



# County of Fairfax, Virginia

March 3, 2010

## STAFF REPORT

### SPECIAL PERMIT APPLICATION NO. SP 2009-LE-112

#### LEE DISTRICT

**APPLICANT:** Richard A. Marcinowski

**OWNERS:** Richard A. Marcinowski  
Linda M. Marcinowski

**STREET ADDRESS:** 6105 Lemon Thyme Drive

**SUBDIVISION:** Autumn Chase Hunt

**TAX MAP REFERENCE:** 91-1 ((25)) 45

**LOT SIZE:** 9,077 square feet

**ZONING DISTRICT:** PDH-4 and NR

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an addition 18.0 feet from the rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2009-LE-112 for a sunroom addition subject to the proposed development conditions contained in Appendix 1.

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

*O:\dhedri\Special Permits\3-10) SP 2009-LE-112 Marcinowski\SP 2009-LE-112 Marcinowski staff report.doc*

*Deborah Hedrick*

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

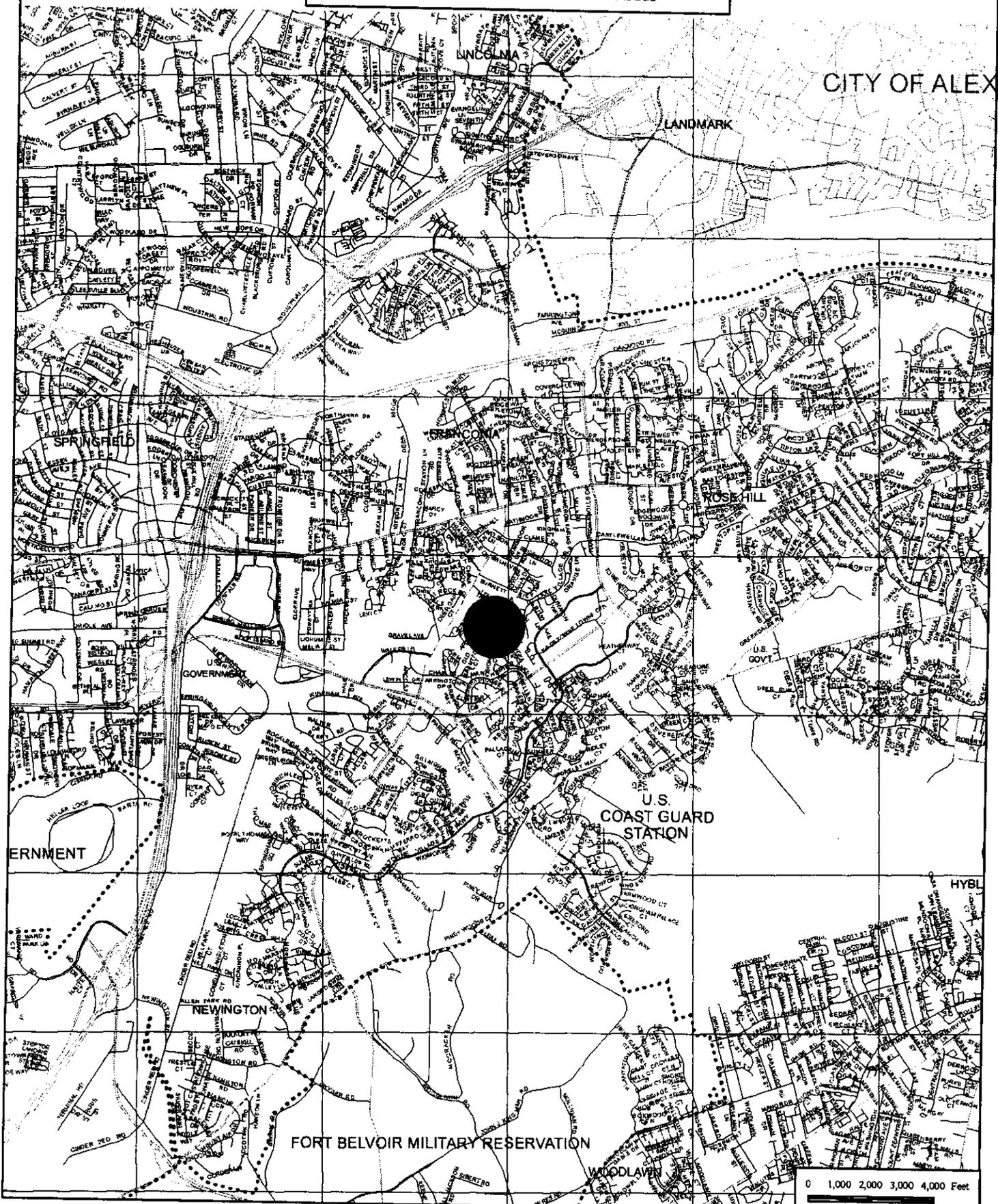
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government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



