



APPLICATION ACCEPTED: January 15, 2010
DATE OF PUBLIC HEARING: March 24, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 17, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION No. SP 2010-BR-005

BRADDOCK DISTRICT

APPLICANTS & OWNERS: Anthony Cicco, Jr. and Linda J. Cicco

ZONING: R-3 (Cluster)

LOCATION: 5801 Lane Drive

SUBDIVISION: Long Branch

ZONING ORDINANCE PROVISION: 8-922

TAX MAP: 69-4 ((12)) 151

LOT SIZE: 8,939 Square Feet

SP PROPOSAL: Reduction of certain yard requirements to permit construction of addition 6.6 feet from the side lot line such that side yards total 14.4 feet.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-BR-005 for the addition subject to the proposed development conditions contained in Appendix 1.

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

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

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.

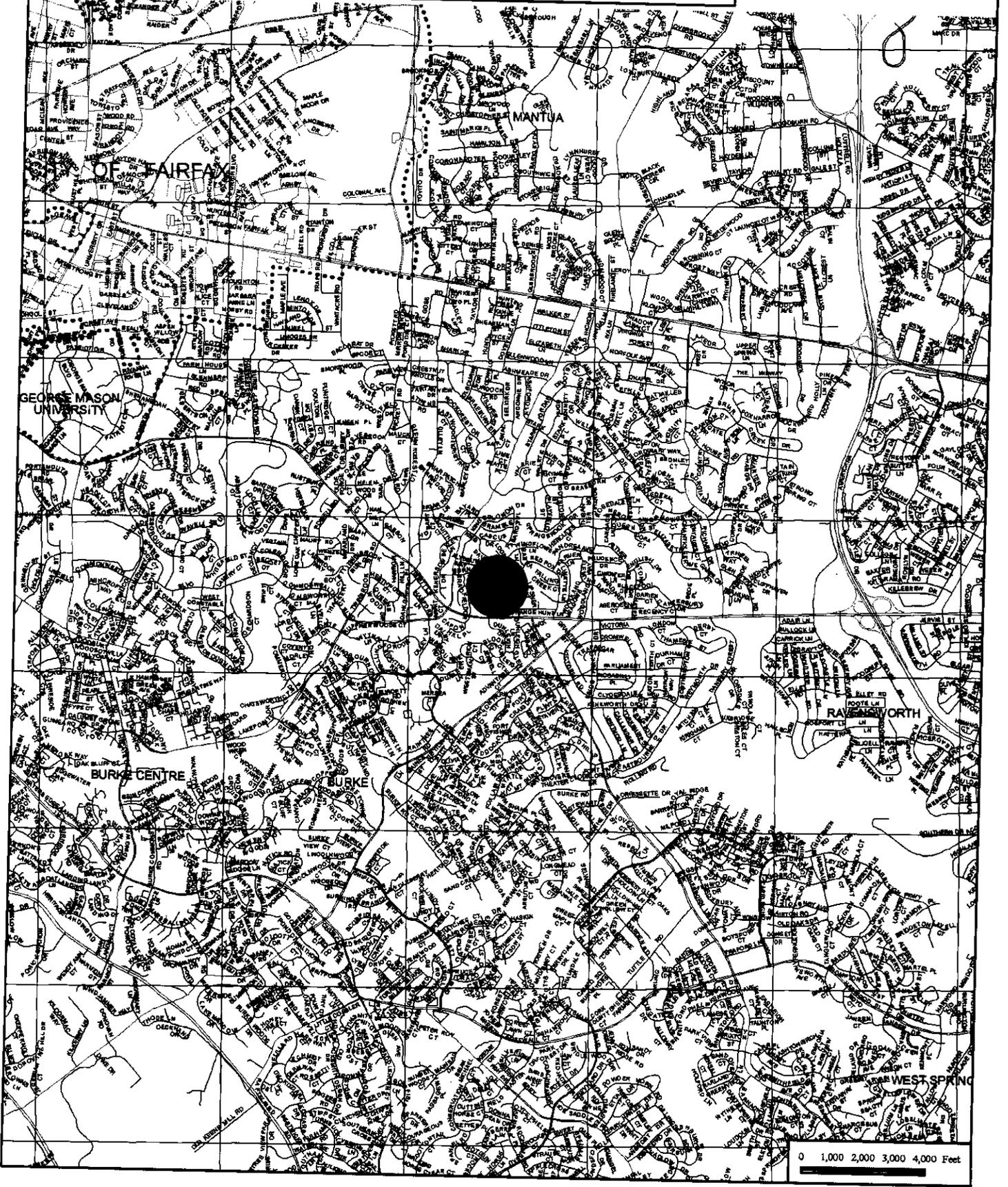
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center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

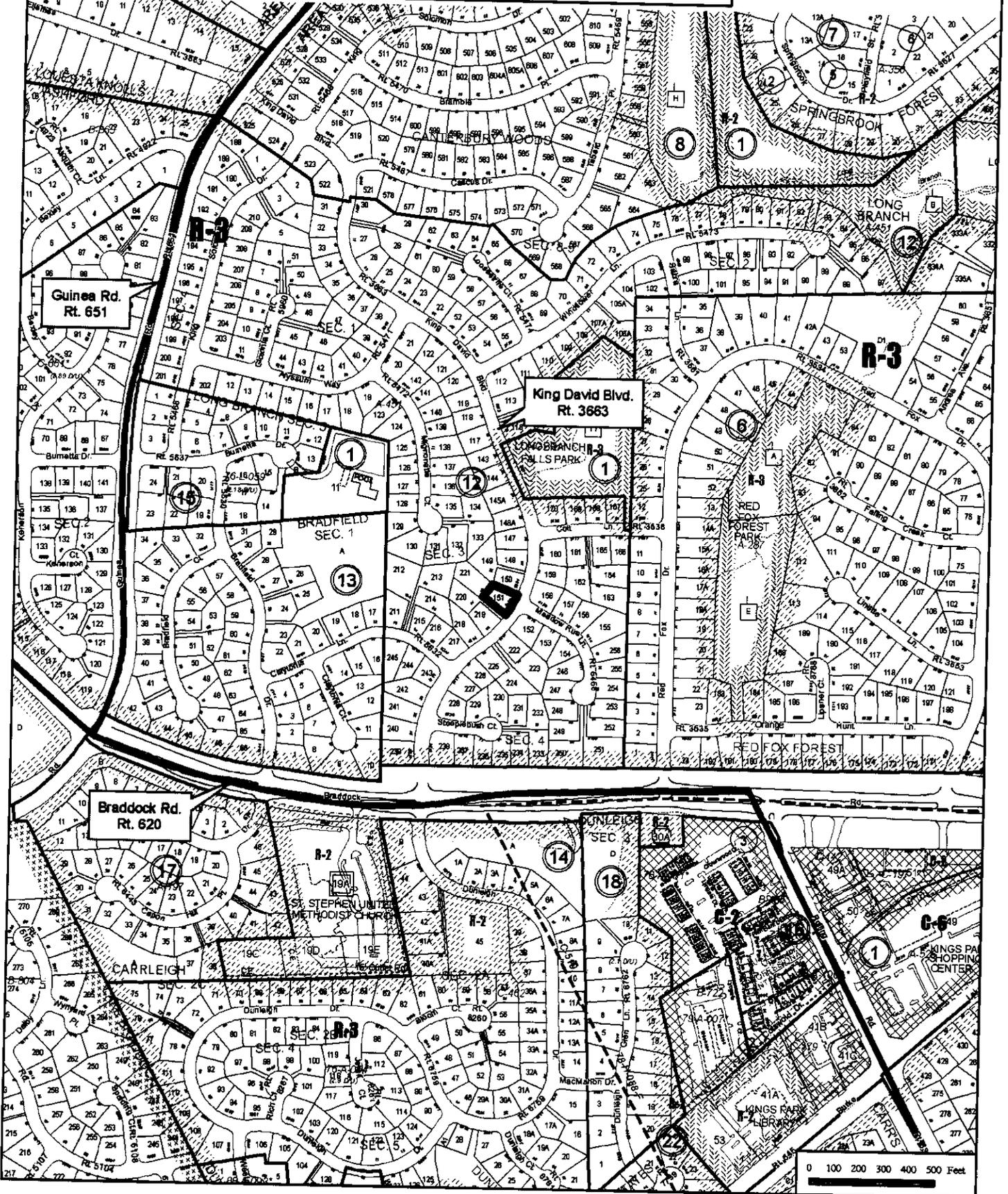
Special Permit SP 2010-BR-005

ANTHONY CICC0, JR. AND LINDA J. CICC0



Special Permit SP 2010-BR-005

ANTHONY CICCO, JR. AND LINDA J. CICCO



NOTES

1. TAX MAP: 69-4-12-0151
2. ZONE: R-3C (R-3 w/CLUSTER DEVELOPMENT)
3. LOT AREA: 8,939 SF (0.20521 ACRE)
4. REQUIRED YARDS:

- FRONT: 20.0 FEET
- SIDE: 8.0', BUT A TOTAL MINIMUM OF 20.0'
- REAR: 25.0 FEET

5. HEIGHTS:
 - DWELLING: 20.0 FEET
 - SHED: 07.0 FEET
 - PROPOSED GARAGE: 13.2 FEET
6. THE PROPOSED GARAGE WILL MATCH THE HEIGHT OF THE EXISTING RIGHT SIDE OF THE DWELLING WHICH IS 13.2'. ALL FENCES: 04.0 FEET

7. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER
8. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
9. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.

10. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.

10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL. THERE ARE NO TREES IN THE VICINITY OF THE PROPOSED GARAGE.

