County of Fairfax, Virginia

October 20, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-DR-071

DRANESVILLE DISTRICT

APPLICANTS/ OWNERS:	Douglas H. Goldhush and Wanda Goldhush
SUBDIVISION:	Langley Oaks
STREET ADDRESS:	6514 Sunny Hill Court
TAX MAP REFERENCE:	22-3 ((4)) 64
LOT SIZE:	24,258 square feet
ZONING DISTRICT:	R-1 (Cluster)
ZONING ORDINANCE PROVISIONS:	8-922
SPECIAL PERMIT PROPOSAL:	To permit reduction of certain yard requirements to permit construction of an accessory structure 10.0 feet from side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-DR-071 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 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:\SMCKNI\SP\GOLDHUSH SP 2009-DR-071\STAFF REPORT\Staff Report Goldhush.doc *Shelby Johnson*

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/

DEPARTMENT OF PLANNING & ZONING

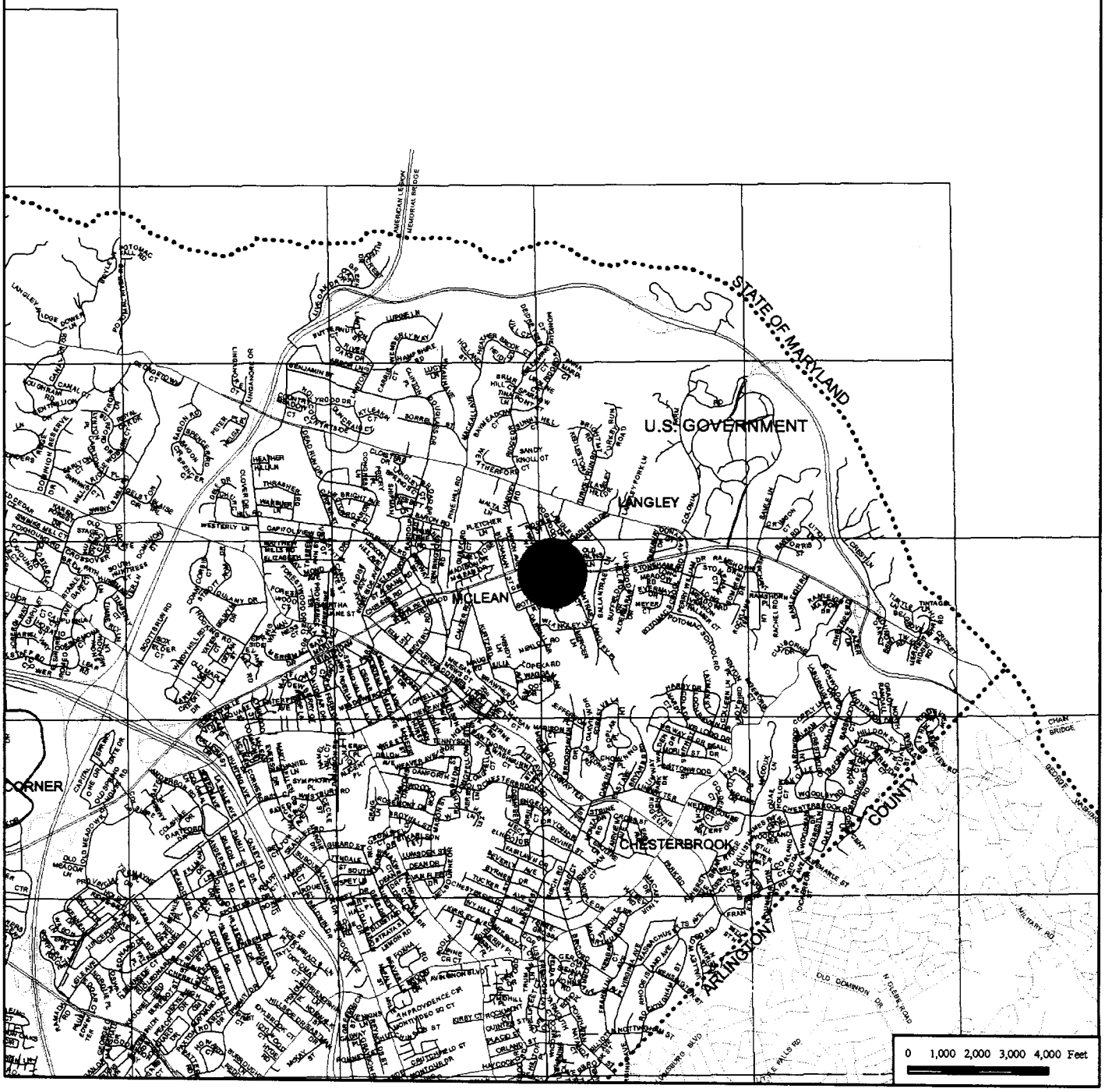
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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-DR-071



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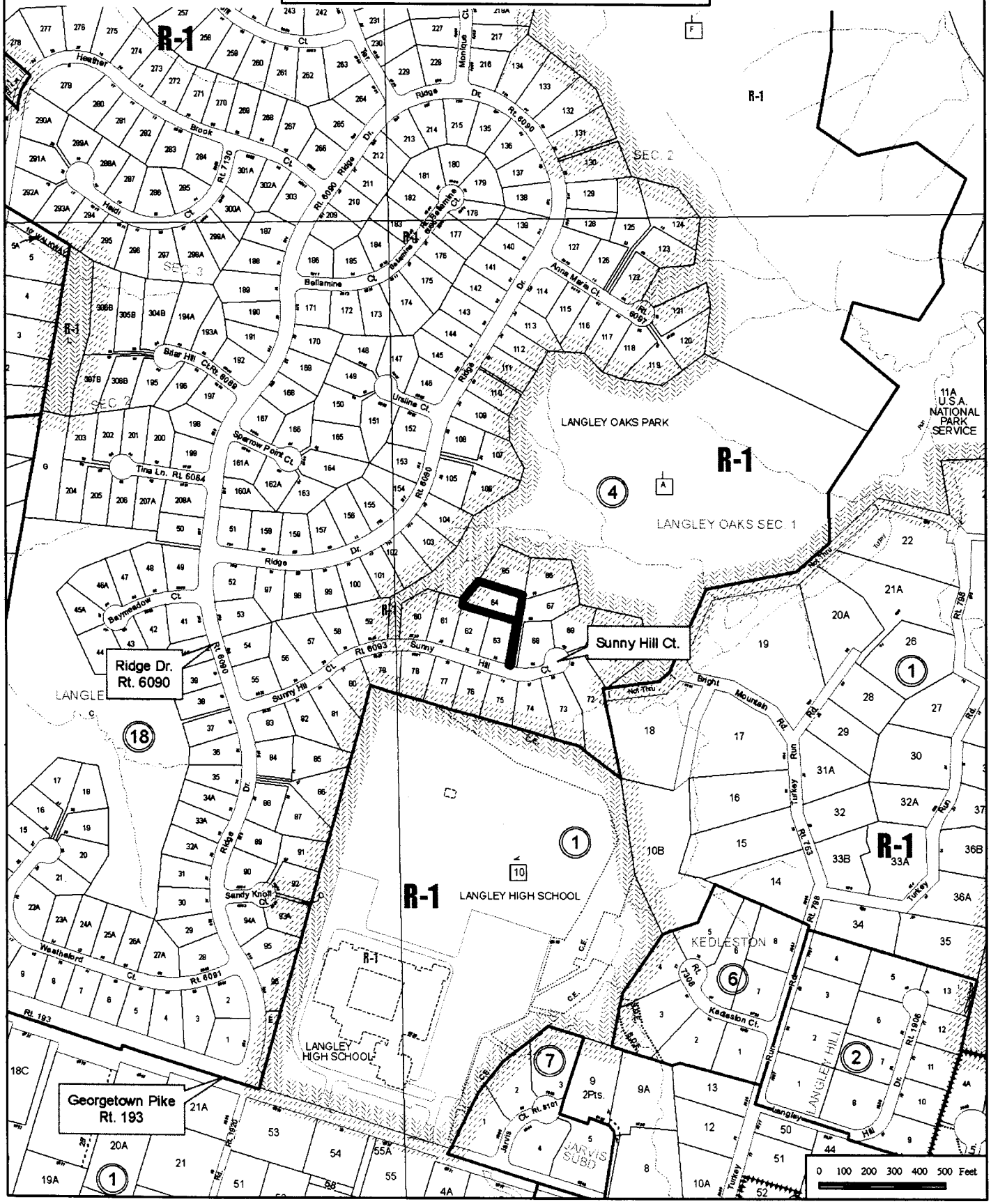
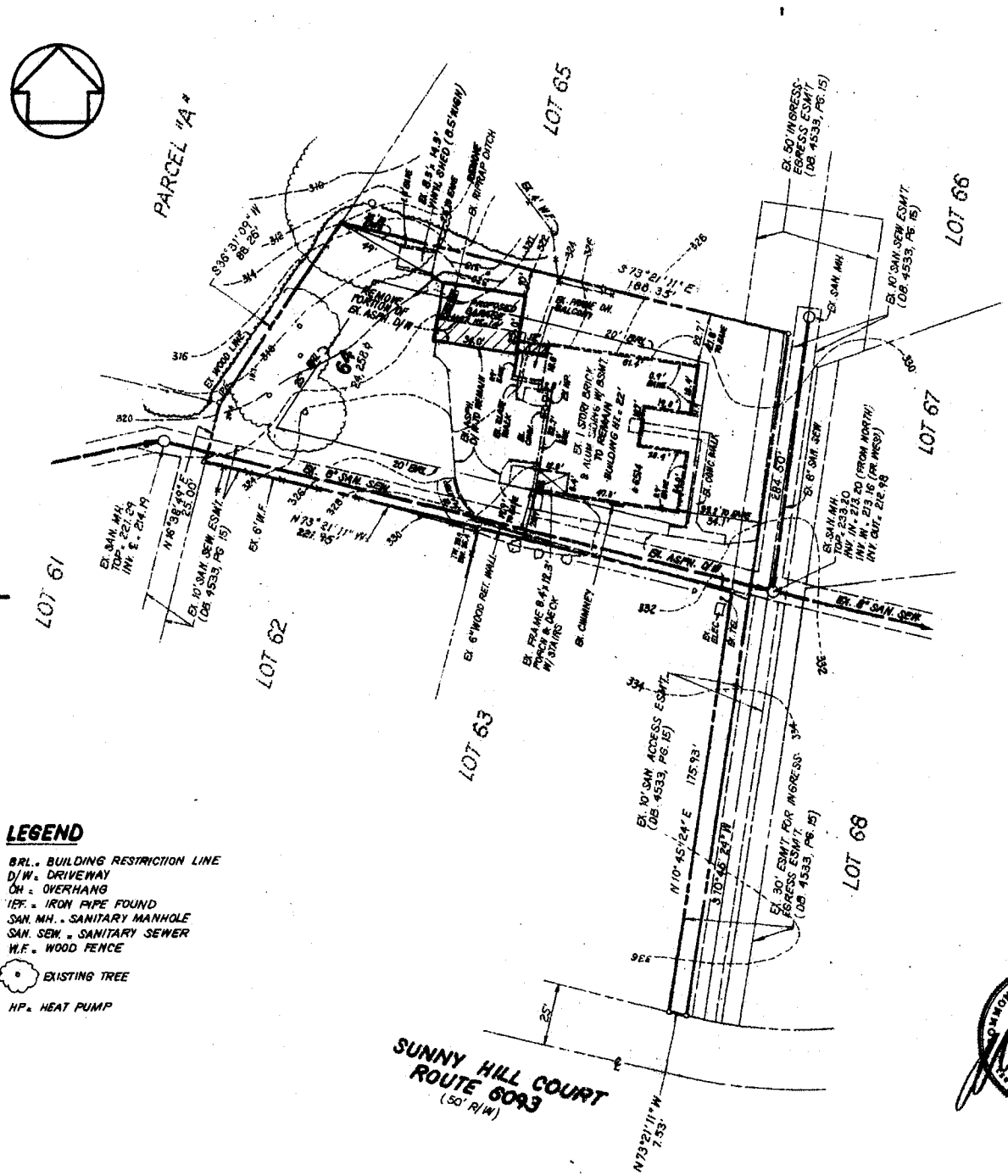
SP 2009-DR-071





GENERAL NOTES

1. THIS PROPERTY IS LOCATED ON TAX MAP # 22-3 ((4)) 64 AND IS ZONED R-1C
2. NO TITLE REPORT FURNISHED. THERE ARE NO UTILITY EASEMENTS 25 FEET WIDE OR GREATER AND NO MAJOR UNDERGROUND UTILITY EASEMENTS PER RECORD PLAT.
3. BOUNDARY INFORMATION TAKEN FROM RECORD PLAT RECORDED AT DB. 4533, PG. 15. TOPOGRAPHIC SURVEY BY HAROLD A. LOGAN ASSOCIATES, P.C. DATED MARCH 2009.
4. THIS PROPERTY IS SERVED BY PUBLIC SEWER AND WATER.
5. THERE ARE NO KNOWN CEMETERIES OR PLACES OF BURIAL ON SITE.
6. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
7. ALL EXISTING IMPROVEMENTS TO REMAIN UNLESS OTHERWISE NOTED.

