



APPLICATION ACCEPTED: November 16, 2009  
DATE OF PUBLIC HEARING: February 3, 2010  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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January 27, 2010

### STAFF REPORT

**SPECIAL PERMIT APPLICATION No. SP 2009-SP-106**

### SPRINGFIELD DISTRICT

**APPLICANT & OWNER:** D. Michael Ellis, TR

**ZONING:** R-3 (Cluster) & WS

**LOCATION:** 6410 Stonehaven Court

**SUBDIVISION:** Little Rocky Run

**ZONING ORDINANCE PROVISION:** 8-922

**TAX MAP:** 65-4 ((4)) 391

**LOT SIZE:** 13,226 Square Feet

**SP PROPOSAL:** Reduction of certain yard requirements to permit construction of addition 12.5 feet from the rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2009-SP-106 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\SP 2009-SP-106 D. MICHAEL ELLIS TR\ELLIS\_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/](http://www.fairfaxcounty.gov/dpz/)



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.**

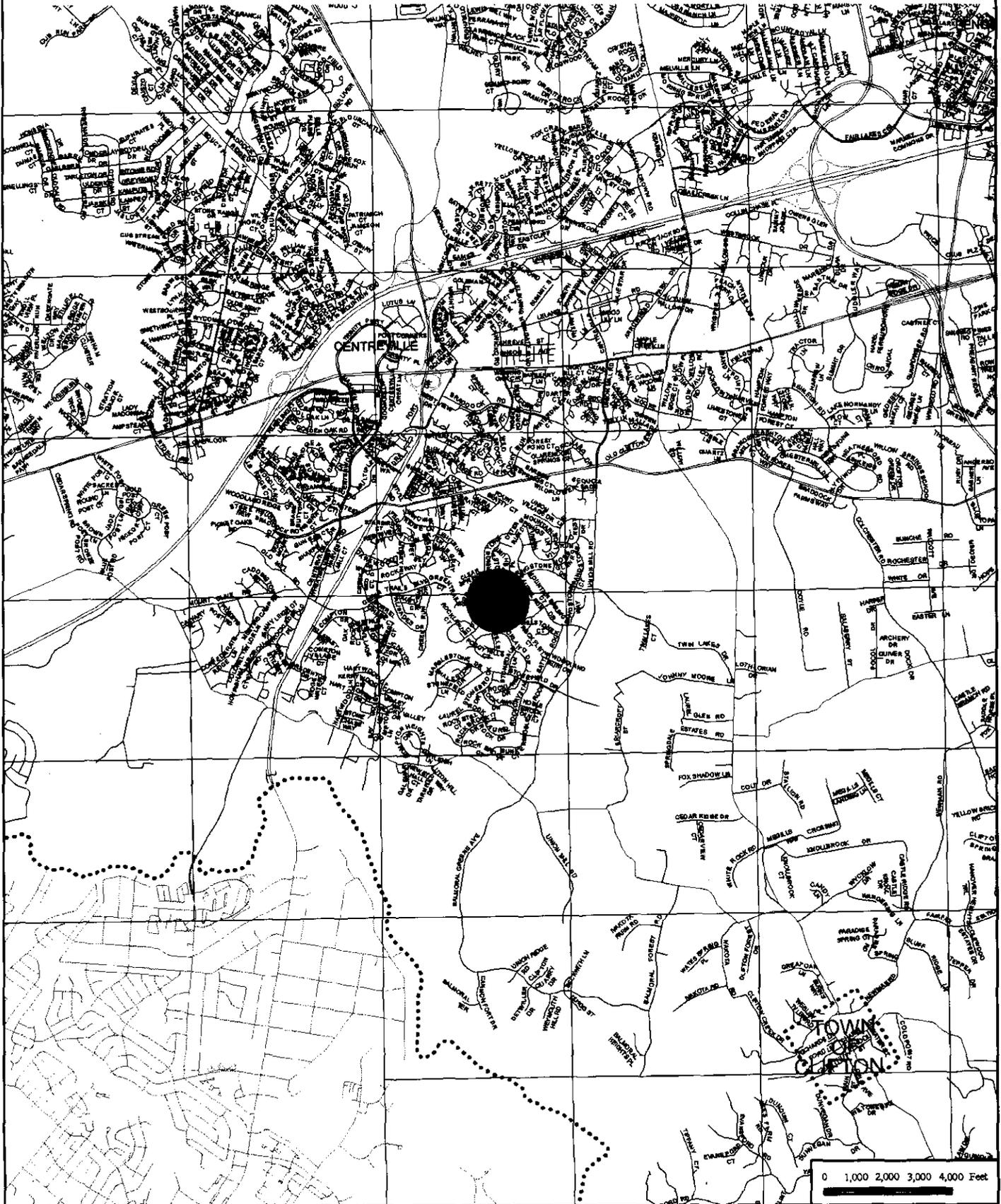


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

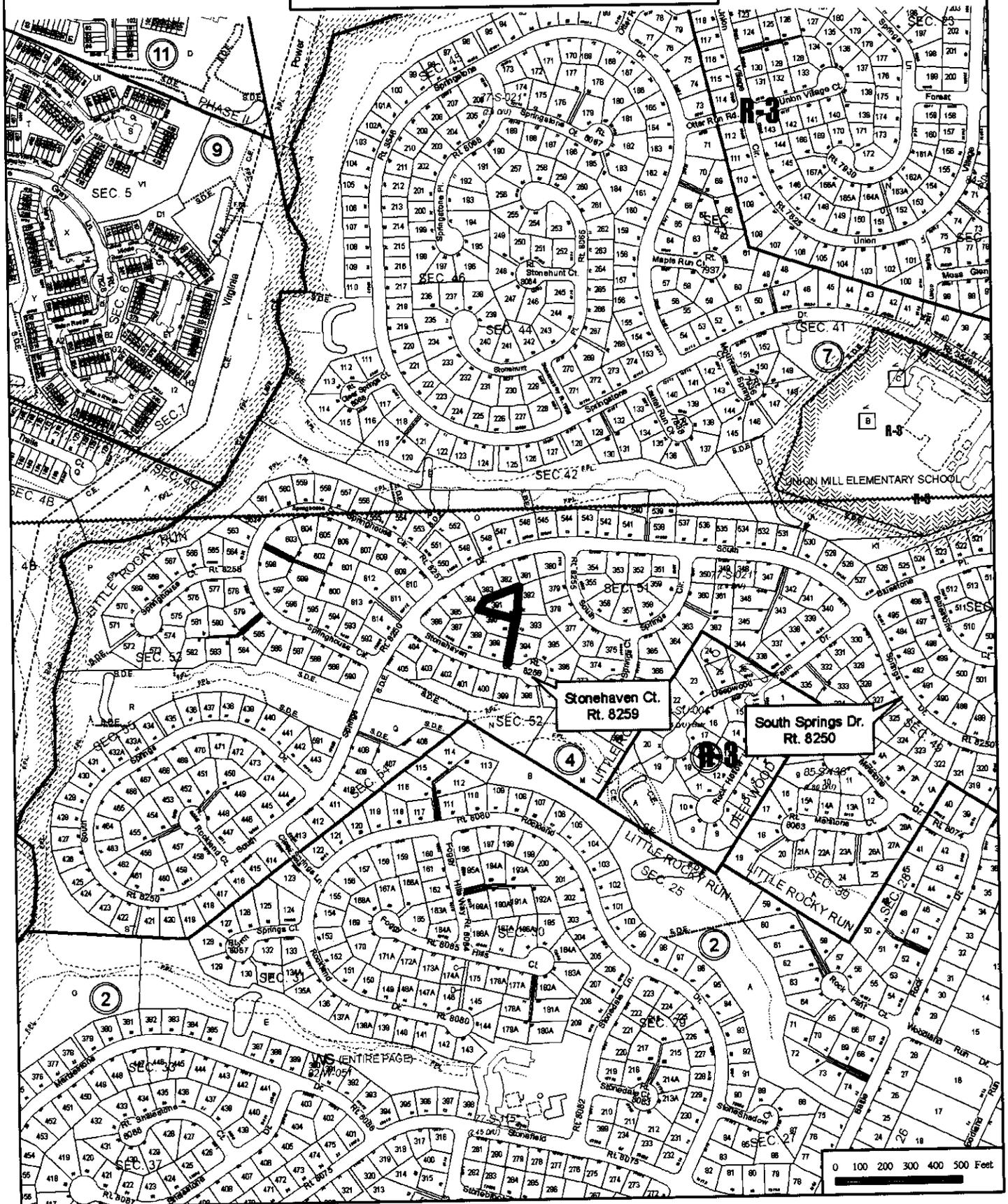
# Special Permit

SP 2009-SP-106

D. MICHAEL ELLIS TR



**Special Permit**  
**SP 2009-SP-106**  
**D. MICHAEL ELLIS TR**





COLONIAL REMODELING  
5305 B LEE HIGHWAY  
ARLINGTON, VIRGINIA 22207  
703-934-0900

CONTRACTOR

THE ELLIS RESIDENCE  
6410 STONEHAVEN COURT  
CLIFTON, VIRGINIA 20124

CLIENT

DATE

7/17/2008

SCALE

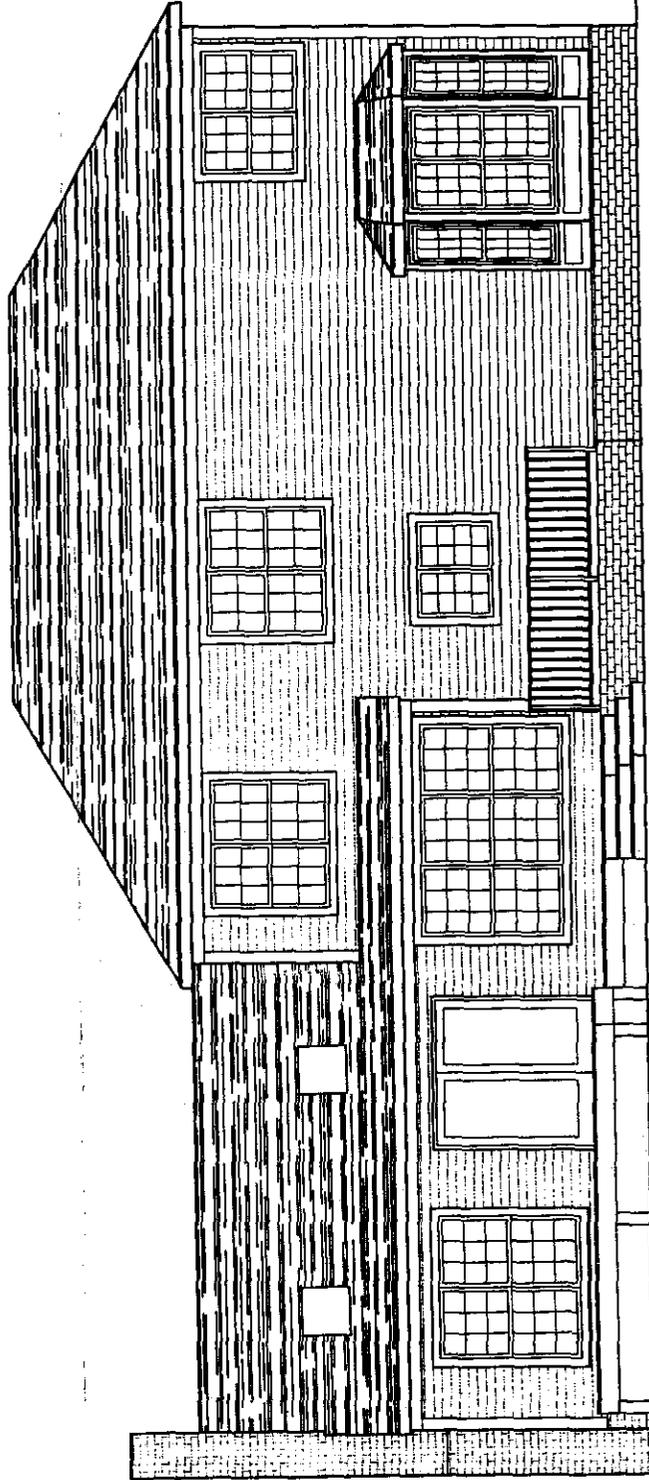
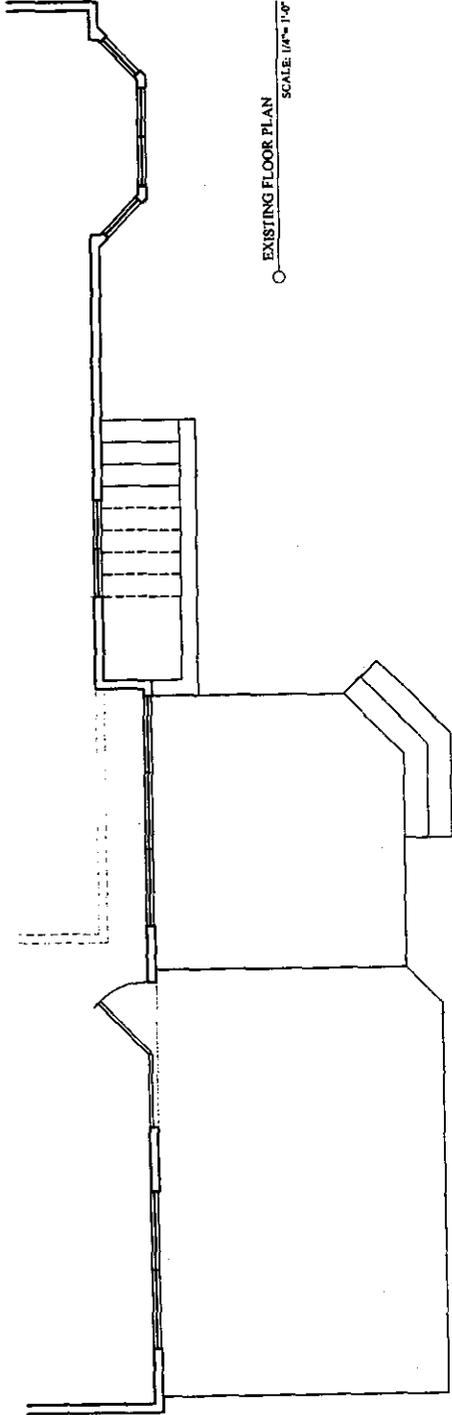
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SHEET TITLE

