



APPLICATION ACCEPTED: October 22, 2009
DATE OF PUBLIC HEARING: January 6, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

December 30, 2009

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2009-LE-102

LEE DISTRICT

APPLICANTS & OWNERS: Raivo Vest and Norma A. Vest, Trustees

ZONING: R-3

LOCATION: 5801 Lane Drive

SUBDIVISION: Second Addition to Brookland Estates

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 81-2 ((6)) (9) 37

LOT SIZE: 15,423 Square Feet

SP PROPOSAL: Reduction of certain yard requirements to permit construction of addition 6 feet from the side lot line of a corner lot.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-LE-102 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 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:\Scaff2\Case Files\Special Permits\SP2009-LE-102 RAIVO & NORMA VEST\VEST_Cover.doc

Shannon Caffee

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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

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



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

Special Permit

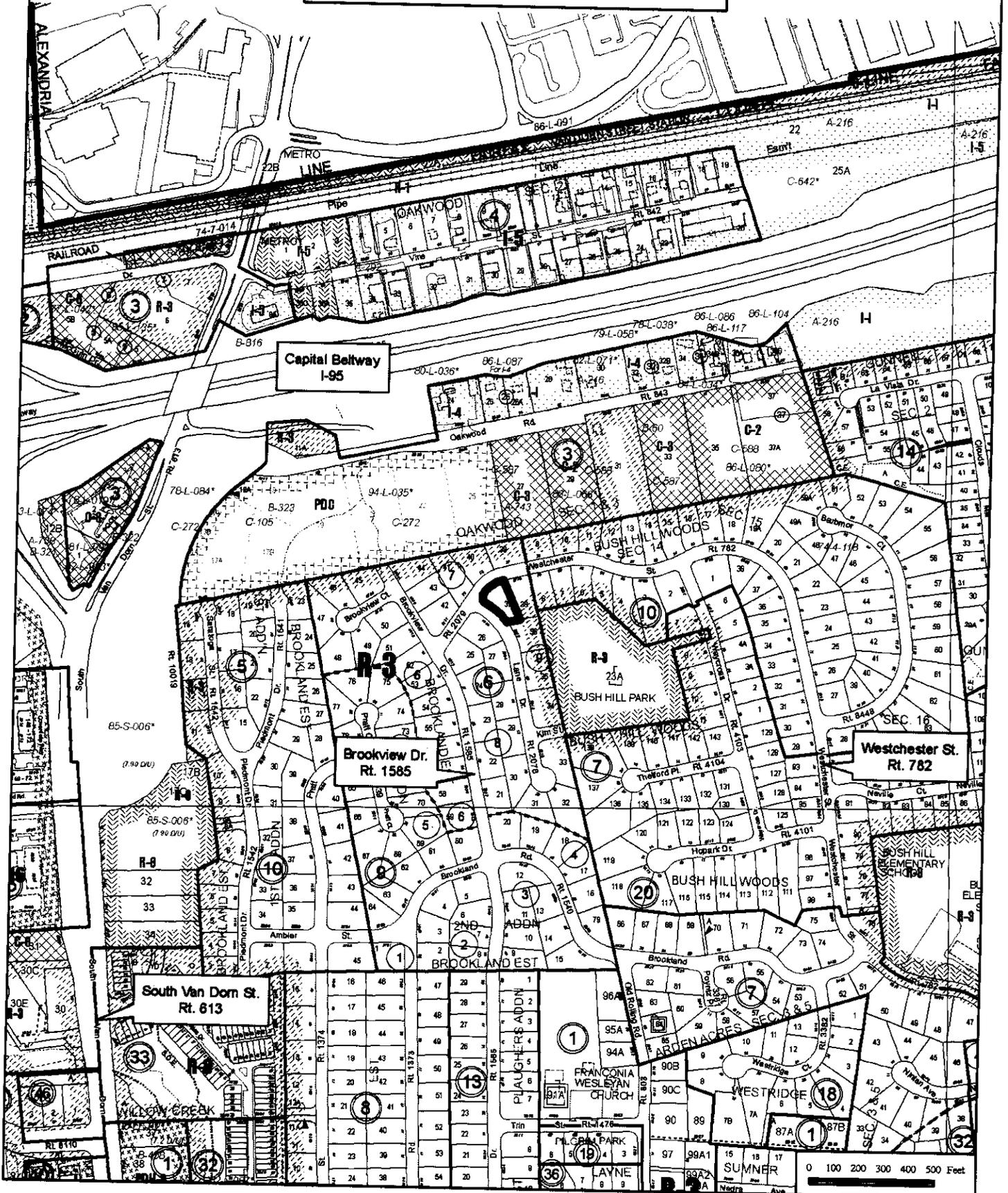
SP 2009-LE-102

RAIVO VEST AND NORMA A. VEST, TRUSTEES



0 1,000 2,000 3,000 4,000 Feet

Special Permit
SP 2009-LE-102
RAIVO VEST AND NORMA A. VEST, TRUSTEES



COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED. THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

NOTES:

1. TAX MAP 081-2-06-09-0037
2. PROPERTY SHOWN HEREON IS ZONED: R-3 (RESIDENTIAL 3 DU/AC)
3. MINIMUM YARD REQUIREMENTS IN ZONE R-3
FRONT: 30'
SIDE: 12'
REAR: 25'
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 515525 0150 D EFFECTIVE DATE, MARCH 5, 1990.
6. THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
7. ELEVATION DATUM IS ASSUMED.
8. FLOOR AREA:
EXISTING GROSS FLOOR AREA HOUSE 1,938 SQ. FT.
PROPOSED GROSS FLOOR AREA SCREEN PORCH 238 SQ. FT.
TOTAL FLOOR AREA 2,176 SQ. FT.
FLOOR AREA RATIO: 0.14

HEIGHT TABLE

EXISTING HOUSE HEIGHT:	16.3'
PROPOSED SCREEN PORCH HEIGHT:	15.0'

GRAPHIC SCALE 1"=30'



