



APPLICATION ACCEPTED: November 16, 2009
BOARD OF ZONING APPEALS: February 3, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

January 27, 2010

**STAFF REPORT
SPECIAL PERMIT APPLICATION NO. SP 2009-DR-105
DRANESVILLE DISTRICT**

APPLICANTS/ OWNERS: Frank L. and Victoria Z. Rindone

SUBDIVISION: Broyhills McLean Estates

STREET ADDRESS: 1502 Audmar Drive

TAX MAP REFERENCE: 30-3 ((9)) 117A

LOT SIZE: 10,519 square feet

ZONING DISTRICT: R-3

ZONING ORDINANCE PROVISIONS: 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction of certain yard requirements to permit construction of an addition 7 feet, 6 inches from a side lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-DR-105 for the addition subject to the proposed development conditions contained in Appendix 1.

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

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

O:\SMCKN\SPRINDONE - SP 2009-DR-105\Staff Report\Staff Report Rindone.doc

Shelby Johnson

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/



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

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

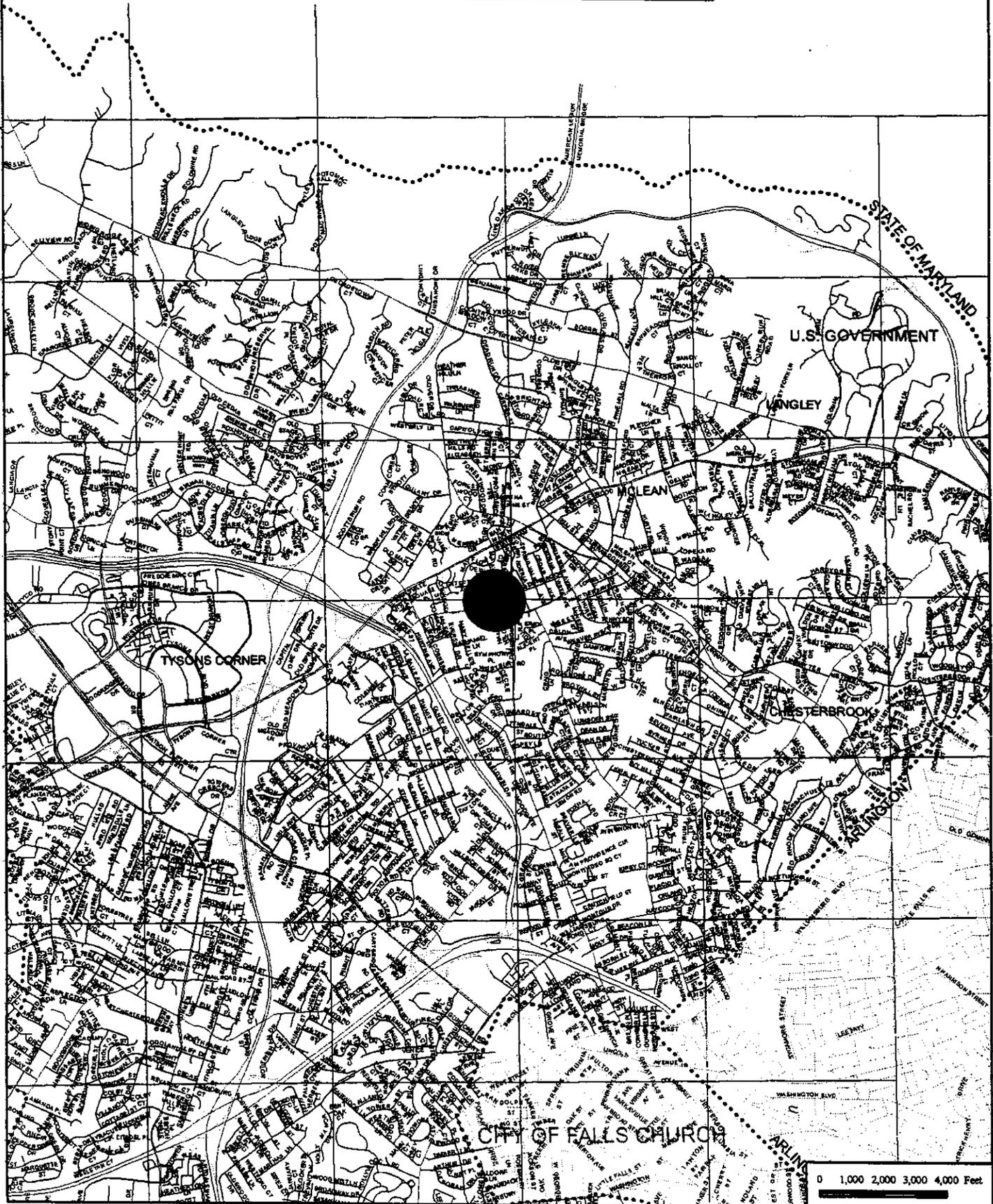


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

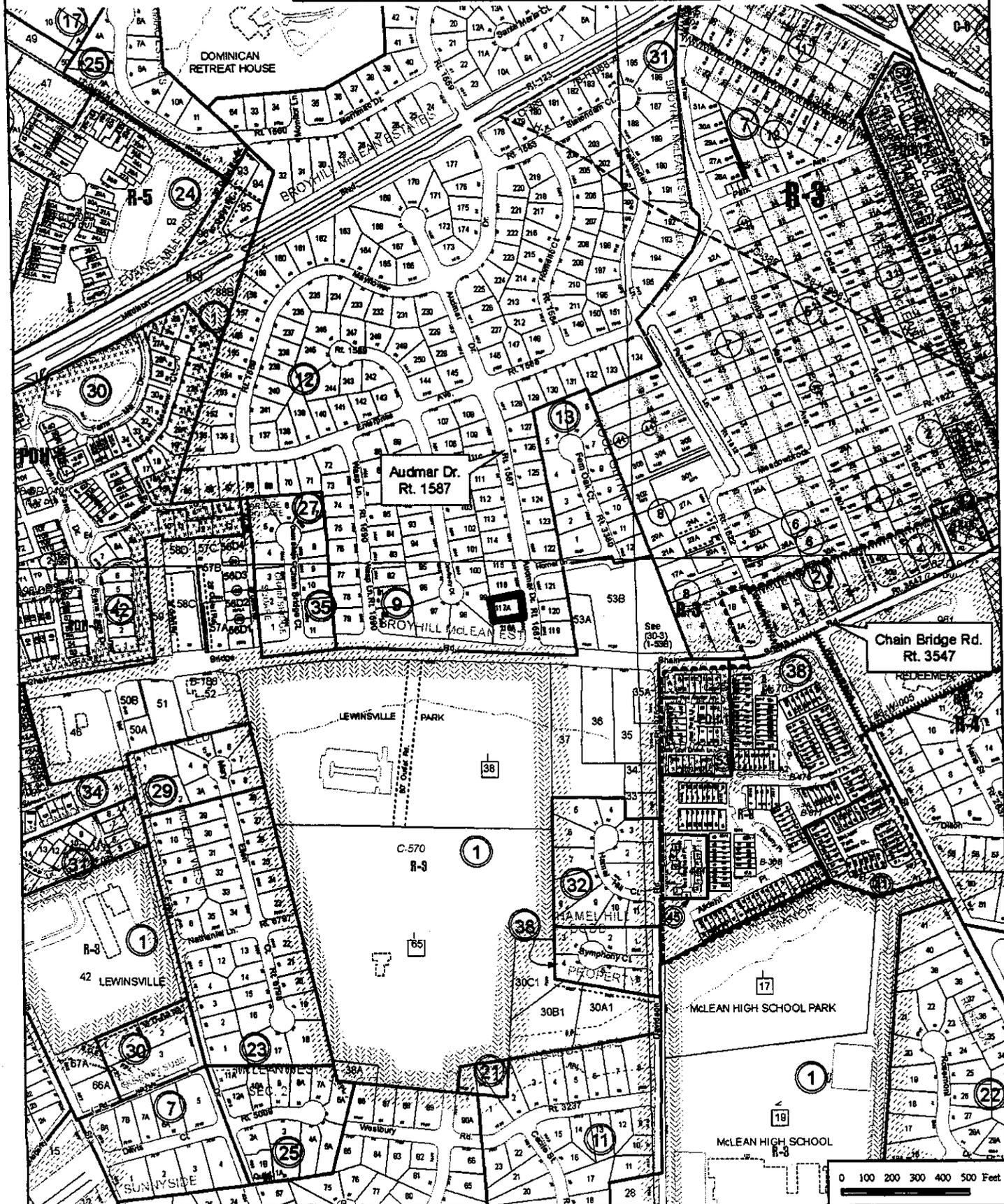
Special Permit

