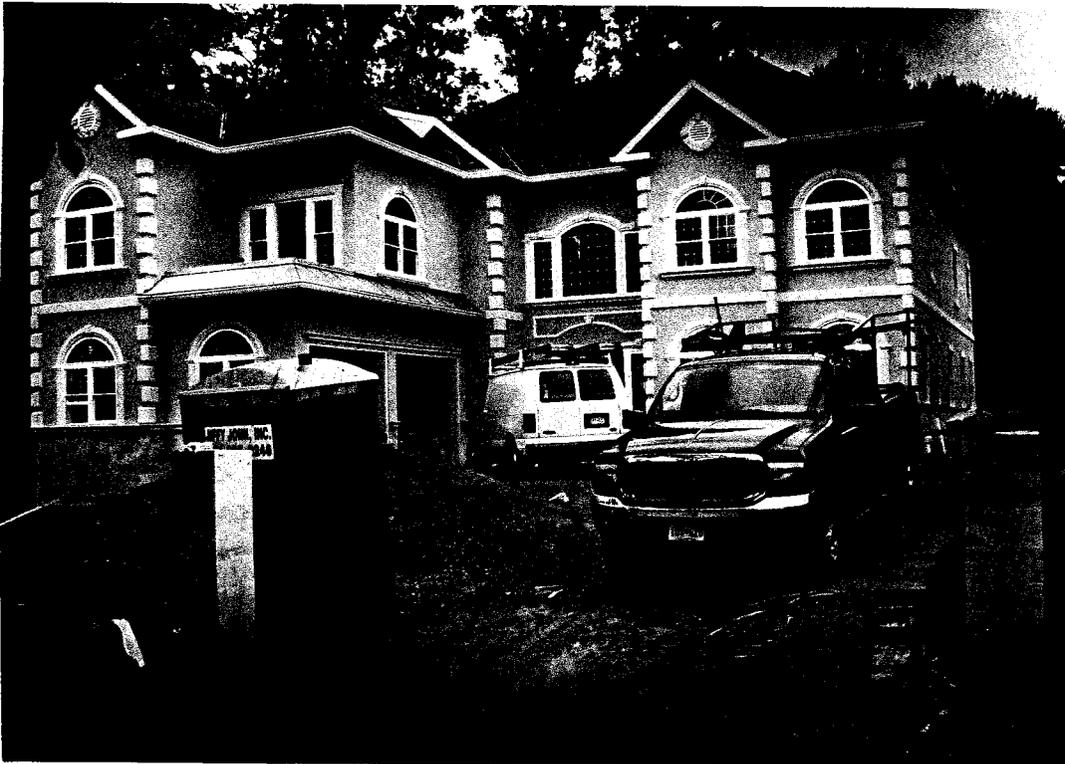
**6811 Tennyson Dr.
tear-down/brand new (for sale)**



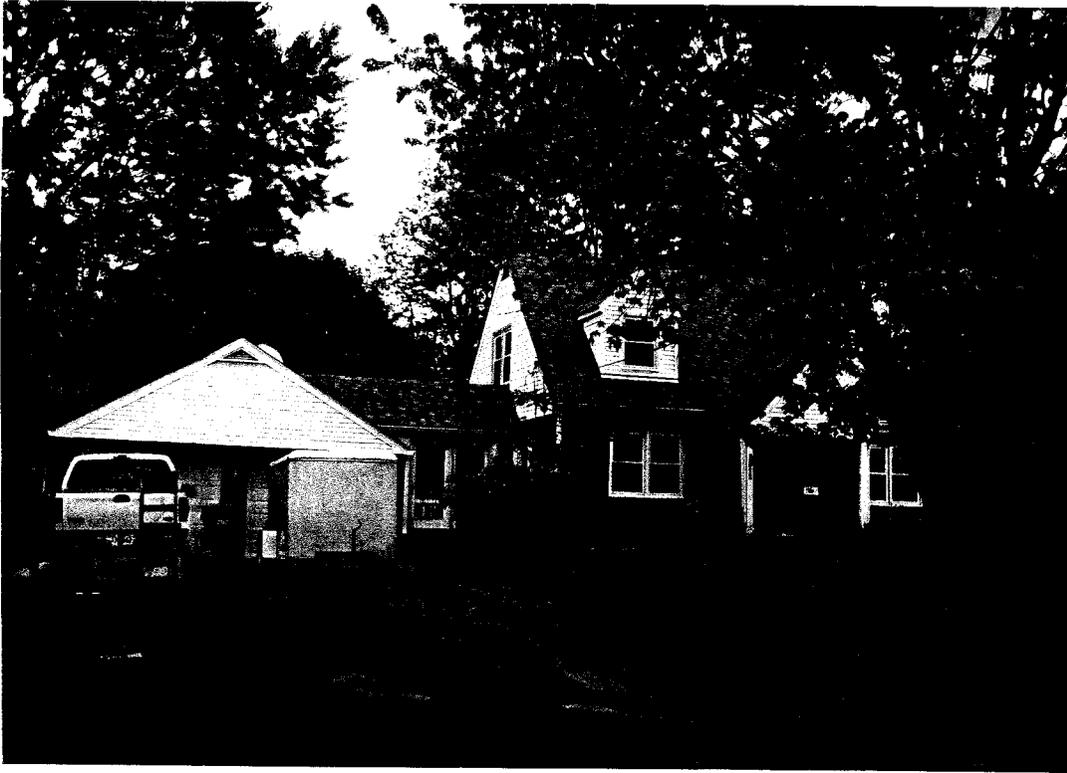
**6810 Tennyson Dr.
remodeled and expanded 2008**



6809 Tennyson Dr.
remodeled 2008
garage added



6660 Tennyson Dr.
tear-down/currently under construction



6812 Tennyson Dr.
currently torn down
1.7 million dollar new ^{house} being built
by builder

PHOTOS OF SCREENING



Leland Cypress trees 14'-16' high on north side
(one tree died and will be replaced)



SCREENING (CONT'D)



East view from front door of subject property- 3 new crepe myrtles
Building across the street is commercial



West view of back yard and office buildings behind

DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a two story garage addition 5 feet from the northern side lot line.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Addition	Side	10 feet	5 feet	5 feet	50 %

* Minimum yard requirement per Section 3-307

LOCATION AND CHARACTER

Existing Site Description

The site is currently zoned R-4 and contains a two story single family detached dwelling with basement which was built in 1957. The lot consists of 12,500 square feet and has no change in topography. The subject property is surrounded by single family detached homes to the south and partially to the east. To the north, west and also to the east, the property is surrounded by commercial property. The property directly adjacent to the north, while resembling a similar single family detached home, is zoned C-3 and utilized for a landscaping business. Directly adjacent to the west is a business park which is zoned C-2 and is mainly utilized as office space.