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

**Special Permit  
SP 2009-LE-112**

**RICHARD A. MARCINOWSKI**



CITY OF ALEXANDRIA

LANDMARK

LINCOLN BLVD

SPRINGFIELD

ROSE HILL

U.S. COAST GUARD STATION

NEWINGTON

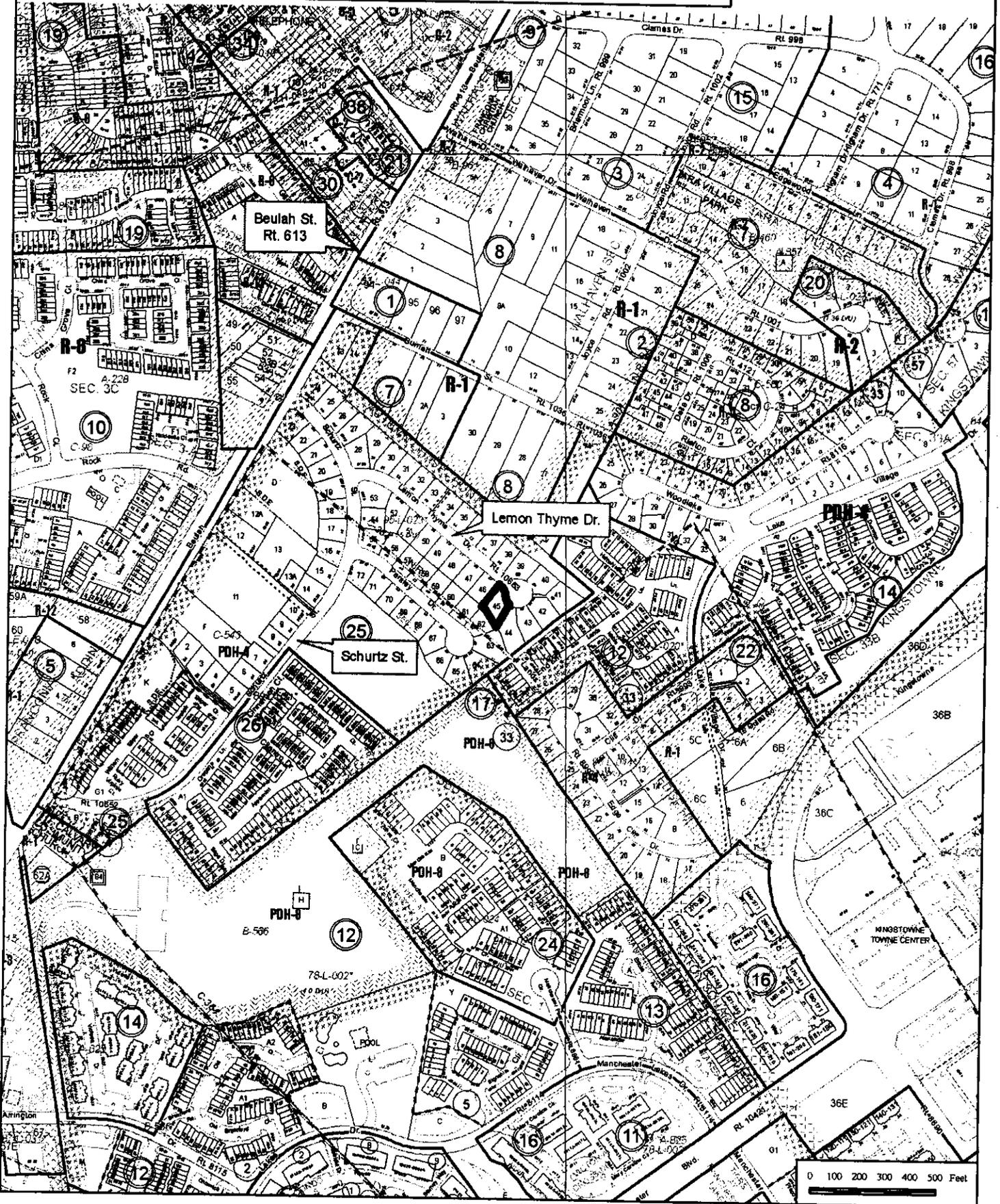
FORT BELVOIR MILITARY RESERVATION

WOODLAWN

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

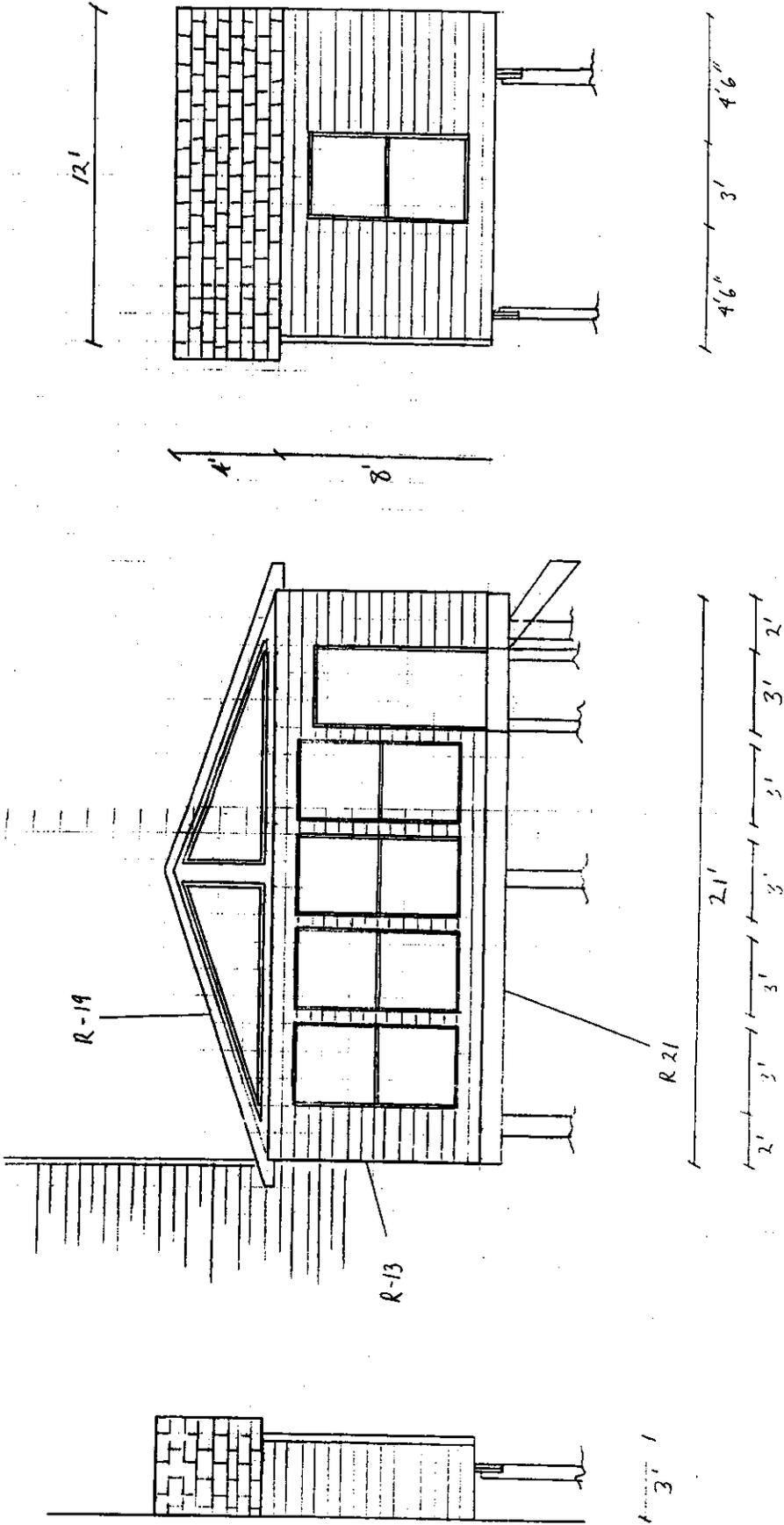
# Special Permit SP 2009-LE-112

RICHARD A. MARCINOWSKI





STEADFAST, INC  
2849 ZIMPEL LANE  
FAIRFAX, VA 22031



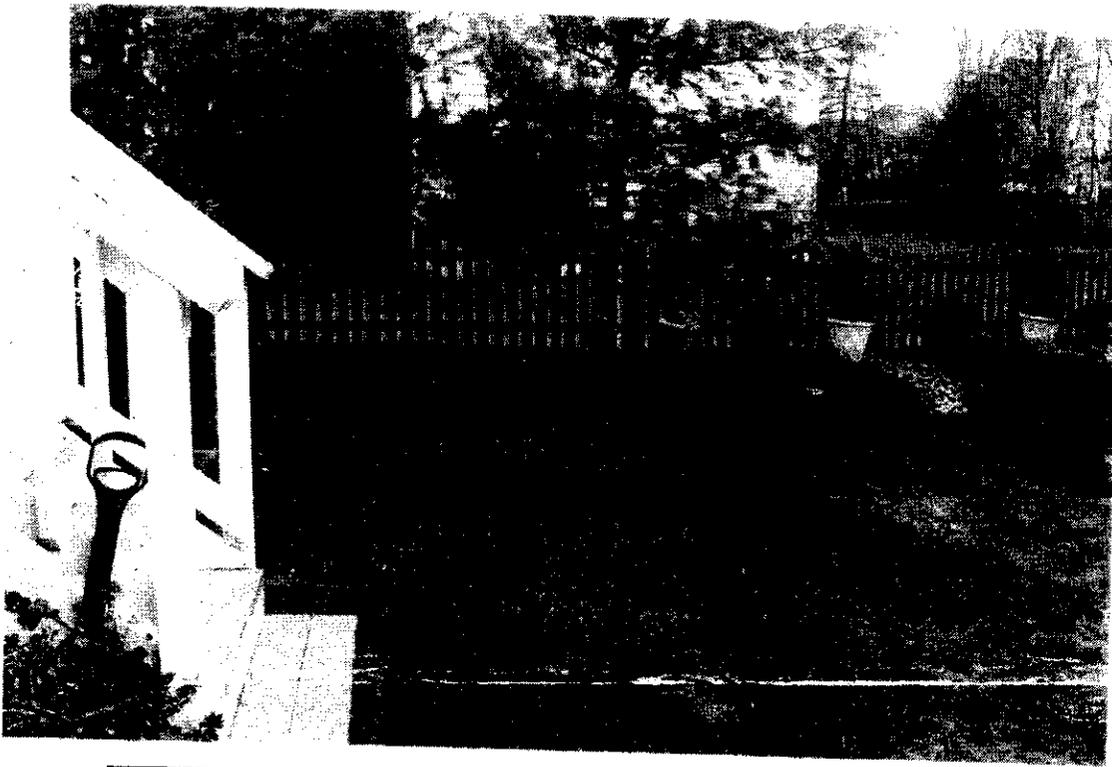




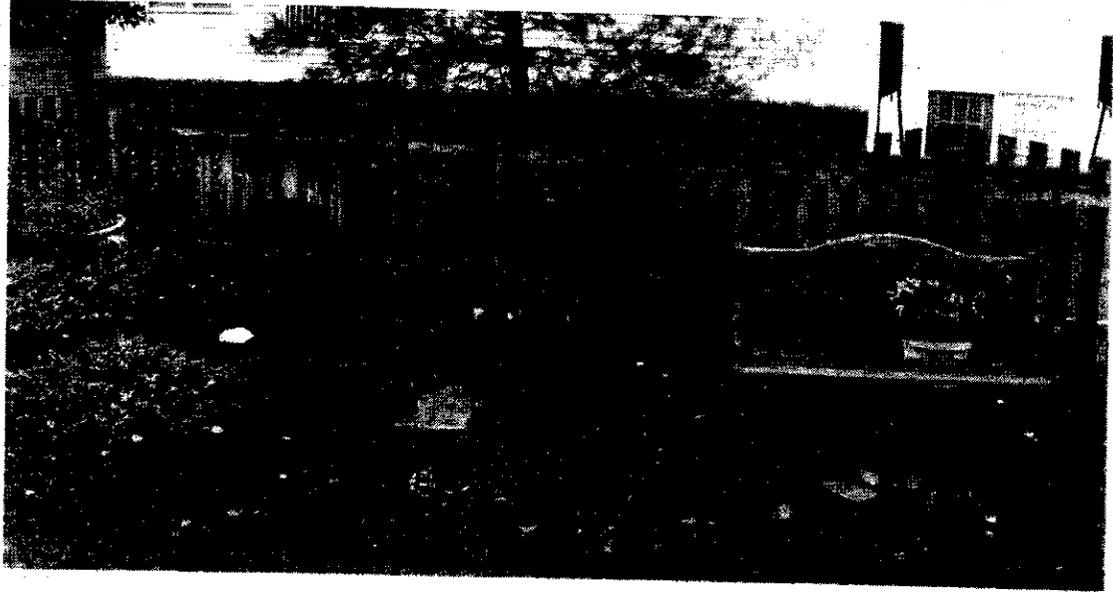
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PLAT PHOTOS - SPECIAL PERMIT

