



APPLICATION ACCEPTED: July 6, 2009
BOARD OF ZONING APPEALS: September 29, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 22, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-MV-059

MOUNT VERNON DISTRICT

APPLICANTS/OWNERS: Stephen N. and Deborah M. Smith

SUBDIVISION: Bucknell Manor

STREET ADDRESS: 6927 Duke Drive

TAX MAP REFERENCE: 93-1 ((23)) (9) 24

LOT SIZE: 7,320 square feet

ZONING DISTRICT: R-8

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 5.8 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of the addition subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners 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. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

O:\SMCKN\SP\SMITH SP 2009-MV-059\STAFF REPORT\Staff Report Smith.doc

Shelby Johnson

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.

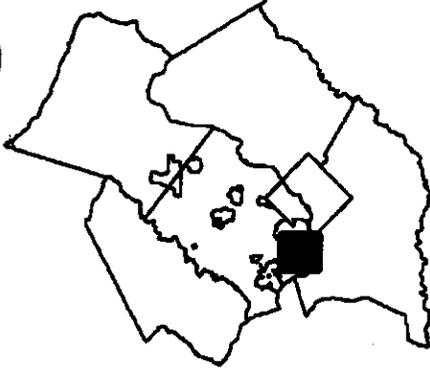
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government 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-MV-059



Applicant: STEPHEN N. SMITH (STEPHEN & DEBORAH M SMITH)

Accepted: 07/06/2009

Proposed: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 5.8 FEET FROM SIDE LOT LINE

Area: 7,320 SF OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 08-922

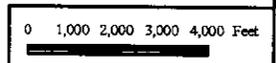
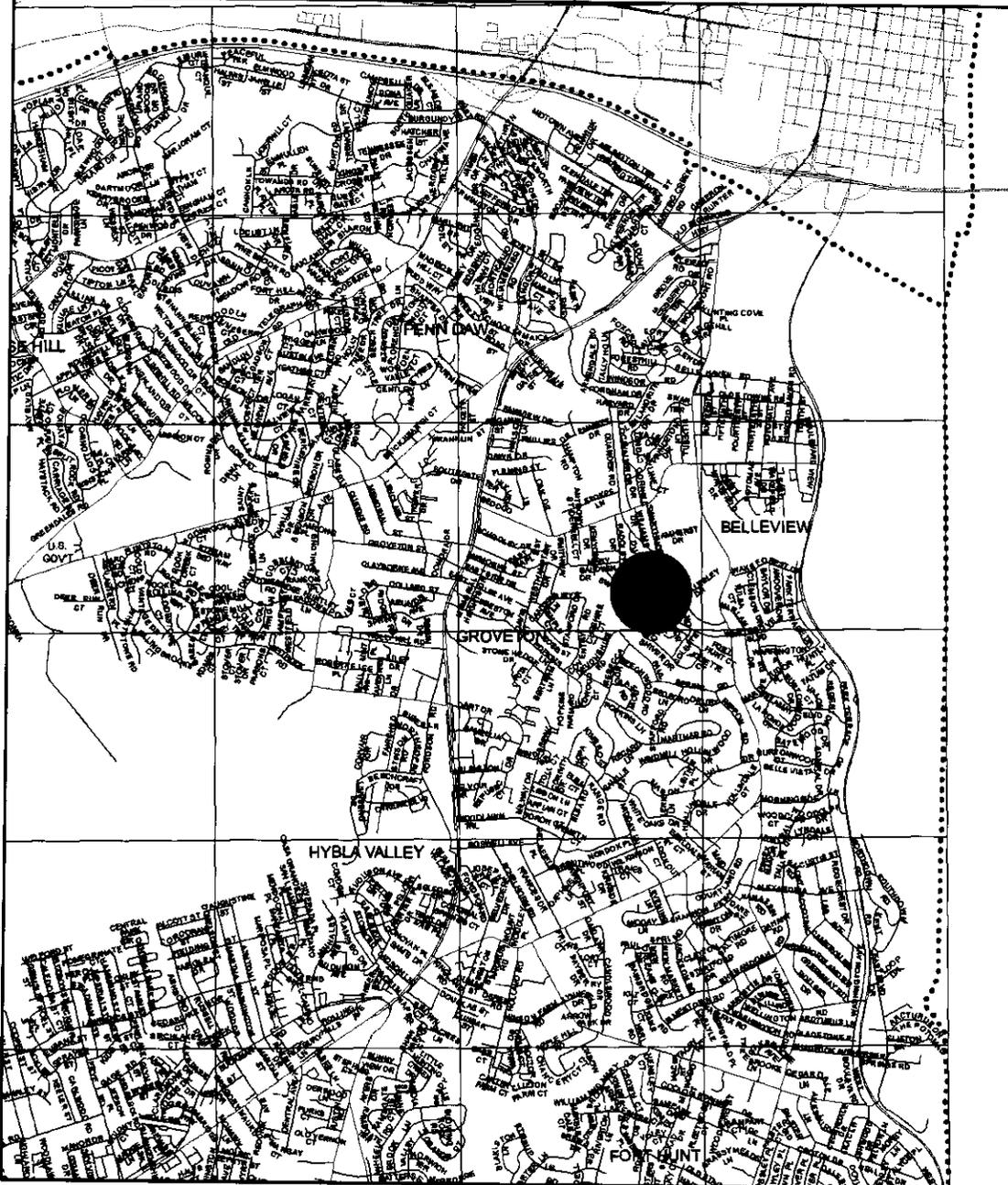
Art 8 Group and Use: 9-21