SETBACKS – ZONED R-1C

FRONT = 30'
SIDE = 12', BUT A TOTAL MINIMUM OF 40'
REAR = 25'

OWNER

DOUGLAS H. GOLDHUSH
WANDA GOLDHUSH
6514 SUNNY HILL COURT
MCLEAN, VA 22101

LEGEND

BRL. = BUILDING RESTRICTION LINE
D/W = DRIVEWAY
OH = OVERHANG
IPF. = IRON PIPE FOUND
SAN. MH. = SANITARY MANHOLE
SAN. SEW. = SANITARY SEWER
W.F. = WOOD FENCE
EXISTING TREE
HP = HEAT PUMP

COMMONWEALTH OF VIRGINIA
HAROLD A. LOGAN
CERTIFICATES
1111 & 181
CERTIFIED LAND SURVEYOR

SPECIAL PERMIT
LOT 64
SECTION ONE
LANGLEY OAKS
DEED BOOK 4533, PG. 15

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

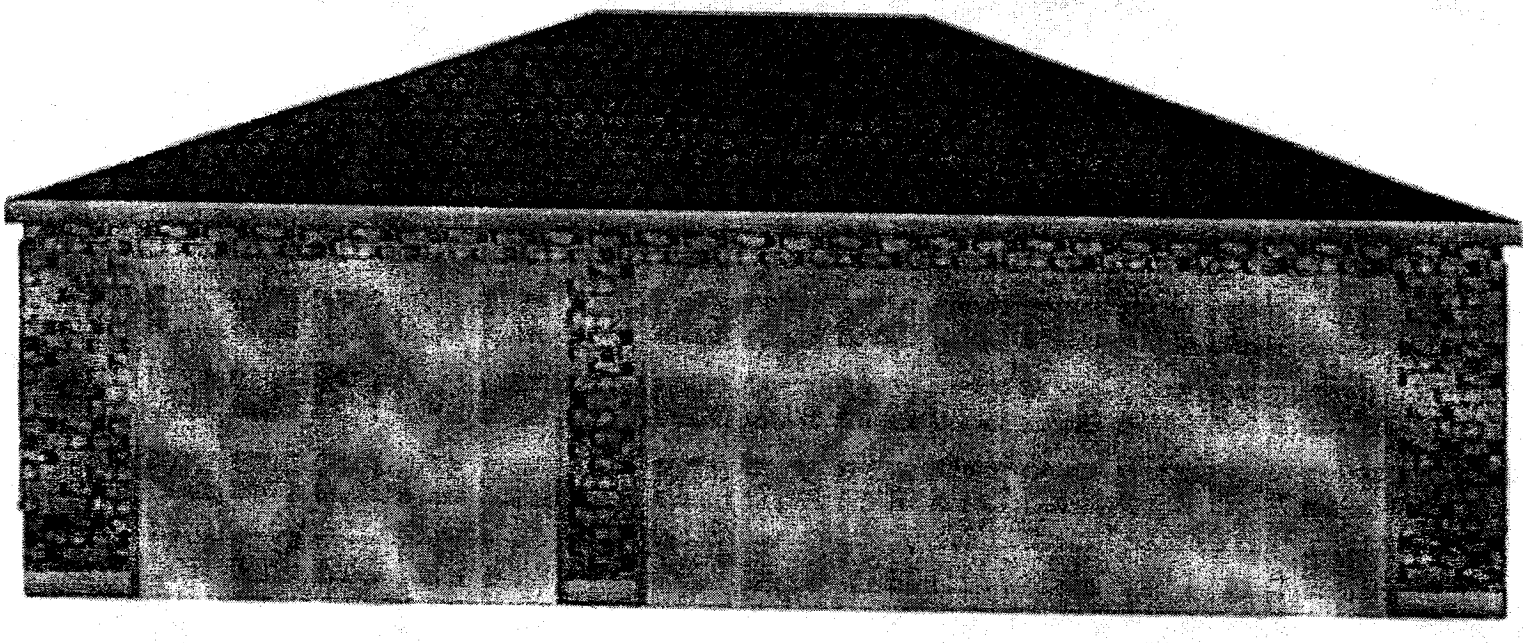
SCALE: 1" = 30' DATE: 4-1-2009
REV. 6-29-2009

HAROLD A. LOGAN — ASSOCIATES P.C.
LAND SURVEYING – SITE PLANNING – SUBDIVISION DESIGN
6114 INDUSTRY DRIVE
MANASSAS PARK, VA 20111
(703) 330-1555 • FAX 330-0132

SHEET 1 OF 1

RP 2376

Special Permit Request Application: Douglas H. Goldhush/ Wanda Goldhush



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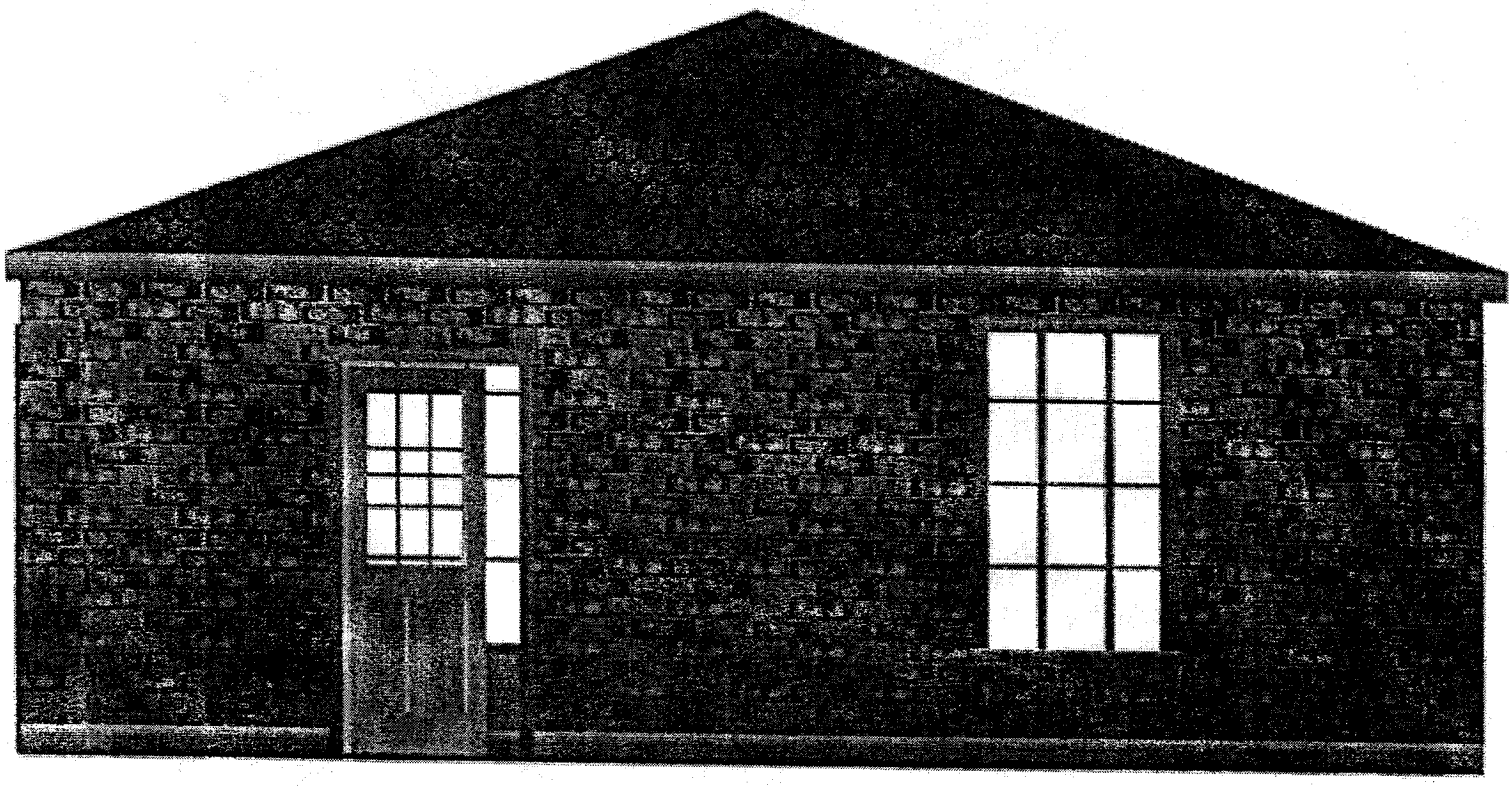

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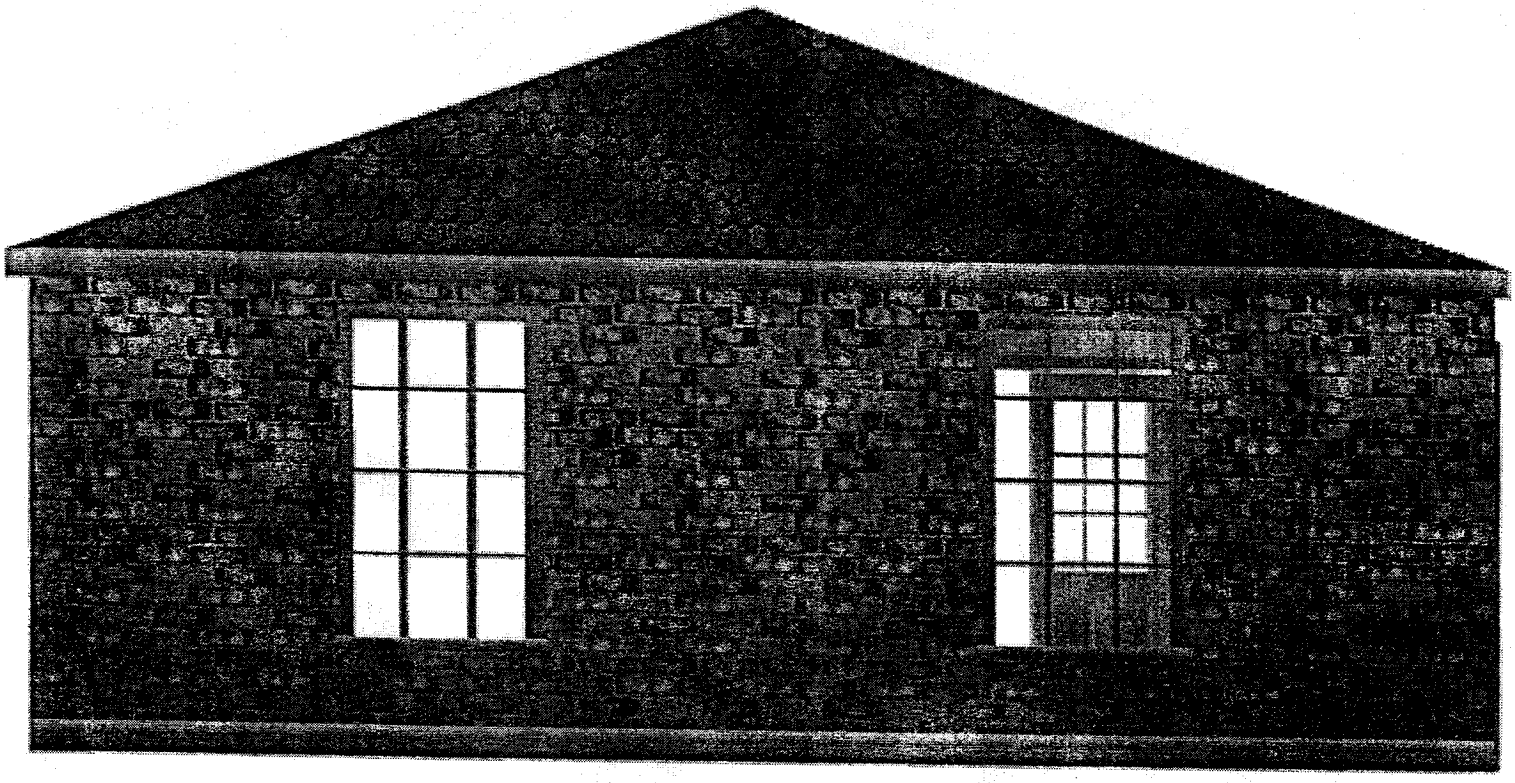

