



# County of Fairfax, Virginia

November 10, 2009

## STAFF REPORT

### SPECIAL PERMIT APPLICATION NO. SP 2009-HM-082

#### HUNTER MILL DISTRICT

**APPLICANTS/OWNERS:** Paul T. Hancher  
Christine L. Hancher

**STREET ADDRESS:** 13019 Piney Glade Road

**SUBDIVISION:** Sycamore Lakes

**TAX MAP REFERENCE:** 25-1 ((18)) 18

**LOT SIZE:** 8,751 square feet

**ZONING DISTRICT:** R-3 (Cluster)

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an addition 12.6 feet from the rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2009-HM-082 for a screened porch addition subject to the proposed development conditions contained in Appendix 1.

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

O:\dhedri\Special Permits\11-17) SP 2009-HM-082 Hancher\SP 2009-HM-082 Hancher staff report.doc

Deborah Hedrick

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

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

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

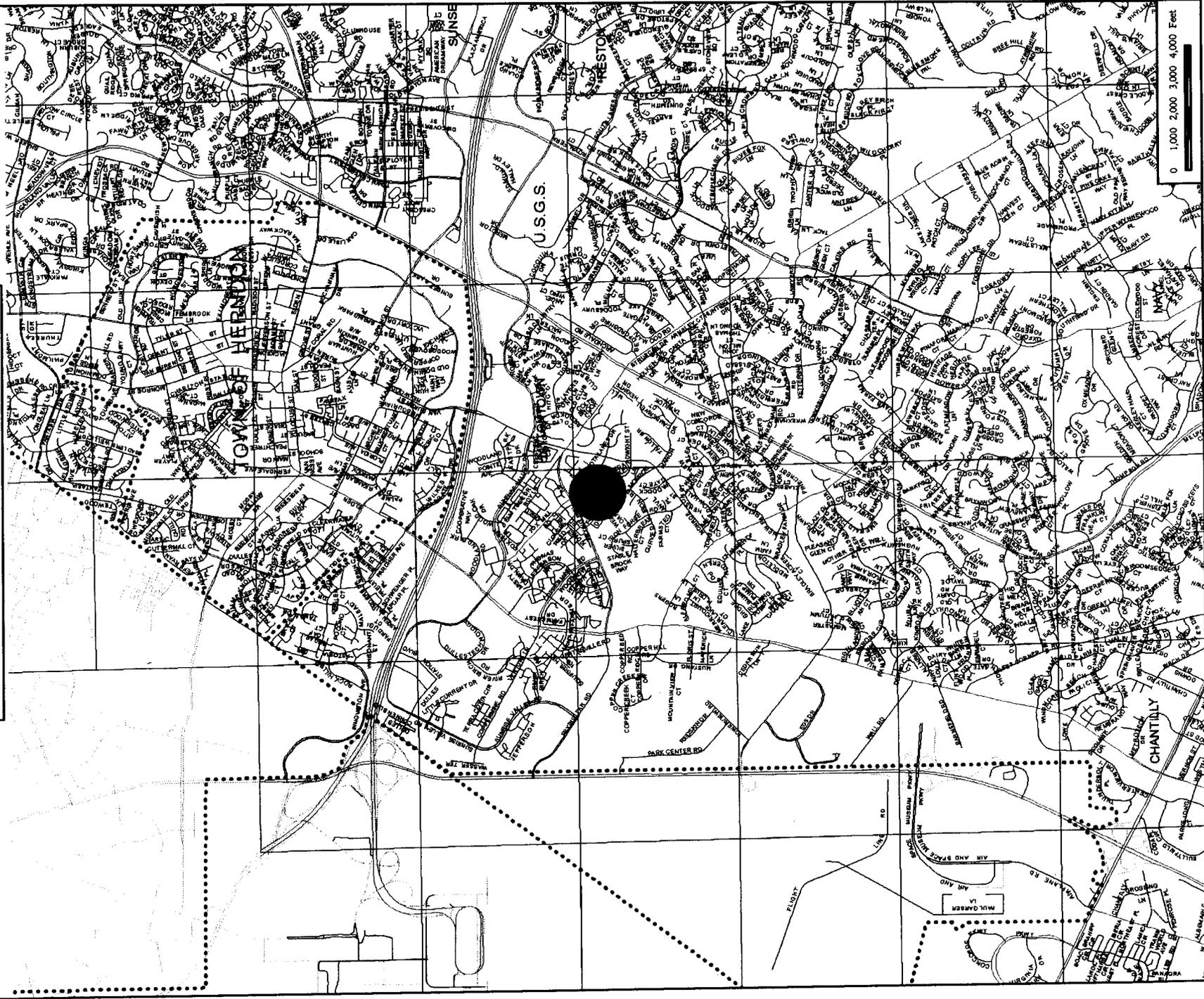


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

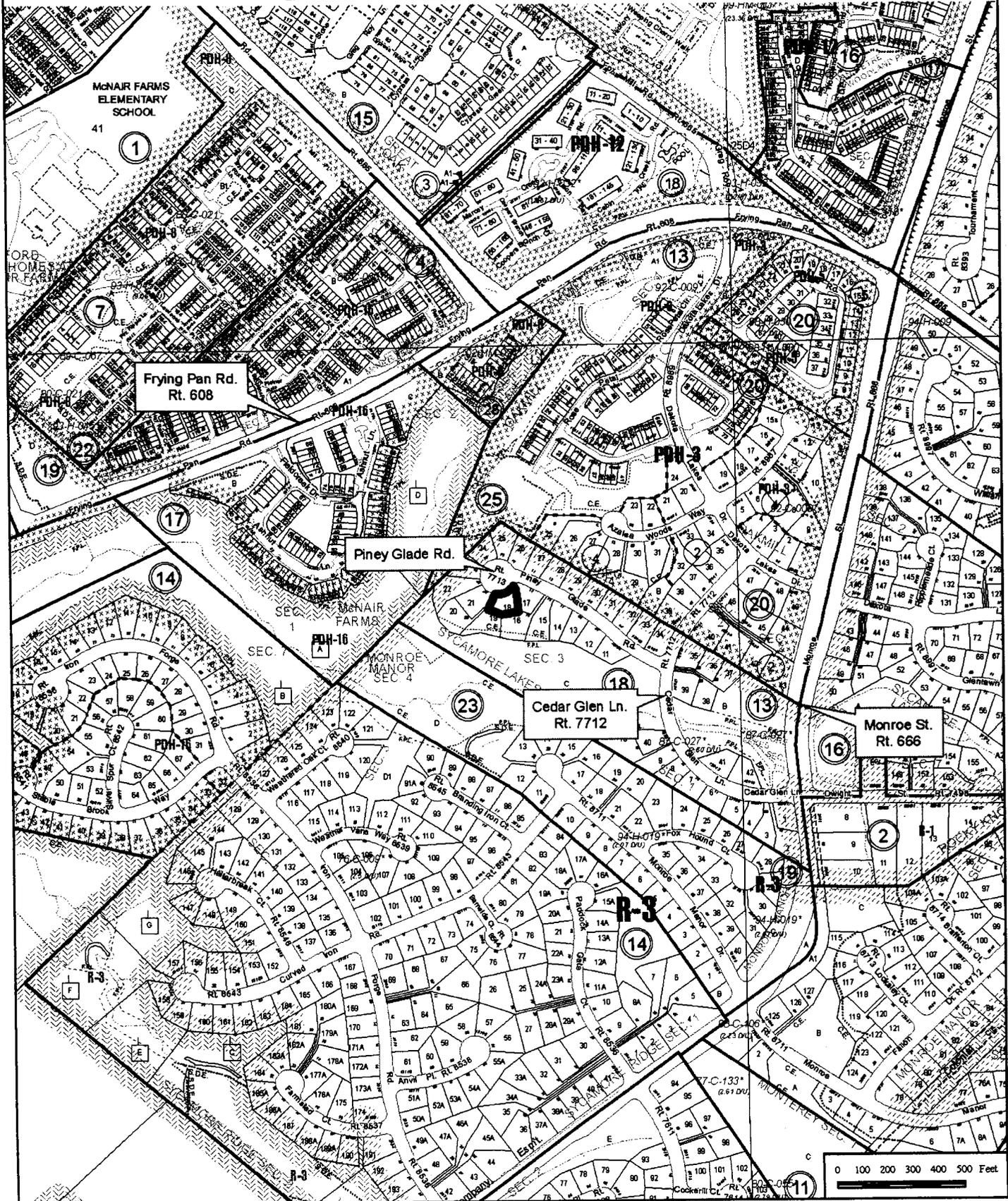
# Special Permit

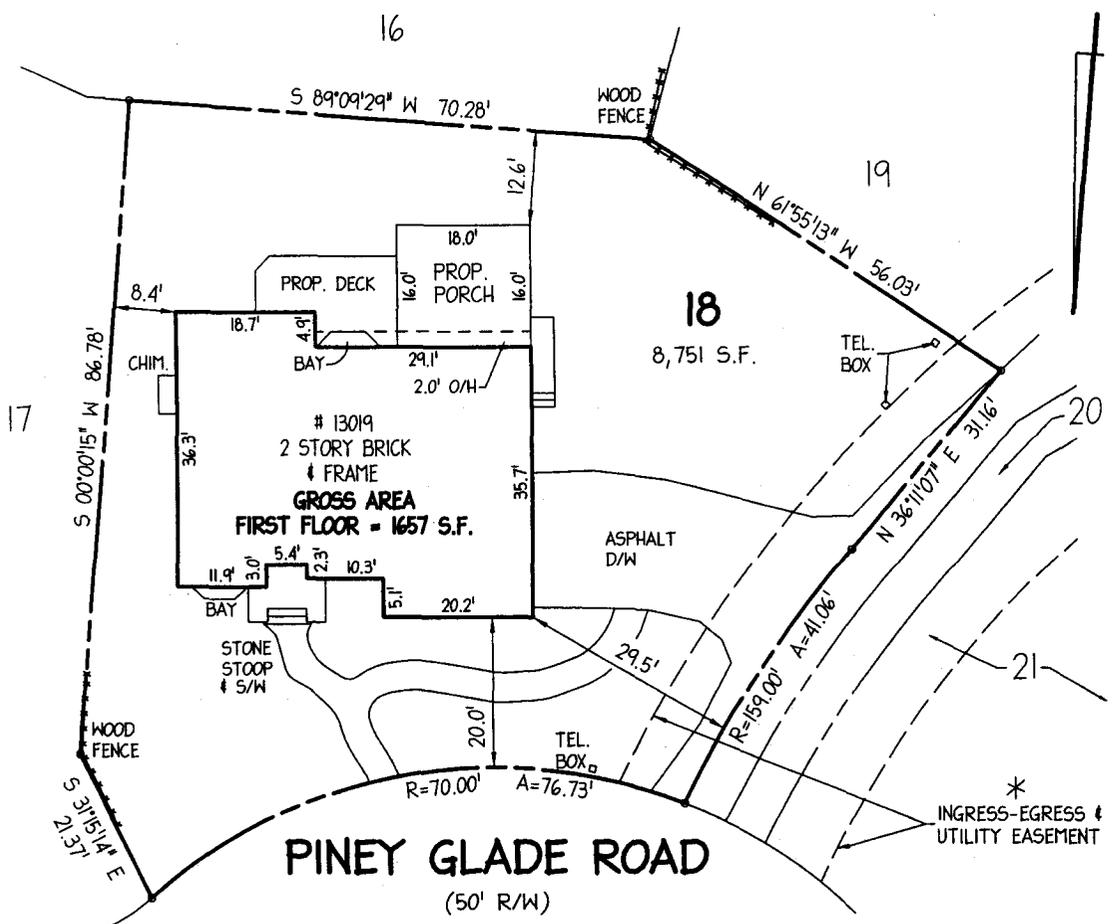
SP 2009-HM-082

PAUL & CHRISTINE HANCHER

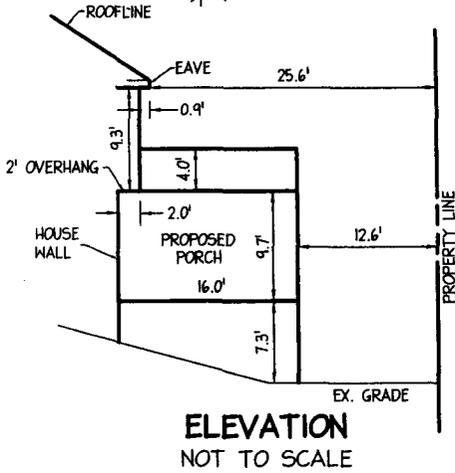


**Special Permit**  
**SP 2009-HM-082**  
**PAUL & CHRISTINE HANCHER**





THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCES AFFECTING THE TITLE TO THE SUBJECT PROPERTY. NO EVIDENCE OF UTILITY EASEMENTS HAVING A WIDTH OF 25' OR MORE, OR MAJOR UTILITY EASEMENTS WERE OBSERVED ON THIS LOT, OR ARE SHOWN ON THE PLAT FOR SYCAMORE LAKES SECTION THREE, RECORDED IN DEED BOOK 8367 PAGE 1686, \* (EXCEPTING THE INGRESS EGRESS AND UTILITY EASEMENT SHOWN HEREON)



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 Zoning Evaluation Division

PLAN SHOWING  
 PROPOSED PORCH  
 LOT 18  
 SECTION THREE  
 SYCAMORE LAKES

CENTREVILLE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 20' DATE: JUNE 25, 2009  
 08-11-2009 - REVISED PROPOSED PORCH EAVE

NOTE:  
 THIS PLAN PREPARED WITHOUT THE BENEFIT OF FINAL CONSTRUCTION DRAWINGS



10525 BATTLEVIEW PARKWAY  
 MANASSAS, VIRGINIA 20109-2343  
 PHONE: 703.969.4933  
 FAX: 703.631.2834

- NOTES:
1. PROPERTY SUBJECT TO ALL NOTES & RESTRICTIONS AS SHOWN ON RECORD PLAT IN DEED BOOK 8367 PAGE 1686.
  2. FIRM FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 5155250050D DATED MARCH 5, 1990 - ZONE X.
  3. THIS LOT IS SERVED BY PUBLIC WATER AND SEWER.