CASE NAME: RAIVO VEST
NEMEKA CONSTRUCTION MANAGEMENT, INC

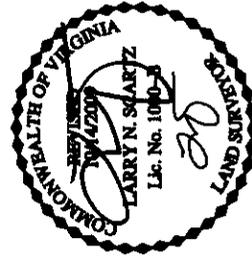
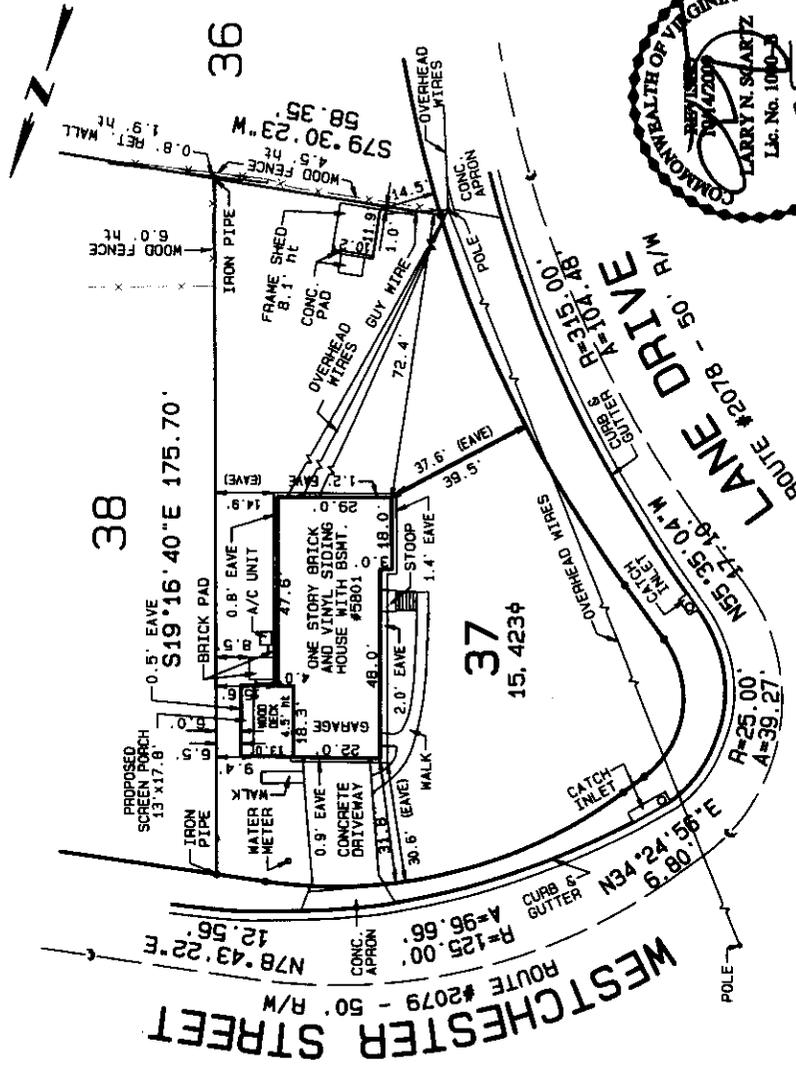
NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY
AND DO NOT CERTIFY AS TO OWNERSHIP.

SCARTZ SURVEYS

LARRY N. SCARTZ LOCAL (703) 494-4181
CERTIFIED LAND SURVEYOR FAX (703) 494-3330
WOODBRIDGE, VIRGINIA LARRY.SCARTZ@SCARTZ.COM

JOB# 2009-1506

DSE



SPECIAL PERMIT PLAT
LOT 37, BLOCK 9, SECOND ADDITION TO
BROOKLAND ESTATES

LEE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=30' DATE: SEPTEMBER 9, 2009 REV.: OCT. 14, 2009

date: October 19, 2009

scale: 1/8" = 1' 0"

Vest Residence

5801 Lane Drive

MEMBER OF
LANDSCAPE CONTRACTORS
8103 INDEPENDENCE DRIVE - MEMPHIS
MEMPHIS - 38111 - 901-505-3400

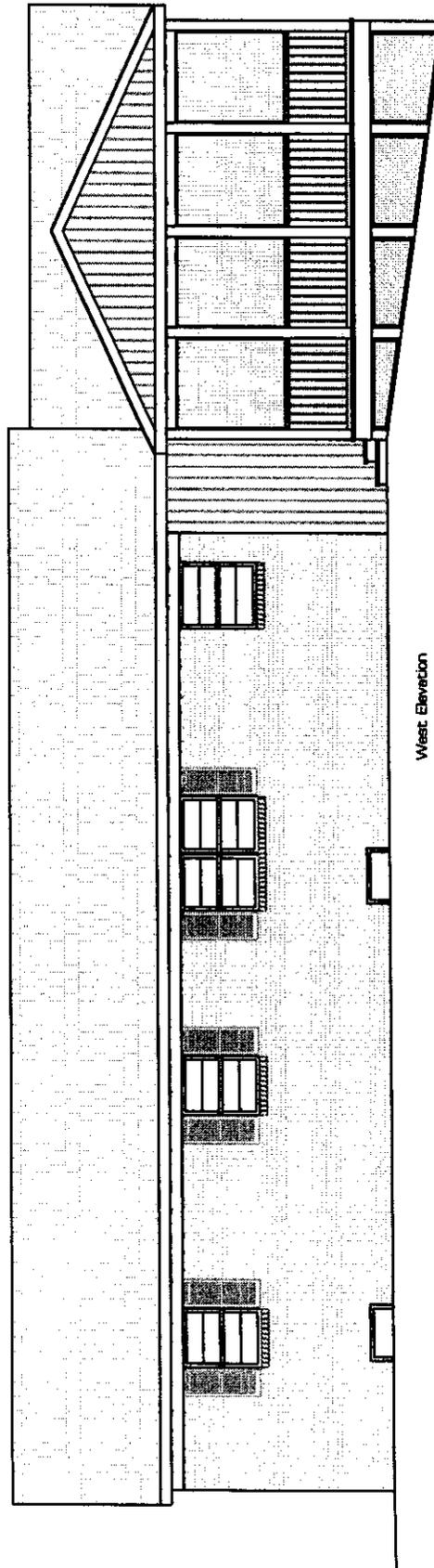
MEMBER OF
CONSTRUCTION
MANAGEMENT INC.
MEMBER OF



RECEIVED
Department of Planning & Zoning

OCT 19 2009

Zoning Evaluation Division



West Elevation

LANDSCAPE CONTRACTORS
WEWERKA
CONSTRUCTION
MANAGEMENT INC.

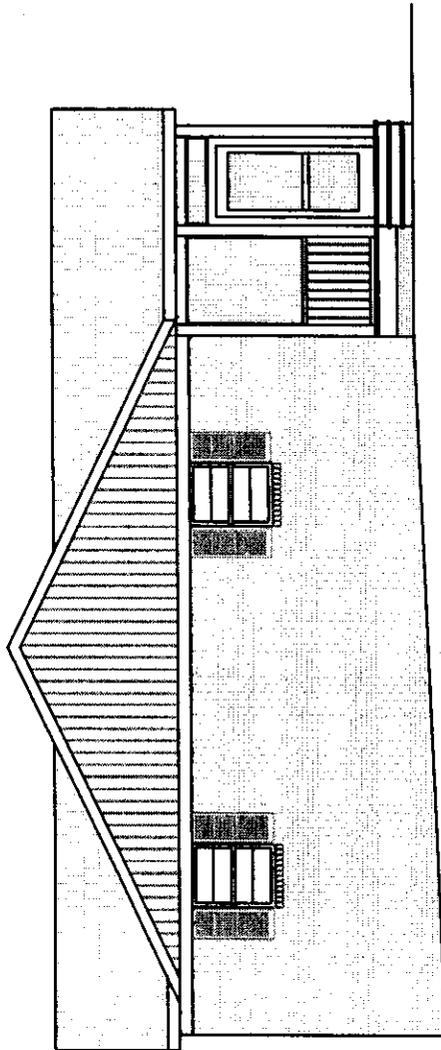


WEWERKA
CONSTRUCTION
MANAGEMENT INC.