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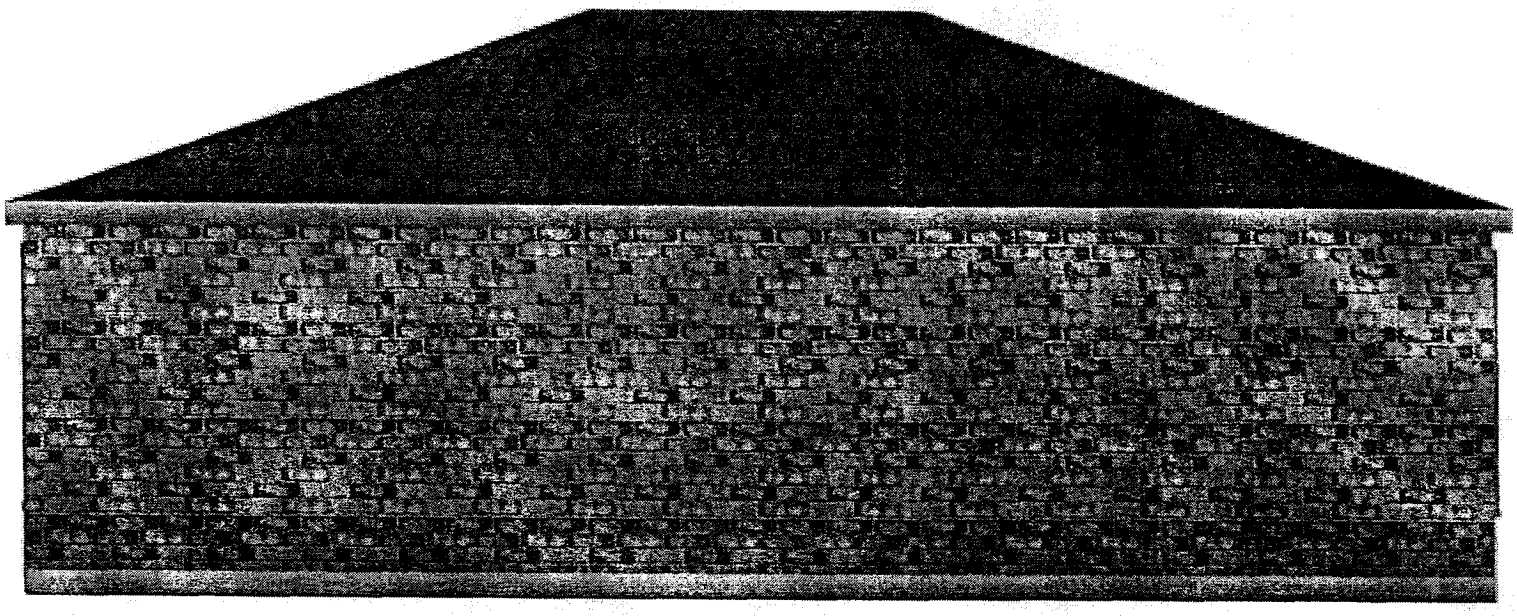

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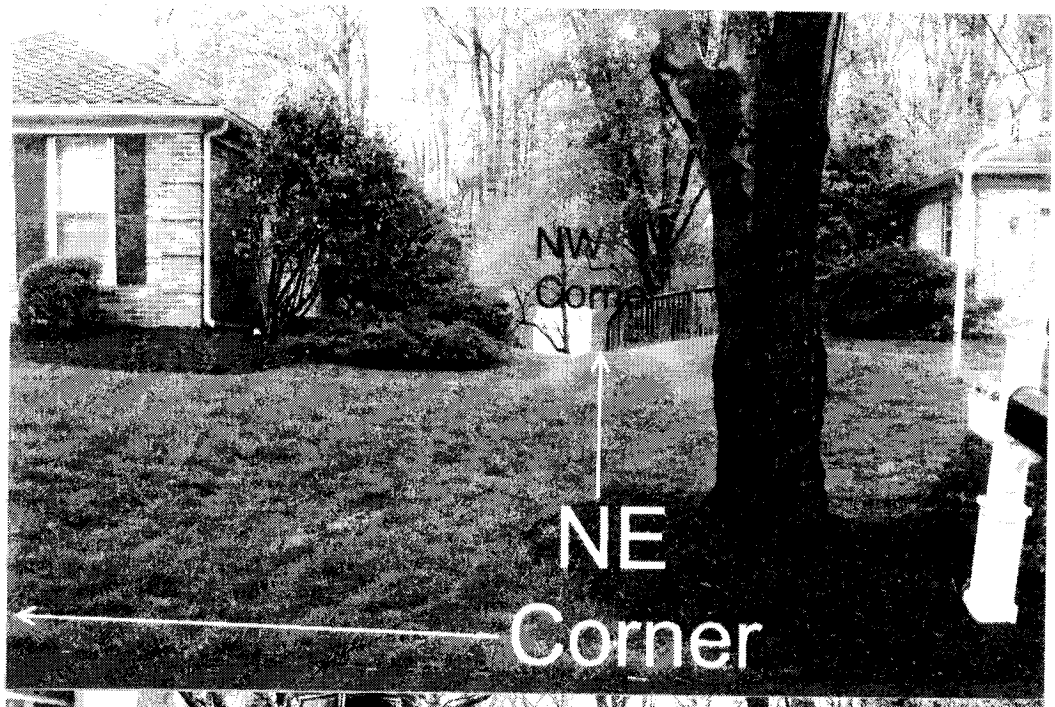
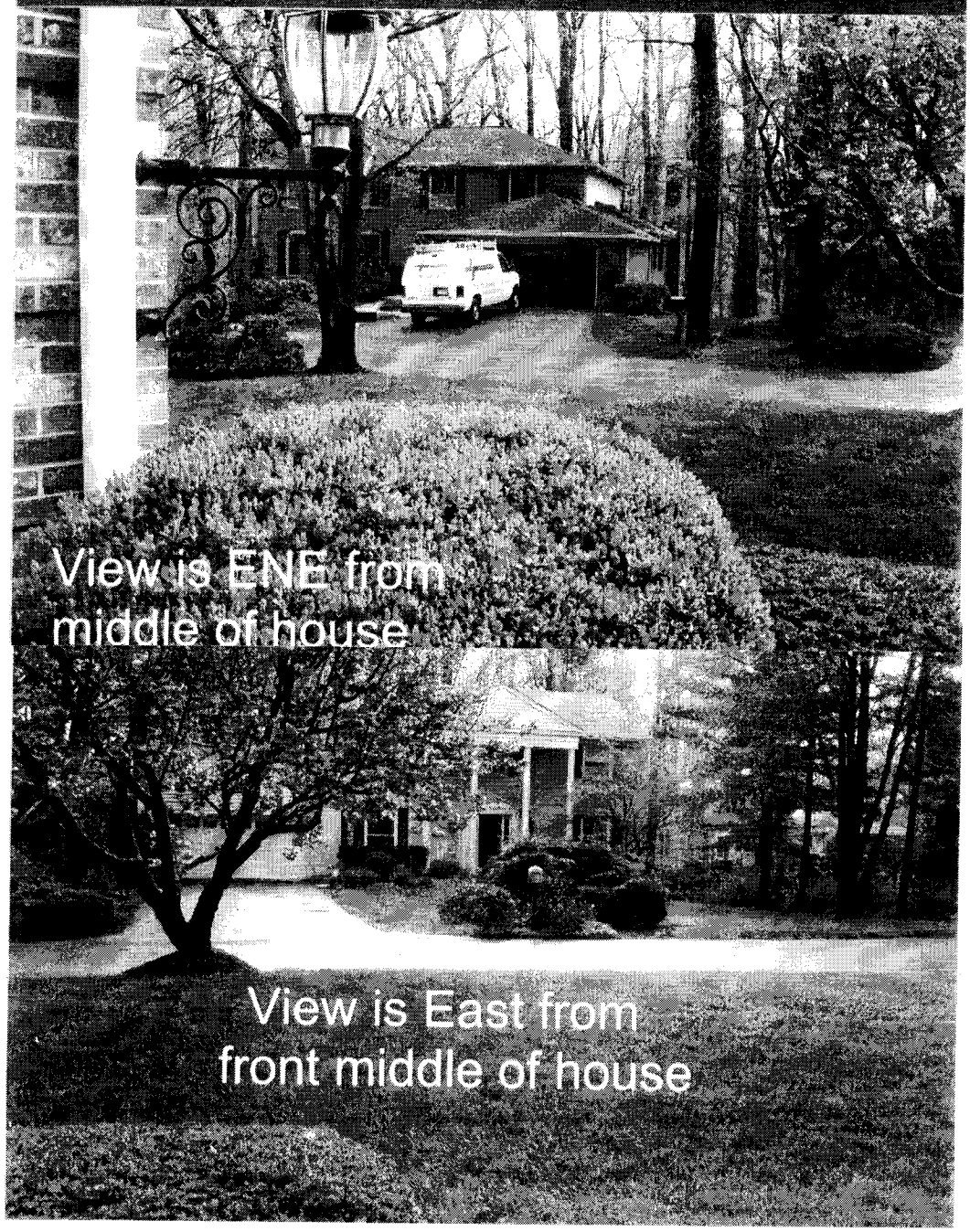
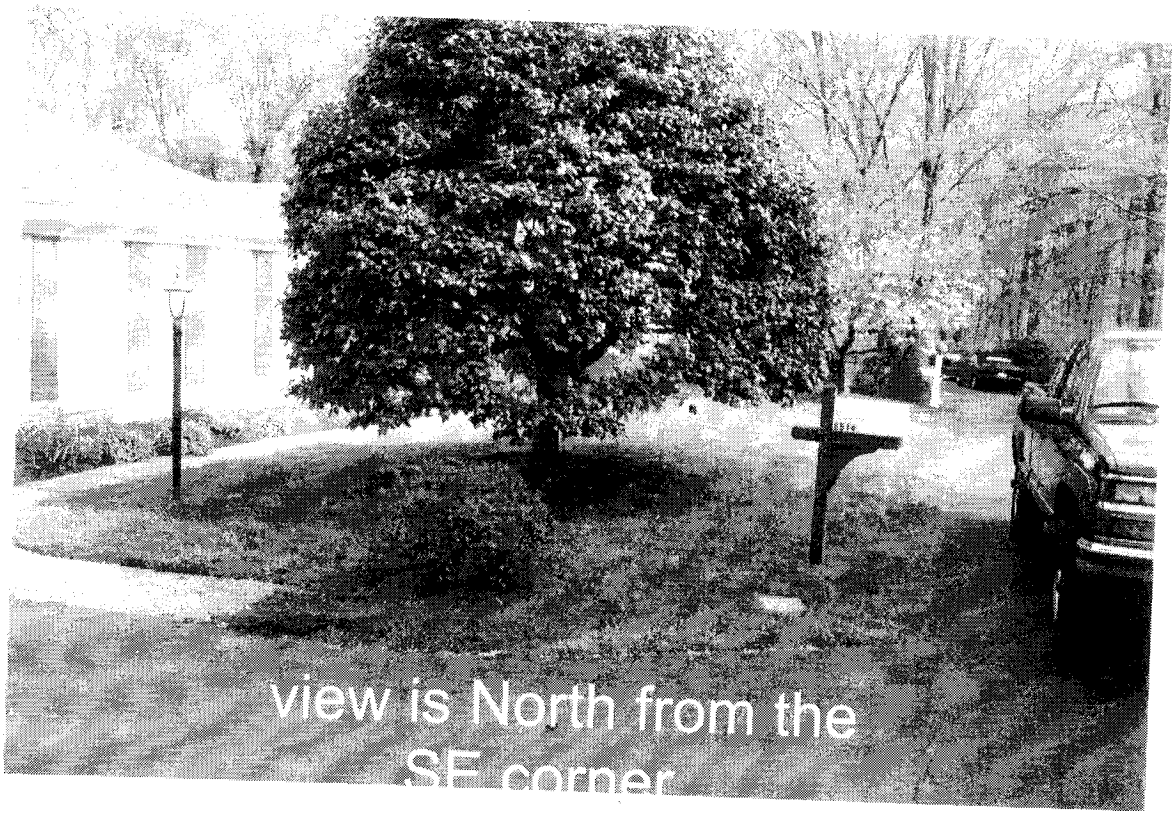
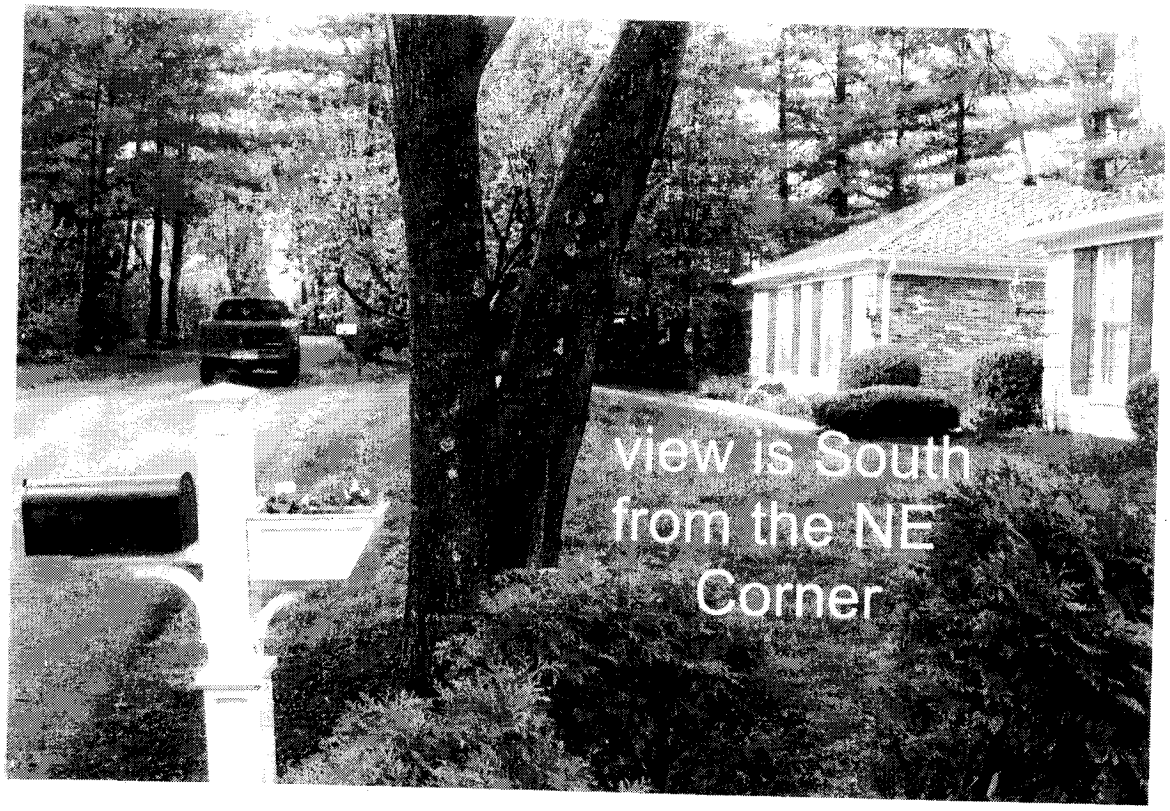
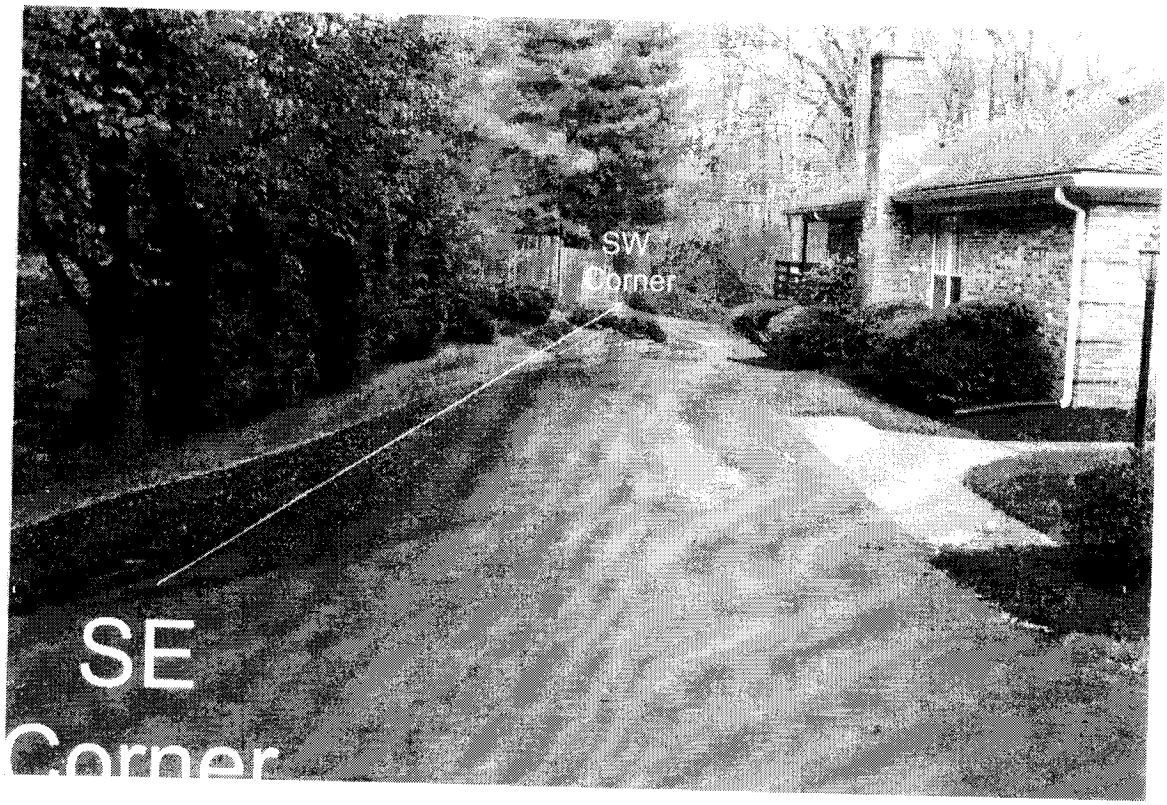