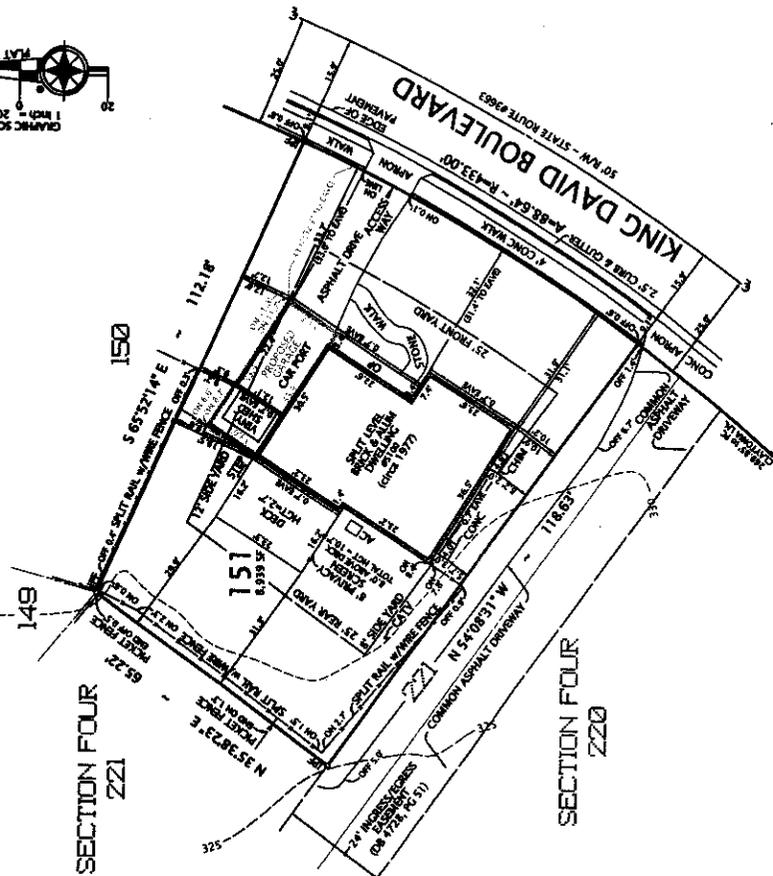
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.

12. AREAS:

- EX BASEMENT: 853 SF
- EX FIRST FLOOR: 697 SF
- EX SECOND FLOOR: 853 SF
- EX GROSS FLOOR AREA: 2,403 SF

- EX FLOOR AREA RATIO: 0.27
- EX GFA (2403 SF) / LOT AREA (8939) = 0.27
- PROPOSED GARAGE = 443 SF
- PROP GARAGE (443) / EX GFA (2403) = 0.18
- PROPOSED GROSS FLOOR AREA
- EX GFA (2403) + PROP GARAGE (443) = 2,846 SF

13. THE EXISTING CAR PORT, VINYL SHED, AND ADJACENT FENCE WILL BE REMOVED.



PLAT

SHOWING THE IMPROVEMENTS ON LOT 151, SECTION THREE

LONG BRANCH

(DEED BOOK 1536, PAGE 713)

FAIRFAX COUNTY, VIRGINIA

BRADDOCK DISTRICT

SCALE: 1" = 20' OCTOBER 21, 2009



I HEREBY CERTIFY THAT THE PORTIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO VISIBLE ENCROACHMENTS AS OF THE DATE

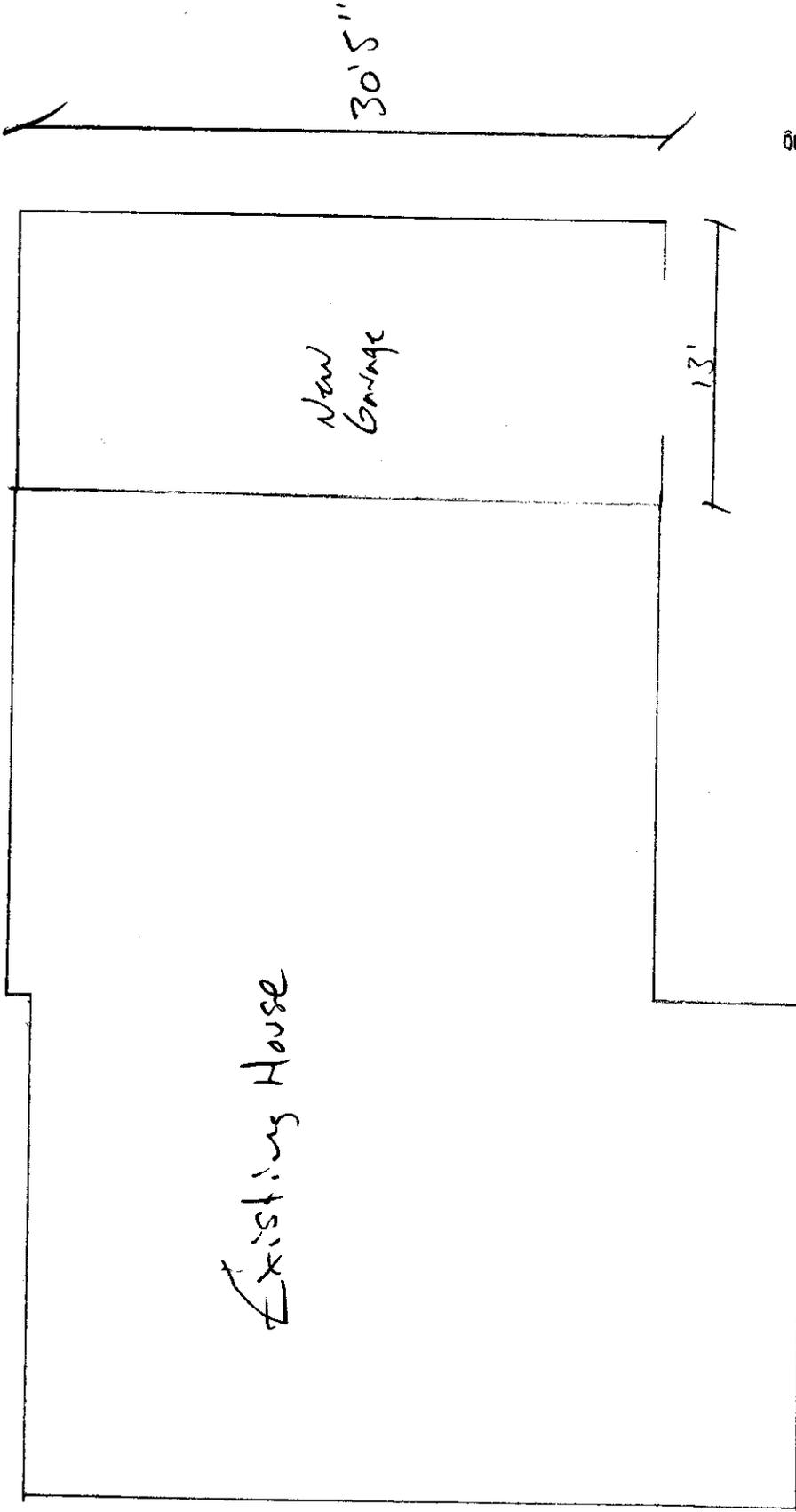
THIS PLAT IS SUBJECT TO THE INSTRUCTIONS OF RECORD. A TITLE REPORT HAS NOT BEEN OBTAINED. NO OTHER IMPROVEMENTS SET.



ORDERED BY:

ANTHONY CICCIO, JR.
LINDA J. CICCIO

DOMINION Surveyors
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VA 22304
TEL: 703-955-2309
FAX: 703-799-8412



Existing House

New Garage

30'5"

13'

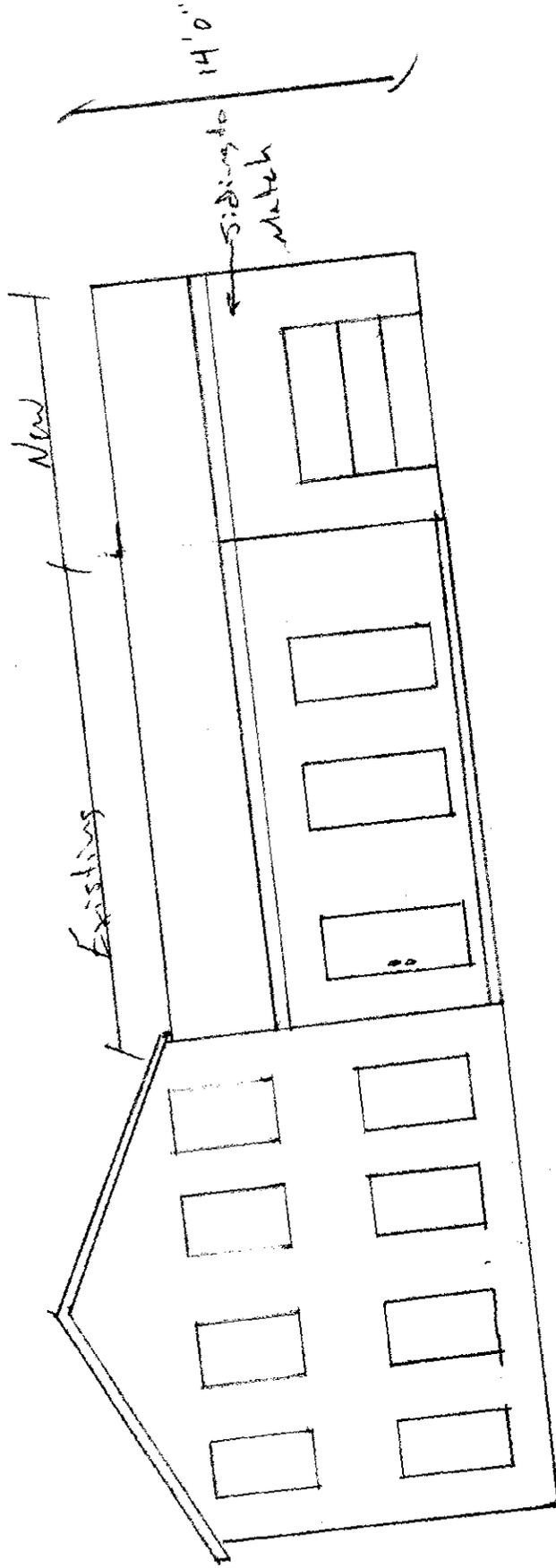
Floor Plan Scale 1/8" = 7'

