



County of Fairfax, Virginia

November 24, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2009-PR-092

PROVIDENCE DISTRICT

APPLICANT: Glenn R. Anderson

OWNERS: Glenn R. Anderson
Catherine M. Anderson

STREET ADDRESS: 2336 Addison Street

SUBDIVISION: Oak Ridge

TAX MAP REFERENCE: 39-3 ((6)) 19

LOT SIZE: 31,790 square feet

ZONING DISTRICT: R-1

ZONING ORDINANCE PROVISION: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 33.7 feet from the front lot line of a corner lot.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-SP-092 for a garage 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:\dhedr\Special Permits\12-1) SP 2009-PR-092 Anderson\SP 2009-SP-092 Anderson 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.

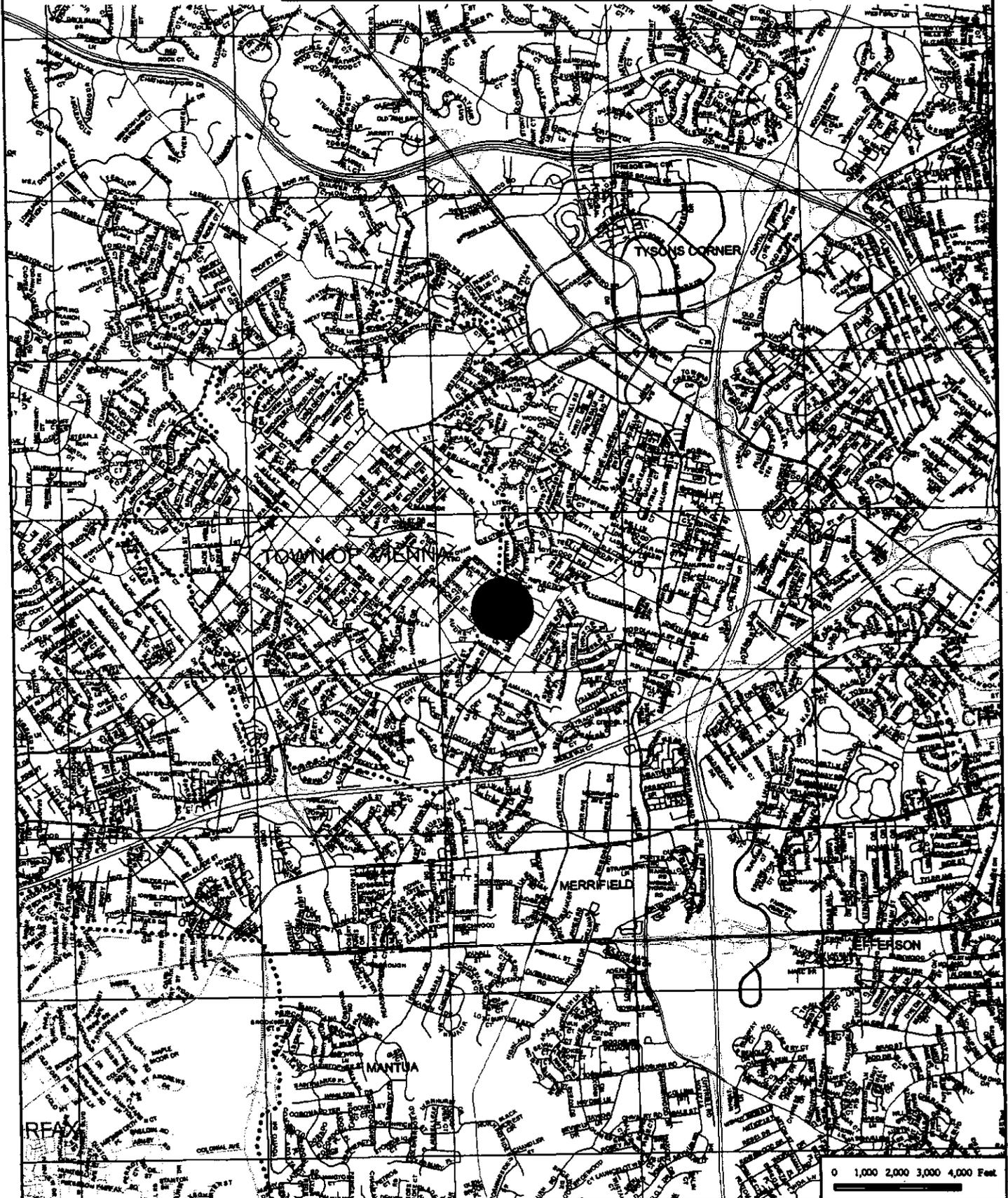
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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.**

