



APPLICATION ACCEPTED: November 16, 2009

DATE OF PUBLIC HEARING: February 3, 2010

TIME: 9:00 a.m.

County of Fairfax, Virginia

January 27, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2009-SP-104

SPRINGFIELD DISTRICT

APPLICANTS & OWNERS: John J. Kelly and Kaye R. Kelly

LOCATION: 9102 Paloma Lane

SUBDIVISION: Lakewood Hills

ZONING: R-3 (Cluster)

ZONING ORDINANCE PROVISION: 8-914 & 8-922

TAX MAP: 97-2 ((3)) 488

LOT SIZE: 9,048 Square Feet

SP PROPOSAL: Reduction to minimum yard requirements based on error in building location to permit open deck to remain 3.6 ft. from rear lot line and to permit reduction of certain yard requirements to permit construction of screened porch addition 13.3 ft. from rear lot line.

STAFF RECOMMENDATION: Staff recommends approval of SP 2009-DP-104 for the screened porch 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.

O:\Scaff2\Case Files\Special Permits\SP 2009-SP-104 KELLY\KELLY_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/



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Integrity * Teamwork * Public Service

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

The approval of this 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.**

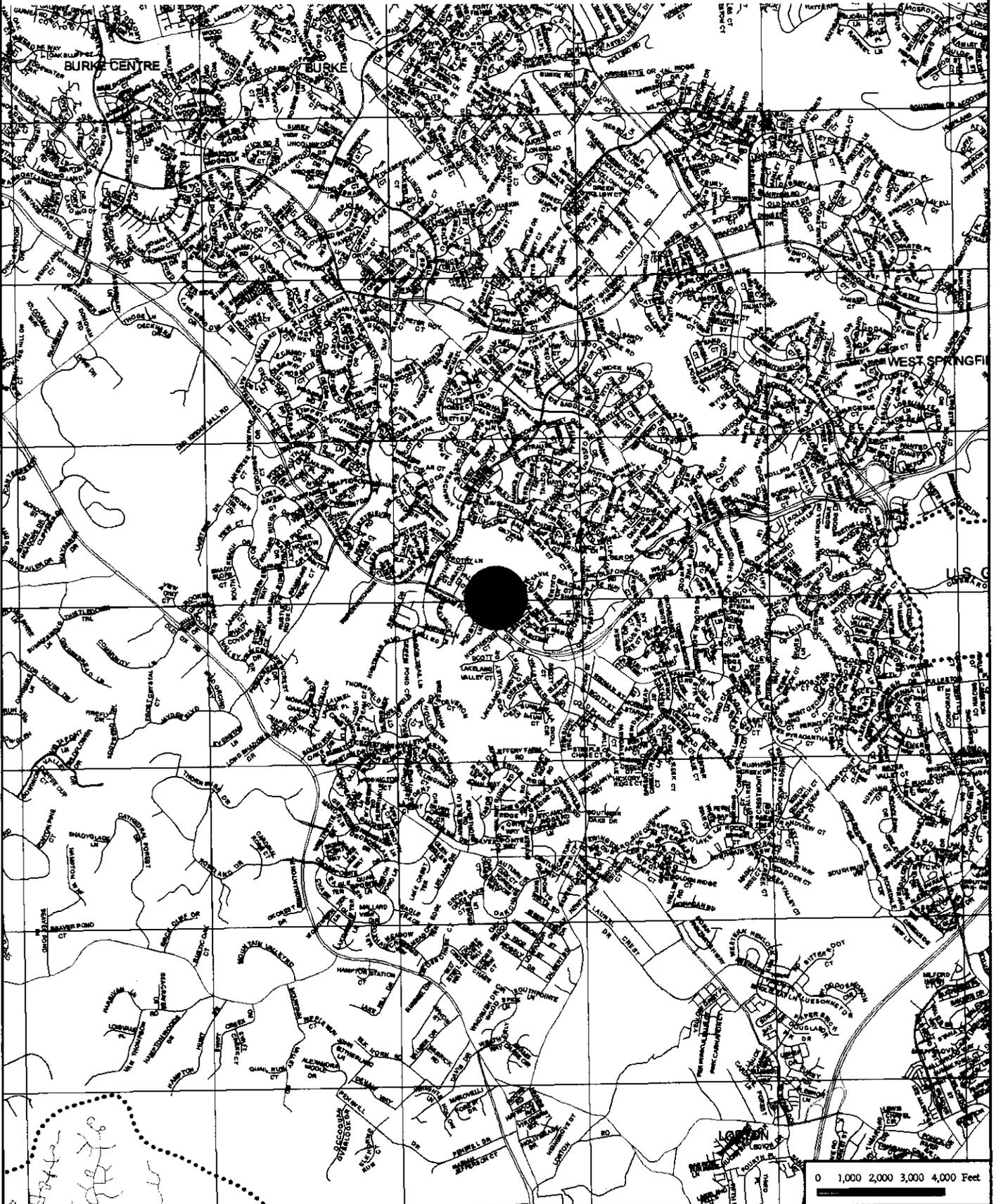


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2009-SP-104

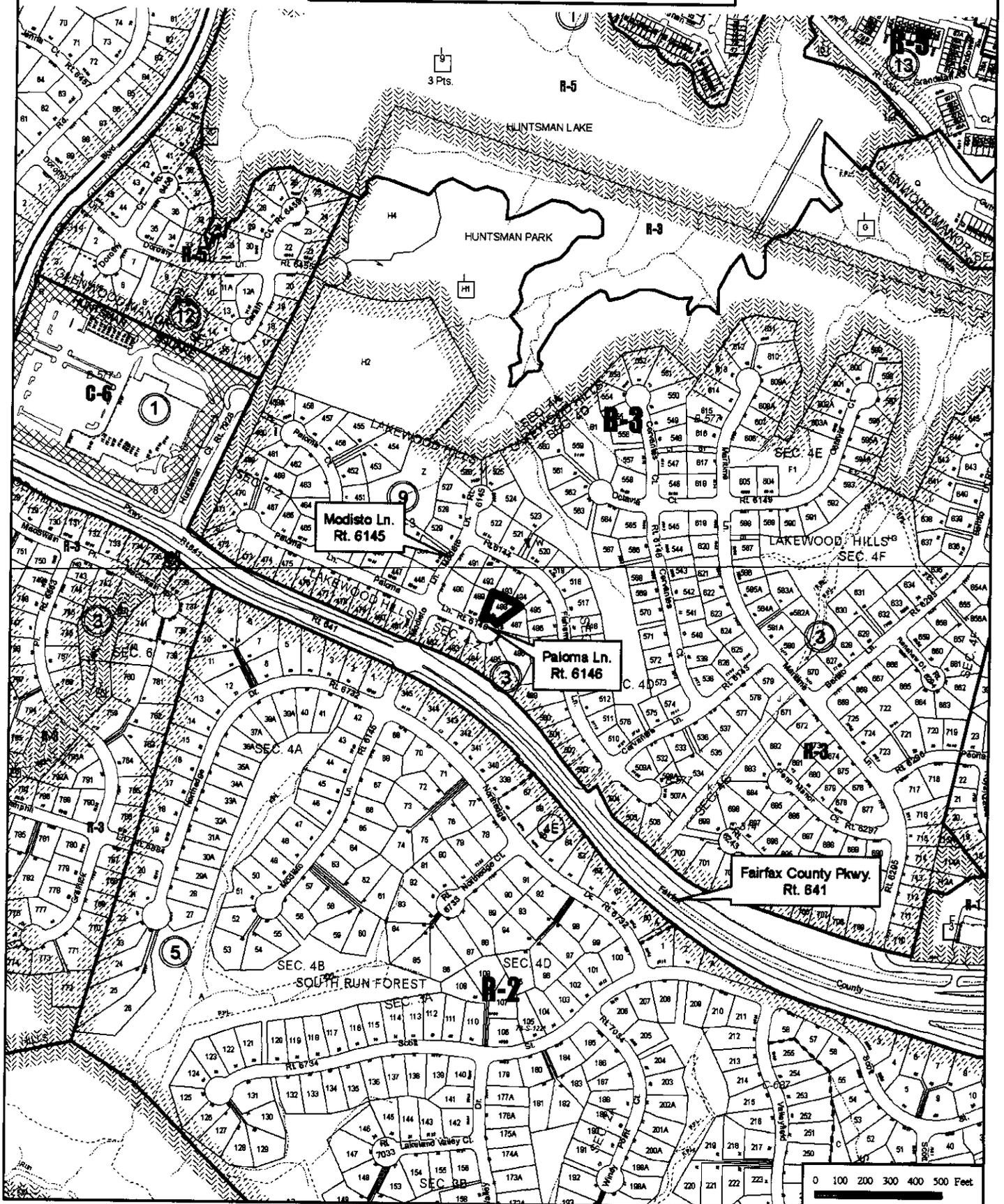
JOHN J. KELLY AND KAYE R. KELLY



Special Permit

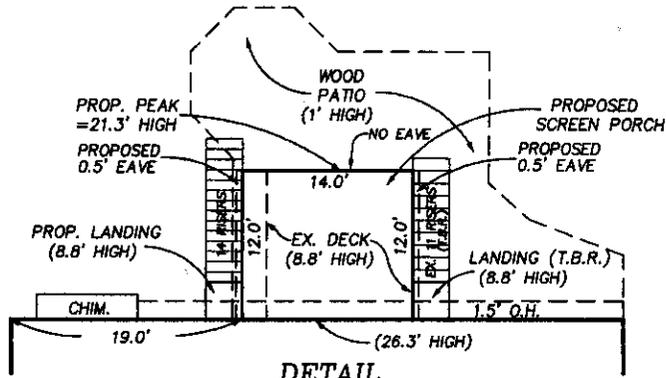
SP 2009-SP-104

JOHN J. KELLY AND KAYE R. KELLY



NOTES:

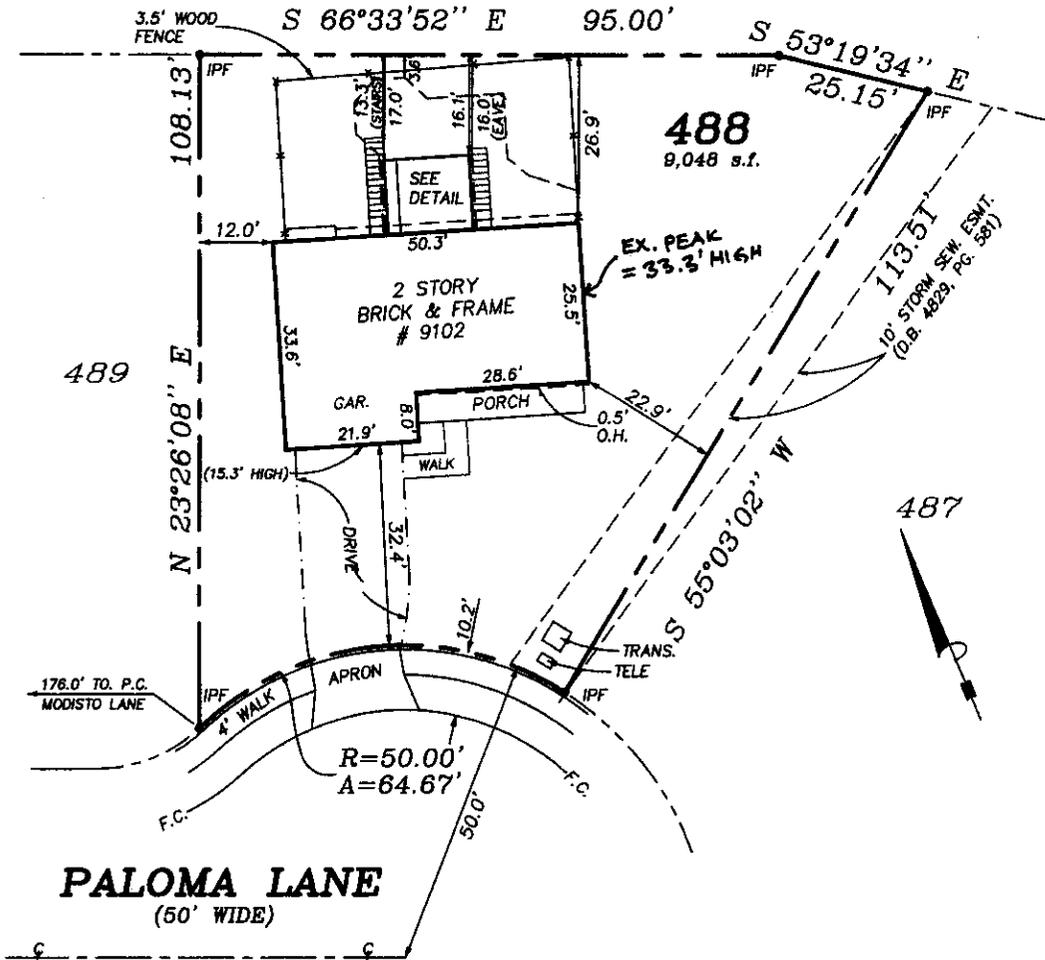
1. PROPERTY IS LOCATED ON TAX MAP NO. 97-2-03-0488 AND IS PRESENTLY ZONED R-3C.
2. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
3. R-3C BUILDING RESTRICTION LINES: FRONT-20', SIDE-8' (BUT A TOTAL MIN. OF 20') REAR-25'
4. IPF-DENOTES IRON PIPE FOUND.
5. ACCORDING TO HUD-FIA MAP FOR FAIRFAX COUNTY, THIS PROPERTY IS SHOWN TO BE IN ZONE C, AN AREA OF MINIMAL FLOOD HAZARD.



DETAIL

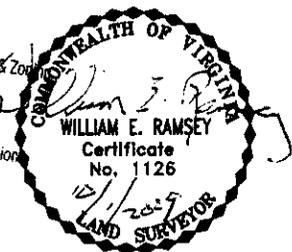
SCALE: 1"=10'

N/F LEVITT HOMES, INC.



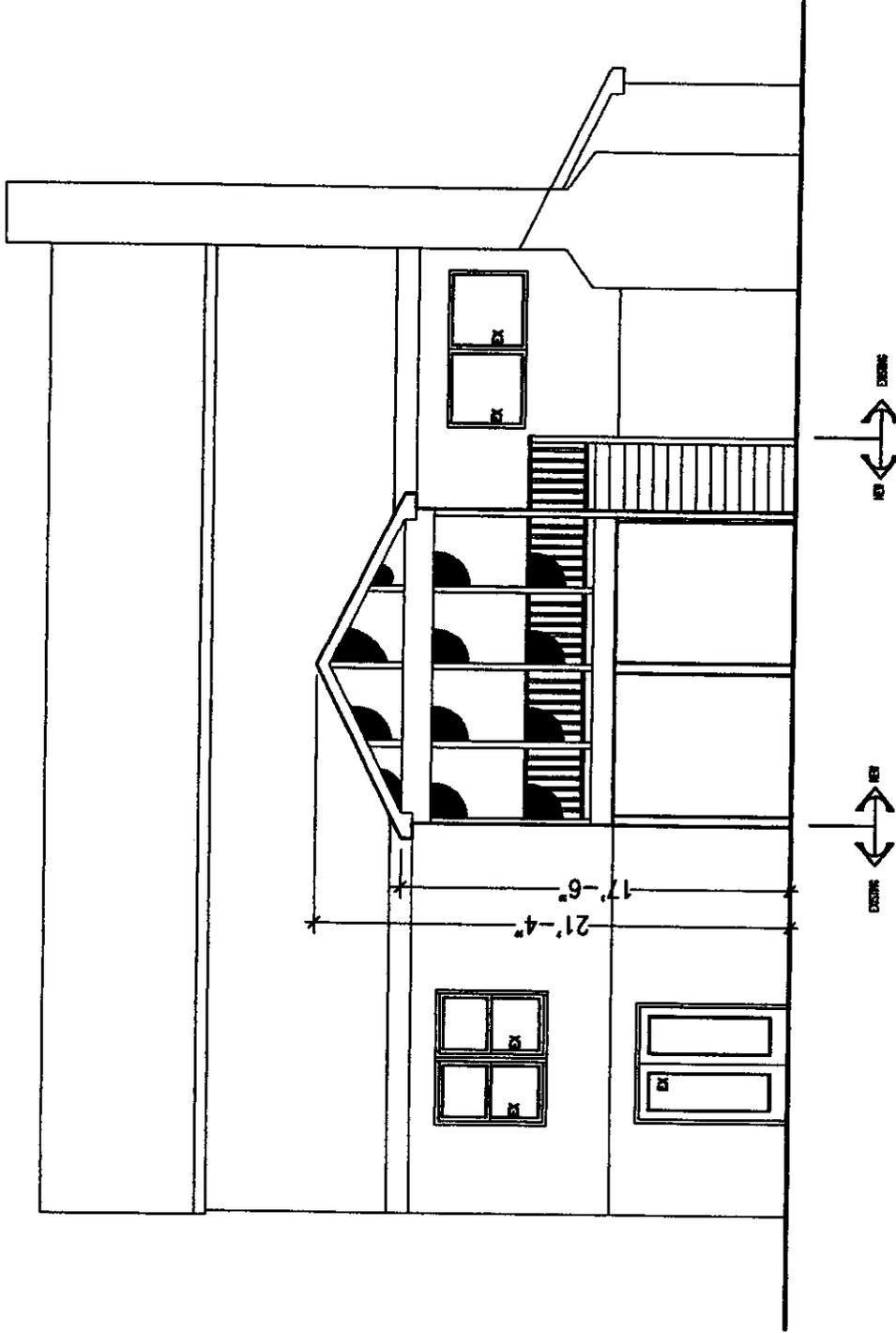
SPECIAL PERMIT PLAT
 LOT 488
 SECTION 4-B
LAKEWOOD HILLS
 SPRINGFIELD DISTRICT
 FAIRFAX COUNTY, VIRGINIA
 JULY 30, 2009
 REVISED: AUGUST 20, 2009
 REVISED: SEPTMEBER 30, 2009