EXISTING  
FLOOR PLAN  
ELEVATION

SHEET NUMBER

1 OF 4



CONTRACTOR

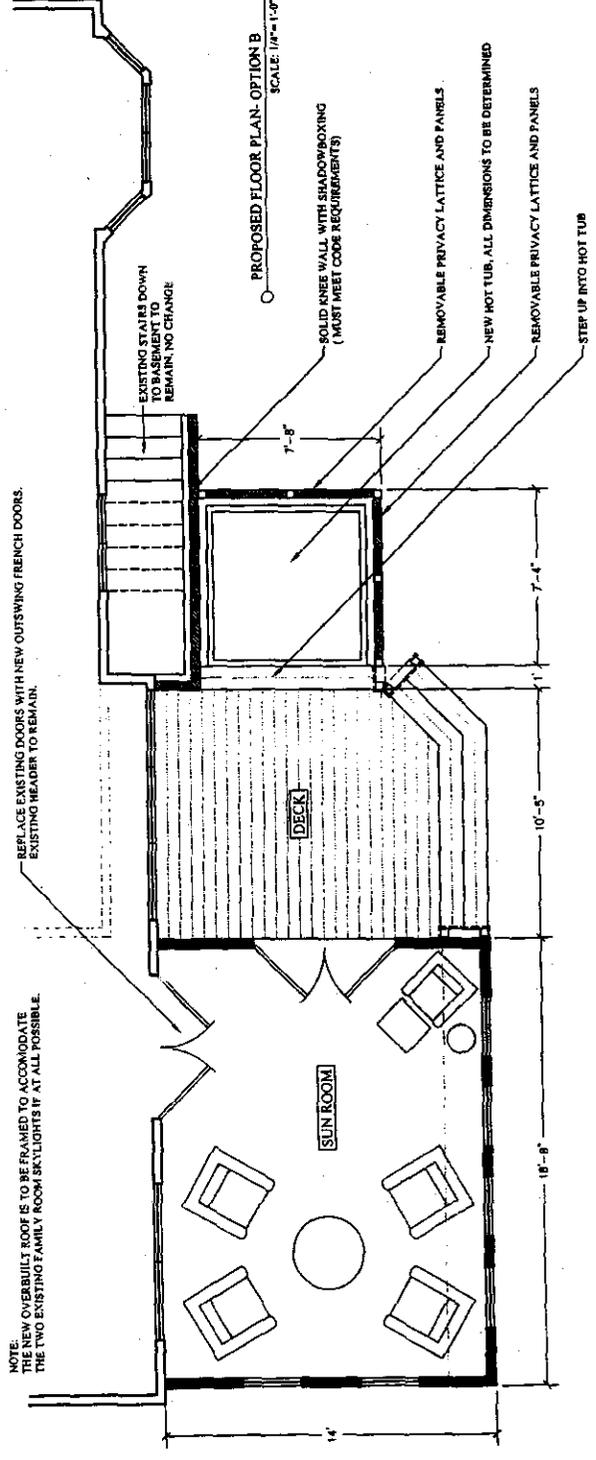
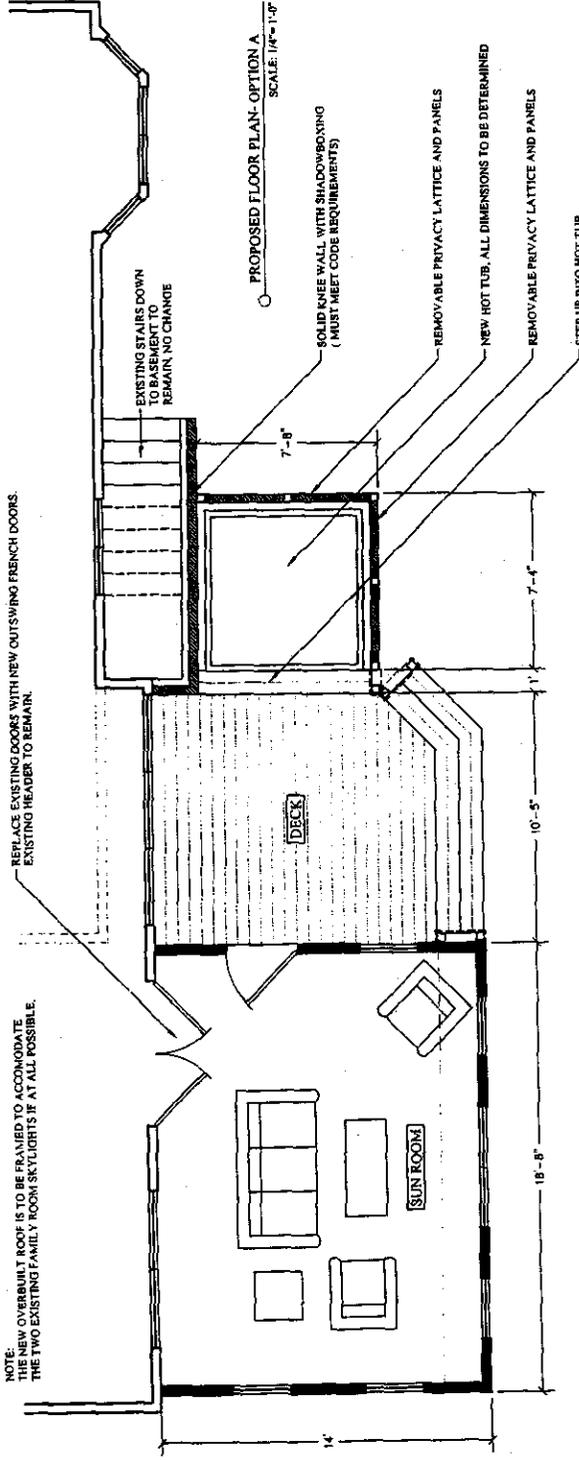
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SHEET TITLE: PROPOSED FLOOR PLAN OPTION A & B

SHEET NUMBER: 2 OF 4



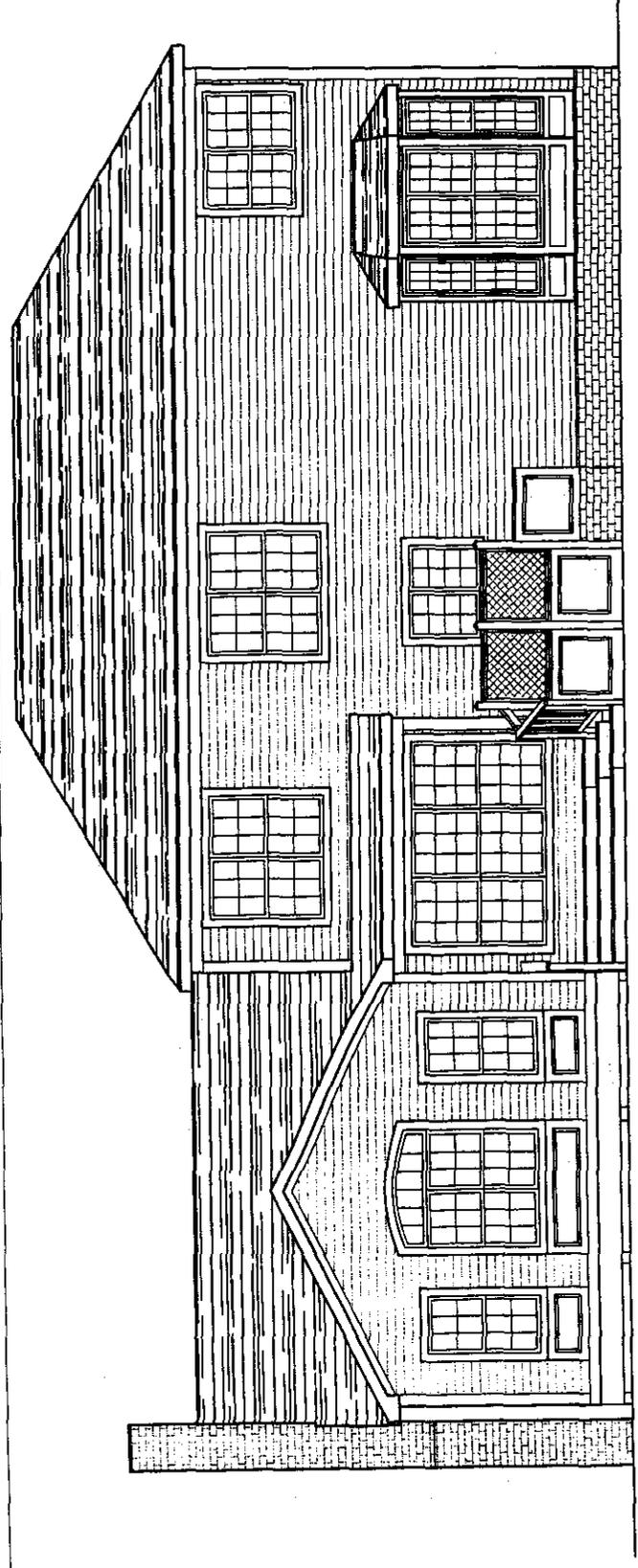
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ARLINGTON, VIRGINIA 22207  
703-534-0900

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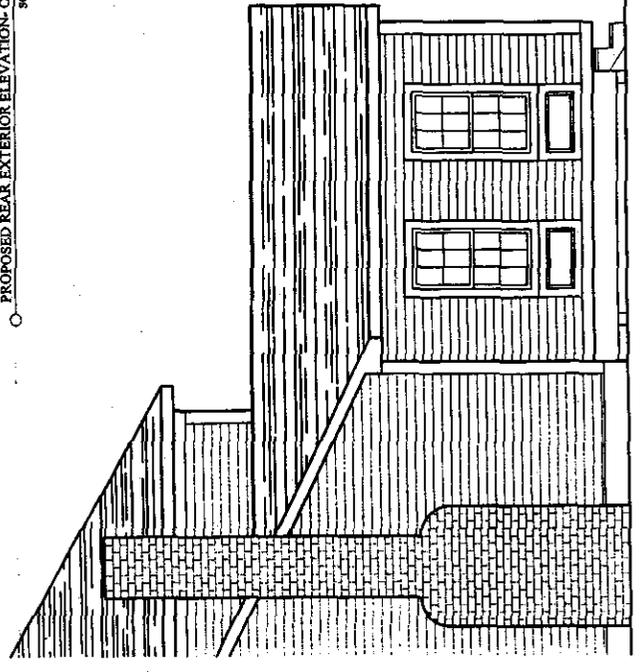
THE ELLIS RESIDENCE  
6410 STONEHAVEN COURT  
CLIFTON, VIRGINIA 20124