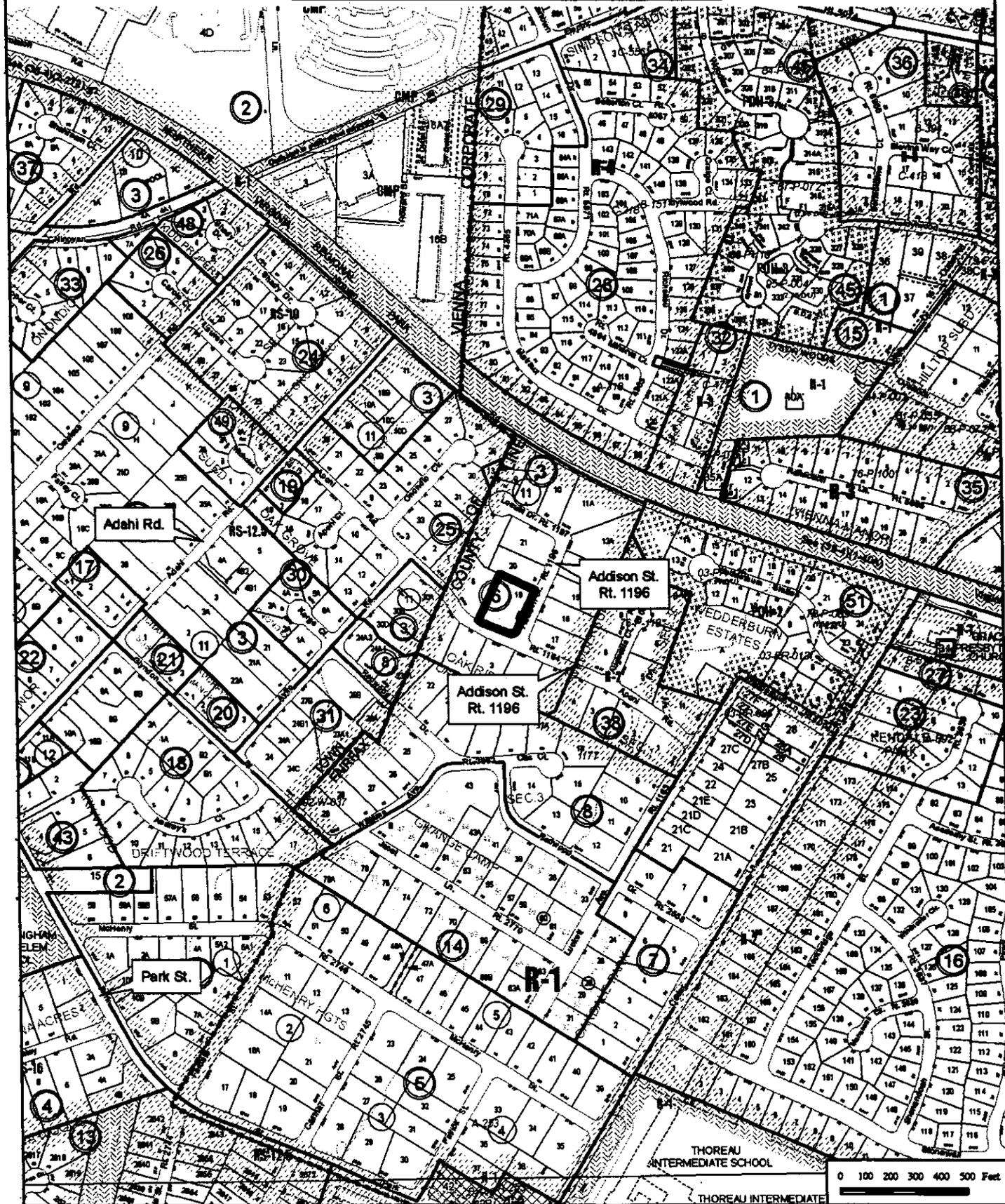


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2009-PR-092
GLENN ANDERSON

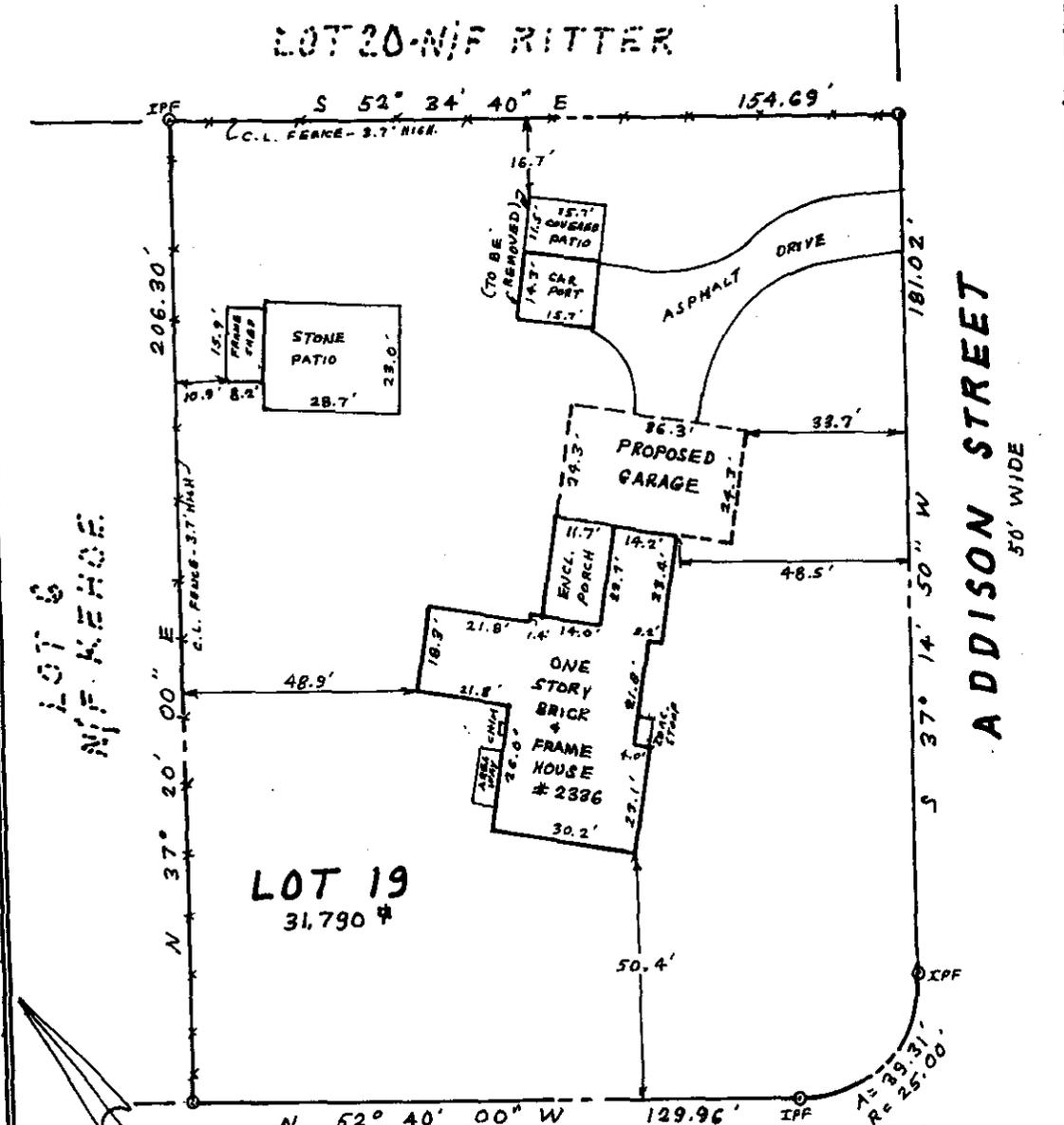


Special Permit
SP 2009-PR-092
GLENN ANDERSON



- NOTES:**
1. THE HOUSE ON THIS PROPERTY DOES NOT APPEAR TO BE IN THE 100 YEAR FLOOD PLAIN IN ACCORDANCE WITH VISIBLE FIELD EVIDENCE, BUT THERE IS NO CERTIFICATION TO SAME AS NO FLOOD PLAIN STUDY WAS ORDERED OR PERFORMED BY THIS FIRM.
 2. FENCE MEANDER LOCATIONS, IF SHOWN, ARE IN THE APPROXIMATE VICINITY ± AS INDICATED, BUT THERE IS NO CERTIFICATION AS TO OWNERSHIP. A SPECIFIC FENCE AND BOUNDARY SURVEY WILL BE REQUIRED TO SHOW THE EXACT FENCE LOCATION AS TO THE BOUNDARY LINE.
 3. THIS PLAT WAS PREPARED WITH A VERY LIMITED RECORD SEARCH BY THIS FIRM WITHOUT THE BENEFIT OF A FORMAL RENDERED TITLE REPORT BY OTHERS FOR THE PROPERTY SHOWN OR FOR ADJACENT PROPERTIES AND MAY NOT THEREFORE NECESSARILY INDICATE ALL UNDERLYING UTILITIES, EASEMENTS AND/OR ENCUMBRANCES ON THE PROPERTY. ALL PREVIOUSLY RECORDED RIGHTS OF WAY, EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS OF THE STATE, COUNTY OR OTHERS REMAIN IN FULL FORCE AND EFFECT. FOR FURTHER INFORMATION, SEE TITLE REPORT.
 4. THE BOUNDARY AND AREA INFORMATION INDICATED ON THIS PLAT HAS BEEN DERIVED FROM DEEDS AND/OR PLATS OF PUBLIC OR PRIVATE RECORD, AND IS NOT THE FINDINGS OF A CURRENT BOUNDARY SURVEY BY THIS FIRM. - [IFF - IRON PIN OR PIPE FOUND,
 5. BUILDING HEIGHTS: EX. HOUSE - 17.3', CAR PORT - 9.3', SHED - 10.5', PROP. GARAGE ADDN - 23.5'.
 6. GROSS FLOOR AREA: EX. HOUSE - 2963 SF, PROP. GARAGE ADDN - 882 SF AND THE PROPOSED PERCENTAGE INCREASE IS 29.8 %.

