



APPLICATION ACCEPTED: April 23, 2009

DATE OF PUBLIC HEARING: July 7, 2009

TIME: 9:00 a.m.

# County of Fairfax, Virginia

---

June 30, 2009

## STAFF REPORT

**SPECIAL PERMIT APPLICATION No. SP 2009-PR-027**

### PROVIDENCE DISTRICT

**APPLICANT:** Michael D. Burris

**OWNERS:** Michael D. Burris and Mikela Burris

**ZONING:** R-4 & H-C

**LOCATION:** 2909 Meadow Lane

**SUBDIVISION:** Hillwood

**ZONING ORDINANCE PROVISION:** 8-922

**TAX MAP:** 50-4 ((8)) 38

**LOT SIZE:** 5,625 Sq. Ft.

**SP PROPOSAL:** Reduction of certain yard requirements to permit construction of roofed deck 24.8 feet from front lot line, second floor addition 8.7 feet from the side lot line, two story addition 5 feet from the side lot line, one story addition 5.4 feet from side lot line and open deck 5.2 feet from side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval in part for SP 2009-PR-027. Staff recommends approval for the roofed deck 24.8 feet from the front lot line, the second floor addition that is 8.7 feet from the side lot line and the one story addition that is 5.4 feet from the side lot line. Staff recommends denial of the two story addition 5 feet from the side lot line and the open deck 5.2 feet from the side lot line.

*O:\Scaff2\Case Files\Special Permits\SP 2009-PR-027 BURRIS\Burriss\_Cover.doc*

Shannon Caffee

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/](http://www.fairfaxcounty.gov/dpz/)



**Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service**

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

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

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

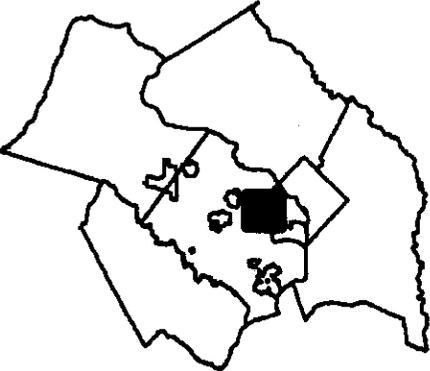
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



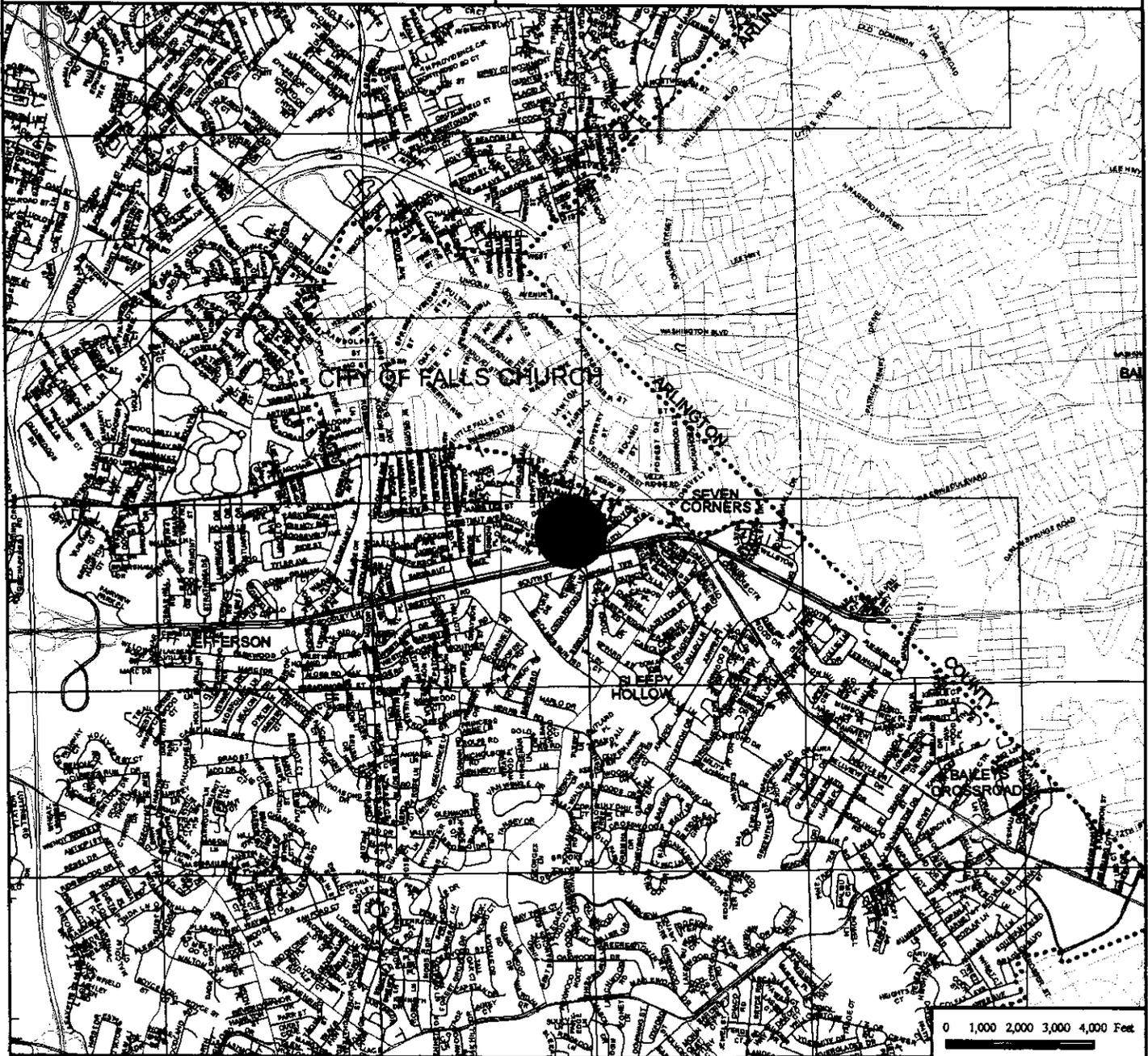
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2009-PR-027**

**Applicant:** MICHAEL D. BURRIS  
**Accepted:** 04/23/2009  
**Proposed:** REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ROOFED DECK 24.8 FEET FROM FRONT LOT LINE AND SECOND FLOOR ADDITION 8.7 FEET AND TWO STORY ADDITION 5 FEET AND ONE STORY ADDITION 5.4 FEET FROM SIDE LOT LINE AND OPEN DECK 5.2 FEET FROM SIDE LOT LINE.



**Area:** 5,625 SF OF LAND; DISTRICT - PROVIDENCE  
**Zoning Dist Sect:** 08-922  
**Art 8 Group and Use:** 9-21  
**Located:** 2909 MEADOW LANE  
**Zoning:** R- 4  
**Overlay Dist:** HC  
**Map Ref Num:** 050-4- /08/ /0038



# Special Permit

SP 2009-PR-027

Applicant:  
Accepted:  
Proposed:

MICHAEL D. BURRIS

04/23/2009

REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ROOFED DECK 24.8 FEET FROM FRONT LOT LINE AND SECOND FLOOR ADDITION 8.7 FEET AND TWO STORY ADDITION 5 FEET AND ONE STORY ADDITION 5.4 FEET FROM SIDE LOT LINE AND OPEN DECK 5.2 FEET FROM SIDE LOT LINE.

Area: 5,625 SF OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 08-922

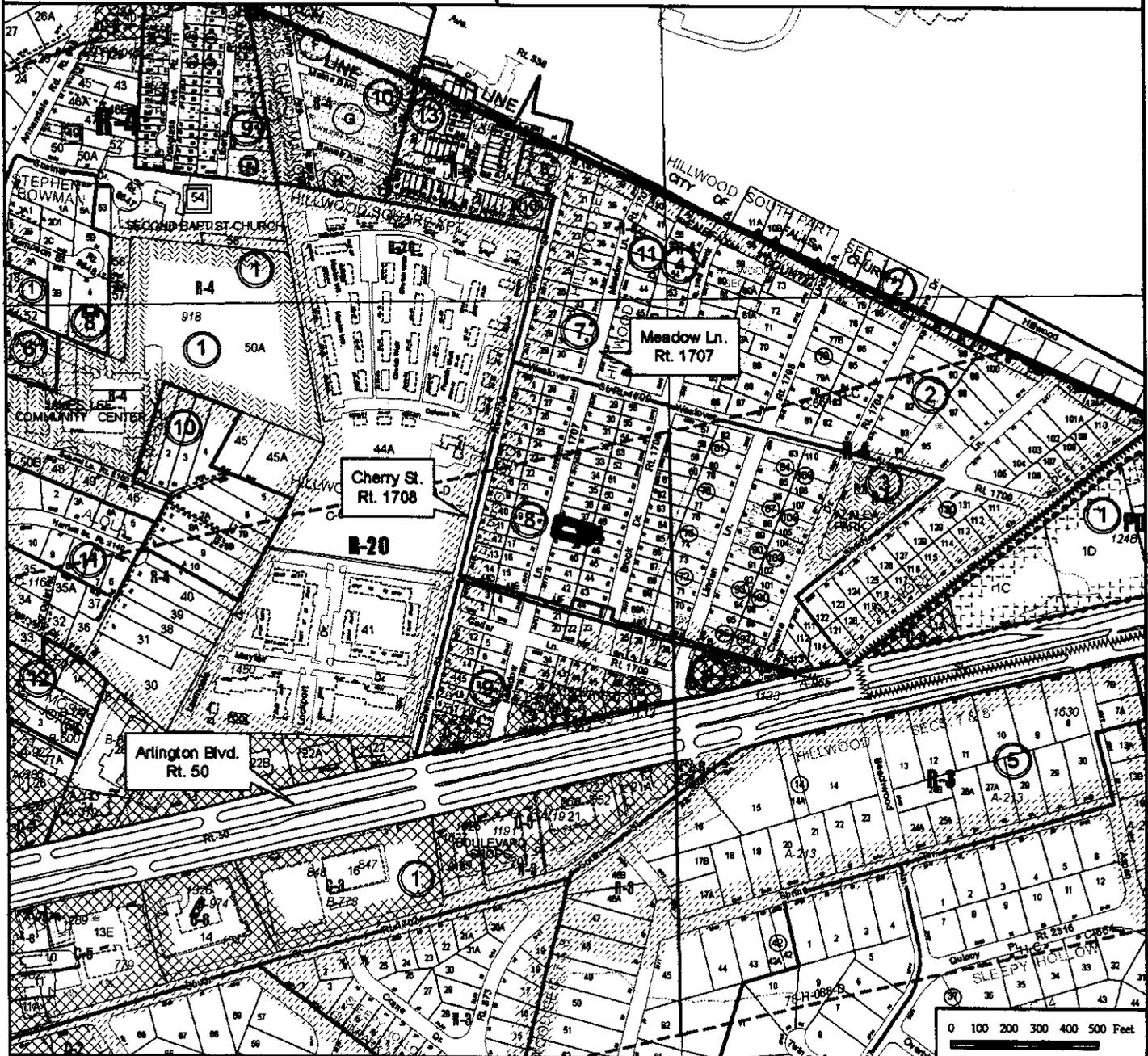
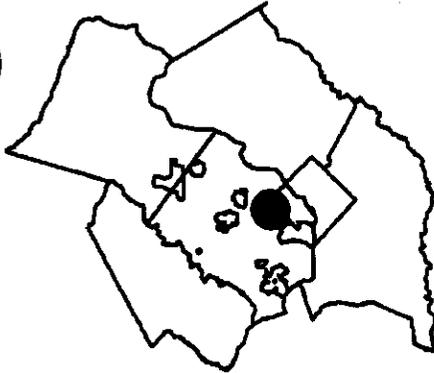
Art 8 Group and Use: 9-21

