



APPLICATION ACCEPTED: July 30, 2009  
DATE OF PUBLIC HEARING: October 20, 2009  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

---

October 13, 2009

### STAFF REPORT

**SPECIAL PERMIT APPLICATION No. SP 2009-PR-070**

### PROVIDENCE DISTRICT

**APPLICANT:** Nawal Todi

**OWNERS:** Nawal Kishore Todi & Bina Todi

**ZONING:** PDH-3

**LOCATION:** 2121 Tysons Executive Ct.

**SUBDIVISION:** Tysons Executive Village

**ZONING ORDINANCE PROVISION:** 8-922

**TAX MAP:** 39-2 ((48)) 1

**LOT SIZE:** 7,567 Square Feet

**SP PROPOSAL:** Reduction of certain yard requirements to permit construction of addition 12.5 feet from a front lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2009-PR-070 for the addition subject to the proposed development conditions contained in Appendix 1.

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

*O:\Scaff2\Case Files\Special Permits\SP 2009-PR-070 NAWAL TODI\TODI\_Cover.doc*

Shannon Caffee

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

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



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

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

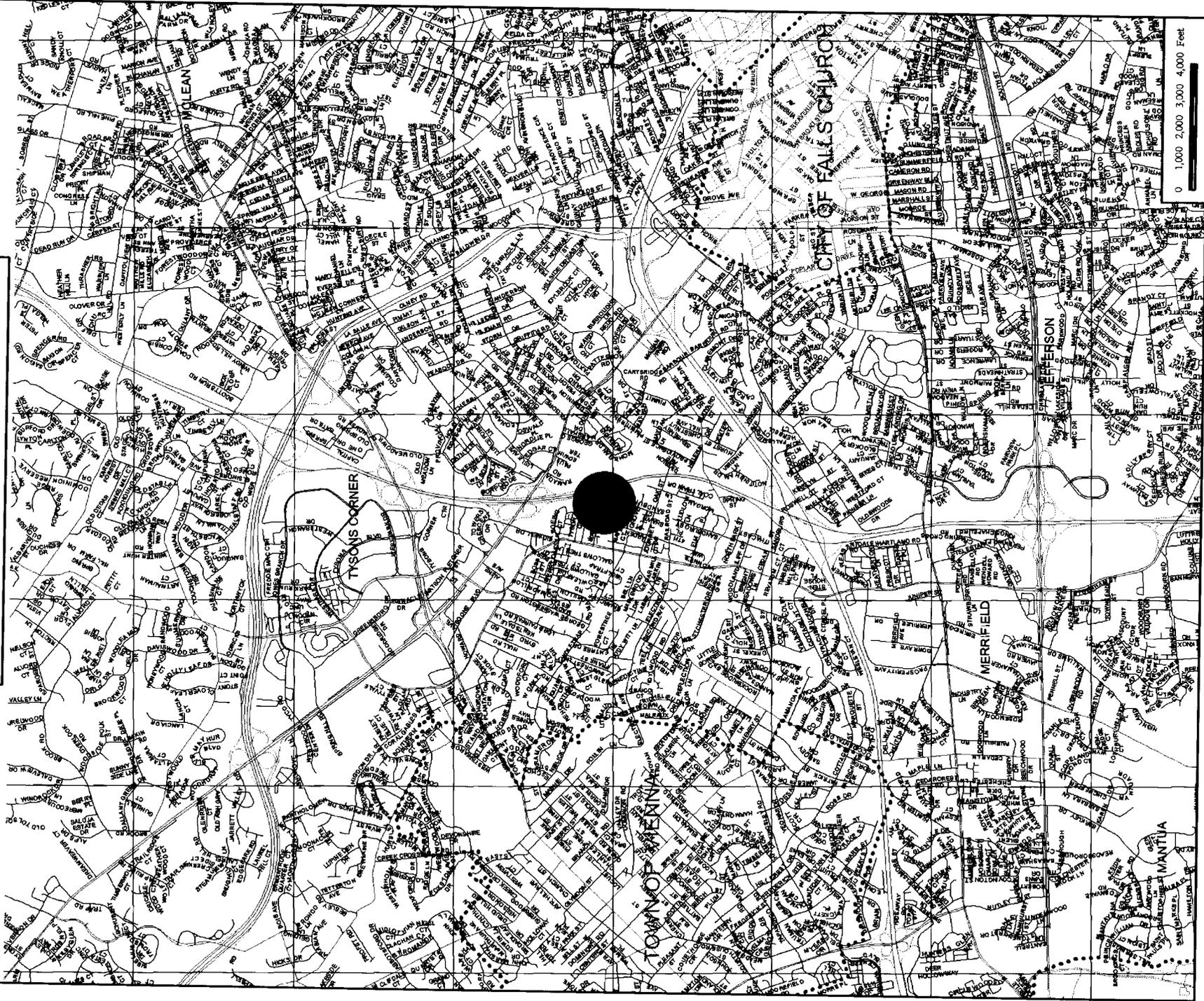
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



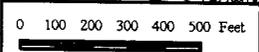
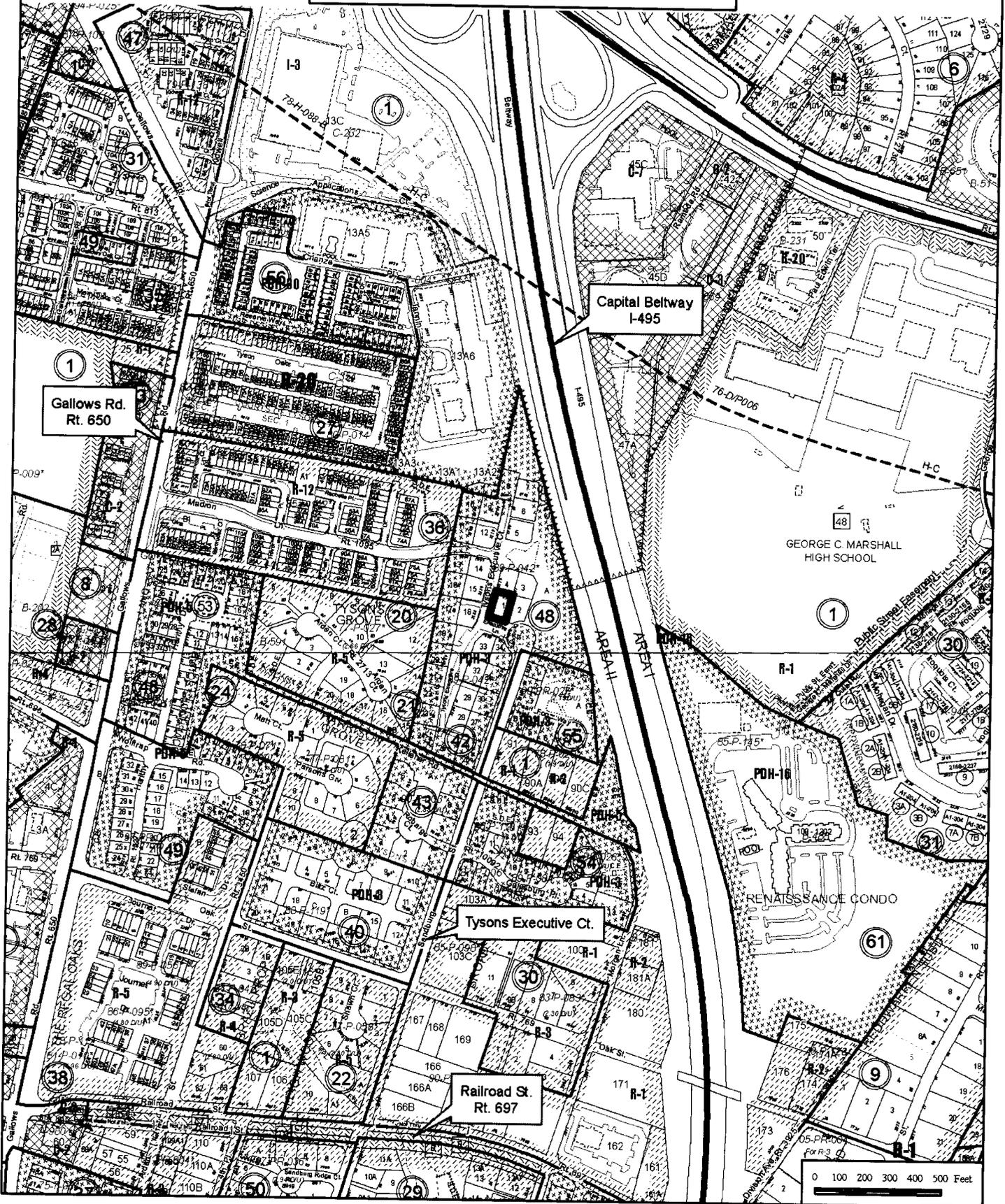
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit  
SP 2009-PR-070**

