



# County of Fairfax, Virginia

July 28, 2009

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-SP-042

### SPRINGFIELD DISTRICT

**APPLICANT:** Susan J. Lucas

**OWNERS:** Susan J. Lucas  
James J. Lucas

**STREET ADDRESS:** 6915 Heathstone Court

**SUBDIVISION:** Ardmore Woods

**TAX MAP REFERENCE:** 87-1 ((5)) 30A

**LOT SIZE:** 1.16 acres

**ZONING DISTRICT:** R-C and WS

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an addition 10.0 feet from a side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2009-SP-042 for a garage 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 the provisions of any applicable ordinances, regulations, or adopted standards.

*O:\dhedri\Special Permits\8-4) SP 2009-SP-042 Lucas\SP 2009-SP-042 Lucas staff report.doc Deborah Hedrick*

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

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

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



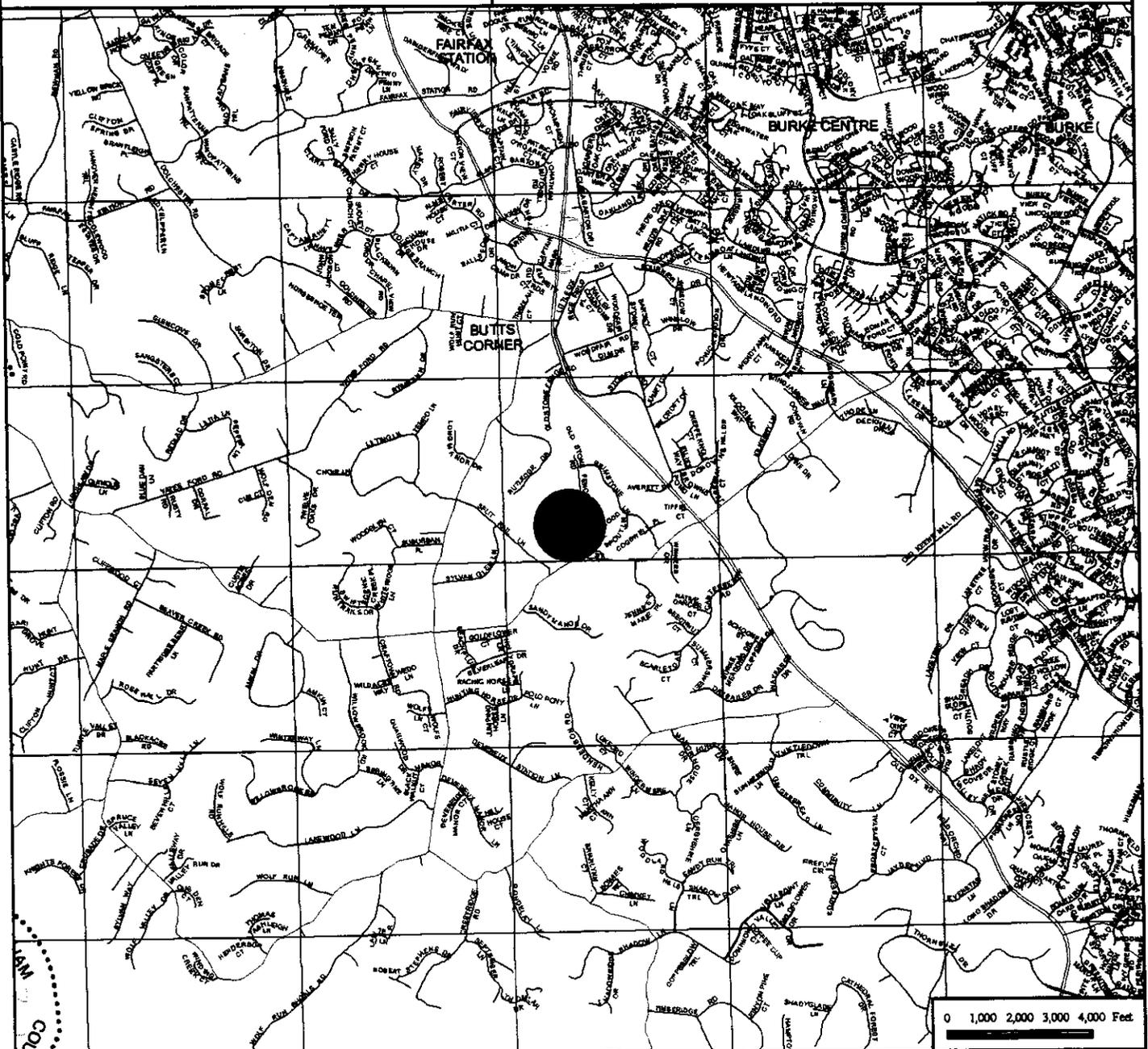
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2009-SP-042**

**Applicant:** SUSAN J. LUCAS  
**Accepted:** 06/04/2009  
**Proposed:** REDUCTION OF CERTAIN YARD REQUIREMENTS  
TO PERMIT ADDITION 10.0 FEET FROM  
SIDE LOT LINE

**Area:** 1.16 AC OF LAND; DISTRICT - SPRINGFIELD

**Zoning Dist Sect:** 08-922  
**Art 8 Group and Use:** 9-21  
**Located:** 6915 HEATHSTONE COURT  
**Zoning:** R- C  
**Overlay Dist:** WS  
**Map Ref Num:** 087-1- /05/ /0030A