5100 King David Blvd.

RECEIVED
Department of Planning & Zoning
SEP 11 2009
Zoning Evaluation Division

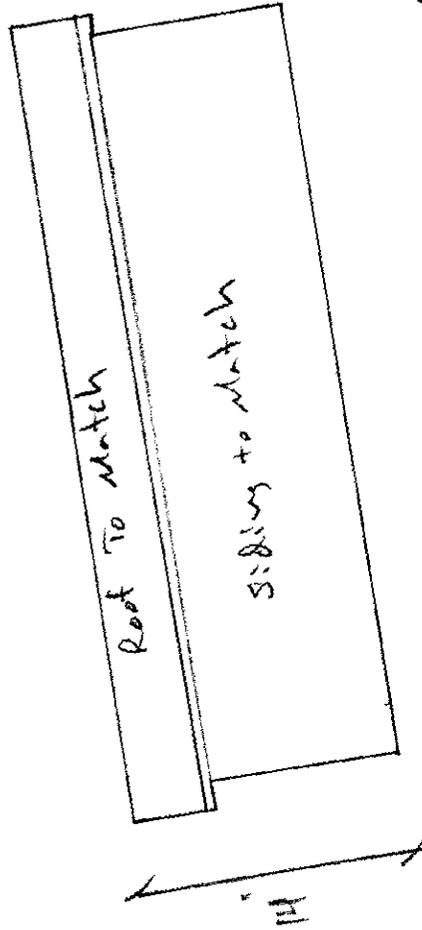
SEP 11 2009

RECEIVED



Scale 1/8" = 1'
Front Elevation
5100 King David Blvd.

RECEIVED
Department of Planning & Zoning
SEP 11 2009
Zoning Evaluation Division

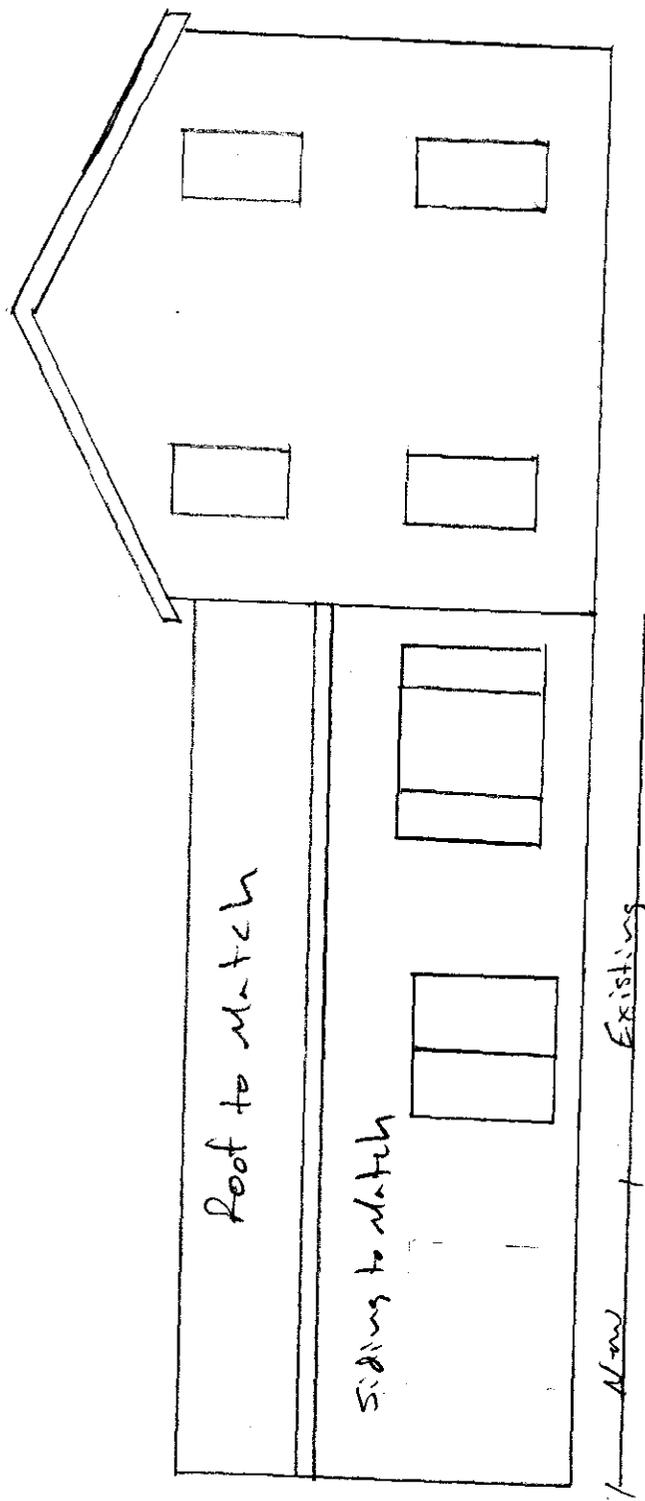


Scale 1/8" = 1'

Right Side Elevation of Garage

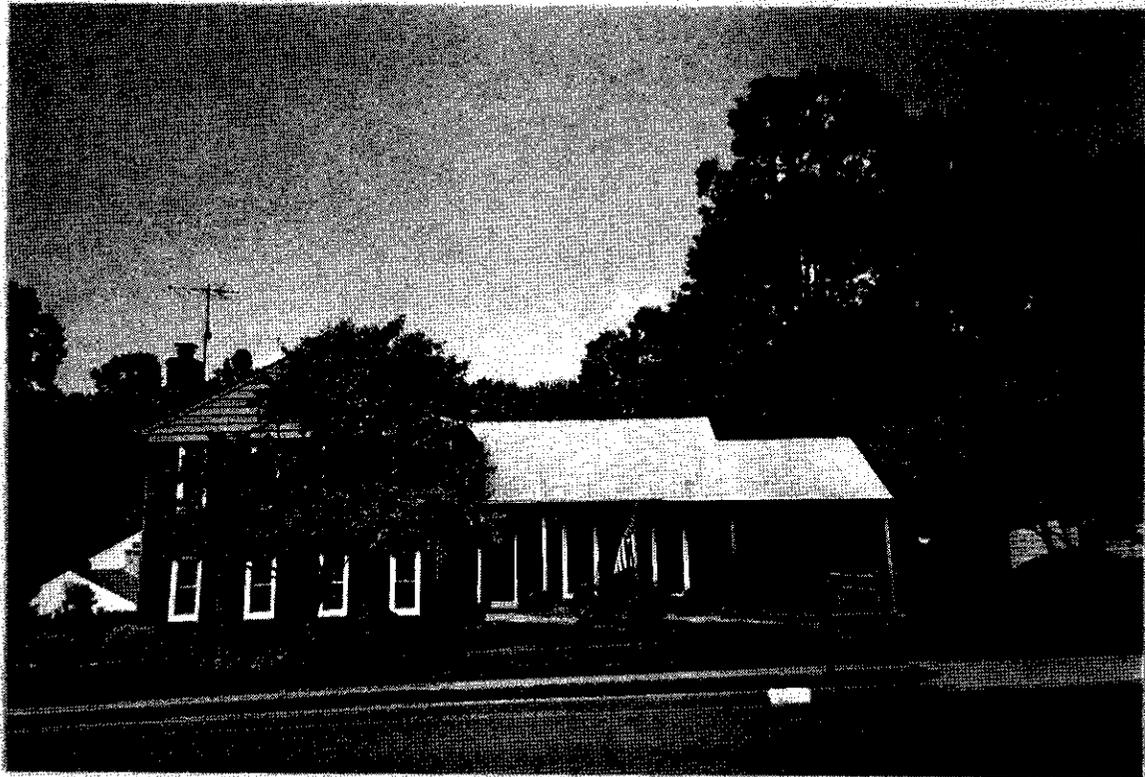
5100 King David Blvd.

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Department of Planning & Zoning
SEP 11 2009
Zoning Evaluation Division