**NAWAL TODI**



**Special Permit**  
**SP 2009-PR-070**  
**NAWAL TODI**



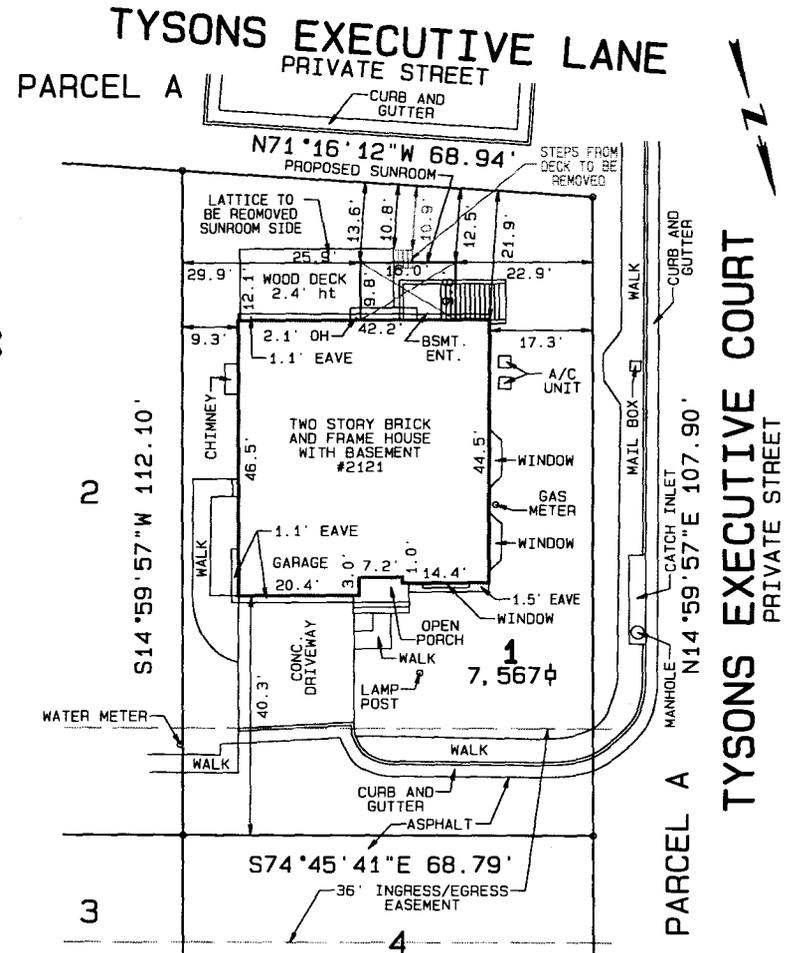
COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.  
THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

NOTES:

- TAX MAP #039-2-48-0001
- PROPERTY SHOWN HEREON IS ZONED: PDH-3 (RESIDENTIAL 3 DU/AC)
- PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
- MINIMUM YARD REQUIREMENTS IN ZONE PDH-3  
FRONT YARD: 20'  
SIDE YARD: 8'  
REAR YARD: 25'
- THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 515525 0100 D EFFECTIVE DATE, MARCH 5, 1990.
- THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
- ELEVATION DATUM IS ASSUMED.
- FLOOR AREA:  
EXISTING GROSS FLOOR AREA HOUSE 2,883 SQ. FEET  
EXISTING GROSS FLOOR AREA DECK 259 SQ. FEET  
PROPOSED GROSS FLOOR AREA SUNROOM 156 SQ. FEET  
  
TOTAL FLOOR AREA 3,298 SQ. FEET  
  
PROPOSED FLOOR AREA RATIO: 0.43
- THERE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4 AND 355. ALL HAZARDOUS WASTE AS SET FORTH IN VIRGINIA DEPT. OF ENVIRONMENTAL QUALITY HAZARDOUS WASTE MANAGEMENT REGULATIONS; AND PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 280; TO BE GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED OF ON SITE AND THE SIZE AND CONTENTS OF ANY EXISTING OR PROPOSED STORAGE TANKS OR CONTAINERS.
- THE PROPOSED USE CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES AS SET FORTH IN THE ZONING ORDINANCE OF FAIRFAX COUNTY, AS SET FORTH IN PART 6-100 PLANNED DEVELOPMENT HOUSING DISTRICT.

HEIGHT TABLE

EXISTING HOUSE HEIGHT: 29.77'  
PROPOSED SUN ROOM HEIGHT: 15.4'

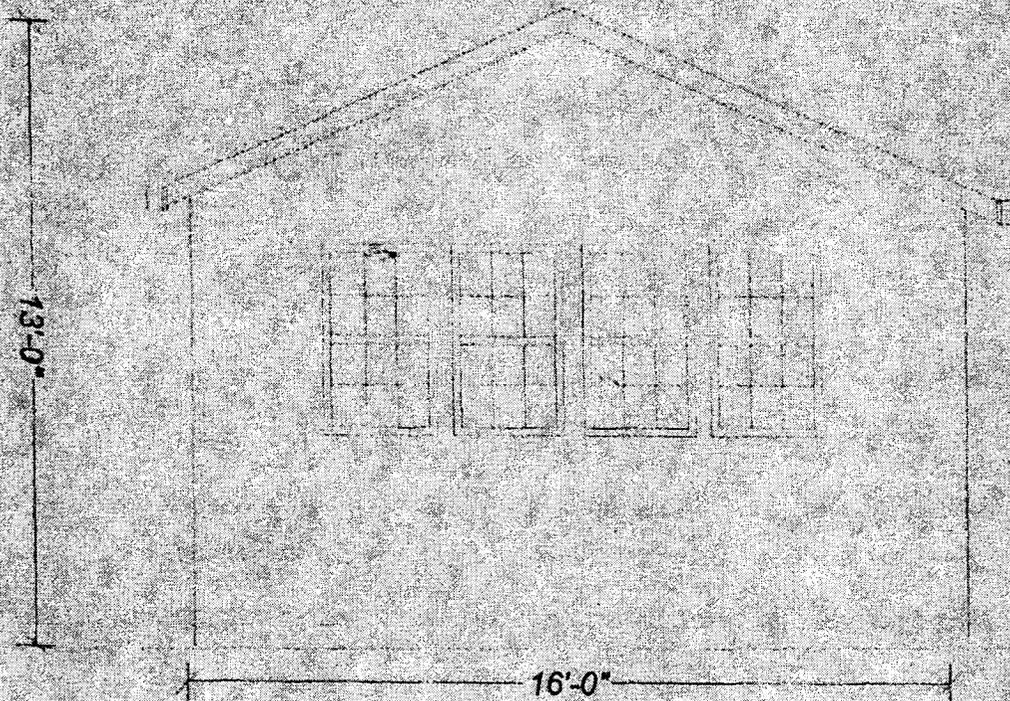


SPECIAL PERMIT PLAT  
LOT 1

**TYSONS EXECUTIVE VILLAGE**

PROVIDENCE MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1"=20' DATE: JUNE 29, 2009

CASE NAME: TODI	NO TITLE REPORT FURNISHED. PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE. FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.	
	<b>SCARTZ SURVEYS</b>	S
LARRY N. SCARTZ CERTIFIED LAND SURVEYOR WOODBRIIDGE, VIRGINIA	LOCAL (703) 494-4181 FAX (703) 494-3330 LARRY.SCARTZ@SCARTZ.COM	



