



APPLICATION ACCEPTED: December 2, 2009  
DATE OF PUBLIC HEARING: February 24, 2010  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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February 17, 2010

### STAFF REPORT

**SPECIAL PERMIT APPLICATION No. SP 2009-SP-110**

### SPRINGFIELD DISTRICT

**APPLICANTS & OWNERS:** Gary R. Church and Betty H. Church

**ZONING:** R-5

**LOCATION:** 8752 Center Road

**SUBDIVISION:** Hillside Landing

**ZONING ORDINANCE PROVISION:** 8-922

**TAX MAP:** 79-3 ((28)) 2

**LOT SIZE:** 10,971 Sq. Feet

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

**STAFF RECOMMENDATION:** Staff recommends denial of SP 2009-SP-110 for the addition.

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

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

*O:\Scaff2\Case Files\Special Permits\SP 2009-SP-110 CHURCH\Church\_Cover.doc*

Shannon Caffee

Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

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



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

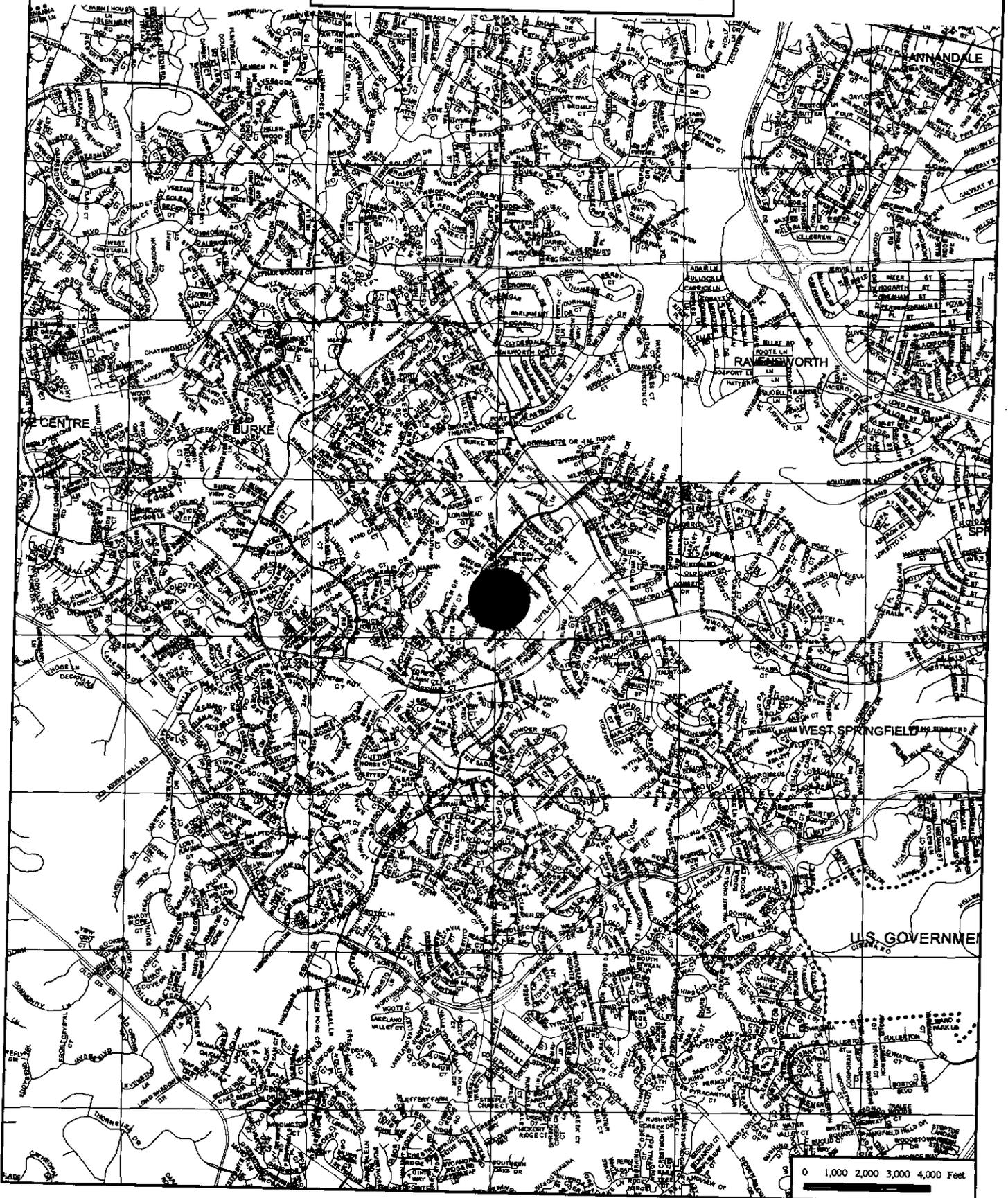
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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