Located: 6927 DUKE DRIVE

Zoning: R- 8

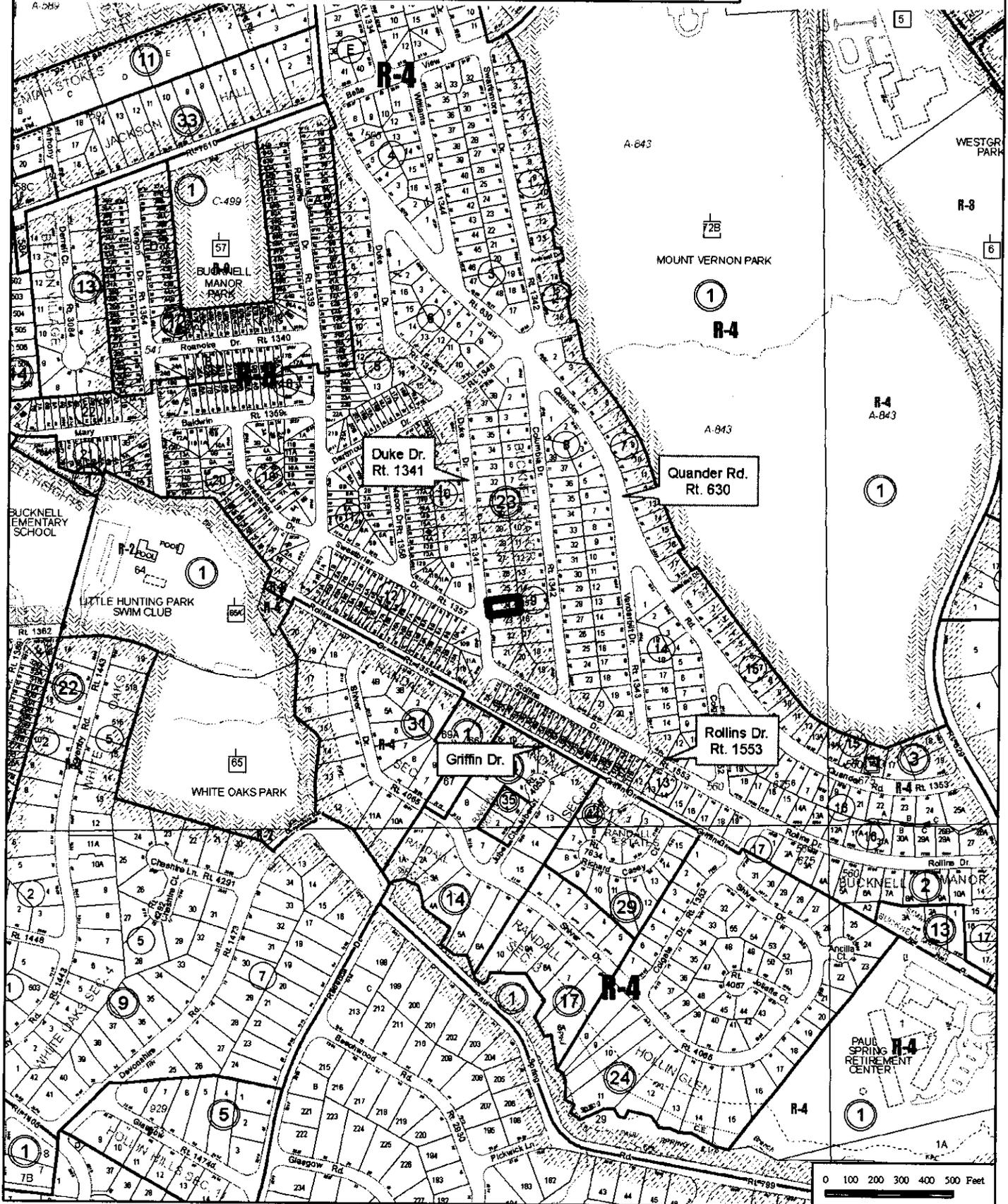
Overlay Dist:

Map Ref Num: 093-1- /23/09/0024

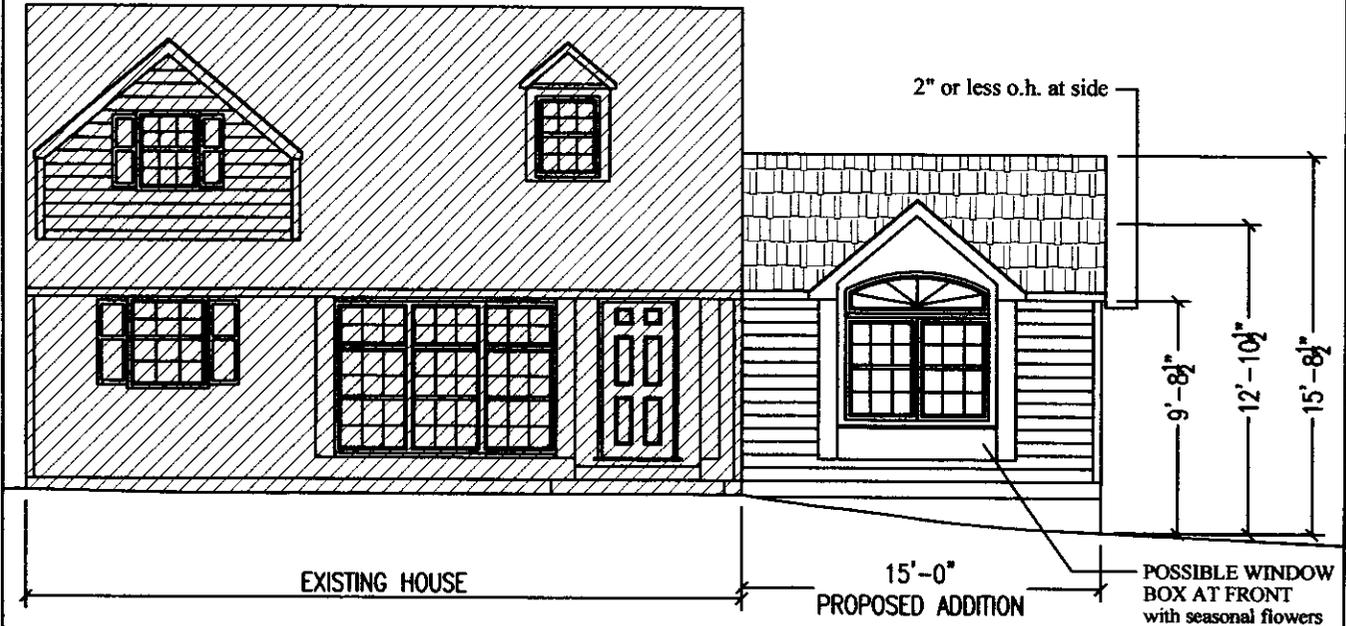


Special Permit

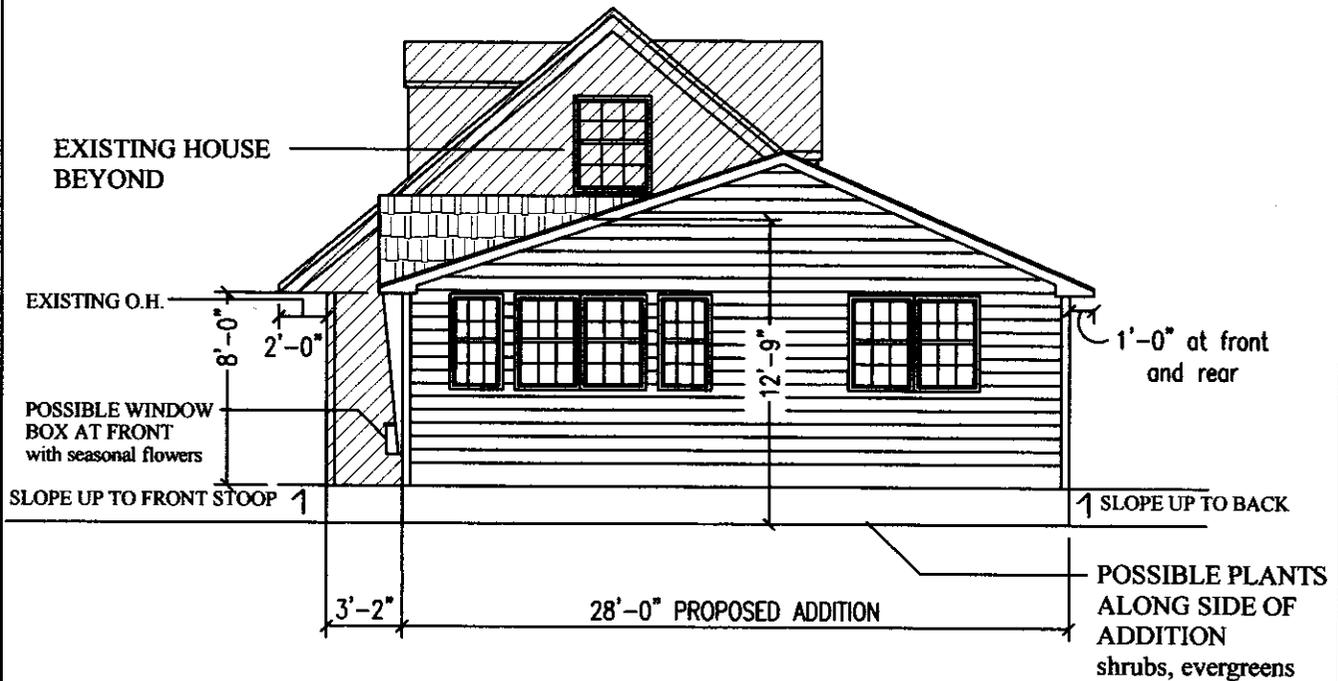
SP 2009-MV-059



EXTERIOR FINISHES: VINYL SIDING TO MATCH EXISTING AND ASPHALT ROOF SHINGLES TO MATCH EXISTING. BLOCK TO GRADE AT ADDITION SHALL BE PAINTED OR PARGED



PROPOSED FRONT ELEVATION - WEST ELEVATION
 note: widow sizes and locations at addition are approximate



PROPOSED SIDE ELEVATION - SOUTH ELEVATION
 note: widow sizes and locations at addition are approximate