Vest Residence
5801 Lane Drive

scale: 1/8" = 1' 0"
date: October 19, 2009

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Department of Planning & Zoning
OCT 19 2009
Zoning Evaluation Division



South Elevation

date: October 19, 2009

scale: 1/8" = 1' 0"

Vest Residence

5801 Lane Drive

LANDSCAPE CONTRACTORS
9103 INDUSTRIAL DRIVE - MANASSAS
VIRGINIA - 20108-1111 P.O. BOX 330-3400

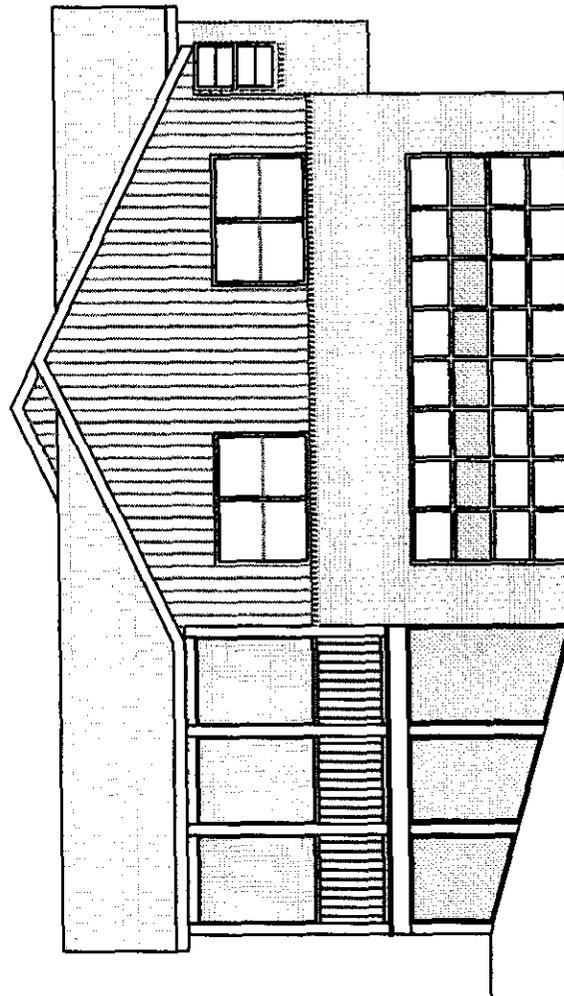
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CONSTRUCTION
MANAGEMENT INC.



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Zoning Evaluation Division



North Elevation



EXISTING SCREENING PLANTS TO REMAIN.

west
side
neighbor



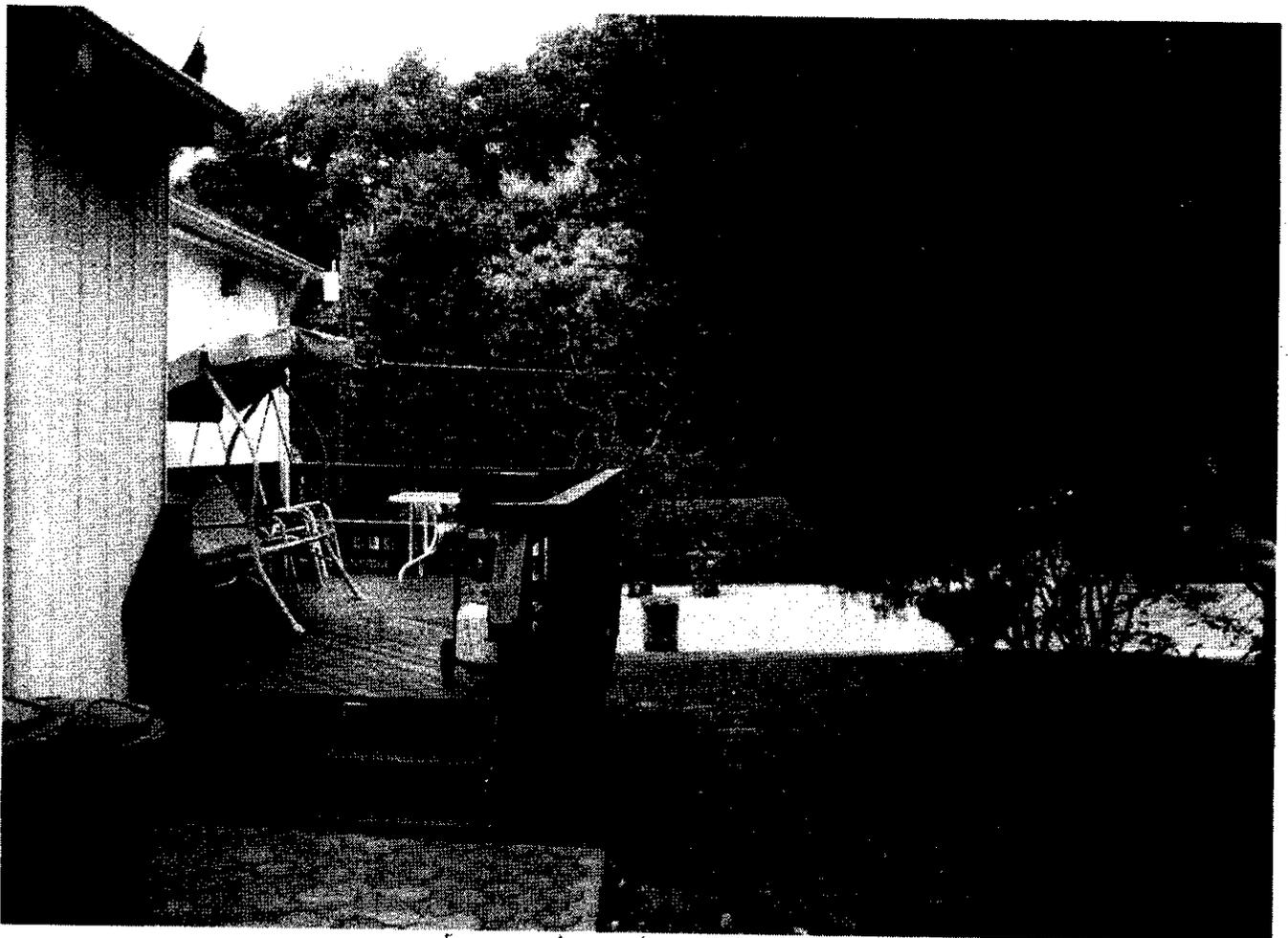
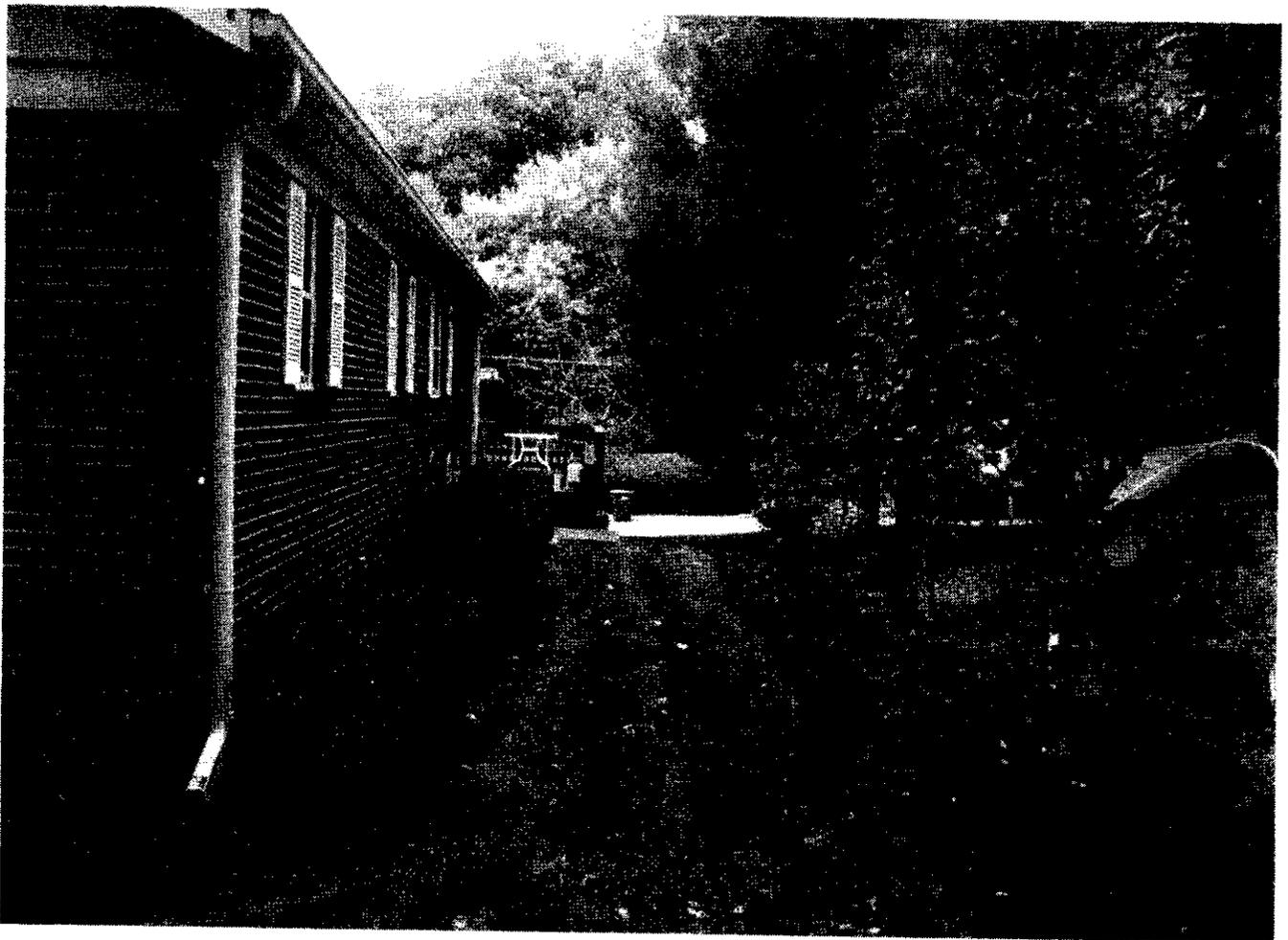


