



# County of Fairfax, Virginia

---

November 10, 2009

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-LE-086

### LEE DISTRICT

**APPLICANTS/ OWNERS:** John M. and Pamela K. Yereb

**SUBDIVISION:** Rose Hill Park

**STREET ADDRESS:** 4617 Winston Place

**TAX MAP REFERENCE:** 92-1 ((6)) 54

**LOT SIZE:** 24,258 square feet

**ZONING DISTRICT:** R-3

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an accessory structure 6.0 feet from a side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2009-LE-086 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:\SMCKNASPI\YEREB - SP 2009-LE-086\Staff Report Yereb.doc

Shelby Johnson

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

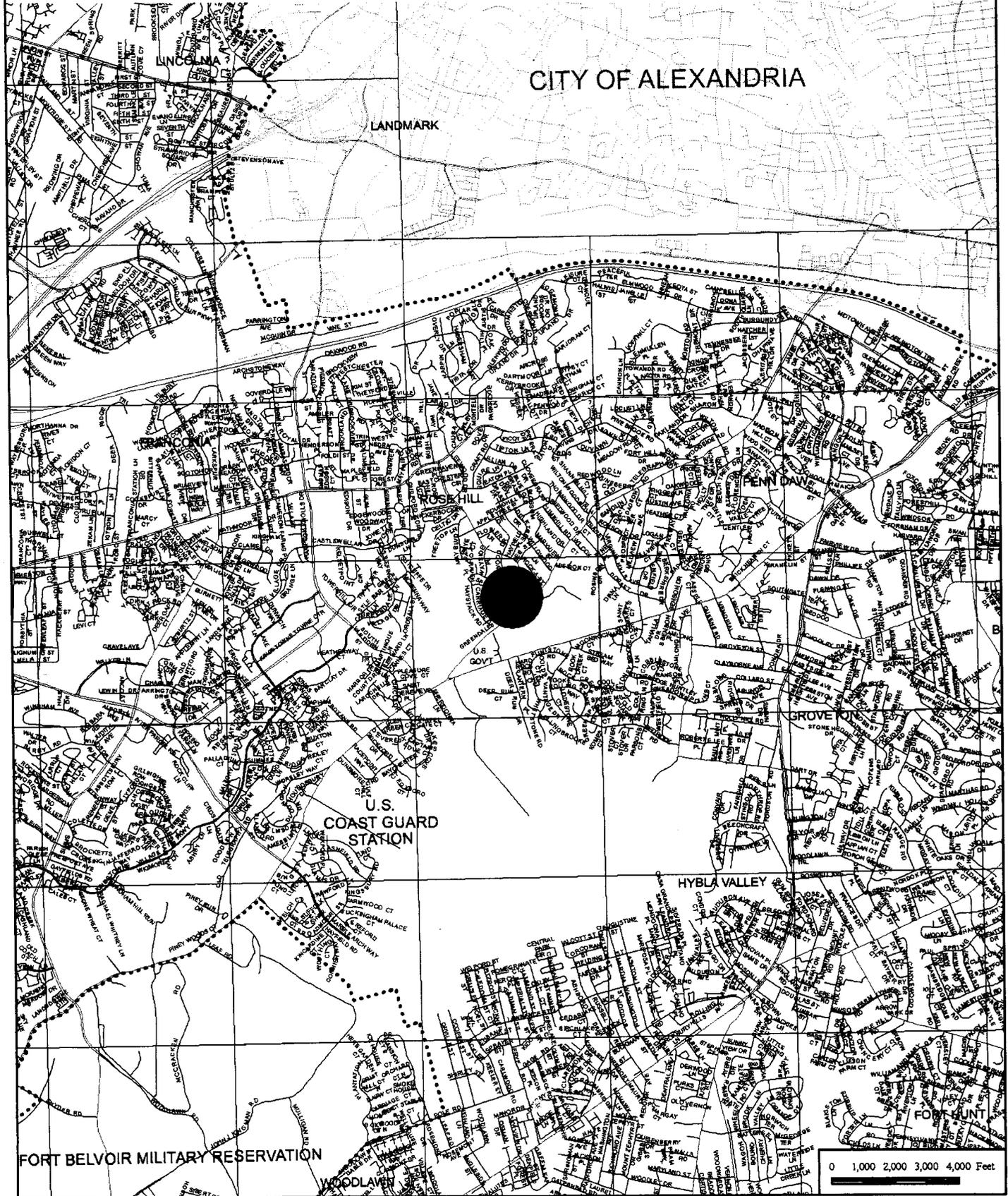
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



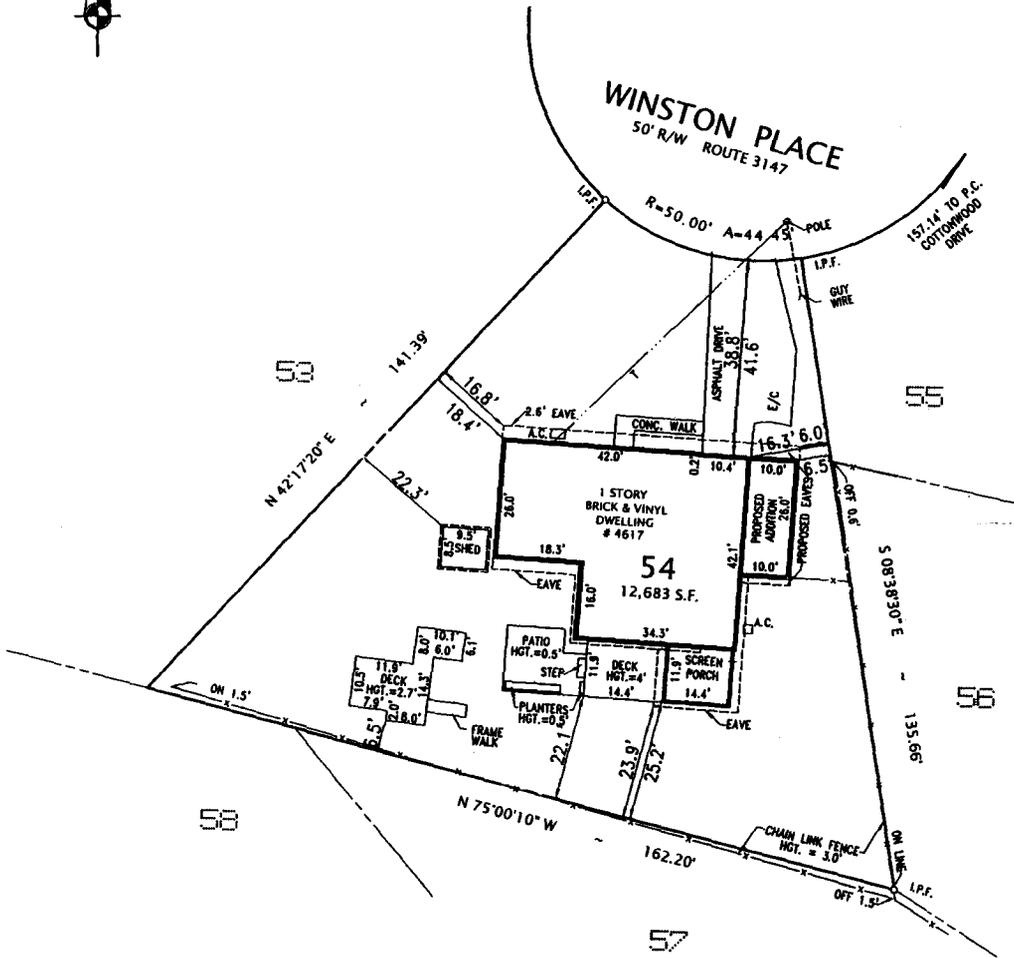
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2009-LE-086**  
**JON M. AND PAMELA K. YEREB**