**Special Permit**  
**SP 2009-SP-042**

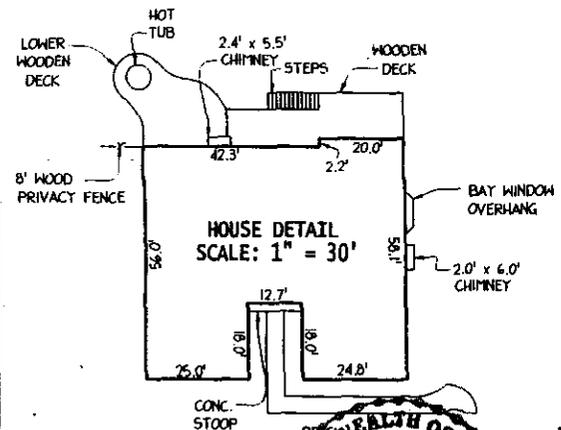
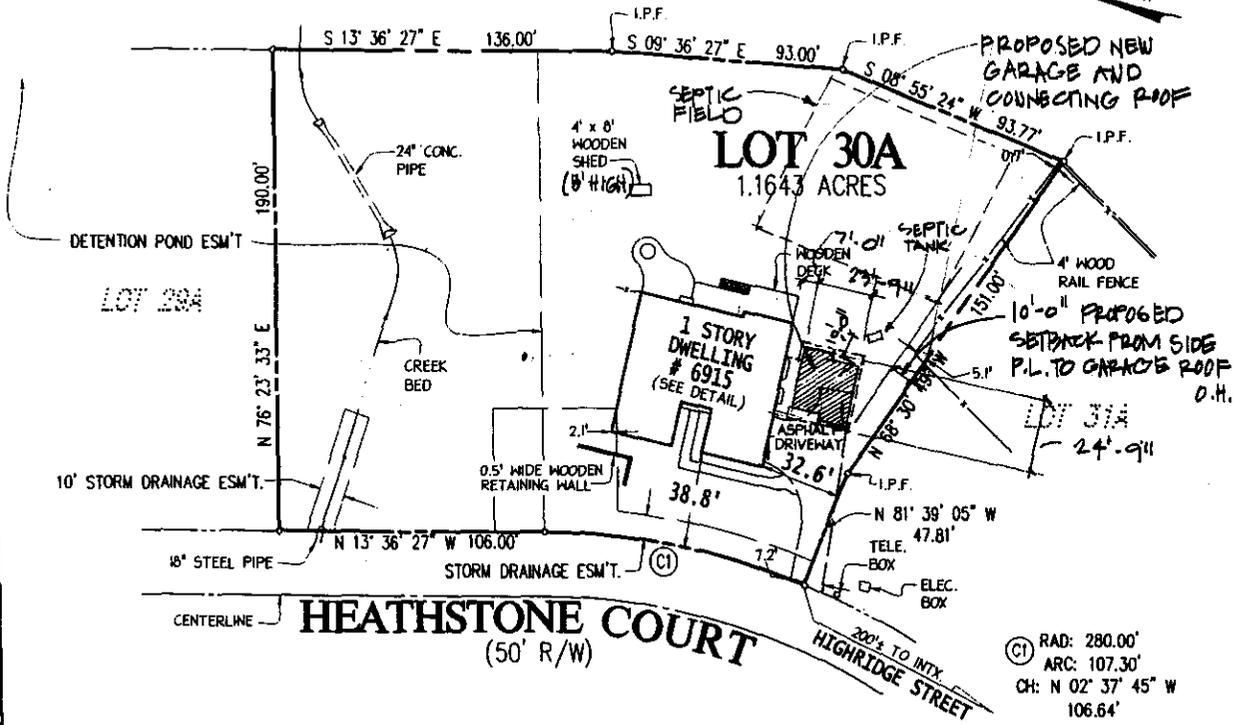
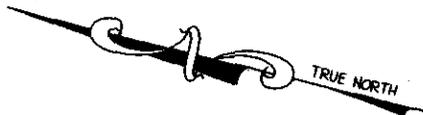
**Applicant:** SUSAN J. LUCAS  
**Accepted:** 06/04/2009  
**Proposed:** REDUCTION OF CERTAIN YARD REQUIREMENTS  
TO PERMIT ADDITION 10.0 FEET FROM  
SIDE LOT LINE

**Area:** 1.16 AC OF LAND; DISTRICT - SPRINGFIELD

**Zoning Dist Sect:** 08-922  
**Art 8 Group and Use:** 9-21  
**Located:** 6915 HEATHSTONE COURT  
**Zoning:** R- C  
**Overlay Dist:** WS  
**Map Ref Num:** 087-1- /05/ /0030A

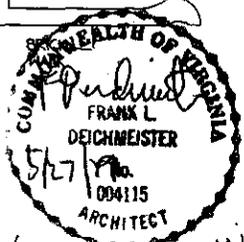


PARCEL "C"



- LEGEND:
- I.P.F. DENOTES IRON PIPE FOUND
  - X- DENOTES FENCE LINE
  - T,E&C DENOTES OVERHEAD TELEPHONE, ELECTRIC, AND CABLE LINES
  - B.R.L. DENOTES BUILDING RESTRICTION LINES
  - N/F DENOTES NOW OR FORMERLY

- NOTES:
- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
  - 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP # 515525-0075-0 EFFECTIVE DATE: MARCH 5, 1990
  - 3) THIS SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES (INCLUDING FENCES).
  - 4) LOCATION OF FENCES (IF ANY) ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
  - 5) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 087-1-05-0030-A
  - 6) PROPERTY CORNERS NOT SET PER WAIVER REQUEST.
  - 7) EASEMENTS, B.R.L.S & MERIDIAN, IF SHOWN HEREON, ARE AS DELINEATED ON PLAT RECORDED IN DEED BOOK 4874, PAGE 612 (UNLESS NOTED OTHERWISE).



*(Proposed garage addition for variance application)*

HOUSE LOCATION SURVEY  
**LOT 30A**  
**ARDMORE WOODS**  
 SPRINGFIELD DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

MBH # FOAJ0712011      LUCAS / JOHNSON, TRUSTEE

**B.W. SMITH AND ASSOCIATES, INC.**

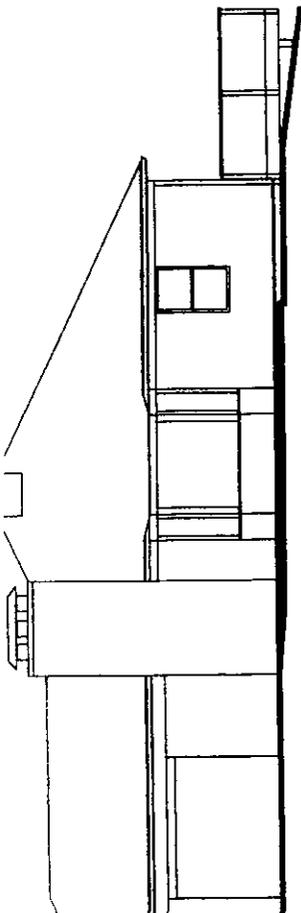
PROFESSIONAL LAND SURVEYING  
 MANASSAS, VIRGINIA (703) 368-5866    1(800) 682-0996

