



APPLICATION ACCEPTED: September 24, 2009
BOARD OF ZONING APPEALS: December 8, 2009
TIME: 9:00 a.m.

County of Fairfax, Virginia

December 1, 2009

**STAFF REPORT
SPECIAL PERMIT APPLICATION NO. SP 2009-MV-095
MOUNT VERNON DISTRICT**

APPLICANT: Joseph D. Ludovici

OWNERS: Joseph D. and Amanda S. Ludovici

SUBDIVISION: Wellington Estates

STREET ADDRESS: 1143 Greenway Road

TAX MAP REFERENCE: 102-2 ((12)) 141 and pt. 142

LOT SIZE: 9,719 square feet

ZONING DISTRICT: R-2

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 10.3 feet from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-MV-095 for the addition subject to the proposed development conditions contained in Appendix 1.

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

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

O:\SMCKNASPLUDOVICI - SP 2009-MV-095\Staff Report\Staff Report Ludovici.doc

Shelby Johnson

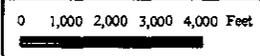
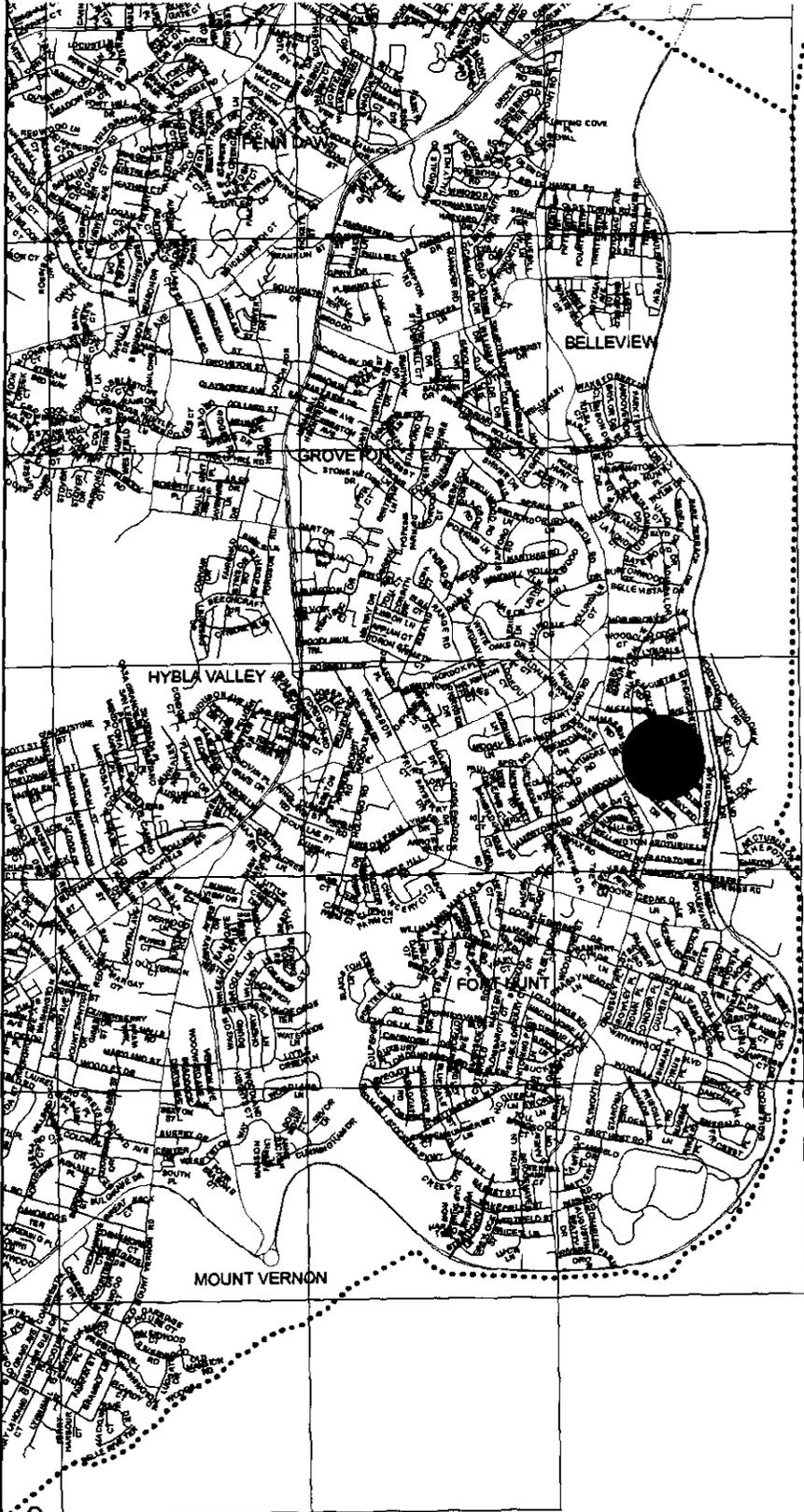
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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

