APPLICATION ACCEPTED: January 5, 2010
BOARD OF ZONING APPEALS: March 24, 2010
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 17, 2010

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2010-DR-003

DRANESVILLE DISTRICT

APPLICANT:	Joanne K. Moak
OWNERS:	Joanne K. Moak Philippe B. Rolly
STREET ADDRESS:	1900 Woodgate Lane
SUBDIVISION:	Great Falls Manor
TAX MAP REFERENCE:	40-2 ((20)) 24
LOT SIZE:	8,400 square feet
ZONING DISTRICT:	R-3 (Cluster)
ZONING ORDINANCE PROVISION:	8-922
SPECIAL PERMIT PROPOSAL:	To permit reduction of certain yard requirements to permit construction of an addition 5.4 feet from a side lot line such that side yards total 15.1 feet.

STAFF RECOMMENDATION: Staff recommends approval of SP 2010-DR-003 for a garage 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\(3-24) SP 2010-DR-003 Moak\SP 2010-DR-003 Moak staff report.doc
Deborah Hedrick

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

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DEPARTMENT OF PLANNING & ZONING

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

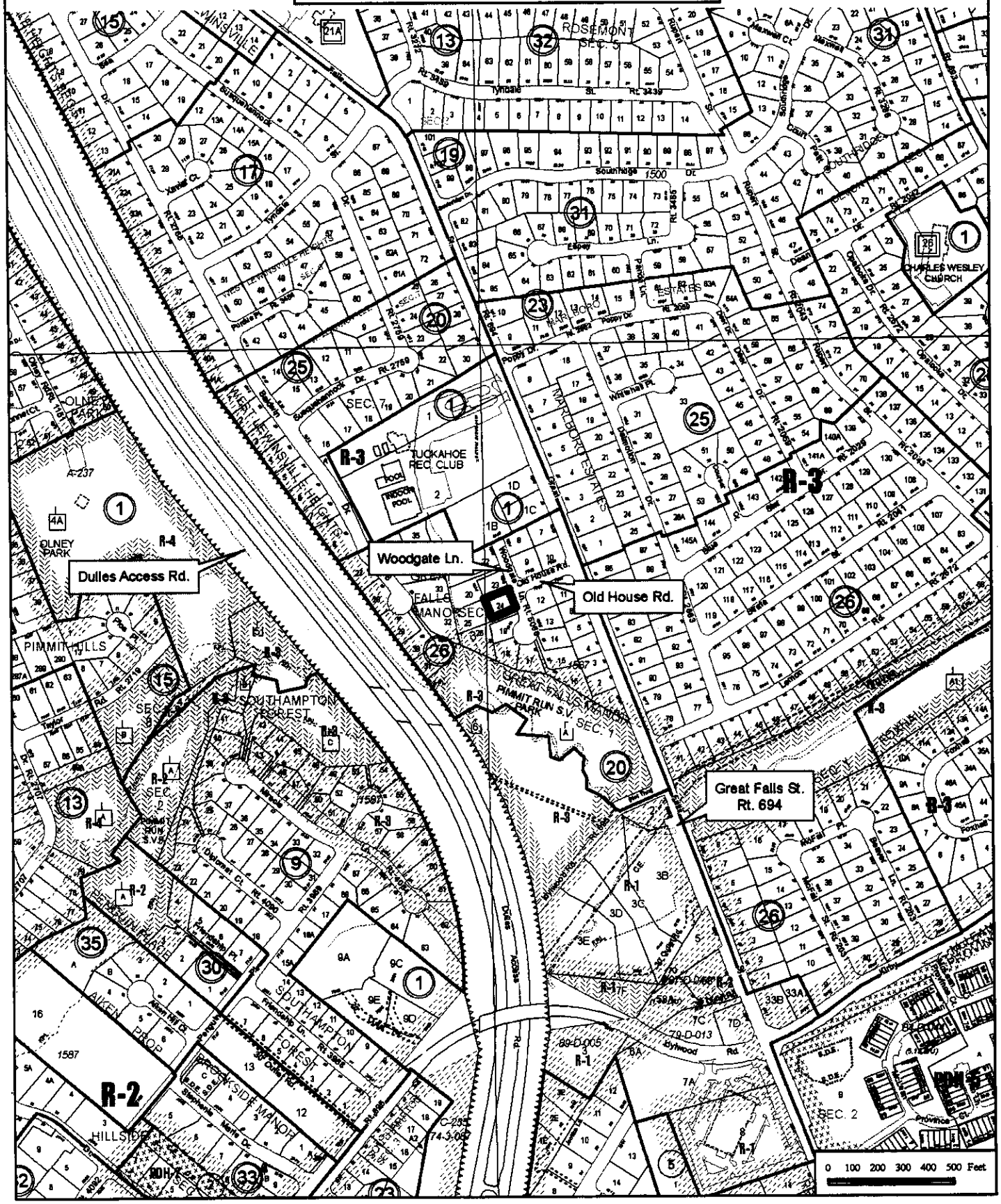
SP 2010-DR-003

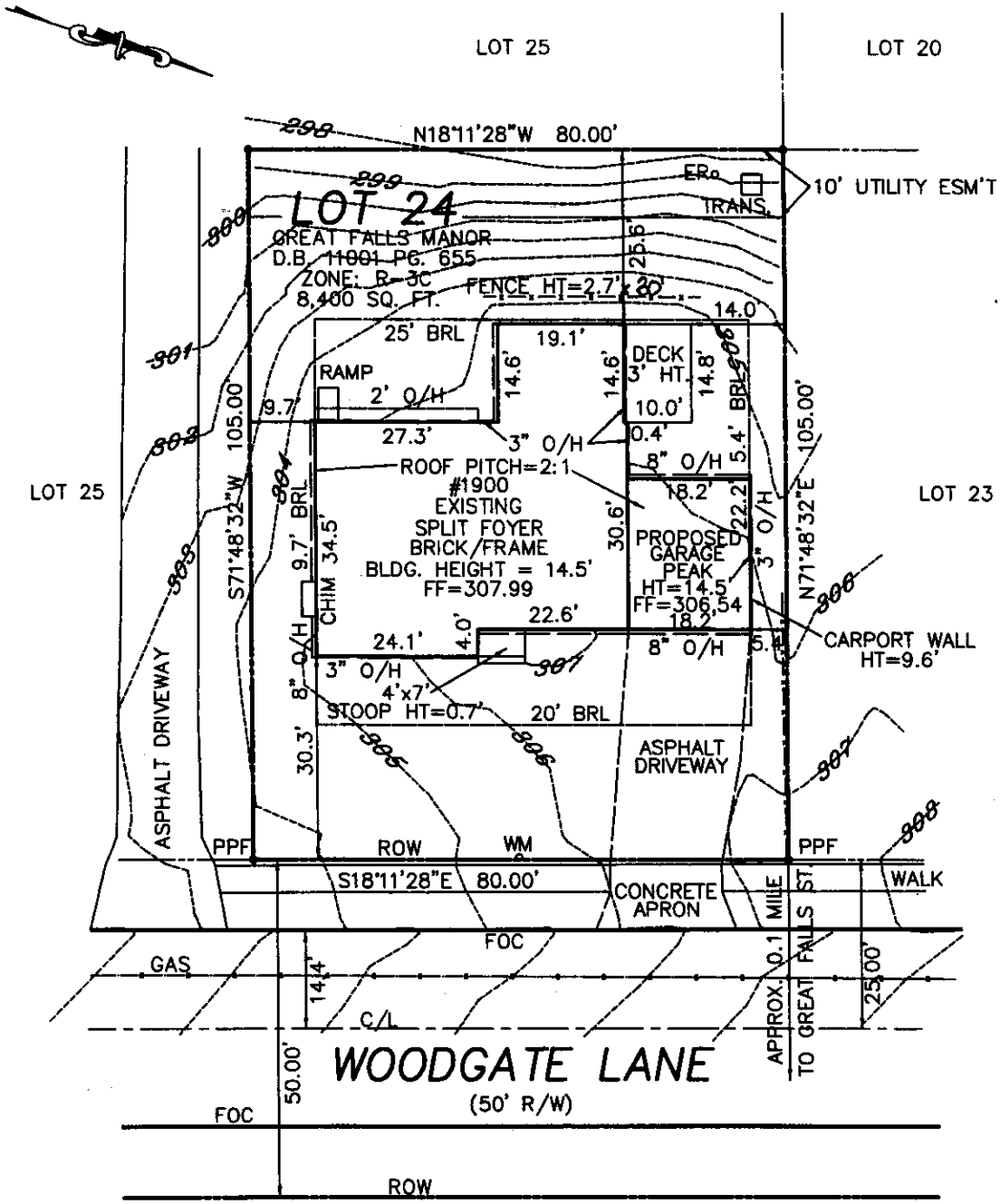
JOANNE MOAK

Special Permit

SP 2010-DR-003

JOANNE MOAK





LOCATION SURVEY
LOT 24 SECTION 3
GREAT FALLS MANOR
D.B. 11001 PG. 655
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE 1"=20' DATE 12-09-09

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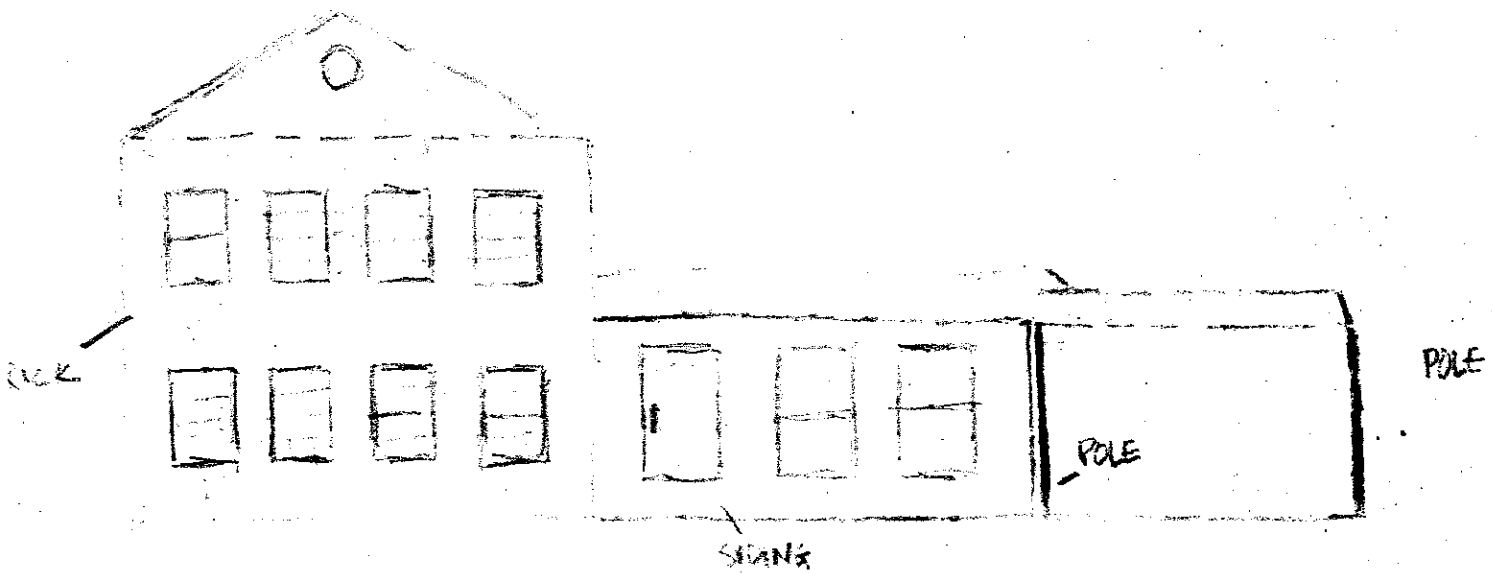
COMMONWEALTH OF VIRGINIA
MICHAEL L. FLYNN
Lic. No. 2489
12-09-09
LAND SURVEYOR

1.) NO TITLE REPORT FURNISHED.
2.) THE PROPERTY SHOWN HEREON IS SERVICED BY PUBLIC WATER AND SEWER.
3.) CONTOUR ELEVATIONS SHOWN HEREON ARE FROM GPS MEASURMENTS AND FIELD RUN TOPOGRAPHY. CONTOUR INTERVALS ARE 1 FOOT.
4.) AVERAGE BUILDING HEIGHT = 14.5' FEET PER FAIRFAX COUNTY STANDARDS.
5.) THERE ARE NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE.
6.) THE PROPERTY SHOWN HEREON IS NOT IN A FLOODPLAIN.