Vest
exhib
hall

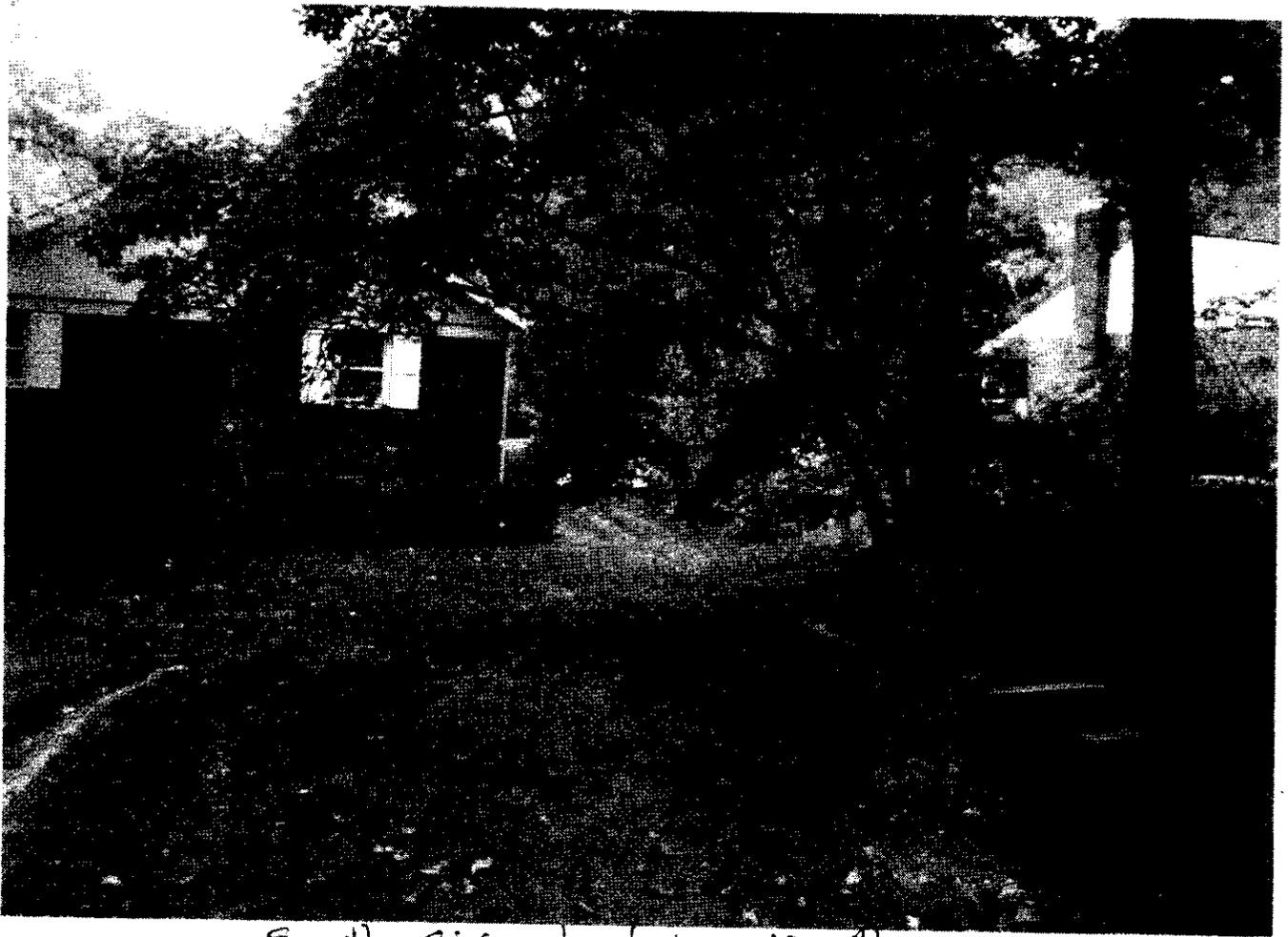
Scott
Nights

-Vest
shed.

EAST side looking South



west side look North.



South side looking North.

Vest home



Neighbors home

South side looking North.