Located: 2909 MEADOW LANE

Zoning: R- 4

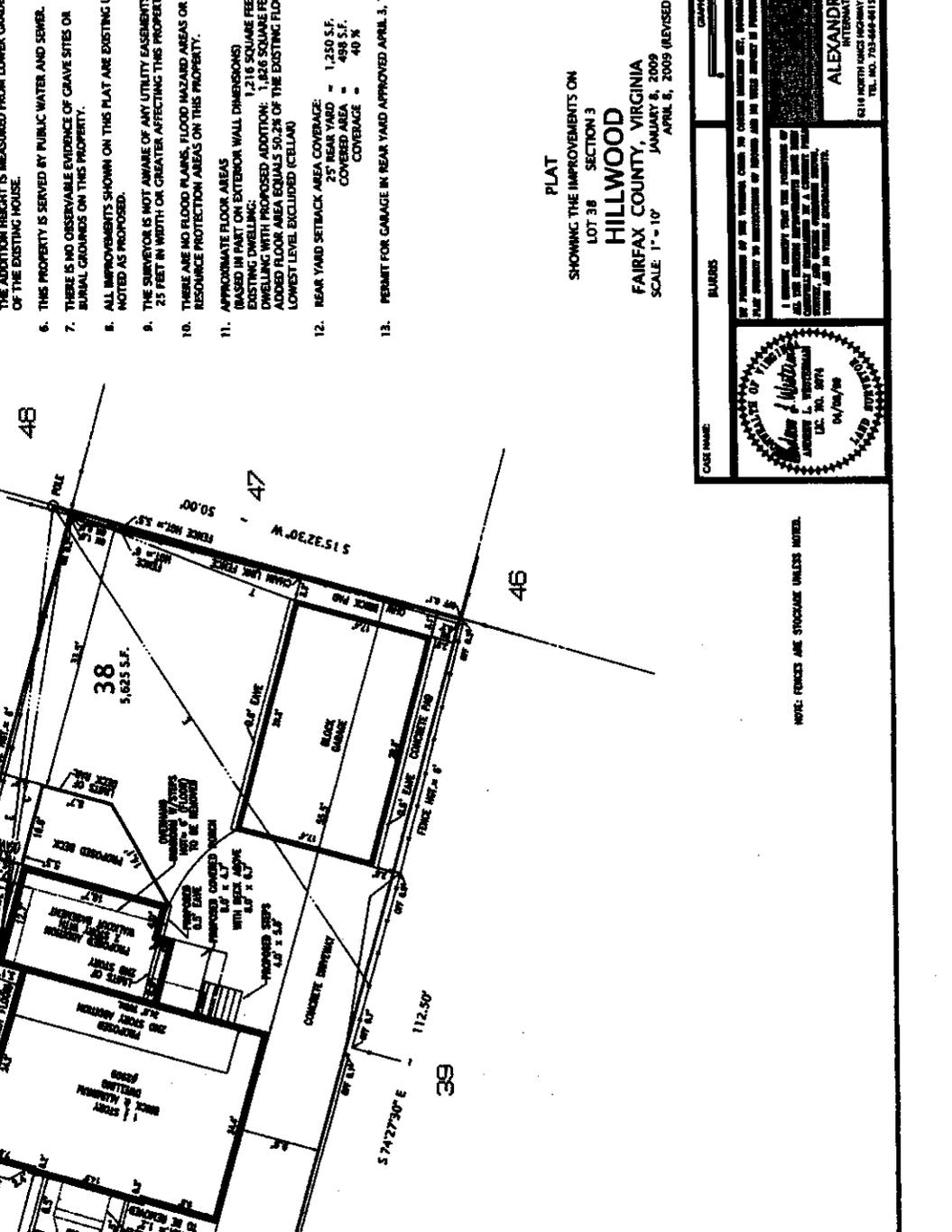
Overlay Dist: HC

Map Ref Num: 050-4- /08/ /0038





- NOTES**
1. TAX MAP: 050-4-06-0036
  2. ZONE: R-4
  3. LOT AREA: 5,625 SQUARE FEET
  4. MINIMUM REQUIRED YARDS:
    - FRONT: 30 FEET
    - SIDE: 10 FEET
    - REAR: 25 FEET
  5. HEIGHTS:
    - DWELLING: 18 FEET
    - GARAGE: 20 FEET
    - FENCES: AS NOTED
    - PROPOSED ADDITION: 20 FEET
    - PROPOSED DECK: 10 FEET
    - PROPOSED FRONT PORCH (ROOF): 12 FEET
    - PROPOSED REAR PORCH (ROOF): 15 FEET
    - THE ROOF PEAK OF THE ADDITION WILL MATCH THE EXISTING ROOF PEAK
    - THE ADDITION HEIGHT IS MEASURED FROM LOWER GRADE IN THE BACK OF THE EXISTING HOUSE.
  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 PLAT ARE EXISTING UNLESS NOTED AS PROPOSED.
  9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 2.5 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
  10. THERE ARE NO FLOOD PLAINS, FLOOD HAZARD AREAS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
  11. APPROXIMATE FLOOR AREAS (BASED IN PART ON EXISTING WALL DIMENSIONS)
    - EXISTING DWELLING: 1,218 SQUARE FEET
    - EXISTING GARAGE: 1,218 SQUARE FEET
    - PROPOSED ADDITION: 1,426 SQUARE FEET
    - TOTAL FLOOR AREA EQUALS 50.2% OF THE EXISTING FLOOR AREA (LOWEST LEVEL EXCLUDED (CELLAR))
  12. REAR YARD SETBACK AREA COVERAGE:
    - 25' REAR YARD = 1,250 S.F.
    - COVERED AREA = 498 S.F.
    - COVERAGE = 40 %
  13. PERMIT FOR GARAGE IN REAR YARD APPROVED APRIL 3, 1962.



PLAT  
 SHOWING THE IMPROVEMENTS ON  
 LOT 38 SECTION 3  
**HILLWOOD**  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE: 1" = 10'  
 JANUARY 8, 2009 (REVISED PORCH HEIGHTS)  
 APRIL 8, 2009

**BLDG'S**

CASE NAME: \_\_\_\_\_

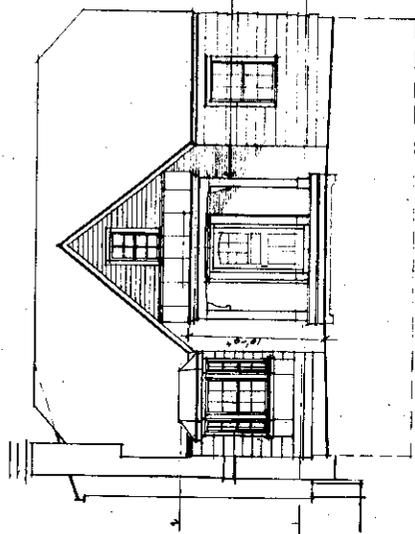
GRAPHIC SCALE: \_\_\_\_\_

BY PERMISSION OF THE VIRGINIA BOARD OF CONSTRUCTION SURVEYORS, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

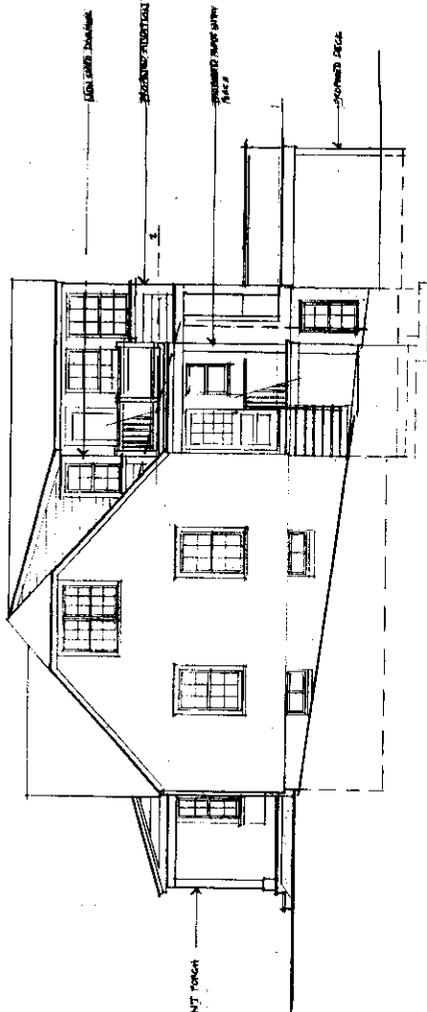
**ALEXANDRIA SURVEYS INTERNATIONAL, LLC**  
 8218 NORTH HUNTER HIGHWAY ALEXANDRIA, VIRGINIA 22304  
 TEL. NO. 703-464-4415 FAX NO. 703-786-7744

**STATE OF VIRGINIA**  
 DEPARTMENT OF PROFESSIONAL REGULATION  
 BOARD OF SURVEYORS  
 04/08/09  
 LARRY STEVENS

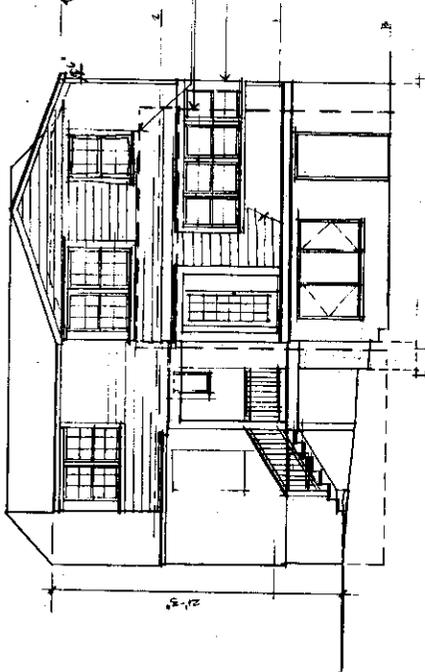
NOTES: FENCES ARE SHOWN UNLESS NOTED.