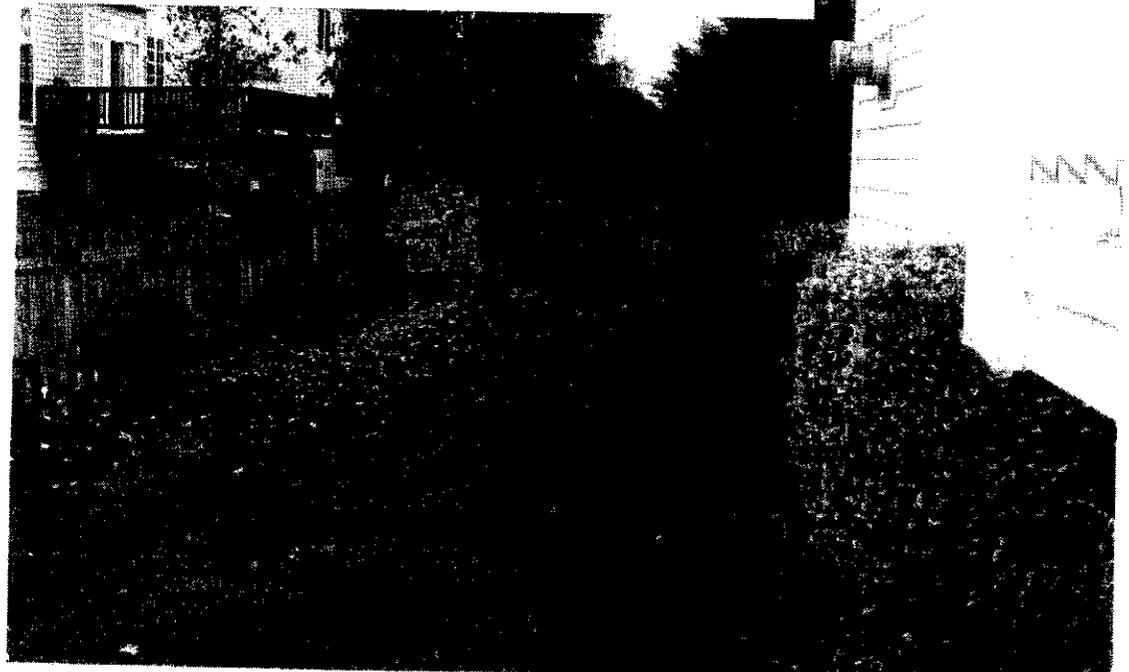
(A)



45° East  
facing towards  
lot 44



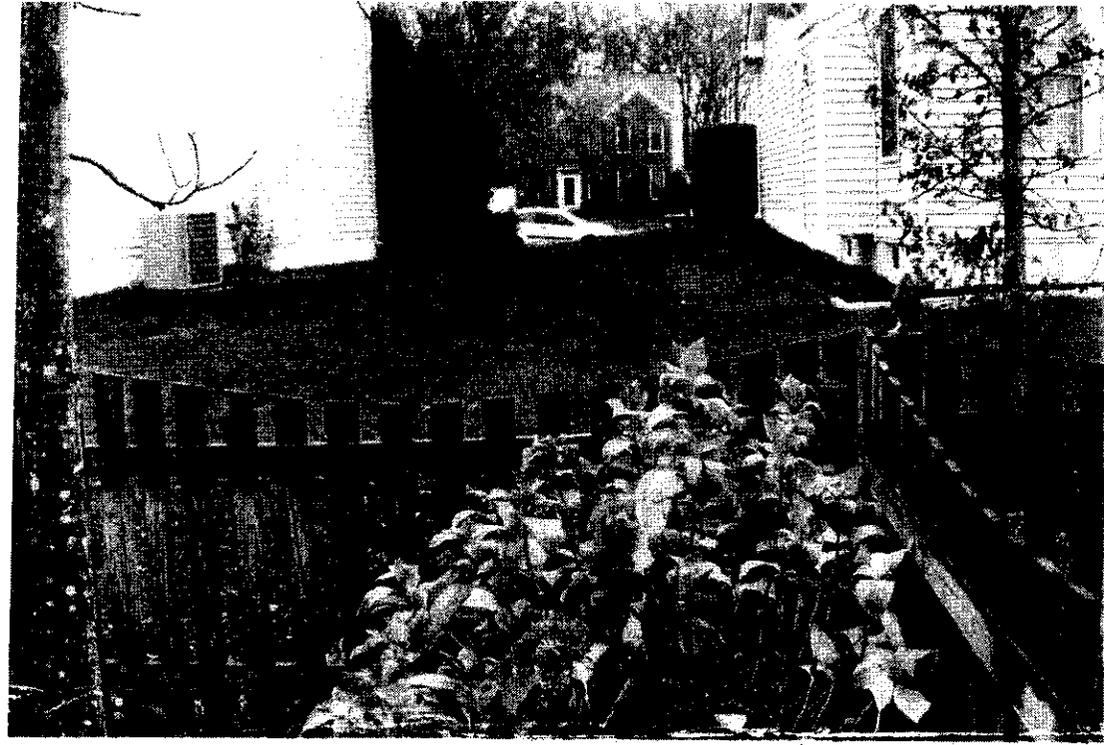
Edge of  
existing  
deck  
facing <sup>north</sup>  
~~South~~  
rear lot line



450  
to west  
facing lot  
46

(B)