**CITY OF ALEXANDRIA**







**NOTES**

1. TAX MAP: 092-1-06-0054
2. ZONE: R-3
3. LOT AREA: 12,683 SQUARE FEET
4. MINIMUM REQUIRED YARDS:
 

|        |   |         |
|--------|---|---------|
| FRONT: | = | 30 FEET |
| SIDE:  | = | 12 FEET |
| REAR:  | = | 25 FEET |
5. HEIGHTS:
 

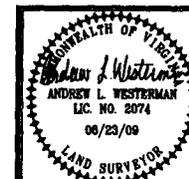
|                   |   |           |
|-------------------|---|-----------|
| DWELLING          | = | 12 FEET   |
| SCREENED PORCH    | = | 14 FEET   |
| SHED              | = | 10.0 FEET |
| FENCES            | = | AS NOTED  |
| PROPOSED ADDITION | = | 14 FEET   |

PORCH AND PROPOSED ADDITION HEIGHTS ARE MEASURED FROM LOWER ADJACENT GRADE AND DO NOT EXTEND PAST THE DWELLING HEIGHT.
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS NOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. THERE ARE NO FLOOD PLAINS, FLOOD HAZARD AREAS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
11. APPROXIMATE FLOOR AREAS (BASED IN PART ON EXTERIOR WALL DIMENSIONS):
 

|                        |   |   |
|------------------------|---|---|
| EXISTING DWELLING:     | = | 12,683 SQUARE FEET                      |
| PROPOSED ADDITION:     | = | 2,088 SQUARE FEET                       |
| FLOOR AREA OF ADDITION | = | EQUALS 12.5% OF THE EXISTING FLOOR AREA |

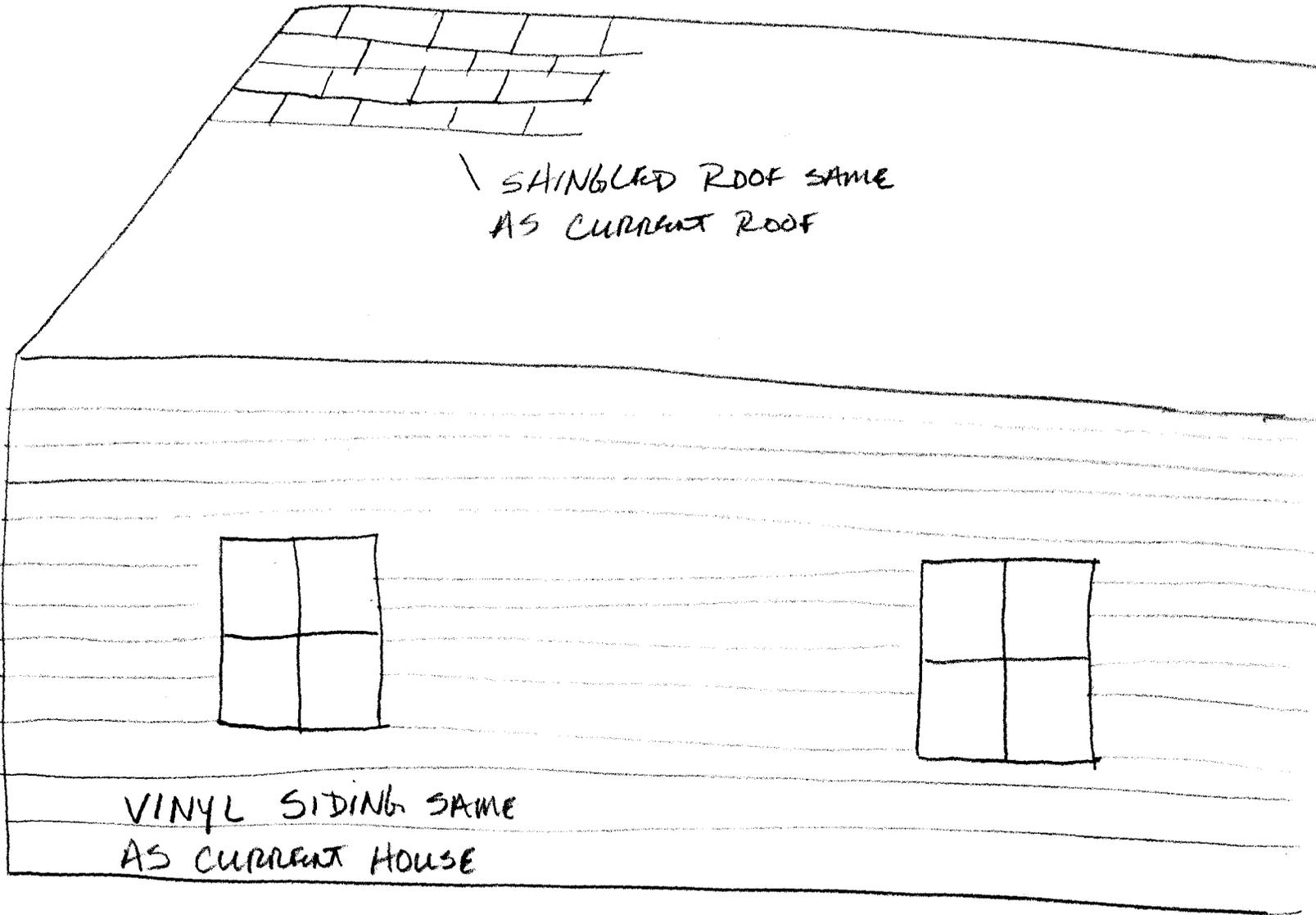
**PLAT**  
 SHOWING THE IMPROVEMENTS ON  
 LOT 54, SECTION ONE  
**ROSE HILL PARK**  
 LEE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE: 1" = 20'      JUNE 23, 2009

RECEIVED  
 Department of Planning &  
**JUN 24 2009**  
 Zoning Evaluation Division



|  |  |
|--|--|
| <p>PLAT SUBJECT TO RESTRICTIONS OF RECORD. TITLES REPORT NOT FURNISHED.</p> <p>REQUESTED BY:<br/><b>JOHN YEREB</b></p> | <p style="text-align: center;">GRAPHIC SCALE<br/>0 20 40</p> <p style="text-align: center;"><b>ALEXANDRIA SURVEYS INTERNATIONAL, LLC</b></p> <p style="font-size: small;">6210 NORTH KINGS HIGHWAY ALEXANDRIA, VIRGINIA<br/>TEL. NO. 703-660-6615 FAX NO. 703-768-7764</p> |
|--|--|