LOT 20-N/F RITTER



APONI ROAD
50' WIDE

PHYSICAL SURVEY
LOT 19
SECTION 2

OAK RIDGE

PROVIDENCE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30' JUNE 12, 2009 REV. JUNE 26, 2009
REV. AUG. 17, 2009

HOLMES SMITH

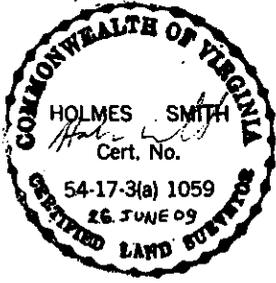
★ ENGINEERING ♦ SURVEYING ♦ LAND PLANNING ★

MANASSAS, VIRGINIA
HSMITH@COMTEKMAIL.COM

since "1969"

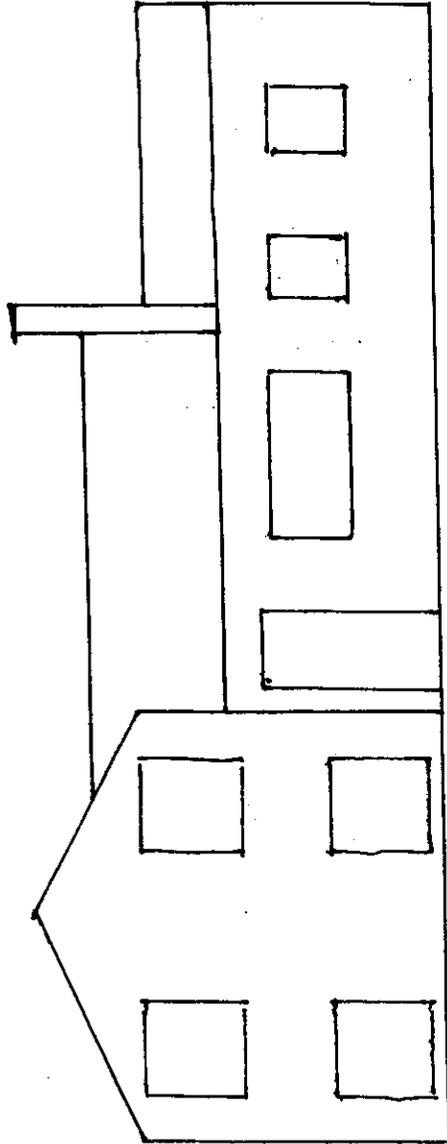
(703) 368-5829 (fax) (703) 366-3845

© 2009 by HOLMES SMITH



Applicant: Glenn Anderson
Address: 2336 Addison St. Vienna VA 22180

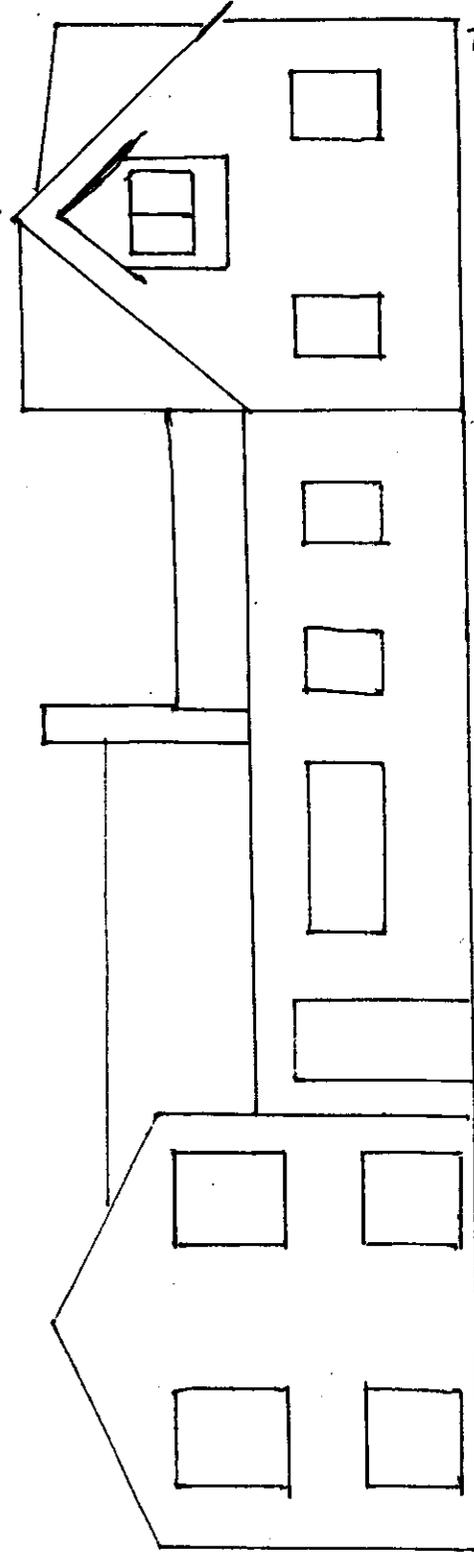
Existing Front Elevation



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Applicant: Glenn Anderson
Address: 2336 Addison St. Vienna VA 22180