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

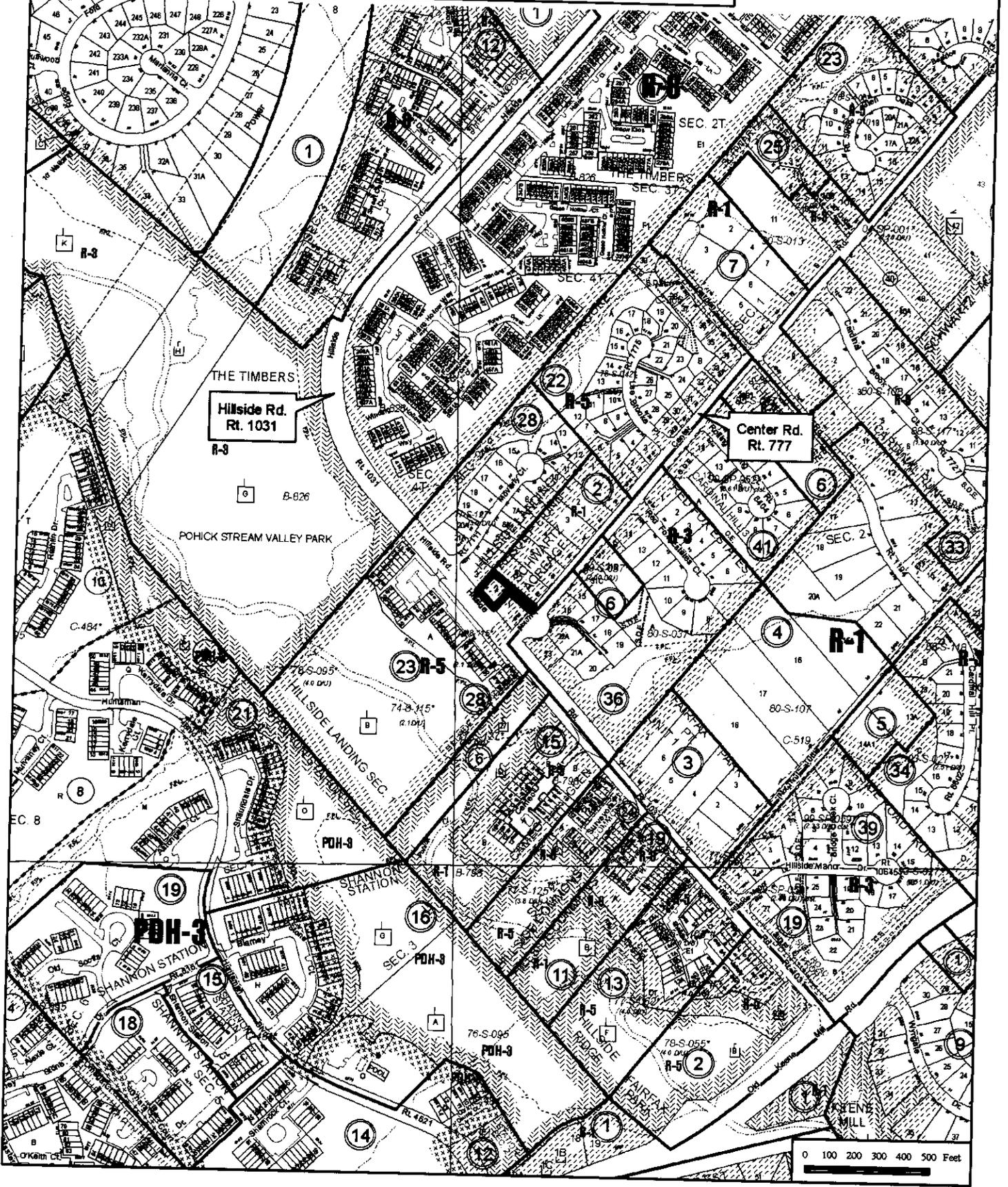
# Special Permit SP 2009-SP-110

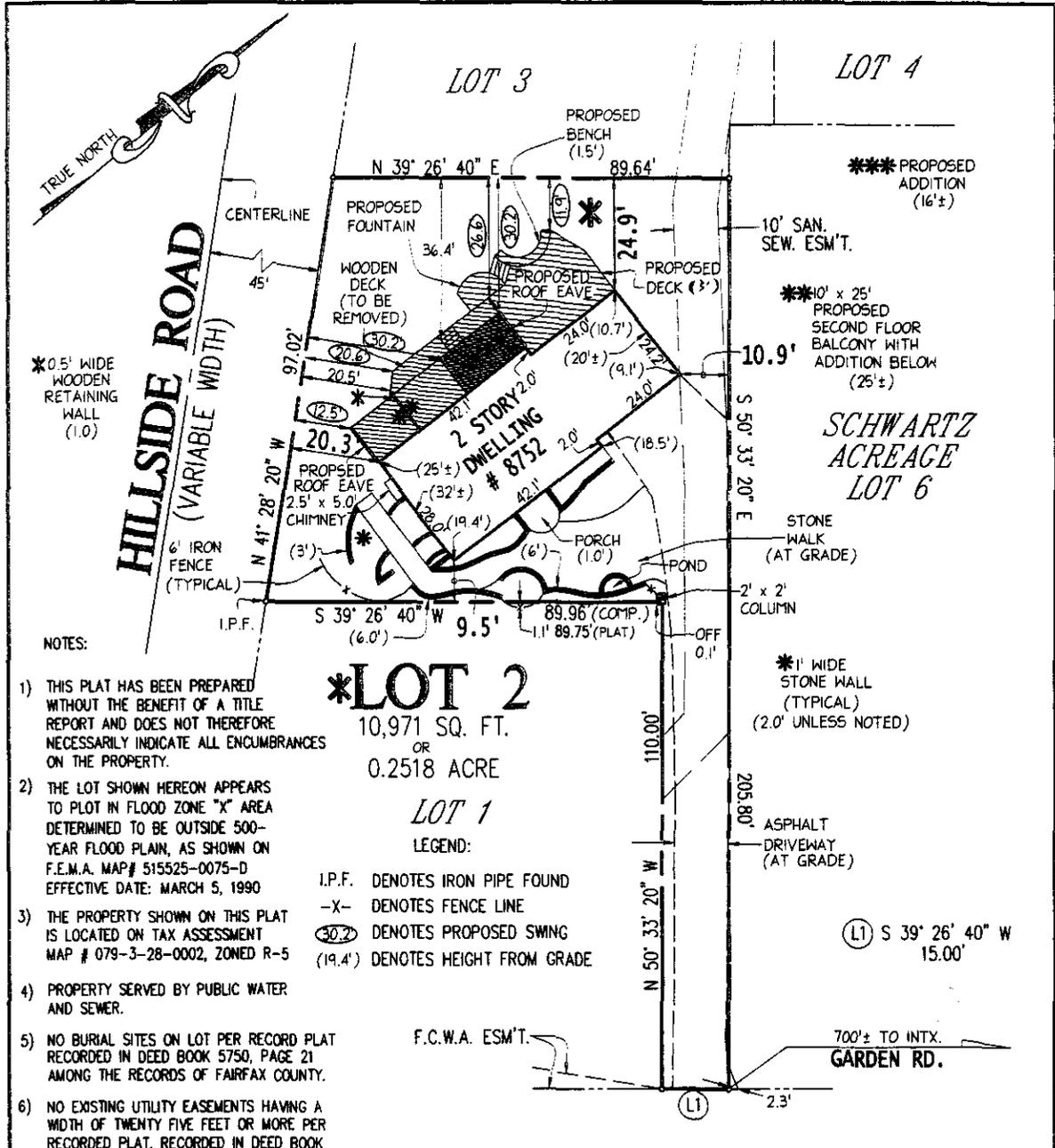
GARY R. CHURCH AND BETTY H. CHURCH



# Special Permit SP 2009-SP-110

GARY R. CHURCH AND BETTY H. CHURCH





**NOTES:**

- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- 2) THE LOT SHOWN HEREON APPEARS TO PLOT IN FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS SHOWN ON F.E.M.A. MAP # 515525-0075-D EFFECTIVE DATE: MARCH 5, 1990
- 3) THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP # 079-3-28-0002, ZONED R-5
- 4) PROPERTY SERVED BY PUBLIC WATER AND SEWER.
- 5) NO BURIAL SITES ON LOT PER RECORD PLAT RECORDED IN DEED BOOK 5750, PAGE 21 AMONG THE RECORDS OF FAIRFAX COUNTY.
- 6) NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY FIVE FEET OR MORE PER RECORDED PLAT, RECORDED IN DEED BOOK 5750, PAGE 21.
- 7) GROSS FIRST FLOOR AREA FOR EXISTING AREA IS 5,077 SQ. FT. WITH A RATIO AT .46, WITH THE PROPOSED GROSS FIRST FLOOR AREA AT 5,848 WITH A RATIO OF 0.53.
- 8) PERCENTAGE OF REAR YARD COVERAGE FOR 25' SETBACK IS 11% AND DOES NOT EXCEED 30% REAR YARD COVERAGE.

**\*LOT 2**  
 10,971 SQ. FT.  
 OR  
 0.2518 ACRE

**LOT 1**

**LEGEND:**

- I.P.F. DENOTES IRON PIPE FOUND
- X- DENOTES FENCE LINE
- (30.2) DENOTES PROPOSED SWING
- (19.4') DENOTES HEIGHT FROM GRADE

**CENTER ROAD**  
**ROUTE 777**  
 CENTERLINE (50' R/W)

**MINIMUM YARD TABLE**  
 R-5

MINIMUM YARD REQUIREMENTS		
YARD	REQUIRED SETBACK	PROPOSED SETBACK
FRONT	20'	N/A
SIDE	8'	N/A
REAR	25'	N/A

SPECIAL PERMIT PLAT  
**LOT 2**  
 SECTION TWO  
**HILLSIDE LANDING**  
 SPRINGFIELD DISTRICT  
 FAIRFAX COUNTY, VIRGINIA



<b>B.W. SMITH AND ASSOCIATES, INC.</b>			FIELD CREW: D. CONRAD
PROFESSIONAL LAND SURVEYING			REVISION: 10/28/09 (PROPOSED HEIGHT)
MANASSAS, VIRGINIA (703) 368-5866 1(800) 682-0996			JOB# 20092991
DFT: R.L.G.	CHK: P.R.M.	NO TITLE REPORT FURNISHED	DATE: 9/3/09
SCALE = 1" = 30'			

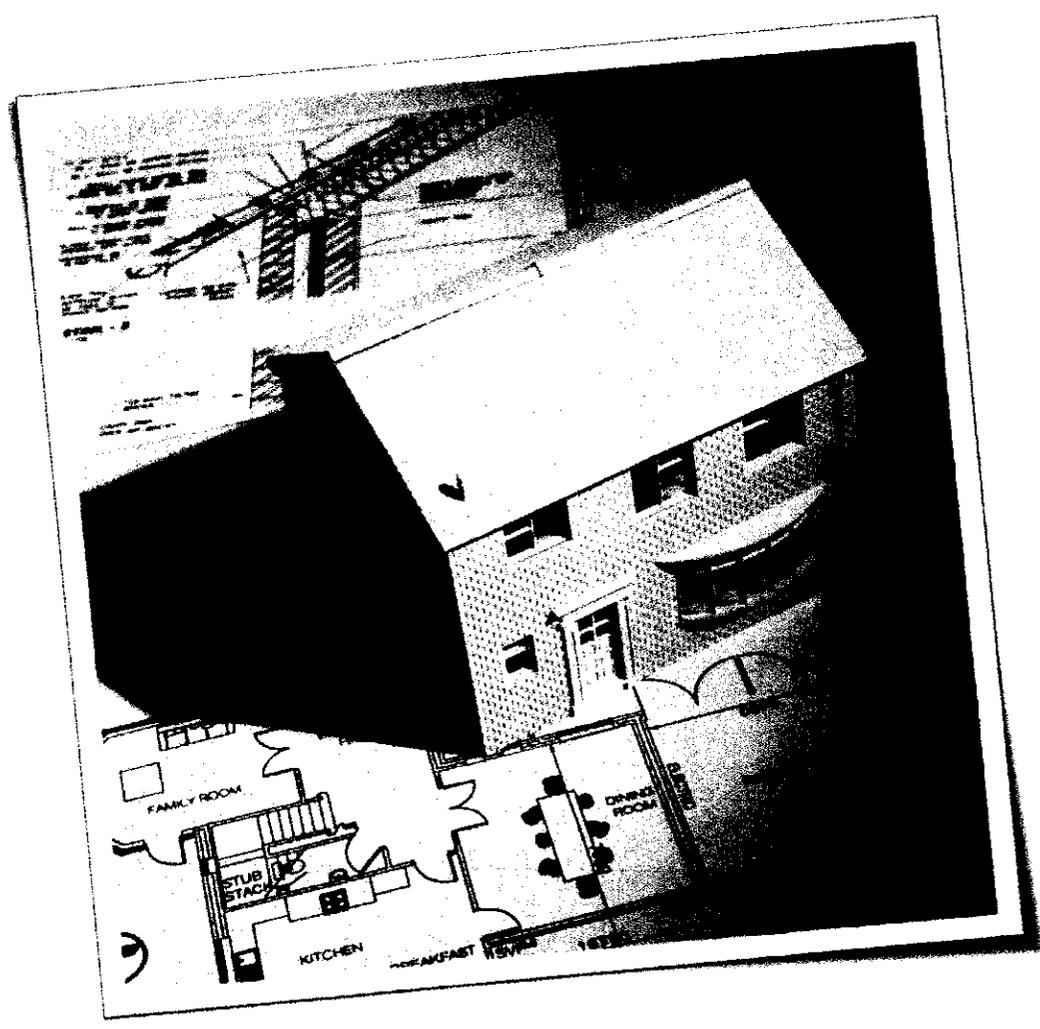
**Application for Special Permit  
Pursuant to Fairfax County Zoning Ordinance 8-922  
Provisions for Reduction of Certain Yard Requirements**