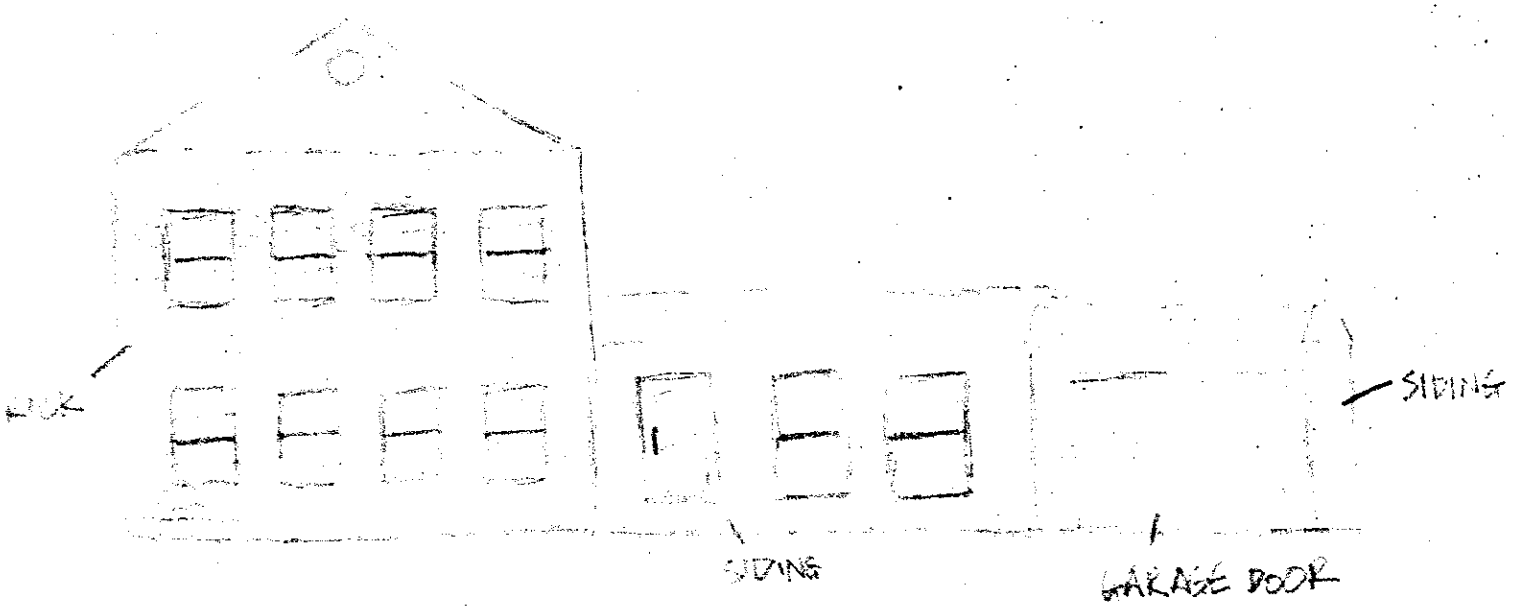
MERESTONE LAND SURVEYING PLLC
LAND SURVEYING & G.P.S. SERVICES
MERESTONE LAND SURVEYING PLLC
196 SEQUESTER DRIVE STAFFORD, VA 22556
(540)752-9197 FAX (540)752-9198

Joanne Moak & Philippe Rolly
1900 Woodgate Lane
McLean, VA 22101

Drawing of Current Principal Structure and <u>Current Car Port</u>



Drawing of Principal Structure and <u>Proposed Construction of a Garage</u>



Joanne Moak
1900 Woodgate Lane
McLean, VA 22101

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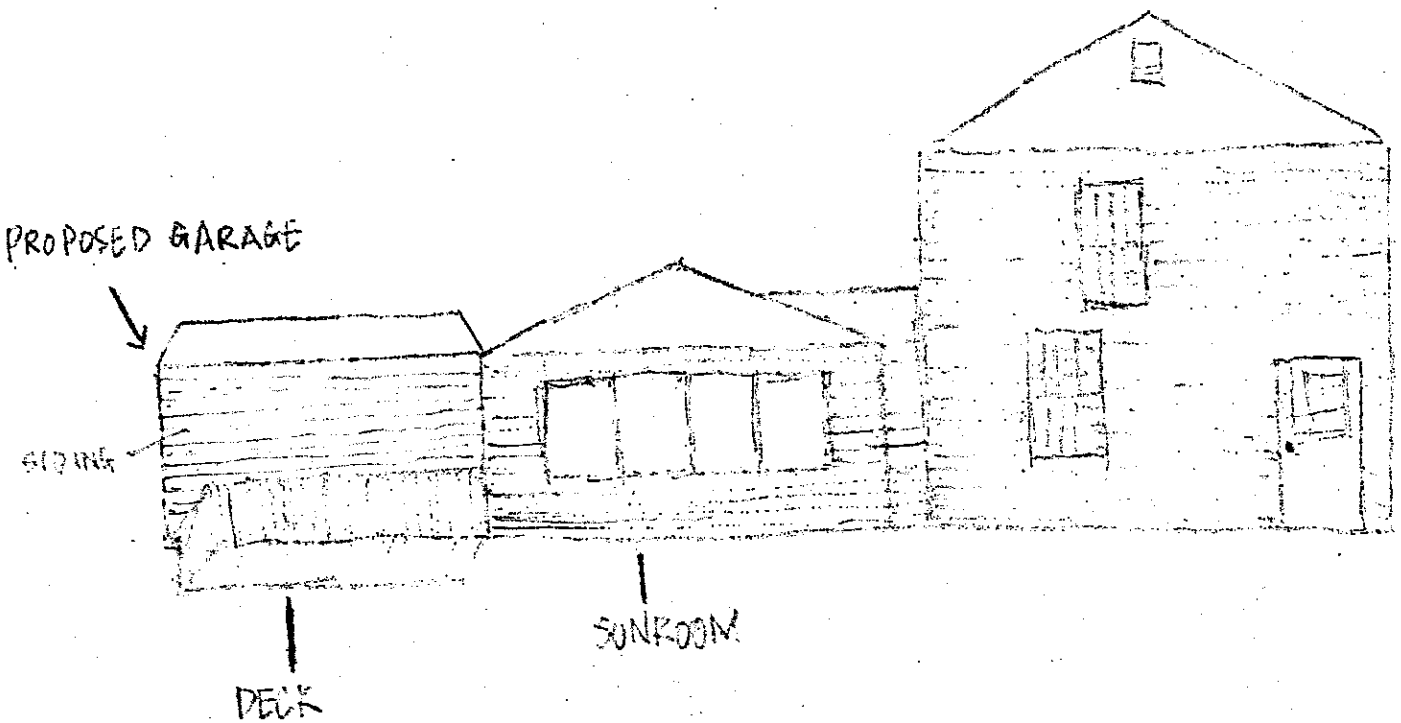
FILE: SP 2009-0183

Drawing of Principal Structure and Proposed Construction of a Garage – BACK VIEW.



Joanne Moak
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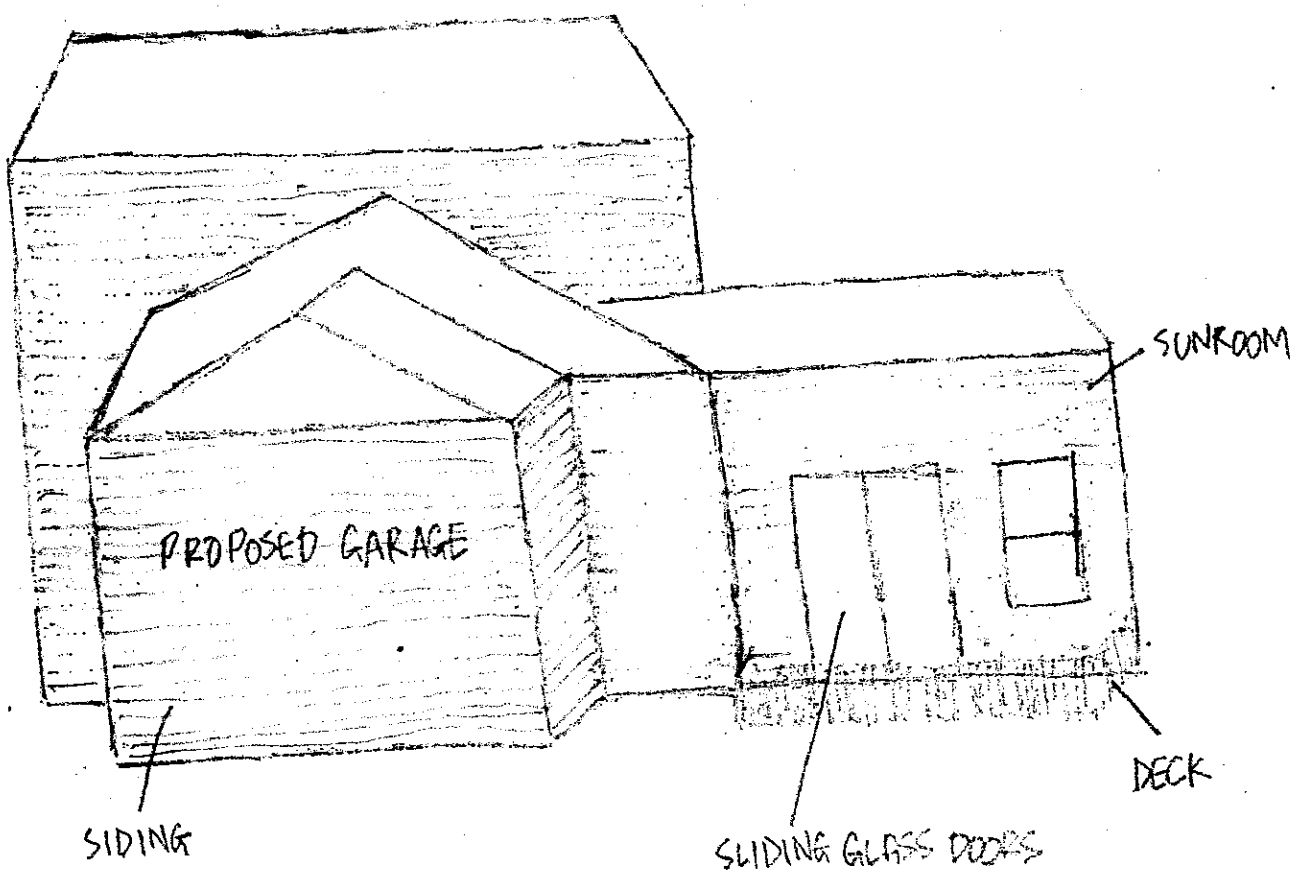
Drawing of Principal Structure and Proposed Construction of a Garage – SIDE VIEW.



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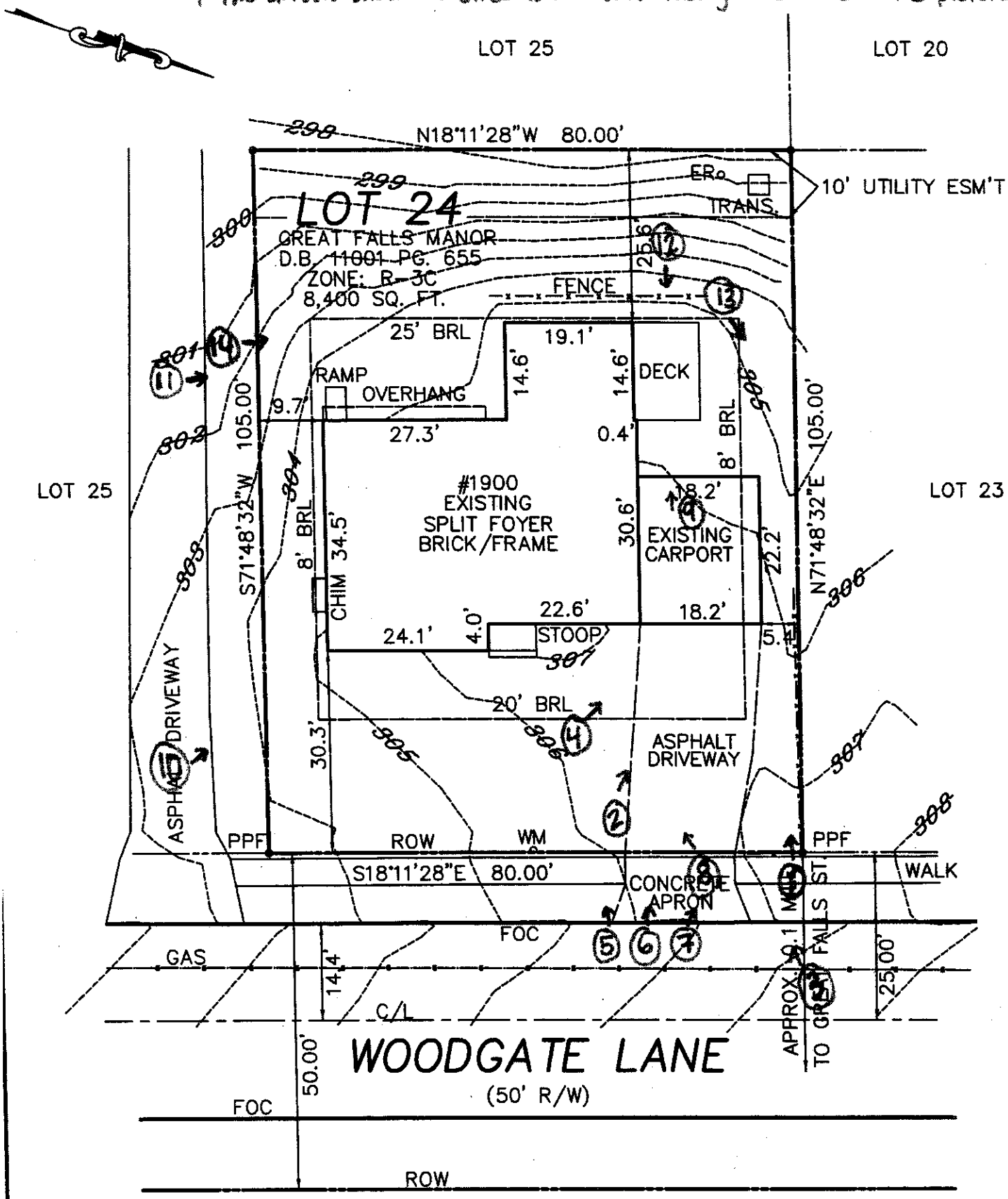

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JUN 29 2009

Zoning Evaluation Division

LOCATION SURVEY
LOT 24 SECTION 3
GREAT FALLS MANOR
D.B. 11001 PG. 655
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