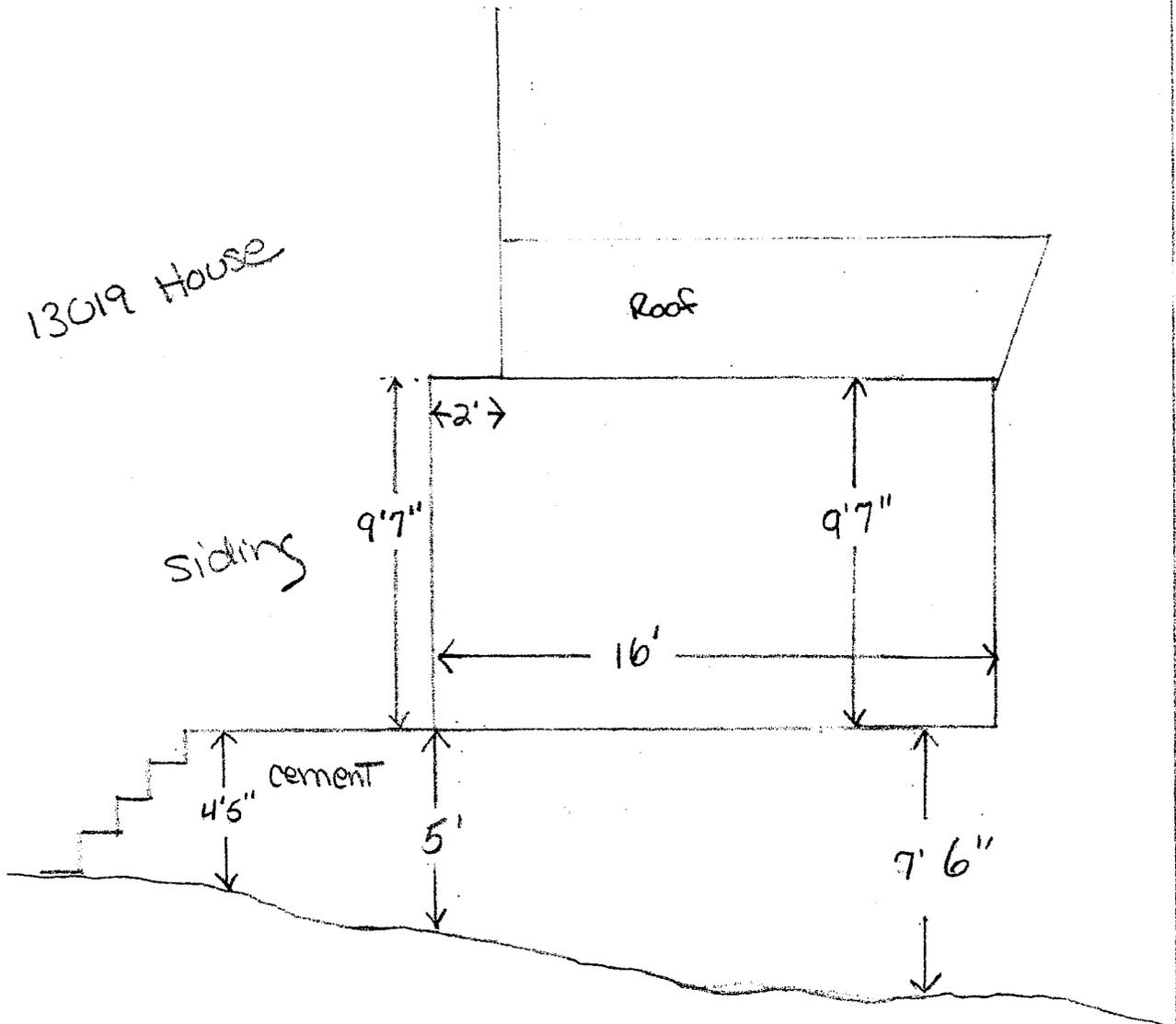
CASE NAME: HANCHER TAX MAP 25-1-18-18 DRAFTED BY: LG  
 DEED BOOK 18482 PAGE 800 CHECKED BY: DC

Proposed Deck elevation - side view

22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS

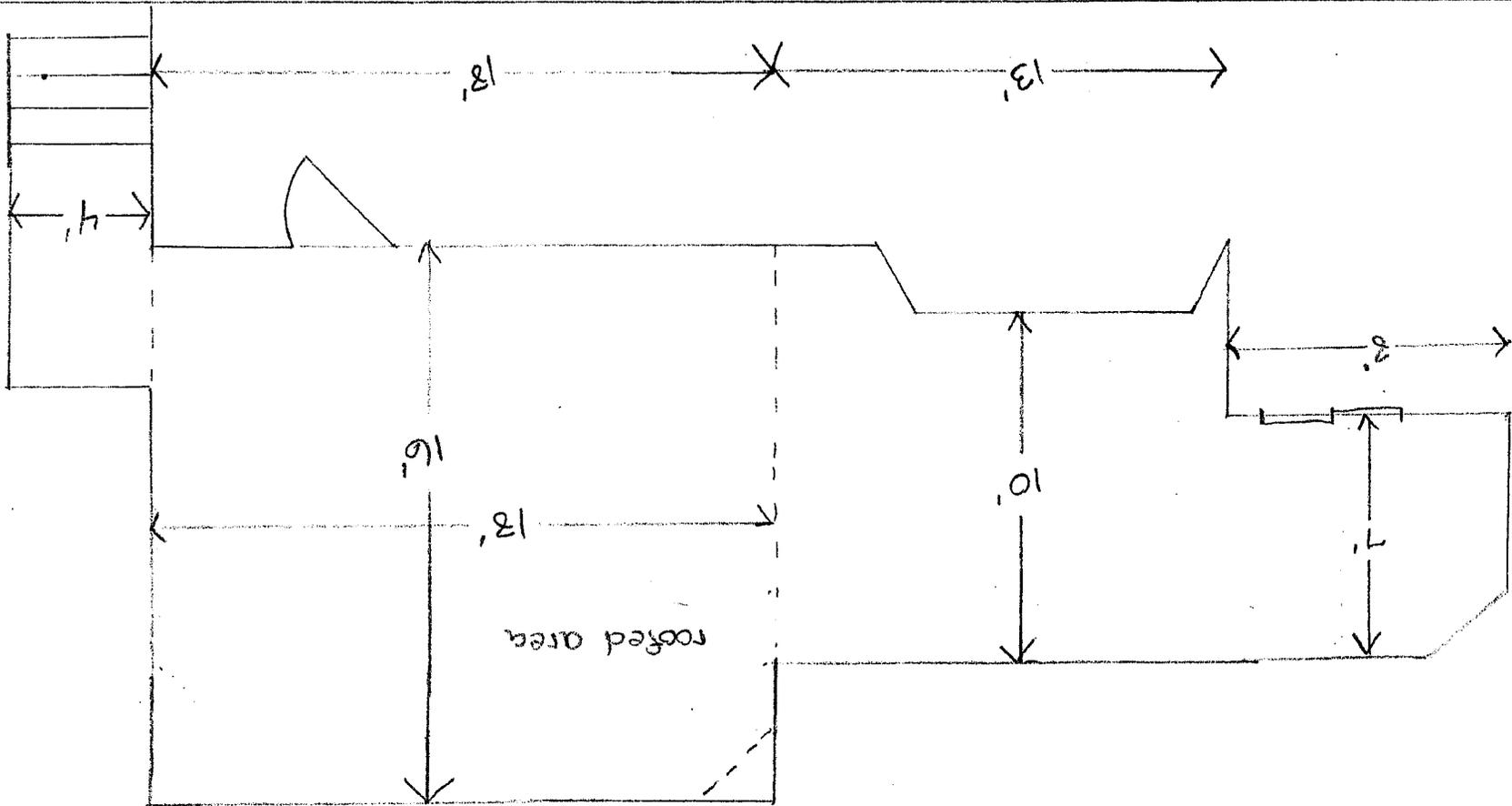


13019 House





22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS



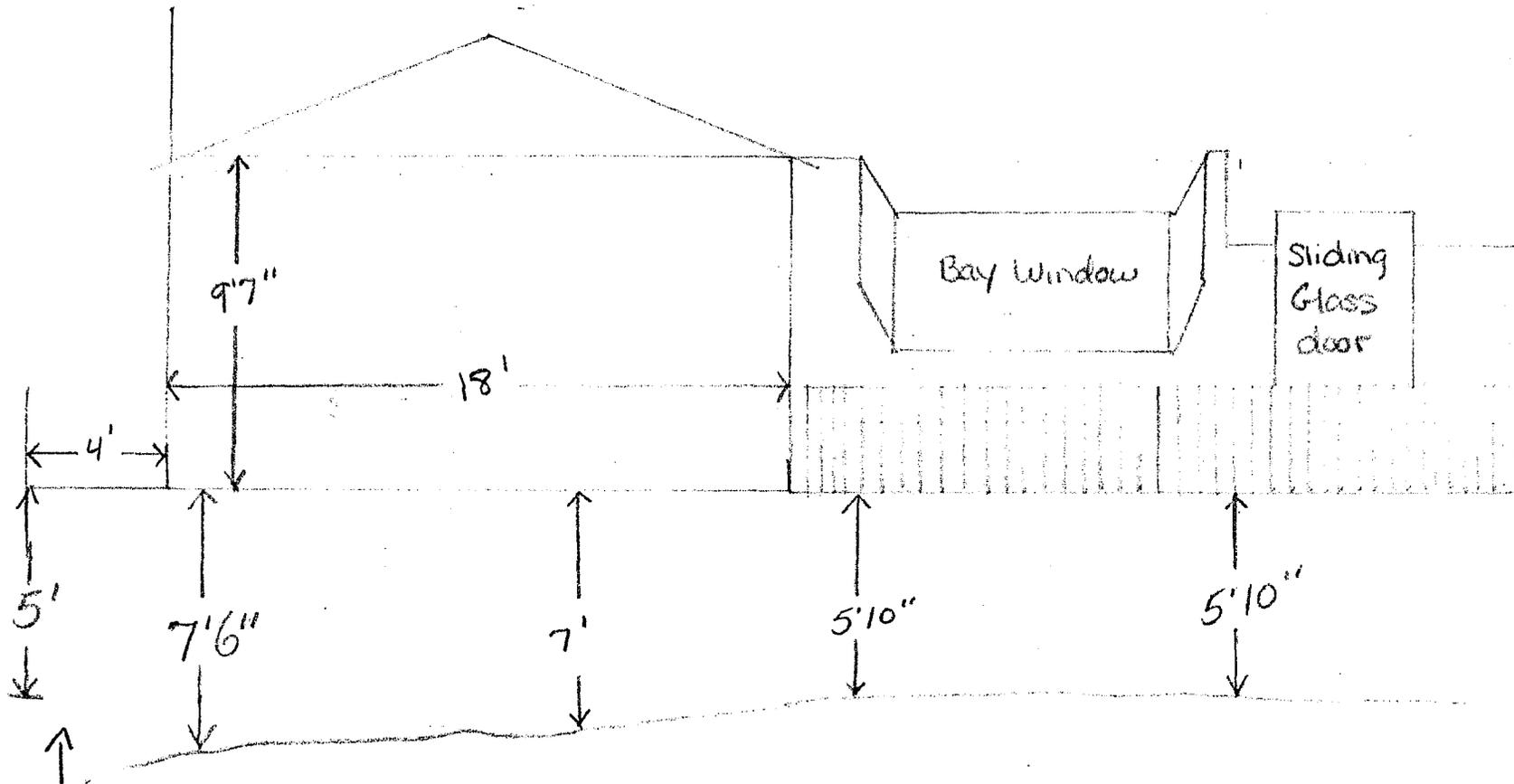
Proposed Deck  
15019 Winney Grade Rd  
HANCHER