Character of the Area

	Zoning	Use
North	C-3	Office
South	R-4	Single Family Detached Dwellings
East	C-2/R-4	Limited Office/Single Family Detached Dwellings
West	C-2	Limited Office

BACKGROUND

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

- Variance VC 89-D-007, approved on May 9, 1989, on Tax Map Number 30-4 ((3)) 39, on 1513 Linden Hurst Avenue, zoned R-4, southeast of the subject property to allow construction of an addition 7 feet from the side lot line.
- Variance VC 95-D-017, approved on May 17, 1995, on Tax Map Number 30-4 ((3)) 38, on 1511 Linden Hurst Avenue, zoned R-4, southeast of the subject property to allow construction of an addition 21.7 feet from front lot line and 6 feet from the side lot line.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Plat Showing the Improvements on Lot 14, Second Addition, Bryn Mawr
- **Prepared By:** George M. O'Quinn, Dominion surveyors, Inc., dated November 30, 2007, revised through October 8, 2008

Proposal

The applicant proposes to construct a two story garage addition on the northern side of the existing home. The addition will be 1,474 square feet and 17.3 feet in height; which is lower than the existing dwelling at 20.8 feet. The addition will be constructed to match the existing dwelling both in shape, size and materials. There is an existing bump out which will be removed in order to accommodate the two car garage on the first level. The second floor will be utilized for living space.

ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Reduction of Certain Yard Requirements (Sect. 8-922)

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding standard 3.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes that the special permit application satisfies this condition based the fact that the subject property is adjacent to commercial property and is adequately screened by a line of Leland Cyprus trees approximately 14 to 16 feet in height along the northern property line. Based on pictures submitted by the applicant, there are many other homes in the neighborhood that not only have two car garages but vary greatly in style. Additionally, directly adjacent to the northern lot line is commercial property.*

Therefore, staff believes that the proposed garage will not have any adverse impact on neighboring properties.

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 4,277 square feet. Therefore 150% of the total gross floor area could result in an addition up to 6,415.5 square feet; which makes a combined total of 10,692.5 square feet. The proposed addition will be 1,474 square feet for a total of 5,638 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 existing dwelling is 20.8 feet in height and the proposed addition will be 17.3 feet in height. The dwelling is currently 4,277 square feet and the proposed two-story addition will only be 1,474 square feet. Based on the architectural renderings, the proposed addition will be constructed with materials and an appearance matching the existing dwelling. Staff believes the proposed addition will not be out of character with existing on-site development.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. The proposed addition will not adversely affect the neighboring properties due to the fact that there is an existing asphalt drive where the proposed garage will be constructed and that the side which the construction will take place is adjacent to a commercial business. In the residential area many homes have two car garages with living space above. Additionally, the architecture of homes in the area varies greatly.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. No downstream complaints have been indicated by DPWES and there is relatively small increase of impervious area due to the proposed addition being constructed over an existing driveway. The proposed addition will be directly adjacent to commercial property on the

northern side which is currently being utilized for a landscaping business. Therefore, staff believes that the proposed addition shall not have any adverse impact on neighboring properties.

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. *The proposed addition could not have been constructed on the southern side of the existing house due to it's proximity to the side lot line and the existing asphalt driveway currently exists on the northern side where the proposed garage will be. There are no Resource Protection areas on the subject property and the topography suggests no change in grade.**

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of special permit application SP 2008-DR-102 for the addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

If it is the intent of the BZA to approve this application, Staff recommends the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Letter from Applicant about Status of Trees
5. Zoning Ordinance Provisions

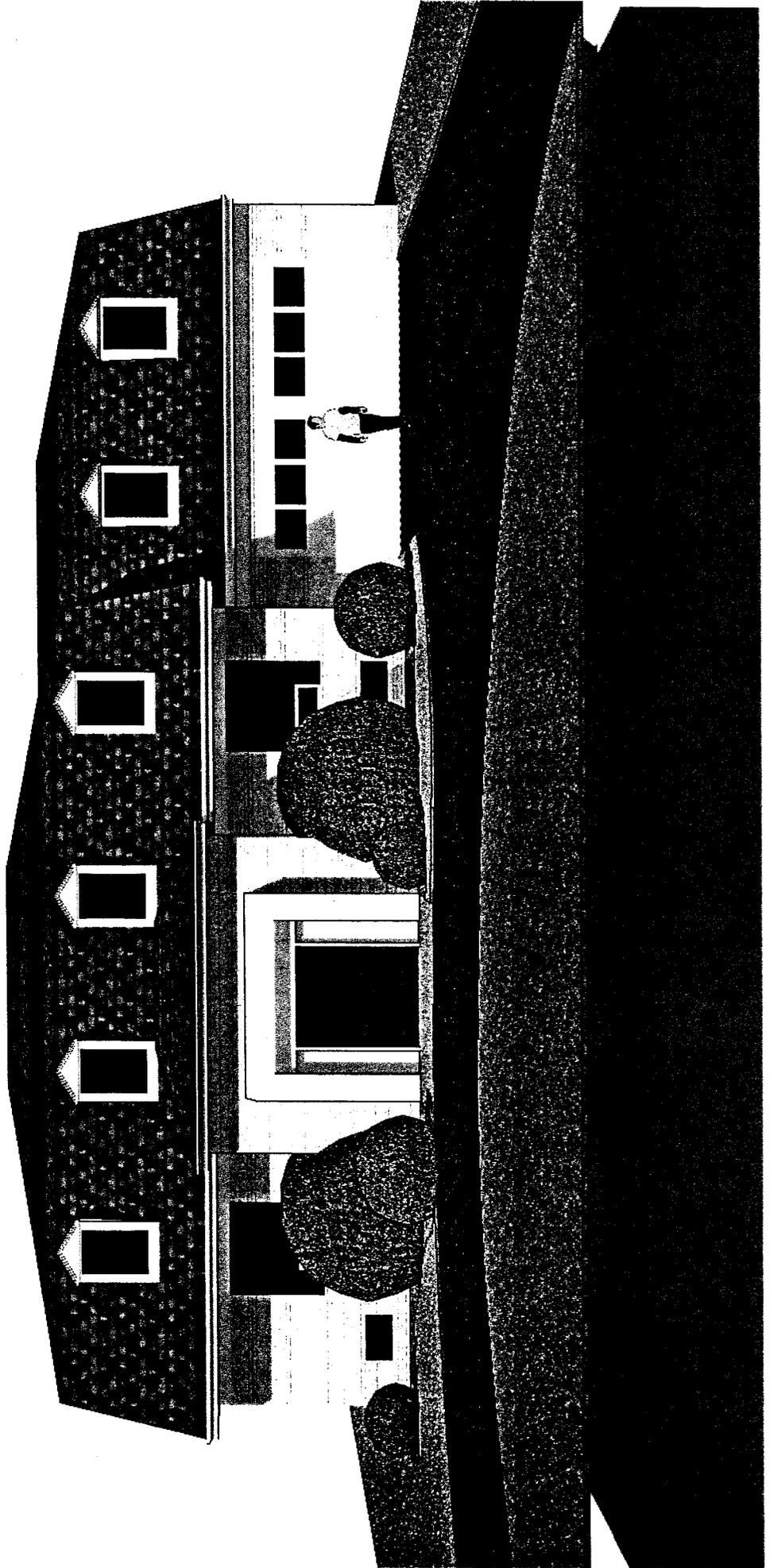
PROPOSED DEVELOPMENT CONDITIONS**SP 2008-DR-102****April 28, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2008-DR-102 located at Tax Map Number 30-4 ((3)) 14 (6817 Tennyson Drive), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