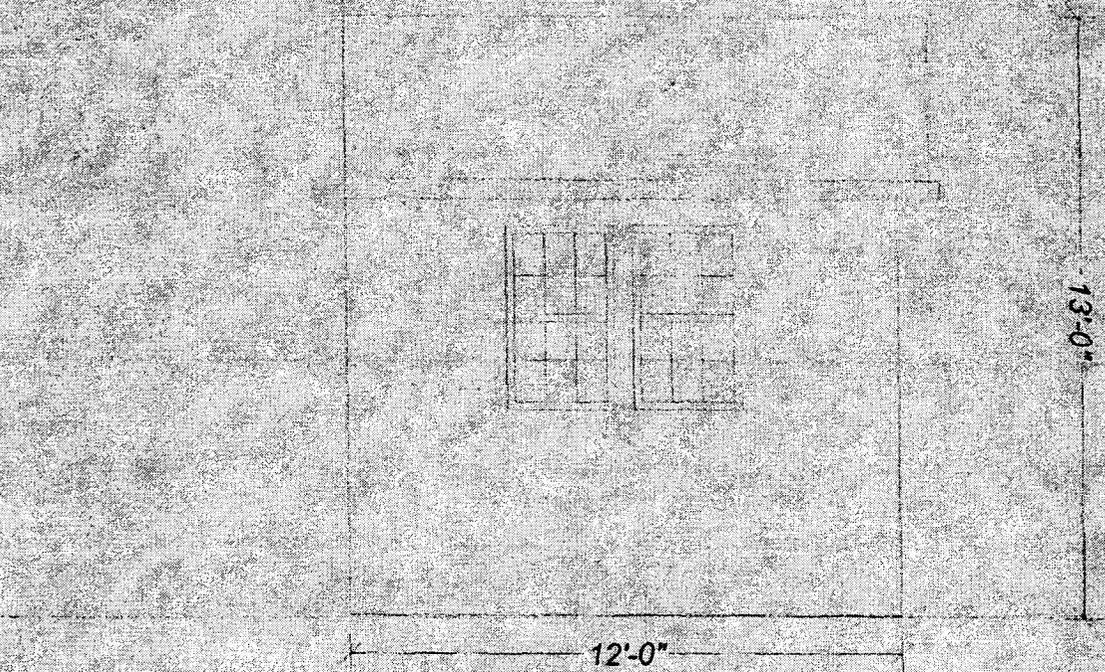
*Addition front Elevation*

*SCALE: 1/4" = 1'-0"*

*2123 Tysons Executive Court*

*Dunn Loring, VA 22023*

Existing House



Addition Left Side Elevation

SCALE: 1/4" = 1'-0"

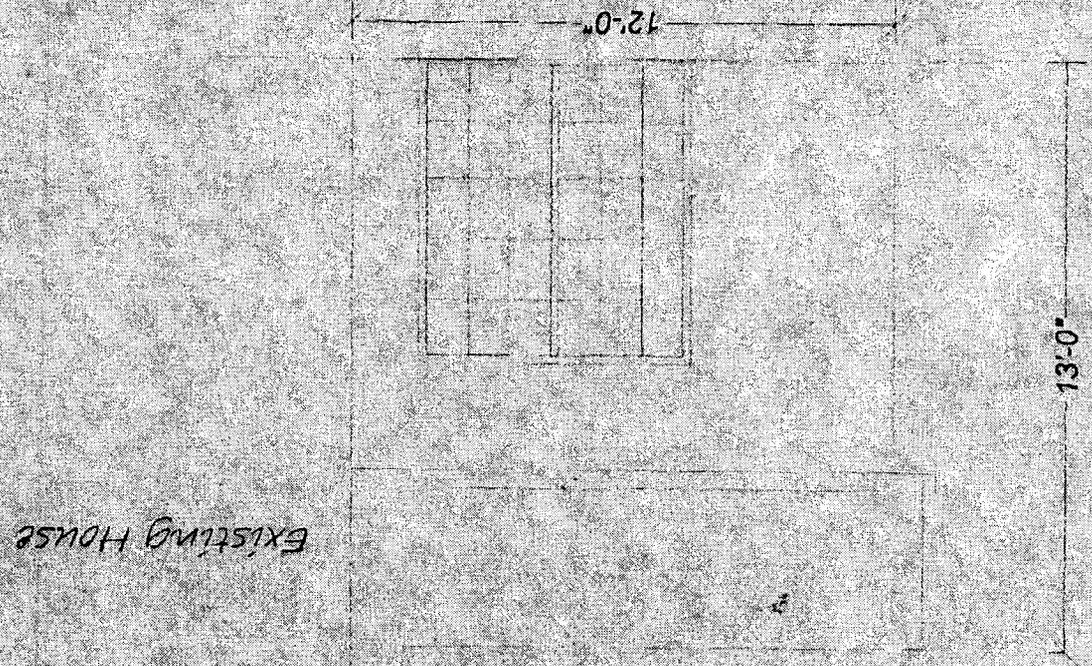
2121 TYBENS EXECUTIVE COURT

DIVAN LIVING, VA 22027

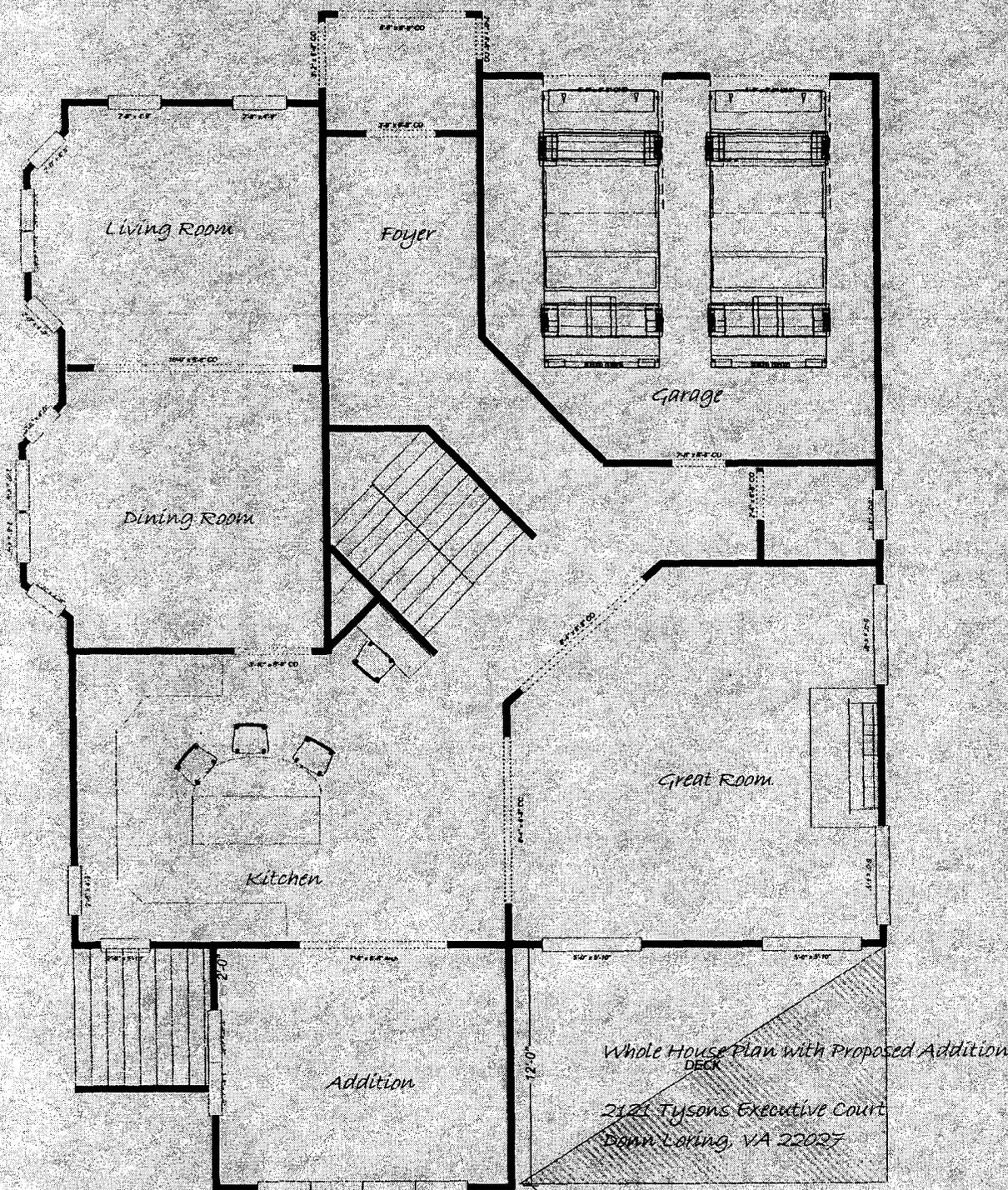
2121 TUSCUMS EXISTING PERMIT  
DUNN L. MILES, VA 22027