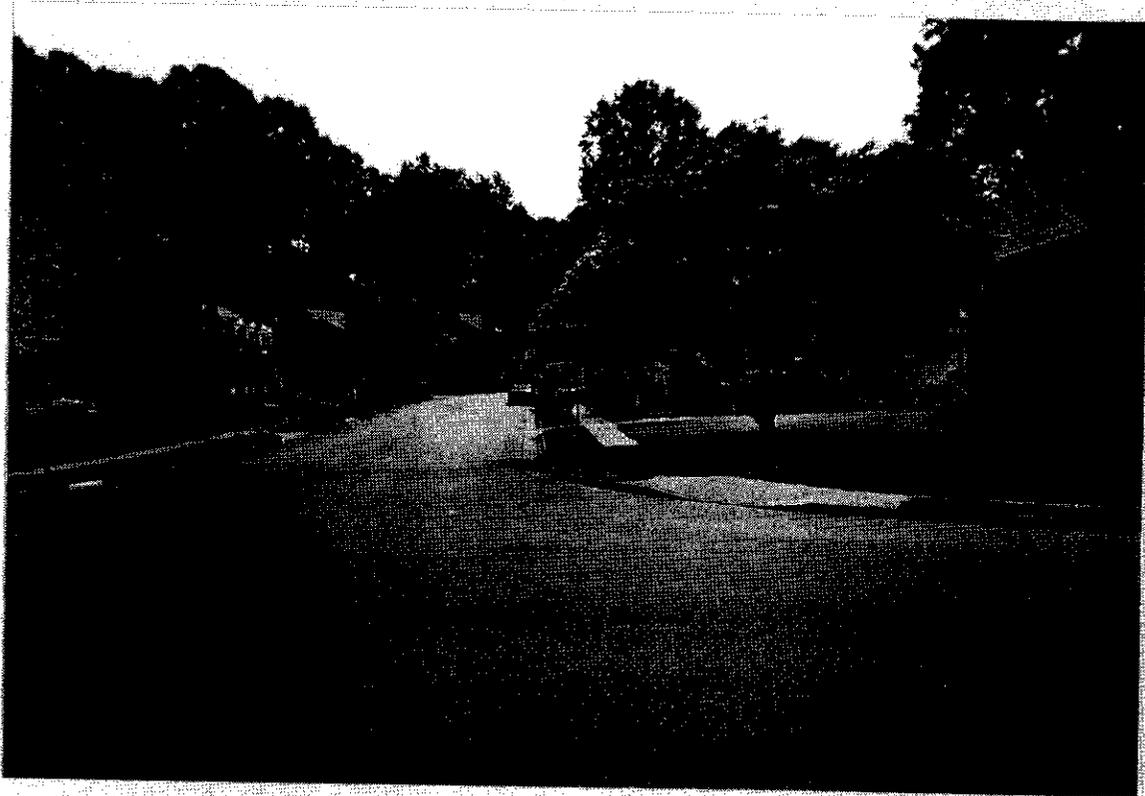


Rear Elevation Scale 1/8" = 1'
5100 King David Blvd.