22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS

# Proposed Deck Elevation - 13019 PINEY GLADE RD HANCHER

Rear view



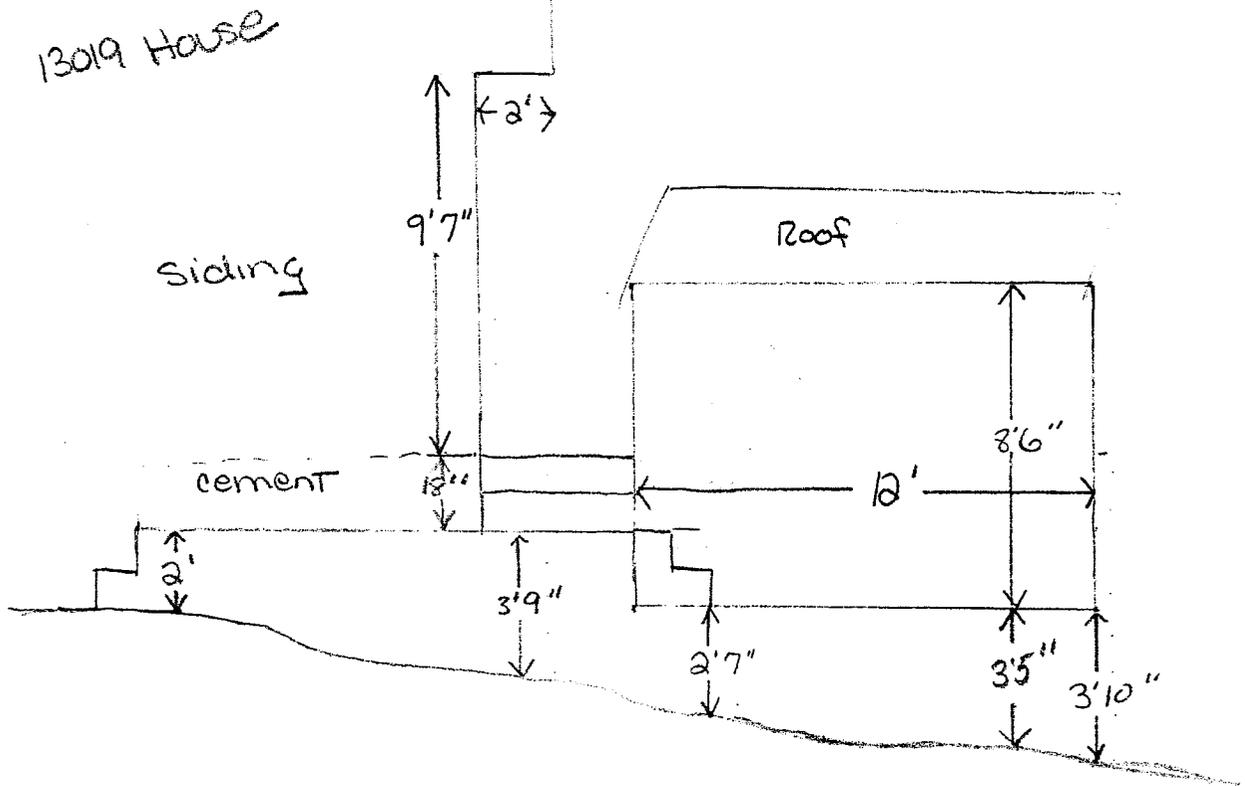
This portion is for stairs and does not extend full length of covered deck area

# Current Deck elevation - 13019 Piney Glade Rd HANOVER

22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS

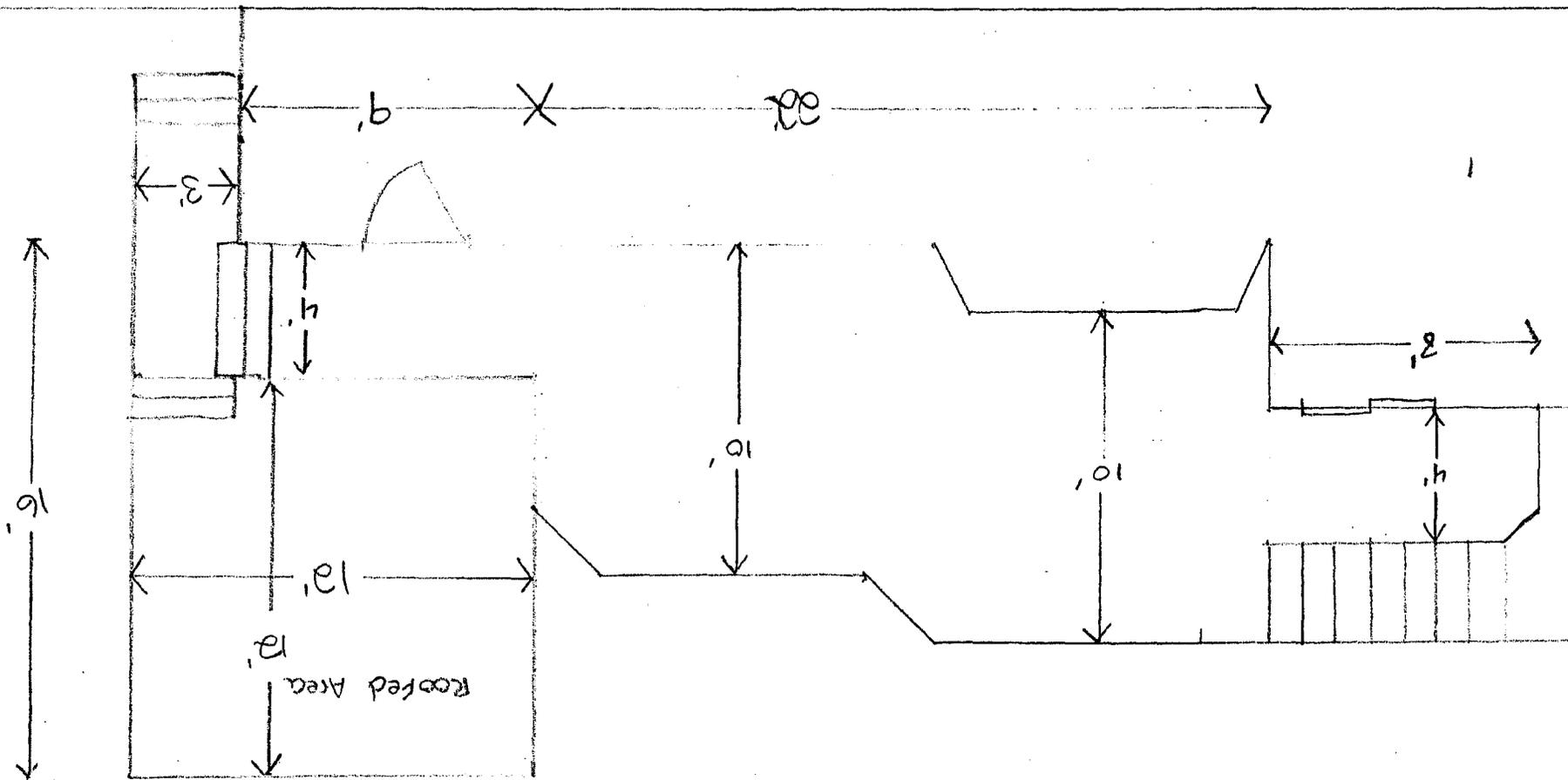


## Side view elevation of deck





22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS



HANCHER

13019 PINY GLADE RD

Current Deck

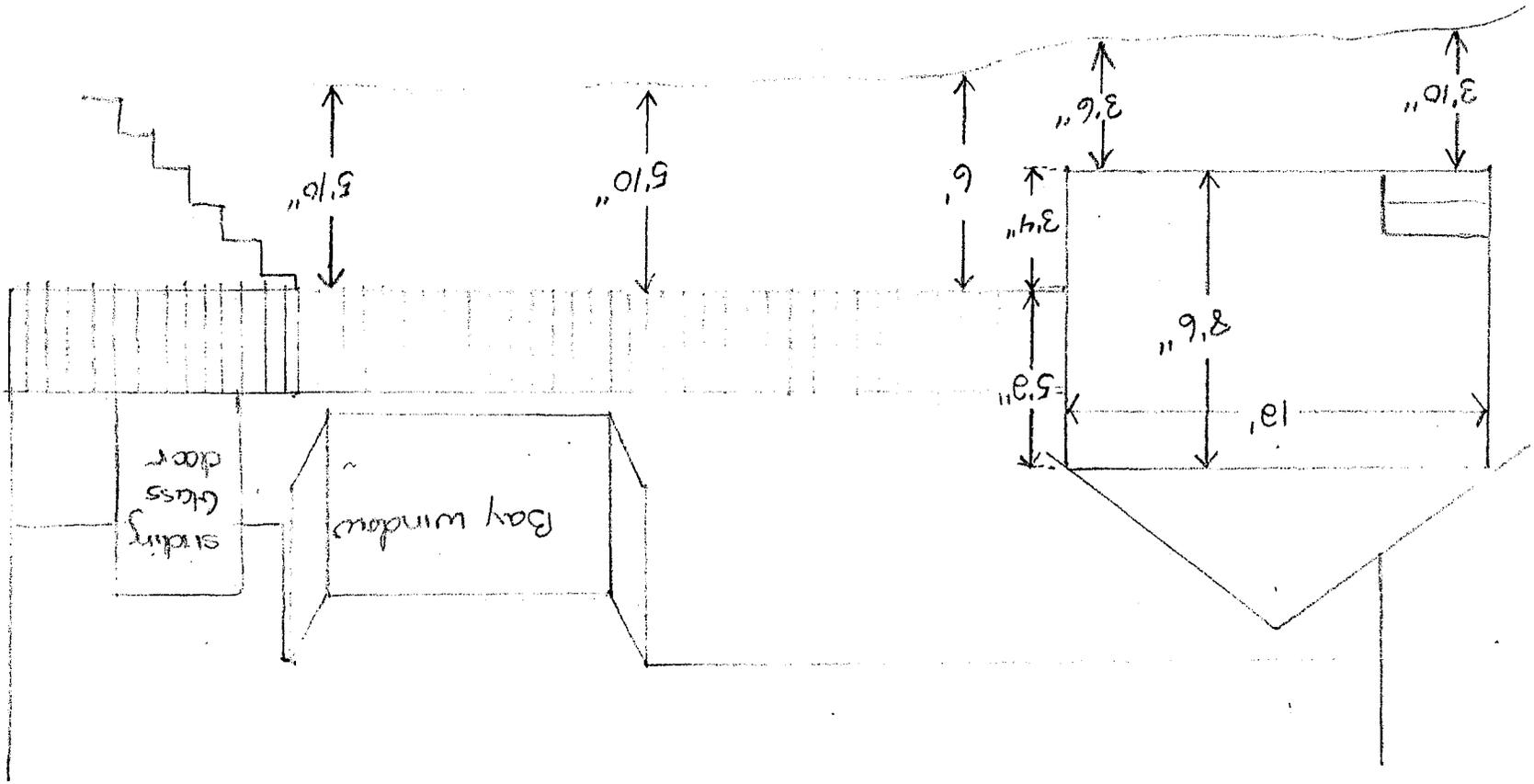
22-141 50 SHEETS  
 22-142 100 SHEETS  
 22-144 200 SHEETS