FIELD CREW: D. CONRAD

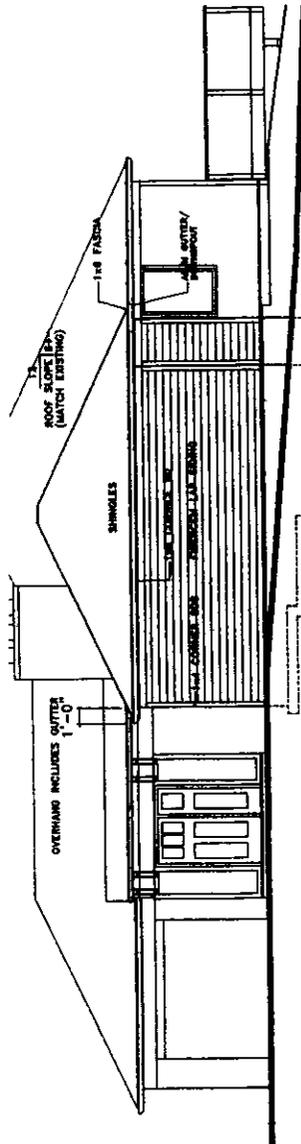
JOB # 20080029

DFT: R.L.G.	CHK: A.M.S.	NO TITLE REPORT FURNISHED	SCALE = 1" = 50'	DATE: 02/15/08
-------------	-------------	---------------------------	------------------	----------------



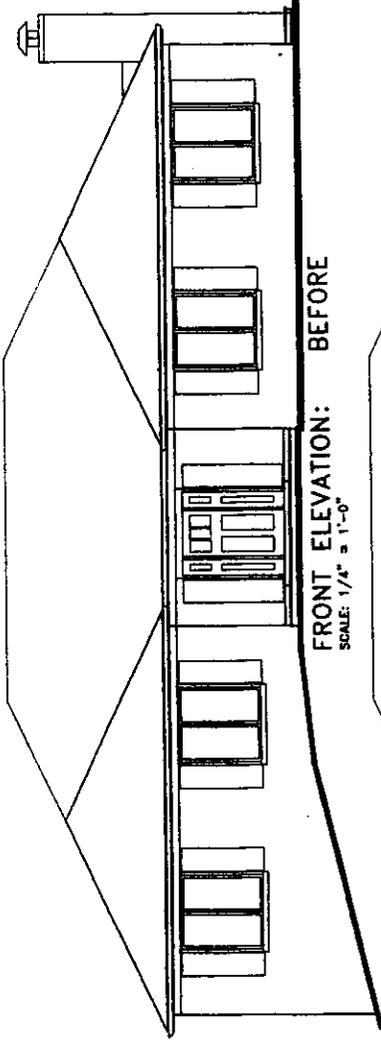


RIGHT SIDE ELEVATION: BEFORE  
SCALE: 1/4" = 1'-0"

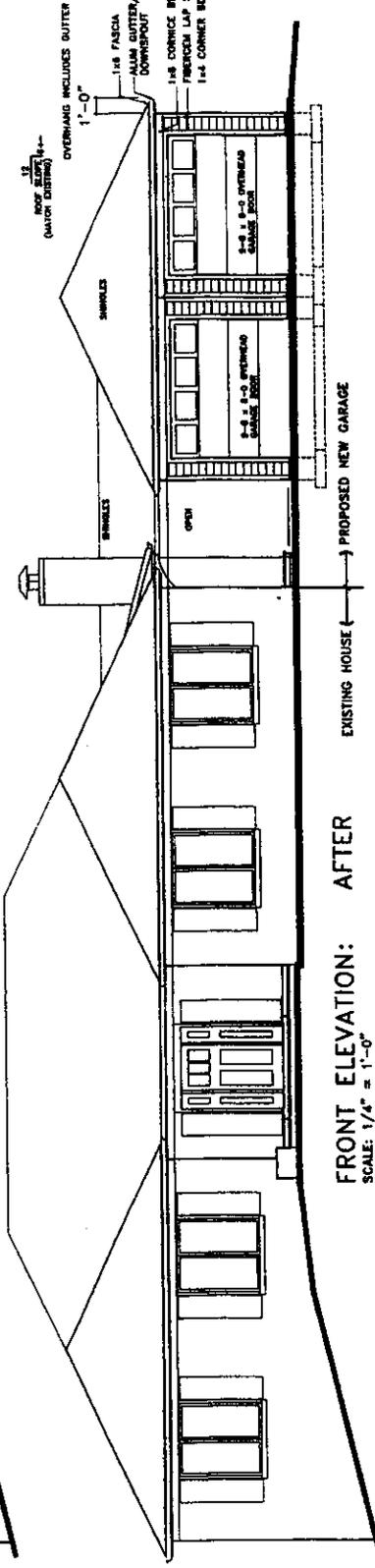


RIGHT SIDE ELEVATION: AFTER  
SCALE: 1/4" = 1'-0"

House - Mid-roof lft 16'  
Garage - Mid-roof lft 12'



FRONT ELEVATION: BEFORE  
SCALE: 1/4" = 1'-0"



FRONT ELEVATION: AFTER  
SCALE: 1/4" = 1'-0"

f l  
d a

Lucas Residence  
Additions and Renovations  
6818 Heathstone Court  
Falls Church, VA 22048