SAME ROOF LINE AS CURRENT HOUSE



SHINGLED ROOF SAME AS CURRENT ROOF

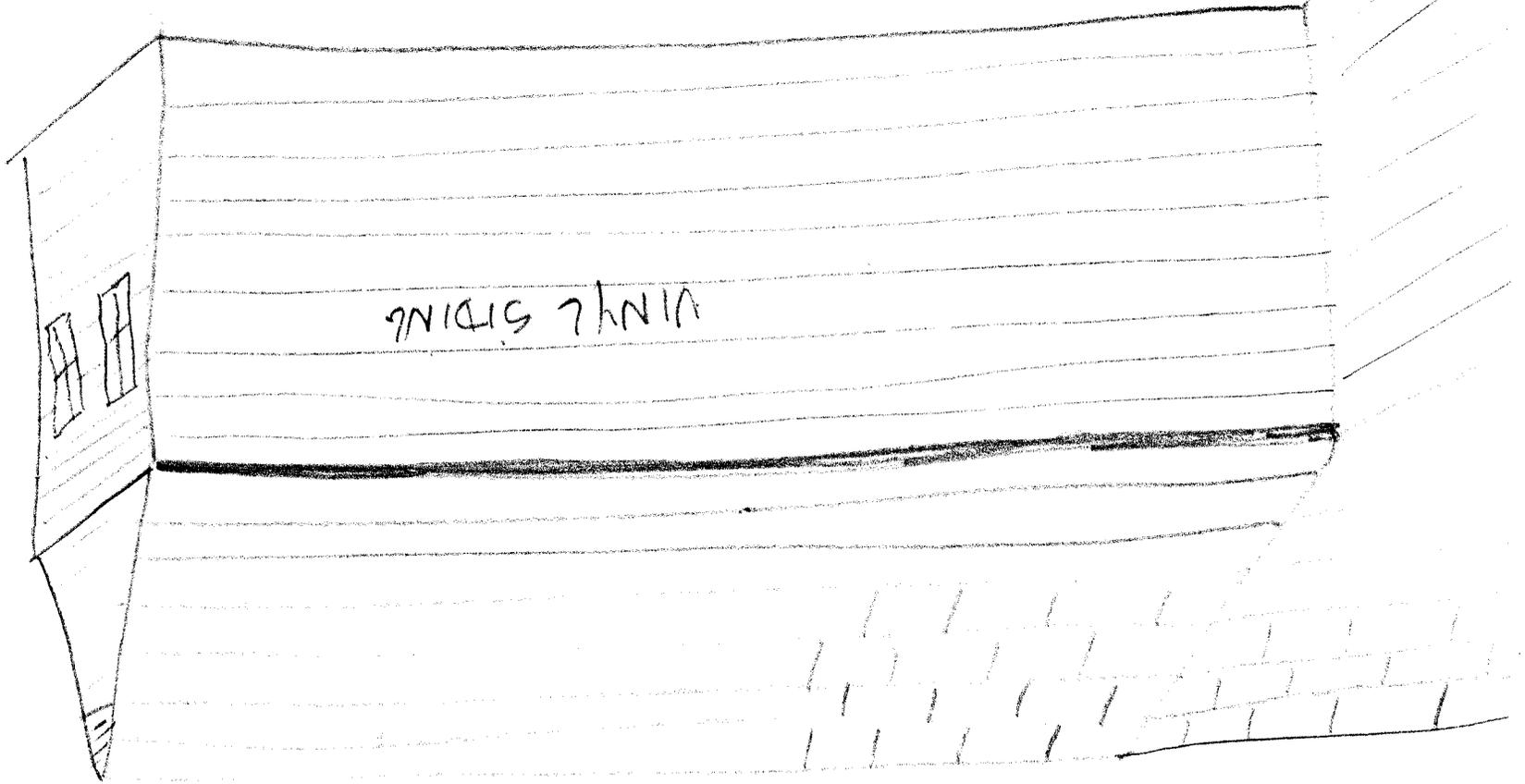
VINYL SIDING SAME AS CURRENT HOUSE

NEW ADDITION -

FRONT OF HOUSE - NORTH SIDE

NEW ADDITION - REAR OF HOUSE - SOUTH SIDE

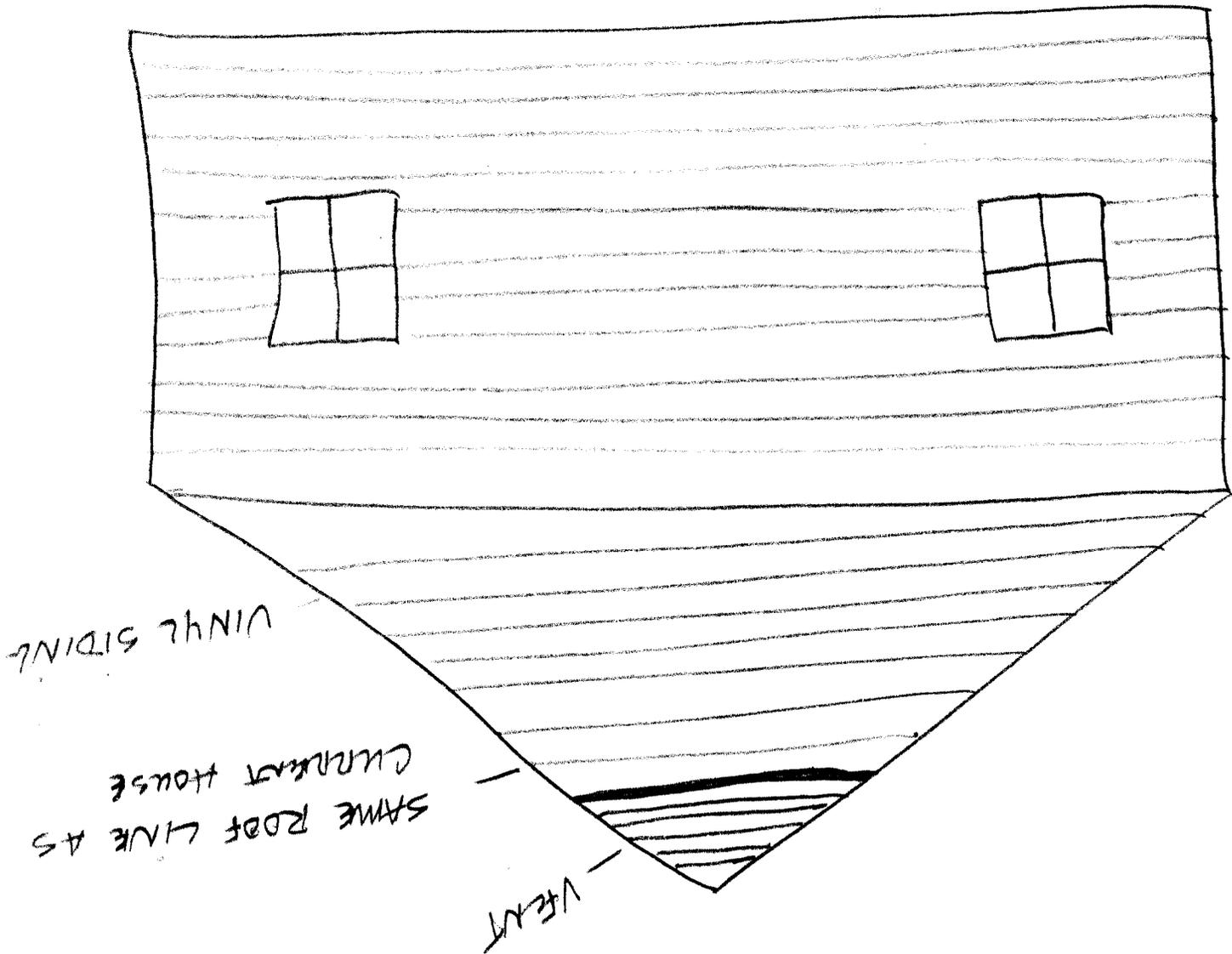
EXISTING HOUSE



VINYL SIDING

SHINGLED ROOF

NEW ADDITION - EAST SIDE OF HOUSE - WILL LOOK THE SAME AS CURRENT HOUSE



6/09



FRONT OF HOUSE. NEW ADDITION WILL BE ON LEFT SIDE. LOOKING NORTH TO SOUTH.



LOOKING NORTH TO SOUTH.