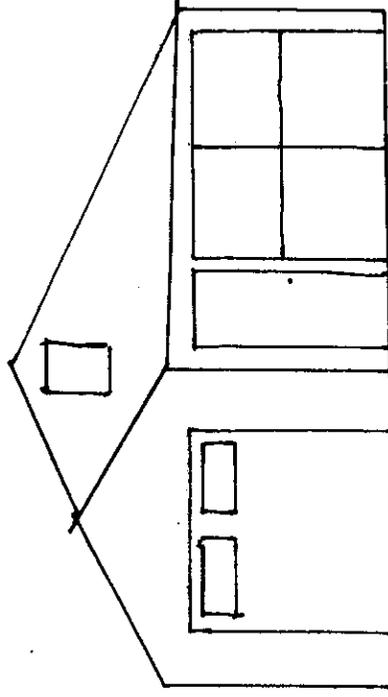
Proposed Front Elevation



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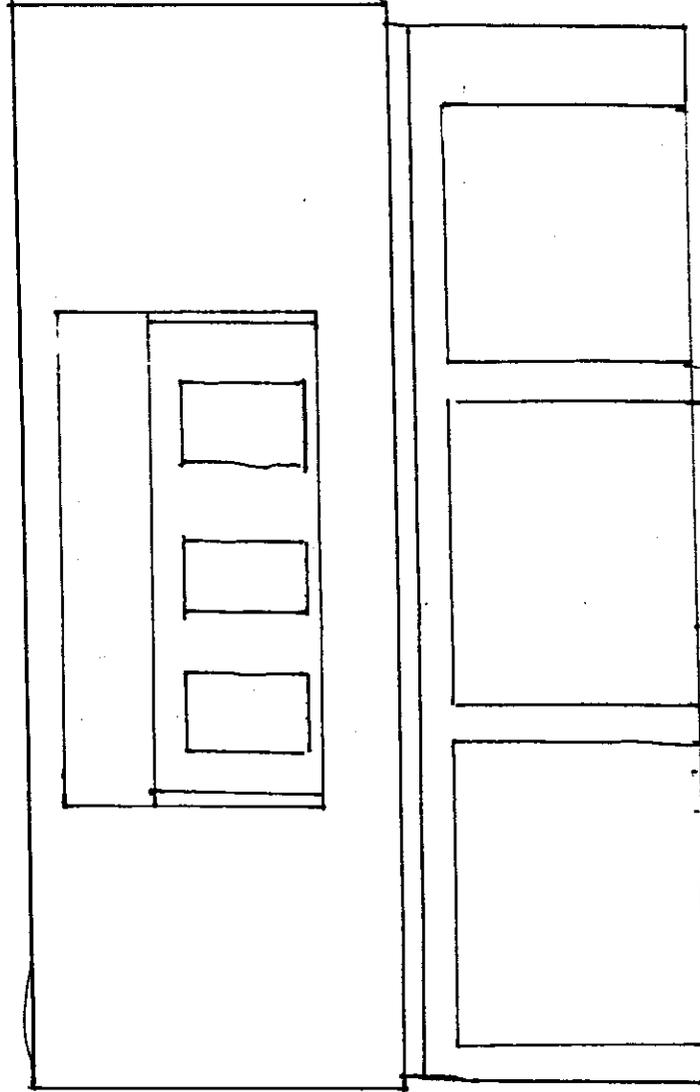
Existing Side Elevation



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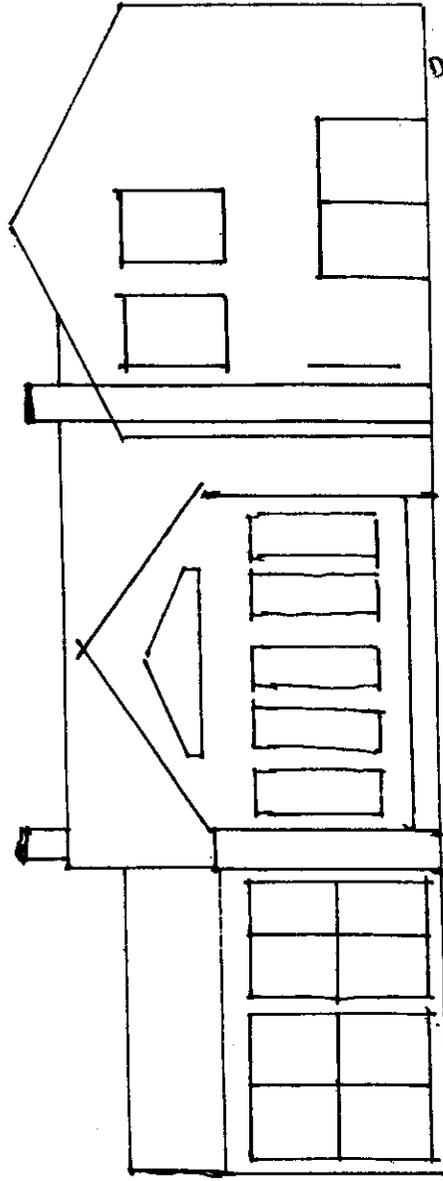


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Applicant: Glenn Anderson
Address: 2336 Addison St. Vienna VA 22180

Existing Rear Elevation

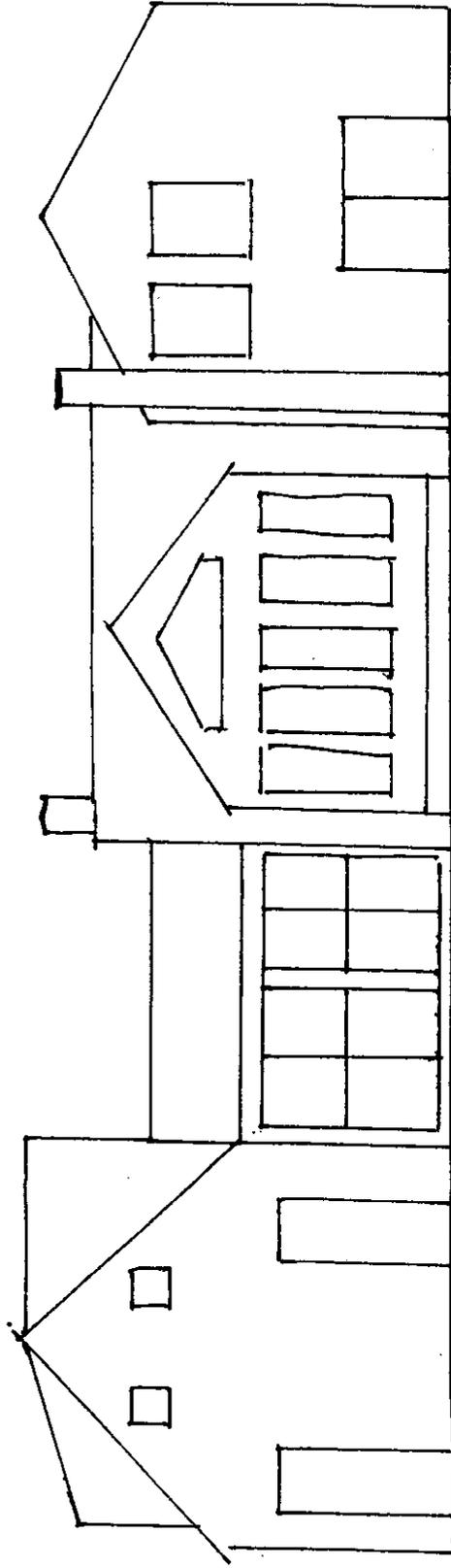


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Applicant: Glenn Anderson
Address: 2336 Addison St. Vienna VA 22180