Ernst Pflummstein Architects

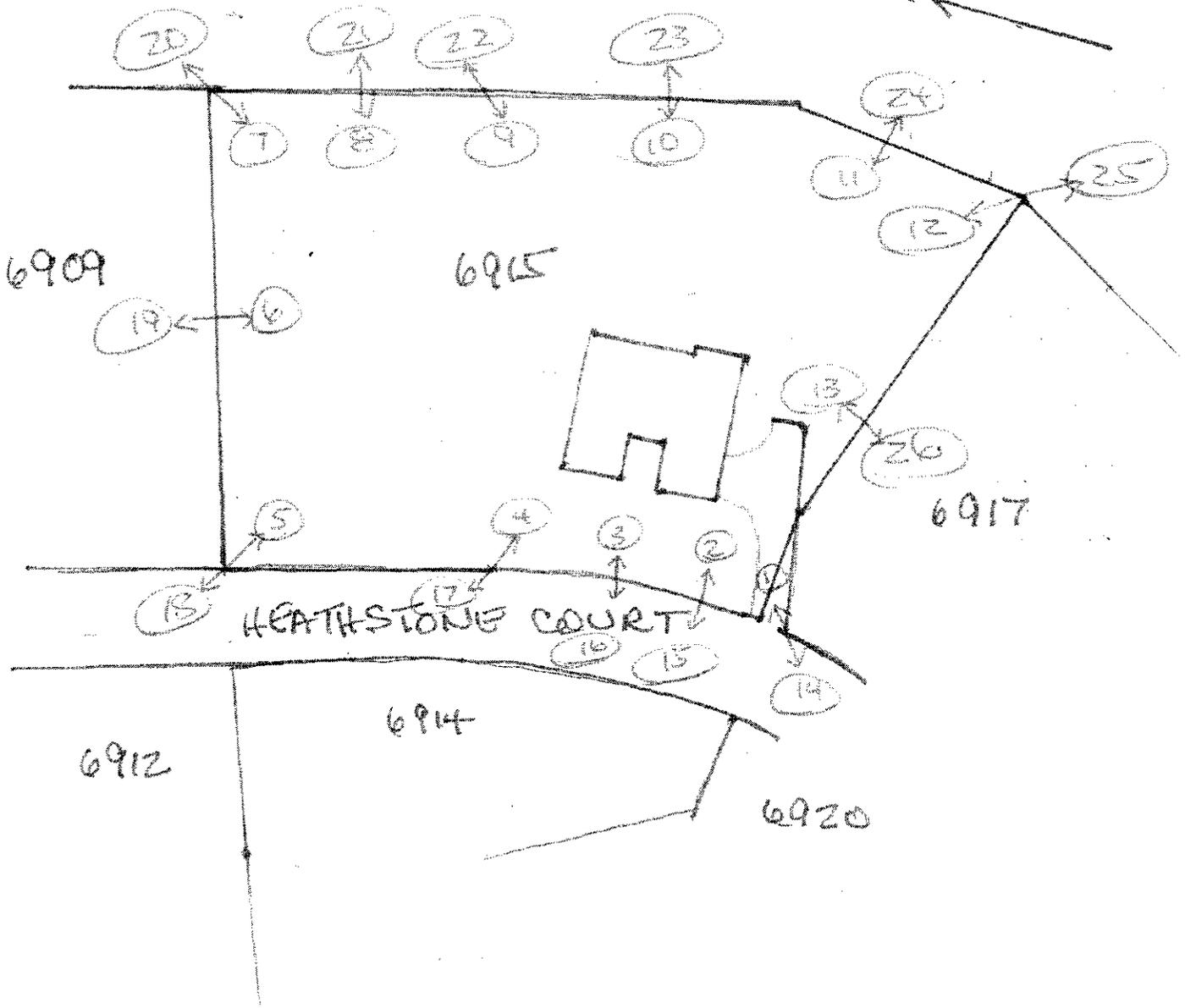
1000 N. Washington Street  
Arlington, VA 22208

DATE	DESCRIPTION



LUCAS  
6915 HEATHSTONE COURT  
FAIRFAX STATION, VA 22039

# SANDY RUN STREAM VALLEY PARK



LUCAS  
6915 HEATHSTONE COURT  
FAIRFAX STATION, VA 22039

STREAMWOOD PLACE

6900

6902

6904

6906

SANDY RUN  
STREAM VALLEY  
PARK



1104  
Highridge

6915

6909

6917

1106  
Highridge

HEATHSTONE COURT

6914

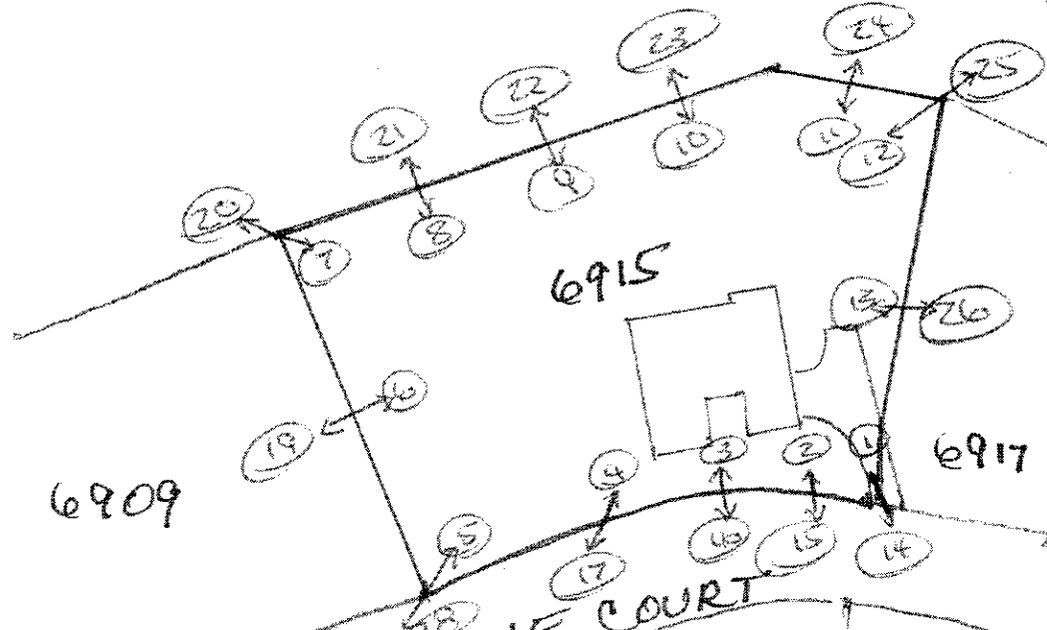
6920

907

6910

6912

HIGHRIDGE ST.



**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**1) From SW corner of front yard, facing toward the house**



**2) From front property line, facing toward the house**



**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**3) From front property line, facing the front door**



**4) From front property line, facing Left front corner of house**



**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**5) From NW corner of yard, facing side of house**



**6) From edge of property line, facing house (looking South)**



**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**7) From NE corner of backyard, facing easement pond  
Can see 6915 Heathstone on L of photo, and 6920 Heathstone on R of photo**