6/09

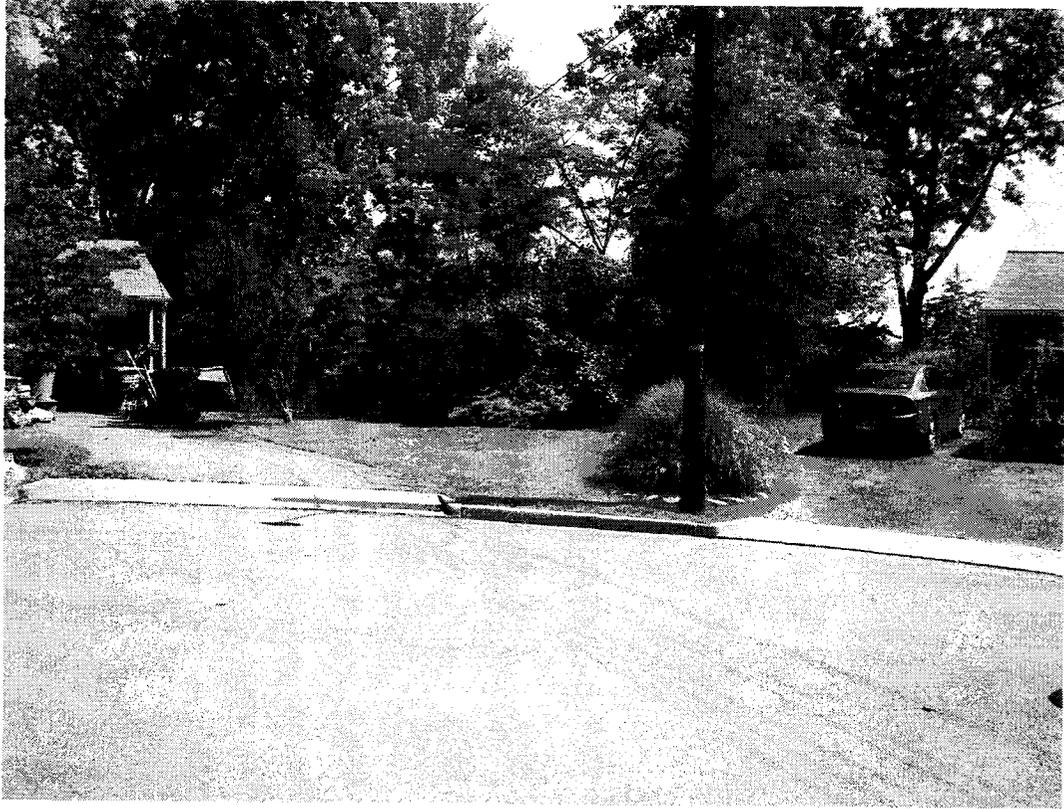
6/09



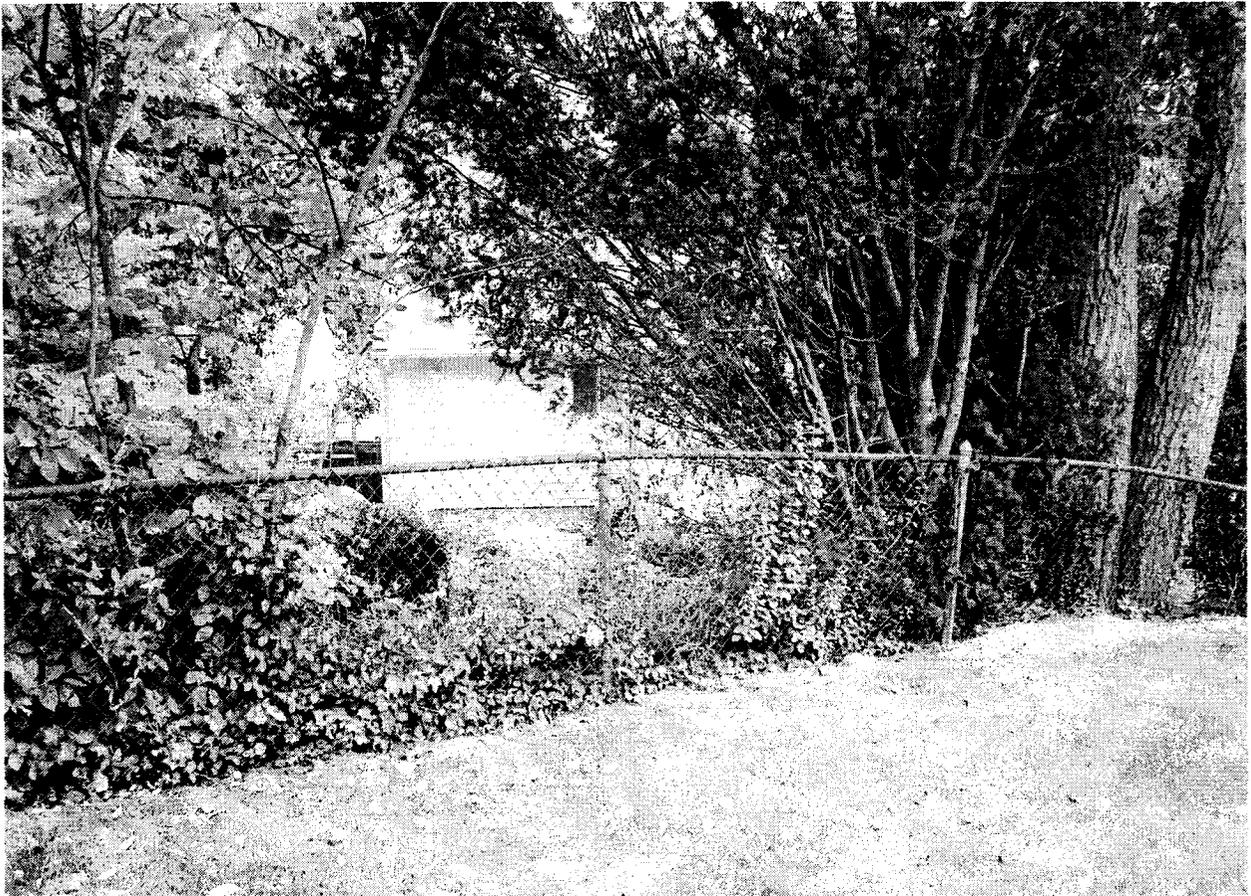
LEFT SIDE OF HOUSE WHERE ADDITION WILL GO. LOOKING NORTH TO SOUTH



ORANGE STAKES INDICATE LOCATION OF ADDITION; LOOKING FROM THE BACK OF THE HOUSE TO THE FRONT. NEIGHBOR'S DRIVEWAY IN BACKGROUND. LOOKING S TO N



VIEW NORTH TO SOUTH SHOWING DISTANCE FROM PROPOSED  
ADDITION TO CLOSEST NEIGHBOR.