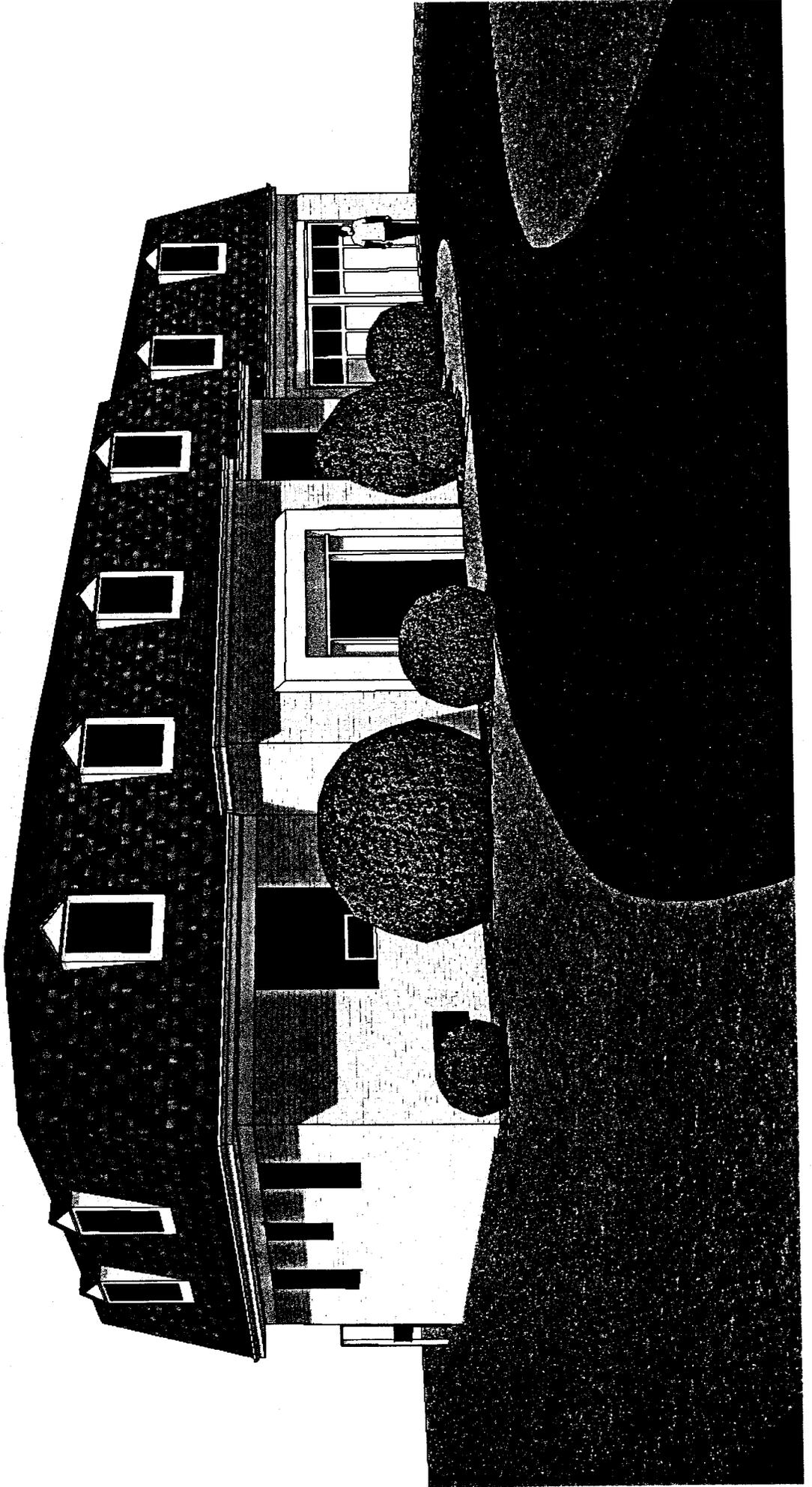
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the proposed addition as shown on the plat prepared by George M. O'Quinn, Dominion surveyors, Inc., dated November 30, 2007, revised through October 8, 2008, submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing 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 (4,277 square feet existing + 6,415.5 (150%) = 10,692.5 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.