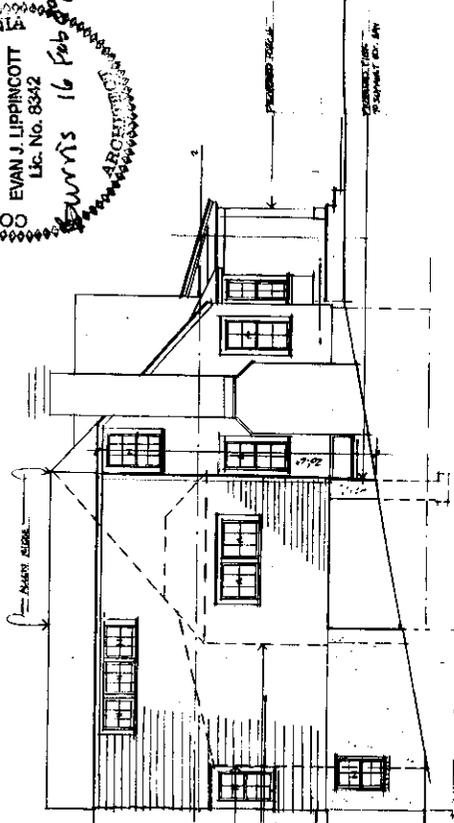
WEST (FRONT) ELEVATION



SOUTH ELEVATION



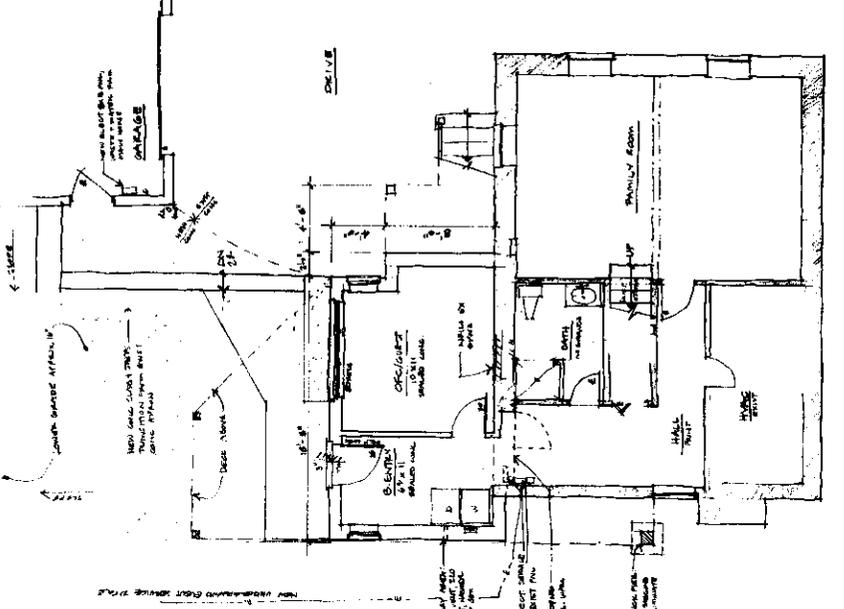
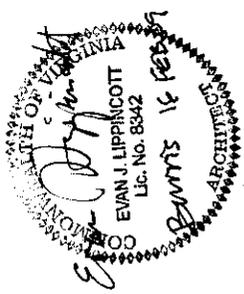
EAST (REAR) ELEVATION



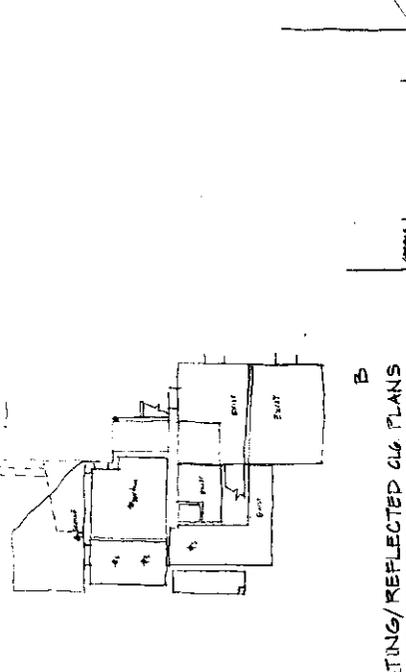
NORTH ELEVATION

COMMONWEALTH OF VIRGINIA  
 EVAN J. LIPPINCOTT  
 Lic. No. 88442  
 BURRIS 16 Feb 2011  
 ARCHITECTURE

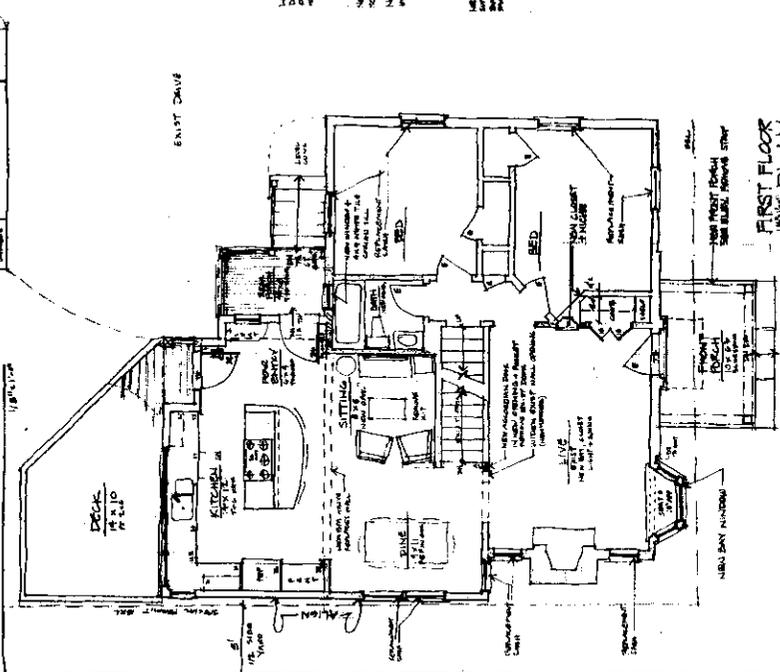
BAGNEMAN + PAGE ARCHITECTS  
 BURRIS RESIDENCE  
 ELEVATIONS  
 10-1-10-01  
 2/16/11



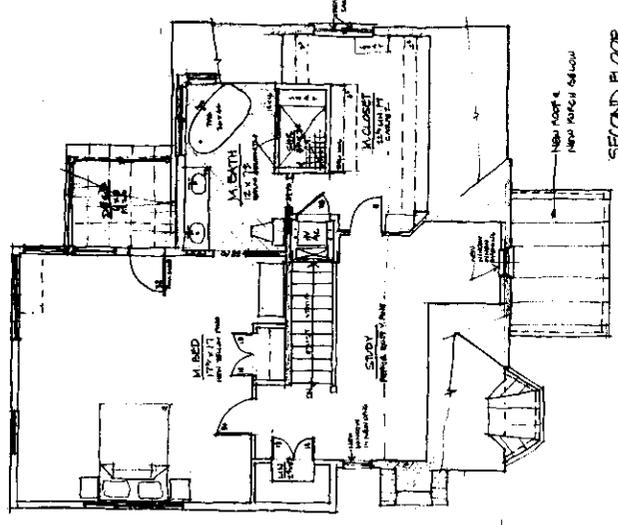
BRENNEMAN + PAGEMEYER  
 BURNS RESIDENCE  
 PLANS  
 18-11-60