SCALE: 1/4" = 1'-0"

### Addition Right Side Elevation



EXISTING HOUSE



Whole House Plan with Proposed Addition  
DECK

2121 Tysons Executive Court  
Bonn Loring, VA 22027

Scale: 1/8" = 1'00"

Drawn By: Nawal (Nick) Todd

Date: 10/20/2007

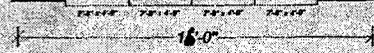


Photo INDEX

COPYRIGHT LARRY N. SCARTZ, LTD. - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED.

# TYSONS EXECUTIVE LANE

PRIVATE STREET

PARCEL A

N71°16'12"W 68.94'

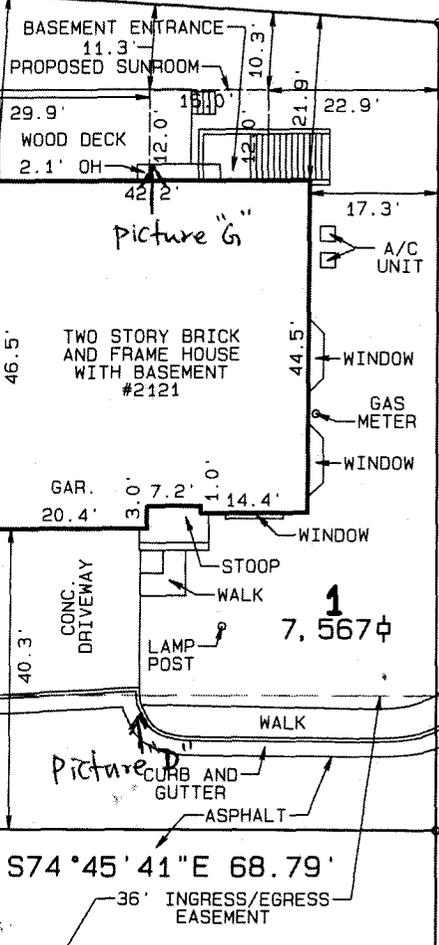
Picture "F" →

Picture "B" →

N

S14°59'57"W 112.10'

WATER METER



BASEMENT ENTRANCE 11.3'

PROPOSED SUNROOM

WOOD DECK 29.9'

2.1' OH

picture "G"

TWO STORY BRICK AND FRAME HOUSE WITH BASEMENT #2121

GAR. 20.4'

3.0'

CONC. DRIVEWAY

STOOP

LAMP POST

S74°45'41"E 68.79'

36' INGRESS/EGRESS EASEMENT

Picture "D" →

Picture "C" →

Picture "E" →

Picture "A" →

Picture "B" →

Picture "C" →

Picture "D" →

Picture "E" →

Picture "F" →

Picture "G" →

Picture "H" →

Picture "I" →

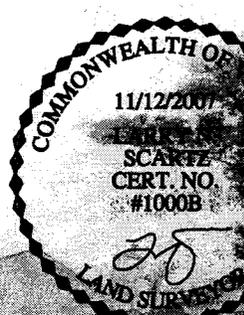
Picture "J" →

TYSONS EXECUTIVE COURT PRIVATE STREET

PARCEL A

RECEIVED  
Department of Planning & Zoning  
MAY 28 2009

Zoning Evaluation Division



## HOUSE LOCATION SURVEY

LOT 1

# TYSONS EXECUTIVE VILLAGE

PROVIDENCE MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

DATE: NOVEMBER 12, 2007

NO TITLE INSURANCE POLICY OR OTHER RECORD OF ENCUMBRANCE OR EASEMENT SHALL BE REQUIRED TO BE FILED WITH THIS SURVEY.

CASE NAME: 1001

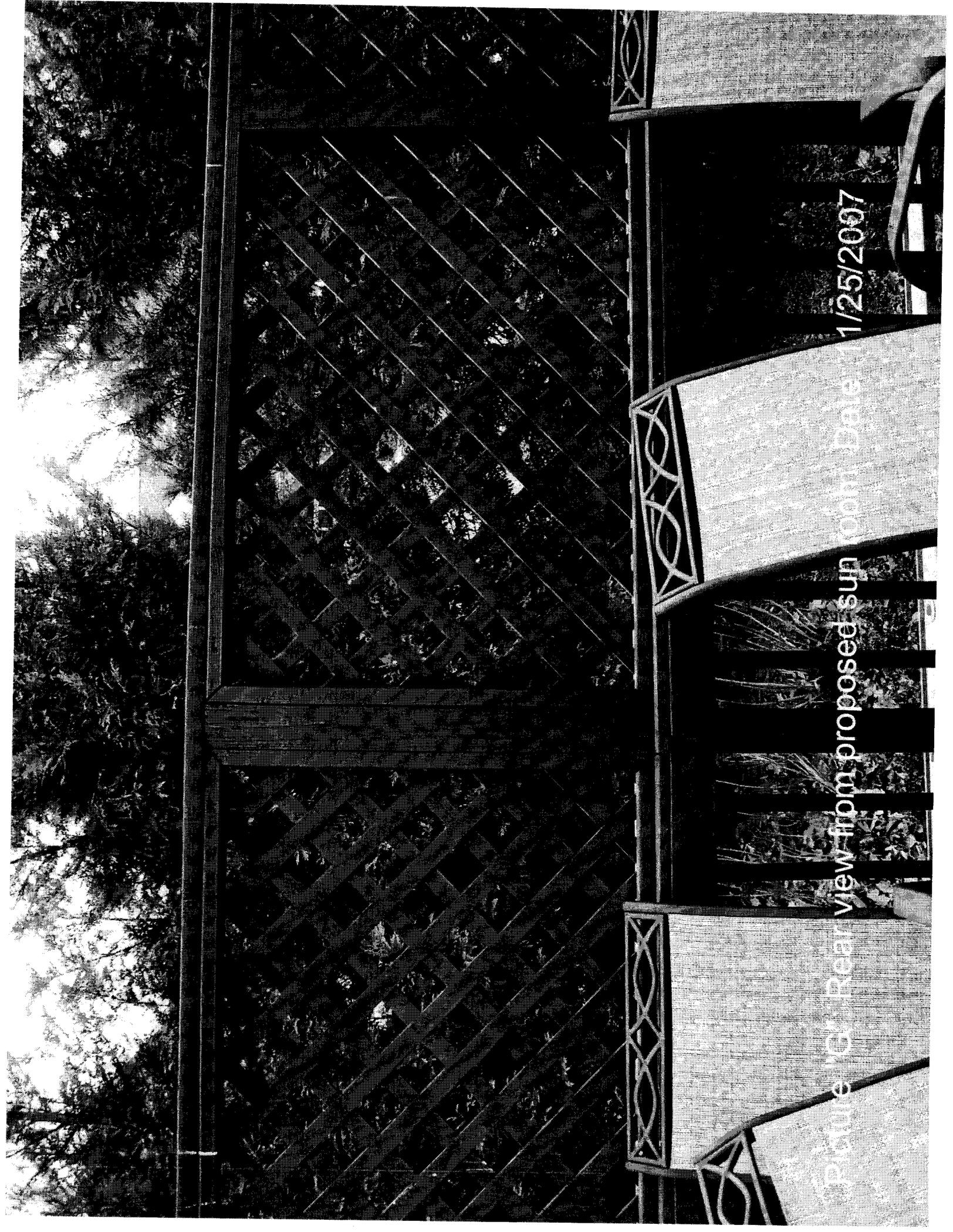
I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY LINE AND THAT THERE ARE NO UNRECORDED EASEMENTS OR ENCUMBRANCES AFFECTING THE PROPERTY LINE.