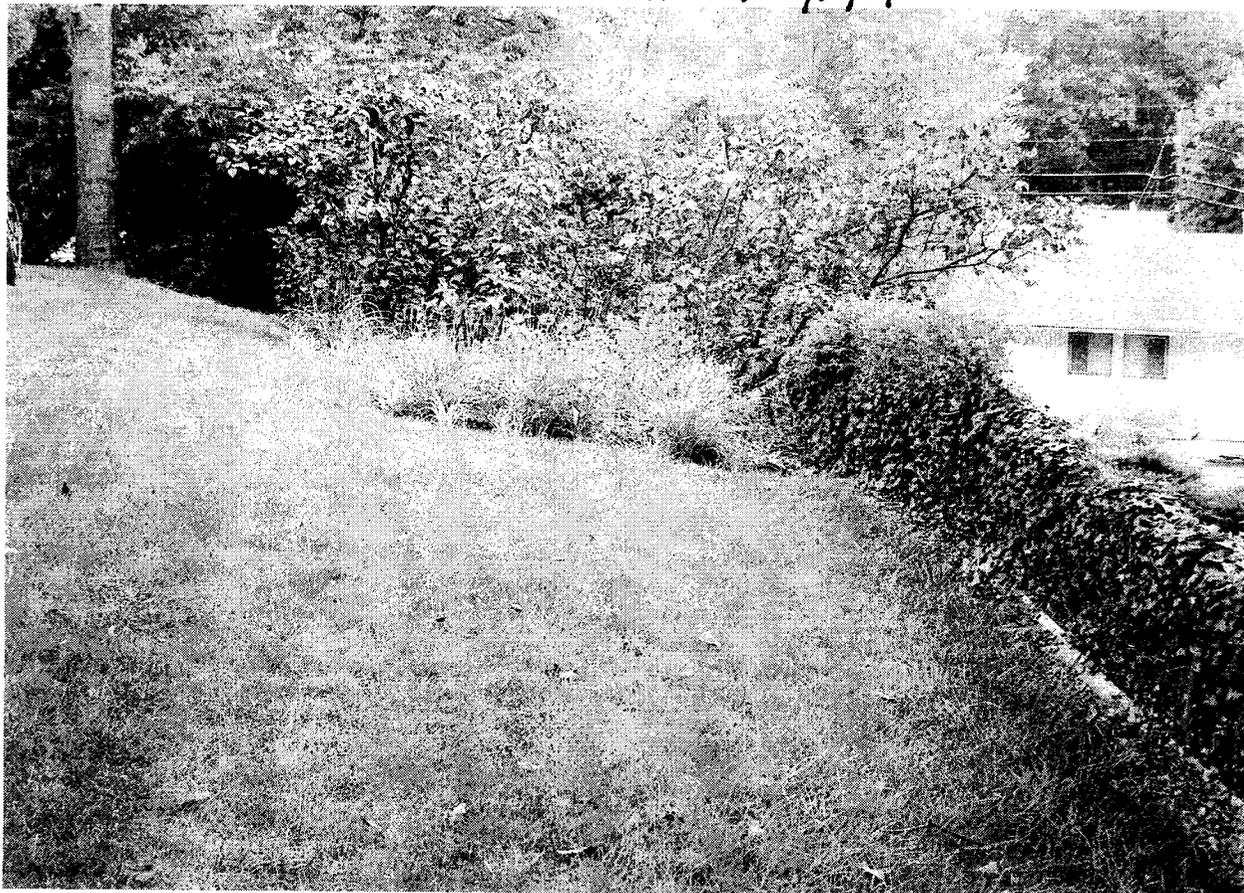
LOOKING WEST TO EAST AT LOT #56. 8/16/09



LOOKING NORTH TO SOUTH AT LOT #55. 8/16/09. MY HOUSE IS ON THE RIGHT, SHOWING THE SIDE WHERE THE 10 FT. ADDITION WILL GO.



LOOKING NORTH TO SOUTH AT LOT # 53. 8/16/09



LOOKING AT BACK YARD FROM WEST TO EAST. LOT # 57 IS ON THE RIGHT. 8/16/09



LOOKING AT BACK YARD FROM NORTH TO SOUTH. LOT # 58 IS ON THE RIGHT. LOT # 57 ON THE LEFT. 8/16/09

## 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 addition to be located 6.0 feet from the eastern side lot line. The addition is proposed to measure 10.0 feet x 26.0 feet (or 260 square feet) in area and 14 feet in height.

|                       | <b>Structure</b> | <b>Yard</b> | <b>Minimum Yard Required</b> | <b>Proposed Location</b> | <b>Proposed Reduction</b> | <b>Percentage of Reduction Requested</b> |
|-----------------------|------------------|-------------|------------------------------|--------------------------|---------------------------|--|
| <b>Special Permit</b> | <b>Addition</b>  | Side (East) | 12.0 feet*                   | 6.0 feet                 | 6.0 feet                  | 50%                                      |

\*Minimum yard requirement per Section 3-307

## EXISTING SITE DESCRIPTION

The 12,683 square-foot lot is currently zoned to the R-3 Zoning District and is developed with a one-story, brick and vinyl, single family detached dwelling. The existing dwelling consists of approximately 2,088 square feet of gross floor area and measures 12 feet in height. The application property is accessed from an asphalt-paved driveway that extends south from Winston Place and terminates at the front of the dwelling along the eastern side lot line. The property contains and is surrounded by mature vegetation consisting of large shade and deciduous trees, shrubs and ground cover. A screened-in porch, a 4-foot high open deck and patio are located at the rear of the dwelling. Another 2.7-foot high open deck is located in the western half of the rear yard and a shed is located in the western side yard. All of these existing structures meet minimum yard requirements and are not party to this special permit application.

## CHARACTER OF THE AREA

|              | <b>Zoning</b> | <b>Use</b>  |
|--------------|---------------|---|
| <b>North</b> | R-3           | Single Family Detached Dwellings                    |
| <b>East</b>  | R-3           | Single Family Detached Dwellings                    |
| <b>South</b> | R-3           | Single Family Detached Dwellings; Lee District Park |
| <b>West</b>  | R-3           | Single Family Detached Dwellings; Golf Course       |

## BACKGROUND

County tax records indicate that the dwelling was constructed in 1959.

The Board of Zoning Appeals (BZA) heard and approved the variance application listed below for the application parcel, which includes an addition similar to that proposed in the current application. The applicant did not construct the addition and the approved variance request expired November 11, 2001. With the exception of the following application, no other similar applications were heard in the vicinity of this property:

- *Variance VC 99-L-023* was approved on May 12, 1999 for Tax Map 92-1 ((6)) 54, zoned R-3, at 4617 Winston Place, to permit construction of addition 6.6 feet from side lot line and accessory structure to remain in front yard of lot containing less than 36,000 square feet.

## ANALYSIS

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

**Title of SP Plat:** Plat Showing the Improvements On Lot 54, Section One

**Prepared By:** Alexandria Surveys International, LLC, and signed by Andrew L. Westerman, dated June 23, 2009

### Proposal:

The applicant is requesting special permit approval to permit a one-story addition measuring 260 square feet in area and 14 feet in height to be located 6.0 feet from the eastern side lot line. The proposed addition will be located on the eastern side of dwelling and is to provide additional living space for the applicants consisting of a bedroom, closet, bathroom and kitchen pantry. The proposed addition will be constructed of vinyl siding exterior with shingled roof to match the existing dwelling. The height of the addition, proposed at 14 feet, will be slightly higher than that of the existing dwelling at 12 feet in height. The applicant contends that the additional height allows for the attic space to accommodate HVAC duct work that will provide heating and air conditioning to the new addition and improve energy efficiency throughout the dwelling.

## ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 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 6.0 feet from the side lot line. The addition will be constructed to tie into the front plane of the dwelling. Staff believes that the request is minimal and is the most logical location on the property for the addition, as it utilizes the area that was previously approved to locate a similarly sized addition. 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 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8 and 9.

*Standard 4* states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing structure is 2,088 square feet. Therefore, 150% of the total gross floor area could result in an addition up to 3,132 square feet; which makes a combined total of 5,220 square feet. The proposed addition will be 260 square feet in area for a total of 2,348 square feet for the existing house and addition. Therefore, the application meets this provision.*

*Standard 6* states the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The proposed addition will be 14.0 feet in height which is slightly higher than the existing roof line of the dwelling because of the proposed attic space which accommodates HVAC equipment that will heat and air condition the proposed addition. The addition is clearly subordinate in bulk and scale to*

*the principal dwelling and proposed building materials are to match the existing façade of the dwelling. The total area of the proposed addition is smaller than the addition that was previously approved by the BZA for this site. 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 exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. There are existing trees and vegetation that appear to be located on the adjacent site, Lot 56, to the east. These trees appear to be in good condition and include crabapple, dogwood, yew and chestnut 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 and install tree protection fencing 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 disturbance necessary to construct the proposed addition will be less than 2,500 square feet, therefore an infill grading plan nor stormwater management (SWM) will not be required. Staff believes that the application meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The Department of Public Works and Environmental Services (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 east side of the existing dwelling where, in part, the BZA previously approved an addition to be constructed. The proposed addition will be smaller in size, 260 square feet in area, than the size of the previously approved addition at 380 square feet in area. 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 east of the proposed development which staff believes should be preserved. Staff has proposed a development condition to require the applicant to provide tree protection fencing along the eastern property boundary to maintain the existing vegetation on the adjacent property. 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-LE-086 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. Previously Approved Resolution and Plat
6. Applicable Zoning Ordinance Provisions