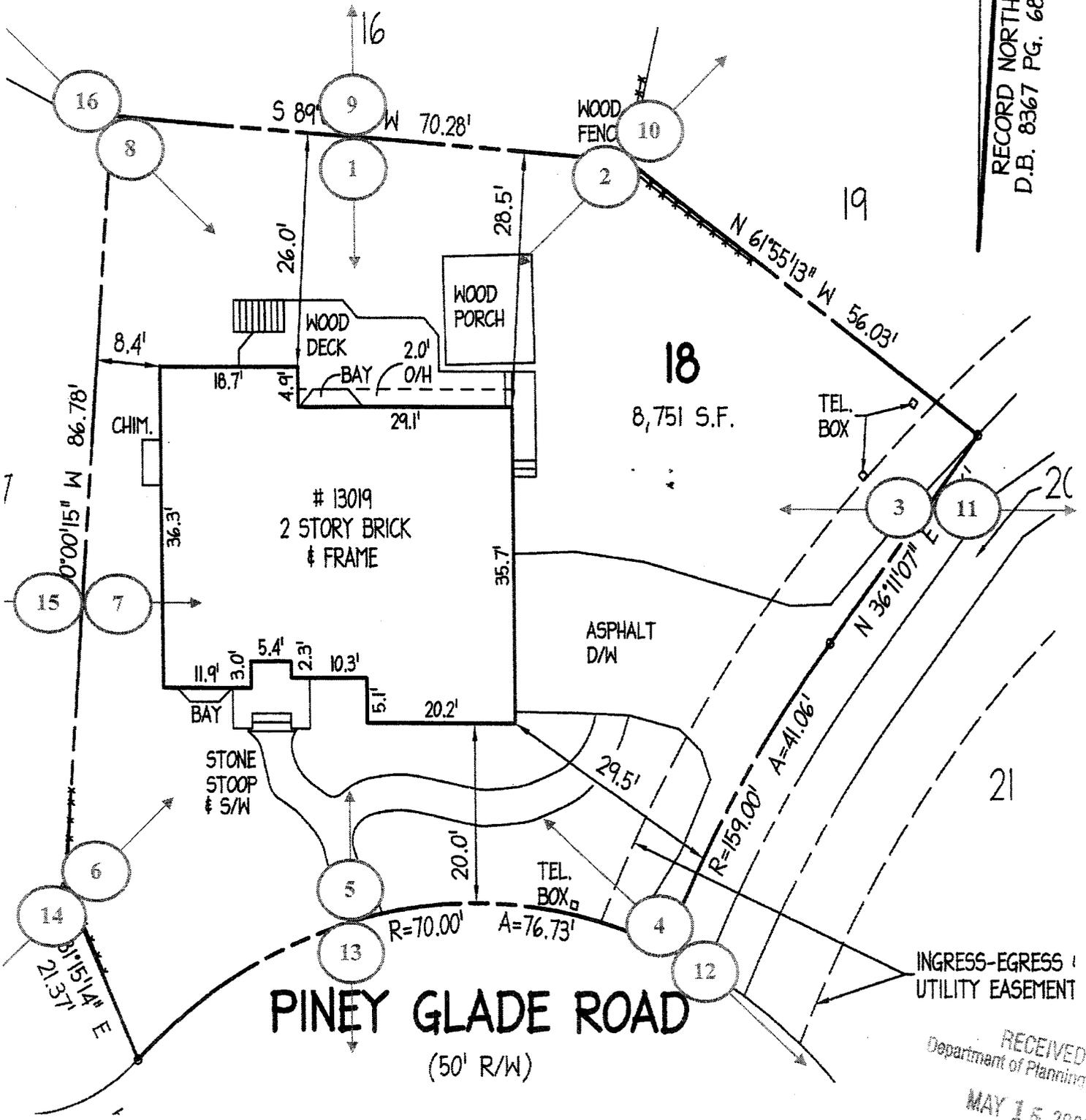
Current Deck elevation - 13019 PINEX GRADE RD

HANCHER

Rear view elevation of deck



RECORD NORTH  
 D.B. 8367 PG. 686



**PINEY GLADE ROAD**  
 (50' R/W)

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 Zoning Evaluation Division

Photo Position #1



From the rear standing in 13015 (lot 16)'s yard looking through the trees at the house, 13019 (lot 18) back of house and current deck and porch.



Closer look of the rear of the house, 13019 (lot 18) from in front of the trees

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Department of Planning & Zoning  
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Zoning Evaluation Division

Photo position #2



From rear yard looking at the covered porch, fence marks the property line between 13019 (lot 18) and 13021 (Lot 19).



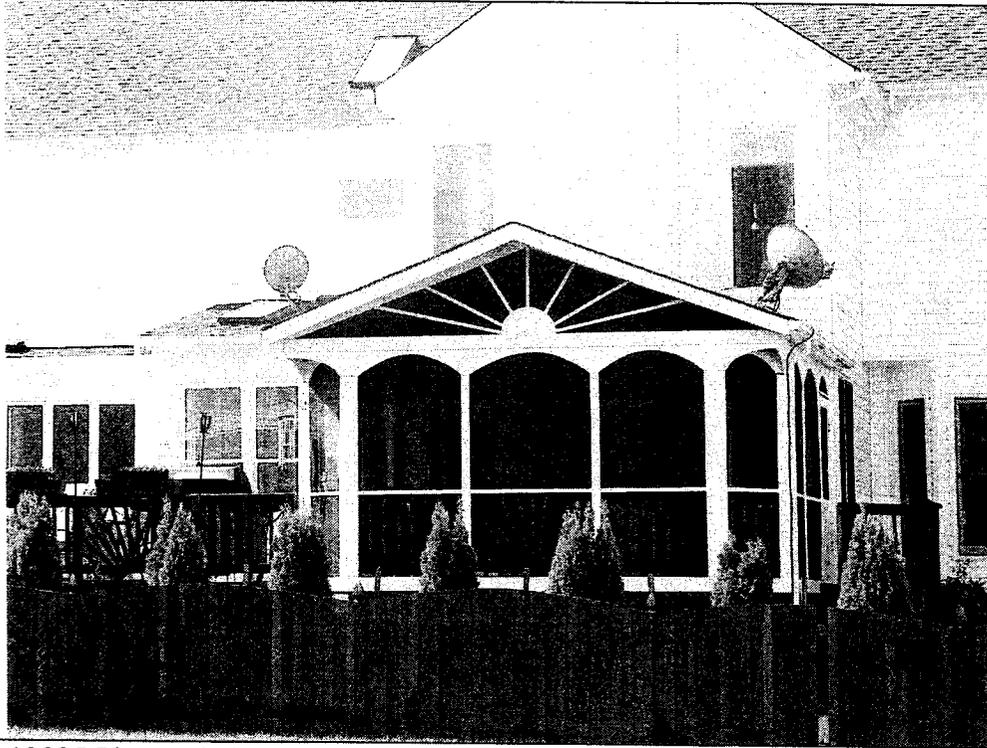
From rear yard standing on property line between 13021 (Lot 19) and 13015 (Lot 16) looking at rear yard and covered porch and deck.

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Department of Planning & Zoning  
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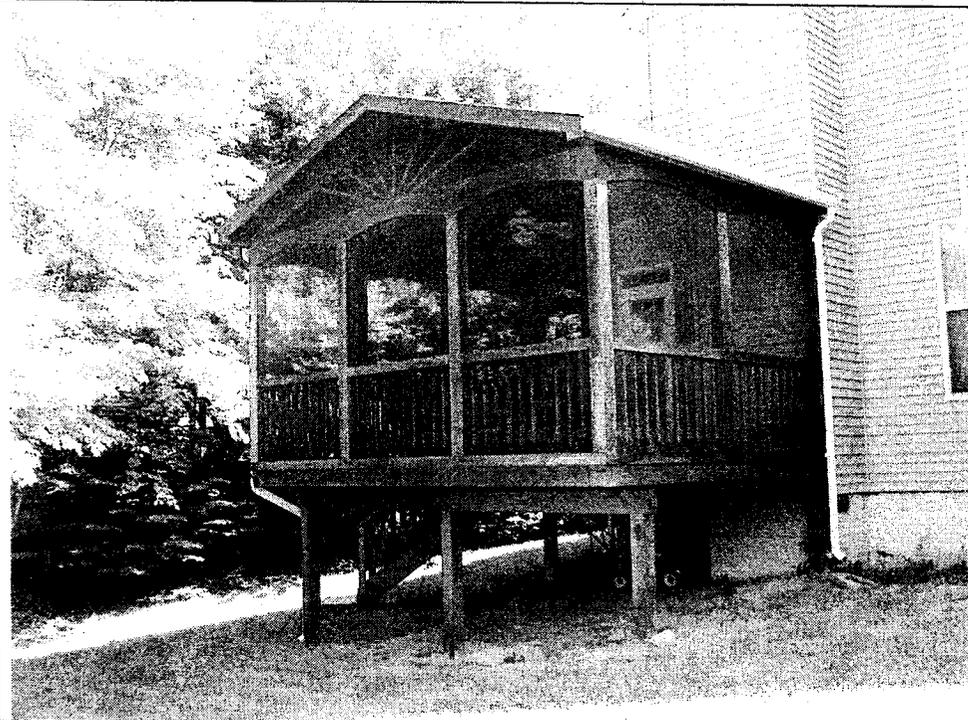
**Statement of Justification**  
**Christine & Paul Hancher – 13019 Piney Glade Rd**

**5/14/2009**

Local neighbors with covered porch and deck.  
2507 Glenlawn Place



13025 Piney Glade Rd

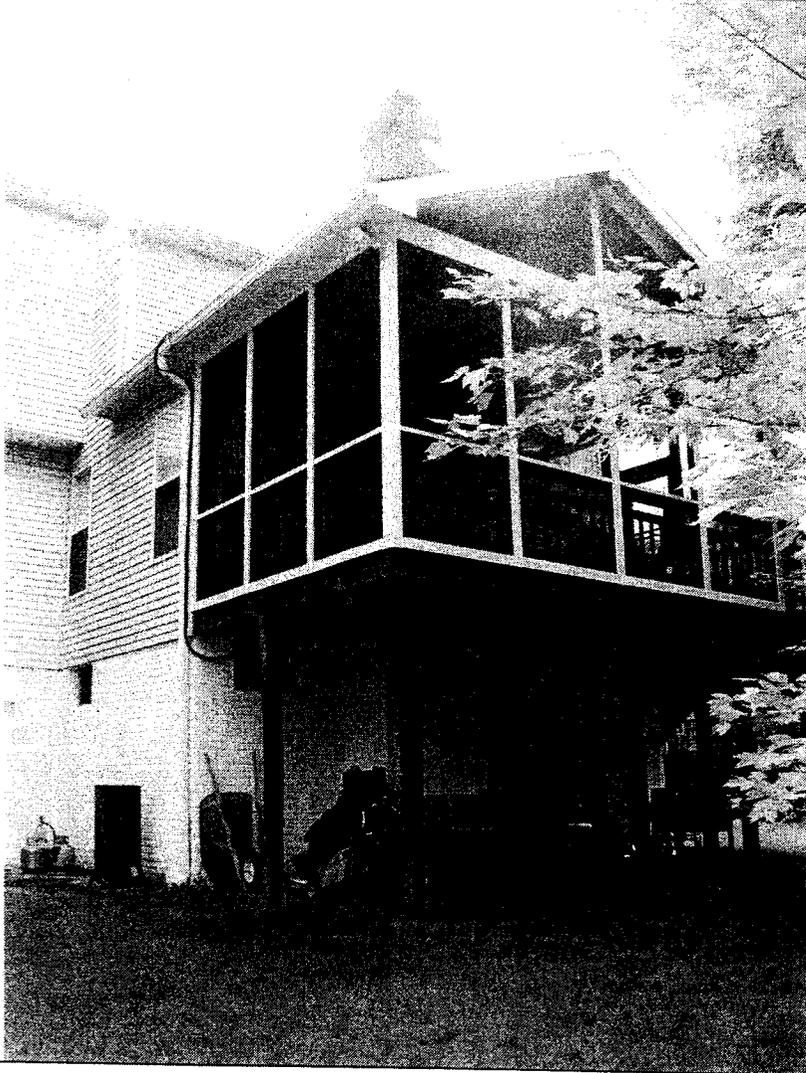


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**Statement of Justification**  
**Christine & Paul Hancher – 13019 Piney Glade Rd**

**5/14/2009**

13015 Piney Glade Rd



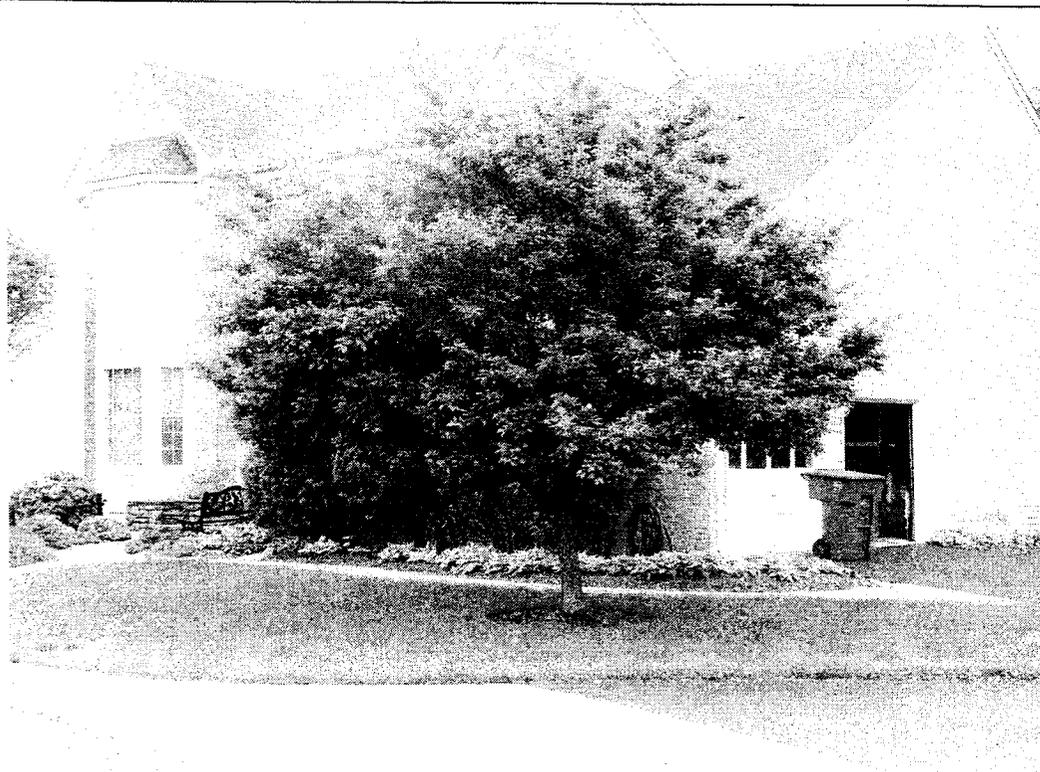
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Zoning Evaluation Division

Photo Position #3



From side yard looking at 13019 (Lot 18), garage entrance, stairs to deck and covered porch. Standing on pipe stem.