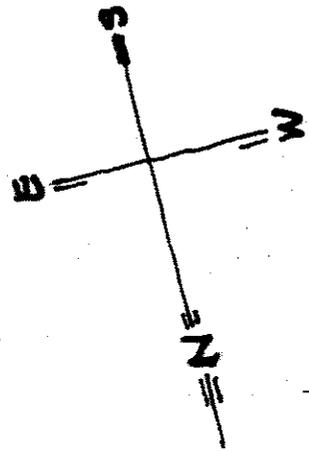
1  
 2  
 LIGHTING/REFLECTED LG PLANS



FIRST FLOOR  
 18-11-60



SECOND FLOOR  
 18-11-60



PROPOSED REAR ADDITION  
ALIGNS W/ SIDE BAY

KEY



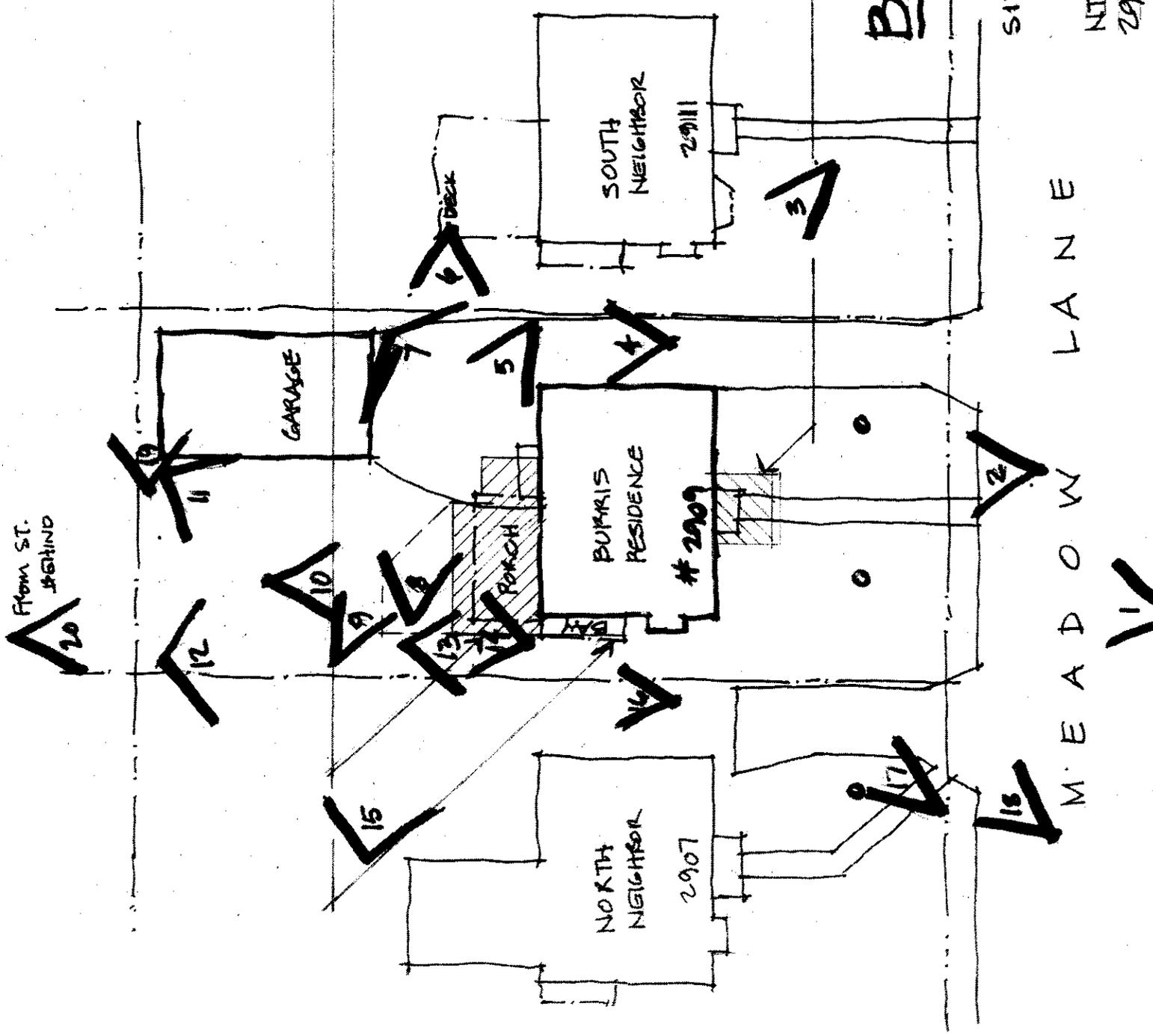
PROPOSED FRONT PORCH

# BURRIS RESIDENCE

SPECIAL PERMIT

SITE PHOTOS KEY PLAN  
SIDE/REAR ADDITION

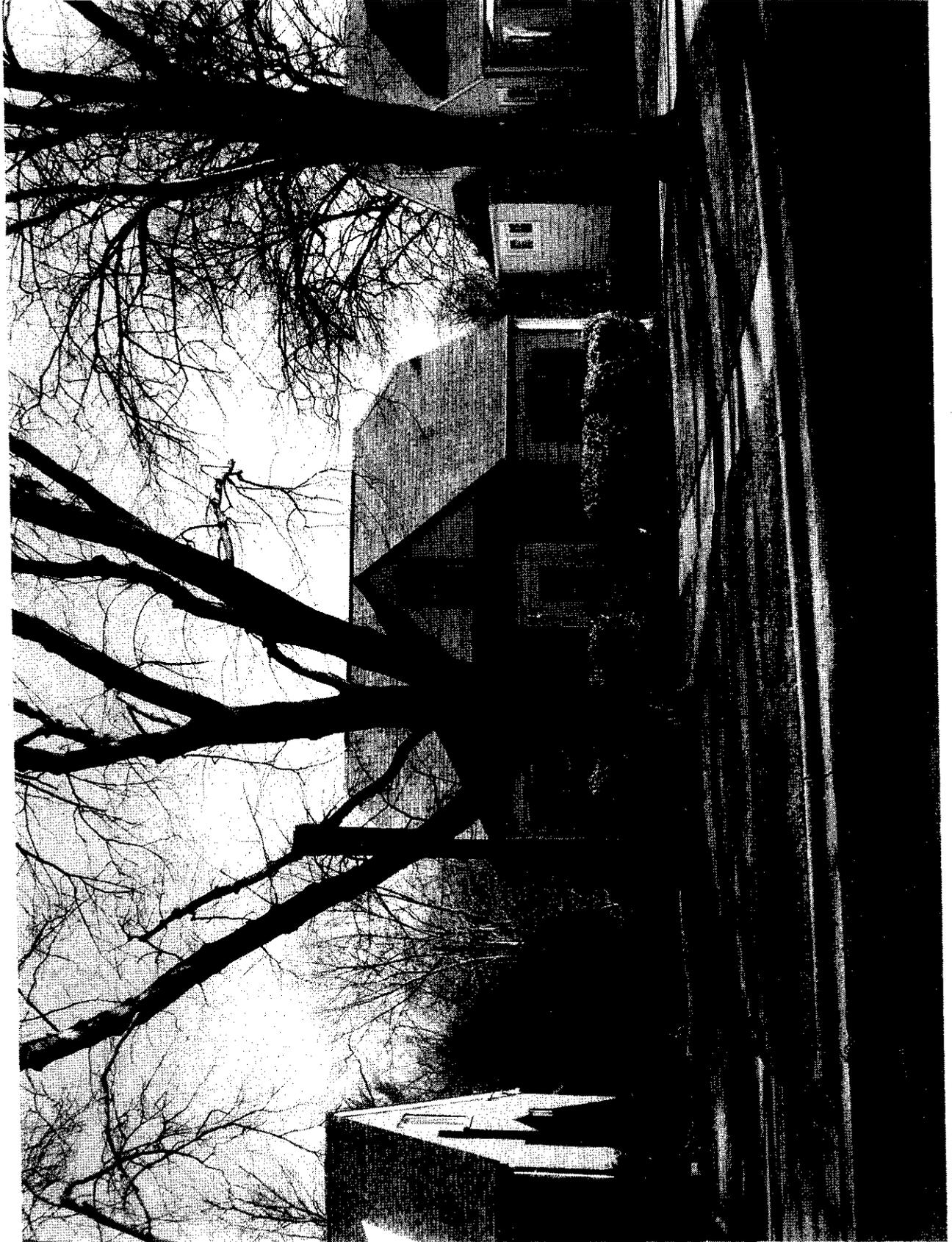
NITS EILANA FEB 09  
2909 MEADOW LANE, FALLS CHURCH



From ST.  
#2910

M E A D O W L A N E

11



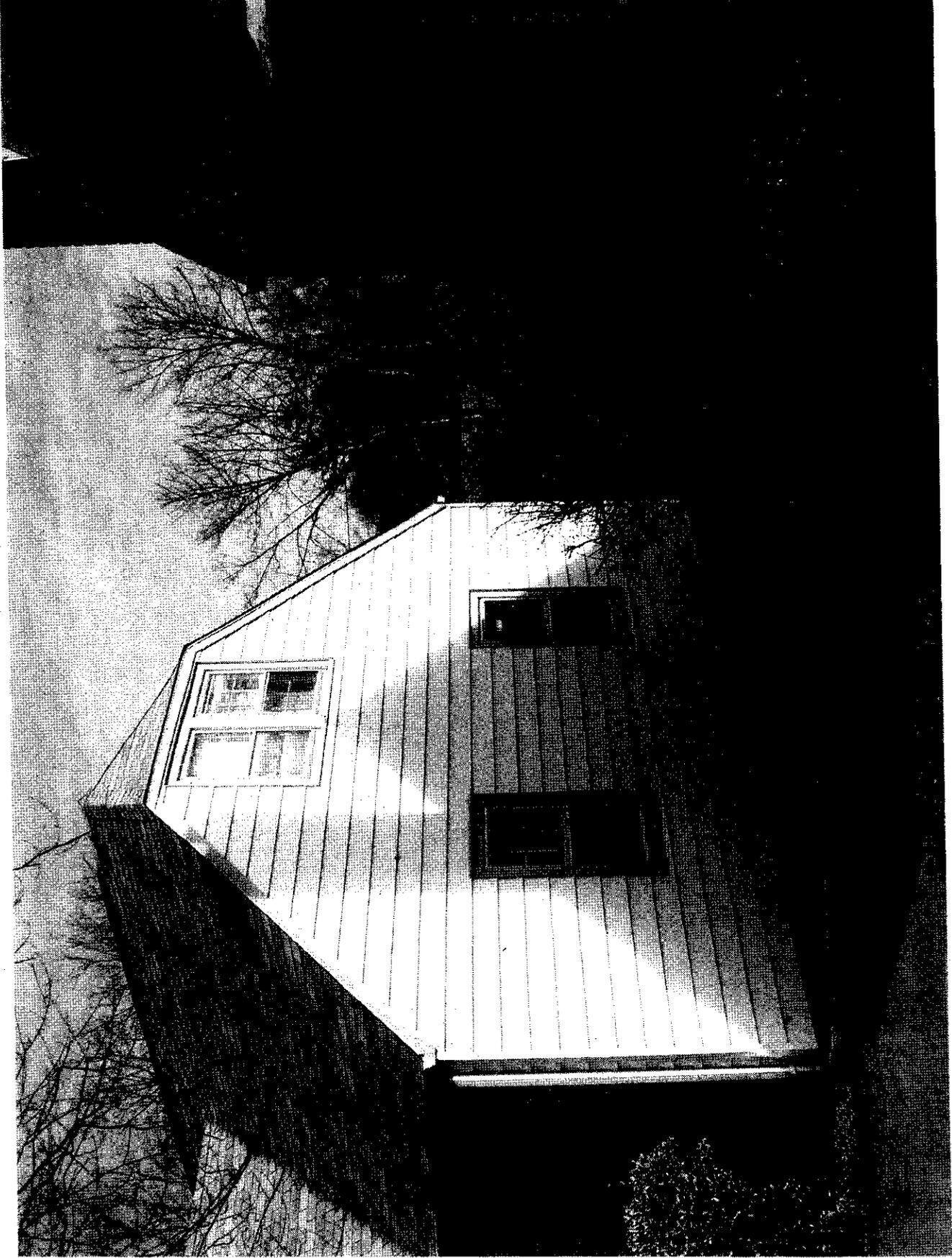
BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09

#1  
FRONT WITH NEIGHBORS



BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09

# FRONT VIEW



BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09

#3 SOUTH SIDE



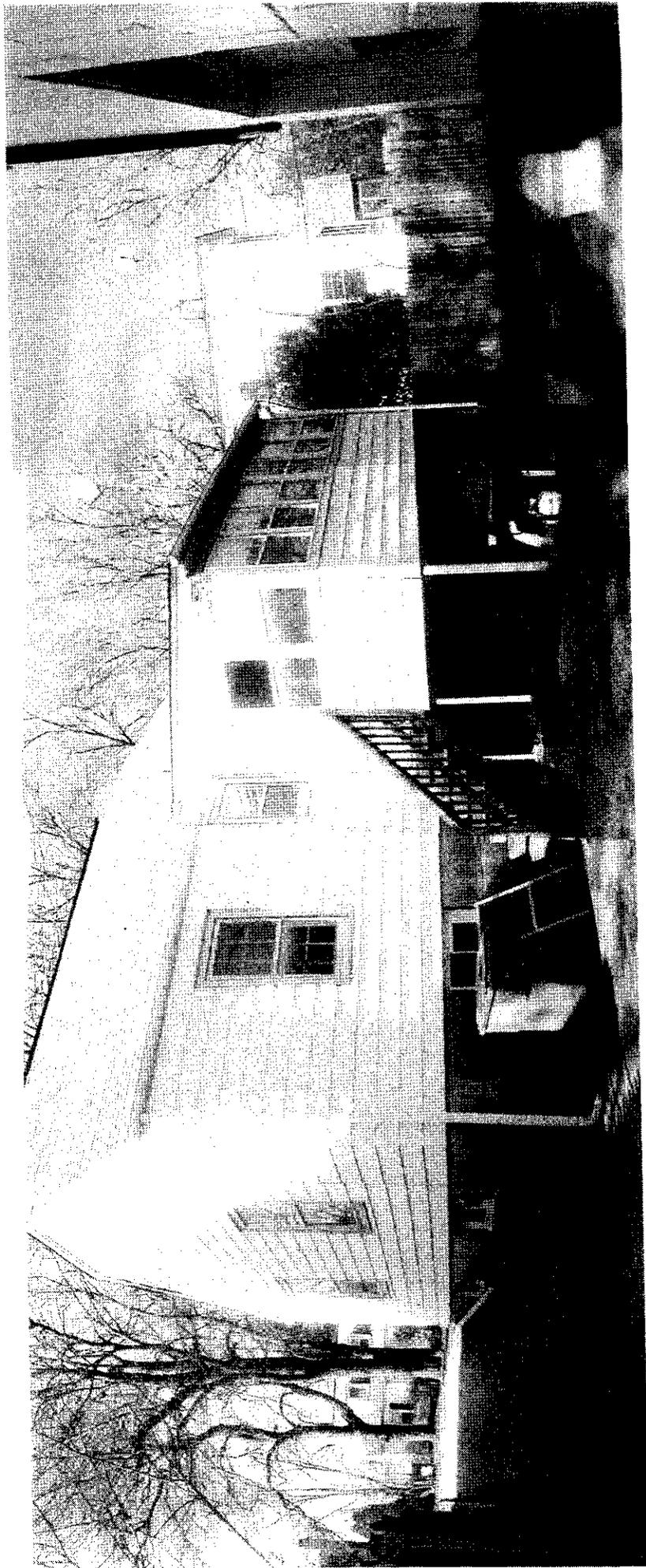
**#4** BURRIS SPECIAL PERMIT: 2909 Meadow Lane, Falls Church, VA February 09  
**DRIVE & GARAGE BETWEEN HOUSE & SOUTH NEIGHBOR**