CLIENT  
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SHEET NUMBER

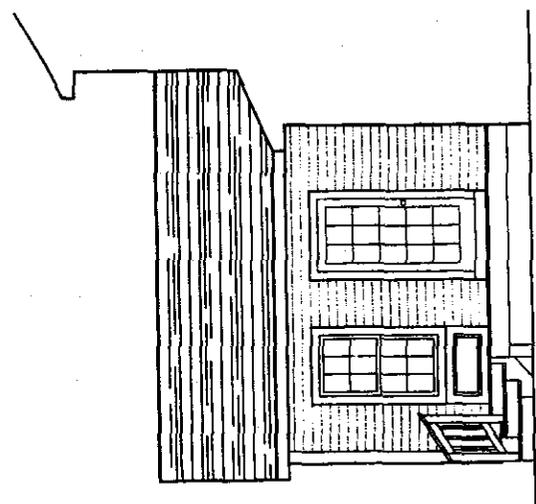
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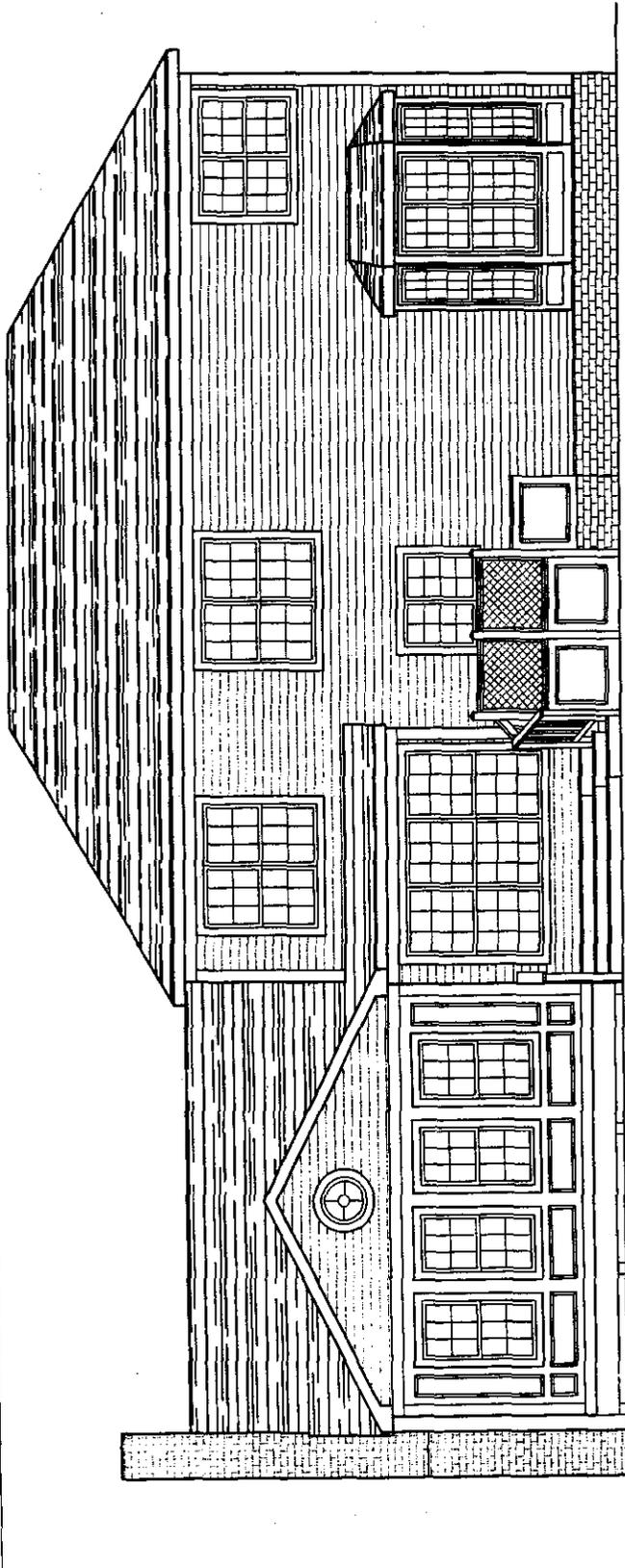
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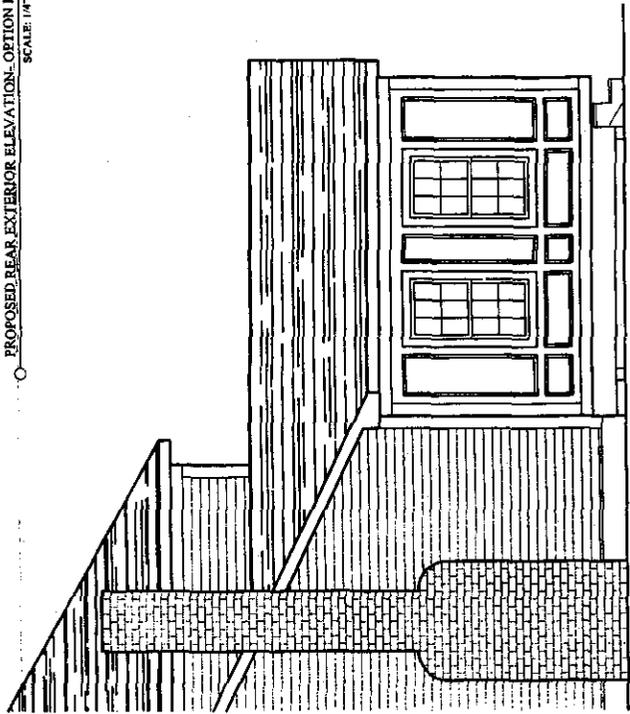
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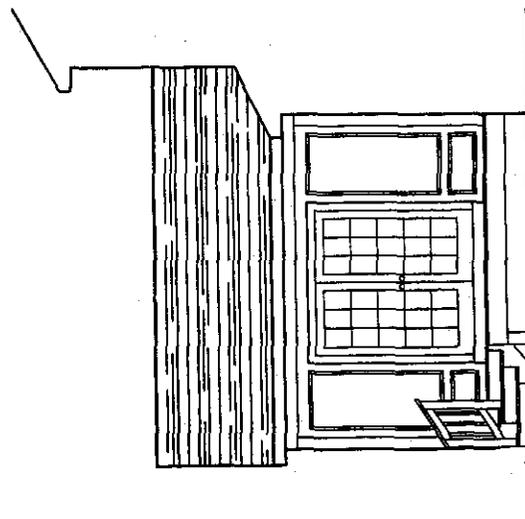
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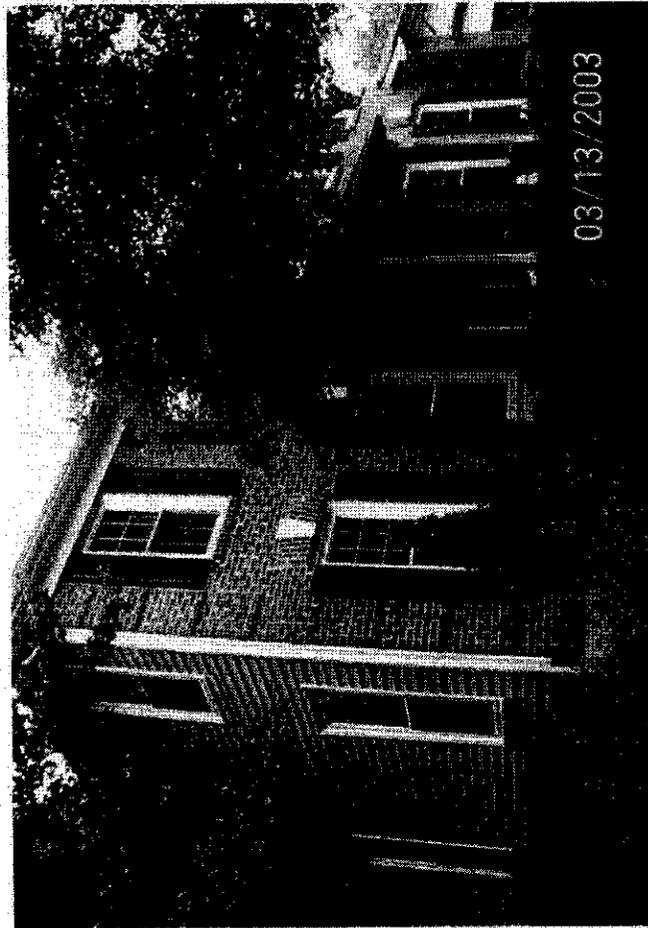
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PROPOSED SIDE EXTERIOR ELEVATION- OPTION B  
SCALE: 1/4" = 1'-0"



PROPOSED SIDE EXTERIOR ELEVATION- OPTION B  
SCALE: 1/4" = 1'-0"



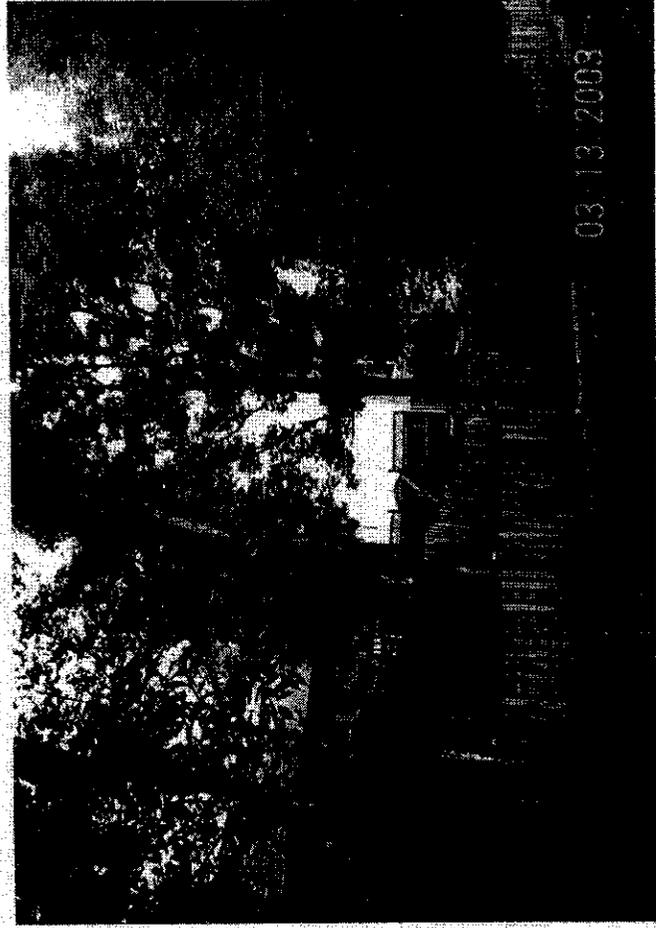
03/13/2003

6410 Stonehaven Ct (Ellis, M) - Left Front



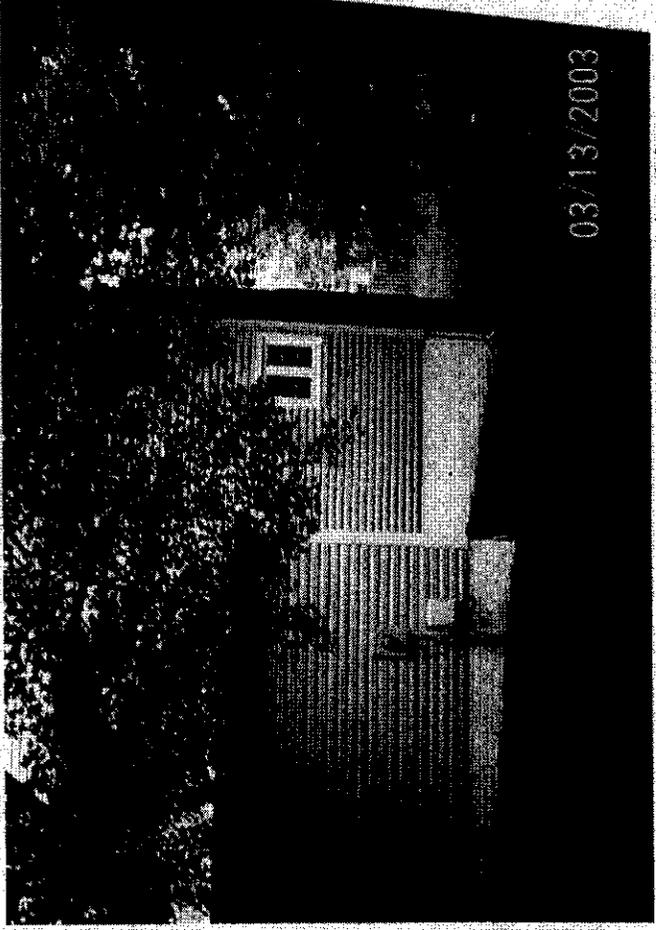
03/13/2003

6412 Stonehaven Ct (Perrault) - Left Neighbor



03/13/2003

13807 South Springs Dr (Conway) - Rear Neighbor



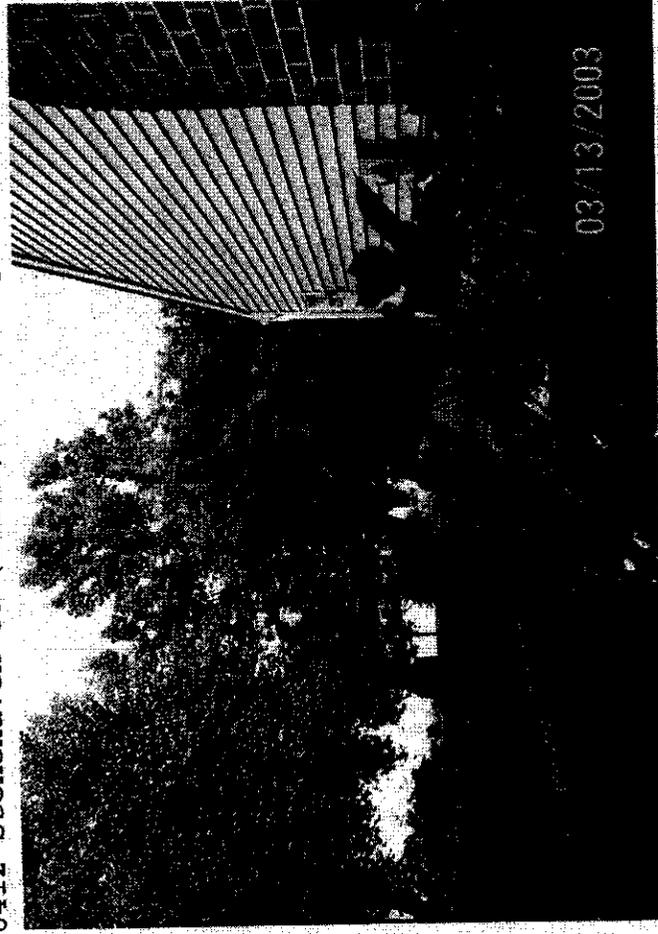
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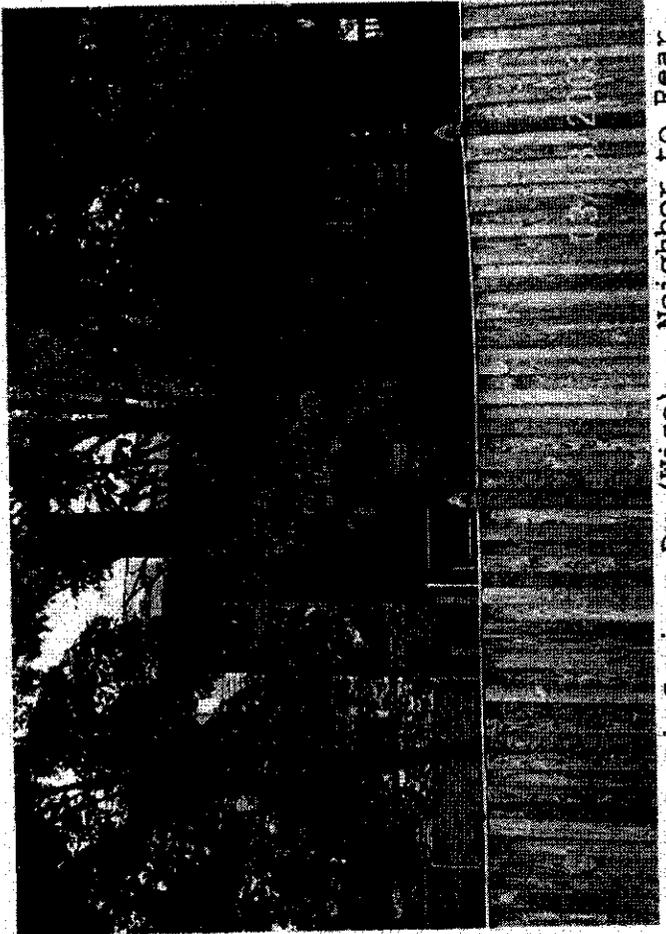
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6412 Stonehaven Ct (Ellis, D) - Neighbor to Right