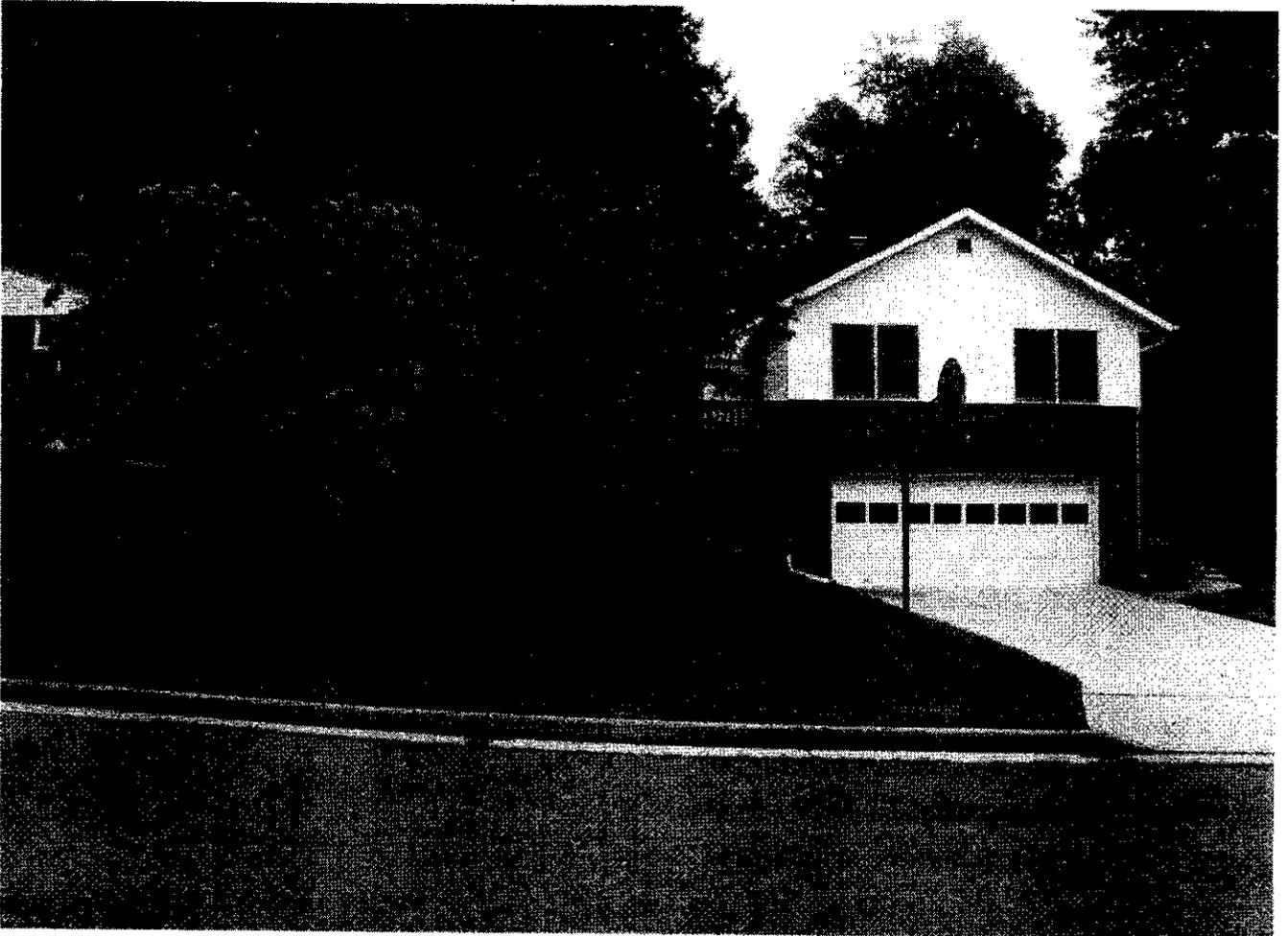
View from South



View from West



View from East



View from North

DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a screened porch addition 6 feet from the eastern side lot line of a corner lot.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Addition	Side	12 feet	6 feet	6 feet	50 %

* Minimum yard requirement per Section 3-307

LOCATION AND CHARACTER

Existing Site Description

The site is currently zoned R-3 and contains a one story with basement single-family detached dwelling which was originally constructed in 1956. In 1993, renovations were made to change the location of the driveway from Lane Drive to Westchester Street in order to accommodate a garage and living room addition and an open deck. The existing deck, permitted with the 1993 renovations, is where the proposed screen porch is to be constructed. The lot consists of 15,423 square feet and is surrounded by single family detached homes on all sides with Bush Hill Park (Fairfax County Park Authority property) located towards the west of the subject property. There is little change in topography and there are mature trees in the front yard which will not be affected by the proposed construction. Aerial imagery obtained from the internet has been provided in Appendix 4 to observe the property and the surrounding neighborhood.

Character of the Area

	Zoning	Use
North	R-3	Single Family Detached Dwellings
West	R-3	Single Family Detached Dwellings & Fairfax County Park Authority Property (Bush Hill Park)
East	R-3	Single Family Detached Dwellings
South	R-3	Single Family Detached Dwellings

BACKGROUND

The existing deck where the screen porch is proposed was constructed in conjunction with building permit #92302B0130 which was issued in 1992 which also included approval for construction of a new garage as well as interior modifications to the existing garage for a living room expansion.

There is also an existing shed located on the south side of the property which is less than 8.5 feet in height and not beyond the plane of the existing dwelling as determined by the Zoning Administration Division. Therefore, the shed is in compliance with Zoning Ordinance location regulations. Also, the shed is less than 150 square feet and would not have required a building permit.

The Board of Zoning Appeals (BZA) has heard the following applications in the neighborhood:

- Variance VC 01-L-044, granted on June 13, 2001, on Tax Map Number 81-2 ((6)) (5) 71, on 5817 Pratt Court, zoned R-3, southwest of the subject property to permit construction of addition 10.49 feet from the side lot line.
- Variance VC 99-L-038, granted on June 9, 1999, on Tax Map Number 81-2 ((10)) 41, on 5726 Barbmor Court, zoned R-3, east of the subject property to permit construction of addition 8.6 feet from the side lot line.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat, Lot 37, Block 9, Second Addition to Brookland Estates
- **Prepared By:** Larry N. Scartz, Scartz Surveys, dated September 9, 2009, revised and signed through October 14, 2009

Proposal

The applicant proposes to construct a screen porch over a portion of an existing deck. The footprint of the proposed screen porch will be approximately 13 feet x 17.8 feet (238 square feet) in size and 15 feet in height.

ZONING ORDINANCE REQUIREMENTS (See Appendix 6)

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

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding 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. *Staff believes that the special permit application satisfies this condition based the fact that there is a minimal extension further into the side yard than what currently exists. The screen porch is proposed to be constructed over an existing deck. The most affected property is to the east, which the development conditions have addressed in terms of potential adverse impacts to the existing trees. Therefore, staff believes the application meets this provision.*

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 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 1,938 square feet. Therefore 150% of the total gross floor area could result in an addition up to 2,907 square feet; which makes a combined total of 4,845 square feet. The proposed addition will be 238 square feet in size for a total of 2,176 square feet for the existing house and addition. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The proposed screened porch addition will extend on the footprint of an existing deck and is proposed at a height of 15 feet and to be only 238 square feet in size. The existing single family detached dwelling is 16.3 feet in height and 1,938 square feet in size; therefore the proposed screen porch addition will be in character with existing on-site development in terms of height and bulk respectively. The proposed screen porch will be constructed with materials similar to the existing dwelling. Staff believes the proposed addition will not be out of character with existing on-site development and meets this provision.

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

height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. *The proposed addition will not adversely affect the neighboring properties due to the small size and scope. Minimal land disturbance shall take place because of its location on an existing deck. The Forest Conservation Branch (DPWES) identified significant trees on the adjacent property which could be affected during the stages of construction; therefore, staff has conditioned the special permit so that tree protective fencing be placed on the subject property. With the development conditions there will be no harm to existing vegetation or significant trees on the subject property or the neighboring property. A copy of the memo can be found in Appendix 5.*

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. No downstream complaints have been indicated by DPWES and there is minimal increase of impervious area due to the proposed addition being constructed over an existing deck. The posts of the existing deck must be relocated further out to accommodate the extension of the proposed screen porch. Currently there is dense tree cover along the eastern side property line which is where the proposed addition will take place. This tree cover is provided by the adjacent property which will serve as a buffer between the proposed addition and the adjacent property. Therefore, staff believes that the proposed addition shall not have any adverse impact on neighboring properties.

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. Since the proposed addition is extending only slightly further into the minimum required side yard than what currently exists, staff believes this proposed screened porch is a minimal addition. There are no potential alternate locations for a screened porch given the orientation of the existing dwelling on the subject property which is a corner lot. Therefore, staff believes the application satisfies this provision.