SP 2009-DR-105

FRANK L. & VICTORIA Z. RINDONE



Special Permit
SP 2009-DR-105
FRANK L. & VICTORIA Z. RINDONE



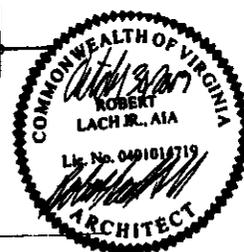
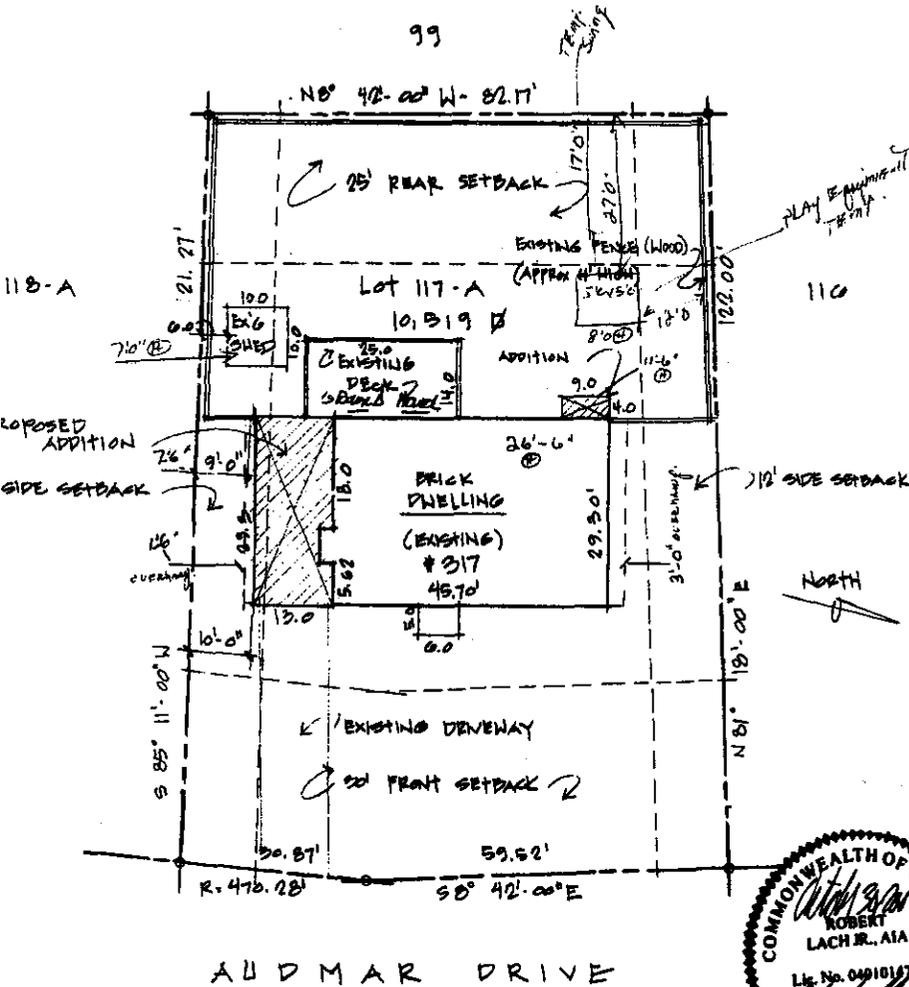
PROJECT INFORMATION

PROJECT TO MEET 2000 VIRGINIA RESIDENTIAL CODE

BUILDING SQUARE FOOTAGE
 EXISTING GROSS: 2,008 SF
 ADDITION GROSS: 1,466 SF
 TOTAL GROSS: 3,476 SF
 FLOOR AREA RATIO: .99

RECEIVED
 Department of Planning
 NOV 09 2009
 Zoning Evaluation Division

Paul M. Neal
 12/22/09



Lot 117-A, SECTION 2
 BROTHILL'S McLEAN ESTATES
 DRANESVILLE MAGISTERIAL DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 SCALE: 1" = 20'-0"
 ZONED R-95

SPECIAL PERMIT PLAT
 BASED ON APPROVED PLAT
 PREPARED MARCH 21, 1959
 by
 GREENHORNE, OMARA, DELBERRY
 & NEALON

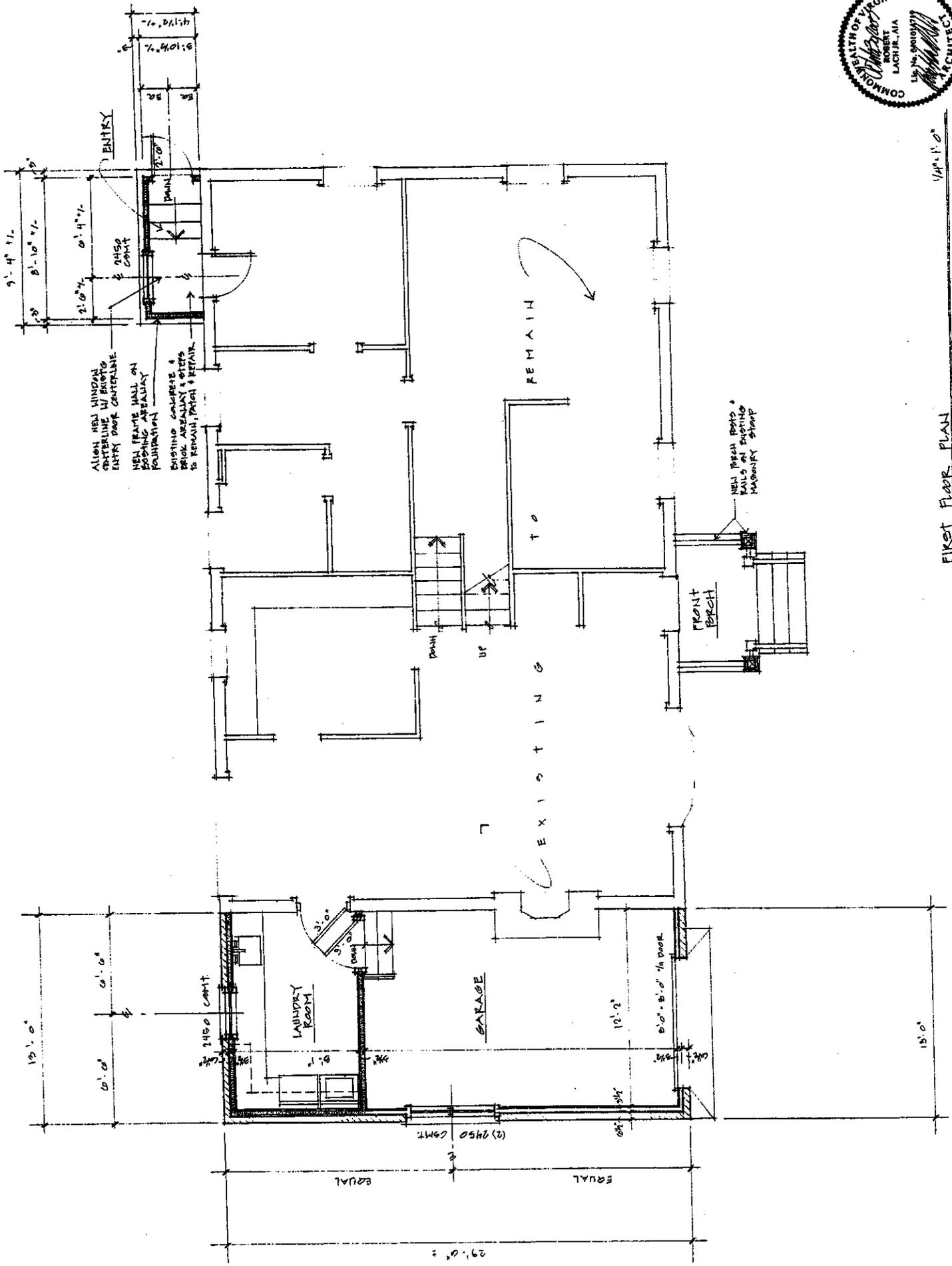
REVISIONS	BY

PROPOSED ADDITION + RENOVATION
 MR. & MRS. RINDONE
 217 AUDMAR DRIVE, McLEAN VIRGINIA 22101
 PREPARED BY
 E. HOME ARCHITECTS LLC
 240 498 1472
 www.ehomearchitects.com

Date	Nov. 9 2009
Scale	AS NOTED
Drawn	E HOME
Job	RINDONE
Sheet	

PROPOSED ADDITION + RENOVATION
 MR. & MRS. RINDONE
 317 ALUMAZ DRIVE, HALETH, VIRGINIA 22011
 PREPARED BY
 E HOME ARCHITECTS, LLC
 WWW.EHOMEARCHITECTS.COM
 1/10/12

Date Oct 2012
 Scale 1/4" = 1'-0"
 Drawn E HOME
 Job RINDONE
 Sheet 2
 of 4 Sheets