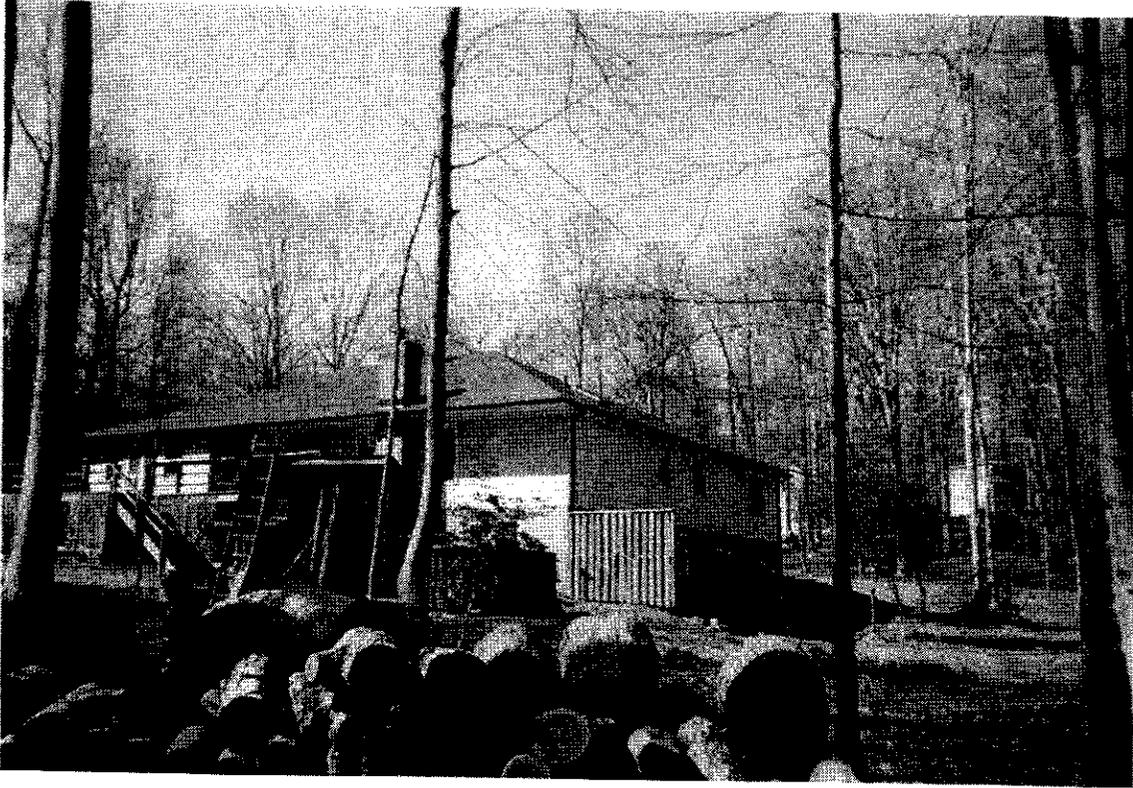


**8) From rear property line, facing easement pond  
Can see 6914 Heathstone across the street**

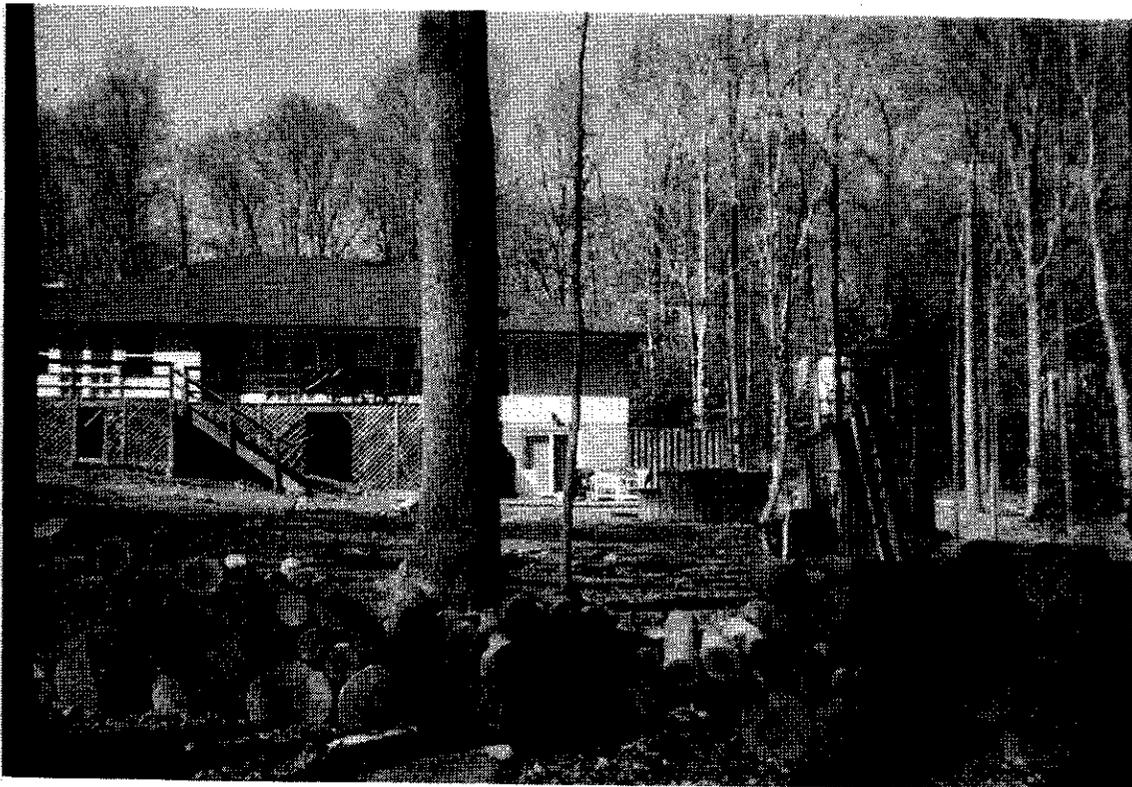


6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09

9) From rear property line, facing toward house

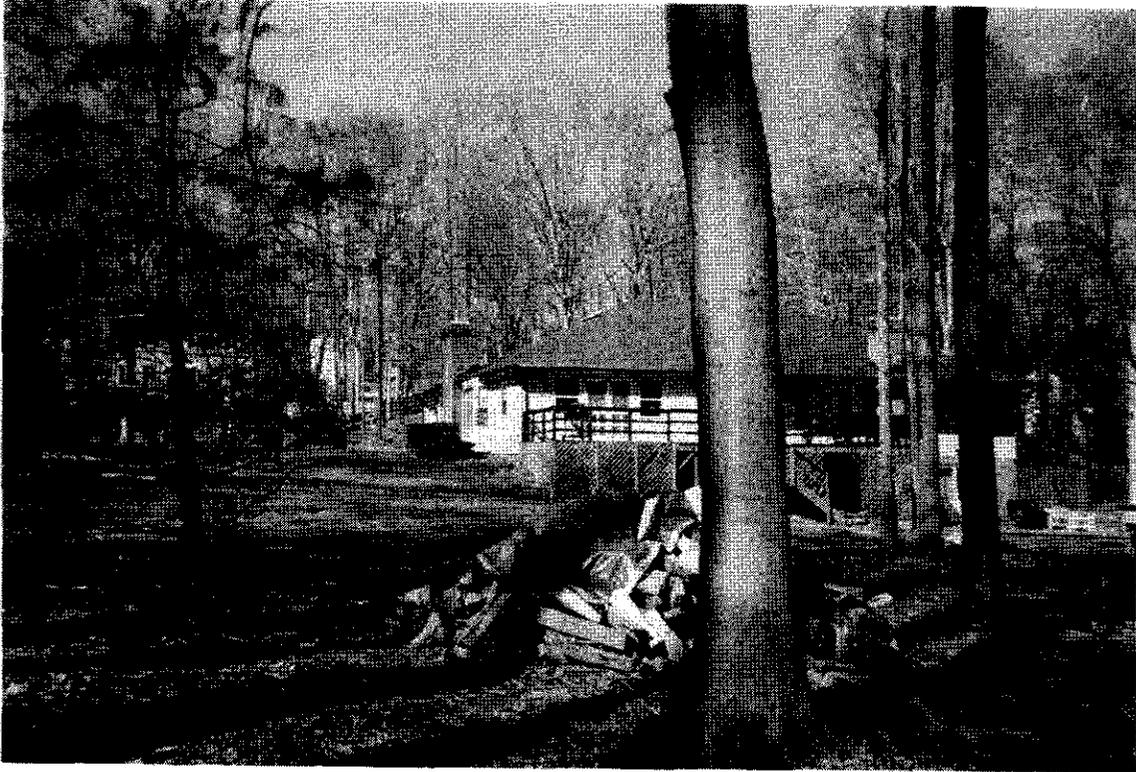


10) From rear property line, facing toward house



**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**11) From rear property line, facing house**



**12) From SE corner of property, facing house**



**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**13) From S side of property line, facing house.**



**14) From SW corner of front yard, facing across Heathstone Court to 6920  
Heathstone Court**



**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**15) From front property line, facing across Heathstone Court to fence separating 6920 and 6914 Heathstone**



**16) From front property line, facing across Heathstone