Photo Position #4



From front side yard looking at the house, 13019 (Lot 18), standing in the entrance to the pipe stem.

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Zoning Evaluation Division

**Paul & Christine Hancher**  
**13019 Piney Glade Rd**

**5/14/2009**

Photo Position #5

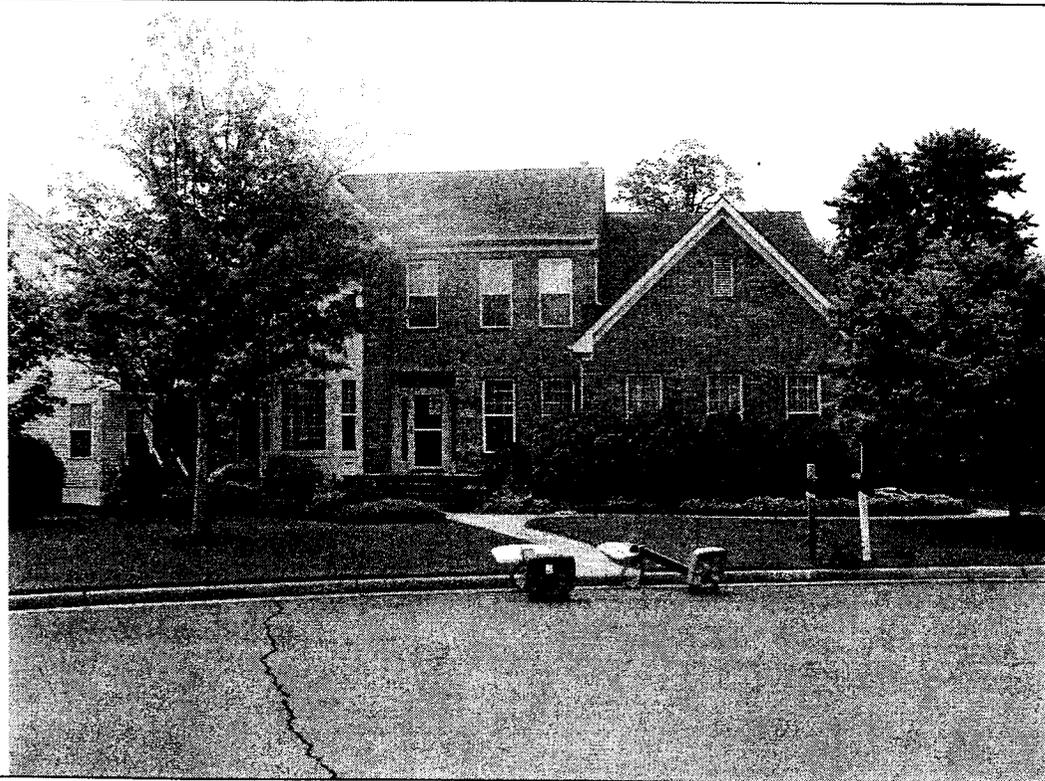


Photo taken from cul-de-sac of front of the house 13019 (Lot 18).

Photo Position #6

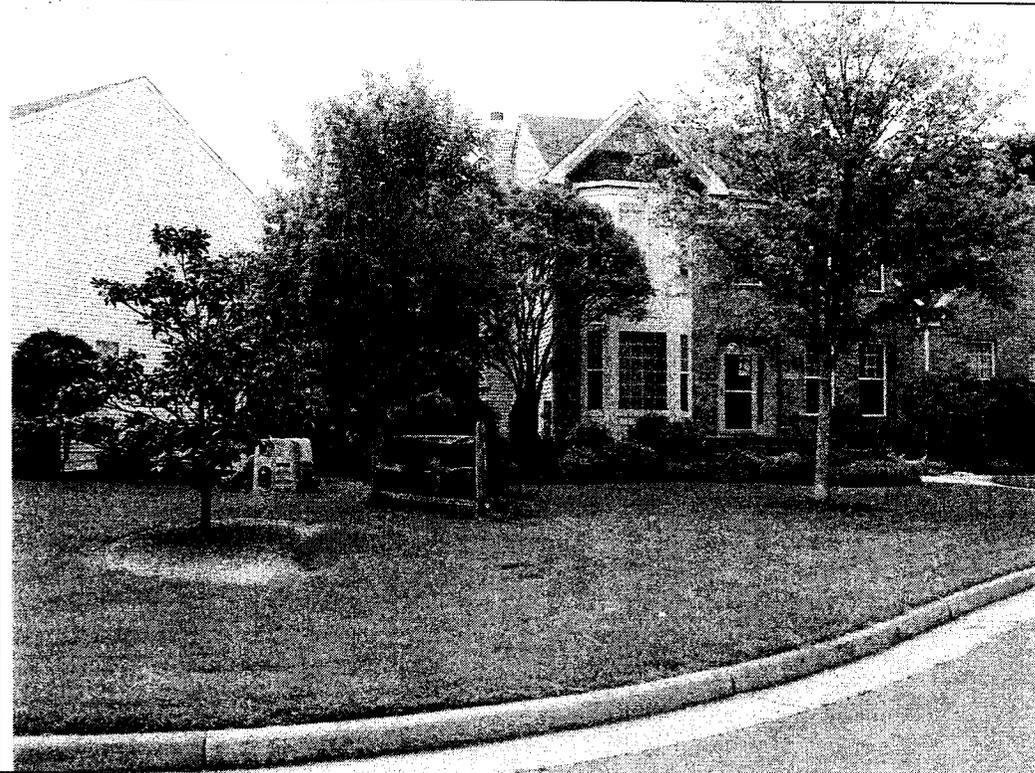


Photo taken from road of the house, 13019 (Lot 18), fence marks the property line.

Photo Position #7

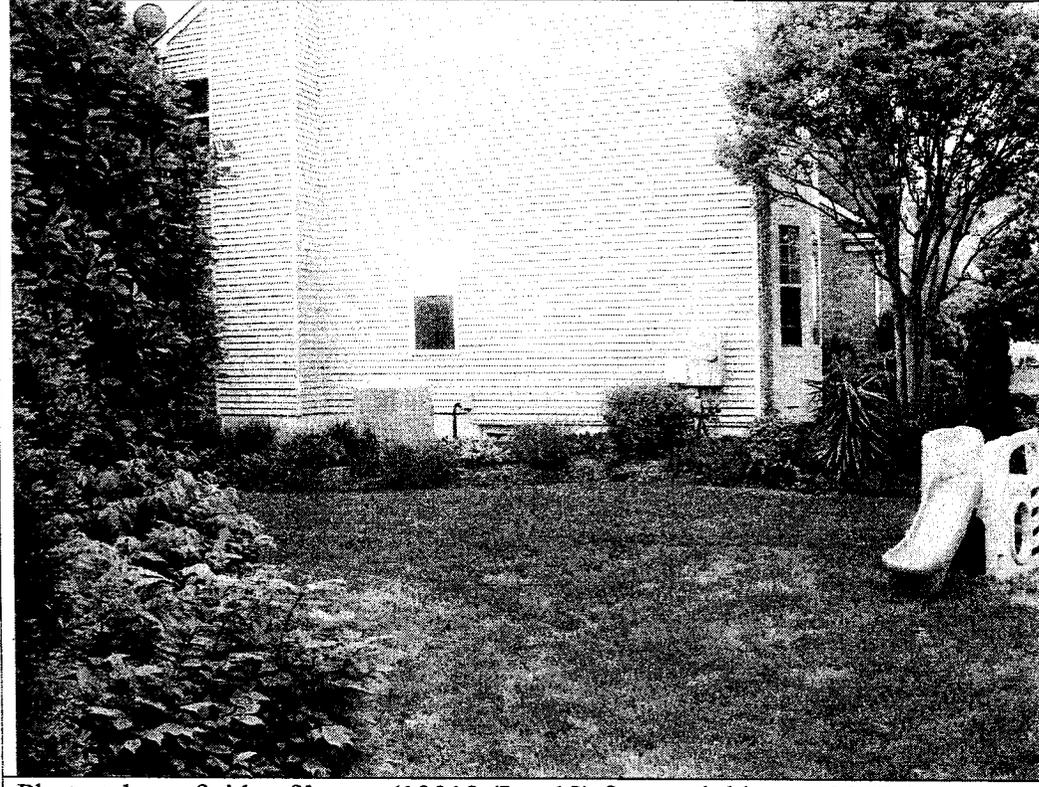


Photo taken of side of house (13019 (Lot 18) from neighbors, 13017 (Lot 17)

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Department of Planning & Zoning  
MAY 15 2009  
Zoning Evaluation Division

Photo Position #8



Photo taken of rear side of house through tree area from corner property line standing on neighbors lot 13017 (Lot 17).

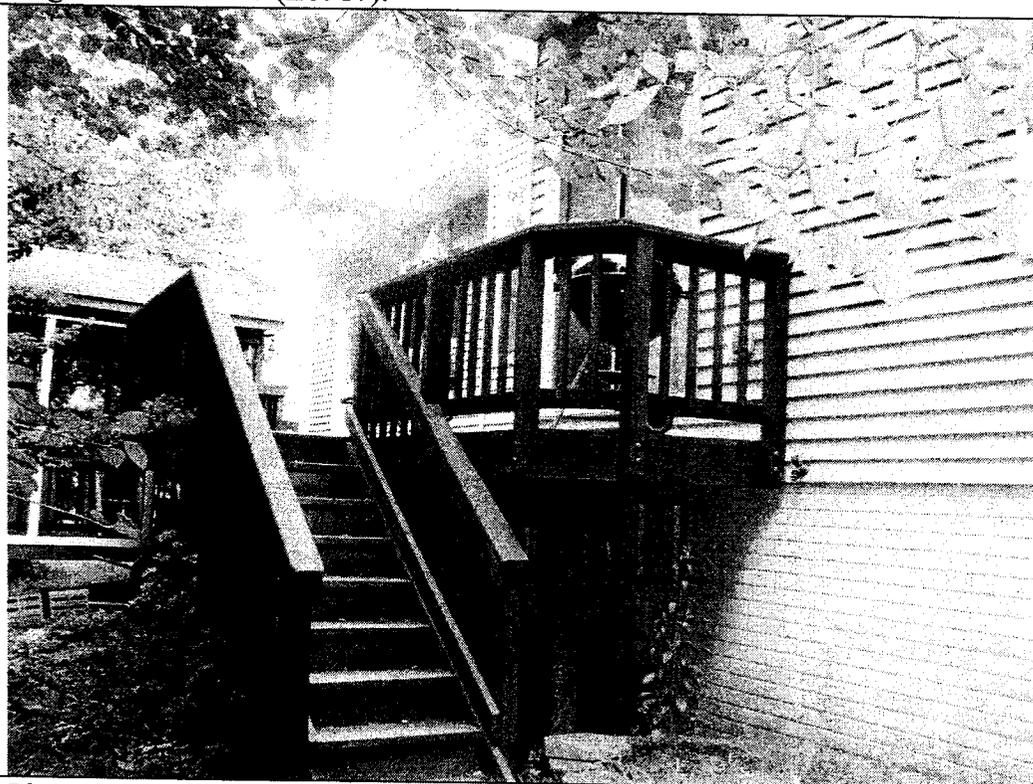


Photo taken of rear side of house from in front of the trees standing on the property, 13019 (Lot 18)

Photo Position #9



Picture from ground standing on property 13019 (Lot 18) looking through trees at 13015 (Lot 16)