FIRST FLOOR PLAN
 1/4" = 1'-0"
 111 SQUARE FEET

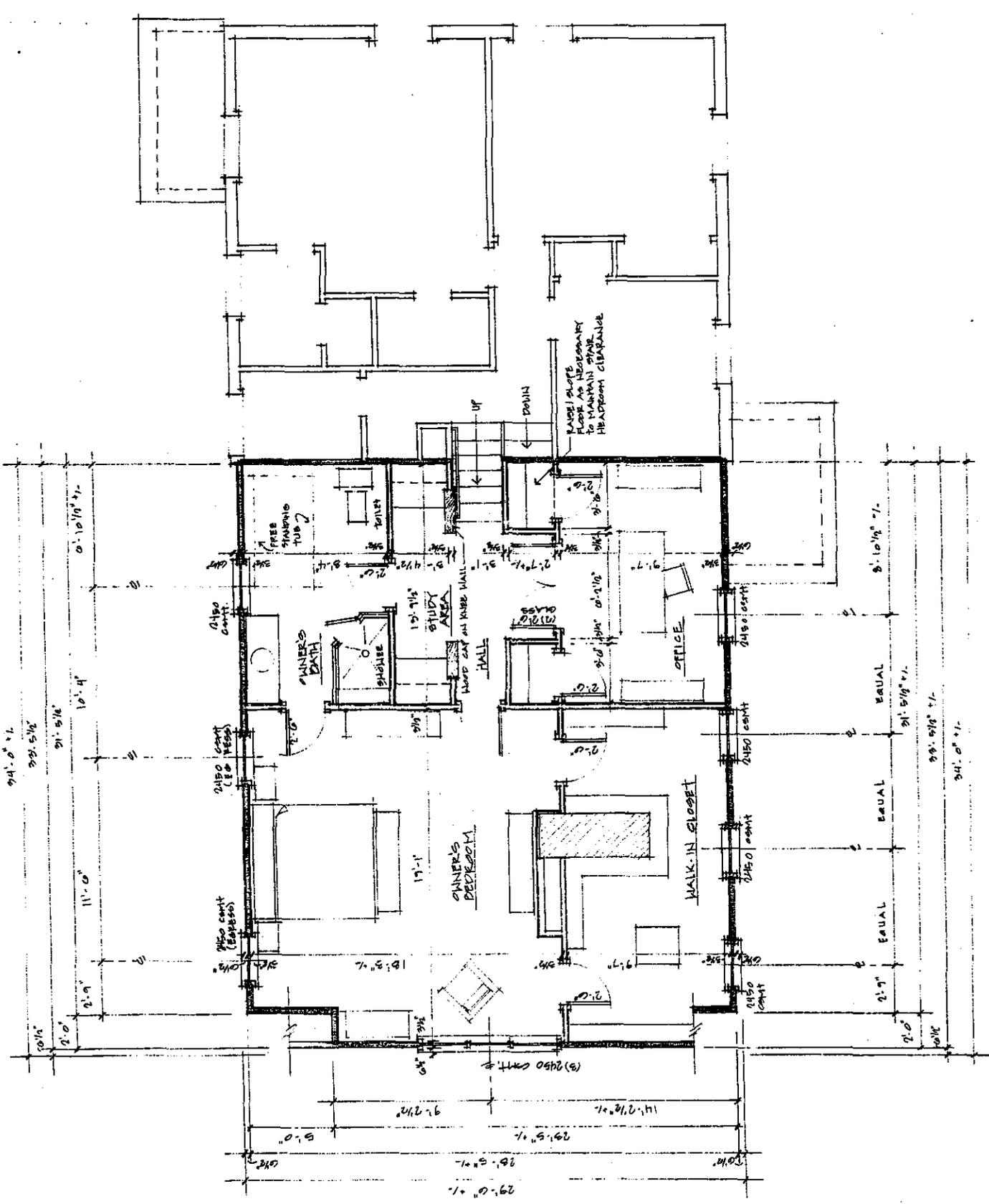
PROPOSED ADDITION & RENOVATION

MR. & MRS. RINDONE
317 ALPINE DRIVE, MOUNTAIN VIEW, VA 22101

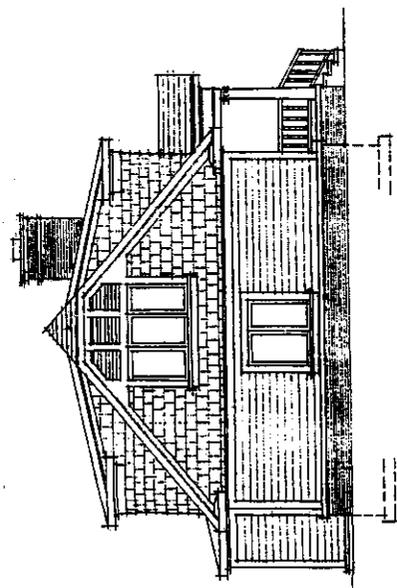
PREPARED BY
ARCHITECTS II



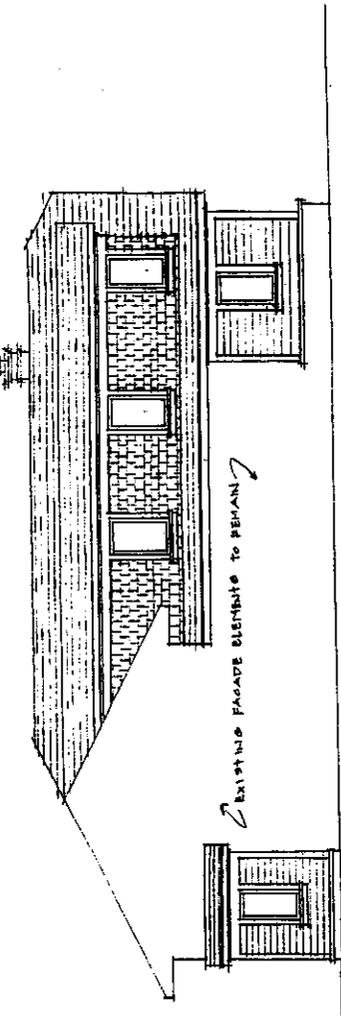
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Joe Rindone
Sheet
01 of 4
Date 3/4



SECOND FLOOR PLAN
765 SQUARE FEET
1/4" = 1'-0"

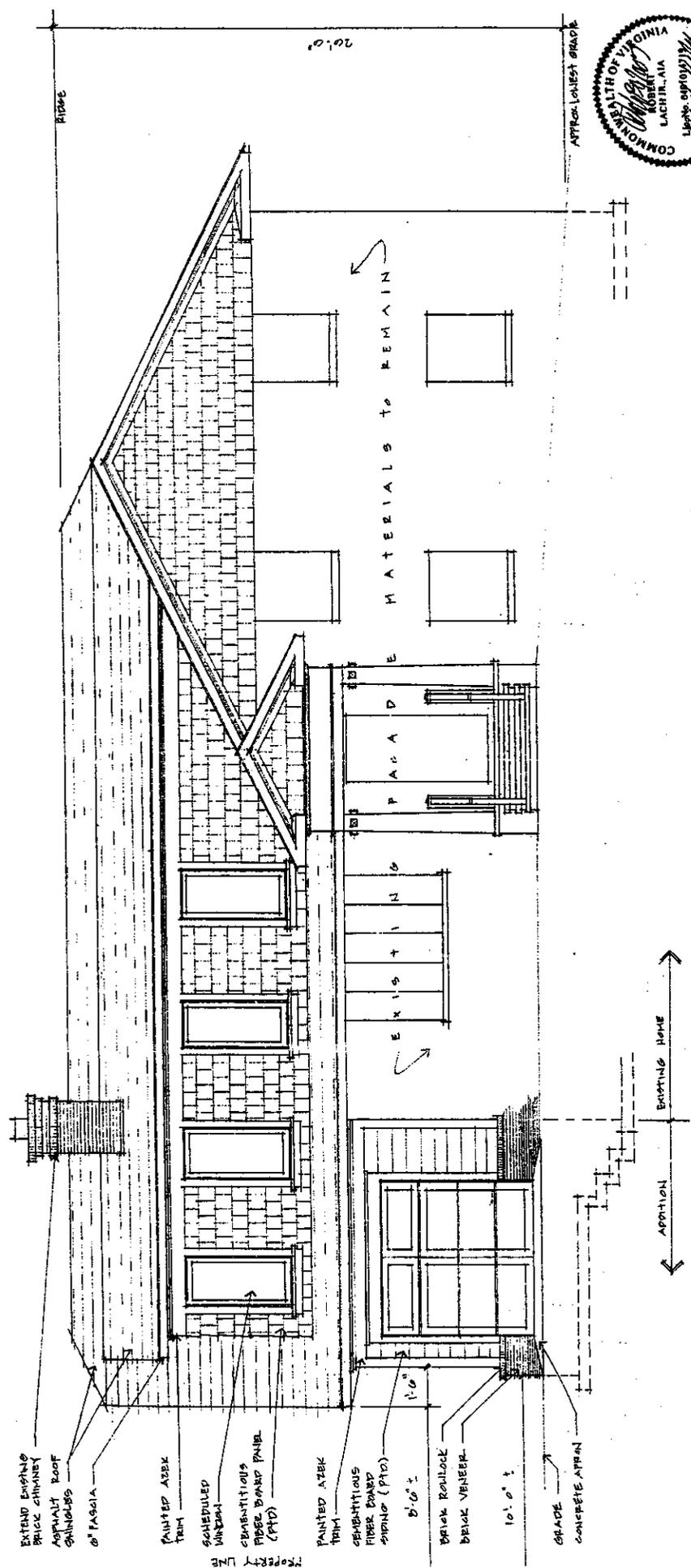


LEFT SIDE ELEVATION 16'-11"



EXISTING FACADE ELEMENTS TO REMAIN

REAR ELEVATION 16'-11"