LARRY N. SCARTZ  
CERTIFIED LAND SURVEYOR  
PROVIDENCE, VIRGINIA

CERTIFIED LAND SURVEYOR

5055 TIGER (703) 494-4181  
METRO (703) 690-4955  
FAX (703) 690-3999

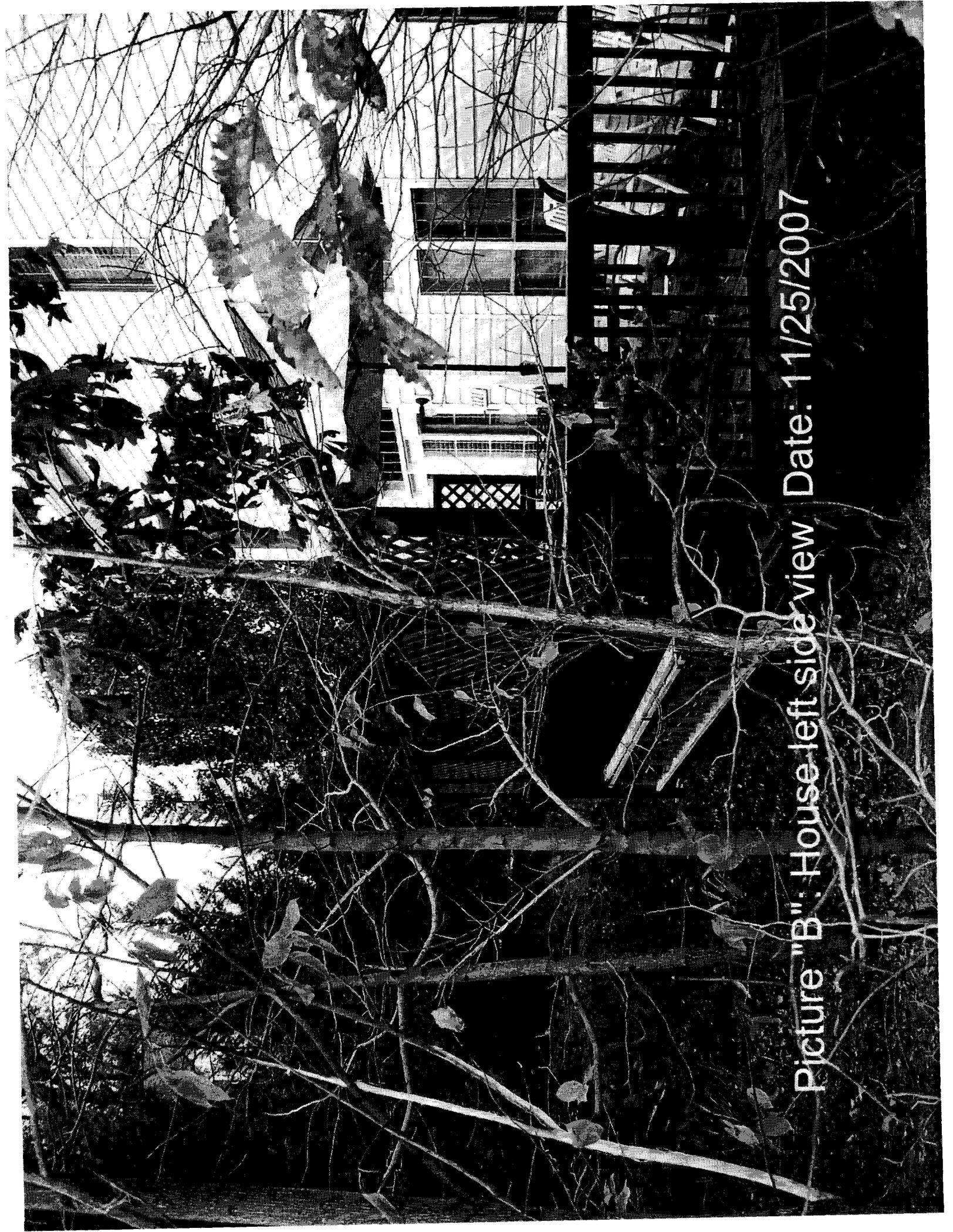
MN



Picture 103 Rear view from proposed sun room Date 11/25/2007



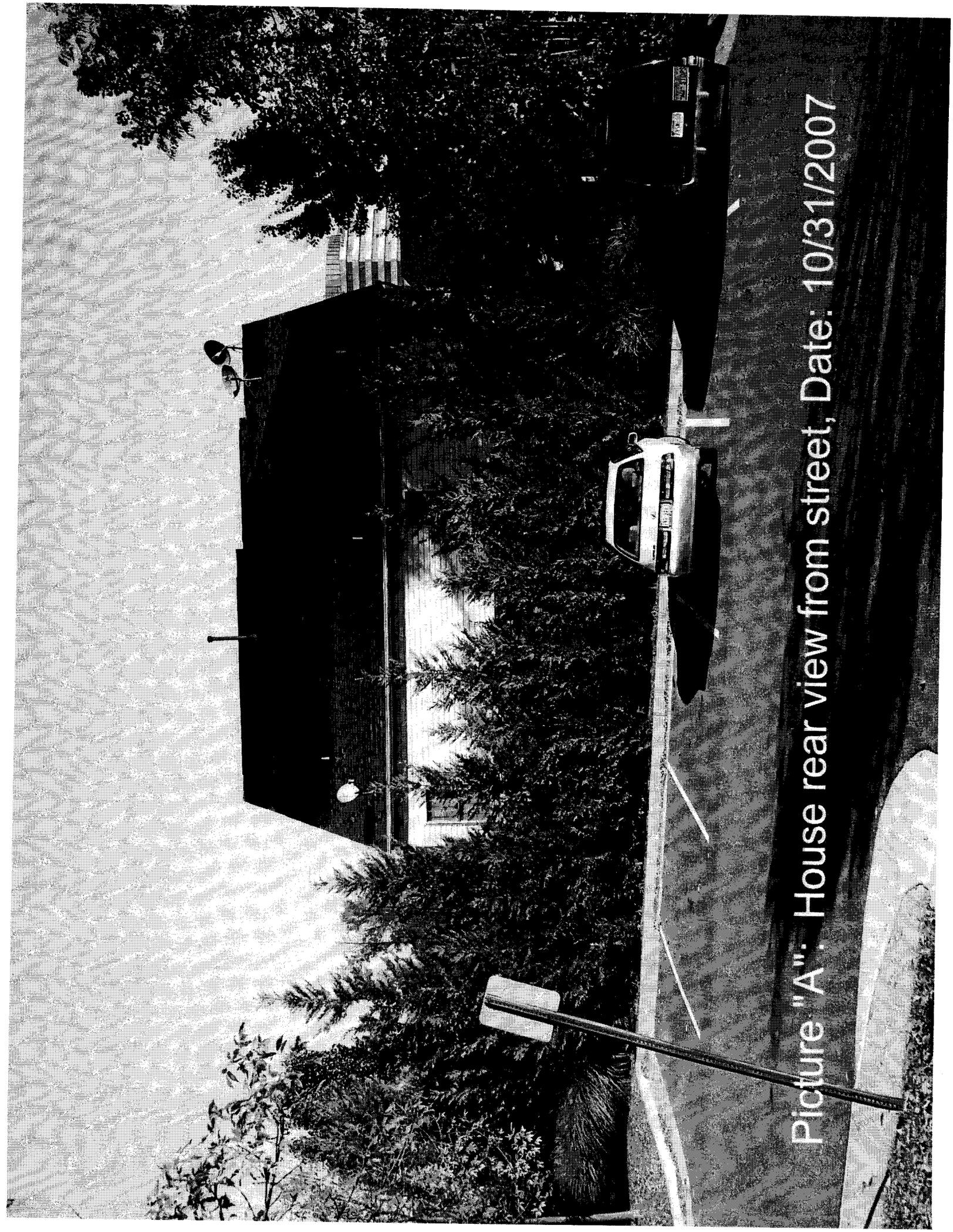
Picture "F": Right side view from proposed sun room Date: 11/25/2007