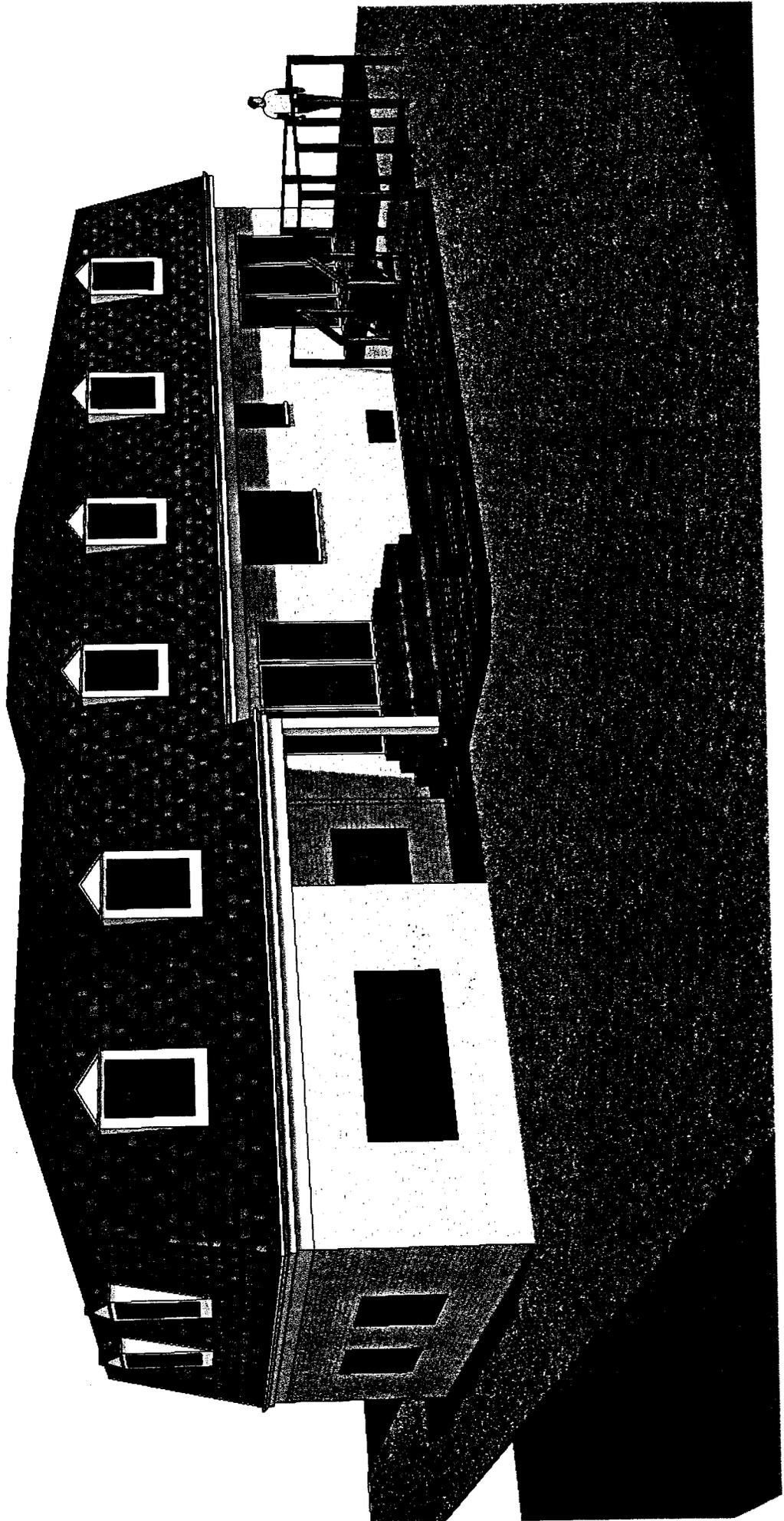
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction 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.