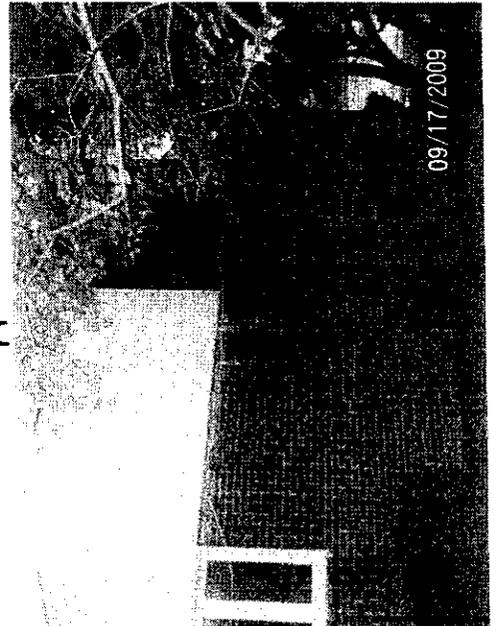
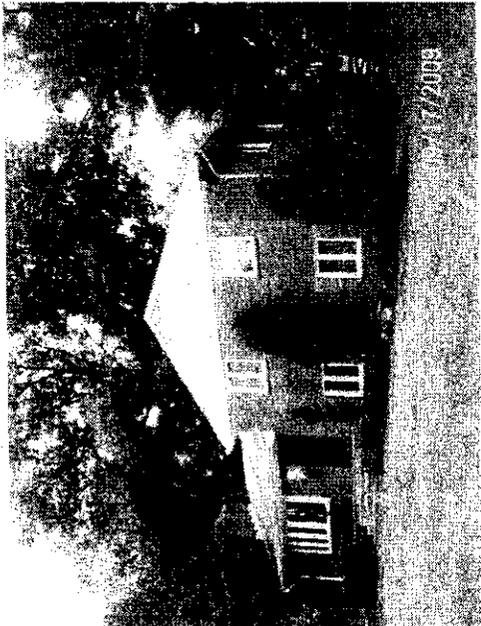
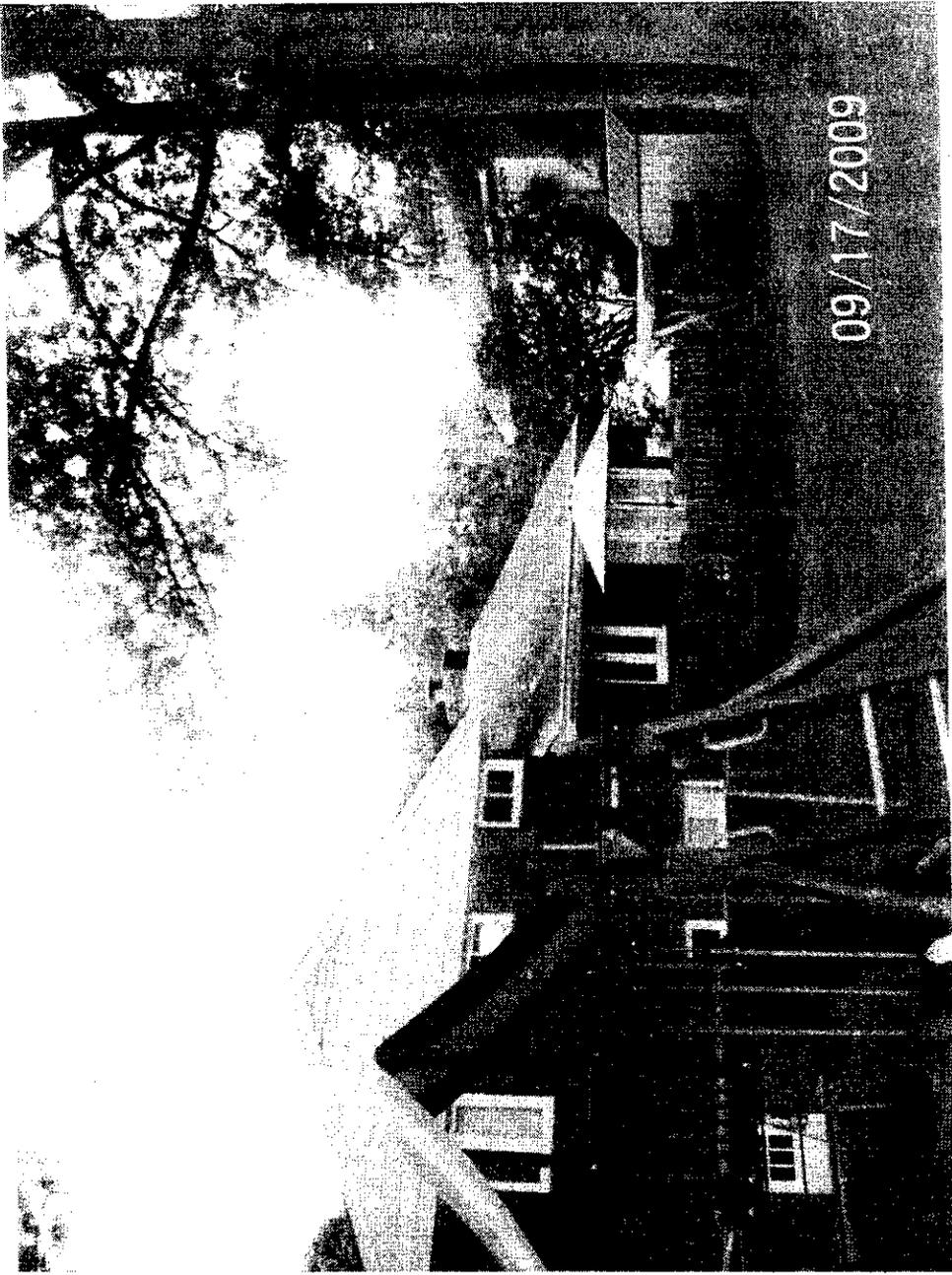


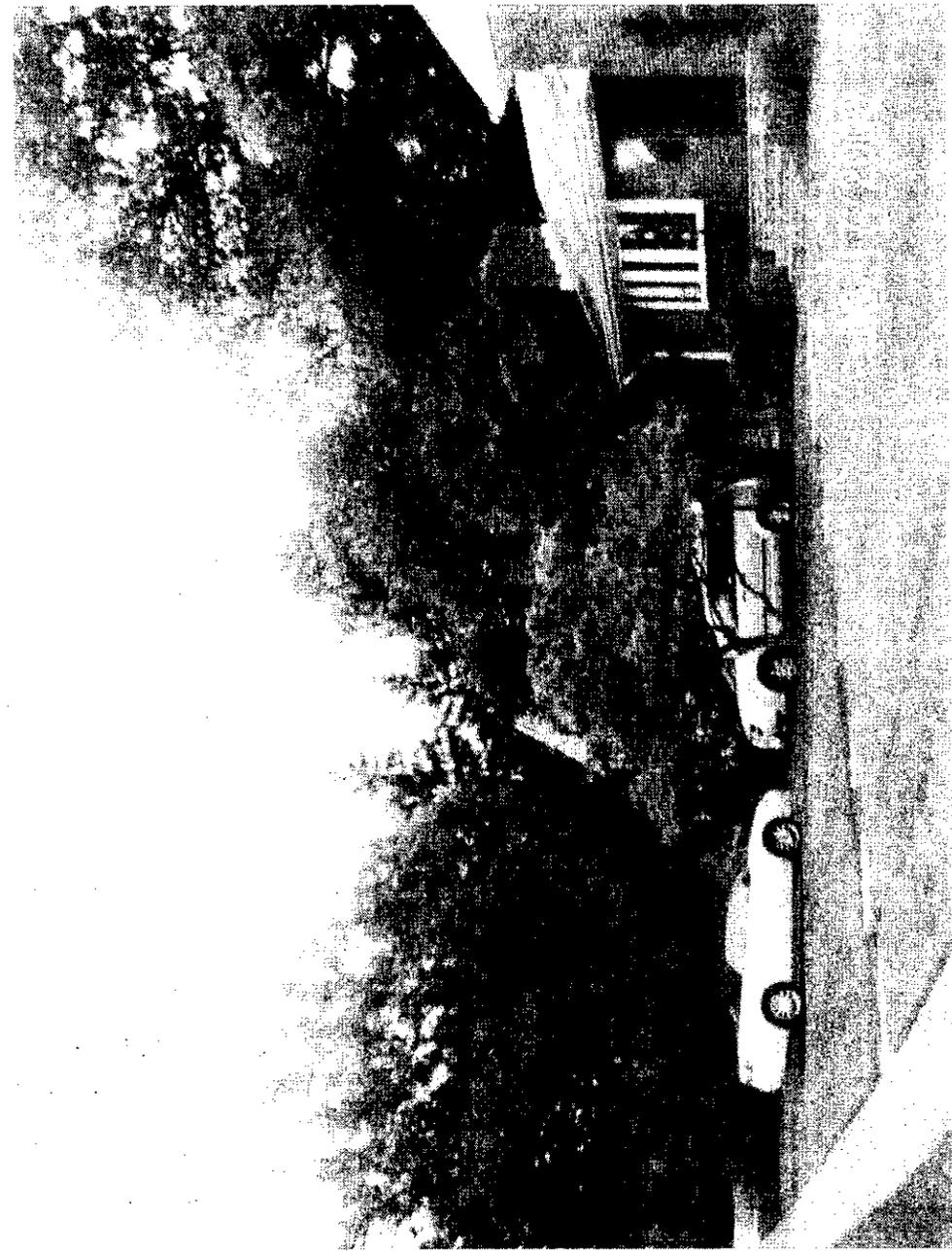
FRONT ELEVATION 14'-11"