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 Department of Planning & Zoning
 OCT 05 2009
 Zoning Evaluation Division



WILLIAM E. RAMSEY, P.C.
 LAND SURVEYOR
 FAIRFAX, VIRGINIA
 703-385-4499

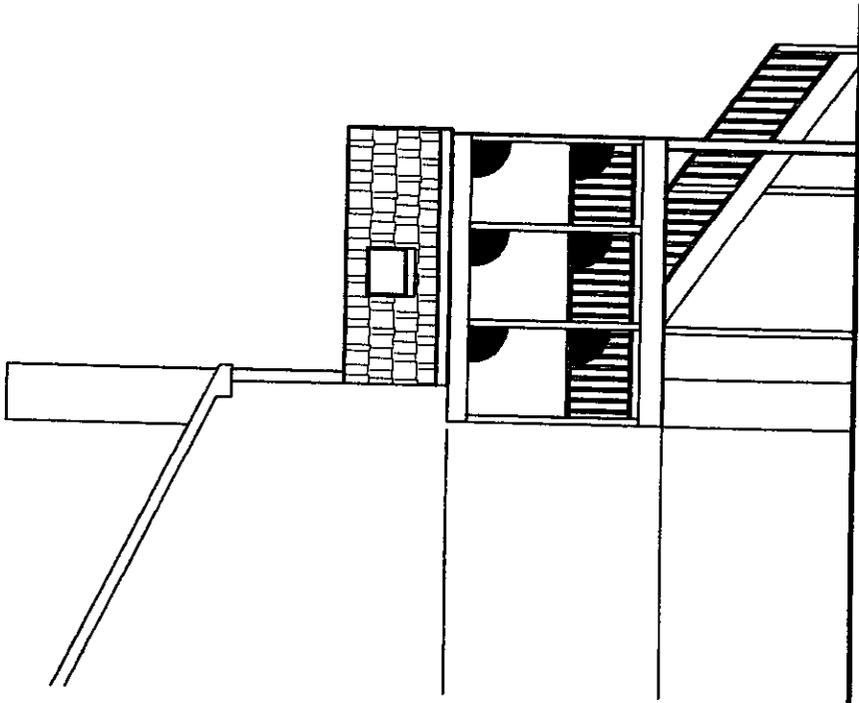
Department of Planning & Zoning
 SEP 03 2009
 Zoning Evaluation Division



REAR ELEVATION

1/8" = 1'-0"

KELLY ADDITION 9102 PALOMA LANE SPRINGFIELD, VA 22153	0942 PROJECT NO.
HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600	SP-2 DATE: 09/19/09



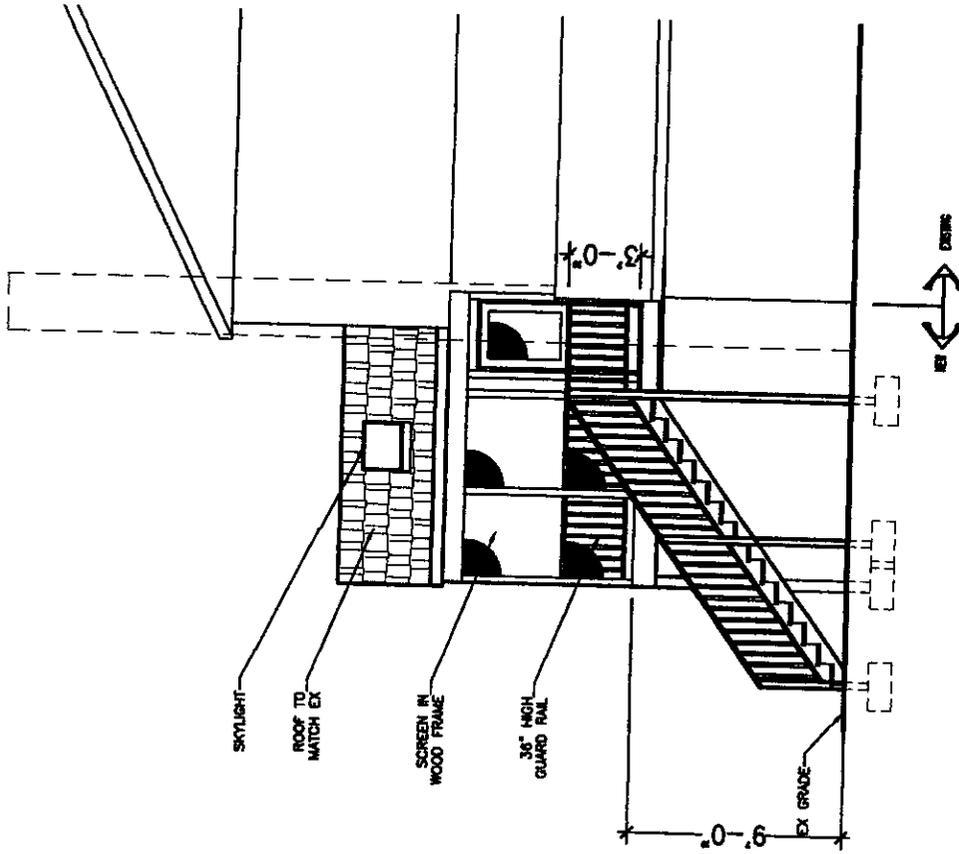
RIGHT SIDE ELEVATION

1/8" = 1'-0"

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Department of Planning & Zoning