450  
to  
South



West  
Side of  
Back  
fence  
Facing  
East

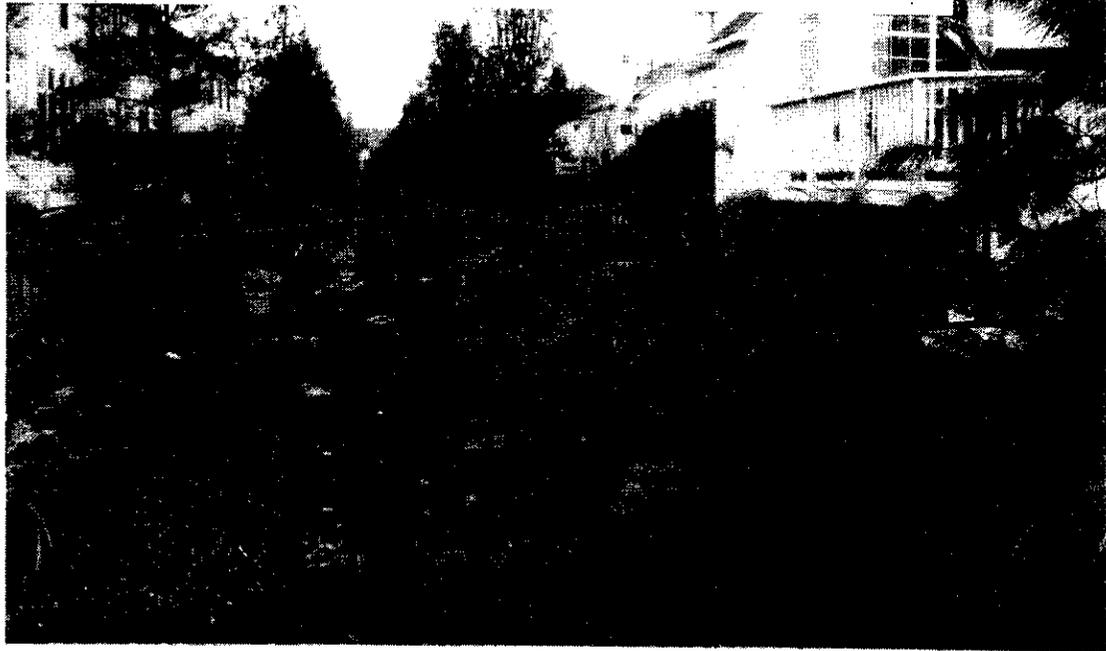


450  
to North



©

45° Facing  
North



East  
Side  
of back  
fence  
facing  
West

45°  
facing  
South

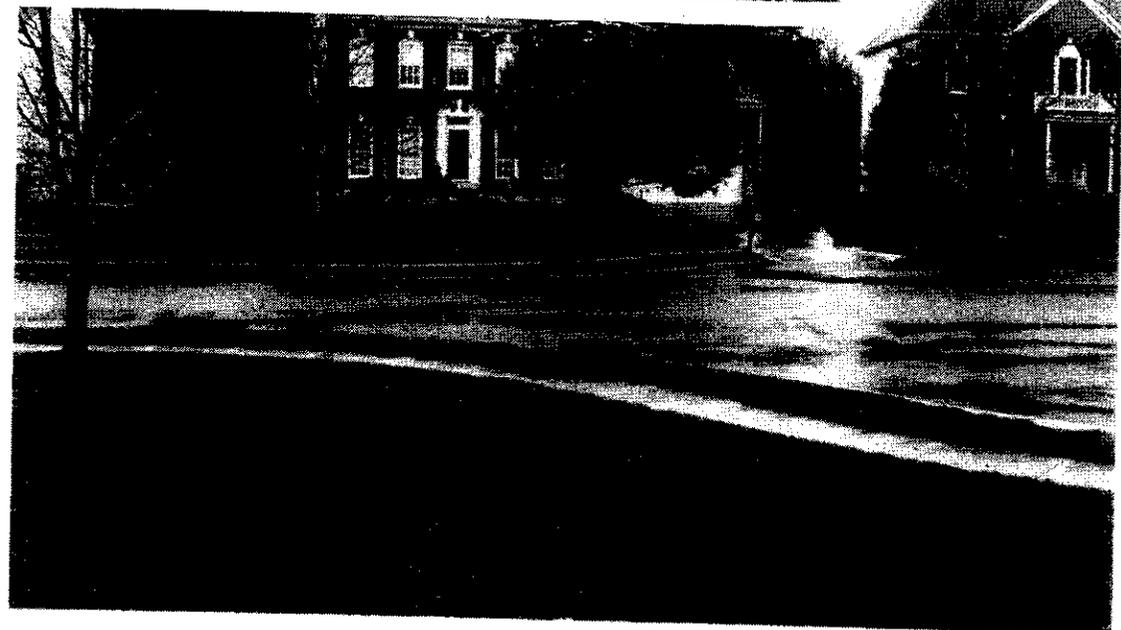


(D)

450  
to West

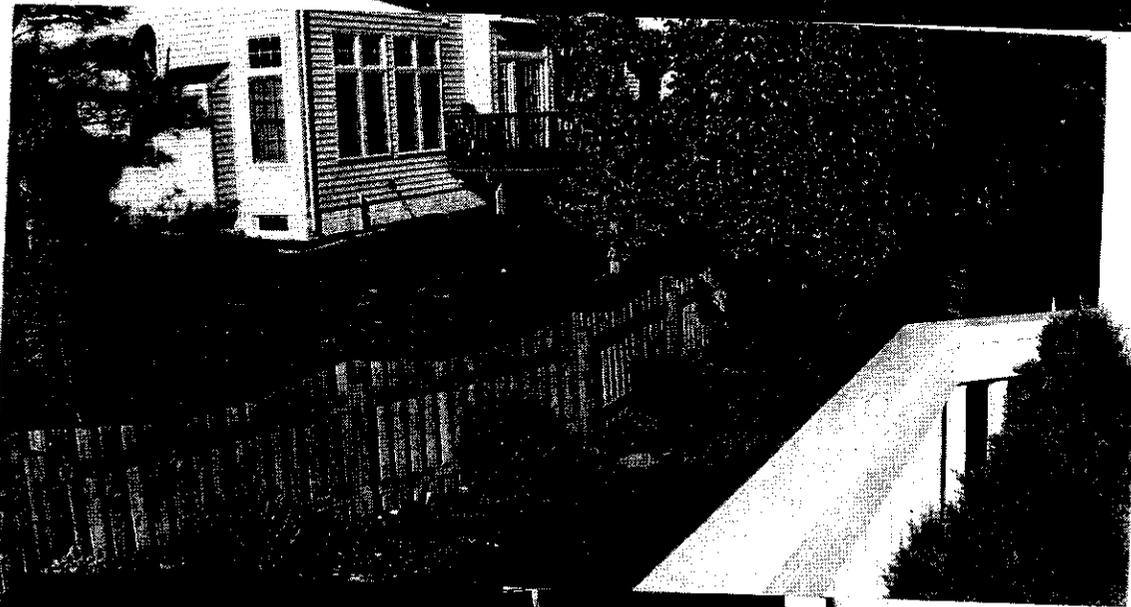


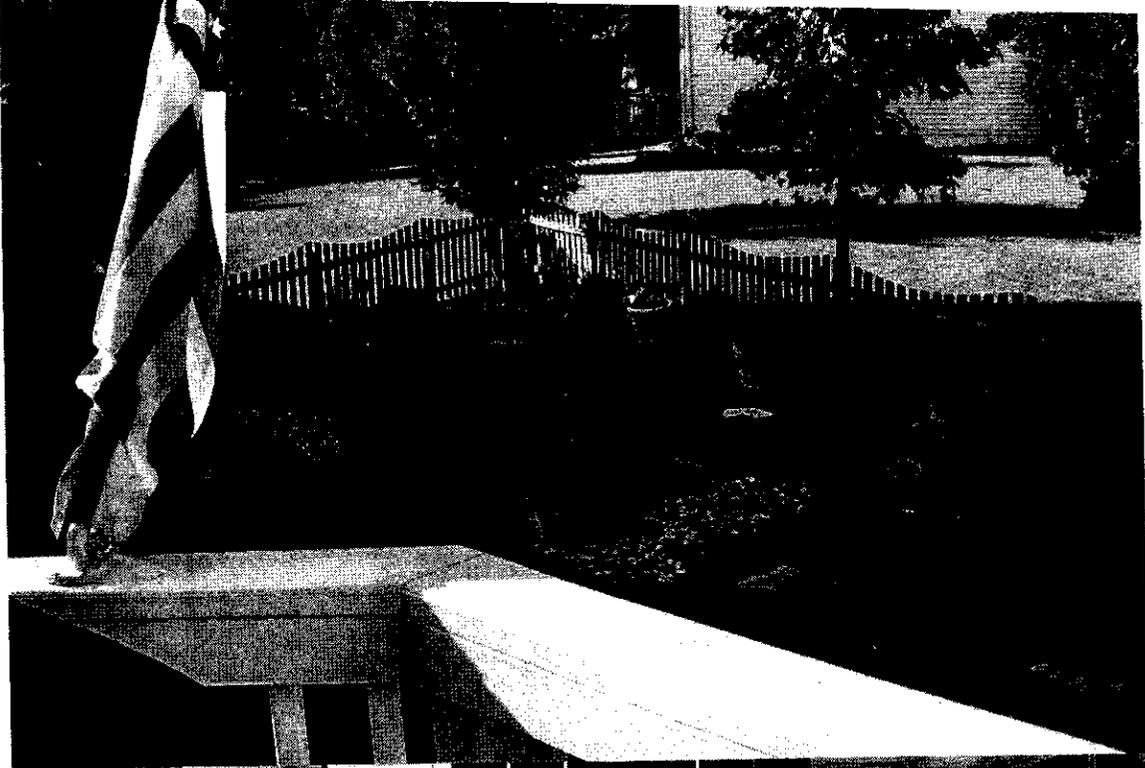
From  
Front  
Stoop  
facing  
North  
South