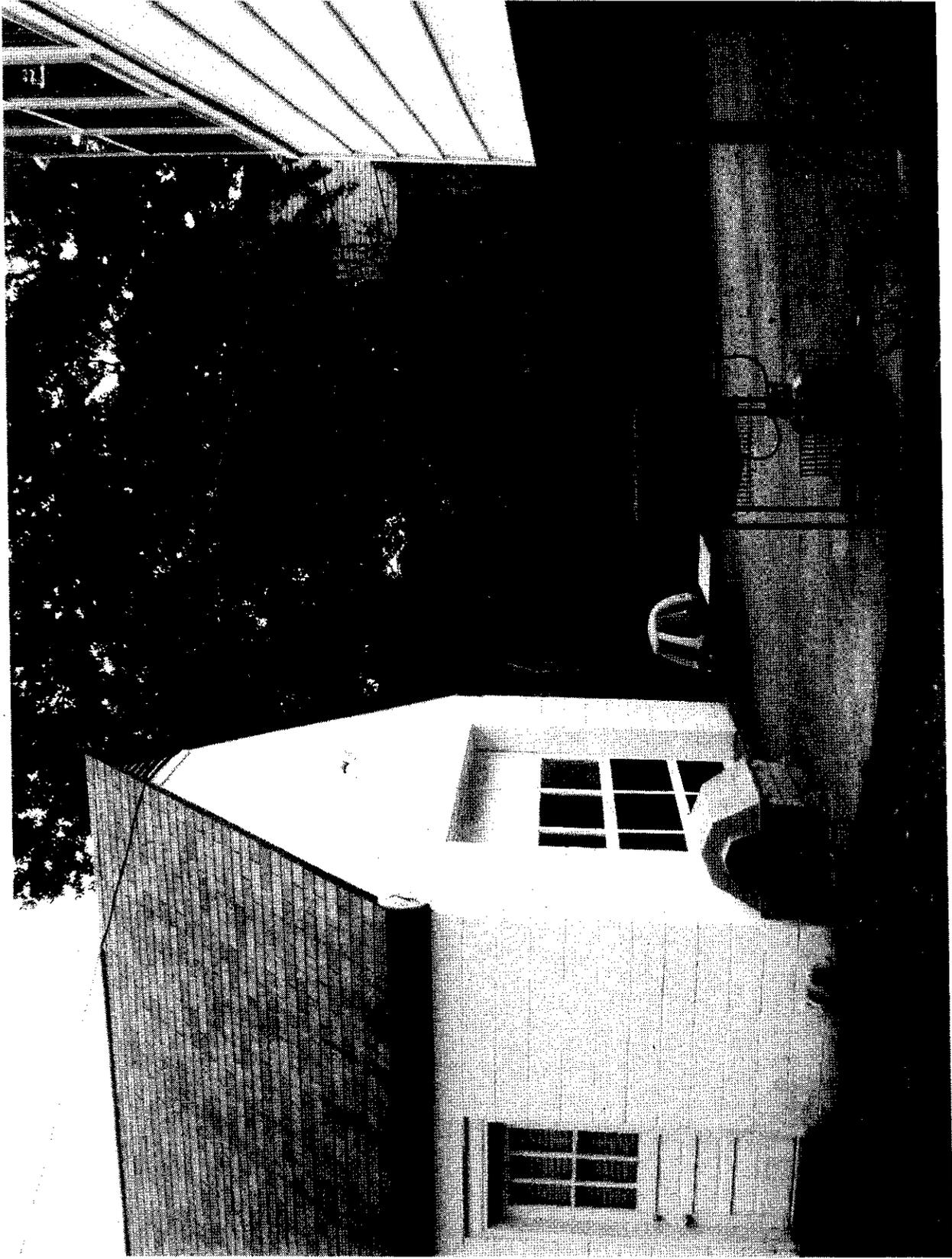
**#5** BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
**VIEW LOOKING NORTH BETWEEN PORCH & GARAGE**



BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
**#6 SOUTH NEIGHBOR VIEW OF GARAGE & PORCH LOOKING NORTH**

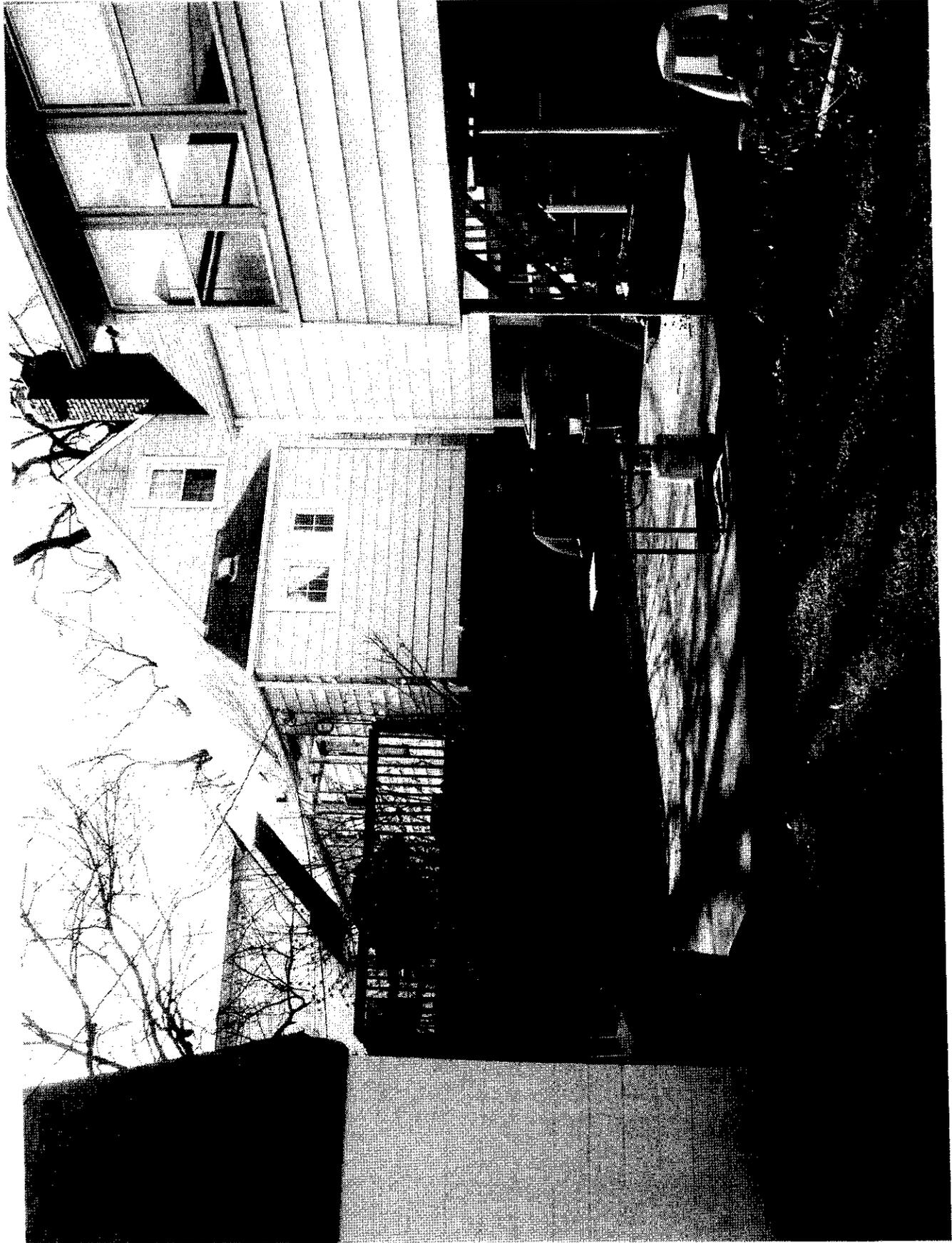


**#7** BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
PANORAMIC REAR VIEW ALONG GARAGE FACE & DRIVE, LOOKING

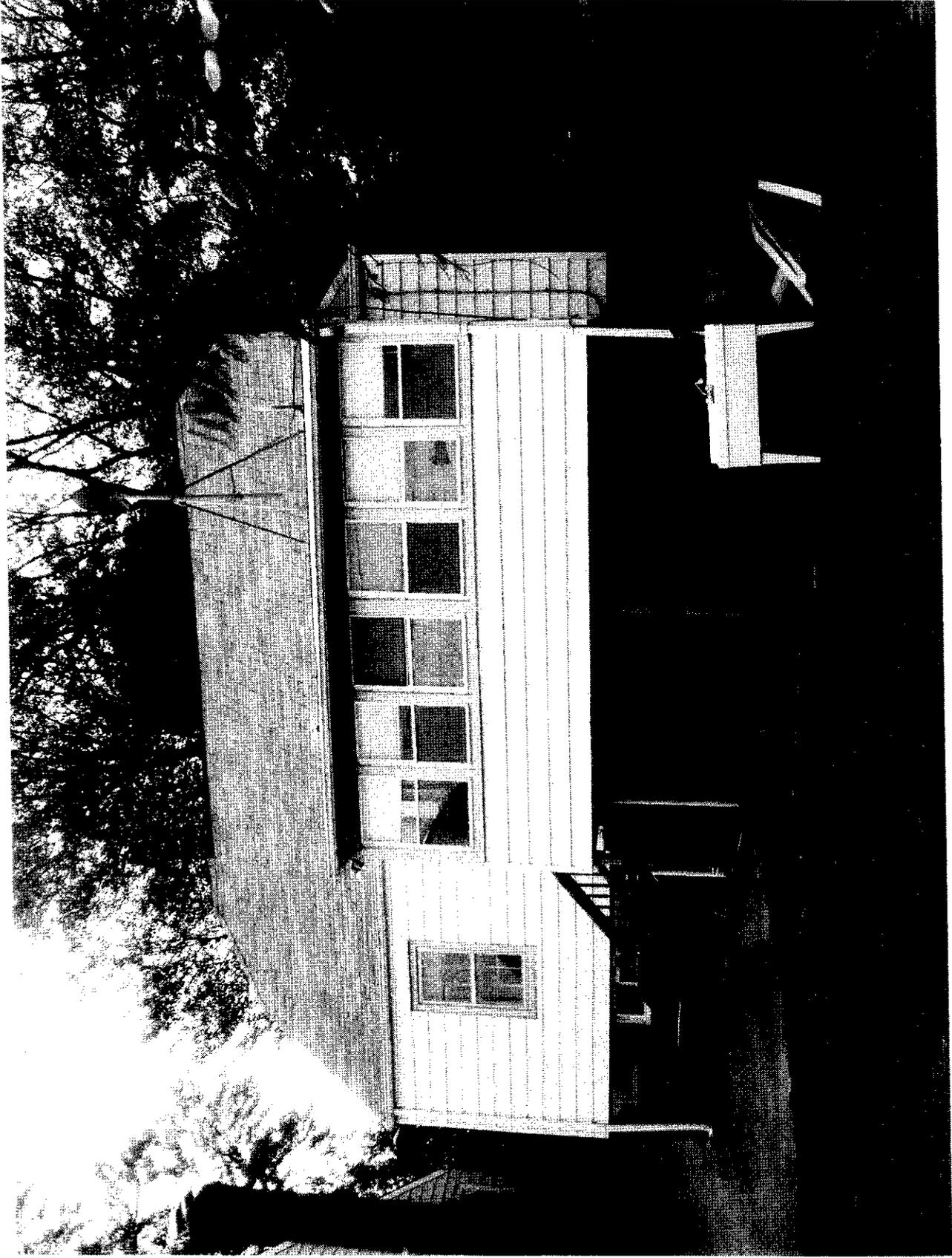


BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09

# #8 GARAGE & APRON LOOKING SOUTH ALONG PORCH



**#9** BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
VIEW OF GARAGE APRON FROM YARD LOOKING AT SOUTH NEIGHBOR



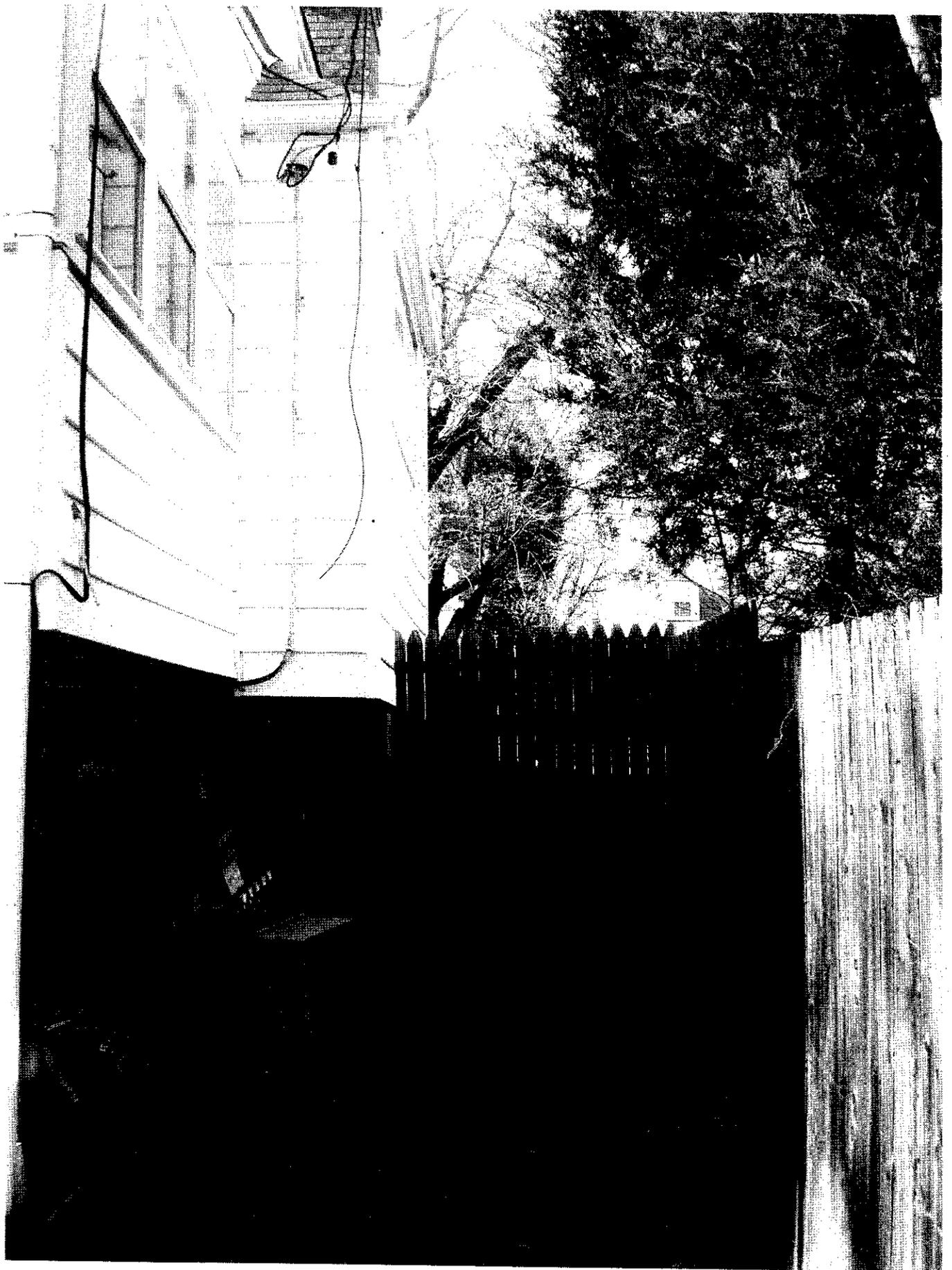
**#10** BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
REAR VIEW



**#11** BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
PANORAMIC VIEW OF REAR OF SUBJECT PROPERTY AND NORTH



**#12** BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
HOUSE REAR PANORAMIC LOOKING WEST ALONG NORTH PROPERTY LINE



**#13** BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
BAY SIDE YARD VIEW LOOKING WEST



**#14** BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
PANORAMIC OF REAR YARD ALONG NORTH FENCE (LOOKING EAST)



BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
**#15 PANORAMIC VIEW OF SUBJECT PROPERTY FROM NORTH NEIGHBORS**



**#16** BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
BETWEEN DAV & NORTH NEIGHBOR LOOKING EAST

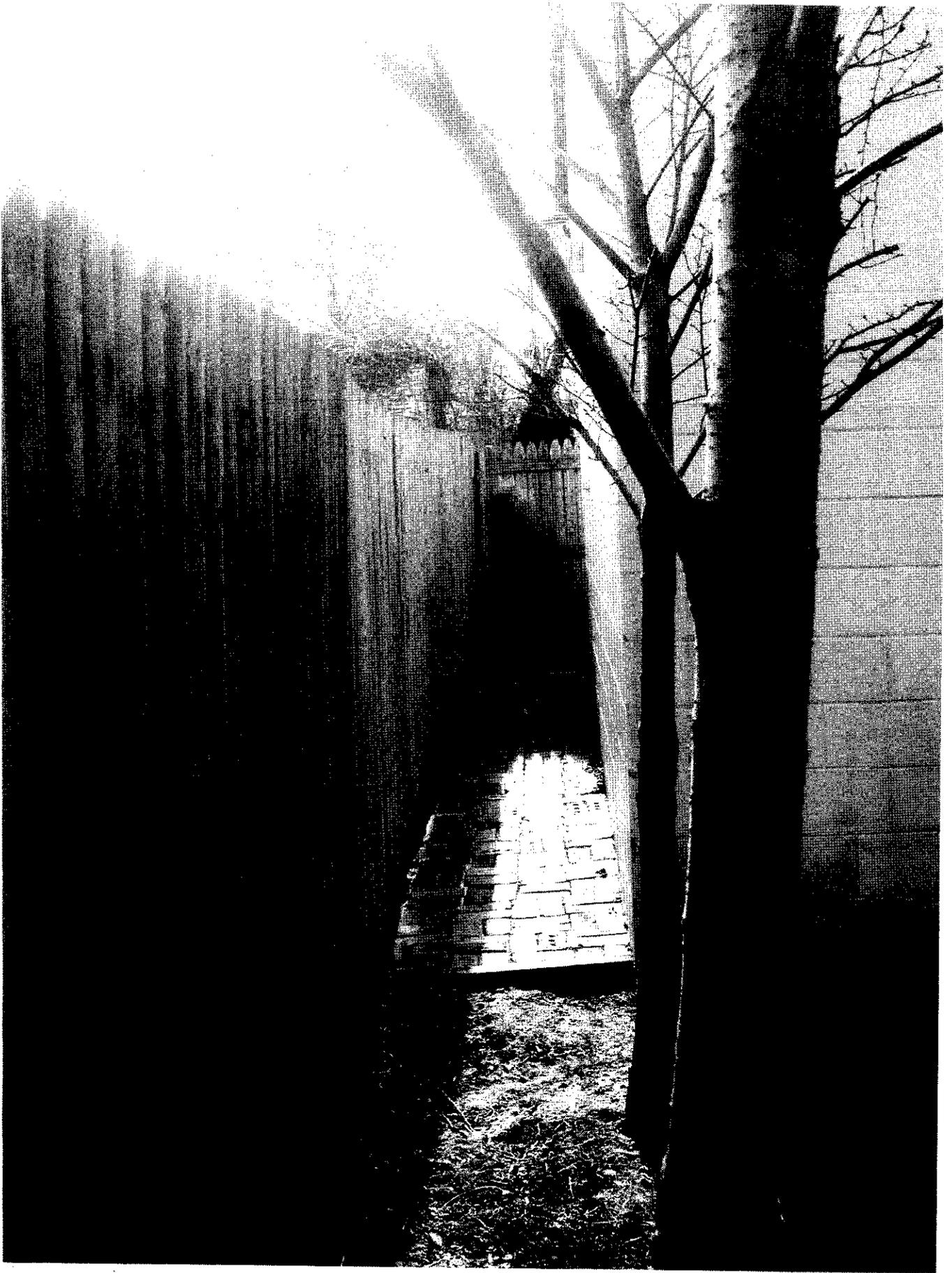


#17 BURRIS SPECIAL PERMIT: 2909 Meadow Lane, Falls Church, VA February 09  
DAY & NODTJ SIDE

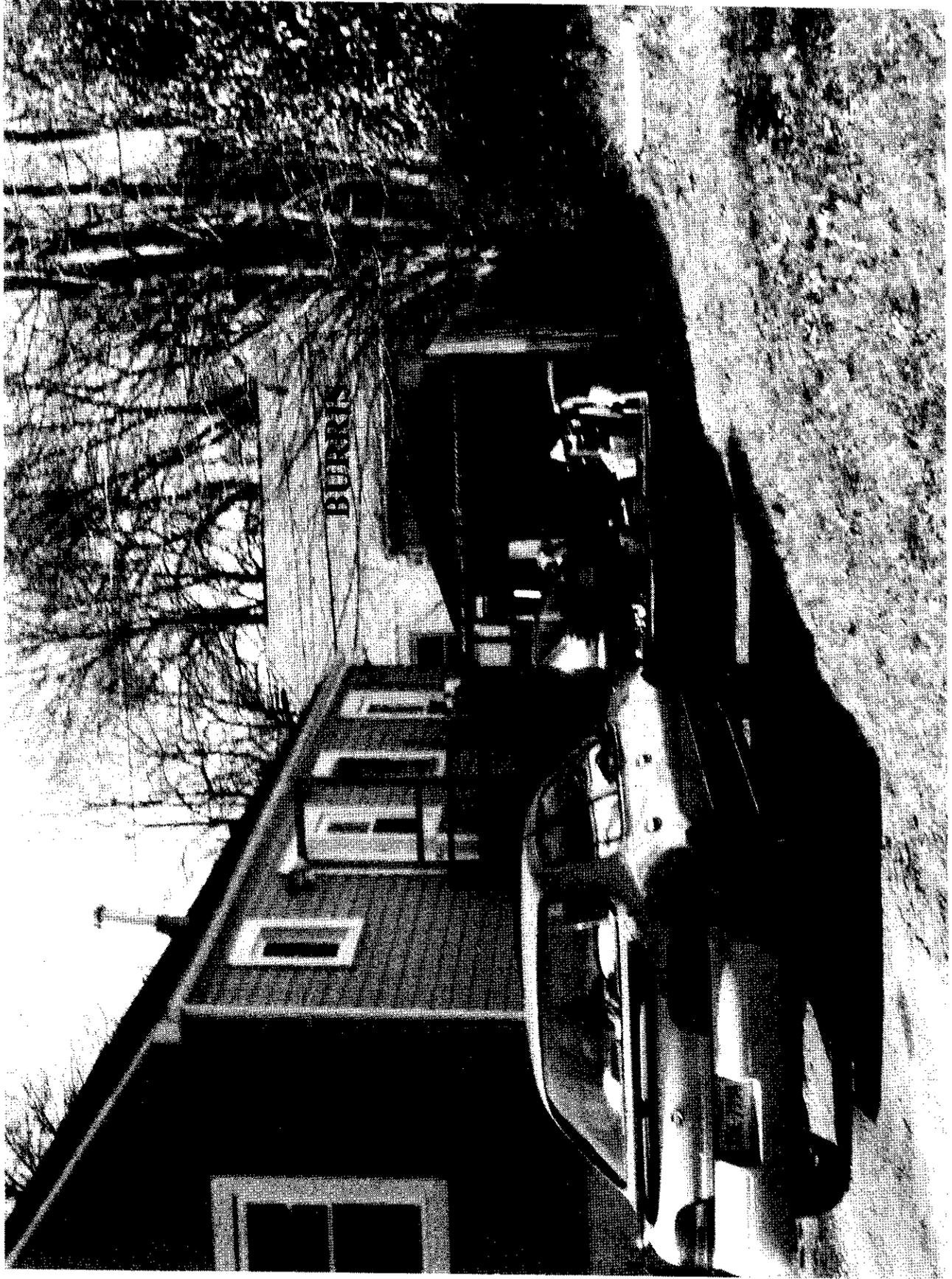


BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09

**#18 FRONT (WEST) WITH VIEW OF NORTH SIDE.**



**#19** BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
REAR (EAST SIDE) OF GARAGE



#20 BURRIS SPECIAL PERMIT; 2909 Meadow Lane, Falls Church, VA February 09  
T O N I C V I E W O F D O D G E O V E R R E A R ( E A S T ) N E I G H B O R ' S S H E D

## DESCRIPTION OF THE APPLICATION

The applicant seeks approval of five special permits. The first special permit is for a reduction of certain yard requirements to permit construction of a roofed deck, which is a covered porch, 24.8 feet from the front lot line. The second request is to permit construction of a second floor addition on the rear of the existing dwelling, 8.7 feet from the northern side lot line. The third request is to permit construction of a two story addition with finished basement, 5 feet from the northern side lot line. The fourth request is to permit construction of a one story addition, which is a bay window that requires structural support underneath, 5.4 feet from the northern side lot line. The fifth and final request is to permit construction of an open deck 5.2 feet from the northern side lot line.