Proposed Rear Elevation

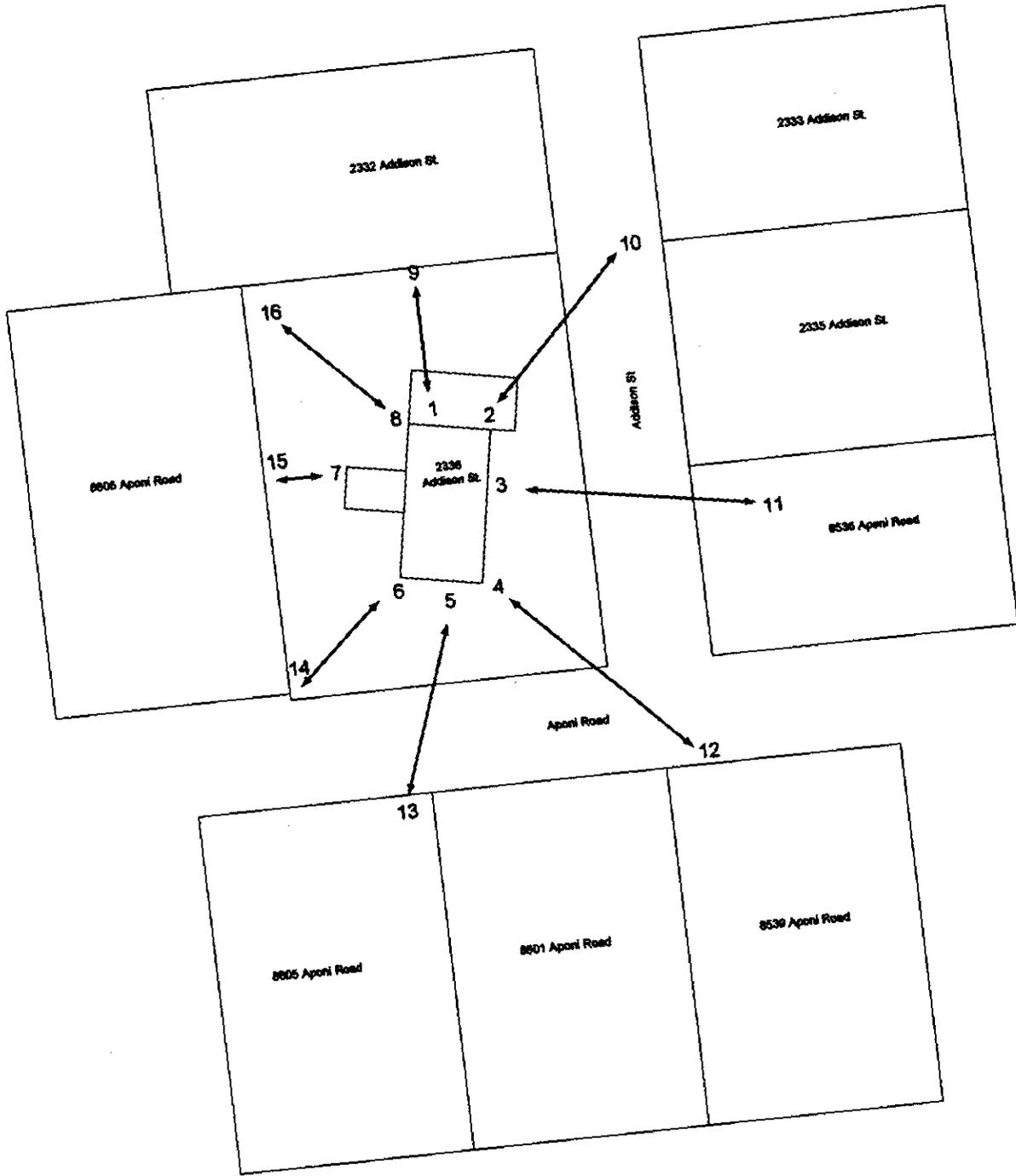


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Final Permit, Variance Request, Par 4
Agent: Glenn R. Anderson
Address: 2336 Addison St Vienna VA 22180
Date: June 20, 2009





Picture 1,
From house
Side yard
facing 2332 Addison



Picture 2,
From house
Side yard
Facing 2333 Addison

Glenn Anderson
2336 Addison St.
Vienna VA 22180
June 28, 2009

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Picture 3,
From house
front yard
facing 8536 Aponi



Picture 4,
From house
Front yard
Facing 8539 Aponi

Glenn Anderson
2336 Addison St.
Vienna VA 22180
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Picture 5,
From house
side yard
facing 8601/5 Aponi



Picture 6,
From house
Side/rear yard
Facing 8605 Aponi

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2336 Addison St.
Vienna VA 22180
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Picture 7,
From house
rear yard
facing 8606 Aponi



Picture 8, 
From house
Rear/Side yard
Facing 8606 Aponi
& 2332 Addison

Glenn Anderson
2336 Addison St.
Vienna VA 22180
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Picture 10,
Facing house
Side/front yard
from 2333 Addison



Picture 11,
Facing house
Front yard
from 8536 Aponi

Glenn Anderson
2336 Addison St.
Vienna VA 22180
June 28, 2009

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Picture 12,
Facing house
Side/front yard
from 8539 Aponi



Picture 13,
Facing house
Side yard
from 8601 Aponi

Glenn Anderson
2336 Addison St.
Vienna VA 22180
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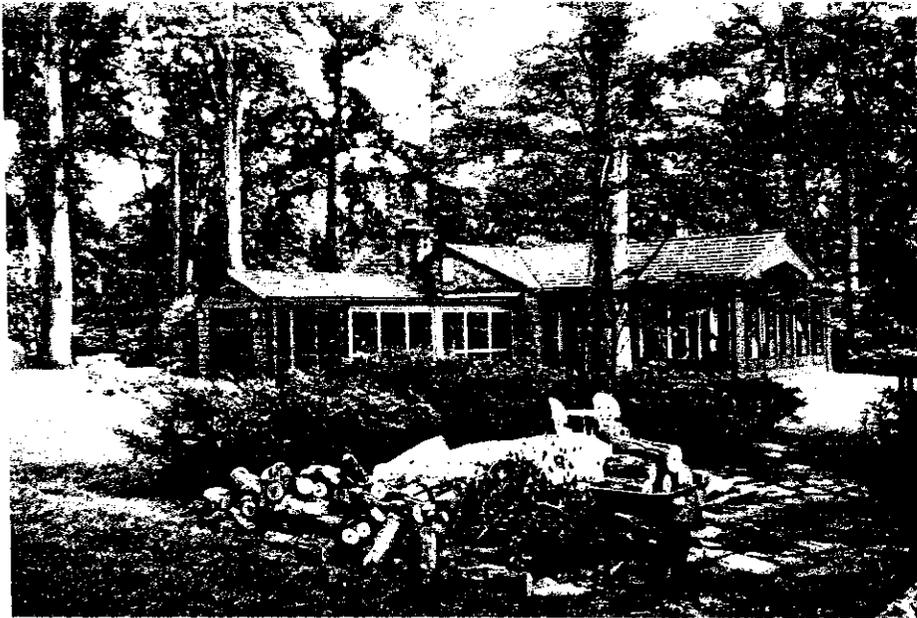
Picture 14,
Facing house
Side/rear yard
from 8605 Aponi