**RECEIVED**  
Department of Planning & Zoning

**JAN 22 2008**

Zoning Evaluation Division

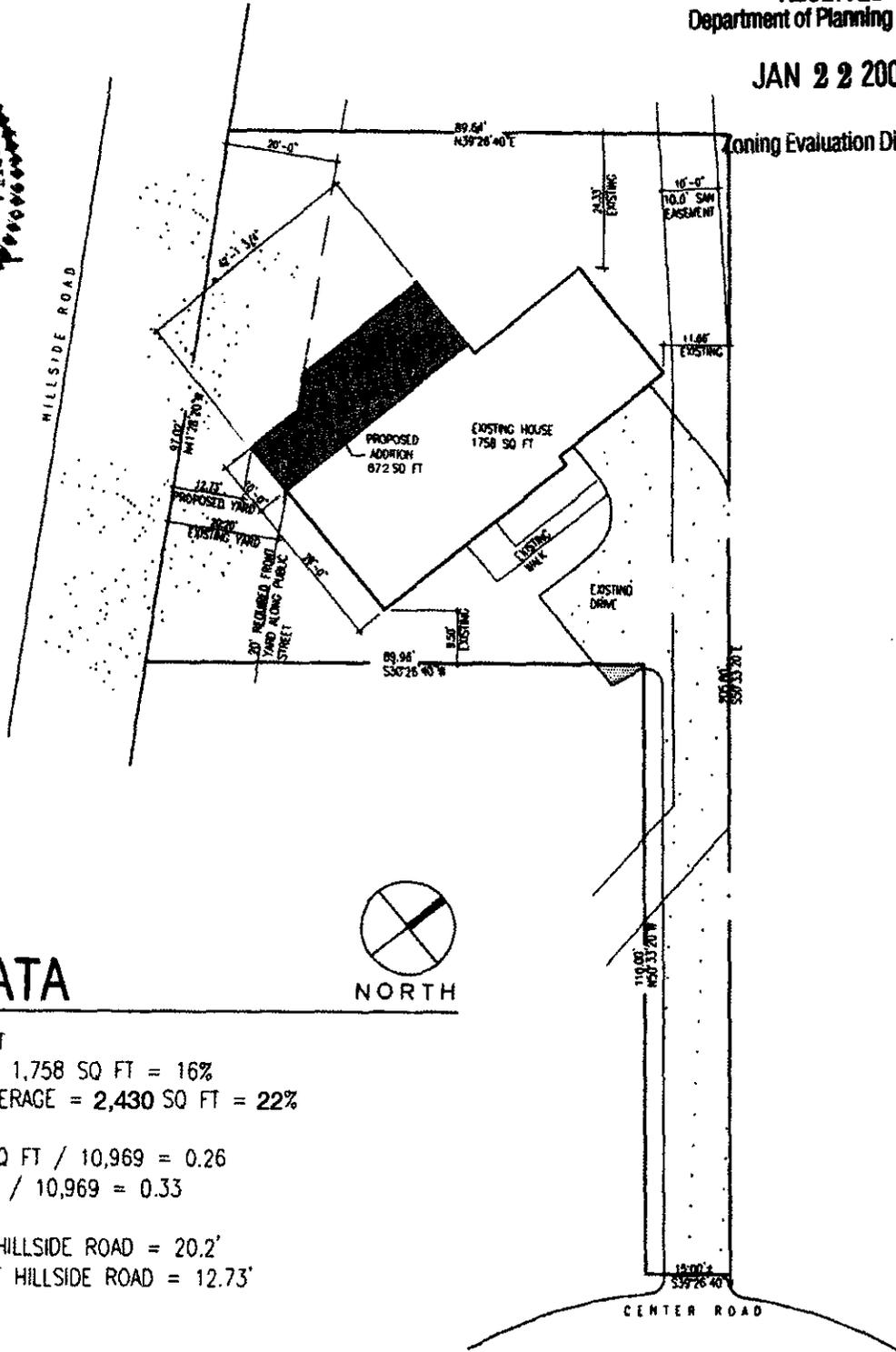
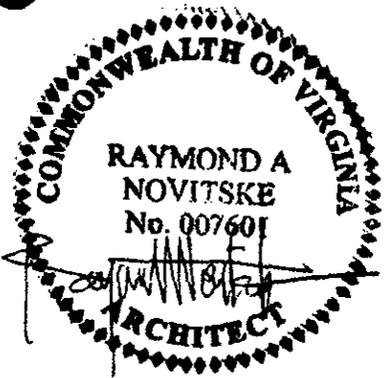
Gary and Betty Church  
8752 Center Road  
Springfield, Virginia 22152  
Parcel ID: 0793 28 0002  
Tax District: 8000  
Land Use Code: Single-family, Detached  
Land Area: 10,971 square-feet  
Zoning Description: R-5 (Residential 5 DU/AC)  
Legal Description: Hillside Landing LT 2 SEC 2



RECEIVED  
Department of Planning & Zoning

JAN 22 2008

Zoning Evaluation Division



## BUILDING DATA



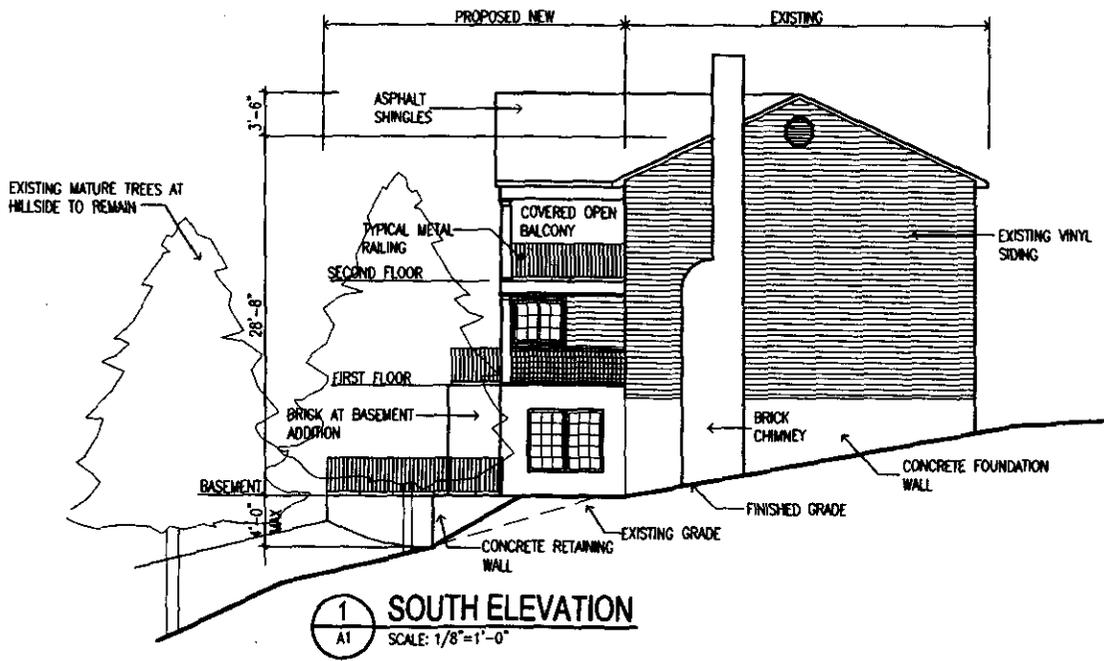
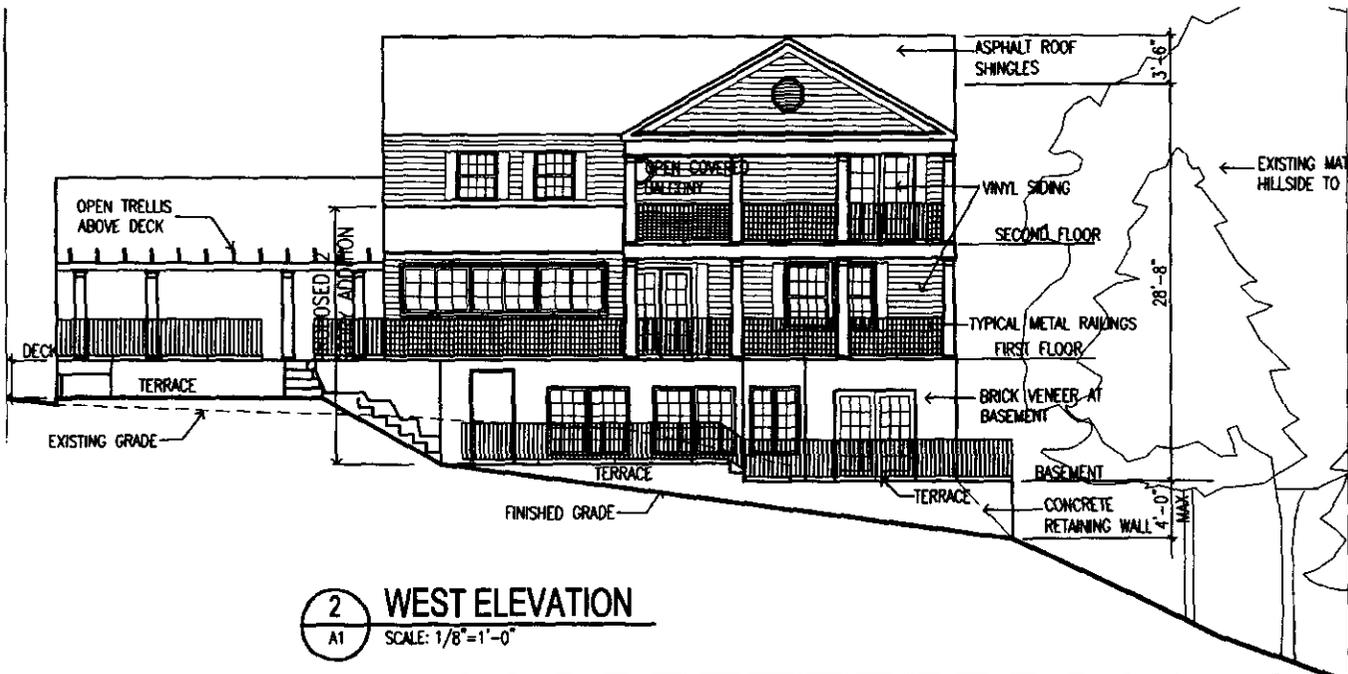
LOT AREA = 10,969 SQ FT  
 EXISTING LOT COVERAGE = 1,758 SQ FT = 16%  
 PROPOSED TOTAL LOT COVERAGE = 2,430 SQ FT = 22%