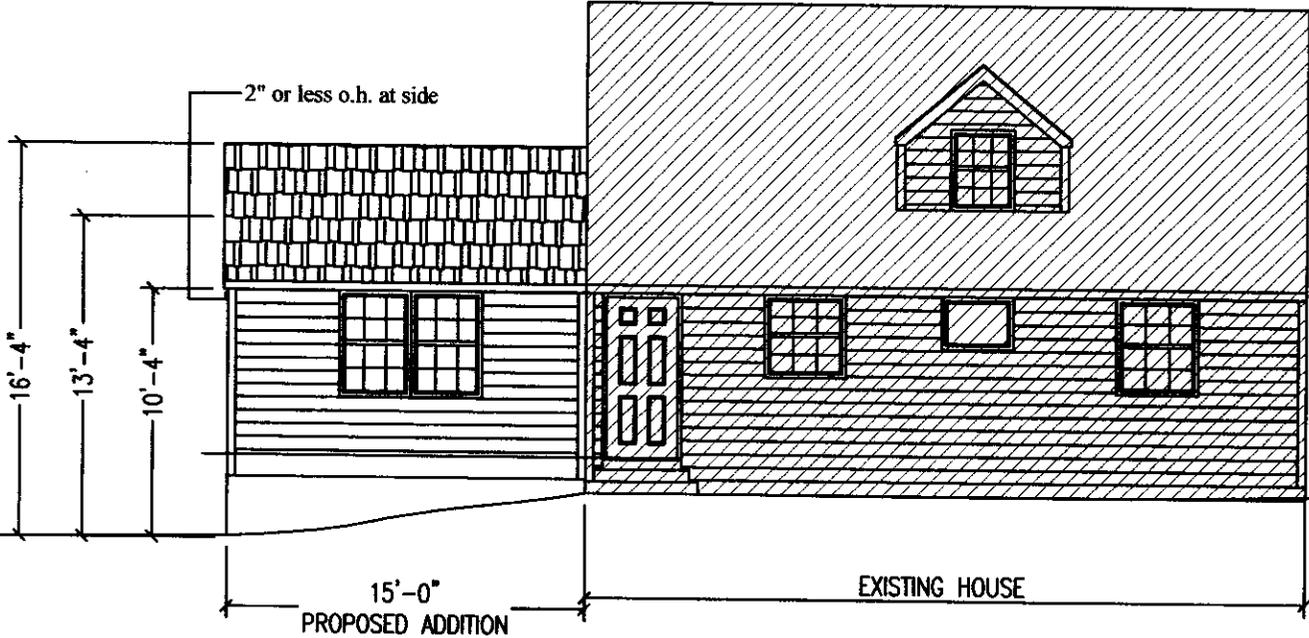
Kim Robbert, AIA

110 W. Alexandria Avenue
 Alexandria, Virginia 22301
 tel: 703.629.2064
 e-mail: kim_robber@comcast.net

date 6/25/09
 scale 1/8" = 1'-0"
 revision
 sheet

project Smith Residence
 6927 Duke Drive
 Proposed Schematic Elevations

EXTERIOR FINISHES: VINYL SIDING TO MATCH EXISTING AND ASPHALT ROOF SHINGLES TO MATCH EXISTING. BLOCK TO GRADE AT ADDITION SHALL BE PAINTED OR PARGED



PROPOSED REAR ELEVATION - EAST ELEVATION

note: widow sizes and locations at addition are approximate

ADDITION ON SINGLE FAMILY HOME SHALL ACCOMODATE A NEW FAMILY ROOM AND NEW DINING ROOM.

FLOOR AREA INFORMATION:

EXISTING STRUCTURE GROSS FLOOR AREA - 1164 s.f.

EXISTING FAR - .16

PROPOSED ADDITION GROSS FLOOR AREA - 420 s.f.

NEW GROSS FLOOR AREA - 1584 s.f.

PROPOSED FAR - .22

THE ADDITION WILL BE CONNECTED TO THE EXISTING PRINCIPAL STRUCTURE. THE PROPOSED ADDITION IS 36% OF THE TOTAL GROSS FLOOR AREA OF THE PRINCIPAL STRUCTURE.

Kim Robbert, AIA

110 W. Alexandria Avenue
 Alexandria, Virginia 22301
 tel: 703.629.2064
 e-mail: kim_robber@comcast.net

date	6/25/09
scale	1/8" = 1'-0"
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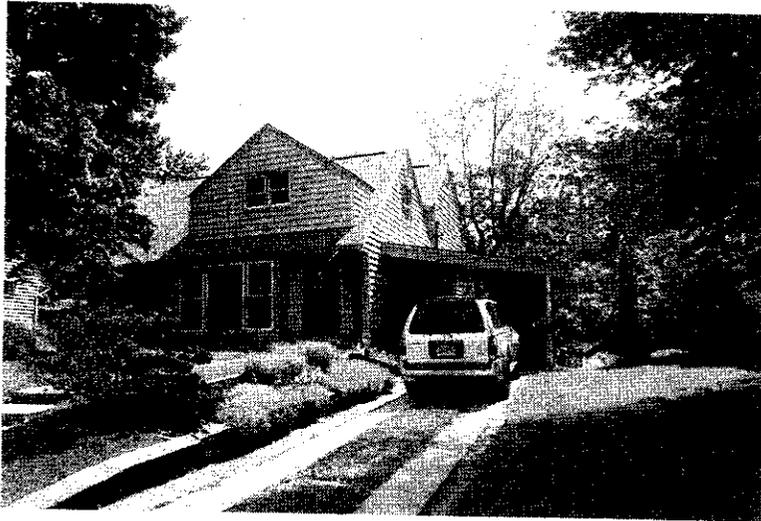
project **Smith Residence**
6927 Duke Drive
Proposed Schematic Elevations

EXISTING PHOTOS OF 6925 DUKE DRIVE:



VIEW FROM FRONT/SIDE

EXISTING PHOTOS OF 6929 DUKE DRIVE:



VIEW FROM FRONT/SIDE



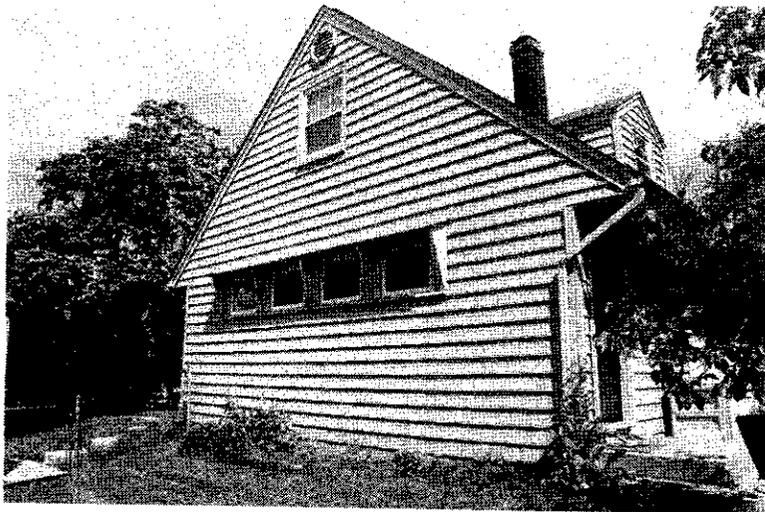
VIEW FROM DRIVEWAY AT 6927 DUKE DRIVE TO FRONT/SIDE OF 6929 DUKE DRIVE

RECEIVED
Department of Planning
MAY 29 2009
Zoning Evaluation

EXISTING PHOTOS OF 6927 DUKE DRIVE:



VIEW FROM FRONT



VIEW FROM SIDE

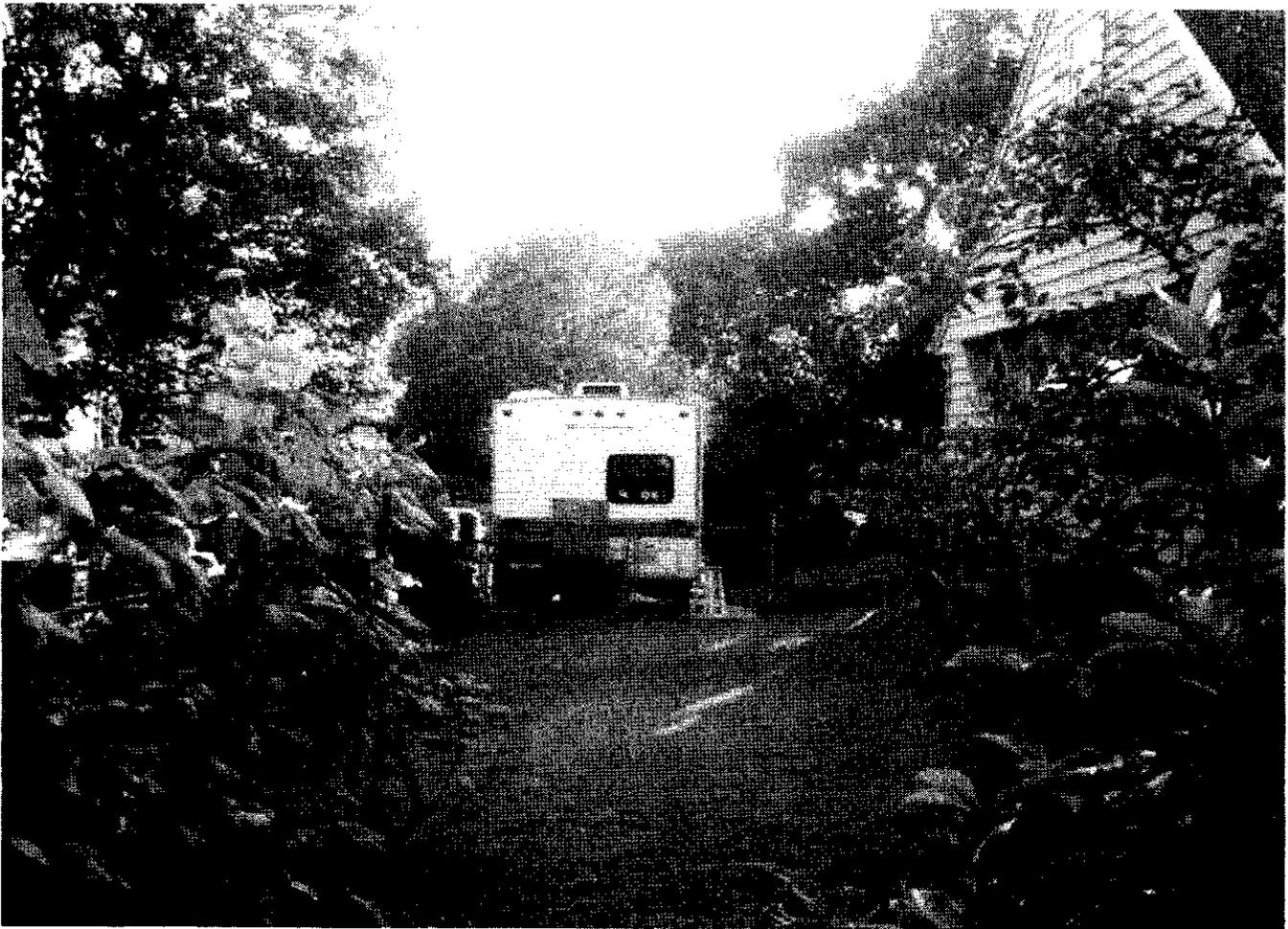


VIEW FROM BACK

RECEIVED
Department of Planning & Zoning
MAY 29 2009
Zoning Evaluation Division













DESCRIPTION OF THE APPLICATIONS

The applicant is seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of an addition to be located 5.8 feet from a side lot line. The addition is proposed to measure 15' x 28' (420 square feet) in area with a maximum height of 16' 4".

Description of Special Permit Request

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Side (south)	8 feet	5.8 feet	2.2 feet	28%

*Minimum yard requirement per Section 3-807

EXISTING SITE DESCRIPTION

Zoned to the R-4 Zoning District the application property is located in the Bucknell Manor Subdivision on the east side of Duke Drive, northeast of its intersection with Sweetbriar Drive. The 7,320 square-foot property is currently developed with a one and one half-story, single family detached dwelling. County records indicate the existing dwelling was constructed in 1950. As depicted on the Special Permit Plat, the existing dwelling measures 1,164 square feet in area and appears to be the same building footprint as was recorded in 1950. Access to the site is provided from Duke Drive via an existing concrete driveway located along the southern property line and terminates at the front plane of the dwelling. Concrete stairs and a sidewalk extend from the property line, connect to stairs from the driveway and extend to the dwelling's front entrance. There are several mature deciduous trees and shrubs located in the front yard which are proposed to remain. There is a downward slope of the site's topography from north to south. The site is surrounded by single family detached homes on all lot lines.