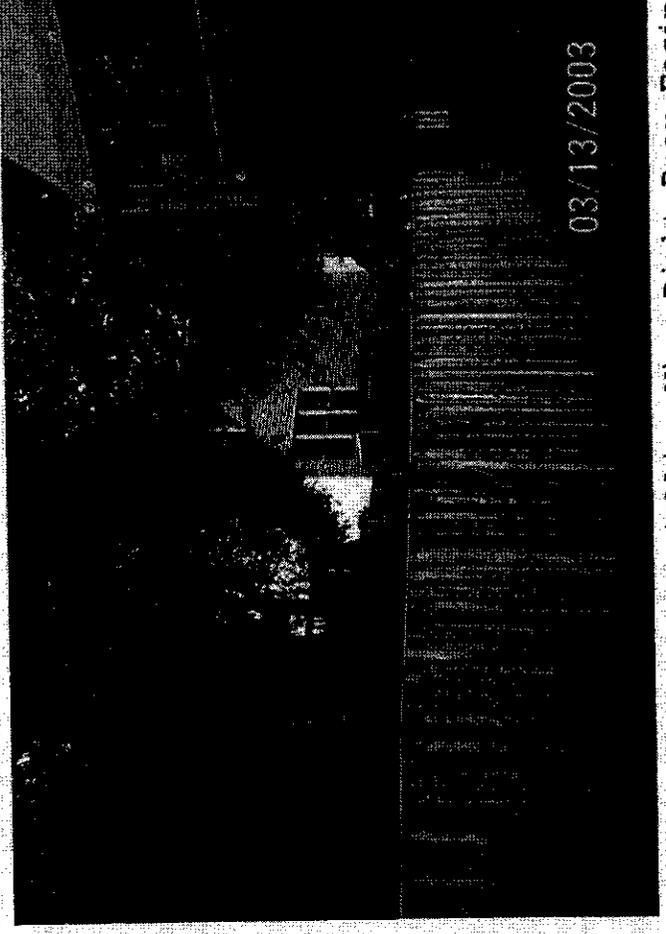


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6410 Stonehaven Ct (Ellis, M) - Right Side from Rear

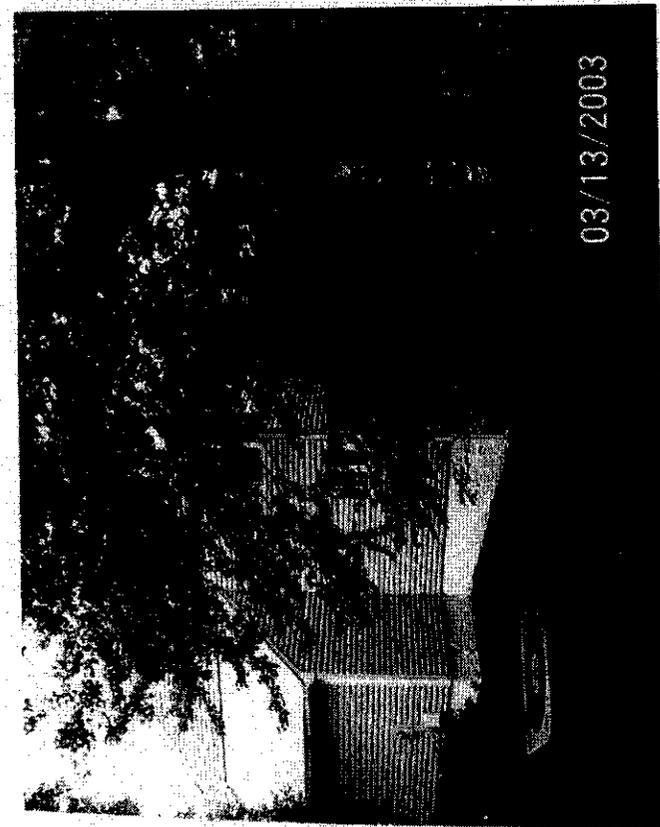


13803 South Springs Dr (Wise) - Neighbor to Rear

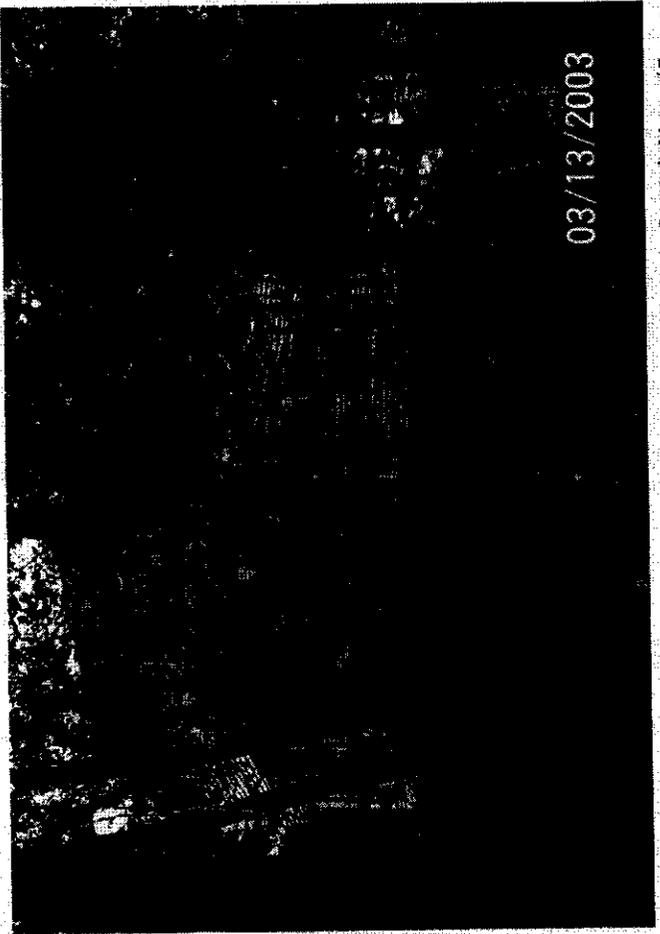


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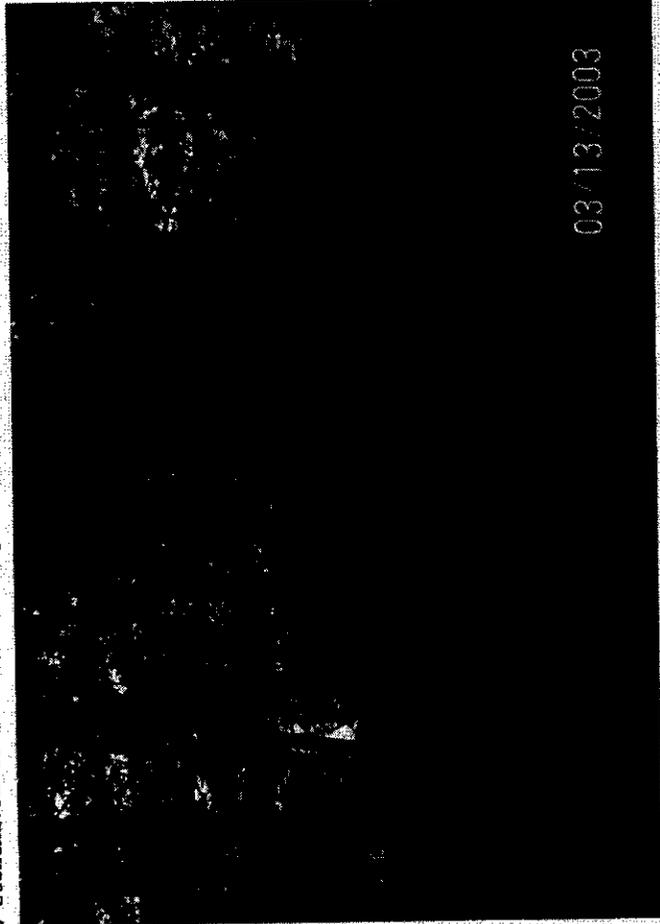
6410 Stonehaven Ct (Ellis, M) - Right Rear Facing  
13803 South Springs Dr (Wise)



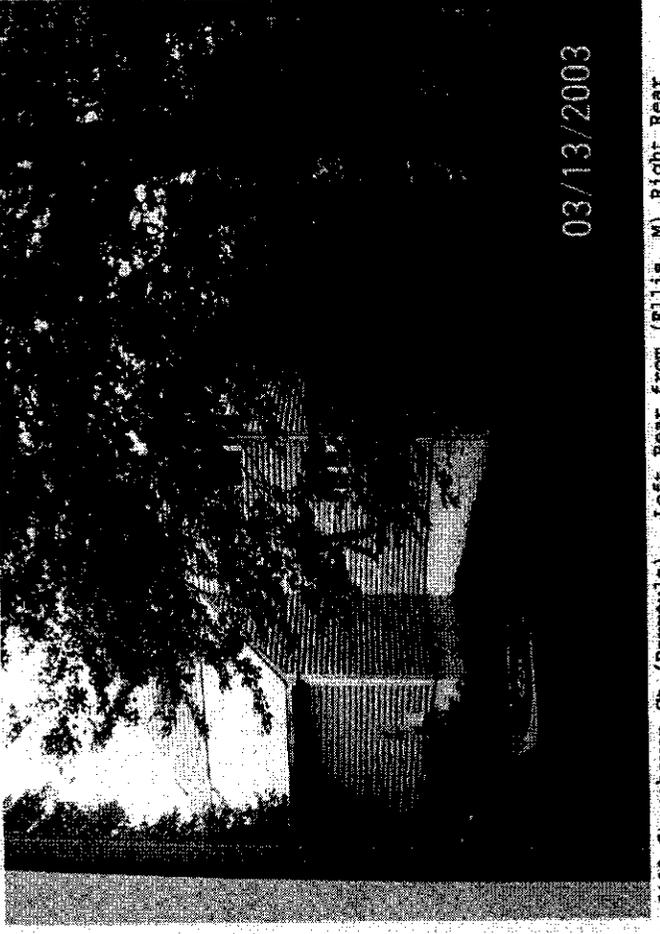
6410 Stonehaven Ct (Ellis, M) - Right Rear Facing Left Neighbor (Perrault)



6410 Stonehaven Ct (Ellis, M) - Left Side of House from Left Neighbor (Perrault)



6410 Stonehaven Ct (Ellis, M) - Left Side of House from Left Neighbor (Perrault)



6408 Stonehaven Ct (Perrault) - Left Rear from (Ellis, M) Right Rear



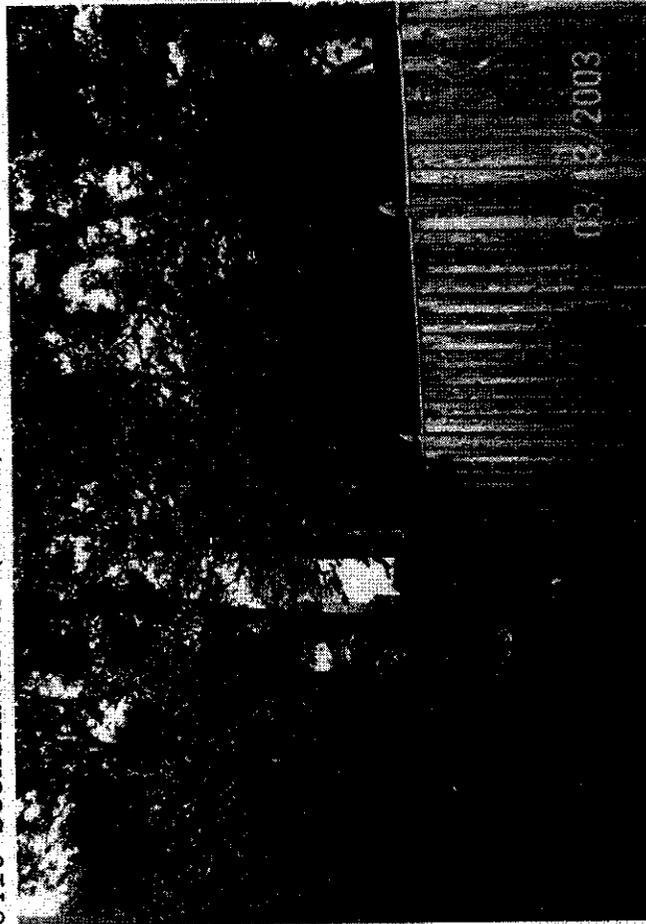
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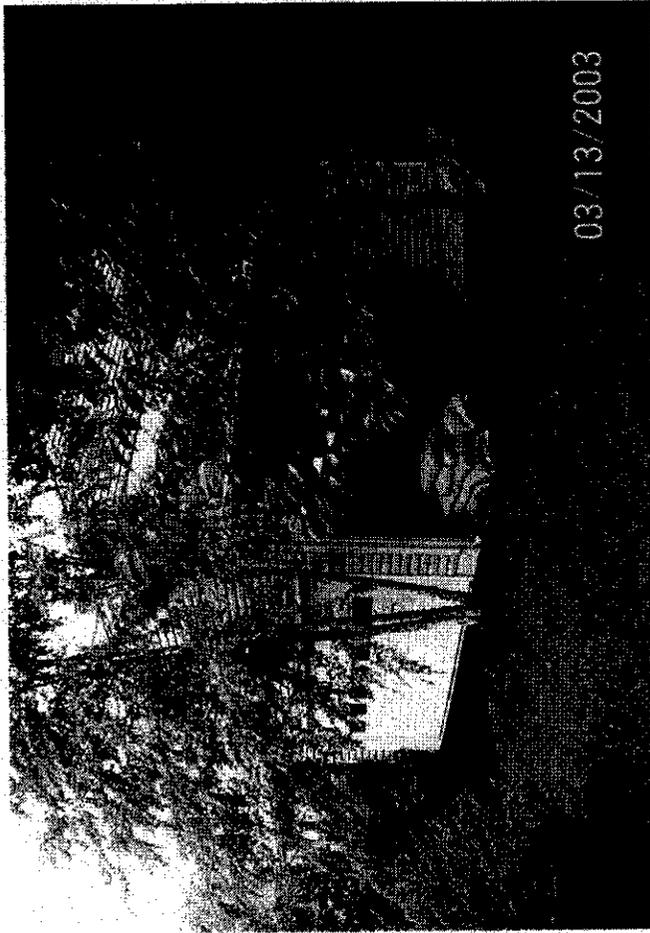
6410 Stonehaven Ct (Ellis) - Right Rear