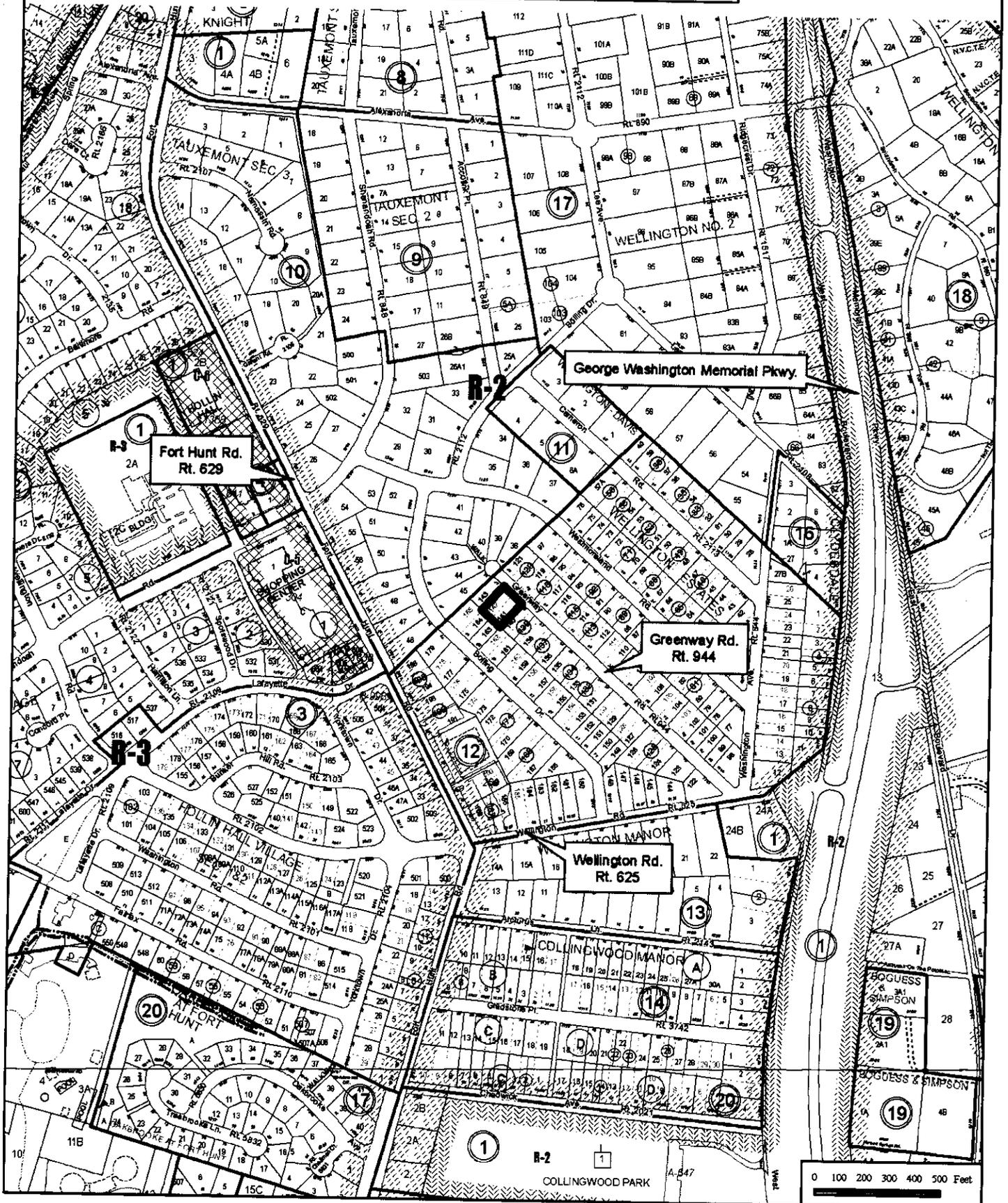


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2009-MV-095
JOSEPH D. LUDOVICI

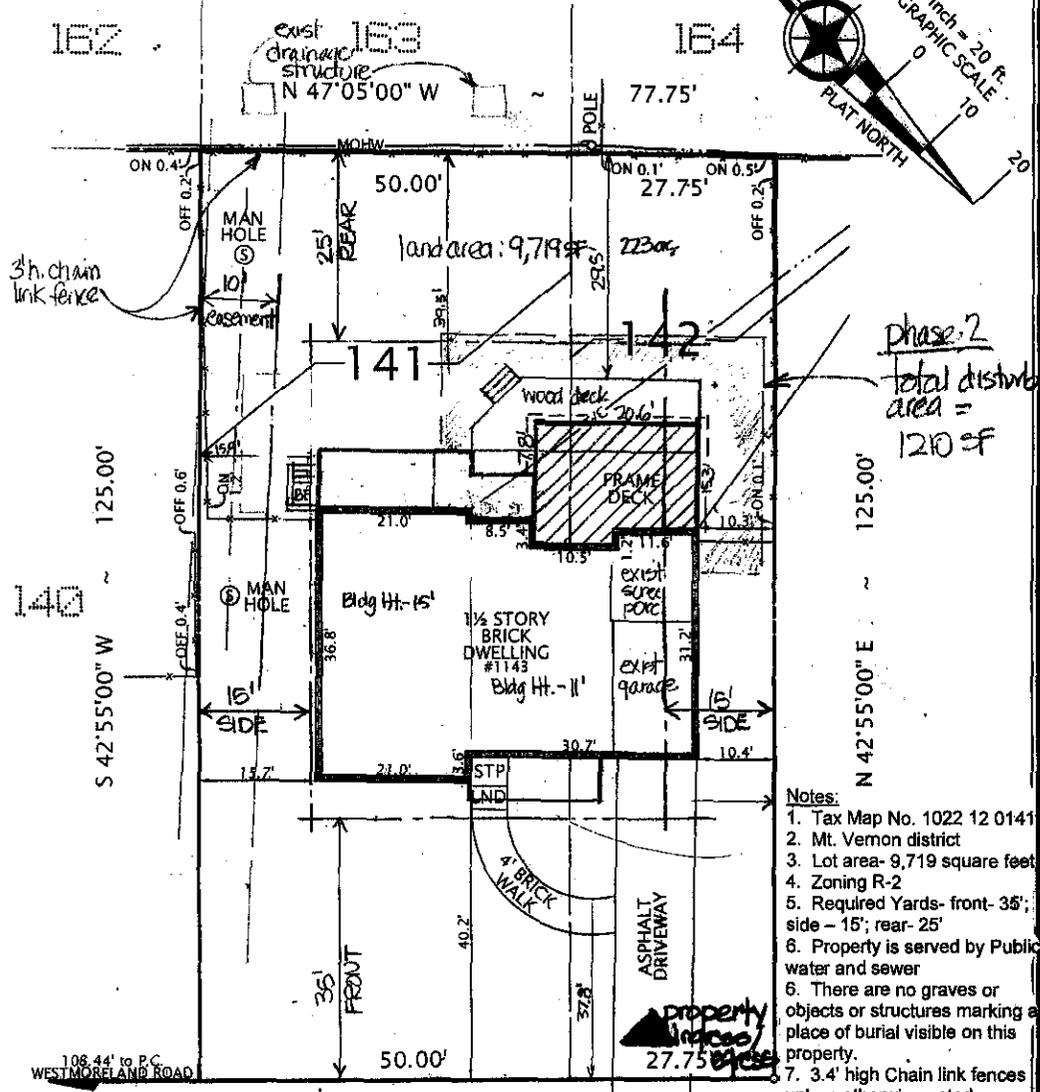
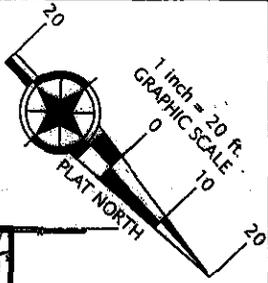


Special Permit
SP 2009-MV-095
JOSEPH D. LUDOVICI



Phase two plan.

- NOTES: 1. FENCES ARE FRAME.
2. TOTAL AREA= 9,719 SF

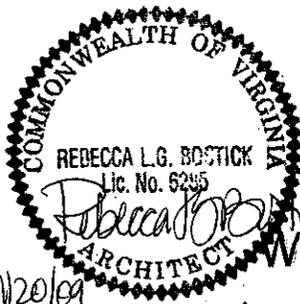


Phase 2
total disturb
area =
1210 SF

- Notes:
1. Tax Map No. 1022 12 0141
 2. Mt. Vernon district
 3. Lot area- 9,719 square feet
 4. Zoning R-2
 5. Required Yards- front- 35'; side - 15'; rear- 25'
 6. Property is served by Public water and sewer
 6. There are no graves or objects or structures marking a place of burial visible on this property.
 7. 3.4' high Chain link fences unless otherwise noted
 8. This property is not in a floodplain. There is no resource protection area or resource management area. There is no environmental quality corridor.
 9. There is no easement indicated on the plat, however there is a sewer manhole located in the rear corner of the lot and along the side.
 10. Addition aligns with the original existing structure. Part of the renovation work changes the original screen porch walls which fall into the side yard setbacks.
 11. Land disturbance is 1558 SF.