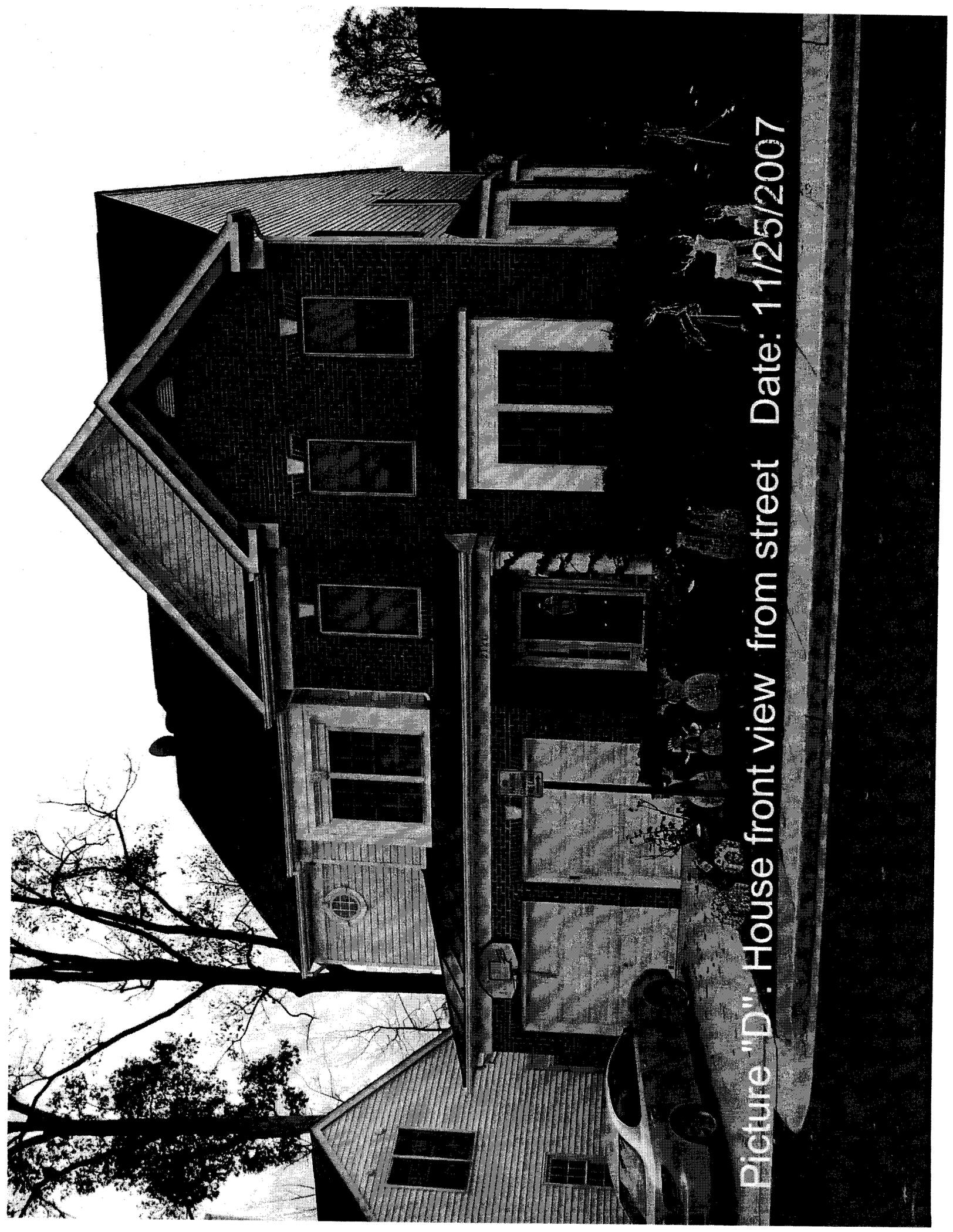
Picture "B": House-left side view Date: 11/25/2007



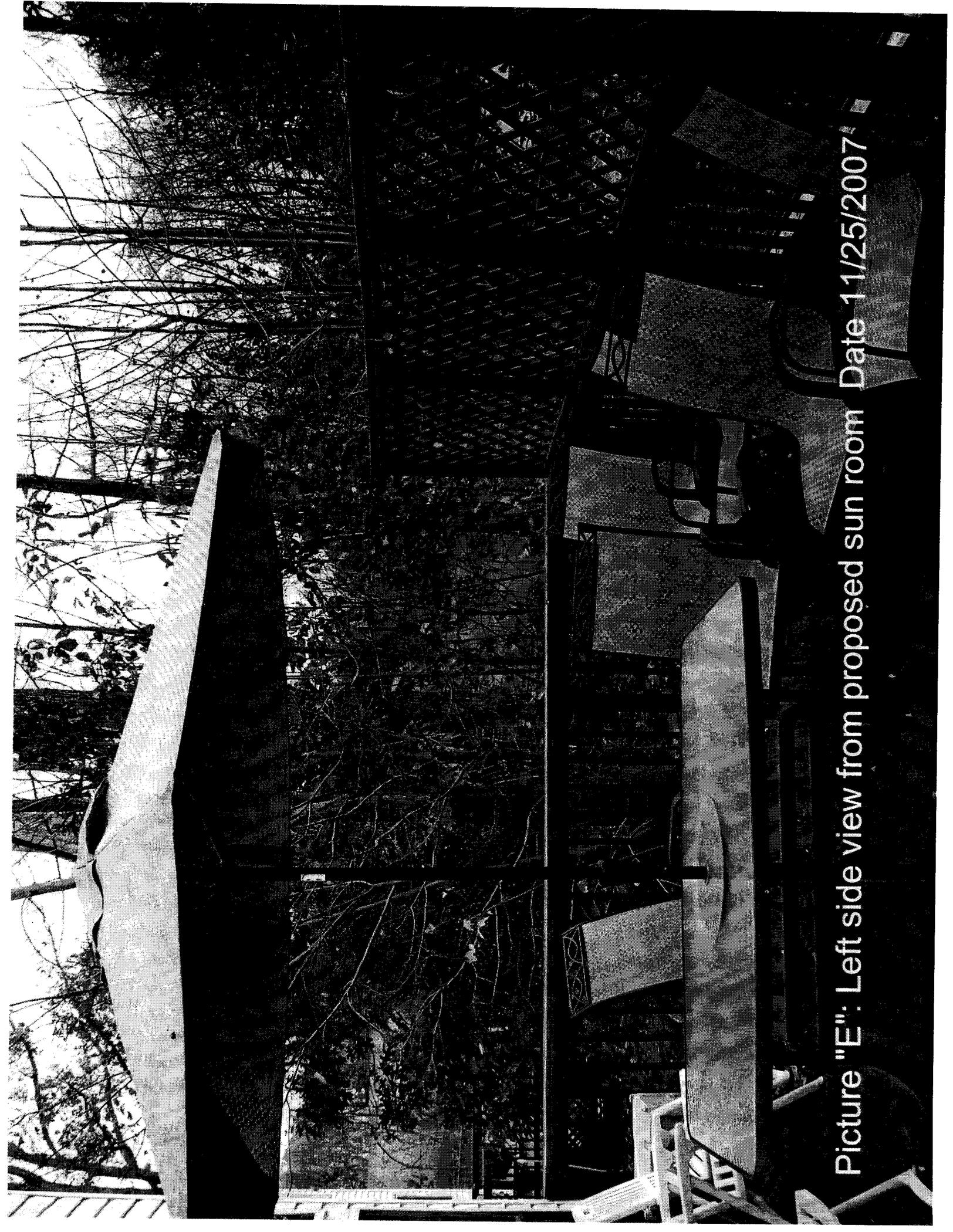
Picture "C": House right side view from street Date: 11/25/2007



Picture "A": House rear view from street, Date: 10/31/2007



Picture "D": House front view from street Date: 11/25/2007



Picture "E": Left side view from proposed sun room Date 11/25/2007

**DESCRIPTION OF THE APPLICATION**

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a sunroom addition 12.5 feet from the southern front lot line of a corner lot.