NW
Corner
NE
Corner


View is ENE from
middle of house
View is East from
front middle of house

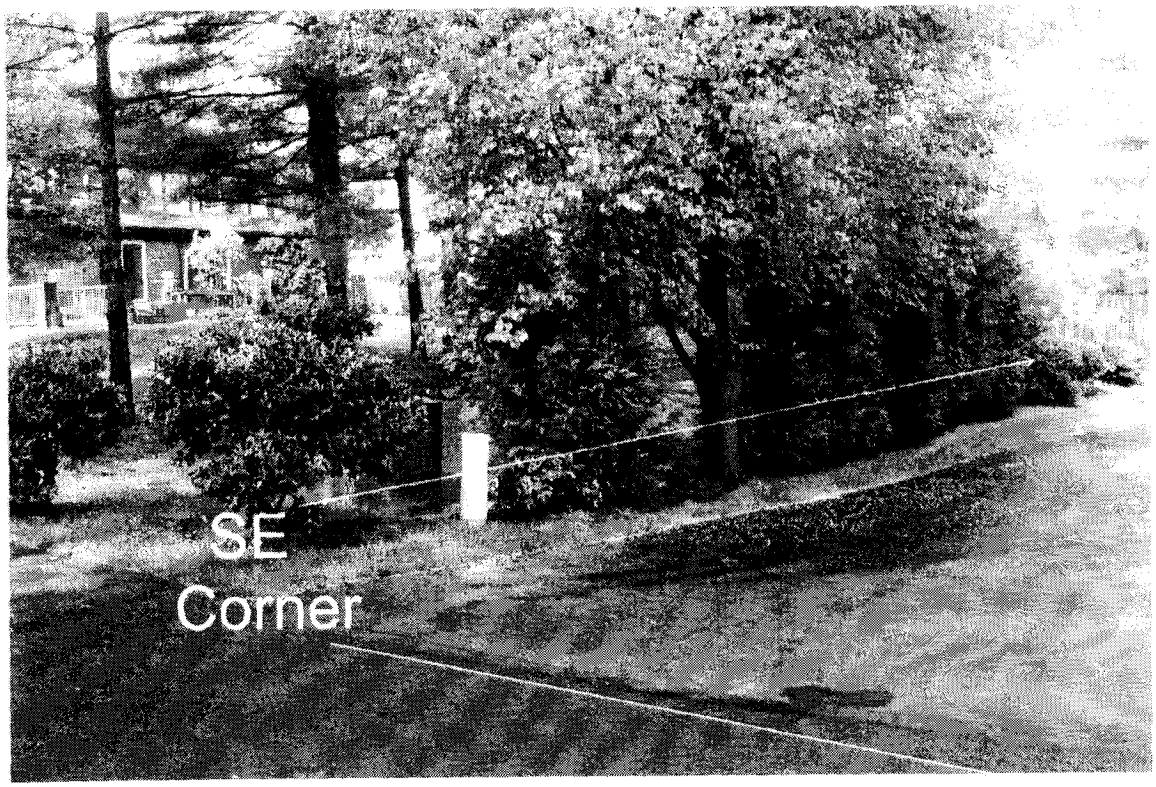
East Side


view is North from the
SE corner


view is South
from the NE
Corner


SW
Corner
SE
Corner

View is SE from