S 47°05'00" E ~ 77.75'
GREENWAY ROAD
50' WIDE - STATE ROUTE #944

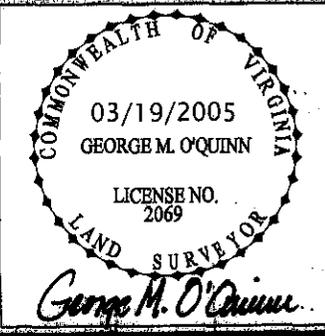
PLAT
SHOWING HOUSE LOCATION ON
LOT 141 and
THE ADJOINING 27.75 FEET OF LOT 142
WELLINGTON ESTATES
(LIBER L-12, PAGE 297)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 20' MARCH 19, 2005



1/20/05
revised for phase 2 only

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.



George M. O'Quinn

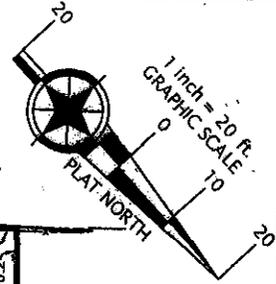
CASE NAME:
GOLD ~ LUDOVICI
REDMON, PEYTON & BRASWELL, LLP

DOMINION SURVEYORS, INC.®
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

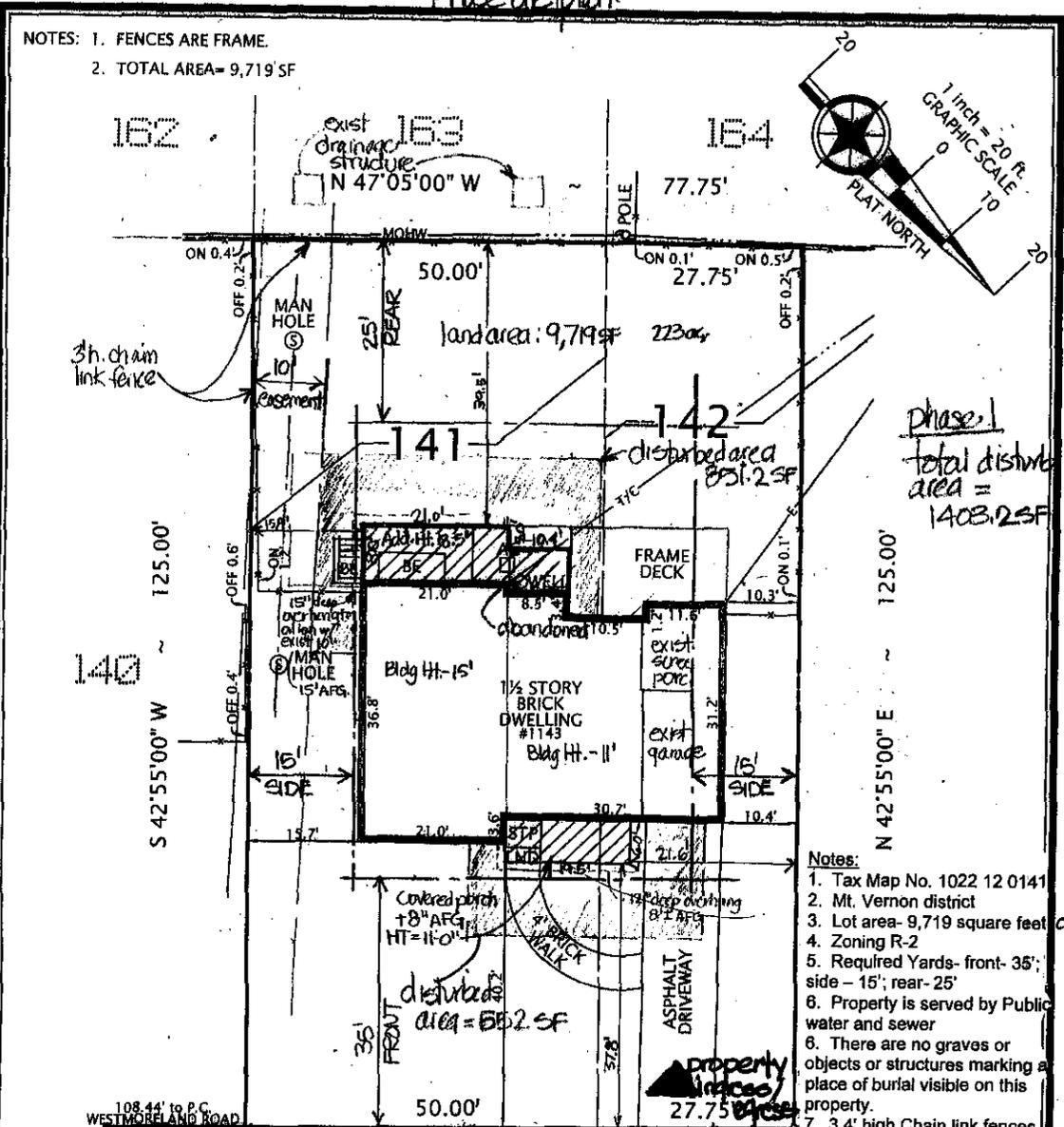
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Phase one plan.

NOTES: 1. FENCES ARE FRAME.
2. TOTAL AREA= 9,719 SF



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- Notes:
1. Tax Map No. 1022 12 0141
 2. Mt. Vernon district
 3. Lot area- 9,719 square feet or 223 ac.
 4. Zoning R-2
 5. Required Yards- front- 35'; side - 15'; rear- 25'
 6. Property is served by Public water and sewer
 6. There are no graves or objects or structures marking a place of burial visible on this property.
 7. 3.4' high Chain link fences unless otherwise noted
 8. This property is not in a floodplain. There is no resource protection area or resource management area. There is no environmental quality corridor.
 9. There is no easement indicated on the plat, however there is a sewer manhole located in the rear corner of the lot and along the side.
 10. Addition aligns with the original existing structure. Part of the renovation work changes the original screen porch walls which fall into the side yard setbacks.
 11. Land disturbance is 1558 SF. *total phases*

108 44' 19" P.C.
WESTMORELAND ROAD

COMMONWEALTH OF VIRGINIA
REBECCA L.G. BOSTICK
Lic. No. 6285
Rebecca Bostick
ARCHITECT

S 47°05'00" E ~ 77.75'
GREENWAY ROAD
50' WIDE - STATE ROUTE #944

PLAT
SHOWING HOUSE LOCATION ON
LOT 141 and
THE ADJOINING 27.75 FEET OF LOT 142
WELLINGTON ESTATES
(LIBER L-12, PAGE 297)
FAIRFAX COUNTY, VIRGINIA
MOUNT VERNON DISTRICT
SCALE: 1" = 20'
MARCH 19, 2005

I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THIS DATE:

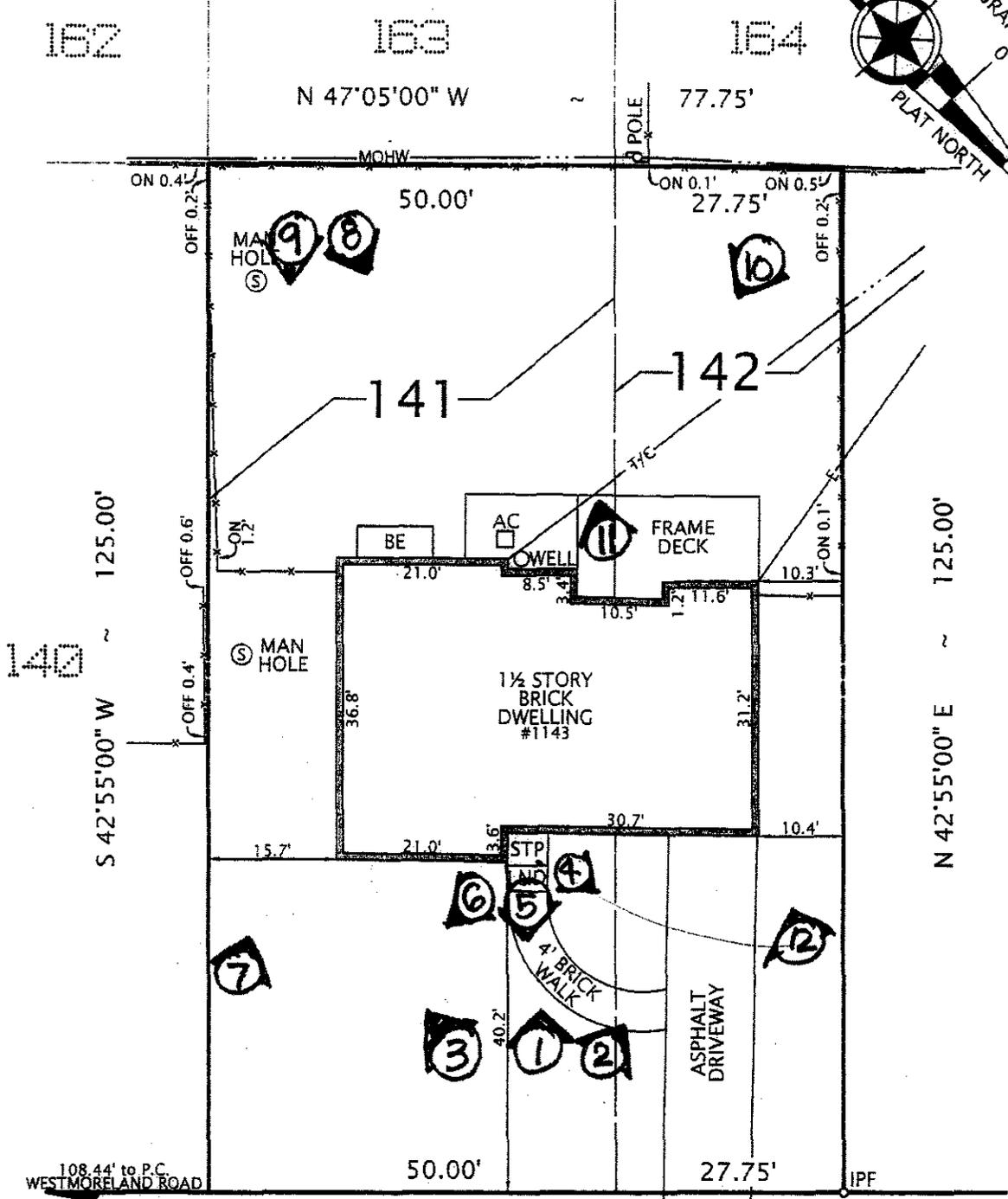
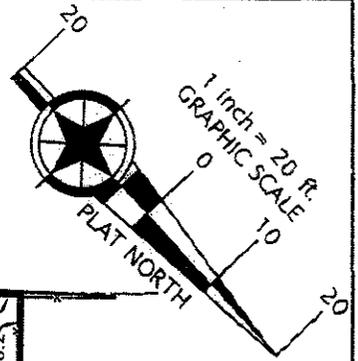
THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.
A TITLE REPORT WAS NOT FURNISHED.
NO CORNER MARKERS SET.

COMMONWEALTH OF VIRGINIA
03/19/2005
GEORGE M. O'QUINN
LICENSE NO. 2069
George M. O'Quinn
LAND SURVEYOR

CASE NAME:
GOLD ~ LUDOVICI
REDMON, PEYTON & BRASWELL, LLP

DOMINION SURVEYORS, INC.®
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703-619-6555
FAX: 703-799-6412

- NOTES: 1. FENCES ARE FRAME.
 2. TOTAL AREA= 9,719 SF

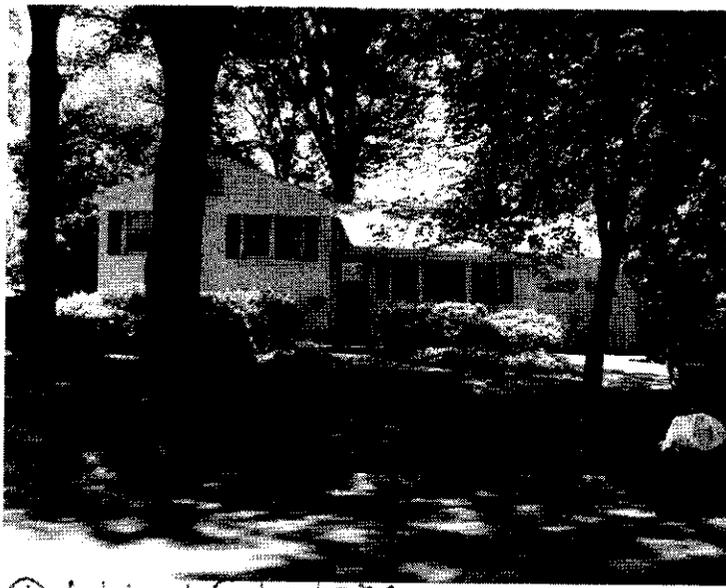


108.44' to P.C.
 WESTMORELAND ROAD

S 47°05'00" E ~ 77.75'
GREENWAY ROAD
 50' WIDE - STATE ROUTE #944

PLAT
 SHOWING HOUSE LOCATION ON
 LOT 141 and
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WELLINGTON ESTATES
 (LIBER L-12, PAGE 297)
 FAIRFAX COUNTY, VIRGINIA
 MOUNT VERNON DISTRICT