CONCLUSION

Staff believes that the subject application for the addition 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 special permit application SP 2009-LE-102 for the addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

If it is the intent of the BZA to approve this application, Staff recommends the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Aerial Imagery of Property
5. Forest Conservation Branch Memo
6. Zoning Ordinance Provisions

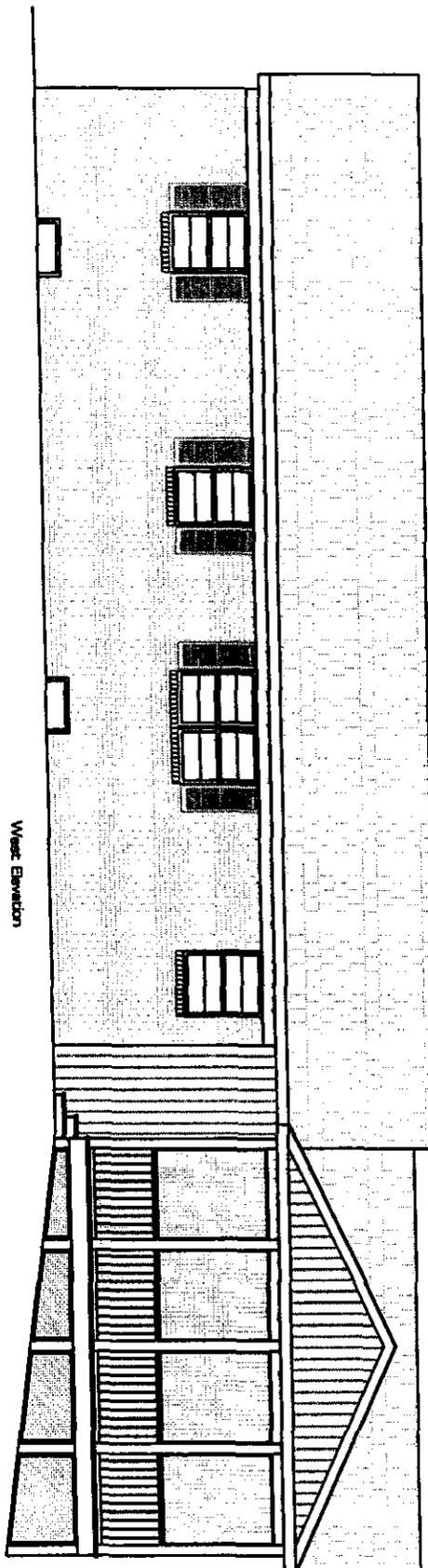
PROPOSED DEVELOPMENT CONDITIONS**SP 2009-LE-102****December 30, 2009**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-LE-102 located at Tax Map Number 81-2 ((6)) (9) 37 (5801 Lane Drive), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends 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 record of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation 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 proposed screen porch addition as shown on the plat prepared by Larry N. Scartz, Scartz Surveys, dated September 9, 2009, revised and signed through October 14, 2009, submitted with this application and is not transferable to other land.
3. 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 (1,938 square feet existing + 2,907 (150%) = 4,845 permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction, special permit or variance. 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 depicted on the plat and included in Attachment 1 to these conditions.
5. Prior to commencement of and during the entire construction process, tree protective fencing shall be installed between the location of the proposed addition and the dripline of the significant trees outlined in the memo from the Forest Conservation Branch, DPWES along the eastern side property line. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading.

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 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.



West Elevation

RECEIVED
 Department of Planning & Zoning
 OCT 19 2009
 Zoning Evaluation Division

Vest Residence

5801 Lane Drive

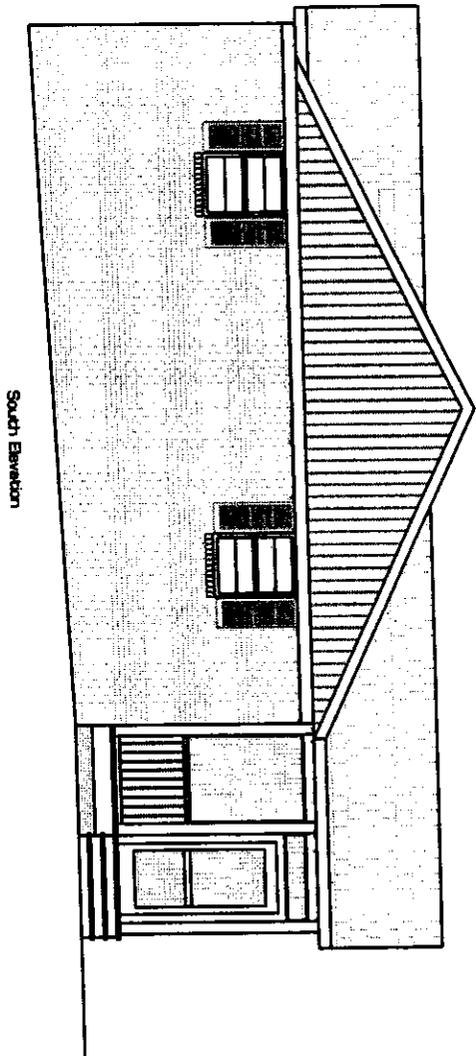
scale: 1/8" = 1' 0"

date: October 19, 2009



WEWERKA
 CONSTRUCTION
 MANAGEMENT INC

LANDSCAPE CONTRACTORS
 6103 Industry Drive - Manassas
 Virginia - 20111 703-335-3400



South Elevation

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 Department of Planning & Zoning
 OCT 19 2009
 Zoning Evaluation Division



WEWERKA
 CONSTRUCTION
 MANAGEMENT INC.

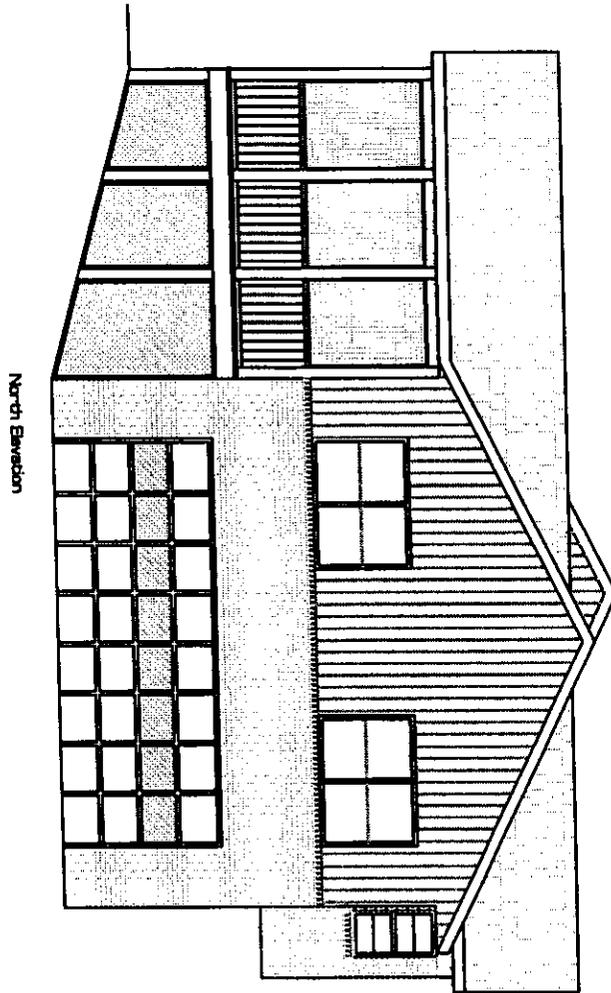
LANDSCAPE CONTRACTORS
 8100 Industry Drive - Manassas
 Virginia - 20111 703-330-3400

Vest Residence

5801 Lane Drive

scale: 1/8" = 1' 0"

date: October 19, 2009



RECEIVED
 Department of Planning & Zoning
 OCT 19 2009
 Zoning Evaluation Division



WEWERKA
 CONSTRUCTION
 MANAGEMENT INC.