1400 Woodgate Lane, McLean, VA 22101

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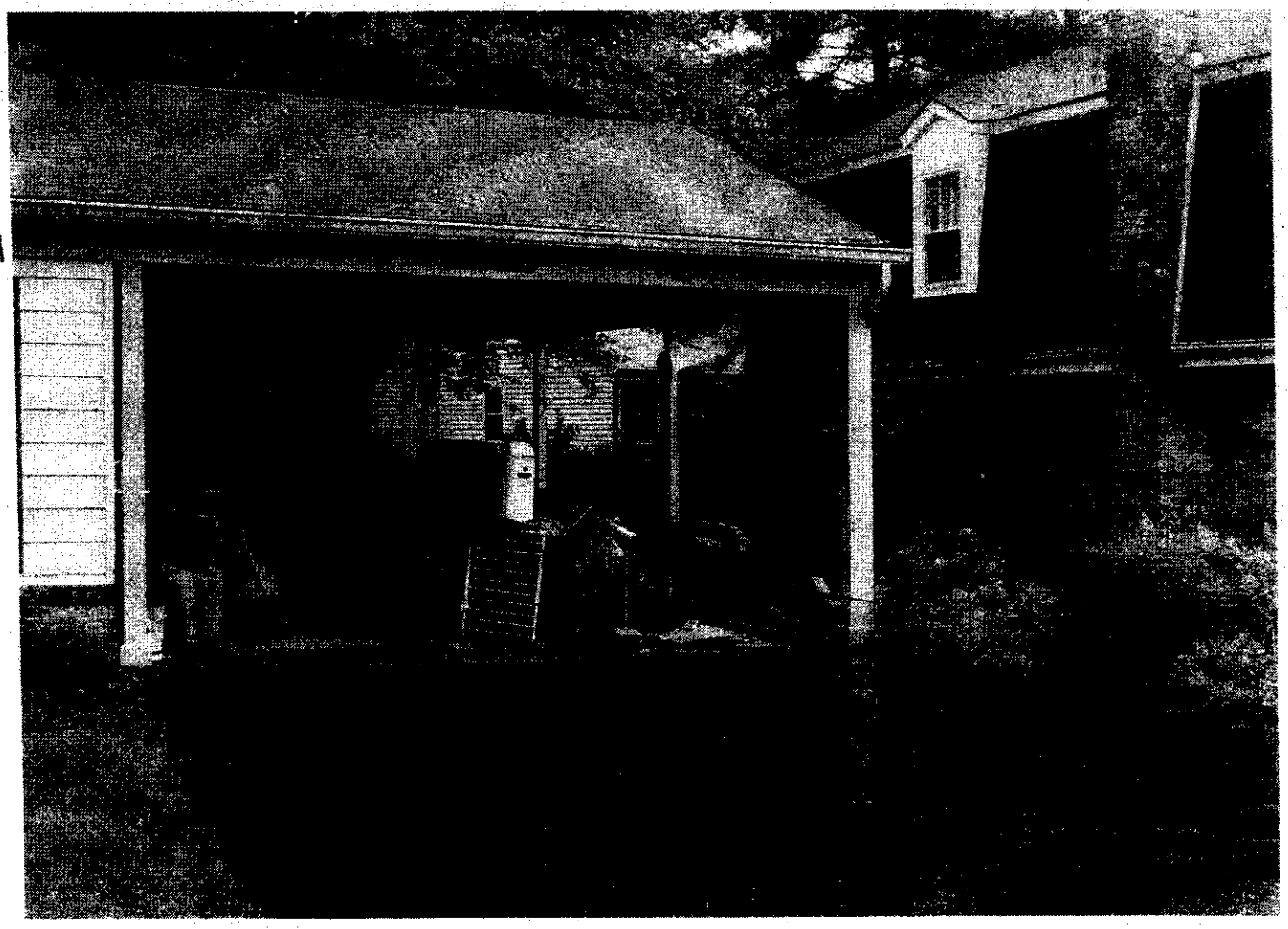

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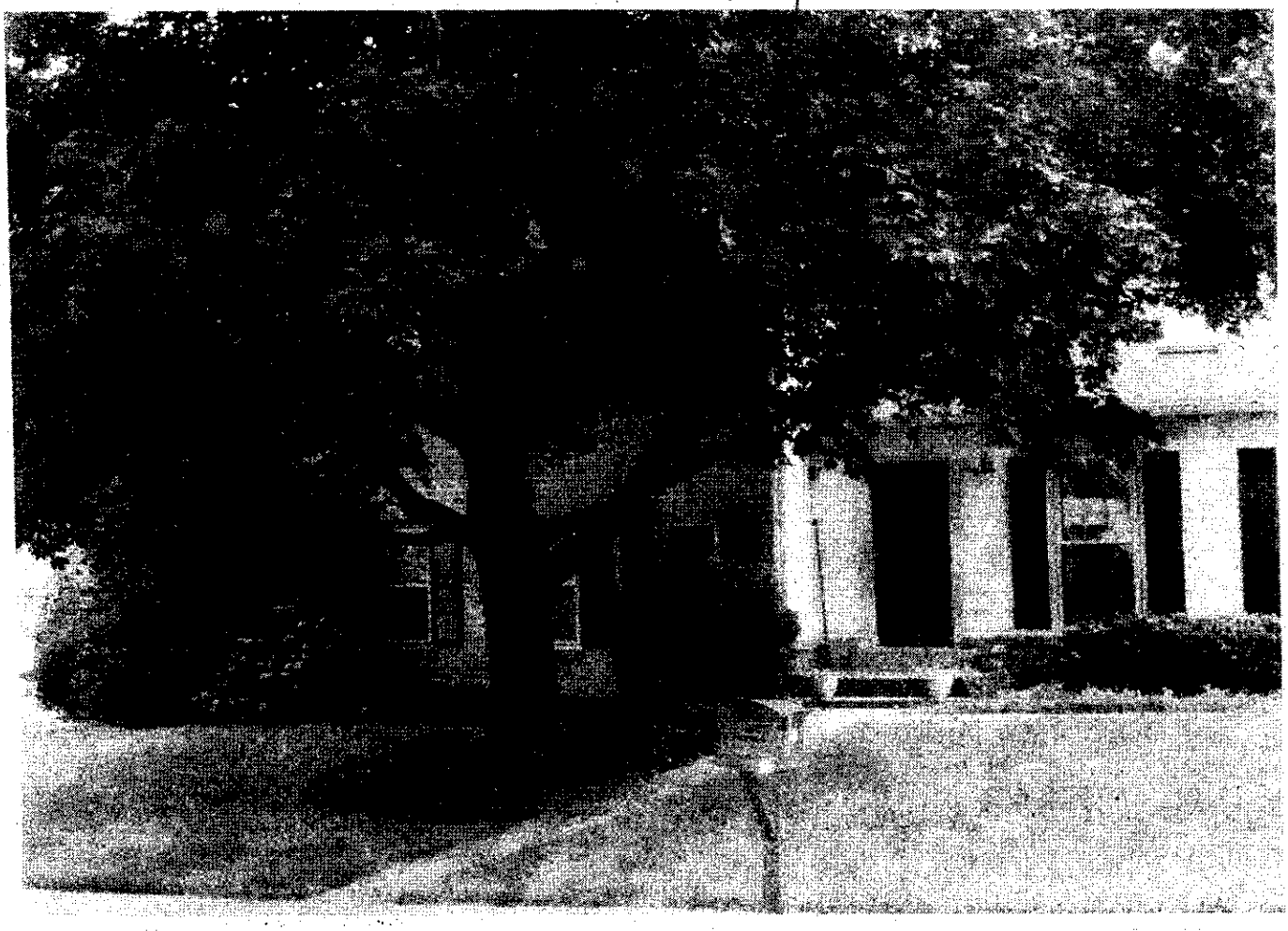

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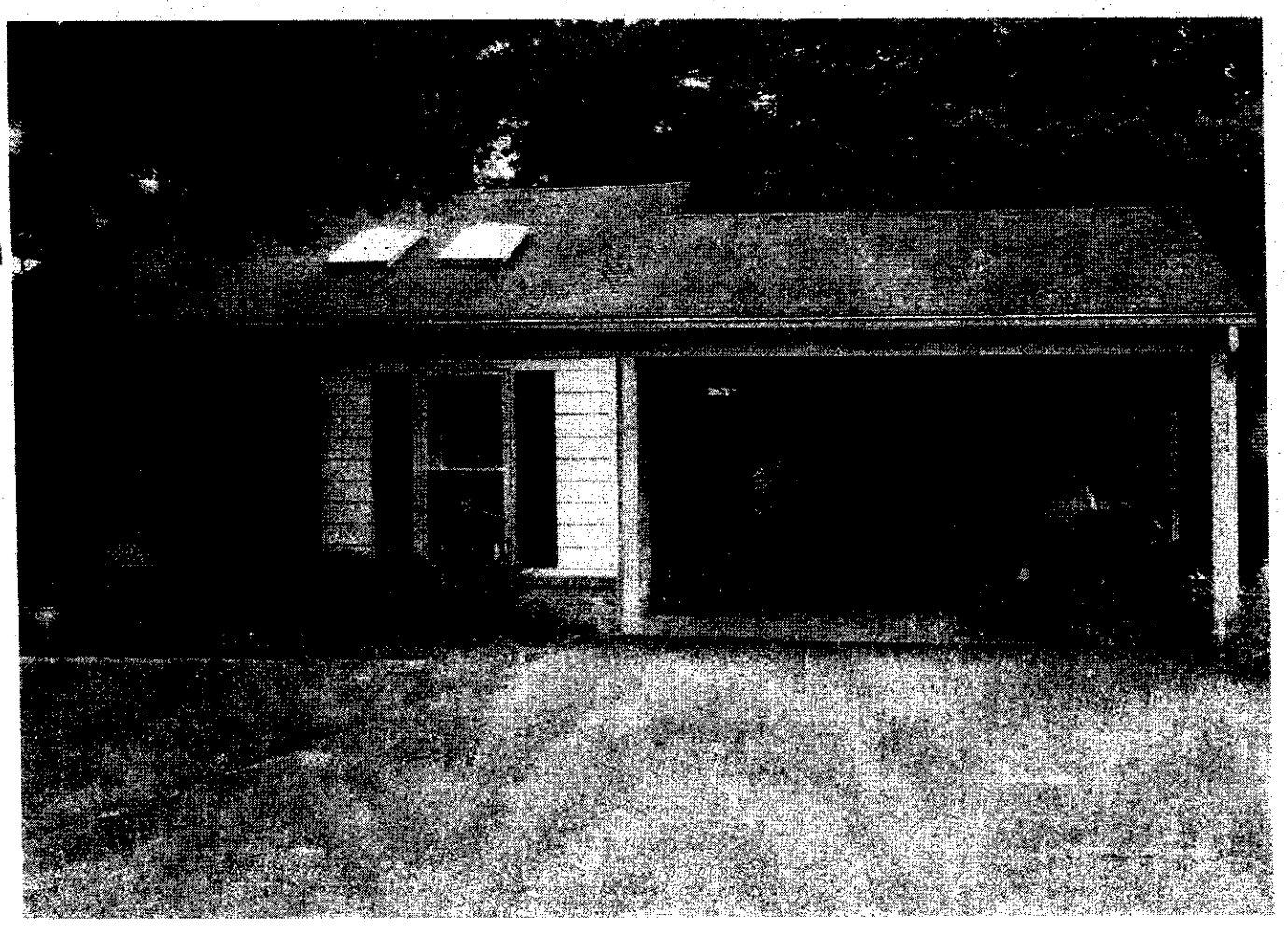

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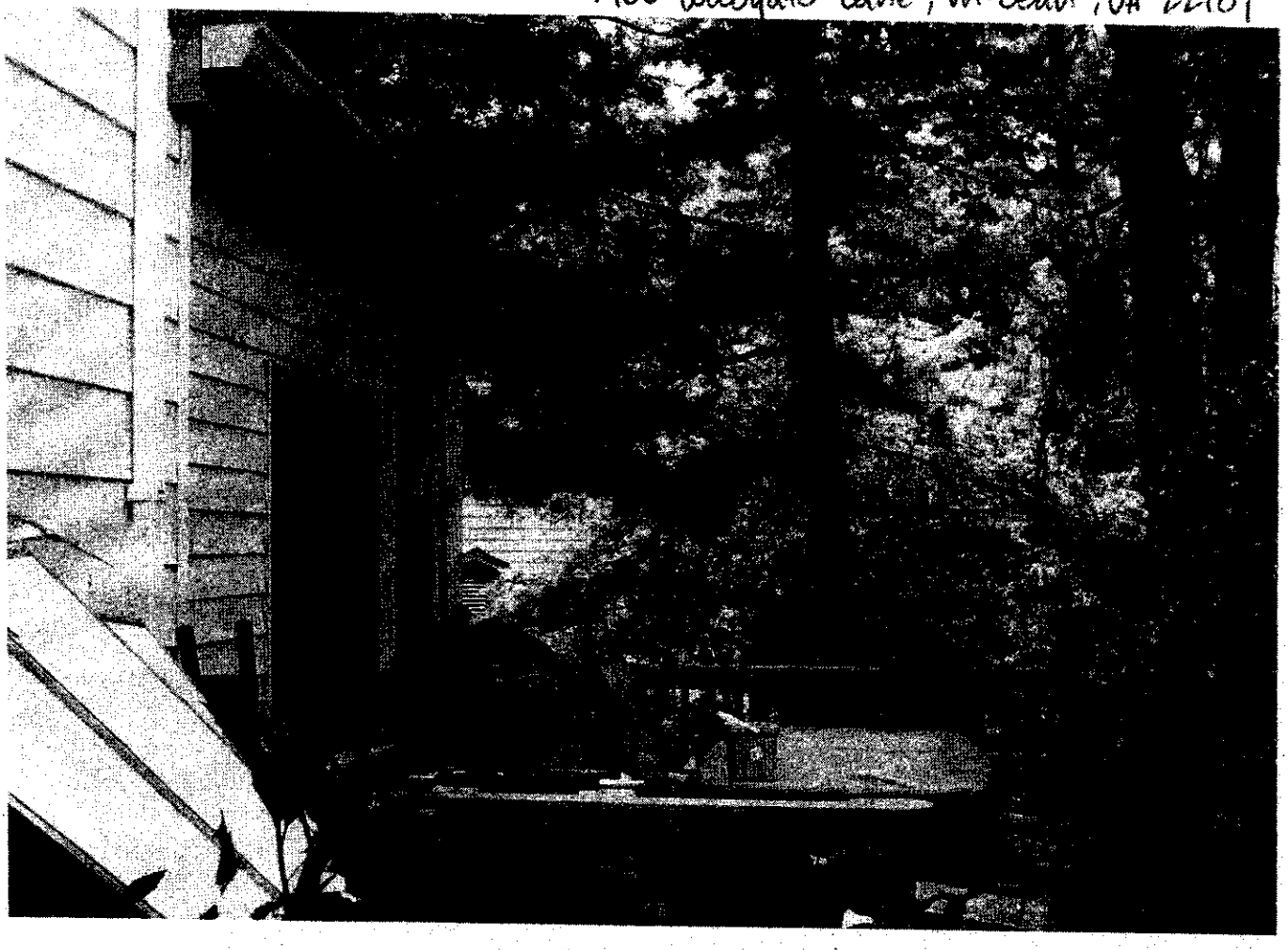