6410 Stonehaven Ct (Ellis) - Left Rear

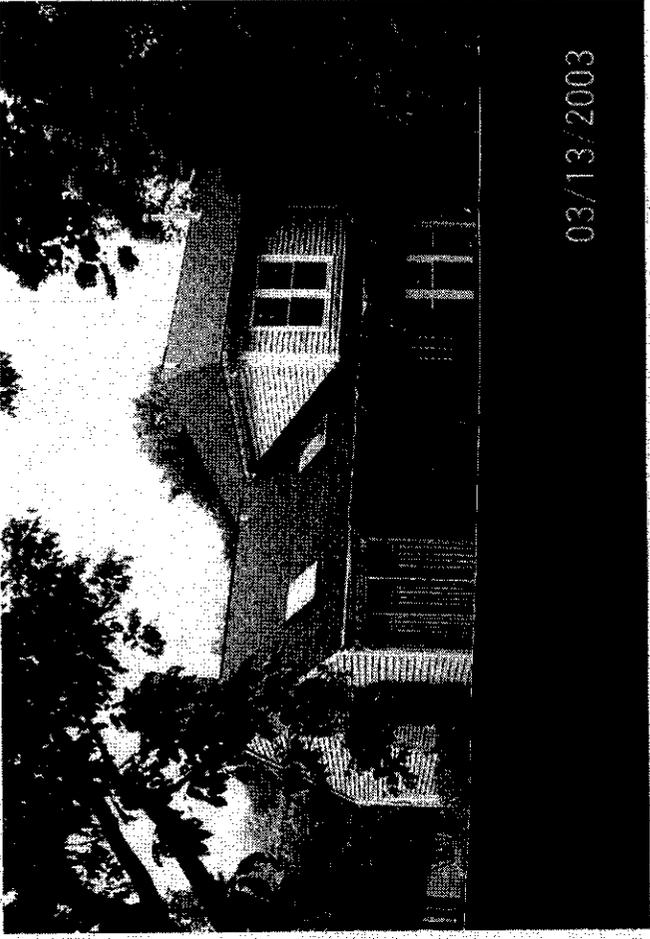


6410 Stonehaven Ct (Ellis) - Facing Rear



03/13/2003

6408 Stonehaven Ct (Perrault) - Neighbor to Left



03/13/2003

6410 Stonehaven Ct (Ellis) - Left Rear from 13803 South Springs Dr



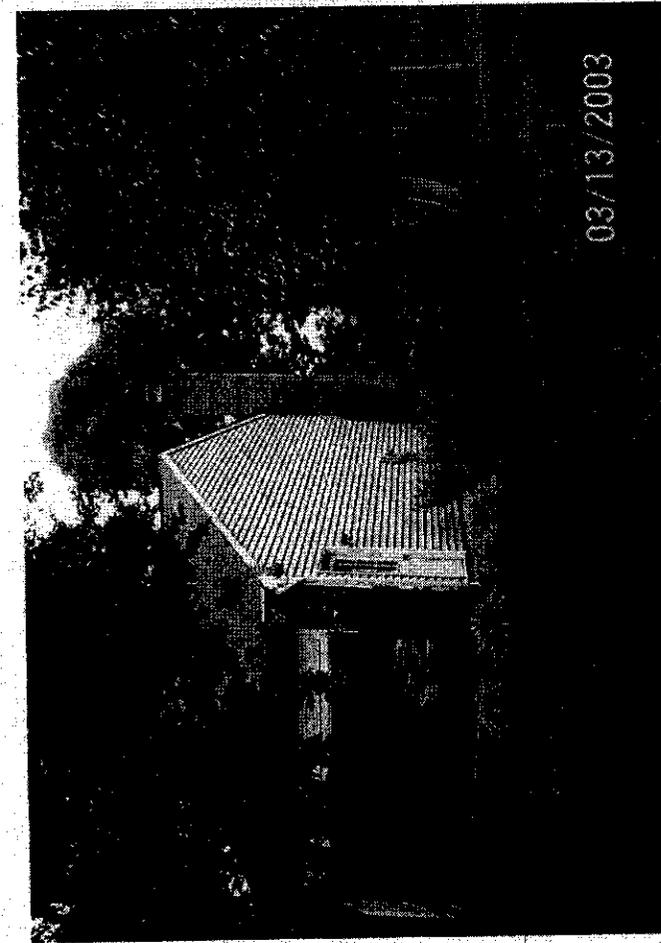
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6410 Stonehaven Ct (Ellis) - Front of house facing pipe stem



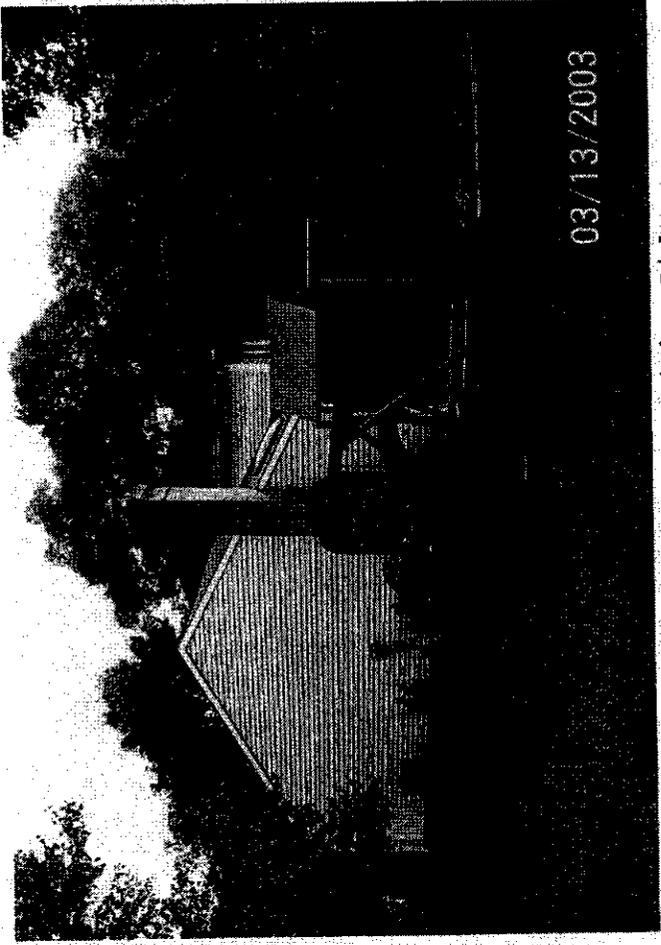
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6410 Stonehaven Ct (Ellis) - Right Rear from 13803 & 13805 South Springs Dr



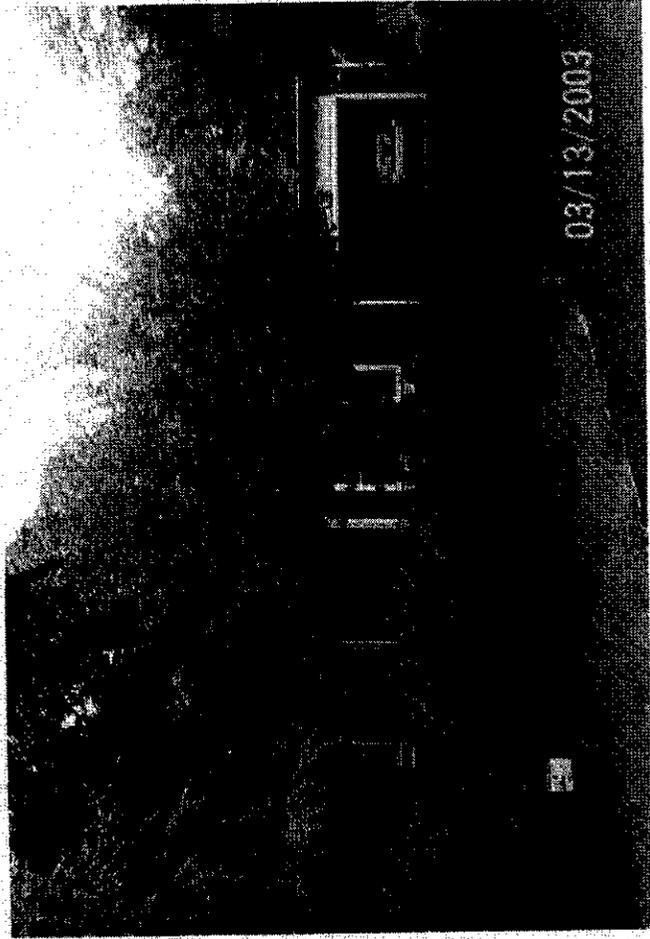
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6410 Stonehaven Ct Ellis) - Right Front



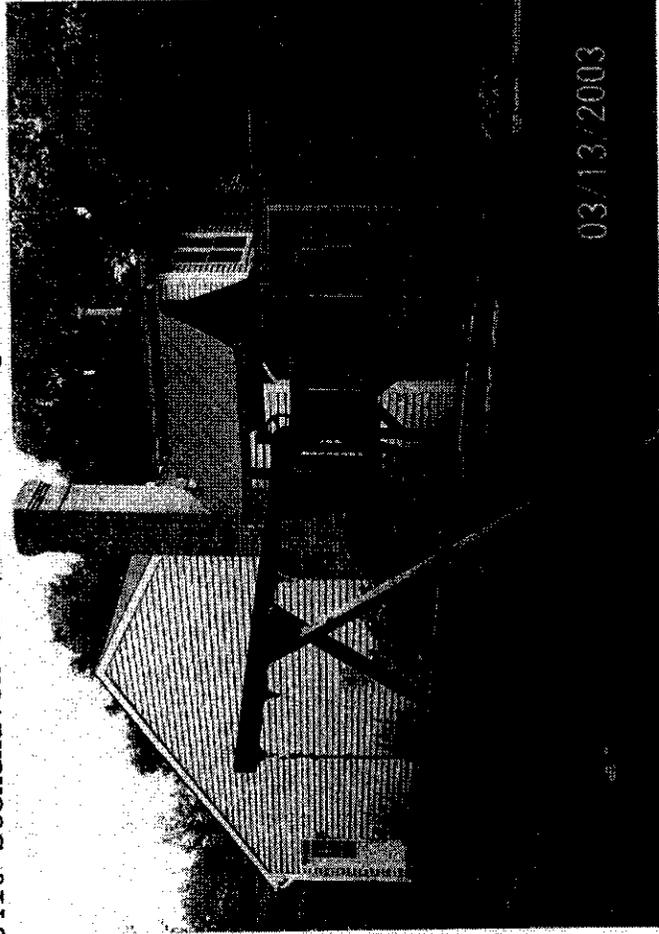
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6410 Stonehaven Ct (Ellis) - Right Side



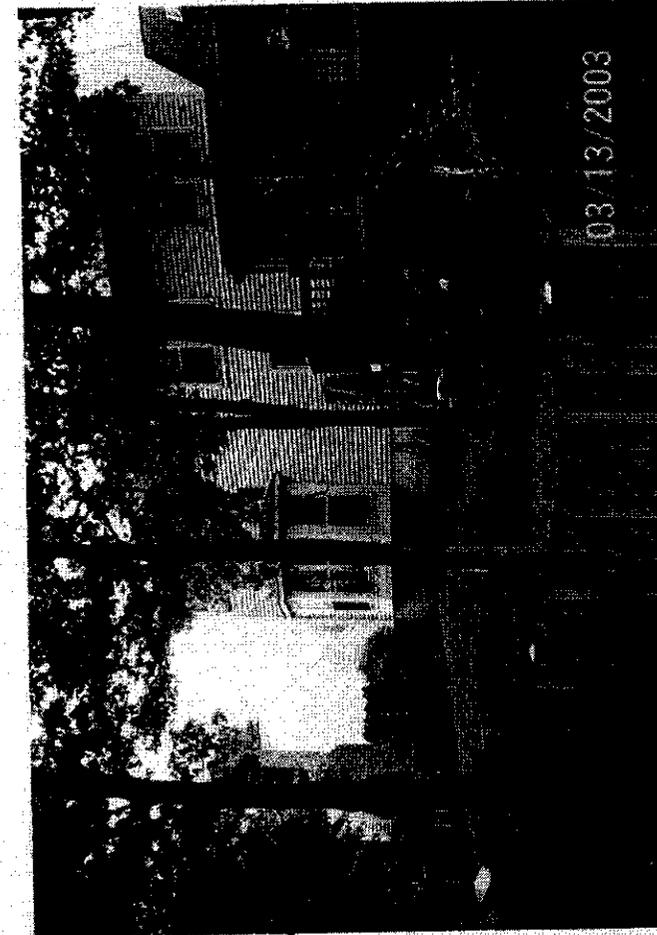
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6410 Stonehaven Ct (Ellis) - Front Center