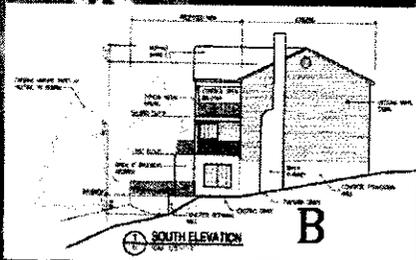
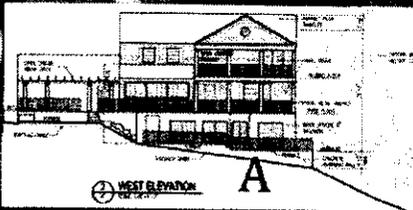
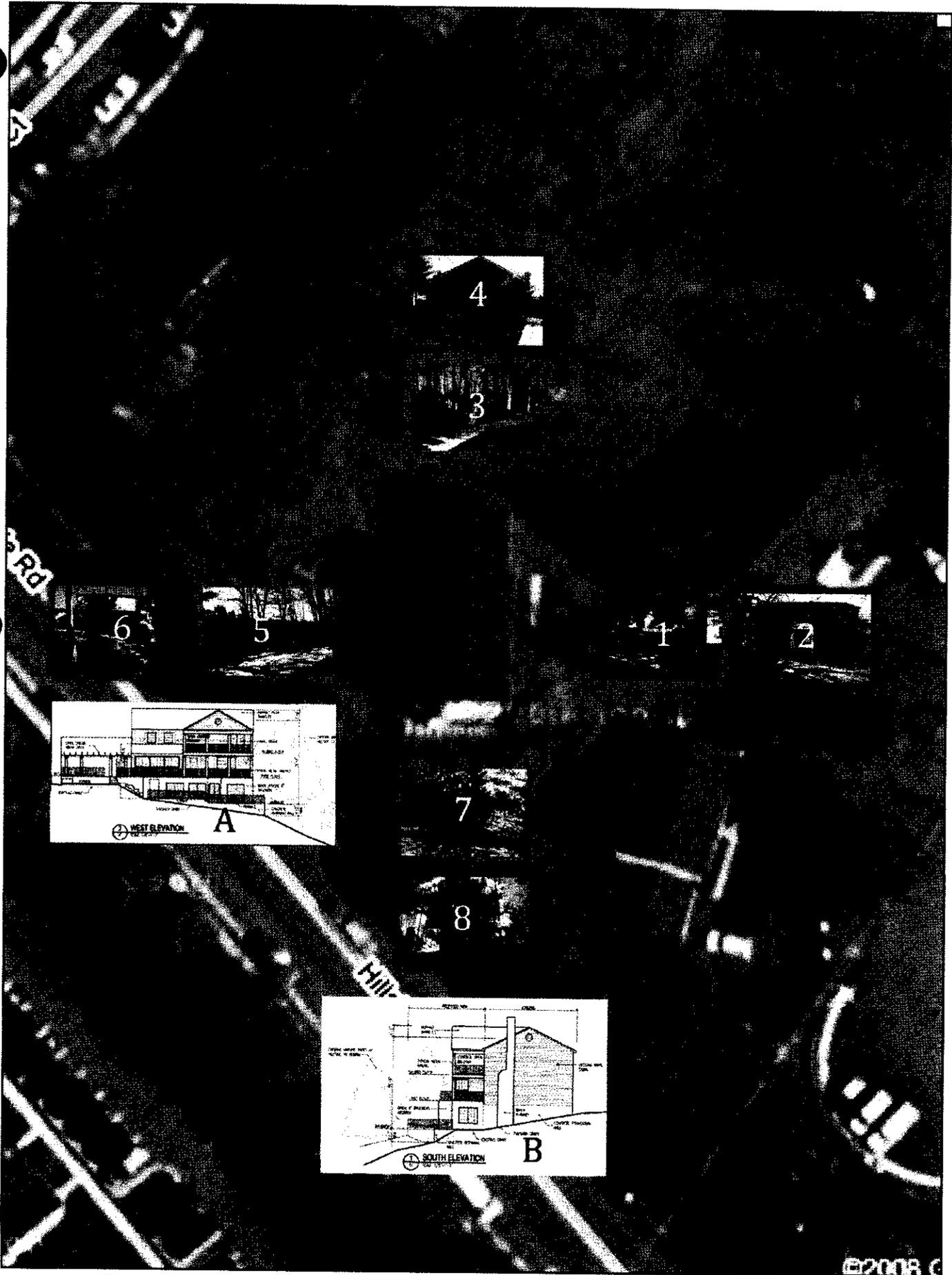
EXISTING F.A.R. = 2,938 SQ FT / 10,969 = 0.26  
 PROPOSED F.A.R. = 3,646 / 10,969 = 0.33

EXISTING FRONT YARD AT HILLSIDE ROAD = 20.2'  
 PROPOSED FRONT YARD AT HILLSIDE ROAD = 12.73'

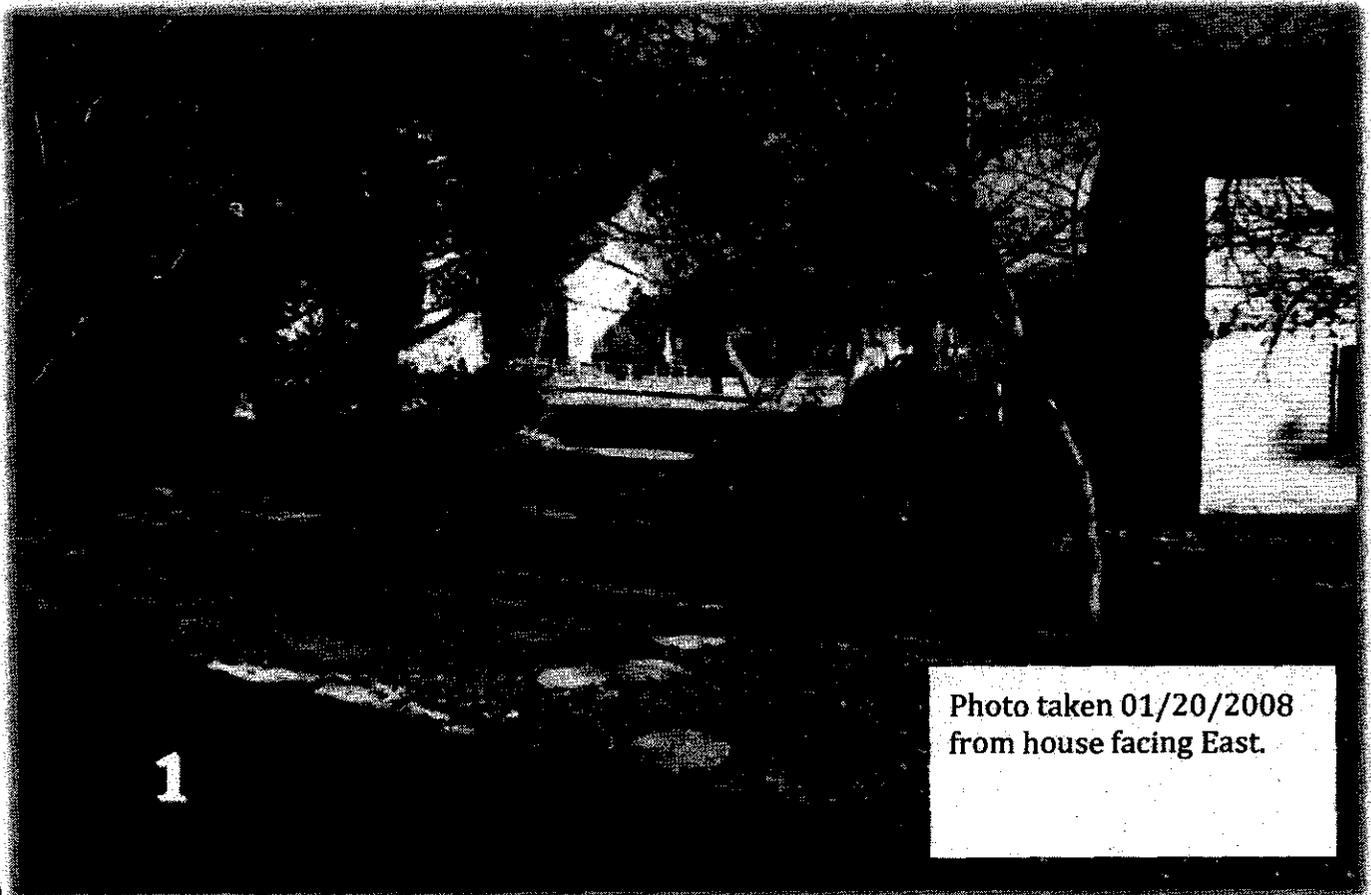
Site Plan Plat	scale: 1"=30'	NOVITSKE ARCHITECTS 201 North Fairfax Street • Suite 33 Alexandria VA 22314 703 535 7899 • 703 535 8840 fax	CHURCH RESIDENCE 8752 Center Road Springfield, Virginia 22152
	date: 26 June 2007		
	phase:		
	project: 14704		

# Special Permit Application





Special Permit Application



Special Permit Application



Photo taken 01/20/2008  
from garage facing North.