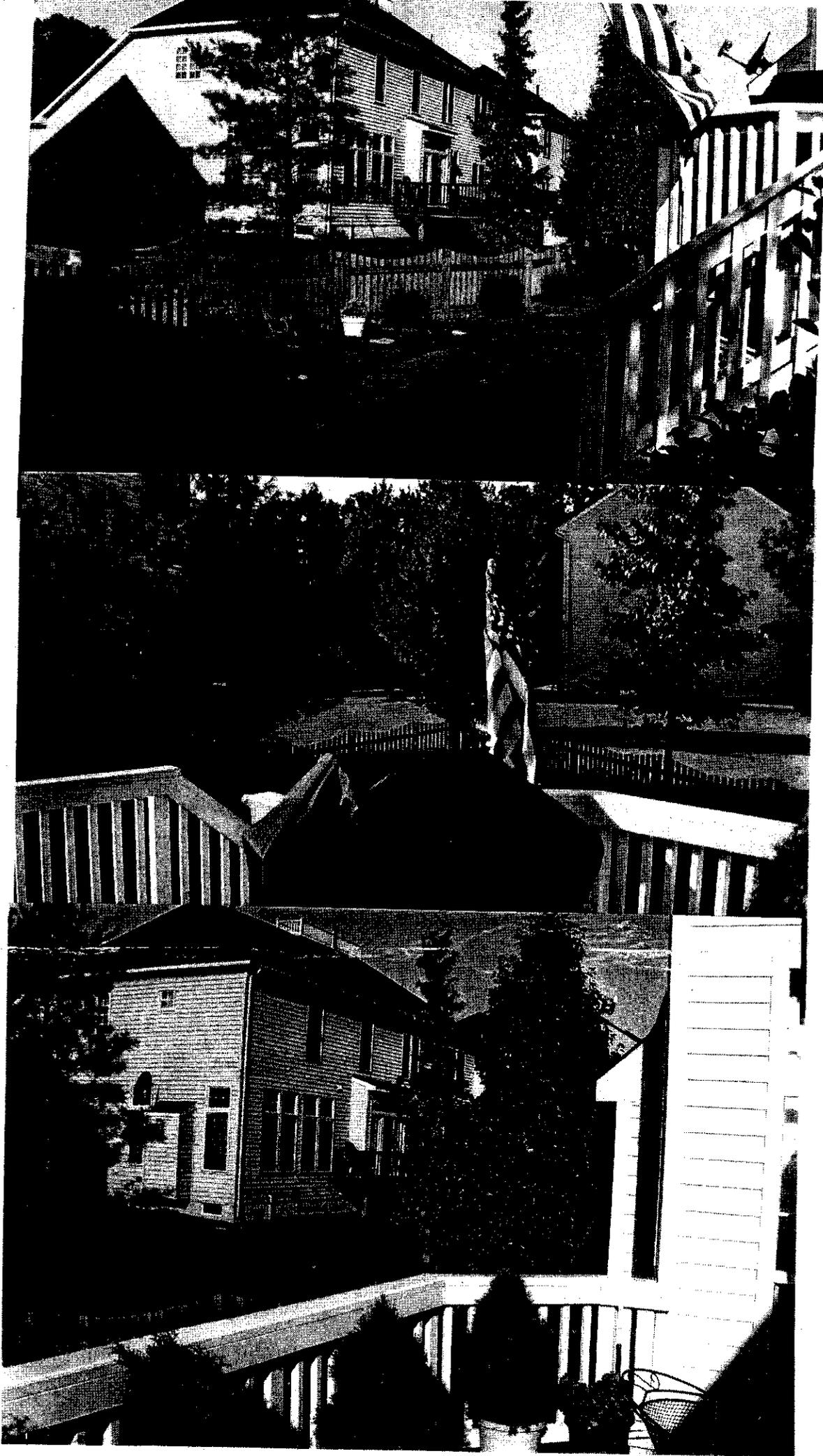


450  
to  
East





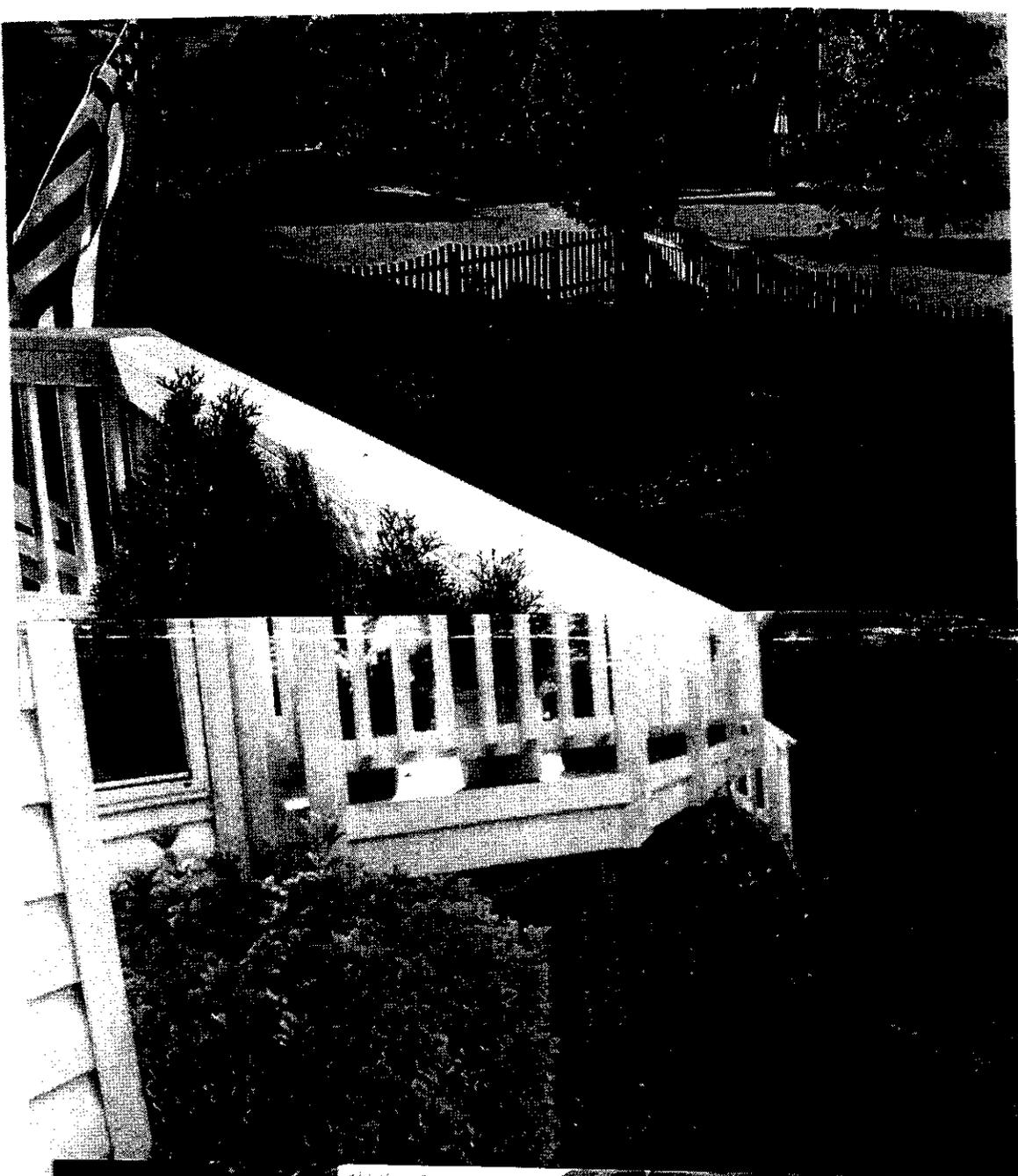


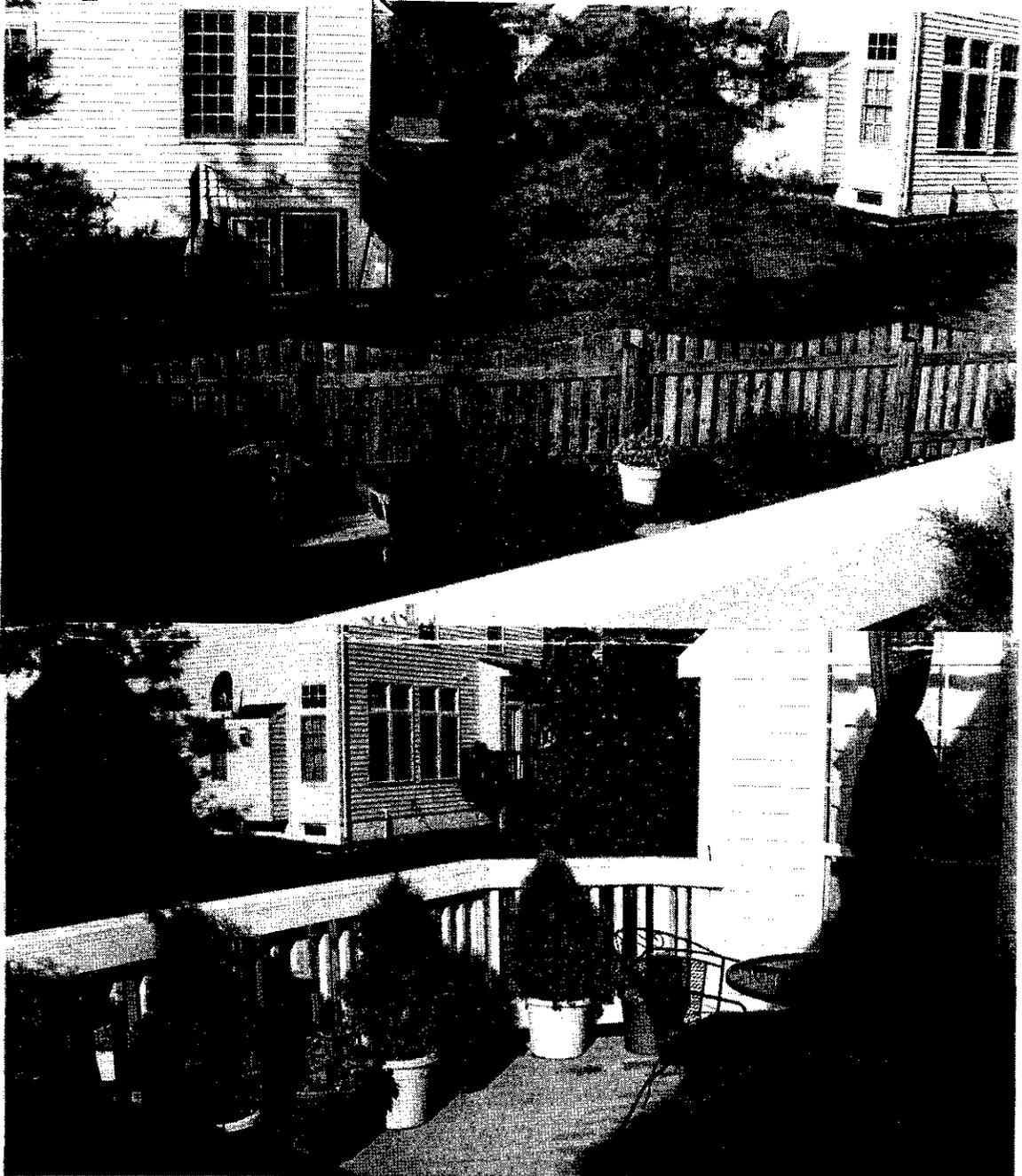


RECEIVED  
Department of Planning & Zoning

OCT 08 2009

Zoning Evaluation Division







**DESCRIPTION OF THE APPLICATION**

To permit reduction of certain yard requirements to permit construction of a sunroom addition to be located 18.0 feet from the rear lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	Addition	Rear	25.0 feet	18.0 feet	7.0 feet	28%

\*Minimum yard requirement per Section 3-407

Note: Bulk regulations for the PDH District are regulated under the provisions of Sect. 16-102 of the Zoning Ordinance. Design Standards are those which are approved by the Board of Supervisors on the final development plan for the subdivision. Subsequent additions, according to Sect. 16-403, must conform to that conventional zoning district which most closely characterizes the development under consideration provided, however, that the desired alteration is in substantial conformance with the approved final development plan. This subdivision is developed under the PDH-4 regulations but is most similar to the R-4 District, which requires a rear yard of 25.0 feet.

The proffers approved in conjunction with the rezoning of this subdivision (RZ 95-L-023) do not specify required minimum lot size and yard.

**EXISTING SITE DESCRIPTION**

The site is currently zoned PDH-4 and is within a Natural Resource Overlay District. The site is developed under the R-4 regulations, and contains a two-story single family detached dwelling with an attached deck, built in 1998. The lot consists of 9,077 square feet and is surrounded by single family detached homes on all lot lines. There is an existing storm sewer easement located along the majority of the rear yard. The lot is irregularly shaped and is accessed via an asphalt driveway on Lemon Thyme Drive. The yard is well manicured with low lying shrubs and mature trees. An existing 3 foot high wood fence is located along the side and rear lot lines of the subject property.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	PDH-4 and NR	Single Family Detached Dwellings
<b>East</b>	PDH-4 and NR	Single Family Detached Dwellings
<b>South</b>	PDH-4 and NR	Single Family Detached Dwellings
<b>West</b>	PDH-4 and NR	Single Family Detached Dwellings

**BACKGROUND**

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

**ANALYSIS**

- **Special Permit Plat** (Copy at front of staff report)
- **Title of Plat:** Special Permit Plat, Lot 45, Section Two, Autumn Chase Hunt
- **Prepared by:** DRH Design Group, Inc., dated September 22, 2009, as revised through December 4, 2009

**Proposal:**

The applicant proposes to construct a sunroom addition to be located 19.0 feet with eave 18.0 feet from the rear lot line. The applicant proposes to replace the existing 240 square foot deck with the proposed sunroom addition of the same size.

**ZONING ORDINANCE REQUIREMENTS**

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application must meet all of the following standards, copies of which are attached as Appendix 5:

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

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

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application are General Standards 3 and 5.

*General Standard 3* requires that the proposed use 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 by observation of the neighborhood through submitted photographs that the construction of the sunroom addition will not adversely affect the use or development of neighboring properties since the structure will be located in place of an existing deck which was constructed by building permit in 1998. Although the lots are relatively small, they contain well manicured lawns and ample mature vegetation. Therefore, staff does not believe the addition would adversely affect the use or development of neighboring properties and this standard has been met.*