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① looking at front of house



② looking to the right



③ looking to the left



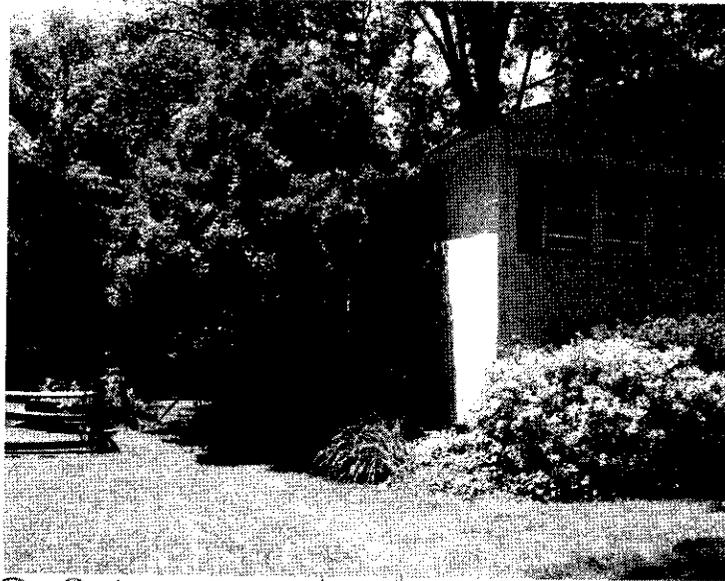
④ standing on front porch - looking across the street to the left



⑤ standing on front porch - looking directly across the street



⑥ standing on front porch - looking across the street to the right



(7) front corner + east wall



(8) back of the house



(9) backyard - looking to the front, corner of house in bushes on left



(10) backyard SW corner looking towards house



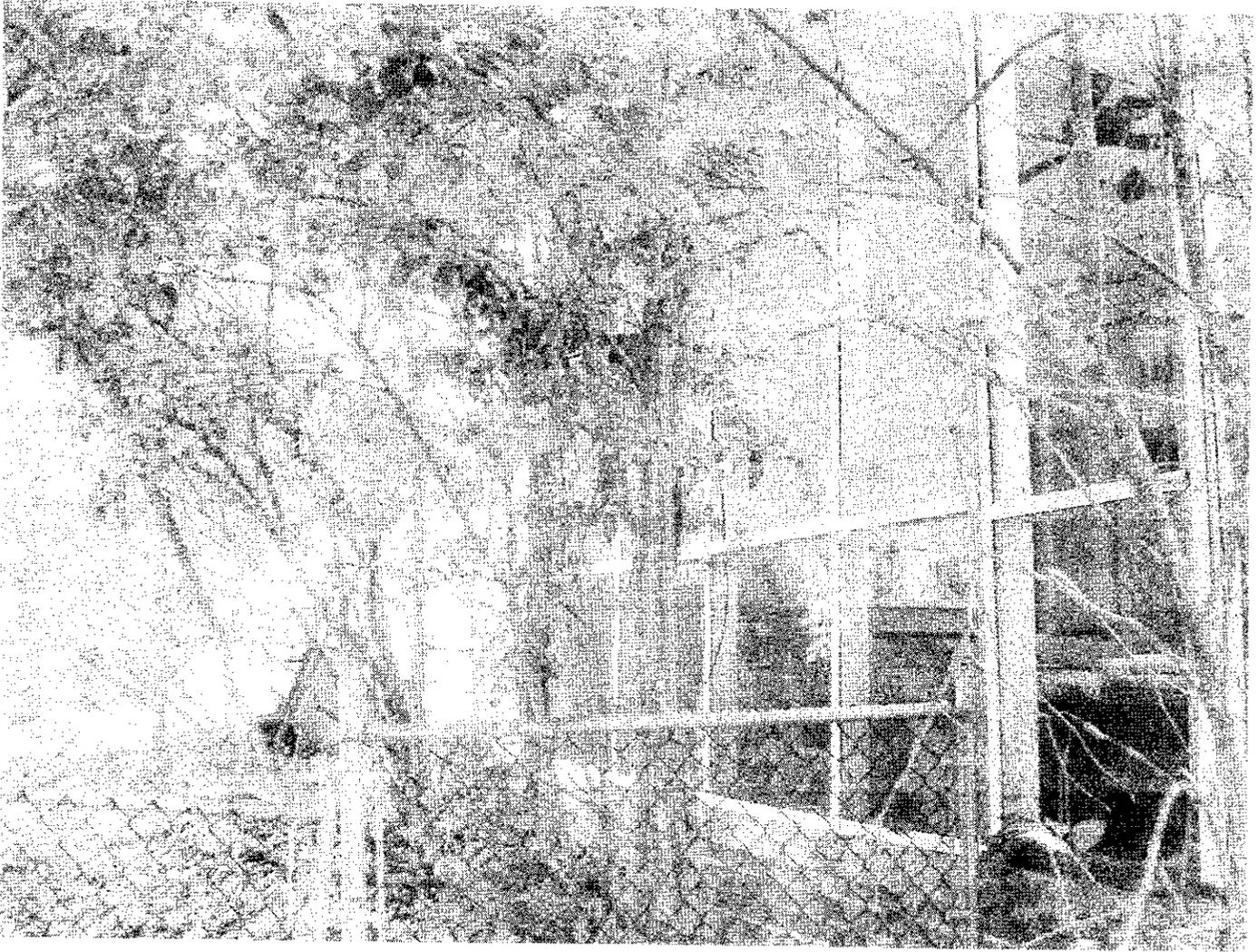
(11) standing at back porch looking towards yard



(12) right front corner + showing side of house. Landscaping is heavy + pictures don't show much more of this side



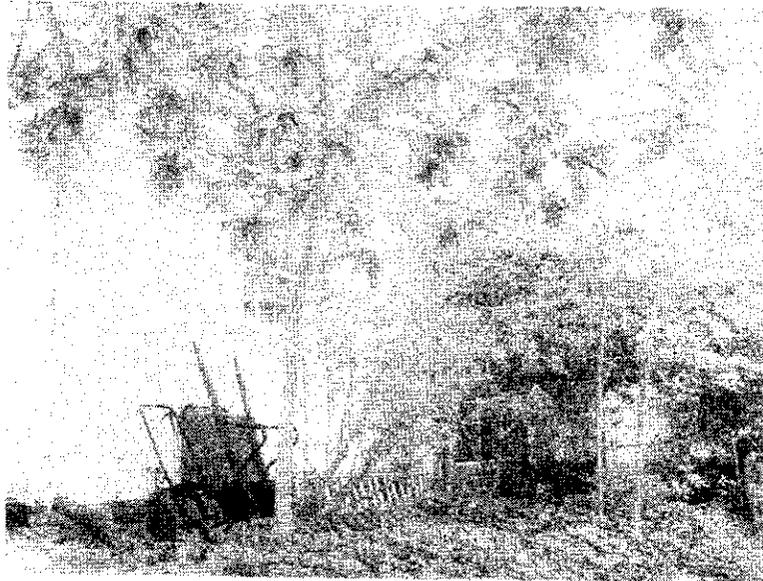
right front corner - close-up



right rear corner - close-up

Southwest
corner

RECEIVED
Department of Planning & Zoning
SEP 21 2009
Zoning Evaluation Division



Southwesterly view of North Wall

RECEIVED
Department of Planning & Zoning
SEP 21 2009
Zoning Evaluation Division

DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of a one-story addition to be located 10.3 feet from the western side lot line. A portion of this addition encloses an existing screen porch and encompasses a portion of an existing wood deck. The addition is proposed to measure approximately 545 square feet in area and 14 feet in height. The applicant proposes additional site development to occur over two phases of development. Phase I construction is permitted by-right, meeting all of the minimum yard requirements and is not part of this application. The special permit request pertains to the addition proposed to be constructed for Phase II improvements to the site.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Side (West)	15.0 feet*	10.3 feet	4.7 feet	31.3%