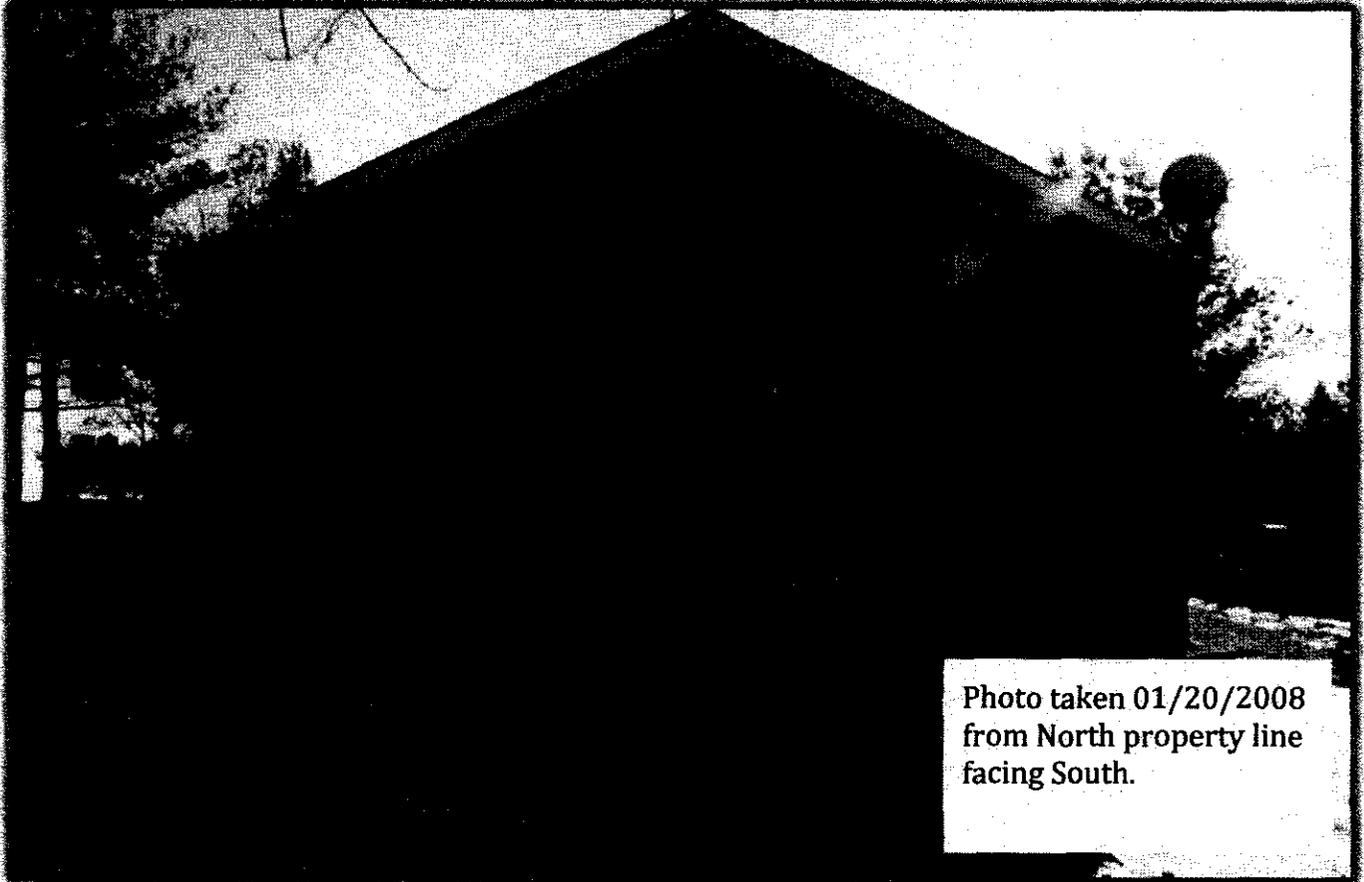


Photo taken 01/20/2008  
from North property line  
facing South.

Special Permit Application

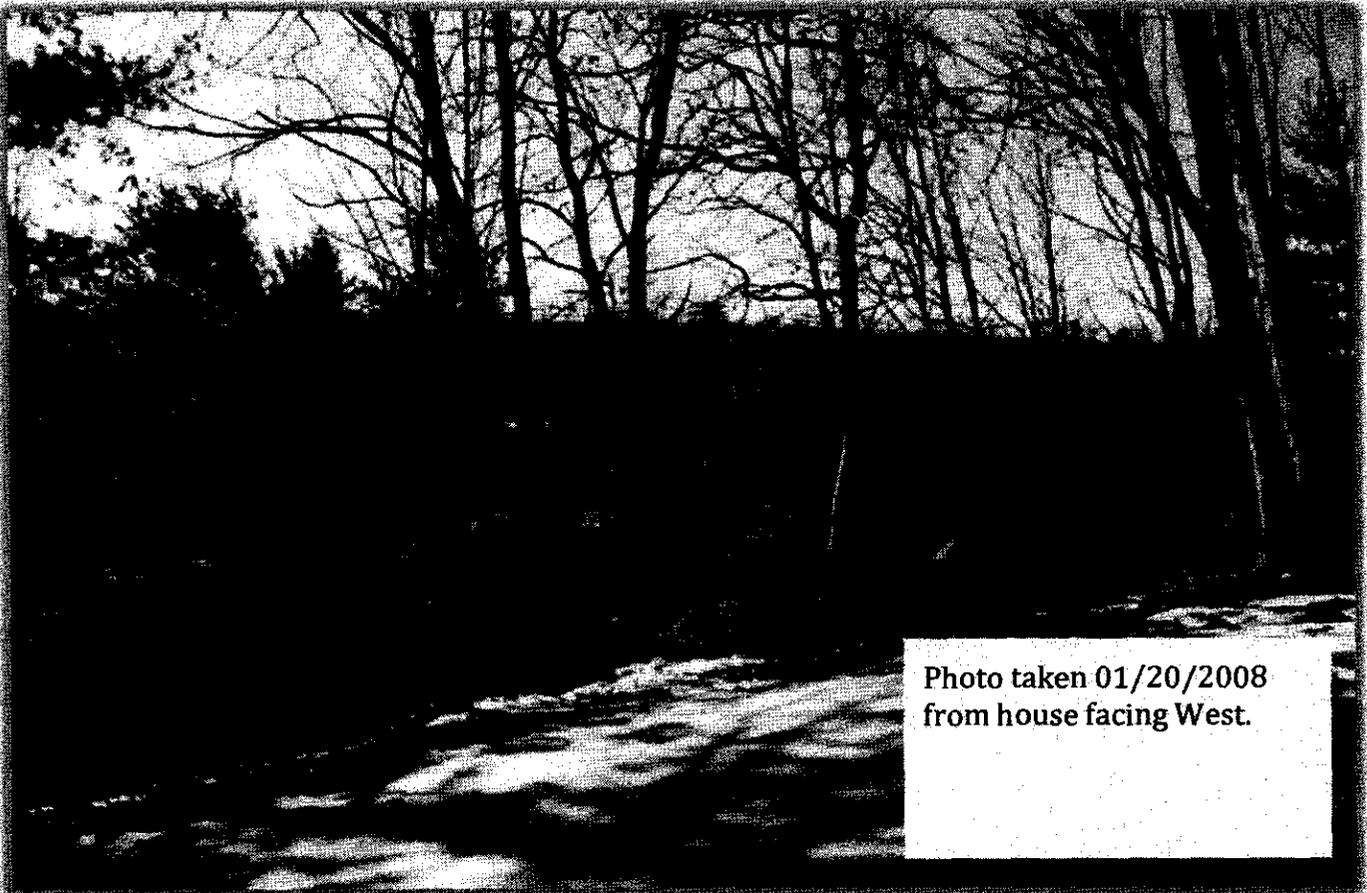


Photo taken 01/20/2008  
from house facing West.



Photo taken 01/20/2008  
from West property line  
facing East.