*General Standard 5* requires that 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. *The proposed addition will consist of a 240 square foot sunroom where there currently exists a 240 square foot open deck. No vegetation is proposed to be removed to accommodate the construction. There is existing mature vegetation as well as a 3 foot high wood fence between the subject property and adjacent properties. Therefore, staff believes no additional landscaping or screening would be required and this standard has been met.*

### **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 of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 3,174 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 4,761 square feet in size for a possible total square footage at build out of 7,935. The proposed addition is 240 square feet, for a total square footage of the house with the addition of 3,414 square feet. 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 elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed sunroom addition will be compatible with the architecture of the existing dwelling on the lot. The addition will be placed on the footprint of an existing deck and is proposed to be one story in height (16.5 feet). The existing dwelling is 30.0 feet in height; therefore, the proposed sunroom addition will be in character with existing on-site development. Staff believes that the application 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 applicant proposes to construct the sunroom addition in the same footprint of an existing deck. There is ample mature vegetation located both on and off-site, consisting of mature trees and shrubs. As noted in a memorandum from the Forest Conservation Branch of the Department of Public Works and Environmental Services (DPWES), attached as Appendix 4, it has been recommended that the applicant provide a tree save area along the western property boundary of the site to protect the existing on and off-site trees from construction activities. No vegetation is proposed to be removed with the new construction and the existing 3 foot high wood fence enclosing the entire side and rear yards will remain. Staff believes the addition will be harmonious with surrounding off-site uses and meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since DPWES has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a sunroom, in the same footprint of the existing deck, except to reduce noise by replacing an open deck, will not increase runoff or erosion. Staff believes that the application meets this provision.*

*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 request to construct a sunroom addition, which will replace an existing open deck, is the most logical location given that no additional impervious surfaces will be created to accommodate the addition. The irregularly shaped lot, with an existing storm sewer easement located along the entire rear lot line, limits the use of the rear yard. Given that no existing vegetation is proposed to be removed, and the addition will replace an existing structure on the site, staff believes the addition would in fact lessen the overall impact on the property and believes the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas and preservation are not applicable to this site.*

## **CONCLUSION**

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

## **RECOMMENDATION**

Staff recommends approval of SP 2009-LE-112 for a sunroom addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

**APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Forest Conservation Memorandum dated January 27, 2010
5. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2009-LE-112****March 3, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-LE-112 located at Tax Map 91-1 ((25)) 45 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