Picture 15,
Facing house
rear yard
from 8606 Aponi

Glenn Anderson
2336 Addison St.
Vienna VA 22180
June 28, 2009

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Picture 16,
Facing house
Side/rear yard
from 8605 Aponi
& 2332 Addison



Picture 9,
Facing house
side yard
from 2332 Addison

Glenn Anderson
2336 Addison St.
Vienna VA 22180
June 28, 2009

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DESCRIPTION OF THE APPLICATION

To permit reduction of certain yard requirements to permit construction of a single level three (3) car garage addition to be located 33.7 feet from the front lot line of a corner lot.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Front	40.0 feet	33.7 feet	6.3 feet	16%

*Minimum yard requirement per Section 3-107

EXISTING SITE DESCRIPTION

The site is currently zoned R-1 and contains a single family detached dwelling, built in 1955. The lot consists of 31,790 square feet and is surrounded by single family detached homes on all lot lines. There is an existing frame shed located in the rear yard, along with an existing carport and covered patio located in the eastern side yard which are proposed to be removed. The site is accessed via an asphalt driveway from Addison Street. The property has two (2) front yards, a front yard facing Addison Street and a front yard facing Aponi Road, which the applicant uses as a side yard. The lot has extensive mature vegetation and a well manicured lawn.

CHARACTER OF THE AREA

	Zoning	Use
North	R-1	Single Family Detached Dwellings
East	R-1	Single Family Detached Dwellings
South	R-1	Single Family Detached Dwellings
West	R-1	Single Family Detached Dwellings

BACKGROUND

As depicted on the plat, a frame shed is located 10.9 feet from the northern side lot line, which has been determined to measure over 8.5 feet in height. A determination was rendered by staff from the Zoning Administration Division that the Department of Tax Administration assessment records show that an 8 foot x 16 foot shed has been taxed on record since 1993. Therefore, under Section 15.2-2307 of the Code of Virginia, the structure is deemed not illegal and can remain in its current location. A copy of the vested rights determination is attached as Appendix 4.

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

- **Title of Plat:** Physical Survey, Lot 19, Section 2, Oak Ridge
- **Prepared by:** Holmes Smith Engineering, Surveying, Land Planning, dated June 12, 2009, as revised through August 17, 2009

Proposal:

The applicant proposes to construct a one-story, three (3) car garage addition, which measures 24.3 x 36.3 feet in size (882.09 square feet), to be located 33.7 from the front lot line of a corner lot. The property currently has a one-car garage, which will be replaced with the proposed garage addition. The applicant also proposes to remove an existing carport and covered patio located adjacent to the proposed garage addition.

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 6:

- 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 garage addition will not adversely affect the use or development of neighboring properties since there are many homes with such additions within the neighborhood. The applicant is proposing to remove an existing detached carport and covered patio located in the side yard upon completion of construction of the proposed garage addition which in effect would lessen impact on the most affected property on Lot 20. 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 one-level, three (3) car garage addition to be located at the terminus of an existing asphalt driveway. The addition will be located where there currently exists a side loading one car garage, which appears to have been constructed with the original dwelling in 1955. The applicant proposes construction in the location in order to preserve significant existing mature vegetation on the lot. If the structure were to be moved back to lessen intrusion into the front yard, an existing mature oak tree would have to be removed. In a memorandum from the Forest Conservation Branch dated October 13, 2009, attached as Appendix 5, staff has indicated that a tree save area should be provided to protect both on-site and off-site trees from construction activities. The applicant agrees that protection of the existing mature vegetation is a high priority and proposed the location in order to protect as much vegetation as possible to accommodate the structure. Staff has included a development condition to address this concern and believes with this condition 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

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 garage addition in an area where there currently exists a garage, at the end of an existing asphalt driveway, while protecting existing mature vegetation on the lot, is the most logical location given existing structures on the property. Given the placement of the dwelling on the lot, having two (2) front yards, there is very little opportunity to add this type of structure except as proposed. Just looking at the plat, it appears the proposed garage can be shifted back and not need a modification. However, this standard references preservation of existing vegetation, which the proposed location will accomplish. 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-SP-092 for a garage 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. Vested Rights Determination under Section 15.2-2307
5. Forest Conservation Branch Memorandum dated October 13, 2009
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-SP-092****November 24, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-SP-092 located at Tax Map 39-3 ((6)) 19 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 one level, three (3) car garage addition (883 square feet), as shown on the plat prepared by Holmes Smith Engineering, Surveying, Land Planning, dated June 12, 2009, as revised through August 17, 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 (2,011 square feet existing + 3,016.5 square feet (150%) = 5,027.5 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.
5. The applicant shall provide tree save fencing along the eastern, western and northern portions of the site to protect the existing on-site and off-site trees from construction activities. Limits of clearing and grading shall be the

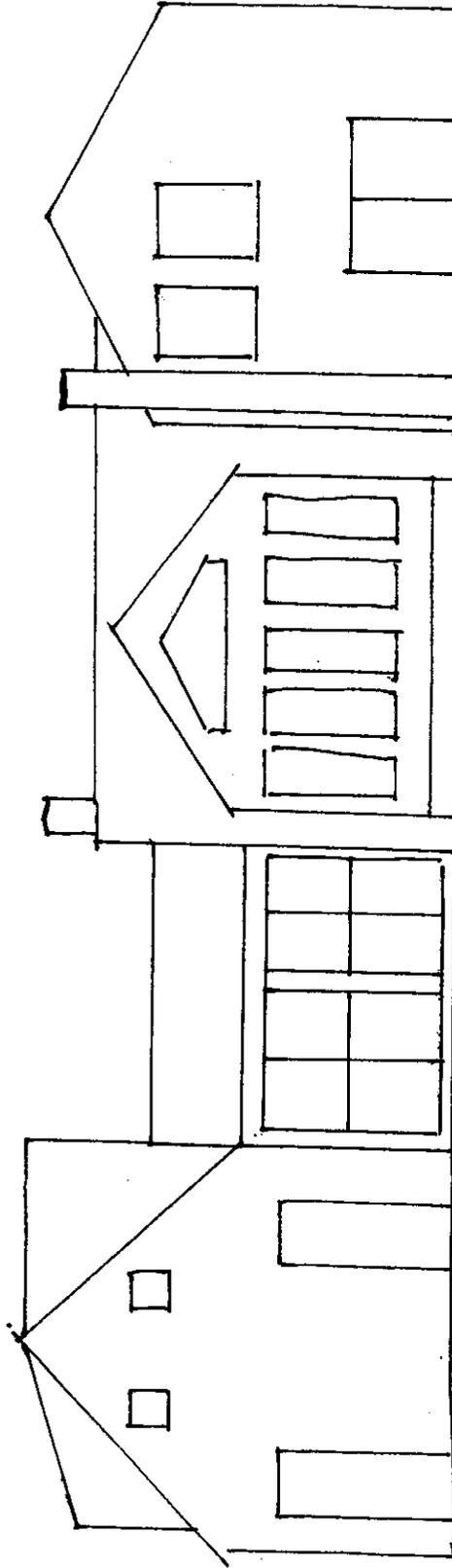
minimum amount possible to protect vegetation and tree protection fencing shall remain in place during all demolition and construction phases.