LANDSCAPE CONTRACTORS
 8103 Industry Drive - Manassas
 Virginia - 20108 703 330-3400

Vest Residence

5801 Lane Drive

scale: 1/8" = 1' 0"

date: October 19, 2009

Application No.(s): SP 2009-LE-102
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 19, 2009
 (enter date affidavit is notarized)

I, Richard L. Wewerka, 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 1060826

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)
Raivo Vest, Trustee of the Vest Family Trust	5801 Lane Drive Alexandria, Virginia 22310	Applicant/Title Owner/Trustee/Beneficiary
Norma A. Vest, Trustee of the Vest Family Trust	5801 Lane Drive Alexandria, Virginia 22310	Applicant/Title Owner/Trustee/Beneficiary
Wewerka Construction Management, Inc.	9103 Industry Drive Manassas Park, Virginia 20111	Agent
Richard L. Wewerka	9103 Industry Drive Manassas Park, Virginia 20111	Agent

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

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

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

Application No.(s): SP 2009-LE-102
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 19, 2009
(enter date affidavit is notarized)

106 0825

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)

Wewerka Construction Management, Inc.
9103 Industry Drive
Manassas Park, Virginia 20111

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)

Richard L. Wewerka (100%)

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

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

Application No.(s): SP 2009-LE-102
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 19, 2009
(enter date affidavit is notarized)

1060824

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): SP 2009-LE-102
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 19, 2009
(enter date affidavit is notarized)

1060825

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

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

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

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

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

None

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

Application No.(s): SP 2009-LE-102
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 19, 2009
(enter date affidavit is notarized)

1060826

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)

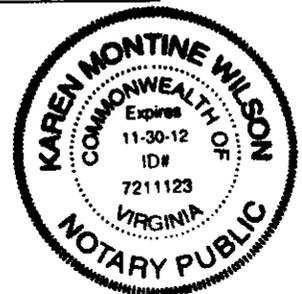
Richard L. Wewerka
[] Applicant [x] Applicant's Authorized Agent

Richard L. Wewerka / Agent
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19 day of October 2009, in the State/Comm. of Virginia, County/City of Prince William

[Signature]
Notary Public

My commission expires: November 30, 2012



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

County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

STATEMENT OF JUSTIFICATION

This statement is respectfully submitted to justify the need for a special permit which will enable the homeowners to develop a screened porch on their house located at 5801 Lane Drive Alexandria Virginia, Fairfax County. This is a corner house in a R3 zoning district with a side yard setback of 12 feet. The rear porch will replace an existing deck that extends 10 feet into the side yard with the new porch extending 13 feet into the side yard, only 3 additional feet. To do this we request a 50% reduction in the yard requirements. The use and justification for this reduction are listed below:

1. The screened porch will be used as a covered deck for eating and relaxation. It is a one story structure below the roofline of the existing garage.
2. It is a single family dwelling and will be used by the homeowner and their guest. There will be no commercial use for this structure.
3. The porch will be constructed as a wood deck with an open roof structure and removable screen panels. The interior will be stained a natural wood color and the exterior to match the house colors. The side of the deck will be enclosed with a siding product like the existing deck. Shingles will match the existing house shingles. The intent is to make the structure in harmony with the existing house and the surrounding neighborhood. This porch use is only different than the existing deck by the need to keep out insects.
4. The additional floor area added to the existing house is only 12% and clearly subordinate in purpose, scale, use and intent to the principle structure.
5. The character of the porch will be in keeping with the existing deck and house.
6. The porch does not protrude toward any roadways, common areas, and is harmonious with the neighborhood. The existing buffer area between the porch and the nearest home is mature and will be undisturbed. Removal of vegetation will not be necessary for this project and will be left in the present condition.
7. The porch area faces the rear neighbor's driveway. There are no houses within several hundred feet of the porch.

8. The existing drainage will not change. This is a deck structure with post so there will be no continuous footing or foundation walls to obstruct water flow. Less than 300 square feet of area will be disturbed during construction.
9. The porch is designed for 6-8 people so noise, light and other factors should not impact the adjacent property owners.
10. The reduction requested is the minimum amount needed to construct a porch that will be usable for the homeowner. The present 10 ft wide deck is hardly enough room for one table and walking space. The 3 additional feet requested will make room for the dining and walking areas needed. The only other side yard area which would be allowable for construction is on the bedroom side of the house 50 feet away from the kitchen and living areas of the house and would be totally inappropriate for the intended use the porch.

Respectfully submitted by:

A handwritten signature in cursive script, reading "Richard L. Wewerka", with a long horizontal flourish extending to the right.

Richard L. Wewerka
Agent



RECEIVED
Department of Planning & Zoning
OCT 19 2009
Zoning Evaluation Division

October 19, 2009

County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Response to Letter dated October 5, 2009
SP 2009-0243

Vest Residence 5801 Lane Drive Alexandria Virginia, Fairfax County

Item 3.00 This is a corner lot and has two fronts and two sides. The only side that was missing was the shed or south side yard and these pictures are attached with other additional pictures on the CD.

Item 5.07 This was included in the statement of justification letter item number 3. Repeated below:

The porch will be constructed as a wood deck with an open roof structure and removable screen panels. The interior will be stained a natural wood color and the exterior to match the house colors. The side of the deck will be enclosed with a siding product (i.e. lattice) like the existing deck. Shingles will match the existing house shingles. The intent is to make the structure in harmony with the existing house and the surrounding neighborhood. This porch use is only different than the existing deck by the need to keep out insects.

Item 5.08 This statement is to assure interested parties and to comply with Va. title 40. Mr. & Mrs. Vest and I have no knowledge of any hazardous or toxic substances being generated, utilized, stored, treated and/or disposed of the this site (property listed above).

Item 5.09 This statement is to assure interested parties that our reason to obtain this Special Permit is that we wish to comply with the provisions of all applicable ordinances, regulations and adopted standards for the above property.

Item 7.00 Plat has been redrawn to show eaves and overhang information and is attached.

Item 930.17 Plat has been redrawn to show eaves and overhang information and is attached.