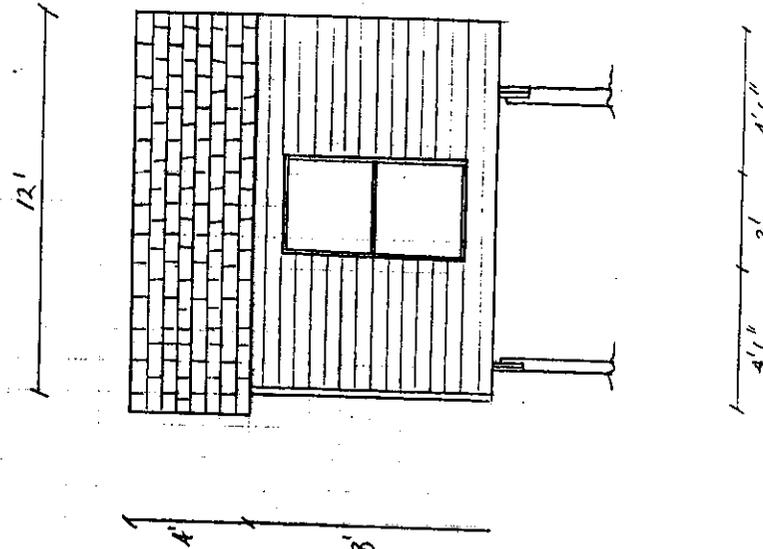
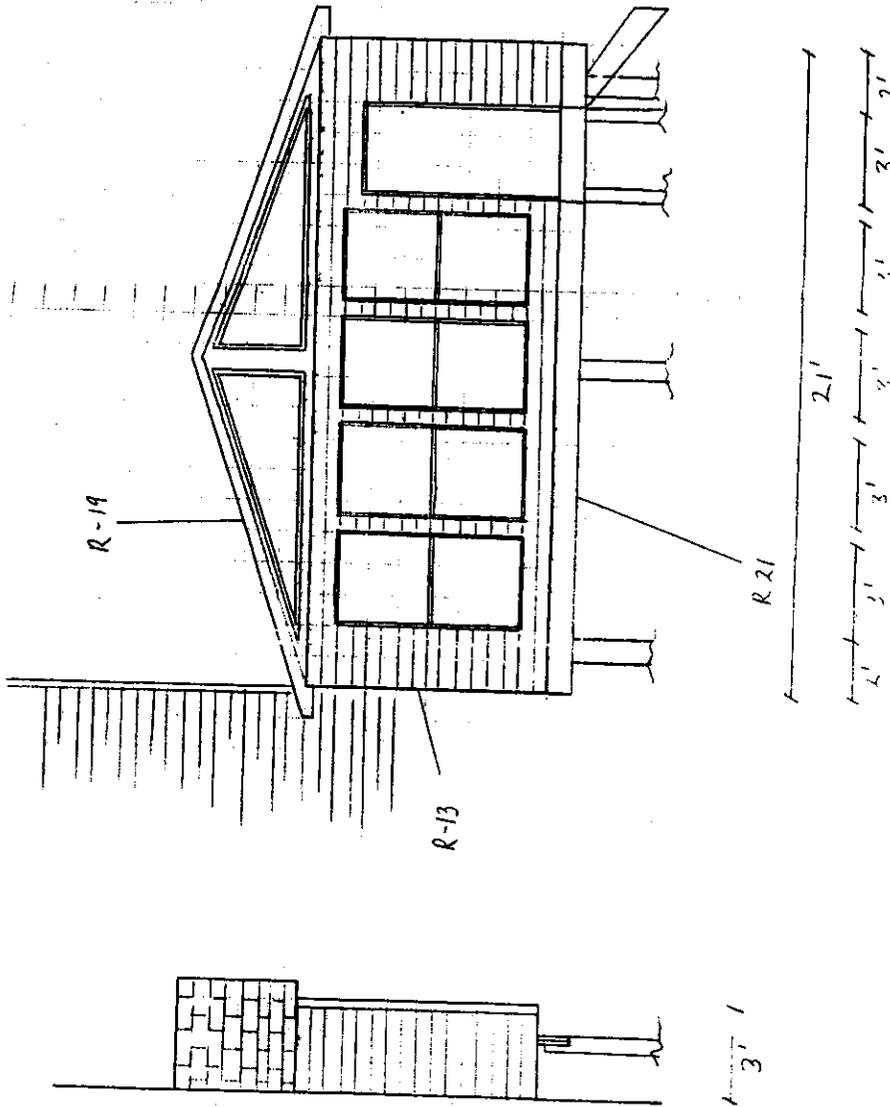
1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a sunroom addition (240 square feet), as shown on the plat prepared by DRH Design Group, Inc., dated September 22, 2009, as revised through December 4, 2009, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,174 square feet existing + 4,761 square feet (150%) = 7,935 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. The applicant shall designate the area from the edge of the building envelope to the northwestern property line as a tree save area and shall install tree protection fencing prior to commencement of the construction process to preserve the on-site and off-site trees and vegetation in this area from

construction activities. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that inappropriate activities such as the storage of construction equipment do not occur within the area. The limits of clearing and grading shall be no further than 10 feet from base of the proposed addition.

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

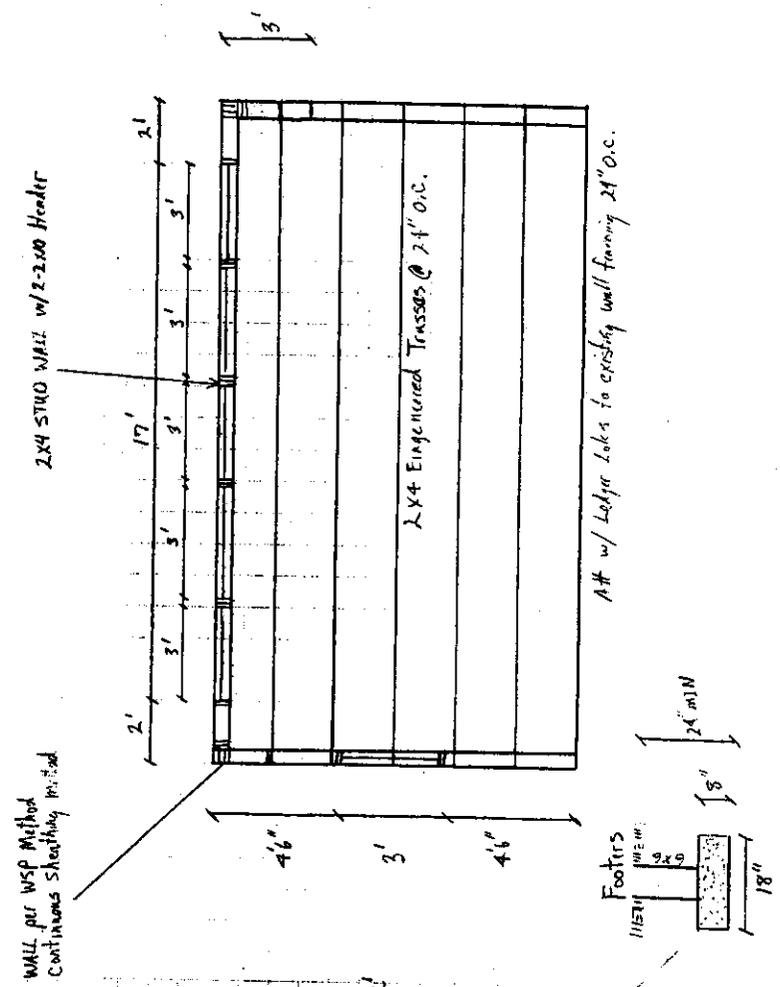
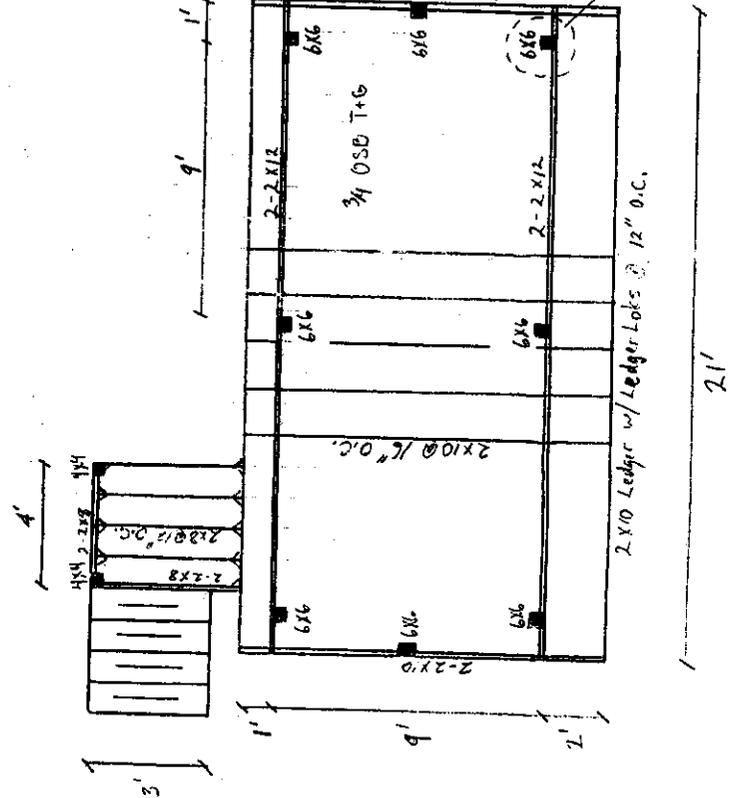
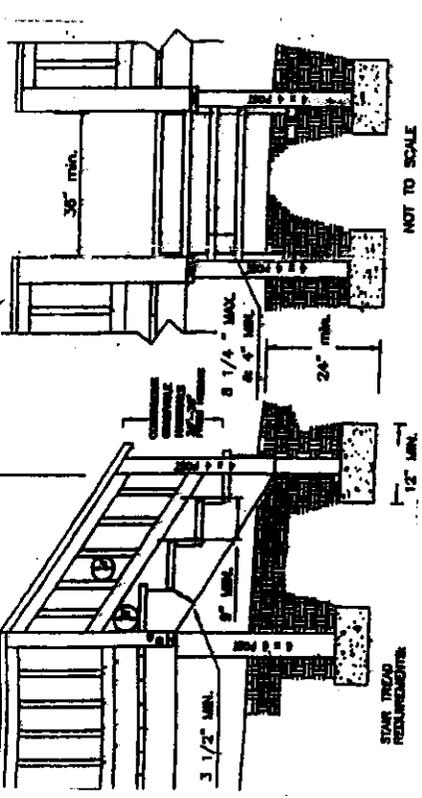
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction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