5100 King David Blvd.



Front Elevation



VIEW ACROSS STREET
FROM FRONT ELEVATION



VIEW DOWN STREET FROM
FRONT OF ADDITION

5100 King David Blvd

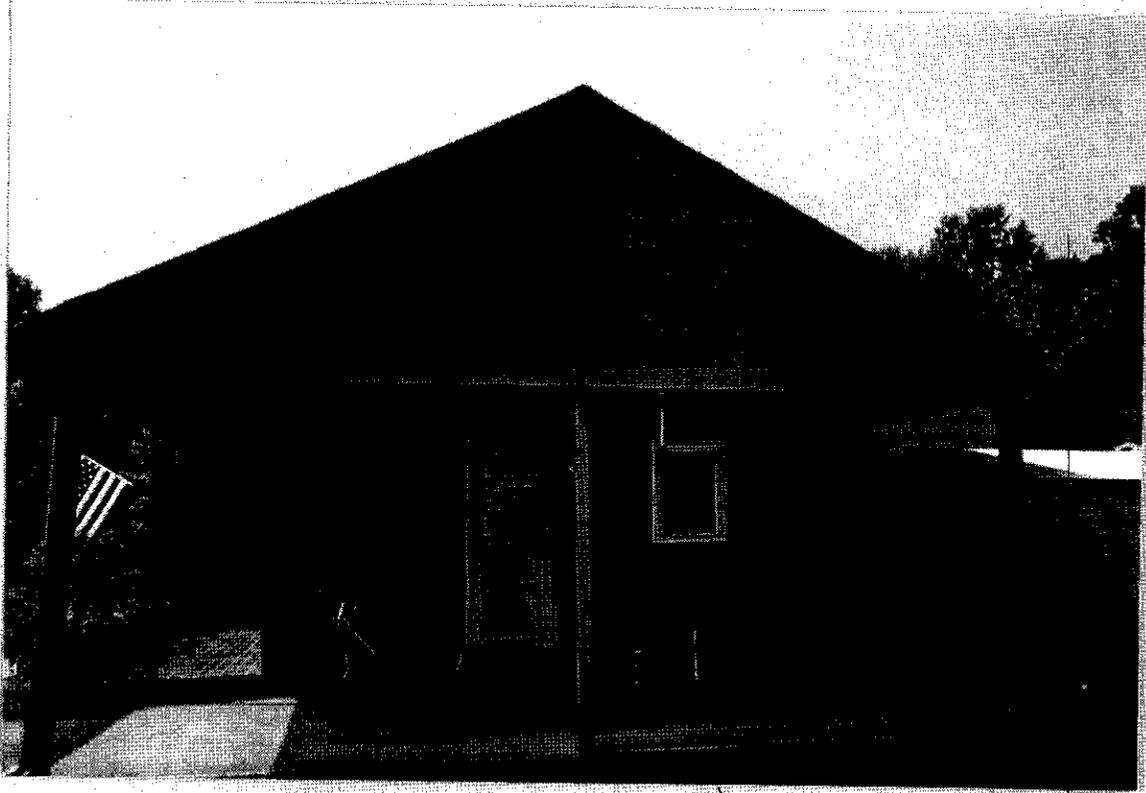


VIEW UP THE STREET FROM
FRONT OF ADDITION



FRONT ELEVATION AT
ADDITION

5100 King David Blvd



SIDE ELEVATION
AT ADDITION

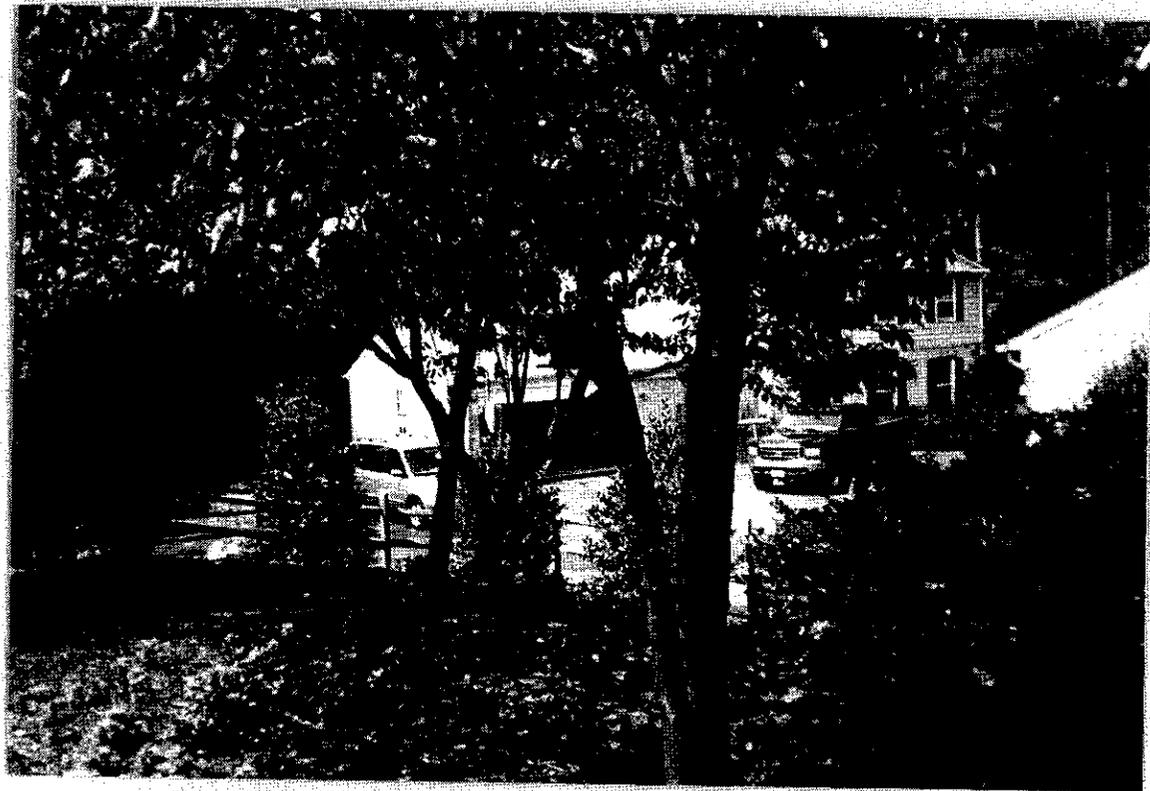


SIDE ELEVATION
AT ADDITION

5100 King David Blvd.

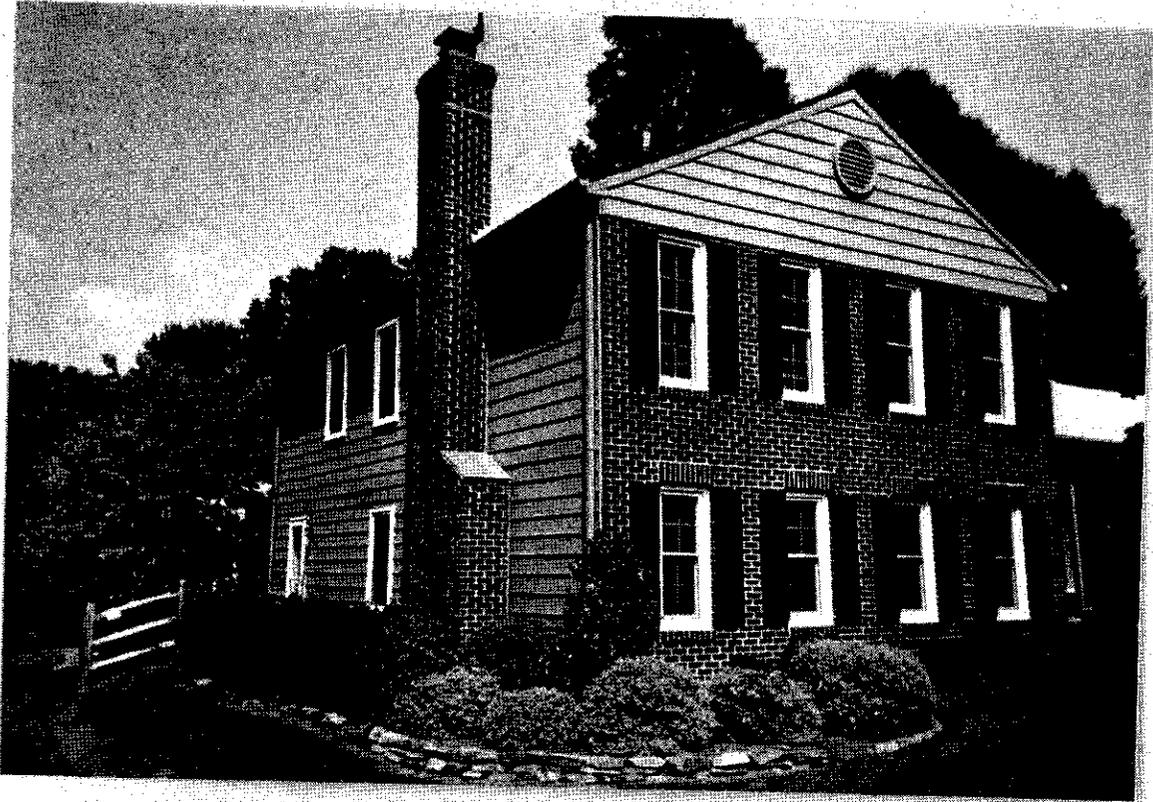


REAR ELEVATION

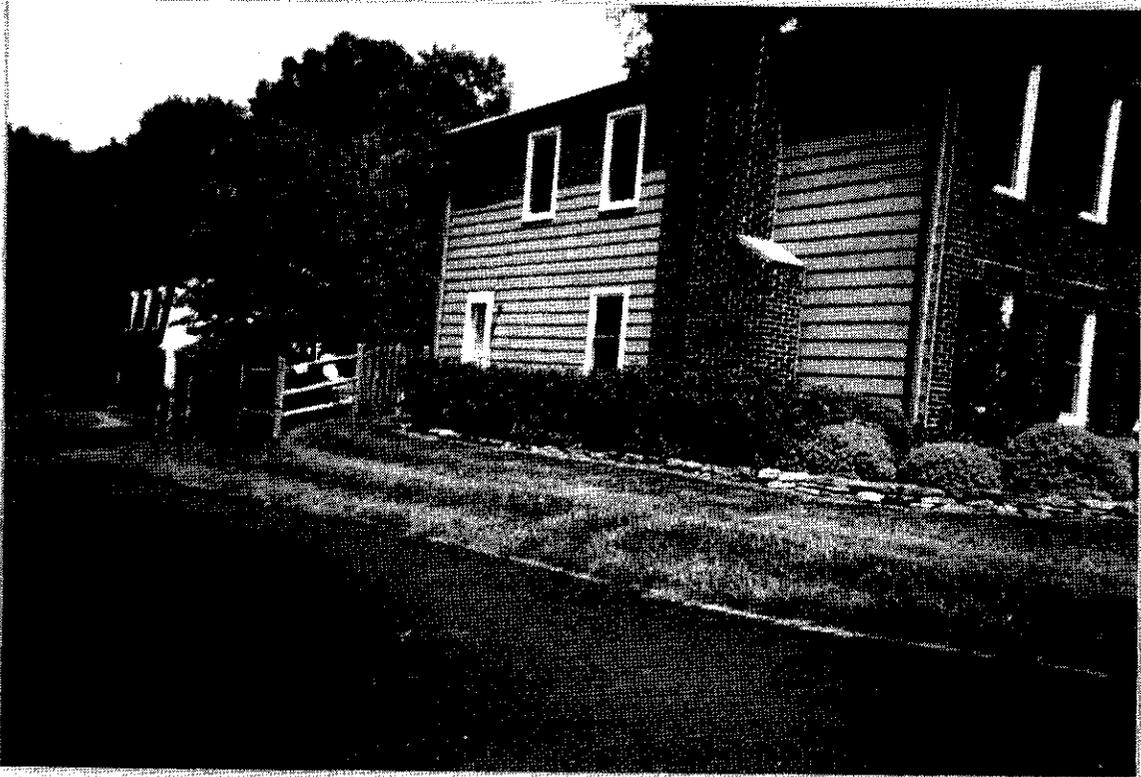


VIEW FROM REAR

5100 King David Blvd



FAR SIDE OF PROPERTY
ELEVATION

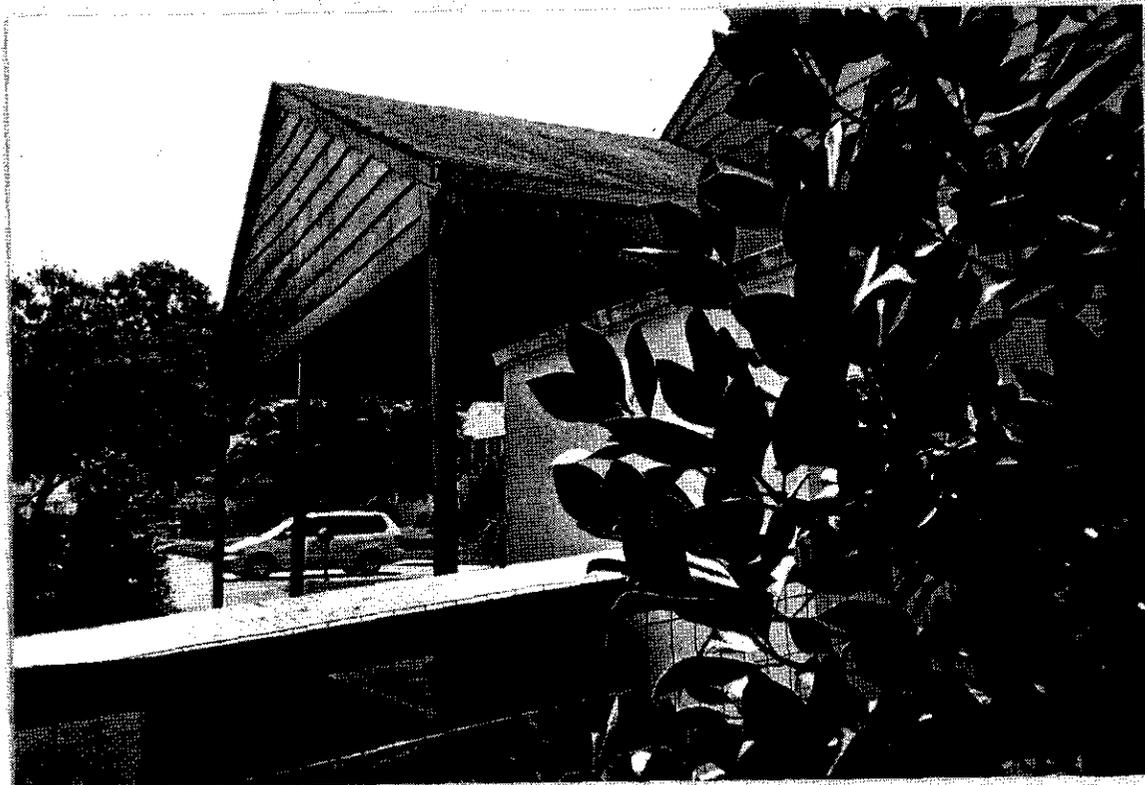


FAR SIDE OF PROPERTY

5100 King David Blvd.

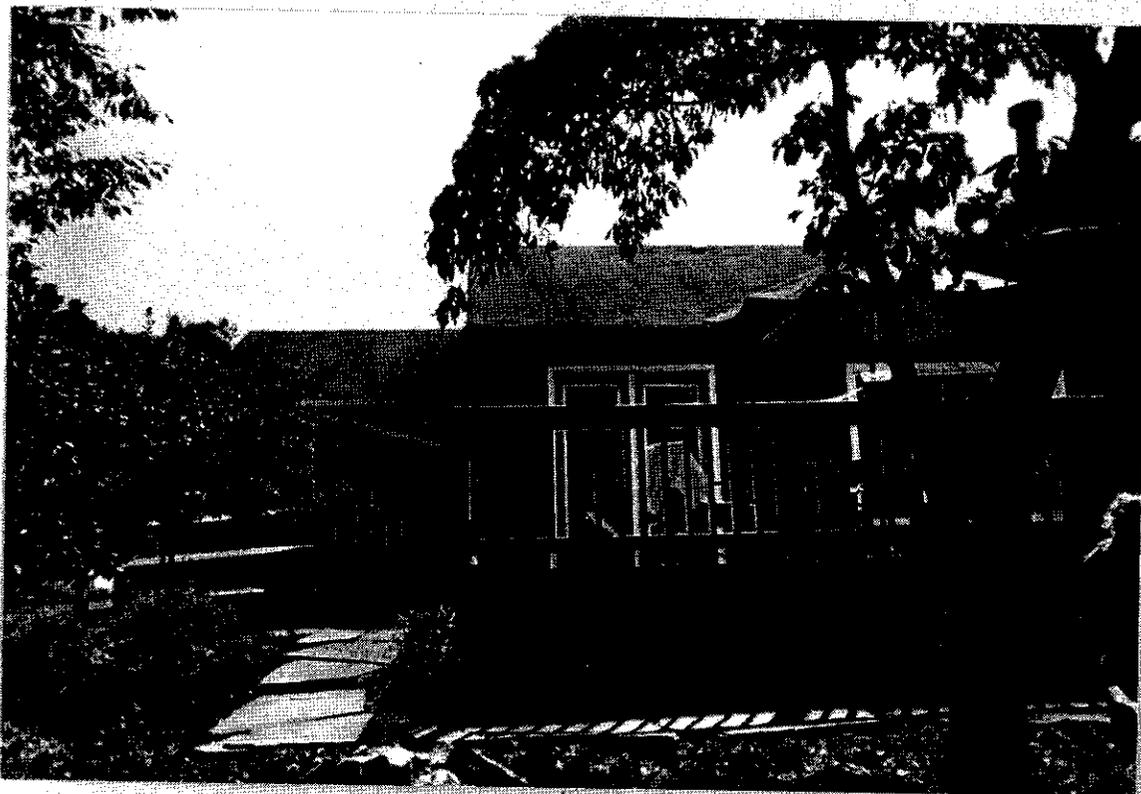


REAR ELEVATION AT
ADDITION



REAR/SIDE ELEVATION AT
ADDITION

5100 King David Blvd



REAR YARD & DECK



FAR SIDE OF REAR YARD

5100 King David Blvd.

DESCRIPTION OF THE APPLICATION

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a garage addition 6.6 feet from the northern side lot line such that side yards total 14.4 feet.