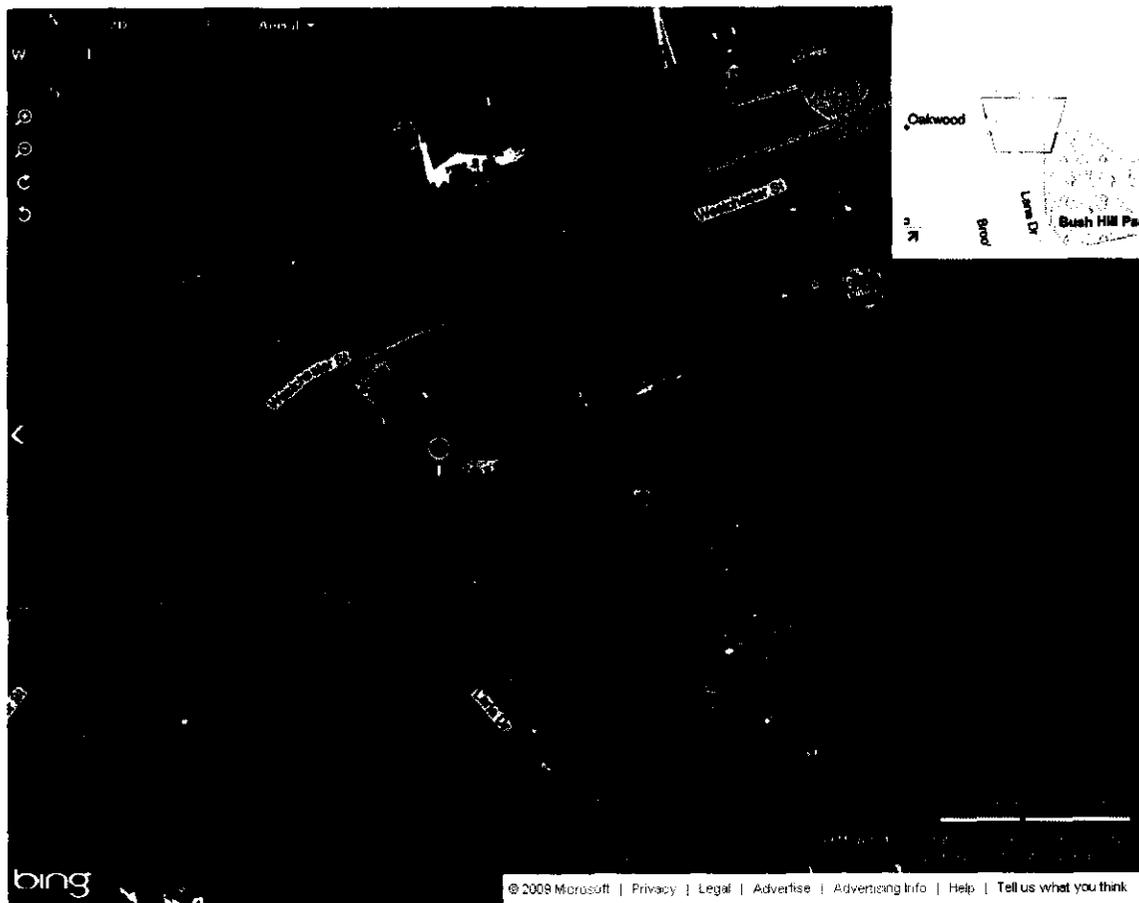
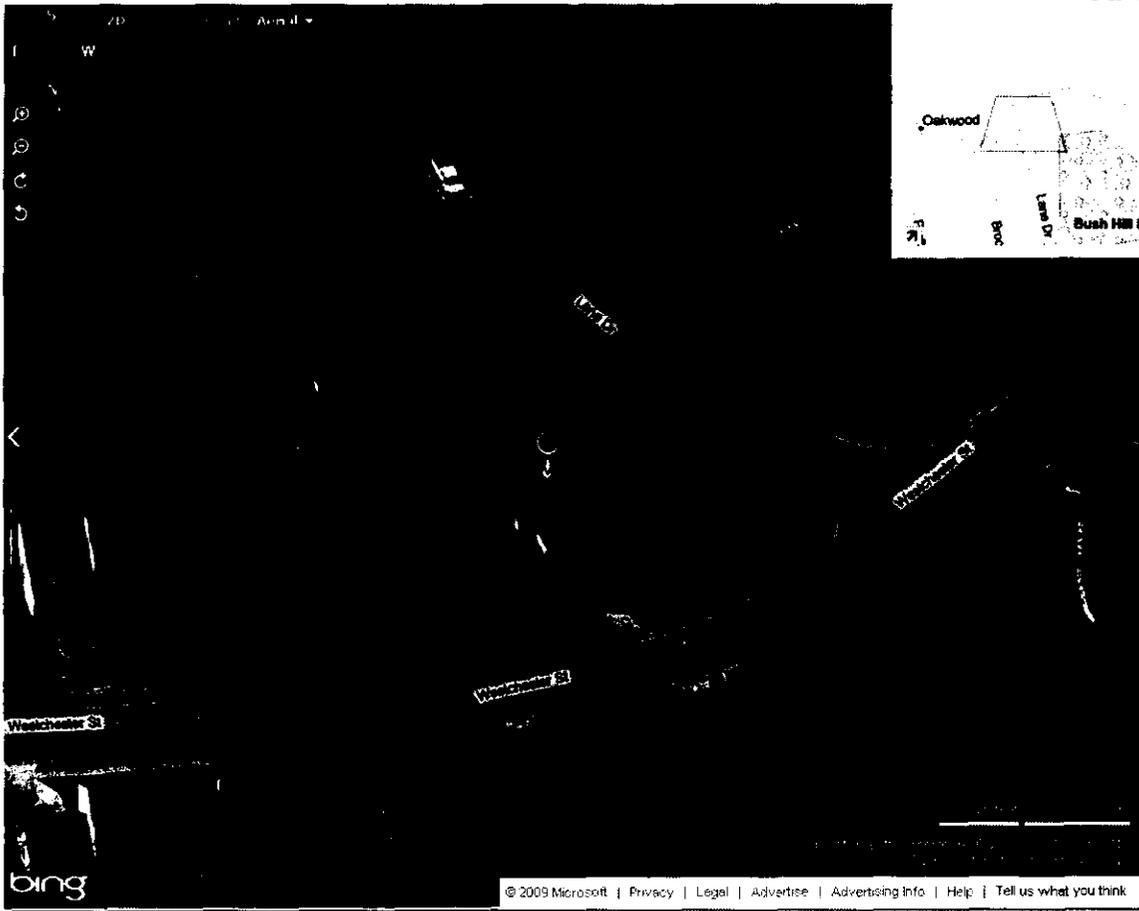
Item 930.19 Plat has been redrawn to show eaves and overhang information and is attached.

Item 930.20 Architectural depictions of the structure are completed and will be submitted with these documents.

Respectfully submitted by:

A handwritten signature in cursive script, reading "Richard L. Wewerka", followed by a horizontal line extending to the right.

Richard L. Wewerka
Agent





County of Fairfax, Virginia

MEMORANDUM

December 4, 2009

TO: Shannon Caffee, Staff Coordinator
Zoning Evaluation Division, DPZ

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



SUBJECT: Brookland Estates Second Addition Block 9 Lot 37; SP 2009-LE-102

RE: Request for assistance dated November 13, 2009

This review is based on the Special Permit application SP 2009-LE-102 and the special permit plat showing the proposed screen porch on "Lot 37, Block 9, Second Addition to Brookland Estates" stamped as "Received, Department of Planning and Zoning, October 19, 2009." A site visit was conducted on December 3, 2009.

Site Description: This site is developed with a one story brick and vinyl siding house with basement with an attached wood deck. There are existing trees and vegetation that appear to be offsite along the eastern property boundary consisting of crapemyrtle, and cedar trees. These trees and shrubs appear to be in fair to good condition and should be considered a priority for preservation.

- 1. **Comment:** There are existing trees and vegetation that appear to be offsite along the eastern property boundary consisting of crapemyrtle, and cedar trees. These trees and shrubs appear to be in fair to good condition and should be considered a priority for preservation.

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

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

TLN/
UFMID #: 148002

cc: RA File
DPZ 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 expansion request. The resulting gross

floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this 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.

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.