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Zoning Evaluation Division

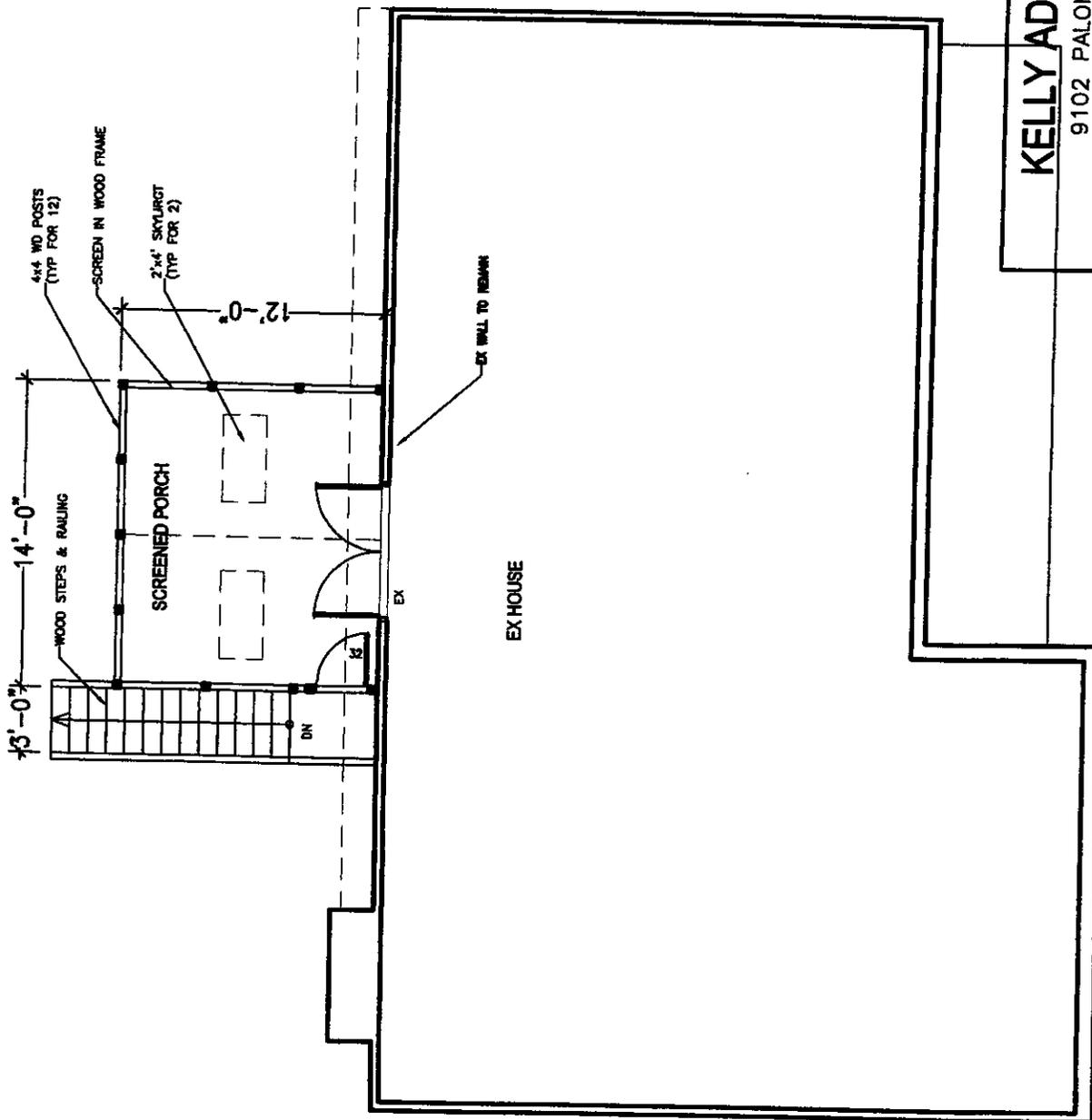


LEFT SIDE ELEVATION

1/8" = 1'-0"

<p>KELLY ADDITION 9102 PALOMA LANE SPRINGFIELD, VA 22153</p>	<p>0942 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	
<p>DATE: 09/19/09</p>	

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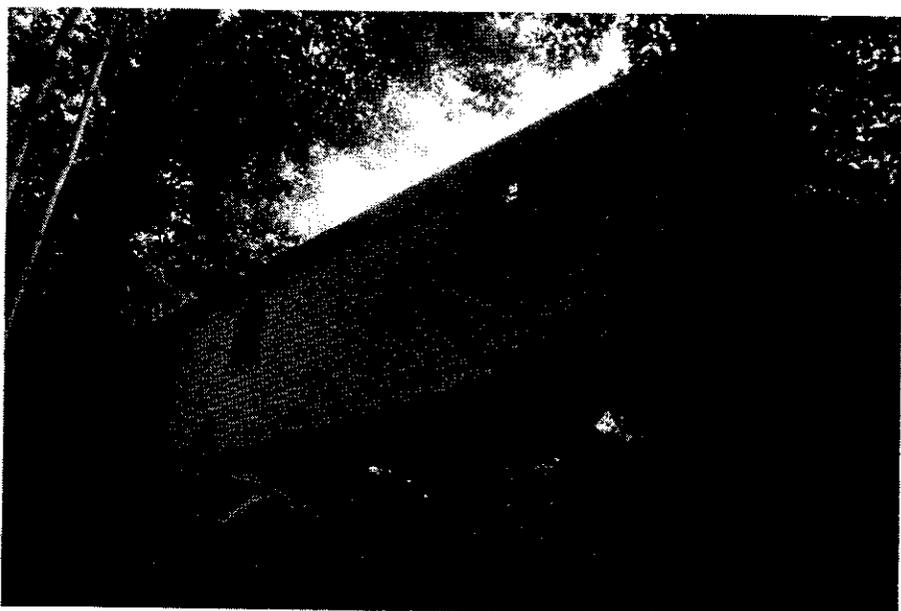
KELLY ADDITION	0942
9102 PALOMA LANE SPRINGFIELD, VA 22153	PROJECT NO.
HODZIC ARCHITECTS, PC	SP-1
1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600	DATE: 09/19/09

FIRST FLOOR PLAN

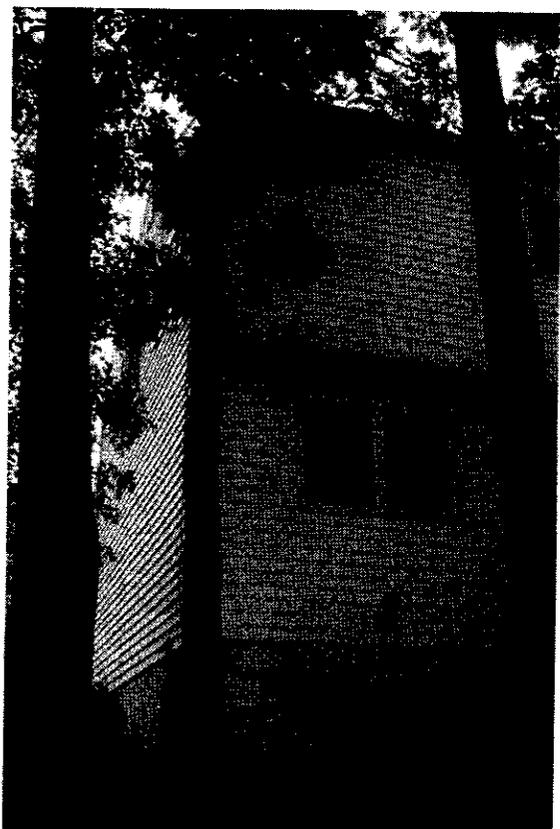
1/8" = 1'-0"

August 24, 2009

9102 PALOMA LANE



1. FROM REAR YARD OF BACK YARD

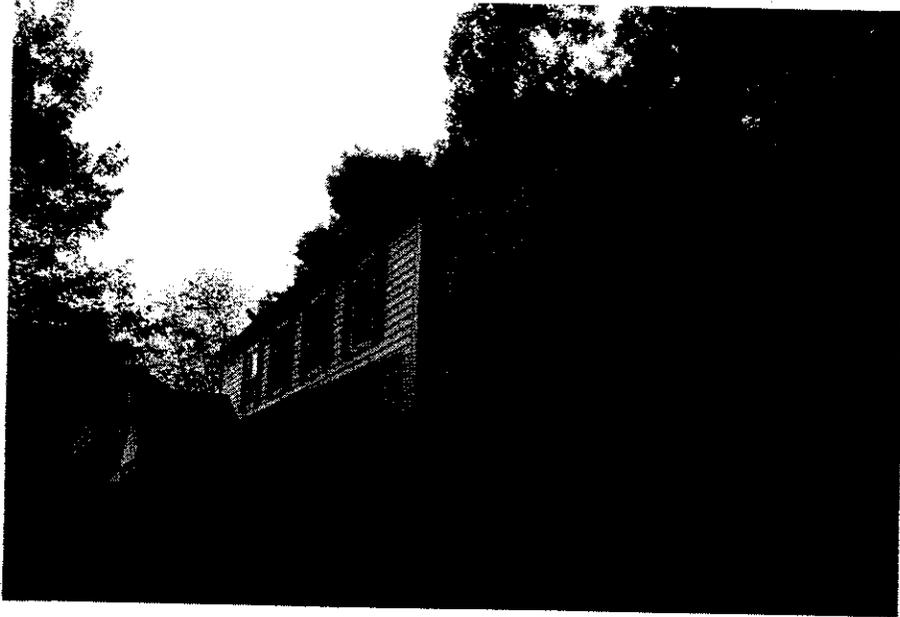


2. FROM SIDE YARD OF REAR YARD

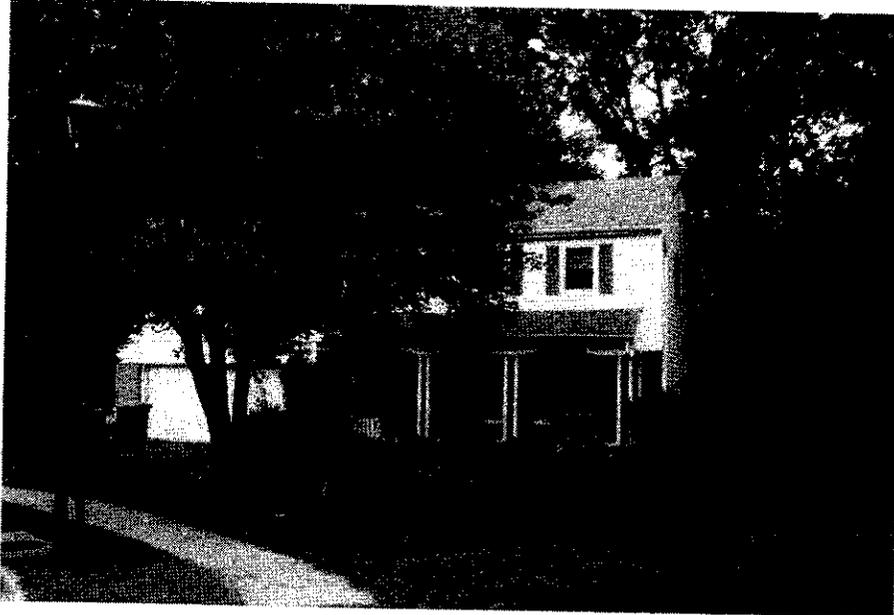
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Department of Planning & Zoning
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August 24, 2009