PROPOSED ADDITION & RENOVATION
 OF
 MR. & MRS. RINDONE
 37 ADAMS DRIVE, MILWAUKEE, WISCONSIN 53211
 © HOME ARCHITECTS II

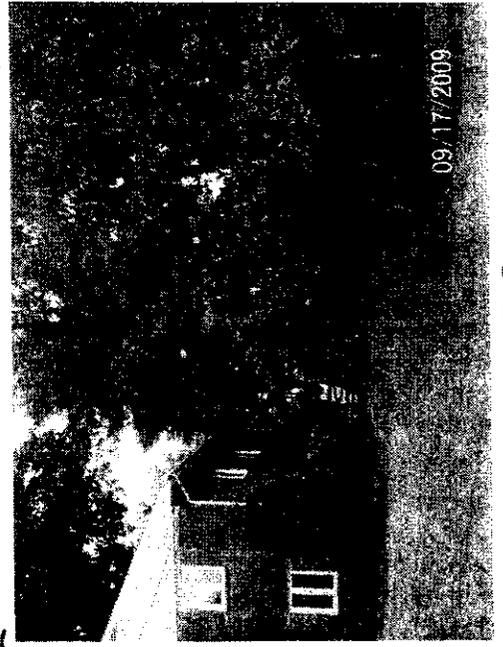
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 Scale AS NOTED
 Drawn C. HOME
 Job RINDONE
 Sheet 4
 of 4 Sheets

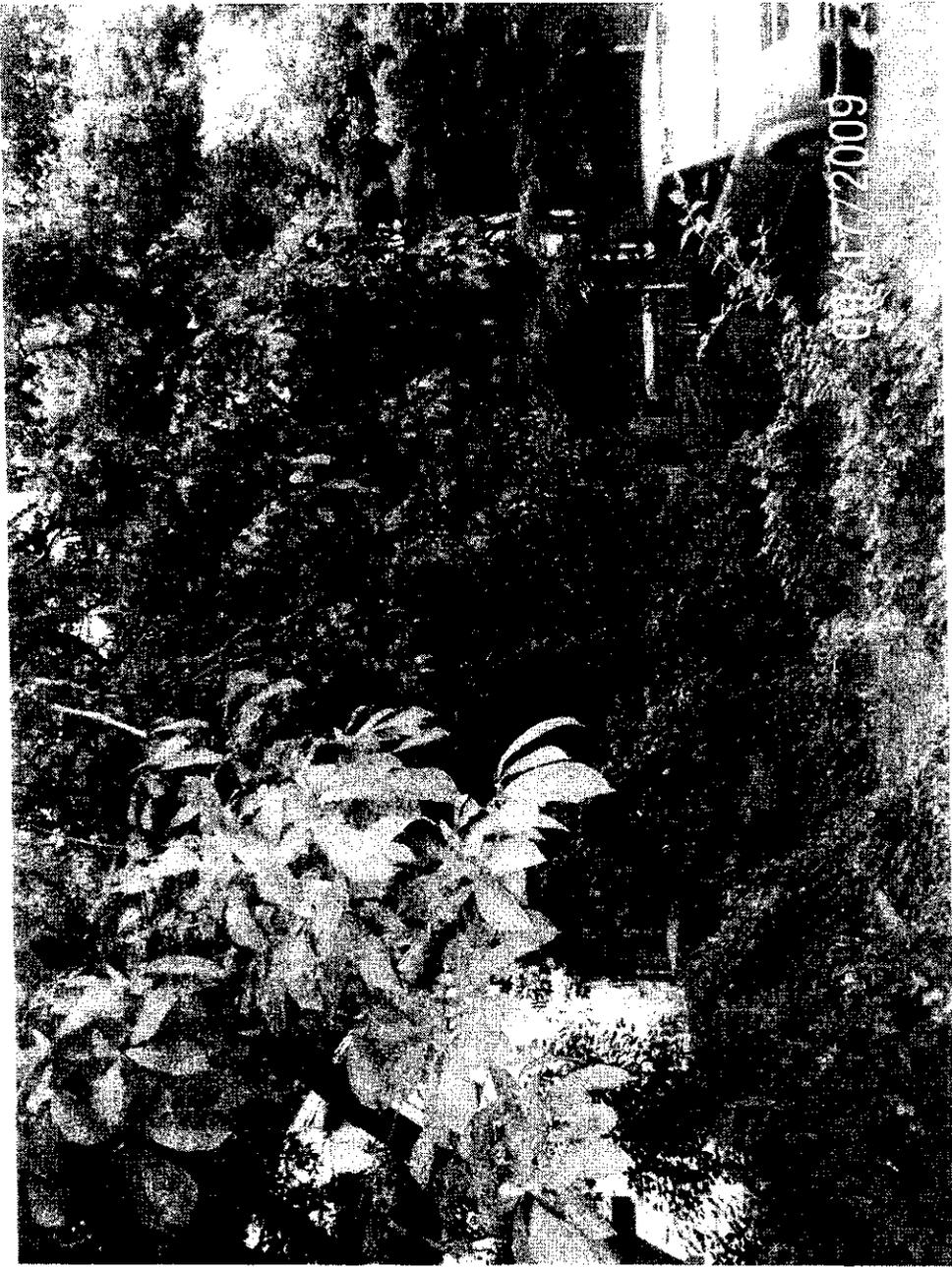




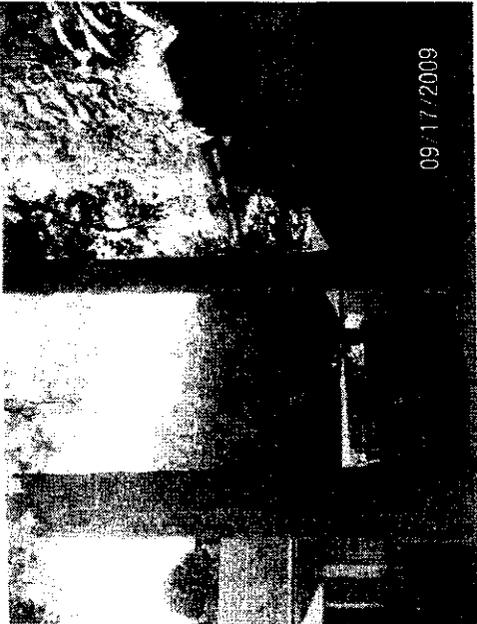
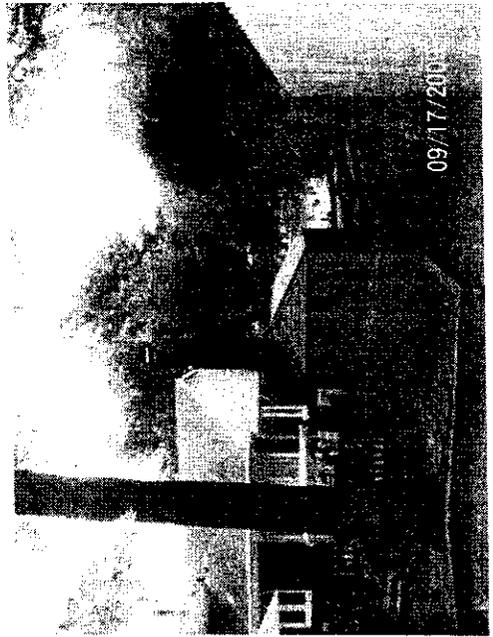


G2

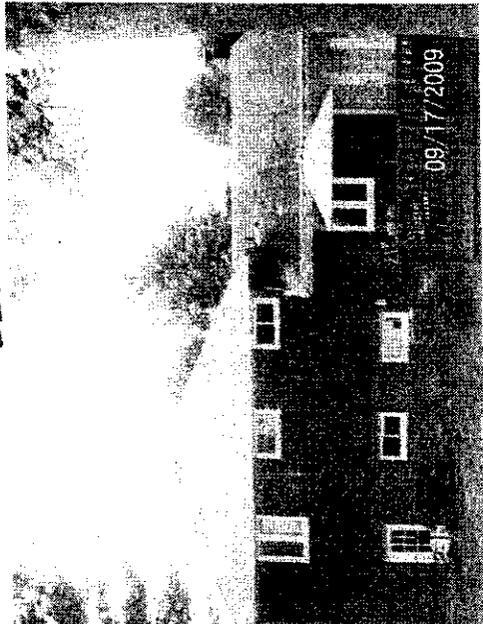




A1



E2



E1



DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit for the reduction of certain yard requirements to permit the construction of a two-story addition to be located 7 feet, 6 inches from the southern side lot line. A 36 square-foot entryway addition is proposed along the northwestern corner of the dwelling. As the entryway addition meets the minimum required yards, it is not subject to special permit approval and is not party to this application.