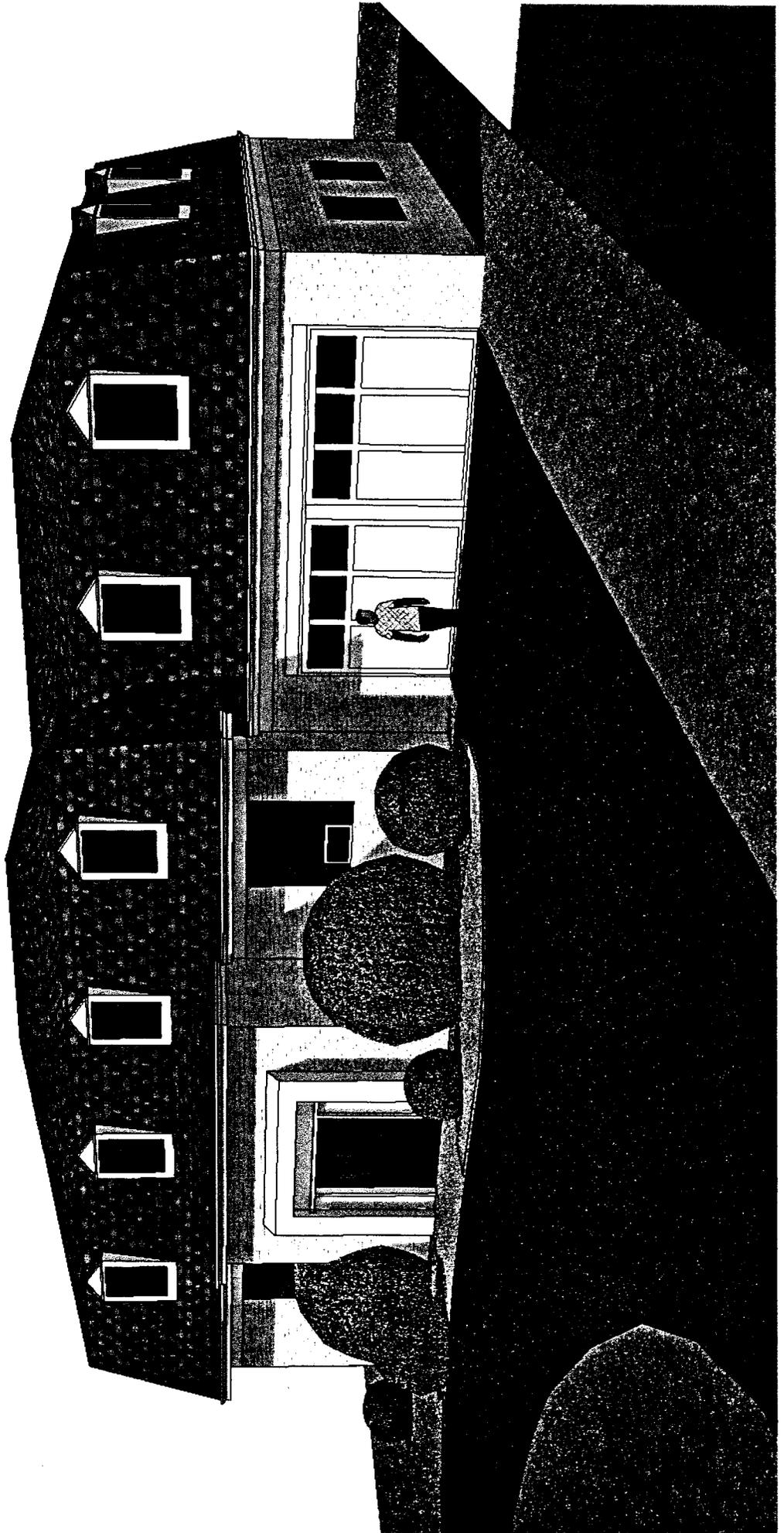
FRONT VIEW



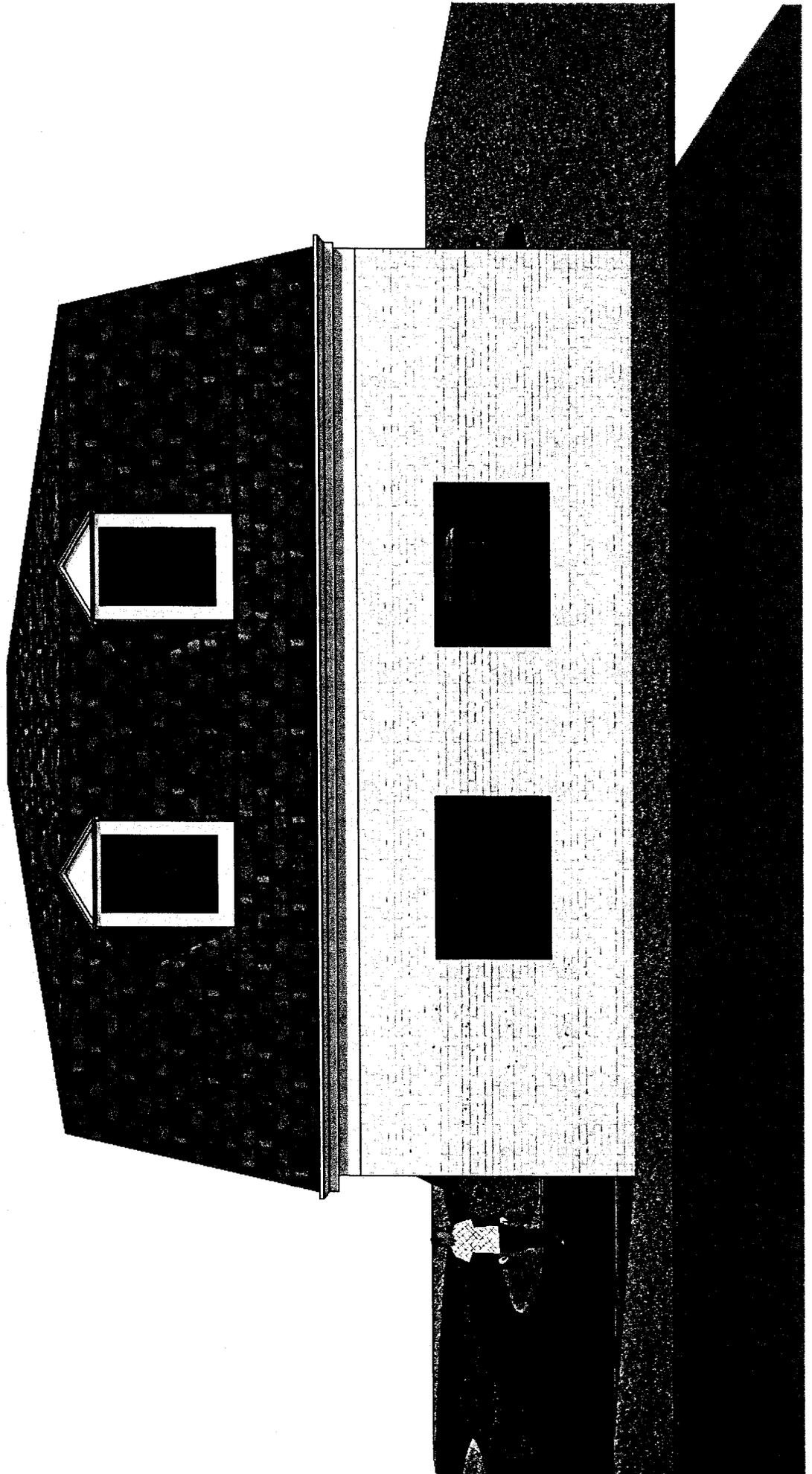
FRONT PERSPECTIVE



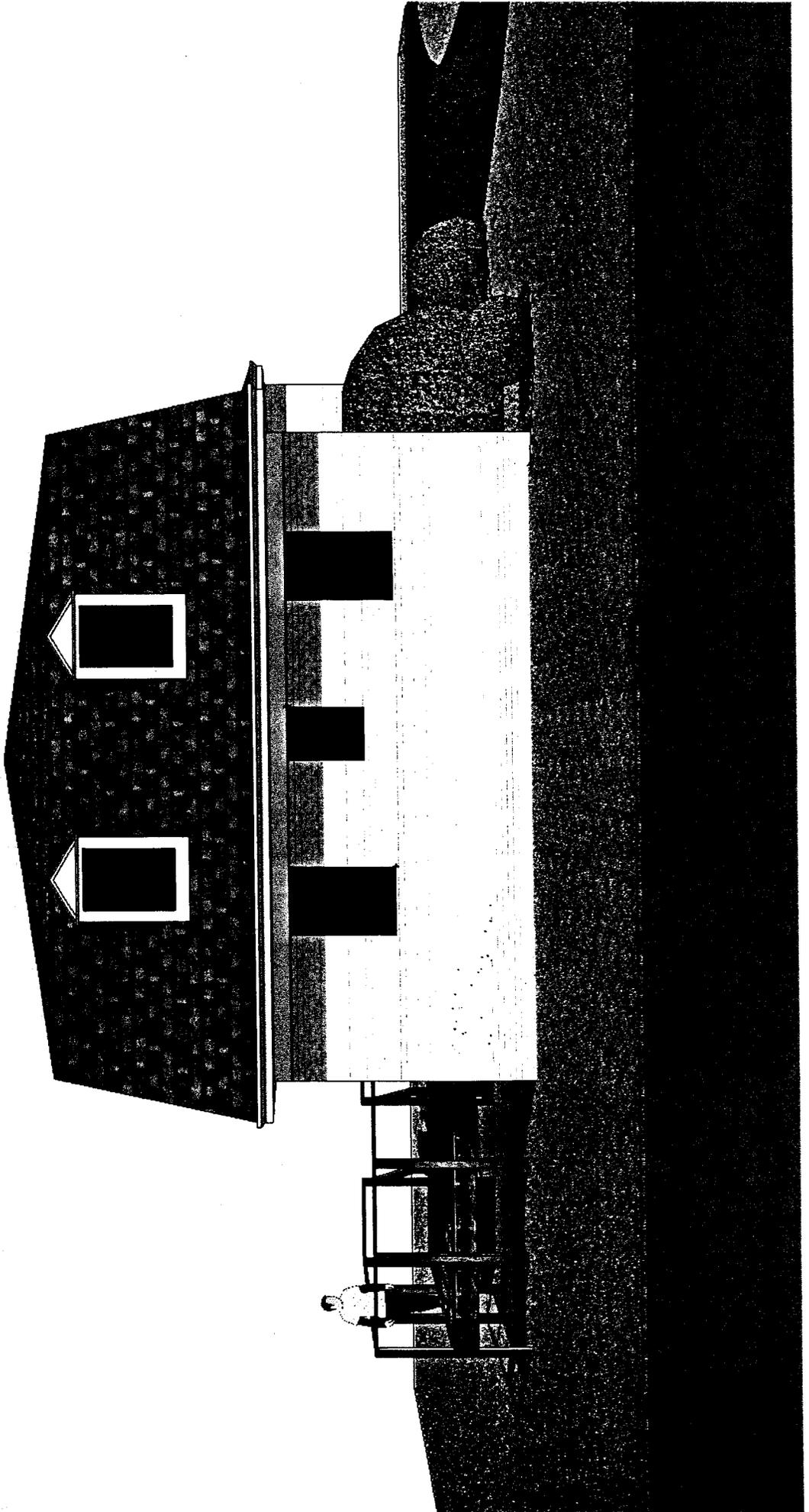
REAR PERSPECTIVE



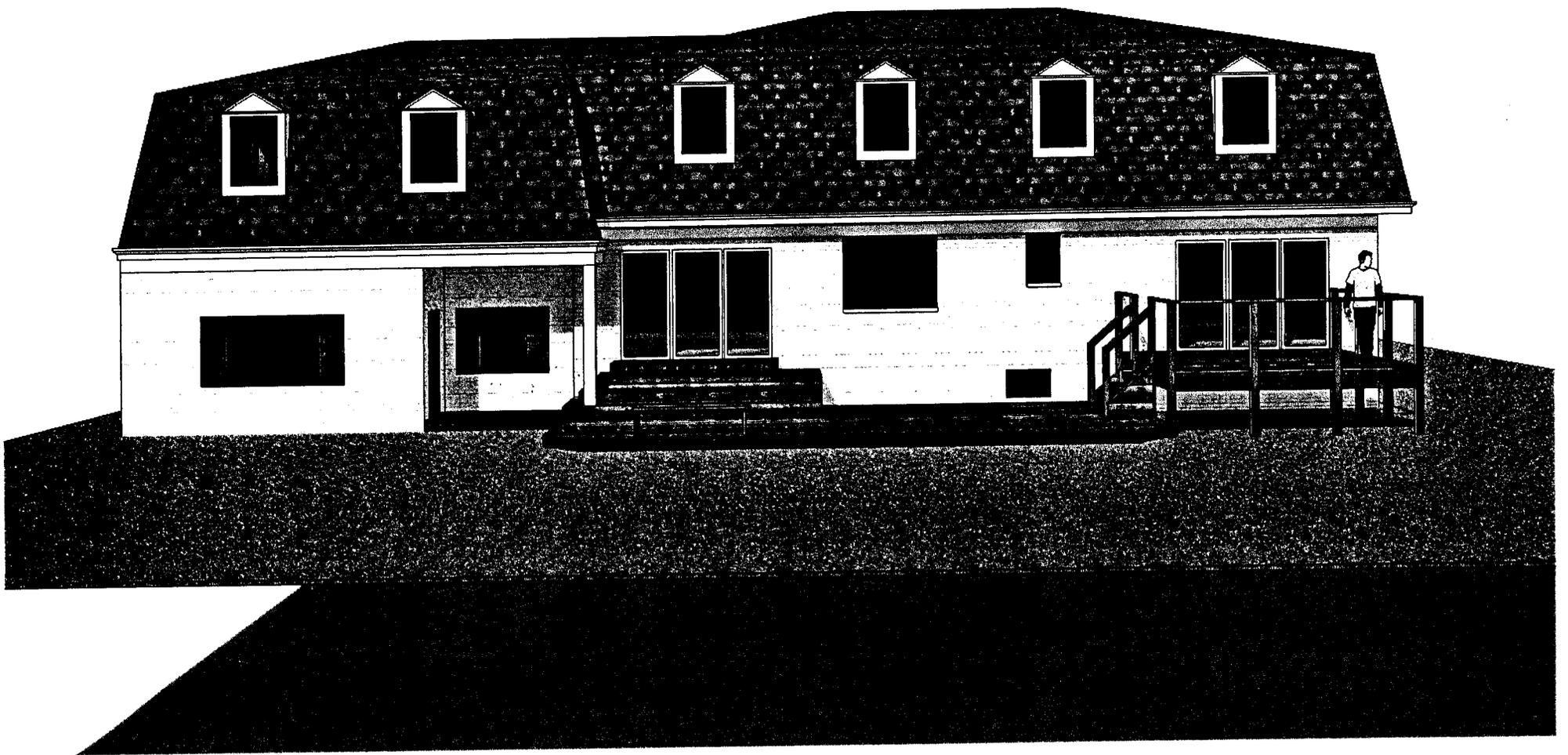
FRONT PERSPECTIVE



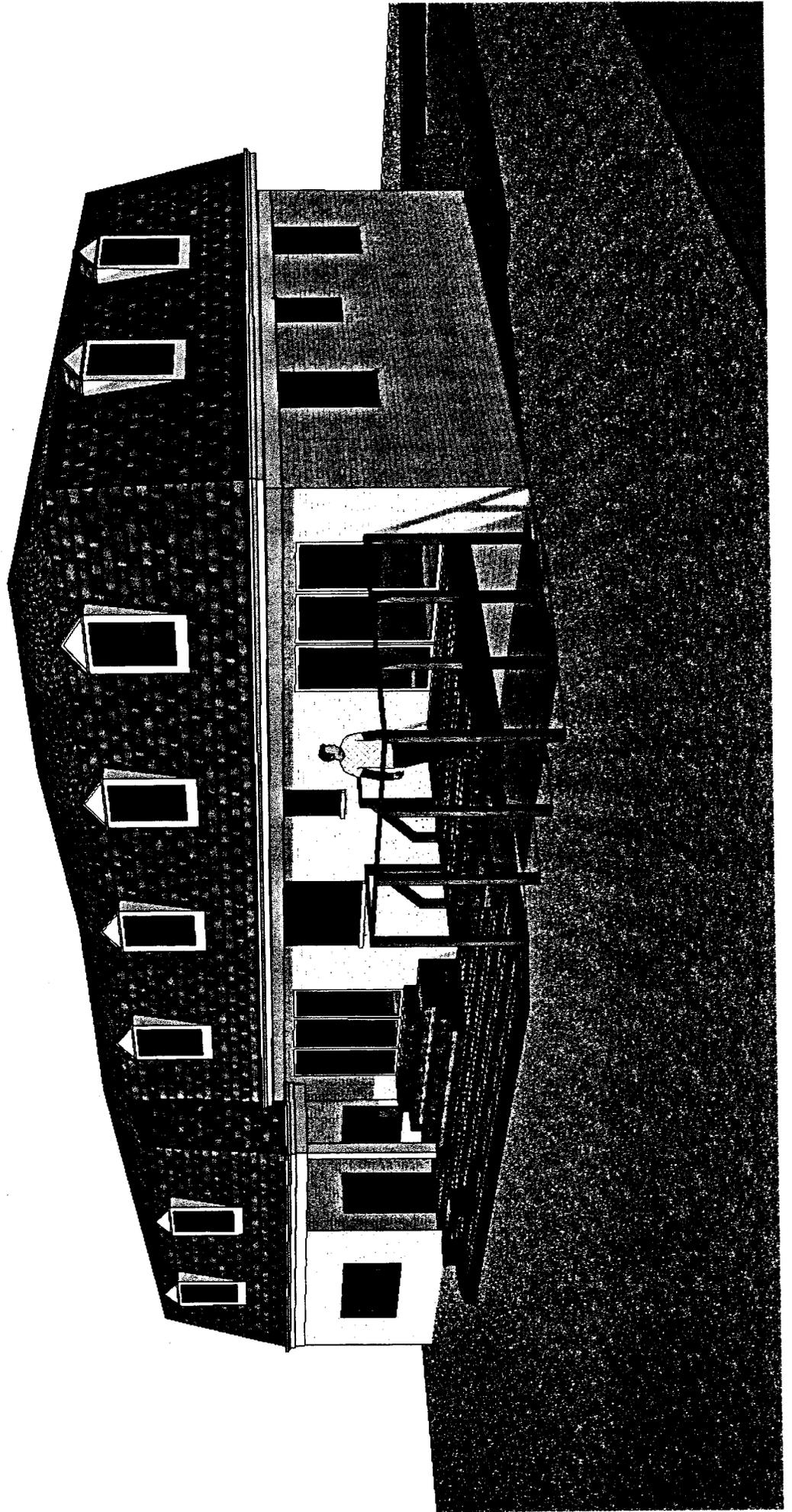
GARAGE SIDE VIEW



EXISTING SIDE VIEW
MAIN AXIS



REAR VIEW



REAR PERSPECTIVE

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: Oct. 16, 2008
(enter date affidavit is notarized)

I, Carole S. Jackson, Trustee, 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 101740a

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)
Carole S. Jackson, Trustee of the Carole S. Jackson Trust	6817 Tennyson Dr. McLean VA 22101	Applicant/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).

Carole S. Jackson, Trustee for the Carole S. Jackson Trust,
for the benefit of Wayne Alexander Bartsch
and Megan B. Willems, M.D.

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/16/08
(enter date affidavit is notarized)