Special Permit Application

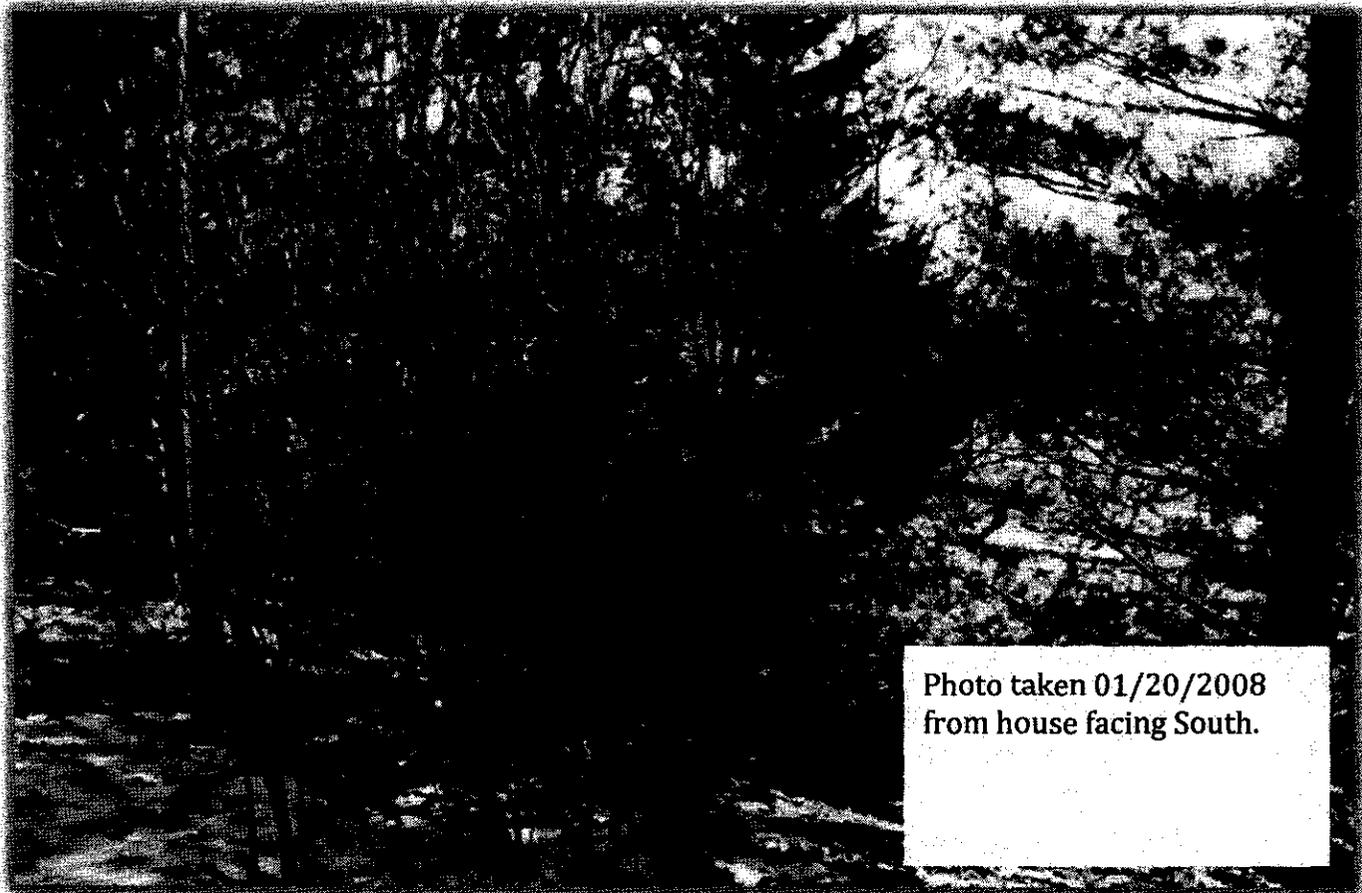


Photo taken 01/20/2008  
from house facing South.

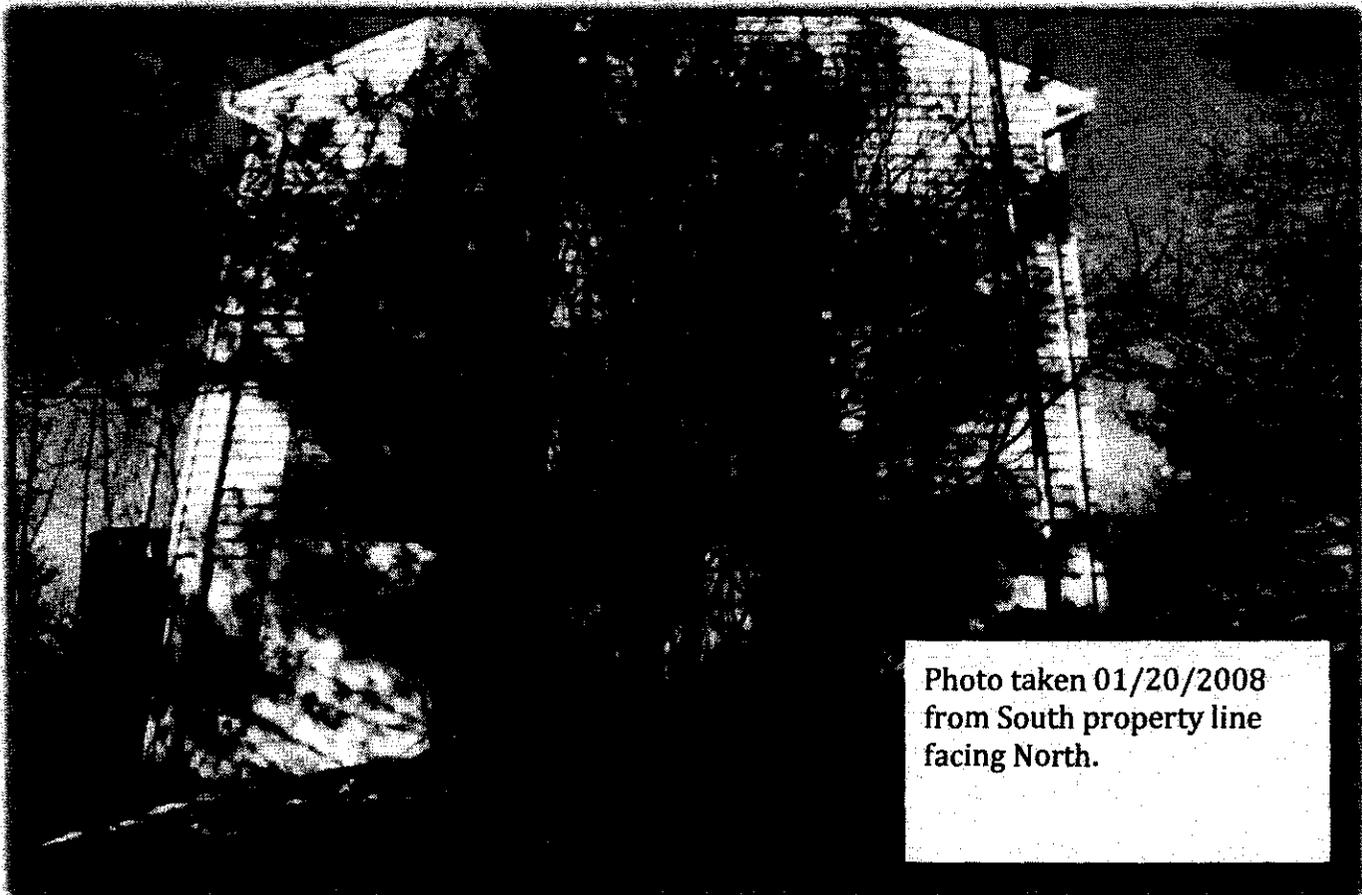


Photo taken 01/20/2008  
from South property line  
facing North.



**DESCRIPTION OF THE APPLICATION**

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a three story addition, 12.5 feet from the western front lot line of a through lot.

	<b>Structure</b>	<b>Yard</b>	<b>Min. Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percent of Reduction Requested</b>
<b>Special Permit</b>	Addition	Front	20 feet	12.5 feet	7.5 feet	37.5 %

\* Minimum yard requirement per Section 3-507

**LOCATION AND CHARACTER**

**Existing Site Description**

The site is currently zoned R-5 and contains a two story single family detached dwelling with a basement which was built in 1985. The lot consists of 10,971 square feet and is a pipestem lot with street frontage on Hillside Road and Center Road. Vehicular access is provided from the pipestem driveway from Center Road. There is a severe change in topography in the southwestern portion of the lot, which is also the area adjacent to Hillside Road. The subject property has significant tree cover and vegetation in the front yard along Hillside Road, which serves as a buffer between the street and the property.

The subject property and the properties directly neighboring and adjacent to the southeast as well as properties directly across Center Road further southeast are zoned R-5. Also, the properties located to the northwest are zoned R-5. However, the property directly north and adjacent to the subject property, as well as the other properties further north, are zoned R-1 and not part of the Hillside Landing Subdivision.

**Character of the Area**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-5 & R-1	Single Family Detached Dwellings
<b>South</b>	R-5	Single Family Detached & Attached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-5	Single Family Detached Dwellings & Public Use (Pohick Stream Valley Park)

## **BACKGROUND**

The Board of Zoning Appeals (BZA) has heard no similar applications in the vicinity of the property.

## **ANALYSIS OF SPECIAL PERMIT APPLICATION**

- **Title of SP Plat:** Special Permit Plat, Lot 2, Section Two, Hillside Landing
- **Prepared By:** Timothy J. Farrell, B.W. Smith and Associates, Inc., dated September 3, 2009 and revised through October 28, 2009.

### **Proposal**

The applicant is proposing to construct several additions on the rear of the dwelling, some of which are permitted by right. The applicant proposes to extend the left rear of the existing dwelling to accommodate a three story addition which includes a two story covered balcony which will remain open on the first and second levels of the home. The basement level below the balconies is proposed to be extended into enclosed livable space. The special permit construction includes a 10 ft. by 25 ft. extension of the basement and the balconies above, both of which are roofed, for a total of 750 square feet. This three-story addition is proposed to be located 12.5 feet from the front lot line along Hillside Road. A minimum front yard of 20 feet is required.

The applicant also proposes construction of a two-story addition in the middle rear portion of the dwelling. This will consist of an enclosed addition on the first/main level of the house with an extension of the basement below. This addition appears to be approximately 340 square feet in size (170 square feet on each level), and construction of a deck with a trellis above (roofed deck) attached to the northern rear portion of the dwelling and wrapping around the rear of the middle addition. The two-story addition and roofed deck meet minimum yard requirements.

### **ZONING ORDINANCE REQUIREMENTS (See Appendix 6)**

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

### **Sect. 8-006 General Special Permit Standards**

Staff believes that the application does not meet all of the 8 General Special Permit Standards, in particular 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. *Lots 1, 2 (the subject property), and 3 are either corner or thru lots with a front yard on Hillside Road. As evidenced by the aerial photos attached in Appendix 5 of the staff report, the dwelling on the application property already appears to be the closest to Hillside Road at a distance of only 20.3 feet. The addition is proposed to be three stories tall and will bring the structure as close as 12.5 feet to the lot line adjacent to Hillside Road. Though no limits of clearing or grading are depicted on the plat, it appears that an addition this size will require removal of trees on the subject property, and could possibly cause damage of trees in the right-of-way. At the present time, there is a consistent line of trees between the houses and Hillside Road. The area of tree save on and adjacent to the lot could be severely compromised by this construction. Additionally, with the severe grade along the southwestern side of the subject property, the three-level addition could be very visible from the road and will be out-of-character with other construction in the area.*

### **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 does not meet all the remaining standards as discussed below.