## PROPOSED DEVELOPMENT CONDITIONS

SP 2009-LE-086

November 10, 2009

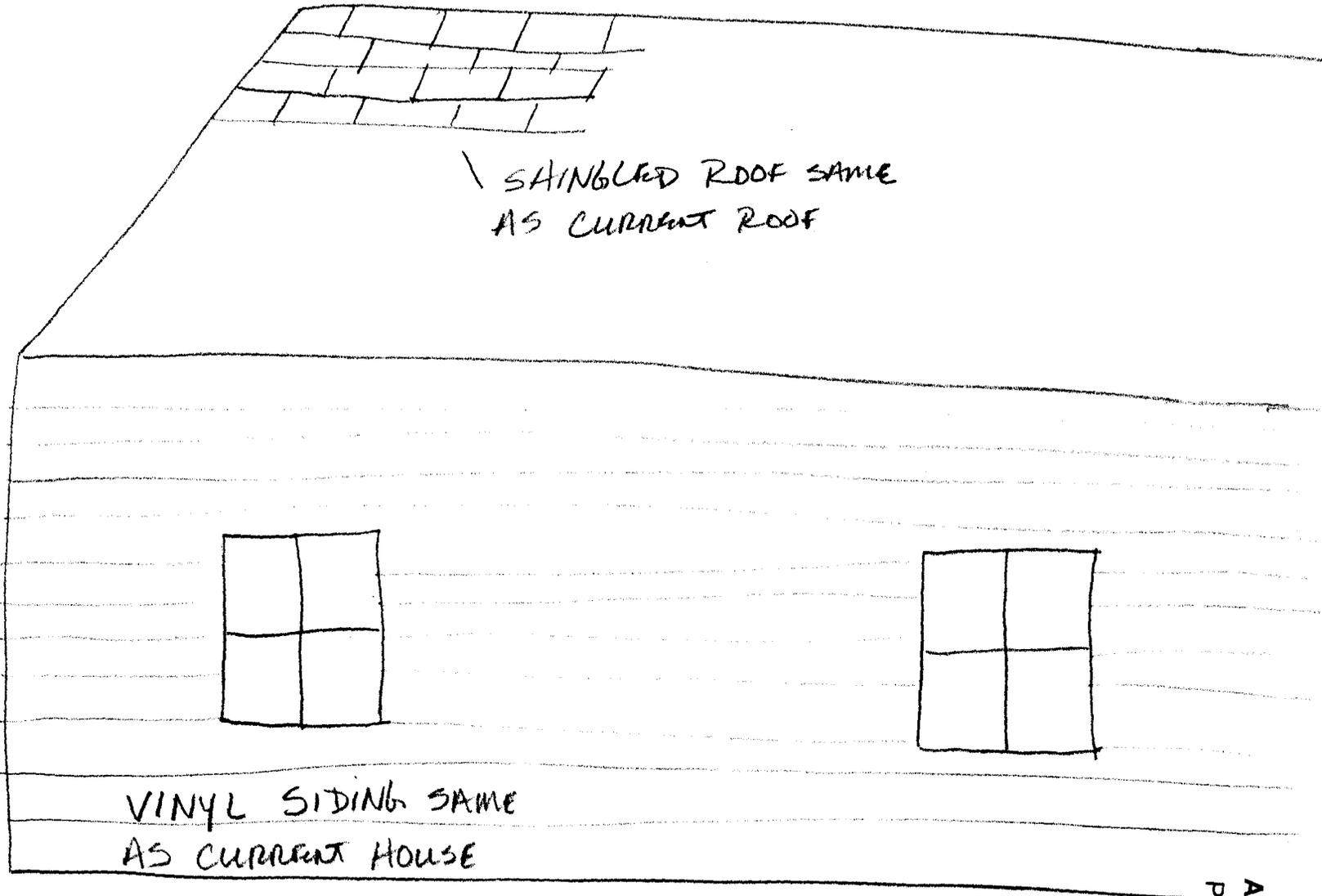
If it is the intent of the Board of Zoning Appeals to approve SP 2009-LE-086 located at Tax Map 22-3 ((4)) 64 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 260 square feet) of the addition, as shown on the plat prepared by Alexandria Surveys International, LLC, and signed by Andrew L. Westerman, dated June 23, 2009, submitted with this application and is not transferable to other land.
3. Building permits for the addition shall be obtained prior to construction.
4. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,053 square feet existing + 4,579 (150%) = 7,632 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
5. The addition shall be consistent with the architectural renderings included as Attachment 1 to these conditions.
6. The applicant shall designate the area at the edge of the building envelope to the eastern property boundary as tree save area and install tree protection fencing to preserve the 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.