	Structure	Yard	Min. Yard Required *	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit #1	Roofed Deck (Covered Porch)	Front	30 feet	24.8 feet	5.2 feet	17.3 %
Special Permit #2	Second Floor Addition	Side	10 feet	8.7 feet	1.3 feet	13 %
Special Permit #3	Two Story Addition w/ Basement	Side	10 feet	5 feet	5 feet	50 %
Special Permit #4	One Story Addition	Side	10	5.4	4.6 feet	46 %
Special Permit #5	Open Deck	Side	10 feet	5.2 feet	4.8 feet	48 %

\* Minimum yard requirements per Sect. 3-407

## EXISTING SITE DESCRIPTION

The 5,625 square foot site is currently zoned R-4 and H-C and is developed with a one and a half story with full basement single family detached dwelling. According to county

records the dwelling was constructed in 1940 at its current location. Therefore, the dwelling would not require an administrative reduction or an error in building location for its existing location within the minimum required side yards. The detached garage was constructed legally by building permit in 1962 and has been taxed in its current location since that time.

### CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single Family Detached Dwellings
South	R-4	Single Family Detached Dwellings
East	R-4	Single Family Detached Dwellings
West	R-4	Single Family Detached Dwellings

### ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Plat Showing the Improvements on Lot 38, Section 3 Hillwood
- **Prepared By:** Andrew L. Westerman, Alexandria Surveys International, LLC dated January 8, 2009, revised through April 8, 2009.

### BACKGROUND

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

- Special Permit SP 2007-PR-093, granted on November 6, 2007, on Tax Map Number 50-4 ((8)) 21, on 2904 Meadow Lane, zoned R-4, north of the subject property to permit construction of additions 5.3 feet and 9.9 feet from side lot line and to permit reduction to minimum yard requirements based on error in building location to permit accessory storage structure to remain 2.0 feet from rear lot line and 2.1 feet from the side lot line.
- Special Permit SP 2006-PR-070, granted on February 6, 2007, on Tax Map Number 50-4 ((8)) 29, on 2843 Meadow Lane, zoned R-4, north of the subject property to permit construction of addition 15 feet from the front lot line, 24.2 feet from the rear lot line and 7.4 feet from the side lot line.
- Variance VC 01-P-132, granted on November 7, 2001, on Tax Map Number 50-4 ((8)) 31, on 2847 Meadow Lane, zoned R-4, north of the subject property to permit construction of addition 8.3 feet from side lot line and porch 9.3 feet from side lot line.

- Variance VC 00-P-065, granted on August 9, 2000, on Tax Map Number 50-4 ((8)) 24, on 2852 Meadow Lane, zoned R-4, north of the subject property to permit construction of addition 5.2 feet from side lot line and second story addition 8.2 feet and 9.8 feet from side lot lines and 7.2 fence to remain.
- Variance VC 94-P-105, granted on November 18, 1994, on Tax Map Number 50-4 ((8)) 7, on 2901 Cherry Street, zoned R-4, north of the subject property to permit construction of addition 22 feet from rear lot line, 7.5 from one side lot line and 7.9 feet from other side lot line.
- Variance VC 84-P-110, granted on November 8, 1984, on Tax Map Number 50-4 ((8)) 13, on 2913 Cherry Street, zoned R-4, south of the subject property to permit construction of addition 8 feet from side lot line.

## PROPOSAL

The applicant wishes to construct a number of additions to the existing dwelling on the subject property. The first structure the applicant wishes to construct is a roofed deck, identified as a covered porch, on the existing front façade. The structure will be 12 feet in height and approximately 65 square feet in size.

The second request is for a second floor addition on the rear of the existing dwelling, 8.7 feet from the northern side lot line. This addition will cover a portion of the existing dwelling as well as match the same roofline and tie into the proposed two story addition proposed.

The third request is for a two story addition with basement, 5 feet from the northern side lot line. As stated previously, this addition will tie into the proposed second floor expansion addition and also match the roofline of the existing dwelling. This addition will have three exposed levels at the rear of the property due to the steep grade differential from the front of the property to the rear of the property. The proposed addition will be approximately 692 square feet in size (this includes the square footage of an existing screened porch which is 155 square feet that will be replaced by the proposed addition). Due to the grade differential, the height of the proposed structure will be 26 feet.

The fourth request is for a one story addition to be 5.4 feet from the northern side lot line. This is an existing bay window bump-out that was constructed at the time of the existing dwelling. However, the applicant wishes to put structural supports under the window which constitutes an expansion of the existing window.

The final request is for an open deck to be constructed 5.2 feet from the northern side lot line. The open deck will be 9 feet in height and there will be no lattice or screening associated with the proposed structure.

The applicant will also be constructing another roofed deck on the southern side of the two story addition; however, this construction will comply with zoning ordinance location regulations and does not require special permit approval.

## 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 requests #1, #2 and #4 meet all of the zoning ordinance standards. However, staff does not believe that requests #3 and #5 meet all of the standards for the reasons outlined below, including the 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 proposed roofed deck (covered porch), one story addition (bay window with supports) and second floor addition over the existing dwelling will be harmonious with and not adversely impact the neighboring properties. However, for the proposed two story addition with basement and the open deck, staff believes there will be an adverse impact on neighboring properties due to their proximity to the lot line. Staff believes that having three exposed levels 5 feet from the northern side lot line will be too significant a structure and could create a negative impact to the neighbors directly adjacent on lot 37. As a result staff does not support the two story addition with basement and the open deck and feel it should be set back to match the plane of the existing dwelling.*

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

*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. Notwithstanding what is depicted on the plat, the existing structure is 2,112 square feet in size (including the basement). 150% of the total gross floor area could result in an addition up to 3,168 square feet in size for a possible total square footage at build out of 5,280. The applicant proposes to add 803 square feet of living space. Calculating the existing dwelling and all additions, the house will be 2,915 square feet in size at completion. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The proposed roofed deck (covered porch) will only be 65 square feet and 12 feet in height. The second floor expansion addition will be over the existing dwelling and not encroach further in the minimum required side yard than the house and will have the same roofline. The bay window is*

*an existing condition of the property and the structural supports are necessary to keep it from sinking. Therefore, staff believes these structures will be in character with existing on site development in terms of location, height, bulk and scale and recommends approval of them. In terms of the two story addition with basement and open deck; staff believes they will not be in character with existing on-site development. Staff believes that the extension of the two story addition and deck into the minimum required side yard by 5 feet is not necessary and they could be shifted to line up with the existing dwelling. This would present less of an overall impact from the front of the structure and provide an even plane at the side of the house. Staff also believes these structures could be oriented more towards the rear yard since the closest proposed structure is shown to be 33.5 feet from the rear lot line. Staff believes the deck could be reconfigured in such a way that would not require special permit approval if shifted further south away from the side lot line. While the addition will maintain the existing roofline of the dwelling, the grade drop from the front to the rear of the property will create a condition of three levels encroaching into the minimum required side yard. As a result, staff believes this increase of bulk to be significant and interfere with the character of the current one and a half story dwelling. Therefore, staff does not support the construction of these structures in their current proposed location.*

*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. Given that the front porch requests a minor encroachment of the yard and that the bay window and second floor addition mimic existing conditions, staff believes these structures will be harmonious with off-site structures and uses. As for the proposed two story addition with basement and the open deck, staff believes they will not be harmonious with off-site uses and structures given their proximity to the northern side lot line. There is one other case in the surrounding neighborhood which was approved by the BZA to be 5.4 feet from the side lot line; however, this case was for a one story addition over an existing open deck. The proposed addition will be three exposed levels within the minimum required side yard. No other cases have been approved by the BZA which allow a structure (either a deck or an addition) to be as close as 5 feet to the side lot line. Therefore, staff feels these structures would not be harmonious with off-site uses and structures.*

*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 the impervious cover will not increase dramatically given that the proposed structures (with exception of the open deck) will be constructed over existing impervious surfaces. The front porch will be constructed slightly larger than the existing concrete stoop. The bay window will have structural supports and an at-grade patio underneath; however, will only be approximately 39 square feet. The deck will be completely open underneath with no lattice, screening or an at-grade patio. The second story expansion will be constructed over the existing dwelling and the other two story addition with basement will replace an existing one-*

*story screen porch. In terms of safety, structures are required by the fire prevention code to be at least 5 feet from the side lot line. Therefore, staff has a concern if this proposed structure inadvertently is constructed closer than 5 feet to the side lot line.*

*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 roofed deck (front porch) will replace an existing concrete slab directly in front of the entrance to the dwelling; therefore staff believes this structure is in the most logical place and that there are no alternate locations. The bay window is an existing condition and requires structural supports in order to keep it from becoming structurally unstable; therefore, staff believes this request meets this provision. The proposed second floor expansion addition will not extend beyond the plane of the existing house; therefore staff believes this structure is proposed in the most logical location. Staff believes that the proposed two story addition with basement could be set further back from the side lot line and extend instead more into the rear yard of the property to accommodate the loss of square footage. Staff feels that the proposed deck could be set back to meet all minimum required yards absent of a special permit request. Due to the availability of alternate locations for these two structures, staff does not believe they meet this provision.*

## **CONCLUSION**

Staff believes that the subject application for the two story addition with basement and the open deck is not in conformance with the applicable Zoning Ordinance provisions as outlined above. Staff does support approval of the roofed deck (covered front porch), the one story addition (bay window with structural supports) and the second floor expansion addition.