*Minimum yard requirement per Section 3-207

EXISTING SITE DESCRIPTION

The 9,719 square-foot lot is currently zoned to the R-2 Zoning District and is developed with a split-level, brick and siding, single family detached dwelling. The existing dwelling consists of approximately 1,739 square feet of gross floor area and ranges in height from 11 to 15 feet. The application property contains a storm drain pipe and associated manholes located along the eastern side and rear yards. The site is accessed from an asphalt-paved driveway that extends southwest from Greenway Road and terminates at the one-car, front-loading garage along the western side lot line. An approved house location survey plat included as Appendix 4 to this report depicts the existing garage and screen porch, located 10.4 feet from the western side lot line, which appears to have been constructed with the dwelling in 1958. The property contains mature vegetation consisting of large shade and deciduous trees, shrubs and ground cover located primarily in the front and rear yards. The western side yard does not contain significant vegetation. The existing screen porch, which is depicted on the 1958 building plat, is located 10.4 feet from the western side lot line. A 3-foot high chain link fence encompasses the rear yard.

CHARACTER OF THE AREA

	Zoning	Use
North	R-2	Single Family Detached Dwellings
East	R-2	Single Family Detached Dwellings
South	R-2	Single Family Detached Dwellings
West	R-2; R-3	Single Family Detached Dwellings

BACKGROUND

County tax records indicate that the dwelling was constructed in 1958 and the building footprint appears to be the same as that which was recorded in 1958.

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

- *Variance VC 88-V-067* was approved on August 3, 1988 for Tax Map 102-2 ((12)) 72, zoned R-2, at 1134 Westmoreland Road, to allow enclosure of existing carport and screened porch 9.0 feet from side lot line (15 feet minimum side yard required).
- *Variance VC 89-V-070* was approved on September 15, 1989 for Tax Map 102-2 ((13)) 6, zoned R-2, at 1106 Arcturus Lane, to allow enclosure of existing porch and carport as living space additions to dwelling 11.8 feet from side lot line (15 feet minimum side yard required).
- *Variance VC 92-V-123* was approved on December 10, 1992 for Tax Map 102-2 ((12)) 50, zoned R-2, at 1117 Cameron Road, to allow enclosure of carport 11.5 feet from side lot line (15 feet minimum side yard required).
- *Variance VC 95-V-056* was approved on January 2, 1996 for Tax Map 102-2 ((12)) 19 and 20, zoned R-2, at 8011 Washington Avenue, to permit construction of addition 9.7 feet from side lot line (15 feet minimum side yard required).
- *Variance VC 95-V-124* was approved on August 2, 1995 for Tax Map 102-2 ((12)) 70 and 71, zoned R-2, at 1130 Westmoreland Road, to permit construction of addition 11.8 feet from side lot line (15 feet minimum side yard required).
- *Variance VC 00-V-013* was approved on May 3, 2000 for Tax Map 102-2 ((12)) 7, zoned R-2, at 8010 West Boulevard Drive, to permit construction of addition 31.2 feet from front lot line and 14.1 feet from side lot line.

- *Variance VC 01-V-100* was approved on August 21, 2001 for Tax Map 102-2 ((13)) 5, zoned R-2, at 1100 Arcturus Lane, to permit construction of addition 10.0 feet from side lot line.

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Plat Showing House Location on Lot 141 and the Adjoining 27.75 Feet of Lot 142, Wellington Estates

Prepared By: Dominion Surveyors, Inc. dated March 19, 2005, revised by Rebecca L.G. Bostick, Architect, through November 20, 2009

Proposal:

The applicant is requesting special permit approval to permit a one-story addition measuring approximately 545 square feet in area and 14 feet in height to be located 10.3 feet from the western side lot line to be constructed during Phase II of development to the site. The applicant proposes to enclose approximately 93 square feet of an existing screen porch that is connected to the main structure as well as construct an approximately 452 square-foot addition to be located on the western side of dwelling. The addition is proposed to provide additional living space for the applicants consisting of a family room. The existing portion of the structure (screen porch) and the new structure will align with the existing plane of the dwelling and will be constructed of brick and siding exterior finishes that match the existing dwelling. The height of the addition, proposed at 14 feet, will be slightly higher than that of the existing dwelling at 11 feet in height. Proposed development during Phase I of site construction meets the minimum yard requirements of the R-2 District and is not part of this application or subject to special permit approval.

ZONING ORDINANCE REQUIREMENTS

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

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

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *By observation of the neighborhood through submitted photographs, staff believes that the proposed addition will not adversely affect the use or development of neighboring properties. The minimum required side yard is 15 feet. The proposed addition is to be located 10.3 feet from the side lot line to align with the existing side plane of the dwelling. Staff believes that the request is minimal and is the most logical location on the property for the addition as it utilizes, in part, the area of the existing screen porch and deck. Therefore, this standard has been met.*

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *The existing structure is 1,739 square feet, including the attached garage. Therefore, 150% of the total gross floor area could result in an addition up to 2,608.5 square feet; which makes a combined total of 4,347.5 square feet. The proposed addition will be 545 square feet in area for a total of 2,284 square feet for the existing house and addition. Therefore, the application meets this provision.*

Standard 6 states the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. *The proposed addition will be 14.0 feet in height which will blend into the existing roof line of the dwelling. The addition is clearly subordinate in bulk and scale to the principal dwelling and proposed building materials are to match the existing façade of the dwelling. Staff believes the proposed addition will not be out of character with existing on-site development.*

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and

the preservation of significant trees as determined by the Director. *The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. There are no significant trees located in the area of the proposed addition. After reviewing county records, staff believes that the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains homes with similar additions, both in size and height, several with locations approved by the BZA. 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. *The Department of Public Works and Environmental Services (DPWES) has confirmed that there are no Resource Protection Areas (RPA) or floodplains located on the property. Based on comments from DPWES, the applicant revised his proposal to show construction in two phases, where the first phase of construction (by-right construction) is completed prior to commencement of Phase II. With this change, DPWES has determined that the disturbance necessary to construct the proposed addition will be less than 2,500 square feet; therefore no infill grading plan or stormwater management/BMP measures will be required. However, there have been many downstream drainage complaints on file which include both yard and house flooding incidents. To help mitigate these drainage issues, staff has requested that the applicant grant a 10-foot wide storm drain easement along the existing storm drain pipe to ensure adequate access for maintenance of those facilities. The applicant has agreed to grant the easement. Staff has proposed a development condition to ensure that the easement is granted. With the adoption of this condition, staff believes that the application meets this provision of the Ordinance.*