SAME ROOF LINE AS CURRENT HOUSE



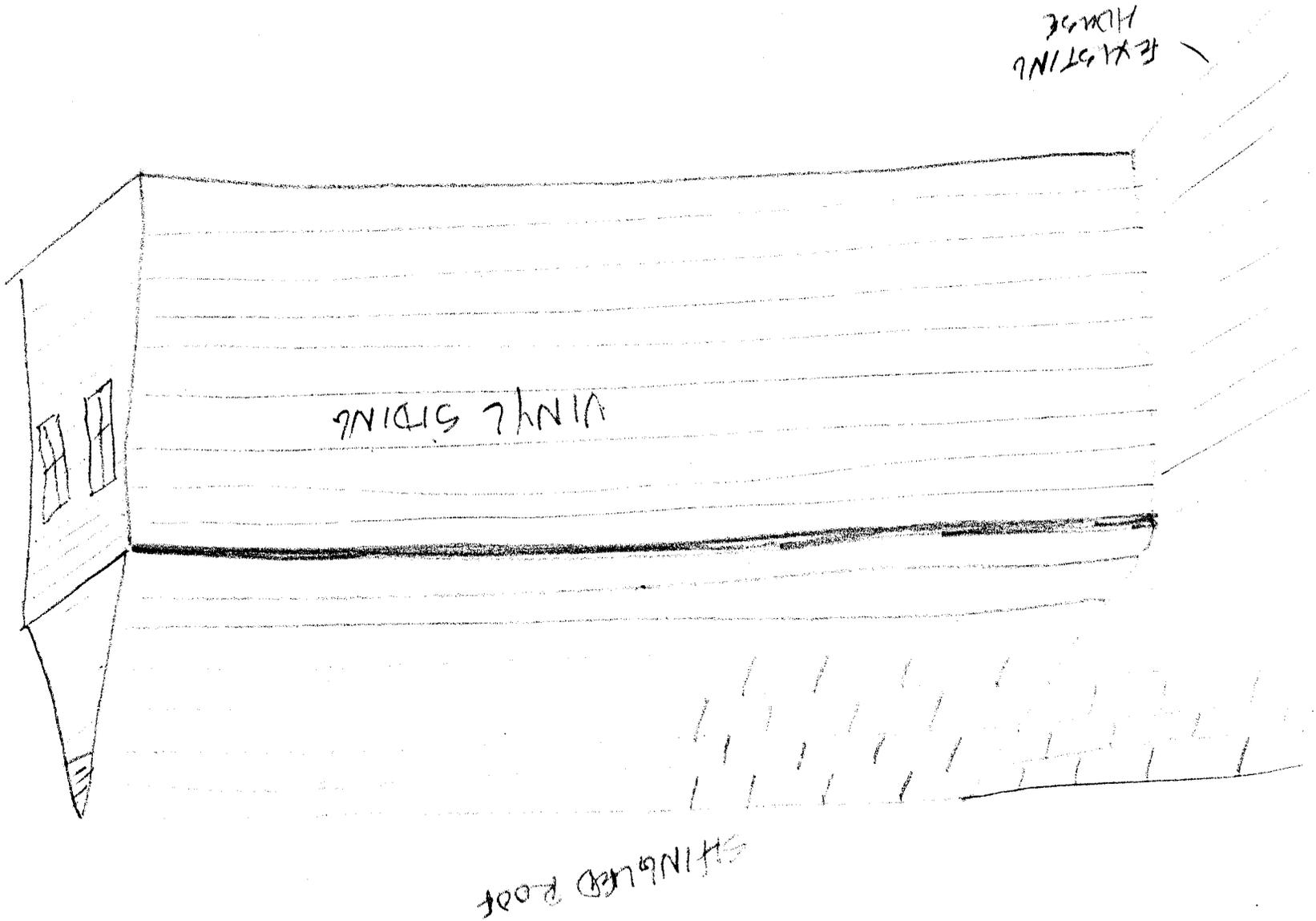
SHINGLED ROOF SAME  
AS CURRENT ROOF

VINYL SIDING SAME  
AS CURRENT HOUSE

NEW ADDITION -

FRONT OF HOUSE - NORTH SIDE

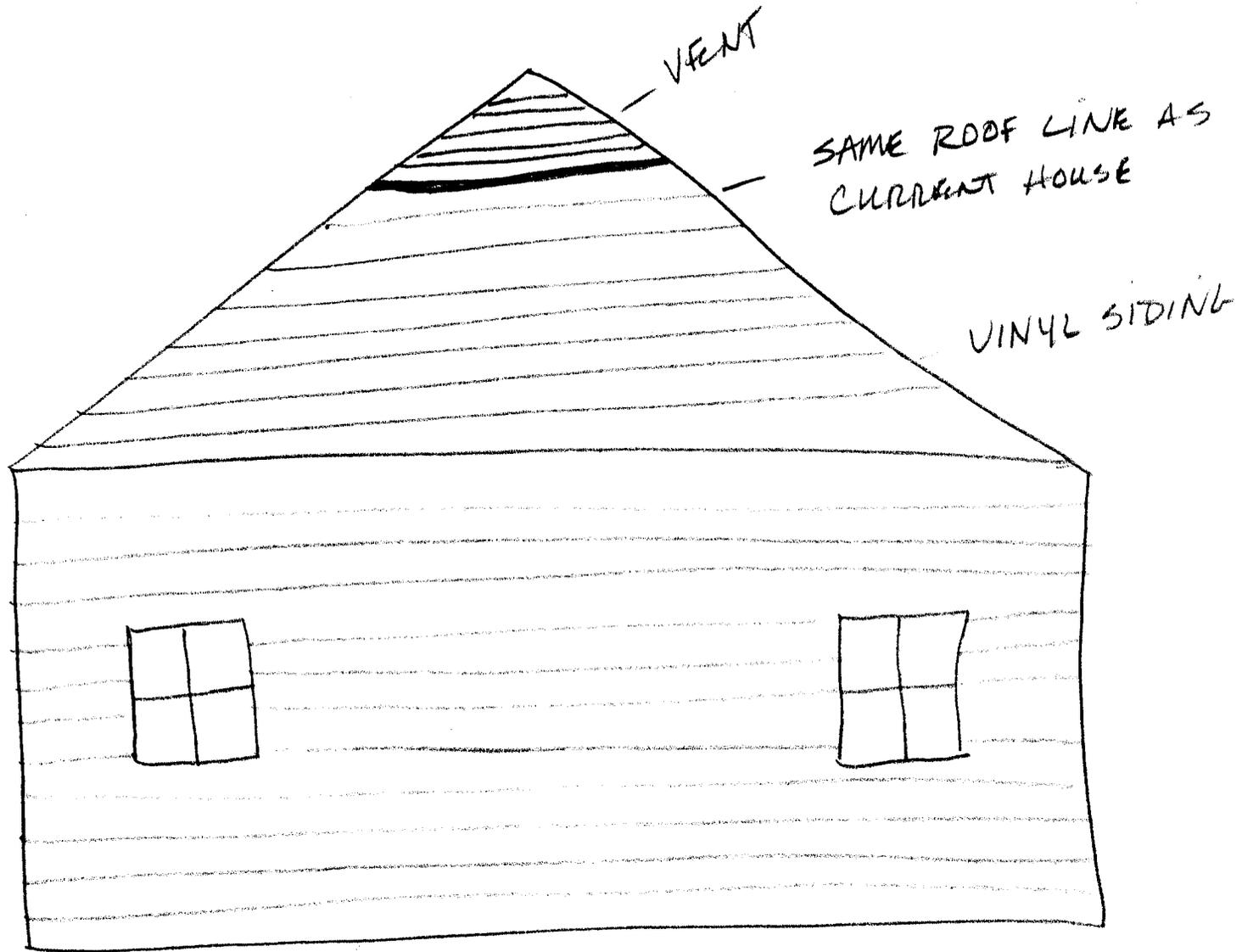
NEW ADDITION - REAR OF HOUSE - SOUTH SIDE



EXISTING HOUSE

VINYL SIDING

SHINGLED ROOF



NEW ADDITION -

EAST SIDE OF HOUSE - WILL LOOK THE SAME AS CURRENT HOUSE

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/12/09  
(enter date affidavit is notarized)

I, Jon M. Yereb, 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

105225

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.)

| <b>NAME</b><br>(enter first name, middle initial, and last name) | <b>ADDRESS</b><br>(enter number, street, city, state, and zip code) | <b>RELATIONSHIP(S)</b><br>(enter applicable relationships listed in <b>BOLD</b> above) |
|--|---|--|
| Jon M. Yereb   | 4617 Winston Place, Alexandria, VA 22310                            | Applicant/Title Owner  |
| Pamela K. Yereb  | Same  | Applicant/Title Owner  |

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

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

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

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

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/12/09  
(enter date affidavit is notarized)

105225

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

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

**CORPORATION INFORMATION**

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

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

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/12/09  
(enter date affidavit is notarized)

105225

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

PARTNERSHIP INFORMATION

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

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

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

N/A

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

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

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

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/12/09  
(enter date affidavit is notarized)

105225

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.

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/12/09  
(enter date affidavit is notarized)

105225

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.

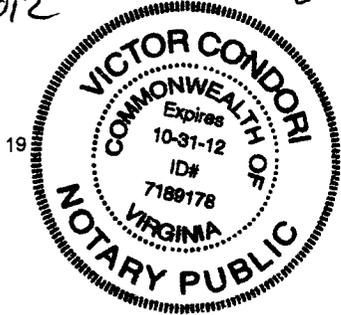
WITNESS the following signature:

(check one)  Applicant Jon M Yereb  Applicant's Authorized Agent  
Jon M. Yereb, Applicant  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 12<sup>th</sup> day of June 2009, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: October 31<sup>st</sup>, 2012

[Signature]  
Notary Public



Jon M. and Pamela K. Yereb  
4617 Winston Place  
Alexandria, VA 22310  
(703) 922-6052

Rose Hill Park, Lee District  
Lot 54, Section 1  
Zone: R-3

RE: Statement of Justification for Special Permit

Dear Fairfax County Board of Zoning Appeals,

This application for a special permit is respectfully submitted for the purpose of seeking relief from the Zone R-3 stipulation that prohibits a permanent structure from being located within 12 feet of the property line. A special permit is requested so that a 10-foot wide addition can be added to the East side of the existing home to provide much needed living space. This addition will place the home six feet from the side lot line.

The home, built in 1957, is a one-story, three-bedroom, two-bath Rambler built on a concrete slab. The house is approximately 1,636 square feet in size. The proposed addition (10 ft. x 26 ft.) would expand a current room on the East side of the house to create a fourth bedroom, a full bathroom, walk-in-closet and kitchen pantry. The total new area added to the home will be 260 square feet.