	Structure	Yard	Minimum Yard Required	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Side (South)	12.0 feet*	7 feet, 6 inches	4 feet, 6 inches	37.5%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The 10,519 square-foot lot is currently zoned to the R-3 Zoning District and is developed with a split-level, brick, single-family detached dwelling. The existing dwelling consists of approximately 2,008 square feet of gross floor area with a maximum height of 26 feet, 6 inches. The site is accessed via an asphalt-paved driveway that extends west from Audmar Drive and terminates at the front plane of the existing dwelling along the southern side lot line. There is an existing 7 foot-high shed which measures 100 square feet in area located at the rear of the dwelling and a ground level deck, measuring 350 square feet in area located on the southwest corner at the rear of the dwelling. The property contains mature vegetation consisting of large shrubs in the front of the dwelling and large shade and deciduous trees in the rear yard. Some of the shrubs located along the southeastern perimeter of the dwelling, a Japanese maple tree and a dogwood tree located on the southern side and front yards, are proposed to be removed during construction. The vegetation located in the rear and northern side yards are proposed to remain on the site. Play equipment measuring 8 feet in height and approximately 25 square feet in area is located in the rear yard and meets all minimum yard requirements. A 4-foot high wood fence begins at the rear plane of the dwelling and encompasses the rear and side yards.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3	Single Family Detached Dwellings
East	R-3	Single Family Detached Dwellings
South	R-3	Lewinsville Park
West	R-3	Single Family Detached Dwellings

BACKGROUND

County tax records indicate that the dwelling was constructed in 1958.

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

- *Variance VC 95-D-002* was approved on September 20, 1995 for Tax Map 30-1 ((12)) 110, zoned R-3, at 1422 Audmar Drive, to permit construction of addition 4.64 feet from side lot line (12 feet minimum side yard required).
- *Variance VC 2003-DR-009* was approved on April 16, 2003 for Tax Map 30-3 ((9)) 96, zoned R-3, at 1504 Dewberry Court, to permit construction of addition 7.0 feet from side lot line (12 feet minimum side yard required).
- *Special Permit SP 2007-DR-149* was approved on February 26, 2008 for Tax Map 30-1 ((12)) 62, zoned R-3, at 7029 Old Dominion Drive, to permit reduction of certain yard requirements to permit addition 7.7 feet from side lot line (12 feet minimum side yard required).

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Plat Based on Approved Plat Prepared March 27, 1959 by Greenhorne, O'Mara, Dewberry & Nealon

Prepared By: Robert Lach, Jr., Architect dated October 30, 2009, revised by Robert Murphy, Agent, through December 22, 2009

Proposal:

The applicant is requesting special permit approval to permit a two-story addition measuring approximately 1,430 square feet in area and 29 feet, 6 inches in height. The addition is proposed to provide a garage and additional living space for the applicants consisting of a one-car garage at the front of the dwelling (the eastern half of the proposed addition) with internal steps that lead into a proposed laundry/utility room addition on the first floor at the rear of the dwelling. The second floor of the addition is proposed to accommodate a master bedroom suite. The new construction will align with the existing front and rear planes of the dwelling and will be constructed of brick veneer and cementitious fiber board siding for exterior finishes that are consistent with the existing dwelling. The height of the addition, proposed at 29 feet, 6 inches, will be slightly higher than that of the existing dwelling which is 26 feet, 6 inches in height. The proposed rear entryway addition meets the minimum yard requirements of the R-3 District and is not part of this application or subject to special permit approval.

ZONING ORDINANCE REQUIREMENTS

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

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

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. By observation of the neighborhood through submitted photographs, staff believes that the proposed addition will not adversely affect the use or development of neighboring properties. The minimum required side yard is 12 feet. The proposed addition is to be located 7 feet, 6 inches from the side lot line to align with the existing front and rear planes of the dwelling. Staff believes that the proposed location is the most logical location on the property as the garage portion of the addition will be located at the end of the existing driveway. The existing dwelling is located in the center of the lot and the side yards are virtually equidistant in length. Therefore, this standard has been met.

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 2,008 square feet. Therefore, 150% of the total gross floor area could result in an addition up to 3,012 square feet; which makes a combined total of 5,020 square feet. The proposed additions will be 1,466 square feet in area for a total of 3,474 square feet for the existing house and additions. Therefore, the application meets this provision.

Standard 6 states the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The proposed addition will be 29 feet, 6 inches in height, which will be slightly higher than that of the existing dwelling which is 26 feet, 6 inches in height. However, the addition is clearly subordinate in bulk and scale to the principal dwelling, representing a 27 percent increase in floor area. The proposed building materials are consistent with the existing façade of the dwelling. Staff believes the proposed addition will not be out of character with existing on-site development.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. The surrounding neighborhood contains homes with additions similarly located in distance from the side lot lines as approved by the BZA. Staff believes that the proposed development is in harmony with the surrounding off-site uses. There are existing trees and vegetation located in the area of the proposed construction that are proposed to be removed. A 10-inch diameter holly tree, located along the southern side lot line that may be jointly owned with the adjacent site, Lot 118-A may also be impacted by the proposed construction. Urban Forest Management has indicated that the holly tree appears to be in good condition and should be considered for preservation and be protected during construction activities. Therefore, staff has proposed a development condition to require the applicant to install tree protection fencing at the edge of the building envelope to preserve this tree. With the implementation of this development condition, staff believes that the application meets

this provision.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. The Department of Public Works and Environmental Services (DPWES) has confirmed that there are no Resource Protection Areas (RPA) or floodplains located on the property. Staff believes that the addition will not have a significant impact on stormwater runoff, noise, light, air, safety or erosion. The disturbance necessary to construct the proposed addition will be less than 2,500 square feet; therefore there is no requirement for an infill grading plan nor stormwater management (SWM). Staff believes that the application meets this provision of the Ordinance.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The proposed scale of the addition is consistent with the existing dwelling and is located in a logical location on the south side of the existing dwelling where the garage portion of the addition will be located at the end of the existing driveway. The existing dwelling is located in the center of the lot and the side yards are virtually equidistant in length. The proposed addition is to be located 7 feet, 6 inches from the side lot line to align with the existing front and rear planes of the dwelling and represents a reduction of 37.5 percent of the minimum required side yard. There is an existing holly tree located south of the proposed addition which staff believes should be preserved. In addition, the existing shrubs along the southeastern perimeter of the dwelling should be replaced. Staff has proposed a development condition to require the applicant to install tree protection fencing at the edge of the building envelope to preserve the holly tree and to provide supplemental planting of shrubs to replace those affected by construction. With the implementation of this development condition, staff believes that the application meets this provision. Other concerns regarding well and/or septic easements and preservation are not applicable to this site. Staff believes that this standard has been met.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of SP 2009-DR-105 for the addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

APPENDICES

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Urban Forest Management Analysis
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2009-DR-105

January 27, 2010

If it is the intent of the Board of Zoning Appeals to approve SP 2009-DR-105 located at Tax Map 30-3 ((9)) 117A to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 1,430 square feet) of the addition, as shown on the plat prepared by Robert Lach, Jr., Architect dated October 30, 2009, revised by Robert Murphy, Agent, through December 22, 2009, submitted with this application and is not transferable to other land.
3. Building permits for the addition shall be obtained prior to construction.
4. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,088 square feet existing + 3,012 (150%) = 5,020 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
5. The addition shall be consistent with the architectural renderings included as Attachment 1 to these conditions.
6. The applicant shall designate the area at the edge of the building envelope to the southern property boundary as tree save area and install tree protection fencing to preserve the holly tree located in this area.

7. A minimum of five (5) shrubs, a minimum of 18 inches in height at time of planting, shall be planted along the southern foundation of the addition.

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

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

PROJECT INFORMATION

PROJECT TO MEET 2006 VIRGINIA
RESIDENTIAL CODE

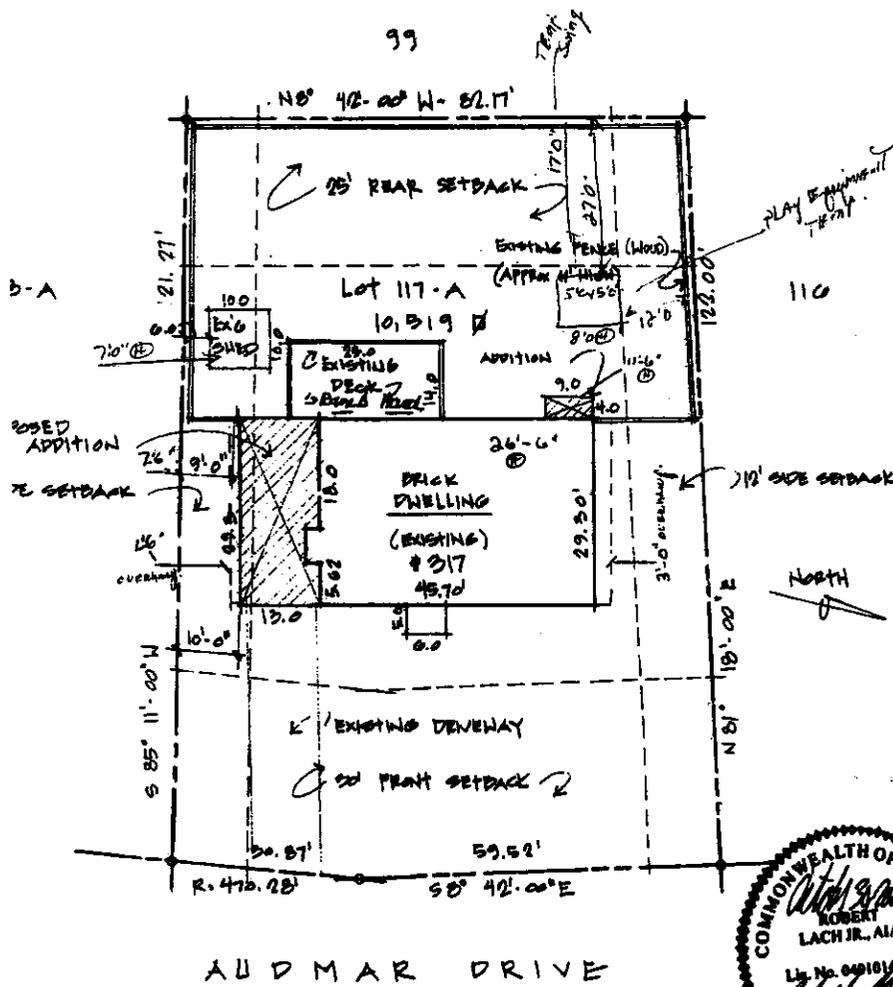
BUILDING SQUARE FOOTAGE
EXISTING GROSS: 2,008 SF
ADDITION GROSS: 1,466 SF
TOTAL GROSS: 3,476 SF
FLOOR AREA RATIO: .33