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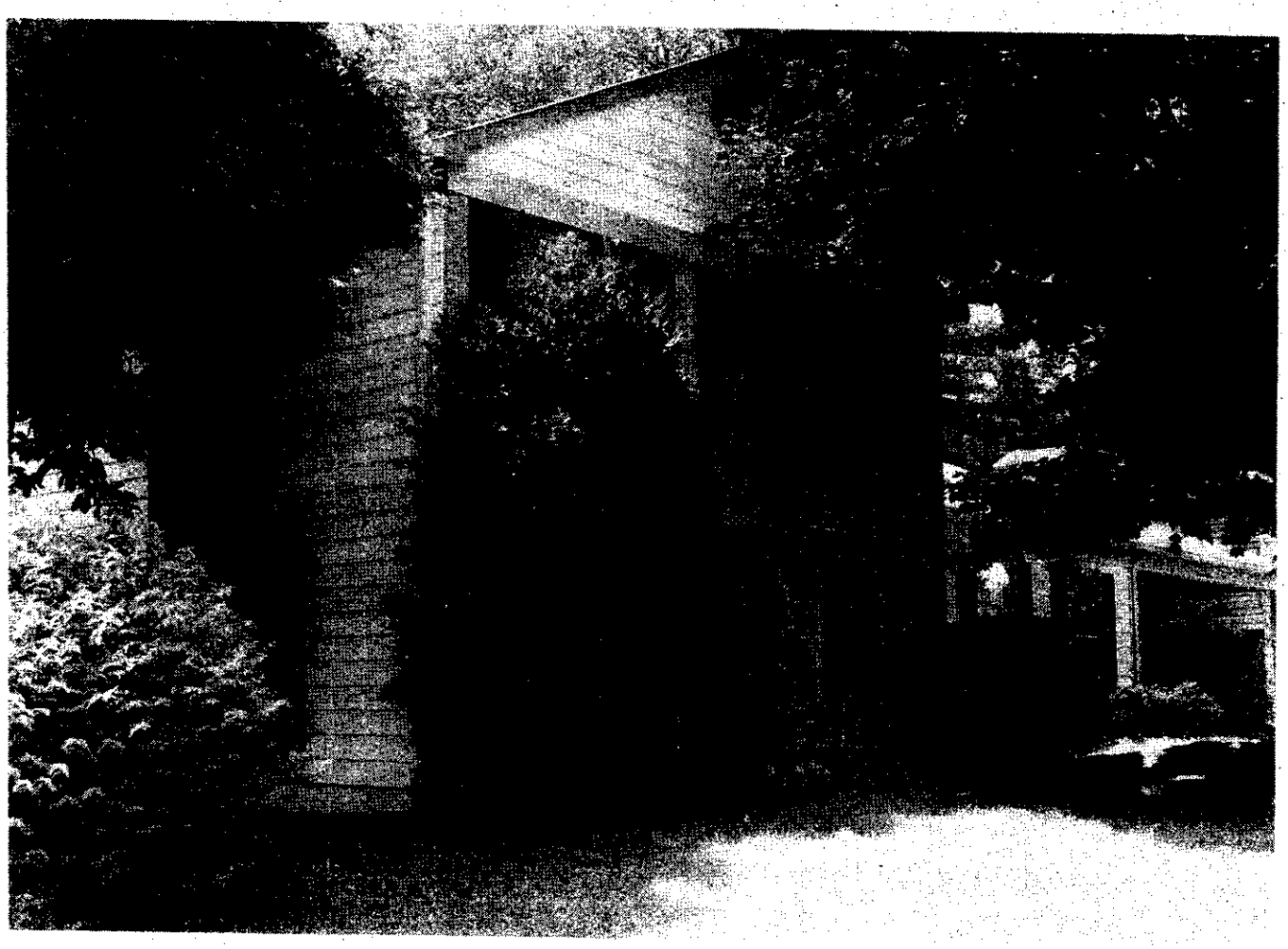

1900 Woodgate Lane, McLean, VA 22101

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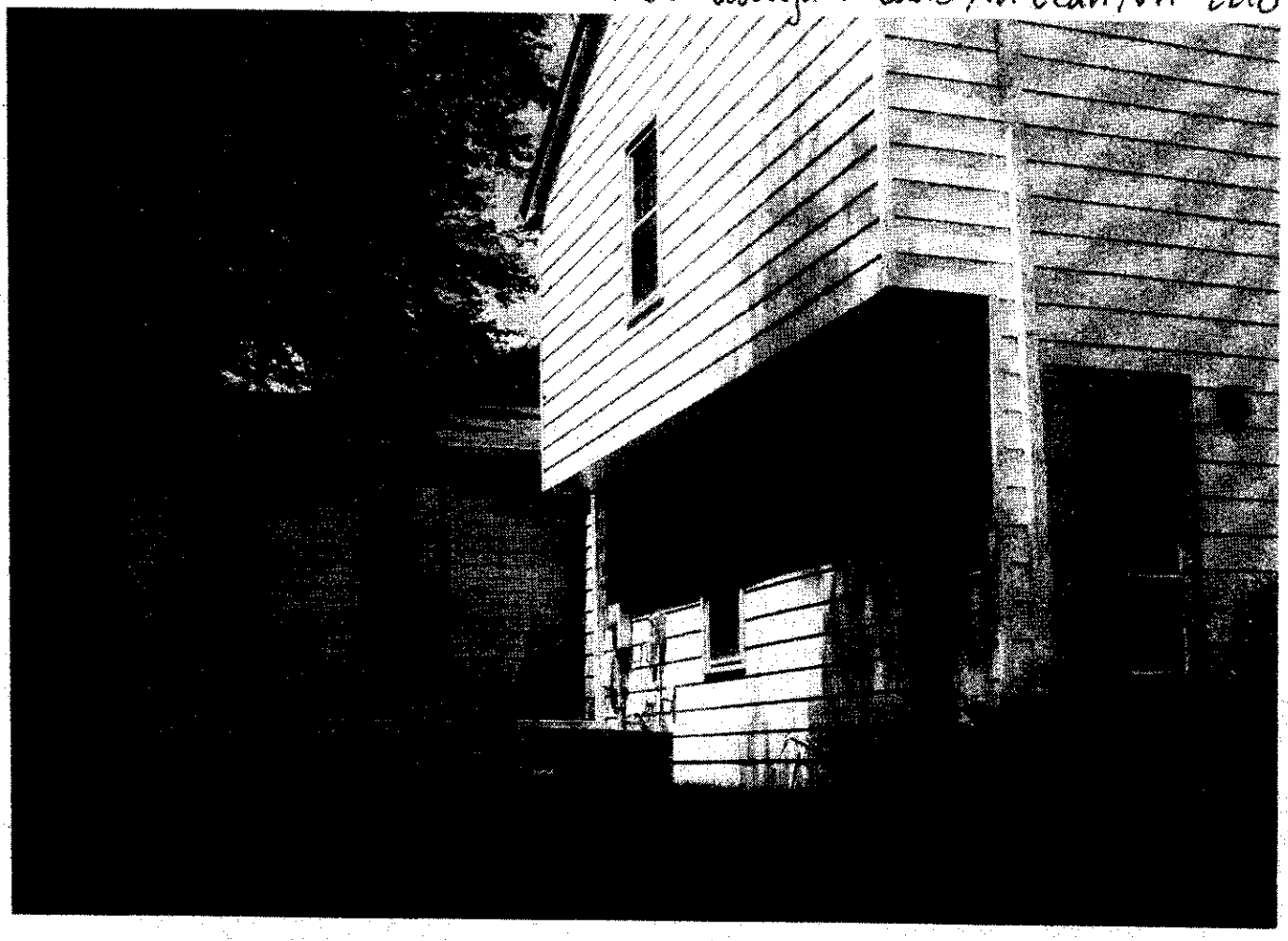

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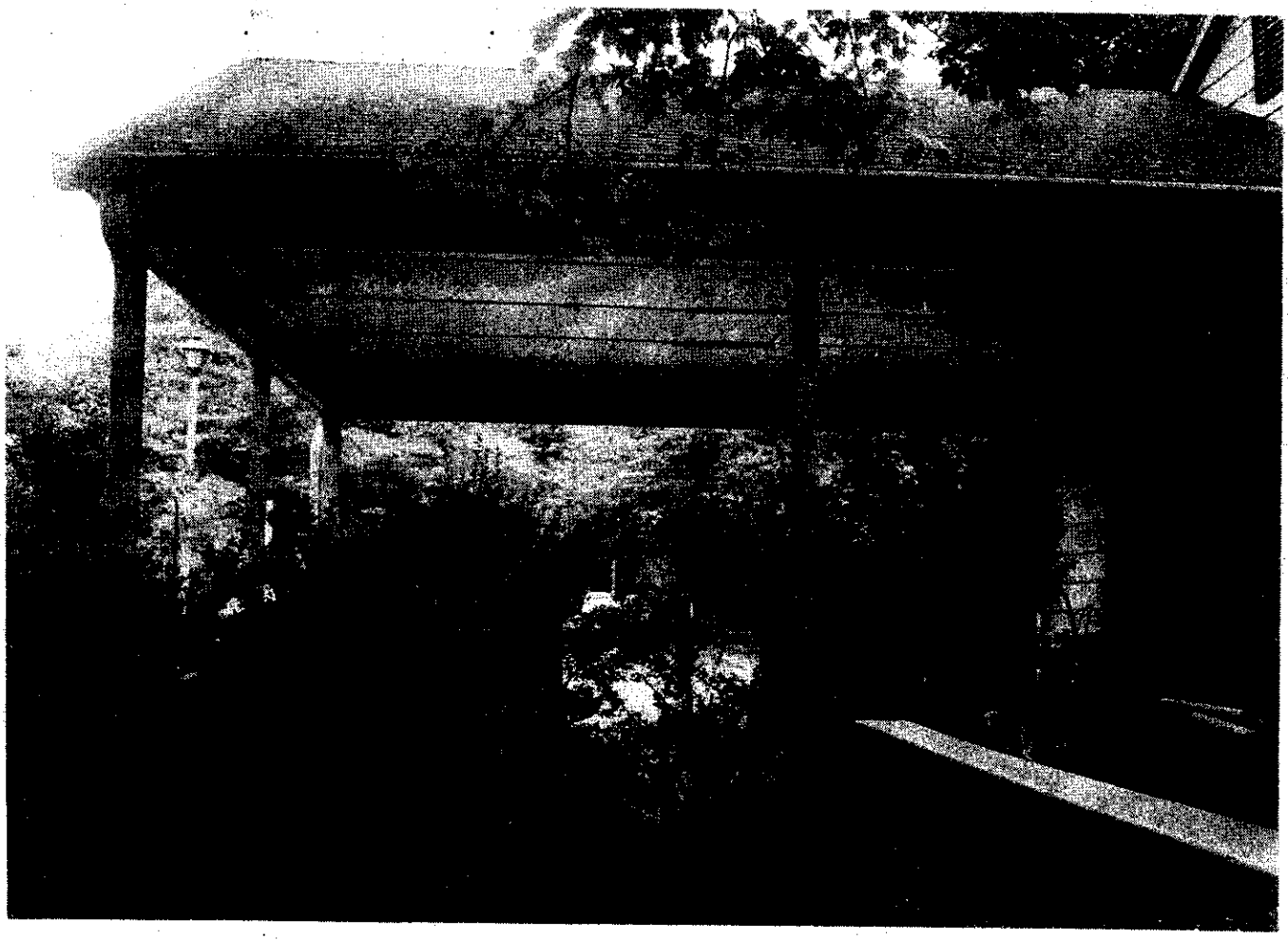