	Structure	Yard	Min. Yard Required*	Proposed Location	Proposed Reduction	Percent of Reduction Requested
Special Permit	Addition	Side	8 feet	6.6 feet	1.4 feet	17.5 %
Special Permit	Addition	Total Side Yards	20 feet	14.4 feet	5.6 feet	28 %

* Minimum yard requirement per Section 3-307

LOCATION AND CHARACTER

Existing Site Description

The site is currently zoned R-3 cluster and contains a split level with basement single-family detached dwelling which was originally constructed in 1977. The lot consists of 8,939 square feet and is surrounded by single family detached homes on all sides. There is little change in topography and there are mature trees in the rear yard which will not be affected by the proposed construction. There is a 24 foot wide ingress/egress easement which is directly adjacent to the subject property on the southern side and serves as a pipestem driveway for two lots. Aerial imagery obtained from the internet has been provided in Appendix 4 to observe the property and the surrounding neighborhood.

Character of the Area

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

BACKGROUND

The existing carport and attached storage structure was constructed in conjunction with building permit #7907B1272 which was issued in 1979.

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

- Variance VC 2003-BR-051, granted on June 6, 2003, on Tax Map Number 69-4 ((12)) 97, on 9021 Windflower Lane, zoned R-3 Cluster, northeast of the subject property to permit construction of addition to dwelling 6.7 feet from the side lot line.
- Variance VC 91-B-103, granted on December 4, 1991, on Tax Map Number 69-4 ((12)) 205, on 4923 King Solomon Drive, zoned R-3 Cluster, northwest of the subject property to permit enclosure and expansion of carport 8.5 feet from the side lot line.
- Variance VC 91-A-002, granted on April 3, 1991, on Tax Map Number 69-4 ((12)) 45, on 4923 Gloxinina Court, zoned R-3 Cluster, northwest of the subject property to permit construction of garage area addition to dwelling 6 feet from the side lot line.
- Variance VC 85-A-073, granted on July 10, 1984, on Tax Map Number 69-4 ((12)) 138, on 5011 Mignonette Court, zoned R-3 Cluster, northeast of the subject property to permit construction of garage/storage area addition to dwelling 7.4 feet from the side lot line and such that side yards total 15.9 feet.
- Variance VC 84-A-071, granted on November 12, 1985, on Tax Map Number 69-4 ((12)) 96, on 9019 Windflower Lane, zoned R-3 Cluster, northeast of the subject property to permit construction of storage room addition to dwelling 5.7 feet from the side lot line and such that side yards total 16.2 feet.

ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Plat Showing the Improvements on Lot 151, Section Three, Long Branch
- **Prepared By:** George M. O'Quinn, Dominion Surveyors, Inc. dated and signed October 21, 2009.

Proposal

The applicant proposes to enclose an existing carport to a one car garage. The applicant also proposes to extend the garage further towards the rear yard include the area where an existing vinyl shed is located so that the proposed construction will be in line with the rear plane of the dwelling. The approximate size of the one car garage is

13 ft. x 33.9 ft. (443 square feet) and it will be 13.2 feet in height which is in line with the existing dwelling.

ZONING ORDINANCE REQUIREMENTS (See Appendix 5)

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

Sect. 8-006 General Special Permit Standards

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

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes that the special permit application satisfies this condition based the fact that there is a minimal extension further into the side yard than what currently exists. The applicants propose to enclose an existing carport to a garage; many homes in the neighborhood have garages as can be seen in the aerial imagery provided in appendix 4. Therefore, staff believes the application meets this provision.*

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

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

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing structure is 2,403 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,604.5 square feet; which makes a combined total of 6,007.5 square feet. The proposed addition will be 443 square feet in size for a total of 2,846 square feet for the existing house and addition. Therefore the application meets this provision.

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The proposed one car garage will enclose an existing carport and extend further back replacing an existing shed. The structure will be the same height as the existing dwelling which is 13.2 feet and is proposed only be 443 square feet in size. The existing single family detached dwelling

is 2,403 square feet in size; therefore the proposed garage addition will be in character with existing on-site development in terms of height and bulk respectively. The proposed garage will be constructed with materials similar to the existing dwelling. Staff believes the proposed addition will not be out of character with existing on-site development and meets this provision.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. The proposed addition will not adversely affect the neighboring properties due to the small size and scope. Minimal land disturbance will take place because of its location on an existing concrete pad provided by the carport. There is no significant change in topography on the lot and no significant trees are proposed to be removed by the construction. Given that the applicant's propose to enclose an existing carport which will be the same height as the dwelling and the fact that there are many garages throughout the neighborhood, staff believes the proposed construction will be harmonious with surrounding off-site uses and structures.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. No downstream complaints have been indicated by DPWES and there is minimal increase of impervious area due to the proposed addition replacing an existing carport. Currently there is dense tree cover on the adjacent property to the north which will not be affected by the proposed construction. There are some trees and vegetation located on the subject property but they are located in the rear yard and will not be affected by the proposed construction. Therefore, staff believes that the proposed addition will not have any adverse impact on neighboring properties.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Since the proposed addition is extending only slightly further into the minimum required side yard than what currently exists, staff believes this proposed garage is a minimal addition. There are no potential alternate locations for a garage given the orientation of the existing dwelling on the property and the distance from the dwelling and the southern side lot line. The location of the existing carport and driveway makes the proposed garage location the most logical place. Therefore, staff believes the application satisfies this provision.

CONCLUSION

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

RECOMMENDATION

Staff recommends approval of special permit application SP 2010-BR-005 for the addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

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

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

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Aerial Imagery of Property
5. Zoning Ordinance Provisions

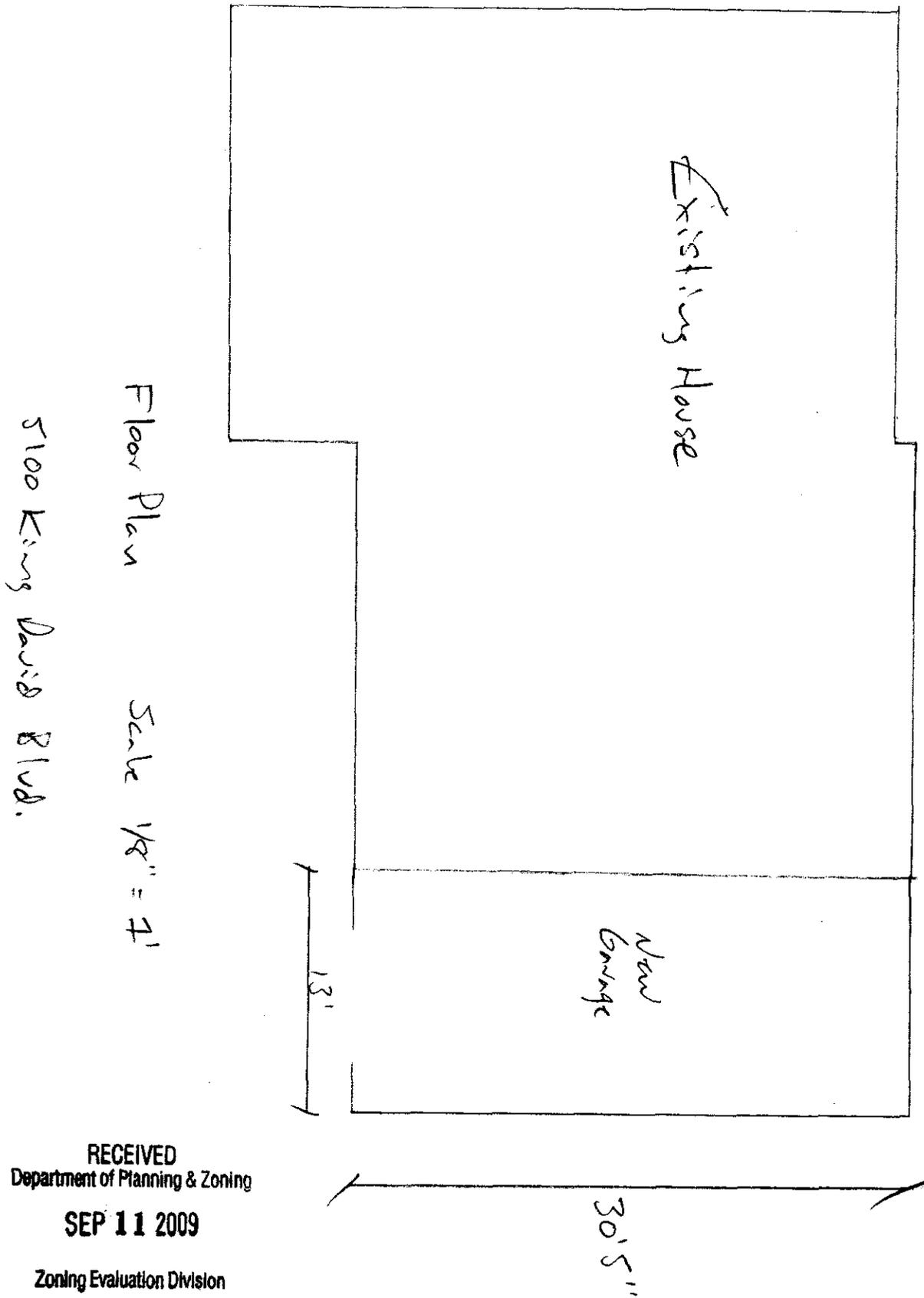
PROPOSED DEVELOPMENT CONDITIONS**SP 2010-BR-005****March 17, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2010-BR-005 located at Tax Map Number 69-4 ((12)) 151 (5801 Lane Drive), 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 garage addition as shown on the plat prepared by George M. O'Quinn, Dominion Surveyors, Inc. dated and signed October 21, 2009, submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,403 square feet existing + 3,604.5 (150%) = 6,007.5 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.