## **RECOMMENDATION**

Staff recommends approval-in-part of SP 2009-PR-027. Staff recommends approval for the roofed deck (front porch), the one story addition (bay window with structural supports) and the second story 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, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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

**APPENDICES**

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

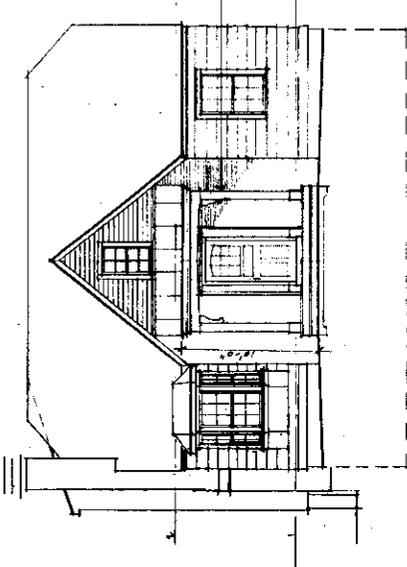
**PROPOSED DEVELOPMENT CONDITIONS****SP 2009-PR-027****June 30, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-PR-027 located at Tax Map Number 50-4 ((8)) 38 (2909 Meadow Lane), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

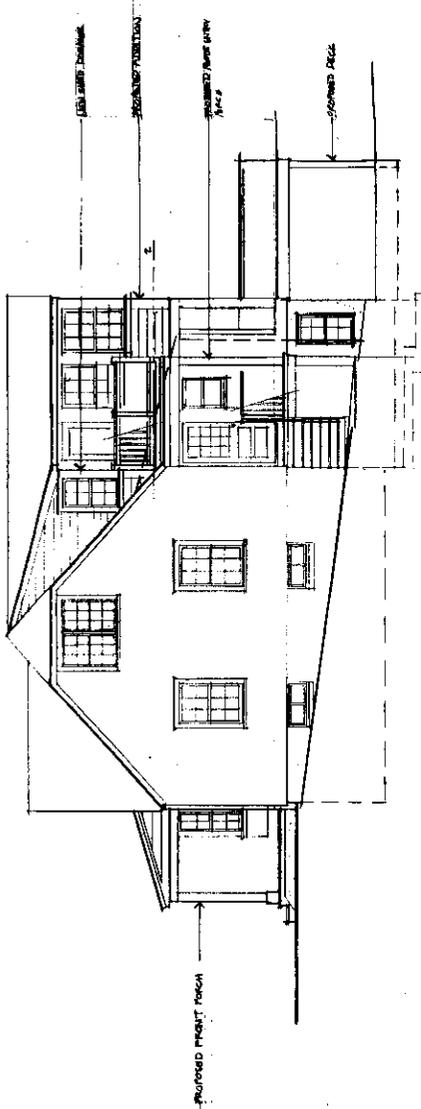
1. These conditions shall be recorded by the applicant among the land record of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the proposed roofed deck, second story addition and bay window, as shown on the plat prepared by Andrew L. Westerman, Alexandria Surveys International, LLC dated January 8, 2009, revised through April 8, 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 (2,112 square feet existing + 3,168 (150%) = 5,280 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 additions shall be consistent with the architectural renderings and materials 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.

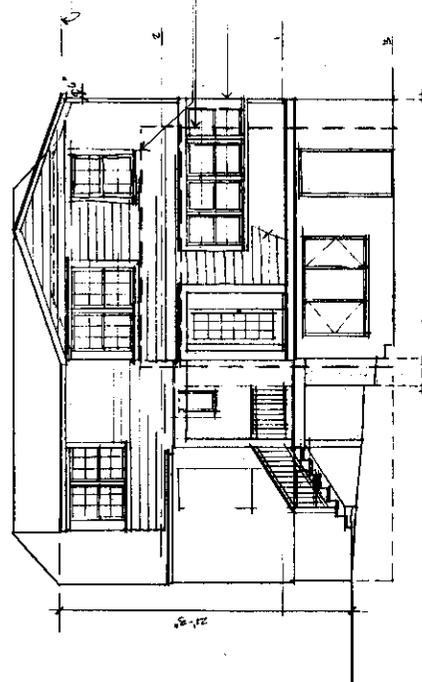
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional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



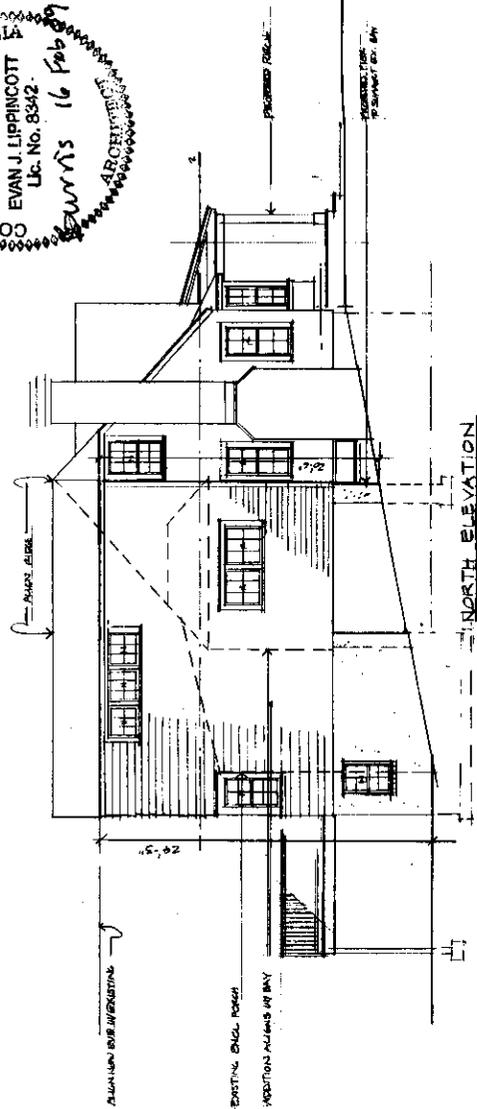
WEST (FRONT) ELEVATION



SOUTH ELEVATION



EAST (REAR) ELEVATION



NORTH ELEVATION

BRUNNEN + PAGES ARCHITECTS  
EVAN J. LIPPINCOTT  
LICENSED PROFESSIONAL ARCHITECT  
NO. 8342  
STATE OF VIRGINIA  
FEBRUARY 16, 2011

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 20 APR 09  
(enter date affidavit is notarized)

I, Michael David Burris, 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

104430

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Michael D. Burris	2909 Meadow Lane, Falls Church, VA 22042	Owner / <b>APPLICANT</b>
Mikela A. Burris	2909 Meadow Lane, Falls Church, VA 22042	Owner

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 20 APR 09  
(enter date affidavit is notarized)

104430

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)

N/A

**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)

N/A

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 20 APR 09  
(enter date affidavit is notarized)

104430

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**)

N/A

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

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

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 20 APR 09  
(enter date affidavit is notarized)

104430

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:

W/A

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: 20 APR 09  
(enter date affidavit is notarized)

104430

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)

Michael D. Burris  
 Applicant [ ] Applicant's Authorized Agent

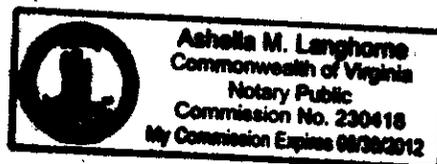
MICHAEL DAVID BURRIS

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

Subscribed and sworn to before me this 20th day of April 2009, in the State/Comm. of Virginia, County/City of Fauquier

Ashella M. Langhorne  
Notary Public

My commission expires: 6/30/2012



FEB 18 2009

Zoning Evaluation Division

## Special Permit

## STATEMENT OF JUSTIFICATION

Burriss Residence, 2902 Meadow Lane, Falls Church, VA 22042

16 February 09

Rear Addition: Request for 50% Reduction in Side Yard Setback; 8-922 Zoning Ord.

Front Porch: Request for 50% Reduction in Front Yard setback; 8-922 Zoning Ord.

Zoning: R-4

Applicant wishes build a 12' x 18'-8" addition in the place of a current 9x 17.2' enclosed porch to the back of the house, asking the Board to grant permission to reduce the 10' side yard by half to 5', giving the addition precious room to not block access to the existing garage and allowing the addition to line up with the existing 12' dining room bay for sympathetic and integrated massing.

In this emerging neighborhood, the applicant wishes to join many of his neighbors in updating and expanding the 1940's housing stock. The proposed rear addition to this modest home on 1/8 acre lot is only slightly larger in footprint than the existing enclosed rear porch. The existing masonry garage, permitted in 1962, sits in the back corner of the lot with drive/apron to the existing house. Due to the location of the existing garage, an addition held to the 10' side yard setback would restrict garage access and cramp the space between architectural volumes. The 5' represents a significant loss of garage access and creation of massing tension.

The proposed massing blends with existing house massing, minimizing the affect of the addition on the neighbor. The additions' proposed eaves would align with the existing hipped roof eave lines and the proposed ridge goes no higher that the existing house ridge. Also, by extending the existing massing of the dining room bay, the addition feels integral and sympathetic to the house massing. The addition shall be harmonious with the neighborhood and not adversely affect the use or development of neighboring properties.

A visual survey of the neighborhood shows several additions of similar massing, often aligning with existing massing. An LDS search shows 7 Special Permits approved within the last 10 years, within a two block area that relate to yard reductions.

The impact of the addition rather than existing enclosed porch will minimally affect the neighbor's light, air or noise. While the addition's volume will increase the bulk of the existing enclosed porch, it is far enough from the neighbor's house to not significantly affect their light or air. Current screening is a 7' fence and a 20' hemlock on the neighbor's property. The affected neighbor (2907, to the North), supports this petition (see supporting letter) and is comfortable with the addition aligning with the existing dining room bay.

The current Dining room bay is drooping slightly and the Owner wishes to build a masonry pier under the corner to support and level the bay floor. The reduction of the 10' side yard by half, placing the bay in the side yard, would permit construction of this pier.

Special Permit

**STATEMENT OF JUSTIFICATION**

Burris Residence, 2902 Meadow Lane, Falls Church, VA 22042

**Page 2**

16 February 09

The rear addition will have a small entry porch and steps on the garage apron side, allowing rear entry to the main level. The lower level will have a grade level entry below a small 10' x 14' deck on the main level that is angled to minimize garage crowding.

The Owner wishes to extend a front porch of 10' x 6'-6" approximately 4' into the front yard, providing cover at the front door and welcoming the neighborhood. Proportioned to the house and giving emphasis and place to the central gabled brick massing, this modest porch provides hospitality and cover, and creates a transitional space that enriches the house and the neighborhood. The porch will have a simple shed roof form with sympathetic period detailing, adding sophistication and character to the house.

This project shall not change or adversely affect current stormwater management.

RECEIVED  
Department of Planning & Zoning

FEB 18 2009

Zoning Evaluation Division

J. Jeffrey Lenard  
2911 Meadow Lane  
Falls Church, VA 22042

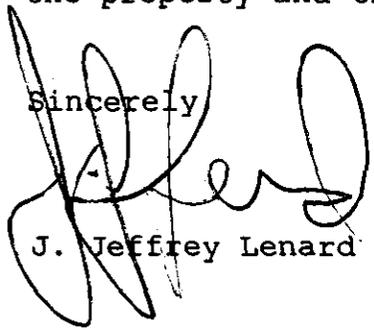
February 17, 2009

RE: Fairfax County Special Permit application for Michael  
and Mikela Burris

To whom it may concern:

I am the owner of the property adjoining that of the  
referenced application on the south side. The owners of  
the subject property have reviewed their plans with me and  
I am fully supportive of the proposed addition, which will  
be directly visible from my home. In my opinion the  
proposed addition will be a beneficial improvement to both  
the property and the community.

Sincerely



J. Jeffrey Lenard

FEB 18 2009

Zoning Evaluation Division

Phillip C. Hart  
2907 Meadow Lane  
Falls Church, VA 22042

February 17, 2009

RE: Fairfax County Special Permit application for Michael  
and Mikela Burris

To whom it may concern:

I am the owner of the property adjoining that of the referenced application on the north side, nearest to the location of the proposed addition. The owners of the subject property have reviewed their plans with me and I am fully supportive of the proposed addition, which will be directly visible from my home. In my opinion the proposed addition will be a beneficial improvement to both the property and the community.

Sincerely,



Phillip C. Hart

**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.