ATTACHMENT 1

RECEIVED
Department of Planning
NOV 09 2009
Zoning Evaluation Division

*Paul M.
12-22-09*

REVISIONS	BY



AUDMAR DRIVE

Lot 117-A, SECTION 2
BROTHILL'S McLEAN ESTATES
DRANESVILLE MAGISTERIAL DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 20'-0"
ZONED R-9

SPECIAL PERMIT PLAN
BASED ON APPROVED PLAN
PREPARED MARCH 21, 1959
BY
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& NEALON

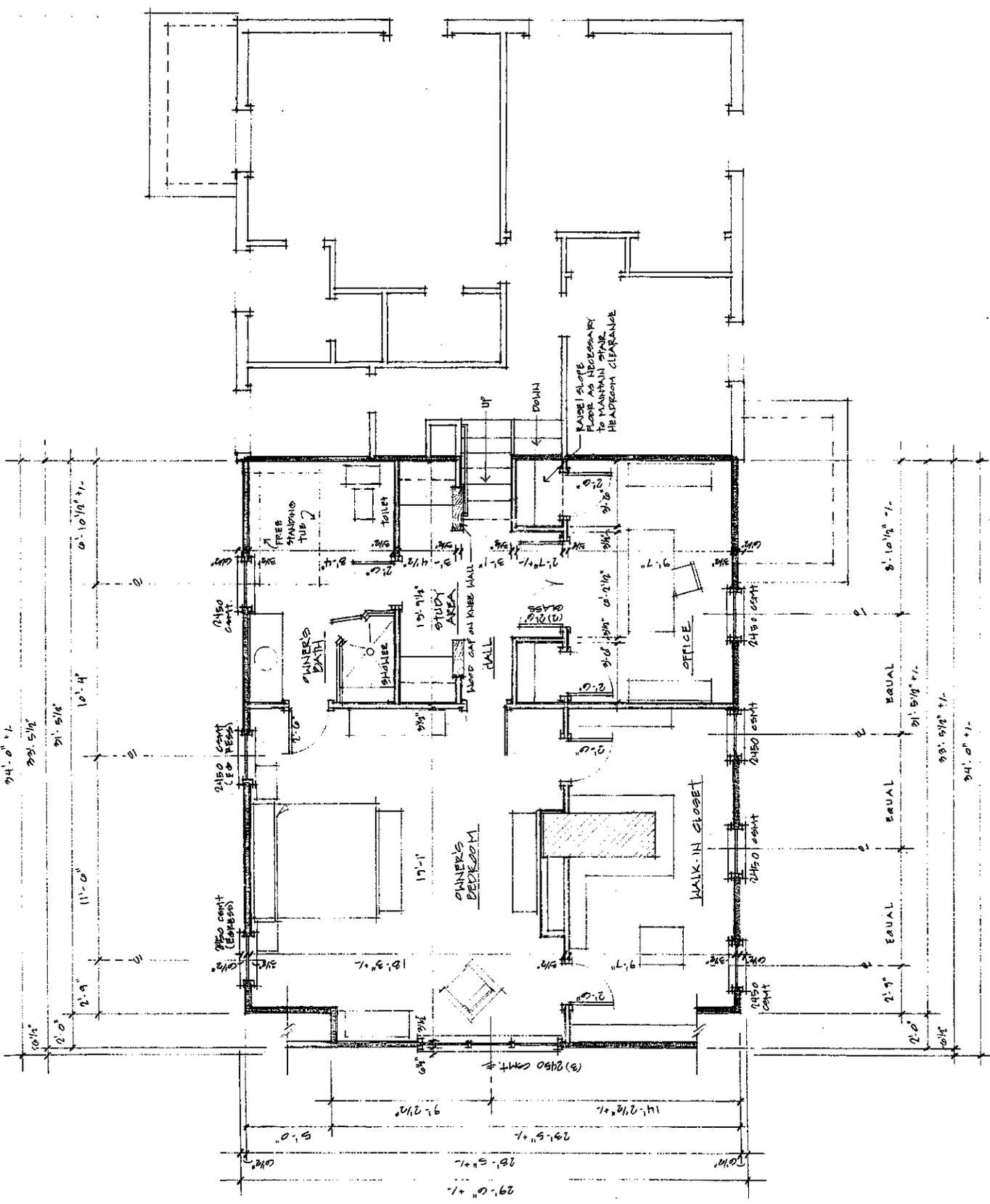
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517 AUDMAR DRIVE, McLEAN VIRGINIA 22101
PREPARED BY
E. HORN, ARCHITECTS LLC
240 498 1472
www.ehornarchitects.com

Date	Nov-9-2009
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Drawn	E HORN
Job	RINDONE
Sheet	

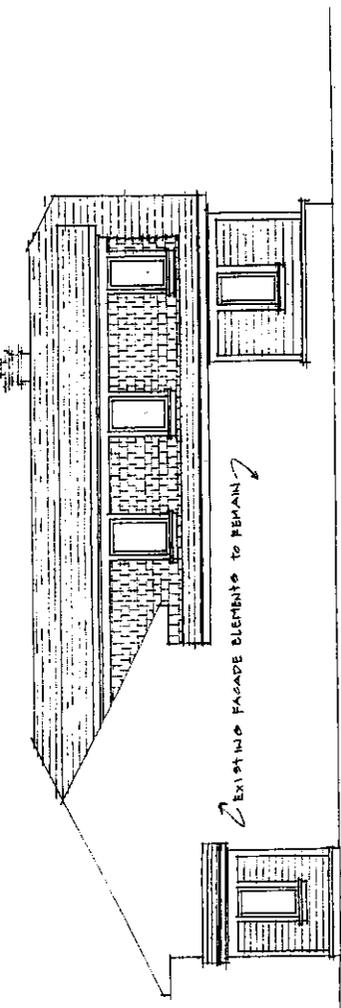
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 MR & MRS RINDONE
 317 ADMAR DRIVE, HALEAN VA 22101
 PREPARED BY
 ARCHITECTS, INC.



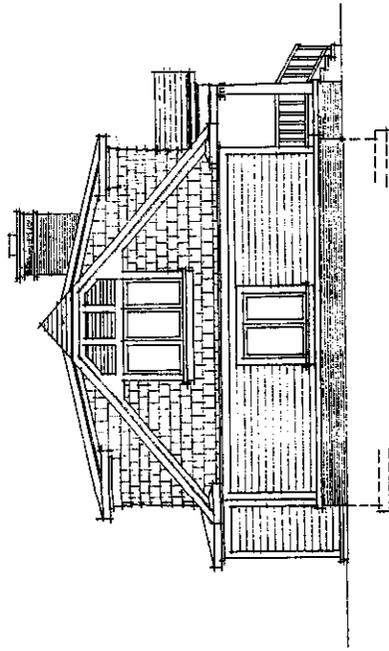
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 Drawn by: hpm
 Job: RINDONE
 Sheet: 01 of 4
 Date: 11/10