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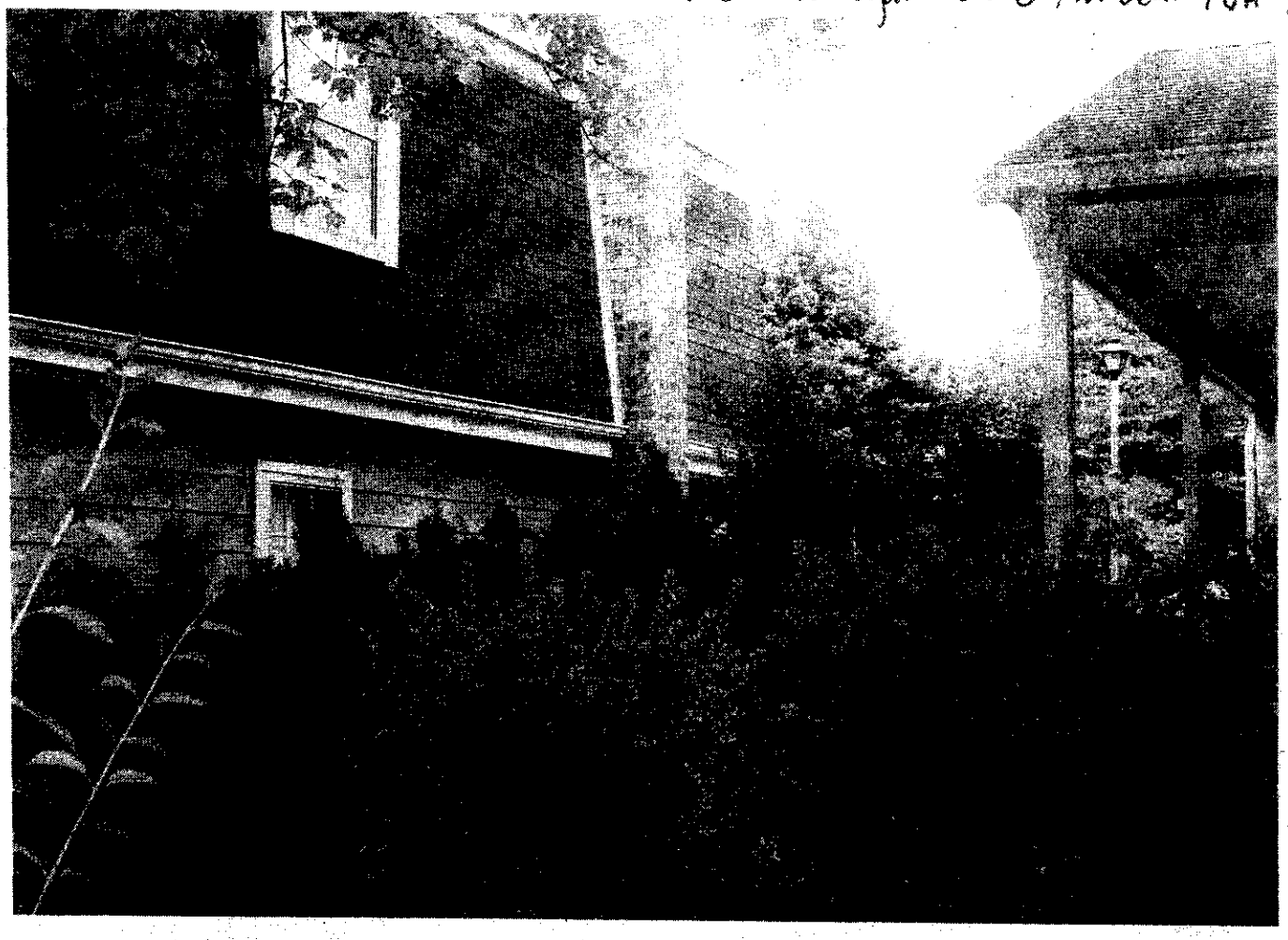

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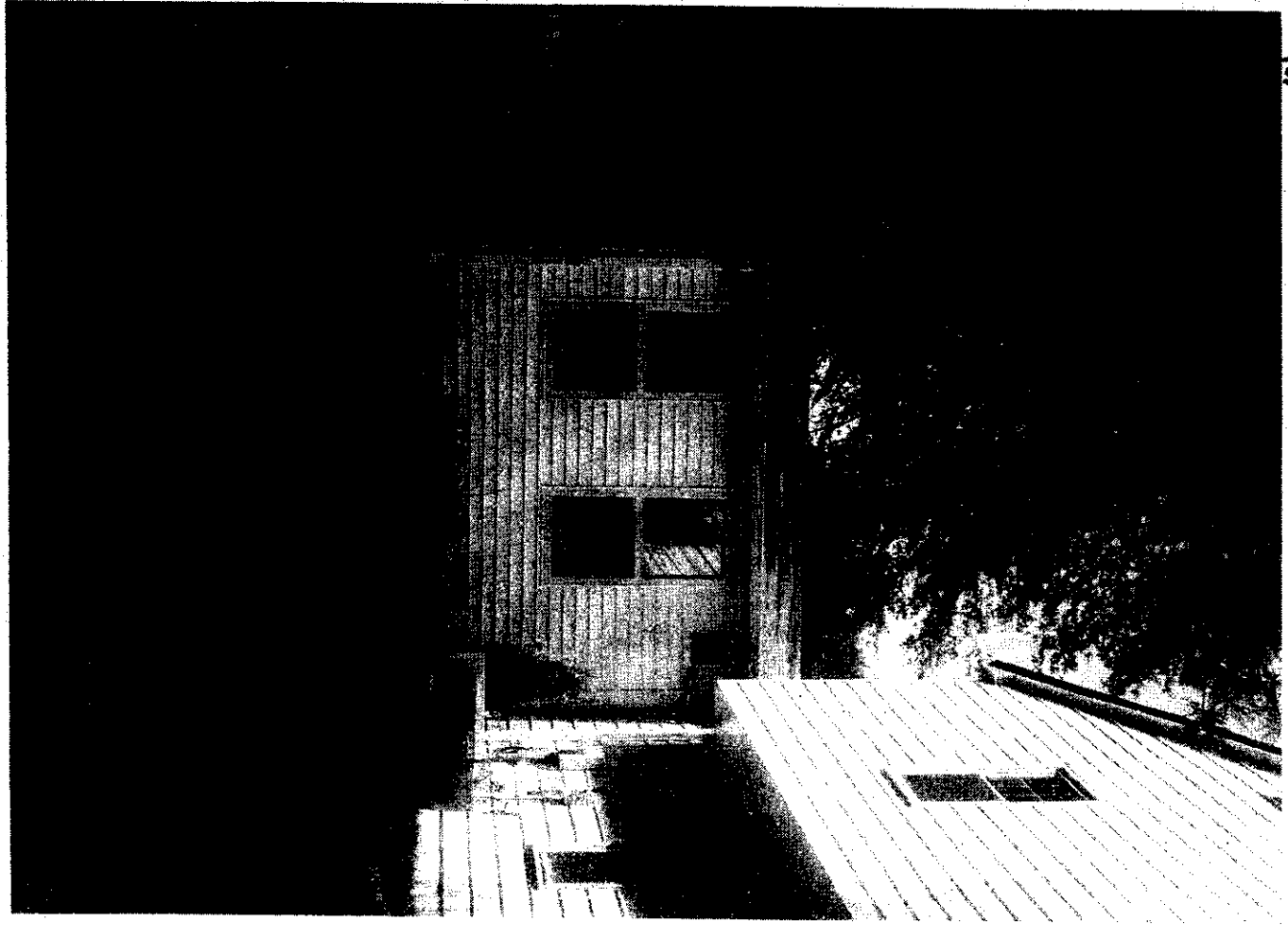

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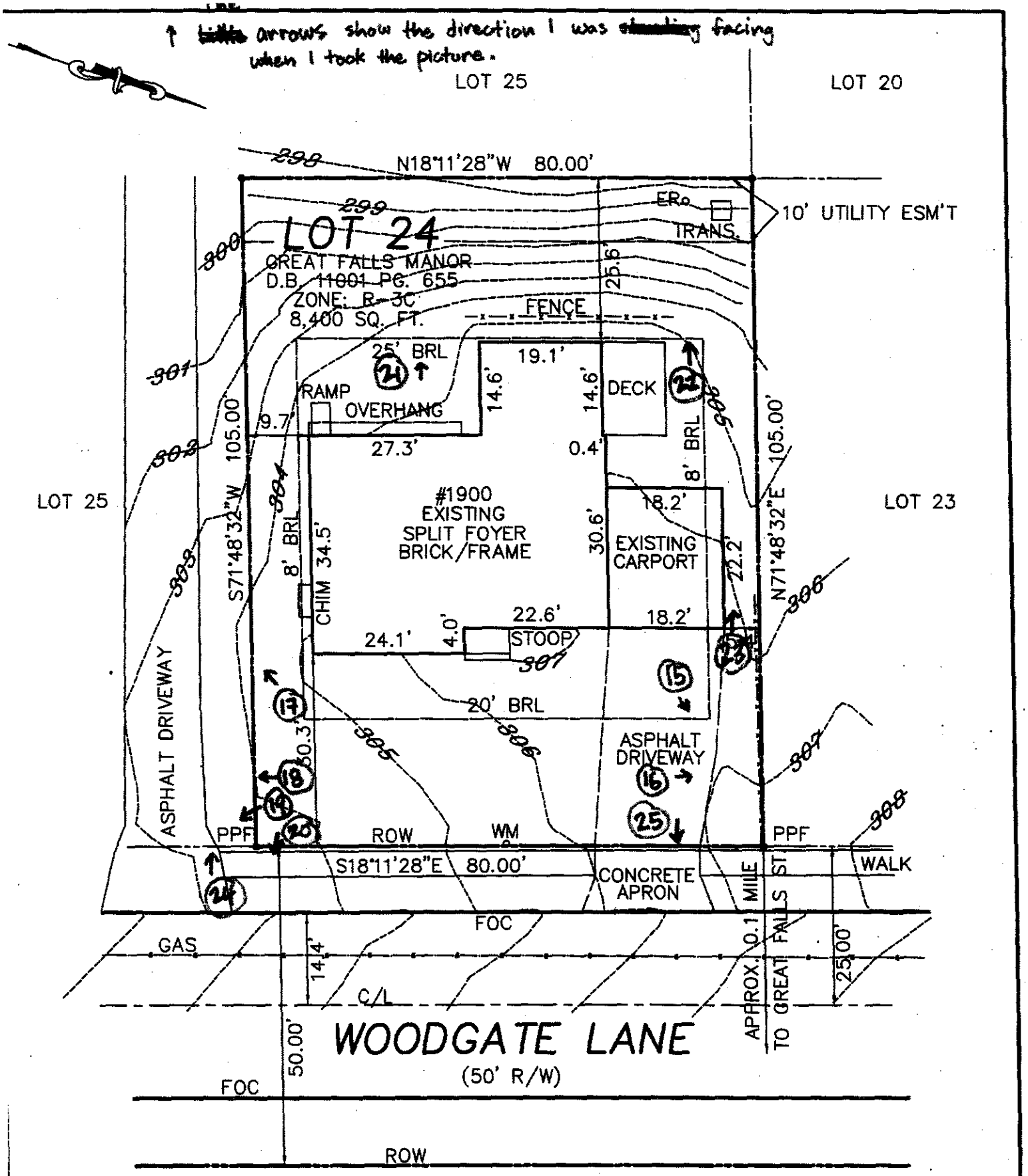

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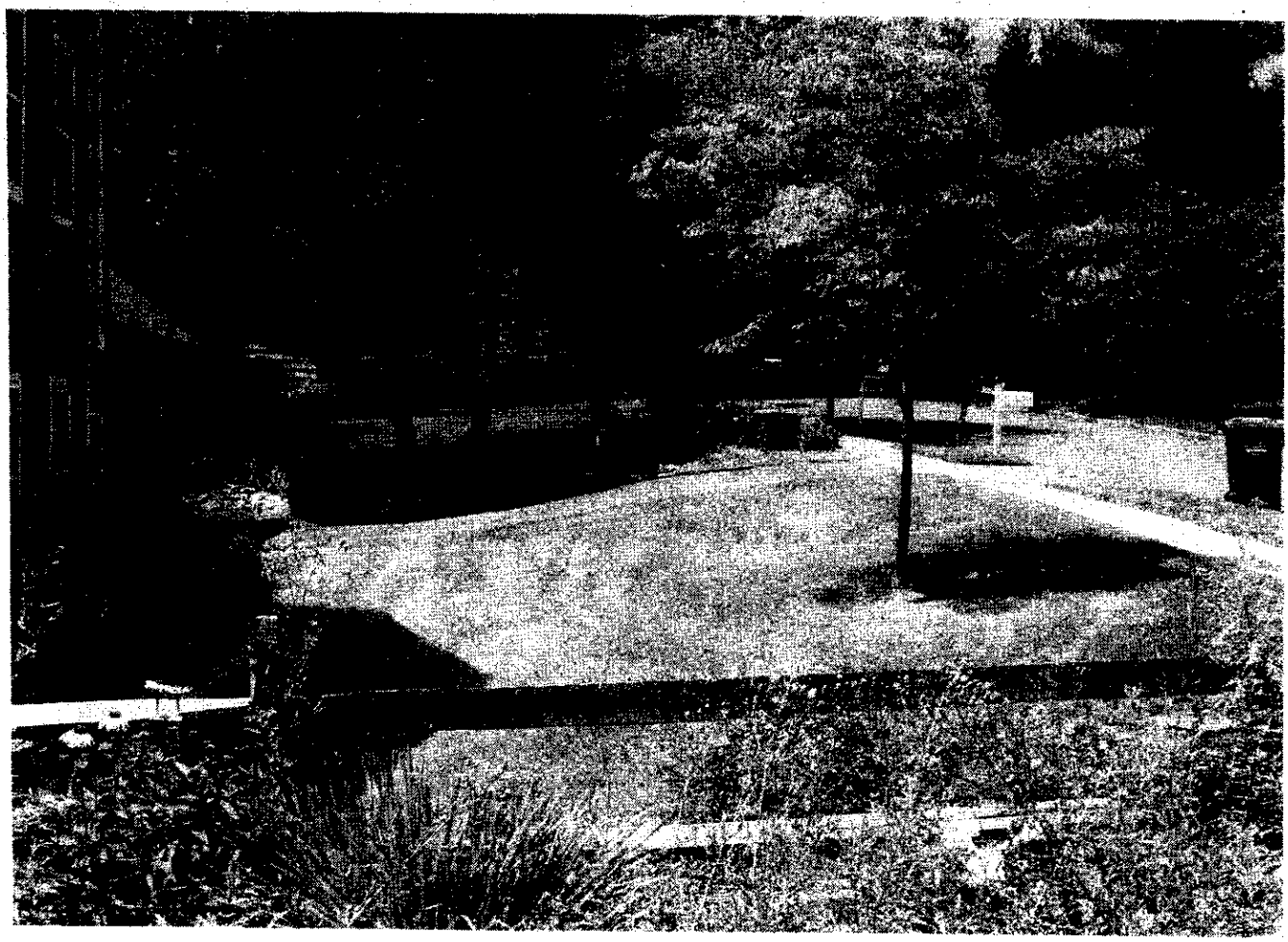