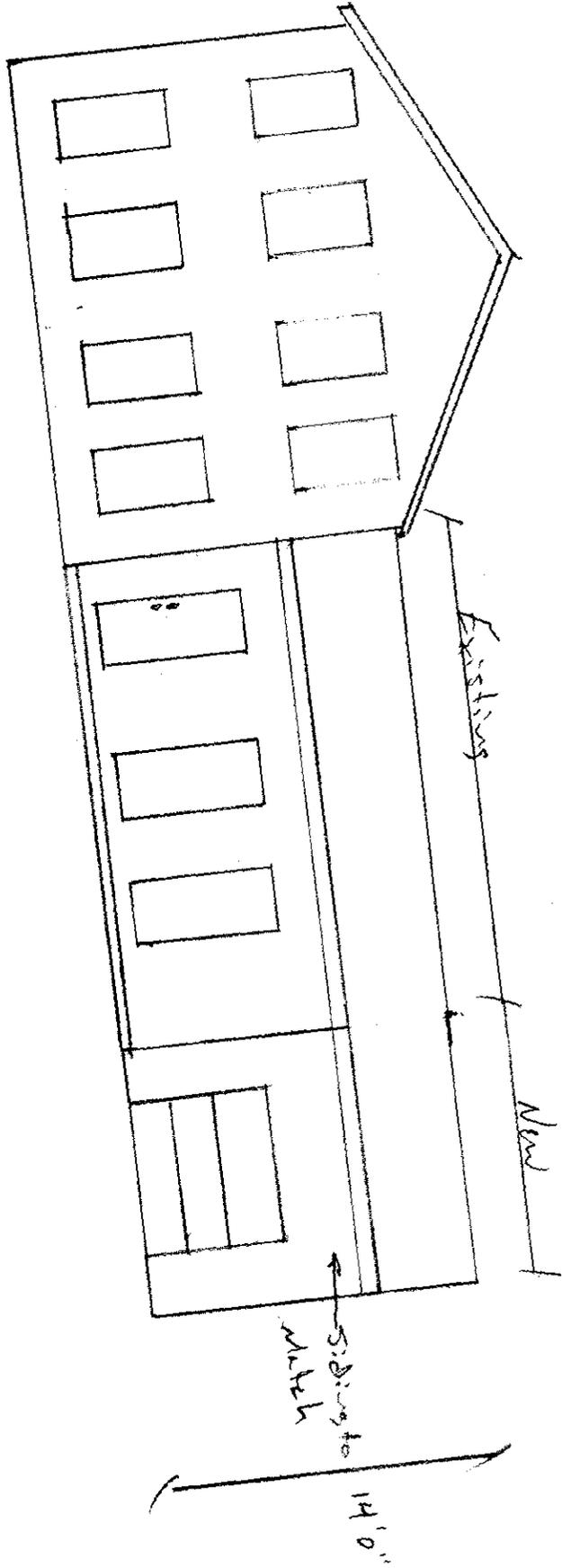
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

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.

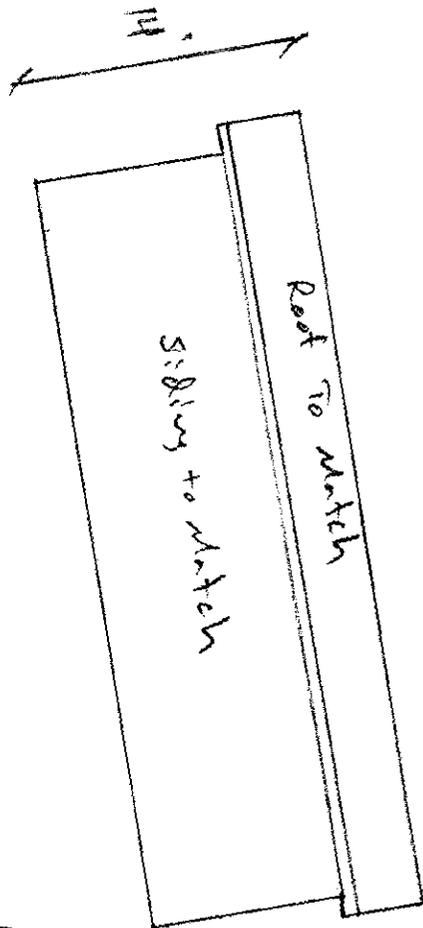


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Department of Planning & Zoning
SEP 11 2009
Zoning Evaluation Division

Front Elevation
5100 King David Blvd.
Scale 1/8" = 1'



RECEIVED
Department of Planning & Zoning
SEP 11 2009
Zoning Evaluation Division



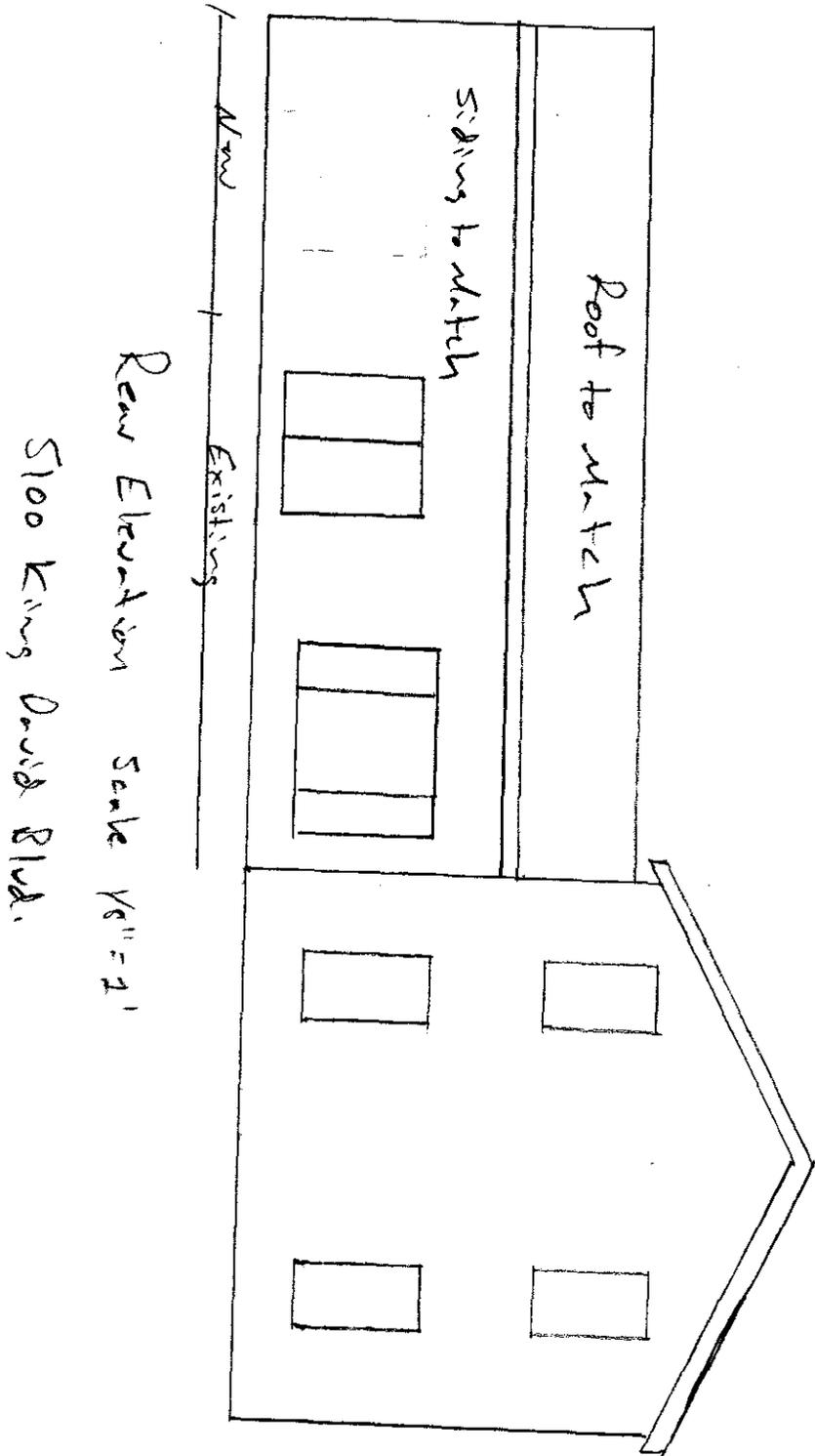
Right Side Elevation of Garage
5100 Kings David Blvd.