	<b>Structure</b>	<b>Yard</b>	<b>Min. Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percent of Reduction Requested</b>
<b>Special Permit</b>	Sunroom Addition	Front	20 feet	12.5 feet	7.5 feet	37.5 %

**LOCATION AND CHARACTER**

**Existing Site Description**

The site is currently zoned PDH-3 and is developed with a two story single family detached dwelling. On January 28, 1991 the Board of Supervisors approved RZ 89-P-042 which rezoned 11.4539 acres from R-1 to PDH-3 with a density of 3 dwelling units per acre (du/ac.). \*Bulk regulations for the PDH district are regulated under the provisions of Sect. 16-102 of the Zoning Ordinance. Design Standards are those which are approved by the Board of Supervisors on the final development plan for the subdivision. Subsequent additions, according to Sect. 16-403, must conform to that conventional zoning district which most closely characterizes the development under consideration provided, however, that the desired alterations is in substantial conformance with the approved final development plan. The single family dwelling is developed under PDH-3 regulations, but is most closely similar to the R-4 Cluster District.

Access to the property is provided by a 36 foot ingress/egress easement off of Tysons Executive Court which also serves lots 2, 3 and 4. The rear of the dwelling abuts the end of Tysons Executive Lane, which is utilized as parking spaces, thus making this property a corner lot. There is dense vegetation between the parking lot and the subject property.

**Character of the Area**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	PDH-3	Single Family Detached Dwellings
<b>West</b>	PDH-3	Single Family Detached Dwellings

<b>East</b>	PDH-3	Single Family Detached Dwellings
<b>South</b>	PDH-3	Single Family Detached Dwellings

## BACKGROUND

A wood deck is present on the subject property; however there are no building permits on file for the structure. Currently, there is lattice on top of the railing of the wood deck which must be removed in order to comply with the permitted extensions of Sect. 2-412 of the Zoning Ordinance. A condition has been included to address this issue.

The Board of Zoning Appeals (BZA) has not heard any other similar applications in the neighborhood.

## ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat, Lot 1, Tysons Executive Village
- **Prepared By:** Larry N. Scartz, Scartz Surveys dated June 29, 2009

## Proposal

The applicant proposes to construct a sunroom over a portion of an existing deck. The proposed sunroom will be approximately 16 feet by 9.8 feet (156.8 square feet) in size and 15.4 feet in height.

## ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

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

## Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes that the special permit application satisfies this condition based the fact that the proposed sunroom will not extend further into the yard than the existing deck. The referenced yard abuts a parking area on Tysons Executive Lane. Therefore, staff*

*believes the proposed sunroom will not adversely affect the use or development of neighboring properties.*

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

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

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing structure is 2,883 square feet. Therefore 150% of the total gross floor area could result in an addition up to 4,324.5 square feet; which makes a combined total of 7,207.5 square feet permitted under this standard. The proposed addition will be 156.8 square feet for a total of 3,039 square feet for the existing house and addition. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The proposed sunroom addition will extend on a portion of the existing footprint of the deck and is proposed at a height of 15.4 feet and only 156.8 square feet in size. The existing single family detached dwelling is two stories in height and 2,883 square feet. The proposed sunroom will be constructed with materials similar to the existing dwelling. Staff believes the proposed addition will not be out of character with existing on-site development.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. The proposed addition will not adversely affect the neighboring properties due to the small size and scope. Little land disturbance shall take place due to its small size and its proposed location on the existing deck. Existing vegetation shouldn't be affected by the proposal.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. No downstream complaints have been indicated by DPWES and there is little increase of impervious area due to the proposed addition partially being constructed over an existing deck. The proposed addition is in proximity to a parking lot on Tysons Executive Lane and there is a dense buffer between the parking lot and the subject property. Therefore, staff believes that the proposed addition shall not have any adverse impact on neighboring properties.*

*Standard 9* states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. *Since the proposed addition is not extending any further into the minimum required side yard than what currently exists, staff believes this proposed sunroom is a minimal addition. There are no potential alternate locations for a sunroom on the subject property due to the dwelling being constructed in close proximity to the lot lines and property being a corner lot.*

## **CONCLUSION**

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

## **RECOMMENDATION**

Staff recommends approval of special permit application SP 2009-PR-070 for the addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

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

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

## **APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS****SP 2009-PR-070****October 13, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-PR-070 located at Tax Map Number 39-2 ((48)) 1 (2121 Tysons Executive Court), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land record of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a proposed sunroom addition as shown on the plat prepared by Larry N. Scartz, Scartz Surveys dated June 29, 2009, submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,883 square feet existing + 4,324.5 (150%) = 7,207.5 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 or variance. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials depicted on the plat and included in Attachment 1 to these conditions. Notwithstanding what is depicted in the architectural renderings, the sunroom addition shall be no larger than 9.8 feet by 16 feet in size.
5. Prior to final inspection of the addition, the lattice screening above the deck railing shall be removed and the deck shall be brought into compliance with Zoning Ordinance requirements.

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

**PROPOSED DEVELOPMENT CONDITIONS****SP 2009-PR-070****October 13, 2009**

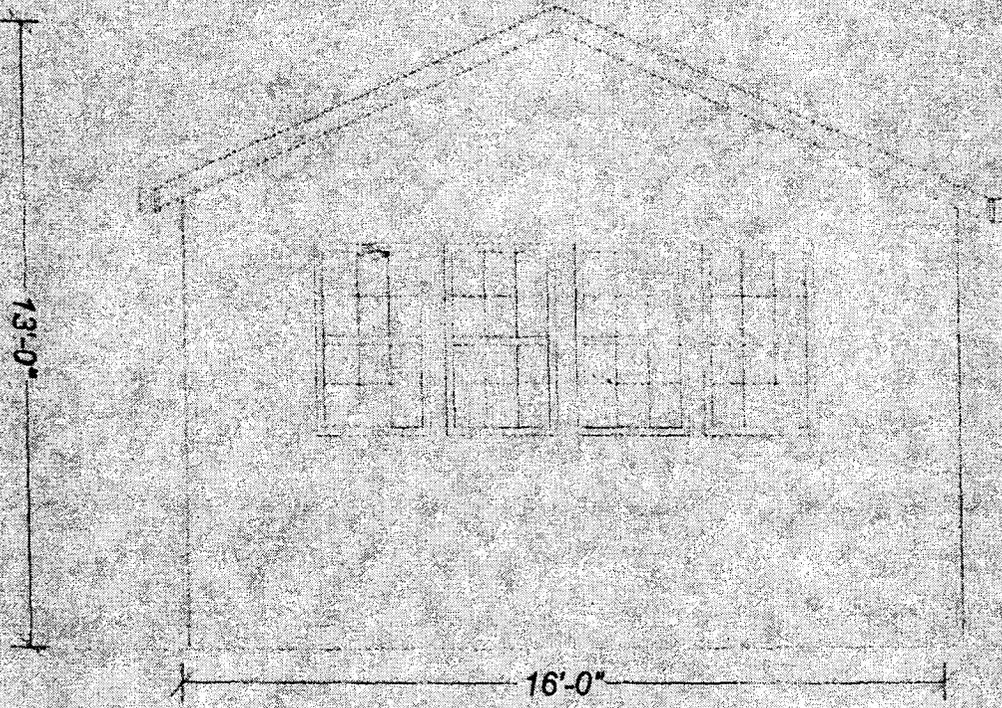
If it is the intent of the Board of Zoning Appeals to approve SP 2009-PR-070 located at Tax Map Number 39-2 ((48)) 1 (2121 Tysons Executive Court), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land record of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a proposed sunroom addition as shown on the plat prepared by Larry N. Scartz, Scartz Surveys dated June 29, 2009, submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,883 square feet existing + 4,324.5 (150%) = 7,207.5 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 or variance. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials depicted on the plat and included in Attachment 1 to these conditions. Notwithstanding what is depicted in the architectural renderings, the sunroom addition shall be no larger than 9.8 feet by 16 feet in size.
5. Prior to final inspection of the addition, the lattice screening above the deck railing shall be removed and the deck shall be brought into compliance with Zoning Ordinance requirements.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction

has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



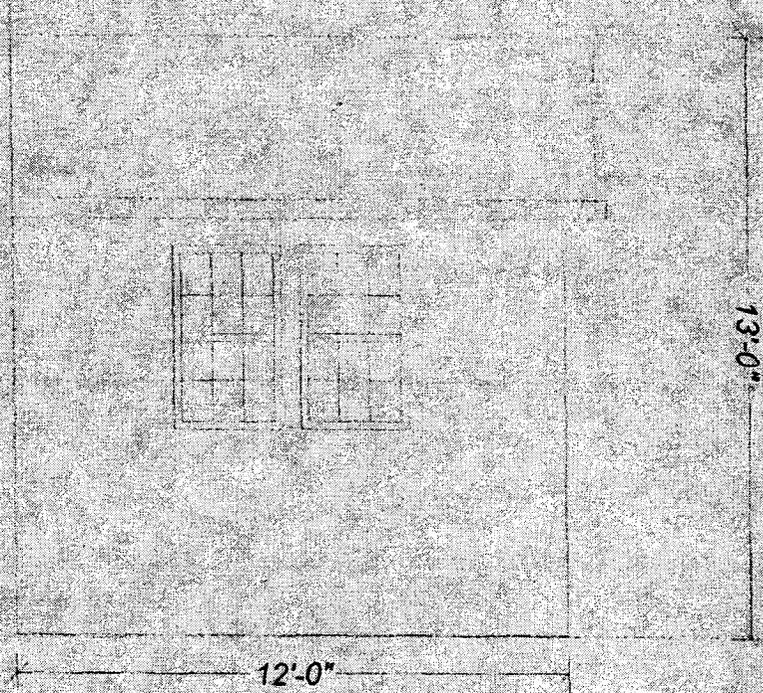
*Addition front Elevation*

Scale: 1/4" = 1'-0"

2123 Tysons Executive Court

Dunn Loring, VA 22027

Existing House



Addition Left Side Elevation

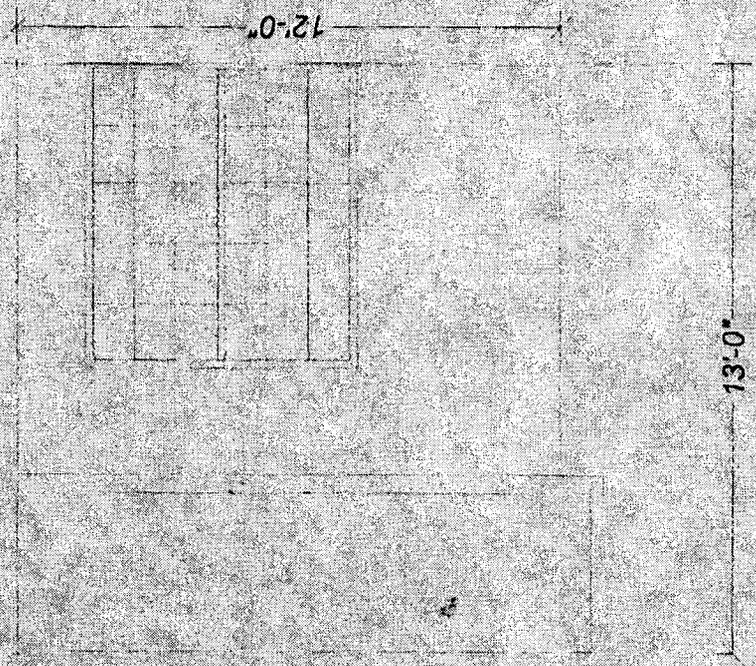
Scale: 1/4" = 1'-0"

2825 TYBENS EXCLUSIVE COURT  
DUMM LANDING, VA 22027

2121 THOMAS CARRIAGE DRIVE  
DUMFRIES, ONTARIO M2H 2P2

SCALE: 1/4" = 1'-0"

### Addition Right Side Elevation



EXISTING HOUSE

✓

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 16, 2009  
(enter date affidavit is notarized)

I, Nawal K. TODI, 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

104798

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
NAWAL KISHORE TODI	2121 TYSONS EXECUTIVE CT.	<b>OWNER / APPLICANT</b>
BINA TODI	2121 TYSONS EXECUTIVE CT.	<b>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: 5/16/09  
(enter date affidavit is notarized)

104798

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: 5/16/09  
(enter date affidavit is notarized)

104798

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: 5/16/09  
(enter date affidavit is notarized)

104798

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: 5/16/09  
(enter date affidavit is notarized)

104798

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:

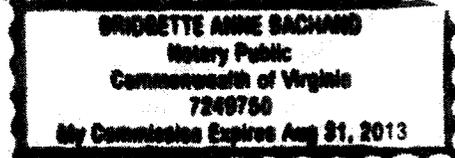
(check one)  Applicant Nawal K. Todi [ ] Applicant's Authorized Agent

NAWAL K. TODI  
(type or print first name, middle initial, last name, and title of signee)

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

Bridgette Anne Sachand  
Notary Public

My commission expires: 8-31-13



5. **A written statement of justification:**

The proposed sunroom will be a one-story wood frame structure. The exterior style, material and color will be compatible to the existing home. The family members will use the sunroom mostly in the daytime to relax and to do household activities. Please see the attached drawings & material specification. The primary reason to build the sunroom is to extend the kitchen area so that the family members can get together and enjoy. The addition's outside wall is 12.5 feet from the lot line, which is both over 50% of the required distance, and over 5 feet. The floor area of the proposed addition is 192 sq ft. and the existing floor area is 2883 sq ft.

Please see below the explanation of all the deficiencies identified:

- 930.01** The floor area of the proposed addition is 192 feet, which is 6.66% of the existing living area of 2883 Sq. ft. resulting in 106.66% of the total gross floor area of the principal structure existed now. The proposed drawing is attached
- 930.06** 15 copies of plat were submitted before. The 24" x 36" and 8" x 11" plates are attached.
- 930.10** Location - Back of the principal home  
Dimension - 12' x 16'  
Height of existing home - 36'  
Height of proposed addition - 13'
- 930.11** The existing lattice shown on deck will be removed. The addition's outside wall is 12.5 feet from the lot line, which is both over 50% of the required distance, and over 5 feet.
- 930.15** Existing floor area - 2883 Sq ft.  
Proposed addition floor area - 192 Sq ft.  
Proposed Gross floor area - 3075 Sq ft.  
Floor area ratio - 106.70%
- 930.17** Lattice at back deck is a 7' in height. This will be removed.
- 930.19** Already provided on the plates
- 930.20** Please refer the submitted sunroom details:  
Front is connected to the existing house.  
Left wall with 2 windows.  
Right Side with a patio door connecting the existing deck.  
Rear wall with four windows.

RECEIVED  
Department of Planning

JUN 25 2009

Zoning Evaluation

5. A written statement of justification:

The proposed sunroom will be a one-story wood frame structure. The exterior style, material and color will be compatible to the existing home. The family members will use the sunroom mostly in the daytime to relax and to do household activities. Please see the attached drawings & material specification. The primary reason to build the sunroom is to extend the kitchen area so that the family members can get together and enjoy.

I am the owner of the  
Property

NAWAL TADI  
Nawal TI

RECEIVED  
Department of Planning  
MAY 28 2009  
Zoning Evaluation Division

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-903 Standards for all Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

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

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross

floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.

5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.