STEADFAST, INC  
2849 ZIMPEL LANE  
FAIRFAX, VA 22031



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**FAIRFAX, VA 22031**

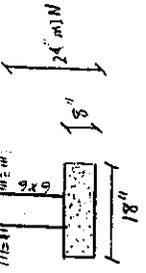
Marcinowski  
 6105 Lemon Thyme Ct.  
 Alex, Va, 22310  
 Drawn by: Mike Shepherd  
 Scale: 1/4" = 1'  
 Composite Decking on Landing and Steps



NOT TO SCALE

STATE TREAD REQUIREMENTS

Footers



Application No.(s): SP 2009-LE-112  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: October 3, 2009  
 (enter date affidavit is notarized)

I, RICHARD A. MARCINOWSKI, 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      106201

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)
RICHARD A. MARCINOWSKI	6105 LEMON THYME DRIVE	<b>APPLICANT / TITLE OWNER</b> (RAM)
LINDA M. MARCINOWSKI	ALEXANDRIA, VA 22310	<b>SPOUSE OF APPLICANT</b> Title Owner (LMM)

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

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

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

Application No.(s): SP 2009-LE-112  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: October 3, 2009  
(enter date affidavit is notarized)

106201

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)

**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)

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

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

Application No(s):

SP 2009-LE-112

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: October 3, 2009  
(enter date affidavit is notarized)

106201

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

PARTNERSHIP INFORMATION

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

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

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

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

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

Application No.(s): SP 2009-LE-112  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: October 3, 2009  
(enter date affidavit is notarized)

106201

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:

RAM  
Lmm

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: October 3, 2009 (enter date affidavit is notarized)

106201

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)

[X] Applicant (Signature of Richard A. Marcynowski)

[ ] Applicant's Authorized Agent

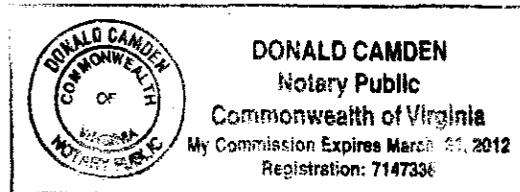
RICHARD A. MARCINOWSKI, Applicant

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

Subscribed and sworn to before me this 3 day of October 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public (Signature)

My commission expires: March 31, 2012



DEC 07 2009

Zoning Evaluation Division

REQUEST FOR SPECIAL PERMIT  
TO ALLOW REDUCTION OF CERTAIN YARD REQUIREMENTS

1. Approval of a reduction of yard requirements for the proposed sunroom addition on the subject property, as specified in 8-922 will not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 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. Request for reduction of yard requirements is specifically for a sunroom structure in the rear yard.
3. The special permit request applies to a lot where the principal structure and use complied with the minimum yard requirements in effect when the structure was established in 1998.
4. The resulting gross floor area of the sunroom addition to the existing principal structure will not be over 150 percent of the total gross floor area of the principal structure that existed at the time of the expansion request. Current above grade living area is 3,174 square feet. Garage structure is 400 square feet. Existing deck is 240 square feet. Proposed sunroom addition will replace existing deck at approximately 240 square feet.
5. The resulting gross floor area of the sunroom addition shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site. Sunroom is intended to be single use room and not designed as an apartment structure or similar living area.
6. The proposed sunroom addition is intended to be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure on the lot. All considerations to match the existing structure have been included in the design process. All existing building materials will be matched to include color of composite shingle on roof, color and type of vinyl siding on existing structure, and standard colonial grille glass pane windows.
7. The proposed sunroom addition is intended to be harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of the surrounding structures, topography, existing vegetation and the preservation of significant trees. Sunroom addition will replace the existing deck structure in size and scale.
8. The proposed sunroom addition shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff. With regard to noise issues, they will be reduced by enclosing deck with walls and roof. Other issues should not be a factor with this addition.
9. The proposed reduction of minimum yard requirements represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors that were considered in this request are the layout of the existing structure; lack of availability of alternate locations for the addition; orientation of the structure on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field do not apply to this request; location of storm drain and other easements are indicated on the attached plat paperwork and/or preservation of historic resources.
10. The conditions necessary to satisfy the criteria include but are not limited to the imposition of maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

11. This application is accompanied by fifteen (15) copies of copies of the plat having maximum size of 24" x 36" and one 8-½" x 11 reduction of the plat. Plat is drawn to a designated scale of not less than one inch equals fifty feet, certified by David R. Hall, a professional land surveyor licensed by the State of Virginia to meet the minimum standards and procedures for land boundary surveying in the Commonwealth of Virginia and contains the requirements listed in A-M of number 11, 8-922.

12. Architectural depictions of the proposed structure drawn by Mike Shepherd of Steadfast, Inc, on a ¼" to 1' scale and contain the building materials, roof type, window treatment and any associated landscaping are attached hereto.

  
RICHARD A. MARCINOWSKI

  
LINDA M. MARCINOWSKI

Dated December 6, 2009.

## WRITTEN STATEMENT OF JUSTIFICATION

We would like to build a sunroom in place of our existing deck, assuming the same square footage. The sunroom will provide us a year-long feeling of being outdoors without having to experience the extreme weather conditions of this region. Due to the unusual shape of our backyard we cannot enjoy most of it as we must contend with its odd configuration and large easement--a storm drain and associated drainage system consume a good portion of our property. A sunroom would allow us to compensate for this unusual backyard plat. We intend to have the sunroom's exterior match the existing design of our home to include the siding, windows and roof. Moreover, we believe the sunroom as constructed will enhance the beauty and value of our home.

Included in this application are photographs of the existing deck, our backyard, and the surrounding homes as viewed from the existing deck. We have discussed our plans with our neighbors and they have no objections. The proposed sunroom would not hurt other properties in the vicinity, obstruct wind or view, as it would be consistent with the existing structure and space already being occupied by the existing deck.

We respectfully request your approval of our application. Dated, October 3, 2009.

  
RICHARD A. MARCINOWSKI

  
LINDA M. MARCINOWSKI

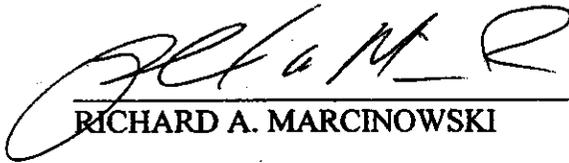
RECEIVED  
Department of Planning & Zoning  
DEC 07 2009  
Zoning Evaluation Division

STATEMENT CONFIRMING OWNERSHIP OF SUBJECT PROPERTY

I, RICHARD A. MARCINOWSKI, and LINDA M. MARCINOWSKI, do hereby state and confirm that we are the owners of the subject property, namely 6105 LEMON THYME DRIVE, ALEXANDRIA, VA 22310, for which a variance application is being requested.

Attached herein is a copy of the property parcel location and ownership listed on the Fairfax County Government Real Property tax page for your reference and information.

Dated, October 3, 2009.

  
RICHARD A. MARCINOWSKI

  
LINDA M. MARCINOWSKI

RECEIVED  
Department of Planning & Zoning

DEC 07 2009

Zoning Evaluation Division



# County of Fairfax, Virginia

## MEMORANDUM

January 27, 2010

**TO:** Debbie Hedrick, Staff Coordinator  
Zoning Evaluation Division, DPZ

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

**SUBJECT:** Autumn Chase Hunt Section 2 Lot 45; SP 2009-LE-112

**RE:** Request for assistance dated January 12, 2010

This review is based on the Special Permit application SP 2009-LE-112 and the Special Permit Plat showing the improvements on "Lot 45, Section Two, and Autumn Chase Hunt," stamped "Received, Department of Planning and Zoning, December 8, 2009." A site visit was conducted on January 13, 2010.

**Site Description:** This site is developed with a two-story dwelling with attic, basement, an associated asphalt driveway and an existing attached deck. Existing on-site vegetation located along the eastern property boundary and to the east of the proposed sunroom includes two 12 ft. tall white pines and an 8 ft. tall Leyland cypress. There is also a 12 ft. magnolia and a 10-inch diameter red maple which appear to be located off-site along the eastern property boundary. Existing on-site vegetation along the western property boundary consists of a Callery pear, a river birch, a white pine, and a red maple.

- 1. Comment:** There are two 12 ft. tall white pines and an 8 ft. tall Leyland cypress located on-site along the eastern property boundary. There is also an existing 12 ft. tall magnolia and a 10-inch diameter red maple located off-site along the eastern property boundary. These on-site and off-site trees along the eastern property boundary appear to be in fair to good condition and should be considered for preservation.

**Recommendation:** A tree save area should be provided along the eastern property boundary of the site to protect the existing on-site and off-site trees from construction activities.

Please contact me if you have any questions.

TLN/  
UFMID #: 148462

cc: RA File  
DPZ File

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



### **8-006 General Standards**

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

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

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

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

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

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

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

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

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

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

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.