Scale 1/8" = 2'

RECEIVED
Department of Planning & Zoning

SEP 11 2009

Zoning Evaluation Division



RECEIVED
 Department of Planning & Zoning

SEP 11 2009

Zoning Evaluation Division

Application No.(s): SP 2010-BR-005
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/22/09
 (enter date affidavit is notarized)

I, Stephen K. Nicholson, 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

105940w

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Anthony Cicco, Jr.	5100 King David Blvd Annandate, VA. 22003	Owner/Applicant
Linda J. Cicco	5100 King David Blvd. Annandate, VA. 22003	Owner/Applicant
Stephen K. Nicholson	12841 Braemar Village Plz. Bristow, VA. 20136 #143	Authorized Agent
S.K.N. Contracting, Inc.	12841 Braemar Village Plz. Bristow, VA 20136 #143	Authorized Agent

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No(s): SP 2610 - PR - 005
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/22/09
(enter date affidavit is notarized)

105940a

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)
S.K.N. Contracting, Inc.
12841 Braemar Village Plz. #143
Annandale, VA. 22003

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)
Stephen K. Nicholson

(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 2010-BR-005
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/22/09
(enter date affidavit is notarized)

105940a

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)

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 2010-BR-005
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/22/09
(enter date affidavit is notarized)

105940a

1(d). One of the following boxes must be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SP 2010-02-005
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10/22/09
(enter date affidavit is notarized)

105940a

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

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

NONE

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

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

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

WITNESS the following signature:

(check one)

[] Applicant

[X] Applicant's Authorized Agent

Stephen K. Nicholson
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22 day of October 2009, in the State/Comm. of Virginia, County/City of Prince William

[Signature]
Notary Public

My commission expires: April 30, 2010



STATEMENT OF JUSTIFICATION

**ANTHONY & LINDA CICCO
5100 KING DAVID BLVD.
ANNANDALE, VA 22003**

RECEIVED
Department of Planning & Zoning

JAN 04 2010

Zoning Evaluation Division

PROPOSED USE: ONE (1) CAR GARAGE

This Special Permit Application is to convert an existing 1 (one) car carport to a 1 (one) car garage. The garage will have no windows, a front garage door and the existing side carport door into the house will remain in place. This application is requesting a reduction in the total side setback from 20' to 14.8' total.

Subject property is a single family residential property with an existing 1 car carport. The property is located in the subdivision know as Long Branch and further known as Lot 151, Section 3. The subdivision currently has houses with garages and/or carports. The proposed garage will have no traffic impact or trip generation with regard to the property or neighborhood. The garage will affect only the right and rear side yard of the property.

The existing house is brick and siding. The new garage will be built, where the existing carport is located, and it will be sided with similar siding to the house and an asphalt shingled roof similar to the existing house roof. The existing shed, at the back of the carport, will be removed from the property.

There is no accessory structure in the front yard therefore this does not apply to this special permit application.

The subject property was built in 1977 and the existing setbacks from the front is 20', side 8'/20', and rear yard 25'.

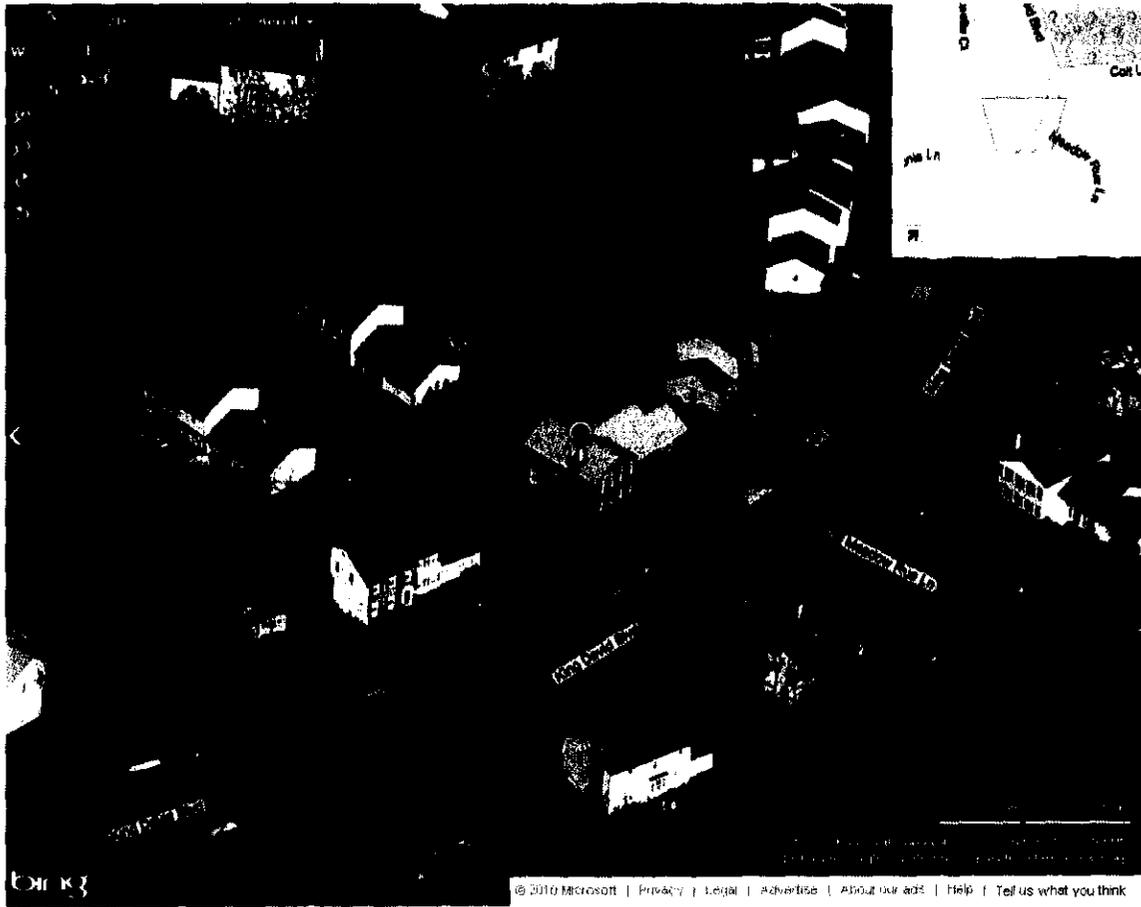
The existing total square footage of the house is 1524 square feet. The proposed total square footage of the garage will be 440.70 square feet with a 28.91 % total difference between the house and garage. The existing square footage of the carport is 240 square feet (12' x 20'), and the proposed square footage of the garage will be 440.70 square feet (13' x 33.9').

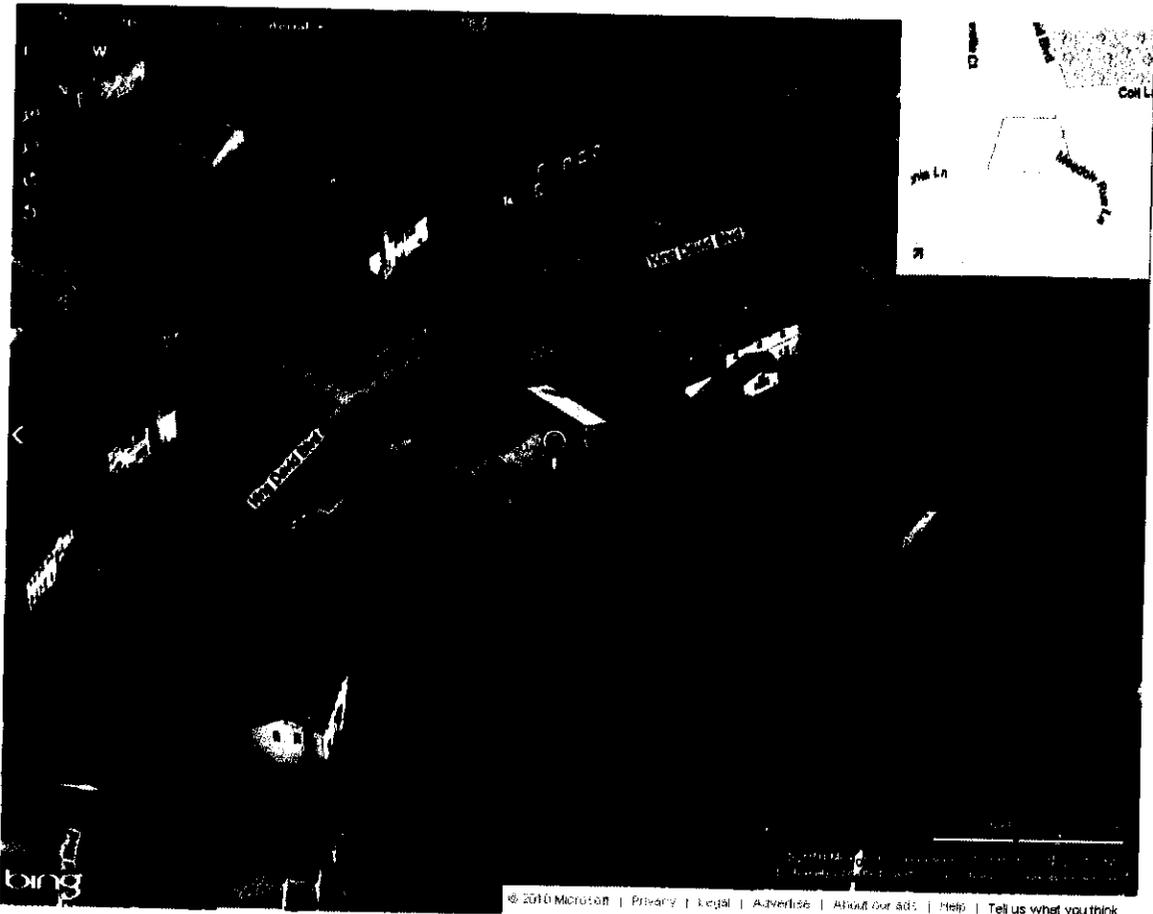
The garage will increase the carport by 1' in width and 11.1' in depth (front to back of structure). The new garage will be very compatible with the surrounding houses and neighborhood and will not create any adverse impacts on the adjacent properties.

By only increasing the carport by 1' in width and 11.1' in depth, this will create a very minimum reduction to the property side setback lines. By reducing the side setback allotment it will allow the owners to turn the carport into a garage.

There will be no hazardous or toxic substances used at the garage or stored in the garage.

The new garage will conform to all local building codes as well as it will match the existing house. There are no variances being sought for anything other than the 50% reduction in the existing setbacks.





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.