Court to 6914 Heathstone**



**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**17) From front property line facing 6914, 6912, and 6910 Heathstone (L-> R)**

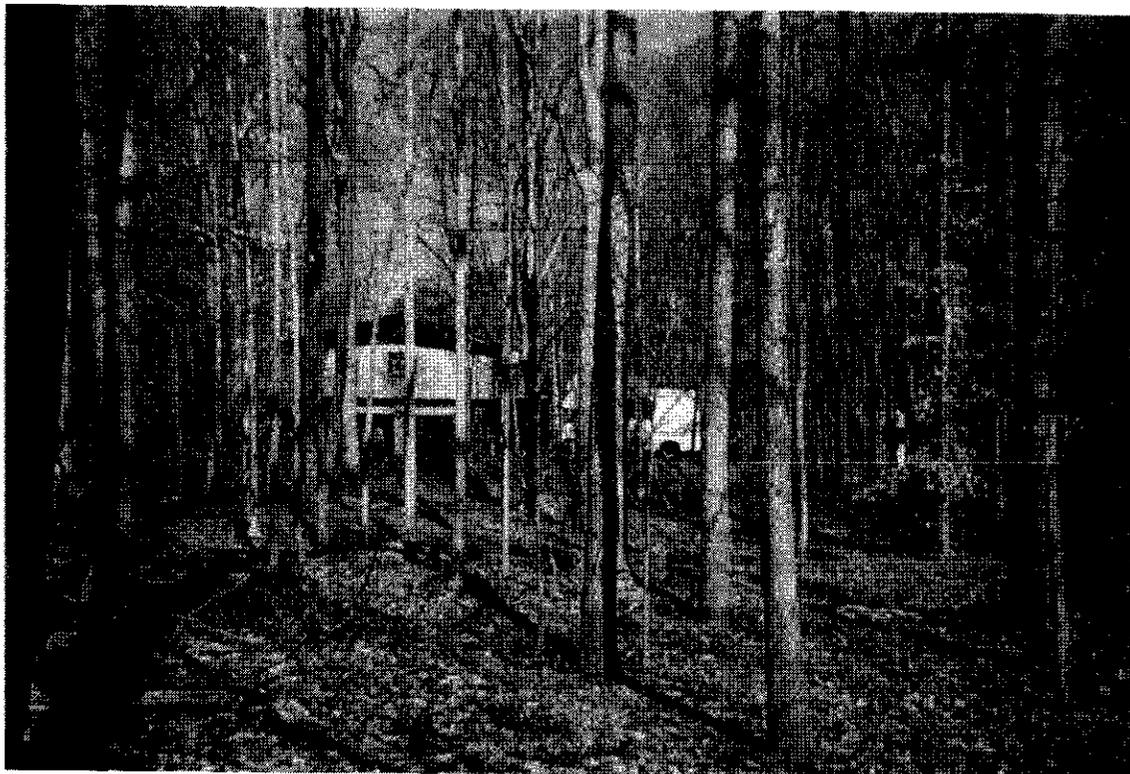


**18) From NW corner of yard, facing 6912 and 6910 Heathstone (L-> R)**



**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**19) From N side of property line, facing 6909 Heathstone Court**



**20) From NE corner of yard, facing into Sandy Run Stream Valley Park**



**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**21) From rear property line, facing into Sandy Run Stream Valley Park.**



**22) From rear property line, facing into Sandy Run Stream Valley Park**



**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**23) From rear property line, facing into Sandy Run Stream Valley Park**



**24) From rear property line, facing into Sandy Run Stream Valley Park  
Can see backyards of 6900 (on L) and 6904 (on R) Streamwood Place**