middle of house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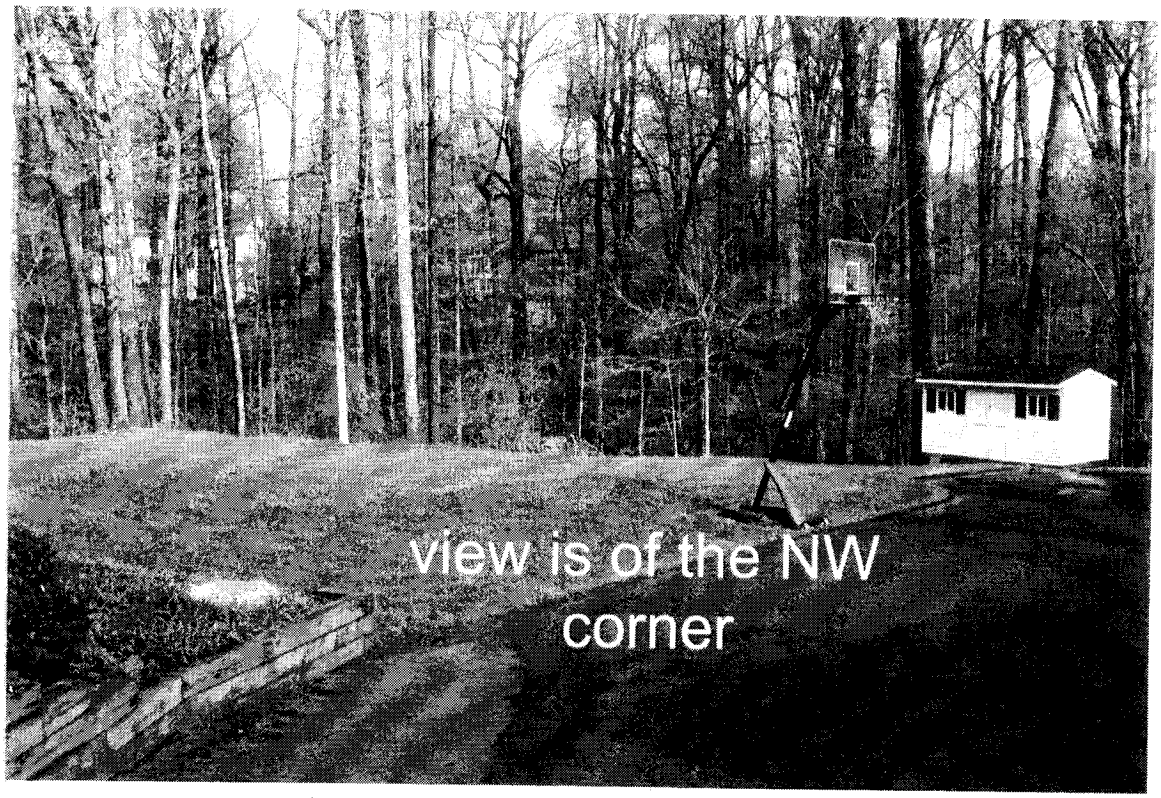
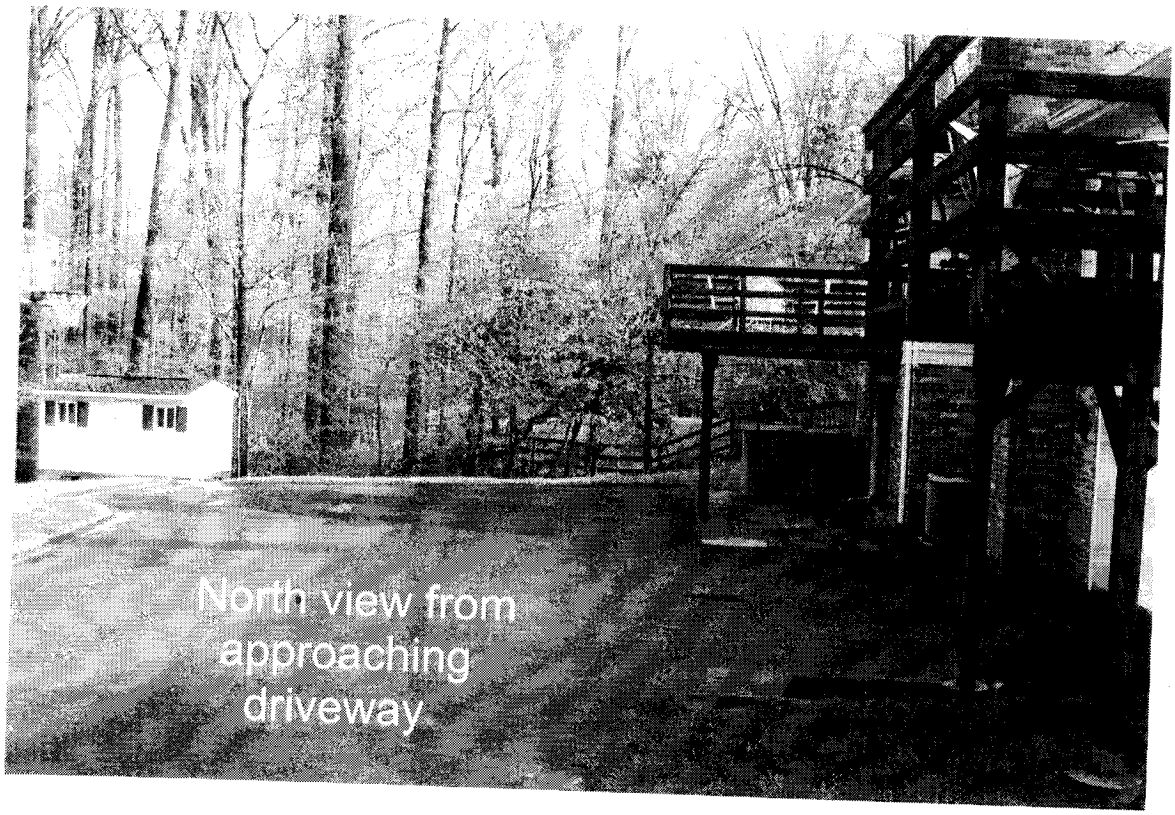
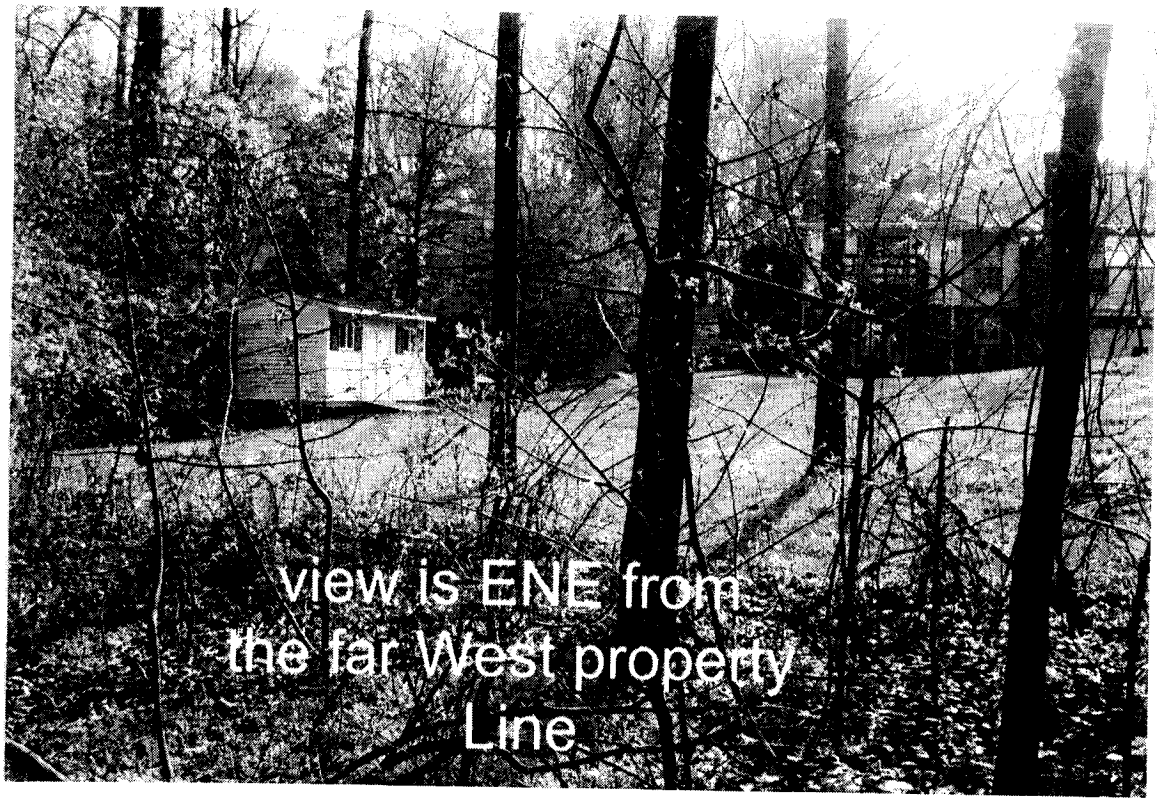
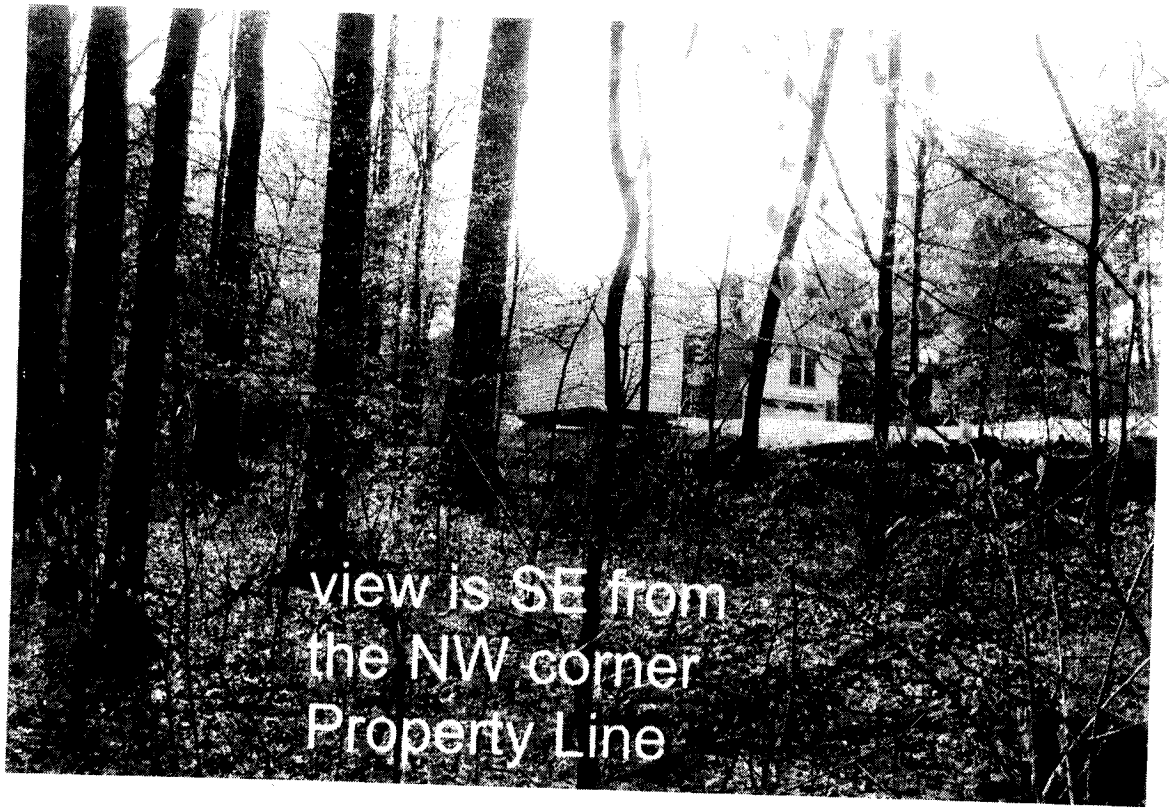
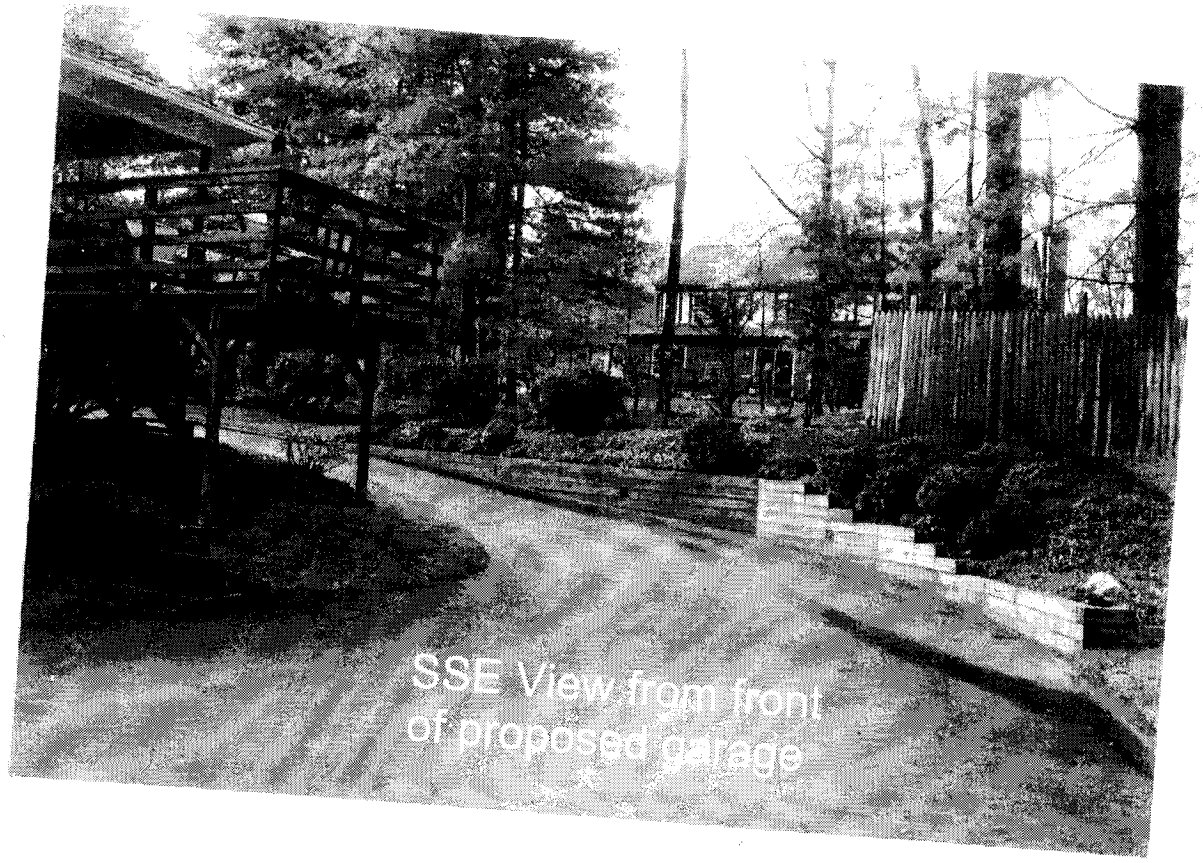
Corner