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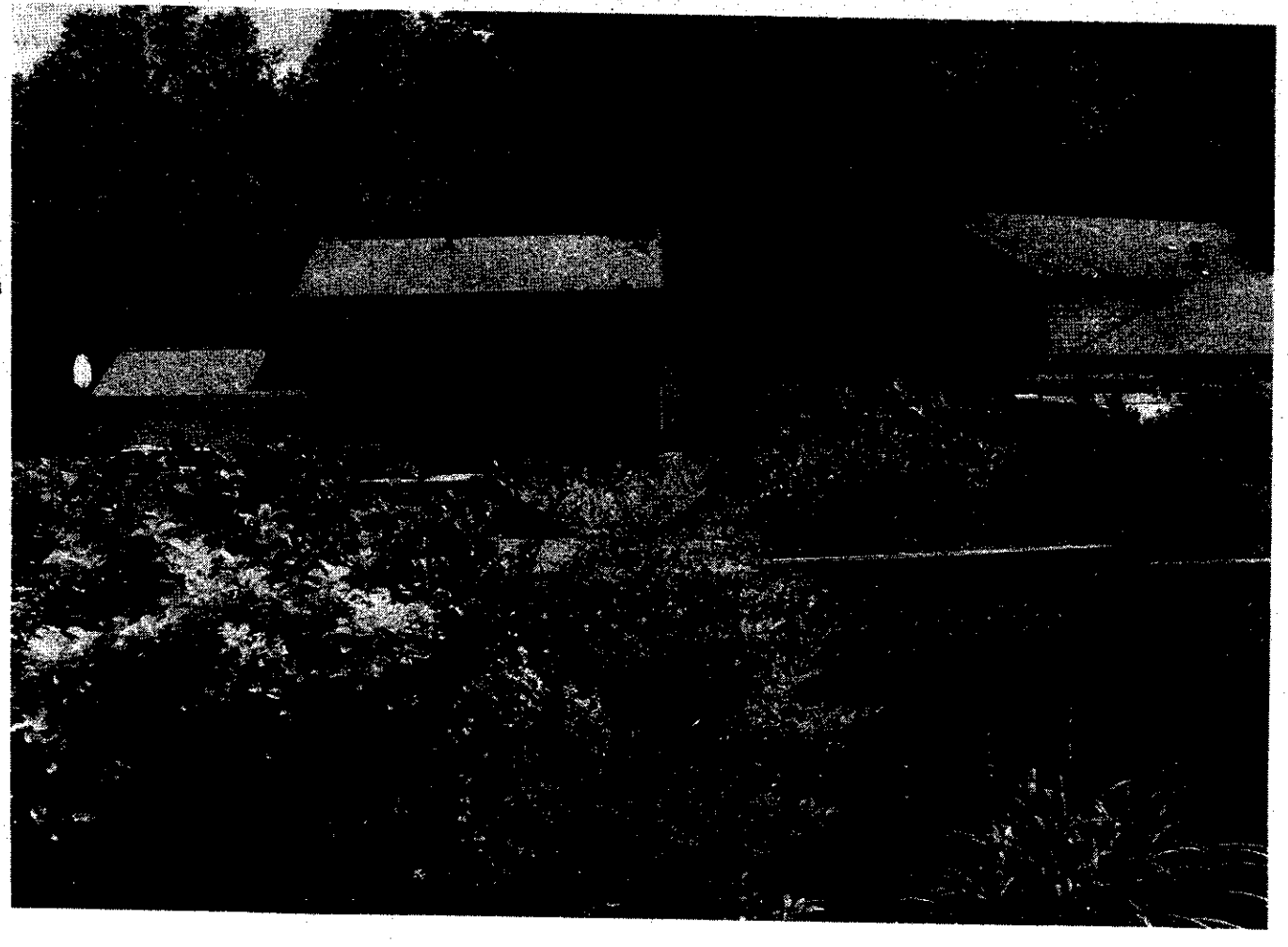

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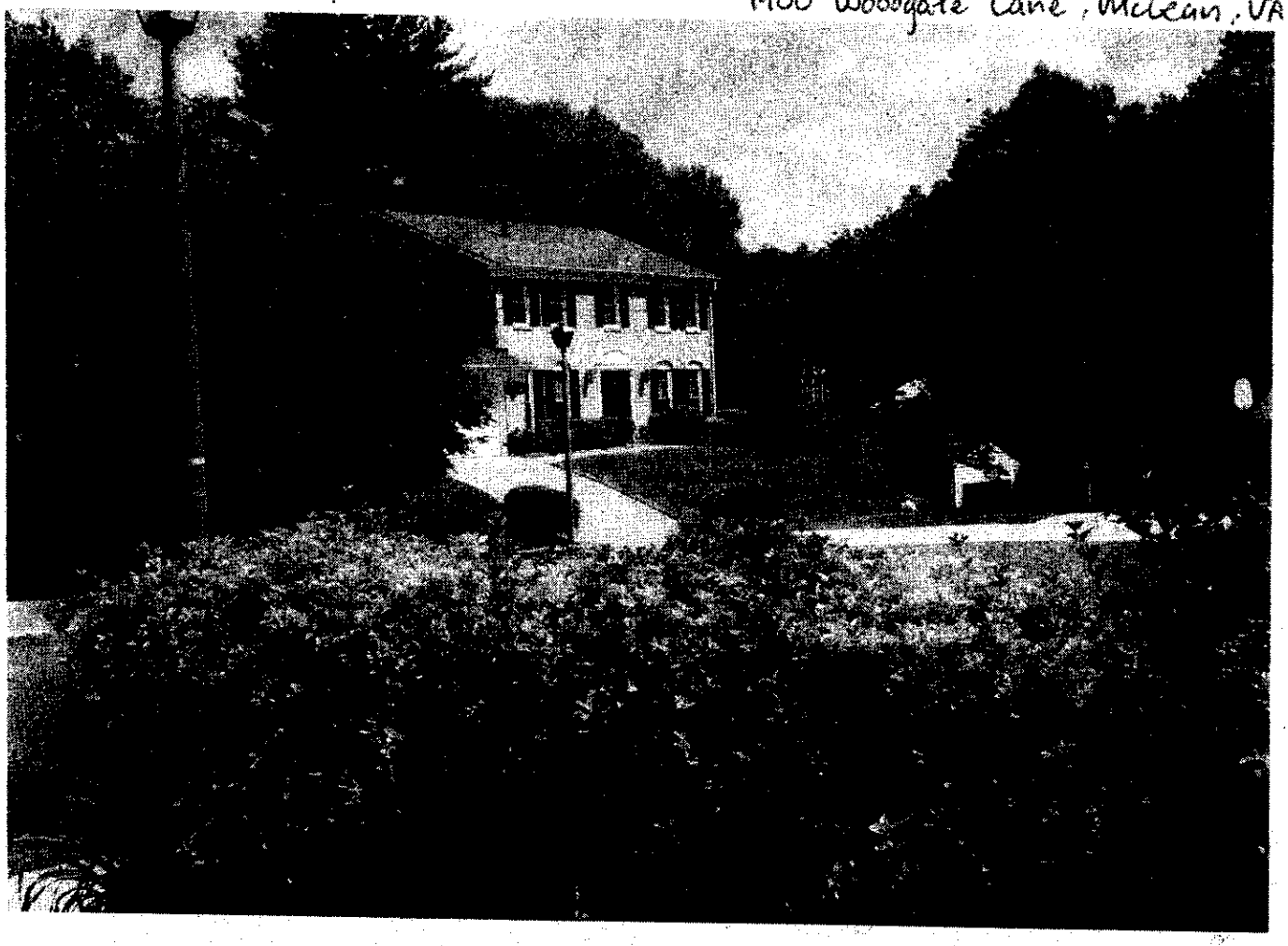

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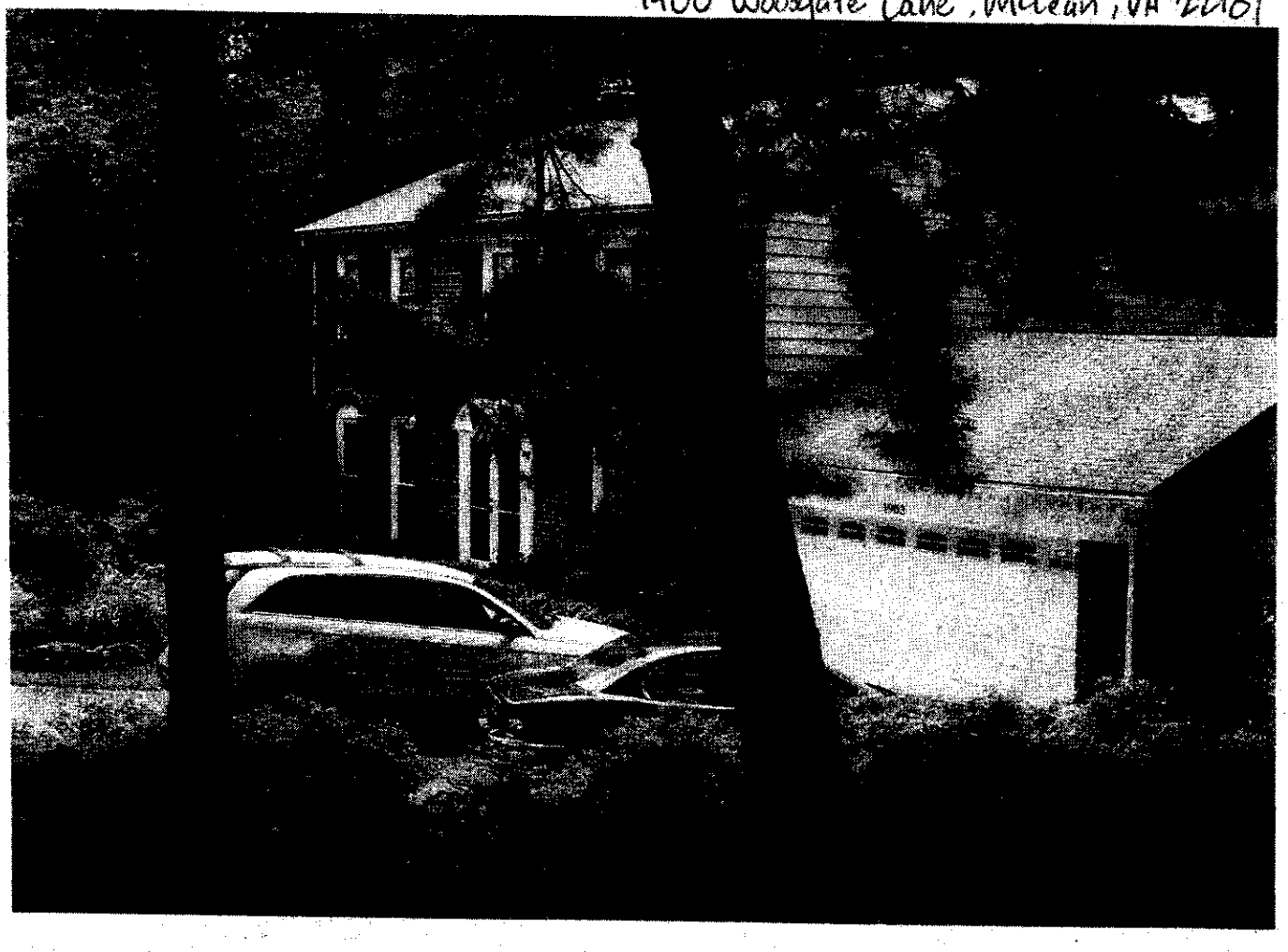

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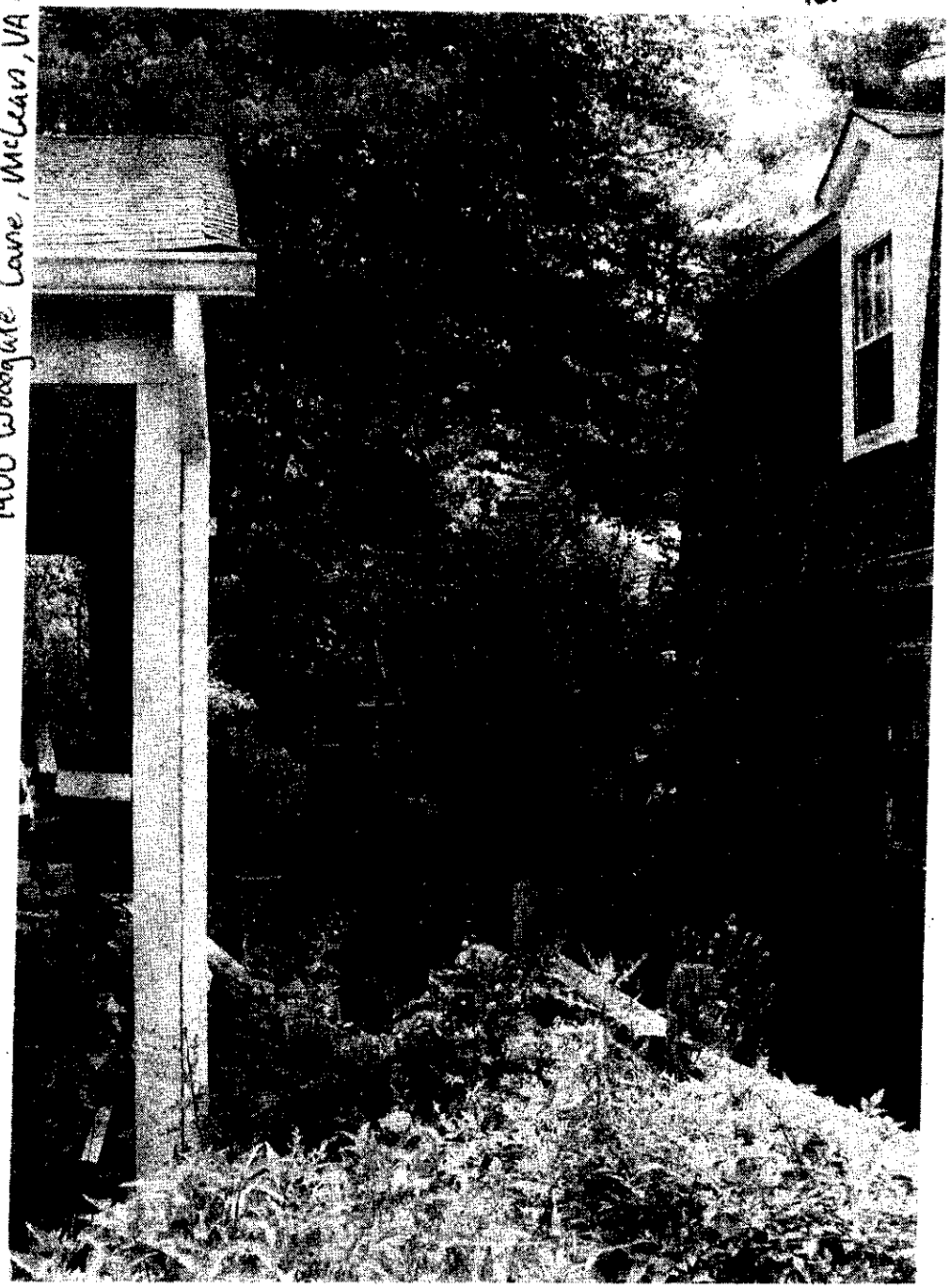

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1900 Woodgate Lane, McLean, VA 22101

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DESCRIPTION OF THE APPLICATION

To permit reduction of certain yard requirements to permit construction of an addition, specifically, to permit the enclosure of an existing carport, to be located 5.4 feet from the northern side lot line such that side yards total 15.1 feet.