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.

Applicant: Glenn Anderson
Address: 2336 Addison St. Vienna VA 22180

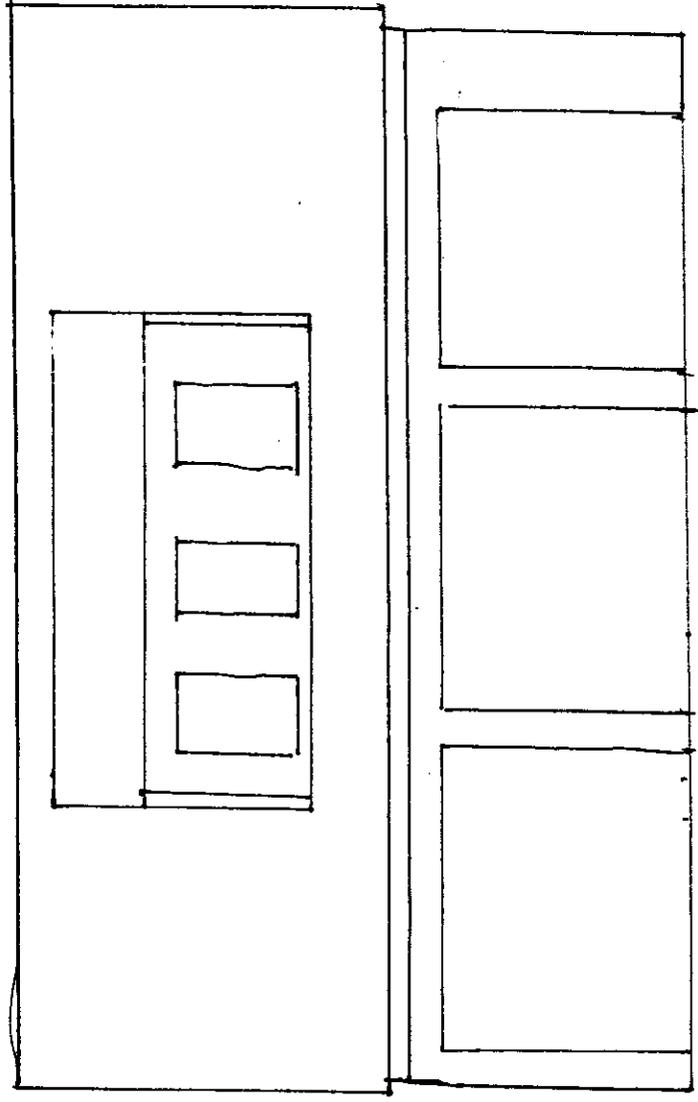
Proposed Rear Elevation



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Proposed Side Elevation

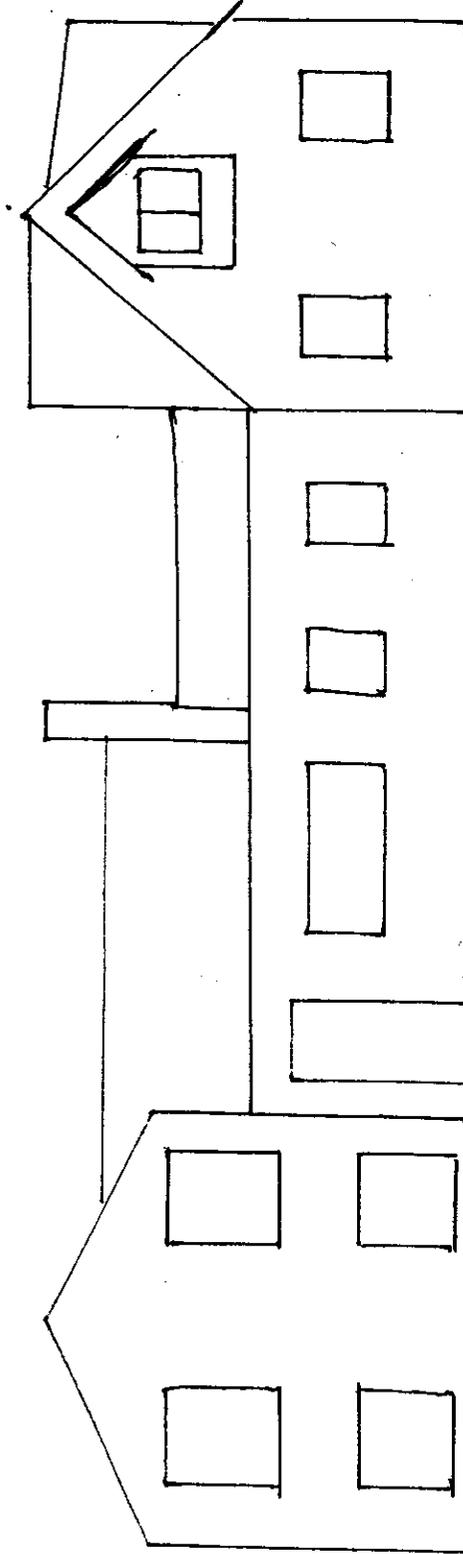


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Applicant: Glenn Anderson
Address: 2336 Addison St. Vienna VA 22180

Proposed Front Elevation



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Zoning Evaluation Division

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 24, 2009
 (enter date affidavit is notarized)

I, Glenn Anderson, 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 105187

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Glenn R. Anderson	2336 Addison St, Vienna VA 22180	Owner/Applicant
Catherine M. Anderson	2336 Addison St, Vienna VA 22180	Spouse/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: June 24, 2009
(enter date affidavit is notarized)

105187

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)
None

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)
None

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

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 24, 2009
(enter date affidavit is notarized)

105187

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)
None

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

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

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

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

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

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 24, 2009
(enter date affidavit is notarized)

105187

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

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

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

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

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

None.