The East side of the house is proposed for expansion and is the reason for which this special permit is requested. The rationale for expanding this part of the house is as follows:

- A fourth bedroom is needed for the parents of Mrs. Yereb who have retired and live in our home on a part-time basis. The proposed expansion would ease crowding and improve living conditions.
- One of the renovations in this project will be the installation of a new updraft furnace with duct work installed in the attic. As the house is built on a concrete slab with no basement, all of the current HVAC system's duct work runs through the slab. Dirt and allergens have been collecting in the duct work over the past 50 plus years and have caused a number of respiratory related health problems for all family members. Attempts by contractors to clean the duct work have been largely unsuccessful and related indoor air quality health problems persist. In addition, the current den which will become part of the new bedroom was once a carport. When the previous owner changed the carport into a den, because the duct work runs through the slab, they were unable to extend the home's HVAC system into the new room. As such, this room has no heating or air conditioning which makes it cold in the winter and hot in the summer. Placing the new furnace's duct work in the attic will allow heating and air conditioning in the new addition. The construction of this addition will make our home a more healthful place to live as well as more energy efficient.

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Department of Planning & Zoning

AUG 25 2009

Zoning Evaluation Division

- Expanding the existing rooms on the East side of the house will allow us to add specifically needed space which is lacking in the home's current configuration, and which is not feasible to add to any other area of the house.
- As the house is built on a concrete slab, water and sewer lines and HVAC ducts run through the slab. This makes it cost prohibitive and virtually impossible to add on to any other area of the house where water and especially sewer would be needed. On the East side of the house, existing water and sewer lines are located in close proximity to the proposed new room needing water and sewer service (full bathroom) making it much easier to tie in to the existing system.

The subject property was acquired by us in good faith in March of 1984 and is our only place of residence.

Due to the pie-shaped nature of the lot, the area of the lot where the house is situated is exceptionally narrow (see attached plat drawing). As such, the East side of the house where the addition is proposed, cannot be constructed without entering the 12-foot property line set-back area required by the Zone R-3 stipulations. It is for this reason that a special permit is requested. As mentioned earlier, due to the current size of our home, the addition of Mrs. Yereb's parents as part-time residents makes living conditions very crowded. Not granting this special permit will produce undue hardship as the home is barely big enough to support six people. Granting this special permit will allow us to add much-needed living space to our home, but more importantly allow us to increase our family's quality of life.

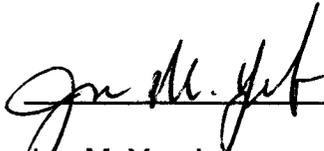
When our development was constructed back in the late 50's, all the homes in our cull-de sac and neighborhood area were built with basements. For some reason, our house was not built with a basement. As a result, we do not have a fourth bedroom as do other homes in our neighborhood. Because our home is on a slab, the current configuration makes expanding the East side of the house the only viable option due to the location of water and sewer on that side of the house. Granting the special permit will allow us to effect very positive improvements to our home while having no negative impact upon our neighbors or neighborhood.

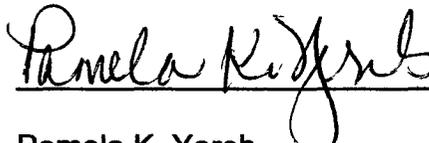
The homes of neighbors (lots 55 and 56) whose property borders the area of our yard where the addition is proposed, are far enough away (70 ft. and approx. 100 ft. respectively from the closest point of the new addition) that the authorization of this special permit will in no way be of any detriment to either of their homes or property value. The character of the zoning district will not be changed as the proposed addition will blend in with the rest of the house (same roof line) and will not in any way create an eye sore which could detract from our property or that of

our neighbors. Our home is similar in appearance to other homes in the neighborhood and will remain so after the addition is constructed.

The granting of this special permit will serve to increase our family's quality of life. At the same time it will allow us to perform improvements that will enhance the overall appearance of the home and thus the immediate neighborhood.

Respectfully,

  
\_\_\_\_\_  
Jon M. Yereb

  
\_\_\_\_\_  
Pamela K. Yereb

Pamela K. Yereb

8-24-09  
Date



**MEMORANDUM**

September 24, 2009

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

**FROM:** Todd Nelson, Urban Forester II  
Forest Conservation Branch, DPWES 

**SUBJECT:** Rose Hill Park Section 1 Lot 54 (4617 Winston Place); SP 2009-LE-086

**RE:** Request for assistance dated September 10, 2009

This review is based on the Special Permit application SP 2009-LE-086 and the special permit plat showing the improvements on "Lot 45, Section One, Rose Hill Park" stamped "Received, Department of Planning and Zoning, June 24, 2009." A site visit was conducted on September 21, 2009.

Site Description: This site is developed with a one story brick and vinyl dwelling with an attached deck, patio, and screen porch. There are existing trees and vegetation that appear to be offsite along the eastern property boundary consisting of crabapple, dogwood, yew, and chestnut oak.

- 1. Comment:** There are existing trees and vegetation consisting of crabapple, dogwood, yew, and chestnut oak located off-site on lot 56 east of the proposed addition. These trees and vegetation should be protected during construction activities.

**Recommendation:** A tree save area and tree protection fencing should be provided at the eastern portion of the site to protect the existing offsite trees from construction activities.

Please contact me at 703-324-1770 if you have any questions.

TLN/  
UFMID #: 147301

cc: RA File  
DPZ File



REVISED

## COUNTY OF FAIRFAX, VIRGINIA

## VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

JON M. AND PAMELA K. YEREB, VC 99-L-023 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of addition 6.6 ft. from side lot line and a basketball standard to remain 14.4 ft. from front lot line and 3.0 ft. from side lot line. Located at 4617 Winston Pl. on approx. 12,683 sq. ft. of land zoned R-3. Lee District. Tax Map 92-1 ((6)) 54. Mr. Pammel moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 4, 1999; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.
2. The applicants presented testimony before the Board, indicating compliance with the prescribed criteria for the granting of the variance.
3. The topographic conditions, the irregular shape of the lot and the fact that the applicant would be unable to enlarge the dwelling in any other direction than that proposed by the variance application create a hardship.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
  - A. Exceptional narrowness at the time of the effective date of the Ordinance;
  - B. Exceptional shallowness at the time of the effective date of the Ordinance;
  - C. Exceptional size at the time of the effective date of the Ordinance;
  - D. Exceptional shape at the time of the effective date of the Ordinance;
  - E. Exceptional topographic conditions;
  - F. An extraordinary situation or condition of the subject property, or
  - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
  - A. The strict application of the Zoning Ordinance would effectively prohibit or

unreasonably restrict all reasonable use of the subject property, or

B. The granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant.

7. That authorization of the variance will not be of substantial detriment to adjacent property.

8. That the character of the zoning district will not be changed by the granting of the variance.

9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

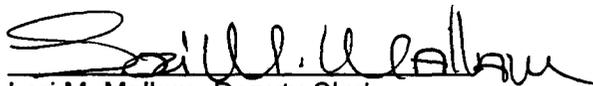
1. This variance is approved for the location of an addition and for a basketball standard to remain as shown on the plat prepared by Kenneth W. White, dated October 6, 1998, as revised through February 3, 1999 submitted with this application and is not transferable to other land.
2. A Building Permit shall be obtained prior to any construction and final inspections shall be approved.
3. The addition shall be architecturally compatible with the existing dwelling.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance 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 variance. 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.

Mr. Dively seconded the motion which carried by a vote of 6-0. Chairman DiGiulian was absent from the meeting.

\*This decision was officially filed in the office of the Board of Zoning Appeals and became final on May 12, 1999. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:



Lori M. Mallam, Deputy Clerk  
Board of Zoning Appeals



### **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.