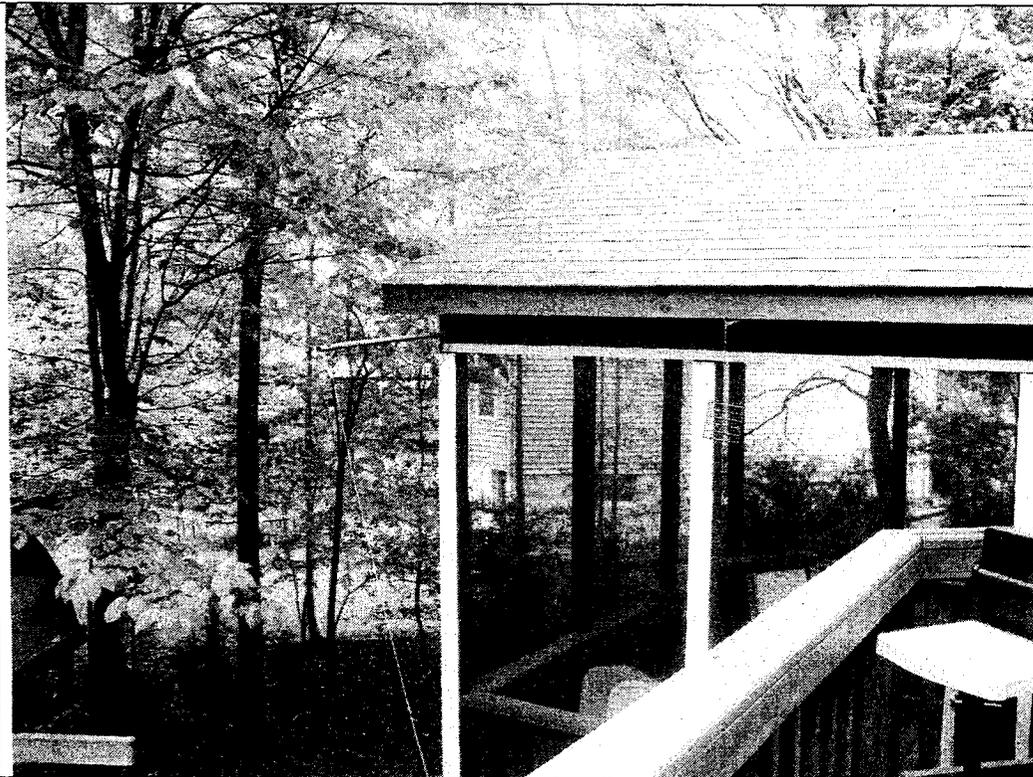
From deck of 13019 (Lot 18) looking at neighbors 13015 (Lot 16).

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MAY 15 2009  
Zoning Evaluation Division

Photo Position #10



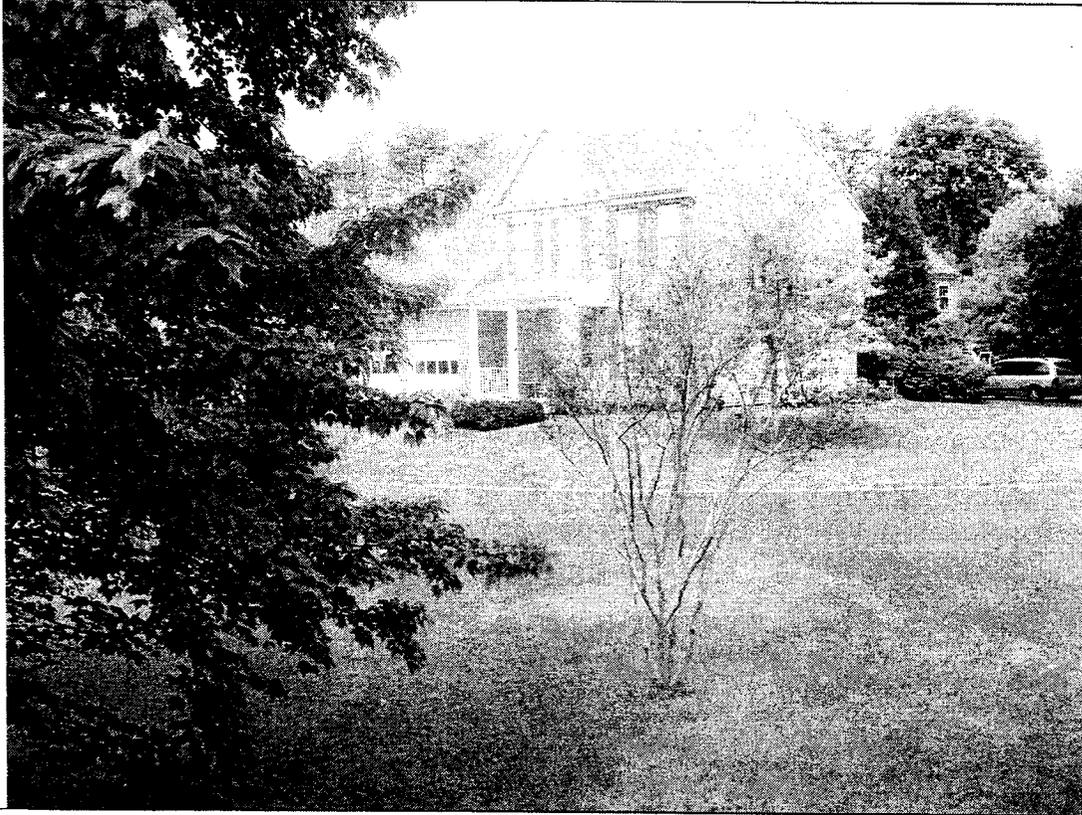
From rear yard on property 13019 (Lot 18) looking at 13021 (Lot 19), fence marks the property line.



From deck of property 13019 (lot 18) looking at 13021 (Lot 19)

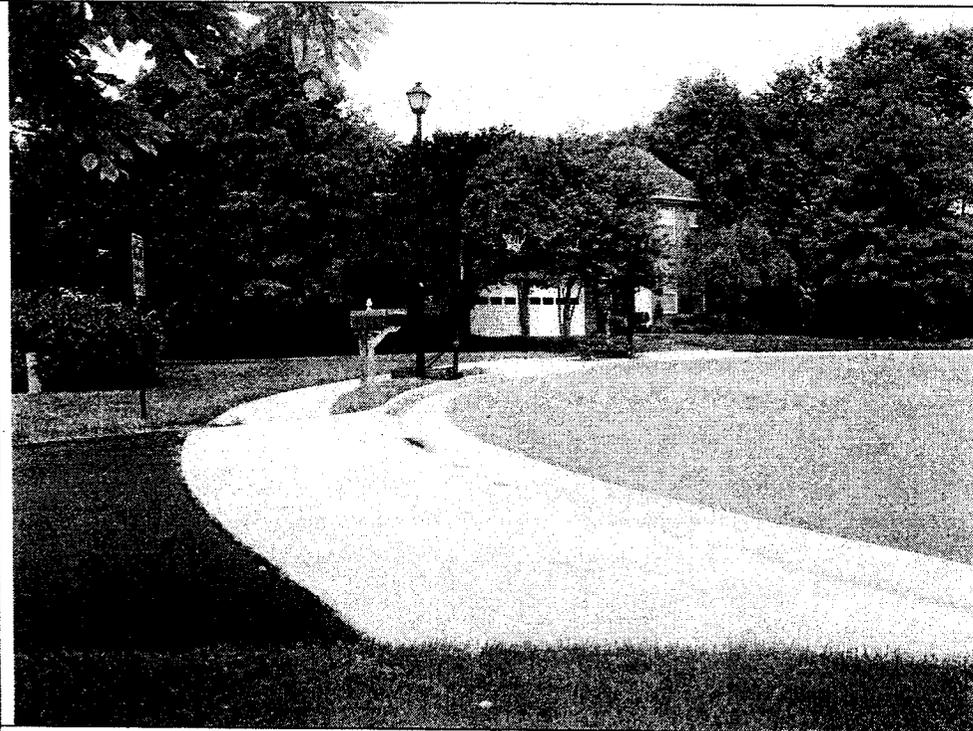
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MAY 15 2009  
Zoning Evaluation Unit

Photo Position #11



Standing on side of deck on property 13019 (Lot 18) looking across pipe stem at 13025 (Lot 21).

Photo Position #12



Taken from side of house 13019 (Lot 18) looking across pipe stem at 13022 (Lot 23)

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**Paul & Christine Hancher**  
**13019 Piney Glade Rd**

**5/14/2009**

Photo Position #13



Taken from stone walkway on 13019 (Lot 18) across cul-de-sac at 13020 (Lot 24) and 13018 (Lot 25)

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Zoning Evaluation Unit

Photo Position #14



Taken from front/side yard of 13019 (Lot 18) across street at 13016 (Lot 26) and part of 13014 (Lot 27)



Taken from corner yard of 13019 (Lot 18) looking across street at 13014 (Lot 27)

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MAY 15 2009  
Zoning Evaluation Division

**Paul & Christine Hancher**  
**13019 Piney Glade Rd**

**5/14/2009**

Photo Position #15



Taken from front/side yard at neighbor 13017 (Lot 17), brick on right is the house, 13019 (Lot 18)

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Zoning Evaluation Unit

Photo Position #16



Taken from deck of 13019 (Lot 18) of side neighbor 13015 (Lot 16) through trees.



Taken from deck of 13019 (Lot 18) looking at side neighbor 13017 (Lot 17) other side of Leland pines

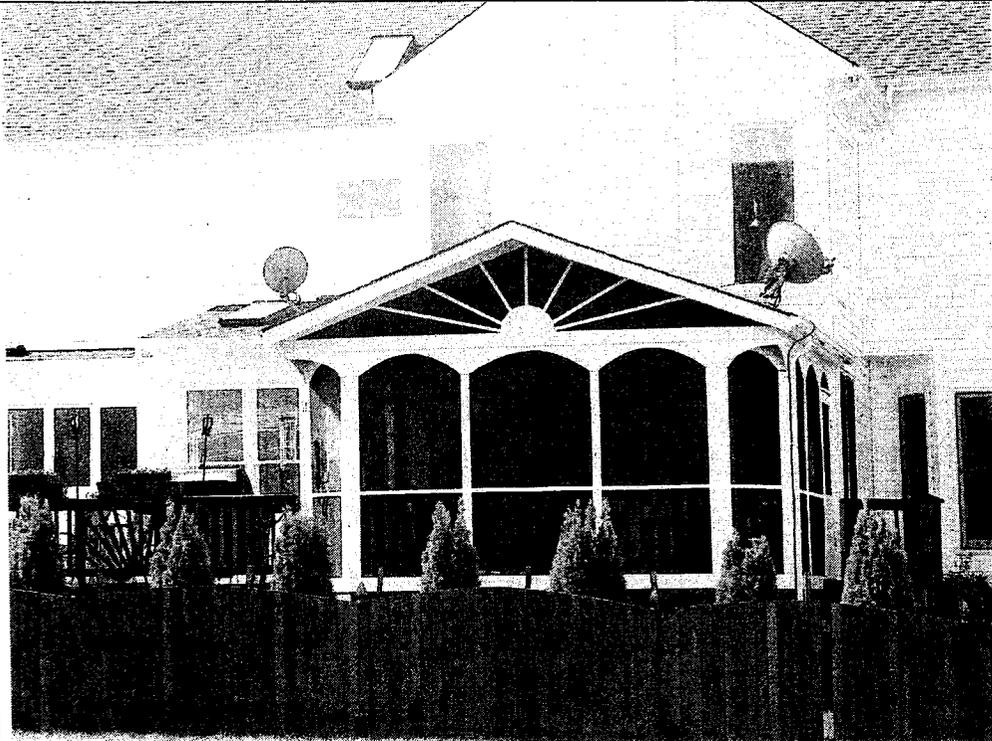
RECEIVED  
Department of Planning & Zoning  
MAY 15 2009  
Zoning Evaluation Division

**Statement of Justification**

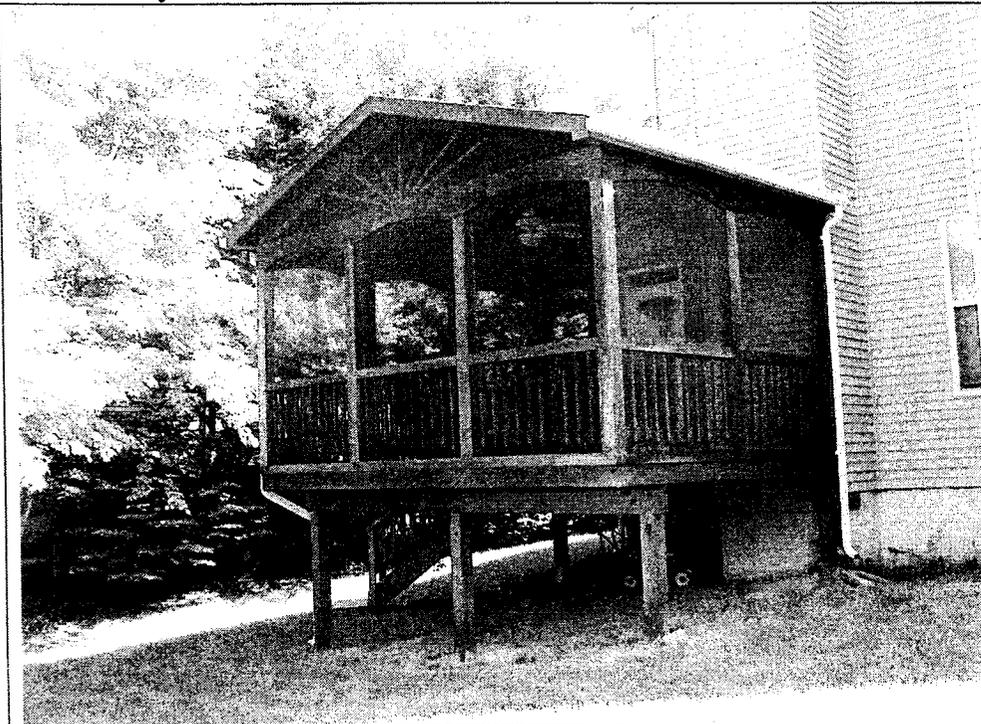
**Christine & Paul Hancher – 13019 Piney Glade Rd 6/26/2009**

Local neighbors with covered porch and deck.