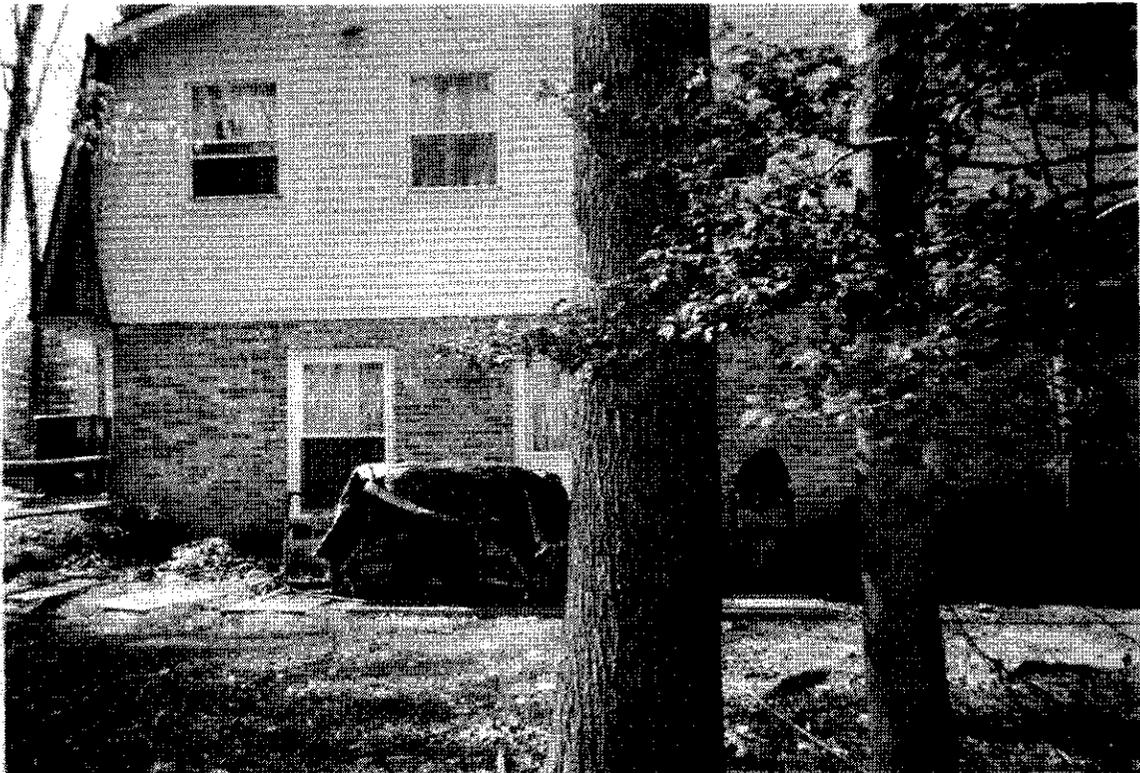


**6915 Heathstone Court  
Fairfax Station, VA 22039  
3-21-09**

**25) From SE corner of yard, facing rear yard of 6906 Streamwood Place (on L) and rear yard of 11004 Highridge Street (on R)**



**26) From S side of property line, facing side yard of 6917 Heathstone Court**



**DESCRIPTION OF THE APPLICATION**

To permit reduction of certain yard requirements to permit construction of a two car garage addition, connected by an open breezeway to the existing dwelling, to be located 10.0 feet from the southern side lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	<b>Garage Addition</b>	Side	20.0 feet	10.0 feet	10.0 feet	50%

\*Minimum yard requirement per Section 3-107

**EXISTING SITE DESCRIPTION**

The site is currently zoned R-1, is located within a Water Supply Protection Overlay District, and contains a single family detached dwelling with a two-car garage, built in 1978. The lot consists of 1.16 acres and is surrounded by single family detached homes on the north, south and west lot lines. The Sandy Run Park is located to the east of the subject parcel. The site is developed with extensive mature vegetation and abuts heavily vegetated parkland. A majority of the northern side yard is encumbered by a detention pond easement. A septic field is located in the rear portion of the property.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-C and WS	Single Family Detached Dwellings
<b>East</b>	R-C and WS	Sandy Run Park – Fairfax County Park Authority
<b>South</b>	R-C and WS	Single Family Detached Dwellings
<b>West</b>	R-C and WS	Single Family Detached Dwellings

The dwelling on Lot 31A is located approximately 25.8 feet from the shared side lot line.

## BACKGROUND

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

## ANALYSIS

**Special Permit Plat** (Copy at front of staff report)

- **Title of Plat:** House Location Survey, Lot 30A, Ardmore Woods,
- **Prepared by:** B.W. Smith and Associates, Inc., dated February 15, 2008 as signed by Frank L. Deichmeister on May 27, 2009

### Proposal:

The applicant proposes to construct a one-story garage addition, which will be connected by an open breezeway to the existing dwelling, to be located 10.0 feet from the southern side lot line. The garage addition will consist of 530 square feet and will accommodate a two-car garage where there currently exists an asphalt driveway. The applicant proposes universal design features with the addition of the garage and interior renovations in an effort to "age in place".

## ZONING ORDINANCE REQUIREMENTS

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

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

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

### Sect. 8-006 General Special Permit Standards

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

*General Standard 3* requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of the one-story garage addition will not adversely affect the use or development of neighboring properties since there are many varying architectural styles within the neighborhood. The lots are large lots and heavily wooded. Therefore, staff does not believe the addition would adversely affect the use or development of neighboring properties and this standard has been met.*

*General Standard 5* requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The proposed addition will consist of a one-story two-car garage which will be located on an existing asphalt driveway. No vegetation is proposed to be removed to accommodate the construction of the garage addition. Therefore, staff believes no additional landscaping or screening would be required and this standard has been met.*

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

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 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 of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

*Standard 4* states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing structure is 3,310 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 4,965 square feet in size for a possible total square footage at build out of 8,275. The proposed addition is 530 square feet, for a total square footage of the house with the addition of 3,840 square feet. Therefore the application meets this provision.*

*Standard 6* states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed one-story garage addition will be compatible with the architecture of the existing one-story dwelling on the lot. The applicant proposes a breezeway connecting the garage structure to the existing house and the roofline will not exceed that of the existing house. Staff believes that the application meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. Since there are many varying architectural styles throughout the neighborhood, staff believes the construction of the one-story garage addition will be harmonious with surrounding off-site uses. The property is heavily treed with mature vegetation and abuts parkland on the rear lot line, even though the requirement is for a 50% reduction, the garage will be located over 35 feet from the next door dwelling. Therefore, staff believes that the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a two-car garage would have very little impact on stormwater runoff, noise, light, air, safety or erosion. The majority of the construction will be in place of an existing asphalt driveway, and as stated previously, will be over 35 feet from the nearest neighbor, so, light and air flow will not be impeded. Staff believes that the application meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The request to construct a two-car garage addition to be located in an area where there currently exists an asphalt driveway is the most logical location given existing structures on the property. The majority of the northern side yard is encumbered with a detention pond easement, and to the rear of the house is the septic field. Given the placement of the dwelling on the lot, the easement, septic field and the existing location of the asphalt driveway, there is very little opportunity to add this type of structure except as proposed. Other issues of well, floodplains and/or Resource Protection Areas and preservation are not applicable to this site. Staff believes that the application meets this provision.*