03/13/2003

6410 Stonehaven Ct (Ellis) - Right Side



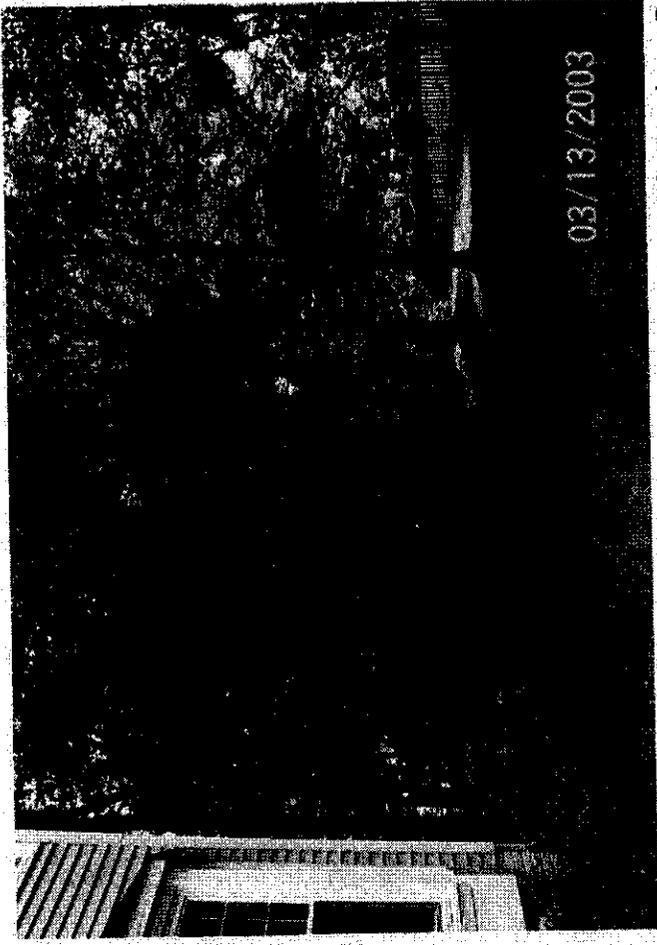
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13807 South Springs Dr (Conway) - Rear Neighbor



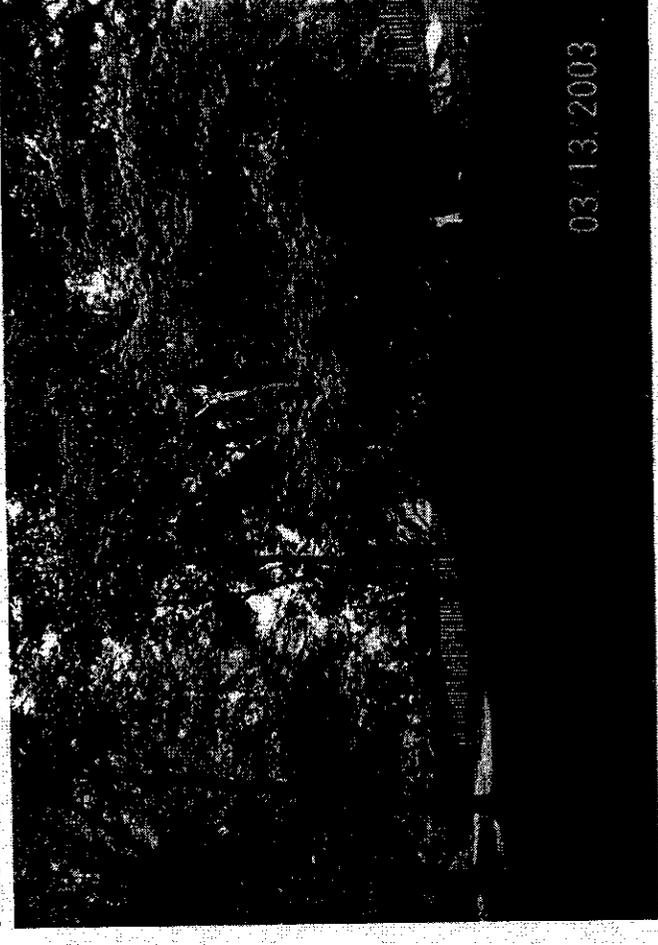
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13807 South Springs Dr (Conway) - Rear Neighbor



03/13/2003

6410 Stonehaven Ct (Ellis, M) - Rear Yard Facing Right



03/13/2003

6410 Stonehaven Ct (Ellis, M) - Rear Yard Facing Right



03 13 2003

6410 Stonehaven Ct (Ellis, M) - From Rear Yard of 13803 South Springs Dr (Wise)



**DESCRIPTION OF THE APPLICATION**

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a sunroom addition 12.5 feet from the rear lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Min. Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percent of Reduction Requested</b>
<b>Special Permit</b>	Addition	Rear	25 feet	12.5 feet	12.5 feet	50 %

\* Minimum yard requirement per Section 3-307

**LOCATION AND CHARACTER**

**Existing Site Description**

The site is currently zoned R-3 Cluster and contains a two story with basement single-family detached dwelling which was originally constructed in 1988. The lot consists of 13,226 square feet and is surrounded by single family detached homes on all sides. There is little change in topography across the lot and there are mature trees in the front and side yards. Vehicular access is provided by a pipe stem created by a 30 foot ingress/egress easement to the dwelling. In conjunction with the 30 foot ingress/egress easement is a 15 foot Fairfax County Water Authority easement and a 10 foot sanitary sewer easement. Running along the rear of the property is a 10 foot wide storm drainage easement.

**Character of the Area**

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

**BACKGROUND**

The existing deck where the sunroom is proposed was constructed in conjunction with building permit #91221B0620 which was issued in 1991. However, notes on the building permit indicate that it was to be constructed as an "open deck". Currently,

there is a trellis over the deck which the sunroom will replace. Copies of the building permit and approved plat can be found in Appendix 4.

Playground equipment is located on the east side of the property which meets zoning ordinance location regulations.

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

- Variance VC 92-Y-138, granted on March 31, 1993, on Tax Map Number 65-4 ((4)) 531, on 13648 South Springs Drive, zoned R-3 Cluster, east of the subject property to permit construction of addition 6.5 feet from the rear lot line.
- Variance VC 90-S-064, granted on September 14, 1990, on Tax Map Number 65-4 ((4)) 379, on 6323 south Springs Circle, zoned R-3 Cluster, east of the subject property to permit construction of addition 19.3 feet from the rear lot line.

## **ANALYSIS OF SPECIAL PERMIT APPLICATION**

- **Title of SP Plat:** Special Permit Plat, Little Rocky Run, Section 52, Lot 391
- **Prepared By:** John C. Manganello, Land Development Consultants, Inc. dated May 28, 2009, signed through November 12, 2009

### **Proposal**

The applicant proposes to construct a three season sunroom over a portion of an existing roofed deck. The footprint of the proposed sunroom will be approximately 13 feet x 19 feet (247 square feet) in size and 13.7 feet in height. The footprint of the sunroom will replace the trellis that is currently in existence on the eastern side of the deck. Portions of the open deck are proposed to be modified; however, this construction is considered by-right and does not require special permit approval. In the architectural renderings, the applicant has provided two options as to how the exterior façade of the addition will look.

### **ZONING ORDINANCE REQUIREMENTS (See Appendix 5)**

- 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 on the fact that there is a minimal extension further into the rear yard than what currently exists. The sunroom is proposed to be constructed over an existing deck. The neighboring properties most affected by the proposed expansion are to the north to which there is a 6 foot high fence serving as a buffer to their rear yards. As can be observed by photos presented at the front of this report, there are a significant amount of trees within the rear yards that also serve as a buffer to the proposed addition. 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 2,067 square feet. Therefore 150% of the total gross floor area could result in an addition up to 3,100 square feet; which makes a combined total of 5,167 square feet. The proposed addition will be 247 square feet in size for a total of 2,314 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 sunroom addition will extend on the footprint of an existing deck and is proposed to be one story in height (13.7 feet) and to be only 247 square feet in size. The existing single family detached dwelling is 23.4 feet in height and 2,067 square feet in size; therefore the proposed sunroom addition will be in character with existing on-site development in terms of height and bulk respectively. The proposed sunroom 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 its small size and scope. Minimal land disturbance shall take place because of its location on an existing deck. No significant trees or vegetation shall be harmed by the proposed construction and there is minimal bulk due to the small size of the proposed addition. Therefore, 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. 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. Currently there is dense tree cover in the adjacent properties' rear yards along the eastern side property line which is where the proposed addition will take place. This tree cover provided by the adjacent properties will serve as a buffer between the proposed addition and the adjacent properties. 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 addition is proposed over an existing deck where a trellis currently exists, staff believes this proposed sunroom is a minimal addition. There are no potential alternate locations for a sunroom given the orientation of the existing dwelling on the subject 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-SP-106 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. Building Permit and Approved Plat for Existing Deck
5. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2009-SP-106****January 27, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-SP-106 located at Tax Map Number 65-4 ((4)) 391 (6410 Stonehaven Court), 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 John C. Manganello, Land Development Consultants, Inc. dated May 28, 2009, signed through November 12, 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 (2,067 square feet existing + 3,100 (150%) = 5,167 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 architectural renderings included in Attachment 1 to these conditions.

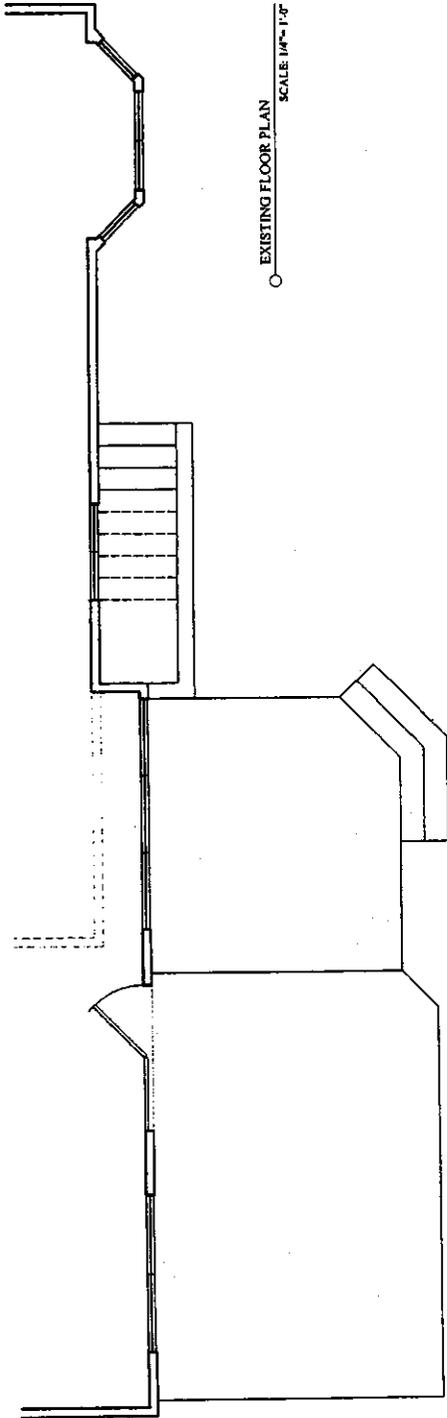
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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 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.