CHARACTER OF THE AREA

	Zoning	Use
North	R-4; R-8	Single family detached dwellings
South	R-4; R-8	Single family detached dwellings
East	R-4	Single family detached dwellings
West	R-4; R-8	Single family detached dwellings; duplexes

BACKGROUND

Following adoption of the current Ordinance, the BZA heard the following similar variance applications in the vicinity of the application parcel:

- *Variance VC 2003-MV-027* was approved on May 7, 2003 for Tax Map 93-1 ((23)) (14) 8, zoned R-4, at 7012 Colgate Drive, to permit construction of addition 7.9 feet from side lot line (10 feet minimum side yard required).
- *Variance VC 2003-MV-084* was approved on July 30, 2003 for Tax Map 93-1 ((23)) (3) 21, zoned R-4, at 6732 Swarthmore Drive, to permit construction of addition 9.6 feet from side lot line (10 feet minimum side yard required).

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** Plat Showing The Location of The Improvements On Lot 24, Block 9, Parcel 7, Sect. 4, Bucknell Manor
- **Prepared by:** Kim Robbert, AIA
- **Dated:** June 25, 2009

Proposal:

The applicant is requesting special permit approval to permit a one-story addition to be located 5.8 feet from a side lot line. The Zoning Ordinance requires a minimum side yard of 8 feet; therefore a reduction of 2.2 feet (or 28%) of the minimum required yard is need. The proposed addition measures 15 feet x 28 feet (420 square feet) in area to and is proposed to accommodate a dining room and family room on the south side of the existing dwelling. The proposed addition maintains the existing eave line with the front of the dwelling and steps back 3' 2" from the front façade. Vinyl siding and asphalt roof shingles are proposed to match the existing materials on the dwelling.

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 5:

- 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 is General Standard 3 and Standard 5.

General Standard 3 requires that the application 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. *By observation of the neighborhood through submitted photographs, staff believes that the addition will not adversely affect the use or development of neighboring properties. The addition will be constructed of materials consistent with those of the existing dwelling and façade. Staff believes that the request is minimal and is the most logical location on the property to accommodate the addition as the existing southern side yard measures 20.8 feet compared to a side yard measuring 10.4' to the north. To allow access from the existing kitchen into the new dining room and access to the family room from the entry foyer and kitchen, the southern side of the existing structure is the best location for the proposed addition. Therefore, 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 property has existing mature deciduous vegetation in the front yard of the property which is proposed to remain. The proposed addition is to be constructed along the southern side of the dwelling which has the greater width of the two side yards. This area is sparsely vegetated; therefore there will be minimal impact to existing vegetation. The proposed schematic elevations show the possibility for planting shrubs and evergreens along the side of the addition. Staff has proposed a development condition to require the applicant to provide these plantings. With the implementation of this development condition, staff believes that this standard has been met.*

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

The 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 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. *The existing dwelling is 1,164 square feet. Therefore, 150% of the total gross floor area could result in an addition up to 1,746 square feet in size; which makes a combined total of 2,910 square feet. The proposed addition will be 420 square feet (or 36%) for a total of 1,584 square feet for the existing house and addition. Therefore, the application meets this provision.*

Standard 6 states 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 addition will be 16' 4" in height which is lower than the existing roof line of the house. The proposed eave will tie into the eave line of the existing dwelling. The schematic elevations show that the exterior of the addition will be constructed of materials that match the existing siding and roof of the dwelling. Staff believes the proposed addition will not be out of character with existing on-site development.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The proposed addition will be constructed along the southern side yard where there is minimal existing vegetation. This side yard has a downward slope from north to south, so a raised block foundation is proposed to align the addition with the existing grade of the dwelling. Staff has proposed a development condition requiring additional foundation plantings to soften the visual impact of the block foundation. Proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. 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 storm water runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no downstream stormwater drainage complaints on file related to this property. Staff believes that the addition will have very little impact on stormwater runoff, noise, light, air, safety or erosion. Staff believes that the application meets this provision.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The proposed scale of the

addition is consistent with the existing dwelling and is located in a logical location to accommodate the addition. As previously noted, the existing southern side yard measures 20.8 feet compared to a side yard measuring 10.4' to the north. The proposed addition is to be constructed along the southern side of the dwelling which has the greater width of the two side yards. This area is sparsely vegetated; therefore there will be minimal impact to existing vegetation and staff has proposed a development condition requiring additional planting along the foundation of the addition. The proposed addition is to be constructed of building materials consistent with those of the existing dwelling, and is compatible with the subject property and surrounding dwellings and properties. Other concerns regarding well and/or septic easements and preservation are not applicable to this site. Staff believes that the application meets this provision.

CONCLUSION

Staff believes that the subject application 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-MV-059 for an 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-MV-059****September 22, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-MV-059 located at Tax Map 93-1 ((23)) (9) 24 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.