*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 5,076 square feet and the applicant proposes to construct 340 square feet of by-right construction (this includes the addition on the main level and the portion of the basement directly below). Therefore 150% of the total gross floor area including the by-right construction and before the special permit construction could result in an addition up to 8,109 square feet; which makes a combined total of 13,515 square feet. The proposed special permit addition will be 750 square feet for a total of 6,156 square feet for the existing house including the by-right and special permit construction. Therefore the application does meet 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. As depicted on the special permit plat, the proposed addition will be 25 feet in height and according to the architectural renderings, will match the existing roofline of the house. However, given the steep drop in grade on the southwestern area of the lot and the architectural elevation provided, the actual height measured from highest peak of the roof to the lowest grade is 35 feet and 2 inches with all three levels of the dwelling exposed to Hillside Road. This will add*

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*750 square feet of additional structure, three-story in height. There already exists a steep grade, however based on the architectural drawing, the grade will be exacerbated by the addition, another retaining wall will be constructed to support the addition and more of the basement level will be exposed. Staff does not believe this will be in character with the existing dwelling.*

*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. There are no other additions or structures as close as 12.5 feet to a front lot line in the neighborhood. Staff believes that the proposed special permit portion of the addition, three-stories in height will not be in character with the surrounding homes in the area. There are a number of significant trees on the subject property and within the right-of-way along Hillside Road. The Forest Conservation Branch, DPWES, has identified these significant trees a priority for preservation. The trees have not been located on the plat nor have any limits of clearing or grading for the construction been shown. Even though notes on the architectural drawing indicates that the trees on the hillside will remain, given the proximity of the proposed addition to these trees, it appears many could be damaged or killed. Currently there is a consistent depth of trees between the homes along Hillside Road and the roadway. With this construction, it appears there could be a loss of trees, further changing the character of the area.*

*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, however, with the proposed change in grade and retaining wall proposed to accommodate the additions, it is hard to determine how water runoff will be affected. Additionally there is a significant increase in impervious area proposed between the special permit portion and the by-right portions of the proposed additions.*

*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 subject property is somewhat odd-shaped because of the pipestem configuration, however staff believes that there is available space in the rear yard to accommodate all the additions proposed by the applicant. The additions can be moved to the north and the deck reconfigured. This would alleviate the need to intrude into the front yard. This could also minimize adverse impacts to significant trees. Therefore, staff does not believe the application satisfies this condition.*

## **CONCLUSION**

Staff believes that the subject application for the addition is not in conformance with all the applicable Zoning Ordinance provisions for the reasons outlined above.

## **RECOMMENDATION**

Staff recommends denial of special permit application SP 2009-SP-110 for the addition.

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

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

## **APPENDICES**

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

**PROPOSED DEVELOPMENT CONDITIONS****SP 2009-SP-110****February 17, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-SP-110 located at Tax Map Number 79-3 ((28)) 2 (8752 Center Road), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

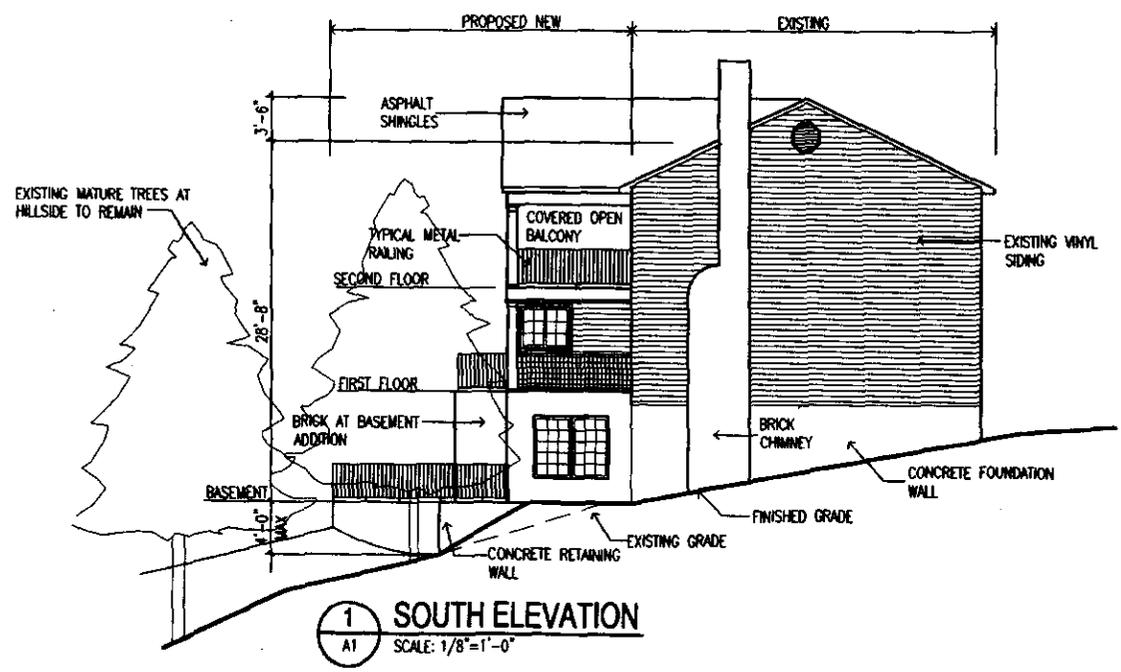
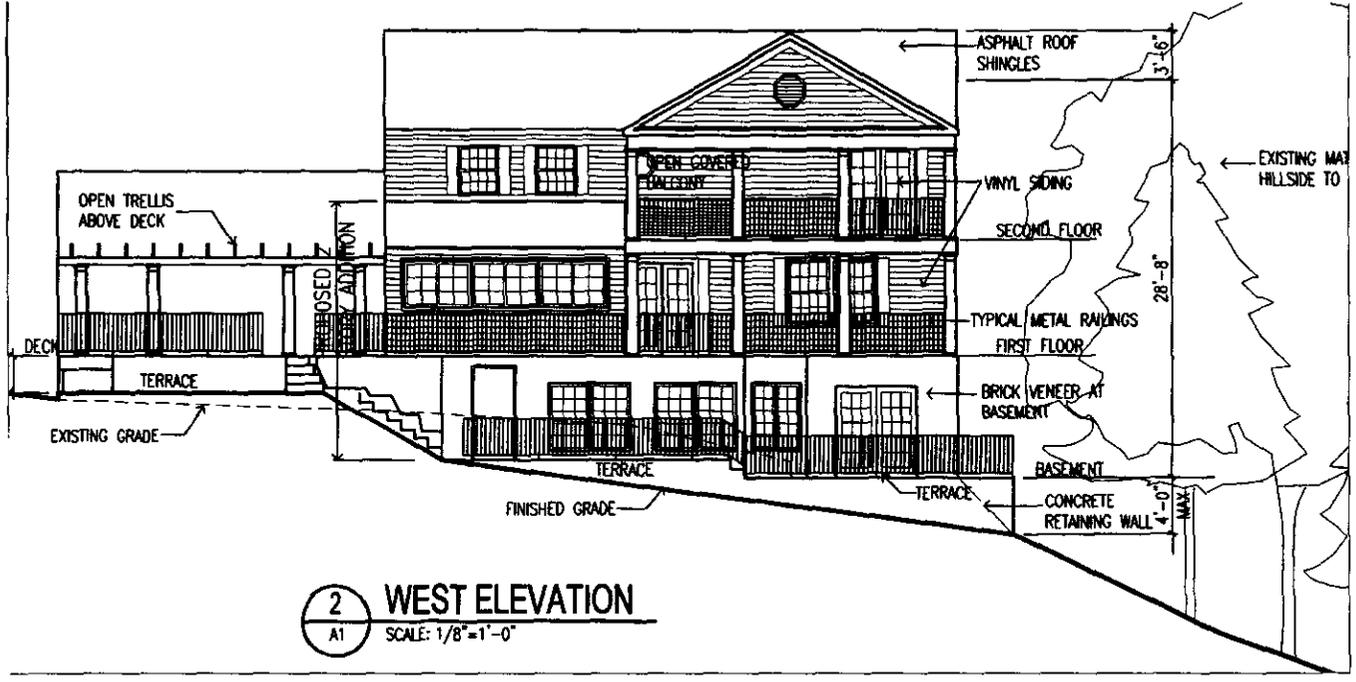
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a proposed addition as shown on the plat prepared by Timothy J. Farrell, B.W. Smith and Associates, Inc., dated September 3, 2009 and revised through October 28, 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 principle structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (5,406 square feet existing + 8,109 (150%) = 13,515 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 included in Attachment 1 to these conditions.
5. Limits of clearing and grading shall be shown on all submitted grading plans and shall be strictly adhered to. As part of the grading plan, the applicant shall provide management practices for the protection of understory plant materials, leaf litter and soil conditions found in areas shown to be left undisturbed, subject to the approval of the Urban Forest Management Division (UFMD). The applicant shall monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris and traffic by construction equipment and personnel do not occur within these areas. The applicant shall restore understory plant materials, leaf litter and soil conditions to the satisfaction of UFMD if these are found to be damaged, removed or altered in a manner not approved in writing by UFMD.

6. All trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing. Tree protection fencing shall be erected at the limits of clearing and grading prior to any clearing and grading or excavation on the site. Tree protection shall be four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart; or super silt fence as may be approved by UFMD to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading.

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

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

Special Permit Application



Application No.(s): SP 2009 - SP-110  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 1-22-2008  
 (enter date affidavit is notarized)

I, Betty H. Church, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)  applicant 98818  
 applicant's authorized agent listed in Par. 1(a) below

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 <b>BOLD</b> above)
Gary R. Church	8752 Center Rd Springfield, Va 22152	title owner
Betty H. Church	(Same as above)	applicant / title owner

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

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

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

Application No.(s): SP 2009-SP-110  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 1-22-2008  
(enter date affidavit is notarized)

98818

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)

n/a

**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)

n/a

(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-110  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 1-22-2008  
(enter date affidavit is notarized)

98818

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)

n/a

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

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

Application No.(s): SP 2009-SP-110  
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DATE: 1-22-2008  
(enter date affidavit is notarized)

98818

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: 1-22-2008 98818  
(enter date affidavit is notarized)

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

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

none

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

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

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

WITNESS the following signature:

(check one)

Applicant

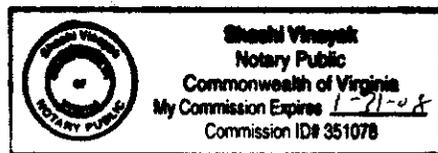
Applicant's Authorized Agent

Betty H. Church  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22<sup>nd</sup> day of January 2008, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

[Signature]  
Notary Public

My commission expires: 1-31-2008



Special Permit Application  
**Statement of Justification**

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

*A. Type of operation(s).*  
Not Applicable.