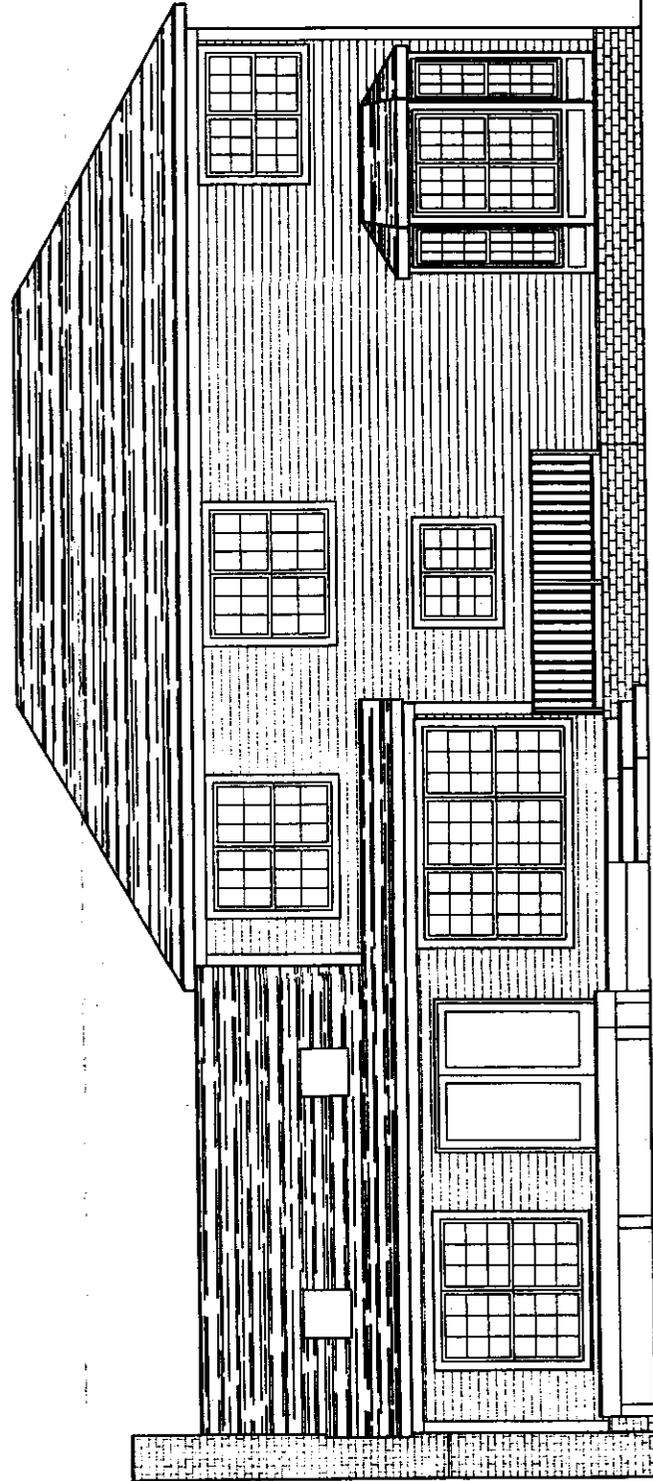
CONTRACTOR:  
COLONIAL REMODELING  
5905B LEE HIGHWAY  
ARLINGTON, VIRGINIA 22207  
703-344-0900

CLIENT:  
THE ELLIS RESIDENCE  
6410 STONEHAVEN COURT  
CLIFTON, VIRGINIA 20124

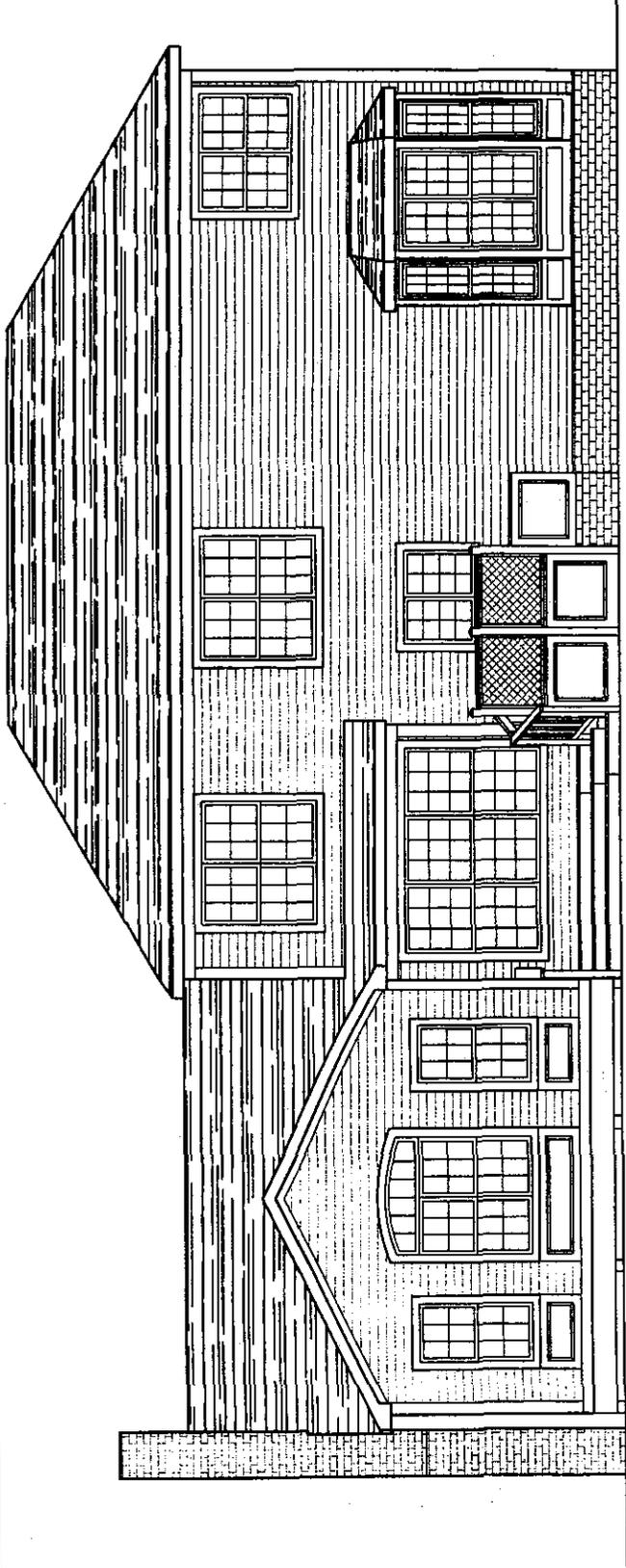
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SHEET TITLE: FLOOR PLAN AND ELEVATION  
SHEET NUMBER: 1 OF 4



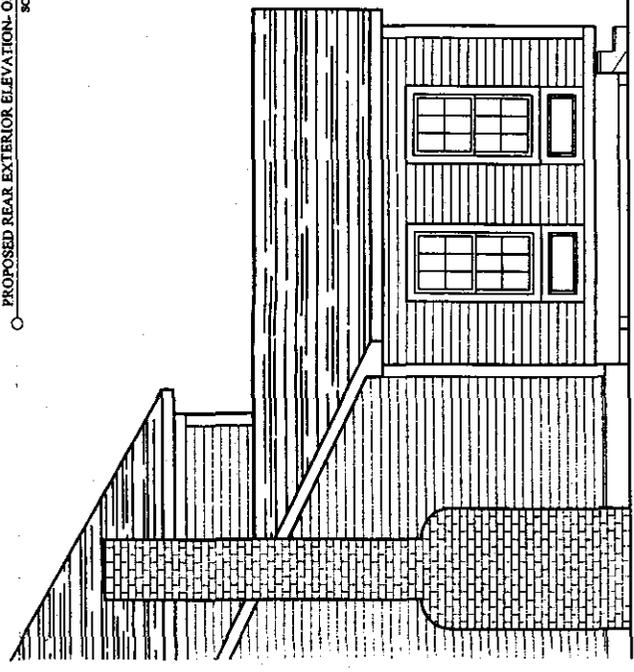
EXISTING FLOOR PLAN  
SCALE: 1/4" = 1'-0"



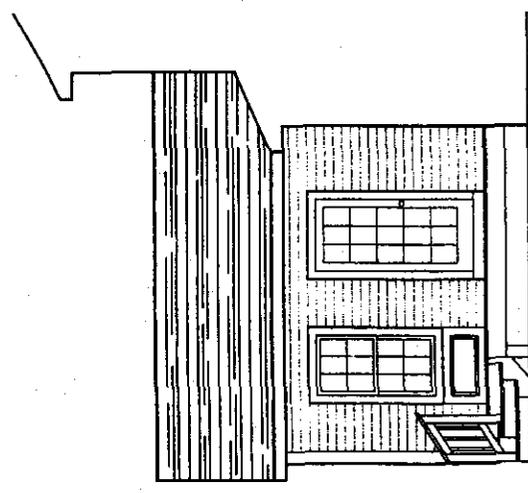
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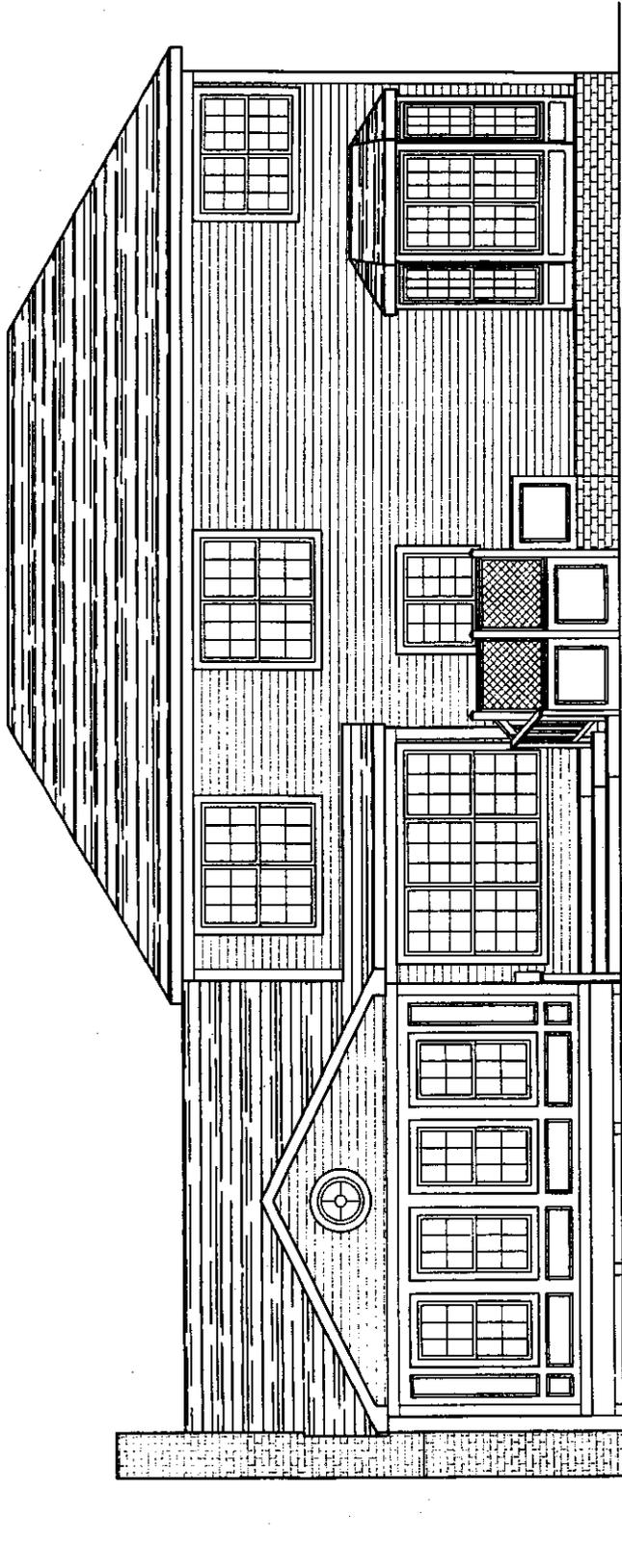
PROPOSED REAR EXTERIOR ELEVATION- OPTION A  
SCALE: 1/4" = 1'-0"



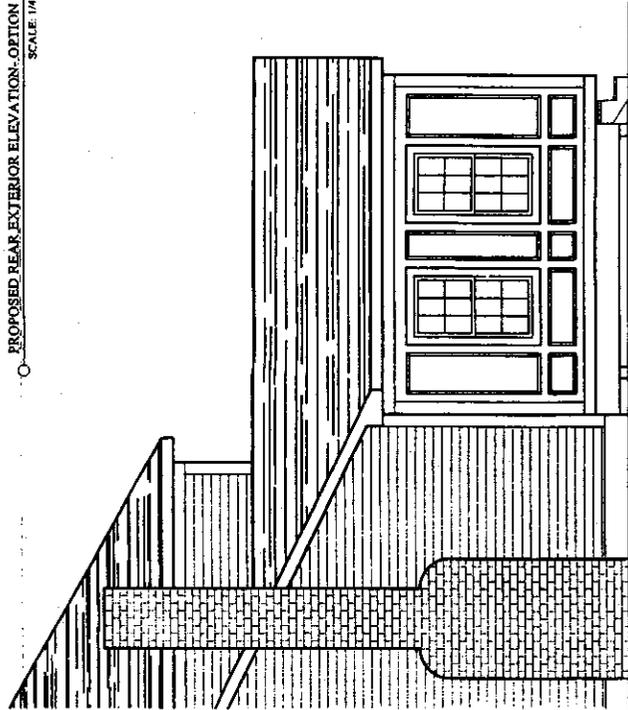
PROPOSED SIDE EXTERIOR ELEVATION- OPTION A  
SCALE: 1/4" = 1'-0"



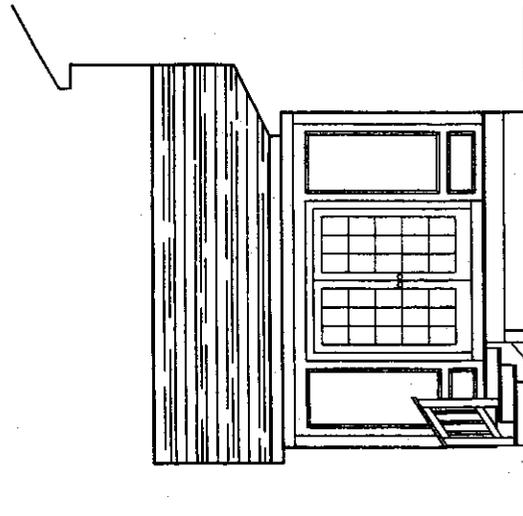
PROPOSED SIDE EXTERIOR ELEVATION- OPTION A  
SCALE: 1/4" = 1'-0"



PROPOSED REAR EXTERIOR ELEVATION- OPTION B  
SCALE: 1/4" = 1'-0"



PROPOSED SIDE EXTERIOR ELEVATION- OPTION B  
SCALE: 1/4" = 1'-0"



PROPOSED SIDE EXTERIOR ELEVATION- OPTION B  
SCALE: 1/4" = 1'-0"

CONTRACTOR  
COLONIAL REMODELING  
3905 B LEE HIGHWAY  
ARLINGTON, VIRGINIA 22207  
703-534-0800

THE ELLIS RESIDENCE  
6410 STONEHAVEN COURT  
CLIFTON, VIRGINIA 20124

CLIENT  
DATE: 7/17/2008  
SCALE: AS SHOWN  
SHEET TITLE  
PROPOSED EXTERIOR ELEVATION OPTION B  
SHEET NUMBER

Application No.(s): SP 2009-SP-100  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 7, 2009  
 (enter date affidavit is notarized)