2507 Glenlawn Place



13025 Piney Glade Rd



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Department of Planning & Zoning  
JUN 26 2009  
Zoning Evaluation Division

**DESCRIPTION OF THE APPLICATION**

To permit reduction of certain yard requirements to permit construction of a screened porch addition to be located 12.6 feet from the rear lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	Addition	Rear	25.0 feet	12.6 feet	12.4 feet	49%

\*Minimum yard requirement per Section 3-307

**EXISTING SITE DESCRIPTION**

The site is currently zoned R-3, developed under the Cluster regulations, and contains a single family detached dwelling, built in 1994. The lot consists of 8,751 square feet and is surrounded by single family detached homes on all lot lines. There is an existing wood screened porch and wood deck located along the rear of the dwelling. The site is accessed via a pipestem located along the western side lot line. The site is developed with mature vegetation, as depicted on a landscape plan submitted by the applicant.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3 (Cluster)	Single Family Detached Dwellings
<b>East</b>	R-3 (Cluster)	Single Family Detached Dwellings
<b>South</b>	R-3 (Cluster)	Single Family Detached Dwellings
<b>West</b>	R-3 (Cluster)	Single Family Detached Dwellings

## BACKGROUND

Following the adoption of the current Ordinance, the BZA has heard the following similar special permits or variances in the vicinity of the application parcel:

- Variance VC 96-H-087 was approved on September 25, 1996 for Tax Map 25-1 ((18)) 21, zoned R-3, at 13025 Piney Glade Road, to permit construction of an addition 16.9 feet from the rear lot line.

## ANALYSIS

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

- **Title of Plat:** Plan Showing Proposed Porch, Lot 18, Section Three, Sycamore Lakes
- **Prepared by:** Dewberry & Davis LLC, dated June 25, 2009 as revised through August 11, 2009

### Proposal:

The applicant proposes to construct a screened porch addition, which measures 18 x 16 feet in size (288 square feet), to be located 12.6 feet from the rear lot line. The applicant also proposes by right construction of a 10 x 13 open deck along the rear of the dwelling. Portions of an existing deck and covered porch will be replaced and reconfigured with the proposed addition and decking.

## ZONING ORDINANCE REQUIREMENTS

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

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

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

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

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

*General Standard 3* requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of the screened porch addition will not adversely affect the use or development of neighboring properties since there are many homes with such additions within the neighborhood. Although the lots are relatively small, they contain significant mature vegetation. The proposed screened porch will replace and only slightly expand an existing screened porch and decking along the rear of the dwelling. Therefore, staff does not believe the addition would adversely affect the use or development of neighboring properties and this standard has been met.*

*General Standard 5* requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The proposed addition will consist of a screened porch and decking in a location where there currently exists a screened porch and decking. No vegetation is proposed to be removed to accommodate the construction. There is existing mature vegetation between the subject property and Lot 16, which is the most affected lot. Therefore, staff believes no additional landscaping or screening would be required and this standard has been met.*

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

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

*Standard 4* states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing dwelling is 2,511 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,766.5 square feet in size for a possible total square footage at build out of 6,277.5. The proposed addition is 288 square feet, for a total square footage of the house with the addition of 2,799 square feet. Therefore the application meets this provision.*

*Standard 6* states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed screened porch addition will be compatible with the architecture of the existing dwelling on the*

*lot. The applicant proposes to replace an existing screened porch and decking to accommodate the new structures, of which the new decking would be permitted by right. Staff believes that the application meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The applicant proposes to construct the screened porch addition in an area where there is currently a screened porch structure. There is ample mature vegetation between the subject property and the most affected lot, Lot 16, to screen the proposed addition. No vegetation is proposed to be removed with the new construction, and staff believes the addition will be harmonious with surrounding off-site uses. Therefore, staff believes that the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a screened porch and by right decking will have very little impact on stormwater runoff, noise, light, air, safety or erosion as they will replace existing structures on site and light and air flow will not be impeded. Staff believes that the application meets this provision.*

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

## **CONCLUSION**

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

## **RECOMMENDATION**

Staff recommends approval of SP 2009-HM-082 for a screened porch addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

## **APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS****SP 2009-HM-082****November 10, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-HM-082 located at Tax Map 25-1 ((18)) 18 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a screened porch addition (288 square feet), as shown on the plat prepared by Dewberry & Davis LLC, dated June 25, 2009 as revised through August 11, 2009, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,511 square feet existing + 3,766.5 square feet (150%) = 6,277.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

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

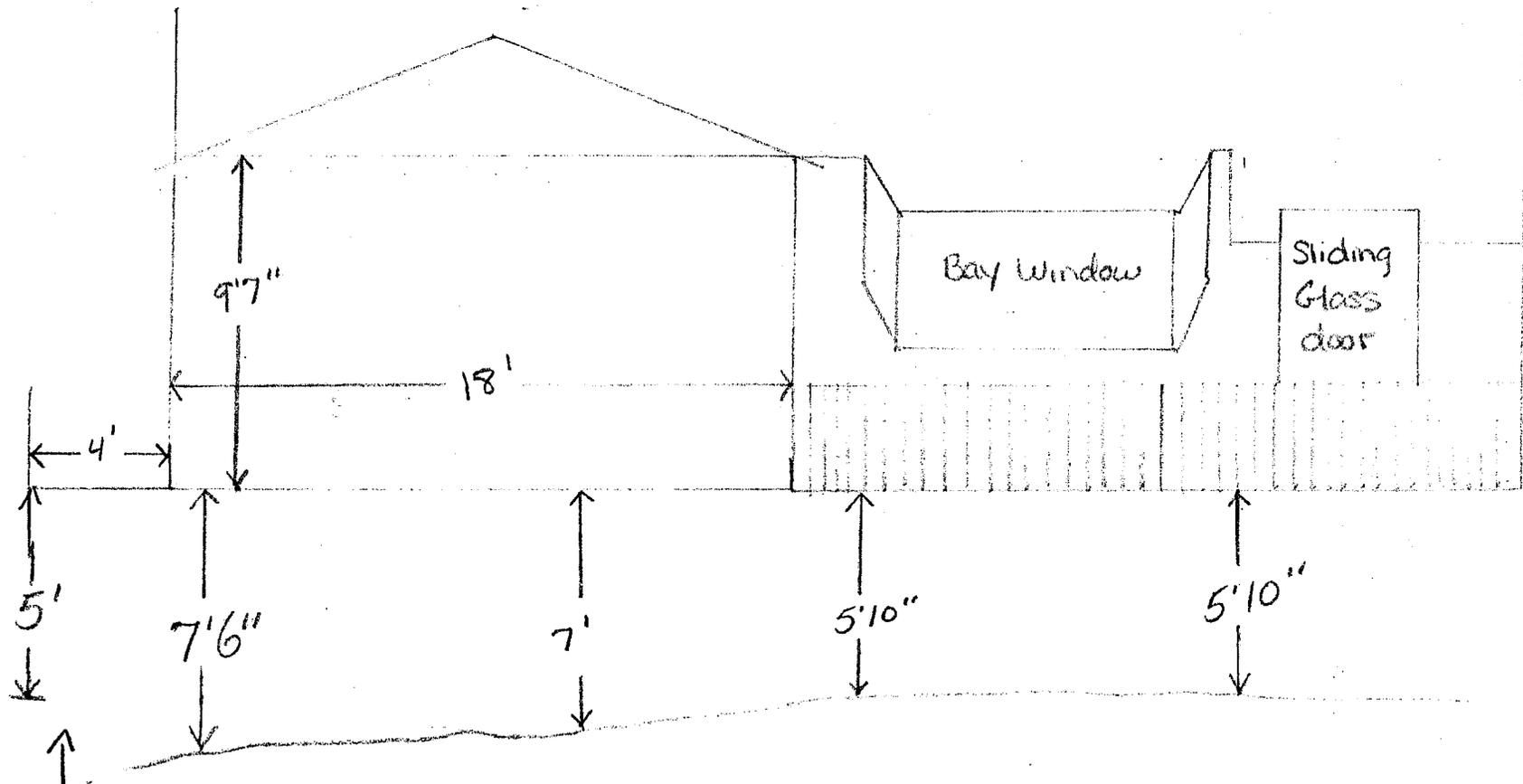
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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