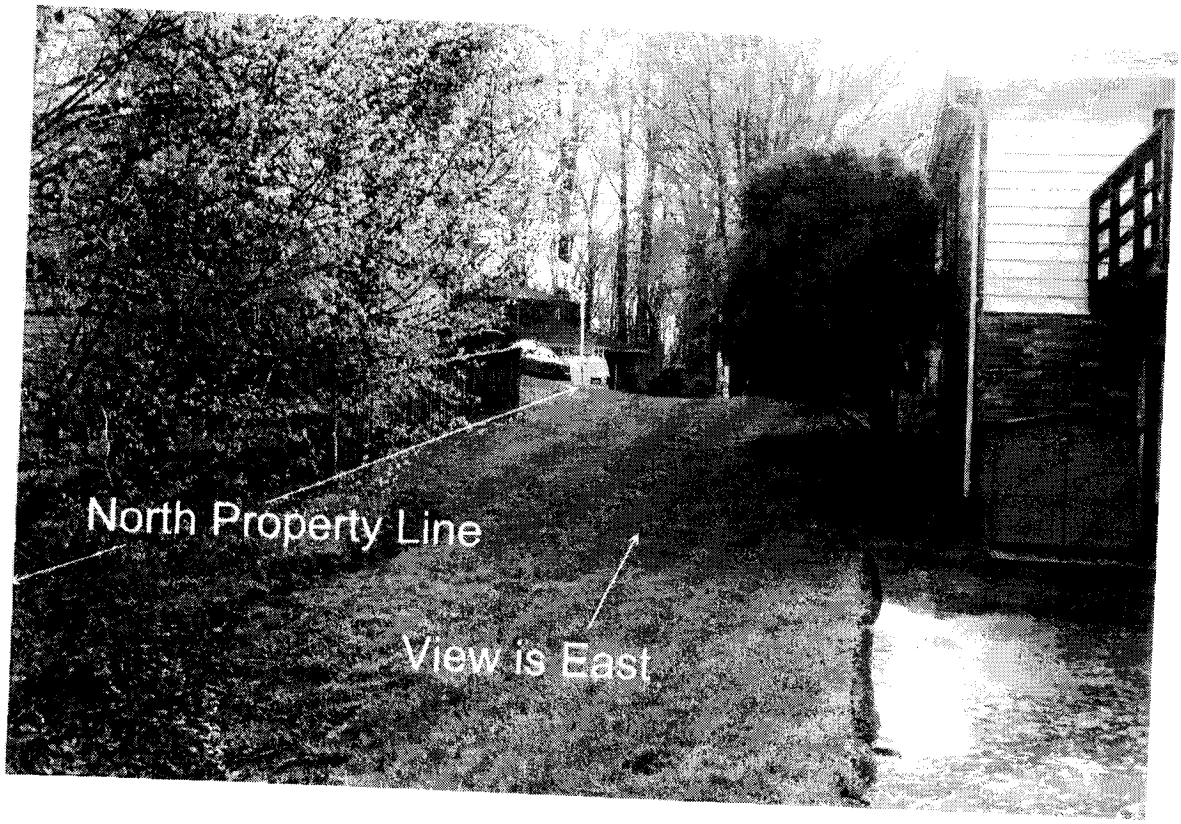

view is of the NW
corner

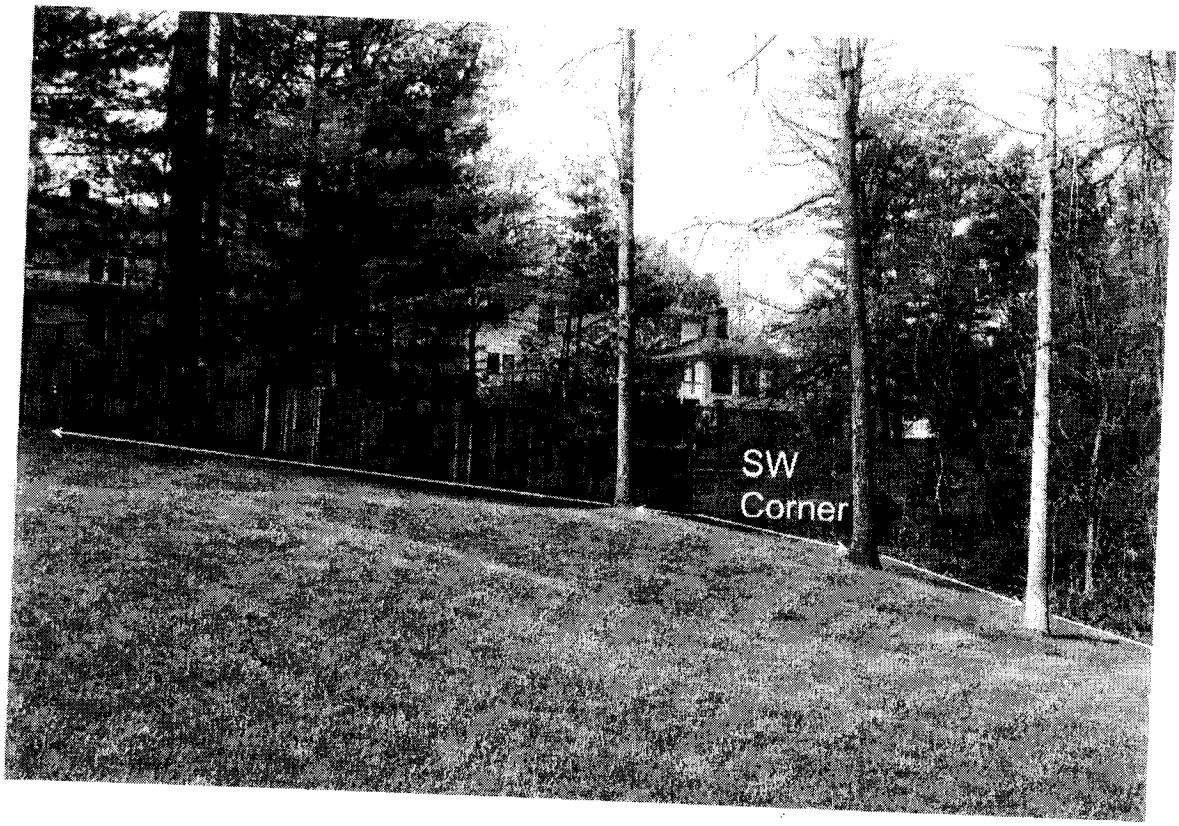

North view from
approaching
driveway


view is ENE from
the far West property
Line


view is SE from
the NW corner
Property Line


SSE View from front
of proposed garage


North Property Line
View is East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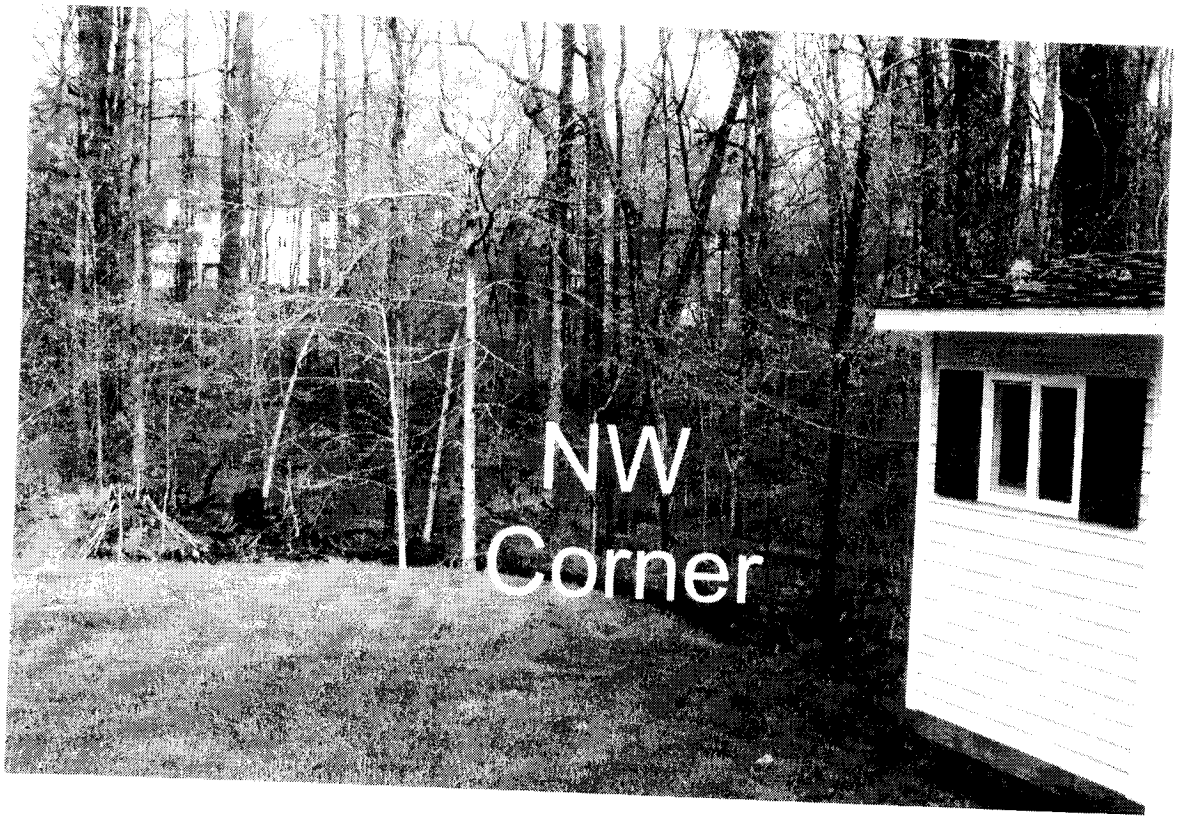
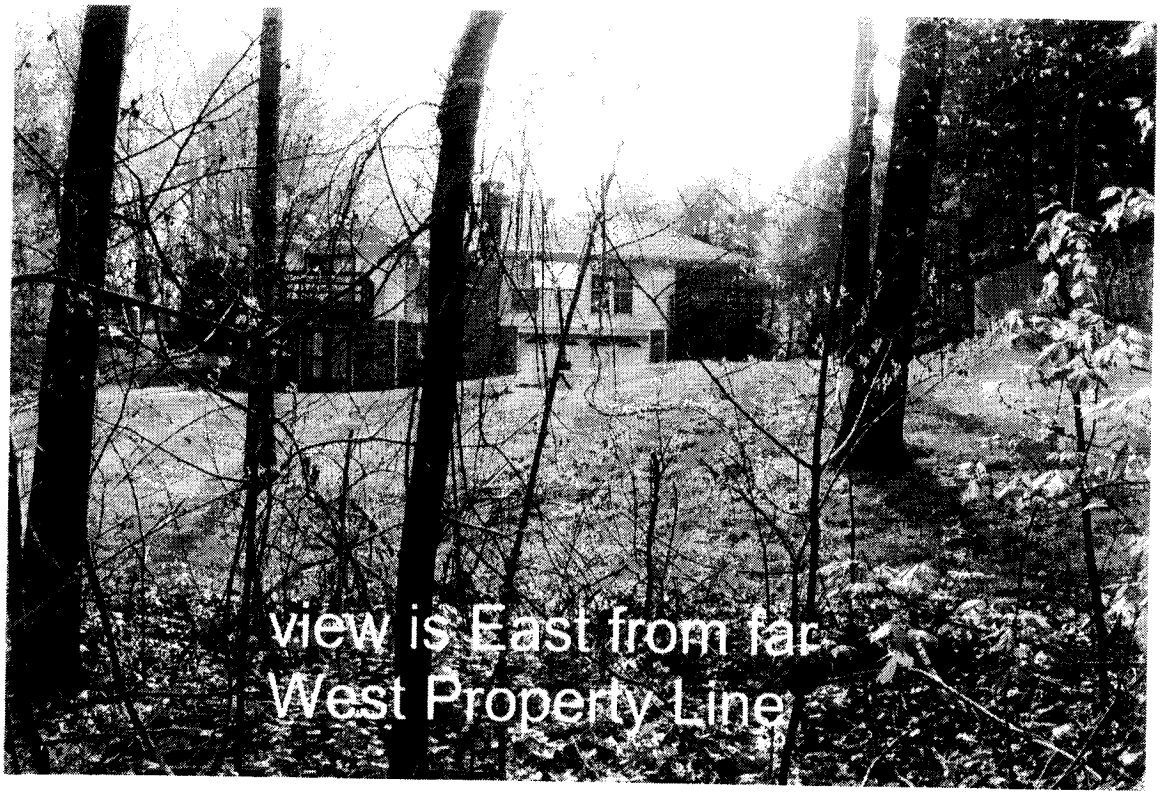