	Structure	Yard	Minimum Yard Required*	Proposed Location	Proposed Reduction	Percentage of Reduction Requested
Special Permit	Addition	Side	8.0 feet	5.4 feet	2.6 feet	33%
Special Permit	Addition	Total Side Yards	Total Side 20.0 feet	15.1 feet	4.9 feet	25%

*Minimum yard requirement per Section 3-307

EXISTING SITE DESCRIPTION

The site is currently zoned R-3, developed under the cluster regulations, and consists of a split foyer, brick and frame, single family detached dwelling with a carport and an attached deck, built in 1973. The lot consists of 8,400 square feet and is surrounded by single family detached homes on all lot lines. There is a 10 foot utility easement located along the entire rear lot line. The lot is accessed via an asphalt driveway on Woodgate Lane. The yard is well manicured with low lying shrubs and mature trees.

CHARACTER OF THE AREA

	Zoning	Use
North	R-3 (Cluster)	Single Family Detached Dwellings
East	R-3 (Cluster)	Single Family Detached Dwellings
South	R-3 (Cluster)	Single Family Detached Dwellings
West	R-3 (Cluster)	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:** Location Survey, Lot 24, Section 3, Great Falls Manor
- **Prepared by:** Merestone Land Surveying PLLC, dated December 9, 2009

Proposal:

The applicant proposes to construct a garage addition to be located 5.4 feet from the northern side lot line, such that side yards total 15.1 feet. The applicant proposes to replace the carport with a 404 square foot garage addition. The garage will not exceed the existing footprint of the carport.

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 garage addition will not adversely affect the use or development of neighboring properties since the structure will be located in place of an existing carport*

which was constructed with the original dwelling in 1973. 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 404 square foot garage addition where there currently exists a 404 square foot carport. There is existing mature vegetation consisting of trees and shrubs and no vegetation is proposed to be removed to accommodate the request. 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 2,034 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 3,051 square feet in size for a possible total square footage at build out of 5,085. The proposed garage addition is 404 square feet, for a total square footage of the house with the addition of 2,438 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 garage 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 carport and is proposed to be one story in height (14.5 feet), which is consist with the existing roofline of the dwelling, therefore would 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 garage addition in the same footprint of an existing carport. There is ample mature vegetation located both on-site 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 west of the proposed garage and along the northern property boundary to protect the existing on-site and off-site trees from construction activities. No vegetation is proposed to be removed with the new construction. 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 garage, in the same footprint of the existing carport, could lessen the impact of noise on adjacent properties as it will enclose an open carport. Since the garage addition is replacing an existing area of impervious surface, it would 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 garage addition, which will replace an existing carport, is the most logical location given that no additional impervious surfaces will be created to accommodate the addition. The lot is encumbered by a 10 foot utility easement along the entire rear line, which 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 2010-DR-003 for a garage 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 29, 2010
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2010-DR-003

March 17, 2010

If it is the intent of the Board of Zoning Appeals to approve SP 2010-DR-003 located at Tax Map 40-3 ((20)) 24 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 garage addition (404 square feet), as shown on the plat prepared by Merestone Land Surveying PLLC, dated December 9, 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 (2,034 square feet existing + 3,051 square feet (150%) = 5,085 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. Prior to commencement of and during the entire construction process, the applicant shall designate the area west of the proposed garage addition and along the northern property boundary as tree save areas to protect the on-site 22-inch diameter red maple tree and the existing off-site vegetation and shall

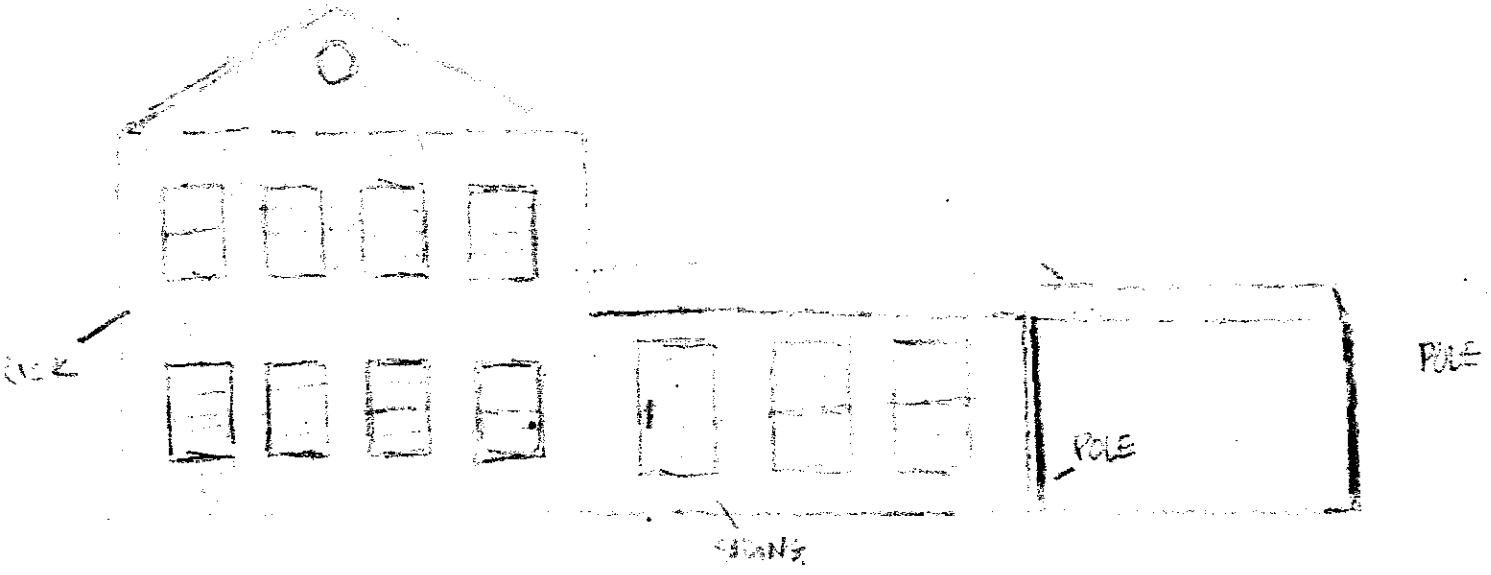
install tree protection fencing to protect the vegetation in these areas from construction activities. The protective fencing shall remain intact during the entire construction process, and shall be the maximum limit for clearing and grading. The applicant shall monitor the site to ensure that inappropriate activities such as the storage of construction equipment do not occur within the area.

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.

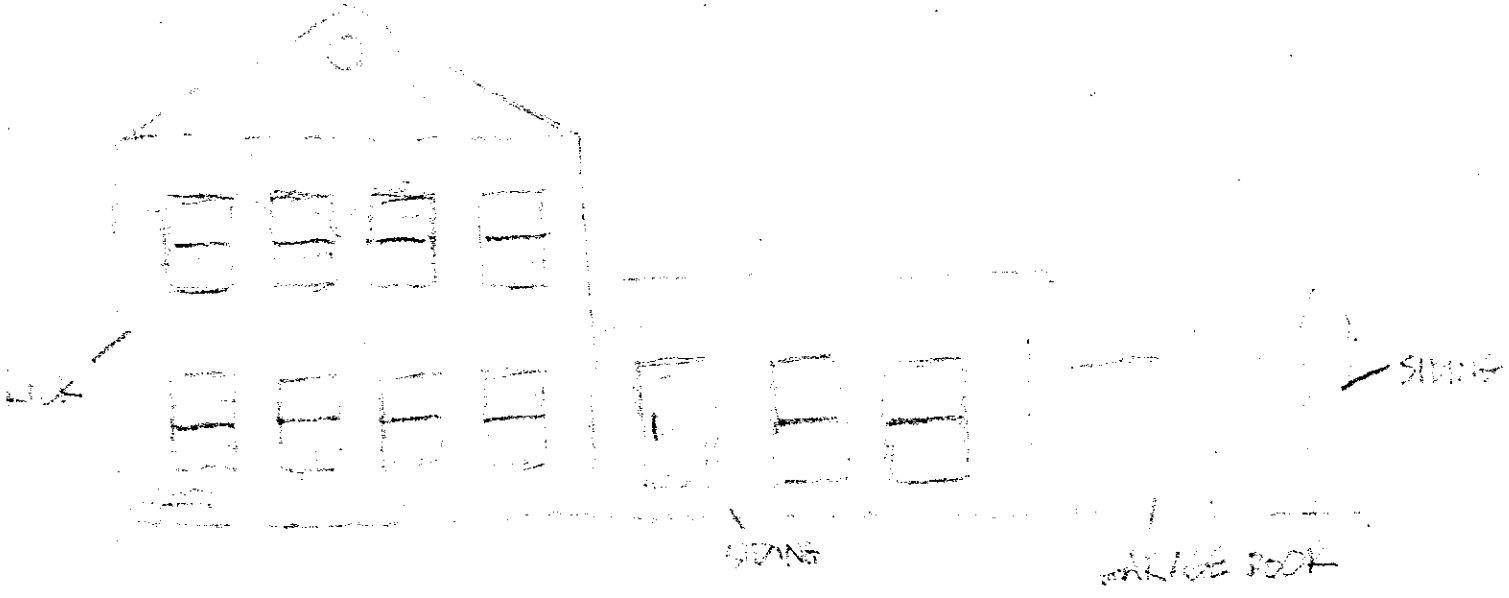
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction 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.

Joanne Moak & Philippe Rolly
1900 Woodgate Lane
McLean, VA 22101

Drawing of Current Principal Structure and Current Car Port



Drawing of Principal Structure and Proposed Construction of a Garage



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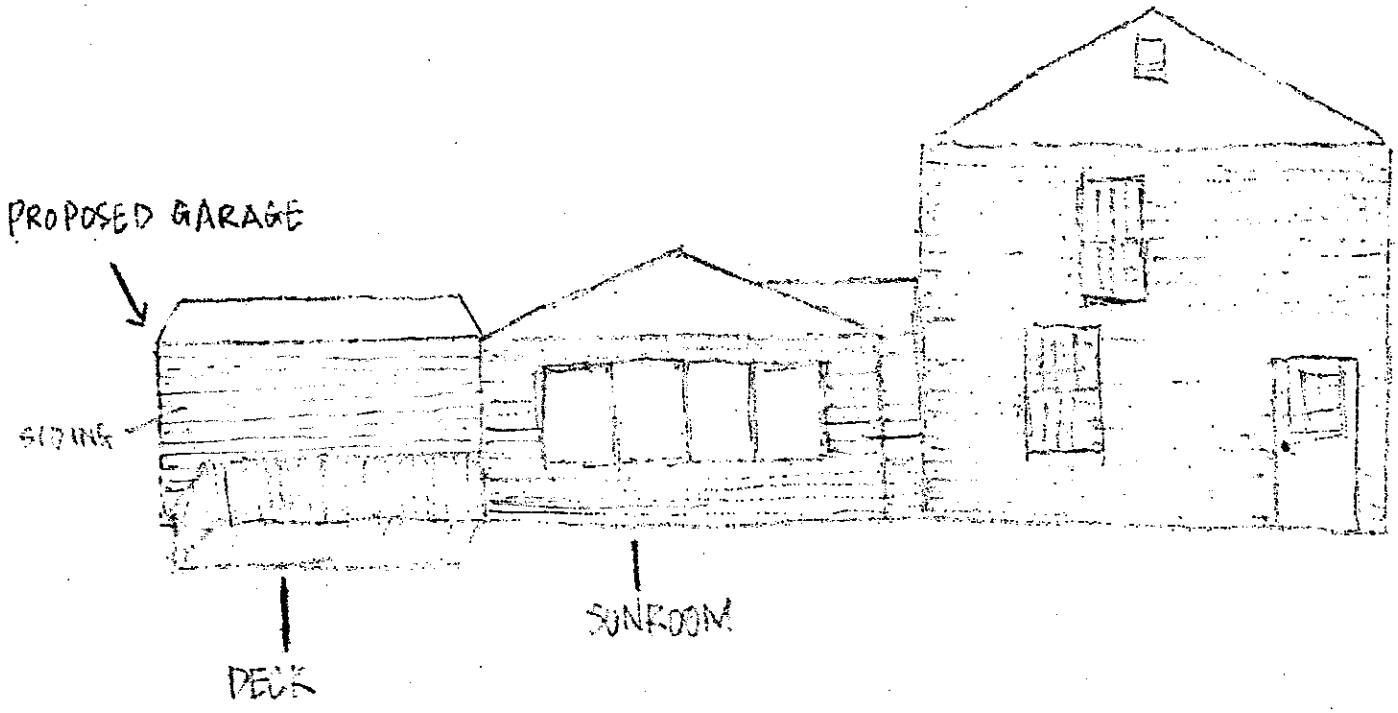
Drawing of Principal Structure and Proposed Construction of a Garage – BACK VIEW.