# Proposed Deck Elevation - 13019 PINEY GLADE RD

## HANCHER

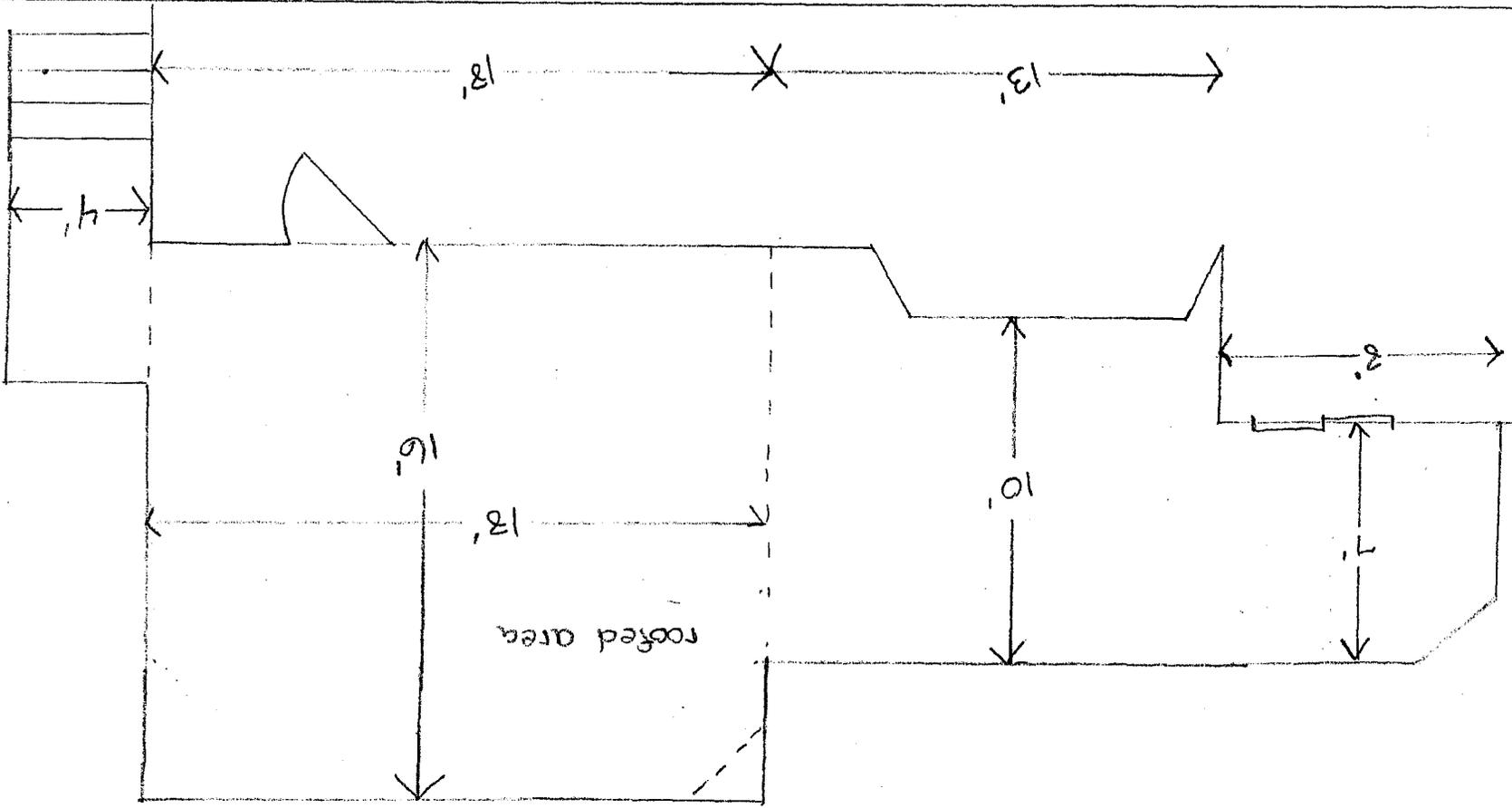
Rear view



This portion is for stairs and does not extend full length of covered deck area



22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS



HANCHER

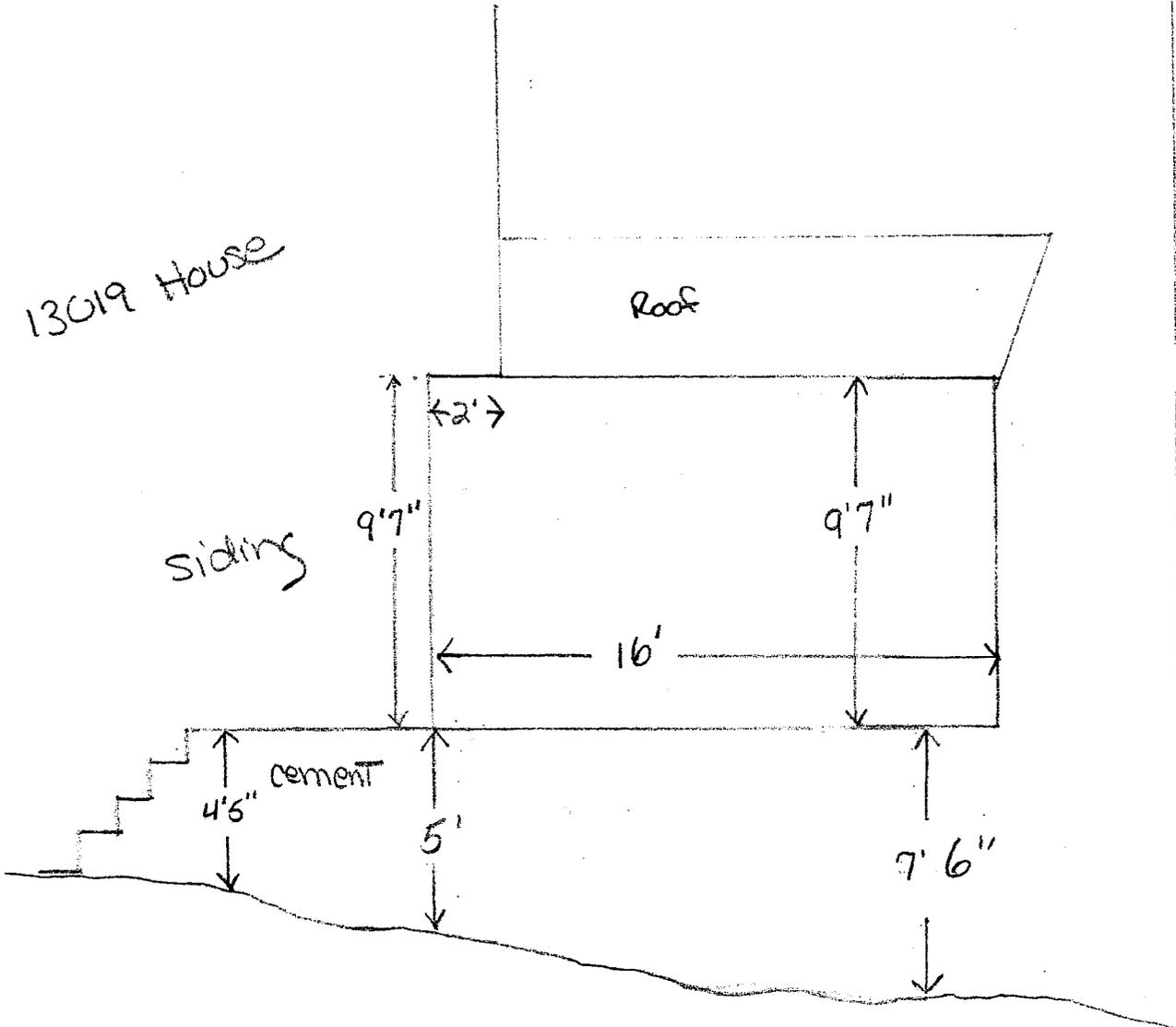
Proposed Deck

15019 WINEY LAKE RD

Proposed Deck elevation - side view

22-141 50 SHEETS  
22-142 100 SHEETS  
22-143 200 SHEETS  
AMPAC

13019 House



Application No.(s): SP 2009-HM-082  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/8/09  
 (enter date affidavit is notarized)

I, PAUL T. HANCHER, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)  applicant 104689a  
 applicant's authorized agent listed in Par. 1(a) below

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
PAUL T. HANCHER CHRISTINE L. HANCHER	13019 PINEY GLADE ROAD HERNDON, VA 20171	<b>OWNER/APPLICANT</b>

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

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

Application No.(s): SP 2009-HM-082  
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**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

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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):

SP 2009-HM-082

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

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

6/8/09

(enter date affidavit is notarized)

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)

N/A

(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):

SP 2009-HM-082

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

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

6/8/09

(enter date affidavit is notarized)

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): SP 2009-HM-082  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/8/09  
(enter date affidavit is notarized)

104689a

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.

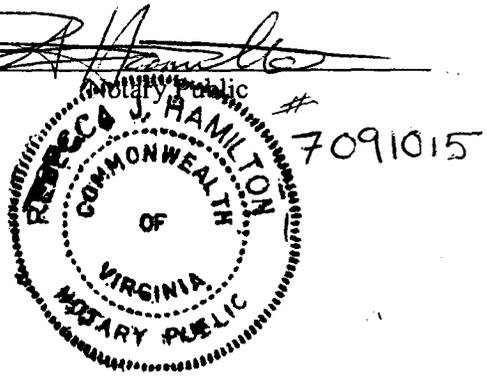
WITNESS the following signature: [Signature]

(check one)  Applicant [ ] Applicant's Authorized Agent

PAUL T. HANCHER  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 8<sup>th</sup> day of June 2009, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: May 31, 2011



**Statement of Justification****Christine & Paul Hancher – 13019 Piney Glade Rd 6/26/2009**

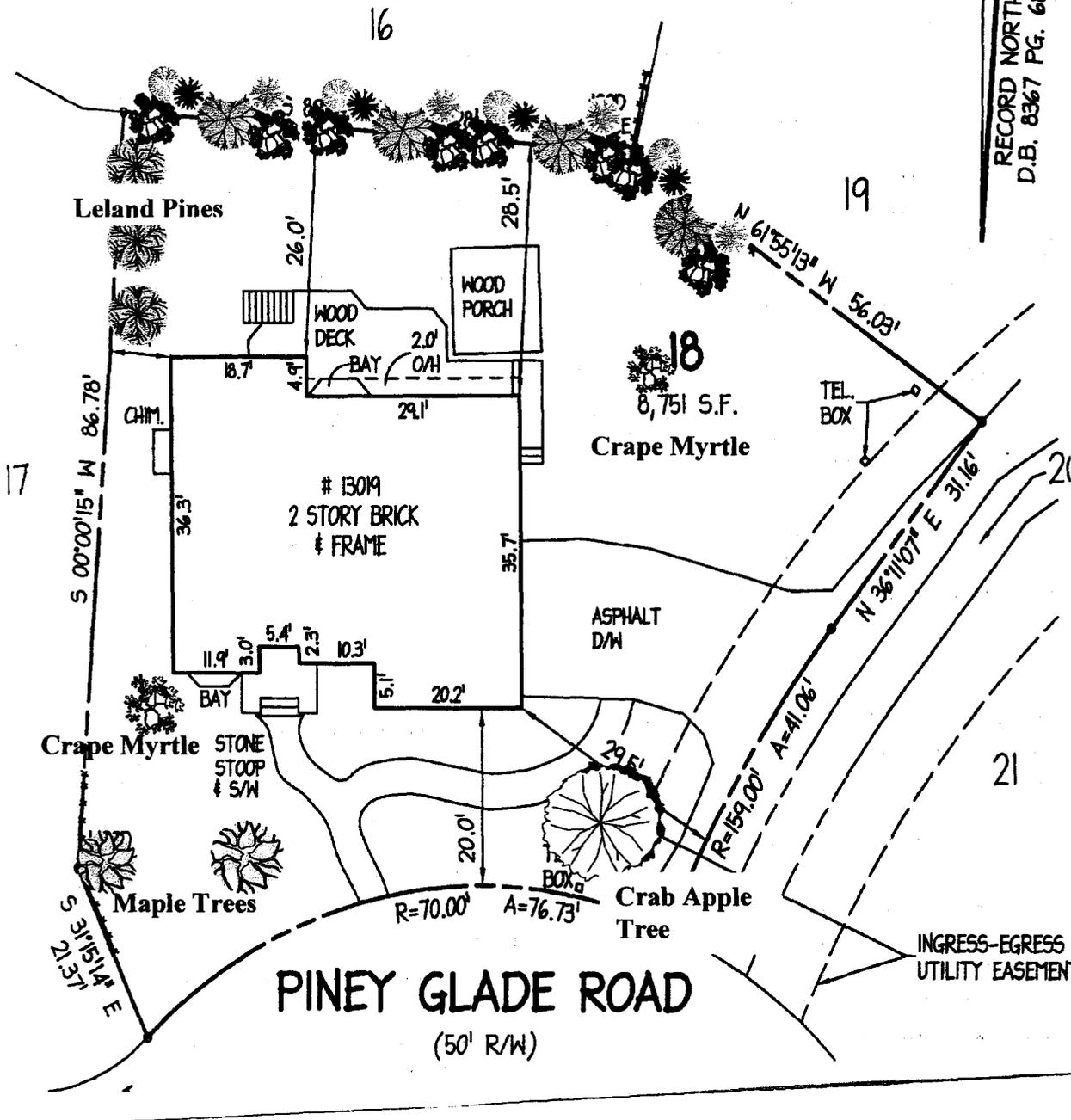
- a. Description
  - Reconfigure deck and covered screen porch in rear yard. Covered deck will be 18' x 16' and the open deck will be 10' x 13' with a small section that is 7' x 8'. The material on the deck will be a composite such as Aztec or comparable product. The wood for deck and porch will be the natural wood color. The shingles on the roof of the porch will be consistent with the shingles used on the house. The look of the porch will blend in with the house as much as possible.
- b. Accessory structure in the front yard
  - N/A
- c. Year house was built and existing setbacks
  - 1993
  - Existing minimum front yard setback: 20.0'
  - Existing minimum east side yard setback: 8.4'
  - Existing minimum west side yard setback: 29.5'
  - Existing minimum rear yard setback: 26.0'
- d. Square footage of structure
  - House sq. ft.: 2511 sq. ft.
  - Existing deck to be removed: 339 sq. ft.
  - Existing covered screen porch to be removed: 144 sq. ft.
  - Proposed deck: 226 sq. ft.
  - Covered screen porch: 288 sq. ft.
- e. Subordination of square footage
  - Reconfigured deck and covered screen porch will be subordinate to the principle structure
  - Total sq ft of subordinate structure, i.e. deck and covered screen porch is 514 sq. ft. which is an increase of 31 sq. ft. or 6% more than the existing deck and covered screened porch
- f. Compatibility
  - New structure is compatible with house moving entire deck to single level to accommodate wheel chair access.
  - New deck and screened porch is consistent with existing decks and screened porches within the surrounding neighborhood. (See attached pictures).
- g. Compatibility with off-site uses
  - Proposed deck and covered screen porch is similar in size and configuration to neighboring properties.
- h. Impact on adjacent properties
  - The tree line separating rear yard from neighboring properties obscures view of rear house and deck. Also proposed structure will blend in better with exterior of current house than current deck and porch structure. Tree line will not be removed from between properties.
- i. Minimum reduction necessary
  - Minimum required yard does not change, however the level of the covered screen porch will be elevated from 3'-10" to 7'-6" at the highest point, to the level of the deck, to accommodate accessibility. The new covered screen porch will be raised to match the height of the existing deck and due to the sloping rear yard the deck height will range from 5' to 7'-6".

RECEIVED  
 Department of Planning & Zoning  
 JUN 26 2009  
 Zoning Evaluation Division

**Landscape  
Hancher – 13019 Piney Glade Rd**

**5/14/2009**

Various trees have grown between the properties 13019 (Lot 18), 13021 (Lot 19) and 13015 (Lot 16). Trees include but are not limited to – Maple, Dogwood and Cherry. Not planning on removing any trees



### **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.