NW
Corner

view is of the SW
property corner


view is East from far
West Property Line

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of a one-story, accessory structure (three-car garage) to be located 10.0 feet from the northern side lot line. The detached, three-car garage structure is proposed to measure 34.0 feet x 25.0 feet (or 850 square feet) in area and 14 feet in height.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	**Accessory Structure** (Detached Garage)	Side (North)	12.0 feet*	10.0 feet	2.0 feet	16.7%

*Minimum yard requirement per Section 3-107

EXISTING SITE DESCRIPTION

The 24,258 square-foot lot is currently zoned to the R-1 (Cluster) Zoning District and is developed with a brick and aluminum, one-story, single family detached dwelling. The existing dwelling consists of approximately 3,059 square feet of gross floor area, including a walk-out basement and measures 22 feet in height. There is an existing rear-loading, two-car basement garage located underneath the southwest corner of the dwelling that is accessed from the existing asphalt-paved driveway. The application property is accessed from a pipe-stem driveway that extends north from Sunny Hill Court to the front of the property and connects to a private, asphalt drive that extends in a westward direction along the southern side lot line. The driveway continues north along the rear of the dwelling, past the existing attached garage and terminates just beyond the northern plane of the dwelling. Two existing wooden decks are located at the rear of the house; the deck located on the southwest corner of the dwelling has steps that provide access to the rear yard. The existing garage separates the southern deck from the northern deck. The deck on the northern side of the dwelling is accessed from the rear of the dwelling via sliding glass doors and extends over an at-grade paver patio that is accessed from the walk-out basement. This deck does not have a stairway to the rear yard. There is an existing 8.5-foot high, vinyl shed located along the northern side lot line, near the northwest corner of the lot. The decks and shed meet the minimum yard requirements and neither is a part of this application.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1 (Cluster)	Single Family Detached Dwellings; Langley Oaks Park
East	R-1 (Cluster)	Single Family Detached Dwellings
South	R-1 (Cluster)	Single Family Detached Dwellings; Langley High School
West	R-1 (Cluster)	Single Family Detached Dwellings

BACKGROUND

County tax records indicate that the dwelling was constructed in 1978.

The Board of Zoning Appeals (BZA) heard the following similar variance application in the vicinity of the application parcel:

- *Variance VC 97-D-040* was approved on May 21, 1997 for Tax Map 22-3 ((2)) 4, zoned R-1 (cluster), at 1001 Turkey Run Road, to permit construction of accessory structure 8.0 feet from one side lot line (12 feet minimum side yard required).

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Lot 64, Section One Langley Oaks

Prepared By: Harold A. Logan, dated April 1, 2009, as revised through June 29, 2009

Proposal:

The applicant is requesting special permit approval to permit a one-story, accessory structure (three-car, detached garage) measuring 850 square feet in area and 14 feet in height to be located 10.0 feet from the northern side lot line. The proposed three-car garage will be located at the rear of dwelling. It is to be constructed over a portion of the existing paved driveway to the north and will be expanded to extend beyond the plane of the existing dwelling. The proposed garage will be constructed of a brick exterior with an asphalt-shingle roof to match the existing dwelling. The height of the garage, at 14 feet in height, will be subordinate to that of the existing dwelling at 22 feet in height.

ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 4:

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General 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. *By observation of the neighborhood through submitted photographs, staff believes that the proposed addition will not adversely affect the use or development of neighboring properties. The minimum required side yard is 12 feet. The proposed addition is to be located 10.0 feet from the side lot line. The garage will be located at the rear of the dwelling. Staff believes that the request is minimal and is the most logical location on the property for the garage, as it utilizes the existing driveway. Therefore, 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 4 relates to additions to the principal structure, which does not apply to this application and Standard 10 allows the BZA to imposed development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 5 6, 7, 8 and 9.

Standard 5 states that 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. *The principal structure is 3,059 square feet. The proposed garage is 850 square feet which represents 27.8% of the size of the principal structure. 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 14.0 feet in height which is lower than the existing roof line of the dwelling and clearly subordinate in height, bulk and scale to the principal dwelling. Proposed building materials are to*

match the existing façade 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 height of the proposed enclosure will be less than that of the existing dwelling and the proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. There are existing trees and vegetation adjacent to the proposed garage, at the northern property boundary that appear to be on-site, jointly-owned and off-site. These trees appear to be in good condition and include American Beech, hickory, American elm, red maple and red oak. Staff believes that these trees should be preserved and has proposed a development condition to require the applicant to establish a tree save area at the edge of the building envelope to preserve vegetation in this area. With the implementation of this development condition, 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 not have a significant impact on stormwater runoff, noise, light, air, safety or erosion as there is not a significant increase in the overall impervious area on site. The proposed garage will be constructed over a portion of the existing asphalt driveway. 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. *DPWES has confirmed that there are no Resource Protection Areas (RPA) or floodplains located on the property. The proposed scale of the addition is consistent with the existing dwelling and is located in a logical location on the northwest side of the existing dwelling where, in part, the existing driveway is located. 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. There is vegetation located north of the proposed development which staff believes should be preserved. Staff has proposed a development condition to require the applicant to designate the area along*

the northern property boundary, adjacent to the proposed garage as tree save to maintain the existing vegetation and to provide screening for the adjacent property owner. With the implementation of this development condition, staff believes that the application meets this provision. Other concerns regarding well and/or septic easements and preservation are not applicable to this site.

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-DR-071 for the 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 with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Urban Forest Management Analysis
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2009-DR-071

October 20, 2009

If it is the intent of the Board of Zoning Appeals to approve SP 2009-DR-071 located at Tax Map 22-3 ((4)) 64 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. This special permit is approved for the location and size (approximately 850 square feet) of the accessory structure (garage), as shown on the plat prepared by Harold A. Logan, dated April 1, 2009, as revised through June 29, 2009, submitted with this application and is not transferable to other land.

2. Building permits for the garage shall be obtained prior to construction.

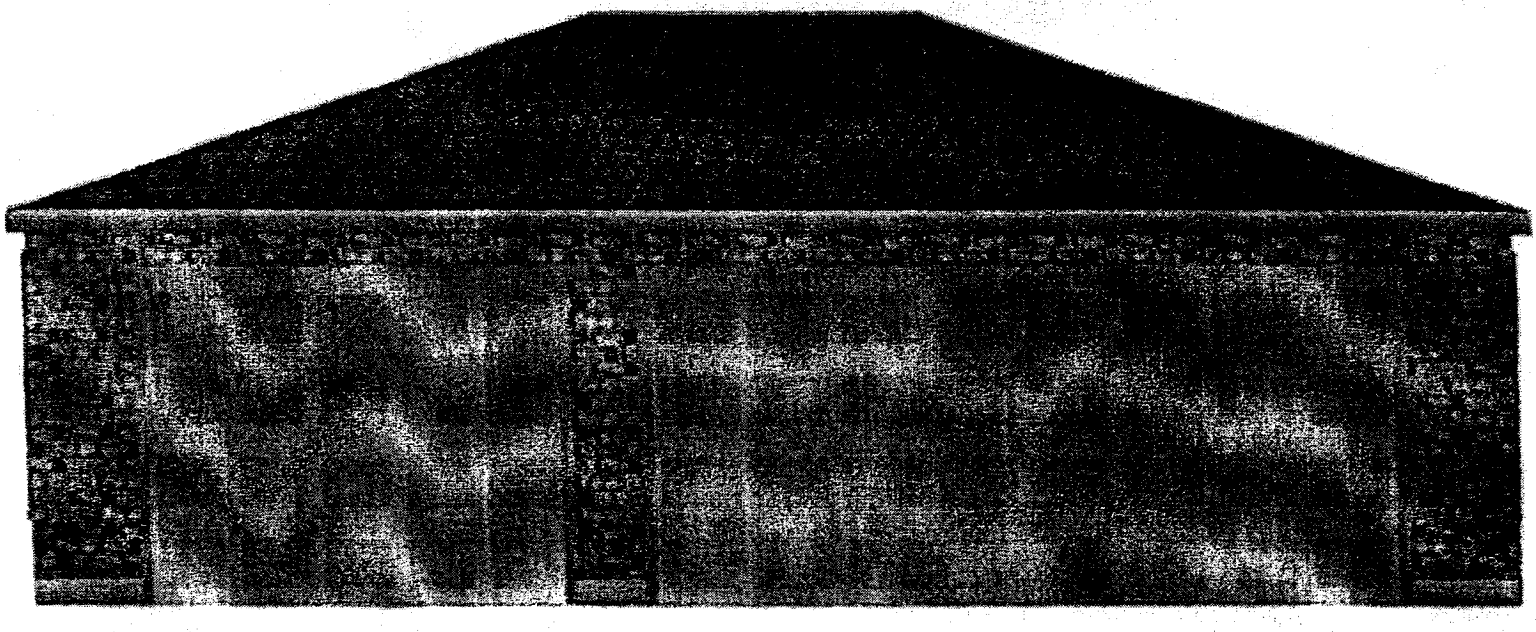
3. The garage shall be consistent with the architectural renderings included as Attachment 1 to these conditions.

4. The applicant shall designate the area at the edge of the building envelope to the northern property boundary as tree save area to preserve the on-site, jointly-owned, and off-site trees and vegetation in this area and to provide screening for the adjacent property owner.

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

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Special Permit Request Application: Douglas H. Goldhush/ Wanda Goldhush



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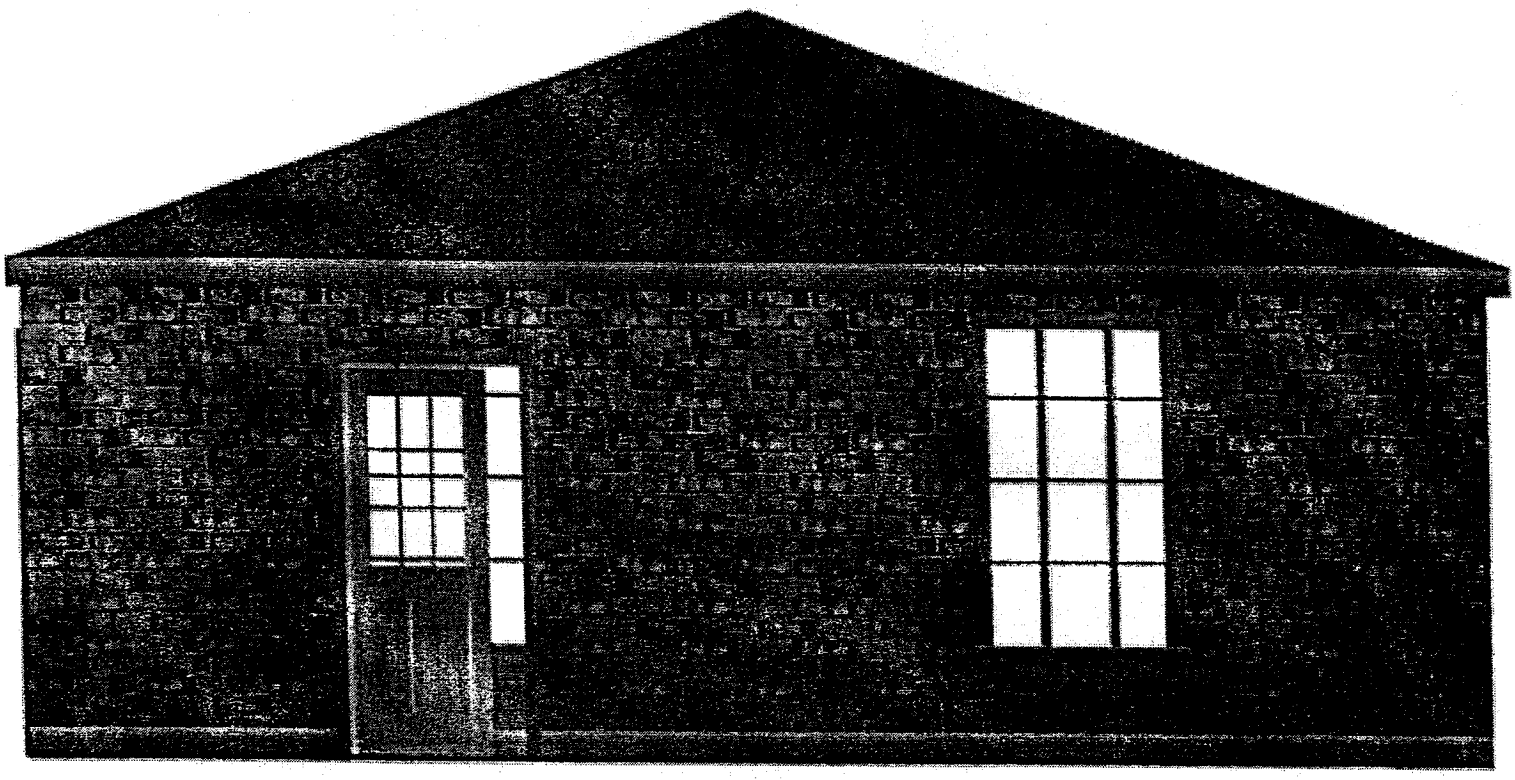