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

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 24, 2009
(enter date affidavit is notarized)

105187

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:

Glenn R. Anderson

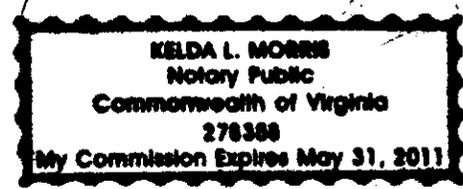
(check one) [x] Applicant [] Applicant's Authorized Agent

Glenn R. Anderson, Owner
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 24th day of June, 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Kelda L. Morris
Notary Public

My commission expires: May 31, 2011



Statement of Justification

Applicant: Glenn Anderson

Address: 2336 Addison St. Vienna VA 22180

Home phone: 703-204-1736

Date: August 20, 2009

- a. Description: Build attached single floor, 3 car garage, 24.3 feet by 36.3 feet. Materials are: wood framing with concrete foundation. Application is for reduction of front yard setback from 40 feet to 33.7 feet. Setback reduction will permit construction of addition that will:
 - i. Join and align properly with the existing structure and driveway
 - ii. Not require the removal of any of the large trees that surround the house
- b. Accessory Structure: None. However, the structures marked as "carport" and "covered patio" will both be removed once construction is completed on the proposed garage.
- c. House: Built 1955, setbacks are front 40 feet, side facing street 40 feet, rear and side away from street are each 20 feet.
- d. Existing building square footage is 2963. This includes 697.62 square foot, fully finished and heated/air conditioned basement. The proposed addition is 882.09 square feet.
- e. The square footage of the proposed addition is subordinate to the existing facility. Existing: 2962.00, proposed addition: 882.09. Percentage increase is: 29.8%.
- f. The new structure is compatible with the existing structure because:
 - i. It connects directly to the existing structure
 - ii. It is aligned with the existing structure and existing driveway
 - iii. It will contain brick elements that match existing structure
 - iv. Windows and roof will also match existing structure
 - v. Proposed location will allow us to retain the large trees
- g. The new structure is compatible with surrounding off-site uses because it is a residential addition and this matches exactly with surrounding neighboring structures. The proposed addition will not have an impact on the current use of the family home. Nor will the number of people living in the house (two adults) increase as a result of the addition for which the special permit is requested.
- h. The new structure will not create an adverse impact on adjacent properties because every effort is being made to make the addition match and align the existing structure and not look like an addition. The addition is designed so that the owners can park all of their vehicles in the addition. The alignment of the addition is designed to insure the retention of the large trees which surround the house. This will help keep the neighborhood character intact. Also, the new structure will remain largely hidden from the front street because of a huge Holley tree that we will be able to retain due to the proposed location of the addition.
- i. The location of the new structure is situated to minimize the reduction required to the front yard set-back. However, the structure cannot be move back any further from the street because of a full grown Oak tree right behind the rear of the proposed garage (that we want very much to retain).

Statement of Ownership

Applicant: Glenn R. Anderson

Address: 2336 Addison St Vienna VA 22180

Tel: 703-204-1736

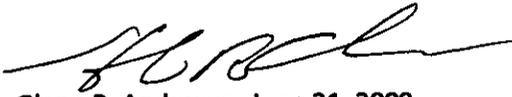
RECEIVED
Department of Planning & Zoning

JUN 29 2009

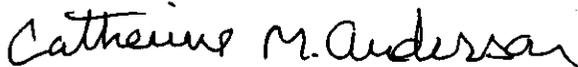
Zoning Evaluation Division

We, Glenn R Anderson and Catherine M. Anderson, attest that the property at 2336 Addison St. Vienna VA 22180 is owned solely by ourselves and we hold all rights to use this property as proposed.

Sincerely,



Glenn R. Anderson, June 21, 2009



Catherine M Anderson, June 21, 2009



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Vested Rights Determination under §15.2-2307 of the Code of Virginia

Property Tax Map Number:	39-3 ((6)) 19
Property Address:	2336 Addison Street
Requestor's Name:	Glenn R. Anderson
Requestors Address: (if different than above)	
Requestor's Phone Number:	(703) 204-1736
Current Zoning:	R-1
Magisterial District:	Providence
Subdivision Name/Section/Block/Lot No.:	Oak Ridge Section 2 Lot 19

Written Description of Structure that may be vested under §15.2-2307 of the Code of Virginia (See Attached Instruction Sheet)

The structure in question is a 8.2 ft. by 15.9 ft. storage shed which is over 8.5 feet in height and located about 39 feet from the rear property line and 10.9 feet from the side lot line. The location and dimensions are obtained from the house location plat that was submitted with the application letter. A copy of the plat is attached. Please note that this determination does not apply to the carport and covered patio, which as shown on the attached plat, are to be removed.

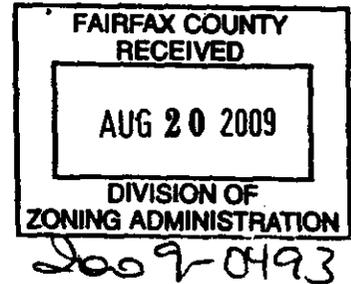
There is no evidence of a Building Permit having been issued in the second floor street files for the shed.

Department of Tax Administration assessment records show that a 8 ft. by 16 ft. shed has been on record since 1993.

Background Summary (check all that are applicable):

- A Building Permit has been issued.
- No evidence of a Building Permit having been issued.
- A Non-Residential Use Permit/Residential Use Permit has been issued or, when a Non-RUP/RUP is not required, evidence that the structure(s) has passed final inspection.
- Department of Tax Administration records indicate that the structure(s) has been taxed for at least 15 years.
- Department of Tax Administration records do not indicate that the structure(s) has been taxed for at least 15 years.

Glen Anderson
2336 Addison St.
Vienna VA 22180
Am: 703-204-1736
Call: 571-213-1760



Request: that the shed with dimensions
8.2' x 15.9' be reviewed to determine
if it can be retrofitted under ground following
classes such as 2309.

Sincerely

Glen R. Anderson

owner.



County of Fairfax, Virginia

MEMORANDUM

October 13, 2009

TO: Debbie Hedrick, Staff Coordinator
Zoning Evaluation Division, DPZ

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

SUBJECT: Oak Ridge Section 2 Lot 19 (2336 Addison Street); SP 2009-PR-092

RE: Request for assistance dated September 23, 2009

This review is based on the Special Permit application SP 2009-PR-092 and the physical survey plat showing the improvements on "Lot 19, Section 2, Oak Ridge" stamped "Received, Department of Planning and Zoning, August 20, 2009." A site visit was conducted on October 5, 2009.

Site Description: This site is developed with a one story brick and frame single family detached dwelling with an associated detached carport, covered patio, and stone patio, and shed. There is an existing 28 inch diameter white oak tree located at the northern corner of the proposed garage that appears to be in fair to good condition. It appears this tree's root system will be impacted by the construction activities associated with the proposed garage construction. Other trees on site consist of several mature white oaks and a holly located in the front yard along Addison Street. These trees appear to be in fair to good condition. Trees and vegetation located to the north of the existing asphalt drive consist of a mature white oak and tulip tree as well as a 15 foot tall American holly. There are several trees and vegetation located off-site along the northern property boundary consisting primarily of white oak and dogwood trees.

- 1. Comment:** There are three white oak trees, an American holly, and three dogwood trees located at the eastern portion of the site adjacent to Addison Road. There is an existing white oak, tulip tree, and holly tree located to the north of the existing asphalt drive. There is an existing white oak and dogwood trees located off-site along the northern property boundary. There are also two white oak trees located to the south of the existing stone patio. These trees appear to be in fair to good condition and should be considered a priority for preservation.

Recommendation: A tree save area, or areas, should be provided along the eastern, western, and northern portions of the site to protect the existing onsite and offsite trees from construction activities.

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

TLN/
UFMID #: 147464

cc: RA File
DPZ File

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



8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.