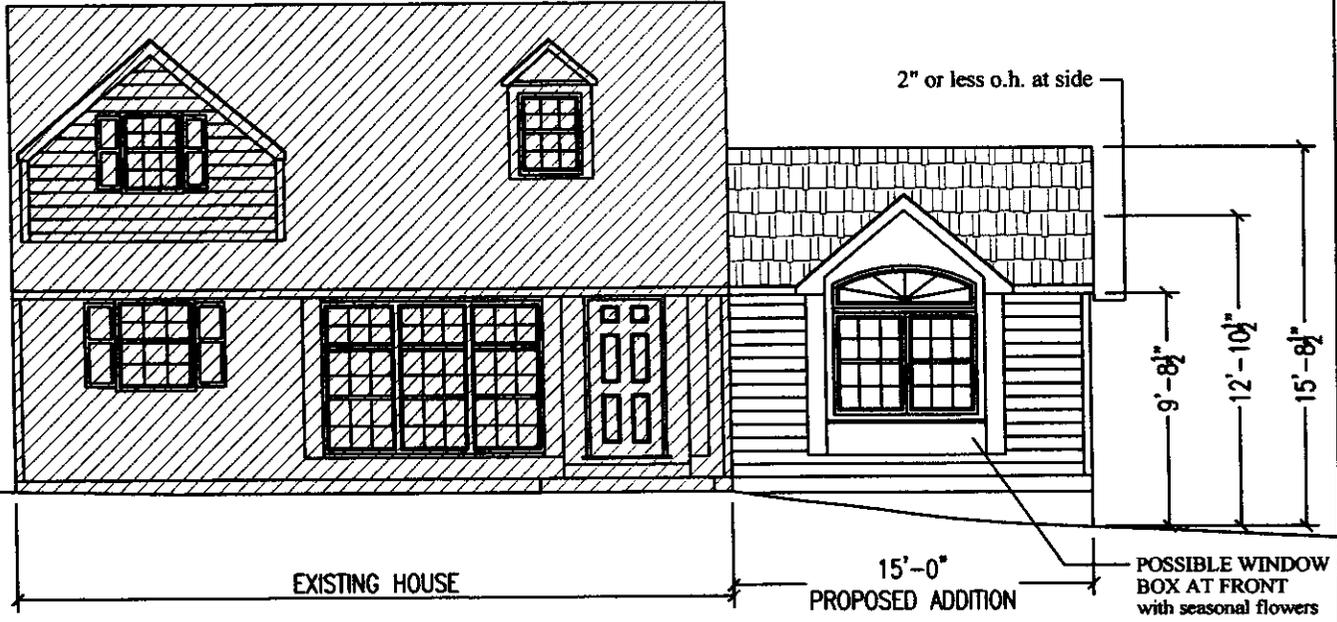
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 420 square feet) of the proposed addition, as shown on the plat prepared by Kim Robbert, AIA, dated June 25, 2009, submitted with this application and is not transferable to other land.
3. All applicable building permits shall be obtained prior to construction of the addition.
4. 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 (1,164 square feet existing + 1,746 (150%) = 2,910 square feet permitted) 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.
5. The addition shall be consistent with the architectural renderings included as Attachment 1 to these conditions.
6. A minimum of five (5) shrubs, a minimum of 18 inches in height at time of planting, shall be planted along the southern foundation of the addition.

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

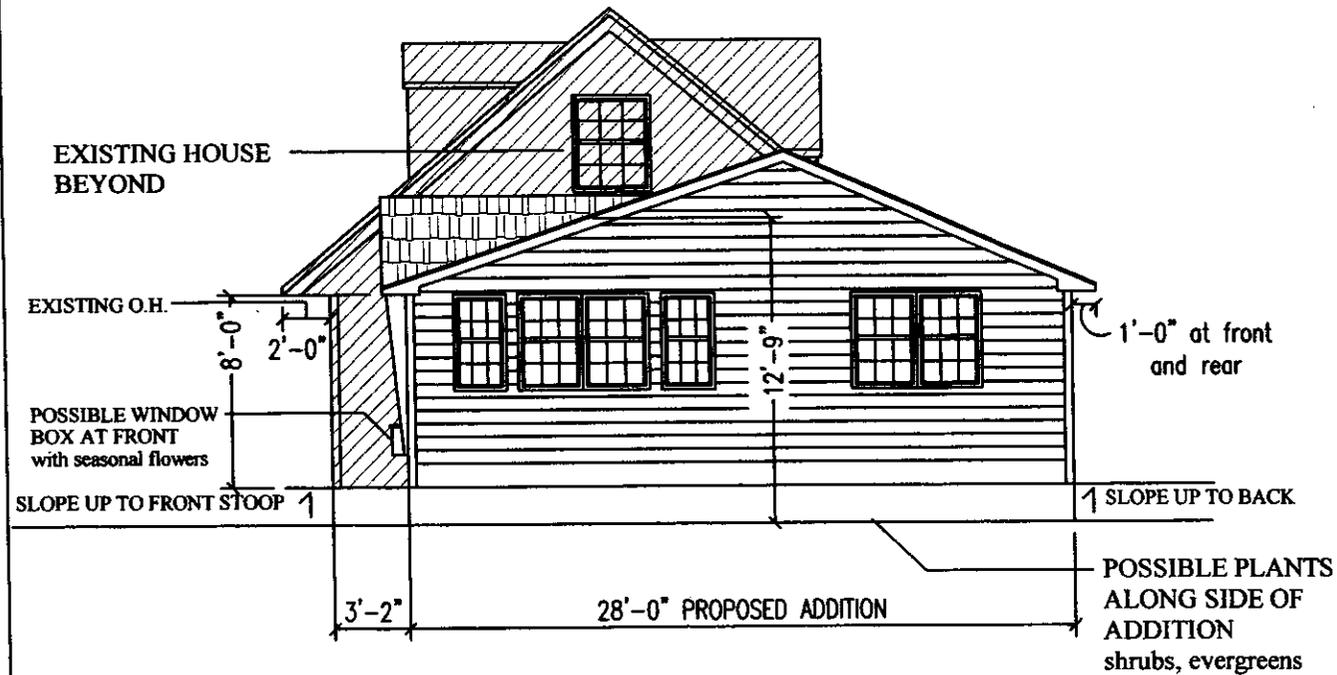
or adopted standards.

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 require

EXTERIOR FINISHES: VINYL SIDING TO MATCH EXISTING AND ASPHALT ROOF SHINGLES TO MATCH EXISTING. BLOCK TO GRADE AT ADDITION SHALL BE PAINTED OR PARGED



PROPOSED FRONT ELEVATION - WEST ELEVATION
 note: widow sizes and locations at addition are approximate



PROPOSED SIDE ELEVATION - SOUTH ELEVATION
 note: widow sizes and locations at addition are approximate