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 proposed scale of the addition is consistent with the existing dwelling and is located in a logical location on the west side of the existing dwelling where, in part, the porch and deck are located. There is no significant vegetation located in the area of the proposed addition; therefore, staff does not believe that replacement vegetation is warranted. Other concerns regarding well and/or septic easements and preservation are not applicable to this site. Staff believes that this standard has been met.*

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of SP 2009-MV-095 for the addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Previously Approved House Location Plat
5. Department of Public Works and Environmental Services Analysis
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2009-MV-095

December 1, 2009

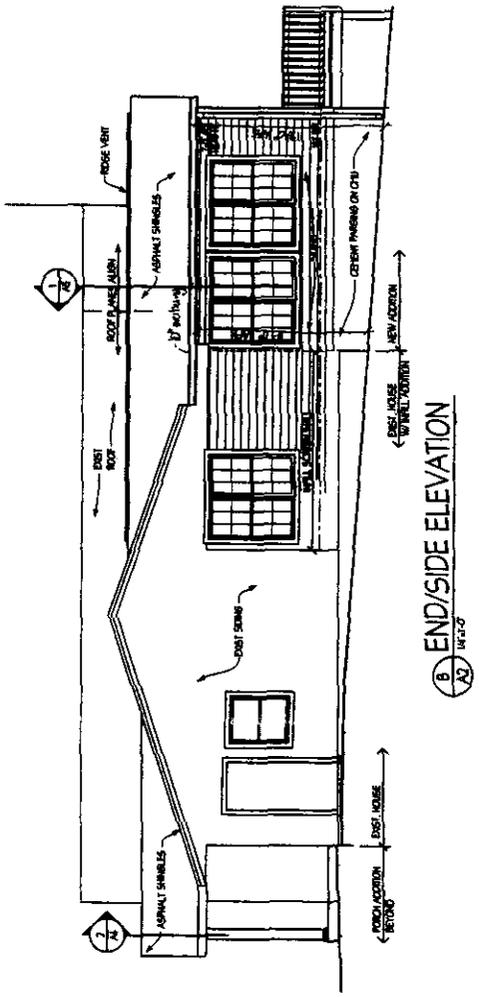
If it is the intent of the Board of Zoning Appeals to approve SP 2009-MV-095 located at Tax Map 102-2 ((12)) 141 and pt. 142 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 545 square feet) of the addition, as shown on the plat prepared by Dominion Surveyors, Inc., dated March 19, 2005, revised by Rebecca L.G. Bostick, Architect, through November 20, 2009, submitted with this application and is not transferable to other land.
3. Building permits for the addition shall be obtained prior to construction.
4. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,739 square feet existing + 2,608.5 (150%) = 4,347.5 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
5. Prior to the issuance of a building permit for Phase II of construction, a 10-foot wide storm drain easement shall be provided in a form approved by the County Attorney, for the purpose of providing access to the storm drain facilities along the eastern side and rear yards, in the approximate location shown on the SP Plat.
6. The addition shall be consistent with the architectural renderings included as Attachment 1 to these conditions.

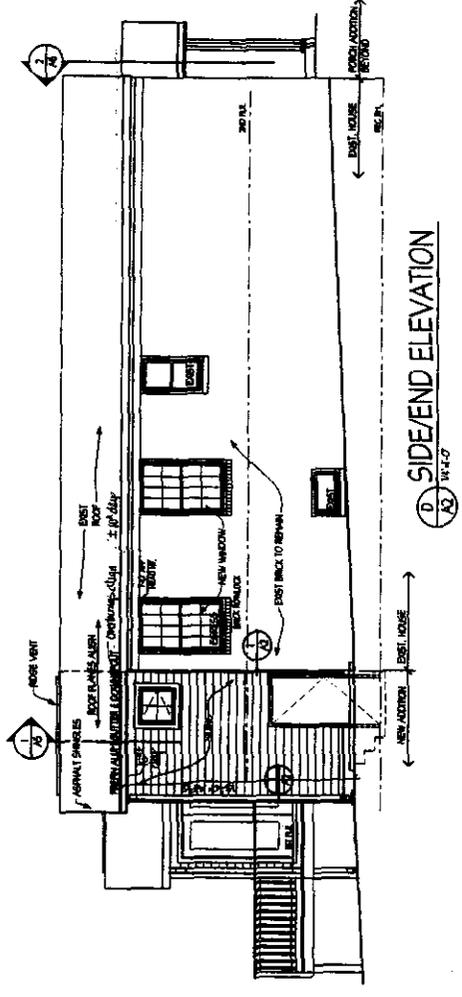
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.

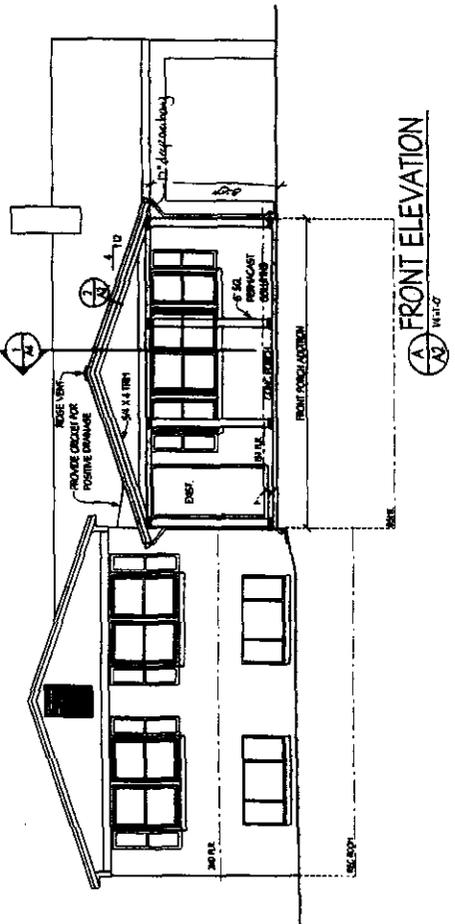
REBECCA L.G. BOSTICK, AIA
 ARCHITECT



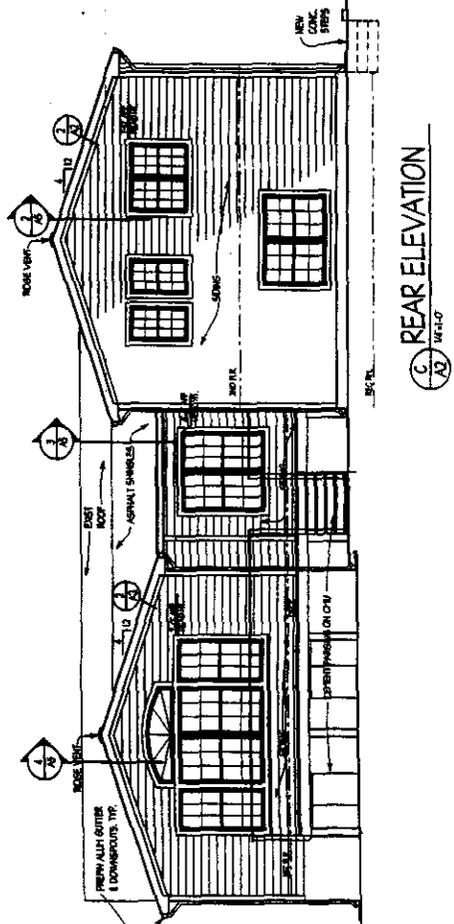
END/SIDE ELEVATION
 A-A 1/4" = 1'-0"