9102 PALOMA LANE



3. RIGHT SIDE OF HOUSE



4. FRONT RIGHT SIDE

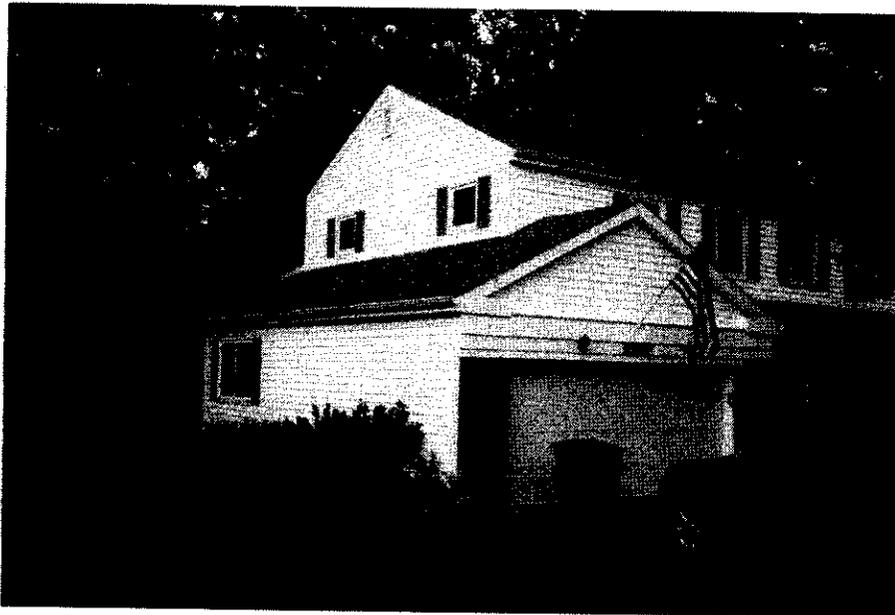
RECEIVED
Department of Planning & Zoning
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Zoning Evaluation

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9102 PALOMA LANE



5. FRONT OF HOUSE



6. LEFT FRONT OF HOUSE

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9102 PALOMA LANE



7. LEFT SIDE OF HOUSE



8. FROM LEFT REAR YARD TO HOUSE

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August 24, 2009

9102 PALOMA LANE



9. FROM REAR OF HOUSE TO BACK PROPERTY LINE



10. FROM REAR RIGHT

August 24, 2009

9102 PALOMA LANE



11. FROM RIGHT SIDE OF HOUSE TO 9104 PALOMA LANE



12. FROM RIGHT FRONT CORNER TO 9104 PALOMA LANE

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Department of Planning & Zoning
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Zoning Evaluation Division

August 24, 2009

9102 PALOMA LANE



13. FROM FRONT YARD ACROSS STREET OF 9105 PALOMA LANE

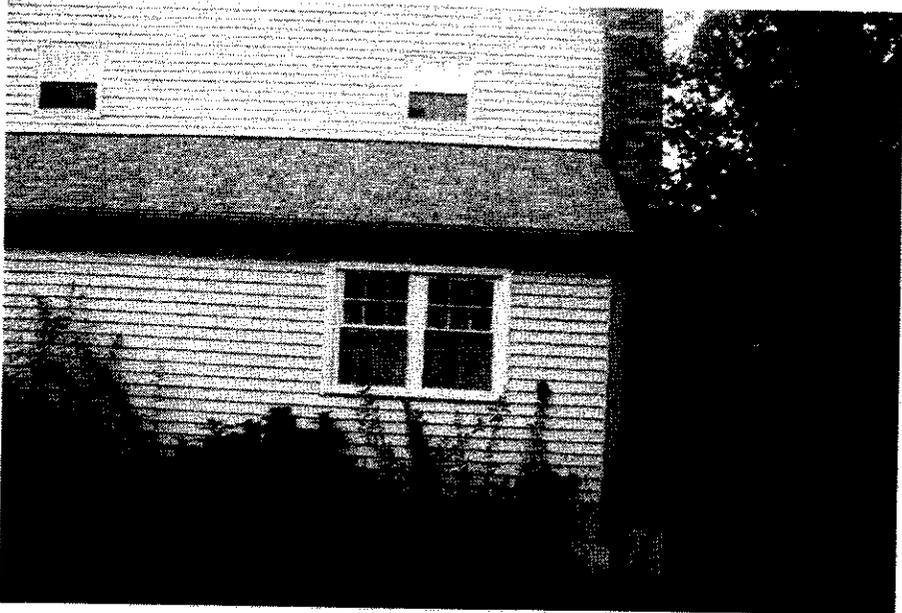


14. FROM FRONT YARD TO PALOMA CUL-DE-SUC

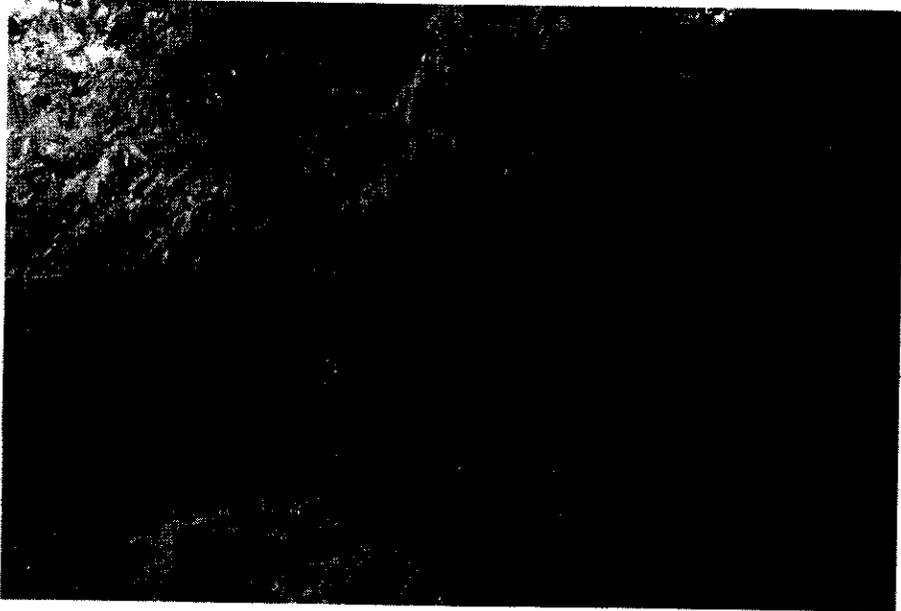
RECEIVED
Department of Planning & Zoning
SEP 03 2009
Zoning Evaluation Division

August 24, 2009

9102 PALOMA LANE



15. FROM FRONT LEFT CORNER ACROSS STREET TO 9107 PALOMA LANE



16. FROM REAR YARD TO NORTH WEST CORNER OF HOUSE

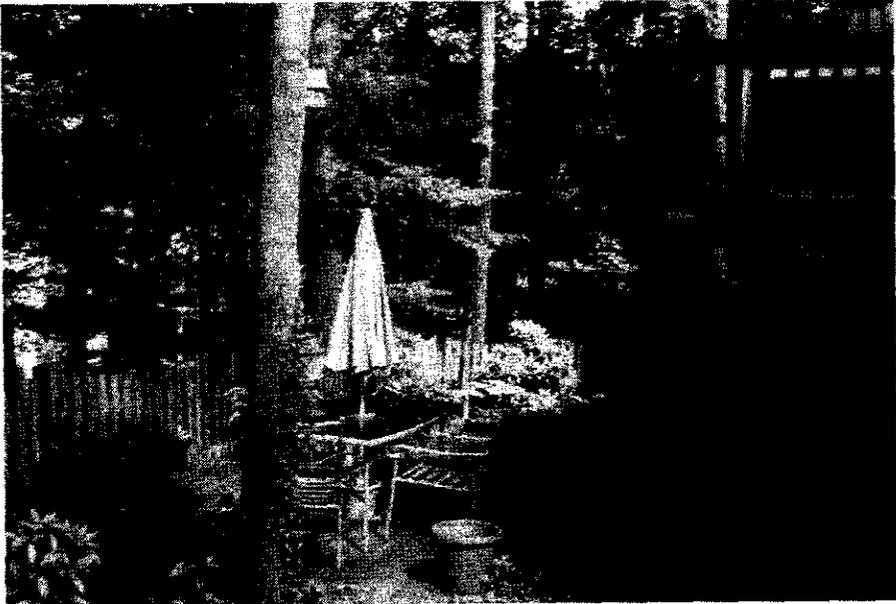
RECEIVED
Department of Planning & Zoning
SEP 03 2009
Zoning Evaluation