I, RICHARD L. FLATHER, 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

105712a

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

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

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
D. Michael Ellis, Trustee for the ELLIS LIVING TRUST, for the benefit of: Bitia Ellis	6410 Stonehaven Drive, Clifton, VA 20124	Applicant/Title Owner
Bitia Ellis, Trustee for the ELLIS LIVING TRUST, for the benefit of: D. Michael Ellis	6410 Stonehaven Drive, Clifton, VA 20124	Title Owner
Richard L. Flather	2925 Elmesmeade Court, Oakton, VA 22124	Agent
Developing Solutions, Inc.	2925 Elmesmeade Court, Oakton, VA 22124	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-SP-104  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 7, 2009  
(enter date affidavit is notarized)

105712a

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

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

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
NONE

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)  
NONE

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

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

Application No.(s): SP 2009-SP-104  
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

**Special Permit/Variance Attachment to Par. 1(b)**

DATE: December 7, 2009  
(enter date affidavit is notarized)

105712a

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Developing Solutions, Inc., 2925 Elmesmeade Court, Oakton, VA 22124

**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 THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Richard L. Flather

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

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

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

Application No.(s): SP 2009-SP-104  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 7, 2009  
(enter date affidavit is notarized)

105712 a

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

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)  
NONE

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

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)  
NONE

(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-SP-106  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: December 7, 2009  
(enter date affidavit is notarized)

105712a

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-SP 106

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

105712a

DATE: December 7, 2009
(enter date affidavit is notarized)

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

[x] Applicant's Authorized Agent

RICHARD L. FLATHER, AGENT

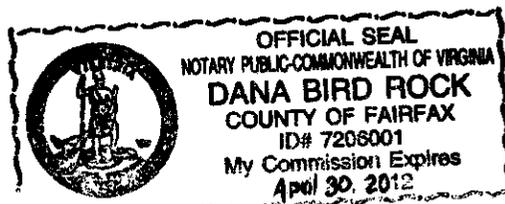
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 7TH day of DECEMBER 2009, in the State/Comm. of VIRGINIA County/City of FAIRFAX

Dana Rock

Notary Public

My commission expires: APRIL 30, 2012



November 12, 2009

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

Re: Special Permit Application – Enclose Existing Deck to a 3 Season Sunroom  
D. Michael Ellis (Owner)  
6410 Stonehaven Court  
Clifton, VA 20124  
File: SP 2009-0224

**SPECIAL PERMIT STATEMENT OF JUSTIFICATION**

We hereby wish to submit for review and approval of a Special Permit Application to enclose the existing deck located at 6410 Stonehaven Court, Clifton, VA 20124. The property is serviced by public sewer and water. It is proposed to enclose the existing deck located at the left-rear location of the single-family dwelling. A section of the existing open deck will remain open and is measured at 10.5' x 10.5'. The enclosed portion of the deck will measure 13.0' x 19.0'. The proposed enclosed deck will be 12.5' from the back of the enclosure to the rear property line, which includes any eave/overhang.

The application is for residential use only and, therefore, will not include information on the following:

- a. Hours of Operation;
- b. Estimated number of patrons/clients/patients/pupils/etc.;
- c. Proposed number of employees/attendants/teachers/etc.;
- d. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day;
- e. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of onsite and the size and contents of any existing or proposed storage tanks or containers.

The finished square footage of the residence is 2,868 square feet and the garage is 440 square feet, totaling 3,308 square feet as defined in Zoning Ordinance Section 8-922 paragraph numeral 4. The proposed sunroom measures 13' x 19' totaling 247 square feet. The proposed sunroom is less than 50% of the gross floor area of the existing dwelling. The resulting gross floor area of the existing structure

and the addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site as described in Zoning Ordinance Section 8-922 numeral 5.

The deck enclosure windows, siding, and roof will match the existing styles and colors of the home it is being attached to. Included in the application package is a design architectural drawing of the proposed enclosure. There will be no basement to the enclosure. 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 on the lot as described in Zoning Ordinance Section 8-922 numeral 6.

The proposed development of the sunroom 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. There is no proposed removal of existing vegetation for the proposed sunroom addition as described in Zoning Ordinance Section 8-922 numeral 7.

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 storm water runoff as described in Zoning Ordinance Section 8-922 numeral 8.

The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors considered include, but were not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure 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 determine by the Director; location of easements; and/or preservation of historic resources as described in Zoning Ordinance Section 8-922 numeral 9.

The proposed building façade is detailed on the attached architectural drawing and will be constructed with wood framing and finished with vinyl siding and will match both type and color of the existing wall structure.

There are no known hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; all hazardous waste as set forth in Commonwealth of Virginia/Department of Waste Management Regulations VR 672-10-1-Virginia Hazardous Waste Management Regulations; and/or Petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of onsite and the size and contents of any existing or proposed storage tanks or containers.

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for such modification.

15 copies of the supporting plat accompanying the application is drawn to scale on a 24" x 36" sheet. An additional 8 ½" x 11" reduction of the plat is also attached. The plat is certified by John D. Jarrett, Commonwealth of Virginia Land Surveyor, and License Number 1913. The plat contains but is not limited to 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;
- g. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line;
- 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 utility easements regardless of width;
- k. The location, type and size 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 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.

**BUILDING**  
**PERMIT APPLICATION**

APPLICATION NO  
 19  
 Date

JOB LOCATION  
 Street 6410 STONEHAVEN  
 Building \_\_\_\_\_ Floor \_\_\_\_\_ Suite \_\_\_\_\_  
 Subdivision CLIFTON  
 Tenants Name OWNER

**DO NOT WRITE IN THIS SPACE**  
 Permit No. 9122100620  
 Map Reference 062-4-04--0391  
 Building Permit No. \_\_\_\_\_ Control No. \_\_\_\_\_  
 Std. \_\_\_\_\_ Mag. \_\_\_\_\_ Plan \_\_\_\_\_ Census \_\_\_\_\_

OWNER  
 Name GRAHAM PERKINS  
 Address (Mailing) 6410 STONEHAVEN  
 City CLIFTON State VA Zip 22024  
 Telephone 703 266-0054

CONTRACTOR  
 Company Name ARCHITECTS  
 Master JUDGE FALLA  
 Address 5919 VERNON RD  
 City BURKE State VA Zip 22015  
 Telephone 323 5377 License No. \_\_\_\_\_  
 State Contractors License No. 035780  
 County Business Account No. 022483

For WOOD DECK  
 Description NO TUB  
 Model/Use \_\_\_\_\_  
 Sewage: Public  Community  Septic Tank  None   
 WATER: Public  Individual Well  None   
 N-New  D-Demolish  
 R-Alter or Repair  M-Move  
 A-Add To  O-Other

REMARKS:  
**BUILDING DESCRIPTION** QUANTITY  
 # Units \_\_\_\_\_  
 # Stories \_\_\_\_\_  
 # Rooms \_\_\_\_\_  
 # Bedrooms \_\_\_\_\_  
 # To be Added \_\_\_\_\_  
 # Baths \_\_\_\_\_  
 # Half Baths \_\_\_\_\_  
 # Kitchens \_\_\_\_\_  
 # Fireplaces \_\_\_\_\_  
 Basement \_\_\_\_\_  
 % Basements to Finish \_\_\_\_\_

BUILDING DIMENSIONS			
No. Stories	Width	Depth	Sq. Ft.
	18	12	216
	12	10	120

**ROUTING**

	Date	Approved By:
Health Review		
Site Review	8/9/91	PT
Zoning Review	8/9/91	
Sanitation Review		
Building Review	8/16/91	PT
Fire Review		

Use Group of Building 14  
 Type of Construction 2 (2)  
 Building Area 336  
 Estimated Const. Cost 3000

**ZONING REVIEW**  
 Zoning Proffers Building \_\_\_\_\_  
 Zoning Class \_\_\_\_\_  
 Zoning Case # \_\_\_\_\_

**BUILDING CHARACTERISTICS**  
 Building Height \_\_\_\_\_  
 Exterior Walls \_\_\_\_\_  
 Interior Walls \_\_\_\_\_  
 Roofing Material \_\_\_\_\_  
 Flooring Material \_\_\_\_\_  
 Heating Fuel \_\_\_\_\_  
 Heating System \_\_\_\_\_

**GRADING AND DRAINAGE REVIEW**  
 Soils \_\_\_\_\_  
 Historical \_\_\_\_\_  
 Plan # \_\_\_\_\_  
 Retaining Wall \_\_\_\_\_

YARDS Front Left Side Right Side Rear  
11 11 11 14+

REMARKS  
Open Deck on rear  
may be 24" off grade  
no lattice or screening  
attached  
Little Rocky Run  
SEC 52  
LT 391

FOR COUNTY USE ONLY:  
 Date 8/9/91 By GB  
 Approved for Issuance of Building Permit

Fee \_\_\_\_\_  
 Filing Fee \_\_\_\_\_  
 Amount Due \_\_\_\_\_

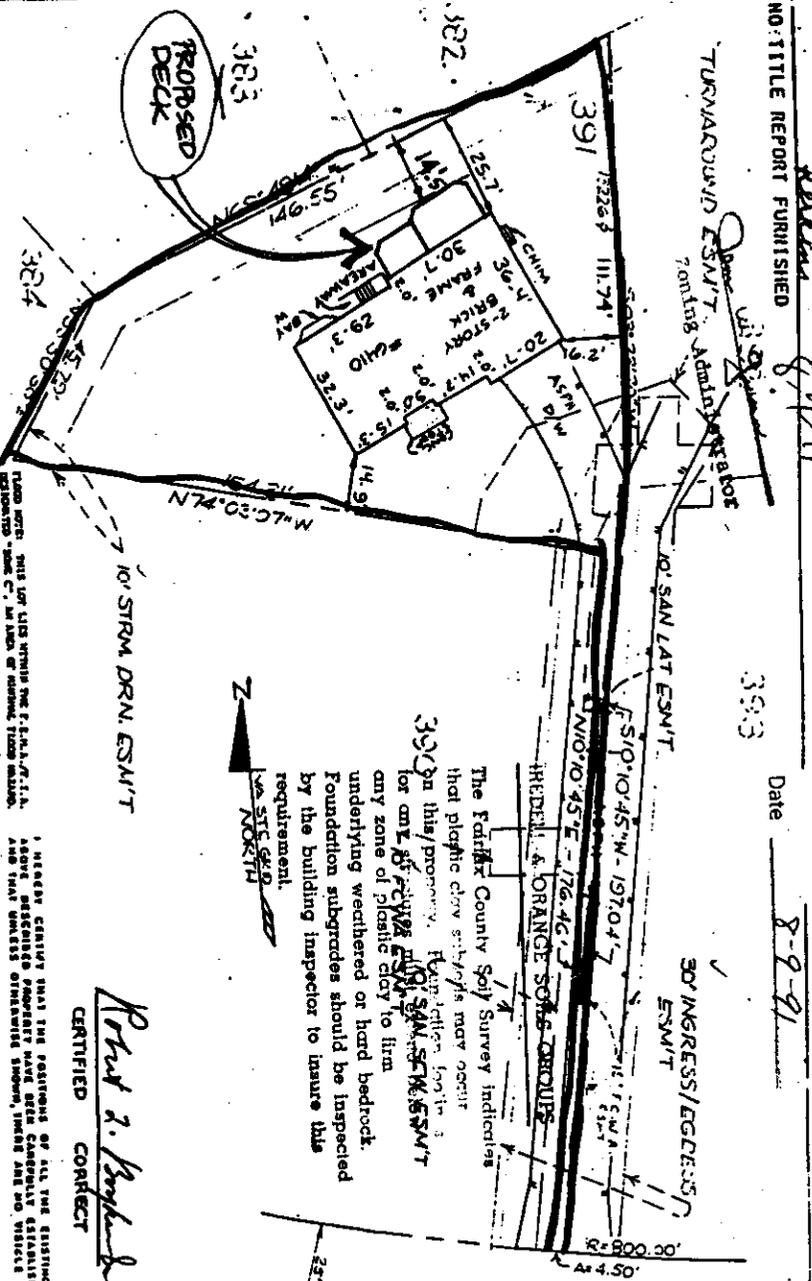
The request for and use of personal information on this form is subject to the provisions of the Privacy Protection Act of 1976 and the Freedom of Information Act.  
 I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that if a permit is issued the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations including private building restrictions, if any, which relate to the property. He/She and the company or organization named and represented herein is duly registered or exempt from registration in accord with the provisions of Chapter 7 of the Code of Virginia.  
GRAHAM PERKINS AUGUST 9, 1991



**GREENHORNE & O'MARA, INC.**  
 ENGINEERS - ARCHITECTS - PLANNERS - SURVEYORS  
 11211 WABLES HILL ROAD VALEFAX, VA.  
 (703) 585-8800

**LITTLE ROCKY RUN**  
 LOT -391 SECTION -52  
 GREENVILLE DISTRICT  
 FARMER CREEK TIERUNA

SCALE: 1" = 40'	DATE: 4.25.89
DRAWN BY: [Signature]	FILE: 7-11-89
CHECKED BY: [Signature]	COMPANY: RICH. AM.
DATE: 4/21/89	HOUSE LOCATION



The Fairfax County Soil Survey indicates that plastic clay soils may occur on this property. Foundation for any zone of plastic clay to firm underlying weathered or hard bedrock. Foundation subgrades should be inspected by the building inspector to insure this requirement.

*Peter J. Boyle*  
 CERTIFIED CORRECT



**APPROVED**

DIVISION OF INSPECTION SERVICES

**APPROVED**

NO. TITLE REPORT FURNISHED

BY *AR*  
 Date 8-9-91

**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.