101740 a

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): _____
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101740a

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
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DATE: 10/16/08
(enter date affidavit is notarized)

101740a

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: OCT. 16, 2008
(enter date affidavit is notarized)

101740a

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)

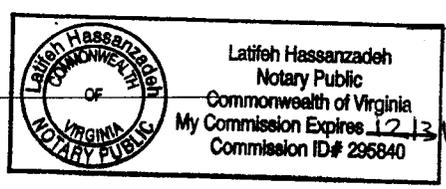
Carole S. Jackson, Trustee
[X] Applicant [] Applicant's Authorized Agent

Carole S. Jackson Trustee
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 16 day of OCT 20 08, in the State/Comm. of MCEAN, County/City of FAIRFAX, MCEAN

Latif Hassanzadeh
Notary Public

My commission expires: _____



CAROLE JACKSON.COM

Via Hand Delivery

Regina C. Coyle, Director
 Fairfax County Department of Planning & Zoning
 Zoning Evaluation Division
 2055 Government Center Parkway, Suite 801
 Fairfax, Virginia 22035

RECEIVED
 Department of Planning & Zoning

SEP 16 2008

Zoning Evaluation Division

Re: Proposed Special Permit
 Fairfax County Tax Map: 30-4 ((3)) 14
 Applicant: Carole S. Jackson, Trustee

Dear Ms. Coyle:

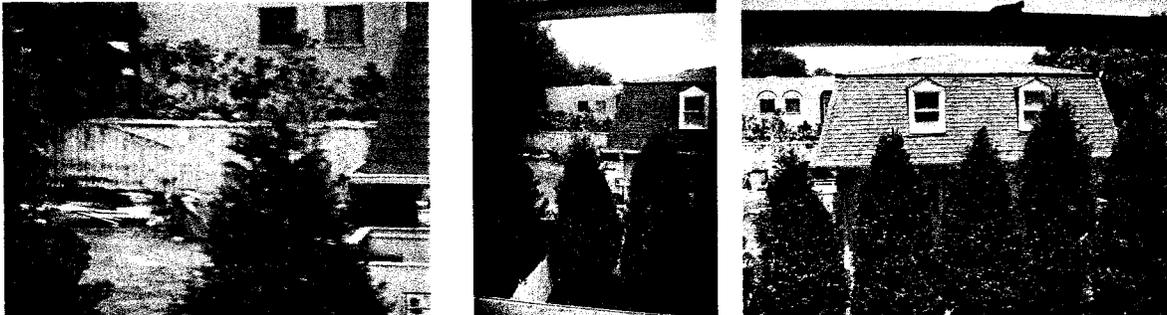
Please accept the following as a statement of justification for a special permit application on property identified among the Fairfax County tax map records as 30-4 ((3)) 14 (the "Subject Property"). The Subject Property is located on Tennyson Drive to the southwest of its intersection with Whittier Avenue in the Dranesville Magisterial District. The Subject Property contains approximately 12,500 square feet which is zoned to the R-4 District, and is developed with a two-story single family detached home that is approximately 2,908 square feet. The Applicant is submitting this application to permit a reduction of the minimum side yard requirement to allow construction of a garage.