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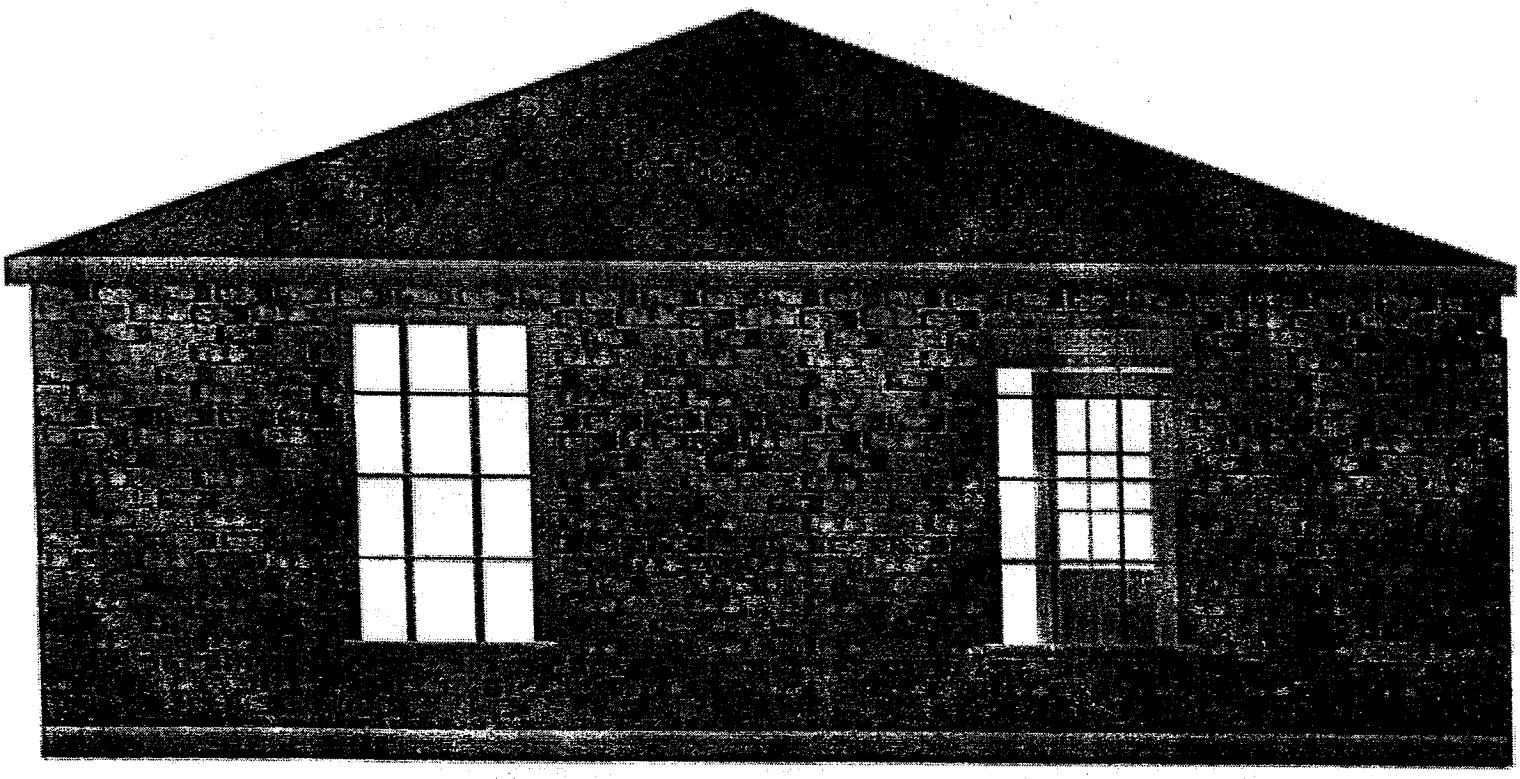

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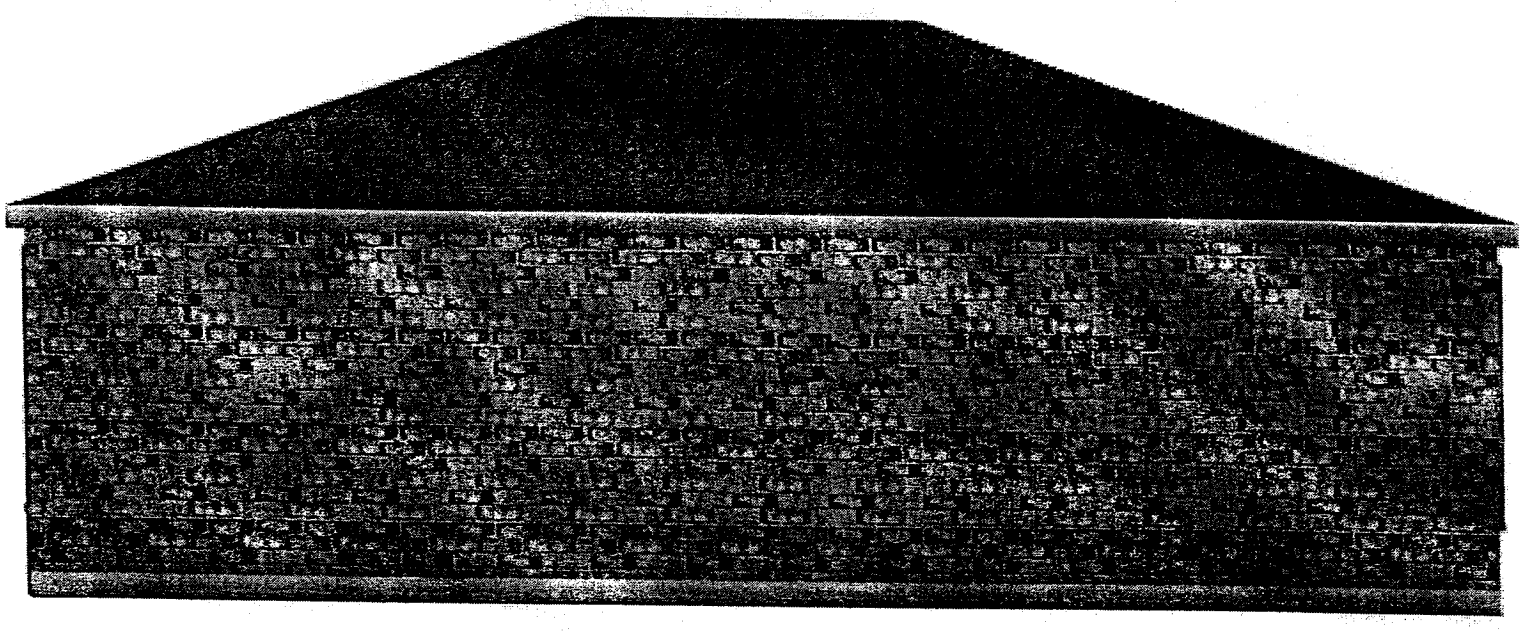

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Zoning Evalu

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6-4-09
(enter date affidavit is notarized)

I, Thomas H. Digges, 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 10459Da

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)
Douglas H. Goldhush	6514 Sunny Hill Court, McLean Va 22101	Applicant/Title Owner
Wanda M. Goldhush	6514 Sunny Hill Court, McLean Va 22101	Applicant/Title Owner
Digges Development Corp	1720 North Albemarle Street, McLean Va 22101	Agent
Thomas H. Digges	1720 North Albemarle Street, McLean Va 22101	Agent

(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).

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(enter date affidavit is notarized)

104590a

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)
Digges Development Corporation
1720 N Albemarle Street
McLean Va 22101

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)
Thomas H. Digges

Robert D. Digges

(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.

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DATE: 6-4-09
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104590a

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

PARTNERSHIP INFORMATION

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

(check if applicable) [ ] The above-listed partnership has no limited partners·

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

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

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

Application No.(s): _____
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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6-1-09
(enter date affidavit is notarized)

104590a

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: 6-4-09 104590a
(enter date affidavit is notarized)

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 [X] Applicant's Authorized Agent

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

Subscribed and sworn to before me this 4th day of JUNE 20 09, in the State/Comm. of VA, County/City of ARLINGTON

_____
Notary Public

My commission expires: 05-31-11

GARON C. KING
COMMONWEALTH OF VIRGINIA
Expires 05-31-11
ID# 7148048
NOTARY PUBLIC

FORM SP/VC-1 Updated (7/1/06)

APPENDIX 3

RECEIVED
Department of Planning & Zoning
JUN 30 2009
Zoning Evaluation Division

Special Permit Application – Douglas H. Goldhush

Description of use for proposed property:

Item 5.00 to 5.05
The proposed building is a garage adjacent to the existing house. Use of the building will be limited to the property owner's comings and goings. There will be no additional impact on numbers of visits to the property. The proposed building will house no employees nor create any demand for additional non-residence persons.

Item 930.00, 930.01, 930.02 & 930.15
The existing structure features 3359 sf of gross floor area (GFA). The proposed addition will contain 850 sf of GFA. This will result in an increase of GFA of 25.3%.

Item 930.02
The proposed structure is designed to match the existing principle structure in appearance while staying subordinate in size. There will be no change to adjacent properties in as far as sound, movement, or physical inconvenience. The proposed structure will not create any change in hydrodynamics on the property or impact any adjacent properties.

930.03
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.

930.04
The proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noice, light, air, erosion and stormwater runoff.

930.05
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 alternative 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 the 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.

Item 930.10
The proposed structure will have a 12 inch overhang. The proposed structure will join the existing principle structure via a deck. The adjoining decks finished floor will be 9 feet above the finished ground level.

930.17
There is no existing or proposed landscaping or screening.

Item 930.20
The proposed structure will be brick with asphalt shingles. The goal is to construct the proposed structure to visually match the existing principle structure.

RECEIVED
Department of Planning & Zoning
JUN 30 2009
Zoning Evaluation Division

APPENDIX 4

County of Fairfax, Virginia

MEMORANDUM

August 20, 2009

TO: Shelby Johnson, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester III
Forest Conservation Branch, DPWES

SUBJECT: 6514 Sunny Hill Court, SP 2009-DR-071

RE: Request for assistance dated August 13, 2009

This review is based on the Special Permit Application (SP) 2009-DR-071 stamped "Received, Department of Planning and Zoning, June 30, 2009." A site visit was conducted on August 11, 2009.

1. **Comment:** There are existing trees and vegetation adjacent to the proposed garage, at the northern property boundary that appear to be on-site, jointly owned and off-site. These trees include American Beech, hickory, American elm, red maple and red oak. These trees appear to be in good condition and should be considered a priority for preservation.

   Recommendation: A tree save area should be established at the edge of the building envelope, along the northern property boundary adjacent to the proposed garage to preserve the on-site, jointly owned, and off-site trees and vegetation in this area.

Please feel free to contact me at 703-324-1770 if you have any questions about this review.

CSH/
UFMID #: 147004

cc: RA File
DPZ File

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes

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.