## **CONCLUSION**

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

## **RECOMMENDATION**

Staff recommends approval of SP 2009-SP-042 for a garage addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

## **APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS****SP 2009-SP-042****July 28, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-SP-042 located at Tax Map 87-1 ((5)) 30A to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that 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 recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a two-car garage (540 square feet), as shown on the plat prepared by B.W. Smith and Associates, Inc., as signed by Frank L. Deichmeister, on May 27, 2009, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,310 square feet existing + 4,965 square feet (150%) = 8,275 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials as shown on 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 has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.







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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4-16-09  
(enter date affidavit is notarized)

SUSAN J. LUCAS, 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

104360

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

(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)
SUSAN J. LUCAS	6915 HEATHSTONE CT FAIRFAX STATION, VA 22039	<b>APPLICANT/TITLE OWNER</b>
JAMES J. LUCAS	6915 HEATHSTONE CT FAIRFAX STATION, VA 22039	<b>TITLE OWNER</b>

(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: 4-16-09  
(enter date affidavit is notarized)

104360

(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)

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4-16-09  
(enter date affidavit is notarized)

104360

(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)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 4-16-09  
(enter date affidavit is notarized)

104360

(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: 4-16-09  
(enter date affidavit is notarized)

104360

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)

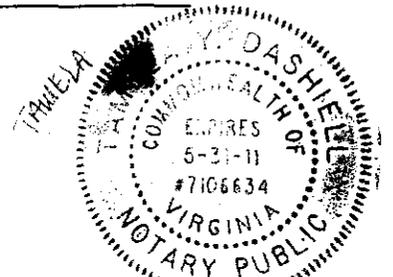
Applicant Susan J. Lucas [ ] Applicant's Authorized Agent

SUSAN J. LUCAS  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 16 day of April 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: 5-31-2011



Statement of Justification

James and Susan Lucas  
6915 Heathstone Court  
Fairfax Station, Virginia 22039

- a. We are applying for a Special Permit/variance to allow a reduction in our side yard property line to be reduced by 50% ( 20 feet to 10 feet). We would like to build a semi-detached garage adjacent to our home. The garage would be approximately 24' x 24' and would be constructed of HardiPlank siding (same as main house) and architectural shingles (same as the main house). As an aside, we are renovating the inside of the house, not just to be more energy efficient, but also to include elements of universal design, so that we may 'age-in-place'.
- b. N/A
- c. This house was built in 1978. The setbacks at that time were:  
 Front 40'  
 Side 20'  
 Rear 25'
- d. The square footage of the existing house is 3310 The square footage of the proposed garage is 530.  
 The square footage will be subordinate to the principal structure.  
 Principal structure= 3310 SF  
 Garage = 530 SF % change= 16
- e. The new structure will be compatible with the existing house in terms of having the same roof angle, the same roofing material, the same siding and garage doors as the main house.
- f. The garage will be compatible with surrounding off-site uses in that it compliments the houses in the rest of the neighborhood.  
 The new garage will not create an adverse impact on adjacent properties as it will blend into the architectural style of the current house. It is intended to look as if it was there all along, being constructed of the same materials as the house itself.
- g. In order to create the minimum reduction needed to place the garage, we have sited the garage so that the front wall of the garage will be farther back on the lot, i.e., the new garage doors will be at the level of where the chimney is on the current house. There is also a small (2-foot) off-set, allowing for required space around the septic tank (see paragraph 12 elevations).

**LUCAS**  
**6915 Heathstone Court**  
**Fairfax Station, VA 22039**

RECEIVED  
Department of Planning & Zoning  
APR 16 2009  
Zoning Evaluation Division

**12. Building materials, roof type**

**Concrete.** All concrete work will be in accordance with ACI 301, ACI 318, and ACI 302. All footers and slabs will conform to code.

**Masonry.** Concrete masonry units (CMU) with waterproof cementitious parging of CMU foundation walls above and below grade.

**Wood.** New wood exterior stud bearing and non-bearing walls: 2x4 at 16" o.c. SPF #1 stud grade or better.

New dimensional 2x- wood joists, beams, and rafters: SPF #1 and 2 per "National Design Specification for Wood Construction", NFPA.

All new wood construction in contact with concrete or masonry, in an exterior location, or exposed within 18" of grade, shall be preservative treated material.

**Plywood roof sheathing and Plywood wall sheathing:** ½" CD plywood, exposure 1, or equivalent exterior OSB. Membrane over wall sheathing against air filtration (Tyvek or equal).

Provide fireblocking at halfpoints of all stud walls.

Provide all hurricane clips at roof framing connections to bearing walls, required by applicable code. Provide sill plate anchor bolts to foundation wall or to concrete deck at 4'-0" o.c. max. spacing. Any miscellaneous framing connectors as may be required to comply with current code regarding "continuity of structure" and uplift resistance requirements.

**Shingle roofing.** Fiberglass composition shingles. Certaineed Landmark 40 or equivalent. Provide adhered membrane anti-ice dam material at perimeter in accordance with applicable code. (The shingles on the main house will be removed and replaced with new – all will match)

Roof flashing, fascia, soffits to match existing house. Rain gutters 4"

**Lap siding.** Fiber-cement horizontal lap siding, wood-grain finish, Hardiplank or equivalent. (The siding on the main house will be removed and replaced with new – all will match.)

**Ceiling.** Gypsum wallboard, ½".

**HVAC.** No HVAC system for garage.

**Driveway.** Repair/replace with asphalt.

**Protection of sewer line to septic tank.** The existing house sewer line running from the house to the septic tank runs under a portion of the new proposed garage. Protect the sewer pipe passing through foundation walls by installing collars in foundation walls, bridging foundations or other approved method of protecting the existing pipe. If these are found to be impracticable because of pipe depth or condition, re-route as necessary a portion of the sewer line outside the perimeter of the garage foundation. Provide a clean-out for this sewer line.

### **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 yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.