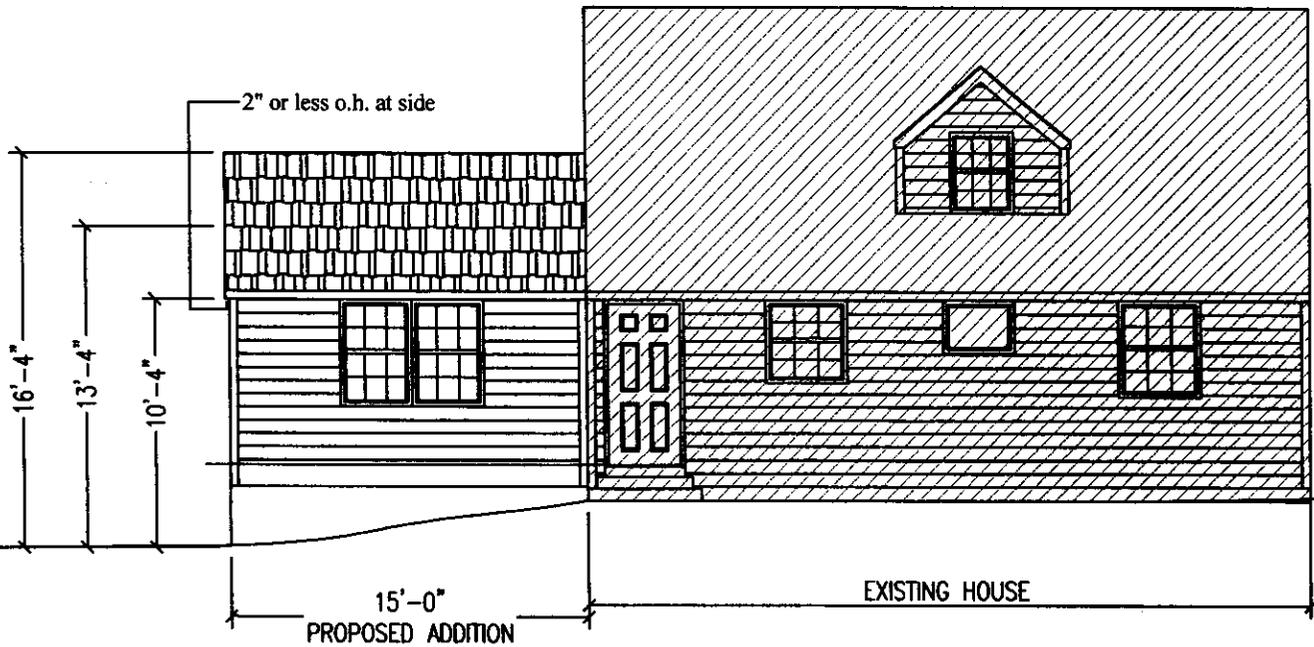
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project **Smith Residence**
 6927 Duke Drive
 Proposed Schematic Elevations

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PROPOSED REAR ELEVATION - EAST ELEVATION

note: widow sizes and locations at addition are approximate

ADDITION ON SINGLE FAMILY HOME SHALL ACCOMODATE A NEW FAMILY ROOM AND NEW DINING ROOM.

FLOOR AREA INFORMATION:

EXISTING STRUCTURE GROSS FLOOR AREA - 1164 s.f.

EXISTING FAR - .16

PROPOSED ADDITION GROSS FLOOR AREA - 420 s.f.

NEW GROSS FLOOR AREA - 1584 s.f.

PROPOSED FAR - .22

THE ADDITION WILL BE CONNECTED TO THE EXISTING PRINCIPAL STRUCTURE. THE PROPOSED ADDITION IS 36% OF THE TOTAL GROSS FLOOR AREA OF THE PRINCIPAL STRUCTURE.

Kim Robbert, AIA

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project **Smith Residence**
 6927 Duke Drive
 Proposed Schematic Elevations

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/29/09
(enter date affidavit is notarized)

I, STEPHEN N. SMITH, 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

104844

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
DEBORAH M. SMITH	6927 DUKE DR.	APPLICANT/TITLE OWNER
STEPHEN N. SMITH	ALEX. VA. 22307	APPLICANT/TITLE OWNER

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/29/09 104844
(enter date affidavit is notarized)

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

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

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/24/09
(enter date affidavit is notarized)

104844

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/29/09
(enter date affidavit is notarized)

104844

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/29/09
(enter date affidavit is notarized)

104844

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[Signature]
 Applicant

[Signature]
 Applicant's Authorized Agent

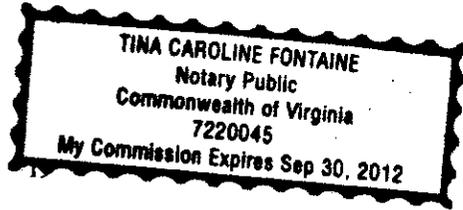
STEPHEN N. SMITH DEBORAH M. SMITH
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29 day of May 2009, in the State/Comm. of VA, County/City of Fairfax.

[Signature]

Notary Public

My commission expires: Sep 30, 2012

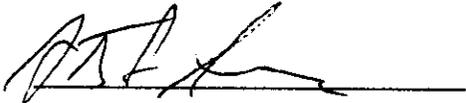
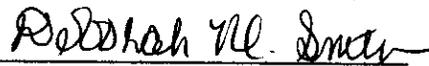


Letter of Justification:

6-26-09

The proposed addition at 6927 Duke Drive is designed to compliment the current style of the house and to fit with the style of the surrounding residences. The addition maintains the existing eave line and sets back from the front façade 3'-2" in order to respect the current front yard. The interior of the addition incorporates a dining room and family room into the layout of the existing single family home. In order to accommodate both functions, the addition needs to be placed to the south side of the existing structure. This will allow access from the existing kitchen into the new dining room and access to the family room from the entry foyer and kitchen.

The proposed addition is 15' x 28' to accommodate the new family room and dining room. The required side yard setback at this property is 8'. The proposed addition had the setback at 5.8" on the south side. The gross floor area of the addition is 420 s.f., which is 36% of the gross floor area of the existing dwelling at 1164 s.f.

STEPHEN N. SMITHDEBORAH M. SMITH

RECEIVED
Department of Planning
JUN 26 2009
Zoning Evaluation

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.