August 24, 2007

9102 Paloma Lane



17. DECK VIEW TOWARDS THE HOUSE

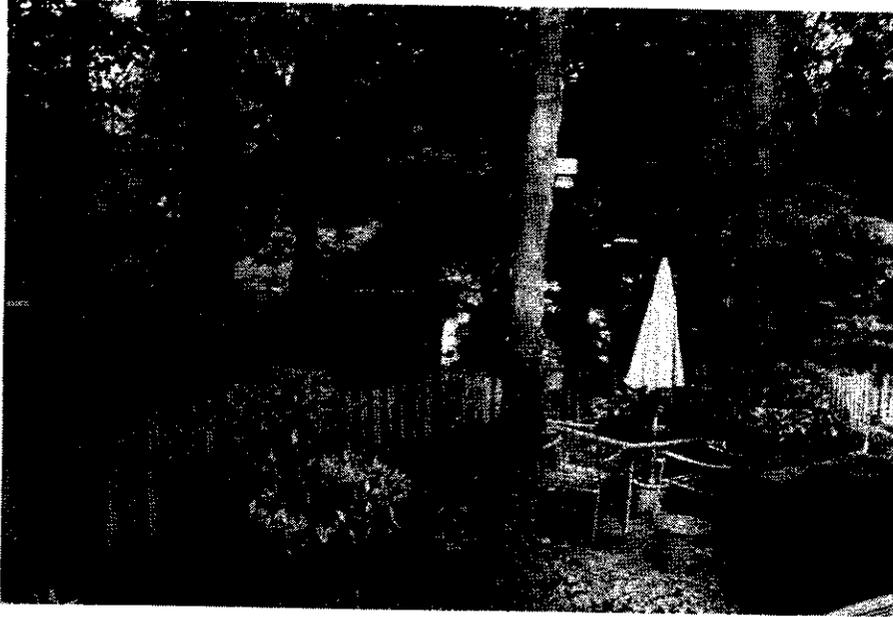


18. DECK VIEW FROM THE SIDE OF THE HOUSE

RECEIVED
Department of Planning
OCT 05 2009
Zoning Evaluation Office

August 24, 2007

9102 Paloma Lane



19. DECK VIEW FROM THE HOUSE

RECEIVED
Department of Planning & Zoning

OCT 05 2009

Zoning Evaluation

DESCRIPTION OF THE APPLICATIONS

The applicant seeks approval of two special permits for the subject property. The first is for an error in building location to permit an at-grade patio (open deck) to remain 3.6 feet from the rear lot line.

	Structure	Yard	Min. Yard Req.*	Permitted Extension **	Minimum Yard Permitted	Structure Location	Amount of Error	Percent of Error
Special Permit 1	Open Deck	Rear	25 feet	20 feet	5.0 feet	3.6 feet	1.4 feet	28 %

* Minimum yard requirement per Section 3-307

** Permitted Extensions per 2-412

The second request is to permit construction of a screened porch addition with steps over an existing open deck.

	Structure	Yard	Min. Yard Required *	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit 2	Screened Porch	Rear	25 feet	13.3 feet	11.7 feet	46.8 %

* 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 constructed in 1978. The lot consists of 9,048 square feet and has a significant change in topography with the grade sloping downwards from the south (front yard) towards the north (rear yard). There is dense vegetation on site. The subject property is surrounded by single family detached homes on all sides.

Character of the Area

	Zoning	Use
North	R-3 (Cluster)	Single Family Detached Dwellings
South	R-3 (Cluster)	Single Family Detached Dwellings
East	R-3 (Cluster)	Single Family Detached Dwellings
West	R-3 (Cluster)	Single Family Detached Dwellings

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat, Lot 488, Section 4-B, Lakewood Hills
- **Prepared By:** William E. Ramsey, P.C., dated July 30, 2009, revised through September 30, 2009 and signed October 1, 2009.
- **Building Permit Required for Open Deck (at-grade patio):** No
- **Location and Error Made By:** Current Owners

Proposal

The applicant wishes to construct a one story screened porch addition in place of an existing open deck on the subject property. The structure is proposed to have a footprint of 14 feet by 12 feet (168 square feet in size) and will be 21.3 feet in height. The structure will have the appearance of being two stories due to the significant change in topography from the front to the rear of the property which causes the basement level to be completely exposed at the rear. The existing dwelling (at the peak of the roof) is 33.3 feet in height.

There is an existing upper level deck with steps where the screened porch is proposed to be constructed; however, the existing stairs on the eastern side will be removed along with the existing upper deck and new stairs are proposed on the western side of the screened porch. The open deck identified as an error in building location pursuant to this special permit is an at-grade wood patio which is attached to the existing dwelling. Since there appears to be no footings or posts for this deck, a building permit would not be required. There are many mature trees on the subject property and the rear adjacent property, but they will not be adversely affected by the proposed construction.

BACKGROUND

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

- Variance VC 92-S-033, denied on October 15, 1992, on Tax Map Number 97-2 ((3)) 621, on 7604 Maritime Lane, zoned R-3 Cluster, east of the subject property to allow enclosure of deck as an addition to dwelling to 13.8 feet from the rear lot line.
- Variance VC 83-S-075, approved on July 12, 1983, on Tax Map Number 97-2 ((3)) 584A, on 7609 Maritime Lane, zoned R-3 Cluster, north of the subject property to allow enclosure of deck as an addition to dwelling to 16.2 feet from the pipe-stem lot line and 21.9 feet from the rear lot line.

ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)
- 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 for the porch addition with notes regarding Standard 3.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes that the special permit application satisfies this condition based the fact that there is a minimal extension further into the rear yard than what currently exists with the open second story deck. The screen porch is proposed to be constructed over an existing deck. The most affected property is to the north and there is dense vegetation and trees buffering between the properties. 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 2,253 square feet according to tax records. Therefore 150% of the total gross floor area could result in an addition up to 3,379 square feet; which makes a combined total of 5,632 square feet. The proposed addition will be 171 square feet in size for a total of 2,424 square feet for the existing house and addition. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The proposed screened porch addition will extend on the footprint of an existing deck and is proposed at a height of 21.3 feet and to be only 171 square feet in size. The existing two story single family detached dwelling is 33.3 feet in height (to the peak of the roof) and 2,253 square feet in size; therefore the proposed screen porch addition will be in character with existing on-site development in terms of height and bulk respectively. The proposed screen porch will be constructed with materials similar to the existing dwelling and deck. Staff believes the proposed addition will not be out of character with existing on-site development and meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. The proposed addition will not adversely affect the neighboring properties due to the small size and scope. Minimal land disturbance shall take place due to its small size and because of its location over an existing deck. The screened porch is being constructed in a location so as not to harm the dense vegetation and tree cover on the subject and adjacent properties. Therefore, staff believes this condition has been satisfied.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. No downstream complaints have been indicated by DPWES and there is minimal increase of impervious area due to the proposed addition being constructed over an existing deck. The posts of the existing deck must be relocated further out to accommodate the extension of the proposed screen porch. Currently there is dense tree cover in the rear yard of the property which will not be affected by the proposed addition since it is to be constructed in place of the existing upper deck and over the existing lower deck. This tree cover is provided by the subject and adjacent property to the north which will serve as a buffer between the proposed addition and the adjacent property. Therefore, staff believes that the proposed addition shall not have any adverse impact on neighboring properties.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Since the proposed addition is proposed in an area where a deck currently exists, staff believes this proposed screened porch is a minimal addition. There are no potential alternate locations for a screened porch given the orientation of the existing dwelling on the subject property.

Therefore, staff believes the application satisfies this provision.

CONCLUSION

Staff believes that the subject application for the screened porch 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-104 for the detached garage subject to the proposed development conditions contained in Appendix 1 of the staff report.