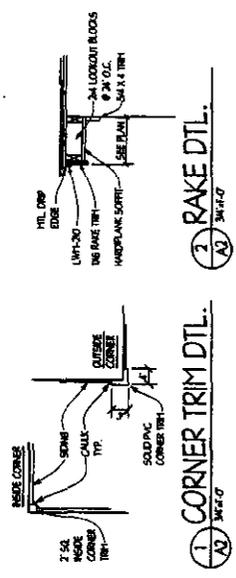
SIDE/END ELEVATION
 D-D 1/4" = 1'-0"



FRONT ELEVATION
 A-A 1/4" = 1'-0"



REAR ELEVATION
 C-C 1/4" = 1'-0"



RAKE DTL.
 2 1/4" = 1'-0"

CORNER TRIM DTL.
 1 1/4" = 1'-0"

Application No.(s): SP 2009-MV-095
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/30/09
 (enter date affidavit is notarized)

I, Joseph D. Ludovici, 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 105319

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)
Joseph D. Ludovici <input checked="" type="checkbox"/>	1143 Greenway Road	Husband
Amanda S. Ludovici <input checked="" type="checkbox"/>	Alexandria, Va 22308	wife
	" "	

Applicant/Title Owner
 Title Owner

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

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

Application No.(s): SP 2009-MV-095
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/30/09
(enter date affidavit is notarized)

105319

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

PARTNERSHIP INFORMATION

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

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

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

N/A

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

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

Application No.(s): SP 2009-MV-095
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 30 June 2009
(enter date affidavit is notarized)

105319

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

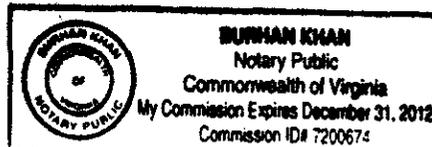
Applicant *Joseph D. Ludovici* Applicant's Authorized Agent

Joseph D. Ludovici
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 30th day of June, 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Burhan Khan
Notary Public

My commission expires: 12/31/2012



Statement of Justification
1143 Greenway Rd, Alexandria, Va 22308

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

1. This special permit application is to infill screened walls in an existing structure which is currently over the set-back limits and to add a family room in line with this existing structure. **A reduction of 15' side yard to 10.7' is requested.** The structure (concrete floor and roof) is existing and the new structure will align with the existing.

A. – F. This is a residential site. Type of operation, hours of operation, patrons, employees, traffic impact, storage of hazardous or toxic substances are not applicable to this project.

G. The addition is designed to blend into the existing house. The existing house has low sloping gable roofs with brick and siding façade. The new addition will blend with the existing, matching roof lines, heights, and materials.

H. This is a residential site and hazardous or toxic substances are not applicable to this project.

I. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, including the International Residential Code. The only exception is the side yard set-back limit being requested herein this special permit.

8-922- Provisions for Reduction of Certain yard Requirements

922.1A The minimum side yard being requested to be reduced is not subject to development conditions. The set-back is 15' and this request is to reduce this set-back to 10'7' set-back. (A reduction of 4.3' feet to align with existing structure.)

922.02 There are no accessory structures existing or proposed.

922.03 This lot has a principal structure and complied with the set-backs when this structure was originally constructed.

922.04 The existing gross floor area is 1739 square feet, including the garage. This is the first addition proposed to the property. The proposed gross floor area is 2284 square feet, which includes a 545 SF addition, a 23% increase.

922.05 & .06 The addition will be similar in size and character, height and bulk, and scale of the existing structures on the site.

922.07 This design is in compliance and harmony with the requirements of this neighborhood, in scale, look, height, and details.

922.08 This new addition will have minimal impact on the surrounding neighbors. The neighbor on the side of this addition has heavy landscaping which already blocks the

existing structure and will mostly block the new addition as well. There will be minimal changes to the slope of the ground, thus minimal changes to the storm water. Downspouts will spill on grade. With the lot having a very slight slope, no erosion occur on this property or any other neighbor's property.

RECEIVED
Department of Planning & Zoning
JUN 8 2009
Zoning Evaluation Division

922.09 There is no floodplain, no steep slopes, no resource protection area, no well or septic, no easements, no preservation of historic resources, no significant (or insignificant) trees to protect.

922.11 Plat is attached with items listed.

922.12 Architectural drawings and pictures are attached.

In addition:

The overhang on the house includes a 6" rake on the front & rear of the addition and a 12"-15" overhang along each side.



Applicant/Owner

PLAT

APPENDIX 4

HOUSE LOCATION SURVEY
LOT 141 & SOUTH 27.75' OF LOT 142,
WELLINGTON ESTATES
FAIRFAX COUNTY, VIRGINIA

* 31' GREENWAY ROAD

50'

S 47° 05' E.

77.75'

108433 TO P.O. AT WELLINGTON ROAD

40.42'

40.48'

10.35'

UNDER CONSTRUCTION

15.66'

5' SEWER EASEMENT

N 42° 55' E.
125.00'

10.30'

15.80'

HOUSE HAS BEEN ASSIGNED # 315

142

141

725.00'

S 42° 55' W.

77.75'

N 47° 05' W

WIRES OVERHANGING

APPROVED

Cecil J. Cross
PLANNING ADMINISTRATOR

DATE

FILE	SURVEY RECHECKED:	<i>Cecil J. Cross</i> CECIL J. CROSS CERTIFIED SURVEYOR ALEXANDRIA, VA.	DATE: OCT. 1, 1958	REFERENCE
85-	DATE:		SCALE 1" = 30'	FIELD NOTES
	C. S.		CASE NO.	1475-21



MEMORANDUM

DATE: October 21, 2009

TO: Shelby Johnson, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Beth Forbes, Stormwater Engineer *BF*
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Permit Application #SP 2009-MV-095, Ludovici Property, Plat dated September 14, 2009, LDS Project #4386-ZONA-001-1, Tax Map #102-2-12-0141, Mount Vernon District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site. It appears an infill grading plan will be required to construct the proposed improvements. Since more than 18% impervious surfaces are proposed for this lot, water quality controls are required for this development (PFM 6-0401.2A). No controls are shown on the plat.

Floodplain

There are no regulated floodplains on the property.

Downstream Drainage Complaints

There are many downstream drainage complaints on file which include both yard and house flooding incidents.

Stormwater Management

It appears that an entrance landing and stairs are proposed to be constructed within a storm drain easement; such work will not be permitted. Stormwater detention is not normally required for infill grading plans, however, detention may be required so this proposed impervious area does not exacerbate an existing storm drainage concern.

Please contact me at 703-324-1720 if you require additional information.

BF/

cc: Craig Carinci, Director, Stormwater Planning Division
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Zoning Application File



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.