The Applicant proposes to construct an attached two-car garage on the Subject Property that is five (5) feet from the side property line. The required side yard setback in the R-4 District is ten (10) feet. The proposed garage will contain approximately 600 square feet of gross floor area. Simultaneously, the outermost room on the same side of the house will be removed, thus reducing the square footage of the original house by 112 square feet. The garage will include eaves and gutter which will be located within the five (5) foot setback from the side lot line. The Applicant is requesting approval of a special permit for several reasons including the location of the Subject Property as well as the need for privacy, security, and handicapped access.

The Subject Property is located near the McLean Community Business Center and is adjacent to a commercially developed property used as a landscape company. This commercial property has grandfathered C-3 zoning, thus allowing for any owner to construct a commercial building ninety (90) feet high with minimal setbacks on all four (4) sides. Directly across the street from Subject Property are two (2) adjacent commercial properties (same owner) also grandfathered with C-3 zoning. Directly behind Subject Property is the McLean Professional Business Park.

Based on this location, the neighborhood is not wholly residential and is thus subject to commercial traffic. Additionally, because the Subject Property is adjacent to a commercially

developed property, the side windows of the residence are exposed to the commercial use. Though there are tall Leland Cypress trees planted on the northern side of the Subject Property, the upstairs windows remain exposed, with a view of the commercial rear parking lot which houses unsightly landscaping paraphernalia including a large rusted storage trailer.



**View of commercial property
from Subject Property's upstairs bedroom windows**

The employees can look directly from the upstairs commercial offices into the two bedrooms on the northern side of the home, necessitating keeping the upstairs bedroom blinds closed to afford privacy. Large, noisy trucks go in and out of the commercially adjacent driveway during the day and remain parked in the rear parking lot at night. A garage would ensure that the residence has privacy as is customary for a single family residence.



Subject Property driveway



**Trucks in front of
Subject property**



**Front yard of commercial land-
scape company on north side**

The addition of a garage would provide security for the Applicant and the Applicant's cars. The home on the Subject Property has entrances in the front and front/side that are completely exposed to a passerby, creating vulnerability, especially at night. Within the past three years a neighbor on Tenyson Dr. was followed at night from the BB & T Bank ATM, which is diagonally in front of Subject Property, and was accosted at knife point when she left her car to enter the front door. And, there was the infamous sniper.



Door 1

Door 2

The Applicant also has a need for handicapped access. All entrances to the home have stairs and the proposed garage would allow for ramp or lift access to the home that is protected from the elements. Upgrading to a two-car garage is in keeping with the development of the immediate neighborhood, specifically on Tennyson Drive. (See attached photos.)



6811 Tennyson Dr.
tear-down/new



6815 Tennyson Dr.
tear-down/new in approx '95



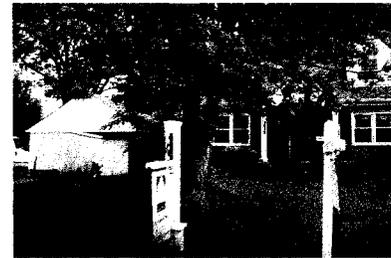
6660 Tennyson Dr.
tear-down



6809 Tennyson
remodeled, expanded 2008
garage added



6810 Tennyson
remodeled, expanded 2008



6812 Tennyson
currently torn down

In accordance with Section 8-922 of the Fairfax County Zoning Ordinance (the "Ordinance") please accept the following information:

- *Such reduction of a minimum required yard by fifty (50) percent shall not result in the placement of a detached accessory structure in a front yard where the placement of such structure is not otherwise permitted in that yard. The Applicant is proposing an attached garage in a side yard and thus there will be no detached accessory structure in a front yard.*
- *The 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. The Subject Property contains a principal structure and complies with the minimum yard requirements that were in effect when the use and structure were established.*
- *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 addition of a garage to the principal structure will comprise a total of 3,396 square feet. Based on the size of the principal structure at 2,098 square feet (minus 112 sq feet removed), the addition will be less than 150 percent of the total gross floor area of the principal structure. Removal of the side room will constitute less than fifty (50) percent of the principal structure.*
- *The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of location, height, bulk and scale of the existing structure on the lot. The proposed garage will be in character with the location, height, bulk, and scale of the existing structure on the Subject Property*

as it will match the design, size, material (painted brick), height, and roof line of the existing home.

- *The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The proposed garage is in keeping with the character of the surrounding residential neighborhood. Most of the homes in the surrounding neighborhood have garages.*
- *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. The proposed garage addition will not impact the noise, air, safety, erosion, and stormwater runoff of the Subject Property. Moreover, the garage will enhance the appearance of the Subject Property and the neighborhood and provide significant benefits for the Applicant, including screening from an adjacent commercially developed property.*
- *The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. The garage will allow the storage of two cars as is typically found in single family residential areas and in this area of McLean in particular. The proposed garage is located adjacent to a commercially developed parcel and is necessary to provide additional privacy and security for the Subject Property.*

Should you have any questions regarding this proposal, or require additional information, please do not hesitate to contact me. I would appreciate the acceptance of this application and the scheduling of a public hearing before the Fairfax County Board of Zoning Appeals at your earliest convenience.

Very truly yours,

Carole S. Jackson, Trustee

Enclosures:

Check for \$295.00

Letter of Justification

Photos to accompany Letter of Justification

Plats – fifteen (15) large; one (1) 8.5 x 11

CD of property photos to accompany plats

Property Map – Zoning 30-4

Affidavits - notarized

Renderings of house by architect, showing all 4 lot lines

Statement of Ownership

CAROLE JACKSON.COM

RECEIVED
Department of Planning

NOV 13 2008

Zoning Evaluation Division

To: Zoning Committee
Re: Special Permit Application

October 31, 2008

Here is the additional information you requested regarding screening for my property at 6817 Tennyson Dr., McLean, VA 22101.

The Leland Cypress trees planted on the north side between my house (subject property) and the commercial building next door (McHale Landscaping and Design) are 14' to 16' high. In spite of this height, they do not block the view from the two upstairs bedroom windows. The unsightly construction materials are the first thing you see as you walk up the stairs to the bedrooms.

The front of Subject Property (east) has 3 new Crepe Myrtles, 5' (approx), to help screen the view of the commercial building across the street.

The back yard of subject property (west) is partially screened from the office building adjacent by a 6' high brick wall and some tall oaks.

No further screening is proposed.

Thank you for your consideration,



Carole^J Jackson, Trustee
Applicant/owner

Enclosure:
Photos of screening

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.