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. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2009-SP-104****January 27, 2010**

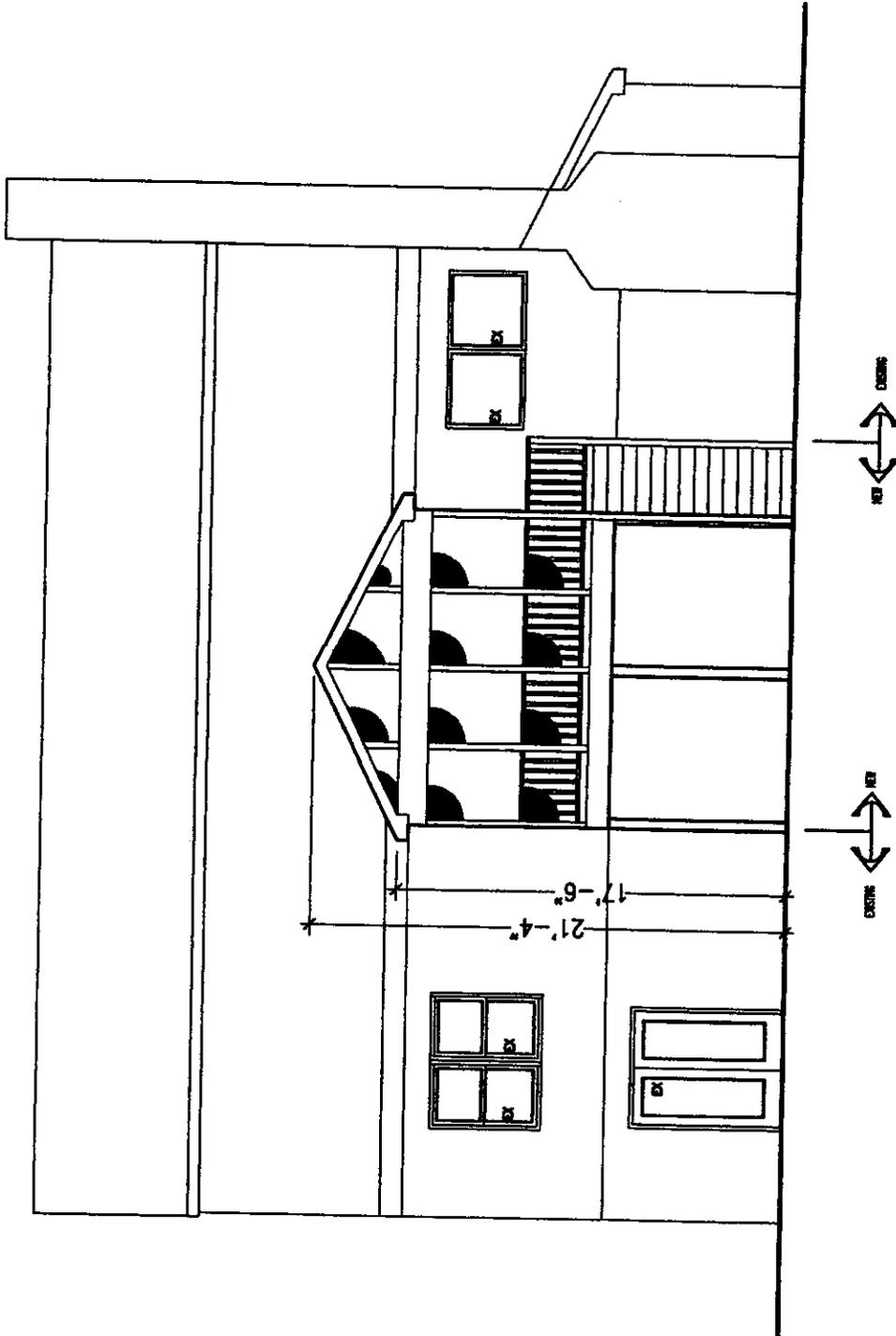
If it is the intent of the Board of Zoning Appeals to approve SP 2009-SP-104 located at Tax Map Number 97-2 ((3)) 488 (9102 Paloma Lane), to permit reduction of certain yard requirements pursuant to 8-914 & 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval 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 screened porch and open deck (wood patio) as shown on the plat prepared by William E. Ramsey, P.C., dated July 30, 2009, revised through September 30, 2009, and signed October 1, 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 (2,253 square feet existing + 3,379 (150%) = 5,632 permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction, special permit or variance. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials depicted on the plat and included in Attachment 1 to these conditions.

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.

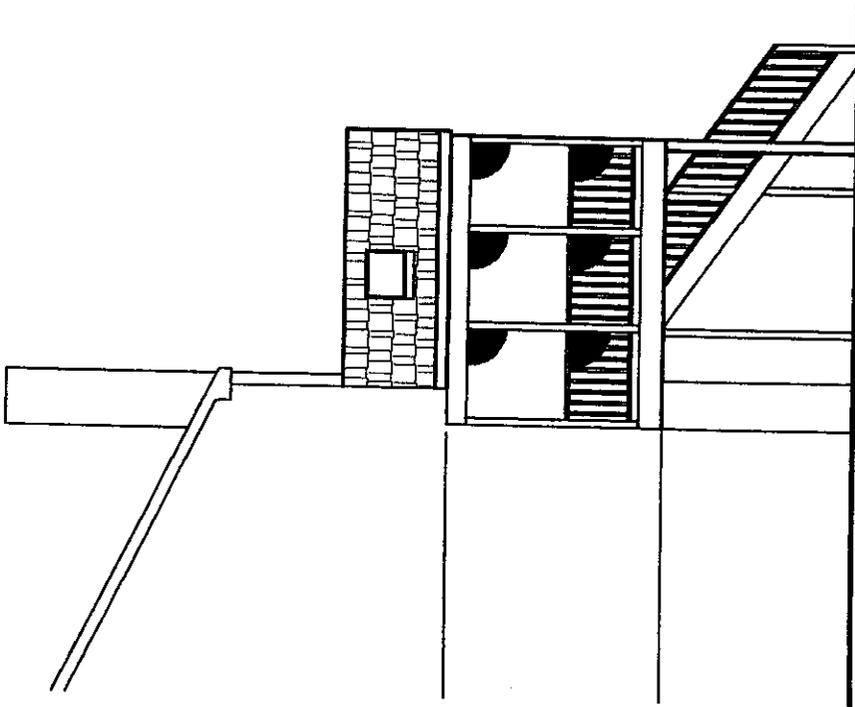
Department of Planning and Zoning
 SEP 03 2009
 Zoning Evaluation Division



<p>KELLY ADDITION 9102 PALOMA LANE SPRINGFIELD, VA 22153</p>	<p>0942 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	<p>SP-2</p>
<p>DATE: 09/19/09</p>	

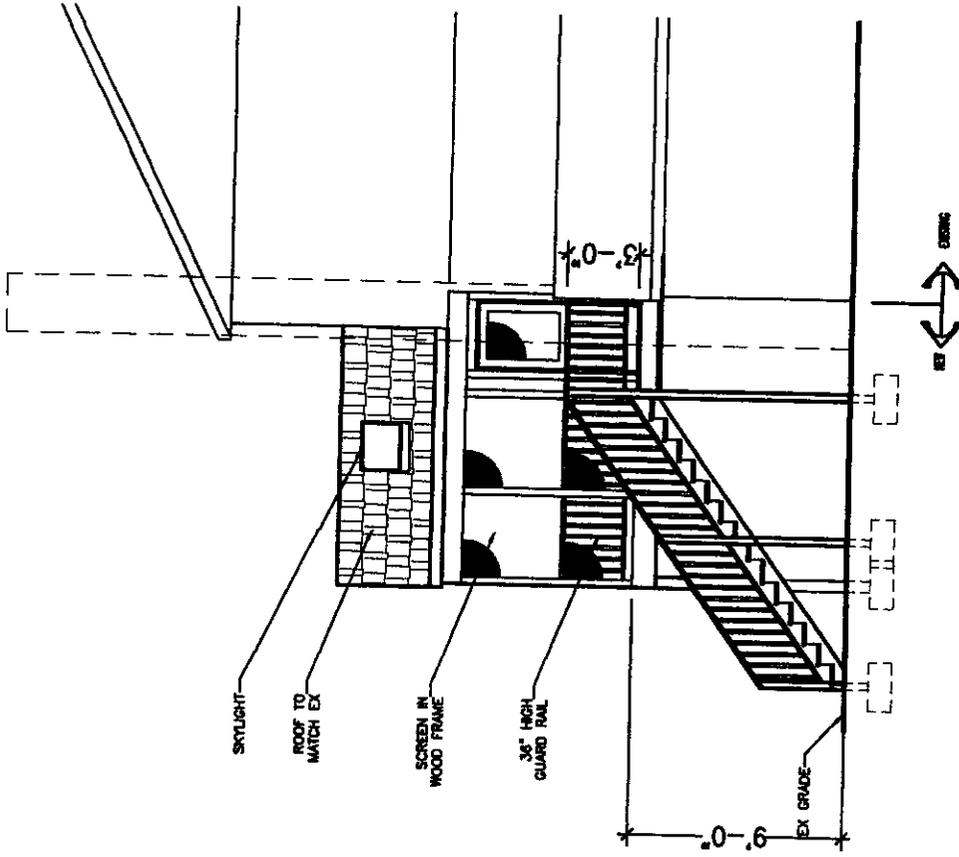
REAR ELEVATION

1/8" = 1'-0"