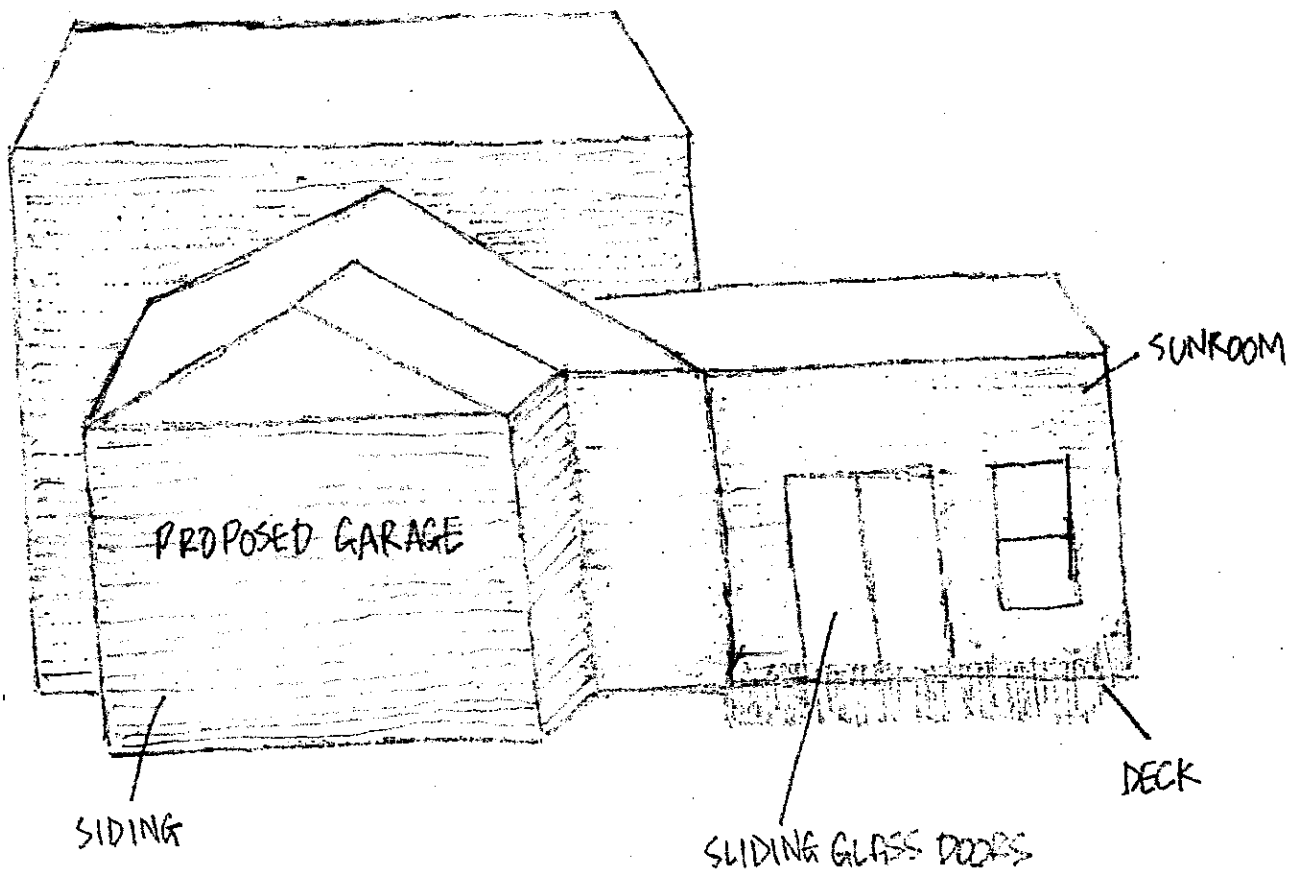


Joanne Moak
1900 Woodgate Lane
McLean, VA 22101

RECEIVED
Department of Planning & Zoning
DEC 16 2009
Zoning Evaluation Division

FILE: SP 2009-0183

Drawing of Principal Structure and Proposed Construction of a Garage – SIDE VIEW.



Application No.(s): SP 2010-DR-003
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 23, 2009
(enter date affidavit is notarized)

I, Joanne Moak, 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

105220

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)
Joanne K. Moak	1900 Woodgate Lane, McLean, VA 22101	Title Owner & Applicant
Philippe B. Rolly	1900 Woodgate Lane, McLean, VA 22101	Title Owner

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

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

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

Application No.(s): SP 2010-DR-003
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 23, 2009 105220
(enter date affidavit is notarized)

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)

NOT APPLICABLE

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 2010-DR-003

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

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 23, 2009 105220

(enter date affidavit is notarized)

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)

NOT APPLICABLE

(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 2010-DR-003
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 23, 2009 105220
(enter date affidavit is notarized)

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- DR-003
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: June 23, 2009 105220
(enter date affidavit is notarized)

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

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

NONE

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

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

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

WITNESS the following signature:

(check one) [X] Applicant [ ] Applicant's Authorized Agent

Joanne K. Moak, Applicant
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 23 day of June 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: 02/28/2011

NATHANIAL Z. TAYLOR
Notary Public
Commonwealth of Virginia
7091309
My Commission Expires Feb 28, 2011

FORM SP/VC-1 Updated (7/1/06)

ADDITIONAL Special Permit Statement of Justification

Application No. SP 2009-0183

Pursuant to Section 8-922 and in Response to the Checklist Report

Applicants and Owners:
Joanne Moak & Philippe Rolly

Location of Proposed Construction:
1900 Woodgate Lane
McLean, VA 22101

Proposed Construction: To build an attached garage to a residential single-family house. The proposed construction will replace the attached car port that currently exists. The desired garage will be the same dimensions as the existing carport.

The proposed construction is an attached garage where the existing attached car port is located. The proposed construction will be neither larger nor smaller than the existing carport.

The gross floor area of the ground floor of the principal structure is approximately 1802 square feet. The gross floor area of the proposed construction will be approximately 404 square feet.

Thus, the proposed garage is approximately 22% of the gross floor area of the principal structure and clearly subordinate in purpose, scale, use and intent to the principal structure. The proposed garage will be used only to protect the car from the weather, as well as store certain household items such as the lawn mower, yard tools and bicycles.

To the best of my knowledge, the statements above are true and correct.

Dated: September 17, 2009

Joanne Moak
Owner/Applicant

RECEIVED
Department of Planning & Zoning

JUN 29 2009

Zoning Evaluation Division

Special Permit Statement of Justification

Pursuant to Section 8-922
(*Provisions for Reduction of Certain Yard Requirements*)

Applicants and Owners:
Joanne Moak & Philippe Rolly

Location of Proposed Construction:
1900 Woodgate Lane
McLean, VA 22101

Proposed Construction: To build an attached garage to a residential single-family house. The proposed construction will replace the attached car port that currently exists. The desired garage will be the same dimensions as the existing carport.

1. The lot at issue is located at 1900 Woodgate Lane, McLean, Virginia 22101 (the "Property"). In the specific zoning area where the Property is located, the minimum yard requirements to build a garage are as follows:
   - twenty (20) feet to the front,
   - twenty-five (25) feet to the back,
   - and on both sides – a combination of twenty (20) feet, with a minimum of eight (8) feet on one side.

   The proposed construction meets the minimum yard requirements to the front and the back of the house but does not meet the side-yard requirements.

   Adjacent to the proposed construction (i.e., garage), there is 5.4 feet to the property line, and on the other side of the house, there is 9.7 feet to the property line. The distance between the proposed construction and the adjacent house is approximately 15 feet.

   The front yard from the proposed construction measures 34.3 feet and the back yard measures over 40 feet.

   Even though the proposed construction of a garage does not meet the applicable zoning requirements, the side yard does meet the absolute minimum requirements of:
   - not less than five (5) feet to the side and
   - a total side-yard distance of not be less than ten (10) feet – (i.e., fifty percent (50%) of twenty (20) feet).

2. The proposed construction is the building of an attached garage where the attached car port currently exists. The proposed construction will be neither larger nor smaller than the existing carport. The construction of the proposed structure will not result in the placement of a detached accessory structure in the yard.

3. The special permit, if granted, will apply to a lot containing a principal structure – specifically, a single-family home built for residential purposes. To the best of my knowledge, this principal structure complied with the minimum yard requirements in effect when the house was established in 1973. Since the time the house was built, it has always served as a residence.

4. Since the time the principal structure was built in 1973, there has been no expansion. An attached car port was constructed at the same time as the principal structure. The proposed construction of a garage will simply replace the attached car port.

   The attached garage will be the same dimensions as the existing car port, which is 18.2 feet by 22.2 feet. The proposed garage, like the carport now, will be considerably smaller than the total gross floor area of the principal structure. In fact, the desired garage will be roughly twenty percent (20%) in size to the ground floor of the house.

5. The resulting gross floor area of the proposed construction (i.e., the garage) is clearly subordinate in purpose, scale, use and intent to the principal structure on the site. The proposed garage is roughly twenty percent (20%) of the gross floor area of the principal structure and will be used only to protect the car from the elements, as well as store certain household items such as the lawn mower, yard tools and bicycles.

6. The proposed garage 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. Because the proposed garage will be replacing the dimensions of the existing car port exactly – no less, no more – the proposed garage will be have the same location, height, and scale of the existing car port. In fact, the proposed garage will retain the roof over the carport that extends from the roof of approximately half of the house. Furthermore, the exterior of the garage will have the same siding as the existing principal structure.

7. The proposed construction of the garage will 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. The proposed garage will not affect the surrounding structures, topography, exiting vegetation, or trees at all because a carport already exists in the location where the proposed construction will take place.

   Because the proposed garage will be replacing the existing carport, the proposed garage will blend well with the Property, as well as the neighboring properties. Most of the houses on the street already have garages, so the proposed garage will look much more congruent with the neighborhood than the existing carport.

8. 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. As a carport already exists in the exact location of the proposed construction, the adjacent property will experience no additional adverse impacts.

9. The proposed development is the minimum amount of change required of the existing principal structure. Indeed, an attached car port (with a paved bottom) already exists, and the proposed garage will merely replace the existing car port. The proposed garage will have the same dimensions as the existing car port, which will minimize the impact made to the Property. Because one structure is being replaced by another, there will be no changes to the environmental characteristics of the site. No topography of the lot will remain exactly the same, as will the existing plants and trees. There are no easements on the lot.

10. The proposed structure will not likely require the imposition of any conditions to satisfy the criteria in the Fairfax County Zoning Ordinance. The BZA will not need to impose a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

To the best of my knowledge, the statements above are true and correct.

Dated: June 29, 2009

Joanne Moak
Owner

Declarations of JOANNE MOAK and PHILIPPE ROLLY

We, Joanne Moak and Philippe Rolly, declare as follows:

1. We are both citizens and residents of the United States and over the age of 21 years. Neither of us has ever been convicted of a felony or crime involving moral turpitude. We are both fully competent in all respects to make the statements set forth herein.

2. We are the applicants for a special permit and are requesting approval to construct an attached garage to the principal structure located at 1900 Woodgate Lane, McLean, Virginia 22101.

3. We are the sole owners of the lot, principal structure and carport located at 1900 Woodgate Lane, McLean, Virginia 22101. We purchased the aforementioned property on June 2, 2009 from Roman Lotsberg.

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 29, 2009

Joanne Moak

Philippe Rolly

RECEIVED
Department of Planning & Zoning
JUN 29 2009
Zoning Evaluation Division

County of Fairfax, Virginia

MEMORANDUM

January 29, 2010

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

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

SUBJECT: Great Falls Manor Section 3 Lot 24 (1900 Woodgate Lane), SP 2010-DR-003

RE: Request for assistance dated January 21, 2010

This review is based on the Special Permit application SP 2010-DR-003 and the Special Permit Plat showing the improvements on "Great Falls Manor, Section 3, Lot 24," stamped "Received, Department of Planning and Zoning, December 16, 2009." A site visit was conducted on January 27, 2010.

Site Description: This site is developed with a split foyer brick and frame dwelling with an attached car-port and deck on the south side of the structure, and an associated asphalt driveway. Existing on-site vegetation located north of the existing deck and east of the proposed garage includes a 22-inch diameter red maple tree and a row of 6, 12-15-inch diameter white pine trees on the western property boundary. Off-site vegetation includes a row of yew shrubs approximately 4-5 feet tall and an 8-foot tall crape myrtle shrub on the northern property boundary, approximately 8-feet from the proposed garage.

1. **Comment:** There is a 22-inch diameter red maple tree north of the existing deck and east of the proposed garage and a row of yew shrubs approximately 4-5 feet tall and an 8-foot tall crape myrtle shrub on the northern property boundary, approximately 8-feet from the proposed garage. These on-site and off-site trees and shrubs west of the proposed garage and along the northern property boundary appear to be in fair to good condition and should be considered for preservation.

   Recommendation: A tree and shrub save area should be provided west of the proposed garage to protect the on-site 22-inch diameter red maple tree and along the northern property boundary of the site to protect the existing off-site yew and crape myrtle shrubs from construction activities.

Please contact me if you have any questions.

CSH/
UFMID #: 148542

cc: RA File
DPZ File

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

8-006 General Standards

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

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

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

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

2. All uses shall comply with the performance standards specified for the zoning district in which located.

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

8-922 Provisions for Reduction of Certain Yard Requirements

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

1. Only the following yard requirements shall be subject to such special permit:

   A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.

   B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.

   C. Accessory structure location requirements set forth in Sect. 10-104.

   D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

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

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

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

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.

4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.

5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.

6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.

7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.

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

9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

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

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.

11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:

    A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.

    B. Total area of the property and of each zoning district in square feet or acres.

    C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.

    D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.

    E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.

    F. Means of ingress and egress to the property from a public street(s).

    G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

H. If applicable, the location of a well and/or septic field.

I. Existing and proposed gross floor area and floor area ratio.

J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

K. The location, type and height of any existing and proposed landscaping and screening.

L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.

M. Seal and signature of professional person certifying the plat.

12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.