*B. Hours of operation.*  
Not Applicable.

*C. Estimated number of patrons/clients/pupils/etc.*  
Not Applicable.

*D. Proposed number of employees/attendants/teachers/etc.*  
Not Applicable.

*E. Estimate of impact of proposed use, including maximum expected trip generation and the distribution of such trips by mode and time of day.*  
No impact on traffic.

*F. Vicinity or general area to be served by the use.*  
Not Applicable.

*G. Description of building façade and architecture of proposed new building or additions.*  
The building façade and architecture will be consistent and in character with the current colonial structure, including gray siding, windows and window treatment, roof, white columns, etc. The objective is to seamlessly blend the proposed addition into the current structure as if it were part of the original construction and theme of the neighborhood.

*H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and content of any existing or proposed storage tanks or containers.*  
None.

*I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.*

The proposed integral addition to the current structure of will partially encroach upon the 20-foot front yard setback required by Fairfax County Zoning Ordinance Section 8-92 2, Provisions for Reduction of Certain Yard Requirements. As a result, the homeowner is applying for a Special Permit from the BZA to permit a reduction of these yard

#### Special Permit Application

requirements consistent county rules and regulations permitting such exceptions. (Reference 92 2-1)

The proposed addition will extend 7.5 feet into the 20-foot setback requirement, reducing the front yard setback to 12.5 feet. This is in compliance with exceptions that permit the front yard setback facing a major thoroughfare to be reduced by no more than 50% to a minimum of 10 feet. This will place the closest proximity of the addition approximately 38 feet from Hillside Road, as well as approximately 20 feet above the Hillside roadway.

The gross floor area for the existing area is 5,077 SQ.FT. with a ratio at .46, with the proposed gross floor area at 5,848 SQ.FT. with a ratio of .53

The proposed addition is subordinate to the purpose, scale, use and intent of the principal residence and existing structure. The addition will permit the housing structure built in 1985 to rise to the current neighborhood standards of larger more modern homes constructed in the immediate vicinity within the last 5 to 10 years. (Reference 922-5)

As previously stated, the building façade and architecture will be consistent and in character with the current colonial structure in terms of location, height, bulk and scale to the existing structure. The objective is to seamlessly and harmoniously blend the proposed addition into the current structure as if it were part of the original construction and theme of the current neighborhood. (Reference 922-6 and 922-7)

The current home, including the proposed addition, will not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff. In fact, the proposed addition is sheltered from adjacent homes by location and orientation, including the current structure as well as trees and foliage. (Reference 92 2-8)

In an effort to minimize the impact upon zoning requirements a portion of the addition has been designed to border on, or remain outside, the 20-foot setback. Only a minimal area has been proposed to encroach on the 20-foot setback area. This is necessitated by the location of the double door walkout from reinforced concrete basement and the need to have reasonable access to the proposed addition. (Reference 922-9)

The property does not include any know graves or objects or structures marking the place of burial.

The property is served by underground public utilities and has telephone, sewer and electric service.

### **PROVISIONS FOR REDUCTION OF CERTAIN YARD REQUIREMENTS**

- Square footage of existing dwelling
  - Above grade living area = 2856 square feet
  - Garage = 528 square feet
  - Deck = 280 square feet
  - Finished basement = 1692 square feet
- Impact on Resource Protection Area
  - The property is not in conflict with the C-bay resource protection area
  - The proposed improvements will not conflict with any floodplain regulations
- Statement of any adverse impacts that would result from reduction of yard such as runoff
  - There will be no adverse impacts as a result of the addition and deck and patio improvements and the reduction of the specific front and side yard. There are no existing run-off issues on the property and the ground around the proposed addition will not be significantly altered from it's existing state
- Compatibility with neighborhood
  - The proposed addition will be constructed of similar materials as the existing structure and the exterior finishing elements are a match to the existing structure.
  - The structures in the neighborhood are all colonial style homes and the proposed addition will comply to the overall architectural style of the area



# County of Fairfax, Virginia

## MEMORANDUM

January 7, 2010

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

**FROM:** Hugh Whitehead, Urban Forester II *HWH*  
Forest Conservation Branch, DPWES

**SUBJECT:** Hillside Landing Section 2 Lot 2 (8752 Center Road), SP 2009-SP-110

I have reviewed the above referenced Special Permit application, stamped as received by the Zoning Evaluation Division (ZED) on November 18, 2009. Urban Forest Management Division staff provides the following comments based on this review.

- Comment:** As noted in the application's Statement of Justification, stamped as received by ZED on September 21, 2009, and as viewed in recent aerial photographs, the proposed addition is sheltered from adjacent homes by location and orientation and existing trees. Tree protection fence should be provided along the limits of clearing and grading to protect existing trees on site, preserving the existing buffer.

**Recommendation:** To ensure that construction impacts to existing trees are minimized, approve the request for a Special Permit under the following condition:

"The limits of clearing and grading shown on the grading plan shall be strictly adhered to. As part of the grading plan, the applicant shall provide management practices for the protection of understory plant materials, leaf litter and soil conditions found in areas shown to be left undisturbed, subject to the approval of the Urban Forest Management Division. The applicant shall monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. The applicant shall restore understory plant materials, leaf litter and soil conditions to the satisfaction of UFM if these are found to be damaged, removed or altered in manner not approved in writing by the Urban Forest Management Division."

- Comment:** Tree protection fencing should be a durable, easily maintained material to ensure that protection of areas to be left undisturbed is not compromised.

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](http://www.fairfaxcounty.gov/dpwes)



Hillside Landing Section 2 Lot 2 (8752 Center Road)  
SP 2009-SP-110  
January 6, 2010  
Page 2 of 2

**Recommendation:** Provide the following condition:

“All trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing as set forth below. Tree protection fencing shall be erected at the limits of clearing and grading prior to any clearing and grading or excavation on the site. Tree protection shall be four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart; or super silt fence as may be approved by UFM to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees.”

If there are any questions, please contact me at (703)324-1770.

HCW/  
UFMID #: 148345

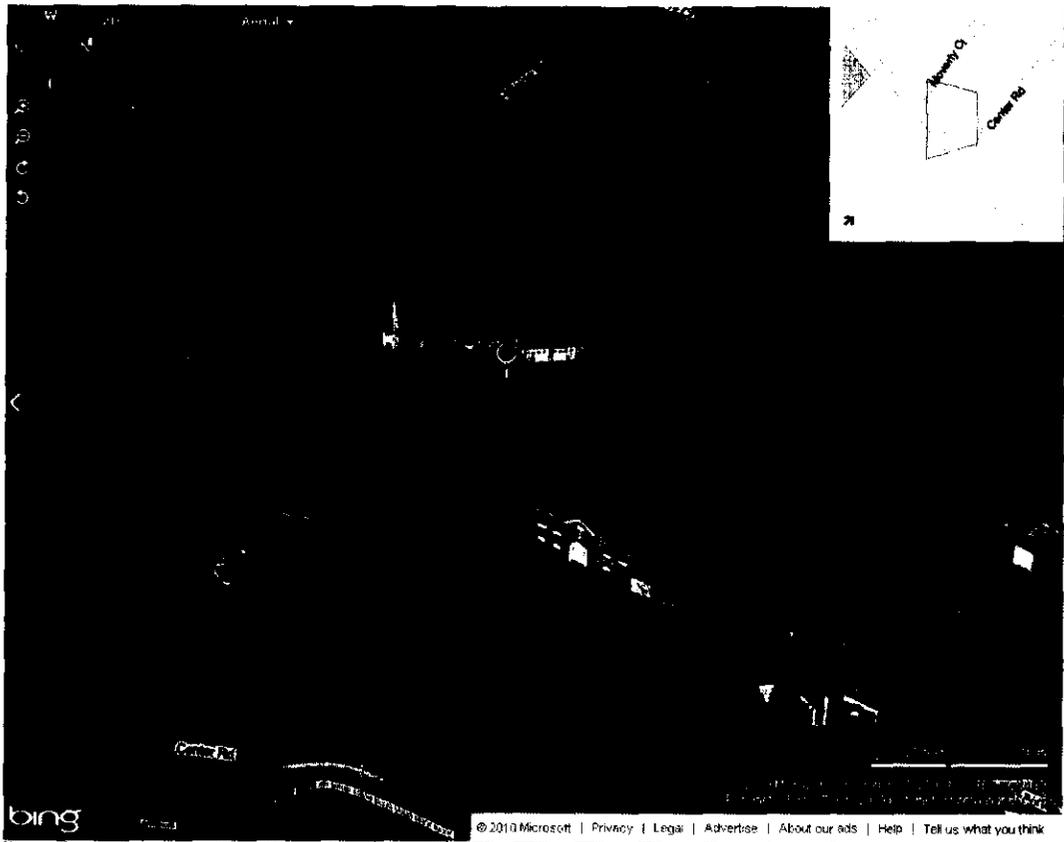
cc: RA File  
DPZ File

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**Department of Public Works and Environmental Services**  
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**8-006 General Standards**

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

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

**8-903 Standards for all Group 9 Uses**

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

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

#### **8-922 Provisions for Reduction of Certain Yard Requirements**

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

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

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross

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

5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.