RIGHT SIDE ELEVATION

1/8" = 1'-0"



LEFT SIDE ELEVATION

1/8" = 1'-0"

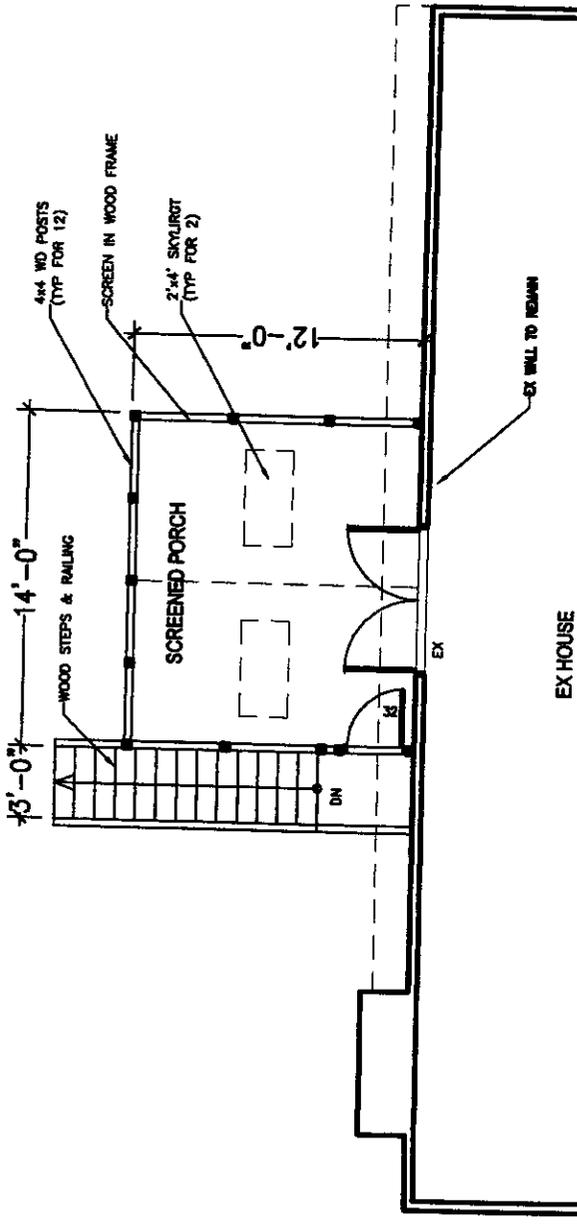
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<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	
<p>DATE: 09/19/09</p>	

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<p>KELLY ADDITION 9102 PALOMA LANE SPRINGFIELD, VA 22153</p>	<p>0942 PROJECT NO.</p>
<p>HODZIC ARCHITECTS, PC 1003 SNAPPER COVE LANE PASADENA, MD 21122 TEL: 410-255-2600</p>	<p>SP-1 DATE: 09/19/09</p>

FIRST FLOOR PLAN

1/8" = 1'-0"

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8-21-09
(enter date affidavit is notarized)

I, ARIF H. HODZIC, 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

105881

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)
JOHN J. KELLY	9102 PALOMA LN SPRINGFIELD, VA. 22153	OWNER/APPLICANT
KAYE R KELLY	9102 PALOMA LN SPRINGFIELD, VA. 22153	OWNER/APPLICANT
ARIF H. HODZIC HODZIC ARCHITECTS, PC	1003 SNAPPER COVE LN PASADENA, MD. 21122	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: 8-21-09
(enter date affidavit is notarized)

105881

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)

HODZIC ARCHITECTS, P.C.
1003 SNAPPER COVE LN
PASADENA, MD. 21122

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)

ARIF H. HODZIC

(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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 8-21-09
(enter date affidavit is notarized)

105881

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-SP-104
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DATE: 8-21-09
(enter date affidavit is notarized)

105881

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: 8-21-09
(enter date affidavit is notarized)

105881

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

ARIF H. HODZIC

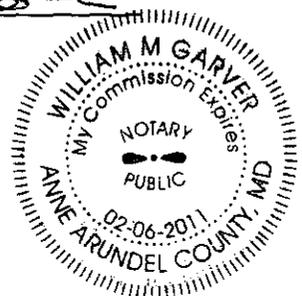
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 21st day of AUGUST 2009, in the State/Comm. of ANNIE ANNSON, County/City of MARYLAND.

William M Garver

Notary Public

My commission expires: 2006-2011



SP 200



Hodzic Architects, P.C.

1003 Snapper Cove Lane
Pasadena, MD 21122
Tel: (410) 255-2600
Fax: (410) 255-2680

ah@hodzicarchitects.com
www.hodzicarchitects.com

RECEIVED
Department of Planning & Zoning
NOV 12 2009
Zoning Evaluation Division

Re: Special Permit Application
Kelly House Addition
9102 Paloma Lane
Springfield, Virginia 22153

Statement of Justification
Additional Information

November 5, 2009

Please modify our application to include correction of existing condition under section 8-914.

At the time when wood deck was constructed there was also a wood patio constructed 3.6 feet away from the rear property line. We are planning to demolish wood deck and construct new addition instead. We would like to keep wood patio as is. Patio is only 8" above the ground.

The following are answers to the specific questions:

- A. The error exceeds ten (10) percent of the minimum set back required.
- B. The previous owner did the construction of the deck, and this owner was not aware that it is a non-conforming construction. There is no record of building permit, if such was required at that time. All previous Plot Plans show patio drawing but without any dimensions.
- C. The reduction of setback for the deck will not impair the purpose and intent of the Ordinance.
- D. This reduction of setback will not be detrimental to the use and enjoyment of the other properties in the vicinity.
- E. It will not create an unsafe condition with respect to both other properties and public streets.
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
- G. The reduction will not result in an increase in density of floor area ratio from that permitted by the applicable zoning district regulations.

If you have any questions please give me a call.

Prepared by:

Arif H. Hodzic, AIA
Agent for the Owner



Hodzic Architects, P.C.

1003 Snapper Cove Lane
Pasadena, MD 21122
Tel: (410) 255-2600
Fax: (410) 255-2680

anh@hodzicarchitects.com
www.hodzicarchitects.com

Tel: (703) 941-0666

RECEIVED
Department of Planning & Zoning

OCT 05 2009

Zoning Evaluation Division

Re: **Special Permit Application**
Filer House Addition
9102 Paloma Lane
Springfield, Virginia 22153

October 2, 2009

Statement of Justification

The purpose of this addition is to provide Screened Porch to allow the Owners to sit outside in the evening without being attacked by mosquitoes.

Existing house is two stories with walkout basement. Front setback is 32.4 FT, Left side yard setback is 12 FT, right yard setback is 22.9 FT. Rear setback to the wood deck is 16.9 FT. House was built in 1978.

The following are answers to the questions in paragraph 912.00:

1. Addition will be encroaching 11.7 feet into the rear yard set back.
Reducing rear yard to 13.3 feet from 25 feet required.
2. Not applicable
3. This is an existing house with wood deck. Deck will be replaced with new Screened Porch.
4. Existing house is 1,459 SF and addition is 171 SF or 11% of the existing house.
5. Screened Porch is subordinated use of the house.
6. Addition is similar to all other Screened Porches in the County.
7. Proposed addition is in harmony with the surrounding structures.
8. Proposed addition will not adversely impact the use and/or enjoyment of any adjacent properties with regard to issues such as noise, light, air, safety and storm water runoff.
9. The proposed addition is similar in size of wood deck, which was in the same place and will be removed.

2 of 2

Kelly House Addition

We would appreciate if you approve this Special Permit, because it would allow better living space in the house.

If you have any questions please give me a call.

Prepared by:

A handwritten signature in black ink, appearing to read 'Arif H. Hodzic', written in a cursive style.

**Arif H. Hodzic, AIA
Agent for the Owner**

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.

8-914

Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) 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 and 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. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing 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 well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - 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. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

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.