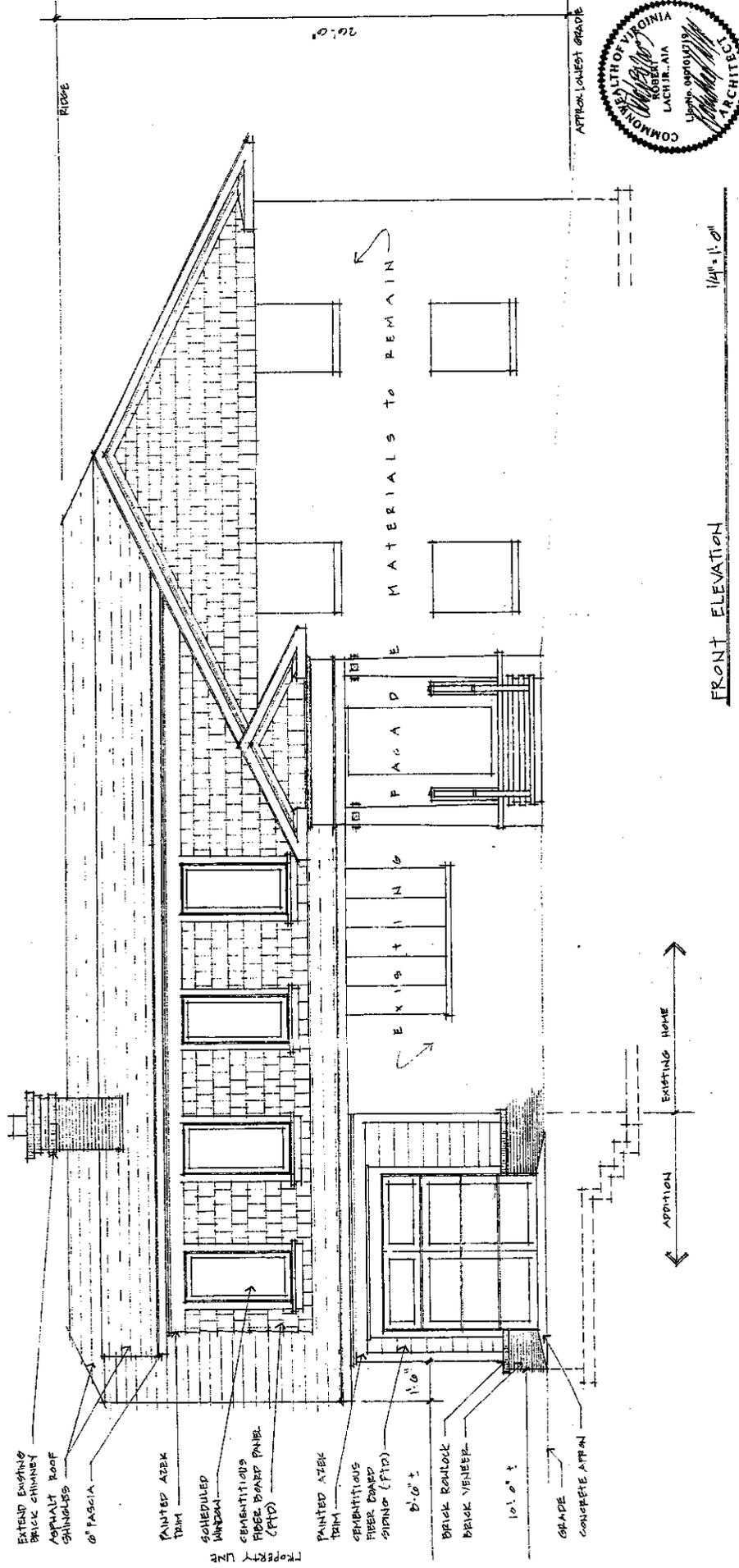
SECOND FLOOR PLAN
 700 SQUARE FEET



REAR ELEVATION 16'-11.0"



LEFT SIDE ELEVATION 16'-11.0"



- EXTEND EXISTING BRICK CHIMNEY
- ASPHALT ROOF SHINGLES
- 6" FASCIA
- PAINTED AZEK TRIM
- SCHEDULED WINDOW
- CEMENTITIOUS FIBER BOARD PANEL (CFD)
- PAINTED AZEK TRIM
- CEMENTITIOUS FIBER BOARD SIDING (CFD) 8'-0" x
- BRICK RAULOCK BRICK VENEER
- 10'-0" x
- GRADE
- CONCRETE APRON



County of Fairfax, Virginia

APPENDIX 2

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: December 1, 2009

TO: Virginia H. Ruffner, Planner III
Application Acceptance Section
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bette R. Crane, Paralegal *[Signature]*
Office of the County Attorney

SUBJECT: Revised BZA Affidavit
Application No. SP 2009-DR-105

REF.: 105998

Attached is a copy of an application and an original revised affidavit that has been approved by the Office of the County Attorney for the following case:

Name of Applicant

Affidavit Date of Oath

Frank L. and Victoria Z. Rindone

11/23/09

Attachments

Application No.(s): SP 2009-DR-105
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23 November 2009
(enter date affidavit is notarized)

I, Victoria Z. Rindone, 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 1059986

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)
Victoria Z. Rindone	1502 Audmar Dr.	Applicant/Title Own.
Frank L. Rindone	McLean, VA 22101	
@ Home Architects, LLC	10410 Barrie Ave.	Agent
Robert Lach, Jr.	Silver Spring, MD 20902	
Homes by Murphy, Inc.	9746 Oaktop Ct.	Agent
Robert Murphy	Fairfax Station, VA 22039	

(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-DR-05

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

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23 November 2009
(enter date affidavit is notarized)

1051986

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)

@ Home Architects, LLC
10410 Barrie Ave
Silver Spring, MD 20902

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)

Robert Lach, Jr.

(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-DR-105
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

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

DATE: 23 November 2009
(enter date affidavit is notarized)

1059986

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

Homes by Murphy, Inc.
9746 Oaktop Ct.
Fairfax Station, VA 22039

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)

Robert J. Murphy

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-DR-105
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23 November 2009
(enter date affidavit is notarized)

1059986

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

PARTNERSHIP INFORMATION

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

N/A

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

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

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

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

Application No.(s): SP 2009-DR-105
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23 November 2009
(enter date affidavit is notarized)

1059980

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.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 23 November 2009
(enter date affidavit is notarized)

105998

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) Victoria Z. Rindone
 Applicant [] Applicant's Authorized Agent

Victoria Z. Rindone
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 23rd day of NOVEMBER 2009, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

S. J. Chhetri
Notary Public

My commission expires: 29 FEB 2012
Reg # 345884



26 October 2009

Virginia H. Ruffner
Planner III
Application Acceptance Section
County of Fairfax, Virginia

RECEIVED
Department of Planning & Zoning
NOV 03 2009
Zoning Evaluation Division

RE: Special Permit Application – Frank L. and Victoria Z. Rindone

Dear Ms. Ruffner,

Per your request of 30 September 2009, the following additional information is provided for our application for a special permit. We also request that expedited consideration be given to this request.

Item 5.00 - 5.05

The proposed use of the special permit is to add a single-car garage and additional living space to the existing structure. There is no public use of this additional space.

Item 5.08

No hazardous or toxic substances will be generated, stored, utilized, treated and/or disposed of on site; nor will there be any storage tanks or containers.

Item 6.0

My husband and I are the owners of the property and intend to use this additional structure for personal use. A new form listing our architect, Robert Lach Jr., and our builder, Robert Murphy, as agents on our behalf is attached.

Item 930.02

The BZA will 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.

Item 930.03

The BZA will 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.

Item 930.04

The BZA will determine that the proposed development should not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, erosion and stormwater runoff.

Item 930.05

The BZA will determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the structure on the lot.

Item 930.14

The property does not have a well or septic field. It is attached to Falls Church Water and Sewer Authority.

Item 930.16

There are no major existing utility easements for the property.

If you require additional information for this application., please contact either myself or my agents. We appreciate your assistance in ensuring the application has all of the necessary details.

Sincerely,

A handwritten signature in cursive script that reads "Victoria Z. Rindone". The signature is written in black ink and is positioned above the printed name.

Victoria Z. Rindone

MEMORANDUM

17 September 2009

SUBJECT: Special Permit Statement of Justification – Fairfax Country

1. **PURPOSE:** Statement of Justification for a Special Permit (Building) from the County of Fairfax, Virginia for the property at 1502 Audmar Drive, McLean, VA, Map #0303090117A, in accordance with Section 8-011 of the Zoning Ordinance.

2. JUSTIFICATION:

- a. The property is a single-family dwelling that will be used as the primary residence for the undersigned and his immediate family.
- b. There will be no “hours of operation” because it will not contain a business.
- c. There will be no “traffic impact”.
- d. The property is located in the Dranesville-area of the County of Fairfax.
- e. The addition to the preexisting structure will consist of adding a one-car garage/utility room on the single-story side of a split-level, detached house and second-story to that side of the residence (to include the added garage).
- f. There will be no hazardous or toxic substances stored or used on the property.

3. **STATEMENT OF CONFORMITY.** The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions for the special permit under the provisions of Section 8-011 of the Zoning Ordinance of Fairfax County.



FRANK L. RINDONE
Colonel, United States Army

RECEIVED
Department of Planning & Zoning

SEP 17 2009

Zoning Evaluation Division



MEMORANDUM

December 28, 2009

TO: Shelby Johnson, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Craig Herwig, Urban Forester III *CSH*
Forest Conservation Branch, DPWES

SUBJECT: Broyhill's McLean Estates Section 2 Lot 117A (1502 Audmar Drive), SP 2009-DR-105

RE: Request for assistance dated December 8, 2009

This review is based on the Special Permit application SP 2009-DR-105 stamped as "Received, Department of Planning and Zoning, November 9, 2009 and the special permit plat showing the proposed addition to the existing dwelling at 1502 Audmar Drive, Broyhill's McLean Estates Section 2, Lot 117A. A site visit was conducted on December 28, 2009.

Site Description: This site is developed with a one story brick, single family dwelling and associated asphalt driveway. There is an existing shed located at the left rear of the dwelling and an existing ground level deck off the left rear of the dwelling. There is a 13-inch diameter Japanese maple located at the left side of the house, a 9-inch dogwood at the left front of the house and a 10-inch diameter holly tree at the left side property boundary that may be jointly owned with the adjacent neighbor. All of these trees appear to be in fair to good condition.

- 1. Comment:** There is a 10-inch diameter holly at the left side property boundary that may be jointly owned with the adjacent neighbor. This tree appears to be in good condition and should be considered for preservation and be protected during construction activities.

Recommendation: The possibly jointly owned holly tree should be protected from construction activities with tree protection fencing until the completion of the project.

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

CSH/
UFMID #: 148227

cc: RA File
DPZ File

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



8-006 General Standards

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

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

8-903 Standards for All Group 9 Uses

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

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

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

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and

shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent

property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.

9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.
10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.

- E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.